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PROCEEDINGS AND DEBATES OF THE *103d* CONGRESS, FIRST SESSION

SENATE—*Friday, September 24, 1993*

(Legislative day of Tuesday, September 7, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Almighty God, on this eve of Yom Kippur, we thank You for the Book of the Law and for atonement, which is at the heart of Scripture.

"Submitting yourselves one to another in the fear of God." (Ephesians 5:21)

Father in Heaven, we pray for our families this morning. We acknowledge the tendency to allow our work to have priority over spouse and children. We acknowledge that our first responsibility is to them, and no excuse we might offer justifies such neglect.

This has been a very busy week. Whatever else the Senators plan for this weekend, help them make time for their families.

In Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 24, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leader time is reserved.

THE JOURNAL

Mr. MITCHELL. Mr. President, parliamentary inquiry. Has the Journal of proceedings been approved to date?

The ACTING PRESIDENT pro tempore. Yes, it has.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, this morning the Senate will continue consideration of the Labor-HHS appropriations bill. There is pending before the Senate an amendment by Senator WELLSTONE and other Senators on which I hope and expect a vote will occur today. The staff on both sides have been working diligently to develop an agreement with respect to the further consideration of this measure on Monday and Tuesday, and I hope to have an announcement with respect to that schedule prior to the close of business today.

As I previously announced, there will be no votes after 2 p.m. today to permit Senators to engage in the observance of the religious holiday, Yom Kippur. It is my hope that we can actually get enough done today so that we can discontinue voting prior to 2 p.m. The final decision on that will await the events of this morning and the presence of the managers and staff on this measure.

I will have a further announcement later today.

Mr. President, with respect to next week, as all Senators know, the fiscal year for the Federal Government ends at midnight next Thursday. It had been my hope that the Congress could complete action on all of the appropriations bills prior to the end of the fiscal year. That now appears unlikely in the Senate. In the Senate we have a number of appropriations bills yet to consider, and Senators can and should expect lengthy sessions on Tuesday, Wednesday, and Thursday as we try to complete as many of those appropriations bills as possible.

For the information of Senators, in planning their schedules, we are now on the Labor, Health and Human Services appropriations bill. When we complete action on that, I will attempt to and hope I will gain the cooperation of Members of the Senate in proceeding to the energy and water appropriations bill.

There will then be remaining for action the military construction, transportation, and defense appropriations bills.

So we have a lot of work ahead of us and Senators can expect a very busy session next week with a lot of votes.

I do want to thank all Senators for their cooperation on completing action on the foreign operations appropriations bill, which took about 1 day starting on Wednesday late in the day and completing action yesterday, and on the previous appropriations bill. There has been good cooperation on these. I hope that will continue as we try to complete action on as many of the bills as possible. However, given the large number that remain uncompleted, particularly with respect to the conference reports, there will undoubtedly have to be a continuing resolution. I will be discussing that with Members of the House leadership and with the Republican leader here as well.

As I previously announced to Senators, the Senate will not be in session on Friday, October 8; Monday, October 11; and Tuesday, October 12 in connection with the Columbus Day weekend.

All other days, as I stated on several previous occasions, both orally and in writing, whenever the Senate is in session votes may occur at any time, including votes on procedural matters. So Senators should be prepared to come to the Senate at any time within 20 minutes.

Mr. President, I yield the floor. I note the presence of the author of the pending amendment and other Senators who may wish to debate that.

I yield the floor and ask that the clerk place before the Senate the pending matter.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of H.R. 2518, which the clerk will report.

The bill clerk read as follows:

> A bill (H.R. 2518) making appropriations for Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ended September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

> Wellstone amendment No. 964 (to committee amendment beginning on page 9, line 23), to assure that Members of Congress participate on an equal basis with their constituents in the health care system that results from health care reform legislation.

The ACTING PRESIDENT pro tempore. Does anyone seek recognition?

Mrs. BOXER. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FEINGOLD). Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that, for purposes of floor consideration of H.R. 2518, the Labor, Health and Human Services appropriations bill, William Cordess, Roberta Jones, and Carol Ortega be given floor privileges. They are temporarily detailed to the committee staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, could we have the pending business before the Senate?

The PRESIDING OFFICER. The pending business is amendment No. 964, a second-degree amendment.

Mr. HARKIN. I understand, Mr. President, that that is the Wellstone amendment.

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. Mr. President, I understand that the Senator from Minnesota is ready to engage in debate on the amendment. I know that there are Senators who wish to speak on this. I just wanted to alert everyone that we are now beginning the process of debating the Wellstone amendment.

Mr. WELLSTONE. I thank the Senator from Iowa.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

AMENDMENT NO. 964

Mr. WELLSTONE. Mr. President, later on I will also list some of the cosponsors of this amendment. This is a sense-of-the-Congress amendment and let me, for my colleagues, read some of the findings and then the final wording.

Whereas:

> Congress is expected to consider legislation in the near future that would offer health insurance plans at different prices;

Whereas:

> The reform is likely to include a standard health care plan designed to be affordable to average Americans, but also will make more expensive plans available to those who can afford them;

I am not going to go through all the findings.

Whereas:

> Differences in the prices of the plans could result in differences in quality, and could also affect an individual's ability to choose between managed care and fee for service plans;

I am skipping over one.

Whereas:

> Members of Congress should not create a system designed to impel millions of their constituents to join health care plans they themselves are unwilling to join;

I will repeat that, as well.

Whereas:

> Members of Congress should not create a system designed to impel millions of their constituents to join health care plans they themselves are unwilling to join;

And, whereas:

> Members of Congress who participate in the standard, average-priced health care plan can provide an immediate warning of quality problems, deficiencies, and underservice, and can thus ensure that everyone, regardless of income, place of residence, health status, or employment will have access to quality health care;

What this amendment calls for is a sense of the Congress:

> * * * that when health care reform legislation is enacted, all Members of Congress should enroll in a standard health care plan that charges no more than the average premium.

Mr. President, let me just point out to my colleagues a couple of different things which I think are going to be very helpful as we go through this debate and finally come to a vote. First of all, this amendment is focused on what we finally do as a Congress by way of health care reform. It is not about any particular proposal.

The President is going to be sending his plan our way. Other people have other plans. It is not linked to any particular plan. Rather, it is the principle that what we vote for our constituents, which we say is going to be the health care plan in terms of the cost of it for the vast middle class of America, we should apply to ourselves.

The way this is going to work—and I would like to pick up on what the President of the United States said the other night when he talked about the importance of all of us coming together as a Nation, and he talked about the importance of all of us being in this together. Roughly speaking, the direction we are going by way of health care reform is that what the employer contributes 80 percent to, and the employee 20 percent to, is going to be what we set as the average price plan set by your alliances. This is the baseline plan. The idea behind this is that this is the plan in which the vast majority of people are going to participate.

The reason that is the idea—and I think it is a very good idea to make sure it is inclusive, to make sure it is a good package of benefits, to make sure people feel it is a good health care plan—is that we know above and beyond employer 80-percent contributions and employee 20-percent contributions, that most of the people in the country, middle income and lower income, certainly are not going to have yet additional money with which they are going to be able to purchase yet higher tier plans.

What we do not want to have is a lot of stratification, where the vast middle class is in one plan and then they see some Americans yet opting out for other plans where the location, where the men and women who are doctors and nurses, where the delivery of services is vastly superior.

What we are saying through this amendment is that it is extremely important that we convey the message to people in our country that we are committed. We do not know what the base plan is going to be yet. That is up to us to set that. We are committed to making sure that 80–20 contribution to the baseline plan is going to be a plan set at such a level that the middle class of America can be absolutely assured that it is going to provide them and their children with humane, dignified health care.

One of the ways we can best communicate that is to say we should participate in that plan; that we do not want there to be a difference between what we vote for the vast majority of people in our country who, by economic circumstances, are going to be in this plan, and what we would apply to ourselves.

Just to be crystal clear, this is not saying that Senators or Representatives will not have choices within what is set at the baseline level, because there should be HHMO options and fee for service options; because, as the President said, we want to have that choice for citizens. All of where this goes, all of how this baseline plan is set, is based upon what we do legislatively. All I am saying through this amendment, and what I think we will say as a Senate when we vote for this amendment, is that we are willing to participate in what we vote for our constituents.

Finally, let me make one other point because I think it is an important one. I would argue for this amendment—there are a number of other cosponsors who may also be involved in this debate—because I think it creates a very interesting, if you will, dynamic, and leverage here in the U.S. Senate and I hope in the House of Representatives when we sit down and decide a package of benefits and decide where the baseline level is set, and we will be saying to ourselves that we went on record saying this is something we are willing to participate in. It will make us all very mindful of what I think the President did the very best job of the other night, which was to speak to the security issue and say to people: You are going to have really good coverage for yourselves and your loved ones, and it is going to be a really good package of benefits.

People through this amendment are going to have that assurance. If we say it is good enough for us, surely we will be working very hard to make sure it is good for our constituents. That is really what this amendment says.

My last point, and I feel strongly about this, and for this one I am willing to take some heat, I guess, even though I wish that was not the case: I really do believe that in a representative democracy, there should not be a great disparity between the lifestyles and the benefits and whatnot of those of us in Government and the people we represent.

I think for us to pass this sense-of-the-Congress amendment, that does not say each Senator or Representative has to do this. Constitutionally, I could not call for that in this amendment. It just simply says we should go on record saying we should participate in the same basic package of benefits, the baseline plan we set for the majority of people. I think that message says to people: We want to participate in the same health care plan. We think what we vote for you, we should vote for ourselves.

I think there is within the country a kind of politics of anger. Some of it bothers me very much because I think part of that very politics of anger gets translated to an across-the-board denigration of public service and people in public service and bashing that I think every single Senator and Representative should stand up to, because that can lead to a further decline in democracy.

But where I think politics of anger should go is into a citizenry that is more engaged, a citizenry that is more energized, more involved in the debate, and wants to be in the loop. I think it is perfectly reasonable for the vast majority of our constituents to say to us: When you set that baseline plan, which you know is what we can afford because we are not going to be able to afford more, we want to make sure it is a really good plan and we would very much appreciate it if you would say you are going to participate in the same plan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I would like to discuss a couple of the contentions which the distinguished Senator from Minnesota has raised. At the outset, I say it is a very interesting amendment which Senator WELLSTONE has offered. He sent a "Dear colleague" letter out on September 23, yesterday. I heard about the amendment for the first time last night. It is one which will require analysis and consideration.

As I listened to what the Senator from Minnesota has said, a few questions came to my mind. I think there will be more as we move through the debate.

On the face of the amendment, the Senator from Minnesota says that:

> The best guarantee of equity in a social program is to include people of all income levels and social classes in the same system with the same benefits as is the case in the health care systems of most other industrial countries.

As I read that and heard his statement this morning, "Some Americans may opt for superior plans," it seems to me that what the Senator from Minnesota is really talking about is not just that Members of Congress should not have a plan superior to what other Americans have, but that no one should have a plan superior to what is the baseline for all Americans.

Where his amendment says flatly that the best guarantee of equity in the social program is to include people of all income levels and social classes in the same system with the same benefits, that goes far beyond Members of Congress.

So my first question to the Senator from Minnesota is: Would it not be preferable to extend the ban on superior systems beyond Members of Congress, as your amendment calls for, to all people, people of all income levels and social classes?

Mr. WELLSTONE. Let me reply to my colleague that, first of all, in the "whereas" findings, the position I am taking—which by the way, the vast majority of people I think agree with—is that the best of all worlds is to have one tier of benefits that applies to everybody, not to have a stratification.

As a matter of fact, I think that would be the best of all worlds. That is not the direction we are going in, and that is not what I am speaking to today. I am speaking to my colleagues in the Senate, and what I am saying, one more time, is that we know as we move forward with this health care reform bill—let us focus on specifics—that one of the key points that all of us who have been involved in this debate know is going to be where that average premium is set, where that basic level of benefits is going to be set, because what we are saying, what the President is saying, what the task force is saying, and what all of us are saying is that through these alliances, that is going to be the plan for the vast majority of people, the middle class.

So all this amendment says is that Senators should go on record saying that we, too, are willing to participate in that same plan that we now devise for the middle class of America. That is all this amendment says. That is all we are going to be voting on.

You and I can have differences of opinion as we look comparatively around the world as to which health care systems work best, which ones do not work as well, but that is not what this amendment speaks to.

Mr. SPECTER. When the Senator from Minnesota says that it would be the best system to have all Americans with the same plan, and then says that is not the direction we are going, it seems to me that what Congress is going to decide is what our direction will be. We have the President's plan which would allow all Americans, including Members of Congress, to have a better system if we want to pay extra for it.

So it is not a response to say that is not the direction we are going. The Senator from Minnesota wants to change the direction, and I respect his contentions, but my question is: If we are looking for the best system—which he articulates the best system would be if everybody was the same—it is not sufficient to say that is not the direction we are going.

We are the Congress. We can decide what the direction will be. Short of something which is unconstitutional, which is another question on this amendment, but short of something unconstitutional—and Members of Congress have rights under the Constitution; there is no exclusion that I know of, and I have read the document a few times. But putting aside the constitutional issue, we are going to decide the direction. You want to change the direction. Why not do it the best way? And you have articulated the best way is that everybody ought to be limited to the same thing. Why not?

Mr. WELLSTONE. I say to my good friend from Pennsylvania, I appreciate the point that he just made and I actually have tried to make the same point, and that is that it is really quite up to us as to what we ultimately decide by way of legislation. It may very well be as we move forward, you know, you take it one step at a time, and it may be later on there will be plenty of opportunities as we dig in and look at this that we will be able to change it in any number of different ways.

But I say to my colleague, this is Health Care Week. We just started out with a focus on health care in the Nation. We know, roughly speaking, the outline of the plan that is going to be before us, and that plan is an 80–20 contribution to an average premium set which is going to be a baseline plan which is going to be for the vast middle class.

What I am saying is as we start out this debate today, you cannot do everything with one amendment, you cannot do everything on 1 day, it would be positive, it would be healthy, and it would be important for us to go on record saying we believe that we should participate in the same average premium plan that we are going to apply to the vast majority of the people we represent. That is simply the principle behind this amendment. I, frankly, cannot understand why there is really opposition to it.

Mr. SPECTER. Mr. President, when the Senator from Minnesota says he cannot understand why there is opposition to it, I do not know that any opposition has emerged yet.

Mr. WELLSTONE. I stand corrected. I appreciate that. I stand corrected.

Mr. SPECTER. I am just asking a question——

Mr. WELLSTONE. I stand corrected. I appreciate that.

Mr. SPECTER. And even though the Senator from Minnesota stands corrected, opposition is what makes the world go round. Even President Clinton said that he expected some good-faith opposition.

Mr. WELLSTONE. I stand corrected again.

Mr. SPECTER. Let me move on then and not belabor that point. I will find some other points to belabor.

When you say we cannot do everything in 1 day, listen, I agree we cannot do everything in 1 day, but the President said this is an opportunity for a generation. The distinguished majority leader was on the floor last night saying this was the opportunity of 25 years. So I would say that with lofty goals, we ought to try to do as much as we can. We ought to set our sights on everything, and we ought not to fall short.

If the principle really is that all Americans ought to have the same plan—and there will be time to offer other amendments; other Senators, perhaps this Senator, may offer an amendment to that effect—but I would say we ought to set our sights on really doing everything and not to take a lesser stand here.

The Senator from Minnesota says that the lifestyle of people in Government ought to be—and I think this is the substance at least, if not the exact verbiage—ought to be the same as the people we represent.

May I ask what the statement was, because the Senator from Minnesota is shaking his head no.

Mr. WELLSTONE. Mr. President, I believe what I said, which I believe from the bottom of my heart, one of the major reasons I ran for office was that there should not be a great disparity between the lifestyles or the benefits of those who govern and those they represent. I think that is a very important principle in representative democracy.

Mr. SPECTER. Mr. President, it seems to me that this is the thrust of the amendment, and it may be a laudable theory, but the question that comes to my mind is how realistic is it? The Senator from Minnesota and I are wearing the glen plaid suits today. I think his is a little more expensive than mine. I know a lot of my constituents in Pennsylvania do not enjoy our standard of dress. I do not think they enjoy the kind of housing I have here, or the Senator from Minnesota, as a second home. My car is a 1976 car. Most people drive later models. But how realistic is it to articulate a course of having similar lifestyles? I will pose that as a rhetorical question. I am not going to ask for an answer on that.

Mr. WELLSTONE. Will the Senator yield for a moment?

Mr. SPECTER. Let me pose it as a question so I do not lose my right to the floor. But I will yield—let me restate that.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. I yield, with unanimous consent I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I had wanted to respond.

Mr. SPECTER. I did not want to ask a vague, ethereal question, but I will be pleased to hear your view.

Mr. WELLSTONE. First of all, I think we will not talk about the suits because I do not think that has much to do with the debate.

Mr. SPECTER. Wait a minute. Does not the suit have to do with lifestyle? The Senator is talking about some pretty important things.

Mr. WELLSTONE. Let me just say to my colleague that I bought my suits to run for the Senate—and I have several—at bargain prices. But I do not choose to talk about the price of the suit because that is not what we are talking about today. There is nothing in this amendment—and my colleague, being a fine Senator, knows this—that says anything about identical suits or clothes or cars between Senators and Representatives and the people they represent. I am talking about what is a compelling issue in the United States of America—health care.

I am saying—and if I am wrong, my colleagues can tell me that I am wrong—that I think people have thrust forward an interesting standard in this country, and I think this is kind of more recent, I say to my colleague, and it goes something like this. When you start talking about a package of benefits and baseline plans and legislation that applies to the vast majority of people, apply it to yourself. We do not like to see you all with a lot of what we would consider to be extra benefits which we are not able to have.

I think that is the only issue. I am not proposing this amendment to talk about suits or anything else. I am talking about health care. And I am certainly not proposing this amendment to add to what I think has been an indiscriminate denigration of public service since I think what we do is very important.

But on this issue, given the kind of concerns people have around the country as to what these alliances and what this baseline plan will be—and I think the President was right on the mark when he said this is going to be the equivalent of a Fortune 500 plan. All I am saying in this amendment is that we should agree we would participate in the same basic plan that we vote for the vast majority of our constituents. It is not about suits or what car you drive.

Mr. SPECTER. If I may say to the Senator from Minnesota, since he wanted to comment on the subject, I do not bring up items or indicia of lifestyle lightly. I bring it up because in furtherance of this amendment the Senator from Minnesota has raised the issue that the lifestyles of people in Government and out of Government ought not to be very disparate, ought not to be too different.

That is his argument. He made the argument in support of this amendment. And when he says he does not think it is appropriate that Members of Congress have benefits other people cannot partake in, we have all sorts of benefits which we buy and pay for as Members of Congress, just as all other people in America have benefits that differ based on what you can buy and pay for.

So that when you have an amendment which is grounded in the argument which the Senator from Minnesota articulates, of having lifestyles between people in Government and out of Government which are not too different, that is not immaterial, at least to me, as I evaluate the amendment.

Mr. WELLSTONE. I say to my colleague—and I think he raises a point—that part of this whole issue is that if you are making decisions about transportation but you never ride the buses or trains, or if you are making decisions about education but you never had children in public schools—not you as in the Senator from Pennsylvania but I am talking in more general terms—or if you are making decisions about low-income housing but you have never been there, I think that does become a problem.

But I would say to my colleague today so that we do not wax too philosophical, we do not legislate the prices of cars or the prices of suits, but we are going to be legislating the average premium of the baseline plan. That is the difference. That is why I offer this amendment.

Mr. SPECTER. Mr. President, we do legislate on many, many items, but I do not know that we have ever legislated to prohibit a Member of Congress, because of our specific group, a limitation on what every other citizen has the right to do by way of spending money and making choices. Let me come down to a specific question, another specific question.

That is, if I had a sense that I needed an MRI—and I recently had an MRI which disclosed a very serious problem and as a result of the MRI, I had a lifesaving medical procedure—and the doctors did not want to give me an MRI, even though I said that I wanted one, was willing to pay for it, what am I to do, or what is anyone to do if the health system, the doctors, say the symptoms do not require an MRI?

Sometimes doctors are wrong. It has been known to happen. I had a sense that I wanted an MRI. I got an MRI, and they found a substance in my head as big as a golf ball impinging on the brain, and it was removed so I could come back and debate this issue in this Chamber of the Senate, very thankfully. I knock on wood whenever I think about it.

My question to the Senator from Minnesota is, you have a medical system. The doctors say no MRI, PAUL WELLSTONE, and you think your life may be in jeopardy like ARLEN SPECTER. Should you be barred from having an MRI that you can pay for?

Mr. WELLSTONE. Let me respond to my colleague by saying I believe that actually the very important point the Senator raises is exactly why I propose this amendment. Let us make sure that in this average plan MRI's are included, and let us not make the mistake of setting an average plan that does not include something that people need so that only people with high incomes and wealthy people can opt out for it. That is precisely my point.

The Senator makes an excellent point. And that is why I introduce this amendment, to make sure that when we—as the Senator from Pennsylvania said earlier, Mr. President, we are the ones who are going to do the legislation, so let us make sure that what is included for the middle class includes MRI, for the very reason the Senator states, so that it is not just certain people because of income or wealth who say, well, that is not in it so I am going to be in another plan. That is precisely what we do not want to see happen. I know the President does not want to see that happen, the Senator from Pennsylvania does not, nor do I.

Mr. SPECTER. Mr. President, the Senator from Minnesota totally misses my point. This plan includes an MRI, the President's plan. There is no doubt that under all the plans you can have an MRI if the doctor says you can have an MRI—no doubt about that. I am not giving the Senator a hypothetical. I am giving him a real case, my case, where the doctor said no MRI.

Now, any plan which provides for an MRI is not going to give you an MRI if the doctor says no. I had a sense that I needed an MRI, and I was right. Now, if I am prepared to pay for it, why should I not have an MRI, if I think it is threatening my life? I have the money in the bank. I have earned it. Why not, I ask the Senator from Minnesota?

Mr. WELLSTONE. I would be pleased to respond to the Senator from Pennsylvania. Now I see the Senator is making a somewhat different point, or I understand it in a different way.

But I would say, once again, it gives support to this amendment because here is what you do not want to see happen.

Mr. President, part of the differential, which is what we want to avoid—as the Senator said, it is what we legislate—is if you have a really strong differential between your average premium plan, your baseline plan, or if you do not do a good job for it, the differences in the plan will not be on what is covered. It will, rather, be on the personnel, the quality of doctors and nurses, the extent to which the plan is responsive and sensitive to patients, so on and so forth. And that is precisely what we want to avoid, exactly what the Senator is talking about.

If we set this baseline plan, this average premium at the right level for the middle class to assure that you get that kind of quality care, regardless of what the package of benefits are, so that you do not run into what the Senator ran into, then that is exactly what we should do. And we can do exactly that by saying as a body what we vote for you is what we vote for ourselves.

Mr. SPECTER. I suggest to the Senator from Minnesota there is actually, positively, certainly no way to get any plan under the Sun that will be sure that the doctors will give you an MRI when you want one.

And you cannot legislate that conclusion. If an individual has an intuitive sense about an MRI, and the Senator from Minnesota talks about feeling strongly about matters, and I respect him for that, I have seen it on the floor, I do not think he feels as strongly about his point as I do about mine.

That is why I raise the question about the MRI because his last answer does not deal with the situation where the doctor says no.

The followup question I have on the same line is: I am going to need a followup MRI. That is going to happen after this plan is enacted probably. Am I going to vote for a plan which precludes the possibility that I can buy a followup MRI to see what has happened in my head if I am looking at another doctor like the doctors who said I could not have an MRI? Am I going to rely upon the doctors to determine whether to give me an MRI when we have already seen they did not recommend it even though I had the ability to spend some of my own money for an MRI?

Mr. WELLSTONE. Again, I say to the Senator, of course I cannot feel as strongly about this in a personal way because the Senator went through this. I would not ever even want to challenge the Senator from Pennsylvania on his personal feeling.

But I would say to the Senator one more time that again the import of this amendment is as follows: we want to make sure that we set this average premium base, the price, the baseline plan which is where the 80–20 contribution goes to at such a level since it is going to be the vast majority of the people, middle-class people, that someone like the Senator from Pennsylvania—an average middle-class person in Pennsylvania or Minnesota does not have that experience or who needs to have a second exam gets that second exam.

If you penny pinch it, that is what I would worry about. If you narrow it too much, then you are going to have that problem.

But if Senators say, by golly, what we are going to put together and we say is good enough for our constituents is exactly what we are going to participate in, that is one of the ways we tell people that we are going to make sure that they do not have that kind of problem. That is my point. It develops really the same point I think my colleague is making.

Mr. SPECTER. Mr. President, I have another comment or two to make. I will try to respond to the Senator from Minnesota. That is the position I have expressed on the floor of the Senate many, many times about my distress. We have not addressed the reform of the health care system in America, although finally we have gotten started as of the night before last.

I started introducing legislation on health care back in the early eighties. Stemming from my position on the Subcommittee on Labor, Health and Human Services, and Education, which I have been a member of for my 12½ years-plus in the Senate.

In 1984, when I traveled to Pittsburgh and found that African-American babies had the highest mortality of any babies in America, I came back and introduced legislation in 1985. I have had a series of bills ever since. I introduced extensive legislation in the 101st Congress; then in the 102d Congress; in the 103d Congress.

Back, I believe, on July 29, 1992, I added an amendment for health coverage to pending bills, as Senators have a right to do. The majority leader came to the floor and said the amendment does not belong on this bill.

I said, I agree that it does not. But I would be glad to withdraw it if we could get a date certain.

The majority leader said: Well, that is not practical.

I said: Well, you have given a date certain on September 8, the day after Labor Day, 1992, for product liability, why not a date certain here? I could not get a date certain. We carried the matter to a vote pretty much on party lines and it was defeated.

Then in 1993, this year, on January 21, the day after the President was inaugurated, I took the floor and complimented the President on a fine inaugural speech and expressed the thought that I would have preferred for it to have been more specific on health care. At that time, I introduced Senate bill 18 which was a comprehensive bill on health care reform, and then sought to bring that to the floor in April.

I have expressed a concern as we have gone along that it looked like in January, February, and March that we would not get to health care reform this year. There was a statement made by Chairman ROSTENKOWSKI that we will not get to it. The majority leader of the House, Mr. GEPHARDT, made a statement that it looked unlikely. Each time these statements would be made, I would make a presentation that we ought to move ahead.

When the First Lady, Hillary Clinton, came to speak to the Republicans, and then at a breakfast on the Committee on Aging—she has done an outstanding job and truly deserves the accolades she has received—I kept pressing the question about when are we going to do it? There has not been that kind of action. The time to do it, it seemed to me was early in the year last February or March before we got into the heavy legislative work in the budget and appropriations process.

It was my hope that we would have done it at that time, so we could move ahead. I hope we will stay in session in late November, perhaps after Thanksgiving, in December and January, and work on this legislation so we do not have it to do in an election year, when it is very, very difficult. I do not think it is necessary to reinvent the wheel; but we are ready to move ahead.

In the 102d Congress, the last Congress, there were some 1,500 bills on health care. I think it is possible to put a critical mass of legislation on the floor and move ahead and do it.

I suggest that the legislation which is going to come out of the Congress may well be different from what the President has proposed, maybe significantly different. If this amendment from the Senator from Minnesota is any indication, it is going to go far afield from what President Clinton has said.

There are lots of questions which I am not going to begin to get into now. How we are going to pay for it? How are you going to keep Medicare as the President wants to do, and extend prescription drugs. How are you going to do that at the same time you take $230 billion out of Medicare over 5 years?

We talk about preventive measures. Mammograms for women are indispensable; over 46,000 women a year are killed. Senator HARKIN and I have spent a lot of time trying to figure out ways we could get more research on breast and prostate cancer, one for women and one for men. The President's plan does not cover mammograms for women under 50 years of age. We know women between 35 and 50 need them. After 35 there is only one mammogram every two years. That is not enough. You need one every year.

Those are just beginning issues. You have the seven-person board. There is a question about how you get care in the hospital or the University of Pennsylvania if you are signed up in New Jersey. It is all the way across the river. The President was asked that question at a town meeting yesterday. He gave an answer that it was possible. But that is not the way I read his outline of principles. We really do not know yet because we have not seen the legislation.

You wonder why on September 24 we have not received a proposed bill yet. It sounds like the way legislative counsel treats my requests to draft legislation.

So that these are issues which were a long time in coming.

I know the Senator from Minnesota has been in the forefront on this movement. A group of Pennsylvanians came to me and talked to me shortly after Senator WELLSTONE came to this body and said: What do you think about health care? I gave them a very expansive approach, I thought: Comprehensive health care for all Americans. After I finished, they said: That is not good enough for us. We want Senator WELLSTONE's program. That is a fact. Everything I have said has been factual when I made representations to that effect. I say that is a fact as the rest of them are facts.

But I would be interested in a comment by Senator WELLSTONE, and I will yield at this point—maybe I will not yield. I may want to reply to his comment. I do not yield the floor, Mr. President, but I will yield if he cares to comment.

Earlier I sent for the vote totals of when I brought up the health care amendments. On July 29, 1992, and April 28, 1993, Senator WELLSTONE voted against me both times.

What are your views, Senator WELLSTONE, if you care to give them, as to not supporting efforts to bring the issue to the floor earlier, or on the long delays we have had, where we could have moved on this subject a long time ago?

Mr. WELLSTONE. First of all, I would like to thank the Senator from Pennsylvania for I think raising some very important points which, by the way, is the very motivation for this amendment. We want to make sure, whether it is MRI, preventive health care, or whether it is a Senator, or a divorced mother with two children, what we have said is that the baseline plan for the vast majority of people in this country is really a good plan with really sensitive care givers. What we are saying is that whatever the vast majority of our constituents have, we will participate in as well.

As to the timing of all this, I simply say to the Senator that the timing of this amendment is really right on the mark. In the last election, as my friend from Pennsylvania remembers well, a major debate was over universal health care coverage, national health insurance. President Bush—and it was his first amendment right—was less enthusiastic, and President Clinton ran very hard on it. President Clinton was elected, and we had a President who said he was going to make health care a major priority of this administration. And we crossed the divide, because now we are debating what kind of national health insurance and universal coverage.

The President, in his wisdom, asked the First Lady to head a task force, and they have done a brilliant job, where you agree with all of the proposals. This week, it was unveiled. The President gave a very moving speech about a very moving issue.

Now we are getting ready, in the Senate and House of Representatives, to tackle this issue. So I come to the floor and introduce a sense-of-the-Senate amendment that simply says it is going to be very important for us to communicate the message to our constituents that what we set as the plan for the vast majority of middle-class people who participate—because we know by economic circumstances people are not going to be able to hop up to higher and higher plans—we believe we should participate in that plan as well. I think the timing is really very consistent with where we are, and that is the why of the amendment.

I say to my colleague that he has been very gracious on the floor, and I thought long and hard about health care, as the Senator from Pennsylvania has, and I am very committed to having really good reform. I hope all of us can come together. But I guess we all have certain issues that we feel really strongly about. And one of the issues I feel strongly about is that I want us to make sure in what we do as legislators—and you were kind enough to correct me—ultimately, it is what we do working with the administration, and I want us to make sure we do not set up a plan with many different tiers of medicine. I do not believe that is what people in this country want.

Mr. SPECTER. I thank the Senator from Minnesota for his responses. He has approached a very stimulating issue. His last response did not really go to the point of why we have not acted earlier. I do not intend to press that. There is no use talking about the past. We have to move ahead now as promptly as we can and structure a national health care system which provides comprehensive health care to all Americans and in a way which will not destroy the best health care system in the world and that does not set up a bureaucracy which makes it impossible to get that kind of health care system, or for people like ARLEN SPECTER to get MRI's when they need them.

I appreciate the responses of the Senator from Minnesota, and I know the Senator from California is seeking the floor. I think we are going to have an indepth debate on this subject. I will repeat that I am raising questions and not taking a position at this point. I want to hear the debate and see how we analyze and discuss this issue.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I have been here since—actually, the Senator from Minnesota unveiled his amendment last night. I happened to be in the chair, and I got very interested in what it really does.

The Senator from Minnesota says that he wants Members of Congress to be treated like every other American, and I agree. But that is not what his amendment does.

Two nights ago, we heard our President give what I thought was a brilliant speech, and he laid out some basic principles: security, choice, simplicity, responsibility, quality, and savings. Those were the six principles. I happen to agree with those principles.

I, like my good friend from Minnesota, and my friend from Pennsylvania, and many other Members of the Congress, will have disagreements on how to get there. But I believe everyone in this country should have to make the same choices. I want my family to be able to sit in my living room, looking over the three options that we have, and decide what is best for us. I do not think that my family should be treated in any special way.

I want us to pore over the three options that we will have under the President's plan: the HMO option, the preferred provider option, and the fee for service option. I want us to read those; I want us to see which one would offer us what we need. In our lives today, it happens that in my family, we have one person in an HMO, two people in a preferred provider plan, and one in a fee for service.

I fear that this amendment is insinuating that those people who are in a managed care plan or an HMO are not getting decent health care. I do not think that is right, because I come from a State in which many people are satisfied with the care they receive in HMO's.

I think it is a very dangerous precedent, to single out one group of people in society and treat them differently in this health plan. The point is that we are all Americans, and we should have all the same choices and go through exactly what every other ordinary American will go through as he or she makes these important decisions. I do not want to be treated differently. I want to be treated the same.

So I think if in fact the Senator from Minnesota wants us to be treated the same as every other American, he should say so in his amendment.

I ask him now if he would agree to change his amendment to say that every Member of Congress must be treated the same as every other American, no matter what the outcome of this health care debate is. I pose that question.

Mr. WELLSTONE. I would be pleased to respond.

Mrs. BOXER. I will yield for the question, and I want to make some comments.

Mr. WELLSTONE. Let me, first of all, briefly respond, if I might.

The amendment has nothing to do with my views about health maintenance organizations. Minnesota happens to be a really big managed care State, and I believe our family was charter members of Group Health here in Washington, DC.

In legislation I introduced, I think HMO's are a big part of the delivery.

So I would like to correct the Senator. This has nothing to do with my judgment about health maintenance organizations.

Mrs. BOXER. I thank the Senator.

Mr. WELLSTONE. Then I will go on. The preferred provider, health maintenance organizations, and fee for service are all options in the average premium plan?

Mrs. BOXER. Yes.

Mr. WELLSTONE. We are not taking away any choice from any Senator as to what plan they want. I do not know what the Senator's confusion is.

Mrs. BOXER. The Senator's amendment would single out Members of Congress and treat them differently. I believe that Members of Congress should be treated exactly as every other American. In fact, if I were allowed to make a second-degree amendment, I would offer one that required every Senator and every Member of Congress to make the same choices as every other American. But because of the parliamentary situation I cannot do that.

Mr. WELLSTONE. Mr. President, I say to my colleague in all due respect, because we are friends, let us focus on health care legislation and specifics. An alliance will be set up, and the average price plan, which is the 80–20 contribution, is the linchpin and the foundation of this alliance. Because we know and middle-income people know that this is the plan they are going to participate in because they are not going to have, like higher income and wealthy people, this choice you are talking about to opt into some Cadillac plan.

I would say to my colleague, if you travel around the country, if you look at the profile of income, if you look at what people are saying, the thing that they are saying to us is: Please make sure that what you said is the baseline plan for the middle class is a good plan that provides us with security.

So I say, what is the harm of Senators going on record saying we believe that what we vote as that baseline plan for the middle class of America in our States in this country is a plan that we would participate in?

Otherwise, what could very well happen is that that plan gets narrowed down and then people see Senators and Representatives opting out for other plans because it is better service, better location, better hours. And people say: That is exactly what makes us so angry about a Government that is really creating a disparity between the people who are in office and power; that is, those of us. That is all this amendment speaks to.

Mrs. BOXER. I say to the Senator, my friend, that Members of Congress should be treated the same as every other American. The Senator's amendment sets us apart.

We will be the only ones in America that will not sit down in our living room with our children, with our spouse, with our families, maybe even with our doctor, to decide what is best. No, we cannot do that.

And I say that singles us out and that defeats the purpose of the Senator's amendment.

Once again, I say the Senator ought to have an amendment that says Members of Congress should be treated the same as every other American. I want to go through that process with my family; I want to find out what is best for my family. And I want to fight for that choice for every other American.

There is no Cadillac set of benefits here. If the Senator heard the President, everyone will have the same benefits; everyone will have the same benefit package.

I yield to my colleague from Washington.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President, and I thank my colleagues for a lively debate. I was surprised when I came in this morning we were debating health care on the floor of the Senate. I thought we were doing an appropriations bill.

I am always astonished when the Senate digresses to talk about itself other than about the Nation.

We are here, and I want to add my 2 cents because this amendment concerns me a great deal.

I compliment my fellow Senator from Minnesota. I understand his motivation in putting this amendment forward. I think what he is doing challenges us as a Congress to put together the absolute best health care program for everyone in this Nation, and that we will do it in a way that says if it is good enough for us, it is good enough for everybody.

I commend that motivation.

However, as the Senator from California has very explicitly stated, we will not be treated like everybody else. I listened to my President the other night, and I very clearly heard him tell us that in the program that is coming forward to us, we will have choices. I want that choice for my family. My family is different than any other family on the floor of the Senate, just like there are different families everywhere across this Nation.

I happen to be the only mother with two children here to care for. I have two roles here. I am a Senator, and I am a mother. And I want to be able to make the choice not as a Senator of the United States, but as a mother who goes home and talks to my husband and my family and does what is right. And I want choices for every family in America.

I understand the Senator's motivation, but I want to tell him that oftentimes, the motivation we have in writing an amendment or debating on the floor is very different from the language we get.

I have just read the language of this amendment, and it says to me that my family will not have this choice; my family will have to take the plan that charges no more than the average premium. That very distinctly tells me that my family will not have a choice, as every other American family will have.

I do not think that is right, and I do not think it is fair.

I agree with the Senator from California that even though the motivation may be very good, and the challenge to all of us to put together the best health care plan that is possible for everyone we represent is good, the words of this amendment do not make that happen.

I urge my colleague from Minnesota to accept the amendment of the Senator from California, and to simply say that as a Congress, when we put together the health care plan, we want to assure that every Member of this Senate and every Member of Congress will have the same health care that every other American has, and then I am more than willing to support it.

Let me yield back to the Senator from California.

Mr. WELLSTONE. Mr. President, will the Senator yield a moment?

Mrs. BOXER. I am glad to yield.

Mr. WELLSTONE. First of all, let me say to the Senator from Washington that I think some of this discussion is getting confused. There are choices of words that everybody right away latches on in politics.

This amendment does not take away the Senator's choice or the choice of any other Senator between the preferred provider plan, the health maintenance organization plan, or, for that matter, the fee for service plan. That is not what it takes away.

But there is another choice that we might be talking about here, which I think will bother the vast majority of the people in this country. That is what we might be saying if people vote against this amendment, which is: We are going to set an average price plan for middle-class people, but in setting it, we know that it will not be good enough for our families; therefore, we want to make sure we are able to opt out of it.

When you vote against this amendment, what you are saying is, that is the kind of choice you are talking about. But I have to say to you that the vast majority of people in this country, middle-class people, much less low-income people, are not going to be able to do that.

So when I hear my colleagues talk about choice, I have to say to you, in all due respect, that that is the kind of choice that those particular people in the United States of America who have the resources are able to make, but most people are not.

And I know my colleagues know that, and it pains me to hear you speak against this.

I also say to my good friend from Washington and my good friend from California, if you are worried that you want to have a choice to opt out of this average price plan—which is for the vast majority of people, as the President has made very clear because it might not be good enough—then all we have to do is make sure that it is sufficiently good enough, by way of the quality of the caregivers—that is really what we are talking about—and location and the way it operates, much less benefits, that you would never want to opt out of it. And the way we make sure of that is we go on record saying what is good enough for our constituents is good enough for us. That is the leverage. That is why we should vote for this. I think it is difficult to explain to people why we would not.

Mrs. BOXER. If I may reclaim my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. If the idea of the amendment is to say that Members of Congress shall be treated the same as every other American, then I am with him. But that is not what his amendment says. It sets us apart. It treats us differently.

I think our colleague from Pennsylvania made a good point when he said this amendment coming at us before we have even debated what options there will be for the families of America.

And to say that, before we have even passed the plan, certain people in the society will be treated differently—that is, Members of Congress—to me seems unwise.

I want to be treated the same as every other member in society. And I want the Senator's family to be treated the same and the Senator from Washington's children to be treated the same.

I hope Senators will oppose this amendment. Perhaps then maybe someone will offer an amendment that says all Senators will be treated in the same way as every other American—no more benefits; no less benefits; same options; no more, no less. That is what I am for.

I yield the floor.

I know the Senator from Washington wants her own time.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

I thank the Senator from California for having the willingness to come out here and talk about this. All too often we come out here and debate an amendment on some kind of a feeling that we have to be so—I do not even know what the word is—important to our constituents that we are willing to bash ourselves as Senators.

This is not the time to do this. The health care debate is in front of us.

I agree with the Senator from Minnesota that the motivation is correct. But, unfortunately, motivation is not what is written down in the textbooks when we are done here. What is written down is the language of this amendment that very clearly states that Congress should enroll in a standard health care plan that charges no more than the average premium.

We do not know how the health care debate is going to come out of Congress 6 months from now or a year from now. But if it comes out in a way that I assume it will, that allows people to purchase additional insurance for mental health or dental health, we, as Congress, will have eliminated ourselves from that ability by this amendment.

I do not think that is a good thing for us to do today. I urge my colleagues to vote on this on the words that are on this piece of paper and not on the motivation or self-flagellation that we tend to get into in Congress. Let us all say that we want to put forward the best health care plan for every single family in this country. But let us not, in some kind of self-motivation here, put ourselves aside from the rest of the country, because that is far too often what we do here.

Thank you, Mr. President.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me first of all just say to my colleague from Washington, whom I greatly respect, that I believe that what has been said on the floor is troubling. Because when my colleague says we do not want to deny ourselves the right to purchase better care, be it mental health or substance abuse or whatever, for our families, that is not what she intends, but that is exactly what we want to prevent. That is my point precisely.

My colleagues keep saying that we are not going to have the same options as everybody else in this country. Anybody who studied the economics of health care knows that to say—and this is completely consistent with what the President said the other night. We know that this average price plan is going to be the key to the alliance in terms of the vast majority of people being in that plan. And we know that people, middle-income people, much less working-income people, much less lower income people, the vast majority of the population will not be able, because of their incomes, to purchase yet a better plan, not so much a package of benefits but, once again, the quality of the care difference, where it is located, the whole operation of it.

And, therefore, the only thing this amendment is saying is that we have the same choice as probably 75 or 80 percent of the people we represent.

Now if we want to have the choice—let us lay the cards on the table; I have listened for a while—if we want to have the same choice as high-income, wealthier, OK, say that, because that is what we are talking about. I think it is a healthy principle.

I remember once when the Presiding Officer presiding now came to the caucus and said, "I am considering introducing an amendment that is going to say until the people in this country have national health insurance coverage we should not have free coverage." And, eventually, we ended our free coverage.

All this amendment says—and it does not require, does not require—I could not write it that way, constitutionally I could not, as a Senator, require colleagues to do that. All this amendment says is when we set that average price plan, which is going to be for the middle class of America, which is going to be so important to what happens in the alliances in our States, we should speak to this concern that people have in the United States of America, our constituents, that it is going to be a real good plan, so good that they will not want to opt out of it. And if we are not willing to go on record saying what is good for the middle class, what is good for the vast majority of our constituents is good for us, then I think people have every reason to be concerned.

Mrs. MURRAY. Will the Senator yield?

Mr. WELLSTONE. If the Senator would just wait for one moment.

As to the Congress bashing—and, again, I am with good friends, but it is worth going over. I am really tired of the arguments that are made every time I come out here on the floor or sometimes when I come out here on the floor and introduce amendments like this.

I have not given one interview nationally anywhere where I do not say that I think the denigration of public service and people in public service has gone too far and is going to lead to the decline of democracy. I do not go anywhere where I do not say, even though I am sometimes viewed as the ultimate outsider, how proud I am to be here to try to do well for people.

But I want to tell you something. The Congress bashing goes on when people think we are setting different standards. Congress bashing goes on when people think that what we are applying to them, the vast majority, we are not willing to apply to ourselves.

Mrs. MURRAY. Will the Senator from Minnesota yield?

Mr. WELLSTONE. I am pleased to yield.

Mrs. MURRAY. In that case, would the Senator from Minnesota be willing to add a line that Members of Congress will be given the same choices as all Americans when the health care plan is adopted?

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business for a period of 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREST SERVICE APPEALS SYSTEM

Mr. CRAIG. Mr. President, a year ago, a bipartisan coalition of Senators worked to reform the Forest Service appeals system. It was a system established by the Forest Service a good number of years ago to allow private parties to react to management decisions, but over time, it had been used for a variety of other purposes, largely to slow, if not stop, the timber supply in certain forests of our countries.

The appeals amendment, which I sponsored, was enacted as part of the fiscal year 1993 Interior Appropriations bill. This legislation was intended to reduce the confusion and the delay of that old process, to reduce the cost that the Forest Service was experiencing by the extension of some 1,500 outstanding appeals that the Forest Service was under consideration with.

We have made decent progress since then, but because the final regulations had not been published, although they had worked on them, I and others became very frustrated that nothing was occurring. Public comment and draft of the regulations was closed on May 29. Four months have passed with no visible action being taken by the administration to comply—let me repeat—to comply with the law.

I have become impatient with a lack of this action, and I know other Senators have contacted me saying: "Where are the new appeals regulations? Where is the new effort that we put forth?"

So Senator DASCHLE and I wrote to Assistant Secretary Jim Lyons on September 17 asking that he take immediate action to publish the final regulations by September 30. Since then, I understand Mr. Lyons has responded. He has cleared the regulations through the Department of Agriculture and on to the Office of Management and Budget. That is progress, and we thank him very much for it, but we are not there yet. Those regulations are not on the ground, and they are not implemented. I certainly would not and I am sure other Senators would not want to see OMB take months and months now to review a process that is already 4 to 5 months behind schedule.

President Clinton, in a most sincere way, went to Portland several months ago to address the spotted owl issue in a timber summit to try to resolve the timber supply problem in the Pacific Northwest. Another way he could show his sincerity to the working men and women of the forest products industry is to insist that OMB move these regulations in a timely fashion because they, the Forest Service, unable to move effectively through the appeals process, is in their own way blocking access to a timber supply that is legitimately and legally available if it were not for this process.

If the final regs are not published by September 30, Senators BYRD and NICKLES have agreed to consider adding this language to this year's Interior Appropriations bill so that this administration can get the message. I hope that does not have to happen. I hope we can move immediately to announce that they have effectively passed through OMB and are on the ground ready to be implemented by the Forest Service.

I am counting, and I know other Senators are counting. We have 7 days left—and I say that to the administration and to the Director of OMB—before the Senate will take action again. So I hope you can respond in a timely fashion. You have worked your will, time is past, it is now time that the law be effectively implemented on the ground on our public land forests across the United States.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask unanimous consent that I may be granted permission to speak as if in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BOND pertaining to the introduction of S. 1494 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from Minnesota is recognized.

Mr. WELLSTONE. Madam President, I am going to send a modified amendment to the desk in a moment.

Mr. MITCHELL. Madam President, will the Senator withhold for one moment?

Mr. WELLSTONE. Yes.

Mr. MITCHELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 964

Mr. WELLSTONE. Madam President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right.

So, the amendment (No. 964) was withdrawn.

AMENDMENT NO. 966 TO COMMITTEE AMENDMENT BEGINNING PAGE 9, LINE 23

Mr. WELLSTONE. Madam President, I send another amendment to the desk.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] for himself, Mr. MITCHELL, Mr. DOLE, Mrs. BOXER, Mrs. MURRAY, Mr. HARKIN, and Mr. SPECTER, proposes an amendment numbered 966.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . CONGRESSIONAL COVERAGE UNDER HEALTH CARE LEGISLATION.

(1) FINDINGS.—Congress finds:

(A) Congress is expected to consider health care reform legislation in the near future that would offer a standard benefit package with several different options for the delivery of those benefits.

(B) The standard benefits offered under all plans will be the same. Quality standards will apply to all plans.

(C) Consumers will have the ability to choose a plan on an annual basis, and will have access to full information about all plans so that they may make their choice based on the quality of plans and consumer satisfaction of plans.

(D) Members of Congress should be treated the same and afforded the same choices as every American in the health care system.

(2) SENSE OF THE CONGRESS.—It is the Sense of the Congress that any legislation approved by Congress should provide health care plans of comparable high quality and that Members of Congress participate on an equal basis with all other Americans in the health care system that results from health care reform legislation.

Mr. WELLSTONE. Madam President, the operative language of this amendment, which I offer on behalf of myself, Senator MITCHELL, Senator DOLE, Senator BOXER, Senator HARKIN, Senator SPECTER, and Senator MURRAY, reads as follows:

It is the sense of the Congress that any legislation approved by Congress should provide health care plans of comparable high quality and that Members of Congress participate on an equal basis with all other Americans in the health care system that results from health care reform legislation.

Madam President, let me very briefly summarize. Rather than continuing with the debate on choice with two different definitions of choice, I believe that this amendment brings us together around a goal that I think is extremely important and sends the right message in the country, which is: As we think about health care plans for the vast majority of the people in our country or for all the people in our country, we want to make sure that those plans are of comparable quality, whether it be a U.S. Senator, a single parent, a middle-income or working-class wage earner, a person of color, a white person, rural or urban. That is why we focus on comparable quality. We do our darn level best. We make sure we do not create tiers of plans.

I think the colleagues agree. I think it is a fine amendment. And I thank them for their support.

Mr. GRASSLEY. Mr. President, I wish to support the amendment of the Senator from Minnesota.

For some time now, as my colleagues know, I have advocated that the Congress comply with the laws we make for our fellow citizens. For too long, we have enacted laws which impose on the rest of American society rules that we in the Congress are not willing to live by.

It seems to me that we in the legislative branch will understand in a much more complete and fundamental way what the effect of our legislating is if we, ourselves, have to live under the laws we enact. Our lawmaking would certainly improve were this the case.

Now we stand on the threshold of a massive change in the health care arrangements of our citizens.

It is certainly possible that the cost of the health insurance of the currently well-insured citizen will increase under the system we finally enact.

It is certainly possible that the choices available to the currently well-insured citizen will decrease in the system we finally enact. It is certainly possible that the majority of Americans would have to deal with "gatekeepers", or "care managers" in order to gain access to health care services. These gatekeepers might be doctors or might not be doctors. Such gatekeepers might be the employees of large insurance companies, or large corporate health care plans. Such gatekeepers could be making therapeutic decisions that are influenced by corporate policy, corporate policy designed, among other things, to make sure that the financial risk faced by the health plan is minimized.

If we are going to require the majority of American citizens to live in such a health care environment, we should certainly be willing to live in such a health care environment ourselves as Members of Congress.

If we have confidence in the system we are going to create, then surely we should be willing to live as do other citizens in that system. It certainly would be the height of hypocrisy to develop such a system for our fellow citizens, but exempt ourselves from it.

So, I want to support this amendment by my colleague from Minnesota.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Madam President, I have a statement I wish to make on the amendment. It is my understanding that the amendment is acceptable in its current form. I suggest that perhaps we adopt the amendment and then several of us may wish to comment on it at that time.

The PRESIDING OFFICER. Is there further debate?

Mr. SPECTER. Madam President, the amendment is acceptable to this side of the aisle.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 966) was agreed to.

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Madam President, in light of this action, for which I thank all of the participants, there will be no further rollcall votes today. Many Senators wish to observe the religious holiday and will have to leave shortly to make their planes.

The Senate will be in session on Monday, with amendments offered to this bill. Those votes will be stacked until Tuesday. There is already a prior agreement which has a vote scheduled for 2:15 Tuesday on an abortion amendment to the bill. There will be other amendments debated on Monday, and the time of the other votes on Tuesday has not yet been set.

AMENDMENT NO. 966

Mr. MITCHELL. Madam President, I begin my statement by asking the clerk to read the full text of the amendment just adopted.

The PRESIDING OFFICER. The clerk will report

The legislative clerk read as follows:

At the appropriate place, insert the following:

SEC. . CONGRESSIONAL COVERAGE UNDER HEALTH CARE LEGISLATION.

(1) Findings.—Congress finds:

(A) Congress is expected to consider health care reform legislation in the near future that would offer a standard benefit package with several different options for the delivery of those benefits.

(B) The standard benefits offered under all plans will be the same. Quality standards will apply to all plans.

(C) Consumers will have the ability to choose a plan on an annual basis, and will have access to full information about all plans so that they may make their choice based on the quality of plans and consumer satisfaction of plans.

(D) Members of Congress should be treated the same and afforded the same choices as every American in the health care system.

(2) Sense of the Congress—It is the Sense of the Congress that any legislation approved by Congress should provide health care plans of comaparable high quality and that Members of Congress participate on an equal basis with all other Americans in the health care system that results from health care reform legislation.

Mr. MITCHELL. Madam President, I thank Senator WELLSTONE, Senator BOXER, Senator MURRAY, Senator SPECTER, Senator DOLE, and all others who have participated in the preparation of this amendment. I would like to make some comments, in light of the debate that preceded the adoption of this amendment.

First, I wish to make clear that the explicit publicly stated and written intention of the President's plan is that all Members of Congress should participate in the health care system in the same manner as will all other Americans after that plan is adopted. There should be no misunderstanding about that, based upon the previous amendment which was subsequently withdrawn and the debate which surrounded that amendment.

The President's plan clearly contemplates that every one of us will be participants in the health care system in the same way that every other American is, with the same choices available to us as are available to all other Americans. We will be part of a regional health alliance and every member of that alliance—some of them will number in the millions of citizens—will get exactly the same documents, have exactly the same choices.

Second, it should be clear that when that plan is adopted, if adopted, as I hope it will be, all of the benefit packages will be the same. The delivery system will be different. Individuals, whether they are Members of Congress or carpenters or schoolteachers or lawyers or anything else, will have the same choices. There will be very tight and substantial quality protections written into the legislation to protect consumers, whatever plan they choose to participate in. No American will be asked to participate in a health plan that is inferior in quality, that is a lower quality plan.

To help consumers make the choices that are best for them, there will be analyses—report cards, if you will—on plans to show the quality of the plans and to measure the satisfaction by consumers. Members of the public will regularly be offered the opportunity to review reports on how the plans are doing to help them make the right choices. Consumers will have the opportunity to change plans on an annual basis during a so-called open season.

All Federal employees who now participate in the Federal Employees Health Benefits Program understand how that works. Each year, a booklet is distributed to every employee. It describes the plans that are available. The individual makes the choice. If the individual does not like the plan or is persuaded by information or written reports or word of mouth or any other reason, he or she can change the plan the next year. That will be available.

Quality of care is essential to our health care system and will be ensured. This plan will substantially increase the efforts to study the effectiveness of medical treatment, to develop practice guidelines to help physicians provide better and more effective treatment, and to help consumers make better and more informed choices.

I do not believe that Members of Congress should be treated any differently than any other American—neither better, nor worse; not have greater choices, not have lesser choices; not have better plans, not have lesser plans.

The essence of the President's plan is that everyone is going to have the same opportunities and the same choices. And that should apply to Members of Congress, as well as our families, as well as every other American and every other American family. That principle underlies the plan.

Madam President, I want to commend all who participated in this debate. It points up to us the magnitude and the importance of the task we confront in writing health care legislation.

Oftentimes Americans cannot see much of a connection between what we are doing and their daily lives and their daily problems. But on health care, every American and every American family understands that immediate relevance to their daily lives, because every one of them confronts uncertainty, anxiety and, in many cases, fear over the costs and consequences of health care.

So I hope out of this will come a better understanding on the part of Members of Congress and all Americans on the need for high-quality care and the need for everyone to have the same opportunities, the same quality, and the same choices.

Madam President, I thank all of my colleagues for their cooperation, and I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania, the minority manager.

Mr. SPECTER. Madam President, I shall be very brief. I know Senator BOXER is seeking the floor, as well.

I associate myself with the remarks that the distinguished majority leader has made.

The critical aspect of the amendment which has just been adopted is a statement of Congress that we will have the highest quality medical care possible and that Members of Congress will be treated equally with every other American.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I thank all who participated in this debate. I thank the Senator from Minnesota. I thank the majority leader. I thank my friend from Pennsylvania and my friend from Washington, who added a very personal perspective to the debate, as she always does.

I am very proud of this amendment as it has been adopted because it is very clear in what brings us together. We will have plenty of time to disagree as we move forward. But we have been brought together this morning, after some debate, on the issue of quality for all Americans. We have made sure that every American will have the same choices, be they Members of Congress, builders of houses, teachers, sanitation workers, or unemployed.

That is why I am very proud to be on this amendment as a cosponsor. I think that in the end we came around to the principle of equality for all Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I add my voice and thanks to my colleagues in working out this amendment. I, too, am proud to be on it because I think it sets out clearly for us the challenge the Senator from Minnesota wanted to set out and that is that we provide the best quality health care program available as we work through this tremendous challenge before us in health care reform.

This amendment does exactly that. It says the Members of Congress will not be treated differently than any other American.

I look forward to the health care debate as we move forward.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I will be very brief in closing. I thank my colleagues. I do think it was an important debate and I believe the operative language is the focus on comparable, high quality care for all citizens.

I am delighted we have gone on record as the U.S. Senate. That means a great deal to me, as a Senator from Minnesota, because this way I think we make sure we do not have these tiers and we have the same kind of high quality care for all citizens. I believe that is the step we have taken today.

Now what we have to do is get to work and make sure we make this happen and live up to our word, live up to our commitment.

I thank everyone who was involved in this debate.

The PRESIDING OFFICER. Does anyone seek recognition?

The pending business before the Senate is the first excepted committee amendment as amended.

The Senator from Iowa is recognized.

Mr. HARKIN. I ask unanimous consent the pending excepted committee amendments be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered. All of the excepted committee amendments are laid aside and the Senator's remarks are taken with regard to the underlying amendment.

AMENDMENT NO. 967

(Purpose: To limit the amount of funding that may be made available for health centers malpractice claims)

Mr. HARKIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 967.

Mr. HARKIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, line 15, before the word "*Provided*," insert the following: "*Provided further*, That no more than $5,000,000 is available for carrying out the provisions of Public Law 102–501:".

Mr. HARKIN. Madam President, this amendment limits the amount of funding that may be made available for health centers malpractice claims under Public Law 102–501 to $5 million. In fiscal year 1993, $1 million was transferred to the Department of Justice for the Health Centers Malpractice Claims Fund. This transfer was made without requesting transfer authority from the committee.

Further, not one community health center has been certified for insurance coverage under the Federal Tort Claims Act which is administered by the Department of Justice. It was not the intent of Congress to allow the Department of Justice to have unlimited access to community health center funding, thus reducing the moneys available to provide services.

This amendment will limit the amount of moneys available for transfer and has support of the authorizing committee. I believe it has been cleared on the other side. I urge its adoption.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, the amendment is acceptable to this side of the aisle.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 967) was agreed to.

Mr. HARKIN. Madam President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Madam President, have all the amendments been set aside, the excepted amendments?

The PRESIDING OFFICER. The Senator is correct.

Without objection, the committee amendments are laid aside.

AMENDMENT NO. 968

(Purpose: To make technical corrections to citation of Higher Education program)

Mr. HARKIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 968.

Mr. HARKIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 55, line 5, strike "and" and all through "part B" on line 6 and insert in lieu thereof: ", subpart 1 of part B and part D".

Mr. HARKIN. Madam President, this amendment would simply make a technical change by restoring the citation for a higher education program that was inadvertently omitted from the bill. It has to do with the Eisenhower Leadership Program. The amendment has been agreed to by both sides. I urge its adoption.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. It is acceptable to this side of the aisle.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 968) was agreed to.

Mr. HARKIN. Madam President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STATEMENT ON LABOR, HEALTH, AND EDUCATION APPROPRIATIONS BILL

Mr. SASSER. Madam President, the Senate Budget Committee has examined H.R. 2518, the Labor, Health and Human Services, Education, and related agencies appropriations bill as passed by the full Appropriations Committee and has found that the bill meets its 602(b) budget authority allocation by $201 million.

I compliment the distinguished manager of the bill, Senator HARKIN, and the distinguished ranking member of the Labor, Health and Human Services, and Education Subcommittee Senator SPECTER on all of their excellent work. With so many of the administration's highest priority investments in their subcommittee's jurisdiction, they did, as Senator HARKIN has said, "Fit a size 12 foot in a size 10 shoe."

Madam President, I have a table prepared by the Budget Committee which shows the official scoring of the Labor, Health and Human Services, Education, and related agencies appropriations bill and I ask unanimous consent that it be printed in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEES SCORING OF H.R. 2518—FISCAL YEAR 1994 LABOR/HHS/EDUCATION APPROPRIATIONS

[In millions of dollars]

Bill summary	Budget authority	Outlays
Discretionary total:		
New spending in bill	65,317	−0

SENATE BUDGET COMMITTEES SCORING OF H.R. 2518—FISCAL YEAR 1994 LABOR/HHS/EDUCATION APPROPRIATIONS—Continued

[In millions of dollars]

Bill summary	Budget authority	Outlays
Outlays from prior years appropriations	....	36,590
Permanent/advance appropriations	1,716	1,572
Supplementals	0	0
Subtotal, discretionary spending	67,033	68,089
Mandatory total	196,167	195,357
Bill total	263,200	263,446
Senate 602(b) allocation	263,200	263,647
Difference	0	−201
Discretionary total above (+) or below (−)		
President's request	−5521	−1290
House—passed bill	50	963
Senate—reported bill	....	....
Senate—passed bill	....	....

MINIMUM FULL TIME EMPLOYEE STAFFING LEVELS

Mr. McCAIN. Madam President, the Department of Labor, Health and Human Services, and Education appropriation bill before the Senate establishes minimum staffing levels for these agencies. I strongly object to this kind of micromanagement and believe it causes inefficiency in Federal agencies and results in a waste of taxpayer dollars.

I applaud the managers of the bill, Senator BYRD and Senator HATFIELD, for taking action to eliminate FTE minimum floors in this legislation. I had intended to take similar action had they not.

The Vice President in "Creating a Government That Works Better and Costs Less," the report of the national performance review, stated:

> Congress should also minimize the restrictions and earmarks that it imposes on agencies. With virtually all federal spending under scrutiny for future cuts, Congress is increasingly applying earmarks to ensure that funding flows to favored programs and home town projects.
>
> Imagine the surprise of Interior Secretary Bruce Babbitt, who a few months after taking office discovers that he was under orders from Congress to maintain 23 positions in Wilkes-Barre, Pennsylvania, field office of his department's anthracite reclamation program. Or that his department was required to spend $100,000 to train beagles in Hawaii to sniff out brown tree snakes. Edward Derwinski, former secretary of Veterans Affairs, was once summoned before the Texas congressional delegation to explain his plan to eliminate 38 jobs in that state.

Madam President, if we want Federal agencies to operate in an efficient fashion we cannot congressionally micromanage those agencies.

On page 18, the bill before us states:

> SEC. 102. Notwithstanding any other provision of law, funds provided to the Department of Labor under this Act shall be expended to support no fewer than an annual full time equivalent level of 17,658 for fiscal year 1994.

On page 44:

> SEC. 209 * * * funds provided to the Department of Health and Human Services under this Act shall be expended to support no fewer than an annual full time equivalent level of 103,062 for fiscal year 1994.

And on page 62:

> SEC. 305 * * * funds provided to the Department of Education under this Act shall be expended to support no fewer than an annual full time equivalent level of 4,836 for fiscal year 1994.

Madam President, could you imagine any company in America mandating that on no condition could that company employ less than a certain number of employees. This kind of congressional restriction defies both logic and good business sense.

By preventing these FTE floors from being adopted in this bill, we are in no way jeopardizing the jobs of Federal employees. Let me make that point clear. No Federal employee will necessarily lose his or her job by this action.

The President, with the support of Federal employee unions has proposed a plan to reduce the number of Federal employees. It is the President's plan that will dictate if any Federal job is eliminated.

I believe we should support the President in his efforts to curb the size of the Federal work force. I am attempting to give the President and the Department Secretaries that freedom. The FTE floors in the bill act to do the opposite; to unduly tie the President's hands.

These FTE floors are not needed to ensure that the Departments of Labor, Health and Human Services, and Education operate in the public's best interest. Each of these agencies has an important mission and does much good work. I applaud these agencies. But I believe that these agencies can and will perform their jobs without the Congress mandating how many individuals—at minimum—they must employ.

Allow me to quote the Vice President again:

> In Washington, we must work together to untangle the knots of red tape that prevent government from serving the American people well. We must give cabinet secretaries, program directors and line managers much greater authority to pursue their real purposes.

The Vice President has called for 252,000 positions to be eliminated in the Federal civilian work force, a reduction of almost 12 percent and bringing it below 2 million for the first time since 1966.

Yet in this bill, we are mandating that a minimum of 125,556 positions in three agencies be maintained, allowing the President and the Cabinet Secretaries absolutely no discretion.

Madam President, this is wrong. It is wasteful. And it is unnecessary micromanagement.

The Vice President is correct when he stated: "eliminate FTE floors."

Lastly, I want to notify the Senate that in the near future I intend to offer legislation that will eliminate all civilian FTE minimum staffing levels. I would hope that at that time the Senate would adopt the legislation and permanently end this unnecessary congressional micromanagement.

I yield the floor.

FACES OF THE HEALTH CARE CRISIS

Mr. RIEGLE. Madam President, for over a year now I have been telling the story of a Michigan family, individual, business, or institution facing a problem because of the health care crisis in America each week the Senate has been in session. I have told over 30 such stories. Today I want to talk about how some of these people will be helped under the plan proposed by President Clinton. One of the most important ways I will judge the Clinton plan is by how it helps these people and others like them.

PEOPLE WITH DISABLING CONDITION

Kim Cameron from Lapeer has Crohn's disease and trouble finding affordable coverage because insurers can exclude people with health conditions from insurance plans. She delayed care because she was uninsured. The new plan would guarantee her a comprehensive set of health benefits and it would be subsidized based on her ability to pay.

SMALL BUSINESSES

Linda Jolicoeur from Southfield is a small business owner and provides insurance but her premiums are skyrocketing. It is too expensive for small businesses to purchase coverage. Under Clinton's plan, her business will get lower rates as part of the new purchasing pools and premium costs will be controlled.

SELF-EMPLOYED PEOPLE

Laura Kinbaum from Grand Rapids is a freelance medical writer who must support her daughter and disabled husband. Since she purchases health insurance on her own, without being part of a group, the cost is prohibitive. Under the Clinton plan, she will be able to join a purchasing pool and buy health insurance at the more affordable group rate. In addition, under the reformed system she could deduct 100 percent of the insurance costs, whereas currently she can only deduct 25 percent.

RETIREES

John Demerjian from Sterling Heights retired at age 63, before he was eligible for Medicare. He thought his company would cover his health benefits but the company raised the premiums making it difficult to afford the coverage. Under the Clinton plan, John would be covered through a health alliance, with the Government paying the employer's share of the premium, 80 percent of the premium costs.

I continue to hear stories of people who need help. Recently I met with Terri Nelson of Grand Rapids. Terri wants to work but does not because she is afraid of losing her Medicaid and Medicare coverage and she cannot find affordable coverage because of a pre-existing condition. Terri received a heart transplant in 1987 and requires expensive medications to survive. Her yearly medical expenses are over $20,000 so she can not afford to be uninsured. Under the Clinton plan, Terri could work and be guaranteed coverage through her employer, even with her pre-existing condition.

We urgently need to reform our health care system to help people like Kim Cameron, Linda Jolicoeur, Laura Kinbaum, John Demerjian, Terri Nelson, and all the other people who struggle under the current system and sacrifice their peace of mind. We also need to reform the system to help those who are doing well but may face a health care crisis in the future. I will do everything I can to work with my colleagues and President Clinton and First Lady Hillary Rodham Clinton to reform our system and provide access to affordable health care for all Americans.

Mr. HARKIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. HARKIN. Madam President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. HARKIN. Madam President, for the benefit of Senators who are preparing to go to their respective States for the weekend and for staffs who may be watching this on their television sets, as chairman of the Subcommittee on Labor, Health and Human Services, and Education Appropriations, I want to make it clear that we will be here Monday. We will be debating amendments on Monday.

The majority leader, I think, will shortly propound a unanimous-consent request to that extent, and I think it has been cleared on the other side, so we will be debating on Monday. There will be votes on Tuesday, of course. They will be stacked on Tuesday.

I want to make it clear to all interested Senators that I am working with the majority leader to propound a unanimous-consent request on Monday that would delineate all of the amendments that Senators want to offer, hopefully with time agreements, so that we can finish the bill sometime late Tuesday after the respective party caucuses.

So I hope that Senators and their staffs will prepare those amendments and get them ready by Monday so that sometime Monday, we can sit down and draw up a list of all the amendments that are proposed to be offered to this bill. We can set up some time agreements, and we can bring this bill to a close, hopefully, sometime by late Tuesday.

Again, I respectfully request Senators and their staffs to get those amendments to us no later than Monday. If they can do it today, I would appreciate it. But certainly no later than Monday, so we can draw up the list and propound that unanimous-consent request on Monday so we can finish the bill on Tuesday.

I thank the Chair, and I again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DR. EDWARD ELSON

Mr. DOLE. Mr. President, along with all the Members of this body who were privileged to know him, I was saddened this August by the passing of the Reverend Dr. Edward Elson, who served as Senate Chaplain from 1969 to 1981.

Dr. Elson's service to God and country extended far beyond his years as Senate Chaplain. During World War II, he left his parish ministry here in the United States and served courageously as an Army Chaplain in Europe, eventually rising to become the senior chaplain.

When the war was won, Dr. Elson returned to Washington, DC, where he would serve for 27 years as pastor of the National Presbyterian Church. It was from the pulpit of this historic church where Dr. Elson would become a noted author and lecturer, and a confidant of America's leaders—including President Eisenhower, who was baptized by Dr. Elson during his Presidency.

Ike was just one of many people—the famous and the not famous—who came to rely on Dr. Elson's wisdom, guidance, and friendship. Elizabeth and I consider ourselves very privileged to have had this remarkable man preside over our wedding ceremony in 1975.

Madam President, Dr. Elson's funeral services were held at the National Presbyterian Church on September 1. While I was unable to attend, I have read a number of the very moving eulogies that were offered at that time.

I believe it would be an appropriate tribute to our former chaplain if these eulogies were printed in the CONGRESSIONAL RECORD following my remarks.

And I join with all my colleagues in extending our sympathies to Dr. Elson's wife, Helen, and their children, Elie, Beverly, Mary Faith, and David.

Madam President, I ask unanimous consent that the eulogies be printed in the RECORD.

There being no objection, the eulogies were ordered to be printed in the RECORD, as follows:

FUNERAL OF THE REVEREND DR. EDWARD L.R. ELSON, SEPTEMBER 1, 1993

(Homily given by Rev. Dr. M. Craig Barnes, National Presbyterian Church)

Whenever one pastor is asked to officiate at the funeral of another, it is something quite special. When that pastor is asked to bury the man who built his church, who gave it a National reputation, who poured 27 years of his life into loving it, well, that is an incredible honor.

I am honored to wear Dr. Elson's mantle of ministry. I am honored to care for the church he built. But most of all, I am honored to have inherited his great passion for the gospel of Jesus Christ.

"I am not ashamed of the gospel of the Jesus Christ, for it is the power of God unto salvation to everyone that believeth." Those were the words of the Apostle Paul. They were frequently the words of The Reverend Dr. Edward Elson.

If he were here with us today, and of course he is, he would make it very clear that those were to be his last words. I can tell you with great certainty because he left behind instructions for the new Senior pastor that told me exactly what to make clear to you.

The last thing he wanted to make sure you remembered about him was not that he was a decorated soldier, the counselor of presidents and senators, the pastor of the National Presbyterian Church. Certainly those things were very important to him, but mostly, he wanted you to remember he was not ashamed of the gospel of Jesus Christ.

Why did he serve soldiers in foreign wars so bravely? Why did he work so hard for 27 years to build this church? Why did he become the pastor to so many of our nations leaders? Why even did he marry his incredible wife, Helen and with her build a loving home for Eleanor, Beverly, Mary Faith and David?

Something has to drive a man with those accomplishments. Something has to burn within his heart. It doesn't matter if it is 1946 or 1993, if you are going to stand in our world as a man of vision and builder of churches, if you are going to be the confidant, not only of our own leaders, but leaders of the Middle East and hardest of all, if you are going to be a family man . . . You had better know about the power of salvation!

You had better really believe in a gospel that proclaims the mercy and compassion, vision and hope that is found when you believe God so loved the world that in Jesus Christ, he came looking for us.

Dr. Edward Elson believed in that great gospel. He was not ashamed of it. He gave his life to it. And through his life, God gave the world a man of hope.

Our world can still use all the men and women of hope we can find. This pastor has served the gospel well. He has now lifted his eyes from death to be received into the arms of the God with whom he walked all his years. But his gospel lives on.

It must not find its home in the hearts of we who remain and who receive a great legacy from the faithfulness of the saints who have gone before us.

For the Memory of Edward Elson. For the passion of our hearts. For the hope of the world, let us too proclaim, "I, I, am not ashamed of the Gospel of Christ."

Affirmation of Dr. Edward L.R. Elson's Ministry

(By Rev. Campbell Gillon, Chaplain, the Saint Andrew's Society)

I first heard Dr. Elson pray at the grave of the Scottish founder of the Saint Andrew's Society. Each year in December at the end of the Scottish Walk in Alexandria—a city founded by the Scots as is Georgetown—the chaplain offers prayer and a wreath is laid on the grave of William Hunter who founded the Society in 1760.

With a certain appropriate brogue Dr. Elson would give thanks for an organization whose motto is Relieve the Distressed, and whose objectives are charitable and educational assistance to Scots as well as perpetuating Scottish tradition and culture.

There are only 5 million Scots in Scotland, but their descendants scattered across the globe, number some 25 million.

Edward Elson shared that heritage. For the grandfather of his mother, Pearl Eadie, was a native-born Scot. Ed was proud of his roots and joined the Saint Andrew's Society in 1952 the year after he had written: "No man begins from "scratch." No man is really self-made. Every man inherits what other have made for him * * *. The new generation receives a legacy from the past, but it also assumes a duty to the future * * *."

So it was for him. In 1977 he became the Society's chaplain, involved in its functions and organizing annually the Kirkin' of the Tartan Service in National Cathedral. As Ed had received, so he gave, generously.

The emblem of the Society is the diagonal cross of Saint Andrew, the disciple who was both welcomer and introducer of strangers to Jesus.

Ed and Helen Elson played a welcoming role to my wife and me when in 1980 we arrived as new immigrants. Graciously they welcomed us to their home and by word and action made two resident aliens feel a lot less alien. At Ed's prompting, the Society in due course made me their Chaplain, which is why I have this privilege today.

The Elson's worshipped at Georgetown Presbyterian Church for my first Communion Service in June 1980. I do not think it was coincidence that I was asked to give the invocation at the Scottish Virginia games in Alexandria the next month.

It seemed to me a little strange that here were all these people in the heat of summer, heavily clad in kilts, tossing cabers and otherwise strenuously engaged! Why were they doing all this? Surely it was because they were thinking of a little land 3000 miles away—Scotland Afar!

I then recited some lines to which I have added another verse for today. As we think of Edward Elson, we give God thanks for his life, his roots and his goal.

Scotland Afar

Afar, O fair Scotland, we hear your pipes calling!
Afar, the Old Country, your beauty beguiles!
The mist on your mountains, when evening is failing
Envelopes my heart-land across the long miles.

Afar in some desert, remote on some island,
Away in some city pursuing dill schemes,
There's hope for the soul whose hear is still highland,
Who glimpses the loch and the moor in his dreams.

O where are your highlands, your uplifting mountain,
That rescues the spirit like Scotland the brave;
Those streams that refresh like a soul-quenching fountain
And save us from being a fool or a knave?

Scotland Afar! Your sons' and your daughters'
Descendants remember the rock whence they came
And tugs at the heart across the vast waters,
The ancestral home and the old Scottish name.

Away then with sadness, all heart-aching longing,
For scenes of the past, evanescent as wraith!
The Lord is my Shepherd who brings new hopes dawning—
A Homeland eternal; and joy born of faith.—
CAMPBELL GILLON, 1980.

Funeral Service of Edward L.R. Elson, The Congressional Ministry

(By Rev. James D. Ford)

Helen, members and friends of the Elson family,

When we give a distinguished award, we often call it the Pro Deo et Patria Award—for God and Country. Edward Elson won that award again and again. I know clergy from many denominations who have given distinguished service for God and country, but few clergy I know have made as magnificent a benefaction as did Edward.

Some years back Dr. Elson was honored by the chaplains for his lifetime of service—and how appropriate, I should say, to have the Army Chorus sing at this service today—nothing would have pleased Edward more. It was my pleasant task to introduce Dr. Elson at the dinner at which he was honored, and I pointed out in my introduction the many ways he could be introduced. He was properly called Doctor, Pastor, Reverend, Minister, (He could be called "Honorable" because he was an elected representative of the Congress) and he could be called "chaplain."

When it was time for Edward to speak, he said that he thought he liked the title "chaplain" the best, because he had so enjoyed the responsibilities that the title suggested.

Like other volunteers of the time, he left the parish ministry and served with great distinction as an Army Chaplain in Europe, rising to become the senior chaplain. Then after a celebrated service here at the National Church, he again claimed the title "chaplain" and became the chaplain of the United States Senate.

Before becoming chaplain of the House of Representatives 15 years ago, I was the Cadet Chaplain at West Point. My tie with the Elsons began when they would visit the Military Academy over 30 years ago and Dr. Elson would give inspiring sermons to the Corps of Cadets. It was during those visits that Marcy and I got to know and appreciate the wisdom and insight that was Edwards. Another personal tie that had a great effect on my life was when Dr. Elson, unknown to me, mentioned my name to Congressman George Mahon, the Chairman of the Search Committee for a new chaplain in the House of Representatives, which culminated in my election.

As chaplain of the Senate, Dr. Elson was primarily known for the public prayers at the beginning of each session and copies of those prayers have been printed and read all across the nation. But much of his ministry was the private discussions that he had with Senators and staff who sought his counsel and advice. I am certain that were the substance of those conversations known, they would ring with sound theology, practical advice, all emanating from a caring and mature faith.

Edward Elson had the characteristics one would hope would be held by a minister with his responsibilities—maturity, caring, vision, communication, a nurturing heart—faith, hope, love. But his faith was also sustained by a brilliant mind that could relate to the various traditions of theology, and a mind that was current with the concerns of the world. His expressions of faith were never retelling of old words, but the faith was seen in the context of today's problems and concerns. Those of us who were the beneficiaries of that wonderful mind, are grateful for his gift.

Pro Deo et Patria, for God and Country. Edward Elson's parish was as big and wide as his heart and we rejoice that his gifts were shared with all.

I conclude my remarks by reading from one of Edward's prayers, given in the Senate on September 12, 1972:

"We beseech Thee, O Lord, so to dispose our hearts that we may distribute the revenue of the mind and heart, the lofty idealism of the Founding Fathers, a new sense of national purpose, and a common dedication to truth, to justice and to brotherhood.

"Show us that we must first be our brother's brother before we can become our brother's keeper. Replace all covetousness and jealousy with trust and love. Draw all citizens together in the comradeship of patriots, in the fellowship of the Spirit, and in the bonds of peace.

"In the Redeemer's name, we pray, Amen."

Funeral Service of Edward L.R. Elson, the National Presbyterian Church

(By Chaplain Richard Carr)

Mrs. Elson, family and friends. I am honored to share these remarks of tribute for Dr. Edward Elson, celebrating his life and ministry, especially at this church for 27 years, from 1946 to 1973. It is also very significant that his pastorate here parallel a remarkable process of history, both nationally and religiously.

A moment to review history is very appropriate. The Nation's Capitol, into which the Elson family arrived in 1946 after a long and well remembered train trip across country from California, would be unrecognized today. It was a city of racial segregation, a city of high unemployment after the reduction-in-force of thousands of World War II workers in US government jobs, a city of the beginning of the flight to the suburbs, a city that had its own baseball team, a city that was not yet a world capitol, a city of great churches and preachers like New York Avenue Presbyterian and Peter Marshall—yet a city beginning a search for new paradigms of ministry and vision and leaders, both in the church and in the nation.

Into this cultural, social, political and religious hodge-podge, came a man of vision, creativity and commitment to his God and his church. Ed Elson wore a motto of "where there is no vision, the people perish", applying this to both church and community and nation, always through the eyes and heart of a pastor. One of his many popular books was entitled, "Wide was His Parish", emphasizing the diversity of his involvement with people at every level of society and standing, ever living the life of a pastor. Again, one of the great honors of my career was to be a part of the 50th year or ordination celebration from Dr. Elson in 1980, and remembering vividly his counsel to me of "nothing is more important nor has a higher priority than the parish ministry, that it is in the parish that God's work and the teaching of God's Word will be most effectively and faithfully accomplished." What a magnificient self-tribute for a man's commitment to Christ and His Church after 50 years of ministry!!

What a challenge for a changing church in a changing community. Ed Elson had the unusual ability and insight to combine the vision of expanding ministry of an-almost inner-city church, a few blocks south of Dupont Circle throughout the neighborhood, touching all people for all aspects of the service of the church; stretching boundaries and attracting new people in the midst of change, meeting changing needs and changing environments.

Through all the dramatic varieties of church and community duties, Ed Elson never lost his vision of raising the visibility and impact of the Presbyterian Church beyond its borders in Washington to a national and international level, a local church, the National Presbyterian Church, that could play the role of inner-city, suburban and total community Presbyterians world-wide. Thus, with much political negotiation and consensus building, much net-working for funds, support, planning, organizing, praying—especially praying, mobilizing talents like Reggie Harmon (whose life and missions were celebrated here a few months ago), others like Paul Carr with Reggie and others too numerous to mention lived and breathed the arduous times of building this church, of Lowell Ditzen, the National Presbyterian Centers parent and first director.

These activities would normally keep an ordinary person busy for a lifetime, yet Ed Elson also believed in building people as well as buildings, and programs such as the Sunday Evening Club, birthed in the aftermath of World War II in this church, nurtured by dedicated servants like Dr. Tom Stone—plus a myriad of others that met the needs of the people of the church and the community for 27 years.

What else can be said of this man who was counselor to presidents, walked with the great of the world, both religious and secular—perhaps comments about his day-to-day involvement with the church structure and organization; his strong leadership and patience in being part of the endless meetings and councils of the church and its governing bodies—no, there is one little known side of Ed Elson that I personally experienced while serving as interim pastor of Annandale Presbyterian Church in late 1967 to September 1968.

Do you remember the chaos and turbulence that followed the death of Dr. Martin Luther King in March of 1968? Do you remember "Resurrection City", that national expression of grief and recognition of Black Americans on the Mall? Did you know that throughout the Washington Metro Area, churches were on the verge of division because of the variety of opinions in congregations on supporting the effort, even to allowing visitors throughout America to use church facilities for sleeping, eating and providing transporting delegates to the Mall? And did you know that the Capitol Union Presbytery was not exempt from this potentially dangerous and divisive process?

I sat in the meeting when the debate turned ugly and in my opinion very unchristian. The senior pastor of the National Presbyterian Church issued a statement that I paraphrase, "Of all times that we as Christians should recognize and practice the virtues of equality in every form, that time is now!!" And then, he shared this story—"At a communion service in St. Pauls Episcopal Church where he served on the vestry, Chief Justice Hughes observed a Negro janitor, an elderly Christian saint with long years of service to the church, was abruptly turned away from the altar for communion. Justice Hughes knelt at the altar with his friend and shared the sacrament from the priest saying loudly for all to hear, "we all belong here as brothers and sisters, because the ground at the foot of the Cross is level".

Brothers and Sisters in Christ . . . our discipleship and evangelism and the truth of our faith is judged by the acts of love we express here today in behalf of all of God's people . . . What greater tribute can I give then to this man who was the pastor of this church, with all the recognition and honor that came his way, who was not only a man of history, but a man for all the people—a pastor for all.

Funeral Service of Edward L.R. Elson

(Family remarks given by David Edward Elson)

My father was career oriented in a profession that demanded his time and attention almost all day, seven days a week. Yet he was highly conscious of these demands and made certain that he gave time he didn't have and the full measure of his spirit to family life.

My mother would hold up dinner for the family at his insistence because he knew how important it was for the family to be together—at the beautiful manse in Wesley Heights so generously provided by this church.

He took time off on weekends to take me to sporting events, occasionally even leaving church early on Sunday, his most important day to take me to the Redskins game.

He took even more time off to take me on trips to see his hometown in Pennsylvania, or to visit historical sites.

Generosity, as Jesus said, is measured not in how much you give, but in how much you give in relation to how much you have. My father didn't make a large salary and his career made huge demands on his time. Yet he gave all his material resources and more time than he really had to his family.

He gave countless lectures and spent summer vacations writing books to put us through school.

Most valuable of all was the house in Nova Scotia he provided through his writing and the summers we had there as a family. This gave us time together and provided a sense of security and tranquility for all of us. Because the house in Washington was a manse, provided by the church, the Nova Scotia house was our true family home.

Every family has its own dynamics and our family tends to be more a collection of individuals rather than a unit. Yet the bond is subtle and strong and comes from our parents. Although my father wasn't always demonstrative in his affections, the love of his family was always present and felt by all of us. In the group of strong minded individuals that is our family there were many debates and differences of opinion. However, there was hardly an argument, never a fight.

Although I myself had many differences with my father as I was growing up, we never exchanged a harsh word.

As the years went by, through all these differences, we grew as individuals, broadened our perspective, became more tolerant, and came to accept each other as we are.

We have been and are a family in harmony and have grown as individuals and all this we owe to the sacrifices and love our father gave to all of us.

Funeral Service of Edward L.R. Elson

(Family remarks given by Eleanor Elson Heginbotham)

A Scot who ministered splendidly in Gaelic to the small churches of Cape Breton died some ten years ago. Edward Elson spoke in the tiny church adjoining our Little Narrow house, detailing the faithfulness, the discipline, the joy in service of Dr. MacKinnin. I thought then that too many of my father's friends were preceding him, that there would be no one left to honor him as he could so eloquently honor others. I was wrong. The Elsons who remain are greatly comforted by the tribute of this congregation.

There are a few people here who knew Edward Elson most of his life: his brothers and sister, of whom he was so proud: Noble McCartney, son of Edward's great predecessor, who also, as a small boy, knew my father in California; Dr. Elizabeth Stone, who knew my parents in their courting days and whose husband is honored in Stone Hall downstairs for his powerful collaborative ministry with my father; and others—old friends from every part of the life of this energetic, curious, wide-ranging man we knew as Daddy.

My brother and I speak for those who knew him best: for my mother, he was quite simply her whole life, and their mutual devotion was a high ideal for us. For the four of us he was funny, firm, generous with advice, helpful, self-sacrificing, and always, always kind. In his spinning life of churchly and public responsibilities he made time to take long summer walks with us, one-on-one, to intercede for us, to speak at our graduations, to perform our marriages. For his grandchildren, he was the genial guide and the cheering squad-quite literally—at a prep school football game or a Scottish dance concert, or in encouraging and wise letters.

For all of us, he was also what he was to most of you—the best preacher we have ever heard (there's a strong contender in the pulpit now)—and—if his prayers, in the best Scottish tradition, were sometimes a bit long—they still ring, in his books and in our ears, with his firm Christian faith.

For this man who shaped our lives I offer the words of a poet:

"Image of Light, Adieu—
Thanks for the interview—
So long—so short
Preceptor of the whole."

CABLE TV

PUSHING C-SPAN OFF AIR

Mr. DOLE. For those who have just discovered their cable TV bills went up, stay tuned because Washington will pull the plug on C-SPAN too. Last year's cable TV law is forcing cable systems to drop C-SPAN coverage and for what? In some parts of the country it was for a Home Shopping channel and in other parts it was so towns can have 4 PBS stations. I can bet that proponents of reregulating cable TV did not bargain for this type of fallout.

What do they expect when Congress gives broadcasters the right to demand carriage on a local cable TV system and the system is full? Something has to give and in this case it was C-SPAN. C-SPAN has lost 1½ million subscribers since September 1. The ironic thing about well-intentioned mandates is we often end up hurting those we are trying to help except this time all Congress has done is shoot itself in the foot.

I have heard several Members say that all these incidents were unintentional. Perhaps the most vocal has been Representative MARKEY who has probably held hearings now on what went wrong. I should remind my colleagues, however, that he is one of the principal authors of the cable TV law and over the last year he has pressured the FCC into writing the regulations the way he wants. If he is going to blame anyone, maybe he should take a good look at those who supported this reregulation. I know he did it with best of intentions, but I suggest, as often is the case when we start mandates, this is what happens.

I ask unanimous consent that the full text of the Wall Street Journal editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 21, 1993]

C-SPAN CHAOS

Last year, Congress insisted on overriding President Bush's veto of a bill to reregulate cable television. The bill's sponsors promised that most consumers would see lower cable bills. Now Members are being flooded with complaints from consumers that reregulation is often turning out to mean higher cable bills and disruptions.

One of the most unfortunate results of the reregulators' handiwork is that some systems are pulling the plug on C-Span, the popular and enormously useful public affairs channel that covers Congress. C-Span has lost 1.5 million subscribers because something called a "must-carry" rule requires cable systems to carry the signals of any nearby TV station that demands it. This means that to make way for local stations, crowded cable systems must knock something off the air. C-Span, famous for carrying only talking heads, is often the first to go.

Until now, C-Span has had an unbroken growth path. When it started in 1979 it reached only 2.5 million households. Early this year it was available to 59 million households, or 95% of those homes with cable. Since September 1, when cable systems began to modify their lineup to meet the must-carry rule, more than one million subscribers have seen service cut back on one of C-Span's two channels.

Some of the service reductions verge on the bizarre. In Stuebenville, Ohio, the local cable system had to add a PBS station from Pittsburgh, Pa. It now carries signals from four public TV stations but no longer offers C-Span. In Alamogordo, N.M., Simmons Cable dropped C-Span after it was required to add the signal of a religious broadcaster from Roswell, 118 miles away. Local viewers already had access to a local religious station. For similar reasons, C-Span 2 has been cut back to half time in Alexandria, Va., home to many Congressional employees.

Earlier this year, the Supreme Court rejected a plea to delay implementation of the must-carry rule. But C-Span hasn't given up trying. It has joined in a lawsuit with Turner Broadcasting, charging that the rule violates the First Amendment rights of cable operators.

Should it lose, C-Span president Brian Lamb worries that Congress may pass a cure for his problem that would be worse than the disease. Some Members want a law that would require cable systems to carry C-Span, and thus force them to bump someone else off the air instead. "I am totally opposed to having politicians require something be aired, even if it's my network," Mr. Lamb told us.

No doubt one of his concerns is that if Members of Congress can mandate that C-Span be carried they may someday put pressure on C-Span to cover or not cover certain events. Tom Hazlett, a cable expert at the University of California at Davis, notes that the state-sponsored network that covers California politics, called Cal-Span, clearly caters to the agenda of legislators rather than viewers.

Congress couldn't resist tinkering with the cable industry. But rather than encouraging competition to break down the artificial monopolies cable companies now enjoy, Congress imposed price controls. The ensuing fiasco was predictable. No doubt Congress will hold hearings soon at which Members will wonder what went wrong. They should make interesting viewing on C-Span. That is, of course, if your local cable system is still carrying it.

Mr. DOLE. I thank my colleague from Michigan for permitting me to proceed ahead of him.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. LEVIN. Madam President, I thought I would spend a few minutes this afternoon speaking about the North American Free-Trade Agreement which we will be getting one of these days.

There are a number of parts of the NAFTA text that make it an unfair agreement to the United States. For instance, just two of the provisions that discriminate against American products—just two of them—are as follows: First, Mexico discriminates against United States-assembled automobiles by requiring automobile manufacturers to produce in Mexico in order to sell in Mexico. We have no such provision in our law. You cannot sell an American-assembled automobile in Mexico now for all intents and purposes because of Mexican domestic laws.

A second discriminatory restriction: Mexico requires auto manufacturers in Mexico to purchase a fixed percentage of the parts from Mexican manufacturers. There is a local content requirement. We have no such provision in our law.

The argument is made that these discriminatory restrictions against American products, autos and auto parts, will be phased out under NAFTA. But with relatively slight reductions during the implementation period, these discriminatory restrictions against American products will be allowed to remain in place, as this chart shows, for 10 years. We are going to have 10 more years of Mexican discriminatory restrictions against American products, in this case autos and auto parts.

Now, we have lost, from 1978 to 1991, over 2.5 million manufacturing jobs in America. If discriminatory provisions like Mexico's are continued, even on a somewhat reduced basis, for 10 more years, many more jobs are going to be lost. Why should we incorporate into American domestic law, which is what we are going to be asked to do, provisions of another country that discriminate against American products for even 10 more days much less 10 more years?

I am going to have a lot more to say about those discriminatory provisions over the next few months, but the main point I wish to make today is that NAFTA's job-creating claims are based on a major distortion of the facts. The underlying major argument that we hear from supporters of NAFTA is that American exports to Mexico will increase under NAFTA, and, the argument goes, exports equal jobs; that when you export something to another country, it represents a job created here.

The Commerce Department hands out a book, this book that I have in my hand. It shows State-by-State exports to Mexico. And then there is another Commerce Department pamphlet which translates every $1 billion in exports into roughly 20,000 American jobs. That is what we are told by the Commerce Department—$1 billion in exports equals 20,000 American jobs that are created.

The administration claims that NAFTA will create 200,000 American jobs by 1995 as a result of a claimed $10 billion in increased exports to Mexico. They claim $10 billion in increased exports. For every $1 billion you get 20,000 jobs. Multiply it out and you come up with 200,000 American jobs newly created.

That claim, which is at the very heart of the pro-NAFTA argument, is based on highly distorted, bloated export figures for many reasons. But let me just give a few. First, those calculations—200,000 new jobs—are based on export figures alone. What they conveniently ignore is the job losses that result from some imports from Mexico into the United States. What we are given by the Commerce Department is United States exports to Mexico—"U.S. Exports To Mexico"—and then each $1 billion equals 20,000 jobs. That is this book.

Where is the book on imports from Mexico and job losses that result from some additional imports? Where is that book so that we can weigh the two? There is no such book. Where are the net trade figures so that we can see how exports they claim will be increased and imports which we know will be increased weigh out? How do they net out? We are not given that by the Commerce Department. All we are given and all each Governor uses is half the picture, half the story—"U.S. Exports To Mexico," and that nice little equation, $1 billion in exports equals 20,000 jobs. Missing is the other half of the story, the import, job displacement side of the story, which they do not deduct from the exports to give you the net figure but just leave you with the exports story.

So they give you half the picture to start with. But then it is even worse than that because the export figures are distorted, for many reasons, but I am going to focus on one. A significant part of American exports that the Commerce Department shows as going to Mexico and as being job creating in America do not represent jobs gained. They represent jobs lost in America.

Now, I know that sounds contrary to common wisdom, but it is true. Let me just give you an example. I am going to take a chart that shows an American assembly plant somewhere here in the United States, and that assembly plant gets parts from various parts suppliers.

(Mr. MATHEWS assumed the chair.)

Mr. LEVIN. That assembly plant hires 1,000 workers. Suddenly, that American assembly plant moves. It moves down to Mexico; 1,000 people out of work. The plant that assembles cars used to be in the United States, picks up and moves down to Mexico. But that assembly plant continues to get some parts from those parts suppliers. And this is typical. Two thousand plants have moved down to Mexico and opened up in the maquiladora area, 2,000-plus plants.

So this plant, typically used to assemble products in the United States, closes—I said there are 1,000 workers, they are on the street—but continues to get some parts and components from some of those parts suppliers.

What has happened, according to the Commerce Department, is that we have created jobs in that process because the Commerce Department counts as exports those same parts and components that used to be assembled in the United States that now are shipped across the border to Mexico. They have suddenly become exports because they crossed the border. They were not exports before because they were assembled in the United States. But the assembly plant closes.

This is a typical story. The assembly plant closes, some of the parts continue to flow to that plant, but now into Mexico. And because the plant is in Mexico, even though 1,000 people are walking the streets, the Commerce Department, in its export figures, shows those parts as job creating because they are exports. And we all know that $1 billion in exports creates 20,000 jobs.

By this NAFTA math, you could close every assembly plant in the United States, move it to Mexico and, providing some of the components and parts still go to that assembly plant, you will have a huge increase in jobs in America. That is the NAFTA math which is being used by the Commerce Department. And it is not a minor point.

One-third of American exports go to those maquiladoras now, and 99 percent of the production in the maquiladora area comes right back to the United States. But with NAFTA, Mexico is going to become one big maquiladora.

In conclusion, Mr. President, about a third of our exports to Mexico are not real exports and they do not create jobs. The new jobs claimed by NAFTA backers represent a gross distortion. They are based on a false assumption that increased exports should count automatically as job creators. It assumes falsely that we do not have to look at the job displacement from increased imports, and it also makes a false assumption that although a big portion of American exports to Mexico are parts and components that are then simply assembled in Mexico and shipped right back to the United States for consumption, that those are job-creating exports as well.

So, Mr. President, at the very least, when we begin this NAFTA debate we should insist on accurate data so that we can have a debate based not on a false, distorted, bloated, unsubstantiable claim of 200,000 new jobs, which ignores imports, which is based on this kind of math that assumes you can close assembly plants here and count that as job creating because you are still sending some of the parts to Mexico to be assembled, that kind of NAFTA math ought to be dropped by this Commerce Department. It has no place in this debate. NAFTA math does not add up. It does not compute.

In the real world, when an assembly plant closes in America and moves to Mexico, those are lost jobs, not gained jobs. In the real world, you look both at imports, not just at exports. You look at a trade balance, not just at half the picture which the Commerce Department has published—"U.S. exports to Mexico"—while ignoring the other half of the picture which they do not publish, which are job-displacing imports from Mexico.

I will have a lot more to say about NAFTA over the next few months.

Mr. President, at this time, I yield the floor.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are.

Mr. DURENBERGER. Mr. President, I rise to compliment my friend and colleague from Michigan. I arrive at a different conclusion from his explanation. But I assure the people of his State that this is a man who has always had their best interests at heart and a man whom I have always respected.

I will never forget the time that in our incoming class of the 1979 class, I guess, we did one of those unique things that is not done enough around here where the Democrats and Republicans all got together once a month. We invited in speakers. My friend Senator LEVIN was in charge of getting Democratic speakers, and I was in charge of getting Republican speakers. I think what we ended up with was just plain good speakers to address us.

But one of the occasions that I will not forget is the occasion on which the then president of the United Auto Workers, who had just come back from a trip to Japan, was invited, I think in 1979, to speak to us. One of the comments that sticks with me—this seems like 15 years ago whatever it was—the observation that at that time he said, well they make automobiles in Japan about the same way we do here in the United States. I think he did not spend enough time in Japan at that particular point in time.

We have learned a lot since then. But every one of us in our own communities has a stake in American industry. There is no question about that. We also have a stake in leadership in the manufacturing side, the union side, and the political side.

I am grateful to my colleague, even though I can take the information he has given me today and come to a different conclusion. I am grateful to him, as I have been in past debates here when we did Chrysler and some of these other issues, for making those of us who do not come from large manufacturing States or particularly large transportation, auto manufacturing States, for making us aware of the history and a lot of the other economic elements that go into a nation like ours upon which the rest of the world depends.

I wanted to express my gratitude to him.

Mr. LEVIN. I thank my good friend from Minnesota. We have had a lot of good times here together. We have worked together on many matters. I treasure those moments, as a matter of fact. I appreciate his comments.

I think it is important to all of us to deal with the same set of numbers as possible, at least use the same math. I do believe that my friend from Minnesota and others who come to different conclusions will be somewhat startled to learn that under the math that is used by the Department of Commerce, that the closing of assembly plants in the United States to move that plant to Mexico is a job creator in the United States if some of the parts previously assembled in the United States now flow across the border, because that now counts as exports.

Exports are translated automatically to job creation. I know what we do with numbers is important, but it is also important that we all try to have the same basic framework so that we can debate it. And what we are hoping for is that the Department of Commerce would give us the whole picture. Increased exports, which are fine—not in this case—but frequently these exports do represent jobs, but it is not automatic. That is my point. We also need the imports side of the picture, and we hope to get that. I thank my friend.

NAFTA

Mr. DURENBERGER. My colleague makes an excellent point. I think the same premise lies in health care. We are not going to get a common result until we speak the same language. That is the theme my colleague articulated today.

Several observations. As I listened to him speak, it is a description of a situation we have put up with for the last 6 or 7 years in this country. It does need to be changed. I believe that the North American Free-Trade Agreement, the one with Canada, and the tripartite one with Mexico, is the way to change the kind of description or the kind of problem my colleague described.

I happen to be of the opinion that most jobs that will leave America have already left, or their companies would not be here at this stage of the game; and that the notion that NAFTA is going to be an additional job drain defies the reality of economics.

I also want to make the observation regarding quality of products. Very few companies that I know will run the risk to have component parts which might end up, if they fail, costing the company a lot more than their labor savings going into a relatively inexperienced work force country. In other words, if you have a component part that might fail on you, cause a big lawsuit, cause the exercise of a warranty, you are not going to have that component part made in a country by inexperienced labor. You are not going to have it made anywhere by inexperienced labor. So the notion that whole cars are going to be worked on by an inexperienced labor force at this stage defies reality as well.

The plus in the free-trade agreement is that it takes down trade barriers to countries like Mexico and makes it possible for United States-made products to be sold in Mexico and makes it possible for GM, FORD, and the other auto companies to actually sell more American automobiles in other parts of the hemisphere. That is the impact of Canada and of Mexico, and it will be the impact throughout the hemisphere.

It is also a reality that foreign manufacturers are beginning to locate in the United States, rather than the other way around. This is particularly true in the auto industry, as it is in a number of other industries as well.

The reason is, first, that the markets are here. Second, the smarter buyers are here. Third, productivity is here, if you want to have it made in America. I think the productivity of the average American worker today is like five times that of the average worker in Mexico.

So for all of the reasons that you want to put a better product in the hands of more discerning buyers of products, this is the country in which you are going to want to manufacture.

Enough said on NAFTA.

HEALTH CARE REFORM

Mr. DURENBERGER. Mr. President, I regret not having been here this morning for the discussion and eventual resolution of an amendment brought to us as a sense-of-the-Senate resolution by my colleague from Minnesota, because I do not disagree with the final resolution, but I strongly disagreed with the premise on which my colleague originally laid that resolution.

I noticed that there was publicity a week or 10 days ago about his particular resolution in our State of Minnesota. It was all very positive and, for the most part, because it suggested that somehow Members of Congress and of the U.S. Senate always get a better deal than their constituents in the health care business. This is another one of those examples, as we head into health care reform, where we ought to make sure everybody is treated equally and that this body does not get special treatment.

In the course of my discussion this afternoon about the things we agree on in health care, I hope to suggest that one of the things that we ought to agree on in health care is if we are either going to exaggerate situations or create the impression of things that do not exist, we are not going to get to a common agreement on health care.

The suggestion that the problem is as simple as ripoff insurance companies, drug companies, doctors, or whatever else is not real, is not going to get us to a real conclusion. The suggestion that some people, because of their political position or anything else, are getting more access to better hospitals and doctors than anybody else, that is not real. That is not going to get us anywhere either.

It is a reality, Mr. President, that among the things that are broken in today's health care system, besides the fact that different people pay different prices for the same product, it is the fact that a problem we have today is that none of us know the quality of the care we are getting. You can give the Members of this Congress a $1,000-a-month health plan in the District of Columbia and they will not be getting, perhaps, as good health care as they would get for $300 a month in Minneapolis-St. Paul. I cannot state that as a fact, because I cannot prove it, but that is the heart of the problem. We cannot prove who the best among us are in the current system.

So the notion that somehow, because somebody has a different plan than somebody else has, or some employer is paying 50 or 100 percent, and some others are paying anything else and that is a disadvantage in the system, that is not realistic.

I did not come to the floor just for that purpose. I really came to the floor to talk about the need for common language and common understanding, and really to talk about the things that those of us, the President of the United States, Mrs. Clinton, Democrats and Republicans, who have been at this issue for a long time, have in common and how we feel about the undertaking the President has engaged in, and to share some of the optimism that I have, as somebody who has been at this for 15 years, about our prospects for the future.

I said Wednesday in a statement relating to the President's speech that the most historic thing about the speech the President made is that he was making it; the fact that this event was taking place, I thought, was a historic occasion. I have been waiting for a President to take on changing the health care system in this country for a long time.

I applauded President Clinton right off the bat for his willingness to take it on, and for asking the First Lady, Hillary Rodham Clinton, to take the responsibility and to get us to this stage. And the bottom line is that we need somebody to lead us in this country, somebody we can trust, somebody who will deal with the reality that exists in the system today, and describe to us how we got into this problem and help us, lead us out of it. And so I think it was a historic occasion, and it is a historic occasion.

Second, on the issue of leadership. Leadership means listening as much as designing solutions. I have been on radio talk shows in Detroit and Pittsburgh, as well as in my own State of

Minnesota just in the last 48 hours, and it is interesting that one of the problems you can sense we are going to have right away is that anything made in Washington is not trusted to be healthy for the American people.

On a couple of occasions, I have had the occasion to tell a story about what happened in Minnesota last weekend, because I went back to Minnesota as we took the break for the Jewish new year on Thursday, and I chose that as the time to deliver on a promise I had made earlier to the people of Minnesota, to let them know how I felt about 6 more years in the U.S. Senate, the honor that I felt to serve them for the last three terms, and I announced that I would not seek reelection.

The next day Mrs. Clinton was in Minnesota all day long, from the first of the day until the end of the day. At the conclusion of a very involved day, we had a 1-hour television program in which Mrs. Clinton and the leader of the Mayo Clinic were together in Rochester, MN. My colleague, PAUL WELLSTONE, and one of our better known, better rural doctors were in northern Minnesota, and I was with Denny and Kathy Timm, the owners of an Ace Hardware Store in St. Cloud, MN, next to where I was born and raised, in the area some of you know as Lake Wobegon.

During the course of the program, Mrs. Clinton and Dr. Wallace of the Mayo Clinic made a presentation. They went up to Moose Lake, and there was a presentation. They came to the Ace Hardware Store in St. Cloud, and the owner of the Ace Hardware Store asked Mrs. Clinton, through a series of Q&A's, to describe how we are going to pay for all this new care we are going to be giving to all these people and how it would affect his business, how would it affect what his obligations would be to full-time employees, the family, and a number of part-time employees including college students he employed.

Mrs. Clinton, as she does so well, got into an answer to a question, and she was answering it and answering it, and after about 2 minutes of an answer, assuming that the television was on her in Rochester and not knowing that on this statewide television they actually had a split screen on which I was the other half of the screen, I made one of these cut signs that we sometimes instinctively make, like, "Hey, that is enough," and immediately the First Lady of the United States got a big smile on her face and said: "Thank you, Senator DURENBERGER. I do have a tendency to ramble."

Two days later I was crossing the street in Minneapolis on my way to Sunday service, and I saw a man out of the corner of my eye sort of diverting from his path. He came over to talk to me. He shook my hand, and he said he was sorry I announced my intention to leave. He said one of the best things that happened in the last couple of days was when you went like this to Mrs. Clinton.

I said," What do you mean by that?"

He said, "Well, you know now you can be honest. Now that you are not running for something you can be honest."

I reacted to him by saying I try to be honest all the time, but sometimes it is difficult to be believable, and it is particularly true when you are in a political office and trying to carry off something like this health care reform that we are trying to carry off in this country.

It is difficult to be a leader. It is difficult to be President. It is difficult to be a Senator or Member of Congress, or whatever the case may be.

That leads me to my third point, which is the importance of bipartisanship—to a comment that I made at the White House at a meeting of the people who will be most involved in health care reform. On the morning the President made his speech, at that point in time I made the observation that I have been here on the Finance Committee all of 15 years now, and I think I have been on the Labor and Human Resources Committee half that period of time and been involved in all the health care reform we have done.

In 1979, when Congressman DICK GEPHARDT, now the majority leader of the House, and I both voted to defeat President Carter's hospital cost containment bill through the work that I have done with the now majority leader of this body, Senator MITCHELL, on Medicare catastrophic coverage, with JAY ROCKEFELLER, and others, on a variety of reforms, building partisanship in health care reform has been the rule not the exception in this body.

The observation I made to the President and others is that it is not Republicans who will make this process partisan. It is really up to the President to make sure that it stays bipartisan.

We will be a constructive critic, as we have been in the past, and we will be in the future, of some of the things that the President is doing, and I am going to do that in just a minute. But to be constructive in your criticism means there has to be acceptance of the constructive nature of what you are saying on the part of the people in the other party, the President, and others.

I have every reason to believe, leaving the White House Wednesday, more than that has been the attitude the President has given to the debate, and that will be the attitude in the future.

I rise to assure the American people that on both sides of the aisle in this body because, it has been our tradition to be bipartisan in health care reform, and we expect to continue to be bipartisan in health care reform.

Now, Mr. President, let me comment on some of the things that it helps me at this stage to understand that we all agree on in health care reform—that is everybody in this body. I referred to my colleague from Minnesota earlier who has a preference for what people call a single payer system in health care delivery. My colleague from Illinois has a similar preference for a single payer system. On our side of the aisle, we have quite a number of people, and I think the leader is Senator GRAMM from Texas who believes that if every American were equipped with $3,000 in a medical card, or something like that, we could somehow get costs under control.

In the center, so far, if you will, between those two areas are the Clinton proposal, the Republican proposal, and a bipartisan proposal which Congressman COOPER, and others have been working on for quite some period of time.

So when I talked about the areas in which there is common agreement, I am probably talking about a common ground or common area which the President, the Republican proposal, and the bipartisan proposal will have. We may have the same thing in common with our colleague from Minnesota, who has been such a leader on that side of the issue, and our colleague from Illinois.

The first is if we want to get higher quality health care for more people in this country at a lower cost, the only way we can get that is through productivity, and the only way we can get productivity is somehow making medical markets work. It is a matter of fixing the markets we have now, not replacing them.

In order to do that, we need to raise the value in all of us of quality so that people can buy real value. They know what is good and what is not good. They know what works and what does not work. They can associate that with a price and they can then make a decision.

So far, we have never had the opportunity as Americans to do that.

PAUL and I always bragged the Mayo Clinic was the best way in the world to get health care and it is relatively inexpensive. If that is true, everyone ought to come to the Mayo Clinic to get health care. Why bother stopping at GW or Georgetown when you can go to the Mayo Clinic at less expense.

The answer is people assume the care is as good out there, and the reality is we cannot be sure until they tell us what they do and what the outcomes are.

So the one area in the area I described where we have common agreement is we want to make markets work.

The difference between the Republican approach and the bipartisan approach, on one hand, and the President's approach is that we believe there ought to be national rules for markets to work as there is for everything else, and then local markets operate to bring value to the individual consumer, not State government—local markets.

The notion that somehow 50 State governments and the District of Columbia deciding how we are going to change the delivery of health care in this country rather than one Federal Government does not make a lot of sense to me. I mean a market is a market, and having the Government running the marketplace has never worked in this society.

The second key agreement that I believe we have is on the need to reform how we buy and sell health insurance. Last year we passed twice in this body by unanimous vote a bill sponsored by then Senator Bentsen from Texas and myself on insurance reform—and 97 to 0 was one of the votes. It could have been close to 100 to nothing on the second. There is almost unanimous consensus that we need insurance reform in this country.

In addition to that, all three of these plans I am talking about say we need to convert the notion of insurance from a bill-paying service or indemnifying doctors and hospitals for the costs of their charges to an accountable health plan where the health plan does more than pay the bill. It makes sure that we know what we are getting before we even have to make the decision, and that after decisions are made, all of the incentives are on the side of keeping us healthy, diagnosing, and restoring us to health as quickly as possible. That includes a wide ramification of health not just the acute care as well.

So all of the things that need to be done—get rid of preexisting conditions as an exclusion, get rid of denial of access to insurance, get rid of throwing people out of a plan at the end of the year, all that sort of thing we have agreement on across the board.

The notion of an accountable health plan I believe we have while we do not know what that is except some of us from places like Minnesota, where we think we are getting close to that sort of thing and that kind of a situation we may not be able to put our finger on it exactly, but we know it works. We know it can make a difference.

Again there is an area. While we have not accented as we should, we spend more time talking about health alliances, and things like that. To say it would change the medical practice, they will not. It will empower us to buy an accountable plan. It will be a health plan that actually changes the way medicine practices in this country. It is the irony of the agreement. I think it is absolutely terrific.

Third, I agree our system should preserve an employer base so that the working people continue to get their health benefits through their employment.

The unfortunate part about the Clinton plan is it does not include the very best that employers can offer. His proposals would basically turn employers into checkwriters. Eighty percent of the cost of the employee's premium gets written by the employer. And the reality is that employers do so much more than subsidize access to health care for the employees. They have been, and always will be, partners in trying to improve the quality of health care.

Come to our community of Minneapolis-St. Paul, and across the State of Minnesota; it is employers that have worked to force the system to change. It is employers who work with their employees on lifestyle changes and on a variety of other ways in which employees can be rewarded for using the system better. So they are the ones that are out there fighting for lower prices, higher quality, more availability of choices, and so forth.

I think it is very critical, in comparing the Republican and bipartisan approaches with the President's approach, to recognize that employers have a much greater value to this system than simply check writers.

Having said that, the notion that you sign off on the employer as writing 80 percent also defies the reality that employers are so differently situated, as we have just heard from our friend from Michigan, that it would be unconscionable to hide the cost of universal coverage in these 80 percent employer mandates.

The fourth and last point to make is the role of government. Here the critical role of government is twofold. One, it sets the rules. Instead of having health insurance be a State function like all other insurance, which has helped to ruin this system, we are going to have national rules of how accountable health plans will work; how these alliances will work; what are the rules.

But we are not going to tell them how to operate. These alliances are owned by consumers, and we are not going to tell them how they are going to buy a product. That is up to them. Accountable health plans are owned by the owners, not-for-profit owners, of the health plans. They are integrated with doctors and hospitals and others in our communities. We are not going to tell them how to practice medicine or how to deliver a product, or they will never get to us the condition they want.

We set the rules. But the most important thing we do is subsidize access. Markets cannot give us equity. Markets can give us better quality, more product, more variety, lower price, but they cannot give us equity. Only we can do equity. Only we. Only public policy can do equity.

At the State level, at the community level, equity is in getting service to the poor, to inner cities, to rural areas, and so forth. That access is part of equity.

At our level, it is incorporated in the $400 billion we are spending today on Medicare, Medicaid, and tax subsidies, a lot of which is not going where it could do the most good.

So I think the great challenge to this body—and I think this is what the chairman of the Finance Committee was saying on Sunday. I think this is what he was saying on Sunday: Welfare reform is not something over here, health care is over there, and Medicare is here, and something else is over there. We are talking about the income security of the people of this country, and we are talking about the role of the National Government in guaranteeing that income security.

And so we cannot let the opportunity go by in this country of taking a look at Medicare and Medicaid, both invented in 1956 for the conditions of 1956, and turn them around so they begin to work for low-income people, the elderly, and people with disabilities in this country. They do not now.

It is unconscionable in a nation like this, where people have good health plans when they are at work but, once they reach age 65, they have to take this part A and then part B and then the Medicare supplemental, or Medigaps, or something like that, and it drives them crazy. We do not have to run a system like that.

In our community and some others in this country, the elderly and disabled can buy one health plan from the same plan that they bought it from while they were at work. The Government's role could and should be to pay a fixed dollar amount to that health plan based on the elderly person's age and health condition. No more Health Care Financing Administration, no more paperwork, no more confusion, no more fear, no more excess buying of Medicare supplementals and any of that sort of thing.

So I would argue to my colleagues that the debate is probably not going to be over how we are going to contain costs and increase quality. I think in that area we are fairly close to agreement. There is an issue of timing. There are some people who believe we have to have universal coverage or we cannot make markets work. That is not true. We cannot get the universal coverage unless we get the costs under control, because the financial capacity is not here to do that.

So on that issue, I think, the greater debate in this body will be: Do we have the courage to do major reform in the restructuring of Medicare and Medicaid; take on long-term care; take on the inequities in the tax subsidies; and when we do this, do it right?

Having said that, let me say that even though this sounds like a big task, I am impressed by the number of people that are out there asking questions on talk shows, television, wherever the case may be. That is impressive. And I think the American people are ready. I trust this body is more ready than it was 2 years ago when this debate began.

I also believe in the bipartisanship that I talked about earlier when I rose to speak. The President has said he would like to see this job done a year from now. He would like to see the same people that were at the White House Wednesday morning back there in a year. I believe it is possible. I do not think there is any question about whether or not that is a possibility.

But in terms of the debate, we have to get the common language, we have to get a way to estimate the right kind of dollar figures we are using, and we have to be constructive—constructive in the way in which we present the facts to the American people.

Mr. President, with that, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, the Senator from Kansas and the Senator from Illinois were kind enough to give me less than 5 minutes. I promise to respond to just a few comments by my colleague from Minnesota, whom I enjoy working with.

I do wish my colleague could have been here during the debate because I think that some of his comments were not so really anchored in the debate we actually had this morning.

My colleague talked about pharmaceutical companies and insurance companies. That really was not the debate, although certainly people in Minnesota and the country worry about pharmaceutical companies when the costs go up 153 percent over 10 years.

People I meet at the State fair are very angry when they cannot receive good insurance coverage, or they have to prove to the insurance companies that they will never use it in order to be able to obtain it. And we all know of the reports that deal with the administrative bloat.

Of course, there are reasons to focus on the insurance industry. I think the thing that bothers people the most in the insurance industry and pharmaceutical industry is they see a kind of mix of money and politics, and they just simply do not want to have reform hijacked by big-ticket interests who all too often can dominate the process.

And I agree with my colleague that I really believe there is going to be a commitment on the part of all of us to get the work done. We may have different perspectives, but we will come together. This morning, the final amendment that we agreed to is a strong signal that there will be comparable quality when it comes to the kind of health package, benefits, where the premium is set, and what people in this country are able to receive; people want to make sure.

This is what the President said when he talked about: You are going to have good insurance coverage for yourself and your loved ones, and it cannot be taken away. What this amendment said was let us make sure we do not have all different sorts of stratifications, and let us make sure what we vote for our constituents is something we really think is of high quality, and that we have comparable high quality plans for all of us. That is really the point.

Now, I thought I heard the Senator say that this was sort a nonissue. But I have to say to the Senator that the reason I signed on here pretty early to a resolution—which we then did not have to introduce—that Senators not have free health care until we pass some kind of universal health care coverage, is because I think the people in this country and the people in Minnesota thought that was a bit unfair.

So I do not think it is so out of the ordinary or so off base for all of us to just simply, on the floor of the Senate, finally come together around an amendment which makes it clear that when we think about what is good for our constituents, we really want to think about those kinds of standards for ourselves.

We will all have choices, but we do not want to have different tiers of plans where some people, because of income and means, are able to opt out for a much better quality plan. That is really what I think we all agreed on today on the floor of the Senate. And I, quite frankly, think that is something we have to live up to.

And, by the way, that really was a mandate from Minnesotans, as I see it, because I think the people in Minnesota want to make sure that that is what we live up to.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I appreciate the comments of my colleague from Minnesota. I am glad he was here to respond.

Let me, because I was not here for the debate, acknowledge that. But let me acknowledge that I read his resolution when it was introduced. I have it in front of me right now. I read the publicity in Minnesota. I read the cartoons that have appeared in the papers in Minnesota about it.

I can say, as somebody who has been here for 15 years—I will just read the resolution—I can say my constituents and his constituents and a lot of people around the country are of the belief that we are already advantaged over everybody in the country; that in many respects, whether it is free parking or haircuts or pensions or whatever the long list would be, there is a presumption out there that you can tell is reflected in the people you meet and the people you see and the way in which we are treated editorially, that somehow or another we always seek an advantage over our constituents.

The resolution which my colleague introduced indicated, among other things, that the reform is likely to include a standard health care plan designed to be affordable to average Americans. There is no question about that. He goes on to say, "but also will make more expensive plans available to those who can afford them." Of course, that is true. That is the nature of the process. You have a basic benefit and then you have the right of people to buy more services.

What is implicit in the President's proposal is that we are not going to subsidize with our tax dollars any more than the basic benefit that everyone actually needs. It is true people can buy more services from the system, but not at the expense of the taxpayer.

So it is true there will be more expensive plans available to those who at least are willing to pay for them. But the suggestion that is implicit in this, that somehow or other we may end up in that category because today we may be in that category, is inaccurate.

If the Senator would like to take the time, I brought the Federal employee health benefit plan with me and I will be pleased, for the benefit of my constituents in Minnesota, to walk through our current coverage, because I get this all the time, wherever I go, the suggestion that we have got a better deal than everybody else has.

I invite anybody to look at the Federal civilian employees' Federal health benefit plan for 1992 and go through and find out what it is we buy, what it is we pay for it. We buy the same product every one of the 3 million Federal employees of this country buy, and the payments are roughly the same. Except I have noticed, interestingly, the same product in Minnesota costs about half as much, both to the Government and to us, as that product costs here in Washington, DC, because of the difference in the prices.

But, in effect, we are all buying whether it is Alliance, APWU, GEHU, the Mail-Handler, NELC, the Post Masters, some HMO's, basically, we buy the same access into the District of Columbia system or the Minnesota system that all Federal employees do.

I am always asked this. I just checked with the Governmental Affairs people on this. For the record, the amount of contribution that the people, our employers, make to our plans averages somewhere between 70 and 72 percent of the premium cost. That may vary from year to year. It may vary from time to time. But the average employer contribution is between 70 and 72 percent of the premium cost, which means we pay somewhere between 28 and 30 percent of those costs.

Again, this is probably more than somebody who is self-employed. It is probably more than a lot of people whose employers pay only 50 percent. It is less than the auto workers in Detroit and St. Paul and places like that who have 100 percent of their payments paid for them. But that is just the reality.

The suggestion, implied or otherwise, that somehow we have set ourselves up here in the future, or in the present, to have an advantage over anyone else just does not meet the reality. It has never been suggested we would. It is implicit in the way in which this body has operated, at least recently, that we will not. And it is of the nature of health care reform that every American will be entitled, and every American will have the opportunity, to own an accountable health plan with a nationally certified, if you will, basic benefit package. It is the responsibility of this body to make sure it is affordable to everybody in this country. That is why I talked about the Medicare/Medicaid tax subsidies and so forth.

The third point in my colleague's resolution, the differences in the prices of the plans could result in differences in quality—we could stand here and debate quality all day long. Again, there is an implication—and I am taking the time to do this not to be critical of my colleague, but simply because as part of the debate on health care we have to understand what we are talking about. Differences in prices of plans have nothing to do with quality —nothing to do with quality. The difference in quality is where you get your health care.

President Clinton has recommended to us that every American own a health plan and that they buy those health plans all in the same place, one of these companies I just read. When you walk into GW Hospital or you walk into the emergency room of our neighborhood hospital here or you walk into a clinic anywhere where any American with one of these plans, whether you got it because you are poor, whether through a subsidy because you are elderly, or whether you got it at General Motors or the Federal employees, you are going to get the same care. That is the whole point of doing reform. And whether you pay twice as much in Washington, DC, as you pay in Minnesota has nothing to do with the quality of the care. In fact, I would argue you get a better deal on quality in Minnesota, even though the prices are half.

So that is the only point I wanted to make. The suggestion that differences in prices equate with differences in quality is just not factual.

Mr. WELLSTONE. Will the Senator yield for one question?

Mr. DURENBERGER. I will be pleased to.

Mr. WELLSTONE. I will finish up because I promised the Senator from Kansas I would not take much time. She was kind enough to let me come to the floor for a moment.

First of all, if you look at the health care system right now, it is certainly true that the amount of money you have, or the cost of a particular plan you are participating in, may not lead to the best quality health care. That may be true. But people in the country would find it hard to believe that right now your economic means does not have something to do with the quality of health care you can purchase. That is what we are trying to end. Nobody believes that is not the case right now, I say to the Senator, in Minnesota or anywhere else.

The second point, and I am done, by way of a question or a comment is, we ought to look forward. All this resolution—I think the Senator should have been here this morning, because he would have understood that what we agreed to was that when we set this package of benefits and we talk about the level that this plan is going to be set at—I heard the Senator say he thought we ought to do cost containment first before we do universal coverage.

I have a different view. What we said today is, by golly, we want to have comparable quality health care plans. That includes benefits, that includes the way they are designed, that includes the quality of the caregivers, what is there for ourselves and our children. We want to make sure that is something that Senators participate in and Minnesotans participate in. That is all that was finally agreed to on the floor of the Senate today, and for the life of me I cannot understand why the Senator would be concerned about that.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I was not there for the debate. That is why I am sticking with the words of my colleague's resolution. I am not reading anything into the record that I was not here to listen to this morning. I am dealing with his words. I also acknowledge the final resolution I could support, too. There is no question about A, B, C, D, and parts 1 and 2 of the sense of the Congress. It is a wonderful idea. I believe we would have come to the same conclusion whether we had a sense-of-the-Senate resolution or not.

But I do know there were a number of cosponsors of my colleague's original resolution, and maybe it is to them I speak, including Senator HARKIN, Senator FEINGOLD, Senator METZENBAUM, and perhaps others who are not on here. "The best guarantee of equity in a social program is to include people of all income levels and social classes in the same system with the same benefit." I think you can argue whether equity is as I described it earlier or equity is putting everybody in the same plan. But the reality is that equity is a job that we do in this place, and we need to do it well, and we need to do it appropriately.

The idea that my colleague suggested on the floor here today—not this morning; he may have debated it this morning—that different people get different levels of health care today based on their ability to pay is certainly true. But the way this reads, differences in the prices of plans could result in differences in quality. That is not true, because you have before you a basic Clinton proposal that everybody in America will come into the system through a plan and their treatment will not depend on their level of income.

The fifth point that is made here: Members of Congress should not create a system designed to impel millions of their constituents to join health care plans they themselves are unwilling to join.

That is nice language, and other than some of the implications that I talked about earlier, I just want to read that into the RECORD because that is the nature of every other country's system in the world.

Members of Congress should not create a system designed to impel millions of their constituents to join health care plans they themselves are unwilling to join.

In every other country of the world, there are two tiers of medicine in which millions go into one level of care, and those who are privileged in some way by position or something else go into another. That is one of the reasons.

I will conclude at this point, that is the reason, the principal reason why we insist, the President insists that we have an American solution for an American problem.

Mr. President, I appreciate the indulgence of my colleagues. I am sure we are going to have literally thousands of hours of opportunity to debate this issue. My purpose in coming to the floor is to begin right off the bat to say we need to be constructive in this debate. We need to be bipartisan in this debate, and we need to acknowledge the fact that we cannot all be the leaders in this debate.

I think the President and the First Lady, particularly, have begun to show the leadership this country needs, and we are all grateful to them for that.

Thank you, Mr. President. I yield the floor.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

SOUTH AFRICA DEMOCRATIC TRANSITION SUPPORT ACT OF 1993

Mrs. KASSEBAUM. Madam President, I am pleased today to join with

Senators SIMON, MITCHELL, DOLE, PELL, HELMS, LUGAR, JEFFORDS, KENNEDY, MOSELEY-BRAUN, LEVIN, FEINGOLD, SARBANES, ROBB, MOYNIHAN, COVERDELL, STEVENS, and SPECTER in introducing the South Africa Democratic Transition Support Act of 1993. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. EXON). The clerk will report.

The bill clerk read as follows:

A bill (S. 1493) to support the transition to nonracial democracy in South Africa.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mrs. KASSEBAUM. Mr. President, Senator LUGAR was chairman of the Foreign Relations Committee and a strong leader in passage of the Comprehensive Antiapartheid Act of 1986. I would also like to express appreciation to Tim Trenkle of my staff and Adwoa Dunn of Senator SIMON's staff for their hard work in putting together this legislation today.

Only minutes ago, African National Congress President Nelson Mandela announced at the United Nations that all international economic sanctions against South Africa should be lifted.

President Mandela's speech followed yesterday's vote in the South African Parliament to establish the Executive Transitional Council. This action paves the way for democratic, nonracial elections in April 1994. For the first time, black South Africans will have a formal role in the running of their country.

Mr. President, this is a historic step in South Africa's long path from apartheid to democracy and freedom.

In 1981, when I became chairman of the African Affairs Subcommittee, it was difficult to imagine that I would see a democratic South Africa in my lifetime. Under the leadership of President Botha, the white South African Government showed little signs of loosening its grip on absolute power. At that time, the Senator from Illinois, Senator SIMON, was a Member of the House of Representatives. He has been a long and dedicated leader in denouncing apartheid in South Africa. And now as the chairman of the African Subcommittee of the Foreign Relations Committee, he has seen the realization of a long and valued effort that he has fought from both sides of Congress.

Yet, little more than a decade later, the President of the South African Republic, F.W. de Klerk, embarked upon a courageous path toward democracy. Clearly, external pressure, including sanctions, played a role in these changes. Black South African protests against apartheid provided positive reforms and, perhaps most importantly, apartheid itself, as a repressive system, could not continue to sustain itself indefinitely.

Mr. President, now South Africa is preparing for nonracial elections. It cannot turn back the clock to the era of apartheid and repression. Democracy will soon come to all the people of South Africa.

Nevertheless, the path ahead will not be easy. Many tough issues remain to be resolved.

Violence has become endemic in South Africa. Ethnic tensions, political rivalries, and police inaction have combined to fuel the brutal killing in South African townships.

Certain political groups, including Inkatha and the Conservative Party, have boycotted the political negotiations. If they remain outside the transitional executive council, they could disrupt the transition and they will miss the opportunity to be players in the process. I hope these organizations will soon rejoin the political talks.

But perhaps most importantly, the economy in South Africa continues to deteriorate. Unemployment now exceeds 40 percent, with much higher rates in the townships. If South Africa is to meet the growing expectations among its population, it must generate strong economic growth.

For this reason, it is incumbent upon the international community to remove all remaining economic sanctions to help jump-start the South African economy. It also signals the international community's strong support for South Africa.

Mr. President, the legislation we are considering today takes several important steps to support the peaceful transition toward democracy in South Africa. Today, we repeal the remaining Federal economic sanctions against South Africa which now act as an impediment to growth. This bill completely rescinds the Comprehensive Antiapartheid Act. It ends restrictions on United States voting for South African loans at the International Monetary Fund; it eliminates conditions on United States Export-Import Bank activities in South Africa; it removes obsolete provisions of United States law relating to apartheid.

In addition, this legislation strongly urges State and local governments to repeal their sanctions. Over 160 State and local governments continue to impose sanctions against South Africa. These sanctions remain a serious obstacle to United States investment in South Africa. This bill encourages United States businesses to invest in and trade with South Africa. The Overseas Private Investment Corporation, the Trade and Development Agency, and Eximbank should actively encourage United States business activity in South Africa.

Finally, this legislation restructures the United States assistance program in South Africa to respond to the changing realities in the country. In particular, I support U.S. aid for the electoral process and for groups working to end the violence, including the Goldstone Commission.

Mr. President, South Africa has been gifted with two extraordinary and courageous leaders at this critical stage in its development: Nelson Mandela and President de Klerk. However, I fear that these two men and the political center they represent may be losing power to those on the fringes. On the right, extremists want desperately to cling to their power of privilege. On the left, radicals are losing patience with the slow process of peaceful change. South Africa is at a crucial turning point.

The success of its transition is critical not only for South Africans but for the stability and development of much of the African continent.

Now is the time to act in support of peaceful and democratic change in South Africa. The legislation we will be passing today takes an important step in this direction. The U.S. Senate is on record in support of peaceful and democratic change in South Africa. The legislation we will be unanimously passing today is testimony to that support.

As Israeli former Minister Peres said of the historic peace agreement between Israel and the Palestinian Liberation Organization, people must start buying tickets for the future. Nelson Mandela and F.W. de Klerk have bought their tickets for the future, and this is one small way that the United States is on record today to say we want to lend support to that process. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Mr. SIMON. Mr. President, first I wish to commend my colleague and your colleague, Senator NANCY KASSEBAUM, for her leadership and her interest in the African situation.

There are no votes, or very few votes personally in Kansas for a Senator from Kansas to take an interest in Africa, but she has done it out of a commitment to serve our country as well as to serve Africa and has done a superb job. And let me add that I am grateful to her staff and to Adwoa Dunn who has headed these efforts on my staff. Adwoa Dunn will be very shortly going to AID, and we expect to continue to get her advice and counsel in the Senate. I am grateful to her. And Senator LUGAR very properly was mentioned by Senator KASSEBAUM. He played a very key role as a principal sponsor of the major sanctions bill.

Senator KENNEDY has been very much interested in this all along, Senator SARBANES has, and a former colleague of ours, Senator Cranston, also has been very effective.

Senator KASSEBAUM properly mentioned the meeting at the White House a week ago Monday where Prime Minister Rabin and Chairman Arafat were there and we saw history made. We have seen history made in South Africa, and it is in large measure, not solely but in large measure due to the vision and courage of F.W. de Klerk and the lack of bitterness as well as vision of Nelson Mandela.

It is incredible to me that a man can be imprisoned 27 years and walk out and not be bitter at the world. If someone wrongfully imprisoned me for 3 days, I think I would be an extremely unhappy person. But the combination of their leadership has been absolutely vital.

After my first visit to South Africa, I came away very depressed. My guess is that was the reaction of Senator KASSEBAUM also after her first visit to South Africa. I thought South Africa was headed inevitably toward massive bloodshed. I could not conceive at that point that there could be a President de Klerk who would free Nelson Mandela and take the steps that have been taken.

But when apartheid was still dominating all decisionmaking there, Congress passed our sanctions legislation which has played a very key role in the South African situation. We cannot quantify it, but those who played a role in that I think can have some understandable pride in all of this.

But as the preamble to the legislation that is now before us mentions, we are about to begin a new era in the history of South Africa. It does not mean there are not going to be problems, just as when the Berlin Wall comes down it does not mean there are not going to be problems in Eastern Europe. When Prime Minister Rabin and Chairman Arafat shake hands does not mean there will not continue to be problems. But it is a new era. Change is there in South Africa, and it is going to be for the better.

The removal of sanctions is a first step. We have to assist South Africa. There will have to be commercial investment. And I would say to our friends in South Africa, do not expect, with the lifting of these sanctions, an avalanche of investment. Investors are going to want to know that there is stability in South Africa, and those who move to the extremes of violence in South Africa, from either extreme of the left or right, are doing substantial damage to the economic future of South Africa.

We have to help in a variety of ways, and where we can help South Africa, whether it is with elections or in other ways, we should be willing to do so.

What is happening in South Africa I would finally add, Mr. President, is good news for the whole region. You take Mozambique, and you go around that whole tier of countries next to South Africa, all of them will be beneficiaries. Right now, while we are meeting here, I am keeping the Foreign Minister of Tanzania waiting in my office. They are not going to be a recipient of the benefits of this as much as Mozambique and some of the others, but it is a ripple effect that will help all of Africa.

I am very pleased to join Senator KASSEBAUM in introducing this legislation and seeing that we pass it today. I am pleased that you have every point of view in the Senate joined in terms of cosponsoring this and that it has been cleared on both sides.

Mr. PELL. Madam President, yesterday, a new era officially began in South Africa. The Parliament in Cape Town, South Africa, voted to give black people a role in governing their country for the first time.

This development has given Nelson Mandela the opportunity to call for the lifting of remaining United States sanctions against South Africa. Today, as he addressed the U.N. Committee Against Apartheid, Nelson Mandela asked the world to accompany South Africa into this new era by answering this call. We in the Congress are answering that call by introducing comprehensive legislation to repeal the last economic sanctions against South Africa.

I am thankful that circumstances now compel us to introduce this legislation. In 1986, the Senate responded to the racial injustice in South Africa by placing sanctions on the regime there. The Congress and the American people supported this action and answered with further sanctions at the State and local level. In my own State of Rhode Island, groups such as Rhode Island Divest were very active in fighting apartheid, and worked through the State legislature to impose sanctions on South Africa. Together with the brave peoples of South Africa and the responsible members of the international community, they took a stand in this battle and helped to bring about the dismantling of apartheid.

Now it is time to help put in place a post-apartheid, multiracial system. It is time to focus on rebuilding a new South Africa. This legislation aims to do this by paving the way for a new Government in South Africa to benefit from multilateral lending and trade concessions appropriate to a developing economy. I urge State and local governments to also respond to the needs of the new South Africa by repealing their own sanctions legislation.

I sincerely hope that South Africans will soon know economic prosperity in conjunction with their new democracy. With the lifting of economic sanctions, we are signaling to South Africans that we stand ready to support them in their struggle to reinvent their country.

Madam President, I urge my colleagues to support the South Africa legislation.

Mr. LUGAR. Mr. President, I rise to cosponsor the South African Democratic Transition Support Act of 1991.

Earlier today, Nelson Mandela, the leader of the African National Council asked that the remaining sanctions imposed on South Africa over the years be lifted. He made his request at a meeting of the United Nations Committee Against Apartheid in New York City. I believe that all responsible segments of South African society now concur with his judgment. This legislation, if passed, would honor that request.

Our proposed bill and Mr. Mandela's request to lift the remaining United States sanctions follow the vote yesterday in the South African Parliament to set up the Transitional Executive Council, TEC, a multiracial body that will guide South African society through the tumultuous period leading up to the nonracial, one-man, one-vote elections scheduled for April 1994. Its passage clears the way to near-universal support for lifting existing sanctions and the restoration of normal economic and political ties between the United States and South Africa.

The bill we are considering today will remove virtually all remaining sanctions in the Comprehensive Anti-Apartheid Act of 1986. Many of the major sanctions in that act were lifted on July 10, 1991, by President Bush after South Africa met certain conditions that were required before the President could act to normalize our commercial and political relationship. This bill will also repeal the prohibitions against United States Export-Import Bank loans to South Africa and remove the requirement that the United States oppose all South African applications for loans to the International Monetary Fund, IMF.

If we pass this legislation, I should point out that there will still be many United States-origin economic sanctions on South Africa. More than 160 State governments, city councils, and other governmental units still prohibit procurements from companies doing business in South Africa. Universities, private pension funds, and other United States investors still have restrictions or prohibitions against doing business with firms doing business in South Africa. Eventually, I hope these sanctions will be modified or repealed. I hope their removal will take place as soon as possible. Repealing these sanctions will be important to revitalizing the economy of South Africa, a necessary condition for a smooth transition to a nonracial democracy. Our bill encourages State and local governments and all private United States entities to rescind restrictions on their economic involvements in South Africa.

The economic and social structure of South Africa is in desperate shape. Unemployment in South Africa exceeds 40 percent, housing shortages are serious and chronic, health care and educational needs are critical, while transportation and agricultural deficiencies are widespread. Each must be addressed if South Africa is to make progress in its postapartheid era. South Africa cannot make progress toward a nonracial democracy unless its economy grows and expands into all segments of society. Nor will the social and economic inequities in South Africa be removed unless the South African private sector and free markets take on the special task of creating new opportunities for individuals and groups. It will find it more difficult to do so if these sanctions are not lifted.

Progress toward democracy and market economics will provide attractive opportunities for United States trade, investment, and exchanges with South Africa. If its transition is smooth and free of chronic violence and if its economy is open and free, business opportunities for American investors should be extensive. South Africa has the most advanced physical infrastructure on the continent and compares favorably with many industrialized countries around the world. It is rich in natural resources, has talented human resources, modern technology, and other prerequisites for a health economy. Our bill will facilitate more economic interaction between our two countries.

United States activities through the Agency for International Development, the National Endowment for Democracy, the International Republican Institute, the National Democratic Institute and other groups have been in the vanguard of training and other assistance programs to help build a just and democratic society in South Africa. This bill will authorize various funding programs for continuing these and related activities which contribute to the evolution of a democratic society and a free market economy.

Mr. President, the odyssey of South Africa over the past decade has been a remarkable one. Under the extraordinary leadership of President de Klerk and Nelson Mandela and their colleagues, South Africa has been embarked on a perilous, but long overdue, journey of hope. It has been a journey away from institutionalized racism and toward a just society. It has been a journey of social and racial healing. It has been a journey in which injustice and social degradation have been repudiated. It has been a journey that looks to the future of South Africa, not to the past. That journey will be very bumpy unless the existing sanctions on South Africa are repealed.

Finally, let me say that I am proud to be a cosponsor of this proposed legislation. If passed, it will go a long way toward addressing the serious human and institutional problems of racial injustice which gave rise to the near-universal demand for international economic sanctions on South Africa in the 1980's. In the end, the courageous people of South Africa will determine the pace and the content of its future and we wish them well. But, passage of our bill will help their efforts.

Mr. MOYNIHAN. Mr. President, I am pleased to be an original cosponsor of S. 1493 to support the transition to nonracial democracy in South Africa.

This legislation makes clear the support of the Congress for a transition to a peaceful, stable and, above all, democratic future for the people of South Africa. This has been an age of miracles. The collapse of the Soviet Union. An end to the Berlin Wall. Israelis and Palestinians shaking hands on the White House lawn.

And now, a call by the African National Congress for an end to sanctions on South Africa. Nelson Mandela leading the ANC forward into a future of majority rule for the people of South Africa. Make no mistake, this is a historic occasion for which so many have worked and suffered and struggled.

We have not reached the end of the road. We must remain vigilant, watchful. Helpful where we can be so. I congratulate the people of South Africa for this achievement and pledge—along with my colleagues—that we will play our part to help solidify democracy in South Africa and to help where we can to heal the hideous scars left as a legacy of racism and apartheid.

Mr. PELL. Madam President, yesterday, a new era officially began in South Africa. The Parliament in Cape Town, South Africa, voted to give black people a role in governing their country for the first time.

This development has given Nelson Mandela the opportunity to call for the lifting of remaining United States sanctions against South Africa. Today, as he addressed the U.N. Committee Against Apartheid, Nelson Mandela asked the world to accompany South Africa. Today, as he addressed the U.N. Committee Against Apartheid, Nelson Mandela asked the world to accompany South Africa into this new era by answering this call. We in the Congress are answering that call by introducing comprehensive legislation to repeal the last economic sanctions against South Africa.

I am thankful that circumstances now compel us to introduce this legislation. In 1986, the Senate responded to the racial injustice in South Africa by placing sanctions on the regime there. The Congress and the American people supported this action and answered with further sanctions at the State and local level. In my own State of Rhode Island, groups such as Rhode Island Divest were very active in fighting apartheid, and worked through the State legislature to impose sanctions on South Africa. Together with the brave peoples of South Africa and the responsible members of the international community, they took a stand in this battle and helped to bring about the dismantling of apartheid.

Now it is time to help put in place a post-apartheid, multiracial system. It is time to focus on rebuilding a new South Africa. This legislation aims to do this by paving the way for a new Government in South Africa to benefit from multilateral lending and trade concessions appropriate to a developing economy. I urge State and local governments to also respond to the needs of the new South Africa by repealing their own sanctions legislation.

I sincerely hope that South Africans will soon know economic prosperity in conjunction with their new democracy. With the lifting of economic sanctions, we are signaling to South Africans that we stand ready to support them in their struggle to reinvent their country.

Madam President, I urge unanimous support of the South Africa legislation.

Mr. KENNEDY. Mr. President, I give my strong support to this measure to repeal economic sanctions against South Africa and to encourage the development of a nonracial democracy in that nation.

Following decades of repressive apartheid policies, South Africa's Parliament yesterday approved the end of exclusive white control of its government by creating a multiracial body, the Transitional Executive Council, to oversee key government functions. All friends of freedom and democracy hail this important step toward the end of the cruel legacy of apartheid and the beginning of nonracial democracy in South Africa.

Great credit for this historic achievement must be given to Nelson Mandela, President F.W. de Klerk, and other courageous leaders in South Africa who have worked hard, and sometimes at great personal risk, for the principles of freedom and justice. It is a sign of great hope that more and more South Africians are joining in this process of peaceful change.

This victory for the people of South Africa is also a gratifying achievement for American foreign policy. Sanctions by the United States and other nations played a critical role in expediting reform. As a means of foreign policy pressure, sanctions have a mixed record. They have not always worked as well as these sanctions have worked. I am sure that economists and historians will be analyzing these sanctions as an excellent case study for the future.

Now, with our support, the forces of democracy, justice, and freedom can move forward with new confidence to create a new South Africa. In light of the dramatic developments of recent months, leaders on both sides in South Africa agree that the sanctions should be lifted. The continuation of such measures is clearly doing more harm than good.

The bill we are introducing today will repeal most provisions prohibiting economic contact with South Africa, and repeal the remaining provisions upon the President's certification to Congress that an interim government had been elected in South Africa on a nonracial basis through free and fair elections.

The United States must stand ready to assist the people of South Africa in the establishment of their new nation. The Clinton administration has already pledged to enhance this county's assistance for the national peace accord structures and for the election process through programs on voter education and training for political parties.

The legislation emphasizes the importance of continuing assistance to South Africa during the transitional process to a new democracy, especially to help South Africans victimized by apartheid, to support democratic institution-building and activities to prepare for the election, to end political violence, and promote human rights.

For decades, the vast majority of South Africans—over 90 percent of the country's population—have suffered under the repressive and reprehensible system of apartheid. Finally, South Africans of all races can join hands and work together to provide for their common future, and they deserve our support. I urge my colleagues to join in affirming our commitment to a nonracial democracy in South Africa by enacting this important measure as soon as possible.

Ms. MOSELEY-BRAUN. Mr. President, I first would like to thank Senator KERREY for his gracious deferral of his speaking time. I just have a couple of comments that I would like to make to indicate my support for S. 1493, the South African Democratic Transition Support Act, introduced moments ago by Senator KASSEBAUM.

I congratulate Senators KASSEBAUM and SIMON and the cosponsors of the South African Democratic Transition Support Act and indicate not only my support but my delight, really, in joining with this effort.

Mr. President, we live in an extraordinary time. Not only have we seen the fall of the Iron Curtain, but we have seen the potential for peace in the Middle East. We are also seeing and witnessing the end of apartheid, and today we now see hope has been restored and is being restored in South Africa as that country moves toward the end of apartheid toward free elections and equally for all citizens in a democratic government.

Today, Mr. Mandela at the United Nations called for an end of the sanctions which had been implemented some time ago by this country and other nations of the free world to show our disapproval of apartheid and all that it meant.

I support Mr. Mandela's call for the end of apartheid and the end of sanctions and suggest to the Members of this body that support is appropriate at this time if we are to encourage the development of democracy in South Africa.

A little background, Mr. President. As a State legislator, many years ago I spearheaded, in Illinois, the implementation of sanctions and the passage of sanction legislation against the Government of South Africa. I started, I believe it was, in 1983 until we passed the bill guaranteeing that there would be no investments from Illinois in South Africa until the system of apartheid ended. It was a long fight, and we went through the debate, but it certainly was an appropriate one because it demonstrated that we could use peaceful means, peaceful, coercion in support of our values.

I daresay, Mr. President, sanctions worked. Sanctions worked. And now we have gotten to the point that we have an opportunity before us to remove the sanctions so as to help the outcome that we all hoped all those many years would transpire, the outcome being a move to democracy, free elections, and democratic government. So we have an opportunity to nurture the change that we helped start to fan the flames, if you will, that started with the spark of sanctions in this Nation years ago and now to help South Africa's transition to democratic government.

I just want to say I was in South Africa recently, and I must tell you that the people there are anxious to see this process go forward. They are anxious for the economic help and support that increased investment and increased economic activity will bring. By removing sanctions we will be able then to support and assist the development or redevelopment of that economy so that all South Africans can participate as equal and free citizens in a new democratic South Africa.

I just wanted to congratulate Senator KASSEBAUM and those Members of this body for bringing this legislation forward and to indicate my support. I will have more to say on this subject later in the week, but today in light of the extraordinary announcement that Mr. Mandela made at the United Nations I wanted to add my voice in support of his effort to have the sanctions removed.

The PRESIDING OFFICER. Is there further debate or comment on S. 1493?

Mrs. KASSEBAUM. Mr. President, I understand it has been cleared on both sides of the aisle for unanimous passage.

Mr. SIMON. That is my understanding, Mr. President. I think we are at the point we are ready for passage.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "South African Democratic Transition Support Act of 1993".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) After decades of apartheid, South Africa has entered a new era which presents a historic opportunity for a transition to a peaceful, stable, and democratic future.

(2) Through broad and open negotiations, the parties in South Africa have reached a landmark agreement on the future of their country. This agreement includes the establishment of a Transitional Executive Council and the setting of a date for nonracial elections.

(3) The international community has a vital interest in supporting the transition from apartheid toward nonracial democracy.

(4) The success of the transition in South Africa is crucial to the stability and economic development of the southern African region.

(5) Representative leaders in South Africa, including Nelson Mandela of the African National Congress, have called for an end to all remaining measures limiting economic contacts with South Africa.

(6) In light of recent developments, the continuation of such measures is detrimental to persons disadvantaged by apartheid.

SEC. 3. UNITED STATES POLICY.

It is the sense of the Congress that—

(1) the United States should—

(A) strongly support the Transitional Executive Council in South Africa,

(B) encourage rapid progress toward the establishment of a nonracial democratic government in South Africa, and

(C) support a consolidation of democracy in South Africa through democratic elections for an interim government and a new nonracial constitution;

(2) the United States should continue to provide assistance to support the transition to a nonracial democracy in South Africa, and should urge international financial institutions and other donors to also provide such assistance;

(3) to the maximum extent practicable, the United States should consult closely with international financial institutions, other donors, and South African entities on a coordinated strategy to support the transition to a nonracial democracy in South Africa;

(4) in order to provide ownership and managerial opportunities, professional advancement, training, and employment for disadvantaged South Africans and to respond to the historical inequities created under apartheid, the United States should—

(A) promote the expansion of private enterprise and free markets in South Africa,

(B) encourage the South African private sector to take a special responsibility and interest in providing such opportunities, advancement, training, and employment for disadvantaged South Africans, and

(C) encourage United States private sector investment in and trade with South Africa;

(5) the United States should urge the Government of South Africa to liberalize its trade and investment policies to facilitate the expansion of the economy, and to shift resources to meet the needs of disadvantaged South Africans;

(6) the United States should promote cooperation between South Africa and other

countries in the region to foster regional stability and economic growth; and

(7) the United States should demonstrate its support for an expedited transition to, and should adopt a long term policy beneficial to the establishment and perpetuation of, a nonracial democracy in South Africa.

SEC. 4. REPEAL OF APARTHEID SANCTIONS LAWS AND OTHER PROVISIONS DIRECTED AT SOUTH AFRICA.

(a) Comprehensive Anti-Apartheid Act.—

(1) In general.—All provisions of the Comprehensive Anti-Apartheid Act of 1986 (22 U.S.C. 5001 and following) are repealed as of the date of enactment of this Act, except for the sections specified in paragraph (2).

(2) Effective date of repeal of code of conduct requirements.—Sections 1, 3, 203(a), 203(b), 205, 207, 208, 601, 603, and 604 of the Comprehensive Anti-Apartheid Act of 1986 are repealed as of the date on which the President certifies to the Congress that an interim government that was elected on a nonracial basis through free and fair elections has taken office in South Africa.

(3) Conforming amendments.—(A) Section 3 of the Comprehensive Anti-Apartheid Act of 1986 is amended by striking paragraphs (2) through (4) and paragraphs (7) through (9), by inserting "and" at the end of paragraph (5), and by striking "; and" at the end of paragraph (6) and inserting a period.

(B) The following provisions of the Foreign Assistance Act of 1961 that were enacted by the Comprehensive Anti-Apartheid Act of 1986 are repealed: subsections (e)(2), (f), and (g) of section 116 (22 U.S.C. 2151n); section 117 (22 U.S.C. 2151o), relating to assistance for disadvantaged South Africans; and section 535 (22 U.S.C. 2346d). Section 116(e)(1) of the Foreign Assistance Act of 1961 is amended by striking "(1)".

(b) Other Provisions.—The following provisions are repealed or amended as follows:

(1) Subsections (c) and (d) of section 802 of the International Security and Development Cooperation Act of 1985 (99 Stat. 261) is repealed.

(2) Section 211 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (99 Stat. 432) is repealed, and section 1(b) of that Act is amended by striking the item in the table of contents relating to section 211.

(3) Sections 1223 and 1224 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (101 Stat. 1415) is repealed, and section 1(b) of that Act is amended by striking the items in the table of contents relating to sections 1223 and 1224.

(4) Section 362 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (105 Stat. 716) is repealed, and section 2 of that Act is amended by striking the item in the table of contents relating to section 362.

(5) Section 2(b)(9) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)) is repealed.

(6) Section 43 of the Bretton Woods Agreements Act (22 U.S.C. 286aa) is amended by repealing subsection (b) and by striking "(a)".

(7) Section 330 of H.R. 5205 of the 99th Congress (Department of Transportation and Related Agencies Appropriations Act, 1987) (22 U.S.C. 5056a) as incorporated by reference in section 101(l) of Public Law 99-500 and Public-Law 99-591, and made effective as if enacted into law by section 106 of Public Law 100-202, is repealed.

(c) Sanctions Measures Adopted by State or Local Governments or Private Entities.—The Congress urges all State or local governments and all private entities in the United States that have adopted any restriction on economic interactions with South Africa, or any policy discouraging such interaction, to rescind such restriction or policy.

SEC. 5. UNITED STATES ASSISTANCE FOR THE TRANSITION TO A NONRACIAL DEMOCRACY.

(a) In General.—The President is authorized and encouraged to provide assistance under chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa) or chapter 4 of part II of that Act (relating to the Economic Support Fund) to support the transition to nonracial democracy in South Africa. Such assistance shall—

(1) focus on building the capacity of disadvantaged South Africans to take their rightful place in the political, social, and economic systems of their country;

(2) give priority to working with and through South African nongovernmental organizations whose leadership and staff represent the majority population and which have the support of the disadvantaged communities being served by such organizations;

(3) in the case of education programs—

(A) be used to increase the capacity of South African institutions to better serve the needs of individuals disadvantaged by apartheid;

(B) emphasize education within South Africa to the extent that assistance takes the form of scholarships for disadvantaged South African students; and

(C) fund nontraditional training activities;

(4) support activities to prepare South Africa for elections, including voter and civic education programs, political party building, and technical electoral assistance;

(5) support activities and entities, such as the Peace Accord structures, which are working to end the violence in South Africa; and

(6) support activities to promote human rights, democratization, and a civil society.

(b) Government of South Africa.—

(1) Limitation on assistance.—Except as provided in paragraph (2), assistance provided in accordance with this section may not be made available to the Government of South Africa, or organizations financed and substantially controlled by that government, unless the President certifies to the Congress that an interim government that was elected on a nonracial basis through free and fair elections has taken office in South Africa.

(2) Exceptions.—Notwithstanding paragraph (1), assistance may be provided for—

(A) the Transitional Executive Council;

(B) South African higher education institutions, particularly those traditionally disadvantaged by apartheid policies; and

(C) any other organization, entity, or activity if the President determines that the assistance would promote the transition to nonracial democracy in South Africa.

Any determination under subparagraph (C) shall be based on consultations with South African individuals and organizations representative of the majority population in South Africa (particularly consultations through the Transitional Executive Council) and consultations with the appropriate congressional committees.

SEC. 6. UNITED STATES INVESTMENT AND TRADE.

(a) Tax Treaty.—The President should begin immediately to negotiate a tax treaty with South Africa to facilitate United States investment in that country.

(b) OPIC.—The President should immediately initiate negotiations with the Government of South Africa for an agreement authorizing the Overseas Private Investment Corporation to carry out programs with respect to South Africa in order to expand United States investment in that country.

(c) Trade and Development Agency.—In carrying out section 661 of the Foreign Assistance Act of 1961, the Director of the Trade and Development Agency should provide additional funds for activities related to projects in South Africa.

(d) Export-Import Bank.—The Export-Import Bank of the United States should expand its activities in connection with exports to South Africa.

(e) Promoting Disadvantaged Enterprises.—

(1) Investment and trade programs.—Each of the agencies referred to in subsections (b) through (d) should take active steps to encourage the use of its programs to promote business enterprises in South Africa that are majority-owned by South Africans disadvantaged by apartheid.

(2) United States government procurement.—Notwithstanding any law relating to the making or performance of, or the expenditure of funds for, United States Government contracts, the Secretary of State and the head of any other department or agency of the United States carrying out activities in South Africa shall, to the maximum extent practicable, in procuring goods or services, make affirmative efforts to assist business enterprises having more than 50 percent beneficial ownership by South African blacks or other nonwhite South Africans.

SEC. 7. INFORMATION AND EDUCATIONAL EXCHANGE PROGRAMS.

The Director of the United States Information Agency should use the authorities of the United States Information and Educational Exchange Act of 1948 to promote the development of a nonracial democracy in South Africa.

SEC. 8. OTHER COOPERATIVE AGREEMENTS.

In addition to the actions specified in the preceding sections of this Act, the President should seek to conclude cooperative agreements with South Africa on a range of issues, including cultural and scientific issues.

SEC. 9. INTERNATIONAL FINANCIAL INSTITUTIONS AND OTHER DONORS.

(a) In General.—The President should encourage other donors, particularly Japan and the European Community countries, to expand their activities in support of the transition to nonracial democracy in South Africa.

(b) International Financial Institutions.—The Secretary of the Treasury shall instruct the United States Executive Director of each relevant international financial institution, including the International Bank for Reconstruction and Development and the International Development Association, to urge that institution to initiate or expand its lending and other financial assistance activities to South Africa in order to support the transition to nonracial democracy in South Africa.

SEC. 10. CONSULTATION WITH SOUTH AFRICANS.

In carrying out this Act, the President shall consult closely with South African individuals and organizations representative of the majority population in South Africa (particularly consultations through the Transitional Executive Council) and others committed to abolishing the remnants of apartheid.

Mrs. KASSEBAUM. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SIMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT; LABOR, HHS APPROPRIATIONS

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that when the Senate considers the Labor, HHS appropriations bill on Monday, September 27, the following Senators be recognized to offer in the order stated the following amendments and that any rollcall votes ordered in relation to these amendments not occur prior to Tuesday, September 28:

Domenici amendment, relevant;

Nickles amendment, striking helper language;

Lautenberg amendment, smoking in schools.

I further ask unanimous consent that prior to any votes that may be stacked to occur on Tuesday, there be 20 minutes equally divided between Senators KENNEDY and NICKLES, or their designees, for debate on the Nickles helper language.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MORNING BUSINESS

Mr. SIMON. Mr. President, before I yield the floor, I ask unanimous consent that Senators be permitted to speak in morning business for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, if the Senators from Kansas and Illinois are finished, I would seek recognition to speak as if in morning business.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. RIEGLE. I thank the Chair.

NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. RIEGLE. Mr. President, I have asked for this time to discuss the proposed North American Free-Trade Agreement, which I very strongly oppose. Since 1990, when this process first began, I have argued that a free-trade agreement with Mexico at this time would hurt United States workers, would hurt the United States economy, hurt the United States environment and, in short, would be detrimental to the overall best interests of the American people.

My views have not changed. In fact, in the time since that 1990 period, more information has come to light. And as we have learned more about the text of the actual agreement that has been negotiated, my belief in the disastrous consequences of this particular agreement have grown stronger and stronger.

There was a time when I held some hope that the side agreements being negotiated by the Clinton administration could perhaps resolve some aspects of the problems. But now that these negotiations have been completed, I have concluded that the side agreements have done virtually nothing to deal with the grave threat to our U.S. job base and to our own environment.

So I am pleased to work with the large and growing coalition of people who are in opposition to this NAFTA agreement. At this time it is clear, I think, that a majority of the House of Representatives opposes the NAFTA agreement. I think the votes here in the Senate are less clear, although one thing is certain, and that is there is more opposition to NAFTA today in the Senate than there was 6 months ago. I would predict that that opposition will continue to grow.

So it is possible that if a vote should eventually occur in the Senate—which would only happen if NAFTA were to be approved in the House, so if the House turns it down we will not deal with it here in the Senate—should we come to the point where the Senate did deal with it, I do not think anybody can today accurately predict the outcome of that vote. I think it is possible that we may be able to defeat it in the Senate as well.

In any event, whether in the House or the Senate, NAFTA should be defeated.

Before I detail some of my own basic concerns with NAFTA, I want to focus the debate on what I think has to be the central issue on this matter. I think the sole criteria, the bottom line, for determining how to vote on the NAFTA should be whether it strengthens the U.S. economy, creates more jobs for the American people, and improves our standard of living. Or said the other way, if it develops that NAFTA will cost us jobs, and damage our standard of living, and our economy, without any question it should be voted down, and I think the weight of evidence shows that to be the case. But that ought to be the test that we measure against.

Arguments that Congress should approve the NAFTA to somehow guarantee or ensure President Salinas of Mexico his ability to handpick his successor—as some have suggested—have absolutely no place in this debate. As a recent editorial in the New York Times states "such an argument insults Americans on both sides of the United States-Mexico border." Nor do I believe that arguments such as other nations who trade with the United States would be surprised if we defeat NAFTA should be considered. Most countries cannot understand why we are even on the verge of considering a matter such as this. Some have said we have to do it because the President wants it—whether it be President Bush, or in this case, President Clinton. I do not think that either is a relevant factor with respect to voting this up or down on the merits. I think we have to continue to focus on the single, central question that is overriding, that is, is it in the best economic interests of the American people?

As I say, I think the evidence is absolutely compelling that it is against the economic interests of the American people. If that is the conclusion that Congress reaches that NAFTA is a bad deal and will hurt the country, then we should clearly vote it down.

Some of the NAFTA advocates have said no, it is too late for that, the process has now come so far that even if it has flaws, it ought to be passed.

During the debate on fast track, that was the procedure under which we first set this thing in motion a long time ago, those people who spoke in favor of giving the President the authority to negotiate this agreement repeatedly said that we would have another chance later to actually vote up or down on the agreement itself.

In fact, one Senator, who strongly supports NAFTA now, said back during the 1991 debates "Ultimately, we will decide whether the negotiators produced a good deal for our country."

Another Senator at that time said the approval of the fast track authority "does not commit the Congress to support the trade agreements that are negotiated. If we find that any of those agreements are not in the national interest, we can simply vote them down, and, of course, we will." In fact, the minority leader himself at the time made the same point in saying: "And let us not forget we have the last word. If an agreement is not acceptable, it can be rejected by a simple majority."

That is the situation we find ourselves in. We have the power to turn it down, and turn it down we should.

So Senators cannot both contend that we should approve the fast track authority because we can then later turn down an agreement and then later come back around 2 years later and argue that now that the agreement is completed it is really too late to vote it down and we are sort of locked in and we have to go ahead even if it is a mistake.

Turning to the agreement itself, I think it is important to point out that there is no historic example of a free trade agreement anywhere in history—certainly, in modern history—between countries of such vastly different levels of economic development.

We are clearly an advanced nation. Mexico is a Third World, underdeveloped country in many ways. And there is a vast differential in our standards of living, our wage standards, our working conditions, environmental standards. But because these differentials are so vast, no other country has attempted to try to construct a free trade agreement because they can see the great threat of jobs moving from the country with the high standard of living to the country with the low standard of living to take advantage of the low wages in that underdeveloped country.

It was for this reason that the European Community in fact rejected the application by the country of Turkey for membership in the European Community. Turkey was turned away essentially because of the huge difference in levels of economic development and Turkey in that instance is very comparable to Mexico in today's instance.

Likewise, the European Community has been careful not to rush headlong into trade agreements with the former Soviet bloc countries. Well, why is this? Because again the wage standards and the other standards are very low. In the emerging democracies out of the old Soviet Union, if they were to come into a common market, it would be very destabilizing to the job base of the existing advanced countries in Europe.

As Sir Leon Britten, the EC Vice President for External Relations stated just this month:

> We want the countries of Eastern and Central Europe to become members of the European Community at the moment when their economies will have developed to the point where becoming members of the European Community will be of benefit to them and not a burden.

So the European Community rejected Turkey's application for membership and is now resisting free trade arrangements with Eastern European countries because such arrangements would lower the living standards in the more advanced countries and drain the jobs away. That is precisely the problem that we face with NAFTA—the threat of draining jobs out of the United States.

I might say parenthetically, there are two very important stories in the news today on this issue of job loss in America. We do not have enough jobs now. In fact we have a desperate shortage of jobs in our country.

Today, there is a story out on the wire reporting a story in the Detroit News in my home State indicating that General Motors has plans to eliminate as many as 50,000 workers over the next few years. That is very distressing news to hear because we need those jobs. It is not clear what other work those displaced workers would be able to find in the kind of an economy we have today.

Also in the Wall Street Journal today, on page A2, there is a summary of what the job prospects are for America—looking forward over the next year through 1994. They use the words "gloomy assessment" because they do not see the economy working in a way to give us the kind of job creation that our people need to have the work available for people to do to be able to earn an income, support themselves and support their families.

So we are talking about a serious job base problem already in America. Then the NAFTA comes along, providing all of these different incentives to cause people to close down operations in America and move them to Mexico and take the jobs down south of the border.

We all know the facts about the wage disparities between the United States and Mexico. In 1992, the average hourly wage for U.S. manufacturing workers, including benefits, is $16.17 cents an hour. By the time you take out Social Security taxes, Federal taxes and State taxes, it does not leave much in the way of after-tax pay to support a family in America today. But, nevertheless, U.S. manufacturing wages are on average $16.17 an hour, including benefits.

The comparable figure on average for the Mexican worker is only $2.35. So it is over $16 in the United States and slightly over $2 down there in Mexico. But many workers in Mexico do not even earn $2.35 an hour. In what is called the maquiladora area of Mexico, where there has been this massive buildup of companies that have left America and gone to Mexico to ship the work down there, the average wage is actually lower. The wage in the maquiladora area averages $1.65 an hour. Bear in mind that the minimum wage in the United States is well above that.

The minimum wage here is $4.35 while down in Mexico it is actually less than 60 cents an hour. It is less than 60 cents an hour. The other day in a big public gathering on NAFTA, we talked about this fact. More recently, in a hearing before the Senate Finance Committee, Tom Donahue, the secretary-treasurer of the International AFL-CIO, came in to say that the basic net effect of the free trade agreement with Mexico will be to expand the United States labor force by over 50 million Mexican workers.

Let me say that again, because it is a very powerful fact. If we go into NAFTA, what we will have done is we will have expanded the labor pool in our own economy by over 50 million additional workers—Mexican workers—who, as we know, today have a minimum wage of less than 60 cents an hour and an average wage of about $2 an hour; but a vast number of whom work for $1.25 and $1.30 an hour.

If we add all of those prospective workers to our work force and we do not have enough jobs for our own people now, what will happen to our American people that need jobs, and what is going to happen to those jobs? In many instances, they will move to Mexico. But also, in order to keep jobs from moving to Mexico, American workers are going to be told they have to take the lower wages to keep the jobs they have. That is what this is really all about.

The PRESIDING OFFICER. There is a limit of 10 minutes as in morning business, but the Senator can seek unanimous consent for additional time.

Mr. RIEGLE. I hope to finish. I know the Senator from Nebraska is waiting.

I ask unanimous consent to proceed for 10 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, these low Mexican wages have acted as a huge magnet to attract United States jobs and investment from America to Mexico. In fact, we have lost over 700,000 American jobs to Mexico just to this point. The Big Three auto companies—FORD, Chrysler, and GM—have over 70 plants in Mexico, and the list of corporations already operating down there is long; there are over 2,000 manufacturing operations in Mexico. It reads like a list of the Fortune 500.

We cannot allow that to continue to worsen, as it has been. NAFTA is not the only alternative to the status quo. The Senator from South Carolina [Mr. HOLLINGS] has introduced a bill calling for a common market in North, Central, and South America, based on a common belief in democracy and a meaningful social charter. Others have put forward alternative ideas. I like Senator HOLLINGS' idea. There is a different way to go, a way other than NAFTA.

But the issue we are presented with at this time is whether NAFTA by itself, the Mexican Free-Trade Agreement, will make our current situation better or worse. It is clear, as you go through the facts one by one, that it will make our current situation much, much worse.

At its heart, NAFTA is much more of an investment agreement than it is a trade agreement, because NAFTA provides important new protections for United States investments in Mexico. It provides an incentive to take and move investment to Mexico under these new investment guarantees.

For example, NAFTA guarantees being able to repatriate across the border profits, dividends, and capital gains. It guarantees the convertibility of currency at market rates and guards against the nationalization of property by guaranteeing compensation for expropriated property. It also provides unprecedented protections for intellectual property, including trade action such as trademarks, copyrights, and patents. Why is that in there? It is in there because the investment interests want that. If they are going to sink billions of dollars down in Mexico, they are insisting on those kinds of safeguards and guarantees.

The other side of the equation is: What kind of guarantees do workers get? What kind of guarantees are provided for the environment? That is where this thing breaks down. You do not find them there because it was not designed for that purpose. It was designed by Wall Street for Wall Street, and basically to allow a handful of people to make billions of dollars by shipping United States jobs and investment down to Mexico, where wages are low, environmental standards are virtually nonexistent, and where people, by so doing, can drive up the price of their stock and sell it at huge profits and make billions and billions in private profits. That is what this is about.

There are flawed studies that fail to take into account the fact that these investment guarantees will change the incentives and cause more investment to go down to Mexico. When you factor that in, it is obvious that this additional shift of investment from America to Mexico, because of these additional incentives and protections, will very greatly increase the job loss from our country.

For example, the Economic Policy Institute, a well-respected group, found that when the investment shifts are actually taken into account, 550,000 U.S. workers will lose their jobs under NAFTA. The Economic Strategy Institute predicted that more than 220,000 American jobs will be lost. And a study by professors from Skidmore College and the University of Massachusetts conclude that there will be up to 500,000 jobs lost as a result of NAFTA.

So even across the range of those estimates, you will see that these experts are forecasting hundreds of thousands of additional American jobs being moved to Mexico under NAFTA. But the job loss is not all of the damage. That is the most severe and the most easily measured damage but, as I say, NAFTA will also bring an unprecedented new downward pressure on wages of workers who still have jobs here in the United States.

A Prof. Ed Leamer, of the University of California, concluded in his studies that one of the effects of NAFTA will be to create an average wage loss of about $1,000 per worker, of the workers still here in the United States. He thinks about 70 percent of the American labor force will find that kind of downward pressure on what they are now earning, and that they will have to surrender some of their current income as these adjustments are worked out.

Lester Thurow, the highly respected head of MIT, in testimony before the Senate Commerce Committee, agreed. He claimed that two-thirds of U.S. workers would be subjected to unprecedented downward pressure on wages if NAFTA is adopted. It is a logical result of NAFTA. That is part of why it was negotiated. I think it was to drive down wages in this country and force the movement of a lot of jobs to Mexico where profit margins could be widened.

So you can start to see why the ability to close a plant in the United States and move it to Mexico will become very easy. The pension management people in this country—who keep the pressure on the CEO's and the operating officers of large, publicly held companies—are going to basically tell those companies that they have to close American plants and move them to Mexico in order to take advantage of the more favorable, lower costs of production down in that country.

If NAFTA passes, many CEO's will come back and say: "Do not blame me for closing the plant in Michigan, or Missouri, or some other State, and moving it to Mexico; I had no choice. The pension management people, who hold large blocks of stock in my company, told me if I do not close this American plant and move to Mexico, they are going to fire me and, as a result, I have no choice. So I am sorry, but that is the way it is."

And the plant here in America will close 30 days from now, and that work is going to go to Mexico.

(Mr. ROCKEFELLER assumed the chair.)

Mr. RIEGLE. That is what we are talking about. In fact, there are surveys that show that 55 percent of executives of manufacturing companies with over $1 billion in sales have stated that they are very likely or somewhat likely to shift their production to Mexico.

So that is what we should expect if NAFTA goes into effect.

There is more damage that will be done, by the way, than just the job loss and to the grinding down of wage levels here in the United States. I want to address some of the myths that have been put forward by the pro-NAFTA people. One of the claims by the pro-NAFTA side is that the United States will only lose low-skilled jobs to Mexico, those jobs that would be lost anyway, and somehow, in turn, we are going to magically get an offset in terms of higher-skilled, higher-wage jobs in this country.

In fact, the Labor Secretary in recent testimony before the Senate Finance Committee referred to these jobs as "unskilled, routine jobs." They are, nevertheless, very important jobs, and if you have one and it is what you are supporting yourself and your family with, you sure do not want to give it up to a Mexican worker earning one-seventh or one-ninth of what you are being paid.

But the truth is we are currently losing both high- and low-skilled jobs to Mexico. Let me read an excerpt from an article in the New York Times from March 31 of this year. It starts out:

> Walk down the long rows of huge machines, newly installed in the freshly painted Ford Motor Company factory. Stop to examine the futuristic control panels that will run this automated factory. Watch Mexican engineers fine-tuning the new machines. And it becomes easy to imagine—except for the Spanish and the low salaries—that this most modern of engine plants is really in Dearborn, Mich., and not here on an arid plateau in northern Mexico.
>
> Staffing the plant are people like Eleazor Faudoa, a 32-year-old technician equal in skill and motivation to the best in Dearborn, but earning only $1,000 a month, one-fourth the wage of an American counterpart. Currently, Mr. Faudoa heads a team completing the installation of machines that will grind the connecting rods for a new four-cylinder, multi-valve engine. Illustrating the sort of initiative often sought from American workers, Mr. Faudoa had a say in the machinery's design. "The manufacturers agreed to incorporate some of our suggestions," he said, "like those for a simpler electrical system and for easier access for maintenance."
>
> Northern Mexico—not just the border towns but a strip more than 300 miles deep—is rapidly becoming the newest American industrial belt. By most accounts, nearly 600,000 jobs have been located in Mexico that in the past might have been in the United States. Most are at maquiladoras, the simple assembly plants that pioneered the migration in the 1970's. But the maquiladoras are increasingly being automated, making them harder to tell apart from Midwestern factories.

So the Mexican workforce is skilled and is becoming more skilled.

In the 1989 to 1990 school year, Mexico had over 342,000 engineering students enrolled in engineering studies in that country, almost as many as the United States and the same thing, very high numbers, in their vocational schools providing a large potential supply of skilled workers and future managers needed for advance manufacturing.

Another myth by the NAFTA side that needs to be exploded is that somehow the Mexicans have a lot of money by which to buy goods made in the United States. Not so. The average income down there is very low in comparison to ours. I give an example. Per capita, GDP in the United States is $21,449; in Canada with which we have a trade agreement, it is almost exactly the same. But in Mexico it is not $21,000; it is $3,350, a tiny fraction as much. In fact, the Mexican citizen, on average, in terms of buying consumer goods from the United States, do you know how much they spend actually on average for consumer goods from our country? About $60 of that $3,300 or so annual income, $60 of it comes up here to the United States to buy goods. There are no jobs in that worth talking about. So we need to defeat the NAFTA.

The administration contends that Mexico is a great market for United States products, claiming that the average Mexican currently buys $450 of United States goods and that NAFTA will only increase Mexican consumption of United States products.

This is just wrong. Half of United States exports to Mexico are sent to the maquildadora production zone—which is included in products that are reshipped to the United States. This trade—about $21 billion a year—reflects lost U.S. jobs, not new ones. Over one-third of United States exports to Mexico is in the form capital goods, supplies, and components—clearly not the purchases of average Mexican consumers.

Once these exports are removed from the picture, the average Mexican consumer actually only purchases about $60 annually in U.S. goods—an amount insignificant to stimulate job growth in the United States.

And there is no reason to believe that Mexican workers will soon have the wealth to buy United States products. Mexican workers earn considerably less than they did at the beginning of the 1980's. Unless wages are allowed to increase as productivity increases—a situation that NAFTA does nothing to foster—Mexican workers will not be able to become good consumers of United States products.

Contrary to the assertions of NAFTA advocates, low Mexican wages do not reflect low Mexican productivity. A report by Harley Skaiken, a labor economist at the University of California, notes that Mexican export producers have 80 to 100 percent of the productivity of United States companies, while paying only 10 to 15 percent of the wages. In one specific example, Mexican productivity reached 97 percent of a United States counterpart plant.

From the early 1980's to 1987, Mexican wages declined to less than 60 percent of their pre-1980 levels. Clearly, some of this decline was due to the collapse of the oil market and the debt crisis that followed it. But even if we measure Mexican wages from 1980—a few years before the economic crisis hit Mexico—to 1992—several years after the crisis was passed—we find that Mexican hourly compensation has declined 32 percent, even though productivity is up at least 30 percent.

In fact, had real hourly wages of Mexican workers paralleled increases in productivity, by 1990 Mexican wages would have been 80 percent higher than they were.

This disconnect between wages and productivity is not an accident. The Mexican Government has set out to keep wages low, with the assistance of government-controlled fake unions. Each year, government, government-controlled unions, and business enter into El Pacto, which sets minimum and maximum wages for Mexican workers. El Pacto prevents Mexican wages from rising commensurate to productivity gains.

Despite the compelling evidence that NAFTA will harm United States workers and the United States economy, NAFTA advocates point to the $5 billion surplus that the United States had with Mexico in 1992 in an attempt to show the alleged benefits of the agreement.

The argument seems to be that the United States had a deficit with Mexico, but as Mexico liberalized its trade with the United States, the deficit has become a surplus. Unfortunately, the facts show otherwise.

First, the United States has historically had a surplus with Mexico. Throughout the 1970's—far before Mexico liberalized its trade rules—the United States had a surplus with Mexico. The surplus only became a deficit when Mexico was overcome by its debt crisis, and essentially stopped buying foreign goods.

Second, much of the current U.S. surplus can be attributed to the overvalued peso, which most economists believe will be devalued by 10 to 20 percent next year. A 10-percent devaluation of the peso would wipe out the United States surplus with Mexico overnight, and a 20-percent devaluation would make it difficult for the United States to have a surplus with Mexico for years to come.

Third, as stated earlier, 50 percent of United States exports to Mexico go straight to the maquiladoras—and then right back to the United States—and another third is made up of capital goods, supplies, and components. Only about 13 percent of United States exports to Mexico are consumer goods.

Since most of Mexican exports to the United States are consumer goods, and since the market for consumer goods tends to grow at a faster rate than the market for capital goods, it would not be surprising to see the trade surplus shift from the United States to Mexico. In fact, in the first 4 months of 1993, the United States surplus with Mexico is only about half the size of the 1992 surplus during the same period.

Finally, proponents of NAFTA contend that since the United States has—on average—lower tariffs than Mexico has—on average—NAFTA is per se a good deal for the United States. This argument is simplistic—and wrong. In important industries, high Mexican tariffs will remain higher for years to come.

For instance, in the appliance and flat glass industries, Mexico lowers its tariffs gradually for 10 years, while the United States tariffs are eliminated immediately, even though the Mexican companies involved are among the most profitable in the world. Likewise, other Mexican import restrictions, such as the auto decree, will be phased out only gradually.

If tariffs were all there was to NAFTA, why would Mexico support this agreement? The Mexican Government, as we have all read, is spending at least $25 million in a huge campaign to lobby the U.S. Congress and the American people about NAFTA.

The Mexican Government is not conducting this extraordinary lobbying campaign just so that they can lower their tariffs more than the United States—they believe that the slow phase out of tariffs, along with the increase in investment NAFTA will bring, gives the Mexican the better of the bargain. I think they are right.

Thus, I end where I began—stating my firm opposition to NAFTA. This Congress has a responsibility to only enter trade agreements that serve to increase the standard of living of the American people—and turn down those agreements that do not. We must reject this agreement.

I ask unanimous consent that the article previously mentioned be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 21, 1993]

AMERICA'S NEWEST INDUSTRIAL BELT

(By Louis Uchitelle)

CHIHUAHUA, MEXICO.—Walk down the long rows of huge machine, newly installed in the freshly painted Ford Motor Company factory. Stop to examine the futuristic control panels that will run this automated factory. Watch Mexican engineers fine-turning the new machines. And it becomes easy to imagine—except for the Spanish and the low salaries—that this most modern of engine plants is really in Dearborn, Mich., and not here on an arid plateau in northern Mexico.

Staffing the plant are people like Eleanor Faudoa, a 32-year-old technician equal in skill and motivation to the best in Dearborn, but earning only $1,000 a month, one-fourth the wage of an American counterpart. Currently, Mr. Faudoa heads a team completing the installation of machines that will grind the connecting rods for a new four-cylinder, multi-value engine. Illustrating the sort of initiative often sought from American workers, Mr. Faudoa had a say in the machinery's design. "The manufactures agreed to incorporate some of our suggestions," he said, "like those for a simpler electrical system and for easier access for maintenance."

The Ford engine plant is just one example of the rise of advanced manufacturing in northern Mexico, mainly to make products for exports to the United States. A.T.&T. is making telephone answering machines; the Big Three, cars and engines; Zenith, television sets; Whirlpool, washing machines. The list goes on, deep into the roster of Fortune Magazine's 500 largest manufacturing companies. They are joined by other foreign giants, like Nissan and Sony, and a handful of Mexican manufacturers. Having invested millions, the Mexicans are exporting paper, tiles, glass and other products to America.

Northern Mexico—not just the border towns but a strip more than 300 miles deep—is rapidly becoming the newest American industrial belt. By most accounts, nearly 600,000 jobs have been located in Mexico that in the past might have been in the United States. Most are at maquiladoras, the simple assembly plants that pioneered the migration in the 1970's. But the maquiladoras are increasingly being automated, making them harder to tell apart from Midwestern factories.

THE 51ST STATE

"The technological superiority that retained the most advanced production in the United States is disappearing, so that northern Mexico is now almost a 51st state in terms of production," said Harley Shaiken, a labor economist at the University of California at San Diego, who has written on Mexico's industrial transformation. "Boeing might still have a hard time making jet airliners in Mexico, but Mexican workers can match the skills of 70 percent of the labor force in the United States."

The rise of modern manufacturing techniques in northern Mexico seems certain to draw much more American industry to this country, hurting the American work force while amounting to only a mixed blessing for Mexican workers.

For Americans, it may no longer be true that a factory in the United States can be made more profitable than one in Mexico, even if a factory owner in America automates and retains workers. Ford and others are discovering that semi-automation in Mexico—with equally skilled and trainable, but lower-paid workers—can be cheaper than full automation in the United States.

Many American executives argue that if they did not relocate to Mexico, they would be moving operations to low-wage countries in the Far East. Because Mexico is so close, the factories here at least buy their machinery in the United States, along with most of the parts that go into the products. That creates jobs in the United States. But a Mexican manufacturing belt increasingly capable of matching American production seems to guarantee a continuing shift of jobs to the south.

"That is going to create a political problem in the United States that is not likely to surface for two or three more years," Professor Shaiken said. "And when it does surface, it will be difficult to undo. The North American Free Trade Agreement will have locked in the open border arrangement that makes the job shifting possible."

For Mexicans, there is a gain as more companies hire people like Mr. Faudoa, creating a new class of factory managers and professionals. But the automation is also prompting factories to shrink the number of production workers. Partly for this reason, manufacturing employment in Mexico failed to grow last year.

Finally, to maintain the low wages that draw American companies to Mexico, President Carlos Salinas de Gortari has gotten commitments from business and union leaders to limit raises. It could be years before the gap with Americans wages narrows significantly, said John Pearlman, chairman of the Zenith Electronic Corporation, which has 20,000 employees in Mexico.

A COMING OF AGE

The transformation of Mexican manufacturing is only gradually becoming evident. Until now, the American presence had been most noticeable in the border towns, like Ciudad Juarez. The image there was of unskilled people earning very little to perform simple, repetitive assembly.

But farther from the Rio Grande, major cities like Hermosillo, Monterrey and Chihuahua are becoming more respective of northern Mexico's coming of age in manufacturing. The shipments north from these cities are contributing mightily to Mexico's merchandise exports, which reached $16.7 billion last year from a meager $10 billion in 1986.

The lure for the owners of Mexico's new factories is still low pay. But in the 1980's, corporate America realized that low wages could attract not only unskilled people, but also educated applicants in cities like Chihuahua that boast many graduates from public universities and technical schools.

"Without this pool of skilled people, we could not have put a high-tech factory in Chihuahua," said Lyle Raymond, manager of the Ford engine plant. The plant, which has made engines since 1984 for cars sold in the United States, is about to reopen after retooling to make the new four-cylinder engine.

Chihuahua, located on a mountain plain 230 miles south of El Paso, is a birthplace of this process. Now, more than 40,000 people, nearly one-third of the city's workers, are employed in the pastel-colored factories that are spreading across the plain, appearing from a distance like tiny spots of fresh paint against a backdrop of steeply rising mountains.

The Ford engine plant's employees are a cross section of the new work force. One hundred are licensed engineers—earning $1,400 a month on average and often functioning as foreman, a task that American engineers consider beneath their skills. The 700 production workers are high school or technical school graduates, hired for the assembly line at $1.55 an hour and trained by Ford to work up to electrician, machinery repair, computer programmer or mechanic. The top pay for such specialties is $3 an hour. Mr. Faudoa is a graduate of these ranks, having risen through endless training to be a supervisor of foreman.

The Ford pay, slightly above the norm for Mexico, is deeply below American levels, where a manufacturing worker's average wage is $11 an hour and an engineer newly out of school commands $25,000 to $30,000 a year as a starting salary. By comparison, Esquiel De Luna, a 20-year-old sophomore in electronic engineering at the Institute of Technology here, expects to earn $400 a month—$4,800 a year—at one of the factories upon graduation, and work up to $12,000 annually in three or four years. "I would not take a first job as an engineer for less than $400," he said.

THE SHRINKING PAYROLL

Seeking to maintain the low-wage lure, President Salinas got business and labor to agree to hold annual wage increases to less than 10 percent this year, in a nation that had 12 percent inflation last year. But he is losing ground on another front: he has promised Mexicans thousands of new jobs, many from American companies here. Now, factory modernization is undercutting this goal.

Just as companies in the United States have automated and shrunk their staffs, automation is limiting job growth in Mexico. The automation here, however, is meant not to save wages, but to improve quality.

"Sixty percent of what we once did by hand is now done by machinery," said Elio Bacich, director of a maquiladora here owned by Zenith that produces circuit boards and TV coders. Employment at the plant has fallen to 2,400, from 3,300, in recent years.

The trend is very visible in Chihuahua, a city of nearly 600,000 with striking combinations of new homes near squatter neighborhoods and shiny malls a few blocks from rundown stores. The population has tripled since the 1970's, and as people migrated here from rural areas, jobs grew at an 8 percent annual rate—until the 1990's, when job growth halted, at 140,000 employees.

"I would say that the unemployment rate in the city has risen to 8 percent or more, double what it was three years ago," Mayor Patricio Martinez said. "This does not include housewives who worked and now don't. We don't count them as unemployed."

The growing automation is chipping away at a widely held economic theory. That theory states that Mexico and other low-wage countries should be centers of labor-intensive operations while the industrial nations should remain home for the best manufacturing technologies. But some American companies are finding the arithmetic of partial automation in Mexico persuasive. Given their low wages, five Mexicans operating a partly automated assembly line here cost less than one or two Americans on a fully automated line in the Midwest.

Nothing illustrates the trend more clearly than Ford's decision to switch the manufacture of dashboard gauges from a factory in Saline, Mich., to a Ford-owned maquiladora in Chihuahua named Altec. Altec employs 3,000 people to produce radios and other car components. It is assigning 700 people to the production of dashboard gauges, replacing 400 workers in Michigan by 1995. The alternative would be to automate in Michigan.

"When you automate, you get rid of direct labor, but you add indirect labor costs for very skilled people to maintain the more complicated equipment," said Thomas E. Davis, Altec's controller. Mario M. Okubo, Altec's manager, put it more simply. "We brought the production here and saved the business," he said.

GETTING THE SKILLS

The pressure to be more skilled also touches young women like Magdalena Munoz, a 19-year-old operator in an automated assembly process at the Zenith plant, which like most of the 60 maquiladoras in Chihuahua is evolving into a higher-tech factory.

Young women seated at long tables in one area of the warehouse-like building still function in traditional maquiladora fashion, repetitively placing plastic and wire prongs into slots. These are the larger parts of a circuit board, and the labor-intensive work that these women do, for $1 an hour, originally prompted Zenith to shift production to Chihuahua from factories in the Midwest.

But technology has miniaturized other circuit board components, so that many tasks can no longer be done with precision by hand. And not far from the women seated at their tables, Zenith has installed computer-controlled machines to stamp or glue these tiny parts onto circuit boards. Ms. Munoz has been trained to operate one of these machines.

As the boards emerge, she scans a computerized readout to make certain the parts have been properly placed; if they haven't she adjusts the machine or tries to fix the problem by hand. If she can't, she calls over a technician or engineer.

Ms. Munoz's pay is 137 pesos, or $45, for a 45-hour week, the same as the wage for the women assigned to hand assembly. A dollar an hour is the standard factory wage in Chihuahua, although the most modern factories—like the Ford engine plant—start production employees higher, at $1.25 or $1.50 an hour. These factories employ mostly young men, while the maquiladoras hire mostly young women.

Ms. Munoz's wage might rise with more training, if she stays. Worker turnover at maquiladoras is often more than 20 percent a year. That is a new problem for companies increasingly in need of retaining experienced workers to operate automated machinery. Rather than raises, other incentives are offered to try to keep people like Ms. Munoz.

A company bus takes her, free of charge, from her parents' home outside the city, a 90-minute trip, and returns her at day's end. She gets two free meals on the job. There is a free health clinic and some factories, like Altec, have ball fields, gymnasiums, adult education courses and social halls that workers can use for family weddings and parties.

But Ms. Munoz's day lasts from the time she rises before dawn until she returns home after dark from her long commute. She had kept a similar schedule for a year at another maquiladora, and then took a year off. Will she stay this time, and go through more training to master the complex equipment that Zenith is installing?

A partial answer comes from Graciela Ramos, who directs a center for working women. "These women see themselves as subjected to intense work and, increasingly, skilled work," Ms. Ramos said. "They know that what they do is worth much more in the United States. They don't discuss this even among themselves. The turnover is their resistance; when they can't take it anymore, they quit. But they take jobs again. Despite everything, the work gives them a sense of self-respect that women don't get at home."

Gerald Gonzalez, 22, is a notch or two above Ms. Munoz in Mexico's work force hierarchy. He was among 125 young men hired recently by Grupo Ponderosa to operate its new paper mill. For years, the Mexican company has manufactured pulp at a plant outside Chihuahua, and now it has opened a paper mill alongside the pulp factory, investing $230 million in the project.

Rather than just sell pulp to Mexican companies, the struggle now is to compete across an open border against American companies that also produce white paper for writing and for copying machines. Mr. Gonzalez and his mates, having survived the hiring tests, are being trained to operate the complicated machinery, made in Finland.

"If this group can learn all the tasks and have a vision of the whole paper-making process, including how to maintain the equipment and repair it, these young men will be more valuable, even though most of their work will be repetitive," said Hector M. Raynal, the plant's director.

That is two years of training, at the end of which Mr. Gonzalez is to earn 250 pesos—$83—for a 48-hour week, or $1.73 an hour. He now earns 165 pesos a week, or $1.15 an hour.

Grupo Ponderosa has recruited its new paper mill workers not from Chihuahua, but from two smaller communities nearer the paper mill, where 165 pesos a week seems like a lot. Furthermore, "For only 17 pesos a month," Mr. Gonzalez said, "I live with my wife and baby in a bungalow on the plant grounds."

Grupo Ponderosa has managed to add the paper mill to the pulp operation without increasing the work force. Having installed a partly automated mill and having upgraded the pulp operation, the company is operating the complex with 400 people—the same number that once staffed only the pulp plant.

WEIGHING THE COSTS

That sort of labor savings is helping to fuel a debate over whether Mexico's low wages still justify shifting production to this country—since even here the labor content of a given product is declining. For example, George Baker, an Oakland Calif., economic consultant whose specialty is Mexico, argues that Mexican production is burdened by other costs, not present in the United States, that offset the savings in wages. These include poor transportation, power outages and an absence of nearby suppliers.

Mr. Pearlman of Zenith disagrees. "When I factor in other nonlabor costs—less heat, cheaper land and cheaper construction—there is no question that Mexico's lower labor costs are decisive," he said.

So are Mexico's markedly nonmilitant unions. And nonlabor costs are falling as the infrastructure improves. Until its engine plant closed for retooling in 1991, Ford had been shipping engines north to El Paso by railroad. Now, tractor-trailers will haul the engines in half the time on a recently opened high-speed toll road.

The plant here and a Ford engine plant in Dearborn had competed to be the manufacturer of the new four-cylinder engine. The final decision, depriving Dearborn of 500 jobs, involved factors that went beyond labor costs, Ford officials said.

Ford originally put the engine plant here to satisfy Mexican export requirements for doing business in this country, and those requirements won't disappear completely during the first decade of the free trade agreement. Then, too, Ford sells more than 100,000 cars a year in Mexico, and the bad publicity from shifting Chihuahua's production back to the United States could have hurt Mexican sales, Mr. Raymond, the plant manager, said.

Finally, retooling the Dearborn plant would have required an extra $20 million investment—$420 million versus $400 million here—for enough automation to reduce the labor force.

Thus companies drawn by low wages find other reasons to stay, entrenching northern Mexico as an American industrial belt.

FOR MEXICAN COMPANIES, OPPORTUNITY AND PERIL

The integration of northern Mexico into the United States industrial base is bringing opportunity to some Mexican companies and peril to many others.

Among those prospering in Chihuahua is the Almeida family, which has multiplied a grandfather's brick factory into a modern manufacturer of household and commercial tiles, employing new Italian technology.

Nearby clay deposits, owned by the Almeidas, give their company, Interceramic, an important advantage. So does the recently installed automated machinery that carries out most of the production process. The company's largest bank lender, Banamex, is also a big shareholder, and an American partner,

Armstrong World Industries, helps with marketing in the United States, where 20 percent of Interceramic's output is sold.

"If you put the same plants here and in the United States," said Victor D. Almeida, Interceramic's chief executive, "with people of similar skills earning similar wages, the cost here would still be 5 to 10 percent less."

Maybe. Grupo Ponderosa, owner of a pulp factory and a new paper mill here, has not been so lucky. It is going against an American industry more powerful than American tilemakers. With Mexican tariffs slashed, American paper companies raised sales here by 64 percent in 1992, endangering Mexican paper companies that buy Ponderosa's pulp.

In building a paper mill, Ponderosa hoped to compete against the Americans, not only in Mexico but in the nearby Southwestern United States. So far, the strategy has not worked; the company has lost money and recently renegotiated $200 million in debts.

"The United States industry is very competitive," said Irene W. Meister, a vice president of the American Forest and Paper Association. She added that American paper makers had an advantage in technology, chemicals and wood supplies—advantages the new free trade agreement will strengthen.

And then there is Arnulfo Solis D'Santiago, president of Chihuahua's Association of Small Manufacturers and himself the owner of a company that makes truck bodies and trailers. His work force is down to 52, from 76, and production has fallen to 400 units a year, from 1,500.

Second-hand American trucks, driven south in growing numbers, are cutting into the business, Mr. Solis said, and now that quotas have been lifted on new truck imports, he is expecting to be hurt from that quarter, too. "All our members have the same problem," he said. "We lack the economies of scale, the technology and the marketing to compete."

And Mr. Solis's solution? Well, he is trying to ally with a Minnesota company that makes hydraulic dump truck lifts. Mr. Solis would sell the lifts in Mexico and the American company would sell his dump truck bodies in the United States.

The PRESIDING OFFICER. The Senator from Nebraska.

HEALTH CARE

Mr. KERREY. Mr. President, I would like for a period of time here to address President Clinton's remarkable health care proposal.

I note with not only interest but, I must say, some considerable discomfort about how people are already beginning to organize to oppose the plan. It has not gone unnoticed to Americans that very often we do not do things as a consequence of being afraid someone is going to be angry with us if we do the right thing. We just went through that with the budget vote, and we are about to enter an era where I hope we can achieve the miracle that the President talked about the other evening, and that is to look for consensus, look for common ground, and do not in the early stages of this debate decide that you are not going to participate for one reason or another.

Tom Freedman, who has spent a lot of time in the Middle East, who wrote a remarkable book called "From Beirut to Jerusalem," wrote not long ago in the New York Times commenting upon the difficulty of getting the parties together in the Middle East with a story that is very apropos, I must say, of the health care debate. We always seem to be able to identify the problems, and the question from the citizens is: "Why can't you get anything done? How come nothing gets done?"

Tom Freedman tells the story about a man who wanted to win the lottery. He prayed to his God, and he said: "God, I would like to win the lottery." Nothing happened, Nothing happened, and he kept praying: "God, I would like to win the lottery." And nothing happened. Finally, he goes to his temple and he prays angrily and shouts to God. "God, I prayed to You over and over. Why don't You let me win the lottery?"

Suddenly, the voice of God comes into the temple. God says to him: "Give me a chance. Will you first buy a ticket?"

Well, Mr. President, the President of the United States has bought his ticket. This is the plan, some 254 pages of detail providing a structure. Now the President is going to work on a specific piece of legislation he is going to introduce through this Congress for consideration.

The President of the United States has bought his ticket and put his political career on the line.

I note, Mr. President, when I came to work this morning, I saw an article by Clifford Krauss in the New York Times. We have been lots of these already. The headline is: "Lobbyists of Every Stripe on Health Care Proposal."

And we have already begun to hear from them. "Here is why it will not work." "Please, Senator KERREY, Senator ROCKEFELLER, please vote against this plan. Don't support the plan because it does this, this, and this."

This whole article just gives a small indication of what is likely to happen.

In the Washington Post, on the Federal page, Mr. President, is a list of the top 10 recipients of health PAC donations; lots of money.

I am not suggesting that Members are influenced by these contributions. I am telling you is it is an indication that the health industry has an intense interest in preserving the status quo.

I understand the talk about change. I will say, yes, I would like to change, but can you change for everybody but me, because, you see, I am not the problem. It is the other person that is the problem. You are right going after that guy, but it is not me that is the problem.

Mr. President, in the President's proposal, in the ticket that he bought, in the risk that he has taken, there is clearly the basis for a bipartisan agreement. We have to be absolute fools not to be able to see that.

It is one thing, in the midst of a debate about taxes and budget cuts, to say, "Well, I'm going to sign off on it and not get in." It is kind of abstract. It does not really affect people. So you can make the case in deficit reduction, "I am against this tax increase, I am against this cut, so I am going to give you a thousand reasons why I will not vote for it."

But this affects the lives of Americans, Mr. President, as you well know. This is not an abstract issue. This is going to determine whether or not babies are born with normal weight. This will determine whether or not people are able to stay on the job. This will determine whether or not every American gets the help they need.

I have had an interest in health care for a long time. The sustaining fire that keeps my engine burning is the fact that I got health care at one point in my life and it saved my life. I know that if you have high-quality health care, you can put your life back together, you can get up, you can run, you can go to work, you can go to school, do the things you need to do. Without it, you cannot. Health care is not an abstract issue for the American people.

I sincerely hope that at the beginning of this debate Republicans and Democrats—and I have heard the Republican leader say, when we find an area of disagreement, there is plenty of room for agreement here. Let us find it, I say to my colleagues, before we move on.

Mr. President, I would just add a bit of detail to that and emphasize that when Mr. Clinton came to this Congress earlier this week and described the six areas, he was also describing six problems, and that is the foundation.

We all understand that access is a problem. There is a broad coalition on principle, No. 1, a broad coalition that we ought to have comprehensive universal health care for all Americans. Well, that is a good starting point, a good, solid starting point. There are Republicans and Democrats who can agree on that. So let us lock that in.

Comprehensive universal health care for every single American. You will know that you have it; it cannot be taken away; it cannot be denied to you. It is a good, comfortable starting point.

The President and First Lady also say everybody knows this system is causing us to be priced out of the market. Costs are out of control, at least they appear to be out of control. We need to do something about this.

We know there are limits. We know we have to control the costs of health care or businesses are not going to be able to pay the bill, people are not going to be able to pay the bill. We know that is the case. There can be legitimate differences of opinion on how to control the costs, but let the American people know at the beginning that we agree that we will try to put something in place that will control costs, that asks them to participate in the process, and asks them to help us find an answer that will work.

The First Lady also says, quite correctly, that everybody is confused by this system. It is very difficult to understand how it works, who is eligible, who is not eligible. If you are eligible, how much will you pay?

Not only are patients confused, spending lots of time filling out forms, perhaps second only to their tax forms, but providers are, as well.

So the administrative costs in the health care system continue to rise, and the complexity of the system is the problem, and the President is saying we have to do something about it.

Again, a broad coalition, broad support for making that change. So let us argue it. Let us stand upon that foundation. Let us not yield to special interests that will come to us and say, "Oh, please protect our little piece of the pie."

The President said we have to have choice in this system, we have to have choice. Individuals have to be able to decide, not because it satisfies their needs, but because it satisfies the providers' needs. It is healthier if we have choice. It is healthier if we have the opportunity for different sorts of people to come and say we can satisfy your needs, we can make you healthier, we can do what you want. Embedded in that is a need for us to get more information.

It is clear that Americans want to preserve quality—not an easy thing to do, as I will get to later when I talk about the economics of health care.

We want high-quality health care in America and we do not want to sacrifice. Nobody is disagreeing with that. Again, it can be a part of our foundation.

Last, Mr. President, the President of the United States buys his ticket and risks his political career by saying to Americans that we have to take personal responsibility. For far too long people have said, "I want my health care, but I do not want to pay anything for it."

Well, Americans, I think in a majority, are now saying we are willing to pay the money. The problem for far too many Americans today is, even when they are prepared to pay the money, they cannot buy the insurance. And the President has identified that problem.

So, Mr. President, we are not, it seems to me, in this Congress, lacking a solid foundation from which to begin. The President has given us a road map, given us a structure. The First Lady has done a tremendous job in meeting with Republicans, meeting with Democrats, meeting with the American people and articulating very, very clearly what this foundation is going to be.

So, Mr. President, let us begin with that, and let us go forth from that foundation and see if we cannot do what, indeed, the American people want us to do, which is, once and for all, to produce a miracle, health care to come to each and every American.

Hopefully, in 1994, Mr. President, I will be able to go to sleep with a conscience that is clear that every single American has the same quality of health care that I do. If I could go to bed with that clear conscience, Mr. President, it will come as a consequence of Members of this body and Members of the House of Representatives, Republicans and Democrats alike, saying that we are going to stand on this foundation that the President and the First Lady have built and do the right thing.

Mr. President, I come here today, as well, to talk about some economic issues that I think are terribly important and, at times, troublesome. They are also extremely difficult in many ways.

There are three issues that I see as connected to economics. One is just the raw economics of health care.

Mr. President, all of us know that if you are wealthy you do not have to worry about health care. That is a relatively easy thing to figure out.

Well, the Nation is the same way. I heard the distinguished Senator from Michigan earlier talking about the North American Free-Trade Agreement. Well, people in Mexico cannot afford cataract surgery. They do not have live corneal transplants in Mexico. They do not even think about doing a total hip replacement down in Mexico, or a cardiac bypass. That is not even in their vocabulary.

We have high-quality health care in the United States of America because we are a wealthy nation. It is true that far too many of our people do not have access, but the overall quality of health care in the United States of America is directly dependent upon our capacity to generate income and wealth.

One of the reasons health care is now a burning issue in the United States of America is that in the decade of the 1980's, indeed starting in 1973, as productivity rates started to decline, as international competition started squeezing wages and automation of services started doing the same thing, as people started to turn to temporary part-time work, the wages of working men and women in America have begun to decline in real terms. The only way household income has kept pace with inflation is that both mothers and fathers are now in the workplace.

That has not been without some other things going on. The cost of health care has also been going up rather rapidly, during this time.

When I had a son and a daughter 18 and 17 years ago, I paid cash. It was possible to do that. It was possible to write a check in 1976 and 1978, for the birth of your children.

Today, in Washington, DC, a 2-day normal delivery costs $10,000; $7,000 for the hospital and $3,000 for the doctor. You cannot write a check for that anymore.

What has happened in this entire period of time is that wages have been squeezed, real wages have gone down, and household incomes have kept up only because both the mother and father are working. Health care costs have continued to rise and suddenly it is a problem.

It is a problem because we are not generating a sufficient amount of income to pay the bills. Yes, I want to control the costs of health care, but I am here to say to my colleagues and to Americans that, unless we pay attention to the need to invest in our people, our transportation, our communications system, to make sure our schools are producing people who have the skills they need in the modern workplace, our wages are going to continue to decline. And, as a nation we are going to be able to afford even less.

No program we put in place here is going to change that. Unless we invest, unless we have a tax, unless we have a regulatory spending policy that creates higher paying jobs in America, unless our schools work, unless we as parents do what we need to do with our children, our wages are going to continue to decline in real terms and health care is going to continue to become more and more unaffordable.

We have to produce higher incomes, we have to produce more wealth. Because they are the source of our capacity to pay.

The President the other night stood and held up a health security card. Not this one, one similar to this. No one should fall under the mistaken impression that this card pays the bills. What this card does is indicates that you are eligible. That is all this card does. It is a wonderful thing to know that every single American is eligible. But, this card does not pay the bills. Wealth and income pay the bills. At some point, somebody has to write a check for the bills, and our capacity to write those checks is a direct result of our wages and our income.

We are doing a project in Omaha, NE, it started 3 years ago, on infant mortality and low birthweight called First Step. It is a terrific project. It helps to provide prenatal care and well-baby care to young women, doing what we can with immunization and nutrition to make sure that babies are born with the right weight.

But the No. 1 thing that correlates with high birthweight and with low infant mortality, is income. The higher your income the less likely your baby is going to be born with a low birthweight and less likely your baby will not survive in that first year. It is income that determines an individual's capacity to be healthy.

So I caution my colleagues, as we are talking about this, to consider the economics of health care. This card does not pay the bills. We have to generate income if we are going to be able to pay the bills.

I do not have any basis to come up with this number but my guess is, out of 117 million or so people in the work force today, my guess would be that 50 million people, perhaps, do not produce a sufficient amount of output to be able to afford the health care they would like to buy. Maybe the number is 40 million, maybe the number is 30 million. But it is a serious economic issue and that is what we have to focus on.

Let me give an example. If you and I work in factories across the street from one another, let us say I produce $50 an hour of widgets and you produce $15 an hour in widgets.

Mr. President, at $50 an hour of widgets my boss can afford to pay me $20 an hour in wages and benefits. He may try to stiff me for a while but the market is apt to have me walk away from him and find a job someplace else. He may overpay me for a while but again the market is apt to say to him he is not going to survive in business. There is a relationship between what my boss can afford to pay me and my output.

If you are earning $15 an hour, your boss will say, "I can afford to pay you about $6 an hour, Senator ROCKEFELLER. That is about all." If we as a Government do not recognize that, there is a temptation to say to that business, "Here is another $2 or $3 worth of expenses you have to pay," and be blind to the fact that there is an economic reality that the employer may not be able to pay more.

The problem is not going to be solved by us turning to business and saying, "You are irresponsible." The problem is going to be solved by us working in our education policies, investment policies, tax policies, to make sure the wages of our people are rising so there are fewer and fewer Americans who find themselves saying we cannot produce a sufficient amount of output to pay the bills.

I am not saying that we ought not to reach out and help people who no longer have the capacity to produce. We do that with elderly Americans and we should. We do that with disabled Americans and we should. We do that with poor Americans and we should, Mr. President. But there are two ways for me to get health care. You can give it to me, or I can earn it. In 1969 you gave it to me and I needed it and I am grateful for it. Today I have the capacity to earn a sufficient amount of income to pay taxes to help pay the bills for others who are not able to afford it.

Mr. President, there is a relationship between income and our capacity to build a high-quality health care system, and there is a relationship between an individual's income and his or her capacity to be able to afford it. And we dare not ignore that economic reality or we are apt to make things worse.

The second thing is the nature of Americans and this is a very important factor here. I do not know if I live in the same world as the rest of my colleagues, but in my entire life, and even today, it is my own nature and the nature of my friends and the people I know, to want answers to things. We want solutions. We were not satisfied to have polio wiping out a portion of the population of the United States in the 1950's, so we sent people out to try to find a cure for polio.

I caution my colleagues, we did not say to Jonas Salk, we did not say to Dr. Sabin, "Whenever you fund a cure make sure the price of that thing is inside the CPI. Make sure the Consumer Price Index is not exceeded by whatever cure you find." And we do not do that today.

We have researchers looking for cures for cancer. We have researchers looking for cures for cystic fibrosis, multiple sclerosis, muscular dystrophy, for amyotrophic lateral sclerosis, for all sorts of other problems we have in society today. Those researchers are looking for cures and when they find those cures, Mr. President, we are not going to say to them, "I can only give it to people who have enough money to pay the bills." We are going to apply it across the board. And I urge my colleagues and Americans to understand that. We have to face that fact.

Again, it is connected with our capacity to generate income. If we want to be able to apply that across the board we are going to have to generate the wealth to pay for it. Or we are going to find ourselves struggling to get the job done.

Third, the nature of what we call health is constantly changing. Our definition of health is changing. What we consider to be healthy is changing. What we define as mental health today is not what we defined as mental health 50 years ago; what I define as satisfactory orthopedic surgery is not what I defined as satisfactory, 50, 40, 30, 20 years ago.

I understand the people are frustrated with the costs of specialists, but we have ophthalmologists in America because we needed specialization in order to focus on that area, in order to come up with the laser surgery that allows us to remove cataracts and do live cornea transplants.

I do not object at all, indeed I think the President is right on target, saying we have to move more toward primary care. But specialization has occurred as a consequence of our demands, our demands for narrow answers. And those answers, those solutions have dramatically changed the quality of our lives.

I hear people say we have to stay within the CPI. The fact of the matter is, sometimes the discoveries do not lend themselves to those kinds of mathematical applications, and we as a people have to begin to discuss that. We have to have a way to discuss it because one of the things that frustrates Americans about health care is that somebody behind a closed door is making a decision. As the President said the other night, somebody 2,000 miles away is making the decision, telling the doctor they can or cannot do this. Maybe we ought to get it closer to home. Maybe that is what we need to do.

Maybe we ought to get closer to home, as we have done in Oregon. I have never liked parts of the Oregon plan. It is easy to figure out what low-income Americans ought to have. I think that is what we are going to have to do. We have to have a basis to have an open discussion about what it is that we are going to define as health and what problems are we going to solve and how are we going to decide where to begin and where to stop.

The 50-year history of health in the United States of America, as I have alluded to earlier, is one of tremendous advances. Consider what happened in 1943. People really ought to think about what health care looked like in 1943, what problems we could solve and what problems we could not solve. I was injured on March 15, 1969. Had I been injured on March 15, 1943, I would not be standing here right now, Mr. President, because the kind of medical care they provided me in 1969 was dramatically better than what was available for battlefield injuries in 1943.

That is just one example of many that one can cite. We cure things now we did not cure then. I was listening to an individual the other night who was concerned about health care and he told a dramatic story about his daughter's life being saved with a new procedure related to cancer.

Bone marrow transplants that we now do in a fairly routine fashion cost $100,000. They are wonderful. I guarantee you, it was thrilling to listen to this man describe his daughter's life being saved as a result of this surgery. It was not available 50 years ago. It is available today. We asked for it.

So the history of health, in my judgment, is a history that has developed on a natural basis as a consequence of what we want. Health care costs are becoming more expensive because of the improvements that are being made.

So if we stand here in 1993 and say, "I am so angry that health care costs are expensive," one reason they are expensive is because we asked for high-quality, expensive health care. We should not be surprised.

Second, the history of intervention in the last 50 years is a rather remarkable economic lesson. I have to tell you, I fell asleep in Economics 101 when I went to college, so I do not pretend to have a deep and profound and impressive understanding of economics. But I do understand that if you increase demand and restrict supply, the price is going to go up. That is essentially what we have done all the way through the last 50 years. In order to allow Americans to get health care when we had wage controls late in the Second World War, we came to Congress and changed our laws and said you can now deduct insurance: about $50 billion of tax expenditures, Mr. President, driving demand, making it easier to purchase health care, no question about it, but also beginning the trend which moved us away from paying much in the way of cash.

Eighty percent of the expenditures in 1945 were paid for with cash. Today, 80 percent of the expenditures are paid for by third parties. We intervened again with Medicare and we intervened again with Medicaid. In every single instance we solved the problem, Mr. President, no question about it. Consider the change in the life of elderly Americans today compared to the way it was prior to 1965. It is a remarkable transformation.

We drove up the demand. In almost every single case when we did it, we put supply controls on certificates of needs, restrictions on licensing—all sorts of things. We said we have to be careful we do not build too many hospitals or license too many doctors. We control the supply and drive the cost up, and then we are shocked.

I am saying all these things because, yes, I believe there is waste, fraud, and abuse in our system. I believe there are tens of billions of dollars that come as a consequence of complexity and unnecessary paperwork. There are lots of things we can do to reduce procedures that are clearly unnecessary and save money. But in the end, after we have cleaned out all those bats out of the attic, we have to face facts. Part of the reason that cost has gone up is because we are asking for high-quality health care.

All of this, for me, leads to one conclusion, among many others, that I would make this afternoon: that I would offer in respectful disagreement with the President's proposal. Again, as I said before, I am not standing here on the floor with an ultimatum. I am not standing here on the floor saying if you do not change this I will not support your bill, as I am being urged, as I read in the New York Times, "if you don't make this change, this is going to destroy our lives."

If we are going, as I believe we ought, to extend to every American under color of law a right to health care and say you no longer have to worry that you are going to lose it, we are going to give every American one of these cards and say you are now eligible, if we do that, we have to acknowledge that, once again, we are going to drive demand, we are going to increase demand. All of us understand that, and we have to understand that there are going to be limits.

I just have to tell you I believe the most effective way to control the cost of health care in the beginning is to say to every single American that not only are we going to change the way you become eligible, but, in order to control costs, we also have to change our individual responsibilities.

The President talked about this as his sixth point in his remarkable speech the other evening, but I think we have to be very explicit. I think we have to say that each one of us understands that we have a responsibility to pay and we have to be aware of the costs. Health care is not like shopping for groceries. It is not like going out and buying a car. For gosh sakes, many of the expenditures we make are elective, and we can at least know the price of that.

I will give you an example. I will say, it is a little difficult to talk about because I expect to hear, read about it, perhaps hear about it in townhall meetings and read in the newspapers and it may look different than what I am about to say right now.

I hear, as I suspect most of my colleagues do, people in the Medicare Program come and say that prescription drugs are expensive. I hear it a lot. You do, too, Mr. President, I am pleased the

President of the United States has identified that is something we need to address.

When we are approached by someone who says, "Do you know what it costs for a year's supply of hypertensive drugs? Do you know what it costs me for the medication I take to control the ailment that my doctor has diagnosed?" One of the things we ought to say is, "No, I don't, but I'm glad you do." One of the things we ought to say is, "I want to make sure that if your income is $500 or $600 a month from Social Security, whatever your retirement is, and you have $300 or $400 a month of prescription expenditures, I don't want," as the President indicated earlier, "you to have to choose between food and prescription drugs."

But there is something good in this, and that is the fact that Americans must know the price of health care, Mr. President. It is very important, very important for me. I would prefer, indeed I think we can build a bipartisan coalition, on a very small change in the President's proposal to say the mandates should fall upon the individual and not upon the business, Mr. President. I generally think we can build a coalition on that one small change.

The financing of it may not change at all. We can still say the businesses have a requirement to make a contribution, but if I say to Americans, "Here's your card, you're eligible, you have a right, go get what you want," and we are going to mandate that the businesses pay for it, even if we ask Americans to make up 10, 20—we have to say to Americans, "It is your responsibility, it is our responsibility, it is my responsibility as an individual." I cannot just come in and ask for the best and then pray to God that somebody else pays for it.

Mr. President, I say, as I said several times, our capacity to have the highest and best health care in America is wholly dependent on our ability to produce wealth, to generate income. One of the reasons, as you well know, that people are struggling right now with health care is they cannot afford it. And one of the reasons they cannot afford it is because the wages have been staggering. We cannot simply extend a right to every single American and then be unconscious as to what that right will be doing.

We have to ask immediately afterward if Americans are willing to accept new responsibilities, and if they are not—Mr. President, we cannot in order to get reelected, in order to give Americans something they want, we cannot look them in the eye and say we are going to give you what you want for not asking for something in return, because if we do, it seems to me, Mr. President, we will disappoint Americans by driving health care costs up even more, by causing their taxes to go higher than we would like, by causing them to discover that the solution, indeed, would make things worse.

It would not require much change, in the structure of the proposal the President is making. I believe, Mr. President, it would provide us with a clear, bipartisan foundation upon which we can do the work that the President of the United States has asked us.

I close by saying I am extremely impressed the President of the United States stood before the American people—the First Lady did the same—and acted with a great deal of courage. All of us know that many of the things the President has proposed are going to provide a response from a variety of interest groups, and we know where those interest groups are, we know where the opposition is going to come from; that they have already begun to do their work, Mr. President. It is a courageous thing the President has done, and the only way that the miracle of a piece of legislation being signed in the Rose Garden in 1994 is going to occur is for us to identify those areas where we agree and then build a house upon that foundation.

The President said that we now look back upon Social Security some 50 years after it was enacted and we cannot imagine—cannot imagine—a time when old people died on the street because they did not have enough income. We cannot imagine what America was like knowing that our parents were at risk when they could no longer earn a productive wage in the workplace. We cannot imagine what America looked like.

Well, we want to arrive probably 20 years—it will be 40 years for most of us—but 40 years from now we would like Americans to look back and say they cannot imagine a time when Americans had to wonder whether or not they were going to get health care.

But we would also want that 40-year history, Mr. President, to be a time when wages rise, when incomes rise, when America continues to generate wealth, and the quality of health care they need and deserve is affordable.

I applaud the courage of the President of the United States. It will take a considerable amount of courage on our part and a considerable amount of courage on the part of the American people to take the time and to make the effort to understand each and everything about this health care plan. We represent our people. We represent the people who have elected us, but it will take a collective effort to make sure we do this right.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the senior Senator from Nebraska, [Mr. EXON].

OMAHA HERO

Mr. EXON. Mr. President, since this seems to be Nebraska day on the floor of the Senate this Friday afternoon, let me start out my remarks by paying tribute to a truly great Nebraskan who was written up across the Nation and particularly in an Omaha World Herald story as of yesterday with regard to the very tragic, major Amtrak disaster in Alabama a few days ago. I make reference to a story in the World Herald of September 23. I ask unanimous consent that at the conclusion of my remarks the entire article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EXON. Mr. President, I would simply note the headline of the story: "Omahan Leads Survivors Out of Trapped Rail Car." It goes on to say that Michael Dopheide said he had no choice. "If the mostly elderly people trapped in the Amtrak rail car were to survive, he would have to act."

It goes on to tell then what he did and how he acted and how he saved many, many lives. The story also recites the fact that many of the survivors stayed at a motel not far from the tragedy and one after another came up to this outstanding Nebraskan and thanked him for saving their lives.

I thought it was particularly interesting, Mr. President, and I wish to quote three short paragraphs from that story:

> There was never any thought of escaping himself and not helping the others, Dopheide said. The values that he gained at Boys Town in Omaha guided him, he said.
>
> "It was a natural thing for me to do," Dopheide said.
>
> "You know, it's the basic values from there," he said. "You know the motto: He ain't heavy, father, he's my brother. This was like that. I'm going to save them; they are human beings."

EXHIBIT 1

[From the Omaha World-Herald, Sept. 23, 1993]

OMAHAN LEADS SURVIVORS OUT OF TRAPPED RAIL CAR

(By C. David Kotok)

Michael Dopheide said he had no choice. If the mostly elderly people trapped in the Amtrak rail car were to survive, he would have to act.

For 20 minutes early Wednesday in the dark partially submerged train car, the 26-year-old Omaha man searched for an escape route. He could hear the moans of his fellow passengers.

"Someone said, 'Oh, my God! We're going to die!' " Dopheide said Thursday.

The windows were too strong to break out. The hydraulic system was cut, and the doorways were jammed. The crew car ahead had burst into flames. The other coach that tumbled off the trestle into an Alabama bayou was submerged.

Finally, Dopheide found an opening. For more than an hour, he guided people through a broken window—coaxing them to jump the 6 feet into the water and onto debris until help arrived.

Dopheide has found himself in the news media spotlight as a hero of the deadliest train accident in Amtrak's 23-year history.

Forty-four people died when the Sunset Limited, traveling from Los Angeles to Miami, plunged into Bayou Canot on the outskirts of Mobile at 3 a.m. Wednesday.

Investigators believe that a barge lost in the fog struck and weakened a railroad trestle shortly before the train tried to cross it.

The FBI and the National Transportation Safety Board said they found a dented barge near the train wreck, along with damage on a concrete piling supporting the bridge that appeared to match the barge's damage.

By Thursday, Dopheide said, he was feeling euphoric "just to be alive."

At the Mobile hotel where many of the 159 survivors were staying, those Dopheide helped to escape thanked him, saying, "You saved my life."

There was never any thought of escaping himself and not helping the others, Dopheide said. The values he gained at Boys Town in Omaha guided him, he said.

"It was a natural thing for me to do," Dopheide said.

"You know, it's the basic values from there," he said. "You know the motto: 'He ain't heavy, father, he's my brother.' This was like that. I'm going to save them; they are human beings."

Dopheide and his brother, Andrew, went to Boys Town because of disputes in their home, he said.

"I wasn't a ward of the court or anything," he said.

Michael Dopheide graduated in 1985 and spent the summer as a lifeguard at a Boys Town camp. He went on to earn a sociology degree at Benedictine College in Atchison, Kan., a law degree at Thomas M. Cooley in Lansing, Mich., and a master of law and taxation degree from DePaul University in Chicago.

When he boarded the train Sunday in Los Angeles, Dopheide expected an adventure. He had read an article on the transcontinental train. Evi Dopheide, his sister and an Omaha travel agent, booked the trip for him.

"He loves to travel," Ms. Dopheide said, "He's a free spirt."

Dopheide had planned to go to Frankfurt, Germany, from Miami. The train wreck changed his plans. Dopheide now is planning to return to Omaha in a day or two.

Since the accident, Dopheide has been besieged by reporters.

"It's a madhouse," he said in a telephone interview from his hotel room.

He spoke of his fears as he stumbled and groped without his glasses before finding the one broken window that provided the escape hatch. When he first dived into the water, he said, he realized that it was coated with spilled diesel fuel.

The immediate danger was the coach filling with water. But it never submerged. A piece of trestle that broke the window also held the car in place. Smoke and fire from the crew car made it impossible for those in his coach to wait inside the car for help, he said.

Eventually, two tugboats ferried him and the 30 other survivors to safety.

Three people were listed as missing Thursday morning.

Federal officials were trying to piece together how the barge might have struck the bridge.

The barge owner, Warrior & Gulf Navigation Co., said in a statement that the towboat was traveling on the Mobile River when it got lost in the fog and found itself in the bayou.

"We don't yet know accurately what happened in this incident, but we have been, are and will continue to participate with all of the agencies seeking to resolve the questions," said Nicholas J. Barchie, company president.

The Associated Press contributed to this report.

UNIVERSAL HEALTH CARE

Mr. EXON. Mr. President, I have been listening with great interest to my friend and colleague from Nebraska discussing the health care matter.

It seems to me that the words I have just quoted from the story in the Omaha World-Herald have a real part to play to understand the problems we face as a Congress in passing some type of universal health care. Certainly my colleague from Nebraska, a graduate from the University of Nebraska in pharmacy, has been studying and leading the charge on this cause for a long time. I listened with interest to his remarks recently concluded.

I simply say, Mr. President, that I join with others, as I did immediately after the President's address on Wednesday night, in saluting the President of the United States for having the courage, the political courage, if you will, and the wisdom to outline for America his views as developed under the talented leadership of the First Lady and the strong hand of the President of the United States to come to grips with the problem of national health care that we have put off for far too long.

I, too, note, Mr. President, that the battle lines are being drawn. We and the people of the United States are going to be barraged, and I think it will be probably the largest barrage—by television commercials, talk show hosts, and sniping—we will ever witness either before or probably after on a major political move that must be made. I hope and I plead that rather than just tearing apart and denouncing personally the President of the United States, the First Lady, and the administration for coming to grips with the situation that others have put off, we recognize and realize that, first, in the view of this Senator, it is not a perfect plan and it needs some changes. But I hope we can have an intelligent dialog, Mr. President. I hope we will not have to come to nearly a clash of arms, as we experienced on the recent deficit reduction and tax bill that passed this body.

However, I say as one who has been involved in the Government and political processes for a long, long time that unless we can elevate the discussion to give and take which is bound to follow as we go through weeks and months of testing, suggesting, cooperating, we will not come up with a workable national health care plan. I think we can do it, and we can do it constructively. Or we can do it destructively. Some of the things that I have seen and heard thus far by those who are launching, in my view, a personal attack on the President of the United States and his motives are not going to bode well. I suggest, for coming up with a way to solve the health care problems of this Nation.

I noticed with interest some of the health care costs that my friend and colleague from Nebraska just cited. There have been many horror stories. The problem is that these things are going on today. The fact is that health care costs of America have gotten completely out of hand. At the same time, we have moved forward as no other nation to come up with new ideas, new concepts, and sensational results with regard to improving the health care of people.

Now comes a question, Mr. President, as to how are we going to pay for it and how are we going to accomplish this without once more creating a huge Federal bureaucracy which probably will get more in the way of a successful health care plan than promoting it.

I simply emphasize though, that this is a time not unlike those days in the early 1930's, when another courageous political leader, Franklin Roosevelt, had the courage to come up with a Social Security system. While I was not old enough at that time to remember all of it, I have read about it, and I cannot help but notice the similarity to the viciousness of the attacks that are being launched against the program outlined by the President the other evening.

I would say to all, those who are strongly supportive of the President's plan and those who are strongly against the President's plan, or the basic message, at least, and thrust of what he is trying to get done, that I think this is the time to try to come together. I have been very much impressed by many of the statements made by the leader of the minority in the U.S. Senate, Senator DOLE; Senator CHAFEE; and others. I say no more because I would be bound to leave out somebody that I should have mentioned. But I have been very much impressed with what they have said and the suggestions that they have made, taking up, I think the very sincere pledge that was clearly enunciated by the President of the United States last Wednesday night when he said: These are the six principles that we have to have, and that I will not compromise from, while recognizing and realizing that the plan is open to compromise and suggestion from the other side.

Contrasted with that, though, was the official response from some of the Republican leadership around the United States. I thought that the Republican response was snide. I thought it was unreasonable. I thought it was of an extremely partisan and political nature and approach. But it was all sugarcoated. It was all sugarcoated, Mr. President, with statements such as: We know something has to be done.

Yes, something has to be done. And I will simply repeat the words that I just quoted from the Omaha World story by the Nebraska Herald.

> We should remember, as Americans, what he said then and what has been a model that most Americans know about from our famed and wonderful Boys Town, located in Nebraska; that is the message I think that all of us should recognize and realize as we look forward to some kind of a health care plan that I predict will eventually be passed and signed by the President. And that is: He ain't heavy, Father; he's my brother.

I simply say, Mr. President, that our brothers and our sisters around this land of ours are in trouble. This land is going to be in trouble trying to carry out, I think, the ultimate promise that we all have made, and expect to be fulfilled, with a better life for the future. But unless we can change the escalating costs of the health care system and figure out a better way to finance it than we have had in the past few years, it is all going to come crashing down around our heads because it seems to me that most of us would fundamentally agree that every American is entitled to some safety, while recognizing that each of us have our own responsibilities as individuals and heads of families and members of families. We have to recognize that it is a heavy load. But we can carry it.

In closing, Mr. President, I just appeal once again for understanding, for compromise. Certainly, the President of the United States, who far too many in this country have come to detest for reasons that I cannot quite understand—it seems to me we should be able to recognize and realize that we do not always agree with what other people say and do; but do we have to detest them? Do we have to criticize them to the point that you are almost saying that that individual is not sincere or that individual does not know what he is talking about? No. The President of the United States knows what he is talking about. He is clearly a leader in this area. Whatever plan we eventually pass will bear the mark of Bill Clinton, the President of the United States.

I am sure that he is willing to compromise. In discussions that I have had with Mrs. Clinton and the President on this, they are only going to insist on us following the six principles for health security for all Americans, and are open to suggestions for things that we can do.

I, too, Mr. President, have some concerns about the numbers, as to how we are going to pay for all of this. But I am not saying, certainly, as some have, that we are in fantasyland. I am not saying that the President of the United States is not sincere. He may be mistaken in his numbers. I and others will be crunching those numbers to try to find some way out if we do not agree with them. But if we do not agree with those numbers, that does not mean that we have an excuse to vote against the plan. No.

We have an obligation, Mr. President, to stand up and say: This is how we might be able to do it better, Mr. President. And if we can convince the President of the United States that we are working as a team, together, Democrats and Republicans alike, then I am confident the President of the United States will say, "Well done."

Let us get on with the job.

I would simply say, Mr. President, that one of the concerns that I have about the plan is that it may be going too far, and it may be eliminating, by the way it is presently fashioned, one way to contain costs or to help share the costs that for the most part I think is pretty much eliminated by the plan as I understood it, as described by the President and the material from the administration that I have read.

I simply say that if we want to devise some ways without raising the deficit and the national debt of the United States up further, and still accomplish what most of us think would be a reasonable end, we should be talking about blending in some type of private insurance purchases that people can and should use to provide most of their own funds with regard to universal coverage.

While the insurance industry has been under sustained attack, and while I agree that the insurance industry of America does not have the brightest record with regard to controlling health costs in the past, I think the insurance companies of the United States of America got caught up in this whole push for better and better things, more expensive techniques, more expensive equipment to provide the best in care for Americans. That got out of hand.

I still say that I do not believe the insurance industry of America should be the "whipping boy." I believe that the leaders of many of those companies can be brought in, if we will listen to them, and at least consider their suggestions on how the insurance industry might be able to help and not hurt, and might be able to provide a way of continuing a measure, at least, of private insurance. That, I think, might fit in very well, without deviating from the six principles that the President laid down very clearly the other night.

I only cite, Mr. President, that back in those days of the early 1930's, when President Roosevelt came out with Social Security, there was a hue and cry by every life insurance company in America, when Social Security was indeed passed into law, that it would be the end of the life insurance industry in America. Some end. Basically as a result of Social Security, as something to build upon, we have seen, since 1930, the greatest growth in the insurance industry and life insurance ever.

So I think maybe some of the insurance people today should take a lesson from the mistakes and false statements that they brought forth back in the 1930's regarding Social Security. I do not mean to imply that this is not a complicated matter. I do not mean to imply that the insurance companies, and everybody in it, are going to be as reasonable and cooperative as many of us would like. I do mean to say, Mr. President, that if there is one way at least where we could cut down the Government costs of this plan, it would be to take a look at what the responsible leaders of the insurance industry are suggesting now and have been suggesting in the past.

So I say, as one U.S. Senator, that I want to work with the insurance industry, and I want to try and convince a majority of the Senate that maybe there is a place that we all can agree that the insurance industry could fit into. Maybe it will not work; maybe it will. I think it is worthy of consideration. I do not intend to be a part of any insurance individuals, or any insurance companies, who take a flamboyant, partisan approach to this proposition and start demanding. The insurance industry is in no position, in my view, to demand anything today in America. But I hope all of us working together—coming together, if you will, Mr. President, taking all of the best brains and understanding and techniques that we can, bringing the medical profession and the insurance industry and Government together, working together, hopefully on a basis of give and take, legitimate debate and discussions, as opposed to attack ads on television, which I suspect we are going to see a great deal of.

I do say, Mr. President, that this is a time to come together for the good of America now and in the future, for our children and our grandchildren. I simply say that, yes, indeed, as Michael Dopheide reminded us yesterday, this is a time when we must say to each and every one of us that we each have a role to play, and there are a lot of people out there. They aren't heavy, they're our brothers.

I call for compromise; I call for intelligent discussion; I call for an abrupt end to what I think is the attack mode that is being developed in some quarters against the President's proposals that I think, as imperfect as they might be, were extremely sincere.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Who seek recognition?

STRENGTHENING THE UNITED STATES ROLE IN U.N. PEACE OPERATIONS

Mr. PELL. Mr. President, yesterday Ambassador Madeleine Albright spoke before the National War College, outlining some of the fundamental questions to be considered in regard to U.N. peacekeeping operations. One of the issues she raised concerns putting U.S. troops under U.N. command.

Lately, the issue of command and control of American troops in multilateral operations has received a great deal of attention. Many have attacked the concept, fearing that American troops would be endangered or weakened by being subject to multilateral command. This, I believe, is the wrong debate.

Concern should not be over who commands American troops but whether or not the military operation has a clear objective, is competently commanded, and is sufficiently supported with personnel and material.

Ambassador Albright addressed this issue when she said:

> This Administration believes that whether an operation is multilateral or unilateral, whether the troops are U.S. or foreign, young men and women should not be sent in harm's way without a clear mission, competent commanders, sensible rules of engagement, and the means required to get the job done. The credibility of U.N. peace operations should hinge not on how many missions there are, but on the quality of planning, the degree of professionalism demonstrated and the extent to which mission objectives are achieved.

Those who complain about the involvement of U.S. troops in U.N. peacekeeping operations should take note of several basic considerations:

First, no nation gets drafted by the United Nations to provide troops. Nations volunteer their forces.

Second, as Ambassador Albright made clear, any peacekeeping operation that involves a substantial American military presence will have an American commander. In Somalia, Admiral Howe is the Secretary General's representative. In Bosnia, where France contributes the bulk of military forces, U.N. forces are commanded by a French general.

Third, no nation, especially the United States, will abandon the option of acting independently if it perceives its national security is directly threatened. By working within the United Nations, the United States is not giving up its sovereignty but is seeking to enhance it, by leveraging our interests multilaterally.

It is for this reason that it is critical that the United States support efforts by the United Nations to improve management of peacekeeping operations. The need to reform United Nations efforts in this area is obvious. I recognize that need as much as anyone.

I served as a member of the United States Commission on Improving the Effectiveness of the United Nations whose report, "Defining Purpose: The U.N. and the Health of Nations," was recently released. The staff of the Senate Foreign Relations Committee at my direction completed in August an extensive review of U.N. peacekeeping operations. Their report, "Reform of United Nations Peacekeeping Operations: A Mandate for Change," has also been published.

Both these reports support the concept of establishing a U.N. rapid reaction force and negotiating stand-by arrangements with member countries to provide additional reinforcements if necessary.

Both these reports acknowledge the need to undertake extensive reform of current U.N. procedures to ensure effective peacekeeping operations.

It has always been fashionable to attack the United Nations. Lately the attack has focused on U.N. peacekeeping operations, charging that they are ineffective, inefficient, and incapable of preserving peace. Those attacks ignore the severe pressures and greater responsibilities being entrusted to U.N. peacekeeping forces.

Just 5 years ago, in 1988, U.N. peacekeepers were awarded the Nobel Peace Prize. Since the, 16 new peacekeeping operations have been created—more than all those created in the four decades from 1948 to 1988.

We should not forget that the United Nations entire budget for peacekeeping operations was $364 million 5 years ago. The annual budget today is nearly $4 billion.

The United Nations has also grown in terms of population, in terms of states, and in terms of problems. In 1945 the United Nations had 50 members. Today, it has 184. And the spread of modern weapons systems has made conflicts more violent and devastating then ever before in human history.

The spread of internal and external armed conflicts has had three effects on the United Nations ability to restore peace. As the recent study by my staff observed:

> First, U.N. resources are stretched to the breaking point. Because of budget restrictions, the U.N. has the same number of permanent staff committed to peacekeeping operations as it had in 1987.
>
> Second, with limited experience with internal conflicts and in using military force to impose, rather than just monitor, peace settlements, the U.N. has had to design with limited resources new patterns for resolving conflicts.
>
> Third, peacekeeping operations are increasingly being replaced by more robust peacekeeping operations.

The United States has neither the resources, or the will, nor the need to be the world's policeman. But the United States, as does every state, has a national security interest in world peace. The United Nations permits the world community to act as one of the benefit of all without requiring the United States to act alone.

Mr. President, in 1945 in San Francisco I served on the staff of the commission that drafted some of the key peacekeeping provisions of the United Nations Charter. For over 40 years of the cold war it was not possible to bring those provisions into effect as envisioned by the Charter. The time has come, I believe, for the United States as the world's leading power to give a vote of confidence to the United Nations by participating fully in U.N. peacekeeping operations.

I ask unanimous consent that the speech by Ambassador Albright be printed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

AMBASSADOR TO THE UNITED NATIONS MADELEINE K. ALBRIGHT, REMARKS TO THE NATIONAL WAR COLLEGE, SEPTEMBER 23, 1993

To me, this auditorium—this military institution—is the right place to discuss the Clinton Administration's foreign policy goals and address that most crucial of topics: the use of military force in the post Cold War world. I believe that our national dialogue must ensure that this nation's foreign policy is clearly understood by those who might be asked to risk their lives in its behalf. And policy-makers must not only explain but listen—take the time to hear the concerns and answer the questions of our military personnel.

For almost half a century, whenever we talked foreign policy, we did so within a Cold War context. A whole new vocabulary was established of containment and deterrence, throw weights and missile gaps, subversion and domino theories. And U.S. military action was almost always related—directly or indirectly—to the Soviet threat. The world was a chessboard, and the two superpowers moved the pieces.

But then, our chess rival left the table. The game has changed and the rules to the new one are still being written. Most of us do not for a minute mourn the Cold War era. But now there are those from all parts of the political spectrum for whom the new world is more confusing than gratifying. They can conceive of no threats to America that are not Cold War threats. They look at that empty chair on the other side of the chess table, and counsel us to set back, put our feet up, and lose interest in the outside world.

Obviously, America is safer and more secure than it was. Anyone who feels nostalgia for the Cold War ought to have his or her head examined. But anyone who concludes that foreign adversaries, conflicts and disasters do not affect us misreads the past, misunderstands the present and will miss the boat in the future.

Indeed, President Clinton has talked often about the similarity between this historical moment and the early days of the Truman Administration immediately following World War II. Then, as now, a new President saw a dramatically altered world, sought to redefine America's interests in that new world, and acted to protect those interests from a rising tide of isolationist thinking. And then, as now, the President's decisions were based on an analysis of new threats, a recognition of our enduring interests, and the imperative of engagement.

So what are these new threats; and what should be America's response?

The Cold War is gone, but weapons of mass destruction are not. The possible aggressive use of such weapons remains perhaps the greatest threat to international peace and our security. Revelations about Iraq's weapons programs should have shocked even the most complacent among us. Beside Iraq, serious proliferation threats exist from states that fear the future, like North Korea; states that have fallen prey to the extremes of intolerance, such as Iran; and states that are engulfed by regional tension, such as in South Asia.

Beyond the destructive weapons, there are the destructive hatreds. Less than two months ago, the FBI apprehended a group with apparent foreign connections planning to blow up the building in which I work. The recent Middle East agreement is sure to enrage further those whose insecurities and extremism have made them blind to the promise of peace and open to the use of terror. The terrorist threat is aggravated by advances in technology and by the availability of weapons of every description. I know we remain vulnerable to terrorism; and I know it can affect our most vital of interests—our fathers, mothers, spouses, daughters and sons.

We also face increasing ethnic and subnational violence. Wherever we turn, someone is fighting or threatening to fight someone else. These disputes may be far removed from our borders, but in today's global village, chaos is an infectious disease. Although violence in a failed state such as Somalia may seem trivial to some, when combined with unrest in Sudan, Rwanda, Liberia, Bosnia, Georgia and so on, our attention and our interests—whether political or humanitarian—cannot help but be engaged.

When a democratic government was ousted in Haiti, drug trafficking skyrocketed, repression increased, and the risk of a massive new influx of refugees to America grew. In Somalia we have indications that a tactical alliance may be forming between Aideed's faction, terrorists based in Sudan and the Government of Iran. The current violence in Azerbaijan threatens to bring Turkey, Iran and Russia into conflict in ways that could well threaten our interests directly. And the possibility remains that the war in former Yugoslavia will spread to neighboring regions and nations, swelling further the flow of refugees, straining the economic vigor of Europe, and threatening the security of key European allies.

There is also a moral dimension to these conflicts, dramatized most hauntingly by the brave people of Sarajevo and Mostar, but embodied, as well, by the millions of others who suffer the depredations of violence off camera, out of sight, every day.

Obviously, neither we nor anyone else can right every wrong; nor would it make sense for us to try; but let us never become so preoccupied with day to day concerns that we lose sight of our own most basic interest, which is the preservation not simply of American leadership, but of American purpose.

Ten days ago, in Washington, I attended a lunch to celebrate the signing of an agreement between Israel and the PLO—a day I will remember all my life. I will remember, in particular, a comment by Israeli Foreign Minister Shimon Peres about America's purpose. When the history books are written, he said: "Nobody will really understand the United States. You have so much force and you didn't conquer anyone's land. You have so much power and you didn't dominate another people. You have problems of your own and you have never turned your back on the problems of others."

We should be proud that so much of the world sees America the way Foreign Minister Peres sees America.

For our leadership today rests on the same solid foundation of principles and values—the same enlightened self-interest—that has made service to America from Valley Forge to Desert Storm a badge not only for courage, but of honor.

As Secretary Christopher and National Security Advisor Tony Lake have said this week, American foreign policy has four overarching goals: first, to strengthen the bonds among those countries that make up the growing community of major market democracies; second, to help emerging democracies get on their feet; third, to reform or isolate the rogue states that act to undermine the stability and prosperity of the larger community; and fourth, to contain the chaos and ease the suffering in regions of greatest humanitarian concern. Taken together, our strategy looks to the enlargement of democracy and markets abroad.

To achieve these goals, some say we must make rigid choices between unilateral and multilateral, global and regional, force and diplomacy. But that is not true. We have the flexibility in this new era to steer a reasoned course between the counsels of those who would have us intervene everywhere and those who see no American purpose anywhere. We have a full range of foreign policy tools with which to work and we will choose those that will be most effective in each case.

As America's permanent representative to the United Nations, I have made it clear that we remain committed to the cause of peace and to the principle of resolving conflicts without violence whenever that is possible.

The end of the Cold War has provided us with new and important opportunities in this regard. Cooperation, not confrontation, is now the norm at the United Nations Security Council. As a result of our assertive diplomacy, we have been able to muster global support for sanctions against Libya for shielding the alleged saboteurs of Pan Am 103, against Iraq for its continued failure to meet its obligations following the Persian Gulf war, and against Haiti prior to the agreement reached recently to restore democratic rule. The use of sanctions has also arisen in the case of Angola, where our goal is to encourage an armed opposition group to abide by the results of a free election; and, of course, in Serbia, where they have drastically weakened the economy of an aggressor state.

Diplomacy will always be America's first choice; and the possibilities for diplomatic achievements today are ample. But history teaches us that there will always be times when words are not enough; when sanctions are not enough; when diplomacy is not enough.

The foremost mission of our government—its constitutional duty—is to protect our nation's territory, people, and way of life. We cannot fulfill that mission unless we have both the capacity to use force effectively and the will to do so when necessary. When neither our ability to fight, nor our resolve to fight are in doubt, we can be most certain not only of defeating those who threaten us, but of deterring those who are tempted to take such action.

Under the leadership of Secretary Aspin, I am confident that we will maintain military forces that are modern, versatile, ready and strong. It is DOD policy to maintain a military capable enough, in concert with local allies, to fight and win two major regional wars. The existence of such a force—and the credible threat to use it—is the surest way to prevent our interests from being threatened in the first place.

For years, a debate has raged about whether or not it is necessary to spell out a set of specific circumstances—a checklist—describing when America will or will not contemplate the use of military force.

This Administration has wisely avoided the temptation to devise a precise list of the circumstances under which military force might be used, or of repeating the State Department's mistake concerning Korea forty-three years ago when it defined too narrowly the scope of America's interests and concerns. Too much precision in public, however well-intentioned, can impinge on the flexibility of the Commander in Chief, or generate dangerous miscalculations abroad.

But let no one doubt that this President is willing to use force unilaterally when necessary.

Last June, the President ordered a strike against Saddam Hussein's military intelligence headquarters in response to Iraq's plot to kill former President Bush. We didn't seek anyone's permission to carry out that raid; we didn't ask anyone's help; we did it using our own forces exercising our own right of self-defense. The President said in his inaugural speech that America would act militarily with others when possible, but "alone when we must." That commitment was true then; it is true today.

In the future, if America's vital economic interests are at risk, as they were in the Gulf; or the lives of American citizens are in danger, as they were in Panama; or if terrorists need to be tracked down, as when President Reagan ordered the use of force to apprehend the hijackers of the Achille Lauro; President Clinton will not hesitate to act as a Commander in Chief must act to protect America and Americans.

The President's inaugural statement also indicated that we support the use of force on a multilateral basis when it is in our interests to do so. As Secretary Christopher put it, we see 'multilateralism as a means not an end." No one understands the potential advantages of multilateralism better than the United States. That's why we proposed NATO and helped create the United Nations. The underlying thesis of the post World War II strategy of containment, the legacy of such leaders as President Truman, General Marshall and General Eisenhower, was that American strength is made even greater when cemented by strong alliances and joint endeavors with other nations in pursuit of common objectives.

The history of the Persian Gulf over the past three years is a classic modern example of this. I know that some of you here today helped to plan and execute operations during that war, including perhaps the most decisive air operation in history, along with the complex passage to the front lines of large combat units from different countries with different languages. I salute you for your skill and professionalism in this most effective coalition campaign. In the Gulf, American leadership benefitted greatly from the support of other states before, during and after the war. UN sanctions strengthened our cause politically, allied support spread the burden militarily and contributions from Arab states, Germany and Japan reduced the costs of the war and its aftermath financially.

The end of the Cold War has opened up another avenue for multilateral cooperation that had long been limited by the U.S.-Soviet rivalry—and that is United Nations peacekeeping. In recent years, there has been a dramatic increase in requests for UN assistance in resolving ethnic and other conflicts. The statistics by now are familiar: more peacekeeping operations in the past five years than in the previous 43; a sevenfold increase in troops; a tenfold increase in budget; a dramatic, but immeasurable increase in danger and complexity.

At their best, UN peacekeeping operations can be very effective. Obviously, they cannot be a substitute for fighting or winning our own wars, nor should we allow the existence of a collective peacekeeping capability to lessen our own military strength. But UN efforts have the potential to act as a "force multiplier" in promoting the interests in peace and stability that we share with other nations.

As I said earlier, territorial disputes, armed ethnic conflicts, civil wars and the total collapse of governmental authority in some states are now among the principal threats to world peace. The UN is playing a constructive role in many such situations by mediating disputes, obtaining ceasefires and in some cases, achieving comprehensive peace agreements. This often requires the presence of UN peacekeepers or observers, either to help arrange a peace or to help keep it.

Past UN peace missions have achieved important goals in places as diverse as the Middle East, Namibia, El Salvador and Cambodia. To the extent future peacekeeping missions succeed, they will lift from the shoulders of American servicemen and servicewomen and the taxpayers a great share of the burden of collective security operations around the globe.

Particularly when circumstances arise where there is a threat to international peace that affects us, but does not immediately threaten our citizens or territory, it will be in our interests to proceed in partnership with the UN or other appropriate groupings to respond to the threat involved and hopefully eliminate it. In such cases, we will benefit not only from the burden-sharing aspects, but from the ability to invoke the voice of the community of nations in behalf of a cause that we support.

At the same time, as America's representative to the UN, I know that UN capabilities have not kept pace with its responsibilities—and I have discussed this problem on many prior occasions. Those who support the goals of the UN do it no favors if they fail to speak out when its reach begins repeatedly to exceed its grasp. The UN emerged from 40 years of Cold War rivalry overweight and out of shape. Today, UN peacekeepers need reformed budget procedures, more dependable sources of military and civilian personnel, between training, better intelligence, better command and control, better equipment and more money. These limitations are not inherent; they are correctable; and the Administration is doing its part to see that they are corrected.

We believe, for example, that the UN decision-making process on peacekeeping must be overhauled. When deciding whether or not to support a UN peacekeeping or peacemaking resolution, we are insisting that certain fundamental questions be asked *before*, not after, new obligations are undertaken. These questions include the following:

Is there a real threat to international peace and security whether caused by international aggression, or humanitarian disaster accompanied by violence, or by the sudden, unexpected and violent interruption of an established democracy?

Does the proposed peacekeeping mission have clear objectives and can its scope be clearly defined?

Is a ceasefire in place and have the parties to the conflict agreed to a UN presence?

Are the financial and human resources that will be needed to accomplish the mission available to be used for that purpose?

Can an end point to UN participation be identified?

These questions illustrate the kind of consistent criteria—which do not now exist—that we are proposing that the UN take into account when contemplating new peacekeeping operations. And we are preparing guidelines for American participation that will promise greatest assistance in specialized areas such as logistics, training, intelligence, communications and public affairs.

And although the Administration has not yet fully completed its review of our policy towards UN peacekeeping, I can assure you of one thing. This Administration believes that whether an operation is multilateral or unilateral, whether the troops are U.S. or foreign, young men and women should not be sent in harm's way without a clear mission, competent commanders, sensible rules of engagement, and the means required to get the job done. The credibility of UN peace operations should hinge not on how many missions there are, but on the quality of planning, the degree of professionalism demonstrated and the extent to which mission objectives are achieved.

America under President Clinton will be a strong supporter of the UN. We take seriously President Truman's pledge to the first UN General Assembly that America will work to help the UN "not as a temporary expedient, but as a permanent partnership."

At the same time, we understand that there are limits to what that partnership can achieve for the United States. Adlai Stevenson used to refer to the UN as the "meeting house of the family of man", which it is, but it is a very large family. It is the ultimate committee. It reflects the broadest possible diversity of viewpoints. As Americans, we command enormous influence there because of our power and the power of our ideals. But we cannot rely on the UN as a substitute guarantor for the vital interests of the United States. The Berlin Wall would be upright today if we had relied on the UN to contain Communism. That ceremony on the front lawn of the White House two weeks ago would never have taken place if America had subcontracted to others the job of helping Israel to survive.

Sending American military forces into dangerous situations is the most difficult decision any President can make. History teaches us that public support for such decisions is essential and that, in each such circumstance, Americans are entitled to the facts.

The Administration has welcomed and takes very seriously the Senate's recent request to review our policy in Somalia. We have also begun, and will continue, a regular series of close consultations with the Congress and a dialogue with the public on our policy towards Bosnia.

I have spoken at length in public speeches and Congressional testimony about both issues, and both are about to enter a new phase. Bosnia may be witness to a negotiated peace that will present the international community with its most daunting peacekeeping task ever. Yesterday, the Security Council approved a Resolution setting out clearly that the UN's principal goal in Somalia is to bring about the political reconciliation of the long suffering country, in part through the establishment of basic civic institutions, such as a functioning judiciary and police.

In the weeks ahead, we will continue our consultations on Somalia, Bosnia and the full range of national security and peacekeeping issues.

Now, let me summarize my message here today.

The world has changed and the Cold War national security framework is now obsolete. The Clinton Administration is fashioning a new framework that is more diverse and flexible than the old; a framework that will advance American interests, promote American values and preserve American leadership. We will choose means to implement this framework on a case by case basis, relying on diplomacy whenever possible, on force when absolutely necessary. If American servicemen and servicewomen are sent into combat, they will go with the training, the equipment, the support and the leadership they need to get the job done.

Recognizing that global solutions are required to global problems, the tools that America will use to carry out its foreign policy will be both unilateral and multilateral. Other nations and institutions can and should be asked to bear a substantial part of the burden of advancing common interests; we have strong reason to help build a United Nations that is increasingly able and effective; but America will *never* entrust its destiny to other than American hands.

Finally, in keeping with a bipartisan tradition that stretches back a half century, America will remain engaged in the world.

It was fifty years ago this month that the Republican Congressional leadership, mindful of what America's periodic tendency towards isolationism had done to the League of Nations, first went on record in support of an international organization "to prevent military aggression and attain permanent peace." Senator Arthur Vandenberg sponsored that resolution, in his words, "to end the miserable notion . . . that the Republican party will return to its foxhole when the last shot in this war has been fired and will blindly let the world rot in its own anarchy."

Under the Clinton Administration, our nation will not retreat into a post Cold War foxhole. Under the President's leadership, we will be called upon to work together, Republican and Democrat, civilian and military, public official and private citizen, to protect America and build a better world.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,395,747,736,884.79 as of the close of business on Wednesday, September 22. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $17,113.47.

LIGA KATOLICKA: THE CATHOLIC LEAGUE FOR RELIGIOUS ASSISTANCE TO POLAND

Mr. RIEGLE. Mr. President, I rise to pay tribute to the Liga Katolicka or the Catholic League for Religious Assistance to Poland. Officially founded 50 years ago, this Polish-American national group was developed in the rectory of St. Hyacinth Parish in Detroit's old Poletown shortly after the commencement of World War II. At that time, Bishop Stefan Woznicki summoned religious leaders throughout the region to discuss the possibility of creating a nation wide organization to assist Poland. Due to its leadership in the creation of Liga Katolicka, the Archdiocese of Detroit was selected as the first seat of the ambitious program.

At the time of the group's creation, Nazi and Soviet forces were destroying the Polish nation, forcing tens of thousands of refugees to flee their homes. Later, as the darkness of communism and Soviet occupation settled over the land, Liga Katolicka represented a focal point for the hopes and dreams of millions of Poles in the effort to secure a post-Soviet future for Poland and its church.

After the initial assembly in Detroit, Liga Katolicka held a secondary meeting in Buffalo, NY, followed by its first convention in Cleveland, OH, in September 1944. Almost immediately, approximately 300 parishes joined the Catholic League, collecting $100,000 for Polish assistance. The organization's first directors spoke frequently of the charity of the sons and daughters of Poland and indicated that their enthusiasm, dedication, and sacrifice represented a true act of generosity and humanity.

Liga Katolicka has continued to support the church of Poland as well as the philosophies of independence and freedom that Polish people hold so dear. Offering strong backing to the Solidarity movement and the flowering of the post-cold-war church in Poland, Liga Katolicka has had a significant impact upon events in central and Eastern Europe. It has inspired both religious and lay leaders and has provided funds to promote a post-Communist educational system in Poland.

The success of Liga Katolicka has gone far beyond the hopes and dreams of those who gathered in the rectory of St. Hyacinth Church in Detroit. The State of Michigan takes special pride in recognizing those who created and have worked for the Catholic League for Religious Assistance to Poland. For 50th years they have shown not only charity and concern but also a spirit of perseverance that has brought a great deal of positive change to the world.

On the occasion of its 50 anniversary, I would like to offer my best wishes to the leaders and members of Liga Katolicka. I welcome you to this important celebration in the city of Detroit. Zycze wszystkim pomyslnosci w waszej dalszej tworczej pracy. Sto Lat!

HUD DEMONSTRATION ACT OF 1993

Mr. SARBANES. Mr. President, last night the Senate passed H.R. 2517, the HUD Demonstration Act of 1993, with an amendment offered by myself, Mr. RIEGLE, Mr. D'AMATO, and Mr. BOND. I would like to thank my cosponsors for the hard work that they put in to help usher this bill through the Senate. This bill is truly the result of bipartisan cooperation.

H.R. 2517, as amended, incorporates three bills that were previously passed by the House—H.R. 2517, H.R. 2669, and H.R. 2531.

First, I should note that, while H.R. 2517 is a modest bill, its ramifications are far reaching. This bill—the first housing legislation passed under the new administration—will allow the Department of Housing and Urban Development Secretary Henry Cisneros to begin the process of implementing his agenda: addressing the unfortunate problems confronting the Department, and reinventing the Department's ability to deliver programs to the intended beneficiaries—American citizens. In this bill, the Senate has allowed the Department to test several new approaches, many of them public/private partnerships, toward fulfilling its mission in the housing and community development arena. The results of these programs could produce models to be replicated in future years.

The bill includes an innovative homeless demonstration that holds promise for creating new models to finally get the problem of homelessness under control. The program will allow the Secretary to enter into partnerships in cities with large homeless populations in order to leverage cooperation among the sometimes fractious services providers in those cities. It will allow HUD to test new approaches to treating the spectrum of problems associated with homelessness. And, it will allow the Department to fund and evaluate other innovative approaches generated by local governments and nonprofit groups.

H.R. 2517 also includes two new initiatives that will leverage significant private resources to further HUD's goals. First, the National Community Development Initiative [NCDI] will access foundation resources—three times the Federal appropriation—to provide capacity building assistance to nonprofits engaged in housing and community development.

The Section 8 Community Investment Partnership Program also leverages significant private investment—projections estimate that the $100 million in Federal project-based section 8 rental assistance will attract approximately $660 million in pension fund financing for 1,000 to 3,000 affordable housing units. This innovative initiative will provide direction to pension funds that are interested in participating safely and profitably in housing, but only if such housing passes stringent investment-quality scrutiny. No pension fund can invest unless ERISA standards governing fiduciary responsibility and fiscal prudence are met. The bill's safeguards do not stop at ERISA, however. The bill ensures the long-term success of these ventures by providing continuous income streams through project-based section 8 rental contracts to owners, and by requiring the Secretary to set standards ensuring that these loans can be securitized. To the extent that the loans are securitized by Fannie Mae and Freddie Mac, the participating pension funds will be purchasing securities that are rated triple A by the major credit rating agencies.

The bill also includes several other valuable and time-sensitive provisions. For example, the bill prevents the precipitous decline in fees paid to public housing authorities under the section 8 rental assistance programs. On October 1, 1993, HUD will put into effect a new schedule for calculating these fees. For more than 79 percent of the small public housing authorities and 50 percent of the large public housing authorities, the fees will decline, in many cases significantly, from 1993 levels.

For public housing authorities whose fees are increasing under the new schedule, the bill caps the increase to 3½ percent above 1993 levels. For most of these public housing authorities, the increase in fees will roughly match general increases in cost of living and rental rates in the area. The bill capped these fees without prejudice, allowing fees to increase above this level if the amounts of those increases are provided in advance in an appropriations act.

This issue points out the need for reform in the calculation of section 8 fees. The Housing Subcommittee plans to reevaluate the fees paid under the section 8 program as part of a broader effort to consolidate the section 8 rental assistance programs—vouchers and certificates—in the 1994 reauthorization process. The Housing Subcommittee will request analysis by HUD of the adequacy of section 8 fees in light of some studies suggesting that the current fees are too high, but also recognizing that Federal mandates for services and procedures that exceed the responsibility to provide housing services impose additional costs on the public housing authorities.

H.R. 2517 also extends the term of the Manufactured Housing Commission, which was due to expire on October 1 of this year. The Housing Subcommittee welcomes the work of this Commission in contributing to the process for the 1994 housing reauthorization, and, specifically, in its efforts to assist in modernizing the regulation of manufactured housing.

H.R. 2517 also extends a reciprocity agreement between HUD and the Veterans' Administration that allows the Department to deem VA subdivision approvals for new housing developments as approvals that meet HUD's own standards.

Finally, Mr. President, I would like to note that this bill increases the authorizations for the moving to opportunities demonstration and the FHA and Ginnie Mae programs. We are pleased to be able to pass these authorizations in time for Congress to include funding for these provisions in the 1994 VA/HUD appropriations.

DEATH OF HAROLD T. HALFPENNY

Ms. MOSELEY-BRAUN. Mr. President, I would like to take a moment to pay tribute to the memory of the late Harold T. Halfpenny. Harold was a very dear family friend of a member of my staff, Steven Marchese. Steve tells me that Harold passed away in his sleep last Monday night.

Harold was born in Streator, IL, in 1905. Working nights to pay his way through undergraduate and law school, he graduated from the University of Illinois in 1930. That same year, he founded the firm that today bears the name Halfpenny, Hahn, Roche & Marchese. Harold retired in 1992, after 62 years of service to his fellow man, and the legal profession.

Early on in his career Harold served the State of Illinois as assistant state treasurer. He was consistently active in civic, charitable, and political affairs in my hometown of Chicago and throughout the State of Illinois. He served on the board of directors for many organizations in the Chicago area and appeared before countless congressional committees as a spokesman for small and emerging businesses. In addition, he wrote numerous articles on the legal aspects of distribution, and the impact of State taxation of interstate commerce on small businesses. Harold led the effort to obtain congressional relief, through the passage of the Interstate Income Act of 1959.

During Harold's long and distinguished career, he specialized in helping the backbone of our Nation; small and emerging businesses. He became a major force in helping to establish over 60 national, regional, and local trade associations.

Harold won recognition as a leading legal authority in the automotive aftermarket industry, receiving the industry's leadership award in 1975. He was a recipient of the Distinguished Service Citation from the Automotive Hall of Fame and was honored as a charter member of the Wholesaler-Distributor Hall of Fame in 1987.

Harold was a rare individual. His dynamic drive, combined with his experience and sensitivity toward his neighbor was the hallmark of his career. Harold's death is a great loss to the legal community and to all who had the pleasure to meet him. I would like to take this opportunity to express my heartfelt prayers to Mary, his wife, and their three children, Tom, Mary Joan, and Richard. Harold will be greatly missed, but I hope they, and all whose lives he touched, can take comfort in the legacy he has left behind.

THE RANGELAND REFORM INITIATIVE

Mr. JOHNSTON. Mr. President, earlier this week there was some discussion on the Senate floor regarding a memorandum sent by the Director of the Bureau of Land Management, Jim Baca, to all State Directors of the BLM about the Senate vote last week to impose a moratorium on any changes in the grazing program on Federal lands administered by the Forest Service and the Bureau of Land Management.

The memo was characterized as BLM Director Jim Baca saying to the Senate and to the House "we do not give a darn what you do, we are going to do it our way."

I do not read Director Baca's memo that way. It appears to be a factual description of events and prospects. In order to help Senators understand what is being said, I ask unanimous consent that the full text of Mr. Baca's memorandum be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
Washington, DC, September 15, 1993.

MEMORANDUM

To: State Directors.
From: Jim Baca, Director, Bureau of Land Management.
Subject: Rangeland reform initiative.

Last night the Senate voted for a moratorium on the Rangeland Reform Initiative through the Interior Appropriations bill.

The Senate has not historically been supportive of comprehensive grazing reform, so this is probably no big surprise. The House of Representatives, on the other hand, has been and continues to be strongly pro-reform.

To date, the Congress has been unable to agree on any strategy for grazing, and in that gridlock the Administration has moved forward with our proposal. Unless some new consensus develops now, we will continue on the present track.

The Interior Appropriations bill now goes to conference, and we will be having various discussions with House and Senate members, Governors, industry and environmental groups.

Our bottom line is this: we will deliver on grazing reform—both to increase grazing fees and improve our on-the-ground management and regulation of the public range. If the House and Senate can agree how to do that, great; if not, we will be implementing it administratively.

BLM staff are doing an excellent job of developing the EIS and the regulatory framework. Keep up the good work. I'll keep you posted on developments. In the meantime, full speed ahead.

QUENTIN BURDICK

Mr. MOYNIHAN. Mr. President, without comment, for it needs no comment, I ask unanimous consent that an article from yesterday's Roll Call concerning our beloved and esteemed friend, the late Quentin Burdick, be placed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Roll Call, Sept. 23, 1993]

WAS SEN. BURDICK A COMMUNIST SYMPATHIZER?

(By Glenn R. Simpson)

An FBI report dating back to 1959 concluded that the late Sen. Quentin Burdick (D–ND) was once a communist sympathizer.

Burdick's FBI file, obtained by Roll Call under the Freedom of Information Act, contains several documents, dating to the years between 1959 and 1965, that detail Burdick's alleged communist ties in the mid-1940s. Burdick was first elected to the House in 1958.

The information was never made public. But if the findings had been revealed at the time, when Cold War hysteria was rampant and guilt by association with communists was a common tactic, they could well have led to defeat for Burdick in his 1960 Senate bid, and thus, however modestly, changed Senate history.

Instead, the data rested undisturbed in the FBI's archives for decades.

Burdick, who was elected to the Senate in a June 1960 special election to fill the seat of Sen. William Langer (R) after Langer's death, died in office last September at the age of 85. He became chairman of the Environment and Public Works Committee in 1987.

An attorney who was active in the Midwest progressive movement and worked for the liberal National Farmers Union, Burdick apparently first came under FBI scrutiny in 1944 when an anonymous source told the bureau that Burdick had bought a one-year subscription to The Communist on June 22, 1944.

Burdick was a well-known political figure at the time. His father was Rep. Usher Burdick, a popular liberal GOP Congressman, and Quentin Burdick had been the Democratic nominee for lieutenant governor in 1942.

In 1946, the FBI learned, again from an anonymous source, that Burdick's name appeared on a list of subscribers to the Worker, the Communist Party's standard. (At the time, Burdick was waging an uphill and ultimately unsuccessful first-bid for Senate.)

Burdick's attendance at the 1949 Progressive Citizens of America convention in Chicago was also noted by the agency, as was the fact that Burdick was a member of the platform committee at the 1948 Progressive Party convention that nominated former Vice President Wallace for the presidency.

All of this information was assembled for red-hunting FBI Director J. Edgar Hoover in January 1959. Burdick has won a House seat the preceding fall in a major upset, becoming North Dakota's first Democratic Representative since the sparsely populated territory gained statehood in 1889.

A week after Burdick was sworn in to his first House term, Hoover ordered the Minneapolis bureau of the FBI to prepare a memo on Burdick's communist ties "which will be suitable for dissemination."

The report contained the allegations about Burdick's subscriptions and also cited remarks a Communist Party member in Minneapolis had made about Burdick. The party member, whose name was censored, "said Burdick was an attorney, supported the Farmers Union, had good relations with the American Federation of Labor, was a big Mason and cooperated with the communist one hundred per cent."

The report also alleged that, in 1945, Burdick "attended a meeting at Fargo, North Dakota with several known CP members for the purpose of forming a Citizens Political Committee."

In addition, "On February 13, in 1945, Quentin Burdick spoke at a meeting at Fargo, North Dakota, attended by members of the Communist Political Association (CPA) where it was concluded that Burdick would draw up a statement of the aims of the CPA." The report states, however, that "Burdick did not indicate that he would accept this assignment."

The report also states that on April 6, 1945, "Burdick was present in Fargo, North Dakota, with CP members when [censored] reported on his trip to a CP national committee meeting which had been held recently in New York City."

No source is cited for the claims about Burdick's attendance at communist meetings, but the information presumably came from some of the FBI's many informants within the party.

On Feb. 13, 1959, a summary of the allegations about Burdick was forwarded by Hoover to Attorney General William P. Rogers under the heading: Quentin Burdick Information Concerning (Internal Security).

"Burdick has not been the subject of a security investigation by the Bureau and our files do not reflect that he is a member of the CP," wrote Hoover. "The files do reflect a close association between Burdick and known CP members in the Minnesota-Dakotas CP District in the period from 1944 to 1946."

A copy was also sent to the deputy attorney general, Lawrence E. Walsh, well-known today as the independent counsel in the Iran-Contra affair.

Two contemporaries and longtime friends of Burdick said this week that they had never heard these allegations against Burdick. However, they said Burdick was accused of having communist sympathies during his 1960 Senate campaign—a nail-biter that he won by only about 1,500 votes—because of his connection to Henry Wallace.

"There was a smear campaign in North Dakota that wasn't really out in the open that was circulating allegations that he was a communist sympathizer," said political scientist Lloyd Omdahl, 62, who worked as Burdick's press assistant in the 1960 campaign against Gov. John Davis (R).

The smear campaign "never really got off the ground," said senior federal Judge Myron Bright, in part because the allegations were revealed to have been spread by Republican operatives.

The effort to tar Burdick was based primarily on Burdick's association with Wallace and his attendance at the Progressive convention, which Burdick brushed off by asserting he had merely been an observer on behalf of the Farmers Union. But Bright said the campaign was concerned enough to bring in "the number one Democratic anticommunist in the country"—Sen. John F. Kennedy (D-Mass).

"John Kennedy came to Fargo ten days before the election and in essence put his arm around Quentin and said, 'Here's a good American,'" said Bright.

The potentially damaging allegations in the possession of the FBI never surfaced, although it appears someone did attempt to pry them loose. In June 1960, only weeks before the special election, the bureau apparently received a request for information on Burdick from someone involved in North Dakota politics.

The FBI, however, refrained from getting involved. "It is believed that our reply to [censored] should be most circumspect in order that the FBI will not become involved in this political campaign," wrote an unnamed bureau official in an internal memorandum.

"If we advise [censored] that Burdick has never been the subject of a Bureau investigation, [censored] may construe such a statement as clearance of him and afford publicity to the Bureau's letter as an endorsement of Burdick. It is, therefore, believed that our reply should be limited to indicated that the Bureau does not furnish clearances or nonclearances nor evaluations or comments concerning the character or integrity of any individual."

It's unclear who might have posed the request to FBI. Omdahl said the Burdick campaign never requested clearance from the bureau. That leaves two likely possibilities: the Davis campaign and the press.

Omdahl says that if the FBI had decided to release the information, it could have changed the outcome of the race. "If they had done that in 1960, it could have been damaging because the election was so close. Actually, it wasn't until midday the day after the election that we knew he had won. * * * It was a cliffhanger. If the FBI would have thrown its credibility behind his opponent, that would have probably changed 1,500 votes. All you needed to do is change 750."

Burdick was never a communist, said Omdahl. "Back in 1948 there were people claiming that the whole Farmers Union was somewhat pinkish. They took liberal positions on current social issues like welfare, education. They were liberal in their social orientation."

Burdick came under fire simply for being liberal, Omdahl said. "Back in those days, if you believed the government ought to do something, you were suspect."

Burdick was certainly unabashedly active in the progressive alliance. "In that regard, if it's guilt by association, I guess he did have some associations. But his public record didn't reveal he had ever proposed to overthrow the government."

The bureau also took note of an article in the Worker hailing Burdick's victory.

"The nation-wide concern of the monopoly press for a victory for Gov. John Davis, the Republican candidate, was reflected locally in the attacks on Burdick as a candidate of the 'labor bosses,' the Hoffa forces, the Farmers Union and the Left Wing," opined the paper. "Burdick's crime, the press made clear, was that he voted too often for the people against the reactionaries." The paper condemned "an intense redbaiting campaign through phone calls and unsigned leaflets calculated to discredit Burdick with the voters."

While Burdick was not among the liberals who spoke out against McCarthyism, he did in 1961 forward to Hoover an impassioned letter he had received from a Presbyterian minister denouncing Hoover for his comments endorsing a red-baiting film put out by the House Un-American Activities Committee.

The letter was placed in Burdick's file along with a note stating that bureau files "contain numerous references regarding [Burdick] dating back to 1944 which would indicate that he is sympathetic to the communists. Some Communist Party officials have reportedly been pleased with the political success of Quentin Burdick."

While Burdick's reputed association with communists ended in the mid-1940s, the last reference to Burdick as a "communist sympathizer" is in a January 1965 memorandum, the subject of which was censored.

Large portions of the Burdick file were censored to protect the privacy of others, to protect informants, and for "national security." One mystery that will endure: In several instances where documents discuss Burdick's background, information has been censored "in the interest of national defense or foreign policy."

TRIBUTE TO RALPH H. KELLEY, CHIEF BANKRUPTCY JUDGE, EASTERN DISTRICT OF TENNESSEE

Mr. SASSER. Mr. President, it is my great honor and privilege to rise today in recognition of one of the true giants of the Federal judiciary—Ralph H. Kelley, chief bankruptcy judge for the eastern district of Tennessee.

On October 1, 1993, Judge Kelley will retire after 25 years of distinguished service on the bench. But in an inspired and highly applauded decision, the sixth circuit Court of Appeals voted unanimously to recall him for an additional 3 years of senior staturs service.

The sixth circuit recognized what many of us in Tennessee have known for years: Judge Kelley is one of the most dedicated public servants and brilliant jurists that our great State has ever produced.

However, I would be sadly remiss, if I left my colleagues with the impression that Judge Kelley's vast contributions have been limited to his service on the bench. That is just one facet of this extraordinary man.

Go beyond the bench, and you will see that the thread throughout Judge Kelley's career is service to his fellow citizens, his State, and his country. When I think of Ralph Kelley, I am reminded of what Woodrow Wilson once said: "There is no cause so sacred as the cause of a people. There is no idea so uplifting as the idea of service to humanity."

Ralph Kelley started his long distinguished career as a page in the House of Representatives during the tumultuous years of World War II. Following his service in the Army Air Corps, Ralph Kelley completed his education at the University of Chattanooga and received his law degree from Vanderbilt University.

Armed with this new knowledge, a first-rate mind and a selfless dedication to citizens and country, Ralph Kelley began his calling. After 2 years as assistant attorney general for Hamilton County, Ralph Kelley was elected to the Tennessee House of Representatives.

Higher offices were to follow and in 1963, Ralph Kelley was elected mayor of Chattanooga. These were unsettled times in the South, and I cannot commend Ralph Kelley enough for his tireless efforts to improve race relations in the city and State—a legacy that lives on today.

Ralph Kelley was picked from the mayor's office to serve as Federal bankruptcy judge, where he served from 1969 to this day. How fortunate we are to have a judge of Ralph Kelley's enormous stature. His towering intellect and compassion resonate throughout his decisions and actions while on the bench. Judge Kelley has held in his hands the economic livelihood of communities, and through his actions held those communities together.

Judge Kelley somehow also found time to come to Washington to share with the Congress his vast knowledge and expertise on a wide range of issues, from bankruptcy to the budget as it relates to the judiciary. And we will long reap the fruits of Judge Kelley's labors as a teacher—a labor of love for this great man.

I would also like to point out that contributing to this extraordinary career has been Ralph's wife of 33 years, the former Barbara Ann Fahl, and his three daughters, Laura, Ellen, and Karen.

Mr. President, if Judge Ralph Kelley were present in the Chamber today, I would tell him that we have been enriched by your kind words as a friend, your good works as a public servant, and your wisdom and compassion as a judge.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 24, 1993, he had presented to the President of the United States, the following enrolled bills:

S. 464. An act to redesignate the Pulaski Post Office located at 111 West College Street in Pulaski, Tennessee, as the "Ross Bass Post Office".

S. 779. An act to continue the authorization of appropriations for the East Court of the National Museum of Natural History, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1564. A communication from the President of the United States, transmitting, pursuant to law, a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council; to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. Colin L. Powell, 113-28-4024, U.S. Army.

The following-named officer for appointment to the grade of brigadier general while serving as the Staff Judge Advocate to the Commandant of the Marine Corps under the provisions of title 10, United States Code, section 5046:

To be brigadier general

Col. Michael C. Wholley, 026-34-1101.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. FORD:

S. 1491. A bill to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LOTT:

S. 1492. A bill to require the Secretary of the Army to carry out such activities as are necessary to stabilize the bluffs along the Mississippi River in the vicinity of Natchez, Mississippi, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. KASSEBAUM (for herself, Mr. SIMON, Mr. LUGAR, Mr. MITCHELL, Mr. DOLE, Mr. KENNEDY, Mr. PELL, Mr. HELMS, Mr. JEFFORDS, Ms. MOSELEY-BRAUN, Mr. LEVIN, Mr. FEINGOLD, Mr. SARBANES, Mr. ROBB, Mr. MOYNIHAN, Mr. COVERDELL, Mr. STEVENS, Mr. SPECTER, and Mr. WARNER):

S. 1493. A bill to support the transition to nonracial democracy in South Africa; considered and passed.

By Mr. BOND (for himself, Mr. RIEGLE, and Mr. BURNS):

S. 1494. A bill to amend the Social Security Act to improve the exchange of information relating to health care services, to provide for measurement of health care quality, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. AKAKA (for himself, Mr. PELL, Mr. INOUYE, Mr. CAMPBELL, Mr. KENNEDY, Mr. MURKOWSKI, Mr. DASCHLE, Mr. STEVENS, and Mr. JEFFORDS):

S. Con. Res. 44. A concurrent resolution to express the sense of Congress concerning the International Year of the World's Indigenous Peoples; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FORD:

S. 1491. A bill to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1993

Mr. FORD. Mr. President, today I am introducing legislation to authorize appropriations for the Federal Aviation Administration. Because I believe the aviation industry is at a crossroad, possibly facing changes in the next year that completely reverse long-standing policies, this legislation is a simple, 1-year authorization. The Airport Improvement Program for fiscal year 1994 will be authorized at $2.050 billion.

This sense of change in the airline industry was recently expressed by Bob Crandall, chairman and president of American Airlines, Inc. In a speech to the International Aviation Club, he describes the airline industry as having a rare and possibly fleeting chance to seize the moment.

I regret that Secretary Peña does not have all of his team in place, because the next several months will be crucial to the airline industry and events will be unfolding very quickly.

The National Commission to Ensure a Strong Competitive Airline Industry completed their work in August and we are now waiting for an administration task force to finish reviewing the recommendations. Vice President GORE's reinventing Government package included recommendations for the air traffic control system and needless to say, I have a few suggestions of my own.

With an industry on the brink and no clear consensus yet on reforms, I do not believe now is the time to lock in the FAA and the Airport Improvement Program for 3 more years.

The airport community insists a multiyear authorization is needed for planning purposes. While I have always been an advocate of a budget process which allows for long-term planning, I must say to my airport friends that with decreasing revenues and enormous problems simply meeting airport funding obligations, I believe planning considerations are secondary.

I understand airports like multiyear authorizations so they can receive multiyear grants. But, with the letter-of-intent program functioning, there really is no need for multiyear grants. I would hope the airports understand that in this time of change in the industry, it is important to address all of the problems facing the industry including increased funding for the Airport Improvement Program.

Mr. President, I would like to advise my colleagues that I will schedule hearings on the recommendations of the National Commission to Ensure a Strong Competitive Airline Industry as soon as the Clinton administration has completed its review. Because many of the recommendations do not require legislation, I think it's important for Secretary Peña to testify. I believe an insight from Secretary Peña and Chairman of the Commission, Governor Baliles, would benefit those of us interested in pinning down specific responses to the industry's problems.

I was totally shocked when the House of Representatives Appropriations Committee reported legislation which decreases the Airport Improvement Program appropriation $300 million below the fiscal 1993 level and $379 million below the Clinton administration request. Especially in light of the fact that the Airport Improvement Program does not come from the general fund, but rather is self-financed by a trust fund collected from airline passengers. To say that I find the slowdown of the program perplexing and unacceptable would be an understatement.

I am committed to do everything that I can to at least raise the Airport Improvement Program to the fiscal year 1993 level.

The FAA has gone ahead and projected the discretionary grants without the benefit of this slowdown of the program. There are a number of obligations which must be met and I do not want to stymie the program to the extent that the FAA will be unable to commit to new projects.

In 1987, the Congress agreed to a concept which allows the FAA to work with airports to find funding for capacity programs. The FAA signs a letter of intent with an airport which not only makes long-term planning easier, but airport project financing can be enhanced as well. The FAA has issued 44 letters of intent and 39 are still outstanding. To date, FAA has met all letter of intent commitments and the reimbursement usually is set from 3 to 8 years. I cannot envision any other process that could better fund these multimillion-dollar capacity projects. I certainly do not believe the yearly appropriations process is the answer.

But clearly, the FAA will not meet the letter of intent obligations if the Airport Improvement Program level set by the House of Representatives remain in place. What is even more disheartening is that FAA will not be able to issue any additional letters of intent. This is not the time to hamstring the Airport Improvements Program. I am committed to continuing the letter of intent program and seeking ways to continue to fund airport capacity projects.

In an effort to fund the letter of intent obligations and fund future capacity projects, I have included in this legislation a mechanism that ensures that the FAA will be able to meet its existing obligations and obligations for fiscal year 1994. The provision specifically provides discretionary funds for the FAA if the AIP appropriation falls below $1.8 billion—the minimum needed to adequately run the program. This mechanism is for the life of the authorization and will resolve the problem without a huge burden to the distributional formulas set in the statute for airport funds. The formulas will be reduced proportionally to allow some discretionary funding.

Mr. President, I would like to summarize several other provisions of the bill. The authorization for the microwave landing system program will lapse. In light of the promising technology known as the global positioning satellite [GPS], I see no need to continue to fund this program for no better reason than, the Europeans might decide in 1995 to deploy MLS. It is hoped that all of the technical problems with GPS will be resolved by 1995.

This legislation provides for an inventory of landing aids and navigational equipment. The 3 to 4 year wait for landing aids and navigational equipment is unacceptable and inefficient.

On Monday, Senator DORGAN introduced legislation, S. 1469, to require air carriers to provide 90 days' notice to the Secretary of Transportation, the appropriate State agencies and affected communities prior to the termination, suspension or significant reduction of air service. In these days of diminishing airlines, I believe this is invaluable to allow communities sufficient time to find alternative service. I join Senator DORGAN as a cosponsor of S. 1469 and have included the text of his bill in this authorization.

It has been suggested to me that since foreign governments charge aircraft manufacturers for certification of aircraft the FAA should be allowed to do the same. This legislation provides for the FAA to establish a program to charge for certification of aircraft of both foreign and domestic manufacturers. Also, I have included the authority to charge foreign repair stations for the cost of certification.

Mr. President, FAA's annual budget of almost $9 billion supports a broad air transportation system infrastructure. This infrastructure has changed little since the Federal Aviation Act of 1958. Over time, bureaucratic inefficiencies have become institutionalized and the norm for conducting government business. Demands for ever increasing funding levels have not necessarily been accompanied by expected improvements in capacity or efficiency.

In view of the recent budget agreement and anticipated future funding constraints, the FAA may well be driven by demands for significant organizational change to meet the performance expectations necessary to support growing air transportation system requirements. It is a bit ironic that FAA is facing budget cuts at a time when the airline industry seems to finally be coming out of a bleak financial period and is actually posting some income.

I believe the Senate Aviation Subcommittee needs to review the functions of the FAA and the balance of resources needed to meet the needs of a safe and efficient aviation system. In this legislation, I require the Administrator provide the subcommittee with a review of the personnel procedures, procurement problems and the structure of the FAA. I look forward to a timely report. This will provide an excellent opportunity for the new Administrator to work with the subcommittee in looking at all of the functions of the FAA before introducing a bill next year.

Next Tuesday, September 28, the Aviation Subcommittee will hold a reauthorization hearing. The concept of meeting the needs of the Airport Improvement Program will be the major focus of the subcommittee.

Mr. President, I ask unanimous consent that the text of the legislation and my statement be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Aviation Administration Authorization Act of 1993".

SEC. 2. AIRPORT IMPROVEMENT PROGRAM AUTHORIZATION.

(a) AUTHORIZATION.—The second sentence of section 505(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(a)) is amended—

(1) by striking "and" immediately after "1992,"; and

(2) by inserting ", and $18,016,700,000 for fiscal years ending before October 1, 1994" immediately before the period at the end.

(b) DISCRETIONARY FUND.—Section 505(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(a)) is further amended by inserting immediately after the second sentence the following new sentence: "If the obligation limitation on the amount made available under this subsection for fiscal year 1994 is less than $1,800,000,000 and not less than $1,700,000,000, then $50,000,000 of such amount shall be credited to the discretionary fund established by section 507(c), without apportionment; and if the obligation limitation on the amount made available under this subsection for fiscal year 1994 is less than $1,700,000,000, then $100,000,000 of such amount shall be credited to such discretionary fund, without apportionment.".

(c) OBLIGATIONAL AUTHORITY.—Section 505(b)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(b)(1)) is amended by striking "1993" and inserting in lieu thereof "1994".

SEC. 3. DEFINITION OF AIRPORT DEVELOPMENT.

Section 503(a)(2)(B)(ii) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2202(a)(2)(B)(ii)) if amended by inserting "(including explosive detection devices) and universal access systems" immediately after "safety or security equipment".

SEC. 4. AUTHORITY TO CONTINUE LETTERS OF INTENT.

Notwithstanding any other provision of law, the Secretary of Transportation may issue letters of intent under section 513(d) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(d)) and use Airport Improvement Program funds for planning, approving, and administering such letters of intent.

SEC. 5. LANDING AIDS AND NAVIGATIONAL EQUIPMENT INVENTORY POOL.

Section 506(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(a)) is amended by adding at the end the following new paragraph:

"(4) LANDING AIDS AND NAVIGATIONAL EQUIPMENT INVENTORY POOL.—

"(A) ESTABLISHMENT OF PROGRAM.—Not later than December 31, 1993, and notwithstanding any other provision of this title, the Secretary shall establish and implement a program to purchase and reserve an inventory of precision approach instrument landing system equipment, to be made available on an expedited basis for installation at airports.

"(B) AUTHORIZATION.—No less than $30,000,000 of the amounts appropriated under paragraph (1) for each of the fiscal years 1994 and 1995 shall be available for the purpose of carrying out this paragraph, including acquisition, site preparation work, installation, and related expenditures.".

SEC. 6. MICROWAVE LANDING SYSTEM.

Section 506(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(a)), as amended by this Act, is further amended by adding at the end the following new paragraph:

"(5) MICROWAVE LANDING SYSTEM.—Notwithstanding any other provision of law, none of the amounts appropriated under this subsection may be used for the development or procurement of the microwave landing system, except as necessary to meet obligations of the Government under contracts in effect on January 1, 1994.".

SEC. 7. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.

(a) IN GENERAL.—Section 313 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1354) is amended by adding at the end the following new subsection:

"(g) ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.—The Administrator may provide safety-related training and operational services to foreign aviation authorities with or without reimbursement, if the Administration determines that providing such services promotes aviation safety. To the extent practicable, air travel reimbursed under this subsection shall be conducted on United States air carriers.".

(b) CONFORMING AMENDMENT.—The table of contents of the Federal Aviation Act of 1958 is amended by adding at the end of the item relating to section 313 the following:

"(g) Assistance to foreign aviation authorities.".

SEC. 8. FOREIGN FEE COLLECTION.

Section 313(f) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1354(f)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting immediately after paragraph (2) the following new paragraph:

"(3) RECOVERY OF COST OF FOREIGN AVIATION SERVICES.—

"(A) ESTABLISHMENT OF FEES.—Notwithstanding the limitation of paragraph (4), the Administrator may establish and collect fees for providing or carrying out the following aviation services outside the United States: any test, authorization, certificate, permit, rating, evaluation, approval, inspection, or review. Such fees shall be established as necessary to recover the additional cost of providing or carrying out such services outside the United States, as compared to the cost of providing or carrying out such services within the United States.

"(B) CREDITING OF PREESTABLISHED FEES.—Fees described in subparagraph (A) that were not established before the date of enactment of the Federal Aviation Administration Authorization Act of 1993 may be credited in accordance with paragraph (5).".

SEC. 9. REVIEW OF FEDERAL AVIATION ADMINISTRATION.

The Administrator of the Federal Aviation Administration shall conduct a review of the Federal Aviation Administration's personnel administration, procurement process, and overall organizational structure. The Administrator shall, not later than March 30, 1994, report on the results of the review to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

SEC. 10. REPEAL OF ANNUAL REPORT REQUIREMENT.

Section 401 of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96-193; 94 Stat. 57) is repealed.

SEC. 11. DISCONTINUATION OF AVIATION SAFETY JOURNAL.

The Administrator of the Federal Aviation Administration may not publish, nor contract with any other organization for the publication of, the magazine known as the "Aviation Safety Journal". Any existing contract for publication of the magazine shall be canceled within 30 days after the date of enactment of this Act.

SEC. 12. ACCESS OF FOREIGN AIR CARRIERS TO HIGH DENSITY AIRPORTS.

(a) IN GENERAL.—Title IV of the Federal Aviation Act of 1958 (49 App. U.S.C. 1371 et seq.) is amended by adding at the end the following:

"SEC. 420. ACCESS OF FOREIGN AIR CARRIERS TO HIGH DENSITY AIRPORTS.

"(a) IN GENERAL.—The Secretary shall not take a slot at a high density airport from an air carrier and award such slot to a foreign air carrier if the Secretary determines that air carriers are provided equivalent rights of access to airports in the country of which such foreign air carrier is a citizen.

"(b) DEFINITIONS.—For purposes of this section—

"(1) HIGH DENSITY AIRPORT.—The term 'high density airport' means an airport at which the administrator limits the number of instrument flight rule takeoffs and landings of an aircraft.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(3) SLOT.—The term 'slot' means a reservation, by an air carrier at an airport, for an instrument flight rule takeoff or landing of an aircraft in air transportation.".

(b) CONFORMING AMENDMENT.—The portion of the table of contents of the Federal Aviation Act of 1958 relating to title IV is amended by adding at the end the following new item:

"Sec. 420. Access of foreign air carriers to high density airports.

"(a) In general.

"(b) Definitions.".

SEC. 13. AIR SERVICE TERMINATION NOTICE.

(a) IN GENERAL.—(1) Title IV of the Federal Aviation Act of 1958 (49 App. U.S.C. 1371 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 421. AIR SERVICE TERMINATION NOTICE.

"(a) IN GENERAL.—An air carrier may not terminate air transportation to any point, unless such air carrier has given the Secretary, each appropriate State agency, and each affected community at least 60 days' notice before such termination.

"(b) EMERGENCY EXCEPTION.—On a case-by-case basis, the Secretary may modify or waive the requirements of subsection (a) for an air carrier experiencing a sudden and unforeseen financial emergency, if the Secretary finds that such requirements impose undue hardship on such air carrier.".

(2) The portion of the table of contents of the Federal Aviation Act of 1958 relating to title IV, as amended by this Act, is further amended by inserting immediately after the item relating to section 420 the following new item:

"Sec. 421. Air service termination notice.

"(a) In general.

"(b) Emergency exceptions.".

(b) CIVIL PENALTIES.—Section 901(a)(1) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1471(a)(1)) is amended by inserting "section 421 or" immediately after "$10,000 for each violation of".

SEC. 14. COOPERATIVE AGREEMENTS FOR RESEARCH, ENGINEERING, AND DEVELOPMENT.

(a) IN GENERAL.—Section 312 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1353) is amended by adding at the end the following new subsection:

"(j) COOPERATIVE AGREEMENTS.—The Administrator may enter into cooperative agreements on a cost-shared basis with Federal and non-Federal entities that the Administrator may select in order to conduct, encourage, and promote aviation research, engineering, and development, including the development of prototypes and demonstration models.".

(b) CONFORMING AMENDMENT.—The table of contents of the Federal Aviation Act of 1958 is amended by adding at the end of the item relating to section 312 the following:

"(j) Cooperative agreements.".

SEC. 15. SAFETY OF JUNEAU INTERNATIONAL AIRPORT.

(a) STUDY.—(1) Within 30 days after the date of enactment of this Act, the Secretary of Transportation, in cooperation with the National Transportation Safety Board, the National Guard, and the Juneau International Airport, shall undertake a study of the safety of the approaches to the Juneau International Airport.

(2) Such study shall examine—

(A) the crash of Alaska Airlines Flight 1866 on September 4, 1971;

(B) the crash of a Lear Jet on October 22, 1985;

(C) the crash of an Alaska Army National Guard aircraft on November 12, 1992;

(D) the adequacy of NAVAIDs in the vicinity of the Juneau International Airport;

(E) the possibility of confusion between the Sisters Island directional beacon and the Coghlan Island directional beacon;

(F) the need for a singular Approach Surveillance Radar site on top of Heintzleman Ridge;

(G) the need for a Terminal Very High Frequency Omni-Directional Range (Terminal VOR) navigational aid in Gastineau Channel; and

(H) any other matters any of the parties named in paragraph (1) think appropriate to the safety of aircraft approaching or leaving the Juneau International Airport.

(b) REPORT.—(1) Within 6 months after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report which—

(A) details the matters considered by the study;

(B) summarizes any conclusions reached by the participants in the study;

(C) proposes specific recommendations to improve or enhance the safety of aircraft approaching or leaving the Juneau International Airport, or contains a detailed explanation of why no recommendations are being proposed;

(D) estimates the cost of any proposed recommendations; and

(E) includes any other matters the Secretary deems appropriate.

(2) The report shall include any minority views if consensus is not reached among the parties listed in subsection (a)(1).

SEC. 16. SOLDOTNA AIRPORT IMPROVEMENT.

(a) RELEASE.—Notwithstanding section 16 of the Federal Airport Act (as in effect on December 12, 1963), the Secretary of Transportation is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and the provisions of subsection (b) of this section, to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated December 12, 1963, under which the United States conveyed certain property to the city of Soldotna, Alaska, for airport purposes.

(b) CONDITIONS.—Any release granted under subsection (a) shall be subject to the following conditions:

(1) The city of Soldotna, Alaska, shall agree that, in conveying any interest in the property which the United States conveyed to the city be deed dated December 12, 1963, the city will receive an amount for such interest which is equal to the fair market value (as determined pursuant to regulations issued by the Secretary of Transportation).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport.

SEC. 17. TECHNICAL AMENDMENTS.

(a) DEFINITIONS.—Section 503(a)(2)(B) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2202(a)(2)(B)) is amended by moving clauses (vii) and (viii) 2 ems to the right.

(b) AIRPORT PLANS.—Section 504(a)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2203(a)(1)) is amended by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively.

(c) CERTAIN PROJECT COSTS.—Section 513(b)(4) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(b)(4)) is amended—

(1) by inserting "or (in the case of a commercial service airport which annually has less than 0.05 percent of the total enplanements in the United States) between January 1, 1992, and October 31, 1992," immediately after "July 12, 1976,"; and

(2) by adding at the end the following new subparagraph:

"(D) That, with respect to a project at a commercial service airport which annually has less than 0.05 percent of the total enplanements in the United States, the Secretary may, approve the use of the funds described under paragraph (2), notwithstanding the provisions of sections 511(a)(16) and 515.".

SEC. 18. EXPENDITURES FROM AIRPORT AND AIRWAY TRUST FUND.

Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 (relating to expenditure from Airport and Airway Trust Fund) is amended by striking "(as such Acts were in effect on the date of the enactment of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992)" and inserting in lieu thereof "(as such Acts were in effect on the date of the enactment of the Federal Aviation Administration Authorization Act of 1993)".

By Mr. LOTT:

S. 1492. A bill to require the Secretary of the Army to carry out such activities as are necessary to stabilize the bluffs along the Mississippi River in the vicinity of Natchez, MS, and for other purposes; to the Committee on Environment and Public Works.

HISTORIC NATCHEZ BLUFFS STABILIZATION ACT

● Mr. LOTT. Mr. President, today I am introducing before the Senate a bill which addresses a serious, emergency problem in Mississippi which threatens the historic bluffs along the Mississippi River in Natchez, MS. Over this past year, we have witnessed the awesome power of this great inland waterway, especially when it decides that something stands in its way.

In this case, the river is assaulting the city of Natchez, MS—a city which itself is a national park. Natchez is a city lined by bluffs, antebellum homes, and a great and mighty river. The bluffs, which grace the city's horizon, serve as the origin of the picturesque Natchez Trace Parkway—but they are in danger of serious erosion by the mighty Mississippi River.

The bill I am introducing today seeks to correct this serious threat caused by the river. This bill authorizes the Corps of Engineers to correct the debilitating effects of this erosion. Today, Natchez is at risk. Today, along Silver Street in Natchez, high water from the Mississippi River continuously laps at the base of the retaining wall and siphons away fill material—which leads to further erosion and settlement of the street above on the bluff. This erosion and settlement threatens the continued existence of the oldest street along the Mississippi River. With each passing day, this situation gets worse.

Mr. President, this legislation is badly needed. If no action is taken, the historic city of Natchez and its pictureseque bluffs are in danger of being washed away. I urge my colleagues to support this bill and I look forward to working with the appropriate committees to ensure that this national landmark and resource are preserved for the future enjoyment of all Americans.●

By Mr. BOND (for himself, Mr. RIEGLE, and Mr. BURNS):

S. 1494. A bill to amend the Social Security Act to improve the exchange of information relating to health care services, to provide for measurement of health care quality, and for other purposes; to the Committee on Labor and Human Resources.

THE HEALTH INFORMATION MODERNIZATION AND SECURITY ACT

Mr. BOND. Mr. President, I rise today to introduce, along with my colleague, Senator RIEGLE of Michigan and Senator BURNS of Montana, the Health Information Modernization and Security Act. I also want to call my colleagues' attention to some very important displays that are available today in the Capitol.

On Wednesday night, we saw the President hold up the health security card. This is the foundation for information and administrative reform in the overall health care reform effort. We—Senator RIEGLE, I, our staffs, the industry, and Government entities—have been working for 2 years now to develop the governmental guidelines which will permit us to have information needed for patients' health care insurance coverage, and patient health care information accessible through a simple card like an ATM which we would use at a Government machine, like that we use in a banking machine to get money now.

The industry is way ahead of us. The industry has already adopted and has set up many very valuable computer operations which can provide information on billing, care, and outcomes in health care that can take us significant steps forward. Many of these are on display right now in SC–5.

I urge my colleagues who are interested in this to visit SC–5. Certainly, your health care LA's and any information specialists you have, and I urge others who are interested to visit there also, because it is truly eye-opening. What computer information and technology can do to lessen the administrative nightmare of stacks and stacks of paperwork is significant. There are billions of dollars of savings, but beyond that and what is more important, the people who are involved in health care tell us that using good computer information can help identify what is providing the best care.

How can we be more efficient in health care? What kinds of procedures are cost effective and deliver high-quality health care? There are some fascinating displays that will give all of us an idea of what can be done through information technology.

Two things are lacking. We do not now have a single standard electronic form for submitting information because there are 1,500 different insurance companies. There are hundreds of thousands of providers. Right now, every one of them can use their own format.

In 1982, the health care financing agency for Medicare came up with UB-82, supposed to be a uniform billing. Well, a uniform billing grew like Topsy. Everybody added some bells and whistles onto it. You see a blizzard of paperwork. It is all different.

This bill that we are introducing today would provide for a committee composed of Government and representatives of the private sector to identify the essentials for billing that must be included in any health information system, and no more.

Doctors and hospitals and others can provide additional information for themselves, but for billing and claims and for electronic transfer, there will be a certain set format and a means of communicating between systems. It is vitally important that we get everybody speaking the same language. Right now, they speak in a multitude of tongues.

Second, most people do not know it today, but those stacks and stacks of shoe boxes in which your medical information is kept are often available to anybody who walks through and picks one up. We need privacy and confidentiality assured. None of us wants some unauthorized person looking at our health care records. We would establish criminal penalties for violation of security and confidentiality.

That is what this bill will do.

I invite my colleagues to join us. This is a bipartisan effort to take the first step toward achieving President Clinton's health care reform.

There may be some differences among us on which way we go, but we are not going to go anyplace until we get our health information out of the Dark Ages. We are approaching the 21st century with a 19th-century, quill-and-scroll type of billing system and recordkeeping.

So I invite my colleagues first to join us as cosponsors. But second, please visit SC-5, because the future is here today. You can see what has already been developed that can revolutionize the health care information system.

Mr. President, I also have a statement for my colleague from Michigan, but I will allow him to introduce that. I express my sincerest thanks to Senator RIEGLE, who was with us last year when we worked on it. We had a dozen cosponsors. We hope we will have several times that many this year; particularly thanks to Senator RIEGLE and his staff, and all the people who have helped us.

Mr. President, I ask unanimous consent that a copy of my full remarks, a summary of the bill, and the bill itself, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1494

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Care Information Modernization and Security Act of 1993".

SEC. 2. ESTABLISHMENT OF HEALTH CARE DATA INTERCHANGE SYSTEM.

(a) IN GENERAL.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by adding at the end the following new title:

"TITLE XXI—HEALTH CARE DATA INTERCHANGE SYSTEM

"HEALTH CARE DATA PANEL

"SEC. 2101. (a) ESTABLISHMENT.—There is established a panel to be known as the Health Care Data Panel (referred to in this section as the 'Panel').

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Panel shall be composed of the following members:

"(A) The Secretary (or his or her designee).

"(B) The Secretary of Defense (or his or her designee).

"(C) The Secretary of Veterans Affairs (or his or her designee).

"(D) A representative of the Agency for Health Care Policy and Research.

"(E) A representative of the National Institute of Standards and Technology.

"(F) A representative of the National Telecommunication and Information Administration.

"(G) Six additional Federal officers determined appropriate by the Secretary.

"(2) CHAIRPERSON.—The Secretary shall be the Chairperson of the Panel.

"(c) MEETINGS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Panel shall meet at the call of the Chairperson.

"(2) INITIAL AND SUBSEQUENT MEETINGS.—The Panel shall hold a meeting not later than 30 days after the date of the enactment of this section and at least annually thereafter.

"(3) QUORUM.—A majority of the members of the Panel shall constitute a quorum, but a lesser number of members may hold hearings.

"(d) POWERS OF THE PANEL.—

"(1) HEARINGS.—The Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers advisable to carry out the purposes of this section.

"(2) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from any Federal department or agency such information as the Panel considers necessary to carry out the provisions of this section. Upon request of the Chairperson of the Panel, the head of such department or agency shall furnish such information to the Panel.

"(3) POSTAL SERVICES.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(4) GIFTS.—The Panel may accept, use, and dispose of gifts or donations of services or property.

"(e) PANEL PERSONNEL MATTERS.—

"(1) COMPENSATION OF MEMBERS.—Members of the Panel shall serve without compensation in addition to that received for their services as officers or employees of the Federal Government.

"(2) STAFF.—

"(A) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Chairperson any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"(B) CONTRACTS.—The Chairperson may enter into contracts or other arrangements that may be necessary for the Panel to perform its duties.

"(C) INTERNAL ORGANIZATION.—The Chairperson may prescribe such rules as the Chairperson determines necessary with respect to the internal organization of the Panel.

"(f) DUTIES OF THE PANEL.—

"(1) IN GENERAL.—The Panel shall, in consultation with the Health Informatics Commission established under section 2102, develop proposed regulations for the implementation and ongoing operation of an integrated electronic health care data interchange system which are based on the operating requirements for the system established, selected, or developed by the Panel under paragraphs (1) through (7) of subsection (i). Such proposed regulations shall ensure—

"(A) the integration of all participants in the health care system (as defined in subsection (l)(1));

"(B) the use of uniform processes which will permit participants in the health care system to communicate electronically for the submission and receipt of health care data;

"(C) the privacy of individuals who are patients receiving health care services and the confidentiality of information in the data interchange system;

"(D) that the data in the system is verifiable, timely, accurate, reliable, useful, complete, relevant, time and date stamped, and comparable; and

"(E) an overall reduction in the administrative burdens and costs of the health care system, an overall increase in the productivity, effectiveness, and efficiency of the system, and an overall increase in the quality of care furnished by the system.

"(2) TIMING FOR DEVELOPMENT AND SUBMISSION OF PROPOSED REGULATIONS.—Not later than 30 days after the date on which the Panel is required to establish, select, or develop any of the operating requirements for the system as set forth in paragraphs (1) through (7) of subsection (i), the Panel shall submit to the Office of Management and Budget (referred to in this section as the 'OMB') the proposed regulations developed by the Panel under paragraph (1) which relate to such operating requirements.

"(g) IMPLEMENTATION OF THE REGULATORY PROPOSALS DEVELOPED BY THE PANEL.—

"(1) PROMULGATION OF REGULATIONS.—

"(A) IN GENERAL.—OMB shall promulgate regulations based on the proposed regulations submitted under paragraph (1) within 90 days after the date such proposed regulations are submitted.

"(B) REGULATIONS NOT BASED ON

"(2) APPLICABILITY.—

"(A) IN GENERAL.—The regulations promulgated by OMB shall apply to any health care program administered by the Department of Health and Human Services, the Department of Defense, and the Department of Veterans Affairs and any participants in the health care system affected by such programs.

"(B) SPECIAL RULE REGARDING THE MEDICARE PROGRAM.—The Secretary may incorporate the capabilities of the common working file used in the medicare program under title XVIII into a uniform working file system developed and operated according to regulations promulgated under subparagraph (A).

"(3) COMPLIANCE WITH REGULATIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 1 year after the date on which any regulations are promulgated by OMB, the persons described in paragraph (2)(A) shall be required to comply with such regulations.

"(B) COMPREHENSIVE QUALITY MEASUREMENT DATA.—Not later than 2 years after the date on which any regulations are promulgated by OMB relating to standards, conventions, and requirements for comprehensive quality measurement data (as described in subsection (i)(1)(E)(iv)), the persons described in paragraph (2)(A) shall be required to comply with such regulations.

"(h) MODIFICATIONS.—The Panel shall continuously monitor the implementation of the regulations promulgated by OMB under paragraph (1) of subsection (g) and shall submit to OMB any proposed modifications to such regulations determined appropriate by the Panel. The requirements of subsection (g) shall apply to any such proposed modifications in the same manner as such requirements apply to the proposed regulations initially submitted by the Panel.

"(i) OPERATING STANDARDS, CONVENTIONS, REQUIREMENTS, AND PROCEDURES FOR THE DATA INTERCHANGE SYSTEM.—

"(1) SELECTION AND ESTABLISHMENT OF DATA AND TRANSACTION STANDARDS, CONVENTIONS, AND REQUIREMENTS FOR THE DATA INTERCHANGE SYSTEM.—

"(A) IN GENERAL.—The Panel, in consultation with the American National Standards Institute (referred to in this section as 'ANSI'), shall select and establish data and transaction standards, conventions, and requirements that permit the electronic interchange of any health care data the Panel determines necessary for the efficient and effective administration of the health care system.

"(B) MINIMUM REQUIREMENTS.—The data and transaction standards, conventions, and requirements selected and established by the Panel under this paragraph shall, at a minimum—

"(i) ensure that the data interchange system shall have the capability to comply with such standards, conventions, and requirements; and

"(ii) be based on any standards that are in use and generally accepted on the date of the enactment of this Act or that are recommended by nationally recognized standard setting groups, including ANSI, the National Uniform Billing Committee, the Uniform Claim Form Task Force, the National Committee for Prescription Drug Programs, and the Healthcare Informatics Standards Planning Panel.

"(C) APPLICABILITY.—The proposed regulations developed by the Panel shall provide that—

"(i) any participant in the health care system who has the capability to interchange data through a uniform working file developed by the Panel under paragraph (2) shall be required to transmit and receive such data using the standards, conventions, and requirements developed by the Panel under this paragraph; and

"(ii) any participant in the health care system who does not have such capability shall be required to transmit and receive data through a health care information clearinghouse or a health care value added network that is certified under the procedure established pursuant to subsection (k).

"(D) ADDITIONAL REQUIREMENTS.—

"(i) IN GENERAL.—The proposed regulations developed by the Panel shall provide that no participant in the health care system shall be permitted to establish data requirements in addition to such standards, conventions, and requirements established by the Panel and included in regulations promulgated by OMB—

"(I) unless two or more participants voluntarily establish such additional requirements and the requirements meet all of the privacy and confidentiality standards developed by the Panel under this section and included in any regulations promulgated by OMB under subsection (g); or

"(II) a waiver is granted under clause (ii) to establish such additional requirements.

"(ii) CONDITIONS FOR WAIVERS.—

"(I) IN GENERAL.—The proposed regulations developed by the Panel shall provide that any participant in the health care system may request a waiver to establish additional data requirements.

"(II) CONSIDERATION OF WAIVER REQUESTS.—The proposed regulations developed by the Panel shall provide that no waiver shall be granted under this clause unless the entity granting such waiver considers the value of the additional data to be exchanged for research or other purposes determined appropriate by the Panel, the administrative cost of the additional data requirements, the burden of the additional data requirements, and the burden of the timing of the imposition the additional data requirements.

"(III) CERTAIN REQUESTS FOR WAIVERS.—The proposed regulations developed by the Panel shall provide that if a participant in the health care system attempts to impose additional data requirements on any other such participant, the participant on which such requirements are being imposed may contact the Secretary. The Panel shall develop a procedure under which any participant in the health care system contacting the Secretary under the preceding sentence shall remain anonymous. The Secretary shall notify the participant imposing the additional data requirements that such requirements may not be imposed on any other participant unless such other participant voluntarily agrees to such requirements or a waiver is obtained under this clause.

"(E) TIMETABLE FOR STANDARDS, CONVENTIONS, AND REQUIREMENTS.—

"(i) INITIAL STANDARDS, CONVENTIONS, AND REQUIREMENTS RELATING TO FINANCIAL AND ADMINISTRATIVE TRANSACTIONS.—Not later than 9 months after the date of the enactment of this section, the Panel shall develop data and transaction standards, conventions, and requirements for the following items relating to the financing and administration of health care:

"(I) Enrollment.

"(II) Eligibility.

"(III) Payment and remittance advice.

"(IV) Claims.

"(V) Claims status.

"(VI) Coordination of benefits.

"(VII) Crossover billing.

"(VIII) First report of injury.

"(IX) Standardized claim attachments.

"(ii) OTHER STANDARDS, CONVENTIONS, AND REQUIREMENTS RELATING TO FINANCIAL AND ADMINISTRATIVE TRANSACTIONS.—Not later than 9 months after the date of the enactment of this section, the Panel shall develop data and transaction standards, conventions, and requirements for items relating to the financing and administration of health care delivery that are not described in clause (i).

"(iii) STANDARDS, CONVENTIONS, AND REQUIREMENTS RELATING TO INITIAL QUALITY MEASUREMENT INDICATORS.—Not later than 12 months after the date of the enactment of this section, the Panel shall develop data and transaction standards, conventions, and requirements for participants in the health care system to transmit data derived from the financial and administrative transactions data described in clause (i) on quality measurement, utilization monitoring, risk assessment, patient satisfaction, outcomes, and access.

"(iv) STANDARDS, CONVENTIONS, AND REQUIREMENTS RELATING TO COMPREHENSIVE QUALITY MEASUREMENT DATA.—Not later than 24 months after the date of the enactment of this section, the Panel shall develop standards, conventions, and requirements for participants in the health care system to transmit comprehensive data collected at the site of care on quality measurement, utilization monitoring, risk assessment, patient satisfaction, outcomes, and access.

"(v) STANDARDS, CONVENTIONS, AND REQUIREMENTS RELATING TO DATA ON PATIENT CARE RECORDS.—Not later than 36 months after the date of the enactment of this section, the Panel shall develop standards, conventions, and requirements related to the inclusion of data from patient care records into the health care data interchange system, including standards, conventions, and requirements on the identification of the origin of any data from such records that is included in such system.

"(F) DATA AND TRANSACTION STANDARDS, CONVENTIONS, AND REQUIREMENTS FOR THE CENTERS FOR DISEASE CONTROL AND PREVENTION.—Not later than 36 months after the date of the enactment of this section, the Panel, in collaboration with the Centers for Disease Control and Prevention (referred to in this section as the 'CDCP') and in consultation with State departments of health, shall develop data and transaction standards, conventions, and requirements for the electronic interchange of data on vital health statistics collected by CDCP or the States or any other such data as CDCP determines appropriate.

"(G) WAIVERS OF COMPLIANCE.—

"(i) FINANCIAL AND ADMINISTRATIVE TRANSACTIONS.—The proposed regulations developed by the Panel shall provide that any of the data and transaction standards, conventions, and requirements relating to financial and administrative transactions developed by the Panel under subparagraph (E)(i) may be waived until January 1, 1995 for a health care provider that—

"(I) does not have access to a health care information clearinghouse or a health care value added network, is in the process of developing a system that complies with such standards, conventions, and requirements, and executes an agreement with the appropriate regulatory entity that such provider will meet such standards, conventions, and requirements by a specified date (not later than January 1, 1995); or

"(II) is a small rural hospital (as defined by the Panel and included in regulations promulgated by OMB under subsection (g)).

"(ii) ADVANCED QUALITY MEASUREMENT DATA.—The proposed regulations developed by the Panel shall provide that any of the data and transaction standards, conventions, and requirements relating to advanced quality measurement data developed by the Panel under subparagraph (E)(iv) may be waived until January 1, 1998 for a health care provider that—

"(I) does not have access to a health care information clearinghouse or a health care value added network, is in the process of developing a system that complies with such standards, conventions, and requirements, and executes an agreement with the appropriate regulatory entity that such provider will meet such standards and requirements by a specified date (not later than January 1, 1998); or

"(II) agrees to obtain from such provider's records the data elements that are needed to meet the standards and requirements developed under subparagraph (E)(iv) and agrees to subject the provider's data transfer process to a quality assurance program that is satisfactory to the appropriate regulatory entity.

"(2) STANDARDS FOR OPERATION OF A UNIFORM WORKING FILE.—

"(A) IN GENERAL.—Not later than 24 months after the date of the enactment of this section the Panel shall establish standards for the development and operation of a uniform working file system that is national in scope. Such standards shall ensure—

"(i) that all participants in the health care system may be linked electronically (directly or indirectly) to the uniform working file system;

"(ii) that any privacy and confidentiality standards established by the Panel under paragraph (5) are satisfied;

"(iii) that the uniform working file system improves the efficiency and effectiveness of the administration of the health care system, including health care quality measurement;

"(iv) the interoperability of the uniform working file system by—

"(I) supporting the data and transaction standards, conventions, and requirements selected and established by the Panel; and

"(II) making use of such standards, conventions, and requirements; and

"(v) the support of any other requirements selected or established by the Panel.

"(3) CODE SETS FOR SYSTEM.—

"(A) IN GENERAL.—Not later than 9 months after the date of the enactment of this section the Panel shall select and establish code sets that are maintained by private and public entities as the Panel's official code sets for use in a national uniform working file system. The proposed regulations developed by the Panel shall provide that any changes or updates to such code sets that are established or requested by the private or public entity which maintains the code set—

"(i) shall preserve the informational value of data retained either within the uniform working file system or within the information systems of parties making use of the data and transactions standards, conventions, and requirements;

"(ii) shall include instructions on how existing data containing such codes is to be converted or translated so as to preserve its value;

"(iii) shall be incorporated into the official code set in such a manner as to minimize the disruption to the national uniform working file system and minimize the cost to all entities within the system for reprogramming to accommodate such changes or updates; and

"(iv) shall be implemented—

"(I) only after at least 90 days advance notice has been provided to participants in the health care system; and

"(II) no more frequently than on an annual basis.

"(4) ESTABLISHMENT OF UNIQUE IDENTIFIERS.—

"(A) IN GENERAL.—Not later than 9 months after the date of the enactment of this section the Panel shall develop unique identifiers for each participant in the health care system.

"(B) SPECIAL RULES.—

"(i) INDIVIDUALS.—Each individual shall have a unique identifier developed by the Panel.

"(ii) HEALTH CARE BENEFIT PLANS OR PROVIDERS.—In developing unique identifiers for each health insurance plan or provider, the Panel shall take into account multiple uses for such identifiers and shall consider multiple physical locations and specialty classifications for providers. The unique identifiers for health insurance plans or providers may be based on the system used under title XVIII on the date of the enactment of this section.

"(5) PRIVACY AND CONFIDENTIALITY STANDARDS.—

"(A) IN GENERAL.—Not later than 9 months after the date of the enactment of this section the Panel, after taking into consideration the Insurance Information and Privacy Protection Model Act of the National Association of Insurance Commissioners, other model legislation, and international guidelines, shall develop requirements which protect the privacy of participants in the health care system and ensure the confidentiality of information in the data interchange system.

"(B) PRINCIPLES CONSIDERED.—In developing the requirements referred to in subparagraph (A), the Panel shall take into consideration the following principles:

"(i) Information relating to an identifiable or identified individual should be collected only to the extent necessary to carry out the purpose for which the information is collected.

"(ii) Information relating to an identifiable or identified individual collected for a particular purpose should generally not be used for another purpose without the individual's informed consent unless the pooling of information renders an individual's data unidentifiable.

"(iii) Information relating to an identifiable or identified individual should be disposed of when no longer necessary to carry out the purpose for which it was collected, unless the pooling of information renders an individual's data unidentifiable.

"(iv) Methods to ensure the verifiability, timeliness, accuracy, reliability, utility, completeness, relevance, and comparability of information relating to an identifiable or identified individual should be instituted.

"(v) An individual should be notified in advance of the collection of information relating to such individual with regard to—

"(I) whether the furnishing of information is mandatory or voluntary;

"(II) the recordkeeping practices with respect to any information provided; and

"(III) the uses to be made of any information provided.

"(vi) If informed consent is necessary for the intended primary or secondary use of information relating to an identifiable or identified individual, the individual should be provided the opportunity to reject such uses at the time the information is collected, except where such uses are necessary to comply with law.

"(vii) An individual should be permitted to inspect and correct any information which concerns such individual and should be able to obtain information on how such information is being used.

"(6) TRANSFER OF INFORMATION BETWEEN HEALTH BENEFIT PLANS.—Not later than 9 months after the date of the enactment of this section, the Panel shall develop rules and procedures—

"(A) for determining the financial liability of health benefit plans when health care benefits are payable under two or more health benefit plans; and

"(B) concerning the transfer among health benefit plans of appropriate official data sets needed to carry out the coordination of benefits, the sequential processing of claims, and other health data as determined necessary by the Panel for individuals who have more than one health care benefit plan, according to the priorities established under the rules and procedures established under subparagraph (A).

"(7) FINES AND PENALTIES FOR FAILURE TO COMPLY.—

"(A) COMPLIANCE WITH STANDARDS FOR PRIVACY AND CONFIDENTIALITY.—Not later than 9 months after the date of the enactment of this section the Panel shall develop civil fines and penalties, as determined appropriate by the Panel, to enforce any of the requirements developed by the Panel under paragraph (5) relating to privacy and confidentiality. The civil penalties developed by the Panel under this subparagraph shall not be less than $1,000 for each violation.

"(B) COMPLIANCE WITH OTHER REQUIREMENTS.—

"(i) IN GENERAL.—Not later than 9 months after the date of the enactment of this section the Panel shall develop civil fines and penalties, as determined appropriate by the Panel, to enforce any of the requirements developed by this Panel under this section other than the requirements related to privacy and confidentiality. The civil fines and penalties developed by the Panel under this subparagraph shall not exceed $100 for each violation.

"(ii) LIMITATIONS.—

"(I) PENALTIES NOT TO APPLY WHERE NONCOMPLIANCE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No civil fine or penalty developed by the Panel under this subparagraph shall be imposed if it is established that the person liable for the fine or penalty did not know, and by exercising reasonable diligence would not have known, that such person failed to comply with any of the requirements described in clause (i).

"(II) PENALTIES NOT TO APPLY TO COMPLIANCE FAILURES CORRECTED WITHIN 30 DAYS.—No civil fine or penalty developed by the Panel under this subparagraph shall be imposed if—

"(aa) the failure to comply was due to reasonable cause and not to willful neglect, and

"(bb) the failure to comply is corrected during the 30-day period beginning on the 1st date the person liable for the fine or penalty knew, or by exercising reasonable diligence would have known, that the failure to comply occurred.

"(III) WAIVER.—In the case of a failure to comply which is due to reasonable cause and not to willful neglect, any civil fine or penalty developed by the Panel under this subparagraph may be waived to the extent that the payment of such fine or penalty would be excessive relative to the compliance failure involved.

"(j) REPORTS TO THE CONGRESS.—

"(1) LEGISLATIVE PROPOSAL ON CERTAIN CRIMINAL FINES AND PENALTIES.—Not later than 12 months after the date of the enactment of this section the Panel shall submit to the Congress a legislative proposal relating to any criminal fines and penalties determined appropriate by the Panel to enforce any of the requirements developed by the Panel under paragraph (5) relating to privacy and confidentiality.

"(2) ANNUAL REPORTS.—

"(A) IN GENERAL.—The Panel shall annually prepare and submit to Congress a report on—

"(i) the status of the data interchange system, including the system's ability to provide data on cost, quality, and patient satisfaction;

"(ii) the savings and costs of implementing the data interchange system; and

"(iii) any legislative recommendations related to the data interchange system.

"(B) AVAILABILITY TO THE PUBLIC.—Any information in the report submitted to Congress under subparagraph (A) shall be made available to the public unless such information may not be disclosed by law.

"(k) OVERSIGHT OF UNIFORM WORKING FILE, HEALTH CARE INFORMATION CLEARINGHOUSES, AND VALUE ADDED NETWORKS.—

"(1) PERIODIC REVIEWS.—Not later than 9 months after the date of the enactment of this section the Secretary shall establish a procedure for the periodic review of business practices, performance, and fees with respect to the uniform working file and each health care information clearinghouse and value added network to ensure that such entities are not taking unfair advantage of participants in the health care system through the application of any regulations promulgated by OMB under subsection (g).

"(2) CERTIFICATION PROCEDURE.—Not later than 12 months after the date of the enactment of this section the Panel shall establish a certification procedure for the uniform working file, health care information clearinghouses, and value added networks. The requirements for certification shall include—

"(A) adherence to the data and transaction standards and requirements and the privacy and confidentiality standards included in any regulations promulgated by OMB under subsection (g);

"(B) making public standardized indicators of performance such as accessibility, transaction responsiveness, administrative efficiency, reliability, dependability, and any other indicators determined appropriate by the Secretary; and

"(C) any other requirements determined appropriate by the Secretary.

"(l) DEFINITIONS.—For purposes of this section:

"(1) PARTICIPANT IN THE HEALTH CARE SYSTEM.—

"(A) IN GENERAL.—The term 'participant in the health care system' means any Federal health care program, State, administrator, employee welfare benefit plan, health insurance plan, insurer, or provider.

"(B) ADMINISTRATOR.—The term 'administrator' has the meaning given that term in section 3(16)(A) of the Employee Retirement Income Security Act of 1974.

"(C) EMPLOYEE WELFARE BENEFIT PLAN.—The term 'employee welfare benefit plan' has the meaning given that term in section 3(1) of the Employee Retirement Income Security Act of 1974.

"(D) HEALTH INSURANCE PLAN.—The term 'health insurance plan' means any contract or arrangement under which an entity bears all or part of the cost of providing health care items and services, including a hospital or medical expense incurred policy or certificate, hospital or medical service plan contract, or health maintenance subscriber contract (including any self-insured health insurance plan).

"(E) INSURER.—The term 'insurer' means any entity that offers a health insurance plan under which such entity is at risk for all or part of the cost of benefits under the plan, and includes any agent of such entity.

"(F) PROVIDER.—The term 'provider' means a physician, hospital, pharmacy, laboratory, or other person licensed or otherwise authorized under applicable State laws to furnish health care items or services.

"(H) STATE.—The term 'State' has the meaning given to such term by section 1101(a)(1).

"(2) HEALTH CARE INFORMATION CLEARINGHOUSE.—The term 'health care information clearinghouse' means a public or private entity that—

"(A) processes data that cannot be sent directly due to lack of proper formatting or editing; and

"(B) facilitates the translation of data to the standardized data set and code sets between persons who normally would send or receive the transaction;

but does not store information processed beyond the time required to complete its task and communicate the information.

"(3) HEALTH CARE VALUE ADDED NETWORK.—The term 'health care value added network' means any entity that provides additional services beyond the transmission of data or value, such as the storage of electronic data or value and the transfer of such data or value between health care entities.

"(4) CODE SETS.—The term 'code sets' means any codes used for supplying specific data in a uniform data set, including tables of terms, medical diagnostic codes, medical procedure codes, identification numbers, and any code sets of the National Uniform Billing Committee, the Health Care Financing Administration, or ANSI.

"NATIONAL HEALTH INFORMATICS COMMISSION

"SEC. 2102. (a) APPOINTMENT.—The Health Care Data Interchange Panel (referred to in this section as the 'Panel') shall provide for appointment of a National Health Informatics Commission (referred to in this section as the 'Commission') to advise the Panel on its activities.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Commission shall consist of 15 members. The Panel shall designate 1 member of the Commission as the Chairperson.

"(2) EXPERTISE.—Members of the Commission shall be individuals who—

"(A) represent different professions and different geographic areas, including urban and rural areas;

"(B) represent Federal or State government health programs;

"(C) represent applicable standard-setting groups, including the National Uniform Billing Committee, the Uniform Claim Form Task Force, American National Standards Institute, and the Healthcare Informatics Standards Planning Panel;

"(D) represent consumers of health care services; and

"(E) have expertise in—

"(i) electronic data interchange of health care information and computerized information systems associated with the operation and administration of matters relating to health care;

"(ii) the provision and financing of health care;

"(iii) conducting and interpreting health economics research;

"(iv) research and development of technological and scientific advances in health care;

"(v) health care eligibility, enrollment, and claims administration;

"(vi) health care financial management;

"(vii) health care reimbursement; or

"(viii) health care outcomes research.

"(3) TERMS.—The Chairperson shall serve on the Commission at the pleasure of the Panel. Each other member of the Commission shall be appointed for a term of 5 years, except with respect to the members first appointed—

"(A) 3 members shall be appointed for a term of 1 year;

"(B) 3 members shall be appointed for terms of 2 years;

"(C) 3 members shall be appointed for terms of 3 years;

"(D) 3 members shall be appointed for terms of 4 years; and

"(E) 2 members shall be appointed for terms of 5 years.

"(4) VACANCIES.—

"(A) IN GENERAL.—A vacancy on the Commission shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

"(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(C) EXPIRATION OF TERMS.—The term of any member shall not expire before the date on which the member's successor takes office.

"(c) MEETINGS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Commission shall meet at the call of the Chairperson.

"(2) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

"(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

"(d) DUTIES.—

"(1) IN GENERAL.—Not later than 60 days prior to any date on which the Panel is required to select, establish, or develop any requirements relating to the data interchange system, the Commission shall make recommendations to the Panel with respect to the issues relating to such requirements.

"(2) ADDITIONAL STUDIES AND PROJECTS.—As directed by the Panel, the Commission shall undertake such studies and projects as the Panel may deem necessary.

"(e) POWERS OF THE COMMISSION.—

"(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this section.

"(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this section. Upon request of the Chairperson, the head of such department or agency shall furnish such information to the Commission.

"(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

"(f) COMMISSION PERSONNEL MATTERS.—

"(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

"(2) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

"(3) STAFF.—

"(A) IN GENERAL.—The Chairperson may, without regard to civil service laws and regulations, appoint and terminate such personnel as may be necessary to enable the Commission to perform its duties.

"(B) COMPENSATION.—The Chairperson may fix the compensation of personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

"(C) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"(D) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

"(E) CONTRACTS.—The Chairperson may enter into contracts or other arrangements that may be necessary for the Commission to perform its duties.

"(F) INTERNAL ORGANIZATION.—The Chairperson may prescribe such rules as the Chairperson determines necessary with respect to the internal organization of the Commission. The Commission shall create such committees (composed of Commission members and others as appointed by the Chairperson) as necessary to enable the Commission to meet its responsibilities and functions.

"(g) REPORTS.—The Commission shall submit to the Panel such reports as may be requested by the Panel on each study or project conducted by the Commission. Such reports shall contain such information as requested by the Panel.

"(h) TERMINATION OF COMMISSION.—The Commission shall terminate 20 years after the date of the enactment of this Act.

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

"(2) AVAILABILITY.—Any sums appropriated under the authorization contained in this subsection shall remain available, without fiscal year limitation, until expended.".

"PILOT GRANTS

"SEC. 2103. (a) COMMUNICATION LINKS.—

"(1) IN GENERAL.—The Secretary of Health and Human Services may make grants to at least two, but not more than five, community organizations, or coalitions of health care providers, health insurers, and purchasers, to establish, and document the efficacy of, communication links between the information systems of health insurers and of health care providers.

"(2) COMPLIANCE WITH REQUIREMENTS OF HEALTH CARE DATA INTERCHANGE SYSTEM.—The communication links developed under paragraph (1) shall be operated in accordance with applicable regulations promulgated by OMB under section 2101(g).

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subsection for fiscal year 1994, to remain available until expended.

"(b) REGIONAL OR COMMUNITY-BASED CLINICAL INFORMATION SYSTEMS.—

"(1) IN GENERAL.—The Secretary may make grants to at least 2, but not more than 5, public or private nonprofit entities for the development of regional or community-based clinical information systems.

"(2) COMPLIANCE WITH REQUIREMENTS OF HEALTH CARE DATA INTERCHANGE SYSTEM.—The systems developed under paragraph (1) shall be operated in accordance with applicable regulations promulgated by OMB under section 2101(g).

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subsection for fiscal year 1994, to remain available until expended.

"(c) AMBULATORY CARE DATA SETS.—

"(1) IN GENERAL.—The Secretary may make grants to public or private nonprofit entities to develop and test, for electronic medical data generated by physicians and other entities (other than hospitals) that provide health care services—

"(A) the definition of a set of data elements, and

"(B) the specification of, and manner of presentation of, the individual data elements of the set under subparagraph (A).

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subsection for fiscal year 1994, to remain available until expended.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective on the date of the enactment of this Act.

INTRODUCTION OF THE HEALTH INFORMATION MODERNIZATION AND SECURITY ACT, SENATOR CHRISTOPHER S. BOND

The crisis in health care which we face today demands comprehensive reform. It is my hope that Congress will work carefully and quickly to enact reform as the families, children, individuals and businesses who face ever rising costs and diminishing access under the current system cannot afford to wait any longer. While I have worked hard on the broader issues of health care reform, today, I am going to focus on one set of those problems, reducing administrative costs.

There is a blizzard of paperwork that is a nightmare for patients, hospitals, doctors and businesses in this country. Everyone would agree that a solution must be found that reduces these costs and the burden they are placing on our health care system and the ability of people to afford it. A study conducted by Lewin-VHI earlier this year estimated that administrative costs add $135 billion in health costs in the United States. These costs are escalated by the unwieldy inefficient paperwork-blizzard billing system that has evolved in this country.

Having an effective information system is critical for health care reform. Health care is an information business. Everything in the health care system revolves around having the right information at the right time whether your talking about having the latest diagnostic or therapeutic information or having up-to-date insurance coverage information on a patient.

In other sectors where accurate and timely information is key to production, the investment has been made in information systems. There are good explanations for why health care has been slow to invest in information systems. There are barriers such as so-called quill pen laws that require information to be sent and kept on paper. There is a lack of standards for the data and their is a lack of discipline on the part of insurers to agree unanimously to a common set of data to use for billing purposes. These are just a couple examples of the barriers to overcome.

In March of 1992, I introduced, along with Senator Riegle, the Health Insurance Simplification and Portability Act. The main purposes of this bill was to reduce administrative costs and protect consumers from insurance rip-offs. I am proud to say that this was one of the few bipartisan health bills to be introduced still to date and that signals the importance of these reforms to the future of our health system.

Later that year, I introduced the Medical and Health Insurance Information Reform act which was the Bush Administration's proposal for bringing administrative costs under control.

Today, I am here to introduce the Health Information Modernization and Security Act. Again, I am pleased to continue with Senator Riegle the work we began more than a year ago. Since introducing that bill we have been meeting with consumers, medical information systems experts, and representatives from hospitals and doctors offices. The bill has undergone transformation in that process and I believe that we have made significant improvements.

Over the past year, I have been meeting with health providers, insurers, claims clearinghouses, telecommunications experts, consumers, and many others to ask the question: what should the proper federal role be? We have been watching very closely the efforts of the Working Group on Electronic Data Interchange and have followed as closely as possible their recommendations. We have worked closely with the American Hospital Association and the Healthcare Financial Management Association, the Health Insurance Manufacturers Associations and many others.

My goal has been to draft legislation to propose what the experts are saying can be done to facilitate the development of a viable market in this area and lead to the eventual implementation of electronic solutions to many information problems that exist in health care today. These problems go far beyond financial and billing data but permeate a larger information dilemma that extends all the way to the medical record.

In determining the proper federal role, the experts have been telling us is that first they don't want government to be part of the problem. That should be obvious but as well all know is may times easier said than done.

Secondly, they want the government to adopt or certify a set of standards and conventions for electronic data interchange that would apply to all transactions in the health care system from financial transactions and eventually to complex clinical information. In adopting these standards, the government should recognize the value of the ANSI standards and other standards that have already been adopted or are in development and NOT try to reinvent the wheel. Where standards already exist, those are the standards that should be adopted.

These standards for data, including insurance claims data, would be mandatory after a 1-year grace period. This means that providers will no longer be forced to wade through the multiple forms and formats and requests for additional data for billing in order to get paid. The major insurers in the country have already agreed to move voluntarily to a set of standards but this bill insure that this agreement is universal. Without a universal agreement to common standards, there will be no lowering of administrative costs and our hospitals and doctors will still have this administrative waste against their bottom line.

And lastly, but most importantly, legislation is needed to protect the privacy and confidentiality of patient data. The importance of this effort must be underscored. We must ensure that access to data that includes patient identifiers is secure.

The government should play only the minimal role needed to help the market work. Government should not design the solution. If the government tried to design the solution we'd end up with another set of multimillion dollar DOD toilet seats and we would not solve the problems.

This health care information system will lower administrative costs, improve the quality of care and help us to learn what works and what does not work in health care. This system will provide innumerable benefits to our health care system and to the patients who rely on it. In fact, these systems are already in place in many areas and improving the quality of care today.

This information system also plays a critical role in health care reform. In order for any system framed upon the concept of managed competition to work, you must have accurate data on cost and quality. This is fundamental to effective competition. Consumers must have comparative information on cost and quality to make purchasing decisions and health plans will rely on the data to build networks of high quality, low cost health providers. Data will also be needed to perform risk adjustment. Without good data, managed competition won't work. It's that simple.

So, the data system is critical on three levels, (1) to reduce administrative costs and eliminate the hassle of burdensome paperwork, (2) to improve the quality of care by providing accurate diagnostic and up-to-date therapeutic information at the point of care, and (3) to provide the comparative data on cost, quality and patient satisfaction that is needed to make health care reform work.

Let me say once again how grateful I am to be working with Senator Riegle to move these reforms forward. It is important that we continue with the spirit of bipartisanship to enact comprehensive health care reform that includes legislation to reduce administrative costs and improve the quality of care.

I urge my colleagues to cosponsor this bill so that we can put the tools in place to make competition work and rid the health system of administrative waste and fraud.

HEALTH INFORMATION MODERNIZATION AND SECURITY ACT, SENATOR CHRISTOPHER "KIT" BOND

Purpose: To reduce administrative waste in the health care system, enact strict patient privacy and confidentiality requirements, provide for the information infrastructure necessary for comprehensive health care reform, provide the information on cost and quality needed to make competition work, create the tools needed to conduct outcomes research to improve the quality of care, and to make it possible to track down fraud.

A. ESTABLISHES HEALTH CARE DATA PANEL

Establishes a federal Health Care Data Panel consisting of the Secretaries or designees from HHS, DOD, and VA plus representatives from NIST and NTIA. HHS chairs the Panel and would appoint the remaining four members.

B. DUTIES OF THE HEALTH CARE DATA PANEL

(1) Adopt data standards for the electronic exchange of health care information that supply to federal agencies and to the private sector. Such standards:

(a) Are based on existing, widely-adopted standards where possible.

(b) Include data related to enrollment, eligibility, quality measurement, utilization management, risk assessment, patient satisfaction, outcomes and appropriate data to monitor access to health care services, and other data sets as deemed appropriate by the panel.

(c) Are set according to the following timetable:

i. 9 months after enactment: financial and administrative transactions;

ii. 12 months after enactment: initial quality indicator data set derived from data in the financial data set; and

iii. 2 years after enactment: a comprehensive clinical data set

(2) Establish business practices for the operation of a national linked database system for the exchange of health care information.

(3) Criminal Penalties for Violating Privacy and Confidentiality. Develop appropriate civil penalties for violation of data standards not to exceed $100 per violation. Develop civil and criminal penalties as appropriate for enforcement of privacy and confidentiality standards with a minimum of $1,000 per violation.

Requirements to Use Uniform Data. There is a one-year grace period for adopting established standards. In no case are civil penalties imposed until at least one year after standards are adopted. In the case of the more complicated clinical data set, there is a 2 year grace period. There are waivers for small and rural hospitals and others under certain circumstances.

A Health Informatics Commission composed of private sector experts will advise the Panel.

C. HHS MONITORS IMPLEMENTATION

HHS oversees the private sector implementation of standards as set forth by the Administrative Standards Panel; establishes and oversees a certification procedure for database, computer and network vendors to insure they are complying with requirements for standards and patient privacy and confidentiality.

D. STRICT PRIVACY AND CONFIDENTIALITY REQUIREMENTS.

Establishes patient privacy and confidentiality requirements.

(1) Such information should be collected only to the extent necessary to carry out the purpose for which the information is collected.

(2) Such information collected for one purpose should not be used for another purpose without the individual's informed consent, unless the pooling of the information with that of other individuals renders the individual unidentifiable.

(3) Such information should be disposed of when no longer necessary to carry out the purpose for which it was collected, unless the posting of the information with that of other individuals renders the individual unidentifiable.

(4) Methods to ensure the verifiability, timeliness, accuracy, reliability, utility, completeness, relevance, and comparability of such information should be instituted.

(5) Individuals should be notified (in advance of the collection of such information) as to whether the furnishing of such information is mandatory or voluntary, as to what the record keeping practices are concerning such information and as to what use will be made of such information.

(6) Individuals should be permitted to inspect and correct such information concerning themselves, and should be able to request how their information is being used and by whom.

Mr. RIEGLE. Mr. President, if I may be recognized in my own right——

The PRESIDING OFFICER. The Senator must request consent to speak as if in morning business.

Mr. RIEGLE. I ask unanimous consent to speak for a period not to exceed 4 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, I want to thank the Senator from Missouri, Senator BOND, and commend him for his important leadership on this issue.

I have in my hand here the health security card like the one that President Clinton held up the other night during the joint session. This is the card that every citizen would have in the revised health care reform plan that is now being presented. A key principle of that plan is what was called simplification; in other words, how do we actually handle our medical recordkeeping to keep it accurate, to make it timely, to make sure we have the medical information we need in the event of an emergency arising? For example, if we are traveling in another State; the doctors there can have access to the medical facts relating to a member of our family if that need should arise.

Senator BOND and I and our staffs have been working now well over a year to come up with an approach to establish standards with respect to how medical information will be collected, maintained, and retrieved, using all of the positive features of modern technology. We do, in fact, have several such companies, and innovations on display here today. One company, Medstat Systems, from Michigan, is one that is here demonstrating that today.

But in the interest of time, I want to say this: The President the other night called for bipartisan cooperation in solving this health care issue. He laid out six different areas. One of those was simplification, which can lead to cost efficiency.

I think the work that Senator BOND and I are doing with other colleagues, Republicans and Democrats, is an illustration of the fact that we can work together to solve each of these areas in the health care system, to improve them, to work through them; and where there are differences, sit down and resolve those differences and come up with better answers; to be able to deliver better health care services, and get the costs down where there is inefficiency. We know we are wasting billions of dollars on paperwork right now in a system that really goes nowhere. There is not even a standard form to be used.

There needs to be a standard insurance form. There are over 1,500 different insurance companies right now, and literally hundreds and hundreds of different forms that are in use.

That can be streamlined; it can be made technologically efficient and cheaper now to handle that information, and to do it with the kinds of protections that Senator BOND talks about. People's medical records are absolutely private, or should be; they belong to a person. As we develop the system here to get the costs down, we want to make sure that the protections are there as they need to be.

So in terms of moving ahead, I think today's effort by the two of us, and others joining us, is a measure of the fact that Members of both parties can tackle parts of this problem and can work it through. I think we should set for ourselves the goal of having the health care reform package done no later than October 1 of next year, which gives us roughly a year.

I think we can do it with respect to taking and standardizing much of the recordkeeping and the data flow in the health care system, and giving real meaning to the use of health care cards such as the one I am holding here in my hand.

I thank my colleague from Missouri.

I thank the Chair.

ADDITIONAL COSPONSORS

S. 208

At the request of Mr. BUMPERS, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 208, a bill to reform the concessions policies of the National Park Service, and for other purposes.

S. 495

At the request of Mr. DODD, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 495, a bill to establish a program to provide child care through public-private partnerships, and for other purposes.

S. 798

At the request of Mr. BRYAN, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 798, a bill to amend the Federal Fire Prevention and Control Act of 1974 to establish a program of grants to States for arson research, prevention, and control, and for other purposes.

S. 993

At the request of Mr. KEMPTHORNE, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 993, a bill to end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

S. 1118

At the request of Mr. HATFIELD, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1118, a bill to establish an additional National Education Goal relating to parental participation in both the formal and informal education of their children, and for other purposes.

S. 1256

At the request of Mr. DOLE, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1256, a bill to amend the Foreign Assistance Act of 1961 to examine the status of the human rights of people with disabilities worldwide.

S. 1437

At the request of Mr. DOLE, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1437, a bill to amend section 1562 of title 38, United States Code, to increase the rate of pension for persons on the Medal of Honor roll.

S. 1447

At the request of Mr. BRYAN, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 1447, a bill to modify the disclosures required in radio advertisements for consumer leases, loans and savings accounts.

SENATE JOINT RESOLUTION 130

At the request of Mr. KEMPTHORNE, the names of the Senator from Colorado [Mr. BROWN], the Senator from Montana [Mr. BURNS], the Senator from Georgia [Mr. COVERDELL], the Senator from Idaho [Mr. CRAIG], the Senator from Arizona [Mr. DECONCINI], the Senator from Texas [Mrs. HUTCHISON], the Senator from Indiana [Mr. LUGAR], the Senator from Oregon [Mr. PACKWOOD], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 130, a joint resolution designating October 27, 1993, as "National Unfunded Federal Mandates Day."

SENATE JOINT RESOLUTION 133

At the request of Mr. WELLSTONE, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of Senate Joint Resolution 133, to ensure that Members of Congress participate on an equal basis with their constituents in the health care system that results from health care reform legislation.

SENATE CONCURRENT RESOLUTION 20

At the request of Mr. LIEBERMAN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Concurrent Resolution 20, a concurrent resolution relative to Taiwan's Membership in the United Nations.

SENATE CONCURRENT RESOLUTION 31

At the request of Mr. DODD, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of Senate Concurrent Resolution 31, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

SENATE RESOLUTION 128

At the request of Mr. LAUTENBERG, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of Senate Resolution 128, a resolution expressing the sense of the Senate regarding the protection to be accorded United States copyright-based industries under agreements entered into pursuant to the Uruguay round of trade negotiations.

SENATE CONCURRENT RESOLUTION 44—RELATIVE TO INTERNATIONAL YEAR OF THE WORLD'S INDIGENOUS PEOPLES

Mr. AKAKA (for himself, Mr. PELL, Mr. INOUYE, Mr. CAMPBELL, Mr. KENNEDY, Mr. MURKOWSKI, Mr. DASCHLE, Mr. JEFFORDS, and Mr. STEVENS) submitted the following concurrent resolution, which was referred to the Committee on Foreign Relations:

S. CON. RES. 44

Whereas United Nations Resolution 45/164 of December 18, 1990, proclaimed the year 1993 as the International Year of the World's Indigenous Peoples, in order to strengthen international cooperation for a solution to the problems faced by indigenous communities in areas such as human rights, the environment, development, education, and health;

Whereas indigenous peoples are descendants of the original inhabitants of many countries with diverse cultures, religions, languages, and social and economic customs;

Whereas an estimated 300 million indigenous peoples live in more than 70 countries, including the United States;

Whereas indigenous peoples are often disadvantaged and face common difficulties in their homelands, including issues such as self-determination, the preservation of land and natural resources, the preservation of culture, arts, and language, and dismal social and economic conditions;

Whereas many indigenous peoples continue to face discrimination and exploitation in their homelands;

Whereas the rights and social and economic conditions of indigenous peoples have often been overlooked by individual nations and the international community; and

Whereas the United Nations Working Group on Indigenous Populations has drafted a Declaration on the Rights of Indigenous Peoples: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the United States should play an active role in cooperating with indigenous peoples, the United Nations, and national governments to promote public awareness of and improve the political, social, and economic conditions of indigenous peoples;

(2) the United States should address the rights and improve the social and economic conditions of its own indigenous peoples, including Native American Indians, Alaska Natives, Native Hawaiians, Chamorros, American Samoans, and Palauans;

(3) the United States should actively support the United Nations in its efforts to establish international standards on the rights of indigenous peoples; and

(4) the United States recognizes that the year 1993 is an insufficient time period for promoting public awareness of the plight of indigenous peoples and urges the United Nations to proclaim an International Decade of the World's Indigenous Peoples.

Mr. AKAKA. Mr. President, I submit a sense-of-Congress resolution concerning the International Year of the World's Indigenous Peoples.

The impetus for this legislation stems from the sad realization that 1993, which has been designated by the United Nations as the International Year of the World's Indigenous Peoples, is nearly gone. Yet, there has been no official recognition or acknowledgement by Congress of this proclamation or of its importance to advocacy for the rights of indigenous peoples.

As a native Hawaiian, I know how issues related to indigenous peoples get relegated to the backburner in national and international priorities.

Fortunately, the United Nations recognizes that the plight of indigenous peoples is an important issue and that international cooperation must be strengthened to address common problems in areas such as human rights, the environment, development, education, and health.

The United States needs to recognize the plight of indigenous peoples as well. We often take an active role in global issues such as peace, world security, the environment, and human rights issues. The rights of the world's indigenous peoples are no less important.

As we reflect on the International Year of the World's Indigenous Peoples, I simply ask my colleagues to give equal energy to the rights of indigenous peoples as we give other important issues in our Nation's domestic and foreign policies.

My resolution urges the United States to play an active role in cooperating with indigenous peoples, the United Nations, and national governments to promote public awareness of and improve the political, social, and economic conditions of indigenous peoples.

Public awareness can only be obtained through greater support and cooperation. One year is not a sufficient period of time to promote an awareness of the rights of indigenous peoples. For this reason, my resolution urges that the United States should continue to actively support the United Nations in its efforts to establish international standards on the rights of indigenous peoples and urges the United Nations to proclaim an International Decade on the World's Indigenous Peoples.

I ask my colleagues to support my resolution and commend the United Nations for its efforts to address the common problems faced by indigenous peoples, peoples whose voices long to be heard.

AMENDMENTS SUBMITTED

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT FOR 1994

WELLSTONE (AND OTHERS) AMENDMENT NO. 966

Mr. WELLSTONE (for himself, Mr. MITCHELL, Mr. DOLE, Mrs. BOXER, Mr. SPECTER, Mrs. MURRAY, Mr. HARKIN, Mr. BRYAN, Mr. WOFFORD, and Mr. GRASSLEY) proposed an amendment to the bill (H.R. 2518) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes, as follows:

At the appropriate place, insert the following:

"SEC. . CONGRESSIONAL COVERAGE UNDER HEALTH CARE LEGISLATION.

(1) FINDINGS.—Congress finds:

(A) Congress is expected to consider health care reform legislation in the near future that would offer a standard benefit package with several different options for the delivery of those benefits.

(B) The standard benefits offered under all plans will be the same. Quality standards will apply to all plans.

(C) Consumers will have the ability to choose a plan on an annual basis, and will have access to full information about all plans so that they may make their choice based on the quality of plans and consumer satisfaction of plans.

(D) Members of Congress should be treated the same and afforded the same choices as every American in the health care system.

(2) SENSE OF THE CONGRESS.—It is the Sense of the Congress that any legislation approved by Congress should provide health care plans of comparable high quality and that Members of Congress participate on an equal basis with all other Americans in the health care system that results from health care reform legislation.

HARKIN AMENDMENTS NOS. 967 AND 968

Mr. HARKIN proposed two amendments to the bill (H.R. 2518), supra, as follows:

AMENDMENT NO. 967

On page 20,. line 15, before the word "*Provided*," insert the following: "*Provided further*, That no more than $5,000,000 is available for carrying out the provisions of Public Law 102-501:".

AMENDMENT NO. 968

On page 55, line 5, strike "and" and all through "part B" on line 6 and insert in lieu thereof: ", subpart 1 of part B and part D".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on S. 447, the Insular Areas Policy Act.

The hearing will take place on Thursday, October 21, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Heather Hart.

For further information, please contact Lisa Vehmas of the committee staff at 202/224-7555.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. EXON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the nominations of Hulett H. Askew; LaVeeda Morgan Battle; John T. Broderick, Jr.; John G. Brooks; Douglas S. Eakeley; Edna Fairbanks-Williams; William F. McAlpin; Maria Luisa Mercado; Nancy Rogers; Thomas F. Smegal; and Ernestine Watlington to the Legal Services Corporation Board, during the session of the Senate on Friday, September 24, 1993, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CRITICAL SUBMARINE SUPPLIERS

• Mr. D'AMATO. Mr. President, let me clarify something: when we talk about critical submarine suppliers, we are not talking about shipyards. Critical vendors are those that must meet stringent quieting or Subsafe requirements or manufacture items unique to submarines, such as torpedo tubes, periscopes, and sonar bow domes. The hull for which shipyards are responsible is nothing more than a husk, a metallic shell into which the brains, sensors, and guts of a submarine are stuffed.

Shipyard skills are transferable. Witness the eddy and flow of artisans between submarine and aircraft carrier work. The same is not true for critical subcontractors whose skills, technology, and tooling reflect the unique environment in which submarines operate. The essential core of these suppliers work only on submarines, and these are the vendors that we need to bridge to *Centurion*. Without them, *Centurion* will simply be a hole in the water.

For that reason, I have expressed deep concern regarding the use of the $540 million the Navy has released to continue work on the SSN-23. How this money will be spent is totally unclear. It is nearly 2 years since the *Seawolf* was terminated, and Congress still has not received the promised submarine industrial base study from the Pentagon. Before we part with a half billion dollars, it would be nice to know what it was going for, to whom, why, and when.

To that end, I have posed a series of questions to both the Navy and OSD. Maybe I'll get an answer, maybe I won't. But understand this: I am fully prepared to offer an amendment prohibiting the obligation of any funds on a third *Seawolf* until such time as the Navy deigns to tell us, in detail, where, and for what, $540 million will be spent.●

ORDERS FOR SEPTEMBER 27, 1993

Mr. EXON. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 12:30 p.m., Monday, September 27, and that when the Senate reconvenes on Monday, September 27, the Journal of the proceedings be deemed to have been approved to date; that the call of the calendar be waived, and no motions or resolutions come over under this rule; that the morning hour be deemed to have expired; and that the time for the two leaders be reserved for their use later in the day; and that the Senate then resume consideration of H.R. 2518, the Labor-HHS appropriations bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 27, 1993, AT 12:30 P.M.

Mr. EXON. Mr. President, if there is no further business to come before the Senate today, I now move that the Senate stand adjourned until 12:30 p.m., Monday, September 27.

The motion was agreed to, and the Senate, at 3:36 p.m., adjourned until Monday, September 27, 1993, at 12:30 p.m.

NOMINATIONS

Executive nominations received by the Senate September 24, 1993:

SMALL BUSINESS ADMINISTRATION

CASSANDRA M. PULLEY, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION, VICE PAUL H. COOKSEY, RESIGNED.

DEPARTMENT OF COMMERCE

GINGER EHN LEW, OF CALIFORNIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE, VICE WENDELL LEWIS WILLKIE II, RESIGNED.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

JOHN CHRYSTAL, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1994, VICE H. DOUGLAS BARCLAY, TERM EXPIRED.

NATIONAL MEDIATION BOARD

ERNEST W. DUBESTER, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 1995, VICE JOSHUA M. JAVITS, TERM EXPIRED.

EVIRONMENTAL PROTECTION AGENCY

JONATHAN Z. CANNON, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE CHRISTIAN R. HOLMES IV, RESIGNED.

JONATHAN Z. CANNON, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, ENVIRONMENTAL PROTECTION AGENCY, VICE CHRISTIAN R. HOLMES IV, RESIGNED.

HOUSE OF REPRESENTATIVES—*Friday, September 24, 1993*

The House was not in session today. Its next meeting will be held on Monday, September 27, 1993, at 1 p.m.

CONFERENCE REPORT ON H.R. 2403

Pursuant to the order of September 24, 1993, Mr. HOYER submitted the following conference report and statement on the bill (H.R. 2403) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1994, and for other purposes:

CONFERENCE REPORT (H. REPT. 103–256)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2403) "making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 12, 16, 26, 28, 37, 38, 39, 56, 58, 74, 79, 81, 84, 86, 87, 89, 90, 91, 95, 96, 100, 104, and 105.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 7, 8, 10, 11, 15, 17, 18, 19, 21, 22, 23, 27, 30, 31, 32, 36, 41, 44, 45, 46, 52, 53, 57, 59, 60, 61, 62, 66, 68, 69, 70, 72, 73, 75, 80, 83, 85, 92, 93, 98, and 99, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *of which not less than $6,352,000 shall be available for enforcement activities; not to exceed $1,500,000 to remain available until expended shall be available for systems modernization requirements;* ; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$105,150,000*; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$32,500,000*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$47,445,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of "$368,046,000" named in said amendment, insert: *$366,446,000*; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That no funds made available by this or any other Act may be used to implement any reorganization of the Bureau of Alcohol, Tobacco and Firearms or transfer of the Bureau's functions, missions, or activities to other agencies or Departments in the fiscal year ending on September 30, 1994*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,350,668,000*; and the Senate agree to the same.

Amendment numbered 20:

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$5,000,000*; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *$4,007,962,000, of which not to exceed $1,000,000 shall remain available until expended for research; and of which not less than $350,000,000 shall be available for tax fraud investigation activities*; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,471,448,000*; and the Senate agree to the same.

Amendment numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 101A. Any obligation or expenditure by the Secretary in connection with law enforcement activities of a Federal agency or of a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 1994, shall be made in compliance with the reprogramming guidelines contained in the House and Senate reports accompanying H.R. 2403, an Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994.

And the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment insert: *105*; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 106. (a) Notwithstanding any other provision of law, hereafter, for purposes of complying with Executive Order No. 12839 and guidance issued thereunder, the number of civilian personnel positions that the Department of the Treasury may be required to eliminate in fiscal year 1994 and in fiscal year 1995 shall not exceed a number determined for each year by multiplying a fiscal year 1993 base which excludes all exempt positions by the applicable percentages in Executive Order No. 12839.

(b) For the purposes of this section, "exempt position" means a personnel position in the Department of the Treasury which the Secretary of the Treasury determines to be primarily employed in law enforcement.

And the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 107. The Internal Revenue Service shall institute policies and procedures which will safeguard the confidentiality of taxpayer information.

SEC. 108. AMENDMENT TO TITLE 5.—(a) Title 5 of the United States Code is amended—

(1) in section 5316, by striking "Commissioner of Customs, Department of the Treasury."; and

(2) in section 5315, by adding at the end "Commissioner of Customs, Department of the Treasury.".

(b) The amendments made by this section shall take effect on the first applicable pay period after enactment.

SEC. 109. Notwithstanding any other provision of this Act, aircraft which is one-of-a-kind and has been identified as excess to Customs requirements, and aircraft which is damaged beyond repair, may be transferred from the Department of the Treasury during fiscal year 1994 upon the advance approval of the House and Senate Committees on Appropriations.

SEC. 110. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

1994 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to Section 105 of the Federal Alcohol Administration Act.

And the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$11,687,000: Provided, That the Office of National Drug Control Policy shall hire and maintain not less than 40 full-time equivalent positions in fiscal year 1994*; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

For activities authorized by Public Law 100–690, $52,500,000, of which $28,000,000 shall be derived from deposits in the Special Forfeiture Fund; of which $25,000,000 shall be transferred to the Substance Abuse and Mental Health Services Administration, and of which $10,000,000 shall be available to the Center for Substance Abuse Prevention for community partnership grants, and of which $5,000,000 shall be available to the Center for Substance Abuse Prevention for the residential women/children program, and of which $10,000,000 shall be available for the Substance Abuse Prevention and Treatment Block Grant to the States; of which $7,500,000, to remain available until expended, shall be transferred to the Counter-Drug Technology Assessment Center for counternarcotics research and development projects and shall be available for transfer to other Federal departments or agencies; of which $5,000,000 shall be transferred to the Bureau of Alcohol, Tobacco and Firearms for gang resistance education and training programs; of which $6,000,000 shall be transferred to the Internal Revenue Service, "Tax law enforcement" account, for criminal investigations; of which $4,000,000 shall be transferred to the Drug Enforcement Administration for the enhancement of the El Paso Intelligence Center; and of which $5,000,000 shall be transferred to drug control agencies in amounts to be determined by the Director, upon the advance approval of the House and Senate Committees on Appropriations.

And the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act, as amended (5 U.S.C. 571 et seq.), including not to exceed $1,000 for official reception and representation expenses, $1,800,000.

Section 401. (a) Notwithstanding any other provision of law, a Federal agency when purchasing toner cartridges for use in laser printers, photocopiers, facsimile machines, or micrographic printers is authorized to give preference to remanufactured toner cartridges made in the United States by small businesses and, recycled toner cartridges unless the contracting or purchasing officer determines in writing that—

(1) adequate market research establishes that remanufactured or recycled cartridges for the type of equipment used by the agency do not exist,

(2) the price or life cycle cost offered for the cartridges is higher than the original equipment manufacturer's new cartridge, or

(3) remanufactured or recycled cartridges are not available in quantities needed within the timeframes required.

(b) Nothing in this section shall prohibit the purchase of one newly manufactured cartridge (or a number equal to those normally supplied at the time of initial purchase) as a part of an initial printer or copier acquisition.

(c) The provision of this section shall not affect current law with respect to Organizations for the Blind or Other Severely Handicapped (NIB/NISH).

And the Senate agree to the same.

Amendment numbered 47:

That the House recede to its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$288,486,000*; and the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$5,251,117,306*; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$925,027,306*; and the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Alabama:

Montgomery, U.S. Courthouse Annex, $13,091,000

Arkansas:

Little Rock, Old Law School Building Expansion/Alteration, $13,816,040

Arizona:

Phoenix, U.S. Courthouse, $120,000,000

Safford, a grant to the U.S. Forest Service for Administrative Offices and Cultural Center, $5,000,000

Sierra Vista, U.S. Magistrates Office, $1,000,000

California:

Sacramento, Federal Building and U.S. Courthouse, $143,082,450

San Jose, Federal Office Building, claim, $1,828,680

Santa Ana, Federal Building and U.S. Courthouse, $103,000,000

Florida:

Jacksonville, U.S. Courthouse, site acquisition and design, $6,070,120

Tampa, U.S. Courthouse, $66,696,840

Georgia:

Atlanta, Centers for Disease Control, Laboratory and office building, $12,000,000

Augusta, U.S. Courthouse, $1,000,000

Indiana:

Hammond, U.S. Courthouse, $49,980,000

Iowa:

Burlington, Federal Parking Facility, design and construction, $2,400,000

Maryland:

Bowie, Bureau of the Census, Computer Center, $27,915,000

Montgomery and Prince George's Counties, Food and Drug Administration, consolidation, site acquisition, planning and design, construction, $73,921,000

Massachusetts:

Boston, Federal Building and U.S. Courthouse, $18,620,000

Missouri:

Cape Girardeau, Federal Office Building and U.S. Courthouse, $3,822,000

Kansas City, U.S. Courthouse, $16,000,000

St. Louis, U.S. Courthouse, $24,000,000

Nebraska:

Omaha, Federal Building and U.S. Courthouse, $9,361,940

New Jersey:

Newark, Martin Luther King, Jr. Federal Building and U.S. Courthouse, escalation, $4,293,576

New York:

Brooklyn, U.S. Courthouse, $29,400,000

Rochester, federal center, in addition to the amount previously provided for this purpose under this heading in Public Law 101–509, $5,000,000

North Carolina:

Federal Research Park, Environmental Protection Agency Facility, $8,800,000

North Dakota:

Pembina, Border Station, $96,000

Ohio:

Youngstown, Federal Building and U.S. Courthouse, site acquisition and design, $4,630,500

Oregon:

Portland, U.S. Courthouse, $96,390,000

Pennsylvania:

Scranton, Federal Building and U.S. Courthouse Annex, site acquisition and design, $12,093,000

Texas:

Laredo, Federal Building and U.S. Courthouse, $2,986,060

Vermont:

Highgate Springs, Border Station, $6,851,000

Washington:

Lynden, Federal Building, claim, $357,000

West Virginia:

Wheeling, Federal Building and U.S. Courthouse, including renovations to the existing facility, $36,000,000

Nonprospectus construction projects, $5,525,000

And the Senate agree to the same.

Amendment number 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *: Provided, that the $5,000,000 for nonprospectus construction projects made available in Public Law 102–393 for flexiplace work telecommuting centers, is hereby increased by $1,000,000 from the funds made available in this Act for nonprospectus construction projects, all of which shall remain available until expended, for the acquisition, lease, construction, and equipping of four flexiplace work telecommuting centers, one of which shall be in Southern Maryland, one of which shall be in northwestern Virginia, one of which shall be in Hagerstown, Maryland and one of which shall be in Fredericksburg, Virginia: Provided further*; and the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$523,782,000*; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *Energy Retrofit Projects, $7,000,000*; and the Senate agree to the same.

Amendment numbered 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *: Provided further, That of the funds provided in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for fiscal year 1994 for the modernization of the Beltsville Agricultural Research Center, the Department of Agriculture may provide up to $6,000,000 to a nonprofit entity towards the cost of construction of a facility to house microbial collections of the government under such terms as the Department determines are appropriate: Provided further, That the Department is authorized to make available sufficient space at the Beltsville Agriculture Research Center, at such terms as the Department determines are appropriate, for construction of such a facility*; and the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That no funds shall be made available for leases, line-item construction, repairs, or alterations projects in this Act, with the exception of the Safford, Arizona and Rochester, New York projects, that are subject to section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)) prior to February 1, 1994, unless the projects are approved by the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works: Provided further, That subject to the exceptions contained in the preceding proviso, in no case shall such funds be made available for any lease, line-item construction, or alterations project referred to in the preceding proviso if prior to February 1, 1994, the lease, line-item construction, repair, or alterations project has been disapproved by the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works: Provided further, That the Administrator of General Services shall submit detailed information on each lease, line-item construction, repair, and alterations project in this Act that is subject to section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)) to the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works no later than 30 days after the date of enactment of this Act*; and the Senate agree to the same.

Amendment numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$5,251,117,306*; and the Senate agree to the same.

Amendment numbered 67:

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$45,675,000*; and the Senate agree to the same.

Amendment numbered 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows:

After the word "property" named in said amendment, insert: *of comparable value*; and the Senate agree to the same.

Amendment numbered 76:

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$3,805,480,000*; and the Senate agree to the same.

Amendment numbered 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$195,482,000*; and the Senate agree to the same.

Amendment numbered 78:

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$5,250,000*; and the Senate agree to the same.

Amendment numbered 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 517A. Such sums as may be necessary for fiscal year 1994 pay raises for programs funded by this Act shall be absorbed within the levels appropriated by this Act.

SEC. 517B. (a) Any adjustment required by section 5303 of title 5, United States Code, to become effective in fiscal year 1994 in the rates of basic pay for the statutory pay systems shall not be made.

(b) For the purpose of this section, the term "statutory pay system" has the meaning given such term by section 5302(1) of title 5, United States Code.

And the Senate agree to the same.

Amendment numbered 88:

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 528. The Administrator of General Services shall promptly review the need of the General Services Administration for the parcel of land which it controls and which is located at 424 Trapelo Road in the City of Waltham, Massachusetts. The Administrator shall promptly determine to be excess property so much of said parcel as is no longer required for the needs of the General Services Administration. Subject to agreement between the Administrator and the Secretary of the Army concerning such portion of the excess property as may be required for the use of the Corps of Engineers, the Administrator shall transfer such portion to the Secretary of the Army without reimbursement. The property not included in such transfer shall be determined to be surplus property and shall be available only for transfer for a public purpose under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)), except that an expression of interest or an application for a public purpose use under said section other than for educational purposes may not be received after 45 days from the date the Administrator determines the property to be surplus. If no transfer under section 203(k) has been made within one year after the date of such surplus determination, the Administrator may dispose of the property in accordance with all applicable provisions of that Act.

And the Senate agree to the same.

Amendment numbered 94:

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

(A) during that portion of fiscal year 1994 which precedes the start of the period described in subparagraph (B), in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with section 616 of the Treasury, Postal Service, and General Government Appropriations Act, 1993, on the last day of the limitation imposed by such section 616; and

(B) during the period from the date determined under paragraph (2) until the end of fiscal year 1994, in an amount that exceeds the maximum rate allowable under subparagraph (A) by more than the amount determined under paragraph (3).

(2) The period under paragraph (1)(B) shall begin on the first day of the first applicable pay period beginning on or after the later of—

(A) the normal effective date of the applicable wage survey adjustment that is to become effective in fiscal year 1994 (determined as if this section and section 616 of the Treasury, Postal Service, and General Government Appropriations Act, 1993, were not in effect); or

(B) January 1, 1994.

(3)(A) If, during fiscal year 1994, employees under the General Schedule receive locality-based comparability payments under section 5304 of title 5, United States Code, but do not receive a pay adjustment under section 5303 of such title, the applicable amount under this paragraph shall be equal to one-fifth of the difference between the maximum amount allowable under paragraph (1)(A) and the amount that would be payable under subchapter IV of chapter 53 of such title (taking into account the applicable wage survey adjustment referred to in paragraph (2)(A)) were this section and section 616 of the Treasury, Postal Service, and General Government Appropriations Act, 1993, not in effect.

(B) If, during fiscal year 1994, employees under the General Schedule receive a pay adjustment under section 5303 of title 5, United States Code, and locality-based comparability payments under section 5304 of such title, the applicable amount under this paragraph shall be equal to—

(i) the amount determined under subparagraph (A); and

(ii) the amount resulting from an increase of 2.2 percent.

(C) The applicable amount under this paragraph shall be zero if neither subparagraph (A) nor subparagraph (B) applies.

(4) The Office of Personnel Management shall discuss with and consider the views of the Federal Prevailing Rate Advisory Committee in carrying out the Office's responsibilities with respect to this paragraph; and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment, as follows:

In lieu of the first section number named in said amendment insert: *620A*; and the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment insert: 629; and the Senate agree to the same.

Amendment numbered 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

TITLE VII—REVENUE FORGONE REFORM

SHORT TITLE; TABLE OF CONTENTS

SEC. 701. (a) SHORT TITLE.—This title may be cited as the "Revenue Forgone Reform Act".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 701. Short title; table of contents.
Sec. 702. References.
Sec. 703. Repeal of authorization of appropriations for mail sent at reduced rates of postage.
Sec. 704. Establishing reduced rates of postage.
Sec. 705. Eligibility of certain mailings for reduced rates of postage.
Sec. 706. Provisions relating to rates for books and certain other materials.
Sec. 707. Sense of Congress.
Sec. 708. Technical corrections.

REFERENCES

SEC. 702. Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 39, United States Code.

REPEAL OF AUTHORIZATION OF APPROPRIATIONS FOR MAIL SENT AT REDUCED RATES OF POSTAGE

SEC. 703. (a) IN GENERAL.—Section 2401(c) is amended—

(1) in the first sentence—

(A) by striking "if sections" through "had not been enacted" and inserting "if sections 3217 and 3403 through 3406 had not been enacted"; and

(B) by striking "such sections and Acts." and inserting "such sections."; and

(2) in the second sentence—

(A) by striking "(i)"; and

(B) by striking "volume;" through "schedules." and inserting "volume.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to appropriations for fiscal years beginning after September 30, 1993.

ESTABLISHING REDUCED RATES OF POSTAGE

SEC. 704. (a) RATES.—

(1) IN GENERAL.—Section 3626(a) is amended to read as follows:

"(a)(1) Except as otherwise provided in this section, rates of postage for a class of mail or kind of mailer under former section 4358, 4452(b), 4452(c), 4454(b), or 4454(c) of this title shall be established in accordance with the applicable provisions of this chapter.

"(2) For the purpose of this subsection—

"(A) the term 'costs attributable', as used with respect to a class of mail or kind of mailer, means the direct and indirect postal costs attributable to such class of mail or kind of mailer (excluding any other costs of the Postal Service);

"(B) the term 'regular-rate category' means any class of mail or kind of mailer, other than a class or kind referred to in paragraph (3)(A) or section 2401(c); and

"(C) the term 'institutional-costs contribution', as used with respect to a class of mail or kind of mailer, means that portion of the estimated revenues to the Postal Service from such class of mail or kind of mailer which remains after subtracting an amount equal to the estimated costs attributable to such class of mail or kind of mailer.

"(3)(A) Except as provided in paragraph (4) or (5), rates of postage for a class of mail or kind of mailer under former section 4358, 4452(b), 4452(c), 4554(b), or 4554(c) of this title shall be established in a manner such that the estimated revenues to be received by the Postal Service from such class of mail or kind of mailer shall be equal to the sum of—

"(i) the estimated costs attributable to such class of mail or kind of mailer; and

"(ii) the product derived by multiplying the estimated costs referred to in clause (i) by the applicable percentage under subparagraph (B).

"(B) The applicable percentage for any class of class of mail or kind of mailer referred to in subparagraph (A) shall be the product derived by multiplying—

"(i) the percentage which, for the most closely corresponding regular-rate category, the institutional-costs contribution for such category represents relative to the estimated costs attributable to such category of mail, times

"(ii)(I) one-twelfth, for fiscal year 1994;

"(II) one-sixth, for fiscal year 1995;

"(III) one-fourth, for fiscal year 1996;

"(IV) one-third, for fiscal year 1997;

"(V) five-twelfths, for fiscal year 1998; and

"(VI) one-half, for any fiscal year after fiscal year 1998.

"(C) Temporary special authority to permit the timely implementation of the preceding provisions of this paragraph is provided under section 3642.

"(D) For purposes of establishing rates of postage under this subchapter for any of the classes of mail or kinds of mailers referred to in subparagraph (A), subclauses (I) through (V) of subparagraph (B)(ii) shall be deemed amended by striking the fraction specified in each such subclause and inserting 'one-half'.

"(4) The rates for the advertising portion of any mail matter under former section 4358(d) or 4358(e) of this title shall be equal to the rates for the advertising portion of the most closely corresponding regular-rate category of mail, except that if the advertising portion does not exceed 10 percent of the issue of the publication involved, the advertising portion shall be subject to the same rates as apply to the nonadvertising portion.

"(5) The rates for any advertising under former section 4358(f) of this title shall be equal to 75 percent of the rates for advertising contained in the most closely corresponding regular-rate category of mail.".

(2) SPECIAL AUTHORITY.—Subchapter II of chapter 36 is amended by adding at the end the following:

"§3642. Special authority relating to reduced-rate categories of mail

"(a) In order to permit the timely implementation of section 3626(a)(3), the Postal Service may establish temporary rates of postage for any class of mail or kind of mailer referred to in section 3626(a)(3)(A).

"(b) Any exercise of authority under this section shall be in conformance with the requirements of section 3626(a), subject to the following:

"(1) All attributable costs and institutional-costs contributions assumed shall be the same as those which were assumed for purposes of the then most recent proceedings under subchapter II pursuant to which rates of postage for the class of mail or kind of mailer involved were last adjusted.

"(2) Any temporary rate established under this section shall take effect upon such date as the Postal Service may determine, except that—

"(A) such a rate may take effect only after 10 days' notice in the Federal Register; and

"(B) no such rate may take effect after September 30, 1998.

"(3) A temporary rate under this section may remain in effect no longer than the last day of the fiscal year in which it first takes effect.

"(4) Authority under this section may not be exercised in a manner that would result in more than 1 change taking effect under this section, during the same fiscal year, in the rates of postage for a particular class of mail or kind of mailer, except as provided in paragraph (5).

"(5) Nothing in paragraph (4) shall prevent an adjustment under this section in rates for a class of mail or kind of mailer with respect to which any rates took effect under this section earlier in the same fiscal year if—

"(A) the rates established for such class of mail or kind of mailer by the earlier adjustment are superseded by new rates established under subchapter II; and

"(B) authority under this paragraph has not previously been exercised with respect to such class of mail or kind of mailer based on the new rates referred to in subparagraph (A).

"(c) The Postal Service may prescribe any regulations which may be necessary to carry out this section, including provisions governing the coordination of adjustments under this section with any other adjustments under this title.

"(d) Notwithstanding any provision of section 3626(a)(3)(B) or subsection (a) of this section, any temporary rates established under this section for non-letter-shaped mail under former section 4452(b) or 4452(c) of this title shall not be lower than the rates in effect for such mail on September 30, 1993.".

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) SECTION 3626.—Section 3626(i) is repealed.

(B) SECTION 3627.—

(i) IN GENERAL.—Section 3627 is amended—

(I) by striking "sent at a free or reduced rate under section 3217, 3403–3406, 3626, or 3629 of this title," and inserting "sent free of postage under section 3217 or 3403–3406"; and

(II) in the section heading by striking **"and reduced"**.

(ii) TABLE OF CONTENTS.—The table of contents for chapter 36 is amended—

(I) by striking the item relating to section 3627 and inserting the following:

"3627. Adjusting free rates.";

and

(II) by inserting after the item relating to section 3641 the following:

"3642. Special authority relating to reduced-rate categories of mail.".

(b) AUTHORIZATION.—

(I) IN GENERAL.—Section 2401 is amended—

(A) by striking subsections (d) through (f);

(B) by redesignating subsections (g) through (i) as subsections (e) through (g), respectively;

(C) in subsection (f) (as so redesignated by subparagraph (B)) by striking the second sentence;

(D) in subsection (g) (as so redesignated by subparagraph (B)) by striking "subsections (b) and (d) of this section" and inserting "subsection (b)"; and

(E) by inserting after subsection (c) the following:

"(d) As reimbursement to the Postal Service for losses which it incurred as a result of insufficient amounts appropriated under section 2401(c) for fiscal years 1991 through 1993, and to compensate for the additional revenues it is estimated the Postal Service would have received under the provisions of section 3626(a), for the period beginning on October 1, 1993, and ending on September 30, 1998, if the fraction specified in subclause (VI) of section 3626(a)(3)(B)(ii) were *applied with respect to such period (instead of the respective fractions specified in subclauses(I) through (V) thereof), there are authorized to be appropriated to the Postal Service $29,000,000 for each of fiscal years 1994 through 2035.".*

(2) RATEMAKING LIMITATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), rates of postage may not be established, under subchapter II of chapter 36 of title 39, United States Code, in a manner designed to allow the United States Postal Service to receive through revenues any portion of the additional revenues (referred to in section 2401(d) of such title, as amended by paragraph (1)(E)) for which amounts are authorized to be appropriated under such section 2401(d).

(B) EXCEPTION.—If Congress fails to appropriate an amount authorized under section 2401(d) of title 39, United States Code (as amended by Paragraph (1)(E)), rates for the various classes of mail may be adjusted in accordance with the provisions of subchapter II of chapter 36 of such title (excluding section 3627 thereof) such that the resulting increase in revenues will equal the amount that Congress so failed to appropriate.

(c) APPLICABILITY.—

(1) RATES.—The amendments made by subsection (a) shall apply with respect to rates for mail sent after September 30, 1993.

(2) AUTHORIZATION.—The amendments made by subsection (b) shall apply with respect to appropriations for fiscal years beginning after September 30, 1993.

ELIGIBLITY OF CERTAIN MAILINGS FOR REDUCED RATES OF POSTAGE

SEC. 705. (a) ADVERTISING.—Section 3626(j)(1) is amended—

(1) in subparagraph (B) by striking "or" after the semicolon;

(2) in subparagraph (C) by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(D) any product or service (other than any to which subparagraph (A), (B), or (C) relates), if—

"(i) the sale of such product or the providing of such service is not substantially related (aside from the need, on the part of the organization promoting such product or service, for income or funds or the use it makes of the profits derived) to the exercise or performance by the organization of one or more of the purposes constituting the basis for the organization's authorization to mail at such rates; or

"(ii) the mail matter involved is part of a cooperative mailing (as defined under regulations of the Postal Service) with any person or organization not authorized to mail at the rates for mail under former section 4452(b) or 4452(c) of this title;

except that—

(I) any determination under clause (i) that a product or service is not substantially related to a particular purpose shall be made under regulations which shall be prescribed by the Postal service and which shall be consistent with standards established by the Internal Revenue service and the courts with respect to subsections (a) and (c) of section 513 of the Internal Revenue Code of 1986; and

(II) clause (i) shall not apply if the product involved is a periodical publication described in subsection (m)(2) (including a subscription to receive any such publication.".

(b) PRODUCTS.—Section 3626 is amended by adding at the end the following:

(m)(1) In the administration of this section, the rates for mail under former section 4452(b) or 4452(c) of this title shall not apply to mail consisting of products, unless such products—

"(A) were received by the organization as gifts or contributions; or

(B) are low cost articles (as defined by section 513(h)(2) of the Internal Revenue Code of 1986).

(2) Paragraph (1) shall not apply with respect to a periodical publication of a qualified nonprofit organization.".

(c) CERTIFICATION; VERIFICATION.—Section 3626(j)(3) is amended—

(1) by striking "(3)" and inserting "(3)(A)"; and

(2) by adding at the end the following:

(B) The Postal Service shall establish procedures to carry out this paragraph, including procedures for mailer certification of compliance with the conditions specified in paragraph (1)(D) or subsection (m), as applicable, and verification of such compliance.".

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to mail sent, and the rates for mail sent, after December 31, 1993.

PROVISIONS RELATING TO RATES FOR BOOKS AND CERTAIN OTHER MATERIALS

SEC. 706. (1) IN GENERAL.—Section 3683(b) is amended to read as follows:

"(b) The rates of postage under former section 4554(b)(1) of this title shall not be effective except with respect to mailings which—

"(1) constitute materials specified in former section 4554(b)(2) of this title; and

"(2) are sent between—

"(A) an institution, organization, or association listed in subparagraph (A) or (B) of such former section 4554(b)(1) and any other such institution, organization, or association;

"(B) an institution, organization, or association referred to in subparagraph (A) and any individual (other than an individual having a financial interest in the sale, promotion, or distribution of the materials involved);

"(C) an institution, organization, or association referred to in subparagraph (A) and a qualified nonprofit organization (as defined in former section 4452(d) of this title) that is not such an institution, organization, or association; or

"(D) an institution, organization, or association referred to in subparagraph (A) and a publisher, if such institution, organization, or association has placed an order to purchase such materials for delivery to such institution, organization, or association.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to mail sent after September 30, 1993.

SENSE OF CONGRESS

SEC. 707. It is the sense of the Congress that any legislation, enacted after September 30, 1994, which would have the effect of expanding the classes of mail or kinds of mailers eligible for reduced rates of postage should provide for sufficient funding to ensure that neither any losses to the United States Postal Service nor any increase in the rates of postage for any of the other classes of mail or kinds of mailers will result.

TECHNICAL CORRECTIONS

SEC. 708. (a) SECTION 410.—Section 410(b) is amended—

(1) in paragraph (8) by striking "and" after the semicolon;

(2) in the first paragraph (9) by striking "Chapter" and inserting "chapter", and by striking the period and inserting "; and"; and

(3) by designating the second paragraph (9) as paragraph (10).

(b) SECTION 3202.—Section 3202(a) is amended—

(1) in paragraph (3) by adding "and" after the semicolon; and

(2) in paragraph (4) by striking "; and" and inserting a period.

(c) SECTION 3601.—Section 3601(a) is amended by striking "consent" and inserting "consent".

(d) SECTION 3625.—Section 3625(d) is amended by striking "section 3268" and inserting "section 3628".

(e) SECTION 3626.—Section 3626 is amended by redesignating the second subsection (k) as subsection (l).

And the Senate agree to the same.

Amendment numbered 103:

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

TITLE VIII—GENERAL PROVISIONS

SEC. 801. Notwithstanding the provisions of this or any other Act, the Administration may establish the National Partnership Council with interagency assistance from the Office of Personnel Management, the Office of Management and Budget, and the Federal Labor Relations Authority, subject to authorization.

SEC. 802. Not to exceed fifty percentum of unobligated balances remaining available at the end of fiscal year 1994 from appropriations made available for salaries and expenses made for one fiscal year in this Act, shall remain available through September 30, 1995 for each such account for such purposes and in such amounts as approved in advance by the House and Senate Committees on Appropriations: Provided, That not to exceed two percentum of the funds so carried over may be used to pay cash awards to employees, as authorized by law, and not to exceed three percentum of the funds may be used for employee training programs.

SEC. 803. Notwithstanding any other provision of law, the Centers for Disease Control (CDC) laboratory project authorized by Public Law 100-202, may be sited on the "new" campus in the Atlanta, Georgia area authorized by Public Law 102–393.

SEC. 804. Part of the site to be utilized for the new U.S. Courthouse in Montgomery, Alabama, is owned and occupied by Troy State University which is under a consent decree with the Department of Justice that severely limits its geographic location. Therefore, notwithstanding any other provision of law, the Administrator of General Services is authorized to pay replacement costs for the site and improvements to be acquired.

And on page 67 of the House enrolled bill, H.R. 2403, after the words "South Vietnam," on line 7, insert "the countries of the former Soviet Union," and on page 67, line 11, of the House enrolled bill, H.R. 2403, strike all beginning with "(6)" down through and including "1990" on line 13, and insert in lieu thereof, "(6) nationals of the People's Republic of China that qualify for adjustment of status pursuant to the Chinese Student Protection Act of 1992"

And the Senate agree to the same.

STENY H. HOYER,
PETER J. VISCLOSKY,
GEORGE (BUDDY) DARDEN,
JOHN W. OLVER,
TOM BEVILL,
MARTIN O. SABO,
WILLIAM H. NATCHER,
JIM LIGHTFOOT (except amendment 36),
FRANK R. WOLF (except amendment 36),
JOSEPH M. MCDADE (except amendment 36),

Managers on the Part of the House.

DENNIS DECONCINI,
BARBARA A. MIKULSKI,
J. ROBERT KERREY,
ROBERT C. BYRD,
CHRISTOPHER S. BOND,

AL D'AMATO,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2403) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President and funds appropriated to the President, and certain independent agencies for the fiscal year ending September 30, 1994, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—DEPARTMENT OF THE TREASURY

Departmental Offices

SALARIES AND EXPENSES

Amendment No. 1: Makes available not less than $6,352,000 for enforcement activities instead of $6,902,000 as proposed by the Senate and deletes other language proposed by the Senate. It also makes available until expended, $1,500,000 for systems modernization.

The conferees have provided an increase of $553,000 and 6 FTEs for the Office of Enforcement activities in fiscal year 1994 to be allocated by the Assistant Secretary for Enforcement. The $6,352,000 provided will support an FTE level of 84 for this Office in fiscal year 1994.

President's Workforce Reductions

The President has committed to reducing the federal workforce by 252,000 full time employee equivalents (FTE) over the next five years. In general, the conferees support the President's effort in this regard and have made every effort to remove FTE floors which have appeared in the bill in the past. This is done in the spirit of providing the President and agency managers with maximum flexibility in the management of the federal workforce.

In lieu of bill language, the managers have included statements citing funding to support FTE levels for various agencies. The conferees note that these levels are not statutorily binding and that these levels are not intended to act as either FTE floors or ceilings but merely to explain what FTE levels could be achieved through the funding levels provided. The conferees further note, however, that the reductions mandated through the Presidential Executive Orders should not adversely affect law enforcement functions of the agencies funded in this Act.

Amendment No. 2: Appropriates $105,150,000 for salaries and expenses instead of $104,597,000 as proposed by the House and $105,700,000 as proposed by the Senate.

The conferees have provided total funding of $105,150,000 for Departmental Office for fiscal year 1994. Of this amount, an increase of $553,000 has been provided to support enhanced Office of Enforcement activities.

Alaska Native Corporations

Last year Section 7617 of the Conference Report to H.R. 11 contained a procedural provision granting Alaska Native Corporations standing to contest deficiencies in so-called net operating loss transactions (NOL) expressly permitted by law. This provision protected the rights of all of the parties—the Alaska Native Corporations, the corporations which purchased the NOL, and the government. For reasons unrelated to the merits of the standing provision, H.R. 11 was vetoed by the President on November 5, 1992. Currently, Alaska Native Corporations are in, or are moving to, the final Internal Revenue Service administrative stage—the so-called appeals process. The conferees urge that after all administrative appeals are exhausted, the Secretary refrain from issuing a deficiency notice based on a net operating loss transaction to a taxpayer other than an Alaska Native Corporation, until Congress has had the opportunity to again consider the standing provision. However, the conferees do not intend that the Secretary delay the issuance of a deficiency notice where the taxpayer declines to execute an appropriate waiver of the statute of limitations.

Restructuring of IRS and Customs Services

The ongoing service centers and district offices studies may well have an impact on personnel levels at both local and national levels of the Internal Revenue Service (IRS). The conferees therefore direct the Commissioner of IRS to incorporate a master plan for personnel actions and human resource planning into any recommendation approved by the Secretary of the Treasury for the restructuring of IRS operations.

The conferees are aware that Tax Systems Modernization will alter existing allocations of human resources and will require significant planning for training and retraining so that displacements of existing employees can be kept to an absolute minimum. The conferees believe that if properly managed, attrition and training can prepare people whose jobs may be eliminated for compliance, enforcement, and service positions that become available. In addition, the Department should work with the Internal Revenue Service and employee organizations to develop priority hiring plans within IRS to protect existing employees.

The conferees are also concerned about the current regional and district structure of the Customs Service. Significant savings in both financial and human resources may be available.

The conferees direct the IRS and the Customs Service to submit a plan for restructuring the IRS and Customs Service including priority placement and retraining details, and submit this plan no later than March 1, 1994 to the Committees on Appropriations.

Japanese Financial Markets Study

The Secretary of the Department of the Treasury shall conduct, and report to Congress no later than one year following the date of enactment of this Act, a study of the structures, operations, practices and regulations of Japan's financial markets and their implications for the U.S. economy. In conducting this study, the Secretary shall consider with regard to Japan the structures, operations, practices, trends and regulations of Japan's securities markets, the Japanese banking system and the Japanese real estate markets, the Japanese banking system and the Japanese real estate market, and corporate governance in Japan, stable and cross shareholding, the adequacy of disclosure requirements, and the adequacy of legal relief available to foreign investors in Japan. With regard to economic effects on the United States, the Secretary shall consider the volume and nature of the United States investments in Japan, the role of Japanese finance internationally and in the United States, and the impact of Japanese finance upon the United States macroeconomic policies.

Office of Inspector General

SALARIES AND EXPENSES

Amendment No. 3: Restores language proposed by the house and stricken by the Senate making available $300,000 until expended for the Inspector General Auditor Training Institute.

Management Control Systems

The conferees encourage all Inspectors General to promote the efficiency and integrity of government programs they oversee, with the goal of making programs work better. The "Inspectors General Auditor Training Institute" which operates under the Inspector General's office in the Department of Treasury, offers Inspectors General an opportunity to enhance their skills and broaden their focus. In addition to making certain that agencies are in compliance with Federal rules and regulations, the Inspectors General can help improve management by stressing the importance of efficient operations and in assisting in the evaluation of management systems. The conferees believe the Inspectors General should always be exploring ways to enhance their role in the evaluation of Federal agencies.

Treasury Forfeiture Fund

Amendment No. 4: Appropriates $32,500,000 for salaries and expenses instead of $14,770,000 as proposed by the House and $50,000,000 as proposed by the Senate.

Federal Law Enforcement Training Center

SALARIES AND EXPENSES

Amendment No. 5: Inserts language proposed by the Senate regarding reimbursement of funds from agencies receiving training at the Federal Law Enforcement Training Center.

Amendment No. 6: Appropriates $47,445,000 for salaries and expenses instead of $47,195,000 as proposed by the House and $47,695,000 as proposed by the Senate.

Gang Resistance Education and Training Program

The conferees have provided an increase of $250,000 to support enhanced training activities for the Gang Resistance Education and Training (GREAT) program.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

Amendment No. 7: Appropriates $12,712,000 for acquisition, construction, improvements, and related expenses as proposed by the Senate instead of $7,712,000 as proposed by the House.

Davis-Monthan Air Force Base

The conferees have provided an increase of $7,712,000 for new construction activities at the Davis-Monthan Air Force Base Training facility in fiscal year 1994. The funds provided shall support the following projects:

Nine classrooms	$1,475,000
Administrative support	950,000
Driving ranges	465,000
Support facility	825,000
Student support facilities	1,025,000
Burn building	1,000,000

Construction of Burn Building

The conferees have included $1,000,000 for the construction of a building at the Federal Law Enforcement Training Center (FLETC) to be used to train personnel in arson investigation techniques. FLETC has been directed to submit its design plans and estimated cost data by February 1, 1994. The conferees agree that the training to be provided is for Federal, State and local, and private security officials engaged in the investigation and detection of arson.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

Amendment No. 8: Makes available $11,539,000 until expended for systems modernization initiatives as proposed by the Senate instead of $9,748,000 as proposed by the House.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

Amendment No. 9: Appropriates $366,446,000 for salaries and expenses instead of $364,245,000 as proposed by the House and $368,046,000 as proposed by the Senate and inserts language proposed by the Senate which authorizes the use of $100,000 for hosting certain conferences.

The conferees have provided an increase of $1,900,000 and 30 FTEs for the Bureau of Alcohol, Tobacco and Firearms in fiscal year 1994. These increased funds shall be used to restore 30 law enforcement positions proposed for reduction and $300,000 for the Phoenix Police Department to support national expansion of the GREAT program.

Amendment No. 10: Deletes a provision proposed by the House and stricken by the Senate which provided that $5,000,000 be retained and used for the purpose of off-setting costs of the Bureau's Compliance Alcohol Program.

Amendment No. 11: Inserts a provision proposed by the Senate which provides that the Bureau of Alcohol, Tobacco and Firearms may investigate and act upon applications filed by corporations (but not for individuals) for relief from Federal firearms disabilities.

Amendment No. 12: Deletes language proposed by the Senate which would have mandated a minimum level of positions.

The conferees have provided $366,446,000 for ATF to support an FTE level of 4,231, of which 1,410 FTEs shall support the Armed Career Criminal Apprehension Program.

Amendment No. 13: Modifies a provision proposed by the Senate prohibiting the use of funds to implement any reorganization of the ATF or transfer of the Bureau's functions, missions, or activities to other Agencies or Departments.

U.S. CUSTOMS SERVICE

SALARIES AND EXPENSES

Amendment No. 14: Appropriates $1,350,668,000 for salaries and expenses instead of $1,311,819,000 as proposed by the House and $1,363,668,000 as proposed by the Senate.

The conferees have provided an increase of $38,849,000 for the U.S. Customs Service in fiscal year 1994. Of this amount, $31,801,000 is provided to restore the 642 FTEs proposed for reduction in fiscal year 1994, $5,048,000 to restore the excess cut in administrative activities, and $2,000,000 for enhanced commercial operations activities.

SAN LUIS COMMERCIAL BORDER CROSSING

The conferees are concerned about the dangerous traffic situation which has developed in San Luis, Arizona. The current configuration in San Luis, Rio Colorado, and San Luis, Arizona requires commercial traffic to cross through non-commercial vehicular traffic to enter the U.S. Customs inspection area. In an attempt to resolve this problem the local community and the government of Mexico have agreed upon a site approximately 7 kilometers to the east of San Luis for a new commercial crossing to be constructed on both sides of the border. The conferees direct GSA to take a serious look at constructing a commercial port on the U.S. side to make the San Luis port more efficient and reduce traffic in this increasingly congested area. More importantly commercial traffic would have a more direct and less time-consuming route to Interstates 8 and 10 by utilizing Highway 2 which is adjacent to the proposed commercial crossing. The conferees expect GSA to report back on the feasibility of this project by no later than February 15, 1994.

WORLD CUP USA 1994

In view of the estimated 1.5 million international visitors expected for the games, the conferees direct the Customs Service to designate as soon as possible a U.S. Customs officer, expert in customs arrival and clearance processes, to work with the government relations staff of the organizing committee at its Washington, D.C. metropolitan offices to assist in coordination and expedition of customs issues at the nine venues.

COMMISSIONER OF CUSTOMS

The conferees are aware that a problem has emerged as part of the implementation of P.L. 101-207 (92 Statute 1154). The purpose of P.L. 101-207 was to designate the Commissioner of Customs as a position requiring Senate confirmation. This legislation has inadvertently resulted in the present Commissioner receiving a salary less than that of his predecessors who were simply appointed by the Secretary of the Treasury and were not confirmed by the Senate. This inadvertence has led to an unintended pay disparity between the Commissioner and other similar Senate confirmed positions. The Commissioner of Customs is delegated with some of the most broad ranging duties and responsibilities given to any public servant by both the President and the United States Congress. Therefore, it is the intent of the conferees that the appropriate actions be taken to restore the salary of the Commissioner of Customs to its correct level, to that of his predecessors. This Conference Report contains the necessary technical correction in Title 5, United States Code in amendment numbered 35

Amendment No. 15: Inserts language proposed by the Senate which makes available until expended $4,000,000 for research.

Amendment No. 16: Deletes language proposed by the Senate which mandates minimum levels for positions.

The conferees have provided a funding level of $1,350,668,000 for salaries and expenses in fiscal year 1994. This amount will support an FTE level of 17,841, of which 960 FTEs shall be available to support the Customs Air Interdiction Program.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

Amendment No. 17: Inserts language proposed by the Senate which authorizes the use of Air and Marine Interdiction funds for drug "demand reduction" programs.

Amendment No. 18: Appropriates $47,863,000 for operation and maintenance, air and marine interdiction programs as proposed by the Senate instead of $46,063,000 as proposed by the House.

RADAR COVERAGE

The conferees are concerned that gaps known to exist in radar coverage on the southern border of the United States impact the effectiveness of drug interdiction efforts. Because of this concern, the conferees direct that a plan be prepared and reported to the Committees on Appropriations of the House and Senate identifying approaches to fill these gaps utilizing existing technology and available ground-based radars that have been demonstrated in actual southwestern border tests and offer lowest-cost operations through unmanned operation.

OPERATIONS AND MAINTENANCE, CUSTOMS P-3 DRUG INTERDICTION PROGRAM

Amendment No. 19: Deletes language proposed by the House and stricken by the Senate which limited the P-3 aircraft to "defense related" drug interdiction purposes.

CUSTOMS FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

Amendment No. 20: Modifies language proposed by the Senate which provides funds to the highest priority Customs air facility requirements.

The conferees have provided $5,000,000 to support high priority Customs air interdiction facility construction requirements in fiscal year 1994.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

Amendment No. 21: Appropriates $187,209,000 for administering the public debt as proposed by the Senate instead of $189,209,000 as proposed by the House.

INTERNAL REVENUE SERVICE

ADMINISTRATION AND MANAGEMENT

Amendment No. 22: Deletes language proposed by the House and stricken by the Senate which made available $500,000 for research.

PROCESSING TAX RETURNS AND ASSISTANCE

Amendment No. 23: Deletes language proposed by the House and stricken by the Senate which makes available $1,000,000 for research.

TAX LAW ENFORCEMENT

Amendment No. 24: Modifies a provision proposed by the Senate and appropriates $4,007,962,000 for tax law enforcement instead of $4,043,281,000 as proposed by the Senate. It also makes available until expended $1,000,000 for research and mandates that not less than $350,000,000 be available for tax fraud investigations.

INFORMATION SYSTEMS

Amendment No. 25: Appropriates $1,471,448,000 for information systems instead of $1,402,629,000 as proposed by the House and $1,487,722,000 as proposed by the Senate.

Amendment No. 26: Restores language proposed by the House and stricken by the Senate which mandates that the IRS report to the Committees on Appropriations on the implementation of Tax Systems Modernization prior to obligating funds.

U.S. SECRET SERVICE

SALARIES AND EXPENSES

Amendment No. 27: Appropriates $461,931,000 for salaries and expenses as proposed by the Senate instead of $457,360,000 as proposed by the House.

The conferees have provided an increase of $4,571,000 for the Secret Service in fiscal year 1004. These additional funds are provided to restore 69 FTEs proposed for reduction in fiscal year 1994.

WORLD CUP USA 1994

The conferees direct the Service to prepare plans and allocate resources as necessary to provide for the security needs of the various foreign heads of State and officials participating in the activities associated with the World Cup.

GENERAL PROVISION—DEPARTMENT OF THE TREASURY

Amendment No. 28: Restores a provision proposed by the House and stricken by the Senate mandating that the IRS identify efficiency savings and nonrecur the amount of the savings from the IRS budget base.

Amendment No. 29: Modifies a provision proposed by the Senate regarding transfers of end-of-year unobligated balances in the Treasury Forfeiture Fund for Federal law enforcement activities.

Amendment No. 30: Deletes a provision proposed by the House and stricken by the Senate.

The conferees understand that the Bureau of Engraving and Printing will will maintain and utilize the currency production capacity of its Washington, D.C. facility at a level which at a minimum equals its current 5 day, 3 shift per day output of approximately 5.2 billion notes. The Federal Reserve System requirements exceed that level by an amount which will enable the Bureau to also maintain and utilize an operating expansion and emergency back-up capacity at its Fort Worth, Texas facility. If production requirements fall below that level the Bureau may, upon advance notice to the House and Senate Appropriations Committees, reallocate production between the two facilities in a way which best utilizes the capacity of each and preserves the employment security of the Bureau workforce.

Amendment No. 31: Deletes a provision proposed by the House and stricken by the Senate.

If necessary to retain employees with specialized skills who are serving on temporary appointments, the Bureau of Engraving and Printing may extend such appointments on an annual basis beyond four years.

Amendment No. 32: Deletes a provision proposed by the House and stricken by the Senate.

In the event of staffing reductions due to a reduction in work requirements, the area of consideration for any reduction-in-force to be effected shall include the Washington, D.C. facility and the Ft. Worth, Texas facility. Lists of competing employees at each facility shall be combined together, and bumping, retreat and reassignment rights of employees at the same competitive level shall be governed by this combined list. In order to insure uniformity in administration, the Bureau shall adopt this policy by a formal issuance. This policy shall prevail with regard to all represented bargaining units unless one or more unions specifically and in writing agree to another policy or arrangement on behalf of the employees that any such organizations(s) represents.

Amendment No. 33: Inserts and changes the section number of a provision proposed by the Senate mandating that the Secretary of Treasury establish an Office of Undersecretary for Enforcement.

Amendment No. 34: Modifies a provision proposed by the Senate regarding the exemption of law enforcement positions from Executive Order 12839.

Amendment No. 35: Modifies a provision proposed by the Senate mandating the IRS institute policies and procedures which safeguard the confidentiality of taxpayer information.

It also inserts a provision which modifies Title 5 regarding the Commissioner of Customs.

It also inserts a provision providing for the transfer of Customs aircraft and establishes funding levels for enforcement of the Federal Alcohol Administration Act.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

NATIONAL PERFORMANCE REVIEW

The conferees believe the Vice President's report of the National Performance Review is a significant and important document and strongly share the goal of "creating a government that works better and costs less."

The conferees expect Departments and Agencies within this bill to review the recommendations of this report and take immediate steps to achieve a government that works better and costs less and be prepared to work with the House and Senate Committees on Appropriations during next year's hearings on efforts to accomplish this goal.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

Amendment No. 36: Appropriates $38,754,000 for salaries and expenses as proposed by the Senate instead of $38,914,000 as proposed by the House.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

Amendment No. 37: Appropriates $6,648,000 for salaries and expenses as proposed by the House instead of $8,209,000 as proposed by the Senate

INFORMATION SECURITY OVERSIGHT OFFICE

The conferees have not transferred funds from the General Services Administration (GSA) to the National Security Council (NSC) for the Information Security Oversight Office (ISOO) in fiscal year 1994 as recommended by the Senate. ISOO is funded in GSA. The conferees remain concerned, however, that GSA is not the proper agency under which to carry out the responsibilities of this Office since ISOO takes its direction and guidance from the NSC, not GSA. The conferees understand that the NSC is currently reviewing the proper placement of ISOO and should be releasing the results of this evaluation late this year. The conferees direct NSC to provide the results of that review to the appropriate committees of Congress. The conferees further direct NSC to request funding and the required positions to support ISOO's mission in the appropriate agency account as reflected in the review in the fiscal year 1995 budget submission.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

Amendment No. 38: Appropriates $56,539,000 for salaries and expenses as proposed by the House instead of $53,481,000 as proposed by the Senate.

PAPERWORK REDUCTION GOAL FOR FEDERAL AGENCIES

The conferees commend the Administration for its goal of reducing the internal federal regulatory burden by 50 percent. In addition to the stated goals of the Vice President's National Performance Review, the conferees urge agencies within the scope of this Act to adopt a goal of reducing the federal paperwork burden by 50 percent, where possible, both for internal agency paperwork and for paperwork required to businesses or individuals who conduct business with the federal government. Agencies may determine how best to meet that goal.

OFFICE OF FEDERAL PROCUREMENT POLICY

SALARIES AND EXPENSES

Amendment No. 39: Deletes language proposed by the Senate which provided funding for the Office of Federal Procurement Policy as a separate account. The funding for this Office is provided in the appropriation to the Office of Management and Budget.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

Amendment No. 40: Appropriates $11,687,000 for salaries and expenses as proposed by the Senate instead of $5,800,000 as proposed by the House and sets, at 40, the level of positions for ONDCP.

The conferees have provided an increase of $5,887,000 for the Office of National Drug Control Policy in fiscal year 1994. These additional funds are provided to support 40 positions in fiscal year 1994, an increase of 15 above the amount requested.

The conferees are agreed, however, that total employment in the Executive Office of the President shall not exceed the 1,044 total positions requested by the President. The conferees expect the President to make reductions in other Executive Office of the President agencies to support the 15 FTE increase for ONDCP as provided for in the amendment. The conferees agree that this total level of 1,044 positions will fluctuate throughout the year as the President manages day-to-day operations at the White House.

FEDERAL DRUG CONTROL PROGRAMS

HIGH-INTENSITY DRUG TRAFFICKING AREAS PROGRAMS

Amendment No. 41: Inserts a provision proposed by the Senate which provides $43,000,000 for State and local entities and $43,000,000 for Federal agencies. Deletes a provision proposed by the House which provides for different allocation of funding.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 42: Modifies a provision proposed by the House and Senate regarding the allocation of funds from the Special Forfeiture Fund.

TITLE IV—INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

Amendment No. 43: Appropriates $1,800,000 for salaries and expenses as proposed by the Senate. The House provided no funds for the Conference.

Deletes language proposed by the Senate which reduced the amount appropriated to each discretionary account by 1.478 percent.

Modifies language proposed by the Senate concerning remanfactued and recycled toner cartridges.

TONER CARTRIDGES

The conferees have agreed to amend the Senate language as adopted by the Senate in amendment numbered 43 and to delete the Senate language adopted by the Senate in amendment numbered 100.

In amending the language, the conferees have inserted language to ensure that if an agency decides to give preference, that small businesses continue to compete only with each other for GSA's remanufactured toner cartridge solicitations. The conferees note that this action simply reconfirms current Federal Acquisitions Regulation (FAR) requirements. FAR provision 19.502-2, requires that when purchasing certain items, like toner cartridges, if two or more small businesses can meet the specifications which include price and quantity availability, GSA must "set aside" the procurement for small businesses.

The action of the conferees will ensure that the recycled toner cartridge solicitations will be open to all qualified bidders. Furthermore, the conferees set forth guidelines under which newly manufactured cartridges may be purchased.

Finally, the conferees have inserted language to ensure that the provision will not affect current law with respect to organizations for the Blind or Other Severely Handicapped (NIB/NISH).

Citizens' Commission on Public Service and Compensation

SALARIES AND EXPENSES

(RESCISSION)

Amendment No. 44: Inserts a provision proposed by the Senate rescinding $250,000 of the funds made available in the fiscal year 1993 appropriation.

Advisory Commission on Intergovernmental Relations

SALARIES AND EXPENSES

Amendment No. 45: Appropriates $1,000,000 for salaries and expenses as proposed by the Senate. The House provided no funds for this Commission.

General Services Administration

FEDERAL BUILDINGS FUNDS

Amendment No. 46: Inserts a provision proposed by the Senate which appropriates funds to the Federal Buildings Fund.

Review of Federal Building Construction

On September 16, 1993, the Administrator of the General Services Administration (GSA) announced a comprehensive review of the public buildings process beginning immediately and lasting from 3 to 6 months. The Administrator has stated that the intent of this review is to produce cost savings wherever possible.

The conferees concur in the Administrator's decision to review these projects on the basis of merit and cost but are concerned that the practical effect of the construction moratorium is that budget authority previously provided for 188 different projects is being withheld from obligation .

As required by the Impoundment Control Act, the General Accounting Office (GAO) is currently reviewing the Administrator's decision to withhold these funds to determine whether such action is reportable under the Impoundment Control Act. The conferees look forward to the Comptroller General's report and will rely on this decision.

If in the report, GAO determines that a deferral is required, the conferees direct the Administrator of GSA and the Comptroller General to follow existing deferral reporting procedures. The Administrator is also urged to expeditiously complete a review of these projects so as to not cause any unnecessary delays, costs or project slippage.

Analysis of Federal Building Construction

The conferees agree that the Federal construction projects are subject to review by the General Services Administration (GSA). The conferees direct the Administrator of the GSA to carefully review federal building construction projects to ensure that they meet the requirements of the Federal government. The GSA should conduct an analysis as to the need for these buildings including an assessment of the requirements of the agencies which will be housed in these facilities. The GSA should also carefully review each project to insure that it is not only necessary but is the appropriate size and design for the government entities to be housed there. Finally the conferees direct GSA to insure that the costs are fully justified for each project.

The Administrator is directed to report to the House and Senate Committees on Appropriations on the results of this analysis.

Access to Resolution Trust Corporation Properties

The conferees understand that legislation has been proposed to improve the access of GSA to Resolution Trust Corporation (RTC) properties for use by the Federal government. The conferees expect the Administrator of GSA to work with the RTC to identify properties which could be available for meeting the requirements of Federal agencies.

Management of Federal Government Real Estate

The conferees agree with the recommendation of the Vice President's National Performance Review that the Public Buildings Service become a provider of choice. While the conferees recognize that the Federal Buildings Fund rent rates may appear cumbersome because they are structured to provide a margin of income for capital expenditures for construction of a new facilities and major repairs, the conferees agree that by involving customer agencies in the decision making and by increasing competition, the taxpayers will benefit through lower costs.

The conferees are concerned, however, that should the government decentralize the management of the government's real estate assets, the benefit of centralized decision making will not be realized. Recent investigations by the General Accounting Office have shown that other Federal entities cannot prioritize their own requirements. Decentralizing the decision making process would only yield a federal budget which does not prioritize all of the needs of the government.

The conferees agree that the General Services Administration should be the agency charged with managing all government assets to optimize the highest rate of return. The conferees look forward to the establishment of GSA as the government wide asset manager effectively managing the government's vast portfolio of real property holdings.

Building Delegation Program

The conferees are aware that the General Services Administration (GSA) has implemented a very successful Building Delegation Program. Under this program, GSA has delegated authority for Real Property management functions to Federal agencies which are single tenants in selected Government-owned and leased buildings. The GSA budgets for operational and administrative costs directly within the Federal Buildings Fund and tenant agencies continue to budget for and pay full rent to GSA. Each year GSA returns funding to each participating agency for operation of these buildings through individual allocation accounts. However, the program has become a cumbersome, ineffective and costly method for GSA to manage. Therefore, the conferees direct GSA and the Office of Management and Budget to include necessary operating funds for buildings delegation in each agency's budget for fiscal year 1995, rather than budgeting for these requirements in the Federal Buildings Fund.

Amendment No. 47: Modifies a provision proposed by the Senate appropriating $288,486,000 into the Fund.

Amendment No. 48: Establishes an aggregate amount of $5,251,177,306 in the Federal Buildings Fund instead of $5,185,611,000 as proposed by the House and $5,253,877,000 as proposed by the Senate.

Amendment No. 49: Makes available $925,027,306 for construction instead of $820,476,000 as proposed by the House and $933,787,000 as proposed by the Senate.

Amendment No. 50: Deletes language proposed by the House and modifies language proposed by the Senate which provides funding related to the construction of certain buildings and facilities.

Federal Courthouse, Augusta, Georgia

The conferees have agreed to fund the $1,000,000 identified by the Senate for the repairs and renovations to the Courthouse in Augusta, Georgia, from funds available in the construction account.

Federal Center, Rochester, New York

The conferees have included an additional $5,000,000 to complete the federal center in Rochester, New York, which was initially funded in the Treasury, Postal Service, and General Government Appropriations Act, 1991 (P.L. 101-509).

Amendment No. 51: Modifies language proposed by the House and stricken by the Senate providing that funds be available for four flexiplace work telecommuting center projects located in Southern Maryland, northwestern Virginia, Hagerstown, Maryland, and Fredericksburg, Virginia and increases the funding level to $6,000,000.

Amendment No. 52: Rescinds $185,344,000 as proposed by the Senate instead of $107,781,000 as proposed by the House.

Amendment No. 53: Inserts a provision proposed by the Senate providing that $1,500,000 made available in a previous fiscal year for Hilo, Hawaii shall be available to a public entity in Hawaii to construct government facilities.

Amendment No. 54: Appropriates $523,782,000 for repairs and alterations instead of $546,682,000 as proposed by the House and $516,782,000 as proposed by the Senate.

Amendment No. 55: Restores a provision proposed by the House and stricken by the Senate modified to make available $7,000,000 for energy retrofit projects.

Amendment No. 56: Restores a provision proposed by the House which provides that $6,000,000 may be used to procure and install phosphoric acid fuel cells in GSA installations.

Amendment No. 57: Provides $6,800,000 for certain capital improvements of United States-Mexico border facilities as proposed by the Senate.

LUKEVILLE, ARIZONA

The conferees urge the U.S. Customs Service to provide 24 hour emergency service at the border station in Lukeville, Arizona. It is imperative that this facility be prepared for emergencies when it is closed. The conferees understand that Customs intends to place signs at this facility providing instruction on emergency procedures and urges Customs to do so at the earliest possible date.

Amendment No. 58: Makes available $118,108,000 for installment acquisition payments including payment on purchase contracts as proposed by the House instead of $119,108,000 as proposed by the Senate.

Amendment No. 59: Makes available $2,117,421,000 for rental space as proposed by the Senate instead of $2,124,373,000 as proposed by the House.

Amendment No. 60: Makes available $1,226,085,000 for real property operations as proposed by the Senate instead of $1,231,085,000 as proposed by the House.

Amendment No. 61: Makes available $184,081,000 for design and construction services as proposed by the Senate instead of $188,274,000 as proposed by the House.

Amendment No. 62: Deletes a provision proposed by the House and stricken by the Senate which prohibited expenditures without prior authorization for certain projects.

Amendment No. 63: Modifies a provision proposed by the House and stricken by the Senate which authorizes the Department of Agriculture to provide funds for the construction of a facility for a nongovernmental entity.

Amendment No. 64: Modifies language proposed by the Senate which provides for approval of construction projects by legislative

Committees prior to funds becoming available.

Amendment No. 65: Establishes a limitation of $5,251,117,306 for the Federal Buildings Fund instead of $5,185,611,000 as proposed by the House and $5,253,877,000 as proposed by the Senate.

FEDERAL SUPPLY SERVICE

OPERATING EXPENSES

Amendment No. 66: Makes available $43,420,000 for operating expenses as proposed by the Senate instead of $55,804,000 as proposed by the House.

ESTABLISHING A REIMBURSABLE FEDERAL SUPPLY SERVICE

The conferees note that the House included report language on establishing a reimbursable Federal Supply Service (FSS), requesting that GSA initiate a management review of the FSS to determine the feasibility of making it a totally reimbursable activity in fiscal year 1995. The conferees agree that the FSS should work with the Office of Management and Budget to implement a fiscal year 1995 policy to include all FSS costs in the rates charged to customers. Furthermore, the conferees agree that the Federal agencies should be allowed a choice of purchasing from the FSS or from the commercial sector. This would provide each agency the opportunity to obtain items in the most cost beneficial manner. The General Accounting Office should review this arrangement and report on the effect such as change would have on the Federal government.

Related to the issue of reimbursable funding, the conferees are aware that FSS has programs which provide services to customers, such as contracts for agencies' use where agencies' payments for these services do not flow through the General Supply Fund. Until the changes recommended by the conferees are made, FSS is unable to recover its costs directly from customers through an overhead charge on the cost of goods or services provided through such programs. However, there may be instances when the provided service generates receipts not directly related to the cost of service. Such receipts should be available to fund the cost of creating and providing the services which have in fact generated the revenue. The conferees direct the Administrator to keep the Committees informed as such funding is identified and becomes available. During the transition from appropriated to reimbursable funding, funds appropriated but not longer necessary should not be obligated.

POLLUTION ABATEMENT TEST

The Energy Policy Act of 1992 calls on the Secretary of Energy in conjunction with industry and federal agencies to conduct a study on diesel engine combustion and fuels and lubricants to reduce emissions of oxides of nitrogen and particulates. To assist in the conduct of this study, the conferees direct the Administrator of GSA to consider developing a program involving GSA-fleet vehicles, in particular trucks and buses, to test diesel fuel additives as a means to reduce emissions and particulates.

WORLD CUP USA 1994

The conferees direct GSA to continue to provide available secure storage and office space, equipment, and other logistical support on a temporary basis to the World Cup organizers in the nine venues and to make available temporary exhibition space in U.S. Government buildings for international cultural and artistic events associated with World Cup USA 1994.

INFORMATION RESOURCES MANAGEMENT SERVICE

OPERATING EXPENSES

Amendment No. 67: Appropriates $45,675,000 as proposed by the House instead of $44,730,000 as proposed by the Senate and deletes a provision proposed by the House which would have prohibited the use of funds for the Information Security Oversight Office.

MANAGEMENT RESEARCH SUPPORT

The conferees are supportive of the Administration's efforts to reinvent government and are interested in assuring that GSA has the benefit of the most advanced thinking and research in business management, procurement policy, computer applications and other management issues of concern to the Federal Government. For this reason, the conferees recommend that GSA solicit proposals from institutions of higher education for the purpose of determining whether or not GSA should establish university-based research centers to assist in developing improved methods of management, procurement policy, and computer and software applications for the Federal Government.

INFORMATION SECURITY OVERSIGHT OFFICE

The conferees have agreed to remove the restrictive language which prohibited the expenditure of funds for the Information Security Oversight Office (ISOO), as proposed by the House. Furthermore, the conferees have agreed not to move the ISOO to the National Security Council (NSC), as proposed by the Senate. The outcome of both of these actions will be to maintain the ISOO within the General Services Administration's Information Resources Management Service (IRMS).

The House action which eliminated funding for the ISOO was based on the Office's actions which included the issuing of a draft directive undermining current federal procurement regulations. This draft directive was issued without the approval of the Administrator of General Services, despite the implications that such a regulation would have on GSA operations. Despite the House concerns, the conferees are aware that the original charter of the ISOO, the implementation of security standards for government equipment, needs to be accomplished.

However, the conferees agree that the GSA should exert greater management control of ISOO. While it is not the intention of the conferees to replace the direction provided by NSC, the conferees agree that the Administrator of GSA should provide significant oversight of ISOO's operations. It is the conferees' intent to ensure that the mistakes of the past are not repeated.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

Amendment No. 68: Deletes a provision proposed by the House and stricken by the Senate regarding the Foley Square Federal Building.

Amendment No. 69: Inserts a provision proposed by the Senate providing guidelines for the use of unobligated balances associated with operating expenses and salaries and expenses that have been unobligated at the end of the fifth fiscal year after the fiscal year for which the funds were appropriated.

Amendment No. 70: Inserts a provision proposed by the Senate amending Section 204 of the Federal Property and Administrative Services Act of 1949 by adding a subsection which provides authority for the Administrator of GSA to retain proceeds from the sale of personal property in the amount necessary to recover, to the extent practicable, costs incurred by the GSA (or its agent) in conducting such sales.

Amendment No. 71: Modifies language proposed by the Senate regarding a property exchange in Tucson, Arizona for a Federal Courthouse to ensure that the property is of comparable value.

Amendment No. 72: Inserts a provision proposed by the Senate concerning prohibiting the disposal of land in the vicinity of Norfork Lake, Arkansas.

Amendment No. 73: Inserts a provision proposed by the Senate concerning prohibiting the disposal of land in the vicinity of Bull Shoals Lake, Arkansas.

Amendment No. 74: Deletes a provision proposed by the Senate regarding space in the City of Newark, New Jersey.

VICTORY OPTICAL, NEWARK, NEW JERSEY

Based upon a study, the GSA has determined there is a need for Federal office space in downtown Newark. The City of Newark has proposed a project in the Federal Square Campus Center at the Victory Optical site, One Victory Plaza, in Newark. The Victory Optical site is adjacent to and connected with three other major Federal buildings. As proposed by the City of Newark, the project would designate a minority controlled group to develop and operate the office building. The conferees direct the GSA to meet with Newark officials and give serious consideration to Newark's proposal to determine if it provides a cost effective solution to Newark's proposal to be cost prohibitive. The conferees encourage GSA to separately consider the Victory Optical site for government development.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

Amendment No. 75: Deletes a provision proposed by the House and stricken by the Senate which provided funding for the National Advisory Council on Public Service.

DISEASE PREVENTION AND HEALTH PROMOTION

The conferees expect OPM to continue to collaborate with the Centers for Disease Control and Prevention of HHS to secure health promotion and disease prevention and disease prevention expertise from academic institutions and further, to ensure that efforts are also made to develop innovative ways to utilize video communications technology. The conferees further direct OPM to utilize the unique expertise that has been demonstrated by the University of Arizona and the University of Hawaii under this program.

ENHANCING THE QUALITY OF WORKLIFE FOR FEDERAL EMPLOYEES

The conferees believe that the Office of Personnel Management (OPM) has indeed begun to address the issue of providing federal employees with a family-friendly workplace. At the same time the conferees are aware of the fact that many agencies are not fully advocating or implementing flexible work policies. It is in the best interest of all federal agencies to promote a family-friendly working environment especially during the period of "reinventing government". The government's ability to retain and attract the most qualified professionals will indeed depend highly on the employees' perception of "employee satisfaction" objectives of the federal government. The conferees believe OPM is in a position to take a stronger leadership role in addressing this issue since having established a Work and Family Program Center within its Personnel Systems and Oversight Group. The conferees conclude that OPM should direct federal agencies attention to the Center, and have it serve as the focal point for all federal work/family efforts.

OPM STUDY OF CHIROPRACTIC SERVICES

The conferees are concerned that the Office of Personnel Management has failed to proceed with a study, as directed in last year's bill, on how chiropractic services for treatment of back pain in federal employees could reduce cost in the Federal Employees Health Benefits Program. The conferees direct OPM to proceed with this important study.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

Amendment No. 76: Makes available $3,805,480,000 for government payment for annuitants, employees health benefits instead of $4,146,480,000 as proposed by the House and $3,458,480,000 as proposed by the Senate. The Administration has advised the conferees that this amount will fully fund the government's contribution for the Government Payment for Annuitants, Employees Health Benefits.

National Archives and Records Administration

OPERATING EXPENSES

Amendment No. 77: Appropriates $195,482,000 for operating expenses instead of $193,182,000 as proposed by the House and $196,482,000 as proposed by the Senate.

The conferees have provided a total of $195,482,000 for National Archives and Records Administration, an increase of $2,300,000 over the requested level. Of this amount, $500,000 shall be made available to support planning activities on the renovation of the FDR Presidential Library in Hyde Park, New York, and $500,000 for a feasibility study on integrating the Archives collection into Internet and other on-line systems. The remaining increase shall be available to support a total funding level of $5,250,000 for NHPRC grants in fiscal year 1994.

Amendment No. 78: Makes available $5,250,000 for allocations and grants for historical publications and records instead of $4,000,000 as proposed by the House and $6,000,000 as proposed by the Senate.

U.S. TAX COURT

SALARIES AND EXPENSES

Amendment No. 79: Appropriates $33,650,000 for salaries and expenses as proposed by the House instead of $35,350,000 as proposed by the Senate.

TITLE V—GENERAL PROVISIONS—THIS ACT

Amendment No. 80: Deletes a provision proposed by the House and stricken by the Senate which prohibited the expenditure of funds for administrative expenses to close the Federal Information Center in Sacramento, California.

Amendment No. 81: Restores language proposed by the House and stricken by the Senate prohibiting the withdrawal of the designation of Front Royal, Virginia as a Customs Service Port of Entry.

Amendment No. 82: Inserts and changes the section number of a provision proposed by the Senate requiring the absorption of pay increases within the levels appropriated by this Act. Also inserts a provision which prohibits a general, across-the-board pay increase for Federal employees.

Federal Employees General Pay Increase

The conferees opted to freeze the general pay increase due in January 1994 in order to implement locality-pay raises. The Administration requested a freeze for both increases, however the conferees believed that it was more important to implement locality pay on schedule. The conferees believe that the costs associated with implementing both raises would force federal agencies to furlough or fire employees.

Amendment No. 83: Deletes a provision proposed by the House and stricken by the Senate which concerned the use of funds to move the Internal Revenue Service's Automated Collection Unit in Manhattan, New York.

Automated Collection Unit, Manhattan, New York

The conferees are aware that the Internal Revenue Service intends to eliminate its Automated Collection Unit in Manhattan, New York. The conferees do not believe the decision to close the Unit has been fully substantiated. The conferees, therefore, urge the Internal Revenue Service to explore all viable options to maintain the existing unit in New York until it can fully identify cost savings. Should such cost savings be identified and the Automated Collection Unit in Manhattan, New York is eliminated, the conferees urge the Internal Revenue Service to reassign every Manhattan Automated Collection Unit employee to a position at the same grade or pay level in the Manhattan commuting area. The Internal Revenue Service Commissioner has assured the conferees that this will be done and the conferees intend to monitor the situation to ensure that it is done.

Amendment No. 84: Restores language proposed by the House and stricken by the Senate authorizing the transfer of GSA property in Suitland, Maryland to the Washington Metropolitan Area Transit Authority.

Amendment No. 85: Inserts a provision proposed by the Senate requiring the Secretary of the Treasury to complete the Bureau of the Public Debt consolidation plan by a certain date.

Amendment No. 86: Restores language proposed by the House and deleted by the Senate regarding the conveyance of property to the State of Maryland from the General Services Administration.

Amendment No. 87: Restores language proposed by the House and stricken by the Senate. This provision prohibits the use of funds to provide any non-public mailing lists to any person or organization outside of the Federal Government.

Amendment No. 88: Modifies a provision proposed by the House and stricken by the Senate regarding the transfer of land to the City of Waltham, Massachusetts.

Amendment No. 89: Restores language proposed by the House and stricken by the Senate regarding the compliance with the "Buy American Act".

Amendment No. 90: Restores language proposed by the House and stricken by the Senate concerning the requirement regarding notice of American-made equipment and products.

Amendment No. 91: Restores language proposed by the House and stricken by the Senate concerning prohibition of contracts which use certain goods not made in America.

Amendment No. 92: Inserts a provision proposed by the Senate transferring certain GSA lands to the 19 Pueblo Tribes of New Mexico.

Amendment No. 93: Inserts a provision proposed by the Senate transferring certain lands located in Holbrook, Arizona from the Department of the Air Force to the National Park Service.

TITLE VI—GOVERNMENTWIDE GENERAL PROVISIONS

Amendment No. 94: Modifies language proposed by the House and deleted by the Senate concerning blue collar wage grade employee pay.

Federal Wage System

The conferees adopted the Senate language in section 615 which will parallel the phasing in of the locality-pay with the pay increases of Federal Wage System (FWS) employees.

Amendment No. 95: Restores language proposed by the House and stricken by the Senate which establishes certain reporting requirements for the detailing of certain Federal employees.

Amendment No. 96: Restores language proposed by the House and stricken by the Senate which provides for mandatory use of FTS2000. The conferees agree that this constitutes legislation on an appropriations bill and that mandatory use language is included because the authorizing committees have requested the conferees to include this provision in this Act. The conferees recognize the government-wide savings achieved as a result of FTS2000 and believe that mandatory use should continue as long as the Administration can demonstrate that it is cost effective.

Amendment No. 97: Inserts a provision proposed by the Senate relating to the funding of transportation audits, by requiring an audit fee to be charged and collected by GSA.

Amendment No. 98: Inserts a provision proposed by the Senate extending by one year the reporting date for the Social Security Notch Commission.

Amendment No. 99: Inserts a provision proposed by the Senate which renames and extends the Washington, DC-MD-VA metropolitan statistical area for purposes of Section 404 of the Federal Employees Pay Comparability Act of 1990.

Amendment No. 100: Deletes language proposed by the Senate which related to toner cartridge recycling. For further discussion, see amendment numbered 43.

Amendment No. 101: Inserts a provision proposed by the Senate requiring agencies to have in place and administer a written policy to insure that all of its work places are free from discrimination and sexual harassment and are not in violation of certain laws.

Amendment No. 102: Modifies language proposed by the Senate regarding revenue forgone reform.

REVENUE FORGONE REFORM

Revenue Forgone Reform represents a compromise worked out by the Committee on Post Office and Civil Service among commercial and nonprofit mailers to eliminate the authorization for revenue forgone appropriations for nonprofit second-class, classroom second-class, in-county second-class, nonprofit third-class and library rate mail. The title creates a mechanism to continue preferred, lower postage rates for nonprofit mailers without the need for taxpayer subsidy. The title also establishes a six year phase-in of postage rate increases for nonprofit mail. During that phase-in period rates for nonletter-shaped nonprofit third-class mail must be at least the rate applicable on September 30, 1993.

Commercial use of nonprofit third-class mail has been prohibited. Advertising for nonprofit second-class mail has been limited as has the use of library rate mail by commercial publishers. Publishers may use library rate mail only for matter which has been ordered by libraries or schools. The managers intend that the Postal Service shall administer these new eligibility reforms in a manner that does not unduly jeopardize continued access to the postal system by reduced rate mailers who are seeking to comply with the new standards. The Postal Service may well establish a phased-in enforcement policy, including use of its authority to settle any deficiency claim against a reduced rate mailer.

U.S. Postal Service/U.S. Census

The conferees are encouraged by the cooperation between the Postal Service and the Bureau of the Census thus far in preparing for the next census. The conferees expect the Postal Service to continue to cooperate fully with the Bureau of the Census to prepare address lists and geographic capability for the 1995 Census Test. Any delays will jeopardize the Census Bureau's ability to test adequately in 1995 methods needed to take the decennial census in 2000. Therefore, the conferees expect the Postal Service to share its address lists with the Census Bureau, as necessary to carry out a successful test. The conferees also expect that the information will remain confidential, since the Census Bureau is subject to strict standards of confidentiality under Title 13, U.S.C.

Amendment No. 103: Deletes a provision proposed by the Senate which would have provided that certain mailings made pursuant to that Act can be made at half the cost of first class mail.

Voter Registration Mail

The conferees deleted the Senate amendment that would have made a one-half First-Class postage rate available to voting registration officials, in place of the nonprofit third-class rate originally authorized in the National Voter Registration Act of 1993. This change would have increased the initial cost of reduced rates for voter registration mail from about $2.3 million to $9.7 million when the new Act becomes effective in 1995, and would have added a further amount to those costs each time that first-class rates were increased in a future postal rate proceeding. The conferees were disturbed by the potential cost of this reduced rate provision.

The conferees are aware, however, of the concerns of some election officials who believe that the bulk third-class mail rate will not be sufficient to include all of the mailing requirements of the Act. If this remains a problem, the conferees urge a review of this situation.

National Partnership Council

The amendment also inserts a provision which would establish, subject to authorization, the National Partnership Council. The National Partnership Council will be tasked with establishing a labor-management partnership to create a high-performance, high-quality government. In an effort to reinvent government, a new vision for labor-management relations is necessary in order to handle the obstacles which may be encountered as the government begins to change its way of operating. This National Partnership Council should be authorized by the appropriate legislative committees.

Use of Unobligated Funds

The amendment also inserts a provision which allows 50 percent of the funds remaining unobligated at the end of fiscal year 1994 to be carried over to fiscal year 1995. Of the 50 percent, 2 percent may be used to finance cash awards to employees whose actions contributed to producing the savings and 3 percent may be used for employee training programs.

The salaries and expense accounts affected by this provision are as follows:

Title I—Departmental Offices, Office of the Inspector General, Federal Law Enforcement Training Center, Financial Management Service, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, United States Mint, Bureau of the Public Debt, Internal Revenue Service Administration and Management, Internal Revenue Service, Processing Tax Returns and Assistance, Internal Revenue Service, Tax Law Enforcement, and the United States Secret Service.

Title III—All accounts excluding only Compensation of the President, Unanticipated Needs, Federal Drug Control Program, and Special Forfeiture Fund.

Title IV—All accounts excluding Government Payment for Annuitants, Employees Health Benefits, Employee Life Insurance, and Payment to Civil Service Retirement and Disability Fund.

Centers for Disease Control

The amendment also inserts a provision regarding the Centers for Disease Control (CDC). In order to meet the demands of long term growth, funds were authorized in the fiscal year 1993 Treasury, Postal Service, and General Government Appropriations Act to acquire a "new" CDC campus in the Atlanta, Georgia area. The conferees have included language to make clear that a CDC laboratory authorized in an earlier fiscal year may be erected on the new campus.

U.S. Courthouse; Montgomery, Alabama

The amendment also inserts a provision which authorizes the Administrator of General Services to pay for replacing the site and necessary improvements of the facility which is being vacated for the needs of the courthouse.

Amendment No. 104: Deletes a provision proposed by the Senate which would have established a non-smoking policy in Federal buildings.

Nonsmoking Policy for Federal Buildings

The conferees have agreed to eliminate this Senate provision which established a nonsmoking policy for federal buildings. The language proposed by the Senate is legislative in nature and is currently under consideration by the appropriate legislative Committees.

While the conferees have agreed to eliminate the provision, this does not signal a lack of concern for the health and safety of employees. The conferees understand the concerns over the effect of second-hand smoke on those working in poorly ventilated areas. Therefore, the conferees agree that the Administrator shall ensure the establishment of separate smoking areas. Furthermore, the conferees agree that the Administrator should establish a policy to phase out these smoking areas over a period of time.

Amendment No. 105: Deletes language proposed by the Senate which would have prohibited the sale of tobacco products in vending machines located in or around any Federal building except under certain circumstances.

Cigarette Sales to Minors

The conferees have agreed to eliminate this language concerning cigarette sales to minors. The language proposed by the Senate is legislative in nature and is currently under consideration by the appropriate legislative Committees.

While the conferees have agreed to eliminate the provision, this does not signal a lack of concern for the health and safety of minors. The conferees agree that locating cigarette sales vending machines in areas accessible to minors poses a serious problem as their presence increases the availability of products which otherwise may be prohibited from sale to minors. Therefore, the conferees direct the Administrator to eliminate vending machines in areas which are accessible to minors.

Compensating Non-U.S. Citizens

The amendment also inserts a provision which amends Section 606 of this Act to allow certain citizens of the former Soviet Union to be employed by the United States Government.

The amendment also inserts a provision which amends Section 606 of this Act to allow certain citizens of the People's Republic of China to be employed by the United States Government.

The purpose of this language is to ensure that compensation of any officer or employee of the Government of the United States whose post of duty is in the U.S. shall be available and provided to nationals of the People's Republic of China formerly protected by the Executive Order No. 12711 of April 11, 1990. Chinese aliens covered under this section include those nationals that meet the eligibility requirements of the Chinese Student Protection Act (P.L. 102-404), whether or not they took advantage of said benefits.

Conference Total—With Comparisons

The total new budget (obligational) authority for the fiscal year 1994 recommended by the Committee of Conference, with comparisons to the fiscal year 1993 amount, the 1994 budget estimates, and the House and Senate bills for 1994 follow:

New budget (obligational) authority, fiscal year 1993	$22,527,131,538
Budget estimates of new (obligational) authority, fiscal year 1994	22,006,136,000
House bill, fiscal year 1994	22,708,780,000
Senate bill, fiscal year 1994	22,157,687,000
Conference agreement, fiscal year 1994	22,538,822,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1993	+11,690,462
Budget estimates of new (obligational) authority, fiscal year 1994	+532,686,000
House bill, fiscal year 1994	−169,958,000
Senate bill, fiscal year 1994	+381,135,000

STENY H. HOYER,
PETER J. VISCLOSKY,
GEORGE (BUDDY) DARDEN,
JOHN W. OLVER,
TOM BEVILL,
MARTIN O. SABO,
WILLIAM H. NATCHER,
JIM LIGHTFOOT
(except amendment 36),
FRANK R. WOLF
(except amendment 36),
JOSEPH M. MCDADE
(except amendment 36),
Managers on the Part of the House.

DENNIS DECONCINI,
BARBARA A. MIKULSKI,
J. ROBERT KERREY,
ROBERT C. BYRD,
CHRISTOPHER S. BOND,
AL D'AMATO,
MARK O. HATFIELD,
Managers on the Part of the Senate.

SENATE—*Monday, September 27, 1993*

The Senate met at 12:30 p.m., on the expiration of the recess, and was called to order by the Honorable PAUL D. WELLSTONE, a Senator from the State of Minnesota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Gracious God our Father in Heaven, this promises to be a pressure week with the end of the fiscal year imminent. We pray for a special covering of grace for the Senate. Grant to the leadership the wisdom and the energy needed for such a week. You have promised in the Psalms, "Commit thy way into the Lord; trust also in Him; and He shall bring it to pass." (Psalm 37:5) May this promise be real and relevant to each Senator and staff.

Thank You for journeying mercies for those who traveled on the weekend, for the rest that some were able to get, and for family time. Let Your blessing rest on the Senate as it faces this arduous week.

In His name who is the Light of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 27, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAUL D. WELLSTONE, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WELLSTONE thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of H.R. 2518, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2518) making appropriations for Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I understand that it is in order for the Senator from New Mexico to propose an amendment; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

AMENDMENT NO. 969 TO COMMITTEE AMENDMENT ON PAGE 45

(Purpose: To provide that certain funds are utilized to offset the Pell grant shortfall)

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Does the Senator intend to amend the first-degree amendment, or does he intend to amend the bill itself?

Mr. DOMENICI. I ask unanimous consent that the committee amendments be set aside and I be permitted to amend the committee amendment that appears on page 45.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 969.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 45, line 21, strike "any authorized activity" and all that follows through line 25 and insert the following: "alleviation of the funding shortfall in the Pell Grant Program under part 1 of part A of title IV of the Higher Education Act of 1965.".

Mr. DOMENICI. Mr. President, let me explain what this is. It is a pretty simple amendment, and I really believe if the Senate will take a moment to try to understand it, they will support it.

During the debate about a month ago—maybe 6 weeks ago—on the National Community Service Corps, there was a great deal of concern about adequate funding for the Pell Grant Program because of competition for the money. I believe there was a broad-based bipartisan chorus saying the Pell Grant Program, which helps about 4 million students in colleges and community colleges in the United States—in a State like mine, 30,000 young people and adults who are attending college get help by this Pell Grant Program—there was great concern about the fact that we are, as a matter of fact, year by year, putting so much pressure on this program that the grants are not increasing as rapidly as we had expected, over time.

In this appropriations bill, there is $116 million made available to a set-aside in a fund for new education reform initiatives proposed by the administration but not yet enacted by Congress.

Right up front, the Senator from New Mexico does not change that. This $116 million is there for new program funding. However, the bill itself says that if, by April 1, this new education initiative is not adopted and signed, that this fence of $116 million is torn down and the funds are to be spent on "other authorized activities."

Now, Mr. President, this amendment says if that fence comes down that is holding this money, making it ready for a new education initiative if it is not needed for that, this amendment very simply says it should not go to "other authorized activities" but rather specifically to the authorized activity of Pell grants. Therefore, the $116 million would go from that fund to alleviate the Pell grant shortfall.

The House, in their similar bill, provides $415 million toward a shortfall in the Pell Grant Program. This bill before us provides only $183 million. That means that the bill that we are going to go confer upon does much more to help with the shortfall that exists in Pell grants.

Sooner or later we are going to have to pay that piper, and we are going to have to dramatically cut Pell grants. So the Senator from New Mexico is saying what we ought to do is take that $116 million, if it is not used for new education programs, and in our appropriations bill, direct it to be added to the $185 million that we have allocated for the Pell grant shortfall, and we will be closer to what the House has done to try to solve the shortfall.

Currently, the Pell Grant Program is funded at about $6 billion. But there is a recurring shortfall of very serious proportions, and my amendment makes attempts to address it.

It in no way attempts to thwart these new education reforms, but absent an education reform bill that is enacted into law, we should take care of at least part of the Pell grant shortfall before we spend that money on

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

other authorized programs—and there is a myriad of them.

So I think we recall that when I offered an amendment during the debate of the new national community service, many from both sides said: We want to make sure that Pell grant is a totally viable, fully funded program. It should not be put in competition with something like community service. They are completely different, and desperately we need to continue full funding and get rid of the shortfall on Pell grants.

This takes one step in that direction. I believe if my colleagues will take just a few minutes and acquaint themselves with this, they will agree that there is no better use of this extra money among the myriad of so-called other authorized projects than there is to put it into the Pell Grant Program. But even with that, we are going to be far, far behind. We are borrowing now on next year's appropriations, which is the way we permitted this program to work. But sooner or later, you know, this buy-now, pay-later is not going to work, and the people who are going to get hurt are those 30,000 students in New Mexico, and whatever thousands are in the State of the occupant of the chair, who desperately need this kind of help as they move through college.

I understand it is the desire of the management of this bill that we now return to a quorum call.

I have finished my remarks and urge the adoption of my amendment.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 969, AS MODIFIED

Mr. DOMENICI. Mr. President, I send to the desk a modification of my amendment correcting a couple of typographical errors. I ask that they be made part of my amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 969), as modified, is as follows:

On page 45, line 21, strike "any authorized activity" and all that follows through "Congress," on line 23 and insert the following: "alleviation of the funding shortfall in the Pell Grant program under subpart 1 of part A of title IV of the Higher Education Act of 1965.".

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I plan to accept the amendment by the Senator from New Mexico, but before I do I would like to make just a few comments regarding his amendment.

First, no one is more eager to pay off the Pell grant shortfall than I am. For the last 2 years, I have had to start off planning for the Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, knowing I am more than $1 billion in the hole before I ever begin because of the Pell grant shortfall.

But I also know I have a lot of existing programs that serve not only postsecondary students, but disadvantaged, elementary, and secondary schoolchildren, children with disabilities, and migrant children as well. And I know unless we change the way we do things in education, unless we undertake the systemic reform proposed by President Clinton in Goals 2000, we are going to continue to lose ground in the battle to educate our children. These are the things I have to balance in the education portion of my bill.

Last spring, President Clinton put forward a proposal that would have eliminated the entire Pell grant funding shortfall but, because of opposition from the other side of the aisle, we were unable to secure passage of that proposal, the stimulus package. I should add, despite the rhetoric at the time, President Clinton's proposal would not have added a dime to the deficit because these are the funds that have already been spent.

Since last spring we have continued to work to pay off the shortfall, and we did add $181 million for a total of $341 million for the shortfall in the supplemental which passed at the end of June. As I noted earlier, the bill currently under consideration includes an additional $185 million to further reduce the shortfall.

I also want to point out we have finally had some good news regarding the shortfall. Secretary Riley—who by the way is firmly committed to eliminating the shortfall as soon as possible; I can assure you it does not sit very well with him either—wrote to me in late July to report that the Pell Grant Program costs are growing somewhat slower than expected and that the estimate of the shortfall is now lower than it was last spring. The combination of these lower cost estimates and our supplemental have reduced the estimated shortfall to $1.2 billion, down from more than $2 billion last spring. Nevertheless, we should not take too much comfort from those cost estimates because they are difficult to pin down, as we saw last year when the estimated shortfall rose from $300 million in January to $1.6 billion by July.

So I will agree to accept the amendment of the Senator that the funds set aside in this bill for Goals 2000 will be applied to the shortfall if the Goals 2000 legislation is not enacted by April 1 of next year. But in doing so I also ask the Senator from New Mexico, who serves as the ranking member on the Budget Committee, to make every effort in that capacity to help put the shortfall behind us. The Budget Committee can make my job much easier by keeping the shortfall in mind as they plan their budget resolution. I hope the ranking member will help in that effort.

Obviously, if we had a better allocation from the Budget Committee we could have dealt with the shortfall even more than we are doing. So I say I challenge the Senator from New Mexico to help us at the next funding cycle to make sure we have the appropriate amounts of money so we can get rid of the shortfall.

I thank the Senator and agree his amendment should be adopted. I look forward to working with him on this issue in the future.

Mr. President, I guess it has been cleared on the other side. I accept the amendment.

The ACTING PRESIDENT pro tempore. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 969), as modified, was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I ask unanimous consent to proceed for up to 10 minutes as in morning business at this time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DAVID CLARKE

Mr. HARKIN. Mr. President, I was a little late in getting to the floor. I got here shortly after we went into session at 12:30. I was just returning from the District of Columbia building where I was witnessing the swearing in of Mr. David Clarke as the new D.C. Council chairman.

I have known Mr. Clarke for many years. I worked with Mr. Clarke when I chaired the District of Columbia Appropriations Committee here in the Senate a few years ago. In all my dealings with Mr. Clarke, who was then, of course, on the D.C. Council, and for a period he was council chair at that time, I found him to be always well informed, he always worked hard for the District, and I always found Mr. Clarke was an honorable and trustworthy individual; someone whose word was as good as gold; someone who always was as frank and straightforward in his budget approaches when he came up here seeking to get the budgets approved by the Congress.

So I was pleased to see he was elected as chairman of the District of Columbia Council. Sitting there at the swearing in, in a packed chamber, I looked around, and what struck me was that in that council chamber was every race, every nationality, probably every religion that you could find in America. As I looked around the council chamber, it struck me here really was a microcosm of America.

As I sat next to Florence Pendleton, who is one of the shadow senators for the District of Columbia—I hate to use that word, I find the very word offensive, but that is what they say anyway, shadow senator—I got to thinking. Next to her was the Delegate, ELEANOR HOLMES NORTON, who is the Delegate in the House of Representatives. As I sat there watching the swearing in, looking at this microcosm of America in the council chambers, I began to reflect on some of the happenings recently around the world: The PLO and Israel; Mr. Rabin and Yasser Arafat shaking hands; Israel agreeing to give the PLO the right to self rule in their territories, the withdrawal of the troops; and then the recent address to the United Nations by Nelson Mandela and the fact that Mr. Mandela and Mr. de Klerk have now agreed, and now there is going to be a process whereby black South Africans are going to have a chance to vote, the first time ever where they will actually vote and where they will not be discriminated against because of race, with a fully multiracial election in South Africa.

I thought about what is happening in Russia and the newly Independent States, people demanding the right to vote, getting the right of self-rule. And as I reflected on this I wondered how it could be that in our own country, in this bastion of democracy where we believe in self-rule and self-determination, nearly three-quarters of a million people living in the shadow of the dome of this citadel of democracy, the U.S. Capitol, have no representation in the Senate, a Delegate in the House with no vote, disenfranchised, being taxed without being represented, which is what I thought a revolutionary war fought a couple hundred years ago in America was all about, yet the people of the District of Columbia are taxed and they have no representation.

And so again, I remembered as I had many times in this Chamber when I chaired the D.C. Appropriations Committee, whenever I brought the budget to the floor, I always started out by saying I should not even be here. I should not even be bringing a budget of the District of Columbia to this floor; they ought to handle their own money matters; they ought to have the right of self-rule; they ought to have their own Senators in this body.

So again, Mr. President, I hope it is not too long before the Senate and the House and the President of the United States join in passing the necessary legislation to enable the residents of the District of Columbia to finally have their voice and their vote in the Senate and in the House of Representatives. It has gone on too long. The District of Columbia is truly our last colony, and it does not do us proud as Americans to have that colony sit right here in the shadow of the dome of the Capitol.

So again I just wanted to make those observations because I was struck by that as I was watching Mr. Clarke take the oath of office. He gave a great speech on his swearing in. He told about the great history of the District of Columbia, overcoming adversity after adversity. I was also proud of the fact that he spoke very frankly about the problems of the District of Columbia, the budget problems, the crime problems, and he challenged the people of the District of Columbia, he challenged the employers to hire more people who live in the District, and he challenged the employees, as he said, to come to work on time and put in a full day's work.

So he issued a great challenge to the people of the District of Columbia. I wish to congratulate Mr. Clarke on his swearing in and I wish to commend the people of the District of Columbia and again to urge my colleagues in the Senate to enact legislation as soon as possible to enfranchise the people of the District of Columbia and make sure that they have two senators, not shadow Senators but real Senators, who take their rightful place in this body.

MEASURE PLACED ON CALENDAR

The PRESIDING OFFICER (Mr. BRYAN). S. 1488 is presently on the calendar entitled "Bills and Joint Resolutions Read the First Time." Pursuant to rule XIV, paragraph 4, the clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

> A bill (S. 1488) to control and prevent crime.

Mr. HARKIN. Mr. President, I object.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I inquire of the Chair, I am going to be objecting to a committee amendment, and it is my understanding that we will be voting on this amendment tomorrow. Is that correct?

Mr. HARKIN. I understand agreement was reached that the Senator's amendment—dealing with Davis-Bacon I believe it is—will be voted on tomorrow.

Mr. NICKLES. Mr. President, I am not sending the amendment to the desk because instead I am objecting to an amendment that was added by the committee to House language. This language appears on page 19, section 104. I will just read what the committee inserted. The committee inserted on page 19, section 104:

> None of the funds appropriated under this Act shall be expended by the Secretary of Labor to implement or administer either the final or proposed regulations referred to in Section 303 of Public Law 102-27.

Mr. President, this language which Senator CRAIG and I are objecting to, put in by the committee, would prohibit the Department of Labor from continuing to implement regulations known as helper regulations. The helper regulations that have been in progress and worked on for almost a decade now and will save the Federal Government nearly $600 million a year on labor construction costs, according to the Congressional Budget Office. Over the 5-year period of time, we are talking about over $3 billion of additional savings. I might mention these are dollars over and above CBO baseline because the CBO had assumed the implementation of these regulations.

Over a decade of litigation regarding helpers has culminated in favorable rulings in the U.S. District Court in 1990 and the U.S. Court of Appeals in 1992, and denied certiorari by the Supreme Court in 1992. The courts reaffirmed that the Department of Labor's revised helper regulations are fully consistent with the language and purpose of the Davis-Bacon Act. We should give these regulations an opportunity to work before arbitrarily prohibiting them.

The helper regulations are an effort by the Department of Labor to recognize a practice which is widespread in the construction industry except in Federal contracts. In the private sector, more than 75 percent of all construction work is performed by contractors who use semiskilled helpers. Under these regulations, the employment of helpers is permitted only where their use is the prevailing practice on non-Federal contracts. The helper classification creates jobs for lesser skilled workers serving as a steppingstone to a formal apprenticeship or other training program for those pursuing a career in the industry and providing immediate employment for those who did not wish to further their skills to obtain journey level status.

The purpose of the helper classification regulations is consistent with President Clinton's interest in facilitating the school-to-work transition for non-college-bound youth and with the Department of Housing and Urban Development's recently released Step Up Apprenticeship Program. Step Up provides flexibility in Federal prevailing wage and apprentice requirements to provide employment to public housing residents and other low-income persons.

Mr. President, the simple fact is that by removing this provision to allow the Secretary of Labor to implement regulations which have been court tested for their consistency with the law and have been in effect since last spring, we will save the taxpayers over $600 million a year in labor costs. We will provide increased job opportunities for many entry level workers and we will update outmoded practices under helper and apprenticeship programs to more accurately reflect widespread industry practices.

Mr. President, most of us heard the Vice President talk about the need to reinvent Government.

This is one area that needs reinventing. The Davis-Bacon Act goes back to 1931 and it provides that the Federal Government should set wage rates on Federal construction projects. And the ruling practice has been not to include in many cases or in almost all cases helper classification. This is ludicrous.

This is an outdated law that needs to be reinvented. We need to do away with this obsolete law but certainly we should not restrict the Department of Labor from implementing commonsense regulations that allow the practice if it is prevailing in a certain area to use helpers. Helpers are in many cases entry-level jobs where people are trying to learn skills, where people want a job. They do not have the skills or attainment to have journeymen-level classification. Yes. In many cases they are paid lower than the journeymen status because of a lack of skills and expertise in those areas.

The private sector utilizes helpers in over 75 percent of the jobs that are performed in this country. Why should we not allow that to be the case in Federal construction? Why should we arbitrarily leave this out even though we have had 10 years' work on regulations that would allow helpers? Those have been tested in the courts, and the courts have ruled affirmatively that, yes, these helper regulations are consistent with the Davis-Bacon Act.

I might just pull out a couple of figures so my colleagues and those people who might be listening will understand what we are talking about. What is the difference between journeymen rates and helpers rates in a few areas?

In Virginia, for example, in the city of Newport News for building, the sprinkler fitters are paid $17.17 an hour. I might mention these figures I am going to quote will include wages and benefits. A helper is paid $8.52 an hour. Frankly, for a helper, since that is a semiskilled classification, most people would say $8.52 an hour is adequate. But this language that the committee is trying to add will not allow the use of helpers. The net result is taxpayers are going to pay twice as much for someone to help install the sprinkler. We are talking about driving up the cost or inflating the cost of Federal construction work. That is just one example.

I will give you another example. In Gloucester, James City, York, counties in Virginia, a carpenter base wage would be $12.85, a helper would be $9.57 an hour.

Couple of other examples: In Chesapeake, VA, an ironworker reinforcing iron, their pay with benefits equals $20.10 an hour and the helper would receive $10 an hour. Yet under the language proposed by my friend and colleague from Iowa or from the committee, the helper classification would not be allowed. So instead of paying somebody to help and learn a skill at $10 an hour, they are going to be prohibited. So the labor rate for an ironworker in Chesapeake, VA is $20.10 an hour.

Couple other examples: Charles City, again in the Virginia area—electrician, $12.71 an hour; a helper receives $6.94, but we can have no helpers in this area.

In Virginia on highways, an ironworker-structural makes $10 an hour; a helper makes $6.01 an hour.

That means the Federal Government is mandating, if we adopt the committee language, the nonuse of helpers. We are not going to allow people to work their way up the economic ladder by learning a skill. We are going to be mandating these higher wage rates which in many cases is just a ripoff of taxpayers.

Couple of other examples: In Fauquier County, a mechanic would receive $24.43 an hour; a probationary helper, $9.15 an hour. There is a big difference there. Why in the world would we not allow a helper? But, again the committee amendment, a helper will not be allowed. I think that is very unfortunate. It is going to cost the taxpayers for somebody who is doing some work as a mechanic only $24.43 an hour although in many cases they need a helper and that person should be receiving significantly less.

I could go on. Let me just touch on a couple of others of note.

In California, for example, most of these are in the L.A. County and Orange County areas. So the work on single family homes and apartments up to three stories, the work for this classification is $25.43 an hour, and some classifications $28.43 for other classifications. No helper classification. This is ridiculous—$25.28 an hour, and we are going to say no, we are going to pass language that you cannot have a helper even though that is the present, prevailing practice in that area? What a ripoff on the taxpayers. This happens to be the same area where the Federal Government is spending billions of dollars trying to rebuild some of the damage from the riots and so on, yet we are going to have language that would prohibit helper classifications. That is ridiculous.

I could go on. I am looking in Ventura County. I see labor classifications that are ranging from $29.57 an hour to $26.11 an hour. Yard maintenance person in Ventura County makes $24.31. Again, that is their base labor pay plus fringe benefits—$24.31. That is a person that cuts grass, hauls leaves and hauls trash and the Federal Government is going to mandate that kind of labor rate. That is totally ridiculous. That is a ripoff. It is something that needs to be changed. We are not going to be able to change it. We are not going to allow the prevailing practice of helpers, if it is prevailing in a area. Dry wall finishers in Kern County just west of Los Angeles area, $24.38 for part of it and the remainder of the area is $27.85. That is for painters and dry wall finishers.

Pretty high labor rates at the expense of taxpayers.

What does this add up to? If you total some of the dollars, the Congressional Budget Office says if the language as put in by the committee will increase—I might read this. I will insert it in the RECORD.

It says:

> The table below shows my estimate of how much more would have to be appropriated to fund the construction projects implicitly assumed in the CBO baseline if the prohibition on enforcing helper regulations were to be enacted.

The outlay estimates between 1994 and 1998 are $3.9 billion.

That is a little over $600 million per year.

I will insert this preliminary estimate in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 24, 1993.

MEMORANDUM

To: Diane Moery, Senator Nickles' Staff.
From: Paul Cullinan.
Subject: Prohibition on enforcing regulation on helpers on federal construction projects.

As you requested, I have estimated the potential effects on federal construction costs if the Secretary of the Department of Labor were prohibited from providing prevailing wage and benefit determination for helper workers on federal construction projects covered under the Davis-Bacon and Related Acts. Using cost factors developed and discussed in a 1983 Congressional Budget Office (CBO) report, I assume that preventing the implementation of the February 4, 1991 regulation on helpers would increase federal construction costs by 1.6 percent. Therefore, deleting the prohibition in the Labor and

Health and Human Services (LHHS) 1994 appropriation bill would reduce costs relative to the Committee-reported version. This is a preliminary estimate as it has not been reviewed by the CBO Director.

However, changing the language in the LHHS appropriations dealing with the helpers issue does not directly affect federal spending. Only altering the actual appropriations would change federal spending. The table below shows my estimate of how much more would have to be appropriated to fund the construction projects implicitly assumed in the CBO baseline if the prohibition on enforcing the helper regulations were to be enacted.

ESTIMATED FEDERAL SPENDING

[By fiscal year, in millions of dollars]

	1994	1995	1996	1997	1998	Total
Budget authority	430	445	450	455	470	2,250
Obligational limitations	440	455	465	480	495	2,335
Outlays	190	520	710	800	870	3,090

Mr. NICKLES. This is micromanagement by a committee saying, Department of Labor, we don't want you to go forward with reinventing Government. We do not want you to go forward with making rule and regulation changes that will save taxpayers billions of dollars. We want to do business as usual. We want to prohibit people from working and getting experience. I will admit that one of my biggest concerns is I do not like wasting taxpayers' dollars.

I will also say probably a greater concern that I have is that by Federal policy we are telling hundreds of thousands of people that they need not apply for a job if they do not meet the skill classifications. They are not going to get a job. They will not get a helper job. They will not learn the skills.

So, yes, we have all these billions of dollars of Federal construction work that we are doing all across the country and in the District of Columbia but that the poor, unskilled minority youth that cannot find a job, 18 years old, maybe dropped out of school, is not going to get a job. Yet other people are going to be making $27 an hour. That 18-year-old will never have a chance to get that $27 an hour job. So the taxpayers are being ripped off and that poor, unemployed minority is also being ripped off because there is a "need not apply" sign posted. He is not going to get a job.

So when I hear people say, yes, we want to create jobs, this provision that was added by the committee is a job killer. It is an opportunity killer. This provision precludes those unskilled workers from getting the skills they need to move up the economic ladder because an employer will not pay the high prevailing wage to an unskilled person.

So I mention this more from the standpoint of denying individuals opportunity than I do from the cost standpoint. I am concerned about both. I am concerned about taxpayers being ripped off. I am concerned about people that want to climb the economic ladder, having that ladder pulled up so high they cannot get on the first rung. When they cannot start climbing the ladder, what do they do? If they cannot get a job, they get frustrated—in many cases they turn to crime, in many cases they end up in jail, and in many cases we end up paying significant sums for the fact that maybe they could not get that job and receive training to eventually earn journeyman wages.

Why in the world should we place an arbitrary prohibition as we are doing—as the committee proposed that we would do.

So tomorrow, probably around 2 o'clock or 2:30, we are going to vote on this amendment. We are going to vote on the committee amendment. I hope my colleagues will vote against the committee amendment. This is supported not only by myself, but by many people.

Mr. President, I have several letters to insert in the RECORD urging support of this. But I might read from the first one. This is from the National Association of Minority Contractors. I will just highlight this, and then I will have this printed in the RECORD.

The National Association of Minority Contractors strongly urges you to support a motion, which will be offered by Senators NICKLES and CRAIG that would strip this helper prohibition from the bill.

Helpers are semiskilled workers who work under the direct supervision of higher skilled journey-level workers. Helpers are widely used in the private sector, where approximately 75 percent of all construction work is performed by contractors who use semiskilled helpers. The recently implemented helper classification has been found to be totally consistent with the purpose of the Davis-Bacon Act by both the U.S. District Court, in 1990, and the U.S. Court of Appeals, in 1992. The Congressional Budget Office has estimated that their use will save $600 million and create 250,000 jobs annually.

These reasons should be persuasive enough to afford the helper regulations an opportunity to work before arbitrarily prohibiting them. However, there is a far more compelling reason for why the National Association of Minority Contractors supports keeping the helper regulations intact. The helper classification serves as an entrance into the industry for groups not traditionally prevalent in construction—such as minorities and women. The helper classification serves as a strong stepping stone for those who are interested in pursuing a career in construction. Without the helper regulations, all workers, regardless of task, must be paid the high journey-level wage on Davis-Bacon work. This effectively precludes groups who have not been previously trained in construction from having the opportunity to work on Federal construction projects. It also serves as a serious disadvantage for minority-owned and small construction firms, who frequently utilize helpers on private work, in bidding for Federal projects.

There are significant benefits associated with allowing the helper classification to remain intact. In addition to creating jobs and saving Federal dollars, the classification provides entrance into one of the largest industries in our Nation for disadvantaged workers. The helper regulations facilitate the school-to-work transition for noncollege bound youth, and offer expanded opportunities for minorities and women—who will be entering our Nation's labor force in increasing numbers over the next decade. More than 10 years of litigation and debate surrounding the use of helpers has found that helpers are in line with the Davis-Bacon Act's intent of protecting locally prevailing practices. For these reasons, the National Association of Minority Contractors strongly urges you to support the Nickles-Craig motion to strike the helper prohibition for the Labor-HHS appropriations bill.

Sincerely, Samuel Carradine, executive director of the National Association of Minority Contractors.

Mr. President, I have several letters of support for our efforts to delete the committee language. I will not read all of those, but I might read some of the groups that are supporting this effort: American Farm Bureau, American Public Transit Association, American Road and Transportation Builders Association, Associated General Contractors, Citizens Against Government Waste, Citizens for Sound Economy, Contract Services Association, Independent Electrical Contractors, Institute for Justice, Labor Policy Association, National Association of Counties, National Association of Home Builders, National Association of Manufacturers, National Association of Minority Contractors, National Center for Neighborhood Enterprise, National Federation of Independent Business, National League of Cities, National School Boards Association, National Stone Association, National Tax Limitation Committee, National Taxpayers Union, National Utilities Contractors Association, Public Service Research Council, U.S. Chamber of Commerce.

I ask unanimous consent that this list, as well as the letter by the Associated Builders and Contractors, National Association of Home Builders, National Association of Minority Contractors, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
MINORITY CONTRACTORS,
Washington, DC, September 24, 1993.

DEAR SENATOR: The Labor, HHS, Education appropriations bill, H.R. 2518, is expected to be brought to the Senate floor next week. H.R. 2518 contains a provision which would prohibit the Secretary of Labor from using any funds to implement or administer the final regulations which allow helpers to be employed on federally-funded construction projects. The National Association of Minority Contractors (NAMC) strongly urges you to support a motion, which will be offered by Senators Nickles and Craig, that would strip this helper prohibition from the bill.

Helpers are semi-skilled workers who work under direct supervision of higher skilled journey-level workers. Helpers are widely used in the private sector, where approximately 75% of all construction work is performed by contractors who use semi-skilled helpers. The recently implemented helper classification has been found to be totally consistent with the language and purpose of the Davis-Bacon Act by both the U.S. District Court (1990) and the U.S. Court of Appeals (1992). The Congressional Budget Office has estimated that their use will save $600 million and create 250,000 jobs annually.

These reasons should be persuasive enough to afford the helper regulations an opportunity to work before arbitrarily prohibiting them. However, there is a far more compelling reason for why NAMC supports keeping the helper regulations intact. The helper classification serves as an entrance into the industry for groups not traditionally prevalent in construction—such as minorities and women. The helper classification serves as a strong stepping stone for those who are interested in pursuing a career in construction. Without the helper regulations, all workers, regardless of task, must be paid the high journey-level wage on Davis-Bacon work. This effectively precludes groups who have not been previously trained in construction from having the opportunity to work on federal construction projects. It also serves as a serious disadvantage for minority-owned and small construction firms, who frequently utilize helpers on private work, in bidding for federal projects.

There are significant benefits associated with allowing the helper classification to remain intact. In addition to creating jobs and saving federal dollars, the helper classification provides entrance into one of the largest industries in our nation for disadvantaged workers. The helper regulations facilitate the school-to-work transition for non-college bound youth, and offer expanded opportunities for minorities and women—who will be entering our nation's labor force in increasing numbers over the next decade. More than ten years of litigation and debate surrounding the use of helpers has found that helpers are in line with the Davis-Bacon Act's intent of protecting locally prevailing practices. For these reasons, NAMC strongly urges your support of the Nickles/Craig motion to strike the helper prohibition from the Labor, HHS appropriation bill.

Sincerely,

SAMUEL CARRADINE,
Executive Director.

NATIONAL ASSOCIATION OF
HOME BUILDERS,
Washington, DC, September 24, 1993.

Hon. DON NICKLES,
U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: It is my understanding that during the Senate's upcoming consideration of H.R. 2518, the Fiscal Year '94 Labor, HHS, and Education Appropriations bill, you will be offering an amendment designed to strike Section 104, a provision of the bill designed to once again prohibit the use of funds to "implement or administer" the Department of Labor's (DOL) Davis-Bacon "helper" rules. On behalf of the 165,000 member firms of the National Association of Home Builders (NAHB), I wish to express our strong support for your amendment.

Davis-Bacon worker classifications represent a significant impediment to builders working on federal projects. The current distinctions remain quite rigid and generally mirror those traditionally found in union collective bargaining agreements. Conversely, builders make work assignments which are much more flexible, allowing their workers to do various tasks outside of traditional craft lines. As a result, the strict DOL classifications have little relevance to area practice work assignments made on private housing projects. The issuance of the "helper" regulations by DOL in late 1990 followed a protracted, legal battle which tested whether the practice of hiring such workers on federal construction projects was appropriate under the Davis-Bacon Act ("the Act"). The regulations were crafted (and subsequently refined at the direction of the U.S. Court of Appeals for the District of Columbia) to permit the practice only when the use of "helpers" (semi-skilled workers) on private sector projects is prevailing in a particular geographic area. Thus, the regulations mirrored the intent of the Act—that wages, benefits, and craft classifications on federal construction projects should reflect, by region, the prevailing practices in the private sector.

Furthermore, by permitting the expanded use of "helpers" on covered projects, the federal government (according to Office of Management and Budget estimates) would save over $500 million in annual construction costs. With construction unemployment still hovering near 20 percent, such a change would enable firms previously excluded from bidding on Davis-Bacon projects to more fully participate in federal construction, while creating a wealth of new, entry-level construction jobs.

Current budget constraints require our government to obtain the highest quality federal procurement at the lowest reasonable cost, whether for military construction and family housing, low-income housing, veterans' mortgage guarantees, or community development grants. Indeed, the Administration's recently released National performance Review recognized the need to raise the Act's long-outdated coverage threshold and implement administrative reforms within the Labor Department's Wage and Hour Division. Yet the "helpers" prohibition contained within Section 104 of H.R. 2518 would directly contradict such thoughtful "reinvention" actions by preserving an inefficient Davis-Bacon classification system that has continually failed to give the federal taxpayer the most for his/her public construction dollar.

NAHB therefore urges you to strike a blow for economy and competition in federal construction through the adoption of the Nickles amendment. Your consideration to the views expressed in this letter is greatly appreciated.

Best regards,

J. ROGER GLUNT,
1993 NAHB President.

ASSOCIATED BUILDERS
AND CONTRACTORS, INC.,
Rosslyn VA, September 13, 1993.

Hon. DON NICKLES,
Senate Appropriations Committee, U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: On behalf of Associated Builders and Contractors (ABC) and its more than 14,000 member companies, I urge you to oppose any attempt to derail the Department of Labor's final regulations regarding the use of helpers on Davis-Bacon projects. Senator Tom Harkin has indicated his desire to attach a provision to the Labor, HHS, Education appropriations bill, which you will be marking-up tomorrow, that would permanently prohibit implementation of these recently issued regulations.

Helpers are semi-skilled workers who work under the direct supervision of higher skilled journey-level workers. Helpers are widely used in the private sector, where approximately 75% of all construction work is performed by contractors who use semi-skilled helpers. More than a decade of litigation regarding the helpers issue has culminated in favorable rulings from the U.S. District Court (1990) and the U.S. Court of Appeals (1992), affirming that the Department of Labor's helper regulations are fully consistent with the language and purpose of the Davis-Bacon Act. The helper classification for Davis-Bacon projects was finally implemented last spring and only a handful of conformance requests have been approved to date.

The helper classification serves as an entrance into construction for groups not traditionally prevalent in the industry. For example, minorities and women, who will be entering the labor force in increasing numbers over the next ten years, have traditionally been underrepresented in construction. The helper classification serves as a strong first step up the job ladder for workers who are interested in furthering their education and pursuing a career in construction. At the same time, helpers who do not want to participate in a four year apprenticeship or other formal training program are provided entrance into the industry and a good paying job. Without the helper classification, all workers, regardless of task, must be paid the high journey-level wage on Davis-Bacon work. This effectively precludes groups who have not been previously trained in construction from having the opportunity to work on federal construction projects.

Clearly, the helper classification is consistent with President Clinton's goal of facilitating the transition between school and work for non-college bound youth. However, the helper classification is also strikingly similar to the recently released Department of Housing and Urban Development's "Step-Up" pre-apprenticeship program. The regulations governing Step-Up provide flexibility in federal prevailing wage and apprenticeship requirements to provide employment to public housing residents and other low income persons. According to HUD, the Step-Up program has proven its success in Chicago, where Step-Up apprentices work side-by-side with union journeymen renovating housing. Under this program, apprentices spend up to one year in "Step-Up" status, after which they must be placed in appropriate further training or career opportunity positions. Contractors benefit from this type of arrangement by attracting workers into the construction industry, which is projected to have a shortage of skilled craftsmen in the near future. Workers benefit by having a job which can lead to a very lucrative career.

The federal government also benefits from the helper classification. It has been estimated that when the helper classification becomes widely used on Davis-Bacon projects, an estimated 250,000 jobs will be created and $600 million a year will be saved. At a time when unemployment, the shrinking federal dollar and the growing budget deficit are chief concerns throughout our nation, the helper classification will help alleviate each of these problems.

Associated Builders and Contractors fully supports the Department of Labor's helper regulations because they greatly benefit workers, contractors and the federal government. After more than ten years of litigation and debate on this issue, it has been continually found that helpers are consistent with the purpose of the Davis-Bacon Act—to protect locally prevailing practices on federal construction projects. At a minimum, helpers should be allowed the opportunity to work before they are arbitrarily prohibited permanently. I strongly urge you to oppose any language in the Labor, HHS, Education appropriations bill which would prohibit implementation of the Department of Labor's helper classification in any manner at all.

Sincerely,
CHARLOTTE W. HERBERT,
Vice President,
Government Relations.

COALITION TO REFORM
THE DAVIS-BACON ACT,
Rosslyn, VA, September 16, 1993.
Hon. DON NICKLES,
U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: The Labor, HHS, Education appropriations bill is expected to be brought to the Senate floor next week. H.R. 2518 currently contains language which would prohibit the Secretary of Labor from using any funds to implement or administer the recently issued final helper regulations. The Coalition to Reform the Davis-Bacon Act strongly urges you to support an amendment, which will be offered by Senator Don Nickles during floor debate, that would delete this prohibition from the bill.

Helpers are semi-skilled workers who work under the direct supervision of higher skilled journey-level workers. Helpers are widely used in the private sector, where approximately 75% of all construction work is performed by contractors who use semi-skilled helpers. More than a decade of litigation regarding the helpers issue has culminated in favorable rulings from the U.S. District Court (1990) and the U.S. Court of Appeals (1992), affirming that the Department of Labor's helper regulations are fully consistent with the language and purpose of the Davis-Bacon Act. The helper classification for Davis-Bacon projects was finally implemented last spring and only a handful of conformance requests have been approved to date.

The helper classification serves as an entrance into construction for groups not traditionally prevalent in the industry. For example, minorities and women, who will be entering the labor force in increasing numbers over the next ten years, have traditionally been under represented in construction. The helper classification serves as a strong first step up the job ladder for workers who are interested in furthering their education and pursuing a career in construction. At the same time, helpers who do not want to participate in a four year apprenticeship or other formal training program are provided entrance into the industry and a good paying job. Without the helper classification, all workers, regardless of task, must be paid the higher journey-level wage on Davis-Bacon work. This effectively precludes groups who have not been previously trained in construction from having the opportunity to work on federal construction projects.

Clearly, the helper classification is consistent with President Clinton's goal of facilitating the transition between school and work for non-college bound youth. However, the helper classification is also striking similar to the recently released Department of housing and Urban Development's "Step-Up" pre-apprenticeship program. The regulations governing Step-Up provide flexibility in federal prevailing wage and apprenticeship requirements to provide employment to public housing residents and other low income persons. According to HUD, the Step-Up program has proven its success in Chicago, where Step-Up apprentices work side-by-side with union journeymen renovating housing. Under this program, apprentices spend up to one year in "Step-Up" status, after which they must be placed in appropriate further training or career opportunity positions. Contractors benefit from this type of arrangement by attracting workers into the construction industry, which is projected to have a shortage of skilled craftsmen in the near future. Workers benefit by having a job which can lead to a very lucrative career.

The federal government also benefits from the helper classification. It has been estimated that when the helper classification becomes widely used on Davis-Bacon projects, an estimated 250,000 jobs will be created and $600 million a year will be saved. At a time when unemployment, the shrinking federal dollar and the growing budget deficit are chief concerns throughout our nation, the helper classification will help alleviate each of these problems.

The Coalition to Reform the Davis-Bacon Act fully supports the Department of Labor's helper regulations because they greatly benefit workers, contractors and the federal government. After more than ten years of litigation and debate on this issue, it has been continually found that helpers are consistent with the purpose of the Davis-Bacon Act—to protect locally prevailing practices on federal construction projects. At a minimum, helpers should be allowed the opportunity to work before they are arbitrarily prohibited. We strongly urge you to support Senator Nickles' amendment to strike the helpers prohibition from the Labor, HHS, Education appropriations bill.

Sincerely,
THE COALITION TO REFORM
THE DAVIS-BACON ACT.

Mr. NICKLES. Mr. President, again, I am not here to detain the Senate or take very much time, but when you find language like this that is going to waste billions of dollars of taxpayer money and deny the opportunity for hundreds of thousands of Americans, I think it needs to be deleted. We need to reinvent government, and we should not come up with rules and regulations that will cost the taxpayers billions of dollars and cost jobs.

This language inserted by the committee as stated earlier is estimated to cost over 250,000 jobs. It is going to cost more opportunities than that, and it is going to cost more individuals more frustration when they find out tax dollars are being used to pay for these projects, and Federal construction projects are those defined as journeyman rates and, frankly, a lot of semi-skilled individuals will not qualify. They will not get the job.

Mr. President, I hope that our colleagues will join me tomorrow in striking this language, which is section 104 on page 19.

Mr. President, I ask for the yeas and nays on the committee amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. NICKLES. I yield the floor.

Mr. HARKIN. Mr. President, I rise in opposition to the amendment offered by my friend from Oklahoma. I oppose any motion that would strike the provision from the bill which places a 1-year moratorium on implementation of the Davis-Bacon helper and apprenticeship regulations. The Senate Appropriations Committee approved this provision, giving the new administration time to review these hold-over regulations from the previous administrations. The House did not consider this matter, which was not addressed in the President's budget; however, the administration is fully aware and has no objection to the 1-year moratorium that we have in the bill.

The helper regulations that we are talking about here went into effect early in 1992. Fortunately, their impact has so far been very limited, since the Labor Department has subsequently issued only a handful of helper wage determinations. Without a moratorium, however, the impact of these regulations will have an increasingly devastating effect on the lives of hundreds of thousands of men and women working in construction trades, and it will result, Mr. President, in shoddy public works projects on a massive scale.

Let me briefly describe the background of this matter. The Davis-Bacon Act requires prevailing wages for classes of labor and mechanics on Federal and federally funded construction projects.

In 1981 the Reagan administration attempted to introduce by regulation a new subclass known as helpers on Davis-Bacon jobs. Unlike laborers and mechanics or journeymen or apprentices, helpers would work at reduced wages without formal training and without the hope of advancement.

In 1990 the Bush administration also proposed apprenticeship regulations which would seriously undermine standards set by many State apprenticeship councils by allowing the Federal Government to impose weaker national standards. After 12 years of litigation in which the courts prevented the Reagan-Bush administrations from implementing the helper regulations, Congress attempted on three occasions to halt both the helper and apprenticeship rules.

Again, I want to point out over this long period of time the courts have prevented the administrations from implementing these helper regulations. On three occasions Congress tried to halt both the helper and apprenticeship rules.

First, in 1991, Congress enacted the Dire Emergency Supplemental Appropriations Act prohibiting the Secretary of Labor from expending any funds to implement the new regulations. There was a motion to strike in the Senate, and it was defeated almost 2 to 1, 63 to 37. And in the other body that motion to strike was defeated by 224 to 172. So, the prohibition against these helper regulations was overwhelmingly supported in both bodies.

In the 1992 Labor Department budget request, then Secretary of Labor Lynn Martin refused to honor the ban that we had put in in 1991, she thought it only applied to 1991, did not apply beyond that. She then requested in her budget request that Congress appropriate $750,000 and 13 full-time employees to implement the new helper regulations.

I find it most interesting that my friend from Oklahoma, who takes the floor on not just a few occasions to say we need to reduce the size of the bureaucracy, that when they had the administration and when Secretary Lynn Martin was the Secretary of Labor, she said to implement these helper regulations would require 13 more bureaucrats and three-quarters of a million dollars.

Well, Congress denied that. We explained that the appropriations bill we passed permanently prohibits the Secretary of Labor from expending any funds to implement or administer the helper regulations. Notwithstanding this, the Secretary began to take steps to implement the regulations.

Therefore, in July of 1992 the House approved, by a 297-to-124 vote, the fiscal 1992 supplemental appropriations bill that included a second provision permanently blocking the Labor Department from implementing these regulations. Again, there was an amendment to strike this provision. It was voted down by 242 to 172. There was an amendment here in the Senate that would have stripped that provision in the bill, and that was defeated by a 58-to-37 vote. Again, on another occasion both bodies said we are not going to permit these helper regulations to go ahead.

During the October 1992 conference, President Bush issued an unequivocal veto threat against any bill that included a provision blocking the Labor Department from implementing the regulations. Faced with that, we had to then drop the ban because it became apparent the bill would be vetoed by President Bush.

So it is indisputable, Mr. President, that time after time, on three occasions, the Senate and the House have both voted overwhelmingly not to fund the helper regulations and to permanently prohibit the Secretary of Labor from implementing such regulations. It was only because of the veto threat of the President that we stripped the ban from that bill.

It is indisputable also that because of the competitive nature of the construction industry, many laborers and mechanics who perform so-called helper duties and are currently employed on Federal construction projects will be forced to accept lower wages and reduced or no benefits under the new rule. Other journeymen and laborers will simply lose their jobs as contractors bidding for new construction contracts substitute helpers for these experienced workers.

In spite of the claim that the helper regulations will save some $600 million in Federal construction costs, this has been categorically rejected by former Secretary of Labor John Dunlop, a Republican, whose own economic analysis of the issue concluded and I quote:

> There is simply no sound basis for gratuitously assuming that lower wage rates in a construction industry generally mean lower cost to the public without looking at the total costs of the system used.

Mr. President, the substitution of low-wage helpers for laborers in particular will have an immediate and disproportionately high impact upon the employment of minority workers. Laborers who are currently utilized throughout the construction industry to perform the duties that the so-called helpers would do are composed largely of minority members. For example, in 1989, laborers who were trained by the Laborers-Associated General Contractors Educational and Training Fund were 40 percent minority and female. These minority and female laborers will face an immediate reduction in employment or they will be reclassed as helpers by the contractors who seek to remain competitive on Federal construction, again, with an accompanying reduction in wages and fringe benefits.

If contractors employ low-skilled helpers to perform the tasks formerly performed by skilled trained mechanics and laborers, then safety on critical construction projects will suffer. A sudden shift in procurement rules may simply drive many contractors out of business who specialize in the construction of highly technical public works such as dams, airports, and bridges where the safety of the public as well as workers is particularly at stake.

The expanded recognition of helpers will permit contractors to employ a large number of unskilled workers without registering them in apprenticeship and training programs.

I find that perhaps the most objectionable part of this so-called helper movement. Right now the Labor Department Bureau of Apprenticeship and Training has apprenticeship and training programs and there are appropriate State agencies that have apprenticeship programs in the States. Under the previous rules, contractors could not pay reduced wages to workers who were being trained unless they were, in fact, enrolled in a formal training program. Now, the helper rules eliminate this requirement of being enrolled in a formal training program. So again, this helper classification is meant to do away with a whole structure of apprenticeship programs that we have had in the past where someone can come in, work as an apprentice, learn the trade, work up, become a mechanic or a journeymen later on. This helper classification requires no formal training, no apprenticeship programs, and so they stay as helpers.

Again, Mr. President, as I said, in 1990 the Bush administration published proposed new apprenticeship regulations that would amend the National Apprenticeship Act of 1937 and seriously disrupt, downgrade, and undermine current apprenticeship programs. Again, these regulations were proposed without the benefit of congressional hearings or consultation. Since publication of these proposed new regulations, some 60,000 comments have been received by the Labor Department opposing these regulations.

Since 1937, the regulation of apprenticeship programs has been jointly shared by Federal and State governments with 30 States and territories regulating their own apprenticeship program through State apprenticeship councils.

About 60 percent of all apprenticeship programs are in the construction industry, nearly all of which are joint labor-management programs. The proposed helper regulation will allow a minimum term of apprenticeship programs of 2 years. Most successful construction industry programs require 3 to 5 years of training.

Existing apprenticeship standards require that program sponsors provide a minimum of 144 hours of related instruction each year in addition to apprentice time spent learning on the job. The proposed helper regulation eliminates a minimum hourly training requirement and, instead, would simply recommend that related instruction be about one-twelfth of the on-the-job training time.

The most radical change proposed by the Bush administration would eviscerate the authority of the State apprenticeship agencies to establish high standards for training programs. Program sponsors whose plans are rejected by a State apprenticeship agency as substandard could ask the Labor Department to direct the State to approve the program. The proposal that the Labor Department preempt the authority of the State apprenticeship agencies represents a reversal of policies which have been maintained continuously for 44 years, since the passage of the Fitzgerald Act, in which the Federal Government established minimum standards and States were permitted to establish higher standards.

As a practical matter, under the Bush proposal, the reduced standards of the Federal regulations would become both the minimum and the maximum standards which a State agency could approve.

Again, Mr. President, the Clinton administration is fully aware of the 1-year moratorium. They have no objection to the moratorium. For the reasons stated above, I ask my colleagues to once again, as we have in the past, reject the motion to strike this provision from the bill.

I was listening to the offerer of the amendment talk about wages in Los Angeles, $25 an hour. I figured it up. For an average of 1,500 hours a year—which is what we are told is about the average in terms of work—that comes to about $37,500 a year. Now, I do not think that is an outrageous wage for a family living in Los Angeles. Maybe the offerer of the amendment thinks that is high income, upper income. Well, I happen to think that is where most Americans are. That is middle income.

But let us take a look at the State of Oklahoma. I have here a study from Davis-Bacon wage determination, State of Oklahoma, on five counties: Creek, Osage, Rogers, Tulsa, and Wagoner Counties. I am sure the offerer knows where they are, but I am not sure I know where they are. Maybe Tulsa, I do.

Here is a list of the prevailing rates, and some of the occupations: Asbestos workers, $16.93 an hour; bricklayers, $14.20 an hour; tile layers, $12.68 an hour; tile finishers, $10.30 an hour; soft floor layers, $13.47 an hour.

Maybe the offerer of the amendment thinks those are too high. Maybe these workers in his home State—perhaps he would like to see them get lower wages. But that is what the helper regs would do.

If you do not believe me, then let us take a look at one classification in which helper regs have been instituted in which they do have helpers. Elevator constructors. A journeyman elevator constructor in Oklahoma gets $14.99 an hour. At an average of 1,500 hours a year of work, that is $22,485 a year. That is for a journeyman. That is someone who has been working for a long time.

For a helper, they get 70 percent of that, $15,740 a year. And if you know anything about what these helpers do, they work pretty hard.

And for a probationary helper, it is 50 percent. That is $11,242.

I will wager that $11,242 is below the poverty wage even in the State of Oklahoma.

The helper, at $15,740, may be slightly over the poverty wage.

And even for the journeyman, making slightly less than $23,000 a year, raising a family, buying a home, trying to send their kids to school, I do not think that is outrageous.

What I do think is outrageous is the idea that we have to have now a subclass of helpers that will be permanently held at these lower wage rates of $15,000 a year, $11,242 a year.

Again, I have to say just, as a member of the public, I do not know that I want to see dams built by people that do not know how to build them by, that get these kind of low wages, that maybe drift from job to job. I want journeymen working on them. Or, when powerplants are built, I want to make sure that skilled people work on those and that they have apprentices that learn on the job and also get training, in-classroom training, so that when one journeyman retires, there is someone coming along to take their place and that they are not just held down as helpers year after year after year.

So I think, Mr. President, that we have debated this issue every year. I commend the Senator from Oklahoma for his persistence on this issue and for always being here and trying to implement these helper regs. I happen to disagree with him on this issue, as I have so stated.

I believe that common sense dictates that we ought to continue the kind of apprentice programs that we have had in the past and not set up this subculture of helpers, who, again, as I pointed out, are mostly minority and female workers. And so what you would have is, again, a whole subclass of workers out there getting right at poverty wages and they would be mostly minority workers.

I want to see more minority workers become journeymen. For too long some of the trades have been closed to them. But now they are working their way up, they are becoming bricklayers and electricians; they are becoming asbestos workers and tile layers and floor finishers and elevator constructors, and that is what I would like to see.

The only way to make sure that happens and the only way to build things in this country that last, is to have a good journeyman apprenticeship program.

I do not want shoddy building. I do not want shoddy dams and highways and powerplants on public construction jobs. I want to make sure that when the taxpayers money is spent and we build something, that it does not fall down in a few years. I want it to be there for my kids and grandkids, and make sure that it lasts for a long time.

The way to do that is to make sure it is built by competent people. Well, that is what we have had in the past. The helper regs would break down that kind of journeyman apprenticeship program we have had in the past and I think would lead, as former Secretary of Labor John Dunlop indicated, not to any savings, but I think to more shoddy construction and actually more expenditures by the taxpayers down the line.

For those reasons, Mr. President, I oppose the amendment.

Mr. NICKLES. Will the Senator yield for a question?

Mr. HARKIN. I am delighted to engage in a colloquy with my friend.

Mr. NICKLES. I would like a little clarification. The Senator mentioned a lot of wage figures that include Oklahoma. Did that include wages and benefits, I am just wondering?

Mr. HARKIN. That was the salary, not including benefits.

Mr. NICKLES. Do you have the benefit figures, so we could have those?

Mr. HARKIN. I will be glad to give those. For asbestos workers, as I said, it was $16.93, fringes, $2.95; bricklayers, $14.20 an hour, fringes, $2.24; again, bricklayers, $16.25 an hour, fringes, $1.75; tile layers, $12.68, fringes, $3.10. They get a little bit higher. I guess their bargaining got a little bit better. Tile finishers get $10.30 an hour. Their fringes are only $2 an hour. Soft floor layers, $13.47 an hour and their fringes are $1.88, plus something else.

That is it.

Mr. NICKLES. I appreciate that. I just wanted to have those figures.

Mr. President, I would like to respond a little bit to my friend and colleague from Iowa. I am not surprised by his argument or position. It is consistent. His position has consistently been to protect and maintain an obsolete law that goes all the way back to 1931 that discriminate against hundreds of thousands of Americans.

I heard my colleague say that if we allowed the helpers classification to continue we would hurt minority workers. I find that to be offensive to minorities. I will give my colleague a prime example.

He mentioned Tulsa, OK. I was involved in trying to rehabilitate public housing in Oklahoma, and particularly in Tulsa, OK. I am thinking of two housing additions: One was Vernon Manor and the other one was Morning Star. Both of these units were a couple hundred units each. They were in despicable condition. They were like some of the public housing units that we have in Washington, DC.

They were, I might mention, past tense.

They had a drug problem. That is how I got involved with those units. They were really dominated by heavy drug traffic.

The conditions of the apartments themselves, in the physical sense, were disastrous. Some of those units did not have doors, some did not have windows, most of them did not have plumbing that worked. And yet the Federal Government was spending thousands of dollars per apartment in subsidies for these despicable living conditions.

I thought at the time that we needed to fix it by tearing it down. We needed to fix it with a bulldozer, was my recommendation. But no, we decided to rehabilitate them. Government was going to fix those units. In those units my guess is, and I am going to guess, the percent of unemployed adults was higher than 80 percent. I did not see anybody who had a job in there.

I wanted to amend Davis-Bacon, and I am going to try it again, I will tell my colleague, to allow individuals who are occupants of public housing to work on those units. But the regulations at the time—and if the Senator from Iowa is successful—prohibits the use of helpers. These occupants who are unemployed and living in these two units, were predominantly minority, were denied the ability to work on these units because they had no skills and would not be hired at journeymen rates.

Basically they are given a sign that says "Need Not Apply." You are not going to get a job rebuilding or rehabing the units you live in or you occupy because of a Federal wage statute called Davis-Bacon that goes all the way back to 1931. It is because they did not have a helper classification.

In Oklahoma, as the Senator from Iowa knows, we have helper classifications yet they cannot use it. But if anybody is going to do work on the public housing or any other Federal construction project over $2,000, the Federal Government says all we want to pay is journeyman rates. So to work on asbestos removal we are going to be paying right at $20 an hour for asbestos removal. Maybe that requires a certain amount of skill. But a whole lot of it is somebody tearing down some old asbestos, putting it in a wheelbarrow and hauling it off. Maybe it takes a skilled person to install it or something, but I am saying a lot of that project is applicable for a semiskilled individual. But a semiskilled individual who happens to live there, happens to be unemployed, is not going to get the job if it costs the contractor $20 an hour. If he has to pay journeymen rates he is going to get a journeyman.

My point is the Senator is exactly wrong when he says this would hurt minorities. It might hurt a minority person if he or she happens to be fortunate enough to have one of these protected jobs the Government is going to draw a circle around, where the Government says if you do any work you are going to be guaranteed to be paid, or will be paid, $20 or $25 an hour, even though you are doing work in many cases that is classified as unskilled or semiskilled.

That is a ripoff. My colleague from Iowa said if we allow helpers, it is going to result in shoddy work. I hate to say this but over three-fourths of the construction built in this country is built by nonunion labor and most of those use helpers. Does that mean all private construction work is shoddy? I do not think so. As a matter of fact, if you compared Government buildings to private sector buildings my guess is you would find the private sector buildings were built, at an equal level if not in many cases, superior to the Government work. I cannot help but think, again, of a lot of these Federal buildings, housing projects and others that are in shambles after a short period of time. I think the facts are you cannot say if you do not use helpers you are going to have a higher quality building. I think that is a totally false statement.

My colleague says he wants a journeyman to work on dams. We just built a dam in Oklahoma, Lake Elmer Thomas Dam, and we saved money on it. But why in the world—think of this. You are building a dam. There is no question when you are building a dam you need some very skilled workers who are laying the concrete and doing some of the electrical work and the pumps and so on. But a whole lot of building a dam requires nothing but physical labor for unskilled workers. Lake Elmer Thomas Dam was built in southwestern Oklahoma where we have a very high Indian population, a very high unemployed Indian population. I would like them to be able to work on building that dam, to get a job. A lot of the Indians in that area do not have a job, and need jobs and training. I would like any of those individuals to be able to get that first job. Yet this statute that my friend and colleague from Iowa continues to protect to the extent he even wants to deny a regulation that will allow helpers is going to tell a lot of minority, unemployed Oklahomans they need not apply. They cannot get a job there.

My colleague said something about safety. He said if we allow helpers these buildings are not going to be as safe, this construction is not going to be as safe. Again, I think the facts would show that is just totally not correct.

He said if we allow helpers it is going to drive contractors out of work. I find that to be a statement that, again, just does not hold up to the light of day. There are, right now, thousands and thousands of contractors who do not want to bid on Federal Government work because of a couple of reasons. One, they use those classified as helpers in their work and most of their work is in the private sector. Yet if they do work in the public sector they cannot use helpers.

What about all these people they have employed for these years in private sector work, doing the same work they would be doing in building a Federal building or project? Wait a minute, they cannot or they will not pay them $20 an hour, if they are paying them $10 an hour on the private sector work. Does it change the quality of work? No. Does it increase the price to the taxpayers? Yes. Does it make a difference in safety? No.

What it means is a lot of private contractors are going to say, "I will not mess with it. I will just do all my work in the private sector because I am not going to get into a situation where I have to have the Federal Government telling me what the wage rates are and what I should pay individuals, having this mentality the Federal Government knows better what to pay individuals than what an employer and employee know."

I hear people talking about freedom of choice. What about allowing employees and employers to set wages instead of having it dictated or mandated by the Federal Government? The whole premise of Davis-Bacon as supported by my friend from Iowa is that the Federal Government, the Department of Labor, Washington, DC, can make some survey and determine what individuals should be paid in Federal construction projects all across the country, even projects as low as $2,000. That is ridiculous. That is not reinventing Government. That is drawing a little circle around a little protected class and saying we are going to protect you.

I note that many people might wonder why that is the case. My colleague from Iowa said we have voted this in the past and we have denied previous administrations implementing these regulations. We are going to deny this administration implementing this regulation, even though it is presently the law, presently in effect; even though my friend from Iowa said it really has not hurt anybody yet. Why not allow the regs to go forward? Why not allow individuals to work? Why not allow some people, like the minorities I mentioned who were living in despicable conditions, why not allow them to work as helpers in some of these old apartments? Or to rehabilitate some of the apartments they live in? Why not give them that opportunity?

Then one final comment. My colleague said—he talked about workers making $25 an hour and he says that comes out to $37,000 a year. Frankly, there are not many people—most people I know work more than 1,500 hours. If you work 40 hours a week that is 2,080 a year. If you have a lot of work, and people in construction like a lot of work—I worked construction. You want overtime. That is where you make your money. So you are not looking for 2,000 hours a year, you are looking for 3,000 a year.

Again, I will just say this idea of having language that tells the Department of Labor, "We do not want you to use helpers even though 75 percent of the private sector in the United States uses helpers," is very shortsighted and very expensive.

I have already had printed in the RECORD a statement from the Congressional Budget Office that said if the Senator from Iowa is successful it is going to cost taxpayers over $3 billion in the next 5 years. It probably will cost a lot more than that by the time you figure some contractors did not apply because they did not want to comply with Davis-Bacon or because they have helpers and they thought, "I cannot have helpers on this job and not have helpers on the Federal job therefore I will just avoid the Federal job." If you put all this together, the lack of competitors and so on, it is costing billions of dollars. It is denying economic opportunity to hundreds of thousands of Americans. And, frankly, it is an obsolete practice that needs to be stopped, it needs to be eliminated in spite of what some of the contributors to some people in this body might say.

We need to quit abiding by special interest politics. We need to reinvent Government. We need to allow opportunity for all Americans.

I hope my colleagues would concur and would vote against the committee amendment when we vote Tuesday, probably around 2.

I yield the floor.

The PRESIDING OFFICER (Mr. DORGAN). Who seeks recognition?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho, Mr. CRAIG, is recognized.

Mr. CRAIG. Mr. President, I am pleased to join with my colleague from Oklahoma today in asking the Senate to stand with us in striking from H.R. 2518, section 104, title I, that has been the point of the debate this afternoon as it relates to provisions within labor law dealing with the helper classification of our work force under Davis-Bacon Federal labor law.

It has become very obvious to a good many of us that time passes by and this Senate, because we try to micromanage, often fails to recognize what is going on out there in the workplace and, in fact, what is oftentimes the better thing for the average man or woman in search of a job in the private sector and especially in this instance in the construction sector of our economy.

You have heard my colleague from Oklahoma refer to the fact that this could be a $600 million a year savings, or $2.5 billion to $3 billion savings over a 5-year period of Federal tax dollars if we will allow the Federal law to have the kind of flexibility that was proposed some time ago in allowing helpers under the Davis-Bacon Act to work in apprenticeship programs or in that style of work with journeymen to assist in construction.

That is what we are here to talk about this afternoon. It is not to amend and to add to H.R. 2518. It is to take away a small section that was added by the committee to block regulations that are already coming into being promulgated by the Department of Labor to put in place after a lengthy court battle and tests within the courts of our country as to whether this approach was in concert with the Davis-Bacon law or in opposition to it.

Well, interestingly enough, the courts looked at it and said this fits; this is not anti-Davis-Bacon. In essence, this is pro-Davis-Bacon. Now, that is an interesting bit of argument, but that is exactly what the courts have been saying.

Let me give you a little background this afternoon as to why we have moved in that direction as a country. From the GAO 1979 report, to the 1983 University of Oregon study, to the surprising testimony of contractors supporting it—now, these are contractors who support Davis-Bacon in 1987 through 1992—there is ample evidence that contrary to the original intent, Davis-Bacon steers Federal money to a small rather select club of large contractors who specialize in traveling around the country identifying and bidding on federally funded projects for a lot of the same reasons my colleague from Oklahoma just talked about—because a vast majority of the contractors today simply do not want to get involved in threading through all of the hoops required to identify with a federally funded job.

Davis-Bacon contracts tended to be awarded to the nonlocal contractor more often than the private sector contractor, and as a result, what was beginning to happen—and it is obvious now that it has happened—was that employing the helper progressively declined to a point where it was literally nonexistent.

The first major step toward correcting this bias and toward better fulfilling the oft-stated intent of Davis-Bacon to preserve local jobs for local employers and employees is exactly why we began to look at the helper provision, much for the reasons again of my colleague from Oklahoma mentioned. When you have a problem in a local area and you want to put people back to work and it happens to be something that can identify with a Federal fund or Federal grant, that is what you want to do. But that is not what is going on out there today, and my colleague from Iowa is denying the obvious and denying the marketplace in a defense of an old law that the courts have even said simply does not fit; it does not fit in this instance as it relates to the prevailing practices of a given area or of a given job climate.

So after 10 years of court tests, the final regulations went into effect in late 1992 and helper determinations are starting to be made. That is why we have section 104 before us, to stop the very thing that has been taking a long time through a test of the courts and a test of the marketplace to bring us to the reality of what it is really like out there, and in Federal construction what it ought to be like to comply with Davis-Bacon, to in fact identify with a local work environment as was the original intent of the law and not to create this rarefied environment of galloping contractors, a small minority group of contractors—I am saying minority in the sense of sheer numbers—that find that they have geared up enough to identify with Davis-Bacon-type contracting and so therefore they do it. We are not putting local people to work. We are putting people who work for these companies to work who happen to travel with them across the country identifying with the contract that is at hand.

Well, the helper regulations actually undermine Davis-Bacon. That has been the argument we have heard. I think what you are hearing from me is quite the contrary. It has always been professed that the congressional intent behind Davis-Bacon again was to reflect local labor practices and wage rates, structures on Federal contracts. Throughout the 10 years of litigation on this very issue from about 1982 to 1993, the courts consistently have found that the Department of Labor's helper regulations have been an earnest and successful attempt to faithfully follow the purposes of the law. The definition of helper is court tested and consistent with congressional intent of the Davis-Bacon Act itself.

So I am really amazed why all of a sudden the committee is attempting to do an end runaround what is now clearly spelled out to be congressional intent in dealing with this most important provision to allow entry workers into the work force through federally contracted jobs with an opportunity to learn a work skill.

The D.C. Circuit Court in 1983 upheld the definition in the proposed 1982 regulations of helper as a semiskilled worker rather than a skilled journeyman mechanic who works under the direction of and to assist a journeyman.

So again the court tests were there and the court tests were made and upheld. While some overlap in duties are permitted, indeed, unavoidable, if a helper truly is to provide meaningful assistance to a journeyman, the regulations and the court were clear that a helper could not be inappropriately substituted for a journeyman that has been some of the argument over time.

Well, we are just trying to use helpers to replace journeymen workers, work persons in the workplace. The courts have said you cannot do it, No. 1; and the regulations will not allow it, No. 2. It is not that kind of a situation. And we happen to have the Department of Labor that monitors those kinds of activities in Davis-Bacon-type contracting to avoid that very kind of thing. So there is double protection on each side.

So what the Senate will be doing if in fact they allow section 104 to stand in the legislation is once again they will be saying to that not necessarily young person but quite often young person, but more often poor person or minority, you are not going to get into a

Federal work job, you are not going to get into that contracted job that is funded by the Federal dollar because you do not have the experience, you do not qualify.

Now, there are some training programs, some apprenticeship programs in labor. They have done an excellent job. I do not deny that. But what we are saying is that there are increased opportunities, and since 1982 we have tried to offer that opportunity, for a lesser salary but with benefits to be provided the opportunity to work and gain the work experience.

Helpers cannot be used on Davis-Bacon projects unless the use of helpers already is a locally prevailing practice. Another court-tested standard. In 1990, the U.S. District Court here in the District of Columbia upheld that. In 1992, the circuit court affirmed this portion of the Department of Labor's 1987 through 1989 regulations, which made revisions based on the 1983 circuit court opinion.

In other words, you hear me quote court action. This thing has been battled in the court a long time, Mr. President. And on every occasion, the courts argued—by the way, this is not a conservative court in the District; this is a very liberal court in the District—consistently saying that the Department of Labor's regulations were consistent with Davis-Bacon.

In its 1987–89 regulations, the Department of Labor deleted its threshold requirements that the use of a helper is a locally identifiable practice. In other words, again you have heard my colleague from Oklahoma saying Oklahoma has that provision, but it is not allowed now. Of course, that is the concern we have, to gain that greater flexibility.

The 1992 circuit court decision again approved the Department of Labor's regulations as consistent with Davis-Bacon. In June of 1992, the U.S. Court of Appeals for the District of Columbia lifted the earlier injunction that allowed the Department of Labor to go forward with the helper regulations with one exception: The court actually said the Department of Labor had gone too far in limiting the use of helpers. In fact, it was the court that created greater flexibility, saying that the Department had not gone far enough and that the greater flexibility was consistent with Davis-Bacon.

So I am frustrated by an argument today that suggests that section 104 is to assure the protection of Davis-Bacon, when, in fact the courts have consistently said that the Department of Labor really did not go far enough in issuing greater flexibility in regulations for the helper provision to allow them to exist.

The 1982 and 1987–89 regulations allowed no more than two helpers to be used for every three journeymen. The court found that 2-to-3 ratio to be arbitrary and capricious, and struck it down.

It gives you an idea of where the courts are coming from. Again, let me remind you, this was not a court out in Oklahoma. It was not a court in Idaho. It was the court of the District of Columbia Circuit Court, not known for its conservatism, but known to be a relatively liberal court.

It is unfair, it is premature, and it is unnecessary especially given the Department of Labor's assurance that the regulations would not be issued in a final form until much further confirmation with unions and the affected parties came about. We know that has gone on. This action by the committee is Congress micromanaging, and we know that does not work. Every time we see the Congress try to step into the flow of the marketplace, we see a problem develop.

Here is a big problem, a $3 billion problem; a $500 million-plus, nearly $600 million a year problem. Those are the dollars and cents of it. Here is the real problem. It is a people problem. It is the human side of the argument. It is the opportunity of a minority person or a poor person or a young person not being able to walk through the threshold of job opportunity, to be granted the opportunity to work, and under an experienced journeyman, who has the talent and the skills to show this helper what it is all about, to assure the helper's work is quality work.

That is the debate. Those are the bottom lines to this issue. That is why my colleague from Oklahoma and I and others came to the floor to ask the Senate to review section 104 and to strike it down; to adhere to what the House said, and that was that the Department of Labor was headed in the right direction with the advice of the court, in the direction of the court, to create this kind of rule, this kind of regulation that allowed the use of helpers in federally contracted Davis-Bacon projects, to save tax dollars, but more importantly to grant work and work opportunity and work experience.

That is what is at issue here with this debate. It is not whether an age-old law is sacred or is not sacred. It is the practicality of the law in the marketplace, and the ability to create that kind of flexibility, and the inability of this Congress to be successful in micromanaging these kinds of issues.

I yield the remainder of my time.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, I assume the Nickles-Craig amendment is still the order of business at this time?

The PRESIDING OFFICER. The pending question is the first committee amendment. No additional amendment has been offered.

Mr. SMITH. Mr. President, I rise in support of the Nickles-Craig amendment to the Labor-HHS appropriations bill. I support the amendment offered by my colleagues from Oklahoma and Idaho, and I am pleased to do it.

The Davis-Bacon helper regulations established rules for determining locally prevailing wage rates for semiskilled helpers on Federal or federally assisted construction projects.

On April 19, 1992, the U.S. Court of Appeals for the District of Columbia found that the Department of Labor's helper regulations were consistent with the letter and intent of the Davis-Bacon Act of 1931.

By attempting to deny the Secretary of Labor from implementing helper regulations, section 104 is unquestionably legislating on an appropriations bill. By quietly inserting this provision into appropriations legislation, proponents of section 104 are circumventing the hearing and comment process for enacting regulations. Furthermore, since the helper regulations are consistent with Davis-Bacon, barring these regulations amounts to amending the Davis-Bacon Act itself.

Not only is section 104 inappropriate legislation, it costs the taxpayers money—lots of money. The Congressional Budget Office has estimated that not implementing these regulations will cost the Federal Government about $3 billion over the next 5 years.

Finally, section 104 hurts those at the lower end of the economic scale who are seeking to enter the work force. These are often kids coming out of high school and often minorities who, for one reason or another, are not headed to college at this time. President Clinton has spoken often on the need to provide opportunities for non-college-bound youth. I think that is something about which we all agree, and that is what this amendment is about.

That is why the National Association of Minority Contractors supports the Nickles-Craig amendment. They know that the helper classification serves as a steppingstone to those seeking a career in construction and that the effect of section 104 would be to preclude those who have not previously been trained in construction from working on Federal construction projects.

Mr. President, in short, section 104 inappropriately amends Davis-Bacon, costs the taxpayers money, and punishes entry level workers.

President Clinton and Vice President GORE recently presented their plan to reinvent Government. Its goals: More efficient Government and deficit reduction. Opposing section 104 achieves both of these goals. It certainly makes for more efficient Government, and it reduces the deficit. This would be a first step toward really reinventing Government.

So, Mr. President, I urge my colleagues to support the Nickles-Craig amendment. It is a good amendment. I think that were it to be passed, it would, in an area, reform our Government in the way it does business, especially with these construction projects, and in such a way that: First, we save the taxpayers money, most importantly, and, second, it makes common sense.

So, sometimes that is not the way we do business around here—with common sense. But it seems to me, if we can create jobs for young people, or anybody, especially minorities and young people who are not going to be going to college, and save the taxpayers $3 billion, we ought to take the opportunity to do it.

So I am pleased to support this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak a if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHAPTER 1 OF "SAVE YOUR JOB, SAVE YOUR COUNTRY"

Mr. BAUCUS. Mr. President, former President Jimmy Carter said 2 weeks ago "there is a demagog in our midst, who has unlimited financial resources and is very careless with the truth." President Carter's words caused a big hum and stir. They were tough. But anyone who takes the time to read Mr. Ross Perot's book, "Save Your Job, Save Your Country," has to admit that President Carter is absolutely right.

It packs a lot of facts and numbers into 110 pages. But if you take some time and look closely, you find virtually all of them meaningless, irrelevant, and without context.

The book is an exercise in comparing apples with oranges, taking facts out of context, shrill rhetoric and misleading the public. It has no merit as literature and less as argument.

But nonetheless, it reaches a lot of people. So this week, I will examine it chapter by chapter and point by point. And today I begin with chapter 1.

In this chapter, Mr. Perot takes up the NAFTA's alleged effects on American trucking, real estate, communications, construction, banking, automobiles, and agriculture.

Mr. Perot begins with trucking. Points out that Mexican law allows heavier trucks and younger drivers, he says that if NAFTA passes, behemoth trucks will pour into America, crush our highways, wreck our bridges, and ruin our tunnels. I am not sure just how the last catastrophe would happen. Maybe he means the road leviathans would get stuck.

Mexico does allow heavier trucks and younger drivers in Mexico. But under NAFTA, Mexican trucks in the United States must obey American laws. Those heavy trucks and young drivers cannot operate in the United States.

Perot answers this by saying, well, violations of this law occur now. That may well be true. To some degree they do occur. But if so, the problem would not be with NAFTA and the problem would not be with current law.

It may simply be a shortage of customs inspectors and highway patrolmen. If that is the case, we can deal with the problem through the normal process.

REAL ESTATE

Perot notes that America allows almost unlimited freedom for foreigners to buy real estate. Then he says that under NAFTA, Mexico will let Americans own only 49 percent of forest or agricultural land.

Well, let us look at the facts. Under NAFTA, the United States makes no significant changes in real estate law, but Mexico makes dramatic changes. Mexican commercial properties will open up completely. Mexican forest and farmland will open up to 49 percent ownership. They made concessions; we made none. Is that worse than the status quo?

COMMUNICATIONS

Perot says that America lets foreign investors buy up to 100 percent of certain communications networks. Under NAFTA, Mexico will limit foreign shares to 49 percent.

Again, NAFTA changes no American laws, and Mexico allows much more foreign investment in communications networks than ever before. We make no concessions on our national security laws affecting TV, radio, and newspaper ownership. Mexico does make concessions. Where is the problem?

CONSTRUCTION

As Ross Perot says, Mexican investors can already own 100 percent of American construction firms. Under NAFTA, for the first 5 years, Americans can only own 49 percent of Mexican construction firms.

Once again, we change no laws. Mexico does. Do you detect a pattern here? Mexico opens its construction market partially for 5 years, and then eliminates its restrictions totally. Is that worse than the status quo?

BANKING

Here is a quote from Perot on banking:

> As part of Mexico's economic reforms, President Salinas sold 18 government-owned banks. They were bought by Mexico's economic elite. NAFTA ensures that these new owners retain a tight grip over Mexican banking for at least another decade.

Again with NAFTA Mexico must reform. Without NAFTA those bankers retain that tight grip forever. So I ask, How is that better?

AUTOMOBILES

Mr. Perot says NAFTA will make northern Mexico—the deserts of Sonora and Chihuahua—the auto capital of North America. Here is his reasoning:

> The United States team agreed to allow Mexico to keep most of its auto investment and production restrictions in place for 10 years. Meanwhile, the U.S. auto market remains virtually open.

I cannot see very much bad about that. I think a deal that opens the Mexican market by the year 2004, while we make no change at all, and when they lower their higher tariffs on American autos is a very good agreement.

If Mr. Perot wanted a better argument, he could have compared Mexican auto wages to American wages and claimed it would be cheaper for the Big Three to move south than to stay home.

Even that, however, would not be good enough. The Office of Technology Assessment compared Mexican auto production costs to American costs. They included wages, productivity, health and vacation benefits, and transport costs. And they found that it costs Ford $400 more per car to build in Mexico—$9,180 in Mexico, $8,770 in America. That is, the same car costs more today to build in Mexico, taking all into consideration, than it would be to build that same car in the United States.

The fact is, American auto workers are big winners under NAFTA. NAFTA removes both Mexico's tariff on American cars and Mexico's requirement that every car sold in Mexico must be built in Mexico. That means more sales for American cars and more jobs for Americans.

Finally Mr. Perot takes up agriculture.

On beef, he says NAFTA lets Mexico import unlimited amounts of feed grain—as if that were bad for American farmers—and build a large-scale cattle industry. Well, Montanans know a lot about beef. And I can tell you, American stockgrowers are not out weeping into the campfire. They believe NAFTA is the best thing for beef exports in years. Mr. Perot may be a Texan. He might even own a 10-gallon hat. But he is no cowboy.

Then he talks about wheat. He says it locks us in a bad deal with Canada, and on this one he was a point. There is a problem with Canadian wheat. It was partially—not totally, but partially—created by the Free Trade Agreement with Canada, and the NAFTA provides our best—in fact, our only—way to solve it. We are working with both the United States and Mexican Governments to do just that before the NAFTA passes.

With these industries disposed of, Mr. Perot gets to the point. He says companies will move to Mexico after NAFTA passes. But then he admits the truth. I quote: "This job shift is already happening. Today, more than 1,300 United States companies are operating more than 2,200 factories in Mexico. They employ more than 500,000 Mexicans."

There you have it. If all a company cares about is wages—if productivity, education and transportation costs do not matter—that company is in Mexico, or Haiti or Paraguay.

Mr. Perot may be a demagog, and may be careless with the truth, but he is not stupid. And he has not taken his company down to Haiti, or even Mexico—because he knows there are good reasons to be in America.

Let us look at the bottom line. What does NAFTA do? It opens the Mexican market. It gets rid of our 4 percent tariff on Mexican goods, and Mexico's 10 percent tariff on our goods. It makes our one-way free trade agreement a two-way free trade agreement. You will not find that in Mr. Perot's book. But then again, you should not expect to. That is because it is the truth.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S HEALTH CARE PROPOSAL

Mr. NICKLES. Mr. President, last week when President Clinton addressed the joint session of Congress, he challenged Congress and the American people to adopt a very far-reaching—and I would say expensive—national health care proposal.

Mr. President, let me say that several of the things that the President stated I happen to agree with. He mentioned that we should cover all Americans, even if they have a preexisting condition or lose their job. I agree with that. During the debate on last year's tax bill, this body passed legislation to remedy that problem.

I happen to have learned about preexisting conditions the hard way. I found out some years ago that I had a tumor. I remember I said to the doctor: "What does this mean?" He said, "Well, it means you might not be able to buy health insurance."

Well, we should change that.

The President said that the health care industry is overwhelmed with paperwork and that we could save billions of dollars if we streamline and cut back on the amount of paperwork that is mandated, in many cases, by the Federal Government.

I happen to agree wholeheartedly, and I will be happy to support those efforts. I would like to see them passed as soon as possible—this year, if possible.

I also would mention I have some concerns about some of the statements the President made. He promised a lot of new programs and a lot of new benefits, and did not come up with the money to pay for them. I do not think that is responsible.

People have asked me which one of those new benefits do you not like? It reminds me of somebody who has just been told by, maybe, their fairy godmother, "Here you can have a brand-new Cadillac," and then they are told by somebody maybe a little more reasonable, "We cannot afford that. What do you want to give up? Electric windows? Or do you want to give up the Sun roof? What is it?"

The President has proposed a very expensive, extensive plan that he says is going to be available for all Americans. He is going to mandate business provide this plan and is going to federally subsidize business in that effort.

I have heard some people say that eliminates small business concerns. I disagree. I am concerned about the cost from a couple of standpoints. I have probably spoken against employer mandates on this floor as much or more than many, so I do not like the idea of mandating every business in America, small, medium, and large, to provide a very expensive plan, a plan described by the President as comparable to a Fortune 500 plan.

A plan that in the private sector today ranges between $4,000 to $5,000 per family. That is a very expensive plan. There are lots of businesses in North Dakota and Oklahoma and Iowa, New Hampshire, you name it, that cannot afford that type of plan.

The President's answer is to offer discounts. His discounts are enormous subsidies, and as a business person I do not agree with that. Or maybe as a taxpayer, I am not sure I would concur.

I asked a question of both Mrs. Clinton and various other administration health care advisers. I said, "Correct me if I am wrong, but if an employer has an employee, let us say in Fargo, ND, and that employee makes $10,000 a year—let us say he is a painter or janitor, I do not care, some small business. And you have an employee who right now has no health insurance. The employer will be mandated to pay at least 3.5 percent of payroll or around $350.

"The cost of this plan is going to be estimated right now $4,200 per family, assuming the individual is married. You are talking about the Federal Government subsidizing that plan to the tune of $3,850. That is an enormous subsidy. That is not a discount. That is the Federal Government paying 10 times as much as the employer is paying. So it is not a balance. It is not a cost share. It is Uncle Sam providing 90-some-odd percent of the cost for that small business. As a small business person I do not agree with that. As a taxpayer, I darned sure do not agree with it."

Also that same level of insurance is provided for people who presently do not have insurance. Again, we are out promising Cadillacs. The estimate the administration has given said the total amount of subsidies for the uninsured and small business will be $160 billion. In other words we would only pay $160 billion more today under the President's program—and this is over 5 years—than what we are today. I think they have grossly underestimated this cost.

If the subsidy for one person with a family is equally to as much as almost $4,000 and you have as many as 37 million people uninsured and you have millions of others who are underinsured or certainly do not have that expensive of a plan, you are talking about a lot more than $160 billion in net increases.

Marty Feldstein ran an estimate and said it would cost as much as $120 billion more per year. I think that is a lot closer to reality.

So I mention this just to say I think Congress and the administration have a responsibility to be responsible and not necessarily to promise a package of benefits that is grossly irresponsible or one we cannot pay for or one we will come back and say 3 years from now wait a minute, we made a mistake. We promised a whole lot of benefits and, look, utilization is way up. More people are using these benefits than before.

I am afraid that is likely what would happen. If you look at what happened during the growth of Medicare, and Medicaid, you will see two programs where costs were grossly underestimated by their sponsors, by the administrations, by Congress. I am afraid that is what is happening here. It would be hard to imagine you can underestimate something as widely as Congress did when they created the Medicare system, but I think we may be in the process of doing that right now.

I will give a couple of other examples. The President also proposed we have the Federal Government now assume health care costs for early retirees between the ages of 55 and 65. Why he did that, I do not know. I see no reason to do that, but I do know as a result he is asking taxpayers in North

Dakota and Oklahoma to subsidize a lot of fairly wealthy people to help pay their insurance. American workers are having a hard enough time paying their own insurance and their own health care costs but now we are saying that is the responsibility of the taxpayer to pick up 80 percent of retirees' health care costs between the ages of 55 and 65? That is an outrage. And that is enormously expensive.

Mr. Magaziner when he announced this said he estimated it would cost about $5 billion a year. I think he so grossly underestimated that figure it is phenomenal. I can think of cases where a lot of companies—in many cases larger companies, where they have had early retirement incentives, where they have tried to encourage people to retire early—in many cases they gave lump sum bonuses, they gave termination bonuses and in many cases they said we will continue your health care until you are eligible—until you are 65, eligible for Medicare.

Now Uncle Sam is saying we will take that over. Where is that a Federal responsibility? Why in the world would the Federal Government pick up the liability of corporations that have signed agreements? Why should Uncle Sam come in and say we will pick up that. Do we have surplus money laying around I am not aware of? I just cannot see how that fits into this program.

It is interesting that the President did not even touch on this in the cost estimates released prior to his Joint Address to Congress last week. I think he should be embarrassed at this proposal. I think that is enormously expensive and will only grow in cost.

Then the President has said we will make drugs available for Medicare recipients and also make long-term health care available. He estimates the drug provisions will cost $72 billion over the first 5 years, the long-term health care $80 billion over the first 5 years. I would be willing to wager those estimates are far short of reality. I cannot help but think if you add all these benefits together, I see about $600 or $700 billion under the President's figures of new benefits. And to pay for it I see $105 billion in new taxes—so-called sin taxes on cigarettes. I have heard people say we will raise taxes on cigarettes by 75 cents a pack. That will make the tax on cigarettes equal to about $1 a pack. But 75 cents a pack does not even come close to raising $105 billion so he still needs additional revenues to make that amount.

My point is, if you add all the benefits together that have been promised, you are talking about $600 billion or $700 billion of new benefits, and new taxes to pay for it about $120 billion. The rest of it is to come from savings. I have not seen this body really willing to make any significant savings under Medicare or Medicaid in the last several years. We have had reconciliation packages that have attempted to do so but have not. Medicare and Medicaid have continued to compound and neither the House nor the Senate has shown a real willingness to get those programs under control.

I did not hear the President talk about means testing or other provisions that would help get those programs under control. So it looks like he is trying to finance most of this—partly by a sin tax, but that only covers about one-seventh of the new promises. The proposed cuts in Medicare and Medicaid I think will not hold up because, again, there are no changes in eligibility, no changes in fundamental structures of those two programs. As a matter of fact, he is expanding those programs by adding additional benefits under Medicare and Medicaid: long-term health care and prescription drugs.

So I do not see those programs being cut by one half. I actually see them continuing to explode.

And so I think he has a serious problem. I think he has a credibility problem. The credibility problem is he has over promised and under financed. I do not know if it is Congress' responsibility to bail him out or to make the numbers match. We do need a real program. I do not think it is fair to the American people to go out and tell everybody you are going to get a Cadillac and then come back a couple years later and say, wait a minute, we could not afford that; we could only afford a Pinto. Whoops, we made a serious mistake.

What are you going to do, if you over promise and you under finance.

I keep getting this feeling the President is looking toward price controls. I read something in today's paper, yes, he is going to have price controls on insurance and so on.

Well, price controls will not work. They have not worked. They did not work in the cattle industry. They did not work on natural gas. They will not work on health care.

I have heard people say this administration is going to propose a global budget. That is like saying we are going to have a global budget on the amount of food you are going do consume. Frankly, it will not work. And it will not work in health care either.

So if price controls will not work, they will have to control volume, because you control the prices and yet you see the prices escalate. So you will have to have controls on volume which ultimately will lead to the rationing of health care. Finally, you are going to have a massive increase in involvement and Government bureaucracy and regulation.

Instead of cutting paperwork, which the President also called for, you are going to be expanding it. You are going to have to have a Federal Governmental police mechanism of some kind to try to contain these costs, both in price and in volume. If we do that, I think, one, you will see waiting lines; two, you will see rationing; and three, you will see the quality of health care deteriorate and deteriorate rapidly.

Mr. President, if there is one other real major concern I have with the President's package it is the idea, the concept that one size fits all. This national benefits board or plan, this idea that every plan in America has to offer the same standard benefit I think is a mistake. I think individuals in North Dakota may well want a different plan than individuals in New York City. They may need a different plan.

Right now, there are thousands of different plans in the United States. I do not think it is all that bad. Right now, Federal employees are able to choose amongst 50 some odd health care plans. I think that is good. I think it is healthy. I think consumers should have that choice both in range of benefits and in the cost. If we mandate one size fits all, everybody has to have the exact same benefit package, that benefit package will only grow because everybody is going to lobby us to make sure their benefits are included as part of the standard package. So it will be enormously expensive but also we will be shutting out all the ingenuity and all the creativeness of individuals to try and get health care costs down.

For example, employers have devised methods of self-insuring so they can cut the redtape, so they do not have to file a paperwork claim on every single little$100 claim. This has proven to be cost effective and yet this administration would say no, you cannot have a self-insured plan.

I ran a manufacturing company in Ponca City, OK, and we self-insured for the first several thousand dollars. It has worked. We have copayments with the employees for 20 percent for the first several thousand dollars. It helped get health care costs down.

That plan would be outlawed under the President's provision. You could not self-insure unless you had over 5,000 employees. I do not have many employers in my State that would meet that definition. I doubt there are that many in North Dakota or in other States. Why would we meddle, or why would we outlaw hundreds of plans that are really doing a very good job, that the employers and the employees have negotiated to their mutual benefit. Why would we say, no, that is not good enough. You have to have what Uncle Sam determines is best—Washington, DC, this task force, Mrs. Clinton, President Clinton, and Congress have devised. They have designed a health care plan that everybody should have and no one can have anything different.

Oh, well, we will let you purchase additional benefits on top of that if you so choose, but this is going to be a Cadillac already so you do not need to. That is just getting the extra frills. That is giving you a little seat warmer. That is going to give you not only the electric windows but we are going to give you the ultimate stereo system. If you want to purchase that, you can do so.

That is what they are telling us right now. Actually, I believe I read there are over 100 million people in America today with a dental plan. Now, as I understand the President's package, dental coverage would be included for kids but not for adults. The plan that we have devised in Nickles Machine Corp., in Ponca City, we have a dental plan. It is a little different. We only pay half of it and the employee pays half, but it works and we did it for adults as well as children.

And if you want to have a dental plan under the Clinton proposal, you are going to lose the current tax deduction unless you happen to have a union agreement, and then they will allow you to have it for the next 10 years, another little deal maybe to get the unions to sign off on this package so people who have overwhelmingly expensive plans, yes, they can continue to have the ultra generous plans and they can continue to get the tax deductions for that.

Mr. President, my complaint is really I think there is a lot of creativeness in America, and I think we ought to give consumers more choices, not fewer choices. And the net result of the President's health care plan is to say you are going to have three choices. The choices are all going to be the same, the benefits are all going to be the same. Maybe you choose from different providers or different health care alliances but that is all you can purchase. I will tell you time and time again there is going to be some voids.

I happened to be involved and had some problems with an individual in my family who had a health care problem, a mental health care problem. A lot of health care plans have lifetime limits in those areas, $25,000. Some do not cover it, some go up to $50,000, some are higher. So right now a Federal employer can shop and say which health care plan can best meet my needs.

This is not going to be the case under the President's package. Everybody is going to be put into one standard national health care plan as if Washington DC, knows best. I just disagree wholeheartedly with that.

Mr. President, I will be working with other Senators and be introducing a health care package that we are going to call consumer choice. It is going to provide for a multitude of consumer options, so individuals will be able to choose different or varying degrees of health care coverage and different degrees of health care costs as they see their needs like a Federal employee does today.

Would it not make sense for us to allow everybody in America to have the same options as a Federal employee. They can have health insurance and they do not lose their health insurance because of a preexisting illness. They do not lose it because they can change jobs between Government branches.

We will make it nationwide. Included in this will be a medisave account or medical IRA option where we will create accounts where people can put in money for health care purposes and if they do not use it, they can save it for later health care needs—long-term health care, you name it. They will be able to make that choice. This will change behavior because people will spend their dollars quite differently than they spend Government dollars or employer dollars.

One of the reasons why health care costs have exploded is because most of the time when people are in health care somebody else is footing the bill, so they do not have a real need or necessity to even care about how much the total bill is. If they are spending their own money, it will change their behavior. They will be much more cost conscious.

So we will be introducing legislation in the near future that will provide consumer choice for a multitude of plans, for everybody in America, and likewise we will include in that a medisave or medical IRA account so individuals can participate in savings; that if they do not need to spend $3,000 or $4,000 in their family for health care costs, they can save a couple thousand of it and save it for future needs.

I think that is a positive step in the right direction and hopefully will really help to be a real solution to the problem.

So again, Mr. President, I happen to agree with some of the President's initiatives, a lot of it I do not agree. My primary concern now is that the President has everybody's hopes up that Congress is going to provide a multitude of benefits but no one knows where the money is going to come from. And if we do not provide the money now, then you are going to see big Government come in with massive regulations, both in prices and in the volume of health care, and the quality of health care will deteriorate significantly if that is the case.

I do not see the solution is just a mandate on business. That is sloughing it off on business and the net result is to put hundreds of thousands, if not millions of people out of work. I might mention there has been an economic study on this governmental mandate, and the estimate was that over 3 million people would lose their jobs, and I can see that so easy. I used to manage a janitorial service when I was going through school and we had employees who worked in our group who did not have health insurance. If the Government was to come in and mandate a very expensive health care plan as proposed, the net result is those jobs would not be there, and so there is an economic consequence. There would be jobs lost under the President's proposal to mandate this on all businesses regardless of size and regardless of income. We do not want to pass something that does more damage than good. I think every Member in this body is interested in health care, is interested in improving health care and making health care available to all Americans but certainly we should not do anything that would put hundreds of thousands of people out of work or end up promising a lot more than what we can afford to pay for.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma yields the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise for the purpose of offering an amendment. I ask unanimous consent that the pending committee amendment be set aside in order for me to offer an amendment to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 970

(Purpose: To express the sense of the Congress that the total share of Federal spending on education should increase by at least 1 percent each year until such share reaches 10 percent of the total Federal budget)

Mr. JEFFORDS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for himself, Mr. DODD, Mr. SIMON, and Mr. LEVIN, proposes an amendment numbered 970.

On page 62, after line 19, insert the following:

SEC. 305. (a) The Congress finds that—

(1) in order to increase our Nation's standard of living and to increase the number of good jobs, the United States must increase its productivity and ability to compete in the international marketplace by improving the educational level of our workforce;

(2) although efforts are being made to establish higher educational standards and goals, there is a substantial shortage of resources to meet such standards and goals;

(3) States and local communities are finding it increasingly difficult to meet ever higher educational standards and goals, and States will not be able to fund needed changes without Federal help to reach such standards and goals;

(4) the Federal Government has established many education programs but failed to provide adequate funding for such programs, for example one such program provides education to our Nation's disabled students and

was established with a promise of 40 percent Federal funding but currently receives only 8 percent Federal funding;

(5) the annual shortfall in Federal education programs is approximately half of the promised funding;

(6) many needed education improvements will not need Federal funds, however, other suggested changes such as lengthened school years, better pay, after-school activities, mentoring for students at risk, programs for gifted students, and replacing substandard buildings will require substantial Federal assistance; and

(7) the Federal contribution to education is less than 2 percent of the total Federal budget, and in order to make education a national priority, the total percentage of Federal education funding should be increased by 1 percent each year over the next 8 years to reach 10 percent of the total Federal budget.

(b) It is the sense of the Congress that the total share of the Federal spending on education should increase by at least 1 percent each year until such share reaches 10 percent of the total Federal budget.

Mr. JEFFORDS. Mr. President, I offer this amendment on behalf of myself and Senators DODD, SIMON, and LEVIN.

Clearly, this is really an incredible amendment in the sense of its purpose and intent and results.

Increasing our Federal spending on education by 1 percent of total Federal expenditures each year until it reaches 10 percent of the total Federal budget will raise the Federal share of all public spending on education to $150 billion as compared to the $30 billion we spend now. In a sense, this will make the Federal Government an equal partner with local and State governments which now fund more than 90 percent of our education.

The purpose of this amendment is to reestablish our priorities and to look to the future to determine what must be done in order for this country to prosper and to provide what is necessary for that to occur.

Many studies have indicated that our present state of education places our Nation at risk, that if we do not do something, we will not only fail to increase our standard of living, but we will see a decreasing standard of living for this Nation. This means a decrease in the number of jobs, especially the number of good-paying jobs.

We have before us a national crisis. Many studies indicate how severely our educational system has suffered over the years relative to other countries and our competitors in the world markets. Succeeding in those world markets will give us the ability to increase our standard of living and increase the number of high-paying jobs we have for American workers.

I remember very clearly when I took on the responsibility of being the ranking member on the Education Subcommittee. The first group that came to visit me was a group of CEO's. I expected, as one might expect, that they would be coming to ask for assistance and reduction of taxes or regulations or whatever. No. Their request of me was, "You have to fully fund Head Start. You have to do something about our educational system." That led me to think about the crisis we find ourselves in with respect to how we handle our education.

We are all fond of saying the world is full of contradictions, but, Mr. President, I argue that none are as glaring as the disparity between our verbal commitment to education and our fiscal commitment. The gap between the two is startling. Policymakers, indeed all Americans, understand that access to a quality education is absolutely fundamental to the well-being of a child and to the success of this Nation. We all understand education might not always end the poverty and despair, but it is easily the surest route.

The annual shortfall in Federal programs is approximately half of the promised funding. Democrat and Republican Governors, including Bill Clinton and former President George Bush, understood how essential education is to the well-being of every child and to this Nation. They came together in 1989 and established six national educational goals. Those goals, which have been embraced by educators, parents, and policymakers, detailed basic expectations of our country. They state that by the end of the decade all children will start school ready to learn; the high school graduation rate will increase to at least 90 percent; American students between grades 8, 4, and 12 will have demonstrated competency in challenging subject matter; every school in America will ensure that students learn to use their minds well so they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy; U.S. students will be first in the world in science and mathematics; every adult will be literate and will possess the knowledge and skills needed to compete in a global economy; every school in America will be free of drugs and violence; and there will be a disciplined environment conducive to learning.

These were the goals that were established.

We will also proceed in the next week or so to codifying these goals for the 21st century. When we look at them, it will become clear that we must establish the mechanisms for reaching these goals. At this point, our most basic challenge is to determine how to provide the funds to reach those goals.

Mr. President, I would be glad to yield to the Senator from Illinois.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I rise in support of the resolution offered by our colleague from Vermont. I think it really makes sense. In fiscal year 1949 we spent 9 percent of our Federal budget on education. We now by the most generous calculation spend 3 percent. I see this graph that Senator DODD is going to give us very shortly shows 2 percent. But whether it is 2 percent or 3 percent, we are just not doing what we should.

What if we adopt this amendment, this sense-of-the-Senate amendment, offered by our colleague from Vermont? Where do we get the money? It is a very good question, and the question and the answer is we have to make education a priority in this Nation as we have not. Is another B-2 bomber going to do more for the future of our country than putting that same amount into education? Those are the kinds of questions we have to ask; not just on the B-2 bombers, but on a great many other things. Education is costly, but the alternative to spending money on education is infinitely more costly.

When I was in about the fourth grade or something like that, I remember the geography lesson where it said the United States is a rich country because of all of our natural resources. I believed that up until not too many years ago. All of a sudden I realized the countries that had gained economically so much in recent years, like Japan, like Taiwan, like Sweden, are countries with virtually no natural resources. But they have invested in their human resources, and that is what we have to do. As late as 1986, the nation with the highest average industrial wage per hour was the United States of America. Here we are, 7 years later, and 13 nations are ahead of us. As you look at those nations, what makes the difference?

They have invested in their human resources. We have to do the same. We all read the tragic story about the murder of Michael Jordan's father. It was interesting to me to read about the two young men who were charged with his death. Obviously, I have no ability to judge their innocence or guilt, but they both went to the same school. They were both high school dropouts. What if we had put a few more dollars—early, when they were in the second or third grade, when you knew whether they were having trouble or not—into their education and into helping them? We are going to spend $15,000 to $20,000 a year incarcerating them, probably, for a long period of years. How much better it would have been to do this early.

Unless anyone misunderstands what we are talking about at the Federal level, and talking about more resources, that has to happen at the State and local level also, and we have to reexamine the things we do.

We go to school an average of 180 days a year. In Japan, they go to school an average of 243 days a year. In Germany, they go an average of 240 days a year. We can fool ourselves into believing we can learn as much in 180 days as they do in 243 or 240, but we are only fooling ourselves.

Why do we go 180 days? Well, the theory is so that these pages and so that our children and our grandchildren can go out and harvest the crops. I live at route 1, Makanda, IL, population 402. Even in Makanda, IL, the children are not going out harvesting the crops because we have combines, because the world has changed, but our educational system has not changed with it. We need resources. Money is not the only answer, but it is essential.

I have, this past year, dropped in and visited 18 schools in the city of Chicago, primarily in the impoverished areas. I took no reporters along with me. I just tried to find out what really is needed to lift the schools. I learned a lot. Among other things, I learned that a principal makes all the difference in the world. If you find a principal who believes in those children and has his or her teachers geared up, you will see a real response. One principal I met said these words: "These children do not have much potential." I was very depressed. It was a depressing school, not surprisingly.

But one of the things I discovered—I spent one day visiting New York City schools, and I am not suggesting they do not have problems, because they do, clearly—but New York City schools, by comparison, are better equipped, and they spend an average of $2,400 per pupil more than Chicago schools. No question, resources make a difference.

What our colleague from Vermont is suggesting, along with my colleague from Connecticut—and both have been great in speaking up on this issue of education—is that, as a nation, we have to invest in the future of our Nation more than we are doing right now. They are absolutely correct. I am proud to be a cosponsor.

I do not know whether or not my colleague from Vermont is going to ask for a rollcall vote on this, but this ought to resoundingly pass. I tend to think we ought to get a recorded vote on this, so that people go on record as to whether or not they are for this.

Mr. President, I yield the floor.

Mr. JEFFORDS. Mr. President, I sincerely thank the Senator from Illinois for his statement. As far as getting a recorded vote, I am not sure on that yet. I look at today as a warning shot toward next year. Today, I want to alert everyone as to what must be faced in the future and what we must start doing next year. So I will reserve as to whether or not I intend to ask for a recorded vote at this time.

The Senator from Connecticut [Mr. DODD] has worked long and hard on this issue, and he and I are planning to travel at home and abroad, so to speak, to ascertain the effectiveness of what needs to be done to be effective in this area. I wonder if he would like to take some time now. I would be happy to yield, or I can finish my statement, whatever he desires.

Mr. DODD. I apologize. I did not hear the last statement.

Mr. JEFFORDS. I am happy to yield to the Senator at this point, or I will go forward.

Mr. DODD. I thank my colleague. If I may, I would like to begin the debate on this side and exchange some of the views and thoughts on this issue.

Let me underscore my colleague's last point: This is an opportunity to raise the profile of an important issue, Mr. President. This is a sense-of-the-Senate resolution. There is nothing legally binding about what we are proposing here, but it is an effort by the Senator from Vermont, myself, and others who are interested, to try to draw attention to what has happened over the years with regard to budgets as they affect elementary and secondary education.

As we look to the 21st century and the needs of our society, we propose a target goal to get the Federal commitment to education back to roughly what it was—as the Senator from Illinois pointed out—in 1949, or a bit above where it was some 12 or 13 years ago. Rather than binding our colleagues here to a specific up or down vote, this is an effort to put our colleagues on notice that this is something we intend to pursue over the coming years, to try to raise that level of commitment and, hopefully, simultaneously, to be able to offer a reduction in the dependency on the local property tax, which is strangling an awful lot of our people in this country.

As our colleague from Iowa, Senator HARKIN, pointed out not too many months ago, "Where was it written in the Constitution of the United States that elementary and secondary education had to be supported by a local property tax?" That is not written anywhere in the Constitution. Today, we see how strapped our citizenry is, under increasing economic pressures and, yet, 93 percent of the cost of elementary and secondary education is coming from local property taxes and State taxes.

The Federal commitment to education is down now to about 2 percent, about $9 billion of that goes to support elementary and secondary education. That is only 6 percent of the total spent on local schools—6 percent. I would suggest we spend more than that within the Pentagon's budget for remedial education. That is a sad comment in my view on where our priorities are as a nation.

So I would say to my colleague from Vermont, first of all, I commend him for initiating this effort. I am very proud to be associated with him in setting this goal and in working with him to see if we cannot have the rhetoric on education matched in some small way by our actions. I do not know anyone who does not stand up and talk about the importance of education. Yet few step forward when school finance is the subject.

I do not, however, simply subscribe to the notion that more money necessarily buys you better education. There is clearly an equation in terms of expenditure, but we have seen that spending a great deal of money is no guarantee of a quality of education. But it is also just as true that if you do not invest intelligently and allocate resources intelligently you do not get the desired results. And, in this debate, numbers can be misleading.

For instance, as one of our colleagues points out in Alaska, the per pupil expenditure is very high, nearly $9,000. But not all these dollars flow into the classrooms and the results of Alaskan students do not necessarily match up to the amount of money being spent. But in Alaska the transportation costs for students are incredibly high and account for a significant portion of per pupil expenditure. So you get a distorted picture if you judge Alaska just by per pupil expenditure without considering the cost of providing and delivering that education.

The same could be said of New York City or other urban areas with the problems of security. New Haven, CT, spends $700,000 a year on security—$700,000 for metal detectors and cops in school. If New Haven did not have to spend that $700,000 on security, then I presume students could have more books, more language labs, more computers. But instead, when you go to those schools there is a cop on every corridor and metal detectors when you go in to school.

In Bridgeport, CT, if you go to Longfellow School, there is bulletproof glass in the kindergarten. Or to go to the Mũnoz Marin School in Bridgeport, another elementary school, you get bused if you live a block and a half away. If you do not, you might get shot, stabbed, or beaten up. While necessary, these efforts to protect students raises the cost of education. Unfortunately, it has little to do with education. But it is a matter of the educational budget.

In Hartford, CT, they are struggling to meet their educational needs. I have a sister who teaches in the largest inner-city elementary school in the State of Connecticut. She has taught there for almost a decade. Often, she reaches into her own pocket to buy pencils and paper and toilet paper for students because of the absence of resources for those kids.

The question comes up: Why do not some of the suburban communities of Hartford pitch in and contribute? That debate has been going on for years. The fact of the matter is we could fight a civil war in this country over that issue. Rather than fight that battle, why can't we, on a national level, allocate more resources to education. We can get away from the property tax debate; we may even be able to reduce and lower those property taxes, and then we can really start talking about providing resources to those areas that need them the most.

Mr. President, this is a critical debate and takes place at an especially appropriate time of the year.

For the past several weeks, American children repeated an age-old ritual in this country. Outfitted with notebooks, backpacks, and stories of their summer vacations they headed back to school. This annual journey is one full of hope for most American families. For generations education has been the stepping stone to success in our country, the stepping stone to a good job and a better life.

But beyond the sudden appearance of crossing guards and school buses, too few of us take note of the significance of this yearly event, and I fear too few of us realize that many of our children are returning to schools in crisis.

Even for us here in Congress, the daily rhythm of school seems little more than a distant memory. Fall for us has a different meaning as we grind through the long nights and frequent votes necessary to pass the 13 appropriations bills that will set Federal spending policy for the next year. It is a grueling process, one that makes it difficult at times to appreciate the significance of the very votes that we are casting.

Yet as we deliberate on the Labor-HHS package before us today, I think it is important to take time out to reflect upon the fundamental issue at hand; that is, the responsibility of the Federal Government to support American public education, a responsibility I am sad to say that we are not living up to. That is why Senator JEFFORDS and I and several others are offering this amendment today calling on the Federal Government to revive its commitment to the education of our children.

The American system of free public education is a foundation of our modern democracy. From the founding days of the Republic to the present, we have always supported education as the great equalizer of opportunity that regardless of where you are born, regardless of the economic circumstances that you have been born into. It does not make any difference what color you are, what ethnic background you are, what religion you are, where your parents happen to work, each and every child deserves and ought to find equal opportunity in the American public education system.

Unfortunately, however, for an increasing number of our Nation's children the promise of access to a quality education has become little more than a cruel hoax. The stark reality is that for millions of American children there are no books, no regular teachers, and no safe classrooms. For these children, education is an empty promise and the doors that are supposed to open remain too often barred.

Nearly every week I visit a school in my home State of Connecticut. Over the course of the last decades I have visited with students from every public secondary school in the State of Connecticut. I would love to show off many of these schools to my Senate colleagues—beautiful campuses with athletics and art centers, libraries full of books, and computers, and young people pursuing courses in science and math that makes the complexities of the Federal budget process seem like simple arithmetic. For these students their future is full of promise and hope.

But that is not the only picture I can paint of public education in my home State. Just as real are the schools on the other extreme, elementary schools where children must be bused, as I mentioned a moment ago, a block and a half so they do not get shot on the way to school, classrooms with bulletproof glass, institutions with books so old and worn out and out of date as to be rendered useless, schools where kids stand in long lines to share a single computer.

I have heard a lot of rhetoric, Mr. President, over the years as to why these situations exist. Usually it is the kids who are at fault for being lazy. Sometimes, it is the parents who do not seem to care. Very often I hear about ineffective teachers. I am sure there is some basis to all of these charges and complaints, but we have got to stop fooling ourselves. Those children that I see standing in line to share a computer after school care a great deal about their education, so do the parents who get their kids to school and the teachers who try to keep it open. The reason the school does not have more computers or history books that go beyond the Watergate years, the reason the school is failing, is because they do not have adequate resources.

I mentioned earlier that my sister teaches in the largest inner city elementary school in Hartford, supplies in her classroom are painfully limited. And she is not an isolated case, nor is Hartford an isolated city in that regard.

But this is not happening in my own State alone. Across the country there are similar disparities. Jonathan Kosol reports that in Chicago on an average day a quarter of all teachers in the system are substitutes, because there is not enough money to pay for permanent positions. On a typical May morning 20,000 children will not even have a substitute teacher. Mr. President, regretfully, money does matter.

Our current system of local financing for schools has failed. Today State legislatures across the country are torn apart over how to address these basic inequities. The traditional Federal role embodied in the pending bill before us has been in compensatory education, trying to address the needs of the disadvantaged by directing extra resources to needy students, and the Federal commitment in this effort has been substantial.

Unfortunately, it has not been enough. At precisely the time in our Nation's history when the challenges to our schools are at their greatest, the Federal commitment to education has declined. Spending for education has gone from a high of 6 percent of the Federal budget in 1979 to an estimated 2 percent for 1994.

And that is reflected in this chart showing the expenditures over the years—6 percent in 1979, then pretty much a steadily decline, and a little bump in 1989, and now down to 2 percent this year.

During the same period, the Federal share of the total spending for public elementary and secondary schools in this country has gone from 10 percent to nearly 6 percent.

This chart here, again, reflects that decline.

Again, there are more dollars being spent because the budget has gone up in that time, but this country has always understood—and Jefferson said it best more than 200 years ago. He said "If a nation expects to be ignorant and free; it expects what never was and never will be." That was true in 1816 when he said it first. And it is certainly true as we are approaching the 21st century.

Mr. President, our children are paying the price for this in lower achievement, poor attendance, and lost potential. But they are not the only ones who stand to suffer. It is clear that our economy is changing. We face growing competition from overseas, as the world economy becomes more interdependent. Business has become multinational as goods and capital flow around the world with breathtaking speed. In the past, industries were tied to their communities by infrastructure and tradition. Today, large companies are on the move and they are searching for a highly developed infrastructure—both physical and human.

We, as a people, must compete in this economy. And two clear choices confront us: We can build on our most valuable resource, which remains unparalleled in the world—our highly trained and educated work force—or we can allow our skills to continue to erode and find ourselves in a race to the bottom competing for ever lower wage jobs. If we end up on the latter path because of the failure of our educational system, then we will all suffer—not just parents or teachers or children. Each and every one of us will feel the effect of our national economy in decline.

The education of our children is an investment that we all must make and it is long-term investment. The payoff is not quick. From preschool programs to support for elementary and secondary schools to Federal student loans and Pell grants for postsecondary education, quality education, requires a commitment spanning nearly 20 years for each and every child. And right now it is a commitment we are failing to make.

Too many of our children slip through the cracks and do not finish high school or master the most basic skills. The consequences of this are high for each and every one of us. In 1990, about 13 percent of all high school dropouts were unemployed. The figure was about 6 percent for those with a high school diploma and about 3 percent for those with a college degree.

And, again, this chart here reflects that statistic it also shows that, minority populations of Afro-American and Hispanic populations have an even harder time without education.

Nearly 30 percent of Americans students do not finish high school in 4 years. And it is estimated that each year's class of dropouts cost the Nation some $250 billion in lost wages and forgone taxes over their lifetimes. Some costs us even more. More than 80 percent of prison inmates are high school dropouts. And each inmate costs taxpayers on an average of nearly $30,000 a year to keep in prison in this country. In some States, that number is lower and in some much higher. But we spend $30,000 a yearto keep an inmate in jail, and 80 percent of that population dropped out of school.

Regrettably, we are failing even our students who stay in school. High school graduates are ill-prepared for the workplace of the 21st century. While only 22 percent of jobs today require a college education, more than half of all new jobs created by the end of the century will require some education beyond high school and one-third will require a college degree.

Many look at these statistics and conclude that our schools are failing. I look at these statistics and the budget before us today and say that we are failing our schools. We are simply not putting the kind of resources into these institutions necessary to prepare our students for the high technology world of the 21st century. We are past the time, Mr. President, when each community could afford to set its own school schedule and curriculum in isolation. We must have a national agenda to address a national problem. And that is why this sense-of-the-Senate resolution put forward by the Senator from Vermont, myself, and others calls for education spending as a share of the Federal Government to increase by 1 percent per year until it accounts for 10 percent of all Federal expenditures by the year 2004.

Of course, money alone—and I have said this before—is not going to solve the problem. I can already hear the critics now arguing that the distinguished Senator from Vermont and I want to solve the problem by indiscriminately throwing money at it. Nothing could be further from the truth.

To be sure, the Federal Government must throw its weight behind efforts to improve America's schools through systematic reform. The national education goals and the move to set voluntary standards are all integral parts of this effort. So, too, are efforts to encourage standards of teachers and increase parental involvement in the children's schools.

But, in my view, Mr. President, we simply cannot get away from the issue of finance. The fact remains that the best predictor of the quality of public education in this Nation is the wealth of the community in which the school is located. And to tackle the issue of school finance means we must confront the issue of property taxes head on.

On my school visits in Connecticut, the greatest travesty of all to me is that I can literally walk from some of the Nation's best public schools in Fairfield County, CT to some of the most distressed schools in the inner city of Bridgeport. It is only a few blocks away and it is not an exaggeration to say I can walk from one school to the other. The juxtaposition of the wealth in Fairfield County and the poverty of Bridgeport is not unique to my State. It is found throughout our country.

The greatest contributor to this disparity of the American education system is this Nation's historic dependence on property taxes to support education. Using property taxes as the primary method of financing public education is increasingly ineffective. It is not a question of undertaxing. Most poor cities have very high tax rates. But common sense tells us that if property is not worth much to begin with, even a high tax rate will yield little revenue.

Property taxes are not only a bad way to finance city schools, they are a bad public policy as well. The ability to purchase a home is part of the American dream. We all know that. Families often save for years to put together a down payment in the hopes that a home will provide them economic and emotional security for the rest of their lives. Under the best of conditions, a home is a place for children to grow, it is a place to borrow against when your kids go to college, it is a place to retire in our old age. But a house generates no real income to be taxed. It is not an income producing entity at all.

In good economic times, one hopes his or her home will increase in value. In poor economic times, it may decline. In both cases, the relative worth of one's home is beyond the homeowner's ability to control. It is ridiculous that so much of our school revenue is dependent upon the vagaries of the real estate market. It is equally absurd that a family of means that chooses not to buy a home contributes little or nothing to local schools, while a family of limited resources that scrimps and saves to purchase a home is taxed every year at increasing rates for that purchase.

The problems of American education are not going to be solved until we move beyond the property tax and toward a more equitable financing system. So this is not just a debate about more money, but a reallocation of resources. The Subcommittee on Education has determined to take a long and hard look at these issues. I and several of my colleagues have held a series of hearings over the past several months to lay the groundwork to launch a major effort to reexamine our entire system of school financing. Senator JEFFORDS of Vermont and I, along with several others, are planning to continue these hearings throughout the country and to further examine the options available to address this problem in a comprehensive fashion.

While none of us has any magic wand, I believe we must think boldly in this area. I for one am intrigued with the idea of a dedicated value-added tax for education. Poll after poll shows that Americans are willing to support taxes that are dedicated taxes for education, and I think the value-added tax needs to be fully examined as an alternate to the property tax. In particular, I would like to see a value-added tax that provided some type of property tax credit.

Less than a week ago, President Clinton made a passionate plea to the people of this country to make access to basic health care a right. He briefly told us what many of us did not want to hear, that it will cost money. But he also made a persuasive argument that not acting, not stepping forward, not acting boldly will cost us more, both in terms of money and in terms of our future as a people.

The situation in education is no different. We have before us a basic moral and ethical question. Throughout our history, Americans have held a common faith in the value of education regardless of ideology, regardless of political party, that has been a common denominator, a theme that has run through this Nation from its founding days. We have always believed that democracy can only flourish if its citizenry is educated for the task of self-governance.

But educational opportunity does not exist for all of us today. The Federal Government not only has an interest in rectifying the inequities that exist, it has an obligation to do so. I urge my colleagues to join Senator JEFFORDS of

Vermont and myself and others, acknowledging that imperative by supporting this resolution.

This does not bind anyone to a particular scheme. It does not bind anyone to a particular formula. It simply says we in this body, regardless of party, regardless of geography, understand that the wealth of a democratic nation fundamentally depends upon an educated population. And that, at the very least, we ought to set as a target and a goal that 10 percent of our budget will be dedicated to educating America.

If 22 percent of our budget can be dedicated to providing the physical security of our people, and 50 percent of our budget can be dedicated to providing for old age and Social Security, can we not dedicate 10 percent toward the education of future generations of this country? How else will this Nation succeed, if we fail to make that kind of investment?

I urge the adoption of this resolution and commend my colleague from Vermont for his leadership on this issue.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I commend our distinguished colleague from Vermont for offering this amendment, and I compliment, my distinguished colleague from Connecticut for his very strong words in support of the amendment.

I had discussed with Senator JEFFORDS on Friday being added as an original cosponsor. I ask unanimous consent at this time I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, in listening to the debate and in reviewing the amendment, there are just a few comments which I would like to make. One is that while I agree totally with the objective of additional funding for education, and I think a 10-percent figure would be an appropriate figure, I pause when I look at the budget which we have in this Subcommittee on Labor, Health and Human Services, and Education. We have a total budget of $261 billion. That is a lot of money. But the discretionary part of the budget is limited to $67 billion, and education receives $24.1 billion with another $4.5 billion out of mandatory funding. Health and Human Services receives $31.4 billion, Labor has $10.4, and related agencies have $1.1 billion.

The distinguished Senator from Connecticut talked about President Clinton's program for health, and I share the President's objective to have universal health coverage for all Americans. But we have a document of 239 pages that has been presented, which has many new spending programs. As I review it, although it is only in draft form, I do not see the funding within the context of the 239 pages. If this program is to come to the Subcommittee on Labor, Health and Human Services, and Education, we are going to have a very hard time finding the funds for this program even within the confines of the funding which we have at the present time.

There is no doubt about the need for more money in education, and in cosponsoring this amendment, I lend my support to that principle. But we are going to have to have a reallocation of the Federal budget. We have a Federal budget of $1.5 trillion, and as Senator HARKIN and I have urged repeatedly in the Appropriations Committee, we do not have sufficient funding allocated here. So I raise this point with my colleagues: While I support the goal of 10 percent of the Federal budget, I see it as a very, very difficult goal to attain unless we make some very fundamental reapportionment of our priorities.

In this amendment, in the "whereas" clauses, I would add another concept, and that is the value of education for the individual. In the Specter household, the value of education was very heavily emphasized for the children, for my brother and two sisters and myself, largely because my parents had so little of it. We prize, perhaps most highly, what we do not have.

My father came from a home in Russia, and it was a home notwithstanding a dirt floor, and notwithstanding seven brothers and a sister and a mother and father who shared one room and a dirt floor. My father had no formal education at all. He left Russia in 1911, and he left Russia because he did not want to go to Siberia. He did not want to be in the czar's Army; he did not want to be under the czar's heel. He came to the United States. He was proud to fight in the First World War, where he rose to the lofty rank of buck private. Next to his love of family came his patriotism for the United States, and he carried shrapnel in his legs until the day he died. But he never went to school. He was a well-educated, self-educated man.

My mother came with her parents at the age of 5 and went through the eighth grade. So in our household, you had better go to school, you had better study and you had better succeed, if you are a child of Lillie Shanin Specter, because if you do not, you do not do right by your parents, considering their sacrifices. So we did that.

I went to the public schools. I went to Russell High School in Russell, KS, a school which turned out a very illustrious graduate. Senator ROBERT DOLE graduated in 1942. He was not on the debating team. Russell High won the State championship in debating, but Senator DOLE was not a participant. He played end on the football team.

It was a great public education, and I wanted my sons to have a public education. So when my wife and I went to live in Center City, Philadelphia, and the school system was inadequate, we moved to what was called East Falls so we could enroll our children in a good school. When our son, Shanin, was 5 years old, we took him over to the public school, and they said they would be glad to enroll him in February and he can come in September and go into the afternoon session. So when Senator DODD says we have to make sacrifices for our children, I agree with him.

I was making $10,000 a year as assistant district attorney at that time, when we put our son Shanin in a private school called Penn Charter. Penn Charter had a great slogan over the doorway. It said:

> Good education is better than riches.

I read that slogan, and I believed it. And my son got a good education. My wife and I got no riches, but we were prepared to make the sacrifices for our children, and we did.

We need to make sacrifices as a nation. We need to make sacrifices so children can have a good education and the chance to succeed in this country.

We have insufficient funding for the big cities' schools in this country. There are some very wealthy districts which have adequate funding, but that is the exception rather than the rule.

The "whereas" clause says:

> States and local communities are finding it increasingly difficult to meet ever higher educational standards and goals.

I think that is true. But I also think States and local communities are going to have to do more. When Senator DODD criticizes the property taxes, I think he is right. We are going to have to find better ways of financing education. But not just by the Federal Government. It is going to have to be by State and local governments, as well. So this is a national goal.And what the Federal Government will do is not going to be by way of substitute.

So I compliment my distinguished colleague from Vermont and my distinguished colleague from Connecticut. They are on the authorizing committee, and it is great to be on the authorizing committee because on the authorizing committee you have great latitude in the figure that you put in the authorizing bill. But when it comes to the Appropriations Committee, I do not know what it is with Senator HARKIN and I; we do not have quite the same figures to put in the appropriations bill.

Mr. DODD. If my colleague will yield, if he would like to swap seats, he can take my seat on the authorizing committee and I will take his seat on the Appropriations Committee, right now, I will make that deal with the Senator.

Mr. SPECTER. It is a deal, absolutely, positively.

Now, I want the rest of the prerogatives to go with it, chairmanship of that subcommittee, and I will make that trade without even a draft choice thrown in. I will not insist on that lofty position on the Foreign Relations Committee which the Senator from Connecticut occupies or all the other emoluments that come with his unique status. He was elected in the banner year of 1980, the same time I came to the Senate. I have been next to Senator DODD for a long time. But I will make him that trade, and then I will watch him squirm on the Appropriations Committee, and I will watch him deliver on the 10-percent increase. And we will try. But we have to face the basic fact of a need for a very material reallocation of priorities.

I see my distinguished colleague, the chairman of this committee, on his feet. I know he has a unanimous-consent request he wants to propound and a lot of other important things to say, so, Madam President, I yield the floor.

Mr. HARKIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Iowa.

UNANIMOUS-CONSENT AGREEMENT

Mr. HARKIN. Madam President, I want to speak on this amendment. Before I get to it, let me just propound a unanimous-consent request that has been cleared.

Madam President, on behalf of the majority leader, I ask unanimous consent that the previous unanimous-consent agreement relating to the committee amendment on page 74 be modified as follows: That at 9:30 a.m., on Tuesday, September 28, the Senate begin consideration of the committee amendment on page 74; that there be a time limit of 3 hours for debate, with the time equally divided and controlled in the usual form; that at 2:15 p.m., on Tuesday, September 28, the Senate begin consideration of the committee amendment on page 19, with no amendments in order thereto; with 20 minutes remaining for debate, to be equally divided and controlled between Senators KENNEDY and NICKLES; that when the time is used or yielded back, the Senate vote on or in relation to the committee amendment on page 19; that upon disposition of that committee amendment, and without intervening action or debate, the Senate vote on or in relation to the committee amendment on page 74.

Mr. SPECTER. That is agreed to by this side of the aisle.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. Reserving the right to object, I just want to clarify, Madam President, as to where we stand on my amendment.

Mr. HARKIN. The Senator's amendment is still right now before us.

Mr. JEFFORDS. I did not catch what time something was going to start, and I did not have that. Will I have at least 10 minutes to finish on my amendment?

Mr. HARKIN. We are going to finish the Senator's amendment right now.

Mr. JEFFORDS. OK. Fine. No problem.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, for the benefit of my colleagues, the unanimous-consent request just granted provides all debate on the committee amendment relating to abortion will take place on Tuesday, beginning at 9:30 a.m. There will be a total limit of 3 hours equally divided. We will then break for the respective party caucuses. At 2:15, then, there will be 20 minutes remaining for debate on the committee amendment dealing with Davis-Bacon, and that will be controlled by Senators KENNEDY and NICKLES, 20 minutes evenly divided. A vote will occur on the Davis-Bacon amendment. As soon as that is over with, there will be a vote on or in relation to the abortion amendment.

I just wanted to clarify that for Senators who may not be here and who may be watching.

I believe the resolution offered by the Senator from Vermont and the Senator from Connecticut has a great deal of merit. It sends an important signal about our national priorities, and it says, really, that education ought to be at the top of our national priority list, with a goal of 10 percent of the Federal budget devoted to education. And the course is to take steps in the next years to move us toward our goal being implemented.

I am often struck by how dramatically the education debate has changed just during my tenure in Congress. As a Member of the House of Representatives in the 1970's, I remember that the education debate centered around establishing a policy that was called one-third, one-third, one-third; that our primary, elementary, and secondary education ought to be funded one-third from the Federal Government, one-third from State government, and one-third locally. There was a great deal of national debate that surrounded that, and then it sort of died out and nothing ever came of it.

Now, of course, this would have required a bigger commitment from the Federal Government but, as has been said by other Senators, this would have helped equalize funding between districts and would have alleviated the burden on local property taxpayers.

As I have said before, Madam President, there is nowhere written in stone—it is not in the Constitution of the United States—that property taxes must fund our Nation's schools. It is something that has just sort of developed in our country.

As a result of that, obviously, if you have an area with a lot of people who make good money, you have good schools. If you have a district where people do not have much money, you have bad schools.

I cannot think of a more classic case than right here in the District of Columbia. I happen to live in Virginia, about 12 miles from the very spot on which I am standing. It is an area with fairly high incomes, a great school system. My kids both go to public schools, one in middle school and one a senior in high school. We have sent them through the public school system—great public schools. That is 12 miles from here.

About 5 blocks from here, in the District of Columbia, 12 miles from those other schools, are run-down, dilapidated schools with, I think people would agree with me, teachers maybe not as qualified, low paid. Why? Because it is a low-income area.

So I have often wondered why it is that we have developed this system in America where the quality of your education at the most critical time, in elementary and secondary school, depends on where you live, how you were born. Live in a poor area, you get poor education, generally speaking.

So, again, I think the amendment offered by the Senator from Vermont would move us in a different direction. It would move us towards more equalization of funding so that no matter where you lived you would have a decent basis for a good education.

We have been moving in a different direction. In 1980, the Federal Government contributed about 10 percent of the revenues for K through 12 education. It is now down to less than 6 percent. So instead of going up to one-third, one-third, one-third, we have gone down. So the Federal Government's role is even less.

I do not know how many times I go back to my home State of Iowa and talk to people, and they complain about how the property taxes keep going up, going up because the Federal Government has withdrawn from its role in education. I do not know what the States are doing individually. I suppose it varies. But then the burden falls on the local property taxpayer. And, again, property taxes in many cases are regressive taxes. Elderly people have a home. It is all they have. They have it paid for. They pay the property taxes on it, but it has no relation to what their income might be. So it is a regressive tax. So, based upon regressive taxes, we fund primary and secondary education.

So it really is time to chart a new course and the resolution offered by the Senator from Vermont starts moving us in that direction.

Our Nation is at risk and we have to take immediate action. There are too many U.S. students attending schools that are failing them. I recommend to everyone they ought to read Jonathan Kozel's book "Savage Inequalities."

You read that book. That lays it out for you exactly what is happening in our schools across this country.

I heard Joycelyn Elders, our new Surgeon General, last week make the statement that there are 3,800 schools in America, elementary and secondary schools, where over 50 percent of the families in that school district have less than a poverty level income; 3,800 schools in America where over 50 percent of the families in that school district have less than a poverty level income.

That is what is happening. These children and these schools are doomed to failure unless we act now.

So again, Madam President, this is a good resolution. It is going to take the work of all of us on the Budget Committees here in the Congress to try to make these changes. I have been trying to shift priorities in the last few years. I have offered a lot of amendments to shift funding from star wars, to star schools, to cut down on funding for some of the missile systems and weapons procurement to put it into education. Sometimes we won a little bit, but more often than not we have lost.

With the cold war over and with our greatest challenge not being a military challenge but an economic challenge around the globe, now is the time to start the process of changing those priorities so we do reach what the Senator from Vermont wants to have, and that is at least 10 percent of our Federal budget going to education. That ought to be a minimum of our total budget that ought to go to education. I think then we would begin to see some of our poorer school districts start building new schools, having better teachers, better laboratories, better equipment for their kids.

I want to compliment the Senator from Vermont for the resolution. I am pleased to be both a friend and associate of the Senator since we came to the Congress in the same year 1974. Through all those years if there is one thing that has always sparked Senator JEFFORDS' progress through both the House and the Senate it has been his deep and abiding attention to education. So I compliment him for the resolution, and we will be accepting the amendment.

Mr. JEFFORDS. Madam President, I wish to finalize the debate.

I want to thank the chairman of the subcommittee for his very kind words. I enjoyed working with him and also the ranking member on the subcommittee. The ranking member pointed out that when we were reordering priorities it cannot be just by bits here or bits there. If we do what we believe needs to be done—and all evidence seems to point to it—it is not going to be by nibbling away from one thing and adding funds to education. It is going to take a restructuring of our priorities.

The end result is, as pointed out by the chairman of the subcommittee, to make the Federal Government an equal partner with about a third of the cost of our educational problems being furnished by the Federal Government rather than the paltry sum at the present.

As has already been pointed out by my colleague, the States, cities and towns across the country have been burdened by increasing school financing demand. For the last 20 years, States have been vigorously addressing their interstate needs. State school financing structures generally rely on property tax. Yet in over half of the States there are active or planned cases disputing the State education financing structure and seeking to force the States to redress the disparities in funding.

The manner in which the States and local governments make their share is a separate question. But there is no question that if the Federal Government comes in and accepts its responsibility as an equal partner, much of that problem will disappear.

Overburdened States, frustrated by court cases and increasing property tax demands, have taken radical steps. Michigan, unable to find a consensus regarding an equitable formula for education funding, wiped out its State funding mechanism altogether. Texas is still in the midst of the debate, and after three referenda defeats has not yet found an answer to the school equity issue. Other States have forced increased taxes over the severe objection of the citizens.

I know in my own State of Vermont, countless local school budgets have been turned down. Year after year Vermont citizens are asked to pay more and more property tax to fund higher and higher school budgets. My constituents tell me that their local school budgets continue to skyrocket because of the increasing costs associated with serving children with disabilities. The frustration and anger does not result from the inclusion of these students in the schools. No, the frustration and anger is a result of the Federal Government's abysmal record in funding the program as they promised. We promised our States and localities 40 percent of the costs associated with education in our special need students. What have we provided since then? More requirements and less money. Today the Federal share of covering the costs associated with educating these young people is 8 percent.

The Individuals With Disabilities Education Act, which I have just described, is not the only Federal education program which has not received the full Federal commitment. The overall Federal commitment has declined substantially over the years, as has already been pointed out.

I understand that we are under tight fiscal constraints. I am not encouraging us to take on new debt. No. My point is that we have missed our target. We do have spending limitations. But within these limitations we must make clear what our highest priorities are. We have already said that education has to be one of the highest priorities. I also believe it is the highest priority for our citizens and for our policymakers.

While I recognize that there are numerous other issues which press for our attention including health care and crime I must reiterate that an investment in education goes far beyond the mere benefits of buying new books for our classrooms.

Money will not solve all of their problems. We need to reform our whole educational system. But education research has made it clear that the ardent reformers can fall short of their goals if the tools at their disposal are not up to the job of overcoming the obstacles in their way. Obstacles, there are many—from drugs to violence, to single parenthood, alcohol abuse, to poor nutrition and physical abuse. Children come to school carrying more baggage than just books.

If this country is committed to putting an end to poverty, homelessness, crime, drug abuse, illiteracy and even to reducing health care cost, it must invest early. Addressing these ills after they occur is too late, too costly, and far too unfair.

We know that investing early in preschool education, Head Start saves money and future costs of remedial education and public assistance. We know that investing in the quality education saves substantial costs to business in the future. We know that repairing old and wornout buildings is cheaper than rebuilding them. We know that providing for before and after school programs encourages our children, keeps them off the streets and out of trouble. But we have provided them only a small percentage of the necessary funds to cover these costs.

Now let me emphasize why it is going to take the kind of commitment we are outlining here in order to meet the demands that are out there.

Figuring the exact costs of implementing these programs is difficult. However, if we begin from the statistics, there are approximately 42 million children enrolled in elementary and secondary schools in the United States. Of those children approximately 10 percent receive chapter 1 funds. Therefore, we can assume there are approximately 4 million students who would be eligible to receive before and after school services.

According to the Department of Education report the average hourly fee for before and after school sessions is $3. Considering that many families who are in need of approximately 2 hours before school and 2 hours after school, the cost per child is approximately $12 a day or $60 a week for such care. The costs for providing that care during the school year is about $2,400. Multiplying that number by 4 million children needing services equals about $10 billion a year. That is one area that we are looking at.

Many of the families are also in need of transportation, and that would add considerably to that effort.

Let us consider the cost of extending the school year. Senator SIMON from Illinois brought that out; how we fall so far short in the length of our school years and wonder why we are falling behind Germany and Japan.

Studies show that at present the amount of quality instructional time spent in our schools is a day variable in attaining greater educational achievement. A paper prepared for the National Education Commission on time learning suggested that the cost to change our school year from 180 days to 200 days—a mere 20 days a year, not 40 more days as is the case in Japan and Germany—a mere 20 days a year would cost between $34 and $40 billion a year. If you went to 40 more days, that would be $68 and $80 billion a year, additional funds necessary to try to come closer to meeting the time that our competitors spend in school.

That estimate comes from the cost of teacher pay, transportation, and school operating budgets. But these services are only one aspect of reforming our educational system. Our focus is not only on elementary education. What about the report that suggests that we need to invest $60 billion in our crumbling higher education facilities, or we risk losing our higher education prominence in the world. Of that $60 billion, $20 billion is described by facilities managers as urgently needed.

That report, by the way, was done 7 years ago. I am certain that those figures must be much higher today, for we have not provided any increases in the construction or repair and renovation funds. I was able to get an amendment on the NSF area of funds providing about $20 million to $25 million a year of the $20 billion need. In fact, those figures do not even reflect the need to repair and renovate elementary and secondary schools. The average age of the schools is 45 years.

I am describing just a few of the reports prepared for Congress outlining the ever-increasing educational needs of this country. I have not addressed the report that says we have 20 million American adults who are functionally illiterate, or that every 12 seconds of the school day an American child drops out of school—close to 380,000 a year.

What would it cost for the mentoring and the kind of help needed to keep them in school? Last month, the National Research Council released its 3-year study suggesting that the serious problems of the Nation's adolescents—drug use, school failure, delinquency, and violence—have grown to tragic proportions. The reasons are clear—the programs designed to assist children have come under siege over the past two decades. But teenagers are not the only losers in our country. Young children and babies are also being ignored. When 1 in 5 children—14.3 million children—lived in poverty in 1991, it is no wonder children fail in school and become disillusioned with the future. I have not even mentioned the cost of fully implementing our breakfast program or the lunch program to reach more of the poor. I could go on and on and on. In fact, I will soon ask unanimous consent to add a list of all of the needs that we have that are not being met, that we need to pay attention to.

We must recognize the needs that are there in order to bring under control the problems that we have in the schools, and in order to reach that goal of improving our standard of living and creating more high-paying jobs for American workers. I am not sure that 10 percent is enough, as has been pointed out by some. But I do know it is something that we can do. Yes, it is going to take reforming and not pecking away at one program and adding a crumb to the other. It is going to take reevaluating our national priorities and in a sensible way—1 percent per year. So, in other words, if you took 1 percent of all of the other programs and added it to the education programs, then at the end of 8 years we could go up to that 10 percent figure, and then I believe we have a hope of doing what needs to be done, and that is to assure an adequate education not only for our children but also in order to meet that great national priority we must have of continuing to improve our standard of living, to continue to improve our role as a leading economic power of the world, and to provide the jobs needed for our people, and to assure the security that all of us want to have as we go into the future.

I ask unanimous consent that a number of examples demonstrating areas that must be addressed regarding higher education standards be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1. NUMBER OF LATCHKEY KIDS—MENTORING

a. 56.6 percent of children under 6 live with two working parents.

b. Over the past two decades, there have been dramatic increases in the numbers of family members working outside the home who are unavailable to supervise children when school is not in session.

c. In 1990, 44 percent of children aged 5–12 with working mothers lacked adult supervision after school.

d. Approximately 33 percent of all school-aged children lack adult supervision after school; by age 10, as many as 60 percent are on their own for at least some portion of their after-school hours.

2. NUMBER OF SCHOOL DISTRICTS WITH MORE THAN 50% OF CHILDREN LIVING UNDER POVERTY LINE

a. More than 9,000 schools in the United States have at least 75 percent of students enrolled living in poverty. More than 20,000 schools have at least 50 percent of their students living in poverty.

3. COST OF REPAIRING/BUILDING NEW SCHOOLS

a. 75 percent of urban school buildings are over 25 years old, 33 percent of such buildings are over 50 years old, and such buildings are often in serious disrepair and create poor and demoralizing working and learning conditions.

b. The average age of rural public school buildings is more than 45 years old and such buildings are often in serious disrepair, creating poor and demoralizing working and learning conditions.

c. Since 1950, college and university facility space has more than quintupled.

d. The capital renewal and replacement needs of collages and universities are estimated at over $60 billion.

e. "Urgent needs," described by facilities managers as priority repairs or renovations, account for about $20 billion of this total $60 billion.

f. Reconstructing of existing facilities would cost approximately $300 billion.

4. TO EXTEND SCHOOL YEAR BY 20 DAYS WILL COST AN ESTIMATED $34–$40 BILLION A YEAR

5. ILLITERATE ADULTS

a. The United States has 20 million adults who are functionally illiterate, and it is estimated that up to 83 percent or more have inadequate reading skills.

6. SCHOOL DROPOUTS—EFFECT ON ECONOMY

a. Approximately 3.4 million young people aged 16–24 were high school dropouts in 1992.

b. Over 50 percent of high school dropouts in 1989 were unemployed.

7. POOR SCHOOL PERFORMANCE—EFFECT ON ECONOMY

a. The cost to America's businesses to provide remedial education to secondary school graduates is approximately $21 billion per year.

8. CHILDREN SERVED BY HEAD START/NO PRESCHOOL PROGRAMS

a. 70 percent of preschool children eligible for Head Start go unserved.

b. Every $1 invested in Head Start and other preschool programs for disadvantaged youth saves $4.75 in future costs for remedial education and public assistance.

9. PERCENTAGE OF KIDS ENROLLED IN PRESCHOOL PROGRAMS

a. In 1991 only about four out of every ten 3- to 5-year-olds from families with incomes of $30,000 or less were enrolled in preschool.

10. COST OF SPECIAL EDUCATION

a. 4.8 million disabled children receive only a fraction of promised federal support.

b. Every dollar invested in early intervention for disabled children saves $1,650 in future costs.

c. Although Congress made a commitment to states to provide 40 percent of the cost of educating children with disabilities, federal funding has never exceeded 12 percent and currently Part B of IDEA is close to 9 percent.

11. TIME SPENT DOING HOMEWORK/WATCHING TELEVISION

a. 70% of 13-year-olds report watching 3 or more hours of television each day.

12. CHANGING DEMOGRAPHICS

a. Approximately one-third of the Nation's workforce will be minority by the year 2000.

b. Approximately one out of every four of America's rural children are living below the poverty line.

c. Nearly 25 percent of children younger than six were living in poverty in 1991.

13. STATISTICS ON ACHIEVEMENT TO DATE OF NATIONAL EDUCATION GOALS

a. In 1988, United States 8th graders scored among the bottom third in math and science achievement among students from six countries and four Canadian provinces.

14. VIOLENCE IN SCHOOLS IN NEIGHBORHOODS

a. Guns take the life of a child every three hours.

b. Nearly 3 million crimes occur on or near school campuses each year.

b. 37% of students said they didn't feel safe and 53% said they would learn more if they felt safer.

d. 1/4 of major urban school districts rely on metal detectors.

15. FEDERAL PROGRAMS

a. 4 million eligible children are denied Chapter 1 reading and math instruction.

b. Every $1 invested in Chapter 1 services saves $6.67 in cost of repeating a grade in school.

16. HIGHER ED

a. The value of a Pell grant, the foundation of federal student aid, has fallen from 46 to 23 percent of tuition costs.

b. Many students must take on between $10,000 and $20,000 in debt or give up their hope of high skills training or college.

17. DECREASING FEDERAL ROLE

a. From 1981 to 1992, the percent of the federal budget spent on education decreased from 2.5% to 1.8% despite increasing needs.

18. ADEQUACY OF SCHOOLS

a. Over 50% of teachers in high poverty schools report that they lack adequate amounts of the most basic materials—notebooks, paper, pens, and pencils—in their classrooms.

19. POVERTY

a. Every 53 minutes an American child dies from poverty.

b. The United States has a higher infant mortality rate than 19 other nations.

c. One in five U.S. children are poor, making children the poorest group of Americans.

Mr. JEFFORDS. Madam President, I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, I watched with interest from my office this debate. I was especially impressed with, and was able to watch, the remarks of my colleague, the senior Senator from the State of Connecticut. But the reason I came here to talk about this amendment is that I, too, think we should spend more money on education. I support this sense-of-the-Senate resolution. I think we should all understand that unless we change one basic problem we have in this country today—that is, our immigration policy—we are not going to have money for anything.

I introduced a bill right before the August break to change the way we handle immigration in this country. Madam President, in March of this year, Tom Brokaw asserted that immigration was likely to become the most important issue facing the United States. Referring to our country's immigration dilemma, Brokaw stated, "We do have to settle on a number of immigrants to admit. We have to settle on conditions and penalties and adhere to them. All of us as citizens and employers, we can still light the lamp, but we must remember we are a Nation of laws."

Madam President, it is clear to me that programs like this, like educating our children, will never be able to be done adequately unless we do something about immigration. The State of California, as an example, would have to build one new school each day to take care of the immigrants coming into California. They cannot do it.

It is clear to me, and I think just about anyone else—especially those who have looked at the U.S. immigration laws and the institutional apparatus of management—that we are ill equipped to deal with immigration as a critical national issue. I think that is wrong. It is for this reason that I introduced the Immigration Stabilization Act of 1993, which I believe will prepare this Nation for dealing with immigration in a rational, coherent manner.

Madam President, in addition to dealing with immigration in a rational manner, it will also resolve many other problems we have dealing with financing the problems this country faces.

The two most important questions that can be asked about legal immigration policy will be: How many people are we going to admit, and who are they going to be? Any immigration policy, short of an open door, will require setting limits and making tough choices among the millions of people around the world who would like to immigrate to the United States. As we speak, the U.N. High Commission for Refugees recognizes over 19 million political refugees worldwide. Global population is increasing at a rate of a billion a decade, and the U.N. Population Fund recently noted that more people are moving or seeking to move than at any time in the history of the human race.

My belief is that in order to successfully answer these two questions, we must be able to answer two others: One, what is in our national interest? Two, how can we ensure fairness in the selection process that we adopt?

Last December, U.S. Bureau of Census presented a startling report in which they projected that the population of the United States would grow to almost 400 million by the year 2050. Fully 87 percent of the population increase between 1990 and 2050 would be the result of post-1970 immigrants. And this would represent a 50-percent increase in less than 60 years. Put another way, the United States is on track to add the equivalent of the current population of Japan within the lifetimes of our children.

Perhaps more startling than the sheer numbers is the overwhelming role immigration plays in this burgeoning increase. Since 1970, when the Nation pledged to clean up and protect its natural resources, the population has risen another 50 million, adding their impact to infrastructures and environment of this country.

More than half of the additional people are immigrants and their descendents. The portrait projected for the period from 1990 to 2050 is even more striking. New immigrants and descendants of all post-1970 immigrants will account for 114 million of the 132 million additional Americans trying to squeeze quality of life in the country's dwindling resources. That is right. Immigrants, their children and grandchildren will contribute to 87 percent of this massive population growth. Because of this extraordinary immigration, U.S. population growth today is exceeded only by some half-dozen Third World nations.

Madam President, there has been a tremendous move during the last 30-odd years to limit the number of children that American families have. You know the zero population growth and other movements. I often wondered when this movement was really successful, the number of children Americans are having is quite low, why we have this big booming population? My study of the problems of immigration indicates the reason.

One other note about the 1992 census report. They based their projection of some 383 million people in 2050 on net immigration levels of 880,000 a year over that period. That is far too small. Given the rapid expansion of family-based immigration and our lack of commitment to controlling illegal immigration—I only talked today about legal immigration. What about illegal immigration? But given our lack of commitment of controlling legal immigration, we are likely to see net immigration levels that are considerable higher than 880,000 a year, meaning that the U.S. population might actually grow much faster than what the Census Bureau has projected.

Madam President, very few Americans believe that population growth of that magnitude is in the national interest. Very few Americans want to leave their children a legacy of overpopulation, more congestion, greater environmental degradation, and a society straining to cope with the burden of absorbing endless millions of newcomers.

I congratulate the author of this amendment, the junior Senator from the State of Vermont. I think his vision recognizing we need to do more with education is significant, and I publicly congratulate and applaud his effort in this regard. But I also say to the sponsor of this amendment and all the cosponsors that they should take a look at this immigration problem we have and look at my legislation.

In short, Madam President, the American people believe that immigration levels need to be scaled back to more manageable levels that will take us off the destructive course this population growth is taking us.

Senate bill 1351, the legislation I have introduced, would set a firm ceiling of 300,000 in all forms of migration to the United States. This is the standard historic levels that we have had in this country for 100 years. That was the projected number of people we had come to this country legally.

I am proud of the fact that my father-in-law, my wife's father, was born in Russia. I am proud of the fact that my grandmother was born in England.

One of the great strengths of this country has been the ability of us to absorb people from all parts of the world—and I still think we should do that. I think 300,000 people is a generous amount, and that is at historic levels, and that is the level we should maintain. Three hundred thousand, even though it is consistent with our historic tradition, is higher than other nations currently allowing immigration. Canada, Germany, and Australia, often recognized as having generous immigration policies, have set their annual ceilings well below the 300,000 level. Moreover, at levels of 300,000 annually, the United States could reverse our dangerous trend toward explosive population growth while preserving our ability to admit immigrants that will benefit the Nation as well as upholding the tradition of protecting people fleeing legitimate political prosecution in their homelands.

I have spoken on this floor last week about some of the problems that we are facing as a result of our not enforcing our immigration laws, the illegal immigration which is significant and destructive.

But today I am only going to talk as relates to thisamendment, this sense-of-the-Senate resolution, about legal immigration.

Immigration levels of 300,000 a year, which, I repeat, was our historic average from 1820 until the late sixties, would ensure that we can leave our children and grandchildren the sort of legacy all of us want for them. We can avoid the kind of social and environmental destructiveness that results from unbridled population growth but only if we are prepared to set responsible limits on immigration.

The second question then that we must address is who, among the countless millions who would like to immigrate to the United States, will be allowed to come here. There are no easy answers to this problem, but we must, nevertheless, establish the fairest and most rational selection criteria possible. Prior to 1965, I think to our discredit, this country discriminated for and against potential immigrants based on national origin. However, since 1965 we have put the selection process on automatic pilot, allowing endless and growing chains of extended family members to immigrate regardless of the impact on our society.

The Immigration Stabilization Act of 1993 would, for the first time, establish a commonsense approach process for selecting immigrants to come to this country. It is premised on three basic principles:

First, that immigration to our country should be based on the individual merits of the applicants and what they are likely to be able to contribute to our country;

Second, that the nuclear family—spouses and unmarried minor children—should be kept intact, but beyond that, no special consideration can or should be given to extended family members; and

Third, that true refugees should be given priority.

S. 1351 would place all applicants for an immigration visa to the United States on an equal footing. No one would benefit by continual discrimination for certain nations based on arbitrary, extended preference for nonimmediate relatives. No longer would a handful of nations dominate our immigration flow. Once again, the American people would have a say in the selection process. More immigrants would be selected based on what they can do for the Nation, and, finally, those extended and unwieldy backlogs would be eliminated.

These are the broadest parameters for a workable immigration policy for the United States in the coming decades. Having addressed the fundamental questions on how many immigrants and how they should be selected, I will in the coming weeks talk more about immigration and I will every chance I have when something like this very worthwhile amendment is presented, I am going to come and talk about another problem we have in this country that would allow us to do many of these things that we need to do if we had a more rational immigration process.

The cost to our criminal justice system, 25 percent of the people in our prisons are illegal immigrants, 67 percent of the people born in L.A. County last year were children of illegal immigrants. These are problems that are significant in nature that will allow us to do the things that the Senator from Vermont says we should do, and I agree with him.

Immigration is a problem. We cannot ignore it. We have ignored it too long. Every year we allow into this country more people than are in the State of Nevada every year. We cannot continue to go like we have been going. We have to be morerational and more fair in our approach to immigration.

So, again, I congratulate the sponsors of this amendment. They are headed in the right direction but like many things, we have to find a way to pay for it, and we are not going to find a way to pay for it as long as the illegal immigrants are coming into this country and, frankly, legal immigrants causing us to run up bills that we have to pay dealing with criminal justice, education, and on and on, with other problems we have.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, the Chair recognized me. I am going to speak at some length, but I am perfectly willing for the managers of the bill to dispose of this amendment one way or another before I proceed with the understanding that I retain my right to the floor after that has been done.

The PRESIDING OFFICER. Is there objection?

Is there further debate on the amendment?

Mr. JEFFORDS. Madam President, I just want to complete in a few seconds.

It is not my intention, though I would like to do so, to ask for a recorded vote. I am not doing that because I believe this is such an incredibly important change that we ask in the sense of the priorities of this Nation. I do not think that the vast majority of the country would agree with such a drastic change of priorities at this time. It is a substantial change.

But I believe I speak for my colleagues, especially the Senator from Connecticut, when I say that we are putting everyone on notice that it will be our intention that at the appropriate time next year when we deal with budgets and the appropriations, and other matters relevant to this, and I intend to do everything I can to make sure that the sense-of-the-Senate resolution we have today becomes not a sense-of-the-Senate resolution but rather a part of the law, and I will do all I can for that purpose.

I yield to the Senator from Connecticut.

Mr. DODD. I thank the colleague for yielding. I commend him once again on this effort to say as well that we have joined forces in this effort.

This ought not to be a great ideological debate. I think most people will realize that the property tax is not the way to proceed. It is not fair to a lot of people. As the Senator from Iowa pointed out, it is a test in many ways in terms of fundamental basis supporting education. The value of the home is out of the homeowner's control. It has a lot to do with real estate markets and economic trends and the like.

To support something as fundamental as our educational system on a taxing system that is just antiquated, particularly for the 21st century, does not make any sense.

However, as the Senator from Vermont has pointed out, we are not advocating any particular formulations here, but trying to build, if we can, some consensus of support that this is the direction we ought to be going in and to see to it that we have the adequate resources to sort out the educational needs of the country.

I think he deserves broad-based support. I look forward to working with my colleague from Vermont so that we can fashion the particulars in this idea. But those particulars can only begin to shake out if, in fact, a broad enough vision is raised before this body by stating the long-term goals.

He has done this with the resolution, and I am pleased and proud to be his principal cosponsor.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 970, proposed by the Senator from Vermont.

The amendment (No. 970) was agreed to.

Mr. HARKIN. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HARKIN. Will the Senator yield for an inquiry, just for the benefit of Senators in their offices?

It is my understanding that the Senator is speaking, but not offering an amendment.

Mr. HELMS. I am going to speak on an amendment that was supposed to have been debated today, but which was delayed by the unanimous-consent agreement.

Mr. HARKIN. I just wondered, again, for any Senators that have amendments to offer, if they are in their offices, they might want to come over after the Senator finishes and offer amendments.

All I am trying to do is get people to think about offering an amendment, if they would like.

Mr. HELMS. If the Senator will yield, having managed many a bill in this Chamber myself, I can understand his wish. And I join him in it. I do think those Senators who have amendments ought to pursue them this afternoon so as to be able to act on them tomorrow.

Mr. HARKIN. I just wanted my colleagues to know that when the Senator finishes speaking, we are still open for business.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

THE HYDE AMENDMENT

Mr. HELMS. Madam President, I had not long been a Member of the U.S. Senate when I went to a fundraising golf tournament in Durham, NC, to appeal, along with a fellow named Perry Como, for funds for the intensive care division for children at Duke University Hospital. A substantial amount of money was raised.

The infants there were 3 or 4 days old, some a week old, some a little bit more, some a little bit less. I was asked if I would be willing to go on a tour of this facility. And I said, "Yes, I would."

So I dressed in a surgical gown and they scrubbed me so I would not carry any bacteria into the facility. And for at least an hour, I walked up and down the rows of the incubators, where little babies—so small that you could hold them in the palm of your hand—were struggling to live.

The doctors and the nurses explained the difficulties that this child was having, and this child, and all of the others. It was a sad morning, but it was an encouraging morning because of the miraculous technology that was available to save the lives of those little ones.

I remember, when the tour was over and I removed the surgical garments that the staff had given me, I walked across the hall into a waiting room, and there were mothers and fathers down on their knees, praying that the little ones across the corridor would live.

It had quite an impact on me, Madam President.

I caught a plane that evening and returned to Washington. The very next day, Monday, what do you suppose the debate was about on the floor of the U.S. Senate? The subject was whether or not to use taxpayer funds for the purpose of terminating the lives of countless thousands of the most innocent, most helpless humanity imaginable—the unborn babies. That was the first abortion debate that I really took part in.

I told the Senate about my experiences the day before. I talked about the mothers and fathers praying that their little ones across the hall would live.

Which brings me to where we are in this country today. In his "Life of Reason," the philosopher George Santayana wrote one of the most important warnings of the 20th century, in my judgment. He said:

> Those who cannot remember the past are condemned to repeat it.

The problem is that most people have heard that warning so often that the meaning has been lost or ignored. Yet, just 50 years after countless thousands of Europeans were incinerated in Hitler's ovens, the lesson of that atrocity has been forgotten—the lesson being, of course, that all human life is sacred, regardless of race, color, religion, physical ability, or mental capability. Thus, one of the great tragedies in human history, I think, is being played out today in the false name of "freedom of choice."

Driving to the Capitol this morning, a driver cut in front of me and almost caused a collision involving herself, me, and several others. And prominently on her bumper was a sticker reading: "I am for freedom of choice, and I vote."

Well, good for her. I wonder if she knows what she is voting for, if that so-called choice is all she cares about.

In any event, we are talking about precisely the same choice that Nazi Germany exercised a half century ago.

Madam President, we are today revisiting, we are reliving the Holocaust right here in the United States of America. We know it by a different name. We call it abortion. The same fate dealt to millions of European Jews is being imposed upon millions of unborn children right here in America.At last count, more than 25 million innocent, helpless unborn babies have been deliberately, intentionally destroyed since the U.S. Supreme Court unconstitutionally legalized abortion back in 1973. I remember that sad day well.

My father used to say—so often, "we become a part of what we condone." In that context, I must conclude that abortion is but a reflection of what we have become as a society. It is the cornerstone of a brutally destructive foundation which is being laid for our children and our grandchildren every day. We have slipped so far down the slippery slope that innocent children are now being destroyed because they do not have the desired hair color, or eye color, or gender, or if they do not have the desired physical perfection. And the very same excuses for destroying the lives of countless Jewish people are now being used to justify the destruction of these innocent, helpless bits of humanity—the same helpless children as I saw in the intensive care ward at Duke University Medical Center that morning years ago.

These unborn children, these babies, are not in a position to defend themselves. I find myself wondering, these people who say so proudly, "I am for pro-choice and I vote," why do they not pick on somebody their damned size? It is a crime.

How has this crime—and is that is what it is—how has this crime endured for 20 years? Why do we permit some 4,000 unborn babies to perish every day through legalized abortion? The answer, of course, is shamefully simple. Congress, has permitted legalized abortion because many Members share the same antihistorical, secularized view of law and public order as the Justices of the Supreme Court who created Roe versus Wade out of thin air two decades ago.

In their view, the Ten Commandments are not a source of eternal law but merely the transitory precepts of a long-dead civilization in need of updating by those who declare themselves to be wiser heads here in the 20th century. In their hands the Ten Commandments have become the Ten Suggestions, and

Tom Jefferson's belief in the inalienable right to life, liberty, and the pursuit of happiness has been consigned to little-used history books.

For these reasons, Roe versus Wade still stands, and the Holocaust continues. It is not the Constitution. It is not our system of Government that is at fault. Ample means exist within both to stop this tragedy. The fault on the part of Members of Congress lies in the failure to understand and face up to what an abortion is, and, worst of all, it is the failure to do something to stop it.

We could at least ask these people who proclaim that they are pro-choice—that is fine, but what is an abortion? Do not give me some obtuse legal rhetoric. Tell me yes or no, whether an abortion is the deliberate termination of the most innocent, most helpless humanity imaginable? They cannot say that is not the case.

But the U.S. Senate is going to take a stand on the fundamental question of whether American taxpayers will be forced, so many of them against their will, to pay for the deliberate termination of innocent human life with their tax dollars. We are going to vote on that tomorrow.

The Senate is going to decide—and thank the Lord for the distinguished Senator from New Hampshire, BOB SMITH—whether it will agree with the position of the House of Representatives, thereby retaining what is left of the so-called Hyde amendment. I have taken an active role since 1981 in doing my best to ensure that the Hyde amendment remains a part of U.S. law. In 1990, some of the militant abortion crowd moved into North Carolina. They were going to get rid of JESSE HELMS. But the good people of North Carolina said, no, you are not. I was ready to be defeated. NOW and NARAL poured millions of dollars into my State. But the people of North Carolina said, no, we are not going to let these radical people control our elections. I drew a line in the sand and said I would not compromise the cause of the unborn. And what do you know? The radicals lost.

In any case, the original Hyde amendment was very clear. It was totally uncomplicated. Let me read it:

> None of the funds contained in this act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

It is very clear, very explicit.

I remember when I got together with HENRY HYDE years ago to draft this language. Let me say, parenthetically, I certainly do not have any pipeline to the Lord. But I have a hunch that when HENRY HYDE's time comes, the Lord is going to welcome him with praise for being a good and faithful servant. I admire HENRY HYDE. He has taken a lot of flak, has taken a lot of heat. But he has done the job for the innocent children.

Our intent in offering this language way back then was and still is to stop taxpayer subsidies for abortion. At the same time, we have never sought to bar the funding of medical procedures necessary to save the life of the mother where bona fide life-threatening conditions occur during pregnancy. But the application of the Hyde amendment always proceeded on the understanding that with every pregnancy there are two human lives at stake, the mother and the child. In the cases when funding would be permitted, every reasonable effort must be made to preserve not only the mother's life but the life of that child as well. And, in keeping with the principles embodied in the original Hyde amendment, it was understood that equal care must be given to both the mother and that innocent baby in the womb.

Despite overwhelming public support for the principles of the Hyde amendment, we now find ourselves fighting a rearguard action. The House has already weakened the original language by adding a rape/incest exception, and now the Senate Appropriations Committee has recommended that all restrictions—all restrictions—on taxpayer funding of abortion be lifted. That is where we stand today, and that is why I am standing here this afternoon.

Let us look at just one aspect of the human cost of taxpayer-funded abortion right here in the District of Columbia. And as we do that, let us ponder the fact that the Senate Appropriations Committee wants to do for the Nation what it has already done in the District of Columbia.

What result has the taxpayer funded abortion scheme produced right here in Washington, DC? In short, it has deliberately served to make the District of Columbia the abortion capital of the United States.

According to the most recent Census Bureau report, the District of Columbia already has the highest abortion rate in the country with more than 1,500 abortions for every 1,000 live births. In addition, according to the National Right to Life Committee, the District of Columbia has the most permissive policy on using tax money for abortion in the Nation—not only paying for abortion on demand for Medicaid-eligible women but also paying for abortions for women who do not qualify for Medicaid and have no private health insurance.

Thus, the District of Columbia Government prides itself on having the grizzly distinction of leading the entire country in the deliberate termination of innocent, helpless human life.

I say again, why don't the D.C. politicians pick on somebody their own size instead of gloating that a callous Congress may tomorrow give them authority to slaughter even more unborn babies? Is this the kind of America we want for our children? How can anyone hold his or her head high and boast that there are more abortions than live births in the capital city of this Nation?

We hear over and over again, ad nauseam, that this is an individual issue of freedom, that rich and poor alike have a right to abortion on demand and also a right to force the American taxpayers to pay for the abortions.

Well, Madam President, that so-called right is resulting in the deaths of 30,000 children every week in this country.

Thomas Jefferson, admonished his fellow Americans who refused to protect life and liberty. He said:

> Indeed, I tremble for my country when I reflect that God is just.

I feel the same way about it. And as much as many in Congress would prefer to ignore or minimize or cover up the abortion issue, the fact is, it will not go away. And those innocent, unborn babies being destroyed in the District of Columbia, and throughout this Nation, make, for all who will listen, silent but unmistakable pleas for justice and for the right to live and to love and to be loved.

Madam President, just a few words in closing as I quote from a letter I received some time back from the distinguished President of the Joseph P. Kennedy, Jr. Foundation, a wonderful lady named Mrs. Eunice Kennedy Shriver. There is no greater champion of the unborn than Mrs. Shriver. And I commend for your consideration what she wrote to me. She said:

> There is far more to this issue than the control of one's body. There is the overwhelming principle of the affirmation of life, the absolute right for the fetus as a life to be considered in making a life-threatening decision.

And then she said:

> Morality and law should protect the life of the fetus against the absolute "control" of anyone, even the mother.

Under our Constitution, and our traditions of ethics and morality, no one should exercise absolute control over another. What is missing from the easy "control of our bodies is due process by which the rights of the fetus must be weighed against the rights of the mother."

She concluded:

> If we are to be a life-affirming society, we must articulate the values that underlie both our private acts and our public policy.* * * And then reflecting on our values shouldn't we also be a society that cares for and respects and protects life in the womb?

With that, Madam President, I rest my case, sadly aware that those of us who plead for a measure of sanity and decency in the Senate's consideration of the abortion issue may very well, tomorrow, see our message fall on deaf ears, not physically deaf ears, perhaps, but morally deaf ears, because, Madam President, none are so deaf as those who will not hear.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DECONCINI). The clerk will the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVISED STATEMENT ON THE LABOR, HEALTH, AND EDUCATION APPROPRIATIONS BILL

Mr. SASSER. Mr. President, the Senate Budget Committee has reexamined H.R. 2518, the Labor, Health and Human Services, Education, and related agencies appropriations bill since the full Appropriations Committee revised the 602(b) allocations late on Thursday, September 23. The committee finds that the bill meets its 602(b) budget authority allocation and is under its new 602(b) outlay allocation by $126 million.

Mr. President, I have a table prepared by the Budget Committee which shows the revised official scoring of the Labor, Health and Human Services, Education, and related agencies appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEES SCORING OF H.R. 2518—FISCAL YEAR 1994 LABOR/HHS/EDUCATION APPROPRIATIONS—SENATE REPORTED BILL

[In millions of dollars]

Bill summary	Budget authority	Outlays
Discretionary total:		
New spending in bill	65,317	3,846
Outlays from prior years appropriations		36,590
Permanent/advance appropriations	1,716	1,572
Supplementals	0	0
Subtotal, discretionary spending	67,033	68,089
Mandatory total	196,167	195,357
Bill total	263,200	263,446
Senate 602(b) allocation	263,200	263,572
Difference	0	−126
Discretionary totals above (+) or below (−):		
President's request	−5921	−1693
House-passed bill	50	963
Senate-reported bill		
Senate-passed bill		

LABOR/HHS/EDUCATION APPROPRIATIONS

Mr. COCHRAN. Mr. President, I would like to commend Chairman HARKIN and the ranking member of the subcommittee, Senator SPECTER, for their leadership in producing the Labor/Health and Human Services/Education and related agencies appropriations bill for fiscal year 1994. It reflects a fair and balanced allocation of funds and very difficult choices among many meritorious programs.

Our subcommittee must allocate scarce funds among the many programs administered by the Department of Labor, Health and Human Services, and Education. These programs strengthen the competitiveness of our Nation and contribute to the enrichment and well being of our society.

This bill increases funding for Department of Education Programs to almost $29 billion, 2.7-percent over last year. Increases were provided for those programs with the greatest impact on children and adults who need educational assistance in order to help them reach their full potential.

The committee has recommended $3.2 million for the National Writing Project which enables teachers of every discipline, from kindergarten through college, to participate in summer and in-school writing clinics to help improve the teaching of writing in our Nation's schools and to emphasize the importance of writing in a student's ability to think and learn. In 45 States Federal funds are used to support the National Writing Project's 160 sites which are affiliated with institutions of higher education.

For every Federal dollar invested in the Writing Project, five additional dollars are leveraged from State, university, school district, and other sources. Last year, 105,029 teachers participated in the program at a cost to the Federal Government of $18.34 per teacher. Over 7 million students of all ethnic and linguistic backgrounds were challenged to write more effectively through their classroom teachers' expanded teaching and writing skills. In a single year, 18 percent of the Nation's K–12 public school students benefited from this Federal investment, which amounts to 34 cents per student.

The Chapter 1 Program is funded in this bill at $6.9 billion, a $200-million increase over last year. A provision is also included to encourage greater regulatory flexibility at the State and local level.

The bill includes funds in the amount of $10 million for the newly authorized Ready To Learn Television as Teacher Act to support the development of quality preschool education television programs and written materials for use by parents and day care providers.

The Star Schools Program which gives more students in rural areas the opportunity to participate in courses that would not be available without distance learning technology is funded in the amount of $27 million, a $5 million increase over last year's level. Through 5 years of increased funding for Star Schools, children in some of the most remote and disadvantaged schools in Mississippi, and elsewhere, have had an opportunity to study such subjects as Japanese and advanced physics taught by some of the Nation's best teachers.

Other programs that are particularly important to my State include library literacy programs; the Even Start, Family Literacy Program; foreign language assistance; and college campus-based student aid programs continue to receive funding in fiscal year 1994.

In addition, the committee has provided $200 million for a new program which provides loan guarantees for improvements on campuses of historically black colleges and universities.

In the area of Health and Human Services, the committee has provided additional funding for the National Library of Medicine to continue its outreach efforts of all American health professionals. One of the National Library of Medicine's top priorities has been to provide information access to health professionals in rural areas. I am encouraged by the language in the report regarding the Mississippi Health Sciences Informational Network.

In response to the growing health care shortages in rural America, Congress authorized the State Offices of Rural Health Program in 1990. These offices serve a vital role in recruiting health care professionals and coordinating the delivery of health services in rural communities. I am pleased that our committee provided $5 million for the State Offices of Rural Health Program in fiscal year 1994.

I also appreciate the efforts of the committee in directing the National Center for Research Resources to increase its funding for the IDEA Program over the 1993 level.

Although I would have preferred more funding for some programs, I believe that overall this bill represents a commitment to education and the future of our Nation's young people. It has been carefully and thoughtfully written to make the best use of Federal resources in a time of tight budgetary constraints. Many important and worthy education and health programs are expanded by this legislation. Others that have outlived their usefulness have been eliminated.

I urge other Senators to join me in support of this legislation.

VOTE TO TABLE THE BRYAN AMENDMENT TO H.R. 2493

Mr. BINGAMAN. Mr. President, I rise today to express my disappointment that the Senate voted to eliminate fiscal year 1994 funding for the Wool and Mohair Incentive Program under the National Wool Act of 1954. I appreciate and share the desire of my colleagues to cut the Federal budget and eliminate wasteful and obsolete expenditures. But I want to take this opportunity to tell my colleagues who voted to eliminate the wool incentive program that it is neither wasteful nor obsolete.

The Wool Act incentive program is funded entirely by tariffs on imported wool and wool products. There is no net cost to the taxpayer for this program—every year, the revenues from the tariffs exceed incentive payments made to farm and ranch families. According to data from the American

Sheep Industry, total payments in 1991 were just over $172 million—but tariffs collected exceeded $401 million. Thus, the balance went to the Treasury.

The average payment per person last year was $2,260—mostly to families seeking out a modest living. They are trying to survive in the face of historically depressed market prices, due to an excess wool stockpile by Australia, the world's largest producer, and the loss of the important Iraqi and Chinese markets. In New Mexico, over 3,000 families rely on the Wool Act incentive payments, as do over 25,000 families in the Navajo Nation, where average annual income barely exceeds $10,000.

Mr. President, wool and mohair producers were asked during the budget reconciliation process to accept reform. They did—to the tune of $48 million over the next 4 years. Incentive payments are to be capped at $50,000 per person, which represents a 50-percent reduction. What I want to tell my colleagues, Mr. President, is that if it was felt that further reform beyond these measures was needed, that should properly be debated in the authorizing committees of jurisdiction. Killing this program overnight through the appropriations process is going to be a real problem for many producers. The consequence of this vote is that producers will not receive their incentive payments, in early 1994, for wool that was sold in late 1993. In short, we have changed the rules in the middle of the game. I just don't think that's fair, Mr. President, and I regret that the Senate took this step.

MORNING BUSINESS

Mr. HARKIN. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 5 minutes.

REMARKS OF THE SECRETARY OF EDUCATION, RICHARD RILEY, BEFORE THE 12TH ANNUAL CONFERENCE, NATIONAL CONFERENCE OF EDUCATIONAL OPPORTUNITY ASSOCIATIONS

Mr. HOLLINGS. Mr. President, on Firday, September 10, 1993, the Secretary of Education—the former Governor of South Carolina—The Honorable Richard Riley, spoke to the 12th Annual Conference of the National Council of Educational Opportunity Associations [NCEOA]. NCEOA represents the students, the staff, the institutions and agencies involved in the Federal TRIO programs—Upward Bound, Talent Search, educational opportunity centers, Student Support Services, and the Ronald F. McNair post-baccalaureate achievement programs. Most of these programs trace their origins back to the Economic Opportunity Act of 1964 and the Higher Education Act of 1965. They have served and continued to serve significant numbers of low income and educationally disadvantaged students, including the disabled. Limited Federal resources have prevented the TRIO programs from reaching all of the eligible student population. In fact, TRIO programs nationally serve only about 10 percent of the potential student universe.

Like Secretary Riley, we in South Carolina take special pride in one TRIO program named in honor of a native South Carolinian—astronaut Ronald F. McNair—who lost his life tragically in the service of his country aboard the *Challenger*. His life, nevertheless, continues to symbolize for many minority and low income youth, the limitlessness of personal and professional achievement—once academic success is established. From North Carolina A&T State University in nearby Greensboro, Ron went on to the Massachusetts Institute of Technology to receive a doctorate in physics.

His inspiration remains alive in TRIO, and in the lives of students all across America—who daily realize the dream of college access and the reality of academic success through the TRIO programs and the Federal Government's title IV, student assistant programs.

Mr. President, the Secretary of Education has spoken convincingly about the critical importance of the TRIO Programs, his personal of their growth and continuation, and about their contribution to the Nation's goal of achieving equal opportunity in higher education. I urge my colleagues to take the time to read and heed the Secretary's words.

Mr. President, I ask unanimous consent to include the full text of the Secretary's September 10, 1993, remarks in the CONGRESSIONAL RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY RICHARD W. RILEY, SECRETARY OF EDUCATION

Thank you. It's an honor to be here. I've only been in office for nine months, but it feels like nine years. A fellow told me that if you want a friend in Washington D.C. buy a dog.

I heard a 5th grade teacher say that the most important thing in the world today wasn't even in existence 50 years ago; she asked her class if they could name what it is, trying to entice the class to think of high technology. A student raised his hand and answered: "me." I think he was probably right. All of us concerned about education and young people, concerned about opportunity in education, concerned about disadvantaged people, we all believe that the greatest thing we have is our young people and we have an obligation to see to it they have these opportunities that we are talking about.

I enjoyed spending yesterday with President Clinton and Vice-President Gore. We went to Cleveland to talk about what reinventing government means for real people. We went to the Church Square Shopping Center because the whole complex exists because government did something right. It listened to the community, it reclaimed abandoned property; it cut red tape. Washington and Cleveland worked together. The result is a shopping mall that serves the community, that allows the community to keep its money there. Now this is how government should work and can work. But I'll tell you it is always difficult.

I know something about government reform. And I know, above all else, that change isn't easy, especially when you start talking about education. Too many people are hunting for the silver bullet of the moment to solve all of our education problems without any pain or suffering. Lottie [Gibson of South Carolina] and I have been in so many fights; it makes me weary to think of them, but we won most of them, didn't we Lottie?

Others are always looking for scapegoats. They are quick to point a finger, to lay the blame. But when it comes time for some heavy lifting, for getting a teenager out of bed and to school on time—well that's when they start talking about private school vouchers, some easy solution. But those of you who are involved in the TRIO programs know better.

And I found out, as Governor of South Carolina, that if you are inclusive, if you ask more of everyone, and if you make people part of the solution, great things can begin to happen. Some of you at this conference may be from South Carolina. You know what I am talking about.

Before we started talking about school reform in South Carolina, people used to behappy if we moved from 50th to 49th in the education standings. That was how we defined progress—in very small increments. Some people were getting ahead, to be sure. But on the whole, most people didn't think big and they couldn't imagine a different way of thinking about who made it and who didn't.

I used to visit schools in the 1970's and later in the 80's as governor—and when I visited schools I rarely saw any minority students in Advanced Placement courses. I came to the conclusion that people just didn't expect these children to make it. Even some of their parents didn't think they could.

It seemed to me that the problem was one of expectations. So, when we reformed our school system, we raised standards and gave schools the help they needed to make sure every child got a chance to get into the Advanced Placement courses. Every child.

The result was tremendous. Now thousands of minority students are enrolled in Advanced Placement courses. They expect to do well. The gains in Advanced Placement by these students has been so great that the College Board is going to do a video about it.

My point in all this is very simple * * * when we talk about re-inventing government, we are not just talking about fewer forms and less red tape, though that is important. We are talking about expectations and raising standards, about giving young people some sense of their own possibilities in this great free democracy.

So I want to begin my remarks by thanking you for your commitment to education and excellence, and to the challenging of the status quo. For surely that is what you are all about—the challenging of a status quo mentality. And for the great leadership of Arnold Mitchem. I enjoy seeing him in my office so frequently I thought he was one of my staff members at one time. He is a great friend of education.

You challenge those who would have us believe that minorities and poor children simple can't cut it; that they do not have the wherewithal to meet high standards. At the same time, you also challenge those forms of insensitivity that ridicule and mock the students you work with who are willing to use their talents and creativity to move forward and upward.

Every time you give a young person a taste of postsecondary education * * * every time you help a young person feel the joy of overcoming a learning problem * * * or get on their case for watching too much television * * * you are keeping faith with that most basic American belief that no matter who you are or where you are from—you can indeed achieve. And I believe that and so do you.

And that is what we must do as a country—we have to raise standards and do everything possible to help young people reach those standards. We cannot hide from the reality that our schools aren't doing what they need to do to give our children the survival tools they need. Our economy is changing in ways we couldn't even imagine ten or fifteen years ago. And, unless we change the very nature of how we think about education, we are going to leave another generation behind.

Today, I want to divide my remarks into three parts. I first want to talk about the results of the National Adult Literacy report that we released on Wednesday and how it affects your work. Then I want to talk about why we need high standards in our schools * * * why we need school reform. Then, I want to tell you about the legislation we have sent to Congress and talk specifically about the political culture that is driving what we are doing and how it affects the TRIO programs.

Last Wednesday, I released the results of the most comprehensive survey we have ever done on adult literacy. We found that 90 million adults in this country do not have the literacy skills they need to function in our increasingly complex economic system. And, almost one in five adults in this country—that's about 40 million people—are performing at the very lowest level of literacy.

Now, some of these people who don't have the literacy skills they need are old and more than a few of them were never allowed to get an education at all. Some of the people who aren't performing well are recent immigrants who are just beginning to learn English. Many others have physical, mental or health conditions that impair or prevent them from fully participating in day-to-day activities.

But too many Americans simply aren't learning enough. We found from this report that close to 20% of adults in this country with high school diplomas performed at the lowest level of literacy.

Here, I want to stress a significant point. We are beginning to see a new fault line emerging in our society—the emergence of a two-class society—between those who know and know that they need to know more—and those who don't know that their lack of knowledge is hurting their chances of getting ahead and possibly ruining the lives of their children. This new society won't be based on race, ethnicity or place of origin. It will be based upon what you know.

And that is my great concern. We do not need a new fault line in our society, a new source of division. We already have too many. And the only way we can keep this from happening is if we raise our standards to keep pace and, at the same time, reinvent our schools and other education institutions to assist students in achieving the new standards. That's why TRIO programs and what you do are so important to me.

American education isn't what it used to be or what it can be. We don't set high enough standards. We give too many kids a false sense of security; the belief that the high school diploma they didn't have to work for—will mean something in real life. And, too many parents have forgotten that the remote control button that can turn on the television—can also turn it off.

So let us take the measure of what we must do. We must raise our academic standards, be more demanding and help our children get over the fixation that what you wear to school is more important than what you learn in school. What you wear on your feet doesn't really matter when you're standing on the unemployment line.

Some folks say that setting high standards is unfair. I don't—if the students, teachers and parents work together to reach the higher standard. Children who get smart, because they study and take tough courses to meet high standards.

If you get beyond the ditto sheets to helping children read novels, create stories, tackle real-life math problems and get into the excitement of science, encouraging them, they will learn more and score higher on tougher tests. It doesn't really matter whether they come from high-income or low-income backgrounds. Setting standards, then, means encouraging children to take tougher courses, and even seek out the tougher teacher, and that is something I don't think any of us did, but we urge them to do it. Do as I say, not as I did. It means that we have to be careful not to "dumb down" our own children . . . and we have to be careful not to let our school system do it either.

So I believe firmly in high standards, in the sunshine of excellence. I'm not just talking about raising standards for the smart kids. I'm talking about all those kids in the back of the classroom who get their "C's" and drift through school . . . and the hundreds of thousands who simply drop out.

I give those statistics about literacy because it is being looked at in a different way. You must read the study carefully. I urge you to do that. It isn't the old simple system of whether someone can sign their name or has passed the 3rd or 5th grade. It is three different scales—prose writing, documentation, charts and graphs—so you can determine in today's work world the skills that are out there and that is how it works. It is a very interesting study of literacy.

I think this standards business is so important and when I think of it one name comes to mind, that of Dr. Ronald McNair, for whom one of the TRIO programs is named. He believed in high standards. He came from a little small country town in South Carolina; he practiced excellence. I had him come speak to our general assembly some few months before he died serving this country. We were in the middle of the EIA—the Education Improvement Act—our major comprehensive reform. It involved a tax increase; it was controversial and in the middle of an election time and Dr. McNair, not at my request but he knew I loved him for it, got up in front of the general assembly and urged the members of the House and Senate to vote "yes" on the EIA and support the tax increase with it. I'll never forget him for that.

As a people, we are smarter, more creative, and more talented than we think. I will tell you what I believe. There is something noble about teaching. There is something loving about reading to your child at night. And, there is something responsible about telling a teenager to turn off the television and crack a book. My friends, we simply need to slow down the pace of our lives to help our children grow.

So how do you raise performance and give a child a sense that they can do better? A schoolteacher at my children's school had a fondness for quoting Proverbs. Her favorite was, "A wise son loves correction." My children were dutiful, part of the time, but not impressed by this passing wisdom. I am certain that your children and the children you work with will feel likewise. But we are in trouble as a nation when one-third of all eighth-graders tell us that they have never discussed their homework with a parent.

So we have to raise standards by starting with the family. Here is my best advice—if a parent or parents will spend one hour with their children each night on schoolwork this coming year, it is amazing what we could achieve in this nation. Teachers and schools should explain to parents—as you do—the practical ways they can help children to learn. That's their job. But the parents have to set aside the time every day—place value, as it were, on the process of learning.

Now, what we can do in Washington to help you make all of this happen.

First, we want to pass the Goals 2000: Educate America Act. This is our lead effort to foster comprehensive education reform and grassroots involvement to improve our schools. At its core, the legislation is based on a simple premise—in a new economic era students and schools must stretch to reach for higher goals. I think it was Browning who said that a man's reach must exceed his grasp or what's a heaven for.

Goals 2000 invites parents, students, administrators and all citizens concerned with the education of our children to engage in comprehensive reforms that are linked to a national movement. It would be patriotic to improve education and schools for our children—all of our children. We want all of you and every organization at the grassroots to be fully involved in Goals 2000. It can be very exciting. It goes from the bottom up and deals with each school in the nation. You need to be at the table when it comes time to decide how these reforms are to be carried out at the state level. So please don't lose sight of this bill.

We are also working hard to solve the $2 billion funding shortfall for the Pell Grant program. I have to tell you that I was stunned and shocked when I got to Washington and got handed an I.O.U. for $2 billion dollars my first day on the job. And this is the truth of what happened.

But I can report to you today that we have whittled that $2 billion gap down to $800 million and we are working hard to close the gap. Pell Grants are the basic lifeline for many students with limited incomes to attend college—and so many minority students who are often the first in their families to attend college need these grants to make it.

We also do not intend to forget the vast majority of high school graduates who do not go on to attend a four-year college. Right now, about one-third of all high school graduates do not find stable employment before they reach age thirty. Yet, these young people will be the backbone of our future work force and our neighborhoods. We need to give them a jump-start to building careers. This why my Department is working so hard with Bob Reich at the Labor Department to design a new school-to-work transition program.

At the same time we are launching new initiatives, we are also shoring up old ones. We want to dramatically improve the Elementary and Secondary Education Act, including Chapter 1, during reauthorization this year on Congress.

We want to target our Chapter 1 money, to get it to those school districts that havethe highest concentrations of poor children. We also want to change the focus of Chapter 1 from remediation of basic skills to supporting the teaching and learning necessary for a more rigorous academic success. That means expanding learning time and moving to a whole school approach by allowing some funds to be used as the "glue" to co-ordinate education and health and social services. This is a more holistic approach that you are familiar with.

Let me speak to you about your programs, the TRIO family. I have faith in these programs. I know that all of you here are in the vineyard working day in and day out and doing the Lord's work. And I will work to make sure these programs prosper.

I will also tell you that the political culture of Washington is more demanding and * * * this surely needs to be said up front * * * the federal government doesn't have deep pockets anymore. As a Cabinet Secretary I am now often in the situation of having to zero out some programs to save others. I have zeroed out twenty-four education programs so far and reduced the budgets of many others.

I do this for one reason and one reason only—to maintain programs that are essential in the Clinton Administration, like these TRIO programs.

It is also important to recognize that every program in the federal government is going to be under tougher scrutiny in the years ahead. This is simply a fact of life * * * accountability is the watch word. We have to prove to the taxpayers, more than ever before, that they are getting their money's worth. This means, as Sharon Robinson told you earlier, that every TRIO program, including many that have a long history, cannot rest on their laurels.

There is a simple reason for this. For example, we are getting more applications, as you know, for Student Support Services grants than ever before. The competition is stiffer and there is more and more of it.

I encourage you then, to take a comprehensive look at what you are doing. Make good programs even better. That's so important. Think creatively about new partnerships and new relationships with other institutions and programs that have similar aims.

All of our effort at the federal level has one purpose—to enable every single child and young person to be fully prepared for the 21st century. Reforming education will not be easy as I said in the beginning. The lack of financing, the growing tension between generations, the continuing class stratification of our society, the poverty of so many of our children—these are real and significant dynamics. But we have no choice. We must raise standards and not give our children the false hope that they can just get by.

We will not give up and I assure you—you have a President in the White House who truly believes in a new "ethic of learning"—who truly understands the link between economic success and education for all children. Bill Clinton deeply cares about the right of all Americans to have a stake in the new emerging high-tech, high-knowledge economy.

If our children are going to grow and learn—if our country is going to be prepared for the coming times—much depends on your continuing efforts. I remain optimistic. I believe that with your energy and your common sense, your leadership and your basic good will, we can build a national consensus for education that is positive, exciting and supportive; that we can create a new ethic of learning; above all, that we can move this great country forward together.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. Speaker, as of the close of business on Thursday, September 23, the Federal debt stood at $4,380,953,238,289.83, meaning that on a per capita basis, every man, woman, and child in America owes $17,055.87 as his or her share of that debt.

HAPPY BIRTHDAY TO THE REPUBLIC OF CHINA

Mr. WALLOP. Mr. President, on October 10, 1993, our friends in the Republic of China on Taiwan will be celebrating the 82d anniversary of the founding of their nation. I take this opportunity to wish President Li Teng-hui, Premier Lien Chan, Foreign Minister Frederick Chien, and the 21 million people in the Republic of China on Taiwan continued prosperity and good luck as the ROC seeks to rejoin the United Nations.

A month ago, I spoke on the floor calling for my colleagues to support Taiwan's bid to return to the United Nations. Today I wish to reiterate the fact that Taiwan is fully qualified for U.N. membership, in light of Taiwan's economic strength, Taiwan's outstanding results in democratic reform, and Taiwan's willingness to contribute to the international community.

On the eve of the Republic of China's 82d birthday, I urge my colleagues to give their full support to Taiwan's bid for U.N. membership.

NATIONAL SCLERODERMA AWARENESS MONTH

Mrs. FEINSTEIN. Mr. President, I rise today to invite my colleagues to support Senate Joint Resolution 103, a joint resolution to designate the month of August as "National Scleroderma Awareness Month."

The word "scleroderma" means hard skin and is used because a prominent first symptom of this disease could be a thickening and hardening of the skin. Scleroderma affects women four times more frequently than men. It can strike a healthy individual at any time, including at childhood. Hundreds of thousands of Americans are affected by this crippling and potentially fatal illness.

Scleroderma is a chronic autoimmune vascular disease affecting the connective tissues which provide the structural framework of the skin and vital organs. It causes the rampant overproduction of collagen and working cells are replaced with scar tissues, causing tissues to become inelastic and immobile.

Beyond the fact that this is a disease primarily affecting women, I became more familiar with scleroderma because of the trailblazing research conducted in the San Francisco Bay area. Scientists of many disciplines and from many sources are involved in a collaborative effort to try to bring sense to this disease.

However, because we are still uncertain of the cause or cure of scleroderma, people across the country have every reason to be concerned about the disease. For this reason, I hope that my colleagues will join me in designating August as "National Scleroderma Awareness Month." Activities and events organized around a nationally recognized month will heighten public knowledge of scleroderma and facilitate support for much needed medical research.

THE HOUSING AND COMMUNITY DEVELOPMENT ACT

Mr. MACK. Mr. President, I just want to express the difficulties I have with the pension fund demonstration project referred to in this bill. This program sets aside 3,000 valuable section 8 project-based rental assistance certificates to encourage investment by pension funds in low-income housing. At the outset, I have grave doubts about the idea of promoting pension fund investment in infrastructure generally. My feeling is that if these funds were uninclined to invest in these types of ventures before, we ought not to be fashioning new and different incentives for them to do so now. While I have no qualms about creative financing to encourage private capital investment in infrastructure, wagering the stability of the PBGC, writ large, is a frightening concept.

I am willing to step aside in the face of great enthusiasm from HUD that this is a wonderful idea, and will work wonders to bring much needed capital to our public housing problems. However, I am only temporarily persuaded, and will be looking for answers to some serious questions raised by this project. I understand that HUD intends to greatly expand this idea to allow 20,000 certificates to be set aside for pension fund investment next year. Before we go charging off and supporting such a large scale potential risk, I think a thorough study of all the relevant financial implications is in order. To this end, I am pleased that a provision for a GAO study has been added to this bill. I intend to see that the analysis of this project begins immediately so that we have reliable data on hand when this project comes up for reauthorization next year.

A second problem I have with this demonstration project is that the primary target of HUD's inducement is the AFL–CIO's pension fund. By HUD's own admission, the lion's share of $100 million worth of Government subsidies will essentially be going to subsidize the investments of one entity. Technically, the program is open to any interested pension fund. Practically, few other funds will have access. Any party interested in obtaining some of the 3,000 certificates will be forced to have their proposal put together within 6 months of the notification of funding availability. If, after 6 months, no other pension fund has expressed a significant interest in participating in the program, all of the 100 million dollars' worth of section 8 assistance can, and likely will, go to the AFL–CIO pension fund.

A second question raised by this arrangement is how other pension funds, associated with nonunion contractors, will have equal access to these precious certificates? The AFL's charter requires that labor on any project derivative of its investment be union-only. As I see it, ensuring that these funds are fully accessible to all interested parties, is in HUD's own best interests.

In an effort to increase the likelihood that the benefits of this program will be diversified, I made certain that an amendment to the legislation was included which requires HUD to report back to the Banking Committee prior to committing more than 50 percent of the resources to any one fund. When this threshold is reached, HUD is required to inform us of the status of the certificates and the return being realized on each investment. Be assured, I will be looking closely at these reports for evidence of a genuine effort by HUD to attract and assist other interested investors. If they do not attract other investors, and thereby show a variety of interests and approaches, as well as a commitment to finding investors who will employ more than just union workers, I can assure you, I will take a very dim view of reauthorizing any similar program in the future.

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate on September 24, 1993, received a message from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

The nominations received on September 24, 1993, are shown in today's RECORD at the end of the Senate proceedings.

MESSAGES FROM THE PRESIDENT

NATIONAL EMERGENCY WITH RESPECT TO "UNITA"—MESSAGE FROM THE PRESIDENT—PM43

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. section 1703(b), and section 301 of the National Emergencies Act, 50 U.S.C. section 1631, I hereby report that I have exercised my statutory authority to declare a national emergency with respect to the actions and policies of the National Union for the Total Independence of Angola ("UNITA") and to issue an Executive order prohibiting the sale or supply to Angola, other than through designated points of entry, or to UNITA, of arms and related materiel and petroleum and petroleum products, regardless of their origin, and activities that promote or are calculated to promote such sale or supply. These actions are mandated in part by United Nations Security Council Resolution No. 864 of September 15, 1993.

The Secretary of the Treasury is authorized to issue regulations in exercise of my authorities under the International Emergency Economic Powers Act and the United Nations Participation Act, 22 U.S.C. section 287c, to implement these prohibitions. All Federal agencies are also directed to take actions within their authority to carry out the provisions of the Executive order.

I am enclosing a copy of the Executive order that I have issued. The order was effective immediately upon its signature on September 26, 1993.

I have authorized these measures in response to the actions and policies of UNITA in continuing military actions, repeated attempts to seize additional territory, and failure to withdraw its troops from the locations that it has occupied since the resumption of hostilities, in repeatedly attacking United Nations personnel working to provide humanitarian assistance, in holding foreign nationals against their will, in refusing to accept the results of the democratic elections held in Angola in 1992, and in failing to abide by the "Acordos de Paz." The actions of UNITA constitute an unusual and extraordinary threat to the foreign policy of the United States.

On September 15, 1993, the United Nations Security Council adopted Resolution No. 864, condemning the activities of UNITA and demanding that UNITA accept unreservedly the results of the democratic election of September 30, 1992, and abide fully by the "Acordos de Paz." The resolution decides that all states are required to prevent the sale or supply of arms and related materiel and petroleum and petroleum products to Angola, other than through named points of entry specified by the Government of Angola. The measures we are taking express our outrage at UNITA's continuing hostilities and failure to abide by the outcome of Angola's democratic election.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 26, 1993.*

MESSAGES FROM THE HOUSE

At 2:19 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill in which it requests the concurrence of the Senate:

H.R. 2750. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2750. An act making appropriations for the Department of Transportation and related agencies of the fiscal year ending September 30, 1994, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

S. 1488. A bill to control and prevent crime.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Mr. NUNN. Mr. President, those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of April 24, June 7, July 29, August 6, September 7, 1993, at the end of the Senate proceedings.)

**In the Air Force there are 13 appointments to the grade of second lieutenant (list begins with Max J. Allen) (Reference No. 372)

**In the Army there are 62 promotions to the grade of major (list begins with John W. Alexander) (Reference No. 398)

**In the Navy there are 7 appointments to the grade of ensign (list begins with Aaron J. Bird Bear) (Reference No. 401-2)

*Admiral William D. Smith, USN to be placed on the retired list in the grade of admiral (Reference No. 471)

**In the Army there are 4 promotions to the grade of major (list begins with Benje H. Boedeker) (Reference No. 515)

**In the Army there are 1,338 promotions to the grade of lieutenant colonel (list begins with Christopher Acker) (Reference No. 516)

**In the Air Force Reserve there are 10 promotions to the grade of lieutenant colonel (list begins with William D. Bryan, Jr.) (Reference No. 568)

**In the Army there are 4 promotions to the grade of lieutenant colonel (list begins with Michael D. Graham) (Reference No. 569)

*In the Army there are 2 appointments to the grade of brigadier general (list begins with Robert G. Claypool) (Reference No. 614)

*In the Army there are 2 appointments to the grade of brigadier general (list begins with Walter B. Huffman) (Reference No. 615)

*Vice Admiral Michael C. Colley, USN to be placed on the retired list in the grade of vice admiral (Reference No. 617)

**In the Air Force there are 20 promotions to the grade of colonel and below (list begins with Francis J. Dwyer) (Reference No. 619)

**In the Air Force Reserve there are 19 appointments to the grade of colonel and below (list begins with Byron P. Marsh) (Reference No. 620)

**In the Army there are 7 promotions to the grade of lieutenant colonel and below (list begins with Ronald D. Lewis) (Reference No. 621)

**In the Navy there are 9 promotions to the grade of captain (list begins with Marion Sanford Boose, Jr.) (Reference No. 622)

**In the Navy there is 1 promotion to the grade of captain (Thomas Richard Williams, Jr.) (Reference No. 623)

**In the Naval Reserve there are 14 promotions to the grade of captain (list begins with Stephen P. Axtell) (Reference No. 624)

**In the Navy there are 21 promotions to the grade of commander (list begins with Steven Patrick Albert) (Reference No. 625)

**In the Naval Reserve there are 14 promotions to the grade of commander (list begins with Thomas E. Bauer) (Reference No. 626)

**In the Navy there are 7 promotions to the grade of commander (list begins with Dean Alan Bailey) (Reference No. 627)

**In the Navy there are 2 promotions to the grade of commander (list begins with Joseph Michael Lynch) (Reference No. 628)

**In the Naval Reserve there are 7 promotions to the grade of commander (list begins with David A. Clark) (Reference No. 629)

**In the Navy there are 16 promotions to the grade of lieutenant commander (list begins with Michael Andrew Crosby) (Reference No. 630)

**In the Navy there are 4 promotions to the grade of lieutenant commander (list begins with Charles Scott Anderson) (Reference No. 631)

**In the Navy there is 1 promotion to the grade of lieutenant commander (Loring Isaac Perry) (Reference No. 632)

**In the Navy there are 32 promotions to the grade of lieutenant commander (list begins with Monte L. Bible) (Reference No. 633)

**In the Army there are 387 promotions to the grade of major (list begins with Errol J. Allison) (Reference No. 634)

**In the Army there are 227 promotions to the grade of lieutenant colonel (list begins with James R. Allinder) (Reference No. 635)

**In the Navy there are 835 appointments to the grade of ensign (list begins with Robert Bradley Aarnes) (Reference No. 636)

**In the Marine Corps there are 190 appointments to the grade of second lieutenant (list begins with Arnoux Abraham) (Reference No. 637)

Total: 3,257.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO (for himself, Mr. DANFORTH, Mr. BOND, and Mr. KOHL):

S.J. Res. 138. A joint resolution to designate October 3 through 10, 1993, as "Great American Beer Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO (for himself, Mr. DANFORTH, Mr. BOND, and Mr. KOHL):

S.J. Res. 138. Joint resolution to designate October 3 through 10, 1993, as "Great American Beer Week"; to the Committee on the Judiciary.

Mr. D'AMATO. Mr. President, I rise today to introduce legislation along with Senators DANFORTH, BOND, and KOHL designating the week of October 3, 1993, as "Great American Beer Week."

Since the early days of our Nation, brewing has been a part of our American heritage. Today, the U.S. brewing industry provides employment for millions of people in manufacturing, retailing, distribution, agriculture and a variety of other areas. Additionally, billions of tax dollars each year are generated at the Federal, State, and local level because of brewing. Further, U.S. brewers export to a worldwide market bringing in additional revenues.

The brewing industry has been a key leader in the effort to clean up our environment through waste reduction and recycling efforts. The industry has proven itself through innovations like the recyclable aluminum can and accomplishments in environmental stewardship.

Another important contribution is the brewing industry's commitment to combat underage drinking, alcohol abuse, and drunk driving. Through education and prevention programs, the industry spends millions of dollars each year toward promoting the responsible use of its product.

Mr. President, beer is a beverage consumed by more than 80 million responsible adults throughout our Nation. Therefore, Congress should recognize the popularity of beer and those who brew malt beverages by designating the week of October 3 as "Great American Beer Week." I ask my colleagues to join me in cosponsoring this legislation and I ask that the full text of the joint resolution be printed in the RECORD.

There being no objection, the resolution ordered to be printed in the RECORD, as follows:

S.J. Res. 138

Whereas the brewing industry stems from a great and proud tradition dating back beyond the time of our Founding Fathers;

Whereas the brewing industry is a major employer of American workers, providing for 2,700,000 jobs in the wholesale, retail, agriculture, packaging, trucking/rail and other related sectors;

Whereas malt beverages contribute over $14,000,000,000 in Federal, State, and local taxes in all 50 States of the Union;

Whereas it is a major exporter in the world marketplace;

Whereas the industry has proven to be an exemplary philanthropic force time and again, most recently during Hurricane Andrew and the "Flood of 1993";

Whereas understanding the need to protect the environment, the beer industry has pioneered waste reduction, recycling, and other conservation programs;

Whereas the brewers have proud records of national leadership, through innovations like the recyclable aluminum beverage can and accomplishments in the area of environmental stewardship;

Whereas the beer industry has played a significant role in the fight against alcohol abuse, drunk driving, and underage drinking; spending tens of millions each year on related educational and prevention programs; and

Whereas the industry creates a beverage that is enjoyed by over 80,000,000 responsible consumers all across America: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 3 through 10, 1993, shall be designated as "Great American Beer Week".

ADDITIONAL COSPONSORS

S. 401

At the request of Mr. CAMPBELL, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 401, a bill to amend title 23, United States Code, to delay the effective date for penalties for States that do not have in effect safety belt and motorcycle helmet safety programs, and for other purposes.

S. 579

At the request of Mr. SMITH, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 579, a bill to require Congress to comply with the laws it imposes on others.

S. 1082

At the request of Mr. COCHRAN, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1082, a bill to amend the Public Health Service Act to revise and extend the program of making grants to the States for the operation of offices of rural health, and for other purposes.

S. 1116

At the request of Mr. BURNS, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1116, a bill to amend the Internal Revenue Code of 1986 to clarify the deduction for expenses of certain home offices, and for other purposes.

S. 1180

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1180, a bill to amend the Internal Revenue Code of 1986 to encourage the production and use of wind energy.

S. 1250

At the request of Mr. BROWN, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1250, a bill to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain Park in the State of Colorado.

S. 1398

At the request of Mr. GRAHAM, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1398, a bill to provide law enforcement scholarships and retirement incentives.

S. 1478

At the request of Mr. PRYOR, the names of the Senator from Washington [Mr. GORTON], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 1478, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to ensure that pesticide tolerances adequately safeguard the health of infants and children, and for other purposes.

S. 1493

At the request of Mr. SPECTER, his name was withdrawn as a cosponsor of S. 1493, a bill to support the transition to nonracial democracy in South Africa.

SENATE JOINT RESOLUTION 90

At the request of Mr. ROBB, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of Senate Joint

SENATE JOINT RESOLUTION 103

At the request of Mrs. FEINSTEIN, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from New Mexico [Mr. BINGAMAN], the Senator from California [Mrs. BOXER], the Senator from New Jersey [Mr. BRADLEY], the Senator from Montana [Mr. BURNS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from North Dakota [Mr. CONRAD], the Senator from Idaho [Mr. CRAIG], the Senator from New York [Mr. D'AMATO], the Senator from Missouri [Mr. DANFORTH], the Senator from Arizona [Mr. DECONCINI], the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Nebraska [Mr. EXON], the Senator from Kentucky [Mr. FORD], the Senator from Ohio [Mr. GLENN], the Senator from Iowa [Mr. GRASSLEY], the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Florida [Mr. MACK], the Senator from Arizona [Mr. MCCAIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from New York [Mr. MOYNIHAN], the Senator from Georgia [Mr. NUNN], the Senator from Rhode Island [Mr. PELL], the Senator from Delaware [Mr. ROTH], the Senator from Tennessee [Mr. SASSER], the Senator from Illinois [Mr. SIMON], the Senator from Alaska [Mr. STEVENS], the Senator from Virginia [Mr. WARNER], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of Senate Joint Resolution 103, a joint resolution to designate the month of August as "National Scleroderma Awareness Month," and for other purposes.

SENATE JOINT RESOLUTION 127

At the request of Mr. BURNS, the names of the Senator from Indiana [Mr. COATS], the Senator from Arizona [Mr. MCCAIN], the Senator from South Carolina [Mr. THURMOND], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of Senate Joint Resolution 127, a joint resolution proposing an amendment to the Constitution prohibiting the imposition of retroactive taxes on the American people.

SENATE JOINT RESOLUTION 132

At the request of Mr. BURNS, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Alaska [Mr. STEVENS], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Tennessee [Mr. MATHEWS] were added as cosponsors of Senate Joint Resolution 132, a joint resolution designating the week of October 17, 1993, through October 23, 1993, as "National School Bus Drivers Safety Week."

SENATE RESOLUTION 128

At the request of Mr. LAUTENBERG, the names of the Senator from Ohio [Mr. METZENBAUM], the Senator from Hawaii [Mr. INOUYE], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of Senate Resolution 128, a resolution expressing the sense of the Senate regarding the protection to be accorded United States copyright-based industries under agreements entered into pursuant to the Uruguay round of trade negotiations.

AMENDMENTS SUBMITTED

LABOR—HHS—EDUCATION APPROPRIATIONS ACT

DOMENICI AMENDMENT NO. 969

Mr. DOMENICI submitted an amendment to the bill H.R. 2518 making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes, as follows:

On page 45, line 21, strike "any authorized activity" and all that follows through "Congress," on line 23 and insert the following: "alleviation of the funding shortfall in the Pell Grant program under subpart 1 of part A of title IV of the Higher Education Act of 1965.".

JEFFORDS (AND OTHERS) AMENDMENT NO. 970

Mr. JEFFORDS (for himself, Mr. DODD, Mr. SIMON, Mr. LEVIN, and Mr. SPECTER) proposed an amendment to the bill, supra, as follows:

On page 62, after line 19, insert the following:

SEC. 305. (a) The Congress finds that—

(1) in order to increase our Nation's standard of living and to increase the number of good jobs, the United States must increase its productivity and ability to compete in the international marketplace by improving the educational level of our workforce;

(2) although efforts are being made to establish higher educational standards and goals, there is a substantial shortage of resources to meet such standards and goals;

(3) States and local communities are finding it increasingly difficult to meet even higher educational standards and goals, and States will not be able to fund needed changes without Federal help to reach such standards and goals;

(4) the Federal Government has established many education programs but failed to provide adequate funding for such programs, for example one such program provides education to our Nation's disabled students and was established with a promise of 40 percent Federal funding but currently receives only 8 percent Federal funding;

(5) the annual shortfall in Federal education programs is approximately half of the promised funding;

(6) many needed education improvements will not need Federal funds, however, other suggested changes such as lengthened school years, better pay, after-school activities, mentoring for students at risk, programs for gifted students, and replacing substandard buildings will require substantial Federal assistance; and

(7) the Federal contribution to education is less than 2 percent of the total Federal budget, and in order to make education a national priority, the total percentage of Federal education funding should be increased by 1 percent each year over the next 8 years to reach 10 percent of the total Federal budget.

(b) It is the sense of the Congress that the total share of the Federal spending on education should increase by at least 1 percent each year until such share reaches 10 percent of the total Federal budget.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Monday, September 27, 1993, at 2 p.m. to hold nomination hearings on the following nominees:

Ms. Carol J. Lancaster, of the District of Columbia, to be Deputy Administrator of the Agency for International Development;

Ms. Margaret V.W. Carpenter, of California, to be Assistant Administrator for Asia of the Agency for International Development;

Mr. John Roggen Schmidt, of Illinois, for the rank of Ambassador during his tenure of service as the chief U.S. negotiator to the Uruguay round; and

Ms. Linda Tsao Yang, of California, to be U.S. Director of the Asian Development Bank, with the rank of Ambassador.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on September 27, 1993, at 2:30 p.m. on the nomination of Diane Blair, of Arkansas, to be a member of the Corporation of Public Broadcasting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

C–17 WING LOAD TEST

• Mr. D'AMATO. Mr. President, believe it or not, the failure of the wing of the C–17 in static test for a second time prompted the contractor to seek release of the flight test aircraft "to begin 100 percent design limit load tests at Edwards AFB." How would you like to be one of the test pilots drawing straws for that duty? A gust of wind, the wrong payload, and they will be redubbing the C–17 the "Widow Maker".

I ask that an article that appeared in the September 20, 1993 edition of RECORD as if read in its entirety.

The article follows:

PANEL TO SCRUTINIZE C–17 WING LOADS TEST

(By John D. Morrocco)

WASHINGTON.—U.S. Air Force Secretary Sheila Widnall has reconvened on independent panel of experts to determine whether a redesigned C–17 wing undergoing structural loads tests failed before or after it met design specifications.

The tests were conducted on a repaired wing modified by McDonnell Douglas to correct similar problems encountered in an earlier structural loads test. Last fall a wing failed just as the test force reached 130% of the aircraft's maximum operating load (AW&ST Oct. 12, 1992, p. 23). The specification calls for the aircraft to be able to meet 150% of maximum operating loads.

"McDonnell Douglas says they made 150%" of the design load limit in the most recent test, Widnall said. "OSD [Office of the Secretary of Defense] has basically said that they didn't."

Widnall said the Executive Independent Review team that evaluated the program earlier this year would be augmented with additional experts to be named by herself and Pentagon acquisition chief John Deutch. She said the panel, which is due to report its findings within the next month, would answer the questions of what happened, why it happened and what should be done.

Widnall acknowledged that the ambiguous test results were "not the greatest news we've had," coming just as the Pentagon is in the midst of a critical review of the transport program. Deutch chaired the second in a series of four scheduled Defense Acquisition Board meetings last week to consider C–17 requirements and possible alternatives.

The incident casts doubts on the effectiveness of earlier design changes, approved by the Air Force, which involved adding straps, doublers and stiffeners over a wide area of the wing. According to a recently released Pentagon inspector general's report, it costan estimated $40.7 million to analyze the earlier wing static test failure, repair the static test aircraft and design the wing fix. It will cost another $56.4 million to retrofit the wings of P–1 through P–10, the first 10 production aircraft.

But the retrofit is not considered a final design for future C–17s because it carries the risk of long-term corrosion problems. McDonnell Douglas engineers are working on designing a final production wing without the retrofit straps and stiffeners. The design costs are estimated at $32 million. But the redesigned wing will not be ready for installation until aircraft P–25 at the earliest, the inspector general's report said.

Yet another redesign as a result of a failed second test would cause further delays and cost growth in the program. The independent review team is likely to revisit other options that were suggested and rejected earlier, including installing an electronic active load control system (AW&ST Mar. 22, p. 28).

During the Sept. 10 test, the outer portion of the left wing experienced structural damage when the wings on the static test article were deflected approximately 145 in. upwards at the wingtips, according to the Air Force. The damage occurred toward the front of the wing in an area halfway between the outer engine pylon and wingtip. When an automatic overload control system sensed the damage, it began shutting down the test, which took slightly less than 1 sec.

But before the shutdown sequence actually started, the left wing began buckling in a second location, between the two engine pylons, according to the Air Force. The damage occurred in approximately the same area that buckled during the October tests.

Pentagon and McDonnell Douglas officials are at odds over whether the retrofit wing actually met specified structural load limits during the Sept. 10 test. According to the Air Force, the overall wing was experiencing approximately 145% of design load limit at the time of the failure. That is short of the 150% specification. But initial analysis indicates the area where the failure occurred may have been experiencing loads of 150% or greater, according to the Air Force.

McDonnell Douglas officials said a preliminary review of the test data has isolated the damage to two stringers. They maintain that at the time the damage occurred, the two stringers were being stressed loads of 151–153% and that the total average load on the wing was 150%.

The additional buckling that subsequently occurred in the wing area between the two engine pylons was a direct result of the initial damage, company officials maintain. Once the wing was damaged, structural loads were transferred across the wing in a much different pattern, which caused the secondary buckling, they said.

McDonnell Douglas officials initially claimed the test was "successful to the point that it may clear" flight test aircraft to begin 100% design limit load tests at Edwards AFB, Calif. That would enable them to acquire actual flight load data, which would be compared with data from the static ground tests. Test flight activities have been limited to 80% loads.

A retrofit of the wings on P–1, the first production aircraft, was recently completed. The aircraft was scheduled to resume flight tests at the end of the month.

Rep. John Conyers (D.-Mich.) rejected McDonnell Douglas' claim that the static test results were enough to clear the way for 100% loads flight test. "If this is a success, I would hate to think what they term a failure." he said.

Conyers, chairman of the House Government Operations Committee, also blasted the Air Force, which testified earlier this year that wing problems had been resolved. "What makes this a profoundly serious event is that after the first failure on Oct. 1, 1992, we were assured that numerous expert teams had approved the wing fix and that it was absolutely solid." he said.

Even before the incident, Conyers cosponsored an amendment to the Fiscal 1994 Defense authorization bill, which was approved by the full House last week, placing several restrictions on C–17 funding. These would be in addition to several other restrictions, which have already been written into the bill (AW&ST) Aug. 2, p. 21). The amendment would limit C–17 progress payments until the secretary of Defense can certify:

That software testing and avionics integration have been completed and the costs of waivers for software noncompliance have been identified.

That costs relating to wing structural deficiencies have been identified and are being met by McDonnell Douglas.

That an analysis of operational impacts caused by deficiencies in the range/payload specifications is completed.

Rolls-Royce is citing C–17 range/payload shortfalls and cost and weight problems to support an unsolicited proposal to compete against Pratt & Whitney to provide the engines for the new transport. Rolls wants the Air Force to set up an engine competition based on commercial practices that would pit the PW2040, the commercial version of the C–17's F117–PW–100 engines against its RB211–535.

The company claims that by using commercial pricing and support practices, it can reduce procurement costs by 30% and support costs by 50%. Rolls also points to a 5,000-lb. weight savings and fuel burn advantages that will "certainly enhance the aircraft's ability to meet original specifications."•

THE FEDERAL TRADE COMMISSION ACT AMENDMENTS OF 1993

• Mrs. HUTCHISON. Mr. President, on August 24, 1993, the Senate Commerce

Committee reported the Federal Trade Commission Act Amendments (S. 1179), which passed the Senate by voice vote September 22, 1993. When the Commerce Committee, of which I am a member, voted to report S. 1179, I voted against the measure.

I voted against this bill for a very simple reason. It contains annual increases in authorization levels for the Federal Trade Commission over the life of the authorization that are based on anticipated levels of inflation. I do not believe that an agency should get automatic increases in future authorizations. In order for Congress to exercise its proper oversight authority, agency budgets should not be put on autopilot and receive obligatory annual raises.

The people of Texas sent me here to help restore budgetary responsibility through setting priorities and justifying the expenditure of taxpayer dollars. This vote is part of my effort to carry out my commitment in this regard.•

SITUATION IN SOMALIA

• Mr. D'AMATO. Mr. President, I rise to call attention to the increasingly deteriorating situation in Somalia. As we all are aware, three more Americans died and four were wounded this past Saturday. One of those soldiers killed and the four wounded were from Fort Drum in New York.

When American ground forces were introduced into Somalia 10 months ago by the previous administration, a move, I might add, I fully supported in order to save the starving of Somalia, they had a clearly defined and achievable objective—to protect the delivery of the humanitarian aid shipments. Unfortunately, the present administration has strayed from this objective and has allowed the true purpose of our troops to become clouded. Now, our soldiers have become the sitting targets for ever more frequent guerrilla attacks of increasing intensity. This confusing state of our mission has brought an ever-increasing cost both in terms of lives as well as money. Our troops have been cast into a fractious war where no one group can win, and all, in the end, will lose. The administration seems adrift and unable or even unwilling to save itself.

This disturbing precedent is not without severe implications. The lives of American troops cannot be endangered by the wavering of command regarding the mission and purpose of our forces that is now occurring. If Somalia is an indication of how the administration will command our troops in any future operations such as in Bosnia, then this Senator will withhold his approval of any such operation. Our troops come before warring factions who offer only death to those who cross their path. The administration should take note of this before placing American soldiers in harms way.•

ORDERS FOR TUESDAY, SEPTEMBER 28, 1993

Mr. HARKIN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Tuesday, September 28; that following the prayer, the Journal of the proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day, and that the Senate then resume consideration of H.R. 2518, the Labor, Health and Human Services appropriations bill.

I further ask unanimous consent that on Tuesday, September 28, the Senate stand in recess from 12:30 p.m. until 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TUESDAY, SEPTEMBER 28, 1993, AT 9:30 A.M.

Mr. HARKIN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 5:26 p.m., recessed until Tuesday, September 28, 1993, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate after the recess of the Senate on September 24, 1993, under authority of the order of the Senate of January 5, 1993:

THE JUDICIARY

ROSEMARY BARKETT, OF FLORIDA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT, VICE PAUL H. RONEY, RETIRED.

RAYMOND A. JACKSON, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA, VICE RICHARD L. WILLIAMS, RETIRED.

JOANNA SEYBERT, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650 APPROVED DECEMBER 1, 1990.

DEPARTMENT OF JUSTICE

JOHN JOSEPH KELLY, OF NEW MEXICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF FOUR YEARS, VICE DON J. SVET.

CARL KIMMEL KIRKPATRICK, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE JERRY G. CUNNINGHAM, RESIGNED.

MICHAEL RANKIN STILES, OF PENNSYLVANIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE EDWARD S.G. DENNIS, JR., RESIGNED.

HOUSE OF REPRESENTATIVES—*Monday, September 27, 1993*

The House met at 1 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, from whom comes every good gift, we pray that we will use the resources of power to preserve what is good and to correct that which is evil. May not our own selfishness or our narrow vision cause us the misuse of any authority so it hurts or hinders others. Give us the strength, O God, so we will use our abilities and our energy so that in all things, justice will flow down as waters and righteousness like an everflowing stream. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Colorado [Mrs. SCHROEDER] come forward and lead the House in the Pledge of Allegiance.

Mrs. SCHROEDER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 27, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Friday, September 24, 1993 at 2:52 p.m.: that the Senate agreed to the House amendment to S. 1130 and passed without amendment H.R. 2074 and H.R. 3051.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 27, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, September 27, 1993 at 10:40 a.m. and said to contain a message from the President whereby he transmits a copy of an Executive order entitled "Prohibiting Certain Transactions Involving UNITA."

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk.

PROHIBITING CERTAIN TRANSACTIONS INVOLVING UNITA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–138)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. section 1703(b), and section 301 of the National Emergencies Act, 50 U.S.C. section 1631, I hereby report that I have exercised my statutory authority to declare a national emergency with respect to the actions and policies of the National Union for the Total Independence of Angola ("UNITA") and to issue an Executive order prohibiting the sale or supply to Angola, other than through designated points of entry, or to UNITA, of arms and related materiel and petroleum and petroleum products, regardless of their origin, and activities that promote or are calculated to promote such sale or supply. These actions are mandated in part by United Nations Security Council Resolution No. 864 of September 15, 1993.

The Secretary of the Treasury is authorized to issue regulations in exercise of my authorities under the International Emergency Economic Power Act and the United National Participation Act, 22 U.S.C. section 287c, to implement these prohibitions. All Federal agencies are also directed to take actions within their authority to carry out the provisions of the Executive order.

I am enclosing a copy of the Executive order that I have issued. The order was effective immediately upon its signature on September 26, 1993.

I have authorized these measures in response to the actions and policies of UNITA in continuing military actions, repeated attempts to seize additional territory, and failure to withdraw its troops from the locations that it has occupied since the resumption of hostilities, in repeatedly attacking United Nations personnel working to provide humanitarian assistance, in holding foreign nationals against their will, in refusing to accept the results of the democratic elections held in Angola in 1992, and in failing to abide by the "Acordos de Paz." The actions of UNITA constitute an unusual and extraordinary threat to the foreign policy of the United States.

On September 15, 1993, the United Nations Security Council adopted Resolution No. 864, condemning the activities of UNITA and demanding that UNITA accept unreservedly the results of the democratic election of September 30, 1992, and abide fully by the "Acordos de Paz." The resolution decides that all states are required to prevent the sale or supply of arms and related materiel and petroleum and petroleum products to Angola, other than through named points of entry specified by the Government of Angola. The measures we are taking express our outrage at UNITA's continuing hostilities and failure to abide by the outcome of Angola's democratic election.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 26, 1993.*

EXECUTIVE ORDER

PROHIBITING CERTAIN TRANSACTIONS INVOLVING UNITA

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c), and section 301 of title 3, United States Code, and in view of United Nations Security Council Resolution No. 864 of September 15, 1993,

I, WILLIAM J. CLINTON, President of the United States of America, take notice of the United Nations Security Council's determination that, as a result of UNITA's military actions, the situation in Angola constitutes a threat to international peace and security, and find that the actions and policies of UNITA, in continuing military actions, repeated attempts to seize additional territory and failure to withdraw its troops from locations that it has occupied since the resumption of hostilities, in repeatedly attacking United Nations personnel working to provide humanitarian assistance, in holding foreign nationals against their will, in refusing to accept the results of the democratic elections held in Angola in 1992, and in failing to abide by the "Accordos de Paz," constitute an unusual and extraordinary threat to the foreign policy of the United States, and hereby declare a national emergency to deal with that threat.

I hereby order:

Section 1. The following are prohibited, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or contract entered into or any license or permit granted before the effective date of this order, except to the extent provided in regulations, orders, directives, or licenses which may hereafter be issued pursuant to this order:

(a) The sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related material of all types, including weapons and ammunition, military vehicles and equipment and spare parts for the aforementioned, as well as petroleum and petroleum products, regardless of origin:

(1) to UNITA;

(2) to the territory of Angola, other than through points of entry to be designated by the Secretary of the Treasury, or any activity by United States persons or in the United States which promotes or is calculated to promote such sale or supply.

(b) Any transaction by any United States person that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order.

Sec. 2. For purposes of this order:

(a) The term "United States person" means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States (including foreign branches), or person in the United States;

(b) The term "UNITA" includes;

(1) the Uniao Nacional para a Independencia Total de Angola (UNITA), known in English as the "National Union for the Total Independence of Angola;"

(2) the Forcas Armadas para a Liberacao de Angola (FALA), known in English as the "Armed Forces for the Liberation of Angola;" and

(3) any person acting or purporting to act for or on behalf of any of the foregoing, including the Free Angola Information Service, Inc.

Sec. 3. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by the International Emergency Economic Powers Act and the United Nations Participation Act as may be necessary to carry out the purpose of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government.

Sec. 4. Nothing contained in the order shall be construed to supersede the requirements established under the Arms Export Control Act (22 U.S.C. 2751 *et seq.*) and the Export Administration Act (50 U.S.C. App. 2401 *et seq.*) to obtain licenses for the exportation from the United States or from a third country of any goods, data, or services subject to the export jurisdiction of the Department of State or the Department of Commerce.

Sec. 5. All Federal agencies are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order, including suspension or termination of licenses or other authorizations in effect as of the date of this order.

Sec. 6. Nothing contained in this order shall create any right or benefit, substantive, or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 7. (a) This order shall take effect immediately.

(b) This order shall be transmitted to the Congress and published in the *Federal Register*.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 26, 1993*.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 38. An act to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes.

H.R. 2243. An act to amend the Federal Trade Commission Act to extend the authorization of appropriations in such Act, and for other purposes.

H.R. 2517. An act to establish certain programs and demonstrations to assist States and communities in efforts to relieve homelessness, assist local community development organizations, and provide affordable rental housing for low-income families, and for other purposes.

H.R. 2608. An act to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program.

H.R. 2491. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2491) an act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Ms. MIKULSKI, Mr. LEAHY, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. KERREY, Mrs. FEINSTEIN, Mr. BYRD, Mr. GRAMM, Mr. D'AMATO, Mr. NICKLES, Mr. BOND, Mr. BURNS, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2493) an act making appropriations for agriculture, rural development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1994, and for other purposes, and agrees to the amendments of the House to the amendments of the Senate numbered 8, 28, 36, 40, 74, 78, 111, 136, 137, and 142.

The message also announced that the Senate agrees to the amendments of the House to the amendment of the Senate numbered 29 with an amendment and the Senate agrees to the amendment of the House to the amendment of the Senate numbered 164 with an amendment.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1493. An act to support the transition to nonracial democracy in South Africa.

The message also announced that pursuant to Public Law 93-415, as amended by Public Law 102-586, the Chair, on behalf of the majority leader, after consultation with the Republican leader, announces the appointment of Lisa Beecher of Maine, to the Coordinating Council on Juvenile Justice and Delinquency Prevention, vice Ronald Costigan, resigned.

The message also announced that pursuant to Public Law 102-166, the Chair, on behalf of the majority leader, appoints Ann Szostak of Maine, as a member of the Glass Ceiling Commission, vice Joanne D'Arcangelo, resigned.

UNITED AUTO WORKERS FORMER PRESIDENT ENDORSES NAFTA

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, given the flurry of issues challenging the Congress these days, if it is Monday, it must be NAFTA.

Mr. Speaker, I want to call to your attention a news item that will be of great interest to the Congress.

Last week Douglas Fraser, former president of the United Auto Workers, endorsed NAFTA.

Speaking at Georgetown Law School, Mr. Fraser said that opposition to NAFTA is based on emotion, fear, and insecurity.

According to Fraser, NAFTA will uplift our country, uplift the Mexicans and make them better customers for American products.

The fact is that for the auto industry, NAFTA will be a very good thing. It will be a huge improvement in the status quo which, because of Mexico's high protective tariffs, strictly limits the sale of United States-made automobiles.

Passage of NAFTA would remove these barriers and, according to the Department of Commerce, could mean up to $1 billion in potential new auto related sales in the first year of the agreement's enactment. This translates into the creation of roughly 20,000 jobs in year 1.

The irony is that NAFTA will help rank-and-file union members—the same people opposing the agreement.

In spite of the facts, I know Mr. Fraser's decision to speak out on the issue of NAFTA was not easy. It would have been easy for him to remain silent on this controversial issue.

I applaud Mr. Fraser's courage and intellectual honesty on NAFTA.

He knows better than anybody that passage of NAFTA is so critical.

We can not afford to retreat behind our borders. Yet by opposing NAFTA this is precisely what Perot and other protectionist opponents are seeking to do.

History tells us that we will pay dearly if NAFTA is defeated.

We can not put off making tough decisions by sticking our heads in the sand.

Leadership is about making decisions for the long-term good of the country.

We can not do that by retreating. We must do it by competing.

Mr. Fraser's recent endorsement of NAFTA reaffirms this.

INTERNATIONAL PEACEKEEPING AS U.S. FOREIGN POLICY

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, this morning President Clinton addressed the United Nations General Assembly in what could well be the seminal foreign policy address of his administration. In a clear and concise manner, he outlined his vision for the United States in the international community, and the proper role of international peacekeeping.

The President properly noted that, faced with innumerable requests for peacekeeping assistance, the United States at the United Nations must ask tough questions before dispatching its troops for peacekeeping activities in far-flung trouble spots. Is there a genuine threat to international peace? Are the mission objectives clearly defined? Does the operation have an identifiable end point? How much will the operation cost?

To these commonsense—and ofttimes ignored—guidelines, this Member would raise one additional consideration for the Clinton administration to ask itself, is it in our national interest to be engaged? If we do not have satisfactory answers to all of these questions, The United States should refuse to participate.

Mr. Speaker, these were precisely the questions that should have been asked—but apparently were not—before the United States signed on to the U.N.'s nation-building efforts in Somalia. With unclear objectives, spiraling costs, and no clear end point, the Somalia operation increasingly seems misguided and ill-conceived.

What began as a sharply limited, perfectly justifiable, and short-term humanitarian mission has suddenly become an adventure in nation building. We came to Somalia as heroes, but are now engaged in a brutal civil war where the United Nations is seen by Somalis in their capital city as an oppressive occupation force. And now, incredibly, because the current force is not able to pacify Mogadishu, the U.N. commander is asking for more troops. Another brigade is needed, we are now being told, and the Somalia capital can be pacified. Does that sound like Vietnam in the Johnson administration?

Mr. Speaker, this Member sincerely hopes that the administration can implement the sensible peacekeeping policy that was outlined by the President this morning. President Clinton should follow his own advice—and in the case of Somalia—follow it retroactively. Our troops must all be withdrawn from Somalia now.

CONGRESS SHOULD SPEND TIME CREATING JOBS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, there is not an American television, telephone, typewriter, or VCR made in America. Most of them have moved to Mexico.

So last week General Motors announced they were laying off another 100,000 workers. Tell me, Mr. Speaker, how many of those workers in Mexico will be laid off by General Motors? Not one. All those 100,000 will be Americans.

Let us tell it like it is. American jobs are already melting away to Mexico. NAFTA will make them disappear completely. And here is how it works: They will send them back on Mexican trucks, that will not even be subject to the same regulations our truck drivers in America face every day.

Think about it, ladies and gentlemen.

There will be some speed bumps though. They will continue to have unemployed workers and their kids laying in the streets being slaughtered because as the end result they cannot find a job.

If we want to look at crime and problems in America, maybe Congress should spend some time on creating some jobs.

CLINTON PLAN NOT THE ONLY PLAN FOR HEALTH CARE REFORM

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Speaker, health care is on the front burner, and I am pleased about that. It has been on the front burner for some time, as a matter of fact. Many of us in the Congress have been working on health care. The States have done a great deal, and I suspect over time will do more, as a matter of fact, than will the Federal Government.

So I am really offended by the idea that doing nothing is the alternative to the administration's plan. Doing nothing is not the alternative. Indeed, there are a number of things that we could do and should be doing that would bring about fundamental change, and would do it now.

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They could be done quickly, they could be done, many of them, without acts of Congress. They cost very little, and they do not need to be held back until we go through this extended debate about the increased bureaucracy and the billions of dollars of costs that go into the administration. What are they? Real tort reform, for one, which could reduce costs substantially. The administrative task force, started last year, has some ideas about how you can come up with a single sheet. It can be done right now.

Equal reimbursement for Medicare and Medicaid in States like mine, in Wyoming, which are reimbursed less than others. If we want to attract physicians to rural areas, that will do it. Fundamental insurance reform can be done and can be done now.

Mr. Speaker, the debate and the conflicts over this administration's plan will go for a long time. There are things we can do that can change health care for the American people. We should do it and do it now.

HEALTH CARE REFORM: WOMEN SHOULD BE ON AN EQUAL BASIS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, America's women are going to be listening very carefully to this health care debate because over and over again, if there has been any health care rationing, it has been on women and if there has been any group that has been subject to political decisions rather than medical decisions, it has been women, and they are tired of it.

If this train leaves the station, and we certainly hope that it does, women must be in the same class seats that men are. One of the things that makes us very nervous is the fact that reproductive services are not defined in the basic package. Right now, as a legacy of the Reagan era, you can give reproductive money to institutions that only believe in natural family planning. I do not know what the rest of the people call folks who use natural family planning, but in Colorado we call them parents.

So we do not consider that real reproductive choices.

So we want to see that definition spelled out so that the Reagan legacy does not continue on and that every woman will have a full range of reproductive services in her basic service package and there will not be any games played.

GOVERNMENT-RUN HEALTH CARE

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, last week President Clinton prescribed a new miracle drug to cure our health care woes—a Government run and controlled health care system. Peddling the snake oil, the President wants to force feed this untried, untested, lab experiment whose side effects are still unknown to a vulnerable group of 250 million Americans.

We do not even allow the simplest aspirin and other medicines to enter the market before being thoroughly tested and tried out. So now why are we being forced to swallow this radical Government takeover of health care without any idea of how it will work in the real world.

Mr. Speaker, at the very least we need to test this new miracle drug the President calls reform. If not, we can only hope that the cure is not worse than the disease.

THE PERILS OF LEGISLATING ON AN APPROPRIATION BILL

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker and colleagues, I take this time to inform the Members of the perils of legislating on an appropriation bill without consideration of the legislative language. Recently, during consideration of the conference report on agriculture appropriations, the House took action on the honey program, and the Senate has acted on the Wool and Mohair Act. What has failed to be mentioned is that unless you fix the legislative side, you may do more harm than you intended to.

The honey amendment that was passed on an appropriations bill is winding up to cost more than the program itself now costs. The wool and mohair will unemploy or put on unemployment thousands of workers, mostly Hispanic, native Americans, or Basques in the far West, and no one is looking at the impact. It is very good to get a headline or to get a radio spot that says, "We cut that Wool and Mohair Act." But what about the people that are going to be unemployed, the Indian tribes that will be without resources? What about the people in those vast lands that are not good for anything else?

So I am telling my colleagues, be cautious and be careful. Look to your legislative committees before you act on appropriations bills because the perils are not worth the effort and you may wind up doing more harm than good.

TODAY IS THE DAY

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, thanks largely to Congressman JIM INHOFE, today is the day that we finally have opportunity to vote on legislation that will begin to open the doors of the people's House to the people's scrutiny.

Mr. Speaker, the legislation I am talking about is House Resolution 134 and it will reform an arcane rule that has allowed a few Members to keep legislation bottled up in the legislative process.

To put it in simple terms, there is a monopoly of power in this House and in that game of Monopoly, this legislation is a "Get Out of Jail Free" card to bills the American people want, but some House leaders do not.

It is ironic that this legislation was supposed to fall prey to the very process it is intended to correct. Not until 218 Members had signed a discharge petition did House Resolution 134 made it to the House floor. Until then, it was just another good piece of legislation that the leaders of this House would never tell their constituents they opposed, but which they would never have to support.

Today all that will change. Members of Congress will now take a step toward being more accountable to their constituents. Not everyone in this House is happy about today's turn of events, but certainly the American people should be.

BIG DEFENSE BUDGET NO PROTECTION AGAINST REAL ENEMIES

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, this week this Congress will approve a defense budget that totals $264 billion.

This budget will include every exotic weapon you could possibly think of and the most ironic thing about it will be the fact that we really have no enemy that those weapons are designed to kill. I do not mean that the United States has no enemies but they are not the ones that the defense budget will protect us against.

Our enemies are very real and they are very scary but their names are not the names of foreign powers. Our enemies are: decaying schools, neglected children, violent streets, too few jobs, disgraceful housing.

We need a national defense budget that addresses our real enemies.

UNICEF has just published a report that shows that 20 percent of U.S. children live below the poverty level; that is twice the rate of any other industrialized nation. That is a disgrace and I for one refuse to accept these skewed priorities.

TRIBUTE TO A HERO: MICHAEL DOPHEIDE OF OMAHA

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker and colleagues, I just want to tell all of you how proud we are of Michael Dopheide of Omaha, who was a hero in the train disaster that occurred late last week.

I have here an article that appeared in yesterday's New York Times that recites in some detail the individual acts of heroism that Michael participated in in the early morning darkness after the accident occurred, where he led more than 30 people to safety from the derailed Amtrak train.

This is outlined in some detail. Let me just read a paragraph or two that I have time for under these limited rules:

> Michael Dopheide will return home to Omaha on Sunday not just as a survivor of Amtrak's deadliest accident but also as a hero.
>
> Passengers say Mr. Dopheide, covered in diesel fuel and menaced by burning debris,

guided more than 30 people to safety from a partly submerged coach of the derailed Sunset Limited early Wednesday.

And the article goes on to detail Mr. Dopheide's acts of heroism. We are very proud to have such an Omahan who played such an important role in this disaster.

[From the New York Times, Sept. 26, 1993]

TRAIN JOURNEY INTO DISASTER AND HEROISM

MOBILE, AL, September 24.—Michael Dopheide will return home to Omaha on Sunday not just as a survivor of Amtrak's deadliest accident but also as a hero.

Passengers say Mr. Dopheide, covered in diesel fuel and menaced by burning debris, guided more than 30 people to safety from a partly submerged coach of the derailed Sunset Limited early Wednesday.

"I just did what anybody else would have done in the same position," said Mr. Dopheide, a 26-year-old former lifeguard who recently graduated from the DePaul University law school in Chicago.

He said he had removed his glasses and shoes to get some sleep when the train crashed, throwing the coach into the water at a 45-degree angle. In the confusion that followed, he lost his glasses. "I was practically blind through the whole ordeal," he said Friday from his hotel room here.

Mr. Dopheide, who was traveling from Los Angeles to Miami for a vacation, was dozing in his seat shortly after 3 A.M., when the train derailed on a 7-foot-high bridge and crashed into Big Bayou Canot. Thrown from his seat, he found himself amid chaos: water was rapidly rising in the coach, smoke was pouring in from a fire in the next car and passengers were struggling to open an emergency exit.

Someone knocked out a window, and Mr. Dopheide was among the first to escape into the dark bayou, he said.

FEARED COACH WOULD SINK

Burning railroad ties and other debris from the bridge floated nearby, he said, spitting sparks that stung his bare arms. He could see that the car behind his was submerged, and he said he feared his coach would also sink.

"I knew we had to get everybody out of there as soon as we could," he said.

A wooden beam from the bridge had impaled the coach, and Mr. Dopheide wrapped his left arm around it for support. With his right arm, he said, he pulled other passengers through the window from which he had escaped.

"We could only work one at a time," he said, "I was just trying to get everybody going." He said it took about 30 minutes to empty the car.

The passengers had to jump about six feet into the water and then swim 10 feet to a bridge piling, where they clung to a steel girder until a rescue boat arrived about an hour after the accident. Debris kept floating into the water as the passengers were jumping, but Mr. Dopheide said he kicked it away with his bare feet. His only injuries were scratches to his feet and left arm.

Adele Massaro, a passenger from San Antonio, told The Mobile Press-Register: "The only thing that kept me going was his calm voice. I just followed his voice to safety."

FIRE, "CROCODILES" AND SNAKES

Mrs. Massaro was one of three or four passengers could not swim well enough to reach the steel girder. Mr. Dopheide, who worked as a lifeguard in the summer of 1986 and is certified as a water-safety instructor, said he told them to put their arms around his neck, then swam them to the girder.

Most passengers were calm, Mr. Dopheide said. But diesel fuel from the train's engines had spread across the bayou and soaked the passengers, who worried about a fire, "along with the crocodiles and the snakes," Mr. Dopheide said.

"Having all those threats at once was kind of overwhelming," he said.

Since the crash, Mr. Dopheide has abandoned his plan to visit Miami. Instead, he will fly home to Omaha. There, he said he wants to "settle down and collect my thoughts."

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RICHARDSON). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of legislative business today.

PRINTING OF STATEMENTS IN TRIBUTE TO LATE JUSTICE THURGOOD MARSHALL

Mr. MANTON. Mr Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 133) providing for the printing of a collection of statements made in tribute to the late Justice Thurgood Marshall, as amended.

The Clerk read as follows:

H. CON. RES. 133

Resolved by the House of Representatives (the Senate concurring), That a collection of statements made in tribute to the late Justice Thurgood Marshall, together with related materials, shall be printed as a House document, with illustrations and suitable binding. The collection shall be prepared under the direction of the Joint Committee on Printing.

SEC. 2. In addition to the usual number, there shall be printed the lesser of—

(1) 50,000 copies (including 1,000 casebound copies) of the document, of which 33,440 copies (including 440 casebound copies) shall be for the use of the House of Representatives, 7,600 copies (including 100 casebound copies) shall be for the use of the Senate, and 8,960 copies (including 460 casebound copies) shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $66,988, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of casebound copies be less than one per Member of Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. MANTON] will be recognized for 20 minutes, and the gentlewoman from Washington [Ms. DUNN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. MANTON].

Mr. MANTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 133 would authorize the printing of a collection of statements made in tribute to the late Justice Thurgood Marshall, as prepared under the direction of the Joint Committee on Printing. Mr. Speaker, this collection will pay proper homage to a man who dedicated his life to justice.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution would simply allow for a small tribute to a man who is a beacon of the civil rights community and a hero for all Americans—Supreme Court Justice Thurgood Marshall. As the chief counsel for the NAACP, he presented the legal argument that resulted in the 1954 Supreme Court decision that desegregated America's schools. The first African-American to sit on the Supreme Court, Justice Marshall played a major role in landmark court decisions in four decades. Mr. Speaker, I urge my colleagues to support this resolution to honor this great American.

Mr. MANTON. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. ROSE], the chairman of the full committee.

Mr. ROSE. Mr. Speaker, I thank the chairman of the subcommittee for yielding this time to me. I apologize for interrupting his fast-moving business here today.

Mr. Speaker, I would like to enter into a discussion with the distinguished ranking minority member of the full committee, the gentleman from California [Mr. THOMAS] for the purpose of providing information on our discussions about the status of the joint committees of the Congress.

Now, as I yield, understand that we have jurisdiction in the Committee on House Administration over the Joint Committee on Printing and the Joint Committee on the Library only.

Mr. Speaker, I yield to the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Speaker, I thank the gentleman for yielding to me.

I fully understand that the Committee on House Administration has jurisdiction over the Liberty of Congress and the Joint Committee on Printing.

Mr. Speaker, as the chairman knows, on March 17, 1993, I asked that the Committee on House Administration examine the question of restructuring or eliminating those joint committees.

The form of government information continues to evolve. As the chairman knows since we worked so hard on this, the GPO access bill, which was passed by a bipartisan vote, will enhance public access to Federal information stored electronically. It is an example of the changing way in which information is being handled inside the Government. It is changing the context of what printing is and the possibilities of disseminating that information electronically.

Because of that, I think we should evaluate the role of the Government Printing Office and the Superintendent of Documents, as well as the proper relationship between the Library of Congress, the Joint Committee on the Library, and the Joint Committee on Printing.

We obviously are not alone in examining this area. The Vice President has examined this area of our responsibility. We have the Joint Committee on the Reorganization of Congress which may be examining this area, and specifically through the minority leader, Republicans have insisted that the Joint Committee on Printing be completely rethought.

It seems to me, I say to the chairman, that in light of these factors, I understand the chairman is prepared to examine the restructuring and the possible elimination of the Joint Committee on Printing.

Mr. ROSE. Mr. Speaker, I thank the gentleman for his comments.

As we discussed, I am prepared, as the chairman of the committee, to present the results of our analysis of the Joint Committee on Printing to the House Administration Committee in early October, probably as early as the 5th of October. After Members have had an opportunity to review our findings, we will convene a meeting of the full committee to discuss our recommendations on the restructuring or the elimination or the change in the role of the Joint Committee on Printing, which certainly could include the elimination.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield further?

Mr. ROSE. Yes; I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Speaker, I thank the gentleman for his comments. It points out that although there has been interest generated in this area by the Vice President's investigation of what may or may not come out of the Joint Committee on Printing, clearly the Committee on House Administration, given its jurisdictional responsibilities, was focused on this prior to the press attention. This is an area that needs examination and I look forward to an ongoing reevaluation of this area.

Mr. ROSE. That is a very good point, and I thank the gentleman for making it.

I would also say that I believe our understanding is that whatever discussions we have in the Committee on House Administration and whatever recommendations we come forth with about the change in the role or the restructuring or even the elimination of the Joint Committee on Printing, that we would have to seek an agreement with the Senate at some point to go along with that; but what we are going to do is to express how we feel in the House of Representatives about that and then leave it up to others to do as they please.

Mr. Speaker, I thank the gentleman for his comments, and I thank the subcommittee chairman for his indulgence.

Ms. DUNN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MANTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MANTON] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 133, as amended.

The question was taken; and (two thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution providing for the printing as a House document of a collection of statements made in tribute to the late Justice Thurgood Marshall.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MANTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on House Concurrent Resolution 133, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PRINTING OF SENATORS OF THE UNITED STATES: A HISTORICAL BIOGRAPHY

Mr. MANTON. Mr. Speaker, I move that the House suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 4) to authorize printing of "Senators of the United States: A Historical Bibliography," as prepared by the Office of the Secretary of the Senate, as amended

The clerk read as follows:

S. CON. RES. 4

Whereas informed research on the history and operations of the United States Congress depends on full access to existing scholarly studies of its former members, as well as to their published papers and other writings; and

Whereas no recent compilation of these significant research resources presently exists: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document, the book entitled "Senators of the United States: A Historical Bibliography" prepared by the Senate Historical Office under the supervision of the Secretary of the Senate.

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number, there shall be printed for the use of the Office of the Secretary of the Senate the lesser of—

(1) 5,000 copies of the document; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $85,180.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. MANTON] will be recognized for 20 minutes, and the gentlewoman from Washington [Ms. DUNN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. MANTON].

Mr. MANTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate Concurrent Resolution 4, as amended, would authorize the printing of "Senators of the United States: A Historical Bibliography," as prepared by the Office of the Secretary of the Senate.

It is designed to promote an understanding of Congress and its former Members for an audience that includes secondary school students, academic researchers, and the general public.

The resolution was amended in committee to make certain that GPO cost estimates are not exceeded.

Mr. Speaker, I reserve the balance of my time.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate Concurrent Resolution 4, provides for the printing of "Senators of the United States: A Historical Bibliography." In the Subcommittee on Personnel and Police, I introduced an amendment that would place cost caps on these resolutions. Previously, resolutions were passed that authorized the printing of a specific number of copies without placing a total expenditure limit. Thus, the maximum number of copies was often printed, regardless of the total price of production. My amendment simply states that we will authorize the printing of 5,000 copies or such number as does not exceed a total production and printing cost of $85,180.

Similar cost capping amendments have been added to Senate Concurrent Resolution 5 and Senate Concurrent Resolution 6. I wish to thank my chairman, Mr. MANTON, for his work in keeping the costs of these resolutions under control.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. Speaker, I yield such time as he may consume to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I just wanted to make the comment that last May, the ranking Republican on the House Administration Committee, Mr. THOMAS, wrote to me informing me that the committee would review the status of the joint committees. I encouraged that review and stated that based on my own evaluation, the committees should be abolished.

In fact, Republicans proposed just that in our reform package presented at the beginning of the 103d Congress, and last week, when these printing resolutions were initially scheduled, I asked the committee whatever happened to the review of the joint committees. What action had been taken?

It is my understanding that the Committee on House Administration has yet to take any action on these joint committees—no hearings, none scheduled, no actions to date. "No action," that is the refrain that is so often heard around here when it comes to reform. "No action" just will not cut it anymore with me, or, I do not think, with the American people.

While I am encouraged by what I have heard the chairman state on the floor today I still believe the Joint Committee on Printing should be abolished forthwith.

I insert into the RECORD correspondence between myself and the ranking Republican, the gentleman from California [Mr. THOMAS].

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, September 17, 1993.

Hon. WILLIAM M. THOMAS,
Ranking Republican, Committee on House Administration, H-330, The Capitol, Washington, DC.

DEAR BILL: I noticed that there are four printing resolutions on the Suspension Calendar for Tuesday, September 21.

Several months ago you informed me that the Committee was going to review the joint committees on printing and libraries. I responded in a May 25 letter to you that I supported the review and recommended that the two joint committees be abolished.

It is my understanding that the Committee has yet to have a hearing on this issue or taken any action whatsoever.

In light of this, I feel compelled to oppose H. Con. Res. 133, S. Con. Res. 4, S. Con. Res. 5, and S. Con. Res. 6 when they are considered on the House Floor. I wanted you to be aware of my opposition and I will convey the same to the Republican Whip, and all House Republicans.

Sincerely,

BOB MICHEL,
Republican Leader.

HOUSE OF REPRESENTATIVES,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, May 25, 1993.

Hon. WILLIAM M. THOMAS,
Ranking Republican, Committee on House Administration, H-330, The Capitol, Washington, DC.

DEAR BILL: Several weeks ago you informed me that the Committee on House Administration would review the status of the joint committees under its control—the Joint Committee on Printing and the Joint Committee on the Library.

I welcome this review and the opportunity to express my personal views on the issue. After looking over the operations of these two joint committees, including their jurisdiction, staffing, and costs, I am convinced that these committees should be terminated.

The House Administration Committee can retain jurisdiction over these issues, without a formal joint committee. Furthermore, the work of the committees is sporadic and just cannot justify the expenditures.

Your efforts in reviewing the joint committees is to be commended. As we look to make the House more productive and cost efficient, the joint committees are the first place to look.

Sincerely,

BOB MICHEL,
Republican Leader.

Ms. DUNN. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. MANTON. Mr. Speaker, I, too, have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RICHARDSON). The question is on the motion offered by the gentleman from New York [Mr. MANTON] that the House suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 4) as amended.

The question was taken.

Ms. DUNN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. MANTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Concurrent Resolution 4, as amended, the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PRINTING OF "GUIDE TO RESEARCH COLLECTIONS OF FORMER UNITED STATES SENATORS"

Mr. MANTON. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 5) to authorize printing of "Guide to Research Collections of Former United States Senators," as amended.

The Clerk read as follows:

S. CON. RES. 5

Where informed research on the United States Congress depends heavily on access to the office files, personal papers, oral history interview transcripts, and associated memorabilia of its former members;

Whereas the Senate in 1983 and the House of Representatives in 1988 have published well-received guides to these materials; and

Whereas thousands of new entries have been added to the Senate's 1983 edition and supplies of this award-winning reference guide have been exhausted: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document, the book entitled "Guide to Research Collections of Former United States Senators" prepared by the Senate Historical Office under the supervision of the Secretary of the Senate.

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number, there shall be printed for the use of the Office of the Secretary of the Senate the lesser of—

(1) 5,000 copies of the document; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $83,425.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. MANTON] will be recognized for 20 minutes, and the gentlewoman from Washington [Ms. DUNN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. MANTON].

Mr. MANTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate Concurrent Resolution 5, as amended, would authorize the printing of the book entitled, "Guide to Research Collections of Former United States Senators."

This guide provides information on the location and scope of research collections for approximately 1,500 former U.S. Senators. These collections include office files, personal papers, and oral transcripts.

This volume will be used in school, college, and research libraries. This printing will expand the first edition, published in 1983.

The resolution was amended to make certain that GPO cost estimates are not exceeded.

Mr. Speaker, I reserve the balance of my time.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate Concurrent Resolution 5, provides for the printing of "Guide to Research Collections of Former United States Senators." Mr. Speaker, my colleague from New York has outlined the purpose and proposed contents of this book. Again, I want to point out to my colleagues that this resolution has a printing and production cost cap that will limit the total expenditure.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. MANTON. Mr. Speaker, I, too, have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MANTON] that the House suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 5), as amended.

The question was taken.

Ms. DUNN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. MANTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Concurrent Resolution 5, as amended, the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York.

There was no objection.

PRINTING OF "SENATE ELECTION, EXPULSION, AND CENSURE CASES"

Mr. MANTON. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 6) to authorize printing of "Senate Election, Expulsion, and Censure Cases," as prepared by the Office of the Secretary of the Senate, as amended.

The Clerk read as follows:

S. CON. RES. 6

Whereas the United States Constitution, in Article I, section 5, provides that "Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members" and that "Each House may * * * punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member";

Whereas the Senate has sought faithfully to exercise these constitutional requirements of self-discipline through its more than two-hundred-year history;

Whereas the Senate, beginning in 1885, has periodically published compilations of its election, expulsion, and censure cases for the guidance of members and the American people; and

Whereas the most recent edition is now twenty years out of date: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document, the book entitled "Senate Election, Expulsion, and Censure Cases" prepared by the Senate Historical Office under the supervision of the Secretary of the Senate.

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number, there shall be printed for the use of Senate, to be allocated as determined by the Secretary of the Senate, the lesser of—

(1) 3,000 copies of the document; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $28,657.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. MANTON] will be recognized for 20 minutes, and the gentlewoman from Washington [Ms. DUNN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. MANTON].

Mr. MANTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate Congressional Resolution 6, as amended, would authorize the printing of "Senate Election, Expulsion and Censure Cases," as prepared by the Office of the Secretary of the Senate.

This book was first published in 1885, and subsequent editions followed in 1893, 1903, and the latest edition was published in 1972.

The new edition will include extensive descriptions of the 164 cases contained in the 1972 print, as well as descriptions of cases that have occurred since 1972. Copies will be distributed to research libraries throughout the Nation. The resolution was amended in committee to make certain that GPO cost estimates are not exceeded.

Mr. Speaker I reserve the balance of my time.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate Concurrent Resolution 6, provides for the printing of "Senate Election, Expulsion, and Censure Cases." Again, this resolution has my cost control amendment that assures that GPO estimates for printing and production are not exceeded.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. MANTON. Mr. Speaker, I, too, have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MANTON] that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 6, as amended.

The queston was taken.

Ms. DUNN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. MANTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Concurrent Resolution 6, as amended, the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CATAWBA INDIAN TRIBE OF SOUTH CAROLINA LAND CLAIMS SETTLEMENT ACT OF 1993

Mr. RICHARDSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2399) to provide for the settlement of land claims of the Catawba Tribe of Indians in the State of South Carolina and the restoration of the Federal trust relationship with the tribe, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993".

SEC. 2. DECLARATION OF POLICY, CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress declares and finds that:

(1) It is the policy of the United States to promote tribal self-determination and economic self-sufficiency and to support the resolution of disputes over historical claims through settlements mutually agreed to by Indian and non-Indian parties.

(2) There is pending before the United States District Court for the District of South Carolina a lawsuit disputing ownership of approximately 140,000 acres of land in the State of South Carolina and other rights of the Catawba Indian Tribe under Federal law.

(3) The Catawba Indian Tribe initiated a related lawsuit against the United States in the United States Court of Federal Claims seeking monetary damages.

(4) Some of the significant historical events which have led to the present situation include:

(A) In treaties with the Crown in 1760 and 1763, the Tribe ceded vast portions of its aboriginal territory in the present States of North and South Carolina in return for guarantees of being quietly settled on a 144,000-acre reservation.

(B) The Tribe's district court suit contended that in 1840 the Tribe and the State entered into an agreement without Federal approval or participation whereby the Tribe ceded its treaty reservation to the State, thereby giving rise to the Tribe's claim that it was dispossessed of its lands in violation of Federal law.

(C) In 1943, the United States entered into an agreement with the Tribe and the State to provide services to the Tribe and its members. The State purchased 3,434 acres of land and conveyed it to the Secretary in trust for the Tribe and the Tribe organized under the Indian Reorganization Act.

(D) In 1959, when Congress enacted the Catawba Tribe of South Carolina Division of Assets Act (25 U.S.C. 931–938), Federal agents assured the Tribe that if the Tribe would release the Government from its obligation under the 1943 agreement and agree to Federal legislation terminating the Federal trust relationship and liquidating the 1943 reservation, the status of the Tribe's land claim would not be jeopardized by termination.

(E) In 1980, the Tribe initiated Federal court litigation to regain possession of its treaty lands and in 1986, the United States Supreme Court ruled in South Carolina against Catawba Indian Tribe that the 1959 Act resulted in the application of State statutes of limitations to the Tribe's land claim. Two subsequent decisions of the United States Court of Appeals for the Fourth Circuit have held that some portion of the Tribe's claim is barred by State statutes of limitations and that some portion is not barred.

(5) The pendency of these lawsuits has led to substantial economic and social hardship for a large number of landowners, citizens and communities in the State of South Carolina, including the Catawba Indian Tribe. Congress recognizes that if these claims are not resolved, further litigation against tens of thousands of landowners would be likely; that any final resolution of pending disputes through a process of litigation would take many years and entail great expenses to all parties; continue economically and socially damaging controversies; prolong uncertainty as to the ownership of property; and seriously impair long-term economic planning and development for all parties.

(6) The 102d Congress has enacted legislation suspending until October 1, 1993, the running of any unexpired statute of limitation applicable to the Tribe's land claim in order to provide additional time to negotiate settlement of these claims.

(7) It is recognized that both Indian and non-Indian parties enter into this settlement to resolve the disputes raised in these lawsuits and to derive certain benefits. The parties' Settlement Agreement constitutes a good faith effort to resolve these lawsuits and other claims and requires implementing legislation by the Congress of the United States, the General Assembly of the State of South Carolina, and the governing bodies of the South Carolina counties of York and Lancaster.

(8) To advance the goals of the Federal policy of Indian self-determination and restoration of terminated Indian Tribes, and in recognition of the United States obligation to the Tribe and the Federal policy of settling historical Indian claims through comprehensive settlement agreements, it is appropriate that the United States participate in the funding and implementation of the Settlement Agreement.

(b) PURPOSE.—It is the purpose of this Act—

(1) to approve, ratify, and confirm the Settlement Agreement entered into by the non-Indian settlement parties and the Tribe, except as otherwise provided by this Act;

(2) to authorize and direct the Secretary to implement the terms of such Settlement Agreement;

(3) to authorize the actions and appropriations necessary to implement the provisions of the Settlement Agreement and this Act;

(4) to remove the cloud on titles in the State of South Carolina resulting from the Tribe's land claim; and

(5) to restore the trust relationship between the Tribe and the United States.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "Tribe" means the Catawba Indian Tribe of South Carolina as constituted in aboriginal times, which was party to the Treaty of Pine Tree Hill in 1760 as confirmed by the Treaty of Augusta in 1763, which was party also to the Treaty of Nation Ford in 1840, and which was the subject of the Termination Act, and all predecessors and successors in interest, including the Catawba Indian Tribe of South Carolina, Inc.

(2) The term "claim" or "claims" means any claim which was asserted by the Tribe in either Suit, and any other claim which could have been asserted by the Tribe or any Catawba Indian of a right, title or interest in property, to trespass or property damages, or of hunting, fishing or other rights to natural resources, if such claim is based upon aboriginal title, recognized title, or title by grant, patent, or treaty including the Treaty of Pine Tree Hill of 1760, the Treaty of Augusta of 1763, or the Treaty of Nation Ford of 1840.

(3) The term "Executive Committee" means the body of the Tribe composed of the Tribe's executive officers as selected by the Tribe in accordance with its constitution.

(4) The term "Existing Reservation" means that tract of approximately 630 acres conveyed to the State in trust for the Tribe by J.M. Doby on December 24, 1842, by deed recorded in York County Deed Book N, pp. 340–341.

(5) The term "General Council" means the membership of the Tribe convened as the Tribe's governing body for the purpose of conducting tribal business pursuant to the Tribe's constitution.

(6) The term "Member" means individuals who are currently members of the Tribe or who are enrolled in accordance with this Act.

(7) The term "Reservation" or "Expanded Reservation" means the Existing Reservation and the lands added to the Existing Reservation in accordance with section 12 of this Act, which are to be held in trust by the Secretary in accordance with this Act.

(8) The term "Secretary" means the Secretary of the Interior.

(9) The term "service area" means the area composed of the State of South Carolina and Cabarrus, Cleveland, Gaston, Mecklenburg, Rutherford, and Union counties in the State of North Carolina.

(10) The term "Settlement Agreement" means the document entitled "Agreement in Principle " between the Tribe and the State of South Carolina and attached to the copy of the State Act and filed with the Secretary of State of the State of South Carolina, as amended to conform to this Act and printed in the Congressional Record.

(11) The term "State" means, except for section 6 (a) through (f), the State of South Carolina.

(12) The term "State Act" means the Act enacted into law by the State of South Carolina on June 14, 1993, and codified as S.C. Code Ann., sections 27–16–10 through 27–16–140, to implement the Settlement Agreement.

(13) The term "Suit" or "Suits" means Catawba Indian Tribe of South Carolina v. State of South Carolina, et al., docketed as Civil Action No. 80–2050 and filed in the United States District Court for the District of South Carolina; and Catawba Indian Tribe of South Carolina v. The United States of America, docketed as Civil Action No. 90–553L and filed in the United States Court of Federal Claims.

(14) The term "Termination Act" means the Act entitled "An Act to provide for the division of the tribal assets of the Catawba Indian Tribe of South Carolina among the members of the Tribe and for other purposes", approved September 21, 1959 (73 Stat. 592; 25 U.S.C. 931–938).

(15) The term "transfer" includes (but is not limited to) any voluntary or involuntary sale, grant, lease, allotment, partition, or other conveyance; any transaction the purpose of which was to effect a sale, grant, lease, allotment, partition, or conveyance; and any act, event or circumstance that resulted in a change in title to, possession of, dominion over, or control of land, water, minerals, timber, or other natural resources.

(16) The term "Trust Funds" means the trust funds established by section 11 of this Act.

SEC. 4. RESTORATION OF FEDERAL TRUST RELATIONSHIP.

(a) RESTORATION OF THE FEDERAL TRUST RELATIONSHIP AND APPROVAL, RATIFICATION, AND CONFIRMATION OF THE SETTLEMENT AGREEMENT.—On the effective date of this Act—

(1) the trust relationship between the Tribe and the United States is restored; and

(2) the Settlement Agreement and the State Act are approved, ratified, and confirmed by the United States to effectuate the purposes of this Act, and shall be complied with in the same manner and to the same extent as if they had been enacted into Federal law.

(b) ELIGIBILITY FOR FEDERAL BENEFITS AND SERVICES.—Notwithstanding any other provision of law, on the effective date of this Act, the Tribe and the Members shall be eligible for all benefits and services furnished to federally recognized Indian tribes and their members because of their status as Indians. On the effective date of this Act, the Secretary shall enter the Tribe on the list of federally recognized bands and tribes maintained by the Department of the Interior; and its members shall be entitled to special services, educational benefits, medical care, and welfare assistance provided by the United States to Indians because of their status as Indians, and the Tribe shall be entitled to the special services performed by the United States for tribes because of their status as Indian tribes. For the purpose of eligibility for Federal services made available to members of federally recognized Indian tribes because of their status as Indian tribal members, Members of the Tribe in the Tribe's service area shall be deemed to be residing on or near a reservation.

(c) REPEAL OF TERMINATION ACT.—The Termination Act is repealed.

(d) EFFECT ON PROPERTY RIGHTS AND OTHER OBLIGATIONS.—Except as otherwise specifically provided in this Act, this Act shall not affect any property right or obligation or any contractual right or obligation in existence before the effective date of this Act, or any obligation for taxes levied before that date.

(e) EXTENT OF JURISDICTION.—This Act shall not be construed to empower the Tribe with special jurisdiction or to deprive the State of jurisdiction other than as expressly provided by this Act or by the State Act. The jurisdiction and governmental powers of the Tribe shall be solely those set forth in this Act and the State Act.

SEC. 5. SETTLEMENT FUNDS.

(a) AUTHORIZATION FOR APPROPRIATION.—There is hereby authorized to be appropriated $32,000,000 for the Federal share which shall be deposited in the trust funds established pursuant to section 11 of this Act or paid pursuant to section 6(g).

(b) DISBURSEMENT IN ACCORDANCE WITH SETTLEMENT AGREEMENT.—The Federal funds appropriated pursuant to this Act shall be disbursed in four equal annual installments of $8,000,000 beginning in the fiscal year following enactment of this Act. Funds transferred to the Secretary from other sources shall be deposited in the trust funds established pursuant to section 11 of this Act or paid pursuant to section 6(g) within 30 days of receipt by the Secretary.

(c) FEDERAL, STATE, LOCAL AND PRIVATE CONTRIBUTIONS HELD IN TRUST BY SECRETARY.—The Secretary shall, on behalf of the Tribe, collect those contributions toward settlement appropriated or received by the State pursuant to section 5.2 of the Settlement Agreement and shall either hold such funds totalling $18,000,000, together with the Federal funds appropriated pursuant to this Act, in trust for the Tribe pursuant to the provisions of section 11 of this Act or pay such funds pursuant to section 6(g) of this Act.

(d) NONPAYMENT OF STATE, LOCAL, OR PRIVATE CONTRIBUTIONS.—The Secretary shall not be accountable or incur any liability for the collection, deposit, or management of the non-Federal contributions made pursuant to section 5.2 of the Settlement Agreement, or payment of such funds pursuant to section 6(g) of this Act, until such time as such funds are received by the Secretary.

SEC. 6. RATIFICATION OF PRIOR TRANSFERS; EXTINGUISHMENT OF ABORIGINAL TITLE, RIGHTS AND CLAIMS.

(a) RATIFICATION OF TRANSFERS.—Any transfer of land or natural resources located anywhere within the United States from, by, or on behalf of the Tribe, any one or more of its Members, or anyone purporting to be a Member, including but without limitation any transfer pursuant to any treaty, compact, or statute of any State, shall be deemed to have been made in accordance with the Constitution and all laws of the United States, and Congress hereby approves and ratifies any such transfer effective as of the date of such transfer. Nothing in this section shall be construed to affect, eliminate, or revive the personal claim of any individual Member (except for any Federal common law fraud claim) which is pursued under any law of general applicability that protects non-Indians as well as Indians.

(b) ABORIGINAL TITLE.—To the extent that any transfer of land or natural resources described in subsection (a) of this section may involve land or natural resources to which the Tribe, any of its Members, or anyone purporting to be a Member, or any other Indian, Indian nation, or Tribe or band of Indians had aboriginal title, subsection (a) of this section shall be regarded as an extinguishment of aboriginal title as of the date of such transfer.

(c) EXTINGUISHMENT OF CLAIMS.—By virtue of the approval and ratification of any transfer of land or natural resources effected by this section, or the extinguishment of aboriginal title effected thereby, all claims against the United States, any State or subdivision thereof, or any other person or entity, by the Tribe, any of its Members, or anyone purporting to be a Member, or any predecessors or successors in interest thereof or any other Indian, Indian Nation, or tribe or band of Indians, arising at the time of or subsequent to the transfer and based on any interest in or right involving such land or natural resources, including without limitation claims for trespass damages or claims for use and occupancy, shall be deemed extinguished as of the date of the transfer.

(d) EXTINGUISHMENT OF TITLE.—(1) All claims and all right, title, and interest that the Tribe, its Members, or any person or group of persons purporting to be Catawba Indians may have to aboriginal title, recognized title, or title by grant, patent, or treaty to the lands located anywhere in the United States are hereby extinguished.

(2) This extinguishment of claims shall also extinguish title to any hunting, fishing, or water rights or rights to any other natural resource claimed by the Tribe or a Member based on aboriginal or treaty recognized title, and all trespass damages and other damages associated with use, occupancy or possession, or entry upon such lands.

(e) BAR TO FUTURE CLAIMS.—The United States is hereby barred from asserting by or on behalf of the Tribe or any of its Members, or anyone purporting to be a Member, any claim arising before the effective date of this Act from the transfer of any land or natural resources by deed or other grant, or by treaty, compact, or act of law, on the grounds that such transfer was not made in accordance with the laws of South Carolina or the Constitution or laws of the United States.

(f) NO DEROGATION OF FEE SIMPLE IN EXISTING RESERVATION, OR EFFECT ON MEMBERS' FEE INTERESTS.—Nothing in this Act shall be construed to diminish or derogate from the Tribe's estate in the Existing Reservation; or to divest or disturb title in any land conveyed to any person or entity as a result of the Termination Act and the liquidation and partition of tribal lands; or to divest or disturb the right, title and interest of any Member in any fee simple, leasehold or remainder estate or any equitable or beneficial right or interest any such Member may own individually and not as a Member of the Tribe.

(g) COSTS AND ATTORNEYS' FEES.—The parties to the Suits shall bear their own costs and attorneys' fees. As provided by section 6.4 of the Settlement Agreement, the Secretary shall pay to the Tribe's attorneys in the Suits attorneys' fees and expenses from, and not to exceed 10 percent of, the $50,000,000 obligated for payment to the Tribe by Federal, State, local, and private parties pursuant to section 5 of the Settlement Agreement.

(h) PERSONAL CLAIMS NOT AFFECTED.—Nothing in this section shall be deemed to affect, diminish, or eliminate the personal claim of any individual Indian which is pursued under any law of general applicability (other than Federal common law fraud) that protects non-Indians as well as Indians.

(i) FEDERAL PAYMENT.—In the event any of the Federal payments are not paid as set forth in section 5, such failure to pay shall give rise to a cause of action by the Tribe against the United States for money damages for the amount authorized to be paid to the Tribe in section 5(a) in settlement of the Tribe's claim, and the Tribe is authorized to bring an action in the United States Court of Claims for such funds plus applicable interest. The United States hereby waives any affirmative defense to such action.

(j) STATE PAYMENT.—In the event any of the State payments are not paid as set forth in section 5 of this Act, such failure to pay shall give rise to a cause of action in the United States District Court for the District of South Carolina by the Tribe against the State of South Carolina for money damages for the amount authorized to be paid to the Tribe by the State in §27-16-50 (A) of the State Act in settlement of the Tribe's claim. Pursuant to §27-16-50 (E) of the State Act, the State of South Carolina waives any Eleventh Amendment immunity to such action.

SEC. 7. BASE MEMBERSHIP ROLL.

(a) BASE MEMBERSHIP ROLL CRITERIA.—Within one year after enactment of this section, the Tribe shall submit to the Secretary, for approval, its base membership roll. An individual is eligible for inclusion on the base membership roll if that individual is living on the date of enactment of this Act and—

(1) is listed on the membership roll published by the Secretary in the Federal Register on February 25, 1961 (26 FR 1680-1688, "Notice of Final Membership Roll"), and is not excluded under the provisions of subsection (c);

(2) the Executive Committee determines, based on the criteria used to compile the roll referred to in paragraph (1), that the individual should have been included on the membership roll at that time, but was not; or

(3) is a lineal descendant of a Member whose name appeared or should have appeared on the membership roll referred to in paragraph (1).

(b) BASE MEMBERSHIP ROLL NOTICE.—Within 90 days after the enactment of this Act, the Secretary shall publish in the Federal Register, and in three newspapers of general circulation in the Tribe's service area, a notice stating—

(1) that a base membership roll is being prepared by the Tribe and that the current membership roll is open and will remain open for a period of 90 days;

(2) the requirements for inclusion on the base membership roll;

(3) the final membership roll published by the Secretary in the Federal Register on February 25, 1961;

(4) the current membership roll as prepared by the Executive Committee and approved by the General Council; and

(5) the name and address of the tribal or Federal official to whom inquiries should be made.

(c) COMPLETION OF BASE MEMBERSHIP ROLL.—Within 120 days after publication of notice under subsection (b), the Secretary, after consultation with the Tribe, shall prepare and publish in the Federal Register, and in three newspapers of general circulation in the Tribe's service area, a proposed final base membership roll of the Tribe. Within 60 days from the date of publication of the proposed final base membership roll, an appeal may be filed with the Executive Committee under rules made by the Executive Committee in consultation with the Secretary. Such an appeal may be filed by a Member with respect to the inclusion of any name on the proposed final base membership roll and by any person with respect to the exclusion of his or her name from the final base membership roll. The Executive Committee shall review such appeals and render a decision, subject to the Secretary's approval. If the Executive Committee and the Secretary disagree, the Secretary's decision will be final. All such appeals shall be resolved within 90 days following publication of the proposed roll. The final base membership roll of the Tribe shall then be published in the Federal Register, and in three newspapers of general circulation in the Tribe's service area, and shall be final for purposes of the distribution of funds from the Per Capita Trust Fund established under section 11(h).

(d) FUTURE MEMBERSHIP IN THE TRIBE.—The Tribe shall have the right to determine future membership in the Tribe; however, in no event may an individual be enrolled as a tribal member unless the individual is a lineal descendant of a person on the final base membership roll and has continued to maintain political relations with the Tribe.

SEC. 8. TRANSITIONAL AND PROVISIONAL GOVERNMENT.

(a) FUTURE TRIBAL GOVERNMENT.—The Tribe shall adopt a new constitution within 24 months after the effective date of this Act.

(b) EXECUTIVE COMMITTEE AS TRANSITIONAL BODY.—(1) Until the Tribe has adopted a constitution, the existing tribal constitution shall remain in effect and the Executive Committee is recognized as the provisional and transitional governing body of the Tribe. Until an election of tribal officers under the new constitution, the Executive Committee shall—

(A) represent the Tribe and its Members in the implementation of this Act; and

(B) during such period—

(i) have full authority to enter into contracts, grant agreements and other arrangements with any Federal department or agency; and

(ii) have full authority to administer or operate any program under such contracts or agreements.

(2) Until the initial election of tribal officers under a new constitution and by-laws, the Executive Committee shall—

(A) determine tribal membership in accordance with the provisions of section 7; and

(B) oversee and implement the revision and proposal to the Tribe of a new constitution and conduct such tribal meetings and elections as are required by this Act.

SEC. 9. TRIBAL CONSTITUTION AND GOVERNANCE.

(a) INDIAN REORGANIZATION ACT.—If the Tribe so elects, it may organize under the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act"). The Tribe shall be subject to such Act except to the extent such sections are inconsistent with this Act.

(b) ADOPTION OF NEW TRIBAL CONSTITUTION.—Within 180 days after the effective date of this Act, the Executive Committee shall draft and distribute to each Member eligible to vote under the tribal constitution in effect on the effective date of this Act, a proposed constitution and bylaws for the Tribe together with a brief, impartial description of the proposed constitution and bylaws and a notice of the date, time and location of the election under this subsection. Not sooner than 30 days or later than 90 days after the distribution of the proposed constitution, the Executive Committee shall conduct a secret-ballot election to adopt a new constitution and bylaws.

(c) MAJORITY VOTE FOR ADOPTION; PROCEDURE IN EVENT OF FAILURE TO ADOPT PROPOSED CONSTITUTION.—(1) The tribal constitution and bylaws shall be ratified and adopted if—

(A) not less than 30 percent of those entitled to vote do vote; and

(B) approved by a majority of those actually voting.

(2) If in any such election such majority does not approve the adoption of the proposed constitution and bylaws, the Executive Committee shall prepare another proposed constitution and bylaws and present it to the Tribe in the same manner provided in this section for the first constitution and bylaws. Such new proposed constitution and bylaws shall be distributed to the eligible voters of the Tribe no later than 180 days after the date of the election in which the first proposed constitution and bylaws failed of adoption. An election on the question of the adoption of the new proposal of the Executive Committee shall be conducted in the same manner provided in subsection (b) for the election on the first proposed constitution and bylaws.

(d) ELECTION OF TRIBAL OFFICERS.—Within 120 days after the Tribe ratifies and adopts a constitution and bylaws, the Executive Committee shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in the constitution and bylaws. Subsequent elections shall be held in accordance with the Tribe's constitution and bylaws.

(e) EXTENSION OF TIME.—Any time periods prescribed in subsections (b) and (c) may be altered by written agreement between the Executive Committee and the Secretary.

SEC. 10. ADMINISTRATIVE PROVISIONS RELATING TO JURISDICTION, TAXATION, AND OTHER MATTERS.

In the administration of this Act:

(1) All matters involving tribal powers, immunities, and jurisdiction, whether criminal, civil, or regulatory, shall be governed by the terms and provisions of the Settlement Agreement and the State Act, unless otherwise provided in this Act.

(2) All matters pertaining to governance and regulation of the reservation (including environmental regulation and riparian rights) shall be governed by the terms and provisions of the Settlement Agreement and the State Act, including, but not limited to, section 17 of the Settlement Agreement and section 27-16-120 of the State Act, unless otherwise provided in this Act.

(3) The Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.) shall apply to Catawba Indian children except as provided in the Settlement Agreement.

(4) Whether or not the Tribe, under section 9(a), elects to organize under the Act of June 18, 1934, the Tribe, in any constitution adopted by the Tribe, may be authorized to exercise such authority as is consistent with the Settlement Agreement and the State Act.

(5) In no event may the Tribe pledge or hypothecate the income or principal of the Catawba Education or Social Services and Elderly Trust Funds or otherwise use them as security or a source of payment for bonds the Tribe may issue.

(6) The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall apply to the Tribe except to the extent that such application may be inconsistent with this Act or the Settlement Agreement.

SEC. 11. TRIBAL TRUST FUNDS.

(a) PURPOSES OF TRUST FUNDS.—All funds paid pursuant to section 5 of this Act, except for payments made pursuant to section 6(g), shall be deposited with the Secretary in trust for the benefit of the Tribe. Separate trust funds shall be established for the following purposes: economic development, land acquisition, education, social services and elderly assistance, and per capita payments. Except as provided in this section, the Tribe, in consultation with the Secretary, shall determine the share of settlement payments to be deposited in each Trust Fund, and define, consistently with the provisions of this section, the purposes of each Trust Fund and provisions for administering each, specifically including provisions for periodic distribution of current and accumulated income, and for invasion and restoration of principal.

(b) OUTSIDE MANAGEMENT OPTION.—(1) The Tribe, in consultation with and subject to the approval of the Secretary, as set forth in this section, is authorized to place any of the Trust Funds under professional management, outside the Department of the Interior.

(2) If the Tribe elects to place any of the Trust Funds under professional management outside the Department of the Interior, it may engage a consulting or advisory firm to assist in the selection of an independent professional investment management firm, and it shall engage, with the approval of the Secretary, an independent investment management firm of proven competence and experience established in the business of counseling large endowments, trusts, or pension funds.

(3) The Secretary shall have 45 days to approve or reject any independent investment management firm selected by the Tribe. If the Secretary fails to approve or reject the firm selected by the Tribe within 45 days, the investment management firm selected by the Tribe shall be deemed to have been approved by the Secretary.

(4) Secretarial approval of an investment management firm shall not be unreasonably withheld, and any Secretarial disapproval of an investment management firm shall be accompanied by a detailed explanation setting forth the Secretary's reasons for such disapproval.

(5)(A) For funds placed under professional management, the Tribe, in consultation with the Secretary and its investment manager, shall develop—

(i) current operating and long-term capital budgets; and

(ii) a plan for managing, investing, and distributing income and principal from the Trust Funds to match the requirements of the Tribe's operating and capital budgets.

(B) For each Trust Fund which the Tribe elects to place under outside professional management, the investment plan shall provide for investment of Trust Fund assets so as to serve the purposes described in this section and in the Trust Fund provisions which the Tribe shall establish in consultation with the Secretary and the independent investment management firm.

(C) Distributions from each Trust Fund shall not exceed the limits on the use of principal and income imposed by the applicable provisions of this Act for that particular Trust Fund.

(D)(i) The Tribe's investment management plan shall not become effective until approved by the Secretary.

(ii) Upon submission of the plan by the Tribe to the Secretary for approval, the Secretary shall have 45 days to approve or reject the plan. If the Secretary fails to approve or disapprove the plan within 45 days, the plan shall be deemed to have been approved by the Secretary and shall become effective immediately.

(iii) Secretarial approval of the plan shall not be unreasonably withheld and any secretarial rejection of the plan shall be accompanied by a detailed explanation setting forth the Secretary's reasons for rejecting the plan.

(E) Until the selection of an established investment management firm of proven competence and experience, the Tribe shall rely on the management, investment, and administration of the Trust Funds by the Secretary pursuant to the provisions of this section.

(c) TRANSFER OF TRUST FUNDS; EXCULPATION OF SECRETARY.—Upon the Secretary's approval of the Tribe's investment management firm and an investment management plan, all funds previously deposited in trust funds held by the Secretary and all funds subsequently paid into the trust funds, which are chosen for outside management, shall be transferred to the accounts established by an investment management firm in accordance with the approved investment management plan. The Secretary shall be exculpated by the Tribe from liability for any loss of principal or interest resulting from investment decisions made by the investment management firm. Any Trust Fund transferred to an investment management firm shall be returned to the Secretary upon written request of the Tribe, and the Secretary shall manage such funds for the benefit of the Tribe.

(d) LAND ACQUISITION TRUST.—(1) The Secretary shall establish and maintain a Catawba Land Acquisition Trust Fund, and until the Tribe engages an outside firm for investment management of this trust fund, the Secretary shall manage, invest, and administer this trust fund. The original principal amount of the Land Acquisition Trust Fund shall be determined by the Tribe in consultation with the Secretary.

(2) The principal and income of the Land Acquisition Trust Fund may be used for the purchase and development of Reservation and non-Reservation land pursuant to the Settlement Agreement, costs related to land acquisition, and costs of construction of infrastructure and development of the Reservation and non-Reservation land.

(3)(A) Upon acquisition of the maximum amount of land allowed for expansion of the Reservation, or upon request of the Tribe and approval of the Secretary pursuant to the Secretarial approval provisions set forth in subsection (b)(5)(D) of this section, all or part of the balance of this trust fund may be merged into one or more of the Economic Development Trust Fund, the Education Trust Fund, or the Social Services and Elderly Assistance Trust Fund.

(B) Alternatively, at the Tribe's election, the Land Acquisition Trust Fund may remain in existence after all the Reservation land is purchased in order to pay for the purchase of non-Reservation land.

(4)(A) The Tribe may pledge or hypothecate the income and principal of the Land Acquisition Trust Fund to secure loans for the purchase of Reservation and non-Reservation lands.

(B) Following the effective date of this Act and before the final annual disbursement is made as provided in section 5 of this Act, the Tribe may pledge or hypothecate up to 50 percent of the unpaid annual installments required to be paid to this Trust Fund, the Economic Development Trust Fund and the Social Services and Elderly Assistance Trust Fund by section 5 of this Act and by section 5 of the Settlement Agreement, to secure loans to finance the acquisition of Reservation or non-Reservation land or infrastructure improvements on such lands.

(e) ECONOMIC DEVELOPMENT TRUST.—(1) The Secretary shall establish and maintain a Catawba Economic Development Trust Fund, and until the Tribe engages an outside firm for investment management of this Trust Fund, the Secretary shall manage, invest, and administer this Trust Fund. The original principal amount of the Economic Development Trust Fund shall be determined by the Tribe in consultation with the Secretary. The principal and income of this Trust Fund may be used to support tribal economic development activities, including but not limited to infrastructure improvements and tribal business ventures and commercial investments benefiting the Tribe.

(2) The Tribe, in consultation with the Secretary, may pledge or hypothecate future income and up to 50 percent of the principal of this Trust Fund to secure loans for economic development. In defining the provisions for administration of this Trust Fund, and before pledging or hypothecating future income or principal, the Tribe and the Secretary shall agree on rules and standards for the invasion of principal and for repayment or restoration of principal, which shall encourage preservation of principal, and provide that, if feasible, a portion of all profits derived from activities funded by principal be applied to repayment of the Trust Fund.

(3) Following the effective date of this Act and before the final annual disbursement is made as provided in section 5 of this Act, the Tribe may pledge or hypothecate up to 50 percent of the unpaid annual installments required to be paid by section 5 of this Act and by section 5 of the Settlement Agreement to secure loans to finance economic development activities of the Tribe, including (but not limited to) infrastructure improvements on Reservation and non-Reservation lands.

(4) If the Tribe develops sound lending guidelines approved by the Secretary, a portion of the income from this Trust Fund may also be used to fund a revolving credit account for loans to support tribal businesses or business enterprises of tribal members.

(f) EDUCATION TRUST.—The Secretary shall establish and maintain a Catawba Education Trust Fund, and until the Tribe engages an outside firm for investment management of this Trust Fund, the Secretary shall manage, invest, and administer this Trust Fund. The original principal amount of this Trust Fund shall be determined by the Tribe in consultation with the Secretary; subject to the requirement that upon completion of all payments into the Trust Funds, an amount equal to at least ⅓ of all State, local, and private contributions made pursuant to the Settlement Agreement shall have been paid into the Education Trust Fund. Income from this Trust Fund shall be distributed in a manner consistent with the terms of the Settlement Agreement. The principal of this Trust Fund shall not be invaded or transferred to any other Trust Fund, nor shall it be pledged or encumbered as security.

(g) SOCIAL SERVICES AND ELDERLY ASSISTANCE TRUST.—(1) The Secretary shall establish and maintain a Catawba Social Services and Elderly Assistance Trust Fund and, until the Tribe engages an outside firm for investment management of this Trust Fund, the Secretary shall manage, invest, and administer the Social Services and Elderly Assistance Trust Fund. The original principal amount of this Trust Fund shall be determined by the Tribe in consultation with the Secretary.

(2) The income of this Trust Fund shall be periodically distributed to the Tribe to support social services programs, including (but not limited to) housing, care of elderly, or physically or mentally disabled Members, child care, supplemental health care, education, cultural preservation, burial and cemetery maintenance, and operation of tribal government.

(3) The Tribe, in consultation with the Secretary, shall establish eligibility criteria and procedures to carry out this subsection.

(h) PER CAPITA PAYMENT TRUST FUND.—(1) The Secretary shall establish and maintain a Catawba Per Capita Payment Trust Fund in an amount equal to 15 percent of the settlement funds paid pursuant to section 5 of the Settlement Agreement. Until the Tribe engages an outside firm for investment management of this Trust Fund, the Secretary shall manage, invest, and administer the Catawba Per Capita Payment Trust Fund.

(2) Each person (or their estate) whose name appears on the final base membership roll of the Tribe published by the Secretary pursuant to section 7(c) of this Act will receive a one-time, non-recurring payment from this Trust Fund.

(3) The amount payable to each member shall be determined by dividing the trust principal and any accrued interest thereon by the number of Members on the final base membership roll.

(4)(A) Subject to the provisions of this paragraph, each enrolled member who has reached the age of 21 years on the date the final roll is published shall receive the payment on the date of distribution, which shall be as soon as practicable after date of publication of the final base membership roll. Adult Members shall be paid their pro rata share of this Trust Fund on the date of distribution unless they elect in writing to leave their pro rata share in the Trust Fund, in which case such share shall not be distributed.

(B) The pro rata share of adult Members who elect not to withdraw their payment from this Trust Fund shall be managed, invested and administered, together with the funds of Members who have not attained the age of 21 years on the date the final base membership roll is published, until such Member requests in writing that their pro rata share be distributed, at which time such Member's pro rata share shall be paid, together with the net income of the Trust Fund allocable to such Member's share as of the date of distribution.

(C) No member may elect to have their pro rata share managed by this Trust Fund for a period of more than 21 years after the date of publication of the final base membership roll.

(5)(A) Subject to the provisions of this paragraph, the pro rata share of any Member who has not attained the age of 21 years on the date the final base membership roll is published shall be managed, invested and administered pursuant to the provisions of this section until such Member has attained the age of 21 years, at which time such Member's pro rata share shall be paid, together with the net income of the Trust Fund allocable to such Member's share as of the date of payment. Such Members shall be paid their pro rata share of this Trust Fund on the date they attain 21 years of age unless they elect in writing to leave their pro rata share in the Trust Fund, in which case such share shall not be distributed.

(B) The pro rata share of such Members who elect not to withdraw their payment from this trust fund shall be managed, invested and administered, together with the funds of members who have not attained the age of 21 years on the date the final base membership roll is published, until such Member requests in writing that their pro rata share be distributed, at which time such Member's pro rata share shall be paid, together with the net income of the Trust Fund allocable to such Member's share as of the date of distribution.

(C) No Member may elect to have their pro rata share retained and managed by this Trust Fund beyond the expiration of the period of 21 years after the date of publication of the final base membership roll.

(6) After payments have been made to all Members entitled to receive payments, this Trust Fund shall terminate, and any balance remaining in this Trust Fund shall be merged into the Economic Development Trust Fund, the Education Trust Fund, or the Social Services and Elderly Assistance Trust Fund, as the Tribe may determine.

(i) DURATION OF TRUST FUNDS.—Subject to the provisions of this section and with the exception of the Catawba Per Capita Payment Trust Fund, the Trust Funds established in accordance with this section shall continue in existence so long as the Tribe exists and is recognized by the United States. The principal of these Trust Funds shall not be invaded or distributed except as expressly authorized in this Act or in the Settlement Agreement.

(j) TRANSFER OF MONEY AMONG TRUST FUNDS.—The Tribe, in consultation with the Secretary, shall have the authority to transfer principal and accumulated income between Trust Funds only as follows:

(1) Funds may be transferred among the Catawba Economic Development Trust Fund, the Catawba Land Acquisition Trust Fund and the Catawba Social Services and Elderly Assistance Trust Fund, and from any of those three Trust Funds into the Catawba Education Trust Fund; except, that the mandatory share of State, local, and private sector funds invested in the original corpus of the Catawba Education Trust Fund shall not be transferred to any other Trust Fund.

(2) Any Trust Fund, except for the Catawba Education Trust Fund, may be dissolved by a vote of two-thirds of those Members eligible to vote, and the assets in such Trust Fund shall be transferred to the remaining Trust Funds; except, that (A) no assets shall be transferred from any of the Trust Funds into the Catawba Per Capita Payment Trust Fund, and (B) the mandatory share of State, local and private funds invested in the original corpus of the Catawba Education Trust Fund may not be transferred or used for any non-educational purposes.

(3) The dissolution of any Trust Fund shall require the approval of the Secretary pursuant to the Secretarial approval provisions set forth in subsection (b)(5)(D) of this section.

(k) TRUST FUND ACCOUNTING.—(1) The Secretary shall account to the Tribe periodically, and at least annually, for all Catawba Trust Funds being managed and administered by the Secretary. The accounting shall—

(A) identify the assets in which the Trust Funds have been invested during the relevant period;

(B) report income earned during the period, distinguishing current income and capital gains;

(C) indicate dates and amounts of distributions to the Tribe, separately distinguishing current income, accumulated income, and distributions of principal; and

(D) identify any invasions or repayments of principal during the relevant period and record provisions the Tribe has made for repayment or restoration of principal.

(2)(A) Any outside investment management firm engaged by the Tribe shall account to the Tribe and separately to the Secretary at periodic intervals, at least quarterly. Its accounting shall—

(i) identify the assets in which the Trust Funds have been invested during the relevant period;

(ii) report income earned during the period, separating current income and capital gains;

(iii) indicate dates and amounts of distributions to the Tribe, distinguishing current income, accumulated income, and distributions of principal; and

(iv) identify any invasions or repayments of principal during the relevant period and record provisions the Tribe has made for repayment or restoration of principal.

(B) Prior to distributing principal from any Trust Fund, the investment management firm shall notify the Secretary of the proposed distribution and the Tribe's proposed use of such funds, following procedures to be agreed upon by the investment management firm, the Secretary, and the Tribe. The Secretary shall have 15 days within which to object in writing to any such invasion of principal. Failure to object will be deemed approval of the distribution.

(C) All Trust Funds held and managed by any investment management firm shall be audited annually by a certified public accounting firm approved by the Secretary, and a copy of the annual audit shall be submitted to the Tribe and to the Secretary within four months following the close of the Trust Funds's fiscal year.

(l) REPLACEMENT OF INVESTMENT MANAGEMENT FIRM AND MODIFICATION OF INVESTMENT MANAGEMENT PLAN.—The Tribe shall not replace the investment management firm approved by the Secretary without prior written notification to the Secretary and approval by the Secretary of any investment management firm chosen by the Tribe as a replacement. Such Secretarial approval shall be given or denied in accordance with the Secretarial approval provisions contained in subsection (b)(5)(D) of this section. The Tribe and its investment management firm shall also notify the Secretary in writing of any revisions in the investment management plan which materially increase investment risk or significantly change the investment management plan, or the agreement, made in consultation with the Secretary pursuant to which the outside management firm was retained.

(m) TRUST FUNDS NOT COUNTED FOR CERTAIN PURPOSES; USE AS MATCHING FUNDS.—None of the funds, assets, income, payments, or distributions from the trust funds established pursuant to this section shall at any time affect the eligibility of the Tribe or its Members for, or be used as a basis for denying or reducing funds to the Tribe or its Members under any Federal, State, or local program. Distributions from these Trust Funds may be used as matching funds, where appropriate, for Federal grants or loans.

SEC. 12. ESTABLISHMENT OF EXPANDED RESERVATION.

(a) EXISTING RESERVATION.—The Secretary is authorized to receive from the State, by such transfer document as the Secretary and the State shall approve, all rights, title, and interests of the State in and to the Existing Reservation to be held by the United States as trustee for the Tribe, and, effective on the date of such transfer, the obligation of the State as trustee for the Tribe with respect to such land shall cease.

(b) EXPANDED RESERVATION.—(1) The Existing Reservation shall be expanded in the manner prescribed by the Settlement Agreement.

(2) Within 180 days following the date of the enactment of this Act, the Secretary, after consulting with the Tribe, shall ascertain the boundaries and area of the existing reservation. In addition, the Secretary, after consulting with the Tribe, shall engage a professional land planning firm as provided in the Settlement Agreement. The Secretary shall bear the cost of all services rendered pursuant to this section.

(3) The Tribe may identify, purchase and request that the Secretary place into reservation status, tracts of lands in the manner prescribed by the Settlement Agreement. The Tribe may not request that any land be placed in reservation status, unless those lands were acquired by the Tribe and qualify for reservation status in full compliance with the Settlement Agreement, including section 14 thereof.

(4) The Secretary shall bear the cost of all title examinations, preliminary subsurface soil investigations, and level one environmental audits to be performed on each parcel contemplated for purchase by the Tribe or the Secretary for the Expanded Reservation, and shall report the results to the Tribe. The Secretary's or the Tribe's payment of any option fee and the purchase price may be drawn from the Catawba Land Acquisition Trust Fund.

(5) The total area of the Expanded Reservation shall be limited to 3,000 acres, including the Existing Reservation, but the Tribe may exclude from this limit up to 600 acres of additional land under the conditions set forth in the Settlement Agreement. The Tribe may seek to have the permissible area of the Expanded Reservation enlarged by an additional 600 acres as set forth in the Settlement Agreement.

(6) All lands acquired for the Expanded Reservation may be held in trust together with the Existing Reservation which the State is to convey to the United States.

(7) Nothing in this Act shall prohibit the Secretary from providing technical and financial assistance to the Tribe to fulfill the purposes of this section.

(c) EXPANSION ZONES.—(1) Subject to the conditions, criteria, and procedures set forth in the Settlement Agreement, the Tribe shall endeavor at the outset to acquire contiguous tracts for the Expanded Reservation in the "Catawba Reservation Primary Expansion Zone", as defined in the Settlement Agreement.

(2) Subject to the conditions, criteria, and procedures set forth in the Settlement Agreement, the Tribe may elect to purchase contiguous tracts in an alternative area, the "Catawba Reservation Secondary Expansion Zone", as defined in the Settlement Agreement.

(3) The Tribe may propose different or additional expansion zones subject to the authorizations required in the Settlement Agreement and the State Act.

(d) NON-CONTIGUOUS TRACTS.—The Tribe, in consultation with the Secretary, shall take such actions as are reasonable to expand the Existing Reservation by assembling a composite tract of contiguous parcels that border and surround the Existing Reservation. Before requesting that any non-contiguous tract be placed in Reservation status, the Tribe shall comply with section 14 of the Settlement Agreement. Upon the approval of the Tribe's application under and in accordance with section 14 of the Settlement Agreement, the Secretary, in consultation with the Tribe, may proceed to place non-contiguous tracts in Reservation status. No purchases of non-contiguous tracts shall be made for the Reservation except as set forth in the Settlement Agreement and the State Act.

(e) VOLUNTARY LAND PURCHASES.—(1) The power of eminent domain shall not be used by the Secretary or any governmental authority in acquiring parcels of land for the benefit of the Tribe, whether or not the parcels are to be part of the Reservation. All such purchases shall be made only from willing sellers by voluntary conveyances subject to the terms of the Settlement Agreement.

(2) Notwithstanding any other provision of this section and the provisions of the first section of the Act of August 1, 1888 (ch. 728, 25 Stat. 357; 40 U.S.C. 257), and the first section of the Act of February 26, 1931 (ch. 307, 46 Stat. 1421; 40 U.S.C. 258a), the Secretary or

the Tribe may acquire a fractional interest in land otherwise qualifying under section 14 of the Settlement Agreement for treatment as Reservation land for the benefit of the Tribe from the ostensible owner of the land if the Secretary or the Tribe and the ostensible owner have agreed upon the identity of the land to be sold and upon the purchase price and other terms of sale. If the ostensible owner agrees to the sale, the Secretary may use condemnation proceedings to perfect or clear title and to acquire any interests of putative co-tenants whose address is unknown or the interests of unknown or unborn heirs or persons subject to mental disability.

(f) TERMS AND CONDITIONS OF ACQUISITION.—All properties acquired by the Tribe shall be acquired subject to the terms and conditions set forth in the Settlement Agreement. The Tribe and the Secretary, acting on behalf of the Tribe and with its consent, are also authorized to acquire Reservation and non-Reservation lands using the methods of financing described in the Settlement Agreement.

(g) AUTHORITY TO ERECT PERMANENT IMPROVEMENTS ON EXISTING AND EXPANDED RESERVATION LAND AND NON-RESERVATION LAND HELD IN TRUST.—Notwithstanding any other provision of law or regulation, the Attorney General of the United States shall approve any deed or other instrument which conveys to the United States lands purchased pursuant to the provisions of this section and the Settlement Agreement. The Secretary or the Tribe may erect permanent improvements of a substantial value, or any other improvements authorized by law on such land after such land is conveyed to the United States.

(h) EASEMENTS OVER RESERVATION.—(1) The acquisition of lands for the Expanded Reservation shall not extinguish any easements or rights-of-way then encumbering such lands unless the Secretary or the Tribe enters into a written agreement with the owners terminating such easements or rights-of-way.

(2)(A) The Tribe, with the approval of the Secretary, shall have the power to grant or convey easements and rights-of-way, in a manner consistent with the Settlement Agreement.

(B) Unless the Tribe and the State agree upon a valuation formula for pricing easements over the Reservation, the Secretary shall be subject to proceedings for condemnation and eminent domain to acquire easements and rights-of-way for public purposes through the Reservation under the laws of the State in circumstances where no other reasonable access is available.

(C) With the approval of the Tribe, the Secretary may grant easements or rights-of-way over the Reservation for private purposes, and implied easements of necessity shall apply to all lands acquired by the Tribe, unless expressly excluded by the parties.

(i) JURISDICTIONAL STATUS.—Only land made part of the Reservation shall be governed by the special jurisdictional provisions set forth in the Settlement Agreement and the State Act.

(j) SALE AND TRANSFER OF RESERVATION LANDS.—With the approval of the Secretary, the Tribe may sell, exchange, or lease lands within the Reservation, and sell timber or other natural resources on the Reservation under circumstances and in the manner prescribed by the Settlement Agreement and the State Act.

(k) TIME LIMIT ON ACQUISITIONS.—All acquisitions of contiguous land to expand the Reservation or of non-contiguous lands to be placed in Reservation status shall be completed or under contract of purchase within 10 years from the date the last payment is made into the Land Acquisition Trust; except that for a period of 20 years after the date the last payment is made into the Catawba Land Acquisition Trust Fund, the Tribe may, subject to the limitation on the total size of the Reservation, continue to add parcels to up to two Reservation areas so long as the parcels acquired are contiguous to one of those two Reservation areas.

(l) LEASES OF RESERVATION LANDS.—The provisions of the first section of the Act of August 9, 1955 (ch. 615, 69 Stat. 539; 25 U.S.C. 415) shall not apply to the Tribe and its Reservation. The Tribe is authorized to lease its Reservation lands for terms up to but not exceeding 99 years, with or without the approval of the Secretary. With regard to any lease of Reservation lands not approved by the Secretary, the Secretary shall be exculpated by the Tribe from any liability arising out of any loss incurred by the Tribe as a result of the unapproved lease.

(m) NON-APPLICABILITY OF BIA LAND ACQUISITION REGULATIONS.—The general land acquisition regulations of the Bureau of Indian Affairs, contained in part 151 of title 25, Code of Federal Regulations, shall not apply to the acquisition of lands authorized by this section.

SEC. 13. NON-RESERVATION PROPERTIES.

(a) ACQUISITION OF NON-RESERVATION PROPERTIES.—The Tribe may draw upon the corpus or accumulated income of the Catawba Land Acquisition Trust Fund or the Catawba Economic Development Trust Fund to acquire and hold parcels of real estate outside the Reservation for the purposes and in the manner delineated in the Settlement Agreement. Jurisdiction and status of all non-Reservation lands shall be governed by section 15 of the Settlement Agreement.

(b) AUTHORITY TO DISPOSE OF LANDS.—Notwithstanding any other provision of law, the Tribe may lease, sell, mortgage, restrict, encumber, or otherwise dispose of such non-Reservation lands in the same manner as other persons and entities under State law, and the Tribe as land owner shall be subject to the same obligations and responsibilities as other persons and entities under State, Federal, and local law.

(c) RESTRICTIONS.—Ownership and transfer of non-Reservation parcels shall not be subject to Federal law restrictions on alienation, including (but not limited to) the restrictions imposed by Federal common law and the provisions of the section 2116 of the Revised Statutes (25 U.S.C. 177).

SEC. 14. GAMES OF CHANCE.

(a) INAPPLICABILITY OF INDIAN GAMING REGULATORY ACT.—The Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall not apply to the Tribe.

(b) GAMES OF CHANCE GENERALLY.—The Tribe shall have the rights and responsibilities set forth in the Settlement Agreement and the State Act with respect to the conduct of games of chance. Except as specifically set forth in the Settlement Agreement and the State Act, all laws, ordinances, and regulations of the State, and its political subdivisions, shall govern the regulation of gambling devices and the conduct of gambling or wagering by the Tribe on and off the Reservation.

SEC. 15. GENERAL PROVISIONS.

(a) SEVERABILITY.—If any provision of section 4(a), 5, or 6 of this Act is rendered invalid by the final action of a court, then all of this Act is invalid. Should any other section of this Act be rendered invalid by the final action of a court, the remaining sections of this Act shall remain in full force and effect.

(b) INTERPRETATION CONSISTENT WITH SETTLEMENT AGREEMENT.—To the extent possible, this Act shall be construed in a manner consistent with the Settlement Agreement and the State Act. In the event of a conflict between the provisions of this Act and the Settlement Agreement or the State Act, the terms of this Act shall govern. In the event of a conflict between the State Act and the Settlement Agreement, the terms of the State Act shall govern. The Settlement Agreement and the State Act shall be maintained on file and available for public inspection at the Department of the Interior.

(c) IMPACT OF SUBSEQUENTLY ENACTED LAWS.—No law or regulation of the United States (1) which accords or relates to a special status or right of or to any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians, and also (2) affects or preempts the civil, criminal, or regulatory jurisdiction of the State, including without limitation, laws of the State relating to land use or environmental matters, shall apply within the State.

(d) ELIGIBILITY FOR CONSIDERATION TO BECOME AN ENTERPRISE ZONE OR GENERAL PURPOSE FOREIGN TRADE ZONE.—Notwithstanding the provisions of any other law or regulation, the Tribe shall be eligible to become, sponsor and operate (1) an "enterprise zone" pursuant to title VII of the Housing and Community Development Act of 1987 (42 U.S.C. 11501–11505) or any other applicable Federal (or State) laws or regulations; or (2) a "foreign-trade zone" or "subzone" pursuant to the Foreign Trade Zones Act of 1934, as amended (19 U.S.C. 81a–81u) and the regulations thereunder, to the same extent as other federally recognized Indian Tribes.

(e) GENERAL APPLICABILITY OF STATE LAW.—Consistent with the provisions of section 4(a)(2), the provisions of South Carolina Code Annotated, section 27–16–40, and section 19.1 of the Settlement Agreement are approved, ratified, and confirmed by the United States, and shall be complied with in the same manner and to the same extent as if they had been enacted into Federal law.

(f) SUBSEQUENT AMENDMENTS TO THE SETTLEMENT AGREEMENT OR STATE ACT.—Consent is hereby given to the Tribe and the State to amend the Settlement Agreement and the State Act if consent to such amendment is given by both the State and the Tribe, and if such amendment relates to—

(1) the jurisdiction, enforcement, or application of civil, criminal, regulatory, or tax laws of the Tribe and the State;

(2) the allocation or determination of governmental responsibility of the State and the Tribe over specified subject matters or specified geographical areas, or both, including provision for concurrent jurisdiction between the State and the Tribe;

(3) the allocation of jurisdiction between the tribal courts and the State courts; or

(4) technical and other corrections and revisions to conform the State Act and the Agreement in Principle attached to the State Act to the Settlement Agreement.

SEC. 16. TAX TREATMENT OF INCOME AND TRANSACTIONS.

Notwithstanding any provision of the State Act, the Settlement Agreement, or this Act (including any amendment made under section 15(f)), nothing in this Act, the State Act, or the Settlement Agreement—

(1) shall amend or alter the Internal Revenue Code of 1986, as amended, or any rules or regulations promulgated thereunder, or

(2) shall affect the treatment under such Code of any person or transaction other than by reason of the restoration of the trust relationship between the United States and the Tribe.

SEC. 17. EFFECTIVE DATE.

Except for sections 7, 8, and 12, the provisions of this Act shall become effective upon the transfer of the Existing Reservation under section 12 to the Secretary.

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The SPEAKER pro tempore (Mr. MANTON). Pursuant to the rule the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. RICHARDSON. Mr. Speaker, H.R. 2399 settles the Catawba Indian Tribe's land claims in the State of South Carolina and provides for the restoration of the tribe's federally recognized status.

The Catawba Tribe of South Carolina was one of the tribes terminated by statute during the 1950's. Almost all of the other terminated tribes have since been restored by statute. In addition, the Catawba Tribe have a valid, unextinguished claim to 144,000 acres in South Carolina.

After years of negotiating, the tribe, the Senate, and the landowners have reached a settlement which is memorialized in H.R. 2399. The essence of the settlement is the Catawba Indian Tribe is restored to federally recognized status and the tribe's claim to the lands are extinguished.

The subcommittee held a hearing on the bill on July 2 in which the State and tribe provided testimony in favor of the agreement. The agreement is supported by the tribe, the entire South Carolina delegation, and the National Congress of American Indians.

The bill adopted by the committee reflects negotiations and discussions among the tribe, the State, the Department of Interior, and the committees of the House and the Senate over a 4-year period. This bill provides for the restoration of the Federal trust relationship that flows from the United States to the Catawba Tribe. It provides for $32 million as the Federal contribution to the settlement of tribal land claims in South Carolina; $18 million will also be paid to the tribe from the State of South Carolina and private landowners.

The bill ratifies prior land transfers and extinguishes tribal rights and claims. The bill also provides for the establishment of a membership roll and a provisional tribal government. It allows the tribe to organize under the Indian Reorganization Act and adopt a tribal constitution.

The bill creates several trust funds for the tribe and allows the tribe the option of having an outside management company handle the funds rather than the Department of the Interior. Trust funds for social services, elderly assistance, and education are to be set up.

The bill provides for the establishment of a reservation for the tribe and the opportunity for tribal economic development initiatives.

I note that changes were made to the bill which delete all provisions relating to the Internal Revenue Code. It is our intent that the Catawba Tribe should be made eligible for treatment as a tribe under the Indian Tribal Government Tax Status Act pursuant to the regulations. In the interest of equity, the committee asserts that such tax treatment should be made retroactive to the date of enactment if this is possible. The committee asserts that individual members of the Catawba Tribe should not be taxed on the per capita distributions and supports the tribe in working with the Congress to secure such a provision. The committee supports the efforts of the tribe to pursue the other tax benefits for which it bargained.

The committee is aware that if this measure does not pass by October, 60,000 individual lawsuits will be filed by the tribe in the State of South Carolina.

Some have been critical of the concessions made by the tribe in this matter, but it is a settlement which has been negotiated over a period of years by parties who were well aware of the consequences of these concessions.

Tribal sovereignty is something that this committee is committed to preserving, protecting, and defending. Part of self-goverance is making hard choices such as those made in this instance. They have compromised in an effort to obtain this settlement. This bill is not and should not be a model for future settlements. It is not intended to be a precedent for other tribes. The bill reflects choices made by the Catawba Tribe and the State of South Carolina in a unique settlement of claims pursuant to a British treaty and the Non-Intercourse Act. The committee will respect the choices the tribe has made.

Mr. Speaker, I urge my colleagues to support this measure.

AGREEMENT IN PRINCIPLE

1. *Parties.* This Agreement in Principle is made by and between the following parties:

1.1 The Catawba Indian Tribe of South Carolina, represented by Gilbert Blue, Chief; E. Fred Sanders, Assistant Chief; Carson Blue, Secretary-Treasurer; and Tribal Executive Committee Members—Buck George, Claude Ayers, Foxx Ayers, Dewey Adams and Wilford Harris; and by Don B. Miller, Native American Rights Fund, and Robert M. Jones, Jay Bender, Richard Steele, Cheryl Perkins and Ross Swimmer, attorneys for the Catawbas.

1.2 The State of South Carolina, represented by Governor Carroll A. Campbell, Jr., and by A. Crawford Clarkson, Jr., Chairman of the Governor's Advisory Committee on the Catawba Indian Claim; by Senator Robert W. Hayes, Jr., representing the Legislative Delegations of York, Lancaster, and Chester Counties, South Carolina; by Representative John M. Spratt, Jr., representing the South Carolina Congressional Delegation.

2. *Definitions.* When used in this Agreement, the following words, terms or abbreviations shall have the meanings given below:

2.1 "Agreement" shall mean this written document, entitled "Agreement in Principle."

2.2 "Catawba Indian Tribe," "Catawbas," or "Tribe" shall mean the Catawba Indian Tribe of South Carolina as constituted in aboriginal times, which was party to the Treaty of Pine Tree Hill in 1760 as confirmed by the Treaty of Augusta in 1763, which was party also to the Treaty of Nation Ford in 1840, and which was the subject of the Catawba Indian Tribe of South Carolina Division of Assets Act, enacted September 29, 1959, codified at 25 U.S.C. §§931-938, and all predecessors and successors in interest, including the Catawba Indian Tribe of South Carolina, Inc.

2.3 "State Government" or "State" shall mean the State of South Carolina.

2.4 "Executive Committee" shall mean the body of the Catawba Indian Tribe of South Carolina composed of the Tribe's executive officers as selected by the Tribe in accordance with its constitution.

2.5 "General Council" shall mean the membership of the Tribe convened as the Tribe's governing body for the purpose of conducting tribal business pursuant to the Tribe's constitution.

2.6 "Member" or "tribal member" shall mean individuals who are currently members of the Tribe or who are enrolled in accordance with the Federal Implementing legislation.

2.7 "Secretary of the Interior" or "Secretary" shall mean the Secretary of the Department of the Interior or his designee, and "Department" or "Department of the Interior" shall refer to the United States Department of the Interior.

2.8 "Federal Government" shall mean the Government of the United States of America.

2.9 "Catawba Claim Area" shall mean that area of approximately 144,000 acres in York, Lancaster, and Chester Counties, South Carolina claimed by the Catawba Tribe under the Treaty of Pine Tree Hill in 1760 and the Treaty of Augusta in 1763, and surveyed by Samuel Wylie in 1764, and ceded by the Catawba Indian Tribe to the State of South Carolina by the Treaty of Nation Ford in 1840.

2.10 "Suit" or "Suits" shall mean *Catawba Indian Tribe of South Carolina v. State of South Carolina, et al.*, docketed as Civil Action No. 80-2050 and filed in United States District Court for the District of South Carolina and *Catawba Indian Tribe of South Carolina v. United States of America*, docketed as

Civil Action No. 90-553L and filed with the United States Court of Claims.

2.11 "Claim" or "Claims" shall mean any claim which was asserted by the plaintiffs in either Suit, and any other claim which could have been asserted by the Catawba Indian Tribe or any Catawba Indian of a right, title, or interest in property, to trespass or property damages, or of a hunting, fishing or other right to natural resources, if such claim is based upon aboriginal title, recognized title, or title by grant, patent, or treaty, including the Treaty of Pine Tree Hill of 1760, the Treaty of Augusta of 1763, or the Treaty of Nation Ford of 1840.

2.12 "Termination Act" shall mean the "Catawba Indian Tribe Division of Assets Act," enacted September 21, 1959, 73 Stat. 592, 25 U.S.C. §§931–938.

2.13 "Reservation" shall mean the tract of land now held in trust for the Tribe by the State of South Carolina, sometimes referred to herein as the "existing reservation," and lands added to the existing reservation in accordance with Section 14, sometimes referred to herein as the "expanded reservation," which are to be held in trust for the Tribe by the United States of America, acting through the Secretary of Interior, in accordance with this Agreement.

2.14 "Tribal Trust Funds" shall mean those funds set aside in trusts established for the benefit of the Tribe, as provided in Section 13.

2.15 "Implementing legislation" shall mean all appropriate federal, state and county laws and ordinances and tribal action necessary to enact and effect the terms, provisions, and conditions of settlement, as specified in §3.1 of this Agreement.

2.16 "Transfer" includes, but is not limited to, any voluntary or involuntary sale, grant, lease, allotment, partition, or other conveyance; any transaction the purpose of which was to effect a sale, grant, lease, allotment, partition, or conveyance; and any act, event or circumstance that resulted in a change in title to, possession of, dominion over, or control of land or natural resources.

2.17 "Internal Matters" or "Internal Tribal Matters" are matters which include, but are not limited to the following examples: the relationship between the Tribe and one or more of its members, the conduct of Tribal government over members of the Tribe, or the Tribe's exercise of the power to exclude individuals from its Reservation.

3. *Purpose; Duration of Certain Provisions Relating to Hunting and Fishing Licenses and Tax Treatment.*

3.1 *Purpose.* The purpose of this Agreement is to record the understanding of the parties with respect to settlement of the claims and suits pending in the United States District Court for the District of South Carolina entitled *Catawba Indian Tribe of South Carolina Inc. v. State of South Carolina, et al.*, docketed as Civil Action No. 80-2050, and in the United States Claims Court entitled *The Catawba Indian Tribe of South Carolina v. United States of America*, docketed as Civil No. 90-553L, and any other suit or claim, which is filed now or which may be filed in the future, all, as further defined in §§2.10 and 2.11. By signing this document, each party signifies its good faith commitment to fulfill the terms of settlement set forth in this Agreement. All parties recognize, however, that this Agreement is an agreement in principle; that to complete this Agreement, terms of settlement and implementing legislation in more explicit detail will have to be defined and drafted; and that to consummate this Agreement, formal ratification will be required by the Catawba Indian Tribe and legislation will be required to be enacted by the governing bodies of York and Lancaster Counties, by the General Assembly of South Carolina, and by the Congress of the United States. The parties agree that they will use their best efforts to ensure passage of federal, state and local legislation and tribal action implementing the provisions of this Agreement without any material change and will attempt throughout the legislative process to fulfill the intent of this Agreement. Legislation adopted by the State shall not become effective until federal legislation is enacted and reviewed by the Governor to ensure it is consistent with the provisions of this Agreement.

3.2 *Licenses and Tax Treatment.* The Tribe and its members shall be eligible to receive the hunting and fishing licenses described in §17.5 and the tax treatment described in §§18.4.2, 18.6.1, 18.9.1, 18.9.3 of this Agreement for a period of 99 years from the effective date of the State implementing legislation required to effectuate the settlement described herein.

4. *Restoration of the Federal Trust Relationship.*

4.1 *Establishment of Trust Relationship.* Upon final enactment of all local, state and federal legislation implementing this settlement, the trust relationship between the Tribe and the United States shall be restored. On the same date as the Tribe is restored, the Tribe and the members of the Tribe shall be eligible for all benefits and services furnished to federally recognized Indian Tribes and their members. The federal legislation implementing this settlement will, prospectively, repeal the Termination Act. Such repeal shall not divest or disturb title to any land conveyed to any person or firm as a result of the Termination Act and the partition and liquidation of Tribal land. The jurisdiction and governmental powers of the Tribe shall be exclusively those that are specifically enumerated in this Agreement. Except for claims extinguished under this Agreement, the enactment of the implementing legislation shall not affect any property right or obligation or any contractual right or obligation in existence before its effective date or any obligation for taxes levied before such date.

4.2 *Entitlement of Tribe and Members.* The Catawba Indian Tribe of South Carolina will be entered on the list of federally recognized bands and tribes maintained by the Department of the Interior; and its members will be entitled to special services, educational benefits, medical care, and welfare assistance provided by the United States to Indians because of their status as Indians, and the Tribe will be entitled to the special services performed by the United States for tribes because of their status as Indian tribes.

4.3 *Extent of Jurisdiction.* Federal recognition shall not be construed to empower the Catawbas with special jurisdiction, or to derogate from the jurisdiction of the State of South Carolina or its political subdivisions other than municipalities over the Catawba Indian Tribe and its members, except as expressly provided in this Agreement. The Catawba Tribe, its members, and the lands and natural resources owned by the Tribe and its members (including land and natural resources held by the United States in trust for the Tribe) shall be subject to the civil, criminal, and regulatory jurisdiction of the State, its agencies and political subdivisions other than municipalities, and the civil and criminal jurisdiction of the courts of the State to the same extent as any other person, citizen, or land in the State, except as otherwise expressly provided in this Agreement.

5. *Monetary Contributions Toward Settlement.*

5.1 *Federal Contribution.* Upon formal ratification of this Agreement by the Tribe and final enactment of all local, state and federal legislation consummating this settlement, the Federal Government shall contribute Thirty-two million and no/100 ($32,000,000) Dollars to the trust funds established in accordance with the provisions of Section 13 less any funds to be paid pursuant to §6.4 of this Agreement, in equal annual installments commencing in Fiscal Year 1995 and ending in Fiscal Year 1998, and shall begin providing the services and benefits accorded recognized tribes and their members, as provided in this Agreement.

5.2 *State, Local, and Private Contributions.* Upon formal ratification of this Agreement by the Tribe and final enactment of all local, state, and federal legislation consummating this settlement, the State, local governments and private sources shall contribute, in five equal annual installments, Eighteen million and no/100 ($18,000,000) Dollars, to the Department of the Interior, and the Secretary shall deposit such contributions, less any funds to be paid pursuant to §6.4 of this Agreement, in thetrust funds established pursuant to Section 13. Any private payments made under this Agreement shall be treated as either a payment in settlement in litigation or a charitable contribution for federal and state income tax purposes.

6. *Extinguishment of Claims, Dismissal of Suits, Ratification of a Prior Transfer.*

6.1 In consideration of the payments set forth in Section 5 of other benefits accruing to the Tribe and its members under this Agreement, the federal legislation implementing this settlement shall extinguish all claims and all right, title, and interest that the Tribe, its members, or any one or more of its members, or any person or group of persons purporting to be Catawba Indians, may have to aboriginal title, recognized title, or title by grant, patent, or treaty, to the lands located anywhere in the United States; except, however, that this quitclaim and release shall not apply to the 630-acre Reservation, now held in trust by the State of South Carolina; nor shall it divest or disturb any member of the Tribe of any fee simple, leasehold, or remainder estate, or any equitable or beneficial interest, he or she may own and hold individually, and not as members of the Tribe, in any parcels of land anywhere in the United States.

6.2 In further consideration of the payments set forth in Section 5 and other benefits accruing to the Tribe and its members under this Agreement, the federal legislation implementing this settlement shall also extinguish any hunting, fishing, or waters right or rights to any other natural resources claimed by the Tribe based on aboriginal or treaty recognized title, and all trespass damages and other damages associated with use, occupancy or possession, or entry upon such lands, including without limitation all profits and rents derived from such lands, and any timber, soil, minerals, crops, or other natural resources taken from such lands; provided, however, that extinguishment of the claim shall in no way diminish or derogate from the fee simple estate in the existing reservation now held by the State as trustee for the benefit of the Catawbas.

6.3 The Tribe shall accept the payments set forth in Section 5 of the benefits provided under this Agreement as just and full compensation for, and the Federal Implementing legislation shall ratify and approve, all prior transfers of lands by the Tribe, its members or any one or more of its members within the United States, including the cession of title purportedly effected by the Treaty of Nation Ford in 1840, and to the extent that such cession may have included aboriginal title, such legislation shall extinguish aboriginal title as of the effective date of transfer; provided, however that nothing in this section shall be construed to affect, diminish, or eliminate the personal claim of any individual Indian which is pursued under any law of general applicability that protects non-Indians as well as Indians. By virtue of such approval and ratification, together with the extinguishment of aboriginal title, all claims based on aboriginal, recognized title, or title by grant, patent or treaty against the United States, or against any state or subdivision of any state, or any person or entity, by the Catawba Indian Tribe, or by any member or members of the Tribe, or by any person or group of persons purporting to be Catawba Indians, including but not limited to possessory claims and claims for ejectment, claims for trespass damages, and claims for use, occupancy, hunting, fishing, or extraction and removal of natural resources, and any accounting therefor, arising from the beginning of time to the date of such legislation shall be canceled, released, and forever extinguished. Adoption of the federal and state legislation implementing this Agreement shall constitute a general discharge of all obligations of the United States, the State and all of their political subdivisions, agencies and departments, including claims asserted in the Suits defined in §2.10 arising out of any treaty or agreement, including the Treaty of Nation Ford, the Treaty of Augusta and the Treaty of Pine Tree Hill, with the Tribe, its members or any one or more of its members.

6.4 Upon final enactment of all implementing legislation, the Tribe shall duly consent to the dismissal with prejudice of the suits, and shall executive and deliver to the State and the United States full and final releases of all their claims against the State and the United States and all other defendants and landowners in the Claim Area, including defendants not yet named or sued. The parties to the suits shall bear their own costs and attorney fees. The Federal Implementing legislation shall authorize and direct the Secretary of the Interior to pay to the Tribes' attorneys attorney fees and expenses not to exceed ten and no/100 (10%) percent of the funds paid pursuant to Section 5 of this Agreement upon receipt by the Secretary of a written request from the Tribe containing:

6.4.1 A certification by the Tribe that the Tribe consents to and authorizes the payment by the Secretary of its attorneys' fees incurred in the Suits and the settlement of the Tribe's claims from the $50,000,000 obligated for payment to the Tribe by Federal, State, local, and private parties pursuant to Section 5 of the Settlement Agreement;

6.4.2 A certification by the Tribe that the Tribe has received and reviewed the attorneys' documentation of their fees and finds the fees reasonable; and

6.4.3 A schedule of payments of the attorneys' fees, approved by the Tribe, that provides for disbursements to the attorneys by the Secretary in four equal annual installments beginning in the first fiscal year that Federal funds are appropriated for payment to the Tribe pursuant to Section 5 of the Federal Implementing legislation.

The Secretary shall disburse the four annual payments to the attorneys required by this section within 30 days of the Federal appropriation to the Tribe in each fiscal year and prior to depositing the Federal Implementing legislation.

6.5 The federal legislation implementing this settlement shall bar the United States from asserting by or on behalf ofthe Tribe, any one or more of its members, or anyone purporting to be a Tribal member, any claim arising before the date of such legislation from the transfer of any land or natural resources of the Tribe by deed or other grant, or by treaty, compact, or act of law, on the grounds that such transfer was not made in accordance with the laws of the State or the United States. The federal legislation implementing this settlement shall also provide that any transfer of land or natural resources located anywhere within the United States from, by, or on behalf of the Tribe, or any of its members, or anyone purporting to be a Tribal member, shall be deemed to have been made in accordance with the Constitution and all laws of the United States, including without limitation the Trade and Intercourse Act of 1790, Act of July 22, 1790 (Chapter 33, Section 4, 1 Statutes 137, 138), and all amendments thereto and subsequent reenactments and versions thereof; and Congress will ratify and approve any such transfer as of its effective date; provided, however, that nothing in this section shall be construed to affect, diminish, or eliminate the personal claim of any individual Indian (except for any federal common law fraud claim or other action to recover for a Claim as defined in §2.11 which is pursued under any law of general applicability that protects non-Indians as well as Indians.

6.6 The provisions of this section shall take effect immediately upon adoption of federal and state legislation implementing the provisions of this settlement. The Tribe shall have a cause of action in the United States District Court for the District of South Carolina as provided in S.C. Code Ann. §27-16-50(E) to recover any part of the State's obligation still remaining unpaid.

7. *Base Membership Roll.*

7.1 *Base Membership Roll Criteria.* Within one year after enactment of this section, the Tribe shall submit to the Secretary for approval, its base membership roll. An individual is eligible for inclusion on the base membership roll if that individual is living on the date of enactment of this Act and—

7.1.1 is listed on the membership roll published by the Secretary in the Federal Register on February 25, 1961 (26 Federal Register 1680–1688), "Notice of Final Membership Roll" and is not excluded under the provisions of §7.3; or

7.1.2 the Executive Committee determines, based on the criteria used to compile the roll referred to in §7.1.1, that the individual should have been included on the membership roll at that time, but was not; or

7.1.3 is a lineal descendant of a Member whose name appeared or should have appeared on the membership roll referred to in §7.1.1.

7.2 *Base Membership Roll Notice.* Within 90 days after the enactment of the Federal Implementing legislation, the Secretary shall publish in the Federal Register, and in three newspapers of general circulation in the Tribe's service area, a notice stating:

7.2.1 that a base membership roll is being prepared by the Tribe and that the current membership roll is open and will remain open for a period of 90 days;

7.2.2 the requirements for inclusion on the base membership roll;

7.2.3 the Final Membership roll published by the Secretary in the Federal Register on February 25, 1961;

7.2.4 the current membership roll as prepared by the Executive Committee and approved by the General Council; and

7.2.5 the name and address of the tribal or Federal official to whom inquiries should be made.

7.3 *Completion of Base Membership Roll.* Within 120 days after publication of notice under §7.2, the Secretary, after consultation with the Tribe, shall prepare and publish in the Federal Register and in three newspapers of general circulation in the Tribes's service a proposed final base membership roll of the Tribe. Within 60 days from the date of publication of the proposed final base membership roll, an appeal may be filed with the Executive Committee under rules made by the Executive Committee in consultation with the Secretary. Such an appeal may be filed by a Member with respect to the inclusion of any name on the proposed final base membership roll and by any person with respect to the exclusion of his or her name from the final base membership roll. The Executive Committee shall review such appeals and render a decision, subject to the Secretary's approval. If the Executive Committee and the Secretary disagree, the Secretary's decision will be final. All such appeals shall be resolved within 90 days following publication of the proposed roll. The final base membership roll of the Tribe shall then be published in the Federal Register, and in three newspapers of general circulation in the Tribe's service area, and shall be final for purposes of the distribution of funds from the Per Capita Trust Fund.

7.4 *Future Membership in the Tribe.* The Tribe shall have the right to determine future membership in the Tribe; however, in no event may an individual be enrolled as a tribal member unless the individual is a lineal descendent of a person on the base membership roll and has continued to maintain political relations with the Tribe.

8. *Transitional and Provisional Government.*

8.1 *Future Tribal Government.* The Tribe shall adopt a new constitution within 24 months after the effective date of the Federal Implementing legislation.

8.2 *Executive Committee as Transitional Body.*

8.2.1 Until the Tribe has adopted a constitution, the existing tribal constitution shall remain in effect and the Executive Committee is recognized as the provisional and transitional governing body of the Tribe. Until an election of tribal officers under the new constitution, the Executive Committee shall—

8.2.1.1 represent the Tribe and its Members in the implementation of this Act; and

8.2.1.2 during such period—

8.2.1.2.1 have full authority to enter into contracts, grant agreements and other arrangements with any Federal department or agency; and

8.2.1.2.2 have full authority to administer or operate any program under such contracts or agreements.

8.2.2 Until the initial election of tribal officers under a new constitution and bylaws, the Executive Committee shall—

8.2.2.1 determine tribal membership in accordance with the provisions of Section 7; and

8.2.2.2 oversee and implement the revision and proposal to the Tribe of a new constitution and conduct such tribal meetings and elections as are required by the Federal Implementing legislation.

9. *Tribal Constitution and Governance.*

9.1 *Indian Reorganization Act.* If the tribe so elects, it may organize under the Act of

June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act"). The Tribe shall be subject to such Act except to the extent such sections are inconsistent with the Federal Implementing legislation.

9.2 *Adoption of New Tribal Constitution.* Within 180 days after the effective date of the Federal Implementing legislation, the Executive Committee shall draft and distribute to each Member eligible to vote under the tribal constitution in effect on the effective date of the Federal Implementing legislation, a proposed constitution and bylaws for the Tribe together with a brief, impartial description of the proposed constitution and bylaws and a notice of the date, time and location of the election under this section. Not sooner than 30 days or later than 90 days after the distribution of the proposed constitution, the Executive Committee shall conduct a secret-ballot election to adopt a new constitution and bylaws.

9.3 *Majority Vote for Adoption; Procedure in Event of Failure to Adopt Proposed Constitution.*

9.3.1 The tribal constitution and bylaws shall be ratified and adopted if—

9.3.1.1 not less than 30 percent of those entitled to vote do vote; and

9.3.1.2 approved by a majority of those actually voting.

9.3.2 If in any such election such majority does not approve the adoption of the proposed constitution and bylaws, the Executive Committee shall prepare another proposed constitution and bylaws and present it to the Tribe in the same manner provided in this section for the first constitution and bylaws. Such new proposed constitution and bylaws shall be distributed to the eligible voters of the Tribe no later than 180 days after the date of the election in which the first proposed constitution and bylaws failed of adoption. An election on the question of the adoption of the new proposal of the Executive Committee shall be conducted in the same manner provided in §9.2 for the adoption of the first proposed constitution and bylaws.

9.4 *Election of Tribal Officers.* Within 120 days after the Tribe ratifies and adopts a constitution and bylaws, the Executive Committee shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in the constitution and bylaws. Subsequent elections shall be held in accordance with the Tribe's constitution and bylaws.

9.5 *Extension of Time.* Any time periods prescribed in §§9.2 and 9.5 may be altered by written agreement between the Executive Committee and the Secretary.

10. *Jurisdiction and Governance of the Reservation.*

10.1 *Governance.* Except as otherwise provided in this Agreement, the Tribe shall exercise full authority over internal tribal matters.

10.2 *Powers of Tribe.* Regardless of whether the Tribe elects to organize under the Indian Reorganization Act, in any constitution adopted by the Tribe, the Tribe may be authorized to the extent which is consistent with this Agreement (i) to regulate the use and disposition of tribal property; (ii) to define laws, petty crimes and rules of conduct applicable to members of the Tribe while on the Reservation, supplementing but not supplanting criminal laws of the State of South Carolina; (iii) to regulate the conduct of businesses located on the Reservation and individuals residing on the Reservation; (iv) to levy taxes on members of the Tribe and levy other taxes as provided in S.C. Code Ann. §27-16-130; and (v) to grant exemptions, abatements or waivers from any tribal laws, tribal regulations, or tribal taxes, except the Tribal Sales and Use Taxes, otherwise applicable on the Reservation, including waivers of the jurisdiction of any tribal court; (vi) to adopt its own form of government; (vii) to determine membership as provided in Section 7 of this Agreement and the Federal Implementing legislation; (viii) to exclude nonmembers from its membership rolls and from the Reservation, except for (a) any public roads traversing the Reservation; (b) passage on and use of the Catawba River; (c) public or private easements encumbering the Reservation properly used by those with authority to use such easements; (d) federal, state, and local governmental officials and employees duly performing official governmental functions on the Reservation; and (e) any other access to the Reservation allowed by federal law; and (ix) to charter tribally-owned economic development corporations and enterprises provided, the corporations or enterprises register with the Secretary of State for South Carolina as a domestic or foreign corporation when doing business off the Reservation.

10.3 *Indian Civil Rights Act.* The Tribe shall be subject to the Indian Civil Rights Act, 25 U.S.C. §§1301-1303, 1311, 1312, 1321-1326, 1331, 1341, and any amendments thereto, which shall apply to the Reservation and any tribal court and to anyone subject to its jurisdiction.

11. *Criminal Jurisdiction.*

11.1 Except as provided in this section, South Carolina shall exercise exclusive jurisdiction over all crimes under the statutory or common law of the State.

11.2 A constitution adopted by the Tribe may provide for a tribal court with criminal jurisdiction.

11.2.1 If a tribal court with criminal jurisdiction is created, the territorial jurisdiction of the court both original and appellate must be limited to the Reservation; the jurisdiction of the court over persons must be limited to members of the Tribe; and the subject matter jurisdiction of the court is limited to crimes within the jurisdiction of the State Magistrates' Courts and to any additional misdemeanors and petty offenses specified in the ordinances or laws adopted by the Tribe. The fines and penalties for the offenses may not exceed the maximum fines and penalties that a state magistrate's court may impose.

11.2.2 In all cases in which the tribal court has jurisdiction over state law, its jurisdiction must be concurrent with the jurisdiction of the Magistrates' Courts of the State; and defendants shall have the right to remove their cases to the Magistrate's Court or appeal their convictions in Tribal Court cases to the General Session Court, in the same manner that Magistrate's Court decisions may be appealed, or in accordance with procedures the General Assembly may provide. In cases where the tribal court is applying those additional ordinances or laws described in §11.2.1, it shall have exclusive jurisdiction.

11.3 For the purpose of enforcing the Tribe's powers provided by this Section and the Federal Implementing legislation, the Tribe may employ peace officers.

11.3.1 If the Tribe elects to employ peace officers, all tribal peace officers shall undergo and pass the same course of training required of sheriff's deputies by South Carolina.

11.3.2 The State, the Counties of York and Lancaster, and the Tribe shall enter into a cross-deputization agreement whereby tribal law enforcement officers are authorized to enforce state, county, and tribal law within the Reservation against members and nonmembers of the Tribe, and state and county law enforcement officers are authorized to enforce state, county, and tribal law within the Reservation against members and nonmembers of the Tribe. However, if the Reservation is located in only one of the two counties, only the sheriff of that county shall enter into a cross deputization agreement as provided in this section.

12. *Civil Jurisdiction: Jurisdiction of Tribal Court.*

12.1 The Tribe may provide in its constitution for a Tribal court having civil jurisdiction which may extend up to, but not exceed, the extent provided in this section and the Federal Implementing legislation. The Tribe may have a court of original jurisdiction, as well as an appellate court.

12.1.1 With respect to actions on contracts, the Tribal Court may be vested with jurisdiction over an action on a contract:

12.1.1.1 to which the Tribe or a member of the Tribe is a party, which expressly provides in writing that the Tribal Court has concurrent or exclusive jurisdiction.

12.1.1.2 between the Tribe or a member of the Tribe and other parties or their agents who are physically present on the Reservation when the contract is made, and which is to be performed in part on the Reservation so long as the contract does not expressly exclude jurisdiction of the Tribal Court. For purposes of this section, the delivery of goods or the solicitation of business on the Reservation does not constitute part performance sufficient to confer jurisdiction.

12.1.1.3 to which the Tribe or a member of the Tribe is a party where more than fifty percent of the services to be rendered are performed on the Reservation, so long as the contract does not expressly exclude jurisdiction of the Tribal Court.

12.1.2 With respect to actions in tort, the Tribal Court may be vested with jurisdiction over an action arising out of:

12.1.2.1 an intentional tort, as defined by South Carolina law, committed on the Reservation, in which recovery is sought for bodily injuries or damages to tangible property located on the Reservation.

12.1.2.2 negligent tortious conduct occurring on the Reservation or conduct occurring on the Reservation for which strict liability may be imposed, excluding, however, accidents occurring within the right-of-way limits of a highway, road, or other public easement owned or maintained by the State or its subdivisions or by the United States, which abuts or crosses the Reservation. However, an action in tort involving a nonmember of the Tribe as defendant may be removed to a state or federal court of appropriate jurisdiction if the amount in controversy exceeds the jurisdictional limits then applicable to magistrate's court in South Carolina.

12.1.3 The Tribal Court may be vested with exclusive jurisdiction over the internal matters of the Tribe.

12.1.4 The Tribal Court also may be vested with jurisdiction over domestic relations where both spouses to the marriage are members of the Tribe and both reside on the Reservation or last resided together on the Reservation before the separation leading to their divorce.

12.1.5 The Tribal Court also may be vested with jurisdiction to enforce against a business located on the Reservation and members or nonmembers residing on the Reservation, tribal civil regulations regulating conduct on the Reservation enacted pursuant to

Sections 10 or 17 of this Agreement. Any entity or person subject to those regulations is charged with notice of theTribe's regulations governing conduct on the Reservation and is subject to the enforcement of the regulations in the Tribal Court unless the Tribe specifically has exempted the entity or person from any or all regulation or enforcement in Tribal Court.

12.2 The original jurisdiction of the Tribal Court over the matters set forth in §§12.1.1.2, 12.1.1.3, 12.1.2, 12.1.4 must be concurrent with the jurisdiction of the Court of Common Pleas of South Carolina, the Family Court, and the United States District Court for South Carolina. The original jurisdiction of the Tribal Court over the matters set forth in §12.1.1.1 must be concurrent or exclusive depending upon the agreement of the parties. The original jurisdiction of the Tribal Court over matters set forth in §12.1.3 must be exclusive. The original jurisdiction of the Tribal Court over matters set forth in §12.1.5 must be exclusive unless the Tribe has waived exclusive jurisdiction as to any person or entity. As to all sections referred to in this section, jurisdiction over appeals, if any, must be governed by §12.4.

12.3 The Tribe may waive Tribal Court jurisdiction or the application of tribal laws with respect to a person or firm residing, doing business, or otherwise entering upon the Reservation or contracting with the Tribe. In any contract or commercial transaction, a member of the Tribe may waive Tribal Court jurisdiction or specify in the contract the law of an appropriate jurisdiction to govern the commercial transaction or the interpretation of a contract.

12.4 All final judgments entered in actions tried in Tribal Court are subject to an appeal to the Family Court, the Court of Common Pleas, or the United States District court, depending upon whether that court would have had jurisdiction over the appealed matter had it been commenced in that court, if all of the following circumstances exist:

12.4.1 A party to the suit is not a member of the Tribe;

12.4.2 The amount in controversy or the cost of complying with an equitable order or decree exceeds the jurisdictional limits then applicable to the magistrates' courts of South Carolina;

12.4.3 The subject matter of the suit does not fall within §12.1.1.1 if jurisdiction is exclusive or §§12.1.3 or 12.1.5. The Tribe may enlarge the right of appeal to include other subject matters and members of the Tribe, subject to rules and procedures the applicable court and relevant State laws may provide.

12.4.4 In an appeal, the court, as appropriate, may:

12.4.4.1 Enter judgment affirming the Tribal Court;

12.4.4.2 Dismiss the case for lack of jurisdiction of the Tribal Court, but only in those cases where the Tribal Court first has addressed the issue of its jurisdiction;

12.4.4.3 Reverse or remand the case for retrial or reconsideration in Tribal Court; or

12.4.4.4 Grant a trial de novo in its court.

12.4.5 In an appeal, a trial, or a trial de novo, the reviewing court shall apply any regulation enacted pursuant to Tribal authority.

12.4.6 In cases subject to §§12.1.2 or 12.4, all final judgments of the Tribal Court must be given full faith and credit in the state or federal court with appropriate jurisdiction, and the Tribal Court shall grant full faith and credit to state or federal court a final judgments.

12.4.7 If a member of the Tribe seeks to enforce against a nonmember in state or federal court a final judgment of the Tribal Court in a case which is not subject to the provisions of 12.1.2 or 12.1.4, the judgment shall be reviewed by the state court in the manner provided in the Uniform Arbitration Act, S.C. Code Ann. 15–48–10 et seq. and by the federal court in the manner provided in the United States Arbitration Act, Title 9 U.S. Code.

12.5 *Sovereign Immunity.*

12.5.1 The Tribe may sue or be sued, in a court of competent jurisdiction. However, the Tribe enjoys sovereign immunity including damage limits and, except as provided in this section, immunity from seizure, execution, or encumbrance of properties, to the same extent as the political subdivisions of the State as provided in the South Carolina Tort Claims Act, chapter 78 of Title 15. With respect to nonconsumer liability based on contract, however, the Tribe, in a written contract, may provide that it is immune from suit on that contract as if there had been no waiver of sovereign immunity.

12.5.2 Notwithstanding the provisions of this section, the Tribe is subject to suit as provided in §27–16–120(B) of the State Implementing Act.

12.5.3 The Tribe shall procure and maintain liability insurance with the same coverage and limits as required of political subdivisions of the State by S.C. Code Ann. 15–78–140(B).

12.5.4 An action alleging tortious conduct by an employee of the Tribe acting within the scope of his duties which seeks money damages against the Tribe must name only the Tribe as a party defendant.

12.5.5 A settlement or judgment in an action or a settlement of a claim filed with the Tribe constitutes a complete bar to further action by the claimant against the Tribe by reason of the same occurrence.

12.5.6 A claimant may file a verified claim for damages with the Tribe before filing suit but is not required to file the claim as a prerequisite to filing suit.

12.5.6.1 The claim must set forth the circumstances which brought about the loss, the extent of the loss, the time and the place the loss occurred, the names of all witnesses, if known, and the amount of the loss sustained.

12.5.6.2 The Tribe shall designate an employee or office to accept the filing of claims. Filing may be accomplished by receipt by the Tribe's designee of certified mailing of the claims or by compliance with the provisions of law relating to services of process.

12.5.6.3 If filed, the claim must be received within one year after the loss was or should have been discovered.

12.5.6.4 The Tribe has one hundred eighty days from the date of the filing of the claim in which to determine whether the claim is allowed or disallowed. Failure to notify the claimant of action upon the claim within one hundred eighty days after the filing of the claim is considered a disallowance of the claim.

12.5.6.5 While the filing of the claim is not required as a prerequisite to suit, if a claimant files a claim, he may not institute an action until after the occurrence of the earliest of one of the following three events:

12.5.6.5.1 passage of one hundred eighty days from the filing of the claim with the Tribe;

12.5.6.5.2 the Tribe's disallowance of the claim;

12.5.6.5.3 the Tribe's rejection of a settlement offer.

12.5.7 The provisions of the following sections of the South Carolina Tort Claims Act apply to the Tribe to the same extent as they apply to the State and its political subdivisions:

12.5.7.1 §15–78–100(c), joint tort-feasors;

12.5.7.2 §15–78–110, statute of limitations;

12.5.7.3 §15–78–170, survival actions;

12.5.7.4 §15–78–190, applicability of uninsured or underinsured defendant insurance.

12.5.8 If the Tribe's insurance coverage is inadequate or unavailable to satisfy a judgment within the limits of the Tort Claims Act, neither the judgment nor any other process may be levied upon the corpus or principal of the Tribal Trust Funds or upon property held in trust for the Tribe by the United States. However, the tribe or the Secretary of Interior shall honor valid orders of a federal or state court which enters money judgments for causes of action against the Tribe arising after the effective date of this Agreement, by making an assignment to the judgment creditor of the right to receive income out of the next quarterly payment or payments of income from the Tribal Trust Funds.

12.6 *Indian Child Welfare Act.* The Indian Child Welfare Act, 25 U.S.C. §1901, et seq., (ICWA) shall apply to Catawba Indian children except as provided in this Section. Before the Tribe may assume jurisdiction over Indian child custody proceedings under the ICWA, the Tribe shall present to the Secretary for approval a petition to assume such jurisdiction, and the Secretary shall approve the petition in the manner prescribed in ICWA. Any petition to assume jurisdiction over Indian child custody proceedings by the Tribe shall be considered and determined by the Secretary in accordance with the relevant provisions of ICWA. Assumption of jurisdiction under ICWA shall not affect any action or proceeding over which a court has already assume jurisdiction. Until the Tribe has assumed jurisdiction over Indian child custody proceedings, the State shall retain exclusive jurisdiction over Indian custody proceedings; however, the State Court shall apply the Indian Child Welfare Act. ICWA shall not apply to private adoptions of Indian children under the jurisdiction of the Catawba Tribe under the ICWA where both parents consent to the adoption, or in the case of an unwed mother, the mother consents to the adoption when the father's consent is not necessary for the adoption under South Carolina Law §20–7–1690 and any amendments thereto, and the parents or mother help choose adoptive parents, regardless of whether or not the adoptive parents are outside the preferences of the ICWA. However, the court may consider any benefits, material and cultural, the child may lose in determining whether the proposed adoption is in the best interests of the child; provided, however, that failure of the courts to make this consideration shall not be subsequently held to invalidate the adoption. In all cases of adoption, regardless of whether the ICWA applies, 25 U.S.C. §1917 shall apply.

12.7 If no Tribal Court is established by the Tribe, the State shall exercise jurisdiction over all civil and criminal causes arising out of acts and transactions occurring on the Reservation or involving members of the Tribe. If the Tribe does establish a Tribal Court pursuant to Sections 11 or 12, §11.2.2 or §12.2 governs whether jurisdiction is exclusive or concurrent.

13. *Tribal Trust Funds.*

13.1 *Purposes of Trust Funds.* All funds paid pursuant to Section 5 of this Agreement, except for payments made pursuant to

§6.4, shall be deposited with the Secretary in trust for the benefit of the Tribe. Separate trust funds shall be established for the following purposes: Economic Development, Land Acquisition, Education, Social Services and Elderly Assistance, and Per Capita Payments. Except as provided in this section, the Tribe, in consultation with the Secretary, shall determine the share of settlement payments to be deposited in each Trust Fund, and define, consistently with the provisions of this section, the purposes of each Trust Fund and provisions of this section, the purposes of each Trust Fund and provisions for administering each, specifically including provisions for periodic distribution of current and accumulated income, and for invasion and restoration of principal.

13.2 *Outside Management Option.*

13.2.1 The Tribe, in consultation with and subject to the approval of the Secretary, as set forth in this Section, is authorized to place any of the Trust Funds under professional management, outside the Department of the Interior.

13.2.2 If the Tribe elects to place any of the Trust Funds under professional management outside the Departmentof the Interior, it may engage a consulting or advisory firm to assist in the selection of an independent professional investment management firm, and it shall engage, with the approval of the Secretary, an independent investment management firm of proven competence and experience established in the business of counseling large endowments, trusts, or pension funds.

13.2.3 The Secretary shall have 45 days to approve or reject any independent investment management firm selected by the Tribe. If the Secretary fails to approve or reject the firm selected by the Tribe within 45 days, the investment management firm selected by the Tribe shall be deemed to have been approved by the Secretary.

13.2.4 Secretarial approval of an investment management firm shall not be unreasonably withheld, and any Secretarial disapproval of an investment management firm shall be accompanied by a detailed explanation setting forth the Secretary's reasons for such disapproval.

13.2.5 For funds placed under professional management, the Tribe, in consultation with the Secretary and its investment manager, shall develop—

13.2.5.1.1 current operating and long-term capital budgets; and

13.2.5.1.2 a plan for managing, investing, and distributing income and principal from the Trust Funds to match the requirements of the Tribe's operating and capital budgets.

13.2.5.2 For each Trust Fund which the Tribe elects to place under outside professional management, the investment plan shall provide for investment of Trust Fund assets so as to serve the purposes described in this section and in the Trust Fund provisions which the Tribe shall establish in consultation with the Secretary and the independent investment management firm.

13.2.5.3 Distributions from each Trust Fund shall not exceed the limits on the use of principal and income imposed by the applicable provisions of this Agreement for that particular Trust Fund.

13.2.5.4.1 The Tribe's investment management plan shall not become effective until approved by the Secretary.

13.2.5.4.2 Upon submission of the plan by the Tribe to the Secretary for approval, the Secretary shall have 45 days to approve or reject the plan. If the Secretary fails to approve or disapprove the plan within 45 days, the plan shall be deemed to have been approved by the Secretary and shall become effective immediately.

13.2.5.4.3 Secretarial approval of the plan shall not be unreasonably withheld and any secretarial rejection of the plan shall be accompanied by a detailed explanation setting forth the Secretary's reasons for rejecting the plan.

13.2.5.5 Until the selection of an established investment management firm of proven competence and experience, the Tribe shall rely on the management, investment, and administration of the Trust Funds by the Secretary pursuant to the provisions of this section.

13.3 *Transfer of Trust Funds; Exculpation of Secretary.* Upon the Secretary's approval of the Tribe's investment management firm and investment management plan, all funds previously deposited in trust funds held by the Secretary and all funds subsequently paid into the trust funds, which are chosen for outside management, shall be transferred to the accounts established by an investment management firm in accordance with the approved investment management plan. The Secretary shall be exculpated by the Tribe from liability for any loss of principal or interest resulting from investment decisions made by the investment management firm. Any Trust Fund transferred to an investment management firm shall be returned to the Secretary upon written request of the Tribe, and the Secretary shall manage such funds for the benefit of the Tribe.

13.4 *Land Acquisition Trust.*

13.4.1 The Secretary shall establish and maintain a Catawba Land Acquisition Trust Fund, and until the Tribe engages an outside firm for investment management of this trust fund, the Secretary shall manage, invest, and administer this trust fund. The original principal amount of the Land Acquisition Trust Fund shall be determined by the Tribe in consultation with the Secretary.

13.4.2 The principal and income of the Land Acquisition Trust Fund may be used for the purchase and development of Reservation and non-Reservation land pursuant to the Settlement Agreement, costs related to land acquisition, and costs of construction of infrastructure and development of the Reservation and non-Reservation land.

13.4.2.1 Upon acquisition of the maximum amount of land allowed for expansion of the Reservation, or upon request of the Tribe and approval of the Secretary pursuant to the Secretarial approval provisions set forth in §13.2.5.4 of this section, all or part of the balance of this trust fund may be merged into one or more of the Economic Development Trust Fund, the Education Trust Fund, or the Social Services and Elderly Assistance Trust Fund.

13.4.2.2 Alternatively, at the Tribe's election, the Land Acquisition Trust Fund may remain in existence after all the Reservation land is purchased in order to pay for the purchase of non-Reservation land.

13.4.2.3 The Tribe may pledge or hypothecate the income and principal of the Land Acquisition Trust Fund to secure loans for the purchase of Reservation and non-Reservation lands.

13.4.2.4 Following the effective date of the Federal Implementing legislation and before the final annual disbursement is made as provided in section 5 of the Federal Implementing legislation, the Tribe may pledge or hypothecate up to 50 percent of the unpaid annual installments required to be paid to this Trust Fund, the Economic Development Trust Fund and the Social Services and Elderly Assistance Trust Fund by section 5 of the Federal Implementing legislation and by Section 5 of this Agreement, to secure loans to finance the acquisition of Reservation or non-Reservation land or infrastructure improvements on such lands.

13.5 *Economic Development Trust.*

13.5.1 The Secretary shall establish and maintain a Catawba Economic Development Trust Fund, and until the Tribe engages an outside firm for investment management of this Trust Fund, the Secretary shall manage, invest, and administer this Trust Fund. The original principal amount of the Economic Development Trust Fund shall be determined by the Tribe in consultation with the Secretary. The principal and income of this Trust Fund may be used to support tribal economic development activities, including but not limited to infrastructure improvements and tribal business ventures and commercial investments benefiting the Tribe.

13.5.2 The Tribe, in consultation with the Secretary, may pledge or hypothecate future income and up to 50 percent of the principal of this Trust Fund to secure loans for economic development. In defining the provisions for administration of this Trust Fund, and before pledging or hypothecating future income or principal, the Tribe and the Secretary shall agree on rules and standards for the invasion of principal and for repayment or restoration of principal, which shall encourage preservation of principal, and provide that, if feasible, a portion of all profits derived from activities funded by principal be applied to repayment of the Trust Fund.

13.5.3 Following the effective date of the Federal Implementing legislation and before the final annual disbursement is made as provided in section 5 of the Federal Implementing legislation, the Tribe may pledge or hypothecate up to 50 percent of the unpaid annual installments required to be paid by section 5 of the Federal Implementing legislation and by Section 5 of this Agreement to secure loans to finance economic development activities of the Tribe, including (but not limited to) infrastructure improvements on Reservation and non-Reservation lands.

13.5.4 If the Tribe develops sound lending guidelines approved by the Secretary, a portion of the income from this Trust Fund may also be used to fund a revolving credit account for loans to support tribal businesses or business enterprises of tribal members.

13.6 *Education Trust.* The Secretary shall establish and maintain a Catawba Education Trust Fund, and until the Tribe engages an outside firm for investment management of this Trust Fund, the Secretary shall manage, invest, and administer this Trust Fund. The original principal amount of this Trust Fund shall be determined by the Tribe in consultation with the Secretary; subject to the requirement that upon completion of all payments into the Trust Funds, an amount equal to at least ⅓ of all State, local, and private contributions made pursuant to the Settlement Agreement shall have been paid into the Education Trust Fund. Income from this Trust Fund shall be distribution to the Executive Committee periodically to fund vocational, adult, special and higher educational assistance programs administered by the Executive Committee for members of the Tribe. The principal of this Trust Fund shall not be invaded or transferred to any other Trust Fund, nor shall it be pledged or encumbered as security.

13.7 *Social Services and Elderly Assistance Trust.*

13.7.1 The Secretary shall establish and maintain a Catawba Social Services and Elderly Assistance Trust Fund and, until the

Tribe engages an outside firm for investment management of this Trust Fund, the Secretary shall manage, invest, and administer the Social Services and Elderly Assistance Trust Fund. The original principal amount of this Trust Fund shall be determined by the Tribe in consultation with the Secretary.

13.7.2 The income of this Trust Fund shall be periodically distributed to the Tribe to support social services programs, including (but not limited to) housing, care of elderly, or physically or mentally disabled Members, child care, supplemental health care, education, cultural preservation, burial and cemetery maintenance, and operation of tribal government.

13.7.3 The Tribe, in consultation with the Secretary, shall establish eligibility criteria and procedures to carry out this section.

13.8 *Per Capita Payment Trust Fund.*

13.8.1 The Secretary shall establish and maintain a Catawba Per Capita Payment Trust Fund in amount equal to 15 percent of the settlement funds paid pursuant to Section 5 of this Agreement. Until the Tribe engages an outside firm for investment management of this Trust Fund, the Secretary shall manage, invest, and administer the Catawba Per Capita Payment Trust Fund.

13.8.2 Each person whose name appears on the final base membership roll of the Tribe published by the Secretary pursuant to Section 7 will receive a onetime, nonrecurring payment from this Trust Fund.

13.8.3 The amount payable to each member shall be determined by dividing the trust principal and any accrued interest thereon by the number of members on the final base membership roll.

13.8.4.1 Subject to the provisions of this section each enrolled member who has reached the age of 21 years on the date the final base membership roll is published shall receive the payment on the date of distribution, which shall be as soon as practicable after date of publication of the final base membership roll. Adult Members shall be paid their pro rata share of this Trust Fund on the date of distribution unless they elect in writing to leave their pro rata share in the Trust Fund, in which case such share shall not be distributed.

13.8.4.2 The pro rata share of Adult Members who elect not to withdraw their payment from this Trust Fund shall be managed, invested and administered, together with the funds of Members who have not attained the age of 21 years on the date the final base membership roll is published, until such Member requests in writing that their pro rata share be distributed, at which time such Member's pro rata share shall be paid, together with the net income of the Trust Fund allocable to such Member's share as of the date of distribution.

13.8.4.3 No Member may elect to have their pro rata share managed by this Trust Fund for a period of more than 21 years after the date of publication of the final base membership roll.

13.8.5.1 Subject to the provisions of this section, the pro rata share of any Member who has not attained the age of 21 years on the date the final base membership roll is published shall be managed, invested and administered pursuant to the provisions of this section until such Member has attained the age of 21 years, at which time such Member's pro rate share shall be paid, together with the net income of the Trust Fund allocable to such Member's share as of the date of payment. Such Members shall be paid their pro rata share of this Trust Fund on the date they attain 21 years of age unless they elect in writing to leave their pro rata share in the Trust Fund, in which case such share shall not be distributed.

13.8.5.2 The pro rata share of such Members who elect not to withdraw their payment from this Trust Fund shall be managed, invested and administered, together with the funds of members who have not attained the age of 21 years on the date the final base membership roll is published, until such Member requests in writing that their pro rata share be distributed, at which time such Member's pro rata share shall be paid, together with the net income of the Trust Fund allocable to such Member's share as of the date of distribution.

13.8.5.3 No Member may elect to have their pro rata share retained and managed by this Trust beyond the expiration of 21 years after the date of publication of the final base membership roll.

13.8.6 After payments have been made to all Members entitled to receive payments, this Trust Fund shall terminate, and any balance remaining in this Trust Fund shall be merged into the Economic Development Trust Fund, the Education Trust Fund, or the Social Services and Elderly Assistance Trust Fund, as the Tribe may determine.

13.9. *Duration Of Trust Funds.* Subject to the provisions of this section and with the exception of the Catawba per Capita Payment Trust Fund, the Trust Funds established in accordance with this section shall continue in existence so long as the Tribe exists and is recognized by the United States. The principal of these Trust Funds shall not be invaded or distributed except as expressly authorized in the Federal Implementing legislation or in the Agreement.

13.10 *Transfer Of Money Among Trust Funds.* The Tribe, in consultation with the Secretary, shall have the authority to transfer principal and accumulated income between Trust Funds only as follows:

13.10.1 Funds may be transferred among the Catawba Economic Development Trust Fund, the Catawba Land Acquisition Trust Fund and the Catawba Social Services and Elderly Assistance Trust Fund, and from any of those three Trust Funds into the Catawba Education Trust Fund; except, that the mandatory share of State, local, and private sector funds invested in the original corpus of the Catawba Education Trust Fund shall not be transferred to any other Trust Fund.

13.10.2 Any Trust Fund, except for the Catawba Education Trust Fund, may be dissolved by a vote of two-thirds of those Members eligible to vote, and the assets in such Trust Fund shall be transferred to the remaining Trust Funds; except, that (A) no assets shall be transferred from any of the Trust Funds into the Catawba per Capita Payment Trust Fund, and (B) the mandatory share of State, local and private funds invested in the original corpus of the Catawba Education Trust Fund may not be transferred or used for any non-educational purposes.

13.10.3 The dissolution of any Trust Fund requires the approval of the Secretary pursuant to the Secretarial approval provisions set forth in §13.2.5.5 of this section.

13.11 *Trust Fund Accounting.*

13.11.1 The Secretary shall account to the Tribe periodically, and at least annually, for all Catawba Trust Funds being managed and administered by the Secretary. The accounting shall:

13.11.1.1 identify the assets in which the Trust Funds have been invested the relevant period;

13.11.1.2 report income earned during the period, distinguishing current income and capital gains;

13.11.1.3 indicate dates and amounts of distributions to the Tribe, separately distinguishing current income, accumulated income, and distributions of principal; and

13.11.1.4 identify any invasions or repayments of principal during the relevant period and record provisions the Tribe has made for repayment or restoration of principal.

13.11.2 Any outside investment management firm engaged by the Trade shall account to the Tribe and separately to the Secretary at periodic intervals, at least quarterly. Its accounting shall

13.11.2.1 identify the assets in which the Trust Funds have been invested during the relevant period;

13.11.2.2 report income earned during the period, separating current income and capital gains;

13.11.2.3 indicate dates and amounts of distributions to the Tribe, distinguishing current income, accumulated income, and distributions of principal; and

13.11.2.4 identify any invasions repayments of principal during the relevant period and record provisions the Tribe has made for repayment or restoration of principal.

13.11.3 Prior to distributing principal from any Trust Fund, the investment management firm shall notify the Secretary of the proposed distribution and the Tribe's proposed use of such funds, following procedures to be agreed upon by the investment management firm, the Secretary, and the Tribe. The Secretary shall have 15 days within which to object in writing to any such invasion of principal. Failure to object will be deemed approval of the distribution.

13.11.4 All Trust Funds held and managed by any investment management firm shall be audited annually by a certified public accounting firm approved by the Secretary, and a copy of the annual audit shall be submitted to the Tribe and to the Secretary within four months following the close of the Trust Funds' fiscal year.

13.12 *Replacement of Investment Management Firm and Modification of Investment Management Plan.* The Tribe shall not replace the investment management firm approved by the Secretary without prior written notification to the Secretary and approval by the Secretary of any investment management firm chosen by the Tribe as a replacement. Such Secretarial approval shall be given or denied in accordance with the Secretarial approval provisions contained in §§13.2.5.4.2 and 13.2.5.4.3. The Tribe and its investment management firm shall also notify the Secretary in writing of any revisions in the investment management plan which materially increase investment risk or significantly change the investment management plan, or the agreement, made in consultation with the secretary pursuant to which the outside management firm was retained.

13.13 *Trust Funds Not Counted for Certain Purposes; Use as Matching Funds.* None of the funds, assets, income, payments, or distributions from the trust funds established pursuant to this section shall at any time affect the eligibility of the Tribe or its Members for, or be used as a basis for denying or reducing funds to the Tribe or its Members under any Federal, State, or local program. Distributions from these Trust Funds may be used as matching funds, where appropriate, for Federal grants or loans.

14. *Establishment of expanded Reservation.*

14.1 *Existing Reservation.* The State currently holds in trust approximately 630 acres of land which is referred to in this Agreement as the "existing reservation." Upon final enactment of all implementing legislation, the State shall convey the existing reservation to the United States of America as trustee for the Tribe, and the obligation of the State as trustee for the Tribe with respect to this land shall cease.

14.2 *Expanded Reservation.*

14.2.1 Within 180 days from enactment of the implementing legislation, the Secretary, after consultation with the Tribe, shall ascertain the boundaries and area of the existing reservation. In addition, the Secretary, after consulting with the Tribe, shall engage a professional land planning firm as provided in this Agreement. The Secretary shall bear the cost of all services rendered pursuant to this section.

14.2.2 With the assistance of the Secretary or the planning firm, the Tribe may canvass land owners in the Primary Expansion Zone to identify additional tracts that the Tribe may be able to acquire. The Tribe, with the assistance of the planning firm, will determine the scope of its canvass, based on those tracts it wants to acquire and those landowners it considers likely to sell.

14.2.3 Upon final enactment of all implementing legislation the Tribe, or the Secretary may purchase and place in Reservation status only those tracts of lands that are bounded by the existing reservation, or bounded by a tract that has been acquired as part of the expanded reservation and placed in reservation status. Prior to final approval of its Non-Contiguous Development Plan application as described below, the Tribe may obtain options upon and purchase noncontiguous (or "outlying") tracts of land not bounded by the existing or expanded reservation, but no such noncontiguous tract shall be eligible to be placed in reservation status until the Tribe's application for a Non-Contiguous Development Plan has been approved. In assembling tracts, contiguity will not be deemed broken by state or federal roads or by public rights of way; and lands on the eastern bank of the Catawba River opposite the Reservation shall be considered contiguous to the Reservation if the western boundary of any such tract joins the eastern boundary of the Reservation when the boundaries of both are extended to the middle of the river. Tracts acquired for the expanded reservation shall not deny access to lands owned by nonmembers of the Tribe.

14.2.4 When a parcel that can be purchased has been identified and the price has been negotiated, a description of the property and its price, together with other pertinent information and the terms of purchase, shall be presented to the Tribe. If the Tribe approves the purchase, the Secretary or the Tribe may proceed with closing after completion of a title examination, a preliminary subsurface soil investigation, and a level one environmental audit. The Secretary shall bear the cost of all such examinations by the Tribe. Payment of any option fee and the purchase price may, at the Tribe's election, be drawn from the Tribe's Land Acquisition Trust Fund.

14.2.5 The total area of the expanded reservation will be limited to 3,000 acres, including the existing reservation, but the Tribe may exclude from this limit up to 600 acres of additional land if such land is (i) within rights-of-way for public roads or public utilities rendered unusable for development by the easement or right-of-way; (ii) within the 100-year flood plainof the Catawba River as defined by the Federal Emergency Management Agency, or its successor; (iii) non-developable wetland defined or restricted by law or regulation such that buildings, structures, and other improvements are prohibited; and (iv) park and recreational land accessible to the public and dedicated permanently to public use. After completion of a comprehensive development plan, the Tribe may seek to have the permissible area of the expanded reservation enlarged to a maximum of 3,600 acres, plus up to 600 acres of land as described in (i) through (iv) above. Any such expansion shall be first approved, however, by ordinance of the county council governing any area where the additional lands are to be acquired, and by a law or joint resolution enacted by the General Assembly signed by the Governor of South Carolina. Following such approval, the Tribe may, if it has not previously done so, acquire such additional lands. Thereafter the Tribe may request the Secretary to hold such lands in trust. Upon request by the Tribe that such additional lands acquired by the Tribe be taken into trust, the Secretary may take such lands into trust and, if he does so, shall hold the same, together with the existing reservation which the State is to convey to the United States, in trust for the Tribe.

14.2.6 The Tribe in consultation with the Secretary, shall make every reasonable effort to expand the existing reservation by assembling a composite tract of contiguous parcels that border and surround the existing Reservation. Before requesting that any noncontiguous land be held in reservation status, the Tribe shall submit to the county council in any county where it proposes that any noncontiguous tracts be placed in reservation status a Non-Contiguous Development Plan Application ("Application"), which shall include the following:

14.2.6.1 A statement of the Tribe's needs, objectives, and priorities for its Reservation, including planning goals for (1) single and multifamily residential units; (2) recreational amenities; (3) historical sites to be preserved; (3) business and industrial parks; (4) common areas, parks, and open space; (5) roads, streets, utilities, and tribal government and community facilities.

14.2.6.2 An acquisition and land-use plan, based on the Tribe's planning goals and objectives, showing tracts, both contiguous to the Reservation and not contiguous, which the Tribe has acquired or optioned, and identifying where reasonably possible those areas that the Tribe seeks to acquire tracts to place in reservation status, in either the Primary or Secondary Expansion Zones. The acquisition and land-use plan need not be location-specific as to all uses, but should show the expanded reservation as then configured and should designate existing uses, roads, and topographical features including flood plain. Prior to submitting the acquisition and land-use plan to the county council in the county where the Tribe seeks to acquire noncontiguous tracts for reservation status, the Tribe will review the plan with county planning authorities. To avoid speculation in land prices, examination of the Tribe's future land use plans may be restricted by the Tribe to appropriate state and local officials, and these officials will be bound to protect confidential aspects of the plans. The acquisition and land-use plan should endeavor to meet the following guidelines: (i) the plan should attempt to cluster the noncontiguous parcels within the Primary Expansion Zone so that each is located as close as possible to the expanded reservation; (ii) the plan should endeavor to locate all noncontiguous parcels within the Primary Expansion Zone, and confine the number of outlying parcels in all Expansion Zones to three with no more than two in any one Zone; (iii) the plan should seek to assemble only noncontiguous parcels of significant size, using 250 acres as the criterion for a minimum desirable area; (iv) the plan should undertake to show that the outlying parcels will be used for purposes which are compatible with desired existing uses of the surrounding property; (v) the plan should follow generally accepted standards of good land-use planning, providing for the mitigation of environmental impacts and incompatible land uses, and providing traffic and utility planning, building setbacks and density; (vi) the plan for acquiring noncontiguous tracts should avoid the selection of sites or configurations that could leave fragments of unusable land or create hardship for owners of adjoining parcels.

14.2.6.3 The Tribe shall prepare a report of the Tribe's and the Secretary's efforts, acting on behalf of the Tribe, to acquire contiguous tracts at fair market value, showing why it is not possible, practical, or advisable to assemble contiguous parcels into a composite tract, as provided in this Section, and including a certificate to this effect. The Tribe's report will include relevant data on tracts that the Tribe or the Secretary has sought but failed to purchase because of price, terms, or the seller's refusal.

14.2.6.4 Criteria controlling the Tribe's selection of outlying tracts that the Tribe will seek to purchase, provided its Application is finally approved; shall include (i) the minimum area of tracts to be acquired, (ii) the location of outlying tracts in relation to the expanded and the maximum distance between outlying tracts and the nearest boundary of the expanded reservation, (iii) the number of outlying tracts the Tribe intends to acquire in each Zone, (iv) an identification of outlying tracts already owned or under option or targeted for acquisition if the application is finally approved, (v) provisions for assuring that proposed uses of tracts to be acquired are compatible with existing uses of surrounding property and will not interfere with essential public services, and (vi) a means of assuring that noncontiguous tracts can be marked and readily identified as reservation property.

14.2.7 The Tribe shall present its Application to the county council of each county in which the Tribe proposes to purchase noncontiguous tracts to be placed in reservation status. The county council shall make findings on the extent to which the Application has met the criteria set forth in §14.2.6, and recommend to the Governor whether or not the Application should be approved. After receiving the county council's recommendation, the Tribe either may modify its Application and re-submit it to the county council, or present it to the Governor for approval. The Governor shall review the Application and decide whether to approve or disapprove it on the basis of the criteria set forth above. Neither the county council's approval nor the Governor's approval shall unreasonably be withheld, and the Governor's final action shall be subject to review under the Administrative Procedure Act.

14.2.8 Upon approval by the Governor of the Tribe's Non-Contiguous Development Plan Application, the Tribe may request that the Secretary take such noncontiguous tracts in reservation status, in accordance with the Plan and the provisions of this Agreement, and the Secretary, in consultation with the Tribe, shall proceed to place noncontiguous tracts in reservation status.

14.3 *Primary Expansion Zone.* The Tribe shall endeavor at the outset to acquire contiguous tracts for the expanded in the area referred to in this Agreement as the "Primary Expansion Zone." The Primary Expansion Zone shall lie within the area bounded by S.C. Highway No. 5 on the south running northwesterly to its intersection with Springdale Road on the west and thence northeasterly to the Catawba River along Sturgis Road; thence east along the Catawba River to its confluence with Sugar Creek; north along Sugar Creek to its intersection with S.C. Highway No. S–29–41 (Doby Bridge Road); thence with S.C. Highway S–29–41 to its intersection with U.S. Highway No. 521; thence with U.S. Highway No. 521 in a southerly direction to its intersection with S.C. Highway No. S–29–55 (Van Wyck Road) on the east; and thence with S.C. Highway No. S–29–55 to its intersection with Twelve Mile Creek on the south; and thence with Twelve Mile Creek to S.C. Highway No. 5 on the south. This entire area will be known as the "Catawba Reservation Primary Expansion Zone."

14.4 *Secondary Expansion Zone.* The Tribe, may elect to purchase contiguous tracts in an alternative area described in this Agreement as the Secondary Expansion Zone, under the approval provisions set out in §14.2.6 above. The Secondary Expansion Zone shall consist of the area bounded by Sugar Creek on the west; the Catawba River on the south extending to the Norfolk Southern Railway trestle on the west; thence northerly with the railroad right-of-way to its intersection with S.C. S–46–329 (Brickyard Road); thence east to S.C. S–46–41 (Doby Bridge Road); thence easterly along S.C. S–46–41 to its intersection with Sugar Creek. This area shall be known as the "Catawba Reservation Secondary Expansion Zone."

14.5 *Other Expansion Zone.* The Primary and Secondary Expansion Zones are the preferred and only approved zones for expansion of the Reservation. However, after completing a comprehensive plan of development, the Tribe may propose different or additional expansion zones; but any such zone first must be approved by ordinance of the county council where the zone is located, and by law or joint resolution enacted by the General Assembly of South Carolina and signed by the Governor. The combined area of all land acquisitions, including land in any specially approved zones, shall not exceed the limits imposed by §14.2.5.

14.6 *Future Highways.* Prior to the Tribes' planning process, the South Carolina Department of Highways and Public Transportation will consult with the Tribe about planned and proposed major highways within the Primary and Secondary Expansion Zones, including the proposed extension of Dave Lyle Boulevard (South Carolina Highway No. 122) from the City of Rock Hill across the Catawba River into Lancaster County. In accordance with the letter to the Tribe from the City of Rock Hill, dated August 28, 1992, the City of Rock Hill and the South Carolina Department of Highways and Public Transportation will consult the Tribe about access to Dave Lyle Boulevard Extension, and in cooperation with the Tribe, will plan and provide for an interchange assuring access to Dave Lyle Boulevard Extension over a public road in reasonable proximity to the expanded reservation.

14.7 Future Sewage Treatment Facilities. Prior to the Tribe's planning process, the South Carolina Department of Health and Environmental Control (DHEC) will consult with the Tribe about the location of future sewage treatment facilities that may serve the Primary and Secondary Expansion Zones. Such treatment facilities include, but are not limited to, the treatment plant proposed by the Charlotte-Mecklenburg Utilities Department near the confluence of the Catawba River and Twelve Mile Creek in Lancaster County and all pump stations and transmission lines, gravity and pressure. If this or a similar regional treatment plant is constructed here or in the vicinity of this site, DHEC will endeavor to ensure that the commitments of the City of Rock Hill, set forth in its letter to the Tribe dated August 28, 1992, are carried out (i) by locating the City's sewage transmission line to the regional treatment plant in reasonable proximity to the Reservation and (ii) by allowing the Tribe the right to access to such transmission line for a tap fee and on other terms similar to those for municipalities using this treatment facility. The Tribe will be responsible for the design, construction, operation, and maintenance of its own sewage collection system and for the cost of constructing any extension line and tap to the transmission line. The Tribe will also be subject to fees for use of the treatment system and transmission line, and subject to all regulations imposed on users of the system, but DHEC will endeavor to ensure that such fees, charges, and rules are the same as applied to municipal users of the system. If the Tribe is required to construct an extension line to connect with a transmission line the Tribe may charge non-reservation users along such extension line reasonable tap and user fees.

14.8 *Voluntary Land Purchases.* The power of eminent domain shall not be used by the Secretary or any governmental authority in acquiring parcels of land for the benefit of the Tribe, whether or not the parcels are to be part of the Reservation. All such purchases shall be made only from willing sellers by voluntary conveyances. Conveyances by private land owners to the Tribe or the Secretary for the expanded reservation will be deemed, however, to be involuntary conversions within the meaning of Section 1033 of the Internal Revenue Code of 1986, as amended. Filing and recording fees and all documentary tax stamps and any other fees incident to the conveyance of real estate will be payable in connection with such purchases regardless of whether the property is purchased by the Tribe or by the United States in trust for the Tribe. Real property taxes levied for the year of closing will be prorated and paid at closing, or if the amount of property taxes to be due cannot then be calculated, property taxes will be estimated and escrowed at closing. Notwithstanding the provisions of Section 257 and 258a of Title 40, the Secretary may acquire a less than complete interest in land otherwise qualifying under Section 14 for treatment as Reservation land for the benefit of the Tribe from the ostensible owner of the land if the Secretary and the ostensible owner have agreed upon the identity of the land to be sold and upon the purchase price and other terms of sale. If the ostensible owner agrees to the sale, the Secretary may use condemnation proceedings to perfect or clear title and to acquire any interests of putative covenants whose address is unknown or the interests of unknown or unborn heirs or persons subject to mental disability.

14.9 *Rollback Taxes.* The purchase of any land specially assessed as farmland or timberland by York or Lancaster County will not result in a rollback of property taxes provided the property is placed by the Tribe in reservation status within one year of the date of purchase. If any specially assessed land is acquired and not made part of the Reservation within one year, deferred or rollback taxes will be due and payable without interest to the county treasurer.

14.10 *Terms and Conditions of Acquisition.* Subject to the provisions of this Section, the Tribe or the Secretary will be authorized to: (i) ascertain the market value of lands to be purchased; to enter into options and contracts for reservation and non-reservation lands upon such conditions as they deem appropriate; (ii) to acquire, when necessary, the reversionary fee in leases and the remainder fee in life estates; (iii) to acquire lands subject to leases and timber interests and subject to easements, covenants, and restrictions that will not impair usefulness of the lands for the Tribe's purposes. The Tribe or the Secretary, acting in behalf of the Tribe and with its consent, and subject to the provisions of this section, is also authorized to execute and delivery purchase-money notes, mortgages, and other debt and security instruments, to acquire both reservation and non-reservation lands. When property is acquired for the Tribe through purchase-money financing, and encumbered by a purchase-money mortgage, the mortgagee shall have the right to foreclose under South Carolina law in the event of default as defined in the note and mortgage.

14.11 *Easements Over Reservation.* The acquisition of lands for the expanded reservation shall not extinguish any easements or rights-of-way then encumbering such lands unless the Secretary or the Tribe enters into a written agreement with the owners terminating such easements or rights-of-way. The Secretary, with the approval of the Tribe, shall have the power to grant or convey easements and rights-of-way for public roads, public utilities, and other public purposes over the Reservation. Unless the Tribe and the State agree upon a valuation formula for pricing easements over the Reservation, the Secretary shall be subject to proceedings for condemnation and eminent domain to acquire easements and rights of way for public purposes through the Reservation under the laws of the State of South Carolina in circumstances where no other reasonable access is available. With the approval of the Tribe, the Secretary may also grant easements or rights-of-way over the Reservation for private purposes; and implied easements of necessity shall apply to all lands acquired by the Tribe, unless expressly excluded by the parties.

14.12 *Jurisdictional Status.* Only land made part of the Reservation shall be governed by the special jurisdictional provisions set forth in this Agreement.

14.13 *Sale and Transfer of Reservation Lands.* At the request of the Tribe, and with the approval of the Secretary, the Secretary may sell, exchange, or lease lands within the Reservation, or sell timber or other natural resources on the Reservation. The proceeds from these transactions may be used to reinvest in other land contiguous to the Reservation or in improvements for the common use of the Tribe on the Reservation; or if the Tribe deems it appropriate, the proceeds may be placed in the Education Trust Fund, the Elderly Assistance Trust Fund, the Land Acquisition Trust Fund, or the Economic Development Trust Fund. At the request of the Tribe and with the approval of the Secretary, the Secretary may exchange like-kind parcels of land on the Reservation for contiguous parcels of land not currently part of the Reservation. Notwithstanding the provisions of this section, the area of the Reservation shall not exceed the limits imposed by §14.2.5.

14.14 *Time Limit on Acquisitions.* All acquisitions of contiguous land to expand the Reservation or of noncontiguous lands to be placed in reservation status shall be completed or under contract of purchase within ten years from the date the last payment is made into the Land Acquisition Trust; except, however, that the Tribe may continue to acquire parcels which are contiguous to either of two designated reservation areas for a period of twenty years after the date the last payment is made into the Land Acquisition Trust.

14.15 *Leases of Reservation Lands.* The provisions of 25 U.S.C. §415 shall not apply to the Tribe and its Reservation. The Tribe shall be authorized to lease its Reservation lands for terms up to but not exceeding ninety-nine (99) years, with or without the approval of the Secretary. With regard to any lease of Reservation lands not approved by the Secretary, the Secretaryshall be exculpated by the Tribe from any liability arising out of any loss incurred by the Tribe as a result of the unapproved lease.

14.16 *Non-Applicability of BIA Land Acquisition Regulations.* The general land acquisition regulations of the Bureau of Indian Affairs, currently contained in 25 C.F.R. Part 151, shall not apply to the acquisition of lands authorized by Section 14 of this Agreement.

15. *Non-Reservation Properties.*

15.1 *Acquisition of Non-Reservation Properties.* The Tribe may draw upon the corpus or accumulated income of the Land Acquisition Trust or the Economic Development Trust to acquire parcels of real estate outside the Reservation, including properties ancestral or historic to the Tribe and properties to be held by the Tribe for investment or development. Any Non-Reservation properties shall be held in fee simple by the Tribe as a corporate entity or by a subentity of the Tribe and will not be part of the Reservation, or governed by the special jurisdictional provisions set forth in this Agreement, or subject to any other special attributes on account of their ownership by the Tribe as a corporate entity, except as provided in §15.2. Notwithstanding any other provisions of law, the Tribe may lease, sell, mortgage, restrict, encumber, or otherwise dispose of such non-reservation lands in the same manner as other persons and entities under State law; and the Tribe as land owner shall be subject to the same obligations and responsibilities as other persons and entities under State, federal, and local law, including local zoning and land use laws and regulations. Ownership and transfer of non-reservation parcels shall not be subject to federal law restrictions on alienation, including, but not limited to, the restrictions imposed by federal common law and the provisions of the Trade and Intercourse Act of 1790, Act of July 22, 1790, and all amendments thereto.

15.2 *Jurisdiction on Non-Reservation Properties.* The laws, ordinances, taxes, and regulations of the State and its subdivisions shall apply to such non-reservation properties in the same manner as such laws, ordinances, taxes, and regulations would apply to any other properties held by non-Indians located in the same jurisdiction, except as provided in South Carolina Code of Laws, §27–16–110. However, non-reservation land shall be eligible for federal grants and other federal services for the benefit of Indians or Indian tribes, and for such purposes shall be treated as if it were designated as reservation land or land held in trust by the United States.

16. *Games of Chance.*

16.1 *Inapplicability of Indian Gaming Regulatory Act.* The Indian Gaming Regulatory Act, 25 U.S.C. §2701, et seq., shall not apply to the Tribe. This Agreement, and the implementing legislation passed pursuant to this Agreement, and all laws, ordinances, and regulations of the State of South Carolina, and its political subdivisions, shall govern the regulation of gambling devices and the conduct of gambling or wagering by the Tribe on and off the Reservation, except as specifically provided in this section.

16.2 *Conduct of Gambling or Wager by the Tribe on and off the Reservation.* Except as specifically provided in the Federal Implementing legislation and this Agreement, all laws, ordinances, and regulations of South Carolina and its political subdivisions govern the conduct of gambling or wager by the Tribe on and off the Reservation.

16.3 The State shall govern the conduct of bingo under Article 23, Chapter 21 of Title 12, Regulation of Bingo Games, including regulations or rulings issued in relation to that article, except as provided by the special bingo license to which the Tribe is entitled in accordance with this section if it elects to sponsor bingo games under the special license.

16.3.1 For purposes of conducting the game of bingo, the Tribe is deemed a nonprofit organization under Article 23, Chapter 21 of Title 12 of the S.C. Code.

16.3.2 If the Tribe elects to conduct the game of bingo either on or off the Reservation, the Tribe shall obtain a license from the South Carolina Tax Commission. Based on the Tribe's election, the Tribe may be licensed by the South Carolina Tax Commission to conduct games of bingo under a regular license allowed nonprofit organizations or under the special license provided by this section.

16.4 The Tribe may apply to the South Carolina Tax Commission for a special bingo license in lieu of licenses authorized by Article 23, Chapter 21 of Title 12 of the S.C. Code. A special or regular license must be granted if the Tribe complies with the licensing requirements and procedures. The special license is identical in all respects to the class of license permitting the highest level of prizes allowed by law and carries the same privileges and duties as the class of license permitting the highest level of prizes provided by law, except:

16.4.1 The frequency of the sessions must be determined by the Tribe but must be no more frequent than six sessions a week, with sessions on Sundays prohibited unless state law otherwise expressly allows Sunday sessions.

16.4.2 The amount of prizes offered each session must be determined by the Tribe, but must not be greater than one hundred thousand dollars for any game.

16.4.3 The Tribe shall pay, in lieu of an admission, a head, a license, or any other bingo tax, a special bingo tax equal to ten percent of the gross proceeds received during each session. No other federal, state, or local taxes apply to the revenues generated by the bingo games operated by the Tribe. All revenues derived from the special bingo tax must be collected by the South Carolina Tax Commission and deposited with the State Treasurer for the benefit of the General Fund of South Carolina.

16.4.4 At least fifty percent of the gross proceeds received by the Tribe during a calendar quarter must be returned to the players in the form of prizes. For purposes of this section, "gross proceeds" does not include the ten percent special bingo tax.

16.4.5 The Tribe is entitled to two bingo licenses, and these licenses may be used to operate at two locations only. They are not assignable to any other entity or individual.

16.4.6 The net proceeds derived by the Tribe from the conduct of bingo may be used for any purpose authorized by the Tribe.

16.5 The Tribe may elect to operate one of the games under a special bingo license off the Reservation and not within the one hundred forty-four thousand acre Catawba Claim Area, but before doing so, it first must obtain the approval of the governing authority of the county and any municipality in which it seeks to locate the facility. If the Tribe elects to operate one or both of the games off the Reservation but within the one hundred forty-four thousand acre Catawba Claim Area, it shall do so in an area zoned compatibly for commercial activities after consulting with the municipality or county where a facility is to be located.

16.6 The sponsor and promoter of the bingo games must be the Catawba Indian Tribe, and all profits gained from the enterprise accrue to the Tribe. The South Carolina Tax Commission, or its regulatory successor, has the power to administer, oversee, and regulate all bingo games sponsored and conducted by the Tribe, audit and enforce the operation of the games, and assess and collect taxes, interest, and penalties in accordance with the laws and regulations of the State as they apply to the Tribe. The South Carolina Tax Commission, or its regulatory successor, has the right to suspend or revoke the Tribe's bingo license or special bingo license if the tribe violates the law with regard to conducting the game. However, the Tax Commission, or its regulatory successor, first shall notify the Tribe of violations and provide the Tribe with an opportunity to correct the violations before its license may be revoked. Failure to pay bingo taxes, interest, or penalties may be grounds for license revocation.

16.7 A license of the Tribe to conduct bingo must be revoked if the game of bingo is no longer licensed by the State. If the State resumes licensing the game of bingo, the Tribe's license or special license must be reinstated if the Tribe complies with all licensing requirements and procedures.

16.8 The Tribe may permit on its Reservation video poker or similar electronic play devices to the same extent that the devices are authorized by State law. The Tribe is subject to all taxes, license requirements, regulations, and fees governing electronic play devices provided by state law, except if the reservation is located in a county or counties which prohibit the devices pursuant to state law, the Tribe nonetheless must be permitted to operate the devices on the Reservation if the governing body of the Tribe so authorizes, subject to all taxes, license requirements, regulations, and fees governing electronic play devices provided by state law.

16.9 If the Tribe elects to sponsor and conduct games of bingo under a regular license allowed nonprofit organizations under Article 23, Chapter 21 of Title 12 of the Code of S.C., the Tribe must be taxed as a nonprofit corporation under that article.

17. *Governance and Regulation of Reservation.*

17.1 *Building Code.* The Tribe shall incorporate by reference and adopt the York County Building Code, and any amendments thereto hereafter adopted, and may contract with York County, South Carolina for the services necessary to enforce, inspect, and regulate compliance with its Building Code. Such services shall be provided at no charge by York County as an in-kind contribution toward settlement. In addition, those local jurisdictions which exact any fee, permit, or inspection services shall waive the fees otherwise charged for building permit or inspection services on the Reservation. The Tribe shall be empowered, but not required, to adopt building code provisions to be applied on the Reservation in addition to, but not in derogation of, the York County Building Code, as amended from time to time.

17.2 *Environmental Laws.* All federal, state, and local environmental laws and regulations shall apply to the Tribe and to the Reservation, and shall be fully enforceable by all relevant federal, state, and local agencies and authorities. Similarly, all requirements that a license, permit, or certificate be obtained from any federal, state, or local agency shall also apply to the tribe and to the Reservation. This provision shall include all such laws and regulations now in effect and all amendments adopted hereafter. This provision shall extend without limitation to all environmental laws and regulations adopted in the future. The Tribe, the Executive Committee, and all members of the Tribe shall have the same status under all such laws as other citizens or groups of citizens to contest, object to, or intervene in any proceeding or action in which environmental regulations are being made, adjudicated, or enforced, or in which licenses, permits, or certificates of convenience and necessity are being issues by any agency of federal, state, or local government. Notwithstanding any other provisions of law now or hereafter adopted, the Tribe shall not have special or preferential status in any such action or proceeding, or rights, privileges, or standing any greater than the rights, privileges, and standing allowed other citizens or citizen organizations. The Tribe shall have the authority to impose regulations applying higher environmental standards to the Reservation than those imposed by federal or state law or by local governing bodies; but such tribal regulations shall apply only to the Reservation, and not to property surrounding the Reservation or non-reservation property, or to the use of the Catawba River. Such tribal regulations shall also not apply to activities or uses off the Reservation, even if those activities affect air quality on the Reservation. The Tribe shall not be authorized to invoke sovereign immunity against any suit, proceeding, or environmental enforcement action involving any federal, state, or local environmental laws or regulations, and shall be subject to all enforcement orders, restraining orders, fees, fines, injunctions, judgments and other corrective or remedial measures imposed by such laws. Provided, however, it is not the intent of the parties that the Tribe, or the Secretary when acting on behalf of the Tribe, be required to comply with duplicative federal laws and regulations that would not apply to Tribal or Secretarial actions if these actions were taken instead by a private corporation; and, recognizing that this provision may be insufficient to insure fulfillment of this intention, it is also the intent of the parties to use, if necessary, the provisions of §15(f) of the Federal Implementing legislation to draft a provision sufficient to fulfill the parties' intention in this regard.

17.3 *Planning and Zoning.* With respect to any land use regulation within the Reservation, the Tribe shall have the power to adopt and enforce any land use plan after consultation with York County and Lancaster County, for those parts of the Reservation located in those respective jurisdictions. The Tribe and the affected governing bodies shall follow the consultative procedures created for settlement of the claim of the Puyallup Tribe in the State of Washington, as set out in House Report 101-57, pages 161-64. In determining whether to permit the construction of any buildings or improvements on the Reservation, the Tribe shall consider (1) the protection of established or planned residential areas from any use or development that would adversely affect residential living off the Reservation; (2) protection of the health, safety, and welfare of the surrounding community; and (3) preservation of open spaces, rivers, and streams, and provision of public facilities to support development.

17.4 *Health Codes.* All public health codes of the State of South Carolina and any county in which the Reservation is located shall be applicable on the Reservation.

17.5 *Hunting and Fishing.* Hunting and fishing, on or off the Reservation, shall be conducted in compliance with the laws and regulations of the State of South Carolina. Members of the Tribe shall be subject to all state and local regulations governing hunting and fishing both on and off the Reservation, except, however, during the period established by §3.2 of this Agreement members of the Tribe shall be entitled to personal state hunting and fishing licenses without payment of fees. However, the Tribe and its members shall be subject to the same fees and requirements as all other citizens of the State in applying for and obtaining commercial hunting and fishing licenses. The Tribe shall have the authority to impose hunting, fishing, and wildlife rules and regulations on the Reservation that are stricter than those adopted by the State.

17.6 *Riparian Rights.* The littoral and riparian rights of the Catawba Indian Tribe in the Catawba River, or in any other streams or waters crossing their lands, shall not differ in any respect from the rights of other owners whose land abuts non-tidal bodies of water or non-tidal water coursed in South Carolina. The right and obligations covered by this provision shall include but not be limited to: (i) the title to the river bed; (ii) the right to flood, pond, dam, and divert waters of the river or its tributaries; (iii) the right to build docks and piers in the river; (iv) the right to fish in the river or its tributaries; and (v) the right to discharge waste or withdraw water from the river or its tributaries. The Reservation is located on the Catawba River between two hydroelectric reservoirs licensed by the Federal Energy Regulatory Commission ("FERC"). The Tribe shall have the same rights and standing as all other riparian owners and users of the Catawba River to intervene in any proceeding or otherwise to contest or object to proposed actions or determinations of FERC or of any other governmental agency, commission, or court, whether federal, state, or local, with respect to the use of the Catawba River and its basin, including without limitation, with drawl of water from the river; navigability on the river; and water power and hydroelectric usage of the river. Notwithstanding any other provisions of law effective now or hereafter adopted, the Tribe will have no special right or preferential standing greater than other riparian owners and users of the Catawba River to intervene in or contest any such agency action, determination, or proceeding, including specifically any action, or determinations by FERC regarding the licensing, use, or operation of the waters impounded by the existing reservoirs above and below the Reservation.

These qualifications shall apply to the existing reservation, to lands acquired for the expanded reservation, to any other lands acquired by or for the benefit of the Tribe, and to non-reservation lands.

17.7 *Alcoholic Beverages.* Alcohol shall be prohibited on the Reservation unless the Tribe adopts laws permitting the sale, possession, or consumption of alcohol on the Reservation. In such case, the Tribe shall adopt laws or ordinances that incorporate all state standards and regulations regarding hours, sales to minors, employment, consumption, possession, and standards for licensing; except, however, that the Tribe may impose stricter standards and regulations than those prescribed by state law. If beer, wine, and liquor are sold on the Reservation, licenses must be issued by the State in accordance with South Carolina law; and all beer, wine, and liquor taxes will be paid to the State in accordance with South Carolina law.

18. *Taxation.*

18.1 *Indian Tribal Government Tax Status Act.* The Indian Tribal Government Tax Status Act, 26 U.S.C. §7871, shall apply to the Tribe and its Reservation. In no event, however, may the Tribe pledge or hypothecate the income or principal of the Education or Social Services and Elderly Trust Funds or otherwise use them as security or a source of payment for bonds the Tribe may issue.

18.2 *General Tax Liability.* The Tribe, its members, the Tribal Trust Funds, and any other persons or entities affiliated with or owned by the Tribe, members of the Tribe, or theTribal Trust Funds, whether resident, located, or doing business on the Reservation or off the Reservation, shall be subject to all federal, state, and local income taxes, sales taxes, real and personal property taxes, excise taxes, estate taxes, and all other taxes, licenses, levies, and fees, except as expressly provided in this Agreement. Any other person or business entity which locates, operates, or does business on the Reservation shall be subject without exception to all federal, state, and local taxes, licenses, and fees, unless otherwise expressly provided in this Agreement. To the extent that the Tribe may be subject to any taxes under this section, the Tribe shall be taxed as if it were a business corporation incorporated under the laws of South Carolina unless otherwise expressly provided.

18.3 *Bingo Taxes.* If the Tribe elects to sponsor and conduct games of bingo under the provisions of Section 16 of this Agreement, the gross revenues generated by such bingo games will be subject to the 10% tax levy specified in Section 16 exclusively, and no other federal, state or local taxes shall apply to revenues generated by the bingo games which are received by the Tribe. If the Tribe elects to sponsor and conduct games of bingo under a regular license allowed nonprofit organizations under the Bingo Act, the Tribe will be taxed as a nonprofit corporation under the Bingo Act with respect to all revenues generated from the bingo games.

18.4 *Income Taxes.*

18.4.1 *The Tribe and Tribal Trust Funds.* Income of the Tribe, subdivisions and agencies of the Tribe, including entities owned by the Tribe or the Federal Government and the Tribal Trust Funds, and tax revenues collected by the Tribe by levy or assessment, shall be nontaxable for federal income tax purposes to the extent provided by federal law for recognized or restored Indian Tribes. Any tribal income and tax revenues which are nontaxable for federal income tax purposes because of the Tribe's status as a recognized or restored Indian Tribe shall also be nontaxable for purposes of any state and local taxes on income.

18.4.2 *Members of Tribe.* Members of the Tribe shall be liable for payment of federal, state and local income taxes to the same extent as any other person in the state, except that income earned by members of the Tribe for work performing governmental functions solely on the Reservation shall be exempt from state taxes during the period established by §3.2 of this Agreement, and income earned by members of the Tribe from the sale of Catawba Indian pottery and artifacts, whether on or off the Reservation, which are made by members of the Tribe, shall be exempt from state, federal, and local income taxes. For purposes of federal income taxes, the income of members earned on the Reservation shall be taxable to the extent provided by federal law for members of recognized or restored Indian tribes. No funds distribute per capita pursuant to §13.7 shall be subject at the time of distribution to federal, state or local income taxes; however, income subsequently earned on shares distributed to members of the Tribe shall be subject to the same federal, state, and local income taxes as other persons in the state would pay. Compensation paid to Executive Committee members shall be subject to federal payroll taxes to the extent provided by Federal law for members of tribal councils of recognized or restored Indian tribes.

18.4.3 *Taxation of Others on the Reservation.* Any person or other entity which is not exempt from income taxes under §18.4.1 or 18.4.2 shall be liable for all federal, state, and local income taxes otherwise due regardless of whether or not they are doing business on the Reservation.

18.5 *Real Property Taxes.*

18.5.1 *Exemption of Tribal Real Property.* All lands held in trust by the United States for the Tribe as part of the Reservation shall be exempt from all property taxes levied by the State or by any county and school district or special purpose district. All buildings, fixtures, and real property improvements owned by the Tribe or held in trust by the United States for the Tribe on the Reservation shall be exempt from all property taxes levied by the State or by any county and school district or special purpose district. If the Tribe owns a partial interest in property or a business, the property tax exemption provided in this section is applicable to the extent of the Tribe's interest.

18.5.2.1 *Exemption of Members' Real Property.* Single and multi-family residences, including mobile homes, that are situated on the Reservation shall be exempt from all property taxes levied by the State, or a county, a school district, or a special purpose district, if all of the following apply:

18.5.2.1.1 They are owned by the Tribe, members of the Tribe or Tribal Trust Funds, and

18.5.2.1.2 For single family residences, if they are occupied by members of the Tribe or the surviving spouse of a deceased member of the Tribe.

18.5.2.1.3 For multi-family residences, if:

18.5.2.1.3.1 If the property is valued on a per unit basis, those units which are occupied by a member of the Tribe or the surviving spouse of a deceased member or are unoccupied are exempt from property taxes. All other occupied units are subject to property taxes to the same extent that similar property is assessed and taxed elsewhere in the same jurisdiction. Occupancy is determined on the assessment date for the property;

18.5.2.1.3.2 If the property is not valued on a per unit basis, the property is exempt from property taxes based on the percentage of units which are occupied by a member of the Tribe or the surviving spouse of a deceased member of the Tribe, and the property is subject to property taxes to the same extent that similar property is assessed and taxed elsewhere in the same jurisdiction based on the percentage of units not so occupied. In calculating the value, unoccupied units must not be considered. Occupancy is determined on the assessment date for the property.

18.5.2.1.4 Rental property constructed by the Tribe on the Reservation through an Indian Housing Authority which is financed by HUD is exempt from all property taxes. In lieu of the taxes, the authority may agree to make payments to the county or a political subdivision for improvements, services, and facilities furnished by the county or political subdivision for the benefit of the housing project. However, the payments may not exceed the estimated cost to the county or political subdivision of the improvements, services, or facilities furnished.

18.5.2.2 For purposes of this section, residential property shall be deemed owned by a member of the Tribe if the member or the surviving spouse of a member owns at least a one-half undivided interest in the property; and property shall be deemed occupied by members of the Tribe if at least one member or the surviving spouse of a member is living in the single-family residence or in each unit of any multi-family residence.

18.5.3 *Taxation of Other Real Property.* All buildings, fixtures, and real property improvements located on the Reservation which are not exempt from real property taxes under sections 18.5.1 or 18.5.2 shall be subject to all property taxes levied by the State, county, and any school district or special purpose to the same extent that similar buildings, fixtures, or improvements are assessed and taxed elsewhere in the same jurisdiction. However, the underlying land or leasehold in the land will not be subject to real property taxes. All buildings fixtures, and improvements subject to real property taxes shall be eligible for any tax abatement or temporary exemption allowed new business investments to the same extent as similar properties qualify for exemption or abatement in the same county.

18.5.4 *Tribal Property Taxes.* The Tribe shall be authorized to levy taxes on buildings, fixtures, improvements, and personal property located on the Reservation, even though such properties may be exempt from property taxation by the state or its subdivisions, and may use such tax revenues for appropriate tribal purposes. The Tribe may also exempt or abate any such taxes. York and Lancaster Counties and the South Carolina Tax Commission will provide the necessary assistance to the Tribe if the Tribe chooses to assess tribal real property taxes as if they were property taxes imposed by a political subdivision.

18.5.5 *Taxation of Non-Reservation Properties.* Real property and improvements owned by the Tribe or by members of the Tribe or by both and not located on the Reservation shall be subject to all property taxes levied by the State and the county and by the school district and any special purpose districts or other political subdivisions where such property is located.

18.5.6 *Fee in Lieu of Taxes on Non-Reservation Property Held in Trust.* All non-reservation real property held in trust by the Secretary shall be subject to the payment of a fee or fees in an amount equivalent to the real property tax that would have been paid to the applicable taxing authority had the property not been held in trust.

18.6 *Personal Property Taxes.*

18.6.1 *Personal Property Owned by Tribe.* All personal property owned by the Tribe during the period established by §3.2 of this Agreement and used solely on the Reservation shall be exempt from personal property taxes. Except, however, motor vehicles owned by the Tribe during the period shall be exempt from personal property taxes even if used off the Reservation.

18.6.2 *Personal Property Owned by Tribal Members.* All personal property owned by members of the Tribe shall be subject to personal property taxes levied by the State and by the county, school district, special purpose district, and other subdivision of the State, where the property is deemed to be located.

18.6.3 *Taxation of Other Personal Property.* All personal property located on the Reservation which is not exempt from personal property taxes under §18.6.1 shall be subject to personal property taxes levied by the State, county and any school or special purpose district encompassing the Reservation to the same extent that similar personal property is assessed and taxes elsewhere in the jurisdiction.

18.6.4 *Determination of Ownership.* For purposes of §18.5.1 through 18.6.3, determination of whether the Tribe is the owner of property must be made in the same manner as for other taxpayers for South Carolina tax purposes.

18.7 *Levy Against Property for Failure to Pay Property Taxes.* Subject to perfected security interests, if a taxpayer subject to property taxes under §§18.5.1 through 18.6.3 fails to pay the taxes owed, the appropriate taxing authority shall have the power to levy against any personal property subject to personal property taxes owned by the taxpayer within the county whether on or off the Reservation in order to satisfy the taxes due.

18.7.1 If this levy against the personal property is not sufficient to satisfy the tax lien, the county or other political subdivision may contact the State, and the State shall levy against other taxable property of the taxpayer in the State and remit any proceeds to the county or appropriate taxing authority which is owed the tax.

18.7.2 If the county or other political subdivision cannot satisfy its lien, the county may require the Tribe to cease allowing the taxpayer to do business on the Reservation.

18.7.3 If the taxpayer is in bankruptcy, the bankruptcy statutes shall apply to this Section.

18.7.4 The State or any political subdivision may not seize real property located on the Reservation.

18.8 *Vehicle License Fees.* The Tribe and its members shall be subject to all license and registration fees and requirements, all periodic inspection fees and requirements, and all fuel taxes imposed by federal, state, and local governments on motor vehicles, boats, and airplanes, and other means of conveyance.

18.9 *Sales and Use Taxes.* The Tribe, its members, and the Tribal Trust Funds shall be liable for the payment of allstate and local sales and use taxes to the same extent as any other person or entity in the state, except as specifically provided below.

18.9.1 *Tribal Purchases Exemption.* Purchases made by the Tribe for tribal government functions during the period established by §3.2 of this Agreement shall be exempt from state and local sales and use taxes.

18.9.2 *Catawba Pottery Exemption.* Catawba pottery and artifacts made by members of the Tribe and sold on or off the Reservation by the Tribe or members of the Tribe shall be exempt from state and local sales and use tax.

18.9.3 *Tribal Sales Tax.* During the period established by §3.2 of this Agreement, the sale on the Reservation of all other items, whether made on or off the Reservation, shall be exempt from state and local sales and use taxes, but shall be subject to a special tribal sales tax levied by the Tribal Council equal to the state and any local sales tax that would be levied in the jurisdiction encompassing the Reservation but for this exemption. The South Carolina sales and use tax laws, regulations, and rulings shall apply to the special tribal sales tax, and the special tribal sales tax will be administered and collected by the South Carolina Tax Commission. The South Carolina Tax Commission will separately account for the special tribal sale tax, and the State Treasurer will remit the special tribal sales tax revenues periodically to the Tribe at no cost to the Tribe. The tribal sales tax shall not apply to retail sales occurring on the Reservation as a result of delivery from outside the Reservation when the gross proceeds of sale are $100 or less. In such case, the State sale tax shall apply. The Tribe shall impose a tribal Use tax on the storage, use or other consumption on the Reservation of tangible personal property purchased at retail outside the State when the vendor does not collect the tax. However, any use taxes which are collected by a vendor which is not located in the state will be subject to state use taxes and the use tax will be remitted to the state and not the Tribe. Any use taxes not collected by the vendor and remitted to the state will be subject to the Tribal use tax and must be collected directly by the Tribe.

18.10 *Payments in Lieu of Taxes*. The Tribe shall pay a fee in lieu of school taxes. That fee shall be determined by the county in the same manner and shall be the same amount that is paid by students from outside the county entering schools in the county. The fee payable by the Tribe shall be reduced by any funds received by the government for Impact Aid under 20 U.S.C. 236 et seq. or any other federal funds designed to compensate school districts for loss of revenue due to the non-taxability of Indian property. Any fee paid on behalf of a child under this section will be excluded from federal and state income of the child or his family for federal and state income tax purposes.

18.11 *Estate Taxes*. Members of the Tribe shall be liable for payment for all estate and inheritance taxes, except, however, that the undistributed share of any member in the trust fund established pursuant to §13.7 shall be exempt from federal and state estate and inheritance taxes.

18.12 *Eligibility for Consideration to Become an Enterprise Zone or General Purpose Foreign Trade Zones*. Notwithstanding the provisions of any other law or regulation, the Tribe shall be eligible to become, sponsor and operate (1) an "enterprise zone" pursuant to title VII of the Housing and Community Development Act of 1987 (42 U.S.C. 11501–11505) or any other applicable Federal (or State) laws or regulations; or (2) a "foreign-trade zone" or "subzone" pursuant to the Foreign Trade Zones Act of 1934, as amended (19 U.S.C. 81a–81u) and the regulations thereunder, to the same extent as other federally recognized Indian Tribes.

18.13 *Indian Tribal Government Tax Status Act*. The Indian Tribal Government Tax Status Act, 26 U.S.C. §7871, applies to the Tribe and its Reservation for South Carolina income tax purposes to the same extent as provided in the Federal Implementing legislation.

19. *General Provisions.*

19.1 *General Applicability of State Law*. Except as expressly otherwise provided in the implementing legislation, the Tribe and its members, any lands or natural resources owned by the Tribe, and any land or natural resources held in trust by the United States or by any other person or entity for the Tribe, shall be subject to the laws of the State and the civil, criminal and regulatory jurisdiction of the State, to the same extent as any other person or land in the State.

19.2 *Nonadmissibility*. This Agreement represents the compromise settlement of the Tribe's claim, and no term, condition, part, or provision of this Agreement shall be deemed an admission of liability on the part of any of the parties to this Agreement or the holder of property in the claim area in any pending or future suit in connection with the Tribe's claim.

19.3 *Impact of Subsequently Enacted Laws*. The provisions of any Federal law enacted after the date of enactment of the Federal law implementing this Agreement shall not apply in the State if such provision would materially affect or preempt the application of the laws of the State, including application of the laws of State to lands owned by or held in trust for Indians, or Indian Nations, tribes or bands of Indians. However, such federal law shall apply within the State if the State grants its approval by a law or joint resolution enacted by the General Assembly of South Carolina and signed by the Governor.

19.4 *Severability*. The implementing legislation shall provide that if the provisions of Sections 4, 5 or 6 of this Agreement, once incorporated into the implementing legislation, are held invalid, then all of the implementing legislation is invalid. Should any other section of this Agreement be held invalid once incorporated into the implementing legislation, the remaining sections of the implementing legislation shall remain in full force and effect.

19.5 *Subsequent Amendments to the State Act or Settlement Agreement*. The Federal Implementing legislation shall give the United States' consent to the Tribe and the State to amend the Settlement Agreement and/or the State Act, provided that consent to such amendment is given by both the State and the Tribe, and that such amendment relates to:

(1) the jurisdiction, enforcement, or application of civil, criminal, regulatory, or tax laws of the Tribe and the State;

(2) the allocation or determination of governmental responsibility of the State and the Tribe over specified subject matters or specified geographical areas, or both, including provision for concurrent jurisdiction between the State and the Tribe;

(3) the allocation of jurisdiction between the Tribal courts and the State courts; or

(4) technical and other corrections and revisions to conform the State Act and the Agreement in Principle attached to the State Act to the Settlement Agreement incorporated by reference in this act.

19.6 *Effective Date of State Act*. The State implementing legislation shall provide that the act will take effect when the Governor certifies that the Counties of York and Lancaster have taken all actions required of them by the Settlement Agreement. However, the Governor may not make the certification until the Congress of the United States has passed and the President of the United States has signed into law Federal Implementing legislation which he also certifies as consistent with the Settlement Agreement.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from New Mexico has explained, H.R. 2399 settles what could have proved to be a costly and protracted lawsuit between the Catawba Nation and some 60,000 landholders in the State of South Carolina.

Over the past 20 or so years, the number of these settlements has grown. It is my view that such settlements are eminently more productive and beneficial to all parties than resorting to lengthy and often acrimonious court battles. However, while I support the objectives of H.R. 2399, I rise to outline a concern I have with this legislation: the amount of the Federal contribution to the monetary portion of the settlement agreement.

Under the terms of that agreement, the United States is charged with paying almost two-thirds of the settlement fund—or $32 million. This amount was apportioned in negotiations between South Carolina and the Catawba. It is my understanding that no Federal representative was present during that process in other than an observer capacity, and then only sporadically. It seems to me quite irregular for two third-parties to saddle the United States, which is not even a party to the Nation's lawsuit, with a multimillion-dollar obligation without the direct participation of the Federal Government.

Moreover, I am troubled with the amount of the Federal contribution vis-a-vis that of the State of South Carolina. Under the terms of the settlement agreement, the United States is required to contribute $32 million to the settlement fund, while the State of South Carolina and other local entities are required to contribute $18 million. Since this money is, in effect, restitution for the taking of the Catawba lands over the years it seems to me to be logical to apportion the percentage of the contribution based on the amount of culpability for that taking. Reference to the historical underpinnings of this case lead me to conclude that the more peccant parties are the State and its citizens, and thus it is the State that should bear the lion's share of the payment.

The Federal Government was certainly not blameless. After the signing of the Treaty of Paris which ended the Revolutionary War, the United States assumed the obligations of the British Crown under treaties previously signed by that government and the tribes. This included the Treaty of Pine Tree Hill of 1760 and the Treaty of Augusta of 1763, in which 144,000 acres were set aside in perpetuity for the Catawba's exclusive occupation and use. Yet despite treaty and concomitant trust obligations, the United States did nothing to prevent the alienation of the Catawba lands by the State of South

Carolina between 1789 and 1840. Over the ensuing years, various agencies and officials of the Federal Government ignored repeated entreaties by the Catawba seeking protection of their rights and the return of their lands.

While the culpability of the United States can thus be characterized as passive malfeasance, that of the State of South Carolina was clearly active. From the time of the signing of the Treaty of Augusta, the Colony of South Carolina and then the State allowed extensive non-Indian settlement and leasing of the Catawba lands. Then, in 1840, the Nation and the State signed the Treaty of Nation Ford pursuant to which the Catawba ceded title of all its lands to the State. This cession was clearly in violation of the Trade and Intercourse Act of 1790, which requires any transfer of Indian lands to States or private parties to be approved by the Congress. It is the violation of this statute upon which the Catawba base their legal suit.

This active versus passive dichotomy, much like the active/passive theory of tort law, seems to me to require a different calculation of the amounts that should be contributed by the State and the Federal Government, with the balance leaning considerably more in the latter's favor. Unfortunately, however, I do not have the luxury of pursuing that redistribution. It is clear to me that given the positions of the negotiating parties, and the close proximity in which the October deadline for resolution of this settlement looms, that we have little choice but to hold our noses and approve the settlement as is. Any change in the funding formula would likely result in the unraveling of the settlement agreement and the requirement that negotiations begin anew. In the interim, the Nation would be required to serve its 62,000 summonses and we would be faced with that which all parties have sought most strenuously to avoid.

It is my hope that in any future settlement negotiations in which the parties contemplate a Federal contribution such as in this case, officials from the Department of the Interior or related agencies will take a more active participatory role in the negotiation process in order to safeguard the interests of the United States. In fact, I foresee introducing legislation to require just that.

Mr. Speaker, in closing I note that the good that will result from the passage of this legislation in my mind outweighs my apprehension in regards to this issue. I urge my colleagues to support this legislation, and look forward to its swift passage by both Houses.

Mr. Speaker, I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it will be my pleasure to yield time to the gentleman from South Carolina [Mr. SPRATT], without whose involvement and persistent efforts this bill would not have become a reality. The gentleman has been insistent, effective, and steadfast in pursuing this goal to serve his constituents so that we will not all be faced with a lawsuit come the end of October. I really want to commend the gentleman for his excellent work and his persistence.

Mr. Speaker, I yield 10 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Speaker, first let me extend my thanks and appreciation to the chairman of the Subcommittee on Native American Affairs of the Committee on Natural Resources, the gentleman from New Mexico [Mr. RICHARDSON], who has been enormous in his assistance to us; and also to the gentleman from California [Mr. MILLER], chairman of the committee, and to the gentleman from Wyoming [Mr. THOMAS], who has just made a very generous statement of support. I understand his concerns about the level of Federal participation, and we have discussed this before.

Mr. Speaker, I represent more than 2,000 Catawba Indians who will benefit if this bill becomes law, as well as some 62,000 innocent landowners who will be sued if this bill does not become law. In the interest of my constituents, I would like to provide the background of H.R. 2399.

I must first disclose that I am a landowner in the area of some 225 square miles claimed by the Catawba Indian Tribe, and I am 1 of 77 defendants named in their original law suit, *Catawba Indian Tribe of South Carolina* v. *State of South Carolina, et al.*, docketed as Civil Action No. 80–2050 in the U.S. District Court for South Carolina. Along with other named defendants, I moved for summary judgment. The district court granted my motion and issued an order releasing my land in the claim area from the suit. The Fourth Circuit Court of Appeals sustained the district court as to all but approximately 90 acres that I own, and remanded for a further showing of facts on my part. Because of my interest, I have sought the guidance of the House Committee on Standards of Official Conduct, and the committee advised me not to introduce the settlement legislation, which I did not introduce. My colleague from South Carolina, Congressman DERRICK, introduced this bill. The Committee on Standards also advised that I should not vote for passage of this bill, which I will not do. However, the Committee on Standards did inform me that because of the importance of this bill to a large part of my constituency, I may speak on the legislation when the House considers it, so long as I disclose my interest.

This bill will settle a land claim outstanding for more than 150 years and a lawsuit brought by the Catawbas, which has been pending for more than 13 years. As part of the settlement, the bill will grant the Catawbas Federal recognition as an Indian tribe, restoring a relationship terminated by Congress in 1962.

This settlement has not come easily. For the past 4 years, both sides have been engaged in long, hard, and sometimes contentious negotiations. H.R. 2399 is the fruit of those efforts. The bill is supported by the tribe, the Office of Management and Budget, the Department of the Interior, the Native American Rights Fund, the National Congress of American Indians, and the State of South Carolina, which enacted implementing legislation on June 14, 1993. A bill virtually identical to this bill passed the Senate on August 6, 1993.

The first congressional hearing on the status of the Catawbas and their land claim was held by a Senate committee in the 1930's. As far back as June 12, 1979, a little more than 1 year before the pending suit was filed, the House Interior Committee held a hearing to examine the present Catawba claim. On July 2, 1993, the House Natural Resources Committee, Subcommittee on Indian Affairs, held a hearing on the bill before us, and on July 22, 1993, the Senate Select Committee on Indian Affairs also held a hearing on the companion bill in the other body. All three hearing records provide extensive background on this dispute, the history of the tribe, and the 150-year-old land claim.

I would like to submit for the RECORD a summary of the agreement in principle and the State and Federal implementing legislation:

MONETARY PROVISIONS OF SETTLEMENT

At the Interior Committee's first hearing on the Catawba claim on June 12, 1979, Kenneth Woodington, Assistant Attorney General for the State of South Carolina, told the Committee in his testimony (p. 26, Serial No. 96–17):

"As far as a cash contribution, and any other sort of contribution by the State, we defer to the representatives of the South Carolina General Assembly . . . but we would ask that the committee take into consideration, as is being done in Maine, past contributions of the State to the tribe. For instance, in the 1940s, the State contributed enough funds to purchase 3,200 acres of land. At that time, it was only $75,000, but it did purchase 3,200 acres of land . . ."

Congressman Udall, then Chairman of the Interior Committee, asked of Mr. Woodward (p. 26, Serial No. 96–17):

"You do not reject outright, depending on the actions of the South Carolina Legislature, some contribution beyond the land . . . I certainly agree with what has been said earlier about the pattern in the East, which has been for some sort of modest contribution, at the least, from the State, and that is the way I would lean at this point . . ."

Since the Treaty of 1840, the General Assembly of South Carolina has appropriated in the aggregate over $375,000 for the Catawba Indian tribe, according to Dr. Thomas Blumer of the Library of Congress, a scholar of the tribe. Dr. Blumer conditions his summary by saying that he cannot verify how much was actually disbursed, but he has identified from legislation enacted these sums of money which were appropriated by the State of South Carolina over more than a hundred years.

In addition to past payments, and 630 acres of land that it holds in trust for the tribe, the State of South Carolina has agreed to contribute $12.5 million over five years. Local government and private sector sources are to contribute another $5.5 million. State, local,and private sector sources will pay, therefore, $18 million toward settlement, which is more than the "modest contribution" Chairman Udall alluded to fourteen years ago.

Here is an outline of the monetary payments called for by the "Agreement in Principle" and by state and federal implementing legislation:

1. Total Payments to Catawbas over 5 Years: Payments to the Catawbas from all sources will total $50 million over five years.

2. Sources of Payment:

(A) $32 million will come from the federal government.

(B) $18 million will come from state, local, and private sector sources.

(C) The state will provide $2.5 million per year for five years, accompanied by local government contributions.

(D) York County and Lancaster County will contribute $2.6 million per the following schedule: York County: $470,000 per year for five years; and Lancaster County: $50,000 per year for five years.

(E) Private sector sources include: $500,000, now being held in escrow, paid by Crescent Resources, Inc. for a court-approved release of land; $500,000, put forth by Duke Power Company as a matching challenge offer; $500,000 from private sources matching Duke's challenge offer, which still must be solicited and committed; and $1,400,000 from title insurance companies.

3. Final Resolution of All Catawba Claims: When the implementing legislation has been enacted, the land and landowners in the claim area will be freed of the Catawbas' claims. The existing suit will be dismissed with prejudice, and the Catawbas' claims will be extinguished by an Act of Congress.

4. Trust Funds:

(A) Settlement payments will be placed in five trust funds held by the Secretary of the Interior for the benefit of the Catawba Indian Tribe. The Trust Funds are designated: Land Acquisition Trust Fund, Economic Development Trust Fund, Education Trust Fund, Elderly Assistance Trust Fund, and Per Capita Distribution Fund.

(B) The settlement plan permits the Catawbas to place any of their trust funds under outside management by an investment firm, provided the firm is approved by the Secretary and has a record of competence in managing pension funds and endowments. The Secretary would be exculpated from liability for losses by the trusts but would retain oversight responsibilities.

(C) The following are the specific allocations of funds: 15% for the Per Capita Trust; 33% of State, County, Private Contributions for Education Trust; and 10% maximum for attorney's fees and expenses.

TRIBAL SOVEREIGNTY AND JURISDICTION

At the hearing held before the Interior Committee on June 12, 1979, Assistant Attorney General Ken Woodington also laid out the jurisdiction and sovereignty the state wanted the Catawbas to have if the tribe were recognized and a new reservation established. Assistant Attorney General Woodington used for comparison the Rhode Island Settlement Agreement, which Congress had recently enacted, which reserved virtually all civil and criminal jurisdiction in the state. He made it clear that the State of South Carolina did not want jurisdiction of the Catawba tribe governed by Public Law 280.

To the concept of limited jurisdiction that Woodington laid out, Chairman Udall responded as follows (p. 12, Serial No. 96–17):

"I would be inclined to agree with you on the jurisdictional question. I think it is one thing to have the Navajo Reservation in my State, which is as big as West Virginia, with a long history of self-government and special problems. It is one thing to see criminal and civil jurisdiction in the Navajos. It is quite another thing to say in an Eastern State where you do not have an established reservation, to then go out and buy and establish a new reservation, and then give a tribe without an existing tribal structure civil and criminal jurisdiction. I think you are on sound ground there . . ."

The sovereignty and jurisdiction of the Catawba tribe has been established accordingly, following the other Eastern Indian settlements as precedents, but in the end granting this tribe more civil and criminal jurisdiction than most of the Eastern Indian settlements to date. Here is a summary of the jurisdictional provisions of the implementing legislation:

1. Federal Restoration of the Catawba Indian Tribe: The trust relationship between the Catawba Tribe and the United States will be restored. The tribe and its members will qualify for federal Indian programs, such as health and education benefits, housing loans, and grants and loans for reservation development.

2. Reservation:

(A) The State will convey the existing 630-acre reservation to the Secretary of the Interior.

(B) The Secretary, acting for the Catawbas, may acquire in specified acquisition zones up to 3,000 acres of developable land, including the existing reservation, plus up to 600 additional acres of non-developable flood plain and wetland or park and recreation land dedicated permanently to public use. All acquisitions must be from willing sellers, and not by condemnation.

(C) After a comprehensive land study is completed, the tribe may seek approval of the county council and state legislature to acquire up to 600 additional acres.

(D) The Secretary and Tribe must use "every reasonable effort" to enlarge the existing reservation "by assembling a composite tract of contiguous parcels that border and surround the existing reservation."

(E) If the Secretary and tribe desire to purchase non-contiguous lands to be placed in reservation status, they first must submit an acquisition and land-use plan to county planning authorities and to the county council where the land is situated. The County council will review the plan according to criteria in the settlement agreement and make recommendations to the Governor. The Governor will review the application and countycouncil's recommendation and decide whether to allow acquisition. The Governor's approval cannot be unreasonably withheld and will be reviewable under the South Carolina Administrative Procedure Act.

(F) If the tribe is unable to acquire all of the additional land in the vicinity of the existing reservation, a second expansion zone is designated north of the Catawba River. Non-contiguous tracts are limited to three, with no more than two in any one expansion zone.

3. Tribal Self-Government:

(A) The tribe will have authority to regulate the conduct of its members on the reservation and certain other on-reservation activities. If it chooses, the tribe may establish a tribal court. All laws and regulations of the state will apply on the reservation, except as otherwise provided. In certain areas, the tribe may supplement these laws with tribal laws. The tribe will have jurisdiction over internal tribal matters, including membership criteria; laws that regulate the use of tribal property; petty crimes and rules of conduct applicable to tribal members and others doing business on the reservation; the exclusion of non-members from the reservation, except for public roads and easements.

(B) The criminal jurisdiction of the tribal court will be restricted to members and limited in subject matter to the jurisdiction of state magistrate's courts. State law will generally apply to activities of non-members on the reservation. The tribe may also allow its tribal court to exercise jurisdiction over contract disputes where the parties provide for tribal court jurisdiction or where the performance of the contract occurs substantially on the reservation. In addition, the tribal court may exercise jurisdiction over domestic matters where both spouses are members of the tribe and reside on the reservation; over child custody matters arising under the Indian Child Welfare Act; over intentional torts committed on the reservation which cause bodily harm or damage to tangible property; and over negligence actions arising on the reservation, except that nonmembers can remove an action in negligence if the amount exceeds the jurisdictional limits of the magistrate's court.

4. Taxation:

(A) Reservation land will be exempt from real property taxation, as are all Indian reservations. In addition, buildings, fixtures, and improvements owned by the tribe on the reservation will be exempt. Homes of tribal members residing on the reservation will not be subject to real property taxes, but residents on the reservation will pay personal property taxes and income taxes; and for each reservation child attending public school, the tribe will make a payment in lieu of school district taxes. Certain state tax exemptions will expire after 99 years.

(B) Sales on the reservation will not be subject to state sales tax, but the tribe will levy its own sales tax in the same amount and be subject to audit by the State Tax Commission.

5. Gambling and Bingo:

(A) The tribe and the State have agreed that the federal law known as the "Indian Gaming Regulatory Act" will not apply to the Catawba Indian Tribe.

(B) In lieu of having the Indian Gaming Regulatory Act apply, the tribe will have the option of sponsoring bingo games under a special license issued by the South Carolina Tax Commission. The tribe's license will allow more frequent sessions (up to six days a week) and higher stakes (up to $100,000.00) than allowed other bingo operators licensed by the state. Bingo operations will be supervised and audited by the State Tax Commission, and the State Tax Commission will levy a 10% tax on gross receipts, payable to the State.

(C) The tribe may operate bingo games at two sites in the state. If the tribe chooses to operate within the claim area but off the reservation, the area must be zoned compatibly, and the tribe must consult with city or county authorities before the site is selected. If the tribe chooses to operate outside the claim area anywhere else in the state, the approval of the county government and municipal government, if any, are required.

6. Tribal Membership: All persons named on the 1962 tribal roll and all their lineal descendants are eligible for membership in the tribe.

7. Application of General Laws: All environmental and public health laws, federal and state, will apply on the reservation. The tribe's water rights in the Catawba River will be no more nor less than the rights of any riparian landowner; and the tribe will not be able to restrict passage on the river. The tribe will adopt the York County Building Code, and may contract with York County for enforcement. The tribe will have the authority to zone the reservation, but is obliged to consult with York and Lancaster County before implementing its land-use plan or zoning law. By the same token, the counties and the tribe are required to consult with each other regarding major developments that might impact the reservation and the surrounding area.

FEDERAL CONTRIBUTION TO SETTLEMENT

From the outset, it was assumed by everyone that the federal government had to contribute significantly if this claim was ever to be settled. Attorney General Griffin Bell assumed as much when he reviewed the Eastern Indian land claims for the Carter Administration, and all the parties at the first hearing before the House Interior Committee presumed a significant federal contribution. Indeed, H.R. 3274, filed on March 27, 1979, and printed on page 2 of Serial No. 96–17, called for payment of the full settlement out of the United States Treasury.

Nevertheless, it is fair to ask, "Why should the federal government contribute $32 million to this settlement?"

The short answer is that the Catawbas lost their land and have now lost most of their claim for recovery because of the failure of the federal government to protect their rights and interests, not once but continually over a period of two hundred years. Consider this long list of occasions on which the federal government turned a deaf ear to the Catawbas, ignored their plight, and did nothing to protect their interests, even when the government clearly occupied a trust relationship and knew the tribe had a potentially valid claim:

(1) As early as 1782, Catawba Indians traveled to Philadelphia to petition Congress for protection of their reservation lands from encroachment by white settlers. They were referred to the South Carolina General Assembly.

(2) In 1791, the chiefs of the Catawba Tribe met President George Washington as he traveled from Camden, South Carolina to Charlotte, North Carolina, and asked for protection of their lands from encroachment by white settlers. Washington noted their entreaty in his journal, but no follow-up is recorded.

(3) In 1825, President James Monroe and Secretary of War John Calhoun reported to the Senate that the Catawbas were among those tribes which still held lands within the United States. A War Department chart indicated that the Catawbas possessed 144,000 acres.

(4) In 1848, the Catawbas wrote a letter to President James K. Polk, protesting the Treaty of 1840, made between the Catawbas and the State of South Carolina, by which the tribe ceded title to the State of their 144,000 acres. Polk was born and lived until he was 12 years of age less than five miles from Catawba country, and had many relatives who remained there. He must have known of the tribe's circumstances, yet records do not show any action to assist them.

(5) In the Act of July 29, 1848, and again in the Act of July 31, 1854, Congress demonstrated its awareness of the Treaty of 1840 by appropriating money for removal of the Catawbas west of the Mississippi, but except for this appropriation for removal, which was never spent, Congress did nothing to redress the tribe's grievances or protect their interests.

(6) In 1887, Catawba Chief Thomas Morrison visited the Interior Department and petitioned the United States for assistance in settling the Catawbas' claim to 144,000 acres. In the same year, James Kegg, a Catawba, and son of the chief who signed the Treaty of 1840, wrote L.L.C. Lamar, Secretary of the Interior, requesting federal assistance in reaching a settlement concerning Catawba lands in South Carolina. No action was taken.

(7) In 1895, a group of Catawbas submitted their "Petition and Memorial in the Matter of Claims and Demands of the Catawba Indian Association, to the United States." No action was taken.

(8) In 1905, the Catawba Tribe retained a Washington attorney by the name of Chester Howe, who submitted to the Bureau of Indian Affairs a formal request for assistance based on the requirements of the Nonintercourse Act. It was accompanied by legal briefs and a lengthy history of the claim. The Commissioner of Indian Affairs denied the request on the ground that the Catawbas and their lands were not protected by federal law, a ground later found by the federal courts to be erroneous.

(9) In 1908, the Catawba Tribe petitioned the Commissioner of Indian Affairs again, and was denied again.

(10) In 1910, the United States Indian Service initiated an investigation of the Catawbas' claim against the State of South Carolina. Special Indian Agent Davis submitted a report advising the tribe to submit its claim to the state legislature. The tribe submitted the claim to the state legislature, which declined to take responsibility for the claim or the tribe.

(11) Between 1926 and 1943, repeated inquiries were made by the tribe, its attorneys, and Congressman James P. Richards. A hearing was held by the Senate Committee on Indian Affairs in Rock Hill, South Carolina, at which the Treaty of 1840 was discussed at length. In 1940, BIA official Ward Shepard reported that the Catawba Tribe had a claim against the State of South Carolina arising out of the Treaty of 1840.

(12) In 1943, the State of South Carolina paid for the purchase of 3,434 acres for the Catawba Indian Tribe. The State sought a release in consideration of this purchase at a cost of some $75,000. The Department of Interior refused to allow the tribe to release its claim against the State. The land was purchased by the State and conveyed to the United States as trustee under a Memorandum of Understanding with the Catawbas.

(13) From 1943–1962, the Bureau of Indian Affairs assumed responsibility for the tribe under a Memorandum of Understanding. In 1958, as part of the assimilation movement, the BIA began efforts to terminate federal supervision and services to the Catawba Indian Tribe. The tribe agreed to termination and division of tribal assets, but pressed BIA officials about the status of their land claim. When the tribe adopted a resolution approving termination in January 1959, it insisted on inclusion of a proviso reserving its claim.

(14) On February 5, 1959, Douglas Summer Brown, author of "Catawba Indians: People of the River," wrote the agent at BIA supervising the Catawba termination, documenting the existence of the claim and concluding that "any agreement or settlement made now cannot be final, but the question will be brought up again and again in the future."

(15) Despite its knowledge of the Catawbas' land claim, and despite its responsibility to liquidate and distribute the assets of the tribe, the BIA did nothing to help the tribe assert, enforce, or liquidate its claim.

(16) In addition, the BIA failed to protect the Catawbas' claim in the termination act and used boiler plate language in the act which had the effect of applying South Carolina laws of limitation to apply to the Catawbas' claim, without warning the tribe of the time frame within which they must sue or lose their claim.

(17) In 1977, the Solicitor of the Department of the Interior concluded, in response to a formal litigation request, that the Treaty of 1840 was probably invalid under the Nonintercourse Act; that the United States had a duty to protect the Catawbas' interests under the Nonintercourse Act; that the United States had denied assistance in the past under erroneous legal theories; and that the United States should bring suit on behalf of the tribe. The Solicitor's litigation report concluded: "Thus, the case is a particularly inviting one for a negligence claim against the United States, should this Department fail to advocate relief of the Catawba." Despite the request, the Department of Justice declined to bring suit, mainly because Attorney General Griffin Bell did not want to sue innocent landowners. He recommended instead governmental settlement of the claim.

Mr. Speaker, without the assistance of the Native American Rights Fund [NARF], the matter would probably have ended here. But with NARF as their pro bono counsel, the Catawbas were able to file suit on October 20, 1980. In 1986, the U.S. Supreme Court held that the Termination Act resulted in the application of State statutes of limitation to the Catawba land claim. In 1989, the Fourth Circuit Court of Appeals ruled that South Carolina laws barred the tribe's claim to any lands adversely possessed for 10 years between July 1, 1962, the effective date of termination, and October 28, 1980, the date suit on the claim was filed. On remand of the suit to the district court, the court released more than 75 percent of the land on motions for summary judgment.

Had the Federal Government on any of the foregoing occasions upheld its trust responsibilities, the Catawbas would not have been denied redress for 150 years or lost the major part of their claim due to adverse possession. Their land claim would have been settled long ago by the persons responsible for it and not by innocent landowners.

When the Catawba Indian Tribe discovered the legal effect of the Termination Act on their land claim, they brought suit against the United States of America in the Court of Federal

Claims for breach of an implied-in-fact contract to protect the tribe's claim to possession of 144,000 acres of land that were reserved to the tribe in treaties with the Crown. The court held that Federal statutes of limitation had run on any claim the Catawbas could assert against the Federal Government. *Catawba Indian Tribe of South Carolina* v. *U.S.*, 24 Cl.Ct. 24, 1991. While the statute may have run on the United States' legal liability to the Catawbas, no statute runs on the Government's moral responsibility; indeed, it is questionable whether the Federal Government should hide behind a statute of limitations when it is charged with failing to uphold fiduciary responsibilities.

The United States is being asked, therefore, to contribute to this settlement because it bears major culpability for this claim, and is morally, if not legally, responsible to this tribe.

What will happen if this bill does not pass, and the Federal Government does not assume its share of the settlement? Negotiations will resume, and so will the law suit. The State of South Carolina, for its part, will probably have little choice but to seek dismissal from the suit under the recent ruling of *Blatchford* v. *Native Village of Noatak*, 111 S.Ct. 2578, 1991, which held that an Indian tribe cannot sue a State in Federal court. The Catawbas, for their part, will probably have no choice but to sue some 62,000 landowners, filing a lis pendens with each suit. In a highly populated and developed area covering 225 square miles in South Carolina, real estate sales and lending will come to a halt. Pending the outcome of these suits, real estate will plummet in value. Landowners will have to bear legal fees and expenses running into millions of dollars. In the end, after all the turmoil, the vast majority of the landowners will probably prevail, and the Catawbas will probably be left with much less than what they have won by way of this settlement.

In short, if this bill is not enacted, the settlement will collapse, and everyone will lose, including the Federal Government. The Federal Government must be included because if this settlement collapses, the Federal Government will not bring another Eastern Indian land claim to a successful resolution, which is an important objective. The Federal Government will not see another terminated tribe restored to Federal recognition, which is also Federal policy. And the injustice done the Catawbas by years of Federal neglect will not be rectified; it will be compounded. Injustice will also be visited upon some 62,000 innocent landowners. They will be the victims of an antiquated Federal law, the Indian Nonintercourse Act, which no one clearly understands. They will be sued for recovery of title and possession of their homes, farms, and businesses, and will suffer considerable anguish, all of it unnecessary; because everyone knows that if the Nonintercourse Act were ever applied to dispossess people of their homes, Congress would not stand for it to happen.

When Attorney General Griffin Bell completed his review of the Eastern Indian land claims, he reached several conclusions, set out in a letter to Secretary of the Interior Cecil D. Andrus, dated June 30, 1978. One was that landowners today are wholly innocent and should not be threatened with loss of their lands or charged with the cost of settlement. He refused to let the Justice Department bring suit on this claim because the fact that the landowners are completely innocent of any wrongdoing weighs heavily against suing them. The Attorney General concluded that of necessity, it is the Government's responsibility to settle these claims. He suggested that "it is completely within the power of Congress to remedy the tribal claims by the process of ratifying the ancient tribal agreements with the States. Such ratification could be accompanied by payment to the tribes in appropriate amounts. In the alternative, the tribes could be given a cause of action against the United States in the Court of Claims." Fifteen years after the Attorney General rendered his opinion, this bill comes before Congress, asking the Federal Government to face up to its responsibility and help settle this claim.

Mr. Speaker, I need to clarify before concluding the status of tax provisions originally included in this bill. The settlement agreement with the Catawba Indian Tribe provides that the tribe will be eligible for certain Federal tax benefits which are common to claim settlements of this kind.

First, it was agreed that those landowners selling tracts to the tribe for expansion of its reservation would qualify for section 1033 of the Internal Revenue Code of 1986, so that recognition of their gains could be deferred if the proceeds are invested in like-kind properties within a certain period of time.

Second, it was agreed that per capita payments to members of the tribe and income earned from the sale of Catawba pottery would be exempt from Federal income tax.

Third, it was agreed that contributions from the private sector made to the tribe to help settle their claim could be treated as charitable deductions or as contributions in settlement of litigation, at the option of the donor.

It was also agreed, of course, that when the Catawba Indian Tribe became a federally recognized tribe, it would be treated as other recognized tribes are treated for tax purposes, which basically means that income earned by the tribe and by tribally owned businesses would be exempt from Federal income taxes. It was also agreed that the tribe would qualify for section 7871, known as the Indian Tribal Government Tax Status Act.

The Joint Tax Committee scored the revenues lost or forgone by virtue of these provisions at $500,000 for fiscal year 1994 and at $1 million for each year thereafter.

In a meeting last week, Chairman ROSTENKOWSKI informed me that the Ways and Means Committee would be unable to move H.R. 2399 as a separate bill and could only report these special provisions as part of a miscellaneous tax bill which the Ways and Means Committee is now considering. The Catawbas were reluctant to take this alternative, because these tax benefits were specific provisions of their settlement agreement. Moreover, Congress has bestowed similar benefits, such as section 1033 treatment and tax exemption for per capita distributions, in a number of other Indian settlements. But since the Catawbas face a deadline and do not want to delay adoption of the bill, the tax sections have been stricken by adding onto this bill a new section 16. Section 16 has the effect of making the bill silent as to Federal taxation.

Section 16 means that the Catawbas will still qualify for the generic tax treatment and tax benefits that normally accrue to tribes by virtue of being federally recognized. For example, it is everyone's understanding, including the Ways and Means Committee, that the tribe will still be eligible for section 7871. Virtually all other totally recognized Indian tribes qualify for section 7871, and enactment of this restoration bill should make the Catawba Indian Tribe of South Carolina eligible as well. To eliminate any ambiguity on this point, we added in section 16 the phrase "other than by reason of the trust relationship between the United States and the Tribe." All the key parties, including the Ways and Means Committee, have approved this additional provision. I expect the Internal Revenue Service to grant the tribe section 7871 qualification and benefits retroactive to the time this legislation is enacted. It is also my understanding that income earned by the tribe and by tribally owned businesses will be exempt from Federal income tax. Other federally recognized tribes do not pay Federal income taxes and neither will the Catawbas.

I understand the tribe's disappointment over the decision to drop from this bill special tax provisions that were specific parts of their settlement agreement. But the eventual enactment of some or all of these provisions should not be ruled out. When the next tax bill is reported from the Ways and Means Committee to the House, it should at least contain tax exemption of the per capita distributions, and section 1033 treatment for land sales to expand the reservation. Similar claim settlements with other Indian tribes have included these provisions, and this settlement act should include them as well.

Mr. Speaker, I cannot vote for or against this bill, but I can speak for my constituents. Some 100,000 people live in the area claimed by the Catawba Indian Tribe; and since 1977, they have lived under a cloud—their homes, farms, and businesses encumbered by this claim. These people, I assure you, will applaud the enactment of this bill. And some 2,000 to 3,000 Catawba Indians will welcome enactment as well, grateful at last for the settlement of their claim.

□ 1350

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from South Carolina [Mr. SPRATT], and would also like to stress that the gentleman has played an outstanding role in this debate, has complied with all ethical guidelines, and has been a party that has been constructive within the guidelines of what the gentleman just stated. Let me again stress that the gentleman has been persistent in his efforts to represent his constituents, and he was able, with his unique skills, to move the process along.

I, too, want to thank the gentleman from Wyoming [Mr. THOMAS] and the chairman of the full committee for their excellent work and persistence, as well as our committee staff.

Mr. DERRICK. Mr. Speaker, I rise in support of H.R. 2399, a bill I introduced to settle the Catawba Indian dispute. I want to thank Chairman MILLER and Chairman RICHARDSON for moving this important bill as well as Representatives YOUNG and THOMAS.

Let me begin by saying that I introduced this bill at the request of my colleague, Congressman JOHN SPRATT, whose district includes the entire claim area. Congressman SPRATT was unable to introduce the bill because he is a named defendant in the lawsuit.

H.R. 2399 will resolve, once and for all, a 150-year-old claim by the Catawba Indians to 144,000 acres of land in York, Lancaster, and possibly Chester Counties, SC. Permit me to give a brief history of the claim. The Catawbas were granted this land by the King of England in a 1760 treaty and the tribe purported to sell it in 1840 to the State of South Carolina. The sale was never ratified by Congress, as required by the Indian Non-Intercourse Act; consequently, the Catawbas claim the sale was invalid. Thus, the Catawba Indians have been pressing their claim to recover the land for well over a century.

In 1980, after requests to the Federal Government were rebuffed, the tribe filed a suit in Federal district court against the State of South Carolina, the local governments, and 77 named defendants. They demanded trespass damages and title to 140,000 acres of land. For 13 years, this case has been bouncing back and forth between the district court, court of appeals, and the U.S. Supreme Court, and no end to the litigation is in sight. Last summer, the tribe was concerned that a 20-year State statute of limitations would expire in October 1992. Consequently, they made preparations to sue 62,000 innocent landowners before the deadline. They had already printed 62,000 summonses and complaints which were sitting in a warehouse in Falls Church, VA. These suits, if filed, would have represented one of the largest suits in the history of the Federal civil court system. Fortunately, we were able to avoid the litigation disaster when Congress extended the statute of limitations for 1 year. But this statute expires again at the end of 1993.

Negotiations to settle the dispute began, in earnest, 3 years ago. They have been long, drawn out, and contentious. On several occasions, they almost broke apart. Finally, last August, the parties struck a deal. H.R. 2399 and the companion State legislation embody the fruits of those efforts. All parties had to make significant compromises to reach an agreement. The Catawbas, the State of South Carolina, Congressman SPRATT, and Senators HOLLINGS and THURMOND all support this legislation in its current form and oppose any changes to it. All of the parties realize that any changes to thislegislation could easily unhinge the entire agreement.

H.R. 2399 contains several important provisions. First, it restores the Catawbas as a federally recognized tribe. Interestingly, the Catawbas are the last terminated tribe to be restored. In addition to the restoration, this bill will provide $50 million to the tribe over 5 years. The Federal Government will pay 64 percent—$6.2 million over 5 years—the State will pay $12.5 million and local authorities and private sources will pay the balance. The compensation will be paid into five different trust funds. The legislation also grants the tribe limited sovereignty on a reservation whose size may reach 4,200 acres.

It is true that my congressional district does not include the Catawba land claim. But I agreed to introduce this legislation, in part, because the settlement makes sense for the State of South Carolina and for the Federal Government. If this case is not settled, 62,000 innocent landowners will be sued. Each would be forced to pay hundreds of dollars to lawyers to defend their title. They will be unable to sell their land, borrow against it, or obtain title insurance until the litigation ends. Development in one of the fastest growing parts of South Carolina will be frozen. Because resolution of this claim is important to South Carolina, the State, local governments, and private sources have agreed to pay $18 million to settle the claim.

The Federal Government also has an important interest in settling the claim. The Federal Government does not want to see innocent landowners become victims to expensive and endless litigation. The merits of this case are particularly compelling because the State of South Carolina will probably be dismissed from the suit. Most of the large landowners have already been dismissed from the suit. That means the only remaining defendants are individuals owning very small parcels who can least afford the cost of litigation. Moreover, the Federal Government has pursued for the past decade a policy of restoring tribes which Congress terminated in the 1940's and 1950's. The Catawbas are the last terminated tribe to have their trust relationship restored.

Mr. Speaker, H.R. 2399 is a fair bill that will settle once and for all the land dispute of the Catawba Indians. Once again, I want to thank Chairman RICHARDSON for moving this bill so quickly and I urge my colleagues to support H.R. 2399.

Mr. RICHARDSON. Mr. Speaker, I have no further requests for time, and yield back the balance of my time.

The SPEAKER pro tempore (Mr. MANTON). The question is on the motion offered by the gentleman from New Mexico [Mr. RICHARDSON] that the House suspend the rules and pass the bill, H.R. 2399, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1400

PERSONAL EXPLANATION

Mr. SPRATT. Mr. Speaker, I ask that the RECORD show that I did not participate in that vote.

RECESS

The SPEAKER pro tempore (Mr. MANTON). Pursuant to clause 12 of rule I, the Chair declares a recess until 4 p.m.

Accordingly (at 2 o'clock p.m.) the House stood in recess until 4 p.m.

□ 1602

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 4 o'clock and 2 minutes p.m.

POSTPONING CONSIDERATION OF HOUSE RESOLUTION 134

Mr. INHOFE. Mr. Speaker, because of the fact of the inclement weather, a lot of Members are not able to make it in today. There has been an agreement between the leadership of the Republican and Democrat Parties that I make the following unanimous-consent request.

Mr. Speaker, I ask unanimous consent that the consideration of House Resolution 134, made in order for today under the previous order of the House of September 23, 1993, shall instead be in order immediately after the approval of the Journal on September 28, 1993.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I simply want to explain to Members and add to what the gentleman from Oklahoma [Mr. INHOFE] said, that we have a condition today where there is bad weather not only here, but apparently in a number of other places across the country. We have learned there are probably dozens of Members who are stranded and unable to get here today. So we are going to try to avoid any votes today of any kind.

First, I would like to tell Members that tomorrow House Resolution 134, discharge petition names, will be considered right after the 1-minutes.

Today we will go to conference on foreign operations and D.C. appropriations, with no votes expected. We will then have more debate on the DOD authorization rule. The vote will be rolled until tomorrow. We will then have suspension votes ordered earlier today, but they will occur tomorrow.

Mr. Speaker, we will meet tomorrow at 10 a.m. We will first consider, again, House Resolution 134. There will then be an Interior motion to conference, and then back to DOD authorizations.

MAKING IN ORDER ON WEDNESDAY NEXT OR ANY DAY THEREAFTER CONSIDERATION OF HOUSE JOINT RESOLUTION 267, CONTINUING APPROPRIATIONS, FISCAL YEAR 1994

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that it shall be in order on Wednesday, September 29, 1993, or any day thereafter, to consider in the House, any rules of the House to the contrary notwithstanding, House Joint Resolution 267, making continuing appropriations for fiscal year 1994, and that debate be limited to 1 hour, the time to be equally divided and controlled by myself and the gentleman from Pennsylvania [Mr. MCDADE], and that the previous question shall be considered as ordered on the resolution to final passage without intervening motion, except one motion to recommit.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2295, SUPPLEMENTAL APPROPRIATIONS FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION ACT, 1993

Mr. OBEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2295), making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the year ending September 30, 1993, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. LIVINGSTON

Mr. LIVINGSTON. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. LIVINGSTON moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on H.R. 2295, be instructed to agree, to the extent permissible within House Rules, to provisions that implement the reforms recommended in the National Performance Review with respect to the Agency for International Development, including insisting on the House position on amendment numbered 27, to delete employment floors for the Agency for International Development Office of Inspector General included by the Senate.

Mr. LIVINGSTON (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER. The gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 30 minutes.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker this motion to instruct is simple. It states that as far as can be done, the managers on the part of the House should incorporate the recommendations of the Vice President's National Performance Review pertaining to reforming the Agency for International Development into the foreign operations appropriations bill.

The intent is to show that Members on this side of the aisle are as eager as anybody to begin the effort to downsize Government and reduce its cost.

The National Performance Review released on September 7, 1993, contained seven recommendations for AID. I will place them in the RECORD.

In short, they include: reducing funding, spending and reporting micromanagement; redefining AID's mission and priorities; overhauling the AID personnel system; and closing or consolidating 50 of AID's missions overseas.

In addition, to help maintain flexibility with respect to personnel, the Director of Management and Budget, Mr. Panetta, asked the Appropriations Committees to eliminate personnel floors from the 1994 bills. In this bill, the Senate added personnel floors for the AID inspector general's office, and the motion instructs the conferees to insist on eliminating those floors.

Mr. Speaker, Republicans are in favor of downsizing and reducing the cost of Government, and this motion is intended to send a signal that we should start now, not in 1995 as proposed by the National Performance Review.

Mr. Speaker, in closing, I would like to indicate I will not seek a vote, and I believe the motion is acceptable to the distinguished chairman of the subcommittee, my good friend, the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I yield to my good friend, the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, let me simply say the gentleman from Louisiana [Mr. LIVINGSTON] is correct. We have absolutely no objection to the motion on this side. The committee intends to do virtually everything that the motion discusses. So we are happy to join with the gentleman in supporting this motion.

Mr. LIVINGSTON. Mr. Speaker, reclaiming my time, I thank the gentleman from Wisconsin [Mr. OBEY] for his support.

I would also say that it is my understanding that my enthusiasms for these recommendations is exceeded only by the chairman's, and I want to congratulate him on the leadership role he is already taking on making sure these recommendations are carried into effect.

FROM REDTAPE TO RESULTS—CREATING A GOVERNMENT THAT WORKS BETTER AND COSTS LESS—FISCAL IMPACT, 1994–99

Recommendation	Change in—	
	Spending	Revenues
AGENCY FOR INTERNATIONAL DEVELOPMENT		
AID01—Redefine and Focus AID's Mission and Priorities (With the end of the Cold War, AID must rethink how it will operate. NPR recommends steps to plan for this new mission and proposes new authorizing legislation to define its post-Cold War mission and priorities.)	CBE	CBE
AID02—Reduce Funding, Spending and Reporting Micromanagement (Eliminate AID's outdated or unduly burdensome reporting requirements and reduce legislative earmarks to provide greater operating flexibility.)	CBE	CBE
AID03—Overhaul the AID Personnel System (Recommendations include changes in AID's personnel system to integrate its multiple systems and review benefits.)	NA	NA
AID04—Manage AID Employees and Consultants as a Unified Work Force (Lift some current personnel restrictions and give managers authority to manage staff resources more efficiently and effectively.)	CBE	CBE
AID05—Establish an AID Innovation Capital Fund (Create a capital investment fund to improve information and financial management systems and customer service.)	NA	NA
AID06—Reengineer Management of AID Projects and Programs (AID should use pilot programs and new approaches to emphasize flexibility, innovation, customer service and program results.)	CBE	CBE
AID07—Consolidate or Close AID Overseas Missions (AID should regionalize missions and staff services overseas and close nonessential missions. It should establish "graduation" criteria for countries receiving U.S. assistance.)	CBE	CBE

CBE—Cannot be estimated (due to data limitations or uncertainties about implementation time lines).

NA—Not applicable—recommendation improves efficiency or redirects resources but does not directly reduce budget authority.

The SPEAKER. Does the gentleman from Wisconsin [Mr. OBEY] wish to have time to be heard on the motion?

Mr. OBEY. Mr. Speaker, I do not.

The SPEAKER. The question is on the motion to instruct offered by the gentleman from Louisiana [Mr. LIVINGSTON].

The motion to instruct was agreed to.

The SPEAKER. The Chair appoints the following conferees, and, without objection, reserves the right to appoint additional conferees: Messrs. OBEY, YATES, WILSON, and OLVER, Ms. PELOSI, Mr. TORRES, Mrs. LOWEY, and Messrs. SERRANO, NATCHER, LIVINGSTON, PORTER, LIGHTFOOT, CALLAHAN, and MCDADE.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2492, DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1993

Mr. DIXON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2492) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1994, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

☐ 1610

MOTION TO INSTRUCT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

> Motion to instruct the conferees on H.R. 2492, offered by Mr. ISTOOK of Oklahoma.
>
> Mr. ISTOOK of Oklahoma moves that the managers on the part of the House at the conference on the disagreeing votes of the two houses on the bill H.R. 2492 be instructed to agree to the Senate amendment numbered 30.

The SPEAKER. The gentleman from Oklahoma [Mr. ISTOOK] is recognized for 30 minutes.

Mr. ISTOOK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not intend to use all that time. The language is very clear and straightforward in the amendment. It allows the District of Columbia to continue the regulation and oversight of the Group Hospitalization and Medical Services, Inc., known as Blue Cross and Blue Shield so that authority for the District will not lapse.

Mr. DIXON. Mr. Speaker, if the gentleman will yield, I support the motion to instruct.

The SPEAKER. Does the gentleman from California [Mr. DIXON] wish to have time to be heard further on the motion?

Mr. DIXON. No, Mr. Speaker, I do not.

The SPEAKER. The question is on the motion to instruct offered by the gentleman from Oklahoma [Mr. ISTOOK].

The motion to instruct was agreed to.

The SPEAKER. The Chair appoints the following conferees: Messrs. DIXON, STOKES, and DURBIN, Ms. KAPTUR, Mr. SKAGGS, Ms. PELOSI, and Messrs. NATCHER, WALSH, ISTOOK, BONILLA, and MCDADE.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1985

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 1985.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURTON of Indiana. Mr. Speaker, the majority leader, a few moments ago, indicated that there was a lot of traffic and, because of that, many Members would not be able to be back here so that we could conduct business and have votes today.

There were a number of us that were concerned about the short-term CR and giving unanimous consent to allow the short-term CR to proceed.

I just wondered, Mr. Speaker, if it is proper procedure to ask unanimous consent when we have just had the majority leader say to the body as a whole that we are not going to conduct any real business today or have any votes today, when Members who may object to that unanimous-consent request are on a plane flying around up above us.

The SPEAKER. The Chair would advise the gentleman that unanimous-consent requests have been cleared through the leadership on both sides of the aisle, including the one the gentleman mentioned.

Mr. BURTON of Indiana. Mr. Speaker, I understand that. But the fact of the matter is that there are others besides those in leadership who object to those short-term CR's and would have objected when we had the opportunity.

The SPEAKER. The Chair would advise the gentleman that the decision was taken only with respect to recorded votes and that otherwise there had been scheduled not only recorded votes but other business on the floor today. And it was, in effect, a comity to Members who have concern about missing recorded votes, including one on an important resolution of discharge that this action was taken. But we undertook no decision to end all business today because of the absence of some Members.

Mr. BURTON of Indiana. Mr. Speaker, if I might make one further comment, I just feel like if we are suspending votes until tomorrow because of the weather and because Members cannot be here, Members who may object to a unanimous-consent request and who would like to be on the floor to express that reservation should have the opportunity to do so.

It seems unseemly to me that we would pass this very quickly like that, when Members who may object are not here on the floor to do so.

The SPEAKER. When such a condition impresses the minority leadership or the majority leadership, there can be a request that all business be suspended. But it is unusual, to say the least, for the House to meet and to have no business based on the fact that some Members cannot attend because of weather or other circumstances. There is almost always a condition, personal or otherwise, which keeps some Members from the floor who might object to a unanimous consent request. If they have not passed on that request to others to make the objection for them, the business will proceed consistent with the Chair's guidelines for recognition for unanimous-consent requests.

The gentleman's statement will appear in the RECORD.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 254 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 254

> *Resolved,* That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes. No further amendment to the committee amendment in the nature of a substitute shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution. Pro forma amendments for the purpose of debate may be offered only by the chairman or ranking minority member of the Committee on Armed Services. Except as specified in sections 2 through 4 of this resolution, each amendment may be offered only in the order printed in the report may be offered only by a Member designated in the report, shall be considered as read, shall not be subject to

amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Except as otherwise specified in the report, each amendment printed in the report shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent. All points of order against amendments printed in the report are waived.

SEC. 2. It shall be in order at any time to consider the amendments printed in part 1 of the report of the Committee on Rules in the order printed. Such consideration shall begin with an additional period of general debate, which shall be confined to section 575 of the committee amendment in the nature of a substitute and the amendments printed in part 1 of the report and shall not exceed one hour equally divided and controlled among the chairman of the Committee on Armed Services, the ranking minority member of the Committee on Armed Services, and Representative Skelton of Missouri. If more than one of the amendments printed in part 1 of the report is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in part 4 of the report of the Committee on Rules accompanying this resolution or in House Report 103-236 or germane modifications thereof. Amendments en bloc shall be considered as read except that modifications shall be reported. Amendments en bloc shall be debatable for twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. All points of order against amendments en bloc are waived. The original proponent of an amendment included in amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by this resolution. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervention business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. The chairman of the Committee of the Whole may recognize for consideration of an amendment printed in parts 2 through 4 of the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been finally adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. All time yielded is for the purpose of debate only.

□ 1620

Mr. Speaker, House Resolution 254 provides for the further consideration of H.R. 2401, the Department of Defense authorization for fiscal year 1994. As Members are aware, the House has been considering the DOD authorization under a series of rules which have provided for the orderly consideration of amendments to the issues addressed by the bill recommended by the Committee on Armed Services. House Resolution 254 provides for the disposition of the last series of amendments to H.R. 2401.

The rule provides for the consideration of three major issues: gays in the military; U.S. troops in Somalia; and, disposition of Government assets from base closure sites. In addition, the rule provides for the consideration of an additional 17 general amendments which may be, under the provisions of the rule, included in en bloc amendments.

Specifically, House Resolution 254 makes in order only those amendments printed in the report accompanying the resolution, and certain en bloc amendments if offered by the chairman or pro forma amendments if offered by the chairman or ranking minority member of the Committee on Armed Services. Generally, the rule provides that the amendments are to be considered in the order they are printed in the report, and may only be offered by the Member designated in the report. The rule waives all points of order against the amendments in the report and provides that each amendment shall be considered as read.

Again, generally, each amendment is debatable for 10 minutes equally divided and controlled by the proponent and an opponent. None of the amendments printed in the report are subject to amendment, except as specified in the report, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

The rule does specify some exceptions to the procedures I have just outlined. First, the rule provides that the amendments contained in part 1 of the report may be considered at any time, but only in the order printed. These amendments address the issue of gays in the military and are to be considered under a king-of-the-hill procedure. The rule provides that there shall be an additional period of 1 hour debate on the issue of gays in the military and that the time is to be equally divided and controlled among the chairman of the Armed Services Committee, the ranking minority member of that committee, and the gentleman from Missouri [Mr. SKELTON]. Additionally, each of the three amendments made in order by House Resolution 254 shall be debatable for 10 minutes.

Part 2 of the report makes in order an amendment relating to the issued of United States troops in Somalia and provides for 1 hour of debate on that issue. The Somalia amendment is to be offered by Representatives GEPHARDT and GILMAN.

Part 3 of the report contains those amendments relating to the disposition of Government assets at base closure sites. The rule makes in order the consideration of an amendment to be offered by the gentlewoman from Maine [Ms. SNOWE] and substitute to the Snowe amendment, which is to be offered by the gentleman from Michigan [Mr. CONYERS]. Each of those amendments is debatable for 10 minutes. A third amendment relating to base closures is made in order in part 3, but it is to be considered separately and amends neither the Snowe or Conyers amendment.

Part 4 of the report provides for the consideration of 17 general amendments to H.R. 2401. Because the House has not yet finally disposed of the amendments made in order by the third DOD authorization rule, this rule provides that any of these 17 amendments, as well as those made in order by House Report 103-236, may be considered as part of an en bloc amendment which may be offered at any time by the chairman of the Committee on Armed Services or his designee.

The rule provides that these amendments en bloc shall be considered as read, except that germane modifications shall be reported. The amendments en bloc are debatable for 20 minutes which shall be equally divided and controlled by the chairman and ranking minority member of the Armed Services Committee. The en bloc amendments are not subject to amendment nor to a demand for a division of the question in the House or the Committee of the Whole. The rule waives all points of order against the amendments en bloc and allows the original proponent of an amendment included in the en bloc amendments to insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

As provided in rules 2 and 3, House Resolution 254 grants the Chairman of the Committee of the Whole the authority to postpone recorded votes on any of the amendments made in order by this rule. The Chair is also granted the authority to reduce recorded votes to 5 minutes on those questions which have been postponed and which immediately follow votes of 15 minutes. The rule also permits the Chair to recognize for consideration out of the order they are printed, those amendments in parts 2 through 4 of the report. This authority, however, is granted only if the chairman of the Committee on Armed Services gives 1 hour's notice of his intention to seek such recognition.

Finally, the rule provides that at the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been finally adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The rule also provides that the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit with or without instructions.

Mr. Speaker, this rule provides the procedure which will allow the House to conclude its consideration of the Department of Defense authorization for fiscal year 1994. This subject matter is complex, but because of its vital importance to our national defense, the Committee on Rules has provided for the orderly consideration of the issues it addresses. Mr. Speaker, I urge adoption of House Resolution 254 in order that the House may finish its deliberations on H.R. 2401.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have before us today the fourth—and final—rule for the consideration of amendments to the National Defense Authorization Act.

I am sure all Members are as anxious as I am to finish up this debate, which has dragged on intermittently since before the August recess.

Mr. Speaker, this rule has had more sequels than Sylvester Stallone.

But at least Members can now anticipate finishing up the debate on this Defense authorization bill.

The gentleman from Texas has done an able job in summarizing the specific provisions contained in this rule, so I will confine my comments to some general observations about the rule and the bill itself.

I will begin by noting that there was some bipartisan consultation in the preparation of this fourth and final rule.

And that is exactly as it should be—especially on an issue of such importance as the defense and security of our country.

When this whole process began more than 7 weeks ago, the Democrat leadership clearly signaled its intention of structuring the debate on national defense in a partisan manner, with the amendment process stacked heavily in favor of Democrat amendments.

I am pleased to say that this misguided approach has been abandoned at this point in the debate, and we have returned to the kind of bipartisan process that has characterized national defense debates in past years.

It needs to be reiterated that the chairman of the Committee on Armed Services and the committee's ranking member are in no way responsible for the many delays and problems that we have experienced in considering this bill on the floor.

Clearly, the interference has come from other quarters.

And I hope that the return to bipartisanship—which is evident in this fourth rule—is a signal from the Democrat leadership that future consideration of national defense bills will never again be politicized.

Having said all of that, Mr. Speaker, I must still say that I am opposed to this rule.

There were several germane and constructive Republican amendments that deserved to be made in order by this rule.

These amendments include one by our new friend and colleague from the State of Washington, Ms. DUNN, and one by the gentleman from Indiana, Mr. BURTON.

The Burton amendment, in particular, should have been included—it was filed in a timely manner and has never been modified—unlike so many other amendments that were included.

Once again, I suspect that the hidden hand of our colleague from Colorado, Mrs. SCHROEDER, was responsible for quashing the Burton amendment and denying the House an opportunity to vote on the kind of special-interest project at which the Burton amendment was directed.

Turning now to the two issues which have engaged the attention of many Members, be advised that this rule makes in order consideration of amendments on the new policy concerning military service by homosexuals and on the deployment of United States troops in Somalia.

The rule provides for a balanced and fair debate on the new policy concerning homosexuals.

Three amendments, representing all sides of the question, are made in order under a king-of-the-hill procedure.

As for Somalia, the rule makes in order consideration of a bipartisan amendment to be offered by the majority leader, Mr. GEPHARDT, and the ranking member of the Committee on Foreign Affairs, Mr. GILMAN.

The Gephardt-Gilman amendment is worded identically to the Senate amendment, which was passed by a 90-to-7 vote in the other body several days ago.

Mr. GILMAN deserves particular commendation for his tenacity in pursuing this issue and demanding that the House have an opportunity to debate the wisdom—or lack thereof—of a policy that now has United States troops committed in Somalia for an indefinite stay.

Mr. Speaker, when United States troops were first sent to Somalia last December—for a short-term mission—to assist famine victims, the vast majority of the American people and their Representatives in Congress applauded.

That was 10 months ago.

Now our troops are being told by the United Nations, with an echo from the Clinton administration, that their new mission is to restore stability to Somalia.

Now that people have been fed, now that the humanitarian catastrophe has been relieved, the Somali warlords have taken advantage of the opportunity to reignite their civil war.

Mr. Speaker, "all the king's horses and all the king's men couldn't put humpty dumpty back together again."

And United States troops aren't going to put Somalia back together again either.

This is a country whose political and social culture is so different from ours that the Somali language did not even have a written alphabet until 1972.

And yet—according to the United Nations—the presence of our troops is supposed to be the answer to the tragic problems in Somalia.

Mr. Speaker, this is monstrous folly—our troops should not be there.

And this issue must be debated on the floor of Congress.

We Republicans wanted this debate 7 weeks ago—and the very week the Democrat leadership denied the House that opportunity, four more American servicemen were killed by the gangsters who fight on behalf of Somali warlords.

And, as every Member knows, three more American servicemen were killed just this past weekend—as the leadership dawdled on bringing this legislation to the floor.

Finally, we will have that debate tomorrow.

But, Mr. Speaker, the issue goes beyond the problem of our soldiers being forced into an open-ended commitment under a foreign command in a hostile environment in a distant country whose problems they have no training to solve.

The issue extends to the whole concept of peacekeeping operations and who will command U.S. troops.

You might even say it extends all the way to the question of who makes U.S. foreign policy—is it the President of the United States or the Secretary-General of the United Nations?

And that leads me, Mr. Speaker, to my final concern.

Even if so-called peacekeeping is to become the centerpiece of the Clinton administration's military and foreign policies, are we to believe that bills such as H.R. 2401 will be adequate to meet that need?

When the vote on final passage comes later tomorrow, I will vote against the Defense authorization bill, because it represents one more installment in the systematic dismantling of America's military posture at a time when we can ill-afford to pursue such a reckless course of action.

Somalia is a sideshow—a very tragic situation—but a sideshow, nonetheless, compared to the flashpoints around the world where American interests and American troops could be swept into conflict at moment's notice. Look at the situation in Russia right now.

If one or more of the malevolent forces contending for power in Russia ever got their hands on the nuclear controls, the strategic situation in Europe and across the Atlantic would be transformed in a split-second.

Mr. Speaker, Russia is going to remain seriously unstable for the foreseeable future, not to mention the former Soviet Republics—some of which have nuclear weapons stockpiles of their own.

Think about some of the countries in the Middle East and Persian Gulf that are rushing headlong into the development of nuclear weapons, other weapons of mass destruction, and the missile systems to deliver them.

And I shudder even to think of North Korea.

Kim Il-Sung is no more than 12 months away from possessing nuclear bombs.

May God help us all if—or, when—Kim decides to stage his personal apocalypse.

My great fear, Mr. Speaker, is that a few more Defense authorization bills like H.R. 2401 will leave our military in such a posture that even so-called peacekeeping will be impossible, much less the direct defense of our country and its vital interests.

I will vote against this rule.

I will vote against this bill on final passage, and I urge all Members to do the same.

□ 1630

Madam Speaker, I reserve the balance of my time.

Mr. FROST. Madam Speaker, I ask that the Speaker remind individuals in the gallery that there should be no display during the course of the debate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MEEK). The Chair will remind all persons in the gallery that they are here as guests of the House and that manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

Mr. FROST. Madam Speaker, for the purposes of debate only, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Madam Speaker, I thank the gentleman for yielding this time to me.

Madam Speaker, last week the Federal Government tossed $385,000 out the window. I submit for the RECORD two very recent articles from American Metal Market. The first, dated September 17, describes a transaction in which the defense logistics agency agreed to dump 4.6 million pounds of zinc on the market at 38 cents per pound—the second article, which ran Tuesday, tells us that the U.S. mint has just purchased 6.5 million pounds of the same metal, from predominantly foreign sources at nearly 43 cents per pound. This has been going on for months now and by year's end the taxpayers stand to lose $3 million.

Meanwhile, the domestic zinc industry, 700 jobs in my district alone, is staggering from the lowest international prices in over 40 years. DLA, on the left hand, is dumping its stockpile at below market prices—and the U.S. mint, on the right hand, is paying top dollar to foreign producers. I hope Vice President GORE is listening because if there was ever a more classic case for reinventing government I've yet to hear it.

Madam Speaker, since my swearing in I have struggled to work within the system. I am disappointed that my efforts to work with the Armed Services Committee and the Rules Committee on this issue have borne no fruit. My proposed amendment which was compromised down to a simple 6-month study will not be in order under today's rule on DOD. However, I was elected to create jobsand eliminate Government waste. I will not stand by while we eliminate jobs and create Government waste. I ask the support of all of my colleagues to help me put an end to this absurd policy.

WASHINGTON.—The Defense Logistics Agency said yesterday it will sell 2.311 million pounds of high-grade zinc from the national defense stockpile at prices between 38.5 cents and 37.05 cents per pound.

The agency provided this tally of zinc it awarded, based on bids registered Tuesday:

Columbus Galvanizing Inc., Columbus, Ohio, will receive 210,000 pounds at a unit price of 38.5 cents.

MSA Industrial Corp., Benton Harbor, Mich., will receive 200,000 pounds at 38.1 cents.

Follansbee Steel Co., Follansbee, W.Va.; will receive 40,000 pounds at 38.1 cents.

Phoenixx International Resources Inc., Pittsburgh, will get 132,000 pounds at 37.9 cents.

Parks Pioneer Metals Corp., Milwaukee, will get 270,000 pounds at 38.86 cents and 225,000 pounds at 37.72 cents.

Frontier Hot Dip Galvanizing Co., Buffalo, N.Y., will receive 44,000 pounds at 37.8 cents.

Reeves Southeastern Corp., Tampa, Fla., will receive 132,000 pounds at 37.5 cents.

MAC Group Inc., Detroit, will receive 132,000 pounds at 37.35 cents and 132,000 pounds at 37.1 cents.

F&S Alloys & Minerals Corp., New York, will receive 220,000 pounds at 37.31 cents and 220,000 pounds at 37.05 cents per pound.

Tally Metal Sales Inc., Glenview, Ohio, will receive 44,000 pounds at 37.29 cents and 220,000 pounds at 37.19 cents.

Southern States Galvanizing Co., Aberdeen, N.C., will get 90,000 pounds at 37.2 cents per pound.

MINT TO BUY ZINC FROM FIVE FIRMS

WASHINGTON.—The U.S. Mint said it will buy zinc from five companies at prices ranging from 42.3 cents per pound to 42.8 cents a pound for delivery to Mint fabricators during the weeks of Sept. 27 and Oct. 4.

Hochschild Partners, New York, will sell 750,000 pounds of zinc to the Mint for 42.3 cents a pound, and Big River Zinc Corp., Sauget, Ill., will sell 600,000 pounds of the metal at 42.65 cent a pound.

F&S Alloys & Minerals, New York, received a Mint contract for 1.25 million pounds of zinc at 42.7 cents a pound, and Sogem-Afrimet Inc., New York, received a contract for 750,000 pounds of zinc at 42.75 cents a pound.

Austmet Inc., Stamford, Conn., will sell 3.15 million pounds of the metal to the Mint for 42.8 cents a pound.

The bid opening was on Sept. 13.

Mr. SOLOMON. Madam Speaker, earlier I mentioned the ranking member of the Committee on Foreign Affairs, the gentleman from New York [Mr. GILMAN], who had introduced a resolution on the Somalian issue more than 7 weeks ago.

Madam Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN], and I commend him for his efforts.

Mr. GILMAN. Madam Speaker, I am pleased to associate myself with the remarks of the gentleman from New York [Mr. SOLOMON], the distinguished ranking Republican member of the Rules Committee. I wish to thank him for his support in preparing the amendment.

This rule makes in order an amendment concerning Somalia that I join in offering with the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT]. The amendment is identical to the amendment to the Senate version of this bill that was adopted by the Senate on September 9 by a vote of 90 to 7. That amendment was sponsored in the Senate by Mr. BYRD, Mr. MITCHELL, Mr. DOLE, Mr. NUNN, and a number of other distinguished Senators. It was not opposed by the administration, so obviously there is a significant consensus behind the amendment.

Two months ago I submitted my own amendment on Somalia to the Rules Committee. That amendment was stronger than the amendment that Mr. GEPHARDT and I are offering under this rule. It would have cut off funding for United States military operations in Somalia effective on December 31 of this year unless the President certified that continued United States military involvement in Somalia was vital to the national security interests of the United States.

That is a certification that I do not think the President could make in good faith under current circumstances, because it is obvious that continued involvement in Somalia does not serve United States interests. Despite our good intentions, United States policy in Somalia has failed. It is time to try a new policy. It is time to turn this problem over to the United Nations and bring our U.S. forces home. We need to look at Somalia through the correct side of the telescope.

That was the objective of the amendment I offered 2 months ago. I would have preferred to offer that amendment today. That way we could have debated today whether to set a firm deadline for the withdrawal of United States forces from Somalia.

But it was made clear to me that the Rules Committee majority had no intention of permitting the House to debate this important question. So I reluctantly agreed to cosponsor with Mr. GEPHARDT the same amendment that passed the Senate.

That amendment does not allow for a meaningful debate today on whether to set a firm deadline for the withdrawal of U.S. forces. But it does provide that, and I quote, "the President should by November 15, 1993, seek and receive congressional authorization in order for the deployment of United States forces to Somalia to continue."

Senator BYRD made crystal clear in the Senate debate on this amendment that he is going to use all of his authority as chairman of the Senate Appropriations Committee to hold the administration to this timetable. If the administration does not seek an up or down vote on Somalia by November 15, he said he will force one. I think we can take Senator BYRD at his word on this, because he has shown remarkable courage and persistence on the issue of Somalia.

So, while the amendment that Mr. GEPHARDT and I will offer under this rule does not let us debate today whether to set a firm deadline for withdrawing from Somalia, it does however set the stage for a debate on that question by November 15. It is unfortunate that we cannot get down to the real issue today. But, to quote the Terminator, Arnold Schwarzinegger, "I'll be back."

□ 1640

Mr. FROST. Madam Speaker, for the purpose of debate only I yield 2 minutes to the gentleman from Pennsylvania [Mr. McHALE].

Mr. McHALE. I thank the gentleman for yielding this time to me.

Madam Speaker, I particularly appreciate the gentleman's courtesy, since he is aware that my position on this matter is different from his own.

Madam Speaker, I rise today in strong opposition to the proposed rule. While I commend the chairman and my colleagues on reporting out of committee the National Defense Authorization Act of fiscal year 1994, I respectfully disagree with the full committee's decision to remove section 316, a limitation on implementation of the Army Strategic Mobility Program.

Mr. Speaker, I attempted to obtain a rule so that this issue might be fully debated by the Members of the House. That rule was denied. As a result, I am now concerned that an issue of fundamental importance to our Nation's defense—an issue which in many ways will define the early use of force on some future battlefield—will be made without thoughtful debate and at great cost to our Nation's taxpayers. We are about to waste billions of dollars so that two of our armed services will have the redundant capability to perform exactly the same mission.

During the early days of Operation Desert Shield, the Marine Corps deployed an expeditionary brigade to northeastern Saudi Arabia. That unit was sustained for more than 30 days by supplies which had been prepacked aboard container ships some 5 years earlier. The use of such a maritime prepositioned force was a stunning success by any measure of performance.

A postwar analysis, the Mobility Requirements Study, indicated however, that on a future battlefield American forces should be prepared to introduce an armored brigade, consisting of approximately 120 M1A1 tanks, into theater during the early days of conflict. To meet this mission requirement, DOD would now like to create a completely unnecessary Army strategic mobility program which will duplicate, at a multibillion dollar cost, the Marine Corps' existing combat capability.

Prompted by the projected savings asserted by the Marine Corps, the General Accounting Office in a report prepared in April of this year, reviewing DOD's Mobility Requirements Study, urged Congress to direct the Department of Defense to compile a cost analysis of an enhancement of existing Marine Corps maritime prepositioning, rather than the creation of a new and expensive Army capability. The GAO recommendation was included in the chairman's mark at the subcommittee level, but was unwisely removed by the full committee. My amendment, now denied by the Rules Committee, would have restored the subcommittee language.

The Marine Corps enhanced MPF proposal has the capacity to bring greater combat power to bear upon an enemy force, through the expansion of a battle proven system, at a cost which is several billion dollars less than the unnecessary creation of a redundant Army strategic mobility program. This is a classic roles and missions controversy pursuant to which the American taxpayer is being asked to contribute at least $3 billion dollars so that both the Marine Corps and the Army will have the capability to perform an identical mission: early entry onto a foreign battlefield supported by prepositioned shipping.

I support the original language of section 316, as approved by the Readiness Subcommittee and strongly recommended by the GAO. Regrettably, the rule now before us prevents meaningful debate on this important matter and, therefore, Mr. Speaker, I will cast a "no" vote, while stressing that I intend to pursue this issue vigorously. Our Nation needs an MPF—we neither need nor can we afford two.

Mr. SOLOMON. Madam Speaker, let me yield 4 minutes to the very distinguished member of the Committee on Foreign Affairs, the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. I thank the gentleman for yielding this time to me.

Madam Speaker, every President's foreign policy at some point reaches a defining moment. For Presidents Kennedy and Johnson, the event was the war in Vietnam. For President Nixon, it was the opening to China and arms control with the Soviet Union. For President Reagan, it was the successful battle against communism in every corner of the globe. For President Bush it was forging an international coalition to liberate Kuwait. For President Clinton, it may rest in the sands of Somalia, or in the killing fields of the former Yugoslavia.

But, it is in Somalia where President Clinton has chosen most vividly to display his administration's guiding foreign policy which in the new jargon is called assertive multilateralism. As I see it, this amounts to our providing by our country huge commitments of manpower, expertise, and money to maintain U.N. operations over which America has no control, nor any ascertainable national interest.

In response to a grave humanitarian crisis, President Bush in December sent United States Armed Forces to Somalia to restore order and permit food to reach the people. His exit strategy was to withdraw our troops when the mission was completed and return the operation to the United Nations. The Clinton administration has acknowledged that this mission was successfully completed, but instead of bringing our troops home, they have been turned over to the United Nations. Now, the mission has broadened dramatically. Instead of feeding the hungry, we are nation-building. At our urging, the United Nations is experimenting with something unique in history, superimposing a representative government on a primitive society that has seldom experienced an effective government in the traditional sense of the word.

Currently, 3,000 U.S. forces under foreign command are providing logistics support for the operation, approximately 1,400 U.S. combat troops are providing the fighting force for the operation, and 400 elite U.S. Army Rangers are conducting special military operations. One might ask: Is there anything else we can do?

Our troops are carrying out missions that have more to do with police work than force projection. The command and control arrangements are a nightmare of interwoven consultative arrangements among a myriad of multinational bureaucratic and military structures. Our embarrassing efforts to capture the elusive warlord Mohamed Farah Aideed risk turning him into a Somali version of the Scarlet Pimpernel.

Meanwhile, House Democrats—militant guardians of the sacred war powers resolution—are silent on its applicability to this ongoing military engagement which has to date cost 12 American lives and dozens wounded. For Democrats, who raised the War Powers Act interminably in committee and on the House floor during the Reagan and Bush administrations, we hear a roaring, deafening silence.

□ 1650

In this Chamber, the War Powers Act has become the law that dares not speak its name. Since the House passed in May a resolution in effect suspending the War Powers Act, it has languished in the other body.

Meanwhile, the battle of Mogadishu continues and American forces have been taking casualties for well over the 60- or 90-day limit in the War Powers Act.

We tread on political, diplomatic, and military landmines in more than one place in the world, but Somalia confronts us and we need a policy if the public support that is essential to any successful foreign policy is to be generated.

The Clinton doctrine envisions the United Nations as a global constable, but given its rocky start in Somalia it may already be time for a corollary.

I propose the following: Local conflicts are best handled locally, or at least by those with historical relationships to the country or region in question. The Organization of African Unity and African countries themselves should play a role in nation-building in Somalia. They more than anyone else are intimately familiar with the problems of governance in Africa. Similar historical and cultural experience and just plain proximity should give them an advantage in helping to resolve Somalia's plight.

If further assistance is necessary, look next to others familiar with Somalia such as Italy and Great Britain. Both maintained a colonial relationship with Somalia prior to its independence in 1960. Ties remain to this day and their understanding of the situation and possession of ground truth is infinitely greater than that of the United Nations or ourselves. My corollary would urgently pursue these options before burdening the United Nation or the United States with the job of nation-building in Somalia.

Mr. SOLOMON. Madam Speaker, I yield 4 minutes to the very distinguished gentleman from Louisiana [Mr. LIVINGSTON], the ranking member on the Subcommittee on Foreign Operations, Export Financing and Related Programs, of the Committee on Appropriations.

Mr. LIVINGSTON. Madam Speaker, I thank my friend for yielding this time to me.

Madam Speaker, like the gentleman from New York [Mr. SOLOMON], I object to the rule, but I take this time to express deep misgivings about the continued deployment of United States troops in Somalia.

Personally, I would like to see us take the very first opportunity to declare victory over hunger in Somalia, and pull every last soldier and marine out of that country, now, if possible.

Even the United Nations envoy to Somalia, retired American Adm. Jonathan Howe, admitted that Somalia "is a country where the United States has no strategic interests, no economic interests."

If there is no national interest involved, then why are American troops there?

We accomplished great good when in the early months of the mission we restored order from chaos and assisted the feeding of starving Somalians.

In early January, when I and my colleagues returned from an official congressional oversight visit to Somalia, I said publicly then that for all intents and purposes, our mission was already on the verge of completion. That was 8 months ago. The famine is ended. Our original mission, as defined by President Bush, is complete.

But when did the American people agree to support, or when were they even told about the idea that our mission in Somalia had changed from famine relief to something nebulous called nation-building?

Never. I feel more confident than ever in saying that the American people do not support that expanded mission, and when there is no national interest involved, and not when young Americans are being killed, and not when this administration and this Congress is decimating the American defense budget.

Since I returned from Somalia with the word that our primary goals were virtually achieved, marine Domingo Arroyo has been killed there. So has marine Anthony Bottelo and Army soldier Robert Deeks. So have Army men Ronald Richardson, Christopher Hilgert, Mark Gutting, and Keith Pearson, and so have 3 others this weekend whose names we do not yet have, and at least another 67 American service people have been wounded over there.

We have done our job, Madam Speaker, so now it is time, indeed past time, for the President to ask for congressional approval for continued deployment of United States troops in Somalia.

And as the Representatives of the American people, their sons and their daughters, we dare not give that approval lightly.

Mr. SOLOMON. Madam Speaker, assuming that the gentleman from Texas still has no speakers, I yield 3 minutes to the very distinguished gentleman from Indiana [Mr. BURTON], who has been deprived of his amendments time after time.

Mr. BURTON of Indiana. Madam Speaker, once again the Rules Committee has not allowed a very important amendment to come to the floor, and I am very concerned about that, Madam Speaker, because it involves $40 million for a Defense Women's Health Research Center in the home State of the gentlewoman from Colorado that she put in there that was not asked for by the administration or the Department of Defense and was put in, I guess, at the last minute on Tuesday, July 20.

According to the DOD, there were no hearings on this project. They designed the proposal in such a way that it could only be put in this one congressional area of the country. One of the requirements was that it has to be in close relationship to an area where there are native Americans and it can be handled through the Indian Health Service.

When you take the six criteria that are spelled out in the bill, it can only be in this one part of the country.

My amendment would say that we would allow the Secretary of Defense to put it anyplace in the country that he felt was feasible if he felt the $40 million should be expended for this purpose, and if this research facility was necessary

So I was not trying to stop the project. I was merely trying to find out if it was necessary, No. 1, and No. 2, should it be in this particular area?

But this bill specifically says that it has to be where the gentlewoman from Colorado says it should be, and I think that is a mistake. It appears to be another big pork barrel project for the gentlewoman from Colorado.

Let me just say one more thing. Today we saw another fast shuffle on this floor regarding a short-term C.R. spending bill for 2 weeks. I was going to object to that, but because we heard from the majority leader there was not going to be any votes today, many people thought because everybody is flying around over this city in airplanes and are not here to hear this debate as they should, that there would not be any request for this unanimous consent today.

Well, they did it anyhow, and as a result I did not have a chance to object and that bill is on track and going to pass.

MOTION TO ADJOURN

Mr. BURTON of Indiana. For that reason, and because of this rule and because I cannot bring it to the floor to debate it, Madam Speaker, I move the House do now adjourn, with apologies to my colleague, the gentleman from New York [Mr. SOLOMON].

The SPEAKER pro tempore (Mrs. MEEK). Will the gentleman from Indiana withhold that motion momentarily?

Mr. BURTON of Indiana. As long as it is not going to be overlooked, Madam Speaker.

The SPEAKER pro tempore. The gentleman's debate time has expired. Does the gentleman from Indiana still insist on that motion?

Mr. BURTON of Indiana. I do insist, Madam Speaker.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will please state his inquiry.

Mr. SOLOMON. Madam Speaker, I do not believe that the motion is in writing.

I would like to continue the debate, if we could, and let the gentleman make it in a timely manner, if that is all right with the gentleman.

Mr. BURTON of Indiana. No, Madam Speaker, I do insist on my motion, with apologies to my colleague.

The SPEAKER pro tempore. The motion must be in writing.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Madam Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. BURTON of Indiana. Madam Speaker, there is a pending motion on the floor.

The SPEAKER pro tempore. The gentlemen from New York has insisted that the motion be in writing. Meanwhile, the gentleman from Florida [Mr. MICA] is recognized for 2 minutes.

Mr. MICA. Madam Speaker, it is sad for me to come once again before the House of Representatives to chronicle yet another bizarre chapter in United States involvement in Somalia.

Recapture in your mind the unbelievable scene we saw on our televisions over the weekend: Somalis dancing and rejoicing with glee over the remains of our destroyed United States helicopter and downed United States servicemen, our aircraft blasted out of the sky by those we came to aid.

Time and again during the past months I have pleaded with the House and the Rules Committee to vote on my amendment to withdraw the United States military from Somalia. Since that first warning each chapter America has written has been a tragedy. Just days ago U.S. helicopter gunships swooped down on a vanguard of women and children protecting rebels and machine-gunned scores of innocent and guilty.

Is this a contemporary Mylai—those we came to save now buried in common graves along the road ditches in Mogadishu? We went to Somalia to rescue its people from famine and separate them from conflict, not to kill and be killed.

Yes, our original purpose was noble. But each day of our military action must make even the most ardent supporter of our armed intervention in this civil conflict cringe.

What was to be a 2-month military backup to a humanitarian mission has become a sad and costly venture in creating a new world order. Sad because we have lost American lives. Sad because our mission has become clouded and confused. Sad because instead of heroes we have become villains. Sad because we won't have the opportunity to fully debate this important policy question.

And yes, costly—costly in precious American lives lost. Costly because we have now spent close to $1 billion on this mission. Costly because we have spent $10 in military aid for every dollar in humanitarian aid. And finally, costly because we as a nation have not decided what role we should play in the new world order.

So before we lose another American life and before we get further drawn into the quicksand of this civil conflict, let us end our military presence.

This does not mean that we must end our humanitarian effort. This does not mean that we must end our support of the United Nations' presence.

What it means is that the United States must learn that it cannot risk the lives of its sons and daughters without caution and reason. It means that we as a leader in the new world order cannot finance a military solution to every civil conflict. I urge my colleagues to vote against this rule.

□ 1700

Mr. SOLOMON. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER].

POINT OF ORDER

Mr. BURTON of Indiana. Madam Speaker, I have a point of order.

The SPEAKER pro tempore (Mrs. MEEK). The gentleman will state his point of order.

Mr. BURTON of Indiana. The Speaker in the chair a few moments ago asked if I would defer for a few moments while she talked to somebody up there at the desk. I did defer. Now I want my motion to be voted upon. The gentlewoman in the chair, the gentlewoman from Florida [Mrs. MEEK], has it in writing. She asked me to wait. I did wait. Now I would like the motion to be heard.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BURTON of Indiana moves that the House do now adjourn.

PARLIAMENTARY INQUIRIES

Mr. GEKAS. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GEKAS. Madam Speaker, I assume that if the gentleman's motion is considered by the Chair and put to the House, there would be an immediate vote on it. My parliamentary inquiry then would be:

If it should be defeated, would we go on with the regular order of business?

We should. I assume that we would go on with the regular order of business.

My parliamentary inquiry is:

In the event that it should not fail, that it should prevail, and this House do adjourn, is it in order to ask prior to the vote being taken that the adjournment be held over until special orders are completed?

The SPEAKER pro tempore. The Chair will not entertain that request.

Mr. FROST. Regular order, Madam Speaker.

Mr. GEKAS. Could I ask the gentleman from Indiana [Mr. BURTON], in a colloquy pursuant to my parliamentary inquiry——

Mr. FROST. Madam Speaker, I ask for regular order.

The SPEAKER pro tempore. The Chair must put the question on the motion to adjourn.

Mr. GEKAS. Madam Speaker, I have a point of parliamentary inquiry as to that.

The SPEAKER pro tempore. Will the gentleman from Pennsylvania please state his parliamentary inquiry?

Mr. GEKAS. Is it proper, is it within regular order, to ask the sponsor of the motion to adjourn to defer adjournment, even if his motion prevails, until after special orders? Would the gentleman agree to that condition?

The SPEAKER pro tempore. Once that motion is agreed to, the House must adjourn immediately.

Mr. GEKAS. Madam Speaker, I am trying to get across that we have special orders we would like to get to.

Mr. SOLOMON. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Madam Speaker, is it now true that, if the motion to adjourn is forced on the body, we would have to start this debate on this rule all over, and that we have just 5 minutes left on the debate today, and we could do that without further inconveniencing any of the Members if the gentleman would just withhold for 5 minutes?

Madam Speaker, we have a lot of very, very important business to take care of on this floor tomorrow, and I would plead with the gentleman from Indiana [Mr. BURTON] to withhold his motion for 5 minutes.

The SPEAKER pro tempore. If the House adjourns now, the resolution will be unfinished business tomorrow.

Mr. SOLOMON. And we would be starting all over again, Madam Speaker?

The SPEAKER pro tempore. Not necessarily.

Mr. LIVINGSTON. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LIVINGSTON. Might I inquire of the Chair if it is possible to vote on a motion to adjourn by voice vote?

The SPEAKER pro tempore. Yes. If the ayes have it, then the House could adjourn.

Mr. FROST. Madam Speaker, once again I must ask for regular order.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Indiana [Mr. BURTON].

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 28, 1993, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1935. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's third special impoundment message for fiscal year 1993, pursuant to 2 U.S.C. 681; to the Committee on Appropriations and ordered to be printed.

1936. A letter from the Comptroller General, the General Accounting Office, transmitting the President's fourth special impoundment message for fiscal year 1993, pursuant to 2 U.S.C. 681; to the Committee on Appropriations and ordered to be printed.

1937. A letter from the Secretary of Housing and Urban Development, transmitting a status report on the project-based component of the section 8 rental certificate program, pursuant to 42 U.S.C. 1490m note; to the Committee on Banking, Finance and Urban Affairs.

1938. A letter from the Secretary of Education, transmitting final regulations for School, College, and University Partnerships Programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1939. A letter from the Secretary of Education, transmitting final regulations for the National Institute on Disability and Rehabilitation Research, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1940. A letter from the Secretary of Education, transmitting notice of final funding priorities—Program for Children with Severe Disabilities, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1941. A letter from the Inspector General, Department of Health and Human Services, transmitting the financial review of the National Institute of Environmental Health Sciences' use of Superfund moneys, pursuant to 31 U.S.C. 7501 note; to the Committee on Energy and Commerce.

1942. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a memorandum of justification to support regional peacekeeping efforts in Liberia, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

1943. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102–1, section 3 (105 Stat. 4) (H. Doc. No. 103–139); to the Committee on Foreign Affairs and ordered to be printed.

1944. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1945. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting notice on leasing systems for the Western Gulf of Mexico, sale 143, scheduled to be held in September 1993, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Natural Resources.

1946. A letter from the Secretary of Transportation, transmitting the first report on the Transition to Quieter Airplanes; to the Committee on Public Works and Transportation.

1947. A letter from the Secretary for Transportation, transmitting the Department's fiscal year 1991 report titled, "Highway Safety Performance—Fatal and Injury Accident Rates on Public Roads in the United States", pursuant to 23 U.S.C. 401 note; to the Committee on Public Works and Transportation.

1948. A letter from the United States Trade Representative, transmitting notification of terminated action taken under section 301 of the Trade Act with respect to beer brewed or bottled in Ontario, Canada; to the Committee on Ways and Means.

1949. A letter from the Principal Deputy Comptroller, Comptroller of the Department of Defense, transmitting notification of a change of intent to derive funding from the Navy fiscal year 1993–95 appropriation to the Defensewide fiscal year 1993–94 appropriation to assist the Republic of Russia in the dismantlement of strategic nuclear delivery vehicles; jointly, to the Committees on Appropriations and Armed Services.

1950. A letter from the Secretary of Health and Human Services, transmitting the interim report on the effectiveness of providing disease prevention and health promotion services to Medicare beneficiaries; jointly, to the Committees on Energy and Commerce and Ways and Means.

1951. A letter from the Secretary of Housing and Urban Development, transmitting his determination to award a contract to the Massachusetts Housing Finance Agency for public sector asset management of multifamily mortgagee-in-possession and HUD-owned projects; jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

(Omitted from the Record of September 27, 1993)

Mr. MILLER of California: Committee on Natural Resources. H.R. 2399. A bill to provide for the settlement of land claims of the Catawba Tribe of Indians in the State of South Carolina and the restoration of the Federal trust relationship with the Tribe, and for other purposes, with an amendment (Rept. 103–257, Pt. 1). Ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on September 23, 1993, the following report was filed on September 24, 1993]

Mr. HOYER: Committee of Conference. Conference report on H.R. 2403. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103–256). Ordered to be printed.

(Submitted September 27, 1993)

Mr. MILLER of California: Committee on Natural Resources. H.R. 2399. A bill to provide for the settlement of land claims of the Catawba Tribe of Indians in the State of South Carolina and the restoration of the Federal trust relationship with the Tribe, and for other purposes, with an amendment (Rept. 103–257, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of Indiana:

H.R. 3134. A bill to amend the Federal Aviation Act of 1958 to require the use of dogs at major airports for the purpose of detecting plastic explosives and other devices which may be used in airport piracy and which cannot be detected by metal detectors; to the Committee on Public Works and Transportation.

By Mr. GEKAS:

H.R. 3135. A bill to amend title 18, United States Code, to provide a death penalty for the murder of foreign visitors; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 3136. A bill to establish requirements applicable to rent-to-own transactions; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HOBSON (for himself and Mr. SAWYER):

H.R. 3137. A bill to amend the Social Security Act to improve the exchange of information relating to health care services, to provide for measurement of health care quality, and for other purposes; jointly, to the Committees on Energy and Commerce, Ways and Means, Armed Services, Veterans' Affairs, Education and Labor, and Post Office and Civil Service.

By Mr. SKAGGS (for himself, Mr. HUGHES, Mr. HYDE, Mrs. SCHROEDER, Mr. SENSENBRENNER, Mr. SYNAR, Mr. FROST, Mr. MACHTLEY, Mr. STARK, Mr. KOPETSKI, Ms. NORTON, Mr. TOWNS, Mr. KLUG, Mr. SHAYS, Mr. EVANS, Mrs. MINK, Mr. MANN, Mr. HINCHEY, Mr. HILLIARD, Mr. INSLEE, Ms. SHEPHERD, Mr. FILNER, Mr. BARCA of Wisconsin, and Mrs. THURMAN):

H.R. 3138. A bill to amend title 28, United States Code, to require public disclosure of settlements of civil actions to which the United States is a party; to the Committee on the Judiciary.

By Mr. WISE:

H.R. 3139. A bill to amend the Japan-United States Friendship Act to recapitalize the

Friendship Trust Fund, to broaden investment authority, and to strengthen criteria for membership on the Japan-United States Friendship Commission; to the Committee on Foreign Affairs.

By Mr. NATCHER:

H.J. Res. 267. Joint resolution making continuing appropriations for the fiscal year 1994, and for other purposes; to the Committee on Appropriations.

By Mr. BEILENSON (for himself, Mr. PORTER, Mr. ACKERMAN, Mr. ANDREWS of Texas, Mr. ANDREWS of New Jersey, Mr. ANDREWS of Maine, Mr. BACCHUS of Florida, Mr. BAESLER, Mr. BATEMAN, Mr. BARRETT of Wisconsin, Mr. BERMAN, Mr. BOEHLERT, Mr. BORSKI, Mr. BOUCHER, Ms. BROWN of Florida, Mr. BROWN of Ohio, Ms. BYRNE, Mr. CALLAHAN, Mr. CARDIN, Mrs. CLAYTON, Mr. CLEMENT, Mr. CONYERS, Mr. COOPER, Mr. COPPERSMITH, Mr. CRAMER, Mr. DEFAZIO, Mr. DELLUMS, Mr. DE LUGO, Mr. DIXON, Mr. DURBIN, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FAWELL, Mr. FAZIO, Mr. FILNER, Mr. FISH, Mr. FORD of Michigan, Mr. FRANK of Massachusetts, Mr. FROST, Ms. FURSE, Mr. GEJDENSON, Mr. GILMAN, Mr. GONZALEZ, Mr. GOODLING, Mr. GENE GREEN of Texas, Mr. GREENWOOD, Mr. GUNDERSON, Mr. GUTIERREZ, Mr. HAMBURG, Mr. HANSEN, Mr. HASTINGS, Mr. HILLIARD, Mr. HINCHEY, Mr. HOCHBRUECKNER, Mr. HUGHES, Mr. HUTTO, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, Mr. JOHNSON of South Dakota, Mrs. KENNELLY, Mr. KILDEE, Mr. KLECZKA, Mr. KOPETSKI, Mr. KREIDLER, Mr. LANTOS, Mr. LAROCCO, Mr. LEACH, Mr. LEHMAN, Mr. LEVIN, Mr. LEVY, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. MACHTLEY, Mrs. MALONEY, Ms. MARGOLIES-MEZVINSKY, Mr. MARTINEZ, Mr. MATSUI, Mr. MCDERMOTT, Mr. MCHALE, Mr. MEEHAN, Mrs. MEEK, Mrs. MEYERS of Kansas, Mr. MILLER of California, Mr. MINETA, Mrs. MINK, Mr. MORAN, Mrs. MORELLA, Mr. MURPHY, Mr. NEAL of North Carolina, Ms. NORTON, Mr. OLVER, Mr. PALLONE, Mr. PARKER, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. PETERSON of Florida, Mr. PICKETT, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. REGULA, Mr. REYNOLDS, Mr. RICHARDSON, Mr. ROSE, Mr. SABO, Mr. SANDERS, Mr. SAWYER, Mr. SCHUMER, Mr. SERRANO, Mr. SHAYS, Mr. SKEEN, Mr. SLATTERY, Mr. SMITH of Texas, Mr. SMITH of Iowa, Mr. SPENCE, Mr. SPRATT, Mr. STARK, Mr. STOKES, Mr. SWETT, Mr. SYNAR, Mr. TANNER, Mrs. THURMAN, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TUCKER, Mr. UNDERWOOD, Mrs. UNSOELD, Mr. VALENTINE, Mr. VENTO, Mr. VISCLOSKY, Mr. VOLKMER, Mr. WALSH, Mr. WASHINGTON, Ms. WATERS, Mr. WAXMAN, Mr. WILSON and Ms. WOOLSEY):

H.J. Res. 268. Joint resolution designating the week beginning October 25, 1993, as "World Population Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. BURTON of Indiana:

H. Con. Res. 155. Concurrent resolution expressing the sense of the Congress that a comprehensive program be developed and implemented by the Federal Government to deal with the Human Immunodeficiency Virus [HIV] and Acquired Immuno Deficiency Syndrome [AIDS]; to the Committee on Energy and Commerce.

By Mr. MCCOLLUM:

H. Res. 257. Resolution providing for the consideration of the joint resolution (H.J. Res. 38) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives; to the Committee on Rules.

By Mr. SOLOMON:

H. Res. 258. Resolution providing for the consideration of the bill (H.R. 493) to give the President legislative, line-item veto rescission authority over appropriations bills and targeted tax benefits in revenue bills; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS:

H.R. 3133. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Elissa;* to the Committee on Merchant Marine and Fisheries.

By Mr. CALLAHAN:

H.R. 3140. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsements for employment in the coastwise trade and on the Great Lakes for the vessel *Marine Star;* to the Committee on Merchant Marine and Fisheries.

By Ms. CANTWELL:

H.R. 3141. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Viking*, to the Committee on Merchant Marine and Fisheries.

By Mr. SHAYS:

H.R. 3142. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Gusto;* to the Committee on Merchant Marine and Fisheries.

By Mr. YOUNG of Alaska:

H.R. 3143. A bill to authorize issuance of a certificate of documention with appropriate endorsement for the vessel *Grizzly Processor;* to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. COBLE, Mr. SAXTON, Mr. CASTLE, and Mr. GILCHREST.

H.R. 84: Mr. KILDEE, Mrs. COLLINS of Illinois, Mr. BONIOR, Mr. HALL of Ohio, Mr. WATT, Mrs. MALONEY, Mr. KOPETSKI, Mr. PALLONE, Mr. PASTOR, Mr. MARTINEZ, Mr. BLACKWELL, Mr. LANCASTER, Mrs. LLOYD, Mr. ACKERMAN, Mr. JOHNSON of Georgia, Mr. RAHALL, Mr. MILLER of California, Ms. MCKINNEY, Mr. CLEMENT, Mr. SISISKY, Mr. THORNTON, Mr. TOWNS, and Mr. FORD of Tennessee.

H.R. 127: Mr. ORTON.

H.R. 323: Mr. SMITH of Michigan.

H.R. 509: Mr. PETRI.

H.R. 521: Mr. THOMAS of California, Mr. CONDIT, Mr. LEVIN, Mr. EDWARDS of Texas, and Mr. DOOLEY.

H.R. 846: Mr. CRAPO, Mr. DOOLEY, Mr. CLINGER, Mr. MILLER of Florida, Mrs. ROUKEMA, and Mr. FAZIO.

H.R. 987: Mr. DERRICK.

H.R. 1048: Mr. DUNCAN, Mr. KOPETSKI, Mr. PETRI, Mr. MACHTLEY, and Mr. SKELTON.

H.R. 1078: Mr. SMITH of New Jersey.

H.R. 1080: Mr. SMITH of Texas.

H.R. 1133: Mr. TEJEDA, Mr. DICKS, Mr. WELDON, Ms. PRYCE of Ohio, Mr. BLUTE, Mr. INSLEE, Mr. HILLIARD, Mr. PETERSON of Florida, Mr. MCCURDY, and Mr. SCHIFF.

H.R. 1141: Ms. BYRNE.

H.R. 1164: Mr. WYNN, Mr. HOAGLAND, and Mr. GUTIERREZ.

H.R. 1293: Mr. PARKER.

H.R. 1381: Mr. MURPHY.

H.R. 1399: Mr. FAWELL.

H.R. 1529: Mr. HALL of Texas and Mr. QUILLEN.

H.R. 1586: Mr. SANDERS.

H.R. 1709: Mr. ALLARD, Mr. REGULA, Mr. GOODLATTE, Ms. MOLINARI, Mr. CONDIT, Mr. SCHAEFER, Mr. HAMBURG, Mr. CAMP, Mr. ARMEY, Mr. BAKER of California, Mr. DICKEY, Mr. BILBRAY, Mr. MCCOLLUM, Mr. MCCRERY, Mr. TALENT, Mr. MACHTLEY, Mrs. VUCANOVICH, Mr. CLEMENT, Mr. JACOBS, Mr. LEWIS of Georgia, Mr. BROOKS, Mr. KOPETSKI, Mr. GORDON, Mr. PORTMAN, Mr. BROWN of Ohio, Mr. MILLER of Florida, Mr. BROWN of California, Mr. HALL of Ohio, Mr. HINCHEY, Mr. DARDEN, Mr. KILDEE, Mr. KASICH, Mr. MCINNIS, Mr. DORNAN, Mr. FRANKS of Connecticut, Mr. DANNER, Mr. FISH, Ms. MCKINNEY, Mr. REED, Mr. DIAZ-BALART, and Mr. DEUTSCH.

H.R. 1764: Mr. UPTON.

H.R. 1766: Mr. UPTON.

H.R. 1774: Mr. UPTON.

H.R. 1873: Mr. DIXON.

H.R. 1886: Mr. MARKEY.

H.R. 1897: Mr. SMITH of New Jersey, Mr. GENE GREEN of Texas, and Mr. WYNN.

H.R. 1961: Ms. DELAURO and Mr. SHAYS.

H.R. 2002: Mr. SMITH of New Jersey.

H.R. 2021: Mr. GENE GREEN of Texas.

H.R. 2092: Mr. LIPINSKI, Mr. ABERCROMBIE, Mrs. UNSOELD, Mr. BREWSTER, and Mr. LANCASTER.

H.R. 2110: Mr. NADLER, Mr. STUDDS, Mr. RANGEL, and Mr. EVANS.

H.R. 2135: Mr. HUTTO, Mr. FILNER, Mr. OBERSTAR, Mr. KREIDLER, Mr. HOUGHTON, Mr. COPPERSMITH, Mr. ENGLISH of Oklahoma, and Mr. DEFAZIO.

H.R. 2210: Mrs. MALONEY.

H.R. 2241: Mr. BISHOP and Mr. PICKLE.

H.R. 2249: Mrs. SCHROEDER.

H.R. 2406: Mr. BUYER and Mr. CANADY.

H.R. 2434: Mr. KINGSTON.

H.R. 2447: Mr. ANDREWS of Maine, Mr. WAXMAN, Mr. HASTINGS, and Mrs. MEYERS of Kansas.

H.R. 2453: Mr. MCHUGH, Mr. PARKER, and Mr. HYDE.

H.R. 2462: Mr. LAUGHLIN.

H.R. 2488: Mr. CARDIN and Mr. VENTO.

H.R. 2602: Mr. ROYCE.

H.R. 2663: Mr. WALSH, Mr. LANTOS, Mr. HAYES, Mr. KILDEE, Mr. EVANS, Mr. YOUNG of Alaska, Mr. GLICKMAN, and Mr. BISHOP.

H.R. 2706: Mr. OLVER, Mr. SANDERS, Mr. EDWARDS of California, Mr. SLATTERY, Mr. BERMAN, Ms. NORTON, and Mr. MURPHY.

H.R. 2841: Ms. DANNER and Mr. BARLOW.

H.R. 2890: Mr. FILNER, Mr. EDWARDS of California, Ms. NORTON, Mr. FOGLIETTA, Mr. LIPINSKI, and Mr. PORTER.

H.R. 2898: Mr. GUTIERREZ.

H.R. 2957: Mr. LIVINGSTON, Mr. BEREUTER, and Mr. MANN.

H.R. 3020: Mr. PASTOR, Mr. DEFAZIO, and Mr. COLEMAN.

H.R. 3031: Ms. BYRNE.

H.R. 3062: Mr. ARCHER.

H.R. 3075: Mr. MACHTLEY, Mr. JEFFERSON, Mr. SCHUMER, Mr. STOKES, Mr. STUDDS, Mr. REYNOLDS, Mrs. ROUKEMA, Miss COLLINS of Michigan, and Ms. DANNER.

H.J. Res. 9: Mr. FAWELL and Mr. BAKER of California.

H.J. Res. 131: Mr. SHAYS, Mr. TEJEDA, Mr. EDWARDS of Texas, Mrs. BENTLEY, Mr. JOHNSON of Georgia, Mr. ACKERMAN, Mr. LEWIS of California, Mr. NEAL of Massachusetts, Mr. HAYES, Mr. BARLOW, Mr. FAZIO, Mr. CRAMER, Mr. COOPER, Mr. MURPHY, Mr. MARKEY, Mr. MCDADE, Mr. LEVIN, Mr. DICKS, Mr. EWING, Mr. REYNOLDS, Mr. HOYER, Mr. HYDE, Mr. WHITTEN, Mr. HORN, and Mr. CRANE.

H.J. Res. 148: Mr. OBEY, Mr. WHEAT, and Mr. SUNDQUIST.

H.J. Res. 202: Mr. BECERRA.

H.J. Res. 246: Mr. ACKERMAN, Mr. APPLEGATE, Mrs. BENTLEY, Mr. BLUTE, Mr. BORSKI, Mr. COYNE, Mr. DEFAZIO, Mr. DE LA GARZA, Mr. FOGLIETTA, Mr. FROST, Mr. GALLO, Mr. GORDON, Mr. HOCHBRUECKNER, Mr. HYDE, Ms. KAPTUR, Mr. KENNEDY, Mr. KING, Mr. KLECZKA, Mr. LAFALCE, Mr. LEVIN, Mr. LEVY, Mr. LIPINSKI, Mr. MCDERMOTT, Mr. MCHUGH, Mr. MCNULTY, Mr. MACHTLEY, Mr. MARKEY, Mr. MARTINEZ, Mr. NEAL of Massachusetts, Mr. QUINN, Mr. ROMERO-BARCELO, Mr. SMITH of New Jersey, Mr. UNDERWOOD, Mr. WALSH, Mr. WELDON, and Mr. WOLF.

H. Con. Res. 73: Mr. STRICKLAND and Mr. RUSH.

H. Con. Res. 126: Mr. SAWYER, Mr. HUTTO, Mr. COSTELLO, Mr. TALENT, and Mr. YATES.

H. Con. Res. 140: Mr. FOGLIETTA, Mr. WAXMAN, Mr. HINCHEY, Mr. PAXON, Mr. LIPINSKI, Mrs. MORELLA, Mr. MENENDEZ, and Mr. SAXTON.

H. Res. 134: Ms. SNOWE and Mr. MANZULLO.

H. Res. 154: Mr. WELDON.

H. Res. 236: Mr. TUCKER, Mr. MATSUI, Mr. CLEMENT, Ms. NORTON, Mr. KIM, Mr. PETRI, and Mr. COX.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1985: Mr. MCDERMOTT.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 28, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 29

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

To hold hearings on Robert W. Perciasepe, of Maryland, to be Assistant Administrator for the Office of Water, Lynn R. Goldman, of California, to be Assistant Administrator for the Office of Prevention, Pesticides and Toxic Substances, Elliott P. Laws, of Virginia, to be Assistant Administrator for the Office of Solid Waste and Emergency Response, and Jean C. Nelson, of Tennessee, to be General Counsel, all for the Environmental Protection Agency.

SD-406

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to review the first annual report of the Trade Promotion Coordinating Committee, which was established by the Export Enhancement Act of 1992 (P.L. 102-429).

SD-538

Finance

To hold hearings on the nominations of Shirley Sears Chater, of Texas, to be Commissioner of Social Security, Department of Health and Human Services, and Herbert L. Chabot, of Maryland, to be a Judge of the United States Tax Court.

SD-215

Foreign Relations

To hold hearings on the nominations of Marian C. Bennett, of the District of Columbia, to be Inspector General, U.S. Information Agency, Tobi Trister Gati, of New York, to be Assistant Secretary of State for Intelligence and Research, and Daniel L. Spiegel, of Virginia, to be U.S. Representative to the European Office of the United Nations, with the rank of Ambassador.

SD-419

Labor and Human Resources

To hold hearings on certain provisions of S. 491, to provide health care for every American and to control the cost of the health care system.

SR-325

11:00 a.m.

Veterans' Affairs

To hold hearings to examine the role of the Department of Veterans Affairs under the Administration's proposal to reform the nation's health care system.

SR-418

2:00 p.m.

Armed Services

To hold hearings on lessons learned by the Defense Base Closure and Realignment Commission and the Department of Defense concerning the 1993 base closure process and a proposed land exchange regarding portions of Fort Sheridan, Illinois and a site in Arlington, Virginia.

SR-232A

Foreign Relations

To hold hearings on the nominations of Roger R. Gamble, of Virginia, to be Ambassador to the Republic of Suriname, Peter F. Romero, of Florida, to be Ambassador to the Republic of Ecuador, and William Lacy Swing, of North Carolina, to be Ambassador to the Republic of Haiti.

SD-419

2:30 p.m.

Finance

Energy and Agricultural Taxation Subcommittee

To hold hearings on issues relating to transportation fuel additives.

SD-215

SEPTEMBER 30

10:00 a.m.

Environment and Public Works

Superfund, Recycling, and Solid Waste Management Subcommittee

To resume hearings to examine the Superfund cleanup process and innovative cleanup technologies.

SD-406

Finance

To hold hearings on the Administration's proposal to reform the American health care system.

SD-215

Foreign Relations

To hold hearings on the nomination of Carol Bellamy, of New York, to be Director of the Peace Corps.

S-116, Capitol

Foreign Relations

To hold hearings on the nominations of Edward Joseph Perkins, of Oregon, to be Ambassador to Australia, Richard W. Teare, of Ohio, to be Ambassador to Papua New Guinea and to serve concurrently as Ambassador to Solomon Islands and to the Republic of Vanuatu, and Theresa Anne Tull, of New Jersey, to be Ambassador to Brunei Darussalam.

SD-419

10:30 a.m.

Labor and Human Resources

To continue hearings on certain provisions of S. 491, American Health Security Act.

SD-430

2:00 p.m.

Judiciary

To hold hearings on the nomination of Doris Meissner, of Maryland, to be Commissioner of Immigration and Naturalization, Department of Justice.

SD-430

OCTOBER 1

10:00 a.m.

Labor and Human Resources

To hold hearings on the nomination of William B. Gould IV, of California, to be a Member of the National Labor Relations Board.

SD-430

OCTOBER 6

9:30 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to mark up proposed legislation to reorganize the Department of Agriculture.

SR-332

2:30 p.m.

Veterans' Affairs

Business meeting, to consider pending calendar business.

SR-418

OCTOBER 7

2:30 p.m.

Agriculture, Nutrition, and Forestry

Agricultural Research, Conservation, Forestry and General Legislation Subcommittee

To hold hearings on the implementation of American agricultural research priorities.

SR-332

OCTOBER 13

9:30 a.m.

Indian Affairs

To hold hearings on S. 720, to clean up open dumps on Indian lands.

SR-485

OCTOBER 20

9:30 a.m.

Indian Affairs

To hold oversight hearings on issues relating to Indian self-goverance.

SR-485

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings to examine violence in television programs, focusing on S. 1383, to prohibit the distribution to the public of violent video programming during hours when children are reasonably likely to comprise a substantial

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

portion of the audience, S. 973, to require the Federal Communications Commission to evaluate and publicly report on the violence contained in television programs, and S. 943, to protect children from the physical and mental harm resulting from violence contained in television programs.

SR-253

OCTOBER 21

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 447, to facilitate the development of Federal policies with respect to those territories under the jurisdiction of the Secretary of the Interior.

SD-366

Environment and Public Works

Clean Air and Nuclear Regulation Subcommittee

To hold hearings on the implementation of the acid rain provisions of the Clean Air Act Amendments of 1990.

SD-406

2:30 p.m.

Veterans' Affairs

To hold hearings to review research on the health effects of agent orange and other herbicides used in Vietnam.

SR-418

OCTOBER 28

9:30 a.m.

Indian Affairs

To hold oversight hearings on issues relating to Indian child abuse.

SR-485

SENATE—*Tuesday, September 28, 1993*

(Legislative day of Monday, September 27, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

And whosoever of you will be the chiefest, shall be servant of all.—Mark 10:44.

Eternal God our Father, this morning we remember in prayer the many who serve the Senate behind the scenes, without whom the Senate could not function. We pray for those responsible for maintenance of buildings and grounds, for food service personnel, for security, for office and committee staffs, for those who are on the floor and in the cloakrooms when the Senate is in session.

We thank Thee for the service and dedication of all of these who, though unheralded, are faithful at their daily tasks. May Thy blessing rest upon them, their families, and their labors.

We pray in His name who is the Servant of servants. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 28, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WOFFORD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Mrs. MURRAY and Mr. RIEGLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

PRIVILEGE OF THE FLOOR—H.R. 2518

Mrs. MURRAY. Mr. President, I would like to ask that for the duration of the Hyde debate, floor privileges be granted to Ms. Amy Spencer. Ms. Spencer is a Georgetown women's law fellow in Senator MIKULSKI's office.

I ask unanimous consent that permission be granted to extend floor privileges to her for this debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. RIEGLE. Mr. President, I ask unanimous consent that there be a period for morning business up to 25 minutes and that I be permitted to speak therein; that the time I utilize not be charged against the time of debate on the committee amendment on page 74; and that the time for recess be adjusted accordingly.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RETIREMENT ANNOUNCEMENT

Mr. RIEGLE. Mr. President, I asked for the time this morning to indicate to my constituents, my colleagues, and my supporters that this will be my final term here in the Senate and I will not seek reelection in 1994. Lori and I reached the decision together, over the weekend, after much deep soul searching and reflection. Clearly, it is an emotional decision because both our hearts and minds are truly in public service work.

As every colleague and congressional spouse knows, politics at this level is a family business of the most intense kind. Among my considerations, two were overriding: My present Senate responsibilities and my present family responsibilities.

Let me address my Senate work duties first. With the new Clinton administration now in place, we face a historic opportunity to pass national health care reform legislation that will affect every person in America. It is an epic issue of great complexity, and I am deeply committed and have worked on this issue for many years.

A unique legislative window is now open to us and we must enact this health care reform over the next year during this Congress. Otherwise, the chance to do it may once again slip away.

As Senate chairman of the Finance Subcommittee on Health for Families and the Uninsured, I am directly assigned a key role with others for getting this health care reform package properly written and enacted. It is an urgent national need, and it will require many hundreds of hours of personal work over the next year. I want to do the best job that I possibly can in getting my part of this task done. I have already held 38 public hearings on health care and have written an entire health reform plan with Senators MITCHELL, KENNEDY, and ROCKEFELLER.

As I listened to President Clinton's powerful call to the Congress and to the Nation last week, I felt a deep sense of duty and personal responsibility to respond in kind. My Health Subcommittee chairmanship imposes extraordinary time and commitment. I welcomed it, and I now intend to meet it fully. Passage of health care reform also requires bipartisan cooperation and goodwill. That will be better achieved if I am not otherwise engaged in a partisan reelection campaign.

Beyond my health care duties, I also serve as chairman of the Senate Banking, Housing, and Urban Affairs Committee which has its own vital and full work agenda at this time. I have had the committee moving aggressively to get a fresh, new urban revitalization strategy in place for America. America is years late in this area, largely because the executive branch over the past 12 years really turned its back on our cities. Full generations of urban poor are being lost. The urban underclass is growing at a terrific rate. Detroit has the highest rate of child poverty of any American city. Recently, a mother of three was shot to death beside a bank teller machine by a 9-year-old who shows no comprehension of the crime he committed.

These growing manifestations of a clock-worn society require our most urgent attention. Working with the new administration, we must now do everything we can to reverse these trends.

Many of our new urban initiatives—empowerment and enterprise zones, increased earned income tax credit, making permanent low-income housing tax credits, the mortgage revenue bonds program, free vaccines for poor and uninsured children--were all just incorporated in the recent deficit-reduction package and they are now the law of the land. But other key pieces of the strategy, like community development banks, securitizing small business

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loans, ending urban credit discrimination and price gobbling all, just moved through our committee last week with, I might say, a bipartisan vote of 18 to 1. We are now ready for floor action, and then a move to the conference with the House.

These special institutional work responsibilities as a full committee chairman also require an extraordinary amount of my time and attention in order to drive this work through the process. It has taken 17 years of effort here in the Senate trenches to now have the work leadership role in the Senate. I am absolutely determined to get this work done now while we have an open legislative window.

Over the past three decades, I have seen legislative windows open and then close abruptly. This legislative window could close in November 1994 like it did in 1980, when Democrats lost control of the Senate. So we must act now while we can.

A third vital area of personal work experience over many years was with the serious problems of American competitiveness, chronic and damaging trade deficits, the continuing erosion of the U.S. manufacturing and job base, and the grinding down of the working middle class.

As one born and raised in the industrial town of Flint, I have seen these problems firsthand. They were reflected in my earlier efforts to lead the Chrysler loan guarantee through the Senate, and draft and enact with Senator DANFORTH the super 301 trade law to deal with trade cheating by Japan and others, to do things to save and strengthen the United States job base.

Now, we face NAFTA efforts, a free-trade agreement with Mexico, which I strongly oppose.

While helping the administration on key areas of health care reform and urban revitalization, I found it necessary to confront the NAFTA agreement head-on. I believe NAFTA is fatally flawed and will be terribly destructive to the American job base. Michigan has already lost tens of thousands of good jobs to Mexico, and I believe NAFTA will make the job loss much worse.

While intelligent people of experience and conscience are on both sides of this issue, it is my deeply held conviction that NAFTA will severely damage the economy and country. It could not come at a worse time, as we struggle with defense conversion job loss, corporate downsizing, and other damaging economic riptides. If it were to pass, NAFTA would in effect increase the United States work force by some 50 million Mexican workers who will work for about one-seventh to one-ninth of what a comparable United States worker now earns.

So the fight against NAFTA is a fight to save the jobs of millions of our working people, jobs that under NAFTA will be packed up and shipped to Mexico.

My announcement today should clear up the misconception of some that my aggressive opposition to NAFTA is based on reelection politics. Exactly the reverse is true. Defeating NAFTA requires a major commitment of time and work energy as I am spearheading the opposition's effort here in the Senate. The simple truth is that reelection campaigning drains time and effort that I just cannot afford if these multiple Senate work objectives are all to be met, and I intend to meet them all.

With the pressing Senate work duties and others I will not mention here, it just makes no sense to cut corners on my existing job responsibilities in order to spend the time campaigning and fundraising in an effort to win still another 6-year term. I believe I should give every ounce of my work energy to do my job now and let others who can spend the time and effort necessary to win the next 6-year term.

Let me also say that I want President Clinton to have a strong record of legislative achievement with which to earn and win a second 4-year term. The last Democratic President to be elected President and then reelected was Franklin Roosevelt. So it is not easy.

I have helped President Clinton on every legislative initiative to date, with the lone exception of NAFTA, where we have agreed to disagree. He and the First Lady have shown strong, energetic leadership, and the country is the better for it. He has been most generous to agree to come to Michigan next month to hear directly from the Michigan citizens about their health care concerns and later attend a campaign fundraising event in my behalf. Perhaps the focus of that fundraising event can be directed to help all the Michigan Democratic candidates running in 1994 and also help the Democratic Senate Campaign Committee as it strives to retain Senate control in 1994.

While I have spent time here explaining the job side of this decision, let me say that the family side is just as compelling.

On the family side of the equation, I face exactly the same conflict as my House colleague FRED UPTON, who recently declined to run for the Senate due to family considerations involving his two young children.

Very few current Senators have young children. I am one who does. My youngest two children, Ashley and Allison, are now 8½ years old and 20 months old, with Allison being the youngest of all Senate children. Both Ashley and Allison need adequate quality time with their dad now, just as I need time with them. Ashley has just started the third grade. She has a new ball glove and she and her dad need to play some catch. That and other normal family activity is nearly impossible when I am away traveling virtually every moment the Senate is not in session, much of it campaigning.

We all know that the typical Senate workday starts early and ends late, despite the best efforts of our leadership. Those of us with children at home are finding we seldom get home in time for dinner with our families, and many evenings we even arrive too late to say good night to children, who have already gone to bed.

Now, families everywhere struggle with such demands. And Senate life here has been taking on, I would say, an increasing toll on family life, particularly with the heavy travel demand on weekends to our home States. I was once again reminded of this just 2 weeks ago when I traveled over 1,100 miles by car across Michigan to various stops—Grand Rapids, Muskegon, Traverse City, Posen, Bay City, Flint, Lansing, Sterling Heights, Warren, Detroit, and Dearborn. Like so many other weekends, Lori had to be both mother and dad, while I was once again an absent father.

If I were to serve another 6-year term, Ashley would then be 16 and Allison would be 9. If those intervening years were to speed by as the years thus far have, the real family cost has to be measured in terms that can never be recaptured, especially as a father who is now, as I stand here, 55 years old.

I do not want to leave the Senate after a fourth term in the year 2001 to finally return to a normal family life and, in fact, pass my daughter Ashley in the doorway as she is finishing high school and preparing to leave for college. All my children need more from me at this point in their lives than I have been able to give them, and I must change that.

I lost my dad last year. I loved him very much. He, too, was in politics and loved public service. I know firsthand how hard it is to lose family hours together when your dad is out campaigning and then never get them back. Harry Chapin's song "Cat's in the Cradle" has gotten harder and harder for me to listen to.

So these and other important family responsibilities require more of my time and effort now and in the future. They cannot be set aside for another reelection campaign or another 6-year Senate term. Eight elections to the Congress will have to be enough. They add up to 28 years of continuous congressional services at the end of this term. Only six Senators now serving have longer congressional seniority than I do. It spans seven Presidents and can be said, I think, to constitute a full career here. My season of congressional services will, therefore, end with this current term next year.

As a family, we also want to return to Michigan so our children can be raised and educated in Michigan, put their roots down there, and be closer to other family members. We love Michigan. We miss living there. We look forward to going home. For a time, we considered a plan to relocate to Michigan while still remaining here in the Senate, with me commuting back and forth to Washington each week by plane, as some Members do. But the more we considered it, the less practical it seemed. Given my advanced Senate seniority and heavy institutional work duties and our own family requirements, we finally concluded that that just was not a workable option.

While we will not be waging a Senate campaign, I do intend to stay active in politics, encouraging and supporting good Democratic candidates and actively supporting my party and its values and priorities. By announcing this decision now, strong new Democratic contenders will have the time they need to seek the nomination for this seat and build a winning campaign.

While I have no current plan to pursue any other elective office, I may well do so in the future when our children are more fully grown and we, as a family, are resituated again in Michigan.

When this Senate term ends in 15 months, I will return to private life and look for opportunities to create more private sector jobs in Michigan and participate in the development of good public policy. Most of all, I want to play some catch with Ashley, look at some books with Allison, and spend more time with my older children and our other family members, including that long postponed fishing trip which my daughter Laurie and I talked about last week.

My wife Lori, my best counselor and best friend, has been like the Rock of Gibraltar during our 15½ years of marriage. And we, too, need more time together. She has given thousands of hours of volunteer work within the office on virtually every key issue. She has had a great impact and has helped countless people. I could not have done this job without her, and I want to thank her for all of the hard work she has done.

Every colleague knows that our marriages need more than the weary shards of time that we are often left with after an exhausting Senate day or week. As this job has accelerated over the years, I have often described it as like riding a bullet. Little time is left for any semblance of normal living, a reality we all do our best to cope with. And as I will be 57 years old shortly after this term ends, I am rebalancing my priorities.

Understandably, some will wonder if we are leaving because Senate life is too frustrating and contemporary politics too brutalizing or whether I had deep doubts about winning a fourth Senate term. Let me address both points.

First, the frequently heard complaints about the frustratingly slow Senate work process, with its antiquated procedures, along with the miserable condition of our campaign financing system, are absolutely valid. As maddening and debilitating as they are, however, they are not the principal cause of my leaving, although they reinforce one's decision to leave, as Tim Wirth and Warren Rudman and others before me have said.

These corrosive problems are an everyday fact of life for every Senator. A single, willful colleague can tie the Senate in knots, as we so often see, and it then reduces the Senate to a shell of what it could or should be. Yet, even in the teeth of these impediments, it is still possible to accomplish important work here. And that is why many of us have stayed on. But by any objective measure, we are working harder and harder to achieve even modest policy gains.

Our political system is in serious trouble, and the Senate is squandering much of its relevancy. This requires more discussion than time permits today. It would take a book. But that helps underscore the urgent need to make the major legislative breakthroughs over the next year, over the next 12 months, as we now have an extraordinary chance to do.

On the 1994 Senate race in Michigan, let me admit, a large part of me would relish winning another Senate campaign. I love campaigns. I like meeting people face to face. Having that direct personal bond is the best part of the job. That I will greatly miss.

Despite the carping of some of my critics, I think it is fair to say most of the serious and respected political pundits of Michigan have indicated they expected me to win again next year now that the competitive picture is quite clear, the most recent being George Weeks in the Detroit News just 2 days ago predicting a reelection victory. My own recent polls show me receiving over 50 percent of the vote when matched against any well-known prospective challenger, all of whom ran far behind, including Michigan's present Governor.

My volunteer base is stronger than ever and I have, without false modesty, a number of important legislative accomplishments to highlight in a reelection campaign. Despite very tough self-imposed campaigning restrictions, we are raising all the contributions we would need for a winning campaign. There is not a doubt in my mind that I could conduct another winning campaign next year. In my last election in 1988, I received 2,116,865 votes, the highest total ever received by a Michigan Democratic Senate candidate. I am proud to leave that number there for others to challenge.

Now the most important part of what I want to say; I want to express my deepest appreciation to the people of Michigan for allowing me this rare privilege of nearly three decades of service to my State and country. It has been an amazing period of our history. I have cast many thousands of votes and, as those who watch C-SPAN know, I have spoken out forcefully and often, and I will continue to do so until my last day here—and I have never pulled my punches. My family and I, along with my staff members and our supporters, have striven to give the full measure of our best effort. We have accomplished much, and where we have fallen short it has not been for lack of effort or good motive.

My main efforts here in Congress have been aimed at achieving economic, social, and racial justice for our people. That has been my driving passion. One of my proudest accomplishments is that I have nominated more African-American persons to the Federal judiciary than any Senator in our Nation's history.

I also want to thank the Senate for designating me as chairman of the Banking, Housing, and Urban Affairs Committee over the last 4½ years, a time of great challenge. Since assuming that chairmanship in 1989 I have been able to guide to passage landmark legislation of great importance to our country.

My actions as chairman have led to enactment of the sweeping reforms of the S&L industry, the toughest financial reform law in the past 50 years. That legislation stopped all the abuses, provided funds to prosecute the wrongdoers, and restructured the regulatory process, all of which has put the industry on a proper path toward solvency based on sound practice.

That was followed in 1991 by enactment of sweeping reforms of our commercial banking system. That bank reform bill strengthened regulatory standards and supervision, and reversed the negative trends that had threatened the very solvency of the Federal Deposit Insurance Fund. The banking industry is now back on a solid footing and, by strong, timely action, we have averted what could have become a systemic breakdown of our financial system. The committee has also moved aggressively to stop discriminatory lending practices and bring a full measure of equity and fairness to the everyday workings of our financial system. All these initiatives will have important and lasting value.

I am very proud of the committee's work during my tenure as chairman. I have insisted that we function on a bipartisan basis and every Member has contributed importantly. So I again thank the Senate for having entrusted me with this special responsibility at such a challenging time.

Let me now just in closing also say some other special thank you's, starting with my family members, for their sacrifices and strong support over these many years. I want to thank, in addition to my wife Lori, who is here in the gallery with me now, my sister, Dee Riegle Torres, who like Lori has been a solid rock of support and encouragement at every point. I want also to express deepest thanks to all my loyal supporters and volunteers over these many years, and the truly exceptional staff members have worked so hard and accomplished so much that is good for the people.

I especially want to thank those who stepped forward to help early with this 1994 reelection effort, and my campaign staff, to whom I am also deeply grateful.

It is said that all things have their season. Eight elections to Federal office, three Senate terms and five House terms will have to mark my season. I look forward to finishing my work here with all the force at my command, without any of the distractions of a reelection campaign. I will give it my all for the next 15 months and come 1995 will then move on to new challenges.

I might just finally say, too, because a number of my colleagues are on the floor, and particularly the newer women Democratic Members of the Senate—and a veteran in that group, BARBARA MIKULSKI—I thank you more than I can say for your early endorsement of me, each of you, in this reelection campaign effort. That means a very great deal to me and is something I have a very special feeling and pride about.

So I will always leave a part of my heart here in the U.S. Senate where so many bonds of shared experience, teamwork and personal affection tie us all together. I thank my colleagues for permitting me to make these remarks here this morning.

I thank you, and I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

SENATOR RIEGLE'S ANNOUNCED RETIREMENT

Mr. SPECTER. Mr. President, I was very surprised to hear Senator RIEGLE's announcement this morning, when I came to the floor expecting to begin the debate on the Labor, Health, Human Services and Education bill. I do believe that the announcement by the distinguished Senator from Michigan takes precedence over any other Senate business. I am sorry to see that Senator RIEGLE will be ending his career in the Senate.

I had the opportunity and good fortune to work with Senator RIEGLE for 4 years on the Northeast-Midwest Coalition in my first year in the Senate after my election here in 1980. That is an organization which has cochairs from each party, one from the Northeast and one from the Midwest.

I found my close work with Senator RIEGLE at that time to be very enjoyable and gratifying, and found Senator RIEGLE to beextremely capable, of the highest integrity, and always moving in lines of the best public policy as he saw it. I know it is a difficult decision. I see Lori Riegle in the gallery. It is obviously a very difficult matter. I empathize with Senator RIEGLE on the portion of his presentation, especially when he talks about the difficulties and travail in the Senate. There is no Member among the 535 of us in the Congress, or those who hold public office other places, who have not observed that as public officials. I know in my case nobody asked me to run for the Senate. I understand the pitfalls and the kinds of critiques. But I do think we are past the point where there ought to be a reevaluation. Fair criticism is fine, but there are vast excesses which we have in this country today.

I know in my own family, my sons, Shanin and Steve, have been a part of a political family since they attended their first election day. I was asked to be at the polls at 7 when the polls opened, and at 11 o'clock the night before. I had no time for a babysitter and they came at 7 and participated in the publicity of their father's first candidacy. They have great potential as public servants. But they would not touch it because they see what it is like. I am not so immodest to suggest the country may be deprived of potential public service of my sons and many others, who see what is happening. I think that is something we ought to pause on for just a moment this morning.

But the main point is Senator RIEGLE's contribution to his State and his country and to the Senate and to the Congress. I served with him on the Banking Committee where he did an outstanding job and he will be sorely missed as a Senator and as a friend.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa. May I suggest the period for morning business, without objection, be extended on the same terms for a little while.

Mr. HARKIN. I ask unanimous consent the period for morning business be extended.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR RIEGLE'S RETIREMENT

Mr. HARKIN. Mr. President, It was like stepping into an ice cold shower when I walked onto the Senate floor this morning and heard my good friend DON RIEGLE say he was not seeking reelection. I have known DON RIEGLE since I first came to Congress in 1974—actually before that. I remember reading his book, "O Congress," and saying that is the kind of person I want to be associated with when I get to Congress. Because I thought, in reading that book, he had the right kind of detachment from the rarefied atmosphere of the House of Representatives and the Senate, could look at it objectively. It was a book of good humor, but also an insight into how Congress operates. It was a reform type of book. It inspired a lot of us, I think, who came to that class, that "wannabe" class of 1974. I know a lot of us who were in that class looked to DON RIEGLE for leadership in the House of Representatives, in making some of the changes that we made.

All I can say is he has been a close friend for all these years, someone I have always looked up to for guidance and for counsel, someone I have shared many laughs with.

DON RIEGLE to me represents what it means to really be the finest public servant, an individual of deep intellect, of strong commitment and compassion. He is someone who has fought harder than anyone I have known for the working people in this country, the little person, I call them, someone out there who does not have the strong lobby and big powerful economic forces behind them. That is the individual DON RIEGLE has fought for all these years.

So there is going to be, really, an empty seat in this Senate. I am very saddened by this. I guess I am just going to have to sort it all out in my own mind. I know my wife Ruth and I send to DON and Lori our best wishes.

But we do have a long way to go before the end of the session, and if I know anything about DON RIEGLE, he is not going to go quietly into the night. He is going to be right here on the Senate floor and fighting for the things he talked about: Economic justice, social justice, racial equality in our country. That is what he always stood for, and that is what he will always stand for, because that is who DON RIEGLE is.

I am just as proud as I can be that he gave this many years of his life to both the House and the Senate. I am deeply proud to call him a real friend.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Illinois.

A GENUINE HUMAN BEING—SENATOR DON RIEGLE

Ms. MOSELEY-BRAUN. Mr. President, I, too, would like to add my voice—of sadness, really—about the announcement that Senator RIEGLE has just made. We were all shocked by it. I had come on the floor to talk with Senator RIEGLE just a few minutes before. We talked about Senate business. I had no clue that he was going to announce his intent not to run for reelection.

It is always a sadness, Mr. President, when a champion decides not to reenter the race, and I daresay, while I have not had the experience and the time that DON RIEGLE, TOM HARKIN, ARLEN SPECTER, or some of the others have had, I have found him in my 9 months in the Senate to be nothing less than a champion, to be nothing less than someone who was there for the little guy, someone who cared deeply and passionately about the issues and, most importantly, who is a genuine, genuine human being.

DON RIEGLE took me under his wing when I first got here. I have often been asked how I found the U.S. Senate coming in as the first African-American woman, how I was received by my colleagues, the kind of treatment that I received when I arrived here. I always point to the first meeting I had with DON RIEGLE in his office, even before I took my seat. He said, "You're going to be fine. We're going to work together. I'd love to have you on my committee."

I went on the Banking Committee, and I found he was true to his word in every possible way. He guided me through some of the intricacies of what was going on in that committee. He addressed the kind of issues I cared about: Issues going to how poor people were treated in our financial system, whether or not there was equality of opportunity, what kinds of access to capital women business owners and African-Americans, Asians, Hispanics and minorities have. He talked about the kinds of things that I knew when I got here I wanted to talk about. He gave me an opportunity to participate in discussions with the leaders of the financial industries in this country about the direction that our country was going to take, and what kind of America we were going to have, what kind of system we were going to have, and whether that was going to reflect the true ideals of our country.

DON RIEGLE has been just a real stalwart and a real friend to me. While I have not, again, known him as long as some others, I hope he will consider me to be one of his newest, "bestest" buddies who will be a lifelong friend. I certainly have all the respect in the world for him and regard for him. I think it is going to be a tremendous loss to this body, to the Senate, as well as to our country that he will no longer stand for reelection to this body.

Following my leader, Senator MIKULSKI, and other women Members, freshmen Members who are here, we all endorsed DON RIEGLE's reelection bid early. We thought this was one of the good men who we absolutely would stand by as part of our effort to open up and make the Senate look like America.

We want the Senate to look like the America DON RIEGLE stands for, and I think we are all going to have to redouble our efforts now that he is not going to be here in the next term of the U.S. Senate. We all are going to miss you, DON. I just want to say I feel very privileged to have been able to serve this time with you.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that I be allowed to speak for 1 minute in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DON RIEGLE—WE LOVE WHAT YOU HAVE DONE

Ms. MIKULSKI. Mr. President, I rise not only as one of the five Democratic women in the U.S. Senate who were enthusiastic in our endorsement of Senator RIEGLE, but I also rise as chair of the VA-HUD Appropriations Committee. I rise in tribute to the authorizer, the authorizer of housing and banking legislation in the United States of America. And I, as the appropriator, whose responsibility it is to try to make wise decisions to put money in the Federal checkbook around the authorization, I can say that Senator RIEGLE has truly been an architect for housing policy in the United States of America. His approach has been to see housing framework as a way not only to provide shelter for the homeless but also to look at how we can generate jobs today and opportunity tomorrow.

He has looked at the modernization of public housing, getting the lead out of public housing, getting the drugs out of public housing. He saw that as a way to generate jobs in the construction industry and also to provide an opportunity ladder for those who are in public housing for it not to be a way of life but to be a way to a better life.

As we see the homeless ever-growing on our streets, Senator RIEGLE's commitment to dealing with those who have been left out and left behind has been unabashed.

On the Finance Committee, on which I do not serve, I know he has been an able advocate, again, of jobs in manufacturing. But if there could be one thing that sums up Senator RIEGLE's whole commitment to public service it is that he believed in empowerment, he believed in empowerment to give help to those who practiced self-help here. He believed in empowerment of people around the world in promoting democracy, and he believed in the empowerment of newcomers to the U.S. Senate.

I, too, welcomed his advice and counsel when I first came to this Senate, and I will always welcome that advice and counsel wherever Senator RIEGLE seeks to choose to exercise his considerable God-given talents. This is not meant to be a eulogy. It is meant to say we love what you have done, DON, and we are ready to rock and roll in the next 15 months in meeting that agenda.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

TO SENATOR RIEGLE—THE ABSOLUTE BEST OF LUCK

Mrs. MURRAY. Mr. President, I just wish to add my words to the words that have come before me from my colleagues in wishing Senator RIEGLE, the Senator from Michigan, the absolute best of luck. Your announcement has taken us by astonishment, and I share the words of my colleague from Illinois, Senator CAROL MOSELEY-BRAUN.

Senator RIEGLE, when I came to the Senate, I did not know what kind of a reception I would get here, and you were one of the first who extended your hand and said, "I'll help you and let me know what you need," and I appreciate it very much.

It especially saddens me today, your reason for departing, because, as you and I have discussed many times, it is so difficult to be a U.S. Senator and a parent as well, to try and balance the job of being a parent with the job of being a U.S. Senator. It bothers me that we have to choose between those two roles. I hope the message that comes out of your retirement is that we in the U.S. Senate have to do a better job of managing our time here so that Senators do not have to make that choice in the future.

Senator RIEGLE, I wish you the very best of luck, and I thank you for having served with you.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

RETIREMENT OF SENATOR DON RIEGLE

Mr. SMITH. Mr. President, I also would like to take this opportunity to respond to the rather surprise announcement by my friend from Michigan. I just want to mention two very brief things that he addressed. One he addressed and one he did not.

I will always remember Senator RIEGLE for the support and the behind-the-scenes, very kind and encouraging remarks you made to me throughout this whole investigation of the POW matter.

A lot of the American people need to know not only of his support but keen interest in it. He has on many occasions gone out of his way to encourage me at some times when things were pretty rough, especially during the Senate investigation. I will always remember that and be very grateful to the Senator for it.

Second, I think it is also a sad commentary in many ways, as was just said, that the demands of this job have such an impact on our family lives. Thinking about my own reelection in 1996, it has crossed my mind many times whether or not the decision would be worth it in terms of the family sacrifice. I think we can all identify, there is not a Senator here who cannot identify, with a missed fishing trip or missed dinner, more than once. The demands are heavy on all of us, especially on our families. It is tough enough on us, but it is worse on them.

The Senator certainly in a very moving way brought that matter to a head. I hope that if anything positive could come out of what he said in that regard, it would be that somehow we could change things around here to set a timetable or a schedule so that we could leave for work in the morning and tell our wives and children, our husbands and children, whatever the case may be, look, we will be home at 6 or we will be here all night, we will not be home until 5 in the morning, but at least be able to tell them. There is not any reason we cannot make a agreement to have votes specific and talk all night if people want to talk but votes can be at a certain time so we can make plans and adjust our schedules accordingly.

So this is one friend that wishes you the very best and your family as well. Thank you.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

RETIREMENT OF SENATOR RIEGLE

Mrs. BOXER. Mr. President, this morning I was getting ready to come to the floor to debate the Hyde amendment. I had my TV set on at home—I live right near here—and when I saw the Senator from Michigan stand up, I said, "Well, what great issue is he going to tell us about today?" The last time I was doing a similar thing, Sentor RIEGLE broke the news really about the terrible health problems that gulf war veterans are facing. And when I heard the subject of his statement this morning, I involuntarily yelled, "Oh, no," because I think the Senator knows how much I respect what he fights for and in what he believes.

When I came to the Senate from the House of Representatives and joined the new class, it was very evident to me the people who stand up and fight for our working families—the people who do not wear the pinstriped suits and cannot afford to come here. Senator RIEGLE is their champion.

So I say to his family, you are about to gain a wonderful, new, invigorated presence. But in this Senate we are going to lose a fighter for the people. I am so proud that the Democratic women, way back when and without being asked, said we want this man back here with all of his force and strength. I am so pleased that we did that.

Senator RIEGLE, you are my chairman. We are going to work hard to make life better for people, and I am going to miss you very much.

I yield the floor.

SENATOR DON RIEGLE OF MICHIGAN

Mr. LEVIN. Mr. President, I was shocked to be told that Senator RIEGLE, my friend and my colleague from Michigan, is not going to be running for reelection next year.

There was no warning to the people of Michigan. Quite the opposite; DON was gearing up for another winning campaign. So that there is no doubt in anyone's mind about this—there is no doubt in mine, nor in, I think, the minds of the political commentators of Michigan—that DON RIEGLE was going to win his next reelection.

Most recently, a column from the Detroit News reported the feeling of that columnist that Senator RIEGLE was on his way to reelection for a number of reasons. First and foremost, he is an impassioned voice for working men and women. He fights for issues that the people care about who work, day in and day out, to raise their families. Whether the issue is trade, where he is a strong opponent of NAFTA; whether it is for unemployment compensation; whether it is for a fair tax system—you name the issue that matters for the working men and women of Michigan and America—DON RIEGLE is on their side, standing up, and in the words of Elie Wiesel, speaking truth to power.

He did it during the Vietnam war. He had a running start on his approach to power. That is that when there is a moral issue, an issue which is of great moment to the people of his State and to the Nation, that he will speak the truth as he sees it, regardless of whether or not he is stepping on some toes at the same time.

He is a powerful speaker. He is a courageous Senator. He is one of the Senators in this body who is willing to stand up on issues, even though it creates some difficulties and ruffles some feathers around here.

I have watched him. I admire the way he addresses issues. As long as I have been in the Senate, he has been my senior Senator. He has helped me immeasurably along the way. I am very much in his debt for all he has done to make that possible.

He decided to put his family first. He has two young children now, and he wants to be with his young children. Even though he was going to win this campaign, the requirements of the campaign were such that, day in and day out, every night, he is out there on the hustings, out having to raise funds for his reelection. It was a choice that he made with clear conscience.

I spoke with him very briefly just a few moments ago. It was a choice that he made for his family. It was a choice he will make for Lori and the kids. Even though I am surprised, I am shocked, and it is hard for me to accept that decision, I understand that decision. Any of us in this body that has to go through a reelection campaign that has a family, that has to go through the fundraising rigors, can understand what even someone as tough and strong and dynamic as DON RIEGLE has decided: That he wants to put his family first and not go through that kind of campaign again.

So as sad as I am that he will not be here 2 years from now, I understand that decision. I am grateful for the time that he has been able to give to his State and to the Nation. I know that he will now be able to spend more time with his beloved wife, Lori, and the kids, and that he will be grateful for that.

We look forward to the many months that he has left here as a continuation of a great career, and then afterward to a new career, which he deserves, whatever that may be.

I thank again my friends for allowing me to speak.

I yield the floor.

THE RETIREMENT OF SENATOR RIEGLE

Mr. KENNEDY. Mr. President, DON RIEGLE's announcement that he will not seek reelection comes as a surprise and shock to all of us in the Senate. He is an outstanding Senator and a loyal friend. His wisdom, hard work, and commitment to public service will be missed by his constituents in Michigan, by his colleagues in the Senate, and by Americans throughout the Nation who admire his ability and have benefited from his extraordinary achievements in more than a quarter century of distinguished public service.

DON RIEGLE has been an effective and tenacious leader on the most important issues facing Congress. As a young Congressman in the House of Representatives in the 1960's and early 1970's, he was an eloquent voice against the Vietnam war, and his leadership helped to end that war which America never should have fought.

I first came to know DON in those years, and we have been friends ever since. He had been named 1 of the 10 outstanding young men of the year by the Junior Chamber of Commerce, and I attended a reception where he spoke. Even after the passage of nearly two decades, I still recall the force of his personality and the power of his vision of the future for the Nation.

After DON's election to the Senate in 1976, it was a privilege to serve with him on the Labor and Human Resources Committee. It was clear from the beginning that he had a thorough understanding of the needs of working families and that he would be an effective leader for more jobs, better education, decent housing, and higher quality health care for his constituents and the Nation.

With his decision today, it is clear that every working man and woman is losing a powerful voice in the Senate for justice and fairness and opportunity. Every senior citizen is losing one of the strongest defenders of Social Security and Medicare that those two vital programs have ever had. And consumers throughout the Nation are losing one of their most effective advocates.

I know that the decision he has announced today has been a difficult and painful one. Like all of us who know DON RIEGLE, I am confident he would have prevailed in this campaign. But I respect his decision to put his responsibility to his family first. We feel a sense of joy and relief for Lori and their children, but we also feel a sense of sadness and regret for the Senate, and especially for the people of Michigan he has served so well.

SENATOR DONALD RIEGLE

Mr. WELLSTONE. Mr. President, if I could—seeing that the Senator from Maryland is here and I know that he wants to speak about Senator RIEGLE—I would like to take 1 minute, because Senator SARBANES has known Senator RIEGLE for a far longer period of time than I have.

I just repeat what I said to Senator RIEGLE when I learned the news that he was not running for office again. I told him that when I see my wife Sheila, I am going to tell her that I am really very disappointed, I am really down about it.

Because I will tell you, as somebody who has been here just a few years, when I think about these issues—Senator SARBANES has been maybe the most powerful voice in the Senate on this—when I think of issues of employment and jobs and decent wages and basic economic justice, issues that are so important to the vast majority of people in this Nation, I do not know that there has been a Senator that has stood up for people in a stronger way than Senator RIEGLE.

He combines a savvy, an experience, and immense ability as a U.S. Senator with an unbelievable commitment to people.

I am very disappointed at his decision. If it was a good decision for Senator RIEGLE and it is a good decision for his family, then it is the right decision.

I just have to say, as someone who has watched him and appreciated his commitments in many of the issues that I care about, I think it will be a real loss to the U.S. Senate and a real loss to our country.

SENATOR DONALD RIEGLE

Mr. SARBANES. Mr. President, I, like many of my colleagues, was saddened by Senator RIEGLE's announcement earlier today that he would not seek reelection to the U.S. Senate.

He has been a close friend of mine since even before we came to the Senate, but even more so since we both came to the Senate in 1976. I am going to miss him very, very much. He has been a friend and he has been an ally on some of the toughest fights on the floor of the Senate on behalf of working men and women in this country. There is no one in the Senate who has taken a more forthright and determined stance in defense of working people in America than Senator DON RIEGLE, of Michigan, and his voice and his efforts are going to be sorely missed in this body.

I want to note that he will remain chairman of the Banking, Housing, and Urban Affairs Committee for the next 15 months. He has done an extraordinary job as chairman of the committee. He has led that committee through some very difficult issues. For example, landmark legislation has been shaped under his leadership dealing with the safety and soundness of our savings and loan and banking industry, affordable housing for millions of Americans across the country, an urban policy, the Community Development Block Grant Program. On many of the issues that would be forgotten, Senator RIEGLE has been there on the front line urging them in the committee, in this body, and in the country.

I understand the reasons. I am privileged to know his lovely wife Lori and his two young children, Ashley and Allison. I know how much they mean to Senator RIEGLE and how much of a concern it has been to him that he should be there as a father of his two young daughters, one not quite 2 and the other 9, as they grow up.

So in a way, his decision is understandable in those personal terms.

But in public policy terms, the Senate will have lost one of its great champions on behalf of equity and fairness in the working of our economic system, one of the great champions for opportunity for all of our people, one of the great champions to ensure that every young child's talents and abilities should have developed to their fullest capacity.

I, for one, am going to miss him very much. I intend to continue to work closely with him in the 15 months in which he will continue to serve in the U.S. Senate, continue to chair the Banking Committee in his vigorous and effective way on behalf of the people of this country.

Mr. President, I yield the floor.

SENATOR DONALD RIEGLE

Mr. METZENBAUM. Mr. President, it was a bombshell. I could not believe my ears when I heard my good friend DON RIEGLE this morning indicating that he would not run for reelection.

He and I were seatmates back there. We were great, good friends. My wife Shirley and I went up when he and his wife were married. And I remember that occasion so well, way up in the northern part of Michigan.

I always considered DON very special. It is indeed with a real sense of sadness that I learned that he is not going to run for reelection to the Senate next year.

DON RIEGLE is a very, very specific kind of U.S. Senator. He has been a voice of strength. He has been progressive. He has been courageous. And he will, indeed, be missed in this body.

I understand his decision and I respect it because I know how close he is with his lovely wife, Lori, and Ashley and Allison, his children. They are beautiful children and I know he wants to spend some time with them.

I spoke with him this morning. I was very touched, and I could understand it as a father and grandfather when he said Allison wanted to throw a ball with him, a new ball she had, for a period of about a month, and he had not been able to find the time. He found 5 minutes for her before he had to leave on some fundraising trip.

So I understand full well his priorities and recognize and respect his decision to spend more time with his family. It is certainly a decision he will not regret.

But I will say this, that their gain will be a loss to this country and a loss to this body. I am very pleased that he intends to use the time remaining in this session to seize a rare and historic opportunity to reform the Nation's health care system. He will do the job and do it well. His Subcommittee on Finance will place him at the center of the debate, and without the distractions of a campaign to run, I know the concerns of the people of this country will be served by DON RIEGLE. He has guts. He has courage. He has compassion. He has brains.

He and I will be working closely together before the close of this session. We will make the battle to defeat NAFTA and DON will be providing a leadership role in connection with that.

He and I have worked closely on a committee the Senator from Maryland talked about a few moments ago, the Banking Committee. Although I am not on the Banking Committee, I have had a strong interest in the activities of the Banking Committee, activities such as the concern of people being able to cash their checks at banks. Banks are not willing to let them do that unless they have some special kind of relationship with the bank. So they are forced to go to the money-cashing stores and pay high fees. DON RIEGLE empathized and sympathized with those people.

With respect to the RTC, which has been one of the greatest tragedies of this country from a financial standpoint, nobody has been more resolute, nobody has been more determined, nobody has been more willing to stand up and be counted, to see to it the officers and the directors do not get off scot-free, to see to it the RTC meets its responsibilities.

I participated in a hearing at Senator RIEGLE's invitation just the other day, one of the most momentous, most moving hearings I have ever attended in the U.S. Senate, when 11 people—I think it was 11—came forward from across the country and told of the chicanery and improprieties and illegalities that were going on at the RTC. They had courage. But they knew, in standing before Senator RIEGLE's committee, their position would be protected.

I cannot conclude without pointing out it will be a personal loss for me. I will not be here, so I would not have been able to spend that much more time with him. But I consider him one of my very best friends in this body. The country will suffer a great loss. He is a magnificent Senator, a great human being, and a warm, close personal friend of mine.

I am indeed sorry Senator RIEGLE has decided not to run for reelection, but I certainly understand it.

REGARDING S. 1493, REPEALING SANCTIONS AGAINST SOUTH AFRICA

Mr. HELMS. Mr. President, I commend the able Senator from Kansas and I am honored to cosponsor S. 1493, her legislation to remove the remaining sanctions against South Africa.

It was not the Senate's finest hour when it voted to impose sanctions in the first place. I opposed the Senate's action then and, I submit, Mr. President, that the sanctions damaged the South African economy at a time when every possible resource at its disposal was needed to weather the transition facing the people of that fine nation, a nation which had always been an ally of the United States.

Mr. President, some Senators support this legislation largely because Nelson Mandela and the African National Congress have called for it. That is certainly not my motivation. Quite to the contrary, I confess that I continue to have grave concerns about the African National Congress and its links to the South African Communist Party.

Repeal of sanctions will not guarantee investment in South Africa. Investors require stability and certainty, and South Africa currently is not in a position to offer either. More than 1,200 people have been murdered in the past 2 months alone. The concerns of several political parties regarding regional powers and individual liberties have not been met. Some of those parties have hinted at civil war.

On the economic front, Mr. President, the current draft of South Africa's interim constitution subordinates economic and property rights to vague principles of social justice. Even those protections and rights which are contained in this constitution may be lost when it expires in 2 years. No one can reliably predict what shape the new and permanent constitution will take. This uncertainty will make even the boldest investor hesitate.

In any case, Mr. President, this bill has the virtue of repealing the remaining U.S. Federal sanctions. States and municipalities, if they wish to act responsibly, will repeal their remaining sanctions as well. Canada, the European Community, and others should do the same. But South Africa can bring prosperity to itself only with sound economic policies and strong legal protection of economic and individual liberty.

REFUGEE ADMISSIONS FOR 1994

Mr. KENNEDY. Mr. President, as required by the Refugee Act of 1980, the Judiciary Committee held a hearing last week with Secretary of State Warren Christopher to consult on the number of refugees to be admitted to the United States next year, and to review worldwide refugee programs.

This week, the committee completed the consultation process by sending the following letter to the President, which I ask be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follow:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 27, 1993.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Under the provisions of the Refugee Act of 1980 (P.L. 96-212), members of the Committee on the Judiciary have now consulted with your representative, Secretary of State Warren Christopher, on the proposed admissions of refugees for fiscal year 1994.

We are particularly gratified that your Administration has taken steps necessary to assure that funding for the resettlement of refugees more accurately matches the numbers to be admitted. As you probably know, over the past several consultations the Committee has expressed its concern over the continuing high level of refugee admissions accompanied by a failure to provide funding levels adequate to meet the resettlement needs of the refugees admitted.

This said, we remain concerned that current funding levels—approximately eight months of federal reimbursement—still fall short of actual needs. We would urge the Administration to move towards an assistance program of at least 12 months, through reforms and other savings like those envisioned in the refugee reauthorization bill this Committee reported favorably to the Senate in the 102nd Congress (S. 1941, Report 102-316, July 2, 1992).

In addition, the Committee is gratified to learn of the Administration's commitment to end the "pipeline" of in-country processing which has developed over recent years—to shift this flow to more appropriate immigrant-related preferences—and to reserve refugee admission numbers for those truly in need of immediate resettlement to avoid persecution or threat of life and safety. The Committee will continue to monitor progress in this area over the coming year.

The Committee continues to support the objectives of our Nation's program to assist refugees of "special humanitarian concern" to the United States, and we accept your proposals to do so during the coming fiscal year.

With best wishes,

Sincerely,

Orrin G. Hatch, Ranking Member, Committee on the Judiciary; Alan K. Simpson, Ranking Member, Subcommittee on Immigration and Refugee Affairs; Joseph R. Biden, Jr., Chairman, Committee on the Judiciary; Edward M. Kennedy, Chairman, Subcommittee on Immigration and Refugee Affairs.

Mr. KENNEDY. In addition, Mr. President, I would like to share the text of Secretary Christopher's prepared testimony, and the following two tables that outline the 1993 ceilings and actual admissions, and the proposed ceilings for 1994—which are approximately 10,000 less than the previous year.

I ask they be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE I.—REFUGEE ADMISSIONS IN FISCAL YEAR 1992 AND FISCAL YEAR 1993

Region	Fiscal year		Estimated 1993 arrivals thru July 1993	Total fiscal year 1993 anticipated
	1992 actual	1993 Ceiling		
Africa	5,491	7,000	3,831	7,000
East Asia	51,848	[1] 51,000	42,380	51,000
Eastern Europe	2,886	[1] 2,725	1,474	2,725
Latin America/Caribbean	2,924	[2] 4,500	3,252	4,500
Near East/South Asia	6,844	7,000	5,886	7,000
Former Soviet Union	61,298	[1] 49,775	40,451	49,775
Former Soviet Union/Eastern Europe [4]				
U.N. allocated reserve	[3] 0	[2] 0		
PSI	853	10,000	251	500
Total	132,144	132,000	97,525	122,500

[1] 1,000 numbers in original ceiling reallocated from East Asia to Eastern Europe. 225 numbers in original ceiling reallocated from Former Soviet Union to Europe.

[2] 1,000 numbers allocated to Latin America/Caribbean in fiscal year 1993.

[3] 1,000 numbers allocated to Near East/South Asia in fiscal year 1992.

[4] Former Soviet Union and Eastern Europe ceilings are being combined in fiscal year 1994.

The President proposes to respond to the humanitarian needs of refugees by establishing for FY 1994 an admissions ceiling of 121,000 refugees for permanent resettlement in the United States. Proposed allocations within this ceiling are shown in Table II below:

TABLE II.—*Proposal for U.S. refugee admissions in fiscal year 1994*

	Proposed Ceiling
Area of Origin:	
Africa	7,000
East Asia	[1] 45,000
Former Soviet Union/Eastern Europe	55,000
Latin America and the Caribbean	4,000
Near East and South Asia	6,000

	Proposed Ceiling
Area of Origin:	
Unallocated Reserve	3,000
Subtotal	120,000
Private Sector Programs	1,000
Total	121,000

[1] This figure includes Amerasians and their family members who enter as immigrants under a special statutory provision but receive the same benefits as refugees.

STATEMENT OF THE HONORABLE WARREN CHRISTOPHER, SECRETARY OF STATE BEFORE THE SENATE COMMITTEE ON THE JUDICIARY SEPTEMBER 23, 1993

Mr. Chairman and Members of the Committee:

I am very pleased to appear before the Committee today to outline the President's proposal for the admission of 120,000 refugees to the United States in fiscal year 1994. The Committee has already received a report that provides detailed information about refugee admissions, as required by the Refugee Act. It is our hope that the 1994 refugee admissions program will receive the broad bipartisan support from the Congress that it has received in the past.

Before turning specifically to the refugee admissions program, however, I would like to comment briefly on the past year's worldwide refugee situation and the future direction of U.S. refugee policy.

Positive political changes in several parts of the world have reduced the "push" factor—the conditions that impel people to leave their countries—and increased the "pull" factor—the conditions that cause people to return home.

In Cambodia, a major repatriation effort, directed by the UNHCR, resulted in the return of 370,000 persons from camps along the Thai-Cambodian border. An internationally-sanctioned election in May of this year will enable repatriated refugees to re-build their society.

In Afghanistan and Central America, refugees continue to return home.

Following a political settlement in Mozambique, upwards of 200,000 refugees have returned home in the past year.

For the first time in almost two years, there is hope that respect for human rights and democracy will be restored to Haiti. When implemented, the Governor's Island accords, together with the resumption of economic development, will help put an end to the despair that has caused so many Haitians to leave their country.

The prospects for peace in the Middle East have never been brighter. The agreement signed in Washington on September 13 is a major step in a process that will address the needs of the Palestinian refugees. We are only at the beginning, and much work will have to be done, but the foundations have been laid. It is the responsibility of the United States and the rest of the international community to help the Palestinians and the Israelis continue the peace process.

On the other hand, genuine Human tragedies in the former Yugoslavia and the Horn of Africa are creating hundreds of thousands of refugees. In Bosnia-Herzegovina, we continue our efforts to assist the more than 4 million displaced persons and refugees in the area. The United States has contributed over $350 million to the relief effort. We continue to look for ways and means to increase assistance. We are very concerned about the shortage of both funding and food for the United Nations agencies working in the former Yugoslavia. Under almost any scenario, the problems of food and shelter will be a major challenge to the international community this winter. We are encouraging action by other nations, especially the European countries, which we believe have a special responsibility for providing humanitarian assistance to the region.

MIGRATION

In addition to these widely-publicized conflicts, there is also overall migration of persons around the world as the result of population pressures, poverty, environmental degradation and other factors. While seeking to aid refugees, we must be resolute in our efforts to improve conditions so as to make it possible for would-be migrants to opt to remain at home. This Administration's determination to spur world economic growth through efforts such as NAFTA and the Uruguay Round, will help. So will our work on global issues such as population and the environment.

While legal immigration enriches our country, it is important to reduce illegal immigration. The President has already taken significant steps and has placed proposals before the Congress to address illegal immigration to the United States in a more effective manner. Improvements include increasing border control resources, improving visa issuance procedures, our repatriating illegal and criminal aliens and increasing criminal penalties for alien smuggling. At the same time, we will seek to ensure protection for genuine refugees who are fleeing persecution.

NEW APPROACHES TO REFUGEE ASSISTANCE

Ten years ago there were approximately 8 million refugees worldwide; now there are an estimated 18 million. Ten years ago, most of those assisted had crossed an international border to become refugees. Now many populations receiving assistance are displaced persons still within their national borders. This complicates relief efforts—and also creates security problems for the UN and NGO personnel engaged in relief—as we have seen all too often in Bosnia and Somalia.

The United Nations system has begun to move more effectively to coordinate its emergency relief activities in complex emergencies. UNHCR, the World Food Program, UNICEF, and the World Health Organization have taken measures to improve their emergency response capabilities. All have played an important role in Bosnia. Further work is needed, in particular the coordination of humanitarian activities with peace-keeping and political affairs at UN Headquarters. Enhancing such coordination is an important foreign policy objective for the Clinton Administration. We have also moved to streamline our own refugee programs; I will have more to say on that in a moment.

In responding to large-scale refugee emergencies, we believe that two objectives must be pursued simultaneously: (1) humanitarian assistance and protection for those in need, and (2) durable solutions, especially conflict resolution and repatriation when conditions permit. We must recognize that third-country resettlement, while an appropriate option in many cases, is not a realistic alternative for the large majority of the world's nearly 18 million refugees.

REFUGEE ADMISSIONS

As reported before this Committee last year, current trends indicate that the number of persons requiring permanent resettlement in the United States should decline significantly in the next few years. By year end, we will have met our commitment to resettle in the United States all known and eligible Amerasian children and their families from Vietnam. Within the next two years, we anticipate that all eligible Vietnamese reeducation camp prisoners, that is, those interned for more than three years because of their association with the U.S., will have entered the U.S. We also expect that within the next two years, we will need to bring the Soviet refugee admissions program into conformity with emerging realities in the former Soviet Union. In the future, the U.S. will continue, although on a smaller scale, to resettle our fair share of those refugees who have no alternative to resettlement.

I would like to address for a moment the recent expressions of concern in the Congress and the press about the resettlement of Iraqi refugees in the United States. Contrary to some press reports, no one is resettled in the United States without demonstrating a well-founded fear of persecution. Many of these Iraqi refugees have credible accounts of torture and abuse. Many of the Iraqi draftees held little enthusiasm for the war and fled their country early on—sometimes at the behest of the allied forces. These deserters actively opposed the regime and formed the corps of freedom fighters who refused to participate in the invasion of Kuwait and who fought to overthrow Saddam in March of 1991. Many were themselves members of persecuted ethnic or religious minority groups.

We fully recognize that members of Congress want to be reassured that our government will not resettle Iraqi soldiers who took up arms against our country. We are prepared to explore additional safeguards to ensure against U.S. entry of those whose activities might have been inimical to U.S. interests. However, all available evidence, including a just completed review of several hundred recent cases, indicates that all accepted applicants were deserving beneficiaries of our humanitarian effort. Those who fail to meet our rigorous criteria are not admitted for resettlement. It is an honorable policy, in full accord with the American tradition.

The President's proposal for fiscal year 1994 permits the funded admission of 120,000 refugees—a reduction of 2,000 from the current fiscal year. I am pleased to report that as part of this year's consultations process, improved high level coordination between State and HHS has permitted us to ensure that sufficient funds will be available to cover the costs of resettlement of up to 120,000 refugees.

Since 1990, separate regional ceilings have been used for the former Soviet Union and for Eastern Europe. However, given the crisis in the former Yugoslavia and the need for maximum flexibility in refugee admissions processing, we propose to recombine these two ceilings for fiscal year 1994.

We propose that the 120,000 admissions numbers be divided as follows: East Asia—45,000; Former Soviet Union and Eastern Europe—55,000; Near East/South Asia—6,000; Africa—7,000; and Latin America/Caribbean—4,000. In addition, we have included an unallocated reserve of 3,000 numbers, up from 1,000 numbers last year. This reserve, after consultation with Congress, could be used in regions where allocated numbers prove to be insufficient.

In connection with next year's program, we note that last year we initiated or improved several refugee admission programs, most notably for Haitians and Bosnians. The week after President Clinton's inauguration, a technical team composed of State Department, INS and Congressional staff, travelled to Haiti to determine ways to enhance in-country refugee processing. That effort was in support of the President's commitment to expand viable alternatives to perilous boat departures. Based upon the team's recommendations, significant improvements to the program were made. We doubt processing capacity, streamlined processing procedures, opened two new refugee processing facilities, and expanded access to those Haitians interdicted by the Coast Guard. Our policy towards Haitian migrants and refugees is under continual review and we will consult with Congress on this important issue as political developments unfold.

As I stated earlier, the United States has committed a significant amount of money and materiel to help Bosnians who are displaced within Bosnia or have become refugees beyond its borders. We continue to believe that assistance in piece should be the primary focus of our efforts. However, we do believe that it is necessary to admit certain groups of special humanitarian concern. Moreover, while we hope there will be a peace agreement that will allow Bosnians to return home, we also recognize that with little warning, this program may have to be expanded further.

CONCLUSION

The U.S. refugee program has enjoyed broad bipartisan support over the years. There is a great American tradition of providing refuge to the persecuted. This tradition goes back to the founding of our nation. It links generations of Americans to one another. It reinforces our democratic values. Indeed, it is part of our national identity. Under President Clinton's leadership, this noble tradition will continue.

NELSON MANDELA'S ADDRESS TO THE UNITED NATIONS

Mr. KENNEDY. Mr. President, last Friday, Nelson Mandela, the courageous President of the African National Congress, delivered a thoughtful and eloquent address to the United Nations.

In his address, Nelson Mandela observed that he and the representatives of the world community had worked together for many years to defend human dignity. Together, they had been outraged by South Africa's brutal and repressive apartheid policies. Together, they had struggled to end it. And, as a consequence of their efforts, all South Africans will soon have the opportunity to participate in the first nonracial democratic election in South African history.

The preceding day, the white-dominated South African Parliament had yielded to the forces of democracy and approved the creation of a multiracial Transitional Executive Council to oversee key government functions. Recognizing this historic step as the end of the cruel legacy of apartheid and the beginning of a nonracial democracy in South Africa, Nelson Mandela thanked the world community for its engagement in the common struggle to end the system of apartheid. To strengthen the forces of democratic change and help create the conditions for stability and economic progress, he also appealed to the international community to end the economic sanctions that had helped bring South Africa to this day.

Within hours of Nelson Mandela's address, the Senate unanimously approved legislation that will repeal most of the Federal prohibitions on economic contact with South Africa, and that will repeal the remaining provisions upon the President's certification to Congress that an interim government has been elected in South Africa on a nonracial basis through free and fair elections.

This legislation also emphasizes the importance of continuing assistance to South Africa during the transitional process to a new democracy, especially to help South Africans victimized by apartheid, to support democratic institution-building and activities to prepare for the election, to end political violence, and to promote human rights.

The Senate's swift passage of this legislation in response to Nelson Mandela's request is a tribute to his leadership and his effective representation to the vast majority of South Africans. It is also an affirmation of our commitment to a nonracial democracy in South Africa.

Now more than ever, we must work with the future leaders of the new South Africa and lend our continuing support to the process of democratization. The stakes are too high, and our goal is too near, to allow this historic opportunity to pass without giving Nelson Mandela and other thoughtful leaders the means to bring peace, freedom, and democracy to the people of South Africa.

Mr. President, I ask that the full text of Nelson Mandela's address to the United Nations may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE PRESIDENT OF THE AFRICAN NATIONAL CONGRESS, NELSON MANDELA, AT THE UNITED NATIONS: NEW YORK, SEPTEMBER 24, 1993

Chairperson, Your Excellencies, Ambassadors to the United Nations; Ladies and Gentlemen:

We are most grateful to the Special Committee against Apartheid and its distinguished Chairman, His Excellency Professor Ibrahim Gambari, as well as the United Nations as a whole, for enabling us to address this gathering today.

We have, together, walked a very long road. We have travelled together to reach a common destination.

The common destination towards which we have been advancing defines the very reason for the existence of this world Organisation.

The goal we have sought to reach is the consummation of the yearning of all humankind for human dignity and human fulfillment. For that reason, we have been outraged and enraged that there could be imposed on any people the criminal system of apartheid.

Each and every one of us have felt our humanity denied by the mere existence of this system. Each and every one of us have felt brandished as sub-human by the fact that some could treat others as though they were no more than disposable garbage.

In the end, there was nobody of conscience who could stand by and do nothing in the search for an end to the apartheid crime against humanity.

We are here today to convey to you, who are the representatives of the peoples of the world, the profound gratitude of the people of South Africa for your engagement, over the decades, in the common struggle to end the system of apartheid.

We are deeply moved by the fact that almost from its birth, this Organisation had kept on its agenda the vital question of the liquidation of the system of apartheid and white minority rule in our country.

Throughout the many years of struggle, we as South Africans, have been greatly inspired and strengthened as you took action both severally and collectively, to escalate your offensive against apartheid rule, as the white minority regime itself took new steps in its own offensive further to entrench its illegitimate rule and draw tribute from those it had enslaved.

In particular, we are most grateful for the measures that the United Nations, the OAU, the commonwealth, the Non-Aligned Movement, the European Community and other intergovernmental organisations took to isolate apartheid South Africa.

We are deeply appreciative of similar initiatives that individual countries, non-governmental organisations, local communities and even single individuals took, as part of their contribution to the common effort to deny the apartheid system all international sustenance.

This global struggle, perhaps without precedent in the inestimable number of people it united around one common issue, has helped decisively to bring us to where we are today.

Finally, the apartheid regime was forced to concede that the system of white minority rule could no longer be sustained. It was forced to accept that it had to enter into negotiations with the genuine representatives of our people to arrive at a solution which, as agreed at the first sitting of the Convention for a Democratic South Africa, CODESA, would transform South Africa into a united, democratic, non-racial and non-sexist country.

This and other agreements have now been translated into a specific programme that will enable our country to take a leap forward from its dark, painful and turbulent past to a glorious future, which or people will strive with all their strength to make a future of democracy, peace, stability and prosperity.

The countdown to democracy in South Africa has begun. The date for the demise of the white minority regime has been determined, agreed and set.

Seven months from, on April 27, 1994, all the people of South Africa, without discrimination on grounds of gender, race, colour or belief, will join in the historic act of electing a government of their choice.

The legislation has also been passed to create the institutions of state, the statutory organs that will ensure that these elections are held and that they are free and fair.

As a consequence of the creation of these statutory instruments, we have arrived at the point where our country will no longer be governed exclusively by a white minority regime.

The Transitional Executive Council, provided for in this legislation, will mark the first ever participation by the majority of our people at governmental level in the process of determining the destiny of our country.

It will be the historic precursor to the Interim Government of National Unity which will be formed after the democratic elections of April 27th.

The other structures now provided for in law, the Independent Election Commission and the Independent Broadcasting Authority will themselves play their specified roles in ensuring a process of transition and a result which our people as a whole will accept as having been legitimate and therefore acceptable.

We must however warn that we are not yet out of the woods.

Negotiations are continuing to agree on the interim constitution, according to which the country will be governed as the elected national assembly works on the final constitution.

There will therefore be continuing need that this organization and the world movement for a democratic South Africa as a whole, sustain their focus on the transitional processes, so that everybody concerned in our country is left in no doubt about the continuing determination of the international community to help see us through to democracy.

The reality is that there are various forces within South Africa which do not accept the inevitability of the common outcome which all humanity seeks.

Within our country, these forces, which seek to deny us liberty by resorting to brute force, and which have already murdered and maimed people by the tens of thousands, represent a minority of the people.

They derive their strength not from the people but from the fear, insecurity and destabilization which they seek to impose through a campaign of terrorism conducted by unknown killers whose hallmark is brutality and total disregard for the value of human life.

There are other forces which because of narrow, sectarian interest, are also opposed to genuine change. These are engaged in other actions which seek to create obstacles on the way to a smooth transition to democracy.

We believe that it is critically important that these forces too should understand that the international community has the will and determination to act in concert with the majority of the people of our country, to ensure that the democratic change which is long overdue is not delayed.

The apartheid system has left a swathe of disaster in its trail. We have an economy that is tottering on the brink of an even deeper depression than the one we are experiencing now.

What this means practically is millions of people who have no food, no jobs, and no homes.

The very fabric of society is threatened by a process of disintegration, characterized by high and increasing rates of violent crime, the growth in the numbers of people so brutalized that they will kill for a pittance and the collapse of all social norms.

In addition, the absence of a legitimate state authority, enjoying the support of the majority of the people, immensely exacerbates this general crisis, emphasizing the critical importance of speedy movement forward to democratic change.

In sum, acting together, we must, at all costs, resist and rebuff any tendency of a slide towards another Somalia or a Bosnia, a development which would have disastrous repercussions extending far beyond the borders of South Africa.

What we have just said is not intended to alarm this august gathering. Rather, it is meant to say—now is the time to take new steps to move us forward to the common victory we have all fought for.

We believe the moment has come when the United Nations Organization and the international community as a whole should take stock of the decisive advances that have been made to create the setting for the victory of the cause of democracy in our country.

We further believe that the moment has come when this same community should lay the basis for halting the slide to a socio-economic disaster in South Africa, as one of the imperatives in ensuring the very success of the democratic transformation itself.

In response to the historic advances towards democracy that have been achieved; further to give added impetus to this process; to strengthen the forces of democratic change and to help create the necessary conditions for stability and social progress, we believe the time has come when the international community should lift all economic sanctions against South Africa.

We therefore extend an earnest appeal to you, the governments and peoples you represent, to take all necessary measures to end the economic sanctions you imposed and which have brought us to the point where the transition to democracy has now been enshrined in the law of our country.

We further urge that this historic step, marking a turning point in the history of the relations between South Africa and the rest of the world, should not be viewed as an act of abstention but one of engagement.

Let us all treat this new reality as an opportunity and a challenge to engage with the South Africa situation in a way that will advance the democratic cause and create the best possible social and economic conditions for the victory of that cause.

The Special Committee Against Apartheid has itself led the process of preparing the United Nations and its specialised agencies for the new reality that is the fruit of our common struggle. We trust that the UN family therefore not delay in engaging the people of South Africa in a new way.

We trust also that the governments across the globe, that have been so central in the effort to defeat the system of apartheid, will do what they can to help us ensure the upliftment of our people.

A similar appeal extends to the millions of people organised in the broad non-governmental anti-Apartheid movement themselves to remain involved in the continuing struggle for a democratic South Africa and to add to their programmes the extension of all-round development assistance from people to people.

We hope that both the South African and the international investor communities will also take this opportunity themselves to help regenerate the South African economy, to the mutual benefit.

As you know, our people have not yet elected a democratic government. It is therefore important that the white minority government which remains in place in our country should not be granted recognition and treated as though it were representative of all the people of South Africa.

The Transitional Executive Council provides the appropriate mechanism for such interaction as should take place between ourselves and the international community in the period between now and the formation of the new government.

We should here mention that within the ambit of the diplomatic sanctions which many countries imposed, we also believe that such countries may now establish a diplomatic presence in South Africa to enhance their capacity to assist the people of our country to realise the common objectives.

This Organisation also imposed special sanctions relating to arms, nuclear matters and oil.

In this regard, we would like to urge that the mandatory sanctions be maintained until the new government has been formed. We would leave the issue of the oil embargo to the discretion of the Committee of the General Assembly responsible for the enforcement of this particular sanction.

We would further like to request the Security Council should begin consideration of the very important issue of what this Organisation should do to assist in the process of organising for and ensuring that the forthcoming elections are indeed free and fair.

This, naturally, should be accompanied by a review of the important contribution that has been made by the UN Observer Mission to South Africa, which is helping us to address the issue of political violence, to ensure that this contribution addresses adequately this continuing problem.

We cannot close without extending our congratulations to the PLO and the government of Israel for the important step forward they have taken which, hopefully, will lead to a just and lasting settlement of the Middle East question.

To them and to the peoples and governments of the region as a whole, we extend the good wishes of all the people of our country and the assurance of our support for their noble effort to establish justice and peace.

We continue to hope that progress will be made towards the just resolution of the outstanding issue of Western Sahara.

Angola continues to bleed. We urged this Organisation and especially the Security Council to leave no stone unturned to ensure that the killing ends the democratic process respected.

We are encouraged by the steps that have been taken to bring peace to Mozambique and trust that no new obstacles will emerge to deny the people of this sister country the peace, stability and prosperity which they have been denied for so long.

Our common victory against the only system to be declared a crime against humanity since the defeat of Nazism is in sight.

The historic need to end this crime as speedily and peacefully as possible requires that we, the peoples of the world, should remain as united as we have been and as committed as we have been to the cause of democracy, peace, human dignity and prosperity for all the people of South Africa.

Standing among you today, we continue to be moved by the selfless solidarity you have extended to our people. We are aware that by our common actions we have sought not only the liberation of the people of South Africa but also the extension of the frontiers of democracy, non-racial, non-sexism and human solidarity throughout the world.

Understanding that, we undertake before you all that we will not rest until the noble cause which unites us all emerges triumphant and a new South Africa fully rejoins the rest of the international community as a country which will we can all be proud of.

Thank you.

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through September 24, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $1.6 billion in budget authority and above by $0.6 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $393.5 billion, $27.3 billion below the maximum deficit amount for 1993 of $420.8 billion.

There has been no action that affects the current level of budget authority, outlays, or revenues since the last report, dated September 21, 1993.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 27, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through September 24, 1993. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated September 20, 1993, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

JAMES L. BLUM,
(For Robert D. Reischauer).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., AS OF CLOSE OF BUSINESS SEPT. 24, 1993

[In billions of dollars]

	Budget resolution H. Con. Res. 287	Current level[1]	Current level over/under resolution
On-budget:			
Budget authority	1,250.0	1,248.4	−1.6
Outlays	1,242.3	1,242.9	.6
Revenues:			
1993	848.9	849.4	.5
1993–97	4,818.6	4,820.0	1.4
Maximum deficit amount	420.8	393.5	−27.3
Debt subject to limit	4,461.2	4,284.9	−176.3
Off-budget:			
Social Security outlays:			
1993	260.0	260.0	
1993–97	1,415.0	1,415.0	
Social Security revenues:			
1993	328.1	328.1	(²)
1993–97	1,865.0	1,865.0	(²)

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50,000,000.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS SEPT. 24, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSION			
Revenues	0	0	849,425
Permanents and other spending legislation	764,283	737,413	0
Appropriation legislation	732,061	743,943	0
Offsetting receipts	(240,524)	(240,524)	0
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION			
CIA Voluntary Separation Incentive Act (Public Law 103–36)	1	1	0
Unclaimed Deposits Amendments Act (Public Law 103–44)	0	1	0
1993 spring supplemental (Public Law (103–50)	1,003	1,199	0
Transfer of naval vessels to certain foreign countries (Public Law 103–54)	(8)	(8)	0
Small Business Guaranteed Credit Enhancement Act (Public Law 103–81)	(12)	(12)	0
Total enacted this session	984	1,181	0
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(8,443)	922	0
Total current level[1]	1,248,361	1,242,935	849,425
Total Budget Resolution[2]	1,249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	1,629	0	0
Over budget resolution	0	645	535

[1] In accordance with the Budget Enforcement Act, budget authority and outlay totals do not include the following in emergency funding:

[In millions of dollars]

	Budget authority	Outlays
Public Law:		
102–229	0	712
102–266	0	33
102–302	0	380
102–368	1,060	5,873
102–381	218	13
103–6	3,322	3,322
103–24	4,000	4,000
Offsetting receipts	(4,000)	(4,000)
103–50	0	(30)
103–75	4,190	141
Total 1993 emergency funding	8,790	10,144

[2] Includes a revision under sec. 9 of the concurrent resolution on the budget.

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.

AARON WILDAVSKY, R.I.P.

Mr. MOYNIHAN. Mr. President, I rise today to recognize the passing of one of America's greatest intellects, Aaron Wildavsky. The October 4, 1993, issue of the National Review contains a appropriate memorial to this distinguished scholar. Mr. President, at this time I ask that my statement and the following obituary be submitted into the RECORD.

AARON WILDAVSKY, R.I.P.

(By A. Lawrence Chickering)

Aaron Wildavsky's untimely passing from lung cancer has deprived the conservative movement of one of its most eloquent spokesmen and distinguished scholars.

The child of Ukrainian immigrants, he grew up in Brooklyn and went to Brooklyn College. After serving in the U.S. Army, he received a PhD in political science from Yale in 1958. From 1962 until his death, he was a professor of political science at the University of California at Berkeley, where he served as department chairman during the stormy 1960s, and as founding dean of its Graduate School of Public Policy.

A former president of the American Political Science Association, Aaron Wildavsky was perhaps the most honored political scientist of his generation, winning prizes and awards galore. He was a prolific writer, the author or co-author of 36 books on subjects such as the budgetary process, policy analysis, foreign affairs, public administration, and presidential elections.

Mr. Wildavsky was often mentioned as one of the "neoconservatives" who "came over" in the 1960s. But his contributions to conservatism spanned the whole of a scholarly life devoted to documenting the limitations and failures of government. The Berkeley faculty has never been as liberal as its reputation, and Mr. Wildavsky was one of the reasons. A meeting room at the Public Policy School is decorated with a Latin translation of the school's informal motto: "There is no such thing as a free lunch."

Mr. Wildavsky was an extraordinary teacher, a provocative writer, and a flamboyant personality. Remarking on his book on Moses as a political leader, an Old Testament scholar once remarked: "There is more Wildavsky than Moses in the book; but then of course Wildavsky was more interesting than Moses." It was a pity that he did not have his own television show, since he was also far more entertaining than most television personalities.

In his last weeks, he continued his life's work—debating ideas with the stream of visitors from everywhere. On his deathbed, he wrote his last paper, a critique of Freud on the subject of humor.

He died at age 63, a great loss for those who knew him and for the cause of liberty.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as anyone even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably in that responsibility for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,381,848,418,221.23 as of the close of business on Friday, September 24. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,057.94.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. HARKIN. Mr. President, what is the pending business now before the Senate?

The PRESIDING OFFICER. The pending business is H.R. 2518, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 2518) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 74

The PRESIDING OFFICER. There will now be 3 hours of debate on the committee amendment beginning on page 74.

Mr. HARKIN. Mr. President, I understand that under the previous unanimous-consent agreement entered into, there is 3 hours of debate on the committee excepted amendment on page 74; that those 3 hours of debate are divided evenly, and I believe 1½ hours will be controlled by the Senator from New Hampshire, another 1½ hours by myself; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, I yield my entire 1½ hours of time to the Senator from Washington for her control to dispense time as she sees fit under this order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. I thank the Chair.

Mr. President, I rise today in support of the committee amendment to strike section 510 of the House Labor, Health and Human Services, and Education appropriations bill. Section 510 discriminates against poor and low-income women by severely limiting their access to abortion services through Medicaid.

Today, I speak first as a member of the Appropriations Subcommittee on Labor, Health and Human Services, and Education. Section 510 in the House bill was struck by both the subcommittee and the full committee prior to reaching the Senate floor. I believe that section 510 is legislating on an appropriations bill in violation of the Senate rules. However, Senate rules do not allow me to make a point of order.

The antichoice language included in the House bill is just another attempt to have the Government intrude upon women's health decisions and decisions about whether or not to bear children. I strongly support the committee amendment to strike the House language.

Section 510 goes beyond a simple limitation of funds. It prohibits Medicaid funding of abortion services except when necessary to save the life of the woman or in cases of rape or incest. It tells women what type of abortions would be covered under Medicaid and which women would be covered.

Furthermore, the amendment would require the executive branch to interpret and implement new policy in direct violation of rule XVI of the Standing Rules of the Senate. We did not permit this type of Government intrusion on the District of Columbia appropriations bill. We did not permit it on the Treasury, Postal Service, and general Government appropriations bill, and we should not permit this type of Government intrusion here either.

Today, we have the opportunity to send a very clear message to this Nation, a message that this Senate will no longer hide behind the political process. Let us face it, there is no threat of a Presidential veto this year. We have a pro-choice President who also supports a bill free of all Hyde-type language.

The choice for us today is to allow all women in this Nation, regardless of income or status, the ability to exercise their constitutional right to choose. If we fail to strike the Hyde language, the message is very clear: In the United States, if you have money, you are free to make your decisions about your health care. If you do not have money, you do not have a choice.

I urge my colleagues to vote to strike the Hyde language and affirm the constitutional rights of all women.

Those leading the fight for Hyde restrictions on this bill want to deny women their right to choose. Today, their target is poor and low-income women across this country. Last month, the Senate rejected their antichoice attack on Federal employees' health benefits. Instead, we voted to affirm the right of Federal employees to choose whether and when to bear a child. We must do the same today for women of lower incomes.

The discrimination embodied in section 510 is undeniable. If the Senate adopts the House language, we would prohibit Medicaid funding of abortions except in very limited instances: When the procedure is necessary to save the life of the woman or in cases of rape or incest. We would be choosing to exercise our legislative power to deny poor women their ability to exercise their constitutional right.

Personally, I cannot vote to affirm the right to choose for middle-class women and vote to deny low-income women their ability to exercise that right next. That is a double standard and it is not fair.

I come from one of the most pro-choice States in this Nation. The legislature in my State of Washington has voted consistently to fund comprehensive reproductive health care for poor and low-income women. A woman eligible for public medical assistance for her general health care can obtain funds to obtain an abortion if she so chooses. We do not discriminate against poor and low-income women in the provision of those services. The Government does not place explicit moral restrictions on any other type of health care services under Medicaid. We should not do so here, either.

This country does not deny health care to victims of car accidents if they were driving drunk. This country does not deny treatment for lung cancer if the victim was a smoker. We do not make moral judgments in the dispensing of health care services. How can we deny poor women access to health care services simply because they are poor, or because the service they seek is an abortion?

Every woman in this country has a constitutional right to obtain an abortion if she so chooses. That is not what today's debate is about. Every woman has a right to make that choice based on her own moral and religious beliefs. It is a time of change for the U.S. Senate and for this Nation. Many of us were elected to this body because the American people are tired of business as usual. We were elected to speak up and take a stand on issues like this one.

For too long, the debate has centered around the notion that something is better than nothing. Today, we have the opportunity to change that debate. We have the opportunity to choose between allowing all women, regardless of income, the health care choices to which they are entitled under our Constitution. Or we can restrict access on the basis of a woman's income.

The right to choose is a right which belongs to all women, and not just to some women in this Nation. Mr. President, I challenge my colleagues to join me in refusing to discriminate against poor women. I challenge them to be fully pro-choice, not just pro-choice for those who have the financial resources to cover the expenses themselves.

Mr. President, I come to this issue from a perspective different from many Members of this body. I come to this issue as a woman and as a mother. I also come to this issue as someone who has personally witnessed the effects of choices not being available simply on the basis of income.

My personal awakening on the abortion issue came when I was in college. A friend of mine was what we today would call date raped. Abortion was not legal at the time. However, those with enough money had the option to go abroad or were able to find a doctor who could provide them with a safe procedure. My friend did not have money. She was forced to obtain a back-alley abortion. The damage done during that procedure prevented her from ever having children.

Mr. President, I vowed at that time that I would never allow that to happen to my daughter. Because of the laws of this country, my friend was never able to be a mother. Choice has always been available for wealthy women. Today, it is our responsibility to assure that income is no longer a barrier for any woman. Rather, we must ensure that all women regardless of income or status, have the opportunity to choose whether or not to bear children for themselves.

For this reason, I speak today in favor of Medicaid funding of abortion services, and the support of the committee amendment to strike section 510 of this bill.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. I yield 8 minutes to the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. I thank my distinguished colleague from Washington.

Mr. President, I am opposed to limiting the payment of Medicaid for abortions for poor women on the essential proposition that I do not believe that access to abortion ought to depend on ability to pay.

At the outset, I say that I am personally opposed to abortion. I believe that the matter really is one for family, one for clergy and their parishioners, rabbis, ministers, and priests, a subject which my wife and I have dealt with within our family, a subject that my parents dealt with, my brother, two sisters, and myself about, and it ought not to be a matter for Government.

A very compelling statement on this issue was made by a distinguished Republican, a conservative, former Senator Barry Goldwater, who said:

> The least government is the best government. I am all on the side of choice.

I do believe that it is a matter of choice. A woman candidate for public office articulated it perhaps best when she said that the issue of abortion, so far as she was concerned, was between herself, the physician, and God. My view is that is not a matter for government intrusion.

We have come to a point, Mr. President, where America is dedicated to a basic proposition of having universal health coverage for all, and that has come to be a common goal and a consensus in America, if not a uniform observation. It is my sense that, especially having reached that consensus on the uniform objective, it is especially important that we not restrict the access for women to abortion.

There is a notable trend on this precise issue—that is, of restricting Federal funding for abortion for poor women—that has moved to a point where it is time that it come off the bill on Labor, Health and Human Services, and Education. The issue of having abortion covered under Federal insurance policies, where it has been for so long prohibited under the Treasury and Postal Service appropriations bill, has now been removed. This year, the appropriations process does not limit access to abortion along that line. For years, there has been a denial of the use of Federal funding, including the use of District of Columbia funding, to provide for abortions for poor women, and that now has been eliminated.

There had been restrictions on the Department of Justice for the availability of abortion for women in prison, and that limitation has now been eliminated. Mr. President, if you take a look at the trend in the United States on all of the other bills where there had been restrictions on access of poor women to abortion, they have been eliminated. I think the day has arisen when on Medicaid the restriction on the availability of abortion for poor women, too, should be eliminated.

It is my hope, Mr. President, that we should take this issue out of politics. The pro-choice, pro-life abortion issue has been the most divisive issue in our society since slavery. I have made an effort to try to remove abortion from the Republican platform. Many people think that it has always been in the Republican platform, but that is not true. It is only since 1984, when abortion became a very hotly contested political item, that it was inserted in the Republican platform. A number of us sought—perhaps too late—on the eve of the 1992 Republican convention, to remove abortion from the platform by finding six States which would take the issue to the floor.

It is my hope that we will remove abortion from the Republican platform in 1996. Just as I would like to do that for my party, I would like to do it for my Senate and for my Congress. In the 10 years before Roe versus Wade was decided, I am advised, there were only 10 bills in the Congress dealing with abortion. In the 20 years since Roe versus Wade was decided, there have been more than 1,000 bills dealing with abortion.

In my 12 years plus in the U.S. Senate, I have seen this issue occupy a tremendous amount of time on the Senate floor. And on the issue which we are currently facing, there are 3 hours of debate reserved which, perhaps, is a short time limit compared to the amount of time which we have spent on this issue in the past. I believe that it would be much more useful for the U.S. Senate and the U.S. House of Representatives to be focusing our attention on other issues and issues which are closely related to those who have an interest in this debate.

I respect their sincerity in trying to move this issue along. I have supported funding for information and education for young people and abstinence. I believe it is vital that we move ahead for very substantial funding on prenatal care, so that we avoid the human tragedy of having babies born that way—1 pound or 18 or 20 ounces—where it is not only a human tragedy because those deformities are kept for the rest of their lives, but there is a heavy financial cost, with some children costing more than $150,000 on a multibillion dollar national expense.

We ought to be spending our time on women, infants, and children legislation and protecting the families, mothers, and children against violence. All of these are in line with the objective of bringing children into the world and encouraging women not to have abortions.

But in the final analysis, it seems to me that is a choice which the woman must make. At a time when we are about to consider national health coverage for all Americans, and when the issues have moved away from restricting access to abortion on all of the other lines, this is an especially appropriate time to eliminate this restriction on Government insurance policies and women who are in prison and in the District of Columbia.

The governmental philosophy best expressed by former Senator Goldwater that the least government is the best government, which led Senator Goldwater to conclude that he is on the side of choice, I think ought to lead this body at this time to the conclusion of choice and not to prohibit access to abortion to poor women.

I thank my colleague from Washington, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, I rise in opposition to the last committee amendment, which is H.R. 2518, because that committee amendment strikes from the bill the House-passed language known as the Hyde amendment, which bans Federal funding of abortions under Medicaid, except in cases of rape or incest or to save the life of the mother.

Before speaking specifically about the committee amendment, Mr. President, let me put the matter into some historical perspective here. In its 1973 decision in the case of Roe versus

Wade, the U.S. Supreme Court created a new constitutional right to abortion. And the effect of the Roe decision was to invalidate the abortion laws of all 50 States. Under the new Roe regime, all 50 States were required to allow abortion on demand, until the point at which the unborn child is viable outside her mother's womb. After viability, the court permitted the States to restrict abortions, except when the mother's life or health is in danger.

Although the Roe Court seemed to permit that States to ban most abortions after "viability," a case decided on the very same day, called Doe versus Bolton, defined the "health" exception in a very broad manner. Let me indicate what that is. In Doe—not Roe—the Court defined "health" abortions as those relating to "all factors—physical, emotional, psychological, familial, and the woman's age—relevant to the well-being of the patient." Physical, emotional, psychological, having to do with the family, woman's age, are all relevant to the well-being of the patient; that is how health was defined.

It is nearly impossible, Mr. President, to imagine a circumstance under which a woman would seek an abortion after her unborn child is viable that would not fit the Court's very liberal definition of "health." Thus, it is fair to say, Roe versus Wade and Doe versus Bolton had the combined effect of legalizing abortion on demand, through all 9 months of pregnancy, for any reason that any doctor is willing to accept as making an abortion necessary to the mother's well-being.

After the Roe and Doe decisions, the Federal Government began funding elective abortions through Medicaid. The Medicaid statute mandates payments for all medically necessary medical services. In light of the 1973 Supreme Court abortion decisions, medically necessary was interpreted to include any abortion performed by a physician on a Medicaid-eligible woman, for any reason—no questions asked.

In the years immediately following the Supreme Court's 1973 abortion decisions, the Federal Government paid for about 300,000 abortions per year through Medicaid. In 1976, however, the Congress passed the Hyde amendment, which is named for its sponsor, Representative HENRY HYDE of Illinois.

The Hyde amendment prohibited the Federal funding of abortions, except in cases in which the mother's life is in danger. Following the enactment of the Hyde amendment, the Federal Government paid for fewer than 150 abortions per year.

With the support of President Carter, the Congress continued to pass the Hyde amendment throughout the decade of the 1970's. Having thus lost the battle in both the legislative and executive branches of the Government, the proponents of taxpayer-funded abortions took their battle to the judicial branch. After protracted litigation in the Federal Courts, in the 1980 case of Harris versus McRae the U.S. Supreme Court upheld the constitutionality of the Hyde amendment, that being the life of the mother.

Presidents Reagan and Bush, of course, supported the Hyde amendment throughout their Presidencies and Congress continued to pass it every year. The Hyde amendment did not face a serious challenge until this year, when President Clinton, who has pledged to remove all barriers to taxpayer-funded abortions through Medicaid, took office.

Earlier this year, the new Clinton administration formally asked the Congress not to pass the Hyde amendment. In other words, the administration asked the Congress to open the floodgates and mandate taxpayer-funding of hundreds of thousands of abortions a year.

But, Mr. President, the U.S. House of Representatives courageously refused to adopt President Clinton's extreme position that all abortions sought by Medicaid-eligible women should be financed by the taxpayers. During its consideration of H.R. 2518, on June 30 of this year the House of Representatives adopted a revised version of the Hyde amendment by the unexpectedly decisive margin of 256 to 171. The Hyde amendment to H.R. 2518 that the House passed prohibits Federal funding of abortions, except in cases in which the life of the mother is endangered or where the pregnancy resulted from rape or incest. It is a very reasonable amendment, Mr. President. I think that is why the House passed it so overwhelmingly.

Let me pause here, Mr. President, to pay tribute to Congressman HENRY HYDE. I had the honor and privilege to serve with Congressman HYDE in the House of Representatives. The Hyde amendment stands as a great monument to Congressman HYDE's dedication to the cause of the right to life of unborn children. It is not easy to be out front on this issue these days. HENRY HYDE has been there.

As I mentioned earlier, before the Hyde amendment was passed in 1976, Medicaid paid for 300,000 abortions per year. That means the taxpayers paid for those abortions. Thus, since that time, Medicaid has not financed about 5.1 million abortions for which it otherwise would have paid. It is no exaggeration to say, Mr. President, that millions of people alive today owe their lives—in a very significant way—to HENRY HYDE.

I know that it pained HENRY HYDE, because I know him personally and I know how deeply he feels about this issue, and I know it pained him to add the exceptions for rape and incest, but he did.

He said on the modification:

> My commitment to protect unborn children has not diminished in the slightest, but I recognize that this approach * * * offers the greatest hope to save the lives of many children and protects taxpayers from being forced to pay for abortion on demand.

Unfortunately, however, on September 14, the Senate Appropriations Committee voted to strike the Hyde amendment, in its entirety, from H.R. 2518. That is why we are here today. Under the committee amendment that strikes the Hyde amendment, therefore, all restrictions on taxpayer-financed abortions under Medicaid would be removed. Under the committee amendment, in other words, the United States would return to the day when American taxpayers are required to pay for abortion on demand—to the tune of at least 300,000 taxpayer-funded abortions per year—for all Medicaid-eligible women.

Let us stop and pause for a moment. It is an emotional issue. We all know that. But let us stop and pause for a moment for what that would mean.

I have no doubt that every Senator has heard of the morally repugnant practice of sex-selection abortions. The development of medical technologies that reveal the gender of the unborn child early in pregnancy has led to the increased prevalence of the use of abortion solely for the purpose of destroying unborn children who are not of the desired gender. The available evidence suggests that this despicable practice tends to target little unborn baby girls more than it does unborn baby boys.

Under the committee amendment, the taxpayers would be forced to pay for sex-selection abortions. That is because under the Supreme Court's liberal definition of "health," sex selection abortions are medically necessary for Medicaid purposes whenever a woman who wants one is able to convince her doctor that the birth of a child of the undesired gender would harm her emotional well-being.

Likewise, under the committee amendment, the taxpayers would be forced to pay for late-term abortions. Anyone who has studied the public opinion polls on abortion knows that most Americans believe that abortions should be prohibited at the point at which the unborn child would be viable outside her mother's womb. Overwhelmingly, polls support that.

But under the committee amendment, the taxpayers would be required to pay for all post-viability abortions sought by Medicaid-eligible women. That is because under the Roe and Doe standards, which remain intact even after the Supreme Court's 1989 Webster decision and its 1992 Casey ruling, all 50 States must allow abortions after viability whenever a woman is able to find a doctor who is willing to say that such an abortion is necessary to her emotional well-being.

Mr. President, President Clinton is on record saying that "almost all Americans believe that abortions should be illegal when the children can live * * * outside the mother's womb." Isn't it ironic, to say the least, that he favors a policy on Medicaid funding of abortions that is so liberal that it would finance abortions performed after the unborn child is viable?

That seems to me to be backing off dramatically on a commitment that this President made to the American people when he ran.

Mr. President, when I talk about late-term abortions, I am not speaking of a minuscule number of such procedures. I am not talking about a couple dozen. According to the Centers for Disease Control, in the last year for which statistics are currently available—1990—there were 14,296 abortions performed in the 21st week of pregnancy and beyond. Twenty-one weeks marks the early range of viability. Babies born at 21 weeks and beyond have a fighting chance—ever so slim but a fighting chance—to survive with the aid of modern technologies.

The proponents of the committee amendment, which mandates taxpayer-funded abortion on demand for Medicaid-eligible women, make the argument that the committee amendment would only require Medicaid to pay for those abortions that are medically necessary. That, of course, makes the committee amendment sound moderate. That is a good argument.

But, as I have said, what is medically necessary is determined in light of the Supreme Court's extremely liberal definition of the "health of the mother." Thus, those who say that the committee amendment would result in any genuine limitations on what kind of abortions Medicaid would be required to fund are frankly not being totally candid.

Mr. President, Time magazine recently made note of what medically necessary really means in the abortion context. Time columnist Michael Kramer noted in the September 27 issue that "'medically necessary' is a term of bureaucratic art." "It dates," Mr. Kramer continued, "from the days before Hyde's amendment and was routinely interpreted as permitting abortion on demand."

Mr. President, the U.S. Supreme Court's all-encompassing definition of "health" in the Doe versus Bolton case is fully consistent with that of the World Health Organization. The WHO's [World Health Organization's] constitution defines "health" as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity." Thus, Mr. President, the committee amendment's blank check for abortions that are medically necessary would require Federal funding of abortions on precisely the same basis as contraception—on demand, with no restrictions.

Mr. President, the committee amendment would return us to the days before the adoption of the Hyde amendment in 1976. It would return us to the days when the taxpayers were forced to pay for 300,000 Medicaid abortions per year. In fact, that number would quite likely to go much higher today if the committee amendment were to become law and all medically necessary abortions were paid for by the Federal Government once again.

Due to expanded eligibility for pregnant women over the past 8 years—which helped insure that all pregnant women have an opportunity to receive prenatal care—as well as overall population growth, it is probable that repeal of the Hyde amendment would result in taxpayer funding of at least 400,000 abortions in fiscal year 1994 alone.

I hate to put these abortions—they are human lives—in terms of money, but in terms of money, that would cost the taxpayers of the United States of America $100 million per year in addition to 400,000 unborn children lost. And who knows what they might have contributed to society had they had the opportunity to life.

It is beyond dispute, Mr. President, that the American people do not want to pay for abortions with their tax dollars. In a CBS-New York Times poll reported in the Times on April 6 of this year:

> Only 23 percent said [a national health care plan] should cover abortions, while 72 percent said those costs should be paid for directly by the women who have them.

In a July 1992 ABC News-Washington Post poll, only 27 percent of those polled agreed with the statement that "[t]he Federal Government should pay for an abortion for any woman who want it and cannot afford to pay." The overwhelming majority—69 percent of those polled—disagreed.

Mr. President, regardless of where one stands on the issue of abortion as a moral or legal matter, there can be no doubt that millions of Americans believe that the unborn child is a human being.

Separate all the emotion, all the rhetoric, all of the debate, and all of the conversations we have, the unborn child is a human being from the moment of conception and that abortion is the wrongful taking of that innocent human life, many of them young girls.

Forcing those millions of pro-life Americans to pay for abortion on demand with their tax dollars would be a gross violation of their freedom of conscience. Put more bluntly, pro-life Americans would be forced to pay for the wholesale destruction of those whom they rationally regard as their innocent fellow human beings. That is not right. It is simply not right, Mr. President, to force taxpayer dollars to do that.

Mr. President, Bill Clinton is the first American President—the first—to support the radical policy of full taxpayer funding of abortions for all Medicaid eligible women through all 9 months of pregnancy, and for any reason.

I want to repeat that.

The first American President, Democrat or Republican, to support the policy of full taxpayer funding for all Medicaid eligible women through all 9 months of pregnancy for any reason.

We ought to stop and pause and think about that, Mr. President.

President Clinton's last Democratic predecessor, Jimmy Carter, by contrast, opposed taxpayer-financed abortions. President Clinton's support of taxpayer-funded abortion—a position that flies in the face of the views of the large majority of Americans—earlier this year prompted a highly insightful U.S. News & World Report column by the man who now serves as one of his principal White House advisers—David Gergen.

I want to share Mr. Gergen's highly insightful article with my colleagues in its entirety. It is entitled "Clinton's Abortion Problem" and appeared in the magazine's April 19, 1993, issue. It reads as follows:

> As candidate, Bill Clinton repeatedly promised that if he was elected, abortions in the United States would be "safe and legal, but rare." As President, he seems intent on keeping the first two-thirds of that promise. He is in serious danger, however, of breaking the last third.
>
> In the past few weeks, the administration has announced it will work with Congress to lift the ban on Federal funding of abortions under Medicaid. It has said health insurance policies for Federal workers will henceforth cover abortion. And Health and Human Services Secretary Donna Shalala has suggested that health system reform should include universal insurance coverage for abortion. Apparently abortion is to be treated as a routine medical procedure easily available to all—no questions, no costs, no issues of morality or personal responsibility. This will make abortions "rare"?
>
> In its eagerness to please the absolutists of its own party and defeat those on the other side, the administration threatens to ride roughshod over the sensibilities of most Americans struggling somewhere in between.

And many do struggle somewhere in between.

> Polls in recent years have shown that a majority have slowly reached an uneasy consensus on abortion: They don't like it, but they are willing to accept it—grudgingly. Three quarters have told Gallup pollsters, for example, that they disapprove of abortion; a third consider it murder. But most also think it should be legal.
>
> Where most Americans have drawn the line is on paying for other people's abortions, especially abortions on demand. In an ABC-Washington Post survey last year, 69 percent of those polled said the Federal Government should not pay "for an abortion for any woman who wants it and cannot afford to pay." Strikingly, a 1992 survey for Reader's Digest by Richard Wirthlin found that poorer Americans are the most opposed to Federal funding: Among those earning less than $15,000 a year, opposition ran 63 to 32 percent against funding—

Is that not ironic?—

> while those making over $60,000 favored it by 57 to 41 percent.

So we have those with the higher incomes favoring it by 57 to 41 and those in the lower incomes, who we are hearing debate about today, the opposition was 63 to 32 percent, the exact opposite.

Is President Clinton listening to the American people he wants to help?

> The Hyde Amendment barring Federal funds for most abortions first became effective in 1977 with the support of a president whose commitment to human rights is beyond question. Jimmy Carter (like this writer) was pro-choice but had deep reservations about the government financing abortions. He thought the government should stay out of a woman's decision, not blocking her but not encouraging her, either. By paying, the government sends the wrong message.
>
> There is a real possibility that if Clinton prevails, the number of abortions will soar again. The Alan Guttmacher Institute records that in 1972, a year before the Supreme Court issued the Roe v. Wade decision and Washington began paying for abortions, only 12.9 percent of pregnancies in America ended in abortion.
>
> By 1976, that percentage had doubled to 23.1. The Federal Government by then was paying for a third of all abortions. Since the Hyde Amendment took effect, the percentage of abortions has stabilized at roughly 25 percent of pregnancies.
>
> Those who want to reverse course say the Hyde Amendment makes abortions unavailable to poor women. That is not really true. Guttmacher finds that poor women are three times more likely to have an abortion than are others. Yet, the question of fairness is pertinent and indeed makes the issue so horribly difficult. There is no doubt that many poor women, especially unwed pregnant teenagers, carry burdens that are intolerably heavy. But in moving to help them, as we must, we must also act wisely.
>
> Far better than opening the floodgates to universal abortion on demand, funded by taxpayers, we should work to ensure that every child who comes into the world is wanted and has a decent chance in life.

That is what we ought to be doing. That is what we ought to be debating in this body today: How can we ensure that every child who comes into the world is wanted. Would it not be nice if the debate were framed around that, instead of about abortion? Would that not be nice?

> We should start by taking more aggressive action to prevent undesired pregnancies. Sweden has embraced strong sex education and birth control programs, for example, and has seen its abortion rate decline sharply. Wrongheadedly, America under the past two administrations slashed federal funds for contraceptive services. In addition—and here Clinton deserves credit for moving in the right direction—the country should provide stronger medical and child support for women whobring children to term. What we need, then, are policies that show compassion toward women as well as a high ethical regard toward unborn children.

Both regard toward unborn children as well as toward women. That is the difference in this debate.

> We stand in danger of having neither.

I wish Bill Clinton had taken the advice of his White House Adviser David Gergen. But the President has made it clear he wants the taxpayers to pay for abortion on demand, through all 9 months of pregnancy, for any reason and for all Medicaid-eligible women.

Mr. President, I would like to stop at this point and ask at this time how much time we have remaining on our side?

The PRESIDING OFFICER. The Senator from New Hampshire has 65 minutes remaining.

Mr. SMITH. I yield as much time as he may consume to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland. For what purpose does the Senator rise?

Ms. MIKULSKI. Mr. President, parliamentary inquiry. I thought in the debate one seeks time to be yielded but the controller of the time can yield time? Or is it first to be recognized?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator may seek recognition if that Senator controls time or is yielded time.

Mr. SMITH. Mr. President, I will yield the floor.

Ms. MIKULSKI. Mr. President, I believe I still have the floor, and quickly I wish to yield to the Senator from New Hampshire because I think we have been conducting this debate with enormous civility, and this Senator certainly appreciates it. I was just wondering what would be the framework for proceeding in the debate?

Several Senators addressed the Chair.

The PRESIDING OFFICER. Senator from Washington.

Mrs. MURRAY. Mr. President, it was my understanding we were going to go back and forth on this debate, and if the Senator would go with that, I would appreciate it.

Mr. SMITH. That is fine with me, Mr. President. I will yield the floor.

Mr. HATCH. Will my fellow Senator yield?

Mr. President, I have been sitting here, and while I do not want to disrupt the orderly flow of debate, I have to leave. I am only going to take about 7 minutes.

Several Senators addressed the Chair.

Mr. HATCH. I will take my turn. I will wait my turn.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I understand all of the Senators on the floor may have been waiting for a long period of time and do also have other commitments.

Mr. President, without objection I will yield to the Senator from Illinois, 10 minutes.

Mr. SMITH. Mr. President, just a parliamentary inquiry? I just want to point out to my colleague from Maryland I allowed two previous speakers who had other commitments to come and speak before I spoke, using time. I understand the parliamentary procedure. I am not going to object to it but I think Senator HATCH is making a point, that he had another commitment and wanted to speak. I do not think that is an unreasonable request since I did allow two previous speakers before anybody spoke on this side. I am not going to object but I wanted to point that out for the record.

Ms. MIKULSKI. Will the Senator yield? I understand that, and I understand the pressing demands on the time of the Senator from Utah. But this Senator is an appropriator who has a conference before her and has also been on the floor for an hour and a half.

Again, I think we are moving with an atmosphere of civility and I appreciate that.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois [Ms. MOSELEY-BRAUN], is recognized for 10 minutes.

Ms. MOSELEY-BRAUN. Thank you Mr. President, and thanks to the Senator from Washington and the Senator from Utah for his graciousness.

We have all been waiting a long time. This is an important debate and no doubt a heated one, although there has been great effort to keep it very civil.

But let me suggest, Mr. President, it is very important for us to remember what is and what is not at issue in this debate. We have to separate, as we listen to the debate, as we consider this issue, the reality from the fiction. In my opinion the only issue here is whether wealth—having money—gives some women more rights than others—that is to say whether or not one's choice is limited by poverty.

What is not at issue is the morality of abortion. For purposes of public morality, the fact is in a free society those decisions are to be decided by the individual and not by Government. Liberty, by definition, should not mean that Government will dictate as personal and private a decision as whether or not to bear a child.

I am not personally in favor of abortion. I favor the approaches that say we should educate, we should give people guidance in terms of abstinence, in terms of planning. But I am very much pro-choice. I am very much pro-choice because I recognize a woman should not be singled out for governmental intrusion on her right to control her body.

Also not at issue is the issue of legality. Abortion is legal in this country, and it is constitutionally protected. It is worth noting that our Founding Fathers did not use the process of creating the Constitution to end abortion, which was legal—and I might say also not uncommon—even then. The Founding Fathers did not give rights to the unborn; they gave them to the living. And among the most important of those rights was one to equal treatment under the law. So in this debate at issue is whether or not poor women have equal rights to women of means.

Women want to make childbearing decisions themselves. They do not want Government to decide for them. That is why this issue is so important. What is at issue is discrimination based on wealth. Let us be clear. By attempting to financially coerce poor women into not exercising a right that is legally available to all other women, the Hyde amendment language discriminates against poor women.

It is true that the Federal Government has no obligation to pay for abortions for poor women, or for anybody else for that matter. However, the Federal Government has long ago decided to provide insurance, a program for health insurance, for the poor that is comparable to private insurance that is available to most Americans. That program is called Medicaid.

Medicaid is a Government-sponsored health insurance program for poor people, male and female. Most private insurance covers all reproductive health services, including abortion service. Blue Cross, Aetna, and Kaiser are just a few of the major insurance carriers who provide complete reproductive services. Since Medicaid is nothing more than health insurance for the poor for a whole range of health services, to single out abortion services essentially discriminates against poor women.

If, on the other hand, we decide as a body to increase welfare payments and let poor people purchase health insurance with the money, this issue, the issue we are debating today, would never even come up. But whether the Federal Government pays directly or not, the issue is still the same. Poor women ought to have the same access to health insurance that provides them with the same services, and that includes abortion services.

We have just had a vote on that very issue here in the Senate. By a vote of 51 to 48, the Senate decided that the Hyde amendment restrictions should not be placed on health insurance plans available to Federal employees. I support that view. Federal employees should not be limited and have less services available under their health insurance plans than other Americans who work for private companies. And if the Federal Government is going to pay the health insurance premiums for poor women, then it has no right to limit those services and choices either.

If private insurance is free under the law to provide a full range of reproductive services, then it is clearly discriminatory for us in Congress to micromanage the Medicaid Program so it cannot provide the same range of basic services to poor people and to poor women.

Some argue that the issue is not one of discrimination, that the real issue is that people should not have to fund activities they do not like, that people who do not support choice, who are anti-abortion, should not have to pay for this.

Well, but if that rationale is going to guide our deliberations today, then I think we are in some very choppy and serious waters indeed, because to say that one taxpayer in this United States can pick and choose what his or her tax dollars go for will put us in very serious trouble. To use an example, Illinois, the State that I represent, ranks 46th among the 50 States in the return on Federal dollars. We send a lot of money to Washington and we get very little back proportionally.

Now, if we, as Illinoisans, said we were not going to pay for activities we could not participate in, where would that leave the Federal Treasury? We are right now paying for a host of activities that if the people of my State knew about they might well object. For example, we have a Bureau of Reclamation, which by law cannot even operate in my State and yet Illinois citizens pay for that. We pay for cotton support. We cannot grow cotton in Illinois, but we pay for it nonetheless.

The truth, of course, Mr. President, is that our country could not function if that rationale was carried to its logical conclusion. The argument for restricting access of poor women to abortion services is just as fallacious. If we are going to provide health services and health services are to be comparable to health services available in the private sector, then to start limiting and discriminating against which services can and cannot be available to poor women because we may not like some of them is just a fallacious argument and flies in the face of the way that this country does business.

Some argue that the restrictions on Medicaid abortions are appropriate because if the Federal Government finances abortion, it will in so doing encourage them. Mr. President, I suggest to you that that argument is not only insulting, it is also wrong on the facts. Everyone, rich or poor, will decide to bear a child based on what is in her heart and what is in her mind. The truth is that if you want to lower the pregnancy rate for poor women, the answer is not the Hyde amendment. The answer is economic opportunity. Give poor women more of a chance and, like every other American, they will make use of that chance. Birth rates in this country, like most other places around the world, are related to income. Higher incomes lead to lower pregnancy rates.

The truth is that the reasons poor women choose abortions are no different than the reasons other women choose abortions; financial problems, lack of a stable family relationship with their partner, whatever the reasons. But the point I am trying to make, and I think needs to be made here, is that poor women are really no different than any other women except for their poverty, and their access to reproductive services should not be any different either.

The sad truth also is that because of their poverty, poor women are likely to be more susceptible to health problems that make the need for a full range of reproductive services more likely.

Mr. President, we have been talking about hypothetical situations, but I would point out that this is not just a hypothetical debate or argument. These are real people. There are over 9 million poor women who are impacted, who are covered under the Medicaid program, real people, including some 438,000 individuals in my State of Illinois, 1,571,000 in the State of California, 390,000 in the State of Michigan—I can go down the list—North Carolina, 236,000 real, living people, people who have rights, rights to be treated equally under the law, and they deserve fair treatment from this Senate.

What they want is not to be discriminated against because of their poverty. What they want is nothing more than to have the same access to health services through Medicaid that other Americans have through private health insurance. What they want is for the Congress to recognize that these women on Medicaid are no different than any other women. They are not less moral or less worthy or more likely to have an abortion. They are simply poorer. And that is not a permanent phenomenon, hopefully, in this land of opportunity.

Our obligation, Mr. President, therefore, is to see these poor women as people, and to treat them as people, and not just as easy political targets that can be used to satisfy other more vocal constituencies. Our obligation is to act based on what is really at issue. Our obligation is not to discriminate against poor women simply because we can get away with it politically, or because we can make a speech on some stump during the reelection campaign. Our obligation is not to substitute our judgment for the judgment of any individual poor woman regarding a very personal decision, whether or not to bear a child.

That means that we should not micromanage the Medicaid Program to disadvantaged poor women.

I would like to conclude by saying, Mr. President, that these are the most vulnerable people in our society. Instead of talking about the issues of how we can make life better, we should be—instead of having this debate, we should talk about how to make life better and how to give poor women the kinds of opportunities to choose options other than abortion.

But, in the meantime, I urge my colleagues to put aside passion and fiction and respond to the simple reality and truth, that each American is equal under the law and that poor women are no exception to that rule.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. SMITH. Mr. President, I yield 10 minutes to the distinguished Senator from Utah [Mr. HATCH].

The PRESIDING OFFICER (Mr. DORGAN). The Senator from Utah is recognized for 10 minutes.

Mr. HATCH. I thank my colleague, and I thank the Chair.

I rise in opposition to the Federal taxpayer funding of abortion. I will vote "no" on the committee amendment to the Department of Labor, Health and Human Services appropriations bill, H.R. 2518, and I urge my colleagues to do the same.

I happen to disagree with my good friend, the distinguished Senator from Illinois. I think the most vulnerable in our society are the unborn children.

Mr. President, the Labor/HHS appropriations bill includes the so-called Hyde amendment, which passed the House of Representatives by an impressive margin. The Hyde amendment forbids Federal taxpayer funding of abortion through Medicaid, except in cases of rape, incest, or danger to the life of the mother. The committee amendment at page 74, lines 20 through 25, would strike the Hyde amendment from the HHS appropriations bill, and would instead require unlimited Federal taxpayer funding of abortion on demand throughout the whole Medicaid program.

The result of repealing the Hyde amendment would be immediate taxpayer funding of more than 400,000 abortions per year, at a price tag to the taxpayers of more than $100 million per year.

Mr. President, I ask my colleagues to consider the following facts in deciding whether they are going to vote to require all taxpayers to subsidize abortion in this country:

First, restrictions on Federal funding of abortions have been in place for many years. The American public strongly supports these restrictions and opposes Federal funding of abortion on demand. According to an ABC-Washington Post survey last year, 69 percent—more than two-thirds—of Americans oppose having the Federal Government pay for abortion on demand. Obviously, these opponents of Federal funding of abortion include many people who identify themselves as pro-choice on abortion.

In short, as David Gergen wrote in April of this year:

> In its eagerness to please the absolutists of its own party, the Clinton administration threatens to ride roughshod over the sensibilities of most Americans.

Second, even more strikingly, the socioeconomic groups who would supposedly benefit from taxpayer funding of abortion are especially opposed to it. According to a Wirthlin poll last year, Americans earning less than $15,000 a year oppose public funding of abortion by 21 percentage points more than Americans earning more than $60,000 per year. Likewise, African-Americans oppose public funding of abortion by a much larger margin than white Americans do.

Some might find these results paradoxical. I do not. In my view, they clearly reflect the wisdom of the disadvantaged that promotion of abortion by the Federal Government is a false and destructive answer to the problems they face.

Third, the laws and regulations of some 40 States restrict State taxpayer funding of abortion. But if Federal funding of abortion is mandated through Medicaid, every State will be required to provide matching funds for abortion on demand. In short, a vote for Medicaid funding of abortion on demand would force taxpayers to pay State as well as Federal taxes for abortion on demand.

Fourth, abortion is not just another medical procedure. As the Supreme Court recognized when it upheld restrictions on taxpayer funding of abortion more than a decade ago, abortion is:

> Inherently different from other medical procedures because no other procedure involves the purposeful termination of potential life.

Moreover, the overwhelming majority of abortions that would not be funded under the Hyde amendment are purely elective.

Fifth, there is no evidence that restrictions on Federal funding of abortion have had any adverse effect on women's health. By contrast, there is strong evidence that upwards of 1 million children are alive today thanks to the Hyde amendment and our colleague in the House, HENRY HYDE.

Sixth, the legal underpinning for abortion is that abortion is supposedly part of a right of privacy. But if abortion is a private matter, why should the public be forced to pay for it? The simple and correct answer is that the public should not be forced to pay for it.

As one Governor wrote in 1986, "I am opposed to abortion and to Government funding of abortions. We should not spend State funds on abortions because so many people believe abortion is wrong." Then-Governor Clinton was right then; President Clinton is wrong now.

I urge my colleagues not to force Federal taxpayers to pay more than $100 million a year to pay for more than 400,000 abortions. I urge my colleagues not to subsidize abortion on demand. I urge my colleagues not to impose a matching-grant burden on the States and their taxpayers. I urge them to maintain the Hyde amendment as part of existing law.

Therefore, I urge them to vote against the committee amendment to the Labor-HHS appropriations bill.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland, Ms. MIKULSKI, is recognized.

Ms. MIKULSKI. I thank the Senator from the State of Washington for yielding the time.

Mr. President, I rise to voice my very strong opposition to any attempt to restore the Hyde restrictions to this bill.

THANKS TO SENATOR HARKIN

Ms. MIKULSKI. Before I enter into that part of the debate, however, I wish to speak about the excellent work that the Senator from Iowa [Mr. HARKIN] who chairs the Subcommittee on Aging, has done on this bill. First, it has been an outstanding achievement, meeting very tough fiscal demands, and at the same time our social responsibilities. And he has done an outstanding job in issues related to women's health and to the elderly.

Mr. President, before I speak on the matter at hand I would like to say a few words of sincere thanks to Senator HARKIN for his excellent work in this bill to improve women's health.

Senator HARKIN has always been one of what I call the Senate Galahads—those male colleagues who never fail to be here fighting to improve the lives and health of women in this country.

This bill is no exception to Senator HARKIN's long and distinguished record on behalf of women. This bill provides unprecedented increases in funding for women's health in two critical areas: For vital research on diseases unique to or more prevalent in women; and for health care services women would otherwise not receive.

This bill increases funding for research on: osteoporosis, breast cancer, ovarian and other gynecological cancer, and endometriosis and fibroid tumors; as well as heart disease that has become the No. 1 killer of women.

This bill also increases funding for: early detection and screening for breast and cervical cancer, family planning, and prevention of infertility.

This bill—not only provides the means—it supports the ways—Funds offices of women's health throughout the Public Health Service; provides oversight; and breaks new ground.

Senator HARKIN is to be commended.

As the chair of the Subcommittee on Aging I also want to thank Senator

HARKIN for working closely with on addressing the needs of the elderly.

This bill provides significant increases for critical nutrition and social services provided to the elderly under the Older Americans Act.

It increases funding for the Older Americans Act programs by almost $40 million.

It is the biggest increase in over a decade. These dollars will go a long way to keeping our seniors living longer and more healthfully in their own homes.

I applaud the chairman and look forward to our work together on behalf of women and the elderly.

COMMENDATION OF SENATOR MURRAY

Ms. MIKULSKI. Mr. President, I also compliment the Senator from the State of Washington for helping the Senator from Iowa manage this bill. I know that this is her first floor management responsibility. I would like to compliment her on the excellent way that she is handling the bill. I note her robust statements on this and many issues.

Mr. President, the reason I rise to voice my strong opposition to restoring the Hyde restrictions are simple: To restore the Hyde restrictions would take the decision of who chooses out of the hands of women and put that decision into the intrusive hand of government. We do not want government deciding those matters, matters that should be left up to a woman and her doctor, those matters that should be decided on the basis of a clinical situation and a person's individual conscience and individual faith preference. Far too often in the debate on Federal funding related to abortion or on abortion, generally we focus on what is decided rather than who decides.

Mr. President, I strongly object to government deciding who gets what related to pregnancy services in this legislation or all others, because when we see the heavy hand of government intruding, we see the emerging of the most repugnant practices.

The Senators on the other side of this issue and I would agree about the repugnant practices that have gone on in China related to coercive abortion and even forced sterilization. The Senator from New Hampshire spoke earlier about his concern about abortion for sex selection and I denounce that as much and as forcefully as he does.

What we saw in China, where they mandated abortions, and then government got involved in Romania encouraging women to have babies—once women reached child bearing age up until the time they were post menopausal, they had to go four times a year to be examined to see if they were practicing birth control. If they were, they were punished by the state, so that they could have babies to fund the Communist-laden Ceausescu regime.

We do not want extremism in this country. When government gets involved in reproductive issues, it is extreme. We have a constitutional framework that says this decision for all women is to be based on a clinical situation and a person's conscience and faith preference. That is what I believe we should adhere to.

But the Hyde restrictions represent another path. They bring government into the doctor's office. They bring government into the family living room. They would allow Medicaid funding for access to abortion only in certain circumstances; rape, incest, or to save the life of a woman. Those are excellent criteria. But they should not be the only criteria, and it is not the government that should decide what are those criteria.

What would this mean for the women receiving Medicaid? It would mean that the Federal Government has the power to decide for these women whether they would have access to an abortion simply because they are poor. It would put government in charge of deciding which abortions are OK, and which are not OK. If abortion is bad, then it is not OK under any circumstances.

I do not think that is what we are here to decide, what is OK and what is not OK. What is OK is the constitutional framework that allows us to make those decisions ourselves.

And it would make it virtually impossible for poor women to exercise their own choice to have a legal medical procedure protected by the Constitution.

Mr. President, of the 32 million Americans receiving Medicaid coverage more than 9 million of these recipients were women of childbearing age.

Almost two times the population of my State.

It is unacceptable to me, and to the women in this country, that the Government tell these women that just because they are poor—they do not have the same right that other women have to decide to have an abortion.

But that is exactly what we will be doing, Mr. President, if we fail to defeat this effort to restore the Hyde restrictions.

We are going to tell these women that because they are poor they do not have the same right to decide whether to have an abortion that other women have.

We are going to tell them that as citizens of the United States who make up a population almost two times my own State that the constitutional protection for access to abortion does not apply to them.

Mr. President, the effort to restore the Hyde restrictions is the worst kind of public policy. It discriminates against only one class of people, only one gender, for one reason and one reason only: They are poor and they are vulnerable.

Congress enacted Medicaid to increase access to the Nation's health care system for people whose incomes were insufficient to meet those costs. We did not say some people would have access to one type of medical care and not another. We gave doctors and patients the freedom to choose the best medical procedures best suited to meet the needs of the patient. That is what we must adhere to.

"The very heart of Medicaid," as Supreme Court Justice Brennan so eloquently put it, "is to give doctors and patients the complete freedom to choose those medical procedures best suited to the needs of the patient."

All women, regardless of income, should have access to the same reproductive health care services available to all other women.

Poor women must have the same right to decide whether or not to have an abortion as other women.

Opponents to abortion have tried every way they can to limit access to abortion, and today is no different, whether it is whittled away because of the waiting periods, mandatory counseling, and a whole host of others. This time they have aimed their voice exclusively at women who have no voice and little power.

I would like to take a moment to clarify the arguments that we have heard on this issue. First, lifting the restrictions does not mean that Government would advocate or encourage abortion. What lifting the restriction means is that the Government will get out of the business of intruding into the lives, private lives, of women and let a woman make that decision for herself. It means that Government will stop playing the role of the physician. It means that the Government will stop intervening between a woman and her doctor as they decide on this issue.

Second, the current Hyde restrictions are not neutral. They cut off access. They make it difficult, if not impossible, for a woman to make the choice. The only truly neutral position is to allow women themselves to choose, not Government to tell them what they can do and what they cannot do.

Mr. President, just last month the Senate and the Congress eliminated similar restrictions on a woman's access to abortion if they worked for the Federal Government or are spouses or dependents of Federal employees. Federal health benefits like Medicaid are paid for in large part by the Federal Government. In fact, the Federal Government pays on average 70 percent of the cost of Federal employees health plans. In fact, the Federal Government in lifting the restrictions of barring Federal employees' access to abortion did not send a message that Congress encourages abortion.

We simply took Government out of the equation.

We put a stop to Government intrusion into the personal lives of women.

We are not deciding for these women. We are not telling them to have an abortion. We are not telling them not to.

We are simply saying they should have the ability to make that choice for themselves—that is what the Supreme Court said 20 years ago.

And that is exactly what I am arguing here for the 9 million women who receive their health care through the Medicaid Program.

Congress should be neutral in offering benefits under Medicaid just like it is with the Federal employees health benefit plan.

Mr. President, restoring the Hyde restrictions is about one thing: Government intrusion into the private lives of women. It is about denying women choice, and it is about discrimination against women, against the poor, against citizens who are vulnerable and have no voice in their Government.

It is time to put an end to this type of discrimination.

It is time to put an end to this type of governmental extremism.

And it is time to restore the issue of who decides to the women of America—rich or poor.

I urge my colleagues to keep Hyde restrictions on Medicaid funding for abortions out of this bill.

Mr. SMITH. Mr. President, I yield 10 minutes to the distinguished Senator from Pennsylvania [Mr. WOFFORD].

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. WOFFORD. I thank the Senator. I do not like to disagree with the Senator from Maryland, but today we are being given two bad choices: Either to reaffirm the two-tiered system in which the poor are denied an option available to other Americans in most private sector health insurance plans; or to affront the deep moral views of many Americans by extending direct Federal funding to pay for abortions.

The sad fact is that we are being asked to accept these choices at just the time a solution is within reach—a solution that will make such choices unnecessary.

The President has proposed a new system of universal health insurance that will end the present two tiers—one for the poor, through Medicaid, and another for everyone else. He proposes that the Government get out of the business of directly paying for particular health care services.

Under the President's plan, those now being assisted by Medicaid, like other citizens, will become members of regional health alliances—insurance purchasing cooperatives, nonprofit corporations, not Government agencies. The former Medicaid recipients will have their premiums in these alliances subsidized by the Government, but they will have the same choices of health plans as everyone else.

Most, but not all, of the private sector health plans from which they would choose—HMO's, Blue Cross/Blue Shield, insurance company fee-for-service plans, or new health care networks—would, as now, pay a participating doctor's bill for an abortion under the category of pregnancy-related services, subject to reasonable State regulations permitted by the Supreme Court.

But some providers, like religious hospitals for example, could explicitly preclude abortions, as they do now. The choice of what plan to choose, as of what services to request, would be up to the individual. The Government would be out of the business of directly paying doctor bills—not for abortions, not for anything else.

I am convinced that this proposed new universal health care system can, and will, solve this problem in a far better and much fairer way than either alternative before us today. It will enable those receiving subsidized premiums to choose among the same range of health care plans that other citizens can now choose. That is fair. That is a sensible American way to proceed.

Mr. President, my own long-held and repeatedly stated position on abortion has never satisfied either of the two contending principled camps. Nor will it now. I respect the convictions and the fervor of both these camps—those who defend the right to life of the unborn and those who, with equal power, defend the right of a woman to choose whether to terminate an unwanted pregnancy.

But I believe, Mr. President, that the real choices are not that simple.

When I came to the Senate, one of my new colleagues advised me that the easiest way to deal with this subject is simply pick one of the two sides—pro-choice or pro-life—and stick with it.

After 2 years in Washington, I can see the expediency of that advice. It would be a lot easier to choose a label. But for my whole adult life, I have resisted that kind of simplistic labeling. My reason and conscience long ago led me to reject the absolutism of either side of this issue. And it still does.

Over the years, I have had the counsel of my wife, my family, and my faith. I have listened to thousands of intelligent, caring Pennsylvanians on both sides of this issue. For me, the question of abortion could not be boiled down to a simple label, a verbal shorthand.

The passionate and loud voices from the two camps uphold what seems to them absolute truths, but they tend to drown any other voice. Mr. President, the American people are not just divided into those two parts. There is a much more broadly shared position held by those who stand on a different ground because they see the matter differently. I am one of these.

For my colleagues and constituents who may be interested, I again note for the record what I have said repeatedly and consistently since I was appointed to the Senate.

I support a woman's option to choose up to the point of fetal viability, subject to reasonable regulations that do not impose a substantial obstacle to the effective exercise of that right. That is what the Supreme Court says, and I believe it strikes the right balance.

I have long opposed efforts, by congressional action or constitutional amendment, to overturn the Supreme Court's decisions on abortion, beginning with Roe versus Wade.

I believe that unwanted pregnancies and abortions are tragic, and that the large number of such cases is a sign of a profound irresponsibility of our times.

Therefore, it is essential to increase the availability of adoption; improve and promote family planning and education programs, and contraceptive research; and take other steps to encourage self-discipline and individual responsibility to reduce the circumstances that lead to abortions.

From Roe versus Wade to the recent Casey case, the Supreme Court clearly holds that abortions, within reasonable regulations, are legal. I believe they should be safe. But I also believe we must work together to make them rare.

Reasonable regulations on abortion have seemed to me—as to the Supreme Court—to include provisions prohibiting abortion during the 7th, 8th, and 9th months, except when the life of the woman is at risk, or if she would suffer major health problems by carrying the pregnancy to birth. They also include requirements of parental consent in the case of minors, if there is a judicial bypass procedure.

Unreasonable regulations include the so-called gag rule, prohibiting a doctor or health professional from counseling patients against abortion, which I voted against. And I have also voted against the Mexico City policy, which applied the gag rule to international family planning programs. I voted to permit overseas military personnel and their families to obtain an abortion at a U.S. military hospital at a woman's expense, since it seemed unreasonable to deny those serving abroad a right they would have had at home. I am supporting the Freedom of Access to Clinic Entrance Act. And I have voted to increase funding for family planning services through title X.

It disappoints me that despite my long-held personal position and my consistent public statements since I came to the Senate, with each vote, one side or the other—or both at once—have mischaracterized my position. That will probably happen again today as I reluctantly vote on this question.

Because of my own beliefs and the deep division in our society, I have regularly opposed the use of Federal funds to directly pay for abortions except in cases of rape, or incest, or where the woman would suffer major health problems by carrying the pregnancy to birth. That is what I believed before I came to the Senate, that is what I have said since I got here, and that is how I must vote today.

But I cast the vote unhappily because I do not think this is the time or the way to end the two-tiered system that denies equal opportunity to the poor. I want to see that system replaced by a fairer system which gets Government out of the business of paying directly for medical services. That kind of universal health insurance is what we must now work to achieve in this Congress.

Finally, there is another overwhelming practical reason why this is the wrong time and way to try to change that two-tiered system in relation to abortion. If the President's proposed new system is seen to be directly and explicitly paying for abortions, I do not think health reform will pass. Some of the same religious and medical groups that most want to support universal health insurance would have to oppose it. And I understand why.

On the other hand, if the new system seems to be taking the right to choose away from the great majority of women whose present private sector health plans pay for abortions as pregnancy-related services, there would also be no action—only more gridlock. The majority of American women, whatever limitations on abortion they would support, would not accept legislation that took that choice out of their health plans. Nor would I.

So the way ahead is clear and promising if we can move away from the divisiveness this issue represents today and develop the universal health insurance system that the great majority of Americans want and need.

Let us build on that common ground.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Chair recognizes the Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio [Mr. METZENBAUM] is recognized for 10 minutes.

Mr. METZENBAUM. Mr. President, I rise in opposition to this amendment which restricts Medicaid funded abortions. In reality, a woman's fundamental right to have an abortion is the equivalent of having the ability to pay for an abortion. Public financing of abortions is essential if the constitutional right to choose is to have any meaning for poor women.

There is something rather absurd about this debate. Why is it that rich women can get abortions but some would say that poor women cannot? Why do we discriminate against them? It is they who probably need the right to have abortion, and the right includes the ability to pay for it. More than women generally, it is they who do not know what to do when more and more children come into being, and they have no way of stopping.

The lack of Medicaid funding for complete reproductive services also has serious economic and health consequences for low-income women and their families. The goal of the Medicaid program is to protect the health of poor women by helping them obtain necessary medical services they cannot otherwise afford.

Women who are Medicaid eligible are particularly susceptible to having problem pregnancies because of the health risks and nutritional deficiencies that often result from their poverty. Yet we would turn our backs—some urge us to turn our backs—on these poor women. Denying these women Medicaid funding for abortion flies in the face of the program's goals. It increases the health risk for poor women by forcing them to carry health-threatening pregnancies to term. Even when these women on their own somehow raise the money to pay for an abortion, the delay in obtaining an abortion exposes them to the health risks associated with delayed abortions. Truly desperate women may even undergo unsafe or self-induced abortions because they simply cannot afford the cost for a legal procedure performed by competent health professionals.

In 27 States the cost of abortion is more than two-thirds the maximum monthly Medicaid payment. In nine States, this cost is higher than a family's entire monthly Medicaid allotment. Given this economic reality, finding the money to pay for an abortion sometimes means that women in their families go without food, clothing, and other essentials.

What kind of a crass attitude can we have that we turn our back on these poor women who are crying for help, who are crying for the privilege, the opportunity, the right— which is really the correct word— the right to have an abortion but do not have the funds to do it? But those women who do have the funds to do it can do it.

I fully support responsible efforts to reduce the need for and the number of abortions in this country. But denying complete and safe health services to the poorest of the poor is not the right way to go about it. Women, whether they be rich or poor, and not legislators, whether they be Democrats or Republicans, are best able to make this most intimate of decisions for themselves.

This is not a decision that should be made by those of us in the Congress. This should not be determined by whether the vote is 51 to 49 or 52 to 48. This is not a decision that we should be making.

This is a decision that the woman has a right to make for herself. But we are saying, yes, woman, you have a right to make it for yourself if you are rich, if you have the wherewithal to do it. But if you are poor and do not have the money to do it, you cannot make that decision, and we are not going to help you in any way. So we are going to turn our back on you because we, the Members of Congress, have decided who can and who cannot have an abortion.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio yields the floor. Who yields time?

The Chair recognizes the Senator from New Hampshire.

Mr. SMITH. May I please inquire how much time remains on this side?

The PRESIDING OFFICER. The Senator from New Hampshire has 48½ minutes remaining and the Senator from Washington 46½ minutes remaining.

Mr. SMITH. I yield 10 minutes to the distinguished Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 10 minutes.

Mr. COATS. Mr. President, we are engaged in a very important debate today, namely how and whether taxpayer funds will be used to pay for the provision of elective abortion.

That is an issue that is being discussed and being discussed eloquently by people on both sides. But there really is a broader issue before us. And while I am rising to oppose the committee amendment it is that broader issue that I would like to address because I think that is an issue that the Senate and the American public tends to ignore and ultimately that we will have to face if we are going to resolve this and many other issues concerning the value of human life.

Mr. President, it seems we are a Nation at conflict among ourselves and within ourselves. The debate over abortion has divided our country. It has divided our minds and emotions as well. We have come over time to believe strongly in individual autonomy and personal privacy. We have come through dramatic advances in medical science to see the complexity in the humanity of life before birth.

The jarring inconsistency of our deepest beliefs about liberty, and our strongest convictions about life, have led to endless struggle and even broken the peace between neighbors. Law is set against medical science. Political rights are set against moral commitments. These are contradictions we cannot escape but we cannot accept either, and we cannot seem to overcome.

Abortion remains the second most frequently performed medical operation in America, following circumcision. But many of the same doctors also treat an unborn child with surgery, and drugs, and blood transfusions. And when we pray and hope for the recovery of that tiny unborn patient we also know in the back of our minds that patient has no legal right to live, the same life and in the same hospital can either be heroically saved or tragically terminated.

Mr. President, this is a contradiction that cannot ultimately stand.

Abortion is available in this Nation at any moment of pregnancy. And though most abortions are early, many are quite late. But medical science has raised the fear that an unborn child cannot only respond to treatment but also feel pain. We hesitate to look at this contradiction full in its face. Political abstractions are easy. The pain of a child is difficult to comprehend and to face. This contradiction also cannot ultimately stand.

Many or most Americans, as the polls tell us, believe that abortion is a matter of a woman controlling her body. At the same time, in a crisis of drug abuse, the unborn are singled out as victims, and targeted for our help. When their mother uses drugs, these children suffer terribly. Were these children simply another part of their mother's body? Was the decision that a mother made to take drugs hers alone? Is not there a victim here that deserves our sympathy? This also is a contradiction that ultimately cannot stand.

We have tried as a society to live with these impossible internal conflicts that set our passion for freedom against our compassion for the weak. But we have found that we cannot live in two minds. We have found our bonds as citizens strained and broken. We have entered a new civil war where civility has been the first casualty.

It is true we have not reached an equilibrium as a Nation. We have reached impasse. And I think it is time some fundamental questions need to be asked and answered.

In an early debate over civil rights, Susan B. Anthony peeled the issue to its essentials, focused a Nation's attention, and forced a decision. In 1873 she gave a famous speech in which she stated, "The only question left to be settled now is: Are women persons?"

The debate before us today is a debate on the meaning of life. It is an opportunity for that same clarity. Here the question before us, for all to see, stripped of distraction is this: Does a human life before its birth deserve our love and protection or should it have in our hearts and in our laws no value at all?

Today by approving the committee amendment we will say something about the American experiment in limits we place on its promise. America's founders raised a standard for the ages, remarkable for its purity and its power that all men are created equal, and endowed by their Creator with certain unalienable rights. It is true that the laws they live by, even the Constitution they wrote, stood in tension with that traditional ideal, but the standard remained and sustained the options of the weak.

The history of our Nation is largely the story of how those hopes were advanced. Our progress toward the ideals of the declaration was bought with blood, demanded with eloquence and written into law.

One by one, the powerless, the weakest, were embraced and the American family was extended. African-Americans, women, the handicapped. Each found their place in our society. Each discovered that America's promise, though delayed, was not denied.

Over time our Nation has developed a system of rights deeper and wider through the persistence of those who have passionately argued for inclusion, not exclusion.

Abraham Lincoln wrote of our Founders:

> This was their majestic interpretation of the economy of the universe. This was their lofty, and wise, and noble understanding of the justice of the creator to his creatures. * * * in their enlightened belief, nothing stamped with the divine image and likeness was sent into the world to be trodden on * * * they grasped not only the whole race of man then living, but they reached forward and seized upon the farthest posterity. They erected a beacon to guide their children, and their children's children, and the countless myriads who should inhabit the earth in other ages.

That beacon still shines throughout the world. It still lights the path of nations where freedom is new.

It is my deepest concern, my nightmare fear, that we will shut out that light—that we will halt the progress of America's promise—and case one class of the powerless into the darkness beyond our protection.

Lincoln talked of America as a Nation dedicated to a proposition, embodied in the declaration. But can the weakest member of the human family find a humble share in the promise of our founding?

Will we say, after centuries of struggle, that the gate of mercy is now shut and locked and the key is lost?

These are questions that put the American experiment to the test.

We are told today we must make our choice between a mother and her child, as though the happiness of one was bought by the suffering of the other. Take your side, we are informed, and the fight can begin. Make your decision between liberty, on the one hand and life, on the other.

But no society, or human soul, can make such a terrible choice, and live with its nightmares. Life and liberty are inseparable promise. To choose between them is impossible—and unnecessary. For the same God has given both life and liberty and allows no final conflict between them.

We cannot, we must not, make that choice. For by that choice we set a limit on America's promise. By that choice, we strop the long advance of protection for the weak, saying: "enough, and no more."

We must not make a choice—we must make a promise—a promise to children that they will be protected by thick walls of law and love; a promise to women that they will not face their hardest moment alone—that even when they are abandoned by their child's father, they will find the comfort and help of a caring society; a promise to promote nurture and ease adoption.

Compassion, when used, is never used up. When we give it away, we find more in ourselves. As Americans, we have always found that the more places we set at the table, the more abundant the feast. Everyone is welcome. No one need be turned away.

Too often, we have been captives to our recent past. For two decades, too many bitter words have passed between those who should not be enemies. Conflict over abortion runs through American life like a poorly healed scar.

We must begin again—begin to emphasize, not the limits of our protection, but the need for inclusion. We need to begin to recover a passion for the priorities of our founding. We need to begin to seek ways to help both a mother and her child, even at a cost.

It is a promise still untried—but we must try it.

If the committee amendment before us today passes into law, it will mean the death of an ideal—an ideal in which the weak are protected, the powerless strengthened, and the silent given a voice. That ideal has never been fully reached, but it must never be finally abandoned.

Passage of this measure would mean that the world is too loud with struggle to hear the cry of an unborn child.

At another pivotal point in our history, as others argued to restrict the protections of the American experiment, Abraham Lincoln commented that such men were "blowing out the moral lights around us."

The darkness grows. It falls to us to carefully, one by one, relight the moral lights around us, so that the weak might find refuge in the circle of that glow, until the morning breaks, and the darkness will be like noonday.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time remains for debate?

The PRESIDING OFFICER. The Senator from Washington controls 46½ minutes and the Senator from New Hampshire controls 37 minutes.

Mrs. MURRAY. Thank you, Mr. President.

I yield 10 minutes to my colleague from California and thank her for waiting since 9:30 to be a part of this debate.

The PRESIDING OFFICER. The Senator from California [Mrs. BOXER] is recognized for 10 minutes.

Mrs. BOXER. Thank you very much, Mr. President.

I thank the Senator from Washington for her tremendous leadership on this very important issue.

I rise in support of the committee's amendment to strike the Hyde language from the Labor-HHS bill.

Maybe my colleague from Indiana, in his eloquence, revealed something about his argument when he started off his quotes with this one: "All men are created equal."

Well, Mr. President, we are debating here today whether it is all men who are created equal or all men and women. And today we are really debating the equality of women, particularly the equality of the most vulnerable women in our society—poor women.

For 17 long years, the Hyde amendment has attacked poor women by not allowing them to use their health insurance for abortions. The Federal Government, through the Hyde amendment, has targeted these women—treated them differently from rich women—and forced them to face a very difficult personal decision without the vital protection of health insurance.

By giving control over to big brother Federal Government, we have forced some of these women into back alleys and others into situations where they have to travel far and wide to find a nonprofit agency or charity that can help them. The Federal Government has forced many of them to continue their pregnancies. And I want to repeat those words: The Federal Government, the Congress, Senators and House Members have forced these poor women to continue their pregnancies. And that, Mr. President, is not right.

No one, as long as they abide by the law, should be forced to continue a pregnancy, just like no one should be forced to end a pregnancy if they do not want to. Abortion, under the law, is a legal right in America, but, through the Hyde amendment, Members of Congress have tried to shut off that legal right from poor women.

We have an opportunity today, under the leadership of the Senator from Iowa and the Senator from Washington, to close this dangerous chapter in our Nation's history. The appropriations subcommittee was right to strike the House language from the bill. This is a health issue. A safe abortion, paid for by insurance, is legal in this country. Medicaid is health insurance. It should pay for the same pregnancy-related procedures as private health insurance pays for.

Make no mistake about it. No matter how the supporters of this amendment try to paint this issue, its purpose is clear. The amendment is about taking away a woman's right to choose—in this case, a poor woman's right to choose. The Hyde amendment is about discrimination against poor women. It is about continuing an out-of-date policy that plays politics with women's health, creates a two-tier system for women, and leaves all too many of them out in the cold without their legal rights.

You see, there are many ways for Government to deny people their rights. One is to pass laws outlawing those rights. The people who do not want to see abortion continue to be legal do not have the votes to do it. They cannot do it. So rather than try to pass a law outlawing abortion, they make it impossible for certain women to exercise their rights. That is what the Hyde amendment is all about.

I think it is important for us to look at the Medicaid system and the people it serves. The program was enacted in 1965. I want to quote from the guidelines. Medicaid was set up in order to increase access to the Nation's health care system for individuals "whose incomes and resources are insufficient to meet the cost of necessary medical services"—and to—"help such families and individuals attain or retain capability for independence or self-care."

Those are the guidelines of Medicaid, and in my view the Hyde amendment goes against those guidelines.

Who are these women? In America, we have over 9 million women aged 15 to 44 who are eligible for Medicaid. So this is not an issue that just affects a few women.

When we lifted the restrictions on Federal employees, which I was proud to see us do, it reached thousands of women. This amendment reaches to millions of women. Forty-three of our States have less than 9 million people living in them. So you can see the magnitude of this issue.

These women live in every city, every town, every State; 1.5 million in my home State; 14,000 in Wyoming. What do these women look like? I have looked at the demographics of Medicaid. Most are Caucasian, but there are African-Americans, Asians, and Latinos, as well.

Their pathways to poverty are as varied as their backgrounds. Some lack education, some jobs, some had husbands who walked out on them without paying the bills, deserting these women, leaving them and their children behind, and not paying court orders. But these women have one thing in common: They are poor and they are powerless. And because of the actions of this Congress and past administrations, they have been denied their legal rights because they could not pay for an abortion.

The proponents of this amendment will tell you this is not about outlawing abortion. They say: We are not stopping these women from getting an abortion; we are just refusing to pay for it.

But what does this mean to these women? We are not talking about families who are making $1,000 a month, even. Many of them are living on $500 a month. So when you take away their fundamental rights by eliminating their ability to exercise those rights, you are hurting them; you are targeting them; you are selecting them; you are making them less of a citizen.

Just think about it. It is as if we locked these 9 million women in a room and told them they were welcome to come outside and exercise their freedom, except there is only one thing: We locked the door from the outside, and they cannot get out. We have locked them in, sometimes in abusive relationships, with health challenges, with other terrible problems, in addition to their unwanted pregnancies.

But those who would deny these women access to abortion donot seem to care about that. They do not care about these women who would have to choose between an abortion and providing food, shelter, and transportation for their families. They do not care about these women who might have to delay their abortion because they are looking for the money to pay for it. And as time goes by, the procedure gets more dangerous.

They do not care about the back alleys. My colleague from Washington told us about her friend who had to go to a back alley and that woman could never bear children again. They could not care and support the Hyde language that the Senator from New Hampshire supports.

But we ought to care. We had better care. Because behind the rhetoric, we will find the human faces of this issue. I will tell you about a couple. There is Monica, a 23-year-old with three children who called the Women's Reproductive Rights Assistance Project in Los Angeles. She called them for help because she became pregnant when her birth control failed. Unemployed and unable to care for another child, she became suicidal.

I say to my colleagues, how is it good for society if this woman kills herself and leaves her three children alone? How is that good? How is that pro-life, Mr. President?

Then we find Janet, a 23-year-old woman living in Denver, CO. Her counselor recently called the National Abortion Federation hotline to get help for this woman. A few years ago, she shot herself in the head and now needs medical care. Her doctors interpreted the fatigue and vomiting associated with her pregnancy to be a psychotic breakdown, and treated her with large doses of Lithium. By the time they realized she was pregnant, Janet had only $32 in resources. Her counselor says that often she does not even remember she is pregnant. She needs medical transportation, and the only clinic that might give her a significant discount is too far away.

We must ask ourselves today, do we really want to force this woman, a woman already hurt by her physical and emotional problems, do we really want to force her to continue her pregnancy? Should we give her that right to continue it? Absolutely. Should she have the choice to continue it? Definitely.

So, yes, let us look at the human consequences of the Hyde amendment. Let us look at the fact that 20 percent of the women who are denied publicly funded abortions are forced to carry their pregnancies to term, usually at considerable emotional and physical cost. Let us look at the other 80 percent who find another way to terminate their pregnancies. Sure, this could mean borrowing the money. But, all too often it means attaining unsafe services that lead to health problems—and all too often—to death.

The PRESIDING OFFICER (Mr. CAMPBELL). The 10 minutes of the Senator has expired.

Mrs. BOXER. I ask for an additional 2 minutes.

Mrs. MURRAY. I yield 1 additional minute to the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has 1 additional minute.

Mrs. BOXER. Obviously, I think women deserve that choice.

We all know what happens when we deny women safe, legal care. Have you seen the recent survey, Mr. President: 200,000 women die each and every year from the consequences of unsafe abortions worldwide.

We can hear every wonderful speech here, and I admire my colleagues for their deeply held beliefs. But we must deal with reality. If you outlaw abortion women will still get them. And 200,000 women worldwide die each and every year. Is that what we want to do to these poor women? Hurt them? Punish them? Force them? I hope not. I am sure that no Senator really wants to do that. Most of the Senators who support the Hyde amendment do so because they believe that they do not want to use Federal funds for abortion. But, we must look at the reality of what we are doing here. The reality is that denying Medicaid insurance for abortion causes the death of poor women, the despair of poor women and the discrimination—plain and simple—against poor women.

We have a chance today to repeal this Hyde amendment and give these 9 million American women not more rights than anyone else, but their legal rights.

Abortion is a legal right. There are some who do not want it to be a legal right. I respect them. I encourage them to work for the day when their way prevails. But their way has not prevailed.

So, let us be clear on the issues and defeat this amendment. Now is the time to repeal the Hyde amendment and give these 9 million American women the legal rights, the equality and the health care access that they deserve. Let us not forget that abortion is a legal right. Let us not take that right away from 9 million American women simply because they are poor. Let us defeat this amendment.

The PRESIDING OFFICER. The addition time of the Senator has expired.

Mrs. BOXER. I hope we support the subcommittee.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. I yield 5 minutes to the distinguished Senator from Oregon [Mr. HATFIELD].

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. HATFIELD. Mr. President, for years, the Senate has been debating and voting on whether to restrict Federal funding for abortion through the appropriations process. Since 1977, the annual Labor, Health and Human Services, and Education appropriations bills have included the Hyde amendment, which restricted Federal funding for abortion except when the life of the mother was endangered. This year that amendment has been expanded to provide exceptions in the cases of rape and incest as well as when the life of the mother is endangered.

Similar restrictions on funding for abortion have also been included in other appropriations bills—creating a hodge-podge of abortion amendments that have bogged down the appropriations process for more than 10 years. Many attempts have been made to pass legislation to remove this issue from the appropriations process. In fact, in 1982, I introduced legislation which would codify Federal funding restrictions for abortion in statutory form. Unfortunately, these efforts have not been successful and we have been left grappling with this important issue on appropriations bills.

There is no doubt that the issue of abortion continues to divide our Nation. Each vote we cast in this body is important. By focusing so much attention on the gains or losses on either side, however, we lose touch with the real issues. How do we as policymakers assure that abortions become unnecessary? How do we address the societal, family, and personal conditions that contribute to the existence of abortion?

Unless we address these issues in a thoughtful manner, we will continue to have this debate over abortion year in and year out. We are not contributing to the healing or reconciling of the Nation. We are contributing to the dividing of the Nation.

I have supported efforts to protect the unborn because I believe abortion is taking a human life. I have long advocated efforts such as family planning, research and perfecting of contraceptives, and education to make abortion a moot issue. This often makes me an anomaly in the pro-life movement.

Yet, I truly believe we can and we must find areas of agreement so that both sides, pro-life and pro-choice, can come together and work to end the need for abortion. That is resolving the issue. How we have been doing it does not. Why can we not get together on those basics in order to prevent abortion from becoming necessary in anyone's life?

Mr. President, I will cast my vote today in favor of retaining the restrictions on federally funded abortion. I would like to go on the record, however, concerning my discomfort with the expanded Hyde amendment which includes exceptions for rape and incest. I have opposed this expansion in the past because I felt that life conceived through rape or incest was no less deserving of protection because of the circumstances under which it was conceived. I have not changed my views.

Sadly, as I stated during the debate on the fiscal year 1994 Treasury, Postal Service appropriations bill earlier this year, the changing politics of abortion have led pro-life supporters to bow to political realities by including an allowance for abortion for rape and incest victims and thus staving off an all out release of Federal tax dollars to pay for abortions.

Mr. President, as one who is strongly guided by conscience, I am not comfortable voting for an amendment which allows Federal funding for any abortion unless the life of the mother is in danger. But voting for some restriction on taxpayer-funded abortions is better than no restrictions at all. Therefore, I urge my colleagues to oppose the committee amendment to strike the restrictions on Federal funding for abortion included in this bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Washington.

Mrs. MURRAY. I yield 10 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California [Mrs. FEINSTEIN], is recognized for 10 minutes.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, I rise to support the Democratic women of the Senate in urging that this amendment not be part of the bill. Mr. President, I have been a part of these discussions and debate for a long time. If I have found one thing out, the discussion that surrounds a woman's right to choose is very often filled with religious conviction, family conviction. It very often does not really connect with the personal circumstances of the women of this Nation, being as varied as they are today.

The amendment that is proposed here would strike at the root of funding. It would effectively deny funding for an abortion if you are poor and you have good reason to have an abortion. And I believe many of those who say that you should deny this funding do so on the basis of their own framework of life; they have a healthy, happy family; they understand even an unwanted child can be well brought up in our Nation.

What I have seen is a lot of unwanted children who do not have that opportunity. I have seen, for example, crack-addicted babies, HIV-positive babies in intensive care units of hospitals where it costs the taxpayer $250,000 just to get a youngster out of a preemie intensive care unit into a regular intensive care unit. And then I have seen those children whose central nervous systems are damaged at birth, unwanted for adoption by anybody. So what happens to that child? What kind of quality of life does that child have? And all of these children, by and large, are produced by poor women.

In my State, there is a very interesting figure, and I would like to share it with you. Basically, that figure shows that the women who had Medicaid-supported abortions in 1977 when it was permitted and the women that had Medicaid-supported abortions in 1991 are 60 percent fewer. So that indicates to me, coming from a State that does permit the funding, that the rate of increase in publicly funded abortions is not necessarily going to increase as a product of this amendment.

Let me give you, beyond the statistics, a few examples of the kinds of women that this amendment would militate against:

A 30-year-old white woman with three young children on AFDC, no car, no indoor plumbing. She is unemployed with a ninth grade education. Her husband left her, came back, and left her again when she was pregnant. She does not believe she can bring another child into the world.

A woman who has been on AFDC for several years. She had her tubes tied but she was already pregnant at the time of the surgery. It was too early for a pregnancy test to show a positive result.

Another instance. A woman who is a violent schizophrenic, psychotic patient at a State mental hospital. She did not want to have a baby but would have been forced to do so without Medicaid funding.

A 15-year-old in a family of eight children, all on public assistance. She did not want to have a baby. She wanted to finish school. Her mother was supportive of the decision to choose abortion. She did not want her daughter to end up with a life like hers.

Another, a 42-year-old HIV-positive, crack-addicted woman who did have her child and subsequently abandoned the child at the hospital.

Let me read you about a Michigan case, the case of a woman who is 34. She has rheumatoid arthritis. Both her elbows and knees have been replaced with metal. She has little strength in her wrists and hands and had to struggle to hold a carton of milk. Her left foot does not move, her right foot hardly moves at all, and she cannot wear shoes because of a nodule on her left heel. She walks like a penguin, often falls down, and uses a crutch for balance. Sometimes the pain in her neck and head is so severe she cannot talk or eat. When she found out she was pregnant, she wanted an abortion. If it were not for a special nonprofit fund in her State, Michigan, she would not have been able to have had that abortion.

In my own life, I know a young woman, 14 years old, who had two members of her family—she is from a narcotics-addicted family—shot and killed. She is unstable. She is immature. She is unable to care for a child. Fortunately, in my State, she was able to obtain Medicaid to have an abortion and prevent giving birth to a child.

These are some of the real cases in the real world. There are no happy families in these cases. There is no real ability to take care of a child in these cases.

These are cases I often think that we who expound with a lot of rhetoric in this Chamber tend to forget, and yet they are the cases to which this legislation would apply. These are the poor people of our Nation, where there very often is not good family support, where there is not a healthy environment.

I believe that you cannot be prochoice today and be antifunding. One has to come with the other. Unfortunately, I see a tendency today to say, "I am pro-choice, but I will also vote to deny abortion to people who may be crack addicted, who may be mentally incompetent, who may be unable to rear a child, who may abandon a child."

I think if you are prochoice you have to be pro-funding.

In 1973, Roe versus Wade was passed. Roe essentially protects a woman's right to choose; it sets up a complicated trimester system which protects the viability of the fetus; in the early trimester, it gives the right to choice to the woman; in the later trimester, it says that States can regulate the rights under which a woman can have an abortion.

Today we have 13 States who permit Medicaid abortion. As I said, I come from a State where the rate has not increased, where the rate between 1977 and 1991 has actually dropped by two-thirds. Yet, I come from a State where every one of the cases I have mentioned today applies.

I believe that every woman has a constitutional right to privacy when it comes to this issue; that every woman has the right to determine when and if, based on viability of the fetus, she should bring her child to term.

I am the first one to recognize that the circumstances that surround this right vary wildly with every woman. They reach deep into the heart of a ghetto, where a woman is inundated with narcotics around her, or she may even be on narcotics herself. I believe that rather than deliver into the world a central-nervous-system-damaged baby, if she has the opportunity to abort that fetus, it may well be for the best.

These are the questions that we are pondering today: Whether someone who is poor and destitute with no family; whether someone who is young and mentally incompetent, who finds herself in this situation, with no method of support, will be able to maintain her basic right under the Constitution provided to those of us who do have family and support.

I think that in terms of the interest of poor women, funding in this situation is something that our Constitution also should provide.

So, Mr. President, I speak in opposition to the Hyde amendment or Hyde-type amendments. I do not believe you can be pro-choice and not be pro-funding.

I yield the floor. I thank the President.

Mr. SMITH. Mr. President, I yield 10 minutes to the distinguished Senator from Oklahoma [Senator NICKLES].

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. NICKLES], is recognized.

Mr. NICKLES. Mr. President, first I would like to congratulate my colleague, Senator SMITH from New Hampshire, for his leadership on this issue, also for the very eloquent statement that he made earlier, in addition to a statement that Senator COATS and Senator HATFIELD made, which I was privileged to listen to.

I would hope that many people throughout the country when they are trying to decide on this very controversial issue would have a chance to review and listen to the words that they have spoken.

I do not think that I can match them for eloquence, but I would like to respond to some of the statements that have been made by our colleagues both from California and elsewhere.

I have heard a lot of discussion about a right to abortion. This is not about a right to abortion. This is about an issue of whether or not we are going to have Federal funding paying for abortion. I usually use the word subsidies, but basically this is the Federal and the State government, since Medicaid is a Federal-State program paying for the abortion; paying the entire cost. That cost ranges anywhere from, I guess, a couple hundred to maybe $300 or $500. But in most cases I think it is around $300.

I have heard it mentioned that if this amendment—if we do not allow Federal funding to subsidize abortions, that this is unfair to women, particularly poor women. I even heard that these are the most vulnerable people in society. I would say the most vulnerable people in society, or the most vulnerable persons, would be the unborn child. Half of those unborn children are women.

What about their right? What about their right to live?What about their option?

I heard some of the stories, and certainly there is no question some of those stories are very sad, real, and true. Crack-addicted babies, or babies whose mothers maybe are in serious mental or physical pain or are disabled, those are real tragedies. Caring for such babies is expensive. A crack-addicted baby—I think I heard the figure mentioned—costs a couple hundred thousand dollars, maybe even more.

So is the solution to destroy that unborn child in the mother's womb? Should we destroy the unborn child the day after the baby is born? If we are concerned about the finances, is there any difference?

I cannot follow that reasoning. It seems like people are saying, "Wait a minute, these people, because they are poor, because they have some physical ailments, we had better destroy their children while they are still in the womb." I think that is a serious mistake.

Mr. President, very seldom on the floor of——

Mrs. BOXER. Will the Senator yield because he is mischaracterizing——

Mr. NICKLES. I will not yield. I am not mischaracterizing the statement. I am responding to the statements that were made.

Mr. President, seldom on the floor of the Senate do we vote on life and death issues. This is one of those issues. This is an issue that if the committee amendment prevails and we eliminate the Hyde language, we are going to have the Federal Government financing the destruction of innocent unborn human beings. Make no mistake about it.

I remember my colleagues' predecessor from New Hampshire said how can two human beings create anything other than another human being? It is a human life that is involved. We are talking about the destruction of an innocent unborn life. Now we are talking about paying for it with Federal Government dollars.

I might mention that removal of the Hyde language would result in mandating that the States pay for these abortions with State dollars. Only 10 States in the United States now have unrestricted State funding of abortions. California happens to be one. But that also means that 40 States have restrictions on State funds, 40 States; the majority of States, a strong majority of States have restrictions on State funds.

Make no mistake about it. If we eliminate the so-called Hyde language, if we have this as a Federal Government policy for the Federal Government to pay for abortions, the States likewise have to match those funds. So we will be mandating to the States they have to share in this operation which destroys innocent human beings.

This is not a State opt out. There are no State options. States have to match the Federal funds.

Right now if the States wish to fund abortions, and 10 States do, and the District of Columbia does, they can do so. This Hyde language does not eliminate it. The Hyde language says no Federal funds shall be used for abortion unless necessary to save the life of the mother or in cases of rape or incest.

So all the Hyde language deals with is Federal funds. Do States really want to have Medicaid funding of abortion? They can do so, 10 States do, some other States have partial State funding of abortions. They can do that.

The Hyde language does not take that opportunity away if they so desire to do it. But if we eliminate the Hyde language, we are going to be mandating the other 40 States to fund abortion partially with State funds whether they want to or not. Frankly, the majority of American people do not want to.

Poll after poll, show that the American people do not support funding of abortions by the Federal Government; I am sure the polls would be the same concerning State government financing of abortion. You will find an overwhelming majority say no. They may support the right of a woman to have an abortion. But they do not want to have tax dollars used to pay for it.

So there is a significant difference.

I just mention this. It bothers me that in the United States we have laws on the books that are more protective of endangered species than they are to human beings. You know, today we have 913 endangered and threatened species in the animal kingdom, and 345 plant species that are protected by the Endangered Species Act. The penalties, if you destroy an endangered species or if you destroy the unborn of an endangered species, are significant. Civil penalties include not more than $25,000 for premeditated takings, down to $500 for an inadvertent taking. A taking is permissible only in the defense of personal life or the life of family.

We are not talking about the life of a human being. We are talking about the life of an endangered species, a plant or animal.

Criminal penalties up to $25,000 or imprisonment up to 1 year or both. That is the current law on endangered species that we evidently under this provision put at a much higher value than the lives of unborn human beings. Think about that. I am talking about, well, 339 mammals, 245 birds, 133 reptiles, 102 fish, 14 snails, 44 clams, 23 insects, and I could go on and on.

Three hundred forty-five plant species. In my State, we have the American burrowing beetle. If you destroy the American burrowing beetle, or its unborn, you could be subjected to fines and penalties up to $25,000 plus a year imprisonment. But instead of protecting unborn children, if we allow the committee amendment to go forward, we are going to subsidize, we are going to have the Government pay for the destruction of unborn innocent human beings.That is offensive. They happen to be the most vulnerable of any human beings.

Mr. President, we have had the Hyde language for the last 16 years—since 1977, 16 years. It has saved hundreds of thousands of lives every single year. There is an article out in Detroit where the State government or the city quit government funding of abortions, and the number of live births went up 20 percent. It was just announced.

If we have the Federal Government make payments for abortions throughout the country, you are going to see abortion numbers rise dramatically; you will see the acceptability of abortion as a method of birth control rise dramatically, as it has in Washington, DC, our Nation's Capital, where I think the majority of women having abortions have had their second, third, or fourth.

In other words, they are using abortion as a method of birth control. That is very unfortunate because, again, we are talking about lives. Maybe in their case it is an inconvenience. I know there are a lot of horror stories and difficult situations out there. I have heard about the crack babies and so on, and I empathize with the crack babies. I also empathize with a baby born with Down Syndrome, but I do not think the correct answer is to destroy it. Certainly, if we have Federal funding of abortion and mandate that the 40 States that now have restrictions on abortion have to pay for abortions, even against their will, that is very objectionable. And I tell my colleagues that I think it will be received very poorly in those 40 States.

Mr. President, I urge my colleagues to vote against the committee amendment when we vote later this afternoon. I thank my friend and colleague from New Hampshire.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from Minnesota.

Mr. WELLSTONE. I say to my colleague from Washington that I will probably not need 5 minutes.

When I first came to the floor, before hearing the Senator from Oklahoma speak, I wanted to start out this way, and I think I will start out the same way. I wanted to say that for all of my years in public life, for that matter, just being involved in politics, I have found the debate on abortion to be the most painful debate because I believe there are very powerful moral claims on both sides. I take a very strong pro-choice position, but I deeply respect people who embrace another position. I understand the moral claim, just as I understand the moral claim of the pro-choice position. That is what makes this so tough. Two moral claims, quite often, conflict with one another.

But I have to say to the Senator from Oklahoma that, as I hear him speak, it is difficult for some of us who feel strongly about this issue to hear a kind of debate language which implies that we are in favor of abortion, which implies we are not sensitive to a terribly important question. None of us are in favor of abortion.

The issue is whether or not a woman gets a right to choose, or whether the State decides. I think those who are opposed to the committee amendment really do not support the Roe versus Wade decision, and we understand that. They do not support the Roe versus Wade decision, or a woman's right to choose. Therefore, they are opposed to the committee amendment.

The problem is this: If you believe that Roe versus Wade was the correct decision, if you believe—as painful an issue as this is and as difficult a choice it would be for anybody—that it is not really the States that should decide, but rather a woman should decide, then you do not want to have a situation where some women, some families will have a choice, but others, because they are poor and do not have the income, will not have that choice. That is really what this vote is all about. Just because you are a woman of low-income, just because you are a Medicaid recipient, just because you do not have much by way of economic resources, does not mean that you should not have the same right to choose as all other women, as all other families in the United States of America.

I really believe that the committee amendment speaks to the best of what America is about, when we think of a standard of fairness, when we want to make sure that people have the same rights, that people are not discriminated against because of their income, and that each and every woman and each and every family gets to make the same choice. That is what the committee amendment speaks to.

That is the issue here before the Senate today. I hope out of a standard of fairness, regardless of Senators' positions on the overall question, they will support this committee amendment. I certainly rise to support it.

Mr. SMITH. Mr. President, I yield 5 minutes to the distinguished Senator from Alaska, Senator MURKOWSKI.

Mr. MURKOWSKI. Mr. President, I think we are all sensitive to the basic right of a woman to choose the disposition of her own body. But the issue here is the question of Federal funding of abortions. I think we have to recognize and keep the argument within those parameters.

I am here today to support my colleague's amendment to prohibit the Federal funding for abortions, except in the case of rape, incest, or to save the life of the mother.

For 16 years, we have had a firm national policy that has prohibited taxpayer funding for abortions. The House vote on this issue earlier this summer was not a close vote by any means. The Hyde amendment carried 255 to 178. I think that vote by the House accurately reflects the current views of a majority of the American people on the question of using—and I want to emphasize this—taxpayers' money to pay for abortions.

Abortion funding is a State rights issue. Why should taxpayers in my State of Alaska fund or subsidize abortions in California or Washington or Maryland? If the States want to use their funds—and I understand approximately 10 States do—or allow private funds, basically, that is their business. But now we are addressing the question of using Federal funds, taxpayers' funds, whether the taxpayers wants their funds used specifically for abortions or not.

Our President indicates that he hopes that abortions in this country will cease at some point in the future or be reduced substantially. We all hope that is the case. I, too, support what I believe our President is hinting at, which is personal responsibility. Along those lines, I believe what is often lost in the whole abortrion debate is the issue of male responsibility for birth control. Before I came to the floor today, I inquired about the need to propose Federal funding for vasectomies. I was informed that Medicaid does currently provide funding for these services in limited instances. While I understand that vasectomies and abortion cannot necessarily be equated in terms of a method of birth control, I do think this is an important issue and one that is not talked about enough.

The crux of this question before us is simply Federal funding, and it should not be construed to be anything else. We have had various committee bills reported that allowed taxpayer funding for abortions on demand. The Veterans' Affairs Committee, on which I serve as ranking member, has not been immune to this trend. Despite my efforts to place limits on abortion on demand in VA facilities, our committee reported Senate bill 1030 with a provision to do just that.

For over 60 years, the VA has been mandated by Congress to treat disabilities and diseases of America's veterans. It is certainly difficult to argue that the abortion services fall under this category. This addition of services represents, I think you would agree, a profound change in the VA health care mandate.

I defer to a question of the capability within the VA to provide abortion services. The VA health care system has indicated it is not equipped to expand into abortion and other pregnancy-related services, and the VA testified before the committee that it has neither the staff nor the equipment necessary to offer these services. To overcome this, the VA told our committee that it would have to contract with other doctors and hospitals to provide these services. This brings us back to the issue of how to pay for these procedures because the funds simply do not exist unless they are taken from other veterans benefits related to health care. Mr. President, I intend to oppose that change when this legislation comes befoe the full Senate.

I ask unanimous consent that the article I wrote on this particular issue concerning veterans and abortion be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MURKOWSKI. Mr. President, we all heard the President last week talk about basic health care needs that currently go unmet for many Americans due to lack of insurance coverage. I could not agree more that this is, indeed, a problem that needs fixing. But my concern is that we are, in essence, creating a Federal entitlement for abortion services. In each of these cases my point is the same: Taxpayers should not be forced to fund a procedure that is strongly opposed by a majority of Americans.

When we address the issues of: health care reform and its potential astronomical cost; and Congress' job of directing limited Federal resources for health care—whether it be for VA, Medicaid, or proposed Government subsidies, we must ask ourselves what are the basic health care needs Americans want their tax dollars to support? Should abortion be treated differently than other medical procedures? I think they should, and I think a majority of the American people think they should.

Mr. President, I do not believe federally funded abortions—other than in the cases of rape, incest, or when the life of the mother is at stake—constitutes medical necessity.

I urge my colleagues to support the Hyde language in the committee bill.

Mr. President, I yield the floor.

EXHIBIT 1

COMMENTARY: ABORTION POLITICS AND THE NATION'S VETERANS

(By Sen. Frank H. Murkowski)

The Senate Committee on Veterans' Affairs recently enlisted the Department of Veterans Affairs health care system as the point man in the movement for federally funded abortions.

While the veterans' committee seems an unlikely group to trump the 500-plus member

White House task force by breaking new ground for national health care reform, the committee's action broke with 16 years of legislative precedent against federal funding for abortions. The committee acted with little debate and no consideration of the impact on veterans' health care services.

By acting now, before the announcement of the president's health care reform package, the veterans committee has complicated the issue of health care services for the nation's veterans at a time when veterans can least afford it. Including abortion on the menu of VA services represents a fundamental change in the VA health care system, a change the committee made with no notion of the content or impact on the VA of the more comprehensive national health care changes to come.

For over 60 years, the VA has been mandated by Congress to treat the "disability and disease" of America's veterans. Now, the veterans committee is forcing abortion services into this mix by expanding the VA's mandate to cover a broad panoply of pregnancy-related services.

Leaving aside for now the American public's aversion to using tax dollars to pay for abortion—a sentiment recently echoed in the House of Representatives' reaffirmation of the Hyde amendment prohibiting federal funding for abortions—it is difficult to argue that pregnancy-related services—including abortions—fall under the categories of "disability and disease." This addition of services represents a profound change in the VA's health-care mandate.

While this change can be viewed as a desirable step away from reactive inpatient care, and towards proactive comprehensive health care, the committee's action is applicable to only 1.2 million of America's 26 million veterans. The overly complex criteria and priorities for VA care, as well as VA's inpatient focused philosophy of care, are ripe for reform. But successful reform should not be attempted on a piecemeal or ad hoc basis.

Clearly, the needs of the nation's female veterans—a growing presence in our armed services—need to be responded to. But what are the consequences of this expansion of services-adopted for the 1.2 million veterans who happen to be female—for the 26 million veterans; male and female, for which the system is responsible? The committee's action raises a host of such questions, none of which have yet to be asked, much less answered.

The first consideration is cost. Providing federal funding for abortion services by the VA will cost money—some estimates project up to $1 million a year. Finding funding sources for new health services in the VA system today is a zero sum game: When services are expanded in one area, payment for them must come from somewhere else.

Unfortunately, the veterans' committee conveniently chose to ignore this fact. But the difficult choices involved cannot be ignored. In a system that cannot adequately treat those veterans who already qualify for services, adding abortion services to the VA health care responsibilities means that other veterans—both men and women—will lose out. How many? The $1 million that it will take to cover abortions will pay for 10,000 ambulatory care visits, or 1,500 hospital admissions each year.

A second consideration is capability. The VA health care system is not equipped to expand into abortion and other pregnancy-related services. The VA itself testified before the committee that it has neither the staff nor the equipment necessary to offer these services. To overcome this, the VA told the committee that it would have to contract with other doctors and hospitals to provide these services. This brings us back to the issue of how to pay for these procedures. The funds simply do not exist.

Finally, a veterans' bill is neither the time, nor the place to tackle the difficult question of abortion. The question is not one of being "pro-life" or "pro-choice." The question is whether veterans are well served by the use of the veterans' committee, and its legislation, as a means to influence either side of this debate. Even though he is "pro-choice," this is the reason Sen. Alan Simpson of Wyoming argued against bringing an emotional outside issue like VA abortions into the veterans' benefits arena.

Throughout this spring and summer Americans have patiently waited for the president's national health care reform proposal. The nature and scope of the VA health care system will be profoundly affected by the changes that are ultimately announced. Some members may believe that they can influence the nature of the president's health care plan by beating him to the punch on issues like federal funding for abortions. These actions may serve a political purpose, but they do nothing to improve the quality or accessibility of health care for American veterans.

The nature of these questions is too complex, and our commitment to our nation's veterans too profound for this kind of haphazard, "backdoor" approach to health care issues. The veterans committee has made a mistake. Let's un-do it before it's too late.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield the Senator from Massachusetts 10 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 10 minutes.

Mr. KENNEDY. Mr. President, I support the committee amendment to strike the Hyde amendment from the bill. For the first time in 12 years we have a President who will sign this bill without a Hyde amendment restricting the use of Medicaid funds for abortion.

The Hyde amendment is discrimination, pure and simple. It is discrimination against poor women, and the Senate should not include any such provision in this legislation.

The Constitution of the United States guarantees to every American woman the right to choose to terminate her pregnancy. That is the law of the land. The Supreme Court recognized this right 20 years ago in Roe versus Wade, and reaffirmed it last year in Planned Parenthood versus Casey.

The existence of this fundamental right under the Constitution, as part of the right to privacy, is no longer open to doubt.

The Constitution guarantees that the decision of a woman whether or not to carry her pregnancy to term is a decision that is up to her, not the Government.

Unless you are poor. That is what the Hyde amendment says. It says that low-income women, dependent on Medicaid to meet their medical needs, are denied the opportunity to exercise the fundamental constitutional right that is supposedly guaranteed, equally, to everyone.

If you are a poor woman, the Hyde amendment says, you are on your own to find the funds needed to pay for an abortion. We would do well to consider the real-world impact of such a policy. Studies show that the vast majority of women denied public funding for an abortion do not decide to carry the pregnancy term. Instead, they find other ways to carry out their decision to end their pregnancy.

For some women, obtaining the money for an abortion means they will fall behind on their rent or their utility bills, or shortchange their families on food or clothing, or be forced to pawn household goods.

For other women, it means postponing the procedure to later in the pregnancy, while they try to raise the funds they need to pay their medical bills. On average, low-income women obtain abortions 2 to 3 weeks later than middle- or upper-income women—a disparity that did not exist prior to enactment of the Hyde amendment. A recent report by the Council on Scientific Affairs of the American Medical Association concluded that when an abortion is delayed, the health risk of complications from the procedure, and even the risk of death, increases. The earlier the procedure takes place in the pregnancy, the safer it is. In other words, when a woman postpones an abortion she has already decided to have, she is placing her health and even her life at unnecessary risk.

For still other women, the Hyde amendment means turning to illegal or self-induced abortions. According to a study of women who died of reported illegal abortions between 1975 and 1979, the most common reason for seeking an illegal abortion was financial need. Eighty-two percent of the women who died were African-American or Latina.

Fortunately, because of Roe versus Wade, the dangers of the back alley abortion are no longer common in this country. But they still exist—because of the Hyde amendment.

Clearly, the Hyde amendment is counterproductive as a matter of health care policy. It causes some women to jeopardize their health by delaying an abortion. It places others at risk by sending them into the back alley. And it forces still others to continue a pregnancy that may be dangerous to their health. At a time when the American people have made it clear that they want better access to health care, we should stop undermining the health of a segment of our population by blocking access to abortion.

The Hyde amendment is flatly inconsistent with the goals and objectives of the Medicaid Program. Medicaid was enacted nearly three decades ago so that families living in poverty and unable to afford health care would be assured of access to necessary medical services. Some 32 million Americans receive their health care under this vital program. But under the Hyde amendment, women and their families eligible for other medical services are barred from access to abortion, even though it is a constitutionally protected right, and even though most private insurance plans cover it.

The prohibition in the Hyde amendment is discriminatory and unjust. It increases health risks. It reflects an utter lack of understanding of the harsh realities of life for large numbers of women in our society. As an editorial in the Boston Globe stated after the House vote to approve the amendment in June, "those who cast their votes for the amendment demonstrated their contempt not only for poor women but for all women."

The dissenting Justices discussed the issue eloquently in Beal versus Doe, the 1977 case in which the Supreme Court allowed a Hyde amendment-type restriction to stand. Justice Thurgood Marshall noted that these types of restrictions, ostensibly adopted to encourage women to carry pregnancies to term, are in reality intended to impose a moral viewpoint, and they do so with no regard whatsoever for their real-world impact—which, he said, "falls tragically upon those among us least able to help or defend themselves."

In an opinion by Justice Blackmun, joined by Justices Brennan and Marshall, the dissenters in Beal concluded that the Court was out of touch. "There is another world out there" they wrote, "the existence of which the Court * * * either chooses to ignore or fears to recognize."

If the Senate joins the House in approving the Hyde amendment, this Congress, like the Court in 1977, will be guilty of the same failure to acknowledge the harm it will be doing to real people—real women—in the world out there.

American women deserve better than that from their elected representatives in the Congress of the United States.

Some argue that the Hyde amendment is necessary to ensure that taxpayers with moral or religious objections to abortion will not be obliged to subsidize it with their tax dollars. But this rationale is not accepted in connection with other Federal policies to which some citizens are opposed as a matter of conscience. For example, many Quakers oppose war on moral and religious grounds, but when they withhold the portion of their taxes representing their contribution to the military budget, they are prosecuted to the full extent of the law.

Finally, in other contexts, Congress has already agreed that it is appropriate to use Federal funds for abortion. On August 3, the Senate joined the House in approving the Treasury-Post Office Appropriations Act, which permits coverage of abortion in the health insurance policy that is provided for Federal employees—which is paid for, in part, with Federal tax dollars.

We also spend Federal funds to subsidize abortion through the tax deductions and tax exclusions available for health insurance expenses and medical costs in the private sector. According to 1993 estimates of the staff of the Joint Committee on Taxation, prepared for the House Ways and Means Committee and the Senate Finance Committee, in fiscal year 1994 the United States will spend over $40 billion in such tax expenditures on health insurance and medical costs, yet there is no prohibition on abortion in any of these provisions.

The sponsors of the Hyde amendment do not challenge these Federal subsidies for abortion, which go overwhelmingly to middle-income and upper-income citizens. The only funding they challenge is for the neediest women in our society. That kind of discrimination is unacceptable. The Senate should not permit it.

I urge the Senate to approve the committee amendment striking the Hyde amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. May I inquire as to how much time is remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 15 minutes and 13 seconds; the Senator from Washington, 13 minutes and 2 seconds.

Mr. SMITH. Mr. President, I assume that the other side has the right to close; is that correct?

The PRESIDING OFFICER. There was no unanimous consent agreement to that effect.

Mr. SMITH. Does the Senator from Washington wish to close the debate?

Mrs. MURRAY. Yes, I would like the right to close debate.

Mr. SMITH. I will yield the remaining time to myself.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, I want to start by complimenting all of the speakers on this side. At the risk of singling one out for special consideration, I thought that Senator COATS, in his discussion of the contradiction involved in this issue, put it very well. I wanted briefly to respond to that.

He indicated the comparison or the contrast between this and the premature child, whom we so often see in pictures in hospitals with wires and tubes and masks and hoses, and whatever, all trying desperately to keep that child alive because the parent or parents want that child to live.

I might just say to my colleagues, what is really the difference between that child, who was born prematurely, and the child who was aborted prematurely? I think it is clear that there is no difference, unless we define it in somebody else's terms. But in terms of the child, there is no difference, Mr. President. And I think Senator COATS said that very beautifully.

Senator MIKULSKI also mentioned in debate that she shares my sense of revulsion toward abortions undertaken by sex selection. I was pleased to hear that.

But the problem is that this committee amendment does not stop abortions for the purpose of sex selection. As a matter of fact, it allows them, as we know. So the bottom line is that if we want to stop it, then we have to stop this amendment and leave the Hyde language.

Also, Senators BOXER and FEINSTEIN, I thought, very eloquently discussed the human aspect of this debate and howthere is a human face to this debate. I agree.

Mr. President, I have here behind me—I hope that the cameras can now focus on this for a moment or two, while I speak—a human face, who is a victim of the abortion tragedy in this country. Her name is Gianna Jessen. She is an abortion survivor, Mr. President.

I want to read just a few paragraphs from a very inspiring story about this beautiful 14-year-old girl which appeared in a Fargo, ND, newspaper in 1991.

> Gianna Jessen quibbles with those who describe her as the girl who has no birthday. In fact, she says God put her on Earth against all odds to carry a special message of life.
>
> The 14-year-old girl celebrates her birthday on April 6, the day she says she entered the world as a very ill, 2-pound survivor of a saline abortion.
>
> "A lot of people say I was never born, because I was aborted," said the aspiring recording artist. "But yes, I was born. I arrived. I'm here."

And I hope that the American people will look into the eyes of this beautiful girl.

> Indeed, she is here, there and everywhere, an enthusiastic international ambassador for pro-life, despite her cerebral palsy that is attributed to the abortion.
>
> Jessen's medical records show that she was aborted—born—at 6 a.m. April 6, 1977, at 29 weeks' gestation in an abortion clinic. A clinic worker reportedly rescued her and spirited her to a hospital, where she remained for three and a half months as she fought to overcome her critical condition.
>
> "I believe God spared my life," Jessen said during an interview. "He worked a complete miracle. I don't believe I could have come into the world without him. Somebody was trying to kill me, and he (God) worked."

Gianna, you know you are right. And if you want to put a human face to this debate, there it is, Mr. President.

Let me also say I find it interesting that some of the comments attributed in this debate seem to make this a man-versus-woman issue, or a woman-versus-child issue. I regret that because there are very, very prominent women throughout America—throughout the world—who are pro-life. We all know that. They know that on the other side of the debate. Susan B. Anthony had this to say about abortion. She said it was "child murder."

Another leading 19th century feminist leader, Elizabeth Cady Stanton, said this:

> When we consider that women are treated as property, it is degrading to women that we should treat our children as property to be disposed of as we see fit.

Stanton equated abortion with infanticide, calling it infanticide.

Finally, the founder of Planned Parenthood, Margaret Sanger, said that "abortion [is] the wrong way—no matter how early it's [is] performed it [is] the taking a life." She lamented the resort of poor people to "the most barbaric method of family limitation, namely the killing of babies—infanticide—abortion."

I might also say in the House vote there were 11 Members of the U.S. House of Representatives, women, about 25 percent of the women in the House, who voted for the Hyde amendment. I ask unanimous consent that list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

WOMEN WHO VOTED FOR THE HYDE AMENDMENT IN THE HOUSE

1. Helen Delich Bentley (Republican of Maryland, 2nd).
2. Jennifer Dunn (Republican of Washington, 8th).
3. Pat Danner (Democrat of Missouri, 6th).
4. Tillie Fowler (Republican of Florida, 4th).
5. Marcy Kaptur (Democrat of Ohio, 9th).
6. Ileana Ros-Lehtinen (Republican of Florida, 18th).
7. Marilyn Lloyd (Democrat of Tennessee, 4h).
8. Nita Lowey (Democrat of New York, 18th).
9. Deborah Pryce (Republican of Ohio, 15th).
10. Karen Thurman (Democrat of Florida, 5th).
11. Barbara Vucanovich (Republican of Nevada, 2nd).

Mr. SMITH. I also would like to point out the debate on this issue is emotional. We have tried, I think fairly successfully today, to contain the emotion and try to stay on the facts. I think it is important to note there are some very prominent people around who have changed their opinions on this issue, which is interesting. I would like to read an open letter to Congress, which was written in 1977. It says:

> As a matter of conscience I must oppose the use of Federal funds for a policy of killing infants. The money would much better be expended to meet human needs. I am therefore urging that the Hyde amendment be supported in the interest of a more humane policy and some new directions on issues of caring for the most precious resource we have—our children.

Mr. President, this telegram is signed by the Reverend Jesse L. Jackson, national president, Operation PUSH.

I will also quote from a letter to the Washington Post, a letter to the editor July 15, 1992. I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INFANTS IN THE WOMB

I thought for sure I was missing something. I had read the Supreme Court's latest decision on abortion and the various editorials about it. And I heard what they all had to say about the rights of women and the rights of states. But neither the courts nor the editorial writers said anything about the rights of the infant in the womb. I thought for sure I had missed it.

Then the lawyers told me that this is because unborn children, according to the Supreme Court, are not considered "persons" under our Constitution and, therefore, don't have any rights. This is astounding.

This country has spent its energies and lived its history in defending the defenseless. We have opened our gates to persecuted immigrants. We have penned legislation to care for the handicapped and the elderly. Many of us work hard for the homeless. In short, we as a country clearly recognize that the defenseless are not excluded from the human community simply because they are defenseless.

If we are to keep this great tradition, we cannot exclude infants from the human community just because they are defenseless—the lawyers say "not viable"—inside the womb. The lawyers will no doubt object that infants in the womb are technically not "persons." Let the lawyers argue all they want. Down deep we all know better.

Many compassionate people believe even animals have some rights simply because they are alive. Abortions—the more than 150,000 second- and third-trimester abortions performed annually—are frequently far more gruesome and tortuous than even the worst treatment of animals. This is beneath us as Americans and as human beings. All infants are members of the human community and are entitled to its care and protection.

That is why we spend so much time and money on prenatal care. It is why we operate in utero on even second-trimester unborn infants to correct some birth defects. We even provide intensive care for newborns who are no larger or more mature than some second- and third-trimester infants whom we abort. Down deep we all know infants in the womb are, at the least, living beings and members of the species Homo sapiens. That is more than enough to entitle them to protection of the human community.

The best solution to the abortion question is to eliminate the need for abortion. Until this goal can be achieved we must support legislation that discourages abortion, especially late-term abortions. The Supreme Court has affirmed in *Gov. Casey* v. *Planned Parenthood* the right of the state to impose some restrictions on abortions.

Now it becomes our responsibility to protect the unborn infant by working for the passage in each state of legislation that will reduce the number of second- and third-trimester abortions performed each year.

We cannot be satisfied as Americans or as human beings with laws that exclude unborn infants from the human community and deny them any rights. We must also work to guarantee all mothers their full dignity and provide them with opportunities and resources to help them carry their infants to term and to assist them with the care of their children when born.

EUNICE KENNEDY SHRIVER.

WASHINGTON.

Mr. SMITH. Listen to this, Mr. President. This was Eunice Kennedy Shriver who made this statement. She said:

> That is why we spend so much time and money on prenatal care. It is why we operate in utero, even on second-trimester unborn infants, to correct birth defects. We even provide intensive care for newborns who are no larger or more mature than the second and third trimester infants whom we abort. Down deep we all know infants in the womb are, at the least, living human beings and members of the species homo sapiens. That is more than enough to entitle them to the protection of the human community.

It cannot be said any more beautifully than that, Mr. President, from Eunice Kennedy Shriver.

Now, Mr. President, I want to share with my colleagues a very moving letter. It is addressed to Mr. Thomas E. Dennelly, of Great Neck, NY, and is dated August 3, 1971. It reads as follows:

> DEAR MR. DENNELLY: I appreciate your letter containing your views on abortion. There are many moral and legal aspects arising from this complex issue which is gaining the acceptance of large numbers of women faced with unwanted pregnancies, while disturbing the consciences of a great many other Americans.
>
> Opponents maintain that abortion is wrong from every theological, moral and medical aspect. Proponents are firmly convinced that the woman, alone, has the right to decide.
>
> While the deep concern of a woman bearing an unwanted child merits consideration and sympathy, it is my personal feeling that the legalization of abortion on demand is not in accordance with the value which our civilization places on human life. Wanted or unwanted, I believe that human life, even at its earliest stages, has certain rights which must be recognized—the right to be born, the right to love, the right to grow old.
>
> On the question of the individual's freedom of choice there are easily available birth control methods and information which women can employ to prevent or postpone pregnancy. But once life has begun, no matter at what stage of growth, it is my belief that termination should not be decided merely by desire.
>
> I share the confidence of those who feel that America is willing to care for its unwanted as well as wanted children, protecting particularly those who cannot protect themselves. I also share the opinions of those who do not accept abortion as a response to our society's problems—an inadequate welfare system, unsatisfactory job training programs, and insufficient financial support for all its citizens.
>
> When history looks back to this era it should recognize this generation as one which cared about human beings enough to halt the practice of war, to provide a decent living for every family, and to fulfill its responsibility to its children from the very moment of conception.

Mr. President, that eloquent, deeply moving letter was written on the stationery of the U.S. Senate. It is signed

"EDWARD M. KENNEDY." I could not have said it better myself.

I have another letter, Mr. President, that I want to share with my colleagues. It is dated May 26, 1987, and is addressed to a couple in Dayton, TN. In relevant part, it reads as follows:

> During my 11 years in Congress, I have consistently opposed federal funding of abortions. In my opinion, it is wrong to spend federal funds for what is arguably the taking of a human life. Let me assure you that I share your belief that innocent human life must be protected, and I am committed to furthering this goal.

That well-reasoned letter is signed by then U.S. Senator AL GORE, of Tennessee, currently the Vice President of the United States—and a supporter of the President's position, I assume.

Let me also say in the instructions from the U.S. Senate Democratic Policy Committee, which is a staff preparation which we get on both sides—this happens to be the Democrat position.

Major issue. Here is the "con":

> Unrestricted abortion funding means taxpayers will be paying for 400,000 abortions next year, at a cost of $100 million. Until the Supreme Court cut off abortion funding, taxpayers were buying 300,000 abortions annually. By contrast the Hyde amendment had limited tax-paid abortions to 89 last year.

That is the instructions to our Democrat colleagues. I hope they will hear it.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator has 4 minutes 28 seconds.

Mr. SMITH. Madam President, I would like to just, in the interests of trying to put this matter to as serious consideration as possible, knowing most people have made up their minds but hoping there may be three or four who are listening and are undecided, let me remind even those who are opposed to my position on this issue—whom I respect; this is a deliberative body and I respect the rights of others to disagree—but each one of you, every one of you, was an unborn child at one time. I was. Of course, on our side we were, and so were you.

Is it not interesting that if your mother had not made the decision for life, you would not be here today to participate in this debate. That is really the issue. That is the issue. This is human life we are talking about. The Hyde amendment protects that life. It gives exceptions in the case of rape and incest and the life of the mother. As Senator HATFIELD so eloquently said, some of us would prefer in the case of rape and incest even, when there is an innocent life, we not include that. But in order to save lives, we have agreed and the House of Representatives has agreed overwhelmingly. This is a fair, reasonable compromise. It is a fair, reasonable amendment. It will save hundreds of thousands of American lives.

Madam President, I urge we defeat the committee amendment and I ask for the yeas and nays on the committee amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time? Senator MURRAY.

Mrs. MURRAY. I yield 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 minutes.

Mr. FEINGOLD. Madam President, I rise in opposition to any attempt to prohibit Federal funding for abortion services. Before 1977, abortion services were covered under Medicaid, such as any other surgical procedure. However, every year since that time Congress has placed restrictions on abortion coverage and for the last 12 years Medicaid coverage has been permitted only to save the life of the mother.

I think this prohibition thwarts the very purpose of the Medicaid Program. Medicaid was enacted in 1965 with two major objectives in mind: To help low-income individuals access medical services and to thereby help them attain or retain capability for independence or self care.

Instead of striving for these goals, we are faced with yet another attempt to erect barriers to a legal health service for one of the most vulnerable groups of citizens—women with little income who are faced with an unintended pregnancy. I am distressed by the lack of compassion this policy shows. By forcing poor women into waiting while trying to obtain needed funds, they often face later and often more dangerous procedures.

It is a vicious cycle, as a second trimester abortion is even then more expensive and more out of reach.

Madam President, there is one statistic that I find particularly compelling in this case. The average cost of an early out-patient abortion is $250. This is actually higher than the maximum monthly AFDC payment for a family of three in eight States.

What is an impoverished woman to do when faced with this situation? Turn to an illegal, back-alley doctor? What is an HIV-positive woman who cannot even afford her medication to do? Carry to term a child that will likely be infected with AIDS and live a brief, painful existence? And what is a poor preteen girl who is the victim of incest to do? Bring another child into her own abusive situation? It is a sad truth that these tragedies occur.

Madam President, we have made great strides in eliminating inequality in the treatment of individual rights in this century, but without full coverage of abortion services for women who depend on the Federal Government for their health care, we are creating a two-tiered system that will further trap women in the poverty spiral.

Access to legal health services should not be dependent on wealth or education, nor should it depend upon the State in which one happens to live. Because 13 States are responsible enough to use their own funds to provide this coverage but 37 do not, this is actually a reality in the United States.

Earlier this year, I was proud to cast my vote to once again provide coverage of abortion services to Federal employees. That, I hoped, was an important turning point, a recognition that the right to choose should be a right to choose for all women. Now we face this challenge.

Madam President, I hope my colleagues will join me in removing another barrier to health care and vote yes on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator has 9 minutes, 20 seconds.

Mrs. MURRAY. I thank the Chair.

I thank the Senator from Wisconsin and all Senators who have come to the floor to speak so eloquently today for women, for women's rights to choose, and for the ability of all women in this Nation to have that constitutional right.

I could not help but notice that the five women Democratic Senators who today came to speak, spoke from their hearts and really showed to us the faces in this debate which are not the faces of middle-class or upper income women but faces of lower income women who face horrendous situations that probably no one on this floor has ever faced personally.

I believe that the women of this Senate, Democratic women, are uniquely qualified to speak to this debate. So often on this floor I hear my fellow Senators say, well, I own a business so I know how to speak to business issues or I own a farm so I know how to speak to agricultural issues. I think that women's voices today are the ones that really understand the issue of choice. This has been a very emotional debate and I understand that. It is an emotional issue for all of us.

Oftentimes, I hear our opponents speak, and I worry because it makes it sound like every woman in this Nation wants an abortion. Madam President, that is not what we are asking. We are not asking to have an abortion. We are asking for the ability for every woman to make that choice on their own. If I had to make the choice, I would probably not choose to have an abortion, but it is not my right to tell any other woman in this Nation whether or not she should have an abortion because I do not live in those women's shoes. I do not understand the circumstances in which they live.

Those women ought to have the right, as every woman in this Nation has, to make that decision for themselves and about themselves.

I listened to the rhetoric in this Chamber today, and I have to remind all of my colleagues the issue before us today is not about the right to have an abortion. It is about the right of all women, rich or poor, to have an abortion.

Twenty years ago, when I was in college, abortion was not legal in this Nation, yet rich women still had the ability and the opportunity to have an abortion. They went abroad. They were able to find a doctor that they could afford. Women who were not wealthy could not have an abortion.

That has not changed. It remains the same in this Nation despite all of the legal challenges that have been won. It appears to me, Madam President, that in this Nation today if you are a wealthy woman, you make your choice without Government intervention. But if you are a poor woman in this Nation today, the Government chooses whether or not you have an abortion.

Madam President, today is a very special day in my home; it is my daughter's 14th birthday. I listened to Senator RIEGLE announce this morning that he was not going to run for another term, that he had to balance the demands of the Senate life with his family and he chose to not run again next year. I understand that.

I quickly dropped off my daughter at school today, and I realized that on her 14th birthday I will be here late tonight debating amendments and will probably not have dinner with her, which is what I would choose to do.

But I do believe that one of the best gifts I can give my 14-year old daughter on her birthday today is a country that she can grow up in that allows the same constitutional right for all women, regardless of their money, regardless of their status, regardless of their family background. I wish to give my daughter a country where she truly will have the ability to make all choices in her own life without Government intervention, a country that in 1993 has the courage to say all women will be treated equally.

Madam President, I yield back my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I ask of the Senate to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I wish to join with the comments of my esteemed colleague, the Senator from Washington, and associate myself with her remarks. I, too, have a child whose birthday is today. My child is 17 years old. However, my child is a boy. But I, nevertheless, fully agree with the comments of the Senator from Washington. I think that the lives of both men and women in this country are richly enhanced if the positions that the Senator from Washington articulates are adopted. This is not a matter specifically for women; it is also very much a matter for men, and I very much commend the Senator from Washington for her remarks.

CHAPTER 2 OF "SAVE YOUR JOB, SAVE YOUR COUNTRY"

Mr. BAUCUS. Madam President, today I rise to discuss the second chapter of Ross Perot's book entitled "Save Your Job, Save Your Country."

Yesterday, I discussed chapter 1 entitled "Outtraded Again." That chapter is full of misleading comparisons, facts taken violently out of context, and references to problems like drug trafficking and runaway plants which exist today and will continue to exist regardless of whether NAFTA passes. But that chapter is a gold mine of relevant facts and useful information compared with Chapter 2.

The main thing to remember about chapter 2 is that it cites no problems NAFTA may actually cause except for a very peculiar complaint about one industry, which I will get to later. Instead, the chapter deals only with the negotiating process.

Now, you might ask, why talk about the negotiating process? What does that have to do with NAFTA? Why not talk about what NAFTA does? Is that not what really is important?

Madam President, you would be right to ask those questions, and I do not know the answers. My guess is because without chapter 2 the book would fall below 100 pages, and that means it would be hard to call it a book.

But let us take a look at chapter 2. Mr. Perot begins chapter 2 by saying it was a bad idea for Congress to allow NAFTA to be negotiated under fast track. Under fast track, of course, Congress authorizes the administration to negotiate a trade agreement and it agrees to vote "yes" or "no" on the completed agreement within 90 legislative days.

I happen to disagree with Ross Perot. I think the case for fast track, in fact, is very good. In fact, I do not believe NAFTA could have been negotiated, or any trade agreement could have been negotiated—any trade agreement—without it. The big majority of Congress then, when fast track was adopted, and now, agree.

I was in the Senate in 1991 when we debated the fast track resolution for NAFTA, and we debated that at excruciating length in committee hearings, in markup, and in this Chamber. Most of us were here. Does anybody remember seeing Ross Perot?

Where was he? I do not remember seeing Ross Perot involved in that debate. The fast-track debate was debated fully in public, was voted on in public, and if he did not show up, then he should not make comments on fast track. I have a hard time seeing how he has a right today to yelp about that process.

Second, in chapter 2 he charges that President Bush chose many business leaders as advisers for the talks. This is the same man who complained that President Clinton ignored all executives and let "poets, philosophers, and beekeepers" develop energy policy. Mr. Perot was a hard man to satisfy.

Third, in chapter 2 he complains that NAFTA was negotiated "in secrecy." This is a truly ridiculous charge. Of course it was negotiated in secrecy. Would Mr. Perot prefer that we fax our goals and our negotiating strategy to the Mexicans and the Canadians, fax our fallback positions, fax our bottom lines, go to the public and newspapers; announce them in press conferences? Of course not. No good negotiator publishes his strategy to the other side.

This chapter goes on for a few more pages. Most of it is taken up by irrelevant comments about the Bush administration's policy toward Turkey during the gulf war and the fact that the Bush administration did not release the NAFTA text until last January despite resounding success in August.

Whatever your thoughts are about the Bush administration, this debate should be about the substance of NAFTA. The text has now been public for months. If side agreements are out, it is now the Clinton administration's NAFTA, not the Bush administration's. In short the matter is moot.

The one part of chapter 2 that does actually bear on NAFTA's actual effects is the passage dealing with the broom industry. This sinister table explains how Mexico brought the leading Mexican corn broom manufacturer in the country. Meanwhile, the American side kept our leading broom executive in the dark. U.S. negotiators—amateurs at best—went into a back room with the ruthless Mexicans and their industrial mastermind, the Mexican broom king.

Well, what happened in that back room? According to Mr. Perot, Mexico scored a major victory that will cause the U.S. broom industry to disappear. Why? Because after NAFTA passes, Mexican broom companies will join the Caribbean Basin Initiative countries and the Andean nations in exporting brooms to the United States duty free. Believe it or not, we will have free trade in brooms. The broom industry may have legitimate concerns about the negotiating process but free trade in brooms is hardly a shocking thing to find in a trade agreement.

Under the agreement, Mexico will export brooms duty free to the United States. Under the agreement, we Americans will export brooms duty free to

Mexico. Consumers will benefit. That is one of the benefits of free trade.

Opening the Mexican market means we will have to open ours. It means both countries will export more and both nations will prosper. Of course, already our market is largely open, which reminds ourselves that our barriers to trade with Mexico are virtually nonexistent. They are very low, whereas currently Mexican trade of United States products to Mexico is very high, and yet under NAFTA they are phased out. That means we again benefit.

A full 30 percent of Mexico's exports already comes to the United States duty free. Our average tariff on Mexican exports is only 4 percent. Meanwhile, Mexico's average tariff on our goods is 10 percent. Again, NAFTA eliminates both. That is a good deal for the United States.

Now there are some who say that this NAFTA—one which cuts Mexican tariffs, eliminates Mexican investment restrictions, allows us to impose trade sanctions, is a last resort to ensure compliance with labor environmental standards—is not good enough. They say we should have a common market instead, and Perot hints at this toward the end of his book.

Backers of a common market however should think very long and hard about this idea. Why is that? Three reasons: First, a common market like the European Community has totally free movement of labor. What does that mean? That means a Spanish citizen, for example, in Madrid can get on a train, go to Paris, London, anywhere in the Common Market, find work on a visa, without a permit, no hindrances, no restrictions, get off the train, walk to the plant, and apply. I do not think that we Americans would like that to apply in this continent now.

In addition, the European Common Market has coordinated tax and health policies. It has a unified value added tax throughout Europe. It is true that different countries impose slightly different rates. Nevertheless, there is a unified tax system in the Common Market. I do not think that the Americans who talk about a common market in North America want a unified Mexican-American-Canadian tax system. I strongly doubt that.

In addition, some of those who propose a common market say, well, a common market waited a few years to bring Portugal or Spain up to standards. What they do not tell you is in bringing Spain and Portugal up to standards the rest of the community gave $10 billion grants to Spain and Portugal. I doubt very seriously that the United States public, the American taxpayers, would want to give $10 billion to Mexico to bring Mexico up to standards.

Supporters of the Common Market therefore in my view have not really thought through the full implications of what they say, and if we negotiate an agreement that created such a market, I think it would create such an uproar that the present concern about NAFTA would pale in comparison to the uproar that it would create.

There is not much more to say about chapter 2. It is fun to read, unlike some of the other chapters, but nothing in it gives any reason to vote "no" on NAFTA. Stay tuned tomorrow, Madam President, for chapter 3.

Madam President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2:15 p.m.

Thereupon, the Senate, at 1:26 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Ms. MOSELEY-BRAUN].

DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

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The PRESIDING OFFICER. Under the previous order, there will now be 20 minutes for debate on the committee amendment on page 19 of the bill. The time is to be equally divided and controlled by Senators KENNEDY and NICKLES.

Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, as I understand it, we have 10 minutes on our side?

The PRESIDING OFFICER. Yes, 10 minutes remain on both sides.

Mr. KENNEDY. I yield myself 4 minutes.

Madam President, as has been pointed out in the debate on this issue yesterday, this is not a new issue before the U.S. Senate. I am hopeful that we will resolve it in a way that we have in the past.

I want to point out, Madam President, some really important authoritative statements and comments that have been made about this whole subject matter by individuals who have broad and wide experience in this whole area of construction, construction skills, and apprenticeship programs.

I particularly want to point out for the record that the notion that using untrained, low-wage helpers to construct our public works and public buildings will result in substantial cost savings for the Federal Government has been examined and categorically rejected by one of the leading construction economists in the country, John Dunlop, a former Secretary of Labor under President Ford, a Republican.

Let me quote from what Dr. Dunlop had said about various studies that purport to show that the new helper regulations will save the Government money.

The authors of these studies have simply taken the current wage rates and subtracted from them the alleged savings to be gained by paying lower rates to the helpers who will replace the laborers and journeymen. But, as Dr. Dunlop has stated, that methodology is "totally unsupportable" from an economist's point of view and "proves nothing."

> In the real world, helpers are used in a system which requires more supervisors and uses less journeymen than the system that does not use the helpers. While * * * wage costs may be lower, labor costs may be higher because of the greater cost of supervision. Also, increased use of helpers quite frequently leads to lower productivity of workers or inferior products. * * * There is simply no sound basis for gratuitously assuming that lower wage rates in the construction industry generally mean lower costs to the public * * *.

And then, Madam President, the argument has been made by proponents of the helper regulations that they are going to help to ensure jobs for women and other minority groups. In fact, substantial percentage of the work force that would be displaced if these regulations were implemented is already composed of women and minorities. In 1989, 40 percent of all the laborers trained by the Laborers/Associated General Contractors Educational Training Fund were women or members of minority groups. If the new helper regulations are implemented, these are the people who will either lose their jobs or be forced to accept the low-wage helper jobs, losing access not only to training but to the opportunity for advancement that goes along with it.

Madam President, I also just want to mention the types of wages that workers are required to be paid under Davis-Bacon. The Senator from Oklahoma has made reference to the supposedly exorbitant rates that have to be paid to workers on public housing rehabilitation project in Tulsa, OK. Well, I have here a copy of the wage determination issued by the Department of Labor that specifies the prevailing wage rates for workers employed on residential construction and rehabilitation projects in Tulsa. It says that bricklayers must be paid at least $8.93 an hour. No fringe benefits. The average workers in construction work 1,500 hours a year, so that comes to about $13,000 a year. The rate for carpenters is $6.58 an hour, so that is $9,870 per year. Masons get $6.80 per hour, or $10,200 per year. These are hardworking

Those women ought to have the right, as every woman in this Nation has, to make that decision for themselves and about themselves.

I listened to the rhetoric in this Chamber today, and I have to remind all of my colleagues the issue before us today is not about the right to have an abortion. It is about the right of all women, rich or poor, to have an abortion.

Twenty years ago, when I was in college, abortion was not legal in this Nation, yet rich women still had the ability and the opportunity to have an abortion. They went abroad. They were able to find a doctor that they could afford. Women who were not wealthy could not have an abortion.

That has not changed. It remains the same in this Nation despite all of the legal challenges that have been won. It appears to me, Madam President, that in this Nation today if you are a wealthy woman, you make your choice without Government intervention. But if you are a poor woman in this Nation today, the Government chooses whether or not you have an abortion.

Madam President, today is a very special day in my home; it is my daughter's 14th birthday. I listened to Senator RIEGLE announce this morning that he was not going to run for another term, that he had to balance the demands of the Senate life with his family and he chose to not run again next year. I understand that.

I quickly dropped off my daughter at school today, and I realized that on her 14th birthday I will be here late tonight debating amendments and will probably not have dinner with her, which is what I would choose to do.

But I do believe that one of the best gifts I can give my 14-year old daughter on her birthday today is a country that she can grow up in that allows the same constitutional right for all women, regardless of their money, regardless of their status, regardless of their family background. I wish to give my daughter a country where she truly will have the ability to make all choices in her own life without Government intervention, a country that in 1993 has the courage to say all women will be treated equally.

Madam President, I yield back my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I ask of the Senate to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I wish to join with the comments of my esteemed colleague, the Senator from Washington, and associate myself with her remarks. I, too, have a child whose birthday is today. My child is 17 years old. However, my child is a boy. But I, nevertheless, fully agree with the comments of the Senator from Washington. I think that the lives of both men and women in this country are richly enhanced if the positions that the Senator from Washington articulates are adopted. This is not a matter specifically for women; it is also very much a matter for men, and I very much commend the Senator from Washington for her remarks.

CHAPTER 2 OF "SAVE YOUR JOB, SAVE YOUR COUNTRY"

Mr. BAUCUS. Madam President, today I rise to discuss the second chapter of Ross Perot's book entitled "Save Your Job, Save Your Country."

Yesterday, I discussed chapter 1 entitled "Outtraded Again." That chapter is full of misleading comparisons, facts taken violently out of context, and references to problems like drug trafficking and runaway plants which exist today and will continue to exist regardless of whether NAFTA passes. But that chapter is a gold mine of relevant facts and useful information compared with Chapter 2.

The main thing to remember about chapter 2 is that it cites no problems NAFTA may actually cause except for a very peculiar complaint about one industry, which I will get to later. Instead, the chapter deals only with the negotiating process.

Now, you might ask, why talk about the negotiating process? What does that have to do with NAFTA? Why not talk about what NAFTA does? Is that not what really is important?

Madam President, you would be right to ask those questions, and I do not know the answers. My guess is because without chapter 2 the book would fall below 100 pages, and that means it would be hard to call it a book.

But let us take a look at chapter 2. Mr. Perot begins chapter 2 by saying it was a bad idea for Congress to allow NAFTA to be negotiated under fast track. Under fast track, of course, Congress authorizes the administration to negotiate a trade agreement and it agrees to vote "yes" or "no" on the completed agreement within 90 legislative days.

I happen to disagree with Ross Perot. I think the case for fast track, in fact, is very good. In fact, I do not believe NAFTA could have been negotiated, or any trade agreement could have been negotiated—any trade agreement—without it. The big majority of Congress then, when fast track was adopted, and now, agree.

I was in the Senate in 1991 when we debated the fast track resolution for NAFTA, and we debated that at excruciating length in committee hearings, in markup, and in this Chamber. Most of us were here. Does anybody remember seeing Ross Perot?

Where was he? I do not remember seeing Ross Perot involved in that debate. The fast-track debate was debated fully in public, was voted on in public, and if he did not show up, then he should not make comments on fast track. I have a hard time seeing how he has a right today to yelp about that process.

Second, in chapter 2 he charges that President Bush chose many business leaders as advisers for the talks. This is the same man who complained that President Clinton ignored all executives and let "poets, philosophers, and beekeepers" develop energy policy. Mr. Perot was a hard man to satisfy.

Third, in chapter 2 he complains that NAFTA was negotiated "in secrecy." This is a truly ridiculous charge. Of course it was negotiated in secrecy. Would Mr. Perot prefer that we fax our goals and our negotiating strategy to the Mexicans and the Canadians, fax our fallback positions, fax our bottom lines, go to the public and newspapers; announce them in press conferences? Of course not. No good negotiator publishes his strategy to the other side.

This chapter goes on for a few more pages. Most of it is taken up by irrelevant comments about the Bush administration's policy toward Turkey during the gulf war and the fact that the Bush administration did not release the NAFTA text until last January despite resounding success in August.

Whatever your thoughts are about the Bush administration, this debate should be about the substance of NAFTA. The text has now been public for months. If side agreements are out, it is now the Clinton administration's NAFTA, not the Bush administration's. In short the matter is moot.

The one part of chapter 2 that does actually bear on NAFTA's actual effects is the passage dealing with the broom industry. This sinister table explains how Mexico brought the leading Mexican corn broom manufacturer in the country. Meanwhile, the American side kept our leading broom executive in the dark. U.S. negotiators—amateurs at best—went into a back room with the ruthless Mexicans and their industrial mastermind, the Mexican broom king.

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Let me quote from what Dr. Dunlop had said about various studies that purport to show that the new helper regulations will save the Government money.

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men and women in the construction industry that are trying to provide for their families.

These are not individuals who are trying to impose an indefensible kind of expense on the Federal taxpayer. These individuals have special skills in the construction industry and are trying to provide quality work at competitive prices, while earning enough to support their families.

So, Madam President, I feel for these reasons, those illustrated in the debate yesterday, and for all the reasons that have been very clearly outlined in previous debates on this issue that the Senate should vote as it has in the past on this issue. The new administration has indicated they want to review these regulations closely and make their own policy decision about how to proceed. It does seem to me with a new administration, they are entitled to that kind of consideration.

I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma controls 10 minutes.

Who yields time?

Mr. NICKLES. I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 5 minutes.

Mr. CRAIG. Madam President, I thank the colleague from Oklahoma for yielding.

I am pleased to join the Senator in an amendment to strike section 104 of this legislation. There are a variety of reasons why, in our opinion, the committee should not have moved in the fashion it did, inconsistent with the actions of the House in dealing with this very important issue.

My colleague from Massachusetts has researched the importance of the workforce and the quality of work done, and I have no disagreement with him on that issue. It is not an issue of quality, it is an issue of access; and that becomes very important at a time when we are stretched with our budgets and we are working overtime to support an administration in their reinventing of Government.

So it is not a question of quality, it is a question of access. And in allowing minorities and those who are impoverished and seeking to find a place in the workforce from which they can gain a skill and become a marketable worker does this provision really begin to take hold.

It is a provision that represents a $600 million savings on an annual basis to our budget, or nearly a $3 billion savings over the next five years. And that is a real legitimate question on the issue of reinventing Government.

Beyond all these arguments is a more profound argument. As we have discussed Davis-Bacon over the years, the courts have consistently ruled that this effort is, in fact, consistent with Davis-Bacon, and that was a circuit court in the District of Columbia that has consistently ruled that. And they, in fact, ruled during the Bush administration, that the Bush administration —not this one—was too lenient in its regulations and needed to be more flexible in providing the helper provision to this important part of labor law.

That is really what is at issue here. It is an issue of the wise expenditure of money. It is an issue of access. It is an issue of opportunity to provide an experience in the workplace at a reasonable salary rate so that a person can learn and ultimately become a journeyman in the trades profession to be employed at an even higher wage rate.

That is the opportunity in this country, and I would suggest today that to support the committee and not to support the Craig-Nickles or Nickles-Craig amendment would, in fact, be an effort to deny that kind of opportunity and experience. It would certainly deny the wise and responsible use of the Federal tax dollar. It would certainly deny a reasonable relationship with this administration in the issue of reinventing Government. And it would fly in the face of court decision after court decision that our actions in the past to expand this opportunity by the use of helpers was inconsistent with Davis-Bacon.

It is not, and they have so ruled. And it was not the conservative courts of Oklahoma or the conservative courts of Idaho. It was the courts of the District of Columbia.

What are the issues here? I have covered them: The wise use of our dollars; and the increased access and opportunity for minorities and poor to enter our work force and gain a talent and gain a skill to become more marketable, to allow themselves the kind of upward mobility that all of us would seek for our fellow persons in this country. That is the wise expenditure of Federal dollars, not to set the highest and not to seek the highest in one jump, but to allow entry opportunity. That is what a repeal of section 104 of this particular legislation does.

It is a chance for this Senate to speak to the issue of wise expenditure of money while at the same time recognizing the importance of current labor law while gaining flexibility for that labor law.

I believe those are the fundamental issues here that really bring this vote to bear, and I hope that my colleagues will support us in repeal of section 104 of this particular act.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. NICKLES. Madam President, how much time remains on both sides?

The PRESIDING OFFICER. Five minutes, twenty seconds.

Mr. NICKLES. How much on the other side?

The PRESIDING OFFICER. Five minutes, thirty-five seconds.

Mr. NICKLES. Madam President, I wish to thank my friend and colleague, Senator CRAIG from Idaho, for his statement, not only today but yesterday.

I yield to Senator DOLE.

Mr. DOLE. Madam President, I want to take a few moments to express my support for the amendment offered by my distinguished colleagues, Senator NICKLES and Senator CRAIG. This amendment strikes section 104 of the pending labor, HHS appropriations bill, which would prohibit the Secretary of Labor from implementing the final Davis-Bacon helper regulations.

Madam President, these regulations have been in the works for some time now. In a nutshell, they would allow those Federal contractors subject to the Davis-Bacon Act to hire helpers or semiskilled workers at less than the journey-level wage. The regulations were first published by the Department of Labor in 1982. All subsequent court challenges to them have failed. In fact, I cannot imagine a set of regulations that have been more carefully scrutinized.

Implementation of the helper regulations is crucial for a number of reasons. Most important, they will create jobs. According to one estimate, if the regulations were fully implemented, nearly 250,000 new jobs would be created.

The helper regulations also provide important opportunities for those who have been traditionally shut out of the construction business. As Samuel Carradine, the executive director of the National Association of Minority Contractors, explained to me in a recent letter:

> The helper classification serves as an entrance into the industry for groups not traditionally prevalent in construction—such as minorities and women. The helper classification serves as a strong stepping stone for those who are interested in pursuing a career in construction. Without the helper regulations, all workers, regardless of task, must be paid the journey-level wage on Davis-Bacon work. This effectively precludes groups who have not been previously trained in construction from having the opportunity to work on Federal construction contracts. It also serves as a serious disadvantage for minority-owned and small construction firms, who frequently utilize helpers in private work, in bidding for Federal projects.

Not only will the helper regulations create thousands of new jobs and open up employment opportunities for women and minorities, they will also save money for the taxpayers. In 1992, the Congressional Budget Office estimated that the employment of semiskilled workers would save the Federal Government $600 million annually, a very large sum of money even by Washington standards.

I might add that the helper regulations have been carefully crafted so that they are limited in their application.

For example, the employment of helpers is permitted only when their use is the prevailing practice in an area. The regulations also place limitations on the ratio of helpers to journeymen.

So, Madam President, I urge all my colleagues—Democrat and Republican—to vote for the Nickles-Craig amendment, which would allow the helper regulations to go into effect. Although I would like to repeal the anachronistic Davis-Bacon Act entirely, the new helper rules are a step in the right direction. They will create jobs. They will save millions of dollars in taxpayer money. And they are sound public policy. The Nickles-Craig amendment deserves the Senate's support.

Mr. NICKLES. Madam President, I would like to inform my colleagues, we are going to have the vote probably in 10 minutes, at about 2:35, first on this amendment, which I will explain; and then, following that, there will be a vote on the Hyde language on this appropriations bill. So all colleagues should be aware of the fact there will be a rollcall vote commencing in about 10 minutes.

Madam President, actually there is not an amendment by Senator NICKLES or Senator CRAIG, but what there is a vote on is the committee amendment, which is section 104, and we believe we should vote against this committee amendment.

The committee amendment, section 104, would deny any funds for the Department of Labor to implement so-called helper regulations. These regulations have been worked on for over a decade. They have been supported by the court of appeals and the district court, as well as affirmed by the Supreme Court. They are consistent with current statute.

So this is not an effort to repeal Davis-Bacon, or anything of the sort. This is an attempt to allow these regulations to go forth so we can use helpers in construction projects.

It just so happens that the facts are that helpers are used in 75 percent of the construction projects in the private sector. In other words, the great majority of private-sector construction projects use helpers. The Federal Government, because of this language, is saying: No; you cannot use them on Federal construction.

What does that mean? It means you are going to be paying journeyman rates even for unskilled labor classifications; that is, if you are building a dam, there are some jobs involved in building that dam that probably involve using a wheelbarrow and shovel. It does not require a great deal of skill.

What we are saying is, we should allow helpers in these classifications. Not only that, but the helpers have a tendency, if they work in such a capacity, to learn journeyman trades and skills.

I will give a couple of examples.

Our friend from Massachusetts was kind enough to mention what bricklayers might make in Tulsa. I found out public housing units in Tulsa, OK, were in despicable condition. The unemployed who lived in the units could not work to rehab them or maintain them. I find that outlandish situation was because of the law. If we allow helpers, frankly, they would be able to work on those units.

So I come at this from two directions. One is financial. The Congressional Budget Office says that we can save $600 million per year if we allow the use of helpers. That is the law.

The Senator from Iowa and the committee amendment will not allow us to use helpers. That will cost $600 million per year, over $3 billion over a 5-year period of time.

So I come out from a financial standpoint: We are wasting taxpayers' dollars. But even more importantly, and I hope the Chair will agree, I want to provide economic opportunity for minorities and other people who are shut out of the system, who will not be hired at journeyman rates.

Many, many people find themselves unemployed. They want to work in construction, but right now there is a law that says: No; you cannot work on this project unless you make $25 an hour in L.A. County. The unemployed worker in Watts is not going to be able to get a job. So he is going to watch people rebuild this riot-torn area, but he is not going to be able to get a job because the contractor is not going to pay him $25 an hour to sweep the floor or to clean up, or to do a lot of other what I am going to call routine or semiskilled jobs. They are prohibited by law from paying less than $25 an hour.

So what the contractor is going to do is he is going to hire journeymen and bring them in from outside. They are going to be predominantly white or nonminority.

So those minority persons are going to be sitting there, still unemployed, watching someone else come in and fix their apartment or unit, or build their building. They are not going to have sweat equity in it. They are not going to have any work involved in working to rehab that unit.

I think that is an outrage. This law was discriminatory when passed. That was one of the reasons that it did pass in 1931. Allowing the use of helpers—which is now current law, unless the Senator from Iowa is successful—will enable people to climb that economic ladder. I think we should give them a chance. We should save taxpayers' money.

I hope my colleagues will vote against the committee amendment and give people all across this country a chance to work in Federal construction.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN addressed the Chair.

Mr. KENNEDY. I yield to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, first of all, let me say, if you want to enable minorities and low-income people to climb the ladder, then you want to have a good apprenticeship program where they could go to work on a job and learn a trade and a skill and climb up that apprenticeship ladder so they can become a journeyman.

We have had these apprenticeship programs since 1937. Thirty States have these apprenticeship programs with management and labor. If they have not operated well in the past, it is because we have had discrimination in the past. A lot of minorities have been kept out of the trades. But we have washed that behind us. We now have a new era where minorities can now get in those apprenticeship programs and become journeymen.

Madam President, here is a resolution passed by the NAACP just this summer saying that the NAACP supports the Davis-Bacon Act and takes steps to strengthen its enforcement and supports the creation of opportunities through training and apprenticeship programs. It did not say through helper programs, because they know what a helper program is. That is a subclass of workers, low paid, with no hope of ever climbing that apprenticeship ladder. That is why the NAACP took their action to support the Davis-Bacon Act.

Last, Madam President, I heard a lot of talk from my friend from Idaho about the courts. But I want to make it clear that what the courts said was basically that the Department has broad regulatory powers. It can regulate just about anything it wants to regulate. The issue is what is the law? What is the policy? That is for us to decide here. And we have decided it twice, once in 1991 and again last year on September 15, 1992, in the same amendment by the same Senator from Oklahoma. The Senate spoke 58 to 37, and turned down the Senator's amendment.

So, if the Senate, again, wants to continue to have at least a 1-year moratorium—that is what this is, a 1-year moratorium—on helper regs so the Department and the administration can carve out what its policy is, if you want to give them that 1-year moratorium, then we must defeat the amendment of the Senator from Oklahoma.

As I said, it was defeated last year, 58 to 37.

Mr. KENNEDY. How much time do we have, Madam President?

The PRESIDING OFFICER. The Senator from Massachusetts controls 3 minutes.

Mr. KENNEDY. Thank you.

Madam President, I think the Senator from Iowa has stated the case well, both today and yesterday.

Just to underscore the point that he has just made, I'd like to quote again, so everyone in this body understands, Prof. John Dunlop of Harvard, who worked in Republican administrations and was Secretary of Labor in the Ford administration, and who is probably the preeminent labor economist in this country. He states:

> I strongly disagree with the conclusion that allowing contractors to employ the helper classification throughout the entire construction industry will enhance work opportunities for minorities or women. To the contrary, the increased use of helpers will mean that minorities and women who have gained higher wages and access to fringe benefits such as pension and health programs will experience immediate loss of employment, displaced by helpers who will have no access to training programs or fringe benefit programs. Rather than utilize minorities and women as untrained, low wage "helpers", it is my opinion that formal training programs are essential to recruit and train such workers for the construction industry.

Just as the Senator from Iowa has pointed out.

Mr. President, I have difficulty in understanding what the Senator from Oklahoma has against members of the construction industry in his own State—bricklayers, who under Davis-Bacon prevailing wage rates for residential construction in Tulsa make about $13,500 a year; carpenters, who make $9,750; cement masons, who make $10,200; drywall installers, who make $11,250. These people are the backbone of the construction industry.

Mr. NICKLES. Will the Senator yield?

Mr. KENNEDY. No, not until I finish the point.

These workers are the backbone of the construction industry. What his amendment would do is basically undermine their ability to maintain those wage levels.

What is his objection to the requirement that contractors working on federally funded or assisted residential construction or rehabilitation projects pay the laborers they employ the prevailing wage, which happens to be $4.72 an hour? What is that, 35 or 40 cents higher than the minimum wage? And the minimum wage has not even been kept up to a level sufficient to ensure that working Americans who want to work 40 hours a week, 52 weeks a year will be able to have a living wage and not be in poverty.

I just cannot understand what it is that he finds so offensive about workers receiving these kinds of wages that he is raising this issue again for the third time in 3 years. He seems to have something against working men and women in this country.

Moreover, the Senator from Oklahoma is simply wrong when he says that workers cannot be employed on Federal projects except at the journeyman rates. If a worker lacks skills, he or she can be employed as a laborer at a much lower rate. And contractors can also hire apprentices at below journeyman wage rates, provided that the apprentice is in an approved training program.

So, Madam President, I think the committee amendment to impose a 1-year moratorium on implementation of the helper regulations is a well-conceived amendment that is consistent with what we are attempting to do in other areas with the support of the National Association of Manufacturers and others to try to increase the skills of American workers. That is a key element of the President's program, and we are going just the opposite way if we defeat the committee amendment.

Mr. NICKLES. Will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NICKLES. Will the Senator yield?

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. KENNEDY. I ask unanimous consent that we be given 2 more minutes, 1 minute for the Senator from Oklahoma and 1 minute to respond.

Mr. NICKLES. Madam President, I thank my friend and colleague. But let me correct him. I think I heard him say the Senator from Oklahoma was against individual members in the construction industry. I would like to say that is blatantly not the case. I happen to be in favor, Madam President, of allowing opportunity for all individuals, so when we have public housing units, all individuals can work there.

It just so happens that this law, in not allowing helpers, is going to deny a lot of minorities, a lot of unemployed individuals, from climbing the economic ladder. Maybe they can do it through an apprenticeship program, but, frankly, the helper program works in 57 percent of the private construction industry and works quite well.

Why in the world should we have a law on the books that says you cannot do work in rehabbing a building unless you are paid journeyman rates and deny somebody the opportunity to begin work? Why would we have a law on the books that says we do not care if you are living in low-income housing and you are unemployed, we do not care that that is the case; we think there is a law that says you have to be paid rates and, therefore, denied that opportunity. I think that is wrong.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. KENNEDY. I thought I was going to have a question. Since I did not get a question, I am prepared to yield back. I think we debated that issue. I am prepared to yield back my time.

Mr. DURENBERGER. Madam President, I am casting my vote today in opposition to the amendment to the Labor-HHS 1994 appropriations bill offered by my friends and colleagues, Senator NICKLES and Senator CRAIG.

If the Department of Labor's helper and apprenticeship regulations are allowed to go into effect, the Associated Builders and Contractors estimates that up to 40 percent of the current Davis-Bacon work force would be replaced with untrained helpers.

Contractors bidding for new construction contracts will be free to substitute lower paid, inexperienced helpers for experienced workers.

Trained journeymen and laborers will simply lose their jobs.

Contractors will be allowed to hire helpers and never enroll them in a certified training program.

This practice would not only reduce the quality of Federal construction, but would make Federal projects less safe for both workers and the public alike.

My colleagues' amendment is well-intentioned. They have eloquently stated their belief here today that the helper regulations would provide a stepping stone for non-college-bound youth, minorities and women to advance in the construction industry.

The second reason I am voting against this amendment, however, is that I believe there are much better ways to address the concerns of my colleagues.

We can do more to attract and encourage non-college-bound youth groups to participate in certified training and apprenticeship programs.

Take a look at the Simon-Durenberger School to Work Opportunities Act, which will help students prepare for the transition from school to meaningful work opportunities and which both Labor Secretary Reich and Education Secretary Reilly testified in support of this afternoon.

Without the proper training and supervision guaranteed by current apprenticeship programs, construction helpers who get in on the ground floor may find themselves stuck there. Without proper training, they are certain to keep these dead-end, low-paying jobs.

In my estimation, our primary aim should be to create a well-trained, highly skilled, and highly qualified work force. The Department of Labor's helper regulations do not promote that goal.

VOTE ON COMMITTEE AMENDMENT ON PAGE 19, LINES 12–15

The PRESIDING OFFICER. All time has expired on the amendment. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 289 Leg.]

YEAS—60

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
D'Amato
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Wellstone
Wofford

NAYS—39

Bennett
Bond
Boren
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
Danforth
Dole
Domenici
Faircloth
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Roth
Simpson
Smith
Thurmond
Wallop
Warner

NOT VOTING—1

Pryor

So the committee amendment on page 19, lines 12–15 was agreed to.

COMMITTEE AMENDMENT ON PAGE 74

Mr. GORTON. Madam President, I join my colleague from New Hampshire in his effort to restore the House of Representatives language restricting federally funded abortions except for cases of rape, incest, or endangerment of the life of the mother. I have always supported a woman's right to choose an abortion, but I believe that it is unreasonable to ask Federal taxpayers who disagree to finance, contribute, or in any way subsidize the procedure. This policy respects the diversity of deeply held views of American taxpayers and represents the mainstream of American thinking on this contentious issue and therefore has my support.

Some have tried to cast this vote as an indication of the potential for abortion to be included in a Federal health benefit package under health care reform. I disagree and believe it would be unfortunate and irresponsible if advocates on either side used this vote to try to undermine meaningful health care reform which this country needs.

Mr. LAUTENBERG. Madam President, I rise in support of lifting the restrictions in the Hyde amendment. Last week, the President called on the Congress to provide comprehensive health care to all Americans, regardless of occupational status or income. This notion was embraced by the American people as well as by Members of Congress on both sides of the aisle.

Today, we can take one of the first steps in assuring that this will happen. Today, we seek to end the discrimination against women who rely on Government programs to receive comprehensive health care services.

Madam President, we all know that abortion is a controversial issue in our country. People on both sides of this issue have strong views and I respect each person's opinion.

However, we must realize that abortion is a legal medical procedure. Unfortunately, access to this legal medical procedure varies depending on where you get your health insurance.

If you have money, you probably have private insurance that covers all reproductive health services including abortion. Over 90 percent of all private insurance plans cover abortion services. But if you are on Medicaid, the Government's health plan for the poor, you do not have access to all reproductive health services.

This is not fair. All women should have access to the same health care services. We should not single out one legal medical procedure and say that this is not covered for Medicaid recipients.

Madam President, the State of New Jersey provides comprehensive reproductive health care services to Medicaid recipients, including abortion services. But as my colleagues know, Medicaid is financed by a Federal-State partnership. Typically, the State pays 50 percent of Medicaid bills and the Federal Government pays the other 50 percent. Because of the Hyde amendment, my State has paid 100 percent of the Medicaid costs for abortion services. But not all States do so.

Madam President, it is time to restore equity in our health care system. The Medicaid program originally covered abortion services. Now it is time to restore these services, so that every women in this country, has the same access to reproductive health care services.

I urge my colleagues to vote to lift the restrictions in the Hyde amendment and provide all American women with equivalent health services.

VOTE ON COMMITTEE AMENDMENT ON PAGE 74, LINES 20–25

Mr. HARKIN. Parliamentary inquiry, Madam President.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. HARKIN. I understand the next vote will occur now. That vote is on the committee amendment on page 74 that struck from the bill the Hyde language on abortion. And is it correct that a yea vote is a vote to support the committee striking the amendment and a nay vote is opposed to striking the amendment; a nay vote would be in support of the Hyde amendment, a yea vote would be opposed to it. Is that correct, Madam President?

The PRESIDING OFFICER. I am advised by the Parliamentarian a yea vote is in support of the committee position.

Mr. HARKIN. And in support of striking the Hyde language?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 74. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

The PRESIDING OFFICER (Mr. ROBB). Are there any other Senators in the Chamber who desire to vote?

Before announcing the vote, the Chair would remind visitors in the galleries that demonstrations and audible expressions of approval or disapproval are not permitted.

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—40

Akaka
Baucus
Boxer
Bradley
Bumpers
Campbell
Chafee
Cohen
Dodd
Feingold
Feinstein
Glenn
Harkin
Hollings
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Riegle
Robb
Rockefeller
Sarbanes
Simon
Specter
Stevens
Wellstone

NAYS—59

Bennett
Biden
Bingaman
Bond
Boren
Breaux
Brown
Bryan
Burns
Byrd
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Ford
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Johnston
Kassebaum
Kempthorne
Lott
Lugar
Mack
Mathews
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Reid
Roth
Sasser
Shelby
Simpson
Smith
Thurmond
Wallop
Warner
Wofford

NOT VOTING—1

Pryor

So the amendment was rejected.

Mr. SMITH. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, we are still on the Labor and Health and Human Services appropriations bill. As far as I know, there are no amendments pending at this time.

Again, I urge Senators who have amendments to bring them to the floor, and we can wrap up this bill very shortly. I know the Senator from Minnesota wanted to engage in a colloquy with me about Parkinson's disease, but

I wanted to make that point, Mr. President, that we are indeed waiting for amendments.

Mr. LAUTENBERG. Mr. President, if the Senator from Iowa will yield for an inquiry. I think the Senator is fully aware of the fact that I have an amendment that will be brought up shortly.

Senator FORD, the majority whip, has asked if we could indulge him with a few minutes to gather some information.

I ask unanimous consent that any amendments between now and then be disposed of by 3:30, 3:35, at which time I would like to bring up my amendment.

Mr. HARKIN. Reserving the right to object, and I believe I will object to that. I really do not want to thwart anybody from bringing up an amendment in the meantime. We cannot agree right now on the time limit if someone were to bring up an amendment. I do not foresee anyone bringing up an amendment, but I could not agree to a unanimous consent that would say at 3:30 if somebody brought up an amendment, they would have to cease talking about it and move on to another amendment.

Mr. LAUTENBERG. Put another way, is the manager aware of any amendments that are pending? I know the Senator from Minnesota has requested some time.

Mr. HARKIN. The manager is not aware of any pending amendments. I am asking Senators, if they have amendments, to please come over and offer them.

Mr. LAUTENBERG. I will alert the Senate that my amendment on smoking will be brought up as soon as possible after 3:30.

Mr. NICKLES. Will the Senator yield for a question?

Mr. HARKIN. Yes.

Mr. NICKLES. I believe that the committee language had certain floors on employment levels. It was this Senator's intention to offer an amendment to strike those floors to where levels could be lower. I understood, through staff, that the manager was going to offer an amendment, or would adopt our amendment in the managers' amendments.

Mr. HARKIN. If I might respond, we did that last Thursday night. Those floors have been removed, in accordance with the wishes of the full committee and Senator BYRD.

Mr. NICKLES. I thank my colleague.

Mr. WELLSTONE. Mr. President, I want to speak today of a desperate need for research funding for Parkinson's disease and an important step the Senate is about to take, which is a positive step to meet that need.

Mr. President, Parkinson's, for those who do not know, is a devastating disease that has been much too invisible in America. It starts silently at some point in life, with a degenerative process that attacks certain brain cells controlling motor function. Although the cause is still uncertain, environmental toxins are a prime suspect.

When 80 percent of all those cells have died, the systems of tremor, muscle stiffness, the loss of motor control, begin to appear. Medication masks some of those symptoms for a while, but it does not stop the disease's advance. Eventually, the drugs lose their effectiveness.

At that point, those afflicted with Parkinson's become prisoners of their own bodies, unable to move, unable to swallow, unable to even speak.

Parkinson's disease presently afflicts approximately 1 million Americans, and it strikes 50,000 more each year. Mr. President, it is awful to endure the suffering that Parkinson's disease inflicts, as it steadily robs a person of things he or she loves—the ability to run, and then to hike, and to walk, to play an instrument, to write a letter, and then to use a fork or a spoon.

Step by step it takes away the freedom to conduct an independent daily life, finally leaving an active mind trapped in a frozen body.

The suffering of loved ones is also equally great. Their hearts break as they see their spouses or their parents or their children suffering and steadily losing control to Parkinson's disease.

Mr. President, I know. I had first-hand experience with this. Both my father, Leon Wellstone, and my mother, Minnie Wellstone, suffered from Parkinson's disease. We moved my mom and dad out to Minnesota, in Northfield, so that we could take care of them as a family. I watched them struggle to maintain their independence and struggle to maintain their dignity. So I speak on the floor here today with a great deal of emotion.

Contrary to common belief, this is not exclusively an older person's disorder. Approximately 40 percent of those afflicted are under the age of 60. Many Americans are stricken in their twenties and their thirties and their forties.

One of my dearest friends, Michel Monnot, who walks across our country to raise funds for Parkinson's disease research, I think, first was diagnosed with Parkinson's disease in his mid-thirties. In addition to human distress, the cost of Parkinson's disease to our country is immense—$5.6 billion a year in direct health care expenses, indirect expenses due to disability, and also to lost productivity. What men and women with Parkinson's disease could contribute if we could find a cure to this disease.

Mr. President, the suffering could end soon. Great advances in neurological research have created the potential for major treatment breakthroughs with very possibly a cure in this decade. Among those scientific developments are neurogrowth factors which hold the potential for rejuvenating the dominant neurons—bringing them back to life and full functioning; fetal tissue transplant which produced remarkable preliminary results in reversing the disorder while replacing dead cells with new healthy ones; and genetic engineered neurocells that provide a fertile source of potential brain tissues for transplant.

This research is moving far slower than it could, and the reason is because of the lack of funding and the lack of support. Therefore, we really have had a legacy of wrongheaded policy and really neglect and not such benign neglect.

First, efforts to achieve the breathtaking promise of fetal tissue transplant research were bottled up for 5 years as a result of the two prior administrations unwilling to let that research go forward. After a 5-year struggle, finally we see that research going forward, and we can see the potential by way of cure.

Second, Parkinson's disease has been treated unfairly, unbelievably I might add, to the extent that there has been such low levels of funding. The 1993 Federal funding directly for Parkinson's disease totaled $28 million which is pittance compared to moneys spent on other diseases of equal magnitude and scientific promise.

There is a sad irony here. After battling so hard, for example, to remove the political obstacles to fetal tissue transplants research, the backlog of research still sits there because we do not have adequate funding. It is one thing, I would say on the floor of the Senate today, to suffer from a disease for which medical science has no answer; it is far worse to know that a breakthrough or maybe even a cure could be available now but politics has intervened.

This is the knowledge that the Parkinson's community in our country now lives with, that if we made a commitment of funding based upon the research that we have seen, we could have a huge breakthrough and possibly a cure to this disease. But we have had so little commitment to do so in our Nation.

We must act to ensure that the Federal priorities are corrected and that Federal resources are available so that medical science can make up for the time that has been lost. I am pleased to say today that the Senate takes an important step to change this situation far for the better. In the report language that acompanies the 1994 appropriations bill, the Senate directs the NIH to give Parkinson's the priority attention it deserves. It encourages a greater commitment by the NIH to Parkinson's disease. It seeks a coordinated research program among the institutes involved. And, most importantly of all, it urges increased funding for Parkinson's research.

I thank Senator HARKIN, I thank Senator SPECTER and I certainly thank Senator HATFIELD, who was the ranking minority member of the Appropriations Committee and has had such a commitment in this area. I thank them for their leadership in helping this come to pass. I especially appreciate the support of the Chair and the ranking minority member.

I also thank the Parkinson's community for alerting the Congress to this problem. During the campaign for "lift the ban on fetal tissue transplant research," I worked closely with the Parkinson's Action Network. The director, Joan Samuelson, I believe many Senators probably have met, is "no less than," as my children would say, "than amazing." She herself suffers from Parkinson's. She comes here and does not come with lots of big dollars but she has such a commitment to making sure that there is a real strong focus on Parkinson's disease. She and the chair, Ann Udall, who is the daughter of our colleague, Mo Udall, who suffers from Parkinson's disease and who has had a terrible struggle with that disease, have I think provided just tremendous leadership in this Nation.

I hope that all of us will continue to work with them because they have a voice that must be heard. Since investing in Parkinson's, we will give millions of Americans a chance since it will, I think, put an end to immense suffering and since it will return enormous economic benefits to our Nation by way of enabling men and women to contribute to this country who have so much to contribute. It is vital that this research not only be continued but that the funding be increased.

I ask my colleague, the Senator from Pennsylvania, if he could elaborate on the intent of the committee statement in the report that urges the National Institute of Neurological Disease and Stroke to increase research funding for Parkinson's disease. Is it his sense or is it the sense of the committee, as the ranking minority member sees it, that adequate funding is provided in this budget for this purpose? Because I think people in the Parkinson's community—I am sorry I know, the people in the Parkinson's community consider this moment sometimes we lose sight of it—we are on the floor every day; they have fought so hard for this; it is so important to them, that I think a statement from the ranking minority member in behalf of the chairman of the committee would be very important to the community.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, I am glad to respond, without making any representations.

As the sentence read by the distinguished Senator from Minnesota cites, it is the committee's intent, which will be the Senate's intent if passed, and I expect it will be, that there ought to be additional allocation for Parkinson's disease.

When we approached the issues of medical research, we are looking at a proposal submitted by the administration for a reduction in NIH funding. That reduction is not just this administration, it is prior administrations as well.

When the chairman, Senator HARKIN, and I have gone over the sheets, we have increased funding on NIH by some $630 million, a 6-percent increase—more than that really—bringing the total to some $10.9 million. But as we move through the various categories which need increased funding, we are besieged by people on behalf of cancer—breast cancer, prostate cancer, other kinds of cancer—diabetes, mental illness, Alzheimer's categories. It is dangerous to start to enumerate because there are so many requests.

It is our view that the funding on Parkinson's ought to be increased to the maximum extent possible.

I note the distinguished chairman of the subcommittee has come to the floor. Perhaps he might care to elaborate. He might want to hear the question before he comments.

Mr. WELLSTONE. I thank the Senator from Pennsylvania.

I would ask the chairman whether he might respond to my question.

The PRESIDING OFFICER. The Senator from Iowa [Mr. HARKIN].

Mr. HARKIN. Mr. President, I thank the Senator from Minnesota for his statement. I had read it before.

First of all, I wanted to say to him that I concur in the points that he made. Parkinson's disease is something that this Senator feels very strongly about. Family members have suffered in my family from Parkinson's disease. A close friend and neighbor of mine, that I just visited in Iowa just two weekends ago, is suffering from Parkinson's disease.

We have worked very closely with Joan Samuelson. Again, I want to commend her. She has done a great job in bringing to our attention this issue of making sure that we focused on it and that we got adequate funding.

I would just say that we did put report language in the report, Mr. President, that urges the National Institute of Neurological Disorders and Strokes to increase research funding for Parkinson's disease. Although the committee is refraining from targeting specific funding per se, except where previously provided by statute—and there are some statutes that provide for specific funding for specific illnesses or diseases—the National Institute of Neurological Disorders and Strokes budget contains a 5.2-percent increase over 1992 funding. And it provides sufficient funds for an expansion of research in Parkinson's disease. It is this committee's intention that NINSDS would indeed increase that funding for Parkinson's research.

Mr. WELLSTONE. Mr. President, I notice that other colleagues are on the floor, so I will wrap this up. I will be very, very brief.

I would like to thank the chairman of the subcommittee, Senator HARKIN. He is a friend and I also think he is known throughout the country for his commitments in this area.

I would say to the Parkinson's community that your voice has been heard here. I urge the men and women in the Parkinson's community and family members to continue to speak out and to continue to press forward, because I think this is a very important step that is taken in this appropriations bill.

I also thank the ranking minority member.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, I have sought recognition to make a brief comment about an application of ERISA to preempt certain State and local laws which may require future legislation clarifying the intent of Congress on a provision in ERISA which provides for preemption of State and local laws. For purposes of those who are unfamiliar with the preemption doctrine, it is a thesis that when the Federal Government acts, if the Federal Government chooses to do so, we may preempt any competing law from applying.

There was recently a decision by the Supreme Court of Pennsylvania in a case captioned "Keystone Chapter, Associated Builders and Contractors, Inc., v. Foley", which invalidated the Pennsylvania laws relating to a number of subjects. There have been a number of judicial decisions in recent years, in some nine States, which have affected State laws. Currently, there are 31 States, including Pennsylvania, which have enacted laws which impact on public works projects. The decisions of the U.S. district courts have preempted a whole series of State provisions: those providing for payment of prevailing wages on public works projects; State laws concerning apprenticeship training and employment, and State laws providing for mechanics' liens.

Illustratively, when you have a provision providing for a mechanic's lien, that is the way workers guarantee they can obtain payment for services which they perform on a building. All 50 States have laws on mechanics' liens. It is a traditional security interest which as a matter of public policy is recognized virtually uniformly.

There has been legislation introduced by Representative HOWARD BERMAN, of California, H.R. 1036, which deals with certain aspects of this issue, of this problem. There had been some consideration of offering an amendment on this appropriations bill to deal with these issues. But after considering the matter, it is my view that action should not be taken at this time.

A number of interested parties have conflicting views as to what ought to be done. It is a matter of some controversy. But I thought it worthwhile to take a few minutes of the Senate's time to identify the problem and to put my colleagues and others on notice that this is an issue we will probably have to face one day in the near future.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the committee amendments presently ready for review be set aside so that I can offer an amendment to the Labor, HHS appropriations bill.

The PRESIDING OFFICER. Is there objection? Without objection, the pending committee amendments are laid aside.

AMENDMENT NO. 971

(Purpose: To provide for the protection of children from exposure to environmental tobacco smoke in the provision of children's services)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. SIMON, and Mrs. BOXER, proposes an amendment numbered 971.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert:

TITLE VI—NONSMOKING POLICY

SEC. 601. SHORT TITLE.

This title may be cited as the "Preventing Our Kids From Inhaling Deadly Smoke (PRO-KIDS) Act of 1993".

SEC. 602. FINDINGS.

The Congress finds that—

(1) environmental tobacco smoke comes from secondhand smoke exhaled by smokers and sidestream smoke emitted from the burning of cigarettes, cigars, and pipes;

(2) since citizens of the United States spend up to 90 percent of a day indoors, there is a significant potential for exposure to environmental tobacco smoke from indoor air;

(3) exposure to environmental tobacco smoke occurs in schools, public buildings, and other indoor facilities;

(4) recent scientific studies have concluded that exposure to environmental tobacco smoke is a cause of lung cancer in healthy nonsmokers and is responsible for acute and chronic respiratory problems and other health impacts in sensitive populations (including children);

(5) the health risks posed by environmental tobacco smoke exceed the risks posed by many environmental pollutants regulated by the Environmental Protection Agency; and

(6) according to information released by the Environmental Protection Agency, environmental tobacco smoke results in a loss to the economy of over $3,000,000,000 per year.

SEC. 603. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) CHILDREN.—The term "children" means individuals who have not attained the age of 18.

(3) CHILDREN'S SERVICES.—The term "children's services" means—

(A) direct health services that are routinely provided to children and that are funded (in whole or in part) by Federal funds; or

(B) any other direct services that are routinely provided primarily to children, including educational services and that are funded (in whole or in part) by Federal funds.

(4) FEDERAL AGENCY.—The term "Federal agency" means an entity in the executive, legislative or judicial branch of the Federal Government.

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 604. NONSMOKING POLICY FOR CHILDREN'S SERVICES.

(a) ISSUANCE OF GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue guidelines for instituting and enforcing a nonsmoking policy at each indoor facility where children's services are provided.

(b) CONTENTS OF GUIDELINES.—A nonsmoking policy that meets the requirements of the guidelines shall, at a minimum, prohibit smoking in each portion of an indoor facility where children's services are provided that is not ventilated separately (as defined by the Administrator) from other portions of the facility.

SEC. 605. TECHNICAL ASSISTANCE.

The Administrator and the Secretary shall provide technical assistance to persons who provide children's services and other persons who request technical assistance. The technical assistance shall include information—

(1) on smoking cessation programs for employees; and

(2) to assist in compliance with the requirements of this title.

SEC. 606. FEDERALLY FUNDED PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, each person who provides children's services shall establish and make a good-faith effort to enforce a nonsmoking policy that meets or exceeds the requirements of subsection (b).

(b) NONSMOKING POLICY.—

(1) GENERAL REQUIREMENTS.—A nonsmoking policy meets the requirements of this subsection if the policy—

(A) is consistent with the guidelines issued under section 604(a);

(B) prohibits smoking in each portion of an indoor facility used in connection with the provision of services directly to children; and

(C) where appropriate, requires that signs stating that smoking is not permitted be posted in each indoor facility to communicate the policy.

(2) PERMISSIBLE FEATURES.—A nonsmoking policy that meets the requirements of this subsection may allow smoking in those portions of the facility—

(A) in which services are not normally provided directly to children; and

(B) that are ventilated separately from those portions of the facility in which services are normally provided directly to children.

(c) WAIVER.—

(1) IN GENERAL.—A person described in subsection (a) may publicly petition the head of the Federal agency from which the person receives Federal funds (including financial assistance) for a waiver from any or all of the requirements of subsection (b).

(2) CONDITIONS FOR GRANTING A WAIVER.—Except as provided in paragraph (3), the head of the Federal agency may grant a waiver only—

(A) after consulting with the Administrator, and receiving the concurrence of the Administrator;

(B) after giving an opportunity for public hearing (at the main office of the Federal agency or at any regional office of the agency) and comment; and

(C) if the person requesting the waiver provides assurances that are satisfactory to the head of the Federal agency (with the concurrence of the Administrator) that—

(i) unusual extenuating circumstances prevent the person from establishing or enforcing the nonsmoking policy (or a requirement under the policy) referred to in subsection (b) (including a case in which the person shares space in an indoor facility with another entity and cannot obtain an agreement with the other entity to abide by the nonsmoking policy requirement) and the person will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the maximum extent possible; or

(ii) the person requesting the waiver will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the same degree as the policy (or requirement) under subsection (b).

(3) SPECIAL WAIVER.—

(A) IN GENERAL.—On receipt of an application, the head of the Federal agency may grant a special waiver to a person described in subsection (a) who employs individuals who are members of a labor organization and provide children's services pursuant to a collective bargaining agreement that—

(i) took effect before the date of enactment of this Act; and

(ii) includes provisions relating to smoking privileges that are in violation of the requirements of this section.

(B) TERMINATION OF WAIVER.—A special waiver granted under this paragraph shall terminate on the earlier of—

(i) the first expiration date (after the date of enactment of this Act) of the collective bargaining agreement containing the provisions relating to smoking privileges; or

(ii) the date that is 1 year after the date specified in subsection (f).

(d) CIVIL PENALTIES.—

(1) IN GENERAL.—(A) Any person subject to the requirements of this section who fails to comply with the requirements shall be liable to the United States for a civil penalty in an

amount not to exceed $1,000 for each violation, but in no case shall the amount be in excess of the amount of Federal funds received by the person for the fiscal year in which the violation occurred for the provision of children's services.

(B) Each day a violation continues shall constitute a separate violation.

(2) ASSESSMENT.—A civil penalty for a violation of this section shall be assessed by the head of the Federal agency that provided Federal funds (including financial assistance) to the person (or if the head of the Federal agency does not have the authority to issue an order, the appropriate official) by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before issuing the order, the head of the Federal agency (or the appropriate official) shall—

(A) give written notice to the person to be assessed a civil penalty under the order of the proposal to issue the order; and

(B) provide the person an opportunity to request, not later than 15 days after the date of receipt of the notice, a hearing on the order.

(3) AMOUNT OF CIVIL PENALTY.—In determining the amount of a civil penalty under this subsection, the head of the Federal agency (or the appropriate official) shall take into account—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the ability to pay, the effect of the penalty on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and a demonstration of willingness to comply with the requirements of this title; and

(C) such other matters as justice may require.

(4) MODIFICATION.—The head of the Federal agency (or the appropriate official) may compromise, modify, or remit, with or without conditions, any civil penalty that may be imposed under this subsection. The amount of the penalty as finally determined or agreed upon in compromise may be deducted from any sums that the United States owes to the person against whom the penalty is assessed.

(5) PETITION FOR REVIEW.—A person who has requested a hearing concerning the assessment of a penalty pursuant to paragraph (2) and is aggrieved by an order assessing a civil penalty may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. The petition may only be filed during the 30-day period beginning on the date of issuance of the order making the assessment.

(6) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and without filing a petition for judicial review in accordance with paragraph (5); or

(B) after a court has entered a final judgment in favor of the head of the Federal agency (or appropriate official),

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the last day of the 30-day period referred to in paragraph (5) or the date of the final judgment, as the case may be) in an action brought in an appropriate district court of the United States. In the action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

(e) EXEMPTION.—This section shall not apply to a person who provides children's services who—

(1) has attained the age of 18;

(2) provides children's services—

(A) in a private residence; and

(B) only to children who are, by affinity or consanguinity, or by court decree, a grandchild, niece, or nephew of the provider; and

(3) is registered and complies with any State requirements that govern the children's services provided.

(f) EFFECTIVE DATE.—This section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

SEC. 607. REPORT BY THE ADMINISTRATOR.

Not later than 2 years after the date of enactment of this Act, the Administrator shall submit a report to the Congress that includes—

(1) information concerning the degree of compliance with this title; and

(2) an assessment of the legal status of smoking in public places.

SEC. 608. PREEMPTION.

Nothing in this title is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this title.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa, Mr. HARKIN.

Mr. HARKIN. Mr. President, this is an amendment, I understand, offered by the Senator from New Jersey that deals with the issue of smoking. I do not know exactly how the amendment is drafted. But in discussions with the Senator from New Jersey and the Senator from Kentucky, I would like to ask unanimous consent that debate on this amendment be limited to 40 minutes equally divided between the Senator from New Jersey and the Senator from Kentucky, Mr. FORD; that at the conclusion of the debate there be no intervening amendments or motions, and that the yeas and nays be ordered on the amendment offered by the Senator from New Jersey.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from Iowa?

Mr. LAUTENBERG. I would go further and ask unanimous consent it not be subject to second-degree amendments.

The PRESIDING OFFICER. The Chair advises the Senator that is included in the unanimous consent request.

Is there objection to the unanimous consent request?

Mr. LAUTENBERG. I thank the Senator from Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. LAUTENBERG. I yield myself such time——

The PRESIDING OFFICER. Is there a sufficient second in the request for the yeas and nays?

At this moment there is not an indication of a sufficient second. The Chair would be pleased to inquire momentarily.

Mr. LAUTENBERG. We will withdraw the request for the yeas and nays for the moment and proceed.

The PRESIDING OFFICER. The question is withdrawn. Who yields time?

Mr. LAUTENBERG. I yield myself such time as is necessary to make my presentation.

The PRESIDING OFFICER. The Senator is yielded for up to 20 minutes.

Mr. LAUTENBERG. Mr. President, recently President Clinton informed us that we needed comprehensive health care reform for the American people, and everybody applauded. It was heard around the country and people were enthusiastic and it is indicated by polls and surveys and other opinion solicitations. The President told us that we need to reduce the cost of our Nation's health care bill. He told us that we need to emphasize preventive care, and we all applauded again. He told us that we had to change some of our behavior, and once again the applause rang in the Chamber.

Today, I hope we are going to be able to turn that applause into real action. The amendment I am offering today will help prevent sickness and death and hold down health care costs. At the same time it will protect our children, it will modify some behavior, and it will put the Federal Government on record as saying that our children, our future, should not be harmed by exposure to secondhand smoke when they participate in Federal programs designed to help them. My amendment is called pro kids. It stands for protecting our kids from inhaling deadly smoke and is based on a bill that I introduced earlier this year, S. 261. This bill currently has 21 cosponsors; Senators BINGAMAN, BOXER, BRADLEY, CHAFEE, D'AMATO, DURENBERGER, HARKIN, HATCH, HATFIELD, INOUYE, KERRY of Massachusetts, LEAHY, LIEBERMAN, LUGAR, METZENBAUM, MOYNIHAN, MURRAY, PELL, SIMON, STEVENS, and WELLSTONE.

Pro kids will protect children from secondhand smoke while they participate in federally funded programs such as Head Start, WIC, Chapter 1, health care and day care programs. It would require Federal grantees to establish a nonsmoking policy if they provide health services to children under the age of 18 or provide other social services primarily to children who are under the age of 18. This includes elementary and secondary education. These nonsmoking policies would limit indoor smoking in facilities associated with these federally funded programs to those areas which are not normally used to serve children, a separate room, separately ventilated.

Evidence accumulated by EPA and other organizations shows that separate ventilation is essential to prevent secondhand smoke from recirculating through the ventilating system right back into the rooms that are used by children.

In cases where extenuating circumstances prevent total compliance, programs could apply for a partial waiver from the provision if they protect children from exposure to secondhand smoke to the extent possible. This amendment also allows the adoption of the nonsmoking policy to be done if union agreement exists through collective bargaining, and this amendment does not mandate the same requirement for home-based child care provided by relatives who do receive some Federal funds. It means that if grandma is taking care of the child, she does not have to comply with the regulations.

This amendment also provides an additional role for the EPA with regard to environmental tobacco smoke. Under this legislation, the EPA will establish guidelines for compliance under this act.

I offer this amendment for one simple, irrefutable reason. Secondhand smoke kills. An EPA report released on January 7 this year undeniably confirmed what public health officials have recorded for several years: Secondhand smoke kills, not only those who smoke often but those who are forced to breathe secondhand smoke.

This report was released in the Bush administration by the then Administrator Bill Reilly with the full support of the Secretary of HHS, Dr. Louis Sullivan. Since then it has been endorsed by Administrator Browner and Secretary Shalala.

Mr. President, you know how the tobacco industry responded to this 6-year, peer reviewed, unanimously approved study? Nine tobacco companies are suing the Federal Government. They cannot refute the scientific findings. They cannot influence public opinion anymore. So now they are using their profits to put their lawyers to work to bring a lawsuit.

I have had my disagreements with the tobacco industry ever since I became a Senator. I have come to be amazed, to be impressed, in a kind of perverse way, at their ingenuity and creativity; that is, the tobacco companies. But this response, their suit against the Government is for releasing a scientific study documenting the impact their product has on human health. Well, Mr. President, I have to confess that is one I did not expect. But I did expect the EPA to reach the conclusion that it did; that secondhand smoke is a group A carcinogen, a group that includes toxins like asbestos, benzene, and arsenic.

I would ask: Would we deliberately expose our children to those kinds of materials? Here is the EPA report. Secondhand smoke is a group A carcinogen, and thus it is equal to asbestos, benzene, and arsenic, in terms of toxicity. This is not a very good way to treat our kids.

The evidence is clear. Secondhand smoke is taking an enormous toll on the health of Americans, particularly our children. According to EPA, 3,000 lung cancer deaths per year occur among nonsmokers as a result of exposure to other people's smoke.

I would like to read a quote from the EPA report which is spelled out on this chart.

> Passive smoke is estimated by EPA to cause approximately 3,000 lung cancer deaths in non-smokers each year.

It takes, however, the toughest toll on our Nation's children. Children exposed to secondhand smoke often suffer acute illnesses, and ultimately may contract lung cancer.

Once again, I would like to read verbatim from the EPA report:

> Secondhand smoke hurts children.

It says:

> Secondhand smoke is a serious health risk to children.

This comes from EPA.

Mr. President, the Agency that is in charge of protecting our people from environmental hazards is EPA, and it unequivocally states that secondhand smoke hurts our kids. I would like to read some of the effects that secondhand smoke has on our children.

It says "150,000"—look at the number—"to 300,000 lower respiratory tract infections in children under 18 months resulting in 15,000 hospitalizations each year"—children, babies under 18 months.

> Reduced lung function.
> Buildup of fluid in the middle ear.
> 700,000 to 1 million asthmatic exacerbations each year.

That means attacks. About 700,000 to 1 million each and every year as a result of breathing smoke that other people create. It creates irritation of the eyes and nose and throat.

Mr. President, I have my own experience. I used to smoke. I used to smoke a lot. I thought it was fun. I smoked a couple or three packs of cigarettes a day. One day I came home. I have four kids. It was my youngest daughter who was then 7 years old. She said, "Daddy, don't smoke."

I said "Why not?"

She said, "Because in school we heard that if you smoke, you can get a black box in your throat. And, daddy, I love you and I don't want you to have a black box in your throat."

That was my child asking me to protect my health.

It never occurred to me, Mr. President, that in the process of my smoking that I was running a risk with my children. Heaven knows, there is no parent who has any sense of parental responsibility who would ever deliberately put asbestos, benzene, or other toxins in an area where their kids are going to play or sleep or eat or what have you. But we did not know at the time.

Once this child reminded me of what my responsibility was to myself and thusly to them, that was the end of smoking. I tried to quit many times before that. When I looked at that little face, that made the decision for me.

I want to point out that this is not the first words we have heard on this matter. In a separate study, the American Heart Association concluded that exposure to secondhand smoke increases the risk of lung cancer, heart disease, and emphysema. They reported that approximately 50 percent of all children are exposed to secondhand smoke.

Mr. President, this is not church. I am not a preacher. But I do want to say to any parent who hears this message, when you light up the next time, think of that child's face in front of you and see whether you want to blow smoke in his or her lungs, because that is what you are doing by allowing a child to inhale secondhand smoke.

Furthermore, in 1986, the Surgeon General's report called secondhand smoke a hazard to nonsmokers' health. Given that kind of evidence, the Federal Government has to respond. We have in the past. In 1990, the Congress, with a great deal of labor, passed the Clean Air Act to regulate 189 hazardous air pollutants which were estimated to cause 1,500 deaths per year.

I remind you that in the earlier chart I cited the fact that 3,000 deaths a year are attributable to secondhand smoke.

The Senate has passed my amendment to make all buildings smoke free. Unfortunately, it did not survive the conference. I think it is fair to say the deck was stacked on that one, Mr. President. The Senate had voted, though it was a voice vote. But we did not carry it through.

Other Government agencies have acted to protect their employees. Cities have adopted new regulations restricting indoor smoking. We banned smoking on all domestic airline flights. I take pride in the fact that I was the author of that amendment in the Senate. People who travel say constantly, "Thank you, FRANK LAUTENBERG. It is the best thing we had."

I, in some way, take credit also, perhaps unfairly and perhaps immodestly, for having started the roll against smoking in this country because people saw how pleasant it was suddenly to be in the cabin of an airliner and not have to suck up your neighbor's smoke. It was a real treat, and those who work in those airplanes treat me almost in a saintly fashion when they recognize who I am because I have helped prevent their health from deteriorating. People said life is different.

People say, "I worked in this airplane. I used to work and cough and feel lousy. Now when I go to work it is a pleasure. We do have other environmental problems with indoor air on airplanes.

Mr. President, the White House, at the behest of the First Lady, the architect of the President's health care plan, is now smoke free. We have made a start, but we have a long way to go.

We have protected ourselves, but we have not yet protected our children. And they, more than any other group in our society, are threatened by secondhand smoke.

Children are the most vulnerable members of our society. They depend on us to protect them and to safeguard their health. They are our future. Is it not time to give our kids, especially those who depend on the Federal Government for valuable services like health care, preschool training, the same kind of protection we already afford to airplane travelers and some Federal workers?

We should prohibit smoking in federally funded institutions which serve children under the age of 18 immediately so that our kids can breath healthy air.

Mr. President, some of my colleagues will argue that this amendment will cost nonprofit organizations and the Federal Government millions of dollars to comply. It is important to set the record straight. This is a no cost amendment. Nothing in this amendment requires entities to install new ventilating systems. The entities can simply prohibit smoking in the entire facility and obtain no smoking signs free of charge from the local cancer society.

It is only if the entity chooses to allow smoking indoors that it must install separate ventilation. This is completely optional and up to the grantee. But I want my colleagues to know that entities have an option to fully comply with this amendment at no cost.

Now, I would just like to mention some of the many organizations that have endorsed the Pro-Kids amendment: The American Cancer Society, American Lung Association, American Academy of Pediatrics, American Medical Association, American Nurses Association, and the National Education Association, which represents many of our Nation's teachers.

I have a brochure here that EPA has sent out. It is an attractive little pamphlet that says "Secondhand Smoke, What You Can Do About Secondhand Smoke As Parents, Decisionmakers, and Building Occupants." Then it describes how you protect your health and what you can do to reduce the health risks of passive smoking.

I ask unanimous consent that this pamphlet be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Secondhand Smoke—What You Can Do About Secondhand Smoke As Parents, Decisionmakers, and Building Occupants

Protecting Your Health: What you can do to reduce the health risks of passive smoking.

IN THE HOME

Don't smoke in your house or permit others to do so.

If a family member insists on smoking indoors, increase ventilation in the area where smoking takes place. Open windows or use exhaust fans.

Do not smoke if children are present, particularly infants and toddlers. They are particularly susceptible to the effects of passive smoking.

Don't allow baby-sitters or others who work in your home to smoke in the house or near your children.

WHERE CHILDREN SPEND TIME

EPA recommends that every organization dealing with children have a smoking policy that effectively protects children from exposure to environmental tobacco smoke.

Find out about the smoking policies of the day care providers, pre-schools, schools, and other care-givers for your children.

Help other parents understand the serious health risks to children from secondhand smoke. Work with parent/teacher associations, your school board and school administrators, community leaders, and other concerned citizens to make your child's environment smoke free.

IN THE WORKPLACE

EPA recommends that every company have a smoking policy that effectively protects non-smokers from involuntary exposure to tobacco smoke. Many businesses and organizations already have smoking policies in place but these policies vary in their effectiveness.

If your company does not have a smoking policy that effectively controls secondhand smoke, work with appropriate management and labor organizations to establish one.

Simply separating smokers and nonsmokers within the same area, such as a cafeteria, may reduce exposure, but nonsmokers will still be exposed to recirculated smoke or smoke drifting into nonsmoking areas.

Prohibiting smoking indoors or limiting smoking to rooms that have been specially designed to prevent smoke from escaping to other areas of the building are the two options that will effectively protect nonsmokers. The costs associated with establishing properly designed smoking rooms vary from building to building and are likely to be greater than simply eliminating smoking entirely.

If smoking is permitted indoors, it should be in a room that meets several conditions:

Air from the smoking room should be directly exhausted to the outside by an exhaust fan. Air from the smoking room should not be recirculated to other parts of the building. More air should be exhausted from the room than is supplied to it to make sure ETS doesn't drift to surrounding spaces.

The ventilation system should provide the smoking room with 60 cubic feet per minute (CFM) of supply air per smoker. This air is often supplied by air transferred from the doors (or near building ventilation system air intakes) where nonsmokers may have to pass through smoke from smokers congregated near doorways. Some employers have set up outdoor areas equipped with shelters and ashtrays to accommodate smokers.

IN RESTAURANTS AND BARS

Know the law concerning smoking in your community. Some communities have banned smoking in places such as restaurants entirely. Others require separate smoking areas in restaurants, although most rely on simply separating smokers and nonsmokers within the same space, which may reduce but not eliminate involuntary exposure to ETS.

If smoking is permitted, placement of smoking areas should be determined with some knowledge of the ventilation characteristics of the space to minimize nonsmoker exposure. For example, nonsmoking areas should be near air supply ducts while smoking areas should be near return registers or exhausts.

Ask to be seated in nonsmoking areas as far from smokers as possible.

If your community does not have a smoking control ordinance, urge that one be enacted. If your local ordinances are not sufficiently protective, urge your local government officials to take action.

Few restrictions have been imposed in bars where drinking and smoking seem to go together. In the absence of state or local laws restricting smoking in bars, encourage the proprietor to consider his or her nonsmoking clientele, and frequent places that do so.

IN OTHER INDOOR SPACES

Does your state or community have laws addressing smoking in public spaces? Many states have laws prohibiting smoking in public facilities such as schools, hospitals, airports, bus terminals, and other public buildings. Know the law. Take advantage of laws designed to protect you. Federal laws now prohibit smoking on all airline flights of six hours or less within the U.S. and on all interstate bus travel.

A SPECIAL MESSAGE FOR SMOKERS

This is a difficult time to be a smoker. As the public becomes more aware that smoking is not only a hazard to you but also to others, nonsmokers are becoming more outspoken, and smokers are finding themselves a beleaguered group.

If you choose to smoke, here are some things you can do to help protect the people close to you:

Don't smoke around children. Their lungs are very susceptible to smoke. If you are expecting a child, quit smoking.

Take an active role in the development of your company's smoking policy. Encourage the offering of smoking cessation programs for those who want them.

Keep your home smoke free. Nonsmokers can get lung cancer from exposure to your smoke. Because smoke lingers in the air, people may be exposed even if they are not present while you smoke. If you must smoke inside, limit smoking to a room where you can open windows for cross-ventilation. Be sure the room in which you smoke has a working smoke detector to lessen the risk of fire.

Test your home for radon. Radon contamination in combination with smoking is a much greater health risk than either one individually.

Don't smoke in an automobile with the windows closed if passengers are present. The high concentration of smoke in a small, closed compartment substantially increases the exposure of other passengers.

More than two million people quit smoking every year, most of them on their own, without the aid of a program or medication. If you want to quit smoking, assistance is available. Smoking cessation programs can help. Your employer may offer programs, or ask your doctor for advice.

WHAT IS SECONDHAND SMOKE?

Secondhand smoke is a mixture of the smoke given off by the burning end of a cigarette, pipe, or cigar, and the smoke exhaled from the lungs of smokers.

This mixture contains more than 4,000 substances, more than 40 of which are known to cause cancer in humans or animals and many of which are strong irritants.

Secondhand smoke is also called environmental tobacco smoke (ETS); exposure to secondhand smoke is called involuntary smoking, or passive smoking.

SECONDHAND SMOKE CAN CAUSE LUNG CANCER IN NONSMOKERS

Secondhand smoke has been classified by the U.S. Environmental Protection Agency (EPA) as a known cause of lung cancer in humans (Group A carcinogen).

Passive smoking is estimated by EPA to cause approximately 3,000 lung cancer deaths in nonsmokers each year.

SECONDHAND SMOKE IS A SERIOUS HEALTH RISK TO CHILDREN

The developing lungs of young children are also affected by exposure to secondhand smoke.

Infants and young children whose parents smoke are among the most seriously affected by exposure to secondhand smoke, being at increased risk of lower respiratory tract infections such as pneumonia and bronchitis. EPA estimates that passive smoking is responsible for between 150,000 and 300,000 lower respiratory tract infections in infants and children under 18 months of age annually, resulting in between 7,500 and 15,000 hospitalizations each year.

Children exposed to secondhand smoke are also more likely to have reduced lung function and symptoms of respiratory irritation like cough, excess phlegm, and wheeze.

Passive smoking can lead to a buildup of fluid in the middle ear, the most common cause of hospitalization of children for an operation.

Asthmatic children are especially at risk. EPA estimates that exposure to secondhand smoke increases the number of episodes and severity of symptoms in hundreds of thousands of asthmatic children. EPA estimates that between 200,000 and 1,000,000 asthmatic children have their condition made worse by exposure to secondhand smoke. Passive smoking may also cause thousands of nonasthmatic children to develop the condition each year.

OTHER HEALTH IMPLICATIONS

Exposure to secondhand smoke causes irritation of the eye, nose, and throat.

Passive smoking can also irritate the lungs, leading to coughing, excess phlegm, chest discomfort, and reduced lung function.

Secondhand smoke may affect the cardiovascular system, and some studies have linked exposure to secondhand smoke with the onset of chest pain.

FOR MORE INFORMATION

U.S. Environmental Protection Agency, Indoor Air Quality Information Clearinghouse, (IAQ INFO), P.O. Box 37133, Washington, DC 20013–7133, 1–800–438–4318.

Office on Smoking and Health/Centers for Disease Control and Prevention, Mail Stop K–50, 4770 Buford Highway, N.E., Atlanta, GA 30341–3724, 404–488–5705.

National Cancer Institute, Building 31, Room 10A24, 9000 Rockville Pike, Bethesda, MD 20892, 1–800–4–CANCER.

National Heart, Lung, and Blood Institute, Information Center, P.O. Box 30105, Bethesda, MD 20824–0105, 301–951–3260.

National Institute for Occupational Safety and Health, 4676 Columbia Parkway, Cincinnati, OH 45226–1998, 1–800–35–NIOSH.

Mr. LAUTENBERG. Mr. President, I sent a copy of this to all of my colleagues, and I hope they will read it before we vote on this issue.

I will read an admonition contained in the brochure:

> EPA recommends that every organization dealing with children have a smoking policy that effectively protects children from exposure to environmental tobacco smoke.

Mr. President, it has been 9 months since Congress received the EPA report we are using here today that concluded that secondhand smoke kills, and it makes our children sick.

Since then, companies, States, and localities have adopted policies to protect nonsmokers from this deadly carcinogen. Even four shopping malls in my State—Cherry Hill, Bridgewater Commons, Echelon, and Woodbridge Center—have gone smoke free and have attracted a lot of new customers as a result of that. Even the U.S. Postal Service has gone smoke free, along with EPA, Health and Human Services, and the VA.

What action has Congress taken to protect children from secondhand smoke? We have done nothing. Imagine that. The Post Office protects its workers from secondhand smoke, but we have not protected children whom we entice into these facilities because they are going to get better care, treatment, and health. We have not done anything to protect them.

As author of the airline smoking ban, frankly I am embarrassed by this lack of action. We need to protect our children from secondhand smoke, and do it now, not sometime in the future.

Mr. President, last week we heard President Clinton speak about the need to reform our health care system. He told us what Government could do to help, but he also warned us that Government action alone was not enough. People need to act, as well. We need to change our policies as a Nation and our practices as individuals if we are going to have the kind of health care system that we need and deserve.

I am asking for a small change in national policy and a small change in individual behavior. This amendment is not revolutionary; it simply expands current restrictions and applies them to facilities serving children. It is not punitive. It does not prevent people from smoking or punish them if they do. It simply says they cannot do it where it exposes children to the harmful effects of their behavior. It is not based on a prejudice. It is a logical and necessary response to an unbroken record of objective scientific evidence.

I hope my colleagues will support my amendment to protect children from this deadly carcinogen.

Mr. President, I yield the floor. I note that the Senator from Kentucky, the Democratic whip, wanted to talk about this, and that the floor is his at the moment.

I reserve the remainder of my time.

Mr. DURENBERGER. Mr. President, I rise today to express my support for the amendment offered by my distinguished colleague, the junior Senator from New Jersey, to ban smoking where federally funded children's programs are offered.

Secondhand smoke is a serious hazard to the Nation's health and economy. Responsible for 3,000 lung cancer deaths a year—among nonsmokers—secondhand smoke drains $3 billion from the economy annually.

In January the Environmental Protection Agency classified secondhand smoke as a potent carcinogen, citing in particular the toxin's devastating effects on children. Our Nations's youngest are especially succeptable to any number of complications, including ear infections and respiratory disorders.

As a long-time advocate of a smokeless society, I would like to thank my colleague for his work toward protecting our Nation's children from one of the most serious—and preventable—public health threats.

Mr. FORD. Mr. President, first let me compliment my friend from New Jersey for what he is trying to do. No one who raises tobacco or supports the program for the companies is in favor of children smoking. And so on that point, we agree. So I have the dubious honor here to try to show the Senator where he is a little bit wrong.

There are two things that this amendment requires. It requires entities providing children services that receive Federal funds to either ban smoking in areas accessible to children, or have separately ventilated areas. It allows a Federal agency providing the Federal funds to waive the requirements for unspecified extenuating circumstances.

The place that the Senator and I differ—and I think my colleagues differ somewhat—tobacco is a whipping boy. He has been whipping tobacco almost ever since he arrived. I used to go in his office and I could hardly find him for the tobacco smoke and cigar smoke. But I enjoyed it; I like to smoke. I enjoy a good pipe. Nothing smells better to me than walking down the hall behind Senator EXON with his pipe smoke. I enjoy it. I like it.

But what the Senator fails to do here is try to protect our children in a comprehensive way. Sure, tobacco is a whipping boy, so he comes out with a big whip and, boy, it is all wrong. No one opposes protecting our children from harmful things they breathe in the air outside their homes. No one objects to that. But there is more in the air than tobacco. There should be equal concern about radon. We do not hear anything about that. There should be equal concern about asbestos, formaldehyde, lead, and other pollutants.

But, no; we come in and beat on tobacco. We need to look at the comprehensive picture of workplace air quality, not just smoking.

These provisions will require separate ventilation, but who will pay the cost? He says there is no cost if you ban smoking. It is simple: Just ban smoking. But if you do not, then you have an unfunded mandate for State governments, local governments, Head Start centers, and other providers of children's services who receive Federal funds. For State and local governments, this is just another unfunded mandate. For Head Start centers, or other public service organizations, there are no funds to pay for ventilation.

A total smoking ban is the only option. So the only option is to ban smoking. Do not worry about radon or formaldehyde, or asbestos, lead, or other things in the air.

So let us look at small businesses here who either rent space to providers or provide services. This is just another mandate that they will pay for and pass the cost through to those underfunded programs.

All these costs may be unnecessary because once a comprehensive workplace air quality standard is developed—and that is coming, Mr. President—the Department of Labor, through OSHA, is expected to act on a comprehensive workplace air quality rule, which will obviously include passive smoke. The provision puts the cart before the horse and may lead to unnecessary costs down the road.

I was interested to listen to my friend talk about what a great thing he had accomplished when he banned smoke on airlines. He never has once worried about the quality of air in an airplane since that time.

Let me quote stewardesses. He will quote stewardesses. A United Airlines flight attendant—and I have her name—with more than 9 years of service testified before the Subcommittee on Technology, Environment, and Aviation of the House Committee on Science, Space, and Technology that she and her colleagues often experienced dizziness, nausea, headaches, and other health effects from poorer aircraft cabin air. She has become more aware of air quality complaints since the 1990 ban on smoking on most domestic flights and suggests to the subcommittee that air quality complaints prior to the ban were disguised by smoke.

Let us not create the same problem with this one on our children. We need a comprehensive air quality standard.

I quote Congressman VALENTINE at that time when we were focused almost entirely on smoking on the quality of the cabin air in airplanes, and I quote him:

> At that time I noted that the issue should be addressed in a more comprehensive manner. I argued then and still argue today that we should review all aspects of air quality so that the guidelines that are adopted truly address the entire problem.

It is easy—it is like a bunch of pit bulls coming at you when you try to defend tobacco in any way, and I understand that better than anybody. You can see who is here helping me.

But people say you are defending it because you represent a tobacco State. No, I am not. I remember the homes with formaldehyde. Children were sick, with a rash. It was horrible. We do not worry about that. We say all our problems are smoking; if you do away with that, all our problems are over. Asbestos, radon—we need a comprehensive program. Those kids could be in a day care center with no smoke but formaldehyde, and this amendment would not help them a bit.

So, they seem to have generally lost the excitement. Once you got rid of smoking on airlines the excitement was gone. The excitement to me with my grandchildren is that we have comprehensive air quality not just do away with smoking.

Mr. President, I have another little thing. This is not funded by tobacco companies. It is the New England Journal of Medicine. Think about that. That is a pretty distinguished group of people, and they have had three research projects. Then it was confirmed. There were three projects. The academicians around here understand the researcher. The research noted that the presence of nicotine and related substances in the body fluid on nonsmokers usually is interpreted to mean that people have been exposed to secondhand smoke. But do you know what they were found to be exposed to? Potatoes, tomatoes, eggplant. They all have the substances of passive smoke.

So, if you sit in a room with passive smoke and you have eaten potatoes, how do you check it? You check it through the bloodstream, and you have gotten it by eating potatoes. This study by Dr. Edward Domino and his colleagues at the University of Michigan, one study found that as little as one-third of an ounce of eggplant would provide the same nicotine as spending 3 hours in a room with tobacco smoke, the researchers noted. And 5 ounces of potatoes, 8½ ounces of ripe tomatoes, 9½ ounces of cauliflower provide a like amount of nicotine, they say.

So, if we are going to do away with problems in the air, let us do it right. Let us do it right. You can have all kinds of reports, but I think if the Senator from New Jersey wants to do something besides making smoke a whipping boy, he ought to come with a comprehensive program.

The cabin air in airlines was accused of passing along TB. You know the stories in California, four of them. So they acquired that in the cabin air. No. We got rid of smoke, cigarette smoke. The excitement was gone so everything is fine.

But I am not for smoking in front of kids at the day care center. I agree with the Senator. Most people do. But we cannot stop there. We have it in the mill. Why cannot we push that along? Sure, I am from a tobacco State. We grow tobacco. I understand what one must do. But I also stand here as a father and a grandfather saying, if you are going to clean up the air, do it right. Instead of being a whipping boy for one particular subject, let us begin to look at what is possible and do that. And what is impossible, let us try to get to that a little bit later. But the possible is a comprehensive rule as it relates to indoor air.

Mr. President, I reserve the remainder of my time, if I have any.

The PRESIDING OFFICER. The Senator has 8 minutes 51 seconds remaining. The Senator from New Jersey has 47 seconds remaining.

Mr. LAUTENBERG. What happens with the time that is undesignated at the moment?

The PRESIDING OFFICER. If neither Senator yields time, it will be deducted from each side equally.

Mr. LAUTENBERG. Mr. President, I guess I have been outlasted, but I would say, very quickly, I just heard the best argument for my case ever. We just heard my distinguished friend from Kentucky—and he is a good friend. He is a witty fellow. He knows the business around here. He just finished saying that if you are going to prevent death by tobacco smoke, it is not worth it because you have not prevented death from other sources. That is like saying do not worry about speeding, because the crash will kill you, not the speeding.

Mr. President, everyone knows we have been working on radon, indoor cabin air, you name it. But it is specious to suggest that if we cannot prevent all of the other causes for sickness or death, we ought not to prevent this one.

Mr. President, I hope we are going to go ahead with this.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Kentucky yield for that?

Mr. FORD. I did not hear.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from New Jersey has a parliamentary inquiry and asked whether the Senator from Kentucky yields.

Mr. FORD. I do not mind.

Mr. LAUTENBERG. I thank my friend from Kentucky.

It is a question. We asked for the yeas and nays. We are waiting for a second. It is pending a Republican appearance; is that correct?

Mr. FORD. Mr. President, I say to my friend from New Jersey, even though we disagree on this position, we are not disagreeable with each other, and I will be glad to wait until any time so that he can have the yeas and nays for an up or down vote.

Mr. LAUTENBERG. I thank the Senator.

The PRESIDING OFFICER. The request for the yeas and nays is withdrawn. It can be renewed at any time.

The Senator from Kentucky.

Mr. FORD. Mr. President, I just think my position has just been misrepresented. I am not for leaving cigarette smoke in the room with small children. I think that we ought to look at all of the problems that are there, including passive smoke, formaldehyde, lead, asbestos, all of that, and make it a clean environment for the children.

If a local day care center decides that they want to let their people smoke, then it is an extra expense because this bill mandates ventilation in an area that will not be accessed to the children. I really have no problem with that except we do not pay for it. We add another mandate and we do not pay for it.

I hear all the yelling. You know, some people around here used to be a little bit more liberal than they are now. They have become a little more conservative, more so than they have been. It is getting close to 1994 and I understand that very well, more than most folks in here, I think.

The only thing I am pleading here is that I think we ought to support this amendment. I do not have any problem with it, except we are not doing a comprehensive job. I am not sure if you had a choice between getting rid of formaldehyde and passive smoke what the choice would be.

I have not seen anybody out here on the floor jumping up and down trying to hurry up OSHA to accelerate their comprehensive study. I have not heard anybody out here saying anything about that. Once we got the cabin air worked out with no smoke in it, it has gotten worse. That has been tried. That has been tried. And what has happened? We have not cleaned up the cabin air in the airplanes. It still has more problems today, probably, than it had before, because, as Congressman VALENTINE said, we have lost the excitement. The whipping boy is gone.

Well, I am going to go home and get so excited and I am going to eat some potatoes and cauliflower and tomatoes tonight. That way I will not have to smoke a lot of cigarettes. I have a lot of nicotine in my system.

I am not going against researchers. I did not ask them to do it. It was on the wire. No one from the tobacco industry that I know of went to the University of Michigan and had them make the study. There were four studies, three that found it, two that confirmed it, and now they gave the report to the New England Journal of Medicine.

So, Mr. President, I hope that we will support this amendment. I think it is legislation on an appropriations bill. I hope that, at some point, we could get around to getting a comprehensive program. And it is out there. I do not understand why we keep coming at it with this one issue, one issue, one issue.

Well, he prides himself in trying to stop people from smoking cigarettes. Well, more power to him. But let us do it the right way if we are going to start cleaning up the air indoors. And so when we clean up the air indoors, then we will have a comprehensive program and passive smoke will be included.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 4 minutes and 18 seconds remaining.

Mr. FORD. I am going to reserve the remainder of my time.

I understand the provision here that if I suggest the absence of a quorum it will be charged only against this Senator. There is no time on the other one. I do not know whether there are any other colleagues here who wish to debate this. I feel a little bit like a piece of raw meat.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, we do not have colleagues here from the other side. I would, nevertheless, submit a request to have a rollcall vote here and ask once again for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on the amendment.

Mr. FORD. Mr. President, do I not have some time left?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FORD. Your watch is faster than mine.

I just wanted to say that the article I read about the nicotine and vegetables and so forth was dated August 6, 1993, from the State Ledger from Newark, NJ.

Mr. LAUTENBERG. Mr. President, if I may correct the RECORD. The name of the paper is the Star Ledger, the largest paper in the State.

Mr. HELMS. Well, Mr. President, here we go again. The Senator from New Jersey is once again waging his vendetta against those Americans who choose to smoke. I suggest that all Senators feel free to vote for the amendment even though it is not about whether people should smoke around young children. It is a meaningless amendment, a political exercise. No, the amendment in question attempts to mandate a nonsmoking policy in thousands of buildings and homes where child services are provided under the pretense of protecting children from environmental tobacco smoke or ETS.

Mr. President, the debate over ETS is purely an emotional one, and I recognize that numerous politicians and agencies—notably the Environmental Protection Agency—have a vendetta against tobacco. However, there is no justification for the Federal Government to rush into smoking bans based on EPA's questionable findings. EPA studies regarding tobacco are little more than antismoking diatribes in which science has been prostituted and readily ignored in order to have a politically correct result.

The only thing these studies prove is EPA's willingness to sacrifice science in order to reach a predetermined ideology.

Mr. President, I will not consume time arguing about this amendment and nobody should misconstrue that this Senator believes it is OK to smoke around young children. We all want to protect children, and if the Senator from New Jersey has an amendment prohibiting smoking in child care facilities, I will vote for it. But that is not the case here.

The separate ventilation requirement in this amendment would prohibit smoking throughout an establishment if child care services are provided anywhere in that building or home. Now I am not an expert on ventilation systems, but I assure my colleagues that virtually no homes have separate ventilation systems.

For ventilation in larger buildings, I would use as an example the building that houses the U.S. Capitol Police Headquarters—located across the parking lots from the Dirksen and Hart Office Buildings. Most of my colleagues have seen that building, and I don't think anybody would argue that it is a good building—with seven floors and dozens of offices on each floor. But it has a single ventilation system.

Mr. President, that means that a building of that size could have a child care facility on the ground floor at one end, and, under the Lautenberg amendment, a smoker would be prohibited from lighting a cigarette at the other end of the seventh floor. Well, the Senator from New Jersey can call that protecting our children, but I think it is a thinly veiled attempt to impose wide-ranging control over citizens who choose to smoke.

Mr. President, I want my colleagues to be sure about what this amendment is truly about: The antismoking zealots and the EPA want total control over smoking and smokers. And rather than attack indoor pollutants such as radon gas and asbestos, they will use shoddily prepared science as justification to point the finger at tobacco smoke and smokers. I urge my colleagues to oppose the pending amendment.

Mr. CHAFEE. Mr. President, I rise in strong support of the amendment offered by Senator LAUTENBERG. The amendment, of which I am a cosponsor, has a simple purpose: It is designed to protect children from the debilitating and potentially fatal effects of secondhand smoke, while they are participating in federally funded health care and day care as well as Federal programs such as Head Start and WIC.

The amendment is straightforward, mandating any federally-funded program which is involved in providing direct services such as day-care, medical care or counseling to children under the age of 18, to adopt a no smoking policy in the facility where such services are provided. The policy, however, need not apply to portions of the facility which are not normally occupied by the children, so long as such areas have a separate ventilation system.

The amendment does include a waiver procedure. A program can petition for an exemption to the no smoking rule by outlining in writing the extenuating circumstances which make it difficult or impossible to comply. In such a situation, the program must assure that it will adopt an alternative policy that will protect children from second hand smoke to the maximum extent possible.

Now why are we making such a ruckus about this? Why are we saying to these program directors that you cannot continue to receive Federal funding unless you have taken significant steps to protect children from secondhand smoke?

The answer is that recent reports from both the Environmental Protection Agency and the American Heart Association have provided unequivocal evidence that environmental tobacco smoke is harmful to our health and especially to the health of our children. These reports label secondhand smoke "a known carcinogen," which poses an unacceptably high risk of respiratory and heart disease. The EPA report, which adds to similar warnings already sounded by the National Research Council and the Surgeon General, zeros in specifically on the effects of cigarette smoke on children.

The report concludes that the widespread exposure to environmental tobacco smoke presents a serious and substantial public health risk. Secondhand smoke not only aggravates up to one million existing cases of childhood asthma each year but increases the risk of lower respiratory tract infections such as pneumonia and bronchitis.

Children are especially vulnerable to the effects of tobacco smoke. The amendment we are offering today is an attempt to shield them from this danger. If adopted, it will assure that young children, at least during the time they are participating in federally funded programs, will be safe from second hand smoke.

The studies have been completed. It is time to take action. This is a modest but concrete step toward providing protections for the group identified as being most susceptible to the effects of secondhand tobacco smoke: our children. I urge my colleagues to join me in supporting this amendment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment numbered 971 offered by the Senator from New Jersey [Mr. LAUTENBERG]. The yeas and nays have been ordered and the clerk will call the role.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Indiana [Mr. LUGAR] is necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. LUGAR] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—95

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—3

Faircloth
Helms
Wallop

NOT VOTING—2

Lugar
Pryor

So the amendment (No. 971) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

VISIT BY SPEAKER OF THE HOUSE OF COMMONS OF GREAT BRITAIN

Mr. MITCHELL. Mr. President and Members of the Senate, I want to take note of the fact that we are honored by the presence of a distinguished visitor on the floor of the Senate at this time, the Honorable Betty Boothroyd, the Speaker of the House of Commons of Great Britain.

She is the first woman in 600 years to serve in that position and the first person in nearly 160 years to be a member of the opposition party and still be elected as Speaker. The latter is a practice we do not encourage in this country. But Senator DOLE and I and Senator PELL and others had the honor of meeting the Speaker earlier, and I would like at this time to ask all of my colleagues to join in welcoming her.

[Applause.]

I am going to momentarily ask for a recess to give Senators an opportunity to do that. But I would like to call upon my distinguished colleague, Senator COHEN, who also has a guest present at this time.

VISIT TO THE SENATE BY DATO'SERI ANWAR IBRAHIM, FINANCE MINISTER OF MALAYSIA

Mr. COHEN. Mr. President, I would like to first announce that this is not officially Maine Day. My junior colleague from Maine has had the privilege of introducing a distinguished guest. It occurs that on the very same occasion we have another important visitor here, the Finance Minister of Malaysia, Mr. Dato'seri Anwar Ibrahim.

He is here with us on the floor of the Senate, and we want to welcome him. He is an extraordinary individual: very young, as you can see, and also extraordinarily talented; and he is about to become the No. 2 official in his country. Obviously, he has even greater aspirations beyond that.

So we wanted to take this occasion to welcome him here as well.

RECESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate stand in recess for 3 minutes to permit Senators to greet our colleagues.

There being no objection, the Senate, at 5:01 p.m., recessed until 5:05 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Ms. MIKULSKI].

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending business before the U.S. Senate is the Labor-HHS appropriations bill, and the committee amendment on page 9.

Mr. HARKIN. Madam President, I understand that Senator BRADLEY had an amendment which I believe is acceptable.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRADLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Madam President, I ask unanimous consent that the pending committee amendments be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 972

(Purpose: To express the sense of the Congress regarding consolidation of Federal education programs)

Mr. BRADLEY. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY] proposes an amendment numbered 972.

Mr. BRADLEY. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 62, between lines 23 and 24, insert the following:

SEC. 306. (a) The Congress finds that—

(1) according to the recent National Performance Review, there are currently 230 distinct programs in the Department of Education, 160 of which award grants through 245 national competitions each year;

(2) many of these programs overlap in purpose and orientation, differing only in the administrative requirements such programs impose on applicants and the Department of Education;

(3) as an example, the goal of reforming schools is funded through at least 4 programs assisted under this Act, including the programs assisted under chapter 2 of title I of the Elementary and Secondary Education Act of 1965 (block grants), the Fund for the Improvement and Reform of Schools and Teaching, and Secretary's Fund for Innovation in Education, and a new program established under Goals 2000: Educate America Act, which has not yet become law;

(4) the overhead at the Department of Education to administer each separate program, and the cost to States, localities and schools of preparing applications, planning ahead, and managing funds under each program diverts scarce resources from schools and students;

(5) some Federal programs serve purposes which would be better served by consolidation into a single flexible grant, a few serve purposes that could be met without Federal assistance, and some programs are obsolete;

(6) in the Department of Education's internal study for the National Performance Review, the Department indicated that the Department had identified 41 programs that could be eliminated or consolidated into other programs;

(7) this Act takes a significant step toward consolidation by eliminating funding for 13 programs, and the Department of Education has begun a serious effort to consolidate programs, as is appropriate, in the reauthorization of the Elementary and Secondary Education Act of 1965, but much more remains to be done; and

(8) the Defense Base Closure and Realignment Commission offers a successful model for cutting government spending despite powerful interests within and outside of the Congress dedicated to protecting specific projects or programs.

(b) It is the sense of the Congress that—

(1) within 6 months of the date of enactment of this Act, the Department of Education should prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives a legislative package reflecting the President's National Performance Review plan to consolidate Federal education programs;

(2) the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives should consider the package submitted by the Department of Education and should report to the Senate and House of Representatives, respectively, bills proposing to consolidate Federal education programs;

(3) the leadership of each House of the Congress should establish—

(A) a process for considering a bill described in paragraph (2) under which such bill would be subject to a single vote of approval or disapproval by such House; or

(B) a comparable process to minimize the possibility that individual programs will be excepted from the consolidation; and

(4) the objective of the consolidation should be, first, to find savings by reducing the administrative costs to both the Department of Education and to States and localities that are due to redundant programs, and second, to maximize the impact of Federal education dollars, but not to reduce our Nation's overall investment in schools and students.

Mr. BRADLEY. Madam President, when I talk with New Jersey citizens about the Federal budget, taxes and the deficit, I hear the same question over and over again: "Aren't there thousands of redundant, obsolete programs in the Government that we can get rid of?" And even though all the domestic discretionary programs in the entire Government, the good and the wasteful, add up to less than the deficit, the basic answer is "Yes." There are too many categorical programs, and too many of them overlap and too many are obsolete. Because of these programs, Government costs too much and responds too slowly.

One of the three or four areas of Government most notable for the proliferation of duplicative programs is Federal aid to education. The recent National Performance Review of Government identified 230 distinct programs in the Department of Education, of which 160 award grants through 245 national competitions. In recommending a reduction in the number of programs to 189, the Performance Review cites internal Department of Education documents concluding that 41 programs could be eliminated or consolidated.

The Department will spend about $250 million next year on administration and management, excluding the administrative costs of the enormous student loan program. On a very rough average, that is about $1 million per program, though obviously some cost much more to administer and some much less. But even if no programs are eliminated, by consolidating 230 programs to 189 we could aim to save as much as $41 million in administrative costs alone. The National Performance Review estimates that consolidation could save up to $515 million over 6 years to be redirected to other educational priorities.

The National Performance Review cites education programs that are virtually identical, such as the National Science Scholars Program and the National Academy of Space, Science and Technology, both of which award scholarships to advance math, science and engineering students. I would call to the Senate's attention four more programs funded in this bill, which are not identical, but all of which address the urgent cause of school reform: The chapter 2 block grant, the fund for the improvement and reform of schools and teaching, the fund for innovation in education, and an innovative program established under the Goals 2000: Educate America Act, which has not yet become law. Most of these are programs that creative States and school districts have used well; some are consistently excellent. But if you look at them from the point of view of a state or local school administrator, in the process of seeking funds to help with school reform, they will all look the same, except they require four applications four planning processes, and four sets of regulations, instead of one.

The idea of consolidating and simplifying these fragmented education programs is not new. It has been proposed by the last three presidents, by the National Governors Association, and by the Appropriations Committees in both the House and Senate. Some progress has been made, particularly in this bill, which eliminates 13 unnecessary programs. But most of the programs persist, protected by legislators who have a personal interest in preserving their original concept, or by influential associations whose Washington offices focus on maintaining just one or two Federal programs which benefit their members. I would draw the analogy to defense base closure, where for a decade or more we knew there was a need to close redundant military bases but the political process would not let it happen. Therefore, I offer this amendment, which expresses the sense of the Senate that we should take up a comprehensive proposal to consolidate education programs and vote on it as a package, before it can be watered down, on the model of the successful procedure established by the Defense Base Closure and Realignment Commission.

The analogy to defense base closing is not precise, since most of these programs do not serve a single region, or provide the strongest employment base for a small community in the way that bases do. In most cases, their actual funding stream is so small, on the order of $3 or $4 million, that their real value is symbolic. To their supporters, they represent affirmation from Washington that a particular subject or educational technique, such as law-related education or consumer and homemaking education, is important to the Nation. But we can no longer afford to protect programs just to send a message.

These fragmented programs have persisted through the last decade and a half not so much because legislators support them in exactly their current form, but because we have not trusted the previous administrations, and previous Secretaries of Education, to honestly consolidate programs without eviscerating their purposes. We have not trusted that they would consolidate without cutting our Nation's total investment in education. The associations and education organizations that protect each program also operate on a culture of mistrust, professionally wary that any change that might give local school districts or the Department of Education more flexibility will ultimately come at the expense of the program their members support.

Those years of mistrust within Government, and between its branches, came with a heavy price. The price, which we are paying today, is a deep and legitimate public mistrust of Government altogether, in all its branches and departments. It is born of a conviction that Government cannot make choices among programs, eliminate obsolete programs, stand up to the narrow interests that protect those programs, or set clear priorities.

With an administration honestly committed to education, there is no reason to mistrust its intention to consolidate small programs in this department. There is no longer, if there ever was, a basis for the mistrust that leads us to protect programs beyond their useful lives. It's time to work together to give this Department a coherent purpose, a clear focus that makes sense to the people who work there, to States and localities, and to educators and students. The Department of Education can work better and cost much less.

I developed this amendment in a continuing effort to find ways to cut unnecessary Government spending on these fiscal year 1994 appropriations bills. I considered proposing the elimination of some of these education programs, but what I did not want to do was to reduce our Nation's overall investment in education. Appropriations is a blunt instrument for consolidating programs or making them more efficient. And the President and the Department of Education seem determined to follow through on the recommendations of the National Performance Review. So I chose instead to offer this amendment to put the Senate on record that we welcome that effort, that we will take it seriously, and that we will try to protect the proposal from the kind of narrow-interest amendments that, as with base closing, might mean that we wind up with just as many fragmented programs as before.

I would like to thank the managers of this bill, Senators HARKIN and SPECTER, for accepting this amendment. And I would thank Senators KENNEDY and KASSEBAUM, the chairman and ranking member, respectively, of the committee that will ultimately be responsible for consolidating these programs. I look forward to working closely with them as this effort goes forward.

Mr. SPECTER. Madam President, I congratulate our distinguished colleague from New Jersey on this amendment to eliminate the duplication within the Department of Education and in all of the education programs.

There is a reservation I have about reporting it back without an amendment on the floor of the Senate or on the floor of the House. I inquire of my colleague from New Jersey if his amendment covers only the Department of Education, or would it seek to cover education programs at other departments? For example, there are education lines, I know, in the Department of Justice. There are education lines in many departments, which might well be served by this kind of a consolidated approach.

Mr. BRADLEY. I would cover only the Department of Education.

Mr. SPECTER. Would the Senator from New Jersey consider it wise—and I am not suggesting making a change in this amendment, because we can do it in a later amendment, but why not include education programs as they exist in other departments?

Mr. BRADLEY. That merits consideration, and perhaps at a future time we can do that.

Mr. SPECTER. I think that would be a good idea because as we work through just this one subcommittee bill with three Departments—Labor, Health and Human Services, and Education—I find there are many overlapping functions. So I think the idea of consolidating education functions is a very good one.

On that subject, I might comment, Madam President, that in reading the 239-page draft on President Clinton's health program, I find that it deals with many programs which are now funded by this appropriations subcommittee. And it is a source of concern to me as to how the plan would be coordinated with what we do on this subcommittee. Senator HARKIN and I have gone over the sheets that cover all these individual items, and I wonder how all of this is going to be worked out because we have provided funding for so many of the programs which are itemized in the President's health program.

I might say, in addition, that I much prefer the approach of the distinguished Senator from New Jersey—in sending this back to the education authorizing committees than an approach on reinventing Government, which is lodged in the hands of our former colleague, now the Vice President. As I see Vice President GORE work through the reinventing Government program, it has been a source, again, of great concern of mine that those programs might better be taken up by the education authorizing committees which have worked with these programs for years, and probably should have done this before. But now, as I understand it, the authorizing committee is in agreement with what Senator BRADLEY has proposed.

So I think this is a good way to approach the issue. I would like to see all of the education functions under one umbrella since we now have the Department of Education, even though some in the past had sought to eliminate it.

The other comment that I have to make relates to the absence of a vote. I voted against the Base Closing Commission because I did not think that Congress really did a serious enough job trying to tackle that problem itself. I understand the political problems with closing bases, but I thought we should have done more to solve that ourselves.

I voted against fast-tracking the North American Free-Trade Agreement because, again, I think one of the most important prerogatives of a Member of this body is to offer amendments looking also not only after our State's interest but the national interest.

That is an aspect that I materially disagree with, and I know this is a sense-of-the-Senate resolution and I do not intend to call for a vote or do more than register my own objection. But I would be interested in inquiring of the distinguished Senator from New Jersey, because I know he always likes inquiries, why he thinks that it is good to have a fast track.

Why not let Senator HARKIN and the rest of us offer amendments?

Mr. BRADLEY. Madam President, I will answer the Senator's question by saying I think the last three Presidents proposed consolidating education programs, and none have been successful because there were a number of rather smaller interests that fought vociferously to keep their particular part of the pie.

That is why today we end up with 230 separate education programs and end up spending $41 million more in administrative costs to administer them when the performance review said we could cut it from 230 to 189. I tend to think if you had one vote, you would be more likely to achieve this objective.

Mr. SPECTER. If I may understand, Madam President, and if I may inquire further of the Senator from New Jersey why that is the case. If someone has an interest in the program and they want to accept it, let us vote on it. It does not stop someone from articulating the view that the committee report is wrong.

All the wisdom does not lie within any particular committee, except perhaps with the defense appropriations subcommittee. Why not have the votes come? We can discuss that further at a later time.

I like the idea of Senators being able to offer amendments, state reasons, and let the group vote them up or down.

We do not offer a lot of amendments. There is reluctance to bring an amendment to a floor vote unless an individual Member has a very strong sense that he or she can win or he or she wants to make a real point.

So I like to see that latitude, but subject to the comments I made, I agree on this side and we will accept the amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, will the Senator from New Jersey yield for a question?

Mr. BRADLEY. Yes, I will.

Mr. INOUYE. Is it the Senator's intention to cover education programs for Native Americans in his sense-of-the-Senate amendment?

Mr. BRADLEY. It covers only education programs that are administered by the Department of Education.

Mr. INOUYE. Even those that benefit only Native Americans?

Mr. BRADLEY. In programs that benefit Native Americans or other Department of Education programs, they would be one of the 230 existing programs.

Mr. INOUYE. So that would come under the impact of the Senator's sense-of-the-Senate amendment?

Mr. BRADLEY. I would say to the distinguished Senator from Hawaii, yes; that is true.

In the performance review, no program that I am aware of that affects Native American education was a part of the consolidation recommendation. There still would be, under the performance review 189 separate education programs.

Mr. INOUYE. I thank the Senator.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I will accept the amendment, at least the spirit of the amendment. I think what the Senator is trying to get to is to get some consolidation of these numerous programs in the Department of Education.

I might just point out—as the Senator in his resolution pointed out—this subcommittee did bite the bullet this year. We eliminated 13 programs in the Department of Education. About six of those were in the national performance review. So we already started that process.

So I think it indicates that we are capable here in the Congress of consolidating and streamlining programs. I did not think it was a particularly hard job to do. I got a few hits on it, of course. You always get a few hits whenever you do things like that. That is what we are paid to do. Sometimes you have to bear up under that.

But I understand what the Senator is trying to do. I do have a serious question about what the Senator from Pennsylvania raised, and that is that the bill would come out on the floor subject to a single vote without any amendments. I understand that is the way the base closure provision works.

But in many cases, these education programs are not like a military base which may be located in one Senator's State or in a Congressman's district, and we understand how it becomes very difficult to close that base.

These education programs, by and large, have come about through a Senator or a Representative seeing a need that is unmet, a group whose education needs are not adequately responded to. I am thinking now, of course, of education for the disabled, for example.

Again, it took specific legislation authorizing and then appropriations to meet the unique needs of young children who are disabled and to make sure they got a free and appropriate public education. That was Public Law 94–142.

So a lot of programs have been built up around that because one shoe does not fit all sizes, I heard someone say earlier here today.

While I am in favor of consolidation and streamlining and weeding out programs—because we have done that; we started the process of doing that—I am just hopeful that we would do it in a very careful manner and not just do it in a way that gives the national performance review a sort of a super parliamentary role.

After all, as I said, this is not like a base that is in one area, that has served its need and perhaps has no function any longer in our national security framework. These are programs that spread across the populace, in most cases. The Senator may be right. There may be a few that are specific to a certain area. More often than not, they spread across the populace, nationally.

I do not know that I would want to give up my right as an elected official representing the taxpayers of my State—and indeed representing the taxpayers of every other State, since I am a U.S. Senator and not a State senator—to exercise due diligence in making sure that certain populations and certain groups that may not have economic power, that may not have a strong backing, let us say, from interests, to make sure that their needs are met, also. I do not know that a national performance review committee will pay that kind of due care and diligence.

So I just raise this as a concern I have of having this come out in an up-or-down vote without any ability to amend it whatsoever.

Mr. BRADLEY. Madam President, I respond to the distinguished Senator from Iowa by saying I share many of his concerns. I considered proposing amendments actually to eliminate education programs on this appropriations bill, but I decided that the appropriations bills are a little blunt instrument to achieve that end, and it is better to have the authorizing committees work through in conjunction with the administration their own set of recommendations for consolidation.

It is my own personal view that it would be difficult to have those recommendations survive without an up-or-down vote on the floor, but that is this Senator's own personal view, and I know that this is not going to be done by rubber stamp of any performance review standards. This is going to be worked through and reported out of the Labor and Human Resources Committee in the Senate and the Education and Labor Committee of the House of Representatives. They will consider all of the competing claims.

Again, this is not a meat-ax approach. I think that sensitivity should be given to those who are weaker and less able to get their voices heard by the legislative process, and that is what I hope will happen, both within the administration and in the committees of the House and the Senate.

Mr. HARKIN. If the Senator will yield, Madam President, I appreciate that. It is just that a lot of times, these programs—and we have looked at them; believe me, we have looked at them. Senator SPECTER has looked at them, too; I know that. A lot of times, you take a program, and it may be very small in the totality of what we are spending on education; it may be very small.

Those are always the easiest to eliminate. It is the big ones that have a big constituency that are the hardest to consolidate or to eliminate, if the case may be that.

Again, that is what I worry about. It may be a small program, it may be insignificant in terms of the overall impact on education, but it meets a real need of a very small populace.

I guess I just express the concern that I have that there needs to be some recourse for those groups or those populations, whether it is Native Americans or whoever it might be, who have the resources of those of us here in this body to exercise, as I said, that oversight. And to just have that one vote up or down, I do not know if that protects them all that much.

Well, it is just a concern I have and I have voiced it. Like I say, I will accept the amendment, but it is just a concern I have. And I will express it further. If, indeed, this sense-of-the-Senate resolution starts to find its way into legislation, I will seek to have some input to ensure that we have some protections for those groups.

Mr. BRADLEY. I say to the Senator, I understand his concern, and I agree with part of it. That is why, in the amendment, there is part A and part B. Part B says "comparable process," instead of simply a process for considering a bill described in which there would be an up-or-down vote.

So there is some flexibility in the amendment. It is my personal view that it should be the up-or-down vote. But if the leaders in the Senate make an alternative determination, the sense-of-the-Senate resolution takes allowance of that possibility.

I thank the distinguished managers of the bill, and I ask that the amendment be adopted.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 972) was agreed to.

Mr. BRADLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Madam President, I have an amendment at the desk, but I know the Senator from Vermont is also waiting.

I am not yielding the floor, but I am making an inquiry.

Mr. JEFFORDS. I do not intend to offer an amendment, but I would like to discuss briefly one aspect of the bill that praises the managers, if I would be allowed to do so.

Mr. DECONCINI. If the Senator from Vermont will just give me an indication of about how long it would be.

Mr. JEFFORDS. I will take 3 minutes. I do not know how long they will accept the praise.

Mr. DECONCINI. Madam President, I ask unanimous consent that following the 3 to 5 minutes of the Senator from Vermont, I then be recognized to offer an amendment on behalf of myself and the Senator from Washington.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JEFFORDS. Madam President, we so often spend our time condemning the committees for the work they have done in offering amendments. I thought it would be appropriate, perhaps, to commend the committee for the work they have done on one aspect of the bill which is extremely important to so many, many Americans.

Madam President, I rise, therefore, to offer my personal thanks to the Senators from Iowa and Pennsylvania for the fine work they have done on behalf of the Low-Income Home Energy Assistance Program [LIHEAP]. H.R. 2518 contains $1.51 billion in fiscal year 1995 advance funding for LIHEAP when it shifts to a new program year, which commences next July.

The Appropriations Subcommittee on Labor, Health and Human Services, and Education perhaps faces more difficult decisions than any other appropriations subcommittee when 602(b) allocations are made. Operating under a budget already stretched too thin, the Labor-HHS Subcommittee must decide—more money for community services block grants or social services block grants? AIDS or substance abuse research? Cancer or heart disease? Head Start or Stewart McKinney homeless assistance?

I certainly do not envy the subcommittee for facing such choices. But I commend the subcommittee for the choices it has made.

The fiscal year 1993 appropriation for LIHEAP was $1.35 billion. The fiscal year 1994 advance appropriation made last year was $1.44 billion. And now we have a fiscal year 1995 advance appropriation of $1.51 billion.

This steady growth is a welcome reversal of an earlier trend during which appropriations peaked at $2.10 billion in fiscal year 1985 and then declined precipitously.

I think we are seeing the increase because we see certain connections. We see that utility shutoffs lead to homelessness. We see that hospital emergency rooms treat more malnourished children in the months following particularly severe weather. Why? Because families pay utility bills before they pay grocery bills.

I want to commend the chairman of the subcommittee, Senator HARKIN, and the ranking Republican, Senator SPECTER. We could always use more for LIHEAP—only a quarter of the eligible population receives benefits. But given the very severe budget constraints the subcommittee continually faces, it has done a very admirable job over the past 3 years finding the funds for LIHEAP. And because of the advance appropriations, State and local program directors will enter this heating season and the next knowing how much Federal funding they will receive. The money will already be there.

Madam President, millions of low-income Americans—children, the disabled, the elderly, the working poor—will find the coming winter months more bearable because of the efforts of Senators HARKIN and SPECTER. But their arduous task is not complete. For they must convince their House counterparts to recede to the Senate funding level in conference. I have the utmost confidence in their abilities and I certainly will do everything I can to assist them.

I hope my colleagues will join me in trying to make sure that the present level in this bill will prevail in the conference.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. SPECTER. Will the Senator from Arizona yield for a moment?

Mr. JEFFORDS. I yield to the Senator from Pennsylvania.

Mr. SPECTER. I thank my colleague.

Madam President, I want to thank the distinguished Senator from Vermont for his very gracious comments.

The issue of low-income home energy assistance is a matter of enormous importance in this country, especially in States like Vermont, Pennsylvania, and Iowa, and I could name some others; perhaps not Arizona.

It has been a matter of grave difficulty to find funding for the LIHEAP. We have been as innovative as we can in looking ahead. The bill which we came up with here recommends the advance appropriation of $1.507 billion for the 1994–95 winter. It also permits the States to borrow up to $100 million from the advance to cover program costs in the 1993–94 winter. This exceeds what has been done heretofore.

The House did not recommend the additional funding and did not provide for the advance appropriation. It exceeds by $70 million the total available to States in fiscal year 1993.

While funding is a problem on the advance basis, when we face the shortage of fuel, it is indispensable to do so. And I know that most of us have had many in our States visiting us—I had a large contingent in my office from Pennsylvania—with urgent pleas.

So we are glad to accommodate in this way. And we thank the note taken by the distinguished Senator from Vermont.

Mr. HARKIN. Madam President, I just wanted to also respond and thank the Senator from Vermont for his kind words, but, moreover, to thank him for his involvement, his positive involvement, in the deliberation of our subcommittee on a lot of issues, education being one. The Senator had a very important amendment which was adopted by this Subcommittee on Education.

But also, on the matter of LIHEAP, I know this is an issue that means a great deal to the people of Vermont. And the Senator has guarded his people and has been very active in making sure the LIHEAP is funded and funded to the degree that people in the States that are affected by severe winters are able to get their share.

All I can say to the Senator is that we have succeeded in establishing the principles. We started that last year. We did it this year. And that helps the States in terms of their planning.

They know they are going to get it. Whereas in the past they never knew, from one year to the next.

So we do have this principle established now. The $1.5 billion, $1.507 billion, I hope we will be able to hold in conference. We will do our utmost. I know Senator SPECTER feels the same way I do and I can assure the Senator we will do everything possible to keep those two things: the principle of forward funding and the amount we have passed.

I thank the Senator for his support, not just this year but in previous years, to make sure we had adequate funds for the LIHEAP Program.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Madam President, I ask unanimous consent the pending committee amendments be set aside so the Senator from Arizona may send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The committee amendments are set aside.

AMENDMENT NO. 973

(Purpose: To increase appropriations for the National Youth Sports Program)

Mr. DECONCINI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself and Mr. GORTON, Mr. COCHRAN, Mr. KOHL, Mr. BRADLEY, Mr. BINGAMAN, Mr. SASSER, Mr. BIDEN, Mr. REID, Mr. D'AMATO, Mr. WARNER, Mr. THURMOND, Mr. DOLE, Mr. LOTT, Mr. CHAFEE, Mr. CRAIG, Mr. DURENBERGER, Mr. DANFORTH, Mr. MACK, Mr. COHEN, Mr. LEVIN, Mr. KEMPTHORNE, Mr. DOMENICI, Mrs. HUTCHISON, Mr. BRYAN, Mr. GRAHAM, Mr. BOREN, and Mr. ROBB, proposes an amendment numbered 973.

Mr. DECONCINI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 38, line 8 strike "$465,649,000" and insert in lieu thereof "$472,649,000, including $12,000,000 which shall be for carrying out the National Youth Sports Program: *Provided*, That payments from such amount to the grantee and subgrantee administering the National Youth Sports Program may not exceed the aggregate amount contributed in cash or in kind by the grantee and subgrantee: *Provided further*, That amounts in excess of $9,400,000 of such amount may not be made available to the grantee and subgrantees administering the National Youth Sports Program unless the grantee agrees to provide contributions in cash over and above the preceding years cash contribution to such program in an amount that equals 50 percent of such excess amount: *Provided further*, That notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1994 shall, during fiscal year 1994, obligate and expend funds for consulting services in excess of an amount equal to 96.48 percent of the amount estimated to be obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1994: *Provided further*, That notwithstanding any other provision of this Act, the aggregate amount of funds appropriated by this Act to any such department, agency, or instrumentality for fiscal year 1994 is reduced by an amount equal to 3.52 percent of the amount expected to be expended by such department, agency or instrumentality during fiscal year 1994 for consulting services. As used in the preceding two provisos, the term 'consulting services' includes any services within the definition of sub-object class 25.1 as described in the Office of Management and Budget Circular A-11, dated August 4, 1993".

Mr. DECONCINI. Madam President, this amendment is offered on behalf of myself and the Senator from Washington, Senator GORTON, also cosponsored by Mr. COCHRAN, Mr. KOHL, Mr. BRADLEY, Mr. BINGAMAN, Mr. SASSER, Mr. BIDEN, Mr. REID, Mr. D'AMATO, Mr. WARNER, Mr. THURMOND, Mr. DOLE, Mr. LOTT, Mr. CHAFEE, Mr. CRAIG, Mr. DURENBERGER, Mr. DANFORTH, Mr. MACK, Mr. COHEN, Mr. LEVIN, Mr. KEMPTHORNE, Mr. DOMENICI, Mrs. HUTCHISON, Mr. BRYAN, Mr. GRAHAM, Mr. BOREN, and Mr. ROBB.

First of all, I thank the Senator from Washington for his real interest in this program. For several years we have worked together on the National Youth Sports Program. I appreciate his staff's involvement and his involvement, in trying to get more attention to the National Youth Sports Program.

This amendment would increase the funding for the National Youth Sports Program to its fiscal year 1992 level, or $12 million.

There would be a proviso that the national office of the NCAA match in cash one-half the difference between the $12 million and last year's funding level, which was $9.4 million.

Madam President, this is a partnership program that works in our State of Arizona. I have seen firsthand just how well it works. Universities contribute their facilities and staff. Local schools and governments often contribute buses to transport the youngsters. Businesses provide equipment, such as computers, for the participating boys and girls. Local physicians provide physical examinations free of charge. The USDA provides nutritious meals. It's a partnership that has worked for 25 years.

This is a program that truly enriches at-risk children. It offers these youngsters drug prevention education. It helps them in securing jobs, and in learning how to be prepared for jobs. It gives them health nutrition counseling, free USDA approved meals, free medical exams and instruction on issues such as AIDS and teen pregnancy, gangs, and suicide prevention, all for less than 5 Federal dollars per day per child.

This last summer the program served 67,000 youngsters in 170 schools across the country. There are four schools in the State of Arizona that have such programs. I have visited three of them.

These programs offer hope and opportunity for disadvantaged children, many of whom are seeing a college campus for the first time in their lives. Our amendment would increase funding for the NYSP to $12 million, which was the funding level for the program in fiscal year 1992 and which is the amount the House has recommended for this program in fiscal year 1994.

We would pay for our amendment by cutting funding for consultant services by 3.52 percent in the Departments of Labor, Health and Human Services, and Education. These agencies are expected to spend, believe it or not, $199 million on consulting contracts in fiscal year 1994. Our amendment would take less than $4.7 million in outlays out of this considerable pot of money, a pot that has grown over $48 million in just 1 year.

I thank the chairman of the committee, the Senator from Iowa, for his willingness to work on this particular issue. He has many, many so-called irons in the fire, the priorities which he has to protect in proper order. He has been willing to cooperate with the Senator from Washington and myself in getting the funding for this program.

The National Youth Sports Program works and it pays good dividends. Again I thank the Senator from Washington for his outstanding cooperation in this amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, for the past 25 years the National Youth Sports Program has provided wonderful support service for young people between the ages of 10 and 16 who are underprivileged or otherwise at risk. Last year, some 70,000 disadvantaged boys and girls received services through the NYSP at various member and nonmember institutions in the National Collegiate Athletic Association.

The 10 States and 7 of the 10 cities with the worst child poverty rates all had such programs within their boundaries.

Young people participate in a rigorous program of skills and instruction and in competition with a minimum of three sports, always including swimming, which is, of course, a lifetime sport. The NYSP philosophy is based on the concept that mind and body must be nurtured together, a daily educational component that is a critical part of each one of the projects under this program.

But, while this is called a sports program, as my friend from Arizona knows very, very well, it is much more than a sports program. Instruction is provided in alcohol and drug abuse prevention, in mathematics and science education, in personal health and nutrition, in educational and career opportunities, and in a number of other areas which are a part of the lives of these young people.

In my own State of Washington there are three such programs: One at the Yakima Valley Community College, which began just last June and serves 250 of these young people; another in Spokane, at Whitworth College, which began some 4 years ago and has served over 1,000 young people; and one at Washington State University, which has come close to serving 1,000 such young people, almost all of whom have had happy and educational experiences with this sports program.

After more than 59 Senators sponsored a commemorative, the President of the United States designated July 1, 1993 as "National Youth Sports Program Day." On that occasion, President Clinton stated—and I think I will quote his statement because it encapsulates what we have attempted to do here—President Clinton stated:

> These unique partnerships have allowed Federal funds to be used to provide direct services for youth, have enabled institutions to contribute their facilities and personnel, and have permitted public and private businesses to donate equipment and supplies needed for the children to participate in the program during the summer.
>
> I call upon all Americans to observe this day by demonstrating their respect for all those individuals who participate so successfully in these programs, and by showing gratitude for those who unselfishly share their experiences, skills and talents with the disadvantaged youths who participate in NYSP activities across the country.

This is a particularly successful program because it involves much more than just the appropriation to which we are speaking today. Last year, only about 30 percent of the cost of this program came from our appropriation. What it does is to springboard into monetary contributions from the NCAA, and from member institutions, and from all kinds of donated services on behalf of individuals who are both a part of the educational institutions and of the NCAA, and who are the purest of all volunteers.

For less than $5 in Federal taxpayer money per day, each participating youngster gets free meals and a comprehensive medical examination, sports instruction, AIDS and drug abuse prevention education, job education, health and nutrition counseling and at some sites, mathematics and science instruction as well.

The Senator from Arizona and I feel that this is a most effective program; that it deals with young people at their most vulnerable and helps them with skills and with an orientation and a direction in life which will go with them for a long period of time to come.

I want to express my gratitude, along with that of the senior Senator from Arizona, to the chairman and the ranking minority member of the subcommittee for their understanding and cooperation. All of the increased appropriation in this amendment above the 1993 level is fenced and is to be matched by the NCAA. We think this is a reasonable compromise, and we trust now that this amendment will be enthusiastically and unanimously accepted by the Senate.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, this is an issue that seems to be coming back year after year on this National Youth Sports Program. Let me say at the outset that I am not opposed to the program. It is a good program. I have seen it operate in my own State. I have seen it operate in other States. They go out and get low-income kids in the summertime and they bring them, usually, to a college someplace. They put them up in the dorms, they feed them, get them in some organized sports, and it is kind of a nice program. It gets the kids off the streets maybe for a while and gets them into these programs for a couple weeks. They bring in some coaches and people like that around to work with some of these kids. So it is not a bad program. All in all it is a good program.

But, Madam President, I have to say there are a lot of good programs in this bill. We have had to hold the line on a lot of them. We have not been able to fund them because we do not have the money for everything. Yet, here is a program that is sole-source contract to the NCAA, the National Collegiate Athletic Association. It is primarily for sports instruction for disadvantaged youth.

I might point out, it is the only program in the discretionary funds of the community service block grant to go out on a sole-source basis. But I guess what bothers me is that the NCAA basically puts very little money into this program. Very little. The NCAA budget for 1992–93 totaled more than 179 million bucks. That is not chicken feed. The NCAA makes a lot of money. They got $133 million in revenues from television alone. That is not pocket change. So, surely, the NCAA could help fund this program a little bit because, obviously, a lot of these colleges have interest in it.

I have been told laudable stories about some of these young kids coming in, and they watch them play basketball and soccer, they do things like that and they find kids that have a lot of promise and they say, "Uh-huh, I want that kid to go to college," and they start looking for these kids and pick them up early, which is fine. I see nothing wrong with that. But I do believe the NCAA, with all of the resources they have, ought to be willing to put some money into this.

I see all these ads the NCAA runs and those ads talk the National Youth Sports Program sponsored by the NCAA. Well, I beg your pardon, it is sponsored by the taxpayers of this country and funded by the Department of Health and Human Services. NCAA simply acts as a conduit. If you watch their ads, you would think they are funding the whole thing.

As a matter of fact, out of a $12 million program in1992, the NCAA added only $678,000 of its money to the program out of a total budget of $179 million.

So for years, and I go back a long time, I have been trying to get the NCAA to start matching some money with us. They can afford to do it, and they ought to do it. What this amendment does is it requires the NCAA to provide a 50-percent cash match as a condition for receipt of the $2.6 million increase over last year's level for the National Youth Sports Program. It would also require the NCAA to contribute no less than last year's cash match, which I understand was about $1 million.

So it requires them to contribute no less than last year's match, about $1 million, for the $9.4 million base grant. If they want the additional $2.6 million, they have to come up with half of that, which is $1.3 million. Add it on to their million-dollar base, and it gets them up to about a $2.3 million out of a $12 million program. I think it ought to be higher than that, quite frankly. I think the NCAA, with revenue of $179 million could probably fund the whole thing. Perhaps that is the way we ought to go. At least they can afford to do, I think, a little bit more than that.

I understand the amendment and, quite frankly, I think the principle has been set now. I want to thank the authors of the amendment for agreeing to this principle that the NCAA ought to come up with something and ought to start providing some match for this.

They can go to their advertisers. Watch an NCAA game, one advertisement after another—well, they advertise everything from beer to potato chips. It would seem to me that those advertisers would be willing, I would think, to have some of their revenue go for the National Youth Sports Program. It would save the taxpayers just a little bit of money.

While it is not as much as I had hoped, at least we do have the principle set and I believe there is a base from which we can work in the future.

As I said, it is not a bad program. It is a good program. I think the National Youth Sports Program ought to be continued, but I think there is much more that the private sector, and especially the NCAA, could do to help fund this program and to make it work and to ease some of the burden on our taxpayers.

So, in that spirit, at least for this side anyway, I can accept the amendment on that basis, that this does establish the principle that the NCAA will have to start coming up with some cash grants in order for this program to continue.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I compliment the distinguished Senator from Arizona and the distinguished Senator from Washington on their laborious efforts on this amendment. I note that they have gotten 28 Senators as cosponsors, and I do believe that if the amendment came to a rollcall vote that it would prevail because the objective of the National Youth Sports Program is very worthwhile. The offset in funds is coming from administrative costs for consulting services. If you take a look at the Youth Sports Program versus administrative costs, this is a very worthwhile program.

However, one of the difficulties with taking the money out of administrative costs and putting it anywhere is that it could go somewhere else on some very important programs which we are funding here—education, medical research, cancer, Alzheimer's disease, to mention only a few.

I believe that we do have a very important principle, as the distinguished chairman of the subcommittee has articulated, and that is getting the NCAA to do more. I believe that having matching funds of the sort provided by the NCAA, $1.3 million, we may be setting an important precedent for next year.

The NCAA does not like to hear comments made by the distinguished chairman of the subcommittee. They get their good publicity on ABC-TV and now there is competition on C-SPAN 2, publicity which is not quite so good. But we are going to take a much closer look at this next year and see if we cannot get more money from the NCAA, which we really ought to have. You talk about $179 million in revenues, I do not believe the NCAA has a deficit like the Federal Government. Not only is the publicity good but the Youth Sports Program is promoting young athletes who come on to television that have these enormous television contracts.

So I concur with what the distinguished chairman has said, and I concur with what Senator DECONCINI has said, and with what Senator GORTON has said, but with a degree of reluctance with the commitment to take a hard look at what the NCAA is going to do next year.

Mr. DOMENICI. Mr. President, I rise today in support of the amendment offered by my colleague from Washington, Senator GORTON.

I have long been a supporter of the National Youth Sports Program [NYSP] and am pleased to have the opportunity to provide more funding to this worthwhile program again this year.

Throughout the Nation we hear many troubling stories about our youth and the difficulties they face in their lives.

We see and hear leaders at all levels ask us to provide more programs for children.

This program, the National Youth Sports Program, provides thousands of at-risk children with an opportunity to participate each summer in a recreational program administered by the National Collegiate Athletic Association [NCAA] that is both structured and educational.

It provides medical examinations, nutritious daily meals, and educational activities.

In addition, I have heard many stories from youth in this program in New Mexico that the individual program coordinators and counsellors provide strong role models not only for the summer, but for a lifetime.

I am pleased that my State has three NYSP programs established at three of our colleges and universities—University of New Mexico, New Mexico Highlands University, and Northern New Mexico Community College—that served over 1,500 youth last year.

It is important to note, however, that each year the representatives from these programs come and visit me and tell me that many more children have expressed interest and would be able to participate with relatively minimal increases in funding.

In fact, there are two other universities in New Mexico that would begin an NYSP program if the funding were to become available.

Unfortunately, we have witnessed declining enrollment because the programs' funding levels have not increased with inflation.

If the Senate level of $5 million is maintained, the programs in New Mexico and across the Nation would face drastic reductions.

I am pleased that Senators GORTON and DECONCINI have led the effort to obtain more funding for this worthy program and I thank them.

It is my hope that the Senate recognizes the value of the National Youth Sports Program for our children and supports this amendment.

I think perhaps the most important principle on this acceptance and compromise is to put the NCAA on notice that Senator HARKIN is going to play tough linebacking next year when these funds are at issue. So on this side of the aisle we concur.

Mr. HARKIN. Madam President, I would like to ask if either one of the Senators, the proponents of this amendment, know the answer to this question. I was looking at the budget of the NCAA for 1991-92 and 1992-93. This is from the Chronicle of Higher Education, September of last year. I do not have this year's. I was looking at their revenues and their expenditures.

Now, I mentioned that their total revenues were $179,427,000, most of it obviously from television. I was looking at the expenditures, and the expenditures have "Distributions to Members." I notice Division I men's basketball, $31.5 million, and then I look under "Championships, Division I men's basketball, $9.9 million." I do not see anything here on women's basketball. Does the NCAA sponsor women's basketball? Maybe it is just not in here. I do not see it.

Mr. DECONCINI. If the Senator will be so kind to yield——

Mr. HARKIN. If the Senator knows the answer to that question.

Mr. DECONCINI. Let me read a part of a letter—it is very short—from Richard Schultz dated September 27 and it discusses a lot of things. I will ask unanimous consent that the letter be printed in the RECORD.

Let me just point out how he addresses this.

A copy of the NCAA's current budget is enclosed with the letter. Let me quote from the letter.

> Over 87 percent of all NCAA revenues are annually returned to the tax-exempt postsecondary institutions comprising our membership so that they, in turn, may better meet their responsibilities to their students. Among the most significant of these responsibilities in 1993 and the years immediately ahead is to provide increased athletic opportunities for female student-athletes—an equally compelling social need. Thus, for the purpose of assuring greater gender equity in intercollegiate athletics, we are under great pressure from our members to increase the percentage of NCAA revenues available for the institutions' individual use.

So the Senator is correct; they are focused on that issue and they have indicated what they are going to do. I think that answers the Senator's question.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION,
Overland Park, KS, September 27, 1993.
Hon. DENNIS DECONCINI and Hon. SLADE GORTON,
U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI AND SENATOR GORTON: I want to thank you for your continuing efforts to maintain a strong National Youth Sports Program (NYSP). Disadvantaged young people across the country will be the beneficiaries of your strong leadership.

I have been pleased to hear about your plan to offer a floor amendment to the Labor-HHS appropriations bill (H.R. 2518) to provide $12 million for NYSP. That is the funding level already approved by the House of Representatives—and the same funding that was provided to NYSP in 1992. I also have been happy to learn of the broad and bipartisan support that has been expressed for your amendment.

Our staff is working with yours to help educate your colleagues about NYSP. The program is administered by the NCAA and funded jointly by the Federal government; the NCAA and its NCAA member institutions, as well as public and private donors. Most Senators already know that this is a highly successful public-private partnership, in which the NCAA and participating institutions (NCAA and non-NCAA members alike) carry all of the overhead burden (and more) and every Federal dollar goes directly to athletics and educational instruction, as well as nutritional and medical services, for economically disadvantaged boys and girls, ages 10–16, at some 170 institutions in 44 states. Everyone seems to acknowledge that the program is intensely cost-effective (the leveraging of Federal dollars with private contributions enables the program to deliver $3 of services for every $1 of Federal money spent), and that there is ample need for the services that could be provided with Federal participation at a $12 million level.

And yet, in some quarters, we still encounter the argument that the NCAA should be able to assume a greater portion of the cost of the NYSP program than it now does. In this regard, it is important to emphasize that our organizational purpose is to promote and regulate intercollegiate athletics. Our participation in the NYSP partnership represents a voluntary effort by the Association for the benefit of disadvantaged younger people. We take pride in this activity and in the resources the Association and our member institutions devote to it, but we do not understand how we can fairly be assigned a greater responsibility than we have carried during the first 25 years of this program.

A copy of the NCAA's current budget is enclosed. Over 87 percent of all NCAA revenues are annually returned to the tax-exempt post-secondary institutions comprising our membership so that they, in turn, may better meet their responsibilities to their students. Among the most significant of these responsibilities in 1993 and the years immediately ahead is to provide increased athletics opportunities for female student-athletes—an equally compelling social need. Thus, for the purpose of assuring greater gender equity in intercollegiate athletics, we are under great pressure from our members to increase the percentage of NCAA revenues available for the institutions' individual use.

Under these circumstances, I think it is unlikely that the NCAA will be in a position to increase its direct support for NYSP, and if that increased support were a condition of the NYSP appropriation, we would be forced to seriously consider withdrawing from our traditional, voluntary role as administrator of the program.

Thank you again for all that you are doing for disadvantaged youth through your efforts on behalf of NYSP.

Sincerely,

RICHARD B. SCHULTZ.

1993–94 GENERAL OPERATING BUDGET

	1992–93 budget	1993–94 budget	Increase/Decrease
REVENUE			
NCAA operating revenue:			
Television	$133,505,500	$141,885,500	$8,300,000
Royalties	7,049,000	6,795,000	(254,000)
Division I men's basketball	12,945,000	12,380,000	(565,000)
Other Div. I championships	5,935,500	6,482,900	547,400
Division II championships	949,750	871,200	(78,550)
Division III championships	447,950	425,100	(22,850)
Publishing	1,484,000	1,500,000	16,000
Communications	596,600	626,100	29,500
Investments	1,750,000	1,500,000	(250,000)
Membership fees	870,000	870,000	0
Certification fees—postseason bowls	220,000	220,000	0
Registration fees—Convention	150,000	220,000	70,000
General	405,000	210,000	(195,000)
Transfers from reserve	0	0	0
Total NCAA operations revenue	166,308,300	173,985,800	7,677,500
Associated organizations:			
National Youth Sports Program	12,000,000	9,924,000	(2,076,000)
NCAA Foundation	1,118,700	1,448,550	329,850
Total associated organizations	13,118,700	11,372,550	(1,746,150)
Total all revenue	179,427,000	185,358,350	5,931,350
EXPENSE			
NCAA operating expense			
Distributions to members:			
Div. I men's basketball fund	31,500,000	31,500,000	0
Div. I grants-in-aid fund	21,000,000	21,000,000	0
Div. I sports sponsorship fund	10,500,000	10,500,000	0
Div. I academic-enhancement fund	8,940,000	9,030,000	90,000
Div. I conference grants	4,103,000	4,103,000	0
Div. I special-assistance fund	3,000,000	3,000,000	0
Div. I membership trust	2,637,000	2,797,000	160,000
Royalties to members	989,000	1,035,100	46,100
Div. II enhancement fund	3,000,000	3,000,000	0
Grants to other organizations	115,400	167,000	51,600
Total distributions to members	85,784,400	86,132,100	347,700
Division I men's basketball expense	9,909,000	9,917,000	
Other Division I championships expense	13,835,150	15,251,360	
Division II championships expense	4,824,710	5,063,400	
Division III championships expense	5,097,920	5,410,300	
Sports sciences expense	3,877,500	2,472,500	
Publications expense	1,824,500	2,085,500	
Catastrophic injury insurance expense	2,832,500	2,682,500	
Legal services/governmental affairs expense	2,500,000	2,000,000	
Scholarships expense	1,350,000	1,170,000	
Youth programs	911,700	910,700	
Convention and honors banquet	705,000	697,500	
General expense	735,000	607,000	
Membership seminars	336,000	476,000	
Initial-eligibility clearinghouse		500,000	
Research	456,000	456,000	
Promotion and public-relations expense	2,397,000	2,386,000	
Visitors Center expense	1,052,000	534,000	
Committee expense	2,100,000	2,380,000	
National office operations expense	5,890,700	6,046,700	
Administration and finance group	2,560,600	2,651,400	
Championships and event management group expense	2,146,900	2,177,400	
Membership services group expense:			
Compliance services	1,309,200	1,360,200	
Enforcement services	2,446,400	2,565,500	
Legislative services	1,419,900	1,503,600	
Public affairs group expense:			
Communications	1,674,400	1,896,900	
Publishing	1,309,200	1,403,900	
Visitors Center	493,700	385,400	
Executive expense	2,648,800	2,750,300	
Total NCAA operating expense	162,448,180	163,873,150	
Associated organizations:			
National Youth Sports Fund, Inc	12,000,000	9,924,000	
NCAA Foundation, Inc	618,700	948,550	
Total associated organizations	12,618,700	10,872,550	
Total all expense	175,066,880	174,745,700	
Excess of revenue over expense	4,360,120	10,612,650	

Mr. HARKIN. I appreciate the Senator saying that.

Again, we are asked to give $12 million to an institution, an event at this time on a sole source contract and I wondered how much of that $179 million goes to women's sports. I just wonder how much goes for women's soccer, women's basketball, and things like that. I just did not see it here, and I wanted to raise that question. It had occurred to me. I was looking on the expenditure side and did not see it.

Mr. DECONCINI. If the Senator will yield, on the expenditure side, it makes reference to the men's basketball expenses, the men's basketball fund, and it does not make any reference to the women's conference. But some of these conferences, I am told, do involve women in sports, though the budget does designate women's basketball expenses. I just do not think that the NCAA should get criticized on an issue which they indicate is a priority with them in 1993.

Mr. HARKIN. I do not want to criticize them unnecessarily. I wanted to get a response to that question because I just did not see that and I wanted to raise that as an issue. Come to think of it, when I was watching that great Iowa women's basketball team last year, which did not make it quite all the way, although they should have—they had one bad evening—I just did not remember the NCAA being a sponsor. I do not know. I just wanted to raise it.

Mr. DECONCINI. If the Senator will yield, I do not know the answer to that.

Mr. HARKIN. I do not either.

Mr. DECONCINI. Mr. President, I thank the Senator from Iowa for his concern as he has expressed it. I do not have any problem with the NCAA contributing more, but I do not want to leave this debate with anybody under the impression that the NCAA is not a real contributor. The NCAA started this program together with the Department of Health and Human Services. They have run it for 25 years, taking no contributions for running the program. They administer the program free of charge; they absorb the cost of administering the program so that all of the programs funding can go to benefiting some 67,000 youngsters.

The NCAA has certainly been a good citizen, and as I just read to you, 87 percent of all their revenues are returned to the tax-exempt NCAA member institutions.

So it should be said here that this is a worthy program. The NCAA is not at the trough here trying to suck up Federal dollars. The NCAA and its member colleges and universities are willing to make substantial contributions, over 50 percent, to the National Young Sports Program.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Washington, [Mr. GORTON] is recognized.

Mr. GORTON. The Senator from Arizona has referred to a letter from the executive director of the National College Athletic Association of September 27 and has put that in the RECORD, as I had intended to do.

I ask unanimous consent that at the end of that letter there also be printed a copy of the NCAA budget which is 1 year more up to date than the one which the Senator from Iowa spoke to and has both the 1992–93 budget and the 1993–94 budget, simply so that that will be a part of the same RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I wish to emphasize the Senator from Arizona is entirely correct. Close to 90 percent of all of this quite large amount of money which goes through the NCAA does go back to these member institutions for their own programs.

One will note in the budget for each of these years that exactly the same number of dollars, 100 percent of the dollars, which come in for the National Youth Sports Program goes back out for that purpose, right to the last percent.

The Senator from Iowa talked about the fact that they publicize only themselves. I have here in my hand the sole promotional, 30-second television shot on the National Youth Sports Program. I can assure my colleagues that the lead-in to that program is a large credit to the Department of Health and Human Services of the Government of the United States, the only such program they have put out.

Mr. President, generally speaking, I think the Senator from Arizona and I figure that when you are ahead, you probably should stop talking and get a vote. The two leaders may be reluctant, but it is a vote nonetheless, and we are grateful for it.

The PRESIDING OFFICER. Is there any further debate on the amendment? The question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

So the amendment (No. 973) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona [Mr. McCAIN].

Mr. McCAIN. Mr. President, I ask unanimous consent to lay aside the pending committee amendment in order to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 974

(Purpose: To freeze funding for the Corporation for Public Broadcasting)

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Arizona [Mr. McCAIN], for himself, Mr. WALLOP, Mr. LOTT, Mr. GRAMM, Mr. SMITH, Mr. HELMS, Mr. BROWN, and Mr. NICKLES, proposes an amendment numbered 974.
>
> In lieu of the language proposed to be inserted on page 63, line 14, insert the following: "$292,641,000".

Mr. HARKIN. Mr. President, I understand that the Senator would be willing to enter into a time agreement.

I ask unanimous consent that the time on this amendment be limited to 50 minutes, 25 on each side; 25 minutes under the control of Senator McCAIN and 25 minutes under the control of Senator INOUYE.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I thank my friend from Iowa. I mention to the distinguished manager of the bill that I probably will not use all the 25 minutes allowed to me. It is my understanding that the other side has five speakers that wanted 5 minutes each. I do not intend to use all of the 25 minutes on this side.

Mr. President, on behalf of myself, Senator WALLOP, Senator LOTT, Senator GRAMM, Senator SMITH, Senator HELMS, Senator BROWN, and Senator NICKLES, I propose this amendment, which is a very simple one. All it does is return the appropriations for fiscal year 1996 to the previous year's level, which was the amount that was requested by the President.

I do not always agree with President Clinton, but when I do, and when I recognize a concerted effort on his part to control spending, as he has here, then we have, I believe, an obligation to support him. I believe we have to cut spending. We have here an opportunity to do so.

In fact, we would not even be cutting spending. We would be in keeping with the administration's request and the amount of appropriations that is being submitted by the other body.

Mr. President, this is clearly an issue of priorities. Do we increase funding for the CPB in excess of the President's request and the House-passed amount, or do we control spending and lower the deficit? Clearly, we cannot do both. The President himself stated that when he was a candidate increased funding for the Corporation for Public Broadcasting was not needed at that time.

In a July 1992 interview with C-SPAN, then Governor Clinton stated:

> I support public television. I do not know that we have to spend more money on it now. We have a pretty vital network of public television. In the next few years, we have to focus most of our increased investment on investment or just on those things which will generate more wealth for the United States. In the beginning, we have got to focus on increasing our capacity to generate jobs and incomes in America because that is where the real problems are.

The Corporation for Public Broadcasting board member, Mr. Victor Gold, stated:

> I would like to again take up the matter of CPB's request for an increase in funding for FY '96. At the May meeting, I expressed my support for the Clinton administration's effort to hold the line on one area of Federal spending by freezing the CPB budget at its 1995 level.
>
> As I said then, it is a truism that everybody talks about the Federal deficit and the need to trim the budget, but nobody is willing to make sacrifices towards that end. President Clinton has asked for a freeze on public broadcasting for 1996 at $292.6 million. I support the President in his effort to restrain Federal spending in this area, and oppose CPB's efforts to increase that amount.

This is not an attack on the Corporation for Public Broadcasting, Mr. President. We went through that drill last year at great length. I have serious concerns about the CPB. I have serious concerns about where they are spending their money, how, and fairness in the program. In fact, I have deep concerns about their compliance with the law, the very difficult compromise that the distinguished Senator from Hawaii arranged last year concerning programming content and review.

But, Mr. President, that is not what this issue is about. If we fund the CPB at the level requested by the President, no programming that I know of will be in jeopardy. According to Diane Blair, the President's nominee to the CPB, public television broadcasting already has a 98-percent penetration rate. Although I acknowledge that public radio may need additional funding so that remote areas in places such as Alaska can pick up a signal, I believe such funds could be diverted from CPB's overhead and administrative costs.

Let me point out for my colleagues that last year was the best year in history for public broadcasting, which earned a record $1.8 billion. Barney, paid for with taxpayers' dollars, is making millions, while giving nothing back to the taxpayers. And, at the same time we are asking others to sacrifice, National Public Radio is building a lavish, new headquarters here in our Nation's Capital.

As I stated, Mr. President, it is a matter of priorities. Do we spend money in excess of what the President requested, or do we show some fiscal restraint?

What may have to be curtailed is CPB administrative costs. But, Mr. President, at a time when President Clinton is asking for shared sacrifice, I believe that means we must all share in that sacrifice, including the CPB.

I urge my colleagues to follow the action of the House and support the President's request for CPB funding at last year's level.

I know some very strong arguments will be made by my colleagues in behalf of this increase. I would point out that there are arguments in favor of increasing funding for almost every program I know. I believe that, at a time where we are running an over $4 trillion debt and a $300 billion annual deficit, that this is a very small step in that direction.

Mr. President, I reserve the remainder of my time.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii, [Mr. INOUYE], is recognized.

Mr. INOUYE. Mr. President, I rise in support of the funding level for the Corporation for Public Broadcasting [CPB] included in the Labor-HHS appropriations bill. The Appropriations Committee approved $320 million for fiscal year 1996. This amount is well below the authorized level of $425 million and is the minimum necessary for CPB to continue its mission to provide quality, educational programming.

CPB will need this funding to face several significant issues in the coming years. As new technologies become cheaper and more accessible, they also present new opportunities for CPB to expand its mission. Direct-to-home satellite television, video compression, new standards for digital transmission all require CPB to remain at the leading edge of scientific and market advances.

At the same time, CPB must maximize its resources to address the failures of our current educational system. No one involved in education can claim success when more than 90 million of our citizens remain illiterate. The ability to read is essential for becoming a happy and productive member of our society. We all must take responsibility for this enormous failure of our educational system. One way to address this issue is to ensure that CPB has the resources to expand and continue its essential educational activities.

Last year, the Congress passed the Public Broadcasting Act authorizing the CPB for fiscal year 1994–96 by an overwhelming vote of 84 to 11. When the last Congress considered the CPB authorization bill, Senator LOTT offered an amendment to freeze the authorized level of spending for CPB. That amendment was defeated by a vote of 75 to 22. The bill that eventually passed the Senate included an authorization level of $425 million for fiscal year 1996. The amount contained in this Labor-HHS bill is $105 million less than the amount authorized. This amounts to a funding cut for CPB of 25 percent from the authorized level. Although I believe that the amount contained in this appropriations bill falls short of what CPB should receive, I must commend Senator HARKIN and the Appropriations Committee for demonstrating such fiscal responsibility in this bill.

Let me take a minute to spell out what a freeze on CPB funding would mean. Freezing CPB's funding would actually result in a spending cut for public broadcasting. Why is this so? First of all, a freeze amounts to a cut because a freeze does not recognize that inflation makes each dollar of funding less valuable. Anyone involved in public broadcasting will tell you that the rate of inflation for the costs of producing programming is higher than the general level of inflation for society as a whole. Furthermore, a freeze in funding fails to recognize that the inflation rate in 1995 may be much higher than it is today. Let us not forget that the proposed amendment would freeze the funding for fiscal year 1996 at the level of funding already appropriated for fiscal year 1995. But the inflation rate for that year may not be as low as the 3 to 4 percent that exists today. Thus a freeze at the fiscal year 1995 funding level could cut severely the ability of public broadcasting to maintain its existing services.

Perhaps most important, a freeze in funding ignores the legislative mandate that Congress has imposed upon public broadcasting. Under the Public Broadcasting Act, the CPB is charged with the responsibility to make public radio and television available everywhere in the United States. The goal of 100-percent coverage has not yet been met. Each year, more and more stations join the ranks of public broadcasting. Under the formulas set forth in the Public Broadcasting Act, the CPB must distribute its funding to all public broadcasting stations. Thus, the more stations that receive funding, the less each station may receive. Many stations, and especially rural stations, need their funding to remain constant just to stay alive.

As a result, a freeze in CPB funding will cut funding for public broadcasting stations; it will force public broadcasting stations to cut their ability to serve children, minorities, and the underprivileged. Let me cite a few examples.

Public television plays a unique role in providing educational services to the American people. These vital education efforts include: programs that prepare children to learn; programs that prepare childcare providers for a greater role in preschool education; programs that encourage the growth of literacy; and programs that expand the use of interactive education technologies; and programs that train teachers to use those new technologies more effectively.

Let there be no mistake about it. A freeze in funding for CPB will mean a cut in funding for each public broadcasting station in this country. A freeze in funding will mean that public broadcasting will fail to reach its goal of serving the entire country, and will hurt rural America especially hard. A freeze in funding will mean that children across this country will fail to have access to educational and informational programming and instruction.

I urge my colleagues to vote against this amendment and support literacy and education for our Nation's children.

Mr. President, last year the Senate, after a long debate, by a vote of 84 to 11, adopted a bill authorizing the funding for the Corporation for Public Broadcasting.

At that time, we approved the funding of $425 million for fiscal year 1996.

This measure before us and this amendment submitted by my dear friend from Arizona would reduce the number 320 to 292.

Though the authorization was $425 million, the committee, being sensitive to the fiscal condition of this country, decided to cut the authorization account by 25 percent. The amount that is before us is 25 percent less than what is authorized.

Senator MCCAIN wishes to further reduce the 320 by $28 million. I can understand the Senator's desire to be fiscally responsible. I join him in this effort. But may I most respectfully advise my colleagues of the impact this amendment would have.

This amendment does not take into consideration the rise in inflation, and we know it is going to be more than 3 percent.

Second, at the present time, we have about 350 radio stations and about 350 public television stations. These stations are being subsidized by the Corporation for Public Broadcasting. Why am I concerned about this amendment? If this amendment goes through, the Ready to Learn Program that we wanted very much to have—$10 million for children's television—would be wiped out.

I believe all of us should shamefully acknowledge the fact that 90 million of our fellow citizens are illiterate. Something has gone haywire with our educational system. And through this small means, we are trying to lift that level of intellectual ability in the United States.

Furthermore, this amendment would cut out programs like "MacNeil/Lehrer." I think that is a pretty good program. If this amendment were in effect last year, the "Civil War" series would have been wiped out. "Wall Street Week" with Louis Rukeyser would be wiped out. "Masterpiece Theater" would be wiped out, along with the funding for the minority consortium. It has been the intent of this committee to encourage minority producers, minority businessmen, to enter into this business—Native Americans, African-Americans, Asian-Americans, Hispanic-Americans. That would be all wiped out.

I am sorry that the President—or shall I say OMB—in declaring a freeze at the 1995 level was not aware that the impact would be this deadly. I think it would be not one step backward, it would be a massive jump backward; and I hope that this committee, this Congress, will reject this amendment, as we have in the past.

This amendment is not just a spending cut; it will be a massacre because we will not be able to fund the new stations that we have been encouraging. Mr. President, are you aware that each year, as a result of our program, we have been able to encourage 10 to 20 new public radio stations and about 3 to 4 public TV stations every year? This increase in public broadcasting's reach would be wiped out.

So I hope my colleagues will reject this amendment.

I am pleased to yield 5 minutes to my colleague from Mississippi.

Mr. COCHRAN. Mr. President, I am constrained to rise in opposition to my good friend's amendment. Last year, we adopted the Ready To Learn Act, which provided, for the first time, authority for funds to be made available for the development of special programs targeted to preschool children, to help them fulfill the first national education goal—and that is to come to school ready to learn.

Some may know that I serve on the National Education Goals Panel with my friend from New Mexico, Senator BINGAMAN. We are the two Senate representatives on that panel. And by reason of that experience, we have been trying to design legislative responses to some of the real problems that we have uncovered that exist out there in the real world. One of them is that many children spend hours in front of television sets—many preschool children who are not properly supervised by parents—but in many cases they are not learning anything from that experience. They are taking up a lot of time, and they may be entertained.

One of the great opportunities we have is to utilize the magic of television to stimulate the learning experience among preschool children. But there is a big void there, a great absence of innovative programming in the development of programs that will use the knowledge we have about how you capture the attention of a young student like that, or prospective student, and equip them with the knowledge that will help them when they go to school.

That is what this extra money is for in the Corporation for Public Broadcasting account. We added $10 million over last year's funding amount to make room for an experiment, to try to encourage and stimulate through grants the development of these special programs.

I hope the Senate will reject this amendment, because to adopt it would wipe out those funds that are included in this bill for that important new program. We are challenged because students are not doing well in school. We are worried because they are dropping out and they are opting for a lifetime of crime and drug dealing and other behavior that is destructive and not constructive. We hope this is one modest step that we can take that will help turn that around. So I hope the Senate will reject this amendment.

Mr. INOUYE. Mr. President, I am pleased to yield 5 minutes to the distinguished Senator from Alaska.

Mr. STEVENS. Mr. President, I rise to oppose the amendment of the Senator from Arizona. I want to call the Senate's attention to the Corporation for Public Broadcasting Act, which specifically spells out that it is in the public interest to encourage the development of programming that involves creative risks and that addresses the needs of unserved and underserved audiences, particularly children and minorities.

I ask unanimous consent that we have printed in the RECORD at this point the announcement that appeared in the Fairbanks Daily News Monitor on the 28th of this month.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Fairbanks Daily News Monitor, Sept. 30, 1993]

RADIO STATION TO GO ON THE AIR IN FORT YUKON

FORT YUKON.—Fifth graders here will report on whales in the Yukon River for the start of Alaska's newest public radio station, Fort Yukon Gwandak Public Radio, KZPA 900 AM.

Many other special events will mark first day of broadcasting, scheduled for Thursday at 1 p.m.

Second Traditional Chief David Salmon will conduct a blessing ceremony after which will follow a traditional potlatch and dance. Commentary on subsistence will be given by Steve Ginnis.

Music will be played by high school disc jockeys and messages will be sent to communities in the Yukon Flats.

The radio station will serve Arctic Village, Beaver, Venetie, Chalkyitsik and Birch Creek.

Mr. STEVENS. This article deals with the opening of a new station, a new radio station at Fort Yukon. I brought this map so that the Senate can see this. This is Fort Yukon, above the Arctic Circle. There are three stations, one at Kotzebue, one at Point Barrow, and one at Fort Yukon. This one has been waiting a long time. It is an expansion of the Public Broadcasting System. It will, as the report indicates, allow reports of whales in the Yukon River. It will be the newest public radio station. They will have special broadcasting for the communities all along this area. The station will serve Arctic Village, Beaver, Venetie, Chalkyitsik, and Birch Creek. None of those communities up here have any radio coverage or local news at all.

It is the expansion of the system that continues to interest me.

Let me remind the Senate that CPB is forwarded funded by 2 years. That was designed by my friend, Senator Goldwater from Arizona. Working with him we worked out a situation that we would have moneys authorized and appropriated on a forward funding basis.

So this money that we are talking about today is for 1996. We have a limitation in the law that provides that we can only appropriate an amount which is 40 percent of the amount that was actually contributed by the public to the Public Broadcasting System 2 years previously. In other words, we are limited by the law in providing Federal funds to 40 percent of the non-Federal support.

My State, for instance, supports this public broadcasting to the tune of about $5 million. We do so because there are many areas in my State that have no daily news service, and it is the expansion of the public radio communications and television network that really is needed in unserved and underserved areas.

Mention has been made that the administration may not be in support of this bill. I have before me the statement of administration policy that indicates that the administration supports Senate passage of this bill as reported by the committee, and will work with the Congress to address the concerns. So none of those concerns indicate any lack of support for the appropriation in question.

I am interested because what the Senator does really with his amendment is to impose a freeze on the Corporation for Public Broadcasting. It will hurt individual stations and it will harm the system altogether. It really amounts to rewriting the formula for the Corporation for Public Broadcasting because it suppresses by the formula by not appropriating the moneys to meet the increased public support and to meet the increased cost brought about by inflation.

This system is heavily relied upon in the rural areas such as the rural portions of my State. Keep in mind, Mr. President, this State is one-fifth the size of the United States. It has a very limited series of public stations.

I will ask to print in the RECORD the effect of a freeze on Federal appropriations to the stations in my State, and the Senate will see that the actual amount for 1996 will be substantially less than the amount that is being spent just this year if we follow the approach of the Senator from Arizona and put a freeze on this spending.

I ask unanimous consent that this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EFFECT OF FREEZE IN FEDERAL APPROPRIATION TO CPB ON INDIVIDUAL GRANTS TO STATIONS

FY 1994 Appropriation $275.0 million.

FY 1995 Appropriation $292.6 million.

FY 1996 Appropriation (projected) $292.6 million.

CPB GRANTS TO STATIONS

State and call	Actual fiscal year 1994 CSG[1]/ NPPAG[2]	Estimated fiscal year 1995 CSG[1]/ NPPAG[2]	Estimated fiscal year 1996 CSG[1]/ NPPAG[2] @ fiscal year 1995 funding level
Homer, AK:KBBI–AM	127,732	130,287	123,772
Barrow, AK:KBRW–AM	334,255	340,940	323,893
Sitka, AK:KCAW–FM	131,085	133,707	127,021
Valdez, AK:KCHU–AM	137,305	140,051	133,049
Dillingham, AK:KDLG–AM	145,349	148,256	140,843
Petersburg, AK:KFSK–FM	113,813	116,089	110,285
Haines, AK:KHNS–FM	114,672	116,965	111,117
Kodiak, AK:KMXT–FM	130,841	133,458	126,785
Kotzebue, AK:KOTZ–FM	226,026	230,547	219,019
Ketchikan, AK:KRBD–FM	121,661	124,094	117,890
Anchorage, AK:KSKA–FM	139,794	142,590	135,460
McGrath, AK:KSKO–FM	119,477	121,867	115,773
Wrangell, AK:KSTK–FM	109,896	112,094	106,489
Juneau, AK:KTOO–FM	164,713	168,007	159,607
Fairbanks, AK:KUAC–FM	150,303	153,309	145,644
Bethel, AK:KYUK–AM	179,799	83,395	174,225

[1] CSG—Community Service Grant.

[2] NPPAG—National Production and Program Acquisition Grant.

Mr. STEVENS. Mr. President, we believe that this system should support the minority consortium, the multicultural programming effort that is national in scope. It means a great deal to Alaska Natives, to the Indian communities throughout the country. Out of this Corporation for Public Broadcasting is paid one-half of the interconnection for public television. That also would suffer if the Senator's amendment is passed.

We had a hard fight on the authorization. I hope that we will stay with this system. I know there is a lot of controversy about it. I remember some long discussions that I had out here on the floor with Senator Goldwater in the days that he was very specific about trying to urge this system to be fair and to be unbiased.

As a practical matter, what we are looking at now is trying to keep the Federal Government to the point where we promised we would go. We have promised that we would support the system to the extent of 40 percent of the non-Federal support for this broadcasting system, and I hope that the Senate will maintain that.

I oppose the Senator's amendment because I think that the CPB reauthorization bill that passed in the last Congress gave us a projection of funding people have relied upon, and we ought to try to our best to fund that. As the Senator from Hawaii has pointed out, the $320 million mark is a long way from the authorization of $425 million.

We have been fiscally responsible. We cut it a lot more than I would like to cut it.

I urge the defeat of the Senator's amendment.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I, as always, pay close attention to the words of the Senator from Alaska, and I certainly appreciate his compelling words in behalf of Native Alaskans.

I would, however, make one additional point, and that is that if the native Americans that I know were given a choice between being able to listen to public radio or have the very terribly underfunded programs concerning alcohol abuse, fetal alcohol syndrome, substance abuse, Indian education, and others, I think they would opt for additional funds to be spent in those very vital areas.

I would also like to point out, Mr. President, that the Corporation for Public Broadcasting has been doing pretty well from the information source for the Corporation for Public Broadcasting, November 1992. In 1985 the Corporation for Public Broadcasting received $150 million. If my amendment is defeated they will have $320 million. And if it is not defeated, they will still have nearly doubled since 1985 to $292 million.

I understand the expanding need for public broadcasting, but I would suggest that the Corporation for Public Broadcasting has probably done better than most. I would be more than happy again to have a long discussion and debate about whether the Corporation for Public Broadcasting is really needed as much as it was many years ago when the American people had very few sources of information and news. In the case of television, three major networks were the source of their news. Now they can switch to one of many channels on their television set.

When we talk about programs that are of educational and cultural interest, there are now on cable television many additional programs, A&E, Discovery Channel, and others, which are not funded by the taxpayers.

Again, if we were not facing a $4-plus trillion debt and a multihundred billion dollar a year annual deficit, Mr. President, I would not be here with this amendment. But I have heard the message from the people that I represent and they say they want us to cut spending. I am not cutting spending with this amendment. I am telling them to make do this year with the same amount of money as last year. I do not think that is a enormous sacrifice to be asked.

So, especially again, in light of the fact that in the view of many other vital programs there, they are underfunded—other programs are being frozen; some are even being cut—I am very uneasy about the continued real reductions in defense spending—real reductions, I might add, not cuts in increase in spending like we talk about the cuts in many other programs, I am talking about real reductions.

So, Mr. President, I would like to say that if we cannot start by freezing—not cutting, but freezing—the amount of money that the Corporation for Public Broadcasting received last year, keeping it at that same level, I do not have a great deal of optimism about our ability to make the kind of spending cuts which will be necessary, indeed vital, for our Nation's future.

Sooner or later, as we all know, we are going to have to pay the national debt. Unfortunately, it may be our kids. But I, frankly, cannot justify the increase that is being sought in this bill by the Senate alone. Neither the other body nor the President of the United States has sought an increase.

I understand we have further speakers. I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona reserves the remainder of his time.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I yield 4 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington, Mr. GORTON, is recognized.

Mr. GORTON. Mr. President, I have been a supporter of public broadcasting for many years. I believe strongly in the significant contribution that public radio and television have made and continue to make to America's cultural life. Both are national treasures, showcasing the best of American culture and history, providing a valuable source of entertainment and information and filling a true need for educational programming on television.

In addition, public radio has embarked on a project to reach the 14 percent of the population which does not yet receive public radio. CPB has also committed resources to increasing service to rural and minority stations, many of which now operate on a shoestring budget. This amendment would put those goals in jeopardy.

CPB funds have made a real impact on people's lives in my state.

The level of funding in this bill is necessary for maintaining expansion efforts and the health of the entire public radio system. A freeze in funding would mean cuts in grants to existing stations and the group of new expansion and minority stations. If fiscal year 1996 funds are frozen at fiscal year 1995 levels, the average station's 1996 grant is estimated to be 4 to 5 percent less than the 1995 grant.

While the authorization level for CPB for fiscal year 1996 is $425 million, we are talking here of only $320 million, with $10 million for "Ready To Learn." That level of funding will keep the Nation's public broadcasting system healthy while recognizing the new, important commitments of reaching educational goals and bringing service to rural and minority stations. A freeze would put stations, especially small stations that are more dependent on CPB support, in jeopardy. I urge you to oppose this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. How much time remains?

The PRESIDING OFFICER. The Senator from Hawaii has 6 minutes and 30 seconds.

Mr. INOUYE. I yield 6 minutes and 30 seconds to the manager of the bill.

Mr. HARKIN. I thank the Senator for yielding to me. I do not intend to take that much time.

However, Mr. President, I do just want to make some comments in opposition to the amendment and in support of the committee mark. Our mark is $27 million over the House mark and the administration request for fiscal year 1996. Let us keep in mind we are talking about fiscal year 1996.

Of this amount, $17 million is required just to maintain current services, and $10 million, as was pointed out, is recommended to begin the "Ready To Learn" program.

Keep in mind, Mr. President, that inflation in the communications industry is running very high, much higher than for other goods and services. While Federal funds represent only 16 percent of total public broadcasting revenues in this country, for rural and minority stations the money we appropriate represents a much higher percentage of the revenue.

So this increase of $17 million is necessary in order to maintain current services; that means to keep some of these smaller and more rural stations alive.

Again, keep in mind, these small stations do not have the great fundraising capabilities like some of the larger stations, perhaps, in Washington, DC, and places like that, where they can raise money.

But these small stations do not receive an amount which will enable them to cover the increased cost of operating expenses. Then I think we should all be aware that the result would be that many of the smaller and rural stations would have to close, stations in places like Alaska. In the offerer's own State, I do not know if there are any in Arizona, but in some of the more rural States, these stations would simply not have the wherewithal to continue to operate.

When Congress reauthorized public broadcasting last year, we directed that they expand service to those not now being served by public radio or television each year.

Again, that costs some money. But it was the intention of Congress to broaden public broadcasting to get it into areas that had not been served.

So it does not seem fair, after we directed them to do that in 1 year, that now we turn around and say, "However, we are going to cut your money and not allow the additional funds to be used to do this."

The already existing stations will pay the price if funding is not increased over last year's level. So that is really what we are about here, is fulfilling the mandates that this Congress went on record last year with, and that was to expand public broadcasting in those areas that are not served.

Again, part of the money, as I pointed out, $10 million, on the "Ready To Learn" program, a very important program that the Senator from Mississippi is very interested in and spoke about.

So, again, if the goal is to close some small rural stations, or if you want to cancel or postpone the start of the "Ready To Learn" program, if we want to mandate that public broadcasting do certain things and then say, "However, we are not going to give you any money to do this," then, obviously, I think you should support the amendment offered by the Senator from Arizona.

But, again, if we want to fulfill the mandate of public broadcasting and get the "Ready To Learn" program going and make sure that it fulfills its congressional mandate, then I submit that the $27 million is needed to ensure that the Corporationfor Public Broadcasting is able to meet the mandate of Congress.

I reserve the remainder of the time for the manager of the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, will the Senator from Hawaii yield me some time?

Mr. McCAIN. Mr. President, I note the presence of the Senator from Massachusetts. I do not think the Senator from Hawaii has much time left. I would be glad to yield him time if he would like to use it.

I yield 4 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 4 minutes.

Mr. KENNEDY. I thank the Senator from Arizona.

Mr. President, I want to address one program which has been referred to by the Senator from Iowa and also the Senator from Mississippi. The provisions in this bill include funding for the Ready To Learn Act, an important step forward in children's educational television programming.

I think many of us have been concerned for a long period of time about how to reduce both violence on television and also to encourage the networks to devote more resources to the development of children's educational programming. What we have learned through many studies over the years is the power television has to positively impact on the learning and educational development of young children. Constructive and positive children's programming, particularly that targeted to children at the earliest stage of their educational experience, can greatly enhance school readiness. This offers a vital opportunity to impact children who are spending so much time watching television, particularly those neediest children who do not have the kind of parental supervision, Head Start or other kinds of activities that can have a positive educational impact.

It has been a pleasure to work with the Senator from Mississippi on a number of different programs utilizing educational technologies, both in school and preschool "Ready To Learn" Program which we sponsored last year. The Senator from Iowa and other Members here have expressed strong support for these approaches to expanding our tools to deliver quality educational materials to all children.

I think any of us who have seen the star schools program in action, serving children in rural areas and underserved areas with educational programming, have been tremendously impressed with what educational television can offer—particularly at a time when there have been limited resources in many of these school districts.

The Ready To Learn Program was really focused and developed as an opportunity to strengthen children's learning at the earliest opportunity in their educational experience. It is consistent both with President Bush and President Clinton's hope, and the goal put forward by the Governors to ensure every child is ready for school. Over the air broadcasting by public television offers an opportunity to permit the maximum number of children to benefit from educational television programs.

I want to just indicate that I think this is a very modest program which is included in the CPB authorization, but one I believe can be useful and helpful to all children in their preschool years. I am very pleased that the Appropriations Committee has provided funds for it in this year's bill.

I thank my colleague form Arizona for yielding me time on this to make a brief comment.

Mr. President, public broadcasting is one of the great success stories in the Nation. It has been responsible for some of the finest programming on television—presenting important educational and informational programs that are not available in commercial network broadcasting.

Public support for public broadcasting is widespread. It involves partnerships with the private sector, and it also involves individual support, which is generously given through call-in pledges. This impressive support underscores the broad-based national commitment to quality and integrity for which public broadcasting is well-known.

The Corporation for Public Broadcasting annually awards grants to local stations, which is where the programming and editorial decisions are made. This process ensures that stations will be responsive to their viewers and accountable to the communities they service.

Millions of families throughout America have benefited from public broadcasting and many of us would like to see these benefits expanded. But with limited budget resources, the committee bill is generally able to maintain only the current services level of funding for the Corporation for Public Broadcasting. That means a cost-of-living increase from last year's level of funding so that CPB can avoid cutting back on its current services.

The one new program that is funded in this bill is Ready To Learn Television. Ten million dollars of new funds are set aside for this effort which will help public broadcasting stations develop school readiness programs for very young children.

Improved school readiness is one of the six key goals of our education reform efforts. Far too many children who enter school are not ready to learn. To address this critical problem, the Labor and Human Resources Committee approved the Ready To Learn Act last October. It is a bipartisan bill which recognizes that television can be a primary resource in our national effort to increase school readiness. It had the strong support of Senators MITCHELL, DOLE, INOUYE, STEVENS, and COCHRAN, and their support facilitated prompt enactment of the legislation. The Corporation for Public Broadcasting and the individual public broadcasting stations are committed to producing programming that will improve school readiness, and they are able to deliver such programming to the widest possible audience.

I urge my colleagues to reject this effort to reduce funding for the Corporation for Public Broadcasting. Its mission is far too critical and its role is far too essential for Congress to enact such a cut. In particular, the cut would in all probability mean that the Ready To Learn programs will not go forward.

Whatever our views in hindsight about the missed opportunity for CPB to have shared in the financial windfall from the success of Barney, it would be a mistake to penalize the Corporation by cutting its funds.

CPB's distinguished record has earned the respect of teachers and parents. It deserves the support of Congress. I urge my colleagues to oppose this amendment and enable the Corporation to continue its important work in children's educational programming.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent that Senator MACK be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I had a request for time from Senator GRAMM, the Senator from Texas, who I hope is on his way over. I also understand the leadership was not interested in a vote before 7. So, in the absence of that, I suggest the absence of a quorum with the time to run concurrently.

The PRESIDING OFFICER. Without objection, the time will be divided equally.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, many people do not think there is much President Clinton and I agree on. Well, one issue on which we do see eye to eye is providing a responsible level of funding for the Corporation for Public Broadcasting.

When candidate Clinton was asked in a C-SPAN interview if the American taxpayer should spend more money on public television, his answer was, "Oh, I support public television. I don't know that we have to spend more money on it now, we have a pretty vital network of public television."

While both the House and the President asked public broadcasting to live within last year's budget, the Senate Appropriations Committee has given public broadcasting a $27.3 million raise. At the same time, the Senate committee has underfunded the president's investments in Head Start, immunizations, Education Goals 2000, and the School to Work Program.

No doubt about it, Federal funds are difficult to come by these days. The Congress has looked carefully at spending on everything from the super-collider to the honey program. Why should money for public broadcasting escape our oversight? Particularly when CPB boasts in its publication "CPB Today" that, despite the recession, public radio and television entities brought in a record $1.8 billion in income.

LET'S REINVENT PUBLIC BROADCASTING

If there was ever a Government-financed organization that needed to be reinvested it is public broadcasting. Yet, I was disappointed that Vice-President GORE's National Performance Review did not contain a single mention of the Corporation for Public Broadcasting. There is a lot that could be done to make CPB a more cost effective organization.

Many of my colleagues strongly support additional funding to expand public broadcasting to underserved areas. I am all for that, but before writing CPB a big check maybe they need to look at some of the duplication in the system. In the Washington, DC market there are seven CPB-supported public television stations. Even the small city of Bowling Green, KY, receives service from two PBS stations. If we can streamline the Agriculture Extension Service, why can we not take a look at public broadcasting?

AMENDMENT WOULD PROTECT LOCAL STATIONS

Like many in the Senate, I am a strong, long-time supporter of local stations, which often survive on shoestring budgets while the biggest stations command the lion's share of production dollars. I have personally contributed to public broadcasting, and have fought to bring a fair share of available Federal dollars to public stations in Kansas.

To protect funding for local stations this amendment would establish a funding floor of $229 million for these broadcasters—exactly what these stations would receive if we give the full $320 million funding level. By guaranteeing a minimum funding level for local stations, the Senate will force CPB to reduce its bureaucracy and eliminate waste in its own organization.

BARNEYGATE

One revenue source public broadcasting needs to pursue more aggressively is merchandise licensing fees. Take for example, Barney, the smiling purple dinosaur known to millions of America's children who watch the PBS series "Barney & Friends."

Barney is not just a dinosaur—he is a cash cow. According to the "Washington Post", sales of Barney merchandise could reach one-half billion dollars per year, and the licensing fees merchandisers pay for the privilege of making the more than 200 Barney products could be as high as $50 million per year. I do not have any problem with that. From what I understand, "Barney & Friends" is an excellent program, Barney is a lovable character, and more power to his creators for producing jobs and capitalizing on his blockbuster popularity.

What I do have a problem with is the fact that despite putting up $2.25 million between them—much of it tax dollars—to launch "Barney & Friends" last year, the taxpayer-supported Corporation for Public Broadcasting and the Public Broadcasting Service have not seen one dime from Barney merchandise.

The "Parsons Sun" in my State gave CPB this advice:

> There is no reason a grant cannot have a provision for a percentage return on profitable side ventures, should they develop. Networks and private financing would have received a considerable return had they been the ones to provide the up-front money.

I am certain there are many businessmen and women across the country who would love to have the Government put up the money to start a new venture—especially when they learn the Government will have no call on the profits. This system was raised when we last authorized the CPB, we were told it would end, and yet it continues unabated today.

CONGRESSIONAL CALLS FOR REFORM IGNORED

Last year the Senate reauthorized public broadcasting with the Public Telecommunications Act of 1992. One of the stated goals of that act was to increase objectivity and balance programming by the Corporation for Public Broadcasting. The bill specifies that the board of directors of the Corporation shall report to Congress by January 31, 1993 on "Facilitating objectivity and balance in programming of a controversial nature." I have yet to receive a copy of that report.

No doubt about it, problems with balance still remain. The Corporation still has not commissioned a conservative series to balance "Frontline" or "Conversations with Bill Moyer." Last time I checked, a rotating group of conservatives remain on permanent audition for David Gergen's spot on "MacNeil-Lehrer." I would like to see them make a real conservative a permanent member of the MacNeil-Lehrer family.

CONCLUSION

No matter what you may think of the quality or the fairness of CPB programming, the question remains that with so many important unmet needs in this bill—from education for the disadvantaged to childhood immunizations—can we afford to give CPB a huge raise this year? The President has said no, the House has said no, and now I urge the Senate to say no.

There is no question that there is some quality programming on public television, but with the deficit as national issue No. 1, no Federal subsidy can escape reasonable cuts by simply yelling "quality"—that goes for public broadcasting, Defense, farm programs, Congress, the White House, and every other quality program the taxpayers are supporting. It is time for the Corporation for Public Broadcasting to tighten its belt and reinvent itself as a leaner, more efficient organization.

Mr. LEVIN. Mr. President, I will vote against the McCain amendment although I am concerned that the amount in the bill reported by the committee exceeds the amount authorized for the Corporation for Public Broadcasting by $10 million. If the amendment had cut back the amount recommended by the committee by that $10 million instead of the full $27 million in the amendment, I could have supported it. However, I believe that the cut of $27 million in the McCain amendment would have resulted in the dropping of some of the programming for which the Corporation for Public Broadcasting has been justifiably praised.

Mr. McCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, I have no further request for time on this side. I yield the remainder of my time on this side.

The PRESIDING OFFICER. The Senator yields his time.

The Senator from Hawaii has 2 minutes and 37 seconds remaining.

Mr. INOUYE. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Arizona.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Indiana [Mr. LUGAR] are necessarily absent.

The PRESIDING OFFICER (Mrs. BOXER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 25, nays 72, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—25

Bond
Bradley
Brown
Coats
Cohen
Coverdell
Danforth
Dole
Dorgan
Faircloth
Feingold
Gramm
Gregg
Hatch
Helms
Hutchison
Kohl
Lott
Mack
McCain
McConnell
Nickles
Pressler
Smith
Wallop

NAYS—72

Akaka
Baucus
Bennett
Biden
Bingaman
Boren
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cochran
Conrad
Craig
D'Amato
Daschle
DeConcini
Dodd
Domenici
Durenberger
Exon
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kempthorne
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NOT VOTING—3

Kassebaum
Lugar
Pryor

So the amendment (No. 974) was rejected.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. KOHL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that the following be the only floor amendments remaining in order to H.R. 2518, the Labor, HHS appropriations bill; that they be subject to relevant second-degree amendments, if applicable, and that any amendment not offered by noon tomorrow shall no longer be in order. And the amendments listed are an amendment by Senator HELMS regarding Medicaid, an amendment by Senator HELMS regarding Social Security, an amendment by Senator HELMS that is relevant, an amendment by Senator HELMS that is relevant, an amendment by Senator GRAMM of Texas that is relevant, an amendment by Senator D'AMATO regarding civil rights, an amendment by Senator BROWN that is relevant, an amendment by Senator BROWN that is relevant, an amendment by Senator GREGG that is relevant, an amendment by Senator SPECTER that is relevant, an amendment by Senator HATFIELD that is relevant, an amendment by Senator METZENBAUM that is relevant, an amendment by Senator METZENBAUM that is relevant, an amendment by Senator KENNEDY that is relevant, an amendment by Senator BIDEN regarding drugs, an amendment by Senator BYRD that is relevant, an amendment by Senator MURRAY that is relevant, an amendment by Senator MURRAY that is relevant, an amendment by Senator MURRAY that is relevant, an amendment by Senator HARKIN that is relevant, an amendment by Senator HARKIN that is relevant, an amendment by Senator HARKIN in the nature of a managers' amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MITCHELL. Madam President, I modify my request by making clear that the managers' amendment by Senator HARKIN is in the plural, managers' amendments. There may be more than one.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, the managers have advised me that they are prepared to remain in session this evening to consider and debate any amendment which any Senator wishes to offer from among those on the list just incorporated into the agreement just approved.

When we complete action this evening, we will recess until tomorrow morning, and we will be back on this bill at 9:30 tomorrow morning. Any Senator who chooses not to offer his or her amendment this evening would have to do so between 9:30 and noon, thereby, of course, run the risk of not being able to get the amendment up by noon.

So if any Senator wishes to offer an amendment, any Senator may remain here, the managers will stay here as long as it takes to consider these amendments.

I want to make clear that the objective of this is not to foreclose any Senator, but merely to bring this bill to a conclusion in a circumstance which gives every Senator full opportunity to debate the measure, and to offer an amendment. So any Senator who wants to offer an amendment, who is on the list, can stay here. The managers will stay.

There will be no further rollcall votes this evening.

We will complete action on this bill tomorrow and then proceed to one of the other appropriations bills.

I thank my colleagues for their cooperation, the Republican leader, and Senator HARKIN.

Madam President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, Senator SPECTER and I are here to either accept or debate any amendments that any Senators have. The list was read. It was agreed to. However, I do not think Senator SPECTER wants to sit here all night. He can speak for himself. I know I do not.

Mr. SPECTER. Madam President, I do want to sit here all night.

Mr. HARKIN. I would just say, Madam President, that if any Senator or staff are listening, we have the agreed upon amendments.

Mr. SPECTER. I concur with what Senator HARKIN has said. We think the 15 minutes would be a reasonable time if any Senator wishes to come over to offer an amendment. We would be delighted to proceed with the bill. In the absence of any such Senator, I see none on the floor now, the odds are substantial that we will not have any, that we would permit the staff and all participants here to return to their other activities, noting that it is 7:30 p.m.

Mr. HARKIN. We will be here about 15 minutes.

Mr. SPECTER. I see unanimous consent evidenced by all the staff members.

Mr. DOMENICI. Madam President, I would like to thank the subcommittee members for their help and responsiveness in identifying the critical issues in this area of jurisdiction and the providing the necessary funding for programs within these tight budgetary limitations.

I would specifically like to thank the subcommittee chairman, Senator HARKIN, and ranking member, Senator SPECTER, for their continued strong leadership on this important bill.

The Senate-reported bill provides $223.3 billion in budget authority and $183.0 billion in new outlays for the Departments of Labor, Health and Services, Education and related agencies for fiscal year 1994. The bill meets committee's 602(b) allocation in budget authority and is under the allocation in outlays by $126.3 million. Domestic discretionary spending totals $65.3 billion in budget authority and $30.0 billion in new outlays. When adjustments are made for advance appropriations, prior year outlays, mandatories and emergency contingency appropriations, the Senate-reported bill totals $263.2 billion in budget authority and $263.4 billion in outlays.

While I may differ with some of my colleagues on some of the funding priorities in this and other appropriation bills, I commend the subcommittee on their collaboration and mutual support for many worthwhile and critical objectives.

For instance, I appreciate the subcommittee's leadership on funding for the mental health budget over the past several years and I appreciate Senator HARKIN's responsiveness again this year.

As a result of the efforts of this subcommittee, it is within the grasp of our medical researchers during this Decade of the Brain to make significant breakthroughs in understanding the brain, identifying the causes of serious mental illness, and developing effective treatments for these devastating illnesses.

By recommending a funding level of $613,444,000, the subcommittee provides a 5.2-percent increase over the fiscal year 1993 level.

While this is an appreciable increase, funding for mental health research is not funded on comparable basis with other severe diseases.

Therefore, I am pleased that the committee has also provided $12 million for the discretionary fund of the Director of the National Institutes of Health to support continued activities in the Decade of the Brain.

This funding underscores the importance of the Decade of the Brain and places a particular emphasis on the two lead Institutes for this project, the National Institute of Mental Health [NIMH] and the National Institute for Neurological Disorders and Stroke [NINDS].

It is important to note that NIMH has only recently been incorporated back into the folds of NIH with the passage of the NIH reauthorization bill earlier this year.

It is my hope that the new NIH Director recognizes the significant contributions of NIMH to the Decade of the Brain and also recognizes the great strides we have made in understanding severe mental illnesses.

The report of the National Advisory Mental Health Council, requested by the subcommittee last year, clearly shows that there are many extremely promising and effective treatments for mental illness, which can be even more effective than routinely reimbursed therapies commonly used for serious physical illnesses.

I am pleased that the committee continues to recognize the importance of providing health insurance coverage for several mental illnesses that is equitable to that provided for other major physical illnesses.

Without this equitable treatment we are seeing many families that do not have the strength or resources to provide adequate care for their loved ones suffering from severe mental illness. We then find that many of these persons add significantly to 700,000 to 1 million homeless persons on the streets of our Nation.

This leads me to another issue that I would like to share with my colleagues in the hope that we may be able to achieve at least a modest increase in our conference with the House appropriators.

Since the enactment of the McKinney Act in 1987, the health care for the homeless projects have received only one cost of living adjustment for basic service—3 percent in 1989.

With our Nation's increasing health care costs, these projects have had no choice but to reduce services for our Nation's most vulnerable population.

I understand the budgetary constraints under which we are operating, but I would ask that flexibility be added to the language appropriating funding to any new homeless programs so that these important primary health care projects can avail themselves to some critical new funding.

Finally, I am very pleased that the committee has provided $10 million in additional funding to the Centers for Disease Control and Prevention [CDC] for infectious disease activities.

This past May, the Four Corners area of New Mexico, Arizona, Colorado, and Utah experienced an outbreak of an unusual respiratory illness resulting in 30 identified cases and 20 deaths.

Fourteen of these cases were identified in New Mexico.

These illnesses have been associated with a previously unrecognized hantavirus which appears to be transmitted through contact with rodents, in particular the deer mouse.

Seventy-five percent of persons confirmed to have been infected with this newly recognized hantavirus have died.

The reaction and cooperation of various State and Federal agencies to combat this disease and provide information to the public has been commendable.

Unfortunately, there is grave concern that the outbreak this past spring was relatively minor and that as the weather turns cooler and rodents begin to seek shelter that we may be confronted with an outbreak of a much larger proportion.

I would be remiss if I did not again share my appreciation with the committee for the $6 million in funding it provided to address the immediate needs of this illness earlier this year on the supplemental appropriations bill.

The CDC has informed the committee, however, that this illness may not only be confined to the Four Corners area and that as many as 50,000 persons throughout the Nation have been diagnosed with symptoms similar to the hantavirus.

I am pleased that CDC will now have ample resources to continue their efforts to combat and prevent any other outbreaks of the hantavirus and I hope that researchers will soon identify a treatment for this mysterious illness.

I would again like to thank the subcommittee chairman and ranking member, as well as the other members of this subcommittee, for addressing these important issues. I urge the passage of the bill.

Mr. HATFIELD. Madam President, I join the chairman of the subcommittee, the distinguished Senator from Iowa, in supporting H.R. 2518, the Labor, HHS and Education appropriations bill for fiscal year 1994 that is before the Senate today. I want to take this opportunity to thank Senators HARKIN and SPECTER, as well as the other members of the subcommittee, for bringing before the Senate such a comprehensive bill under very tight budget constraints.

The bill contains $260.9 billion, including $67 billion for discretionary programs, and encompasses a wide range of services which will benefit the people of this Nation by improving job opportunities, enhancing educational excellence, and advancing medical research and health services. I am particularly pleased with the balance the committee has struck among the varying programs of the subcommittee. It is no easy task to reconcile the competing human service needs facing the chairman and ranking member, and they have done an admirable job. Let me take this opportunity to highlight some of the critical program recommendations of the bill.

DISLOCATED WORKERS

Dislocated workers in Oregon and the Pacific Northwest will benefit from a needed increase in Federal assistance for job retraining. The bill recommends $1.1 billion for title III of the Job Training Partnership Act to assist States and localities in providing retraining assistance to dislocated workers. This is an increase of nearly $500 million over last year. These funds are essential for the Pacific Northwest, which has so many communities facing an uncertain economic future due to changes in Federal environmental policies. Coupled with the increases obtained last year, this additional funding will help promote a rapid expansion of services for dislocated timber workers throughout the Northwest.

BIOMEDICAL RESEARCH

The bill before us today contains $10.9 billion to support the National Institutes of Health. These funds will expand medical research into the causes, treatment and cures of the vast array of diseases, and illnesses, many of which are only beginning to be understood. The funds will provide this Nation not only with enhanced health and health care, but also a strengthened economy and an improved competitive position in the world market.

The President's budget for fiscal year 1994 had recommended reductions in 9 of the 19 institutes and centers of the NIH and included increases only for the institutes which were involved in his targeted investment initiatives, AIDS, TB, breast cancer, women's health, and minority health. The committee, however, did not agree with the proposed cuts. H.R. 2518 instead includes increases of at least 5.2 percent for all the NIH institutes and centers to enable medical research in all the disease areas to move forward. As the Nation moves toward comprehensive health care reform, I believe it is essential that an aggressive medical research program be maintained as a central mechanism for controlling the costs of health care. A cure is the ultimate in cost control and the NIH is the Federal entity which supports this important research.

ALZHEIMER'S DISEASE

For the past several years, I have urged the Senate to embark on a national program to rid this country of the scourge of Alzheimer's disease, a disease that affects 4 million Americans and costs $90 billion annually. I have set an annual goal of $500 million, the amount scientists say is needed for a full scale attack on this dread disease. Funding for research on Alzheimer's disease has nearly doubled since 1990, rising from $146.1 million in 1990 to $291.4 million in 1993. I am pleased to report that this effort is beginning to pay off. Last week, the FDA approved a new drug that will help our efforts to treat, and perhaps reverse, this disease.

The committee again has highlighted research on Alzheimer's disease as one of the top priorities and has called upon the NIH to develop a long-range plan to attack this devastating disorder. The broad objectives of this plan will be to slow the rate of deterioration from Alzheimer's by 5 years over the next 5 years, and by 10 years within the next decade. This is an ambitious goal, but a goal which is essential if we are to begin to reduce the escalating cost of health care in this country.

NATIONAL CENTER FOR SLEEP DISORDERS RESEARCH

More than 40 million Americans are chronically ill with various sleep disorders and the cost in terms of lives, human suffering, and dollars is substantial. In an effort to enhance our understanding of these disorders, the bill includes first-time funding for the National Center for Sleep Disorders Research. This Center, modeled after legislation I introduced earlier this year, was authorized in the recently enacted NIH Revitalization Act of 1993. Located within the National Heart, Lung, and Blood Institute, the Center will complement the sleep-related research currently undertaken by the various NIH institutes, develop new research programs and training initiatives in the field and strive to educate the general public and health care providers about sleep and sleep disorders.

RURAL HEALTH

As we strive to create a national solution to reform the health care system, we must not forget the special needs of our rural communities. Rural health care systems face a number of unique barriers, including an ongoing shortage of doctors, nurses, and other providers, geographic isolation, and an unusually large number of elderly and uninsured patients, as they struggle to provide quality health care to their communities.

During the August recess I chaired a special hearing of the Appropriations Committee in Medford, OR, on rural health care. The hearing examined the existing Federal public health programs serving rural residents and explored how our national investment in health care reform might most effectively meet the needs of rural America. Nearly all of the testimony received stressed the importance to rural communities of Community and Migrant

Health Centers, Rural Health Outreach Grants, the National Health Service Corps, and the Area Health Education Centers Program. The bill before the Senate today, also recognizes the importance of these programs and recommends increases totaling $68 million.

AIDS

Madam President, few could argue with the fact that AIDS, a disease that was virtually unheard of a dozen years ago, continues to plague our society. The bill includes $2.4 billion to continue the strong commitment to research, prevention, and treatment programs to fight this dread disease.

WOMEN AND CHILDREN

One of the most important aspects of the bill before the Senate is the extent to which it enhances our investment in programs serving women, children, and families. Included in the bill is $3.3 billion, an increase of $600 million for Head Start. This is another step toward expanding the program in order to provide Head Start to all eligible children. Within the amount provided, the committee recommendation includes $250,000 for a demonstration program to improve the training of Head Start teachers in the math and sciences. The demonstration is to be modeled after an existing program at Marylhurst College.

To better improve our Nation's immunization record, the bill includes $554.3 million for the Childhood Immunization Program of the Centers for Disease Control. These funds will be used, not only to purchase the necessary vaccines, but to improve local vaccine delivery infrastructures and to implement essential immunization outreach and tracking programs in communities throughout the country.

Also, the bill continues to build upon the committee's commitment to augment funding for domestic violence programs. Just 3 years ago, funding for the Family Violence Program totaled $10.7 million. H.R. 2518 includes $28.6 million for the Family Violence Program, an increase of $4 million over fiscal year 1993. In addition, $10 million is provided to the Centers for Disease Control and Prevention to develop a national program to prevent violence against women.

These are just a few examples of the programs in the bill which serve women and children. Other programs, such as the maternal and child health block grant, the child care block grant, and the women's health study at the National Institutes of Health, continue under the committee's recommendation.

HUMAN SERVICES

The bill also includes additional funds for services to some of the most vulnerable members of our society. A total of $390 million is recommended for the Community Services Block Grant Program, an increase of $18 million over last year. These funds will assist over 900 community action agencies in providing a wide array of services to assist low-income individuals in becoming self-sufficient and to alleviate the causes of poverty in their communities.

Increased funding is also recommended for the domestic refugee resettlement programs of the Department. These programs provide critical resources to States, voluntary agencies, and mutual assistance associations to help refugees become self-supporting productive members of society. Refugees face substantial language and cultural barriers when they resettle in this country. The delivery of subsistence, medical, and employment services within the first 12 months of arrival is essential for effective resettlement.

EDUCATION

Madam President, I believe that our hopes for maintaining our leadership role in the global market and our requirements for economic growth hinge upon our education system. It is not enough to provide tax incentives for investments in plant and equipment. We must also be willing to invest in human minds as well. We must continue to provide our children with the educational opportunities and technologies to help them meet world class standards. H.R. 2518 includes a total of $28.7 million to help States, local education agencies, colleges, universities, and other education entities in educating our Nation's students. This is $858.1 million above the amount provided in fiscal year 1993 and is an important investment in the future of this country.

For several years now, I have worked with the chairman and ranking members of the Labor, HHS and Education appropriations subcommittee to improve the skills of our Nation's students in math and sciences. The fruit of this effort has yielded important results. Funding for the Eisenhower Mathematics and Science Education programs has more than doubled between 1990 and 1993. For fiscal year 1994, the bill includes $283.7 million for the math-science education programs, an increase of $8 million above the previous year.

URBAN GRANTS

Madam President, many of the urban universities across this Nation play an important role in contributing to the needs and priorities of the cities in which they are located. To help these universities in their efforts, this bill contains $11 million, an increase of $1.5 million over the fiscal year 1993 level, for the Department of Education's Urban Grants Program. This program supports grants to urban universities to encourage community involvement in solving education, health, crime and economic development problems of their particular urban area.

COMMISSION ON SOCIAL SECURITY NOTCH

Finally, the bill contains $1.8 million to fund the Commission on Social Security Notch. This special Commission will examine the notch controversy; whether there are inequities in the treatment of Social Security beneficiaries born in different years; whether legislative action should be taken to correct any inequities; and the effect of any such legislation on the Social Security Trust Fund. It is my hope, that this Commission will lay the foundation for a consensus on this complex issue so that Congress can act accordingly.

In closing, Madam President, I again want to thank the distinguished chairman and ranking member of the subcommittee, Mr. HARKIN and Mr. SPECTER, for their cooperation and support.

Mr. HARKIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRESSLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Madam President, I ask unanimous consent that I be able to proceed as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT CLINTON'S ADDRESS TO THE UNITED NATIONS

Mr. PRESSLER. Madam President, yesterday I had a wonderful experience. I accompanied the President and Mrs. Clinton to New York to hear his address to the 48th session of the U.N. General Assembly. And although we are of opposite parties, I want to say that the President made an excellent speech and represented the United States proudly at the United Nations.

I was pleased to be in attendance to witness President Bill Clinton give his first address to the U.N. General Assembly. After his speech, I had the opportunity to personally congratulate the President for a most impressive speech. I want to take a moment today to again express my congratulations to the President.

I have heard a number of Presidential speeches at the United Nations, and I found President Clinton's address to be one of the very best I had ever heard.

In his address, the President rightly recognized that the world has changed in the face of the post-cold-war political and economic realities. So, too, must the United Nations.

One reality is the rise of economic integration, entrepreneurship, and market liberalization. Yes, we live in uncertain times, but the prospects for worldwide economic growth have never been greater. I commend President Clinton for articulating our Nation's commitment to worldwide market liberalization. He stated that global market liberalization furthers our national security and the economic goals.

Another post-cold-war reality is the fact that the world's economic pie is growing, and the growth is felt in markets from Singapore to Sioux Falls. As a result, more nations are capable of bearing more of the financial commitment to the United Nations. I commend President Clinton for calling on the United Nations to reform the U.N. assessment system. This system has not changed since 1973—a time when the United States was a vastly superior economic power. Today, the United States remains a wealthy nation, but she no longer stands alone. The world's economic wealth is spread over a community of nations—a community that continues to grow. The U.N. assessment system needs to be restructured to reflect these changes.

I also wish to commend the President for recognizing the need to reform the United Nations. The President correctly described our Nation's dual role to the United Nations as "first friend and first critic." I could not agree more. I, too, support the United Nations. I believe in the mission of the United Nations. However, there are those within the United Nations who have tarnished the integrity, the reputation, and the mission of the United Nations through acts of waste, fraud, abuse, and thievery.

And there are those within the U.N. leadership who undermine the effectiveness of the United Nations by doing nothing more than pay lipservice to the cause of U.N. reform.

I applaud President Clinton for calling on the United Nations to establish a permanent, independent Office of Inspector General before the General Assembly completes its business within the year. As my colleagues know, I have been calling for the creation of a tough, independent inspector general for some time now. As a former congressional delegate to the United Nations, I have seen unforgivable examples of U.N. waste, fraud, and abuse. Through growing media interest, including a recent report on "60 Minutes," the American people are beginning to question the integrity of the U.N. leadership. I commend the President for recognizing the urgency for U.N. reform and specifically, the need for an independent inspector general. I also commend the President for calling on the U.N. leadership to take a long and critical look at how it fulfills its many missions, and seek ways to cut costs and the size of the massive U.N. bureaucracy. President Clinton's challenge to the United Nations is dramatically clear: It is time for the United Nations to police itself.

Madam President, I urge my colleagues to take a moment to review President Clinton's address to the U.N. General Assembly. I believe the President articulated a sound and clear set of principles for the United Nations. These principles begin and end with U.N. responsibility—the responsibility to adapt to changing times, the responsibility to recognize the range and limitations of its resources, and the responsibility to look within itself and root out corrupting influences. President Clinton yesterday demonstrated to the world the American people's commitment to the mission and the vision of the United Nations.

Madam President, it has been my pleasure to twice have served as a delegate to the United Nations from the Senate in 1980 and again last year. Each time I have been there, I have served on the Administration and Budget Committee. Not many people who go to the United Nations want to serve on the Administration and Budget Committee. It is a committee where all the U.N.'s financial decisions are made.

I have felt strongly that our delegation to the United Nations needs to pay more attention to U.N. management because, as the "60 Minutes" program pointed out, there are many countries in this world that look upon government service as a chance to gain things for themselves or for their friends in the home country and not as a chance to serve the people of their country or the people of this world.

There are many hardworking, decent people in the United Nations. I support the United Nations. In fact, I was a member of the Minnehaha County U.N. Association back in the 1960's.

I want the United Nations to work. I want the United Nations to be able to deliver food and humanitarian supplies to Somalia, to keep the United States from having to take the lead. I want the United Nations to be able to carry out its missions without the United States having to pay for everything.

So, it was a great pleasure yesterday, to hear the President say that the assessments imposed on the United States are too high. He said it in front of the whole General Assembly. I tried to get the Bush administration to say that for several years without success. The present assessments on the United States are simply unfair. We pay 26 percent of the permanent cost and we pay 37 percent of the peacekeeping costs. That is the most of any country in the world.

Those assessment levels were set in 1973. Since that time, countries in Europe and Asia have advanced economically and, as the President pointed out, there should be a new level of assessment. I was very pleased the President of the United States took a stand on this issue in front of the whole General Assembly. We can have a very successful United Nations. We can keep our taxpayers supporting the United Nations if it has an independent inspector general, and if our assessment levels reflect current realities is. Our taxpayers will not tolerate continued fraud and abuse in the United Nations.

There have been many examples of this cited by the United Nation's own auditors, but because Secretary General Boutros Boutros-Ghali is supported strongly by the Third World countries, he is very reluctant to address reform because most of these problems occur there. I am not in any way picking on the Third World, but I am saying there should be a professional civil service within the United Nations like our own civil service. They should not be appointed regionally by the buddies of the Presidents of the various countries.

We also have to recognize how the United Nations is made up. Most countries in the United Nations are not democracies. Most countries, in fact are kleptocracies as defined by our own State Department, where the leaders of the countries are dictatorships and they steal from their own people. They have their own people going to the United Nations with the same intention.

So those are some problems we have. We need a centralized purchasing system in the United Nations where there is a professional competitive bidding system.

We have read about hundreds of vans in Cambodia that were purchased and never used. Some were stolen. In the former Yugoslavia, U.N. supplies are sent but disappeared from the warehouses overnight. The excuse is given that those opposed to the United Nations stole them. And the next day they showed up on the black market.

Time after time we are told of the many abuses and fraud in the United Nations. The time has come for the United Nations to appoint an independent inspector general, and President Clinton stood up in the United Nations and said that.

As a Republican who has been critical of some of President Clinton's programs, and not on a personal basis, I want to praise the President of the United States. He did an excellent job yesterday and gave a wonderful speech at the United Nations. Mr. President, I ask unanimous consent that President Clinton's address before the 48th United Nations General Assembly be printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE PRESIDENT TO THE 48TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

Thank you very much. Mr. President, let me first congratulate you on your election as President of this General Assembly.

Mr. Secretary General, distinguished delegates and guests, it is a great honor for me to address you and to stand in this great Chamber which symbolizes so much of the

20th century—its darkest crises and its brightest aspirations.

I come before you as the first American President born after the founding of the United Nations. Like most of the people in the world today, I was not even alive during the convulsive World War that convinced humankind of the need for this organization; nor during the San Francisco Conference that led to its birth. Yet I have followed the work of the United Nations throughout my life, with admiration for its accomplishments, with sadness for its failures, and conviction that through common effort our generation can take the bold steps needed to redeem the mission entrusted to the U.N. 48 years ago.

I pledge to you that my nation remains committed to helping make the U.N.'s vision a reality. The start of this General Assembly offers us an opportunity to take stock of where we are, as common shareholders in the progress of humankind and in the preservation of our planet.

It is clear that we live at a turning point in human history. Immense and promising changes seem to wash over us every day. The Cold War is over. The world is no longer divided into two armed and angry camps. Dozens of new democracies have been born.

It is a moment of miracles. We see Nelson Mandela stand side by side with President de Klerk, proclaiming a date for South Africa's first nonracial election. We see Russia's first popularly-elected President, Boris Yeltsin, leading his nation on its bold democratic journey. We have seen decades of deadlock shattered in the Middle East, as the Prime Minister of Israel and the Chairman of the Palestine Liberation Organization reached past enmity and suspicion to shake each other's hands and exhilarate the entire world with the hope of peace.

We have begun to see the doomsday welcome of nuclear annihilation dismantled and destroyed. Thirty-two years ago, President Kennedy warned this Chamber that humanity lived under a nuclear sword of Damocles that hung by the slenderest of threads. Now the United States is working with Russia, Ukraine, Belarus and others to take that sword down, to lock it away in a secure vault where we hope and pray it will remain forever.

It is a new era in this hall as well. The superpower standoff that for so long stymied the United Nations' work almost from its first day has now yielded to a new promise of practical cooperation. Yet today we must all admit that there are two powerful tendencies working from opposite directions to challenge the authority of nation states everywhere and to undermine the authority of nation states to work together.

From beyond nations, economic and technological forces all over the globe are compelling the world towards integration. These forces are fueling a welcome explosion of entrepreneurship and political liberalization. But they also threaten to destroy the insularity and independence of national economies, quickening the pace of change and making many of our people feel more insecure.

At the same time, from within nations, the resurgent aspirations of ethnic and religious groups challenge governments on terms that traditional nation states cannot easily accommodate.

These twin forces lie at the heart of the challenges not only to our national government, but also to all our international institutions. They require all of us in this room to find new ways to work together more effectively in pursuit of our national interests and to think anew about whether our institutions of international cooperation are adequate to this moment.

Thus, as we marvel at this era's promise of new peace, we must also recognize that serious threats remain. Bloody ethnic, religious and civil wars rage from Angola to the Caucasus to Kashmir. As weapons of mass destruction fall into more hands, even small conflicts can threaten to take on murderous proportions. Hunger and disease continue to take a tragic toll, especially among the world's children. The malignant neglect of our global environment threatens our children's health and their very security.

The repression of conscience continues in too many nations. And terrorism, which has taken so many innocent lives, assumes a horrifying immediacy for us here when militant fanatics bombed the World Trade Center and planned to attack even this very hall of peace.

Let me assure you, whether the fathers of those crimes or the mass murderers who bombed Pan Am Flight 103, my government is determined to see that such terrorists are brought to justice. (Applause.)

At this moment of panoramic change, of vast opportunities and troubling threats, we must all ask ourselves what we can do and what we should do as a community of nations. We must once again dare to dream of what might be, for our dreams may be within our reach. For that to happen, we must all be willing to honestly confront the challenges of the broader world. That has never been easy.

When this organization was founded 48 years ago, the world's nations stood devastated by war or exhausted by its expense. There was little appetite for cooperative efforts among nations. Most people simply wanted to get on with their lives. But a farsighted generation of leaders from the United States and elsewhere rallied the world. Their effort built the institutions of postwar security and prosperity.

We are at a similar moment today. The momentum of the Cold War no longer propels us in our daily actions. And with daunting economic and political pressures upon almost every nation represented in this room, many of us are turning to focus greater attention and energy on our domestic needs and problems. And we must. But putting each of our economic houses in order cannot mean that we shut our windows to the world. The pursuit of self-renewal, and many of the world's largest and most powerful economies—in Europe, in Japan, in North America—is absolutely crucial because unless the great industrial nations can recapture their robust economic growth, the global economy will languish.

Yet, the industrial nations also need growth elsewhere in order to lift their own. Indeed, prosperity in each of our nations and regions also depends upon active and responsible engagement in a host of shared concerns.

For example, a thriving and democratic Russia not only makes the world safer, it also can help to expand the world's economy. A strong GATT agreement will create millions of jobs worldwide. Peace in the Middle East, buttressed as it should be by the repeal of outdated U.N. resolutions, can help to unleash that region's great economic potential and calm a perpetual source of tension in global affairs. And the growing economic power of China, coupled with greater political openness, could bring enormous benefits to all of Asia and to the rest of the world.

We must help our publics to understand this distinction: Domestic renewal is an overdue tonic. But isolationism and protectionism are still poison. We must inspire our people to look beyond their immediate fears toward a broader horizon.

Let me start by being clear about where the United States stands. The United States occupies a unique position in world affairs today. We recognize that and we welcome it. Yet, with the Cold War over, I know many people ask whether the United States plans to retreat or remain active in the world; and if active, to what end. Many people are asking that in our own country as well. Let me answer that question as clearly and plainly as I can.

The United States intends to remain engaged and to lead. We cannot solve every problem, but we must and will serve as a fulcrum for change and a pivot point for peace.

In a new era of peril and opportunity, our overriding purpose must be to expand and strengthen the world's community of market-based democracies. During the Cold War we sought to contain a threat to survival of free institutions. Now we seek to enlarge the circle of nations that live under those free institutions.

For our dream is of a day when the opinions and energies of every person in the world will be given full expression, in a world of thriving democracies that cooperate with each other and live in peace.

With this statement, I do not mean to announce some crusade to force our way of life and doing things on others, or to replicate our institutions, but we now know clearly that throughout the world, from Poland to Eritrea, from Guatemala to South Korea, there is an enormous yearning among people who wish to be the masters of their own economic and political lives. Where it matters most and where we can make the greatest difference, we will, therefore, patiently and firmly align ourselves with that yearning.

Today, there are still those who claim that democracy is simply not applicable to many cultures, and that its recent expansion is an aberration, an accident, in history that will soon fade away. But I agree with President Roosevelt, who once said, "The democratic aspiration is no mere recent phase of human history. It is human history."

We will work to strengthen the free market democracies, by revitalizing our economy here at home, by opening world trade through the GATT, the North American Free Trade Agreement and other accords, and by updating our sharedinstitutions, asking with you and answering the hard questions about whether they are adequate to the present challenges.

We will support the consolidation of market democracy where it is taking new root, as in the states of the former Soviet Union and all over Latin America. And we seek to foster the practices of good government that distribute the benefits of democracy and economic growth fairly to all people.

We will work to reduce the threat from regimes that are hostile to democracies and to support liberalization of nondemocratic states when they are willing to live in peace with the rest of us.

As a country that has over 150 different racial, ethnic and religious groups within our borders, our policy is and must be rooted in a profound respect for all the world's religions and cultures. But we must oppose everywhere extremism that produces terrorism and hate.

And we must pursue our humanitarian goal of reducing suffering, fostering sustainable development, and improving the health and living conditions, particularly for our world's children.

On efforts from export control to trade agreements to peace keeping, we will often work in partnership with others and through multilateral institutions such as the United Nations. It is in our national interest to do so. But we must not hesitate to act unilaterally when there is a threat to our core interests or to those of our allies.

The United States believes that an expanded community of market democracies not only serves our own security interests, it also advances the goals enshrined in this body's charter and its Universal Declaration of Human Rights. For broadly-based prosperity is clearly the strongest form of preventive diplomacy. And the habits of democracy are the habits of peace.

Democracy is rooted in compromise, not conquest. It rewards tolerance, not hatred. Democracies rarely wage war on one another. They make more reliable partners in trade, in diplomacy, and in the stewardship of our global environment. In democracies with the rule of law and respect for political, religious, and cultural minorities are more responsive to their own people and to the protection of human rights.

But as we work toward this vision we must confront the storm clouds that may overwhelm our work and darken the march toward freedom. If we do not stem the proliferation of the world's deadliest weapons, no democracy can feel secure. If we do not strengthen the capacity to resolve conflict among and within nations, those conflicts will smother the birth of free institutions, threaten the development of entire regions, and continue to take innocent lives.

If we do not nurture our people and our planet through sustainable development, we will deepen conflict and waste the very wonders that make our efforts worth doing.

Let me talk more about what I believe we must do in each of these three categories: nonproliferation, conflict resolution, and sustainable development.

One of our most urgent priorities must be attacking the proliferation of weapons of mass destruction, whether they are nuclear, chemical, or biological; and the ballistic missiles that can rain them down on populations hundreds of miles away.

We know this is not an idle problem. All of us are still hunted by the pictures of Kurdish women and children cut down by poison gas. We saw Scud missiles dropped during the Gulf War that would have been far graver in their consequence if they had carried nuclear weapons. And we know that many nations still believe it is in their interest to develop weapons of mass destruction or to sell them or the necessary technologies to others for financial gain.

More than a score of nations likely possess such weapons, and their number threatens to grow. These weapons destabilize entire regions. They could turn a local conflict into a global human and environmental catastrophe. We simply have got to find ways to control these weapons and to reduce the number of states that possess them by supporting and strengthening the IAEA and by taking other necessary measures.

I have made nonproliferation one of our nation's highest priorities. We intend to weave it more deeply into the fabric of all of our relationships with the world's nations and institutions. We seek to build a world of increasing pressures for nonproliferation, but increasingly open trade and technology for those states that live by accepted international rules.

Today, let me describe several new policies that our government will pursue to stem proliferation. We will pursue new steps to control the materials for nuclear weapons. Growing global stockpiles of plutonium and highly enriched uranium are raising the danger of nuclear terrorism for all nations. We will press for an international agreement that would ban production of these materials for weapons forever.

As we reduce our nuclear stockpiles, the United States has also begun negotiations toward a comprehensive ban on nuclear testing. This summer I declared that to facilitate these negotiations, our nation would suspend our testing if all other nuclear states would do the same. Today, in the face of disturbing signs, I renew my call on the nuclear states to abide by that moratorium as we negotiate to stop nuclear testing for all time.

I am also proposing new efforts to fight the proliferation of biological and chemical weapons. Today, only a handful of nations has ratified the Chemical Weapons Convention. I call on all nations, including my own, to ratify this accord quickly so that it may enter into force by January 13th, 1995.

We will also seek to strengthen the biological weapons convention by making every nation's biological activities and facilities open to more international students. I am proposing as well new steps to thwart the proliferation of ballistic missiles. Recently, working with Russia, Argentina, Hungary and South Africa, we have made significant progress toward that goal. Now, we will seek to strengthen the principles of the Missile Technology Control Regime by transforming it from an agreement on technology transfer among just 23 nations to a set of rules that can command universal adherence.

We will also reform our own system of export controls in the United States to reflect the realities of the post-Cold War world, where we seek to enlist the support of our former adversaries in the battle against proliferation.

At the same time that we stop deadly technologies from falling into the wrong hands, we will work with our partners to remove outdated controls that unfairly burden legitimate commerce and unduly restrain growth and opportunity all over the world.

As we work to keep the world's most destructive weapons out of conflict, we must also strengthen the international community's ability to address those conflicts themselves. For as we all now know so painfully, the end of the Cold War did not bring us to the millennium of peace. And, indeed, it simply removed the lid from many cauldrons of ethnic, religious, and territorial animosity.

The philosopher, Isaiah Berlin, has said that a wounded nationalism is like a bent twig forced down so severely that when released it lashes back with fury. The world today is thick with both bent and recoiling twigs of wounded communal identities.

This scourge of bitter conflict has placed high demands on United Nations peacekeeping forces. Frequently the blue helmets have worked wonders. In Namibia, El Salvador, the Golan Heights and elsewhere, U.N. peacekeepers have helped to stop the fighting, restore civil authority, and enable free elections.

In Bosnia, U.N peacekeepers, against the anger and frustration of that continuing tragedy, has maintained a valiant humanitarian effort. And if the parties of that conflict take the hard steps needed to make a real peace, the international community including the United States must be ready to help in its effective implementation.

In Somalia, the United States and the United Nations have worked together to achieve a stunning humanitarian rescue, saving literally hundreds of thousands of lives and restoring the conditions of security for almost the entire country. U.N. peacekeepers from over two dozen nations remain in Somalia today. And some, including brave Americans, have lost their lives to ensure that we complete our mission, and to ensure that anarchy and starvation do not return just as quickly as they were abolished.

Many still criticize U.N. peacekeeping, but those who do should talk to the people of Cambodia, where the U.N.'s operations have helped to turn the killing fields into fertile soil through reconciliation. Last May's elections in Cambodia marked a proud accomplishment for that war-weary nation and for the United Nations. And I am pleased to announce that the United States has recognized Cambodia's new government.

U.N. peacekeeping holds the promise to resolve many of this area's conflicts. The reason we have supported such missions is not, as some critics in the United States have charged, to subcontract American foreign policy, but to strengthen our security, protect our interests, and to share among nations the costs and effort of pursuing peace. Peacekeeping cannot be a substitute for our own national defense efforts, but it can strongly supplement them.

Today, there is wide recognition that the U.N. peacekeeping ability has not kept pace with the rising responsibilities and challenges. Just six years ago, about 10,000 U.N. peacekeepers were stationed around the world. Today, the U.N. has some 80,000 deployed in 17 operations on four continents. Yet, until recently, if a peacekeeping commander called in from across the globe when it was nighttime here in New York, there was no one in the peacekeeping office even to answer the call. When lives are on the line, you cannot let the reach of the U.N. exceed its grasp.

As the Secretary General and others have argued, i.e. if U.N. peacekeeping is to be a sound security investment for our nation and for other U.N. members, it must adapt to new times. Together we must prepare U.N. peacekeeping for the 21st century. We need to begin by bringing the rigors of military and political analysis to every U.N. peace mission.

In recent weeks in the Security Council, our nation has begun asking harder questions about proposals for new peacemaking missions: Is there a real threat to international peace. Does the proposed mission have clear objectives? Can an end point be identified for those who will be asked to participate? How much will the mission cost? From now on, the United Nations should address these and other hard questions for every proposed mission before we vote and before the mission begins.

The United Nations simply cannot become engaged in every one of the world's conflicts. If the American people are to say yes to U.N. peacekeeping, the United Nations must know when to say no. The United Nations must also have the technical means to run a modern world-class peacekeeping operation.

We support the creation of a genuine U.N. peacekeeping headquarters with a planning staff, with access to timely intelligence, with a logistics unit that can be deployed on a moment's notice, and a modern operations center with global communications.

And the U.N.'s operations must not only be adequately funded, but also fairly funded.

Within the next few weeks, the United States will be current in our peacekeeping bills. I have worked hard with the Congress to get this done. I believe the United States should lead the way in being timely in its payments, and I will work to continue to see that we pay our bills in full. But I am also committed to work with the United Nations to reduce our nation's assessment for these missions.

The assessment system has not been changed since 1973. And everyone in our country knows that the percentage of the world's economic pie is not as great as it was then. Therefore, I believe our rates should be reduced to reflect the rise of other nations that can now bear more of the financial burden. That will make it easier for me as President to make sure we pay in a timely and full fashion.

Changes in the U.N.'s peacekeeping operations must be part of an even broader program of United Nations reform. I say that again not to criticize the United Nations, but to help to improve it. As our Ambassador Madeleine Albright has suggested, the United States has always played a twin role to the U.N.—first friend and first critic.

Today corporations all around the world are finding ways to move from the Industrial Age to the Information Age, improving service, reducing bureaucracy and cutting costs. Here in the United States, our Vice President Al Gore and I have launched an effort to literally reinvent how our government operates. We see this going on in other governments around the world. Now the time has come to reinvent the way the United Nations operates as well.

I applaud the initial steps the Secretary General has taken to reduce and to reform the United Nations bureaucracy. Now, we must all do even more to root out waste. Before this General Assembly is over, let us establish a strong mandate for an Office of Inspector General so that it can attain a reputation for toughness, for integrity, for effectiveness. Let us build new confidence among our people that the United Nations is changing with the needs of our times.

Ultimately, the key for reforming the United Nations, as in reforming our own government, is to remember why we are here and whom we serve. It is wise to recall that the first words of the U.N. Charter are not "We, the government," but, "We, the people of the United Nations." That means in every country the teachers, the workers, the farmers, the professionals, the fathers, the mothers, the children, from the most remote village in the world to the largest metropolis, they are why we gather in this great hall. It is their futures that are at risk when we act or fail to act. It is they who ultimately pay our bills.

As we dream new dreams in this age when miracles now seem possible, let us focus on the lives of those people, and especially on the children who will inherit this world. Let us work with a new urgency, and imagine what kind of world we could create for them in the coming generations.

Let us work with new energy to protest the world's people from torture and repression. As Secretary of State Christopher stressed at the recent Vienna Conference, human rights are not something conditional, founded by culture, but rather something universal granted by God. This General Assembly should create at long last, a high commissioner for human rights. I hope you will do it soon and with vigor and energy and conviction.

Let us also work far more ambitiously to fulfill our obligations as custodians of this planet, not only to improve the quality of life for our citizens and the quality of our air and water and the Earth itself, but also because the roots of conflict are so often entangled with the roots of environmental neglect and the calamity of famine and disease.

During the course of our campaign in the United States last year, Vice President Gore and I promised the American people major changes in our nation's policy toward the global environment. Those were promises to keep, and today the United States is doing so.

Today we are working with other nations to build on the promising work of the U.N.'s Commission on Sustainable Development. We are working to make sure that all nations meet their commitments under the Global Climate Convention. We are seeking to complete negotiations on an accord to prevent the world's deserts from further expansion. And we seek to strengthen the World's Health Organization's efforts to combat the plague of AIDS, which is not only killing millions, but also exhausting the resources of nations that can least afford it.

Let us make a new commitment to the world's children. It is tragic enough that 1.5 million children died as a result of wars over the past decade. But it is far more unforgivable that in that same period, 40 million children died from diseases completely preventable with simple vaccines or medicine. Every day—this day, as we meet here—over 30,000 of the world's children will die of malnutrition and disease.

Our UNICEF Director, Jim Grant, has reminded me that each of those children had a name and a nationality, a family, a personality, and a potential. We are compelled to do better by the world's children. Just as our own nation has launched new reforms to ensure that every child has adequate health care, we must do more to get basic vaccines and other treatment for curable diseases to children all over the world. It's the best investment we'll ever make.

We can find new ways to ensure that every child grows up with clean drinkable water, that most precious commodity of life itself. And the U.N. can work even harder to ensure that each child has at least a full primary eduction—and I mean that opportunity for girls as well as boys.

And to ensure a healthier and more abundant world, we simply must slow the world's explosive growth in population. We cannot afford to see the human waste doubled by the middle of the next century. Our nation has, at least, renewed its commitment to work with the United Nations to expand the availability of the world's family planning education and services. We must ensure that there is a place at the table for every one of our world's children. And we can do it.

At the birth of this organization 48 years ago, another time of both victory and danger, a generation of gifted leaders from many nations stepped forward to organize the world's efforts on behalf of security and prosperity. One American leader during that period said this: "It is time we steered by the stars rather than by the light of each passing ship." His generation picked peace, human dignity and freedom. Those are good stars, the should remain the highest in our own firmament.

Now history has granted to us a moment of even greater opportunity when old dangers and old walls are crumbling, future generations will judge us, every one of us, above all, by what we make of this magic moment. Let us resolve that we will dream larger, that we will work harder so that they can conclude that we did not merely turn walls to rubble, but instead laid the foundation for great things to come.

Let us ensure that the tide of freedom and democracy is not pushed back by the fierce winds of ethnic hatred. Let us ensure that the world's most dangerous weapons are safely reduced and denied to dangerous hands. Let us ensure that the world we pass to our children is healthier, safer and more abundant than the one we inhabit today.

I believe—I know—that together we can extend this moment of miracles into an age of great work and new wonders. Thank you very much.

Mr. PRESSLER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WOFFORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. WOFFORD. Madam President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR QUENTIN BURDICK

Mr. DECONCINI. Madam President, I was unable to come to the floor on September 24 when I was tied up in a conference all that day. I wanted to come here and participate in the discussion that was held regarding Roll Call's story insinuating that the former senior Senator from North Dakota, Senator Burdick, may have been a Communist sympathizer.

Everyone who had the good fortune to serve with Senator Burdick knows that nothing could be further from the truth. And Roll Call knows that their article is not true. Shame on you Roll Call. Shame. Shame. Shame.

Senator Burdick was one of the most decent, hardworking, and patriotic individuals I have ever known. When I first came to the Senate, I succeeded Senator Burdick as chairman of the Judiciary Subcommittee on Improvements in Judicial Machinery or the courts subcommittee. Needless to say, I needed help. Senator Burdick generously took the time to advise me on the workings of the Judiciary Committee and to brief me thoroughly on the critical issues the subcommittee would be addressing. He was totally unselfish with his time and advice. He was a marvelous mentor and, in no small measure he was responsible for the success of my subcommittee in enacting monumental pieces of legislation such as the Bankruptcy Reform Act of 1979 which brought to a conclusion the efforts begun nearly a decade before by the esteemed Senator, Senator Burdick. Senator Burdick was not only deeply admired and revered by me, but by every Member of this body. More important still, he was deeply loved by the citizens of North Dakota who sent him to represent them in Congress for more than 30 years.

Why would Roll Call stoop so low as to attack by innuendo through old FBI files the good name of a deceased Senator? For sensationalism, pure and simple. The Roll Call article was not reporting, it was muckraking at its worst. All of us know that the way the FBI operated in those days was certainly questionable. Its spying and scare tactics and political overtones represent a low point in law enforcement which I hope will never be repeated. The Roll Call article has no place in professional journalism. It is disgusting, even more so since Senator Burdick does not have the ability to fight back. We in this Chamber have a responsibility to take up his cause, and, I am glad to do it with my other colleagues.

I thought red baiting died with the McCarthy era. Apparently not. It appears that Roll Call has decided to pick up the cause of character assassination and guilt by association which pervaded one of the sorriest eras in American history. If so, I hope the Senate will have the guts to fight back each and every time such despicable articles appear. The article on Senator Burdick is utter trash and deserves to be exposed as such. It is journalism at its very worst. Roll Call's tampering with the truth deserves every word of the condemnation it has received on the floor of this Senate. At the very least, Roll Call owes Senator Burdick's family an unequivocal apology.

TRIBUTE TO BRAD DAVIS

Mr. LIEBERMAN. Madam President, I rise today to give credit to a legend that is almost as much a part of Connecticut history as the Charter Oak tree. I am talking about Brad Davis, of WDRC radio in Bloomfield, CT. On Monday Brad celebrated his 35th anniversary in broadcasting—a feat that is seldom reached in this age of fast-paced technology and fast-moving media personalities. But Brad survives because he has a unique capacity for knowing his listeners and he delivers for them. He is truly a man of, by, and for the people—especially those great people in Brad's listening audience. Like "Arnie's Army," they are as loyal to him as he is to them.

Brad Davis is also a success on radio because he is a man of conviction and integrity. In this day and age of when advertising is king on the radio, Brad Davis has the guts to say no to a product endorsement he does not believe in. His folksy, honest endorsements have made him a pitchman right up there with the likes of Paul Harvey and that other great legend of Connecticut radio, Bob Steele. He knows his products. He knows his audience. And he knows what he believes in.

Madam President, as further evidence of the voice and personality which makes Brad Davis truly one of a kind, I would like to insert a copy of an article from Monday's Hartford Courant which gives a biographical look at this wonderful man. Keep up the good work, Brad. We will be listening.

The article follows:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Hartford (CT) Courant, Sept. 27, 1993]

A DAVIS ANNIVERSARY: HE'S STILL PITCHING AFTER 35 YEARS

(By John Lender)

On this date 35 years ago, Dwight Eisenhower was president, pitcher Whitey Ford symbolized the dominance of the Yankees and Brad Davis began his Connecticut broadcasting career.

That was long ago, when television and rock "n" roll were still new, Eisenhower and the Yankee's dominance are memories, but at 5 a.m. today, Davis, now 59, should be on the air, as he is six mornings a week—on WDRC-AM (1360) in Bloomfield.

He'll be talking about current events (which lately means complaining about Hartford's administration), playing records and, as ever, endorsing his advertisers' products with a fervency approaching prayer.

Whitey Ford never pitched harder than Davis. He's from the old, read-the-script yourself school of personal endorsements. Listen to him, and you'll hear there's no better car dealer than Enfield Ford; there's no better refreshment than Snapple drinks; and as for windows, well, forget about any dealer other than Finman Windows in Farmington.

Like him or not, Davis has achieved an undeniable celebrity that gets him hailed from passing cars whenever he's on a Hartford sidewalk. Davis won't say what he's paid, but he's well off enough to own two houses in Bloomfield and a condo in Miami—with no mortgage loans.

The way this all started, Davis says, was "a fluke. I never planned this as a profession, never had any training, never went to school for it."

Some of his critics probably would believe that. "There are a lot of people who just can't stand me," Davis acknowledges, "because I say things that sometimes a lot of people don't agree with. . . . You like me or you don't like me; there's no in between."

Some get mad at his conservative politics, or accuse him of opportunism for stirring up listeners against the state income tax or in favor of casinos. Others, such as his friends, William and Nikki O'Neill—the former governor and his wife—admire his years of community efforts on behalf of the disadvantaged.

But Davis has had an unusual career—one that probably could not happen again at this stage in the development of broadcasting. Davis' career has three distinct phases that make him a living reflection of the changes that have come since the '50s.

Television and rock 'n' roll were both young on Sept. 27, 1958—the date Davis started as Connecticut's crew-cutted answer to Dick Clark, hosting a Saturday afternoon rock 'n' roll show for teens cloned from "American Bandstand." The "Brad Davis Show" lasted 11 years.

Phase II of Davis's career began in turbulent 1969, when he abruptly turned into a public-affairs show host/investigative reporter; he was teamed with the young John Sablon (now of WVIT, Channel 30) on "What's Happening" on Channel 3, then WTIC-TV.

And since 1977—in Phase III—he has been WDRC-AM's morning man, risingeach day except Sunday at 3 a.m. in his Bloomfield home to do his 5-to-10-shift.

All the while he has been active in community causes, and Nikki O'Neill said last week that Davis led that state's first efforts in the 1980s to grapple with the problems of the homeless. Davis won a national governor's award 1986 for that effort, which included co-chairmanship of a task force established by O'Neill.

And all along, Davis has been pitching products on TV and radio—from Jeeps to milk. Davis refers to his old rock 'n' roll show as "the milk show" because it was sponsored by Connecticut's milk producers. His ability to make a sales pitch with homespun sincerity got him that first big job.

AH, MILK

Davis had come out of the Marines in 1955 and returned to his grandfather's dairy farm in Enfield's Hazardville section. A friend got him involved in radio at a small station in nearby Chicopee, Mass., where he started part time introducing an ethnic show whose host's trademark was rhyming words in Polish.

"One afternoon, I'm on the radio doing a record show in Chicopee. There were a lot of commercials for Coca-Cola and I said after one commercial, 'You know, I live on a dairy farm, and I can't understand why people don't advertise to tell you how good milk is." I said, that's refreshment. I mean ice-cold, there's nothing like it.

"Well, whew, the station manager didn't like that because Coke was buying the [commercial] time, and what the hell was I trying to sell milk for? Well, in Hartford somebody was listening."

It was the advertising executive with the milk producers' account, "and he called me up and said, 'I heard you talking about milk. You know what you're talking about.' I said I should, I helped my grandfather with the dairy and I practically grew up on the farm. He said, 'I don't know, you just sounded believable.'"

He told Davis of the show that the milk producers were putting on Channel 3 for a 13-week-trial, and suggested that he come to the Travelers Tower's sixth-floor television studio for the audition as host. Davis knew nothing of TV, but went anyway, and was dismayed to see a succession of polished announcers go before him.

The audition involved reading a TelePrompter commercial for Friend's Baked Beans. Davis had never seen a TelePrompter and kept messing up. "It was awful," he said.

"On the final, third take, I stopped in the middle and I said, 'Look, I have never been in a TV studio. I don't know what you call this thing that I'm reading from, but I'll tell you something. I grew up, and I still live on, my grandfather's dairy farm, and . . . growing up every Saturday night, we always had baked beans, hot dogs and brown bread—religiously.

"And I said I always remember my grandmother on Friday soaking her pea beans. On

Saturday, she would add up the molasses and a little corn syrup . . . and the salt pork. But she always added a can of Friend's beans, and I said if my grandmother used them, they've gotta be good."

Well, the man upstairs, the late broadcast executive Leonard Patricelli, was listening on his office monitor. "He called down to the studio and said, 'That's the guy I want to hire, because he told the truth.'"

"I swear to God, if I had to sell Windex I would never be here," Davis says. "My grandmother never used Windex. Anyway, that's how I got my job."

A BELIEVER

Davis insists he is as sincere about the products he hawks nowadays as he was about Friend's beans. "I have a deal with the station—this was all discussed in '77 when I came here—when I'm selling, I will not take a product that I do not believe in. I will absolutely not do it."

Thus did Davis become a celebrity. Singers from the Everly Brothers to Frankie Valli to the Supremes would come on his show and lip sync their hits (all except Tony Bennett, who insisted on singing "I Left My Heart in San Francisco" live) without charge to the station, because of the promotional value of their appearances to the record companies. (Guests generally had to drink a glass of milk with Davis on-camera.)

Travelers Corp. owned both Channel 3 and WTIC–AM at the time, so Davis also worked on the radio; there he worked with legendary morning host Bob Steele, who Davis says taught him a thing or two about pitching products.

Davis would have students from a different high school on each show to dance, and for a couple of years during the milk show's run, he went on the road twice each weekend with musical groups to local high schools. The proceeds went to the schools for student activities. "It was only right; I needed the kids, and I couldn't have done my TV show without them."

When the milk show ended its run in 1969, Channel 3 Vice President Richard Ahles recognized what he saw as "a flair for TV" in Davis, and teamed him with Sablon, recently out of Columbia University's journalism program. Both proved quick studies, Ahles recalls, and the "What's Happening" public affairs show spawned a number of big investigative pieces—including one that resulted in the pardon of a retarded man who had been unjustly convicted of killing someone. It won a major national broadcasting award.

Now Davis plays easy-listening favorites on WDRC–AM, which takes a back seat to the FM side of the WDRC organization in ratings and revenue. But he enjoys a loyal, if not overwhelming, following. He says he likes talking about public issues and sometimes influencing them, as well as helping listeners who call him with problems.

He contends that commercial success does not begin and end with the ratings. Jed Finman, president of Finman Windows, backs him up on that.

"Everybody that calls my office to get an appointment for windows gets asked, 'How'd you hear about us?'" Finman said. He advertises on a half-dozen stations, including top-rated WTIC–AM, but when customers answer the question, Finman said, "Brad Davis' name comes up more than anybody's."

MESSAGE FROM THE HOUSE

At 11:04 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; ordered, that Mr. OBEY, Mr. YATES, Mr. WILSON, Mr. OLVER, Ms. PELOSI, Mr. TORRES, Mrs. LOWEY, Mr. SERRANO, Mr. NATCHER, Mr. LIVINGSTON, Mr. PORTER, Mr. LIGHTFOOT, Mr. CALLAHAN, and Mr. MCDADE be the managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2492) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1994, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; ordered that Mr. DIXON, Mr. STOKES, Mr. DURBIN, Ms. KAPTUR, MR. SKAGGS, Ms. PELOSI, Mr. NATCHER, Mr. WALSH, Mr. ISTOOK, Mr. BONILLA, and Mr. MCDADE be the managers of the conference on the part of the House.

ENROLLED BILLS SIGNED

At 12:06 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1130. An act to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes;

H.R. 2074. An act to authorize appropriations for the American Folklife Center for fiscal years 1994 and 1995; and

H.R. 3051. An act to provide that certain property located in the State of Oklahoma owned by an Indian housing authority for the purposes of providing low-income housing shall be treated as Federal property under the act of September 30, 1950 (Public Law 874, 81st Cong.).

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 28, 1993, he had presented to the President of the United States, the following enrolled bill:

S. 1130. An act to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1565. A communication from the Attorney General, transmitting, pursuant to law, a report of the awards of the Young American Medals For Bravery and Service for calendar years 1990 and 1991; to the Committee on the Judiciary.

EC–1566. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation entitled "Marking of Plastic Explosives for Detection Act"; to the Committee on the Judiciary.

EC–1567. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for the Technology, Educational Media, and Materials for Individuals with Disabilities Program; to the Committee on Labor and Human Resources.

EC–1568. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for the Postsecondary Education Programs for Individuals with Disabilities; to the Committee on Labor and Human Resources.

EC–1569. A communication from the Secretary of Education, transmitting, a draft of proposed legislation to amend the Higher Education Act of 1965 to simplify and clarify the definition of a cohort default rate; to the Committee on Labor and Human Resources.

EC–1570. A communication from the Secretary of Education, transmitting, a draft of proposed legislation entitled "Improving America's Schools Act of 1993"; to the Committee on Labor and Human Resources.

PETITONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–290. A resolution adopted by the City Council of the City of Cloverdale, California relative to State mandates; to the Committee on Governmental Affairs.

POM–291. A resolution adopted by the City Council of the City of Cloverdale, California relative to Language of Government legislation; to the Committee on Governmental Affairs.

POM–292. A resolution adopted by the Common Council of the City of Gary, Indiana relative to Federal mandates; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 732. A bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

By Mr. PELL, from the Committee on Foreign Relations, with an amendment:

S. 1487. A bill entitled "Middle East Peace Facilitation Act of 1993."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, From the Committee on Foreign Relations:

Carol J. Lancaster, of the District of Columbia, to be Deputy Administrator of the Agency for International Development,

Margaret V. W. Carpenter, of California, to be an Assistant Administrator of the Agency for International Development,

John Roggen Schmidt, of Illinois, for the rank of Ambassador during his tenure of service as the Chief U.S. Negotiator to the Uruguay Round, and

Linda Tsao Yang, of California, to be United States Director of the Asian Development Bank, with the rank of Ambassador,

James T. Laney, of Georgia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

Nominee James T. Laney.

Post Ambassador, Republic of Korea.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: James T. Laney, none.
2. Spouse: Berta R. Laney, $35.00, December 1, 1989, Democratic Campaign Fund.
3. Children and spouses names: Bill and Susan (Laney) Castle, none; Tom and Drew Laney—none; Radford and Lisa Laney, none; Wendell and Mary (Laney) Reilly, none; Bill and Joan (Laney) Vaughan, none.
4. Parents names: Mary Hughey Laney, none; Thomas Mann Laney, deceased.
5. Grandparents names: James Monroe Hughey, deceased; Hattie Stanley Hughey, deceased; Thomas Farley Laney, deceased; Bess Laney, deceased.
6. Brothers and spouses names: none.
7. Sisters and spouses names: none.

John D. Negroponte, of New York, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines.

Nominee: John D. Negroponte.

Post: Manila.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse: Diana, none.
3. Children and spouses names: Marina, Alexandra, John, and George, none.
4. Parents names: Catherine and Dimitri Negroponte, none.
5. Grandparents names: deceased.
6. Brothers and spouses names: Nicholas and Elaine, $100.00, 1992, Gov. William Weld. George and Hope, $650.00, 1989–1992, various Democratic party recipients—e.g. DNC, Committee for Democratic Concensus, People for the American Way—etc. Michel and Joan, none.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list on the Foreign Service which was printed in full in the CONGRESSIONAL RECORD of September 14, 1993, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. INOUYE (for himself, Mr. BRYAN, Mr. REID, Mr. HATCH, Mr. COATS, Mr. D'AMATO, Mr. DURENBERGER, Mr. FAIRCLOTH, Mr. HOLLINGS, Mr. JOHNSTON, Mr. WALLOP, and Mr. DOLE):

S. 1495. A bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE (for himself, Mr. BRYAN, Mr. REID, Mr. HATCH, Mr. COATS, Mr. D'AMATO, Mr. DURENBERGER, Mr. FAIRCLOTH, Mr. HOLLINGS, Mr. JOHNSTON, Mr. WALLOP, and Mr. DOLE).

S. 1495. A bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

• Mr. INOUYE. Mr. President, today, I introduce legislation to restore the business meals and entertainment tax deduction to 80 percent. I am joined by Senators BRYAN, REID, HATCH, COATS, D'AMATO, DURENBERGER, FAIRCLOTH, HOLLINGS, JOHNSTON, WALLOP, and DOLE. Restoration of this deduction is essential to the livelihood of the foodservice, travel and tourism, and entertainment industries throughout the United States.

The deduction for business meals and entertainment was recently reduced from 80 to 50 percent in the Omnibus Budget Reconciliation Act of 1993. This reduction will cost up to 165,000 jobs in the foodservice industry and will have a negative impact on the tourism and entertainment trade.

All of these industries are big employers. The foodservice industry, for example, is the number one retail employer in the country. Travel and tourism is the third largest retail employer. Restoring the business meal deduction means continued employment for the millions of men, women and teenagers working in these industries.

I sincerely hope that we do not see the kind of job loss I have described. I further hope that the reduction to 50 percent does not become a "Luxury Tax Two," in which the Congress moves toward restoration only after the damage has been done and jobs are lost. Accordingly, I urge my colleagues to join me in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that the bill text be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF REDUCTION IN BUSINESS MEALS AND ENTERTAINMENT TAX DEDUCTION.

(a) IN GENERAL.—Section 13209 of the Revenue Reconciliation Act of 1993 is hereby repealed, and the Internal Revenue Code of 1986 shall be applied and administered as if such section had not been enacted.

(b) EFFECTIVE DATE.—This section shall apply to taxable years beginning after December 31, 1993.•

ADDITIONAL COSPONSORS

S. 455

At the request of Mr. HATFIELD, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 651

At the request of Ms. MIKULSKI, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 651, a bill to amend the Office of Federal Procurement Policy Act to provide for expanded participation of historically Black colleges and universities and nonprofit organizations owned and controlled by black Americans in federally funded research and development activities.

S. 993

At the request of Mr. KEMPTHORNE, the names of the Senator from Mississippi [Mr. LOTT], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 993, a bill to end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

S. 1045

At the request of Mr. WOFFORD, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1045, a bill to permit

States to establish programs using unemployment funds to assist unemployed individuals in becoming self-employed.

S. 1463

At the request of Ms. MIKULSKI, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1463, a bill to amend the Elementary and Secondary Education Act of 1965 to address gender equity in mathematics and science education and to assist schools and educational institutions in the elimination of sexual harassment and abuse.

SENATE JOINT RESOLUTION 119

At the request of Mr. KENNEDY, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from California [Mrs. BOXER], the Senator from Georgia [Mr. NUNN], the Senator from Hawaii [Mr. AKAKA], the Senator from Iowa [Mr. GRASSLEY], the Senator from Kentucky [Mr. FORD], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Maine [Mr. COHEN], the Senator from New Hampshire [Mr. GREGG], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 119, a joint resolution to designate the month of March 1994 as "Irish-American Heritage Month."

SENATE JOINT RESOLUTION 123

At the request of Mr. SHELBY, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Alaska [Mr. STEVENS], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 123, a joint resolution to designate the week beginning November 6, 1994, as "National Elevator and Escalator Safety Awareness Week."

SENATE JOINT RESOLUTION 130

At the request of Mr. KEMPTHORNE, the names of the Senator from Mississippi [Mr. LOTT], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Joint Resolution 130, a joint resolution designating October 27, 1993, as "National Unfunded Federal Mandates Day."

SENATE JOINT RESOLUTION 134

At the request of Mr. BIDEN, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from California [Mrs. BOXER], the Senator from Illinois [Mr. SIMON], and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Joint Resolution 134, a joint resolution to designate October 19, 1993, as "National Mammography Day."

SENATE RESOLUTION 128

At the request of Mr. LAUTENBERG, the names of the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Resolution 128, a resolution expressing the sense of the Senate regarding the protection to be accorded United States copyright-based industries under agreements entered into pursuant to the Uruguay Round of trade negotiations.

AMENDMENTS SUBMITTED

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT FOR 1994

LAUTENBERG (AND OTHERS) AMENDMENT NO. 971

Mr. LAUTENBERG (for himself, Mr. SIMON, and Mrs. BOXER) proposed an amendment to the bill (H.R. 2518) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes, as follows:

At the appropriate place insert:

TITLE VI—NONSMOKING POLICY

SEC. 601. SHORT TITLE.

This title may be cited as the "Preventing Our Kids From Inhaling Deadly Smoke (PRO-KIDS) Act of 1993".

SEC. 602. FINDINGS.

The Congress finds that—

(1) environmental tobacco smoke comes from secondhand smoke exhaled by smokers and sidestream smoke emitted from the burning of cigarettes, cigars, and pipes;

(2) since citizens of the United States spend up to 90 percent of a day indoors, there is a significant potential for exposure to environmental tobacco smoke from indoor air;

(3) exposure to environmental tobacco smoke occurs in schools, public buildings, and other indoor facilities;

(4) recent scientific studies have concluded that exposure to environmental tobacco smoke is a cause of lung cancer in healthy nonsmokers and is responsible for acute and chronic respiratory problems and other health impacts in sensitive populations (including children);

(5) the health risks posed by environmental tobacco smoke exceed the risks posed by many environmental pollutants regulated by the Environmental Protection Agency; and

(6) according to information released by the Environmental Protection Agency, environmental tobacco smoke results in a loss to the economy of over $3,000,000,000 per year.

SEC. 603. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) CHILDREN.—The term "children" means individuals who have not attained the age of 18.

(3) CHILDREN'S SERVICES.—The term "children's services" means—

(A) direct health services that are routinely provided to children and that are funded (in whole or in part) by Federal funds; or

(B) any other direct services that are routinely provided primarily to children, including educational services and that are funded (in whole or in part) by Federal funds.

(4) FEDERAL AGENCY.—The term "Federal agency" means an entity in the executive, legislative or judicial branch of the Federal Government.

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 604. NONSMOKING POLICY FOR CHILDREN'S SERVICES.

(a) ISSUANCE OF GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue guidelines for instituting and enforcing a nonsmoking policy at each indoor facility where children's services are provided.

(b) CONTENTS OF GUIDELINES.—A nonsmoking policy that meets the requirements of the guidelines shall, at a minimum, prohibit smoking in each portion of an indoor facility where children's services are provided that is not ventilated separately (as defined by the Administrator) from other portions of the facility.

SEC. 605. TECHNICAL ASSISTANCE.

The Administrator and the Secretary shall provide technical assistance to persons who provide children's services and other persons who request technical assistance. The technical assistance shall include information—

(1) on smoking cessation programs for employees; and

(2) to assist in compliance with the requirements of this title.

SEC. 606. FEDERALLY FUNDED PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, each person who provides children's services shall establish and make a good-faith effort to enforce a nonsmoking policy that meets or exceeds the requirements of subsection (b).

(b) NONSMOKING POLICY.—

(1) GENERAL REQUIREMENTS.—A nonsmoking policy meets the requirements of this subsection if the policy—

(A) is consistent with the guidelines issued under section 604(a);

(B) prohibits smoking in each portion of an indoor facility used in connection with the provision of services directly to children; and

(C) where appropriate, requires that signs stating that smoking is not permitted be posted in each indoor facility to communicate the policy.

(2) PERMISSIBLE FEATURES.—A nonsmoking policy that meets the requirements of this subsection may allow smoking in those portions of the facility—

(A) in which services are not normally provided directly to children; and

(B) that are ventilated separately from those portions of the facility in which services are normally provided directly to children.

(c) WAIVER.—

(1) IN GENERAL.—A person described in subsection (a) may publicly petition the head of the Federal agency from which the person receives Federal funds (including financial assistance) for a waiver from any or all of the requirements of subsection (b).

(2) CONDITIONS FOR GRANTING A WAIVER.—Except as provided in paragraph (3), the head of the Federal agency may grant a waiver only—

(A) after consulting with the Administrator, and receiving the concurrence of the Administrator;

(B) after giving an opportunity for public hearing (at the main office of the Federal agency or at any regional office of the agency) and comment; and

(C) if the person requesting the waiver provides assurances that are satisfactory to the head of the Federal agency (with the concurrence of the Administrator) that—

(i) unusual extenuating circumstances prevent the person from establishing or enforcing the nonsmoking policy (or a requirement under the policy) referred to in subsection (b) (including a case in which the person shares space in an indoor facility with another entity and cannot obtain an agreement with the other entity to abide by the nonsmoking policy requirement) and the person will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the maximum extent possible; or

(ii) the person requesting the waiver will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the same degree as the policy (or requirement) under subsection (b).

(3) SPECIAL WAIVER.—

(A) IN GENERAL.—On receipt of an application, the head of the Federal agency may grant a special waiver to a person described in subsection (a) who employs individuals who are members of a labor organization and provide children's services pursuant to a collective bargaining agreement that—

(i) took effect before the date of enactment of this Act; and

(ii) includes provisions relating to smoking privileges that are in violation of the requirements of this section.

(B) TERMINATION OF WAIVER.—A special waiver granted under this paragraph shall terminate on the earlier of—

(i) the first expiration date (after the date of enactment of this Act) of the collective bargaining agreement containing the provisions relating to smoking privileges; or

(ii) the date that is 1 year after the date specified in subsection (f).

(d) CIVIL PENALTIES.—

(1) IN GENERAL.—(A) Any person subject to the requirements of this section who fails to comply with the requirements shall be liable to the United States for a civil penalty in an amount not to exceed $1,000 for each violation, but in no case shall the amount be in excess of the amount of Federal funds received by the person for the fiscal year in which the violation occurred for the provision of children's services.

(B) Each day a violation continues shall constitute a separate violation.

(2) ASSESSMENT.—A civil penalty for a violation of this section shall be assessed by the head of the Federal agency that provided Federal funds (including financial assistance) to the person (or if the head of the Federal agency does not have the authority to issue an order, the appropriate official) by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before issuing the order, the head of the Federal agency (or the appropriate official) shall—

(A) give written notice to the person to be assessed a civil penalty under the order of the proposal to issue the order; and

(B) provide the person an opportunity to request, not later than 15 days after the date of receipt of the notice, a hearing on the order.

(3) AMOUNT OF CIVIL PENALTY.—In determining the amount of a civil penalty under this subsection, the head of the Federal agency (or the appropriate official) shall take into account—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the ability to pay, the effect of the penalty on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and a demonstration of willingness to comply with the requirements of this title; and

(C) such other matters as justice may require.

(4) MODIFICATION.—The head of the Federal agency (or the appropriate official) may compromise, modify, or remit, with or without conditions, any civil penalty that may be imposed under this subsection. The amount of the penalty as finally determined or agreed upon in compromise may be deducted from any sums that the United States owes to the person against whom the penalty is assessed.

(5) PETITION FOR REVIEW.—A person who has requested a hearing concerning the assessment of a penalty pursuant to paragraph (2) and is aggrieved by an order assessing a civil penalty may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. The petition may only be filed during the 30-day period beginning on the date of issuance of the order making the assessment.

(6) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and without filing a petition for judicial review in accordance with paragraph (5); or

(B) after a court has entered a final judgment in favor of the head of the Federal agency (or appropriate official),

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the last day of the 30-day period referred to in paragraph (5) or the date of the final judgment, as the case may be) in an action brought in an appropriate district court of the United States. In the action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

(e) EXEMPTION.—This section shall not apply to a person who provides children's services who—

(1) has attained the age of 18;

(2) provides children's services—

(A) in a private residence; and

(B) only to children who are, by affinity or consanguinity, or by court decree, a grandchild, niece, or nephew of the provider; and

(3) is registered and complies with any State requirements that govern the children's services provided.

(f) EFFECTIVE DATE.—This section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

SEC. 607. REPORT BY THE ADMINISTRATOR.

Not later than 2 years after the date of enactment of this Act, the Administrator shall submit a report to the Congress that includes—

(1) information concerning the degree of compliance with this title; and

(2) an assessment of the legal status of smoking in public places.

SEC. 608. PREEMPTION.

Nothing in this title is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this title.

BRADLEY AMENDMENT NO. 972

Mr. BRADLEY proposed an amendment to the bill H.R. 2518, supra; as follows:

On page 62, between lines 23 and 24, insert the following:

SEC. 306. (a) The Congress finds that—

(1) according to the recent National Performance Review, there are currently 230 distinct programs in the Department of Education, 160 of which award grants through 245 national competitions each year;

(2) many of these programs overlap in purpose and orientation, differing only in the administrative requirements such programs impose on applicants and the Department of Education;

(3) as an example, the goal of reforming schools is funded through at least 4 programs assisted under this Act, including the programs assisted under chapter 2 of title I of the Elementary and Secondary Education Act of 1965 (block grants), the Fund for the Improvement and Reform of Schools and Teaching, the Secretary's Fund for Innovation in Education, and a new program established under the Goals 2000: Educate America Act, which has not yet become law;

(4) the overhead at the Department of Education to administer each separate program, and the cost to States, localities and schools of preparing applications, planning ahead, and managing funds under each program diverts scarce resources from schools and students;

(5) some Federal programs serve purposes which would be better served by consolidation into a single flexible grant, a few serve purposes that could be met without Federal assistance, and some programs are obsolete;

(6) in the Department of Education's internal study for the National Performance Review, the Department indicated that the Department had identified 41 programs that could be eliminated or consolidated into other programs;

(7) this Act takes a significant step toward consolidation by eliminating funding for 13 programs, and the Department of Education has begun a serious effort to consolidate programs, as is appropriate, in the reauthorization of the Elementary and Secondary Education Act of 1965, but much more remains to be done; and

(8) the Defense Base Closure and Realignment Commission offers a successful model for cutting government spending despite powerful interests within and outside of the Congress dedicated to protecting specific projects or programs.

(b) It is the sense of the Congress that—

(1) within 6 months of the date of enactment of this Act, the Department of Education should prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives a legislative package reflecting the President's National Performance Review plan to consolidate Federal education programs;

(2) the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives should consider the package submitted by the Department of Education and should report to the Senate and House of Representatives, respectively, bills proposing to consolidate Federal education programs;

(3) the leadership of each House of the Congress should establish—

(A) a process for considering a bill described in paragraph (2) under which such bill would be subject to a single vote of approval or disapproval by such House; or

(B) a comparable process to minimize the possibility that individual programs will be excepted from the consolidation; and

(4) the objective of the consolidation should be, first, to find savings by reducing the administrative costs to both the Department of Education and to States and localities that are due to redundant programs, and, second, to maximize the impact of Federal education dollars, but not to reduce our Nation's overall investment in schools and students.

DECONCINI (AND OTHERS) AMENDMENT NO. 973

Mr. DECONCINI (for himself, Mr. GORTON, Mr. COCHRAN, Mr. KOHL, Mr. BRADLEY, Mr. BINGAMAN, Mr. SASSER, Mr. BIDEN, Mr. REID, Mr. D'AMATO, Mr. WARNER, Mr. THURMOND, Mr. DOLE, Mr. LOTT, Mr. CHAFEE, Mr. CRAIG, Mr. DURENBERGER, Mr. DANFORTH, Mr. MACK, Mr. COHEN, Mr. LEVIN, Mr. KEMPTHORNE, Mr. DOMENICI, Mrs. HUTCHISON, Mr. BRYAN, Mr. GRAHAM, Mr. BOREN, Mr. ROBB) proposed an amendment to the bill (H.R. 2518), supra, as follows:

On page 38, line 8 strike "$465,649,000" and insert in lieu thereof "$472,649,000, including $12,000,000 which shall be for carrying out the National Youth Sports Program: *Provided*, That payments from such amount to the grantee and subgrantee administering the National Youth Sports Program may not exceed the aggregate amount contributed in cash or in kind by the grantee and subgrantee: *Provided further*, That amounts in excess of $9,400,000 of such amount may not be made available to the grantee and subgrantees administering the National Youth Sports Program unless the grantee agrees to provide contributions in cash over and above the preceding year's cash contribution to such program in an amount that equals 50 percent of such excess amount: *Provided further*, That notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1994 shall, during fiscal year 1994, obligate and expend funds for consulting services in excess of an amount equal to 96.48 percent of the amount estimated to be obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1994: *Provided further*, That notwithstanding any other provision of this Act, the aggregate amount of funds appropriated by this Act to any such department, agency, or instrumentality for fiscal year 1994 is reduced by an amount equal to 3.52 percent of the amount expected to be expended by such department, agency or instrumentality during fiscal year 1994 for consulting services. As used in the preceding two provisos, the term 'consulting services' includes any services within the definition of sub-object class 25.1 as described in the Office of Management and Budget Circular A-11, dated August 4, 1993".

MCCAIN (AND OTHERS) AMENDMENT NO. 974

Mr. MCCAIN (for himself, Mr. LOTT, Mr. GRAMM, Mr. SMITH, Mr. HELMS, Mr. BROWN, Mr. NICKLES, Mr. MACK, and Mr. WALLOP) proposed an amendment to the bill (H.R. 2518), supra, as follows:

In lieu of the language proposed to be inserted on page 63, line 14, insert the following: "$292,641,000".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, September 28, 1993, at 9:30 a.m. in SD-138 on proposals to reorganize the Department of Agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to hear testimony from business, agricultural, and environmental groups both in support of and in opposition to the North American Free-Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, September 28, 1993, at 10 a.m. to mark up S. 1487, the Middle East Peace Facilitation Act of 1993, and to vote on pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, September 28, 1993, at 3 p.m. to hold nomination hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMPLOYMENT PRODUCTIVITY

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Employment and Productivity be authorized to meet for a hearing on S. 1361, the School-to-Work Opportunities Act of 1993, during the session of the Senate on Tuesday, September 28, 1993, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Aviation Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on September 28, 1993, at 9:30 a.m. on reauthorization of the Airport Improvement Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SOMETHING IS WRONG

• Mr. SIMON. Mr. President, one of the more thoughtful observers of the American scene is Richard Cohen, whose syndicated column appears in the Washington Post.

Recently, he had a column about our culture of violence.

He poses the basic question: "What sort of people are these?" His question is really: What kind of people are we, as Americans?

We eagerly devour videos and television with massive and detailed gore and violence.

We have a problem in our society. The answer is not to in any way infringe on the first amendment, but we cannot ignore what the American Psychological Association just published in a report on youth and violence, that violence in the media is adding to violence in our society.

I ask to insert the Richard Cohen column at this point in the RECORD.

The column follows:

[From the Washington Post, Sept. 21, 1993]

VIOLENCE FOR FUN AND PROFIT

(By Richard Cohen)

I am ashamed to admit that my knowledge of the Roman Empire comes mostly from Hollywood—biblical films such as "The Robe," "Quo Vadis?" and "Ben Hur." Watching them even today, I find myself unable to assume the required multicultural detachment and not be horrified at such things as mass crucifixions and gladiator contests in which one man killed another for the entertainment of the crowd. I find myself wondering: What kind of people were these? Now I'm asking the same question about ourselves.

The question is prompted by neither the casual and senseless killings of Florida tourists nor by the daily rat-a-tat-tat of automatic weapons fire in certain neighborhoods of our proudest cities but by the introduction of a video game called "Mortal Kombat." In one version, the winner of a fight rips out his victim's heart and decapitates him. The head is displayed triumphantly with the spinal cord dangling. Naturally, the game is a runaway bestseller.

I confess to feeling a bit like an anthropologist in some primitive culture, knowing that I am unaware of much of what's going on. "Mortal Kombat," for instance, has been popular in video arcades for some time now. Its sale as a video game ($35 to $75, depending on the level of violence) had been awaited by millions and has been promoted by a $10 million advertising campaign. The manufacturer, Acclaim Entertainment Inc., says it has received 70,000 calls this year alone asking where the game could be bought. Until the other day, I never heard of any of this.

But what truly prompts my sense of being a stranger in my own land is the debate over the game's violence. The usual people have been heard from—experts warning about the awful effect this will have on children, and the manufacturer saying that young children are not the target market at all. Teenagers are. I am so relieved.

But what's not asked—at least not in what I have read—is the same question I asked about the Romans: What sort of people are these? Specifically, what kind of person would design such a game and make a buck by selling kids gore? The answer is beyond me. I can supply the names of Acclaim Entertainment's officers, but it's hard to account for an environment in which, for some reason, it's okay for businessmen to peddle simulated violence to children anddismiss all ethical or moral questions by a reference to the bottom line: It sells.

The entertainment industry in general has taken the line that violence on television, in the movies or, now, on video games is totally without societal consequences. This has to be the sheerest nonsense. The American Psychological Association says that by the time the average child is in the seventh grade, he's seen some 8,000 murders on television—and 100,000 other acts of violence. To argue that this has no effect not only contradicts the host of studies that have been done on the subject—some 3,000 in the last decade alone—but runs counter to the very premise of television advertising. Why should a viewer be influenced by a commercial and not by programming itself?

"Mortal Kombat" hit the stores recently on what its promoters called "Mortal Monday." But every day is mortal in one way or another in our cities—although "fatal" is the more appropriate word. The kids who do these killings have not only been raised on a diet of television, film and video game violence, but they happen to be the kids who watch the most television. The 8,000 murders cited above is for a kid watching an average of three hours a day of television.

But the poorest students—and your basic killer is no teacher's pet—watch six or more hours a day. A steady entertainment diet of murder and mayhem is like pornography. It dulls the senses. It reduces the exotic, the weird and the shocking to the routine. It desensitizes the viewer, and if you couple that with the real violence and deprivation of the underclass, then it is not surprising that lives are taken so casually.

The question I posed at the top of this column—What kind of people are these?—is pointed not at our young killers, but at the titans of the American entertainment industry who make a buck by selling violence. They include people like Robert Holmes, the president of Acclaim Entertainment, manufacturer of "Mortal Kombat." Is this how he would want his kids to spend their time? If not, why should he have such despicable contempt for other parents and other kids? Mr. Holmes and others like him in the entertainment industry—what kind of people are they?

If they don't know the answer, we certainly do.•

REGARDING: KONRAD STOKES

• Mr. McCAIN. Mr. President, I was delighted to read about an Arizonan, Mr. Konrad Stokes, in the Green Valley News and Sun on Wednesday, September 15, 1993. It brought to my attention the great public service Mr. Stokes gives to the great State of Arizona. I would like to extend my sincere thanks and appreciation for all his years of service to Arizona.

Volunteer work and community activism are long established values to Konrad Stokes. His interest and dedication to civic participation has always been part of his life. Mr. Stokes said "I was taught by my father that political and civic involvement are obligations of citizenship." He is the chairman of the Health and Human Services Committee of the Green Valley Community Coordinating Council, a member at-large of the council's executive board and is a member of the council's planning and zoning committee.

Mr. President, two of Mr. Stokes' major objectives are to effect "some sort of bus transportation" within Green Valley, to establish an urgent care facility and to set up a communication system to make residents aware of the home health care services that are available in Green Valley. I would like the Senate to take note of Mr. Konrad Stokes and all the community volunteer work that he has devoted his life to.

Mr. President, I would like Mr. Stokes to know how much I appreciate his commitment and devotion to Arizona and wish him every success in the future.•

RETURN OF THE IDAHO AIR NATIONAL GUARD

• Mr. KEMPTHORNE. Mr. President, I am honored to share with you a very important event taking place in Idaho.

This week, the last rotation of 98 men and women from the Idaho Air National Guard will return to Gowen Field, ID, after a 6-month combat deployment to Southwest Asia. While active duty forces will continue to enforce the United Nations authorized no-fly zone over southern Iraq, the men and women of the Idaho Air National Guard are now coming home for a well-deserved rest. Over the last 6 months, a total of 302 pilots, weapons officers, crew chiefs, and ground support personnel of the 124th Fighter Group deployed to Southwest Asia to help enforce the no-fly zone over southern Iraq.

This mission represents the first time that an Air National Guard unit has been tasked to perform a combat mission during peacetime without a Presidential call-up. This has been a difficult and challenging mission for the men and women of the Idaho Air National Guard and I want to welcome them home. I also want to express my pride in the outstanding accomplishments of these individuals.

Mr. President, members of the Idaho Air National Guard fly the F-4G Wild Weasel in the Suppression of Enemy Air Defense [SEAD] mission. The Wild Weasels use the highly accurate HARM missile to destroy enemy air defense radars that attempt to illuminate, or lock on, to U.S. aircraft. The F-4G's escorted hundreds of United States military aircraft during more than 400 sorties over southern Iraq.

On two occasions, Idaho Guardsmen fired a HARM missile after Iraqi air defenses threatened United States aircraft over southern Iraq. By all accounts, the Idaho Air National Guard performed its mission with extreme professionalism and efficiency. All of Idaho and the Nation should be proud of these men and women.

Mr. President, as we reduce the size of our Armed Forces, it is clear that the National Guard and Reserves will play a larger and larger role in defending the vital interests of this Nation. The citizen-soldiers in the National Guard and Reserves give us increased military capability at less cost than their active duty counterparts. That is why we in the Congress must continue to support a strong National Guard and Reserves in the years ahead.

Mr. President, when the men and women of the Idaho Air National Guard deployed to Southwest Asia to enforce the United Nations' no-fly zone over Iraq, they left behind their families and jobs. I want to thank the family members and loved ones who supported our guardsmen and women during this long deployment. I also want to thank the employers in Idaho who allowed their workers to perform this mission. Although it can inconvenience or upset the work schedule when employees are called away on active duty deployment, the businesses of Idaho answered the call when their guards men and women were needed. These employers also deserve our gratitude for their contribution to this effort.

Mr. President, once again the men and women of the Idaho National Guard answered the call when their Nation needed them. They performed their duties in an outstanding manner and we can all take pride in the contributions of the American citizen-soldiers in the international effort to keep Saddam Hussein in line. America has always been strong because our people have been willing to make the sacrifice for freedom.•

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WOFFORD. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 370. Gen Colin L. Powell, to be placed on the retired list in the grade indicated under the provision of title 10, United States Code, to be general;

Calendar 371. Col. Michael C. Wholley, to be brigadier general;

Calendar 372. Col. Robert G. Claypool, and Col. John S. Parker, to be permanent brigadier general;

Calendar 373. Col. Walter B. Huffman, and Col. John S. Cooke, to be permanent brigadier general;

Calendar 374. Adm. William D. Smith, to be placed on the retired list in the grade indicated to be admiral; and

Calendar 375. Vice Adm. Michael C. Colley, to be placed on the retired list in the grade indicated to be vice admiral.

All nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that upon confirmation, the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the nominations considered and confirmed en bloc are as follows:

IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. Colin L. Powell, 113-28-4024, U.S. Army.

IN THE MARINE CORPS

The following-named officer for appointment to the grade of brigadier general while serving as the Staff Judge Advocate to the Commandant of the Marine Corps under the provisions of title 10 United States Code, section 5046:

To be brigadier general

Col. Michael C. Wholley, 026-34-1101.

IN THE ARMY

The following-named Medical Corps officers for appointment in the Regular Army of the United States to the grade of brigadier general under the provisions of title 10, United States Code, sections 611(a) and 624(c):

To be permanent brigadier general

Col. Robert G. Claypool, 348-32-3837.

Col. John S. Parker, 190-32-5626.

The following-named Judge Advocate General's Corps officers for appointment in the Regular Army of the United States to the grade of brigadier general under the provisions of title 10, United States Code, sections 611(a) and 624(c):

To be permanent brigadier general

Col. Walter B. Huffman, 454-72-7206.

Col. John S. Cooke, 326-42-9042.

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be admiral

Adm. William D. Smith, U.S. Navy, 524-32-0106.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. Michael C. Colley, U.S. Navy, 542-40-3992.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Max J. Allen, and ending Volodja A. Tymoschenko, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 24, 1993.

Air Force nominations beginning Maj. William D. Bryan, Jr., 428-96-0650, and ending Maj. Stephen R. Keener, 241-02-0548, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 6, 1993.

Air Force nominations beginning Francis J. Dwyer, and ending Susan J. Craw, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Air Force nominations beginning Byron P. Marsh, and ending James Henderson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Army nominations beginning * John W. Alexander, and ending * Jack A. Woodford, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1993.

Army nominations beginning Benje H. Boedeker, and ending Paul R. Hulkovich, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 29, 1993.

Army nominations beginning Christopher Acker, and ending 6994x, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 29, 1993.

Army nominations beginning Michael D. Graham, and ending Dominic A. Solimando, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 6, 1993.

Army nominations beginning Ronald D. Lewis, and ending * Michael A. Norkus, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Army nominations beginning Errol J. * Allison, and ending George W. * Zimmerman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Army nominations beginning James R. * Allinder, and ending Marianne M. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Marine Corps nominations beginning Arnoux Abraham, and ending Jay K. Zollmann, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Aaron J. Bird Bear, and ending Jeffrey P. Scofield, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1993.

Navy nominations beginning Marion Sanford Boose, Jr., and ending Kenneth Ronald Zimmerman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nomination of Thomas Richard Williams, Jr., which was received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Stephen P. Axtell, and ending Thomas Macpherson Stapleton, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Steven Patrick Albert, and ending Philip Durant Weber, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Thomas E. Bauer, and ending Gary Allen Sidelinger, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Dean Alan Bailey, and ending Debora Ann Coulapides, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Joseph Michael Lynch, and ending William George Wilcox, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning David A. Clark, and ending Donald Spencer Francis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Michael Andrew Crosby, and ending Anthony Michael Michanowicz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Charles Scott Anderson, and ending Jeffrey Donald Nichols, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nomination of Loring Isaac Perry, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Monte L. Bible, and ending Elizabeth Ann Huffman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Robert Bradley Aarnes, and ending Michael Frederick Zink, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

ORDERS FOR WEDNESDAY, SEPTEMBER 29, 1993

Mr. WOFFORD. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Wednesday, September 29; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; and that the Senate then resume consideration of H.R. 2518, the Labor-HHS appropriatons bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. WOFFORD. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 7:49 p.m., recessed until Wednesday, September 29, 1993, at 9:30 a.m.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate September 28, 1993:

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. COLIN L. POWELL, 113-28-4024, U.S. ARMY.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF BRIGADIER GENERAL WHILE SERVING AS THE STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5046:

To be brigadier general

COL. MICHAEL C. WHOLLEY, 026-34-1101.

IN THE ARMY

THE FOLLOWING-NAMED MEDICAL CORPS OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE

UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. ROBERT G. CLAYPOOL, 348-32-3837.
COL. JOHN S. PARKER, 190-32-5626.

THE FOLLOWING-NAMED JUDGE ADVOCATE GENERAL'S CORPS OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. WALTER B. HUFFMAN, 454-72-7206.
COL. JOHN S. COOKE, 326-42-9042.

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be admiral

ADM. WILLIAM D. SMITH, U.S. NAVY, 524-32-0106.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. MICHAEL C. COLLEY, U.S. NAVY, 542-40-3992.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING MAX J. ALLEN, AND ENDING VOLODJA A. TYMOSCHENKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 24, 1993.

AIR FORCE NOMINATIONS BEGINNING MAJ. WILLIAM D. BRYAN, JR., 428-96-0650, AND ENDING MAJ. STEPHEN R. KEENER, 241-02-0548, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 6, 1993.

AIR FORCE NOMINATIONS BEGINNING FRANCIS J. DWYER, AND ENDING SUSAN J. CRAW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

AIR FORCE NOMINATIONS BEGINNING BYRON P. MARSH, AND ENDING JAMES HENDERSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

IN THE ARMY

ARMY NOMINATIONS BEGINNING *JOHN W. ALEXANDER, AND ENDING *JACK A. WOODFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 7, 1993.

ARMY NOMINATIONS BEGINNING BENJE H. BOEDECKER, AND ENDING PAUL R. HULKOVICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 29, 1993.

ARMY NOMINATIONS BEGINNING CHRISTOPER ACKER, AND ENDING 6994X, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 29, 1993.

ARMY NOMINATIONS BEGINNING MICHAEL D. GRAHAM, AND ENDING DOMINIC A. SOLIMANDO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 6, 1993.

ARMY NOMINATIONS BEGINNING RONALD D. LEWIS, AND ENDING *MICHAEL A. NORKUS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

ARMY NOMINATIONS BEGINNING ERROL J. *ALLISON, AND ENDING GEORGE W. *ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

ARMY NOMINATIONS BEGINNING JAMES R. *ALLINDER, AND ENDING MARIANNE M. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING ARNOUX ABRAHAM, AND ENDING JAY K. ZOLLMANN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

IN THE NAVY

NAVY NOMINATIONS BEGINNING AARON J. BIRD BEAR, AND ENDING JEFFREY P. SCOFIELD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 7, 1993.

NAVY NOMINATIONS BEGINNING MARION SANFORD BOOSE, JR, AND ENDING KENNETH RONALD ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATION OF THOMAS RICHARD WILLIAMS, JR, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATIONS BEGINNING STEPHEN P. AXTELL, AND ENDING THOMAS MACPHERSON STAPLETON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATIONS BEGINNING STEVEN PATRICK ALBERT, AND ENDING PHILIP DURANT WEBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATIONS BEGINNING THOMAS E. BAUER, AND ENDING GARY ALLEN SIDELINGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATIONS BEGINNING DEAN ALAN BAILEY, AND ENDING DEBORA ANN COULAPIDES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATIONS BEGINNING JOSEPH MICHAEL LYNCH, AND ENDING WILLIAM GEORGE WILCOX, JR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATIONS BEGINNING DAVID A. CLARK, AND ENDING DONALD SPENCER FRANCIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATIONS BEGINNING MICHAEL ANDREW CROSBY, AND ENDING ANTHONY MICHAEL MICHANOWICZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATIONS BEGINNING CHARLES SCOTT ANDERSON, AND ENDING JEFFREY DONALD NICHOLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATION OF LORING ISAAC PERRY, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATIONS BEGINNING MONTE L. BIBLE, AND ENDING ELIZABETH ANN HUFFMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

NAVY NOMINATIONS BEGINNING ROBERT BRADLEY AARNES, AND ENDING MICHAEL FREDERICK ZINK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 7, 1993.

HOUSE OF REPRESENTATIVES—*Tuesday, September 28, 1993*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We remember, O God, in this our prayer, all those who know any distress in mind, body, or spirit. We acknowledge that there are people who suffer from alienation or uncertainty in their lives and who are alone and have not the caring friendship of someone near them. Also, we remember those who, because of the ravages and torment of war, have not either security or safety, and fear is their constant companion. May Your healing Spirit, O God, that is mighty enough to meet our every need and which is more powerful than all we could ask or imagine, be with them and each of us, now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BURTON of Indiana. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 241, nays 149, not voting 43, as follows:

[Roll No. 457]

YEAS—241

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (OH)
Bryant
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Combest
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Mineta
Minge
Mink
Moakley
Montgomery
Moran
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Smith (IA)
Smith (NJ)
Spratt
Stenholm
Strickland
Studds
Stupak
Swett
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—149

Allard
Armey
Bachus (AL)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Coble
Collins (GA)
Cox
Crane
Crapo
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hyde
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McHugh
McKeon
McMillan
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Nussle
Oxley
Packard
Paxon
Petri
Portman
Pryce (OH)
Quillen
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—43

Baker (CA)
Becerra
Brown (CA)
Brown (FL)
Byrne
Collins (IL)
Collins (MI)
Conyers
Cunningham
English (AZ)
Farr
Foglietta
Ford (MI)
Ford (TN)
Gibbons
Goodlatte
Herger
Hinchey
LaRocco
Maloney
McCrery
McDade
Meyers
Miller (CA)
Mollohan
Nadler
Owens
Pelosi
Porter
Quinn
Ridge
Rostenkowski
Slaughter
Stark
Stokes
Sundquist
Swift
Torres
Towns
Vucanovich
Washington
Whitten
Wilson

☐ 1026

Mr. SMITH of Michigan and Mr. CLAY changed their vote from "yea" to "nay."

Mr. TAYLOR of Mississippi changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. OBEY). Will the gentleman from California [Mr. DOOLITTLE] please come forward and lead the House in the Pledge of Allegiance?

Mr. DOOLITTLE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

APPOINTMENT AS MEMBER OF BOARD OF TRUSTEES FOR JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

The SPEAKER pro tempore laid before the House the following communication from the Honorable BOB MICHEL, Republican leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 27, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 114(b), Public Law 100-458, I hereby appoint the following to serve as a member of the Board of Trustees for the John C. Stennis Center for Public Service Training and Development for a 4-year term:

Mrs. Sheila Smith of Lony Beach, Mississippi.

Sincerely Yours,

BOB MICHEL,
Republican Leader.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will entertain 15 1-minute speeches from each side.

THE TRAGEDY OF INADEQUATE HEALTH INSURANCE BENEFITS

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, this morning I would like to talk about Mr. Clarence Stevens, his wife, Elizabeth, and their 11-year-old daughter, Krystal. Mr. Stevens suffered from colon and liver cancer which ultimately took his life about a week ago. He had worked for many years as a loom fixer at a textile plant in my district until 1989, when he was forced to quit because of his illness. Mrs. Stevens had to take a leave of absence from her job to care for him at home because the insurance did not cover home care.

The family's insurance also did not cover all the medical costs. And as the family fell further and further into debt, their health insurance premiums went from $142 to well over $400 a month. Their entire life savings soon disappeared. They were able to get by only with help from local church groups and charities.

Mr. Stevens' pain is over now. But, throughout his illness the family's pain and fear were not limited to concerns about his cancer. A great deal of it was caused by the uncertainty of not knowing how the bills would be paid or if they would have to sell their home if his illness continued for much longer.

Under our current health care system, the Stevens family is among the lucky ones. Relatively speaking, they had good health insurance. Many other Americans find that when they need their health insurance benefits, on which they have paid premiums for years, the security they expected—and had a right to expect—was simply not there.

Mr. Speaker, the President's plan is not perfect. But it is a very good start. The Congress and the country realize that now is the time for the obstacles which have prevented us from dealing with the problems in our health care system to be overcome.

□ 1030

SUNSHINE AND REFORM

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, we shall deal today with changing the rules on the discharge petition. After 30 years of Democrat rule we have an opportunity today for sunshine and reform. Sunshine to let the public rule the process and reform to change the way this House operates.

With this simple reform—one that should be the first in a long series—other reforms people clearly want will be able to reach the light of day.

Needed reforms like, term limits, line-item veto, balanced budget will get past the briar patch of committee chairmen.

If Members are afraid to vote for this simple reform, do not go back to your constituents and promise health care reform and congressional reform. This measure today is only the tip of the iceberg. Opponents claim this will make Congress work harder. Good. It's about time.

MENTAL HEALTH UNDER CLINTON HEALTH PLAN

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, yesterday in visiting the first health care provider in my State since the President's speech proposing comprehensive national health care, I chose to visit a community mental health clinic. In West Virginia, almost 42,000 people receive some sort of direct mental health services. One out of five Americans will have some sort of emotional or addictive disorder within the next 6 months. One-third of us during our lives will require some sort of mental health services.

The President's proposal makes a good first step for mental health in my State. Outpatient visits are included. Inpatient hospitalization is covered up to 60 days a year. General long-term care provisions also benefit mental health. The fact that every citizen will have a national health security card means new resources, as well as coverage.

Additionally, there must be incentives for mental health practitioners to practice in rural areas. We need psychiatrists, psychologists, and therapists.

Finally, this bill begins recognizing that mental health and health care are the same. One condition affects the other, and both must be dealt with.

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

[Mr. DOOLITTLE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

HEALTH CARE: THE COST OF DOING NOTHING

(Mr. KREIDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KREIDLER. Mr. Speaker, some people are wondering whether health care reform will cost them more money.

The fact is, it will cost everyone a lot more if we do not reform health care.

Health care inflation costs all of us—in higher insurance premiums; higher deductibles and copayments; higher prices for goods and services; and lost wages.

Health care costs have been rising at 2 to 3 times the inflation rate.

They are the fastest-growing part of the Federal budget.

Employers who provide health insurance have seen their premiums skyrocket—almost double for each employee in the last 5 years.

That is money that could have gone for higher wages or new jobs.

The question is not how much reform costs, but how much business as usual costs.

We know what happens, when we do nothing—health care costs went through the roof in the 1980's.

Now it is time to rein them in.

CLINTON HEALTH CARE PLAN MEANS MORE UNEMPLOYMENT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, after President Clinton's health care address, I found that people have just one question: How is this going to affect me? I have one answer: Many Americans will lose their jobs.

Last Friday I held a small business conference in Dallas with over 125 businesses. Their message was loud and clear: no more Government mandates. First it was the Americans With Disabilities Act; then the Family Medical

Leave Act; then the largest tax increase in American history; and now health care, the straw that breaks the camel's back.

Shout it from the rooftops: The primary result of these health mandates will be a reduction in work force. Businesses are already planning for layoff.

Mr. Speaker, it is a good thing the President's plan provides coverage for the unemployed, because that plan puts so many people out of work. But, take heart, America; there are only 1,208 days left in this President's term.

NAFTA AND AMERICAN JOB LOSSES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the top 100 American companies already have plants in Mexico, 100 percent. The biggest employer in Mexico is General Motors of Detroit, MI. The biggest employer in America is Manpower Temporary Employment Services, that hires substitute part-time workers.

Mr. Speaker, the fact is, American companies are also getting ready for NAFTA. They are unloading American workers big time. General Motors announced another 100,000; IBM has announced another 85,000; and on and on and on. And what is Congress doing? Congress is getting ready to pass another unemployment compensation bill for American out-of-workers. Meanwhile, the Mexican Government will spend $100 million to lobby Congress.

Mr. Speaker, when it is all over, I will tell you this: I am going to have a little investigation, and print the names of who is getting the Mexican money on this lobbying campaign.

ACTION NOW

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, last week, the President gave us a compelling statement on the need for immediate health care reform.

For that reason, I urge him to support the House Republican Affordable Health Care Now Act of 1993.

The President spoke eloquently about the problems that many families have with the health care system: those who fear losing their health care benefits, those who can't afford health care treatments, and those who don't qualify for health care insurance.

These real problems mentioned by the President would be addressed by our bill immediately.

Our legislation does this without establishing a national health board, without fundamentally changing the doctor-patient relationship, without using the mysterious global-budgeting scheme, and without adding layers of Government bureaucracy.

I urge the President to act now on health care by working with Republicans to pass the Affordable Health Care reform legislation.

AMERICA'S HEALTH CARE CRISIS

(Mr. BARCA of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARCA of Wisconsin. Mr. Speaker, I rise today to applaud the action of the Senate, which last week pledged to abide by the same rules on health care that we approve for the public. Today I am introducing a resolution to express the sense of the House that we too agree that Congress deserves no special treatment in the health care field. This would be one more important step to ensure Congress lives by the laws we pass.

The time is overdue to deal with our country's health care crisis. The President and Hillary Clinton have offered us an opportunity to move forward to tackle what I believe is one of the most important issues facing the United States today.

This is an issue that affects every single American. Working families are being priced out of coverage. Over the next 2 years, 1 out of 4 will be without health care coverage at some point.

American businesses are at a disadvantage in the global market because our companies are forced to absorb higher health care costs than their overseas competitors.

The people are demanding that we address this problem now. I believe Democrats, Republicans, and Independents can join together to pass a meaningful and comprehensive health care bill for all Americans, including Congress.

□ 1040

WAIT 'TIL YOU TAKE IT FOR A TEST DRIVE

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, last week the President finally unveiled the sales campaign on his fully loaded health care plan, even though they haven't gotten a model into the showroom yet. In contrast to the Democrats, Republicans have had a model on the road for over a year. It has got all the features America wants in its health care model: Choice, quality, security, and best of all it won't drive you to the poorhouse.

America must remember President Clinton is a consummate salesman. However, sales isn't service. Never has been, never will be. We must all be careful of a sales pitch, when we have not seen the sticker price. Before America buckles itself into a purchase as big and important as this, we must look at all our options. Because if we buy the Clinton there won't be a trade in later or no warranty and no guarantee.

We all need to remember lots of models look like peaches in the press but drive like lemons off the lot. Republicans believe that just because you don't like everything about what you're driving now, you don't have to go so far as reinventing the wheel.

MAURICE ABRAVANEL

(Ms. SHEPHERD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEPHERD. Mr. Speaker, last week Utah and the Nation lost one of its most gifted artists. Maurice Abravanel was the director of the Utah Symphony Orchestra from 1947 to 1979, when he resigned to recover from massive heart surgery. But the irrepressible Abravanel was unable to stay in retirement. By 1982 he had become the acting artistic director of the Berkshire Music Center in Tanglewood, MA, the summer home of the Boston Symphony. He has returned there each succeeding year as an artist in residence.

This year, at 90, Maurice Abravanel died. His passing brings to a close a remarkable story of personal triumph and historic musical achievement.

As a very young man, Maestro Abravanel fled Germany to escape the emerging Nazi government and became the music director of George Balanchine's Paris Ballet. When he came to the United States in 1936, he was named, at 33 years old, the director of the Metropolitan Opera and became the youngest person to ever hold that post. The breadth of his musical interests later extended to Broadway where he conducted several musicals, ultimately winning, in 1950, a Tony Award for his work on Mark Blitzstein's "Regina."

Utah has lost an historic connection to its musical history with the passing of Maurice Abravanel. All of us who love music have lost a friend, a joyous interpreter of those carefully orchestrated sounds that have the power to lift our souls. Under his baton, the Utah Symphony gained national prominence which is now perpetuated by Maestro Joseph Silverstein.

Mr. Speaker, the world is a poorer place for the passing of this great artist and personality. I wish to dedicate these words to his wife Carolyn and to the Utah community which mourns his loss.

THE "MAKE OUR CUTS COUNT" BILL

(Mr. CRAPO asked and was given permission to address the House for 1 minute.)

Mr. CRAPO. Mr. Speaker, today is a special day for America, as we vote on the discharge petition and move forward the reform movement in the Congress. It is also the day that I have chosen to introduce another new reform measure for our budgetary system in Congress. I call it the make our cuts count bill.

Imagine my surprise, as a new Member, after voting on many bills to cut budgets and to trim back, to find out that when the House and the Senate both vote to cut the same project, program, or activity, all that dies is the project or the program.

The money goes back into a special account that the conferences committees can then reallocate in the conference bill to other spending outside of specific public review.

This bill makes it so that when both the House and the Senate cut the same project, program, or activity, not only does the project go but the money goes. The cap is reduced and the allocations are taken away so that the subcommittees cannot simply reallocate that spending in the conference committee.

Let us make our cuts count.

SOMALIA: THE TIME IS NOW TO BRING OUR TROOPS HOME

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I have spoken often in recent weeks about what I consider to be a lack of United States national interest in Somalia. What began as a laudable humanitarian mission has become, in my judgment, a combination peacemaking, peacekeeping and nation-building exercise.

Those missions are not part of the U.N. mandate under which we are in Somalia. I think that the possibility of our accomplishing these missions is near zero.

Because of my concern about our presence in Somalia, I am happy that later today we will debate an amendment which has two phases. One would require the President, by October 15, to announce the goals and the achievements to be made and the length and duration of the deployment of troops in Somalia and then, by November 15, the President must ask and secure congressional authorization for that continued deployment.

I have already said I believe the time is now to bring our troops home. But at least I am pleased that Congress and the country are coming to grips with what could be a quagmire which we are in in Somalia.

THE DEATH PENALTY

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, we have introduced legislation that would call for the imposition of the death penalty in cases where tourists or international visitors are gunned down or otherwise murdered in our country. We need to send a signal to the international community, to the world at large that their citizens who come to enjoy the hospitality of our Nation have that added measure of protection and concern.

Over the past generation, we have valiantly tried in this Chamber to pass a comprehensive death penalty statute that would cover these types of killings and drive-by killings and tourist killings and rape murders and robberies and all those vicious things that are happening almost every day in our country, only to see the opponents of the death penalty in this Chamber and the other always combining to defeat us at the last moment. And still we are without a death penalty except for drug dealers who kill.

It is time that we pass a comprehensive death penalty. Protect tourists, protect our citizens, protect our society.

ON THE MEEHAN AMENDMENT

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise today to urge my colleagues to support the Meehan amendment on gays in the military, to leave the decision regarding gays and lesbians in the military to the administrative branch.

Twenty-five years ago, Mr. Speaker, as a human resources manager of a high-technology manufacturing firm, I instituted a policy of nondiscrimination on the basis of sexual orientation. I am appalled that after all these years I find myself in the Halls of Congress trying to the same thing and not getting anywhere.

I say, do not ask me to support this ban on gays and lesbians. Do not tell me that it is fair and do not pursue it without rewriting it.

Mr. Speaker, a bad directive is better than a bad law. So I am here today to support the Meehan amendment.

I urge my colleagues to join me in requesting that the Pentagon deal with the real issue of sexual misconduct, not homosexuals in our military.

A vote for the Meehan amendment will make this possible.

GAYS IN THE MILITARY

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, later today, the House is expected to vote on a bill to lift the ban on homosexuals serving in the military.

I am opposed to such a change in our military policy, and believe that keeping the ban intact is the best thing for our soldiers.

Whether you talk to our highest ranking military leaders at the Pentagon, or rank-and-file soldiers on our submarines, there is widespread agreement that the ban should stay just as it is.

Worries over discipline, cohesion, and unit morale are real concerns and should not be scoffed at by those who want to change existing policy.

There is widespread opposition to this change, Mr. Speaker. In my congressional district alone, over 81 percent of the people want the ban to remain in place.

Our people are not only concerned about the effect that lifting the ban will have on our military but about the precedent that is being set.

By lifting the ban, the Federal Government would be putting its stamp of approval on the alternative homosexual lifestyle—a lifestyle that most Americans find morally wrong.

Mr. Speaker, I urge my colleagues to vote with the American people on this one. Keep the ban in place.

☐ 1050

SUPPORT H.R. 1833 AND H.R. 1834, GUN CONTROL LEGISLATION

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, yesterday in this city, the seventh Asian-American shopkeeper this year was killed during a robbery in what are clearly attacks targeted at Asians who serve many communities.

Saturday five young people and children were killed or wounded in daylight within a few blocks of one another in Southeast Washington.

The viciousness of these domestic guerrilla war-like attacks go beyond guns. Yet, surely the guns used in these crimes must themselves be targeted. We must pass the Brady bill at once.

But the crimes we increasingly see call for more. In April I introduced H.R. 1833 to regulate the private sale and transfer of handguns because criminals more often get their guns from relatives or street sales than from licensed dealers. Only 18 States regulate the private sale and transfer of firearms.

More important, I have also introduced H.R. 1834, a bill to bar the private transfer of handguns and ammunition to minors and to prohibit the possession of handguns by minors. Although homicides by juveniles rose 93 percent in the 1980's, there is no Federal law barring the private sale and transfer of handguns to minors. Some States also leave this murderous void unaddressed.

Members can do something. Please cosponsor my bills H.R. 1833 and H.R. 1834.

MAKING A SPENDING CUT A SPENDING CUT

(Mr. INGLIS of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INGLIS of South Carolina. Mr. Speaker, I do not know about the people in the rest of the districts of this country, but I know the people of my district expect common sense out of this body. And common sense to them means that a cut is a cut, and that when this body votes to cut some spending program, that it will result in money going back to the Treasury.

That commonsense result does not obtain in this House. I was very surprised and I wonder if many other Members are surprised that that is not what happens, that in the conference committee it could go sliding off into spending, so a cut actually becomes spending.

This is not commonsensical, and this is not what the American people want.

Today my colleagues, MIKE CRAPO, JOHN KASICH, JOHN BOEHNER, KENNY HASTERT, and ROD GRAMS, and I will be introducing a bill called make our cuts count. That bill will do the commonsense thing of making certain that when we make cuts, those cuts are cuts, they are not excuses for additional spending.

I would request support of the rest of the Members of this body for this commonsense act.

RETIREMENT OF SENATOR DONALD W. RIEGLE, JR.

(Mr. CARR of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARR of Michigan. Mr. Speaker, life is filled with many tough decisions, but for some people two of life's tough decisions are first to enter public service, and then the second is to leave it.

As a young person in Michigan I was helped and encouraged to make the decision to enter public service by a good friend. That good friend later became the U.S. Senator from our State, and is today our senior Senator. And I have never regretted that decision to enter public service.

Today our senior Senator announced that he would not seek reelection, and he made the tough decision to leave public service. Personally, I regret that. He has done so much for our State and our Nation, and I know that he is going to give it his all in the last 15 months.

But the course of Michigan political history has been changed, and I regret his decision to leave the U.S. Senate.

CONGRESS NEEDS A COHERENT STATEMENT OF PURPOSE ON SOMALIA

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, on August 11 of this year, Army Specialist Keith Pearson of Tavares, FL was ambushed and killed with three other American peacekeepers in Somalia. It was one of the most difficult things I have had to do as a Member of Congress to call Keith's family and extend my sympathy to them for their terrible loss.

I have grave concerns about the continued presence of our American forces in Somalia. We cannot accept more American casualties in Somalia while our mission there is undefined.

Today we will have a resolution which offers President Clinton the opportunity to present Congress with a coherent justification for the continued presence of American forces in that troubled land. The American people need to know the goals, objectives, and anticipated duration of this operation if they are going to support further peacekeeping operations in that nation.

All Americans, and especially, the families of those who have already lost their lives as part of this operation deserve that. I congratulate the distinguished majority leader and ranking Republican of the Foreign Affairs Committee for bringing this resolution to the floor and ask my colleagues for their support.

CODIFYING THE BAN ON GAYS AND LESBIANS IN THE MILITARY

(Mr. DEUTSCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEUTSCH. Mr. Speaker, as the gentlewoman from California [Ms. WOOLSEY] mentioned several minutes ago, today we are going to have an opportunity to make defense policy in the right direction or the wrong direction. In front of us is in amendment not to codify the ban and the changes that the President has issued in terms of gays and lesbians in our military.

The issue today in terms of the amendment, the Meehan amendment, is no longer a question of the Executive order that the President has issued. The status of the condition of gays and lesbians will not change whether or not we pass legislation to enforce the ban. The Executive order will enforce the ban.

The question really is whether it makes sense for this country's defense policy to do that action. What appears in terms of hysteria that has been brought up throughout this country, throughout today, might change in several months, or for that matter in several years, and clearly it would be far more difficult to change that policy.

I ask my colleagues what is the purpose when so many other defense issues are left to our Commander in Chief because he very well might need that flexibility in time of war and national crisis, that we are starting a precedent if we codify that legislation today.

I urge support of the Meehan amendment.

CLEARING THE WAY FOR HEALTH CARE REFORM

(Mr. HOBSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOBSON. Mr. Speaker, I know of no who disputes the idea that we have serious problems with paperwork in the health care industry. Our Nation is literally choking on it. We have to correct this problem if we are to deliver better health services to our citizens and if we are to halt health care's rising cost.

Last Wednesday, President Clinton told Congress and the Nation that he wants everyone to have a health care security card like this that would provide a lifetime package of guaranteed benefits. But to make that possible—or to make any health reform possible—we must eliminate the waste and the tons of paperwork that burden our patients, hospitals, and doctors.

Yesterday, I introduced a bill with fellow Ohio Congressman TOM SAWYER to reduce paperwork in the health care industry through an electronic information system. The plan provides for strict patient privacy and will slow the growing costs of billing and manual recordkeeping.

This plan has bipartisan support. An identical bill was introduced last Friday in the other body by Senators KIT BOND and DON RIEGLE.

This technology is available now. And the time is now to lay the foundation for health care reform. Please join me with your support.

DO AS I SAY, NOT AS I DO

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, yesterday the President of the United States addressed the United Nations in a speech we must entitle "Don't do as I do, Do as I say."

Unfortunately, the President and Congress have failed to ask the same questions about United States involvement in Somalia.

"Does the mission have clear objectives?" The answer is no. Our mission is clouded, our original purpose forgotten.

"Can an end point be identified?" The answer is no. Each day we sink deeper into a civil conflict.

"How much will the mission cost?" This was to be a 2-month military operation to support a humanitarian effort. After 10 months we have spent nearly a billion dollars and we are about to waste another half a billion. We have spent $10 dollars in military operations for every $1 in humanitarian aid. And most regrettably we have paid for this lost mission with American lives.

Clearly, before we tell others what to do, we must correct our own mistakes.

NORMALIZING RELATIONS WITH VIETNAM

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, 2,200 POW's-MIA's have not been accounted for by Vietnam. We were not going to normalize relations with Vietnam until we had a full accounting for those 2,200 families that have loved ones that were left behind over there.

Now the Clinton administration has taken two giant steps to normalize relations with Vietnam. And now we find that it has been alleged that Ron Brown, President Clinton's Commerce Secretary, took $700,000 to influence the decision of this administration. Three meetings that were denied by a spokesman for Mr. Brown at the Commerce Department have now been admitted to. Mr. Brown has admitted that he has met with a spokesman and contact for the Vietnamese Government on three separate occasions.

Because of these allegations, and because there is so much involved in here that is important to the American people and to the families of the POW's-MIA's, I have written a letter to the gentleman from Indiana, Mr. LEE HAMILTON, chairman of the Committee on Foreign Affairs, asking for a complete investigation by our committee into these allegations.

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A grand jury is investigating this in Miami, so some people say, "Why not wait until the grand jury has concluded its investigation?" We should not wait, because decisions are being made by the administration involving normalizing relations with Vietnam right now. And this Congress should take action to investigate those allegations before any further steps are taken. Steps should be suspended until there is an investigation of these allegations by the Congress of the United States.

SOMALIA AMENDMENT TO H.R. 2401, DEFENSE AUTHORIZATION ACT

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I rise to alert my colleagues that later today the House will address the continued deployment of our military forces in Somalia. It will come before us as an amendment to H.R. 2401, the Defense Authorization Act for fiscal 1994.

This amendment—which is offered by myself and my distinguished colleague, the majority leader, the gentleman from Missouri [Mr. GEPHARDT] is identical to the amendment passed in the Senate by a substantial vote of 90 to 7.

While this amendment is not as strong as some of us would like, it does set the stage for a debate by November 15 on setting a firm deadline for withdrawing our troops from Somalia.

I urge my colleagues to support this amendment when it comes up later today.

DEVALUING THE PESO

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, last year, 1992, Mexico's current account deficit was $23 billion, or 7 percent of its GDP. In the United States this would translate into a trade imbalance of $420 billion according to Jorge Castaneda, a visiting professor of international relations at Princeton. He explained in Newsweek that Mexico reached this position because much of the money that has entered the country since 1990 has consisted of investments attracted by the expectations of NAFTA.

Castaneda claims the imbalance was inevitable because of a number of steps taken in Mexico. He pointed out that the Mexican currency is overvalued, and that nearly all economists say its relation to the dollar will have to be adjusted. That means devaluation—but when—certainly not before the NAFTA vote and, not at the time of the Mexican elections in 1994. So the timing is a surprise, but what will happen when devaluation does come, is a gigantic flood of Mexican products into the United States, a product not unlike the great 40-day water flood of Noah's time.

Mr. Speaker, as we approach the vote on NAFTA, think devaluation and its effect on both Mexico and the United States.

TRIBUTE TO THE LATE LT. GEN. JAMES H. DOOLITTLE, WORLD WAR II HERO

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, yesterday a truly great American hero passed on, Gen. Jimmy Doolittle. I have had his book out and have been reading it just by coincidence in the last month, and it has such a wonderful title. He was so well known and so beloved, his book just simply could have been titled "Doolittle," the first great American of that name. There would have been no confusion.

But he titled his book simply, "I Could Never Be So Lucky Again."

Fifty years ago, with the great, amazing, courageous raid on Tokyo, a year behind him, he was commander of the 15th Air Force in the Mediterranean, when the Luftwaffe, the German Air Force, was still a superior fighting force. It was really a fight in 1943.

Then he went on to command the great 8th Air Force in England. He had so many firsts as a young man, it just staggers the mind.

His family and all of America will truly miss this recipient of our Congressional Medal of Honor. I will do a 5-minute tribute to him at the end of the legislative business today.

GAYS IN THE MILITARY: AMENDMENT TO H.R. 2401

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, I have an amendment today that will be voted on on the floor of the House of Representatives. I think it is important that Members read that amendment because there is a lot of misinformation about what that amendment does; a lot of blue smoke and mirrors, red herrings.

What my amendment does is simply keep the law the way it has been; that is, let the President and the Joint Chiefs of Staff determine what the policy is going to be with regard to gays in the military.

This amendment does not lift the ban, this amendment leaves it up to the military personnel, with the President, where it should be, where it has been.

Mr. President, I urge Members not to be susceptible to other arguments of blue smoke and mirrors or red herrings.

PUBLICATION OF MEMBERS SIGNING A DISCHARGE PETITION

Mr. INHOFE. Mr. Speaker, pursuant to the unanimous consent requests of Thursday, September 23, and Monday, September 27, 1993, and to House rule XXVII, clause 3, I call up House Resolution 134 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 134

Resolved, That clause 3 of rule XXVII of the Rules of the House of Representatives is amended by inserting after the fourth sentence the following new sentence: "Once a motion to discharge has been filed, the Clerk shall make the signatures a matter of public record.".

The SPEAKER pro tempore (Mr. OBEY). The gentleman from Oklahoma [Mr. INHOFE] is recognized for 1 hour.

Mr. INHOFE. Mr. Speaker, for the purposes of debate only I yield 30 minutes to the distinguished chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY] pending which I yield myself such time as I may consume.

During the consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I ask unanimous consent to insert certain extraneous matters.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. INHOFE. Mr. Speaker, I will be very brief in the opening remarks.

I would like to put this properly framed, and that is, the history of the discharge petition goes back to 1910. It was there so there would be some vehicle for the will of the majority in Congress and, therefore, the will in America to be considered.

John Nance Garner, in 1931, is the man who introduced the secrecy.

And I say this because I have been very critical over the past 6 weeks of a number of people and yet I have hastened to say each time that there is not one person, whether it is Mr. MOAKLEY or anyone else who is serving today, who was serving back at the time in 1931 when John Nance Garner put in the rule of secrecy.

The secrecy rule, in my opinion, is a rule that is a corrupt rule, it is a rule of fraud, it is a rule of hypocrisy. And I think probably the best way to explain that is to remember what happened in 1990 when Joint Resolution 268 was introduced and the discharge petition was placed in order and we were only able to get 140 signatures on the discharge petition, yet we had 246 cosponsors to the resolution. Now, what does that tell you? It tells you that 106 people are going home saying things, they were representing they were in favor of positions they really were not.

So I am going to reserve the balance of my time. At the conclusion of the debate, I will answer all objections, real and imaginary, and then we will vote to destroy this 63-year veil of secrecy forever.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I want to thank the gentleman from Oklahoma [Mr. INHOFE] for yielding me the time, and I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the distinguished gentleman from Oklahoma for informing everybody here that I did not serve with John Nance Garner. But after reading some of the stories going around, I would not be too sure if some people thought I had.

Mr. Speaker, it is clear that a majority in this House want to be on record supporting Mr. INHOFE's discharge petition proposal. And today Members will have a chance to do just that.

I will oppose this measure. I will not—I repeat—I will not—plead with other Members to join me in casting a "No" vote.

Mr. Speaker, I oppose this resolution because I believe it will fundamentally alter the delicate balance that has existed over the past 60 years in the discharge process. It is a proven mechanism that allows a determined majority to bring a measure to the floor even if it is opposed by the leadership and the committee.

More unfortunate, beyond altering a basically sound procedure, are the consequences of the change. It will contribute to the decline of the deliberative process and will allow narrow special interest pressure groups to exert enormous leverage on Members.

To me the issue is one of institutional integrity and upholding the committee system, not one of secrecy and hypocrisy. But we all know that when the words secrecy, hypocrisy, and Congress are uttered in the same sentence, the alarm bells go off, the press gets self-righteous, the public becomes aroused and enraged, and it becomes virtually impossible to engage in thoughtful, reasoned debate.

I am disturbed that this issue has been so miscast—the facts so distorted and overblown.

As Thomas Mann of the Brookings Institution said at the Rules Subcommittee hearing:

> I do think * * * that a routine and perfectly good procedure has become inflated with party and ideological agendas in ways that confuse the public and threaten to undermine the deliberative quality of this institution. I think most unfortunate is the portrayal of Congress as closed, secretive, dominated by committee chairmen, unresponsive to the public. I know of no serious student of Congress who believes this characterization has any basis in reality.

If anything, Congress is too sensitive—too easily and too quickly moved by every shift in the political winds. Gridlock is the usual result. Under the new discharge process anyone seeking his political fortune can exploit our hypersensitivity with issues of raw emotional appeal, demanding immediate action without the scrutiny of hearings and committee review.

The current discharge rule, in effect since 1935, has worked to the advantage of the House. That is not only my opinion. Many of the scholars and experts on Congress that testified before Mr. BEILENSON's subcommittee confirmed this. As Mr. Rick Beth, specialist in congressional procedure at the Congressional Research Service, testified:

> The House has reached an implicit judgment in favor of a discharge rule. * * * (T)he rule the House has settled on offers a way for Members to get their issues on the floor agenda.

Thomas Mann stated it somewhat differently:

> The fact is, majorities rule in the House of Representatives. * * * Virtually all serious legislative proposals with * * * majority * * * support * * * find their way to the floor. The discharge petition is an important though seldom-used safety valve to ensure consideration of legislation when a majority of Members, without the threat of political pressure, believe the leadership is inappropriately thwarting action.

My argument with the resolution before us is that it alters the time-proven balance that exists in the current system. That is, a determined majority of 218 Members have been able to bring legislation to the floor, such as line-item veto and balanced budget amendments.

If the historical evidence demonstrates that the current procedure works as intended, why is a change warranted?

Proponents of the resolution argue that public signatures are required because many Members mislead voters. Specifically, the allegation goes, Members cosponsor legislation and do not sign the discharge petition compelling floor action. This, in the view of the proponents, is an act of hypocrisy of horrific proportions. Witness after witness at our subcommittee hearing dispelled this misconception. In my mind this allegation shows a complete misunderstanding between two distinct propositions—signaling support for a bill versus compelling floor action.

As Rick Beth stated in his testimony:

> Position taking has * * * legitimate legislative functions, but a discharge petition has formal consequences in procedural terms for the agenda, altering the normal processes of committee and floor deliberations.

Mr. Speaker, Members should be wary of the implications of the "hypocrisy" line of reasoning. If sincerity requires signing a discharge petition—if cosponsorship is not enough to show support—every time you cosponsor a bill be prepared to be besieged to sign the discharge petition. If you do not, your motives will be questioned—your sincerity placed under a cloud. Under this line of reasoning can a Member merely introduce a bill? No. True sincerity will require you to introduce the companion discharge petition, and if you truly believe, you should discharge a special order of business, as well. My colleagues, we should be more careful when we attempt to divine Members sincerity.

Mr. Speaker, many Members, including myself, cosponsor legislation to register support without signing a discharge petition. Is that hypocrisy? No. I want the committees of jurisdiction—those with the detailed knowledge on the issues—to hold hearings and markup in order to let all sides of the public be heard.

Now, there are certain Members who support this legislation saying that the issue of public accountability is the only driving force behind their support and I certainly take them at their word.

But there is another element of support behind this resolution that is impossible to deny. There are many Members, especially on the other side of the aisle, who see this as a way to influence the agenda of the Congress.

Some will say this change is necessary because popular legislation is being bottled up in committees. Typically mentioned in this argument are line-item veto, constitutional amendments to balance the budget and term limits. As to balanced budget amendments and line-item veto this argument falls apart. The House has twice in the previous two Congresses considered constitutional amendments to balance the budget, once under the current discharge process. Moreover, the leadership has committed to bringing up the balanced budget amendment again this Congress. The House has twice in the last 2 years considered forms of a line-item bill.

I contend that some Members want to find those issues with a certain raw emotional appeal and replicate the successful high-pressure lobbying effort that took place on this resolution.

At their disposal are radio talk-show hosts, ready made grass roots organizations, and conservative media who can whip up a frenzy of public sentiment based on irresistible sloganeering.

Mr. Speaker, to some this is an issue of secrecy. I do not see it that way. I believe in openness, sunshine, and accountability. Of course the people have a right to know. But else truisms are not limitless in their reach.

In any collective decisionmaking, there must be small, limited zones of quiet confidentiality. There must be an arena for Members to ask questions, state their concerns, and candidly assess their stands—off the record. This House is the most open legislative body in the world and we ought to take pride in that fact.

The discharge process is simply a formal mechanism designed to let the House calmly and quietly assess where the majority of its Members stand on certain issues. Under the klieg lights, it will no longer serve its intended function as well.

Mr. Speaker, this resolution will undercut the deliberative process that serves this institution well. Making it easier—or preferable—to bypass committees—to avoid hearings and to avoid committee scrutiny—is a bad idea. Former minority counsel for the House, Hyde Murray observed in his testimony, "The committee structure in the House is basically designed to give the House the time, the expertise, and the persistence within the committees to formulate sound law—and then I would add this—and to kill bad legislation." Changing the discharge process so that special interests will look to it as the avenue of first resort rather than one of last resort, will make it more likely that complicated issues will reach the floor without the benefit of the committee process.

During Mr. BEILENSON's subcommittee hearing we heard scholar after scholar, expert after expert testify as to the negative effects this resolution may occasion.

Not one witness disputed the fact that making the names public will increase the amount of special interest, pressure group lobbying on Members to sign discharge petitions. As Peter Robinson, former assistant parliamentarian of the House, stated:

> On something like the notch issue and particularly on other tax or financial matters, that might affect particular industries, where public support can be galvanized in a certain area I do see it as a big opportunity for the special interest groups.

As Thomas Mann said, the discharge process "was never—and never should be—designed as another means by which outside groups can pressure Members into forcing action on a piece of legislation."

But no one denies that this is what will happen. Outside groups will be able to pressure Members into forcing action on a bill. Can anyone dispute that to a large extent that is exactly what happened on this particular resolution?

A likely consequence of this change and the emphasis on discharge petitions is that Members will likely be judged, not on their support of a measure, but rather on their support of an extraordinary method to bring that bill to the floor—bypassing all committee consideration and input. This again blurs the distinction between substance and process that is vital to maintain.

When a bill, or in a large number of instances a rule, is discharged from committee, there is little opportunity for the committee to respond—to hold public hearings, to exercise its expertise and judgment and hold markup. In short, to subject a bill to the balancing and refining deliberative process. Many times a rule is discharged, not only precluding the competent committee from considering the bill but also establishing a process for floor consideration that forecloses alternate proposals from being considered. Norm Ornstein, resident scholar of the American Enterprise Institute testified,

> What I fear out of this process, this small change that seems so trivial in many ways on the surface, is that it is going to create a great deal of difficulty to continue to have the kind of trade-off and deliberative process that we have had where you can put things together and bring them out, that represent a balancing test of interests. Because balances will no longer be allowed in this case.

Mr. Speaker, I realize that I have gone on for some time now, but I want to amplify for my colleagues and for the record the fact that those of us who oppose this resolution don't do so because we support secrecy. To us, secrecy is not the issue, the issue is institutional integrity, upholding the committee system and the deliberative nature of this body.

Mr. Speaker, the Subcommittee on Rules held hearings on Mr. INHOFE's proposal and a number of very prominent congressional scholars and experts on government—Norm Ornstein from the American Enterprise Institute; Tom Mann from Brookings; Roger Davidson, professor of government at the University of Maryland; Steve Smith, professor of political science at the University of Minnesota; Hyde Murray, former minority counsel for the House; former assistant House parliamentarian Pete Robinson; and Rick Beth from the Congressional Research Service—testified as to their concerns on this measure. I would ask at this time that their statements be printed in the RECORD.

Mr. Speaker, I hope that everyone in this House will read these statements carefully. They are the opinions of people who are not involved in partisan politics—but who are dedicated students of government. The statements probably won't change the votes of anyone today—but, if nothing else, they will demonstrate that this issue is a lot more complicated than a 30-second sound bite. And, I should add, that most issues are.

Mr. Speaker, when Clarence Cannon, former Member and parliamentarian, wrote his commentary on the difficulties of formulating a workable discharge procedure, he said that it is one of the oldest and most perplexing problems in the history of the House. It took the House from 1910 to 1935 to arrive at a system that worked and served this House for nearly 60 years. I hope that it does not take us another 25 years to reestablish the balance that maintains the integrity of the committees and the deliberative nature of the process while preserving the ability of 218 Members to bring measures to the floor.

STATEMENT OF RICHARD S. BETH, SPECIALIST IN THE LEGISLATIVE PROCESS, CONGRESSIONAL RESEARCH SERVICE

Under the "discharge rule" of the House of Representatives (now clause 3 of House Rule XXVII), it is not in order to move to discharge a committee from considering a measure referred thereto, unless 218 Members, an absolute majority of the House's statutory membership, first sign a petition for the purpose. When the requisite signatures are obtained, the motion is entered on a "Calendar of Motions to Discharge Committees," and a list of signers is published in the *Congressional Record*. Ever since the petition mechanism was established in 1924, however, it has been the practice of the House to treat the identities of Members signing as confidential unless and until the motion is entered.[1]

During roughly the last decade some support has been evident for changing this practice, so as to permit public disclosure of who has signed pending discharge petitions. In the present Congress, a provision of H. Res. 36 would require listing signatures in the RECORD once a petition receives 100 signatures and weekly thereafter. H. Res. 134 would "make the signatures a matter of public record" as soon as a petition is filed. Similar proposals were submitted in the 102d and other recent Congresses.

General questions raised by these proposals include:

What might be reasons for maintaining or for abolishing confidentiality of signatures to pending discharge petitions?

What might be effects of making signatures to pending petitions public?

What other changes in the discharge rule might be appropriate in conjunction with such an amendment?

BACKGROUND OF THE CONFIDENTIALITY REQUIREMENT

The confidentiality requirement has never been explicit in the rule, but rests on precedent. Possible reasons for or against the requirement therefore may be sought in the provisions history.[2] Pertinent precedents appear to be consistent with the debate on the initial adoption of the petition requirement, and to rest on an interpretation of the provision itself. They also go back nearly as far as the provision's inception in 1924. The first unauthorized disclosure of signatures apparently occurred between 1925 and 1931. Until recently, the only other known episodes bearing on this question occurred in 1931, 1934, 1946, and 1960.

Debate on the rule for a petition. The proposal originally offered in 1924 called for the Member initiating a discharge petition to circulate it for signature among Members. When the full number was obtained, the petition would be submitted and the signatures would be published in the RECORD. Under this procedure, the question of official confidentiality for signatures on a pending petition could not arise, for a pending petition would not be in official custody.

Because the rule permitted (as today) only one petition on any measure, some Members objected that the initiator might circulate the petition only among political allies, depriving other supporters of the opportunity to sign, or, on the other hand, that an opponent of discharge might initiate the petition and neglect to circulate it. Other Members felt that a circulating petition might lead to situations incompatible with the dignity proper to Members' official acts, such as that the initiator might permit staff or lobbyists to circulate the petition. Members feared that petitions might be pressed upon them "on the street cars and in the hotel lobbies," and might even be "taken to New York or anywhere else."[3]

To deal with these potential problems, the House amended the proposed rule to require the petition to remain on the Clerk's desk and in his custody. This amendment could give Members any protection against outside pressures to sign only if it entailed that the Clerk keep the signatures confidential. This requirement was retained when the rule was subsequently amended in 1925 and 1931, with no debate on the point.

Situations relating to unauthorized disclosure. On one occasion under the 1925 rule, the press published names of signers to one petition, and the petition was allegedly taken to the Capitol steps and photographed. According to later accounts, then Speaker Nicholas Longworth (R., Ohio) and other House leaders "felt * * * that such conduct was a gross violation of the rules of the House" and discussed appointing a committee to investigate, but the matter seems to have never reached the floor. Also, shortly after adoption of the 1931 rule, when one Member announced the filing of a discharge motion, Speaker John Nance Garner (D., Tex.) took occasion to explain to Members that such petitions were to be filed with the Clerk, and that "signatures cannot be made public until the required number of Members have signed."[4]

These incidents suggest some deliberate effort, at the inception of the petition requirement, to establish the norm of confidential signatures in the consciousness of the House. The requirement that the petition be kept in the custody of the Clerk was presumably understood to imply that the signatures not be made public. It also seems likely that the provision for publishing names when a petition is entered was read as implying that they not be published before the petition is entered.

This norm, however, did not immediately become universally accepted. In 1934, signatures on two discharge petitions were again published in newspapers within a week. (One of these petitions related to a resolution before the Committee on Rules to investigate discrimination in the House restaurant, which the House subsequently adopted.) It seems likely that the signatures were released in an attempt to encourage additional Members to sign, for each of the petitions lacked fewer than 25 signatures of the number then required.

Responding to complaints raised on the floor, Speaker Henry Rainey (D., Ill.) ruled that releasing the names was improper, but said he could do nothing about it on his own motion. He indicated that the proper course would be for a Member to offer a resolution to investigate the disclosures. In the second incident, such a resolution was offered, but withdrawn. Speaker Rainey provided the fullest discussion available in official proceedings of the rationale for keeping signatures confidential:

"There is a reason for not publishing the names, of course. Publishing the names in the newspaper invites people generally in the United States to bring pressure on those who have not signed the petition to sign it, and pressure upon those who have signed it to take their names off."[5]

This explanation reflects the same concerns about pressures on Members as was expressed in the 1924 debates.

Later, in 1946, a Member of the Committee on Un-American Activities referred in debate to a newspaper advertisement in support of a petition to discharge the Committee on Rules from a resolution abolishing the Committee, and asked the Clerk to hand him the petition in question. A point of order was immediately raised against "giv[ing] out anything contained in a petition on the Clerk's desk. . .," and Speaker Sam Rayburn (D., Tex.) ruled that "The gentleman has the right to look at it but he does not have the right to read [presumably meaning, to the House] any of the names."

In 1960, signatures were again disclosed to the press, this time on a petition to discharge the Committee on Rules from a special rule for consideration of the Civil Rights Act of 1960. The Committee subsequently reported the rule, and the possibility of disciplinary action was not discussed on the floor.

Contemporary discontent with the confidentiality provision, and current proposals for abolishing it, seem to stem from a series of situations within the past decade. In 1982 one Member threatened to reveal names of signers on discharge petitions on proposed constitutional amendments on flag burning and a balanced budget, but no action ultimately occurred. Two years later, a group of Members developed the device of asking Members who signed a petition on a proposed constitutional amendment for a balanced budget also to sign an unofficial "public discharge petition" that would be available to the press. This approach does not appear to violate the practice of the House, since Members have always been held free to announce their own actions. Nevertheless, use of this device does not appear to have been repeated.

Also, perhaps in response to these situations, House practice with regard to pending discharge petitions appears to have changed. In earlier days, discharge petitions were described as lying on the Clerk's desk for signatures during sessions of the House. Now, by contrast, they are said to be kept in a drawer, so that Members must ask for them. This change is presumably intended to hinder attempts to ascertain the names of signers for the purpose of unauthorized disclosure. Nevertheless, it appears that Members are still permitted to look at, though not to make notes of, pending petitions. It therefore remains possible for Members, including but not limited to the leadership, to attempt to persuade each other to sign or not to sign.

The most recent incident, involving a measure now before this Committee, differs from previous cases in that the names published were those of the nonsigners rather than of the signers. It is not clear that this difference in approach would be held to make a difference in the application of the rule, since from knowing one set one can infer the other. Applying the standard of confidentiality in this case would receive some support from House debate in the 1934 disclosures, in which several Members stated that another Member, in a radio address, had named 14 Members as having removed their names from a pending petition. In response to a parliamentary inquiry about whether such action was a violation of rules, Speaker Rainey replied "The Chair thinks it is."

In summary, in most cases Members have adhered to the principle of keeping signatures to pending discharge petitions confidential, but in the scattered instances when they have not, no means of discipline has ever become established.

"Accountability" and "pressure." Both the 1924 debate and subsequent precedents generally support the view that confidentiality was intended chiefly to buffer Members against pressure to sign or not to sign petitions. The chief argument now being advanced against confidentiality seems to be that it permits Members to avoid public accountability for their legislative acts. In a sense, these views agree on the likely consequences of abolishing confidentiality: that it would reduce Members' ability to insulate themselves from outside political influences, whether of constituency or of other interests. "Accountability" and "pressure" may

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Footnotes at end of article.

be seen as describing the same situation from different viewpoints; what one person calls "accountability" and what another calls "pressure" may be the same thing.

Finally, a more general circumstance bearing on the proposed change is that in recent decades, the Congress has opened up numerous other aspects of its proceedings to increased public view, including markups, House-Senate conferences, and votes in Committee of the Whole. From these events it appears that in comparison with sixty years ago, Congress has undergone a broad shift in its views on how open its proceedings should be. It could be argued that current proposals on the discharge rule are no more than consistent with that shift. By the same token, of course, others may argue that precisely because so much else is now more accessible to the public, this further step would unduly reduce the ability of Congress, in its deliberations, to transcend popular passions of the moment.

DEVELOPMENT AND USE OF THE DISCHARGE RULE

Leadership, committees, and rank and file. The potential effects of abolishing the confidentiality requirement may usefully be evaluated in context of the rule's use in practice. The history of the discharge rule and its use revolves around the issue of leadership versus rank and file control of floor proceedings. More generally, the entire history of the House, especially for the past century, may be read as a search for an appropriate balance between the chamber's institutional capacity to manage its activities effectively, and its Members' capacity to work their legislative will.

Normally, the House relies on its committees to refine legislation into a form that allows the chamber to make coherent policy choices, and it relies on its leadership, specifically the leadership of the majority party, to arrange the floor schedule and agenda. Discharge is the only form of proceeding in the House that permits a voting majority to bring a measure to the floor without the cooperation either of the Speaker, the committee of jurisdiction, or the Committee on Rules. The leadership has in general opposed the use of discharge as disruptive of orderly proceedings and scheduling. It has typically emphasized that discharge brings measures to the floor without benefit of judgment, refinement, and explanation from the committee of jurisdiction.

"*A quarter century of experiment.*" The first discharge rule, in 1910, was one result of "revolt" by a coalition of Democrats and "Progressive" Republicans against a system that effectively placed total control of the floor agenda in the hands of Speaker Joseph Cannon (R., Ill.), in part through his chairmanship of the Committee on Rules. This rule, amended in 1911 and 1912, did not provide for a discharge petition, but permitted a single Member to place a discharge motion on the calendar. This procedure proved unworkable for several reasons. First, it could be used to force many dilatory votes on discharge even when the measures involved had little support. Second, leading members of the Republican majority immediately filed numerous discharge motions; because motions were to be called up in the order filed, these could be used to prevent votes on any minority or rank and file motions. Third, a later Republican minority filed a series of discharge motions on Democratic party measures before the committees were ready to report them, so as to force the majority to vote against bringing their own program to the floor.

Accordingly, when Progressives again held the balance of power in the House in 1924, the rule was amended in an attempt to institute a more workable form of discharge. This version of the rule, developed primarily by Charles R. Crisp (D., Ga.), a former Parliamentarian of the House and the son of a Speaker, was the first to require that a discharge motion be supported by a petition. It was also the first to permit discharge of the Committee on Rules from special rules and other resolutions, including those amending the rules. Previously, a committee could avoid discharge by reporting a measure and then not calling it up, because it could not be discharged from a measure not in its possession. Since 1924, Members can seek discharge on a special rule bringing an unreported measure to the floor; if the committee reports the measure, the special rule may still be adopted and executed.

One bill, to regulate railway labor, reached the floor under the 1924 rule, but relentless dilatory tactics by opponents prevented a final vote. As a result of this experience, together with the recovery of effective control of the House by "regular" Republicans, the rule was again amended in 1925, in a way designed to make it virtually impossible for the House to recover a bill from committee.

The strict 1925 rule remained in effect until 1931, when the new Democratic majority adopted a new revision of the rule, again developed by Rep. Crisp with the stated intent of reconstructing a workable discharge procedure. The Crisp rule has been retained by the House ever since, with only two changes in detail. Adoption of this rule thus put a close to what Clarence Cannon, in his "Precedents," calls "a quarter century of continuous experiment" to find an "effective form" of the rule.

The 1931 rule abolished the requirement, in place since 1910, that a discharge motion had to be seconded by a majority by tellers before it could be considered on the floor. Teller votes, eliminated from House rules entirely at the beginning of the current Congress, permitted numbers to be counted but did not allow for the positions of individuals Members to be recorded. In debate on the 1925 rule, some objection was made to the use of this device on the grounds that it allowed Members, in effect, to vote against consideration of a discharge motion without having their position publicly recorded.

Use of the 1931 rule. The 1931 rule initially required the signatures of only one-third of the House (145). Early experience with this provision, however, showed that it fostered action by discharge on measures lacking sufficient support to pass.[7] Of the 42 measures on which discharge petitions were entered from 1931 through 1992, 11 were introduced during the four years that this provision was in effect. Of these eleven, the House then defeated the motion to discharge on four. Four were never considered on the floor, either because the House adjourned sine die before they could be called up, or because, when the petition was entered, the committee reported the measure and then failed to call it up. Only the veterans' bonus bill was actually brought to the floor by discharge and passed by the House twice during this period, and the resolution to investigate discrimination in the House restaurant was adopted.

"*Success*" *in using the rule.* Partly to avoid discharge action on measures that lacked the support to pass, the rule was again amended in 1935, to require the signatures of a majority of the full House. In this way the signature requirement ultimately replaced the seconding requirement as a way of ensuring that only discharge motions with broad support could receive floor consideration. Of the 31 measures on which petitions were entered from 1935 through 1992, the House voted against discharge only once. Four were defeated after coming to the floor by discharge, once the House voted for discharge but no motion to consider the measure was made, and once the House adjourned sine die without acting on a discharge motion.

Of the 24 other measures on which petitions were entered during this period, the House passed sixteen after discharge, mostly from the 1930s through the 1960s. Of these:

Two became public law: the first minimum wage act, and a Federal pay raise that was enacted over the President's veto.

An amendment to House rules was also adopted, but had no effect because it was ill-drafted.

The Senate failed to act on 11, one died in conference, and one was pocket-vetoed. These 13 included (among others) five anti-lynching or anti-poll tax measures, a District of Columbia home rule measure, the Equal Rights Amendments, and three Federal or postal pay bills.

The remaining eight measures did not come to the floor through the discharge procedure, even after the discharge petition was entered. These eight measures included five of the seven on which petitions were entered in the past 20 years.

In five cases the committee precluded further proceedings under the discharge rule by reporting the measure. Two of these measures, or alternatives to them, were subsequently considered under suspension of the rules.

In six cases (including the other three of the five above), the Committee on Rules reported, and the House adopted, either the special rule on which discharge was sought or an alternative, providing for consideration either of the measure or of an alternative, and vitiating further proceedings under the discharge rule.

Six of these eight measures, on a variety of subjects, became public law; the only two that failed were both proposed constitutional amendments (to require a balance budget).

In summary, although a discharge effort is often referred to as "successful" when the petition is entered, in fact the committee is not discharged unless the motion to discharge is then made and adopted on the floor, and obtaining the requisite signatures has not always assured further legislative success. Of the 42 measures on which discharge petitions were entered from 1931 through 1992,

Eleven did not even receive floor consideration, frustrating the intent of the discharge effort.

Nine reached the floor only by means other than discharge.

Twenty-two received floor consideration pursuant to discharge, but only 18 of these passed the House, and only three received final approval.

Further, the House agreed to only one of the eight proposed constitutional amendments on which discharge petitions have been entered. It rejected the discharge motion on two, and five others failed to receive the required two-thirds majority. Together with the measures on which petitions were entered between 1931 and 1935, the House has passed only four of the 18 measures on which petitions were entered by a smaller proportion of the House than required to pass the measure. These figures show the extent to which requiring lower support for a discharge petition than for the measure tends to bring to the floor measures that lack sufficient support to pass.

By contrast, of seven measures other than constitutional amendments, on which discharge petitions were entered but that were then considered under some other procedure, all seven received final approval. In these cases, the discharge effort could be said to have succeeded in bringing about action, even though the action was not pursuant to the discharge procedure itself. The discharge procedure has been more effective when it precipitated leadership action pursuant to other procedures than when it led to action under its own provisions.

Since 1931, in addition, 20 measures on which discharge was attempted have also come to the floor through the regular procedures even when the petition was not entered, and ten of these became public law or otherwise received final approval. The most recent example is the proposed constitutional amendment on flag burning. Others have included the veterans' bonus (again), several other veterans' measures, several Federal and postal pay measures, amendments to the Hatch Act, and at least four civil rights bills. These events suggest again that, even for measures on which discharge petitions were filed, success was often achieved through regular procedures rather than through the discharge procedure itself.

SOME POSSIBLE IMPLICATIONS OF ABOLISHING CONFIDENTIALITY

Management of the floor agenda. These observations suggest that discharge has frequently offered at best a difficult road to legislative success, even when the requisite signatures can be obtained. However, current practice under the rule often provides rank and file Members a means to get their issues included on the agenda, yet permits the leadership to recover control of the processes under which those questions are considered. Measures subject to this practice often do experience legislative success.

The present discharge rule may therefore be seen as one element of the current House balance between leadership and membership control over proceedings. Yet during the years in which this record was compiled, the House has altered the discharge rule little if at all. These observations accordingly suggest that the House has come to accept the value of a discharge rule that is difficult to operate properly, but yet that can be made to work effectively, and one that works most effectively by fostering leadership response to Member preferences, rather than by supplanting leadership control of floor proceedings. The question raised by the measures now before the Committee may be posed as whether, in today's circumstances, the balance between leadership and rank and file embodied in the present discharge rule is one that remains appropriate.

For example, a discharge rule more readily implemented might bring to the floor more measures that cannot pass. Historically, the leadership has typically opposed using the time of the House in considering such measures, but others may argue that rejecting propositions, and possibly building support for future legislation, is as important a deliberative function as enacting laws.

The greatest effects of the discharge rule may be indirect. Although committees may be very infrequently discharged, the possibility of discharge may foster responsiveness by committees and their chairs to Member agenda preferences. Without a discharge rule, committees might feel less incentive to take up measures desired by large numbers of their colleagues. Because successful discharge requires a majority, committee leaders may feel this incentive particularly from colleagues of their own party. In this sense, the Committee may wish to consider the effects of the discharge rule not only as a possible avenue of minority party agenda influence, but as a possible mechanism of accountability of the majority party's leadership to the majority Members for whom, as House practice presumes, it acts as agent.

The rationales discussed earlier for maintaining or for abolishing confidentiality of signatures suggest that abolition would make the requisite signatures easier to obtain. Members today can attempt to persuade each other to sign, and the leadership, in particular, may be able to exercise influence in this way along with others to regulate what measures come to the floor. Permitting public access to pending petitions would most likely add more to the voices desiring expansion of the floor agenda than to those desiring its limitation.

On the other hand, presumably the publication of signatures would not lead Members to sign who were not already inclined to do so, either by conviction or out of constituency responsiveness. Few Members opposed to a measure, or who considered discharge unnecessary on a measure, would likely be led to sign a petition simply because the act was not confidential. Abolishing confidentiality would not affect the current abilities of the leadership to recover control of the floor agenda in discharge situations. For these reasons, the proposed change might be expected not to make any very large difference in the frequency or nature of discharge action.

Position taking. Some have supported the position that discharge petition signatures should be public by using an analogy with cosponsorship. This analogy seems to view both cosponsorship and discharge petitions principally as expressions of support for a measure. It thus raises the possibility that publicizing discharge signatures might render Members more inclined to use them more as a means of taking a position on a measure than of impelling floor consideration.

The starkest use of this analogy has been an argument that the confidential character of signatures permits Members publicly to declare their support of legislation while privately not signing the discharge petition, a course of action that this argument condemns as hypocritical. In light of the canonical House view of the centrality of the committee system in the processing of legislation, however, such a conclusion could be overdrawn. It seems clearly possible that Members might sincerely take a sympathetic position toward the purposes of the measure, and wish to command it to the committee's consideration, while not being so convinced of its virtue as to be willing to press its enactment if the committee of jurisdiction, on the basis of its knowledge of the policy area, could not in its considered judgment recommend it. Even Members who strongly favor a proposed might not be convinced that the committee would fail to set, and might wish to see the measure considered and refined by committee deliberations before enactment.

The analogy between discharge and cosponsorship is not perfect. Cosponsorship has no substantial legislative function beyond position taking, whereas signing a discharge petition also has formal consequences for House proceedings and agenda. Position taking has legitimate and highly significant functions in the policy process. It may afford Members a means not only of accountability to their constituents, but also of influencing the broad legislative agenda, of developing support, and of clarifying opposing issue positions. However, the actions most useful for position taking purposes may not always coincide with those most appropriate to other stages in the decision making process. The rules change under consideration might tend to make petition signing a position taking activity simultaneously with their role as an operating part of the legislative process. The Committee may wish to consider how to ensure that this combination of functions will not generate an undesirable level of potential interference with the usual processes of committee deliberation.

One suggestion has been to permit a Member to sign an undesirable level only if she or he has cosponsored the measure, or at the level of the whole chamber, to permit discharge petitions only on measures that have the cosponsorship of a majority. If such a provision had a tendency to lead every cosponsor of every measure to support discharge, it might blur the distinction between the two acts and introduce counterproductive pressures on both committee deliberations and agenda management. On the other hand, if it seems evident that Members would not necessarily want or need to invoke discharge on every measure that enjoyed majority support, then such a provision might be found to relate discharge and cosponsorship in a way that would usefully distinguish the position taking from the agenda setting function.

Consponsorship was not introduced in the House of Representatives until some five decades after the discharge petition. The original rule thus could not have been written to take account of the functions of cosponsorship. Now that both practices are well established, it may have become possible to make constructive use of the role of cosponsorship in designing the operation of the discharge rule.

Specifics of Current Proposals. Finally, some specific differences between the two proposals currently pending also deserve note. The approach represented by H.Res. 134 would require only that signatures by "a matter of public record." In other words, it would not require that names of signers be publicized, but only permit interested parties outside the House to inquire about and publish them. On the many discharge petitions that are the subject of little public attention, this provision might be of advantage primarily to representatives of interests especially concerned with the measures in question.

The approach represented by H.Res. 36, on the other hand, would mandate the publication of signatures (and withdrawn signatures) in the *Record*, but only after a petition had obtained 100 signatures. This provision would be more limited in its scope. On the other hand, it would ensure some form of permanent public record of all signers to each petition reaching the required level. A related, but weaker, proposal would provide for the publication in the *Record* of all signatures to all discharge petitions, but only after the close of the Congress.

None of these approaches are contradictory, and they could even be combined. In any case, the Committee may wish to consider specifying the exact form in which signatures to discharge petitions would become part of the public record.

Finally, the Committee may wish to consider the status of signatures to current discharge positions if the rules are amended during the present Congress. Presumably Members who signed the two petitions now pending did so on the presumption that their acts would be confidential unless the full complement of names was obtained. The Committee may wish to consider whether the rules change would retroactively remove the confidentiality from those signatures.

OTHER POSSIBLE CHANGES

If the discharge rule is now to be changed for just the third time in sixty years, the question has also been raised of what other changes in the rule it might be appropriate to consider at this time. Few proposals to amend the discharge rule have been actively discussed in recent years; most of these fall into the categories of altering signature requirements, altering the categories of measures to which discharge may be applied, or dealing with the effects of considering a measure without benefit of committee recommendations.

Signature requirements. The House's earlier experience with signature requirements lower than a majority resulted in frequent consideration by discharge of measures that could not pass. On this point there seems no reason to think that circumstances would differ today. The House might nevertheless reconsider such a provision if it now conceives a different judgment of the value to the deliberative process of considering such measures.

Earlier in this decade, on the other hand, suggestions were made in the Democratic Caucus that, on discharge petitions on measured requiring a two-thirds' vote for passage (that is, proposed constitutional amendments) the signatures of two-thirds of the House be required. A disproportionately high percentage of discharge efforts since 1969 appear to have been on constitutional proposals. The present rule may encourage focusing discharge efforts on such measures as the only ones that can be discharged even if they lack sufficient support to pass. Nevertheless, the Democratic Caucus decided not to recommend such a change in the discharge rule.

Raising the signature requirement generally to two-thirds has also been mentioned. Such a change would clearly make discharge harder to obtain; such a high proportion of the House might seldom support anything so strongly as to wish it considered by discharge. This change might therefore restore to a minority of the House a veto over including specific items in the floor agenda. For periods in which the majority party commands less than two thirds of the House, it might also weaken any implicit role of the rule as an incentive toward responsiveness of the majority party's leadership to its own members. Nevertheless, if the Committee believes that making signatures public will generate massive increases in discharge activity, even a more modest increase in the signature requirement might be judged as tending to restore the existing balance in the rule.

Another proposal would require that a certain proportion of the signatures on a discharge petition come from each party. The House has historically avoided writing into its rules requirements based explicitly on parties. Such an arrangement might tend to give both the majority and minority party a veto over discharge efforts initiated by the other, and in particular to prevent discharge on items favored by at least 218 members of the majority party.

A final possibility would be to abolish the present practice that no additional Members may add their names to a discharge petition once the 218 signatures are obtained. This change would prevent Members who wished to sign for position-taken purposes from being "frozen out," and could thereby reduce pressure to sign simply from fear of being "frozen out." Such a provision could also permit Members to withdraw signatures after the petition is entered. However, in order to prevent uncertainty about whether a motion was eligible to be called up, it might be necessary to provide that a motion would remain on the discharge calendar once it had at any point, or at the end of any previous day of session, achieved the requisite signatures.

Application of the discharge rule. The most extreme proposal to alter the application of discharge would abolish the rule altogether. The absence of even the possibility of discharge might significantly reduce the means by which the House membership, majority as well as minority, can implicitly maintain leadership responsiveness. Adoption of such a proposal would represent a reversal of the apparently hitherto settled judgment of the House that a discharge rule capable of being effectively used on rare occasions promotes an appropriate balance between leadership and rank and file.

A less sweeping change would require all discharge efforts to file petitions both on the legislative measure and on a special rule for its consideration. Such a provision would guarantee that the committee of jurisdiction could not insulate itself from discharge by reporting the measure. It would also tend to guarantee that if the measure came to the floor by discharge, its consideration would be governed by appropriately designed terms. On the other hand, this procedure might make discharge more complicated without necessarily decreasing the likelihood of success; if supporters of discharge have to sign two petitions instead of one, they probably will.

An alternative might be to permit discharge only of special rules for the consideration of measures, retaining only the "second method of discharge" that Crisp considered the preferable one. This proposal, reflecting one made in 1910 by Swagar Sherley (D., Ky), later Chairman of the Committee on Appropriations, would prevent a committee from insulating itself from discharge by reporting. It would also prevent Members favoring discharge from ever having to go through the petition process twice to bring the desired measure to the floor. It would also ensure that every discharge attempt presented an appropriately designed procedure for consideration of the measure involved.

Further, this provision would permit the Committee on Rules to continue its present practice of pre-empting discharge proceedings by reporting alternative special rules acceptable to the leadership. In other words, this alternative might facilitate the use of discharge as a means of fostering leadership responsiveness to Member agenda preferences, rather than of precipitating struggles for floor control between leadership and rank and file. The figures supplied earlier suggest that such approaches might also yield a higher degree of legislative success for the measures involved.

Finally, the current discharge rule prohibits further action on a subject under the discharge rule during the session in which a measure on the subject has reached the floor by discharge. This provision was designed to reduce repetitive votes, although it does not prohibit action on bills on the same subject reported from committee. Under contemporary conditions of legislative scheduling, consideration might be given to extending this prohibition from the single session to the entire Congress. The practical impact would in any case, however, be small.

Lack of committee consideration. Several suggestions have been made to mitigate the disadvantages of considering legislation on the floor without benefit of a committee report or recommended committee amendments. One long-standing suggestion would require that once a petition was entered, its initiators supply information covering matters required or usually found in a committee report, to be published as a House Document that would serve the same functions of informing the membership as the report normally performs. The committee might be invited to contribute similar information as well, which would allow it to state its case for not having reported the measure.

Another approach would lengthen the time between entry of a discharge petition and floor consideration of the discharge motion. The present rule permits a minimum of seven days of actual session and a maximum of one month, depending on the timing of the petition's entry in relation to available discharge days (the second and fourth Mondays of each month). The strict 1925 rule, on the other hand, allowed only one day per month for motions to instruct a committee to report a measure within fifteen days. Counting those intervals in days of actual session, such a proceeding would give a committee typically between one and two full months to hold hearings, mark up the measure, and prepare a report. A rule of this sort might once again tend to foster leadership responsiveness to membership agenda preferences while maintaining overall leadership agenda control. It might also be possible to offer the extra time only if the committee was actively proceeding with hearings and markup.

FOOTNOTES

[1] U.S. Library of Congress. Congressional Research Service. "*Background of the House Precedent that Signatures to a Pending Discharge Petition May not be Made Public.*" CRS typed report, March 30, 1984, by Richard S. Beth. Washington, 1984. 11 p.

[2] The following discussion is drawn largely from Beth, "*Background of the Precedent that Signatures May not be Made Public.*"

[3] The Rules. Debate and votes in the House. *Congressional Record*, v. 65, Jan. 14, 1924, p. 951; Jan. 15, 1924, p. 1004; Jan. 18, 1924, p. 1124, 1134, 1136.

[4] Motions to Discharge Committee. Proceedings in the House. *Congressional Record*, v. 75, Feb. 23, 1932. p. 4512–4513. Cannon, Clarence. "*Cannon's Precedents of the House of Representatives of the United States.*" Washington, G.P.O., 1935. v. 7, sec. 1008.

[5] A Parliamentary Question. Proceedings in the House. *Congressional Record*, v. 78, Apr. 12, 1934. p. 6489–6491.

[6] Cannon, Clarence. "*Precedents of the House of Representatives of the United States.*" Washington, U.S. G.P.O., 1935. v. 7, section 1007.

[7] The figures discussed here are drawn (with updates) from U.S. Library of Congress. Congressional Research Service. "*The Discharge Rule in the House of Representatives: Procedure, History, and Statistics.*" CRS Report for Congress 90–84 GOV, Feb. 8, 1990, by Richard S. Beth. Washington, 1990. 112 p.

STATEMENT BY HYDE MURRAY

Mr. Chairman. Thank you for this opportunity to discuss with you the House rules and precedents relative to discharge petitions and the Discharge Calendar.

With many "reforms" there is usually a conflict between two or more reasoned and rational purposes.

In this case, the conflict between open debate and disclosure on one hand and the need to have strong and effective committees on the other hand presents itself to you and every House member.

The committee structure is basically designed to give the House the time, the expertise, the persistence and the continuity to formulate sound law and to kill bad legislation.

The House itself (and its alter ego the Committee of the Whole) are fully equipped to modify, ratify, or reject the work of its committees, but as some point the House must decide where the balance exists between legislating in Committee and legislating on the Floor.

Many House Rules are biased toward committees—germaneness and committee jurisdiction rules for example favor an orderly consideration of bills by the committee empowered to hear and decide specific issues.

The discharge petition rule is per se, clearly in derogation of the power of all committees . . . including the Rules Committee because it provides for a mechanism to veto the veto of a recalcitrant committee that "just wants to say no."

In drafting the current discharge petition rule, the House appears to have drawn it narrowly by, for example, not letting members sign by while in a hospital or by proxy and by keeping names confidential.

Allowing the publication of names would appear to put more pressure on other members to sign the petition and would make it most awkward to say the least for a member to remove his or her name.

In an effort to enhance your understanding and to be helpful in your consideration of this aspect of the Rules of the House, I will start by highlighting the early history of the rule as stated by former House Parliamentarian Clarence Cannon at Volume VII, Sections 1007, and 1008 of Cannon's Precedents, a copy of which is attached to my statement.

* * * * *

Conversely, conservative members could target a popular estate tax cut and in a manner similar to that used by liberal food stamp advocates, find great fault with those who are bottling up the tax bill without even allowing it to be considered by the House.

The combination of punches, one from the left; one from the right, might well result in even less fiscal discipline than is now the case. In other words, the "law of unintended consequences" may be invoked by legislative affection for more "sunshine".

CONCLUSION

As these hearings demonstrate, a good argument can be made on both sides of the question of publishing members names on a discharge petition, but eventually the leadership and the individual members will have to decide which technique will produce the best laws: Careful, thorough, subcommittee and committee deliberation (and in some cases, interment) or more participatory, open but less thorough consideration by the Committee of the Whole and the House itself.

TESTIMONY OF THOMAS E. MANN, DIRECTOR OF GOVERNMENTAL STUDIES, THE BROOKINGS INSTITUTION

I'm saddened and discouraged by the reaction inside and outside the Congress to the proposal by Rep. Inhofe to make public the names of members who sign discharge petitions before a majority of members have signed the petition. A procedure that has served the House well for over half a century—by providing a safety valve that allows a majority of members to bring a legislative measure directly to the floor—is now being portrayed as evil incarnate. Ross Perot and the Wall Street Journal editorial page writers would have us believe that the precedent governing the timing of the public release of the names of signatories frustrates democratic governance by allowing House leaders to bottle up popular legislation and keep voters in the dark.

The rhetoric on this matter has been passionate and misleading. A routine and perfectly reasonable legislative procedure has become conflated with partisan and ideological agendas in a way that confuses the public and threatens to weaken an essential feature of the legislative branch—namely, the ability to deliberate or, in the words of James Madison, "to refine and enlarge public views." Those who speak out against the Inhofe proposal are pilloried as defenders of secrecy, hypocrisy, special interests, even of the dread "establishment."

What I find most unfortunate about the debate on this matter is the portrayal of Congress as a closed, secretive institution, dominated by committee and party barons and unresponsive to popular sentiment. I know of no serious student of Congress who believes this characterization has any basis in reality. Congress has its share of problems; with Norman Ornstein, I have spent the better part of the past year diagnosing its institutional maladies and prescribing reforms that would deal constructively with them. But I can assure you that insulation from unresponsiveness to public sentiment is not a feature of the contemporary Congress.

Indeed, the Congress today is remarkably open, permeable to outside interests and opinion, and relatively unconstrained by autocratic committee and party leaders. Members if anything are hypersensitive to public opinion and unduly solicitous of intense opinions in the electorate, however ephemeral they may be. And committee and party leaders are responsive to majority sentiment among rank-and-file members. The Congress and its leaders are less equipped institutionally to cool the temporary passions of the public than ever before. The Framers of our system would be appalled to see how campaign finance practices, negative campaigning, orchestrated grass-roots lobbying and television and radio have made it more difficult for members of Congress to do what is politically unpopular in their districts but right for the country.

Majorities rule in the House of Representatives. (The same cannot be said of the Senate, where anonymous holds and filibusters regularly frustrate majorities.) Virtually all serious legislative proposals that have genuine support among a majority of members find their way to the floor. The discharge petition is an important, though seldom-used safety value to ensure consideration of legislation when a majority of members (without the threat of political pressure outside the chamber or retribution by committee or party leaders inside) believes that the leadership is inappropriately thwarting action. It was never (and should never be) designed as another means by which outside groups can pressure members into forcing action on a piece of legislation; it was a way of dealing with the arbitrary exercise of power inside the chamber.

Publicizing the signatures on discharge petitions before a majority is achieved would increase the pressure on members to take the politically safe action in the face of intense outside lobbying. It could well lead to the routinization of the discharge petition as an alternative agenda-setting mechanism in the House, diminishing the deliberative role of committees and weakening the ability of the majority party leadership to manage the floor. It would encourage government by plebiscite, a far cry from the republican form of government designed so brilliantly by the Framers.

I understand the surface appeal of H. Res. 134. Few members of either party are comfortable defending a procedure that seems to condone secrecy and hypocrisy. House Republicans are drawn to it for another reason as well. It is not easy to be a permanent minority in a majoritarian legislature. It is particularly frustrating in times of deep partisan division, when opportunities for bipartisan cooperation are limited, and when the majority uses its control of the Rules Committee to limit amendments by the minority and avoid politically embarrassing votes. In our Renewing Congress reports, we have recommended procedural changes to give the minority party and individual members meaningful opportunities to offer alternative versions of legislation. But I strongly believe that revising the discharge petition with H. Res. 134 is not the way to deal with these frustrations. House Republicans as well as Democrats have a stake in preserving the deliberative character of this institution.

At the same time, I oppose efforts to dilute the current discharge rule, by requiring a supermajority or by some other means. H. Res. 134 should be defeated on the merits. The present discharge rule makes sense and works well. The status quo should be reaffirmed. I realize that in these populist times when Congress-bashing is the rage, this position is neither popular with the public nor comforting to members. But I believe it is the wisest course for this committee and the House to take.

STATEMENT OF STEVEN S. SMITH, PROFESSOR OF POLITICAL SCIENCE, UNIVERSITY OF MINNESOTA

Chairman Beilenson and members of the Subcommittee, the discharge petition has a tortuous and tortuous history. I hope that we are not adding to the problem today.

As you know, every rule has a bias. A rule's bias may not always be manifest or important, but it is there, just waiting for the right circumstances to show itself. The bias of Rule 27 is that the influence of public opinion is minimized. It advantages any House majority that might shrink if disclosure of petition signatories was required. It certainly advantages committee majorities—usually composed of majority party members. And it advantages the Speaker, who effectively controls the only other viable means for discharging committees—suspension of the rules and resolutions from the Rules Committee.

My view is that the House should adopt neither H. Res. 134, proposed by Mr. Inhofe, nor H. Res. 36, introduced by Mr. Michel in January. These proposals would shift too much power to fluid chamber majorities, reduce the ability of the majority party to determine and take responsibility for the agenda of the House, and further exacerbate an already serious problem for the House—hyper-sensitivity to public opinion.

COMPETING PRINCIPLES

As Members of this Subcommittee appreciate, every important rule of the House represents a balance among competing principles to which most Members would subscribe. Several principles are in partial conflict in recent discussions of the discharge petition.

The first principle is public accountability. Members' should be held accountable for the manner in which they pursue their official duties. Yet no one, except a self-serving journalist, political scientist, or historian, argues that all aspects of Members' official activities should be recorded and published. For example, most Members would want to maintain the confidentiality of communications between themselves and their staff assistants. And they would want to protect statements and formal actions made in party councils, even if decisions made in those places are consequential for the policy choices made by the House. But most people would agree that it is more important to publish a record of Members' actions when they are contributing to authoritative decisions by the House or at earlier stages that are considered essential to official House action—voting in the Committee of the whole or in committees and subcommittees.

In the absence of other considerations, I would favor H. Res. 134. Signing a discharge petition is much like voting on a special rule to bring a measure to the floor. Both actions set the floor agenda and are essential preliminary steps to final action by the House. But there are other considerations.

The second principle is republicanism. Madison emphasized the importance of avoiding the pitfalls of direct democracy and the wisdom of establishing republican government in a large and diverse country. His point was that some distance between the people and policy makers is essential to good government. His hope, of course, was that the public interest, not public demands, would be the driving force behind policy choices. He wanted Members to rise above rapidly shifting public passions, to resist the temptation to make early policy commitments, to learn from each other, to discern national and long-term interests, and to resolve rather than intensify societal conflict.

To be sure, Madison enjoyed a privileged position that modern elected officials do not. The incentives to cater to, and even to excite, public passions are overwhelming. Modern technology has increased the incentives even more, as have the sunshine, recordkeeping, and record-voting rules that were adopted over the past 25 years. A membership that is too often hyper-sensitive to public opinion and distracted from the public interest seems to be the result.

Informed decision making is a principle closely associated with republican government. In Congress, informed decision making has required reliance on committees to conduct hearings, sift through competing arguments, and distill choices. Some proponents of the Inhofe resolution argue that little damage to the role of committees because petitions would still be reserved for only a few issues, those where the majority party is flexing its muscles to bury important measures. I disagree. The temptation to use a discharge petition to gain leverage or publicity would be irresistible. Discharge petitions would become just another instrument for scoring political points.

Also at issue is the appropriate balance of party and individual responsibility in House decision making. Madison, like other Federalists, originally sought to minimize the role of faction and party in Congress. He preferred to think that Members would be virtuous individuals, each fully contributing to the collective decisions of the House. Of course, Madison recognized the inevitability of parties and became a party leader in due course. And perhaps he would have changed his views on this point as the House grew by nearly seven fold and its work load grew even more during the next century.

I note that the Inhofe and Michel proposals differ in a critical way. The Michel proposal implicitly recognizes the principle of party responsibility. Its requirement of disclosure upon the accumulation of 100 signatures on a petition means that a majority of the minority party would generally be required in the absence of significant bipartisan support for discharging a committee. Discharge petitions supported by smaller minorities—a minority of the minority party—would result in the disclosure of signatories' names. The Inhofe proposal compels disclosure for all petitions and will occasionally enhance the leverage of small groups of Members.

Does the current practice unduly undermine the principle of individual responsibility and favor party responsibility? It probably does. Current practice appears to support individual responsibility by protecting the individual Member from pressure from any source. However, the absence of public disclosure may at times help to maintain the influence of those Members—particularly majority party and committee leaders—who can inspect petitions and marshall resources to pressure their colleagues.

Clearly, both supporters and opponents of the current rule offer theories of the House that are not consistent with the original design. Supporters' emphasis on majority party responsibility is quite foreign to the principle of individual responsibility found in the original design. Opponents' emphasis on public accountability ignores the Founders' hope that public opinion would inform, not dictate, policy choices.

A NEW BALANCE?

The principles involved in the discharge rule are not easily balanced in the abstract. I see no angles in this dispute. I must say that I see no evidence that the current rule has prevented the House in recent Congresses from acting on measures that a majority of Members personally believed should be adopted. Some Members have argued that the House would have met the public demand for a strong form of the line-item veto by now if the rule permitted disclosure of petition signatories' names. I do not find this to be a compelling argument for changing the rule. In fact, by adopting the prescription of H. Res. 134, I think that the House would be moving perilously close to government by public opinion poll. The Congress is four-fifths of the way there as it is.

If a change is inevitable, I would propose a somewhat different balance than those suggested in the Republican proposals. I would seek to provide limited public disclosure, to protect of signatories' identity in the short run, to establish a higher threshold for discharging constitutional amendments, and to preserve a heavy dose of party responsibility. A reasonable balance might be achieved by a rule that:

Provided for the disclosure of signatories' names at the end of each Congress for all petitions that have been signed by at least 100 Members;

More fully protected the identity of signatories, even from Members, by using numbered cards and prohibiting Members from inspecting them during a Congress (Members could withdraw their signatures); and

Set the threshold for House action on a discharge motion at the level required for passage of the measure—two-thirds for constitutional amendments and a simple majority for most other measures.

Disclosures of signatories' names at the end of a Congress would preserve the short-term leeway that Members must have to pursue the public interest. Members could be held accountable at election time for official actions on petitions endorsed by about one fourth of the House. The incentive to engage in deceptive cosponsorship of legislation would be reduced marginally and, at least in the long run, Members would have to explain their positions on important issues.

I see nothing that can be done to prevent a Member from tracking the number of signatories who choose to disclose their identity. But I believe that there will be times when signatories will prefer to protect their identity from all others, at least in the short run. The process should allow them to do so in order to reduce the influence that otherwise would be exerted by party and committee leaders, the administration, and lobbyists.

Finally, I support a threshold for forcing a vote on a discharge motion should be the same as for passage of the measure that is the subject of the motion. In practice, this means that constitutional amendments will be given special status under the discharge rule. Here, more than anywhere, we should create a decision-making environment that allows Members to exercise their best personal judgment about the long-term public interest.

STATEMENT BY DR. ROGER H. DAVIDSON, UNIVERSITY OF MARYLAND, COLLEGE PARK

Mr. Chairman and members of the Subcommittee: I appreciate your invitation to discuss the discharge procedure and its implications for the deliberative process in the House. Although I make no claim to be expert in the details of parliamentary procedure, I have devoted much of my professional life to studying the organization and workload of Congress, especially its committee system. When committee reorganization was undertaken in the 1970s, I was privileged to serve as a staff member on both chambers. In 1973–1974, I served with the Bolling-Martin Committee after being asked by Vice Chairman David Martin of Nebraska, the ranking minority member of this Committee, to join his staff in that bipartisan effort to reorganize the House committee system. From 1980 to 1988 I served as Senior Specialist in American National Government and Public Administration at the Congressional Research Service.

The specific proposal before you, H. Res. 134, is a seemingly limited, innocuous proposal to make signatures on discharge petitions a matter of public record. But we have learned from experience that even the most innocuous procedural adjustments can have far-reaching effects, some of them wholly unexpected. Moreover, we must apply historical perspective to procedural changes: those who denounce a rule today may tomorrow have reason to seek refuge in that same rule. This subcommittee, as the chief body charged with assessing and reviewing the rules of the House, ought to examine this proposal in light of its possible effects upon the delicate balance within this chamber among the leadership, the committees, and the individual members.

THE CENTRALITY OF COMMITTEE DELIBERATION

The two leading attributes of the House of Representatives as a deliberative body are, first, its reliance upon standing committees to sift through and develop legislation and, second, its tradition of strong leadership management of scheduling and floor deliberation. These two attributes set the House apart from the Senate, and they are in fact responsible for the House's continuing significance in national policy making—given its large size and mounting workload.

Standing committees are the chief instruments through which the House defines public problems and shapes policies. Here, the political soundings are taken, the delicate compromises worked out, and the increasingly complex language of measures drafted and redrafted. Floor debate may illuminate issues and resolve crucial questions. But it is quite impossible for a large body of lawmakers to write complex pieces of legislation during floor debate.

A key part of the committees' duties is to review legislative proposals, in the process killing the vast majority of the measures referred to them. In the 102nd Congress, 6,775 bills and 932 resolutions were introduced in the House; fewer than 12 percent of these were reported by the committees to which they were referred. (Additionally, a number of unreported measures are adopted through alternative procedures.)

As a citizen and a taxpayer, I submit that the committees perform a necessary service by eliminating the vast majority of proposals referred to them. Many unwise, unnecessary, and costly schemes lie dormant in the committee rooms; some of these are politically beguiling and might even garner a majority on the floor. Since 1931, a large number of the discharge petitions that have been entered (that is, gained 218 signatures) involved raids on the Treasury pushed by aggressive lobbyists to benefit their client groups. A dozen such measures dealt with veterans' bonuses and pensions; others concerned federal pay and water projects. Any group purporting to represent conservative values or taxpayers' interests should recall this history before trashing the existing discharge procedures. The committees' role in screening measures should not be judged simply on the basis of a few currently attractive measures that have not reached the House floor.

EFFECTS OF THE DISCHARGE PROCEDURE

The discharge mechanism (Rule XXVII, clause 3), far from being some sort of "secret rite," is one of several safety valves provided by the rules to promote accountability of the committees of the House membership. Initially adopted in 1910, it was subsequently revised on several occasions and achieved essentially its present form in 1931. It is significant that this mechanism, along with Calendar Wednesday (1909), grew out of the "revolt" against Speaker Joseph G. Cannon—an insurgent movement of progressive Republicans and Democrats against the "Old Guard" Republicans who controlled the Speakership and the Rules Committee.

Following are my observations on the role and effectiveness of the present discharge rule, as well as my assessment of H. Res. 134. In sorting out my thoughts, I acknowledge our collective debt to Dr. Richard S. Beth of the Congressional Research Service, whose detailed and careful report on the subject helps us to put this matter into perspective.

Confidentially of the petition process is a carefully considered and well-established aspect of the discharge procedure. In adopting the rule, members discussed at length the need to protect members, singers and nonsingers alike, from undue pressures—from special interests, from the press, and from committee and House leaders. The current controversy illustrates all these problems, which were cannily anticipated in the debates of sixty or more years ago. Confidentiality is implicit in the wording of the rule itself and has been regarded as an integral part of the process. Speaker John Nance Garner announced in 1932 that "signatures cannot be made public until the required number of members have signed the petition"; Speaker Sam Rayburn repeated in 1946 that premature discloses of names "is certainly a violation of the rules * * *" On the other hand, it must be said that the House has not revised the rule to make more explicit the confidentiality principle, nor has it ever taken steps to punish those rare violators of the principle. If this principle is not defended in the present controversy, it will risk becoming morbund.

The "hypocrisy" issue—the charge that members win coming and going by cosponsoring bills and then refusing to sign discharge petitions—is not persuasive and conveys an erroneous view of the act of sponsoring or cosponsoring legislation. Introducing a bill or resolution by no means implies complete agreement with everything in the bill, nor should it. Members may introduce measures to stake out jurisdiction for a committee or to pave the way for hearings and deliberations that will air a public problem. Even if a legislator is strongly committed to the ideas embodied in the measure, he or she will invariably anticipate that hearings and markups will result in modifications or amendments. Bill introduction is the beginning of the deliberative process; it gets the issues on the table, which is a long way from agreement upon a finished product.

The troubling aspects of member's position-taking, in my judgment, center more on cosponsorship than on discharge petition signatures. It is my distinct impression that members have become far too careless in cosponsoring measures. Members' offices are inundated with "Dear Colleague" requests for cosponsorship, and members are under mounting pressure to indicate early, and often premature, support for measures. In this process, it is hard to tell who is using whom. Cosponsors use their support as an inexpensive form of position-taking, while the chief sponsoring members and allied interest group seeks to interpret cosponsorship as a signal of unqualified support. One result of the present controversy, one would hope, would be greater restraint among members about agreeing to cosponsor measures.

The history of the present discharge rule has shown it to be a limited but useful took for imposing the chamber's will upon committees. It is invoked rarely and has produced very few statutes. Between 1931 and 1992, only 490 petitions have been filed to discharge committees from legislation referred to them. That is about one petition for every 100,000 bills and resolutions introduced. Of those petitions, only 44 received the required 218 signatures and were entered on the calendar; 29 of those were called up on the floor. Committees were discharged in 24 instances. Eighteen of the discharged measures passed the House, but of those only three (two statutes and one rules change) became effective.

The discharge mechanism is more effective as a prod than as a lawmaking device. Although the rule rarely produces enactments, there is evidence that the threat of a successful discharge petition often leads to committee action, or to floor action by means other than the discharge itself. According to Richard Beth's compilation, successful discharge petitions tend to result in further action by the full chamber: calling up the measure for debate (69 percent of the petitions entered), passing the measure (57 percent of the cases), and even gaining final approval of the measure (21 percent of the cases). These figures do not include instances in which a successful petition induced the relevant committee to schedule hearings or issue a report that was not acted upon by the full House. In other words, in a number of cases the discharge attempt helped to impel action by the committee, the Rules Committee, or the House leadership.

The discharge procedure is ill-suited for the process of legislative deliberation. Most importantly, it bypasses the crucial and time-consuming phases of hearings, negotiations, and markups that are needed to turn raw proposals into acceptable legislation, or to expose a proposal's fatal flaws or narrow support. The procedure itself provides inadequate debate and short-circuits amendments. It also fails to address the phenomenon of multiple referrals: more than a third of all bills and resolutions introduced in the House are sent to two or more committees.

CONCLUSIONS AND RECOMMENDATIONS

The present discharge rule has worked successfully as a safety valve. It serves as a remainder that committees are creatures of the parent chamber and ultimately answerable to the majority wishes. It is not effective as a deliberative mechanism, nor do I think it was intended as such. It should remain an extraordinary and difficult course of action, to be employed when all other means have failed.

Publicizing the signers (or non-signers) of discharge petitions will add nothing to the deliberative process but a lot to the practice of position-taking. It converts a procedural issue into a policy weapon that will be of great use to a handful of special interests but of little or no use to the general public.

As a device to promote public knowledge, H. Res. 134 leaves much unsaid. It merely makes the petition "a matter of public record." It fails to specify how or by whom the record should be prepared or disseminated. Presumably interested parties—members and lobbyist allies—would publicize the names selectively to place pressure on selected members on behalf of favored issues. A more effective course would be to direct the Clerk to publish the lists periodically, or better yet at the conclusion of each Congress. Such a course would assure that the public record would be complete, would enable the procedure to be seen in full perspective, and would provide an archival record for the use of historians and other students.

Other alterations of the discharge rule should be approached with caution. As my prior comments would suggest, I do not favor significantly broadening access to the procedure. Nor do I believe that further restrictions in the procedure would be desirable or acceptable. For example, requiring 218 signatures strikes me as an appropriate reminder of the principle of majority rule in the House. Raising the number would have greater logic in the case of constitutional amendments, but even there it seems to me that a majority should be able to indicate its desire to have a given measure taken up, even if the eventual support for the measure falls short of the required two-thirds.

Two modifications in the discharge rule would improve the currently clumsy post-petition procedure while ensuring that the disputed measure would be addressed and the issue joined. A revised rule might well: (1) require formal reports from both the sponsor of the discharge petition and the committee of reference to be submitted within a specified period of time; and (2) provide that the petition could be taken up promptly after submission of the reports. This would allow adequate opportunity for a meaningful response to the petitioner's concerns, and would improve deliberation if and when the motion were taken up on the floor.

In summary, the Rules Committee should consider either reporting H. Res. 134 adversely, or reporting a modified discharge procedure (Rule XXVII, clause 3) incorporating the refinements I have suggested.

[From the Washington Post, Sept. 27, 1993]

NO SMOKE, NO BARONS

(By Thomas Mann and Norman Ornstein)

There is no surer way to induce an editorial knee to jerk than to evoke the word "secrecy." And knees jerked all over the country over Rep. Jim Inhofe's proposal to publicize the signatures on discharge petitions in the House of Representatives before a majority is reached. George F. Will's endorsement of Inhofe ["Smoking Out the Barons," op-ed, Sept. 19] is understandable, given his unrestrained animus toward the contemporary Congress and his single-minded pursuit of term limits, but the argument advanced by The Post's editorial [Sept. 14] was uncharacteristically superficial.

The Inhofe proposal is very likely to pass the House, now that it has obtained the requisite 218 signatures on the discharge petition. Indeed, given the terms by which it was defined for the public—ending secrecy, increasing accountability, restraining the arbitrary exercise of brute power—an overwhelming majority will probably climb aboard the bandwagon when faced with a recorded vote.

But before the seemingly inevitable occurs, it is worth reflecting on how the discharge petition came to be the cause celèbre of congressional reform, what it tells us about Congress and the American political system, and how this change might reinforce and worsen some disturbing trends in our politics.

Inhofe's proposal is a solution in search of a problem, a reform based on a wildly inaccurate portrayal of Congress as a closed, secretive institution dominated by committees and party barons and unresponsive to popular sentiment.

The truth is that Congress today is remarkably open—probably the most open political institution in the world—permeable to outside interests and opinion and relatively unconstrained by autocratic committees and party leaders. Members are if anything hypersensitive to public opinion and unduly solicitous of intense opinions from a sliver of the electorate, however ephemeral they may be.

The problem with Congress is not insulation and unresponsiveness—it is pandering and symbolic position-taking. Congress and its leaders are less inclined and less equipped to cool the temporary passions of the public, or to withstand the intense views of a disciplined, organized special interest minority, than ever before. The confidentiality provision of the discharge petition rule has been a modest shield against those forces; the Inhofe change would turn the discharge process into a weapon for them.

In this case lawmakers and their leaders were putty in the hands of Ross Perot, Rush Limbaugh and the Wall Street Journal. It didn't matter that almost all serious legislative proposals that have genuine support among a majority of members find their way to the floor; that the discharge petition has worked as a noncontroversial safety valve enabling a majority of members to prod legislative action when they believe the leadership is inappropriately thwarting action; and that adopting the Inhofe proposal would make a provision designed to be a last resort into a routine one and increase pressure on members to take politically safe but substantively damaging positions in the face of intense outside single-issue lobbying, discouraging deliberation and encouraging a government by plebiscite. Once the public passions were fanned and the agenda set in simplistic, anti-secrecy terms, there was little opportunity for genuine discussion and debate about the need for this rules change and its possible consequences.

This episode is emblematic of what ails Congress today and why it is so difficult to pursue constructive reforms. An angry but inattentive public is too easily manipulated by Congress-bashers pursuing their own partisan and ideological agendas. Members of Congress are too willing to sacrifice the well-being of their institution in order to advance or protect their individual political positions back home. Congressional leaders are too slow to see the threats to the basic integrity of Congress, insensitive to the genuine rights and prerogatives of the minority party, and too reluctant to act decisively to deal with the underlying problems. And editors, eager to be on the side of the angels, buy the "reform" agenda of self-styled public interest groups and reformers without thinking through the consequences of what they support.

Ironically, if the undue sway of leadership bullies on rank-and-file members is the problem, as many Inhofe supporters believe, the most constructive change in the discharge petition rule would have been more, not less, secrecy—the complete confidentiality of signatures, so that neither leaders, chairmen nor outside interests would know which members had signed petitions to pull bills from their committees, and could not exact retribution. But that kind of change would not have mobilized United We Stand troops around the country, energized the army of radio talk show hosts or raised much money in direct-mail appeals by anti-Congress groups. Inhofe and his allies have intimidated the House to act and succeeded at stinging and embarrassing Congress' senior leaders. Now we have to figure out how to limit the damage done to deliberative democracy.

(The writers are codirectors of the AEI-Brookings Project on Renewing Congress.)

[From the Wall Street Journal, Sept. 2, 1993]

DON'T DISCARD DISCHARGE PETITION SECRECY

(By Norman Ornstein)

The latest partisan confrontation inside Congress is over an arcane House provision called the discharge petition. With the active complicity of this newspaper's editorial page, and in defiance of House rules, Republican James Inhofe has published the names of signers and nonsigners of a discharge petition—for his own petition to require that names be made public. His argument is that the rule prohibiting disclosure of the names lets cowardly representations have it both ways—satisfying their leaders who keep popular bills and resolutions bottled up in committees, while letting constituents and lobbyists think the congressmen support the bills when in fact they refuse to act to bring them to a vote.

Rush Limbaugh and other conservatives have joined Mr. Inhofe's crusade, helping to enlist members skittish about appearing to oppose an "anti-secrecy" measure that on the surface sounds so reasonable. It is not. Before jumping on board, lawmakers should realize that the Framers of the Constitution, if they were here today, almost certainly would oppose Mr. Inhofe's idea as a giant step toward the kind of plebiscitary democracy they feared the most, and a giant step away from the kind of republican democracy they worked hard to create.

The discharge petition was created in the House in 1910, as part of a package of dramatic reforms aimed at the dictatorial power exercised by Speaker Joseph Cannon. Cannon had unilaterally appointed—and "unappointed"—members and chairs to committees, and had dominated the majority party caucus and the floor.

When the House rebelled, it created a more decentralized system. But members of Congress wanted to be sure they did not react against a dictatorial speakership only to create dictatorships of committees or their chairmen. The reformers' internal checks and balances included a "fail-safe" provision to keep a committee from unreasonably killing a bill that could muster support from a majority of the full House and deserved floor consideration and passage—the discharge petition.

If a bill has spent more than 30 days in a standing committee, any member can file a motion to discharge the bill for direct consideration on the floor; if a majority of members, 218, sign the petition, the bill gets privileged consideration. Members can add or withdraw their signatures at any time until a majority of votes is secured. Under rules that are more than 50 years old, the names on the petition are not disclosed until at least 218 signatures are obtained (at which point the names are published in the Congressional Record). It is this latter provision that has so exercised Mr. Inhofe and his allies.

The discharge petition was designed to be a last resort. Fewer than one bill per Congress on average has actually been discharged over the past 50 years, and less than a handful have actually become law. The 1910 reformers expected that this would be the case—that lawmakers would want to defer to a process that lets committees immerse themselves in the details of bills in a way that a collective chamber of 435 individuals cannot. They wanted a strong and stable committee system.

And in the tradition of the Framers, they wanted a system that would stop legislation as much as—or more than—it would expedite it. Congress was designed by the Founders as a deliberative body—designed not to reflect public opinion, but to create a broader, reasoned public judgment from the mix of narrower interests. Congress was supposed to cool public passions and temper public emotions, to block or delay bad but popular ideas as much as to enact new public policies.

Forcing members under pressure from special interests or a tide of public emotion to go on record supporting discharges means letting bills come to the floor willy-nilly without the screen of committees, and removing the ability of committee chairs and party leaders to block popular but unwise bills from coming to the floor. The result will be a spate of foolish laws and even larger deficits.

Consider one of the rare contemporary instances when a discharge petition actually led to a bill's passage—in 1983, when a bill emerged to repeal the 1982 tax provision requiring withholding of income on interest and dividends. The 1982 provision, engineered by Bob Dole to reduce the deficit, had been immediately attacked by banking lobbyists, who mounted a massive repeal campaign, falsely warning widows and orphans that their interest savings were about to be snatched by the government. The scare tactics worked. Congress was flooded with outraged mail, telegrams and phone calls. Unfortunately, the discharge petition's secrecy rule was an inadequate levee and the provision was repealed, adding billions to today's deficit.

Now consider an area where the discharge petition rule has kept bad legislation at bay.

The "notch babies" are voters born between 1917 and 1921 who were caught in the middle in 1977, when Social Security benefit formulas were changed and the changes phased in. The changes reduced an overly generous benefit formula, enacted by mistake in 1972.

The notchers, a big cadre of largely affluent, outspoken and politically active elderly, have been emotionally vocal and adamant about the need to right a terrible wrong done to them. But the notch babies didn't lose anything. They actually got more than they otherwise would have—but were put at a comparative disadvantage to their elders.

Virtually every expert on entitlements has said that nothing can or should be done to provide additional benefits to the notch babies. But experts have few votes across all 435 congressional districts. If not for the fact that congressional leaders, recognizing the fiscal folly of accommodating the notchers, have kept relief bottled up in committees, our awful deficit problem would be much worse.

Destructive or foolish proposals come along all the time that have simple, seductive appeal to voters, often framed by clever special interests and their lobbyists. Others generate intense support from one particular, powerful group but no comparable opposition elsewhere. A plebiscitary democracy, responding immediately to the whims of public opinion, enacts such proposals without thinking. A responsible representative democracy builds in deliberative mechanisms to resist them.

The discharge petition and its rules are designed to provide modest protection for members of Congress against the relentless demands and pressures of special interests and volatile public opinion. A small measure of secrecy helps keep it that way. Eliminate that protection, and we will be deluged by notch baby-type measures and manipulation by interest groups. The Framers understood this; it's a pity Mr. Inhofe and his allies do not.

(Mr. Ornstein is a resident scholar at the American Enterprise Institute in Washington.)

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Mr. INHOFE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. SOLOMON], the ranking Republican member of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Oklahoma [Mr. INHOFE] for yielding this time to me. And I really thank the gentleman from Oklahoma, and commend him, for his initiatives and really for his persistence and success, in bringing some sunshine to the one remaining dark corner, I believe, in this House.

Mr. Speaker, the so-called secrecy rule for signatures on discharge petitions is not even a House rule. It is a 1932 precedent propounded by a Speaker some 8 years after the first discharge petition rule was adopted in 1924. And, even then, Speaker Garner cited no specific authority or rationale for the secrecy injunction. So, there really is no standing rule here that says there has to be secrecy.

It was not until 1934 that Speaker Rainey attempted to give a reason for keeping signatures secret. In response to a parliamentary inquiry, he said that:

> Publishing the names in the newspaper invites people generally in the United States to bring pressure on those who have not signed the petition to sign it, and pressure upon those who have signed it to take their names off.

Mr. Speaker, contrary to the claims of those who have defended this relic of the congressional dark ages, it was public pressure, rather than narrow, special interest pressure, that was feared in those days. That remains the greatest real fear of opponents today, that we will be too sensitive and too responsive to the popular will.

Whoever heard of such a thing?

Mr. Speaker, I strongly reject this elitist, political popula-phobia—this fear of the people. I mean this is the people's House. We were sent here to serve and represent the people. We should be willing to do so, using our best judgment, no matter what the cross-cutting, political currents and pressures might be—looking out in the final analysis for what is best for the Nation and the general public.

And we should be willing to do all the people's business in the open: public business should be done in public. And, to paraphrase Harry Truman, "if you can't stand the heat and the sunshine, get out of the kitchen."

Mr. Speaker, finally this House, the people's House, is going to have the opportunity to debate these critical issues that have been bottled up in committees year after year, after year. My own bill, line-item veto, has been held up for 15 years. Issues like a constitutional amendment to require a balanced budget, a true line-item veto, product liability reform—which we need desperately to get this economy moving—medical malpractice reform have all been held up. We will not see the light of day if we do not have this secrecy removed. Now we are going to see it. These are the issues that are overwhelmingly supported by the American people.

My colleagues, we ought to vote for this resolution today, and we are finally going to do something here. We are going to represent the people of this Nation the way they want to be represented, and I commend the gentleman from Oklahoma, and really praise him, for bringing this to the floor. "God bless you."

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume. I would like to enter into a colloquy with the gentleman from Oklahoma [Mr. INHOFE] regarding the legislative intent behind his resolution on these two issues.

First, the gentleman's resolution requires the Clerk to make the signatures on discharge petitions a matter of public record. How does the gentleman suggest this would best be done?

Mr. INHOFE. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from Oklahoma.

Mr. INHOFE. I thank the gentleman for yielding and for his question regarding a clarification on how the signatures should be made public.

It would be my hope that the Clerk could make a list of current signatures available on a daily basis through the House Office of Records and Registration during its normal business hours.

Moreover, I would hope that the list could be published in the CONGRESSIONAL RECORD once a week on the last day of House session, in a special section of the RECORD for that purpose—just as we now have a separate section for bill cosponsors.

I do not think the list should be published in the Journal since that is not immediately available to the public. Moreover, the discharge rule now requires publication of names in the Journal only after the 218 signatures are on the discharge petition. It would be my hope that the Clerk could make a list of current signatures available on a daily basis through the House Office of Records and Registration during its business hours. Moreover, I would hope that the list could be published in the CONGRESSIONAL RECORD, as mentioned.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Oklahoma [Mr. INHOFE] for his answer.

Second, I would like to clarify that the gentleman's rule would be retroactive to other discharge motions already filed in this Congress. That is, upon the adoption of his resolution the signatures of other discharge petitions currently pending would immediately be made public. Although I know there has been some discussions between the gentleman from Oklahoma and the gentleman from California [Mr. BEILENSON] during our subcommittee hearing as to whether the disclosure requirement would apply only to prospective discharge petitions, it seems to me that the plain language of the resolution requires retroactive as well as prospective disclosure. This interpretation is consistent with the idea of full disclosure.

Mr. INHOFE. Mr. Speaker, I was delighted to learn late yesterday that the chairman of the Committee on Rules now favors the retroactivity of my discharge signature disclosure rule. I welcome his support for such an application. The more sunshine, the better.

I must confess, though, as the chairman is well aware, that there is nothing in the language of my resolution to support either the retroactive or the prospective application of the disclosure requirement. In fact, it was not until I was questioned at the Committee on Rules hearing on this in the presence of the chairman that I had even given thought to the question.

As the chairman will recall, at that time it was generally agreed that it would not be fair to those who had signed pending discharge petitions under the existing confidentiality requirement, to suddenly make their names public upon the adoption of my resolution. I was willing to accept that for the sake of fairness, even though it runs contrary to the ideal of full disclosure.

But, I felt that certain trade-offs would be necessary in implementing this rule, and I was willing to accept the trade-off of no retroactivity.

□ 1130

So while I welcome the chairman's embrace of retroactive sunshine for discharge signature disclosure, and I share in his hope that this can be done, I realize that our aspirations are not controlling and that ultimately it will be the chair's own statutory construction that will determine whether pending discharge petition signatures will be disclosed or not. I am willing to abide by that decision.

Mr. MOAKLEY. Mr. Speaker, after looking at the resolution, I saw that there was no reference to whether it was retroactive or not, so I thought it would probably be retroactive, since there was no ban on retroactivity.

Mr. INHOFE. Mr. Speaker, if the gentleman will yield further, I think, as I say, it is not going to be our decision anyway. It is going to be the chair's decision. I would certainly abide by that decision.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my friend from Tulsa for yielding.

Mr. Speaker, let me just say that while the gentleman from New York [Mr. SOLOMON], the gentleman from Tennessee [Mr. QUILLEN], the gentleman from Florida [Mr. GOSS], and I worked diligently on the Committee on Rules, I want to congratulate my friend from the Sooner State [Mr. INHOFE], for having such great influence over the distinguished chairman of the Committee on Rules.

Mr. Speaker, let me say that this whole process has come down to one word, and that word is "accountability." It is due to a lack of accountability that 218 Members have courageously joined the gentleman from Oklahoma [Mr. INHOFE] in signing this discharge petition. But the lack of accountability stems not just from the problem with the discharge petition. There are a wide range of other institutional issues which need to be addressed here, such as 266 committees and subcommittees in both Houses of Congress.

Mr. Speaker, if you look at the fact that we have a very confusing budget process, constantly we are faced with restrictive rules. This is a first step toward dealing with the major institutional problems that we must face here.

Mr. Speaker, I congratulate my friend, the gentleman from Oklahoma [Mr. INHOFE], for having pursued this as diligently as he has, and I look forward to seeing its success this morning.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, whatever the historical justifications for keeping secret the names of those Members who sign discharge petitions, those arguments no longer carry much weight. The American people have no patience with arcane and outdated explanations. Today we will vote to open the discharge petition process of public scrutiny. I believe we should have done so long ago, and I will vote for this proposal.

At the same time, I must voice my very strong concerns regarding the use of the discharge petition to advance legislative objectives. I wish this bill had come to the floor under the regular legislative process. The discharge petition is an antidemocratic tool. It should be used only in circumstances when the regular legislative process has been blocked and frustrated. That's not the case with this bill. The bill was introduced for the very first time in March of this year. The discharge petition was filed in May.

I believe the public has a right to know who has signed petitions to discharge committees from consideration of legislation. I frankly believe constituents have a right to ask whether their Representative has signed a petition. Under those circumstances, I can't believe most Members would refuse to answer. I have never signed a discharge petition and I hope I will never need to sign one.

I hope my colleagues will not see the passage of this proposal as an opportunity to expand the use of the discharge petition as a substitute for normal legislative procedures. The discharge petition does violence to the legislative process. The fundamental philosophical basis for our Federal system is that government should act only after careful deliberation.

The entire structure of our Government—the division of authority and responsibility among legislative, executive, and judicial branches, the further division of the legislative branch into two Houses, the protections of the rights of the States and the individual—is summed up in the words "checks and balances." The idea is, to prevent hasty, ill-considered actions, even when they have strong popular support.

The proponents of this legislation have made arguments that betray an ignorance of and a lack of respect for the workings of a representative legislative body. Some have argued that Members who cosponsor legislation but refuse to sign a discharge petition do so to deceive their constituents. But surely every Member must understand the difference between cosponsoring a bill and seeking its immediate consideration on the floor.

When Members cosponsor legislation, it expresses interest in the issue and support for the proposal. But to do our work here, we rely on a public hearing process, at which concerned Americans have the chance to come forward and tell us what they think of the proposal. Congress is engaged in making public policy. For this process to succeed, the public must have ample opportunity for input.

The discharge petition, far from being a means to achieve open government and democracy, undermines the opportunity for the people to participate in the writing of the laws we pass. The discharge petition effectively shuts the American people out of the process after the sponsoring member has introduced the bill. There's no hearings, no amendments, no possibility to accommodate concerns that the sponsor may not have considered.

So let us make the signatures public. We must do so to reduce the degree of cynicism and suspicion regarding the actions we take here in the people's House. Regrettably, some of the champions of this proposal have seized the issue as a means to drive up public suspicion of Congress.

The people should know who has signed discharge petitions and who hasn't. But let us keep in mind that the hard work of turning public policy objectives into good law must take place in the committees of the Congress, not on radio talk shows or editorial pages.

Mr. INHOFE. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, it is rare for a technical detail of House rules and procedure to attain the level of public interest that this resolution has, but I think this tells us something about how Americans have lost faith in Congress. For too long, Congress has taken the attitude that what the American public doesn't know about the way laws are made won't hurt them. The majority in this House often has hidden behind technicalities, procedural details, committee inaction, and closed rules to prevent the will of the people from taking place.

As a result, Americans are demanding more openness and greater accountability on the part of their elected officials. That's what this resolution is all about. They are tired of a Congress that says one thing and does another. They are tired of a Congress that sweeps important issues under the rug. They are tired of a budget deficit that has grown so large it seems as though Congress is waiting for divine intervention to address it seriously.

This is a very simple issue, but one with great potential to change the way Congress works. We can either continue the way we have been doing things for decades, choosing excuses over accountability, deception over openess, and politics over policy.

Or, we can begin instituting the long-overdue reforms that will restore the faith of the

American people in this institution. Reforming the discharge petition process will allow Americans to ask their elected officials one simple question: Do you really mean what you say? I urge my colleagues to support the Inhofe resolution.

Mr. INHOFE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, Members and Americans who believe moderate exposure to sunshine is a healing agent are grateful to our colleague JIM INHOFE for his perseverance. As a new member on the Rules Committee, I know firsthand how important procedure is to substance—and I also know how hard it is to energize the public into demanding procedural changes to improve the substance of legislation. Procedure is pretty ho-hum stuff. But our friend JIM INHOFE made the case for openness, and with the help of a majority of Members and some enlightened media he has brought us to the threshold of significant reform.

Today thanks to Mr. INHOFE we vote on whether to make public the names of Members who sign a petition to free a bill from the iron grip of an unfriendly committee. This should at least allow us to debate topical legislation of interest to a majority of Members. In a very real way we are also voting whether to increase accountability of all Members of this House. That's a promise many have campaigned on. Some critics have labeled it a gimmick. But Government in the sunshine is no gimmick—nor is deliberative democracy something to fear; something to run and hide from. No one Member—no matter how long here or what position held—has all the answers. That is why our Founding Fathers established this House as a forum for free and open exchange of ideas, a place where deliberative democracy and the collective wisdom of 435 Members can yield the best possible result.

A little bit of sunshine can go a long way toward restoring that balance in this House. Vote for the Inhofe resolution and vote for reform—the real reform in the 103d Congress.

Mr. Speaker, at this time, in the interest of bipartisanship, I yield to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I thank the sponsor of this measure for bringing it to the floor. The substantive issues have been and will be debated by our distinguished chairman of the Committee on Rules and by the sponsor. To me, the issue is simple: The discharge petition is a public document. It raises issues of enormous public significance, and it contains the names of the publicly elected Members of the House of Representatives. Therefore, it should be public.

But I wish to make a broader point in my remaining seconds: This relatively obscure issue has taken flight, not just because its sponsor, who is a pilot, has piloted it well, but because it has been carried on the wings of public discontent with the system mired in minutiae, determined to protect individual turf, and frequently unwilling or unable to step up to the big issues of the day.

Mr. Speaker, this is a good measure, and I support it. But it is also a signal of further change in the will that must come to this body.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to thank the gentleman from Oklahoma for making this vote possible today. JIM INHOFE has demonstrated exceptional vision and determination.

Mr. Speaker, democracy cannot endure if the Government keeps secret from the people how their business is conducted. Mr. INHOFE's measure squares this House with that principle.

For too long, Members of this House have enjoyed the fruits of entrenched privilege, making passionate speeches for reform from this lectern, while quietly locking up reform legislation in that drawer.

Well, today we will unlock that drawer.

This House belongs to the American people. We only work here and our constituents have a right to know where we really stand on popular legislation. The secrecy rule, far from encouraging deliberation and debate, breeds deception and doubletalk.

Will the world come to an end if we expunge this rule? Will the sky fall? No. But it will force us to start telling the truth.

Our constituents will now be able to see who really supports a balanced budget amendment, who really supports a line-item veto, and yes, who really supports term limits.

I hear some on the other side warn that sunlight will only invite more special-interest pressure on vulnerable Members who cannot afford to say no.

I say to my friends that a person who has not enough backbone to say no to a lobbyist does not belong in Congress.

And a person who lacks the honesty to tell his constituents the truth doesn't belong in public life.

A politician who fears sunlight is a walking argument for term limits.

Mr. Speaker, it is time to end the secrecy.

It is time to square this House with the American people, change the Democrats' rules, and, be more democratic in how we conduct the people's business.

□ 1140

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS of Alabama. Mr. Speaker, this body has been talking all year about change. The President has also been talking about the need to be courageous and make changes. But both me and the President have agreed that this change can only come with the participation of the American people.

The public cannot demand and direct change and reform unless they are aware of what goes on here in Washington.

Today, we have a perfect opportunity to do just that: to ensure public involvement by repealing one of the rules that has restrained this body for so many years from making real change and reform. This rule has effectively discouraged the public from participation and involvement through an essentially secret process.

Ask yourself: How does the public participate? They participate through their representative. But how can they participate, if they do not know how and to what extent their representative is participating?

When the gentleman from Oklahoma [Mr. INHOFE] came to me, I was very skeptical that the public would understand this highly technical amendment. But I am glad to say that after visiting people back home this weekend, the public does understand. They want to know what's going on. They want to participate. They want to be involved.

This change in the way the House of Representatives does business will allow the American people to be informed and get involved. Let's listen to our constituents, lift the veil of secrecy, and open the process to the people.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Speaker, I thank the gentleman from Oklahoma for yielding time to me, and commend him for his leadership in bringing this reform measure to the floor. I rise today to speak in favor of opening up one key part of our legislative process. This reform is part of the package of reforms proposed by the freshman Republican reform task force, which Congresswoman TILLIE FOWLER and I chair.

Anytime a Member cosponsors legislation, his or her name, as a cosponsor of that bill, becomes available to the public at anytime. But the way the rules are written now, a private citizen cannot learn from any published source whether or not his or her Member of Congress has signed a discharge petition. Even more incredible is the fact that even Members of Congress are prevented from disclosing the names of Members who have signed a discharge petition.

If a bill is bottled up in committee, often times the only way to move it to the floor for debate would be by discharge petition.

This reform is so basic, some people may find it hard to believe we even have to debate it. All we are asking is that the names of members who sign a discharge petition be made public, the same way that the names of members who cosponsor legislation have their names made public.

This change is important because it will allow us to bring other significant legislation to the House floor, including a line-item veto, legislation to make all laws apply to Congress, and many other reforms. It does not guarantee any of those reforms will become law, but it will allow public debate on issues that have been held hostage in committee for far too long.

This is not a radical change. It will not solve all the problems we face. But it will be a giant step toward opening up the process here in Washington, and helping restore some confidence that the people might have in the Congress of the United States.

Mr. INHOFE. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Speaker, I rise in support of the gentleman's bill.

Mr. Speaker, today the reform-minded Members of this House have won a tremendous victory. The fact that we are even debating this resolution on disclosure of discharge petition signatures is a sign of things to come in this institution. The "old-boy" network that has repeatedly buried good bills in committees with like-minded chairmen has been dealt a blow.

The American public will now discover the true reformers in Congress. Constituents have the right to know whether their members are just talking the talk when they go home and say they support reform. If they haven't signed a discharge petition to get up or down vote on reform issues they aren't reformers. Until now constituents would never discover those who will say one thing and do another in Congress. Members could talk all they wanted, safe with the knowledge that reform bills would never come to a vote.

We all know how it works. A much needed reform like term limits is introduced. The leadership opposes the bill, but knows if a vote on the floor occurs it will likely pass because the vast majority of Americans favor limiting terms in office.

So the term limits bill gets sent to an unfriendly committee where the committee chairman simply buries the bill—not allowing public hearing and certainly not allowing a vote. The only way to get a bill out of the committee is a discharge petition, but the "old-boy" rules of the House made absolutely certain that the signers would never be made public. That's how Members could say they supported something when they never would have to vote on it.

Now those times have changed. Soon we will be calling those days of backroom scheming and secrecy the dark ages. We are about to enter the bright light of disclosure in Washington. Because of this resolution the Capitol Hill power barons won't have such an easy time protecting their cronies behind a veil of enforced secrecy. It's about time.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, I would like to commend my colleague, the gentleman from Oklahoma [Mr. INHOFE] on his success in forcing a vote to end the secrecy of discharge petitions. This kind of secrecy has allowed Congress to operate like a self-contained ecosystem, sealed off from the rest of the world. It is time to open the airlocks of this biosphere and let in some sunlight and fresh air.

We need to remember that this House does not belong to its Members, it belongs to the people who sent us here. After all, the name of our job is "Representative."

This bill, along with measures like the Zimmer-Bacchus open meetings bill, will make us more accountable to our constituents. Only when we open our activities to public scrutiny will we be able to begin to restore the public's faith in Congress.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, this resolution is this year's ultimate reform battle.

Unfortunately, most freshmen Democrats were A.W.O.L. in this fight. The freshmen Democrats ran on a reform platform, but they have run away from it once they got to Congress.

The voters who put these folks in office should be outraged at these Members who suggested that they were going to be reformers and have now turned their back on reform, once they have gotten into Congress.

Note these facts: Only 12 of the 66 Democrat freshmen, less than one-fifth, signed the discharge petition that got this resolution to the floor. Of those 12, 7 were among the last 11 signers, signing after the August recess ended, more than 4 months after the petition was filed, suggesting they were not willing to do so until they were pressured.

And the first Democrat freshman to sign did not sign until weeks after the 48 Republican freshmen had already signed. The voters should be outraged.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Speaker, the actions of the House will always speak louder than words. For 63 years Members got the best of both worlds—being publicly in support of a bill, but privately working to secure its defeat. When a discharge petition was filed, the signatures were kept secret and could not be made public.

Last November, many Members of this Chamber were elected on a platform of change. Today, we have the ability to make one of the most important reforms in the way the House conducts its business. It is time to let the American people really see where their Representatives stand on the issues.

I am proud to be one of the 218 Members of the House who are reforming the discharge petition process. We have taken the first step toward eliminating another congressional custom that allows Members to hide behind the smoke and mirrors of the status quo.

I hope all Members of this House will join with us in shattering the mirrors, opening the windows, and letting in both the sunlight and fresh air to this house of the people.

Mr. INHOFE. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, the American people own this Chamber and by rights should know everything that goes on inside it.

But for decades several volumes in this room have been off limits.

Today thanks to JIM INHOFE's work the seal will be cracked and those books opened.

Opponents say this move will undermine the procedures of the House—but when committee chairmen bottle up bills for years what choice do we have?

While more than 70 percent of the American people support term limits we can't even get a hearing on the idea much less a vote. And it's only because of discharge petitions that we've been ever able to get a vote on the balanced budget amendment.

Next we should make sure the Freedom of Information Act applies to Congress so that the American people can see all of our records.

Any doctor will tell you sunshine will make a sick person healthier, a little sunshine in this Chamber will do a world of good for this body, too.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Speaker, I rise today in support of House Resolution 134, the publication of Members Signing a Discharge Motion Act. As cochair of the freshman Republican task force for reform, I have worked closely with Members on both sides of the aisle on a number of reform proposals, many of them aimed at opening up the process.

Making signatures on the discharge petition public is an important step in the direction of openness, and I urge my colleagues to support this timely and significant legislation.

The American people voted for change in the last election because they perceived the Congress as being hidebound, unresponsive to their needs, and full of backroom politics.

Many of our constituents were horrified—and rightly so—to learn that a Member could publicly support legislation while privately refusing to sign a petition to bring it to the floor—all the while hiding behind a cloak of official secrecy.

It is high time to cast that cloak aside and let the sun shine on the discharge petition.

☐ 1150

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. LINDER].

Mr. LINDER. Mr. Speaker, as Winston Churchill once said, this is not the end; this is not even the beginning of the end, but it is, perhaps, the end of the beginning, the beginning in this House to end the process, to end secrecy, and open up the actions of this House to the American people.

No longer will a handful of powerful Members be able to thwart the will of the majority of Members of this House. No longer will Members be able to talk one way at the Rotary Club back home and act quite differently in Washington, DC. This House, more than any other institution of Government, is primarily the people's house.

Finally, the people will have access to important information that had been denied them for too long.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, we are here today to pass one of the most important openness-in-Government laws in the history of Congress. I want to commend the gentleman from Oklahoma [Mr. INHOFE] for his courageous support of this legislation, and I hope that the House endorses it by rollcall vote overwhelmingly. I would like to point out that once we pass the Inhofe bill, that it is still necessary to get 218 signatures on any discharge petition to bring it before the House.

I have a discharge petition that I am supporting, discharge petition 4, authored by the gentleman from Michigan [Mr. HOEKSTRA] to discharge the Barton-Tauzin tax limitation balanced budget amendment. We currently have approximately 50 signers of this discharge petition. I hope that after passage of this legislation today that we could get the requisite 218 signatures to bring the tax limitation balanced budget amendment to the floor.

Again, I thank the gentleman from Oklahoma [Mr. INHOFE] for his leadership in bringing more openness in government. It will make the Congress more responsive to the needs of the people, and I think it will make the committee system better because it will make the committee chairmen more responsive to the needs of the Members of Congress responding to the needs of their constituency.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. BEILENSON], the chairman of the Subcommittee on Rules of the House of the Committee on Rules.

Mr. BEILENSON. Mr. Speaker, I thank the chairman for yielding time to me.

Mr. Speaker, as the chairman of the subcommittee which held a hearing on House Resolution 134 2 weeks ago, I would like to share with our colleagues some of the thoughts that were expressed by our witnesses about the potential consequences of disclosing the names of signers of discharge petitions.

Before I do that, I would like to express my own views on this matter. Although I have serious concerns about the changes in our legislative process that might be set into motion as a result of House Resolution 134, I intend to vote for this resolution. I believe that Americans have the right to know what actions their elected representatives take, including whether or not they sign a discharge petition. In an age when virtually every other official action a Member of Congress takes is public information, we simply cannot justify retaining a 1930's-era decision that requires the names of Members who sign a discharge petition to be kept secret until the requisite 218 signatures have been obtained—no matter what we think the consequences might be.

At the same time, at the same time, I hope that we act with the understanding that there is much more to this issue than just secrecy versus openness. By heightening the visibility of the discharge process—and, presumably, its use—we risk seriously undermining the deliberative process that is essential to sound lawmaking. It is my hope that we will open the question of whether other changes should be made in the discharge process in the weeks or months ahead, to ensure that it remains the last-resort procedure it has been throughout its history.

We cannot say with any certainty whether the discharge process will be used more frequently when signatures are public, but it seems highly likely that special-interest groups—especially those with the resources to mobilize their followers and obtain time on the arwaves—will begin routinely urging Members not just to cosponsor bills, but also to sign discharge petitions on them. A Member might want to cosponsor a bill to show support and urge action on a proposal, but might not want to sign a discharge petition on it because he or she wants committee consideration of it before it goes to the floor. But groups supporting a bill are likely to demand that Members do both to show that they are truly committed to a proposal.

Legislating by discharge on a routine basis is something that I would think even the most enthusiastic proponents of disclosure would not want to see. By bypassing committee consideration, hearings, input from experts, amendments, the work done by the Members who know the issue in more depth than the rest of us do, and, most important, giving members of the public sufficient time to make their views known, we would be bypassing the process that is so essential to producing a good legislative product. The result of shortcircuiting the process in this manner is likely to be laws that are not well thought out, or that benefit special interests at the expense of other Americans. Many Americans think that these are already problems with the laws we pass; if discharge is used more frequently, they will find these problems to be much, much worse.

I would like to share some of the thoughts expressed about the likely effects of disclosure by the witnesses at the September 14 hearing of the Subcommittee on Rules of the House.

Hyde Murray, who served as counsel to the Republican leadership here in the House for many years, warned that there would be unintended consequences of publicizing the signatures on discharge petitions, and noted that Republicans as well as Democrats have an interest in preserving the deliberative quality of the House of Representatives. He predicted that disclosure of signatures would lead to intense politicization and lobbying and expressed the fear that liberals would use the discharge process to obtain votes on popular social programs, while conservatives would use it to push popular tax breaks, and that the result would be less fiscal discipline than there is now. Peter Robinson, who served as a top aide to Democratic leaders here in the House, also expressed fears that costly legislation benefiting special interests would be easier to get through the House if names on discharge petitions are public.

Thomas Mann, a noted congressional scholar from the Brookings Institution, said that the discharge petition "was never, and never should be, designed as another means by which outside groups can pressure Members into forcing action on a piece of legislation; it was a way of dealing with the arbitrary exercise of power inside the chamber." He warned:

> Publicizing the signatures on discharge petitions before a majority is achieved would increase the pressure on Members to take the politically safe action in the face of intense outside lobbying. It could well lead to the routinization of the discharge petition as an alternative agenda-setting mechanism in the House, diminishing the deliberative role of committees and weakening the ability of the majority party leadership to manage the floor. It would encourage Government by plebiscite, a far cry from the republican form of government designed so brilliantly by the Framers.

Norman Ornstein, the American Enterprise Institute's leading congressional scholar who shared the views of Mr. Mann, expressed particular concern about disclosure of signatures creating a referendum-type process resulting in horrific debate which doesn't focus on tradeoffs, and where there is no opportunity for amendment. He predicted that special interest groups would quickly learn how to use the discharge process and that, as a result, the House would pass legislation which increases the Federal budget deficit.

Roger Davidson, professor of government and politics at the University of Maryland, pointed out that the discharge procedure is ill suited for the process of legislative deliberation. It bypasses the crucial and time-consuming phases of hearings, negotiations, and markups that are needed to turn raw proposals into acceptable legislation, or to expose a proposal's fatal flaws or narrow support. The procedure itself provides inadequate debate and short circuits amendments. It also fails to address the phenomenon of multiple referrals, which apply to more than a third of all legislation introduced in the House.

Steven Smith, a professor of government from the University of Minnesota who has written extensively on congressional procedures, said that he saw "no evidence that the current rule has prevented the House in recent Congresses from acting on measures that a majority of Members personally believe should be adopted." He expressed the concern that by disclosing names on discharge petitions, "the House would be moving perilously close to government by opinion poll. The Congress is four-fifths of the way there as it is."

There were also witnesses who felt otherwise—that disclosing signatures would bring positive changes to the House, including greater accountability and democracy to the internal procedures of the House. David Mason of the Heritage Foundation said that discharge petitions are more often a means to induce deliberation than to cut it short. He also said that "the best way to combat special interests is through the diffusion of power and openness in its exercise."

The president of Citizens Against Government Waste, Thomas Schatz, countered the predictions of witnesses who said that disclosing names of signers would result in less fiscal discipline, saying that "most of the legislation that will come from filing discharge petitions will be reform legislation that will favor taxpayers and work against special interests." And James Gattuso, representing Citizens for a Sound Economy, echoed his comments, stating that disclosing signatures would decrease, rather than increase, the power of special interests.

Mr. Speaker, in conclusion, the gentleman from Oklahoma [Mr. INHOFE], the sponsor of House Resolution 134, who also testified in our hearings, predicted that discharge petitions would not be used routinely, even when names are disclosed; that it was such an arduous task to get 218 signatures on a petition that successful discharge efforts would continue to be infrequent. Let us hope that he is right and that our worst fears about this change to not come to pass.

If they do, however, if the discharge process is used frequently, even routinely, to obtain floor votes on bills, I do hope that we will respond by making the necessary changes to restore the process to its historic role as a means of last resort to obtain floor consideration of a measure that a majority of Members want to vote on.

Mr. INHOFE. Mr. Speaker, I thank the gentleman from California [Mr. BEILENSON] for his remarks.

I yield 1 minute, Mr. Speaker, to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I came here to compliment the gentleman from Oklahoma [Mr. INHOFE] for his reform-minded measures to open up the House to more democratic measures, and I am also touched by the words of the chairman of the subcommittee. I want him to know as a very reform minded new Member to this institution that I also do not want to see the discharge petition process be used as an end run around the committee process. If that ever happens, I will jump in and help lead a fight with the gentleman to stop that form of process.

I want to let the gentleman know that when he mentions special interests, and now looks at who are on those petitions, and if he wants to say, "STEVE, you are representing a special interest," the special interests I represent now are those who want term limitations, a true line-item veto, and a balanced budget amendment, which I see as the interests of the American people, and not any particular special interests.

The gentleman has me on some of the issues, and I look forward to working with him on them.

Mr. QUINN. Mr. Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from New York.

Mr. QUINN. Mr. Speaker, I join with other speakers this morning in thanking the gentleman from Oklahoma [Mr. INHOFE] for his efforts. I have learned of this through the line-item veto work a number of us have done this coming year with the gentleman from New York [Mr. SOLOMON] and other freshmen.

As I talked to people back home in Buffalo and western New York, they are astounded that this law existed. The gentleman from Oklahoma [Mr. INHOFE] and others, and all that are working for it, will lift the veil of secrecy. Today I want to thank everybody involved, and especially the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, I thank the gentleman from New York [Mr. QUINN] for his comments.

Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as we all know, in recent years, the public's confidence in their Representatives has plummeted. It is clear that the American people are dismayed at the workings of Congress. They want reform in many ways, and particularly a National Legislature that acts responsibly and in the open.

The Florida Sunshine Law requires that meetings of all elected officials at all levels be held in open forums. Floridians at least have the benefit of accountability because their legislators do not meet behind closed doors. There is no reason to think that the American public would be negatively impacted by lifting an arcane House rule that keeps the names of Members who sign discharge petitions secret.

We must restore the public's confidence in Congress. I urge my colleagues to support House Resolution 134. It is a good first step toward true reform of the Congress.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MCKEON].

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Mr. MCKEON. Mr. Speaker, today, history is being made. I commend the gentleman from Oklahoma [Mr. INHOFE] for his tireless efforts which have brought us to this momentous occasion today.

I came to Congress as a member of a class which had, and continues to have, hope to reform this institution. Unfortunately we have found that Congress doesn't always function in the best interest of the American people and that's not easy to change. I am pleased to note that of the first 35 Members to sign discharge petition No. 2 to bring House Resolution 134 to the House floor, 29 are members of the Republican freshman class.

This resolution is one of 19 items our Republican freshman class included in its congressional reform package. As a result of this breakthrough, we may now see the opportunity to bring other issues of vital importance to the floor; such as a balanced budget amendment, term limits, and a true line-item veto.

Mr. Speaker, today brings a hope that we can continue to enact congressional reforms desired by the American people. With this victory, the Congress will hopefully begin to rebuild its trust with the citizenry it governs.

Mr. INHOFE. Mr. Speaker, I would like to inquire from the majority side if they would like to use any of the remainder of their time. I would like to conclude debate, and I would advise the gentleman that at the conclusion of my remarks I will move the previous question.

Mr. MOAKLEY. Mr. Speaker, evidently some of my speakers have been persuaded by the gentleman's eloquence. I am our only remaining speaker.

The SPEAKER pro tempore (Mr. OBEY). The Chair would point out that the gentleman from Oklahoma [Mr. INHOFE] has the right to close debate.

Mr. INHOFE. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Speaker, I thank the gentleman from Oklahoma for his tireless effort in this matter.

I have no prepared text because I did not know I was going to speak until right now. But one feature about this body that continues to perplex me, Mr. Speaker, is the fact that we do things up here in funny ways.

For example, we spend money we do not have. We do it every day and continue to do it.

The same sort of analogy applies to the discharge petition. The discharge petition is to my right. Names appear thereon. But no one can find out whose names appear on that discharge petition. That is top secret and no one can be cleared for it. The media cannot get it. Members outside of this body cannot get it.

There is something obviously especially religious or sanctified about it, and this move by the gentleman from Oklahoma will remove this veil of secrecy.

Mr. MOAKLEY. Mr. Speaker, I yield myself my remaining 3 minutes.

Mr. Speaker, I will not ask others to join me in opposition to Mr. INHOFE's proposal.

All I have gained from opposing this measure is: Harsh editorials, the worst names I have ever been called, pickets, and a measure of notoriety I could never have imagined. I have even been called a sofa—whatever that means.

But I would hate to see political campaigns, and careers, decided on this issue when the real debate ought to be about issues that impact people, issues like jobs, health care, and education.

Mr. Speaker, let me close by quoting from a recent article which appeared in the Boston Herald:.

> The Founding Fathers believed that it should be difficult for Government to do things to us. New laws, new taxes, new regulations, sending our children to die in foreign wars—these were things that required careful deliberation. The rule was simple: Except in crisis, Government should not be allowed to act, goaded neither by central power nor public whim. Not so long ago, conservatives who feared a bold and aggressive Government repeated over and over again, like a mantra, "This is a republic not a democracy." It is a healthy thing to remember.
>
> Every action the Federal Government takes affects more than a quarter of a billion Americans. Conservatives would be well advised to protect the effectiveness of a process that allows them to overcome obstruction without sacrificing the deliberation which is essential to liberty.

That quote was from Mickey Edwards, former Republican Congressman from Oklahoma.

Mr. Speaker, I yield back the balance of my time.

Mr. INHOFE. Mr. Speaker, I yield myself my remaining time.

Mr. Speaker, I would like to make one comment about the quote by Chairman MOAKLEY from the Boston Herald. The Boston Herald also editorialized in favor of this, and I quote: "Inhofe filed a bill to help clean up this vile system by opening the discharge petition process to public scrutiny." So I do appreciate the gentleman bringing up the Boston Herald.

Mr. Speaker, there have been three basic objections that have come to our attention. One is if we do, then the lobbyists and special interests will find out what this is all about, and what we are doing around here. If we carry that to its logical conclusion, Mr. Speaker, we would turn off those cameras, we would say let us lock the doors. We do not want anybody in the galleries to find out what we are doing in here. We would close our committee rooms so they would not know what was going on. We would close all of our hearings so that the public could not go in there, and then lobbyists would not know what we are doing around this place.

I would suggest that lobbyist are the last ones who want this reform, because it is a lot easier to lobby one individual who happens to be a Member than it is some 30 Members out there wandering around. Special interests flourish on two things: secrecy and concentration of power. And this simple one-sentence resolution ends both.

Second, they say somehow this is going to impair the committee system. You know, I hope it does. We need to change the committee system. It needs shaking up a little bit.

I think a system that allows the chairman to dominate the agenda and shut out certain causes from even being heard, let alone voted on, is not one that is healthy. But this will not circumvent the process, and the best evidence of this, and the gentleman from California [Mr. BEILENSON] mentioned this, is the House Resolution 134. House Resolution 134 is the first resolution really to be using the new system, because I made it abundantly clear when I introduced it, and when I filed my discharge petition that I was going to violate the House precedent and release to the Well Street Journal the names of those who did not sign.

Now I introduced this House Resolution 134 on March 18. Then we went the requisite 30 legislative days, even though it was not necessary because it was the Committee on Rules. But I went ahead and did it anyway to make this point. Then on May 27 we filed the discharge petition. Here it is September 28, more than 6 months later, and this is as quickly as it could happen.

I would suggest, Mr. Speaker, that if a chairman is not willing to give a hearing and report out a bill in 6 months, then perhaps we do need to change the system a little bit.

But I am concerned about one thing, and that is that there have been some rumors floating around that if this passes, or I should say when it passes because it will today, certainly with the newfound support of the gentleman from California [Mr. BEILENSON], which I appreciate very much, that the leadership may meet in January 1995 and offer some type of dramatic restrictions to the discharge-petition process. If that happens, yes, there will be a rush to get in the next 18 months or 15 months, to get discharge petitions in under the system we are going to adopt today. So I would like to emphasize that. And I think the gentleman from California [Mr. BEILENSON] mentioned this too as something that could happen, and I am today, and want the RECORD to clearly report this, I am asking the leadership to give us their assurance that they will not consider massive changes in the discharge-petition process in January 1995, which would set off an unhealthy flow of discharge petitions because of the very impairment of the committee system that they seem to be so concerned about today.

Third, the objection is that of bad law. I do not quite understand this, because bad law is in the eyes of the beholder. Is a budget-balancing amendment to the Constitution bad law? Is a true line-item veto bad law? Is true tort-liability reform bad law?

Right now we are concerned about the flight of jobs into other countries, and one of the speakers, I do not remember which one, addressed this, and it is true. Product liability causes us to be noncompetitive in a global environment. And we are going to have to do something about product liability. Yes, I think that is good law, and that could very well come out with this.

We are talking about health reform. And when the President made his glorious speech the other day he did not say anything other than restricting attorneys to 33 percent on real medical and malpractice reform.

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Last year we spent $29 billion on judgments and for defensive costs. And that is passed on to all the people. So is that bad law? No, I do not think that is bad law. I think that is good law and we should do it. Who knows, we may even come up with term limitation.

Now, that may be bad law in the eyes of the majority, in the eyes of the leadership, but I think and I know the gentleman from Florida [Mr. MCCOLLUM], who has been working this cause for many years—we have been working together on this cause for many years—agrees that it is good law, and the vast majority of the people in America want it.

Who knows, we may even have a school-prayer amendment.

The fallacy of bad law, the bad-law argument, is that of definition. It is what in the eyes of the leadership is bad law. Now, four times in history this process has been used, once in 1938 for a labor law, once in 1946 for a rule. In 1960—and I have to mention this because this was during the years of the founding of the Democrat Study Group, the liberal branch of the Democratic Party—this happened in 1960. So you see today is not the first time in history a Member has openly and admittedly violated the House precedent by disclosing the names. I am the second one, the first one is Emmanuel Celler, who in 1960 could not get his bill out of the House Committee on Rules. He filed a discharge petition and he tried everything possible, and finally, with the help of the Democrat Study Group, they were able to go right up there to where the locked drawer is and memorize the names, one went up after the other until they finally had all the names on the discharge petition in 1960, and they released those names to the New York Times, and the New York Times published those names.

The next day, they came down and they got the 218th signature. So that released, by the way, the bill that is known today as the civil rights bill of 1960.

So, Mr. Speaker, I have to make one address to the fact that people are talking about passing bills by radio talk shows. I wish there were time to name all the newspapers, all the 100 newspapers have editorialized for this. We have over 100 associations who are behind this, not just the obvious ones, like the American Family Association, the American Taxpayers Union, United We Stand America, who is very big and helpful, but many others.

So, in this remaining minute I would like to share with you something that I feel very strongly about. Quite often on this floor a great Democrat is quoted; his name is Thomas Jefferson. Thomas Jefferson said,

> Never suffer a thought to be harbored in your mind which you would not avow openly. When tempted to do anything in secret, ask yourself if you would do it in public. If you would not, be sure it is wrong.

The other day I was down at the House recording studio doing a show with the gentleman from Illinois [Mr. EWING], and I noticed on the wall was a poster. The poster had two silhouettes. The silhouette, one of them was of the Capitol and the other was of a great American Alexander Hamilton. Inscribed on that it said, "In this Nation, sir, the people govern." It did not say that the people govern in secrecy, it did not say that the chairman of the Rules Committee governs, it did not say that the Speaker governs. They said, "In this Nation, sir, the people govern."

That is what this is all about today. We are going to return the agenda of Government to the people of America and destroy the 63-year-old veil of secrecy forever.

Ms. BROWN of Florida. Mr. Speaker, I rise today in opposition to House Resolution 134.

Although this resolution will mean good headlines for the Members who support the bill, there are few among us who think this legislation represents good policy.

Mr. Speaker, House Resolution 134 will send bills directly to the House floor for a vote and bypass any and all committee review. One of the best ways to learn about legislation is to sit through a committee hearing and hear, first hand, how certain legislation will affect ordinary Americans.

How can we expect Members to intelligently vote on a bill that has had no hearings, no markup and no committee consideration whatsoever? Could you imagine voting on something as complex as the Department of Defense authorization or the budget reconciliation bill without full committee hearings? As ludicrous as the sounds, this is exactly what House Resolution 134 will allow.

Moreover, the groups that are most likely to use the new discharge procedure are those seeking greater Federal largess, both in the form of outlays and special tax breaks. In the last six sessions of Congress, one-third of the discharge petitions that were filed would have increased the deficit by more than $300 billion. I don't know how any responsible Member of Congress can support that.

Mr. Speaker, House Resolution 134 represents a good sound bite but bad public policy. In all good conscience Members cannot support this irresponsible legislation.

Ms. VELÁZQUEZ. Mr. Speaker, I rise in strong opposition to House Resolution 134, a measure that purports to promote more openness in this Chamber, but will actually compromise the deliberative process of this Institution.

As Members elected to this Congress, we cannot be afraid to explain, to illuminate, and to clarify the distortions promoted by an irresponsible media and grandstanding Members who want to ride the wave of reform merely for the publicity it will generate.

If this measure is adopted, we will see discharge petitions pushed by big-monied special interests who want to circumvent the committee process. I am proud to be a member of the Committee on Banking, Finance and Urban Affairs. I selected that committee because it has jurisdiction over many of the issues that are pivotal to my congressional district, such as housing, economic development, and consumer protection. I do not wish to partake in any alleged reform that will weaken my position as a member of that committee, weaken my standing as a Member of Congress, and therefore compromise my ability to serve my constituents and their otherwise voiceless views.

By exposing to public pressure a very exceptional vehicle that allows measures to come directly to the floor, without the benefit of committee debate, we endanger thoughtful and full consideration of policy proposals.

I would have supported an alternative that was floated by some Members which would have allowed the disclosure of names on a discharge petition without undermining the committee process. Under this proposal, when a discharge petition acquired the mandatory 218 cosponsors, the Committee with jurisdiction for the legislation would have been required to act on that legislation within a prompt but reasonable timeframe, such as 60 days. This approach would have lifted the so-called veil of secrecy and would have uncorked bottled-up legislation, but it would have protected committee deliberation and the public debate of legislation.

Unfortunately, that proposal is not before us. Therefore, I am compelled to oppose this House Resolution and I urge my colleagues to do likewise.

Mr. GILCHREST. Mr. Speaker, I rise today in strong support of House Resolution 134 and the reform of he discharge petition process.

Throughout my brief time in Congress I have been a strong proponent of congressional accountability. Passage of discharge petition reform is necessary at this time if Members are to be truly accountable to their constituents. What better way to ensure this accountability than to require that Members work toward passage of legislation that we all tell our constituents we support?

Far too often, Members cosponsor legislation that they know will never come to the floor for a vote. They are able to outwardly support a measure while refusing to actually work toward its passage through committee action or the discharge process. I think this is a sham that needs to be ended and it will be when this legislation is passed by the House today.

I commend Mr. INHOFE for his courage in bringing this matter to the attention of the public who will benefit from the consideration of such important legislation as term limits, line-item veto, and balanced budget amendment. These are issues that have been bottled up for years at the committee level but need to be considered and passed by the House of Representatives.

I hope that my colleagues on both sides of the aisle see the importance of passage of this legislation and will join me in voting aye on House Resolution 134.

Ms. SNOWE. Mr. Speaker, I rise today in support of House Resolution 134. The discharge petition was adopted in 1910 to move legislation pigeon holed in committee to the House floor. Once 218 Members sign the petition, the bill can proceed to the floor for a vote. However, the discharge petition rarely achieves its purpose, largely because the names of those who sign discharge petitions are kept secret. Of the 393 bills for which discharge petitions were filed between 1937 and 1986, only 19 were ever discharged. I am proud to cosponsor and support passage of House Resolution 134 as a partial remedy for this inequity.

House Resolution 134 would make the names on a discharge public as soon as the Members sign it. This would prevent Members from engaging in the double speak of telling their constituents they support a bill while refraining from signing the discharge petition that would bring the bill to the floor.

Some of my colleagues argue that House Resolution 134 will increase the power of narrow, special interests. Openness and accountability, however, act to undermine the power of special interest groups, not to enhance that power.

I believe that this is another step toward our goal of reforming Congress to make it more democratic and equitable. Across America, people are saying that Congress needs to be more open to the people and held accountable for its legislative activities.

For these reasons, I am proud to support House Resolution 134, Congressman INHOFE's bill to make public the names of Members who have signed discharge petitions.

Mr. WELDON. Mr. Speaker, I rise in support of House Resolution 134, the resolution which will amend House rules to make signatures on discharge petitions public. Having served in this body over 6 years and watched the defeat of numerous rules changes put forward by the minority to increase accountability, I believe action on this front is long overdue.

Most Members in this body were not here in the 1970's when the House adopted sunshine rules to open committee meetings, hearings and conferences. But we know the reason they did so—to put an end to a government run in secrecy. We know from firsthand experience that the operations of this institution have not been impaired by public access to our decisionmaking process. In fact, Congress has flourished under this system which encourages maximum citizen input and involvement.

Despite the success of the sunshine initiatives, vestiges of secrecy remain in this institution. It is time for us to open the rest of the doors and complete the job which began nearly 20 years ago. If it is the will of our constituents that certain legislation be brought forward, as representatives we should have the tools to help make that happen. In a democracy, there is no basis for granting a few select House leaders the ability to thwart a majority of the American people.

Some of those leaders are opposing this resolution on the grounds that it will allow special interests to manipulate the legislative process. The truth is that special interests now have a greater say than many Members in determining the subject and structure of committee hearings and action. The special interests that channel the bulk of their lobbying resources on committee chairs have plenty of influence on the decisionmakers. House Resolution 134 simply levels the playing field by giving the American people and their Representatives the ability to propel important legislation forward.

Mr. Speaker, this debate marks a historic occasion. With the appropriate support House Resolution 134 will pass and this will be remembered as one of the House's finer hours. I urge my colleagues to support this measure as a gesture of confidence in the American public and a down payment on congressional reform.

Mr. PORTMAN. Mr. Speaker, shortly after my election to Congress in May, I was the 39th Member of Congress to sign the discharge petition to force the bill before us to a vote in the full House. I am proud to stand as a cosponsor of this legislation that my colleague from Oklahoma has introduced, because I believe it is good Government measure long overdue.

It amazes me that at a time when the American people are demanding more openness in Government, there exists a secret process that allows some Members of the House to have unfair control over whether or not a bill will be considered by Congress. Americans are tired of wondering why needed reforms never seem to make their way to the full House for a vote. And this anachronistic rule has a lot to do with why this happens.

The legislation we are considering today will fundamentally alter the way things work in Congress, helping to restore openness to the legislative process and make it more responsive to the American people.

Open discharge procedures have worked successfully in all 50 States legislatures without jeopardizing the committee systems. There is no reason why the same openness should not work well in Congress. No longer will a Member be able to tell his constituents "I'm for this bill" and then refuse to sign the petition to discharge it from committee. The American people have a right to know where their elected representatives stand. Secrecy on discharge petitions should not act as an easy cover for Members who do not want to vote for legislation that is already popular with the electorate. What Congress needs is greater accountability and greater openness, not secrecy.

Clearly, the current system gives more power to special interests by allowing them to focus the bulk of their lobbying resources on the handful of House leaders and committee chairs who exert the most influence over the process.

It's high time that Congress puts an end to secrecy and begins to show its commitment to openness and accountability. Americans beyond the beltway deserve to see for themselves which Members have been holding things up in the House.

Mrs. UNSOELD. Mr. Speaker, I rise in opposition to the Inhofe resolution and do so knowing full well that many of my constituents will be angry with this decision. While the overwhelming majority of my colleagues will most likely bow to the public pressure created by the Wall Street Journal and radio showman and Congress basher Rush Limbaugh and support this measure, that does not make it a good decision for the Congress or for the American people.

This measure is not about secrecy, as Mr. Limbaugh and other proponents would have us believe. Everyone in this body realizes that the discharge petition is a little used and rather arcane procedure that has little impact on the legislative process. I don't dispute that many Members of Congress cosponsor politically popular but dubious measures, while secretly hoping that it dies in committee. However, enacting this measure is not going to end that practice and everyone here knows that.

More important, enactment of the Inhofe resolution will be to encourage the wider and more frequent use of the discharge petition, effectively undercutting the deliberative process that has evolved over our Nation's history. The use of the discharge petition to force measures onto the floor without any public hearing or committee consideration and without the option of amendment will essentially create the ultimate closed rule. It is worth noting that many of the strongest proponents of this measure are those regularly condemning closed rules on measure they oppose.

In closing, I would like to enter into the RECORD a powerful statement of opposition to the Inhofe resolution. It is a column written by the noted experts on Congress, Thomas Mann and Norman Ornstein, which ran in the Washington Post on September 27. They point out how the adoption of this measure will only serve to encourage government by plebiscite. While that would serve the purposes of those who regularly bash the Congress, it could have a very negative impact on the constitutional responsibility of the Congress to study and deliberate on issues rather than to simply respond to the political winds of the moment.

[From the Washington Post, Sept. 27, 1993]

NO SMOKE, NO BARONS

(By Thomas Mann and Norman Ornstein)

There is no surer way to induce an editorial knee to jerk than to evoke the word "secrecy." And knees jerked all over the country over Rep. Jim Inhofe's proposal to publicize the signatures on discharge petitions in the House of Representatives before a majority is reached. George F. Will's endorsement of Inhofe ["Smoking Out the Barons," op-ed, Sept. 19] is understandable, given his unrestrained animus toward the contemporary Congress and his single-minded pursuit of term limits, but the argument advanced by The Post's editorial [Sept. 14] was uncharacteristically superficial.

The Inhofe proposal is very likely to pass the House, now that it has obtained the requisite 218 signatures on the discharge petition. Indeed, given the terms by which it was defined for the public—ending secrecy, increasing accountability, restraining the arbitrary exercise of brute power—an overwhelming majority will probably climb aboard the bandwagon when faced with a recorded vote.

But before the seemingly inevitable occurs, it is worth reflecting on how the discharge petition came to be the *cause celebrè* of congressional reform, what it tells us about Congress and the American political system, and how this change might reinforce and worsen some disturbing trends in our politics.

Inhofe's proposal is a solution in search of a problem, a reform based on a wildly inaccurate portrayal of Congress as a closed, secretive institution dominated by committees and party barons and unresponsive to popular sentiment.

The truth is that Congress today is remarkably open—probably the most open political institution in the world—permeable to outside interests and opinion and relatively unconstrained by autocratic committees and party leaders. Members are if anything hypersensitive to public opinion and unduly solicitous of intense opinions from a sliver of the electorate, however ephemeral they may be.

The problem with Congress is not insulation and unresponsiveness—it is pandering and symbolic position-taking. Congress and its leaders are less inclined and less equipped to cool the temporary passions of the public, or to withstand the intense views of a disciplined, organized special interest minority, than ever before. The confidentiality provision of the discharge petition rule has been a modest shield against those forces; the Inhofe change would turn the discharge process into a weapon for them.

In this case lawmakers and their leaders were putty in the hands of Ross Perot, Rush Limbaugh and the Wall Street Journal. It didn't matter that almost all serious legislative proposals that have genuine support among a majority of members find their way to the floor; that the discharge petition has worked as a noncontroversial safety valve enabling a majority of members to prod legislative action when they believe the leadership is inappropriately thwarting action; and that adopting the Inhofe proposal would make a provision designed to be a last resort into a routine one and increase pressure on members to take politically safe but substantively damaging positions in the face of intense outside single-issue lobbying, discouraging deliberation and encouraging a government by plebiscite. Once the public passions were fanned and the agenda set in simplistic, anti-secrecy terms, there was little opportunity for genuine discussion and debate about the need for this rules change and its possible consequences.

This episode is emblematic of what ails Congress today and why it is so difficult to pursue constructive reforms. An angry but inattentive public is too easily manipulated by Congress-bashers pursuing their own partisan and ideological agendas. Members of Congress are too willing to sacrifice the well-being of their institution in order to advance or protect their individual political positions back home. Congressional leaders are too slow to see the threats to the basic integrity of Congress, insensitive to the genuine rights and prerogatives of the minority party, and too reluctant to act decisively to deal with the underlying problems. And editors, eager to be on the side of the angels, buy the "reform" agenda of self-styled public interest groups and reformers without thinking through the consequences of what they support.

Ironically, if the undue sway of leadership bullies on rank-and-file members is the problem, as many Inhofe supporters believe, the most constructive change in the discharge petition rule would have been more, not less, secrecy—the complete confidentiality of signatures, so that neither leaders, chairmen nor outside interests would know which members had signed petitions to pull bills from their committees, and could not exact retribution. But that kind of change would not have mobilized United We Stand troops around the country, energized the army of radio talk show hosts or raised much money in direct-mail appeals by anti-Congress groups, Inhofe and his allies have intimidated the House to act and succeeded at stinging and embarrassing Congress's senior leaders. Now we have to figure out how to limit the damage done to deliberative democracy.

Mr. INHOFE. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. OBEY). Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 384, nays 40, answered "present" 1, not voting 8, as follows:

[Roll No. 458]

YEAS—384

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Matsui
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Montgomery
Moorhead
Moran
Morella
Murphy
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Royce
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Traficant
Tucker
Upton
Valentine
Vento
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—40

Abercrombie
Bishop
Brooks
Brown (FL)
Clay
Clayton
Collins (IL)
Collins (MI)
Darden
Dingell
Edwards (CA)
Fazio
Flake
Ford (MI)
Gonzalez
Hilliard
Klink
Lewis (GA)
Mazzoli
McKinney
Meek
Moakley
Mollohan
Murtha
Payne (NJ)
Pelosi
Pickle
Rangel
Roybal-Allard
Rush
Sabo
Smith (IA)
Stark
Torres
Unsoeld
Velazquez
Visclosky
Washington
Watt
Yates

ANSWERED "PRESENT"—1

Martinez

NOT VOTING—8

Brown (CA)
Conyers
Foglietta
Johnson, E. B.
McDade
Owens
Sharp
Towns

□ 1236

Ms. PELOSI and Messrs. FLAKE, HILLIARD, and LEWIS of Georgia changed their vote from "yea" to "nay."

Mr. BARLOW and Mr. BECERRA changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. INHOFE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just adopted.

The SPEAKER pro tempore (Mr. OBEY). Is there objection the request of the gentleman from Oklahoma?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. INHOFE. Mr. Speaker, I have a parliamentary inquiry regarding the resolution just adopted.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. INHOFE. Mr. Speaker, is it the interpretation of the Chair that the resolution just adopted applies only to discharge motions filed after adoption or that it also applies to discharge motions already filed?

The SPEAKER pro tempore. The Chair believes that the plain reading and debate on House Resolution 134, along with standard principles of statutory construction, indicate that the language inserted in clause 3 of rule XXVII by the resolution should be read to apply to both those discharge petitions already filed as well as to those to be filed in the future.

PERSONAL EXPLANATION

Mr. SHARP. Mr. Speaker, on the vote just taken, I had intended to vote "yea." I was in the House annex office where the bells did not ring; the paging system did reach me, and I ran, but missed the vote.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, during rollcall vote No. 458 on H.R. 134 I was unavoidably detained. Had I been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. Conyers. Mr. Speaker, due to pending business in my district, I was unable to make the vote today on rollcall No. 458, House Resolution 134. Had I been present, I would have voted "no" on the resolution.

REQUEST FOR APPOINTMENT OF CONFEREES ON H.R. 2520, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. YATES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. BURTON of Indiana. Reserving the right to object, Mr. Speaker, we continue to have very restrictive rules coming out of the Committee on Rules, and, therefore, Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

□ 1240

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 254 and ask for its further consideration.

The Clerk read the title of the resolution.

(For resolution, see RECORD of Monday, September 27, 1993, at page 22603.)

The SPEAKER pro tempore (Mr. OBEY). The gentleman from Texas [Mr. FROST] has 20 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 5 minutes remaining.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Wisconsin [Mr. ROTH], a member of the Committee on Foreign Affairs.

Mr. ROTH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, yesterday, at the United Nations, President Clinton set a new course for American foreign policy. It is a break with the past and it will prove to be momentous.

The President set forth four criteria for U.N. troop involvement in trouble spots. They are logical conditions. They mirror what many of us in Congress have been urging.

What is good for the United Nations certainly should be good for the United States, too. So let us see how the criteria set forth by the President apply to Somalia.

In Somalia, is there a real threat to international peace? The answer is no.

Does the Somalia mission have clear objectives? Obviously not.

Can an endpoint be identified? No.

How much will it cost? No one knows, but we do know to this point it has cost the American taxpayer over $1 billion. The President said:

> From now on the United Nations should address these and other hard questions for every proposed mission before we vote and before the mission begins. The United Nations simply cannot become engaged in every one of the world's conflicts.

So this will become the Clinton doctrine. The American people will applaud him. It is a realistic, pragmatic approach. It is a sharp turn away from the past helter-skelter policies of let's stick our noses into everybody's business.

But as we are so often reminded, actions speak louder than words.

So let us see if the President will apply the Clinton doctrine to Somalia. That is the test. Foreign entanglements are like a treadmill. It is difficult to simply stop. We no sooner get to the end of one intervention than some in Congress are pushing us into another, So it goes.

The President has given us a formula for getting off of the treadmill. Let us urge him to abide by this blueprint.

Ever since the first American soldier set foot in Somalia, some of us have implored the White House to follow some plan, some rational approach to achieve a realistic goal. Now, if the President was sincere in his admonishment to the United Nations, and I am sure he was, why not apply those same standards to our country's overseas involvements?

Are American troops' lives any less precious than those of other nations? Are not the American taxpayers' dollars as hard earned as those of other nations?

So let us praise the President's candor. He has designed a new foreign policy paradigm for the United States. It will acclimate the United States to the new emerging world. It is a new focus for our foreign policy. It is long overdue, but so necessary.

Giving a speech at the U.N. is one thing. Applying it is something else. It is like the blue belt in karate, that's where you do well on the written part. Let us help the President apply his new doctrine and let us start with Somalia.

We must have a date certain when we will leave Somalia. We should follow the President's blueprint that he set forth at the United Nations yesterday.

Today, United States policy in Somalia is not in step with the policy enunciated by the President yesterday. In this case, I say "Let Clinton be Clinton." The Truman doctrine was correct for his day. The Clinton doctrine announced yesterday is correct for our time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in bringing debate on this fourth rule, for this most important bill to come before this body this year to a close, I ask Members to vote "no" on this restrictive rule, under which Members are being gagged. But, more than that, I ask Members to vote "no" on this defense authorization bill.

Mr. Speaker, I said on this floor last night, when there were hardly any Members here, that our military participation in Somalia today is a monstrous folly and we should not be there. I ask my colleagues, do they know what is going to happen in a week or two? I am scared to death that the President is going to order 25,000 or 35,000 American troops into a place called Bosnia, where we have no business being.

When one looks at flash points around this world, when one looks at what is happening in Russia today, when one looks at what is happening in Georgia and the other Republics of the former Soviet Union, there is chaos and virtual anarchy. And this defense budget we are about to pass is totally inadequate to meet our needs as a nation if we are confronted with a serious crisis in Russia, on the Middle East, or North Korea.

Mr. Speaker, we should not be sending our American troops into combat anywhere with this kind of funding for our defense budget. Members had better vote against the rule, and had better vote against the bill that will follow it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

OPEN VERSUS RESTRICTIVE RULES

95th–103d Cong.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	33	9	27	24	73

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th—102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Sept. 22, 1993.

OPEN VERSUS RESTRICTIVE RULES, 103D CONG.

Rule number, dated reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental appropriations	37 (D–8; R–29)	1 (not submitted) (D–1; R–0).	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1–D not submitted) (D–2; R–2).	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993)
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149, Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: National Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0. (May 24, 1993).
H. Res. 173, May 18, 1993	MC	S.J. Res. 45: United States Forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote. (May 20, 1993).
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194. (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign Aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "fast track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: For operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-Postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 218, July 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994–95	NA	NA	
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MC	H.R. 2330: Intelligence Authorization Act fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime administration authorization	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National defense authorization	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National defense authorization		91 (D–67; R–24)	
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).

Note.—Code: C-closed; MC-modified closed; MO-modified open; O-open; D-Democrat; R-Republican; PQ-previous question; A-adopted; F-failed.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the fourth in a series of four rules on this very complicated, very important bill. The Committee on Rules has attempted to be fair to all sides and has provided in this rule for major issues to be joined on both sides of the aisle.

Mr. Speaker, I urge adoption of this rule, so we can proceed to final consideration of this very important piece of defense legislation.

Mrs. SCHROEDER. Mr. Speaker, I rise in strong support of the fourth and final rule for the National Defense Authorization Act for 1994. The rule adopted by the Committee on Rules provides full consideration for relevant amendments to the bill.

I know that the committee may come under strong criticism for not making in order amendments by the gentleman from Indiana [Mr. BURTON] which would have eliminated the requirement in the bill to establish the Defense Women's Health Research Center. A similar amendment was offered by the gentlewoman from Florida [Mrs. FOWLER] during the Armed Services Committee consideration of the bill and was soundly defeated.

This provision was developed by the Subcommittee on Research and Technology of the Armed Services Committee, as a key method to advance medical research generally and to take full advantage of the growing number of women in the military. The military health care system is unique in that it provides care for patients for long periods of time and thus is an excellent method to track research subjects over the years.

But the primary reason for establishment of the center is that women's health care research has been virtually ignored in both the military medical community as well as general medical community. In 1989, the GAO reported that women and minorities were not to be adequately integrated into research protocols of the National Institutes of Health.

Since then, we have learned that women's health research has been severely neglected. Women need to know why. They need to know why they are more susceptible to disease than their male counterparts. They need to know why their health is worse than their male counterparts, and why certain serious conditions, like cancer, heart disease, and sexually transmitted diseases, affect women in different ways than they affect men.

In 1991, the NIH's Office for Research on Women's Health held a major conference to identify the outstanding gaps in women's health research. The resulting 300-page report lists hundreds and hundreds of unanswered questions regarding women's health. For instance, why are women more susceptible to depression? What can be done to prevent gender specific illness, like breast cancer, ovarian cancer, and cervical cancer? What exactly happens to women during menopause, and how does hormone replacement therapy, a popular prescription for perimenopausal women, effects her risks for heart disease, cancer, osteoporosis, and depression? In addition, the study isolated outstanding gaps in our knowledge of reproductive biology, women and aging, and women and heart disease.

Why is this relevant to the military? The military, although carrying a huge research budget, favors the male research subject over the female research subject. When I asked the Department of Defense about women's health research, they told me that they were not conducting any research into heart disease or cancer—the two leading causes of death among women. Nevertheless, the military is undertaking a giant and exciting research project on breast cancer—but only after Congress made them do it last year. Women in the military have unique health problems that should be addressed by the military health care system.

Establishing a Defense Women's Health Research Center in the military is a natural. It will combine state-of-the-art diagnostic and treatment technology as developed by the Army and other services, with telemedicine, which provides direct links between researchers and providers around the world, to become the leader in women's health research. With women composing 11.4 percent of our military, and growing, the military population provides a unique opportunity to research and study the health of women as they move through life. As an added benefit, this knowledge will benefit women outside the military structure.

Some have charged that the Center is earmarked to go to a certain hospital in my district. This is just not true.

We did include criteria for selection of a site to place this Center. This criteria adds to the value of the Center, and I challenge others to tell me how this would earmark the Center to a certain location.

I would like to review the criteria included in the bill. This section requires the Defense Women's Health Research Center to be located at:

An Army facility. The Army has great expertise in medical research and is presently administering the $210 million appropriated last year for breast cancer research. The Army has done a good job in implementing the program.

Already in existence on July 1, 1993, with a physical plant immediately available to serve as headquarters. We don't want to spend years choosing a site and building a new building. We want this Center up and running as soon as possible.

With ongoing fellowship and residency programs co-located and ongoing with the Veterans' Administration, a medical school, and a city hospital. The Center should not reinvent the wheel and should benefit from ongoing graduate medical education relationships at a wide range of service providers, including:

Technologically modern laboratories, with the capability to include state-of-the-art clinical diagnostic instrumentation, data processing, telecommunication and data storage systems. Who can argue with having modern labs and the ability to expand? There exists an exciting world of technology that has the potential for creating great cost savings and better health care. This Center should fully utilize this technology to use and share information as technology evolves and improves.

Capability with and capability to effectively expand its existing mission in accordance with the mission of the Center. We don't want to place a center at a facility where its presence would be inconsistent with the host hospital.

Maximum multistate geographic jurisdiction. The Center will be a national center and its host should also have broad geographic reach. We shouldn't limit our vision to a small part of the country.

An existing relationship for the provision of services to Native Americans through the Indian Health Service. This gets us more bang for our buck. Indian health has been the ignored stepchild of medical care. This would allow DOD research to include and benefit this special group, at no extra cost to the Government.

That's it. Our only agenda is to make women's health research another priority in the Department's research portfolio. This criteria gives proper guidance to the Department of Defense to create a Defense Women's Health Research Center at an appropriate Army medical facility.

Mr. Speaker, I urge our colleagues to adopt the rule.

Mr. FROST. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present. The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 241, nays 182, not voting 10, as follows:

[Roll No. 459]

YEAS—241

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Coppersmith
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velázquez
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—182

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Boucher
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Collins (MI)
Combest
Cooper
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Maloney
Manzullo
McCandless
McCollum
McCrery
McHale
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum

Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Bentley
Byrne
Condit
Conyers
Darden
Gibbons
McDade
Owens
Vento
Williams

□ 1308

Mr. COOPER changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2295, FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 1994; AND SUPPLEMENTAL APPROPRIATIONS FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION ACT, 1993

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, September 28, 1993, to file a conference report on the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Wisconsin?

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I could not hear, but I presume this is not the printing motion that the gentleman from Wisconsin [Mr. OBEY] talked to me about previously. I would ask the gentleman, this is not the printing motion is it?

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would tell the gentleman this is the printing motion. This is not the motion to take up the bill. This is just the printing motion.

Mr. BURTON of Indiana. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REQUEST TO MAKE IN ORDER ON WEDNESDAY, SEPTEMBER 29, 1993, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT ON H.R. 2295, FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 1994; AND SUPPLEMENTAL APPROPRIATIONS FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION ACT, 1993

Mr. OBEY. Mr. Speaker, I ask unanimous consent that it be in order on September 29, 1993, or any day thereafter, to consider the conference report to accompany the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes, that all points of order against the conference report and against its consideration be waived, and that the conference report be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I would say that the gentleman from Wisconsin [Mr. OBEY] is not the reason for my objection which I am about to lodge. It is the Committee on Rules and the way they have been bringing restrictive rules and violating minority rights in this House day after day, week after week, and month after month.

□ 1300

But it has nothing to do with the gentleman from Wisconsin, and I want to make that very clear.

Mr. Speaker, I do object.

The SPEAKER pro tempore (Mr. MAZZOLI). Objection is heard.

COMMUNICATIONS FROM THE HONORABLE STEPHEN HORN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communications from the Honorable STEPHEN HORN, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 23, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House, that I have been served with a subpoena issued in a criminal case pending in the United States District Court for the Central District of California.

After consultation with the General Counsel, I will make the determinations required by the Rule.

Sincerely yours,

STEPHEN HORN,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 23, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House, that one former and four current members of my staff have been served with subpoenas issued in a criminal case pending in the United States District Court for the General District of California.

After consultation with the General Counsel, I have determined that compliance is consistent with the privileges and precedents of the House.

Sincerely yours,

STEPHEN HORN,
Member of Congress.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The SPEAKER pro tempore. Pursuant to House Resolution 254 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2401.

□ 1311

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, with Mr. DURBIN (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Monday, September 13, 1993, amendment No. 6 printed in House Report 103–236 had been disposed of.

Pursuant to House Resolution 254, no further amendment to the committee amendment in the nature of a substitute is in order except the amendments printed in House Report 103–252 and amendments en bloc described in section 3 of House Resolution 254. Pro forma amendments for purpose of debate may be offered only by the chairman or ranking minority member of the Committee on Armed Services.

Except as specified in sections 2 through 4 of House Resolution 254, each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment except as specified in House Report 103–252 and shall not be subject to a demand for a division of the question.

It shall be in order at any time to consider the amendments printed in part 1 of House Report 102–252 in the order printed. Such consideration shall begin with an additional period of general debate, which shall be confined to section 575 of the committee amendment in the nature of a substitute and the amendments printed in part 1 of House Report 103–252.

Debate time shall not exceed 1 hour, equally divided and controlled among the chairman and ranking minority member of the Committee on Armed Services and the gentleman from Missouri [Mr. SKELTON].

If more than one of the amendments printed in part 1 of House Report 103–252 is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House.

It shall be in order at any time for the chairman of the Committee on Armed Services, or his designee, to offer amendments en bloc consisting of amendments printed in House Reports 252 or 236 or germane modifications thereof. Amendments en bloc shall be considered as read, except that the modifications shall be reported.

Amendments en bloc shall be debatable for 290 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, shall not be subject to amendment and shall not be subject to a demand for a division of the question.

For the purpose of inclusion in amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken.

The original proponent of an amendment included in amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by House Resolution 254.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Chairman of the Committee of the Whole may recognize for the consideration of an amendment printed in the report out of the order printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services announces from the floor a request to that effect.

The Chair will announce the number of the amendment made in order by the rule and the name of its sponsor in order to give notice to the Committee of the Whole as to the order of Recognition.

Pursuant to House Resolution 254, it is now in order to debate the subject matter of section 575.

The gentleman from California [Mr. DELLUMS] will be recognized for 20 minutes, the gentleman from South Carolina [Mr. SPENCE] will be recognized for 20 minutes, and the gentleman from Missouri [Mr. SKELTON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I would like to indicate that it is my intention to yield myself 4 minutes and then to yield the balance of my time to the gentleman from Massachusetts [Mr. MEEHAN] in order that he may control that time. The gentleman from Massachusetts is the author of an important amendment in the context of this discussion.

The CHAIRMAN pro tempore. Without objection, the gentleman from Massachusetts will control the remainder of the time of the gentleman from California.

There was no objection.

Mr. DELLUMS. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, we arrive at this debate today on the status of gay men and lesbians in the military services after much discussion and controversy. While the rule governing today's debate presents a narrow range of choices, I want to reiterate my unequivocal belief that we should permanently and completely lift any restrictions to military service based on sexual orientation. Specifically, I believe we should allow gay men and lesbians to serve in the military—as they have for decades—and to allow them to do so honestly and openly, the only position truly consistent with the military's excellent code of honor.

Mr. Chairman, I believe it is possible to undertake such a commitment to equality and human dignity, while at the same time protecting legitimate privacy interests of our uniformed personnel, and while preserving good order and discipline within the ranks.

While the military cannot be asked to lead the way in every effort to improve our society, it has made significant contributions to such efforts in the past: Including efforts to integrate our society, to provide expanded opportunities to persons with disabilities, and to provide new employment vistas for women. It seems to me that the military could also aid in our society's effort to end the violence and bigotry against gay men and lesbians.

Everyone acknowledges that gay men and lesbians serve in the military, some with the knowledge of their peers, many with great distinction. This does not in my humble opinion, destroy unit cohesion. Time permitting, I would like to explode that cruel myth. Examples from other nations show that it would not do so if we were to embrace this policy.

I wish we were addressing, Mr. Chairman, this fundamental issue today. I offered an amendment in committee that would have lifted the ban; it is what I believe we should do and should do now. I was prepared to seek a rule allowing me to offer such an amendment again today. However, leaders of organizations keenly interested in this issue have chosen, for reasons of their own, to make today's fight one that focuses on whether the Congress should codify its views or leave it to the President to act in this matter. I defer to their judgment.

Mr. Chairman, because today we face only the choices before us on the floor, I rise to urge my colleagues to accept the Meehan proposal. By not codifying our actions today, we would allow the President the flexibility to work with the Joint Chiefs and the service leadership over the coming months and years to find a more comprehensive and equitable solution to expand opportunities for all.

In conclusion, Mr. Chairman, let me reiterate my view that we should choose the goal that will best move toward achieving equal opportunity for all our citizens. All my experiences—as a marine, as a psychiatric social worker, and as a Member of this august body for nearly 3 years, and a member of its Committee on Armed Services—lead me to believe that we could do so, and do so successfully. Therefore, I urge my colleagues to support the Meehan proposal.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

□ 1320

Mr. Chairman, today we will consider three amendments related to the issue of service by homosexuals in the military: One offered by Mr. MEEHAN, one offered by Mr. HUNTER, and one offered by Mr. SKELTON.

I support the Hunter and Skelton amendments and strongly oppose the Meehan amendment.

I oppose Mr. Meehan's amendment which would strike the existing bipartisan committee language, in turn guaranteeing that Congress will revisit this highly disruptive, controversial issue year after year after year.

Mr. Chairman, H.R. 2401 codifies a policy regarding homosexuals in the military which protects and preserves military readiness. I strongly support that policy for many reasons, but principally because it reflects:

The overwhelming judgment of the professional military from the ranks of the most junior enlisted personnel up through general officers;

The weight of evidence gathered by the Armed Services Committee after aggressively analyzing and debating, in an open and comprehensive manner, the wide range of views expressed by all concerned with this issue;

American public opinion, and certainly the views of the vast majority of my constituents;

A proper exercise of Congress exclusive constitutional authority to prescribe policies regulating the Armed Forces; and

My own personal, moral and religious beliefs that the homosexual lifestyle is unnatural and immoral, as well as being illegal in some States, and should not be legitimized by a cloak of acceptability in our society.

In other forums I have already addressed the moral issues that this issue has forced my colleagues and me to confront. So, I will not elaborate today. Let me just say, however, that any advocacy of a broader societal acceptance of the homosexual lifestyle is contrary to my fundamental beliefs. A lifetime of experience has only reinforced my position on this issue. Nothing in all the testimony that I have heard in the past year has convinced me that my moral values need to be changed.

However, the evidence that was presented to both the full committee and Mr. SKELTON's subcommittee did convince me that:

The ban on homosexuals serving in the military is not a question of civil rights, equal rights, or gay rights. The courts have consistently upheld the military's right to discriminate based on the unique nature of what the military is and what the military does.

Homosexuality is incompatible with military service. Lifting the ban would have a negative impact on readiness, discipline, and morale.

Despite the testimony of homosexuals who had served in the military that they wanted nothing more than to serve with honor, political activism to promote the gay agenda subsequent to lifting the ban promised to turn the military into a legal, social, and cultural battleground for years to come unless Congress acted to legally protect the military by codifying a policy governing homosexual service.

Today, Mr. MEEHAN and his supporters will present a number of arguments against codifying the Clinton-endorsed Nunn compromise. Many supporters of the Meehan amendment will argue that we ought not to interfere with the executive branch's discretion in this matter. As you evaluate such arguments, consider that:

It was the President's own response to the political activism of the homosexual community that helped to precipitate this highly contentious and disruptive debate that occupied too much time already this last 8 months.

Just prior to marking up this bill, the committee held several days of hearings on the policy proposed by the President and the Secretary of Defense and found it deficient in several key areas. Consistent with the Senate language, H.R. 2401 simply corrects those deficiencies.

As indicated in the President's own August 4 statement of administration policy, the President supports H.R. 2401 as reported by the Committee on Armed Services because and I quote, "the bill would support many of the administration's key defense programs, including the administration's policy regarding homosexuals in the military." And I repeat, in the words of our President "including the administration's policy regarding homosexuals in the military."

Finally, I need not remind my colleagues that under article 1, section 8 of the Constitution, only Congress has the mandate to regulate the personnel of the Armed Forces.

For these reasons, I urge you to protect military readiness and vote "no" on the Meehan amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, regarding the issue of homosexuals in the military, I stand shoulder to shoulder with the men and women who serve in our Armed Forces. I stand with General Powell and the other Joint Chiefs of Staff. I stand with the senior noncommissioned officers from each of the services. Each has said that the Nunn-Skelton language can work. Each strongly endorsed what we have done in this bill. If my colleagues care about the people in the military, they will support the Skelton amendment which is the Nunn-Skelton language.

I rise today to say clearly that enough is enough. The issue of homosexuals in the military has been far too divisive, has consumed far too much of the Nation's energy, and has robbed this body of far too much of our legislative agenda. We must put this issue behind us; we must do so immediately. It is my hope that we will do so today.

I am happy to announce that a solution to the problem is available. There is a provision in the bill that codifies a workable policy, and my amendment codifies a workable policy, but does so in a manner that protects the combat capability of the Armed Forces.

Mr. Chairman, it is supported by the President, the Secretary of Defense, and General Powell and the other Joint Chiefs of Staff. Perhaps most importantly, the language in this provision is identical to that adopted by the Committee on Armed Services of the other body by a vote of 17 to 5 with all the committee Republicans voting to adopt. Your vote to turn back amendments to the language that currently resides in the bill will keep it identical to the language in the other body and will put the issue to rest in conference; it will not be a conference item. Rather, it will be a law that the Attorney General, the General Counsel of the Department of Defense, and a panel of constitutional lawyers agree can withstand the challenges in the courts. In short, it is a solution that will stand the test of time, a solution that cannot be altered without coming to the elected representatives of the American people, to us, Members of Congress of the United States.

What does this provision do in the Skelton amendment?

The provision would set out the fundamental difference between military and civilian life and makes clear the importance of preserving high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability. It does this with 15 congressional findings that reflect the results of our hearings here in the Armed Services Committee as well as in the other body.

The provision would require the Department of Defense to issue regulations within 90 days which direct separation if the member has:

Engaged in, attempted to engage in, or solicited another to engage in a homosexual act.

States that he or she is a homosexual or bisexual, or words to that effect.

Married or attempted to marry a person known to be of the same biological sex.

The provision would require the Secretary of Defense to establish enlistment and appointment policies that are consistent with the policy and to conduct briefings upon entry, and periodically thereafter upon reenlistment, that address sexual conduct of members of the Armed Forces, to include the policies prescribed in especially in this bill.

The provision would include the sense of Congress that the Secretary of Defense should reinstate the procedure for asking applicants for enlistment and candidates for appointment about their sexual orientation, if at some time in the future the Secretary of Defense considers it necessary.

☐ 1330

Mr. Chairman, based on the testimony of the Secretary of Defense, the Joint Chiefs, the General Counsel of the Department of Defense, and the services senior enlisted members during recent hearings before the Subcommittee on Military Forces and Personnel, which I chair, I am convinced that the heart of the pre-January 1993 policy has been preserved in the Nunn-Skelton language. The result is a policy that will change very little of the day-to-day life of service members. It is clear to me that the bottom line remains the same as it always has been: Homosexuals will be separated if they demonstrate conduct that is disruptive to morale and unit cohesion. The language in the bill would place that "heart" of the policy permanently in the law.

As I have stated before, I have long been committed to codifying the solution to the debate.

By codifying, we mean putting it into the law, the statute books of this country.

In my view, codification is an essential step if we hope to put this divisive issue behind us. If we decline to codify the policy, we will substantially erode the ability of the Department of Justice to defend the policy against challenge in the courts and we will have effectively invited litigation from people who perceive that the policy lacks the committed support of the Congress.

Mr. Chairman, I have elected to support the men and women of the Armed Forces on this issue, and I believe the language in the bill does exactly that. The polls I have seen would indicate that service members are overwhelmingly in favor of continuing the ban on homosexual conduct in the military. Two different surveys indicated that over 75 percent of the men and women in the military believe the ban that existed prior to January 1993 should be continued. In one of those surveys, a remarkable 45 percent indicated that they would leave the military if the ban was lifted. Such a hemorrhage of trained and educated talent is simply a risk to our defense capability that I am unwilling to assume. In addition to the views of the troops, there are two other surveys that reveal that retired flag officers oppose the service of homosexuals at an alarming 90-percent plus rate.

I recently received a letter from retired Gen. Maxwell R. Thurman, a figure well known to this body as an extraordinary leader and the general who led our forces to victory in Panama. He is a man I greatly respect. His view echoes the testimony of the Joint Chiefs and other distinguished retired officers to include Gen. Norman Schwarzkopf and Lt. Gen. Calvin Waller. General Thurman says:

> My own view is that overt homosexuality in the Armed Forces, if permitted, will be devastating to unit morale, cohesion and, ultimately, unit effectiveness in combat.

Those are the words of General Thurman.

I, like these other highly respected leaders, am very cautious about any change that potentially threatens the morale and cohesion of our fighting force. We must not risk fundamentally undermining the best military force in our Nation's history. Second place does not count on the battlefield.

For me personally, the President's initiative has been a disturbing issue. My family background is deeply rooted in traditional religious values, and many of my constituents have sent a clear signal that they believe the service of open homosexuals is wrong. Accordingly, we must not forget that this policy focuses on the issues of greatest concern to service members and carries forward key elements of the former policy that protects those interests.

I feel we have achieved our objective of a policy that protects the combat capability of our military forces and the welfare of our men and women in uniform, while allowing the services to stop asking the question of recruits and to exercise greater control in curbing wasteful inquisition.

Mr. Chairman, I strongly urge that this body vote against the two other amendments and vote for this Skelton amendment.

The CHAIRMAN pro tempore (Mr. OBEY). The Chair recognizes the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, after months of heated debate, we are finally going to have this issue boiled down to three choices. Let me take a moment to try to explain the implications of each choice.

If you vote for my amendment, you are voting for the compromise produced by Les Aspin and the Joint Chiefs of Staff. The amendment leaves this issue to the executive branch, and that is all it does. Unlike the committee language offered by Mr. SKELTON, my amendment does not dictate the military's personnel policy.

The Secretary of Defense will continue to have the authority to implement his directive. That is the same way this issue was handled under George Bush, Ronald Reagan, and every other President since the founding of the Republic, and I do not think the Congress should begin intervening in these matters now.

To attempt to write a law that codifies this compromise is absurd. How in the world are we going to codify something like defining when military personnel show "the propensity to commit a homosexual act."

The Congress should not be attempting to codify this at all.

If you vote for the Hunter amendment, you are voting to add insult to injury. The committee language is already stacked against civil rights, and by requiring the armed services to ask the question, the Hunter amendment just rubs it in.

The Skelton amendment offers a tiny fig-leaf of "don't ask" in a policy that amounts to a ban-plus. Is that my assessment? No. Those are the words of my friend from Orange County, Mr. DORNAN, in Committee. If you vote for the Skelton amendment, you are writing discrimination into law.

We have never attempted to codify this issue before. I would submit that if we codify it now, each and every year we will be back here debating this issue to change the amendment, to change it again if society changes.

Let us leave it to the Joint Chiefs of Staff and the President as Commander in Chief.

My amendment offers the only graceful exit from an extremely contentious debate. It does not lift the ban at all. In fact, if makes no judgment about the wisdom of any policy on gays in the military except to say that no policy on gays in the military should be written into law.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I read from the Constitution of the United States:

> The Congress shall have power to make rules for the government and regulation of the land and naval forces.

To determine whether or not gays and lesbians serve in the military is clearly the prerogative of the Congress, because there is no way to argue that this is not a rule or a regulation.

The Meehan amendment would give the authority to the President to determine this issue.

This is not the will of the American people and it is not the will of this Congress.

Mr. Chairman, I urge defeat of the Meehan amendment.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, every month a phenomenon occurs in this country, and that is that thousands of American families send their children to serve in the Armed Forces of the United States. They do that knowing that it may be very difficult, it may be very dangerous, and at the least is most inconvenient compared with domestic life.

I think those families do that because they believe in duty, honor, and country, and they believe that the armed services of the United States uphold a moral code that is derived from basic values that this country has had since its beginning that they believe in.

You know, it is interesting, the other night when General Schwarzkopf was questioned on a national television show, that every caller that called in started out or prefaced his remarks with, "It's an honor to talk to you, General Schwarzkopf."

☐ 1340

Mr. Chairman, I think it is interesting for us, as Members of Congress, to see that when members of our community pass away, their families want them to be buried with a military funeral in many, many instances because they believe that is a valuable thing that has been given to their country by that particular person in serving in uniform, and we see that in the homes of our constituents where they put up the pictures of their loved ones on the wall in uniform. They believe that the moral code that the military presently holds, and has held for 200 years, is right, and that is why President Clinton hit such a firestorm when he tried to change this policy, not just because of a few generals in the Pentagon, but because of the American people.

I want to remind my colleagues that this moral code has persisted since 1778, when Gen. George Washington ordered, after homosexual activity by one of his officers, that that officer be drummed out of the Army the next day by all the fifers and drummers in the U.S. Army with abhorrence and detestation. I guess we could not expect General Washington to be at the gay parade. The point is that that policy has persisted from General Washington through General Schwarzkopf.

Now the amendment that I am going to offer, Mr. Chairman, says, "Let's ask the question." The Reagan administration instituted the question, not because of some vague philosophical notion, but because in 1981 homosexual activities that were bad for the young men and women serving in the military, 84 percent of whom were unconsenting victims, was on the dramatic rise. It is going up at the rate of about 10 percent a year. It had gone up from about 1,000 a year to about 2,000 a year in 1981. When the Reagan administration instituted the question where they asked this question up front, as unpleasant as it was, homosexual acts against young people in uniform went down dramatically, went down from about 2,000 a year to about 900 a year.

So, Mr. Chairman, I do not ask my colleagues to vote for the Hunter amendment because of the moral concern, unit cohesion and all the other things that have come about in hearing, but it is because of the duty of trust we owe to our constituents to protect their children in uniform.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to my good friend and colleague, the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, I rise today to proclaim my support for the amendment offered by Mr. MEEHAN.

Historically, the U.S. Armed Forces have been a symbol of excellence throughout the world. It is imperative that our military maintains that trademark, and I would never advocate a policy which would affect the superiority of our forces or the safety of our personnel.

However, sexual orientation should not be a factor in determining whether or not one should be able to serve his or her country. Professional relationships should be asexual in the office, in the classroom, and in the Armed Forces. A person's sexual orientation is a private matter and should be treated as such. Personal, professional, and sexual conduct rather than sexual preference must be the foundation of any policy.

The current ban on gays and lesbians from the military is parallel to the racial bigotry that African-Americans faced in the 1940's and 1950's. In the 1940's, two army studies showed more than 80 percent of white soldiers opposed racial integration. Now, the military argues that 74 percent of the enlisted personnel oppose lifting the ban. We must learn from the mistakes and blind judgments of the past. We cannot repeat them. We, in the Congress, cannot go into the business of writing discrimination into the law.

Just as during the civil rights movement I could not accept an offering of liberty to one group and the denial of liberty to another, I cannot accept it now. Our Nation is one of vitality, diversity, and equality. Our Armed Forces must not be too timid to reflect these strengths.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I rise to speak for the amendment offered by the gentleman from Massachusetts [Mr. MEEHAN] and against the amendments offered by the gentleman from California [Mr. HUNTER] and the gentleman from Missouri [Mr. SKELTON].

The gentleman from Missouri has indicated that his amendment would take us back to the situation that existed with respect to gay men and lesbians in the military last year. Indeed it would. It does not simply codify the President's policy. The Meehan amendment would leave undisturbed the so-called don't-ask, don't-tell policy adopted by the President, which, although it retained the unacceptable presumption that homosexuality makes one unfit for military service, at least did take some steps to lessen the degree to which lesbians and gay men in the military are subject to harassment by military authorities. The willful indifference to evidence displayed by those determined to see that homophobia continues to be enshrined in our military policy is striking. They ignore not only the evidence of outstanding military service by lesbians and gay men, but also the clear evidence that other nations' armed forces have adopted nondiscrimination policies without any adverse consequences whatsoever for morale and unit cohesion. The arguments for the Skelton and Hunter amendments are the same arguments used to justify racial segregation of the armed services, and they are just as wrong and deeply prejudiced now.

Mr. Chairman, for my part I will not vote for a Defense authorization bill that includes the Hunter or Skelton language any more than I would vote for a Defense authorization bill that proposed to move to restore racial segregation of the Armed Forces.

Mr. MEEHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I hope that the amendment offered by the gentleman from Massachusetts [Mr. MEEHAN] is adopted.

What we are talking about here is the extent to which we believe that the people of this country are prejudiced against gay men and lesbians, and they understand the perception that the mere presence of a gay man or a lesbian in the midst of a predominantly straight group would be disorienting. I think that is wrong. I think the American people have, in fact, a greater capacity to deal with differences than people here give them credit for.

No one is talking about untoward behavior. No one is talking about anyone who makes undue advances. That is a problem across the lines of sexual orientation, and in fact we all want the military to be much together in protecting people against unwanted sexual advances than they have been.

What we are talking about is the argument that the mere presence of an entirely well-behaved, wholly decent young man or woman who happens to be gay or lesbian would somehow, by that very fact, regardless of any misbehavior, cause problems, and I understand why people think that. But I must tell my colleagues that the experience that I have had as a gay man who acknowledged some years ago, with great reluctance, but finally, the fact that I am gay, the experience that the overwhelming majority of gay men and lesbians have had is that those in the straight majority, to whom we have been honest, have, in fact, accepted that difference without the kind of panic reaction that I think is being unfairly attributed to others.

The question is whether people who are entirely well-behaved, and no one here argues for the right to misbehave, but whether people who are entirely well-behaved will, by being honest about themselves, cause a problem. That has not been the case in police departments, in private corporations, in State that have passed these laws. Time and again we have had the predictions that there would be serious negativism. It has not happened, and it will not happen here.

Mr. SKELTON. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I thank my colleague for yielding this time to me and would begin by acknowledging what was earlier acknowledged; and that is, through his leadership, I think we were able to take a very difficult issue, get it resolved with a minimum of difficulty by the members of the subcommittee, and later the full committee; and I again applaud him for his efforts and commend him for the bipartisan manner in which he approaches the leadership of our subcommittee.

Mr. Chairman, I strongly support the policy adopted by the Committee on

Armed Services and contained in the committee bill, and I oppose amendments to the bill.

First, let me note that the policy adopted by the House Committee on Armed Services is the product of an extensive, full, and open debate which focussed on military readiness issues. That was our charge. We sought, and we received, full input from all sides of the issue, from pro-ban, anti-ban, military, civilian, academic, police, fire, religious, officers, NCO's, legal people, the full range of opinions, and our subcommittee began to formalize a position when Senator NUNN announced his proposal in the Senate. It coincided with our views. We adopted it with consistent, but different, report language. Our committee policy on homosexuals has the support of the President, of the Secretary of Defense, of the Chairman of the Joint Chiefs and of the service chiefs.

The full committee rejected previous efforts to modify bill provisions. Specifically two amendments were offered, one by Chairman DELLUMS, an amendment to lift the military ban, which was rejected on a 43 to 12 vote, and one by the gentleman from California [Mr. HUNTER] which was rejected on a vote of 38 to 18.

□ 1350

Regarding the Hunter amendment, it is my view, Mr. Chairman, that it is not necessary. I fully support the intention of the Hunter amendment to ensure that recruits know of the policy of the law. As a matter of fact, recruiters must advise recruits that they cannot serve in the military if they are homosexual.

Mr. Chairman, I would like to quote from the bill itself on page 203, a section under the title "Required Briefings," which reads as follows:

> . . . The briefings that members of the armed forces receive upon entry into the armed forces and periodically thereafter under section 937 of this title (article 137 of the Uniform Code of Military Justice) shall include a detailed explanation of the applicable laws and regulations governing sexual conduct by members of the armed forces, including the policies prescribed under subsection (b).

Mr. Chairman, it is clear that the people who are recruited will be required to be informed fully of the law's provisions, including the fact that if they are homosexual, they cannot serve.

Regarding the Meehan amendment, our colleague makes the point that never before have we codified this principle and asks, why do it now?

The answer, of course, Mr. Chairman, is because up to now no President has sought to change the policy. But when President Clinton decided to change the previous policy, contrary to the views of the Joint Chiefs and the majority of the Members of Congress and of the American people, it was believed necessary to codify this so that we could resolve the issue without having to have it come up time and time again.

Congress is exercising its constitutional authority to regulate personnel policies for the military. That is critically clear. The Meehan amendment would have Congress abrogate that responsibility and leave Congress open to reexamining this issue year after year until this body would have to take action in any event.

Finally, Mr. Chairman, we will hear discussion regarding the Rand study for the Department of Defense, and I want to just reiterate a couple of points that Senator NUNN made in Senate debate regarding this Rand report.

Mr. Chairman, that report did not examine the issue of whether the ban should be lifted; rather, it sought data on how to implement a new policy. In that context, I think its value is somewhat limited in the debate before us, but it will be cited.

Mr. Chairman, the Rand study did not examine whether the existing DOD policy served the national security interests or whether the President's proposed policy served the national interests.

Finally, I would note that it did examine the experience of foreign military, police, and fire departments, as did the Committee on Armed Services. But, unlike the House Committee on Armed Services, while acknowledging many dissimilarities between these organizations and the U.S. military, the Rand report drew very heavily upon these organizations, and we did not think that was appropriate.

So, Mr. Chairman, the policy regarding homosexuals in the military has been exhaustively examined by the committee. The committee bill protects military readiness. It is time, I think, to finally resolve the issue, so we can move on to a whole range of fundamental national security issues that face this Nation.

Mr. Chairman, adopting the committee bill without amendment will be consistent with the Senate position. It will resolve the issue. Therefore, I urge my colleagues to adopt the committee position without amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I will have an opportunity to speak again on this subject. But let me rush my words just a bit, because I have an awful lot I want to cover and not much time to do it in.

We have had a long string of people, with no military experience whatsoever, but experience in some other areas comment on this issue today. To have this House lectured about well-behaved homosexuals by some Members with, shall we say, behavioral problems of their own is too much. In the 17 years that I have been on this Hill I have only known, in either Chamber, two openly homosexual Members.

One of them was chastised for pedophilia, seducing a page; and the other one was forced to reveal details of his private life by a loathsome male homosexual, with whom the Member claimed, he was in love with for a time.

The CHAIRMAN. The Chair would state that the rules clearly prohibit such references to disciplinary procedures involving sitting Members.

Mr. DORNAN. Really Mr. Chairman? I forgot that. The jury will disregard my remarks, but I know they cannot forget them.

Now, here is a current article in Air Force magazine, written by their congressional editor, Brian Green. He correctly states there is a lot of confusion. He says contributing to the confusion is the prohomosexual spin that Clinton put on his remarks at Fort McNair. Clinton said he was deeply impressed by the devotion to duty and country exhibited by homosexuals who have served with distinction.

We keep hearing that, but where is the evidence of all this distinction?

Then Clinton said there is no study showing homosexuals to be less capable or more prone to misconduct than heterosexual soldiers. He thanked all those, including all the gay activist groups, who lobbied for change. Mr. Green gave an incomplete description of a main provision of the policy, saying,

> An open statement by a service member that he or she is a homosexual will create a rebuttable presumption that he or she intends to engage in prohibited conduct, but the service member will be given an opportunity to refute that presumption.

The subtitle of Mr. Green's article is,

> A declaration of homosexuality can be refuted, but the standard of proof is difficult. No one has ever met it. In all the history of our military, nobody has ever been able to back up from this.

In my military experience, I served on active duty at 10 bases across the country. On eight of those bases there were instances of homosexual activity, each with dishonorable conduct and dishonorable discharges.

Read the case law on this, which we never discuss. Read the case law. There are no witch hunts. The people are put out for dishonorable conduct.

Mr. Chairman, to be continued.

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to say I am very proud to serve with my colleagues from Massachusetts on the committee.

Mr. Chairman, I yield 1½ minutes to my friend, the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I rise in support of the Meehan amendment and in opposition to the Hunter amendment.

No person who meets the Armed Forces physical and intellectual standards should be denied the opportunity to serve our country based solely upon sexual orientation. The recently released Rand report makes clear that gays and lesbians are entirely capable of honorably serving their country without any disruption of military effectiveness or unit cohesion. The Rand report flatly contradicts the bill's report language stating that "homosexuality is incompatible with military service."

The Hunter amendment reinstating the policy of asking recruits about their sexual orientation would strike the only aspect of the new policy announced by the President incorporated in this bill. It was rejected by the committee by a vote of 38 to 18. I hope that my Republican colleagues will take note that 11 committee members of our party, half of the Republicans on the committee, voted against the Hunter amendment. A Wall Street Journal/NBC news poll in June found 78 percent opposed to asking recruits about their sexual orientation.

While preferable to the Hunter amendment, the committee language would still undo the policy announced by the President, with the support of the Joint Chiefs of Staff, in July. There is no strict provision codifying don't-ask; rather, the bill allows for possible reinstatement of the policy of asking recruits about orientation. Nor does the bill pay heed to the President's pledge that existing regulations regarding both homosexual and heterosexual conduct will be evenly enforced and applied.

The Meehan amendment would leave the President's directive intact. Rather than allowing for congressional micromanagement of personnel policies, the members of our Armed Forces will be best served by leaving the issue of gays in the military to the President and the Joint Chiefs of Staff.

I urge Members to reject the Hunter amendment and to support the Meehan amendment.

The CHAIRMAN pro tempore. The Chair would advise Members that the gentleman from Missouri [Mr. SKELTON] has 6 minutes remaining and has the right to close, the gentleman from Massachusetts [Mr. MEEHAN] has 7½ minutes remaining, and the gentleman from South Carolina [Mr. SPENCE] has 8 minutes remaining.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. SAM JOHNSON].

Mr. SAM JOHNSON of Texas. Mr. Chairman, I think we have to talk more about the Hunter amendment, which seeks to reinstate the ban on homosexuals.

Mr. Chairman, it has been stated earlier that we do not do what other nations do. I would respectfully say, other nations do not win wars. Other nations are not the leader of the world, or so-called leader of the world. It is a position that I think we have to protect, at least I hope we do.

Mr. Chairman, I think it is important to make this matter very clear. When I was a commander in the Air Force, I spent more time than I needed to dealing with these sorts of issues. And I have to tell you, it was a waste of time. What happened in the end was those people were drummed out of the service and got out with a bad name.

Well, all the gentleman from California [Mr. HUNTER] is trying to do is say let us ask first. Let us let them off without having to go through the harangue of being drummed out of the service.

Furthermore, we have got a lot of innocent kids in the service nowadays, guys that do not understand the world. Really. Until they are out in the military and taken all across the world to the many countries that we try to defend, then, and only then, do they come in contact with society for real.

□ 1400

I think it is important that we protect those kids in our service. I think it is something we owe the parents of this Nation. I think that it is just our responsibility as a nation, as the sole leader in foreign policy. We have got to act to ensure the strength, morale and discipline of our armed services as the only surviving superpower and guardian of freedom in America.

Mr. MEEHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, since there is not before us an amendment to lift the ban, which the former chairman of the Senate Committee on Armed Services, Barry Goldwater, termed "un-American discrimination," I rise in support of the Meehan-Fazio amendment to the DOD authorization.

The issue of whether or not to lift the ban on homosexuals serving in our Nation's Armed Forces has proven to be one of the most contentious we have faced this year—in a year chock full of hot-button issues.

I oppose the ban. I see absolutely no justification for a ban which denies patriotic homosexual men and women the right to openly serve this country because of some misplaced belief that homosexual soldiers are somehow less capable of controlling their sexuality and performing as good soldiers than their heterosexual colleagues. The stellar military careers of thousands of homosexual troops throughout our Nation's history demonstrate the fallacy of that argument. Former Senator and Senate Armed Service Committee Chairman Barry Goldwater was right when he termed the ban "un-American discrimination."

I am deeply sorry that the ban has been largely retained in the compromise don't-ask, don't-tell policy. This only slightly altered policy continues to view homosexuality as incompatible with military service. However, the compromise adopted by the Joint Chief of Staff does make some incremental changes that do move in the right direction. Unfortunately, the Nunn/Skelton language would reverse some of these modest steps and codify that retreat into statute.

The Nunn/Skelton language makes no mention of President Clinton's directive that commanders and agencies should not begin investigation solely to determine an individual's sexual orientation. Are we to return to the witch hunts of the very recent past?

The Nunn/Skelton language fails to require an even-handed enforcement of the Code of Military Justice, as ordered in the President's directive. Are we to return to a policy that says the CMJ is to be enforced against one class of soldiers, but not against another?

Finally, while the President's directive orders an end to asking the question about a recruit's sexuality, the Nunn/Skelton language would permit its reinstitution at some future time.

I ask my colleagues to adopt the Meehan/Fazio amendment, which would simply leave these questions to the President. His compromise don't-ask, don't-tell policy is acceptable to the Joint Chiefs of Staff. Let us not retreat from the few modest steps we have taken to protect a group of our citizens who are merely seeking the very same opportunity to serve their Nation and be judged on their dedication to their country, their ability, and their performance—just as any other soldier.

Mr. MEEHAN. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, the debate over allowing gay people in the military raises many difficult issues. Some are legitimate to the debate. Others are not. Some are the result of our Nation's ignorance regarding homosexuality. Others, unfortunately, are the result of blatant homophobia. Today, I ask you to walk with me to clarify the thicket by examining what our history, our institutions, our heritage, and finally our own consciences can teach us. I believe this exercise can infuse some perspective and reason to our efforts to grapple with this emotional and complex situation.

Morality is one of the most intense and most difficult issues. This is because it pits one value system against another in claiming ownership of a single truth for everyone that does not in fact exist. Nonetheless, we are a nation founded on Judeo-Christian principles, and many, many sincere constituents have written to me and my colleagues asking us, in reference to those principles, not to legalize a lifestyle condemned by the Bible. Their concerns raise thorny issues for which there are no clear answers. But because they are raised and are deeply felt, they deserve a response.

The implicit questions are whether, indeed, the Bible literally condemns homosexuality and, if it does, whether that condemnation is applicable to our society in 1993.

The Bible is a living document. It has attributes that are constant and attributes that evolve with time and necessarily also with societal change. What is constant in that document are the fundamental values of love and tolerance it teaches, such as the command of Jesus to do justice, and love thy neighbor.

What evolves, on the other hand, are the social laws and mores, from generation to generation. The ways in which the Bible guides us thus must also adjust; it must accommodate the changes and growth within our society. Certainly none of us would seek, in 1993, to implement all the laws of Biblical times. After all, it is the same book and the same chapter of Leviticus, in the Old Testament, so often quoted on this issue of homosexuality that also prohibits divorce, men shaving, clothing made of more than one fiber, or women wearing slacks. What then of these Biblical mandates?

Even for those who would insist still on drawing and then transposing to law a more literal interpretation, does the Bible actually literally condemn homosexuality? John Boswell, in his book, "Christianity, Social Tolerance, and Homosexuality," points out that a precise review of Biblical translation discovers there actually is no such word as homosexual in either the Hebrew or Greek languages. The closest correct translation is boy prostitute. Thus, what they actually condemn is the fulfillment of uncontrolled sexual desires through the use of young boys—certainly a perversion in our own time and culture as well. As to homosexual orientation or relations per se, however, Biblical scholars also argue that homosexual relations were very common in Greek and Roman times. Biblical writings thus do not literally, clearly endorse or condemn such orientation or relations per se. Simply, the Bible, written at a particular time and reflecting a specific culture, provides no specific judgment one way or the other on this issue, then or now.

Finally, any attempts to draw literal or even general judgments about homosexuality from the Bible and apply them to our national laws are violating a fundamental fact of our national life. This Government is not and should not be the church. It thus cannot reflect—and certainly it cannot legislate—one version of morality associated with church or any similar institution over any other.

The recent Supreme Court opinion of Justice Souter on the school prayer issue speaks to the clear separation of church and state in this country. Souter scrutinized the debate among our Founding Fathers to clarify their intentions regarding the separation of church and state. Not only was there not to be a preference for the particular precepts and values of any one church, but also the Constitution guaranteed the total freedom of religion, and the separation of church and state. Therefore, even if the church were clear on this issue—which it is not—our Government cannot base its laws simply upon Biblical, or any other, scripture, or upon implications that one sect or another might draw from it.

The Bible's basic message of love and tolerance do give us enduring guidance for our personal relations with other human beings. And we are all entitled to hold and live our individual lives by those or any other precepts we draw from Scriptures. But the religious arguments about homosexuality echo the evolving scientific debate regarding the genetic origins of homosexuality: Both strive for an easy answer, but neither can provide it. The effort to interpret Biblical phraseology in a way that supports one specific judgment as a basis for lawmaking is no more than a fig leaf for moralism; it is an exercise in holding a mirror to personal precepts, rationalizing them with a Biblical charter that does not in fact exist, and then attempting to impose those on society at large. This is unconstitutional; it is wrong; and it is an inappropriate construct for this debate.

A second framework for this debate is the historical commitment of our national institutions to equality and justice for all—a commitment that inherently recognizes the rich diversity of our society. This framework is the proper contest for our discussion. Throughout history, our military has always struggled between the history of heroic contributions by gay and lesbian soldiers and the premise that homosexuality could not be allowed in the military setting. The results have been a policy applied inconsistently and capriciously.

For example, when in need of manpower during the Vietnam war, the military consistently accepted recruits and draftees despite their acknowledgment during questioning of their homosexuality. Unfortunately, after the war was over, many of its heroes were then kicked out of the military, denied the benefits of their service because of their sexual orientation—despite official knowledge of this from the beginning.

Further capricious has been the military's use of a lesbian charge as a vehicle against the advancement of women in the military. On a per capita basis, women in the military were four times more likely to face a charge of homosexuality than a man. In case after case, women have been forced to bring their fiances before a military tribunal to describe in detail their sexual activities as a way of defending against such charges. And even in cases where innocence was proven, the potential for military advancement was eliminated.

In fact, this situation strongly parallels the struggles and debates regarding blacks or women in the military, and it is worth a brief diversion to recall those struggles in terms of how they apply to the compromise we are reviewing today.

Here I appeal especially to my Republican colleagues to consider the foundation and history of our party. No one is a better expert on the issue of equal opportunity than Abraham Lincoln.

While never writing directly on the issue of homosexuality, how many writings make clear his convictions. Lincoln wrote in 1854, most foreign governments had been based "on the denial of equal rights of men." Ours, on the other hand, began "by affirming those rights by giving all a chance."

When the Union Army attempted to dismiss from its ranks soldiers of the Jewish faith, Lincoln personally revoked the order and demanded the reinstatement. But his most telling commitment to equal opportunity for all comes in his response to friends who sought to enlist him in the anti-Catholic Know-Nothing Party. Lincoln said:

> As a nation, we began by declaring that "all men are created equal." We now practically read it "all men are created equal, except negroes." When the Know-Nothings get control, it will read "all men are created equal, except negroes, and foreigners, and Catholics." When it comes to this I should prefer emigrating to some country where they make no pretence of loving liberty—to Russia for instance, where despotism can be taken pure and without the base alloy of hypocrisy.

From Randy Shilts' exhaustive study, "Conduct Unbecoming," we read:

> When pressed about why black soldiers were not allowed into combat, for example, Secretary of War Henry Stimson told congressmen that military studies had found that "many of the Negro units have been unable to master efficiently the techniques of modern weapons." Perhaps no soldier was as outspoken about segregation as Major General Thomas Holcomb, commandant of the Marine Corps, who maintained it would be "absolutely tragic" if blacks were integrated into the services. "If it were a question of having a Marine Corps of 5,000 whites or 250,000 Negroes, I would rather have the whites," he said.
>
> The brass of every service adamantly insisted that military efficiency, good order, and morale demanded segregation. The Army Air Force's exclusion of black pilots, for example, resulted from the fact that pilots were officers, and integrated squadrons would mean that black officers might be giving orders to white enlisted men, a situation that, it was presumed, most white soldiers would find intolerable. It was believed that not only would white soldiers refuse orders from black soldiers, but that no white GI would want to be in the same foxhole as a black man. To buttress their arguments, the Army conducted surveys that showed 88 percent of whites favored segregated armed forces, as did 38 percent of blacks.
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> The Navy convinced President Franklin Roosevelt, a former assistant Secretary of the Navy, that it must be segregated because Navy personnel had to live and work under close conditions affording minimal privacy.

As Roosevelt wrote Secretary of War Stimson, "If the Navy living conditions on board ship were similar to the Army living conditions on land, the problem would be easier but the circumstances * * * being such as they are, I feel that it is best to continue the present system at this time."

Finally, in a speech before the Conference of Negro Editors and Publishers, Colonel Eugene Householder of the Adjutant General's Office explained, "The Army is not a sociological laboratory; to be effective, it must be organized and trained according to principles which will ensure success. Experiments to meet the wishes and demands of the champions of every race and creed for the solution of their problems are a danger to the efficiency, discipline, and morale and would result in ultimate defeat."

It is especially ironic to note that the end to segregation had little to do with the military. It had everything to do with politics. And it was the Republican Party, with pressure from its candidate for President, Tom Dewey, that forced the Roosevelt administration to take the steps necessary to order complete integration.

Although unfortunately racial discrimination is not yet completely behind us, Black Americans' struggles for equal opportunity during the past four decades at least has progressed to the point where society at large recognizes the injustices that have prevailed. We have evolved to the point where at least the blatant prejudice behind the Army's surveys about Black integration, the stereotypes obvious in Major General Holcomb's assessment, or the dire predictions of Colonel Householder would be seen differently than at the time they were uttered. They now generally would be viewed as an anachronism to a different time, and an embarrassment for an otherwise and justifiably proud institution. The error and societal costs of those policies require no further explanation and are now plain to us all.

American military history is also filled with examples of gay soldiers providing exemplary service. Randy Shilts' "Conduct Unbecoming" provides many historical examples beginning with Baron Von Steuben, one of Europe's leading military strategists enlisted by Benjamin Franklin and George Washington to upgrade the quality of troops and their military strategy.

Yet for gay citizens, who now are at an earlier stage in a similar struggle, the words used by the Army to describe the likely dire effects of their integration frequently are the very same rationalizations as those used earlier to discourage integrating blacks and women. The difference now is this: Society at large is only beginning to recognize the blatant prejudice against gay people that lies behind such scientific proof of preordained failure. The destructiveness to society of how such proof is applied is not yet so self-evident. It will become so in time, if we do not act to forestall it.

The costs of discriminating against gay soldiers already have had an added dimension that goes beyond the personal trauma that blacks and victims of racial or religious prejudice have had to face. This is the witchhunt. Military investigation units, armed with often spurious rumor or malicious intent, continue to pursue investigations to determine sexual orientation without any evidence whatsoever of public misconduct.

Recently, a young man from rural Pennsylvania was referred to me by friends. He had quickly moved up the ranks to become a senior deputy missile combat crew commander for ICBM missiles. He had a top security clearance—granted to him at considerable cost to the Government—and had received an outstanding performer rating. The Navy had discovered that he had electronically communicated with an Air Force officer who was being investigated for child pornography. Having nothing to hide, he readily allowed the investigators full access to his unaccompanied officer quarters. For 7 hours six agents searched his home. They found nothing relating to the other officer's child pornography activity.

However, 2 weeks later they returned to charge him with being homosexual. In their first search, though totally unrelated to the basis of the search, they had discovered personal correspondence and magazines indicating he was gay. Thus, unrelated to the original complaint, with no filed charges against him, with no evidence of public homosexual activity, a young man's brilliant career was destroyed.

And while the military claims all discharges resulting from witchhunts are honorable today, that is simply not the case. On the discharge papers, on line 28 explaining the reason for separation, it states: "Involuntary discharge—misconduct, moral or professional dereliction: Homosexual acts." This is not an honorable discharge; it is framed in terms, as a matter of official record, as a stigma for life.

The invasion of privacy and personal trauma for individual soldiers is not the only cost of these witchhunts. The General Accounting Office study indicated the cost to the Government for replacing a soldier, discharged for the sole crime of his sexual orientation, was $28,000 for enlistees, and $120,000 for an officer. These, after all, are often highly trained and educated military members, often with records of exemplary military service. The accomplishments of these members simply evaporate in the face of a single question pertaining to their private life that is unrelated to their potential—whether or not they are gay. So not only are citizens who yearn to pay back society for the fruits of freedom they enjoy cruelly denied their full rights of citizenship to serve in the military, but also the military and society—both of which have paid a lot of money for their training and education—are denied the continuing contribution of those members. Truly, the history of such incidents remains an insult to the military and to our Nation. The means by which some elements of the military have disregarded any rule of law in the pursuit of private sexual orientation has no justification, and must not continue. We cannot put a price on traumas imposed on gay soldiers and their loved ones for careers spuriously truncated. The best estimate for the taxpayer costs of these military witchhunts is $28 million per year.

Our choice today is this: Do we accept the don't-ask, don't-tell compromise as announced by the President, endorsed by the Joint Chiefs of Staff, and written by Senator NUNN; or do we reject that to enact into statute a total Federal ban on any service by homosexuals at any time, under any circumstances? In a country premised on equal opportunity and justice, this is not much of a choice, but it is all that is before us.

Former Senator Barry Goldwater, the icon of the conservative movement put it best when he wrote:

> What would undermine our readiness would be a compromise policy like "don't-ask, don't-tell." That compromise doesn't deal with the issue—it tries to hide it. We have wasted enough precious time, money and talent trying to persecute and pretend. It's time to stop burying our heads in the sand and denying reality for the sake of politics. It's time to deal with this straight on and be done with it. It's time to get on with more important business. The conservative movement, to which I subscribe, has as one of its basic tenets the belief that government should stay out of people's private lives. * * * Legislating someone's version of morality is exactly what we do by perpetuating discrimination against gays.

I agree with the Senator.

No—this is not a perfect compromise. I regret the narrow definitions allowed in the legislation defining the difference between status and conduct. If I read the language correctly, a soldier who has an impeccable record, has followed all military codes, but informs his/her family that he/she is a homosexual, risks separation from the military purely on these grounds. In practice we are telling gay people who want to serve their country that they can only do so by denying who and what they are not only publicly and professionally, but also personally and privately. We are telling them that their military careers require them to be celibate even in their homes and to pretend they are something they are not even among close friends and family. In effect, we are telling them they must continue to lie or risk losing their careers.

I also recognize that discretion will allow future Secretaries of Defense to reinstate the question. However, I have no doubt that history will so clearly show the wisdom of not asking such a question, that even the most conservative among us would not perpetuate this nightmare of intimidation, inquisition, and false security.

These reservations notwithstanding, the progress that this compromise represents on several important fronts leads me to rise in its support. For the choice is not between this and something better, but rather between this and the more insidious choice of not addressing the issue at all, and allowing the current and blatantly discriminatory ban to remain in place. We thus must evaluate this choice not for where it leads us to, which runs short of fully ending discrimination against gay people in the military, but rather for the distance it covers from where we have been, which has been a society insulated from the traumas and costs it has been imposing on itself. We therefore must grasp and invigorate this first, small step for the following reasons.

Under this policy, first, we make clear the Secretary does not have to ask the question of one's orientation at time of induction. To those who continue to advocate asking such a question, may I suggest that in doing so, you simply misunderstand sexual orientation. Most young people do not know, and if they do know they certainly do not accept, the reality of a homosexual orientation until at least their mid-twenties. Some fight what they are longer, arriving at full realization and acceptance even later in life, if ever. As evidenced by the number of even just the admitted gay people who have been serving in the military, asking this question did nothing to keep homosexuals from the military. Under the current policy, when self-discovery occurs for many of these members, it brings the traumatic dilemma of whether or how to continue their successful military career and to proudly serve their country, against the new knowledge that their very existence per se is a violation. They now must live each day with the terrifying risk of a humiliating public exposure of that violation—of what is and should remain a private matter unrelated to their right to serve. Such psychological torture benefits no one in return for the damage it causes. On that issue, the compromise therefore steps, albeit gently, in the right direction.

Second, this policy moves toward defining conduct, not status, as the basis for separation from the military.

Four years ago, the issue of discrimination based upon one's sexual status or orientation centered upon controversies with ROTC programs on our college campuses. I restate what I did then: Conduct should be the standard in the military. Both professional and personal conduct on base should be regulated fairly and equitably regardless of sexual orientation.

To those who think this policy goes too far, recall that the Catholic Church, and most main line Protestant churches, do not deny entrance into the ministry simply because of sexual orientation. Bishop Herbert Chilstrom of the Evangelical Lutheran Church and the bishop of my personal church, said, "We do not ban gay and lesbian persons from becoming pastors in our church. We judge them by their behavior rather than the basis of sexual orientation." So this compromise does not ask the military to become a laboratory for social experimentation as some have claimed. Instead, it is asking the military to merely reflect the same tenets of equal opportunity guaranteed not only in the Constitution as noted earlier, but also codified and exemplified in some of our most conservative social institutions, our churches.

Third, this policy represents in practice if not in language, progress on the key issue of witchhunts used to harass and remove people from the military. While committee language rejects the concept of quotas to determine equal enforcement between heterosexual and homosexual violations of the military code, it is clear fair and impartial investigations are intended regardless of whether a homosexual or a heterosexual is involved. Perhaps most encouraging here, Attorney General Reno has made it clear her department will not be a party to using limited and valuable resources to pursue discriminatory policies.

I recognize that progress on human rights for all people in our Nation has occurred slowly, one step at a time. This particular compromise in effect probably will toss many aspects of the issue back to the courts. That done, it is only a matter of time before our courts will establish once and for all that just as a person cannot be denied the chance to serve because of their race or religion, neither can a person be separated from the military solely on the basis of their sexual status or orientation. That eventual result is an inevitable one given the tenets of fairness that underlie our democracy. I believe that what also makes that result inevitable is the ardent belief of Americans in those tenets, and the fundamental, overriding desire of Americans to get along, to work out our differences, to respect our diversity, and to go forward as a nation with equality and justice for all. This compromise is one small step in the direction of that inevitable, correct result.

Many who have spoken on this issue have recalled their service experience. I deeply respect them for it. What few have acknowledged, however, is that they almost inevitably did serve with colleagues who were gay. Why didn't it pose a big problem for them then? Perhaps bearing in mind commonly held stereotypes of gay people, they probably just did not know they stood and perhaps fought beside gay colleagues who chose to keep their private lives to themselves. Thus they had no basis upon which to judge what it might be like to serve with gay soldiers.

Here I must note parenthetically but with some concern comments made during Col. Fred Peck's heartfelt testimony about the gay ban a few weeks ago, wherein he notes his concerns about his gay son's joining the Marines. Colonel Peck, who clearly, deeply loved and respected his son, worried that if his son did join the Marines and his orientation came to light, he stood to be harassed, beaten, or worse, by his colleagues. For an institution that so prides itself on leadership, good order, and discipline, I was shocked and dismayed at what he said. His comments suggested that such order, impeccable and essential to effective military operations, stands to disintegrate in the face of a factor that has no relevance to performance, team spirit, or esprit de corps. The implied disintegration of training and order in the face of what can only be raw prejudice underlines a potentially serious problem of military leadership rather than any shortcoming of a gay soldier or the community from which he comes.

I have not been a member of the military, and I cannot speak directly from that experience. But I have experienced what it feels like to have my life—who I am, what I am, and what I have accomplished—reduced to and judged by a single, irrelevant factor.

As some of you recall, 2 years ago I was the target of an attempted outing. People who had never talked to me before, who did not know me personally, attacked me. The weeks that followed were hell for me, those close to me, and my staff. Talking about, explaining, or defending one's personal and private life under a public microscope is a violation of our guaranteed right to privacy. It is intrusive and painful, especially when the weapons hurled are bullets of ignorance and prejudice encased in stereotypical labels. Labels, after all, are a handy way to tap our worst fears and gain energy out of the fog of emotionalism so stirred. Against charges so configured, there can be no rational defense. And not the least of that incident for me was that an 11-year congressional record, and almost 20 years in public office, stood to be blown apart. My accomplishments stood to become totally irrelevant next to the single question of whether or not I was gay.

I ask you how many people, how many brilliant military careers, how much taxpayer investment will we waste before learning from the struggles of blacks, Jews, and other minorities the value of integrating the gifts of our diversity into our national life? How much longer will we instead allow our biases, prejudices, and discriminatory policies to bleed our national energy?

To ignore history dooms us to repeat its cruel mistakes and tragic costs. Indeed a powerful new museum now stands on the mall as a monument to just how offensive and destructive prejudices against minorities can become.

In the microcosm of their twisted society, Nazis were not performing atrocities against Jews, gypsies, blacks, homosexuals, and other nonsuper race minorities. Rather they dutifully were performing actions mandated by official directives. The horrifying results of their actions recall the powerful extremes to which emotional prejudice can transport an entire society and rule its actions if left unchecked. The very existence of the Holocaust museum declares "never again." It declares further, "and certainly never here in the US." We, after all, are unique in how we strive to celebrate our diverse citizenship and how we codify equal treatment for that diversity. The museum declares the latter with particular poignancy, standing as it does just a few blocks away from where we now stand to debate an issue in which baltant prejudice against a minoirity still threatens to rule our actions. Let us stand together to check that raw impulse, that concession to ignorance and emotionalism.

Were this debate occuring under President Reagan or Bush I suspect every Republican would stand and say, "let the Commander in Chief work this out with the Joint Chiefs of Staff." That my friends, is what the Meehan amendment is all about. It is the Clinton-Powell compromise—nothing more, nothing less.

It is as conservative as you can get: It gives the authority to the Commander in Chief and Pentagon to do what they think best.

It endorses the concept of less government in the personal lives of our citizens.

It eliminates the wasteful spending of $28 million a year on witchhunts of our soldiers.

It is the strict interpretation of our Constitution.

Today, I ask my colleagues to dig deep inside your conscience. Leadership demands that we do what is right, not what is politically easy.

My pastor put this all in proper perspective when he said recently, "On the question of sexual orientation, the Bible is clear on one thing; Do justice, and love thy neighbor."

Today, I ask just that. Do justice.

I submit that it is time to recognize our current bloodletting for what it truly is. Let us stop repeating the cruel, destructive mistakes of history but instead use their lessons as a springboard for showcasing our better instincts. Let us apply the tolerance and rules of fairness that previous minorities' struggles have shown to be the only enduring, effective treatment of our society from the malignancies of prejudice. The coalition of our traditions, our laws, our institutions, and our inbred sense of fairness leave no doubt about what we must do here. We must not only learn from history, but we must teach by example those who will follow. So we must now take the first step that this compromise offers for gay participation in military service, and build on it inch by inch toward a new level of fairness and equality of opportunity. Let us in taking this step respect our differences, broaden our awareness about the diversity that comprises our national fabric awareness about the diversity that comprises our national fabric and, in so doing, enrich our lives individually and collectively.

Mr. SPENCE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I neglected, a minute or so ago, to mention that the gentleman from Texas [Mr. SAM JOHNSON], who spoke to this body from that podium, knows something about the military because he served as a fighter pilot in the Air Force during Vietnam.

He was shot down, and was a POW for over 6 years.

He knows of the conflicts which arise among people living and serving in close quarters and how it can affect the readiness of our military.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I rise in strong support of the Hunter amendment.

I also would like to compliment the gentleman from Missouri [Mr. SKELTON] for his fine work.

Many of us on the committee and full committee have truly exhausted many hours working on this issue. There is not anybody who supports more open debate than myself. And while I say, why are we doing it on the House floor, I think it ought to be proper and we will continue it through the duration of the issue.

But I also, as well as many others in this body, worked hard to codify the ban on homosexuals in the military. While some of us wish we had some stronger language, we eventually came to accept the Nunn-Skelton compromise. However, some of us still have concerns about one omission in the bill.

I am referring to the section that states that there will be a "suspension of questioning concerning homosexuality as part of the processing of individuals into the Armed Forces."

Under the pre-January 1993 policy, self-identification as a homosexual or bisexual, a history of homosexual activity, and an intent to engage in conduct were considered relevant indicators of the propensity for prohibited activity. The history of past homosexual conduct is now held to be irrelevant by not asking the question.

This policy is in direct contradiction of the personal views of some of the top officers and enlisted leaders of this country.

In testimony before the subcommittee, the Commandant of the Marine Corps and all four of service senior staff NCO's stated that in their personal opinion, they would prefer to continue to ask the question about homosexuality during the accession process.

The reason is clear. It clearly signals that the military is serious about the idea that homosexuality is incompatible with service life. With the question, the Government's policy is consistent that there is no effort to screen out those who exhibit suspect behavior prior to enlistment and a clear policy of immediate discharge if this behavior or orientation is discovered after enlistment. Without the question, the message seems to be "You can come on in, just don't get caught."

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, under the king of the hill rule, I will support the Skelton amendment, which is already in the committee bill, and I will oppose the other two amendments.

The Skelton amendment is the same language that is in the Senate bill and is known as the Nunn amendment. The provision in our bill is in effect now in the military services. Mr. Chairman, I am told it is working well.

Six months ago, the Chiefs of the Army, Navy, Air Force, and Marines implemented this policy on homosexuals with the support of Secretary Aspin and also General Powell. Actually, the Nunn-Skelton proposal is tougher on homosexuals once they get into the military than the Hunter amendment.

The amendment I support spells out what homosexuals can and cannot do in the service. Also, our amendment makes it easier on a commander. It tells that commander what he can or cannot do or what she can or cannot do in that different unit.

Under the Hunter amendment, it requires a person to state his or her sexual preference. Now, we know that in the past that these young recruits have not told the truth in filling out the forms. So why make them lie?

In the Skelton amendment, it is optional, if the Secretary of Defense wants to go back and ask new recruits their sexual preference.

□ 1410

Mr. Chairman, the homosexual issue has really, in my opinion, quieted down in this country. The policy in force has been accepted by most as the best way to handle the issue. Why change something that is working?

I urge my colleagues to support the so-called Nunn-Skelton amendment and oppose the so-called Meehan and Hunter amendments.

Mr. MEEHAN. Mr. Chairman, I yield 45 seconds to my friend and colleague, the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, I rise today in support of the so-called Meehan amendment to strike the Defense authorization bill's provision regarding gay and lesbian Americans in the military, and in opposition to the Hunter amendment. By striking the language in the bill presented to the House today, we are accomplishing the bare minimum of what this Congress can do to protect the thousands of men and women in our Nation's Armed Forces. We should not codify discrimination.

On July 16 of this year, I sent a letter to the President asking him to end the ban on gays and lesbians in the military. I asked him to be steadfast and courageous in the pursuit to end discrimination and committed myself to help him face the political risk and social prejudice that surround this issue. I now ask the House to do the same.

I urge all Members to reach deep into their conscience and ask themselves what the right thing is to do today. Are we going to permit the codification of discriminatory language in this body, or are we going to leave decisions about the Armed Forces to this country's Commander and Chief?

On issues of civil rights, our Nation's history reflects that the long march for justice is one step at a time. The champions and the leaders are those who recognize that on some issues one simply must do what is right and lead our people to the truth. This is one of those times.

I urge my colleagues to vote "yes" on the Meehan amendment. History will thank them.

Mr. MEEHAN. Mr. Chairman, I would ask how much time I have remaining.

The CHAIRMAN pro tempore. The Chair would advise the gentleman from Massachusetts that he has 3¾ minutes remaining.

Mr. MEEHAN. Mr. Chairman, I yield 45 seconds to my friend, the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Massachusetts, [Mr. MEEHAN] and a bipartisan group of our colleagues which would strike the bill's provision regarding lesbians and gay men in the military, because clearly, this issue is best left to our President and the Department of Defense.

As Barry Goldwater recently stated:

> When the facts lead to one conclusion, I say it is time to act, not to hide. The country and the military know that eventually the ban will be lifted. The only remaining questions are how much muck will we be dragged through and how many brave Americans * * * will have their lives and careers destroyed in a senseless attempt to stall the inevitable.

Now, only the House can stop the attempt to codify officially sanctioned bias and injustice. I urge my colleagues to support the Meehan amendment and reject the Hunter amendment.

Congress would best serve our national interest by finding the courage to rally the troops in support of ending this un-American discrimination.

Mr. MEEHAN. Mr. Chairman, I yield 30 seconds to my friend, the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Chairman, the debate on gays and lesbians serving in the military is certainly a debate about choosing unity over division, tolerance over hatred, fairness over exclusion.

But it is something more than that. It is a debate about patriotism. We talk a lot about patriotism and country and serving our Nation here on this floor.

I believe we all at times feel a bit disappointed that we do not see more patriotism in our Nation, that we do not see more people with a desire to serve their country.

But apparently some of my colleagues disagree. Patriotism—the desire to serve your country—the hope that you can contribute to making our Nation a better, safer place to live—are only desirable, admirable qualities if Members of this Congress approve of what you do in your bedroom with your body, in your private life.

You see, if we disagree with how you behave in your private life, well then, your patriotism is something to be ashamed of, something to hide from.

Well, I believe this Congress has a lot to be ashamed of here today if we say to Americans who want nothing more than to serve their country that we do not really want them and we do not really need them.

Let us be reasonable today. Let us be fair today. Let us put an end to the hatred that is filling this room today. Let us say to every American—to every American—that we admire and respect and honor—that we need—your patriotism.

I urge my colleagues to vote for fairness, to vote for tolerance, to vote for patriotism, and pass the Meehan amendment.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I rise today in support of the so-called Hunter amendment to the 1993 Department of Defense Authorization Act to require the armed services to continue to ask recruits whether or not they are homosexuals.

The crux of this debate was whether homosexuality is compatible with military service. To the satisfaction of Congress, the Secretary of Defense, and the Joint Chiefs of Staff, it was determined that the current policy is correct and homosexuality is incompatible with unit cohesion.

I have one concern about the details of the compromise proposal that has been reached, however. The don't ask component of this policy would formally condone a degree of deception for both military recruits and the services themselves.

The policies of this Nation should not condone or encourage deception. It is a disservice for all parties to allow a recruit into the Armed Forces who is an active homosexual while the Code of Conduct forbids homosexual activities.

We should not give a young recruit who is a homosexual a wink and a nod to enter the military when we know that he will be discharged if he or she engages in these acts. That is not fair to those individuals and it is not fair to the taxpayers of this Nation who would train and equip our Armed Forces.

But, most of all, it moves Congress one more step away from a recognition that what we do here is the law of the land. The compromise policy blurs the line between laws and lawbreaking, rules and rule breaking. And that is a message that is much larger than this debate and much more important than this policy.

I believe that as long as we maintain the exclusion on homosexuals in the military we should ask recruits if they are active homosexuals. This is a more fair and more honest approach for all involved and one that preserves the integrity of our Armed Forces and our laws. Vote yes on the so-called Hunter amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, as a member of the committee, I came in with an open mind. I originally supported the President's policy and believed in a ban against any discrimination against any segment of our society.

However, as the tens of hours of testimony was taken by this committee, in listening to what the military had to say and what those who had served in the military, some that were gays, some that were lesbians, and some, of course, heterosexuals who had served with those types of individuals, we listened to that testimony hour after hour after hour. We listened to the Joint Chiefs, we listened to the senior enlisted men of our country.

At that time I came to the conclusion, at the end, that the policy as advocated by Senator NUNN and the gentleman from Missouri [Mr. SKELTON] was the only possible policy that will work for the military in this time and day. It is a compromise, we believe, that has been carefully worked out over the whole year. It is one that can work.

I ask everybody to turn down the so-called Hunter amendment, to accept the language of the committee, so we can move forward on other important matters that face our country.

Mr. MEEHAN. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I really hope we can put this type of energy and this type of inquiry into the whole Tailhook scandal, because we really need to talk about sexual behavior, and it is in the Tailhook report.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, back in January President Clinton announced his intention to repeal the ban against homosexuals serving in the military. The next day I held a press conference and announced my intention to introduce legislation to codify the ban as it existed under the previous administration.

Subsequently, myself and the gentlemen from California, Mr. HUNTER and Mr. DORNAN, and the gentleman from Texas [Mr. JOHNSON] introduced such legislation. That legislation currently has over 100 cosponsors.

Later today we will vote on three amendments, dealing with homosexuality in the military. Of these, only one amendment maintains the total ban, and that is the Hunter amendment. If Members have told their constituency that they support the ban on homosexuals serving openly in the military, the only vote they can make is to vote yes on Hunter.

If Members have sent out letters to their veterans' group, to their church groups, to their retired military groups, and said, "I am for the ban on homosexuals serving in the military," they must vote yes on Hunter.

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr. MEEHAN] has 2 minutes and 20 seconds remaining.

Mr. MEEHAN. Mr. Chairman, I yield my 2 minutes and 20 seconds remaining to my friend and colleague, the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I would like, in the spirit of the words of the gentleman from Wisconsin who spoke a few moments ago, to try to put this in a slightly broader perspective. Why do we have an armed forces? It is not, surely, simply to defend the piece of geography known as the United States of America. It is to defend and preserve and protect a document known as the Constitution, which enshrines the rights and liberties of all of our people.

History teaches us that the promises of that Constitution have taken a very long time to fulfill. It was written 206 years ago by white men, many of whom owned slaves. President Lincoln signed the Emancipation Proclamation 130 years ago. President Truman signed the Executive order ending racial discrimination in the Armed Forces 45 years ago. President Johnson signed the Civil Rights Act of 1964 29 years ago. And less than 1 year ago, this country elected the first President of the United States committed to helping us write the last chapter in the long history of civil rights, which is the history of this country.

□ 1420

Mr. Chairman, history gives us perspective, and it teaches us patience. But it is hard to counsel patience and perspective to someone who has lost his job simply because of who he or she is, or to someone who has lost his home simply because of who he or she is, or to someone who has lost a distinguished military career simply because of who he or she is. Mr. Chairman, it is virtually impossible to counsel patience to someone who is sick and to someone who is dying.

But we are holding this debate, and we have never done that before. And this country is debating this, and we have never done that before. And the President has asked us to act, and no President has ever done that before.

We will not win this battle here today. The fundamental question is not even before us today. But these struggles are never won quickly or easily. And the ultimate outcome is in no doubt whatsoever.

This country, in the words of Martin Luther King, will rise up and live out the true meaning of its creed, and we will write a happy ending to this, the last chapter in the long history of civil rights, which in some very fundamental ways is the history of this country.

Mr. Chairman, I rise in support of the amendment offered by my friend, Mr. MEEHAN of Massachusetts. I join him and many of our colleagues in a final plea to this House not to enact into law a policy of State-sanctioned inequality. If, as appears likely, the Members of this House enact the language contained in section 575 of the committee report, they will be committing themselves to a policy of overt discrimination supported by nothing more than naked prejudice.

Whatever action we take on the bill before us, the ban on lesbians and gay men in the military will remain. The DOD directive issued in July at the President's behest was far from the result for which I had hoped and worked for so many years. Under the directive, lesbians and gay men will continue to be subject to investigation and separation from the military merely for speaking privately about their sexual orientation or engaging in private consensual relationships. This perpetuates a situation in which gay men and lesbians are denied the security, dignity, and openness in their private lives which their comrades in arms take for granted.

Nevertheless, I believe that the policy announced in the directive, if left in the hands of the President and the Joint Chiefs, would make life slightly more tolerable for those who are prepared to abide by the rules of silence and social isolation that the policy lays down. It would delete the current presumption that homosexuality per se is incompatible with military service; it would eliminate the practice of asking recruits their sexual orientation; and it would guarantee fair and uniform enforcement of the Uniform Code of Military Justice. It is a disappointingly small step, but it is a beginning.

The language presented by the committee not only eliminates most of these modest improvements, but attempts through codification to ensure that any hope for further progress is stillborn. It seeks to micromanage a personnel policy best left to those with the expertise to apply it humanely and flexibly. For all these reasons, the Meehan amendment offers the better approach.

The committee's conclusions fly in the face of a mountain of objective evidence—much of it assembled at the behest of the military itself—that stands uncontradicted on the record.

On January 29, 1993, President Clinton directed the Secretary of Defense to draft an executive order ending discrimination on the basis of sexual orientation in the armed forces. On April 1, the Secretary commissioned the Rand National Defense Research Institute to prepare a $1.3 million analysis that would assist in the formulation of the new policy. The Rand report, "Sexual Orientation and U.S. Military Personnel Policy: Options and Assessments," is a thorough, objective, 518-page study that concluded that sexual orientation, as such, is not germane to military service. Moreover, Rand determined that a standard based on conduct rather than status could be implemented with minimal disruption to military life and without extensive revision to military rules, provided that the policy change were communicated clearly and consistently from the top and reinforced throughout the chain of command. In other words, the answer is leadership. And sadly, leadership remains in short supply.

The Rand report represents the fifth instance in the last several years that an independent agency has called into question the rationality of our country's military ban. In fact, every study undertaken at the direction of Congress or the Pentagon has come to similar conclusions.

On June 25 of this year, the General Accounting Office released a report requested by Senator WARNER which confirmed once again what every previous Government-commissioned study has shown—that the presence of lesbians and gay men does not disrupt discipline or morale in a military setting. The report, "Homosexuals in the Military: Policies and Practices of Foreign Countries," GAO/NSIAD–93–215, June 1993, focused on the experience of four countries, three of which have dropped all restrictions based on sexual orientation. According to the report, military officers in Canada, Israel, and Sweden confirm that "the inclusion of homosexuals in the military is not a problem and has not adversely affected unit readiness, effectiveness, cohesion, or morale." Even in Germany, where homosexuals serve but still face some restrictions, officials consider homosexuality a nonissue.

One year earlier, in a report which I had requested together with my friend Mr. CONYERS and out late colleague, Ted Weiss, the GAO concluded that the Government wastes $27 million each year simply to recruit and train replacements for gay men and lesbians who are discharged from military service. That report, "Defense Force Management: DOD's Policy on Homosexuality," GAO/NSIAD–92–98/98S, June 1992, examined the practices of analogous paramilitary institutions such as police and fire departments, and found no evidence that the inclusion of homosexuals disrupted the ability of these institutions to perform their mission.

In 1988 and 1991, a pair of studies by the Defense Personnel Security Research and Education Center [PERSEREC] concluded that sexual orientation is irrelevant to an individual's suitability for military service. Theodore R. Sarbin and Kenneth E. Karols, "Nonconforming Sexual Orientations and Military Suitability," Defense Personnel Security Research and Education Center, PERS–TR–89–002, Dec. 1988; Theodore R. Sarbin, "Homosexuality and Personnel Security," Defense Research and Education Center, October 1991. Indeed, the 1988 report stated that sexual orientation is as unrelated to job performance as left- or right-handedness.

Taken together, these reports tell a consistent story—there simply is no evidence that the performance of the military mission is improved by discharging individuals with distinguished records of service to their country solely on this basis of a personal characteristic they are powerless to control.

Yet the findings presented in the reports were ignored by the Defense Department and, in some instances, suppressed. The handling of the PERSEREC reports is instructive. Only after the reports were released by my office did DOD even acknowledge their existence. Rather than questioning the conclusions of the reports, the Department tried to dismiss them on the ground that the researchers had addressed a question they had not been asked.

Nor did these reports—the only independent, objective studies on record—have any effect on the subcommittee's deliberations. The authors were never invited to testify at the hearings, nor were the studies cited in the committee report. The sole references to any of them appear in the additional views of committee members who disagree with the committee's conclusions.

By their own admission, the proponents of the committee report base their conclusions on a single unproven assertion: that the mere presence of lesbians and gay men in the military setting will provoke such hostility against them as to destroy unit cohesion and morale. The evidence provided for this assertion by committee witnesses was purely speculative and anecdotal. It was flatly contradicted by military witnesses who testified that any disciplinary problems that might occur over the short term could be fully addressed through the system of command. The committee has offered no reasoned explanation for its decision to accept one set of testimony while disregarding the other.

What is most troubling about the committee's rationale is that it is an accommodation to prejudice. It is precisely this readiness to defer to the prejudices of the majority that makes this a civil rights issue. Much has been said by those seeking to perpetuate the ban about the differences between the discrimination endured by gays in the military and the discrimination suffered by racial and ethnic minorities. Yet it was Coretta Scott King who equated the accommodation of homophobia in the military to the accommodation of customer preferences by businesses seeking to justify their refusal to hire African-American employees.

When President Truman ordered the desegregation of the Armed Forces, there were Members of Congress who made the very arguments heard in this Chamber during the last several months—that white troops would not accept intimate contact with black troops and would refuse to take orders from them; that integration would undermine cohesion and increase the prevalence of violence, sexual misconduct, and disease; that recruitment and retention would be adversely affected. Then, as now, there were military leaders like Gen. Omar Bradley, who argued that the Armed Forces are not the place for social experimentation.

Yet despite these misgivings, the integration of the military was achieved. The issue was framed as a matter of social justice, and its implementation as a matter of leadership. Once the order was given, the military took on the job of getting it done.

Today it is inconceivable that the Congress would defer to prejudice against African Americans—or members of any other racial or ethnic group. Indeed, the Supreme Court has held that catering to the prejudices of others is not a legitimate governmental objective. *Cleburne* v. *Cleburne Living Center,* 473 U.S. 432, 1985; *Palmore* v. *Sidoti,* 466 U.S. 429, 1984. This is as true in regard to sexual orientation discrimination as it is when other minority interests are at stake. It will now be up to the Court to say so.

In so doing, they will have the blessing of scores of professional, civic, labor, and religious organizations who joined together in opposition to the ban—groups as diverse as the American Psychological Association and the American Bar Association, the NAACP and the AFL–CIO, the YWCA and People for the American Way, the United Church of Christ and the Union of American Hebrew Congregations. This is the first time that such a broad coalition has come together in support of the civil rights of lesbian and gay Americans, and I have every confidence that that support will continue to grow.

I would also note that some Members of Congress who have worked to retain the ban have gone out of their way to assert their willingness to respect the civil rights of gay men and lesbians in a civilian context. They have done this in an effort to show that their readiness to condone discrimination is based not on prejudice but on the peculiar requirements of military life. I am prepared to be persuaded of the sincerity of these assertions, and I challenge those Members of Congress to give their support to H.R. 431, the Civil Rights Act of 1993, which my good friend Mr. WAXMAN of California has introduced and which is now pending before us.

I know that many of my colleagues will agree that the debate on this issue has exhibited some of the worst features of our political life. Rational discussion has been swept aside by slogans and caricatures; calm deliberation preempted by the ability of lobbyists to orchestrate a chorus of instant reactions from constituents. Is it any wonder that the Rand report and its precursors could not be heard above the din?

Nevertheless, while the debate has not always been as thoughtful or edifying as one might have hoped, it has provided a forum for the most sustained, frank, and open discussion in our history of what it means to be a gay person in America. If the debate has laid bare the extent of popular hostility, it has also facilitated a large measure of public education.

Members of Congress and the public have been challenged to confront the contradictions in their own thinking. Indeed, many have been forced to think about this issue for the first time. They have stood face to face with brave, patriotic men and women who have served their country honorably and well, answering insults and hysteria with quiet dignity and pride.

These are truly remarkable people—and yet, as Colonel Cammermeyer said in her Senate testimony, they are also ordinary human beings. More than anything else, the debate has helped to demonstrate that gay men and lesbians are just like everybody else. We belong to every family and community, every vocation and walk of life. We are doctors and lawyers and farmers and factory workers; we are Members of Congress and the clergy. We are your children, your parents, your friends and neighbors.

What is not ordinary about the lesbians and gay men in the military is their courage. They have made untold sacrifices for the right to serve their country with honor and pride. I have waged this battle together with them for many years, and I share their pain and anguish at this difficult moment.

I also salute the first President in the history of the United States who cared enough to try to make their dreams—and ours—a reality. In accepting this challenge President Clinton showed a degree of courage and leadership that is all too rare in politics. Gay people everywhere—and those who care about them—will feel anger and pain at the President's inability to fulfill his pledge. I share such feelings. Nevertheless, it is important at such times to see that our understandable feelings of anger and betrayal are not misdirected. In raising this issue to the forefront of the national agenda, the President has stood for reason and decency in a political environment that was supercharged with hysteria and the most cynical opportunism. He must not be condemned for the bigotry and intransigence of others.

We must also not lose sight of what the struggle has been all about. This is the last great unfinished chapter in the long history of civil rights in this country. We will lose some battles, as we have today, but we must never doubt our ultimate victory in the struggle for justice. We will continue to fight on—in Congress and the courts—until the final chapter has been written and all Americans are free.

Mr. SPENCE. Mr. Chairman, I yield my remaining 1 minute to the gentleman from California [Mr. CUNNINGHAM], a top gun fighter pilot, the only Vietnam ace in this country, having shot down five MiGs, and nominated for the Congressional Medal of Honor.

Mr. CUNNINGHAM. Mr. Chairman, what this whole issue should wrap around is, is homosexuality compatible with military service. We are not competing for six gold medals, or even a Super Bowl, but we are dealing with the lives of men and women in combat.

Any degradation of training that combat unit cuts back the capability of that unit to survive. Pilots in the U.S. Navy, Air Force, and Army up to a high percentage are killed in training. We do everything we can to tie that unit together, to make sure that everybody is pulling in one direction.

It was mentioned that homosexuals are all around us. This is true, not in as great a numbers as they would like us to believe, but if they are allowed in the military, then that disruption will take place, and it will affect the combat-readiness of this military.

The military is sworn to uphold the Constitution. It was discussed by my colleague from Massachusetts. Any degradation in the ability to defend that Constitution should be eliminated.

I support both the Hunter amendment and the Nunn-Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, today the House will have the opportunity to take an incremental step forward—or a big step backward. As a member of the Military Forces and Personnel Subcommittee. I commend my chairman for his effort to focus us on coming together, not pulling apart.

As I have stated on this floor, I think the gay ban is unconstitutional and violates the equal protection clause of the 14th amendment. This is why I voted to lift the ban in the Armed Services Committee. Last month, a second Federal court reached that verdict, in the case of Dahl versus Secretary of the U.S. Navy. Clearly, given this decision—and given the determination of many patriotic gay and lesbian Americans to serve their country—this debate is far from over. I think and hope that the courts will strike the ban down.

Mr. Chairman, I take my responsibilities as a member of the Armed Services Committee extremely seriously. It is not easy to look the Joint Chiefs in the face and tell them how you think they should organize their forces and enforce the military chain of command. I respect our military leaders enormously, and I think Congress should give them flexibility to manage this issue and to move on with the business of defending our country. The best way we can do that is to vote against codification, and so I will support the Meehan-Gunderson amendment, and vigorously oppose the Hunter amendment. We must hold the fragile ground we have gained.

Mr. SKELTON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I know that we are all very anxious to put this issue behind us. We are anxious to get on with many challenges ahead for our country and for the defense of our Nation.

I believe the language in this bill allows us to achieve that purpose. I would ask my colleagues to keep in mind that this issue has been fully debated in the committee. I am asking Members to support the committee position, which is the same as the Skelton amendment, which is the Nunn-Skelton language, and that this debate end because the language is identical to the language in the other body.

Mr. Chairman, this is not a matter of civil rights. This is a matter of winning on the battlefield. Second place does not count on the battlefield. Unit cohesion is uppermost.

The Meehan amendment causes serious problems concerning unit cohesion. The Hunter amendment raises serious constitutional problems, and this will be carried on down through the courts ad infinitum, so that must be defeated.

The Skelton amendment is one that codifies the law and has a tough, workable policy that helps keep unit cohesion so that when the time comes in the face of an enemy, victory will be there because there will be strong unit cohesion among the troops.

I sincerely urge the other two amendments be defeated and that the Skelton language be adopted.

Mr. BROWN of California. Mr. Chairman, the past 6 months of debate concerning lesbians and gays in the military have made at least one thing very clear, and that is that stereotypes and myths about lesbians and gays continue to flourish. Perhaps one of the most noxious myths that persists is the idea that these individuals have chosen their sexual orientation.

Indeed, Chairman of the Joints Chiefs of Staff, Gen. Colin Powell, said that part of the reason that he felt that the racial integration of the military was not analogous with the current efforts to lift the ban on gays and lesbians is that they believed homosexuality was a chosen behavior. General Powell is an intelligent man who has rendered great service to our country, but I would question how he came to this particular conclusion.

Likewise, Col. Margarethe Cammermeyer, a woman with an impeccable and distinguished military service record who was discharged for acknowledging that she is a lesbian, was asked by Senator STROM THURMOND in hearings before the Senate Armed Services Committee whether she had sought psychiatric treatment for her lesbianism.

On a commonsense level, this question of choice of homosexuality was perhaps expressed best by columnist Molly Ivins in the Ft. Worth Star-Telegram on January 30, 1993. She said, and I quote:

> Of all the odd misperceptions current about homosexuality, perhaps the oddest is that it is a choice, that people choose to be homosexuals. That strikes me as patently silly. Did any of us who are straight choose to be straight? When? Did we wake up one morning when we were 15 and say, "Gosh, I think I'll be heterosexual." For Heaven's sake, how can anyone believe that people choose to be homosexual. I think it would be fun to be called "Queer" and "Sissy" for the rest of my life, so I think I'll be gay.

I agree with Ms. Ivins. It is utter nonsense to think that people would somehow choose to lead a life in which discrimination and degradation are heaped upon them at every turn when the alternative would also be freely available.

If the idea that people choose to be gay is insupportable from the standpoint of common sense, it is also insupportable from the empirical and scientific standpoint, and this is the aspect that interests me most as chairman of the House Committee on Science, Space, and Technology.

For over 20 years now, psychological and psychiatric research has concluded that sexual orientation is a core part of an individual's identity that develops very early in his or her personal life and is not readily subject to external manipulation.

Dr. Gregory Herek, who recently testified before the House Armed Services Committee, summed up these conclusions in an article appearing in Law and Sexuality (summer, 1992):

> The assertion that homosexuality is a choice is erroneous for the vast majority of lesbians and gay men. Although the origins of sexual orientation are not well understood, neither heterosexuality nor homosexuality appear to represent a conscious choice for most people.

John C. Gonsiorek, perhaps the foremost authority on sexuality and choice agrees. In his introductory chapter to "Homosexuality: Research Implications For Public Policy," he states:

> It might appear to outsiders that individuals going through this process have "chosen" their homosexuality. We suggest that the term "sexual preference" is misleading as it assumes conscious or deliberate choice and may trivialize the depth of psychological processes involved. We recommend the term "sexual orientation" because most research findings indicate that homosexual feelings are a basic part of an individual's psyche and are established much earlier than conscious choice would indicate.

Chandler Burr in his recent article in the Atlantic Monthly (March 1993) came to the same conclusion. He stated that:

> Psychiatry not only consistently failed to show that homosexuality was a preference, a malleable thing susceptible to reversal, it also consistently failed to show that homosexuality was a pathology.

The American Psychological Association recently set forth its position on sexuality and choice in an amicus brief filed before the Supreme Court of Texas in the case of Texas versus Morales. The APA said that:

> Sexual orientation generally is a characteristic over which individuals lack a substantial degree of control. To punish an individual for an essentially "immutable" characteristic, based on false stereotypes, when that characteristic is in no meaningful sense detrimental or harmful to society is arbitrary. * * * Sexual orientation is acquired at an early age, and thus it makes little sense to argue that the trait is voluntarily acquired. * * * Once established homosexual orientation is highly resistant to change. Researchers generally agree that the majority of gay people are unable to change their sexual orientation, even if they wished to do so.

Further, the APA's fact sheet on reparative therapy says that "No scientific evidence exists to support the effectiveness of any conversion therapies that try to change sexual orientation." Bryan Welch of the APA has stated that "Research findings suggest that efforts to 'repair' homosexuals are nothing more than social prejudice garbed in psychological accoutrements."

Where does sexual orientation come from? The answer to this question is not clear, but more and more scientific research suggests that sexual orientation is genetic or otherwise biological in origin. The most recent and most compelling of this research was reported by Hamer et al. in the July 16, 1993 edition of the highly respected journal Science, published by the American Association for the Advancement of Science. A team of researchers at the National Institutes of Health has done a thorough study that clearly indicates that at least some examples of male homosexuality are inherited as a expression of a gene locus on the x chromosome, which in males can only be inherited via the mother. In fact, the observation that male homosexuality often—but not always—is more frequently found on the female side of inheritance was the beginning point of their study.

This builds on a developing body of research in the biology of sexuality and sexual orientation. The Science article notes, as have numerous other studies, that it is more likely that both sons of identical twins will both be gay than is the case with fraternal twins or nontwin siblings. The correspondence is highly significant from a statistical point of view. And the study follows on the heels of reports showing that homosexuals and heterosexuals have differences in certain brain structures. As well, there seems to be an association of homosexuality with lefthandedness, and handedness has been established to be largely biologically determined.

What does all this mean? It probably does not mean that all expressions of homosexuality derive from the same origin. But it certainly does indicate that sexuality is clearly more a matter of biology than of environment. And sexual orientation of any kind is certainly not a matter of choice or preference.

Thus, it is absurd for General Powell to suggest that homosexuality is a chosen behavior. And it is equally absurd for Senator THURMOND to suggest that lesbians and gays seek psychological treatment for their sexuality. It is unfortunate that neither of these prominent persons has any expertise on this subject since so many in our society are liable to look to them as leaders for guidance in the formation of opinion.

So today as we consider the additional restrictions placed on President Clinton's policy on lesbians, gays, and bisexuals in the military as found in the Senate version of the fiscal year 1994 Defense authorization bill, I hope that we will have the good sense and moral fiber to reject those restrictions and any House amendments that are in the same vein. These efforts to keep gays, lesbians, and bisexuals out of the Armed Forces are, in my opinion, derived from prejudice. They are certainly not based on science or for that matter on reason. The scientific evidence is that sexual orientation is not a matter of choice and that homosexuality is not pathological. Homosexuality like heterosexuality is simply an expression of the great complexity of human biology.

To me, to exclude persons from service in the Armed Forces on the basis of sexual orientation makes as much sense as excluding persons on the basis of eye color or handedness. Service in the Armed Forces of the United States should be based on high standards of ability and conduct. I repeat: ability and conduct. And the standards and requirements that apply to any should apply to all, regardless of their sexual orientation.

Ms. LONG. Mr. Chairman, I rise to express my support for the President's policy regarding the service of homosexuals in our Nation's Armed Forces.

The legislation we are considering today will codify the President's policy toward homosexuals' service in the military. This compromise policy establishes criteria from which the Defense Department is to pattern its recruiting and investigating processes in the future as it relates to prospective or current military service members. This compromise, negotiated with Defense Secretary Les Aspin, Joint Chiefs of Staff Chairman Colin Powell, and chairmen of the Senate and House Armed Services Committees, will ensure an effective military in the future while respecting service members' basic freedoms.

Serving in our Nation's Armed Forces is a unique calling—one that comes with a great deal of responsibility. In carrying out one's duties in the military, a service member must exhibit a commitment to discipline, order, and proper conduct. In everyday civilian life, individuals may decide whether incorporating these principles on the job will ensure success. In the military, however, it is incumbent upon service personnel to strictly adhere to these principles due to the sensitive nature of the objectives that the military seeks to achieve; it requires the most effective military force.

Mr. Chairman, the President's policy that we are considering here today as part of the Defense Authorization Act recognizes these unique characteristics which are inherent in military service. It also reaffirms the importance of maintaining a strict code of conduct as outlined in the United States Code of Military Justice [USCMJ]. However, this policy will require military commanders to distinguish, in the future, between an individual service member's conduct and his or her orientation. Furthermore, disciplinary action will be regarded to be appropriate when a service member's conduct is in question as it relates to the USCMJ, rather than a service member's orientation.

I believe the President's policy, as drafted in consultation with Secretary Aspin and Chairman Powell, has made a fair assessment of this important, yet controversial, issue. It provides an acceptable compromise which recognizes the rights of all service members.

Mr. Chairman, the successful implementation of this policy clearly rests upon the proper supervision, active participation, and forthright leadership by our military leaders. The confidence that I have in the abilities of our military leaders, therefore, gives me confidence that this policy will be properly administered, preventing any perceived undermining of unit cohesiveness.

The CHAIRMAN pro tempore. All time for general debate has expired.

It is now in order to consider amendment No. 1 printed in part I of House Report 103–252 relating to the subject matter of section 575.

If more than one of the amendments is adopted, only the last to be adopted shall be considered as finally adopted.

AMENDMENT OFFERED BY MR. MEEHAN

Mr. MEEHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. [Mr. DURBIN]. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MEEHAN:

Stike out section 575 (page 198, line 7, through page 206, line 11) and insert in lieu thereof the following:

SEC. 575. SENSE OF CONGRESS CONCERNING HOMOSEXUALITY IN THE ARMED FORCES

It is the sense of Congress that the policy of the Government concerning the service of homosexuals in the Armed Forces is a matter that should be determined by the President, as chief executive officer of the Government and commander-in-chief of the Armed Forces, based upon advice provided to the President by the Secretary of Defense and the military advisers to the President and Secretary.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. MEEHAN] will be recognized for 5 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized in opposition for 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to my friend, the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding me the time.

Barry Goldwater is right. It is not the Government's business what one's sexual preference is. What matters is their conduct.

If Americans want to serve their country and give their lives to their country, they should be allowed to do so.

I urge my colleagues to allow the President and Chiefs and Staff to decide this issue and not codify it into law.

Mr. MEEHAN. Mr. Chairman, I yield 45 seconds to my friend, the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the Meehan amendment.

This amendment represents our best hope to do the right thing—end discrimination against lesbians and gays in the military.

Already, thousands of gay men and lesbian women are buried beneath gravestones adorned with American flags.

They fought and died for freedom—the dearest of American principles—even while their freedom was being suppressed in the very ranks in which they served.

That is true heroism. That is true love of country.

But as Randy Shilts documented in his book "Conduct Unbecoming," purges of gay men and lesbian women have taken place only in peacetime, never during war.

If they are willing to give their lives in war, they should also enjoy the benefits of military service during peace.

Our armed forces fight for American ideals.

Discrimination is most certainly not an American ideal.

End discrimination. Support the Meehan amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Massachusetts and in support of the committee position.

The House Armed Services Committee held extensive hearings earlier this year on this issue and arrived at what I consider to be a sound policy compromise to a difficult issue.

It is not perfect. It did not make everyone happy. But that is the definition of a compromise.

What the committee approach does is ensure that we not throw overboard the sound principle that military readiness and unit cohesion must be the principle criteria in determining what type of behavior is allowed within the military.

The Meehan amendment, on the other hand, says it is not the business of Congress to determine such policy matters. That such matters are best left to the President and the executive branch.

Rather than tell you what I think, let me read a brief passage from the U.S. Constitution that should settle any question on who has the responsibility to determine such matters.

Article 1, section 8 of the Constitution reads:

> The Congress shall have the power * * * to raise and support Armies * * * provide and maintain a Navy * * *. Make rules for the government and regulation of the land and naval forces.

It should be obvious then, that the Meehan amendment is not only bad policy, but it also would put Congress in the position of relinquishing its role under the Constitution to make rules for the regulation of military forces.

Regardless of where we may individually stand on the question of homosexuals in the military, Congress has a right and an obligation to speak on this issue of critical importance to the future and readiness of our armed forces.

Vote "no" on the Meehan amendment and vote "yes" on the Skelton amendment.

□ 1430

Mr. MEEHAN. Mr. Chairman, I yield 1½ minutes to my friend, the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Chairman, I rise in enthusiastic support of the Meehan amendment. Mr. Chairman, I would have hoped that by this time in our history, discrimination would only be a bad dream of the past and that we would judge people in this country by their conduct and not by their personal and private inclinations.

Fifty years ago when I joined the Navy and sailed for 5 years, black Americans were discriminated against and they could not hold very good jobs at all in the Navy. And yet when President Truman came along, by a strike of the pen he eliminated discrimination in the Navy and in the Armed Forces and made major improvements.

When I was sworn in here in January 1963, black Americans were discriminated against in 11 States so that they had no personal liberties whatsoever. We passed the civil rights laws, and our country has been far, far better off.

The subcommittee that I chair has jurisdiction over the FBI. In the last 20 years we have worked to eliminate discrimination against African-Americans and Hispanic-Americans and women. We are doing that. The FBI is a far, far better place than it has ever been before.

One of these days it will stop discriminating against people of a different sexual preference, too, like all of the major police departments of this country who must have the magic word, "readiness." They have readiness, and they do not discriminate.

We have done so much for civil rights in this country in this century; let us not end the century by a step backwards.

The view that homoesexuals cannot, or should not, serve in the military reflects an intolerance that has no place in American society. Gay men and lesbians deserve our respect and thanks for serving their country with honor and patriotism.

The measure of a soldier's worth is his or her conduct and skill, not his or her sexual orientation. The President, recognizing this, took an important step forward earlier this year by proscribing the military witch hunts that cost taxpayers millions of dollars and so many valuable servicemembers their careers. But "Don't Ask, Don't Tell, Don't Pursue" is only a beginning—much more remains to be done before lesbians and gay men are treated justly.

Much the same as our military, we expect our police officers to be of the highest caliber. In 1991, more than 130 men and women in blue lost their lives in the line of duty, almost as many fatalities as Americans suffered in the Persian Gulf war. Yet most every major metropolitan police force and fire department explicitly permit homosexuals to serve and protect and none prohibit them.

Now is the most opportune time in our history to secure the right of every American to serve in defense of the Nation. I am confident that the prejudices that keep homosexuals from serving openly can be overcome. This will require flexibility on the part of Congress and responsiveness from the administration. Rather than freeze an anachronistic policy in legislative stone, it is imperative that we preserve the President's authority to act. Support the Meehan amendment.

Mr. SPENCE. Mr. Chairman, I yield 1½ minutes to the gentleman from Missouri [Mr. SKELTON], who is chairman of the Subcommittee on Personnel and Military Forces of the Committee on Armed Services.

Mr. SKELTON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts.

In my view, the most likely result of the gentleman's amendment is that the debate does not end. In the immediate future, the issue would become a conference issue as our language would no longer be identical to that in the other body's bill. Over the long run, if the Congress were to remove the codification language from the bill, our perceived lack of resolve would encourage both sides of the argument to continue the struggle, to continue to attempt to shape the policy in their favor. Ultimately, the uncertainty and controversy would cause combat readiness in the armed services to suffer. I would ask my colleagues to avoid such a result by preserving the language in the bill, the language supported by the President, the Joint Chiefs of Staff, and the men and women in uniform.

I would suggest that my colleagues also not overlook two very practical advantages of codifying the policy on homosexuals. First, codification of the policy ensures that this very divisive issue is always managed by the elected representatives of the people, the Congress. It appears to me we are long past the time when the Congress would agree to allow this emotional issue to be resolved by the executive branch alone. It is also clear to me that enacting the policy in law is essential because the American people want their elected officials in the Congress to play a role in the resolution of such controversial issues.

Second, codification will limit the latitude of lower courts to render decisions that are inconsistent with the President's policy. Such a limitation will stabilize the policy and reduce controversial decisions. Why is that important? Because the combat readiness of our military forces is at risk when the people who serve are confused and uncertain about important policies.

Mr. Chairman, I ask my colleagues to vote for stability. To vote for an end to the divisive debate. To vote for a policy that will work. Vote "no" on Mr. MEEHAN's amendment.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to my friend, the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Chairman, I rise today in support of the Meehan-Fazio amendment. The words we hear today sound like the words we heard in 1963. We heard the same words in 1964. We heard the same words in 1965. Back then, we debated over the rights, whether black Americans would have the right to sit at a lunch counter with white Americans; whether they would have the right to vote and participate fully in our political process.

Mr. Chairman, this Member of Congress fought too hard to guarantee the rights of all Americans, to stand here today and see us vote to deny the rights of other Americans.

We should be more concerned about what is going on in the Constitution, what our Constitution is all about, rather than what is going on in private in people's bedrooms.

Gays and lesbian Americans are citizens like all other Americans and deserve the same rights as all other Americans. That includes the right to serve their country.

I say, Mr. Chairman and to my colleagues, pass the Meehan-Fazio amendment.

Mr. SPENCE. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, every military unit is a walking blood bank.

The other day I came across one of my dog tags, which has a B positive on it. If someone screens for B positive, if a person with B positive is injured in a missile attack, a bombing attack, or is on the battlefield, we have to make sure that they can get the blood they need and that it won't kill them. We simply cannot risk polluting the blood supply by allowing practicing homosexuals in the military.

Now, 120,000 male homosexuals have died since I returned to this Chamber in 1984. 120,000! We are pressing 200,000 overall.

That death toll has not encroached on the military, because "Cap" Weinberger and Ronald Reagan cleaned up the blood supply, requiring that everyone take an HIV test and asking the question of military recruits.

Mr. MEEHAN. Mr. Chairman, I yield 45 seconds to my friend, the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I thank the gentleman for yielding this time to me.

Mr. Chairman, what the New York Times calls the military's favorite think tank, the Rand Corp., has done a definitive study that shows that heterosexuals and homosexuals can successfully serve together in the military. They have done so in foreign military services they have done so in the police and fire departments, of cities and counties all across our country.

By simply allowing the executive branch to do what President Truman did in desegregating the armed services, I think we move the cause forward, the cause that says that people ought to be able to serve their country regardless of their sexual orientation, that people ought not to have to deny the very essence of who they are, in order to serve their country.

I think this amendment offered by the gentleman from Massachusetts [Mr. MEEHAN] is the best approach we could take to demonstrate that we are a tolerant nation, to say that we will accommodate change as it occurs in the hearts of the American people. Let's not codify this language today but allow flexibility on this issue overtime.

Mr. MEEHAN. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Rhode Island [Mr. REED], a graduate of West Point.

Mr. REED. I thank the gentleman for yielding this time to me.

Mr. Chairman, I spent 12 years in the Army and had the opportunity to command troops. The question here is conduct. I believe that the President of the United States, as Commander in Chief, and his service chiefs can handle this issue without a legislative formula. The ultimate question about anyone in the military forces is not who they love, it is whether or not they love their country enough to serve it proudly and nobly.

I believe Americans of any sexual orientation can respond to that question and that love of country.

Mr. SPENCE. Mr. Chairman, I yield the balance of our time to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I rise in respectful opposition to the Meehan-Gunderson amendment.

With all due respect, this is not a question of civil rights. The military is an institution tasked with defending this Nation against all enemies, foreign and domestic.

It is a discretionary privilege to serve in the Armed Forces of the United States. Court after court has upheld that it is a discretionary privilege to serve in the military. It is not a civil right.

The military Joint Chiefs oppose relaxation of homosexuals serving in the military. The American people oppose it. Every opinion poll that has been taken of people currently serving in the military and those who have retired have opposed repealing the ban.

The Chairman of the Joint Chiefs of Staff, Gen. Colin Powell, an African-American, has said that is not a question of civil rights.

What we should try to do is vote on what is the best policy for the military readiness of the United States of America. The way to do that is to vote no on the Meehan-Gunderson amendment and vote yes on the Hunter amendment.

Mrs. SCHROEDER. Mr. Chairman, I rise in strong support of the Meehan amendment and in strong opposition to the Hunter and Skelton amendments.

In the year and a half since I first introduced the Military Freedom Act to end discrimination on the basis of sexual orientation in the military, the entire Nation has vigorously debated the role of gay men and lesbians in the military. This fact, in and of itself, is a victory for those of us who, for years, have struggled to get the Department of Defense and Congress to recognize, let alone change, a 50-year-old policy that criminalizes the service of patriotic gay and lesbian servicemembers.

I strongly reject the policy concerning homosexuality in the Armed Forces that has been included in the 1994 Department of Defense Authorization Act and encourage my colleagues to vote for the Meehan amendment to remove it. The Nunn-Skelton language in the defense bill disregards much of the testimony from the full House Armed Services Committee hearings, the original intent of the President to judge individuals based on their conduct rather than on their status, and codifies a policy that is unconstitutional.

As a senior member of the Judiciary Committee Civil and Constitutional Rights Subcommittee, I am most greatly concerned with constitutional questions raised by the Nunn-Skelton language in this year's defense bill. The courts are already moving swiftly to challenge the ban, either in its original form, as Secretary of Defense Aspin recrafted it, or as it is codified by Congress.

On September 22, U.S. District Judge Terry J. Hatter, Jr., ordered the Secretary of Defense and senior military officials to appear in court to explain their continuing disparate treatment of Moffett Naval Air Station petty officer Keith Meinhold. Mr. Meinhold, who acknowledged his homosexuality on television the same day I introduced the Military Freedom Act, was reinstated by the U.S. District Court for the Central District of California in January. As the Department of Defense will find itself extensively grilled about the basic constitutionality of the ban, I offer the following comments on the legislative findings of section 1177 of the defense bill:

Though article 8 of the Constitution clearly confers broad powers to Congress, Congress has traditionally delegated to the President, contrary to findings 1 and 3, broad discretion in enacting rules for the Armed Forces. In codifying the principles of the Secretary of Defense's July 19 directive, Congress is removing the Commander in Chief's flexibility in regulating and maintaining the Armed Forces.

If Congress is willing to codify the Secretary's directive on homosexual conduct, it should also codify other personnel directives, particularly those that pertain to heterosexual sexual misconduct. In codifying the July 19 directive, the Congress sends a signal that it considers the fear of homosexual sexual harassment more important than the reality of heterosexual sexual harassment, an issue vividly exemplified by the Tailhook incident, that we have scrutinized in far more detail and which, in my opinion, is a far greater problem for the military.

The second finding that there is no constitutional right to serve in the Armed Forces may or may not be valid. However, whether or not there is a constitutional right to serve is irrelevant to the question of whether a ban on service in the military by homosexuals is constitutional. Furthermore, as gay men and lesbians, both acknowledged and unacknowledged, have served their country with distinction for years, the burden of proof should rest on those opposed to their service to explain why they cannot serve.

Granted, the military discriminates against the nearsighted, the flatfooted, and those who are incapable of the physical and mental demands of military service. However, the continuing presence, with or without a ban, of gay men and lesbians who offer to die for their country while their country reviles them is not only the supreme act of courage but also evidence that they are indeed capable of such service. If we allow the military to discriminate against classes of individuals because there is no constitutional right to serve, there must be just cause. There is none for gay Americans, other than tired old stereotypes.

Findings 4 through 12 are true but imply that military service is so unique that homosexuals will be destructive to unit cohesion. Dr. David H. Marlowe, Department of Military Psychiatry at Walter Reed Army Institute of Research, testified at the full committee hearings that the impact of a homosexual on cohesion depends on whether or not the individual brought overly homosexual behaviors into the group. In other words, the impact of a gay individual on cohesion depended on both the gay individual's conduct—not her status—and the tolerance of those in the unit. A conduct-based policy that proscribes public affirmations of either heterosexual or homosexual orientation, as well as leadership that demands cooperation and tolerance, would be all that is necessary to preserve findings 4 through 12.

Finding 13 is particularly misleading. Though a ban on military service by homosexuals is longstanding practice, the rationale for the exclusion has changed over the years. In fact, the ban has been arbitrarily enforced. The finding implies that the prohibition against homosexual conduct has a longstanding record of reason, which has remained unchanged through the decades and continues to be necessary today because of the unique needs of the military. There is no empirical evidence to support this claim.

For instance, advocates of the ban claim that gay men are at higher risk for HIV infection. This was not true during the first 40 years of the ban's existence, when the human immunodeficiency virus did not exist, and, more important, we have never denied individuals enlistment because they might develop a medical condition. Should smokers be excluded? How about drinkers or those ethnic groups more susceptible to hereditary diseases?

Finding 15 disregards the findings of two reports undertaken by the Department of Defense itself, "Non-Conforming Sexual Orientations and Military Suitability" and "Homosexuality and Personnel Security," two GAO reports, "Defense Force Management: DOD's Policy on Homosexuality" and GAO's June 25, 1993 report on gays in foreign militaries. The recent GAO report concluded, after studying 25 countries and 4 of our allies in detail, "the military leadership's support of the new policy—of nondiscrimination against gays and lesbians—and the military's ability to keep a low profile on this issue" made the successful integration of gays and lesbians possible. Unfortunately, such was not the case in the United States, as senior military leaders opposed the President's intentions within 1 week after his election.

Finding 15 also disregards the conclusions of the $1.3 million Rand report, which, as I suspected when I first called for its release on June 23, advocates a complete rescission of the ban. Rand's recommendations were all but ignored by the Secretary of Defense's working group and the Joint Chiefs of Staff, but its conclusions are inescapable:

> In light of this research, the [RAND] team examined a range of potential policy options. Most of the options were judged to be either inconsistent with the President's directive, internally contradictory, or both. Only one policy option was found to be consistent with the findings of this research, with the criteria of the Presidential memorandum, and to be logically and internally consistent. That policy would consider sexual orientation, by itself, as not germane to determining who may serve in the military. The policy would establish clear standards of conduct for all military personnel, to be equally and strictly enforced, in order to maintain the military discipline necessary for effective operations. The option requires no major changes in other military personnel policies and no change in current law. The "not germane" option could be implemented without any changes to the administrative guidelines for prosecutions under the Uniform Code of Military Justice (UCMJ). However, several considerations lead to the conclusion that the policy would be more legally defensible and less costly and cumbersome to implement if the guidelines were revised to exclude private sexual behavior between consenting adults.
>
> Understanding Unit Cohesion: The principal conclusion from an extensive review of this literature is a commonsense observation: It is not necessary to like people in order to work with them, so long as members share a commitment to the group's objectives.

The Rand report also goes on to challenge the arguments of the ban's proponents, ranging from fear of increased HIV transmission to antihomosexual violence. I encourage my colleagues to read these sections, in particular. With respect to antihomosexual violence, Rand concluded:

> The experience of foreign militaries and police and fire departments suggests that if leaders make it quite clear that violence will not be tolerated and stern action will be taken, violence can be kept to a minimum.

Section 1177(b) of the bill all but mirrors the preexisting Department of Defense Directive 1332.14 of January 28, 1982. The policy, including the entry standards, required briefings, and rule of construction are, in my opinion, unconstitutional, and the courts should move swiftly to overturn them, as Members of Congress and the President, at the present time, do not have the courage to do it themselves.

The policy violates the Constitution's promise of equal protection guaranteed in the fifth and fourteenth amendments because it treats lesbians and gay men differently from their heterosexual colleagues. It violates first amendment guarantees of free speech for gay individuals, who wish to disclose even to their closest friends something elemental to their being. It also violates first amendment guarantees of freedom of religion because a gay individual who attends a metropolitan community church service, the largest gay organization in the United States, could meet the credible information standard necessary for investigation.

The Joint Chiefs assured the committee that this would not occur unless there was "a pattern of such behavior." Unfortunately, as the Subcommittee on Military Forces and Personnel Members insisted on reducing gay men and lesbians to hyperpoliticized sexual predators who only attend parades and bars, there was little incentive for uniformed leaders to explain what, in reality, constitutes such a pattern or how such a standard would respect the privacy and integrity of the individual.

I am also displeased that, in our rush to codify a policy concerning homosexuality in the Armed Forces, we have made no provisions to require that the Uniform Code of Military Justice be uniformly and equally enforced against heterosexuals and homosexuals, that witch hunts and Department of Defense money used to carry them out be suspended, and that the suspension of the question concerning sexual orientation during accession be codified.

Therefore, I urge my colleagues to support the Meehan amendment to strike the Nunn-Skelton language in the Defense bill because it will give the President, the Secretary of Defense, and the Joint Chiefs of Staff the flexibility to issue regulations that reflect the fundamental elements of the President's announced policy. In our rush to micromanage military personnel policy with respect to gays and lesbians, the Aspin directive is infinitely better than what the House and Senate Armed Services Committees have crafted and certainly better than the amendment offered by Mr. HUNTER to essentially codify the original ban.

The great irony of the Nunn-Skelton language in the Defense bill is that it ignores the valor of thousands of gay men and lesbians who served and fought in Operation Desert Storm. Some Reserve units even directed that all actions against gays and lesbians be suspended while Desert Storm was underway. What kind of policy is it that allowed and will, in reality, continue to allow gays and lesbians in the military during war as long as they are cashiered in times of peace? Such an arbitrary policy mocks the integrity of our outstanding military forces, the service of gay Americans, and the Constitution they are sworn to defend.

Mr. MINETA. Mr. Chairman, during the debate over ending discrimination against gays and lesbians in the U.S. military, some have questioned whether discrimination against gays and lesbians in the military is a civil rights issue. To me, there is no question that it is.

The civil rights movement, at its heart, is about the right of all Americans to be judged on their individual merits—not on the basis of whatever stereotype is currently attached to the population group to which they belong.

Make no mistake about it. That is what we are debating today, and to those of us who have been the targets of discrimination this debate is very familiar.

During the Second World War, when the United States Government decided that all Japanese-Americans were a categorical threat to the security of the United States, my family and I, along with 120,000 other Americans of Japanese ancestry, were forced from our homes and into internment camps. The fact that I was an American citizen made no difference.

Our loyalty to this country made no difference, our contributions to our communities made no difference, our rights under the Constitution made no difference—simply because by accident of birth we were of Japanese ancestry.

More than 50 years after that decision, this House is considering a bill that would send a similar message to gay and lesbian Americans. That message says this:

We do not care how qualified you are. We do not care how dedicated you are. We don't care how loyal you are to this Nation. Those things don't matter—because we do not want your kind here.

Mr. Chairman, as an American of Japanese ancestry, that policy sound hauntingly familiar to me. I know it will sound familiar to many of my colleagues who have themselves faced this kind of injustice.

I also know that such a policy should have no place in the laws of this Nation. I urge my colleagues to join me in voting to remove it by supporting the Meehan amendment.

Mr. FOGLIETTA. Mr. Chairman, I rise in favor of the Meehan-Fazio amendment and in opposition to the Hunter amendment.

I served for 12 years on the House Armed Services Committee. Stereotypes about the men and women in the military were destroyed—they are strong, smart, and loyal people. As they have in the past, they will accept the law as we state it—and I believe they want to put this issue behind them.

The issue is not whether gays and lesbians serve in the military. They have. They do. They will. They have done so honorably and with distinction. Many have served as heroes.

The issue is that the existing policy—and the policy of the Skelton and Hunter amendments—demands that these men and women hide their identities. It is basic public policy to use the truth as a tool in making law. The do-tell, do-pursue policy turns that policy on its head. It makes lying and deceit the law.

That is not the way we do things in America. Let us break down more barriers; let us stop discrimination; I urge my colleagues to vote in favor of the Meehan-Fazio amendment.

The CHAIRMAN pro tempore [Mr. DURBIN]. Under the rule, all time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. MEEHAN].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MEEHAN. Mr. Chairman, I demand a recorded vote. A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 264, not voting 5, as follows:

[Roll No. 460]

AYES—169

Abercrombie
Ackerman
Andrews (ME)
Applegate
Bacchus (FL)
Barca
Barrett (WI)
Becerra
Beilenson
Berman
Blackwell
Boehlert
Bonior
Brown (CA)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Condit
Coppersmith
Coyne
de Lugo (VI)
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Grandy
Green
Gunderson
Gutierrez
Hamburg
Harman
Hastings
Hilliard
Hinchey
Hoagland
Hochbrueckner
Horn
Hoyer
Huffington
Inslee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kreidler
Lantos
LaRocco
Leach
Levin
Lewis (GA)
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Pickle
Rangel
Reed
Reynolds
Richardson
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Skaggs
Slaughter
Smith (IA)
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Thompson
Torkildsen
Torres
Torricelli
Towns
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Woolsey
Wyden
Wynn
Yates

NOES—264

Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chapman
Clement
Clinger
Coble
Coleman
Collins (GA)
Combest
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLay
Derrick
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Hefner
Herger
Hobson
Hoekstra
Hoke
Holden
Houghton
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kim
King
Kingston
Klein
Klink
Klug
Knollenberg
Kolbe
Kyl
LaFalce
Lambert
Lancaster
Laughlin
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Machtley
Mann
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Natcher
Neal (NC)
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Traficant
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—5

Conyers
McDade
Owens
Rose
Underwood (GU)

☐ 1501

Mr. DICKS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2 printed in part 1 of House Report 103–252.

AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HUNTER:

In section 575, at the end of subsection (c) of section 654 of title 10, United States Code, as proposed to be added by subsection (a) of that section (page 203, after line 15), insert the following new paragraph:

"(3) As part of the process for enlistment or appointment of a person as a member of the armed forces, the Secretary concerned shall, before the enlistment or appointment, ask the person (1) whether the person is a homosexual or bisexual, and (2) whether the person engages in homosexual acts or intends to engage in, or has a propensity to engage in, homosexual acts."

In section 575(d), strike out "sense of Congress that—" (page 205, beginning on line 18) and all that follows through "(2) the Secretary" (page 206, line 5) and insert in lieu thereof "sense of Congress that the Secretary".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from California [Mr. HUNTER] will be recognized for 5 minutes, and the gentleman from Missouri [Mr. SKELTON] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Mr. Chairman, I have agonized over this vote now for some time, and I have searched my conscience and gone back and forth, and have tried to decide what is the right way to deal with this issue and how to vote on the issue of gays and lesbians in the military.

I wish we did not have to vote on an issue like this. But the fact is, that is what we are elected to do. Some people in this country can duck this issue, but we cannot.

Mr. Chairman, what I want to say is I care about homosexuals as a people, and I detest the hate and the meanness and the polarization that surrounds them and the issue and issues like this that are related to them. But I cannot support their lifestyle and their agenda, and I think that is what you and I are being asked to do today.

Mr. Chairman, I believe that lifestyle is not compatible with the military life, and for that reason I support the Hunter amendment.

Mr. Chairman, I do not want to compromise. I do not want to accommodate an agenda that I disagree with. I say that if we cave in on this one, if we compromise on this issue, I wonder what is next.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I rise in opposition to the Hunter amendment. This has not been an easy decision for any of us who sit on the Committee on Armed Services and have, through personal reflections and discussions with a wide range of people and their views, including our pastors and others, about the issue of gays in the military. But I believe the Nunn-Skelton amendment is the proper approach. It is a very carefully crafted amendment that will stand legal scrutiny. It does eliminate the screening question of sexual orientation, and, therefore, discrimination. But it is one that puts conduct, not preference, as the standard by which we judge. There is bipartisan support for this amendment.

The Hunter amendment undermines the bipartisan consensus that we have achieved, and, in my opinion, will invite a successful legal challenge.

Mr. Chairman, if you want to end this ugly and divisive debate, I would urge my colleagues to support the Skelton-Nunn amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I rise today in opposition to the Hunter amendment. We should never, never support discrimination.

I want to read from a letter from a constituent of mine who is a senior ranking officer in the Air Force, the U.S. Air Force:

> Gay people are in our families, our churches, our schools, and our neighborhoods. They have the right and they have the duty to defend their country alongside their brothers and sisters. You know someone who is gay, you love them, or respect them, or both. Do this for them and the military and because Americans should stand up against discrimination against any group.

I keep hearing that homosexuality is incompatible with military service. Well, my constituent is an officer who has served with distinction. She has been promoted by her superiors. She is a credit to the uniform. And she is a lesbian.

What if my constituent had been required to announce her sexual orientation, as with the Hunter amendment? This country would have lost a soldier of great value.

I am proud of her. I am proud of all the members of our armed services. We know that gays and lesbians are serving in these forces, and we know that we have the most capable armed service in the world. Let us keep it that way. Today we have an opportunity to vote "yes" for justice by voting "no" on Hunter.

□ 1510

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, let me state very clearly and very succinctly why it is the ethical thing to do to ask military recruits if they are homosexual and why I support the Hunter amendment.

There are a lot of confused young people in this country. I read on the front page of the Washington Post that high school kids in the Commonwealth of Virginia are opting for bisexuality because it is "trendy." It is cute; it is in vogue.

In my nacent city, the Big Apple, there is a high school for only children who have expressed that they are lesbians or male homosexuals.

This is an age of confusion. If our armed services' language says that homosexuality in incompatible and the gentleman from Missouri [Mr. SKELTON], his well-thought-out views based on hours and hours of hearings, says the exact same thing, we owe it to these young people to tell them, "We don't want you in the military."

And some of them will say, "I didn't know that. I thought the President said it was cool. Thank you. I will go elsewhere."

But if we shave their heads, put them in baggy fatigues and, 6 weeks after they are in, tell them, "We don't want you," then they have to ask for an administrative discharge which happens all the time. And our taxpayers pay the money to kick them out after the fact.

Ask. It is the moral thing to do.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, this is not a vote about civil rights. The Chairman of the Joint Chiefs of Staff, who is an African-American, has disavowed that issue. It is not a vote about whether homosexuals can, or could serve ably in the military. I would stipulate that they have in the past, and they could in the future.

This is a vote about what is best for the military. Military necessity says that we should not allow homosexuals to openly serve in the military. Every military leader has said that, most on the record, all off the record. Poll after poll that has been taken of the military indicates that.

I do not think that we can compromise, as the gentleman from Missouri [Mr. SKELTON] is attempting to do, on issues of principle and morality.

Homosexuality is an abomination. We should vote to codify the ban against homosexuals serving in the military. We should vote for the Hunter amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS of Texas. Mr. Chairman, sometimes common sense needs to win out over political posturing. Now is one of those times. This is why I urge my colleagues to vote no on the Hunter amendment.

This amendment is unnecessary for a simple reason. It would be totally ineffective. If one is a homosexual and wants to serve in the military, they are filling out the application, would they say they were a homosexual? Absolutely not.

The Hunter amendment would not only be ineffective, it would be counterproductive.

The Joint Chiefs of Staff, under the leadership of Colin Powell, has said as much.

Members, if we want to spend more tax dollars on lawsuits defending this policy and this law, vote "yes" on the Hunter amendment. If we want to spend our tax dollars providing for military manpower and training to save lives, I urge my colleagues to vote "no" on the Hunter amendment.

Mr. HUNTER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from California [Mr. HUNTER] is recognized for 2 minutes.

Mr. HUNTER. Mr. Chairman, this amendment asks the question. It is directly against President Clinton's new policy, "Don't ask, don't tell."

It does no injury to the Nunn-Skelton language. It is exactly the Nunn-Skelton language with the question asked.

Let me just rebut the last speaker. This thing was put into effect by President Reagan because it was necessary and because it did work, because we had homosexual activities with nonconsenting young people in the military going up at a rapid rate.

If Members look at this chart, they can see that. The tip of that peak is 1981, when the policy was put in place by President Reagan. And homosexual events, many of them against young people in the military, went straight down hill.

Very simply, my colleagues, this policy was put in place because it worked. If we want to accommodate President Clinton, then vote no on the Hunter amendment. If we want to protect the children of the families who sit around the breakfast table and send their kids to serve in the Armed Forces of the United States, vote yes.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Let me say that I rise in very strong opposition to my good friend from California.

Senator NUNN, from my State, spent a long time looking at this issue. The Committees on Armed Services in both Houses spent a long time looking at this issue.

It is a painful, difficult, and an emotional issue that goes to the heart of human lives.

A very tough, very specific policy was adopted. It is in the base of this committee bill for which I commend the chairman and the ranking member. It was adopted by the Senate overwhelmingly. To go beyond that position strikes me as radically too far, unnecessary, and inappropriate.

I think that the militarily correct thing to do and the correct thing to do for this country is to vote no on the Hunter amendment and to vote for the gentleman from Missouri [Mr. SKELTON], when that time comes.

Mr. SKELTON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this amendment would create a direct conflict and a distinction between conduct on the one hand and orientation on the other. Leading constitutional scholars, the Attorney General, the Justice Department feel that it would raise a serious constitutional question.

If Members want to put this debate to an end, if they want to have no constitutional question involved, the Skelton language is what we should adopt. And we should reject this.

In addition, this will prove to be a delay, because it will be dragged through the courts for time immemorial. This amendment also suggests that homosexual men and women will only understand that homosexual conduct is prohibited in the military if they are asked about their sexual orientation.

I urge a no vote on this, the Hunter amendment.

Mr. PACKARD. Mr. Chairman, I support the amendment offered by DUNCAN HUNTER to reverse the military's current "don't ask" policy.

I am very pleased that the Armed Services Committee included language in the bill to codify the ban against homosexuals in the military. However, I am disappointed that the committee failed to include a provision codifying the Pentagon's previous policy to ask recruits, at the time of enlistment, if they are homosexual.

Since the committee has so conclusively determined that homosexuality is not compatible with military service, it doesn't make sense to toss aside part of the ban while retaining the major portion of it.

Extensive hearings have proven what I have always held, that homosexuality has no part in our Armed Forces. I strongly encourage my colleagues who support the ban to support this amendment. We must retain the whole ban, not just part of it.

Mr. Chairman, I would also like to submit a copy for the RECORD of a statement I made earlier on this issue:

STATEMENT OF HON. RON PACKARD, AUGUST 4, 1993

Mr. Speaker, I rise today in strong support of a provision in the Defense Authorization Act to codify the ban on homosexuals serving in the military.

Our military is under attack from the liberals in Congress and from the Clinton administration, seriously undermining the morale and readiness of our Armed Forces.

Service in the Armed Forces is unique and unparalleled in civilian society. More than any other single factor, military unit cohesion is paramount to the success or failure of America's defense. But there are those among our country's leadership who would destroy that cohesion.

Combat ability is unalterably tied to mutual trust and confidence among servicemembers. Extensive hearings and studies have decisively proven that the presence of known homosexuals within a unit will undermine that trust and confidence, endangering the entire unit and compromising our military mission.

From the lowest grunt to the highest commander, our military men and women have expressed time and time again that homosexuality is in no way compatible with military service.

The ban on homosexuals must remain intact for the military to maintain combat readiness in defense of our country. We can not allow the radical gay and lesbian activists to use the military as a lab to conduct their social experiments. I strongly urge my colleagues to support language in the defense authorization bill that codifies the ban.

The CHAIRMAN pro tempore. Pursuant to the rule, all time has expired on the amendment offered by the gentleman from California [Mr. HUNTER].

The question is on the amendment offered by the gentleman from California [Mr. HUNTER].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 144, noes 291, not voting 3, as follows:

[Roll No. 461]

AYES—144

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boehner
Bonilla
Brewster
Browder
Bunning
Burton
Buyer
Callahan
Camp
Canady
Coble
Collins (GA)
Combest
Cooper
Cox
Cramer
Crane
Crapo
Cunningham
de la Garza
DeLay
Derrick
Diaz-Balart
Dickey
Doolittle
Dornan
Duncan
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Franks (CT)
Gallegly
Gekas
Geren
Goodlatte
Goss
Grams
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hoekstra
Holden
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
King
Kingston
Knollenberg
Lancaster
Levy
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McHugh
McInnis
McKeon
McMillan
Mica
Miller (FL)
Moorhead
Myers
Ortiz
Packard
Parker
Paxon
Petri
Pombo
Portman
Quillen
Quinn
Rahall
Ravenel
Roberts
Rogers
Ros-Lehtinen
Roth
Royce
Sarpalius
Schaefer
Sensenbrenner
Shaw
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Valentine
Volkmer
Vucanovich
Walker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—291

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Ballenger
Barca
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Calvert
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Farr

Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Horn
Houghton
Hoyer
Huffington
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
Kleczka
Klein
Klink
Klug
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Orton
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rohrabacher
Romero-Barcelo (PR)
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Velazquez
Vento
Visclosky
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—3

McDade
Olver
Underwood (GU)

☐ 1537

Mr. RANGEL changed his vote from "aye" to "no."

Mr. COOPER and Mr. DE LA GARZA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 3 printed in part 1 of House Report 103–252.

AMENDMENT OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SKELTON: Strike out section 575 (page 198, line 7, through page 206, line 11) and insert in lieu thereof the following:

SEC. 575. POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.

(a) CODIFICATION.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 654. Policy concerning homosexuality in the armed forces

"(a) FINDINGS.—Congress makes the following findings:

"(1) Section 8 of article I of the Constitution of the United States commits exclusively to the Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

"(2) There is no constitutional right to serve in the armed forces.

"(3) Pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the armed forces.

"(4) The primary purpose of the armed forces is to prepare for and to prevail in combat should the need arise.

"(5) The conduct of military operations requires members of the armed forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

"(6) Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

"(7) One of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of the individual unit members.

"(8) Military life is fundamentally different from civilian life in that—

"(A) the extraordinary responsibilities of the armed forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a specialized society; and

"(B) the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

"(9) The standards of conduct for members of the armed forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the armed forces.

"(10) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the armed forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

"(11) The pervasive application of the standards of conduct is necessary because members of the armed forces must be ready at all times for worldwide deployment to a combat environment.

"(12) The worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the armed forces in actual combat routinely make it necessary for members of the armed forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

"(13) The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service.

"(14) The armed forces must maintain personnel policies that exclude persons whose presence in the armed forces would create an unacceptable risk to the armed forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(15) The presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(b) POLICY.—A member of the armed forces shall be separated from the armed forces under regulations prescribed by the Secretary of Defense if one or more of the following findings is made and approved in accordance with procedures set forth in such regulations:

"(1) That the member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts unless there are further findings, made and approved in accordance with procedures set forth in such regulations, that the member has demonstrated that—

"(A) such conduct is a departure from the member's usual and customary behavior;

"(B) such conduct, under all the circumstances, is unlikely to recur;

"(C) such conduct was not accomplished by use of force, coercion, or intimidation;

"(D) under the particular circumstances of the case, the member's continued presence in the armed forces is consistent with the interests of the armed forces in proper discipline, good order, and morale; and

"(E) the member does not have a propensity or intent to engage in homosexual acts.

"(2) That the member has stated that he or she is a homosexual or bisexual, or words to that effect, unless there is a further finding, made and approved in accordance with procedures set forth in the regulations, that the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

"(3) That the member has married or attempted to marry a person known to be of the same biological sex.

"(c) ENTRY STANDARDS AND DOCUMENTS.—(1) The Secretary of Defense shall ensure that the standards for enlistment and appointment of members of the armed forces reflect the policies set forth in subsection (b).

"(2) The documents used to effectuate the enlistment or appointment of a person as a member of the armed forces shall set forth the provisions of subsection (b).

"(d) REQUIRED BRIEFINGS.—The briefings that members of the armed forces receive upon entry into the armed forces and periodically thereafter under section 937 of this title (article 137 of the Uniform Code of Military Justice) shall include a detailed explanation of the applicable laws and regulations governing sexual conduct by members of the armed forces, including the policies prescribed under subsection (b).

"(e) RULE OF CONSTRUCTION.—Nothing in subsection (b) shall be construed to require that a member of the armed forces be processed for separation from the armed forces when a determination is made in accordance with regulations prescribed by the Secretary of Defense that—

"(1) the member engaged in conduct or made statements for the purpose of avoiding or terminating military service; and

"(2) separation of the member would not be in the best interest of the armed forces.

"(f) DEFINITIONS.—In this section:

"(1) The term 'homosexual' means a person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts, and includes the terms 'gay' and 'lesbian'.

"(2) The term 'bisexual' means a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.

"(3) The term 'homosexual act' means—

"(A) any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires; and

"(B) any bodily contact which a reasonable person would understand to demonstrate a propensity or intent to engage in an act described in subparagraph (A).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"654. Policy concerning homosexuality in the armed forces.".

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall revise Department of Defense regulations, and issue such new regulations as may be necessary, to implement section 654 of title 10, United States Code, as added by subsection (a).

(c) SAVINGS PROVISION.—Nothing in this section or section 654 of title 10, United States Code, as added by subsection (a) may be construed to invalidate any inquiry, investigation, administrative action or proceeding, court-martial, or judicial proceeding conducted before the effective date of regulations issued by the Secretary of Defense to implement such section 654.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the suspension of questioning concerning homosexuality as part of the processing of individuals for accession into the Armed Forces under the interim policy of January 29, 1993, should be continued, but the Secretary of Defense may reinstate that questioning with such questions or such revised questions as he considers appropriate if the Secretary determines that it is necessary to do so in order to effectuate the policy set forth in section 654 of title 10, United States Code, as added by subsection (a); and

(2) the Secretary of Defense should consider issuing guidance governing the circumstances under which members of the Armed Forces questioned about homosexuality for administrative purposes should be afforded warnings similar to the warnings under section 831(b) of title 10, United States Code (article 31(b) of the Uniform Code of Military Justice).

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Missouri [Mr. SKELTON] will be recognized for 5 minutes, and a Member in opposition, the gentleman from Massachusetts [Mr. FRANK], will be recognized for 5 minutes.

The Chair recognizes the gentleman from Missouri [Mr. SKELTON].

□ 1540

Mr. SKELTON. Mr. Chairman, in offering this amendment I seek to reaffirm the language on homosexuals in the military that was reported by the Committee on Armed Services.

In offering this amendment, I and the Committee on Armed Services seek to finally close the door on this painful issue. It is a matter of conduct, it is a matter of unit cohesion, it is a matter that strikes at the very heart of success in combat. Second place does not count on the battlefield.

It is my hope that we will be able to put an end to this debate and the issue today, this afternoon.

Mr. Chairman, for purposes of debate, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Nunn/Skelton amendment. We had vast committee hearings on this particular issue. Colin Powell, the chairman of the Joint Chiefs of Staff made a statement to the chairman that I did not feel that this language was in his heart. And the chairman looked at me and said, "Duke, believe it, this is."

It mandates that recruits be given clear statements that any homosexual activity is not tolerated. The Joint Chiefs of Staff also told me that to make sure this is not a progressive amendment; we do not issue homosexual marriages in the military. No commissary, medical privileges for homosexuals; not a foot in the door. And that is the key.

The liberals will try and take this one step further. I do not believe that this amendment allows for that.

Mr. Chairman, I rise in support of my colleague, the gentleman from Missouri [Mr. SKELTON], and the gentleman from Georgia [Senator NUNN].

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the delegate from the District of Columbia [Ms. NORTON].

Ms. NORTON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Meehan amendment because only this amendment is defensible. I did not support the Clinton compromise with the Joint Chiefs on gays and lesbians in the military now in effect. The Meehan amendment, however, at least blocks action that would take the services back in the direction from which they have just come.

The cold war is over, but I assumed that, with downsizing, military personnel had more than enough to keep them busy. The Hunter amendment and the Nunn/Skelton amendment still allow the sexual orientation question to be asked and scarce resources to be spent chasing gays and lesbians for private consensual acts and speech.

If the military wants to get into the sex business, let the military police chase the documented, widespread sexual harassment that pervades much of its ranks.

In the military, personnel matters almost never are pursued though statute but are treated like the President's Executive order or through regulations. In a free society, personal, consensual, adult conduct should not be pursued at all.

This issue has been tortured enough. It adds insult to torture to codify Hobson's choices for people whose generosity and patriotism lead them to volunteer to serve their country.

Enough damage has been done. Leave it alone. Enact the Meehan amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from the State of Washington [Mr. DICKS].

Mr. DICKS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to rise here today in strong support of the amendment that has been crafted by Congressman IKE SKELTON and the chairman of the Committee on Armed Service in the other body.

I want to commend the Committee on Armed Services for the job that they have done on this issue. I think on both sides of the aisle we have had cooperation in drafting this language. And I want my colleagues to remember that this is supported by the President of the United States; by our former colleague, Les Aspin, the Secretary of Defense; by the Joint Chiefs of Staff. And I know there are people who have very strong views on this, as we have heard earlier in the debate, honest, well-intentioned views. This obviously is a compromise.

But I think it is a good one, and I want to commend my friend, the gentleman from Missouri [Mr. SKELTON] for the hours and hours and hours that he worked on trying to fashion this compromise. He has done a good job for all of us today in this body.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Massachusetts [Mr. FRANK] has 4 minutes remaining; the gentleman from Missouri [Mr. SKELTON] has 2½ minutes remaining and has the right to close.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, I want to begin by expressing my respect and admiration for the very hard work and very sincere work done by the gentleman from Missouri [Mr. SKELTON] on this, the gentleman from California [Mr. DELLUMS] also, the chairman of the full committee, and the chairman of the subcommittee. I have not agreed with the gentleman from Missouri, but I admire the work he did.

Now, to explain the parliamentary situation, which may be a little complicated: If this amendment is agreed to, it will be the language of the bill. On the other hand, if this amendment is defeated, it will be the language of the bill.

This is the language that is already in the bill. It is an amendment to put into the bill the language that is already there. So you can defeat it and have the language that is in there, or pass it and have the language that is in there.

There are reasons that many Members have for wanting to have the vote, and I support those reasons and I think it is appropriate.

I want to make a case for the negative vote.

Those who voted for the amendment offered by my colleague from Massachusetts [Mr. MEEHAN] should vote against this. We are talking here about what the opinion of the House is. Let us be very clear what we are talking about. Those of us who want the ban lifted agree even more than many of the Joint Chiefs, I will tell you, that inappropriate sexual behavior ought to be banned by the U.S. armed services. Many of us feel that they have erred on the side of too little in that regard, not too much.

This is not a request that anyone be allowed to impose himself or herself sexually on another. We insist that, particularly in the close quarters in the armed services, strict respect be enforced.

The question is this: Take a young gay man or a young lesbian who wants to serve his or her country, who is motivated by the same patriotism, the same desire for self-improvement, the same love of country and love of adventure and willingness to sacrifice that any other individual has, and let that individual have the same opportunity that anyone else has and subject him or her to the same rules. If he or she behaves inappropriately toward any other, kick him out. But if that individual is prepared to come into the military and put on the uniform and abide by every rule of conduct while on duty, is prepared to be wholly scrupulous in his or her respect for the rights of others, and then on leave, off the base, on his or her time, which is free, decides in the privacy of her home, in the quietude of his social gathering place to express love for another individual that some people here do not approve of, let us kick him out; let us declare that anyone who dare express affection for another human being discreetly, privately, consensually, on private property on a weekend in his or her own home, let us punish that person by degrading them and kicking them out of the armed services of the United States no matter how patriotic, no matter how committed to country, because that is the policy you are being asked to approve.

□ 1550

That is indisputable. We are not talking about allowing anyone to behave inappropriately. We are talking about those young people who want to behave appropriately, who are prepared, in fact, to make a sacrifice, to confine their own expression of their sexual orientation to moments of privacy away from others, and they are being denied even that.

I tell those of you who say that you underestimate the commitment of the American people to the principles of fairness and acceptance of others, and I say that, as I said before, from personal experience. I hesitated a long time before acknowledging that I am gay. I feared an automatic negative reaction, and I am proud to be able to tell you on behalf of my fellow citizens that I have not had it. People no less judge me by who I am today than they did before I made that acknowledgement.

Do not deny patriotic young people the same opportunity I had.

Mr. SKELTON. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, let me refresh the memory of this body as to what is contained in this amendment. The provision would set out the fundamental difference between military and civilian life and make clear the importance of preserving high standards and moral, discipline and unit cohesion.

The provision would require separation if the Member has engaged in, attempted to engage in or solicited another to engage in a homosexual act.

It states that he or she as a homosexual or bisexual who marries or attempts to marry a person known to be of the same biological sex.

This is codifying what the law should be.

This is an important issue that has captured the time and minds and imagination all across this land.

Now is the time to put an end to this debate.

Mr. Chairman, there is no constitutional right to serve in the Armed Forces.

Mr. Chairman, the primary purpose of our Armed Forces is to prepare for and prevail in combat.

Mr. Chairman, the conduct of military operations requires members of the Armed Forces to make extraordinary sacrifices. Success in combat requires military units that are characterized by high morale, good order, discipline and unit cohesion.

As of this moment, the Armed Forces of the United States are as fine as they have ever been, and they are the finest in this world. Let us not split them asunder. Let us keep them strong. Let us not have the possibility of tearing their unit cohesion apart. We cannot afford that.

Mr. Chairman, I stand shoulder to shoulder with the Joint Chiefs of Staff, their Chairman Colin Powell, our Secretary, our President; but most of all, I stand with the young men and the young women who feel very strongly about this issue that homosexual conduct has no place in the uniform of the United States of America.

Mr. Chairman, I urge a yes vote on my amendment.

Mrs. LLOYD. Mr. Chairman, when the President first presented the country and Congress with his proposal to open service to homosexuals, I clearly stated my opposition. I remain opposed to this policy change.

Over the past 8 months, the House Armed Services Committee wrestled with the President's proposal. We sought testimony and expertise from the Joint Chiefs, from the Secretary, and from the individual servicemember. We further sought outside testimony from doctors, psychologists, retired military, and gay and lesbian activists. No stone was left unturned in our quest for a complete understanding of the compatibility of homosexuality and military service.

The committee concluded, and very rightly so, that homosexuality is incompatible with military service. The U.S. military offers unique opportunities for men and women who want to serve. But at the same time, the environment, both social and professional, is equally as unique and commands special attention. Unit cohesion and morale are perhaps the two most important elements of a successful fighting force. While advanced, high-quality equipment definitely contributes to overall capability, the ability of the men and women who serve to conduct themselves with dignity and bravery is most vital.

Every servicemember I have spoken with has expressed uneasiness over any changes to the policy banning service by homosexuals. The slightest distraction to any serviceperson in any military situation could be fatal. As a member of the committee who oversees our military, I cannot expose our troops to that risk. At the same time, I am respectful of the fact that there are many who do not share my opinion and who believe that the ban should be eliminated.

The Skelton-Nunn amendment which we are voting on today, should put this tired, divisive issue to rest. I feel in many ways that this language improves upon the old ban. The intent of the old ban, to remove known homosexuals from the military, remains intact. With the passage of the Skelton-Nunn language, if a servicemember is found out to be homosexual, that person will be separated. Also, while not mandating it, the amendment allows the Secretary to reinstate the questioning of one's sexual orientation, if deemed appropriate. Most importantly, the Joint Chiefs of Staff have told us that these changes are workable and enforceable.

The amendment clears up the question of constitutionality and the ban. There is no constitutional right to serve in the military. The Skelton-Nunn language offers clear outlines as to what is considered homosexual behavior. The gray area has been removed. Conduct is the sole basis for judgment and with the guidelines in this legislation, the courts will have the necessary guidance to rule appropriately on contested cases.

Mr. Chairman, the Hunter amendment, should it be adopted, reopens the months of debate on this very divisive issue. It undermines all the tireless efforts of Representative SKELTON and Senator NUNN in developing this workable proposal. For too long, the future shape of our national defense has been held up by this issue. The attention of the country has been distracted from more pressing matters. Let us put this matter behind us, approve the tough Skelton-Nunn language, pass the bill and move on to other things.

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendment offered by the gentleman from Missouri [Mr. SKELTON].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SKELTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 301, noes 134, not voting 3, as follows:

[Roll No. 462]

AYES—301

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLay
Derrick
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Faleomavaega (AS)
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Hefner
Herger
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kopetski
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Machtley
Mann
Manton
Manzullo
Martinez
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Menendez
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Natcher
Neal (NC)
Nussle
Obey
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Sensenbrenner
Sharp
Shaw
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torricelli
Traficant
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—134

Abercrombie
Ackerman
Andrews (ME)
Bacchus (FL)
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Blackwell
Boehlert
Brown (CA)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Clay
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
de Lugo (VI)
DeFazio
DeLauro
Dellums
Deutsch
Dixon
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gilman
Gonzalez
Gunderson
Gutierrez
Hamburg
Harman
Hastings
Hilliard
Hinchey
Horn
Huffington
Johnson (CT)
Johnson, E.B.
Johnston
Kennedy
Kennelly
Kolbe
Kreidler
Leach
Lewis (GA)
Lowey
Maloney
Margolies-Mezvinsky
Markey
Matsui
McCloskey
McDermott
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley
Moran
Morella
Nadler
Neal (MA)
Norton (DC)
Oberstar
Olver
Owens
Pallone
Payne (NJ)
Pelosi
Pickle
Rangel
Reed
Reynolds
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Schenk
Schroeder
Schumer
Scott
Serrano
Shays
Shepherd
Skaggs
Slaughter
Smith (IA)
Smith (OR)
Stark
Stokes
Studds
Swift
Synar
Thompson
Torkildsen
Torres
Towns
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Williams
Woolsey
Wyden
Yates

NOT VOTING—3

Istook
McDade
Underwood (GU)

□ 1611

Messrs. HILLIARD, SYNAR, BERMAN, and RUSH, Ms. SLAUGHTER, and Mrs. KENNELLY changed their vote from "aye" to "no."

Mr. FAWELL changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ISTOOK. Mr. Chairman, I was unavoidably detained outside of the Capitol building during the last vote on the Skelton amendment. Had I been present, my vote would have been aye.

The CHAIRMAN pro tempore. (Mr. DURBIN). It is now in order to consider the amendment printed in part 2 of House Report 102-252.

AMENDMENT OFFERED BY MR. GEPHARDT

Mr. GEPHARDT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

Amendment offered by Mr. GEPHARDT:

At the end of title X (page 346, after line 23), insert the following new section:

SEC. 1043. INVOLVEMENT OF ARMED FORCES IN SOMALIA.

(a) SENSE OF CONGRESS REGARDING UNITED STATES POLICY TOWARD SOMALIA.—

(1) Since United States Armed Forces made significant contributions under Operation Restore Hope toward the establishment of a secure environment for humanitarian relief operations and restoration of peace in the region to end the humanitarian disaster that had claimed more than 300,000 lives.

(2) Since the mission of United States forces in support of the United Nations appears to be evolving from the establishment of "a secure environment for humanitarian relief operations," as set out in United Nations Security Council Resolution 794 of December 3, 1992, to one of internal security and nation building.

(b) STATEMENT OF CONGRESSIONAL POLICY.—

(1) CONSULTATION WITH THE CONGRESS.—The President should consult closely with the Congress regarding United States policy with respect to Somalia, including in particular the deployment of United States Armed Forces in that country, whether under United Nations or United States command.

(2) PLANNING.—The United States shall facilitate the assumption of the functions of United States forces by the United Nations.

(3) REPORTING REQUIREMENT.—

(A) The President shall ensure that the goals and objectives supporting deployment of United States forces to Somalia and a description of the mission, command arrangements, size, functions, location, and anticipated duration in Somalia of those forces are clearly articulated and provided in a detailed report to the Congress by October 15, 1993.

(B) Such report shall include the status of planning to transfer the function contained in paragraph (2).

(4) CONGRESSIONAL APPROVAL.—Upon reporting under the requirements of paragraph (3) Congress believes the President should by November 15, 1993, seek to receive congressional authorization in order for the deployment of United States forces to Somalia to continue.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from

Missouri [Mr. GEPHARDT] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

Mr. STUMP. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN pro tempore. The gentleman from Arizona [Mr. STUMP] will be recognized for 30 minutes in opposition.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, for purposes of debate only, I wish to yield half my time in support of this amendment to my distinguished colleague, the gentleman from New York [Mr. GILMAN], the ranking member of the Committee on Foreign Affairs, for purposes of yielding time.

The CHAIRMAN pro tempore. Without objection, the gentleman from New York [Mr. GILMAN] will be recognized for 15 minutes.

There was no objection.

Mr. GEPHARDT. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Indiana [Mr. HAMILTON], the chairman of the Committee on Foreign Affairs.

Mr. HAMILTON. Mr. Chairman, I thank the distinguished majority leader for yielding.

Mr. Chairman, I rise in support of the amendment, because it achieves several important aims. First of all, it requires the President to report to the Congress on the goals and objectives of United States deployment in Somalia. It mandates the Congress to authorize the continued deployment of United States forces in Somalia. It facilitates the United Nations assuming the functions now performed by the United States Armed Forces. Finally, the amendment preserves a bipartisan approach to United States policy in Somalia.

Now, I have some questions about this amendment. It is not perfectly drafted, as far as I am concerned. It is incomplete and one-sided. It is the account of the history of our involvement in Somalia. The timetable in it I think is unrealistic, and it does not adequately state the role of the Congress.

But putting those concerns aside, I want to remind my colleagues that we voted in May to authorize United States participation in the U.N. mission in Somalia. In doing that, the House did what it was supposed to do: we authorized the deployment of U.S. forces for combat purposes overseas. The Senate has that legislation before it, and the Senate should act.

Without going into a lot of the history of the United States involvement in Somalia, let me really make a single point. We went into Somalia by order of President Bush for two purposes: to create a secure environment so that food could move to the people in Somalia. The President stated that very carefully in December. Then when the U.N. Security Council Resolution 794 was adopted in December 1992, those purposes were restated. And I use the words of the U.N. resolution now, use force, if necessary, "to secure the environment for humanitarian relief operations". Then after Operation Restore Hope was ended and U.N. Security Council Resolution 814 came into effect, setting up UNOSOM II, the United States role in Somalia became more limited than it has been under Operation Restore Hope. It was limited in two specific ways: we have withdrawn now 80 percent of our forces, so we have had fewer forces under UNOSOM II than in Operation Restore Hope. We had 28,000 United States troops in Somalia last December. Today that figure is about 5,000.

But not only was there a limitation with respect to the numbers. We also reduced our costs. The United States was responsible for the entire cost under Operation Restore Hope. Under UNOSOM II we were responsible only for the U.N.-assessed rate, and we are reimbursed for our logistic troop contribution.

I do not believe that the United States should be engaged in nation building in Somalia. That is the task of the United Nations. That is not the task of the United States. The mission for the United States remains today exactly what it was when we went in: to ensure a secure environment for humanitarian relief.

We have achieved the humanitarian relief. There is no starvation today in Somalia. We have almost achieved the secure environment, but not quite. We have made a lot of progress in Somalia. No longer is there mass starvation. In half of Somalia's 60 districts, representative councils are functioning, schools and hospitals are opening, thousands of people have been spared from starvation, and efforts are underway to rehabilitate the country's police force and the prison system.

Where do we go from here? There is no doubt that we have got a difficult problem in the southern part of the capital city, Mogadishu, and our goal should be to reduce and to eliminate the United States military presence in Somalia as soon as possible.

We are clearly moving in that direction. The objectives of the United States and Somalia should be what they have always been, to establish a secure environment so that humanitarian relief can flow.

United States interests are going to suffer if there is an immediate and precipitous withdrawal from Somalia. It is in the U.S. interests that the U.N. become successful at the business of peacekeeping so that we do not always have to go it alone in the world, so that we do not have to be the world's policeman.

In addition, we have invested a large amount of capital and resources, and, indeed, some lives, in an effort to end the starvation and to provide some stability in that country. If we pull out immediately, anarchy will return swiftly, and our past investment will be lost.

We should not sacrifice the substantial gains that have been made in the last 10 months. I urge adoption of this amendment.

No one can deny that efforts to achieve progress in Somalia under Security Council Resolution 814 have been difficult. This is the first U.N.-led chapter VII enforcement action. It is critical that it achieve success, because it is in the U.S. interest that the U.N. become successful at peacekeeping. The United States cannot and should not be the world's policeman.

At the end of Operation Restore Hope, the United States found itself in a difficult position. Without continued international involvement, the gains achieved in Somalia would be jeopardized. The United Nations was ready to assume precedent-setting control of the operation. At the same time, the U.N. acknowledged its need for continued strong U.S. support and leadership to provide security for humanitarian relief.

Our goal should be to reduce and eventually eliminate the United States military presence in Somalia. As the U.N. is able to assume greater control, we're moving in that direction. We must continue to do so. On the day President Clinton took office, there were 25,000 United States forces in Somalia. This number is now under 5,000. Remaining United States forces in Somalia should be withdrawn as expeditiously as possible. There should be open-ended United States military commitment in Somalia.

The objectives of the United States in Somalia should be what they have always been: to help to establish a secure environment so that humanitarian relief can flow.

For now, U.S. Armed Forces are still needed as part of the overall U.N. operation.

U.S. interests will suffer if there is a precipitous withdrawal of U.S. forces.

It is the U.S. interest that the U.N. become successful at peacekeeping so that we do not always have to go it alone in the world. Right now, UNOSOM II needs U.S. participation if it is to have a chance at success.

In addition, we have invested a tremendous amount of money, energy, and human capital in efforts to end starvation in Somalia and provide some stability in that country. If we pull out immediately, anarchy will return swiftly and our past investment will be lost.

We should not sacrifice the substantial gains that have been made in Somalia in the last 10 months.

IV. CONCLUSION

Mr. Chairman, I urge quick action on this amendment. I think the resolution accurately reflects congressional sentiments in favor of:

An early withdrawal of U.S. forces from Somalia;

The need for Presidential consultation with Congress; and

The requirement that Congress authorize the continuing deployment of U.S. forces.

The amendment also gives the President time to articulate his policy goals in Somalia and helps preserve a bipartisan approach toward Somalia.

Despite my concerns about this amendment, I will vote for it in order to ensure that we have an opportunity to address this issue again in the weeks ahead.

I urge adoption of the amendment.

Mr. STUMP. Mr. Chairman, I yield one-half of my time to the gentleman from California [Mr. DELLUMS], the chairman of the Committee on Armed Services, for purposes of debate only.

The CHAIRMAN pro tempore. Without objection, the gentleman from California [Mr. DELLUMS] will be recognized for 15 minutes.

There was no objection.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina [Mr. SPENCE].

☐ 1620

Mr. SPENCE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the matter before the House today goes well beyond the substance addressed by this amendment. We all recognize what this amendment represents. Its an artfully crafted compromise that evades the hard questions on United States policy in Somalia and, on a broader level, the proper role of the United States military in peacekeeping, peacemaking, and humanitarian operations.

Let me say at the outset that I intend to support this amendment. But my support results from the fact that the only alternative is to remain silent and to do nothing.

Mr. Chairman, the House has a responsibility to be heard as the security situation in Somalia worsens with each passing day. We have a responsibility to be heard as thousands of American troops remain deployed in Somalia operating within the context of ill-defined policy objectives that have more to do with the future of the United Nations than with United States national interests.

Finally, we have a responsibility not to silently acquiesce while this administration continues to craft ambitious Presidential directives that would dramatically expand the United States role in future Somalia-like operations while seemingly ignoring the real-time lessons coming out of Mogadishu every day.

Mr. Chairman, as the House deliberates today, I would suggest this deliberation ought to occur on two levels. At one level is what is actually happening in Somalia. At another level, however, is how Somalia fits into a broader debate that is just beginning within the United States, the United Nations, and the global community over how to respond to conflicts and human suffering in the post cold war world.

Looking at Somalia in isolation, almost 10 months after President Bush announced his decision to commit United States forces for the limited mission of facilitating the delivery of humanitarian aid to thousands of starving Somalis, we find ourselves embroiled in an open-ended urban guerilla war.

While the United Nations has placed a premium on the capture of General Aideed as the solution to the worsening conflict in south Mogadishu, there is every indication that such an act would lead to increased guerilla attacks against United States and U.N. peacekeepers.

And even though the United Nations has been officially in command since May, the reality is that U.S. troops are the backbone of the U.N. presence and will be required to continue doing most of the heavy lifting for the foreseeable future.

So where is United States policy in Somalia headed?

In allowing United States forces to remain the central element of the U.N. operation in Somalia, the Clinton administration apparently bought into a number of questionable assumptions. First, that the United Nations could carry its own weight militarily and that all U.S. combat forces could have been withdrawn this past summer. This has yet to happen. In fact, we have deployed additional U.S. forces to beef up anemic U.N. led forces.

Second, the Clinton administration agreed to place approximately 4,000 U.S. logistical support troops under U.N. command to form the support backbone of the multinational U.N. contingent, expected to number 28,000. The plan was for these U.S. support forces to be steadily reduced down to 1,400 by January, 1994, and to be completely replaced by U.N.-provided logistical support sometime in 1994. Again, this assumption appears to have been overly optimistic, as the United Nations continues to show no sign of being able or willing to pick up the support mission.

Third, the administration counted on a more rapid resolution of the political crisis that led to and has sustained the conflict in the first place, so as not to plunge Somalia back into chaos following the withdrawal of American forces.

While hindsight is always 20/20, no matter how you look at it, the administration's key assumptions have not come to pass.

In an August 27 speech, Secretary Aspin recently sought to clarify the Clinton administration's objectives in Somalia. But Secretary Aspin's speech has only served to further raise anxieties by outlining a series of objectives that are not achievable within a politically acceptable timeline, and which are more in line with a long-term nation building effort, than with the limited objectives that were originally used to justify the operation almost 1 year ago.

Instead, the administration's Somalia policy lacks an exit strategy and appears to be expanding by the day.

For these reasons, I welcome the basic thrust of the Gilman-Gephardt amendment in asking the President to submit a detailed report in October, followed in November by a congressional vote to authorize further U.S. involvement. While the language of the amendment is technically nonbinding, I trust the administration recognizes Congress' determination to actively pursue these objectives.

Mr. Chairman, many of the questions being raised relative to our Somalia policy have a relevance extending well beyond the horn of Africa.

As we debate the merit of United States policy in Somalia, this administration is about to propose committing upwards of 25,000 American troops to a similar type of peacekeeping/peacemaking operation in Bosnia at an estimated United States cost of $2 billion per year. While I am encouraged by the administration's recent willingness to consult with Congress over its Bosnia policy. I have strong reservations over launching into another massive and costly peacekeeping operation of tenuous relevance to United States national interests when we have yet to figure out how to extricate ourselves from the last such operation.

Mr. Chairman, I submit that much of what is driving the national uneasiness over Somalia is the confused state of United States foreign policy. United States actions in Somalia and Bosnia appear ad hoc and erratic and reflect, in my opinion, the lack of an objective assessment of how to balance United States global interests within the context of the ethnic, religious, or political conflicts that continue to haunt the world. As a result, United States policymakers have not confronted the more fundamental policy issues that are at play in places like Somalia and Bosnia.

For instance, at what point is it in our national interest to intervene in the internal strife of sovereign nations? There is a body of opinion that neither the United Nations nor the United States should involve itself in conflicts that are driven and abetted by purely internal factors. For instance, no outside power invaded Somalia, and in Bosnia, the conflict is largely one of warring factions within a recognized nation-state.

Looking at it another way, under what conditions do civil wars justify humanitarian intervention by outside powers? And in this context, can Western participants in peacemaking or peace enforcement operations realistically be expected to retain the critical element of neutrality among local warring factions? I fear we may not have learned the lessons of Beirut.

Furthermore, what are the long-term consequences of sanctioning the regular international intervention in the affairs of sovereign nations? How will the United States retain the ability to determine when it is legitimate for the collective conscience of the United Nations to mandate intervention in the affairs of nations that do not meet the politically correct standards of the day?

I certainly do not have good answers to these questions, but neither does this administration. Thus, while the United States involvement in Somalia and Bosnia may be founded on good intentions, it is not a sufficient, even proper, basis for the foreign policy of the world's only superpower.

Given the turbulent state of world affairs, U.S. foreign policy must be concise and unambiguous, so allies and foes alike clearly understand where the boundary lies between U.S. national interests and the broader international agenda of multilateral bodies such as the United Nations.

Mr. Chairman, a final point.

In the midst of the current confusion over U.S. foreign policy, there is one consistent theme emerging within this administration that suggests a disturbing willingness to subordinate U.S. national interests to the interests of the United Nations and other multilateral organizations.

This expanded U.S. commitment to the United Nations in peacekeeping and multilateral affairs is reportedly about to be codified by the President in Presidential Decision Directive or PDD No. 13.

Among other recommendations, this document reportedly suggests that U.S. military forces will be placed under U.N. command on a regular basis, the declining defense budget will pay for U.S. peacekeeping costs, and U.S. forces will receive dedicated peacekeeping training.

I expect that these controversial recommendations will receive great scrutiny by Congress in the weeks and months ahead as they represent significant changes in U.S. foreign and defense policy.

But most importantly, should these recommendations be implemented, they would confirm what many of us fear—namely that this administration, despite a hardening of rhetoric in recent weeks in response to congressional skepticism, is unable to grasp the appropriate lessons from our experiences in Somalia and Bosnia to date.

While many of us look at the untenable situation in Somalia and the potential quagmire in Bosnia and understandably urge the President to proceed cautiously, the administration appears nevertheless determined to aggressively pursue a foreign policy of assertive multilateralism with implications for future Somalias and Bosnias.

Unfortunately, there are disturbing signs that senior officials of this administration view any disagreement or dissent with their conduct of foreign policy with disdain. By branding bipartisan critics as "neo-know nothings," I fear that this administration has not come to grips with Congress' proper and essential role in formulating and implementing U.S. foreign policy.

Instead, administration officials ought to be listening and trying to engage thoughtful critics in a constructive dialog that may lead to a more coherent and presumably supportable U.S. approach to the many foreign policy problems of the post cold war world. To this end, I strongly support any and all efforts on the part of the administration to improve its consultation with Congress.

I sincerely hope that we can move beyond this debate and return to a bipartisan, consensus-based foreign policy that strikes the proper balance between U.S. national interests and the exponentially growing burdens being adopted by the United Nations.

Otherwise, we run the risk of waking up one day and finding our young men and women deployed in far away places, fighting and dying for ill-defined causes neither they or the American people understand.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from New York [Mr. GILMAN] is recognized for 15 minutes.

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the amendment H.R. 2401 offered by myself and the distinguished majority leader, the gentleman from Missouri, Mr. GEPHARDT, and I commend our Republican leadership, the gentleman from Illinois, our Republican leader, Mr. MICHEL, the gentleman from Georgia, the Republican whip Mr. GINGRICH, and the gentleman from New York, the ranking member of the Rules Committee, Mr. SOLOMON, for their support. In rising in support of this amendment, I rise also in opposition to the Clinton administration's policy in Somalia.

Mr. Chairman, I say it is time to bring our U.S. forces home from Somalia and turn that operation over to the United Nations.

We first went into Somalia last December with a limited humanitarian mission of creating a secure environment for feeding the hungry. We accomplished that mission within a matter of weeks, but regrettably we stayed until May—in order to handoff the responsibility for Somalia to the United Nations.

Coincidentally, that handoff occurred just before the House began consideration of a resolution to authorize the Somalia operation, Senate Joint Resolution 45. The House was misled by that handoff into believing that United States involvement in Somalia was winding down.

Under this misapprehension, the House approved Senate Joint Resolution 45 on May 25. Had it also been approved by the Senate and enacted into law, Senate Joint Resolution 45 would have authorized United States military involvement in Somalia for 12 months.

There were 243 votes in the House in favor of the resolution, 179 against.

I led the opposition to Senate Joint Resolution 45. I am confident that if that vote were held again today, Senate Joint Resolution 45 would be defeated. I cannot begin to count the number of Members who have told me that they wish they could take back their vote in support of Senate Joint Resolution 45.

What accounts for this shift in opinion since last May? I believe that it is because most Members, and indeed most Americans, have awakened to two facts that I stressed during the debate on Senate Joint Resolution 45.

First, while we weren't looking, the United Nations and the administration changed the mission in Somalia. It was shifted from feeding hungry people to nation-building. This shift was accomplished by U.N. Security Council Resolution 814, which was adopted with the support of the administration last May.

It was reiterated by U.N. Security Council Resolution 865, which was adopted just last week. And sadly, it remains the chief objective of our administration's Somalia policy.

Listen to what the U.S. Representative to the U.N. said just last week in praise of Resolution 865. That Resolution, he said, and I quote, "sets out in clear, unambiguous terms that the U.N.'s principal goal in Somalia is to bring about the political reconciliation of that long suffering country. My government—I am still quoting—has always seen the U.N.'s mission in Somalia as political in nature; helping the Somali people to reestablish their political structures and democratic institutions. Nothing is more important in Somalia than this political goal."

Let me underscore that statement: "Nothing is more important in Somalia than this political goal." That is the position of the Clinton administration. So much for feeding the hungry.

Compare the statement to the limited mission originally outlined by President Bush last December. Allow me to quote just one passage from the Washington Post's story dated December 4, 1992, entitled "U.N. Orders U.S.-Led Force Into Somalia." The story quotes the White House press spokesman as follows: "We want to make it clear that this U.N. force would be designed to get humanitarian supplies in, not to establish a new government or resolve the decades-long conflict there or to set up a protectorate or anything like that."

The second fact that has finally become obvious is that the new, expanded mission in Somalia is unachievable by the U.N. acting alone. U.S. armed forces will have to be deeply involved if there is to be any possibility of success. That involvement is going to cost us billions of dollars and possibly many American lives. It could very well extend into the next century. Even then, there is no probability it will succeed.

We've already spent over $1 billion this year just on military operations in Somalia. That's over five times what we will spend on humanitarian relief there this year. Up to today, 11 Americans have been killed in combat and over 60 wounded. Regrettably, nation-building does not come cheap.

And the cost is going to continue to spiral so long as the administration pursues its strategy of using our U.S. forces in Somalia as sitting ducks. Any doubt about this was set to rest last week when a U.S. helicopter was shot down and three more Americans were killed. You see, we've located our headquarters in the center of renegade warlord Mohamed Aideed's stronghold in South Mogadishu.

Initially we resupplied our headquarters by convoy through Aideed's territory. Then Aideed began mining the roads, causing the death of four Americans. Thereafter, we switched to helicopter resupply. But now Aideed is shooting down our helicopters. Mr. Chairman, our troops are vulnerable. We must stop exposing our troops to these senseless risks.

Some of the costs we have incurred already are spelled out in a letter sent to me and Congressman BURTON by the State Department in response to a letter that we sent Secretary Christopher. I am submitting this correspondence for the RECORD and request that it be inserted at this point in the RECORD:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, August 6, 1993.
Hon. WARREN M. CHRISTOPHER,
Secretary of State, Washington, DC.

DEAR MR. SECRETARY: We wrote you on March 2, 1993, to request information from the Administration relevant to consideration by the Committee on Foreign Affairs of U.S. policy in Somalia. Robert Bradtke, Acting Assistant Secretary for Legislative Affairs, responded on your behalf on March 22. His letter was very helpful and informative.

There have been many developments in Somalia since that exchange of correspondence. Most significantly, serious fighting broke out in Mogadishu on June 5 and has continued since that time. Accordingly, we would appreciate an update on the matters addressed in our letter last March. In particular, we would appreciate any information you can provide in response to the following questions.

COSTS

What was the total cost to the United States of the UNISOM I peacekeeping operation? What was the total cost to the United States of the UNITAF operation? What has been the cost to date of the UNOSOM II operation? Based on experience to date do you continue to estimate that the first year cost of UNOSOM II will total $1.5 billion? Does it remain the case that the only incremental Defense Department costs associated with UNOSOM II are those incurred for special pay for military personnel assigned to the operation? In particular, have there been any incremental costs in addition to special pay borne by the United States in connection with military operations by the Quick Reaction Force (QRF) or other U.S. military units since fighting broke out in Mogadishu on June 5? To what extent will the United Nations reimburse the United States for the cost of military operations by the QRF or other U.S. military units since June 5? Do you continue to estimate that the total incremental Defense Department cost will be $12 million over 17 months? Has there been any change in the estimates contained in the March 22 letter for Somalia-related expenditures in FY 1993 by the State Department, AID, and USIA?

U.S. PERSONNEL IN SOMALIA

How many U.S. personnel were killed or wounded in Somalia during the UNITAF operation? How many were killed or wounded after the transition to UNOSOM II and prior to June 5? How many have been killed or wounded since June 5? What has been the maximum level of U.S. forces in Somalia since the transition to UNOSOM II? What is the U.S. force level today?

TIMETABLE FOR U.S. WITHDRAWAL

Has the timetable for withdrawal of U.S. forces from Somalia been affected by the fighting that began on June 5? In particular, does the Administration still plan to withdraw all U.S. forces by October 1994 (17 months after the transition to UNOSOM II)? Will U.S. force levels drop to 1,400 by the end of 1993? How soon will the QRF be withdrawn from Somalia? How soon will the QRF be withdrawn from the Somalia theater of operations?

FOREIGN PARTICIPATION IN UNOSOM II

Has the United Nations been able to fully staff UNOSOM II with military prsonnel from U.N. member states? Do you anticipate that UNOSOM II will be fully staffed in the future? What countries currently have military personnel participating in UNOSOM II, and in what numbers? Do any participating countries plan to withdraw their personnel? If so, how will those personnel be replaced? Is UNOSOM II developing a logistical capability that will permit U.S. military personnel to be withdrawn in the future, and what is the United States doing to facilitate that effort?

POLITICAL RECONCILIATION IN SOMALIA

At a hearing of our Subcommittee on Africa on July 29 former U.S. Ambassdor to Somalia Frank Crigler testified that the turmoil in Mogadishu since June 5 stems in part from the efforts of UNOSOM II to "nullify" the results of a conference of faction leaders on June 4. He stated that UNOSOM II rejected this conference as "unauthorized" because it took place "outside the U.N. framework," notwithstanding that "Aideed and over 200 representatives of other rival factions pledged to make peace and work for national unity" at the conference. We would appreciate your response to Ambassador Crigler's testimony. Is the U.N. doing an effective job promoting political reconciliation in Somalia? Is it being sufficiently sensitive to local political concerns? How soon will the Somali people to be able to reclaim control of their country?

We appreciate the Department's prompt response to our last request, and look forward to hearing from you again.

Sincerely,

BENJAMIN A. GILMAN,
Ranking Republican Member, Committee on Foreign Affairs.
DAN BURTON,
Ranking Republican Member, Subcommittee on Africa.

U.S. DEPARTMENT OF STATE,
Washington, DC, September 3, 1993.
Hon. BENJAMIN A. GILMAN,
House of Representatives.

DEAR MR. GILMAN: Secretary Christopher has asked me to reply to the letter you and Mr. Burton sent him on August 6 about Somalia. In the interest of clarity, I have broken this letter down into sections corresponding to the headings listed in your letter to the Secretary. For your information, I have enclosed a copy of Secretary Aspin's August 27 speech outlining Administration policy on Somalia.

COSTS

You have asked a number of detailed questions about the cost of U.S. activities in Somalia. The total cost to the United States for UNOSOM I is $158 million to date; we expect to receive an additional assessment from the United Nations of $58 million before the end of FY-93. The UNITAF operation cost the U.S. about $750 million. It is too early to provide a similar estimate for the cost of UNOSOM II.

Projected U.N. reimbursements will not cover the cost of maintaining the Quick Reaction Force (QRF) in Somalia. We do not expect to receive reimbursement for the QRF as the unit is not part of the U.N. force structure. Incremental costs for the QRF should be about $37.5 million through the end of FY 1993, with monthly incremental costs of about $6 million until the force is redeployed. The Department of Defense initially estimated that the QRF would remain in theatre for a limited time, with minimal cost impact. Because of the actions in Mogadishu since June 5, it has not been possible to follow this timetable and in fact the size of the QRF has been increased.

Estimated State Department, U.S. AID, and U.S.I.A. costs have changed since our March 22 letter to you. The Bureau of Refugee Programs effort for refugees and displaced persons is about $57 million, an increase of $2 million over the figure we provided in March. State Department operating expenses in Mogadishu for this fiscal year will equal roughly $4 million. (We earlier had estimated a cost of $2 million.) The revised figure includes the cost of providing security, rehabilitating facilities, and operating communications. U.S. AID will expend $88 million by the end of this fiscal year for food aid and $55 million for both emergency relief and development programs. This reflects a decrease in previous estimates. U.S.I.A.'s programs have cost $327,000, a slight increase over the figure cited in March.

U.S. PERSONNEL IN SOMALIA

U.S. causalities during the UNITAF operation (December '92-May '93) included seven serviceman and one DOD-civilian employee killed (four in combat) and 25 wounded. No Americans lost their lives on UNOSOM operations before General Aideed's June 5 attack against Pakistani peacekeepers. As you know, however, Aideed-backed militia killed four of our service personnel on August 8 with a command-detonated explosive device. A total of 26 Americans have been wounded since the initiation of UNOSOM II, as of August 30.

U.S. forces in Somalia under UNOSOM II reached their maximum strength on August 12, when there were 4,585 in the country. This troop level was an aberration. The rotation in and out of the country of U.S. troops caused the number of U.S. military personnel to grow beyond a level of approximately 3,900 including the Quick Reaction Force. We expect it to reach this level again shortly.

The addition of 400 U.S. Army Rangers late in August does not alter our commitment to reducing the number of U.S. troops in Somalia as circumstances permit.

TIMETABLE FOR U.S. WITHDRAWAL

It is too early to gauge the full extent to which General Aideed's attacks on U.N. and U.S. forces have affected the timing of the withdrawal of U.S. troops. We anticipate withdrawing the U.S. Quick Reaction Force later this year. The QRF will, however, remain "on call" offshore in the event of a crisis. We plan also to reduce the number of logistics troops below the current figure of 2,800. Our goal is for the withdrawal of U.S. forces early in 1995.

FOREIGN PARTICIPATION UNOSOM II

Thus far, the U.N. has succeeded in staffing UNOSOM II with military personnel from member nations, although it has not yet reached its goal. As of August 9, 22,448 troops from 28 countries served with UNOSOM II. On this date, the largest contingents were from Pakistan (4,973), the United States (4,264), Italy (2,708), Germany (1,569), Morocco (1,345), France (1,103), Belgium (1,006), Bangladesh (950), Malaysi (873), and Zimbabwe (743). You should note, however, that France and Belgium have announced plans to withdraw their troops early in 1994 while other nations like India have pledged large numbers of troops which have yet to arrive.

Regarding the development of logistical capability absent U.S. help, there are two ways to achieve this goal. In addition to recruiting other countries to shoulder this burden, we anticipate that UNOSOM will hire additional civilian contract employees to replace existing U.S. soldiers. High costs and security considerations may, however, limit the U.N.'s ability to rely upon contractors. In light of these factors, we believe the importance of U.S. logistics personnel is not likely to diminish soon.

POLITICAL RECONCILIATION

Political reconciliation remains one of UNOSOM's most important missions. UNOSOM's goal is to have Somalis managing all of their affairs by 1995. Reconciliation is a field in which the U.N. is making notable progress, as evidenced by the creation of district councils and, quite recently, the conclusion of a peace agreement in the southern port town of Kismayo in which local leaders established a framework for resolving inter-clan disputes. These developments have taken place under UNOSOM's auspices and reflect a painstaking effort to ensure the broad representation of all important interests in a given area. In attempting to achieve this aim, the U.N. has worked diligently to ensure that armed groups do not dominate the district councils. Other interests including professional groups, women, and clan elders receive formal invitations to participate as well.

You asked also for a reaction to former Ambassador Crigler's argument before your Subcommittee that the U.N.'s conflict in Mogadishu grew partially out of UNOSOM's refusal to give official sanction to a conference of factional leaders that ended on June 4. According to our information, this conference took place after the U.N. had severed its connections with a meeting on reconciliation in the Central Region that General Aideed had promoted as his own. The U.N. action followed an intensive effort to ensure that no faction could use the reconciliation meeting to promote its ambitions at the expense of others. General Aideed and his supporters had made clear that they had no intention to abide by this condition. In any event, General Aideed received formal notification on June 4 of UNOSOM's intention to search several sites he controlled. Unfortunately, he did not avail himself of this opportunity to demonstrate his commitment to work for peace.

I hope you find this information helpful. Please feel free to contact us again if you require further assistance.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

Another casualty of Somalia has been the war powers resolution. The administration wants to have it both ways on the war powers resolution, claiming that they are complying with it when in fact they are not. They say we're not in hostilities in Somalia even though our soldiers are fired on almost every day. This brazen disregard for the resolution in Somalia goes far beyond anything we have seen by previous administrations. And Congress has simply looked the other way.

I've exchanged correspondence with the administration about this subject. My last letter was sent on July 30 and has not yet been answered. It rebuts the administration's claim of compliance with the resolution. I am submitting this correspondence for the Record and I am requesting that the full text of those letters be added to the end of my statement.

CONGRESS OF THE UNITED STATES
Washington, DC, June 15, 1993.

Hon. WARREN M. CHRISTOPHER,
Secretary of State, Washington, DC.

DEAR MR. SECRETARY: We are writing to request your assessment of the current situation in Somalia. Until now, the Administration has taken the position that the U.S. Armed Forces in Somalia are not in a situation of hostilities or imminent involvement in hostilities within the meaning of the War Powers Resolution. In our opinion, recent events in Mogadishu call for a reexamination of this conclusion.

According to press accounts, 23 Pakistani soldiers were killed and 59 wounded in guerilla attacks on United Nations peacekeepers on June 5. The U.S. Quick-Reaction Forced had to be called out to rescue besieged Pakistanis, and three U.S. soldiers were wounded in the combat. On June 6, the U.N. Security Council adopted a resolution calling for the arrest, prosecution, and trial of those responsible for the attacks.

Between June 5 and June 12, non-essential U.N. officials and foreign aid workers were evacuated from Mogadishu, and those who remained were relocated to a heavily fortified compound in preparation for assaults on arms depots and other facilities belonging to warlord Mohamed Farah Aideed. U.S. AC-130 gunships were sent to Djibouti for use in these assaults, and over 2,000 U.S. Marines were ordered to redeploy from Kuwait to Somalia.

On June 12, the AC-130s attacked facilities in Mogadishu belonging to Aideed. Attacks by U.S. aircraft and helicopters have continued daily since June 12. These attacks have prompted demonstrations by Somali supporters of Aideed, including one in which Pakistani soldiers opened fire and killed at least 14 demonstrators.

In light of these facts, and in accordance with section 4(b) of the War Powers Resolution, we would appreciate your response to the following questions:

1. Where U.S. Armed Forces in Somalia in "hostilities" within the meaning of the War Powers Resolution on June 5?
2. Were U.S. Armed Forces in Somalia in "hostilities" or a situation "where imminent involvement in hostilities [was] clearly indicated by the circumstances" within the meaning of the War Powers Resolution between June 5 and June 12?
3. Have U.S. Armed Forces in Somalia been in "hostilities" within the meaning of the War Powers Resolution between June 12 and the date of this letter?
4. Have U.S. Armed Forces in Somalia been in "hostilities" or a situation "where imminent involvement in hostilities is clearly indicated by the circumstances" within the meaning of the War Powers Resolution at any time between the date of this letter and the date of your response?
5. Does the Administration anticipate that U.S. Armed Forces in Somalia will be in "hostilities" or a situation "where imminent involvement in hostilities is clearly indicated by the circumstances" within the meaning of the War Powers Resolution at any time subsequent to the date of your response?
6. If U.S. Armed Forces in Somalia have been, are, or are anticipated to be in "hostilities" or a situation "where imminent involvement in hostilities is clearly indicated by the circumstances" within the meaning of the War Powers Resolution, does the Administration intend to withdraw U.S. Armed Forces from Somalia within 60 days in accordance with section 5(b) of the War Powers Resolution? If not, what will be the legal basis for the U.S. military presence in Somalia after 60 days have elapsed?

Your response to these questions will be of great use to Congress as it proceeds with consideration of S.J. Res. 45, the "Resolution Authorizing the Use of United States Armed Forces in Somalia."

Sincerely,

BENJAMIN A. GILMAN,
Ranking Republican Member, Committee on Foreign Affairs.
JESSE HELMS,
Ranking Republican Member, Committee on Foreign Relations.

DEPARTMENT OF STATE,
Washington, DC, July 21, 1993.

Hon. BENJAMIN A. GILMAN,
Committee on Foreign Affairs,
House of Representatives.

DEAR MR. GILMAN: Thank you for your letter of June 15 (signed also by Senator Helms) to the Secretary regarding the War Powers Resolution and Somalia. I am pleased to respond on behalf of the Secretary.

You have raised several specific questions regarding whether U.S. Armed Forces in Somalia have been involved in "hostilities" since June for purposes of the War Powers Resolution. These questions all relate to the deployment that was the subject of a June 10 report to Congress by the President, and which was the subject of a supplemental report by the President on July 1. Your questions were raised in the context of section 5(b) of the War Powers Resolution, which provides that, absent Congressional action, the use of U.S. forces is to be terminated within 60 or 90 days after those forces have been introduced into hostilities or into situations where hostilities are clearly indicated by the circumstances.

In our view, no issue is presented of compliance with section 5(b) of the War Powers

Resolution (regardless as to whether it is constitutional). We note at the outset that no previous Administration has considered that intermittent military engagements involving U.S. forces overseas, whether or not constituting "hostilities," would necessitate the withdrawal of such forces pursuant to section 5(b) of the Resolution. The War Powers Resolution provision on withdrawal sixty days after forces are introduced into hostilities (with certain exceptions) was intended to apply to sustained hostilities so as to ensure that the collective judgment of both Congress and the President would be applied to decisions about whether to go to war.

This is not the situation we face in Somalia. As summarized in the President's report of July 1, the significant involvement of the U.S. Quick Reaction Force in the United Nations operation against Aideed's forces and compound has not involved sustained military action. These activities have been directed at those responsible for the murder or wounding of peacekeepers, as well as other criminal activity. While significant military force was used, our actions have been in support of the United Nations humanitarian mandate and have not been directed at the forces of a sovereign state, but rather at bandits or warlords. Moreover, as you know from the President's reports, U.S. Armed Forces have made important contributions to the United Nations-led military action in support of U.N. peacekeeping efforts in Somalia.

Finally, both the House and Senate have voted in favor of bills that would provide express statutory authority to participate in peacekeeping efforts in Somalia (including authority for purposes of the War Powers Resolution). As we have stated before, although we do not believe that specific statutory authority is necessary, the Administration welcomes such Congressional support for U.S. activities in Somalia.

I hope this is useful to you. We look forward to further discussions with you on this important issue. Please feel free to communicate with me if I can be of further assistance.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary,
Legislative Affairs.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 30, 1993.

Hon. WARREN M. CHRISTOPHER,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: I am writing in response to Assistant Secretary Sherman's letter to me of July 21, 1993, answering some questions I had posed to you on June 15 about the application of the War Powers Resolution to Somalia.

I understand from her letter that the Administration's legal rationale for concluding that section 5(b) of the War Powers Resolution does not apply to the U.S. military presence in Somalia is that the combat since June 5 has consisted of "intermittent military engagements" rather than "sustained military action." Irrespective of whether these intermittent military engagements constitute "hostilities" within the meaning of the War Powers Resolution, her letter seems to suggest, they have not lasted more than 60 days and therefore are outside the scope of section 5(b).

I note, however, that the provisions of section 5(b) are triggered not only when U.S. Armed Forces are deployed into "hostilities" for 60 days, but also when they are deployed into "situations where imminent involvement in hostilities is clearly indicated by the circumstances" for 60 days. Thus, the fact that actual military engagements may be "intermittent" is not determinative under section 5(b) if, during the intervals between the engagements, it remains the case that "imminent involvement in hostilities is clearly indicated by the circumstances."

In this connection, I asked Assistant Secretary George Moose at a hearing of our Subcommittee on Africa on July 29 whether in his opinion the U.S. forces in Somalia are likely to be involved in fighting in the near future. He responded that it is likely that they will be involved in fighting. I fail to understand how Somalia could not be a situation "where imminent involvement in hostilities is clearly indicated by the circumstances" if, in the judgment of the State Department's senior Africa official, the U.S. forces there are likely to be involved in fighting in the near future.

Do you disagree with Assistant Secretary Moose's assessment that, at least on July 29, U.S. forces in Somalia were likely to be involved in fighting in the near future? Has there been any point between June 5 and the date of your response when U.S. forces in Somalia were not likely to be engaged in fighting in the near future? If you cannot specify dates on which the 60-day clock of section 5(b) was interrupted, please explain why section 5(b) does not require that U.S. forces be withdrawn from Somalia by August 4.

Assistant Secretary Sherman's letter made some additional points about the War Powers Resolution, but I did not understand them to be relevant to the legal analysis. For instance, she observed that our actions in Somalia have been in support of the United Nations humanitarian mandate and have not been directed at the forces of a sovereign state, but rather at bandits or warlords. I am not aware of any exceptions to the War Powers Resolution for actions at the behest of the United Nations, or for involvement in hostilities against bandits, warlords, or other forces not controlled by a sovereign state. Please correct me if I am in error.

Likewise, Assistant Secretary Sherman referred to the resolutions passed by the House and the Senate that would have provided statutory authority under the War Powers Resolution for the Administration to continue the deployment of U.S. forces to Somalia. Neither resolution, of course, has been approved by both Houses of Congress and signed into law by the President. Accordingly, I do not understand the Administration to claim that it has "specific statutory authorization" within the meaning of section 8(a)(1) of the War Powers Resolution on the basis of these resolutions. Again, I invite you to correct me if I have misunderstood Secretary Sherman's letter.

I look forward to your response to my questions.

Sincerely,

BENJAMIN A. GILMAN,
Ranking Minority Member.

Mr. Chairman, the solution in Somalia is simple. We must return to the initial mission of feeding hungry people, and then allow the U.N. to take over. We don't need to be hunting down warlords. We don't need our troops in a situation where they are being attacked by forces using women and children as human shields. Somalia has become a deadly sandtrap for American forces and it's time to get them out.

If the U.N. plans similar peacekeeping operations in other areas of the world, other nations must be groomed to undertake the central role that so many people automatically assume the United States will play.

The amendment that Mr. GEPHARDT and I have offered calls for the President to give us a report explaining his policy is Somalia by October 15, and for him to seek and receive congressional authorization for any additional deployment of United States forces in Somalia by November 15. I expect the President to comply with this amendment if it passes into law. Also, I will request the House of Representatives to carry out its responsibility under the amendment by holding committee hearings on the President's report once it is received, and voting by November 15 on whether to approve the policy outlined in the report.

Accordingly, I urge adoption of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the amendment offered by the distinguished colleagues on a bipartisan basis, the gentleman from Missouri [Mr. GEPHARDT] and the gentleman from New York [Mr. GILMAN].

I would first like to express the fact that I concur in the reservations regarding the drafting of this amendment expressed by the distinguished gentleman from Indiana, the chairman of the House Committee on Foreign Affairs.

That notwithstanding, I would like to make a few remarks.

Mr. Chairman, for months the American people have watched with deepen concern as our role in Mogadishu has slipped from that of humanitarian peacekeeper to that of both perpetrator and victim in a tragic escalation of hostilities.

Americans and Somalis alike are meeting senseless, violent deaths. Mr. Chairman, this must end.

The Gephardt-Gilman amendment requires the President to issue a detailed report to Congress on our Somalia mission. Meanwhile, General Aideed has asked that the United Nations investigate the circumstances that led to the crisis in Mogadishu, the results of which Mr. Aideed will await in a third country.

I have long urged that while the President is preparing his report and the United Nations is considering General Aideed's request that the United States use every means at its disposal to secure a cessation of hostilities in Mogadishu so that the humanitarian and diplomatic challenges facing Unosom II can proceed unimpeded.

Mr. Chairman, Unosom II has, by and large, been successful throughout the rest of Somalia, and our options there are not merely between waging war and jumping ship. That is simplistic in the extreme. The United States can and must remain a part of Unosom II, but we must first seek and agree to a cessation of hostilities in Mogadishu.

It is now clear that our militaristic stance in Somalia has pointlessly endangered young American lives and must now be replaced by our active involvement in the quest for a political solution in Somalia.

Should the administration shift from a military to a political posture, however, I must urge the President, in the strongest possible terms, to ensure that we not make the same mistake politically that we did militarily.

Specifically, we spent an extraordinary amount of time targeting all of our military might on the pursuit and capture of one man.

□ 1630

Clearly, this was ill-advised. However, today's New York Times presents a new wrinkle to this old obsession when it reports that American military commanders are now saying that a better way of eliminating General Aideed is by enlisting his rivals to undercut his influence.

Mr. Chairman, who gave us the right—as peacekeepers—to determine which political figure or faction deserves to emerge victorious in Somalia?

Where is the impartiality that is the sine qua non of peacekeeping?

When I urge a cessation of hostilities, Mr. Chairman, I am urging a cessation of military and political hostilities. This new thrust reported by the New York Times would violate a cardinal rule of peacekeeping—take no sides, make no enemies; and it would guarantee continued hostility toward peacekeepers because it would reinforce the already-existing impression that we are interested, not in being peacekeepers, but political kingmakers, in Somalia.

Mr. Chairman, we must give our total support to the convening of a conference similar to that which produced the Addis Ababa accords last March in which all warring and interested Somali figures met, debated, and developed an agreement that was acceptable to the Somali people. This should be our thrust, Mr. Chairman. We must stop thinking that in the Third World we must either be teaching somebody a lesson, making an example of somebody else, or insisting that the people involved fall in line behind the U.S.-approved political leader. The people of Somalia may very well choose to support the person favored by our military commanders—but is it appropriate to dedicate our peacekeeping effort to this objective? I think not. and I hope that a rejection of this thrust will be clearly enunciated in the President's report to Congress that is required by this very amendment.

I believe, Mr. Chairman, we must stay in Somalia. But our role there must be that of an honest broker. It is inappropriate for us to be combatants, and it is inappropriate for us to become involved in any political tug of war.

My colleagues in the Congressional Black Caucus and I had long argued that the challenge in Somalia was not military. We knew that unless the United States was willing to obliterate Mogadishu from the face of the earth, continued United States helicopter gunship attacks and pre-dawn Ranger raids would only serve to further inflame the already tense and incendiary environment that Mogadishu has become.

Mr. Chairman, I now urge the administration to involve the good offices of the OAU, other Horn governments—Eritrea and Ethiopia—and Somali elders in a quest to secure a ceasefire between peacekeepers and the residents of Mogadishu. We must resist any inclination on our own part to view the pursuit of peace as a loss of face. For one thing, we are neither supposed to be at war with the Somali people nor manipulating their political choices; and nowhere is it written that we are obliged to conquer or eliminate any one faction of figure in Mogadishu. Our original entry into Somalia was as peacemakers and humanitarians, and the time has come to recapture the humanitarian, nonpartisan character of our original mission.

Commitment to these two priorities is essential if the as-yet-uncompleted task that the Secretary General of the United Nations, the other Horn governments, and many Africa analysts urged be made an integral part of Operation Restore Hope from its very inception—a program of voluntary, nondiscriminatory disarmament—is to succeed.

President Bush steadfastly resisted all urgings that nationwide disarmament be incorporated into Operation Restore Hope, maintaining, instead, that this would best be handled by the United Nations.

The United Nations is now on the ground in Somalia. The United States is part of the United Nations. We must work within that body to complete the important task of disarmament once a cessation of hostilities has been negotiated in Mogadishu.

The international community made a commitment to disarmament in war-torn, tumultuous El Salvador with positive results. Mr. Chairman, we must do no less in Somalia.

The Addis Ababa Agreement of March 1993, to which the United States was a facilitator, and in which all Somali factions agreed to a ceasefire and a program of voluntary, nondiscriminatory disarmament, must be revived.

Operation Restore Hope was a resounding success and UNOSOM II still can be as well. But we must stay the course and not allow the challenges of Mogadishu to blind us to the fact that stability has already returned to most of Somalia.

I am not now advocating, nor would I ever advocate, an indefinite, open-ended United States involvement in Somalia—whatever the human and material costs. However, I do not believe that all reasonable, nonmilitary options have been fully pursued, and this indeed has been a major contributor to the loss of life on all sides.

It is my hope that my congressional colleagues will agree that the options in Somalia are not only between waging war and jumping ship. There are undeveloped, but superior, alternatives the successful implementation of which depends upon us all resisting either precipitous calls for United States withdrawal from UNOSOM II or misguided impulses to decide which political figure deserves to emerge victorious in Somalia.

Mr. Chairman, I reserve the balance of my time.

Mr. GEPHARDT. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Chairman, I rise in support of the so-called Gephardt-Gilman amendment.

For several months I have been a vocal critic of United States involvement in Somalia. We simply cannot afford the war in Somalia, either in terms of American lives or in terms of American taxpayer dollars.

In July I introduced House Resolution 227, which urges the President to withdraw United States forces from Somalia as expeditiously as possible. Since then, American soldiers have died. Since then, Somalian soldiers have died. Since then, Somalian children have died. Since then, tens of millions of taxpayer dollars have been spent. It is clearly time to reassess our role in Somalia.

Mr. Chairman, the American people supported our involvement in December in a humanitarian rescue mission. All of us, every American in this body and every American citizen, should be proud that we helped save thousands of lives from starvation. We accomplished our goal. We accomplished our mission. We as Americans should be proud of the lives we saved in the great American tradition of reaching out around the world and helping people, especially our colleague, my colleague, the gentleman from Ohio [Mr. HALL], from Dayton, who himself lived there and played a major role in helping with these humanitarian efforts.

Last week, in a trilogy of speeches, Secretary of State Christopher, National Security Adviser Lake, and U.N. Ambassador Albright, began the effort to articulate a Clinton doctrine, followed yesterday by the President's remarks at the United Nations. The

President set forth, Mr. Chairman, full guidelines for U.S. involvement in multilateral peacekeeping operations:

No. 1, is there a real threat to international peace;

No. 2, does the proposed mission have clear objectives;

No. 3, can an exit point when we withdraw be identified;

And, No. 4, how much will the mission cost?

Mr. Chairman, I submit that the United States military operation in Somalia under U.N. command fails to meet the very guidelines enunciated by the President.

First, there is no real threat to international peace in Somalia. Everybody in this Chamber, I think, agrees to that, everybody among the American people; virtually everybody agrees to that.

Second, our goal has no clear objectives. People all over this country in every congressional district in the country will tell us, will say we simply have not defined why we are in Somalia, as the chairman said. We simply have not defined our mission in that country.

Third, there is clearly no identifiable exit point.

Last, we do know the cost of the mission. It is too high by any measure. It is too high in loss of life, it is too high in loss of American lives, too high in loss of Somalian children's lives, too high in real dollars. We are spending about $1.5 million every day to carry our mission out in Somalia.

Mr. Chairman, the American people were not asked, were not consulted, and were not informed that our presence in Somalia had changed dramatically from our mission, our original mission in December, our original humanitarian mission, which we accomplished with flying colors.

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It changed from that to a combat role, and the American people were not told. No wonder the American people do not support what is going on in Somalia.

The longer we are in there, the more lives that are lost. I urge Members of Congress to support the Gephardt-Gilman amendment.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Kansas [Mr. GLICKMAN], chairman of the Permanent Select Committee on Intelligence.

Mr. GLICKMAN. Mr. Chairman, I thank my distinguished chairman of the Armed Services Committee for yielding the time. Many people do not know it, but we share the same birthdate, which accounts for my brainpower, my ability, and I appreciate it. We were born under the same stars.

Mr. Chairman, I rise in support of this resolution. Later we are going to be hearing from our colleague, the gentleman from Rhode Island [Mr. REED], who spent time in both Somalia and Bosnia, and I urge my colleagues to listen very carefully to his thoughtful and dispassionate and objective look at the strategic, military, and intelligence implications of our involvement in Somalia.

But I think the bottom line of what he may say, and certainly what I would say right now, is that Somalia is an intelligence quagmire of the highest denomination. The fact is that we have a United Nations force, a United Nations commander with American forces, with other forces of other countries, frankly with no clear delineation of who is in charge at all. The intelligence operations in Somalia to date have been not very good. The United Nations does not really want intelligence. They are not used to it because they have not had to operate in these kinds of services before. So in the process, the information that the units have been getting is not very good. The information that people in charge have been getting is not very good, and quite frankly, there has been a loss of life.

Now maybe this is just what happens when you have a multinational force running a military operation. But I would tell Members that we cannot stay there forever unless either the chain of command changes or the intelligence abilities change, because more and more people will get killed. This thing will have a never ending lifeline to it.

So a mission that started out as humanitarian in nature, to feed hungry people, to keep people from starving, has moved into more of a classic military holding action, except the rules of engagement are not clear, the control is not clear, and the intelligence is murky at best.

So I would urge my colleagues to support this resolution and to work for a day when we can remove our troops from Somalia.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. ROTH].

Mr. GILMAN. Mr. Chairman, I am pleased to also yield 1 minute to the gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, I thank my friend from Arizona, and the ranking member of the Committee on Foreign Affairs, for yielding me the time.

I think it is important for us to recall just quickly our involvement in Somalia. As we all remember, we went into Somalia in December. And when we asked when are we going to be out of Somalia, feeding the starving people, we were told by Inauguration Day, January 20.

Well, January 20 came and went. And when we went back and asked when will we be leaving Somalia, we were told by April.

When April came around, Members will remember the President had service people on the White House lawn, thanking them for the great work in Somalia, and said now let the United Nations take over.

But in May we were back here with a resolution to keep our troops in Somalia for a year, and if Members read the fine print, or longer. Many of us wanted a date certain when we would be out of this quagmire and we did not get it. We had 127 votes for it. As the gentleman from New York mentioned, there are many Members now who would say they wish they could have that vote over again.

But it is important for the American people, and for us, to remember that today, we have 4,000 troops in Somalia. Then it went up to 5,700 troops. We have our elite commanders, our elite troops there. And we are putting more troops into Somalia. We have more than 6,000 troops in Somalia again today. And we are looking incompetent when we go after General Aideed.

Now we are told by Admiral Howe that he needs one more brigade and then we will be able to solve the problems of Somalia. It is almost verbatim what we heard in the 1960's. The thing we have learned from history is that we do not learn from history.

Our friend from Ohio mentioned that the President yesterday gave a historic address where the President set down the new criteria for foreign involvement. Quickly I want to go over those four criteria again and apply them to Somalia.

Is there a real threat to international peace, the President asked. The answer is no. Does the proposed mission have a clear objective? The answer is no. Can we see an end point? No. How much will it cost? It has cost over $1 billion.

I have a question. We have all of these people in the last decade here talking about the War Powers Act, and we have people being killed in Somalia. Why are we not discussing the War Powers Act here today?

The CHAIRMAN pro tempore. The gentleman from Ohio [Mr. BROWN] is now controlling the time of the gentleman from Missouri [Mr. GEPHARDT].

Mr. BROWN of Ohio. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, this amendment calls an overdue time out on our involvement in Somalia. It comes to the floor too late for the three American soldiers who were killed last Saturday in Mogadishu. For their sake, we must bring sense to this mission—and we must set a time to end it.

United States troops were deployed to Somalia last fall, with a clear mission that the American public supported—delivering humanitarian relief and improving security conditions. But in the past few months, U.N. forces have shifted from peacekeeping to unsuccessful search-and-destroy missions against General Aideed. Fifty-six U.N. peacekeepers have been killed since June, including 11 Americans.

I was personally horrified to read about Somalis celebrating the shootdown of the United States helicopter. Our mission in Somalia has wandered far from its original goals, and my constituents do not understand what we are trying to do there any more. Neither do I. I urge my colleagues to support the Gephardt-Gilman amendment, and I only wish its deadline for hard answers about our goals in Somalia were now.

I regret that the Bush administration did not start the disarmament process in Somalia last winter, when there were far larger United States forces there. But we cannot make up for that mistake by pushing U.N. forces into missions that they cannot execute. As President Clinton told the U.N. General Assembly yesterday, "If the American people are to say yes to U.N. peacekeeping, the United Nations must know when to say no."

My position on this amendment does not mean that I will not support any American role in peacekeeping operations. I think that we can do much good working under U.N. authority, as my colleague and good friend from California, Mr. DELLUMS, has so ably explained. But if this policy is going to work, we cannot let it be diverted into military actions that will undercut public support at home and abroad. President Clinton called for the United Nations to ask hard questions about future peacekeeping missions, but before those debates start, we need answers about Somalia now.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I rise in reluctant support of this amendment not because I think our troops should continue their present role but rather because this amendment does not bring them home fast enough.

Like the rest of my colleagues in the House, I supported the use of United States troops to assist the feeding efforts in Somalia. However, now that that mission is complete and our troops have worn out their welcome, and I repeat, our troops have worn out their welcome, I believe we should have brought our troops home months ago.

So far, Operation Restore Hope has cost the American taxpayers more than $1.5 billion. This money I might add, comes out of the funds that ensure our troops are the most highly trained and competent in the world.

In a recently released report conducted by Senator MCCAIN of Arizona, he documents that needed ship repairs have been put off to pay for operations in Somalia. It is estimated that the cost of these repairs is $765 million, and with the defense budget being slashed, other funds that could be used for these maintenance repairs are not available.

We have all heard reports of the U.S.S. *America*, an aircraft carrier that is having maintenance problems while at sea because there is not enough money to repair the ship. One of my constituents wrote me regarding the *America*. She has a grandson aboard this ship. She is naturally concerned.

Mr. Chairman, for all of the reasons mentioned here today, it is time to bring our troops home and this amendment does not, by itself, accomplish that goal.

It does head in the right direction, and so I reluctantly offer my support.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, October 15 will come and go.

And quite frankly, we will have no clearer goal or objective in Somalia than we have today. United States involvement in Somalia started as a humanitarian mission. Our purpose was noble. We forged the initial path to Somalia by ourselves.

Then what went wrong? The United States chose sides in a civil conflict. Despite counsel from those who have dealt with Somalia for decades, the United States plowed ahead. Each month we've spent more in lives and dollars.

The administration hurriedly justified our deeper involvement in Somalia under the guise of creating democratic institutions.

However, even the most amateur Ph.D. in international affairs will tell you that it may be generations before Somalia establishes Western-style democracy.

Since that pronouncement, this administration has been more interested in saving face than saving lives or U.S. taxpayer dollars.

And today, we have another stall measure before us. I am forced to hold my nose and vote for it, but we all must realize we do not have a policy for Somalia—nor will we have an acceptable policy on October 15.

It is indeed unfortunate that this Congress is once again failing to establish policy that will save American lives and a fortune in hard earned taxpayer dollars.

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Mr. JOHNSTON of Florida. Mr. Chairman, on behalf of the gentleman from California [Mr. DELLUMS], I yield 3 minutes to the gentleman from Rhode Island [Mr. REED].

Mr. REED. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Gephardt-Gilman amendment. Since January I visited Somalia twice, first during the humanitarian relief operations of Operation Restore Hope, and most recently during the nation-building operation under UNOSOM.

The first impression that one gets from being in Somalia is of the skill, professionalism, and valor of our military forces and our civilian personnel, and we should recognize that.

But there is one inescapable conclusion, after my two trips: We must actively disengage our forces from Somalia. That is not in response to the violence in the streets but in recognition that Somalia is not of strategic importance to the United States. UNOSOM is not an effective vehicle to implement policy. Importantly, the policy of nation-building has a questionable chance of success and an indeterminate end point. UNOSOM inherited a precarious military situation. Because of the slow military buildup of forces under the United Nations, there was a shift of initiative away from the United Nations to the warlords. We went from an overwhelming military presence under the joint task force to a series of months in which we were trying through the United Nations to cobble together a force.

In addition to the poor tactical situation, UNOSOM has significant structural faults. There is no coherent intelligence-gathering operation. Indeed, it appears that intelligence services, national intelligence services, are competing against each other to the detriment of the overall mission.

But the primary problem with respect to UNOSOM is its debilitating lack of a coherent command and control system. Invariably, there is a debate between who is in charge, whether it is the U.N. commander or the national chain of command back in the home country.

This has led to an operation through negotiation, operation through committees, and not the central directive command which should be the hallmark of all military operations.

But there is an underlying fundamental flaw in addition to the shortcomings of UNOSOM and the difficult tactical situation. That fault is the fact that from the beginning of this operation we have failed through UNOSOM to identify local leaders and institutions in Somalia to show the responsibility to govern that country.

Politics, like nature, abhors a vacuum, and there has been a political vacuum in Somalia. Into that vacuum UNOSOM has attempted to introduce a participatory model government. Unfortunately, there is little history or precedent for such a form of government in Somalia. Consequently, this approach has a limited chance and will, I fear, guarantee an open-ended commitment by the United Nations to Somalia. This is particularly true since UNOSOM has failed to take preliminary steps necessary to ensure a successful political transformation, such as establishing an effective police force, creating mass communication through radio station and, indeed, insuring safety and security within the city of Mogadishu.

For these reasons and many more, I think we have to withdraw. Somewhere between a hasty retreat and a perpetual presence, a strategy must be developed to depart. Not a precipitous withdrawal, but a measured withdrawal. We must have an active policy to insure securing the country, coupled with a firm date of departure well in advance of the 2 years stated by UNOSOM.

I thank the gentleman for yielding.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. May I ask the gentleman from New York [Mr. GILMAN] if he will yield 1 additional minute.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Indiana [Mr. BURTON].

The CHAIRMAN pro tempore [Mr. DURBIN]. The gentleman from Indiana [Mr. BURTON] is recognized for 2 minutes.

Mr. BURTON of Indiana. Mr. Chairman, I remember when Ronald Reagan was President and they called and asked us if we would support keeping marines in Beirut. And we did that, and we did not have a specific mission, and they just sat there like sitting ducks. One day a fellow with a truckload of dynamite ran the blockade and blew up and killed 230-some marines, American young men.

I said at that time that I would not support any further military operation unless there was a clear military objective and a timetable within which we were going to complete that objective and get our troops home.

I supported the aid program to Somalia because I thought it was the right thing to do. But now we are involved in what is called nation-building. We lost seven of our troops, three last weekend in the helicopter tragedy. We saw people running around from over there in Somalia, carrying American young men's body parts and holding them up for scrutiny by the world.

Now, we should not be involved in nation-building. This particular approach is not the right approach. There has to be a time certain, a date certain to get our troops out.

This is a sense-of-Congress resolution that says by October 15 the President has to let us know what is going on and by November 15 Congress has to be apprised of the situation so we can take some positive action.

There is no date certain, it is open-ended, as has been stated previously. We need to bring our young people home and turn this over to the United Nations. We should not be involved in nation-building. And the longer we keep them there the more there is going to be a danger of them being killed and we run the same risk of what happened under the Reagan administration in Beirut. We could end up with these young people being killed by the hundreds like sitting ducks.

This is something we should not tolerate, and we should urge the administration to set a date certain and bring our troops home. That is what the American people want. There is no specific objective for them right now except to sit over there and try to find a warlord.

Bring our troops home.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BUYER.]

Mr. BUYER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I wish I could stand here in the well of the House and talk about the real Gilman amendment that was not made proper by the Committee on Rules, because that would have given this body a real choice, a choice to make a decision as to whether or not there will be a date certain as to when we can bring troops home, or we can have debate on a bipartisan, watered-down version of a nonbinding sense of Congress.

I will, though, stand here and give reluctant support to this. I am indifferent to the United States taking a role in nation-building. That is a mission of the United Nations, and I do not believe U.S. troops should participate in that.

Also, I am uncomfortable with the present megatrend, which is happening right now with the use of U.S. troops under the guise of what the President has now called the enlargement of responsibilities coming out of the United Nations.

It almost galls me now when I think of the new term called "peace enhancement." It is incredible. All of us have heard about peacemaking and peacekeeping, but now there is peace enhancement. It is almost as if those who are under control at the bottom of the Hill—if it has to do with the humanitarian effort, then we can use combat troops. But if it is protecting U.S. national interests, then it is making war and we should not do that because we should make peace, not war.

Now, wait a minute. Peace enhancement, how it is defined right now in the United Nations is: When I take an M–16 and I point it at someone to enhance his ability to seek peace. Then when he drops his AK–47, I walk over to that gentleman, I take his AK–47 because now I become a peacemaker. When I secure the environment, I then become a peacekeeper. And then when the mission is completed, I could get to go home, not as a war hero, but as a humanitarian.

Now, wait a minute. This is all combat environment; American lives are being placed in jeopardy. We should have a date certain as to when to send the troops home. I reluctantly support this bipartisan amendment, but we are coming back on this issue.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in support of this amendment offered by the gentleman from Missouri and the gentleman from New York.

Our commitment in Somalia has grown like topsy. First, our troops' mission was to feed starving people. Our forces succeeded admirably in stopping the famine. Then the United Nations decided to rebuild Somali society. Our troops are now the quick reaction force tasked with rescuing the other peacekeeping contingents when they get into trouble, and responsible for hunting down Mr. Aideed, who until only a few weeks ago, was being paid by the United Nations, even after his forces murdered U.N. peacekeepers and the United Nations ordered his arrest.

On Wednesday, the U.N. Security Council set a March 1995 target date for the end of its mission. The new plan is to first reestablish the Somali law enforcement and judicial systems. Admiral Howe has been quoted as saying that the Somali factions will not disarm until a law-and-order system is up and running. After a Somali police force has been created, then the United Nations will work on creating a Somali Government. So the United Nations would have us stay in Somalia for at least another year and a half.

Good policy dictates that we be guided by several precepts that should be established before American military forces are committed overseas. They include: First, do not commit combat forces overseas unless the engagement is deemed vital to our national interest; second, if combat forces are committed, do so wholeheartedly, with the clear intention of winning, and with clearly defined political and military objectives, so we will know what indeed constitutes "winning;" and, third, that such a commitment have the support of the Congress and the American people.

This Congress needs to know from the President why this commitment to Somalia is vital to our national interest. We also need to know what the objectives of our commitment are, and whether the forces sent—both American and foreign—are capable of attaining those objectives. Congress should also have the opportunity to share in the decision as to whether these interests mean Americans should stay in prolonged combat operations in Somalia. I would prefer to direct the President to provide this report, and require that congressional authorization be attained to allow United States troops to stay in Somalia. But I accept this sense of the Congress compromise in the hope that the President will recognize that obtaining the full support of Congress is vital to the success of this mission. And I hope the President will also recognize that if Congress will not give its support, then to continue this commitment would be folly.

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Mr. GEPHARDT. Mr. Chairman, I yield 2½ minutes to the gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Chairman, before I speak, the gentleman from California [Mr. DELLUMS] has consented to yield me also his final 1 minute.

Mr. DELLUMS. Mr. Chairman, I am very pleased to yield 1 minute to my distinguished colleague, the gentleman from Florida.

The CHAIRMAN pro tempore. [Mr. DURBIN]. The gentleman from Florida [Mr. JOHNSTON] is recognized for a total of 3½ minutes.

Mr. JOHNSTON of Florida. Mr. Chairman, I am in the distinct minority here today, because I support the United States involvement with the United Nations in Somalia.

I visited the Horn of Africa in July, principally to go there to visit Ethiopia, the Sudan, and see what was happening with the Fundamentalists in the Sudan.

I made the obligatory trip to Mogadishu for 1 day. There I visited with 90 members of various clans in Mogadishu, all of whom told me that what you had to do before you ever restored peace to this country is to neutralize Mr. Aideed.

Before that, I visited a refugee camp in Mambasa where there were 45,000 Somalians from Kismayu and Mogadishu. To a person they came to me and said, "You're going to have to do something about Aideed because we cannot go back there. You cannot restore law and order in Mogadishu until this man has been captured."

In Mogadishu I visited also with General Bir, the Turkish general, the head of the United Nations Forces there.

I visited with General Montgomery and I visited with Admiral Howe. Each of them concurred with the same conclusion.

The balance of this country has been restored to stability. Ninety-five percent of this country is eating well. The infrastructure for the government is doing well. It is only in southern Mogadishu that we have an insurrection there by one clan leader.

I feel that this amendment is in error. The United Nations is not doing nation building here.

Mr. Chairman and Members of Congress, the stakes here are very high. This man, Aideed, is responsible for 300,000 people starving to death. There are over 20 countries here with the United Nations. If we leave, they will leave, the operation will collapse.

This is the test case in the world today, whether the United Nations can go into a country, feed them, and reestablish law and order, the rule of order there and the rule of law.

If we fail in Somalia, then where will we ever accomplish our mission for humanitarian purposes?

Mr. Chairman, I ask all of you to be very careful, to move very slowly, because we have to reestablish law and order here in order to have humanitarian care for this country.

Mr. STUMP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the American people generally supported our humanitarian efforts to bring relief to millions of starving Somalians, but they did not expect our troops to remain there after the mission was accomplished.

Now, the mission in Somalia has become ambiguous and seemingly indefinite.

Somalia is but one of many places in the world today where conflict rages.

Mr. Chairman, this is a test case which will determine not just our commitment to provide assistance to those in need, but more importantly, our ability to disengage our forces when that task is no longer in the national interest in putting their lives at risk.

We need to bring our troops home now. I urge a no vote on this sense-of-the-Congress resolution.

Mr. Chairman, I rise in opposition to this amendment as it represents one more attempt by Congress to evade the hard question by putting forth a nonbinding resolution that does nothing of consequence and allows the administration to continue floundering in search of a policy in Somalia.

Both Mr. GILMAN and Mr. MICA filed amendments with the Rules Committee that would have given this House real choices on whether we should continue supporting United States participation in the open-ended Somalia operation. But the Rules Committee instead chose to take the compromise reached between the Senate and the White House with no changes, no questions asked, no opportunity for the House to suggest its own views or concerns.

The result is that Members have only one choice before them; vote either for this watered-down compromise nonbinding resolution or vote to do nothing.

I will vote "no," but not because I believe we should do nothing. My vote reflects my opposition to the manner in which this issue was packaged and presented to the House thereby inhibiting our ability to express our growing concern and alarm over this administration's Somalia policy.

Mr. Chairman, the American people supported our humanitarian effort to bring relief to millions of starving Somalians, but they did not expect troops to remain after that mission was accomplished. Now the mission in Somalia has become ambiguous and seemingly indefinite. Somalia is but one of many places in the world today where conflict rages. This is a test case which will determine not just our commitment to provide assistance to those in need, but more importantly our ability to disengage our forces when there is no longer a national interest in putting their lives at risk.

Let's bring our troops home now.

Vote "no" on this nonbinding amendment.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, have you noticed there is a distinct lack of enthusiasm for this amendment? That is because the majority of Members of this House understand that we should have ended our activities in Somalia late last winter.

The President in a seminal foreign policy address yesterday before the General Assembly of the United Nations laid down four criteria for involvement of our forces in peacekeeping activities.

The gentleman from Ohio [Mr. BROWN] and the gentleman from Wisconsin [Mr. ROTH] have already enumerated and discussed those criteria. I would lay down a fifth. It must be in our national interest before we become involved in international peacekeeping activities.

Those criteria should have been applied to Somalia and they still should be applied retroactively.

Mr. Chairman, these were precisely the questions that should have been asked—but apparently were not—before the United States signed on to the U.N.'s nation-building efforts in Somalia. With unclear objectives, spiraling costs, and no clear end point, the Somalia operation increasingly seems misguided and ill-conceived.

What began as a sharply limited, perfectly justifiable, and short-term humanitarian mission has suddenly become an adventure in nation building. We came to Somalia as heroes, but are now engaged in a brutal civil war where the United Nations is seen by Somalis in their capital city as an oppressive occupation force. And now, incredibly, because the current force is not able to pacify Mogadishu, the U.N. commander is asking for more troops. Another brigade is needed, we are now being told, and the Somalia capital can be pacified. Does that sound like Vietnam in the Johnson administration?

We ought to bring our forces out of Somalia rapidly and in an orderly fashion. It is not in our interest to continue our military presence in Somalia. It is inconsistent with our sole original purposes—to provide a secure environment for the delivery of humanitarian relief in an emergency effort to save hundreds of thousands of Somalia.

Senator BYRD's first instincts were right in attempting to gain an early withdrawal of American Armed Forces from Somalia.

As Senator NUNN said at Offutt Air Force Base in Nebraska a couple of weeks ago, "if our military presence is there to establish stability, I ask you, when was Somalia ever stable?"

Mr. Chairman, the question is not whether we should have our Armed Forces in Somalia until November 15, 1993. The question is whether or not this body was given a proper opportunity to formally express itself, to act, and to extract our troops from Somalia in a timely fashion. They ought to be withdrawn rapidly and as soon as possible in an orderly fashion, and the leadership is manipulating the will of the Congress to avoid a straightforward vote, now, on the rapid and orderly withdrawal of our military personnel from Somalia. I believe they know how this House and the other body would vote. Where, too, I ask is the usual demand from across the aisle to invoke the War Powers Act.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DORNAN], a member of the Committee on Armed Services.

Mr. DORNAN. Mr. Chairman and my colleagues, let us go over the death toll in Somalia of our fine young men and U.N. forces.

I was up in an Intelligence Committee meeting just a little while ago, and just to give you an update on these figures, how many Americans were killed, with three men in a helicopter shot down by a rifle grenade, the total is now 11 Americans and 51 U.N. soldiers, 62 people total dead in Somalia as part of nation-building.

Yes, nation-building and hot combat with mined roads and now an American flying vehicle shot out of the sky.

Now, here is something that is rather sad. Two Pakistani forces are missing in action. Can you imagine if these were American boys how upset some people in this Chamber and the U.S. Senate should be?

Missing in action? Does that mean a lot in some dirty little garage off some Mogadishu street being tortured to death, or does it mean they are already dead and their bodies have been dumped down a well or are rotting behind some blown up building in Mogadishu?

This is not combat.

I want to take two lines from my colleague, the gentlewoman from Kansas [Mrs. MEYERS]. Yes, these words should not be called for, under the words of the gentleman from New York and the gentleman from Missouri. It should require a full accounting of our objectives. It should not be to ask the President to seek and receive authorization for deployment of our troops beyond November 15. It should direct such action. Unfortunately this is the best we can get out of the Rules Committee, the gentleman from New York [Mr. GILMAN] tells me.

Why are we afraid to save Mr. Clinton from himself, to give him direct orders?

Mr. Bush said he hoped to have these people out of Somalia by Inauguration Day so he would not be leaving this tar baby in Mr. Clinton's lap.

Mr. Chairman, I will put into the RECORD the words from a speech at the National Press Club by a great former Secretary who was there for 7 full years, my friend Cap Weinberger, when he outlined under the title, "The Uses of Military Power," six hard-core reasons that I want to see in the RECORD during this debate when we should deploy our men and women in harm's way in combat.

One, if it is deemed vital to our national interests, and I will put in his exact words, because Cap Weinberger flushes out each point.

Two, the clear intention of winning. What are we going to win when we have a country as stable as Ukraine, as stable as Estonia, as stable as Abkhazia, a brand new nation forming in blood on the east coast of the Black Sea?

I will only get in number three, Mr. Chairman. I will put the rest in the RECORD.

Clearly defined political and military objectives. I might vote for the Gilman-Gephardt amendment, only because it is the best we have, but it is not nearly sufficient when we have lost 62 U.N. forces, 11 of them our finest young heroes.

So, I rise in weak support of this amendment which calls for consultation with Congress on further United States military involvement in Somalia. I repeat, it should require consultation. Whether or not you supported the initial deployment of U.S. troops, there remains some very basic questions that must be answered before we decide to keep combat forces in this country, maybe as long as March 1995 according to a recent Washington Post article.

Is the situation vital to U.S. interests?

Are there clearly defined political and military objectives?

Will U.S. forces be under U.S. or U.N. command? And who will be accountable?

Will the resources necessary to support the operation be added to the defense budget or will the funds come from other military operations and maintenance accounts?

If we are going to commit United States troops into combat, and yes, Somalia now is definitely a combat zone, it should be for U.S. interests and U.S. military objectives, not U.N. interests and objectives. These troops must also serve under U.S. command and be accountable through Bill Clinton, not Boutros-Ghali.

Finally, it is utterly hypocritical today as we begin to gut the defense budget by over a hundred billion dollars to then turn around and start expanding the role of U.S. military operations overseas as part of questionable U.N. missions.

We in Congress must first ask the hard questions and demand the right answers before going any further in Somalia. So, specifically, I believe the six tests for committing combat forces, as outlined by former Secretary of Defense Caspar Weinberger in a November 28, 1984 speech, should be our guide. Basically, Secretary Weinberger indicated that the following tests should be used to determine whether or not U.S. troops should be sent into combat:

First, is the situation vital to U.S. or allied national interests?

Second, is there a clear commitment, including allocated resources, to achieving victory?

Third, are there clearly defined political and military objectives?

Fourth, will our commitment of forces change if our objectives change?

Fifth, will the American people and Congress support the action?

Sixth, have all other options already been considered or used?

There are many variations on each of these tests. However, these six seem to provide simple yet clear guidelines regarding the use of military force ranging from peacekeeping operations in Somalia to the liberation of Kuwait. Based upon our experience in Vietnam, and the cold hard fact that American lives are at stake every time we deploy United States military forces aboard, I find Secretary Weinberger's second and third tests most valuable. If it is decided that military force should be used, we must act quickly and decisively with clearcut military objectives and overwhelming force to ensure victory.

Operations in the Falklands and Grenada clearly demonstrated the resolve and effectiveness of small local forces against less than overwhelming invading forces. In response, we should heed the advice of General Ulysses S. Grant who claimed: "The art of war is simple enough. Find out where your enemy is. Get at him as soon as you can. Strike him as hard as you can and as often as you can, and keep moving on."

Likewise, the clear military objectives set forth in Desert Storm and Just Cause allowed our military leaders to plan and execute victory on the battlefield that also met the political objectives of those at home. As Napoleon warned: "An irresolute general who acts without principles and without plan, even though he lead an army numerically superior to that of the enemy, almost always finds himself inferior to the latter on the field of battle." My main concern is not about irresolute or vacillating generals, but instead about undecided leaders here in Washington. We must give the Powells and Schwarzkopfs of tomorrow not only the forces, but also the clear objectives necessary to achieve victory on the field of battle.

"THE USES OF MILITARY POWER"

(By Caspar W. Weinberger)

Thank you for inviting me to be here today with the members of the National Press Club, a group most important to our national security. I say that because a major point I intend to make in my remarks is that the single most critical element of a successful democracy is a strong consensus of support and agreement for our basic purposes. Policies formed without a clear understanding of what we hope to achieve will never work. And you help to build that understanding among our citizens.

Of all the many policies our citizens deserve—and need—to understand, none is so important as those related to our topic today—the uses of military power. Deterrence will work only if the Soviets understand our firm commitment to keeping the peace * * * and only from a well-informed public can we expect to have that national will and commitment.

So today, I want to discuss with you perhaps the most important question concerning keeping the peace. Under what circumstances, and by what means, does a great democracy such as ours reach the painful decision that the use of military force is necessary to protect our interests or to carry our national policy?

National power has many components, some tangible—like economic wealth, technical pre-eminence. Other components are intangible—such as moral force, or strong national will. Military forces, when they are strong and ready and modern, are a credible—and tangible—addition to a nation's power. When both the intangible national will and those forces are forced into one instrument, national power becomes effective.

In today's world, the line between peace and war is less clearly drawn than at any time in our history. When George Washington, in his farewell address, warned us, as a new democracy, to avoid foreign entanglements, Europe then lay 2–3 months by sea over the horizon. The United States was protected by the width of the oceans. Now in this nuclear age, we measure time in minutes rather than months.

Aware of the consequences of any misstep, yet convinced of the precious worth of the freedom we enjoy, we seek to avoid conflict, while maintaining strong defenses. Our policy has always been to work hard for peace, but to be prepared if war comes. Yet, so blurred have the lines become between open conflict and half-hidden hostile acts that we cannot confidently predict where, or how, or from what direction aggression may arrive. We must be prepared, at any moment, to meet threats ranging in intensity from isolated terrorist acts, to guerrilla action, to full-scale military confrontation.

Alexander Hamilton, writing in the Federalist Papers, said that "It is impossible to foresee or define the extent and variety of national exigencies, or the correspondent extent and variety of the means which may be necessary to satisfy them." If it was true then, how much more true it is today, when we must remain ready to consider the means to meet such serious indirect challenges to the peace as proxy wars and individual terrorist action. And how much more important is it now, considering the consequences of failing to deter conflict at the lowest level possible. While the use of military force to defend territory has never been questioned when a democracy has been attacked and its very survival threatened, most democracies have rejected the unilateral aggressive use of force to invade, conquer or subjugate other nations. The extent to which the use of force is acceptable remains unresolved for the host of other situations which fall between these extremes of defensive and aggressive use of force.

We find ourselves, then, face to face with a modern paradox: The most likely challenge to the peace—the gray area conflicts—are precisely the most difficult challenges to which a democracy must respond. Yet, while the source and nature of today's challenges are uncertain, our response must be clear and understandable. Unless we are certain that force is essential, we run the risk of inadequate national will to apply the resources needed.

Because we face a spectrum of threats—from covert aggression, terrorism, and subversion, to overt intimidation, to use of brute force—choosing the appropriate level of our response is difficult. Flexible response does not mean just any response is appropriate. But once a decision to employ some degree of force has been made, and the purpose clarified, our Government must have the clear mandate to carry out, and continue to carry out, that decision until the purpose has been achieved. That, too, has been difficult to accomplish.

The issue of which branch of government has authority to define that mandate and make decisions on using force is now being strongly contended. Beginning in the 1970s Congress demanded, and assumed, a far more active role in the making of foreign policy and in the decisionmaking process for the employment of military forces abroad than had been thought appropriate and practical before. As a result, the centrality of decision-making authority in the executive branch has been compromised by the legislative branch to an extent that actively interferes with that process. At the same time, there has not been a corresponding acceptance of responsibility by Congress for the outcome of decisions concerning the employment of military forces.

Yet the outcome of decisions on whether—and when—and to what degree—to use combat forces abroad has never been more important than it is today. While we do not seek to deter or settle all the world's conflicts, we must recognize that, as a major power, our responsibilities and interests are now of such scope that there are few troubled areas we can afford to ignore. So we must be prepared to deal with a range of possibilities, a spectrum of crises, from local insurgency to global conflict. We prefer, of course, to limit any conflict in its early stages, to contain and control it—but to do that our military forces must be deployed in a timely manner, and be fully supported and prepared before they are engaged, because many of those difficult decisions must be made extremely quickly.

Some on the national scene think they can always avoid making tough decisions. Some reject entirely the question of whether any force can ever be used abroad. They want to avoid grappling with a complex issue because, despite clever rhetoric disguising their purpose, these people are in fact advocating a return to post-world war I isolationism. While they may maintain in principle that military force has a role in foreign policy, they are never willing to name the circumstance or the place where it would apply.

On the other side, some theorists argue that military force can be brought to bear in any crisis. Some of these proponents of force are eager to advocate its use even in limited amounts simply because they believe that if there are American forces of any size present they will somehow solve the problem.

Neither of these two extremes offers us any lasting or satisfactory solutions. The first—undue reserve—would lead us ultimately to withdraw from international events that require free nations to defend their interests from the aggressive use of force. We would be abdicating our responsibilities as the leader of the free world—responsibilities more or less thrust upon us in the aftermath of World War II—a war incidentally that isolationism did nothing to deter. These are responsibilities we must fulfill unless we desire the Soviet Union to keep expanding its influence unchecked throughout the world. In an international system raised on mutual interdependence among nations, and alliances between friends, stark isolationism quickly would lead to a far more dangerous situation for the United States: We would be without allies and faced by many hostile or indifferent nations.

The Second alternative—employing our forces almost indiscriminately and as a regular and customary part of our diplomatic efforts—would surely plunge us head-long into the sort of domestic turmoil we experienced during the Vietnam War, without accomplishing the goal for which we committed our forces. Such policies might very well tear at the fabric of our society, endangering the single most critical element of a successful democracy: A strong consensus of support and agreement for our basic purposes.

Policies formed without a clear understanding of what we hope to achieve would also earn us the scorn of our troops, who would have an understandable opposition to being used—in every sense of the word—casually and without intent to support them fully. Ultimately this course would reduce their morale and their effectiveness for engagements we must win. And if the military were to distrust its civilian leadership, recruitment would fall off and I fear an end to the all-volunteer system would be upon us, requiring a return to a draft, sowing the seeds of riot and discontent that so wracked the country in the '60s.

We have now restored high morale and pride in the uniform throughout the services. The all-volunteer system is working spectacularly well. Are we willing to forfeit what we have fought so hard to regain?

In maintaining our progress in strengthening America's military deterrent, we face difficult challenges. For we have entered an era where the dividing lines between peace and war are less clearly drawn, the identity of the foe is much less clear. In World Wars I and II, we not only knew who our enemies were, but we shared a clear sense of why the principles espoused by our enemies were unworthy.

Since these two wars threatened our very survival as a free Nation and the survival of our allies, they were total wars, involving every aspect of our society. All our means of production, all our resources were devoted to winning. Our policies had the unqualified support of the great majority of our people. Indeed, World Wars I and II ended with the unconditional surrender of our enemies . . . the only acceptable ending with the alternative was the loss of our freedom.

But in the aftermath of the second world war, we encountered a more subtle form of warfare—warfare in which, more often than not, the face of the enemy was masked. Territorial expansionism could be carried out indirectly by proxy powers, using surrogate forces aided and advised from afar. Some conflicts occurred under the name of "National Liberation," but far more frequently ideology or religion provided the spark to the tinder.

Our adversaries can also take advantage of our open society, and our freedom of speech and opinion to use alarming rhetoric and disinformation to divide and disrupt our unity of purpose. While they would never dare to allow such freedoms to their own people, they are quick to exploit ours by conducting simultaneous military and propaganda campaigns to achieve their ends.

They realize that if they can divide our national will at home, it will not be necessary to defeat our forces abroad. So by presenting issues in bellicose terms, they aim to intimidate western leaders and citizens, encouraging us to adopt conciliatory positions to their advantage. Meanwhile they remain sheltered from the force of public opinion in their countries, because public opinion there is simply prohibited and does not exist.

Our freedom presents both a challenge and an opportunity. It is true that until democratic nations have the support of the people, they are inevitably at a disadvantage in a conflict. But when they do have that support they cannot be defeated. For democracies have the power to send a compelling message to friend and foe alike by the vote of their citizens. And the American people have sent such a signal by re-electing a strong Chief Executive. They know that President Reagan is willing to accept the responsibility for his actions and is able to lead us through these complex times by insisting that we regain both our military and our economic strength.

In today's world where minutes count, such decisive leadership is more important than ever before. Regardless of whether conflicts are limited, or threats are ill-defined, we must be capable of quickly determining that the threats and conflicts either do or do not affect the vital interests of the United States and our allies * * * and then responding appropriately.

Those threats may not entail an immediate, direct attack on our territory, and our response may not necessarily require the immediate or direct defense of our homeland. But when our vital national interests and those of our allies are at stake, we cannot ignore our safety, or forsake our allies.

At the same time, recent history has proven that we cannot assume unilaterally the role of the world's defender. We have learned that there are limits to how much of our spirit and blood and treasure we can afford to forfeit in meeting our responsibility to keep peace and freedom. So while we may and should offer substantial amounts of economic and military assistance to our allies in their time of need, and help them maintain forces to deter attacks against them—usually we cannot substitute our troops or our will for theirs.

We should only engage our troops if we must do so as a matter of our own vital national interest. We cannot assume for other sovereign nations the responsibility to defend their territory—without their strong invitation—when our own freedom is not threatened.

On the other hand, there have been recent cases where the United States has seen the need to join forces with other nations to try to preserve the peace by helping with negotiations, and by separating warring parties, and thus enabling those warring nations to withdraw from hostilities safely. In the Middle East, which has been torn by conflict for millennia, we have sent our troops in recent years both to the Sinai and to Lebanon, for just such a peacekeeping mission. But we did not configure or equip those forces for combat—they were armed only for their self-defense. Their mission required them to be—and to be recognized as—peacekeepers. We knew that if conditions deteriorated so they were in danger, or if because of the actions of the warring nations, their peacekeeping mission could not be realized, then it would be necessary either to add sufficiently to the number and arms of our troops—in short to equip them for combat, * * * or to withdraw them. And so in Lebanon, when we faced just such a choice, because the warring nations did not enter into withdrawal or peace agreements, the President probably withdrew forces equipped only for peacekeeping.

In those cases where our national interests require us to commit combat forces, we must never let there be doubt of our resolution. When it is necessary for our troops to be committed to combat, we must commit them, in sufficient numbers and we must support them, as effectively and resolutely as our strength permits. When we commit our troops to combat we must do so with the sole objective of winning.

Once it is clear our troops are required, because our vital interests are at stake, then we must have the firm national resolve to commit every ounce of strength necessary to win the fight to achieve our objectives. In Grenada we did just that.

Just as clearly, there are other situations where United States combat forces should not be used. I believe the postwar period has taught us several lessons, and from them I have developed six major tests to be applied when we are weighing the use of U.S. combat forces abroad. Let me now share them with you:

(1) First, the United States should not commit forces to combat overseas unless the particular engagement or occasion is deemed vital to our national interest or that of our allies. That emphatically does not mean that we should declare beforehand, as we did with Korea in 1950, that a particular area is outside our strategic perimeter.

(2) Second, if we decide it is necessary to put combat troops into a given situation, we should do so wholeheartedly, and with the clear intention of winning. If we are unwilling to commit the forces or resources necessary to achieve our objectives, we should not commit them at all. Of course if the particular situation requires only limited force to win our objectives, then we should not hesitate to commit forces seized accordingly. When Hitler broke treaties and remilitarized the Rhineland, small combat forces then could perhaps have prevented the Holocaust of World War II.

(3) Third, if we do decide to commit forces to combat overseas, we should have clearly defined political and military objectives. And we should know precisely how our forces can accomplish those clearly defined objectives. And we should have and send the forces needed to do just that. As Clausewitz wrote, "No one starts a war—or rather, no one in his senses ought to do so—without first being clear in his mind what he intends to achieve by that war, and how he intends to conduct it."

War may be different today than in Clausewitz's time, but the need for well-defined objectives and a consistent strategy is still essential. If we determine that a combat mission has become necessary for our vital national interests, then we must send forces capable to do the job—and not assign a combat mission to a force configured for peacekeeping.

(4) *Fourth, the relationship between our objectives and the forces we have committed—their size, composition and disposition—must be continually reassessed and adjusted if necessary.* Conditions and objectives invariably change during the course of a conflict. When they do change, then so must our combat requirements. We must continuously keep as a beacon light before us the basic questions: "*Is this conflict in our national interest?*" "Does our national interest require us to fight, to use force of arms?" If the answers are "yes", then we *must* win. If the answers are "no", then we should not be in combat.

(5) *Fifth,* before the U.S. commits combat forces abroad, there must be some *reasonable assurance we will have the support of the American people and their elected representatives in Congress.* This support cannot be achieved unless we are candid in making clear the threats we face; the support cannot be sustained without continuing and close consultation. We cannot fight a battle with the Congress at home while asking our troops to win a war overseas or, as in the case of Vietnam, in effect asking our troops *not* to win, but just to be there.

(6) *Finally,* the commitment of U.S. forces to combat should be "a last resort".

I believe that these tests can be helpful in deciding whether or not we should commit our troops to combat in the months and years ahead. The point we must all keep uppermost in our minds is that if we ever decide to commit forces to combat, we must support those forces to the *fullest* extent of our national will for as long as it takes to win. So we must have in mind objectives that are clearly defined and understood and supported by the widest possible number of our citizens. And those objectives must be vital to our survival as a free nation and to the fulfillment of our responsibilities as a world power. We must also be farsighted enough to sense when immediate and strong reactions to apparently small events can prevent lion-line responses that may be required later. We must never forget those isolationists in Europe who shrugged that "Danzig is Not Worth A War", and "Why should we fight to keep the Rhineland demilitarized?"

These tests I have just mentioned have been phrased negatively for a purpose—they are intended to sound a note of caution—caution that we must observe prior to committing forces to combat overseas. When we ask our military forces to risk their very lives in such situations, a note of caution is not only prudent, it is morally required.

In many situations we may apply these tests and conclude that a combatant role is not appropriate. Yet no one should interpret what I am saying here today as an abdication of America's responsibilities—either to its own citizens or to its allies. Nor should these remarks be misread as a signal that this country, or this administration, is unwilling to commit forces to combat overseas.

We have demonstrated in the past that, when our vital interests or those of our allies are threatened, we are ready to use force, and use it decisively, to protect those interests. Let no one entertain any illusions—if our vital interests are involved, we are prepared to fight. And we are resolved that if we must fight, we *must* win.

So, while these tests are drawn from lessons we have learned from the past, they also also can—and should—be applied to the future. For example, the problems confronting us in Central America today are difficult. The posssibility of more extensive Soviet and Soviet-proxy penetration into this hemisphere in months ahead is something we should recognize. If this happens we will clearly need more economic and military assistance and training to help those who want democracy.

The President will not allow our military forces to creep—or be drawn gradually—into a combat role in Central America or any other place in the world. And indeed our policy is designed to prevent the need for direct American involvement. This means we will need sustained Congressional support to back and give confidence to our friends in the region.

I believe that the tests I have enunciated here today can, if applied carefully, avoid the danger of this gradualist incremental approach which almost always means the use of insufficient force. These tests can help us to avoid being drawn inexorably into an endless morass, where it is not vital to our national interest to fight.

But policies and principles such as these require decisive leadership in both the executive and legislative branches of Government—and they also require strong and sustained public support. Most of all, these policies require national unity of purpose. I believe the United States now possesses the policies and leadership to gain that public support and unity. And I believe that the future will show we have the strength of character to protect peace with freedom.

In summary, we should all remember these are the policies—indeed the only policies—

> that can preserve for ourselves, our friends, and our posterity, peace with freedom.
>
> I believe we can continue to deter the Soviet Union and other potential adversaries from pursuing their designs around the world. We can enable our friends in Central America to defeat aggression and gain the breathing room to nurture democratic reforms. We can meet the challenge posed by the unfolding complexity of the 1980's.
>
> We will then be poised to begin the last decade of this century amid a peace tempered by realism, and secured by firmness and strength. And it will be a peace that will enable all of us—ourselves at home, and our friends abroad—to achieve a quality of life, both spiritually and materially, far higher than man has even dared to dream.

□ 1710

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Chairman, we should pull out of Somalia now. Our humanitarian mission was over 4 months ago.

Last May, we voted to get out of Somalia by June 30, I supported the amendment, but it was defeated by more than a 2 to 1 margin.

Another amendment was offered by the respected Republican leader of the Foreign Affairs Committee, Mr. GILMAN, to remove our forces by the end of October. I also voted for the amendment, but it, too, was defeated.

Yet, what did the House adopt? A resolution to keep our troops for up to 2 years in Somalia. This only extends our unending commitment in Somalia.

My freshman classmate, Mr. MICA, introduced a resolution to withdraw all U.S. Armed Forces from Somalia, which I have cosponsored. Mr. GOODLING also circulated a letter, opposing the placement of U.S. troops under foreign command, which I also signed. I have done all that I can to protest the continued deployment of American forces in Somalia.

The Clinton administration is wrong in using American Armed Forces to rebuild the political life of Somalia for the indefinite future.

This amendment would require the Clinton administration to report to Congress by October 15 the mission, command arrangements, size, functions, location and anticipated length of stay of United States forces deployed in Somalia. It would also require congressional approval by November 15 for any troops deployed in Somalia beyond that date.

This amendment was adopted in the other body by an overwhelming vote of 90 to 7. The House should do likewise.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Chairman, I thank the gentleman from New York [Mr. GILMAN] for his continuous fight to bring to the floor the issue of the open-ended United States deployment of forces in Somalia.

American troops are in harm's way, yet Congress has not voted on the issue. Even though the Constitution mandates it, the Congress is empowered to make the decision regarding war. If anything can be learned from Vietnam, it should be that continuous military involvement is contingent on the country's support. It is not there today. A vote by Congress demonstrates that support. We owe our troops no less.

Hard decisions about the U.S. role in the post-cold-war era and our military budget must be made. The money we are contemplating for the 1994 DOD authorization does not begin to match the rhetoric of the administration's proposed commitments.

Yesterday, I attended the Board of Visitors' meeting for the Naval Academy and discovered that last year very few civilian professors received even cost-of-living increases. I raise this to point out that we do not have enough money in our defense budget to fund commitments inside the United States—let alone to fund mediating the endless disputes that lie beyond our borders.

Mr. Chairman, I will support the efforts of the gentleman from New York [Mr. GILMAN], although I feel the Gephardt-Gilman amendment does not accomplish what is truly needed now.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Chairman, I rise in support of the amendment, although I, too, would have preferred an amendment to bring our troops home immediately.

Earlier this year, this House passed a resolution which authorized United States involvement in Somalia for another year and contained language enabling the Congress to consider extending this commitment even longer. That resolution was not a detailed plan for resolving the situation in Somalia but rather a blueprint for chaos.

Mr. Chairman, this amendment sets realistic dates for the President to report to Congress on the nature of our mission in Somalia. Members should be aware that the amendment does not usurp the constitutional authority of the President to conduct foreign policy. Instead, the amendment simply sets a clear timetable for the President to submit a realistic plan of action for troops who have traveled in to harm's way.

No one can deny that our original mission in Somalia has been altered. Events of this past weekend demonstrate that our mission, which was first based on humanitarian virtues, has turned into a exercise in urban warfare. I urge my colleagues to support this amendment and address the open-ended nature of our Somalian policy as a first step toward bringing Americans home as quickly as possible.

Mr. GILMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. GINGRICH], our distinguished whip on the minority side.

Mr. GINGRICH. Mr. Chairman, I thank the gentleman from New York [Mr. GILMAN], my friend, for yielding this time to me, and I rise in strong support of this amendment.

I think that it is very important that Congress carry its full share of the responsibility for establishing the framework of foreign policy, and let me draw the distinction because I think it is important for every Republican to understand that for 12 long years, under Presidents Reagan and Bush, we argued that Presidents should manage on a day-to-day basis foreign policy, that Congress should not micromanage. I think that is still true, and yet at the same time it is very clear, just as it was under Presidents Reagan and Bush, that Congress should establish the framework both in terms of what it will pay for and in terms of what it will legally authorize, and that is a tradition which goes all the way back to the 1790's, when, for example, there was a major debate over whether or not to deal with the Algerian pirates and whether or not to negotiate with them. So, from the very beginning our Founding Fathers understood that it is legitimate for the Congress to discuss the framework of foreign policy while delegating to the President, as the Constitution does, the day-to-day executive nature of implementing that policy once established.

Mr. Chairman, I think that the Gephardt-Gilman amendment is very important because it does set a time frame, and it does say to the executive branch, "You need to account for what you're doing in Somali," and it does say to the executive branch, "If, in fact, you're going to change the mission, you need to explain that change, you need to get the country's support, and you need to get the Congress' authorization," and I think that is exactly right.

Back in the last administration, Mr. Chairman, Marlin Fitzwater, the President's spokesman said, and I quote:

> We want to make it clear that this U.N. force would be designed to get humanitarian supplies in, not to establish a new government or resolve the decades-long conflict there or to set up a protectorate or anything like that.

Mr. Chairman, that was Marlin Fitzwater speaking for President Bush as reported in the Washington Post on December 4, 1992.

Now the fact is the mission is changing. I could make a pretty good argument the mission should change. I am prepared to have the President explain to us why we cannot leave without establishing a framework, that he has the obligation to come to the Congress to do so.

I urge a "yes" vote for the Gephardt-Gilman amendment.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, in my opinion this debate is outrageous. This is a feel-good, CYA amendment for this body to go on record saying, "We'd like to have our troops back home at some time in the future, but don't give us any specifics right now."

Mr. Chairman, I was a reluctant supporter of President Bush and Secretary Cheney when they committed our troops to Somalia. I supported them because of their public statements, like in December 1992, when Dick Cheney said that Americans would not get bogged down in a guerrilla war or when he said in December 1992, "If you're looking for the U.S. to stay until Somalia's problems are solved, it's not going to happen," or when General Powell said in December 1992 to reporters that the United States military may take 2 to 3 months to accomplish the mission.

We made a group visit to Somalia, to Mogadishu, and Baidoa, in January of this year. The U.N. was not prepared then, and they are not prepared now, and our troops are still there. The U.N. is not in place. We have spent $2 billion. We have had 11 young people killed from our country, and we still do not know what our mission is.

Read the resolution, my colleagues. What it says is by October 15, 9 months after we went in there, we are going to ask the Secretary of Defense and the President to give us what our goals and objectives are, 9 months after our troops have been there, $2 billion later, 11 dead Americans. Now we are going to ask for the goals and objectives, and we give the President until November 15 to do something about it.

Mr. Chairman, this action today is outrageous. It is outrageous for those Americans who do not want to see our troops there.

I will quote Ambassador Bob Oakley and Brig. Gen. Tony Zinney, both of whom were involved in Vietnam and made the comparison of Somalia to Vietnam and to Beirut. They summed it up in three basic lessons. They said, "If you go in, go in quickly, avoid entanglement with one side or the other, and get out as quickly as possible."

□ 1720

We have done none of those things. David Shim, the United States special coordinator for Somalia, quoted recently, August 15, what he thought our position was going to be in terms of staying in Somalia. He left the door open that we would stay there through 1994, 1995, and possibly beyond.

Mr. Chairman, famine relief is one thing, and we have done that. Nation-building is another. If the U.N. wants to undertake what has never been done before in the history of the world, fine. The United States is not in that business. It is bad enough playing cop in the world; playing God is crazy.

This resolution is not enough. We should come to our senses, and we should get our troops out of Somalia now.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Missouri [Mr. GEPHARDT] is recognized for 4½ minutes to close the debate.

Mr. GEPHARDT. Mr. Chairman, first, everyone here and all of the people in our country honor and respect and pray for the families of the young people who have been killed, who have lost their lives, trying to help Somalia be able to advance into the future with a bright future.

We respect and honor the lives of all of the young people, whether they are American, Pakistani, or of other countries, who have given their lives.

This is a very serious matter. President Bush was right when he came to Congress and said, just before he left office, that this should be done. I think it is very important as we consider this to remember what has been done and the facts that we were presented with when we started. Over 1,000 people a day were dying of starvation in Somalia. Over 1 million refugees had been forced into exile. The United Nations efforts to deliver food to starving people had virtually been halted and stopped. It was that that we faced.

Let us also remember what has been accomplished. Mass starvation in Somalia has ended. Schools and hospitals are reopening across this country. Police forces and court systems are rebuilding, and, in some parts, representative councils are functioning.

I have asked everybody who has been there what would happen if we pulled everybody out, and the answer universally is if we pull our people out, all of the advance, all of the progress, all of the help that has been accomplished, would be lost in a day. Let us keep those facts in our mind as we consider what to do.

Mr. Chairman, I think this resolution is sensible. It takes what we have accomplished and says, let us ask the administration now, by the middle of October, for an assessment. Let us call for an authorization of the Congress by the middle of November, to decide again if the course we are on is one we want to continue to follow. The truth is when we started, when President Bush started, when it was handed off to President Clinton, when we handed it off to the United Nations, we have entered into a new era and a new period and a new challenge. We are not sure yet how to do peacekeeping, or certainly, peacemaking. This is not the kind of a military assignment that we have been involved in for 50 years. It is new, it is different. We are feeling our way. We are learning. We are trying to figure it out.

Now is not the time to back off. This is our new challenge, and it will be our challenge, not only in Somalia, but in other places around the world.

Mr. Chairman, we have made great progress. Let us not stop that progress. Let us back up, let us look, let us assess, let us make further decisions. But now is not the time to lose our strength and our vision and our commitment.

Mr. Chairman, I urge Members to vote for this amendment. Give this effort a chance. Let us learn how to do this very important assignment and precedent for the future.

Mr. LEWIS of Florida. Mr. Chairman, I rise in support of this amendment, which requires that the President report to Congress on the goals, objectives, and anticipated duration of United States forces deployed in Somalia by October 15, 1993.

Although I would have preferred a stronger amendment, mandating that our troops be called home, I support this amendment on the basis that it is the first step toward this goal.

In June, I wrote the President to request that the troops be brought home since our original mission had been completed. At the time, my concerns focused on the fact that our mission had evolved from one of humanitarian concerns to the goal of disarming Mogadishu.

Since that time, our goals have become even more troubling. Apparently, our goal now is to establish democratic institutions in Somalia, a country whose democratic traditions are, at best, negligible.

Mr. Chairman, we are caught in an open-ended, ill-defined mission in Somalia. Aside from being foolhardy, it is also dangerous. It is dangerous for the thousands of young American men and women who are doing their best to make good, and yes, even survive this mission. I cannot, with a clear conscience, ask them to put their lives at risk for a mission such as this.

I urge my colleagues to support this amendment as a first step toward bringing our troops home from Somalia.

The CHAIRMAN pro tempore. Under the rule, all time for debate has expired.

The question is on the amendment offered by the gentleman from Missouri [Mr. GEPHARDT].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. STUMP. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 406, noes 26, not voting 6, as follows:

[Roll No. 463]

AYES—406

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley

Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—26

Bachus (AL)
Barton
Burton
Coble
Combest
Conyers
Dornan
Fields (TX)
Geren
Gonzalez
Hancock
Hunter
Inhofe
Johnston
McKinney
Obey
Parker
Payne (NJ)
Ridge
Roberts
Sensenbrenner
Stump
Taylor (MS)
Towns
Walker
Weldon

NOT VOTING—6

Cooper
de la Garza
Jefferson
McDade
Underwood (GU)
Whitten

☐ 1746

Mr. BACHUS of Alabama, Ms. McKINNEY, Mr. TOWNS, and Mr. CONYERS changed their vote from "aye" to "no."

Messrs. LEACH, SMITH of Michigan, and ZELIFF changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

☐ 1750

AMENDMENTS EN BLOC OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, pursuant to section 3 of House Resolution 254, I offer amendments en bloc consisting of amendment 7, as modified, amendment 8, as modified, amendment 10, printed in House Report 103–236, and amendments numbered 4, 5, 6, 7, 8, and 9, amendment 10, as modified, amendment 12, amendment 13, amendment 15, as modified, and amendment 17, as modified, printed in part 4 of House Report 103–252.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc and report the modifications.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent that the modifications to the amendments be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The texts of amendment 7, as modified, amendment 8, as modified, amendment 10, printed in House Report 103–236, and amendments numbered 4, 5, 6, 7, 8, and 9, amendment 10, as modified, amendment 12, amendment 13, amendment 15, as modified, and amendment 17, as modified, printed in part 4 of House Report 103–252, are as follows:

AMENDMENT OFFERED BY MR. LEVY OR MR. PALLONE

At the end of title IX (page 325, after line 25), insert the following section:

SEC. 950. REINVESTIGATION BY DEFENSE INSPECTOR GENERAL OF CERTAIN CASES OF DEATH OF MEMBERS OF THE ARMED FORCES BY SELF-INFLICTED WOUNDS.

(a) IN GENERAL.—The Inspector General of the Department of Defense shall conduct a reinvestigation of the death of any member of the Armed Forces who died while on active duty after January 1, 1982, from a wound determined to be self-inflicted (whether by accident or intention) in any case in which the immediate family members of the deceased servicemember request the reinvestigation based upon allegations grounded in new evidence or wellfounded suspicions of an incomplete or inadequate previous investigation.

(b) EXPERT SERVICES.—In carrying out any such reinvestigation, the Inspector General may obtain necessary expert services (such as the services of pathologists and ballistics experts) from sources outside the Department of Defense.

(c) FINDINGS AND RECOMMENDATIONS.—The Inspector General shall prepare a report on each case investigated under this section. Based upon the findings and conclusions in such report, the Secretary of the military department concerned shall take such actions as the Secretary determines to be appropriate, including actions to correct the record of the deceased servicemember and actions to institute disciplinary proceedings against other servicemembers relating to the circumstances of the death investigated or to the conduct of earlier investigations of the death.

(d) FURNISHING OF REPORT TO FAMILY.—In each case of an investigation under this section, the Inspector General shall furnish a copy of the report on the investigation to the family members of the individual whose death was investigated in accordance with section 1072 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2508).

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

At the end of title II (page 81, after line 23), add the following new section:

SEC. 266. LYME DISEASE PROGRAM.

(a) PROGRAM.—The Secretary of Defense shall carry out a program relating to Lyme disease. The program shall be carried out through the Environmental Hygiene Agency of the Department of the Army. The Secretary shall provide that information relating to prevention, detection, or treatment of Lyme disease that is developed under the program and that may be applicable to the general public shall be provided to the Secretary of Health and Human Services for dissemination to appropriate public health authorities through the Public Health Service.

(b) FUNDING.—From funds made available to the Army for fiscal year 1994 for research, development, test, and evaluation pursuant to section 201, the sum of $1,000,000 shall be available for the program under subsection (a), of which $500,000 shall be for one-time startup costs for equipment, facilities, and software development and $500,000 shall be for fiscal year 1994 labor and operating expenses.

AMENDMENT OFFERED BY MR. TORRICELLI

At the end of title VIII (page 293, before line 17), add the following new section:

SEC. 825. REPORTS BY DEFENSE CONTRACTORS OF DEALINGS WITH TERRORIST COUNTRIES.

(a) REPORT REQUIREMENT.—Whenever the Secretary of Defense proposes to enter into a contract with any person for an amount in excess of $500,000 for the provision of goods or services to the Department of Defense, the Secretary shall require that person—

(1) before entering into the contract, to report to the Secretary each commercial transaction which that person has conducted with any terrorist country during the preceding three years; and

(2) to report to the Secretary each commercial transaction which that person conducts during the course of the contract (but not after the date specified in subsection (f)) with any terrorist country.

The requirement contained in paragraph (2) shall be included in the contract with the Department of Defense.

(b) REGULATIONS.—The Secretary of Defense shall issue such regulations as may be necessary to carry out this section.

(c) ANNUAL REPORT TO CONGRESS.—The Secretary of Defense shall submit to the Congress each year a report setting forth those persons conducting commercial transactions with terrorist countries as included in the reports made pursuant to subsection (a) during the preceding fiscal year, the terrorist countries with which those transactions were conducted, and the nature of those transactions.

(d) TERRORIST COUNTRY DEFINED.—A country shall be considered to be a terrorist country for purposes of a contract covered by this section if the Secretary of State has determined pursuant to law, as of the date that is 60 days before the date on which the contract is signed, that the government of that country is a government that has repeatedly provided support for acts of international terrorism.

(e) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into after the end of the 60-day period beginning on the date of the enactment of this Act.

(f) TERMINATION.—This section expires on September 30, 1996.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. DELLUMS

The amendment as modified is as follows:

In section 1005(d), strike out "$48,000,000" and insert in lieu thereof "$58,000,000".

At the end of subtitle A of title X (page 329, after line 25), insert the following new sections:

SEC. 1008. INCREASE IN AMOUNT FOR CINC INITIATIVE FUND.

The amount provided in section 301 for Defense-wide activities for fiscal year 1994 is hereby increased by $5,000,000, to be an additional amount for the CINC Initiative Fund.

SEC. 1009. REPORT ON HUMANITARIAN ASSISTANCE ACTIVITIES

The Secretary of Defense shall include in the next annual report of the Secretary under section 113 of title 10, United States Code, a report on the activities of the Department of Defense under sections 401, 402, 2547, and 2551 of that title. The report shall describe activities under those sections that have been carried out during fiscal year 1994 to the date of the report and planned activities under those sections for the remainder of fiscal year 1994 and for fiscal year 1995.

AMENDMENT OFFERED BY MR. MC CLOSKEY, MR. STARK, OR MR. MC CURDY

At the end of subtitle C of title X (page 346, after line 23), insert the following new sections:

SEC. 1043. NUCLEAR NONPROLIFERATION.

(a) FINDINGS.—The Congress finds the following:

(1) The United States has been seeking to contain the spread of nuclear weapons technology and materials.

(2) With the end of the Cold War and the breakup of the Soviet Union, the proliferation of nuclear weapons is now a leading military threat to the national security of the United States and its allies.

(3) The United Nations Security Council declared on January 31, 1992, that "proliferation of all weapons of mass destruction constitutes a threat to international peace and security" and committed to taking appropriate action to prevent proliferation from occurring.

(4) Aside from the five declared nuclear weapon states, a number of other nations have or are pursuing nuclear weapons capabilities.

(5) The IAEA is a valuable international institution to counter proliferation, but the effectiveness of its system to safeguard nuclear materials may be adversely affected by financial constraints.

(6) The Nuclear Non-Proliferation Treaty codifies world consensus against further nuclear proliferation and is scheduled for review and extension in 1995.

(7) The Nuclear Nonproliferation Act of 1978 declared that the United States is committed to continue strong support for the Nuclear Non-Proliferation Treaty and to a strengthened and more effective IAEA, and established that it is United States policy to establish more effective controls over the transfer of nuclear equipment, materials, and technology.

(b) COMPREHENSIVE NUCLEAR NONPROLIFERATION POLICY.—In order to end nuclear proliferation and reduce current nuclear arsenals and supplies of weapons-usable nuclear materials, it should be the policy of the United States to pursue a comprehensive policy to end the further spread of nuclear weapons capability, roll back nuclear proliferation where it has occurred, and prevent the use of nuclear weapons anywhere in the world, with the following additional objectives:

(1) Successful conclusion of all pending nuclear arms control and disarmament agreements with all the republics of the former Soviet Union and their secure implementation.

(2) Full participation by all the republics of the former Soviet Union in all multilateral nuclear nonproliferation efforts and acceptance of IAEA safeguards on all their nuclear facilities.

(3) Strengthening of United States and international support to the IAEA so that the IAEA has the technical, financial, and political resources to verify that countries are complying with their nonproliferation commitments.

(4) Strengthening of nuclear export controls in the United States and other nuclear supplier nations, impose sanctions on individuals, companies, and countries which contribute to nuclear proliferation, and provide increased public information on nuclear export licenses approved in the United States.

(5) Reduction in incentives for countries to pursue the acquisition of nuclear weapons by seeking to reduce regional tensions and to strengthen regional security agreements, and encourage the United Nations Security Council to increase its role in enforcing international nuclear nonproliferation agreements.

(6) Support for the indefinite extension of the Nuclear Non-Proliferation Treaty at the 1995 conference to review and extend that treaty and seek to ensure that all countries sign the treaty or participate in a comparable international regime for monitoring and safeguarding nuclear facilities and materials.

(7) Reaching agreement with the Russian Federation to end the production of new types of nuclear warheads.

(8) Pursuing, once the START I treaty and the START II treaty are ratified by all parties, a multilateral agreement to significantly reduce the strategic nuclear arsenals of the United States and the Russian Federation to below the levels of the START II treaty, with lower levels for the United Kingdom, France, and the People's Republic of China.

(9) Reaching immediate agreement with the Russian Federation to halt permanently the production of fissile material for weapons purposes, and working to achieve worldwide agreements to—

(A) end in the shortest possible time the production of weapons-usable fissile materials;

(B) place existing stockpiles of such materials under bilateral or international controls; and

(C) require countries to place all of their nuclear facilities dedicated to peaceful purposes under IAEA safeguards.

(10) Strengthening IAEA safeguards to more effectively verify that countries are complying with their nonproliferation commitments and provide the IAEA with the political, technical, and financial support necessary to implement the necessary safeguards reforms.

(11) Conclusion of a multilateral comprehensive nuclear test ban treaty.

(c) REQUIREMENTS FOR IMPLEMENTATION OF POLICY.—(1) Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Congress a report, in unclassified form, with a classified appendix if necessary, on the actions United States has taken and the actions the United States plans to take during the succeeding 12-month period to implement each of the policy objectives set forth in this section.

(2) Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Congress a report in unclassified form, with a classified appendix if necessary, which—

(A) addresses the implications of the adoption by the United States of a policy of no-first-use of nuclear weapons;

(B) addresses the implications of an agreement with the other nuclear weapons states to adopt such a policy; and

(C) addresses the implications of a verifiable bilateral agreement with the Russian Federation under which both countries withdraw from their arsenals and dismantle all tactical nuclear weapons, and seek to extend to all nuclear weapons states this zero option for tactical nuclear weapons.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "IAEA" means the International Atomic Energy Agency.

(2) The term "IAEA safeguards" means the safeguards set forth in an agreement between a county and the IAEA, as authorized

by Article III(A)(5) of the Statute of the International Atomic Energy Agency.

(3) The term "non-nuclear weapon state" means any country that is not a nuclear weapon state.

(4) The term "Nuclear Non-Proliferation Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968.

(5) The term "nuclear weapons state" means any country that is a nuclear-weapon state, as defined by Article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968.

(6)The term "weapons-usable fissile materials" means highly enriched uranium and separated or reprocessed plutonium.

(7) The term "policy of no first use of nuclear weapons" means a commitment not to initiate the use of nuclear weapons.

(8) The term "START II treaty" means the Treaty on Further Reductions and Limitations of Strategic Offensive Arms, signed by the United States and the Russian Federation on January 3, 1993.

SEC. 1044. SENSE OF CONGRESS RELATING TO THE PROLIFERATION OF SPACE LAUNCH VEHICLE TECHNOLOGIES.

(a) FINDINGS.—The Congress finds the following:

(1) The United States has joined with other nations in the Missile Technology Control Regime (MTCR) which restricts the transfer of missiles or equipment or technology that could contribute to the design, development or production of missiles capable of delivering weapons of mass destruction.

(2) Missile technology is indistinguishable from and interchangeable with space launch vehicle technology.

(3) Transfers of missile technology or space launch vehicle technology cannot be safeguarded in a manner that would provide timely warning of diversion for military purposes.

(4) It has been United States policy since agreeing to the guidelines of the Missile Technology Control Regime to treat the sale or transfer of space launch vehicle technology as restrictively as the sale or transfer of missile technology.

(5) Previous congressional action on missile proliferation, notably title XVII of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1738), has explicitly supported this policy through such actions as the statutory definition of the term "missle" to mean "a category I system as defined in the MTCR Annex, and any other unmanned delivery system of similar capability, as well as the specially designed production facilities for these systems".

(6) There is strong evidence that emerging national space launch programs in the Third World are not economically viable.

(7) The United States has successfully dissuaded countries from pursuing space launch vehicle programs in part by offering to cooperate with them in other areas of space science and technology.

(8) The United States has successfully dissuaded other MTCR adherents, and countries who have agreed to abide by MTCR guidelines, from providing assistance to emerging national space launch programs in the Third World.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) The Congress supports the strict interpretation by the United States of the Missile Technology Control Regime concerning—

(A) the inability to distinguish space launch vehicle technology from missile technology under the regime; and

(B) the inability to safeguard space launch vehicle technology in a manner that would provide timely warning of its diversion to military purposes; and

(2) the United States and the governments of other nations adhering to the Missile Technology Control Regime should be recognized for—

(A) the success of such governments in restricting the export of space launch vehicle technology and of missile technology; and

(B) the significant contribution made by the imposition of such restrictions to reducing the proliferation of missile technology capable of being used to deliver weapons of mass destruction.

(c) DEFINITIONS.—In this section:

(1) The term "Missile Technology Control Regime" or "MTCR" means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(2) The term "MTCR Annex" means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

AMENDMENT OFFERED BY MS. FURSE

In section 3105(e)(4), strike out "yield less than the lowest yield nuclear weapon type in the nuclear weapons stockpile in existence on the date of the enactment of this Act." and insert in lieu thereof "yield of less than five kilotons."

AMENDMENT OFFERED BY MR. MOAKLEY

Page 104, strike out section 343 (line 12 through page 105, line 2) and insert in lieu thereof the following:

SEC. 343. CONTINUATION OF CERTAIN PERCENTAGE LIMITATIONS ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

The Secretary of Defense shall ensure that the percentage limitations on the performance of depot-level maintenance of material set forth in section 2466 of title 10, United States Code, are adhered to. The Secretary of Defense may not enter into a contract for the performance exclusively by non-Federal Government personnel of any depot-level maintenance that is not required to be performed by employees of the Department of Defense under such section unless, prior to selecting the entity to perform the depot-level maintenance—

(1) the Secretary uses competitive procedures for the selection; and

(2) where appropriate, depot-level activities of the Department of Defense are eligible to compete for the depot-level maintenance.

Page 108, after line 3, insert the following new section:

SEC. 347. AUTHORITY TO WAIVE CERTAIN CLAIMS OF THE UNITED STATES.

(a) DESCRIPTION OF THE CLAIMS INVOLVED.—This section applies with respect to any claim of the United States against an individual which relates to a bonus or other payment awarded to such individual under a productivity gainsharing program based on work performed by such individual as an employee of the Naval Aviation Depot, Norfolk, Virginia, after September 30, 1988, and before October 1, 1992.

(b) WAIVER AUTHORITY AVAILABLE WITHOUT REGARD TO THE AMOUNT INVOLVED.—Notwithstanding the limitation set forth in section 2774(a)(2)(A) of title 10, United States Code, any waiver authority under section 2774(a)(2) of such title may be exercised, with respect to any claim described in subsection (a) of this section, without regard to the amount involved.

(c) DEFINITION.—For the purpose of this section, the term "productivity gainsharing program" means a productivity gainsharing program established under chapter 45 or section 5407 of title 5, United States Code, or Executive Order 12637 (31 U.S.C. 501 note).

AMENDMENT OFFERED BY MR. MOAKLEY

At the end of subtitle D of title XIII (page 481, after line 25), insert the following new section:

SEC. 1344. REGIONAL RETRAINING SERVICES CLEARINGHOUSES.

(a) ESTABLISHMENT REQUIRED.—The Secretary of Labor, in consultation with the Secretary of Defense, shall carry out a demonstration project to establish one or more regional retraining services clearinghouses to serve eligible persons described in subsection (b).

(b) PERSONS ELIGIBLE FOR CLEARINGHOUSE SERVICES.—The following persons shall be eligible to receive services through the clearinghouses:

(1) Members of the Armed Forces who are discharged or released from active duty.

(2) Civilian employees of the Department of Defense who are terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense.

(3) Employees of defense contractors who have been terminated or laid off (or receive a notice of termination or lay off) as a result of the completion or termination of a defense contract or program or reductions in defense spending, as determined by the Secretary of Defense.

(c) INFORMATION ACTIVITIES OF CLEARINGHOUSES.—The clearinghouses shall—

(1) collect educational materials which have been prepared for the purpose of providing information to eligible persons regarding available retraining programs, in particular those programs dealing with critical skills needed in advanced manufacturing and skill areas in which shortages of skilled employees exist;

(2) establish and maintain a data base for the purpose of storing and categorizing such materials based on the different needs of eligible persons; and

(3) furnish such materials, upon request, to such educational institutions and other interested persons.

(d) FUNDING.—From funds made available under section 4465(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 29 U.S.C. 1662d–1 note) to carry out section 325A of the Job Training Partnership Act (29 U.S.C. 1662d–1), not more than $10,000,000 shall be available to the Secretary of Labor to carry out this section during fiscal year 1994. Funds made available under section 1302 for defense conversion, reinvestment, and transition assistance programs shall not be used to carry out this section.

MODIFICATION TO AMENDMENT OFFERED BY MR. HALL OF OHIO

The amendment as modified is as follows:

At the end of title XXXI (page 589, after line 17), insert the following section:

SEC. 3139. TRANSFER OR LEASE OF PROPERTY AT DEPARTMENT OF ENERGY WEAPON PRODUCTION FACILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The termination or reconfiguration of weapon production activities at facilities of the Department of Energy within the United States is a necessary consequence of the end of the Cold War and of changed United States national security requirements.

(2) A facility of the Department of Energy is a significant source of employment for many communities, and the closure or reconfiguration of such a facility may cause economic hardship for the workers and the communities.

(3) It is in the interest of the United States that the Federal Government facilitate the economic recovery of communities that experience adverse economic circumstances as the result of the closure or reconfiguration of a Department of Energy facility and, where possible, prevent the occurrence of adverse economic circumstances.

(4) It is in the interest of the United States that the Federal Government work with communities that experience adverse economic circumstances as the result of the closure or reconfiguration of Department of Energy facilities to identify and implement means of reutilizing or redeveloping such facilities in a beneficial manner.

(5) The Federal Government may provide such assistance by closing or reconfiguring such facilities and conveying the real property in a manner that best ensures environmental protection and the beneficial reutilization or redevelopment of such facilities by such communities.

(6) The Federal Government may best ensure such reutilization and redevelopment by making available real and personal property of the closing or reconfigured Department of Energy facilities to communities affected by such closures or reconfiguration on a timely basis, and, if appropriate, at less than fair market value.

(7) Preservation of the national technology and industrial base could be assisted by the appropriate transfer, lease, or reutilization of property, facilities, and equipment which currently are not needed for the Department of Energy weapon production mission.

(8) A delay in the transfer, lease, or reutilization of such property, facilities, and equipment for commercial use will reduce the national technology and industrial base because of lost skilled personnel and lost business opportunities.

(b) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General Services shall delegate to the Secretary of Energy, with respect to property covered under subsection (d)—

(A) the authority of the Administrator to utilize excess property under section 202 of the Federal Property and Administrator Services Act of 1949 (40 U.S.C. 483);

(B) the authority of the Administrator to dispose of surplus property under section 203 of that Act (40 U.S.C. 484); and

(C) the authority of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

(2)(A) Subject to subparagraph (C), the Secretary of Energy shall exercise the authority delegated to the Secretary pursuant to paragraph (1) in accordance with—

(i) all regulations in effect on the date of the enactment of this Act governing the utilization of excess property and the disposal of surplus property under the Federal Property and Administrative Services Act of 1949; and

(ii) all regulations in effect on the date of the enactment of this Act governing the conveyance and disposal of property under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

(B) The Secretary, after consulting with the Administrator of General Services, may issue regulations that are necessary to carry out the delegation of authority required by paragraph (1).

(C) The authority required to be delegated by paragraph (1) to the Secretary by the Administrator of General Services shall not include the authority to prescribe general policies and methods for utilizing excess property and disposing of surplus property.

(c) ADDITIONAL AUTHORITY TO TRANSFER AND LEASE.—(1) The Secretary of Energy may transfer or lease any or all right, title, and interest of the United States in and to the property referred to in subsection (d) to any public agency if the Secretary determines that such transfer or lease will mitigate the adverse economic consequences that might otherwise arise from the closure or reconfiguration of a Department of Energy facility.

(2)(A) The consideration to be paid to the United States for any transfer or lease under paragraph (1) shall be for the estimated fair market value of such property or leasehold interest, as determined by the Secretary of Energy, except that the Secretary may accept consideration for an amount that is not less than 50 percent of the estimated fair market value of such property if the Secretary determines that—

(i) the discount is required to implement the plans established in the report under subsection (i); and

(ii) 30 days after published notice, no private or public party has made a bona fide offer for such property at the estimated fair market value.

(B) The instrument transferring or leasing property for less than the estimated fair market value under this paragraph—

(i) shall contain a condition that all such property shall be used and maintained for the purpose for which it was transferred in perpetuity in accordance with the plans described in the report under subsection (i) or, in the case of a lease, for the term of the lease; and

(ii) may contain such additional terms, conditions, reservations, and restrictions as the Secretary determines to be necessary to safeguard the interests of the United States.

(C) The Secretary may—

(i) determine compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which a transfer or lease of property is made;

(ii) reform, correct, or amend any such instrument by the execution of a corrective, reformative, or amendatory instrument where necessary to correct such instrument or to conform such transfer or lease to the requirements of applicable law; and

(iii)(I) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (II) convey, quitclaim, or release to the transferee any right or interest reserved to the United States by, any instrument by which such transfer or lease is made, if the Secretary determines that the property transferred no longer serves the purpose for which it was transferred, or that such release, conveyance, or quitclaim will not prevent accomplishment of the purpose for which such property was so transferred.

Any such releases, conveyance, or quitclaim may be granted on, or made subject to, such terms and conditions as the Secretary considers necessary to protect or advance the interests of the United States.

(d) COVERED PROPERTY.—Property that may be transferred or leased under subsections (c) and (g) is the related personal property and acquired real property at a facility of the Department of Energy to be closed or reconfigured that the Secretary of Energy determines to be no longer necessary for weapon production or other missions of the Department.

(e) APPLICABILITY OF OTHER LAWS.—Property transferred or leased under subsections (c) and (g) shall be transferred or leased in accordance with—

(1) the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), to the extent not inconsistent with this section; and

(2) all applicable environmental laws, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(f) LIMITATION ON RELOCATION OF EQUIPMENT.—The Secretary shall not relocate equipment from a facility, such as machine tools that could be useful in converting the facility, except in cases where buying new equipment would be significantly more costly or significantly more time-consuming than moving the equipment. The Secretary shall establish guidelines for determining costs under this subsection.

(g) REUTILIZATION.—To the extent practicable, the Secretary of Energy may make available for reutilization a facility or property of the Department of Energy that is not required for weapon production work in any case in which the Secretary determines that such reutilization will—

(1) reduce the long-term cost to the Government, including the cost of worker displacement and retraining in the community in which the facility or property is located;

(2) contribute to the preservation of the national technology and industrial base by using the equipment at the facility or property; or

(3) assist the economic development in the community in which the facility or property is located.

(h) OTHER TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to a transfer or lease of property under subsection (c) as the Secretary determines appropriate to protect the interests of the United States.

(i) REPORT.—Not later than February 1, 1994, the Secretary of Energy shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Government Affairs of the Senate, the Committee on Government Operations of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives a report on the plans of the Secretary in accordance with applicable law for the reutilization of real property, facilities, equipment, and supplies at weapon production facilities of the Department of Energy that are planned or scheduled for the termination of weapon production activities.

(j) DEFINITION.—For purposes of this section, the term "reutilization" means the development of sites previously used in the nuclear weapons complex of the Department of Energy for private commercial work or non-weapon production-related Government work. Such development may consist of—

(1) conversion of the site or portions of it to exclusively private or local government use;

(2) leasing of facilities or equipment to non-Department of Energy sources;

(3) use of Department of Energy facilities to enhance the national technology and industrial base through technology transfer

and commercial work by Department of Energy contractors;

(4) development of a financial assistance arrangement with local communities to seek other uses for vacated or underutilized facilities;

(5) sale of all or portions of certain facilities to commercial concerns under terms that dictate economic development of the site; or

(6) any combination of paragraphs (1) through (5).

At the end of subtitle B of title XXVIII (page 516, after line 6), insert the following new section:

SEC. 2819. PILOT PROGRAM TO CONVEY CLOSED MILITARY INSTALLATIONS TO NEIGHBORING COMMUNITIES.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall establish a pilot program to develop, and evaluate the adequacy of, economic revitalization criteria to govern the conveyance of surplus real property and related personal property at closed military installations to local redevelopment authorities in order to assist the communities adjacent to these installations recover from the adverse consequences of the closure of military installations pursuant to the base closure laws.

(b) MILITARY INSTALLATIONS IN THE PILOT PROGRAM.—The pilot program required by this section shall be conducted at Naval Air Station Alameda, California, Naval Depot Alameda, California, Loring Air Force Base, Maine, Gentile Air Force Station, Ohio, and military installations in Charleston, South Carolina, to be closed.

(c) CONVEYANCE.—Subject to subsection (f), in the case of each military installation included in the pilot program, the Secretary shall convey all right, title, and interest of the United States in all surplus real property and related personal property at the installation to the local redevelopment authority for that installation. If a local redevelopment authority is in existence for such an installation on the date of the enactment of this Act, the conveyance shall be made to that local redevelopment authority.

(d) CONSIDERATION NOT TO BE REQUIRED.—No consideration may be required for a conveyance of property pursuant to this section.

(e) ECONOMIC REVITALIZATION CRITERIA.—As part of the pilot program, the Secretary shall develop economic revitalization criteria to be used as the basis for reviewing redevelopment plans submitted under subsection (f) to ensure that the plans promote the economic revitalization of areas within, and surrounding, closed military installations. Such criteria shall emphasize such factors as job creation, training, technology development, small business concerns, land use planning, and appropriate public purposes.

(f) REDEVELOPMENT PLAN REQUIRED.—To be eligible to receive property under subsection (c), the local redevelopment authority for a military installation included in the pilot project shall submit to the Secretary a redevelopment plan for the installation not later than 120 days after the date on which the installation is first included in the pilot program. Not later than 120 days after the submission of the redevelopment plan, the Secretary shall complete a review of the redevelopment plan using the economic revitalization criteria developed under subsection (e) and either approve the plan or reject the plan as incomplete or inadequate. If the Secretary determines that the redevelopment plan is incomplete or does not adequately address the redevelopment and reuse of the installation, the Secretary shall inform the local redevelopment authority involved of the reasons for the determination and shall give the local development authority a sufficient period within which to resubmit an adequate redevelopment plan.

(g) TIME FOR CONVEYANCE.—The conveyance of all surplus real property and related personal property at a military installation included in the pilot program shall be completed pursuant to the terms of the approved redevelopment plan for the installation, but not later than the date the Secretary officially closes the installation.

(h) RELATIONSHIP TO CERCLA.—Nothing in this section shall be construed as superseding section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

(i) REPORT.—Not later than three years after the date of enactment of this Act, the Secretary shall submit a report to Congress evaluating the success of the pilot program and containing such recommendations as the Secretary considers to be appropriate.

(j) DEFINITIONS.—For purposes of this section:

(1) The term "military installation" has the meaning given such term in section 2687(e)(1) of title 10, United States Code.

(2) The term "base closure law" means the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. MARKEY

The amendment as modified is as follows:

At the end of subtitle C of title X (page 346, after line 23), insert the following new section:

SEC. 1043. LIMITATION ON USE OF FUNDS FOR CERTAIN PLUTONIUM STORAGE BY RUSSIA.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or any other Act for any fiscal year may be obligated or expended for the purpose of assisting the Ministry of Atomic Energy of Russia to construct a storage facility for surplus plutonium from dismantled weapons, unless the President certifies to the Congress—

(1) that Russia is committed to halting the chemical separation of weapon-grade plutonium from spent nuclear fuel; and

(2) that Russia is taking all practical steps to halt such separation at the earliest possible date.

(b) SENSE OF CONGRESS ON PLUTONIUM POLICY.—It is the sense of the Congress that a key objective of the United States with respect to the nonproliferation of nuclear weapons should be to obtain a clear and unequivocal commitment from the Government of Russia that it will cease all production and separation of weapon-grade plutonium and halt chemical separation of plutonium produced in civil nuclear power reactors.

(c) REPORT.—Not later than June 1, 1994, the President shall submit to the Congress a report on the status of efforts by the United States to secure the commitments and achieve the objectives described in subsections (a) and (b), including the status of joint efforts by the United States and Russia to replace any remaining Russian plutonium production reactors with alternative power sources or to convert such reactors to operation with alternative fuels that would permit their operation without generating weapon-grade plutonium.

AMENDMENT OFFERED BY MR. DELLUMS

At the end of subtitle C of title X (page 346, after line 23), insert the following new sections:

SEC. 1043. COUNTERPROLIFERATION.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER III—
COUNTERPROLIFERATION

"Sec.
"415. International counterproliferation activities.
"416. Counterproliferation policy.
"417. Semiannual report.

"§ 415. International counterproliferation activities

"(a) ASSISTANCE FOR INTERNATIONAL COUNTERPROLIFERATION ACTIVITIES.—Subject to the limitations and requirements provided in this section, in order to support international activities with respect to the nonproliferation of weapons of mass destruction and their delivery systems, the Secretary of Defense, under the guidance of the President, may provide the assistance specified in subsection (b).

"(b) ACTIVITIES FOR WHICH ASSISTANCE MAY BE PROVIDED.—The following activities are authorized under this section:

"(1) Support of nonproliferation monitoring programs, nonproliferation inspection programs, and nonproliferation compliance programs, to include—

"(A) support of the United Nations Special Commission on Iraq for its inspection and long-term monitoring activities; and

"(B) support of activities of the International Atomic Energy Agency that are designed to ensure more effective safeguards against nuclear proliferation and more aggressive verification of compliance with the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968.

"(2) Monitoring and control of transfers of weapons of mass destruction, related technologies, and other sensitive goods and technologies.

"(3) Efforts to improve international cooperation in monitoring of nuclear weapons proliferation, nuclear security, and nuclear safety projects to combat the threat of nuclear theft, terrorism, or accidents, to include—

"(A) collaborative activities such as joint emergency response exercises, technical assistance, and training; and

"(B) joint technical projects and improved intelligence sharing.

"(4) Efforts to improve international capabilities and cooperation in deterring and responding to terrorism, theft, and proliferation involving weapons of mass destruction.

"(c) COORDINATION.—The President shall coordinate the activities described in subsection (b) with those authorized in section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act (Public Law 102-511; 22 U.S.C. 5854).

"(d) SOURCES OF ASSISTANCE.—Supplies and equipment provided as assistance under this section may be provided, by loan or donation, from existing stocks of the Department of Defense and the Department of Energy.

"(e) PRIOR NOTICE TO CONGRESS.—Not less than 15 days before providing assistance under this section, the Secretary of Defense shall transmit to the appropriate congressional committees a report on the proposed assistance. Each report shall specify—

"(1) the forms of assistance the Secretary of defense proposes to provide;

"(2) the recipient of the proposed assistance;

"(3) the proposed involvement of United States Government departments and agencies in providing such assistance; and

"(4) the amount of funds proposed to be obligated by the Department of Defense in order to provide such assistance.

"(f) DEFINITIONS.—In this section:

"(1) The term 'weapons of mass destruction' includes nuclear, radiological, chemical, and biological weapons.

"(2) The term 'delivery system' means a ballistic missile, manned or unmanned air vehicle, or cruise missile that (A) is capable of delivering a 500 kilograms payload to a range of 300 kilometers, or (B) is intended to deliver weapons of mass destruction regardless of range or payload.

"§ 416. Counterproliferation policy

"(a) PROGRAMS.—The Secretary of Defense may conduct counterproliferation policy research and analysis programs as described in subsection (b) to support the counterproliferation activities of the Department of Defense.

"(b) COUNTERPROLIFERATION EFFORTS.—Such counterproliferation policy research and analysis may include programs intended to explore defense policy issues that might be involved in efforts to prevent and counter the proliferation of weapons of mass destruction and their delivery systems. Such efforts include—

"(1) enhancing United States military capabilities to deter and respond to terrorism, theft and proliferation involving weapons of mass destruction;

"(2) cooperating in international programs to enhance military capabilities to deter and respond to terrorism, theft and proliferation involving weapons of mass destruction; and

"(3) otherwise contributing to Department of Defense capabilities to deter, identify, monitor and respond to such terrorism, theft and proliferation involving weapons of mass destruction.

"(c) DESIGNATION OF COORDINATION.—The Secretary of Defense shall designate the Under Secretary of Defense for Policy to coordinate the research of the Department of Defense on countering proliferation of weapons of mass destruction and their delivery systems.

"§ 417. Semiannual report

"(a) REPORT.—Not later than April 30 of each year, and not later than October 30 of each year, the Secretary of Defense shall submit to the committees of Congress named in subsection (b) a report on the activities carried out under sections 415 and 416 of this title. Each report shall set forth for the preceding six-month period the following:

"(1) For activities carried out under section 415 of this title—

"(A) a description of the assistance provided;

"(B) the recipients of that assistance; and

"(C) a description of the participation of the Department of Defense and other Federal agencies in providing the assistance.

"(2) For activities carried out under section 416 of this title—

"(A) a description of the research and analysis carried out;

"(B) the amounts spent for such research and analysis;

"(C) the organizations that conducted the research and analysis;

"(D) an explanation of the extent to which such research and analysis contributes to enhancing United States military capabilities to deter and respond to terrorism, theft, and proliferation involving weapons of mass destruction; and

"(E) a description of the measures being taken to ensure that such research and analysis within the Department of Defense is effectively managed and comprehensively coordinated.

"(b) CONGRESSIONAL COMMITTEES.—The committees of Congress to which reports under subsection (a) are to be submitted are—

"(1) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

"(2) The Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Select Committee on Intelligence of the House of Representatives."

(b) FISCAL YEAR 1994 FUNDING.—(1) In addition to funds otherwise available, funds for assistance authorized under section 415 of title 10, United States Code (as added by subsection (a)), for fiscal year 1994 shall be derived from amounts authorized in section 301(5) and shall not exceed $25,000,000. None of such assistance for fiscal year 1994 may be provided in the form of cash contributions.

(2) Funds for counterproliferation policy research and analysis programs for fiscal year 1994 under section 416 of title 10, United States Code (as added by subsection (a)), shall be derived from amounts appropriated in fiscal year 1994 for Defense-wide Activities and shall not exceed $6,000,000.

(c) RESTRICTION.—Note of the funds authorized in section 301(5) shall be available for the purposes stated in sections 415 or 416 of title 10, United States Code (as added by subsection (a)), until 15 days after the date on which the Secretary of Defense has submitted to the appropriate congressional committees a report setting forth—

(1) a description of all the activities within the Department of Defense that are being carried out or are to be carried out with the purposes described in section 415 and 416 of title 10, United States Code (as added by subsection (a));

(2) the plan for coordinating and integrating these activities within the Department of Defense; and

(3) the plan for coordinating and integrating these activities with those of other Federal agencies.

(d) CLERICAL AMENDMENTS.—The table of subchapters at the beginning of chapter 20 of title 10, United States Code, is amended by adding at the end the following new item:

"III. Counterproliferation .... 415".

SEC. 1044. REPORT REQUIREMENT.

(a) EFFECT OF INCREASED USE OF DUAL-USE TECHNOLOGIES ON ABILITY TO CONTROL EXPORTS.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing what effect the increased use of dual-use and commercial technologies and items by the Department of Defense could have on the ability of the United States to control adequately the export of sensitive dual-use and military technologies and items to nations to whom the receipt of such technologies is contrary to United States national security interests.

(b) CONSULTATION.—The report required by subsection (a) shall be prepared in consultation with the Director of Central Intelligence.

AMENDMENT OFFERED BY MR. COOPERSMITH, MR. SHARP, OR MR. ZIMMER

At the end of subtitle C of title XXXI (page 589, after line 17), insert the following new section:

SEC. 3139. PROHIBITION ON USE OF FUNDS FOR ADVANCED LIQUID METAL REACTOR.

No funds authorized pursuant to this title or otherwise available for fiscal year 1994 or any previous fiscal year for the national security programs of the Department of Energy shall be used for the support of the advanced liquid metal reactor.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. MEEHAN

The amendment as modified is as follows:

At the end of subtitle A of title II (page 42, after line 23), insert the following new section:

SEC. 203. REALLOCATION OF CERTAIN R&D FUNDS.

(a) INCREASE IN AMOUNT FOR ARMY.—The amount provided in section 201 for the Army is hereby increased by $10,000,000, of which—

(1) $2,000,000 is for a study of the requirements for the incorporation of an electronics software upgrade into the M1A2 tank; and

(2) $8,000,000 is for Horizontal Battlefield Integration to expand the demonstration of technology interfaces needed to verify the compatibility of digital electronics in various Army Combat Systems.

(b) LIMITATION.—None of the funds described in subsection (a)(2) or otherwise made available to the Department of Defense for fiscal year 1994 may be obligated for Horizontal Battlefield Integration until the Secretary of the Army submits to the congressional defense committees a report containing a revised demonstration plan for that program. The revised plan shall include program milestones and funding requirements.

(c) REDUCTION IN AMOUNT FOR DEFENSE-WIDE ACTIVITIES.—The amount provided in section 201 for Defense-wide activities is hereby reduced by $10,000,000, to be derived from amounts for acquisition of foreign equipment for test and analysis purposes.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. HALL OF TEXAS

The amendment as modified is as follows:

At the end of subtitle C of title VII (page 252, after line 13), insert the following new section:

SEC. 736. REPORT REGARDING DEMONSTRATION PROGRAMS FOR THE SALE OF PHARMACEUTICALS.

Section 702 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1079 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f) ADDITIONAL REPORTS REGARDING PROGRAMS.—Not later than January 1, 1994, the Secretary of Defense shall submit to Congress a report containing

"(1) an evaluation of the feasibility and advisability of increasing the size of those areas determined by the Secretary under subsection (c)(2) to be adversely affected by the closure of a health care facility of the uniformed services in order to increase the number of persons described in such subsection who will be eligible to participate in the demonstration project for pharmaceuticals by mail or in the retail pharmacy network under this section;

"(2) an evaluation of the feasibility and advisability of expanding the demonstration project and the retail pharmacy network under this section to include all covered beneficiaries under chapter 55 of title 10, United States Code, including those persons currently excluded from participation in the military medical system by operation of section 1086(d)(1) of such title;

"(3) an estimation of the costs that would be incurred, and any savings that would be achieved by improving efficiencies of operation, as a result of undertaking the increase or expansion described in paragraph (1) or (2); and

"(4) such recommendations as the Secretary considers to be appropriate."

The CHAIRMAN. Pursuant to the rule, the amendments en bloc are not subject to a demand for a division of the question.

Pursuant to the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 10 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield 1½ minutes to my distinguished colleague, the gentleman from Massachusetts [Mr. MARKEY], the author of one of the amendments included in the en bloc amendments.

Mr. MARKEY. Mr. Chairman, I rise in support of an amendment to H.R. 2401, Defense authorization for fiscal year 1994. This amendment places a fence around $75 million in Department of Defense funding for construction of a long-term plutonium storage facility in Russia. The fence comes down if the President certifies to Congress that the Ministry of Atomic Energy in Russia is committed to halting chemical separation of weapon-grade plutonium, and that Russia is taking all practical steps to halt such separation at the earliest possible date.

The need for this amendment is clear even as the administration seeks to add another $400 million to the existing $800 million assistance budget for demilitarization of the independent States of the former Soviet Union, Russia continues to operate a vast complex of facilities to produce and separate plutonium, one of the key ingredients in nuclear weapons.

While the United States rejected civil plutonium use in the early 1980's as being uneconomical, environmentally damaging and an unacceptable proliferation risk, and while we ceased production and separation of weapon-grade plutonium in 1988, Russia continues to separate plutonium from spent fuel for both military and civil purposes. The Russian nuclear ministry continues to do this despite huge existing stockpiles of some 135 metric tons of weapon-grade plutonium, and 30 tons of reactor-grade civil material. Despite its nominal designation as civil, the reactor-grade plutonium can also be used to make nuclear weapons. All this material is produced under conditions that fail to meet current—much less truly adequate—international standards for nuclear materials accounting and control and environmentally responsible radioactive waste management.

On September 2, the Department of Defense signed an agreement with the Russian Ministry of Atomic Energy [MINATOM] that will provide this Ministry with $75 million in operating, construction equipment, and training assistance for a planned storage facility for fissile material derived from the destruction of nuclear weapons. Remember, this Ministry is the same outfit that brought the Russian people the Kyshtym nuclear disaster in the Urals, Chernobyl, the recent Tomsk reprocessing plant accident, billions of curies of routine radioactive releases to the environment, and an estimated 45,000 nuclear weapons.

We should not be in the business of subsidizing or encouraging—directly or indirectly—the development of a plutonium economy in Russia, or any other country. The recent activities of MINATOM are hardly encouraging from a nonproliferation perspective. The Ministry has announced ambitious plans for large-scale separation and use of plutonium in civil reactors, and is actively seeking agreements to extract additional plutonium contained in foreign spent fuel.

Even if the Russians insist that their antiquated production reactors must be kept in operation for electric power and district heating, either the spent fuel storage, the fuel cladding, or both can be upgraded to permit operation of the reactor without reprocessing of the spent fuel.

From a nonproliferation perspective, the real issue is not the future availability of gold-plated storage capacity—5 or more years from now—for whatever fraction of its warhead plutonium Russia ultimately declares is excess to its military needs. No, today the real urgent nonproliferation issue is the prompt declaration and continuing periodic verification of all retired weapons and weapons-usable-material stocks at current storage sites and nuclear production facilities in Russia, and in the other the independent states of the former USSR. In comparison with this task, the plutonium storage facility project is just not the core of the problem.

I have worked with the administration to satisfy their concerns with this amendment. The amendment is now in a form that the administration strongly supports. I strongly urge my colleagues to support this important amendment.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to engage the committee chairman in a colloquy. Mr. Chairman, on pages 186 to 189 of House Report 103-200, the report accompanying H.R. 2401, the Armed Services Committee summarized its action on the operations and maintenance budget requests for the four military services.

Under the section marked "increases," these tables show a Peacekeeping Disaster Relief transfer entry to each service O&M budget for an aggregate total of $350 million. Is it your understanding, Mr. Chairman, that these entries reflect additions back into the each of the service O&M budgets from the peacekeeping and disaster relief budget request and not an allocation of $350 million for peacekeeping and disaster relief activities as some have suggested?

Mr. DELLUMS. If the gentleman will yield. the gentleman is correct. The committee bill as reported contains no funds specifically earmarked for peacekeeping or disaster relief activities.

The administration request contained $350 million for those purposes. Instead, the committee chose to shift those funds to general operations and maintenance. Unfortunately, the committee report on the bill has confused some people on what we did. Mr. Chairman, the entries the gentleman mentions reflect increases to each military service's general O&M budget achieved by transferring money out of the administration request for peacekeeping and disaster relief, not into it as many have misconstrued.

Mr. SPENCE. Mr. Chairman, I thank the gentleman for this important clarification.

Mr. Chairman, I want to express my support for the amendment entitled "Transfer or Lease of Property at Department of Energy Weapon Production Facilities," offered by Representative HALL from Ohio. The amendment makes available to local communities equipment or other property no longer needed at Department of Energy [DOE] weapons production facilities. For many communities, the shutdown or workforce realignment of a DOE facility will cause severe economic hardship. The Hall amendment seeks to ease the burden on these communities by allowing DOE to sell, at less than fair market value, equipment that can be beneficially reutilized by the community. At the Savannah River site in South Carolina, for example, DOE will be disposing of fire fighting equipment and trucks no longer needed to support the on-site fire station. Some local communities would like to purchase the equipment and trucks. One community in particular, Hollow Creek, desperately needs a replacement for its vintage 1952 pumper firetruck. I am pleased that passage of the Hall amendment will, at a minimum, give the citizens of Hollow Creek the opportunity to purchase a moderately priced firetruck which will be of benefit to the community at large. This is just one example of the kind of equipment that will be made available by passage of the Hall amendment; there are many others.

I strongly support initiatives to aid communities adversely affected by the downsizing of the DOD and DOE infrastructure. Through no fault of their own, the citizens of these communities are faced with redirecting their careers after years and years of reliable employment. In some communities the DOE weapons production facility has been the sole source of employment for 45 years.

I thank Mr. HALL for working with me on this important amendment to ensure that communities like Hollow Creek all over the country have a chance to purchase surplus DOE property at a reasonable price. I intend to work with representatives from Hollow Creek and other South Carolina communities to assist them in fully utilizing the opportunities offered through passage of this amendment.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Missouri [Mr. SKELTON], for the purposes of entering into a colloquy with the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to my friend, the gentleman from Massachusetts.

Mr. MEEHAN. Mr. Chairman, I would ask the distinguished chairman of the Subcommittee on Military Forces and Personnel to engage in a colloquy regarding the extension of the Uniformed Services Treatment Facilities.

Mr. SKELTON. I would be happy to do so. Let me point out that the committee directed DOD to develop a managed care model as the basis for continued use of the USTF's in the military health care system.

Mr. MEEHAN. In light of DOD's continued efforts to kill the USTF's, I am still concerned that the Department of Defense may try to terminate them before performing an accurate assessment of their cost-effectiveness. As the gentleman is aware, they have 4-year contracts, and the retirees who elect to receive care from a USTF are relying on the facilities to provide care over a period of time greater than 1 or 2 years.

Mr. SKELTON. Let me reassure the gentleman that the committee always gives highest priority to the welfare of beneficiaries. The committee limited the extension to 2 years because there is simply a great deal going on in health care and the committee wanted to preserve the flexibility to oversee the future course of the entire military medical system and make adjustments, as we do with many other important personnel programs.

Mr. MEEHAN. As the gentleman knows, the other body has proposed to extend the USTF's for 5 years. Are you open to considering a longer extension as a compromise in conference, especially in light of the fact that DOD has signed 4-year participation agreements with these facilities and that the USTF's have invested resources based on the agreements?

Mr. SKELTON. Let me assure the gentleman that I am open to the Senate's arguments for a longer extension of the deemed status for the USTF's.

Mr. MEEHAN. Mr. Chairman, I thank the gentleman.

Mr. SPENCE. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. DORNAN] for the purposes of a colloquy.

Mr. DORNAN. Mr. Chairman, I thank my leader for yielding the time. I would like to engage in a colloquy with the distinguished gentleman from Missouri [Mr. SKELTON].

As the good chairman is aware, I had planned to offer an amendment on the floor today requiring the discharge from our military forces of HIV-positive servicemembers because they are not worldwide deployable and thereby pose a serious impediment to personnel readiness. In addition, once a member comes up HIV positive, their jet flying, paratrooper, helicopter, submarine, surface ship, fighting vehicle, artillery, rifle, and pistol days are instantly terminated. In a word, it is terribly unfair to the fit, the healthy men and women in service requiring your healthy to deploy more often. According to the Commandant of the Marine Corps, "This not only impacts readiness but also increases the deployment tempo of fully fit marines."

I understand, however, that the chairman plans hearings on this issue.

Mr. SKELTON. If the gentleman will yield, Mr. Chairman, the gentleman from California is correct. Let me reassure him that, as a result of earlier discussions within the committee, I intend to hold hearings as soon as possible on the readiness impact of nondeployables.

Mr. DORNAN. I thank the chairman for his reassurance and leadership on this important issue of readiness.

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Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Chairman, recently, many of my constituents and others could easily receive their pharmaceuticals at Carswell Air Force Base, and with very little notice, they were informed that a catchment area had been designated around Carswell. For those who do not know what a catchment area is, it is the legal boundary which surrounds a military treatment facility and is used to determine the requirement for nonavailability statements for CHAMPUS beneficiaries. In other words, it is an area where certain citizens are deemed eligible for pharmaceuticals, and those outside that area were given significantly different treatment.

Military retirees have been able to obtain pharmaceuticals at military facilities, and therefore, not having to rely on Medicare. But those who had easy access to pharmaceuticals in the Carswell area have had the door closed on them. Those retirees and other eligible persons who are fortunate enough to live within the 40-mile radius are indeed privileged as they still have pharmaceutical benefits, but now at designated drug stores in this catchment area.

Even though an eligible retiree might live across the street from one of these drug stores, he or she has been told they cannot partake of the pharmaceutical benefits because they do not have the right ZIP Codes.

With the assurance of Chairman MONTOGMERY and Chairman SKELTON, and as recommended by the National VFW and the American Legion, I am agreeing to this en bloc amendment for a study of 90 days. This is necessitated by what I consider an erroneous cost estimate by the Congressional Budget Office. At best the CBO estimate clouds the issue and puts a favorable vote on the amendment in jeopardy. The rights sought in my amendment are too important to risk an unfavorable vote and thereby delay indefinitely the relief I have sought for the veterans and retirees of our Nation.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the en block amendment of H.R. 2401.

Included in the en bloc is an amendment which would direct the inspector general of the Department of Defense to reopen investigations of a number of cases in which members of our Armed Forces were alleged to have committed suicide. My interest in this issue stems from a case I inherited from my predecessor, former Congressman Raymond McGrath. A young marine from the district I now represent was killed by gunshot in a nightclub in San Salvador. The Naval Investigative Service called the incident a suicide, yet physical evidence and numerous accounts from members of the Marine Corps and other witnesses raise troubling questions.

The efforts of my constituents to get answers from the Departments of Navy and State have attracted nationwide publicity. Families of 72 other alleged suicide victims have come forward with stories that have disturbing parallels with that of the deceased young man from New York. Some of the lapses by Department of Defense investigators are incredible. Evidence was mishandled, witnesses were ignored, and other serious procedural failures have been noted. In some instances, photographs taken by investigators clearly conflict with official findings.

The amendment requires an independent review of these incidents by the inspector general of the Defense Department. The inspector general was established to provide an independent review of agency activities and operations. The sensitivity of these particular cases and repeated failures on the part of the Defense Department investigative agencies cries out for the kind of review that can only be conducted by the IG.

One of the problems faced by the Office of Inspector General is the enormous caseload. The purpose of this amendment is to indicate the priority we place on members of our Armed Forces whose deaths have not been properly investigated.

Our goals are clear. We would like a better explanation for the cases at hand and an examination of the pattern of failure by Defense law enforcement agencies. Absent fundamental changes in these agencies, more families will live with terrible and nagging uncertainty over the death of a loved one.

I want to thank my colleague from New Jersey, Mr. PALLONE, who has joined me in this endeavor and Chairman DELLUMS for including the amendment in the en bloc.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the coauthor of that amendment, the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. I thank the gentleman for yielding this time to me.

Mr. Chairman, the amendment being offered by Congressman LEVY and myself calls upon the inspector general of the Department of Defense to conduct a reinvestigation of any self-inflicted death, after January 1, 1982, while the serviceman was on active duty, if there are allegations of incomplete or inadequate initial investigation and if the family makes the request.

For the last several years our attention has been drawn to repeated stories of flawed criminal investigations within the armed services.

Story after story has appeared detailing those stories that have grabbed the attention of the American public: Tailhook, the USS *Iowa* explosion and others.

But what happens when an American family experiences a tragedy: The unexpected death of their son or daughter in the military—and compounding that tragedy, an investigation that results in a finding that the death was self-inflicted?

Then, as the family receives information from various sources, questions begin to arise. Why were there no fingerprints on the gun? Why was he bruised all over? Why was he bound? Why was there no nitrate on his hands? Why was the person with their son not immediately tested? Why were his wallet and personal belongings missing?

But no one answers the questions. No one acknowledges that the questions are bona fide. No one is able or willing to respond. Request after request is made by the family under various acts. First they are patronized, then they are ignored.

Finally the official reports are received, some including the photos of the death scene and the autopsy photos, if the family has requested them—only to discover there are even more questions.

These families develop suspicions, and over a long period of time they go back and forth between belief that there was a coverup of some sort or that the investigators were simply incompetent.

So far, the military investigators response to this is to say that the families are in denial. The military says that these families simply cannot accept the fact that their sons killed themselves. Go home, the families are told, and forget your questions.

Well, let me tell you that I have grave doubts about many of the cases brought to my attention—and two of them are from my congressional district. One constituent, a 27-year-old marine, had just come out of Officers Candidate School and finished No. 1 in his class. He died at Camp Pendleton, where nine young men have allegedly committed suicide in the last 18 months.

One of my questions is whether we are really having an increase in the number of suicides or whether these are homicides that are not properly investigated because of understaffing or inexperience? How will we know without looking at the cases where questions exist?

If no one at DOD is willing to look into each of the investigations where questions have been raised that most certainly are not frivolous, how do we know, how do the parents know, exactly what quality of investigation prevailed after these young people died?

Mrs. Jakovic, my constituent, has become one of several mothers across the country who are organizing the effort to obtain reinvestigations into the deaths of their children. These families need your support of this amendment, which does not require additional funding.

Certainly throughout DOD and the armed services there is the ability to absorb a reinvestigation of these cases. Further, other Departments, such as the Department of Justice, are well able to perform expert services in pathology and ballistics.

This amendment will provide assurance to families that their questions will be answered and further, provide immediate insight into the integrity of military investigations—the product of which may be of lasting benefit to future investigations.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I rise in support of one particular aspect of the amendment offered by the gentleman from Indiana [Mr. McCLOSKEY] which puts the Congress on record in support of the U.S. Government's longstanding policy of treating the export of space launch vehicle technology as restrictively as its identical military twin—ballistic missile-related exports. I firmly believe that passage of this amendment is the very least Congress should do given the misguided efforts of some State Department officials to have President Clinton loosen existing missile and nuclear nonproliferation controls.

Mr. Chairman, last week, in response to earlier congressional and press objections to relaxing existing controls on dangerous nuclear and rocket technology, Vice President GORE personally intervened and temporarily blocked any changes from being made to existing U.S. nonproliferation policy. However, this pause did not last long. Just yesterday, the President announced, during his speech to the United Nations General Assembly in New York, that he had approved the new policy recommendations being pushed by the State Department.

Passage of this amendment on space launch vehicle [SLV] controls, which is quite similar to an amendment sponsored by Senator BINGAMAN and added to the Senate version of the fiscal year 1994 Department of Defense authorization bill, is a modest, but useful step in the right direction. I should state, however, that since the administration has chosen to adopt these policy changes, despite the continued misgivings that I and other Members have expressed, I will seek, during the conference committee's deliberations on this bill, to add more restrictive provisions to guard against the clear dangers these changes threaten.

What am I talking about? Mr. Chairman, at the heart of U.S. missile and nuclear nonproliferation policy has been a recognition of the need to clearly differentiate between activities that are dangerous and those that are not, and activities that are profitable and those that are not. Unfortunately, the State Department's recommendations would fuzz up these distinctions with potentially disastrous consequences for United States and allied security.

U.S. nuclear cooperation, for example, has long emphasized activities relating to reactors that do not use weapons usable uranium or plutonium over activities relating to reactors that do. The reason why is simple: The mere possession of nuclear weapons usable materials brings a nation within days of having a nuclear bomb. Similarly, U.S. space cooperation has always drawn the line where the Missile Technology Control Regime [MTCR] does—in denying additional nations the means to deliver nuclear weapons over great distances.

Thus, it has been our policy not to increase the number of nations acquiring space launch vehicles or large sounding rockets since such rockets are indistinguishable from intermediate or intercontinental range ballistic missiles. Indeed, the only SLV cooperation the United States has engaged in to date was both before the MTCR's creation and with the People's Republic of China [PRC] or Russia, who are already recognized nuclear weapon states under the Nuclear Nonproliferation Treaty [NPT].

In both the rocket and nuclear cases, the safeguards logic of our existing nonproliferation policy has been clear. Because nuclear activities associated with the production or use of weapons usable plutonium and uranium and rocket activities associated with SLVs or large sounding rockets brings nations so close to having nuclear weapons and ballistic missiles, neither are safe or safeguardable. Safeguards, after all, must provide time warning of a diversion of a safe activity to a dangerous one.

By this standard, monitoring only becomes a safeguard if it can detect a diversion in enough time to allow us to prevent the diversion from being completed. How much time is this? A useful definition was provided in the 1946 Acheson-Lilienthal report on the International Control of Atomic Energy, which estimated that "sufficient warning" meant at least a year or more. Judging from our slow response to Iraq's and North Korea's proliferation activities, a year's worth of warning seems the very minimum we need.

In the case of nuclear activities involving weapons usable uranium or plutonium or SLV's and large sounding rockets, diversions to nuclear weapons or long-range or intercontinental ballistic missiles [ICBM's] are measured in days, not years. By the time you detected a diversion, assuming you were luckily enough to do so, it would be too late to do anything effective to stop it. It would be a fait accomplis.

Reinforcing the safeguards logic of our current nonproliferation aversion to dangerous rocket and nuclear activities is simple economics. It turns out that both the production or use of nuclear weapons usable uranium and plutonium and starting a totally new SLV program are sure-fire money losers. As was noted in a recent editorial published in the Christian Science Monitor by a former senior Pentagon official:

> Studies last year by the Commerce Department and the RAND Corporation concluded that initiating new "peaceful" SLV programs is a sure-fire money loser for any nation not already launching commercial satellites. * * * Dangerous "civil" nuclear activities * * * are no different. * * * The world is already awash with civil uranium enrichment capacity and trying to use highly toxic plutonium instead of cheap, safe uranium as reactor fuel is like trying to make quick money fueling autos with high sulfur coal.

Brian Chow, the Rand author of a detailed study completed for the Defense Department entitled "Emerging National Space Launch Programs: Economics and Safeguards," drove this same point home concerning SLV exports in a recent editorial in the Wall Street Journal:

> Last month President Clinton persuaded Saudi Arabia to purchase $6 billion in new passenger jets from Boeing and McDonnell Douglas. The economic benefits of exporting space launch technology are not anywhere near as large. Considering the competition from Russia, the European Space Agency, Japan and others, the American share of space launch technology sales is unlikely to exceed $200 million a year. It would take 30 years of such sales to equal what we just achieved with that single aircraft sale. Furthermore, after other countries succeed in developing their own space launch capability, they will no longer ask the U.S. for launch services.

It is this economic and safeguards logic that the State Department, with the support of former State Department Under Secretary Frank Wisner, now at the Defense Department, would change. The State Department's efforts to modify the underlying logic of our missile and nuclear nonproliferation policy are hardly new. As was noted by Senator BINGAMAN when he introduced the Senate version of the SLV resolution now included in the McCLOSKEY amendment, a State Department report to Congress in 1989 suggested the possibility of the United States aiding emerging space launch programs. It was opposition to this suggestion, the Senator noted, that encouraged him to author the missile technology control provisions that were ultimately adopted as part of the Defense Authorization Act for fiscal year 1991 (Public Law 101–510), which required the United States to treat exports of SLV technology as restrictively as those relating to ballistic missiles.

Apparently, the State Department bureaucracy did not get the message. Just last year, during the Bush administration, officials from State suggested some of the key relaxations of U.S. nonproliferation policy now having been adopted by President Clinton. Fortunately, the Defense Department resisted these ideas and they were put aside when National Security Directive 70, President Bush's directive on U.S. nonproliferation policy, was announced in July 1992.

But the State Department did not give up. In fact, I understand that in the fall after the election, the State Department again revised its nonproliferation ideas for consideration by the Clinton administration. And, with the nomination of Under Secretary of Defense Frank Wisner, unanimous interagency support was virtually guaranteed.

What precisely are these changes? In the missile technology area, instead of making it necessary for new members of the MTCR to give up any large missile or rocket development effort, the Clinton policy would allow nations to become members of the MTCR even if they pursued such programs so long as these programs were deemed not to be for offensive purposes. Second, and related, instead of discouraging nations from developing large sounding rockets and SLV programs, the new Clinton policy would ratchet U.S. concerns back to a skeptical attitude with case-by-case review of applications for U.S. assistance to such programs. Third, and finally, the proposed Clinton policy would offer cooperation with the United States on such large rocket programs as an incentive to get nations interested in joining the MTCR.

In the nuclear field, the changes to U.S. policy are no less significant. These were highlighted in a State Department paper handed to foreign governments several months ago and in a White House press release issued September 11 and later withdrawn but not contradicted as mistaken. First, the United States would no longer be concerned about other nations producing or using weapons usable uranium and plutonium for civilian purposes so long as these nations were located in regions deemed by the administration to be stable and the activities were monitored by the International Atomic Energy Agency [IAEA]. Second, the United States would commit up-front to hand over its excess weapons plutonium and highly enriched uranium along with its excess bomb components to the IAEA for safeguarding, even though the necessary technical measures to permit international safeguarding of this material has yet to be developed.

All of these changes are quite disturbing. First, as difficult as it is to safeguard weapons usable uranium and plutonium, it is incomprehensible that anyone would propose to have the IAEA safeguard U.S. nuclear materials in the form of nuclear weapon components, such as pits. This is reckless. In fact, critical nuclear weapon design information is visibly available simply by looking at how we shape our nuclear weapons materials to make nuclear weapon pits.

This is not the sort of information we want non-nuclear weapons state members of IAEA to have access to. Yet, it would be more difficult to keep this information from them in an organization that is so clearly dedicated to the principle of equal treatment of all members. Indeed, Iran, a nation that the Honorable James Woolsey, the Director of Central Intelligence, has publicly testified is working to develop nuclear weapons, is on the IAEA's Board of Governors.

Second, it makes no sense to indulge or allow our friends to engage in uneconomical civil nuclear activities involving the production or use of weapons usable uranium or plutonium when we are trying to get all the world's other nations to avoid these activities altogether. This is doubly so when there is no technical means to safeguard such activities. Trying to argue otherwise for our friends in stable regions is a delusion.

Finally, the administration's professed willingness to entrust so much to the IAEA belies any sound understanding of that organization's key weaknesses. It is far behind in meeting its safeguarding responsibilities for safe activities and yet is overly eager to educate Iranians and other questionable members in sensitive nuclear fuel cycle activities. Rather than get this agency into more dangerous duties, we ought to be disciplining it to live up to its current list of responsibilities.

As for the administration's missile recommendations, these too leave much to be desired. In fact, the Washington Post and the widely respected industry publications Space News and Jane's Defense Weekly have raised serious and legitimate questions about PRD–8 in recent editorials and analysis. The editorial that ran in Space News was most telling. As it noted:

> * * * those behind a policy shift want to show friendship to other nations as a means of encouraging democracy and convincing them to join in nonproliferation efforts. Selling launch technology as a friendly gesture reflects inexcusable naivete about defense matters on the part of these public servants.

The argument, of course, is that the United States will only help MTCR members on the development of ICBM-capable rockets who are truly trustworthy. The problem with this supposition is that other MTCR members likely will not share our views as to who is and isn't trustworthy; the PRC, Russia, and other MTCR countries will be free to adopt their own view of what constitutes a trustworthy nation and will follow our lead in establishing cooperative relationships with these nations to development SLV's.

There is also the problem of undermining what few clear successes we have had in the missile nonproliferation field. The Washington Post editorial rightly noted that United States policy succeeded in getting South Africa, Taiwan, and Argentina all to drop their plans for so-called peaceful SLV's and that only by sticking to our principles concerning the interchangeability of SLV's and ballistic missiles were we able to get the Russians to agree to drop, albeit rather late in the game, their SLV cooperation with India. The Indians have continued their program, of course, but just recently their program suffered a test-launch failure that clearly suggests just how important foreign rocket assistance is. What will happen when we bring Argentina, India, South Africa, and Brazil into the MTCR, as Clinton administration officials have claimed they want to do? Many officials in these countries still want to develop large rockets. Will the United States refuse to assist them because we consider them untrustworthy—after we support their entrance into the MTCR? And if we do, on what grounds will we be able to prevent other MTCR members from assisting these nations?

Mr. Chairman, these are important questions that the administration and Congress should answer before any change is made in existing nonproliferation policy. Adoption by the House of this modest amendment concerning SLV issues is, I believe, the best way to register congressional concerns about Presidential Review Directive No. 8 [PRD–8] and to encourage the administration to consult with interested members in earnest not only on the SLV dimensions of their proposed policy initiative, but the nuclear ones as well.

In an effort to help inform other Members of the House and the American public on this critical issue, I have included copies of various articles and other materials that I have found useful and insightful.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. I thank the chairman for yielding this time to me.

Mr. Chairman, I want to explain that I will not be offering the amendment for which I was given permission by the Committee on Rules regarding the ground wave emergency network. I think there is a waste of money there. But that amendment was dealt with by the Senate in a way that would affirm the vote. It did not seem to me it would be a productive use of the time of the House to take up that effort here, especially since I understand some people concerned with this are going to be dealing with it as a financial matter in the Committee on Appropriations.

So, therefore, I am explaining, albeit tersely, why I will not be offering that amendment.

Mr. SPENCE. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from California [Mr. CUNNINGHAM] for a colloquy.

Mr. CUNNINGHAM. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to engage the distinguished chairman of the Readiness Subcommittee in a brief colloquy concerning the provision of family advocacy services to military personnel.

Mr. HUTTO. Mr. Chairman, will be gentleman yield to me?

Mr. CUNNINGHAM. I yield to the gentleman from Florida [Mr. HUTTO], the chairman of the subcommittee.

Mr. HUTTO. Mr. Chairman, I would be happy to engage in a colloquy with the gentleman from California on a subject that is of such importance.

Mr. CUNNINGHAM. We are all aware of the tremendous pressures which are placed on military families today, and the need for programs to assist families to cope with such pressures. I want to discuss the value of just such a program which has been successfully implemented throughout the Marine Corps.

In fiscal year 1992, Congress appropriated funds to expand the new Parent Support Program, a 2-year-old pilot program aimed at preventing child and spouse abuse at Camp Pendleton. The Camp Pendleton program operated in direct collaboration with Children's Hospital of San Diego.

Today, the NPSP is fully operational at all 18 major Marine bases, reaching the families where child and spouse abuse are most likely to occur. The Commandant has indicated that the program's services have received high praise from Marine Corps commanders, active duty personnel, and family members. However, shrinking dollars and operating budgets make it difficult for the marines to continue funding this effort. In light of the program's continued demonstrated value and success, I would like to work with you and Mr. DELLUMS to ensure that the fiscal year 1995 authorization bill adequately supports the funding necessary for the program.

Mr. HUTTO. I agree with the gentleman from California about the importance of child abuse prevention programs to the Armed Forces, and I am also aware of the New Parent Support Program's implementation and success throughout the U.S. Marine Corps. However, I must point out that this type of program has applicability to the other branches of the military services. After all, more than 50 percent of the forces are now married. I would be happy to work with the gentleman from California to ensure this program is adequately supported.

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Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentleman from Nebraska [Mr. HOAGLAND].

Mr. HOAGLAND. Mr. Chairman, I do appreciate the gentleman yielding this time to me.

The Rules Committee has allowed an amendment that I requested that would strike section 942 beginning on page 311.

Now, I intend not to offer that amendment today, but let me tell you why the amendment is bad policy and why it is a bad thing.

The amendment provides, and I have a copy of the bill right here, that the U.S. Space Command, which is located in Colorado may not be merged with the U.S. Strategic Command for the rest of this year and for the rest of next year, and further that no element or component of the Space Command located in Colorado can be transferred to the Strategic Command.

Now, let me tell you the reason for that provision in the bill, inserted as I understand it by Members of the Colorado delegation, is in response to Gen. Colin Powell's report, the chairman of the Joint Chiefs of Staff report on "Roles, Missions and Functions in the Armed Forces," which recommends that there could be considerable economies saved by studying the possibility of merging the Space Command with the Strategic Command.

This report recommends that at least a study be made of that because there might be major economies associated with merging those two commands.

Now, the effect of this provision is to take away from the Pentagon the authority to change these command structures.

Now, I think that is bad policy. This response is made by the Colorado delegation in order to try to preserve in Colorado a command that has been there for a long time. It is understandable that the Colorado delegation should try to do that, but command decisions, where they are to be located, whether they are to be merged, what the size of them is to be, have traditionally been made by the Pentagon. They have never been made by this body or by the Senate. It has never been in statute. Command decisions have long been made by the Pentagon and I think they should stay there, because they are best able to evaluate the most economically way of organizing our armed services.

So the effect of this amendment is to yield segments of Congress that have a personal interest in maintaining a command in one place or another and to undermine the basic principles of our base closing strategy and philosophy, which is to vest with an impartial commission decisions of this sort, because they are more likely to be in the best interests of the country.

Now, let me emphasize that if this makes it all the way through into law, and I think it is not going to because of opposition in the Senate, this would create a new standard of congressional competence that all of us will be required to abide by. Each of us that has a command would be expected to put language in law prohibiting movement of that command anywhere else.

The CHAIRMAN pro tempore. (Mr. DURBIN). The time of the gentleman from Nebraska [Mr. HOAGLAND] has expired.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore. The gentleman has the right under the rule to move to strike the last word for an additional 5 minutes of debate time.

Mr. DELLUMS. Mr. Chairman, I yield to the gentleman from Nebraska for the purpose of allowing the gentleman to conclude his remarks.

Mr. HOAGLAND. Mr. Chairman, I thank the gentleman for yielding this additional time to me.

Now, the basic problem with this approach, as I indicated before, is that it erects a new standard of congressional competence. It would require all of us that have commands in our districts to insert language protecting those commands from transfer or shrinkage by the Pentagon.

It also would put all of us with bases in our districts under the standard of putting a moratorium on having any of the bases closed or moved anywhere else in the country. It is not good policy. Decisions of this sort should be left with the appropriate authority.

Now, this issue was dealt within the Senate extensively. Senator EXON and Senator BROWN debated this on the floor of the Senate, negotiated in private, and finally executed a letter signed by Senator BROWN and Senator CAMPBELL on behalf of Colorado and Senator EXON on behalf of Nebraska, a letter to Secretary ASPIN calling on the Pentagon before it makes a decision about the Space Command to consult thoroughly with Canada so that its interest can be represented.

I will insert a copy of this letter immediately following my remarks.

Now, it is my understanding that this is very likely to be deleted in conference. Rather than put this issue to a vote here and consume at least 30 additional minutes of time and with considerable confidence that this bad policy will not be adopted in conference, I thank the gentleman for yielding time to me, and I will not be offering the amendment allowed by the Rules Committee.

Mr. Chairman, I include the letter referred to earlier, as follows:

U.S. SENATE,
Washington, DC, September 14, 1993.

Hon. LES ASPIN,
Secretary of Defense, The Pentagon, Washington, DC.

DEAR SECRETARY ASPIN: As the Defense Department formulates its final report on a possible move or merger of U.S. Space Command and U.S. Strategic Forces Command, it is especially important that the government of Canada be thoroughly consulted. For thirty-five years, the bilateral agreement establishing the North American Aerospace Defense Command (NORAD) has served as the cornerstone of North American defense. As you know, plans for merger, without consultation, could cause significant disruption in this important relationship.

Consequently, we ask that Canada be consulted specifically on any proposed functional or operational transfers as well as the effect of any proposed merger of the two commands on existing agreements or practices of the two countries in defending the U.S. and Canada.

Furthermore, as you formulate a final report on the study, we ask that you include in it:

(a) all of the costs, including potential environmental costs, that would be incurred through relocation of U.S. Space Command or any of its elements, functions or missions; and

(b) the result of consultations with the government of Canada, and the effect of such a merger on the defense agreements and practices of the two countries.

Thanks in advance for your assistance in this effort.

Sincerely,

HANK BROWN,
U.S. Senator.
BEN NIGHTHORSE CAMPBELL,
U.S. Senator.
JIM EXON,
U.S. Senator.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. HOAGLAND. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I just would point out that one of the reasons we put this in is the basic difference between SPACECOM and STRATCOM. Obviously, they do have different functions, and there was some concern about that.

The CHAIRMAN pro tempore. The time of the gentlewoman from Colorado has expired.

Mr. DELLUMS. Mr. Chairman, I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman. I thank the gentleman for yielding this additional time to me.

This is not in my district and nobody was trying to pull a fast one.

Obviously where this came from was the Joint Chiefs review, as the gentleman pointed out.

But one of the great concerns is SPACECOM provides many benefits, such as Intelligence, navigation, weather communications, and STRATCOM consolidates all the strategic nuclear weapons.

Our real concern was do you want to mix the peaceful part of space with the nuclear part of space? For a very long time we wanted to keep a bright line between those two things that went back to the days when we all hoped that space would be a lot more peaceful and that it would be something we could all work together on as a planet to have eyes and ears there. We are not sure we want to put our eyes and ears in the peaceful part with the strategic nuclear weapons part. That is where the language came from, and we will be more than happy to work this out.

Mr. Chairman, I rise in opposition to the Hoagland amendment, which would strike section 942 of the bill. This section properly places a moratorium on the merger of Space Command with Strategic Command.

I am very troubled by a possible merger of Space Command [Spacecom] with Strategic Command [Stratcom], as suggested in the roles and missions study released earlier this year. Such a merger would raise a number of very basic policy issues which should be fully reviewed by the Congress.

By design, Spacecom and Stratcom have vastly different missions. Spacecom provides the many benefits from space systems, such as intelligence, navigation, weather, and communications, while Stratcom consolidates all strategic nuclear weapons. Should we be mixing these fundamentally different missions? What would be gained by such a merger?

Will a move of Spacecom to Stratcom, lessen the importance of space systems, to the benefit of Stratcom's main mission, strategic offensive nuclear programs? Isn't this like mixing gasoline with fire?

I am also concerned that a merger may turn future space funding into a cash cow for funding strategic offensive nuclear programs. Throughout this debate, speaker after speaker has noted how the world has changed, that the cold war is over. The need for strategic nuclear weapons is vastly diminished, despite the arguments of those still married to cold war thought and rhetoric. By combining these two commands, the strategic nuclear portion may be hidden under a space cloak, yet sucking money away from space programs.

In my mind, one would need a compelling reason to merge the two commands, and frankly, the risks do not appear to outweigh the benefits. In any event, this is an issue of major policy significance that should be fully reviewed and debated by the Congress. Section 942 merely places a moratorium on a possible merger and would allow the Congress to fully review such a proposal.

Finally, it is my understanding that the Chairman of the Joint Chiefs of Staff, Gen. Colin Powell, was quoted in "Defense News" on September 27 saying that this merger would not occur in the near future because of limited cost savings and the need to stimulate space operations. This amendment would not affect that decision.

Mr. Chairman, I urge our colleagues to vote against the Hoagland amendment.

Mr. DELLUMS. Mr. Chairman, I yield back the balance of my time.

Mr. SPENCE. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore. The gentleman under the rule is entitled to make that request and will be granted an additional 5 minutes of debate time.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, just in discussing the amendment, which I guess is not going to be offered right now, but as the amendment that the gentlewoman from Colorado [Mrs. SCHROEDER] and I put in the bill has been attacked somewhat here, I want you to know that our motivation was not as devious as the Senator from the gentleman's State seemed to think it was.

Really, I would be opposed to this amendment because it simply calls for a 1-year moratorium on any merger of the Space Command and the Strategic Command, simply because if we were to do this we ought to think about it very, very carefully.

The gentlewoman from Colorado [Mrs. SCHROEDER] talked about some of the reasons not to do it, but we ought to go over it very, very carefully, and we ought to know the cost benefit analysis of any kind of a move such as that.

Chairman Powell in his annual report to Congress suggested that this ought to be studied.

Somehow the Senator from Nebraska seemed to think it was part of base closing. It had nothing to do with base closing. It simply said that it ought to be studied. They have studied it now, and in a letter received by Senator BROWN just a few days ago and recorded in the "Defense News" of September 27, the letter stated that he noted his review of interim results to the year-long study did not convince him that the proposed merger is a good idea, and in fact the headline of this article says, "DOD Nixes the Merger of U.S. Nuclear and Space Commands," and for many of the same reasons that the gentlewoman from Colorado [Mrs. SCHRODEDER] stated.

So I think that the amendment of the gentleman from Nebraska [Mr. HOAGLAND], were it offered, would not be appropriate at this point, and I am pleased.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, let me just say that another project in the great State of Colorado is $40 million for a breast cancer research facility at the Fitzsimmons Army Hospital, but if you looked at the bill you would not recognize it as being there because they have given six criteria that have to be used in order to place this facility someplace in the United States, but if you add up all six of the criteria, it is only one hospital.

☐ 1820

One hospital, and that is the Fitzsimmons Hospital in the State of Colorado very close to the gentlewoman from Colorado's district, $40 million.

Now we had an amendment in the Committee on Rules which would say that we would allow this to go forward if the Defense Department thought it was necessary, and it would allow the Secretary of Defense to decide where it should be placed. But the people on the Committee on Rules, I suspect, under some pressure, would not allow my amendment to come to the floor so that the language in the bill will only allow this $40 million facility which was never approved by the Defense Department, never asked for by the administration, can only go closely to the gentlewoman from Colorado's district.

Now I would just like to say to my colleagues that we talk about pork around here all the time, but this is really ridiculous because she disguised it with six criteria instead of saying, "Let's put it into the Fitzsimmons Army Hospital." This is deviousness of the highest sort.

And I would like to say to my colleagues this is not the sort of thing that we ought to be doing around here, and I would say to the gentlewoman from Colorado, "If you want this facility, go to the Defense Department, get their approval. Ask the administration if they think it's necessary before you stick $40 million in here and disguise it with six criteria that the American people don't understand."

Let us put it someplace in this country, if it is necessary, and let the Defense Department decide where it goes instead of sticking it into her area.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from South Carolina for being a gentleman.

First of all, Mr. Chairman, I want to point out that the criteria in here fit the eight Army hospitals that are there. What the criteria are, are dealing with the building, dealing with the laboratory, to make sure these funds are not ripped off, and it also talks about having someone that is tied into the Indian health, the veterans and DOD health to try and be very efficient. These are not directing it to any hospital.

I assure people I know how to spell Colorado. It is not there, and I say, "If you don't believe it, read on pages 71 and 72; that's where it's laid out," and this is mainly to make sure that this money goes to catching up women's health which has long been neglected.

Mr. Chairman, women have twice the incidence of cancer that were in the military than those who were not. This has been ignored by DOD, by the Veterans' Administration and by Indian health, and this is trying to centralize it and put it in a catch-up. But it allows any of the Army hospitals to come forward, and, if anyone has any question, please come over. I will show it to them in the bill. It is written as generically as possible, and that is what I have always done. I have always been for women's health. It has never been in my district.

I must say I think what the issue is that nobody wants to say that they are against women's health. They are trying to make it another issue, and that saddens me. But I thank the gentleman from South Carolina [Mr. SPENCE] for being a gentleman and letting me answer.

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I am going to insert in the RECORD material concerning the national defense authorization bill. In doing this I want to thank the chairman of the Committee on Armed Services, the gentleman from California [Mr. DELLUMS], thank the gentlewoman from Colorado [Mrs. SCHROEDER], the chairman of the relevant subcommittee, for including in this legislation the law enforcement proposal whereby involuntarily retired members of the services would have an opportunity to work for local police and sheriffs' offices, especially in high crime areas.

Mr. Chairman, this is a defense conversion proposal. We have dedicated men and women of all races and ethnicities, and it is very important that this go through.

FEDERAL HELP TO FIGHT CRIME ON THE STREETS

Mr. HORN. Mr. Chairman, I rise today in strong support of H.R. 2401, the National Defense Authorization Act for Fiscal Year 1994. Section 1332 of this legislation expands on the Troops to Teachers Program contained in Fiscal Year 1993 National Defense Authorization Act to include support for the recruitment and hiring of law enforcement and health care workers. This language incorporates provisions from two bills, H.R. 1245 by the gentleman from Maryland [Mr. WYNN] and, my legislation, H.R. 2474, the Community Security Act in which I was joined in a bipartisan coalition by Mr. TOWNS, Mr. GILMAN, Mr. HOBSON, Mrs. JOHNSON of Connecticut, Mr. MCDADE, Mr. MCKEON, Mr. MOORHEAD, Mr. PASTOR, Mr. RANGEL, Mr. SHAYS, Mr. TORRES, Mr. TRAFICANT, Mr. UPTON, and Mr. WAXMAN.

We believe this section will expand on an already successful program to channel members of the Armed Forces who are being separated into areas that directly benefit our communities—namely law enforcement and health care. President Clinton's recently announced crime initiative contains a section to provide for the retraining of up to 1,500 veterans who are leaving the military for jobs with State and local police departments. Section 1332 begins this process.

I wish to thank the gentlewoman from Colorado [Mrs. SCHROEDER] the chairman of the Research and Technology Subcommittee and Mr. DELLUMS, the chairman of the House Committee on Armed Services, and the committee for including this needed program in this year's authorization bill.

Mr. Chairman, I ask consent to insert in the RECORD, the report language on the bill, a column from the Los Angeles Times on H.R. 2474, and various resolutions of endorsement from mayors and representatives of retired military personnel, veterans, and national and local police and sheriffs organizations.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

(Report of the Committee on Armed Services, House of Representatives on H.R. 2401)

SECTION 1332—PROGRAMS TO PLACE SEPARATED MEMBERS OF THE ARMED FORCES IN EMPLOYMENT POSITIONS WITH LAW ENFORCEMENT AGENCIES AND HEALTH CARE PROVIDERS

This section would incorporate statutory language, based on H.R. 1245 and H.R. 2474, to expand the "troops to teachers" program to also include support for the recruitment and hiring of law enforcement and health care workers.

The committee directs the department to coordinate implementation of this program with the Justice Department and the President's Domestic Policy Council and recommends that emphasis be placed on placement of law enforcement officers recruited under this program in high-crime areas where a shortage of police officers exists.

[From the Los Angeles Times, Sept. 19, 1993]

TROOPS TO COPS: IMAGINATIVE PROPOSAL

The story is the same, be it set in the inner city or a suburb. Kids can't walk to school without fear. Their parents dare not use a bank ATM at night or drive a nice automobile that might tempt carjackers. Where are the police?

Most Americans want more cops, but few municipalities can afford to expand their police departments because of budget deficits, state funding cuts and a national economy that refuses to rebound strongly. Meanwhile, crime takes no vacation.

Congress can put more officers on patrol, and reduce unemployment, by encouraging military police officers who become casualties of defense cuts to go into civilian law enforcement. This novel "troops-to-cops" proposal, by Rep. Steve Horn (R–Long Beach), is now a part of the House defense authorization bill. The details—including the major hurdle, the cost—have yet to be worked out. But, in theory, the measure could remedy a couple of problems.

Thousands of dedicated men and women expect to be forced out of the armed services because the Clinton Administration has proposed drastic cuts in the 1994 military budget. They will need jobs at a time when cutbacks prevail in both the public and private sectors.

The troops-to-cops proposal would encourage military police officers and others with military law enforcement experience to work for state and local police departments. The feds wouldn't pay for training in local police academies (that training is an important element that would still be required), but Washington would subsidize the salaries of the new officers for five years. Clearly, those subsidies would help hard-pressed cities like Los Angeles.

The federal government would pay 50% of the new officers' salaries in the first year, 40% the second year, 30% the third, 20% the fourth and 10% the fifth. That's a bargain for the scared folks back home.

The program would also help military personnel who have health care experience. They could qualify for local public service jobs such as emergency medical technicians', and the federal government would subsidize their salaries.

The troops-to-cops program isn't the only worthy police proposal in Washington. The Clinton Administration's National Service Act will encourage young Americans to sign up for four-year stints at their local police departments in exchange for federal scholarships. Current funding will allow the hiring of several thousand police officers during the next four years.

Neither of these measures will provide enough cops to make a colossal difference; and officers by themselves cannot solve the manifold problem of crime in America. But as emblems of Washington's concern and of national priorities, these proposals are useful and imaginative tools that absolutely deserve support.

CITY OF LOS ANGELES,
July 29, 1993.

Hon. STEVE HORN,
House of Representatives, Washington, DC.

DEAR MR. HORN: I would like to offer my strong support for the early enactment of the Community Security Act of 1993 (H.R. 2474) which you have introduced in Congress. It addresses both the need to transition military personnel into civilian jobs as well as the public need to get more police officers on the streets of our cities.

As I stated in my campaign for Mayor of Los Angeles, there can be no economic recovery in our city without the promise of physical safety. Businesses will only locate and stay in Los Angeles if they can feel reasonably sure that their employees and customers will be safe. Residents will only live and conduct business in the City so long as they and their families can count on the same level of safety. And without new business activity, our tax base will continue to shrink and our citizens will continue to suffer.

That is why I have set a goal of putting 3,000 additional police officers on the streets of Los Angeles over the next four years. I believe that your legislation would help us accomplish this goal, and therefore I would urge others to support your initiative.

Sincerely,

RICHARD RIORDAN,
Mayor.

CITY OF LONG BEACH,
September 7, 1993.

Hon. STEVE HORN,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN HORN: The City of Long Beach is in support of your proposal, contained in the Fiscal Year 1994 National Defense Authorization Bill, to assist military personnel laid off due to defense cutbacks to obtain jobs in law enforcement and health care professions by providing financial assistance to local governments to hire these individuals.

It is critical for the Federal government to provide employment assistance to military personnel as they return to civilian life. By funding these opportunities through local government, your proposal will assist both local community and individual needs. In addition to this important proposal, the City of Long Beach also supports legislation to provide direct funding to cities to hire new police officers. We are currently pursuing a portion of the $150 million now available for officers and will actively pursue any additional federal funding made available for police. Providing additional police officers for our residents is a top priority. Any assistance from the Federal government in this effort will allow local resources to be used on other critical local services.

If the City of Long Beach can be of further assistance in this effort, please feel free to contact me at (310) 570–6812.

Sincerely,

JAMES C. HANKLA,
City Manager.

INTERGOVERNMENTAL RELATIONS COMMITTEE

To the Council of the City of Los Angeles:

Your Intergovernmental Relations Committee report as follows:

Your Committee recommends that the City include in its 1993–94 Legislative Program support of H.R. 2474, and seek amendment to H.R. 2401, the Defense Authorization bill section 1332 to reconcile it with H.R. 2474, which would provide a subsidy to communities to assist discharged members of the armed forces to obtain employment as local law enforcement officers, substantially as recommended by Motion (Hernandez-Ferraro).

SUMMARY

Council Motion (Hernandez-Ferraro) urges the City to support the Community Security Act of 1993, H.R. 2474 (Horn), which directs the Secretary of Defense to enter into agreements with local governments who are experiencing high crime, to hire honorably discharged armed forces personnel and train them to be law enforcement officers. The Department of Defense will subsidize the first five years of employment with a incremental reduction of funding. The Mayor also recommends support of H.R. 2474.

Seventy-five percent of program funding is based on a state's total percentage of the national population and a designation of high crime. There is an additional provision that twenty-five percent of funding shall be disbursed to local governments with an "especially high rate of violent crimes." In order to be eligible a community must agree to train and hire a member of the armed forces and offer full employment for a given number of years and treat the member as any other law enforcement officer. The first five years of employment, including training, is subsidized with funding incrementally reduced over that period.

The basic content of this bill has been included in H.R. 1401, the Defense Authorization bill. In all likelihood, the Authorization bill will be passed and approved before the bill proposed by Congressman Horn. There has been some distinct modifications to the original bill in its inclusion to the Authorization bill, that could impact local communities. For purposes of clarity, we would recommend a reconciliation of the two bills.

The first distinction is the amount of the subsidy. The Horn proposal allows a greater level of payment with 100 percent in the first year and a decrease to 80 percent the second year with a final fifth year subsidy of 20 percent. The Authorization bill sets limits of 50 percent or $25,000 for the first year, 40 percent or $10,000 the second year, to 10 percent or $2,500 in the final year.

The next distinction is the time period of participation. In the Horn bill, in order to receive full payment, an individual must serve at least two years. In the Authorization bill this period is set at five years.

The final distinction is the time period for hiring personnel. In the Horn bill, the period for hiring is from one year after the program is implemented with a caveat that any member of the armed forces discharged from October, 1990 to October, 1993 can be hired until October, 1994. The Authorization bill does not allow this stipulation and states that the program eligibility is from a four year period beginning in October, 1993. This would exclude anyone currently discharged.

The only other concern is the technical language used between the two bills. Whereas the Horn bill uses the term "agreement" between local communities and the Secretary of Defense, the Authorization bill uses the term "grant". This may be a difference in jargon rather than terminology, but we would request that the issues be reconciled.

There has been a concern expressed that this legislation might require local communities will have to modify their existing selection and hiring procedures. Since the bill(s) are silent on this issue and contracts or grant provisions and requirements have not been developed, it is premature to speculate, that the City would be asked to modify its selection criteria.

Respectfully submitted,

INTERGOVERNMENTAL RELATIONS COMMITTEE.

CITY AND COUNTY OF DENVER,
July 23, 1993.

Hon. STEVE HORN,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN HORN: Thank you for taking time to send materials to me on your bill, H.R. 2474, the Community Security Act of 1993. I am very interested in expanding the community-based policing program here in Denver. I am also committed to helping returning members of the Armed Forces train and find jobs in our post-Cold-War community. I believe our people are our "peace dividend."

Denver's own Congresswoman Pat Schroeder has been pursuing, in the House Armed Services Committee, an increase in a program turning troops into teachers, police and health care workers. It is a program I am supporting very enthusiastically. Some of the details differ from your bill, especially in the length of the support commitment to local governments by the Department of Defense, but I am hopeful that her work, your bill and others will be considered and a program forged from all of these ideas which benefit Denver and other cities.

Yours truly,

WELLINGTON E. WEBB,
Mayor.

CITY OF MIAMI, FLORIDA
July 23, 1993.

Congressman STEPHEN HORN,
Longworth House Office Building, Washington, DC.

Re Community Security Act of 1993.

DEAR CONGRESSMAN HORN: This letter is written is support of your efforts in bringing about the Community Security Act of 1993.

The proposed legislation would provide a great benefit to major cities throughout the United States and would put many qualified people who have served this country back to work.

I would certainly support any agreement between the Department of Defense and our local law enforcement agencies to train these individuals and hire them in order to create a safer environment for our citizens and visitors.

Please keep my office informed as to the implementation of this legislation.

Very truly yours,

XAVIER L. SUAREZ.

CITY OF VIRGINIA BEACH,
Virginia Beach, VA, August 12, 1993.

Hon. STEVE HORN,
U.S. Congress, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN HORN: Thank you for your letter concerning HR2474, the Community Security Act of 1993. After discussions with our Chief of Police, Charles Wall, I enthusiastically support this measure.

Virginia Beach, and all of Hampton Roads, has a large number of military personnel many of whom retire here. If the cities were able to receive some federal assistance in hiring these personnel as police officers, it would be a great benefit. Although Virginia Beach has an enviable low crime rate, our neighboring jurisdictions are not as fortunate. Furthermore, because of budget constraints the City has been unable to hire as many police officers as we would like in recent years.

By copy of this letter, I am informing our two Congressional representatives Owen B. Pickett and Norman Sisisky of my support of this measure. Please keep me informed on the progress of this measure, and I wish you success in having it enacted into law.

Sincerely,

MEYERA E. OBERNDORF,
Mayor.

NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA,
Alexandria, VA, July 22, 1993.

Hon. STEPHEN HORN,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. HORN: The Non Commissioned Officers Association of the USA (NCOA) appreciates your introduction of H.R. 2474, The Community Security Act, that would permit members of the armed forces who are discharged or released from active duty to obtain employment with law enforcement agencies.

NCOA fully supports H.R. 2474. The bill will extend employment opportunities to former members of the military services while at the same time providing a valuable contribution to the communities of this country. The high level of professionalism and ethical work habits of military members provide the best source of police manpower and promises the best results for the money spent.

Thank you for your efforts on behalf of military personnel. If the Association can be of any further assistance, do not hesitate to ask.

Sincerely,

RICHARD W. JOHNSON,
Executive Director of Government Affairs.

THE AMERICAN LEGION,
Washington, DC, June 24, 1993.

Hon. STEPHEN HORN,
House of Representatives, House Longworth Office Building, Washington, DC.

DEAR REPRESENTATIVE HORN: After a staff review of your draft bill to convert former military personnel into law enforcement officers, I am pleased to inform you that The American Legion agrees with the major provisions of this measure. As a "transitional benefit" for recently separated veterans, this measure would meet the "community service" needs for additional law enforcement personnel.

The only potential problem the Legion has with your proposal is the financial mandates levied against the Department of Defense. This program, like many other new initiatives, uses DoD dollars as a "cash cow." The Legion has a formal legislative mandate to maintain a strong national defense posture. If funding continues to be drawn from the defense budget to finance domestic programs, that mandate will become increasingly more difficult to achieve.

The Legion welcomes the opportunity to work with you and your staff to make this bill a reality.

Sincerely,

STEVE ROBERTSON,
Director, National Legislative Commission.

LOS ANGELES POLICE PROTECTIVE LEAGUE,
Los Angeles, CA, July 16, 1993.

For Immediate Release:

The Board of Directors of the Los Angeles Police Protective League has enthusiastically endorsed House Resolution Bill Number 2474 and referred to as The Community Security Act of 1993. This legislation was authored by Representative Steve Horn from Lakewood, California, and co-authored by 14 other Congressmen, seven from each party, making this a bi-partisan bill. The 14 cosponsors represent a combination of law-and-order Republicans and big city Democrats who usually are at odds.

The League supports this legislation because it will provide a source for recruiting quality individuals and also provide an initial source of monetary support.

Under this legislation, the Department of Defense would subsidize the salaries of involuntarily separated service members hired by local law enforcement agencies.

The first year a veteran is hired, their salary is paid by the Defense Department. The subsidy would then drop 20 percentage points per year so by the sixth year, the local jurisdiction would be responsible for their entire salary.

Since 1988, 530,000 active duty and civilian personnel have been cut from the rolls of the armed services, and that is an untapped resource for recruiting that most major police departments, including L.A.P.D., have failed to take advantage of.

The League supports HR #2474 and encourages all legislators to support its passage and all citizens to contact their Congressional representatives to ensure its approval.

CITY OF LONG BEACH
Long Beach, CA, September 7, 1993.

Hon. STEVEN HORN,
House of Representatives, Longworth House Office Building, Washington DC.

DEAR CONGRESSMAN HORN: The Long Beach Police Department is in support of your proposal, contained in the Fiscal Year 1994 National Defense Authorization Bill, to assist military personnel laid off due to defense cutbacks to obtain jobs in law enforcement and health care professions by providing financial assistance to local governments to hire these individuals.

It is critical for the Federal government to provide employment assistance to military personnel as they return to civilian life.

By funding these opportunities through local government, your Bill will assist both local community and individual needs. Allowing these skilled individuals to become law enforcement and health care providers will assist local government in meeting two of the most increasing demands on its limited resources.

If the Long Beach Police Department can be of further assistance in this effort, please contact this office at (310) 570-7301.

Sincerely,

WILLIAM C. ELLIS,
Chief of Police.

NATIONAL SHERIFFS' ASSOCIATION,
Alexandria, VA, September 8, 1993.

Hon. STEPHEN HORN,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN HORN: The National Sheriffs' Association, representing over 22,000 law enforcement professionals nationwide, would like to express our support and thanks for your introduction of H.R. 2474, the Community Security Act. Our legislative committee has read your proposal and the majority were pleased with your recommendation to help integrate former military personnel to law enforcement jobs.

As always, NSA stands ready to support legislation in the best interest of law enforcement and the public. In the meantime, I would be grateful if you would keep me informed of any progress regarding this proposal.

Sincerely,

CHARLES B. MEEKS,
Executive Director.

LOS ANGELES COUNTY
PROFESSIONAL PEACE OFFICERS ASSOCIATION,
Monterey Park, CA, August 13, 1993.

Hon. STEVE HORN,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN HORN: The Los Angeles County Professional Peace Officers Association, representing over 4,600 members of the Sheriff's Department, Marshal's Department and District Office, wishes to go on record in support of your House Resolution bill 2474, referred to as the Community Security act of 1933.

We, in Los Angeles County, have for the past two years faced serious financial problems that have resulted in a hiring freeze of much needed Deputy Sheriffs and other law enforcement officers. This bill would go a long way in filling President Clinton's pledge to put more police officers on the streets of America's cities.

Please feel free to contact me if we can help you in any way. We wish you great success.

Sincerely,

ARTHUR J. REDDY,
President.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman from South Carolina [Mr. SPENCE] for yielding this time to me.

Mr. Chairman, I would like to urge my colleagues to support this en bloc amendment including my Lyme disease amendment to H.R. 2401 requiring the armed services to do more to protect and aggressively screen soldiers in the field.

As my colleagues may know, Mr. Chairman, Lyme disease is a chronic infectious disease primarily spread by the bite of an infected arthropod, usually the deer tick. It is the No. 1 tick-borne disease and the second fastest growing infectious disease in the United States. Despite what the CDC considers underreporting due to widespread misdiagnosis and an elusive trail of symptoms, over 50,000 cases have been reported in 49 States since 1982.

Mr. Chairman, the U.S. Army Environmental Hygiene Agency [EHA] reports that military personnel risk exposure to the disease during field training exercises, contingency operations, and other military-related activities in woody and high-grassy areas. Furthermore, these men and women—who are on orders—do not have the option of avoiding high risk areas.

Mr. Chairman, with only minimal surveillance in the last few years, the Army has discovered more than 700 cases of Lyme disease among its troops—a 300-percent increase over the last 2 years alone. Several of these affected soldiers have received medical discharges for problems associated with Lyme.

It would be unforgivable it seems to me, Mr. Chairman, to allow Lyme disease exposure. We cannot and must not allow this to happen. We can do more. I have contacted the Army. I asked them what it would take to construct a Lyme disease program, and they said very simply, Colonel Wiles, the commanding officer at the Environmental Hygiene Agency: a $500,000 start up cost and a $500,000 annual appropriation to do the job.

Mr. Chairman, it is a very modest amount of money that can help protect our soldiers. Hopefully this legislation will go forward and be approved in conference.

Mr. STARK. Mr. Chairman, I urge support for the en bloc amendment, which contains the McCloskey-Stark-McCurdy amendment on nuclear nonproliferation. If this amendment passes, it will be the strongest and most comprehensive policy statement ever made by the U.S. Government on stopping the spread of nuclear weapons.

The McCloskey-Stark-McCurdy amendment sets the following policy goals:

A comprehensive nuclear test ban,

A global ban on the production of weapons-usable fissile material for any purpose, military or civilian, with all stockpiles of material put under bilateral or international controls,

Strategic nuclear reductions below START II for the United States and Russia, with additional reductions by France, China, and Britain,

Stronger nuclear export controls and International Atomic Energy Agency [IAEA] safeguards,

A ban on the production of new nuclear warheads,

Reports on the possibility of eliminating all tactical nuclear weapons and adopting a policy of no-first-use.

Together these policies will close loopholes in the Nuclear Non-Proliferation Treaty [NPT], while helping build international support for a lengthy extension of the NPT when the treaty comes up for review and extension in 1995.

While many of these agreements have been elusive individually, they are easier to negotiate as part of a package in which all nations take on some additional restraints. By accepting restraints on nuclear testing and fissile material production, further reducing strategic arms, eliminating tactical nuclear weapons, and adopting a policy of nuclear no-first-use, the United States and the other nuclear weapon States—Russia, France, Britain, and China—can build support for a long-term and possible indefinite extension of the NPT, for a bolder and more aggressive IAEA—which could catch potential nuclear cheats like Iraq or North Korea, and for more stringent nuclear export controls to hinder would-be proliferators like Iran.

President Clinton's speech at the United Nations yesterday included many of these proposals. By passing the McCloskey-Stark-McCurdy amendment Congress will build on the President's foundation and create a truly comprehensive strategy to stop the spread of the bomb.

I wish to thank my distinguished colleagues and co-authors of this amendment, the gentleman from Indiana [Mr. MCCLOSKEY] and the gentleman from Oklahoma [Mr. MCCURDY]. In addition, I wish to express my great appreciation to the distinguished chairmen of the House Foreign Affairs and Armed Services Committees, Mr. HAMILTON and Mr. DELLUMS for their support of this legislation and for their outstanding and long time leadership in fighting proliferation.

I urge support for the amendment.

Mr. HALL of Ohio. Mr. Chairman, I rise in support of the en bloc amendment to H.R. 2401, the Defense Authorization Act for fiscal 1994. The en bloc amendment contains an amendment I have offered which will make it easier for the Department of Energy to transfer or lease property and equipment no longer needed for national defense to local communities for technology preservation and economic development.

With the end of the cold war and the diminished need for expensive defense facilities, our Nation is now in the process of reducing the vast network of military bases, equipment, and buildings that were established when a war between the superpowers was a possibility. However, if we are not careful, the dismantling of this network could result in the loss of critical defense-related technologies that we may need again. Moreover, many of these critical technologies have non-defense commercial applications, and these too could be lost in the scramble for immediate defense savings by closing defense facilities. Finally, we also have to consider the needs of the defense workers, many of whom are highly skilled, and all who have served their country. It is the Government's responsibility to make sure that they are given every opportunity to remain employed with as little disruption as possible in their lives.

While most public attention has been focused on the reductions in military bases of the Department of Defense, the Department of Energy also maintains a sizable network of facilities which employs thousands of workers involved in the research, development, testing, production, and surveillance of our Nation's nuclear weapons. With the end of the cold war and a significantly reduced need for nuclear weapons, there is no longer a justification for all of these expensive facilities.

Earlier this year, the Secretary of Energy announced that all plants involved with the production of non-nuclear components for nuclear weapons would be consolidated into one site. That action will result in the closing of the defense missions of the Mound plant, in Miamisburg, OH, which is in my district. It will also result in the closings of the Pinellas plant in Florida and the Rocky Flats plant in Colorado. More plant closings and reconfigurations are inevitable throughout the Nation when the Department of Energy faces the task of consolidating the plants which manufacture nuclear components and materials for nuclear weapons.

With each closing and reconfiguration, unique and valuable equipment will become surplus to the Government's needs. The closings will result in laying off some of our most highly skilled defense workers, including scientists, engineers, and technicians. In some cases, the value of the equipment depends on maintaining the workers who are trained in the equipment's special application. It is within the combination of both the equipment and the workers that our technology resides.

The solution to our problem of maintaining technologies and preserving jobs is complex and will involve considerably more study on a site by site basis. However, it has become clear that any solution will involve the quick transfer of facilities from defense to commercial applications. Speed is necessary because highly trained, skilled workers whose jobs are slated for elimination will not wait for the day when they are notified of their last pay check. At the Mound plant, in my district, workers are already looking for new jobs which could result in the loss of the specialized technology in which they are trained.

Speed is also necessary for the communities which face an uncertain future with the loss of a major employer in the Department of Energy. Also, some of the weapons production facilities are located in the center of urban areas and take up valuable real estate—real estate which could be turned into income-producing showplaces of defense conversion. Or, if left fallow, real estate that could become eye sores and monuments to Government inaction. Our communities must make plans now so they can prepare for the day when the Government will finally turn over the keys and walk away.

Unfortunately, laws and regulations governing the transfer and lease of buildings, equipment, and land create a maze of complicated technicalities that can grind at a frustratingly slow pace. Moreover, there are no statutes which establish economic development as a justification for transferring or leasing property. Thus, the Department of Energy is stymied in its effort to maintain jobs, preserve technologies, and assist with economic development in the communities which have supported the department for so many years.

My amendment contains a series of findings that will give the Department of Energy a strong push to reutilize existing facilities in communities that experience adverse economic circumstances as the result of the closure or reconfiguration of those facilities. The findings also recognize the need to avoid delays in reutilization.

The amendment establishes specific statutory authority to the Secretary of Energy to transfer or lease property to mitigate the adverse economic consequences that might otherwise arise from the closure or reconfiguration of a Department of Energy facility. Such property may be transferred or leased to a public agency at 50 percent of fair market value under some circumstances.

The amendment requires a report, due February 1, 1994, on the Energy Department's future plans for reutilizing existing department property and equipment. The amendment also prohibits the Department of Energy from moving equipment from one site to another unless moving the equipment would be substantially less expensive or would cause substantial delays. This is important to give existing communities the benefit of the doubt when the Department of Energy decides what to do with equipment at sites in those communities.

The amendment does not override existing Federal environmental laws or property transfer policies.

There are already commercial uses for the buildings, equipment, and real estate at the Department of Energy facilities which are scheduled to be closed. Reutilization is not a theoretical goal but a practical reality if we can move quickly.

At the Mound plant, in my district, specific businesses have already been identified which have shown a strong interest in reutilizing the facilities. Seven buildings or parts of buildings, and the equipment contained within, have a high potential for reutilization based on discussions with interested businesses:

Building 105—parts machining building; Central operational support building—tape processing facility;

Building 28—ceramics production building;

Building 43—thermite machining facility;

Building 85—powder blending and processing facility;

Building 49—high explosive assembly facility;

Development and standards building—laser-fired detonator only.

In addition, a parcel of land of 102 acres on the south side of the complex has been identified as having high potential for development. This parcel was purchased as a buffer between the complex and the community and is expected to be certified soon as a clean parcel free of environmental problems.

With the appropriate statutory authority, the Department of Energy can move quickly on these sites at the Mound plant and other facilities scheduled to phase out defense production work. Defense conversion can work by preserving technologies, jobs, and communities associated with Department of Energy facilities that are no longer needed because of the end of the cold war.

Mr. SLATTERY. Mr. Chairman, I rise today in support of the amendment offered by Representatives LEVY and PALLONE which directs the Department of Defense inspector general to reinvestigate the deaths of servicemembers who allegedly died from self-inflicted injury. I am confident that passage of this amendment will open a new door for the families of those servicemembers. For example, the Air Force determined that Allen Shults died of a self-inflicted injury in July 1992, at Keesler AFB in Biloxi, MS. His parents, Linda and Royal Shults of Atchison, KS, have gone to great expense to conduct their own limited personal investigation into Allen's death. The results of their efforts to get some answers to their questions have raised even more questions regarding the circumstances of Allen's death. Linda and Royal have convinced me that the Air Force's investigation may have been designed to fit the conclusion the service desired. After reviewing some of the elements of this case as presented to me by Linda and Royal, I believe this case should be reviewed by some entity other than the Air Force. Linda and Royal Shults are proud of their son's service to our Nation and they deserve answers instead of denials. Mr. Chairman, I urge passage of this amendment.

Ms. FURSE. Mr. Chairman, I rise in support of the Furse-Spratt amendment to clarify the language in this authorization bill regarding banning further R&D on low-yield nuclear weapons, or mininukes. First, I want to thank the gentleman from South Carolina who chairs the DOE panel I serve on. He is extremely knowledgeable about these issues and I consider it a great honor that he agreed to cosponsor this amendment.

I want to emphasize that nothing we are doing here will interfere with maintenance of our existing nuclear weapons stockpile. Nor do we intend to impede the design of testing devices—we are only addressing the issue of weapons with deployable yields of 5 kilotons or less.

Mr. Chairman, we know work on mininukes is going on. The Department of Energy is spending $2 million this year on this R&D and they intend to spend the same amount next year. I realize this is only a minute portion of the $264 billion defense budget, but it is only in Washington, DC, that $2 million is considered insignificant.

More important than the money being expended is the symbolism of letting the nuclear genie out of the bottle again. As Less Aspin said when he was still chairman of the House Armed Services Committee, we have no higher national security goal than to do everything possible to discourage the spread of nuclear weapons and to delegitimize their role.

The new threat comes not from ICBM's searing across the ocean at us, but from small weapons such as these.

The reality is that we cannot contemplate ever using such weapons. Mininukes would be a new generation of tactical nuclear weapons. The President has continued the testing moratorium passed by the Congress last year so we cannot deploy new weapons. Simply put, we are out of the business of developing tactical nuclear weapons in this country.

So why are we wasting the taxpayers' money on studies of weapons we would never use? There are plenty of worthy projects for the nuclear weapons labs to work on: They provide valuable assistance to the International Atomic Energy Agency, their expertise is sorely needed in counterproliferation, and their continued maintenance of our nuclear weapons stockpile is extremely important.

Mr. Chairman, weapons such as these would blur the lines between nuclear and nonnuclear weapons. We have sufficient conventional weapons capability. Work on mininukes sends the wrong message to a world we are trying to convince not to develop nuclear weapons. And finally, if we had weapons such as these, it is conceivable we may consider using them.

The United States cannot break the taboo against nuclear weapons which has been in place since 1945. I urge your support for an effective ban on the development of mininukes. Please support the Furse-Spratt amendment to clarify their definition.

Mr. SPRATT. Mr. Chairman, I rise in strong support of the amendment offered by Ms. FURSE. For those of you not familiar with this issue, let me recap the committee's actions.

About the time the military application of nuclear energy panel, on which Ms. FURSE serves and I chair, was completing its mark up of the Department of Energy Defense Budget, press reports surfaced that DOE labs had spent some $2 million in fiscal year 1993 on Phase I studies—conceptual, paper studies—for low-yield nuclear weapons, so-called mini-nukes. During the Acquisition Subcommittee mark up of the panel's work, Mr. DELLUMS offered an amendment on behalf of Ms. FURSE to prohibit future spending on the design of low-yield nuclear weapons. The amendment defined a low-yield weapon as one with a yield lower than the lowest existing yield weapon in the current stockpile. After full committee mark up, staff discovered that this yield was far lower than anyone on the committee anticipated because of a technical oversight. You see, many of our nuclear weapons have variable yields, and the low end of the spectrum of these dial-a-yield weapons is very, very low.

This amendment simply clarifies the definition of a low-yield nuclear weapon to realize the committee's intent. The amendment prohibits the design of a weapon with a yield of less than 5-kilotons. A 5-kiloton yield nuclear weapon is a very small nuclear weapon that is surely tactical; it has virtually no strategic value. The United States has wisely decided to retire our tactical nuclear weapons—this amendment is consistent with the policy.

Let me stress that this amendment will in no way interfere with maintaining any weapon currently in our inventory—even those with yields that can be set below 5-kilotons. If a problem develops with one of these weapons, our weapons designers can work to fix it. The amendment will also not prohibit the design of strategic weapons, and it will not impede the design of nuclear testing devices with a yield of less than 5-kilotons.

I urge my colleagues to support this amendment.

Mr. COPPERSMITH. Mr. Chairman, I rise in support of the en bloc group of amendments to H.R. 2401 now under consideration. In particular, I wish to express my strong support for the amendment I have offered together with my colleagues, PHIL SHARP and DICK ZIMMER, and to thank the Armed Services Committee for its support on this issue.

The amendment we offer is simple. It bars use of national security program funds of the Department of Energy to support a civilian program, the advanced liquid metal reactor [ALMR]. On June 24, the House voted decisively, by a bipartisan vote of 272–146, to eliminate funding for this program from the energy and water development appropriations bill.

The advanced liquid metal reactor [ALMR] program and associated work on actinide recycling raise numerous economic, environmental, and proliferation concerns. Development of ALMR technology will continue to require substantial Government funding for many years. However, ALMR's will continue to be less economical than new light water reactors for the foreseeable future. In addition, independent scientists believe that ALMR's and associated actinide recycling will not substantially decrease the environmental risks from a high-level radioactive waste repository and in fact will create large amounts of new hazardous waste. ALMR's also pose substantial proliferation risks because they both produce plutonium through reprocessing and can breed it from a reactor blanket. The proliferation risks, noted by the Office of Management and Budget in correspondence concerning the administration' initial decision to terminate the ALMR program, are critical national defense considerations. The House already has approved an amendment to H.R. 2401 condemning plutonium reprocessing by other countries as a potential national security threat.

Because the civilian funding for the program is threatened, ALMR proponents now seek new funding for their technology as a national defense program, especially for plutonium disposition. In the past, Congress has authorized the evaluation of two other kinds of nuclear reactors—advanced light water and modular high-temperature gas-cooled—as potential designs for a new military production reactor. Last year, because of concerns about plutonium stockpiles, Congress also authorized and funded a review of the potential use of these two reactor types for plutonium disposition. Congress has not authorized any funding for the ALMR for either of these missions, though, and no economic or national security incentive exists to do so now. The use of defense funds to support the ALMR is particularly unjustifiable given the Department of Energy's recent conclusion, in its own "Plutonium Disposition Study" dated July 2, that the ALMR is neither the least expensive nor the most practical technology for achieving the congressionally mandated objectives for plutonium disposition: plutonium burning, tritium production, and electricity generation. Furthermore, an Office of Technology Assessment report on dismantlement and disposition of nuclear weapons which was released just last week is critical of the concept of using ALMR's for plutonium disposition. The report notes that the necessary development process would be uncertain, expensive, and time-consuming and that more direct disposition is possible using existing technologies such as vitrification. OTA also notes that the plutonium reprocessing required for the ALMR system "could multiply the total volume of radioactive waste by 10, thereby driving up costs."

Despite the overwhelming rejection of the ALMR program by the House 3 months ago, and despite the fact that Congress has not authorized defense funding for the program, the House must now express more firmly its continued opposition to this program to prevent unjustified use of national defense funds. The amendment accomplishes several purposes. First, the amendment clarifies that language in the Armed Services Committee report accompanying H.R. 2401 does not include the ALMR. Second, the amendment directs the Department of Energy, which in fiscal year 1993 reprogrammed $1 million from prior year balances for the study of the ALMR without explicit authorization from Congress, that taxpayer dollars should not be used to support this program. Third, the amendment sends a clear signal to the other body, which has added $25 million in unrequested funds for the ALMR in its defense authorization bill for fiscal year 1994—(S. 1298)—that the House vigorously opposes attempts to continue this program no matter which side the DOE sends taxpayers the bill.

Given the previously expressed will of the House to terminate the ALMR program, the potential unwarranted use of national defense funds for the ALMR, and the clear support for the amendment from the majority and minority leadership of the committee of jurisdiction, the House should certainly seize this opportunity to reject again this expensive, unnecessary, and dangerous technology. I encourage my colleagues to support the en bloc group containing this amendment.

Mr. GOODLING. Mr. Chairman, this past February, I participated in a planning and strategy meeting in my district sponsored by the Northeast-Midwest Institute. This planning session brought community and business leaders together not only to discuss our communities' future with less defense spending, but also to offer suggestions on how to improve current Federal programs for defense conversion. The main focus of our conversation was community planning and the need for more information about Federal programs for defense conversion.

In that regard, my amendment to the National Defense Authorization Act would simply ask the Secretary of Defense to work to provide for the dissemination of services already available to communities, businesses, and workers. I believe this amendment would help communities, businesses, and workers by making clear concise information available so that they could understand all of the programs offered by the Federal Government.

Mr. Chairman, 2 months ago, I introduced the Defense Diversification and Community Adjustment Act of 1993 to help facilitate the diversification of defense dependent communities, businesses, and workers. The changes in the former Soviet Union, Eastern Europe, and throughout the world, have forced Members of Congress and President Clinton to reevaluate where the lines on defense spending will be drawn. There are Members of Congress who believe that all of the defense moneys that we save should be spent on domestic needs. They call this the peace dividend. Frankly, I believe there is no peace dividend for a worker who is handed a pink slip because of a base closure, canceled contract, or a closed plant.

Mr. Chairman, I understand the need to utilize some of the projected defense savings to offset the hardships that communities, businesses, and workers directly affected by reductions in defense spending will experience. This money should be utilized on these communities, businesses, and workers now, not later. If we continue to wait and address the need when these workers are unemployed, the economic and social costs will be extensive. The Congress should listen to what the communities and businesses are saying in regard to moving toward conversion.

Mr. Chairman, I believe the House conversion package has moved into the emphasizing community planning, however, we have much further to go. We have to act responsibly and constructively for our communities, our businesses, and our workers to provide appropriate diversification and adjustment assistance.

Mr. SHARP. Mr. Chairman, I rise in support of the en bloc amendment, especially the portion based on the Coppersmith-Sharp-Zimmer amendment that would bar funding for the advanced liquid metal reactor [ALMR] from the national security programs of the Department of Energy [DOE]. The Coppersmith-Sharp-Zimmer amendment has been endorsed by taxpayer organizations, environmentalists, and arms control groups who contend that the ALMR is uneconomic, lacks environmental benefits, and poses a serious nuclear proliferation threat.

DOE is currently developing six kinds of advanced nuclear reactors for future civilian use—four light water, one gas-cooled, and the ALMR. In the past, DOE also has considered the advanced light water and gas-cooled reactors for potential use as new military production reactors.

The Clinton administration originally proposed termination of the ALMR program because of its lack of commercial applications, but supporters of the program persuaded the administration to partially restore funding. Nevertheless, because of problems with the technology, on June 24 the House voted 272–146 to end the civilian program as part of the fiscal year 1994 energy and water development appropriations bill.

Supporters of ALMR's are now seeking to continue funding for the technology as a DOE national security program for potential future production of trivium and use in the disposition of plutonium. However, ALMR's are not well-suited for either of these purposes, especially plutonium disposition.

First, ALMR's have such a slow plutonium transmutation rate that they could take over 100 years to consume current military stockpiles. In the meanwhile plutonium stockpiles would require dangerous and costly surface storage at some site. Furthermore, use of an ALMR system would cost billions of dollars more than other alternatives such as vitrification. As a result, even DOE's July 1993 plutonium disposition study rated the ALMR much lower than other reactor options.

Furthermore, the ALMR system poses a grave proliferation threat. Instead of being used to destroy plutonium, ALMR's could be used to produce plutonium either by reprocessing it from spent fuel rods or by using the reactor core as a breeder to produce more plutonium that it consumes.

A legislative amendment is necessary for several reasons. First, it would clarify language in the committee report to make clear that support for the ALMR would not be supported by expanded plutonium disposition activities. Second, in fiscal year 1993 DOE reprogrammed $1 million for the ALMR for defense funds without authorization from Congress, indicating the need for such clarifications. Third, the Senate has authorized $25 million as part of its defense authorization bill for fiscal year 1994 and is considering providing the full amount in the fiscal year 1994 energy and water development appropriations bill.

I would like to point out that the actions of the Senate create a new Government program to pay for ALMR development at a time when Congress should be considering cutting spending and ending Government programs instead. Therefore, for all of these reasons I urge my colleagues to support the en bloc amendment offered by the House Armed Services Committee.

Mr. SPENCE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendments en bloc, as modified, offered by the gentleman from California [Mr. DELLUMS].

The amendments en bloc, as modified, were agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 3 printed in part 2 of House Report 103–352.

AMENDMENT OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FAZIO: At the end of subtitle B of title XXVIII (page 516, after line 6), insert the following new section:

SEC. 2819. BASE DISPOSAL MANAGEMENT COOPERATIVE AGREEMENT.

(a) USE OF INDEPENDENT SITE MANAGER.—(1) In order to fulfill the responsibilities of the Secretary of Defense under a base closure law, the Secretary may enter into not less than one and not more than 10 cooperative agreements described in section 6305 of title 31, United States Code, with independent entities (in this section referred to as a "Site Manager") to assist the Secretary in managing the site planning, approval, preparation, and disposal of excess and surplus real property under the authority delegated to the Secretary for military installations to be closed or realigned under a base closure law. The selection of a Site Manager under this subsection for a military installation shall be made by the Secretary, after suitable public notice, through the good faith exercise of the Secretary's discretion and in consultation with the affected local community in which the military installation is located.

(2) During the term of a cooperative agreement entered under this subsection and the five-year period beginning on the termination date of the cooperative agreement, the Site Manager subject to that cooperative agreement (and its affiliates) shall be barred from bidding for or acquiring any interest in real property or facilities located at any of the military installations to be managed by the Site Manager, unless such acquisition is necessary to execute the terms of the cooperative agreement.

(b) QUALIFICATIONS.—In selecting a Site Manager under subsection (a), the Secretary of Defense shall ensure that the Site Manager, either directly or through its principals, has had prior experience—

(1) in the site planning of properties located at Federal facilities;

(2) in dealing with local land use authorities in the States in which the military installations to be managed are located;

(3) in managing the cleanup of hazardous waste contamination;

(4) in resolving land use issues under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the National Historic Preservation Act of 1966 (16 U.S.C. 470 et. seq.); and

(5) in meeting such other qualifications as the Secretary considers to be necessary to perform the tasks set forth in this section.

(c) DUTIES GENERALLY.—Under the cooperative agreement entered into under subsection (a), a Site Manager shall—

(1) analyze the land use potential of the military installations to be managed by the Site Manager;

(2) coordinate with the applicable State and local authorities to develop reuse options and obtain necessary zoning and infrastructure approvals with respect to these installations;

(3) manage the remediation of any adverse environmental conditions on these installations in accordance with remediation plans prepared and approved pursuant to applicable laws;

(4) coordinate with State and Federal agencies to complete all reports and analyses required under applicable law with respect to these installations;

(5) initiate and coordinate the notices and consultations with Federal, State, regional, and local agencies contemplated under the authority delegated to the Secretary of Defense under a base closure law and the procedures contemplated under section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411);

(6) manage through the use of community assets the maintenance and interim use of these installations pending final disposition;

(7) prepare real property and facilities at these installations for disposal; and

(8) manage the competitive public sale of sale parcels in accordance with subsection (f).

(d) BUDGET AND SUBCONTRACTS.—(1) A Site Manager and the Secretary of Defense shall jointly develop a detailed budget for each phase of the site preparation and approval process for each military installation to be managed by the Site Manager.

(2) The cooperative agreement entered into under subsection (a) shall authorize the Site Manager, through the sole exercise of its reasonable business judgment and in accordance with the approved budget, to engage contractors and other professionals to complete all aspects of the site preparation and approval process, including environmental remediation. A Site Manager shall enter into such contracts in accordance with such contracting guidelines as the Secretary may reasonably require in the cooperative agreement to promote fair competition, fair labor practices, and good faith commercially reasonable efforts to afford contracting opportunities to small business concerns owned by socially- or economically-disadvantaged persons.

(3) The Secretary shall reimburse the Site Manager for the reasonable overhead costs incurred by the Site Manager and shall make funds available for the timely payment of amounts due under the contracts and subcontracts entered into in accordance with the cooperative agreement and the approved budget.

(e) CONTINUED LIABILITY FOR ENVIRONMENTAL REMEDIATION.—Nothing in this section shall be considered to diminish the liability of the Federal Government with respect to environmental conditions existing on a military installation managed by a Site Manager pursuant to a cooperative agreement entered into under subsection (a).

(f) SALE PROCEDURES.—After a sale parcel managed by a Site Manager has received all necessary approvals and is otherwise ready for competitive public sale, the Site Manager shall sell the parcel, as an agent for the Secretary of Defense, in one or more transactions. Each sale shall be on terms acceptable to the Secretary, determined in consultation with the Site Manager and appropriate local authorities.

(g) DISPOSITION OF PROCEEDS.—The proceeds from each sale under subsection (f) shall be divided among the Department of Defense, the Site Manager involved, and appropriate local authorities as follows:

(1) The Secretary of Defense shall receive an amount equal to—

(A) the costs incurred by the Secretary under the cooperative agreement with the Site Manager and under applicable contracts and subcontracts entered into by the Site Manager pursuant to the cooperative agreement (other than environmental analysis and remediation costs, costs of preparing or conducting reports, analyses, notices, and consultations required under applicable law, property maintenance costs, and all other costs that the Secretary would be required to incur if the cooperative agreement with the Site Manager did not exist) and the reasonable costs of conducting the sale; and

(B) ⅓ of the remainder of the proceeds.

(2) From amounts remaining after operation of paragraph (1), the applicable local authorities, as determined by the Secretary, shall receive ½ of the remainder. If the appropriate local authorities cannot be determined satisfactorily to the Secretary, the State in which the military installation involved is located shall receive the amount that would be distributed pursuant to this paragraph.

(3) From amounts remaining after operation of paragraph (1), the Site Manager involved shall receive ½ of the remainder.

(h) REPORTS.—(1) At such intervals as the Secretary of Defense may prescribe, each Site Manager shall submit to the Secretary reports describing the activities of the Site Manager under a cooperative agreement entered into under subsection (a) and such other information as the Secretary may require.

(2) Not later than May 31, 1994, and May 31, 1995, the Secretary of Defense shall submit to Congress a report regarding all military installations covered by a cooperative agreement under this section and the status of the site preparation and disposal process at the installations.

(i) BASE CLOSURE LAW DEFINED.—For purposes of this section, the term "base closure law" means each of the following:

(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(3) Section 2687 of title 10, United States Code.

(4) Any other similar law enacted after the date of the enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from California [Mr. FAZIO] will be recognized for 5 minutes and a Member in opposition, the gentleman from California [Mr. HUNTER], will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, the amendment I am offering in essence provides the Department of Defense with the opportunity to experiment with the privatization of the base reuse process.

It gives the Secretary of Defense the authority to enlist the services of qualified and experienced site management professionals to manage the reuse planning and development at base closure sites.

The site managers will work with local communities to develop reuse plans, work through land zoning and entitlement processes, and manage the environmental remediation on base.

The site managers would be selected in consultation with the affected local communities which will help foster better understanding and communication on reuse alternatives and community priorities.

Today, at site after site, differing objectives, bureaucratic decisionmaking processes, and poor understanding of community needs prevent the Defense Department and affected communities from reaching consensus on reuse options.

It is well known that the private sector cleans up and develops large tracts of land all the time. The private sector has the expertise and the ability to do the same for closing military bases. My amendment will demonstrate how the private sector, using market techniques and reasonable business practices, can expedite the reuse of military facilities.

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To help assign motivations, the amendment includes an economic incentive for all parties to maximize economic value of base property. The sale proceeds from these parcels of land that are sold at public sale would be divided equally between the Defense Department, the local community, and the site manager.

This amendment does not change the existing land disposal process. Rather, it gives the Secretary of Defense another tool to use in helping communities recover the economic loss associated with base closures.

So I urge my colleagues to give this their support. I believe the chairman of the subcommittee of jurisdiction and the ranking Republican have reviewed the matter and understand that we are flexible, in hopes that we can attain the support of the administration before the conclusion of the conference.

Mr. Chairman, since 1988, we have closed 56 major military installations and over 60 minor facilities. Under the 1993 round of base closures, we will close another 35 major installations and 95 smaller facilities nationwide.

We all know that base closures cause significant economic hardship for affected communities. We owe it to these communities to ensure they have an opportunity to recover the economic losses associated with a base closure. Unfortunately, the current base closure reuse process is just not getting the job done. Bureaucratic delays, differing objectives and poor understanding of community needs are severely restricting the ability of local communities to reuse the military sites. As a result, not one base has been successfully closed and redeveloped since 1988.

To help alleviate these problems, I am offering an amendment to establish a model program which seeks to create a partnership between the three key participants in base reuse activities—DOD, local communities and the private sector. This amendment gives the Secretary of Defense the authority to enlist the services of qualified and experienced site management professionals to manage the reuse planning and development at 10 base closure sites. Further, the amendment provides economic incentives to DOD, the affected community and the site manager to maximize the economic value Of base property.

Mr. Chairman, my amendment does not create a new base disposal program. Rather, it creates opportunities and incentives for predisposal cooperation and planning that do not currently exist. It streamlines the pre-disposal planning process and applies free-market techniques to land disposal preparation. It is well known that the private sector cleans up and develops large tracts of land all the time. The private sector has the expertise and the ability to do the same for closing military bases. My amendment will demonstrate how the private sector, using market techniques and reasonable business practices, can expedite the reuse of military facilities.

Closing bases is not an easy task. However, we all recognize that it is a necessary task. But, as we tell communities that have supported the military for decades that we no longer need their support, we should not at the same time condemn them to economic stagnation because the Federal bureaucracy impedes their ability to reuse base property.

My amendment attempts to eliminate the bureaucratic delays by using a more streamlined, private sector approach to land use development. it will give communities a chance to quickly reuse military bases and revitalize their local economies. The incentives contained in the bill will help ensure that the Government gets the best deal. And, finally, by keeping costs down and maximizing land values, the Defense Department, local communities and the site manager will all realize higher returns.

Mr. Chairman, I urge my colleagues to join me in supporting this important economic development initiative.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say on our side, we too want to see streamlining. We want to see if there are more efficient alternatives to the presently very slow base closing process and base disposing process. We want to see those given a chance to work.

Mr. Chairman, we do have a number of questions. The gentleman has made it clear that he is going to be working with DOD, and is working with them right now. We will get a chance to analyze this and work with it before we go to conference. Because of that, we are not going to oppose this amendment at this time.

Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Oklahoma [Mr. MCCURDY], the chairman of the Subcommittee on Military Construction.

Mr. McCURDY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I too want to commend the gentleman from California [Mr. FAZIO] for his effort. I think it is important for Members to note that in this bill there is a bipartisan consensus that we need to accelerate the process of turning this land over to communities and to the private sector, that there has been too much bureaucratic redtape, that there has been confusion among agencies, and just the sheer time alone has been far in excess of what was ever anticipated.

Mr. Chairman, we have bases that were scheduled for closure that we cannot bring to that final stage. We seek maximum flexibility. The administration would like to have maximum flexibility.

Mr. Chairman, we were able to resolve a couple of amendments earlier in the day regarding the transfer of properties. The other body has included in their bill language which gives the discretion to the Secretary of Defense on a sliding scale to move from either transfer without consideration, all the way up to market value.

The gentleman from California [Mr. FAZIO], in addition to that, is trying to look at pilot programs wherein the private sector's talents and expertise might be brought to bear. I think we should consider all of these.

Mr. Chairman, based upon that, I am willing to work with the gentleman as we go through conference to see if we can come up with an agreement. For that reason, I would be inclined to support and accept the amendment offered by the gentleman from California [Mr. FAZIO].

Mr. HUNTER. Mr. Chairman, let me just say one thing that we are concerned about, is we want to see less bureaucracy. We want to see more speed and do not want this to turn into a bird's nest or wasp's nest of conflicting bureaucracies, where there are many, many players and a lot of confusion. If the gentleman can shape something that is efficient and does draw down government participation, we are interested in that.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as many of us will recall from the debate in 1987 and 1988, the object of the whole base closing procedure was to enable the Defense Department to close bases, and to do so in such a way as to not inflict on the Members of Congress and the communities they represent partisan political benefits or harm, and, at the same time, to save costs, primarily in the operating revenues of the Defense Department.

Now, to a large extent, base closing has worked to achieve those objectives. We have kept politics out of the process.

My concern with this amendment is the possibility of interjecting politics again into the process, so that we would have a flexibility on the part of the administration, or even the Defense Department, to do favors or to decline from doing favors on a partisan basis, interjecting politics, once again, into the process of disposing of the properties.

Mr. Chairman, I must say I have a serious hesitation about this amendment. I am listening to this discussion very intently. If I can feel confident that there will be a cordial working out of this in conference, with full attention to the need to maintain the political aloofness of this process, I will refrain from calling a vote. But if I, at the point that that happens, have a fear that this is an avenue for the interjection of partisan politics in this disposal process, I will call for the vote.

Mr. HUNTER. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. FAZIO], the author of the amendment.

Mr. FAZIO. Mr. Chairman, I am not sure why the gentleman thinks we are about to inject partisan politics into this. I know I have the gentleman from California [Mr. PACKARD] about to speak in favor of this. The gentleman and I come from different places on the political scale.

What we are trying to do is put an experimental program into place so it could use the private sector, people who understand land use and how to develop it for higher and better purposes, put them in the position to make the transaction.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DELLUMS], the chairman of the Committee on Armed Services.

Mr. DELLUMS. Mr. Chairman, as chairman of the committee that will assist in guiding this process in conference with the other body, I can assure my colleagues that this is not a partisan matter here. In fact, I just visited Members on your side of the aisle who are members of my committee, including the gentleman from South Carolina [Mr. SPENCE], who serves honorably as the ranking Republican member.

What we seek here simply is maximum flexibility. Give us an opportunity to work these matters out in conference.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, with all due respect, and I hope you all take this in good humor, I feel much more reassured by the chairman of the committee than the chairman of the DCCC.

Mr. DELLUMS. Mr. Chairman, I think I can thank the gentleman.

Mr. FAZIO. Mr. Chairman, reclaiming my time, I think I can understand how the gentleman feels. I think the fears of the gentleman from Texas [Mr. ARMEY] are misplaced. I think we have a bipartisan agreement here to do something the gentleman is in favor of, and that is to empower the private sector.

Mr. PACKARD. Mr. Chairman, I rise in support of the Fazio amendment. As the founding cochair of a California task force on defense conversion, I have spent a great deal of time dealing with this issue. One of the biggest problems I have seen is the need to streamline the base closure process.

Community and business leaders in my State have expressed their frustration over and over again as they try to deal with a base closure. Once a base is slated for closure, it's taking more than a decade for the base to finally close down. Local communities simply cannot afford to lose out on the potential economic windfall while they wait for a base to shut down.

This amendment seeks to help solve that problem. The amendment would not change current base closure laws. It would simply set up the framework to streamline the process.

By allowing the Secretary of Defense to contract with the private sector to manage a base closure, we can put the know-how and the experience of business leaders to good use. I encourage my colleagues to vote for the Fazio amendment. Let's help our communities turn a base closure into an economic success.

Mr. FAZIO. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendment offered by the gentleman from California [Mr. FAZIO].

The amendment was agreed to.

Mr. DELLUMS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. REYNOLDS) having assumed the chair, Mr. DURBIN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, had come to no resolution thereon.

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APPOINTMENT OF CONFEREES ON H.R. 1268, INDIAN TRIBAL JUSTICE SYSTEMS ACT

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1268) to assist the development of tribal judicial systems, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. REYNOLDS). Is there objection to the request of the gentleman from New Mexico?

Mr. YOUNG of Alaska. Mr. Speaker, reserving the right to object, I probably will not object. Will the gentleman explain what we are doing here. This is unexpected.

Mr. RICHARDSON. Mr. Speaker, will the gentlemen yield?

Mr. YOUNG of Alaska. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Speaker, what we are doing here, I believe, first of all, has been cleared with the minority ranking member of the Subcommittee on Native American Affairs, the gentleman from Wyoming [Mr. THOMAS].

What we are simply doing is going to conference on the Indian Tribal Justice Act.

Mr. YOUNG of Alaska. Mr. Speaker, we are not agreeing to anything on the Senate side at this time?

Mr. RICHARDSON. Mr. Speaker, if the gentleman will continue to yield, that is correct.

Mr. YOUNG of Alaska. This is just so the Speaker can appoint conferees to this legislation?

Mr. RICHARDSON. Mr. Speaker, the gentleman is correct.

Mr. YOUNG of Alaska. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. MILLER of California, RICHARDSON, and THOMAS of Wyoming.

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2295, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1994; AND SUPPLEMENTAL APPROPRIATIONS FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION ACT, 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–259) on the resolution (H. Res. 259) waiving points of order against the conference report on the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION RELATING TO CONSIDERATION OF SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE AMENDMENTS TO H.R. 2493, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–260) on the resolution (H.Res. 260) relating to the consideration of Senate amendments to House amendments to Senate amendments to the bill (H.R. 2493) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2403, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–261) on the resolution (H.Res. 261) waiving points of order against the conference report on the bill (H.R. 2403) making appropriations for the Treasury Department the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1845, NATIONAL BIOLOGICAL SURVEY ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–262) on the resolution (H.Res. 262) providing for consideration of the bill (H.R. 1845) to establish the Biological Survey in the Department of the Interior, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 3116, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT FOR FISCAL YEAR 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–263) on the resolution (H.Res. 263) waiving certain points of order against the bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2351, ARTS, HUMANITIES AND MUSEUMS AMENDMENTS OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (H. Rept. 103–264) on the resolution (H. Res. 264) providing for consideration of the bill (H.R. 2351) to authorize appropriations for fiscal years 1994 and 1995 to carry out the National Foundation on the Arts and Humanities Act of 1965, and the Museum Services Act, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Monday, September 27, 1993, in the order in which that motion was entertained.

Votes will be taken in the following order:

S. Concurrent Resolution 4, de novo;

S. Concurrent Resolution 5, de novo; and

S. Concurrent Resolution 6, de novo.

PRINTING OF "SENATORS OF THE UNITED STATES: A HISTORICAL BIBLIOGRAPHY"

The SPEAKER pro tempore. The unfinished business is the question de novo of suspending the rules and concurring in the Senate concurrent resolution, Senate Concurrent Resolution 4, as amended.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MANTON] that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 4, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution, as amended, was concurred in.

The title of the Senate concurrent resolution was amended so as to read: "Concurrent resolution providing for the printing of the book entitled 'Senators of the United States: A Historical Bibliography' as a Senate document.".

A motion to reconsider was laid on the table.

PRINTING OF "GUIDE TO RESEARCH COLLECTIONS OF FORMER UNITED STATES SENATORS"

The SPEAKER pro tempore. The unfinished business is the question de novo of suspending the rules and concurring in the Senate concurrent resolution, Senate Concurrent Resolution 5, as amended.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MANTON] that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 5, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution, as amended, was concurred in.

The title of the Senate concurrent resolution was amended so as to read: "Concurrent resolution providing for the printing of the book entitled 'Guide to Research Collections of Former United States Senators' as a Senate document.".

A motion to reconsider was laid on the table.

PRINTING OF "SENATE ELECTION, EXPULSION, AND CENSURE CASES"

The SPEAKER pro tempore. The unfinished business is the question de novo of suspending the rules and concurring in the Senate concurrent resolution, Senate Concurrent Resolution 6, as amended.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MANTON] that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 6, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution, as amended, was concurred in.

The title of the Senate concurrent resolution was amended so as to read: "Concurrent resolution providing for the printing of the book entitled 'Senate Election, Expulsion, and Censure Cases' as a Senate document.".

A motion to reconsider was laid on the table.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. REYNOLDS). Pursuant to the provisions of clause 5 of rule I the Chair announces that he will postpone further proceedings today on both motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, September 29, 1993.

RURAL ELECTRIFICATION LOAN RESTRUCTURING ACT OF 1993

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3123) to increase the interest rates electric and telephone borrowers pay under the lending programs administered by the Rural Electrification Administration and otherwise restructure the lending programs carried out by that Administration, as amended.

The Clerk read as follows:

H.R. 3123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Electrification Loan Restructuring Act of 1993".

SEC. 2. ELECTRIC AND TELEPHONE LOAN PROGRAMS.

(a) INSURED ELECTRIC AND TELEPHONE LOANS.—

(1) IN GENERAL.—Section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) is amended—

(A) by striking subsections (b) and (d);

(B) by redesignating subsection (c) as subsection (b); and

(C) by inserting after subsection (b) (as so redesignated) the following new subsections:

"(c) INSURED ELECTRIC LOANS.—

"(1) HARDSHIP LOANS.—

"(A) IN GENERAL.—The Administrator shall make insured electric loans, to the extent of qualifying applications for the loans, at an interest rate of 5 percent per year to any applicant for a loan who meets each of the following requirements:

"(i) The average revenue per kilowatt-hour sold by the applicant is not less than 120 percent of the average revenue per kilowatt-hour sold by all utilities in the State in which the applicant provides service.

"(ii) The average residential revenue per kilowatt-hour sold by the applicant is not less than 120 percent of the average residential revenue per kilowatt-hour sold by all utilities in the State in which the applicant provides service.

"(iii) The average per capita income of the residents receiving electric service from the applicant is less than the average per capita income of the residents of the State in which the applicant provides service, or the median household income of the households receiving electric service from the applicant is less than the median household income of the households in the State.

"(B) SEVERE HARDSHIP LOANS.—In addition to hardship loans that are made under subparagraph (A), the Administrator may make an insured electric loan at an interest rate of 5 percent per year to an applicant for a loan if, in the sole discretion of the Administrator, the applicant has experienced a severe hardship.

"(C) LIMITATION.—Except as provided in subparagaph (D), the Administrator may not make a loan under this paragraph to an applicant for the purpose of furnishing or improving electric service to a consumer located in an urban area (as defined by the Bureau of the Census) if the average number of consumers per mile of line of the total electric system of the applicant exceeds 17.

"(D) EXTREMELY HIGH RATES.—In addition to hardship loans that are made under subparagraph (A) and (B), the Administrator shall make insured electric loans, to the extent of qualifying applications for the loans, at an interest rate of 5 percent per year to any applicant for a loan whose residential revenue exceeds 15.0 cents per kilowatt-hour sold. A qualifying application from such an applicant for the purpose of furnishing or improving electric service to a consumer located outside of an urban area shall not be subject to the conditions or limitation of subparagraph (A) or (C).".

"(2) MUNICIPAL RATE LOANS.—

"(A) IN GENERAL.—The Administrator shall make insured electric loans, to the extent of qualifying applications for the loans, at the interest rate described in subparagraph (B) for the term or terms selected by the applicant pursuant to subparagraph (C).

"(B) INTEREST RATE.—

"(i) IN GENERAL.—Subject to clause (ii), the interest rate described in this subparagraph on a loan to a qualifying applicant shall be—

"(I) the interest rate determined by the Administrator to be equal to the current market yield on outstanding municipal obligations with remaining periods to maturity similar to the term selected by the applicant pursuant to subparagraph (C), but not greater than the rate determined under section 307(a)(3)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)(A)) that is based on the current market yield on outstanding municipal obligations; plus

"(II) if the applicant for the loan makes an election pursuant to subparagraph (D) to include in the loan agreement the right of the applicant to prepay the loan, a rate equal to the amount by which—

"(aa) the interest rate on commercial loans for a similar period that afford the borrower such a right; exceeds

"(bb) the interest rate on commercial loans for the period that do not afford the borrower such a right.

"(ii) MAXIMUM RATE.—The interest rate described in this subparagraph on a loan to an applicant for the loan shall not exceed 7 percent if—

"(I) the average number of consumers per mile of line of the total electric system of the applicant is less than 5.50; or

"(II)(aa) the average revenue per kilowatt-hour sold by the applicant is more than the average revenue per kilowatt-hour sold by all utilities in the State in which the applicant provides service; and

"(bb) the average per capita income of the residents receiving electric service from the applicant is less than the average per capita income of the residents of the State in which the applicant provides service, or the median household income of the households receiving electric service from the applicant is less than the median household income of the households in the State.

"(iii) EXCEPTION.—Clause (ii) shall not apply to a loan to be made to an applicant for the purpose of furnishing or improving electric service to consumers located in an urban area (as defined by the Bureau of the Census) if the average number of consumers per mile of line of the total electric system of the applicant exceeds 17.

"(C) LOAN TERM.—

"(i) IN GENERAL.—Subject to clause (ii), the applicant for a loan under this paragraph may select the term for which an interest rate shall be determined pursuant to subparagraph (B), and, at the end of the term (and any succeeding term selected by the applicant under this subparagraph), may renew the loan for another term selected by the applicant.

"(ii) MAXIMUM TERM.—

"(I) APPLICANT.—The applicant may not select a term that ends more than 35 years after the beginning of the first term the applicant selects under clause (i).

"(II) ADMINISTRATOR.—The Administrator may prohibit an applicant from selecting a term that would result in the total term of the loan being greater than the expected useful life of the assets being financed.

"(D) CALL PROVISION.—The Administrator shall offer any applicant for a loan under this paragraph the option to include in the loan agreement the right of the applicant to prepay the loan on terms consistent with similar provisions of commercial loans.

"(3) OTHER SOURCE OF CREDIT NOT REQUIRED IN CERTAIN CASES.—The Administrator may not require any applicant for a loan made under this subsection who is eligible for a loan under paragraph (1) to obtain a loan from another source as a condition of approving the application for the loan or advancing any amount under the loan.

"(d) INSURED TELEPHONE LOANS.—

"(1) HARDSHIP LOANS.—

"(A) IN GENERAL.—The Administrator shall make insured telephone loans, to the extent of qualifying applications for the loans, at an interest rate of 5 percent per year, to any applicant who meets each of the following requirements:

"(i) The average number of subscribers per mile of line in the service area of the applicant is not more than 4.

"(ii) The applicant is capable of producing net income or margins before interest of not less than 100 percent (but not more than 300 percent) of the interest requirements on all of the outstanding and proposed loans of the applicant.

"(iii) The Administrator has approved a telecommunications modernization plan for the State under paragraph (3) and, if the plan was developed by telephone borrowers under this title, the applicant is a participant in the plan.

"(iv) The average number of subscribers per mile of line in the area included in the proposed loan is not more than 17.

"(B) AUTHORITY TO WAIVE TIER REQUIREMENT.—The Administrator may waive the requirement of subparagraph (A)(ii) in any case in which the Administrator determines (and sets forth the reasons for the waiver in writing) that the requirement would prevent emergency restoration of the telephone system of the applicant or result in severe hardship to the applicant.

"(C) EFFECT OF LACK OF FUNDS.—On request of any applicant who is eligible for a loan under this paragraph for which funds are not available, the applicant shall be considered to have applied for a loan under title IV.

"(2) COST-OF-MONEY LOANS.—

"(A) IN GENERAL.—The Administrator may make insured telephone loans for the acquisition, purchase, and installation of telephone lines, systems, and facilities (other than buildings used primarily for administrative purposes, vehicles not used primarily in construction, and customer premise equipment) related to the furnishing, improvement, or extension of rural telecommunications service, at an interest rate equal to the then current cost of money to the Government of the United States for loans of similar maturity, but not more than 7 percent per year, to any applicant for a loan who meets the following requirements:

"(i) The average number of subscribers per mile of line in the service area of the applicant is not more than 15, or the applicant is capable of producing net income or margins before interest of not less than 100 percent (but not more than 500 percent) of the interest requirements on all of the outstanding and proposed loans of the applicant.

"(ii) The Administrator has approved a telecommunications modernization plan for the State under paragraph (3) and, if the plan was developed by telephone borrowers under this title, the applicant is a participant in the plan.

"(B) CONCURRENT LOAN AUTHORITY.—On request of any applicant for a loan under this paragraph during any fiscal year, the Administrator shall—

"(i) consider the application to be for a loan under this paragraph and a loan under section 408; and

"(ii) if the applicant is eligible for a loan, make a loan to the applicant under this paragraph in an amount equal to the amount that bears the same ratio to the total amount of loans for which the applicant is eligible under this paragraph and under section 408, as the amount made available for loans under this paragraph for the fiscal year bears to the total amount made available for loans under this paragraph and under section 408 for the fiscal year.

"(C) EFFECT OF LACK OF FUNDS.—On request of any applicant who is eligible for a loan under this paragraph for which funds are not available, the applicant shall be considered to have applied for a loan guarantee under section 306.

"(3) STATE TELECOMMUNICATIONS MODERNIZATION PLANS.—

"(A) APPROVAL.—If, not later than 1 year after final regulations are promulgated to carry out this paragraph, any State, either by statute or through the public utility commission of the State, develops a telecommunications modernization plan that meets the requirements of subparagraph (B), the Administrator shall approve the plan for the State. If a State does not develop a plan in accordance with the requirements of the preceding sentence, the Administrator shall approve any telecommunications modernization plan for the State that meets the requirements that is developed by a majority of the borrowers of telephone loans made under this title who are located in the State.

"(B) REQUIREMENTS.—For purposes of subparagraph (A), a telecommunications modernization plan must, at a minimum, meet the following objectives:

"(i) The plan must provide for the elimination of party line service.

"(ii) The plan must provide for the availability of telecommunications services for improved business, educational, and medical services.

"(iii) The plan must encourage and improve computer networks and information highways for subscribers in rural areas.

"(iv) The plan must provide for—

"(I) subscribers in rural areas to be able to receive through telephone lines—

"(aa) conference calling;

"(bb) video images; and

"(cc) data at a rate of at least 1,000,000 bits of information per second; and

"(II) the proper routing of information to subscribers.

"(v) The plan must provide for uniform deployment schedules to ensure that advanced services are deployed at the same time in rural and nonrural areas.

"(vi) The plan must provide for such additional requirements for service standards as may be required by the Administrator.

"(C) FINALITY OF APPROVAL.—A telecommunications modernization plan approved under subparagraph (A) may not subsequently be disapproved. Notwithstanding paragraphs (1)(A)(iii) and (2)(A)(iii), and section 408(b)(4)(C), the Administrator and the Governor of the telephone bank may make a loan to a borrower serving a State that does not have a telecommunication modernization plan approved by the Administrator if the loan is made less than 1 year after the Administrator has adopted final regulations implementing this paragraph.".

(2) RURAL TELEPHONE BANK LOAN PROGRAM.—Section 408 of such Act (7 U.S.C. 948) is amended—

(A) in subsection (a), by striking ", (2)" and all that follows through "408 of this Act," and inserting ", (2) for the acquisition, purchase, and installation of telephone lines, systems, and facilities (other than buildings used primarily for administrative purposes, vehicles not used primarily in construction, and customer premise equipment) related to the furnishing, improvement, or extension of rural telecommunications service,";

(B) in subsection (b)—

(i) by striking paragraph (4) and inserting the following new paragraph:

"(4) The Governor of the telephone bank may make a loan under this section only to an applicant for the loan who meets the following requirements:

"(A) The average number of subscribers per mile of line in the service area of the applicant is not more than 15, or the applicant is capable of producing net income or margins before interest of not less than 100 percent (but not more than 500 percent) of the interest requirements on all of the outstanding and proposed loans of the applicant.

"(B) The Administrator has approved, under section 305(d)(3), a telecommunications modernization plan for the State in which the applicant is located and, if the plan was developed by telephone borrowers under title III, the applicant is a participant in the plan.";

(ii) in paragraph (8)—

(I) by inserting "(A)" after "(8)";

(II) by striking "if such prepayment is not made later than September 30, 1988" and inserting "except for any prepayment penalty provided for in a loan agreement entered into before the date of enactment of the Rural Electrifration Loan Restructuring Act of 1993"; and

(III) by adding at the end the following new subparagraph:

"(B) If a borrower prepays part or all of a loan made under this section, then, notwithstanding section 407(b), the Governor of the telephone bank shall—

"(i) use the full amount of the prepayment to repay obligations of the telephone bank issued pursuant to section 407(b) before October 1, 1991, to the extent any such obligations are outstanding; and

"(ii) in repaying the obligations, first repay the advances bearing the greatest rate of interest."; and

(iii) by adding at the end the following new paragraphs:

"(9) On request of any applicant for a loan under this section during any fiscal year, the Governor of the telephone bank shall—

"(A) consider the application to be for a loan under this section and a loan under section 305(d)(2); and

"(B) if the applicant is eligible for a loan, make a loan to the applicant under this section in an amount equal to the amount that bears the same ratio to the total amount of loans for which the applicant is eligible under this section and under section 305(d)(2), as the amount made available for loans under this section for the fiscal year bears to the total amount made available for loans under this section and under section 305(d)(2) for the fiscal year.

"(10) On request of any applicant who is eligible for a loan under this section for which funds are not available, the applicant shall be considered to have applied for a loan under section 305(d)(2)."; and

(C) by adding at the end the following new subsection:

"(e) Loans and advances made under this section on or after November 5, 1990, shall bear interest at a rate determined under this section, taking into account all assets and liabilities of the telephone bank. This subsection shall not apply to loans obligated before the date of enactment of this subsection. Funds are not authorized to be appropriated to carry out this subsection until the funds are appropriated in advance to carry out this subsection.".

(b) FUNDING.—

(1) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—Section 314 of such Act (7 U.S.C. 940d) is amended to read as follows:

"SEC. 314. LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.

"(a) DEFINITION OF ADJUSTMENT PERCENTAGE.—As used in this section, the term 'adjustment percentage' means, with respect to a fiscal year, the percentage (if any) by which—

"(1) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 1-year period ending on July 31 of the immediately preceding fiscal year; exceeds

"(2) the average of the Consumer Price Index (as so defined) for the 1-year period ending on July 31, 1993.

"(b) FISCAL YEARS 1994 THROUGH 1998.—In the case of each of fiscal years 1994 through 1998, there are authorized to be appropriated to the Administrator such sums as may be necessary for the cost of loans in the following amounts, for the following purposes:

"(1) ELECTRIC HARDSHIP LOANS.—For loans under section 305(c)(1)—

"(A) for fiscal year 1994, $125,000,000; and

"(B) for each of fiscal years 1995 through 1998, $125,000,000, increased by the adjustment percentage for the fiscal year.

"(2) ELECTRIC MUNICIPAL RATE LOANS.—For loans under section 305(c)(2)—

"(A) for fiscal year 1994, $600,000,000; and

"(B) for each of fiscal years 1995 through 1998, $600,000,000, increased by the adjustment percentage for the fiscal year.

"(3) TELEPHONE HARDSHIP LOANS.—For loans under section 305(d)(1)—

"(A) for fiscal year 1994, $125,000,000; and

"(B) for each of fiscal years 1995 through 1998, $125,000,000, increased by the adjustment percentage for the fiscal year.

"(4) TELEPHONE COST-OF-MONEY LOANS.—For loans under section 305(d)(2)—

"(A) for fiscal year 1994, $198,000,000; and

"(B) for each of fiscal years 1995 through 1998, $198,000,000, increased by the adjustment percentage for the fiscal year.

"(c) FUNDING LEVELS.—The Administrator shall make insured loans under this title for the purposes, in the amounts, and for the periods of time specified in subsection (b), as provided in advance in appropriations Acts.

"(d) AVAILABILITY OF FUNDS FOR INSURED LOANS.—Amounts made available for loans under section 305 are authorized to remain available until expended.".

(2) RULE OF INTERPRETATION.—Section 309(a) of such Act (7 U.S.C. 939(a)) is amended by adding at the end the following new sentence: "The preceding sentence shall not be construed to make section 408(b)(2) or 412 applicable to this title.".

(c) MISCELLANEOUS AMENDMENTS.—

(1) LOANS FOR RURAL ELECTRIFICATION.—Section 2 of such Act (7 U.S.C. 902) is amended—

(A) by inserting "(a)" before "The Administrator";

(B) by striking "telephone service in rural areas, as hereinafter provided;" and inserting "electric and telephone service in rural areas, as provided in this Act, and for the purpose of assisting electric borrowers to implement demand side management, energy conservation programs, and on-grid and off-grid renewable energy systems;"; and

(C) by adding at the end the following new subsection:

"(b) By January 1, 1994, the Administrator shall issue interim regulations to implement the authority contained in subsection (a) to make loans for the purpose of assisting electric borrowers to implement demand side management, energy conservation programs, and on-grid and off-grid renewable energy systems. If the regulations are not issued by January 1, 1994, the Administrator shall consider any demand side management, energy conservation, or renewable energy program, system, or activity that is approved by a State agency to be eligible for the loans.".

(2) LOANS FOR ELECTRICAL PLANTS AND TRANSMISSION LINES.—Section 4 of such Act (7 U.S.C. 904) is amended by inserting after "central station service" the following: "and for the furnishing and improving of electric service to persons in rural areas, including by assisting electric borrowers to implement demand side management, energy conservation programs, and on-grid and off-grid renewable energy systems".

(3) DEFINITIONS.—Section 13 of such Act (7 U.S.C. 913) is amended—

(A) by inserting ", except as provided in section 203(b)," before "shall be deemed to mean any area"; and

(B) by striking "city, village, or borough having a population in excess of fifteen hundred inhabitants" and inserting "urban area, as defined by the Bureau of the Census".

(4) GENERAL PROHIBITIONS.—Section 18 of such Act (7 U.S.C. 918) is amended—

(A) by inserting "(a) NO CONSIDERATION OF BORROWER'S LEVEL OF GENERAL FUNDS.—" before "The Administrator"; and

(B) by adding at the end the following new subsections:

"(b) LOAN ORIGINATION FEES.—The Administrator and the Governor of the telephone bank may not charge any fee or charge not expressly provided in this Act in connection with any loan made or guaranteed under this Act.

"(c) CONSULTANTS.—

"(1) IN GENERAL.—To facilitate timely action on applications by borrowers for financial assistance under this Act and for approvals required of the Rural Electrification Administration pursuant to the terms of outstanding loan or security instruments or otherwise, the Administrator may use consultants funded by the borrower, paid for out of the general funds of the borrower, for financial, legal, engineering, and other technical advice and services in connection with the review of the application by the Rural Electrification Administration.

"(2) CONFLICTS OF INTEREST.—The Administrator shall establish procedures for the selection and the provision of technical services by consultants to ensure that the consultants have no financial or other conflicts of interest in the outcome of the application of the borrower.

"(3) PAYMENT OF COSTS.—The Administrator may not, without the consent of the borrower, require, as a condition of processing an application for approval, that the borrower agree to pay the costs, fees, and expenses of consultants hired to provide technical or advisory services to the Administrator.

"(4) CONTRACTS, GRANTS, AND AGREEMENTS.—The Administrator may enter into such contracts, grants, or cooperative agreements as are necessary to carry out this section.

"(5) USE OF CONSULTANTS.—Nothing in this subsection shall limit the authority of the Administrator to retain the services of consultants from funds made available to the Administrator or otherwise.".

(5) DEFINITION OF RURAL AREA.—Section 203(b) of such Act (7 U.S.C. 924(b)) is amended by striking "one thousand five hundred" and inserting "5,000".

(6) INSURED LOANS.—Section 305 of such Act (7 U.S.C. 935) (as amended by subsection (a)(1)) is further amended—

(A) by striking "SEC. 305. INSURED LOANS; INTEREST RATES AND LENDING LEVELS.—(a) The" and inserting the following:

"SEC. 305. INSURED LOANS; INTEREST RATES AND LENDING LEVELS.

"(a) IN GENERAL.—The"; and

(B) in subsection (b), by striking "(b) Loans" and inserting "(b) INSURED LOANS.—Loans".

(7) ELIGIBILITY OF DISTRIBUTION BORROWERS; ADMINISTRATIVE PROHIBITIONS.—Title III of such Act is amended by inserting after section 306B (7 U.S.C. 936b) the following new sections:

"SEC. 306D. ELIGIBILITY OF DISTRIBUTION BORROWERS FOR LOANS, LOAN GUARANTEES, AND LIEN ACCOMMODATIONS.

"For the purpose of determining the eligibility of a distribution borrower not in default on the repayment of a loan made or guaranteed under this Act for a loan, loan guarantee, or lien accommodation under this title, a default by a borrower from which the distribution borrower purchases wholesale power shall not—

"(1) be considered a default by the distribution borrower;

"(2) reduce the eligibility of the distribution borrower for assistance under this Act; or

"(3) be the cause, directly or indirectly, of imposing any requirement or restriction on the borrower as a condition of the assistance, except such requirements or restrictions as are necessary to implement a debt restructuring agreed on by the power supply borrower and the Government.

"SEC. 306E. ADMINISTRATIVE PROHIBITIONS APPLICABLE TO ELECTRIC BORROWERS.

"The Administrator may not require prior approval of, impose any requirement, restriction, or prohibition with respect to the operations of, or deny or delay the granting of a lien accommodation to, any electric borrower under this Act whose net worth exceeds 110 percent of the outstanding principal balance on all loans made or guaranteed to the borrower by the Administrator.".

(8) LOANS FROM OTHER CREDIT SOURCES.—Section 307 of such Act (7 U.S.C. 937) is amended by adding at the end the following new sentence: "The Administrator may not request any applicant for an electric loan under this Act to apply for and accept a loan in an amount exceeding 30 percent of the credit needs of the applicant.".

(9) CAPITALIZATION.—Section 406 of such Act (7 U.S.C. 946) is amended by adding at the end the following new subsection:

"(i) The Governor of the telephone bank may invest in obligations of the United States the amounts in the account in the Treasury of the United States number 12X8139 (known as the 'RTB Equity Fund').".

(10) REFINANCING OF FFB LOANS.—Section 306C of such Act is amended by—

(A) inserting before the period at the end of subsection (c)(2) the following: ", except that such rate shall not be greater than 7 percent per year, subject to subsection (d)"; and

(B) adding at the end the following new subsection:

"(d) MAXIMUM RATE OPTION.—

"(1) IN GENERAL.—Except as provided in paragraphs (2), (3), and (4), a borrower of a loan or loan advance, or any portion of the loan or advance, that is refinanced under this section shall have the option of ensuring that the interest rate on such loan, loan advance, or portion thereof does not exceed 7 percent per year.

"(2) LIMITATION.—A borrower may not exercise the option under paragraph (1) in the case of a loan or loan advance, or portion thereof, if the total amount of such loans for which such option would be exercised exceeds 50 percent of the outstanding principal balance of the loans made to such borrower and guaranteed under section 306.

"(3) FEE.—A borrower that exercises the maximum rate option under paragraph (1) shall, at the time of exercising such option, pay a fee equal to 1 percent of the outstanding principal balance of such loan or loan advance, or portion thereof, for which such option is exercised. Such fee shall be in addition to the penalties and other payments required under subsection (b).

"(4) SUNSET.—The option provided under paragraph (1) shall not be available in the case of any loan or loan advance, or portion thereof, unless a written request to exercise such option is sent to the Administrator not later than 1 year after the effective date of regulations issued to carry out the Rural Electrification Loan Restructuring Act of 1993.".

SEC. 3. EXPANDED ELIGIBILITY FOR LOANS FOR WATER AND WASTE DISPOSAL FACILITIES.

Section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1)) is amended by inserting after the first sentence the following new sentence: "The Secretary may also make loans to any borrower to whom a loan has been made under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.), for the conservation, development, use, and control of water, and the installation of drainage or waste disposal facilities, primarily serving farmers, ranchers, farm tenants, farm laborers, rural businesses, and other rural residents.".

SEC. 4. RURAL ECONOMIC DEVELOPMENT.

Section 364 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006f) is amended by adding at the end the following new subsection:

"(g) RURAL ECONOMIC DEVELOPMENT.—

"(1) IN GENERAL.—A borrower of a loan or loan guarantee under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) shall be eligible for assistance under all programs administered by the Rural Development Administration.

"(2) PARTICIPATION.—The Administrator of the Rural Development Administration shall encourage and facilitate the full and equal participation of all entities to participate in programs administered by the Rural Development Administration.".

SEC. 5. PROHIBITION UNDER RURAL DEVELOPMENT PROGRAMS.

The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 370. PROHIBITION UNDER RURAL DEVELOPMENT PROGRAMS.

"(a) PROHIBITION.—Assistance under any rural development program administered by the Rural Development Administration, the Farmers Home Administration, the Rural Electrification Administration, or any other agency of the Department of Agriculture shall not be conditioned on any requirement that the recipient of such assistance accept or receive electric service from any particular utility, supplier, or cooperative.

"(b) ENSURING COMPLIANCE.—The Secretary shall establish, by regulation, adequate safeguards to ensure that assistance under such rural development programs is not subject to such a condition. Such safeguards shall include periodic certifications and audits, and appropriate measures and sanctions against any person violating, or attempting to violate, the prohibition in subsection (a).

"(a) REGULATIONS.—Not later than six months after the enactment of this section, the Secretary shall issue interim final regulations to ensure compliance with subsection (a).".

SEC. 6. REGULATIONS.

Except as provided under section 2(b) of the Rural Electrification Act of 1936 and section 370 of the Consolidated Farm and Rural Development Act, as added by sections 2(c)(1)(C) and 5 of this Act, not later than 45 days after the date of enactment of this Act, interim final regulations shall be issued by—

(1) the Administrator of the Rural Electrification Administration to carry out the amendments made by this Act to programs administered by the Administrator;

(2) the Administrator of the Rural Development Administration to carry out the amendments made by this Act to programs administered by the Administrator; and

(3) the Secretary of Agriculture to carry out the amendments made by this Act to programs administered by the Farmers Home Administration.

The SPEAKER pro tempore (Mr. REYNOLDS). Pursuant to the rule, the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes, and the gentleman from Kansas [Mr. ROBERTS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation that we bring to the floor today will restructure the loan programs and the authorities of the Rural Electrification Administration [REA] to meet today's fiscal realities and tomorrow's technology needs. H.R. 3123 has three basic goals:

First, the bill will eliminate REA's authority to make 2-percent loans. The purpose of the 2-percent Loan Program was to encourage electric and telephone cooperatives to provide service to high cost, less densely populated areas shunned by privately owned utilities. Our Nation's budget problems dictate that we find less costly ways to promote affordable, quality electric and telephone service for rural areas.

Second, the bill will better target the taxpayer-funded assistance that is made available through a restructured lending program. The bill establishes criteria for hardship lending that would make available Government-insured loans at 5 percent. Borrowers not meeting the hardship criteria would be eligible for Government-insured lending at a higher rate tied to the interest rate charged to municipal utilities or the Government's cost of borrowing.

Third, this bill will promote the delivery of modern telecommunications services to rural America. Today, rural residents are seeking access to emerging electronic technologies and the economic opportunities they provide. This legislation requires rural electric and rural telephone borrowers in all States to develop statewide telecommunications modernization plans as a prerequisite to further Government-insured lending through REA. This carrot approach will provide an added incentive to rural electric and telephone borrowers to upgrade their telecommunications systems.

Mr. Speaker, the basic intent of H.R. 3123 was approved by the House earlier this year as part of the House-passed reconciliation bill. The language here in H.R. 3123 is nearly identical to language agreed to by the conferees on the 1993 Budget Reconciliation Act. These REA provisions were stripped from the reconciliation conference report at the last minute because of the possible point of order that could have been raised in the other body under the so-called Byrd rule.

The one major difference between the reconciliation agreement and this bill is that H.R. 3123 does not contain any language shielding the service area of rural electric cooperatives from annexation procedures by a municipally owned utility.

Mr. Speaker, REA has helped bring affordable electric and telephone service to farms, ranches, and rural communities across our Nation since the 1930's. It is no exaggeration to say, quite simply, that REA has been the Federal Government's most successful effort at improving the quality of life in rural America.

If you doubt that statement, just ask any man or woman who lived on, or grew up on, a farm or ranch in the thirties, forties, and fifties what life was like before the electric cooperatives sank poles and strung up lines to their house and barn. They know the difference the REA programs made in their lives.

Nevertheless, there are people today who say REA has outlived its usefulness. Nothing could be farther from the truth. Mr. Speaker, REA is needed now more than ever.

We hear about the need to build the information highway of the future. This is a part of the infrastructure that will lay the foundation to a high-technology, high-wage future for our economy.

Rural America wants to be a part of that revolution. People in our small towns, and on remote farms and ranches, see a whole host of information sources, educational advantages, and economic opportunities through the use of advanced telecommunications.

To take part in this telecommunications revolution, rural America needs affordable lending to build the necessary infrastructure and modernize its electric and telephone systems. The lack of modern telecommunications capability and reliable electric service puts rural residents and rural businesses at a distinct disadvantage.

With the help of the REA, rural electric cooperatives and rural telephone companies can give rural businesses an opportunity to compete in this new high-technology economy. With the help of the REA, rural electric cooperatives and rural telephone companies can provide people living in our small rural communities and in remote areas with the same level of residential service that urban America has come to take for granted.

This bill provides REA with the authority to promote statewide modernization of telecommunications services for rural areas.

Mr. Speaker, I want to commend Congressman GLENN ENGLISH of Oklahoma, the chairman of our Subcommittee on Environment, Credit and Rural Development, for his yeoman's work on this legislation earlier this year and his help in accommodating concerns from the other side of the aisle during committee consideration last week. I also want to thank our ranking minority members PAT ROBERTS, BOB SMITH of Oregon, and JOHN BOEHNER of Ohio for their help and their willingness to cosponsor this legislation.

Mr. Speaker, this legislation is made even more necessary and urgent by the fact the conferees on the agriculture appropriations bill, anticipating our reforms, have defunded the 2-Percent Loan Program and reallocated funds to the new accounts with the expectation that this authorizing language would be sent to the President.

Mr. Speaker, for all these reasons, I urge my colleagues to support passage of H.R. 3123.

Mr. Speaker, for the RECORD I include correspondence and a cost estimate from the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 28, 1993.
Hon. E DE LA GARZA,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3123, the Rural Electrification Loan Restructuring Act of 1993.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,
ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill Number: H.R. 3123.

2. Bill Title: Rural Electrification Loan Restructuring Act of 1993.

3. Bill Status: As ordered reported by the House Committee on Agriculture on September 23, 1993.

4. Bill purpose: The bill would reauthorize and modify the insured loan program of the Rural Electrification Administration (REA) and would make changes in the direct loan program of the Rural Telephone Bank (RTB). The current insured loan program, consisting primarily of loans made at a statutory interest rate of 5 percent, would be replaced by a new multi-tiered program consisting of some 5 percent loans, some loans made at rate equal to the average rates paid by municipal utilities, and some loans made at a rate equal to the rate of new borrowing by the U.S. Treasury. The bill also would modify several provisions of the RTB loan program and would broaden eligibility requirements for assistance under programs administered by the Rural Development Administration.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1994	1995	1996	1997	1998
Estimated authorization of appropriations:					
REA insured loans ..	116	116	118	122	124
RTB loans	15	15	16	16	17
Total estimated Authorizations	131	132	134	138	141
Estimated outlays	18	51	84	111	127

The costs of this bill fall within budget functions 270 and 450.

Basis of estimate:

REA Insured loans. CBO estimates that the bill would authorize $116 million for fiscal year 1994 and a total of $596 million for the 1994–1998 period of the subsidy costs of REA insured loans. These estimates represent the expected government subsidy required for the loan levels specified in the bill. For electric utilities borrowing from the REA, the bill would authorize 1994 loan levels of $125 million at the 5 percent interest rate and $600 million at the average rate paid by municipal utilities on their debt. For telephone utilities borrowing from REA, the bill would authorize 1994 loan levels of $125 million at the 5 percent rate and $198 million at a rate equal to the rate on new borrowing by the Treasury for debt of comparable maturity.

The bill authorizes REA loans for the 1995–1998 period at the 1994 levels adjusted for inflation. For 1994, CBO estimates that these loan levels would require subsidy appropriations of $91 million for loans to electric utilities and $25 million for loans to telephone utilities. These amounts would increase with inflation to match the increasing nominal loan levels over the following four years.

Relative to the CBO baseline, the REA loan authorizations would reduce the need for appropriations by $50 million in 1994 and by $276 million over the 1994–1998 period. If appropriations are reduced by these amounts, outlay savings from the CBO baseline would total $8 million in 1994 and $162 million over the five-year period.

RTB Direct loans. CBO estimates that it would cost about $15 million in fiscal year 1994 and about $80 million over the 1994–1998 period to cover the increased RTB subsidies, assuming baseline loan levels. H.R. 3123 would change the way interest rates charged to RTB borrowers are calculated. This change would result in a lower interest rate for the borrower, hence requiring additional subsidy budget authority to make the required amount of loans.

The bill also would make several changes to loan terms for REA borrowers, modify certain provisions of REA's Rural Telephone Bank loan program, and broaden the eligibility criteria for the Department of Agriculture's rural development loan program. CBO estimates that these additional provisions would have no budgetary impact.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Oklahoma [Mr. ENGLISH], who did yeoman's work on this endeavor.

Mr. ENGLISH of Oklahoma. Mr. Speaker, I thank the gentleman for yielding time to me.

Let me say, as the chairman outlined, this is really a conference report. It was stricken from the reconciliation bill by the so-called Byrd rule in the other body, and it does bring a considerable savings, $123 million over the next 5 years. It also makes some major adjustments to the REA Program, adjustments that I think many have been look forward to for some time.

It eliminates, for instance, the 2-percent loan program that has been in existence for some period of time. It also restricts the so-called 5-percent loan program. It underscores for both telephone companies and electric borrowers that there are hardship eligibility requirements that are set out, these are the criteria for that, and also, it reduces the amount of the 5-percent loan program from the fiscal year 1993 level of $625 million to $125 million.

It also reduces the 5-percent loan program for telephone borrowers from $239 million to $125 million. The adjustments are made to make these loans identical to the tax-free municipal bond rate for other borrowers, and those apply both to electric borrowers as well as borrowers for telephone companies.

Let me also say that there are restrictions in this program for those borrowers who may be in heavily, densely populated areas. For those borrowers in those cases, for a 5-percent loan, there would have to be a density less than 17 consumers per line mile.

As the Members can see, we have before us a major reform in the REA Program, one that makes major improvements in the program, and also, equally important during these times, brings about $123 million worth of savings. Also, it might be pointed out that this legislation does not have what became a very controversial provision; namely, the question of municipal annexation and hostile condemnation. That is a subject that the committee will have to deal with at a later date, at another time, but it is not in this legislation tonight.

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to first associate myself with the remarks of the distinguished chairman of the Committee on Agriculture, and my friend and colleague, the distinguished chairman of the subcommittee that has worked so long and hard for this reform effort. I associate myself with their remarks.

Mr. Speaker, this bill has been described as being nearly identical to legislation the House adopted in its reconciliation package this summer, that is correct. This bill is a reform effort that will be followed up later this year with additional legislation that will come before the full committee. I support the adoption of H.R. 3123.

Mr. Speaker, I yield 2 minutes to my friend and distinguished colleague, the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this rural electric bill. I think it makes some necessary changes that we have been looking for and seeking to work on for some time, and yet continues the important program. If a person comes from a place like I do in Wyoming, where the average density for rural electric programs is somewhere below five, the necessity to have available capital is very, very important. Of course, if we are going to have a growing economy in the rural areas, and particularly in the West, this rural electric program is part of the element that is necessary to provide for that.

There have been changes. We no longer have the 2-percent program. The 5-percent program is available in certain circumstances, but generally this funding would be equal to that of municipal bonds, municipal paper. I think that is a fair proposition. I think that is the way it ought to be.

Mr. Speaker, I must say that I am pleased that the territorial question is not here. I happen to agree with the rural electric in terms of the territorial issue. I think when a city annexes into a rural area, that there is no reason why that co-op cannot continue to serve, but I really do not think it is a function of the Federal Government to do that.

Therefore, I rise very much in support of this issue. I certainly congratulate the chairman and the ranking Republican for their work that they have done here. The gentleman from Oklahoma [Mr. ENGLISH] has continued to be a very strong supporter of the rural electric program, as I am, and I appreciate the work. I urge support for the bill.

Mr. ROBERTS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I applaud this committee for its work on restructuring the REA loan program and basing it on merit and need, rather than on a first-come, first-served basis. I have got to confess that I believe that this is a program that is being reformed when it should be eliminated; that REA has accomplished its purpose of electrifying America and providing America with telephone service, and the time for the REA I believe is long past.

The President himself recognized the need to wind down this program and urged that the loan authority be reduced. That recommendation is not reflected in this legislation. I regret that. In fact, although the committee did reduce the hardship loan level, it created a brand new municipal rate loan program at $600 million. That means that there is a net result of additional funding, additional taxpayer subsidies, rather than less.

I am not insensitive to the needs of rural communities. I live in one. However, I do believe that this is a time when we have to reevaluate programs that seem to have taken on a life of their own. This is one of them.

There is a saying in Washington that "old government agencies never die. They don't even fade away." Although I commend the members of the Committee for doing a good job of reforming a program that was wildly out of date, the best thing to have done was to eliminate it and to recognize the fact that our taxpayers dollars could be spent much better elsewhere.

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my friend, the gentleman from New Jersey [Mr. ZIMMER] for his confession. Perhaps if be believes that REA is outdated, perhaps we could have an amendment when we consider further reform to exempt the State of New Jersey from the REA and continue the program in Kansas, Oklahoma, Texas, Wyoming, and other areas.

I think my urban colleagues who really do a lot of complaining about REA having served its purpose need to understand that there are still areas of this country where party lines and analog switching systems, systems many of us would assume were long since gone, are still common.

In large metropolitan areas and in States like New Jersey, we enjoy being able to call numerous telephone exchanges in multi-county areas for all kinds of goods and services. In rural areas, a phone call to the town 15 miles down the road or maybe 30 miles may mean a toll charge.

□ 1900

So, if we want to do something for rural America and for the American economy, we certainly need to upgrade these services.

Mr. Speaker, this bill is nearly identical to legislation the House adopted in its budget reconciliation package this summer with the major exception that the controversial municipal annexation-condemnation provision is not included. I believe this bill is a reform effort that will be followed up later this year when the Committee on Agriculture fully reorganizes the Department of Agriculture. I support the adoption of H.R. 3123.

The legislation eliminates the current two-percent hardship and 5-percent direct electric and telephone loan programs and replaces them with a 5-percent hardship lending program at an authorized program level of $125 million each. Rural electric cooperatives may use a direct lending program with interest rates pegged to tax-exempt municipal bond rates with $600 million authorized; phone cooperatives and companies are eligible for direct loans at cost-of-money rates with a program authorization of $198 million. Both electric and telephone interest rates are capped at 7 percent depending on consumer densities, system revenues and costs, net income margin requirements of borrowers and per capita income of the areas served.

States or coalitions of telephone companies within States also would be required to develop and approve a telecommunications modernization plan that would upgrade services in rural areas, including the elimination of party line service. I believe my urban colleagues who grouse about REA having served its purpose need to understand there still are areas of this country where party lines and analog switching systems, systems many of us would assume were long since gone, are still common. In large metropolitan areas, we enjoy being able to call numerous telephone exchanges in multicounty areas for all kinds of goods and services; in rural areas, a phone call to the town 15 miles down the road may mean a toll charge. If we want to do something for rural Americans—and for the American economy—we need to upgrade rural telecommunications service.

In addition to the telecommunications provisions, the bill also makes important changes in program administration and loan making decisions within REA, including the prohibition of making a loan on assets whose useful life is less than the term of the loan. Electric co-ops with consumer densities in excess of 17 per mile would not be eligible for 5-percent loans or have the availability of a 7-percent interest cap on loans to serve or improve services in an urban area.

Finally, Mr. Speaker, the bill prohibits the packaging or tying of electric power service with some other utility service. For instance, it has been cited that on numerous occasions electric cooperatives have offered low-interest or no-interest loans for water and waste water facilities to businesses agreeing to buy the rural co-op's electric power. This practice should not occur using low-interest, Government loans.

I would urge my colleagues to support passage of H.R. 3123.

Mr. GUNDERSON. Mr. Speaker, for almost 60 years, the Rural Electrification Administration [REA] has responded to the challenge of, first, providing universal electrical and telecommunication services to rural America and, now, of modernizing those services so that our farmers, ranchers, and rural businesses can remain competitive in the 21st Century.

Meeting this challenge is no small accomplishment given the budgetary climate facing our country as a whole and the desire of the Clinton Administration to make wholesale reductions in REA funding. Much work has gone into H.R. 3123 both during and after the reconciliation process to save Government outlays on the REA program while, at the same time, preserving the electric and telephone programs which are so vital to the future of rural America.

The result is a program providing loans to rural electric borrowers at an interest rate equal to that available on the market to municipal-owned utilities and loans to rural telephone companies at the cost of that money to the Government. While H.R. 3123 provides for a combined $250 million of 5 percent interest hardship loans to rural electric and telephone companies in low-density areas with below-average household incomes, these new terms represent a significant departure from the $864 million of time honored 2 percent hardship loans available currently. As noted, however, these changes are a necessary transition under our current budgetary conditions.

Most importantly, the legislation requires each State to develop a telecommunications modernization plan relating to improved computer and other services to farm operations, rural businesses, and educational and medical institutions.

The only thing missing from this legislation, Mr. Speaker, is language preserving the territorial integrity of the REA service areas. In a time when we are most concerned about the status of the Federal Treasury, it seems to me that we ought to be taking those steps necessary to insure the financial viability of our rural electric cooperatives [REC].

One of the greatest threats to the ability of our RECs to repay their Federal loans is the uncompensated loss of service territory to municipal annexation. How can we expect an REC to maintain its repayment schedule, to invest in the modernization of its facilities and services to its subscribers, or to plan for the future when it can lose some of its biggest and best customers overnight when an adjacent municipality and its utility annexes a portion of the service area of the REC?

Recognizing this inconsistency, we had language in the reconciliation package providing territorial protection for RECs. However, for whatever reason, it has been dropped from this legislation. It is incumbent upon me to warn my colleagues that, unless we address this growing problem of unrestricted municipal annexation in the very near future, we will be back here discussing the rising default rate among REA borrowers and the resulting increased cost of the rural electric program.

Despite this deficiency, Mr. Speaker, this is a good piece of legislation and urge my colleagues to vote for it.

Mr. ROBERTS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. de la GARZA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARCIA of Michigan). The question is on the motion offered by the gentleman from Texas [Mr. de la GARZA] that the House suspend the rules and pass the bill, H.R. 3123, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to improve the electric and telephone loan programs carried out under the Rural Electrification Act of 1936, and for other purposes.".

A motion to reconsider was laid on the table.

UNITED STATES GRAIN STANDARDS ACT AMENDMENTS OF 1993

Mr. de la GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2689) to amend Public Law 100-518 and the U.S. Grain Standards Act to extend through September 30, 1998, the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for the other purposes, as amended.

The Clerk read as follows:

H.R. 2689

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "United States Grain Standards Act Amendments of 1993".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Limitation on administrative and supervisory costs.
Sec. 3. Authorization of appropriations.
Sec. 4. Inspection and weighing fees; inspection and weighing in Canadian ports.
Sec. 5. Inspection and weighing pilot program.
Sec. 6. Licensing of inspectors.
Sec. 7. Prohibited acts.
Sec. 8. Criminal penalties.
Sec. 9. Equipment testing and other services
Sec. 10. Violation of subpoena.
Sec. 11. Standardizing commercial inspections.
Sec. 12. Elimination of gender references.
Sec. 13. Repeal of temporary amendment language; technical amendments.
Sec. 14. Authority to collect fees; termination of advisory committee.
Sec. 15. Effective dates.

SEC. 2. LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.

Section 7D of the United States Grain Standards Act (7 U.S.C. 79d) is amended—

(1) by striking "inspection and weighing" and inserting "services performed"; and

(2) by striking "1993" and inserting "1998".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) Reauthorization.—Section 19 of the United States Grain Standards Act (7 U.S.C. 87h) is amended by striking "during the period beginning October 1, 1988, and ending September 30, 1993" and inserting "1988 through 1998".

(b) Limitation.—Such section is further amended by striking "and 17A of this Act" and inserting "7B, 16, and 17A".

SEC. 4. INSPECTION AND WEIGHING FEES; INSPECTION AND WEIGHING IN CANADIAN PORTS.

(a) Inspection Authority.—Section 7 of the United States Grain Standards Act (7 U.S.C. 79) is amended—

(1) in subsection (f)(1)(A)(vi), by striking "or other agricultural programs operated by" and inserting "of"; and

(2) in the second sentence of subsection (i), by inserting before the period at the end "or as otherwise provided by agreement with the Canadian Government".

(b) Weighing Authority.—Section 7A of such Act (7 U.S.C. 79a) is amended—

(1) in the second sentence of subsection (c)(2), by inserting after "shall be deemed to refer to" the following: "'official weighing' or";

(2) in the second sentence of subsection (d), by inserting before the period at the end "or as otherwise provided by agreement with the Canadian Government"; and

(3) in the first sentence of subsection (i), by inserting before the period at the end "or as otherwise provided in section 7(i) and subsection (d)".

SEC. 5. INSPECTION AND WEIGHING PILOT PROGRAM.

(a) Inspection Authority.—Section 7(f)(2) of the United States Grain Standards Act (7 U.S.C. 79(f)(2)) is amended by inserting before the period at the end the following: ", except that the Administrator may conduct pilot programs to allow more than one official agency to carry out inspections within a single geographical area without undermining such objectives".

(b) Weighing Authority.—The second sentence of section 7A(l) and of such Act (7 U.S.C. 79a(l)) is amended by inserting before the period at the end the following: ", except that the Administrator may conduct pilot programs to allow more than one official agency to carry out the weighing provisions within a single geographic area without undermining such objectives".

SEC. 6. LICENSING OF INSPECTORS.

Section 8 of the United States Grain Standards Act (7 U.S.C. 84) is amended—

(1) in subsection (a)—

(A) in paragraph (1) of the first sentence, by inserting after "and is employed" the following: "(or is supervised under a contractual arrangement)"; and

(B) in the second sentence, by striking "No person" and inserting "Except as otherwise provided in sections 7(i) and 7A(d), no person";

(2) in the first proviso of subsection (b), by striking "independently under the terms of a contract for the conduct of any functions involved in official inspection" and inserting "under the terms of a contract for the conduct of any functions"; and

(3) in subsection (d)—

(A) by inserting after "Persons employed" the following: "or supervised under a contractual arrangement"; and

(B) by inserting after "including persons employed" the following: "or supervised under a contractual arrangement".

SEC. 7. PROHIBITED ACTS.

Section 13(a)(11) of the United States Grain Standards Act (7 U.S.C. 87b(a)) is amended to read as follows:

"(11) violate section 5, 6, 7, 7A, 7B, 8, 11, 12, 16, or 17A;".

SEC. 8. CRIMINAL PENALTIES.

Section 14(a) of the United States Grain Standards Act (7 U.S.C. 87c(a)) is amended by striking "shall be guilty of a misdemeanor and shall, or conviction thereof, be subject to imprisonment for not more than twelve months, or a fine of not more than $10,000, or both such imprisonment and fine; but, for each subsequent offense subject to this subsection, such person".

SEC. 9. EQUIPMENT TESTING AND OTHER SERVICES.

Section 16 of the United States Grain Standards Act (7 U.S.C. 87e) is amended—

(1) in subsection (b), by striking the third sentence; and

(2) by adding at the end the following new subsections:

"(g) Testing of Certain Weighing Equipment.—(1) Subject to paragraph (2), The Administrator may provide for the testing of weighing equipment used for purposes other than weighing grain. The testing shall be performed—

"(A) in accordance with such regulations as the Administrator may prescribe; and

"(B) for a reasonable fee established by regulation or contractual agreement and sufficient to cover, as nearly as practicable, the estimated costs of the testing performed.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives specified in section 2.

"(h) Testing of grain Inspection Instruments.—(1) Subject to paragraph (2), the Administrator may provide for the testing of grain inspection instruments used for commercial inspection. The testing shall be performed—

"(A) in accordance with such regulations as the Administrator may prescribe; and

"(B) for a reasonable fee that is established by regulation or contractual agreement and is sufficient to cover, as nearly as practicable, the estimated costs of the testing performed.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives specified in section 2.

"(i) Additional For Fee Services.—(1) In accordance with such regulations as the Administrator may provide, the Administrator may perform such other services as the Administrator considers to be appropriate.

"(2) In addition to the fees authorized by sections 7, 7A, 7B, 17A, and this section, the Administrator shall collect reasonable fees to cover the estimated costs of services performed under paragraph (1) other than standardization, compliance, and foreign monitoring activities.

"(3) To the extent practicable, the fees collected under paragraph (2), together with any proceeds from the sale of any samples, shall cover the costs, including administrative and supervisory costs, of services performed under paragraph (1).

"(j) Deposit of Fees.—Fees collected under subsections (g), (h), and (i) shall be deposited into the fund created under section 7(j).

"(k) Official Courtesies.—The Administrator may extend appropriate courtesies to official representatives of foreign countries in order to establish and maintain relationships to carry out the policy stated in section 2. No gift offered pursuant to this subsection shall exceed 20 dollars in value.".

SEC. 10. VIOLATION OF SUBPOENA.

Section 17(e) of the United States Grain Standards Act (7 U.S.C. 87f(e)) is amended by striking "the penalties set forth in subsection (a) of section 14 of this Act" and inserting "imprisonment for not more than 1 year or a fine of not more than $10,000 or both the imprisonment and fine".

SEC. 11. STANDARDIZING COMMERCIAL INSPECTIONS.

Section 22(a) of the United States Grain Standards Act (7 U.S.C. 87k(a)) is amended by striking "and the National Conference on Weights and Measures" and inserting ", the National Conference on Weights and Measures, or other appropriate governmental, scientific, or technical organizations".

SEC. 12. ELIMINATION OF GENDER REFERENCES.

(a) References to His.—(1) Section 3 of the United States Grain Standards Act (7 U.S.C. 75) is amended—

(A) in subsection (a), by striking "his delegates" and inserting "a delegate of the Secretary"; and

(B) in subsection (z), by striking "his delegates" and inserting "a delegate of the Administrator".

(2) Sections 4(a), 7(b), 7(e)(2), 12(b), and 13(a)(2) of such Act (7 U.S.C. 76(a), 79(b), 79(e)(2), 87a(b), and 87b(a)(2)) are each amended by striking "his" and inserting "the Administrator's".

(3) Section 5(a)(1) of such Act (7 U.S.C. 77(a)(1)) is amended by striking "his agent" and inserting "the shipper's agent".

(4) Section 9 of such Act (7 U.S.C. 85) is amended in the first sentence by striking "his license" and inserting "the license".

(5) Sections 13(a)(7), 15, and 17(e) of such Act (7 U.S.C. 87b(a)(7), 87d, and 87f(e)) are each amended by striking "his" and inserting "the person's".

(6) Section 13(a)(8) of such Act (7 U.S.C. 87b(a)(8)) is amended by striking "his duties" and inserting "the duties of the officer, employee, or inspection personnel".

(b) References to Him.—(1) Section 8(a) of such Act (7 U.S.C. 84(a)) is amended in the first sentence by striking "him" and inserting "the Administrator".

(2) Section 9 of such Act (7 U.S.C. 85) is amended by striking "him" and inserting "the licensee".

(c) References to He.—(1) Sections 5(b), 7(a), 7(b), 7(e)(2), 7A(e), 7B(a), 8(c), 8(f), 10(a), 11(a), 11(b)(5), 12(c), and 14(b) of such Act (7 U.S.C. 77(b), 79(a), 79(b), 79(e)(2), 79a(e), 79b(a), 84(c), 84(f), 86(a), 87(a), 87(b)(5), 87a(c), and 87c(b)), are each amended by striking "he" each place it appears and inserting "the Administrator".

(2) Sections 10(b), 13(a)(9), 14(a), and 17A(c) of such Act (7 U.S.C. 86(b), 87b(a)(9), 87c(a), and 87f–1(c)) are each amended by striking "he" and inserting "the person".

(3) Sections 11(B)(1) and 17A(a)(2) of such Act (7 U.S.C. 87(b)(1) and 87f–1(a)(2)) are each amended by striking "he" and inserting "the producer".

SEC. 13. REPEAL OF TEMPORARY AMENDMENT LANGUAGE; TECHNICAL AMENDMENTS.

(a) Repeal.—Section 2 of the United States Grain Standards Act Amendments of 1988 (Public Law 100–518; 102 Stat. 2584) is amended, in the matter preceding paragraph (1), by striking "Effective for the period October 1, 1988, through September 30, 1993, inclusive, the" and inserting "The".

(b) Technical Amendments.—(1) Section 21(a) of the United States Grain Standards Act (7 U.S.C. 87j(a)) is amended—

(A) by striking "(1)" and

(B) by striking paragraph (2).

(2) Section 22(c) of such Act (7 U.S.C. 87k(c), is amended by striking "subsection (a) and (b)" and inserting "subsections (a) and (b)".

SEC. 14. AUTHORITY TO COLLECT FEES; TERMINATION OF ADVISORY COMMITTEE.

(a) Inspection and Supervisory Fees.—Section 7(j) of the United States Grain Standards Act (7 U.S.C. 79(j)) is amended by adding at the end the following new paragraph:

"(4) The duties imposed by paragraph (2) on designated official agencies and State agencies described in such paragraph and the investment authority provided by paragraph (3) shall expire on September 30, 1998. After that date, the fees established by the Administrator pursuant to paragraph (1) shall not cover administrative and supervisory costs related to the official inspection of grain.".

(b) Weighing and Supervisory Fees.—Section 7A(l) of such Act (7 U.S.C. 79a(l)) is amended by adding at the end the following new paragraph:

"(3) The authority provided to the Administrator by paragraph (1) and the duties imposed by paragraph (2) on agencies and other persons described in such paragraph shall expire on September 30, 1998. After that date, the Administrator shall, under such regulations as the Administrator may prescribe, charge and collect reasonable fees to cover the estimated costs of official weighing and supervision of weighing except when the official weighing or supervision of weighing is performed by a designated official agency or by a State under a delegation of authority. The fees authorized by this paragraph shall, as nearly as practicable, cover the costs of the Service incident to its performance of official weighing and supervision of weighing services in the United States and on United States grain in Canadian ports, excluding administrative and supervisory costs. The fees authorized by this paragraph shall be deposited into a fund which shall be available without fiscal year limitation for the expenses of the Service incident to providing services under this Act.".

(c) Termination of Advisory Committee.—Section 21 of such Act (7 U.S.C. 87j) is amended by adding at the end the following new subsection:

"(e) Termination.—The Advisory committee shall terminate on September 30, 1998.".

SEC. 15. EFFECTIVE DATES.

(a) In General.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) Special Effective Date for Certain Provisions.—The amendments made by sections 2, 3, and 13(a) shall take effect as of the earlier of—

(1) September 30, 1993; and

(2) the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. de la Garza] will be recognized for 20 minutes, and the gentleman from Kansas [Mr. Roberts] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. de la Garza].

Mr. de la GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2689, as reported by the Committee on Agriculture, extends the authorization of appropriations for the Federal Grain Inspection Service [FGIS], an agency within the U.S. Department of Agriculture [USDA]. It also extends the authority of that agency to recover administrative and supervisory costs through the user fees it charges for services.

Under the U.S. Grain Standards Act, the Federal Grain Inspection Service is responsible for setting standards that serve as a common language within the grain industry. FGIS oversees the official weighing and inspection of all grain destined for the export market. The agency also monitors the weighing and inspection system for our Nation's internal domestic markets.

Mr. Speaker, the U.S. grain inspection system serves as the standard and model for the world. An official inspection certificate issued by FGIS facilitates commerce by allowing both buyer and seller to have confidence in the identified quantity and quality of any shipment of American grain that is entered into trade. This legislation will make our current grain inspection system even better.

H.R. 2689, as reported and before the House, authorizes appropriations for the standardization and compliance activities of FGIS through fiscal year 1998. It also provides that user fees—which the agency collects to cover the cost of providing weighing and inspection services—may be calculated to include the recovery of administrative and supervisory costs through fiscal year 1998.

The committee bill also authorizes FGIS to conduct pilot programs that allow for competition among agencies, designated by the Service, to carry out official inspection and weighing services in the domestic market.

Under the current provisions of the Grain Standards Act, each designated agency is authorized to provide these services exclusively for a given geographical area. This exclusivity was mandated by Congress in an effort to prevent market participants from grade shopping at competing inspection agencies. The committee believes that FGIS has sufficient resources and expertise to prevent grade shopping. The purpose of the pilot programs authorized by the bill is to determine whether or not competition will benefit the industry through lower fees for the weighing and inspection services that designated private agencies provide.

This bill also continues our goal of eventually eliminating male-specific references, such as "he" and "his," that appear in many of our agricultural laws. The bill eliminates all gender-specific references from the U.S. Grain Standards Act.

Other provisions of the bill as reported would authorize FGIS to collect fees for the use of its equipment and services by entities not involved in the grain industry; allow FGIS to issue inspector licenses to individuals supervised under a contractual arrangement with official designated State agencies; reduce paperwork by eliminating the current quarterly report to Congress on official complaints; and limit the value of any mementos offered or received by any FGIS employee who meets with an official representative of a foreign government to no more than $20.

The bill increases the criminal penalties for first-time violators who knowingly engage in prohibited acts, such as deceptive loading and manipulation and falsification of weights. The bill makes these violations felonies rather than misdemeanors, and carries with it a sentence of up to 12 months imprisonment or a $10,000 fine, or both.

Mr. Speaker, the Committee on Agriculture considered proposals to regulate or prohibit grain handlers adding water to grain. The practice of adding water is ostensibly done to control accumulations of harmful, explosive grain dust. There are concerns within the industry, however, that some companies which use water as a dust-control method may be intentionally adding weight to the grain and thereby fraudulently misrepresenting its value.

The Committee on Agriculture is very concerned about these allegations and intends to investigate the practice. The issue is currently the subject of new rules being proposed by FGIS. The committee agreed to withhold taking legislative action to allow for the gathering of more information by both FGIS and the committee itself.

Mr. Speaker, it would appear that the simple solution to this controversy is to ban the addition of water. Yet there is ample evidence to suggest that the application of minute amounts of water is an effective method of controlling the accumulation of grain dust. Failure to control dust has led to massive explosions in grain elevators that cost workers their lives.

The committee has been assured that FGIS, through its rulemaking process, will give careful consideration to proposals that safeguard the lives and safety of industry employees while preserving the integrity of our grain marketing system. In the meantime, our committee will continue to conduct oversight and report our findings and any necessary legislation to the House.

Mr. Speaker, this bill is straightforward and necessary. The authority for the agency to collect sufficient user fees to cover weighing and inspection services expires on September 30, 1993, and that is why we bring the bill to the floor today. I urge my colleagues to support the passage of H.R. 2689.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from South Dakota [Mr. JOHNSON], chairman of the subcommittee, who has done a tremendous amount of work, and certainly produced an excellent compilation of the legislation in order that we might reauthorize it.

Mr. JOHNSON of South Dakota. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I rise today in support of H.R. 2689, which would extend the authorities of the Federal Grain Inspection Service [FGIS] through September 30, 1998. I am proud to come to the House floor as chairman of the Subcommittee on General Farm Commodities, and bring before my colleagues the first bill reported out of this subcommittee under my tenure.

The Federal Grain Inspection Service was mandated by Congress in 1976 to be the agency responsible for implementing and administering the official U.S. grain standards programs. The FGIS' primary responsibilities include the inspection of most of the grain exported from U.S. export facilities and designating State or private entities to perform inspection and weighing services at interior locations under the supervision of the FGIS.

Mr. Speaker, the FGIS came into existence because of fraud and corruption that overtook the private entities who have been carrying out inspections and weighing at U.S. export facilities. This wrongdoing led to lost sales and wary customers, with much of the impact being borne by U.S. grain farmers.

While the committee has given its consent to allowing pilot projects for competition at interior locations, the FGIS role as the official inspection agency for U.S. exports is maintained.

H.R. 2689, as amended by subcommittee and full committee action, contains several provisions which should help the FGIS continue to cut their operating costs and streamline agency operations. While the agency has undertaken a number of actions to decrease the cost of export inspections and reduce staff, these additional provisions will provide further flexibility to lessen the impact of decreasing export inspections.

It should be noted that the cost of FGIS export inspections has gone from 24 cents per metric ton in 1987 to 22 cents per metric ton in 1992. The FGIS work force has also dropped during that same time from nearly 1,000 employees, down to 600 individuals at the end of calendar year 1992.

The additional authorities given to the FGIS include expansion of FGIS grain licensing authority beyond only employees of official inspection agencies to include contract inspectors. FGIS would be able to take advantage of its unique capabilities and expertise in the weighing of commodities and other items. The agency would also be allowed to test weighing equipment used for purposes other than weighing grain and also to test grain inspection instruments used for commercial inspections on a fee basis. Other similar types of activities would be allowed on a fee basis if the need arises and the Administrator deems it appropriate.

Authority is expanded to allow the FGIS to work with the Canadian Government in carrying out official inspections in Canadian ports. This would eliminate the need for FGIS personnel to be stationed in Canadian ports on a full-time basis.

H.R. 2689 increases the penalty for violations of the Grain Standards Act, making willful violations of the law, such as deceptive loading and manipulation and falsification of weights, felonies rather than misdemeanors. This could mean a penalty of up to 12 months imprisonment or a $10,000 fine, or both. However, violation of a subpoena would remain a misdemeanor under the Grain Standards Act.

Mr. Speaker, my colleagues will find no mention of the addition of water to grain in this legislation. It is my intention to hold hearings on this issue, and for the timeline in FGIS' proposed rule banning the addition of water to grain to go on as scheduled. I hope that some consensus on this issue can be reached within the grain growing and handling sector as well as among my colleagues, which is in the best interest of maintaining the quality of U.S. grain and workplace safety.

I am also pleased that this legislation makes the U.S. Grain Standards Act gender neutral with the deletion of all gender-specific language.

Mr. Speaker, I would urge my colleagues to join me in supporting this routine reauthorization.

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2689, a bill to authorize the Federal Grain Inspection Service [FGIS] to collect fees to cover administrative and supervisory costs. It is essential that H.R. 2689 be enacted to ensure the integrity of the U.S. grain inspection programs.

H.R. 2689 extends the authority of FGIS to collect fees to cover the costs of administration and supervision of the official inspection system through 1998. This current authority expires on September 30, 1993.

The bill allows FGIS to contract with Canadians and eliminate the cost of FGIS employees stationed in Canada. Pilot projects to allow more than one official agency to perform inspections within the same geographical area are authorized and FGIS is authorized to issue licenses to contract employees.

Penalties are increased by making willful violations of the Act felonies rather than misdemeanors and the quarterly report to Congress on official complaints is eliminated.

FGIS is provided with the authority to test weighing equipment; test grain inspection instruments; and, to undertake other activities on a user fee basis. Additionally, FGIS is authorized to work with technical and scientific organizations to promote greater uniformity in commercial grain inspection.

The United States has the most advanced and reliable grain marketing system in the world and the official grain inspection program operated by USDA is a vital part of that process. I urge my colleagues to support H.R. 2689.

Mr. ALLARD. Mr. Speaker, I rise in support of H.R. 2689, a bill to extend the authority of the Federal Grain Inspection Service [FGIS] to collect fees to cover administrative and supervisory costs and for other purposes. H.R. 2689 was introduced at the request of the administration. It is essential to continue the authority of FGIS because it plays a critical role in the successful marketing of U.S. grain, both here at home and in foreign markets.

FGIS was established by the Congress to establish and maintain official standards for grains; perform weighing and inspecting services for all grain for export and, upon request, for domestic uses; and, supervising the official grain and weighing system.

H.R. 2689 continues several provisions of the U.S. Grain Standards Act, including the collection of inspection and weighing fees to recover administrative and supervisory costs, through 1998. I believe that 5 years is a sufficient length of time to provide this authority to FGIS. As we are all aware, we are in the midst of proposals to reinvent the Federal Government, as proposed by Vice President GORE, and a reorganization proposal for the Department of Agriculture. In fact, it is proposed that FGIS be combined with the Packers and Stockyards Administration to form the Grain Inspection, Packers and Stockyards Administration. Since there are several changes proposed that can affect FIGS, it is appropriate to continue its authority for a specific period of time.

Additionally, since FGIS performs official grain export inspections; supervises State-operated agencies that perform export inspections; and, supervises State and private agencies designated to perform inspection in the domestic market—all for user fees—it is essential to insure proper oversight of the activities and the fees charged. I realize that FGIS has instituted cost-effective operating procedures and will continue to look for new technology to improve the inspection process. Nevertheless, it is our responsibility to make sure that the actions of any agency and the fees charged to the users of its services are appropriate and reflect good management practices.

The Committee on Agriculture plans to continue its oversight of FGIS and to hold hearings on issues raised during consideration of this bill, including those issues related to the addition of water to grain for purposes of dust suppression.

I urge my colleagues to support H.R. 2689.

Mr. ROBERTS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 2689, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the United States Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, to extend the authorization of appropriations for such Act, and to improve administration of such Act, and for other purposes.".

A motion to reconsider was laid on the table.

NATIONAL FOREST FOUNDATION ACT AMENDMENT ACT OF 1993

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1381) to improve administrative services and support provided to the National Forest Foundation, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the National Forest Foundation Act Amendment Act of 1993".

SEC. 2. PURPOSE.

It is the purpose of this Act—

(1) to provide for start-up and matching funds for project expenses to carry out the National Forest Foundation Act; and

(2) to extend the funding authorization for start-up expenses for 1 year.

SEC. 3. ADMINISTRATIVE SERVICES AND SUPPORT.

(a) IN GENERAL.—Section 405 of the National Forest Foundation Act (16 U.S.C. 583j–3) is amended—

(1) in subsection (a)—

(A) by inserting ", project," after "administrative"; and

(B) by striking "following the date of enactment of this title" and inserting "beginning October 1, 1992"; and

(2) in subsection (b)—

(A) by striking "from the enactment of this title" and inserting "beginning October 1, 1992"; and

(B) by inserting "and project" after "administrative".

(b) TECHNICAL AMENDMENT.—Section 410(b) of such Act (16 U.S.C. 583j–8(b)) is amended by striking "following the date of enactment of this title," and inserting "beginning October 1, 1992,".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the three bills just passed, H.R. 3123, H.R. 2689, and S. 1381.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GERMAN-AMERICAN DAY

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 121) to designate October 6, 1993 and 1994 as "German-American Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

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Mr. GILMAN. Mr. Speaker, reserving the right to object, and I do not object, but I inform the House the minority has no objection to the legislation now being considered. I rise in strong support of Senate Joint Resolution 121.

Mr. Speaker, as a cosponsor of House Joint Resolution 155, I am delighted to speak in support of this resolution and commend my colleague, the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Indiana, [Mr. HAMILTON], for introducing this bill recognizing German-American Day.

The United States has been greatly enriched through the contributions of her citizens of German heritage. From Carl Schurz to Albert Einstein, our history, our science, our art, our politics, and our diplomacy, even our cuisine, have benefited significantly from what German immigrants have brought to us from their homeland across the Atlantic.

Today, our recognition of the many and varied achievements of German-Americans serves as a reminder of the very close ties between this country and Germany. Germany is a pillar of Europe, its economic powerhouse, and a force for peace and stability. We salute the people of Germany for their steadfastness and courage and we commend them for their regained unity.

Further reserving the right to object, I am pleased to yield to one of the senior members of the Committee on Foreign Affairs, the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. I thank the gentleman for yielding to me under his reservation.

Mr. Speaker, as chairman of the Congressional Study Group on Germany, this Member rises in strong support for House Joint Resolution 155.

In October 1683, 13 families from the community of Kerefeld in Central Europe set foot in the New World near Philadelphia, thus becoming the first German-American settlers. In the years that followed, as word of the Germans' prosperity and satisfaction in the New World filtered back home, the emigration flow continued. Looking for farmland and communities in which to sink their roots and ply their skills, German-Americans were among the largest ethnic groups to participate in the westward movement. Indeed, in this Member's home State of Nebraska, German-Americans constitute the largest single ethnic group. Today, almost one in four Americans can claim German heritage. German-American Friendship Day provides this body with an opportunity to celebrate the very positive relationship we today enjoy with the people of Germany and its Government.

Mr. Speaker, as we know, Germany now faces a large but welcomed challenge. From two countries with vastly different political, economic, and cultural environments, a single nation must be forged. Unification may have proven more difficult than anticipated, but the end result will surely be a stronger, more vibrant nation.

We in the United States, of course, support our German friends in this endeavor of unification. House Joint Resolution 155, designating German-American Day, provides this body an opportunity to voice that support.

This Member congratulates the chairman of the Committee on Foreign Affairs, the distinguished gentleman from Indiana [Mr. HAMILTON], for introducing today's resolution. As a former and first chairman of the Congressional Study Group on Germany, he understands well the importance and value of German-American relations. This Member commends him for his initiative, and urges all Members to support House Joint Resolution 155.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. I thank the gentleman for yielding to me under his reservation.

Mr. Speaker, I also want to add that in the State of Texas, shortly after the Spaniards, came many middle European peoples, among those were the Germans, who now settled across central Texas and the upper part of my congressional district. They have made a major contribution. They came as farmers, and many of them are still on the land. Throughout central Texas, the music, the food, and other aspects of the Germans still prevail in some of the rural communities, and indeed in San Antonio there is a church that still conducts services in German on Sundays.

Mr. Speaker, I have the great pleasure and pride to inform my colleagues that I married into a German family, the Schunior family. So I share kinship with all of my German constituents in my congressional district.

Mr. Speaker, I commend the gentleman for bringing this resolution from the Committee on Foreign Affairs.

Mr. GILMAN. I thank the gentleman from Texas for his supportive remarks, as well as the gentleman from Nebraska [Mr. BEREUTER] for his supportive remarks.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BARCIA of Michigan). Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 121

Whereas German Immigrants first arrived in America at Jamestown, Virginia, in October 1608, and the 400th anniversary of the arrival of these first Germans will be celebrated in 2008;

Whereas the first German settlement in America was founded on October 6th, 1683 at Germantown, Pennsylvania, and October 6, 1983, was designated as the German-American Tricentennial Celebration by Congressional Resolution and Presidential Proclamation;

Whereas the number of American citizens of German ancestry has grown to over 50 million since the first German immigrants arrived in this country;

Whereas German-Americans are proud of the existing friendship and cooperation between the Federal Republic of Germany and the United States;

Whereas the German-American Friendship Garden in Washington, D.C., is evidence of this cooperation;

Whereas German-Americans support expansion of the existing friendship between Germany and the United States, and will continue to contribute to the culture of the United States, support its government and democratic principles, and help ensure the freedom of all people;

Whereas German unification stands as a symbol of greater international cooperation and has reemphasized the prominent position of Germany in the European community and between the East and the West;

Whereas Congress unanimously passed joint resolutions designating October 6th of 1987, 1988, 1989, 1990, 1991, and 1992, each as "German-American Day": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 6, 1993 and 1994, are each designated as "German-American Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the days with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL BIOMEDICAL RESEARCH DAY

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on

Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 111) designating October 21, 1993, as "National Biomedical Research Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object, but would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 111

Whereas the biomedical research community in the United States is recognized as the world leader in discovering knowledge that promotes the health and well-being of people throughout the world;

Whereas biomedical research offers the best hope for breakthroughs in the detection and treatment of diseases in the future;

Whereas since 1900 biomedical research has helped increase the lifespan of people in the United States by 25 years through the development of vaccines, antibiotics, and antiinfective drugs;

Whereas biomedical research has contributed to the virtual elimination of epidemic diseases such as cholera, smallpox, yellow fever, and bubonic plague, and in the United States biomedical research has helped to prevent such childhood killers such as polio, diphtheria, tetanus, pertussis, and Sudden Infant Death Syndrome;

Whereas biomedical researchers are working diligently toward cures for diseases such as Acquired Immune Deficiency Syndrome (AIDS), Alzheimer's disease, cancer, arthritis, diabetes, epilepsy, multiple sclerosis, heart and lung diseases, mental illness, and countless other diseases that afflict millions of people in the United States;

Whereas the Congress has consistently demonstrated a financial commitment to maintaining the preeminence of the United States in biomedical research through support of such agencies as the National Institutes of Health, the Alcohol, Drug Abuse and Mental Health Administration, the Centers for Disease Control, and the Veterans Administration;

Whereas the products and byproducts of biomedical research contribute to the health of the United States economy by reducing medical costs through prevention of various diseases and by furthering the success of the United States in international commerce and trade;

Whereas biomedical research has led to drugs and vaccines that safeguard the animals we raise and the food we consume, protecting the health of such animals as cattle, hogs, sheep, and chickens; and

Whereas biomedical research also has contributed to the health and well-being of animals through vaccines for parvovirus, infectious canine hepatitis, rabies, distemper, anthrax, tetanus, and feline leukemia, and has helped the prospects of endangered species by reducing disease and promoting reproduction: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 21, 1993, is designated as "National Biomedical Research Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MENTAL ILLNESS AWARENESS WEEK

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 61) to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object, but would simply like to inform the House the minority has no objection to the legislation now being considered.

Mr. Speaker, I rise in strong support of House Joint Resolution 148, a measure to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week." I commend the gentleman from Oregon [Mr. WYDEN] for introducing this important measure.

Since 1973, Federal law has prohibited discrimination on the basis of mental illness in federally funded programs. Those provisions, however, have not removed all the barriers that have kept our Nation's mentally disabled people from participating fully on the job and in the activities of daily life.

Unfortunately, many of these remaining barriers result from ignorance and misunderstanding. Mental Illness Awareness Week is intended to help to dispel the basis of much of the discrimination against the mentally disabled by education and by recognition.

Mr. Speaker, I urge my colleagues to join in support of this measure, to provide the mentally disabled with the help and recognition they so richly deserve.

Mr. Speaker, further reserving the right to object, I am pleased to yield to the chief sponsor of this legislation, the gentleman from West Virginia [Mr. WISE].

Mr. WISE. I thank the gentleman for yielding and greatly appreciate his yielding to me.

I want to thank the gentleman from New York [Mr. GILMAN], the gentleman from Maryland [Mr. WYNN], and members of the committee for moving this legislation forward. I would just like to say that I saw some figures that I think illustrate well the importance of this legislation.

One out of five Americans at some time during the next 6 months will suffer from either an emotional disorder or substance abuse problem. Indeed, in our own State of West Virginia, a small State, 42,000 people receive direct assistance from mental health programs and many more, obviously, require it, as is the case across the country.

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Indeed, the very staggering statistic to me and the one that illustrates the need for all this is that at some time during our lives, one-third of us are going to have some sort of significant emotional disorder or abuse problem. So this becomes even more significant, particularly with both parties moving forward on national health legislation and the necessity to recognize that mental illness and illness are indeed one and the same and must be considered as such.

Mr. Speaker, I appreciate the time the gentleman has yielded to me.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from West Virginia [Mr. WISE] for his supporting comments.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. (Mr. BARCIA of Michigan). Is there objection to the request of the gentleman from Maryland [Mr. WYNN]?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 61

Whereas mental illness is a problem of grave concern and consequence in the United States and it is widely, but unnecessarily, feared and misunderstood;

Whereas on an annual basis 40,000,000 adults in the United States suffer from clearly diagnosable mental disorders, including mental illness, alcohol abuse, and drug abuse, which create significant disabilities with respect to employment, school attendance, and independent living;

Whereas more than 11,200,000 United States citizens are diagnosed with schizophrenia, manic depressive disorder, and major depression, and these individuals are often disabled for long periods of time;

Whereas 33 percent of homeless persons suffer serious, chronic forms of mental illness;

Whereas mental illness, alcohol abuse, and drug abuse affect almost 22 percent of adults in the United States in any 1-year period;

Whereas mental illness interferes with the development and maturation of at least 12,000,000 of our children;

Whereas a majority of the 30,000 American citizens who commit suicide each year suffer from a mental or an addictive disorder;

Whereas our growing population of elderly persons faces many obstacles to care for mental disorders;

Whereas 20 to 25 percent of persons with AIDS will develop AIDS-related cognitive dysfunction and as many as two-thirds of persons with AIDS will show neuropsychiatric symptoms before they die;

Whereas mental illness, alcohol abuse, and drug abuse result in staggering costs to society, estimated to be in excess of $273,000,000 each year in direct treatment and support and indirect costs to society, including lost productivity;

Whereas the Federal research budget committed to the National Institute of Mental Health, the National Institute of Alcoholism and Alcohol Abuse, and the National Institute of Drug Abuse represents only about 1 percent of the direct treatment and support costs of caring for persons with mental disorders, alcohol addiction, and drug addiction;

Whereas mental illnesses are increasingly treatable disorders with excellent prospects for amelioration when properly recognized;

Whereas persons with mental illness and their families have begun to join self-help groups seeking to combat the unfair stigma of mental illness, to support greater national investment in research, and to advocate an adequate continuum of care from hospital to community;

Whereas in recent years there have been unprecedented major research developments bringing new methods and technology to the sophisticated and objective study of the functioning of the brain and its linkages to both normal and abnormal behavior;

Whereas research in recent decades has led to a wide array of new and more effective modalities of treatment (somatic, psychosocial, and service delivery) for some of the most incapacitating forms of mental illness, including schizophrenia, major affective disorders, phobias, and phobic disorders;

Whereas appropriate treatment of mental illness has been demonstrated to be cost-effective in terms of restored productivity, reduced use of other health services, and lessened social dependence; and

Whereas recent and unparalleled growth in scientific knowledge about mental illness has generated the current emergence of a new threshold of opportunity for future research advances and fruitful application to specific clinical problems: Now, therefore, be it.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 3, 1993, through October 9, 1993, is designated as "Mental Illness Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WYNN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on Senate Joint Resolution 61, the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

TRANSFER OF SPECIAL ORDER TIME

Mr. HYDE. Mr. Speaker, I ask unanimous consent that today I may be permitted to take the 60-minute special order granted previously to the gentleman from Indiana [Mr. BURTON].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CLINTON HEALTH CARE PLAN: KILL OR CURE—A EUROPEAN VIEW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, this Member would like to call to his colleagues' attention a recent editorial and article in the September 25, 1993, issue of the distinguished magazine the Economist, which is published in London, England. Certainly there will be many views on the merits of President Clinton's health care proposals. This Member finds the Economist often has a fresher, less biased perspective to observe political events and issues in the United States. Sometimes they can better describe the American trees than those of us standing in the middle of the American forest. Their perspectives of the deficiencies of the Clinton plan certainly are worthy of consideration during the upcoming hearings and debate on health care reform.

The Economist editorial discusses three basic flaws in the Clinton proposal. These points are supported by an article in the same issue, "Kill or Cure."

The first problem the Economist sees with the Clinton approach is the employer-mandate, which requires employers to provide insurance for all employees and to pay 80 percent of the premium, while the employee pays the remaining 20 percent. According to the Economist, "like any extra tax on labour, this threatens to destroy jobs, especially in small firms that have been unable to afford health coverage in the past—and which have been the source of most of America's recent new jobs." The Economist contends that a "link between employment and health-care coverage has been bad for competitiveness and the mobility of the workers. It should be abandoned" they conclude.

The second concern presented by the Economist is that the plan does not adequately control costs. If there was no tax exemption for health insurance costs and if employers did not pay all or a portion of employee health care premiums, then employees would have more incentive to see that costs are kept down since they would be footing the bill for their own health care. Additionally, the tax exemption for health insurance costs for businesses is not an incentive to decrease costs, it only serves to hide health care costs. According to the Economist: "until the exemption is scrapped, health care will suck in resources that could have been put to better use elsewhere." They conclude that unless employers and employees have a financial stake in decreasing costs, health care costs will only increase.

It seems that the administration doesn't trust that the market will work to keep costs down and therefore has proposed caps on health care costs. The Economist notes that:

> The caps will soon be challenged by rising costs. And since no administration would be willing explicitly to ration care, the caps would soon lack credibility. That might be an incentive for providers to reach for the caps sooner rather than later.

The editorial states that the third problem with the Clinton proposal is "its outrageously dishonest claims concerning costs to taxpayers." It increases the number of people covered and the benefit package offered with only one excise tax increase. They conclude that this is unrealistic. Additionally, they point out that there is an assumption made by the administration of "enormous, but unspecified, savings in Medicare and Medicaid—savings that rely on an immediate slowing of health-care costs; and by assuming extra tax revenues from companies and individuals, on the ground that health-care reform will boost profits and pay."

Additionally, the Economist editorialists conclude that there are several concerns regarding the Medicare Program. While long-term care and prescription drug benefits are to be added to the Medicare Program, the administration has proposed a cap on growth in Medicare spending. Also, the Medicare Program will remain separate from the national health care system created thus keeping the Medicare recipients out of the market system where their presence could work to help keep prices down.

Moreover, according to the Economist, the administration makes assumptions regarding the supposed savings of the Clinton plan. The editorialists state the following: "What is improbable is that the savings reaped in one area can simply be applied to another. Barry Bosworth from the Brookings Institution, once the Director of Jimmy Carter's Council on Wage and Price Stability, says that if the savings come out as predicted, it will be one of the great accidents in history."

The Economist summarizes its concern regarding the costs to taxpayers as follows:

> Finance is often the Achilles heel of American public policy. Nowhere more so than in health care. Middle America now expects health reform, cost control and universal coverage without paying for it either in higher taxes or in reduced benefits. In the longer term, the combination of managed competition with controls on health insurance premiums should indeed mean that

America spends less on health care than it does today. But in the next few years, the Clinton plan is more likely to raise spending than to cut it.

Mr. Speaker, President Clinton has placed health care reform as the top domestic priority, as he should. However, the urgency that surrounds this issue should not preclude a national debate regarding health care priorities and the eventual decisions that must be made in light of limited resources.

The Economist editorial closes with a warning to Congress. If Congress does not carefully examine the financing of the health care plan eventually passed, if Congress takes the savings assumptions of the Clinton administration, and enacts new entitlements or broadens existing entitlements without making hard choices regarding new taxes or spending cuts, they conclude that "the reform may well collapse half-way through. Hard to believe, but America could then end up with a health-care system even sicker than today's."

[From the Economist, Sept. 25, 1993]

KILL OR CURE?

Not since Franklin Roosevelt's War Production Board has it been suggested that so large a part of the American economy should suddenly be brought under government control, nor, ever, has a usurping president so soothingly reassured a nation as did Bill Clinton in his address before Congress on the night of September 22nd. Armed with his plans for reforming health care and waving his "health security card", Mr. Clinton proposed nothing less than that government should seize the levers of an industry that accounts for one-seventh of the American economy.

A largely private market now exists for health care in the United States though one shot-through with reverse incentives. What the administration proposes is a government-directed bureaucracy through which almost all the money that is currently spent on health care will be funneled.

The body overseeing the process is to be called the National Health Board. The board will instruct each state to set up one or more "regional health alliances". Employers and employees will pay "premiums" into the alliance similar to the medical premiums that companies and individuals now pay to insurers. These premiums will allow the alliances to bargain with local health plans for the most competitive care. Consumers can choose from among a number of health plans offered by each alliance.

Each plan must offer at least a basic package of government-stipulated benefits. These are as generous as those currently offered by the biggest corporations, and probably more so. Mr. Clinton's plan includes drug abuse and hospice care; it also refers to a benefit called "pregnancy-related services", which can be taken to include abortion. No plan may refuse anybody enrolled with an alliance.

Every American not already part of a government plan must join a health alliance (companies with over 5,000 people may form their own alliances). The reward is not just the generosity of the benefits. It is the guarantee that everyone will be entitled to health coverage, whether they change their job, lose their job, or fall ill. This guarantee will provide coverage for the 37m who are currently uninsured.

Mr. Clinton is adamant that the uninsured—a largely young and constantly changing group—must be brought quickly into the fold. Only then can pressure be brought to bear upon rampant health costs. The administration's most basic assumption is that the supposed incentives in the new system will drive down costs—and that, where incentives are not relevant, fat will be ripped out by edict.

The administration says it is creating competition through the alliances, which will each offer an array of health plans. Consumers—and not their employers—will choose between the plans. True, employers will pay for at least four-fifths of an average employee's insurance, and employees just one-fifth. But if an employee opts for a cheaper plan, he will pocket the difference.

That is some incentive to see costs kept down, but there would be more if individuals had to pay for all their coverage. And there is an incentive pulling the other way: the tax exemption for employer-provided healthcare. The administration has not dared do away with the tax exemption for fear of angering labour unions, which are skilled at using it to negotiate health deals. Until the exemption is scrapped, health care will suck in resources that could have been put to better use elsewhere.

Actually, the Clinton plan destroys incentives. Hitherto, companies have been the main lobby pushing for lower health-care costs, and they have begun to do so effectively. Under the new proposals, companies will still have all the paperwork of health care, but little say over the plans.

The administration implicity admits these doubts about cost-cutting incentives, for it proposes a set of "hard" budget caps to be imposed if health costs exceed a preordained figure. Ira Magaziner, Mr. Clinton's main health-care adviser, insists that the caps are merely a "backstop" while the market is allowed to work. Paul Ellwood, the leader of the Jackson Hole group of health-care reformers, disagrees. He says that the president's plan "is very anticipatory in its sweep, yet leaves very little to the workings of the market." If that is so, the caps will soon be challenged by rising costs. And since no administration would be willing explicitly to ration care, the caps would soon lack credibility. That might be an incentive for providers to reach for the caps sooner rather than later.

More contentious even than the caps are savings from fat due to be cut out of the system. Five-year savings of $114 billion are said to lurk in the federal/state Medicaid programme for the poor, with another $124 billion in federal Medicare for the old. Some $47 billion of bloat lies in other federal programmes. And $51 billion is textbook Reaganomics: it represents the gain to the Treasury when the success of this plan translates into higher company profits and lower tax breaks.

On September 21st the president's budget director, his chief economist and the head of his National Economic Council were trooped out before the press to promise that all the numbers in the health-care reform were watertight. Since no reform on this scale has ever been undertaken, there is no way to test that. What is improbable is that the savings reaped in one area can simply be applied to another. Barry Bosworth from the Brookings Institution, once the director of Jimmy Carter's Council on Wage and Price Stability, says that if the savings come out as predicted, it will be "one of the great accidents in history."

Yet these savings (forecast to be $441 billion when $104 billion of new tobacco taxes are included) matter. For the Clinton plan mandates new subsidies and spending worth $350 billion. Some $80 billion is to be set aside for long-term care for the old; another $72 billion goes towards a new prescription-drug programme for Medicare. This is the price for buying off the pensioners' lobby. Despite that, Mr. Clinton does not dare bring Medicare into the regional alliances, as he proposes for Medicaid. This prevents the huge Medicare programme from acting as a useful lever upon the rest of the system: for instance, in using market clout to push drug prices down.

The biggest spending of all, however, goes on subsidies to the self-employed ($9 billion) and to small businesses and the working poor ($160 billion) who would be hurt by reforms. Bigger businesses will have to pay for the transfers, and even more if the predicted savings are not reaped. That is a huge economic distortion at the core of the reforms.

In essence, Mr. Clinton's health-care proposals pile a new but unstable superstructure on to an already rickety foundation. There are good parts to the structure. They include a push for a single claims form, and for greater information about the merits and performance of different health plans. More fundamentally, the proposals acknowledge the need for much of America's health care to be delivered through networks of providers with greater emphasis (as in Britian) on general practitioners rather than on specialists.

These good parts will now provide the basis for congressional haggling. Several members have proposed alternative plans. With the Clinton bill so dense that it will probably weigh in at around 1,000 pages, some of these alternatives might provide an easier starting point. That would be ironic, certainly; but the president wants health-care reform at almost any cost. Such haste no doubt has admirable motives. But it has precluded a national discussion about America's priorities in health care, and, notably, about where a finite amount of money and medical resources should be directed: in other words, a debate about who should live and who should die.

A CURE FOR HEALTH CARE

AMERICA'S HEALTH-CARE SYSTEM IS BROKE AND NEEDS FIXING. BILL CLINTON'S PLAN IS DANGEROUSLY FLAWED

The Clintons deserve praise for starting the surgery needed to mend America's health-care system. Since Truman failed to push national health insurance through Congress in 1949, successive presidents have tackled the issue timidly (Johnson, Nixon, Carter) or not at all (Reagan, Bush). Such nervousness is understandable. Health is a subject that alarms and excites; it resists rational analysis. Worthwhile reform will cost jobs. Dozens of congressional committees and hundreds of interest groups stand ready to tear any legislation to pieces.

Yet America's biggest public-policy mess of the past two decades cries out for wholesale reform. Mr. Clinton acknowledged this in a televised address to Congress on September 22nd (see page 31), and staked his political future on the outcome. That was admirably bold. Unfortunately, his planned reforms are not so admirable.

A SUITABLE CASE FOR TREATMENT

Mr. Clinton's starting-point, the result of those years of neglect, is a disgrace. America has a patchwork health-care system that leaves 37m Americans, a quarter of them children, with no health insurance at all. Yet the system so lacks discipline over costs that, despite this appalling failure, spending on health gobbles up 14% of the country's GDP each year. (Most other rich countries spend 7-9%—a figure that is steady, unlike America's, which is still increasing.) Health spending is the single biggest contributor to federal and state budget deficits. Businesses are squealing too: soaring health-care bills wreck their best efforts to stay competitive.

Mr. Clinton's aims are right. He wants universal access to a standard health-care plan. To make that affordable, he understands that costs must be controlled. He therefore wants to encourage "managed competition", in which groups of hospitals and doctors, including health-maintenance organisations, would compete for flat-rate, prepaid contracts. That would reverse the fee-for-service incentive of health-care providers to spend as much as they can. As buyers of care, Mr. Clinton proposes big regional health alliances, to which most employers would have to belong. This would harness consumers' purchasing strength against the providers. Mr. Clinton would ban insurers from selecting only low-risk individuals. While rightly rejecting detailed price controls, he also proposes a ceiling on health-care contribution rates.

To economic conservatives, this sounds horribly interventionist. But in the 30 years in which America, alone among rich countries, left health care mainly to the market, it saw costs and the number of uninsured mushroom. Much else may be uncertain, but that policy is a proven failure. The task now is not to usurp market forces altogether, but rather the opposite: to make them work more effectively, by arranging the incentives in ways that exert discipline over costs. That is what managed competition, done correctly, can achieve. It would make America's system, more like that of countries which are making national health insurance more competitive, such as Holland. It would not mean government ownership of providers and insurers, still less state control of doctors.

The defects in the Clinton model lie elsewhere. Though its details will remain murky until draft legislation reaches Congress in October, the plan already has three life-threatening flaws. They are there not because Mr. And Mrs. Clinton have been foolish, but because they are trying to avoid upsetting those cosseted Americans (insured, in effect, at others' expense) who believe that the present system works very well indeed.

The first flaw is that the plan requires employers to provide insurance for all their workers, and to pay at least 80 percent of the bills. Like any extra tax on labour, this threatens to destroy jobs, especially in small firms that have been unable to afford health coverage in the past (and which have been the source of most of America's recent new jobs). This might be mitigated, but would not be cured, by Mr. Clinton's proposed small-business subsidies. America's link between employment and health-care coverage has been bad for competitiveness and the mobility of workers. It should be abandoned. Mr. Clinton should make health insurance compulsory for individuals rather than companies, as in most other countries, even if in practice most people continue to buy it through their employers.

The second flaw is that the plan does too litle to control costs. At the heart of America's cost problem is its employer-paid, tax-exempt private insurance that finances inflationary fee-for-service medicine. None of this is touched directly. Employer-paid insurance will continue, as will the tax exemption for it (costing the government nearly $50 billion a year). To please doctors, every health alliance will offer fee-for-service plans alongside managed care, though those who choose fee-for-service will have to pay more. Even this has been watered down: the extra charge will be the difference not over the cost of managed-care plans but over the average of all health plans.

A wiser course would be to scrap the tax exemption immediately. That would reduce the incentive for people to buy insurance through employers and increase their incentive to opt for cheaper health plans.

It would also help with the third big flaw in the Clinton plan—its outrageously dishonest claims concerning the costs to taxpayers. Mr. Clinton would have Congress believe that his proposals will provide universal coverage, subsidies for small employers, generous new commitments to cover prescription drugs, long-term nursing and mental-health care plus a big chunk of deficit reduction with virtually no new taxes (bar a small rise in cigarette duties)—and all by 1997. He hopes to do all that by reaping enormous, but unspecified, savings in Medicare and Medicaid—savings that rely on an immediate slowing of health-care costs; and by assuming extra tax revenues from companies and individuals, on the ground that health-care reform will boost profits and pay.

Finance is often the Achilles heel of American public policy. Nowhere more so than in health care. In 1989 a sensible expansion of Medicare to cover catastrophic illness and drugs fell apart because its elderly beneficiaries balked at paying for it. Middle America now expects health reform, cost control and universal coverage without paying for it either in higher taxes or in reduced benefits. In the longer term, the combination of managed competition with controls on health insurance premiums should indeed mean that America spends less on health care than it does today. But in the next few years, the Clinton plan is more likely to raise spending than to cut it.

The danger does not stop there. Congress may make Mr. Clinton's financing assumptions an excuse to enact new entitlements without the pain of paying for them through taxes or genuine savings. If it does, the reform may well collapse half-way through. Hard to believe, but America could then end up with a health-care system even sicker than today's.

□ 1930

THE DEVIL WILL CERTAINLY BE IN THESE DETAILS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, a Washington Post story this morning reports that the House Ways and Means Subcommittee is possibly scheduled to vote on Thursday on implementing legislation for the North American Free-Trade Agreement [NAFTA].

This is very important information, Mr. Speaker, since the agreement itself cannot be altered and must be voted, without amendment, up or down. The only changes that can be possibly made will be in the committee-of-responsibility meetings over various sections of the NAFTA where the details of the enabling legislation will be worked out.

However, according to the Post, the Clinton administration's proposals for a worker retraining program, an environmental development fund, and a way to offset revenues lost from lowering the tariffs with Mexico are not drafted yet.

Now the exercise this week—the Trade Subcommittee of Ways and Means meeting with the White House to walk through the theory of these three sections of the agreement without any written proposals of how to do the funding, without the details to be discussed or hammered out—and the subcommittee planning to vote for this on Thursday is beyond belief.

How can this subcommittee sign off on such an important responsibility when this will be the one chance for the Congress to be heard before the final vote?

The history of these trade agreements has been of too much going on behind closed doors, made deliberately murky and difficult to understand to the point that I have had Members assure me that the dispute panels will have no power to change U.S. law.

I urge each one of you to get the history of the Canadian Free-Trade Agreement Dispute Panel behavior. Upon three occasions—since 1991—decisions of the International Trade Commission [ITC]—the leading U.S. trade court—have been overturned and over two-thirds of the challenges to U.S. law and regulations have been upheld. We have been losing big time. And I am assured, by some Members of this body, that the dispute panels do not "operate in the same manner as the courts which they replace." That quote is from the GAO report on the NAFTA.

The evidence is piling up with the Canadian Free-Trade Agreement—the model for the NAFTA and GATT dispute mechanisms. The dispute panels do indeed replace the courts of the United States in every area that can possibly be disputed as creating a threat to the free flow of goods and services across interstate borders, international boundaries.

Having, hopefully, signed off on this Canadian agreement with no awareness of the power being handed over, I am shocked that there is a consideration now of signing off on even a part of the NAFTA without having the details spelled out. Forewarned should be forearmed.

Additionally, this walk-through by the administration is going to be done behind closed doors. In like manner, the dispute panels meet behind closed doors.

I don't think these secret actions are going to fly with the American people, anymore. Nor do I think it will be sufficient—when the full impact of what we are doing becomes apparent—and pray to God that never happens—for a Member of the Congress to stand before his or her constituents and say, "Well, I didn't know, or I didn't realize."

Mr. Speaker, we still have time to read every line of these proposed documents. The committees-of-concern are meeting to discuss the details and they should have the details to go over. This historic body has that right, it has been given that responsibility and it should rise to the occasion. The American people expect no less of us.

U.S. GRAIN STANDARDS ACT AMENDMENTS OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, I rise today in support of H.R. 2689, Grain Standards Act Amendments of 1993. I commend Mr. JOHNSON and Chairman DE LA GARZA for creating this bill, it is a good bill and ask my colleagues to support it.

In preparation for reauthorizing FGIS, the committee held a hearing and several briefings to discuss its performance, responsibilities and authorities with the Administration and users of the agency's services. To me, the most striking discovery was that FGIS had reduced its staff levels from 975 in 1982 to 646 today.

Ironically, these cutbacks happened during a decade marked by dramatic growth in employment at the Department of Agriculture. The same growth we are now trying to eliminate through a USDA reorganization process in which I have been actively involved. Therefore, I commend FGIS for restraining its employment during a time when no other agency had that objective in mind.

The idea of cost cutting still remains a primary objective of FGIS because it heavily relies on user fees. To improve its fee income, FGIS must maintain services at a low cost. It has done so by cutting overhead and implementing good managerial practices. Also, unlike grain for export, grain inspection for internal destinations is completely voluntary. Therefore, FGIS strives to create low-cost services for internally-used grain to generate income.

During the debate on this bill, FGIS asked the committee for new authorities to allow it even more opportunities to cut costs and improve services. Also, users of the agency offered similar suggestions to ensure that FGIS had the means to cut overhead and improve services. The committee responded to these requests by placing a number of provisions in H.R. 2689.

The bill allows the Administrator to hire contractually grain inspectors; to inspect and test, for a fee, weighing equipment other than equipment used to weigh grain; and to test and inspect, for a fee, grain inspection instruments used for commercial inspection.

The bill as reported out of the subcommittee contained an amendment that I had offered. The amendment prohibited the addition of water to grain with a few exceptions. Unfortunately, because Members of the full committee were unaware that a problem existed, they struck this provision at the full committee level. Fortunately, because FGIS recently published a proposed regulation prohibiting the addition of water to grain, there is still hope that adding water will eventually be prohibited. Adding water to soybeans, wheat, or corn, thereby increasing their weight, translates into a half cent, a full cent, or several cents more per bushel. If a grain handler unknowingly pays for added water and it subsequently evaporates, then to recapture the initial cost of the grain, the handler is forced to add more water. Since grain normally changes hands four to five times, this could mean several applications of water before the grain reaches its final destination.

Adding water to grain deteriorates its quality, especially if the grain is subsequently stored in hot, humid places, such as ocean vessels used for exporting grain, or grain elevators. No doubt poor quality affects purchasers' buying decisions. Can U.S. producers, suffering from low exports and low prices, afford being labeled in the world market "a poor quality supplier?"

Several overseas buyers have contacted FGIS to inform it of their concerns about the grain quality problems water creates. Recently, the South African corn importing agency notified FGIS that, because of possible water-related quality problems, it will no longer purchase corn from United States export ports where water is added.

Over the past decade, technology and new management practices in grain elevators have greatly minimized the threat of dust explosions. In addition, other means of controlling dust, such as adding a vegetable oil mixture to grain, especially corn, controls dust better and for a longer period of time than water. In fact, according to FGIS, it takes much less oil than water to control dust and an operator will not have to keep applying oil as it must if it uses solely water.

According to FGIS, adding water to grain could actually increase the chances of dust explosions occurring. Wet grain often cakes enclosures around belts and buckets. This increases the static electricity in these enclosed areas, which can become an ignition source for a dust explosion.

Most major grain companies strongly support the prohibition of adding water to grain and they presently do not add water to grain. However, if the playing field is not leveled, meaning if the prohibition does not take affect, the companies presently not adding water may be forced to begin doing so to remain economically competitive.

I strongly supported my amendment and believe that FGIS should not be hindered in implementing its regulation because of the committee's inaction. I believe the committee's inaction simply was a result of it not knowing the facts—a situation I hope will be resolved once the committee or subcommittee holds a hearing. Again, I thank the chairman and Mr. JOHNSON for creating this bill and strongly urge my colleagues to vote for it.

IN HONOR OF THE LATE JACKSON BETTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STOKES] is recognized for 5 minutes.

Mr. STOKES. Mr. Speaker, I want to thank my colleague from Ohio, MICHAEL OXLEY, for reserving this special order today to pay tribute to a former member of the Ohio congressional delegation, the late Jackson E. Betts. His recent passing is a loss to our State and the Nation. As dean of the Ohio congressional delegation, I am pleased to join MIKE OXLEY and others today in recognizing his many contributions to the Congress and the State of Ohio.

Jackson Betts was elected to the House of Representatives in 1951 and represented the northern Ohio region until his retirement in 1972. Prior to his election to Congress, from 1937 until 1947, he served in the Ohio House of Representatives, where he chaired the judiciary committee. He was elected speaker of the Ohio House in 1945.

Mr. Speaker, during his tenure in the U.S. Congress, Jackson E. Betts was respected and admired by his colleagues. As a senior Republican, he became his party's second-ranking member on the powerful Ways and Means Committee. In the obituary which appeared recently in the New York Times, Jackson Betts is remembered for his successful efforts to change the questions posed by the U.S. Census Bureau while conducting its surveys. His fight eventually led Congress to eliminate the jail term for failing to answer census questions.

Mr. Speaker, as we gather on the floor today, we pay tribute to Jackson Betts, a dedicated human being and respected legislator. I join my colleagues in expressing my deepest sympathy to his wife, Martha Neeley Betts, his family, and many friends.

REGARDING INTRODUCTION OF RENT-TO-OWN LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, today I am introducing legislation to regulate the multi-billion-dollar nationwide rent-to-own industry. Under rent-to-own contracts, consumers can acquire goods such as televisions, VCR's, and refrigerators through weekly or monthly payments, but usually at exorbitant cost. For the luxury of purchasing these goods over time, a consumer often pays two or three times their cash price. While the industry does serve the short-term needs of such transient people as military personnel, it also takes advantage of the low-income consumer whose primary objective is to purchase the rent-to-own product. Through rent-to-own, a poor woman pays $1,200 for a $400 television set that a rich man can buy on credit for $450. The industry has said it is providing opportunities to consumers who otherwise have no means to own these goods. But at what price the opportunity?

On March 31, the Committee on Banking, Finance, and Urban Affairs held a hearing in order to answer this question. We heard from rent-to-own customers, State attorneys general, legal aid attorneys, and consumer groups that the cost is much too high. Rent-to-own customers often pay the equivalent of 200 to 300 percent interest on common consumer goods.

The rent-to-own operators point to the services they provide their customers in defense of their stores' high prices. Yet, industry documents reveal that customer service is a major source of complaints. The rent-to-own industry claims that the majority of its customers return goods rather than purchasing them. However, industry documents indicate that the majority of customers intend to purchase the goods at the time they enter into the contract. The incredible weekly or monthly payments that rent-to-own customers must make may, in the end, prevent many of these customers from actual ownership.

Most unfortunate is that rent-to-own is targeted at low income and minority consumers. It is not rare to find rent-to-own stores in the same neighborhoods that check cashers and pawn shops inhabit. It is the very individuals who can least afford to pay the premiums charged by these predatory industries who must often rely on them for goods and credit. The all too common abusive practices of the rent-to-own industry have prompted the Better Business Bureau to issue warnings to consumers about rent-to-own transactions.

Despite the national and growing presence of the rent-to-own industry, it remains unregulated by the Federal Government. The industry has deliberately fashioned its transactions in such a way as to evade such consumer protection laws as the Truth in Lending Act, the Consumer Leasing Act, the Fair Debt Collection Practices Act and the Magnuson-Moss Act. In the absence of controlling Federal law, rent-to-own operators have been battling in courtrooms and State legislatures around the country to ensure their status as lessors, not retailers. They have prevailed in a majority of States, thus guaranteeing that rent-to-own arrangements are free from State usury ceilings.

Yet, attempting to have it both ways, a rent-to-own company is now arguing in a Kansas tax court that it is in the sales business in order to avoid paying State taxes on rental property. Drawing a distinction between the rent-to-rent business and rent-to-own, this dealer claims that when a customer contracts with a rent-to-own company, both parties anticipate that the customer may—and probably will—end up owning the merchandise. In litigation, consumers have also claimed that these arrangements are really sales contracts masquerading as leases to avoid limits on usurious interest. Some courts have agreed.

One thing is clear. The industry cannot have it both ways. Rent-to-own operators cannot be lessors in order to evade State usury ceilings and Federal disclosure laws, and yet be sellers in order to escape State property taxes.

On September 22, 1993, the Wall Street Journal featured an article about Rent-a-Center, the largest operator of rent-to-own stores. That front page article, entitled, "Peddling Dreams, A Marketing Giant Uses Its Sales Prowess To Profit on Poverty," provides a remarkable detailed account of that company's outrageous collection and repossession practices, high pressured sales pitches and outlandish marketing techniques aimed at welfare recipients. Among other accounts, the article describes how a Rent-a-Center employee repossessed the refrigerator of a diabetic customer and proceeded to throw her insulin on the floor. The article describes how a Rent-a-Center customer was intimidated into performing involuntary labor when he pawned a rent-to-own necklace. The horror stories go on and on. I am submitting this article for the RECORD.

It is clear that Congress must determine what measures are necessary to best arm consumers against these unscrupulous business practices. After studying this industry, I have concluded that the most effective way to protect consumers is to subject rent-to-own transactions to the same treatment as credit sales or retail installment sales under State and Federal laws. The bill that I am introducing today does just that, thereby outlawing 300 percent interest rates and mandating disclosures of key contract terms.

Nonetheless, my bill recognizes the unique feature of rent-to-own contracts—the consumer's ability to unilaterally terminate the contract. This bill would permit a rent-to-own operator to charge a reasonable termination fee and in return provide the consumer with this unique right to terminate the contract without penalty.

This bill also recognizes that rent-to-own operators may provide services that some customers find attractive. Under the bill, rent-to-own operators would be permitted to offer such services, but they would be required to disclose those services up front and estimate their value. By requiring such disclosure, the consumer will be able to determine the true cost of renting the product.

In short, my bill will provide rent-to-own consumers with the myriad safeguards extended to consumers of credit sales—limits on interest and other fees, mandated disclosures, warranty protections and prohibitions against abusive collection practices.

The poor pay more—and in rent-to-own, suffer at the hands of a sophisticated business whose practices all too often look more like racketeering than anything else. The legislation I offer today would correct abuses such as those detailed in committee hearings, investigative reports, and numerous court challenges. This business flourishes in the dark recesses between laws that protect more affluent consumers. Clearly, it is time to close the fault lines that today enable rent-to-own operators perfect freedom to prey on those who have little or no choice but to submit to outrageous, unconscionable practices.

Peddling Dreams: A Marketing Giant Uses Its Sales Prowess To Profit on Poverty

(By Alix M. Freedman)

Recording stars Tina Turner, Frank Sinatra and the Beatles have made Thorn EMI PLC famous in entertainment circles. But a very different group of people is now making Thorn rich.

Though it doesn't advertise the fact, Thorn's most profitable subsidiary has nothing to do with the Superstars who record under its various music labels. Instead, the largest single contributor to Thorn's operating profit is its most obscure, and by far its least genteel, unit: Rent-A-Center, a chain that thrives by renting refrigerators, furniture, diamond pinkie rings and assorted other merchandise to America's urban and rural poor.

Since buying Rent-A-Center in 1987, London-based Thorn has expanded it briskly, using both acquisitions and aggressive marketing tactics introduced by the unit's top executive, a former Pizza Hut marketing whiz. Thorn now thoroughly dominates the industry, which is known as rent-to-own because renters who make every weekly payment, usually for 78 weeks, become owners. Rent-A-Center USA controls 25% of the $2.8 billion U.S. market; the chain has more outlets than its four biggest competitors combined.

HIGH-PRESSURE SALES

Along the way, through, its high-pressure methods have sometimes turned coercive and abusive, according to accounts by about 50 former store employees and company executives who have left within the past 18 months. Scrambling to meet ambitious sales targets set under Thorn, Rent-A-Center employees routinely encourage unsophisticated customers to rent more goods than they can afford, these people say. Then, when customers fall behind in payments. Rent-A-Center repossesses the goods and re-rents them.

Customers who manage to make every installment may end up paying several times the item's real value—at an effective annual interest rate, if the transaction is viewed as a credit sale, that can top 200%. In the Utah market, for example, Rent-A-Center customers pay a total of $1,003.56 over 18 months for a new Sanyo VCR with a suggested retail price of $289.98—for an effective annual interest rate of a breathtaking 231%.

While the rent-to-own business has always been gritty, Thorn has made it even tougher, many of those interviewed believe. Employees handling repossessions have been known to bring along members of a feared motorcycle gang as well as to vandalize customers' homes, extract sexual favors from strapped customers and even, in one instance, force a late payer to do involuntary labor.

Says Brian Baker, a former store manager in Cambridge, Md., "This is one of those jobs where if you have any kind of conscience you won't sleep well at night."

Now, a federal crackdown may be in the offing. House Banking Committee Chairman Henry Gonzalez, a Democrat from Texas, is expected next week to introduce a bill that would classify rent-to-own transactions as credit sales. Since some 30 states cap credit-sale interest rates at 21% or less, the bill would slash what Rent-A-Center and its rivals can charge. In addition, two class-action suits filed in Minnesota federal courts allege that Rent-A-Center charges usurious interest rates; one suit is pending and Rent-A-Center won the first round of the second suit, which has been appealed.

Rent-A-Center denies that its transactions are credit sales, because most customers don't end up buying the product and they can cancel at any time. Thus, it argues, it doesn't charge interest at all.

Rent-A-Center officials do concede that abuses occur and that the rent-to-own business has, in the past, been sleazier than most. But they say the company sees itself as part of the solution rather than as part of the problem. Rent-A-Center Chief Executive Walter E. "Bud" Gates points to his efforts to improve employee training, to spiff up stores and to enforce a "Respect All Customers" program that is trumpeted on wall posters in outlets. He says he is cracking down on dicey collection and repossession practices.

"The carnival industry was a down-and-dirty, nasty industry and along came Disney who rewrote the standard, and over time the whole industry came up," he says. "We're trying to do the same thing."

But former store manager Randy Richards, like many others interviewed, contends that the cleanup is in name only. "On paper, this company purified itself by introducing the new 'respect' concept," he says. But in reality, nothing changed." He says that in 1991—a full four years after Thorn took over—he himself picked an apartment lock with a credit card in order to retrieve a late payer's living-room furniture.

A number of former employees interviewed were fired, some for allegedly serious wrongdoing. But their accounts of working conditions and customer treatment at Rent-A-Center were remarkably uniform. Their accounts were also consistent with those of employees who quit and those of customers, even though the people interviewed came from many different parts of the country.

THE $5,000 VCR

For low-income customers, Rent-A-Center has tremendous appeal. The chain gives them immediate use of brand-name merchandise, and the weekly payments are usually less than $20. But while in theory customers can eventually own the goods outright, the company says three out of every four are unable to meet all their payments.

Their failure is partially responsible for Thorn's success. The company earns considerably more by renting, repossessing and then re-renting the same goods than it does if the first customer makes all the payments. Derrick Myers, who was fired as manager of the Rent-A-Center store in Victorville, Calif., recalls one particular Philco VCR, for example, that he says retailed for about $119—but that brought in more than $5,000 in a five-year period.

That means the most profitable customer are people like Minneapolis welfare mother Angela Adams, who says Rent-A-Center salespeople cajoled her into renting more than a dozen items as a monthly cost that reached about $325. Though the salespeople knew how little she earned, "they pushed it on me," she says. When she fell behind in her payments in late 1991, Rent-A-Center sued her and repossessed the goods, ranging from a bedroom set to two VCRs. Ms. Adams is now a named plaintiff in one of the two class-action suits, this one pending in Federal court in Minneapolis. Rent-A-Center declines comment.

"Even if a customer can't afford it and you know it and they know it, we'll rent to them any way," says Rod Comeaux, a former store manager from Onley, Va., who was fired a year ago for unrelated reasons. "We can always get it back" and re-rent it to others, he says.

Rent-A-Center's Mr. Gates denies that salespeople put excessive pressure on customers or intentionally overload them with goods. On average, customers rent 2.85 items a month, at a total monthly cost of $99.07, and they are able to cancel rentals at any time without a penalty, he points out. Store managers—who are required to obtain income and other financial information from customers—ideally should act as "financial planners" for customers, he says, adding that the "worst thing" employees can do is to rent to customers whose "eyes are bigger than their stomachs."

Rent-A-Center says its customer base is 25% to 30% black and 10% to 15% Hispanic, and just 15% are on welfare or government subsidies. But former store managers consistently maintain that the total on government assistance is more than 25%, with some claiming up to 70%. Indeed, they unanimously report that sales always spiked on "Mother's Day," as they call the day when welfare mothers get their checks.

How did Thorn come to enter such a harsh business? A predecessor company, Thorn Electronics, planted the seeds when it opened a rental store outside London in 1931 and then expanded the chain throughout Europe. Half a century later, after the 1979 merger that created Thorn EMI, the conglomerate was struggling with poor results from its hodgepodge of disparate businesses, and decided to try its luck in the rental market in the U.S.

To get a foot in the door, Sir Colin Southgate, Thorn's chief executive, contacted Goldman, Sachs & Co. in 1987. As it happened, Tom Devlin, the biggest player in the fragmented U.S. rent-to-own market, was looking for a buyer for Rent-A-Center, the 495-store chain he founded in 1973, and he too had approached Goldman Sachs. A deal was struck almost overnight, with Sir Colin paying a lavish $594 million, or 42 times earnings.

Mr. Devlin stepped aside and Mr. Gates—already at Rent-A-Center—became its new chief executive. He quickly began buying up small competitors. Rentals now account for almost a third of Thorn EMI's total revenue, while music—including Thorn's EMI, Chrysalis and Capitol labels—accounts for just a hair more.

A former senior vice president of marketing at Pizza Hut, Mr. Gates had migrated to Rent-A-Center in 1986, after failing to land the top job at the pizza chain. Despite his rookie status in rent-to-own, Mr. Gates had a marketing man's feel for demographics, psychographics and New Age notions of customer empowerment. Inspired by some company research indicating that his renters craved good treatment even more than low prices, he began to merchandise respect.

Defying industry wisdom that poor customers would be intimidated by snazzy stores, for example, Mr. Gates has spent $40 million to make each Rent-A-Center outlet seem an idealized version of home and hearth. "Happy family" lifestyle posters (in a store's choice of black, Hispanic or Caucasian) adorn the outlets' walls. Prop kits dispatched from the home office in Wichita, Kan., provide cozy touches like plants and print bedspreads.

Employees under Mr. Gates are required to greet customers, preferably by name, within 10 seconds of their entrance and to conduct payment disputes out of earshot of other renters. Stores are also encouraged to keep fresh coffee brewing. "The customer should feel like this is home, a place where I feel comfortable and that cares about me," he explains.

THE HARD SELL

Those soft touches are coupled with hard-core salesmanship. According to a thick training manual, salespeople are supposed to quote the weekly and monthly rental rates. The manual doesn't instruct employees to quote the total cost, and former store managers say they made sure they never did. In fact, in 40 stores, the total isn't even on the price tag. (Ten states require that it be listed on price tags, a rule Rent-A-Center says it will honor in all 50 states by next month.) Instead, the manual instructs employees to focus on "features and benefits," such as Rent-A-Center's free delivery and repair, and most of all, the low weekly price.

But the advertised weekly price is designed to yield each store about 3½ times its cost of purchasing the merchandise from Rent-A-Center headquarters. The total is jacked up further by a one-time processing fee (typically $7.50) and late fees (typically $5). The total price is usually revealed only in the rental agreement that customers sign at the end of the sales process, former store managers say.

To boost Rent-A-Center's profits, employees also push a "customer protection" plan that offers minimal benefits but that 95% of customers end up subscribing to. "It's better than insurance," saleswoman Laura Daupin of the Bloomfield, N.J., store was overheard telling an unemployed welfare mother recently. Yet unlike insurance, it doesn't replace stolen or destroyed items, or reimburse customers for their loss. It offers customers basically one benefit: It prevents Rent-A-Center from suing customers if goods are stolen or destroyed.

For Rent-A-Center, however, the benefit is considerably larger: The protection plan is a $39 million annual revenue booster, much of which drops to the bottom line, as does most of the $27 million racked up from the other fees, according to internal company financial documents.

For Rent-A-Center has long justified its high prices by citing customer defaults and the costs associated with its free repairs. But part of Rent-A-Center's secret of success is that those costs are minimal. Internal documents show its service expenses ran 3.3% of rental revenue in fiscal 1993, though Rent-A-Center says the actual figure is closer to 10%. And its total inventory losses—from junked merchandise and "skips and stolens" (as in customers who skip town)—run a bit over 2% of revenue.

Indeed, says Granville Quinton, Rent-A-Center's former director of budgets, forecasts and financial systems, "they have no higher skip or stolen rate than a conventional retailer." Rent-A-Center concedes that this is "technically true," but says the low rate is "misleading" because each lost item means the far greater loss of future rental income.

In part to beef up sales further, Rent-A-Center urges customers to pay their rental fees in person each week. That gives employees a chance, according to the training manual, to pitch added products. Employers are also supposed to try to "upsell," or trade up, renters to more expensive versions of the same product.

In some markets, employees are expected to hang fliers on hundreds of housing-project doors each week, in a drill known as blanket brochuring. "You would brochure the projects one week before the [welfare] checks came out so you already had that seed planted in their mind," recalls Gerald Deflore, who was fired as the store manager in Spartanburg, S.C. "Then the day the checks came out, you'd go back and knock on doors and fill out the work forms there. Corporate was in on it, the stores were in on it. These people didn't stand a chance." (Rent-A-Center says that blanket brochuring is optional and that targeting a project would be "logical" if it was in a store's territory.)

Complementing those tactics are an array of less savory techniques not sanctioned from above. Mr. Deflore says he scanned the obituary page, for instance, and sent cheap flower arrangements signed "from your friends at Rent-A-Center" to the bereaved. "At a funeral, everybody looks at who the flowers are from," he explains, "and when they drop by the store to thank you, you can hook them."

Rent-A-Center's Wichita headquarters staff backs up those efforts with an $18.5 million direct-mail program so sophisticated that it can tailor brochures to a single block. Much of the blitz focuses on new prospects, primarily the six references that customers must list on an application form. (Former employees say they typically called only two references, using the rest simply for marketing purposes.) A sample letter opens like this: "Wouldn't you rather watch a big screen TV than the one you have now?"

Other targets include former customers who had failed to make all their payments; even those who have had goods forcibly repossessed receive coupons blaring in bold type, "We Want You Back." Additional letters and coupons are aimed at customers who are on the verge of paying off a product they have been renting. Some get plastic gold cards, which look like credit cards and encourage additional rentals with perks like $1 to $2 off weekly rental charges.

If Rent-A-Center salespeople are unusually aggressive, they have good reason: Their jobs depend on it. Mr. Gates has honed a tough sales-quota system known internally simply as "the plan," which calls for every store to meet weekly and monthly targets that rivals say are far more ambitious than their own. The stores' results are monitored daily by zone managers, in charge of roughly 10 stores each.

As with many other companies that use sales targets, if Rent-A-Center managers and employees exceed their quotas, they are eligible for cars, promotions and bonuses. But at Rent-A-Center, if they fail to "make plan," they are fired with extraordinary speed. In Utah's six-outlet market of 28 employees, for example, more than a dozen people were fired, including seven store managers, during the 18 months ended in July, according to two of the former managers. They say falling short of plan was the major reason, though Rent-A-Center says there were numerous factors and that some departures were voluntary.

"Rent-A-Center's employee philosophy is burn and turn," contends former Las Vegas store manager Mr. Richards, who says he quit in May 1992 because his zone manager insisted he work 80 to 100 hours a week, something the zone manager denies. "It's bring them in and work them until they can't take it any more and send them on their way," Mr. Richards says.

Mr. Gates acknowledges that the company's "total turnover should be less than half" its current annual level of 56% company wide (excluding headquarters) and 25% at the store-manager level. The company is now working to retain its people by beefing up its training programs and by evaluating employees based on customer service and other factors rather than simply on numbers, he says.

In any case, Rent-A-Center's sales and marketing strategies have produced a huge payoff. For the fiscal year ended March 31, 1993, the 1,200 store unit racked up operating profit of about $90 million on revenue of $560.3 million—a 16% margin that is eye-popping by retail standards. For the first time, Rent-A-Center was also Thorn's single most profitable subsidiary, contributing 14% of Thorn EMI's operating profit. Where store-level profit margins average 15% to 20% when smaller operators run such stores, Thorn's outlets show profit margins of 20% to 30%. Conventional retailers' store profit margins run at about 2.5%, according to Management Horizons Inc.

No wonder Sir Colin recently told a Las Vegas meeting of store managers that their unit was "the closest company to my heart in Thorn EMI" and that "most businessmen would give an arm, a leg and probably half their body for its performance."

Thorn executives say there is nothing insidious about Rent-A-Center's strategy of courting customers who are of limited means, and of treating them well. Customers receive "fantastic" service, says Sir Colin, who professes to be "always puzzled" why the rent-to-own industry is "badly regarded." Rent-A-Center, he adds, "treats them like kings and queens."

Customers like Carol Baker, a waitress at a resort hotel in Bolton Landing, N.Y., are appreciative. "The prices could be cheaper," says Ms. Baker, whose home is almost completely furnished by Rent-A-Center, "but they treat me like I'm a somebody.

Former employees and other customers see things differently. "The Rent-A-Center philosophy," says Mr. Comeaux, the former store manager in Virginia, "is that if you treat the customer like they're royalty, you can bleed them through the nose.

REPO MAN

In the end, it isn't unusual for flattered customers to sign up for three or more rental agreements at a time. And some rent far more. For instance, Robert Ball, an unemployed Hunt-Wesson factory worker in Toledo, Ohio, says he is currently handing over all of his unemployment checks to pay for 13 different agreements totaling almost $900 a month.

Inevitably, some customers take on more than they can handle. So it is that behind every Rent-A-Center salesman lurks his doppelganger: Repo man.

Repossessions are never pretty, and the pre-Thorn era was no exception. But because of the ambitious targets, people who have worked under both regimes say, employees now push harder than ever. Customers typically make their payments every Saturday and, throughout the morning, store employees work the phones exacting promises from the tardy. In these conversations, former customers say, they have been harassed, intimidated and even threatened with violence. Robert Keeling, a former manager in Gasden, Ala., who was fired in March in part for carrying a gun, says that a favorite ploy is falsely informing customers or their relatives that a warrant for arrest has been issued for the theft of rental property.

The telephonic onslaught resumes on Monday mornings, when 30% of customers are generally past due. If employees haven't reached a customer by Tuesday, they hit the road. Although it is against company rules, they often make a "milk run"—picking up payments from customers personally. Or they leave a message on the door, instructing the customer to contact them. This process is repeated all week long. If they still don't get results, it's repo time.

In the company's vans, employees comb neighborhoods looking for slightly past-due customers and the more elusive "skips." In theory, Rent-A-Center employees hew to the Fair Debt Collection Practices Act, a federal law that doesn't apply to Rent-A-Center (it covers only third-party debt collectors), but that Rent-A-Center says it voluntarily complies with. Under these rules, debt collectors can't harass customers, for example, or engage in violent or criminal acts.

Mr. Gates cites such measures as proof that he is doing his utmost to make Rent-A-Center's collection operation squeaky-clean. The CEO says his quest to transform Rent-A-Center's "profit-driven, entrepreneurial culture into a service-driven, entrepreneurial culture" is "the hardest thing I have ever done. . . . I haven't gotten everyone drinking the Kool-Aid yet."

But former employees contend that Mr. Gates' strict enforcement of payment collections has in some cases actually stymied reform. Before Thorn, Rent-A-Center focused solely on the number of accounts past due, not the amount of "delinquent dollars"—or uncollected revenue. Early on, Mr. Gates decreed that only 5.7% (and currently 5.5%) of a store's total monthly rental payments can go uncollected—and zone managers have tended to set even more ambitious goals. In contrast, smaller rent-to-own businesses generally leave 8% to 10% of bills uncollected each month.

Failure to control delinquent debts "will be your downfall, so you do as much as you conscience permits," says Gary Schiefer, a former store manager in Columbus, Ohio, who was abruptly fired in May 1992 when his delinquent dollars topped 9%. (His former zone manager says he was fired for other reasons.) Mr. Baker, the former store manager in Maryland, characterizes repossessions as "the dirtiest part of the whole business."

It is unquestionably the most creative. On Halloween night in 1991, three Rent-A-Center employees in Utica, N.Y., dressed up, respectively, as the Cookie Monster, a gorilla and an alien life form and knocked on a customer's door. Once inside, they successfully repossessed a home-entertainment system on which payments hadn't been made in almost three months. Gary Gerhardt, the store manager who blessed this plan, calls the ruse "a last-ditch effort," adding, "it was the only way we could think to get someone in the door."

At the crack of dawn one Sunday, Mr. Myers, the store manager in Victorville, Calif., until March 1992, pulled off a particularly tough repossession by enlisting three burly Hell's Angels. He adds that in other instances he vented his spleen on delinquent customers who wouldn't come to the door by slathering superglue all over their deadbolts and doorknob. (Messrs. Gerhardt and Myers both were fired, but over unrelated matters.)

The grueling routine grates on some Rent-A-Center employees. Mr. Baker, the former Maryland store manager, quite in disgust in 1991 after one of his employees repossessed a refrigerator from a welfare mother with an infant, plunking her meat and milk on the kitchen table.

Yet abuses continue. Anthony Chapman, a Tyson Foods worker in Gasden, Ala., says that when he fell behind paying for a gold herringbone necklace, Rent-A-Center employee John Horton repeatedly showed up on his doorstep, brandishing two guns. The harassment climaxed, Mr. Chapman maintains, after he confessed that he had pawned the necklace. Mr. Horton promptly took Mr. Chapman's company-issue thermal uniform and a gold ring, forced him to the back of his van, and left him there during Mr. Horton's leisurely lunch break, Mr. Chapman says. He says he was then presented, in tears to Mr. Keeling, the Rent-A-Center store manager at the time.

On several occasions after that, Mr. Chapman says, Mr. Horton ordered him to ride in the back of his van to deliver heavy items to customers. Feeling he had "done wrong and didn't want to make a fuss," Mr. Chapman complied. The intimidation stopped after Mr. Chapman managed to pay up, he says, adding: "This was the worst thing that ever happened to me in my life, period." One postscript: His gold ring, he says, was never returned.

Mr. Horton, who was fired from Rent-A-Center in July for unrelated reasons, declines comment. Mr. Keeling, the former store manager, confirms the account and says such harrowing scenarios are commonplace. Around Christmas in 1990, he says, he carted away the refrigerator of a diabetic customer after dumping her insulin on the floor.

"COUCH PAYMENTS"

Yet another tactic in Rent-A-Center's repo repertoire is the "couch payment"—sexual favors exacted by employees in lieu of cash. Of 28 former store managers interviewed, six said the practice had occurred in their areas.

Some store employees have boasted that they "have gone out to the customers' homes, had sex with them, and then repo-ed the merchandise anyway," says Ken Dube, who spent time at a number of outlets as a field auditor. He later became an accountant at headquarters until he was fired in December for reasons Rent-A-Center declines to divulge.

Mr. Gates acknowledges that abuses such as couch payments occurred in the past and "are probably going on today." There are simply "more control problems" in a business where much of the activity takes place out of the store, he says. But the company stresses that such abuses are "few and far between" and not "in any way condoned by Rent-A-Center."

Rent-A-Center says it is doing its best to clean up remaining problems. It set up a customer hot line that in July receive some 2,300 calls, of which only 300 were complaints, the company says. In a given month, 99% of these complaints are resolved in the customer's favor, according to company officials. Some late payers say they have been allowed to skip payments. Rent-A-Center also sometimes rewrites rental agreements. stretching out the payment term to stave off a repossession.

But Rent-A-Center employees are sometimes willing to take the risk of getting caught, since the stakes are so high. In May at the annual meeting held at Bally's in Las Vegas, scores of managers clambered on stage to collect bonus checks at a festive final gala. As the champagne flowed, the store manager of the year was awarded a year's use of a new red Corvette, a trip to the Ritz Carlton in Maui and bonus of $24,200. Rent-A-Center estimates that the average store manager currently earns a salary of $30,000, and more than 80% received bonuses last year.

As for Rent-A-Center's future, chances are it won't be quite so freewheeling. Aside from the lawsuits and the House bill, the Senate is drafting legislation. The Internal Revenue Service is also examining the rent-to-own industry. And Pennsylvania's attorney general has concluded that Rent-A-Center is violating a state law capping annual interest rates at 18%; it is asking the firm to give refunds. The state also is examining reports that Rent-A-Center engages in illegal collection practices, including threatening to break into late payers' homes.

Despite the proliferating challenges, Mr. Gates remains optimistic. He is hard at work on his latest pet project, "Rent-A-Center 2000." This store of the future, being tested in Kansas City, Kan., features a play area for children, a "wall of fame" with photos of star customers and a "troubled times" program that enables renters to skip or defer payments temporarily.

Rent-A-Center is also branching out into new rental areas. One of its most successful has been jewelry; Rent-A-Center is now among the largest customers of Harry Winston Inc., the famed jeweler to such clients as Imelda Marcos and the late Duchess of Windsor, which supplies lower-end baubles to the chain.

It its new ventures, Rent-A-Center will surely be able to count on its current customers, a loyal lot: Most feel they can't get quality goods any other way.

Nancy Thornley, an Ogden, Utah, housewife, for example, was diligently handing over about $261 a month in rental payments to Rent-A-Center in 1991 when she lost a leg to diabetes. Faced with a $1,000 bill for a prosthetic limb, she arranged to defer part of her rental tab, she says. But shortly after she returned home from the hospital, she was shocked when two store employees showed up without notice on a Saturday afternoon, accused her of being three months behind in payments and carted away all the goods, primarily basics such as a refrigerator and a couch.

"It was a total humiliation," she says. "All my neighbors were watching."

A year later, though, Ms. Thornley was back, having been inundated by Rent-A-Center letters and "We Want You Back" coupons. She was reluctant to return, she says. But "I needed the item," a microwave oven, and could not afford to buy it. Says Ms. Thornley: "I felt like there was nowhere else to go."

PITCHING BY THE SCRIPT—EXCERPTS FROM RENT-A-CENTER'S SALES AND SERVICE MANUAL DATED FEBRUARY 1993

Closing: Closing is helping the customer to make up his/her mind. Many customers will be prepared to rent immediately after looking at merchandise. Attempt to close early in the sales track if you sense the customer wants to rent. Make at least 5 attempts to close with every customer. Closing methods include:

Payment Close. "Will you be paying monthly, or is weekly more convenient?"

Assumptive Close. "Let's get the order started."

Delivery Close. "You can have that delivered by 4:00 p.m. today, or will 5:00 be more convenient?"

Choice Close. "This comes in beige or brown. which would you prefer?"

Last Chance Close. "The sale ends tomorrow and I can't guarantee there will be any left if you wait. * * * Shall we start the order?"

Summary Close. "Well * * * you agree it's an excellent price, you like the fabric, and we can deliver by 3:00 p.m. today. Do you want to fill out an order?"

Upselling: While using the sales track, be aware of and take opportunities to upsell the customer. Upselling means becoming aware of a customer need and satisfying it. Many times, a customer might not even be aware of his/her own needs. Opportunities to upsell include: 7 piece suites instead of 5 piece furniture suites; an electronic tune TV instead of a standard tune; a remote control TV instead of one with standard or electronic tuning only; a higher wattage stereo; a larger capacity refrigerator, freezer, or washer/dryer.

Whenever attempting to upsell, explain to the customer why the upscale merchandise is a better value and how it will satisfy their needs.

TRIBUTE TO FORMER PRESIDENT GEORGE BUSH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. HYDE] is recognized for 5 minutes.

Mr. HYDE. Mr. Speaker, we are here on this special order to honor former President George Bush, and there are several Members present that I would like to recognize.

First, Mr. Speaker, I yield to the gentleman from California [Mr. DORNAN] because he told me he had to go accept a sword somewhere.

Mr. DORNAN. I need another sword, I say to the gentleman from Illinois, like I need more red hair.

Come to think of it, Mr. Speaker, I could use more red hair.

Mr. HYDE. I did not want to ask the gentleman where the sword was going to be placed.

Mr. DORNAN. It is from Toledo, Spain, the American Society for the

Preservation of Tradition, Family and Property. It is over at the Mayflower Hotel, but they can wait for this moment and this special order that the gentleman has taken out tonight for a truly wonderful American who has been, not only a great example to his own family, I think, but to all people in public service.

I say to the gentleman, "Mr. HYDE, I'm going to leave to you to discuss the career of your fellow Navy World War II veteran, George Bush, and his outstanding Naval career that began on his 18th birthday when his father drove him to a recruiting station, and he signed up in the tradition of everybody in his family, more than noblesse oblige, but the burning desire to serve and to be part of history. I'm going to leave to you what you said to me when I asked you what's the main thing that you think of when you think of George Bush, and you said to me, 'character.' I'm going to leave that to you because that's certainly a fact."

I just want to announce a special order way ahead of time. I am going to do an hour that I hope my colleagues will join me for on George Bush on his 70th birthday next June 12, God willing that we are here.

But what I would like to talk about briefly tonight is friendship.

□ 1940

In the 12 years that we all got to know George Bush, the man and the public servant, serving as Ronald Reagan's Vice President, and then 4 years as the great leader of this Nation, I never once saw this distinguished American where he was not upbeat, in a good mood, and thinking about ways to help people.

I think you can learn an awful lot about a man or a woman by observing their children. You can certainly observe a lot about Barbara Bush and the kind of wife and mother she has been by looking at their lovely, smart daughter, Dorothy, and those four stalwart sons, who I think we are going to hear a lot from in the politics of this country.

But you can also learn a lot about a father, and about a grandfather, from the clan that he has built around him.

George Bush is, to me, the very essence of the word "friend" and the word "friendship." I have never known in my life, and probably never will know in my life, anybody who can never let a moment go by, if someone did him a kindness or said something to him that he thought was beneficial to this country, where he would not sign, handwrite a note. This involved hours and hours out of every month of his life to thank people for their friendship, to reward people with a personal little note if they were doing something good for their fellow man or for their country.

I think as the years go by, in the next few coming years, I want to say very positively here, we will come as American citizens with each passing day to more and more and more appreciate not only what a fine man George Bush is, that is a given, but what a great President he was.

I would only hope that a World War II veteran like yourself, HENRY, will find time, with your Illinois primaries behind you, to go to the Normandy beaches on June 6 of next year for the 50th anniversary, and that whoever else goes in delegations from the U.S. Government, I would hope that George Bush would find time to go there with a few friends. Because it was in 1944, as one of the youngest aviators in the Navy, that he first entered combat and began his 58 missions and very close brushes with death.

I hope that Americans who did not get to know George Bush personally will observe over the coming years, because I think he is going to be around a long, long time, that they will observe the great dignity with which he will conduct himself and has already conducted himself as a former President. And that as time goes by, they will come to appreciate that it is awfully hard for someone who has spent his life in service and his life respecting the truth, and who put together such an amazing coalition of nations, 28 of them, in Desert Storm, to liberate a small country that had been run over by a thug, Saddam Hussein, that people will come to reevaluate a fine presidency that was shredded during the election campaign last year.

I think that history is not going to be, as some of the newspaper folks say, kind to George Bush. No, it is not that soft. History is going to be excellent to George Bush. And when they look at year after year of his presidency, 1989, you think of that year, you think of the Berlin Wall coming down. 1990, you think of Russian citizens voting for freedom. Going into a ballot box and voting for Yeltsin. And, by sheer coincidence, that took place on his birthday, June 12th. It was Christmas when the bloody hammer and sickle flag came down over the Kremlin and that beautiful light blue, white, and red banner of Russia, the State of Russia, went up.

So many great things happened so fast that it was the very gentlemanness of the man, of George Bush, that kept him from actually celebrating with his fellow citizens the collapse of what John F. Kennedy had called a long twilight struggle, this evil of communism, that killed more human beings than Hitler ever could have murdered in his 12 years, this nightmare ended. And it was the decency of George Bush to not celebrate, but to do what he could to try and help further the process, rather than cause any more consternation in the agony of a nation that had thrown off three quarters of a century of the yoke of tyranny.

So, HENRY, I am so pleased you have taken out this special order. Go for it. Try to let that 1 million audience that is out there, with cameras panning this House, stupidly, as though no one is listening, there are a million, a million and a quarter people out there who want to hear good things about this great American.

I apologize for not being able to spend more time with you. Join me on his 70th birthday next June 12. I am going to look it up. I hope it is a workday.

Mr. HYDE. I certainly want to thank the gentleman from California [Mr. DORNAN], who was a very early and enthusiastic supporter of George Bush.

I now am very pleased to recognize the gentleman from the great State of Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, I thank the gentleman for yielding.

I am very glad to have a chance to join with our colleagues in paying tribute, a much deserved one, to our President.

I want to especially thank you, HENRY, for taking this time for this special order so a number of us could speak about a man's extraordinary career and his public service.

I was a little nonplussed to really determine in my mind which George Bush to praise here or which career to reflect upon. Our colleague from California [Mr. DORNAN] so eloquently touched on the personal friendship, I guess a tribute that all of us here in the House hold so dear.

I thought about George Bush, the Navy veteran; George Bush, the Congressman; George Bush, the national chairman of the Republican Party during very, very difficult times. I have a special affinity in regard to that position, because my father was national chairman of the Republican Party. I thought about George Bush when he was the Director of the CIA; about George Bush, who was a representative to the People's Republic of China; when he was Ambassador to the United Nations; when he was Vice President; or when he was President. A personal friend, say, to maybe Helen Sewell, who is a lady who is in the Republican cloakroom. When we would have a Republican conference and there would be many leaders of the Republican Party anxious to tell the President their No. 1 issue of the day or to give him some advice, he was right over there talking to Helen, who is a personal friend, and taking time to do that. He never forgot all of his friends, and, more especially, all the employees of the House. So that really tells you a lot about the man.

But I think we are far enough removed from the controversies of the past to see things in perspective, and yet maybe close enough in time to recall very vividly the personal accomplishments that are his real legacy.

Mr. Speaker, I have some comments here by our leader, the Honorable BOB

MICHEL. There is just an excerpt that I would like to read. BOB will be saying this later when we revise and extend our comments and when we continue, which I think is an excellent idea that was raised by our colleague from California, on the President's 70th birthday as of next June.

BOB MICHEL has said this:

> I believe history will record that George Bush ably, even at times heroically, led our Nation during a time of great unprecedented transition from one age to another, one of the most difficult periods for leadership in our history. In such a time when so many ideas and events are undergoing rapid change, a leader cannot bring to bear the sharply focused power of his abilities on just one big problem.
>
> Now, there have been more critical times in our history and more desperate times, perhaps. But, to my knowledge, there never has been a time in which suddenly the certainties of decades, even generations, really crumbled before our very eyes. And, if you think about it, we are talking about the Berlin Wall, Soviet communism died, Eastern Europe emerged from the communist dark ages. The economy, and we are talking about the global economy, underwent various convulsions. Great moral upheavals were taking place in our country and around the world. Incredibly, savage ethnic conflicts flared up. A dictator tried to capture the energy sources of the free world, upon which we all depend. And, ironically, the very benefit of the Cold War's end resulted in new problems by eliminating many of the military bases and the jobs we have in this country.

☐ 1950

Each administration has its mixture of successes and failures, and I would guess that the Bush Presidency is no exception to this ironclad rule. But one fact is inescapable. Today Saddam Hussein does not control the oil of Saudi Arabia and Kuwait. He does not stand like a Mideast colossus rallying to his victorious cause the enemies of Western democracy all over the world. And the reason he is not in that position is that George Bush formed and led a world coalition against his attempts to impose one-man rule on the Middle East and to impose a real economic stranglehold on the industrial democracies—not only democracies, but the farmers and ranchers in my district, the citizens of your district and the constituents of everybody's district who has the privilege to serve in the House.

Make no mistake about it, if President Bush had not done this, the Israeli-PLO agreement never would have happened. Israel would now be facing, grave, grave danger. And we might be faced with a war whose nature would be far different than that of Desert Storm. And in our own domestic agenda, we would not be taking on issues like health care, if the entire attention of the Nation and world was still riveted upon what a totalitarian dictator simply would do next.

President Bush's very historic initiative did more than liberate Kuwait. It liberated our Nation and the world from a problem that would have dominated the international politics for a long time to come and, perhaps, in the long view of history, that really inescapable fact which we take so much for granted, as if it had been really inevitable, will be seen for what it is. It was the result of a great leader's magnificent, bold and daring leadership in a time of crisis.

I personally can remember during those times watching on television as every American and going to many of the briefings that we had here in the Congress and watching our President and Jim Baker and Colin Powell and Dick Cheney. What a magnificent team, plus all of our military.

Such leadership does not just happen. It cannot be artificially generated. It cannot be learned from books. It has to be the product of a lifetime's exercise of character and courage. There is no other way.

I hope we never forget that. And if we do not we will certainly remember the legacy of a great man and a great President and a personal friend.

Mr. Speaker, I thank the gentleman from Illinois for yielding to me and for my participation.

Mr. HYDE. Mr. Speaker, I thank the gentleman for a very fine presentation.

Mr. Speaker, it is now a pleasure and an honor to yield to the distinguished whip of the Republican Party, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I thank the gentleman from Illinois for yielding to me.

I thank him for taking the time tonight to give us our first opportunity to look back with a little more perspective on the Presidency of George Bush and on the public service of President Bush.

This is a man who first began serving his country at 19, when he was the youngest carrier pilot in the U.S. Navy in World War II, a man who I first encountered as a college professor watching him on television in the early 1970's when he was the U.N. Ambassador of his country. And then in 1974, when I first ran for Congress. I met him when he was the Republican National Committee chairman, crisscrossing the country trying to help candidates out there trying to represent our values and our beliefs.

As whip, I had the privilege and honor of working with him for over 3½ years in a leadership position. I would simply say that as historians look back on the Bush Presidency, there are three or four things that are going to stand out.

First of all, the transition from the Soviet Empire to the post-Soviet period, the beginning of freedom across Eastern Europe and across the former Soviet States which is a transition which I think people will look at as an extraordinary marvel of diplomacy.

Thirty or forty years from now, when the memoirs have been written, when the secret files are opened, I think people will be astonished at the numerous opportunities for civil war, for the danger of nuclear confrontation, for the danger of genuinely bloody repression again and again and again with the President's leadership and help and with the team he assembled, including Colin Powell, Dick Cheney, and Jim Baker and Brent Scowcroft and Larry Eagleburger, an entire team on foreign policy.

Historians will look back and see that there were literally dozens of occasions where the Bush foreign policy assisted the transition to freedom in a way which minimized human bloodshed and which maximized human freedom. I think that transition will be seen as an extraordinary account of global statesmanship in a manner which ranks, I think, among the best of the 20th century.

Second, the assembly of the 28-nation alliance to protect the rights of the country of Kuwait to survive, to protect the world's oil supply and to contain the aggression and defeat the aggression of Saddam Hussein, bringing together countries as diverse as Syria, Morocco, Saudi Arabia, France, the United States, Britain, all into one coalition, fielding an army that has to be, I guess, the most diverse in history in terms of its various backgrounds, and then working through the United Nations, working with the People's Republic of China and the rapidly changing Soviet State to guarantee that we could, in fact, move with the United Nations' approval in a way that I think 2 or 3 years earlier would have been seen as just impossible, inconceivable. And finally, working with the American people to ensure that the U.S. Congress voted its approval so that at the decisive moment, the President of the United States had arranged world opinion through the United Nations, had arranged a genuine diplomatic alliance and had arranged for the American people, through their elected representatives, to approve what turned out to be a masterful campaign in Desert Storm, one of the most decisive and one-sided military victories in history.

At each of these steps, I think President Bush showed an ability to manage and lead not just his own country but to manage and lead most of the organized world in a way which will truly be seen as remarkable.

Finally, let me say, I think as historians begin to read about the 1992 campaign for new perspectives, I am particularly struck by Larry Sabato's new book, which outlines in some detail what he describes as the war of the news media against the Bush administration, in which he says that the various networks were so totally one-sided that it could have been described as the

National Broadcasting for Clinton, the Clinton Broadcasting System, and the American Broadcasters for Clinton. And Sabato's analysis in item after item after item of the level of one-sided, negative publicity masquerading as news. I think people will look back and see the entire history of the 1992 campaign in a very different light as that kind of information becomes available.

Finally, let me say, after a lifetime of public service, a lifetime of genuinely risking his life, risking his good name, taking a time out that he did not need to, pursuing an office that he did not need in terms of family standing or personal fortune, I think for those of us who have known George and Barbara Bush personally, the thing that is most stunning is the genuine decency, the genuine civility, and the genuine commitment to patriotism of this couple.

I know of no couple I have ever had the opportunity and the privilege to be engaged with at a personal level who are as decent and as kind and as thoughtful, given the total scale of their activity.

As recently as 8 days ago, when Mary Anne and I had a chance to be with President Bush in the process of the Israeli-PLO signing and to realize that it was his courage, it was his determination, it was his willingness, frankly, to risk reelection and to recognize that he was losing some support in some key States in the country. He was losing some potential support for his campaign, but he believed so deeply in the process he was following to attempt to create an opportunity for a genuine peace settlement in the Middle East that he was prepared to stake his reputation in history on doing the right thing, even if it increased the risk of not getting reelected.

I think that night at the White House he had to have some satisfaction in knowing that when history looks back on his contributions to the rise of civilization across the planet that he will have been a very major definer and a very major manager of the process of beginning to bring together the democratic states in a way which has never before been seen.

I think all of us can say of him that he is a man of whom much has been expected, much has been given, and I think in the coming decade we will see even more contributions, as he continues to remain active as an important citizen of his country and as he and Barbara give to their country as I think they have to because it is who they are. As patriots, they could not walk away, because they truly love America. And they will want to serve in many ways.

I thank my good friend for giving us this time.

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Mr. HYDE. Mr. Speaker, I thank the gentleman from Georgia for a moving presentation.

Mr. Speaker, it is a pleasure to yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Illinois [Mr. HYDE] for arranging this special order and for giving us an opportunity to pay tribute to an outstanding figure in American history, George Bush. I welcome this opportunity to take part in this special order.

Mr. Speaker, George Bush served only 4 years as President, but the historians of future decades will look back on those 4 Bush Presidential years as among the most pivotal in the history of our Nation and of the world.

It was during George Bush's watch that the cold war finally ended in total and complete victory for the forces of democracy and freedom. The hard-nosed pro-defense, pro-human rights policies of the Reagan and Bush administrations were the determining factor in the decision of the Soviet Union to throw in the towel, and were the inspiration for the universal demands from freedom by the captive peoples of Eastern Europe.

It was while George Bush was President that a new world order was formed. In this post-cold-war world, it was George Bush's responsibility to show that aggression would not be tolerated. George Bush's personal diplomacy put together the gulf war coalition—a coalition that experts said was impossible—and led us to the far-reaching victory that discouraged aggression for our generation and future generations to come.

It was the prodding and diligent diplomacy of the Bush administration that paved the way for the recent culmination of the peace negotiations between the Palestinians and the Israelis.

George Bush was historically significant not only for his global leadership, but also he was (one of) the last of our Presidents to serve during World War II. Like so many of us who shared in that experience, George Bush lived with vivid memories of the horrors of war as well as the memory that appeasement invariably leads to war.

A hero of World War II, a survivor of personal tragedy in the untimely death of his little girl from leukemia, a man born to wealth, but who chose to earn his own wealth instead, and a man who compiled one of the most impressive political resumes in American history, George Bush is an inspiration for Americans forever.

A Member of Congress, our Ambassador to the UN, chairman of the Republican National Committee, Director of the C.I.A., Vice President of the United States, a successful businessperson—George Bush brought experience and leadership in all of these significant tasks with him to the White House.

Mr. Speaker, I was pleased and considered it an honor to serve as a Bush delegate to our National Republican Convention, to be able to campaign for our good friend and candidate Bush in the snowy streets of New Hampshire, along with a number of our other colleagues.

Mr. Speaker, I am proud to associate myself with the remarks of our colleagues praising one of the most remarkable countrymen of all time. To President Bush and to his lovely, gracious First Lady, Barbara, I extend my wishes and hopes for many years of good health and happiness in the years ahead, and I thank the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for an excellent presentation.

It is now a pleasure to yield to the distinguished gentleman from Florida [Mr. MCCOLLUM].

Mr. McCOLLUM. Mr. Speaker, I thank the gentleman for yielding to me, and I want to thank him again, as others have, for taking out this special order time to give some of us the opportunity to pay tribute to a great President, President George Bush.

I think a lot of the American people did not have the opportunity that some of us did to get to know him individually. On the other hand, I think most Americans have had the opportunity to see him in action, understood him well in Desert Storm, but perhaps did not recognize the full dimension of the man.

Today I see bumper stickers that say, "Don't blame me, I voted for George Bush." I suspect if the election were held again today it would be a reelection for President Bush, but that is not the way politics went for him.

History is going to be kind to him for lots of reasons, as has been said before today. I want to comment on just a few of those. Before I do that, though, I cannot help but think of what my good friend, the gentleman from California [Mr. DORNAN], said about him as a man.

George Bush I knew as a very compassionate individual, an individual who took the time to spend with individual Members of Congress, to spend with individuals along the way, who cared deeply about Americans, who cared deeply about people. He was a family man, a man who cared about his family, but he also cared about families of Americans. He still does, of course.

Barbara Bush, it has been said, was one of the great First Ladies who will go down in history as someone who really, really cared, and does to this day, about people, and cares about families.

I remember a very sad occasion in his Presidency not too many months ago when his mother died. I remember writing him a personal note, because I had had the privilege of meeting his mother on one occasion, and I felt very compassionate about him at the time, because it was a very tough period for President Bush. I did not write a very long note, but I wrote a genuine note to him.

He did not have to respond. I would not have expected the President of the United States to respond, but in his own way he sent me a personal thank-you note for sending him that note of condolence, something that is touching, something that is typical of the President, something that I do not think very many people would expect of their President. That was the way he was during the time I got to know him.

I knew him best during his Presidency. I served in leadership during that time, all 4 years of our Republican leadership. We used to go down to the White House and have meetings. He always inquired about things that were on the agenda, went around the room, paid attention, cared a lot. He will be known in history primarily because he did serve during a time when his great leadership allowed much of what happened to break down the cold war to occur, and to end the situation in the great embattlement between the United States and the Soviet Union.

He will be remembered because of Desert Storm and tremendous leadership. I know of no President in my lifetime, and I doubt that I will see one in my lifetime, who has been more respected and admired by other world leaders than George Bush, for a reason, because George Bush had a sense of presence, a sense of history and understanding of the world, an understanding of the problems of the great nations and the small nations of this world.

For that reason, he really could be a President of peace through strength. Understanding that, he carried us through a very difficult time with a minimum loss of life and casualty to a victory in Desert Storm that I do not think any other figure in the White House at that time could have done. As a result of that, I believe that he will be long remembered in the history books and by the American public for the strength that he conveyed and the representation of our Nation.

Having said that, I think part of George Bush has been neglected so far this evening. That is the part on the domestic side. Domestic issues were often considered to be issues he was weak on. That is really not true. The fact of the matter is that President Bush was very concerned about issues that I spoke with him on. I spent a lot of time working on domestic issues with him.

The biggest problem he had, as opposed to President Reagan, there was no time during his Presidency when we had a Senate that was in control of our party, the Republican Party, this party. He did not have one body that was Democrat, he had both bodies, the House and the Senate, so it became extremely difficult, especially in the later years of his 4-year term, to get his programs through, to get even compromises agreed upon that would have been reasonable and responsible.

One of his great achievements, one that he believed was very great, and I think it will go down in history as being that, was the passage of the Americans With Disabilities Act. Some businessmen today are still grumbling about the paperwork they have to do with that, but I can assure the American public that it would have been a far more difficult course had a different President with a different mindset been there.

George Bush was very aware of two things: One, the difficulty of the disabled and the handicapped in being employed in the work place, and the problems they had and the need for legislation to assure that they had their civil rights.

On the other hand, he was also very concerned about the businessman, particularly the small businessman, and the fact that government can be overburdensome, and already has been in so many ways. He worked long and hard to reconcile those two conflicting important policy issues, and produced a product that is now the law, and one which we will have on the books for many years to come.

In other areas, he was not as fortunate to get compromise through. One area that I worked with him on, and the gentleman from Illinois [Mr. HYDE] had worked with the President so much on, was the crime area. George Bush I do not recall having been more forceful in any speech that I ever heard him give than the one I once heard him give on the subject of crime. I think he realized, and does to this day, that there is an inevitable necessity for us to control violent crime in this country if we are going to put the families back together again, if we are going to be able to do other things domestically and economically that are important in this Nation. We cannot have runaway lawlessness and have a society that has order in it and that can work.

We tried, with his leadership, to produce legislation during his 4 years that really would have ended many of the problems we have today in the law enforcement area, to give police officers more power and influence, to provide an opportunity to really put deterrence and swiftness and certainty back in our punishment system, to end the endless appeals of the death row inmates that the gentleman from Illinois has worked so hard to do, to change the rules of evidence to allow more convictions to occur, to stop some of these folks from getting out of prison as easily as they do today around the country, and to stop the activities of the criminal mind that is so much at work out there by really making our laws work.

We spent a lot of time working on that, but unfortunately, there are those who are in the other party who did not want to see him succeed, and blocked the path, and who had other ideas.

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Consequently, that legislation, like many of his other initiatives on the domestic side, did not get through. And it was unfortunate.

Today, the low interest rates we have, the relatively low inflation rate, very low inflation rate is very much attributable to his economic policies. They have been maligned, but the fact of the matter is, as the gentleman from Illinois knows, the economic policies that make a difference in the long run, which were policies that shape things like inflation and low interest rates, occur over time. The fact that the current President sitting in the White House has done certain things did not do anything relative to this issue. And yet, during the campaign the President did not get credit for that, and George Bush should have.

I could go on listing them, but there were lots of other things that happened on his watch in the domestic agenda that history will be kind to him about, and that we know about personally. It is not my place to take more time up this evening. But I want to thank the gentleman for yielding. I want to again thank him for taking out this time that I might contribute a small portion to this tribute to George Bush, one of our truly great Presidents.

Mr. HYDE. I certainly thank the gentleman from Florida for a very luminating and moving presentation.

It is now a pleasure to yield to the gentleman from Ohio [Mr. KASICH], the ranking member on the House Budget Committee and one of the bright stars of the Republican Party. And as in the wedding feast at Cana, we saved the best to last. We have two gentleman from Ohio who will precede myself. So I am pleased to yield to JOHN KASICH of Ohio.

Mr. KASICH. Mr. Speaker, I want to thank the gentleman for taking this special order. And it is really appropriate that he would take it to talk about a great President, particularly having to do with foreign policy. And I just want to spend a second to say that the Reagan-Bush partnership is what really changed the world. And you cannot exclude HENRY HYDE when you also talk about Republican contributions to foreign policy successes, starting all the way back in 1981 with Ronald Reagan and Peace through Strength which George Bush carried through.

I think it would be fair to say that there has not been an American President who understood world leaders, had a better relationship with world leaders than George Bush. His work in terms of assembling the coalition on Kuwait, of course, there will never be another time in history where anybody will do better than what George Bush did when it came to our actions in Kuwait.

But, of course, he continued the policies of Ronald Reagan. And we saw so many wonderful changes happen in the world. And I would say to the gentleman from Illinois tonight, a gentleman who fought for many years during the Reagan and Bush years for Peace through Strength, it would be very interesting to have George Bush now involved in terms of commentary in terms of what we are watching at the present moment on CNN, and what his communications would be to Mr. Yeltsin. And I would say that President Clinton would not have anybody better to call in this country than George Bush and to get his advice in terms of U.S. response.

But the changes in terms of his ability to use and work with Jim Baker, the changes that came about through Gorbachev, Shevardnadze, the way in which they operated to bring about a tremendous arms control agreement, and an end of the Soviet empire, his work in Eastern Europe in terms of his vision as to what he thought we would need to do in order to assist Eastern Europe.

And of course, we saw Arafat and Rabin down at the White House in that ceremony along with President Clinton. And if there is anybody who deserved to be there between those two guys along with President Clinton, our current President, it was George Bush. He took a lot of risks when it came to the Middle East, and he took a lot of heat, I say to the gentleman from Illinois, in his policy affecting the Middle East. But I think we can see that those risks have paid off, and that we may actually see us enter a period of some stability in the Middle East and peace for people of all philosophies and beliefs. And George Bush, in my judgment, is the major factor as to why we have seen things improve over there in recent time.

Just one word about economic growth. The fourth quarter. This has got to be one of the most frustrating things for George Bush to sit at home and think about at times. I do not know the exact figures, but as I was saying to my colleague, Mr. PORTMAN, it was 4½-percent growth in that fourth quarter of 1992. You might remember that George Bush kept saying to the media, "Hey, we don't have to do anything up here on Capitol Hill right now. Washington ought to keep its hands off the economy. We are coming out of this; in fact, we are growing." And I would say to the gentleman from Illinois, when we are experiencing now 2-percent growth economically at the current time, which means to Americans across the country no jobs, and if you are unemployed you are not going to be employed because we do not have a job-producing economy, we are going to long for the days of 4½-percent economic growth, because we were providing jobs to unemployed Americans. And George Bush was trying to tell America that, and he could not get his message out. And I will bet you that he is as frustrated, it is probably the most frustrating thing or one of the most frustrating things that happened to him in his career, that the economy was picking up steam, Americans were getting jobs and he knew it, and he tried to tell people, but the message just did not get through.

But when you take a look at that economic growth in that fourth quarter, when you take a look at the gains in the Middle East, in Eastern Europe, in the former Soviet Union, we owe a big debt to George Bush in this country. And HENRY, I am glad you took this special order, because there is no one more appropriate to talk about these successes in this administration than you. And I wish former President Bush and the First Lady the best of health, and Godspeed, and God bless them, and thank you, HENRY, for this special order.

Mr. HYDE. Thank you, JOHN, for a very moving presentation.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WALKER], the deputy whip on the floor, and the heart and soul and spirit of our party on this side of the aisle.

Mr. WALKER. Mr. Speaker, I thank the gentleman very much for yielding. Let me also congratulate him for taking this special order. You were there in the Reagan Revolution from the very beginning. And some of the rest of us got a chance to participate too.

Mr. HYDE. So were you.

Mr. WALKER. But the one thing I do remember in those early days is that as we were choosing a Vice Presidential candidate out in Detroit there in 1980, one of the strong recommendations for putting George Bush on the ticket was that he brought so much to the ticket with his depth of foreign policy experience, something where there was some suspicion that Ronald Reagan would not have the kind of credentials to convince America that he could handle the world at that very critical time. It turned out that Ronald Reagan had some very clear ideas of where he wanted the world to go, but he had a strong and energetic partner in George Bush, who helped formulate those policies throughout the Reagan era, and then brought that depth of experience into his own administration.

I think the changes that we have seen in the world are a tribute, of course, to Ronald Reagan for his vision of what the world could be. But also to George Bush for being the guy who, in many instances, went around the world to talk to the foreign leaders and move the process forward. And then throughout his administration changed the world in such remarkable ways that people, even thinking back on it, cannot imagine all that was accomplished.

What strikes me about that is that he did it so well that by the time we got to the 1992 election, America was ready to forget foreign policy. They thought the world had been made so safe that we could ignore what was going on in the world, turn to someone with a total lack of experience in world affairs for leadership, because now was the time to focus on the domestic side of things, and particularly on the domestic economy. And I think we are now beginning to realize that having someone who understood the world, could pick up the phone and call world leaders by their first names, who had a longstanding relationship with them was, in fact, a major asset to this country, and one that is terribly missed at the present time.

But it also seems to me that we do a disservice not to also mention that George Bush showed tremendous courage in the management of domestic affairs. And I am reminded of that over the last few weeks as I have been reading the stories in the newspaper about how the cable bill, the cable regulation bill is beginning to come apart, that all of the things that were predicted for it here on the House floor when it was passed are not coming true, that in fact cable rates are going up, and that the regulation by the Government has turned out to be at least a mini- disaster.

That was a case where George Bush stood against the current of what he knew was going to happen on Capitol Hill. A lot of us fought with him time after time to maintain his vetoes on Capitol Hill, because we knew the way in which he was working to control the growth of Government, to control deficits, and a lot of these kinds of things was through the power of his veto.

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And time after time with our minimum numbers on Capitol Hill we were able to sustain those vetoes. And President Bush was very proud of that record of vetoes sustained. And when we went to him and told him that on the cable bill he was likely to lose, the easy thing for President Bush to have done at that point would have been to say, "Let's preserve the perfect record of vetoes. I will go ahead. I will hold my nose and I will sign that bill," because the votes simply were not there. We did not have enough votes to do something about the cable bill. But he vetoed it anyway because he did believe that this would come back as something that would not serve the best interests of the American people.

At the time, he was heavily criticized. Consumer groups criticized him, a lot of other people criticized him. But it turns out he was more right than wrong, and today a lot of people I think would think that that veto was the wise thing to do.

Mr. HYDE. Let me say to the gentleman I regret that we are getting near the end of our time, and I want the gentleman from Ohio [Mr. PORTMAN] to get a word. But the contribution of the gentleman from Pennsylvania [Mr. WALKER] has been immense, as always. The gentleman and I will get to elaborate on the President's 70th birthday that the gentleman from California [Mr. DORNAN] will take a special order on. I thank the gentleman for his comments.

Mr. WALKER. I thank the gentleman for yielding to me.

Mr. HYDE. Mr. Speaker, it is a pleasure to yield to Mr. ROB PORTMAN from the great State of Ohio, who is a dear friend of former President Bush's and one of the rising stars of our party.

Mr. PORTMAN. I thank my colleague and thank him for taking this special order tonight. I had not planned to defend the Reagan-Bush years, but I must add one note. And that is that in fact during those 4 years of the Bush administration we did have a lot of domestic successes from the Republican point of view. Frankly, a lot of them were in sustaining vetoes, as the gentleman from Pennsylvania [Mr. WALKER] so aptly noted. I think there was a record of 32 vetoes having been sustained, with only 176 Republicans rather than 192 in the House that Ronald Reagan was lucky enough to have. That is quite a record, quite an accomplishment.

But let me add a little personal perspective. I would like to say that I really echo all of the heartfelt sentiment I have heard tonight from all of the other speakers. But my perspective is a little different because I do not think I would be standing here right now, in fact I know I would not be, if it were not for George Bush. And it is not because George Bush campaigned for me or raised money for me, although Mrs. Bush did write a beautiful letter on my behalf. It is because George Bush inspired me. He inspired me in a number of ways; he inspired me by his own commitment to public service. Frankly, he inspired me by his ability to have a very healthy and happy family life in conjunction with politics, something some people would think is mutually exclusive. George Bush managed to do it and he is a model for me in that respect.

George Bush was also able to show me how much gratification someone could get from public life. For all the sacrifices and all the negatives, there really is a lot of gratification, and George Bush exemplified that for me. And I hope young people tonight are watching this, and I hope that George Bush will continue to serve as a model for young people who are interested in getting into public service.

I first met George Bush in 1979 in this very complex. He was then running for President. I started to volunteer for him in his campaigns. I helped coordinate his campaign in Cincinnati two times, I was the national delegate for him to the conventions, a couple of national conventions. But I really got to know George Bush the man, serving with him on the White House staff where I spent 2 years, first as associate counsel for President Bush and then as director of his legislative affairs.

There I saw beyond the public image. It was working with the President closely at the White House where I got to know George Bush the man well. There what I found was a man of tremendous character. People tonight have talked about some of those attributes. I just thought I would talk about them briefly.

I think they served him well as a World War II hero, a businessman—some people forget George Bush was a very successful businessman before getting into politics; certainly as a Congressman, as an adviser to three or four Presidents and then as President of the United States.

The first of these I call code of honor, stability, something sorely lacking I think in the political discourse today. George Bush had that code of honor indelibly in his soul. Boundless energy; whether it is on the athletic field or in the field of public policy, George Bush had incredible and has incredible energy.

Empathy for people and their problems: People talked tonight about him knowing many people up here on the Hill today from his days as a Congressman. He is a people person, loves people. And they are the same with him.

Empathy with people is one of the characteristics of George Bush.

Judgment based on experience and, of course, family values, real family values, the sense of loyalty to his family, love for his country, and he has a very strong family life as a result.

I believe in the annals of history that George Bush will be counted as one of America's great public servants and really a gift that America has given to the world.

I think, though, in the near term that George Bush also should be someone who this country and this President, President Clinton, turn to for guidance and advice. Someone said earlier they would hope the President is now picking up the phone and calling George Bush to get his view on world leaders and some of the difficult areas of foreign policy we are now encountering.

I hope the country will, and I hope that this President will, because George Bush's judgment, energy, strength, and commitment to serve is something we sorely need today.

I thank the gentleman again for letting me take the time.

Mr. HYDE. I thank the gentleman from Ohio [Mr. PORTMAN] for a memorable presentation. I am pleased to yield, Mr. Speaker, to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. I thank the gentleman from Illinois [Mr. HYDE].

I want to compliment the gentleman on this special order.

My remarks will be brief.

I came in 1988, into Congress with that election. It was a good deal because of the election of President Bush. I want to acknowledge that.

I had the opportunity to see him during the campaign and also had the opportunity to meet him many times either at the White House or perhaps at different functions.

It just became apparent to me that here was a genuine American, not only the patriot, as has been mentioned, but an unpretentious and loyal American.

I just tonight saw, back in my office, what the gentleman from Illinois was doing here, and I thought I would go on record to give my sentiments as to what an outstanding American he is.

I hope special orders like this will continue in the following year or two.

Mr. HYDE. I thank the gentleman from Florida [Mr. STEARNS].

Mr. Speaker, the Quaker poet, John Greenleaf Whittier, once referred to "the safe appeal of Truth to Time." Those of us with a few years on our shoulders know what he meant, for we have seen for ourselves how the passage of time brings the past into clearer focus.

Today, I and several of our colleagues want to participate in that process of clarification. We want to give appropriate credit to a man who served his country in war and in peace, in the ranks and in the Presidency, always with decency, and honor, and courage.

George Bush left the White House less than 1 year ago. But he left behind an example, a standard, a benchmark for those who will come after him.

That was true, not just with regard to the conduct of international affairs or the handling of domestic issues. It was especially true with regard to that essential element of a successful human being, character.

If you worked with George Bush in times of trouble or crisis, you sensed how that character had been forged. You saw something of the teenager who, decades earlier, had gone off to war, fresh out of high school, to become the youngest carrier pilot in the U.S. Navy. You were reminded, by his quiet determination, of the young man who rejoined his squadron on the *San Jacinto* only days after his *Avenger* was shot down over the Pacific.

As President, he was no armchair theorist of national security. When he talked about his country's safety, he spoke as the recipient of the Distinguished Flying Cross and three air medals. When he faced the need to use force against his country's foes, he led with the cautious strength of a man who had known the loss of buddies against an earlier deadly enemy.

Here was a man who, by training and by taste, did not wear his heart on his sleeve. His opinions were public currency; his emotions were not. And yet, to know him, was to know how deeply he felt about the vital matters he addressed with firmness, forbearance, and restraint.

We're all familiar with the impressive positions he held: Member of this House, Ambassador to the United Nations, chairman of his party, America's representative to the People's Republic of China, Director of the CIA, and Vice President before becoming Commander in Chief.

Those achievements say much about the man's character. But far more eloquent are his informal titles. For example, loving husband, and father of six, one who died in early childhood.

Speaking of attainments, he and Barbara have been married for 48 years. In an era when change is worshipped and impermanence the rule, they have adhered to the ideals that endure. Their example of mutual love and support has been a living lesson in the values that keep families together and make society strong.

Those of us who have been blessed with spouses far better than we deserve know that a career in politics and government is a shared enterprise. This has nothing to do with trendy theories of status or liberation. It has everything to do with "for better or worse." It is the way things are supposed to be when caring is at the heart of living.

That is something George and Barbara reflected with unfailing grace, even when the nastier side of politics intruded. The world will never know how many times advisors of all sorts, including Members of Congress in those closed-door meetings in the Cabinet room, advised President Bush to get down, get mean, get rough with his opponents. He would make clear how much the unfair criticism—sometimes it was outright slander—hurt him. But, he would remind his listeners, he had the responsibility his critics did not have; to keep government working, to maintain the dignity of the Presidency, to open the channels of cooperation and compromise.

That approach, at home and abroad, made it possible for him to assemble the great coalition that, in retrospect, became the turning point for peace in the Middle East. Operation Desert Storm did more than expel Saddam Hussein from Kuwait and secure the petroleum lifeline of the industrial world. It brought Arab and Israeli together in common defense, and uncommon cooperation. It opened the door to what we all hope and pray will be a season of healing in the lands three faiths call holy.

Many of us have special reason to appreciate George Bush's adherence to principle. Throughout his Presidency, he was nothing less than heroic for the right to life of children before birth. He repeatedly vetoed legislation that would have violated that right. He asserted the value of their lives in his policies both domestic and foreign by opposing taxpayer funding for abortion.

Even when a national campaign was launched to pressure him into abandoning those defenseless little ones to barbaric experimentation, he refused to bend. In the interest of humane scientific research, he established, with the cooperation of hospitals and researchers, a fetal tissue bank. He showed that we could have progress and compassion at the same time.

Tragically, that initiative has now withered from neglect, though the responsibility rests with others. And others, too, have sought to reverse the protections President Bush sought to extend to the most helpless, most vulnerable Americans. But that will change in time. And when it does, when our laws again protect the lives of our children waiting to be born, George Bush will be vindicated on that too.

Mr. Speaker, there are many other points to be made about the record of the Bush Presidency. Several of our colleagues are awaiting a chance to do exactly that. For myself, I want to conclude with an expression of both admiration and gratitude.

Admiration for George Bush both as a man and as a leader. And gratitude for the way he has sought the path of justice, and humanity, not for advantage or approval, but because it was the right thing to do for the country he loves.

Mr. MICHEL. Mr. Speaker, I am glad to have the chance to join with our colleagues in paying tribute to President George Bush.

I want to especially thank our good friend and Illinois colleague, HENRY HYDE, for taking this special order, so a number of us could speak about President Bush's extraordinary career in public service.

It is now 8 months since the last days of the Bush Presidency, which is just about the right amount of time to begin placing President Bush in some historic context.

We are far enough removed from the controversies of the past to see things in perspective, yet still close enough in time to recall vividly the great personal accomplishments that are his legacy.

Others will be talking about specific aspects of his illustrious career, but I would like to say a few words about George Bush, the man and the leader.

I believe his life typifies a certain kind of American experience that, sadly, is fast becoming a memory.

I refer to the experience of his generation—my generation—who grew up in the late 1930's, fought in World War II, and then entered government in the 1950's or early 1960's.

This generation of Americans took for granted that serving your country in the Armed Forces and then spending a life in public service was an honorable calling.

To put it mildly, this view is not universally shared today. It is, in fact, quite unfashionable in some quarters. But that was the way many of us felt.

Those who had seen—and somehow survived—war in its most savage and direct forms were not about to forget the lessons they had learned.

There was a sense of mission involved. We could not guarantee that what we went through would never happen again—but we could dedicate ourselves to doing all that was possible to keep America strong and free.

To serve as an elected official, or as an appointed official in positions of high responsibility, was seen by many members of this generation as not only desirable, but almost mandatory.

If we were to fulfill the promises we made to ourselves about building a better world after the war, we knew we had to put ourselves on the political front lines.

We believed we owed this not only to our country, but to posterity.

Saying it like this makes it sound naive or a bit corny in this age of instant skepticism and suspicion about government and those who serve in it.

But if we are to understand the accomplishments of George Bush, they must be seen in this context.

From the moment he proudly donned his country's uniform as a teenager, until the moment he left the Presidency, George Bush never doubted that public service is a serious and responsible calling. And he does not doubt it today.

He never doubted that the United States of America has a leading role to play in world affairs.

He never doubted that when your country calls, you heed that call.

So, as President, in moments of crisis, he always knew he could call upon the spirit of young George Bush, the Navy pilot who risked his life in the Pacific in World War II: brave, eager to carry out the dangerous mission, confident about his country's cause.

This kind of spirit has to come from within, from a proven capacity to sacrifice, from devoted service, from a willingness to die, if necessary, to preserve freedom.

I believe George Bush's ability to call upon these reserves of character and courage was among his greatest gifts as a leader.

When he ordered the American military into action in Operation Desert Shield, and, later, led them in the tremendous sweeping victory of Operation Desert Storm, he did so as someone who had come to that time of crisis magnificently equipped with exactly the right virtues.

I believe history will record that George Bush ably, even at times heroically, led our Nation during a time of great and unprecedented transition from one age to another, one of the most difficult periods for leadership in our history.

When a nation faces one big problem—depression, war, national unity—a leader can focus all his energies on that one urgent problem and count upon the support of his nation.

But what about a time of great transition, when, as they say, one age is dying and another waits to be born?

In such a time, when so many ideas and events are undergoing rapid change, a leader cannot bring to bear the sharply focused power of his abilities on just one big problem.

As President Vaclev Havel of the Czech Republic said a few years ago: "Things are happening so fast we have no time to be astonished."

This is the kind of challenge George Bush faced. Typically, he didn't complain and he didn't lose hope and he accomplished a lot that needed to be done. I think history will give him credit for that.

There have been more critical times in our history, and more desperate times.

But to my knowledge there has never been a time in which, suddenly, the certainties of decades and even generations suddenly crumbled before our very eyes.

Think of it: the Berlin Wall fell, Soviet communism died, Eastern Europe emerged from the Communist dark ages, the global economy underwent various convulsions, great cultural and moral upheavals were taking place in our own country and around the world, incredibly savage ethnic conflicts flared up, a dictator tried to capture the energy sources upon which democracies depend, and, ironically, the very benefits of the cold war's end resulted in new problems by eliminating so many military bases and jobs.

In the midst of this upheaval, when the conventional wisdom of 40 years was being swept away in every area, the United States of America was fortunate enough to be led by a leader of character and courage.

Each administration has its mixture of successes and failures. The Bush Presidency is no exception to this ironclad rule.

But one fact is inescapable:

Today, Saddam Hussein does not control the oil of Saudi Arabia and Kuwait. He does not stand like a Mideast colossus, rallying to his victorious cause the enemies of western democracy all over the world.

And the reason he is not in that position is that George Bush formed and led a world coalition against his attempt to impose one-man rule on the Middle East—and to impose an economic stranglehold on the industrial democracies.

And make no mistake about it: if President Bush had not done this, the Israeli-PLO agreement never would have happened. Israel would now be facing grave danger—and we might be faced with a war whose nature would be far different from that of Desert Storm.

And in our own domestic agenda, we could not be taking on issues like health care if the entire attention of the Nation and the world was riveted upon what Saddam would do next.

President Bush's historic initiative did more than liberate Kuwait—it liberated our Nation and the world from a problem that would have dominated international politics for a long time to come.

And perhaps, in the long view of history, that incontrovertible fact, which we take so much for granted, as if it had been inevitable, will be seen for what it is: the result of a great leader's magnificent, bold, daring leadership in a time of crisis.

Such leadership doesn't just happen. It can't be artificially generated.

It can't be learned from books.

It has to be the product of a lifetime's exercise of character and courage. There is no other way, and I hope we never forget that.

Mr. FISH. Mr. Speaker, I join my colleagues this evening to pay tribute to George Bush, a dedicated man, American, and President. I met George and Barbara Bush as a freshman Congressman. Barbara was paired with my late wife Julia as a mentor through what was known at the time as the Congressional Wives Club. Julia took to Barbara right away; she was wonderful and provided a warm welcoming transition for my family to Washington. And I liked George Bush at first sight.

I understood why. Over the many years I watched him, listened to him, and worked with him during his changes in careers, both official and private.

It was his constant ability to reach out in a very individual way, to so many that caused positive domestic and international changes in our world. I do not know if it was his notorious self-typed letters, with their curious spellings and special syntax or his gracefully determined telephone calls but there can be no doubt George Bush got results that mattered. I remember when he reached out to me when he was Vice President when the fair housing amendments were floundering in the Congress. It is not well known how deeply committed he was to their passage. George Bush wanted them and he encouraged me in a very personal way to work with him to reach a compromise and break a stalemate for their passage. He set us on the track toward fair trade, an amazing departure from our party's legacy of protectionism; presided over the reawakening of democracy in Eastern Europe and the former Soviet Union; and met with determination the onslaught of aggression by the despot of Iraq; to a significant degree because of his broad range of personal relationships with world leaders. George Bush capitalized on these relationships to make better law, to encourage democracy, and mobilize coalitions for freedom.

The country and much of our world is indebted to you, Mr. President.

Mr. GOODLING. Mr. Speaker, I take this opportunity to pay tribute to a truly great American, our Nation's 41st President.

George Bush has dedicated all of his adult life to the service of the United States of America. He distinguished himself as a member of the Armed Forces in World War II and has done nothing less than build upon that foundation and reputation as a caring and dedicated leader.

President Bush has dedicated his adult life to the betterment of the United States as a Nation and as a people. He has promoted the interests of the United States throughout the world in his capacity as Ambassador to the United Nations, Vice-President, and President of the United States. In these endeavors, he has focused on fostering democracy abroad and strengthening the democratic process here at home. Time and time again, George Bush has shown himself to be an outstanding world leader, whether in creating a strong alliance to halt the aggressive atrocities of Sadam Hussein, or in his role in helping to tear down world communism and the iron curtain.

George Bush has tried to improve the life of all Americans by proposing reform of American education, health care, the crime and criminal justice system, as well as tax and budget policy. The goal of making life better for all Americans guided him as a Congressman and also as President of the United States.

George Bush also believes that the Government cannot solve all of our peoples' problems, but many solutions require individual and family solutions. Promoting a strong and caring family unit was the goal of many of George Bush's proposals.

Of course, he did not have to look very far for his inspiration for this. George Bush was blessed with a beautiful wife and family. No one could have been more supportive of his efforts than Barbara. The two of them worked together to help children understand the importance of a good education and of staying away from drugs and alcohol. George and Barbara were blessed with a happy and healthy family and believe all Americans should have the opportunity to receive such blessings. Though the task was monumental, they did their best to help America move closer to that realization.

While many of the challenges faced by George Bush in his public life still face the Nation today, it is through no fault or of lack of trying by George Bush. George Bush firmly believes in the American democratic process and has dedicated his life to the success of this great experiment in democracy.

I am very proud to have known George Bush and to consider him among my friends. I have worked for and worked with George Bush and have always found him to be an extremely caring and dedicated individual, both to his family and his country.

As a nation, we should be proud to have had George Bush as our President and appreciative for his service throughout his career. The citizens of this great Nation were able to go to sleep at night knowing their President had their best interests at heart and was capable of successfully addressing any challenge which may come before him and us. There is no greater tribute than to simply say thank you.

Mr. SOLOMON. Mr. Speaker, our great Nation is now a better place today because George Herbert Walker Bush served it so well and so long.

His distinguished career started when he became the youngest Naval pilot in World War II. Surviving a crash into the Pacific Ocean, he went on to become a Congressman, Director of the CIA, Ambassador to the United Nations, twice Vice President of the United States and then the 41st President of our Nation. No man was better prepared to assume that highest position than George Bush. No man gave more of his life and talent to his country than George Bush.

Despite his enormous contributions to our Government, I believe I will remember George Bush mostly for the quality and the integrity of the man. He is a wonderful, loving family man. When you meet him, no matter how many times, you are always left with an impression of his great personal warmth. He is down to earth. You feel you have known him all your life. He is honest and straightforward and has lived an exemplary life.

Since his departure from the White House I have missed him very much but more importantly, I think the United States and the world community of nations have also missed him dearly.

Thank you, Mr. President. We will never forget you.

Mr. CASTLE. Mr. Speaker, I believe George Bush is one of the greatest U.S. Presidents and world leaders of the post World War II era. Under his steady, strong stewardship, the cold war ended, communism crumbled, and democracy spread to countries across the globe.

As Governor of Delaware, I had the opportunity to meet and work with President Bush and members of his administration on numerous occasions. He called on the Governors to help draft America 2000, which has provided the spark for States to improve our education system. President Bush also empowered the States with the flexibility to initiate reforms in their health care and welfare systems. He and members of his cabinet sought State input on issues ranging from the environment to social and agricultural programs.

President and Mrs. Bush visited the First State several times to seek the views of Delawareans. He gave a very inspirational speech to graduates of an adult high school and went crabbing in the Delaware River. Everytime I had the privilege of being in his company I found George Bush to be an extremely sincere, friendly, honest person.

George Bush served the United States of America with honor in World War II, and he led the international community in driving the bully from Baghdad out of Kuwait during the Persian Gulf war. I believe the United States and the world are a better, safer place to live, thanks to the leadership of President George Bush.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman from Illinois for the chance to pay tribute to President George Bush. I can truly say it is an honor for me to have this opportunity to talk about a man I know, respect, and consider not only a personal friend, but one of the 20th century's most outstanding leaders.

In many ways, I regret not having had the privilege of serving in the House of Representatives with George Bush, as many of my colleagues did. However, I have been fortunate enough to know him both as Vice President and President of this great country. His leadership has been and will remain a model in shaping my views here as a Member of the U.S. House of Representatives.

I first met the then-Vice President when he came to Mobile to campaign on my behalf in 1984. What a thrill it was to stand there on the podium at the Mobile Hilton, in a room filled with hundreds of friends and supporters, and have the Vice President of the United States tell everyone why it was so important that they elect Sonny Callahan to a seat in the U.S. Congress.

I'll never forget looking out in the audience and seeing my mother looking up there at us; to say there was pride in her eyes and smile would be one of the world's greatest understatements.

Before the rally began, the Vice President's staff informed us he would go directly from the podium to his suite. There didn't appear to be any time in his schedule for a little personal time together, away from the lights, cameras, and excitement.

But no sooner had he proclaimed the Reagan-Bush appeal for electing another good conservative Republican to Congress, then he turned to me and asked where Karen and I wanted to go to dinner. Five hours later, you would have thought the Bush's and Callahan's had been the best of friends. That's just the kind of people the Bush's are—warm, friendly, and caring, and that was the beginning of a solid friendship which has lasted.

Aside from the personal reflections about our 41st President, and there are enough to write volumes, there is almost an endless list of accomplishments attained by George Bush, both as a private citizen and a public servant.

By now, we all know some of the highlights. A decorated Navy pilot during World War II, a successful businessman, a Member of Congress, Ambassador to the United Nations, Chairman of the Republican National Committee, Director of the Central Intelligence Agency, Vice President of the United States and, of course, President of the United States of America. Certainly a long and distinguished career of public service for which we, as a nation, will remain deeply indebted to him as well as his family.

Leadership is a word which exemplifies the entire life of President George Bush. Historians will look upon the Bush Presidency very kindly for the world leadership he provided during very difficult times. His leadership abilities put together a coalition of 28 nations in Operations Desert Shield and Desert Storm to oust Saddam Hussein from Kuwait. Leadership earned President George Bush the admiration and respect of other world leaders. It was during the Bush Presidency that we witnessed the fall of the Iron Curtain and the end of the cold war. And President Bush set into action the necessary steps which led to the unprecedented Israeli-PLO agreement recently signed on the White House lawn.

And yet, both his political opponents as well as the national press were successful in creating the impression that President Bush, the foreign policy expert, was President Bush, the domestic blunder. While those of us who know him knew better, the images that were cast were just too hard to erase from the voters' minds last November. It's a saying as old as the hills but so very applicable to this point and that is while George Bush might have lost the Presidency, the American people were the real losers. We will feel this loss for a long, long time.

In 1722, Ben Franklin wrote in a letter to Joseph Galloway that:

> We must not in the course of public life expect immediate approbation and immediate grateful acknowledgement of our services. But let us persevere through abuse and even injury. The internal satisfaction of a good conscience is always present, and time will do us justice in the minds of the people, even those at present the most prejudiced against us.

Mr. Speaker, there is no question in my mind that the man we are honoring here today has the internal satisfaction of good conscience in knowing that his was a job well done and time has already underscored that point even to the harshest critic.

Mr. SKEEN. Mr. Speaker, it gives me great pleasure to add my comments to the RECORD regarding the long and distinguished public service career of our former President, George Bush. As a politician, a statesman, and a world leader, George Bush has provided leadership to the United States of America at a transitional time in our world history. Thanks to his leadership—as Vice President, then President, for a combined 12-year total—the United States still stands at the pinnacle of world leadership.

I am delighted to have been able to serve in the Congress during George Bush's 12-year service as Vice President and President of this great Nation. And I am proud of all the accomplishments that the President, with Congress' help, achieved. But I would be remiss if I focused only on George Bush's 12 years at the top of our Government. His long and extensive career, leading up to that service is, perhaps, what makes up the "real" George Bush.

As a Navy veteran, Ambassador to China, Director of the Central Intelligence Agency and chairman of the National Republican Party, George Bush left his indelible mark of professionalism and skill on every assignment he undertook. Many of the successes that we are celebrating in these areas today can be attributed to George Bush's tireless work some years ago.

As for George Bush's service in the White House, I can say that I didn't always agree with every decision the President made or with his priorities. But I can tell you I slept well at night knowing George Bush was in charge. During the Persian Gulf war, I often turned on the television to find George Bush at a news conference or speaking engagement, calmly, rationally explaining the events going on so many miles away. And I knew that our country and our Nation's fighting men were in good hands and that George Bush would lead us out of this conflict in his capable and calm manner.

It is a charming reminder of the respect and admiration that men and women, from around the world, hold for George Bush when young Kuwaiti babies are named after our Commander in Chief. And I understand he received some write-in votes in a recent election there.

I have appreciated the opportunity to know George Bush in many capacities, as a fellow lawmaker, as our Commander in Chief, and as a kind, caring human being. His wife, Barbara and his five children, as well as his grandchildren all know George Bush as a loving father, husband, grandfather, and family man. The entire country is grateful to George Bush for his leadership, his dedication and his professionalism. I join my colleagues in the House in saluting President George Bush.

Mr. CRANE. Mr. Speaker it is a pleasure to have this opportunity to pay a most deserved tribute to a man who served his country so well—President George Bush.

Few can look back upon a career so devoted to his Nation and his fellow citizens as President Bush can.

He fought for his country as a young man as a naval aviator and as a senior citizen as

President of the United States. Those are the two jobs most of the Nation remembers him for.

But there were many other tasks that he performed for the United States. He served as a Member of this Chamber over two decades ago. At that time I had the pleasure to serve with him as a member of the House Banking Committee.

He gave other years of his life for his fellow citizens as this Nation's representative on the mainland of China. And he was entrusted with that most sensitive position as Director of the Central Intelligence Agency.

While almost always we knew him as one who joined us in common efforts, there was a brief period when we stood toe to toe as foes.

That was 1980, when we joined battle with others for the Republican presidential nomination. Even then, we had something in common—we both lost. Although I hasten to add that he did take home the second prize in that 1980 contest.

His 8 years of service as Vice President to President Ronald Reagan were followed, of course, by his own presidency.

What a great 12 years this Nation experienced under the team of Reagan and Bush.

And when it was his time to take over the helm, George Bush displayed the leadership ability we expected of him.

He brought a dictatorship to an end in the Western Hemisphere, and he directed the United Nations to a truly historic victory in the Eastern Hemisphere as our troops destroyed the war machine of another dictator at the loss of the fewest of casualties.

On the domestic front, he was one-half of the team of Reagan and Bush which created some 20 million jobs—an unequalled domestic victory.

The calendar did not treat him well. The Nation was emerging from an economic setback by pursuing his policies. Had the election been held a short time after its November date in 1992, the voters of this country would have seen his policies had successfully brought recovery to our economic machine, and they would have happily kept him at that famous Pennsylvania Avenue address.

He was most ably assisted throughout his distinguished career by his lovely wife, Barbara, and as I am sure he would readily concede, a man's success in life is predicated upon those qualities of loyalty and devotion that Barbara has provided him.

George Bush dedicated his life to his country. He fought well and he served well. We are a better nation for the efforts of George Bush.

Mr. REGULA. Mr. Speaker, history will record President George Bush as a leader with integrity, compassion, and vision.

Whether called upon to defend or to lead our Nation with many assignments in between, he always measured up to the task and deserved the "Well done, thou good and faithful servant . . ." as set forth in Matthew 25:21.

How different the world would be today had not George Bush, as President, been courageous and resolute in the face of challenges throughout the world.

Events in the Middle East would be far more threatening absent the strong leadership President Bush provided for a disparate group of nations to band together in squelching the ruthless ambitions of a modern-day despot.

Had Europe had the leadership with the courage and vision of George Bush in the 1930's, history would have been far different and millions of lives would have been saved.

His role as part of the Reagan-Bush team brought the wall down and changed the face of Europe and Asia for the better—a feat none of us ever dreamed could happen.

Domestically this team brought us 21 million new jobs, throttled inflation and dramatically lowered interest rates. Young people that can afford homes will be indebted to the leadership of George Bush without being aware of their debt to Bush Presidential economic policy.

On a personal note, my wife Mary and I greatly cherish the friendship of President Bush and First Lady Barbara. They are a team that all Americans can respect with pride and affection.

Mr. OXLEY. Mr. Speaker, I extend remarks today to honor President George Bush.

George Bush began his political career as one of our colleagues. This House fondly remembers him when he represented his Texas district and was a young member on the House Ways and Means Committee. Many here followed his remarkable career and stayed in close touch with George Bush during his rise in the Republican Party to the offices of Vice President and President.

I will remember him as a forthright President and a constant friend.

He visited the Fourth District of Ohio frequently, and the people of our area still hold a great affection for George Bush. I believe the first time he came to my hometown of Findlay was as a speaker for my predecessor and mentor, Jackson Betts. He spoke at the Allen County barbecue twice. He came to Findlay in 1988 during his first Presidential campaign to recognize our hometown's distinction as Flag City, U.S.A. During the 1992 campaign, he visited the Tall Timbers industrial park in Findlay, and stopped in the county once again during a whistle-stop campaign swing through the heartland of Ohio.

George Bush worked to keep taxes low, to control the Federal deficit, and to further a growing economy. He led the free world during a critical period and formulated U.S. policy immediately after the cold war. The Berlin Wall fell during George Bush's Presidency. I believe that George Bush will be treated well by history, because he deserves to be.

All of us wish George and Barbara Bush a happy, productive, and well-deserved retirement after a lifetime of service to the Nation.

Mr. RAMSTAD. Mr. Speaker, I rise today to pay strong tribute to a great Republican and a good friend to many of us, former President George Bush.

Many of our colleagues have risen to speak on the distinguished career of George Bush. They've told the stories of his service to his country. From his Naval to his political career, George Bush has given back far more to his country through his long career in public service than anyone I know.

I am particularly honored that Mr. Bush was President when I first came to Congress in 1990. It was helpful and reassuring to have his competent leadership as I assumed my new office representing Minnesota's Third District.

At that time, the country was on the brink of war. My first vote was an affirmation of President Bush's policy toward the international outlaw Saddam Hussein.

With Mr. Bush in the Oval Office, there was never any doubt about our aims and goals in the Middle East and throughout the world.

I heartily applaud George Bush for his tireless dedication to the best interests of the United States, a quality plainly evident throughout his long and distinguished career in public service.

His public service and obvious devotion to his family are excellent examples for all of us to follow.

Mr. CLINGER. Mr. Speaker, I'm with Mary Matalin who was recently quoted as saying that there is a line one does not cross with her. She will not accept attacks on the administration of George Bush which it has become politically chic to do by both right and left wing zealots. I won't accept them, not because George Bush needs people like me or Mary Matalin to defend him but simply because his detractors—diehard reactionaries on the right and oh so politically correct liberals on the left—are smug, didactic, and just plain wrong.

George Bush was a President of intelligence, grace—particularly under pressure—and great ability. History, I am convinced, will recognize that he was a strong and principled leader who commanded the ship of state with great skill through some difficult times despite the sustained and implacable opposition of the Democratically controlled U.S. Congress.

Consider these facts: throughout the 4 years of his Presidency, George Bush never had more than 176 Republicans in the House of Representatives or 45 Republicans in the U.S. Senate. By contrast, the major accomplishments of the Reagan Presidency were achieved during the first 2 years of his first term when there were 192 Republicans in the House and a majority of Republicans in the Senate. With the Bush administration the Democrats were so desperate to regain the White House that they were unwilling to give any quarter to a Republican President. On domestic issues he was thwarted at almost every turn despite a solid series of proposals for deficit reduction, welfare reform, crime control, and others.

In international affairs, however, a politically biased Congress had less control and it was here that President Bush could and did control the agenda with remarkable results. From planting the seeds for the flowering of the peace process between Israel and the PLO to hammering out a free trade agreement in this hemisphere, his was a sure hand on the tiller.

But it was in the confrontation with the tyrant Saddam Hussein that President Bush proved his mettle as a great leader. Despite having to deal with a hostile, politically belligerent Congress and a timorous international community, George Bush, through skill, experience and force of will, fashioned an alliance that brought the tyrant to heel and established an invaluable precedent for the future. It was a magnificent achievement. All the more so because even the Congress had to grudgingly support the effort.

I am, of course, a very biased, far from objective observer of the Bush Presidency. President Bush was of enormous assistance to me. He even campaigned for me in my district, on two occasions, together with a truly great First Lady, Barbara Bush. The point is that he did this for me but that he did it for so many of us. He was selfless with his time in helping build the Republican Party over the years.

I suppose everyone in public life gripes about his or her treatment by the media but no one has greater cause to complain than George Bush. The media's portrait of the man, is of a bumbling, humorless, somewhat effete technocrat. The reality is a self-confident, funny, loyal, effective leader to whom this country will, in time, be very grateful. I only wish the electorate had known him as well as some of us did. If they had he would still be President.

Mr. COBLE. Mr. Speaker, in 1985, some three years before he would receive the Republican nomination for President, I endorsed George Bush. This was not the most politically expedient thing for me to do at the time. BOB DOLE and Jack Kemp were both viable candidates for the nomination, and I liked and admired both men very much. In fact, BOB DOLE's mother-in-law continues to live just a stone's throw from the Sixth District of North Carolina. So, my best bet would have been to keep my powder dry and wait to see who would emerge as the front-runner. But I couldn't do that.

It is the measure of the admiration and respect I had and continue to have for George Bush that I went out on a limb and endorsed him for President. I can honestly say, to this day, it is a decision I have never regretted. No one in my lifetime was more qualified to be President than George Bush. No on the job training was needed. His eight years as Vice President, his tenure as Ambassador to China, his service in Congress, and even his war-hero military record all combined to make him supremely capable of leading our nation.

Let me cite one example of the respect and admiration George Bush engendered throughout the United States and the world. In 1985, then-Vice President Bush came to High Point, North Carolina, to attend an event for us. As we drove from the airport, we passed a teenaged boy standing along the side of the road. As the Vice President's car passed, the solitary youth came to attention and saluted Mr. Bush. He held that salute until the car had completely left his sight. Both Vice President Bush and I were deeply moved by the action of that young, patriotic American. Mr. Bush told the hundreds gathered in High Point that the vision of that young man would stay with him for a very long time. I can confirm that the respect that the teenager showed George Bush has remained with me to this day.

All Presidents wonder how history will treat them. I think George Bush can rest easy because history will properly cast his 12 years in the executive branch favorably. George Bush can rightfully lay claim to his role in the fall of communism in the former Soviet Union and to the longest sustained period of growth in the domestic economy in our nation's history. While there were stumbles and missteps along the way, George Bush can be truly proud of his dedication and commitment to America.

The last time George Bush and I were together was late in the 1992 campaign. I had the honor of riding a train through North Carolina's Piedmont with him and watching large, adoring crowds appear at every stop. Even though the election results were disappointing, I was proud that North Carolina was in the Bush column again in 1992. I will always remember the time we spent together on that train. I have spoken to him on the phone since then, but that is the last face-to-face meeting we had.

It would be impossible to recognize and salute the public career of George Bush without mentioning Barbara Bush. I like to refer to Mrs. Bush as America's Grandma. I say this not to note her age, but to show the deep affection bestowed upon her by Americans of all walks of life. Once you met Barbara Bush, you felt an instant rapport with her, as if you had known her all of your life. Mrs. Bush was a partner—in the best sense of that word—in everything her husband accomplished. I dare say that George Bush would not have been as great a President as he was without the strong support of Barbara Bush.

As George Bush begins his new life as a private citizen, I hope he will continue to share his wisdom and experience with our future leaders. He has every right to spend his retirement years relaxing with his family and friends, but for the good of our country, I hope George Bush will continue offering his skills and talents in some form of public service. For all that he has done, America owes George Bush a debt of eternal gratitude.

Mr. WELDON. Mr. Speaker, I rise today to pay special tribute to the 41st President of the United States, George Bush.

I first met George Bush when he was Vice President and I was the executive of a large county government in Pennsylvania. Mr. Bush developed strong ties with our region and returned to Delaware County several times, earning the admiration and respect of our residents.

George Bush achieved the most powerful position in the world, yet he remained unchanged as a person. When I was elected to Congress, I recognized him as the same, decent, honorable man that I met years ago in Delaware County—an experienced, steady leader with the confidence and skill to unite the Nation and lead it through challenging times. He is a great American patriot, whose love of country led him to the White House. Despite his greatness and achievements, we still know him as the humble and unpretentious man who, to a fault, balked at self-promotion.

George Bush was born into privilege but throughout his life he took every opportunity to give back to society. He served heroically during World War II, and after going out on his own in the business world, came back to a life of service in the Government. First in Congress, then at the United Nations and the Central Intelligence Agency, then as Ronald Reagan's second in command, he always put America first. He was equally at home among the company of world leaders and our troops in the field. I am sure that all individuals who met President Bush would use the same words to describe him—genuine, loyal, and compassionate. An avid sports fan and outdoorsman, he embodied the American frontier spirit.

Long before it was an issue at the Federal level, President Bush took a keen interest in fire awareness and more important, the significant contributions of our Nation's firefighters. It was his appearance at the first annual dinner recognizing the fire and emergency service providers that put life safety issues on the front burner in Congress. As the original Chairman of the Congressional Fire and Emergency Services Caucus, I will long be indebted to the President for his initiative, and for coming to Delaware County to sign the Firefighters' Bill of Rights into law. This sentiment is shared by firefighters all across America, who knew that they had a friend in the White House.

My respect for this great world leader grew each day I served under him. Even in the rough and tumble of a campaign, I was surprised by the tenacity of the press in tearing down the reputation of this outstanding man. It is still hard for me to understand the media's distortion of President Bush's image and record.

Now, we face another crisis involving American troops across the world. The stark contrast between the handling of this crisis and that which we faced in the Gulf cannot be missed. But the Nation can only reminisce. Perhaps the press will now recognize George Bush for the truly great leader he was and give him his due place in history. With any luck, his successor will take notes.

Mr. SMITH of Texas. Mr. Speaker, I am delighted and honored to have this opportunity to recognize the great contributions that George Bush has made to his country. There is neither the time nor the eloquence available here, to do this as well as it should be done. I will nonetheless try, because I know him as a fellow-Texan, as a fellow-Republican, as a President, and most important to me, as a friend.

He has accomplished so much in his life, any one of which would have formed an entire career for most of us. His service to his country has literally extended throughout his entire adult life. It began when he enlisted in the Army Air Corps. He became the Nation's youngest fighter pilot and a hero.

After the war, he moved to Texas—a highpoint in any life. He was successful in the oil industry. He ran for Congress and won. He was Ambassador to the United Nations. He was Director of the Central Intelligence Agency. He was half of one of the most successful administrations in this Republic's history, as Vice President for Ronald Reagan.

He ran and won his own term as President. As large as his accomplishments as President seem now, they will loom even larger as time goes on: through his direct efforts the most pervasively oppressive political system in the world's history collapsed. He stopped and then defeated a brutal tyrant in the world's most volatile region. He set the stage for an unprecedented flowering of peace between Arab and Jew and unfettered trade between nations.

While he accomplished this and more, he remained an exemplar of personal integrity and of unassuming dignity and decency. Mr. Speaker and my colleagues, it has been an honor to have known George Bush as both President and friend.

Mr. SOLOMON. Mr. Speaker, our great Nation is now a better place today because

George Herbert Walker Bush served it so well and so long.

His distinguished career started when he became the youngest Naval pilot in World War II. Surviving a crash into the Pacific Ocean, he went on to become a Congressman, Director of the CIA, Ambassador to the United Nations, twice Vice President of the United States and then the 41st President of our Nation. No man was better prepared to assume that highest position than George Bush. No man gave more of his life and talent to his country than George Bush.

Despite his enormous contributions to our Government I believe I will remember George Bush mostly for the quality and the integrity of the man. He is a wonderful, loving family man. When you meet him, no matter how many times, you are always left with an impression of his great personal warmth. He is down to earth. You feel you have known him all your life. He is honest and straightforward and has lived an exemplary life.

Since his departure from the White House I have missed him very much, but more importantly, I think the United States and the world community of nations have also missed him dearly.

Thank you, Mr. President. We will never forget you.

Ms. ROS-LEHTINEN. Mr. Speaker, it can be said that George Bush lived the values of America more eloquently than anyone could have spoken them. His life reflects both love of country and love of family.

A half century ago, this country was embroiled in the Second World War and a young George Bush volunteered for the demanding and dangerous job of a naval aviator. George Bush went into combat as the youngest commissioned Navy pilot of that war. As a torpedo bomber pilot, his job was to hold a steady course through withering fire in 58 combat missions, an ability he displayed all the rest of his career.

In 1945, he married Barbara Pierce and, after the war, made the decision to strike out for the oil industry in Texas. With Barbara at his side, he created a successful business and, more importantly, raised a wonderful family.

After providing security for his family, George Bush once again devoted himself to the service of his country. His service in the Congress and the Executive branch showed the same calm steady resolve that marked his military service.

As Director of Central Intelligence, he steadied a damaged organization and restored the Agency's effectiveness. George Bush set into motion a review by outside experts of the Agency's evaluation of the Soviet Union. His "Team B" review of the available intelligence on the Soviet Union will be seen by historians as laying the foundation for the restoration of the military power of the United States and for our ultimate victory in the cold war.

Over the years, as Vice-President and as President, George Bush was a frequent visitor to my congressional district—to see his grandchildren—I had the chance to see the other George Bush, a devoted father and grandfather—and to talk to south Floridians about the issues of crime, foreign affairs and the future for the coming generations.

To see George Bush with his grandchildren is to see the guiding star of his career. His love of country is an extension of his love of family. His career was focused on a better America at home and a strong America abroad. The legacy he has given to his grandchildren, and to all our children, is a world in which the nuclear nightmare has receded and the idea of communism lies on the ash heap of history. His has been a job well done and he deserves the thanks and affection of his country.

Ms. DUNN. Mr. Speaker, it has long been a goal of the United States of America to pursue the goals of peace and global freedom. Perhaps no one has understood that pursuit better than the President responsible for leading us into the post-cold-war era, George Herbert Walker Bush.

The nations of this world owe a debt to our former President for his role in making the world safe for democracy. President Bush is a man of judgment, and a man of character. He provided bold leadership by taking a stand against a totalitarian regime in Iraq, and displayed his understanding of our Nation's humanitarian responsibilities when he sent troops to Somalia to ensure that the hungry could be fed. As one of a myriad of his admirers, let me add that it was an honor to serve under President Bush as the chairman of all State Republican Party Chairmen, and by his request, as a delegate to the U.N. Conference on the Status of Women held in Vienna, Austria.

Our Nation, as it carries out its responsibilities as the world's leader in democracy and in peace, is right to honor George Bush for the legacy of freedom he has left behind.

Mr. SCHIFF. Mr. Speaker, I rise today to honor a great American who has given his adult life to serving our country, former President George Bush.

When recalling the living history that George Bush embodies, we are imbued with fond memories. Remember the fearless young Navy aviator who was shot down during WW II, the brazen young entrepreneur who moved his family from the east coast to Texas. Then there was George Bush the Congressman, the National Republican Party chairman, the Director of the CIA, the Ambassador to both the People's Republic of China and the United Nations, and ultimately Vice President of the United States and Commander in Chief George Bush.

George Bush served in all of these capacities with great distinction, each at a very difficult time in American history. What made him successful in each of his endeavors is his outstanding dedication and character. The character demanded of one who must lead and make the tough choices that have faced our country over the years.

As President, it was this character coupled with his respect for his fellow man that made the world unite to face an aggressor in the Middle East. During this crisis, leaders of other countries, like the citizens of ours, felt secure in knowing that George Bush's friendship and pledges were not just rhetoric. The alliance stood because of this man's character and courage, and because he was held in the highest respect by the world community.

The recent signing of the peace accord between Israel and the Palestine Liberation Organization was a direct result of George Bush's strong leadership in the Middle East. The dismantling of the Berlin Wall, the fall of the Soviet Union and spread of democracy around the world were but a few of the many events that occurred during his distinguished career of service.

George Bush still conducts himself as a gentleman. He does not boast of his accomplishments, rather allowing Americans to benefit as a whole. He is the epitome of a statesman.

President Bush—I want to thank you and Mrs. Bush for all that you have done for our Nation. I know that as time goes on, history is going to record the actions of George Herbert Walker Bush, and all of his service to this country, as remarkable.

Mr. QUINN. Mr. Speaker, I rise to pay a special tribute to our country's 41st President, George Herbert Walker Bush.

I wanted to take a few minutes to express my appreciation for all that President and Mrs. Bush did for our great Nation. It is an honor and a privilege for me to know, in a small way, such accomplished public servants.

I was fortunate to have a very memorable experience on inauguration day 1993, amid all the ceremonies and festivities that occurred. I had the opportunity to witness the actual transfer of power when President Bush left the Capitol and spoke his last words as President. I believe it was a very emotional moment for everyone present. From that experience, I know how great a debt of gratitude and thanks all Americans owe George and Barbara Bush for their service to our country as the President and First Lady. They served our country well and with dedication and distinction.

George Bush is truly a great leader, a great leader who brought to the Presidency outstanding credentials from his days as Director of Central Intelligence, Ambassador to China, and Vice President. It was this experience and these leadership traits which enabled George Bush to assemble an international coalition to liberate Kuwait. George Bush's understanding of the complex and changing world around him are unparalleled. I commend President Bush for his courage and thank him for his dedication to our country. Thank you, Mr. Speaker.

Ms. SNOWE. Mr. Speaker, it is my sincere pleasure to have this opportunity to pay a special tribute to a man who served his country and our allies with honor and distinction as a U.S. Congressman in the 1960's, as an Ambassador in the 1970's, and as Vice President and President in the 1980's and 1990's—George Herbert Walker Bush.

His patriotism and love for his country are reflected not only in his dedication to public service, but in his love for his wonderful family, and in his military service to his country in World War II and as Commander in Chief.

George Bush's commitment to public service, his integrity, his honesty to the American people, his leadership, and his loyalty will forever be an inspiration to me, many of my colleagues in Congress and the American people.

Mr. Speaker, I remember fondly when George and Barbara Bush and the Bush family traveled back home to Maine and brought joy to the State of Maine. George Bush always brought a new vitality and vigor back to Maine for the summer—and usually sent the fish scrambling for cover upon his arrival. The Bush family summer vacation continues to be a famous and much celebrated tradition in Maine, and I look forward to many more summers of the Bush family summer vacation in Kennebunkport. George and Barbara Bush personify in so many ways our American traditions and values.

So, on this day in Washington, we celebrate a great American patriot, George Bush. We salute the Bush family, and we salute George Bush's many contributions to public service over the past 40 years, both at home and abroad. George and Barbara have on many occasions opened their hearts, opened their home, and brought joy to many Mainers, many Americans across the Nation, and to all those who have met the Bushes at the White House as well. George Bush's overall dedication to Maine and the Nation is a tribute to the kind of American and the kind of leader he is.

During these difficult and uncertain times in Russia, Bosnia and Somalia, we continue to remember George Bush's steadfastness, his steady hand guiding the affairs of state, his reassuring leadership in times of crisis. Whether it was Panama, the Persian Gulf, the coup in Moscow, or our efforts to unite Europe and sow the seeds of peace and freedom, we Americans and those of us in Congress knew we could rely on his steady and experienced judgment to guide us through the storm. On the domestic front, he worked to keep taxes low, build consensus and work with all members of Congress, and recognize the disabled and the efforts of millions of Americans who gave their time and love in the name of volunteerism.

Mr. President, we miss your presence more than you can imagine, but future generations will celebrate the freedoms you helped to secure. And these freedoms and liberties are the best, most everlasting legacies a leader can leave behind. We will never forget George Bush—an American patriot, a visionary leader, a caring family man, and a true friend to Maine.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEAR 1993

(Mr. SABO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of spending and revenues for fiscal year 1993.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, September 28, 1993.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting an updated status report on the current levels of spending and revenues for FY 1993.

The term "current level" refers to the amounts of spending and revenues estimated for the fiscal year based on laws enacted as of September 21, 1993.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the overall limits set in H. Con. Res. 287 (102d Congress), the concurrent resolution on the budget for fiscal year 1993. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's overall limits.

The second table compares the current levels of budget authority, outlays, and new entitlement authority for each direct spending committee with the "section 602(a)" allocations made under H. Con. Res. 287. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) allocation of new discretionary budget authority or new entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a). The 602(a) allocations for FY 1993 were printed in House Report No. 102–529.

The third table compares the current levels of discretionary appropriations for FY 1993 with the "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The current 602(b) suballocations for FY 1993 were filed by the House Appropriations Committee on May 13, 1993 (H. Rept. 103–90).

Sincerely,

MARTIN OLAV SABO,
Chairman.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1993 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 287

REFLECTING COMPLETED ACTION AS OF SEPT. 21, 1993

[On-budget amounts, in millions of dollars]

	Fiscal year 1993	Fiscal years 1993–97
Appropriate level (as set by H. Con. Res. 287):		
Budget authority	1,246,400	6,669,200
Outlays	1,238,700	6,472,700
Revenues	845,300	4,812,900
Current level:		
Budget authority	1,248,361	([1])
Outlays	1,242,935	([1])
Revenues	849,333	4,807,168
Current level over(+)/under(−) appropriate level:		
Budget authority	+1,961	([1])
Outlays	+4,235	([1])
Revenues	+4,033	−5,732

[1] Not applicable because annual appropriations acts for fiscal years 1995 through 1997 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of any measure providing any new budget authority for Fiscal Year 1993 (if not already included in the current level estimate) would cause Fiscal Year 1993 budget authority to exceed the appropriate level set forth by H. Con. Res. 287.

OUTLAYS

Enactment of any measure providing new budget or entitlement authority with any Fiscal Year 1993 outlay effects (if not already included in the current level estimate) would cause Fiscal Year 1993 outlays to exceed the appropriate level set by H. Con. Res. 287.

REVENUES

Enactment of measures producing a revenue loss of more than $4.033 billion in Fiscal Year 1993 (if not already included in the current level estimate) would cause Fiscal Year 1993 revenues to fall below the appropriate level set by H. Con. Res. 287.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal years, in million of dollars]

	1993			1993–97		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
House Committee:						
Agriculture:						
Allocation	0	0	0	13,656	12,806	15,190
Current level	1	1	0	3	3	0
Difference	1	1	0	−13,653	−12,803	−15,190
Armed Services:						
Allocation	0	0	0	0	0	0
Current level	26	−41	26	313	−330	311

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)—Continued

[Fiscal years, in million of dollars]

	1993			1993–97		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
Difference	26	−41	26	313	−330	311
Banking, Finance and Urban Affairs:						
Allocation	0	0	0	0	0	0
Current level	−60	−59	0	−118	−45	0
Difference	−60	−59	0	−118	−45	0
District of Columbia:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Education and Labor:						
Allocation	0	0	1,472	0	0	21,564
Current level	−128	−148	1,347	−132	−177	21,384
Difference	−128	−148	−125	−132	−177	−180
Energy and commerce:						
Allocation	35	35	0	187	187	0
Current level	−166	−166	−25	−601	−601	−51
Difference	−201	−201	−25	−788	−788	−51
Foreign Affairs:						
Allocation	0	0	0	0	0	0
Current level	−8	−8	0	−20	−20	0
Difference	−8	−8	0	−20	−20	0
Government Operations:						
Allocation	0	0	0	0	0	0
Current level	−8	37	−8	−20	−20	−20
Difference	−8	37	−8	−20	−20	−20
House Administration:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Interior and Insular Affairs:						
Allocation	0	0	0	0	0	0
Current level	−38	−38	0	2	2	0
Difference	−38	−38	0	2	2	0
Judiciary:						
Allocation:	251	251	251	251	139	251
Current level:	210	210	260	244	244	300
Difference:	−41	−41	9	−7	105	49
Merchant Marine and Fisheries:						
Allocation:	0	0	0	0	0	0
Current level:	4	4	0	−366	−366	0
Difference:	4	4	0	−366	−366	0
Post Office and Civil Service:						
Allocation:	0	0	0	0	0	0
Current level:	0	0	0	0	0	0
Difference:	0	0	0	0	0	0
Public Works and Transportation:						
Allocation:	2,000	22	0	10,596	22	0
Current level:	2,050	28	0	2,050	−44	0
Difference:	50	6	0	−8,546	−66	0
Science, Space, and Technology:						
Allocation:	0	0	0	0	0	0
Current level:	0	0	0	0	0	0
Difference:	0	0	0	0	0	0
Small Business:						
Allocation:	0	0	0	0	0	0
Current level:	−12	−12	0	−12	−12	0
Difference:	−12	−12	0	−12	−12	0
Veterans' Affairs:						
Allocation:	0	0	339	0	0	6,566
Current level:	170	170	341	−76	−76	2,239
Difference:	170	170	2	−76	−76	−4,327
Ways and Means:						
Allocation:	0	0	0	352	352	1,213
Current level:	3,590	3,590	3,475	5,719	5,719	5,564
Difference:	3,590	3,590	3,475	5,367	5,367	4,351
Permanent Select Committee on Intelligence:						
Allocation:	0	0	0	0	0	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)—Continued

[Fiscal years, in million of dollars]

	1993			1993–97		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
Current level:	1	1	1	14	14	14
Difference:	1	1	1	14	14	14

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1993—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In million of dollars]

	Revised 602(b) suballocations		Current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agriculture, rural development	13,874	13,413	13,876	13,314	2	−99
Commerce, State, Judiciary	22,865	21,972	22,451	22,052	−414	80
Defense	255,677	267,021	253,944	265,874	−1,733	−1,147
District of Columbia	688	698	688	698	0	0
Energy and water development	22,080	21,409	22,080	21,409	0	0
Foreign Operations	14,701	13,301	14,071	13,300	−630	−1
Interior	12,934	12,617	12,516	12,622	−418	5
Labor, Health and Human Services and Education	62,309	62393	62,389	62,358	80	−35
Legislative	2,328	2,274	2,275	2,275	−53	1
Military construction	8,397	9,370	8,396	9,365	−1	−5
Transportation	12,815	33,555	12,606	33,555	−209	0
Treasury-Postal Service	11,288	12,008	11,248	11,986	−40	−22
VA–HUD–Independent agencies	66,172	65,309	66,021	65,298	−151	−11
Grand total	506,128	535,340	502,561	534,106	−3,567	−1,234

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 22, 1993.
Hon. MARTIN O. SABO,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1993 in comparison with the appropriate levels for those items contained in the 1993 Concurrent Resolution on the Budget (H. Con. Res. 287). This report is tabulated as of close of business September 21, 1993. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 287)	Current level +/− resolution
Budget authority	1,248,361	1,246,400	+1,961
Outlays	1,242,935	1,238,700	+4,235
Revenues:			
1993	849,333	845,300	+4,033
1993–97	4,807,168	4,812,900	−5,732

Since my last report, dated July 14, 1993, Congress approved and the President signed an act to transfer naval vessels to foreign countries (P.L. 103-54) and the small Business Guaranteed Credit Enhancement Act (P.L. 103-81). These actions changed the current level of budget authority and outlays. In addition, Congress approved and the President signed the Emergency Supplemental for Flood Assistance (P.L. 103-75). Funds made available in this bill are designated emergencies and have no effect on the current level of budget authority, outlays, or revenues.

Sincerely,
ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT 103D CONG., 1ST SESS., HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS SEPT. 21, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			849,333
Permanents and other spending legislation	764,101	737,205	
Appropriation legislation	732,061	743,943	
Offsetting receipts	(240,524)	(240,524)	
Total previously enacted	1,255,638	1,240,625	849,333
ENACTED THIS SESSION			
CIA Voluntary Separation Incentive Act (Public Law 103–36)	1	1	
Unclaimed Deposits Amendments Act (Public Law 103–44)		1	
1993 Spring Supplemental (Public Law 103–50)	1,003	1,199	
Transfer naval vessels to foreign countries (Public Law 103–54)	(8)	(8)	
Small Business Guaranteed Credit Enhancement Act (Public Law 103–81)	(12)	(12)	
Total enacted this session	984	1,181	
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted [1]	(8,261)	1,130	
Total current level [2]	1,248,361	1,242,935	849,333
Total budget resolution	1,246,400	1,238,700	845,300
Amount remaining:			
Under budget resolution			
Over budget resolution	1,961	4,235	4,033

[1] Includes changes to the baseline estimate for appropriated mandatories due to the following legislation: Technical Correction to the Food Stamp Act (Public Law 102–265); Higher education amendments (Public Law 103–325); prevent annual food stamp price adjustment (Public Law 102–351); Veterans' Compensation COLA Act (Public Law 102–510); preventive health amendments (Public Law 102–531); Veterans' Benefits Act (Public Law 102–568); Veterans' radiation exposure amendments (Public Law 102–578); and, Veterans' Health Care Act (Public Law 102–585).

[2] In accordance with the Budget Enforcement Act, the total does not include the following in emergency funding.

[In millions of dollars]

	Budget authority	Outlays
Public Law:		
102–229		712
102–266		33
102–302		380
102–368	1,059	5,873
102–381	218	13
103–6	3,322	3,322
103–50		(30)
103–75	4,190	141
Total	8,790	10,444

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEARS 1994–98

(Mr. SABO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of spending and revenues for fiscal year 1994 and for the 5-year period fiscal year 1994 through fiscal year 1998.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 28, 1993.
Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting an updated status report on the current levels of spending and revenues for FY 1994 and for the five-year period FY 1994 through FY 1998.

The term "current level" refers to the amount of spending and revenues estimated for each fiscal year based on laws enacted as of September 21, 1993.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the overall limits set in H. Con. Res. 64, the concurrent resolution on the budget for fiscal year 1994. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's overall limits. The table does not show budget authority and outlays for years after FY 1994 because appropriations for those years will not be considered until future sessions of Congress.

The second table compares the current levels of budget authority, outlays, and new entitlement authority for each direct spending committee with the "section 602(a)" allocations made under H. Con. Res. 64 for FY 1994 and for FY 1994 through FY 1998. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) allocation of new discretionary budget authority or new entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a). The 602(a) allocations were printed in the Congressional Record for March 31, 1993 on pages H 1784–87.

The third table compares the current levels of discretionary appropriations for FY 1994 with the "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The 602(b) suballocations were filed by the Appropriations Committee on May 27, 1993 (H. Rept. 103–113).

Sincerely,

MARTIN OLAV SABO,
Chairman.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1994 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 64

REFLECTING ACTION COMPLETED AS OF SEPT. 21, 1993

[On-budget amounts, in millions of dollars]

	Fiscal year 1994	Fiscal years 1994–98
Appropriate level (as set by H. Con. Res. 64):		
Budget authority	1,223,400	6,744,900
Outlays	1,218,300	6,629,300
Revenues	905,500	5,153,400
Current level:		
Budget authority	725,906	[1]
Outlays	917,099	[1]
Revenues	905,588	5,106,150
Current level over(+)/under(−) appropriate level:		
Budget authority	−497,494	NA
Outlays	−301,201	NA
Revenues	+88	−47,250

[1] Not applicable because annual appropriations acts for fiscal years 1995 through 1998 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing more than $497.494 billion in new budget authority for Fiscal Year 1994 (if not already included in the current level estimate) would cause Fiscal Year 1994 budget authority to exceed the appropriate level set by H. Con. Res. 64.

OUTLAYS

Enactment of measures providing new budget or entitlement authority with Fiscal Year 1994 outlay effects of more than $301.201 billion (if not already included in the current level estimate) would cause Fiscal Year 1994 outlays to exceed the appropriate level set by H. Con. Res. 64.

REVENUES

Enactment of measures producing a revenue loss of more than $88 million in Fiscal Year 1994 (if not already included in the current level estimate) would cause Fiscal Year 1994 revenues to fall below the appropriate level set by H. Con. Res. 64.

Enactment of any measure producing any net revenue loss for the period Fiscal Year 1994 through Fiscal Year 1998 (if not already included in the current level estimate) would cause revenues for that period to fall below the appropriate level set by H. Con. Res. 64.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal years, in millions of dollars]

	1994			1994–98		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
House committee:						
Agriculture:						
Allocation	−65	−66	−60	−2725	−2727	888
Current level	−99	−106	−402	−1880	−1906	−3054
Difference	−34	−40	−342	845	821	−3942
Armed Services:						
Allocation	−128	−128	−128	−2365	−2357	−2357
Current level	−176	−176	−180	−2310	−2310	−2357
Difference	−48	−48	−52	55	47	0
Banking, Finance and Urban Affairs:						
Allocation	0	−338	0	0	−2792	0
Current level	0	−498	0	0	−2831	0
Difference	0	−160	0	0	−39	0
Distric of Columbia:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Education and Labor:						
Allocation	0	0	118	0	0	−4048
Current level	−150	−158	−795	−150	−150	−5180
Difference	−150	−158	−913	−150	−150	−1132
Energy and Commerce:						
Allocation	0	−1700	−180	−1169	−8369	−7798
Current level	2	−2398	42	−1159	−11359	−7059
Difference	2	−698	222	10	−2990	739
Foreign Affairs:						
Allocation	0	0	0	−5	−5	−5
Current level	−6	−6	−3	−75	−75	−60
Difference	−6	−6	−3	−70	−70	−55
Government Operations:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
House Administration:						
Allocation	0	0	0	0	0	0
Current level	1	1	0	8	8	0
Difference	1	1	0	8	8	0
Judiciary:						
Allocation	0	0	0	0	−472	0
Current level	0	0	0	0	−345	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)—Continued

[Fiscal years, in millions of dollars]

	1994			1994–98		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
Difference	0	0	0	0	127	0
Marchant Marine and Fisheries:						
Allocation	0	0	0	−205	−205	−4
Current level	0	0	0	−205	−205	0
Difference	0	0	0	0	0	4
Natural Resources:						
Allocation	−117	−112	0	−709	−693	0
Current level	−74	−78	0	−478	−481	0
Difference	43	34	0	231	212	0
Post Office and Civil Service:						
Allocation	−66	−66	−77	−10199	−10547	−9597
Current level	−266	−266	−266	−10258	−10606	−9451
Difference	−200	−200	−189	−59	−59	146
Public Works and Transportation:						
Allocation	2092	−13	0	37458	−85	0
Current level	−13	−13	0	−85	−85	0
Difference	−2105	0	0	−37543	0	0
Science, Space, and Technology						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	−11	−11	70	−1356	−1352	3447
Current level	−11	−11	−233	−1356	−1352	−1880
Difference	0	0	−303	0	0	−5327
Ways and Means:						
Allocation	−2876	−2054	−2036	−29669	−24422	−12596
Current level	−2134	−1742	−755	−41279	−38945	−35917
Difference	742	312	1281	−11610	−14523	−23321
Permanent Select Committee on Intelligence:						
Allocation	0	0	0	0	0	0
Current level	7	7	7	15	15	15
Difference	7	7	7	15	15	15

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1994—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Filed 602(b) suballocations—May 27, 1993		Current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Rural Development	14,629	14,340	0	3,577	−14,629	−10,763
Commerce, State, Judiciary	22,969	23,156	20	6,369	−22,949	−16,787
Defense	240,746	255,615	10	94,206	−240,736	−161,409
District of Columbia	700	698	0	0	−700	−698
Energy and Water Development	22,017	21,702	0	8,775	−22,017	−12,927
Foreign Operations	13,783	13,918	0	8,302	−13,783	−5,616
Interior	13,736	13,731	400	4,957	−13,336	−8,774
Labor, Health and Human Services, and Education	66,983	68,290	1,716	38,062	−65,267	−30,228
Legislative	2,300	2,289	2,270	2,267	−30	−22
Military Construction	10,337	8,784	0	6,380	−10,337	−2,404
Transportation	13,134	34,739	0	22,784	−13,134	−11,955
Treasury–Postal Service	11,319	11,522	0	2,740	−11,319	−8,782
VA–HUD–Independent Agencies	68,311	69,973	720	40,472	−67,591	−29,501
Grand total	500,946	538,757	5,136	238,891	−495,828	−299,866

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 22, 1993.

Hon. MARTIN O. SABO,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1994 in comparison with the appropriate levels for those items contained in the 1994 Concurrent Resolution on the Budget (H. Con. Res. 64), and is current through September 21, 1993. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 64)	Current level +/− resolution
Budget authority	725,906	1,223,400	−497,494
Outlays	917,099	1,218,300	−301,201
Revenues:			
1994	905,588	905,500	+88
1994–98	5,106,150	5,153,400	−47,250

Since my last report, dated July 14, 1993, Congress approved and the President signed an act to transfer naval vessels to foreign countries (P.L. 103-54), the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66), an act extending chapter 12 of the bankruptcy code (P.L. 103-65), and the 1994 Legislative Branch appropriations bill (P.L. 103-69). Congress has also approved the National Service Trust Act (H.R. 2010). These actions changed the current level of budget authority, outlays, and revenues. In addition, Congress approved and the President signed the Emergency Supplemental for Flood Assistance (P.L. 103-75). Funds made available in this bill are designated emergencies and have no effect on the current level of budget authority, outlays, or revenues.

Sincerely,

ROBERT D. REISCHAUER.

PARLIAMENTARIAN STATUS REPORT 103D CONG. 1ST SESS. HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS SEPT. 21, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			878,100
Permanents and other spending legislation	740,893	699,501	
Appropriation legislation		241,770	
Offsetting receipts	(183,477)	(183,477)	
Total previously enacted	557,415	757,794	878,100
Enacted this session—Appropriation legislation			
1993 Spring Supplemental (Public Law 103-50)	10	(292)	
Legislative Branch (Public Law 103-69)	2,270	2,063	
Authorizing Legislation			
Authorize Construction of World War II Memorial (Public Law 103-32)	1	1	
CIA Voluntary Separation Incentive Act (Public Law 103-36)	7	7	
Unclaimed Deposit Amendments Act (Public Law 103-44)		17	
Transfer Naval Vessels to Foreign Countries (Public Law 103-54)	(3)	(3)	
Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66)[1]	(2,944)	(5,478)	27,489
Extending Chapter 12 of Bankruptcy Code (Public Law 103-65)			(1)
Total enacted this session	(659)	(3,685)	27,488
Pending Signature			
National Service Trust Act (H.R. 2010)	20	12	
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted[2]	169,130	162,978	
Total current level[3] [4]	725,906	917,099	905,588
Total budget resolution	1,223,400	1,218,300	905,500
Amount remaining:			
Under budget resolution	497,494	301,201	
Over budget resolution			88

[1] Includes budget committee estimate of $2.4 billion in outlay savings for FCC spectrum license fees.

[2] Includes changes to the baseline estimate for appropriated mandatories due to enactment of Public Law 103-66.

[3] In accordance with the budget Enforcement Act, the total does not include the following in emergency funding:

[In millions of dollars]

	Budget authority	Outlays
Public Laws		
102-368		100
103-6	2,340	2,340
103-50	12	7
103-75	900	3,214
Total	3,252	5,661

[4] At the request of Committee staff, current level does not include scoring of section 601 of Public Law 102-391.

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.

CONFERENCE REPORT ON H.R. 2295

Mr. OBEY submitted the following conference report and statement on the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-267)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2295) "making appropriations for the Foreign Operations, Export Financing, and Related Programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, 6, 8, 9, 10, 11, 16, 19, 22, 23, 26, 27, 28, 30, 44, 48, 59, 60, 62, 65, 70, 72, 78, 80, 81, 84, 86, 88, 95, 103, 107, 108, 109, 110, 113, 114, 116, 117, 118, 119, and 121.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 12, 13, 14, 18, 20, 21, 31, 35, 36, 37, 38, 39, 40, 41, 43, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 61, 64, 66, 69, 71, 74, 75, 76, and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided, That one quarter of such funds may be obligated only after April 1, 1994: Provided further, That one quarter of such funds may be obligated only after September 1, 1994: Provided further, That no more than 21 days prior to the obligation of each such sum, the Secretary shall submit a certification to the Committees on Appropriations that the Bank has not approved any loans to Iran since October 1, 1993, or the President of the United States certifies that withholding of these funds is contrary to the national interest of the United States*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided, That such funds shall be made available to the Facility by the Secretary of the Treasury if the Secretary determines (and so reports to the Committees on Appropriations) that the Facility implementing agencies have: (1) established clear procedures ensuring public availability of documentary information on all Facility projects and associated projects of the Facility implementing agencies; and (2) have developed or are in the process of developing clear procedures ensuring that affected peoples in recipient countries are consulted on all aspects of identification, preparation, and implementation of Facility projects and associated projects of the Facility implementing agencies: Provided further, That in the event the Secretary of the Treasury has not made such determinations by September 30, 1994, funds appropriated under this heading for the GEF shall be transferred to the Agency for International Development and used for activities associated with the GEF and the Global Warming Initiative*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided, That the Secretary of the Treasury shall instruct the United States Executive Director to each of the international financial institutions (IFIs) to use the voice and vote of the United States to urge that each of the IFIs establish an independent entity appointed by and reporting to the executive board, with the authority and functions of an inspector general; Provided further, That on or before March 31, 1994, the Secretary of the Treasury shall submit a report to the Committees on Appropriations on the process being made towards establishing such entities: Provided further, That the Secretary of the Treasury shall consult and work with appropriate international fora to establish and independent commission to review the operations and management structure of the IFIs: Provided further, That the commission, which should be funded from the budgets of the IFIs, would be comprised of members of various nationalities who are familiar with the management and operations of the IFIs: Provided further, That on or before March 31, 1994, the Secretary of the Treasury shall submit a report to the Committees on Appropriations on the progress being made towards establishing the commission*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That of the funds appropriated under this heading that are made available for the United Nations Children's Fund (UNICEF), 75 per centum (less amounts withheld consistent with section 307 of the Foreign Assistance Act of 1961 and section 516 of this Act) shall be obligated and expended no later than thirty days after the date of enactment of this Act and 25 per centum of which shall be expended within thirty days from the start of UNICEF's fourth quarter of operations for 1994*; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agreed to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *: Provided further, That none of the funds appropriated under this heading that are made available to the United Nations Population Fund (UNFPA) shall be made available for activities in the People's Republic of China: Provided further, That not more than $40,000,000 of the funds appropriated under this heading may be made available to the UNFPA: Provided further, That not more than one-half of this amount may be provided to UNFPA before March 1, 1994, and that no later than February 15, 1994, the Secretary of State* *shall submit a report to the Committees on Appropriations indicating the amount UNFPA is budgeting for the People's Republic of China in 1994: Provided further, That any amount UNFPA plans to spend in the People's Republic of China in 1994 above $10,000,000, shall be deducted from the amount of funds provided to UNFPA after March 1, 1994: Provided further, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds*; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

Retain the matter proposed in said amendment, amended as follows:

In lieu of "$2,000,000" named in said amendment, insert: *$1,000,000*, and

In lieu of $50,000,000" named in said amendment, insert: *$25,000,000*; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$501,760,000: Provided, That none of the funds appropriated by title II of this Act may be obligated after March 31, 1994 unless the Administration has acted to implement those recommendations of the Report of the National Performance Review which can be accomplished without legislation and has submitted the necessary package of proposed legislation to accomplish the following remaining recommendations:*

(1) reform of foreign assistance programs and rewriting of the Foreign Assistance Act of 1961,

(2) reform of the personnel systems of the Agency for International Development aimed at integrating the multiple personnel systems and reviewing benefits under each system,

(3) lifting of some current Agency personnel restrictions and giving managers authority to manage staff resources more efficiently and effectively,

(4) reengineering of project and program management processes to emphasize innovation, flexibility, beneficiary participation, pilot and experimental programs, incentive systems linked to project and program performance, processes for continuing critical review and evaluation, and improved coordination systems with other donors, and

(5) a planned reduction of a specific number of Agency missions during the next three years, of which at least twelve shall be terminated during the first year.

For additional expenses only to carry out the provisions of section 667 related to termination or phasing down of overseas missions of the Agency of International Development and related to improving the information and financial management systems and customer service of the Agency for International Development as recommended by the Report of the National Performance Review, $3,000,000 to remain available until expended: Provided, That funds appropriated by this paragraph may be made available notwithstanding any other provision of law, shall not be transferred or utilized for any other purpose, and shall be in addition to amounts otherwise available for such purposes; and the Senate agree to the same.

Amendment numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) and, with regard to programs for Eastern Europe and programs for the benefit of South Africans disadvantaged by apartheid, section 223(j) of the Foreign Assistance Act of 1961*; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That not less than $15,000,000 of the funds appropriated under this heading shall be made available for Cyprus to be used only for scholarships, bicommunal projects, and measures aimed at the reunification of the island and designed to reduce tensions, and promote peace and cooperation between the two communities on Cyprus*; and the Senate agree to the same

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of "$19,600,000," insert: *up to $19,600,000,* ; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$390,000,000*; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$3,149,279,000*; and the Senate agree to the same.

Amendment numbered 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

Retain the matter proposed in said amendment, amended as follows:

After the words "necessary appropriations" in said amendment, insert: *: Provided further, That pursuant to the tenth replenishment of the resources of the International Development Association, $2,500,000,000 is authorized, to be appropriated*; and the Senate agree to the same.

Amendment numbered 67:

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *and up to $20,000,000 may be made available for stockpiles in Thailand*; and the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

RESCISSIONS

SEC. 545. (a). Of the unexpended balances of funds (including earmarked funds) made available for fiscal years 1987 through 1993 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $203,000,000 are rescinded.

(b) Of the unexpended balances of funds (including earmarked funds) appropriated for fiscal year 1993 and prior fiscal years to carry out the provisions of sections of sections 103 through 106 of the Foreign Assistance Act of 1961, $5,100,000 are rescinded.

And the Senate agree to the same.

Amendment numbered 73:

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows:

Retain the matter proposed in said amendment, amended as follows:

In lieu of "$10,000,000" named in said amendment, insert: *$6,000,000*, and

In lieu of "$5,000,000" named in said amendment, insert: *$3,000,000*; and the Senate agree to the same.

Amendment numbered 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

EXCESS DEFENSE ARTICLES

SEC. 555. The authority of section 519 of the Foreign Assistance Act of 1961, as amended, may be used in fiscal year 1994 to provide nonlethal excess defense articles to countries for which United States foreign assistance has been requested and for which receipt of such articles was separately justified for the fiscal year, without regard to the restrictions in subsection (a) of section 519.

And the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 557." named in said amendment, insert: *SEC. 556.* ; and the Senate agree to the same.

Amendment numbered 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 560." named in said amendment, insert: *SEC. 557.* ; and the Senate agree to the same.

Amendment numbered 83:

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 561." named in said amendment, insert: *SEC. 558.*; and the Senate agree to the same.

Amendment numbered 85:

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 563." named in said amendment, insert: *SEC. 559.*; and the Senate agree to the same.

Amendment numbered 87:

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 560. (a) Funds appropriated by this Act under the heading "Assistance for the New Independent States of the Former Soviet Union", and funds appropriated by the Supplemental Appropriations for the New Independent States of the Former Soviet Union Act, 1993, should be allocated for economic assistance and for related programs as follows:

(1) $893,820,000 for the purpose of private sector development, including through the support of bilateral and multilateral enterprise funds, technical assistance and training, agribusiness programs and agricultural credit, financing and technical assistance for small and medium private enterprises, and privatization efforts.

(2) $125,000,000 for the purpose of a special privatization and restructuring fund: Provided, That the United States' contribution for such fund shall not exceed one-quarter of the aggregate amount being made available for such fund by all countries.

(3) $185,000,000 for the purpose of enhancing trade with and investment in the New Independent States of the former Soviet Union, including through energy and environment commodity import assistance, costs of loans and loan guarantees and the provision of trade and investment technical assistance.

(4) $295,000,000 for the purpose of enhancing democratic initiatives, including through the support of a comprehensive program of exchanges and training, assistance designed to foster the rule of law, and encouragement of independent media.

(5) $190,000,000 for the purpose of supporting troop withdrawal, including through the support of an officer resettlement program, and technical assistance for the housing sector.

(6) $285,000,000 for the purpose of supporting the energy and environment sectors, including such programs as nuclear reactor safety, and technical assistance to foster the efficiency and privatization of the energy sector and making that sector more environmentally responsible.

(7) $239,000,000 for humanitarian assistance purposes, including to provide vaccines and medicines for vulnerable populations, to assist in the establishment of a sustainable pharmaceutical industry, to provide food assistance, and to meet other urgent humanitarian needs.

(b) With respect to funds allocated under subsection (a) of this section, notifications provided under section 515 of this Act shall reflect the categories listed in subsection (a): Provided, That the Committees on Appropriations shall be consulted with respect to the submission of notifications which would cause any category to exceed the allocation reflected in subsection (a).

(c) Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall be provided to the maximum extent feasible through the private sector, including private voluntary organizations and nongovernmental organizations functioning in the New Independent States.

(d) Of the funds appropriated by this or any other Act, not less than $300,000,000 should be made available for Ukraine.

(e) None of the funds appropriated by this Act shall be transferred to the Government of Russia—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

(f) Funds may be furnished without regard to subsection (e) if the President determines that to do so is in the national interest.

And the Senate agree to the same.

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

(g) None of the funds appropriated by this Act shall be made available to any government of the New Independent States of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other New Independent State, such as those violations included in Principle Six of the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national interest of the United States: Provided further, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian, disaster and refuge relief: Provided further, That thirty days after the date of enactment of this Act, and then annually thereafter, the Secretary of State shall report to the Committees on Appropriations on steps taken by the governments of the New Independent States concerning violations referred to in this subsection: Provided further, That in preparing this report the Secretary shall consult with the United States Representative to the Conference on Security and Cooperation in Europe.

(h) None of the funds appropriated by this Act for the New Independent States of the former Soviet Union shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, defense conversion or non-proliferation programs, or programs conducted under subsection (a)(5) of this section.

And the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 566." named in said amendment, insert: *SEC. 561.*; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 567." named in said amendment, insert: *SEC. 562.*; and the Senate agree to the same.

Amendment numbered 92:

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 568." named in said amendment, insert: *SEC. 563.*; and the Senate agree to the same.

Amendment numbered 93:

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 569." named in said amendment, insert: *SEC. 564.*, and

In lieu of "$50,000,000 shall" named in said amendment, insert: *up to $50,000,000 should*; and the Senate agree to the same.

Amendment numbered 94:

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

HUMANITARIAN ASSISTANCE FOR ARMENIA

SEC. 565. Of the funds appropriated by titles II and VI of this Act (1) to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and (2) under the headings "Assistance for the New Independent States of the Former Soviet Union" and "Operations and Maintenance, Defense Agencies", $18,000,000 should be made available for urgent humanitarian assistance for Armenia.; and the Senate agree to the same.

Amendment numbered 96:

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 572." named in said amendment, insert: *SEC. 566.*; and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 573." named in said amendment, insert: *SEC. 567.*; and the Senate agree to the same.

Amendment numbered 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 574." named in said amendment, insert: *SEC. 568.*; and the Senate agree to the same.

Amendment numbered 99:

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 575." named in said amendment, insert: *SEC. 569.*; and the Senate agree to the same.

Amendment numbered 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 570. (a)(1) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(A) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

(B) credits extended or guarantees issued under the Arms Export Control Act.

(2) LIMITATIONS.—

(A) The authority provided by paragraph (1) may be exercised only to implement multilateral official debt relief and referendum agreements,

commonly referred to as "Paris Club Agreed Minutes".

(B) The authority provided by paragraph (1) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(C) The authority provided by paragraph (1) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(3) Conditions.—The authority provided by paragraph (1) may be exercised only with respect to a country whose government—

(A) does not have an excessive level of military expenditures;

(B) has not repeatedly provided support for acts of international terrorism;

(C) is not failing to cooperate on international narcotics control matters; and

(D) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights.

(4) Availability of Funds.—The authority provided by paragraph (1) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

(5) Certain Prohibitions Inapplicable.—A reduction of debt pursuant to paragraph (1) shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

(b) Special Debt Relief for the Poorest, Most Heavily Indebted Countries.—The Export-Import Bank Act of 1945 (12 U.S.C. 635–635i-3) is amended by adding at the end the following:

"Sec. 11. Special Debt Relief for the Poorest, Most Heavily Indebted Countries.

"(a) Debt Reduction Authority.—The President may reduce amounts of principle and interest owed by any eligible country to the Bank as a result of loans or guarantees made under this Act.

"(b) Limitations.—

"(1) Types of Debt Reduction.—The authority provided by subsection (a) may be exercised only to implement multilateral agreements to reduce the burden of official bilateral debt as set forth in the minutes of the so-called 'Paris Club' (also known as 'Paris Club Agreed Minutes').

"(2) Eligible Countries.—

"(A) Definition.—As used in subsection (a), the term "eligible country" means any country that—

"(i) has excessively burdensome external debt;

"(ii) is eligible to borrow from the International Development Association; and

"(iii) is not eligible to borrow from the International Bank for Reconstruction and Development.

"(B) Determinations.—Subject to subparagraph (A), the President may determine whether a country is an eligible country for purposes of subsection (a).

"(c) Conditions.—The authority provided by this section may be exercised only with respect to a country whose government—

"(1) does not have an excessive level of military expenditures;

"(2) has not repeatedly provided support for acts of international terrorism;

"(3) is not failing to cooperate on international narcotics control matters; and

"(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights.

"(d) Appropriations.—The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance in appropriations Acts.".

(c) Sense of Congress.—It is the sense of Congress that the President should seriously consider requesting debt reduction funds sufficient to provide debt reduction to eligible countries in accordance with the so-called "Trinidad Terms".

And the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "Sec. 577." named in said amendment, insert: *Sec. 571.* ; and the Senate agree to the same.

Amendment numbered 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

FOREIGN MILITARY FINANCING DIRECT COMMERCIAL SALES POLICY

Sec. 572. The Secretary of Defense shall not implement changes in longstanding policy allowing use of Foreign Military Financing for direct commercial sales unless and until all parties affected by any such changes have been fully consulted and given opportunity for input into any such policy changes.

In this process the Secretary of Defense shall also consult with the Committees on Appropriations, the House Committee on Foreign Affairs, the Senate Committee on Foreign Relations, the Committees on Armed Services, and the relevant agencies or departments of the Executive Branch.

And the Senate agree to the same.

Amendment numbered 104:

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

Retain the matter proposed in said amendment, amended as follows:

In lieu of "Sec. 580." named in said amendment, insert: *Sec. 573.* and

In lieu of subsection (c) of said amendment, insert:

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests. And the Senate agree to the Same.

Amendment numbered 105:

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

Sec. 574. (a) In General.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) Definition.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

And the Senate agree to the same.

Amendment numbered 106:

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

UKRAINE/RUSSIA STABILIZATION PARTNERSHIPS

Sec. 575. Of the funds appropriated by this Act under the headings "Assistance for the New Independent States of the Former Soviet Union" and "Operations and Maintenance, Defense Agencies", and allocated under section 560(a) paragraphs (1) and (6), $35,000,000 should be made available for a program of cooperation between scientific and engineering institutes in the New Independent States of the Former Soviet Union and national laboratories and other qualified academic institutions in the United States designed to stabilize the technology base in the cooperating states as each strives to convert defense industries to civilian applications: Provided, That priority be assigned to programs in support of international agreements that prevent and reduce proliferation of weapons of mass destruction: Provided further, That the President may enter into agreements involving private United States industry that include cost share arrangements where feasible: Provided further, That the President may participate in programs that enhance the safety of power reactors: Provided further, That the intellectual property rights of all parties to a program of cooperation be protected: Provided further, That funds made available by this section may be reallocated in accordance with the authority of section 560(b) of this Act.

And the Senate agree to the same.

Amendment numbered 111:

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

RUSSIAN ASSISTANCE TO CUBA

Sec. 576. Of the funds appropriated by this Act under the headings "Assistance for the New Independent States of the Former Soviet Union" and "Operations and Maintenance, Defense Agencies", $380,000,000 shall not be available for obligation for Russia unless the President certifies on April 1, 1994, that the government of Russia has not provided assistance to Cuba during the preceding 18 months: Provided, That funds may be furnished without regard to the provisions of this section if the President determines that to do so is in the national interest.

And the Senate agree to the same.

Amendment numbered 112:

That the House recede from its disagreement to he amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "Sec. 588." named in said amendment, insert: *Sec. 577.* ; and the Senate agree to the same.

Amendment numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

Retain the matter proposed in said amendment, amended as follows:

In lieu of "SEC. 591." named in said amendment, insert: *SEC. 578.* , and

In lieu of "January 1, 1994," in subsection (a) of said amendment, insert: *February 15, 1994.* , and

In lieu of January 1, 1994," in subsection (b) of said amendment, insert: *February 15, 1994,* ; and the Senate agree to the same.

Amendment numbered 120:

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

RUSSIAN REFORM

Sec. 579. (a) Findings.—The Congress finds that—

(1) President Yeltsin has consistently tried to push forward economic and political reform:

(2) President Yeltsin was given a mandate by the Russian people to hold elections and continue the process of economic reform:

(3) Boris Yeltsin is the first and only popularly elected president of Russia, and the parliament of Russia is a holdover from the Soviet regime;

(4) the conservative parliament has consistently impeded political and economic progress in Russia;

(5) slow progress on economic reform has prompted the IMF to review its disbursement of Russia's second tranche from the Systemic Transformation Facility;

(6) political and economic reform has been impeded by the actions of the hardline parliament; and

(7) corruption is rampant and is impeding economic and political reform and must be vigorously and effectively combated.

(b) Sense of the Congress.—It is the sense of the Congress that—

(1) the Congress supports President Yeltsin in his effort to continue the reform process in Russia, including his call for new parliamentary elections consistent with the results of the April 25, 1993 referendum; and

(2) further United States Government economic assistance should be provided in accordance with President Yeltsin's call for and holding of free, fair, and democratic parliamentary elections.

And the Senate agree to the same.

DAVID R. OBEY,
SIDNEY R. YATES,
CHARLES WILSON,
JOHN W. OLVER,
NANCY PELOSI,
ESTEBAN TORRES,
NITA M. LOWEY,
JOSÉ E. SERRANO,
WILLIAM H. NATCHER,
BOB LIVINGSTON,
JOHN PORTER,
JIM LIGHTFOOT,
SONNY CALLAHAN,
JOSEPH M. MCDADE,
Managers on the Part of the House.

MITCH MCCONNELL,
ALFONSE M. D'AMATO,
ARLEN SPECTER,
DON NICKLES,
CONNIE MACK,
PHIL GRAMM,
MARK O. HATFIELD,
PATRICK J. LEAHY,
DANIEL K. INOUYE,
DENNIS DECONCINI,
FRANK R. LAUTENBERG,
TOM HARKIN,
BARBARA A. MIKULSKI,
DIANNE FEINSTEIN,
ROBERT C. BYRD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two House on the amendments of the Senate to the bill (H.R. 2295) making appropriations for Foreign Operations, Export Financing, and Related Programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993 and for other purposes submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Amendment No. 1: Appropriates $55,821,000 as proposed by the House instead of $27,910,500 as proposed by the Senate.

The conferees' agreement on the reduction in paid-in and callable capital funds for the World Bank directly reflects a reduction of the amount of funds that the World Bank has lent to Iran during 1993. The reduction also reflects the conferees' strong belief that additional progress needs to be made by the World Bank in promulgating and implementing environmental reforms.

Amendment No. 2: Inserts language permitting the Secretary of Treasury to obligate 1) one-half of the funds made available for paid-in capital of the World Bank on October 1, 1993, 2) one-quarter of the funds after April 1, 1994, and 3) one-quarter of the funds after September 1, 1994. Not more than twenty-one days prior to the April and September obligations, the Secretary of the Treasury must submit a certification that the World Bank has approved no loans to Iran since October 1, 1993 or the President must certify that withholding of the funds is contrary to the national interest

Amendment No. 3: Inserts language conditioning funds for the Global Environment Facility. The conferees agree that the Secretary of Treasury is to consult with the appropriate committees of Congress prior to obligation of funds to the Global Environment Facility.

The conferees continue to believe that the GEF must establish procedures ensuring public availability of information on GEF projects and associated projects of the GEF implementing agencies. Without broad, timely access to technical information, the public is unable to have meaningful input regarding GEF activities. The Conferees also believe that the participation of affected peoples in the identification, preparations, and implementation of GEF projects is essential.

The conferees are concerned that the World Bank's new information disclosure policy, as written, does not provide adequate public access to relevant technical documents. The conferees are also concerned that existing procedures do not adequately ensure public participation throughout the project cycle. The conferees recognize that the World Bank is making efforts to address these problems, and that the sufficiency of the Bank's procedures on information disclosure and public participation will depend,in part, on the manner in which they are implemented.

Amendment No. 4: Permits subscription for callable capital portion of the United States share of increases in the capital stock of the International Bank for Reconstruction and Development totalling $1,804,979,000, as proposed by the House instead of $902,439,500 as proposed by the Senate.

Amendment No. 5: The conferees strongly support the international financial institutions and recognize their continuing contribution to world stability and economic and political development. Because of this strong commitment, because these institutions are facing unprecedented challenges, and because growing public criticism has resulted in declining political support for the IFIs in the United States and elsewhere, the conferees believe that it is imperative that IFIs undergo a thorough review of their operations and procedures.

The most public criticisms have focused on containing executive travel, pay and benefit excesses, and office building construction and maintenance costs. These criticisms have created an image of IFI employees enjoying exceptionally generous salaries and prerequisites while in the employ of institutions funded with public monies, even while poverty and misery in the countries they are supposed to be helping worsen. This image is not one that will sustain support for the IFIs in the United States Congress in future years.

Of even greater concern to the conferees is the apparent declining quality of the loan portfolios of at least several of the IFIs. The conferees find the reported institutional emphasis on "moving money" as opposed to quality implementation of projects to be totally inappropriate. The conferees believe that program and project quality, including compliance with loan conditionality, could be enhanced by shifting a significant number of personnel of these institutions into the field to work closely with recipient governments and local peoples. A reverse "brain drain" should have many benefits. The conferees also are concerned about the capacity of the executive boards to provide oversight and direction, and about the ability of the office of the president to run these institutions rather than being captured by entrenched bureaucracies.

Therefore, in order to stop waste, fraud and abuse, identify improvements in economy and efficiency, and thereby prevent further erosion of public support for the IFIs, the conferees believe that each IFI should immediately establish an independent entity with the authority and functions of an inspector general. The conferees are aware that the World Bank currently has an Operations Evaluation Department, and Internal Auditor, and recently announced the creation of an independent inspection panel. However, none of these appears to have the full authority and functions of an inspector general. The conferees believe that the authority and functions of one or more of these entities should be expanded, or a new entity created, to review the performance of the institution in achieving the goals and objectives as set forth in the institution's own policy guidelines; provide recommendations for improving the economy, efficiency, and effectiveness of operational programs; and detect and prevent waste, fraud and abuse in programs and functions. Such an entity should be established for each IFI. The Conferees have instructed the Secretary of the Treasury to pursue this matter within each IFI and to submit a report on progress being made.

Furthermore, if the IFIs are to perform effectively as the engines of economic growth in the developing countries, substantial reforms will be required. In order to develop a reform agenda, an independent review of IFI operations and management is urgently needed. The conferees have instructed the Secretary of the Treasury to consult and work with appropriate international fora, to establish an independent commission to examine and report on operations and management within the IFIs. The administrative and other costs of the commission, which should be comprised of members of various nationalities supported by staff, would be paid with funds from the budgets of each of the IFIs. At a minimum, the commission should examine and consider, for each IFI, the following:

—Substantial decentralization of IFI personnel and activities to the countries to which loans are made;

—Current administrative policies and cost structures, including those related to salaries, benefits, travel expenses, building and building maintenance costs;

—Changes in structure, terms and procedures that would strengthen the ability of the executive boards to monitor policy and program results and to hold the managers of these institutions accountable for the same, including the addition of secretariats to assist the executive boards;

—Changes in staffing and procedures which would strengthen the office of the presidency of these institutions in setting policy, program and administrative direction and in ensuring proper implementation of such direction.

In conducting this review, the commission should consult with the executive directors and managements of the IFI's, in addition to donor and recipient governments and nongovernmental organizations. The commission should report its findings and recommendations to the executive boards of each IFI. The Conferees have instructed the Secretary of the Treasury to submit a report on progress being made toward establishing the commission.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

Amendment No. 6: Appropriates $1,024,332,000 for the International Development Association proposed by the House instead of $957,142,857 as proposed by the Senate.

Amendment No. 7: Deletes House language making monies provided for International Development Association subject to authorization.

Amendment No. 8: Deletes Senate language calling for an inspector general in the International Development Association. The inspector general issue is included in Amendment No. 5.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

Amendment No. 9: Appropriates $35,761,500 for the International Finance Corporation proposed by the House instead of $17,880,750 as proposed by the Senate.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

Amendment No. 10: Appropriates $75,000,000 for the United States contribution to the Multilateral Investment Fund as proposed by the House instead of $50,000,000 as proposed by the Senate.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

Amendment No. 11: Appropriates $13,026,366 for the paid-in capital of the Asian Development Bank as proposed by the House instead of $2,000,000 as proposed by the Senate.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

Amendment No. 12: Deletes House language making the funds for the Fund subject to authorization.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

Amendment No. 13: Appropriates $135,000,000 for the United States contribution to the African Development Fund as proposed by the Senate instead of $132,300,000 as proposed by the House.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

Amendment No. 14: Appropriates $360,628,000 for the International Organizations and Programs as proposed by the Senate instead of $339,500,000 as proposed by the House.

UNICEF

Amendment No. 15: Deletes Senate language earmarking funds for UNICEF. The conferees recommend and expect that $100,000,000 will be provided for UNICEF in fiscal year 1994. The Conferees believe that the United Nations Children's Fund continues to be one of the highest priorities in the foreign assistance program. Few other programs have such widespread and bipartisan support both in Congress and with the American people.

Given this support, the conferees welcome the Administration's request level of $100,000,000 for UNICEF in fiscal year 1994. As UNICEF'S role expands in addressing crisis situations throughout the world, the conferees urge that future budget requests reflect that reality.

The conferees also include bill language that requires disbursement of UNICEF funds on a specific timetable.

WORLD FOOD PROGRAM

Amendment No. 16: Deletes Senate language earmarking funds for the World Food Program. The conferees urge AID to make every effort to provide $3,000,000 for the World Food Program in fiscal year 1994. The conferees recognize that the World Food Program plays an essential role in providing food and other aid to the neediest people in the world. The World Food Program faces unprecedented demands for food aid and emergency humanitarian assistance in conflict zones, particularly in the former Yugoslavia and sub-Saharan Africa.

UNFPA

Amendment No. 17: Insert language requiring that no funds made available for a U.S. contribution to the United Nations Population Fund (UNFPA) may be used for activities in China. The conferees also recommend that no more than $40,000,000 be made available to the UNFPA in fiscal year 1994. This represents a $10,000,000 reduction from the $50,000,000 requested by the President and recommended in the Senate report, and is equal to the amount the conferees believe UNFPA plans to spend in the People's Republic of China in 1994.

The conferees have further required that not more than one-half of these funds may be provided to UNFPA before March 1, 1994, and that no later than February 15, 1994, the Secretary of State is to provide to the Appropriations Committees a report indicating the amount UNFPA is budgeting for China in 1994. Any amount UNFPA plans to spend in China above $10,000,000 shall be deducted from the amount of funds provided to UNFPA after March 1, 1994.

In addition, none of the funds made available to UNFPA may be used in China, and any funds made available to UNFPA must be maintained in a separate account and not commingled with any other funds.

TITLE II—BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

Amendment No. 18: Inserts language proposed by the Senate which permits funds provided under the Development Assistance Fund to be available for obligation for two years. The conferees agree that this authority will not be continued in the future if the extended obligation authority results in delays in program implementation.

The conferees urge AID to consider funding requests from the Hadassah Medical Organization. Hadassah uses grants to purchase American medical equipment and technology for use in its programs in areas of the world that are in need.

The conferees agree that programs such as the University Development Linkages Project (UDLP) are a valuable tool to strengthen development cooperation among United States institutions of higher education and those in the Agency for International Development's partner countries. The conferees urge support for this program which would enable continuation of ongoing programs as well as new cooperative agreements to be awarded in fiscal year 1994.

COOPERATIVE DEVELOPMENT PROGRAM

Amendment No. 19: Deletes Senate language earmarking funds for various projects. The Conferees recommend that $10,000,000 be made available for cooperative projects among the United States, Israel, and developing countries. Of these funds $5,000,000 should be used for the Cooperative Development Program, $2,500,000 for cooperative research projects, and $2,500,000 for cooperative projects among the United States and Israel and the countries of Eastern Europe, the Baltic states, and the NIS.

POPULATION, DEVELOPMENT ASSISTANCE

Amendment No. 20: Inserts language proposed by the Senate which permits funds provided under the Population account to be available for two years. The conferees agree that this authority will not be continued in the future if the extended obligation authority results in delays in the program.

DEVELOPMENT FUND FOR AFRICA

Amendment No. 21: Inserts language proposed by the Senate which provides a waiver for activities supported by the Southern Africa Development Community.

WOMEN IN DEVELOPMENT

Amendment No. 22: Deletes Senate language earmarking funds for Women in Development. The conferees recognize that the full participation of women in, and the full contribution of women to, the development process are essential to achieving economic growth, a higher quality of life, and sustainable development in developing countries. The conferees believe that AID should expand its efforts to achieve these goals. The conferees therefore recommend and intend that $11,000,000 of development assistance funds, in addition to funds otherwise made available for such purposes, be used to encourage and promote the participation and integration of women as equal partners in the development process in developing countries. Of these funds, $6,000,000 should be made available as matching funds to support activities of AID's field missions to integrate women into their programs. AID should seek to ensure that country strategies, projects, and programs are designed so the percentage of women participants will be demonstrably increased.

INTERNATIONAL DISASTER ASSISTANCE

Amendment No. 23: Appropriates $145,985,000 as proposed by the House instead of $48,965,000 as proposed by the Senate. The conferees agree that the House level of funding will be needed to meet disaster related problems in the former Yugoslavia, Somalia and other situations in Africa, and around the world.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

Amendment No. 24: Appropriates $1,000,000 for the Micro and Small Enterprise Development Program Account, instead of $2,000,000 as proposed by the Senate. The House did not include any language for the Micro and Small Enterprise Development Program.

The Amendment also provides a limitation of $25,000,000 for loan guarantees for this program, instead of $50,000,000 as proposed by the Senate.

The conferees agree that the Administration is to provide notification to the Committees on Appropriations prior to obligation of funds for the Micro and Small Enterprise Development Program.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

Amendment No. 25: Appropriates $501,760,000 for Operating Expenses of the Agency for International Development as proposed by the House instead of $494,080.000 as proposed by the Senate.

The conferees insert language prohibiting the obligation of funds in title II of the bill after March 31, 1994 unless the Administration has acted to implement those recommendations of the Report of the National Performance Review which can be accomplished without legislation and has submitted the necessary package of proposed legislation to accomplish the remaining recommendations. These are:

1. Reform of foreign assistance programs and rewriting of the Foreign Assistance Act of 1961.

2. Reform of the personnel systems of the Agency for International Development aimed at integrating the multiple personnel systems and reviewing benefits under each system.

3. Lifting of some current Agency for International Development personnel restrictions and giving managers authority to manage staff resources more efficiently and effectively.

4. Reengineering of project and program management processes to emphasize innovation, flexibility, beneficiary participation, pilot and experimental programs, incentive systems linked to project and program performance, processes for continuing critical review and evaluation, and improved coordination systems with other donors.

5. A planned reduction of a specific number of Agency for International Development missions during the next three years, of which at least twelve are to be terminated during the first year.

The provision also appropriates an additional $3,000,000 to carry out functions related to the termination or phasing down of overseas missions for the Agency for International Development. The funding is also intended to provide resources for improving the information and financial management systems and customer service of the Agency for International Development. The funding has been provided in order to help implement the recommendations in the Report of the National Performance Review.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

Amendment No. 26: Appropriates $39,118,000 for Operating Expenses of the Agency for International Development Office of Inspector General as proposed by the House instead of $38,518,940 as proposed by the Senate.

Amendment No. 27: Deletes language proposed by the Senate relating to prohibitions on relocating overseas regional offices and authorized position floors.

HOUSING GUARANTY PROGRAM ACCOUNT

Amendment No. 28: Deletes Senate language which allows funds provided in the bill for the Housing Guaranty Program to be used to subsidize loan principal and interest.

Amendment No. 29: Inserts language extending for one year the authorization for the Housing Guaranty Program. The provision also waives the program ceiling, and median income requirements for housing programs in Eastern Europe, and South Africa.

ECONOMIC SUPPORT FUND

FUNDING LEVEL

Amendment No. 30: Appropriates $2,364,562,000 for the Economic Support Fund as proposed by the House instead of $2,280,500,000 as proposed by the Senate.

WEST BANK/GAZA

The conferees are encouraged by the commitments made on September 9, 1993 as well as the declaration of principles signed on September 13, 1993 regarding Israel and the Palestine Liberation Organization.

The conferees understand that additional levels of assistance for the West Bank and Gaza may be necessary to help implement these undertakings. The conferees note that an international donors conference will be held to discuss assistance for the West Bank and Gaza. It is expected that European countries, Japan, the Gulf states, the World Bank and others will provide most of the financing required.

This year both the House and Senate have indicated strong support for the $25,000,000 in Economic Support Funds requested by the Administration for the West Bank and Gaza. The conferees have provided the higher level of funding in conference for the Economic Support Fund account and expect that this could be used to provide additional funding to assist Palestinians in support of the peace process underway.

JORDAN

The conferees recognize the critical role Jordan plays in the Middle East peace process. At the same time, the Jordanian record of compliance with United Nations sanctions has been of concern in the past, but has improved progressively. The President is requested to continue monitoring Jordan's record in this regard and to continue to consult with the Congress on Jordan's efforts to comply with United Nations sanctions, any activities of concern, and U.S. efforts to ensure improved compliance on the part of Jordan.

ISRAEL AND EGYPT

Amendment No. 31: Inserts Senate language earmarking $1,200,000,000 for Israel and $815,000,000 for Egypt. The conferees also agree to include language requiring early disbursal on a grant basis for Israel, and a requirement that $200,000,000 be provided to Egypt as a Commodity Import Program.

CYPRUS/MIDDLE EAST REGIONAL COOPERATION PROGRAM

Amendment No. 32: Inserts language earmarking $15,000,000 in Economic Support Funds for Cyprus for scholarships, bicommunal projects, and measures aimed at the reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities in Cyprus. This is the same amount requested by the administration for fiscal year 1994, and the same amount recommended by both the Senate and House.

The conferees recommend that $7,000,000 in Economic Support Funds be provided for the Middle East Regional Cooperation Program. This program complements the ongoing Middle East multilateral peace talks on regional issues such as water, the environment, and economic cooperation. The conferees believe the recent progress towards peace between Israel and its Arab neighbors makes this program particularly relevant. It can help demonstrate that peaceful cooperation can yield tangible benefits for all involved.

INTERNATIONAL FUND FOR IRELAND

Amendment No. 33: Restores language stricken by the Senate and appropriates up to $19,600,000 for the International Fund for Ireland.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

Amendment No. 34: Appropriates $390,000,000 for assistance for Eastern Europe and the Baltic States instead of $400,000,000 as proposed by the House and $380,000,000 as proposed by the Senate.

The conferees recommend that development assistance and SEED Act funds be made available for humanitarian assistance and for technical training in Albania, including activities in agriculture and in health. The conferees, in providing funding for graduate students from the former Soviet Union, also recommend $3,000,000 for the extension of similar activities in the countries of Central and Eastern Europe. In particular, the conferees recommend implementation of a program modelled after the Muskie Fellowship Program, for graduate students from Central and Eastern Europe interested in pursuing programs of study in American universities.

The conferees are aware of a program operated by the Milwaukee County Training Center for Local Democracy which is training Polish local government officials in decentralized management. The conferees urge AID to consider support of this project.

Amendment No. 35: Inserts Senate language allowing expenditure of funds for Eastern Europe and the Baltic States through related programs as well as for direct economic assistance.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

Amendment No. 36: Appropriates $603,820,000, for assistance for the New Independent States of the former Soviet Union as proposed by the Senate instead of $903,820,000 as proposed by the House. The conferees agree to provide the $300,000,000 originally approved by the House in this account as an increase to the subsidy appropriation of the Export Import Bank of the United States.

INDEPENDENT AGENCIES

AFRICAN DEVELOPMENT FOUNDATION

Amendment No. 37: Inserts Senate language allowing the Board of Directors of the African Development Foundation to waive the project level dollar limitation. A report to the Committees on Appropriations is required each time the waiver is exercised.

INTER-AMERICAN FOUNDATION

Amendment No. 38: Appropriates $30,960,000 for the Inter-American Foundation as proposed by the Senate instead of $30,340,000 as proposed by the House.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

Amendment No. 39: Inserts Senate language allowing the transfer of excess non-lethal property from an agency of the United States government to a foreign country for use in narcotics control programs. The exercise of this authority is subject to notification.

MIGRATION AND REFUGEE ASSISTANCE

Amendment No. 40: Inserts Senate language earmarking $80,000,000 for Soviet, Eastern European and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

Amendment No. 41: Appropriates $49,261,000 for the United States Emergency Refugee and Migration Assistance Fund as proposed by the Senate instead of $19,261,000 as proposed by the House.

TITLE III—MILITARY ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

GRANTS

Amendment No. 42: Appropriates $3,149,279,000 for Foreign Military Financing Program grants instead of $3,175,000,000 as proposed by the House and $3,123,558,000 as proposed by the Senate.

ISRAEL AND EGYPT

Amendment No. 43: Inserts Senate language earmarking $1,800,000,000 for Israel and $1,300,000,000 for Egypt. The conferees also agree to early disbursal of funds for Israel and various provisions related to research and development and procurement.

WITHHOLDING PROVISION

Amendment No. 44: Deletes Senate language relating to Foreign Military Financing for Egypt.

GREECE, PORTUGAL, AND TURKEY

Amendment No. 45: Deletes language proposed by the House. Inserts language proposed by the Senate which stipulates that funds made available under this heading shall be made available for Greece, Turkey, and Portugal only on a loan basis, and not to exceed the following; $283,500,000 only for Greece, $81,000,000 only for Portugal, and $405,000,000 only for Turkey. Authority to extend loans to Greece and Turkey is at a 7 to 10 ratio.

USE OF LOAN SUBSIDY FOR GRANTS

Amendment No. 46: Inserts language allowing use of the subsidy appropriations for Foreign Military Financing Grants, if countries eligible to receive loans decline to utilize such loans.

SPECIAL DEFENSE ACQUISITION FUND

Amendment No. 47: Inserts Senate language limiting the fiscal year 1993 obligational authority of the Special Defense Acquisition Fund to $160,000,000.

PEACEKEEPING OPERATIONS

Amendment No. 48: Appropriates $75,623,000 for Peacekeeping Operations as proposed by the House instead of $62,500,000 as proposed by the Senate.

TITLE IV—EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

Amendment No. 49: Appropriates $1,000,000,000 for the subsidy appropriations for the Export-Import Bank as proposed by the Senate instead of $700,000,000 as proposed by the House.

The conferees encourage the Export-Import Bank to give particular attention to expanding participation by small and mid-sized businesses including women and minority-owned businesses in its programs. The Bank should do so by giving special emphasis to outreach efforts about its programs and services aimed at such firms. Furthermore, Bank policies should be evaluated to determine what modifications are feasible that would facilitate broader utilization by small and mid-sized firms.

The conferees agree to shift $30,000,000 from the New Independent States program funding to the Export-Import Bank to fund their programs in the New Independent States.

Amendment No. 50: Inserts Senate language allowing funds to remain available for two years.

Amendment No. 51: Inserts Senate language clarifying that funds are to remain available for two years.

TITLE V—GENERAL PROVISIONS

AVAILABILITY OF FUNDS

Amendment No. 52: Inserts Senate language which extends the period of availability for funds provided under the International Narcotics Control account.

The Administration is to provide the Committees on Appropriations a notification each time this authority is used.

NOTIFICATION REQUIREMENTS

Amendment No. 53: Deletes House language which strikes the American Schools and Hospitals Abroad account from the accounts listed under the notification provision as proposed by the Senate. No funding has been provided for this account for fiscal year 1994.

Amendment No. 54: Inserts Senate language adding Eastern Europe and the Baltic States and the New Independent States of the Former Soviet Union to the accounts from which the Administration may reprogram funds through the notification process.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

Amendment No. 55: Inserts language proposed by the Senate which adds a new subsection to the limitation of funds to International Organizations and programs. The new subsection allows an exception to the limitation with respect to the Palestine Liberation Organization for fiscal year 1994 if the President determines and notifies Congress that it is in the national interest to do so. The exception will cease to be in effect if the President, or the Congress by joint resolution, determines that the Palestine Liberation Organization has ceased to comply with the commitments made on September 9, 1993.

The conferees have included this language in support of those commitments and the declaration of principles agreement signed between Israel and the Palestine Liberation Organization on September 13, 1993.

SPECIAL NOTIFICATION REQUIREMENTS

Amendment No. 56: Inserts Senate language adding Colombia to the countries requiring special notification procedures.

Amendment No. 57: Inserts Senate language adding Nicaragua to the countries requiring special notification procedures.

Amendment No. 58: Inserts Senate language exempting notifications for development assistance for El Salvador and Nicaragua from the special notification requirements.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

Amendment No. 59: Deletes Senate language regarding Syrian emigration.

AUTHORIZATION REQUIREMENTS

Amendment No. 60: Restores House language citing titles I through V into the waiver of authorization.

Amendment No. 61: Inserts language waiving authorization requirement as proposed by the Senate. The House provided funds subject to authorization.

Amendment No. 62: Restores House language waiving authorization for programs under section 15 of the State Department Basic Authorities Act of 1956 for funds in this bill.

The Conferees have waived section 15 of the State Department Basic Authorities Act. Failure to waive this provision would have disastrous consequences for United States refugee assistance programs worldwide, effective October 1, 1993, including:

—precluding payment for salaries and administrative expenses for employees in the Bureau of Refugee programs;

—precluding the Bureau from providing essential funding for humanitarian aid for refugees, displaced persons and conflict victims;

—precluding funding to the UN High Commissioner for Refugees and other relief organizations' operations in the former Yugoslavia and elsewhere; and

—stopping the processing and admission of refugees to the United States.

Amendment No. 63: Inserts language authorizing an appropriation of $2,500,000,000 for the United States participation in the tenth replenishment of the International Development Association (IDA), the fifth replenishment of the Asian Development Fund and the replenishment of the permanent Global Environment Facility, subject to obtaining the necessary appropriations.

The conferees recognize the central role IDA plays in financing development in the poorest countries. However, over the years the conferees have concluded that the World Bank's policies and procedures fail to adequately protect the environment, or to ensure broad and timely public access to information about Bank activities and consultation with affected peoples. Also they do not provide adequate public recourse for violations of Bank loan and credit agreements, and Bank policies, procedures and guidelines. The conferees believe that these deficiencies have reduced the quality of World Bank and IDA lending, and eroded public support for these institutions.

While the conferees recognize that the World Bank has adopted new procedures in these areas and recently issued a resolution on an independent inspection panel, the reforms, as written, do not adequately address the conferees' concerns. Therefore, the conferees have authorized the equivalent of only two-thirds of the United States' three year contribution to IDA-ten. It is the conferees' strong belief that the World Bank needs to progress further in these areas, and that additional funding in support of IDA-ten will depend on the manner in which these new procedures are implemented and, where necessary, broadened. The conferees urge the Secretary of the Treasury to continue to vigorously pursue these goals.

OPPOSITION TO ASSISTANCE TO TERRORIST COUNTRIES BY INTERNATIONAL FINANCIAL INSTITUTIONS

Amendment No. 64: Inserts Senate language instructing the United States Executive Director of the International Fund for Agriculture Development to oppose any loan or use of funds to a country for which the Secretary has made a determination under section 6(j) of the Export Administration Act of 1979.

DEBT-FOR-DEVELOPMENT

Amendment No. 65: Deletes Senate language extending Debt-for-Development authority to subsequent acts.

LOCATION OF STOCKPILES

Amendment No. 66: Inserts Senate language allowing up to $72,000,000 to be made available for stockpiles in the Republic of Korea.

Amendment No. 67: Inserts language allowing up to $20,000,000 to be made available for stockpiles in Thailand. The Senate had provided for $20,000,000 to be made available.

RESCISSIONS

Amendment No. 68: Inserts language rescinding $203,000,000 from unexpended balances of Economic Support Funds made available for fiscal years 1987 through 1993. Also inserts Senate language rescinding $5,100,000 from unexpended development assistance funds appropriated for fiscal year 1993 and prior fiscal years.

The House had included a rescission of $185,000,000 for fiscal years 1993 and prior Economic Support Funds. The Senate had included a rescission of $250,000,000 for fiscal year 1993 and prior Economic Support Funds.

AUTHORITY TO ASSIST BOSNIA-HERCEGOVINA

Amendment No. 69: Inserts Senate language allowing use of up to $25,000,000 of United States commodities and services for the United Nations War Crimes Tribunal regarding genocide or other violations of international law in the former Yugoslavia.

Amendment No. 70: Deletes Senate language earmarking funds for the United Nations War Crimes Tribunal.

The conferees urge that every effort be made to obtain contributions from our allies and other U.N. member countries for this vital effort. The conferees also strongly urge the Administration to provide a one-time voluntary contribution of $3,000,000 to help the war crimes tribunal for the former Yugoslavia to become operational. The conferees understand that the remainder of the funding for the tribunal will be met through assessed contributions from United Nations members.

SPECIAL AUTHORITIES

Amendment No. 71: Inserts Senate language allowing use of up to $50,000,000 in transfer authority of section 451 of the Foreign Assistance Act of 1961. The current limitation is $25,000,000.

Amendment No. 72: Deletes Senate language requiring that of the funds provided to Afghanistan and Lebanon not more than fifty percent come from development assistance funds.

ANTI-NARCOTICS ACTIVITIES

Amendment No. 73: Inserts language allowing for the continuation of Administration of Justice programs in Latin America and the Caribbean. It also allows up to $6,000,000 for police training in Panama of which not more than $3,000,000 may be used for procurement of non-lethal law enforcement equipment. It also provides for continuation of various Administration of Justice programs for Bolivia, Colombia and Peru.

ELIGIBILITY FOR ASSISTANCE

Amendment No. 74: Inserts Senate language allowing development assistance and development funds for Africa to be provided through non-governmental organizations notwithstanding aid restrictions in this or any other Act. The provision also allows aid restrictions to be waived for Titles I and II of Public Law 480. Use of the authority for Title I is subject to notification. Before using this authority the President must notify the appropriate committees of Congress. The authority of this section may not be used for countries that support international terrorism and countries that violate internationally recognized human rights. This authority shall not be construed to alter any existing statutory prohibitions against abortion or involuntary sterilization contained in this or any other Act.

EARMARKS

Amendment No. 75: Inserts Senate language on earmarks. The conferees desire to give maximum flexibility to the Administration to carry out its foreign policy reforms. That is why the conferees have reduced the number of earmarks. But, within that understanding, the conferees expect the Administration, to the greatest extent possible given changing circumstances, to adhere to the recommendations in the Committee Reports accompanying the Bill. To the extent the Administration is not able to follow the recommendations in the Committee Reports, the conferees expect the Administration to consult with the committees.

CEILINGS AND EARMARKS

Amendment No. 76: Inserts Senate language restricting the applicability of ceilings and earmarks.

EXCESS DEFENSE ARTICLES

Amendment No. 77: Inserts language allowing the provision of non-lethal excess defense articles to countries for which United States foreign assistance was justified for the fiscal year. The conferees agree that a separate justification for countries proposed to receive non-lethal excess defense articles is also required. The provision of non-lethal excess defense articles remains subject to notification as in current law.

TERMINATION

Amendment No. 78: Deletes Senate language allowing a special contractual authority for countries whose assistance has been terminated. The conferees agree that this issue should be addressed in future authorizing legislation.

REAL PROPERTY MANAGEMENT

Amendment No. 79: Inserts Senate language allowing transfer of funds remaining in AID's Acquisition of Property Revolving Fund to the Property Management Fund. The provision is amended to include a new section number 556.

UNITED STATES ASSISTANCE FOR THE TRANSITION TO A NON-RACIAL DEMOCRACY IN SOUTH AFRICA

Amendment No. 80: Deletes Senate language revising current law on South Africa. The Conferees agreed not to include a provision on the transition to democracy in South Africa. It is the understanding of the conferees that the Congress will be considering comprehensive authorization legislation on this issue and therefore felt it more appropriate not to address this issue in this bill.

PROHIBITION AGAINST PAY TO FOREIGN ARMED SERVICE MEMBER

Amendment No. 81: Deletes Senate language prohibiting use of funds to pay pensions, annuities or retirement for any person serving in the armed forces of any country receiving foreign assistance. The conferees expect that foreign assistance will not to be used for this purpose.

PROHIBITION ON PUBLICITY OR PROPAGANDA

Amendment No. 82: Inserts Senate language prohibiting the use of funds for publicity or propaganda purposes within the United States. The provision is amended to include a new section number 557.

DISADVANTAGED ENTERPRISES

Amendment No. 83: Inserts Senate language on Agency for International Development policies for disadvantaged enterprises. The provision is amended to include a new section number 558.

HUMAN RIGHTS REPORT

Amendment No. 84: Deletes Senate language on the Human Rights Report. A central goal of United States foreign policy is the promotion of democracy and human rights. The conferees commend the State Department for its efforts to document human rights practices throughout the world in its annual Country Reports on Human Rights Practices. These reports have contributed to the protection of human rights.

The conferees request that in addition to the items currently discussed in the State Department report, the report should contain (1) a review of each country's commitment to children's rights and welfare; (2) a description of the extent to which indigenous people are able to participate in decisions affecting their lands, cultures and natural resources, and assess the extent of protection of their civil and political rights; and (3) an examination of discrimination toward people with disabilities.

The conferees are concerned that military expenditures by some developing countries which receive United States assistance may exceed legitimate security needs. Curbing the proliferation of unnecessary weapons in these countries should be a foreign policy goal. The conferees recommend and intend that a separate report, entitled "Annual Report on Military Expenditures," should be submitted (at the same time as the report required by section 116(d) of the Foreign Assistance Act of 1961) which contains for each country which receives U.S. assistance:

—an updated estimate of current military spending and a description of trends in spending in real terms;

—a description of the size and political role of the armed forces, including an assessment of the ability of civilian authorities to appoint and remove military officers;

—an assessment of the feasibility of reducing military spending;

—a description of efforts by the United States to encourage such reductions, including collaborative efforts with other donors and arms suppliers; and

—a description of the country's efforts to make such reductions, including its willingness to provide accurate military spending data to relevant international organizations and to the United Nations Register of Conventional Arms, and to participate in regional talks aimed at reducing military spending.

USE OF AMERICAN RESOURCES

Amendment No. 85: Inserts Senate language on the use of American resources. The provision is amended to include a new section number 559.

INTERNATIONAL FUND FOR IRELAND

Amendment No. 86: Deletes Senate language providing up to $19,600,000 from development assistance funds for the United States Contribution to the International Fund for Ireland. Funds for the United States Contribution have been provided under Amendment No. 33.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

Amendment No. 87: Inserts language which recommends allocations of all the funds provided to the New Independent States among seven categories of assistance and describes examples of the activities which may be funded from within each category. The amendment requires consultation with the Appropriations Committees of both Houses of Congress before the amount recommended for allocation to any of the seven categories may be initially exceeded. The language requires that the normal notification process as provided for in Section 515 of this Act apply to these funds, and that each such required notification shall include a statement as to which of the seven fund categories, or how much from mix of the seven categories, is proposed to be used to fund the project or program in the notification. The conferees intend that a further notification is required if the Administration desires to change the category or mix of categories from which a previously notified project or program would be funded.

The conferees urge the Administration to provide $4,000,000 for the purpose of identifying, retrieving, preserving, and analyzing existing scientific environmental data stored in Russia, including data on northern region contamination, key environmental parameters related to contaminant transport processes (ice, wind, water, and biota), North Pacific and Bering Sea fisheries, marine mammals and sea birds, and northern human ecology.

The conferees agree that not less than $300,000,000 should be provided to Ukraine from this or any other Act.

The conferees agree that none of the funds in this Act should be transferred to Russia unless the Government is making progress in private sector and market reforms, in negotiating repayment of commercial debt, and in providing for fair and equitable treatment of foreign private investment, or if the Government transfers assistance for the purpose of expropriating ownership or control of assets, investments, or ventures, unless the President certifies that to provide the funds is in the national interest.

The conferees urge that at least one-third of the funds made available by this Act for the New Independent States be available for States other than Russia.

The conferees strongly encourage the participation of qualified businesses in the United States with expertise in nuclear engineering and nuclear safety to participate in assisting any of the New Independent States in the establishment of designs and procedures to increase the safety of nuclear power plants operating in the NIS countries. While the conferees do not intend to control the manner in which the NIS countries provide for the implementation of programs for improved nuclear safety, they encourage where appropriate awarding of program funds to United States companies qualifying as small business—especially those which are located in areas affected by the decline in defense-related industries in the United States.

The conferees intend that the energy and environment category in the bill includes the use of funds for cooperative efforts involving Department of Energy cooperative agreement participants, such as the National Institute for Environmental Renewal, to assist in the recycling, reuse, and reclamation of industrial sites, including education and training programs.

The conferees recommend $5,000,000 for exchanges involving postdoctoral scholars in the social sciences and humanities. Such a program should be administered through USIA's existing Regional Scholars Exchange, which currently offers such opportunities on a competitive basis to qualified non-profit organizations. This program provides an important component to a balanced program of exchanges at various age and professional levels that is provided by this legislation.

The conferees support the efforts of Project Orbis, a medical charity that teaches doctors in developing countries to perform sight-saving surgery to obtain funding for its work in Eastern Europe, the Baltics, and the republics of the former Soviet Union.

Amendment No. 88: Deletes Senate language earmarking $40,000,000 for a Russian Far East Enterprise Fund. The conferees urge that $40,000,000 be provided for enterprise fund activities in the Russian Far East.

Amendment No. 89: Inserts language conditioning assistance to New independent States on their respecting each others' national sovereignty and territorial integrity. A Presidential national interest waiver and exemptions for humanitarian, refugee and disaster assistance are included. There is a reporting requirement on violations and on efforts to comply with the restriction.

Also, inserts language prohibiting the use of assistance for enhancement of the military capacity of any New Independent State with exemptions for demilitarization, defense conversion, non-proliferation programs, or programs conducted under section 560(a)(5) of this Act.

ANDEAN NARCOTICS INITIATIVE

Amendment No. 90: Inserts Senate language providing that no Economic Support Funds or Foreign Military Financing Program Funds may be made available for the Andean Narcotics Initiative until the Secretary of State consults with, and provides a new Andean counter-narcotics strategy (including budget estimates) to, the Committees on Appropriations. The provision is amended to include a new section number 561.

LIMITATION ON ASSISTANCE FOR NICARAGUA

Amendment No. 91: Inserts Senate language placing conditions on Economic Support Funds for Nicaragua. The conferees urge the Nicaraguan Government to move ahead rapidly with the investigation of the arms cache explosion of last May now being conducted by the Nicaraguan Government with the participation of a number of international investigative agencies, including the FBI. The conferees expect that the Government will prosecute vigorously any violation of Nicaraguan or international law. The provision is amended to include a new section number 562.

LIMITATIONS ON ASSISTANCE FOR HAITI

Amendment No. 92: Inserts Senate language restricting funds to Haiti under certain conditions.

AGRICULTURAL AID TO THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

Amendment No. 93: Inserts language providing that out of the funds made available for the New Independent States up to $50,000,000, inclusive of transportation costs, for agricultural commodities is available for food and nutritional needs of children and women.

HUMANITARIAN ASSISTANCE FOR ARMENIA

Amendment No. 94: Inserts language providing that $18,000,000 should be available for Armenia from funds made available for Development Assistance, Economic Support Funds, and the New Independent States, for winterization needs including winter seeds and home heating oil. The conferees are strongly supportive of substantial levels of humanitarian assistance for the people of Armenia who for several years now have been suffering severely from both natural and man-made disasters. The conferees note that in past years Armenia has received more than $18,000,000 in assistance and believe that that level will be too low to meet Armenian needs in 1994. The conferees support amounts necessary above $18,000,000 to address the Armenian crisis.

HUMANITARIAN AND REFUGEE ASSISTANCE IN CROATIA, SLOVENIA, BOSNIA, AND KOSOVA

Amendment No. 95: Deletes language proposed by the Senate which would have earmarked not less than $35,000,000 in Migration and Refugee Assistance funds for Croatia, Slovenia and Bosnia, and $30,000,000 in humanitarian assistance for Bosnia, Croatia, and Kosova. The Senate amendment also included a sub-earmark of $10,000,000 for Kosova.

The conferees agree that funding in at least the amounts proposed by the Senate will be required in fiscal year 1994 and urge the Administration to take steps to meet the emergency needs in Bosnia, Croatia and Kosova. The conferees also agree that there is an immediate need to fund programs relative to the winter, and urge the Administration to take the lead in participating in the United Nations High Commissioner for Refugee's donor request for a winterization program.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

Amendment No. 96: Inserts Senate language prohibiting the use of foreign assistance funds to pay assessments, arrearages or dues of any member of the United Nations. The provision is amended to include a new section number 566.

CONSULTING SERVICES

Amendment No. 97: Inserts Senate language prohibiting the use of funds for consulting contracts unless contracts are a matter of public record and available for inspection with certain exceptions. The provision is amended to include a new section number 567.

PRIVATE VOLUNTARY ORGANIZATIONS-DOCUMENTATION

Amendment No. 98: Inserts Senate language prohibiting funds for private voluntary organizations which do not provide materials to the Agency for International Development for audit purposes in a timely manner or which are not registered with the Agency for International Development. The provision has been amended to include a new section number 568.

CHEMCIAL WEAPONS PROLIFERATION

Amendment No. 99: Inserts Senate language prohibiting the use of funds to finance procurement of chemicals or chemical agents that are used for chemical weapons production. The provision has been amended to include a new section number 569.

SPECIAL DEBT RELIEF FOR THE POOREST

Amendment No. 100: Inserts language granting authority for debt reduction actions only for poor countries eligible only for lending from the International Development Association. The authority permits, subject to appropriation, Export-Import Bank credits, military loans and guarantees, and housing program loans and guarantees to be reduced in the context of official multilateral debt relief agreements so long as the recipient country does not 1) have excessive military expenditures, 2) repeatedly provide support for acts of international terrorism, 3) fail to cooperate on international narcotics control matters, and does not, 4) engage in a consistent pattern of gross violations of internationally recognized human rights. Also, inserts a Sense of Congress statement that the President should consider requesting debt reduction funds corresponding to "Trinidad Terms".

GUARANTEES

Amendment No. 101: Inserts Senate Language addressing net guarantee costs for fiscal year 1994. The provision has been amended to include a new section number 571.

FOREIGN MILITARY FINANCING DIRECT COMMERCIAL SALES POLICY

Amendment No. 102: Inserts revised language relating to the policy on Foreign Military Financing of direct commercial sales. The new language requires the Secretary of Defense to not implement changes in the long-standing policy allowing the use of Foreign Military Financing funds for direct commercial sales unless and until all parties affected by any such change have been fully consulted and given opportunity for input into any such policy changes. The language also requires the Secretary of Defense to consult with the Committees on Appropriations, the House Foreign Affairs Committee, the Senate Foreign Relations Committee, the Armed Services Committees and the relevant agencies or departments of the Executive Branch.

The conferees are aware that changes may be needed in the policy concerning direct commercial sales, since the General Accounting Office has raised this as an area potentially subject to abuse. The GAO found that many of the purchasing problems for Foreign Military Sales exist under both the direct and Department of Defense procurement programs, however in a majority of cases direct sales are actually costing recipient countries more to procure directly with defense contractors than through the Department of Defense. The GAO also found that there are cases where direct purchasing is less expensive. The Department of Defense in developing a new policy needs to assure that the program addresses both of these situations.

The conferees are concerned that the Department's original intention to terminate direct commercial contracts effective January 1, 1994 did not afford sufficient time to restructure defense acquisition programs in a way that would not adversely impact ongoing programs. The conferees are particularly concerned that the Department proceeded to change the direct sales policy without consulting the Congress and those affected by the change. The conferees therefore welcome the Department's decision to delay the effective termination date. The language included in the bill is intended to assure that all parties are consulted prior to issuing a final determination.

RESTRICTION ON ASSISTANCE TO PERU

Amendment No. 103: Deletes Senate language restricting assistance to Peru. The conferees expect the Peruvian Government to provide fair, prompt and equitable payment to the widow and children of Master Sergeant Joseph Beard, Jr., United States Air Force, whose plane was shot down by Peruvian military forces on April 24, 1992. Fair and equitable payment should approximate the loss to the family due to Sergeant Beard's death. The parties have sought to resolve this matter but have not yet reached agreement. The conferees request the Secretary of State to use his influence with the Peruvian Government to resolve this tragic and complex matter in a manner he deems fair and equitable. The conferees urge that an appropriate amount of U.S. assistance to Peru be withheld until the Secretary determines that there has been a satisfactory resolution of this matter.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

Amendment No. 104: Inserts language prohibiting funds in this Act to any country which provides lethal military equipment to a terrorist government as defined in section 40(d) of the Arms Export Control Act. The provision applies to contracts entered into after the date of enactment. The provisions of this section may be waived, if the President determines that furnishing assistance is in the national interest of the United States.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

Amendment No. 105: Inserts language withholding from obligation foreign assistance in the amount of 110 percent of fully adjudicated parking fines and penalties due the District of Columbia as of enactment of this Act on diplomats from countries receiving foreign assistance until the Secretary of State certifies that the parking tickets have been paid to the District of Columbia in full.

UKRAINE/RUSSIA STABILIZATION PARTNERSHIPS

Amendment No. 106: Inserts language which states that $35,000,000 should be provided for cooperative scientific and engineering programs between institutes in the New Independent States and the United States including the national laboratories and other qualified academic institutions. The program should be in support of programs which prevent and reduce proliferation of weapons of mass destruction.

USED OIL EQUIPMENT

Amendment No. 107: Deletes language proposed by the Senate which would have amended the Foreign Assistance Act concerning the purchase of used oil equipment. The conferees agree that current authority exists within the commodity import program to purchase used oil equipment, including arctic oil equipment, for the former Soviet Union and Eastern Europe countries, and encourage the Agency for International Development to use this authority when appropriate.

FISHING IN THE CENTRAL BERING SEA

Amendment No. 108: Deletes Senate language regarding fishing in the Central Bering Sea. The conferees understand that—

(1) the Central Bering Sea Fisheries Enforcement Act of 1992 (title III of Public Law 102–582) prohibits United States nationals and vessels from conducting fishing operations in the Central Bering Sea, in an area known as "the Doughnut", except when such fishing operations are in accordance with an international fishery agreement to which the United States and the Russian Federation are parties;

(2) the Central Bering Sea Fishery Enforcement Act also prohibits the entry into United States ports of any fishing vessel from a nation whose vessels or nationals conduct fishing operations in the Doughnut in the absence of such an international fishery agreement;

(3) the United States and the Russian Federation have participated in seven multilateral meetings among nations whose vessels or nationals fish in the Doughnut to discuss an international fishery agreement;

(4) a moratorium on fishing in the Doughnut for 1993 and 1994 was agreed to by the United States, the Russian Federation, Japan, Korea, Poland, and the People's Republic of China as part of these discussions, in order to facilitate negotiations on an international fishery agreement;

(5) at the Vancouver Summit on April 4, 1993, Presidents Clinton and Yeltsin committed to developing further bilateral cooperation on fishery matters in the Bering Sea;

(6) an international fishery agreement has not yet been reached despite the best efforts of the United States and the Russian Federation; and

(7) the cooperation of nations which receive aid through monies provided by this Act is needed in order for an international fishery agreement to be reached.

In light of the findings above, the Conferees agreed that the cooperation of nations whose vessels and nationals conduct fishing operations in the Central Bering Sea should be carefully considered in making appropriations for programs from which those nations will receive aid monies in fiscal year 1995.

KENYA

Amendment No. 109: Deletes Senate language restricting assistance to Kenya. The conferees commend Kenya for its constructive role in humanitarian relief operations in Somalia and for assistance to Somali refugees. The conferees also recognize steps taken by Kenya recently toward a more open and democratic political system. However, the conferees remain concerned about continuing human rights abuses, government corruption and economic mismanagement. Therefore, the conferees intend that in determining what levels and types of economic and development assistance to provide Kenya, the President should consider the extent of Kenya's progress towards increasing respect for human rights, freedom of expression, cooperation and dialogue with the democratic political opposition, as well as reducing corruption and improving management of the economy. The conferees intend that no military assistance is to be provided to Kenya unless the President first consults with Congress and determines that such assistance is in the national interest.

The conferees expect the long term framework for United States assistance policy towards Kenya to be addressed in foreign aid reform legislation.

PROHIBITION ON ASSISTANCE TO COUNTRIES EXPROPRIATING UNITED STATES PROPERTY

Amendment No. 110: Deletes language regarding the expropriation of property of United States persons.

RUSSIAN ASSISTANCE TO CUBA

Amendment No. 111: Inserts language withholding $380,000,000 of the funds for Russia unless the President certifies on April 1, 1994, that the government of Russia has not provided assistance to Cuba during the preceding 18 months. The President may waive this requirement, if he determines that it is in the national interest to do so.

RESTRICTION ON ASSISTANCE FOR RUSSIA

Amendment No. 112: Inserts Senate language restricting assistance to Russia regarding making substantial progress toward the withdrawal of Russian armed forces from Latvia and Estonia. The provision has been amended to include a new section number 577.

POLICY WITH RESPECT TO RESTORATION OF DEMOCRACY IN HAITI

Amendment No. 113: Deletes Senate language regarding findings on Haiti.

STATEMENT OF POLICY ON THE UNITED NATIONS

Amendment No. 114: Deletes Senate language regarding the United Nations.

MIDDLE EAST PEACE FACILITATION ACT

Amendment No. 115: Inserts language allowing the President, until February 15, 1994 to waive section 307 of the Foreign Assistance Act with respect to the Palestine Liberation Organization, programs for the PLO, and programs for the benefit of entities associated with it, which accept the commitments made by the PLO on September 9, 1993. The President is to consult with the relevant Committees of Congress prior to exercising this waiver, and to determine that to do so is in the national interest. The waiver shall cease to be in effect if the President notifies Congress that the PLO has ceased to comply with the September 9, 1993 commitments, or if Congress, by joint resolution, makes a similar determination.

POLICY CONCERNING HUMAN RIGHTS AND DEMOCRACY IN VIETNAM

Amendment No. 116: Deletes Senate language regarding human rights and democracy in Vietnam.

SENSE OF THE SENATE REGARDING IMPORTATION OF PRODUCTS MADE WITH CHILD LABOR

Amendment No. 117: Deletes Senate language regarding importation of products made with child labor.

DEFINITION AND APPROPRIATE CONGRESSIONAL COMMITTEES

Amendment No. 118: Deletes Senate language defining appropriate congressional committees.

WORLD BANK GROUP

Amendment No. 119: Deletes Senate language regarding the World Bank Independent Inspection Panel.

RUSSIAN REFORM

Amendment No. 120: Inserts Sense of the Congress language in support of President Yeltsin's efforts to bring about economic and political reform in Russia.

TITLE VI—FISCAL YEAR 1993 SUPPLEMENTAL APPROPRIATIONS

FUNDS APPROPRIATED TO THE PRESIDENT ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

Amendment No. 121: Restores House language making available not to exceed $500,000,000 for a special privatization and restructuring fund.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1994 recommended by the Committee of Conference, with comparisons to the fiscal year 1993 amount, the 1994 budget estimates, and the House and Senate bills for 1994 follow:

New budget (obligational) authority, fiscal year 1993	$26,257,377,903
Budget estimates of new (obligational) authority, fiscal year 1994	14,425,993,066
House bill, fiscal year 1994	12,983,038,866
Senate bill, fiscal year 1994	12,526,854,047
Conference agreement, fiscal year 1994	12,982,665,866
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1993	−13,274,712,037
Budget estimates of new (obligational) authority, fiscal year 1994	−1,443,327,200
House bill, fiscal year 1994	−373,000
Senate bill, fiscal year 1994	+455,811,819

DAVID R. OBEY,
SIDNEY R. YATES,
CHARLES WILSON,
JOHN W. OLVER,
NANCY PELOSI,
ESTEBAN TORRES,
NITA M. LOWEY,
JOSÉ E. SERRANO,
WILLIAM H. NATCHER,
BOB LIVINGSTON,
JOHN PORTER,
JIM LIGHTFOOT,
SONNY CALLAHAN,
JOSEPH M. MCDADE,
Managers on the Part of the House.

MITCH MCCONNELL,
ALFONSE M. D'AMATO,
ARLEN SPECTER,
DON NICKLES,
CONNIE MACK,
PHIL GRAMM,
MARK O. HATFIELD,
PATRICK J. LEAHY,
DANIEL K. INOUYE,
DENNIS DECONCINI,
FRANK R. LAUTENBERG,
TOM HARKIN,
BARBARA A. MIKULSKI,
DIANNE FEINSTEIN,
ROBERT C. BYRD,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCDADE (at the request of Mr. MICHEL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HYDE) to revise and extend their remarks and include extraneous material:)

Mr. CRAPO, for 30 minutes, today.

Mr. THOMAS, of California, for 30 minutes, today.

Mr. OXLEY, for 5 minutes, on September 30.

Mr. BEREUTER, for 5 minutes, today.

Mrs. BENTLEY, for 5 minutes today, in lieu of previously approved 60 minutes.

(The following Members (at the request of Mr. WYNN) to revise and extend their remarks and include extraneous material:)

Mr. RICHARDSON, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. STOKES, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. COYNE, , for 5 minutes, today.

Mr. SABO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SOLOMON and to include tabular material following his remarks on House Resolution 134.

(The following Members (at the request of Mr. HYDE) and to include extraneous matter:)

Mr. RIDGE.
Mr. ARMEY.
Mr. HUNTER.
Mr. MICHEL.
Mr. GOODLING, in two instances.
Mr. SOLOMON, in three instances.
Mr. CLINGER.
Mrs. VUCANOVICH.
Mr. CRAPO.
Mr. ROTH.
Mr. FISH.
Mr. PACKARD.
Mr. GILMAN, in two instances.
Mr. MCKEON.
Mr. BEREUTER, in three instances.

(The following Members (at the request of Mr. WYNN) and to include extraneous matter:)

Mr. HOLDEN.
Mr. PENNY.
Mr. BERMAN, in two instances.
Mr. HAMILTON, in two instances.
Mrs. MALONEY.
Mr. MAZZOLI.
Mr. LAFALCE.
Mr. ENGEL.
Mr. MANTON.
Mr. STARK.
Mr. DELLUMS.
Mr. BEILENSON.
Mr. BECERRA.
Mr. GONZALEZ.
Mr. WISE.
Mr. WAXMAN.
Mr. SANGMEISTER, in two instances.
Mr. COYNE, in two instances.
Mr. MINETA.
Mr. SLATTERY.
Mr. TORRES.

(The following Members (at the request of Mr. WYNN) and to include extraneous matter:)

Mr. GLICKMAN.
Mr. FILNER.
Mr. LANTOS.
Mr. SKAGGS.
Mr. LEWIS of Georgia.
Mr. WASHINGTON.
Mr. EDWARDS of Texas.
Mr. KOPETSKI.
Ms. BROWN of Florida.
Mr. KENNEDY.
Mr. DEUTSCH.
Mr. DICKS.
Mr. ACKERMAN in four instances.
Mr. EDWARDS of California.
Mr. JACOBS.
Mr. SPRATT.
Mr. NADLER.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2074. An act to authorize appropriations for the American Folklife Center for fiscal years 1994 and 1995.

H.R. 3051. An act to provide that certain property located in the State of Oklahoma owned by an Indian housing authority for the purpose of providing low-income housing shall be treated as Federal property under the Act of September 30, 1950 (Public Law 874, 81st Congress).

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1130. An act to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills, and a joint resolution of the House of the following titles:

On September 21:

H.J. Res. 220. A joint resolution to designate the month of August as "National Scleroderma Awareness Month," and for other purposes.

H.R. 873. An act to provide for the consolidation and protection of the Gallatin Range.

On September 23:

H.R. 168. An act to designate the Federal building to be constructed between Gay and Market Streets and Cumberland and Church Avenues in Knoxville, Tennessee, as the "Howard H. Baker, Jr. United States Courthouse."

On September 24:

H.R. 20. An act to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

H.R. 1513. An act to designate the United States courthouse located at 10th and Main Street in Richmond, Virginia, as the "Lewis F. Powell, Jr. United States Courthouse."

H.R. 2431. An act to designate the Federal building in Jacksonville, Florida, as the "Charles E. Bennett Federal Building."

H.R. 3019. An act to amend title 5, United States Code, to provide for a temporary extension and the orderly termination of the performance management and recognition system, and for other purposes.

H.R. 3049. An act to extend the current interim exemption under the Marine Mammal Protection Act for commercial fisheries until April 1, 1994.

ADJOURNMENT

Mr. HYDE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 29, 1993, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1952. A letter from the Director, Office of Management and Budget, transmitting OMB's projections of the direct spending targets for fiscal years 1994 through 1997; to the Committee on the Budget.

1953. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Theresa Anne Tull, of New Jersey, to be Ambassador to Brunei Darussalam, and members of her family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1954. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Victor L. Tomseth, of Oregon, to be Ambassador to the Lao People's Democratic Republic, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1955. A letter from the Attorney General, Department of Justice, transmitting a report on the awarding of the Young American Medals for Bravery and Service for the calendar years 1990 and 1991, pursuant to 42 U.S.C. 1925; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1919. A bill to establish a program to facilitate development of high-speed rail transportation in the United States, and for other purposes, with an amendment (Rept. 103–258). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 259. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes (Rept. 103–259). Referred to the House Calendar.

Mr. GORDON: Committee on Rules. House Resolution 260. Resolution relating to the consideration of Senate amendments to House amendments to Senate amendments to the bill (H.R. 2493) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103–260). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 261. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2403) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103–261). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 262. Resolution providing for the consideration of the bill (H.R. 1845) to establish the Biological Survey in the Department of the Interior (Rept. 103–262). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 263. Resolution waiving certain points of order against the bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103–263). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 264. Resolution providing for the consideration of the bill (H.R. 2351) to authorize appropriations for fiscal years 1994 and 1995 to carry out the National Foundation on the Arts and the Humanities Act of 1965, and the Museum Services Act (Rept. 103–264). Referred to the House Calendar.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 2689. A bill to amend Public Law 100–518 and the United States Grain Standards Act to extend through September 30, 1998, the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for other purposes, with an amendment (Rept. 13–265). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3085. A bill to improve administrative services and support provided to the National Forest Foundation, and for other purposes (Rept. 103–266). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBEY: Committee of Conference. Conference report on H.R. 2295. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103–267). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COYNE (for himself, Mr. MURPHY, Mr. SANTORUM, and Mr. KLINK):

H.R. 3144. A bill to authorize funding within the Department of the Interior to implement the plan of the Steel Industry Heritage project, and for other purposes; to the Committee on Natural Resources.

By Mr. CRAPO (for himself, Mr. HASTERT, Mr. BOEHNER, Mr. KASICH, Mr. INGLIS of South Carolina, Mr. GRAMS, Mr. INHOFE, Mr. RAMSTAD, Mr. HOKE, Mr. BACHUS of Alabama, Mr. HUFFINGTON, Mr. COX, Mr. BAKER of California, Mr. BUNNING, Mr. BURTON of Indiana, Mr. BUYER, Mr. DELAY, Mr. GOSS, Mr. HANSEN, Mr. HEFLEY, Mr. HUNTER, Mr. HUTCHINSON, Mr. KINGSTON, Mr. MANZULLO, Mr. POMBO, Mr. SOLOMON, Mr. KYL, Mr. GOODLATTE, Mrs. MEYERS of Kansas, Mr. DICKEY, Mr. HANCOCK, Mr. GREENWOOD, Mr. PORTMAN, Mr. BALLENGER, Mr. EWING, Mr. KIM, Mr. ROHRABACHER, Mr. THOMAS of Wyoming, Mr. WALKER, Mr. SMITH of Texas, Mr. ANDREWS of New Jersey, Mr. KLUG, Mr. MCHUGH, Mr. MCINNIS, Mr. CANADY, Mr. BLILEY, Mr. ARMEY, Mr. SAM JOHNSON, Mr. DUNCAN, Mr. CASTLE, Mr. LINDER, Mr. LIVINGSTON, Mr. MCCRERY, Mrs. MORELLA, Mr. RAVENEL, Mr. SHAYS, Mr. CONDIT, Mr. ZIMMER, Mr. COLLINS of Georgia, Mr. HOEKSTRA, Mr. HERGER, Mr. TALENT, Mr. FRANKS of New Jersey, Mr. KNOLLENBERG, Mr. LEVY, Mr. ZELIFF, Mr. SAXTON, Mr. BAKER of Louisiana, Mr. PARKER, Mr. PENNY, Mr. DOOLITTLE, Mr. STEARNS, Mr. HOBSON, Mr. MICA and Ms. DUNN):

H.R. 3145. A bill to amend the Congressional Budget Act of 1974 to provide for downward adjustments in section 602 and section 302 Appropriations Committees allocations and suballocations, and for other purposes; to the Committee on Rules.

By Mr. DORNAN:

H.R. 3146. A bill to amend the Clean Air Act to provide greater State flexibility in automobile inspection and maintenance programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EDWARDS of Texas (for himself, Mr. MCCRERY, Mr. JEFFERSON, Mr. MCCLOSKEY, Mr. FISH, Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HAYES, Mr. CHAPMAN, Mr. SARPALIUS, Mr. LANCASTER, Mr. BAKER of Louisiana, Mr. FILNER, and Mr. LEVY):

H.R. 3147. A bill to amend the Internal Revenue Code of 1986 to make the targeted jobs credit permanent and to treat as a member of a targeted group every individual who has received a Department of Defense campaign ribbon, liberation ribbon, or national defense service medal; to the Committee on Ways and Means.

By Mr. EMERSON:

H.R. 3148. A bill to extend the duty reduction on certain unwrought lead for a period of 2 years; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 3149. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to extend the matching fund waiver for projects approved under title 23, United States Code; to the Committee on Public Works and Transportation.

By Mr. HASTINGS (for himself and Mrs. MEEK):

H.R. 3150. A bill to designate the Federal Justice Building in Miami, FL, as the "James Lawrence King Federal Justice Building"; to the Committee on Public Works and Transportation.

By Mr. HOEKSTRA:

H.R. 3151. A bill to revive and extend until January 1, 1997, the suspension of duty on bendiocarb; to the Committee on Ways and Means.

H.R. 3152. A bill to suspend, until January 1, 1997, the duty on N,N-dimethyl-N'-(3-((methylamino)carbonyl)oxy)phenyl) methanimidamide monohydrochloride; to the Committee on Ways and Means.

By Mr. KENNEDY (for himself, Mr. GONZALEZ, Mr. MOAKLEY, Mr. SCHUMER, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. FLAKE, Ms. WATERS, Mr. HINCHEY, Mr. KLEIN, Mr. WATT, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. WYNN, Ms. BROWN of Florida, Mr. FILNER, Mr. HAMBURG, Ms. WOOLSEY, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. COYNE, Mr. LEWIS of Georgia, Mr. CLAY, Mr. LANTOS, and Mr. DEFAZIO):

H.R. 3153. A bill to protect home ownership and equity through enhanced disclosure of the risks associated with certain mortgages, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PETERSON of Minnesota (for himself and Mr. POMEROY):

H.R. 3154. A bill to require official inspection and testing of all grain imported into the United States; to the Committee on Agriculture.

By Mr. SMITH of New Jersey:

H.R. 3155. A bill to repeal the increase in tax on social security benefits made by the Revenue Reconciliation Act of 1993; to the Committee on Ways and Means.

By Mrs. UNSOELD (for herself, Mr. DICKS, Mr. KREIDLER Mr. MCDERMOTT, and Mr. SWIFT):

H.R. 3156. A bill to authorize the Secretary of Transportation to convey for scrapping by the Virginia V Foundation (a nonprofit organization) a vessel in the National Defense Reserve Fleet that is scheduled to be scrapped; to the Committee on Merchant Marine and Fisheries.

By Mr. BARTON of Texas:

H.R. 3157. A bill to repeal the Cable Television Consumer Protection and Competition Act of 1992; to the Committee on Energy and Commerce.

By Ms. BYRNE:

H.R. 3158. A bill to amend the Export-Import Bank Act of 1945 to authorize the Bank to finance the export of certain defense articles and services to certain countries for a limited period, and to provide funds for the exercise of such authority by amending the Foreign Assistance Act of 1961 to repeal the international military education and training program; jointly, to the Committee on Banking, Finance and Urban Affairs and Foreign Affairs.

By Mr. EVANS (for himself, Mr. KENNEDY, and Mr. FILNER):

H.R. 3159. A bill to amend title 38, United States Code, to codify the addition by the Secretary of Veterans Affairs of certain additional diseases to the list of diseases occurring in veterans that are considered to be service-connected; to the Committee on Veterans' Affairs.

By Mr. MARTINEZ (for himself and Ms. MOLINARI):

H.R. 3160. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to make technical corrections necessitated by the enactment of Public Law 102–586; and for other purposes; to the Committee on Education and Labor.

H.R. 3161. A bill to make technical amendments necessitated by the enactment of the Older Americans Act Amendments of 1992; and for other purposes; jointly, to the Committees on Education and Labor and Banking, Finance and Urban Affairs.

By Mr. NADLER (for himself and Mr. BECERRA):

H.R. 3162. A bill to provide for expedited asylum and exclusion procedures for certain aliens and to provide for enhanced penalties for alien smuggling and asylum abuse; to the Committee on the Judiciary.

By Mr. PALLONE (for himself, Mr. GORDON, Mr. DEAL, Mr. CANADY, Mr. HUGHES, and Mr. PORTER):

H.R. 3163. A bill to improve the ability of the United States Government to collect debts owed to it, and for other purposes; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. TALENT:

H.J. Res. 269. Joint resolution designating October 23, 1993, through October 31, 1993, as "National Red Ribbon Week for a Drug-Free America"; to the Committee on Post Office and Civil Service.

By Mr. BARCA of Wisconsin:

H. Con. Res. 156. Concurrent resolution expressing the sense of Congress regarding the coverage of members of Congress under health care reform legislation; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

245. By the Speaker: Memorial of the Senate of the State of Alaska, relative to the minimum Federal criteria for municipal solid waste landfills; to the Committee on Energy and Commerce.

246. Also, memorial of the House of Representatives of the State of Michigan, relative to the desecration of our Nation's flag; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. OBEY:

H.R. 3164. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States and on the Great Lakes and their tributary and connecting waters in trade with Canada for the vessel MV *Viking*; to the Committee on Merchant Marine and Fisheries.

By Mr. TAUZIN:

H.R. 3165. A bill to authorize a foreign-built launch barge to transport an offshore drilling platform jacket in the coastwise trade of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 3166. A bill to authorize the sale and reregistration of certain vessels; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. BROWN of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MINK, Mr. PASTOR, and Mr. WASHINGTON.

H.R. 31: Mrs. LOWEY, Mr. FISH, and Ms. DELAURO.

H.R. 54: Mr. GUNDERSON.

H.R. 55: Mr. SMITH of New Jersey, Mr. SHAYS, Mrs. MORELLA, and Mr. FRANKS of New Jersey.

H.R. 156: Mr. EVANS.

H.R. 166: Mr. PORTMAN.

H.R. 302: Ms. BYRNE, Mr. LIPINSKI, Mr. SKEEN, and Mr. PETE GEREN of Texas.

H.R. 304: Mr. COMBEST.

H.R. 349: Mr. ANDREWS of Texas.

H.R. 551: Mr. LEWIS of Florida and Mr. PALLONE.

H.R. 558: Mr. PALLONE.

H.R. 624: Mr. DELAY, Mr. JOHNSON of Georgia, Ms. LONG, Mr. KOLBE, and Mr. PORTMAN.

H.R. 636: Mr. LIVINGSTON.

H.R. 656: Mr. DELLUMS.

H.R. 739: Mr. LEWIS of Florida, Mr. KNOLLENBERG, and Mr. COX.

H.R. 767: Mr. ROWLAND.

H.R. 786: Mr. KOPETSKI.

H.R. 794: Mr. SHAYS and Mr. BAKER of Louisiana.

H.R. 827: Ms. FURSE, Mr. KINGSTON, Mr. FARR, Mr. CRANE, Mr. CAMP, Mr. INSLEE, Mr. DELLUMS, Mr. BAKER of Louisiana, Mr. DE LA GARZA, Mr. BILBRAY, Mr. GEJDENSON, Mr. BILIRAKIS, and Mr. RUSH.

H.R. 830: Mr. SMITH of Michigan, Mr. BROWDER, Mr. GEKAS, and Mr. MCMILLAN.

H.R. 886: Mr. COX and Mr. COLLINS of Georgia.

H.R. 911: Mr. ZIMMER.

H.R. 937: Mr. JOHNSTON of Florida.

H.R. 1086: Mr. GUNDERSON.

H.R. 1130: Mr. PORTER.

H.R. 1182: Mr. CLYBURN and Mr. DEAL.

H.R. 1276: Mr. KOPETSKI.

H.R. 1408: Mr. SHAYS and Mr. KLINK.

H.R. 1500: Mr. MINETA, Mr. BEILENSON, Mr. SKAGGS, and Mr. SANDERS.

H.R. 1504: Mr. WYDEN and Mr. COOPER.

H.R. 1529: Mr. MCMILLAN.

H.R. 1534: Mrs. ROUKEMA, Mr. JACOBS, Mr. DE LUGO, Mr. MURPHY, and Mr. BERMAN.

H.R. 1552: Mrs. THURMAN, Mr. WALKER, Mr. PORTMAN, and Mrs. LLOYD.

H.R. 1595: Mrs. THURMAN.

H.R. 1697: Mr. BONIOR.

H.R. 1738: Mr. KYL and Mr. REED.

H.R. 1886: Mr. GEJDENSON and Mr. UNDERWOOD.

H.R. 2012: Mr. GEPHARDT, Mr. WYDEN, Ms. VELAZQUEZ, Mr. SERRANO, Mr. HAMILTON, Mr. BOEHLERT, and Mr. BUYER.

H.R. 2159: Mr. SANDERS, Ms. DANNER, and Mr. PARKER.

H.R. 2292: Mr. WYNN and Mr. BARRETT of Wisconsin.

H.R. 2319: Mr. BAESLER and Mr. BARCA of Wisconsin.

H.R. 2443: Mr. ANDREWS of New Jersey, Mr. PACKARD, Ms. PRYCE of Ohio, Mr. CLINGER, Mr. BACHUS of Alabama, Mr. KANJORSKI, Mr. EVANS, Mr. LIVINGSTON, Mr. TALENT, Mr. BRYANT, Mr. DICKS, Mr. BORSKI, Mr. MILLER of California, Mr. BREWSTER, Mrs. COLLINS of Illinois, Mr. WHEAT, Mr. NUSSLE, Mr. BROWN of Ohio, and Mr. SAM JOHNSON.

H.R. 2456: Mr. DELLUMS.

H.R. 2462: Mr. MONTGOMERY.

H.R. 2500: Mr. MINGE.

H.R. 2573: Ms. VELAZQUEZ, Mrs. MALONEY, and Mr. RUSH.

H.R. 2583: Mr. DELLUMS.

H.R. 2599: Mr. COPPERSMITH.

H.R. 2606: Mr. WISE.

H.R. 2612: Mr. FILNER.

H.R. 2623: Mr. DARDEN

H.R. 2641: Mr. DELLUMS.

H.R. 2662: Mr. CLYBURN, Mr. DARDEN, Mr. DICKS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MORELLA, Mr. DICKEY, Mr. WILLIAMS, Mr. TEJEDA, Mr. RAHALL, Mr. CLAY, Mr. KENNEDY, and Ms. NORTON.

H.R. 2720: Mr. SHAYS, Mr. MANZULLO, Mr. HORN, Mr. MANTON, Mr. SMITH of New Jersey, Mr. CALVERT, Mr. EVERETT, Mr. BOEHLERT, Mr. BARTLETT of Maryland, Mr. HOUGHTON, Mr. MCKEON, Mr. BARCA of Wisconsin, Mr. BACHUS of Alabama, and Mr. GREENWOOD.

H.R. 2787: Mr. TOWNS, Mr. HUGHES, and Ms. ROYBAL-ALLARD.

H.R. 2788: Mr. MCDERMOTT and Mr. MILLER of California.

H.R. 2831: Mr. GALLEGLY, Mr. DORNAN, Mr. HORN, Mr. DIXON, Mr. MCHUGH, Mr. LEHMAN, and Mr. FILNER.

H.R. 2863: Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. SANDERS, Ms. VELAZQUEZ, Mr. FILNER, Ms. SLAUGHTER, Mrs. ROUKEMA, Mr. CLINGER, Mr. ROHRABACHER, Mr. DORNAN, and Mr. ZIMMER.

H.R. 2873: Mr. HUTTO, Mr. CANADY, Mr. KNOLLENBERG, Mr. LIPINSKI, Mr. EWING, and Mr. DEUTSCH.

H.R. 2884: Mr. MENENDEZ and Mr. SCOTT.

H.R. 2896: Mr. LIGHTFOOT and Mr. BAKER of Louisiana.

H.R. 2921: Mr. COSTELLO.

H.R. 2950: Mr. DEUTSCH and Mr. PASTOR.

H.R. 2971: Ms. DANNER, Mr. DORNAN, Mr. HINCHEY, Mr. LEVY, Mr. TORKILDSEN, Mr. SHAYS, and Ms. NORTON.

H.R. 3005: Mr. HANCOCK, Mr. PETE GEREN of Texas, Mr. KINGSTON, and Mr. DICKEY.

H.R. 3021: Mr. STEARNS.

H.R. 3024: Mr. KINGSTON.

H.R. 3030: Mr. PACKARD.

H.R. 3031: Mr. PACKARD.

H.R. 3032: Mr. DIAZ-BALART.

H.R. 3038: Mr. DORNAN.

H.R. 3066: Mr. FRANK of Massachusetts and Mr. SOLOMON.

H.R. 3077: Mr. BOEHNER.

H.R. 3087: Mr. CAMP, Mr. MCINNIS, Mr. TORRES, Mr. BATEMAN, Mr. BREWSTER, Mr. BROWN of Ohio, and Mr. FINGERHUT.

H.R. 3088: Mr. GORDON, Ms. SHEPHERD, and Mrs. LLOYD.

H.R. 3125: Mr. HOLDEN.

H.J. Res. 38: Mr. SMITH of Texas and Mr. DORNAN.

H.J. Res. 79: Mr. ROMERO-BARCELO, Mr. HINCHEY, and Mr. SHARP.

H.J. Res. 106: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. APPLEGATE, Mr. BACCHUS of Florida, Mr. BAKER of Louisiana, Mr. BARTON of Texas, Mrs. BENTLEY, Mr. BILBRAY, Mr. BLACKWELL, Mr. BOEHLERT, Mr. BORSKI, Mr. BOUCHER, Mr. BRYANT, Mr. BUNNING, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CHAPMAN, Mr. CLAY, Mrs. CLAYTON, Mr. CLINGER, Mr. CLYBURN, Mr. COLEMAN, Miss COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. CONDIT, Mr. COPPERSMITH, Mr. COSTELLO, Mr. COX, Mr. CRANE, Mr. DARDEN, Mr. DEAL, Mr. DEFAZIO, Ms. DELAURO, Mr. DELAY, Mr. DE LUGO, Mr. DOOLEY, Mr. DURBIN, Mr. EMERSON, Mr. ENGEL, Mr. ENGLISH of Oklahoma, Ms. ESHOO, Mr. EVANS, Mr. GEJDENSON, Mr. PETE GEREN of Texas, Mr. GIBBONS, Mr. GILCHREST, Mr. GLICKMAN, Mr. HALL of Texas, Mr. HANCOCK, Mr. HAYES, Mr. HERGER, Mr. HOAGLAND, Mr. HOCHBRUECKNER, Mr. HORN, Mr. HOYER, Mr. HUTTO, Mr. HYDE, Mr. JOHNSON of Georgia, Mr. JOHNSON of South Dakota, Mr. JOHNSTON of Florida, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY, Mrs. KENNELLY, Mr. KILDEE, Ms. LAMBERT, Mr. LANTOS, Mr. LAROCCO, Mr. LAUGHLIN, Mr. LEVIN, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LIGHTFOOT, Ms. LOWEY, Mr. MCCOLLUM, Mr. MCDADE, Mr. MCNULTY, Ms. MARGOLIES-MEZVINSKY, Mr. MAZZOLI, Mrs. MEEK, Mr. MFUME, Mr. MILLER of California, Mr. MOLLOHAN, Mr. MORAN, Mr. NADLER, Mr. NATCHER, Ms. NORTON, Mr. OBERSTAR, Mr. OBEY, Mr. ORTIZ, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE of New Jersey, Mr. PAYNE of Virginia, Mr. PETERSON of Florida, Mr. PICKLE, Mr. POSHARD, Mr. PRICE of North Carolina, Mr. RAVENEL, Mr. RICHARDSON, Mr. ROBERTS, Mr. ROEMER, Mr. ROSE, Mr. ROWLAND, Mr. RUSH, Mr. SANDERS, Mr. SANGMEISTER, Mr. SARPALIUS, Mr. SISISKY, Mr. SKELTON, Mr. SLATTERY, Mr. SPRATT, Mr. STARK, Mr. SWETT, Mr. SWIFT, Mr. SYNAR, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. THOMPSON, Mr. THORNTON, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. VALENTINE, Mr. VENTO, Mr. VISCLOSKY, Mr. WALSH, Mr. WASHINGTON, Mr. WAXMAN, Mr. WELDON, Mr. WHEAT, Mr. WILLIAMS, Mr. WILSON, Mr. WISE, and Mr. YOUNG of Alaska.

H.J. Res. 113: Mr. CALLAHAN and Mr. HAMILTON.

H.J. Res. 139: Mr. SLATTERY, Mr. COLLINS of Georgia, and Mr. BLILEY.

H.J. Res. 194: Mr. MAZZOLI, Mr. WISE, Mr. BECERRA, and Mr. WATT.

H.J. Res. 206: Mr. ARMEY, Mr. BARLOW, Mr. BARTON of Texas, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BUNNING, Mr. BUYER, Mr. CALLAHAN, Mr. COSTELLO, Mr. DORNAN, Ms. DUNN, Mr. EVERETT, Mr. GIBBONS, Mr. GILCHREST, Mr. GRANDY, Mr. HASTERT, Mr. HEFLEY, Mr. HILLIARD, Mr. HUNTER, Mr. GREENWOOD, Mr. JOHNSTON of Florida, Mr. KENNEDY, Mr. KIM, Mr. KLECZKA, Mr. LEVY, Mr. LIGHTFOOT, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MCKEON, Mr. MCMILLAN, Ms. MOLINARI, Mr. MURPHY, Mr. NADLER, Mr. NUSSLE, Mr. PACKARD, Mr. PASTOR, Mr. PAXON, Mr. PICKLE, Mr. PORTMAN, Mr. PRICE of North Carolina, Mr. RAMSTAD, Mr. ROHRABACHER, Mr. SCOTT, Mr. SHUSTER, Mr. SOLOMON, Mr. SMITH of Oregon, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SPENCE, Mr. STUMP, Mr. THOMAS of Wyoming, Mr. THOMPSON, Mr. TOWNS, Ms. WATERS, Mr. WAXMAN, and Mr. YOUNG of Alaska.

H.J. Res. 234: Mr. BALLENGER, Mr. GONZALEZ, Mr. KREIDLER, Mr. REYNOLDS, Mr. BONIOR, Mr. TOWNS, Mr. WYNN, Mr. GORDON, Mr. DE LA GARZA, Mr. MCDERMOTT, Mr. TRAFICANT, Mr. MONTGOMERY, Mr. MURPHY, Mr. HANSEN, Mr. MURTHA, Ms. BROWN of Florida, Mr. TORRICELLI, Ms. DANNER, Mr. JOHNSON of South Dakota, Mrs. MINK, Mr. ARCHER, Mr. WHEAT, Mr. VOLKMER, Mr. LEACH, Mr. HASTINGS, Mr. HILLIARD, Mr. KANJORSKI, Mr. DEUTSCH, and Mr. MARKEY.

H.J. Res. 237: Mr. FROST, Mr. MCCLOSKEY, and Mr. TALENT.

H.J. Res. 247: Miss. COLLINS of Michigan, Mr. POSHARD, Mr. KIM, Mr. MCKEON, Mr. LAUGHLIN, Mr. HORN, Mr. THOMAS of Wyoming, Mr. MARTINEZ, Mr. SARPALIUS, Mr. HEFNER, Mr. SLATTERY, Mr. BAKER of California, Ms. FURSE, Mr. EWING, Mr. BERMAN, Mr. HUTTO, Mr. DEUTSCH, Mr. SANDERS, Mr. HUGHES, Mr. WAXMAN, Mr. WALSH, Mr. BAESLER, Mr. PETERSON of Florida, Mr. KASICH, Mr. MCDERMOTT, Mr. DE LA GARZA, Mr. DURBIN, Mr. BACHUS of Alabama, Mr. HASTERT, Mrs. MEEK, Mr. WOLF, Mr. GEKAS, Mr. ARCHER, Mr. HOCHBRUECKNER, Mr. SPRATT, Mr. BURTON of Indiana, Mr. REYNOLDS, Mr. FLAKE, Mr. PALLONE, Mr. SKELTON, Mr. RANGEL, Mr. HOBSON, Mr. SKEEN, Ms. PRYCE of Ohio, Mr. PRICE of North Carolina, Mr. BATEMAN, Mr. MANTON, Mrs. MINK, Mr. GREENWOOD, Mr. NADLER, Mr. GENE GREEN of Texas, Mr. PORTER, Mr. MACHTLEY, Mr. PETE GEREN of Texas, Mr. KOPETSKI, Mr. BUNNING, Mr. SAWYER, Mr. CALLAHAN, Mr. ANDREWS of New Jersey, Mr. JEFFERSON, Mr. MURTHA, Mr. MOAKLEY, Mr. BROWDER, Mr. CALVERT, Mr. LEACH, Mr. MCCLOSKEY, Mr. NEAL of North Carolina, Mr. MCCOLLUM, Mr. MEEHAN, Mr. PACKARD, Mr. YATES, Mrs. MALONEY, Mr. OXLEY, Mr. PASTOR, Mr. RAMSTAD, Mr. COLLINS of Georgia, Mr. STOKES, Mr. BILBRAY, Mr. HYDE, and Mr. SYNAR.

H.J. Res. 256: Mr. KINGSTON,

H.J. Res. 262: Mr. BARCA of Wisconsin, Mr. BERMAN, Ms. PELOSI, Mr. ROSE, and Mr. SKEEN.

H.J. Res. 266: Mr. SKEEN, Mr. MCDADE, Mr. HUGHES, and Ms. WOOLSEY.

H. Con. Res. 6: Mr. KINGSTON.

H. Con. Res. 56: Ms. NORTON.

H. Con. Res. 59: Mr. MILLER of California.

H. Con. Res. 95: Mr. HINCHEY, Ms. DANNER, and Mr. GUTIERREZ.

H. Con. Res. 104: Mr. HANCOCK.

H. Con. Res. 110: Mr. PICKETT and Mr. BROWDER.

H. Con. Res. 124: Mr. RICHARDSON and Ms. NORTON.

H. Con. Res. 141: Mr. KOPETSKI, Mr. KLUG, Mr. EVERETT, Mr. BROWDER, Mr. PARKER, and Ms. LOWEY.

H. Con. Res. 147: Mr. BARRETT of Wisconsin, Mr. SWETT, Mr. CLEMENT, Mrs. THURMAN, Mr. HAMBURG, Mr. ROYCE, and Mr. KANJORSKI.

H. Res. 134: Mrs. VUCANOVICH.

H. Res. 165: Mr. HANSEN, Mr. STUMP, Mr. COX, Mr. MILLER of California, Mr. LIPINSKI, Mr. SCHUMER, Mr. MORAN, Mr. REGULA, Mr. LEWIS of Georgia, Mr. RUSH, Mr. YATES, Mr. THORNTON, Mr. DORNAN, Mr. HAMILTON, Mr. CLEMENT, Mr. SKEEN, Mr. FOGLIETTA, Mr. BROWN of Ohio, and Ms. SCHENK.

H. Res. 202: Mr. PARKER.

H. Res. 237: Mr. ALLARD, Mr. BACHUS of Alabama, Mr. BAKER of Louisiana, Mr. BEREUTER, Mr. BLUTE, Mr. BOUCHER, Mr.

GOODLATTE, Mr. CAMP, Mr. CANADY, Mr. COX, Mr. DORNAN, Mr. EWING, Mr. HUTCHINSON, Mr. INSLEE, Mr. KASICH, Mr. KREIDLER, Mr. LINDER, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MCINNIS, Mr. MILLER of Florida, Ms. PRYCE of Ohio, Mr. SHAYS, Mr. SOLOMON, and Mr. TALENT.

H. Res. 239: Mr. BOEHNER, Mr. KIM, and Mr. PARKER.

H. Res. 247: Mr. KINGSTON.

PETTITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

57. By the SPEAKER: Petition of the Legislature of Rockland County, NY, relative to support of S. 965 and H.R. 870, the "Toxic Cleanup Equity Act of 1993"; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

58. Also, petition of the Legislature of Rockland County, NY, relative to support of proposed funding increases for the Head Start Program and child immunizations; jointly, to the Committees on Energy and Commerce and Education and Labor.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follow:

H.R. 3116

By Mr. KENNEDY:

—Page 8, line 1, strike out "$15,221,091,000" and insert in lieu thereof "15,218,191,000".

By Mrs. MALONEY:

—Page 15, strike line 15 and all that follows through page 16, line 8.

EXTENSIONS OF REMARKS

PROSPECTS FOR A NEW RUSSIAN IMPERIALISM

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. HUNTER. Mr. Speaker, I commend the following article to my colleagues' attention:

PROSPECTS FOR A NEW RUSSIAN IMPERIALISM AND IMPLICATIONS FOR THE UNITED STATES

(By John Lenczowski, Director, The Institute of World Politics)

In the wake of the breakdown of the USSR, Russia is now confronted with the task of developing a new foreign policy based on entirely new geopolitical circumstances. Principal among these is the challenge of conducting relations with 14 new countries on its borders whose independence many Russians view as illegitimate. This situation, combined with a number of disconcerting trends in internal Russian political life, gives cause for concern that the peaceful interlude afforded us by the end of the cold war with communism may be more short-lived than we had hoped.

Now that Russia is more ethnically homogeneous than at any time in the past couple of centuries, it is developing a new conceptual framework for foreign policy based more on exclusively Russian ethnic, cultural and geopolitical interests than in previous eras. The larger Russian population as well as a myriad of new political formations are rejecting communist ways of thinking and are considering Western ideas. But they are coming increasingly to regard historic Russian ideas as taproots for their efforts to define their national purposes.

In the background of this effort to redefine Russia's national mission and foreign policy interests, there are a number of political conflicts whose outcomes are by no means certain. Foremost among these is the conflict between the democratic reformers and a coalition of forces representing the old communist nomenklatura, the KGB, elements of the military-industrial complex and a number of radical nationalist groups.

Meanwhile there is a classic conflict underway between isolationists and those favoring Russian great power intervention in the world. A variant of this is a simultaneous conflict between those who would have Russia represent a special mission in the world versus those who would have it become a conventional state pursuing traditional national interests.

There is also a debate between "Atlanticists" and "Eurasians." Among the Atlanticists, some believe in greater integration with West, and others favor a strategy of a Common European Home which would exclude the United States from Europe and establish Russian hegemony over the entire continent. In contrast, the Europeans see Russia's destiny being fulfilled by greater involvement in Asia.

And finally, there is a conflict between those who would define a Russian as someone who is ethnically and linguistically Russian versus those who would broaden that definition to include neighboring peoples who are not ethnically Russian but who have lived under Russian or Soviet imperial rule. As parliamentarian and National Salvation Front leader, Sergei Baburin, declared: "Russian should not only refer to ethnic Russians but to a great multi-national state preserving the traditions of its component nations."

In this climate, two themes are on the ascendancy. The first is the belief that West has abandoned Russia and wants to see it remain week. Some who share this view harbor intense resentment over the breakup of USSR and the widespread international perception that Russia is no longer a power to be feared and respected. The second is that many Russians do not accept the legitimacy of the independence of their neighboring states.

Given the increased concern about the welfare of 25 million ethnic Russians living outside of the Russian Federation, Russia has developed a claim to a special sphere of influence in those countries of the so-called "Near Abroad," and the right to "protect" Russians living in those countries.

As a rule, this is a legitimate national interest which the United States and the world should respect. What is noteworthy, however, is the large number of Russians expressing this concern who make disingenuously false claims about abuse of those Russian populations. In fact, of those 25 million Russians abroad, the vast majority qualify for full citizenship rights in their host countries and do not suffer from the alleged abuse.

Thus, the concern for Russians in the Near Abroad has provided an argument for a new policy of imperialism that could destabilize the entire area and even threaten Russian democracy. Ironically, support for an imperial role comes from all sides of the political spectrum, including many democrats who seek to avoid mass migrations of Russians or to promote democratic-capitalism in the neighboring states.

It is true that Boris Yeltsin has taken important steps to create increasingly harmonious relations with several neighboring countries, notably, Poland and the Czech Republic. It is also true that of all Russian heads of state in a millennium, Yeltsin may well be the most respectful of the national rights of neighboring nations. Under such leadership Russia has a better chance of forging more peaceful relations with its neighbors than at any time in living memory.

Nevertheless, a number of signs point to a new level of tensions between Russia and its neighbors which could have serious implications for Europe, Asia and ultimately, the U.S.:

The production of several draft foreign policy doctrines written by the Russian Foreign Ministry, the Security Council and the military, which have affirmed the right to use force to protect the rights of minorities in neighboring countries. The Foreign Ministry version states that Russia will oppose the military-political presence of third states in countries contiguous to Russia, while the military version states that the presence of such forces constitutes "an immediate military threat."

The Russian parliament's recent declaring the Ukrainian city of Sevastopol in Crimea as a Russian city. (Although Sevastopol has historically been a Russian city and is currently mostly Russian in composition, it nonetheless is located within the sovereign nation of Ukraine).

The Russian message advising several East-Central European governments that they need not build large embassies in Kiev since they will only need consulates in a year and a half.

Russian rejection of a recent U.S. initiative to have Ukrainian nuclear warheads placed under international supervision before final transfer to Russia.

Moscow's intervention in the Tajik civil war and its installation of a nomenklatura-led pro-Moscow regime there.

Russian military involvement in Moldova and the Trans-Dniester Republic.

Russian involvement in two inter-ethnic conflicts in Georgia.

Official Russian accusations that Estonia practices apartheid against ethnic Russians.

Numerous statements by high-level officials (including Yeltsin himself, Presidential Council member Andranik Migranyan, and others) that Russia has the exclusive right:

To ensure stability and human rights (including the protection of ethnic Russians) in the 14 countries of the former USSR;

To pressure Estonia and other neighboring republics to honor the rights of ethnic Russians; and

To help those Russian populations defend themselves if necessary.

The Russian gas embargo imposed against Estonia.

Russian involvement in installing a pro-Moscow regime headed by former Soviet Politburo member, Geydar Aliyev, in Azerbaijan.

Russian dismissal of recent official American intimations that the United States will become increasingly involved in mediating international disputes inside the former USSR. This dismissal was accompanied by an official Foreign Ministry statement that Russia possesses the principal responsibility for maintaining stability in the region.

Concerns about Russian imperialism extend as well to East-Central Europe. Several Polish parliamentarians who visited Washington recently, for example, consider the future independence of Poland to be an open question. They cite the continued heavy Russian influence in a number of spheres, including large-scale KGB penetration and the control over large parts of the private sector by elements of the Polish nomenklatura who are beholden to Russian influence.

Finally, there has been the recent refusal to complete the troop withdrawal process from Lithuania by the agreed-upon August 31 deadline. This act is a sign that Russia may be moving perilously closer to the imperil tendency to protect interests through the use of force.

These events are taking place in the context of domestic developments that threaten the success of Russia's fragile democracy.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The nomenklatura is still in control of most governmental and commercial operations throughout the country. The economy is still heavily socialized while the private marketplace has been dominated by organized crime syndicates. A monetary policy of rampant inflation and surprise currency substitutions has deprived millions of Russians of their savings, thus causing a systemic "de-privatization" of property when exactly the opposite was promised. Taxes are confiscatory. Corruption is pervasive. The legal framework for a private economy is nonexistent. Entire sets of laws issued by the executive and legislative branches conflict with each other. The communist movement is reuniting and asserting itself more strongly. The KGB is utterly unreformed and still capable of behaving as in the past. Many elements of the armed forces do not seem to be under any civilian control. Major strategic weapons systems with the potential to threaten the United States continue to be produced. And existing missiles remain targeted at the United States. There is the ever-present threat of weapons proliferation through arms sales and further geopolitical divisions. And the various armed conflicts on Russia's periphery show no sign of abatement.

Any number of conflicts in the region could break out and have severe effects on parts of the world which the United States has long considered of vital interest. Such conflicts could disrupt energy supplies to West Europe and harm West European economies to such an extent that U.S. interests would be adversely affected. A Russian-Ukrainian conflict with nuclear weapons as a backdrop could become a nightmare not only for the protagonists, but for the West as well.

Under these circumstances, prudence dictates that the United States should maintain a much greater vigilance than we have in recent years. Indeed, our current isolationist tendency to ignore the rest of the world in hopes that trouble abroad will not affect us is one of the most dangerous policies we could possibly adopt. The corollary of that policy which the current Administration is pursuing—unilateral American disarmament—is equally short-sighted.

It should be our duty instead to be much more engaged—particularly intellectually—in these foreign affairs. For one, we must do everything we can to encourage the development of democracy and a free market system within Russia and the new neighboring states. We must encourage good behavior by all concerned in the region, lest any get the idea that aggressive designs will go unnoticed. We must maintain our defenses and achieve early deployment of ballistic missile defenses. Indeed, under the current conditions of proliferating nuclear arms and long-range delivery systems, the absence of any defense against even a small or accidental missile attack remains a dereliction which must be corrected as soon as possible.

The turmoil in the East also demands that we develop clear policies as to how U.S. interests may be affected and addressed if the anti-democratic and imperial forces in Russian politics prove to be victorious. Are we committed to the independence of the newly independent states? All of them? Only some of them? If so, which ones? And what about the independence of Eastern European countries recently freed from the Soviet yoke? Given that Nazi imperialism in East Europe precipitated Western and American entry into World War II, and that the Soviet takeover of East Europe drew us into the Cold War, can we not conclude that the United States and the West have a major, if not vital, interest in the continued independence of the states of that region? The utter absence of discussion and clear policies on such questions is the height of irresponsibility.

Fortunately, since there is still a fledgling democracy in Russia and Russian foreign policy is being formed today with much greater reference to popular attitudes than ever before, the United States still has a chance to exert a positive influence. This requires much greater emphasis by our government and various non-governmental organizations on the many programs in public diplomacy—i.e., the conduct of relations with foreign publics. These programs include international broadcasting from Radio Free Europe/Radio Liberty and the Voice of America, international educational and cultural exchanges, foreign visitor programs, democracy- and free-market-building programs and many others which have proved to be so strategically effective in the past.

One can scarcely find a more cost-effective way to help maintain peace and stability in that part of the world that is making the long and painful crawl from under the rubble of 70 years of communist rule. But for the United States to succeed in aiding the new Russian experiment, our excessively materialistic foreign policy culture must recognize that information, ideas, values and belief systems are factors of strategic importance. Indeed, they represent the taproots of the fate of nations.

VOLUNTEER FIREMAN GEORGE H. KLINE HONORED FOR 55 YEARS OF SERVICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. SOLOMON. Mr. Speaker, this Saturday, October 2, 1993, a true hero will be honored.

And that's what volunteer firemen are to me, Mr. Speaker, true heroes. And the hero I'd like to say a few words about today, George H. Kline of Ballston, NY, has been a volunteer fireman for 55 years with the Neptune Volunteer Fire Company of Burnt Hills.

As a volunteer fireman myself for 20 years in my hometown of Queensbury, I know the sacrifices these volunteers make. They come from all walks of life, all education levels, and all races, religions and creeds. The one thing they have in common is a desire to serve their neighbors, and they do it very well.

Every year, in New York State alone, volunteer firemen save countless lives and billions of dollars' worth of personal property. In many rural areas, like most of the 22d Congressional District, they represent the only available fire protection. Their neighbors owe them a great deal.

That is why I marvel at someone like George Kline, who has been able to contribute 55 years of his life to giving his neighbors better fire protection. That hasn't been the only example of good citizenship he has shown. He served with the famous Eighth Air Force during World War II. He has been a life-long Republican committeeman.

He and his wife Margaret will be honored at a dinner at the fire house Saturday night. But I ask all members to join me in paying our own tribute to this selfless man, who is a hero to every neighbor whose property and well-being he has protected, and a hero to me, as well. Let us all salute George H. Kline, a dedicated firefighter and patriotic American.

IN HONOR OF THE U.S. MERCHANT MARINE ACADEMY'S 50TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents, as well as all the citizens of the United States of America, in honoring the U.S. Merchant Marine Academy as it celebrates its 50th anniversary.

The Academy came into being during the darkest days of World War II when it became necessary to establish an effective supply link to the forces of freedom in Europe. Kings Point, NY, at the tip of northwest Nassau County, became the focal point for establishing a merchant fleet to serve this effort. Those citizens who were involved in this huge and most dangerous undertaking risked their lives to support the war effort. Kings Point lost over 100 midshipmen who were assigned to these fleets as part of their undergraduate training.

After the war, the Academy continued to provide our country with a professional merchant marine. Experience has shown us that the Academy has provided our country with a source of leadership not only on the high seas, but also in the private maritime and transportation area.

Due to its heroic war effort at its inception in WWII and the dedication of its midshipmen and great sacrifice of its students, the U.S. Merchant Marine Academy at Kings Point is the only Federal academy having authorization to carry a battle standard. The same dedication and sacrifice displayed by the midshipmen in WWII was effectively repeated in the Korean War, the Vietnam war, and the Desert Shield-Desert Storm Operation.

I ask you to rise in honoring the Academy as it begins its second half century of service to the United States of America. They have withstood the test of time and the rigors of war. We wish them well as they face the continuing challenges of participation in our emerging global community.

U.S. POLICY ON THE ENFORCEMENT OF SANCTIONS AGAINST SERBIA AND MONTENEGRO

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. HAMILTON. Mr. Speaker, on August 12, 1993 I wrote to Secretary Christopher concerning United States policy with respect to sanctions against Serbia and Montenegro. Specifically, my questions centered on enforcement of sanctions by Macedonia and Bulgaria, and steps by the United States to enhance the effectiveness of those sanctions.

On September 21, 1993 I received a reply from the Department of State. The text of the correspondence follows:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, August 12, 1993.

Hon. WARREN CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR SECRETARY CHRISTOPHER: I write with respect to the enforcement of UN sanctions against Serbia and Montenegro.

It is my clear understanding that Macedonia today is the chief violator of those sanctions and that there has been some backsliding by Bulgaria on sanctions enforcement.

I would like to know:

What specifically is the United States doing to enhance the enforcement of UN sanctions by these two governments?

What are UNPROFOR forces in Macedonia, including U.S. forces, doing, or will be doing, to enforce UN sanctions? and

What additional pressures or incentives are you considering to shut down rail and road traffic of goods from Macedonia and Bulgaria to Serbia and Montenegro in violation of UN sanctions?

I appreciate your attention to these questions, and I look forward to your early reply.

With best regards.

Sincerely,

LEE H. HAMILTON,
Chairman.

U.S. DEPARTMENT OF STATE,
Washington, DC, September 21, 1993.

Hon. LEE HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: I refer to your letter of August 12 concerning Bulgaria's and Macedonia's role in enforcing the UN sanctions against Serbia and Montenegro. We share your concern that Macedonia has been lax in its enforcement of the embargo. Bulgaria has played a more positive enforcement role, although they are now facing growing domestic pressure to relax their enforcement efforts. In spite of these problems the effect of the sanctions on the economy of Serbia/Montenegro has been devastating. Serbia's economy is in shambles, its currency is being steadily devalued on a daily basis, its distribution system is collapsing and serious shortages are appearing in all sectors. I have enclosed additional information on the state of the Serbian economy for your information and use.

To address our concerns about the embargo, we and our CSCE partners are working closely with the Governments of the Former Yugoslav Republic of Macedonia (FYROM) and Bulgaria to improve the effectiveness of their enforcement efforts. This includes the assignment of customs personnel for the US/EC/CSCE Sanctions Assistance Missions (SAM) and technical assistance to support their own border control efforts. The SAM teams monitor sanctions related activities and assist and advise the local border control authorities regarding the implementation of the sanctions. The United States has assigned 17 officers to the SAM team in Macedonia. They join 33 customs officers from 7 other countries for a total of 50. We hope to expand the international commitment to these SAM teams to 70 customs officers.

With regard to the role of UNPROFOR in enforcing sanctions, the United States has supported a Swedish initiative for UNPROFOR to assist Sanctions Assistance Missions in sanctions monitoring within the terms of its current UN mandate. UNPROFOR is now reporting on border movements violating sanctions and will provide general assistance to the SAM teams and help assure their safety.

We have also helped establish a control network along the Macedonia-Greek border to ensure the bona fides of shipments of petroleum products moving into Macedonia. This program is being expanded to the Bulgaria-Macedonia border and will also include control of other key industrial commodities.

These efforts have begun to produce results. The Macedonian Government has halted the flow of petroleum into Serbia since August 25. President Gligorov issued a new order September 3 instructing his government to ensure full compliance with UN sanctions restrictions. The SAM teams confirm that the Gligorov order is being carried out. Customs, police and military units have been deployed at key border crossing points. They are halting and inspecting all commercial traffic to ensure strict compliance with UN restrictions. All commercial traffic is being channelled to the two road and rail crossing points approved by the UN Sanctions Committee. UNPROFOR reports that all other crossing points are virtually closed.

I hope that this information proves useful to you. Please contact us if we can be of further assistance on this or any other matter.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

ATLANTA'S BUCKHEAD: AN EDGE CITY WITH GUTS AND GLORY

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. LEWIS of Georgia. Mr. Speaker, I am submitting for inclusion in the CONGRESSIONAL RECORD, the following excerpt from "The Fourth Wave—Edge Cities with Guts and Glory," an article which appeared in the first edition of The Edge City News.

The Buckhead Coalition is a clear alternative to local government systems * * * It gives flexibility to maneuver through shark-infested downtown waters * * * It's possible because Buckhead—Lenox Square Mall with its 150 vying restaurants, singles joints and businesses—pulls together and puts dollars behind a single set of Coalition ideas * * * This is a shadow government that really governs * * * Buckhead has a long-term plan, has co-opted local police, even has a six-mile shopping-loop people-mover in the works.

IN HONOR OF THE KANE REPUBLICAN, KANE, PA

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. CLINGER. Mr. Speaker, I rise today to congratulate the Kane Republican in Kane, PA, as it prepares to embark on its second century of continuous publication. On January 12, 1994, the Republican will celebrate the presentation of its 100th edition in as many years of operation.

A newspaper which recognizes and accepts its tremendous responsibility contributes to the success of the community which it serves. The only afternoon daily in McKean County, the Republican has performed its role as the "fourth estate" in a timely, responsible manner. Its pages have served as a record of public opinion and a chronicle of popular culture, as it has become a part of the history and heritage of the Borough of Kane.

Even an excellent publication, however, cannot exist on its own. The success of the Republican is not only a testimony to the quality of the paper, but is also a credit to the community which supports it. The citizens of Kane are to be commended for realizing the importance of assuming an active role in their area's activities.

This relationship between newspaper and borough is best exemplified by the widespread excitement that has been generated by the planning of the Republican's special anniversary edition. At the paper's invitation, the office has been flooded with photos, feature stories, biographies and historical accounts. As a result of this enthusiasm, the over 100 pages of the special edition will be full of the cherished memories that are a part of Kane, PA.

Congratulations to the Kane Republican and to its faithful readers.

TRIBUTE TO THOMAS L. GREEN & CO. AND ITS CEO, THOMAS LUGAR

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. JACOBS. Mr. Speaker, the following article about the Thomas L. Green & Co. was published by the Indianapolis Star on September 19, 1993. The CEO is Thomas Lugar, one of our most outstanding citizens.

Hoosiers have a longstanding saying: "Ain't God good to Indiana." One of the good things in Indiana generally and Indianapolis specifically is the Thomas L. Green Co. Its centennial is today, September 28. Things were very different on September 28, 1893 in some ways, but not different at all in some of the most important ways at Thomas L. Green. The spirit of fairness with employees and excellence of design has remained constant for Thomas L. Green's splendid century.

Can you imagine an oven which is 300 feet long? The Thomas L. Green Co. does more than imagine it; they manufacture it. They manufacture the equipment that produces the snacks which brings special joy to lives all around the world. The company is an exporter and, in fact, the only U.S. company which produces the equipment which makes the culinary delights nearly everybody enjoys.

The company makes the equipment well, and it has customers throughout the world who are so satisfied that they send gifts and mementos to the company to demonstrate their appreciation for the equipment produced with such excellence and devotion and their opportunity to buy it at reasonable prices.

The chief executive officer, Tom Lugar, has a brother who is hardly a stranger to these pages of America's CONGRESSIONAL RECORD. He is the senior Senator from Indiana, DICK LUGAR.

Indianapolis is proud of the Lugar family and proud of the family business. They set a standard of educational and entrepreneurial achievement which is an inspiration to all those who take pride in the work ethic and care about excellence.

GREEN & CO. IS THE BAKER'S SECRET

(By Jo Ellen Meyers Sharp)

When the Keebler Co. elves want to work some elfin magic, they're apt to seek out a 100-year-old Indianapolis company.

And Thomas L. Green & Co. is just the kind of place you'd expect elves to call. It's a small, highly specialized enterprise that helps bake some of the best goodies all over the world.

"The elves are happy," said Wayne Mounsey, director of purchasing for the Keebler Co. "T.L. Green is a quality company.

"We're buying some of their equipment as we speak" for replacement parts. Mounsey said from his office at One Hollow Tree Road in Elmhurst, Ill.

On Sept. 28, Thomas L. Green & Co. will celebrate its 100th birthday with a party with more than 500 guests, including family members, employees, customers and local dignitaries.

It's a family that includes Sen. Richard G. Lugar, R-Ind., who was vice president, secretary-treasurer and a director until he was elected mayor of Indianapolis in 1968. He no longer is connected to the company, but his brother and nephew run the business and his mother is a director.

Some of Green's customers also are familiar, including Keebler, Nabisco and General Foods. Green's equipment helps companies make dozens of products munched on every day, all over the world, including crackers, cookies, pizza, pancakes, biscuits and danish.

The Green company designs, manufactures and installs equipment for commercial bakeries. Everything from huge mixing tubs to steel rolling pins to ovens and cooling units is made or assembled at the 60,000-square-foot factory on the Near Westside. About 100 people work at 202 North Miley Avenue, where the plant has been since 1911.

Green's equipment is making and baking in 48 states and 38 countries. The equipment for a single production line could easily fill a two-story building the length of a football field. An average cost for a production line is $1.5 million to $2 million.

The company usually is called in at the beginning of a manufacturer's decision to build a new plant or introduce a new line of baked goods. That way Green can design the technology and equipment needed.

The inside joke is that the company never makes the same piece of equipment twice, said Todd R. Lugar, vice president of operations for the company that was started by his great-grandfather, Thomas L. Green.

Nothing is the same because each line is designed to meet a customer's specific production needs and site requirements.

"Poles in a plant may mean the equipment can't go straight and has to turn 45 degrees," said Thomas R. Lugar, president and chief executive officer.

His grandfather, Thomas L. Green, was a tinkerer.

"He used to make things in the basement of his house when he was 15. He was an inventive man who saw a need for modernization and to make things better," said Tom Lugar.

Green received his first patent—on a device for icing cakes—in 1897 when he was 23 years old. During his lifetime, he was granted more than 20 patents in the area of biscuit and cracker machinery, including a patent for the first rotating cutting machine. Green, who died in 1934, also held patents in Canada, France, Germany, Australia, New Zealand and the United Kingdom.

Green is the only U.S.-owned manufacturer of commercial baking equipment. Competitors are owned by large, mostly European-based companies.

Grandson Tom Lugar, now 60, also likes to tinker and is challenged by making things work. He graduated from Purdue University in 1955 with a degree in mechanical engineering. After about a year engineering jet engines at Allison Division of General Motors Corp., he joined the family firm in 1957. Keebler's Mounsey says Tom Lugar "is very hands-on, very interested in the business."

"I like the entrepreneurial style. It's the right size business I enjoy. It's small enough that I know people personally and we can act quickly. Companies that are bigger sometimes are more impersonal. I'm proud Todd wanted to come into the business." Tom Lugar said.

Todd Lugar, 30, joined the company after he graduated from Purdue in 1984 with a degree in management and finance.

"I wanted to work (for the family company) but when I did I hated it." Todd Lugar said. He left after two years and worked in banking, including mergers and acquisitions. He returned in 1991.

"It's a very complex business even though it is small." Todd Lugar said, "I had a financial degree and I was never exposed to the business as a whole, how it works. I never saw the big picture" when he worked there before.

Todd Lugar retained his board seat during his five-year absence. He and his father agree the hiatus has served the company well.

"He understands sales and strategic planning," Tom Lugar said of his son.

"What I didn't understand before was the entrepreneurial experience. This is a high-level financial and engineering firm, but it's small enough to get your hands in every concept, from drawing to completion," Todd Lugar said.

"NEVER THE SAME PROCESS"

The work is specialized because it bends and shapes the pieces and parts it needs on site. "It requires employees who know how to think and read blueprints," Tom Lugar said.

"You have to be very versatile. This is not a production line. We've been at the forefront" of industry advancements, including a double-decker oven to bake frozen pancakes, he said.

The company has learned to incorporate advanced technology, including electrical and laser controls, in its equipment. Controls are needed to speed up or slow down the line, gauge dough thickness and measure temperatures, for example. And the production of each product has different standards. Some units can chill water and others dry dough with air.

"It's never the same process," Tom Lugar said. "Honey Graham crackers crack if they are not kept warm, and Sara Lee danish have to be kept cool" during their production process.

The company flourished during the 1920s and 1930s, when the biscuit was king. Although an exporter since its beginning, Green made a concerted effort to expand into world markets during that time. It was given an "E" award for exporting in 1963 by President John F. Kennedy, who started the recognition program in 1961.

And the company has continued to grow by seeking accounts around the world. Exports account for 30 percent to 35 percent of the company's $10 million to $20 million annual sales.

It has equipment, some of it decades old, cranking out products all over the world, including a line built in 1912 in Guadalajara, Mexico, that makes crackers every day.

"The majority of our business is in new plants, new production lines and replacement machinery," Tom Lugar said.

The company keeps only a few spare parts on hand. If a replacement part is needed, the company builds it from scratch, referring to the drawings stored in a vault on the second floor of the brick building. The main offices are a throwback to another era with walls of glass and walnut.

"We have 99 percent of every drawing we ever made," Todd Lugar said. Many of them are pen and ink drawings on linen. Designs nowadays are done on computers, but each one is still noted on a 3x5 index card that will join more than 300,000 others in a catalog file.

LOOKING TO THE FUTURE

T.L. Green's success the next 100 years depends on continued use of new technology and expansion of export markets. The factory is landlocked by a railroad track and streets, which means factory expansion may mean a move to a new location in the city.

And the company will need to do that while continuing to do what it does best—provide individual service to its customers.

"Sometimes the technology is not there (in the industry) and has to be developed," said Keebler's Mounsey.

"You may bring equipment into the marketplace only for you exclusively to get a product to market," he said.

Green's edge in the industry is "its overall longevity of equipment. It is very good in a competitive marketplace. Another difference is they always have a sincere willingness to work with you, whether you are purchasing something or if you develop a problem."

Mounsey said Keebler doesn't buy exclusively from Green. It has to submit bids like other vendors.

"And sometimes we go with the other guy. Sometimes dollars dictate reality. You'd like the Cadillac, but all you've got is money for a Chevy."

STEEL INDUSTRY HERITAGE PROJECT: CELEBRATING THE EMERGENCE OF AMERICA'S INDUSTRIAL STRENGTH

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. COYNE. Mr. Speaker, today I am introducing a bill which will enable the steel industry heritage project in southwestern Pennsylvania to continue its work of documenting and conserving the industrial and cultural heritage of southwestern Pennsylvania.

This bill authorizes funding within the Department of the Interior to implement the plan of the steel industry heritage project. It is the goal of this legislation to identify, define and propose those sites or areas of historic significance that should receive Federal designation.

The steel industry heritage task force was first authorized by the Congress, under Public

Law 100–698, to conserve the industrial and cultural resources of the steel industry in southwestern Pennsylvania. Since fiscal 1989, the task force has received Federal funding to develop a plan for conserving the nationally significant historical and cultural resources of the region's industrial heritage. The concept plan produced by the steel industry heritage task force at the direction of the Congress provides a basis for moving ahead with efforts to conserve the industrial and cultural resources of the region.

The National Park Service has been extensively involved in this effort since 1989. The Park Service's Historic American Engineering Record [HAER], for example, has operated a field office in Homestead, PA, since 1989, employing historians, architects, and photographers who have helped to document the region's historically significant industrial resources.

The bill I am introducing authorizes the Secretary of the Interior to work with the steel industry heritage project to act on the recommendations of the concept plan. This bill also authorizes a continued role for the National Park Service in conducting plans and studies necessary to determine the appropriate role of the Federal Government in conserving and interpreting the history of the region. Finally, the proposed legislation authorizes the steel industry task force to receive appropriations through the Department of the Interior for projects and studies consistent with this Act. These projects and studies will be conducted within the geographical areas of Allegheny, Beaver, Fayette, Greene, Washington, and Westmoreland Counties shown on a boundary map based on the project criteria established in the concept plan.

Southwestern Pennsylvania has a proud history of being the cradle of America's second industrial revolution, a period beginning in the late 19th century which resulted in the emergence of the United States as a global industrial leader. The development of new industrial techniques in southwestern Pennsylvania's steel and steel-related industries resulted in Pittsburgh being known around the world as the center of U.S. industrial might. Names like Carnegie and Frick became household names. The region's labor movement played a significant role in the development of the Nation, including the formation of key unions such as the Congress of Industrial Organizations [CIO] and the United Steel Workers of America [USWA]. The western Pennsylvania counties of Allegheny, Beaver, Fayette, Greene, Washington, and Westmoreland served as centers for the growth of industries that would change the economic, social, cultural, and political face of the United States.

The importance of the industrial heritage of southwestern Pennsylvania to America's history has been shown in an excellent article by Edward K. Muller, professor of history at the University of Pittsburgh, and Richard O'Connor, historian with the National Park Service's Historic American Engineering Record. I ask unanimous consent that the article be printed in the RECORD immediately following my comments.

Mr. Speaker, the Federal Government has a role to play in conserving the industrial heritage of southwestern Pennsylvania for future generations to study and enjoy. The history of the rise of steel and steel-related industries in Pittsburgh and the surrounding counties of southwestern Pennsylvania is a vital part of America's past. Understanding this heritage is essential since this legacy continues to shape the U.S. economy and culture. I urge my colleagues to join with me in supporting the work of the steel industry heritage project.

WESTERN PENNSYLVANIA AND THE SECOND INDUSTRIAL REVOLUTION

(By Edward K. Muller and Richard O'Connor)

Late in the 19th century, America rose to world industrial leadership, and the Pittsburgh/Monongahela Valley region was the driving force. Calling attention to the impressive magnitude of this feat, one of America's foremost business historians pointed out that "(I)n 1880, the nation's national income and its population were one and a half times those of Great Britain. By 1900, they were twice the size of Britain's, and by 1920, three times the size."[1] The industries that led the country to world leadership shared important traits: They produced durable goods like steel, plate glass, aluminum and electrical equipment essential to the further development of America's transportation, construction and industrial infrastructure; their industrial processes utilized new sources of energy—coal, coke (a coal derivative) and gas—and reorganized and mechanized production; they were among the country's largest and most highly capitalized; they integrated vertically from natural resources to final distribution; and they developed and instituted new managerial practices, including systematic and scientific management, cost accounting, and full executive responsibility. Collectively, these characteristics constituted a "Second Industrial Revolution" that transformed America's industrial structure and paved the way for mass production consumer goods industries of the later 20th century.

In its contribution to the Gross National Product and the increasing percentage of workers it employed, manufacturing was the leading sector in the Second Industrial Revolution.[2] A unique mix of producer durables drove this trend. Between 1870 and 1930, the annual rate of increase for coke production was 5.4%, 10.4% for steel and a dramatic 24.3% for aluminum.[3] While demand provided the impetus, such large increases were themselves made possible by dramatic changes in the structure of industrial production—the increased burning of fossil fuels—coal, natural gas and oil; the development and widespread use of electricity; new technologies that mechanized production processes; increasingly complex managerial structures; growing capitalization and concentration of industries; and the expansion and ethnic recomposition of the work force. These significant changes transformed older industries like iron and glass, and created new ones like electrical manufacturing and aluminum.

Steel build America's manufacturing supermacy—steel for railroads, equipment, construction, and appliances—and Pittsburgh area steel makers dominated the industry.[4] Home to the works of Carnegie and, later, U.S. Steel, the region also attracted other large primary metal producers, including Jones & Laughlin, Federal, National and Republic; secondary metal processors such as the mammoth Mesta Machine Company at West Homestead and Heppenstall Company and MacIntosh-Hemphill in Pittsburgh; and hundreds of small machine shops and foundries. The region's steel output reflected this concentration of facilities. Between the early 1870s and 1920, Allegheny County registered annual decadal growth rates of 158% in pig iron and ferro-alloy production, more than double the country's average. Moreover, in 1900, Allegheny County produced almost 25% of all pig iron and ferrous-alloys in the United States and fully 40% of the U.S. total of steel ingots and steel for castings.[5]

Adapting practices first associated with the nation's railroads, Pittsburgh steel makers pioneered manufacturing techniques that came to define the Second Industrial Revolution. Andrew Carnegie's tutelage in the late 1860s under Thomas Scott, then head of the Western Division of the Pennsylvania Railroad, provided him with first hand experience organizing and managing a highly integrated, well-financed, tightly controlled, multi-regional enterprise, experience he later transfered to the production of iron and steel.[6] In addition to building "the largest and most energy-consuming" blast furnaces in the world, Carnegie brought to iron and steel making important new "techniques of coordination and control," rigid cost accounting procedures, new conceptions of plant design and layout, "hard-driving" production methods, and the most highly experienced and proven managers in American industry, changes he first successfully put in place at his massive Edgar Thompson Works at North Braddock, on the outskirts of Pittsburgh.[7] The widespread adoption throughout American industry of these recognizably modern organizational and managerial methods set both the direction and pace of the "Second Industrial Revolution.[8]

Rich in coal and natural gas, southwestern Pennsylvania developed other industries that played key roles inthe Second Industrial Revolution. The steel industry's insatiable demand for high-quality coke, its primary fuel, linked Connellsville coke producers to Pittsburgh steel makers in the 1870s, a relationship Carnegie reinforced in 1881 by purchasing control of the Frick Coke Company and solidified in 1889 by placing H.C. Frick in charge of his steel operations.[9] George Westinghouse's work in Pittsburgh with natural gas distribution systems, growing out of the discovery of gas under his East End estate, led to his pioneering development of alternating electrical current and the establishment of Westinghouse Electric. Westinghouse had come to the Pittsburgh region from Schenectady, New York to make railroad equipment, an industry he helped build into one of the region's largest.[10] Rich deposits of coal and natural gas attracted manufacturers from every branch of the glass industry—plate and window, tableware, and bottles and jars. Glass companies such as Pittsburgh Plate Glass, the American Window Glass Company, the United States Glass Company and Hazel-Atlas were not only large, but led in the industry's mechanization. In 1889, Alfred Hunt and others produced commercial aluminum in their plant in downtown Pittsburgh for the first time. Shortly thereafter, they obtained additional financing from Pittsburgh bankers, coal and railroad men, and moved their Pittsburgh Reduction Company, which became the Aluminum Company of America (Alcoa) in 1907, to nearby New Kensington on the Allegheny River, adjacent to the coal and gas deposits necessary to generate the massive amounts of electricity so essential to their electrolytic aluminum smelting process.[11]

Pittsburgh bankers and corporate executives grew wealthy by investing in local industry, trading capital for control of major companies in the "new" industries of the Second Industrial Revolution. The Mellon interests "were at the center of capital formation in Pittsburgh."[12] and presided over a labyrinthian network of corporate and financial connections among some of the country's most powerful industrial corporations. Railroad executives provided practical experience, management skills, and capital, as in the cases of Carnegie, the Pitcairns, (with interests in both the Pennsylvania Railroad and Pittsburgh Plate Glass), and George Westinghouse, who counted the country's largest railroads as airbrake customers and financial backers.

As much as it reshaped industry, the Second Industrial Revolution also transformed nineteenth century patterns of urban development. Between the end of the Civil War and the beginning of World War I, manufacturing activities in the areas surrounding Pittsburgh increased at a rate even greater than they did in the City of Pittsburgh proper. As they sought to expand and streamline production facilities, local manufacturers confronted insurmountable problems posed by an older manufacturing environment: lack of available space for expansion, rising taxes, too few railroad sidings, unstable supplies of natural gas, and little room for waste disposal. Wanting to remain close to the region's ample supplies of fuel, skilled labor, transportation and capital, manufacturers left the City of Pittsburgh and founded a host of new communities like Monessen, New Kensington, Vandergrift, Jeannette and Aliquippa, a short distance outside the city.[13] It is no coincidence that all celebrate centennials from the late 1980s through the next decade.[14]

Indeed, it was the broad arc of industrial communities surrounding Pittsburgh that accounted for most of the region's growth in value added and manufacturing employment. In 1879, the City of Pittsburgh "accounted for 81% of the value added for the area;" this figure was only 31% by 1919.[15] But the manufacturing mix in these areas differed from that of the old central city. Instead of a plethora of different industries, each with its own developmental cycles, Pittsburgh's industrial suburbs were often single industry communities. These ranged from the steel communities of Monessen (Westmoreland County) and Aliquippa (Beaver County), to the Turtle Creek Valley (Allegheny County) cluster of electrical and railroad equipment facilities built by the Westinghouse Company, to the agglomeration of glass factories in Jeannette (Westmoreland County). Consequently, they were subject to all the vicissitudes of single-industry dominance: rapid growth, high levels of employment during the first half of the 20th century, and dramatic decline after the 1960s as part of an international restructuring of producer goods industries.

The jobs that grew out of the Second Industrial Revolution transformed the racial and ethnic composition of the American working class. Beginning late in the 19th century and accelerating during World War I, thousands of African-Americans left the agricultural regions of the South for the industrial cities of the North. Similarly, between 1890 and 1910, tens of thousands of southern and eastern European immigrants came to the United States, radically altering older, 19th century immigration patterns dominated heavily by workers from northern and western Europe. By the last quarter of the century, many of these earlier immigrants had risen to the ranks of semi-skilled or skilled workmen in southwestern Pennsylvania's older, established industries, such as iron, steel, glass or coal. Recent innovations in production methods in these industries, and the relatively new, systematically organized electrical equipment and aluminum manufacturing industries, created thousands of jobs filled by workers with few industrial skills who migrated to the Pittsburgh region from the economically devastated agricultural areas of southern and eastern Europe, the Middle East, and the American South.[16]

The Second Industrial Revolution also transformed the structure of unionism and industrial relations in American industry. Throughout the period, southwestern Pennsylvania was both a bastion of powerful industrial craft unions as well as a stronghold of anti-unionism. Craft unionism flourished in all the nation's industrial cities between the depressions of the 1870s and the 1890s. The most powerful unions in Pittsburgh and the nation were based in heavy industries like iron and glass that had yet to experience the substantive reorganization that was an integral part of the Second Industrial Revolution. The local union environment was so strong that the Federation of Organized Trades and Labor Unions, precursor to the American Federation of Labor, selected Pittsburgh for its organizational meeting in 1881, Moreover, the National Labor Tribune, a strong supporter of craft unions, was founded in Pittsburgh during a long newspaper strike by Thomas Armstrong, and gained nationwide following among workingmen from the 1870s until well into the 20th century. But the changes brought on by the abandonment of iron puddling and rolling, the advent of the steel industry, and the mechanization of the various branches of the glass industry severely weakened unionism in precisely the industries in which newer immigrants were finding work. Indeed, the struggle at Homestead in 1892 by the Carnegie Steel Corporation to break the hold of the Amalgamated Association, and U.S. Steel's ruthless put down of the 1919 organizing drive were epic battles between labor and capital that singed the national conscience and kept the industry union-free until the late 1930s. Repeated attempts by the United Mine Workers to organize the Connellsville coke fields also failed, as did several organizing drives at the mammoth Westinghouse East Pittsburgh-Turtle Creek Valley works. Thus, if vibrant 19th century craft unionism was emblematic of the persistence of the craft skills of older immigrant groups from western and northern Europe, then early 20th century non-unionism was equally emblematic of the reorganization of production brought by the Second Industrial Revolution and of the newer immigrant groups from southern and eastern Europe. Equally as significant, the changes wrought by the Second Industrial Revolution laid the foundation for the dramatic rise of industrial unionism in the 1930s.

In sum, manufacturers, workers and financiers in the Pittsburgh region provided much of the labor, capital and expertise essential to America's rise to world industrial supremacy. As it changed the nation, so too did the Second Industrial Revolution reshape southwestern Pennsylvania. From a commercial, small scale manufacturing center, the heavy industries of the Second Industrial Revolution made the Pittsburgh region synonymous with dark, hulking factories, smoke-belching stacks, long hours of hard, physical labor, a vibrant industrial union movement, and a diverse population of native- and foreign-born workers and their families. If recent changes in the global economy have diminished the region's stature as a center of heavy industry, southwestern Pennsylvania's robust industrial legacy nonetheless remains intact.

FOOTNOTES

[1] Alfred D. Chandler, The Visible Hand: The Managerial Revolution in American Business (Cambridge: Harvard University Press. 1977), p. 498.

[2] Harold G. Vatter, The Drive to Industrial Maturity (Westport, CT: Greenwood Press. 1975), p. 132.

[3] Arthur F. Burns, Production Trends in the United States Since 1870 (NY: NBER. 1934), pp. 58–60.

[4] Many important interpretative aspects of the Pittsburgh region's industrial development have been covered in Edward K. Muller. "Metropolitan Industrialization: The Pittsburgh Region. 1870–1920 (Unpublished paper presented at the Annual Meeting of the Association of American Geographers, San Diego, 1992).

[5] Calculations are the author's, based on figures taken from Bureau of business Research, University of Pittsburgh, Industrial Databook for the Pittsburgh District (Pittsburgh, PA: Bureau of Business Research, University of Pittsburgh, 1936), p. 29–33.

[6] Livesay & Chandler. Given that the railroads were the largest customers for Bessemer steel during the industry's period of initial expansion—the late 1860s and 1870s, Chandler calls "the transfer of administration techniques from the railroads to iron- and steel-producing plants * * * perfectly natural." (Chandler, Visible Hand, p. 267).

[7] Joel Sabadasz. "Duquesne Works: Overview History," (Unpublished HAER manuscript, 1991), passim.

[8] Chandler. Visible Hand. pp. 258–69.

[9] Joseph Frazier Wall, Andrew Carnegie (Cambridge: Oxford University Press. 1970), pp. 471–536.

[10] "Technological and Industrial Transformations in the Pittsburgh Region. 1850–1990: The Railroad Industry as Transportation Infrastructure and Economic Actor," Unpublished Paper, Carnegie-Mellon University, Seminar in Applied History (Fall, 1992).

[11] Fred Quivik. "The Connellsville Coke Region." Report prepared for the Historic American Engineering Record, 1991), Chapter V: Harold C. Passer, The Electrical Manufacturers, 1875–1900 (Cambridge: Harvard University Press, 1953), pp. 129–150); Ronald W. Schatz, The Electrical Workers: A History of Labor at General Electric and Westinghouse, 1923–1960 (Urbana: University of Illinois Press, 1983), pp. 3–27; George David Smith, From Monopoly to Competition: the Transformations of Alcoa, 1888–1896 (Cambridge: Cambridge University Press, 1988), pp. 1–42.

[12] Smith, From Monopoly to Competition, p. 32.

[13] Muller, "Metropolitan Industrialization."

[14] Glenn E. McLaughlin. The Growth of American Manufacturing Areas (Pittsburgh, PA: Bureau of Business Research. University of Pittsburgh, 1938), pp. 128, 186–8.

[15] McLaughlin. Manufacturing Areas, pp. 186-8.

[16] John Bodnar, et al., Lives of their Own: Blacks, Italians and Poles in Pittsburgh, 1900–1960 (Champagne, IL: University of Illinois Press, 1982), p. 30; Peter Gottlieb, Making Their Own Way (Urbana: University of Illinois Press, 1987), passim.

HEALTH CARE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. SOLOMON. Mr. Speaker, we all listened intently last week to President Clinton discuss his health care plan with the American public. As usual, what Bill Clinton says sounds good. The problem is, what he says is often very different from what he does. Voters remember how the middle-class tax cut of the 1992 campaign became the largest tax increase in American history and how the announcement that Clinton would cut the White House budget 25 percent was followed by a request for $7.5 million increase in funding for the White House.

Well, we most certainly understand the need for health care reform is critical, but, "It is ironic that just as Vice President GORE is publicly ridiculing the inept Federal bureaucracy and unfathomable regulations, President Clinton wants to entrust the lives of all Americans and the management of one-seventh of the national economy to that same bureaucracy." (Heritage Foundation 9/23/93)

Upon closer inspection of the health care plan discussed by the President on Wednesday, September 22, you find that it is nothing but Federal bureaucracy.

One part of the plan establishes a National Health Board. This Board will be made up of seven people appointed by the President (without any mention of confirmation hearings). These seven people are going to:

Issue regulations and interpretations on what will be in your benefit package, updating it annually.

Establish and enforce a national health care budget.

Approve state implementation plans.

Calculate for each State's health care alliances a per capita budget target.

Enforce every State and alliance health care budget.

Incorporate input from a number of advisory committees.

Manage a new quality monitoring and assessment process.

And, if a State fails to meet the requirements or simply doesn't want to meet the requirements of this plan, the National Health Board becomes responsible for running that State's health care system.

It sounds to me as though these seven people have more to do than they can reasonably handle. It sounds to me as though this plan puts the Government in charge and not the consumer. It sounds to me as though the American public is in for some serious changes in the delivery and quality of health care. And these changes won't be for the better.

HONORING RABBI HERMAN E. GROSSMAN, CHIEF OF CHAPLAINS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Rabbi Herman E. Grossman, chief of chaplains at Veterans Hospital in Northport, NY.

In 1943, Herman Grossman received both his bachelor of arts degree from Harvard University and his bachelor of religious education degree from Hebrew College in Roxbury, MA. After completing his studies at chaplain school in St. Louis, MO, he has served the active and retired men and women of the U.S. armed services for 29 years. For the past 21 years, he has been staff chaplain at the Veterans Hospital in Northport, NY. Eleven months ago, Rabbi Grossman became the chief of chaplains for the Department of Veterans Affairs.

Rabbi Grossman, an Air Force Reserve retiree, is still active at the age of 71, as a member of the Rabbinical Assembly, the Huntington Clergy Association, the Long Island Board of Rabbis, Phi Beta Kappa, and the Harvard Alumni Association.

Rabbi Grossman has given selflessly of himself to countless patients and their families, staff, and volunteers of all faiths. In October 1993, he will retire from the hospital staff and move to Israel with his wife to join two of three sons who currently reside there.

Mr. Speaker, I ask my colleagues in the House of Representatives to join with me now in paying tribute to Rabbi Herman E. Grossman for his hard work and dedication to the patients of the Northport Veterans Hospital, and to commend him for his ongoing devotion and commitment to the veterans of the United States of America.

UNITED STATES POLICY TOWARD IRAN'S MOJAHEDIN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. HAMILTON. Mr. Speaker, in August, I wrote to the Department of State asking for an explanation of United States policy toward the organization called the National Council of Resistance or the People's Mojahedin of Iran [PMOI], a political and military organization opposing the Government of Iran and an organization active in the United States and promoting a resolution on Iran which has been circulating in the Congress.

Attached is a copy of my letter to the State Department and the resolution being circulated in the Congress as well as the reply of the Department of State dated September 20, 1993. The State Department states its concerns about the PMOI and its use of terrorism and explains why the United States maintains a policy of no contacts with the PMOI.

This correspondence which I would like to bring to the attention of my colleagues follows:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, August 3, 1993.

Hon. WARREN CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: Attached is a copy of a resolution which is being circulated by some of my colleagues in the House of Representatives regarding U.S. policy toward Iran. Among other things, this resolution urges the President to consider opening a dialog with the National Council of Resistance of Iran.

I would appreciate receiving the Administration's views on this resolution, in general, and specifically on the desirability of dialogue with the NCR.

I appreciate your prompt consideration of this matter. I look forward to hearing from you.

With best regards,
Sincerely,

LEE H. HAMILTON,
Chairman.

Enclosure.

Whereas, the Human Rights Watch World Report for 1993 reports that "Iran retained its unenviable reputation for having one of the worst human rights records in the region."

Whereas, the Iranian authorities have harshly repressed anti-government protests and demonstrations seeking establishment of democracy and human rights.

Whereas, prisoners of conscience remain in prison and torture of prisoners continues.

Whereas, several government opponents living abroad were murdered in circumstances suggesting that they may have been victims of extrajudicial executions.

Whereas, persecution continues against political opponents and ethnic and religious minorities.

Whereas, Iran remains one of the world's most egregious state sponsors of terrorism, according to the State Department's 1993 Report on Terrorism.

Whereas, Iran has engaged in a major rearmament drive, and is also pursuing the acquisition of non-conventional weapons.

Resolved by the House of Representatives of the United States of America, that the Congress,

1. Supports a U.S. foreign policy which promotes human rights and democracy in Iran.
2. Supports a ban on all arms sales and military assistance to the current regime in Iran.
3. Urges a strong U.S. role in developing an international policy to end the sale of arms and technology to Iran until it ends human and political rights abuses.
4. Urges the President to support the aspirations of the Iranian people for democracy and human rights and to consider opening a dialog with the National Council of Resistance of Iran, which espouses democracy and human rights.

U.S. DEPARTMENT OF STATE,
Washington, DC, September 20, 1993.

Hon. LEE HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: I am writing in reply to your letter of August 3, addressed to Secretary Christopher. You asked for the Administration's views on a proposed resolution regarding U.S. policy on Iran. The resolution urges, among other things, that the President consider a dialogue with the National Council of Resistance.

On the general topic of our policy toward Iran, the Administration's position was detailed by Assistant Secretary Djerejian in his testimony of July 27 before the Committee. That statement of policy remains current.

Concerning contacts with Iranian opposition groups, there are numerous such groups in the United States and abroad that do not espouse violence and whose political aims range from supporting a return of the monarchy to establishing a constitutional democracy. Many focus their efforts on Iranian human rights abuses, and work closely with the U.N. Human Rights Committee and private human rights groups. We do meet with representatives of such groups at their request, and believe these contacts are useful as an informational exchange.

However, the National Council of Resistance is closely linked to the People's Mojahedin of Iran (PMOI), also known as the Mojahedin-e Khalq (MEK). Both groups are led by Masud Rajavi. The Administration maintains a policy of no contacts with the PMOI and, by extension, the NCR. This decision is based on our opposition to the PMOI's use of terrorism. Just as we vigorously oppose the Iranian Government's support for terrorism, we do not condone the use of terror and violence in turn by the Mojahedin or any other opposition group. Nor can we forget that U.S. citizens were the victims of PMOI terrorism in the 1970s, or that the group supported the takeover of our Embassy in 1979 and the holding of U.S. diplomats. The PMOI's claim that the organization is not responsible for actions carried out while its current leaders were in jail is a facile one and, in the case of the Embassy takeover, erroneous. As shown in attached 1981 excerpts from the PMOI's own newspaper—published after current PMOI leader Masud Rajavi was released from jail in February 1979—the group fully supported theEmbassy takeover and opposed releasing our diplomats. Only in recent years has the PMOI sought to distance itself from its past in order to gain Western support.

Other factors support our view that it would be inappropriate to deal with the PMOI/NCR. The National Council of Resistance's claims to be a democratic organization have never been substantiated by its actions. The NCR did, at its inception, include a diverse range of Iranian opposition groups. However, within three years most of the groups that were not controlled by Masud Rajavi had left the organization. According to Ervand Abrahamian's book *The Iranian Mojahedin* (Yale University Press, 1989), these groups left because the NCR was not democratic, but rather manipulated by Rajavi.

In years since, most Iranian opposition groups have continued to refuse cooperation with the NCR. A recent example was a 1992 interview with the late Dr. Sa'id of the Democratic Party of Kurdistan (Iran), who denied any links or connections with the PMOI, and said, "In our opinion, our cooperation with the PMOI right now is impossible." We have no reason to believe the PMOI has become democratic, nor that an Iranian government established by the NCR would be.

In a different area, I would note that the PMOI/NCR reporting often contains questionable statements and assertions which do not stand up to later examination. Our intelligence community judges that their reporting is not reliable without validation from other sources.

Our own analysis does not support PMOI claims to widespread support inside Iran. The PMOI's military wing, the national Liberation Army, continues to be based in Iraq and retains the support and financing of Saddam Hussein's regime. The PMOI joined Iraqi forces in the eight-year war with Iran. These ties to Iraq have discredited the Mojahedin and NCR in the eyes of many Iranians, and the organization does not represent a significant political force among Iranians.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

I hope this information is useful to you. Please do not hesitate to call if we can be of further assistance.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

THE MOJAHEDIN-E KHALQ ON THE IRAN-US HOSTAGE CRISIS

The Mojahedin-e Khalq Organization (MKO), the Iraq-based Iranian opposition organization, was in full support of the takeover of the US embassy and the holding of our hostages during the 1979–81 hostage crisis in Iran. Their own published statements show that their anti-US position at that time was much more hard-line than that of Iran's leaders.

Though the Mojahedin now deny a role in that crisis, they advocated a tough hostage policy in several issues of their own official newspaper, Mojahed, published in Persian in Tehran in 1980–81. The MKO's present leader, Masud Rajavi, was in command of the group at that time.

One commentary in particular (in issue 107, published January 27, 1981—just a few days after the hostages' release), scores the Khomeini government for releasing the hostages too soon and for too little gain. Among its main points:

—The Mojahedin at the Embassy: The commentary reminds its readers that the Mojahedin were the "first forces that fully stood in support of the occupation of the American house of spies. The organization's members and sympathizers stood in front of the embassy 24 hours a day for weeks and months . . . and kept the place as a focal point of anti-imperialism."

—The hostage "card:" The commentary derides those "monopolizing" power in Tehran—i.e., the clerical regime—for misusing the hostage card only to benefit themselves in their own internal power struggles. It argues that the card could have been used better for the struggle against American imperialism.

—Iran's revolutionary leaders: soft on America: The paper mocks the "anti-imperialism" of the leaders as insincere, complaining that their calls for the trial and execution of the hostages turned out to be hollow. It says the Mojahedin had "regularly warned" against giving ground on the hostages, which would only "embolden and encourage the imperialists."

—America the enemy: The commentary declares that the Mojahedin's policy was to use the hostage crisis to spread "anti-imperialistic culture" and to reveal the true face of American imperialism as the "fundamental enemy of our people." It quotes a letter the MKO sent some fourteen months earlier to Iran's Revolutionary Council demanding that all treaties and relations with America be cut off without delay. The commentary declares that the Mojahedin still aim "as much as possible to close the path to reconciliation with America."

HONORING DONALD E. MROSCAK ON HIS RETIREMENT FROM GARFIELD HIGH SCHOOL

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. TORRES. Mr. Speaker, I rise today to recognize a very special individual and dedicated educator, Mr. Donald E. Mroscak, a former counselor and college advisor at James A. Garfield High School in East Los Angeles.

Born in Springfield, IL, the son of Polish immigrants, Mr. Mroscak understands and is sensitive to the diverse cultural values of the predominantly Latino population at Garfield High School. Identifying with the day-to-day struggles faced by first generation Americans, Mr. Mroscak has been able to instill in the students and their parents the value of a college education.

Mr. Mroscak received his Bachelor of Science degree from the University of Notre Dame in 1956. After completing graduate work at the University of California and California Lutheran College, he received his Master of Arts degree in educational administration. In 1960, he joined the Los Angeles Unified School District. Seven years later, Mr. Mroscak began his long and successful tenure at Garfield High School as a drop-out prevention counselor.

As a career counselor, Mr. Mroscak has profoundly influenced the lives of Garfield High School students. His constant encouragement has inspired hope in gang members and has prevented students from dropping out of high school. When I was a student at Garfield it was such an inspiration when a teacher/counselor motivated me to pursue graduation and seek higher education. That was back in 1949. Today's student needs are no less and I applaud Mr. Mroscak's encouragement to them.

Mr. Mroscak's commitment to the future of his students has prompted him to seek funds for air travel, to offer his home as shelter, and to work with parents and the community at large to find ways to facilitate higher educational opportunities for each of the 4,000 students at Garfield High School.

Mr. Mroscak's significant contributions to society have gone well beyond the classroom and into the community. He has served as an active member of various academic and local community organizations which include: College Board Council on Access, the board of the Notre Dame High School, the Advisory Board of California State University in Los Angeles, and the board of the McDonald's HACER Scholarship Fund. He is also a member of numerous associations, including the National Association of College Counselors, Unionized Teachers of Los Angeles, the National Education Association, and the East Los Angeles Rotary Club.

Mr. Speaker, it is with great pride that I rise to recognize a widely-loved and respected educator, Donald Mroscak. I ask my colleagues to join me in saluting him for his outstanding commitment to the education of our leaders of tomorrow and for his long-standing public service record to the residents of the 34th Congressional District.

H.R. 3130, IMPROVING AMERICA'S SCHOOLS ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. GOODLING. Mr. Speaker, Congress is embarking on one of the most important legislative efforts of this session, the reauthorization of the Elementary and Secondary Education Act [ESEA]. This legislation has the potential to revitalize the $400 billion American education system.

As ranking member of the committee, and an educator for over 40 years, I believe that we need to take a fresh look at the 43 separate programs that make up ESEA. The $10 billion sent to State and local school agencies under the authority of this Act must become the driving force for a dramatically improved education system for all students.

In order to move Federal support in this direction, I have already introduced legislation that would: increase the ability of local schools to use the money as they see fit, to focus programs on improving schools rather than meeting Federal regulations; encourage school districts to work with other service providers in the community so basic needs, such as eyeglasses and after school care, are provided and complement the educational instruction; and, set high academic expectations for students, adding excellence to our drive for access.

Last week, I joined a bipartisan group of Members in cosponsoring the Department of Education's reauthorization bill for ESEA. Even though there are some provisions in this proposal which cause me great concern, I have cosponsored it because the Department has included major provisions that closely track the ideas that I have been pushing for several years. These include: setting high achievement standards as the expected goal of students in Federal programs, providing local educators with a great deal of flexibility in how to design their school activities, and allowing educators to use these funds to reach out to others who should be part of a community-wide effort to make every child a success. It is also important that education not become a partisan issue.

There are two specific areas of the legislation that I will be working very hard to change. The chapter 1 formula which distributes over $6 billion a year to schools across the country is unacceptable in the administration's proposal. While I have supported the targeting of resources in the past, I also know first hand the need for educational assistance in small cities like York, PA, which has a poverty rate of over 30 percent. I have introduced legislation which would expand, not cut, funding to these smaller, high-poverty areas and intend to have it included in the final bill.

In addition, the chapter 2 education block grant currently provides the only funds schools now have that can be used to carry out innovative ideas. I believe I can convince the committee and Congress that the wisest course is to expand the pool of funds available for broad school reform activities, not get rid of them.

As the legislative process continues, I will be making every effort to correct these, and other, problems in the legislation and to write a bill that provides access to a quality education for all students.

ANTIQUATED DELANEY CLAUSE SHOULD BE REPEALED

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. BEREUTER. Mr. Speaker, this Member would like to commend to his colleagues the following editorial from the September 23, 1993, Omaha World-Herald, regarding the need to repeal the Delaney clause. As the editorial indicates, the Delaney clause is an anachronism which is unrealistic in light of the rapid scientific and technological advances made in the years since the original law was passed. Contrary to the rhetoric of the law's supporters, it is possible to repeal the outdated Delaney clause and still maintain a safe food supply for everyone.

[From the Omaha World-Herald, Sept. 23, 1993]

REPEAL ILLOGICAL, ANTI-SCIENCE LAW

Congress has an opportunity to repeal a law that has become a symbol of scientific illogic in the 1990s. The law should go.

It is known as the Delaney clause. Established in 1958, it forbids the sale of food products containing trace elements of any substance known to cause cancer in laboratory animals.

That requirement may have seemed reasonable in 1958, when much less was known about cancer. Furthermore, the best testing equipment in 1958 was capable of identifying a residue equal to one part per thousand—a fairly heavy concentration.

But the standard is reasonable no longer. Scientists have demonstrated that tiny traces of some cancer-causing materials exist in nature. And the equipment they use to measure such things is accurate enough to find traces that border on nothingness.

Sticking with the Delaney clause's zero-tolerance standard would mean that the government must keep a product off the market even if its "contamination" level were so low that no human could possibly be affected. That's the standard that the Ralph Nader people and others are trying to protect. They sued the federal government to keep the law in force. They said they will fight efforts to repeal it.

Defenders of the Delaney clause sometimes paint a picture of a heartless government, putting innocent children at risk by allowing greedy corporations to pump dangerous chemicals into the food supply. Like much of the rhetoric from extremists, that picture is inflammatory and inaccurate.

Respected organizations, including the American Medical Association, have said that the zero-tolerance rule is scientifically invalid. Trace residues of pesticides as small as a part per trillion or quadrillion, detectable only by advanced scientific instruments, often don't pose a risk to human health.

A more reasonable standard would allow the government to ban a substance if it were found in food at a level that posed a significant health risk.

That's the standard the Clinton administration has suggested to Congress as part of a proposed pesticide bill. Congress would do well to consider the new standard's merits.

IMPLEMENTATION OF THE 1992 CABLE ACT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. MAZZOLI. Mr. Speaker, in response to Americans who protested ever-increasing cable television bills, Congress passed the 1992 Cable Act. The Act directed by the Federal Communications Commission [FCC] to establish benchmarks for both cable prices and customer services which had to be met by all cable operators. The Act also required the FCC to monitor implementation of the law.

What has happened since the Cable Act went into effect? Well, in my community of Louisville and Jefferson County and around the Nation, some cable fees have gone down but lots have gone up. Some cable channels have been added but a lot of popular ones have been dropped. And, many channels have been repositioned on the cable dial.

All in all, the cable customers are even more frustrated, confused and angry than they were before the Act was passed.

Many of us in Congress believe the FCC has fallen short in protecting cable customers as Congress intended by the 1992 Act.

The FCC has been called to Capitol Hill on September 28 to testify before the House Telecommunications Subcommittee concerning actions it has taken since the Cable Act became effective, and what steps the Commission plans to take to remedy the dismaying situation in cable television.

Mr. Speaker, I commend to the attention of our colleagues a New York Times article of September 18, 1993, and a Washington Post article of September 25, which outline succinctly the FCC's actions and inactions under the 1992 Act.

[From the New York Times, Sept. 18, 1993]

F.C.C. REVIEWING CABLE TV RATES AS ROLLBACKS TURN INTO INCREASES

(By Edward L. Andrews)

WASHINGTON, Sept. 17—Six months after the Federal Communications Commission promised cable television customers $1 billion in annual rate rollbacks, the agency confirmed today what many consumers have argued: cable rates actually seem to be rising.

"It's obvious there's a problem, but we'll have to find out the extent of it," said James H. Quello, the acting chairman of the commission. Amid a torrent of complaints from angry consumers and members of Congress, the F.C.C. announced that it would start a detailed survey of the prices charged by the 25 biggest cable companies.

The F.C.C. is giving the companies just two weeks to respond, and Mr. Quello acknowledged that the results might force his agency to rewrite the foot-high stack of rules it just finished painstakingly drawing up.

A TURNABOUT FOR AGENCY

The announcement amounts to a big embarrassment for F.C.C. officials, who until now strongly denied there was any problem. Indeed, in recent weeks Mr. Quello and other officials have issued several blunt statements insisting that any price increases for some customers were more than offset by declines for others.

The new rate regulations, which took effect on Sept. 1, were issued in response to legislation Congress passed last October to rein in price increases and force cable companies to improve their service. Since the cable television industry was deregulated in 1986, cable prices had been climbing at more than twice the rate of inflation—in part because all but a handful of systems enjoy monopoly franchises.

The new rules set up a complicated system of "benchmark" prices, and F.C.C. officials had predicted that they would force rate reductions of more than 10 percent for about two-thirds of all cable systems.

But it has not necessarily worked that way, as consumers have been discovering in the last few weeks. Virtually reversing what the F.C.C. had intended in writing the new rules, prices for basic and expanded services have gone up at many companies, while thecost for options like additional outlets have gone down.

In New York City, for example, Time Warner Cable shaved the price of its most basic package by 24 cents a month, to $14.71, while increasing the additional charge for its expanded service by 87 cents, to $8.87, according to the city's Department of Telecommunications and Energy. The combined total monthly rate increased to $23.58 from $22.95.

As consumers started to receive the new price list by mail, they started flooding members of Congress with complaints. Aides to Representative Edward J. Markey, the Massachusetts Democrat who led the House fight to reregulate cable, said they had been getting 50 to 75 calls a day from consumers in the last few weeks. Even before today's F.C.C. announcement, Mr. Markey had scheduled a hearing on the matter for Sept. 28.

Mr. Markey and Representative Christopher Shays, a Connecticut Republican, have been circulating a "Dear Colleague" letter in the House demanding that the F.C.C. revisit its rules. Nearly 100 lawmakers have signed the letter so far.

Congressional staff members said the F.C.C.'s new rate survey was, if anything, overdue. "What this survey shows is that the F.C.C. is at least having second thoughts that this is not working out the way they thought it would," said Gerry Waldron, senior counsel to the House Energy and Commerce Committee's Subcommittee on Telecommunications. "The survey itself will tell us the extent of the problem."

Mr. Quello recently got his own taste of consumer anger. As a guest on a call-in radio program in Detroit this month, he faced a barrage of complaints from residents who were mystified by, and upset about, cable prices.

Officials of Time Warner, the nation's second-biggest cable operator, after Tele-Communications Inc., said they would cooperate with the F.C.C.'s inquiry.

"We think it is perfectly appropriate for the F.C.C. to gather information about how we are complying with the statute, and we will pledge our full cooperation," said Tim Boggs, a lobbyist for the company in Washington.

But it may be hard to determine where rates really stand for the nation's customers. For one thing, the regulations play out differently for each of the nation's 11,000 cable franchises, and the customers of one system may get rate cuts while prices go up for those in an adjacent town.

A COMPLICATED APPROACH

The public's anger over cable prices had led Congress to pass the cable bill last year over President George Bush's veto. But the law set out a complicated approach to lowering prices. The F.C.C. was directed to issue and enforce price guidelines that would lead cable operators to charge rates comparable with those in the handful of markets with real competition.

To do this, the F.C.C. came up with a staggering collection of benchmark prices, which varied depending on the number of channels offered and the number of customers for a cable system.

But these benchmarks were total prices for all of the services the companies could offer. As a result, many companies found they could stay within the guidelines by dropping their highest prices for the fanciest level of service while raising the charges for more basic service.

The result has been confusion.

In general, the biggest reductions are going to people who subscribe to the most lavish monthly packages, have more than one cable outlet in the home and rent remote-control devices. Figuring out the net result requires calculating how many customers fall into these rough categories.

Tele-Communications, based in Denver, told Wall Street financial analysts this summer that rate regulation would cost it about $160 million, or 4 percent of its total revenue. Time Warner has said it will give up between $90 million and $100 million.

Regardless of the survey's findings, however, there is a growing consensus that the regulations are having at least one unintended result; they seem to be helping relatively affluent people who buy fancy service while hurting the people who buy bare-bones packages, who are likely to be poorer.

Some Congressional critics say regulators may have misfired in their basic calculations.

"The F.C.C. set the benchmark prices too high," Representative Shays said in an interview. "Its own analysis showed that cable systems that face effective competition have prices that are 30 percent lower than those that don't, but the benchmark prices are only 10 percent lower."

Agency officials have acknowledged this point since the rules were adopted. But they say they had no choice, because the law passed by Congress includes a peculiar definition of "effective competition" that includes cable systems with very low market penetration and systems owned by municipalities.

[From the Washington Post, Sept. 25, 1993]

LAWMAKERS LEAN ON FCC OVER NEW CABLE RULES—RISING RATES SPUR COMPLAINT

Members of Congress are pressuring the Federal Communications Commission to rethink its new cable rules.

In a letter sent yesterday to FCC Chairman James H. Quello, 130 members of Congress, mostly Democrats, told the agency they were "deeply concerned" about cable rate increases that have taken effect in communities across the country since the new federal regulations went into effect on Sept. 1.

"It appears that a number of cable companies are planning to raise, rather than lower, their cable rates. Such a perverse result forces us to question whether these rate increases reflect a flaw or loophole in the commission's regulations," the letter said.

The letter's principal authors were Rep. Edward J. Markey (D-Mass.), chairman of the House subcommittee on telecommunications and finance, and Rep. Christopher Shays (R-Conn.). Twenty-two Republicans and one independent signed the letter.

When the law was adopted a year ago, the FCC said consumers would save $1 billion on their cable bills. A commission promise since then that at least two-thirds of consumers would see savings is not coming to pass, a Markey aide said.

Cable companies put into effect new rates on Sept. 1 based on a complicated FCC formula. For many subscribers, lower costs for remote controls, extra hookup or installation offset higher monthly changes for basic service.

Quello, the chairman of the FCC, said yesterday, "There has been too much of an expectation that all rates will go down." He said he still expects consumers will save about $1 billion from the reregulation of the cable indstury, "or we'll do reregulation or [Congress] will have to do some legislation."

Quello said the FCC is in the process of surveying 25 of the largest cable operators to find out how prices have changed.

"We'll take corrective action, but [Markey] wants immediate action," said Quello, who noted that his own cable bill in Alexandria has decreased. "There will be some churn and fine-tuning."

The idea of the cable act was that rates in areas served by one company should be set at the same levels that systems in competitive markets charged.

A spokeswoman for the National Cable Television Association said "cable companies are continuing to work hard to implement the new law," while the FCC does its own survey of prices.

Since the regulations have gone into effect, members of Congress, state regulators and consumer groups have gotten complaints that price increases are being slapped on some of the most popular programming packages that go out to the most subscribers. Consumers also are reporting that cable companies, to recoup their losses, are taking away discounts for senior citizens or charging more for installation.

"It's clear, at least the way the companies have implemented it, that there are consumers who should be benefiting and are not," said Bill Squadron, president of the National Association of Telecommunications Officers and Advisors, a group of officials who handle local cable rate regulation.

But John Mansell, senior analyst with Paul Kagan Associates, a media research firm, said consumers are saving on such things as multiple outlets and remote controls as a result of the new law.

The FCC "is supposed to be an expert agency. It shouldn't be subject to every whim of Congress," Mansell said. "One can only hope that the FCC's survey results are based on reason rather than politics."

100TH ANNIVERSARY OF DOBBS FERRY COMMUNITY HOSPITAL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. GILMAN. Mr. Speaker, I rise to call to the attention of our colleagues the impending celebration of the 100th anniversary of the Community Hospital in Dobbs Ferry, NY.

Americans familiar with our beautiful Hudson River Valley are probably aware of the village of Dobbs Ferry, one of the most picturesque of all the communities along the majestic Hudson. The Community Hospital at Dobbs Ferry began its compassionate services to the Dobbs Ferry community on October 13, 1893. In the 100 years which has transpired since then, the hospital has continued to provide the finest health care available, and has remained on the cutting edge of the fast breaking developments in the field of medical science.

In recognition of this milestone, the hospital is planning on Saturday, October 16, an historical retrospective and health fair, and plans to recognize with an appropriate plaque those citizens of their service area who are celebrating a 100th birthday this year.

Mr. Speaker, many persons were brought into life and many persons were healed at the Community Hospital at Dobbs Ferry. Staying in business for a full century is an achievement deserving of our recognition and praise.

Accordingly, I invite my colleagues to join in congratulating the Community Hospital in Dobbs Ferry for its extensive dedicated service.

JAPAN-UNITED STATES FRIENDSHIP ACT

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. WISE. Mr. Speaker, today I introduced legislation that is designed to strengthen the Japan-United States Friendship Commission.

The Japan-United States Friendship Commission was established as an independent Federal agency by the United States Congress in 1975 (Public Law 94–118). The Commission administers a United States Government trust fund that originates from part of the Japanese Government repayments for United States facilities built on Okinawa and returned to Japan, and for postwar American assistance to Japan. Income from the fund is available for the promotion of scholarly, cultural, and public affairs activities between Japan and the United States.

The purpose of the Commission as defined in the Japan-United States Friendship Act is to promote "education and culture at the highest level in order to enhance reciprocal people-to-people understanding and to support the close friendship and mutuality of interest between the United States and Japan." The Commission's mission is critical to the interests of the United States because in the words of the Act, "the continuation of close United States-Japan friendship and cooperation will make a vital contribution to the prospects for peace, prosperity and security in Asia and the world."

Mr. Speaker, the Commission has been extremely successful in meeting its goal of promoting mutual understanding between Japan and the United States. However, its ability to meet this mission has been diminished in recent years due to a deteriorating endowment.

When Congress created the Commission it provided it with an endowment of $18 million and an approximately equivalent amount of Japanese yen. The legislation I introduced today would authorize an additional $50,000,000 to further capitalize the Commission's endowment. This could perhaps be done in increments of $10 million over 5 years. In addition, the legislation would enhance the investment authority of the Commission as well as strengthen criteria for membership on the Commission.

Mr. Speaker, the work of this Commission has never been more important. In view of the increasing interdependence of the United States and Japan and the resulting friction and misunderstanding, I hope this body will look favorably on this proposal.

MARY CLARKE HONORED AS A FINALIST IN VFW VOICE OF DEMOCRACY COMPETITION

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. SANGMEISTER. Mr. Speaker, it is a great pleasure for me to congratulate Mary Clarke, a 15-year-old constituent from Joliet, for her outstanding achievement. Mary was honored as a finalist and awarded a $1,500 scholarship for her entry in this year's Voice of Democracy Scriptwriting Competition and Scholarship Program. Sponsored by the Veterans of Foreign Wars of the United States and its ladies auxiliary, the nationwide contest seeks to inspire our future leaders to think about the responsibility to the next generation. More than 136,000 secondary school students competed for 29 national scholarships in this year's contest, by writing a speech entitled "My Voice in America's Future."

I am confident that we will be hearing a great deal more of Mary's voice in the years to come. A future educator, she has the sensitivity, vitality, and conviction to make a difference in her community, and beyond. You will realize this for yourself when you hear Mary's speech:

MY VOICE IN AMERICA'S FUTURE

(By Mary Clarke)

I use my voice everyday. A day in my life has not yet passed where I do not use my voice. As a baby, I used my voice to cry out so my parents would take care of me and give me what I needed. When I was a child I learned how tell people what I needed with my voice. Now I use my voice to ask others what they need. In the future, I will use my voice to try to make America's future brighter.

Just as a word is not a word without each and every one of its letters; a voice is not a voice if it does not have certain basic components. So I have taken the word *VOICE* and broken it down letter by letter to show the importance and strength of each letter and what they stand for. If, I can use these building blocks to create a solid, firm voice—My Voice In America's Future will be heard. The V in voice will stand for volume, the O for optimism, the I for inquisitiveness, the C will stand for certainty, and the E for endurance.

A voice needs volume so it is audible, so it can reach people's ears as well as their hearts. Without volume a voice is not heard and voice that is not heard is no longer a voice but merely athought that cannot touch any lives. So first to give your voice volume—you must speak so you can always be heard.

The O represents optimism. A voice needs optimism so others can find hope and a reason to move forward—so we can see our future in a more positive light. If a voice is not optimistic people have no faith, no energy, no excitement to leap into tomorrow. To give your voice optimism you must stand tall, look forward—never back—and smile.

We all know that to learn we should ask questions. That is why there is an I in voice for inquisitiveness. Problems can be solved, questions can be answered, and new ideas can be found when a voice is inquisitive. We need to be curious about others, their way of life, and their solutions to life's difficulties. We should share our advances as well. To make your voice inquisitive you must ask pertinent useful questions that will help you to arrive at your goal sooner.

The letter C in voice stands for certainty. A voice must have certainty so we can all trust in it and in ourselves. People listen—not to a weak voice—but to a strong, confident voice that has direction and reason. If we are sure of ourselves, our voices in turn will reflect that. To instill certainty in your voice, you must believe in everything it says.

E is the final letter of voice. E is for endurance. For a voice to endure it needs many things—it needs the ability to hold ground when someone tries to silence it, a voice needs the strength to trample down the destructive problems of society, and it must overcome time, hate, sadness, and lies. To accomplish these feats and all others a voice must have volume to be heard, optimism to seek out tomorrow, inquisitiveness to find solutions, certainty so it is believed in—with all these and the power to endure, a voice is then complete.

My voice is my future. My voice and endurance is America's future.

TRIBUTE TO HUNTINGTON BAPTIST CHURCH ON THEIR 125TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to the Huntington Baptist Church, in Suffolk County, NY, on the occasion of its 125th anniversary.

During the past century and a quarter, the Huntington Baptist Church has mirrored the history of the town of Huntington: Beginning with simple plans to provide a parsonage for Huntington; continuing on with the first conversion of a Native American in the community, Mrs. Hannah Jackson; and on to the present day church and Sunday school located at High Street and Oakwood Road.

Mr. Speaker, the church began simply, when 12 members in 1868 withdrew from the Union Baptist Church of Cold Spring Harbor and decided to form their own house of worship. Despite the grave difficulties and many disappointments which beset the little band, they had strong faith and were able to persevere. The early efforts of this dozen resulted in the construction of the church in 1870.

Throughout its history, the Huntington Baptist Church has been an integral part of the community, participating in all facets of life in Huntington, and reaching out to those in need. As it begins its sixth quarter century of ministry, may the church and its congregants celebrate a future filled with the same commitment, energy, and devotion as that first tiny band of 12.

Mr. Speaker, I ask my colleagues in the House of Representatives to join with me now in extending congratulations and best wishes to Pastor Peter Sherwood Sanborn and the Huntington Baptist Church on the celebration of their 125th anniversary.

LACINDA "CINDY" HESS RETIRES AFTER YEARS OF SERVICE TO SCOUTING AND COMMUNITY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. SOLOMON. Mr. Speaker, having been associated with scouting all my life, I have a special admiration for those people who give so freely of their time to make scouting the great institution it has been in American life. I'd like to say a few words about one of those people today.

Lacinda "Cindy" Hess is, you might say, the first lady of scouting in my hometown of Glens Falls, NY. She will be retiring in October after 18 years of service as executive director of the Adirondack Girl Scout Council.

Ironically, Cindy Hess never had time to be a girl scout when growing up in the World War II era. Her father was in the military, and that involved too many relocations. But when her daughters Meredith, Karen and Leslie became girl scouts, Cindy Hess became a leader of Brownie Troop No. 31, and her devotion to scouting had begun.

Over the years, Cindy Hess has coordinated hundreds of volunteers, always remaining accessible to them, and to her staff. She moved the council into a corporate system, which was an innovative step at the time, and she is largely responsible for the council's current financial and administrative strength.

She has had an impact on thousands of girls, teaching them the spirit of voluntarism which has made America the greatest Nation on Earth.

Mr. Speaker, Cindy Hess lives and breathes that spirit of voluntarism. After earning bachelor's and master's degrees in history, raising her children, and working in various teaching capacities, she got involved in her community in a big way.

She was elected to a term on the Glens Falls common council, where she chaired the audit and finance committee. She has been an elder and member of the board of trustees of the First Presbyterian Church, and president of the Zonta club and Glens Falls club of college women. She chaired the Warren/Washington interagency council and the Warren County youth board. She is currently a member of the Adirondak regional chambers of commerce leadership advisory board. She is a member of the Chapman Museum historical board and currently chairs its development committee. Cindy Hess has also organized volunteers to help local teachers. She somehow has found time to help in the family business, Hess Ventures.

It is an amazing record of achievement and selfless dedication. She certainly deserves the greater time she will spend with her family, which now includes four grandchildren. I and everyone who knows her are grateful that she still will be quite involved in the community.

Mr. Speaker, I ask you and other members to join me in a salute to a remarkable lady and close personal friend, Lacinda "Cindy" Hess of Glens Falls, NY

FOREIGN ASSISTANCE TO NICARAGUA

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. BECERRA. Mr. Speaker, on Tuesday, September 21, 1993, I voted in support of the Senate-amended version of H.R. 20, the Federal Employees Political Activities Act. Although I am a strong supporter of this legislation, I would like to state my concern over the Senate amendment which expresses the sense of the Senate that United States foreign assistance to Nicaragua should be withheld until an international investigation of the Sandinista Liberation Front with respect to acts of terrorism takes place.

Not only is this issue not germane to the proposed legislation, but there was no opportunity for review or discussion of this amendment through the committee process.

Therefore, while I support both the intent and the action contained in H.R. 20, I am disturbed over the Senate's use of good legislation as a vehicle to convey a totally unrelated concern.

$284 MILLION A YEAR FOR FOREIGNERS WHO LIKE THE CANADIAN HEALTH CARE SYSTEM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. STARK. Mr. Speaker, lots of conservative commentators and their supporters in Congress love to yak about long lines for health care service in Canada and how Canadian doctors are fleeing to the United States They are wrong on both counts: There are no lines for emergency care and in one recent year, more United States doctors moved to Canada than came here.

But the really embarrassing news is contained in the September 23, 1993 the Globe and Mail of Toronto:

> U.S. President Bill Clinton's plan to provide health insurance for all Americans, paid for partly with cigarette taxes, offers two accidental benefits for Canadian Government finances:
>
> Americans would no longer be tempted to slip across the border for free Canadian health care.
>
> Smuggling of cigarettes from the U.S. would become somewhat less lucrative, and perhaps less widespread.
>
> No one knows how many U.S. free riders use Canada's health system, but a leaked report by Ontario Health Insurance Plan investigators earlier this year estimated that use of health cards by ineligible people, some from the United States costs as much as $284 million a year.
>
> There is evidence that Americans cross the border to have babies and get treatment for AIDS, among other things, the investigators said.
>
> This past summer, Ontario officials charged a woman from Rochester, NY, with impersonation and attempted fraud, and an Arkansas man with conspiracy to defraud, in connection with use of health cards.

Once again, I hate to bother the ideologues who bad-mouth Canada, but I hope that an occasional fact or two could slip into their brains. I would hope these facts would help shame them into supporting a true reform of our Nation's health care system.

RAY McKAY, MARITIME LABOR LEADER

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. MANTON. Mr. Speaker, last month, the American labor movement and the U.S. merchant marine lost a distinguished leader with the death of Ray McKay, president of the American Maritime Officers.

Ray began his maritime career on an ammunition ship that departed Pearl Harbor just hours before the Japanese attack. He served on numerous other ships during the war—a time when U.S. merchant vessels were being sunk within sight of the U.S. coast. His service on those ships taught him about the critical role of the merchant marine in time of war and peace. For Ray, the fact that merchant mariners suffered a higher casualty rate than the Army, Navy, and Air Force was more than a statistic, it was a grim testament to the sacrifice of his friends.

In peacetime, Ray fought to improve the lives of seamen. Those who went to sea before, during, and after the war, worked under conditions that are not imaginable today. The lot of these workers was characterized by long hours, low pay, cramped quarters, and next to no fringe benefits. Ray led the fight to assure decent pay and working conditions for those who engaged in this dangerous and lonely profession.

Throughout my time in Congress, a time when the merchant marine has been under unwarranted attack, Ray McKay was a voice of compromise. When the critics of maritime labor called for a reduction in wages and benefits, Ray was willing to call on his followers to sacrifice—if it was a shared sacrifice, with management and others sharing the burden. As carriers sought to abandon the U.S. flag, Ray challenged their actions. He was a man of courage and conviction and we will miss his counsel.

As we seek to reverse the dismal record of the last 12 years, we face a difficult battle—a battle that will be more difficult because we lack the strength and assistance of Ray McKay.

HONORING ARNOLD HYMAN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. ENGEL. Mr. Speaker, I wish to take this opportunity to honor a community leader and good friend from my district, Mr. Arnold Hyman, on the occasion of his 50th birthday.

Mr. Hyman has worked for the New York Public Library since 1959, and during that time he has worked hard to improve and enhance services to the community. He was recently named regional branch librarian at the Kingsbridge Branch Library, and he has been the coleader and guiding force of the longest-running library book discussion group in the Bronx.

Arnold Hyman is also active in several political and community affiliations. He was one of the founders of the Bronx Pelham Reform Democratic Club and a former president of the Community Center of Israel, where he currently serves on the board of trustees.

Most of all, Arnold Hyman has been truly devoted to his family and friends. He is a native Bronxite who has continued to live in the borough and worked to improve its quality of life. He has been continually supportive of me, my family, and many of his neighbors. On behalf of every person whose life has been touched by Arnold Hyman, I congratulate him on reaching this milestone and wish him many more years of happiness and good health.

INTRODUCTION OF A JOINT RESOLUTION TO DESIGNATE THE WEEK OF OCTOBER 25, 1993, AS "WORLD POPULATION AWARENESS WEEK"

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. BEILENSON. Mr. Speaker, Mr. PORTER and I, along with 138 cosponsors, are introducing a joint resolution today to designate the week beginning October 25, 1993, as "World Population Awareness Week." The purpose of this observance, which has been introduced in the Senate by Senators PAUL SIMON and JAMES JEFFORDS, is to educate Americans about overpopulation and the increasingly adverse effects that global population growth will have on the world's future.

The Earth's population recently surpassed the 5.5 billion mark, and it is growing by almost 100 million people every year. Twenty-four hours from now, there will be 260,000 more people in the world than there are at this moment. More than 90 percent of this increase will occur in the overburdened poorest nations of the world, which cannot begin to take adequate care of their current populations and for whom there are too few jobs, inadequate schools, inadequate health care, inadequate amounts of food and, usually, very little, if any, individual freedom.

In much of the developing world, high birth rates, caused in great part by the lack of access of women to basic reproductive health services and information, are contributing to intractable poverty, malnutrition, widespread unemployment, urban overcrowding, and the rapid spread of disease. Population growth is outstripping the capacity of many nations to make even modest gains in economic development. In the next 15 years, developing nations will need to create jobs for 700 million new workers, which is more than currently exist in all of the industrialized nations of the world combined.

The impact of overpopulation, combined with unsustainable patterns of consumption, is also evident in mounting signs of stress on the world's environment. Under conditions of rapid population growth, renewable resources are being used faster than they can be replaced. Each year, for example, the world's farmers try to feed 100 million more people on 24 billion fewer tons of topsoil. Moreover, the burgeoning of the world's population is also contributing to tropical deforestation, erosion of arable land and watersheds, extinction of plant life and animal species, and pollution of air, water and land.

Unfortunately, we hear surprisingly little about the population phenomenon. The single greatest obstacle to fully addressing this crisis is a general lack of awareness of how rapidly the world's population is growing, and that what we do this decade, as today's three billion youths in the developing world reach their childbearing years, will significantly determine the kind of world we leave to future generations. For example, even if the average fertility rate is brought down from the current 3.3 children per woman to 2.8 children in the year 2025—quite a significant reduction—world population will still grow to 12.5 billion by 2050. But that will be a vast improvement over what will happen if fertility rates do not significantly decline and the Earth's population triples in the next 50 years.

World Population Awareness Week has been approved by both the House and Senate for the past 3 years, and each year the President has issued a proclamation for its observance. Thirty-seven State Governors have also issued proclamations in recognition of the week, and hundreds of classes, seminars, and other educational events have been held at colleges and universities in each of the 50 States.

This year, in recognition of World Population Awareness Week, events are being planned in every congressional district. Nearly 120 national and local organizations—including the League of Women Voters, the United Methodist Church, and the American Association of University Women—are involved in planning over 3,000 discussion groups, films, and other educational events to raise public awareness of this critical issue. In addition, 33 countries and many international organizations as diverse as the World Muslim Congress and Botswana Family Welfare Association are also observing the week.

Mr. Speaker, we believe World Population Awareness Week provides an important opportunity for Americans to learn about the rapid growth of the world's population and its dire consequences for the environment, for food supplies, for overcrowding, and for political and social stability. We hope that as Americans learn more about the problems associated with overpopulation, they will become more interested in working toward solutions to this very serious problem.

We urge our colleagues to join us in supporting this legislation.

THE FEDERAL COURT SETTLEMENTS SUNSHINE ACT OF 1993

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. SKAGGS. Mr. Speaker, today, at a time when Americans are demanding a more open and accountable Government, I am introducing legislation to move in just that direction in a branch of government that has largely been ignored in this debate—the Federal courts.

Across the country, various agencies of the Federal Government are routinely involved in litigation concerning matters ranging from the cleanup of toxic waste dumps to the safety of consumer products. Frequently, when these cases are settled, the judge considering the case will seal—or block from public disclosure—the terms of the settlement. The reasons for such sealing can range from mere convenience and expediency, to blocking questions about someone's reputation, to protecting legitimate security information.

The Federal Court Settlements Sunshine Act of 1993 would ensure the public's right to know what's happened when Federal agencies settle cases in court. It establishes a tough standard to be met before a Federal court could withhold from the public the terms of settlement of any civil case involving the U.S. Government.

Since we're talking about cases affecting the public's business, and large sums of money or significant policy issues may be at stake, it's only right that we all have a chance to see what kind of settlement deals our Government has entered into. So, in any case involving a Federal agency or official, settlement documents would have to remain public unless the trial judge made a written determination that a compelling public interest required the settlement agreement to be kept secret.

I know that many of my colleagues are aware of the case of Silverado Savings and Loan Association in Colorado. The collapse of this S&L will probably end up costing American taxpayers over $1 billion. But because a Federal court agreed to seal the terms of the settlement reached between Silverado and the Government those same taxpayers will not be able to learn the whole story and why they have to shell out this kind of money.

The Federal Court Settlements Sunshine Act of 1993 is similar to a bill I introduced in the 102d Congress. That bill was cosponsored by 25 of my colleagues and was the subject of a hearing before the Intellectual Property and Judicial Administration Subcommittee of the House Judiciary Committee. During that hearing, U.S. District Court Judge John Kane stated, "The very essence of justice is that it is public."

I couldn't agree with Judge Kane more. Other witnesses also expressed the same sentiment, and the public interest groups that appeared on behalf of the bill strongly urged Congress to prohibit the routine sealing of civil settlements involving Federal agencies.

Based on what I learned from those hearings, I've updated the bill in two ways to make sure that the American people have the openness in their courts that they deserve. First, the bill now requires that a court's decision to seal a settlement be in writing—and itself not be sealed. Second, I added a provision to ensure that once a complaint is filed no dismissal can take place without the court evaluating any settlement agreement that the parties enter into. Closing these two loopholes strengthens the bill and furthers may desire to open up public records to the public.

I'm happy to say that 23 of my colleagues are joining me as original cosponsors of the bill today.

Settlements involving Federal agencies are the public's business, and they should be open to public scrutiny. It's as simple as that.

Mr. Speaker, we're living at a time when many Americans feel alienated from their Government and are demanding a greater accountability. This bill presents one approach that may help restore their trust in certain Government actions.

I hope my colleagues will join me in promoting the public interest by supporting the full disclosure of the public's business in court.

TRIBUTE BY WILLIAM J. CAVANAUGH

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. MARKEY. Mr. Speaker, I would like to share with my colleagues an article which was recently published in one of the newspapers in my district, Middlesex News. This very insightful article was written by Mr. William J. Cavanaugh, a resident of Natick, MA and a retired U.S. Army Reserve officer who served on active duty during the Korean War. Mr. Cavanaugh reminds us of the importance of remembering and honoring those who have served this country in our Armed Forces.

[From the Middlesex News, July 8, 1993]

FAMILY REMEMBERS KOREAN WAR HERO

(By William J. Cavanaugh)

At its annual family picnic at Natick Labs on June 19, the extended Cavanaugh Clan of Natick and surrounding communities decided to donate the proceeds of its "annual picnic charity" event to the Massachusetts Korean War Veterans' Memorial.

The event raised $150.00 which is to be donated to the new memorial Massachusetts veterans of the Korean conflict in memory of Joseph Keenan, a cousin of the Cavanaughs and a U.S. Navy medic who was killed on March 26, 1953, while taking care of wounded Marines during a bloody assault on Reno Hill in Korea. Hospital Corpsman Keenan's bravery under hostile enemy action is memorialized in a 1989 oral history, "The Korean War—Uncertain Victory," by Donald Knox and Alfred Coppel.

The new Massachusetts memorial to veterans of "The Forgotten War" will be dedicated on July 27 at the memorial site near the permanent berth of the USS Constitution in Charlestown, on the occasion of the 40th anniversary of the signing of the armistice that ended the costly 3-year Korean War. Americans, a great many from Massachusetts, paid an enormous price during the first United Nations-sanctioned engagement only 5 years after the close of World War II—54,246 dead and 103,284 wounded, in addition to more than 7,000 still listed as missing in action or otherwise unaccounted for.

A great many Americans, including the Cavanaugh and Keenan families, can never forget the terrible price of that war. Three of my brothers, James Cavanaugh of Hingham (U.S. Navy), the late Francis X. Cavanaugh Jr. of West Roxbury (Air Force), and the late Joseph Cavanaugh of Foxborough (Navy), all served during the Korean war, as did I, but none of us, in answer to someone's prayers, saw duty in Korea.

However, our 19-year-old cousin Joey Keenan enlisted in the Navy in the waning months of the by-then stalemated war in late1952. After medical training in Newport, R.I., brand-new Navy medic Keenan was shipped to Korea. He arrived there in February 1953 and was immediately assigned to a Marine platoon involved in the fateful "Nevada Hills" operations. He was killed in action on March 26, 1953, just four months before the Panmunjon Armistice.

For more than 10 years, Joey Keenan's younger brother Michael Keenan, of Hanover, has been researching the events and circumstances of the Nevada Hills battles. At the Cavanaugh clan picnic each year, he reports on some new discovery of his brother's heroism during those closing months of the war. Combat veterans who served with his brother have written him from as far away as Alaska and Saudi Arabia. A retired U.S. Army Reserve colonel, I have been encouraging Michael in his research, as have all of the rest of the clan members. They hope someday to obtain for cousin Joey Keenan the long overdue official recognition for his heroism and ultimate sacrifice.

Medic Keenan was, according to testimony of his battalion surgeon in Korea, Dr. William E. Beven, actually written up for the Congressional Medal of Honor. The gist of Beven's recommendation from his combat diary of March 26, 1953, states, "One of my corpsman (F-2-5) under heavy enemy fire, despite being severely wounded, refused to be evacuated but remained at his station caring for and evacuating casualties until killed."

Unfortunately, in some postbattle administration snafu, the paperwork was lost and the Keenan family received only Joey's Purple Heart Medal for being wounded in combat and his campaign medals for combat service in Korea.

Whether or not Michael Keenan ultimately succeeds in getting full recognition from the Navy for his brother's sacrifice, one thing is certain: subsequent generations of Cavanaughs from Natick, Hingham, Foxborough, Braintree, Eatham and West Roxbury; Keenans from Hanover, Hingham, Billerica and Nashua, N.H.; Campbells from Framingham, West Roxbury, and Allston; Alves from Ashland; Hoovers from Hopkinton and many others from throughout MetroWest and Greater Boston towns and beyond will never forget their Korean war hero cousin Joey, especially on this upcoming 40th anniversary of the end of that "Forgotten War" and the dedication of its long-awaited permanent memorial on July 27 in Charlestown.

PAYING TRIBUTE TO JULIAN S. JURUS, OUTSTANDING POLISH AMERICAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Mr. Julian S. Jurus, a man who has served the Polish community for 54 years both overseas and in the United States.

Julian Jurus was an active member of the Polish Armed Forces overseas from 1939–1948. He served in Romania, France, and Great Britain. In May 1948 he was discharged and emigrated to the United States.

Mr. Jurus is a lifetime member of the Polish National Home, which he served as president for 11 years, and where he is now a member of the board of directors and the board of trustees. He also serves as the current treasurer of the Polish American War Veterans Association, and was its commander for four years.

Julian Jurus was the co-organizer of the American Polish Council of Long Island in 1963 and its chairman for four years. In 1966, Mr. Jurus became the cochairman of Poland's Millennium Committee in Nassau and Suffolk Counties. He was the co-organizer of the Nassau County General Pulaski parade committee in 1965 and the first president of that committee. He has been a member of the General Kazimir Pulaski memorial committee in New York since 1965. Mr. Jurus was the co-founder of the Polish American Museum in Port Washington, NY, in 1977, and was president of the museum for 9 years.

Mr. Jurus also serves on the Polish American Congress, the Kosciuszko Foundation, the Polish Numismatic Association in Chicago, the Nassau County Holocaust Commission, the Sovereign Military Order of Saint John of Jerusalem, the Knights of Malta with the rank of Knight Commander of Grace. In addition, Mr. Jurus serves on the pastoral advisory council at Saint Hyacinth Roman Catholic Church in Glen Head, NY.

In 1992, Julian Jurus was honored as a citizen of the year by Polish American World. This year, he was awarded Marshall Honors, and will lead the Nassau County contingent at the General Pulaski parade in October.

Mr. Speaker, I ask my colleagues in the House of Representatives to join with me now in paying tribute to Mr. Julian S. Jurus for his many years of service to the Polish-American community of Long Island, and to commend him for his many efforts and accomplishments.

THE ECONOMIC BENEFIT TO THE UNITED STATES FROM THE ACTIVITIES OF INTERNATIONAL BANKS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. LAFALCE. Mr. Speaker, over the last several years, foreign banks have become an increasingly visible presence in the U.S. market. What is sometimes less apparent, however, is the substantial and positive economic effect these institutions and their lending and investment activities have on the U.S. economy.

Today I would like to call the attention of my colleagues to an important new study, "Banking in a Global Environment: Economic Benefits to the United States from the Activities of International Banks," released by the Institute of International Bankers. The study concludes that international banks provide an important source of credit and liquidity to the U.S. financial market; bring direct economic benefits to the U.S. economy in terms of job creation, office space utilization and other expenditures; and operate in the United States under the same regulatory restrictions as U.S. banks.

As the study points out, foreign banks directly and indirectly employed over 300,000 people and spent almost $20 billion dollars a year in the United States last year. Moreover, during the serious credit crunch we have experienced, foreign financial institutions have been a key source of business lending. Commercial and industrial loans by foreign bankingfirms amounted to 35 percent of all business loans to U.S. borrowers. In addition, foreign banks contribute to the general health of our economy—they pay substantial taxes and are major contributors to local real estate markets.

The report contains other specific findings of note:

The U.S. operations of international banks held at least $237 billion in loans and unfunded commitments acquired in syndications led by and participations purchased from U.S. banks, thereby freeing up the U.S. banks' capital to make additional loans; in the aggregate, the U.S. operations of international banks lent over $100 billion more to U.S. borrowers than they received in deposits.

The U.S. operations of international banks last year employed approximately 115,000 persons and spent in the aggregate in excess of $14.0 billion on employee, and other operating and capital expenditures; based on the U.S. Department of Commerce multipliers, international bank activities resulted in an additional 190,000 jobs being created with earnings of $5.4 billion.

The U.S. operations of international banks are subject to the same comprehensive system of regulation and supervision by Federal bank regulatory agencies as U.S. banks, including adhering to equivalent standards for global capital.

In the wake of the International banking scandals of recent years, the United States has insisted on enhanced supervision and regulation of foreign banks under the 1991 FDICIA legislation. This is appropriate—and sufficient. While we must properly regulate for purposes of safety and soundness, it is equally critical that we maintain a balanced regulatory system that recognizes the key role foreign banks play in fostering U.S. economic growth, enhancing the availability of credit and creating jobs. The regulation of foreign banks must remain founded on the principle of national treatment which has served the U.S. economy so well.

I commend this report to my colleagues.

TRIBUTE TO FORREST E. ACKER

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. HOLDEN. Mr. Speaker, I rise today to honor Mr. Forrest E. Acker, a distinguished gentleman from Schuylkill County, who has served as Secretary of Pulaski Lodge No. 216, F&AM for over 40 years. Mr. Acker deserves recognition within his own organization, as well as within his community, for his many years of dedicated service.

We may all learn from the example of Mr. Acker, whose devotion to his organization and its ideals has resulted in an unblemished record of service. Schuylkill County is fortunate to count him as a citizen. His past honors include the York Cross of Honor, an award only given to those who have served as head of every branch of the Masonic Order. In addition, his reputation within the community has brought honor to the Masonic organization in general, and has also earned my respect.

I would ask that my colleagues in the House of Representatives join me in recognizing Forrest E. Acker for his unselfish commitment to the Masons, and in wishing him continued happiness and success. His presence as Secretary will be missed, but his legacy of service will live on for many years to come.

TRIBUTE TO REVEREND CECIL WILLIAMS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. DELLUMS. Mr. Speaker, today I rise to share with you and my colleagues that the Glide family will honor Reverend Cecil Williams' 30 years of activist ministry at Glide Memorial United Methodist Church at tonight's celebration of gospel song and tributary words hosted by Dr. Maya Angelou and Ms. Susie Tompkins. Edwin Hawkins and the Hawkins singers, Janice Mirikitani, Bobby McFerrin and the Glide ensemble, all local Bay Area performers, will add to the festivities.

The Reverend Cecil Williams has managed in these brief three decades to provide a shining beacon as to how the ministry can nurture the body and the soul, to provide shelter and sanctuary. His inspirational teachings and determined public advocacy have made the San Francisco community a better place, less hostile to its poor and dispossessed, more inclusive of all its cultures, communities, and people. Today, under his ministry, Glide Memorial United Methodist Church is, today, the most comprehensive nonprofit provider of human services in San Francisco operating human service programs that not only help meet the needs of the disenfranchised, but also to empower all people to become self-sufficient.

Our paths have often intertwined; our shared vision has made us allies; and our common agenda has bound us in coalition. I am pleased to join with a broad community in honor of his personal dedication and devotion to service and the many, many successes that he has achieved during his ministry at Glide.

TRIBUTE TO JANE BOECKMANN

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. BERMAN. Mr. Speaker, we are honored to pay tribute to Jane Boeckmann, who is second to none in her commitment to the cultural and civic affairs of the San Francisco Valley. Jane's list of accomplishments is startling: Through the years she has been involved with more than 25 separate committees, boards of directors, foundations, and societies. She has been everything from a member of the board of directors of the San Fernando Valley Arts Council to a member of the advisory board of the Olive View Medical Center Foundation.

In addition to her volunteer and charitable activities, Jane is the publisher and editor in chief of Valley magazine. In the 14 years since she developed the magazine, it has become the premier source of life in the San Fernando Valley. Jane recognized correctly that the valley needed its own publication, that there is an infinite number of fascinating stories about the people and institutions in the area. Indeed, Jane is one of the people responsible for creating a distinct identity for the valley.

It's hard to imagine, but Jane has also raised five children and is the devoted wife of Bert Boeckmann, who is quite a philanthropist himself. The Boeckmanns are one of the best-known couples in the entire city of Los Angeles due to their generosity and selflessness. Many, many organizations have been blessed by their help, financial or otherwise.

We ask our colleagues to join us in saluting Jane Boeckmann, who on October 15 will receive the Free Enterprise Award from the San Fernando Valley Business and Professional Association. It is another in a long list of deserving honors.

CONGRATULATIONS TO VICTORIA VAN METER—WORLD RECORD AVIATOR

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. RIDGE. Mr. Speaker, it gives me great pleasure to offer my congratulations to Victoria Van Meter on the occasion of her historic flight across the country.

Vicki has entered the aviation record books and has set three new world records. She is now the youngest female pilot to fly across the country, the youngest pilot to fly a distance of 2,900 miles and the youngest pilot ever to complete an east-to-west cross-country flight.

Vicki, age 11, the daughter of James and Corinne Van Meter, has been a flight student for just under a year and is a sixth grade student at the East End Elementary School in Meadville, PA. Vicki operated a single-engine Cessna 172 on this journey, and her flight instructor, Bob Baumgartner, accompanied her. She began the trip on Saturday, September 18, at 9 o'clock in the morning when she departed for Maine. She was greeted in Harrisburg, PA, on Monday, September 20, where it was officially declared "Vicki Van Meter day." The 2,900-mile trip ended in San Diego, CA, on September 23. The wind and turbulence made Vicki's task very difficult, but she showed great talent and courage by completing her trip. Vicki has received many accolades for her flight, and radio and television stations all around the country have interviewed her. She made stops in Columbus, St.

Louis, Oklahoma City, Albuquerque, Phoenix, and San Diego during her cross-country flight and carried with her a proclamation and gifts that she presented to city officials at each stop. These gifts were given on behalf of the residents of Meadville who named Vicki their goodwill ambassador.

Mr. Speaker, Vicki is a brave, intelligent, motivated young woman and has already accomplished some amazing things for a person of her age.

Mr. Speaker, it gives me great pleasure to extend to Victoria Van Meter my congratulations and best wishes for success in all of her future endeavors.

JAMES MALLON: A BEACON IN BROOKLYN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important event which will take place on October 7, 1993, in my district. This event will be the 20th anniversary of Northside Senior Citizens', Inc., an organization which has done so much to serve the elderly of the Williamsburg/Greenpoint/Northside neighborhoods of Brooklyn.

Over the past two decades, the Northside Senior Citizens' Center has provided support to thousands of seniors in our community. These innovative and effective programs include a highly successful seniors employment program and a homebound services program. The Northside Senior Citizens' Center's work has touched many lives.

It is entirely appropriate that the center is taking the opportunity on October 7 to honor its founder and executive director, James F. Mallon. Mr. Mallon has served the Northside Senior Citizens' Center with unstinting dedication since its creation back in 1973. His leadership and vision have made our community a better place.

Therefore, as this auspicious date approaches, I ask my colleagues to join with me in saluting Mr. Mallon's 20 years of tremendous service to the Northside Senior Citizens' Center as well as to the northern neighborhoods of the great borough of Brooklyn.

SUPPORT ECONOMIC AID TO NICARAGUA

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. PENNY. Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD a letter to Members of Congress from the ecumenical committee of U.S. Church Personnel In Nicaragua.

This ecumenical group consists of 16 Protestant and Catholic Church groups in Nicaragua working to improve the lives of the Nicaraguan poor. The group strongly urges the United States to continue economic and development assistance to Nicaragua.

The letter follows:

MANAGUA, NICARAGUA,
September 16, 1993.

MEMBERS OF THE UNITED STATES CONGRESS,
Washington, DC.

DEAR SENATORS AND REPRESENTATIVES: We write to urge your continued support of economic aid to Nicaragua. The country is experiencing a deep economic recession characterized by massive unemployment, widespread poverty, and serious cutbacks in public health care and education, which give rise to increased crime, violence, disintegration of family relationships, and general unrest. Withholding or reducing aid funds at this time would plunge the country into further economic crisis and augment the political and social tensions already at the breaking point.

The Nicaraguan people with whom we associate and work on a daily basis are among the 70 percent of the population who live in poverty. They are tired of past wars and the present violence; they want a chance for gainful employment to provide the basic necessities of food, shelter, education, and health care for their families. It is the children who suffer the most, since one-half of the population is under 16 years of age.

We applaud the positive steps taken by the Chamorro government to promote peace and democracy (e.g., reduction of the army from 90,000 to 15,000 and encouraging national dialogue among the various political factions). We feel that Mrs. Chamorro should be encouraged in her efforts to guarantee pluralistic political debate and participation in government, which lie at the heart of the democratic process. Withholding aid to force internal changes favored by one side or the other only serves to undermine this process, thus solidifying the extreme polarization, encouraging new outbreaks of violence, and reinforcing the plight of the poor—the ones who bear the brunt of the nation's political stalemate and economic stagnation.

We concur wholeheartedly with Oscar Arias, ex-president of Costa Rica and Nobel Peace recipient, who recently issued "an urgent call to the international community to redouble its assistance programs to Nicaragua." Arias said that Nicaragua needs help for special programs "to give work to tens of thousands of former military personnel who find themselves today prisoners of desperation and hunger. * * * More aid, not less, is what Nicaraguans need in this crucial hour."

Respectfully yours,

J. GARY CAMPBELL
and JANYCE PIXLEY
Coordinators, Ecumenical Committee of U.S. Church Personnel in Nicaragua.[1]

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[1] The Ecumenical Committee of U.S. Church Personnel in Nicaragua is composed of 70 persons—both lay workers and professionals—from 28 states, the District of Columbia, and Puerto Rico, who are members of the following Protestant denominations and Roman Catholic religious orders:

American Baptist Churches USA.
Christian Brothers.
Christian Reformed Church.
Episcopal Church.
Evangelical Lutheran Church of America.
Franciscan Sisters of Little Falls, MN.
Jesuits.
Maryknoll Missioners.
Mennonite Church.
Presbyterian Church (USA).
Religious of the Sacred Heart.
Sisters of Notre Dame de Namur.
Sisters of St. Agnes.
Sisters of St. Joseph.
United Church of Christ.
United Methodist Church.

THE FEDERAL DEFICIT

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. ARMEY. Mr. Speaker, I have received from a thoughtful citizen a modest proposal for eliminating the Federal budget deficit, which I should like to share with my colleagues.

A SIMPLE AND CONVENIENT PLAN TO ELIMINATE THE FEDERAL DEFICIT

(By Ronald T. Amberley)

Like most patriotic Americans, I am concerned with the welfare of our nation, and I have spent no little time thinking about ways to deal with the problem of our budget deficit and national debt, as well as other social difficulties. I make no claim to be a notable thinker, nor would I suggest that my ideas are anything out of the ordinary. Quite the opposite, in fact, is probably the case. But an idea has occurred to me which is so simple, yet would be so effective in cutting costs and painlessly raising revenue for the government, that I am baffled no one has publicly suggested it before. Some of the great minds of our day may have considered this plan previously, but I have never heard it mentioned. If they did think of it, they may have decided not to suggest it because it is so simple. (Some people feel it is beneath them for their fame to rest on anything but the most complex proposals.) Having no reputation to protect, I do not suffer from such a constraint, and I happily offer this simple idea which will promote our country's economic stability and provide many other benefits as well. I merely ask that my countrymen consider all I have to say before deciding on the merits of my plan. If, after due consideration, they deem me worthy of their approbation and thanks, I shall of all men be most humbly gratified.

As background let me reiterate a few facts about bees that most of us learned in elementary school. There are three classes of honey bees: queens, workers, and drones. The queen determines which eggs become workers and which will be drones when she decides which to fertilize. When drones are no longer of value to the colony, they are driven off to die and are replaced as needed by new generations of drones. As a great modern society which is increasingly free of the misguided moral queasiness and ethical restraint of our over-religious forebears, could we not embrace a more enlightened social order patterned in part on that of the bee?

In recent years we have justly become very sensitive about wasting our resources. We are wisely learning to recycle aluminum, paper, glass and plastic so that we do not consume raw materials or pollute the environment unnecessarily. Yet, for the most part, we continue to waste a very valuable resource without the slightest consideration for its economic value. I am referring, of course, to the annual financial loss which stems from the premature abortion of hundreds of thousands of potentially useful human offspring. How much more efficiently could we function if women had the option of bringing forth their offspring as drones, to their own financial gain and to the benefit of society at large?

THE BASIC CONCEPT

In brief, my plan would allow a pregnant woman to choose from three options by the end of her pregnancy.

1. She may elect to give birth, at which time the fetus becomes a human being with

full civil rights. She may then keep the child to raise or put it up for adoption. This option is presently available.

2. She may terminate her pregnancy any time prior to delivery by aborting the fetus. This option is also presently available.

3. At any time prior to physical delivery—the point at which the fetus would ordinarily become a person—she may elect a deferred abortion. In such a case she would give birth to a DAF (deferred-abortion fetus) or, colloquially, a drone. Such a being (the term "person" would be inappropriate and unacceptable in referring to DAFs) would not hold citizenship nor have any protection under law as a person since it would be merely a "post-delivery fetus."

ADVANTAGES AND APPLICATIONS

The advantages of the third option—a real choice for women—are enormous. For example, instead of either aborting a potentially valuable fetus or assuming the financial obligations and emotional burdens of rearing a child, a pregnant women could select dronehood and have a product convertible to immediate cash. Within a single generation the number of Americans living in poverty and on welfare would drop drastically, with an associated reduction in the number of people driven to acts of crime by their circumstances. While this single benefit might justify my proposal, let me proceed to explain some of its other advantages.

Under open-market conditions, a mother could dispose of her DAF in whatever way would benefit her the most. A network of middle-men and brokers would arise to match the supply of drones with those needing them, and the government could impose a drone tax to raise revenue.

However, by giving the government a monopoly in the raw drone trade, it would reap all the profits of a high-volume brokerage business, and it could still levy a tax on drones used in business. (Obviously, a provision would be added to the tax code to allow industry to depreciate drones over their useful life, as may already bedone with many other assets.) Moreover, the government could rely on its existing management expertise to run the program efficiently and equitably. Initial estimates indicate that within twenty to twenty-five years drone-related revenues and cost savings could balance the federal budget and perhaps enable us to begin repaying the national debt. I know of no other plan with equal potential for improving the financial condition of the nation.

The government would establish prices and quality guidelines, guaranteeing itself a tidy return on each transaction. Drones would be sold to the government within twelve weeks of birth. Women who breast-fed their drones would receive a premium price to compensate them for providing a better product than women who did not. To protect the public interest the government would medically screen all drones before paying for them; those falling short of appropriate guidelines would be recycled immediately.

Until a drone reached a point of economic utility, the task of feeding, clothing, sheltering and training it would fall to the government. Drones would become saleable at various ages, depending on their individual attributes, potential use and market conditions. Trainers using behavior modification and other techniques of psychologists like B. F. Skinner would impart to drones a preference for the activities and environments for which they would be marketed. They would be conditioned to be honest, to work hard, and to view themselves as expendable masses of cells.

Local placement centers would be established so that people could view, select, and special-order drones for future delivery. No restrictions would be placed on who could buy or own drones nor on how they could be used, except that they could not be employed in criminal activities. Businesses could use them domestically or overseas; individuals could buy them for use in the home; and they would make an excellent product for export, thus helping eliminate the foreign trade deficit.

The range of potential use for drones is enormous. They would replace people in dangerous employment situations. Among other applications would be the obvious ones of cleaning up toxic waste, asbestos and hazardous chemicals, working in radioactive environments and in mining operations. A drone's owner would not have to concern himself about drone safety beyond his interest in maintaining the value of his property. If the cost of protecting the drone was great, the owner could forego the expense in favor of the less costly option of replacement.

Thanks to their expendability drones would fit perfectly in the military and law enforcement fields for missions deemed too dangerous for people. In international peacekeeping roles, asminesweepers, in the vanguard of an infantry attack or amphibious landing, as well as in operations against Colombian drug lords, in battles with inner city street gangs, and as security guards in public schools they would be far preferable to citizen soldiers. Their cost effectiveness would enable us to police our borders against the influx of illegal aliens. The economic advantages of sending drone military units to third world countries ravaged by famine and conflict would be fantastic. After bringing an end to factional fighting in an area, they could readily be converted to nourishing fare for starving local civilians, saving American taxpayers both the expense of flying them home and the cost of shipping alternative food supplies overseas.

Researchers would test medical products and procedures on drones, eliminating the need for objectionable research using monkeys, mice, doggies, and kitties. With the advent of drones, shortages of blood supplies, vital organs and hair for transplants would vanish. Drug companies would naturally compete with each other to maintain a full-line of quality replacement parts for people.

Wide use of drones in labor-intensive industries would enable us to compete with third-world countries for manufacturing facilities. As businesses relocated here to take advantage of our cheap labor, our balance of trade would improve.

The federal government itself could employ drones quite effectively as rank-and-file bureaucrats. This move alone would save hundreds of millions in tax dollars annually through reduced payroll, not to mention lower benefit and pension costs. A natural market for drones would also exist among state and municipal governments. To make sure there would be no decline in the current high quality of government service, drones targeted for government use would be specially trained to exhibit the same enthusiasm, courtesy and conscientiousness their human counterparts do now.

The government could also improve its cash flows by instituting PID (payment-in-drones) programs similar to its PIK (payment-in-kind) programs of the past. Many who receive government benefits like welfare or Social Security might be delighted to receive an occasional drone in lieu of cash. Such drones could be rented out as day labor, with the revenue going to the owner, and they could function as primary home-based caregivers for benefit recipients who were disabled, sick or elderly.

Another highly desirable application would have raised eyebrows a few years ago. Fortunately our culture has moved beyond its former prudery and puritanism to accept virtually any form of sexual activity and to endorse the universal human right to complete satisfaction of one's sexual drives, no matter how unorthodox. Sadly, however, many less fortunate members of our society encounter difficulty locating an adequate number of acceptable partners to fulfill their sexual desires. These deprived individuals are compelled to seek satisfaction in socially unpopular ways, and as a result, increasing numbers of people (including small children) are becoming involved in sexual acts against their will with people not of their choosing.

The availability of drones should reduce the incidence of child molestation and rape. With drones of every age, appearance, and of both sexes on sale at reasonable prices, anyone could select the model he or she found appealing, purchase it for immediate and subsequent use, and dispose of it when it was no longer deemed desirable. Such an arrangement would reduce several categories of violent crime and cut the spread of AIDS and other social diseases.

Numerous recycling options would exist for drones which had outlived their usefulness. Some would enter the human food supply (in fact, some new drones would be bred and raised specifically for this purpose); those unacceptable for consumption by humans or drones might find their way into premium pet food offerings or food stocks at zoos; and fertilizer companies could process used drones for lawn and garden applications. The organs and body parts of others would provide students a wonderful source of laboratory specimens for dissection, thus enhancing their knowledge of anatomy. And drone skins would be an economical source of leather for belts, shoes, gloves, and steering wheel covers.

TECHNICAL AND LEGAL ISSUES

Having identified many advantages of my plan, I would now like to address some technical and legal issues associated with its implementation. First of all, Congress would have to decide whether or not a drone's father would be entitled to compensation when its mother sold it to the government. This is a difficult issue. On the one hand it seems only fair that the father receive some remuneration since no drone would have existed without his participation. Yet the mother holds a unilateral legal right to decide the fate of her fetus. Perhaps the best solution would be for a man to obtain a prefertilization agreement which spelled out his rights from any woman who might bear a drone in which he had a financial stake. Alternately, he could collect a payment from the woman at the time he provided her with fertilization services. Either approach would protect his interests.

Second, we would need a law to prevent parents or other well-intentioned but old fashioned persons from interfering with a young woman's right to become a drone-producing entrepreneur as soon asher reproductive capacities became operational. On the contrary, such commercial initiative should be encouraged and rewarded. Grade schools would offer drone production classes starting in the third grade, and high schools could compete in drone production much as they do in sports and academics today.

Third, a method of easily identifying drones and distinguishing them from people must be established. The simplest approach would be to tattoo an identification number or bar code on several body parts when the newborn drone became government property. An alternative would be to implant a scanner-readable microchip in an accessible part of the body.

The government would also surgically install a deferred-abortion device in each drone. Options could include a small explosive in the skull or at another critical location in the body, valves to stop the flow of blood to the brain, or a mechanism to release a lethal chemical into the bloodstream. Any of these could be activated by radio signal from a specially coded transmitter given to the drone's owner at the time of purchase. Such devices would provide for foolproof post-delivery abortion as a control mechanism for renegade or runaway drones.

The issue of drone reproduction is also a matter of grave concern. Random reproduction among drones should be closely controlled lest the supply exceed demand, eroding government revenue. Crossbreeding drones with humans must also be restricted because of the confusion it would create regarding the legal status of their offspring. To enforce these restrictions, the government would sterilize most drones prior to selling them. Exceptions would exist for those used in medical research where the reproductive capacity would need to remain intact and for those used in the government's special drone breeding program.

A breeding program would allow for the development of drones with specially desirable attributes, e.g., physical strength, stamina, beauty, or intelligence. Such models would command premium prices. For example, physically powerful and agile drones would be more cost effective than overpaid humans as athletes, making sports events more affordable to the general public. And the drone's expendability within economic limits could give rise to new sports and forms of entertainment. A reproductive resource branch would provide a sperm bank and artificial insemination services to women wishing to have a child, and female drones would be available to serve as surrogate mothers for women wishing to avoid the inconveniences of pregnancy and childbirth.

OBJECTIONS AND RESPONSES

Amazing as it may seem when one considers all the advantages of my proposal, some will object to it on one of several grounds. Let me, therefore, address the obvious objections and explain the fallacy in each of them, so that we may move ahead rapidly with implementation of this plan.

The first objection is that the drone program requires the government to spend too much before the first models could be delivered. While this objection seems at first to have some merit, it really would not take long to start delivering young drones. After all, there will be a demand for youthful models among pedophiles, while witches, Satanists and some other groups can use infant drones in their ancient religious practices. In addition, as is always the case with something new, some people will want to be the first on their block to own one, and many may wish to try training one themselves for household use from the initial supply. Furthermore, plenty of businesses rely on cheap, unskilled labor to turn a profit, for whom drones five or six years of age would be a boon.

The second objection is that the availability of drones would result in unemployment among humans. Undeniably, people would no longer need to do certain jobs, but generally these would be undesirable vocations in the first place. On the other hand, a large number of new positions would be created by the availability of drones. The government would hire people to buy and sell, care for, train and supervise them, and several new industries would be created, such as reproductive drone management. Moreover, women of childbearing years could supplement their incomes by drone production, and people likely to be replaced at work by drones could transition into another field during the few years before the first working models hit the market.

Furthermore, if the government saw that drones were materially affecting citizen employment, any of several remedies could be applied. Drones in particular industries might be subject to compulsory recycling every few years to keep those industries from becoming entirely dependent on them, or there could be a percentage cap on the number of available positions filled by drones.

It is also highly probable that the human population would decline as drones increased in number. This hypothesis is based on the expectation that many women bearing children would prefer the financial gain of electing drone status for their offspring to the stress and difficulties of child-rearing. This would certainly be true in the case of unwanted pregnancies, and would result in less child abuse and neglect, as well as some other forms of domestic violence and disharmony. Moreover, citizens would increasingly forego marriage or other similar relationships, preferring to have replaceable drones tend to their cooking, housekeeping, errands, and sexual desires without the tension, guilt and other annoyances commonly associated with long-term interpersonal commitments. As the human population decreased there would be fewer people seeking employment. It is very unlikely, therefore, that the availability of drones can be viewed as seriously detrimental to the employment prospects of more than a handful of people.

Finally, some will oppose this plan on the basis of a misinterpretation of our laws or an outdated view of ethics and morality. At the heart of every such objection lies a single issue: Are drones people? If they are, then this plan would unacceptable; if they are not, then nothing is morally, ethically or legally wrong with my plan.

As a starting point, consider that pillar of our democracy, the Declaration of Independence. In this fundamental document of our nation we find these words, penned by that stalwart champion of justice, Thomas Jefferson: "* * * all men are created equal, that they are endowed by their Creator with certain inalienable rights. * * *"

What do these words mean? When Jefferson used the word "men," he did not use it in the literal sense of "adult male human beings"; his use of the word was necessarily figurative since only white land-owners enjoyed full rights in his day. Today we interpret this term more broadly, without regard to race, sex or land ownership.

In the next clause Jefferson elucidates: "men" are those who have been "endowed by their Creator with certain inalienable rights." When Jefferson uses the term "Creator," does he mean a divine supreme being? I hardly think so. Instead it figuratively describes a pregnant women who elects to give birth to her child, imparting to him/her the inalienable rights of personhood, thereby creating a human being. With the availability of abortion on demand, a woman may elect not to grant those inalienable rights to her fetus by aborting it. This same passage implies that the Creator may opt to give birth to offspring to whom she does not impart such rights.

It was the intent of the signers of the Declaration of Independence, as well as the framers of the Constitution, as evidenced by the penumbral emanations of these documents, that a woman would have the right to determine whether or not her fetus became a human being. She may currently exercise this right by choosing a predelivery abortion. My plan merely recognizes her Constitutional right to decline to bestow human status on a fetus to which she gives birth by the irreversible choice of a post-delivery abortion whose timing has yet to be determined.

We already recognize that a fetus is not a person and has no legal rights nor protection prior to birth. Otherwise how could we allow a woman to abort her fetus during pregnancy for any reason (or for no reason) and without limitation? But when and how does a fetus become a human being? Is not the fetus automatically endowed with inalienable rights at birth, without any deliberate action on the part of its mother?

The answer to this question is an unequivocal no; for not a few cases are on record in which the fetus of a woman who elected an abortion has survived the abortion process to be born alive. In such cases the attending medical personnel made no attempt to assist the aborted fetus as they undoubtedly would have if it had obtained constitutional rights automatically upon its emergence from the birth canal. Therefore, it is obvious that the fetus did not obtain any rights at birth, and it is equally obvious that the failure of this fetus to be endowed with such rights occurred strictly because the mother had previously exercised her unilateral right not to confer them on it.

It follows, then, that if a woman chooses to abort her fetus, it will not be endowed with the inalienable rights bestowed on human beings, even if it accidentally survives the abortive process. Why, then, can a mother not deliberately choose, prior to delivery, to have her fetus aborted at an indeterminate date after delivery, allow the fetus to be born, and provide a product useful to society?

Nothing in our laws prevents us from implementing my proposal. All we need to do is clarify a few definitions. After all, whoever defines the words controls the meaning of the laws. To create a legal distinction today between humans with civil rights and deferred-abortion fetuses without them is a step of no greater significance than it was in 1973 to say that human existence begins at birth, that a fetus is not human, and that it has no rights under the law. The past forty years have been marked with countless legal "redefinitions." Consider, for instance, the gradual change in the legal meaning of the terms "marriage," "family," "mother," and "father." This would be but another incremental change in an ongoing social progression.

Those who claim it is unethical or improper to use human offspring in such a way are living in the past. After all, scientists are already doing fetal tissue research, looking for ways medical, cosmetic, and fragrance companies can turn a profit from aborted fetuses. My question is: Why not keep some alive as drones and help a great number of people? And who could claim that drones would be worse off for not having been aborted prior to birth?

CONCLUSION

Consider the substantial advantages to be obtained. The Constitution empowers the government to "insure domestic tranquility, provide for the common defense, promote the general welfare" of the nation. I have clearly and conclusively shown how my plan would contribute to each of these objectives. Crime and violence would decline; the nation would be economically and militarily more secure; a higher standard of living would prevail; life would be more convenient and comfortable for our citizens.

One final point is that with the institution of this plan we must make it illegal for citizens to oppose the drone program in any way. We must be prepared to prosecute to the fullest extent of the law those who try to protect drones or to claim that they are people, even to the point of imprisonment and removing their children to the care of law-abiding citizens. Only by such strong measures can we make it clear that they and their regressive views will not be tolerated.

It is my great hope that the broad dissemination of this proposal will result in its rapid implementation. There is little question that its effects would be salutary for our government and our people, and no doubt for our reputation internationally as well.

Since 1973 we have lost more than 33,000,000 potential drones through abortion. Over its lifetime the average drone would probably be worth more than $50,000 in direct and indirect benefits to the economy. (While this amount falls far short of the economic value of an average human being, it is nothing to sneeze at.) Based on an assumed economic value of $50,000 per drone, the financial cost to our economy from aborted potential drones from 1973–93 is $1.65 trillion dollars—a cost which will continue to grow every day until this drone proposal is implemented.

We simply cannot afford to continue to throw away drones like so much glass, paper and plastic. We must not waste this precious and valuable natural resource that would mean so much in terms of lower taxes, greater convenience, and a higher standard of living for all American citizens. Now is the time to mobilize in support of this proposal. A new day is dawning as we prepare for the arrival of the twenty-first century. We can seize the opportunity before us, or—letting it slip from our grasp—we can idly watch as our great nation slides further into decline.

MINIMUM WAGE RAISE—NOT NOW

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. BEREUTER. Mr. Speaker, this Member would like to commend the following editorial from the September 23, 1993, South Sioux City Star, concerning proposals to raise the minimum wage. It points out the fallacy of forcing additional costs on small business and the harm those additional costs will do to our Nation's low-income workers. This Member urges his colleagues to heed its message.

[From the South Sioux City Star, Sept. 23, 1993]

THIS NOT THE TIME TO BOOST MINIMUM WAGE

Small-business owners are growing increasingly gloomy about the future, a number of surveys show. Their pessimism doesn't bode well for job growth in the months ahead, but Labor Secretary Robert Reich is doing nothing to cheer them up.

Reich says a hike in the hourly minimum wage, now at $4.25, is needed as well as indexing to provide automatic cost-of-living increases in much the same manner Social Security benefits rise.

During the campaign, Clinton promised organized labor he would increase and index the minimum wage, but White House aides have said since that they would delay seeking these changes from Congress until the economy was better able to absorb them.

With job growth expected to remain weak for some time, and with businesses facing higher taxes and a likely health-benefits mandate, this isn't the time to pile new costs on employers and guarantee these costs future escalation.

Reich may be motivated by a desire to give unions something for their election support but the price would be steep; higher unemployment, especially for unskilled workers.

THE HENRY M. JACKSON AWARD FOR DISTINGUISHED PUBLIC SERVICE

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. DICKS. Mr. Speaker, this evening in a special ceremony, Speaker of the House THOMAS S. FOLEY will be presented with the Henry M. Jackson Award for Distinguished Public Service in recognition of his extraordinary service to this country. This ceremony will also mark the 10th anniversary of the Henry M. Jackson Foundation. Helen Hardin Jackson, the chairman of the board of the foundation and wife of the late Senator, Scoop Jackson, will present the award to the Speaker.

The Henry M. Jackson Award for Distinguished Public Service was established by the Jackson Foundation to honor individuals who have made important contributions to the Nation through public service.

Speaker FOLEY has served with honor and distinction throughout his career in public life. He is a proven leader whose strength of character, keen intellect, and integrity have enabled him to succeed in one of the toughest jobs in the Nation. He has worked his way up the House leadership ladder, serving as majority whip and later as majority leader before assuming the office of Speaker in 1989. In this role, he has demonstrated his unique talent for bringing divergent interests together, building consensus, and quietly getting things done. Recognized for his lifelong dedication to public service, the Speaker has been singled out by the Jackson Foundation for his extraordinary service today.

As the foundation celebrates its 10 years service it is also time to reflect on its many accomplishments since the untimely death of our great Senator in 1983. The foundation carries forward Scoop's lifelong commitment to building a better and more secure world for future generations. It conducts an active grantmaking program, supporting work in fields of international affairs, the environment and natural resources, human rights, and public service. In presenting the 1993 award to Speaker FOLEY, the foundation also salutes the many talented men and women in government who adhere to the highest standards of excellence.

CITIES NEED MASS TRANSIT DEADLINE EXTENDED

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. FILNER. Mr. Speaker, recently I introduced legislation which would extend for 2 years the deadline for municipalities to spend Federal matching funds provided under the Intermodal Surface Transportation Efficiency Act for mass transit projects.

Many cities are having great difficulty in meeting the September 30, 1993 deadline. For example, the city of San Diego wishes to use the funds to purchase buses. Yet it takes 10 months for these orders to be completed, and payment is not made until the buses are delivered. Under current law, the city would lose these critically needed and authorized funds because the purchase would not be completed by September 30, 1993. My legislation would give cities like San Diego the time they need to make the upgrades necessary to maintain their mass transit system.

I ask Members representing cities facing similar difficulties to join me in supporting this legislation. The September deadline is at hand!

NAFTA WILL CREATE JOBS AND CUT TAXES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. MICHEL. Mr. Speaker, NAFTA will create jobs and cut taxes. That is the message that all the naysayers must sooner or later come to understand. Don Fites, the chairman and CEO of Caterpillar, makes a compelling case for supporting NAFTA based on those facts in an article that appeared today in the Chicago Tribune, which I insert for the RECORD. I urge my colleagues to read this article to gain a better understanding of how NAFTA will benefit all Americans.

NAFTA: RIGHT OR WRONG? IT WILL CREATE JOBS AND CUT TAXES

(By Donald V. Fites)

To listen to Ross Perot and some labor leaders, you'd think the North American Free Trade Agreement (NAFTA) will end life as we know it. These folks are arguing that without the protection of tariff and non-tariff barriers, low-wage Mexican labor will victimize millions of high-paid American workers.

At Caterpillar, we can't understand how such hyperbole, coupled with a pocketful of pithy one liners, have created such a fuss about this trade agreement. For us, NAFTA is essentially just a tax cut. Mexico, Canada and the United States will eliminate the taxes (officially called tariffs or duties) charged on each other's products. The big winners will be U.S. manufacturers and their employees.

Of course, we recognize there are some other important parts to the agreement. NAFTA, together with the recently completed side agreements, will provide improved intellectual property protection, regional access to Mexico's financial service and insurance sectors, a U.S.-Mexico border clean-up and better labor conditions.

But it seems that what really bothers NAFTA critics is the mere notion of "free trade" with Mexico. That perplexes us. For Caterpillar and most other American manufacturers, ending the Mexican tax on American-built products will provide us with an enormous competitive advantage in Mexico.

Here's how it will work. Currently, when Caterpillar ships an East Peoria-built bulldozer south of the border, the Mexican government tacks on a 10 percent duty. Our Mexican customers think of the tariff as a tax that's intended to discourage the purchase of American products. Send a Mossville-built marine diesel engine, and the duty is 15 percent. For an Aurora-built excavator, Mexico charges a 20 percent tax.

NAFTA will change that. On Jan. 1, 1994, NAFTA will obligate Mexico to eliminate its duties on those products. For other Cat products, tariffs will be eliminated over five to 10 years.

Is there a catch? There surely is, and it's a big one. Mexico's tariff reductions will apply only to products made in North America. That means products made by competitors in Japan, Europe and Korea will still be subject to Mexico's high import taxes.

Is that fair? If you ask someone who sells European or Asian products, they'll tell you in no uncertain terms that NAFTA is blatantly unfair. And they're right. The business reality of NAFTA is: If it's not made in North America, it won't be sold in Mexico.

So what is it about NAFTA that creates all the concern? NAFTA opponents will tell you—jobs, jobs and more jobs. But what does that mean? It's easy to see how NAFTA will discourage creation of European and Asian jobs. It's also easy to see how NAFTA will create American jobs. The challenge is to understand how NAFTA will—as NAFTA critics claim—hurt the American worker.

Granted, in exchange for Mexico eliminating its hefty tariffs on U.S. products, the United States agrees to eliminate duties on Mexican products coming into the United States. But this is where rhetoric abandons reality. For most products, U.S. tariffs represent nothing more than nuisance taxes. Take the U.S. duty on construction equipment as an example—it's only 2.5 percent. For agricultural equipment, the U.S. tariff is zero.

That's the real point of NAFTA. The U.S. market is already open. The Mexican market is not. If NAFTA fails to pass Congress, Mexico will still be able to ship its products into the United States with minimal tariffs. Unfortunately, American manufacturers will lose an opportunity to have what would amount to "preferential" access into the growing Mexican market.

The free trade agreement will provide another important benefit. It will reduce pressure on companies to move to Mexico. That's because under today's trading rules, U.S. companies have an incentive to move operations south of the border. By setting up shop in Mexico, companies can avoid those high Mexican import tariffs.

NAFTA would end this incentive to move operations to Mexico. By eliminating all trade barriers in North America, U.S. companies would be better able to serve the Mexican market by exporting, rather than by moving production.

It's no secret in Illinois that Mexico is an important export market. Last year, Mexico was the second largest market for Illinois products. As the state's largest manufacturer, Caterpillar is part of this export boom. Cat exports of nearly $200 million to Mexico in 1992 generated work for 1,300 U.S. Caterpillar workers and 2,700 employees at our U.S. suppliers.

NAFTA will mean even more sales to Mexico. We estimate the free trade agreement will boost our U.S. exports by another $50 million over levels without NAFTA. And that will generate work for another 1,000 employees at Caterpillar and its suppliers.

Rather than trying to kill NAFTA, it would make more sense to think of ways to expand the agreement to include other countries. After all, shouldn't other countries be encouraged to end the taxes they charge on American-made products?

TRIBUTE TO CHRISTINE RIZZUTO

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. FISH. Mr. Speaker, I rise today to pay tribute to my dear friend Christine Rizzuto, a devoted wife, mother and citizen. On October 2, Christine will be honored by the Christopher Columbus Society of Yorktown as their citizen of the year. She is truly a cornerstone of the community.

Christine has a long history of service to others. She taught in the New York City school system. A resident of Yorktown Heights for 26 years, she is involved with her church, St. Patricks in Yorktown, and in her town government. She worked for years registering voters and obtaining bus service for senior citizens to not only vote, but to go to shopping centers as well.

Most recently she organized the 500th Christopher Columbus Celebration for Yorktown. Thanks to her tireless efforts, there was a week long celebration which included theater performances, a parade, a park dedication, rides, and art exhibits.

John Rizzuto, husband of 43 years, and their son, Christopher and all her friends have enjoyed her love and dedication.

Mr. Speaker, the Yorktown community is proud of the commitment of Christine Rizzuto. I ask that my colleagues join me and the Christopher Columbus Society in saluting this outstanding leader. She is a value to the community and a true friend. Our thanks to Christine and our best wishes to her for many years to come.

THE TARGETED JOBS TAX CREDIT BILL OF 1993

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. EDWARDS of Texas. Mr. Speaker, over the years, the effectiveness of the Targeted Jobs Tax Credit [TJTC] as a hiring tool has been well documented. This program helps economically disadvantaged individuals find meaningful employment by providing a tax credit incentive for employers who hire "targeted" categories of unemployed Americans. One of the specific TJTC categories is Vietnam-era veterans.

This bill would broaden the eligibility requirement, changing "Vietnam-era" veterans, to "conflict-era" veterans. Thus, this legislation would make all veterans who may be experiencing employability problems eligible for participation in the TJTC program. Recent studies indicate that approximately one-third of the nation's homeless are veterans. TJTC could be a useful tool in prevention of long-term unemployment if used effectively with our newest generation of wartime veterans. I firmly believe this is a small, but extremely effective incentive to do this.

I urge you to join me in support of this measure to assist those most deserving men and women who served, and will serve, in our nation's defense.

TRIBUTE TO THELMA NEWORTH

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Thelma Neworth, who is nothing less than my political mentor. Many years ago, when I was first making my way in politics, Thelma hired me as an intern with the California Democratic Council. I learned many valuable lessons at her side.

Watching Thelma crisscross the State organizing Democratic clubs, I recognized the value of grassroots efforts. Thelma was one of the key figures in the resurgence of the California Democratic Party in the 1960's. Her astonishing energy and singlehanded devotion were precious assets to the Democrats. From Thelma, I learned that in politics, hard work has its rewards. It was a lesson that served me well when I first ran for office in 1972.

My association with Thelma continued after I was elected. I have taken numerous opportunities to speak with Thelma about politics, issues, and anything else of interest. I hold her opinion dear.

Of course, Thelma has embraced many causes during her illustrious career. Education, for one. At various times she has been president of the Castle Heights Elementary School PTA; president of Pasteur Junior High School PTA, and president of the Hamilton High School PTA, my alma mater.

She has been closely involved with Temple Isaiah, where she has been a member for more than 40 years. Among the highlights was her work with the social action committee established by Rabbi Albert Lewis—a natural for Thelma. Along with Rabbi Lewis, Thelma established Temple Isaiah as the social justice congregation in southern California.

I am indeed fortunate to have known Thelma as a dear friend and a close advisor for more than three decades. She showed me and so many others that there is a place in politics for people with big hearts and big ideas. Whenever I despair at the pettiness of the political process, I think of Thelma and all she accomplished. My mood immediately brightens.

I ask my colleagues to join me today in saluting Thelma Neworth, a humane and compassionate person who gave so much of herself to others.

THE MAKE OUR CUTS COUNT ACT OF 1993

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. CRAPO. Mr. Speaker, I rise today in support of legislation to establish a mechanism that will finally make our cuts count when we pass spending cut amendments to appropriations bills. Over the past few months, we have debated and voted on measures which we thought reduced spending by voting for amendments to cut appropriations bills. Like many of my colleagues in the House of Representatives, I was surprised and outraged to find out that amendments to cut spending do not mandate real spending reductions.

This creative approach lets Congress claim massive cuts while increasing its spending under baseline budgeting. But that is not the only way to claim cutting in the budget in Washington. Under our budget system, even floor votes to cut programs don't reduce budget allocations.

Under our current budget system, total discretionary spending within the appropriations process is effectively controlled by a statutorily imposed spending cap which the Appropriations Committee allocates among its 13 subcommittees. In turn, individual appropriations bills must stay within these parameters. However, when floor amendments reduce spending, the discretionary cap and the various subcommittee allocations remain unchanged.

Therefore, although floor amendments to cut programs provide for lively and good rhetoric, they do not guarantee that overall spending will be reduced. Rather, the amount not spent by virtue of the amendment is still available to be spent on other programs. The amount supposedly saved on the House floor can simply be reallocated by the conference committee for other pet projects.

While amendments to cut programs do provide for lively debate and good rhetoric, they don't require reduced spending. Rather, the amount not spent by virtue of the amendment is simply available to be spent on other programs. The amount that was supposedly saved can simply be reallocated by the conference committee for other pet projects.

Today I rise to begin the process of bringing truth to the voting and budget process. When we vote for cuts they should be just that—cuts. Today, I am joining with over 70 of my colleagues from both sides of the aisle to do just that. This is a necessary reform that will not only provide a way to reinvent government from the inside, but it will work to streamline a budget process that is raging out of control.

In addition to my colleagues who are joining with me today, I have received support from major taxpayer groups, groups that monitor Government's propensity for Government spending and waste, and leading economists. But most important, I rise today on behalf of people from all around the country, private citizens who are often kept in the dark about how Congress spends money and the limitations it has to really save.

Mr. Speaker, earlier today, my colleagues rose in overwhelming favor to end secrecy in Government by passing a resolution to make public the names on discharge petitions. This reform and other reforms are passed by the House in large part because of public outcry to the abuses reflected in some of our actions. I was proud to have spoken out in favor of that and other reforms.

Many of the same citizens are concerned with the apparent lack of congress to control its ingrained spending habits. The legislation I have introduced today would affect a critical change in the way Congress spends and I encourage my colleagues to support this important budget reform.

TRIBUTE TO KEESTON LOWERY

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. KOPETSKI. Mr. Speaker, Oregon lost a true friend and pioneer on August 29, 1993 with the death of Alan Keeston Lowery. Virtually all Oregonians respected Keeston Lowery for his zeal for life, love for Portland and the State of Oregon, and his unwavering commitment to civil rights.

Keeston Lowery, a longtime aide to Portland City Commissioner Mike Lindberg, was involved in Oregon politics for a number of years. As a member of Commissioner Lindberg's staff, Keeston worked on intergovernmental relations, with the water bureau, and in the formulation of film production policies for the City of Portland. Keeston also developed Portland's civil rights ordinance which bans discrimination based on race, religion, gender, sexual orientation, and several other categories.

A Portland homeless advocate stated of Keeston Lowery, "His years at City Hall were spent fighting to open doors for those without political power." Former Portland Mayor and Oregon Governor Neil Goldschmidt said, "For those of us who labor in this vineyard of city life, no one grew the grapes better than Keeston Lowery * * * You, Keeston, are my city's best friend."

Keeston Lowery was instrumental in the founding of the Right to Privacy PAC, the political organization of Oregon's gay and lesbian community. A longtime voice and tireless representative of the gay and lesbian community, Keeston Lowery challenged stereotypes daily as he worked through his community and in Oregon. Commissioner Lindberg vocalized the feelings of so many Oregonians when he stated, "We loved Keeston Lowery * * * Keeston was an uncompromisingly humane spirit. He devoted himself to securing the human rights of gay and lesbian communities. His death was a great loss to the city of Portland and State of Oregon."

Mr. Speaker, Oregon will miss Keeston Lowery. His life was a wonderful gift to the people of Oregon. The following is a news account from The Oregonian newspaper highlighting the many touching statements from Keeston's friends.

[From the Oregonian, Sept. 3, 1993]

700 OFFER FINAL SALUTE TO FALLEN WARRIOR

(By Dick Bella)

Some fought back tears, though most tried to recall happier times of pride in commitment, principle and progress.

Some of the 700 people at the Portland Rose Garden on Thursday wrung their hands, hurt and angry that death had taken a friend so accomplished and respected.

But all remembered Alan Keeston Lowery as a man whose humor, wit and unswerving dedication fought directly against the dark forces of ignorance, bigotry and hatred.

"For those of us who labor in this vineyard of city life, no one grew the grapes better than Keeston Lowery," said former Gov. Neil Goldschmidt, who met Lowery while serving earlier as Portland mayor. "You, Keeston, are my city's best friend.

"We can keep freedom only by giving it away," Goldschmidt continued. "You made a life of giving freedom away. Eventually, I believe we will be the people you dreamed of, the people you believed in and worked for."

Lowery, an aide to Portland City Commissioner Mike Lindberg, was found dead Sunday in his Northwest Portland home after succumbing to the AIDS-related ailments he had been battling for several months. He was 43.

Lowery was best known as a gay activist who dedicated himself to civil rights issues. But his focus never was narrow, and he lent his energies to underdog causes across the board. Furthermore, his optimism and good cheer allowed him to cross many boundaries and act as a political conscience at-large.

The turnout at the Thursday morning memorial service was a testimony to Lowery's reach. Goldschmidt was joined by Gov. Barbara Roberts, former U.S. Rep. Les AuCoin, Attorney General Ted Kulongoski, Labor and Industries Commissioner Mary Wendy Roberts, Portland Mayor Vera Katz and host of state and local officials. The memorial, which lasted more than an hour and a half, was filled with testimony from friends and admirers.

Many recalled Lowery as a person who recovered quickly from disappointments, resetting his sights on a new cause as soon as possible. They said that his good will was infectious, and that he was an astute political observer who could intuitively plot winning strategies.

"It was Keeston's jaded optimism," said Mark Cloutier, a long-time friend. "It was Keeston's ability to believe something good was going to happen despite all the obstacles working against it."

Mary Volm, who works in the city's Office of Transportation, said that Lowery's self-image was positive and strong. Because he believed deeply in what he was doing, he never let critics dissuade him.

"When I'd stumble over life's roadblocks, he'd say, "Why do you let those people tell you what to think about yourself?" Volm said. "I've never met anyone who had a stronger sense of self. I'm going to miss you, Keeston."

Lindberg said that Lowery sometimes could not understand all the hostility that his homosexuality seemed to trigger.

"He found it annoying and puzzling sometimes that we had to spend so much of our precious time on this planet working for the basic human right to love whom we choose," Lindberg said. "He was not religious, but he was one of the most spiritual people I've ever known.

"In the area of human rights he was the 20th century's gift to the 21st century."

ADDRESS OF DR. LEE TENG-HUI, PRESIDENT, REPUBLIC OF CHINA

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Ms. BROWN of Florida. Mr. Speaker, I was highly honored and privileged to have a chance to visit the Republic of China on Taiwan last month. even though I had heard a great deal about this economic and political dynamo in the Pacific before my trip, I was pleasantly surprised to learn that Taiwan is indeed what I had heard and more.

Taiwan is in the midst of a 6-year national development plan and it will significantly improve its infrastructure and raise the people's standard of living upon the completion of the plan in a few years. Taiwan's vibrant economy is expected to continue to grow strongly and its rapid political democratization will accelerate even faster in the future.

President Lee was especially gracious to have told me of Taiwan's political reforms on the eve of the ruling party's 14th Congress on August 15. As I sat next to President Lee at the dinner table, he spoke of Taiwan's democratization process as well as it's interest in participating in all international organizations and in returning to the United Nations. I was greatly impressed by his remarks that evening. I submit President Lee's dinner remarks for the CONGRESSIONAL RECORD.

WELCOME ADDRESS BY H.E. DR. LEE TENG-HUI, PRESIDENT, REPUBLIC OF CHINA

DINNER PARTY IN HONOUR OF INTERNATIONAL DISTINGUISHED GUESTS, HOSTED BY KUOMINTANG CENTRAL COMMITTEE, AUGUST 15, 1993

Secretary-General Hsu of the KMT, Excellencies, Distinguished Guests, Ladies and Gentlemen:

I have the pleasure of meeting your distinguished guests on the eve of the 14th National Congress of the Chinese Nationalist Party. First of all, I would like to extend to all overseas guests, who have come from four corners of the earth, my sincerest welcome on behalf of the government and people of the Republic of China. I would also like to thank all of you for participating in the 14th National Congress on behalf of the Chinese Nationalist Party.

Next year will be the centennary of our Party. This is a glorious record. Five years ago, we invited overseas guests to observe the proceedings for the first time ever when the 13th National Congress of our Party was held. This time, we are equally honored to have forty eight distinguished guests who have come from seventeen countries throughout the world. Your presence has done this Congress a great honour.

The Government of the Republic of China has been launching various national reconstruction projects since 1949 when it moved to Taiwan. During all these years, we managed to create and establish the most prosperous and the most harmonious community ever in Chinese history here on this island where the natural resources have always been in short supply. In the past five years, based upon the perceptions and ideas of political democratization, social pluralization, the renaissance of Chinese culture, and following the contemporary trends, we have continued to lead this country and we have achieved the goals of constitutional reform and economic development. For the moment, two sides of the Taiwan Strait have entered a phase of peaceful competition and the development of parliamentary democracy based upon a healthy competition of political parties has also marched into a new frontier in my country.

Last year, the Chinese Nationalist Party was admitted to membership of the International Democratic Union, this signified the confirmation by the international community of our efforts in pushing through with the democratization over many years. This was very encouraging to us. From now on, our Party would like to enhance mutual understanding and friendship through continued liaison and cooperation between political parties; and our Government would be willing to share with friendly countries our experiences of success, so that we could repay the international community and play a positive and constructive role. We would like to cement and strengthen bilateral ties with all peace-loving and freedom-loving countries on Earth. We also like to further participate in international activities and international institutions. Consequently, I am sincerely hopeful that all the distinguished visitors from abroad will, upon returning to your respective countries, convey this message to your government agencies and people concerned so that we could cooperate with each other in promoting well-being.

Ladies and Gentlemen, please visit as many places and meet as many people as possible during your visit here in order that you could gain a penetrating and accurate understanding of our national development and appreciate what is going on. Finally, I wish you all a happy and fruitful trip.

Thank you and see you tomorrow.

NUCLEAR TESTING MORATORIUM

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. SPRATT. Mr. Speaker, last year the House passed a one-year moratorium on nuclear testing. The Senate took the test moratorium and added testing restrictions, and an amendment offered by Senator Hatfield was adopted as part of the Energy and Water Appropriation Act.

The Hatfield amendment bars nuclear tests between September 30, 1992, and July 1, 1993, and allows for tests afterward only if the President has submitted a schedule to Congress for resuming "Nuclear Testing Talks with Russia" and a plan for "achieving a multilateral comprehensive ban on testing" by September 30, 1996. The Hatfield amendment limits the number of tests each year to no more than 5 and the number of tests over 4 years (fiscal year 1993 through fiscal year 1996) to no more than 15, as follows: Each year one test may be conducted to prove the reliability of a warhead, provided the President certifies that the test is "vital to national security"; each year a test may be conducted on behalf of the British; the remaining tests are confined to certifying a warhead after safety devices have been retrofitted onto it. Since we have conducted no tests in fiscal year 1993, the Hatfield amendment in effect limits the tests to three for the British, three for reliability, and nine for certifying safety devices.

The emphasis on safety devices stems from the Drell Commission Report, submitted in December 1990. In 1990, the Armed Services Committees asked three eminent physicists (Sidney Drell of Stanford, Charles Townes of Berkeley, and John Foster of TRW) to take a hard, critical look at safety in our nuclear arsenal. We were prompted by classified testimony from the directors of the national labs (Los Alamos, Lawrence Livermore, and Sandia), who told us that warheads were deployed and still being built that did not incorporate all state-of-the-art nuclear safety devices. They implied, in effect, that we were incurring unnecessary nuclear risks. Basically, they had reference to three modern safety devices:

(1) Enhanced Nuclear Detonation Safety (ENDS). A nuclear weapon equipped with ENDS has two separate strong links that must be closed electrically for the weapon to be armed—one by operator-coded input, another by environmental input corresponding to the flight trajectory. In addition to the strong links, one weak link must be closed. By requiring three separate circuits to be closed, ENDS ensures that an aberrant electrical charge, such as lightning, will not accidentally detonate a warhead. Introduced in 1977, ENDS is now used in approximately half (52%) of our nuclear weapons.

(2) Insensitive High Explosive (IHE). The explosion of a thermonuclear weapon is initiated by a conventional explosive layered around a plutonium hull. (Because the plutonium hull is shaped like the pit of a fruit, it is commonly called the "pit.") Since 1980, "insensitive high explosive" or "IHE" has been the chemical explosive preferred for this purpose, because IHE is more difficult to detonate accidentally than its predecessor, which is known simply as "High Explosive" or "HE." Introduced in 1979, IHE is used in approximately 25 percent of our nuclear weapons.

(3) Fire-Resistant Pits (FRP). A fire-resistant pit is designed to contain molten plutonium should it melt in an accidental fire. The FRP reduces the risk of plutonium dispersal into the atmosphere or the risk of molten plutonium going critical. Introduced in the late 1980's, fire-resistant pits are now used in about 10 percent of our nuclear weapons.

The Short Range Attack Missile (SRAM–A) came under especially critical attack by the lab directors because it lacks any modern safety features and, until recently, was loaded on bombers on ready alert. In 1974, an engine on a B–52 caught fire on the landing strip and the fire might have ignited SRAMs aboard the bomber but for a change in direction of the wind. Had the rocket fuel or explosives in the SRAMs ignited, the plutonium pit in its warhead could have been blasted into the atmosphere and aerosolized, leaving radioactive damage miles around the base. Some of us who learned how real this risk was sought to have the SRAM taken off alert bombers and stored in bunkers. Secretary of Defense Dick Cheney asked the Air Force to review the problem. The Air Force did so and decided to take the SRAMs off alert.

The SRAM–A raises the risk of accidental nuclear detonation, but at a very low probability and at a very low yield. It carries a higher risk of plutonium dispersal, with potentially grave consequences. However, as the Drell Commission noted, safety analysis has focused largely on nuclear yield accidents and too little on plutonium dispersal accidents.

It was this latter risk—plutonium dispersal—that brought the W–88 warhead, the warhead for the D–5 missile, under scrutiny. Although insensitive high explosive (IHE) was developed when the W–88 warhead was designed, its extra weight and volume could have meant slightly less yield for the W–88, or less range for the D–5 missile, or they might have meant deploying 7 rather than 8 warheads on the D–5. Los Alamos and the Navy traded off safety for performance and chose not to use IHE in the W–88 warhead. The additional risk is small, but it is compounded by the design of the D–5 missile.

The D–5 carries 8 warheads contained in reentry bodies. Rather than being mounted on a deck above the rocket motor, the reentry bodies are mounted on a ring, and the upperend of third-stage rocket motor protrudes through the center of the ring. Within the rocket motor itself, another tradeoff was made. The Navy chose a rocket propellant that pushes the missile to greater velocity and longer range, but also detonates more easily than the alternative propellant.

The Navy bristles at the suggestion that it traded safety for performance in designing this missile and its warhead. The Navy stresses its safety record and insists that the tubes on the Trident submarine keep the D–5 missile in a highly protective environment. But on occasion, the D–5 missiles are lifted out of their tubes by an overhead crane. The crane's cable connects to the missile by a bullring in the missile's nose cone, and it is not hard to imagine how an accident could occur. If a missile were dropped, it could conceivably detonate the propellant, which in turn could cause the HE in the warhead to detonate. This could lead to a low-yield nuclear reaction, but more probably it would result in an explosion that pulverized the plutonium pit and dispersed the aerosolized plutonium into the atmosphere.

In summary, four compromises in safety were made in the design of the D–5 missile and the W–88 warhead:

(1) The use of HE instead of IHE.

(2) The use of a detonable propellant in the third-stage motor in lieu of a less detonable propellant.

(3) The placement of the third-stage motor and the reentry bodies in close proximity.

(4) The use of a conventional pit in lieu of a fire-resistant pit, although a fire-resistant pit probably would not withstand the intense heat of a missile propellant explosion or HE detonation either.

Most of the criticism against the W–88 came from Lawrence Livermore Lab. The design for the warhead went to Los Alamos, but scientists at Livermore kept pressing questions about the W–88. Eventually, their concerns leaked out of the labs, and the Drell Commission was established to assess these concerns. W–88's were being built without IHE and deployed on D–5 missiles close to a detonable propellant. Since safer features were available, and the extra range and yield were marginal, and of far less importance with the end of the cold war, the main question presented to the Drell Commission was: Why build the D–5/W–88 in this configuration? Although the D–5/W–88 was the Drell Commission's focal point, their charter was broadened, and before they finished, they looked into the safety of the entire nuclear stockpile.

The Drell Commission recommended that all nuclear weapons in the stockpile be equipped with ENDS and that all nuclear bombs and cruise missiles loaded on aircraft be equipped with IHE and fire-resistant pits. With respect to the D–5/W–88, the Commission recommended that the Navy do a "more credible analysis on how well or whether the D–5/W–88 meets modern safety standards."

The Drell Commission found also that the national labs nurtured a more ambitious agenda for enhancing the safety of nuclear weapons. The labs, particularly Livermore, would like to explore a new design generation of nuclear weapons—weapons in which a hardened plutonium capsule is completely segregated from the high explosive until the weapon is armed. This would call for an undetermined amount of research, testing, time, and money. The Drell Commission reported the concept without recommendation. Whatever the merits may be, it is unrealistic to think that Congress would approve the cost.

In response to the Drell Commission, the Navy ran a new series of probabilistic risk assessments showing that detonation as a result of dropping the D–5 is exceedingly improbable. The Navy agreed to separate the post-boost vehicle that carries the reentry bodies from the body of the D–5 whenever the missile is lifted from its tube, but the Navy estimated an overall cost of $4–$5 billion to redesign the W–88 warhead to incorporate IHE and the third stage of the D–5 missile to segregate the rocket motor from the reentry bodies. The $4–$5 billion estimate seemed inordinate, but it was credible enough to chill anyone's ardor for redesigning the W–88 and the D–5's third stage motor.

When the Chairman of the Drell Commission presented his report to Congress, he said that he supported continued testing for safety purposes, but also agreed with Secretary of State James Baker, who said "we cannot approach proliferation in a business-as-usual manner." Drell said: "If, or when, it is judged that agreeing to a comprehensive test ban would be an important aid to non-proliferation, I recommend that the United States agree to such a ban. Meanwhile, I support a testing program designed to advance the possibilities and understanding of enhanced safety, thereby helping us prepare for a comprehensive test ban. * * * I recommend that the United States abandon its official position that we must continue to test as long as we have nuclear weapons. It should be replaced by a policy that limits underground tests to those that are required to insure that all the weapons * * * meet appropriately conservative criteria for nuclear weapons safety."

This advice set the stage for the Hatfield amendment, which limits the number of tests to 15 as discussed previously. As the moratorium imposed by the Hatfield amendment drew closer to its end date of July 1, 1993, an interagency group presented President Clinton with an alternative testing plan composed of 9 specific tests—three for reliability, three for the British, and three for certifying safety devices. But neither reliability nor safety nor national security generally required that any of these tests be conducted within the next twelve months:

1. W–80 Safety Tests. Rather than dealing with the W–88 and its shortcomings, three tests were proposed to recertify the W–80 warhead with a fire-resistant pit. The W–80 is the warhead used in air-launched cruise missiles (ALCMs). To certify the warhead, tests would be needed, but the need to test now is not compelling for two reasons:

(1) Cruise missiles are no longer loaded on bombers but are stored in bunkers. The only safety risk mitigated by fire-resistant pits is the risk of fire when bombers are on ready alert and loaded with ALCMs.

(2) Fire-resistant pits will not remove this risk for 10 years, because the Air Force does not plan to replace existing pits in deployed W–80s with fire-resistant pits until the year 2003.

Clearly, there is no rush to test the new FRP for the W–80.

2. Reliability Tests. It was also proposed that the following warheads be tested for reliability: W–88, the warhead for the D–5, Trident II missile; W–76, the warhead for the C–4, Trident I missile; W–87, the warhead for the MX or Peacekeeper missile.

Each of these warheads was tested in development, and each has been tested at least once since production. To my knowledge, there are no unresolved questions about the capability of any of these warheads. Because they will be deployed for years to come, reliability tests would be useful, but in truth, the tests would be useful at some time well into the future when the effects of aging have taken their toll. In all likelihood, testing now will tell us what development tests have already told us: That in their current condition, these warheads are reliable.

The Hatfield amendment allows one test per year for reliability, but requires the President to certify to Congress that "it is vital to the national security interest of the United States to test the reliability" of the warhead at issue. Had the President opted to resume testing, I doubt that such a certification could have been made in good faith; and under the Hatfield amendment, the President's certification could have been challenged and disapproved by a joint resolution of Congress.

3. British tests.—It was also proposed that three tests be allowed for the British to prove the design of a new gravity bomb and a new warhead for the D–5 missile. We have a commitment to the British, but there are good reasons for overriding it:

First, nuclear gravity bombs have been built for almost 50 years. Experience with previous designs should be enough to give the British adequate confidence without testing.

Second, Britain's nuclear deterrent is not based on gravity bombs but on SLBM's. Britain is building under license as many as four Trident submarines, all to be equipped with D–5's that are vastly more important to the U.K.'s security than gravity bombs. Britain has designed its own warhead for the D–5, which has been certified. The British are planning to put improved safety devices on their D–5 warhead, and would like to test warheads equipped with these devices. This is important, but there is a countervailing consideration. The United States has far more at risk in provoking Russia, Ukraine, Belorussia, and Kazakhstan by resuming tests, than in disappointing the British by continuing the moratorium. The British ought to understand why we do not want to risk the chance of removing ICBM's from Ukraine, or the chance of gaining accession to the NPT by the nuclear states of the former Soviet Union and ratification of START I and II. All of these objectives are more important to world security than testing Britain's gravity bomb or new D–5 safety devices.

During April, I was in Ukraine and Russia with the Gephardt congressional delegation, and we found the path to START I and II and the NPT littered with obstacles. There is no reason to add another one. No one can tell with certainty what effect testing will have on Russia, Belorussia, Kazakhstan, or Ukraine; but certainly no one can say that testing will help us work out the removal of missiles from Ukraine, or help us gain approval of NPA and START I and II from the nuclear states of the former Soviet Union. Our security interest in getting rid of the missiles in Ukraine and in gaining accession to the NPT and ratification of START I and II is enormous. By comparison, our need for nuclear testing over the next 12 to 24 months is negligible. In fact, in the post-cold-war world, our interests are probably served by an extended moratorium, because it gives us moral high ground as we try to control the spread of nuclear weapons, which is a major security risk.

The President was right, therefore, to extend the moratorium on nuclear testing; but he should not let it become a moratorium on the hard decisions that have to be made before the question of testing is settled for the long run. Energy, Defense, and the NSC have to decide whether limited testing is required in the long run as our arsenal ages, and since their views are not exactly disinterested, outside experts ought to be asked in for advice. The Department of Energy and the labs should take this moratorium as a sign of what the future holds, and start studying in earnest how to remanufacture warhead components when testing is limited or no longer allowed. And before testing is forsworn forever, the experts ought to resolve the merits of low-yield testing, plus testing things other than warheads—like devices to disabled mininukes planted by terrorists. Even more fundamentally, the Department of Energy has to figure out how it will keep the corporate memory on nuclear weapons if testing is not allowed—and how it will attract and retain the talent a nuclear arsenal requires when nuclear warheads are no longer being designed, developed, or tested.

These decisions need to be made now, not left until 1996 when the Nuclear Nonproliferation Treaty comes up for renewal—and overbearing pressure for a comprehensive test ban comes with it.

OVERTIME WITHOUT COMPENSATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. LANTOS. Mr. Speaker, I would like to bring to the attention of my colleagues an excellent article which recently appeared in the Houston Chronicle. The article describes injustices faced by workers asked to work overtime without compensation and without recourse.

This is not a new problem. As chairman of the Employment and Housing Subcommittee, I published a report, quoted several times in the article below, which illustrated these very problems.

Under current law, employers have very little incentive to abide by the wage and hour laws provided for in the Fair Labor Standards Act. Indeed, employers find it less costly to continue the violations until the prolonged investigative process is completed, then pay a ridiculously modest fine.

I have introduced legislation. H.R. 2710, the Wage and Hour Reform and Equity Act of 1993, which will reform the investigation process so that it will help and protect those whom it is designed to protect—the worker.

The time has come to be tough on wage and hour law violators and bring prompt justice to the workers who deserve to be protected by their Government. I urge my colleagues to take a moment to carefully consider "Cheated Out of Pay; Labor Department Fails To Enforce Overtime, Minimum Wage Laws" and to support the Wage and Hour Reform and Equity Act of 1993.

CHEATED OUT OF PAY; LABOR DEPARTMENT FAILS TO ENFORCE OVERTIME, MINIMUM WAGE LAWS

(By L.M. Sixel)

For three years, Randy Speer worked 11 hours a day, ate lunch at his desk and spent many a Saturday at the office.

When the salesman for a construction materials supply company complained to the Wage and Hour Division of the Labor Department that he had not been paid overtime wages, an agency investigator quickly calculated he had about $5,000 coming.

But it took the agency so long to investigate Speer's complaint that a lot of the back wages evaporated because of the statute of limitations.

And Speer's former employer was able to convince the Labor Department to reduce the amount further because of vacation and sick leave.

In the end, Speer got only $2,676.

While Speer feels shortchanged, he is luckier than some who complain to the Labor Department. Many people wind up with nothing.

The problem is, short of suing, the Labor Department has no way to force employers to pay up. Employers know it, and some refuse to pay.

A 1991 report by the Inspector General indicated employers refused to pay 41 percent of the back wages the Labor Department found were due. Some employers agreed to pay as little as 5 cents on the dollar, according to a congressional report.

In fact, it's to an employer's advantage to drag out the process for as long as possible.

The two-year limit on collecting back wages continues to run even after a complaint with the Labor Department has been filed. If an employer stalls, the employee will pocket less—perhaps nothing.

It takes the Labor Department an average of 10 months to investigate and resolve a complaint, according to a report by the U.S. House of Representatives' Committee on Government Operations.

Just getting the initial investigation under way takes between four and six months, the committee found.

"This statutory scheme works exclusively to the benefit of employers who fail to comply with wage and hour laws," according to the report.

The Labor Department can ask employers to waive the statute of limitations in back wage claims for the time it takes to resolve the complaint. But the government doesn't use that weapon very often. Wage and hour officials estimate they obtain waivers in less than 10 percent of the cases in 1991, according to the congressional report.

The only recourse employees have left is to hire their own lawyer. But many lawyers aren't interested unless it's a big case involving a lot of money.

After Speer received a letter from the Labor Department telling him about its huge backlog of complaints, he tried to hire an attorney.

One lawyer refused, telling Speer that his claim was just too small.

"But the clock keeps running," Speer said. "What kind of recourse do I have?"

Houston labor lawyer Patrick Flynn questions the agency's priorities. The government focuses on complaints that could involve lots of back wages and doesn't generally pursue smaller cases, he said. But it's those individuals with small claims that need the help the most, Flynn said.

Many of the problems stem from the fact the agency is understaffed, he said. The agency has 800 investigators, 26 percent less than it had in 1979.

At the same time, the agency's mandate has broadened. It now enforces the Migrant and Seasonal Agricultural Worker Protection Act, the Immigration Nursing Relief Act, the Immigration Reform Act, the Employee Polygraph Protection Act and most recently, the Family and Medical Leave Act.

Sixteen wage and hour employees are responsible for enforcing overtime and minimum wage laws in 53 Texas counties. The Houston office has only five phone lines, said Dan Brown, district director. Each day, the Houston office logs 250 phone calls and gets between 30 and 40 walk-in visitors.

A paucity of investigators coupled with lax enforcement of the wage and hour laws means farmworkers in the Rio Grande Valley are regularly cheated out of minimum wages, according to Mike Kirkpatrick, staff attorney for Texas Rural Legal Aid in Weslaco.

The Valley has three wage and hour investigators, and only one is assigned to enforce wage and hour laws for farm workers, Kirkpatrick said.

Minimum wage violations are widespread, he said. Fruit and vegetable pickers are typically paid based on their productivity, and it's often impossible to pick enough to earn the minimum wage of $4.25.

The Labor Department does little about violations it uncovers except to extract a promise of future compliance, Kirkpatrick said. Packing sheds, growers and farm labor contractors that, year after year, get caught for paying less than the minimum wage are not hit with back wages or damages as long as they utter the "magic words" to investigators: "They understand their obligations and will try to do better in the future," he said.

Rio Fresh, a large packing shed in San Juan, has been investigated by the Labor Department at least nine times for a variety of offenses, including minimum wage violations and inadequate record keeping, Labor Department reports show.

Even though the investigations uncovered violations, including manipulating the number of hours employees worked, the company was not always required to pay back wages, according to the Labor Department reports. Instead, the reports conclude that Rio Fresh will keep better payroll records and that officials promise future compliance.

"An employer can violate the law knowing there's a slim chance of getting caught," Kirkpatrick said. "If he is caught, the fine and back wages are cheaper than the cost of complying with the law in the first place."

Rio Fresh officials did not return telephone calls.

The agency tries to get employers to agree to comply with the law in the future, said Gary Foster, acting director of wage and hour enforcement in Dallas. That way, if the employer continues to violate the law, the Labor Department can seek an injunction from a judge, he said.

But the agency has no systematic way to check whether past violators are complying.

And when it's confronted with evidence that a company continues to flout the law, the agency turns a deaf ear, according to the Committee on Government Operations' report.

For example, when the Labor Department agreed to settle an unpaid overtime case with Food Lion, the grocery store chain, for $300,000 in 1989, the chain promised to comply with the law in all its stores.

Subsequent employee complaints about being forced to "work off the clock" surfaced, and investigators found back wages were owed. But instead of suing the company to enforce the nationwide compliance agreement, the agency told employees they were on their own in trying to collect the money.

In a 1990 case, the agency told an employee that after reconstructing work hours, the agency figured Food Lion owed $19,459 in back wages, according to the letter, which was published by the House Committee on Government Operations. The company disagreed but offered $1,000 to settle the claim.

If the employee decided not to accept the $1,000, the employee's only recourse was to sue privately. The Labor Department had decided "It is not suitable for court action," according to the letter. And the Labor Department didn't mention the nationwide compliance agreement to the Food Lion employee.

"If you're a lawyer, you'd be a lot more enthusiastic if someone came to you with the compliance agreement" because it would be an easier case to win, said Nick Clark, a lawyer with the United Food and Commercial Workers Union in Washington, D.C.

Part of the problem is that the Labor Department doesn't have a way to check on complaints filed in the agency's different U.S. regions.

Dean Speer, director of the division of policy analysis for the Wage and Hour Division in Washington, D.C., said it's the regional solicitor's decision whether to file a lawsuit, not the Wage and Hour Division.

"We can reason, beg, plead, whatever," he said.

As for not telling the Food Lion employee about the nationwide compliance agreement, perhaps it was an oversight, he suggests.

He points to the recent Labor Department settlement with Food Lion as a sign of improved enforcement efforts.

Earlier this month, the grocery chain agreed to $16.2 million, most of which went to workers, to settle child labor and overtime pay allegations. The company admitted no violations in the investigation that covered 85 stores in 12 states.

It's hard to investigate wage and hour complaints if an employer fails to keep records. While federal law requires records, there is no monetary penalty for not doing so.

"Indeed, in many instances, it is to an employer's advantage not to keep adequate records since this may impede the Labor Department's ability to detect violations and collect back pay for workers," according to the Committee on Government Operations' report.

Both the General Accounting Office and the Labor Department's Inspector General have suggested fining employers who fail to keep wage and hour records.

Partly because records are often incomplete and partly to resolve complaints faster, the Labor Department is often willing to reduce the amount of back wages due.

When the Labor Department sued Tillman Fertitta and Pirogue Management Co. in 1990 for failing to pay time and one-half overtime, the agency calculated the restaurant chain owed $375,000 in back wages. The agency also recommended $375,000 in added damages.

But in the end, the chain, which owns five Landry's restaurants and one Willie G's eatery, ended up paying only $166,935.

Landry's vice president and general counsel Steven L. Scheinthal said the government's figures were "a made up number."

The company agreed to the settlement even though it believed it didn't owe any back wages because it would cost too much to fight the charges, Scheinthal said.

The Labor Department won't explain its rationale in lowering the back wage amount or dropping the damage claim. "We don't comment on our cases," said James E. White, regional solicitor.

"The dispositions speak for themselves."

The Labor Department also has come under fire for its policy of not publicizing its findings of overtime violations. The policy is misguided and makes no sense, the Committee on Government Operations said.

Some agreements are even kept secret—which makes it harder for ex-employees to hear about the back wages they have coming.

When Marco's Mexican Restaurants in Houston agreed last year to pay $450,000 in back wages to 1,608 employees, it extracted a promise that Labor would not issue a press release on the settlement.

"It's not an unusual agreement," regional solicitor White said. "We don't make news releases generally. It was something they requested, and we agreed to it."

Ghulam Bombaywala, owner of Marco's, said that while he doesn't remember making the request, he did want to get the case behind him.

"I wanted to take it further, but it was draining the company and draining me," Bombaywala said.

Even if an employer agrees to pay back wages, it doesn't necessarily mean the worker will see the money.

In an unpublished review of the agency's collection procedures, the Inspector General's office found many examples of employees who did not receive their promised back wages. One employee was promised $11,000 in back wages but two years later he had not been paid.

In another case, Ronnie Coats complained to the Labor Department that the auto supply store he worked for in Nacogdoches wasn't paying overtime.

When he went to get his back wages, Coats was more than a bit surprised when the Labor Department investigator in Lufkin pulled a $309 cash payment out of his wallet.

The investigator, Thomas Jones, did something else odd—he subtracted $89.74 for "social security and federal income tax," Coats said. Not knowing any better and being a broke college student, Coats gratefully accepted the money.

Jones was asking employers to make the back wage checks payable to him, said Robert Rawls, assistant U.S. attorney in Beaumont, who prosecuted Jones for embezzlement.

Most employers are unfamiliar with the procedures for resolving back wage claims, and Jones was cashing the checks and keeping some of the money as "withholding tax," Rawls said.

Jones pleaded guilty and was fired. Part of his sentence was to repay 12 victims $1,593. So far, Coats hasn't received a penny.

HONORING JUSTICE THURGOOD MARSHALL

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. TRAFICANT. Mr. Speaker, I am honored to pay tribute today to a great American, the late Supreme Court Justice, Thurgood Marshall. I commend my distinguished colleague from New York, Mr. RANGEL, for organizing this special order.

Thurgood Marshall was a giant in this Nation's civil rights movement. His lifelong commitment to civil rights and his unbending efforts to end discrimination and ensure equal justice for all Americans, has left a lasting impression on our legal system and our society.

Born in Baltimore, the son of an elementary school teacher and yacht-club steward, Thurgood Marshall began his legal career in 1933 after graduating first in his class at Howard University Law School. Almost immediately Thurgood Marshall began chipping away at the barrier's—both legal and social—that prevented African Americans and other minorities from enjoying the full civil rights granted under the Constitution.

In one of his first civil rights cases, Marshall successfully gained admission for a young African American man to the University of Maryland Law School. Three years later, he was hired by the NAACP and in 1939 he founded the NAACP Legal Defense and Educational Fund.

From 1940 to 1961 Thurgood Marshall travelled the country defending the rights of minorities and challenging the status quo. He won dozens of important civil rightsvictories, prevailing in 29 of the 32 cases he argued before the Supreme Court—including the landmark 1954 Brown versus the Board of Education ruling. That ruling ended "separate but equal" school systems and led to the eventual integration of America's schools. During his tenure at the NAACP, Thurgood Marshall methodically worked to break down the long-standing foundations of segregation and discrimination in American society.

In 1961, President Kennedy appointed Marshall to the U.S. Court of Appeals for the Second Circuit. Several months later his nomination was approved by the Senate, making him the second African American judge to sit on the second circuit. In 1965, President Johnson appointed Thurgood Marshall Solicitor General of the United States. As Solicitor General, Marshall gained several important civil rights victories at the Supreme Court—including High Court approval of the Voting Rights Act of 1965.

In 1967, President Johnson nominated Marshall to the Supreme Court. On August 30, 1967, the Senate confirmed Marshall, making him the first African American Justice in the Court's 178-year history.

Throughout his tenure on the Supreme Court, Thurgood Marshall was a powerful voice and untiring advocate for civil rights and equal justice under the law. His life's work and the legacy he left will have a lasting impact on all Americans.

Thurgood Marshall will be remembered not only as a brilliant civil rights leader, but as an outstanding lawyer and a dedicated and talented jurist.

But what I think is most important is that, at a critical juncture in our history, Thurgood Marshall taught all of us how to fight, and how to win. He was truly a David fighting a host of Goliaths. Despite the great resistance to change, Thurgood Marshall won. His landmark civil rights victories were victories for all Americans—we all owe him a debt of gratitude.

Thurgood Marshall's life will serve as a lasting example of the right way—the American way—to fight to change, improve, and protect our democracy. His life's work and his legacy will long endure.

TRIBUTE TO WILLIAM L. TAYLOR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. EDWARDS of California. Mr. Speaker, in June of this year, the District of Columbia Bar Association awarded William M. Taylor the Thurgood Marshall Award.

Those of us who are fortunate to have worked with Bill over the years, and who are proud to call Bill our friend, know that the D.C. Bar could not have made a more appropriate choice as the first recipient of this distinguished award.

Like Justice Marshall, Bill Taylor has devoted his life to the pursuit of equal opportunity and social justice for all Americans. As Chairman of the Subcommittee on Civil and Constitutional Rights, I have always been able to turn to Bill for his legal expertise, his sound political judgment and his total dedication to civil rights. Virtually every piece of civil rights legislation that this body has considered during my tenure here has owed its success in some measure to the hard work and commitment of Bill Taylor.

Listen to the remarks made by D.C. Bar president Jamie S. Gorelick in presenting the Thurgood Marshall Award to Bill:

There are few careers as rich in the service of civil rights as Bill Taylor's. A graduate of Brooklyn College and Yale Law School, he wasted no time in using his newly-learned skills in the public interest. His first job as a lawyer was a staff attorney for the NAACP Legal Defense and Education Fund, under the direction of its then Director, Thurgood Marshall. He subsequently served as legislative representative of the Americans for Democratic Action, where he addressed civil rights, civil liberties and social welfare issues before the Congress.

He pursued his commitment to civil rights in the 1960's, becoming General Counsel and then the Staff Director of the United States Commission on Civil Rights where he worked to make sure Federal nondiscrimination policies were enforced. During his tenure, the Commission achieved an impressive record of advancing the rights of all Americans. In 1970, Bill founded the Center for National Policy Review, a civil rights research and advocacy organization. While at the Center, he helped secure major desegregation victories in Wilmington, Indianapolis, St. Louis and Cincinnati.

In the legislative arena, he was a central participant in the 1982 extension and strengthening of the Voting Rights Act of 1965, and he helped lead successful efforts to enact the Civil Rights Restoration Act of 1988, the Civil Rights Act of 1991, and the 1993 National Voter Registration Act.

When the Reagan Administration took steps to dismantle the U.S. Commission on Civil Rights in 1982, Bill helped found the Citizens Commission on Civil Rights, a bipartisan group of former federal officials that monitors federal civil rights policies and enforcement efforts.

To ensure that his knowledge and expertise would be used by the next generation of lawyers, Bill spent 13 years teaching civil rights and public policy law at the Catholic University, where he established the school's clinical program in 1970.

In the private practice of law, Bill has continued his efforts to advance civil rights causes. He represents minority and low-income children in litigation seeking equal educational opportunity. His counsel has been sought by educators, and school administrators as they undertake ways to serve the needs of all students in their systems.

His writings are extensive, adding tremendous knowledge to the national debate on how best to see that all Americans benefit from the laws written to protect their rights.

Bill Taylor has been profiled by the news media numerous times. One writer described him as "relaxed but resolute." We are told that "resolute" may be apt, but the "relaxed" part is a family joke. The late Justice Marshall observed about Bill Taylor, "[H]e won't bend an inch on principle." To Justice Marshall, that was the highest compliment.

Bill's accomplishments in the field of civil rights truly are exceptional. He has sought equality under law throughout his legal career. He has brought associations together to accomplish common goals and has never forgotten his life's purpose of advancing the rights of all Americans.

We are honored to present the Thurgood Marshall Award to William L. Taylor.

I thought my colleagues would be interested in the remarks Bill made upon receiving this award. They offer not only a look at how far we have come in this country, but also a challenge to all of us for the future.

REMARKS OF WILLIAM L. TAYLOR ON RECEIVING THE FIRST THURGOOD MARSHALL AWARD

This is an award I will cherish, not only because it is the Thurgood Marshall award, but because it is given by the District of Columbia Bar.

When I was a law student eons ago, I had no real notion of what kind of guild I was preparing to join. But in my dreams, I'm sure it was something like what the D.C. Bar has turned out to be: a group concerned not mainly about getting and spending, but about the role of law in achieving a just society; a group striving to define and enforce high ethical standards for the profession; a group troubled by the vast inequities in the distribution of legal services, that seeks both to encourage the kind of extraordinary *pro bono* work that has been recognized tonight and that also seeks broader solutions; a group that values and encourages public service.

In addition to all of this, at a time when American society is deeply divided at all levels, the D.C. Bar is a rare example of men and women, blacks and whites and Latinos, and Asians working harmoniously to achieve common objectives.

I cannot tell you what it means to me to receive the first Thurgood Marshall award conferred by the Bar. I have said and I truly believe that my legal education did not really begin until I went to work for Thurgood Marshall and the NAACP Legal Defense Fund in December 1954, six months after I got out of law school. It was an extraordinary experience to sit around a table with Thurgood and Bob Carter, William Hastie and Bill Coleman, Connie Motley and Jim Nabrit, Charles Black and Bob Ming and Spottswood Robinson and so many others as they grappled with the many problems and issues that arose in the wake of the Supreme Court's decision in *Brown v. Board of Education*.

It was extraordinary also to see how Thurgood could cull from those disorganized and sometimes raucous sessions the two or three key points that he would use to good effect in a brief or oral argument. He had the gift of all great advocates of being able to reduce complex legal propositions to direct and simple arguments that appealed to the hearts and minds of those who sat in judgment.

My tenure with the Legal Defense Fund (LDF) was not only the beginning of my legal education, but also the real beginning of my education about life in this country. [There is a book about the Borough of Brooklyn in the 1940s and 50s titled "When Brooklyn Was the World," but I discovered there were some things about the world that were not readily learned in Brooklyn]. Working in one area—even civil rights—for almost 40 years may sound like a narrow experience, but I have found that is not true. For Civil Rights work opens a window on the world. To do it well you must learn about the functioning of the major institutions of American society—about the political process, about public education, about corporations and trade unions and so on. And soI have had the opportunity not only for a very long running continuing legal education course but for a broader course in American government, American culture, economics, psychology and sociology.

That education has continued through the years. When I came to the District of Columbia (D.C.) in 1959, I learned about legislative advocacy from Joe Rauh and Clarence Mitchell, about coalition—building from Roy Wilkins, Arnie Aronson and Bayard Rustin, about politics from Louis Martin. And I continue to learn.

So, you may ask, if I have had all these wonderful teachers over the years, what is it that I have learned. Allow me to make a couple of points pertinent to the occasion:

(1) I have learned that law is central to the issue of discrimination in this nation. Thurgood Marshall talked in 1987 about the "striking role" the legal principles have played throughout America's history in determining the condition of Negros:

"They were enslaved by law, emancipated by law, disenfranchised and segregated by law; and finally they have begun to win equality by law."

While law may be central, I have also learned that the contribution that lawyers make to social change and progress is a modest one. We may not know it, but we work mainly at the margins and indirectly. It is not we lawyers who empower our clients, but they who empower themselves through the use of the legal and political system in which we are mere agents. Knowing this, we should devote our attention not merely to litigation but to other tools of communication and community action that will assist in this effort.

(2) I have learned that discrimination is perhaps the greatest paradox in American life. Over the past 30 years, we have witnessed some astonishing changes in the status of minorities, women and disabled people changes that I believe are irreversible. New opportunities have been created for millions and old stereotypes have been banished. And yet discrimination lurks just beneath the surface, almost every place—from Denny's restaurant to our favorite neighborhood banker in D.C., from Miami to Los Angeles to Bensonhurst and Crown Heights in Brooklyn.

Perhaps the only constant is struggle. As Frederick Douglass said, "if there is no struggle, there is no progress." It is hard for me to foresee the day when that will not be the case.

(3) I have learned that in tough times—and the tough times of the last 12 years have not completely ended—there is a tendency on the part of constituency groups in the civil rights movement to go their own way, to define their interests narrowly and to pursue them separately.

There is even a tendency among some, fortunately not very many, to rank order types of discrimination—to say, for example, that race discrimination deserves more attention than discrimination based on ethnicity or language, or that sex discrimination is of more concern than discrimination against people with disabilities, or that the time has not yet arrived to confront discrimination against gays and lesbians.

I submit that separatist talk or action does little honor to the memory of Thurgood Marshall. Thurgood knew that discrimination in this society was of a piece and he hated injustice of every kind. And he acted on this knowledge in his votes and opinions in cases involving discrimination against poor people, and discrimination on the basis of ethnicity, age, sex and disability.

Moreover, whatever the stresses and stains that provoke it, I believe that separatism in old forms or new is against our self-interest. The new immigration and increasing diversity confront us with racial and ethnic tensions that threaten the domestic tranquillity of the nation. If we do not find ways to make common cause, everyone will be a loser.

(4) Finally, I have learned that in this country we have a seemingly infinite capacity to rationalize our failures to deal with discrimination. Within a very few years, I expect that one form of tribute to Justice Marshall will be the establishment of Thurgood Marshall elementary or high schools in almost every part of the nation. Unfortunately, it is entirely predictable that these will be segregated schools attended almost exclusively by children who are black and poor. Many of the children will start school without any attention to their health and nutritional problems, without adequate family support, and in environments of violence and despair. The schools themselves will be stripped of the resources, including teaching resources, that we know are needed for children to succeed—because Thurgood's view in *Sen Antonio* v. *Rodriguez* did not prevail. They will be stratified by race and economic status because Thurgood's view in *Milliken* v. *Bradley* did not prevail. Instead of developing the potential of young people, the renamed Thurgood Marshall schools will be what they have always been—dead end streets for children.

Thurgood had a fine sense of irony as well as a great sense of humor—but the irony here would be bitter, as it should be for all of us.

I would say that if there is one test we should devise for the Clinton administration and for ourselves as well, it is whether we can mold the education and civil rights policy of the nation in ways that will make the Thurgood Marshall schools of the future places of opportunity for minority and poor children throughout the country. If it can meet this test, we should count the Administration a success even if it achieves little else. But if the Administration fails to provide a helping hand to children who need it the most, it is hard for me to think what else would redeem it.

My friend Ralph Neas likes to assess what the odds of succeeding are whenever we begin a difficult legislative endeavor and he is usually accurate. Given the economic situation and the divisions that exist in the country, the odds on the proposition I have put to you are very long indeed. But when Thurgood Marshall and his mentor Charles Houston set out to break down the walls of separation created by *Plessy*, they had no model to follow and no objective reason to believe that they had any real prospect of succeeding.

In contrast we have the Marshall-Houston model to follow, and therefore, whatever the odds, we have the obligation to continue the struggle.

GARY KLECK DEBUNKS GUN CONTROL MYTHS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. ROTH. Mr. Speaker, in the great debate on gun control, both sides like to trot out their latest study that proves beyond a shadow of a doubt, that their's is the right position. Problem is, many of these studies are not as academic as they are political. There are some, however, that bear closer scrutiny. Criminologist and Prof. Gary Kleck has done work of this sort. His most ambitious work is discussed in an interview with Michael Browning for the Knight-Ridder newspapers. I ask that the text of that interview appear in the RECORD, as I encourage my colleagues to read it.

[From the Macon Telegraph, Aug. 19, 1993]

PROFESSOR ON FIRING LINE OVER BOOK ON GUN CONTROL

(By Michael Browning)

TALLAHASSEE, Fla.—Gary Kleck never set out to become the academic darling of the National Rifle Association. That is a wholly unlooked for by-product of his research on guns in America.

"I am treated as hero by people with whom I have absolutely nothing in common," said the slender professor of criminology at Florida State University. "I'm a stereotypical liberal. I belong to the ACLU (American Civil Liberties Union), Common Cause, several environmental groups. I am a paying member of the Democratic party."

But Kleck, 42, is also the author of a controversial book, "Point Blank: Guns and Violence in America," whose conclusions challenge much of the accepted wisdom about gun use and abuse in the United States, as well as undermining many of the strongest arguments for gun control.

Through 512 pages of statistical research, tables and footnotes, Kleck makes the case that guns are twice as likely to be used defensively as aggressively; that they thwart crime far more often than they abet it; that their availability has little or no impact on provoking violence; they are far more likely to be owned by law-abiding citizens than by criminals; that banning certain classes of guns, such as handguns or automatic weapons, is futile; and that guns serve a useful purpose in protecting a large, non-violent majority of "victims" from a violent minority of criminals.

"There is a very simple symmetry to it: If a robber has a gun, he is likely to succeed at robbing you. If a victim has a gun, he is likely to succeed in scaring away a robber," says Kleck.

Kleck favors gun control but says since current schemes for gun control are silly, unrealistic and unworkable, given the fact that there are about 200 million guns in the United States now, and that 45 percent of all American households have one or more of them.

Instead of targeting certain types of guns—handguns, "Saturday Night Specials," assault rifles and so on—and attempting to drive them out of circulation, Kleck says we should target certain types of people—those with criminal records, those who are mentally disturbed, those with a high potential for violence—and deny them all guns, any type of gun, long or short, fast or slow, by means of rigorous background checks and stiff penalties for obtaining weapons illegally.

"I regard the NRA's knee-jerk response to gun-control proposals—get tough on criminals, build more jails—as even dumber than the gun-control lobby's agenda. It is like the NRA is playing poker with the gun control lobby and saying I'll call your stupidity and raise you one.'"

The propounder of these outrageous opinions is a dark-bearded man whose hair is tinged with gray, who lives in a quiet home on Tallahassee's northeast side, with his wife, Diane and his two children, Matthew and Tessa. His manner is cool, reasonable. He cites statistics, his own and those of 13 related surveys, to back up his conclusions.

"I don't want to claim any great originality here. I am just replicating with better research what had already been found with less sophisticated research. Self-defense uses of weapons are far more common than is widely known."

His controversial book costs $60 and scarcely 10,000 copies have been printed for the scholar and library market, so it isn't likely to reach a mass audience.

He refuses to say whether his research has led him to buy a gun for his own protection.

"That is an ad hominem question," he replies. "My standard response is: 'I don't tell people.'"

But the professor acknowledges: "I did not grow up with guns. In my whole childhood I only knew of one person who had a gun. I grew up in the suburbs of Chicago. I think I may have had a coonskin cap for the Davy Crockett craze. Maybe I had a cap pistol. But I had no experience with real guns as a child."

His book has stirred a lively debate in some academic circles. His opponents say Kleck's research looks impressive, but some of it is based on flimsy foundations and flawed surveys, and that he has therefore leaped to conclusions.

"The evidence he cites tends to be evidence that supports his position. Some of this evidence is very flimsy, in my opinion, and he makes far too much of it," said David McDowall, a professor of criminal justice at the University of Maryland.

In fact Kleck says he was somewhat surprised at the results of his research.

"Before I undertook this study I had all the normal preconceptions. I was a pro-control academic. I believed instinctively that people should not have guns," he says.

"But I learned that those reactions were based on very shallow research. No one really knew much about this question until the mid-1970s.

"Gradually I came to see that the best available evidence did not support the case that is usually made for gun control: that guns automatically lead to violence.

"I learned that the subgroups of the population who owned the most guns—the old and the wealthy—demonstrated the least violence; while the subgroups of the population who were least likely to own guns, the young and the poor, tended to be the most violent."

"In fact the net effect of gun availability on (provoking) violence is zero," Kleck maintains. He means that while guns may incite some aggressive behavior when in the hands of a criminal, they also tend to deter it when in the hands of a victim. So the two tendencies cancel each other out, statistically speaking.

Over and over again in conversation, Kleck uses the word "victim." Victims, by his definition, are innocent, passive targets of violence aimed at their persons or property. Victims don't initiate, provoke or deserve violence. But, Kleck says, they get it anyway.

Most people in America, at least once in their lives, are going to become the victim of a violent act. It may not be a shooting or a stabbing. It may be a fight or a threat. But the fact is, most of us will be a victim.

"On the other hand, most of us will probably never initiate a violent act. The fact is, 5 percent of the population is committing 50 percent of the crimes in America.

"So there is only a tiny segment of the population doing the violence, while there is a huge segment of the population on the receiving end of violence."

Here again, Kleck draws fire from his critics: "He tends to break the whole population down into two neat categories: Victims and aggressors," McDowall said, "I think in many assaults it is very difficult to tell who is the victim and who is the aggressor."

Kleck's most controversial finding, the one that has most endeared him to the NRA, is this: The number of times guns are used defensively is probably twice as great as the number of times they are used criminally.

"All my statistics indicate that there are at least 600,000 cases a year of guns being used criminally, both reported and unreported cases. But: The number of instances in which guns are used defensively is on the order of 1.2 million times a year."

Here again, however, Kleck's critics have attacked his research. "The National Crime Survey, a survey conducted by the government, indicated that guns are used defensively only 60–65,000 times each year," McDowall said. "There is a huge discrepancy between Kleck's figures and these figures."

Kleck defends his research as sound. "We called up 4,977 households scattered throughout the 48 contiguous states. The telephone numbers were randomly generated by a computer. We took all response in confidence, and made sure that the times when a gun was used was against a person, not against a rattlesnake or some animal. We were measuring cases of guns being used against people who were committing criminal acts," he said.

"What I found was that 4.3 percent of U.S. households had definitely used a gun against another person in the past five years.

"Therefore," says Kleck, "I do not share the belief that there is no defensive value whatever to guns. All I am saying is that guns have a defensive value that can be statistically demonstrated.

"Now what you do when you are confronted with these statistics is up to you. Maybe you decide you don't want a gun in the house no matter what, because it is too much worry. Fine. I am not advising anybody to have a gun, or not have a gun.

"I just point out that if you are a victim with a gun you are likely to be successful in defending yourself from a criminal attack. You are less likely to get hurt if you have a gun. That is not my opinion. That is a statistical fact."

HONORING JUSTICE THURGOOD MARSHALL

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to thank you for giving me the opportunity to make a special tribute to a great leader in our country who is sadly missed. I would also like to thank my colleague, Congressman RANGEL for calling this special order today.

I think this tribute is a day for us all to reflect on the life of a man, who until his death at the age of 84, fought for the rights of people of color, the underprivileged, and many others who could not speak for themselves.

From the very beginning, Justice Marshall emerged as a true leader. After graduation from Howard University School of Law at the head of his class in 1933, Justice Marshall began a long and historic involvement with the National Association for the Advancement of Colored People [NAACP]. In 1940, he became head of the newly formed NAACP Legal Defense and Education Fund, a position he held for over 20 years. The fact that the NAACP Legal Defense Fund is still carrying on the work that Justice Marshall initiated over 50 years ago is a true testament to the man and the organization.

Most of us are aware of Justice Marshall's efforts in the landmark Supreme Court decision, Brown versus Board of Education in 1954. Justice Marshall convincingly argued that segregation in public schools is unconstitutional. His determined efforts served as a springboard to champion severalother causes during that era.

After his appointment to the Supreme Court by President Johnson, Justice Marshall worked harder than ever to uphold the civil rights stance. The Court opinions he wrote while serving on the Supreme Court are still studied and admired by leading jurists and legal scholars worldwide.

The birth of Justice Marshall on July 2, 1908, has a special significance for me. Every year I sponsor a resolution designating July 2 as National Literacy Day. This resolution seeks to bring attention to the plight of well over 30 million adults who cannot read and over 42 million Americans who lack the basic skills necessary to function in this society.

The designation of National Literacy Day recognizes the plight of the many illiterate Americans in this country—the very same people that Justice Marshall spent his entire life fighting for—the voices of those who are unable or cannot speak for themselves.

Justice Thurgood Marshall's legacy will continue to live on in this country. As many of us here realize today that without Justice Marshall, the whole civil rights movement and the legal enfranchisement of African-Americans might not have happened when it did. The pivotal point of Brown versus Board of Education in history and the commencement of the civil rights movement several years later, changed the lives of millions of Americans.

Justice Marshall is someone many of us will never forget. Thank you again, Mr. Speaker, for this opportunity.

INJUSTICE AND DISCRIMINATION ARE ALIVE AND WELL

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. DEUTSCH. Mr. Speaker, I rise today with great disappointment to note the injustice and discrimination that the U.S. House has voted to perpetuate by failing to strike the Senate's codification of the ban on gays and lesbians in the military. I strongly oppose today's action and am proud to have supported the Meehan amendment to the Defense authorization bill striking the codification.

Military personnel decisions, normally and rightfully, originate with the Commander in Chief of the Armed Forces. It is inexcusable that Congress would go beyond its normal parameters to legislate a measure that clearly discriminates against gays and lesbians. In addition, the legislative codification of the don't-ask, don't-tell, don't-pursue policy placed in the Defense authorization bill goes beyond the administration's policy.

By today's failure, Congress has sought to invalidate the faithful and heroic service by thousands of gays and lesbians in the U.S. Armed Forces. The assertion that homosexuality is incompatible with military service has already been proven to be groundless. A Rand Corp. study commissioned by the Pentagon concluded: "Gays pose no health, behavioral, disciplinary, morale, or other problem that good leadership can't easily handle."

The United States would do better to expend its energy on areas where there are already existing problems in the military, rather than create issues for dissension.

REMARKS MADE BY THE DISTINGUISHED RANKING MEMBER OF THE HOUSE FOREIGN AFFAIRS COMMITTEE, CONGRESSMAN BEN GILMAN

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. GOODLING. Mr. Speaker, last Thursday, September 23, 1993, the distinguished ranking member of the House Foreign Affairs Committee, Congressman BEN GILMAN, addressed the Ukrainian Congress Committee of America and the Ukrainian-American Coordinating Council in commemoration of the second anniversary of the independence of Ukraine.

As senior members of the Foreign Affairs Committee, the Congressman and I share a great interest in ensuring the enhancement of United States-Ukraine relations through a multitude of means. Congressman GILMAN recognizes the importance of this relationship and continues to pursue an intelligent United States foreign policy concerning Ukraine as consistent with United States interests. I submit his prominent remarks for the review of my colleagues.

STATEMENT OF CONGRESSMAN BENJAMIN A. GILMAN

Ladies and gentlemen, I am very pleased to join with you all today in celebrating the second anniversary of the independence of the great nation of Ukraine. For those Americans of Ukrainian extraction—as well as those of us who have long had an interest in the welfare and prosperity of the Ukrainian people—this is truly a great occasion.

Anyone familiar with the long history of Ukraine knows how very important independence is to that nation. It has indeed been the dream of Ukrainians over the many long centuries when that country suffered under the rule of other, neighboring states.

In this century, that suffering took the Ukrainian people to the depths of human existence—when millions died of starvation in Joseph Stalin's artificial famine and countless others suffered and died in prison camps at the hands of the soviet communist government. The Ukrainian people's aspiration for independence could not be extinguished even by the severity and cruelty of such efforts. In fact, that desire only grew stronger, leading finally to the day of August 24, 1991, when the dream of independence became a reality.

Today, Ukraine, like the other newly-liberated states around it, faces a new and daunting task: How to consolidate its independence as it struggles to throw off the vestiges of the old communist political and economic system. As we all know, this is truly a tremendous challenge—one that we here in America have never had to confront. Indeed, it may not be possible to quickly uproot those vestiges of communism or the tentacles of the old soviet economic system, but, despite their presence and the difficulties they present, the struggle against them must be undertaken and the transition to democracy and economic prosperity achieved.

Ladies and gentlemen, it is clear that for Ukraine, as for Belarus, the Baltic States, and the many other newly-independent states of the region, independence must have a strong economic foundation as well as a political one. I believe that the American people are willing to help Ukraine build that foundation with the technical assistance, humanitarian aid, volunteers, and other support that can make a real difference. I also believe that the United States will continue to help Ukraine build a strong political foundation as well, not just by providing such economic aid, but by extending the equally-important diplomatic support that is needed to help Ukraine and its neighbors arrive at peaceful solutions to any disputes they may have.

I hope that these will be but the first steps in a long-lasting and strong relationship of trust, cooperation, and friendship between the American and Ukrainian peoples. Today, as we celebrate the second anniversary of the independence of Ukraine, let us all look forward to the peace and prosperity of a newly-reborn Ukraine and the growth and strengthening of the ties between our two great countries.

Thank you.

CAMPAIGN FINANCE REFORM

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. NADLER. Mr. Speaker, reform of the system by which congressional campaigns are financed is one of the most important tasks before us in this Congress. I believe it is essential if we are to break the grip of special interests on our political system and to promote elections as a forum for the competition of ideas.

There are certain important provisions which I believe should be included in any campaign finance reform package if real change is to result. I strongly support limitations on campaign contributions from political action committees [PAC's] and some form of public financing. That public financing must be tied to a candidate's acceptance of a cap on total spending, and a limitation on the amount that may be contributed by a candidate or members of his or her family. Moreover, the use of so-called soft money that evades contribution limitations must be curbed.

I have been disappointed to hear statements by some of my congressional colleagues expressing doubt over whether there is sufficient support in the House to pass a bill with public financing, as I believe public financing is an indispensable element of any serious reform of campaign finance. I think the experience we have had with public financing of Presidential campaigns—at least before the massive exploitation of the soft money loophole—and, in New York City, with campaigns for municipal office, proves that such a system can work, and can enjoy public support.

I support such options as the creation of communications vouchers, subsidizing mail costs, or other means of providing public subsidy of the cost of campaigns. I am also open to paying for public financing by increasing the voluntary $1 checkoff on individual tax returns to $5.

If some of our constituents object to the cost of public financing, viewing it as welfare for politicians, I believe we must share with them our understanding of the costs of the present system, which gives disproportionate influence to moneyed interests. I am willing to undertake that task with my constituents. I hope my colleagues will do likewise.

UNDERSTANDING THE LIMITS OF SUPERPOWER STATUS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. BEREUTER. Mr. Speaker, President Bill Clinton addressed the United Nations today in what could be one of the most important foreign policy addresses that he will deliver. He outlined the long-awaited U.S. policy toward international peacekeeping and U.S. involvement in regional crises.

During this period of global upheaval, it is not surprising that civil war has erupted in 20 or more locations across the globe. Some of these conflicts have become extraordinarily bloody. The United States, as the only remaining superpower, now faces an uninterrupted series of appeals for financial and military support. In some of these trouble spots, it may be in the U.S. interest to become involved. But we have no abiding national interest in many—indeed most—of these conflicts. We must not let our foreign policy be driven by neo-interventionists—most of whom seem never to have served in the military—who want the U.S. military to put an end to all conflict around the world. As a recent editorial in the Omaha World Herald rightly noted, "Noble intentions can lead to unforeseen problems."

In the wake of the President's address to the United Nations, this Member would call colleagues' attention to the Omaha World Herald's editorial of September 24, 1993, entitled "Things a Superpower Can't Do."

THINGS A SUPERPOWER CAN'T DO

Anthony Lake, President Clinton's national security advisor, expressed sensible views on the use of U.S. forces overseas.

"While there will be increasing calls on us to help stem bloodshed and suffering in ethnic conflict and while we will always bring our diplomacy to bear in such conflicts," Lake said, "there will be relatively few intra-national ethnic conflicts that justify our military intervention."

Pictures of suffering children in Bosnia and the sub-Sahara are disheartening. They prompt some people to ask how America can help. Often the answer is to contribute to an international fund drive. But sometimes the pressure builds to send American troops.

Ironically, some of the pressure in recent years has come from liberals who earlier were dovish on the use of force. They approved when President George Bush, after the Persian Gulf war, sent U.S. troops to protect Iraqi Kurds from Saddam Hussein. They applauded Bush's decision to intervene in Somalia to help feed the hungry. Some people even wanted Clinton to send troops to Bosnia and Haiti—a suggestion that Clinton, wisely, has resisted.

Noble intentions can lead to unforeseen problems. Consider Somalia. The hungry have been fed. But U.S. troops remain stuck in that country as part of a United Nations pacification program—a program that has brought U.S. forces into conflict with civilians who are manipulated by that country's warlords.

America continues to have global responsibilities as the world's sole remaining superpower. Lake properly distanced the administration from what he referred to as "neo-know-nothings" who want the United States to turn its back on the rest of the world. With continuing political instability in the former Soviet Union and with China, among other countries, pushing a nuclear weapons program, America can't afford to sink into isolationism.

But as Lake has pointed out, there are things that even a superpower can't do and shouldn't try. It's reassuring to read that a highly placed administration official is among those recommending restraint.

GENERAL MONTGOMERY DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. GILMAN. Mr. Speaker, I recently had the distinct honor and privilege of attending the annual General Montgomery Day festivities in the village of Montgomery, NY.

The village and surrounding town of Montgomery was named in honor of Gen. Richard Montgomery, an Irish immigrant to our shores who proved to be one of the military heroes and geniuses of our Nation's War for Independence. The annual even celebrating this brave and brilliant patriot were quite impressive. Virtually the entire Montgomery community attended and participated in the festivities this year. The appropriate parade and attire, reminded us all of the struggle which resulted in freedom and liberty for all Americans.

Marc Newman, the grand marshall of this year's village of Montgomery parade and festivities, has written a scholarly review of the life and times of General Montgomery. In order to share this captivating history with my colleagues, I request that this study be inserted in the RECORD at this point:

AN AMERICAN LEGEND: RICHARD MONTGOMERY

(By Marc Newman)

The first national hero of this nation, in its infancy, was General Richard Montgomery. Traveling the highways and byways from Ontario, Canada to Washington D.C., portraits and personal artifacts of this gallant officer of the Continental Army grace such museums as: The Royal Ontario Museum, Montgomery Place, The Yale Art Gallery, The Metropolitan Museum of Art, The Independence National Historic Park and the Armed Forces Division of the National American History Museum. Who was this American hero whose image and deeds have faded from view for many generations, since the American Revolution?

This Irish-American immigrant arrived in New York in 1772. This was not his first arrival to the Province of New York. The son of a landed gentry member of the House of Commons, he saw active service in the French and Indian War. His gallantry in the Hudson River/Lake Champlain campaign and the West Indies campaign brought him promotions from Ensign to Captain of the 17th Foot Regiment. Seeking the life of a country farmer in Kings Bridge (Yonkers), New York, he married Janet Livingston, sister of Robert R. Livingston, signer of the Declaration of Independence. When the storm clouds of war looked imminent, he was choosen Dutchess County representative to the New York Provincial Congress in the summer of 1775. Instrumental in raising three thousand men and one thousand muskets for the defense of Manhattan, he recommended that a strategic line of defense be constructed near the junction of the Albany and Boston Post Roads to repeal a British invasion. This would become a reality with the construction of Fort Washington. Montgomery recommended that the "S" channel on the Hudson River be fortified with a series of forts and that a "chain and log boom" be constructed to repulse British ships and transports trying to invade New York and New England. The creation of West Point, Forts, Putnam, Wyllys and Webb as well as the "Great Chain and Log Boom" would eventually be constructed five years after his death.

As Brigadier-General of the Northern Army, he devised the tactical plan to attack British fortifications at Forts: St. John and Chambly, as well as the garrisoned cities of Montreal and Quebec. His belief that British forces would invade Lake Champlain and New York City, thus destroying American forces in New York and using the Hudson Valley as a spring-board to invade New England and end the Revolution became the catalyst for such a daring and dangerous enterprise. Ironically, he suffered from as many problems, if not more problems that General Washington, at the siege of Saint John, i.e.: lack of discipline, cold bitter weather, swamp ground, poor communications, typhoid, mutiny, shortage of supplies and men, of which twenty percent of his force were not fit for duty or feigning illness. His success in dealing with these problems and his victories at both forts, resulted in capturing tons of munitions, food and clothing for the Northern Army and the Army of Washington. Although the invasion of Quebec resulted in failure and his own death, the bravery of this general and his men scaling the narrow ice paths along the cliffs of Point Diamond in the worst winter conditions, with no visibility in sight, is a testament to their determination and tenacity. A quality we Americans are very proud to emphasize throughout our history.

It is ironic that when General Richard Montgomery's remains were re-intered, it was actually part of an agreement with the Canadian and British governments, just a few years after the War of 1812. Major John Andre's remains were to be dug-up and sent to England's Westminster Abbey, while General Richard Montgomery's remains were sent to New York City, to be buried beside a monument that was paid for by the Continental Congress in 1776, at a cost of three hundred pounds and under the auspices of Benjamin Franklin. Interesting to note that John Andre was one of the officers who surrendered to Montgomery at Ft. St. John. The news of Montgomery's death brought lamentations of grief to the British and Americans. His close friends in England such as: Edmund Burke and Charles Fox, Whig leaders of the House of Commons, spoke in grieving oratory of their brave, heroic rebel. Even Lord North, Prime Minister, acknowledged his military genius and bravery. Many articles, ballads and poems on both sides of the Atlantic praised our adopted benefactor of liberty, but Thomas Paine's play involving the Ghost of Montgomery, in 1776 was the most dramatic. This propaganda vehicle proved successful in arguing the cause for public support for the unanimous approval of the Declaration of Independence. Even in death this American Legend: Richard Montgomery, affected the course of the war and the approval of the Declaration of Independence by the American people.

MINING CLAIM HOLDING FEE SHORTFALL

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mrs. VUCANOVICH. Mr. Speaker, I wish to bring to the attention of all Members of the 103d Congress the effects of an action taken in the last Congress. Specifically, I speak of the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1993, Public Law 102–381, wherein Congress mandated a mining claim holding fee of $100 per claim per year in lieu of the obligation under Federal law to perform assessment work on one's claims.

Proponents of this measure asserted it was a user fee that would generate much needed funds for the Treasury while having little impact on mining activities. They argued only a few mining claims, held for purely speculative reasons, would be dropped because of this new fee. This would be true because the size of the holding fee matches the minimum assessment work requirements of the mining law, anyway, so instead of doing the annual labor as it is known, just send the money to the Government instead.

Well, Mr. Speaker, the data is in, and not unlike the situation with respect to luxury taxes on boats and cars, the affected public has rejected this means of raising revenues. That is, the owners of mining claims on public lands of the Western United States have dropped nearly a million mining claims rather than pay this new fee, which, because of its retrospective effect, was actually a $200 per claim tax. The Bureau of Land Management now reports it has collected $53.2 million under this fee, not the $97.6 million the Office of Management and Budget expected to raise. That's a shortfall of nearly $45 million from the forecasted revenue stream to the Treasury, or nearly half of the projection. Only a few years ago the Bureau of Land Management reported there were 1.2 million mining claims of record. After this tax, there are now less than 300,000, a threefold decrease.

Upon President Clinton's urging, Congress has acted to extend this mining claim holding fee first advanced by the Bush administration. The recently enacted Omnibus Budget Reconciliation Act of 1993 [OBRA] calls for a similar fee collection from August 31, 1994 through 1998. Unfortunately, these disturbing numbers from the BLM were not available when this Congress passed OBRA. Otherwise, Members may have seen the folly in extending this fee at this level for 5 years. Clearly, the market has spoken and $100/claim/year is simply too high to demand of miners and prospectors.

I believe it is indeed fair to require mining claimants pay something for the privilege of holding on to unpatented claims while they investigate those claims for possible mineral development. But, unless our true intent is to stifle mineral activities on the public lands, Congress ought to reconsider the magnitude of the revenues raised by this tax versus the cost of diminished assessment work activity and the economic impacts of such labor on rural communities of the West.

Mr. Speaker, the real losers under this high holding fee are the drillers, heavy equipment operators, geologists, and others who make their living in this industry. They have suffered, and will continue to, because of this heavy tax. There is only so much money available for exploration of our Nation's mineral deposits, albeit that amount may rise and fall with expectations of mineral prices. If the Federal Government demands a large proportion of those funds as a holding fee then the exploration and development activities that would otherwise be carried out must shrink by a proportional amount.

Some in Congress have called hardrock mining on the public lands a subsidy by the taxpayers. Now the truth can be told. The administration's budget asked for about $17 million annually to administer the mining law on the public lands. Yet this fee collected over $53 million, in addition to the approximately $5 million already collected from claimants under existing fees. As such, mining claimants in fiscal year 1993 will have provided over $41 million more than the BLM said it needed to regulate this industry. So, yes, there is indeed a subsidy, but it is by our domestic mining industry to other Department of the Interior programs.

THE HOME EQUITY PROTECTION ACT OF 1993

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. KENNEDY. Mr. Speaker, in early February of this year, the House Banking Subcommittee on Consumer Credit and Insurance, which I have the privilege to Chair, heard testimony that profoundly moved each Member present. In dramatic detail, we heard how for some fortunate enough to have built up equity in their homes, the American Dream became the American Nightmare. Certain scam-artist lenders, working on the fringe of the marketplace—and the law—now snatch homes out from under their rightful owners.

Here is how the home equity scam worked in my hometown of Boston: Mortgage companies, often backed by prestigious mainstream lenders, worked with fly-by-night home improvement outfits. They did their homework, finding people with the highest home equity in the neighborhoods least-served by more conventional lenders. They then targeted middle-aged or elderly persons who had worked hard to achieve some equity in their homes. To finance repairs, those individuals contracted for loans on terms near impossible to meet: Sky-high rates, hidden fees and costs, and balloon payments on the near horizon. For the homeowner, failure to meet the loan terms meant the loss of their home, and the sudden end to a secure life. That bitter prospect was a bonanza for the lender, who took the home and sold it for a profit.

The Home Equity Protection Act of 1993, which I introduce today along with the chairman of the full Banking Committee, Mr. GONZALEZ, Mr. MOAKLEY, Mr. SCHUMER, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. FLAKE, Ms. WATERS, Mr. HINCHEY, Mr. KLEIN, Mr. WATT, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. WYNN, Ms. BROWN of Florida, Mr. FILNER, Mr. HAMBURG, Ms. WOOLSEY, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. COYNE, Mr. LEWIS of Georgia, Mr. CLAY, Mr. LANTOS, and Mr. DEFAZIO addresses this shameful situation. While it does not prohibit high-cost mortgages from being made, nor limit the compensation a lender can receive from a loan, it does require certain disclosure provisions, and prohibit abusive practices.

Specifically, this bill amends the Truth-In-Lending-Act to define a class of mortgage loans as "high-cost mortgages." Lenders making these loans would have to disclose to the consumer additional information, including the following in conspicuous typeface:

> If you obtain this loan, the lender will have a mortgage on your home. You could lose your home, and any money you have put into it, if you do not meet your obligations under the loan.
>
> Under Federal law, this is a high cost mortgage. You may be able to obtain a less expensive loan."

The measure mandates a 3-day cooling off period between the newly required disclosures and the settlement.

Certain abusive practices would be prohibited for high cost mortgages, including negative amortization, balloon payments and use of loan proceeds for substantial advance payment of principal and interest. If the original lender fails to comply with the requirements of the bill, and then sells the mortgage to a third party, a consumer may raise claims against the new holder of the mortgage. The measure would amend current law to allow States to impose limits on the interest, fees, and other terms of nonpurchase money first loans. Civil penalties included in the bill include payment of all finance charges and fees.

I urge may colleagues to join me in cosponsoring this measure. At this point, I would like to insert in the RECORD a copy of the bill, and a section-by-section description:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Home Equity Protection Act of 1993".

SEC. 2. CONSUMER PROTECTIONS FOR HIGH COST MORTGAGES.

(a) DEFINITION.—Section 103 of the Truth In Lending Act (15 U.S.C. 1602) is amended by adding after subsection (z) the following new subsection:

"(aa) The term 'high cost mortgage' means a consumer credit transaction, other than a residential mortgage transaction, that is secured by a consumer's principal dwelling and that satisfies at least 1 of the following conditions:

"(1) The annual percentage rate at consummation of the transaction will exceed by more than 10 percentage points the rate of interest on obligations of the United States having a period of maturity of 1 year on the fifteenth day of the month before such consummation.

"(2) All points and fees payable by the consumer at or before closing will exceed the greater of—

"(A) 8 percent of the amount financed, minus fees and points; or

"(B) $400.".

"(b) MATERIAL DISCLOSURES.—Section 103(u) of the Truth in Lending Act (15 U.S.C. 1602(u)) is amended—

"(1) by striking "and the due dates" and inserting ", the due dates"; and

(2) by inserting before the period ", and the disclosures for high cost mortgages required by section 129(a))".

(c) DEFINITION OF CREDITOR CLARIFIED.—Section 103(f) of the Truth in Lending Act (15 U.S.C. 1602(f)) is amended by adding at the end the following: "Any person who originates 2 or more high cost mortgages in any 12-month period or any persons who originates 1 or more high cost mortgages through a loan broker shall be considered to be a creditor for purposes of section 129.".

(d) DISCLOSURES REQUIRED AND CERTAIN TERMS PROHIBITED.—The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 128 the following new section:

"SEC. 129. REQUIREMENTS FOR HIGH COST MORTGAGES.

"(a) DISCLOSURES.—In addition to any other disclosures required under this title, for each high cost mortgage, the creditor shall provide the following written disclosures in clear language and in conspicuous type size and format, segregated from other information as a separate document:

"(1) The following statement: 'If you obtain this loan, the lender will have a mortgage on your home. You could lose your home, and any money you have put into it, if you do not meet your obligations under the loan.'.

"(2) The initial annual percentage rate.

"(3) The consumer's gross monthly cash income, as verified by the creditor, the total initial monthly payment, and the amount of funds that will remain to meet other obligations of the consumer.

"(4) In the case of a variable rate loan, a statement that the annual percentage rate and the interest rate could increase, and the maximum interest rate and payment.

"(5) In the case of a variable rate loan with an initial annual percentage rate that is different than the one which would be applied using the contract index after the initial period, a statement of the period of time the initial rate will be in effect, and the rate or rates that will go into effect after the initial period is over, assuming that current interest rates prevail.

"(6) A statement that the consumer is not required to complete the transaction merely because he or she has received disclosures or signed a long application.

"(7) A statement as follows: 'Under Federal law, this is a high cost mortgage. You may be able to obtain a less expensive loan.'.

"(b) TIME OF DISCLOSURES.—The disclosures required by this section shall be given no later than 3 business days prior to consummation of the transaction. A creditor may not change the terms of the loan after providing the disclosures required by this section.

"(c) NO PREPAYMENT PENALTY.—

"(1) IN GENERAL.—A high cost mortgage may not contain terms under which a consumer must pay a prepayment penalty for paying all or part of the principal prior to the date on which such principal is due. If the date of maturity of the high cost mortgage is accelerated for any reason, the consumer is entitled to a rebate that complies with paragraph (2). No high cost mortgage shall provide for a default interest rate that is higher than the interest rate provided by the note for a performing loan.

"(2) REBATE COMPUTATION.—For purposes of this subsection, any method of computing rebates of a finance charge less favorable to the consumer than the actuarial method using simple interest is a prepayment penalty.

"(3) CERTAIN OTHER FEES PROHIBITED.—An agreement to refinance a high cost mortgage by the same creditor or an affiliate of the creditor may not require the consumer to pay points, discount fees, or prepaid finance charges on the portion of the loan refinanced. For the purpose of this paragraph, the term 'affiliate' has the same meaning as it does in section 2(k) of the Bank Holding Company Act of 1956.

"(d) NO BALLOON PAYMENTS.—A high cost mortgage may not include terms under which the aggregate amount of the regular periodic payments would not fully amortize the outstanding principal balance.

"(e) NO NEGATIVE AMORTIZATION.—A high cost mortgage may not include terms under which the outstanding principal balance will increase over the course of the loan.

"(f) NO PREPAID PAYMENTS.—A high cost mortgage may not include terms under which more than 2 periodic payments required under the loan are consolidated and paid in advance from the loan proceeds provided to the consumer.

"(g) UNFAIR, DECEPTIVE, OR EVASIVE ACTS PROHIBITED.—Creditors of contracts governed by this section shall not commit, in the making, servicing, or collecting of a high cost mortgage any act or practice which is unfair or deceptive, including any of the following.

"(1) Entering into a home equity loan if there is no reasonable probability that the homeowner will be able to make payments according to the terms of the loan.

"(2) Taking advantage of the borrower's infirmities, lack of education or sophistication, or language skills, necessary to understand fully the terms of the transaction.

"(3) Refinancing other loans owned by the homeowner which had not been accelerated by reason of default of the homeowner prior to the application for the home equity loan, unless the new loan is at a lower interest rate or has lower monthly payments.

"(4) Financing a mortgage broker's commission, unless the borrower entered into a separate written contract with the broker prior to the date of application for the home equity loan, which stated the dollar amount of the commission, and which was provided to the borrower prior to the application.

"(5) Taking action or interfering with any other consumer protection laws or regulation designed to protect the homeowner.

"(6) Assisting in the falsification of information on the application for a home equity loan.

"(7) Disbursing to a home improvement contractor more than 80 percent of funds due under a home improvement contract which exceeds $10,000, before the completion of the work due under the home improvement contract, or making any disbursement for a home improvement contract in a form other than an instrument jointly payable to the borrower and the contractor.

"(8)(A) Engaging in any other unfair, deceptive, or unconscionable conduct which creates a likelihood of confusion or misunderstanding.

"(B) Any attempt to evade the provisions of this section by any devise, subterfuge, or pretense whatsoever is deemed to be unfair conduct under this paragraph.

"(h) RIGHT OF RESCISSION.—For the purpose of section 125, any contract with provisions prohibited by this section is deemed to not include material disclosures required under this title. Any provision in a high cost mortgage which violates section 125 shall not be enforceable.".

SEC. 3. STATE AUTHORITY TO REGULATE HIGH RATE MORTGAGE LOANS.

The authority of States to establish limitations on the interest, fees, and other terms of a first mortgage which—

(1) is secured by a first lien on residential real property; and

(2) is not used to finance the acquisition of that property;

is not preempted by section 501 of the Depository Institutions Deregulation and Monetary Control Act of 1980 (12 U.S.C. 1735f-7a) or the Alternative Mortgage Transaction Parity Act of 1982 (12 U.S.C. 3801 et seq.).

SEC. 4. CIVIL LIABILITY.

(a) DAMAGES.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) by striking "and" at the end of paragraph (2)(B);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) in case of a failure to comply with any requirement under section 129, all finance charges and fees.".

(b) STATE ATTORNEY GENERAL ENFORCEMENT.—Section 130(e) of the Truth in Lending Act (15 U.S.C. 1640(e)) is amended by adding at the end the following: "An action to enforce a violation of section 129 may also be brought by the appropriate State attorney general in a court of competent jurisdiction, within 5 years after the date on which the violation occurs.".

(c) ASSIGNEE LIABILITY.—Section 131 of the Truth in Lending Act (15 U.S.C. 1641) is amended by adding at the end the following new subsection:

"(d) HIGH COST MORTGAGES.—

"(1) IN GENERAL.—In addition to any other liability imposed under this title, any person who purchases or is otherwise assigned a high cost mortgage shall be subject to all claims and defenses with respect to the mortgage that the consumer could assert against the creditor of the mortgage.

"(2) DAMAGES.—Relief under this subsection shall be limited to the sum of—

"(A) an offset of all remaining indebtedness; and

"(B) the total amount paid by the consumer in connection with the transaction.

"(3) NOTICE.—Any person who sells or otherwise assigns a high cost mortgage shall include a prominent notice of the potential liability under this subsection as determined by the Board."

SEC. 5. EFFECTIVE DATE.

This Act shall be effective 60 days after the promulgation of regulations by the Board of Governors of the Federal Reserve System, which shall occur not later than 180 days following the date of enactment of this Act.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This Act may be cited as the "The Home Equity Protection Act of 1993."

SEC. 2. CONSUMER PROTECTIONS FOR HIGH COST MORTGAGES

Subsection (a) defines a "high cost mortgage" under the Truth In Lending Act (15 U.S.C. 1602) as a consumer credit transaction, other than a residential mortgage transaction, secured by the consumer's principal dwelling, that meets at least one of these conditions: (1) the Annual Percentage Rate (APR) exceeds the rate of interest on a one-year Treasury obligation by more than 10 percentage points; (2) Points and fees paid by the consumer exceeds the greater of: (a) 8 per cent of the amount financed, minus fees and points; or, (b) $400.

Subsection (b) amends the material disclosure provision of the Truth in Lending Act (15 U.S.C. 1602(u)) to include disclosures required under new section 129 (a).

Subsection (c) amends the Truth In Lending Act creditor definition (15 U.S.C. 1602 (f)) to include a person who originates 2 or more high cost mortgages annually, or a person who originates one or more high cost mortgages through a broker.

Subsection (d) amends the disclosure provisions of the Truth in Lending Act (15 U.S.C. 1601 et seq) by adding a new section:

SECTION 129: REQUIREMENTS FOR HIGH COST MORTGAGES

Subsection (a) provides that in addition to other Truth in Lending disclosure requirements, creditors shall provide for each high cost mortgage, in conspicuous type size and in a separate document: (1) the statement: "If you obtain this loan, the lender will have a mortgage on your home. You could lose your home, and any money you have put into it, if you do not meet your obligations under the loan"; (2) the initial APR; (3) the consumer's gross monthly cash income, as verified by the creditor, total initial monthly payment, and amount of consumer funds which remain to meet other obligations; (4) for variable rateloans, a statement that the APR and monthly payment could increase, and the maximum interest rate and payment; (5) for variable rate loans with an initial APR which differs from one which will later apply, a statement of the period of time the initial interest rate will be in effect, and the rate or rates which will be effective after the initial period, assuming current interest rates prevail; (6) a statement that the consumer is not required to complete the transaction because he or she has received disclosures or signed an application; (7) the statement: received disclosures or signed an application; (7) the statement: "Under Federal law, this is a high cost mortgage. You may be able to obtain a less expensive loan."

Subsection (b) requires disclosure no later than three days prior to transaction consummation. The creditor may not change loan terms after providing disclosure.

Subsection (c)(1) provides that, in general, a high cost mortgage may not include terms which provide for a prepayment penalty. If the maturity date of the mortgage is accelerated, the consumer is entitled to a rebate. A default interest rate higher than the interest rate for a performing loan is prohibited. Subsection (c)(2) provides any method used to compute finance charge rebates that is less favorable than the actuarial method using simple interest shall be deemed a prepayment penalty. Subsection (c)(3) provides that high cost mortgage refinance agreements by the same creditor or affiliate may not require the consumer to pay points, discount fees or refinance charges.

Subsection (d) prohibits the use of balloon payment terms for high cost mortgages.

Subsection (e) prohibits the use of negative amortization terms for high cost mortgages.

Subsection (f) prohibits the terms under which more than 2 periodic payments are consolidated and paid in advance from loan proceeds provided to the consumer.

Subsection (g) prohibits certain unfair, deceptive or evasive acts by creditors in the making, servicing or collecting of a high cost mortgage, including: (1) entering into a home equity loan if there is no reasonable possibility the homeowner will be able to make payments as required; (2) taking advantage of a borrowers' infirmities, lack of education or sophistication, or language skills, necessary to understand transaction terms; (3) refinancing other loans owed by the homeowner, which are not in default prior to application for the home equity loan, unless the new loan has a lower interest rate or lower monthly payments; (4) financing a mortgage broker's commission, without a separate written contract between the borrower and the broker entered into before the date of loan application; (5) interfering with any other consumer protection laws designed to protect the homeowner; (6) assisting in the falsifying of information on a home equity loan application; (7) For home improvement contracts which exceed $10,000, disbursing more than 80 percent of funds due before completion of work, or making such disbursement in a form other than one jointly payable to the borrower and the contractor; (8)(A) provides that engaging in any other unfair, deceptive or unconscionable conduct which creates likelihood of confusion or misunderstanding; (8)(B) provides that any attempt to evade provisions of this section is deemed to be unfair conduct.

Subsection (h) provides that for the purposes of Section 125 (15 U.S.C. 1635) of the Truth in Lending Act (Right of rescission as to certain transactions), any contract which includes provisions prohibited under this section shall be deemed not to include required material disclosures, and such provision shall not be enforceable.

SEC. 3. STATE AUTHORITY TO REGULATE HIGH RATE MORTGAGE LOANS

Provides that the authority of states to set limitations on interest, fees and other terms of a non-purchase money first mortgage is not pre-empted by the Depository Institutions Deregulation and Monetary Control Act of 1980 (12 U.S.C. 1735f–7a) or the Alternative Mortgage Transaction Parity Act of 1982 (12 U.S.C. 3801 et seq).

SEC. 4. CIVIL LIABILITY

Subsection (a) amends the Truth In Lending Act civil liability provision (15 U.S.C. 1540(a)) to provide that failure to comply with new section 129 makes a creditor liable for all finance charges and paid by the consumer.

Subsection (b) amends the Truth In Lending Act civil liability provision to allow an appropriate State attorney general to bring an action to enforce a violation of new section 129 within five years after the date of violation.

Subsection (c) adds a new provision to the Truth in Lending Act liability of assignees provision to require that if a creditor fails to comply with requirements of new section 129 regarding any high cost mortgage, any assignee of the creditor shall be subject to all claims and defenses the consumer could use against the creditor. Recovery is limited to the total amount paid by the consumer in connection with the transaction.

SEC. 5. EFFECTIVE DATE

Provides that the Act becomes effective 60 days after regulations are issued by the Federal Reserve, which shall occur no later than 180 days following enactment.

SENATE—*Wednesday, September 29, 1993*

(Legislative day of Monday, September 27, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, the Reverend Dr. J. Barry Vaughn of St. Stephen's Episcopal Church in Eutaw, AL.

PRAYER

The guest chaplain, the Reverend Dr. J. Barry Vaughn, St. Stephen's Episcopal Church, Eutaw, AL, offered the following prayer:

Let us pray:

God of our fathers and mothers, God of our children and grandchildren, Yours alike are the Rockies' proud peaks and Shenandoah's green tranquility; Yours are the span of the Golden Gate and the slums of Watts and Harlem.

Hear us as we pray for this land between the shining seas, this home of the pilgrims' pride, these United States of America.

We praise You for America's diverse quilt; for pilgrims from Europe and Africa, from Asia and Latin America, for Creek and Choctaw and Sioux and all our native peoples. Bind our ethnic strands together in a pattern of harmony, peace, and understanding.

Grant the women and men of this great assembly keenness and openness of mind; where vision is bound to personal gain or partisan good, liberate it. Stay their minds upon justice and their hearts upon compassion; may their ears be open to the voices of the voiceless and their eyes to the problems of the present and the possibilities of the future.

Grant that all the people of the United States may employ their hands and hearts and minds and bodies in work that satisfies and delights.

May peace unfold in freedom and justice, and may conflict issue in creative reconciliation.

And grant that in all things we raise our hearts and voices in gratitude to You, O judge of nations and peoples, for in Your wisdom You have set us upon a strong and high place, given us peace and prosperity, and called us to walk confidently into the future. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 29, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

Mr. SHELBY. Mr. President, I ask unanimous consent I may proceed in morning business for 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE REVEREND J. BARRY VAUGHN

Mr. SHELBY. Mr. President, I am honored today to be here in the Senate with the Reverend J. Barry Vaughn, of Eutaw, AL. You have just heard his opening prayer. I thought it was very inspirational.

Reverend Vaughn is a native of Alabama, received his undergraduate degree from Harvard, his master's degree from Yale University School, and his Ph.D. from St. Andrew's University in Scotland.

This is a great opportunity for him today to share his prayers with us and the Nation. But, being from Alabama, I wanted to share Reverend Vaughn with you. We are honored to have him here. A lot of my colleagues will meet him as the day goes on.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, I want to associate myself with the remarks of the distinguished Senator from Alabama. We appreciate the Reverend's presence. It is nice to have visitors to supplement our own Chaplain.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of H.R. 2518, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2518) making appropriations for the Departments of Labor, Health and Human Services, Education, and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

Mr. SPECTER. I might say for just a moment on behalf of the chairman, Senator HARKIN, and myself, we are ready for business.

There is a long list of amendments which are pending, and as the majority leader announced last night, we will terminate amendments as of noon so anyone who has amendments, speaking for myself and Senator HARKIN, ought to come to the floor now. We are ready and open for business.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 975

(Purpose: A sense-of-the-Senate resolution to urge the Department of Justice to investigate possible Federal civil rights violations involving Crown Heights, New York)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

Mr. D'AMATO. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. Does the Senator ask to set aside the pending committee amendments?

Mr. D'AMATO. Yes.

The ACTING PRESIDENT pro tempore. Without objection, the committee amendments will be set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. DOLE, and Mr. BRADLEY, proposes an amendment numbered 975.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The amendment is as follows:

> SEC. . It is the sense of the Senate that the United States Department of Justice should investigate whether any Federal criminal civil rights laws were violated as a result of (1) the murder of Yankel Rosenbaum on August 19, 1991, and (2) the circumstances surrounding the murder and accompanying riots in Crown Heights.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I ask that the amendment, which is now at the desk, be read.

The ACTING PRESIDENT pro tempore. The clerk will read the amendment.

The bill clerk read as follows:

> It is the sense of the Senate that the United States Department of Justice should investigate whether any Federal criminal civil rights laws were violated as a result of (1) the murder of Yankel Rosenbaum on August 19, 1991 and, (2) the circumstances surrounding the murder and accompanying riots in Crown Heights.

Mr. D'AMATO. Mr. President, the Crown Heights story, the epidemic of violence; the problem is truly a sad one. Briefly, I will attempt to summarize and just give a brief outline as to some of the events.

Generally, when we submit amendments, we do not ask for them to be read. I wanted this one to be read because it is very straightforward. It calls for a Justice Department investigation to ascertain whether any Federal criminal civil rights laws were violated as a result of, one, the murder of Yankel Rosenbaum in Crown Heights, and two of the circumstances surrounding the murder and the accompanying riots. Yankel Rosenbaum was a young divinity student who, on August 19, 1991, was murdered during the riots there.

Let me set the scene as to how this took place.

On August 19, 1991, there was a car accident in an area in Brooklyn known as Crown Heights. It resulted in the severe injury and later death of a young boy by the name of Gavin Cato. It was a tragedy of absolutely enormous events: A car lost control, went up onto the sidewalk, hit this young boy, and he died.

Following this, elements from outside of the community came into Crown Heights and began to stir up the residents into what soon became a riot. This riot went on virtually unchecked for 3 days. The police were not permitted to respond; indeed, many were injured themselves. Six or seven wound up in the hospital. These were police officers with broken arms and legs. They became the targets of the mob.

A few hours after the accident, in the midst of his life, full blown, a young Jewish scholar from Australia, Yankel Rosenbaum, was chased by a group of approximately 15 to 20.

They chased him for 3 blocks, yelling "kill the Jew, kill the Jew." Yankel was a student. He wore his yarmulke. It was obvious that he was Jewish. And they repeated this as they chased him for 3 blocks, finally surrounding him and repeatedly stabbing him. He eventually died of the stab wounds.

Mr. President, what is a civil rights violation? If chasing someone down the street for 3 blocks, yelling "kill the Jew" or "kill that black" or "kill that Catholic" or "kill the gay," would not constitute a civil rights violation, then I do not know what does.

This has become a political football. It is a disgrace. Yes, we are going to have a report; no, we are not going to have a report—on and off, on and off. The Justice Department is supposedly looking into this. They were supposed to release the report several weeks ago as to whether or not we are going to have an investigation. Lo and behold, when the word was leaked and the press began to report that the Justice Department and Attorney General Reno were not going to recommend an investigation of going forward, all the politicians became involved.

The Brooklyn district attorney called, and it is reported that he said, both through a Congressman and himself, "I have facts and information that I would like to submit, and, after all, we have not been in contact for a while."

Well, what kind of investigation was there if the Justice Department was not talking to the district attorney for 6 weeks—the prosecutors, the people who prosecuted the case? Superficial?

This is a situation that demands a full-blown investigation as to who is responsible for the death of Yankel Rosenbaum and why it is that the police were not permitted for 3 days to do their job while a community was held captive. People have a right in this country to no less. Politics should not enter into this one way or the other.

Unfortunately, it has. The conduct of this situation and this so-called investigation as well as the review of what took place so far reeks of political meddling, and that is wrong. It is absolutely wrong.

I am not going to take up the time of this body to spell it out, but there have been those accounts in the papers of those who called and demanded an investigation. People have a right to say, listen, we want a thorough, comprehensive investigation. A young man was killed, and for the obvious motive of his religious background.

There is a report prepared at the insistence of the Governor of New York. It is called the Girgenti report, and in that report, the director of criminal justice of the State of New York indicates that the prosecution from the very beginning of the case, from the gathering of evidence to the prosecution, was not handled in a manner that gave any credibility.

> Some of the jurors described the prosecutors—

And I am quoting the report—

> as "laid back" and said their subdued approach was not helpful to their case. The prosecutors told us, however, they did not behave aggressively for fear of alienating the jury.
>
> Although there is no reliable evidence that a general police mistrust played a role in this case, the underlying contention merits review.

The report goes on and on, and cites the inadequacies of the investigation, the inadequacies of the prosecution—all in a report from the director of criminal justice of the State of New York.

I hope that we will not attempt to politicize this matter; we must let the chips fall where they may, and urge that there be a thorough and comprehensive investigation. This is absolutely essential.

Government's first responsibility is to protect its citizens. When it fails in that, it fails in everything. Crown Heights is a classic case where it has failed. It failed for 3 days to protect its citizens during the rioting. It failed to protect the rights of Yankel Rosenbaum when he was so viciously murdered, and thereafter when those responsible for murdering him were not brought to justice. That is why there should be a Federal investigation.

I am pleased to offer this amendment on behalf of myself and the Republican leader, Senator DOLE. And I ask, Mr. President, for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. D'AMATO. I hope that we will agree to this and the Justice Department will understand that we are serious about the issue.

The ACTING PRESIDENT pro tempore. The Chair recognizes the minority leader, Mr. DOLE.

Mr. DOLE. Mr. President, on August 19, 1991, Yankel Rosenbaum, a young rabbinical student from Australia, happened to be at the wrong place at the wrong time.

Caught in the maelstrom of the Crown Heights riots, Rosenbaum was chased down by a bloodthirsty mob, and then stabbed repeatedly while his assailants shouted "kill the Jew! Kill the Jew!"

One person was charged with the Rosenbaum murder but was subsequently acquitted. Since the acquittal, no other suspect has been brought to trial for this vicious crime. The killers remain free.

Now, there are those who will say that the murder of Yankel Rosenbaum, though tragic, is a local issue, affecting only the citizens of Crown Heights and New York City.

But what befell Yankel Rosenbaum that August day in 1991 extends far beyond Brooklyn and the five boroughs of New York. All Americans of goodwill are shocked and saddened when they learn that a young man could come to our country to study, only to be murdered solely because of his ethnicity and religious beliefs.

Yankel Rosenbaum was killed because he happened to be a Jew.

This past Monday, I sent a letter to Attorney General Reno urging her to initiate a Federal civil rights investigation into the Rosenbaum murder and the circumstances in Crown Heights that created the environment in which it occurred. It is my hope that the Attorney General will heed this request and move forward promptly with an investigation.

My distinguished colleague from New York Senator D'AMATO, has already written to the Attorney General on this matter. During the past 2 years, Senator D'AMATO has worked tirelessly on behalf of the citizens of Crown Heights, and he has been a leader in ensuring that the Rosenbaum murder gets the national attention it deserves.

Mr. President, let me just add that my request for a Federal investigation is in no way motivated by politics, as some cynics might suggest, nor is it an effort to influence the outcome of the upcoming mayoral election in New York. The request boils down to a simple principle—justice. And justice can only be achieved if we get a full-accounting of the Yankel Rosenbaum tragedy.

The American people and the Rosenbaum family have been patient. After more than 2 years of waiting, they deserve—finally—to get some answers.

Mr. President, as a followup to my letter to Attorney General Reno, I am now joining with Senator D'AMATO in offering an amendment expressing the sense of the Senate that the Justice Department should undertake a civil rights investigation into the Rosenbaum murder and the Crown Heights riots.

This sense-of-the-Senate amendment is straightforward and should be supported by Members from both sides of the aisle.

Let me repeat: This amendment is not about politics or race. It is not about Democrats and Republicans. It is not about black versus white, or Jew versus gentile.

This amendment forces us to confront the truth about Crown Heights, whatever that truth may be, so that justice can be served, and ultimately rendered.

I am pleased to cosponsor this amendment with the distinguished Senator from New York. I should note that this is a matter which I think is fairly broadly supported. Governor Cuomo yesterday asked for an investigation. The New York Times has said there should be an investigation. Republicans and Democrats alike have said there should be an investigation.

This is not a local issue. This is pretty much what happened out in California in the Rodney King case, when they had the acquittal and they followed up with civil rights violations and they had convictions.

It seems to me that this is certainly an appropriate amendment, at least to express our concern. It is a sense of the Senate amendment. It is something the Attorney General will have to decide. It is something, as I understand, having been up in New York talking to a lot of people who are concerned about this, where there should have been a decision made a couple of weeks ago.

I think the Senator from New York is on the right track. Democrat Members of Congress have joined with the Republican Senator from New York and others, and it seems to me he spelled out every good reason why we should go forward. In my view, if the Senate—I hope in a unanimous vote—indicates its interest, it may have some impact. Although it is not a political issue as far as the Attorney General is concerned, and not a political issue as far as the Senator from New York is concerned, I do believe it might offer some guidance. If, in fact, those of us in the Senate would vote for this resolution in overwhelming numbers, I think it would have some impact and at least indicate to the Rosenbaum family, who have been very patient and have been waiting for something to happen, that there is concern in the United States, even though this young man was from Australia, about justice; we are concerned about violations of civil rights in America, and we are going to try to do the appropriate thing. So if anybody is murdered, as in this case, because of their religious or ethnic beliefs, that is a civil rights violation, as the Senator from New York has pointed out.

So, Mr. President, for all the reasons that I think have been stated, I certainly strongly support this amendment.

I hope we will have unanimous support of this resolution.

I also ask unanimous consent a letter I have written the Attorney General be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, September 27, 1993.

Hon. JANET RENO,
Department of Justice,
Washington, DC.

DEAR ATTORNEY GENERAL RENO: It is my understanding that you are now considering whether to initiate a federal investigation into the brutal murder of Yanbel Rosenbaum.

As you weigh your decision, I hope you would remember one important point: The murder of Yankel Rosenbaum is not just a local issue, affecting only the citizens of Crown Heights and New York City. It is an issue that deeply affects all Americans.

As you know, Mr. Rosenbaum's murder took place during the Crown Heights riots in August of 1991. News reports indicate that Mr. Rosenbaum was chased down a street and stabbed repeatedly by a mob of twenty or more assailants. Apparently, some of these assailants were yelling anti-Semitic epithets.

Yankel Rosenbaum died because he happened to be at the wrong place at the wrong time. But I am convinced he also died because he happened to be Jewish.

Attorney General Reno, it is my sincere hope that you will direct your Department to commence a federal civil rights investigation into the Rosenbaum murder and the circumstances in Crown Heights that created the environment in which it occurred.

All decent Americans are shocked when they hear the Yankel Rosenbaum story, the story of a young man who came to our country to study, only to be victimized, killed, simply because of his ethnically and religious beliefs. The American people and the Rosenbaum family have been patient. They deserve some answers.

Thank you for your prompt consideration of this request.

Sincerely,

BOB DOLE.

Mr. SPECTER. Mr. President, I support this amendment.

The purpose of the civil rights laws of the United States are directly on point in this situation. When the incidents occurred in Crown Heights, I followed them through the media but did not have an intimate knowledge of the underlying facts until the confirmation hearing of the Honorable Lee Brown came before the Judiciary Committee earlier this year. At that time, a number of the involved parties submitted certain information which I reviewed on the Judiciary Committee. It was my view at that time that there should have been a more detailed inquiry as to the participation of Dr. Brown when he was police commissioner of New York.

He was confirmed as the drug czar and, as the timetable would show, that matter came up during the period when I was incapacitated and was not here. But I made a point in the Judiciary Committee hearings, having seen some of the complaints and some of the allegations, that further inquiry was necessary.

The committee made a decision not to inquire further at that time because there was no reference as to the direct implication of then Commissioner Brown. That may have been correct.

As I said on the record at that time, I was not personally satisfied, but that was the committee's decision. But whatever the involvement may or may not have been as to Commissioner Brown, now the drug czar, there was no doubt in my mind then, and there is no doubt in my mind now, that this incident is one which requires an investigation by the U.S. Department of Justice under our Civil Rights Act.

When the distinguished Senator from New York has articulated what happened as someone allegedly ran down the street and said, "Kill the Jew"—and having been in the line for a long time I say "allegedly" because I was not there—we have to see precisely what the evidence is. If in fact that did happen, it is a clear-cut violation of the U.S. Civil Rights Act.

It is action, action in concert by more than one person, a conspiratorial setting under the law, with the intention to single out and attack someone on the basis of race, religion, or ethnicity. While it is a complex legal issue, in my view there is at least a prima facie violation of the Civil Rights Act.

Again, this is not something about which we can make a positive legal determination as we consider this matter, but certainly there is enough prima facie to go forward and have an investigation.

This issue is especially important, Mr. President, in the context of what has happened in the United States on hate crimes. Hate crimes are those where someone is singled out because of religion, because of race, because of ethnicity. There had been a recent challenge as to whether a State could enhance the penalty where you had a hate crime.

I do not have the Supreme Court opinion in hand. I am sure Senator D'AMATO knows the case and citation where the Supreme Court earlier this year decided in a case I believe coming out of Wisconsin—perhaps the distinguished Presiding Officer knows the case, the distinguished Senator from Wisconsin—where the Supreme Court held as a matter of constitutional law that an enhanced sentence was permissible where there was a hate crime and the victim was singled out because of an inherent characteristic. I believe in that Wisconsin case the victim was an African-American. I refer to that case because it underscores, italicizes, the importance of focusing with additional vigor where there is a racial or religious or ethnic bias involved in a crime.

The distinguished Republican leader has properly identified this matter as being nonpolitical. I do not think it is political at all. One of the problems about this matter is that it has languished for more than 2 years. This is an August 19, 1991 matter. This is not the first time that I have urged the Department of Justice to move where I thought that local action was insufficient.

When the incident arose resulting in the Los Angeles riots, I made a public statement that it was a proper matter for the U.S. Department of Justice. I said at that time, albeit by hindsight, that it would have been desirable for the U.S. Attorney to have investigated that matter in advance of the State court jury verdict and to have had a sealed indictment in pocket.

The Los Angeles situation was not totally unpredictable, and there were clear-cut violations of the Civil Rights Act involved there. Had the U.S. attorney investigated that matter, and presented it to a grand jury because the Federal court had concurrent jurisdiction, there could have been a sealed indictment. That indictment could have been made public after the acquittal in the State court and perhaps prevented the very destructive riots in Los Angeles.

But at that time, during a Republican administration, it was my position that there should have been action by the Department of Justice.

Very briefly, one other incident which occurred in Philadelphia, the incident of the MOVE matter, where an entire block was destroyed as a result of police action in Philadelphia, back on May 13, 1985. It was my view that an investigation of that matter was necessary under the U.S. Civil Rights Act. I urged that on a number of Republican attorneys general. That matter was handled inadequately in my opinion by the State prosecutors and was an appropriate matter for intervention by the Department of Justice under the Civil Rights Act.

So that in supporting the distinguished Senator from New York I have done so—had the shoe been on the other foot, where there has been a Republican Department of Justice, I do not think it makes a bit of difference, whether it is Democrat or Republican. Again as the Republican leader, Senator DOLE, has said, this is not a matter which is political.

I believe that in matters like this the Department of Justice under this administration, or the last administration, or the ones in the past, has not been sufficiently vigilant. Civil rights laws in the United States are among our most important laws. They ought to be enforced with the utmost of vigor. I hope that this amendment will be passed unanimously.

I ask unanimous consent to be added as an original cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I rise to support the resolution sent to the Senate and proposed by my friend and colleague from New York and to thank him for initiating this resolution, and to thank him for the appropriate—in some ways characteristic of him—compassion in which he has spoken on this issue.

Mr. President, the Senator from New York has detailed the factual circumstance that lead to this resolution, a shocking act of violence, shocking unfortunately not so much because it was an act of violence, because we live repeatedly too often numbingly with violence in our cities and towns, and here in the capital of our Nation where it has reached such proportions that the mayor of this capital yesterday asked for the National Guard to come out and help keep order.

Some may find that extreme but it is hard to see why not. If the Government cannot maintain basic order and security for people in our society, everything else we are trying to do, health care, education, environmental protection, you name it, housing improvement, it just does not matter.

This past Sunday I visited a woman in Hartford, CT, visited her house, Dorothy Santiago, who had the courage to stand up against the gangs in her neighborhood that have taken over the streets of that neighborhood, to let police know when crimes were being committed. And she was threatened.

In our State we have an experimental program where the State police are sending reinforcements into cities at the request of the local law enforcement authorities.

Ms. Santiago said to me on Sunday, "Since the State police have arrived I know this neighborhood has gotten to be like a police state. But you know what? It makes me comfortable."

Well, unfortunately that is where we have come.

There will be other times, hopefully before too long on the floor of the Senate, where we will be debating a true, tough, and comprehensive anticrime bill when we can hopefully not just speak but act.

But the case that my colleague from New York highlights here is a case of violence, a case of murder, but murder based on the victim's religious and ethnic orientation. There has never been a dispute as to the facts here, as far as I know—and the Senator from New York can correct me if I am wrong. This crowd went running down the street, targeted this individual walking down the street because of his religion, his national origin, and killed him.

I know there are constitutional legal questions as to whether that was or is a violation of civil rights, but I echo the words of the Senator from New York, who asks: "What is civil rights if not the freedom to walk down the street free of the fear of being shot at because of your religion, your race, your gender, your sexual orientation, whatever denotes your characteristics that might make you a target of some mob?"

Of course, this happened in a context that was really extraordinary in Crown Heights at this time, a context that there was a lot of factual dispute about. Yet, there then came along a report by the State of New York—incidentally, the Senator from Pennsylvania talked about this not being political or partisan—and the report was commissioned by the Democratic Governor of New York. It concluded that there was a failure by the police, for days, to come in and try to regain control of this neighborhood. Mobs were running wild.

What happens to our civilized society when that occurs?

That New York State report concluded that the police, in the particular case that the Senator from New York points out, the Rosenbaum case, mishandled key evidence and made conflicting statements. It was the weakness of that original case that contributed to Attorney General Reno's initial decision to consider whether to conduct an investigation. But, obviously, the hope is that a full-fledged Federal investigation now might not only determine whether there has been a civil rights violation here, but it might conceivably uncover more evidence relating to the murder of this individual.

Mr. President, just this past Monday—and again, I do not know whether my friend from New York cited this—the New York Times said that those who are calling on Attorney General Reno to conduct a more rigorous investigation into the Crown Heights riots and into the murder/slaying of Yankel Rosenbaum, a scholar, are right. It is difficult, the Times says, to see how she, Attorney General Reno, could fairly make a judgment here without an aggressive inquiry. That inquiry has not occurred yet.

Today we talk about proliferation of missiles and weapons of mass destruction around the world. We have an outlandish proliferation of violence and weapons in our cities and towns. There is a war going on out there and, unfortunately, the bad guys are winning. Too often the good people cower, terrified, in their homes and apartments and the police are outmanned and outgunned. It cannot go on. But in this particular case, there is this extra dimension, which I think cries out for a Federal inquiry.

So I am very grateful to the Senator from New York and the Senate Republican leader for initiating this. I am proud to stand and support it and, in that measure, I hope, indicate that, as the Senator from Pennsylvania says, this should be a nonpolitical, nonpartisan matter. It is a basic and fundamental question of justice and, in a more profound sense, what kind of society we are going to have here in America.

(Mr. SHELBY assumed the chair.)

Mr. BIDEN. Mr. President, I rise in support of the distinguished Senator's resolution. The case of Yankel Rosenbaum raises questions that merit thorough inquiry by the Department of Justice. As I have stated in the past, criminal violations of the Federal civil rights laws cannot be tolerated.

I commend my colleague for bringing this matter before the Senate. Indeed, it is my understanding that this resolution is consistent with the Department's continuing effort to resolve the questions surrounding the Crown Heights incident.

The Attorney General has assured us that the Department of Justice will continue its ongoing inquiry into whether violations of Federal law occurred. Moreover, she has stated that she will be personally involved and will ensure that the inquiry goes forward in a manner totally free from political considerations.

I trust that the Department will reach an appropriate conclusion about whether to seek indictments in the Crown Heights case, based squarely on the facts and the law.

I urge my colleagues to support the resolution.

Mr. D'AMATO. Mr. President, I thank my distinguished colleague, the former attorney general from Connecticut, Senator LIEBERMAN, for his support of this basic right that we are asking the Justice Department to enforce.

When people have to fear walking down the street because of who or what they are, then all is lost. When we have such a terrible failure of prosecution in the murder of Yankel Rosenbaum, as outlined by the report from the director of criminal justice from the State of New York, something must be done. This report clearly says that there were some very real problems, that because of this, the Justice Department should come into this matter.

The fact of the matter is that the former U.S. attorney, Mr. Maloney, a Republican, allowed this matter to languish. I think that the U.S. attorney's office and the people in Washington, the former administration, botched this matter, did not want to touch it; it was volatile. They may have done what was politically correct—to look the other way and make believe the whole thing never happened. And for a long time, that is actually what took place.

I have to tell you that there has not been a thorough Federal investigation. They have not gone through the evidence and vigorously pursued this matter. We know that through our contacts with the people in the community, the lawyers in the community, who represent the various groups, and the witnesses, one of whom was asked: "Well, give us a history of racial relations."

Look, we want to ascertain who those people were that chased Yankel Rosenbaum down the street. Why were they not brought in? Can they be identified? How is it that you have only charged one person? It seems to me that there are a number of points that have to be examined—five—as to why the riots were allowed to go on for 3 days. This is the United States of America. Can you imagine a community of thousands of people held captive? They could not leave their homes and were calling the precincts saying, "Get a police car here, please help us." Nothing was done.

Who told the police to hold back and not make any arrests? If you read the State report, it is clear that officers on the line were not permitted to pursue people who attacked them, or who burned their cars, or who shot at them. This is incredible.

Why were the civil rights of New Yorkers allowed to be so grossly abused? We have a right to know.

Why have all the suspects and inciters of the riots not been arrested or prosecuted?

How was it that the evidence was so badly collected?

How was it that the prosecution was handled in the manner that, I would say, the report clearly indicates was less than adequate?

Certainly, this cries out for a thorough and complete Federal investigation, to invest the manpower and resources and the best investigators to see if we cannot bring justice, or at least attempt to bring justice, to this situation. Many people hoped this would just disappear and go away. Were it not for Yankel Rosenbaum's brother, Prof. Norman Rosenbaum, a distinguished lawyer himself, who came from Australia repeatedly to bring this matter to the public attention and not let it rest, maybe it would have been swept away or would have been forgotten and would have been an ugly chapter that people would not have to remember. I do not think that is justice. That is not what this country is about.

So I am pleased that my friend and colleague from Connecticut, as well as Senator SPECTER and Senator HELMS, join me in this effort.

I ask unanimous consent that Senator HELMS and Senator LIEBERMAN be permitted to be original cosponsors of the amendment, and I hope that we can move this amendment quickly and agree to it unanimously.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I ask what is the order of the day?

The PRESIDING OFFICER. The pending business before the Senate is the amendment offered by the Senator from New York, [Mr. D'AMATO].

Mr. BURNS. Mr. President, I ask unanimous consent I may proceed as in morning business for the purpose of introducing a bill, and my statement and the introduction be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BURNS pertaining to the introduction of S. 1497 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, is my understanding correct that an incredible unanimous consent request has been granted with respect to calling up amendments today, the request being that all amendments, in order to qualify, must be offered by noon? Is that correct?

The PRESIDING OFFICER. The Senator from North Carolina is correct.

Mr. HELMS. Let me say, if I had been on the floor when that unanimous consent request had been propounded I would have objected. Here we are at 10 minutes to 11 right now. I have two amendments. They will not take long. But I could very easily be foreclosed by a rollcall vote or somebody talking at length on another subject.

Therefore, I ask unanimous consent that it be in order for me to call up two amendments shortly—call up one, lay it aside, then call up the second one and lay it aside and go back to the first—so I can be protected against this foolish unanimous consent agreement.

The PRESIDING OFFICER. There is objection?

Mr. MOYNIHAN. Reserving the right to object, and I do not mean to object unless the managers do, I had hoped to speak for 10 minutes on the amendment offered by my distinguished colleague, Senator D'AMATO. I am chairing a hearing on the nomination of the Social Security Commissioner and a Federal Tax Court judge and I have to return to that hearing.

I hope it will be possible to speak for no more than 10 minutes before further business is transacted.

Mr. HARKIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I inquire of the Senator from North Carolina, we came here on Friday, we were here all day Friday—Thursday night, Friday, all day Monday, all day yesterday. So, Friday, Monday, Tuesday, plus Thursday night and I think we have only disposed of half a dozen amendments or less. We have been sitting here, Senator SPECTER and I. Last night we sat here. We are here. We are open for business. People can offer amendments. Last night we sat here and no one showed up. We were here all day Monday; no one showed up. We were here Friday. No one offers amendments.

Mr. HELMS. I beg the Senator's pardon, I recall offering four amendments last week on this bill, did I not? Or was it the previous bill?

Mr. SPECTER. If my colleague from Iowa will yield for a moment, perhaps we can accommodate all the interests if we can inquire of the distinguished Senator from North Carolina how long he would expect to take. Perhaps we can accommodate Senator MOYNIHAN?

Mr. HELMS. I suggest my colleagues accommodate Senator MOYNIHAN right now and then revisit my concerns so he can get back to his meeting.

Mr. SPECTER. If I might suggest to my distinguished colleague, perhaps we could set a sequence of events to accommodate all the interests. If my colleague has an idea as to how long his amendments will take?

Mr. HELMS. Mr. President, I guarantee you I will not take more than 15 minutes per amendment. I am not objecting to your working overtime. I work overtime myself. But I have two amendments that I have been standing in line for. I was tied up yesterday with the Foreign Relations Committee. Like the Senator from New York, some of us have many responsibilities. I have managed bills, too.

What I am concerned about is this summary decision that requires you to offer amendments by 12 o'clock or you do not get to offer it at all. That runs counter to the traditions of the Senate.

But if you will assure me that my two amendments will be in order and I will assure you that I will not take more than 15 minutes per amendment—maybe we can resolve the problem. In the meantime, I hope you will let Senator MOYNIHAN proceed so he can go back to his committee.

Mr. SPECTER. If the Senator will yield, I think we can. It is now 8 minutes to 11. We can take 10 minutes for the Senator from New York; we can take 15 minutes each on your amendments, which you have stated.

There is nobody here to argue further on the pending amendment offered by Senator D'AMATO. That would run us to about 11:40, and then the votes may go beyond noon, which would be within the purview of the unanimous-consent request.

So I think all of that can be accommodated, if my colleague from Iowa concurs.

Mr. HARKIN. I do not believe there is any problem.

Mr. HELMS. Fair enough, Mr. President. I withdraw my unanimous-consent request.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise in support of the amendment offered by my friend and colleague, Senator D'AMATO, declaring it to be the sense of the Senate that the U.S. Department of Justice should investigate whether any Federal criminal civil rights laws were violated as a result of: first, the murder of Yankel Rosenbaum on August 19, 1991; and second, the circumstances surrounding the murder and accompanying riots in Crown Heights, which I will add is a neighborhood in the Borough of Brooklyn, in Kings County, NY.

Mr. President, it is appropriate for the Senate to take this action. The Senate has been the scene of the great debates over civil rights in this century, in this half of this century, I should say, beginning in the 1950's when the Civil Rights Commission was established under President Eisenhower, going on to the great writs of 1964, 1965, and many such that have followed.

The events in Brooklyn, in Crown Heights, on that day continue to haunt the minds of New Yorkers in terms of how could this have happened in our city? It was an event without precedent, Mr. President, so far as we know without precedent. A Jew was murdered on the streets of New York, because he was a Jew, by a mob so proclaiming its purpose and its motive. "Kill the Jew" was the chant.

On the 7th of September, or probably on the 6th of September 1991, Miss Deborah Orin, the distinguished bureau chief of the New York Post here in Washington, spoke with me about the subject. I said very simply that what we had seen was a lynching. I will read her opening remarks:

> Senator DANIEL P. MOYNIHAN yesterday denounced the Crown Heights killing of Jewish seminarian—

And he was a seminarian from Australia—

> Yankel Rosenbaum as "a lynching " that poses the same danger to New York that the Ku Klux Klan posed to the South.

Very shortly thereafter, Mayor Dinkins was asked about my characterization—2 days afterward—and he agreed. The Post had a headline: "Dinkins: Hasid"—that is, a member of the Hasidic Judaic group—"Hasid was 'lynched.' Hints more arrests to come in Crown Heights slaying."

This was repeated in the New York Times: "Dinkins Describes Killing of Jew in Crown Heights as a 'Lynching.'"

Mr. President, shortly thereafter, or presently, shall I say, I, as well as others including my colleague, Senator D'AMATO, wrote to the Attorney General. I stated my understanding of the investigation, that an investigation was being conducted jointly by the Department's Civil Rights Division and the U.S. attorney for the Eastern District of New York. I got a reply from Mr. Barr, or rather from the Assistant Attorney General, Mr. Lee Rawls, which was equivocal.

It said:

> Please be advised, however, that Federal civil rights laws address only acts taken intentionally to deny specific victims of certain civil rights established by Federal law.

Surely there is a right to not be stabbed to death on the public streets of an incorporated city, but the Justice Department somehow did not see what had happened.

I have since written Attorney General Reno and have received very supportive comments from her in person and a very thoughtful letter from James P. Turner, who was the Acting Assistant Attorney General of the Civil Rights Division, all of which bespeaks a careful attention to law in the Department of Justice, which is as we would wish it to be.

We do not yet have the feeling that the Department understands the outrage and the alarm that accompanied this act, for it was not an isolated act. Attacks on Jews were made throughout that area, that neighborhood, during those days. For the murder of Mr. Rosenbaum, a person was arrested and indicted, but acquitted. And we have the sense that: What went on there? What was this acquittal all about?

In any event, no one has been found guilty of a murder which took place in the public view of two dozen persons and with the police on the scene minutes thereafter. No one has been found guilty of that lynching.

It is a new thought that the term "lynching" might be applied to the murder of a Jew on the streets of New York. The term is thought to be named for Charles Lynch, an American justice of the peace in the late 18th century who presided over an extralegal court to suppress Tory activity. It is a generic term for a mob murdering an individual because of race, creed, color, or national origin.

There have been too many of these in our country. We do not set ourselves apart from all other nations in that regard, but it is a very difficult, painful part of our history, not yet—not yet—overcome as it ought to be one day.

It does no disservice to the cause of civil rights to assert that they are the civil rights of all citizens regardless of race or creed. The Ku Klux Klan was not just a Southern organization. It once had a majority in the legislature of Oregon and proceeded to outlaw Catholic elementary schools until the Supreme Court overruled the action of that legislature.

The idea of equal rights is so profoundly important in this Nation that it is my judgment the Department of Justice should say if we cannot be certain that a specific civil right has been violated—and again I cite the letter of Mr. W. Lee Rawls: "Please be advised that Federal civil rights laws address only acts taken intentionally to deny specific victims of certain civil rights established by Federal law"—then the effort should be made to determine so. That is what this amendment calls for and why it has my strong support.

Mr. President, I yield the floor, asking that the newspaper articles and the letters to and from officials of the Department of Justice be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Post, Sept. 7, 1991]

PAT: MURDER OF HASID A "KKK-STYLE LYNCHING"

(By Deborah Orin)

WASHINGTON.—Sen. Daniel P. Moynihan yesterday denounced the Crown Heights killing of Jewish seminarian Yankel Rosenbaum as "a lynching" that poses the same danger to New York that the Ku Klux Klan posed to the South.

He said "agitators" who stir up racial unrest in New York's black community should be shunned and denounced by everyone in public life just as Klan leaders were shunned in the South.

"We had a lynching . . . people were standing around yelling 'Kill the Jews' . . . and certainly a Jew was killed. That is absolutely intolerable," Moynihan told The Post.

"This has never happened in our city in my lifetime—never, never. And there's a shock of recognition that has yet to come . . . It rings the fire bell."

"This was a race riot—what happened in Crown Heights was as bad as what happened in Detroit in 1943 when black workers were dragged from streetcars and killed by white workers."

Moynihan, an expert on ethnicity, spoke with deep emotion as he stressed that "all of us must speak out louder" against racism, black or white, and proceeded to do just that.

The only way to stop race riots from recurring in New York, he argued, is to use precisely the same tools that were used in the South against the Klan—ostracism and tough law enforcement.

In particular, Moynihan said, Mayor Dinkins should never meet with "agitators" who stirred up the Crown Heights violence. He declined to give names but appeared to be referring to figures like Al Sharpton.

"There are certainly people the mayor should not meet with," he said. "Would you like a Southern mayor to meet with the grand Kleagle [of the KKK] to discuss last night's lynching and their point of view?"

Moynihan added: "We have a model . . . we got rid of the lynching in the South by a process of first, just public abhorrence, so the people involved became ashamed, and law enforcement, which took a long time."

New York's senior senator added that he plans to explore whether a new federal anti-lynching law is needed—or whether there are still federal laws on the books from Klan days that could be applied in New York.

He scoffed at the claims from some blacks that since blacks have been victims of racism historically, it is impossible for blacks to be racists.

"The notion that there is any race that is immune to the failings and sins of other people is itself a racist idea," he said.

"Any group that's capable of surrounding a seminarian and yelling 'Kill the Jew' is capable of racism. Period . . . Stabbing someone because he's a member of a stigmatized group is what we do not do, don't allow."

He also denounced City College Professor Leonard Jeffries' attacks on Jews as a "demented racist" approach, adding: "There's a fellow [Jeffries] I think would be diagnosed as hysteric. It's sad."

In fact, Moynihan said half-seriously, perhaps every student should have to hear Jeffries—"it probably wouldn't be a bad idea for everyone in City College to get a little taste of what demented racist arguments can be like."

Then, more seriously, he wondered aloud: "What ever happened to my City College?" People like that didn't get tenure."

Moynihan praised Gov. Cuomo for pressing for law and order at the outbreak of the Crown Heights violence and made it clear he feels Dinkins should have ordered police to crack down on rioters right away.

The senator said Cuomo spoke up well in those first three days, saying law and order have to be maintained—and they were not. The police were not given the instructions they needed for the first three days, Moynihan said.

[From the New York Post, Sept. 10, 1991]

DINKINS: HASID WAS LYNCHED

(By Mark Mooney)

Mayor Dinkins—under fire from both of the state's U.S. senators—yesterday called the Crown Heights murder of Yankel Rosenbaum a "lynching" and hinted that additional people might be arrested.

It was the toughest language the mayor has used about the death of the Hasidic seminary student who was stabbed to death by a crown of blacks shouting, "Kill the Jew!"

But the mayor also defended himself against criticism from Sens. Daniel Moynihan and Alfonse D'Amato, who have prodded him to take a tougher stand on the death of Rosenbaum—even though he has condemned the murder from the start.

Rosenbaum was killed shortly after 7-year-old Gavin Cato died when he was struck by a car driven by an Hasidic Jew.

Over the weekend, in an interview published in The Post, Moynihan called Rosenbaum's death a lynching and said Dinkins should have ordered police to crack down instantly on rioters.

The senator also said Dinkins should not have met with the Rev. Al Sharpton and lawyer Alton Maddox.

"I think the death of Yankel Rosenbaum was a lynching, as was Yusuf Hawkins'," Dinkins conceded when asked about Moynihan's comments.

So far, only one person has been arrested for the murder of Rosenbaum. Six were arrested when Hawkins, a black teen-ager, was killed by a mob of whites in Bensonhurst.

Dinkins later added: "If there is evidence to warrant additional arrests, then obviously additional arrests should be made."

Pat Clark, a spokesman for Brooklyn District Attorney Charles Hynes, said detectives are looking for other members of the mob that killed Rosenbaum.

But the mayor defended himself against Moynihan's suggestion that Dinkins held back the cops as blacks rioted in Crown Heights.

"For those who suggest that this mayor or someone else in City Hall suppressed the police, or directed that they be less forceful than they were, is just not accurate," he said, "It's just not the fact."

Dinkins also lashed out at D'Amato, saying the Republican senator should be "ashamed of himself" for remarks he made in an Op-Ed piece in The Post last week.

D'Amato blasted Dinkins for not speaking out against "racial racketeers" in Crown Heights, and cited Sharpton and Sonny Carson.

"The truth is that Mayor Dinkins has been more interested in playing politics than standing up for what is right," D'Amato wrote.

"That was a very unfair and inaccurate statement and frankly, he ought to be ashamed of himself making that kind of comment," Dinkins said.

D'Amato could not be reached for comment.

Meanwhile, Rabbi Shmuel Butman, a spokesman for the Lubavitch hassidic sect, said Yosef Lifsh, the driver of the car that killed Cato, had left the city to return to his home in Israel.

[From the New York Times, Sept. 10, 1991]

DINKINS DESCRIBES KILLING OF JEW IN CROWN HEIGHTS AS A "LYNCHING"

(By James C. McKinley, Jr.)

For the first time since the unrest in Crown Heights erupted three weeks ago, Mayor David N. Dinkins yesterday equated the fatal stabbing of a yeshiva-student, Yankel Rosenbaum, with the racist killing of Yusuf K. Hawkins, the black youth who was shot by a group of whites in Bensonhurst two years ago.

Echoing comments that Senator Daniel P. Moyinhan made to a reporter over the weekend, the Mayor used the strongest language he has to date in condemning the slaying of Mr. Rosenbaum in Crown Heights. The Senator, quoted in The New York Post, called the killing a lynching.

"I think that the death of Yankel Rosenbaum was a lynching, as was Yusuf Hawkins," the Mayor said. "No question. Whatever term one gives to these kinds of vicious murders, that's what it is."

The rabbinical student was attacked by a group of black youths and stabbed to death during the violence that was set off when a car driven by a Hasidic man struck and killed a 7-year-old black boy, Gavin Cato.

WALKING A FINE LINE

Although the Mayor has condemned the murder of Mr. Rosenbaum again and again, his words have always been carefully crafted, clearly aimed at keeping the peace.

The Mayor was forced to walk a fine line, with black protest leaders like the Rev. Al Sharpton crying for the arrest of the driver who killed the boy, and Jewish leaders calling for the arrests of more members of the crowd who attacked Mr. Rosenbaum.

The black faction accused the police of a double standard, saying a black driver would have been arrested immediately. The Jewish faction also accused the city of a double standard, asking why, when Mr. Hawkins was killed, several members of the crowd were arrested, while in Mr. Rosenbaum's case, only the suspect was.

The Mayor was in the middle, in what he called a lose-lose situation. His language reflected the strains. At a memorial service for Gavin on Aug. 25, he said: "Two tragedies. One a tragedy because it was an accident. The other a tragedy because it was not."

AN EASING OF TENSION?

The shift in the Mayor's tone reflects a sense among his aides that the critical days of the crisis have eased, and that the need for walking on eggshells has relaxed.

"The words that were spoken then were words that had to be spoken within a community that some people feared might tear itself apart," the Mayor's spokesman, Leland T. Jones, said yesterday.

But he said the Mayor had from a very early stage felt that the murder of Mr. Rosenbaum was the worst kind of racial violence. It was not until questioned about Senator Moynihan's use of the word "lynching" that the Mayor was asked to characterize the murder in that way, Mr. Jones said.

Colin A. Moore, a lawyer representing the Cato family, criticized the Mayor for calling the killing a lynching when the Police Department has yet to classify the killing as a bias crime.

"How could the murder of Yankel Rosenbaum be called a lynching?" he said. "There is no evidence that this was a racially motivated act. To even describe it in the same breath as Yusuf Hawkins is an abomination. It's pandering to the votes of a certain people."

THE POGROM PAPERS

(By John Taylor)

"Police 884. What is your emergency?"

"There are some guys * * * stoning Jews on the corner of Lexington. Stoning the Jews!"

"What are they doing? They're stoning the Jews?"

"Yes! They're throwing a lot of stones at the Jews."

That call was made to the Police Department's 911 emergency number on Tuesday, August 20, 1991, the night after Gavin Cato and Yankel Rosenbaum were killed, the night events in Crown Heights were transformed from a series of contained incidents into a full-scale race riot. There were many such calls.

"Police operator, what is the emergency?"

"Back in the community driveway. These guys are beating up this Jewish lady."

"About how many males?"

"I don't know. There's about five of them."

"Five male black?"

"Uh huh."

"Do you know if they have any weapons?"

"Um, I hear the lady screaming."

Now that the Crown Heights report is finally out, it is worth revisiting the question of whether and in what fashion the race riot two years ago constituted a pogrom. From the point of view of David Dinkins, who sees himself as a champion of racial equality, the idea that the Crown Heights riot was some sort of pogrom is not just untrue, it is morally reprehensible, an outrageous and intolerable personal slander. He never, as the report makes utterly clear, directed the police to withdraw so the black crowd could seek vengeance on Hasidic Jews for the death of Gavin Cato. But from the point of view of the Hasidic Jews, the riot had the look and feel and sound of a genuine pogrom.

"You need to send some police back around Union and Utica, 'cause these people are going crazy out there!"

"A unit for Union and Utica?"

"Yes. Every car that comes down this block, they're bombing them. They—they've got this one man down. They're pulling him out of his car!"

"Union and Utica. And what are they doing with his car?"

"They're pulling the people out of the cars. All the Jews that come down, they take them out of the car and beating 'em up."

The Jewish families whose homes were surrounded by black mobs experienced absolute terror.

"They're heading down to my house. They're breaking the windows. Utica and President, please come! They're in front of my house! Get 'em here!"

"What is your address?"

"Utica and President. Please, they're breaking my windows." [Screams]

Three minutes later, the woman, who said she had children in the house, called back.

"They're breaking all the windows on my block."

"They're breaking all your windows?"

"Why aren't they here? Why are they stalling?"

"Police are on the way, ma'am."

"No, they're not. I don't see them!"

"Ma'am, calm down."

"What are you doing to us?"

Not only were Jews singled out for attack—a necessary but not a sufficient condition for a pogrom—but, just as happened during Kristallnacht, the anti-Semitic rampage seemed to the Jews on the streets to have official sanction. Police on patrol in Crown Heights, threatened with suspension if they moved from their designated positions, at times did nothing to stop the violence they observed. It is a frightening enough experience to be in danger and feel that the people who are supposed to protect you are not around. It is genuinely horrifying to be in danger and realize the people who are supposed to protect you are present but will not protect you.

Thomas Gallagher, the field commander during the riot, told the state investigators that, as they summarized it, "unless life and property is clearly in peril, it is preferable to allow the situation to vent itself, rather than fuel it through aggressive police action." But there were times during the riot when the police were aware that "life and property" were in danger, and they still did nothing.

A Hasidic Jew named Isaac Bitton told investigators he was walking home with his 12-year-old son on Tuesday night, and asked police if Schenectady Avenue was safe. They assured him it was. But an aggressive crowd on the other side of the avenue approached him. He was hit with a brick and fell. The mob pulled his son away and beat him. This all took place in view of the police. "One resident on the street saw the incident from her window and screamed for the police to help them," the report says. "The police, she says, did not come to their assistance."

The woman who called 911 to say the mob had broken all her windows called back at least seven times that night. Her last call came almost three hours after her first.

"It's a pogrom! You know what that means? It is bad. If we have to wait for the killings, we're finished. My door's broken. I'm not safe in my house anymore. I want to get out. How am I gonna get out of here? This is out of control, ma'am. Who do I speak to? Where is the mayor now?

Had the woman been able to get through to the mayor, who was at City Hall, she would have learned that he was under the impression black kids in Crown Heights were simply blowing off a little steam. Bill Lynch, then deputy mayor and now Dinkin's campaign manager, told investigators that he believed the situation Tuesday night was much the same as it had been Monday night, when, as he said, "a small group of kids" were engaging in "some kind of rock throwing," and blacks and Jews were "just shouting back and forth."

This misunderstanding about the true nature of the situation—a misunderstanding supposedly brought about by a "lack of communication" with the Police Department, on whom the mayor has said he relied for his sole source of information—has always been the centerpiece of Dinkins's defense of his performance during Crown Heights, and it has always been a somewhat unsatisfactory one. But now, with the release of the Crown Heights report, it appears almost incomprehensible.

During the rioting, Dinkins, who said last week that "I had no reason in the world to ignore what I was being told by the finest Police Department in the world," chose instead to ignore five significant streams of information that should have alerted him to what was really taking place. It's conceivable that he might have ignored one or even two of these, but that he ignored the collective weight and reciprocal validation of all of them almost defies belief. As the report puts it, "The mayor . . . had a number of important sources of information which should have called into question Police Department assurances that the disorder was under control."

To begin with, there were the media. Reporting live from Crown Heights at seven o'clock on Tuesday night, Channel 5's Pablo Guzman said, "It's a dangerous situation. The groups are literally fighting each other. It's enough to make you sick." Later, Channel 11's Tim Malloy declared in a live report, "This is as ugly as it gets. . . . It's escalating." At his press conference last week, Dinkins said he ignored the television stories because "you can't always tell from a television story what to believe."

But Dinkins didn't have to rely on television. A second stream of information came from Hasidic leaders. The report cites seven Jewish leaders who called City Hall and spoke to officials such as Assistant to the Mayor Herbert Block about the unfolding crisis. Block, according to the report, could not remember some of the calls, said of those he did recall that "the issue of the police not taking effective action was not raised," then pointed out that "even when small incidents occur, the Hasidic leaders are always demanding increased police protection."

So the sensationalistic television coverage couldn't be trusted, and neither could the overexcitable Hasidic leaders. But the mayor's longtime friend and advisor Howard Rubenstein, who had received many calls from people in Crown Heights, telephoned Dinkins overnight Tuesday to say the police had not halted the violence. Dinkins told investigators he couldn't remember the call, but added, "If Howard Rubenstein said he called, he did."

The logs of the Police Desk at City Hall, which has the responsibility for informing mayoral officials of emergencies, contain entries Tuesday night noting confrontations between blacks and Jews, injuries suffered by civilians and police, overturned police cars, and shot police officers. According to the logs, the desk officer notified the mayor's top aides. Dinkins could not recall being told of the logs. He told investigators that since the police already knew about the incidents described in the logs, "it was . . . unclear to him what he was expected to have done with such information."

Finally, two mayoral aides were in Crown Heights throughout the riot, acting as the "eyes and ears" for City Hall. One of them, Robert Brennan, was knocked unconscious Tuesday night when hit with a brick. Recovering, he called Bill Lynch with a detailed account of police inaction. Lynch says he does not remember the call.

"I talked to dozens of people," Lynch said last week. "You try to synthesize the information. I don't remember anybody [before Wednesday] saying things were out of control." When I pointed out to Lynch that the Daily News had quoted him saying Tuesday night that things were "out of control," he said, "I didn't mean in terms of violence but that I couldn't get at the root of the problem, what was causing it."

The memory lapses by Lynch and Dinkins—what they knew and when they knew it—coupled with the mayor's lack of curiosity during the riot, are truly astounding. After all, it is the job of the mayor to make sure he knows what's going on in the city. "Did the mayor fulfill his responsibilities in managing the crisis in Crown Heights?" the report asks. "Did he make all efforts to know what the Police Department was doing, did he ask the tough, probing questions? . . . There is no evidence to indicate that the mayor was asking these questions prior to . . . Wednesday evening . . . when the mayor [in visiting Crown Heights] experienced the actual level of tensions and hostility, and became, himself, a victim. . . ."

This failure is so complete it's as if Dinkins, until Wednesday, had been a denial, as if he hadn't wanted to know what was happening. One explanation maybe that Dinkins, a career city bureaucrat, is so thoroughly ingrained with government procedures that it never occurred to him to go outside official channels. Another explanation may be that Dinkins, whose courteous demeanor masks a racial bitterness occasionally glimpsed in remarks about "slave ships" and "sitting in the back of the bus," felt that the expression of black rage was, up to a point, justified. At the same time, as with virtually every other racial incident during his administration, it seems clear he was fearful of alienating his black base, and wanted, until his personal experience of the danger made it impossible, to avoid siding with the whites in a race riot.

In Dinkins' favor, it must be noted that Crown Heights was not Los Angeles. "Only two people died," says his supporter Hazel Dukes of the NAACP. "You have to give him credit for that." Furthermore, as Dinkins emphasized in his press conference last week, his indecisiveness lasted only 24 (or, at the most, 36) hours, from Tuesday night, when the rioting really broke out, until Thursday morning, when he issued orders for the police to take any steps necessary to end the violence.

Even so, those will probably prove to be the most crucial hours in Dinkins's political life. A number of political analysts suggested the impact of the report on the mayoral race would be minimal, since most New Yorkers had already made up their minds about the mayor's performance. That is difficult to believe. Until the report's release, Rudolph Giuliani had failed to offer a truly persuasive reason Dinkins should be turned out of office. Now Dinkins will have to convince voters that he should be re-elected.

U.S. SENATE,
Washington, DC, December 3, 1992.

Hon. WILLIAM P. BARR,
Department of Justice,
Washington, DC.

DEAR MR. ATTORNEY GENERAL: On October 30, 1992, you announced in the wake of the state trial jury acquittal of Lemerick Nelson, that the Justice Department would conduct an inquiry into the murder of Yaakov Rosenbaum, who was killed during the unrest in Crown Heights in August 1991. I understand the investigation is being conducted jointly by your Department's Civil Rights Division and the U.S. Attorney in the Eastern District.

I commend you for commencing this investigation. I called for such an investigation last year, as did Brooklyn District Attorney Charles J. Hynes, and others. As you know, New York City Mayor David Dinkins has said he welcomes the inquiry.

I am interested to learn of the scope and depth of your investigation. Without divulging the details of your ongoing inquiry, could you provide me with a general description of its parameters? This matter is of the greatest importance to New Yorkers who are relying on you to see that justice is served.

Sincerely,
DANIEL PATRICK MOYNIHAN.

DEPARTMENT OF JUSTICE,
Washington, DC, December 22, 1992.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN: This is in response to your recent letter to Attorney General Barr concerning the killing of Yankel Rosenbaum and the August, 1991 rioting in Crown Heights, New York. As you note in your letter, the Civil Rights Division, the Federal Bureau of Investigation, and the United States Attorney's Office for the Eastern District of New York are now proceeding with a federal inquiry into the killing of Yankel Rosenbaum.

You may be assured that all evidence related to the attack on Mr. Rosenbaum, and the surrounding circumstances, will be evaluated in the course of the investigation. Please be advised, however, that federal civil rights laws address only acts taken intentionally to deny specific victims of certain civil rights established by federal law. This Department will take all appropriate action in the investigation and prosecution of this matter in light of the evidence and the applicable law.

If you have questions regarding this or any other matter, please do not hesitate to contact this office.

Sincerely,
W. LEE RAWLS,
Assistant Attorney General.

OFFICE OF THE ATTORNEY GENERAL,
Washington DC, January 15, 1993.

MARY JO WHITE,
Acting United States Attorney for the Eastern District of New York, Brooklyn, NY.

DEAR MARY JO: I have been following developments in this ongoing investigation which is being conducted by your office and the Civil Rights Division, and have discussed this matter * * *.

I would like to emphasize that this matter should be vigorously pursued, and that your investigation is not necessarily limited to the killing of Yankel Rosenbaum. Rather, you should follow the evidence wherever it leads, including any evidence that the community was deprived of its right for discriminatory reasons.

Thank you for all of your hard work on this matter.

Sincerely,
WILLIAM P. BARR,
Attorney General.

U.S. SENATE,
Washington, DC, May 12, 1993.

Hon. JANET RENO,
Department of Justice,
Washington, DC.

DEAR GENERAL RENO: Since assuming office you have had a great many things to do. However, I hope that you have found time to turn your attention to the Crown Heights investigation. You undoubtedly saw the editorial in the April 26th New York Times entitled "Justice for Yankel Rosenbaum." However, I'm enclosing a copy in case you have not.

You may also be aware that on January 15, 1993, then Attorney General William T. Barr wrote acting Eastern District U.S. Attorney Mary Jo White as follows:

"I would like to emphasize that this matter should be vigorously pursued, and that your investigation is not necessarily limited to the killing of Yaakov Rosenbaum. Rather, you should follow the evidence wherever it leads, including any evidence that the community was deprived of its rights for discriminatory reasons."

I believe that the policy expressed in Mr. Barr's letter is the right one. I first called for such an investigation in September of 1991 and have reiterated my concerns on several occasions. Indeed, prior to Mr. Barr's letter on January 10, 1993, I said in a speech to the Jewish Community Council of Washington Heights and Inwood:

"We need to know what happened during those three days and nights in Crown Heights and in the subsequent efforts to apprehend and prosecute those responsible for criminal acts. The issue before us is not whether Jews and Blacks will live in harmony in Crown Heights—the vast majority always have and will always continue to do so.

"The issue is even greater than the questions of who killed Yaakov Rosenbaum or who participated in acts of violence against persons or property. Rather the issue before us is whether the citizens of New York—all the citizens of New York—can expect justice and fairness from every level of government."

This is a matter of surpassing importance to New York. Would you please let me know if the position outlined in Mr. Barr's letter is still the Department's policy? I would also appreciate knowing what resources the Department is devoting to the investigation.

Respectfully,

DANIEL P. MOYNIHAN.

DEPARTMENT OF JUSTICE,
Washington, DC, June 16, 1993.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN: This is in response to your recent letter to Attorney General Reno regarding the killing of Yanbel Rosenbaum in Crown Heights, Brooklyn.

As you know, on October 30, 1992, following the state court acquittal of Lemrick Nelson, then Attorney General William Barr announced that the Civil Rights Division and the United States Attorney for the Eastern District of New York would jointly investigate the killing of Yanbel Rosenbaum. Since then, the Department has been engaged in an active investigation into the killing as well as other possible federal crimes that may have occurred in connection with the unrest in Crown Heights in 1991.

I have looked into the matter personally, and I am persuaded that the Department has treated this case seriously and has investigated it thoroughly. Several lawyers from both the U.S. Attorney's office in New York and from the Civil Rights Division of the Department are involved in the case, as well as the FBI. It is not the policy of the Justice Department to divulge the exact numbers of FBI agents investigating specific matters, but I am convinced that sufficient resources have been made available to adequately collect the evidence.

It is important to recognize, however, that the federal civil rights statutes utilized to prosecute hate crimes are limited in application. Murder, assault, destruction of property, and other violent crimes do not by themselves violate federal civil rights laws. There must also be evidence that the violence was motivated by the defendant's racial or religious animus, and also that the defendant intended to interfere with a victim's exercise of a federal right or privilege.

Within the next few weeks, the Department hopes to have a final resolution regarding the Rosenbaum matter, although that could change. We believe you would agree that it is prudent to allow sufficient time for the new U.S. Attorney, who will be on board soon, to review the case.

As you probably know from press accounts, Department lawyers still haven't been given access to other Jewish victims of violence during the relevant period, and thus are unable to complete their investigation. Anything you can do to move that request along would be greatly appreciated.

Thank you for expressing your interest in this matter.

Sincerely yours,

JAMES P. TURNER,
Acting Assistant Attorney General.

Mr. MOYNIHAN. I thank the Chair.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. KERREY). The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair for recognizing me.

Mr. President, before sending to the desk the first of two amendments and asking them to be stated by the clerk, I propose to read a letter from a Raleigh, NC, resident, Mr. J.W. Sisson, Jr. I do not know Mr. Sisson, but I am impressed with his letter. His letter was dated September 22 and arrived in our office yesterday.

All statements in Mr. Sisson's letter have been checked carefully and found to be accurate. I shall read the body of Mr. Sisson's letter slowly so that Senators and/or their staff representatives may understand the purpose of the amendment that I shall offer shortly. And I am going to ask that all of it, including the heading, be printed in the RECORD.

It says:

DEAR SENATOR HELMS: The old saying "crime doesn't pay" is no longer true and I hope you will do all you can to reverse this trend. On September 21, 1993, the News Observer in Raleigh carried a headline on page 3A which read "Insane Killer's Federal Checks Challenged." The article reports on Michael Charles Hayes who is incarcerated for killing 4 people in North Carolina. Mr. Hayes receives $536 a month from Social Security while he is incarcerated because he is "Disabled" by reason of insanity.

While incarcerated in Dorthea Dix Hospital he has purchased a motorcycle, two leather jackets worth $300 apiece, a wardrobe of 40 knit shirts and television sets and VCR's. The irony is that he became disabled because a jury found him insane.

Come on now. Here is a loophole that should be immediately stopped. If nothing else, the deficit would be reduced by $536 a month. The Social Security is quoted as saying they don't know how much is spent in disability to those incarcerated and under State care. They estimate $48 million every 5 years could be saved on such payments. What makes it worse is that there is no compensation for the victims' families, although the paper says a civil suit was filed against Mr. Hayes and that is what brought his spending habits to the attention of the press.

Please do what you can to: 1. Stop Mr. Hayes' payments. 2. Close the deficit spending by removing disability pay for all who are criminally insane and incarcerated.

Thank you for listening. Above all, we must reduce this deficit spending.

Sincerely,

JOHN W. SISSON, Jr.

AMENDMENT NO. 976

(Purpose: To amend title II of the Social Security Act to prohibit the payment of benefits to individuals confined to public institutions pursuant to court order based on a verdict that the individual is not guilty of a criminal offense by reason of insanity or similar finding)

Mr. HELMS. Mr. President, I am going to discuss this further, but for the moment I ask unanimous consent that I be able to send this amendment to the desk and lay the amendment aside very temporarily while I call up a second amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, I wish to get this in an orderly procedure. We have the D'Amato amendment pending. The Senator from North Carolina wants to lay that and all amendments aside.

Mr. HELMS. Yes.

Mr. HARKIN. Lay all those aside to offer this amendment, to offer two amendments in order.

Mr. HELMS. That is correct, because of the unanimous-consent request granted last night. I wish to be absolutely protected. I know the Senator will protect me, but this is sort of a minor protest against such unanimous-consent agreements. So I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows.

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 976.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end add the following:

"SEC. . RESTRICTION ON PAYMENT OF BENEFITS TO INDIVIDUALS CONFINED BY COURT ORDER TO PUBLIC INSTITUTIONS PURSUANT TO VERDICTS OF NOT GUILTY BY REASON OF INSANITY OR OTHER MENTAL DISORDER.

(a) IN GENERAL.—Section 202(x)(1) of the Social Security Act (42 U.S.C. 402(x)(1)) is amended—

(1) by inserting "(A)" after "(1)", and

(2) by adding at the end the following new subparagraph:

"(B) Notwithstanding any other provision of this title, no monthly benefits shall be paid under this section or under section 223 to any individual for any month during which such individual is confined in any public institution by a court order pursuant to a verdict that the individual is guilty, but insane or not guilty of an offense by reason of insanity (or by reason of a similar finding, such as a mental disease, a mental defect, or mental incompetence).".

(b) CONFORMING AMENDMENTS.—

(1) The heading for Section 202(x) of such act is amended by inserting "and Certain Other Inmates of Public Institutions" after "Prisoners".

(2) Section 202(x)(3), is amended by striking "any individual" and all that follows and inserting "any individual confined as described in paragraph (1) if the jail, prison, penal institution, correctional facility, or other public institution to which such individual is so confined is under the jurisdiction of such agency and the Secretary requires such information to carry out the provisions of this section.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to benefits for months commencing 90 days after the date of the enactment of this Act.

(2) SPECIAL RULE REGARDING PAYMENTS TO INSTITUTIONS.—The amendment made by subsection (a) shall not apply to any payment with respect to any individual, if, as of the date of the enactment of this Act, such payment is made directly to the public institution to compensate such institution for the expense of institutionalizing such individual.

AMENDMENT NO. 977

(Purpose: To prevent States from misusing Federal Medicaid funds)

Mr. HELMS. Mr. President, I ask unanimous consent that this amendment be very temporarily laid aside so that I may call up the second amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, will the Senator please restate his unanimous-consent request.

Mr. HELMS. I asked that the pending amendment now be laid aside temporarily, very temporarily, so that I can call up the second amendment, and then I am going to lay that aside and go back to the first amendment. I want to abide by this unanimous consent request of last night.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows.

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 977.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

"SEC. . None of the funds appropriated under this Act for the Medicaid Disproportionate Share Hospital payment program may be disbursed to a state until the Governor of such state certifies to the Secretary of Health and Human Services that such funds shall be expended solely for providing medical assistance under Medicaid: *Provided further*, That it is the sense of the Senate that any health care reform legislation enacted by Congress should modify or eliminate the Medicaid Disproportionate Share Hospital payment program, because states are currently abusing the program by spending Federal matching funds for purposes unrelated to Medicaid.".

Mr. HELMS. Now, Mr. President, I ask unanimous consent that the second amendment be laid aside and we make my first amendment the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair, and I thank the managers of the bill.

AMENDMENT NO. 976

Mr. HELMS. Mr. President, we received protests from several other citizens who are understandably indignant about this abuse of Social Security funds. Here is the case of a man who deliberately killed four people in North Carolina. The court ordered that he be locked up in a mental institution, Dorothea Dix Hospital in Raleigh. This man, Michael Charles Hayes, as someone has commented, may be crazy but he is crazy like a fox. He has managed to demand and receive Social Security checks every month in the amount of $536.

Mr. Hayes claims that he is disabled. Furthermore, the Social Security Administration estimates that similar payments, totaling $48 million every 5 years, are being paid to others in similar circumstances. Meanwhile Michael Charles Hayes, the man who killed four people, is having a ball. Already, according to various accounts that have been confirmed as accurate, Hayes has bought himself a motorcycle, two $300 leather jackets, 40 knit sports shirts, and various other items such as television sets and VCR's.

What about the families of the four innocent people whom Hayes shot and killed at random? What do they receive, Mr. President? Not a farthing, not a penny.

Mr. President, to this day this killer is collecting $536 every month from Social Security. The father of one of the four innocent victims killed at random by Hayes protested that Hayes is living in hog heaven at the mental institution, Dorothea Dix Hospital in Raleigh. This distraught father of one of the four victims testified before a House subcommittee last week. He said the inventory of Hayes' personal property filled 9 pages with 20 items on each sheet. The mental hospital was forced to provide Hayes with additional storage space for all of his purchases.

This father of the victim, Mr. Nicholson, testified that Hayes has four jackets and two full-length leather coats purchased with his Social Security benefit checks. He has two television sets, two VCR's, an elaborate stereo system, a microwave oven, and walkie-talkies with which he and his girlfriend, who is a fellow patient, have communicated during the day.

Mr. President, this strange travesty has happened all across the Nation. In New Jersey, for example, a man named Herbert Olsen tried to kill his parents. He was found to be insane, and he collected $8,646 in retroactive disability payments plus $678 a month Social Security. Mr. Olsen escaped and went to New York to buy drugs using the very money he received from Social Security.

Just late yesterday I ran across the story of a lady named Susan Donnelly who testified before the Ways and Means Committee last week. I will not read it all, but I will put it in the RECORD in its entirety.

Susan Donnelly says:

> Two years ago my life, as I knew it, was maliciously destroyed. I was managing a professional fire and water damage restoration company. An employee who had worked for the company for about 2½ years attacked me with a baseball bat following a disagreement about the day's work schedule and severely damaged my head.
>
> My jaw was broken in three places. The right side of my face was shattered into too many pieces to allow use of the bones for reconstruction. A bone fragment was driven up into my eye socket. My right elbow was broken. Thirty-two stitches were required to sew up the back of my head. Several teeth were pushed up into my head. There is a large amount of nerve damage to the right side of my face. I suffered damage to my hearing and must now wear hearing aids in both ears. That is some of what happened to me.

Later on she says:

> The State of Maryland found my attacker guilty of attempted murder and other charges but not criminally responsible. He was sent to Maryland's Clifton T. Perkins State Hospital. I'm back at work so my State tax dollars pay for his medical treatment and his board and room. Now I discover that my Federal tax dollars reward him with Social Security disability payments after he tried to kill me. I'm the victim and in addition to my physical and emotional problems must cope with reduced income while he has no regular bills to pay and can bank the Social Security payments. That is outrageous. * * * Where is the justice in what has happened to me? * * *

I ask unanimous consent that all of her statement before the House Ways and Means Committee be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, this abuse has been described to me by many people as incredible. This amendment will save the taxpayers untold amounts of money, at least $10 million a year—maybe more than that because how many such cases there are I do not know, and Social Security says it does not know.

Over in the House of Representatives, Mr. President, Congressman JACOBS has introduced legislation to stop disability payments to an individual whom a court has found to be innocent by reason of insanity. My amendment, obviously, is similar to Congressman JACOBS' bill.

As Congressman JACOBS correctly attests, Social Security disability is intended "to provide food and shelter for the disabled." But if a person is in a mental institution, he or she is already receiving food and shelter and should not be allowed to double dip into the taxpayers' pocket.

This is not a novel concept—speaking of the pending amendment. It should be made clear that the law, Mr. President, already forbids such payments to criminals who are in prison. This amendment merely expands the concept of the current law to individuals who have been declared to be insane and locked up in mental institutions.

I contend and am prepared to justify that this amendment is just plain common sense. It will rectify an obvious injustice, and it will save the taxpayers a great deal of money.

Mr. President, if anybody wants to comment on this amendment now, I shall yield the floor. Otherwise, I will be glad to discuss the other amendment.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I looked over the amendment. We are checking with Senator MOYNIHAN, who is chairman of the Finance Committee. He seems to think it is a good amendment. Quite frankly, it just shows you how you try to plug one hole and another one opens up. We tried to plug this prisoner—I remember being involved in that debate several years ago. I do not know whether I was in the Senate or the House at the time when we discovered that prisoners were getting Social Security payments, which everyone thought was crazy at the time. So we plugged that loophole by saying that prisoners could not get Social Security payments.

I guess it never occurred to people at the time that this is another avenue where individuals could get Social Security payments who were found to be not guilty by reason of insanity—of course, insanity is a disability—and then to apply for disability benefits while that person was not a prisoner as such in a jail or a prison, but, I guess, kept in an institution for the mentally insane. I guess that is the situation here with this person. It is interesting that that loophole continued to exist.

I think it is a good amendment. I understand from the—I was reading the amendment. Sometimes you cannot tell by reading it. But I was reading the summary of the amendment that I think the Senator put out. This is one question that I had, that it grandfathers the situations where the payment is going to the institution to defray their costs instead of going to the patient, that these existing arrangements be allowed to continue.

Does the Senator know? In other words, does Social Security make payments sometimes to institutions?

Mr. HELMS. Absolutely. The Senator is correct. That situation would be grandfathered.

Mr. HARKIN. I am not sure I would even be in favor of that. Why should we say they should continue to go to the institutions? I do not understand that. How does the institution qualify for a Social Security payment?

Mr. HELMS. It was suggested to me that there might be some protest on the floor if we put it in.

EXHIBIT 1

SEPTEMBER 21, 1993.

CHAIRMAN, LADIES AND GENTLEMEN: My name is Susan Donnelly. Two years ago my life, as I knew it, was maliciously destroyed. I was managing a professional fire and water damage restoration company. An employee who had worked for the company for about 2½ years, attacked me with a baseball bat following a disagreement about the day's work schedule and severely damaged my head.

My jaw was broken in 3 places. The right side of my face was shattered into too many pieces to allow use of the bones for reconstruction. A bone fragment was driven up into my eye socket. My right elbow was broken. Thirty two stitches were required to sew up the back of my head. Several teeth were pushed up into my head. There is a large amount of nerve damage to the right side of my face. I suffered damage to my hearing and must now wear hearing aids in both ears. That is some of what happened to me.

Returning to work has been very difficult for me. Following the attack, my self esteem was and still is very low. My self confidence, as well as my body, took a beating. It makes me constantly question whether or not I was doing my job as well as I thought, even though I know I was doing an excellent job. If someone questions me at work I mentally wince and have trouble dealing with it. So now giving out directions on the job is not easy. Second guessing myself is an everyday thing, even though a part of me knows I know my job inside and out.

For a year and a half, I received workman's compensation. That money didn't come close to equalling my previous salary or allow me to pay all my bills. I lost my position as a manager and it is doubtful that I'll ever get it back. The owner has told me this already, so future earnings are not going back to where they were before the beating.

I also have mental and emotional problems. My short term and long term memory are faulty. I have lost a lot of my former large vocabulary and English usage (my father helped me with this paper). I formerly was an excellent writer, receiving a civic award for an essay on a patriotic theme. I used to read a lot in my spare time but my attention span is very short now, so I find it difficult to read for any length of time. I have a great deal of difficulty with the thinking process, like resolving schedule conflicts, and figuring how to go from point A to point B. I frequently lose control over my emotions for no good reason. I get into a rage over nothing and get upset easily.

The State of Maryland found my attacker guilty of attempted murder and other charges but not criminally responsible. He was sent to Maryland's Clifton T. Perkins State Hospital. I'm back at work so my State tax dollars pay for his medical treatment and his board and room. Now I discover that my federal tax dollars reward him with Social Security disability payments after he tried to kill me. I'm the victim and in addition to my physical and emotional problems must cope with reduced income while he has no regular bills to pay and can bank the Social Security payments. That is outrageous!! I work hard, pay my taxes, vote and basically try to live a decent life. Where is the justice in what has happened to me. Who is going to give me money to compensate for what has happened to me. Workman's Compensation paid my enormous medical bills and may eventually give me a few hundred dollars. This will not begin to compensate for the impact this attack had, and will continue to have, on my life. I'm trying my best to get on with my life and then this Social Security fiasco slaps me in the face.

I urge you to pass this bill, H.R. 979. Don't tell everyone that crime really does pay!!

Thank you.

G. SUSAN DONNELLY.

But I hear the Senator. I would be glad to modify the amendment.

Mr. HARKIN. I am curious as to how an institution qualifies for a Social Security payment. I do not understand that. I should find out.

Mr. HELMS. I agree with the Senator, but it does happen there are arrangements between the institutions and the families of the patient. I was trying to get to the heart of the matter with my amendment. I will be glad to modify the amendment.

Mr. HARKIN. Let me find out from some of these experts around here.

I also want to make it clear, and I want to be clear from the Senator, that if a person is disabled by reason of insanity and is in an institution, that this would not prohibit Social Security disability payments to that person, as long as that person was not convicted of a felony.

Mr. HELMS. The Senator is correct, although a conviction for the felony itself is unnecessary. There must be a verdict that the person is not guilty by reason of insanity or guilty, but insane.

Mr. HARKIN. That is good, because I think that conforms with the Americans With Disabilities Act then.

Mr. President, I am in favor of the amendment. I think it is a good one. But I want to find out about this other aspect. Let us go on to the second amendment, and I will find out about this first one.

AMENDMENT NO. 977

Mr. HELMS. I presume the managers of the bill have copies of the second amendment.

Mr. President, this amendment is equally clear and, I think, forthright. My feeling is that the time has come to say "no" to a lot of States that are abusing the Medicaid Disproportionate Share Hospital Payment Program. Maybe a lot of Senators do not know about this program. And I did not know about it until I started looking into this. I really did not understand how it works. I did not understand how the various States were abusing the program. So let me do the best I can to convey my understanding of the situation.

Medicaid is a joint Federal-State entitlement program that pays for medical services for low income citizens. The program is administered by the individual States according to each State's so-called State medical assistance plan which describes that State's basic eligibility, coverage, reimbursement, and administrative policies. Of course, the Federal Health Care Financing Administration [HCFA] must give its final approval to each State's medical assistance plan.

Now generally speaking—and this is a mouthful—the Medicaid Program in each State pays claims for "medically necessary covered services rendered by qualified providers to eligible beneficiaries."

Medicaid services and administrative costs are financed jointly by the Federal Government and the States. The Federal share of a State's payments for services is calculated annually based on a formula designed to give a higher Federal matching rate to poorer States. However, the Federal Government always pays at least 50 percent—and for really poor States—up to 83 percent of a State's total Medicaid costs. In 1992, the total Federal share of Medicaid payments was estimated to be 57 percent. This year, the Federal Government will spend $80 billion on the Medicaid Program, making it the fourth-largest item in the U.S. budget.

Predictably, whenever this huge an amount of money is thrown around, someone somewhere is going to find a way to abuse the system—which is exactly what most States started to do a number of years back.

It is necessary to get into some detail here, so please bear with me. Using a mechanism known as intergovernmental transfers, dozens of States have cooked the books to make it appear that they actually raised money to qualify for Federal matching Medicaid dollars when in fact they have not. For example, to receive greater Federal matching funds, States have either collected hospital donations or raised taxes on hospitals and other health care providers. The effect of this little gimmick is to make it look like the States has spent more on Medicaid than it in fact has. And of course this expense padding is done for the express purpose of increasing the amount of money the Federal Government has to match.

Mr. President, by late 1991, 34 States had in place—or had plans for—a hospital donation program of hospital specific tax. To put a halt to these shenanigans, Congress passed the Medicaid Voluntary Contribution and Provider-Specific Tax Amendments of 1991 (Public Law 102-234).

Unfortunately, that law still left open a huge loophole. How does this loophole work? Here is how: In one of the Medicaid programs known as Disproportionate Share Hospital [DSH] Program, the Federal Government gives States matching funds as an incentive to develop programs that serve a larger number or disproportionate share of poor patients. States have used this so-called incentive program to inflate the Medicaid expenses the Federal Government has to match. The States have then used their artificially inflated Medicaid windfalls from the Federal Government for non-Medicaid purposes, such as balancing State budgets or pet projects such as constructing States office buildings.

Mr. President, I must acknowledge that North Carolina is one of the States planning to use this loophole. This past February, HCFA, the Federal agency, approved North Carolina's Medical Assistance Plan which will allow four of North Carolina's so-called disproportionate share hospitals for the mentally ill to transfer $100 million per year in expenses to the State Medicaid Program. This arbitrary accounting transfer allows North Carolina to qualify for approximately $200 million in additional Federal Medicaid matching funds.

Once this Federal money has been received, North Carolina intends to place the $200 million in the accounts of the State mental hospitals. But once North Carolina does that it is then free to declare that $200 million as a surplus in the mental hospital account which—under Federal law—can then be tapped by the State to use however it sees fit.

Several media reports from my State confirm that North Carolina plans to use this Federal windfall for State construction projects and numerous other projects having nothing to do with providing health care to the poor.

However, North Carolina is not cornering the market on Medicaid fraud. I've read other news articles stating that this type of abuse is occurring in Michigan, California, New Hampshire, and Texas, just to name a few.

Last year alone, the 34 States I mentioned earlier reportedly received $10 billion in additional Medicaid money as a result of this loophole. In 1993, Federal allotments for so-called disproportionate share hospitals alone total $16.5 billion.

Mr. President, what I want to know is how much of the total DSH funds, $16.5 billion, will actually be spent on hospitals that truly serve a disproportionate share of poor or disabled patients.

Mr. President, Senators may ask what harm results from such abuse. The answer is simple—the Federal deficit skyrockets. In an era when everyone is supposedly concerned about the Federal deficit, it is mind-boggling that Congress is allowing this abuse to continue. As everyone knows, certainly Mr. Clinton, Medicaid has become the major culprit in the ever-increasing Federal deficit. But is such astronomical growth in the deficit surprising when one considers that Medicaid spending between fiscal years 1989 and 1992 doubled; and it is projected almost to double gain by fiscal year 1997.

This year, combined Federal and State Medicaid spending for the poor and disabled will reach an estimated $147.8 billion, just $8 billion less than what is spend on Medicare for the elderly. And by 1997, Medicaid spending alone is expected to grow to an astounding $221 billion. We must not permit $1 of this money to go for purposes other than those Congress intends.

For the good of all Americans, Congress must stop this abuse once and for all. If we do not, then as the saying goes, "the dead cat will lie on our doorstep." We, and no one else, should be held accountable by the voters if we allow this pillaging of the Federal Treasury to continue.

This amendment now pending seeks to assure that whatever health care plan Congress eventually enacts will automatically eliminate the current DSH Program, the Medicaid Disproportionate Share Hospital Payment Program. That is a mouthful.

This will put an end to the abuse that so many States have creatively learned to do by diverting these funds for other purposes not related to medical care for the poor and disabled, except a desire to have a little bit more money in the State coffers—free money from Washington.

Any health care legislation enacted by Congress must develop an alternative payment system so that the poor and disabled can and will continue to receive the medical funds they need. I want to make that clear.

In addition, this amendment would require the Governor of each State receiving DSH payments in fiscal year 1994 to certify to the Secretary of Health and Human Services that Federal funds will in fact be used for Medicaid purposes, not for anything else. States should not play "footsy" with the Federal dollars designated for Medicaid purposes.

This amendment should not be controversial, since both the Clinton administration and Senator CHAFEE's group advocate health care reform proposals to eliminate precisely this wasteful program altogether.

So, Mr. President, no matter how many different views there may be in the Senate on health care reform, all Senators' views will be represented and are likely to agree that this blatant abuse of Medicaid funding must stop. It is a ripoff of the taxpayers.

States have used the Disproportionate Share Hospital Payment Program to siphon off billions of dollars from the Federal Government for uses other than Medicaid. They were getting by with it and still are. In 1993 alone, the DSH Program cost the American taxpayers $16.5 billion. Just like a ship passing in the night, poor Mr. Taxpayer out there will be soaked for $16.5 billion and he did not even know anything about it. They even had a Senator from North Carolina who did not know anything about it; I confess. In essence, States have attempted to solve their own budget deficits by abusing Medicaid funds, thereby obviously enlarging the Federal deficit.

Every time Congress attempts to close the loophole, the States find a new one. So, Mr. President, I ask unanimous consent that a State-by-State breakdown of 1993 DSH payments be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, so as not to take up too much of the Senate's time, I further ask unanimous consent that a number of news articles describing specific abuses of this program be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HELMS. Mr. President, the budget reconciliation bill attempted to solve this problem. Thanks to the efforts of Congressman MCMILLAN of North Carolina, Congress took a giant step in the right direction.

But despite this improvement, the sad fact is that States are still abusing the current DSH Payment Program. I have reached a conclusion, as have experts in the field, that the only way to prevent the States from abusing the program is to eliminate it altogether. As I have said already, this is exactly what both the President and the Senator from Rhode Island and his fellow Senators have proposed to do in their health care reform plans.

Whatever health care reform program Congress enacts must eliminate this widely abused program and develop a new payment program ensuring that Federal Medicaid dollars are in fact spent on the poor and disabled and not for some other purpose.

So, in summary, this amendment will, one, put the Senate on record that this abuse of the taxpayers' money will be eliminated as part of the health care reform; two, give the States fair warning that this program will be eliminated and that these States should make other arrangements in their future budgets; and three, require that the Governor of each State receiving Federal funds under the DHS Program shall certify to the Secretary of Health and Human Services that such funds are being spent solely for the purpose of providing medical assistance under Medicaid.

I think that is a good deal for everybody except those in State government who would like for Uncle Sugar in Washington, DC, to give him a billion or so dollars to help him with his budgetary problems back home. We are not in that business, and it is a hoax the way the DHS payment program is being operated.

I urge adoption of this amendment in the name of common sense.

I yield the floor.

EXHIBIT 1

DEPARTMENT OF HEALTH AND HUMAN SERVICES—HEALTH CARE FINANCING ADMINISTRATION

RIN: 0938–AG11.

Medicaid Program; Limitations on Aggregate Payments to Disproportionate Share Hospitals: Fiscal Year 1993.

Agency: Health Care Financing Administration (HCFA), HHS.

Action: Notice.

Summary: This notice announces the "preliminary" national aggregate Federal fiscal year 1993 limit on, and individual State allotments for, Medicaid payments made to hospitals that serve a disproportionate number of Medicaid recipients and low-income patients with special needs. We are publishing this notice in accordance with the provisions of section 1923(f)(1)(C) of the Social Security Act. That section requires the Secretary, at the beginning of each Federal fiscal year (beginning with Federal fiscal year 1993), to estimate and publish in the Federal Register the national payment limit, and each State's allotment within that national limit, for disproportionate share hospital (DSH) payments for which Federal financial participation (FFP) will be available under Medicaid.

PRELIMINARY FEDERAL FISCAL YEAR 1993 DISPROPORTIONATE SHARE HOSPITAL [DHS]—ALLOTMENTS UNDER PUBLIC LAW 102–234

[Amounts are State and Federal shares, dollar amounts in thousands]

State	Base allotments for all States	Growth amounts for low DSH States	Preliminary FFY 93 State DSH allotment	High (H) or low (L) DSH designation
A	B	C	D	E
Alabama	$412.962	NA	$412.962	H
Alaska	15.611		15.611	L
Arkansas	3.600		3.600	L
California	1,600.000	NA	1,600.000	H
Colorado	332.764	NA	332.764	H
Connecticut	383.969	NA	383.969	H
Delaware	4.800		4.800	L
District of Columbia	32.902		32.902	L
Florida	191.400		191.400	L
Georgia	296.703		296.703	L
Hawaii	38.052		38.052	L
Idaho	1.141		1.141	L
Illinois	296.933		296.933	L
Indiana	140.708		140.708	L
Iowa	4.633		4.633	L
Kansas	182.896	NA	182.896	H
Kentucky	266.433	NA	266.433	H
Louisiana	1,021.390	NA	1,021.390	H
Maine	274.301	NA	274.301	H
Maryland	117.481		117.481	L
Massachusetts	478.632		478.632	L
Michigan	843.423	NA	843.423	H
Minnesota	17.240		17.240	L
Mississippi	154.984		154.984	L
Missouri	.112	NA	.112	H
Montana	1.000		1.000	L
Nebraska	2.500		2.500	L
Nevada	73.580	NA	73.580	H
New Hampshire	391.113	NA	391.113	H
New Jersey	1,092.366	NA	1,092.366	H
New Mexico	8.484		8.484	L
New York	2,784.477	NA	2,784.477	H
North Carolina	322.661		322.661	L
North Dakota	1.000		1.000	L
Ohio	451.834		451.834	L
Oklahoma	25.867		25.867	L
Oregon	17.312		17.312	L
Pennsylvania	987.407	NA	987.407	H
Rhode Island	40.338		40.338	L
South Carolina	422.661	NA	422.661	H
South Dakota	1.000		1.000	L
Tennessee	440.944	NA	440.944	H
Texas	1,513.029	NA	1,513.029	H
Utah	7.463		7.463	L
Vermont	22.683		22.683	L
Virginia	104.565		104.565	L
Washington	230.929		230.929	L
West Virginia	66.365		66.365	L
Wisconsin	8.020		8.020	L
Wyoming	1.000		1.000	L
Total	16,531.576		16,531.576	

Note.—NA—Not applicable. Col. A—Name of State. Col. B—The State's base DSH allotment. This is an amount that is the greater of the State's Federal fiscal year 1992 allowable DSH expenditures applicable to Federal fiscal year 1992, as reported to HCFA in the June 1992 survey and August 1992 updates and adjusted by HCFA, or $1,000,000. Col. C—The growth amounts for low-DSH States. There are no growth amounts available. Col. D—The "preliminary" Federal fiscal year 1993 DSH allotments for all States. This is equal to the State base allotments. Col. E—Low/high DSH designator for Federal fiscal year 1993. An "H" indicates the State will be treated as a high-DSH State and an "L" indicates the State will be treated as a low-DSH State for calculation of the final State allotments.

EXHIBIT 2

[From the Washington Post, May 7, 1993]

HOUSE PANEL VOTES TO CLOSE MEDICAID LOOPHOLES

(By Dan Morgan)

A House subcommittee voted yesterday to close loopholes in the Medicaid program, a move that could deprive the states of some $2.5 billion in federal grants in the next five years.

The health subcommittee of the Energy and Commerce Committee acted after widespread reports that many states have used financial gimmicks to generate additional federal Medicaid matching grants. The effect of the devices is to shift more of the cost of the joint state-federal program to Washington.

However, in a sign of the state's power, a tougher measure that had been circulated last week was withdrawn for lack of support before it was included in a broader package of deficit-reduction measures.

The overall package, which would make savings of $36.7 billion in the Medicare and Medicaid programs over the next five years, was approved on a voice vote.

Subcommittee Chairman Henry A. Waxman (D-Calif.) called the loophole an "abuse" that "undermines the integrity of the [Medicaid] program." He said there was evidence that some states had diverted federal Medicaid money "for purposes that have nothing to do with Medicaid, or even health."

That view was seconded by Rep. J. Alex McMillan (R-N.C.), who called the loophole a "prostitution of the program."

It involves the special bonus payments that states are required to make to hospitals serving heavy volumes of Medicaid or charity patients. The federal government reimburses the states under a formula.

Several years ago, many states began channeling hundreds of millions of dollars of these payments to hospitals. After capturing the federal matching grants, those states then often recovered most of their own money through taxes on the hospitals or donations from them.

"We're finding that some of the institutions that have been designated have few if any Medicaid participants," Waxman told the subcommittee members.

The modified provision approved yesterday still allows a hospital to receive the special payments if as little as 1 percent of its patients are on Medicaid or have no insurance. But it will bar hospitals from using the bonuses to recover more than 100 percent of their costs of treating Medicaid and charity patients, a move that should reduce federal matching payments to the states.

In another action, the subcommittee voted 17 to 9 to require states to seek recovery of Medicaid costs from the estates of Medicaid recipients, after the death of their surviving husband or wife. A person's home or family farm will be among the assets that can be attached by the government.

In a possible harbinger of trouble ahead for health care reformers who favor controls on providers, a Waxman plan to limit profits on health maintenance organizations serving Medicaid patients never made it into the budget measure due to lack of support on the subcommittee.

[From the Washington Post, Apr. 13, 1993]

ARE CASH-STARVED STATES "LOOTING" MEDICAID COFFERS?

(By Dan Morgan)

The North Carolina State Capitol in Raleigh has reverberated this spring with a debate not heard often in the 1990s: how to spend a windfall.

The sudden bounty didn't come from a surplus of state revenue. It came from Federal coffers—$105 million in hand and another $410 million expected over the next two years—all derived from a loophole in Medicaid law.

To qualify for the federal funds, the state government only has to move money between several state accounts. It doesn't have to put any new money of its own into the state's Medicaid program. And Medicaid law allows the state to use the federal money for pretty much any purpose it pleases.

One option under consideration by Gov. Jim Hunt (D) is the construction of new state buildings.

"It's comparable to a looting situation we've created and it's got to be corrected," U.S. Rep. Alex McMillan (R-N.C.) told the House Energy and Commerce Committee's health and environment panel in March.

The "intergovernmental transfers" used by North Carolina to boost its federal Medicaid take are the most aggressive of a new batch of accounting gimmicks employed by financially strapped states. They have become critical financing devices in California, Texas and Michigan. And Medicaid experts expect that they will spread rapidly to other states.

To deficit watchdogs in Washington, that is a troubling sign. Just 17 months ago, in November 1991, Congress passed major Medicaid legislation that phased out other accounting gimmicks. Now it seems that the legislation underestimated the inventiveness of the states.

The federal government puts up between one and four dollars for every dollar a state spends on Medicaid, depending on a state's wealth. To maximize the grants from Washington, dozens of states strapped for revenues and unwilling to raise taxes have resorted to accounting techniques that make their contributions to Medicaid seem larger than they actually are.

"The extent to which states are counting on using existing Medicaid rules to balance state budgets would be hard to overestimate," said a recent issue of State Budget & Tax News, a trade publication.

"By the end of the year, all but a dozen or so states will be in the camp of maximizing the federal reimbursement by using any device they can find in the current law," said Hal Hovey, the publication's editor and the former budget director of Ohio and Illinois.

That could effect President Clinton's effort to control the deficit. Costs of Medicaid, which provides health care to 32 million poor, elderly or disabled Americans, has been growing by more than 20 percent a year since 1990. And there are powerful political pressures on Clinton, a former governor, to grant waivers and wink at loopholes. In January, 24 states in the National Governors Association jointly asked the administration to revise Medicaid regulations issued by the Bush administration. NGA representatives and their attorneys, who say the rules are far more restrictive than the 1991 legislation intended, have been negotiating with the administration.

Meanwhile, governors and legislatures are maneuvering to keep federal funds flowing as they draft upcoming budgets. For example:

New Hampshire, which used a now-closed loophole in 1991 and last year to capture $407.3 million in federal Medicaid payments beyond its normal grant, may still qualify for a $230 million windfall in the next two years.

Under a plan approved by the New Hampshire House on April 1, the state would make Medicaid "payments" to the state's private hospitals, then recover most of that in the form of "room and meals" taxes that would qualify for federal Medicaid matching funds. The federal funds would be used to help cover a state deficit.

In Pennsylvania officials are considering several new accounting techniques to maximize federal Medicaid grants to the 1993–94 budget now before the legislature. Commenting on the state budget proposal in February, the Harrisburg Patriot-News said: "Only a pliant federal government that apparently is prepared to open its empty treasury to cover $520 million of the state's Medicaid costs prevented what might otherwise have been draconian cuts or higher taxes" in the governor's budget submission.

But the technique that most worries deficit hawks in Washington involves transferring funds from one state agency to another to capture federal matching payments.

This is the method used in North Carolina. The loophole was left in the 1991 federal Medicaid law after intense lobbying by Texas and other states, which saw it as a way to ease their Medicaid financing problems.

North Carolina collects two federal dollars for every dollar it puts into the Medicaid program. Under a plan approved Feb. 15 by the U.S. Department of Health and Human Services's Health Care Financing Administration (HCFA), four state-run mental hospitals transfer about $100 million a year to the state Medicaid program. That counts as a state contribution to the Medicaid program, and qualifies North Carolina for about $200 million a year in federal matching funds.

After the federal money has been received, all the money is shifted to the accounts of the state mental hospitals. There, the $200 million in federal funds is considered to be a "surplus" that the state can use for any purpose.

The loophole is so blatant that even some North Carolina politicians, mindful of the nation's worsening budget deficit, have raised questions about it.

In March, the Charlotte Observer quoted House Minority Leader David Balmer (R) as saying, "The concept that states should completely pillage the federal treasury simply because it's there troubles me."

But House Speaker Dan Blue (D) said, "If we don't get it [the $200 million], some other state will."

Michigan has adopted the same technique. In January, HCFA approved a Michigan Medicaid financing plan for 1993–94 that involves the state transferring $489 million to the state-financed University of Michigan Hospital. The state will collect $275 million from the federal government—its 56 percent share of Medicaid payments. Then the entire $489 million will be turned back to general state accounts, sources said.

In March the Michigan Department of Management and Budget noted that the university hospital will receive "no material gain" from its cooperation, but added that the $275 million was "essential to balance the 1993–94 budget." Of the funds generated, about $135 million will probably be earmarked to various Medicaid programs, but the remainder will go to the state general fund, sources said.

Also in the works in Michigan, but not yet approved by HCFA, is a pass-through arrangement with more than 30 country-run long-term care facilities. Michigan officials hope to generate another $120 million in federal matching funds.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, the amendment offered by the distinguished Senator from North Carolina to make sure that moneys appropriated for Medicaid are actually used for Medicaid is a very fundamental one, to ensure that when moneys are appropriated they are spent for that purpose. That is a sound proposition.

I am advised that some of the moneys which are appropriated for Medicaid are spent for other medical purposes in a related way, and I am not sure as to all the details because I have only been considering this amendment in the few moments since my distinguished colleague from North Carolina offered it.

A suggestion has been made that two words be deleted from the amendment as they appear on the sixth line down under Medicaid so that the funds would be expended solely for providing medical assistance, deleting the words which follow "under Medicaid."

Frankly, I am not sure that is desirable to do, but it may be worthy of some consideration. I am just turning it over in my mind at the moment.

The illustration was given to me of someone who is homeless, for example, who is getting medical care at the hospital for Medicaid funds but who does not qualify for Medicaid.

I must say my own reaction would be if we appropriate money for Medicaid States ought to spend it for Medicaid. If someone has a collateral medical purpose that is very worthy, it ought to come to the Congress and we ought to consider it. I am just not quite sure about that.

What I would want to do is I would want to hear from the hospital and others who have the problems in daily activity to see what their considerations are.

It may be that the appropriate course would be to accept the language which has been offered by the distinguished Senator from North Carolina and to work it out in conference and candidly to collaborate with Senator HELMS.

Mr. HELMS. If the Senator will yield, I think that is a great idea. I am ready to accept the exclusion of the two words providing there will be something in the report language to finalize whatever the conferees decide in their wisdom in conference. I think we all understand the problem.

Mr. SPECTER. That might be a practical solution, if my colleague will yield further, so that we can see exactly what is going on.

I personally believe that when we legislate the moneys ought to be spent for the purpose for which we have legislated.

I think the purpose of the amendment is a very valid one. I understand that some States have spent the money for things such as highways, which is far, far beyond the purview of what we have authorized.

When you have moneys appropriated under the highway trust fund and they go for other purposes, it is infuriating. If private citizens did that, they would be liable for a criminal charge for embezzlement or fraudulent conversion.

If we are to keep any handle at all on what we are doing in the Congress, we need to have respect for what Congress determines and the President signs.

So my instinct, subject to what my distinguished colleague from Iowa has to say, would be to accept the amendment of the Senator from North Carolina. He has expressed his willingness to strike the language "under Medicaid."

Mr. HELMS. Two words.

Mr. SPECTER. Two words, under the condition we cover it in the report language. I think that might be appropriate, and we can then make inquiries with the hospitals to see exactly what is going on perhaps. We will follow this up with broader statutory language to protect the integrity of Medicaid funds, with very strict limitations if there are to be any authorized uses beyond Medicaid.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, this is a good amendment, and I am anxious to see the list of abuses the Senator is going to put in the RECORD. I would like to see that State by State. I have heard of some of those myself.

I wanted to inform the Senator I am informed by the administration that they are addressing this issue in the so-called health care reform package they are sending down, but obviously that will not be enacted this year. It will be some time next year. I think this is a good thing to have in place when we go into next year.

I am a little uncertain about striking the two words. I leave that to Senator SPECTER and Senator HELMS on that.

Mr. SPECTER. Mr. President, will my colleague yield?

Mr. HARKIN. I yield so the Senator can explain to me about that.

Mr. SPECTER. I thank the Senator for yielding.

The suggestion to strike the two words "under Medicaid," which would be within the purview of the Senator from North Carolina—since he has offered the amendment, he can authorize the modification—would be then to limit any funds which have been disbursed to the State for Medicaid purposes to be limited "solely for providing medical assistance." So that leaves that latitude. We can explore it further between now and the conference.

We may want to see to it either on this bill or another bill that we further limit the expenditures of Medicaid funds, but at least this modification would provide broader latitude. For the example, I cited the case of someone who is homeless who may not qualify technically for Medicaid but would receive health services by the States with Medicaid funds and that would not be barred by the amendment of the Senator from North Carolina.

Mr. HARKIN. Mr. President, I have no objection to either one of these amendments. I think they are both good amendments. I do not have an answer yet to the other question I raised.

Maybe there is some reason we have to leave that in there. I have no objection. I think it is good amendment and we will accept it.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, on this issue I certainly trust in the conferees. They could put the two words back in. I am ambivalent about taking them out and putting them back in it.

I think the point is not lost on anybody as to what has been going on. I trust the conferees and certainly trust the managers of the bill to look after this amendment and make sure it is done for the American people and the American taxpayers.

I thank the managers of the bill. We got through before 12 o'clock, did we not?

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I concur with the offerer of the amendment and my colleague from Iowa on the first amendment offered by the Senator from North Carolina and where I had not commented previously.

If Social Security disability benefits are being paid to people who have violated the law and who are in custody by virtue of being insane where their needs are being accommodated at governmental expense, there is no reason why they should be treated any differently than prisoners who are not entitled to Social Security disability benefits.

Again this is an amendment which I have not thought about or researched, but on its face it appears to be a solid amendment, and we can give it further consideration between now and conference and consult further with the Senator from North Carolina if any problem arises between now and that time.

So my inclination and judgment would be to accept this amendment as well as the other amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. HELMS. Just 1 minute. We are voting on the second amendment; is that correct?

The PRESIDING OFFICER. The Chair is about to say without objection, both Amendments would be agreed to.

Mr. HELMS. I want the yeas and nays on the first amendment.

The PRESIDING OFFICER. The pending question is Amendment No. 976.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair and thank the manager of the bill.

The PRESIDING OFFICER. Without objection, amendment No. 977 is agreed to.

So, the amendment (No. 977) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I ask unanimous consent that the pending committee amendments and the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is do ordered.

AMENDMENTS NOS. 978, 979, AND 980

Mr. HARKIN. Mr. President, I ask unanimous consent that it be in order to send to the desk three managers' amendments.

The PRESIDING OFFICER. Without objection, it is do ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc, the motions to reconsider be laid upon the table en bloc; and that any statements be printed in the RECORD as if read.

I am offering the amendments on behalf of Senator BINGAMAN, Senator SIMON, and Senator DOLE.

The bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes amendments numbered 978, 979, and 980, en bloc.

The amendments (Nos. 978, 979, and 980) are as follows:

On page 45, line 20, after "1994" insert "of which $5 million shall be used for 'State Planning for Improving Student Achievement Through Integration of Technology Into the Curriculum,'".

Mr. BINGAMAN. Mr. President, I understand this amendment has been agreed to by the managers of the bill. This amendment provides funding for State technology planning grants to be incorporated in the systemic statewide improvement plans required by the Goals 2000 legislation.

The children in our elementary and secondary schools face the most dynamic and rapidly changing workplace of recent history. While technology is redefining the industries that will employ them, technology is also the key to preparing our children for the complex world ahead.

Earlier this year I introduced the Technology for Education Act of 1993 along with my esteemed colleagues, Senators HARKIN, COCHRAN, and KENNEDY. This bill provides a vision and strategy at the Federal level, with funding to ease the effort by the State and local school districts to provide equipment, teacher training, and technical support, as well as incentives to develop the market for educational products.

Creative uses of technology by skilled teachers can change our outlook on education—making teachers and students partners in the quest for knowledge and the process of learning. I have chaired two hearings on this legislation over the last 2 months where we heard from a great number of students, parents, teachers, and administrators who shared examples of technology programs that have changed their lives and opened endless opportunities to explore the world of learning.

The problem we face, however, is that too few of these examples exist in the classrooms across our Nation. Our job at the Federal level should be to ease the burden on the State and local schools and to provide leadership and assistance in their efforts to reach the ambitious national education goals—as outlined in S. 1150, Goals 2000: Educate America Act.

The administration has placed a high priority on revitalizing education in America through systemic reform—which I strongly believe cannot possibly be achieved without technology as an integral part of the reform equation. In keeping with the goal of comprehensive, rather than patchwork educational reform, I am adding two key technology provisions from our legislation, S. 1140, the Technology for Education Act of 1993, to the administration's legislation, S. 1150 Goals 2000: Educate America Act.

I understand that the managers of this bill have agreed to allocate $500,000 from the departmental management fund within the Department of Education to fund the establishment of an Office of Educational Technology to be administered by the Director of Educational Technology, as well as $500,000,000 of the $116,000,000 appropriated for activities to be authorized by S. 1150 in order to fund the State technology planning grants.

I would like to submit, as part of the RECORD, a letter from Secretary Riley outlining the Department's support for these proposed provisions to the Goals 2000 legislation and for the corresponding appropriations allotted to the Department for this purpose.

I urge my colleagues to support this amendment, and I look forward to working with them in addressing comprehensive reform at all levels and the role technology can play in achieving these goals.

I ask unanimous consent that the letter from Secretary Riley be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF EDUCATION,
Washington, DC, September 28, 1993.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: I continue to appreciate your efforts and those of Senators Kennedy and Cochran in working to strengthen the role of the Department in the area of education technology. I was particularly pleased to hear of your efforts and those of Senators Kennedy and Cochran to act favorably on our legislative proposal for a new authority to carry out a range of leadership and other discretionary activities designed to promote the effective use of technology in meeting the National Education Goals.

I am pleased to tell you that we are committed to moving aggressively in the area of technology during the next fiscal year. We have already appointed a special advisor on technology, Dr. Linda Roberts, who has strong credentials in this area and who will ably represent the interests of the education community in the development of a national information infrastructure. An Educational Technologies Board consisting of representatives of all the Department's principal offices is now being created. Dr. Roberts will chair this Board and work with all of the principal offices of the Department in developing a comprehensive national long-range plan that will describe all the activities the Department will undertake to promote the effective use of education technology, including joint activities with other Federal agencies. Dr. Roberts will be able to call upon staff from throughout the Department as we move forward with implementation of the plan.

We are committed to initiating a number of activities in fiscal year 1994 directed at enhancing our capacity to provide leadership to the Nation in the use of technology to achieve the National Education Goals. These would include conferences, consultation with the education community and experts in technology, and other similar activities. At this point, we expect to spend at least $500,000 in 1994 to accomplish our short-term objectives. Our 1995 budget request will address our longer-term objectives.

I also understand that you have agreed to amend S. 1150, the Goals 2000: Educate America Act, to incorporate State technology planning as part of the systemic statewide improvement plans required by the legislation. If this proposal is enacted, we intend to use $5 million of the 1994 funds provided for Goals 2000 in the Education Reform account for this technology activity. Incorporating education technology in planning for systemic reform will help ensure that technology is effectively integrated into teaching students to learn to high standards.

Please let this letter serve as our commitment to significantly strengthen the Department's role in providing leadership in the area of education technology.

Yours Sincerely,
RICHARD W. RILEY,
Secretary.

Mr. COCHRAN. Mr. President, I am pleased to join the distinguished Senator from New Mexico [Mr. BINGAMAN] in sponsoring this amendment to designate $5 million of the $116 million provided in fiscal year 1994 for the Goals 2000: Educate America Act for statewide planning to integrate technology into the curriculum of America's K-12 classrooms. I thank the subcommittee chairman, Mr. HARKIN, and the ranking member, Mr. SPECTER, for agreeing to accept this amendment.

Senator BINGAMAN and I serve together on the National Education Goals Panel. Through our work with the goals panel, we have become convinced that our elementary and secondary students will have a much better chance of reaching our ambitious national education goals if teachers and students have access to technology in the classroom.

Evidence shows that creative uses of technologies by skilled teachers offer the promise to quickly and cost-effectively restructure education as we know it. Technologies help teachers create an environment where all students are afforded rigorous, rich classroom instruction at a pace that suits their learning style and in a way that gives them a more active role in the learning process.

For this reason, we have worked with Senator KENNEDY and other members of the Labor and Human Resources Committee to add two provisions relating to educational technology to the Goals 2000, Educate America Act which is currently on the Senate Calendar.

The first establishes an Office of Technology at the Department of Education to provide Federal leadership through the development of a national education technology strategy. The second authorizes modest funding for States to develop technology plans for the integration of technology into the curriculum of all elementary and secondary schools in the State as part of the systemic restructuring under the Goals 2000 legislation.

The Department of Education has already appointed a special adviser on technology to head up the Office of Technology and establish an internal technologies board consisting of representatives of all the Department's principal offices to develop a comprehensive long-range technology plan. The Department has committed $500,000 of its fiscal year 1994 budget to provide staffing to carry forward the work of the Office of Technology whose activities are to be authorized as part of Goals 2000.

This amendment will set aside $5 million of the $116 million provided for the Goals 2000 legislation in this appropriations bill. The $5 million will be used by the Department of Education to allocate funds to States for activities included in the new section of the Goals 2000 bill entitled "State Planning for Improving Student Achievement Through Integration of Technology Into the Curriculum." It will incorporate State technology plans as part of the systemic statewide improvement plans required by the Goals 2000 legislation.

I hope we can receive from the Secretary of Education a report at next year's appropriations hearing on the status of both of these activities.

AMENDMENT NO. 979

(Purpose: To increase funding for the ACTION volunteer service programs and to make technical changes)

On page 63, line 6, strike "$203,287,000" and all that follows through the end of line 8 and insert in lieu thereof "$206,287,000: *Provided*, That, notwithstanding any other provision of this Act, including the provisos pertaining to consulting services under the heading Community Services Block Grant, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1994 shall, during fiscal year 1994, obligate and expend funds for consulting services in excess of an amount equal to 94.975 percent of the annual estimated to be obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1994: *Provided further*, That notwithstanding any other provision of this Act, the aggregate amount of funds appropriated by this Act to any such department, agency, or instrumentality for fiscal year 1994 is reduced by an amount equal to 5.025 percent of the amount to be expended by such department, agency or instrumentality during fiscal year 1994 for consulting services. As used in the preceding two provisos, the term 'consulting services' includes any service within the definition of sub-object class 25.1 as described in the Office of Management and Budget Circular A-11, dated August 4, 1993."

Mr. SIMON. Mr. President, I am grateful to Senator HARKIN for his leadership as a subcommittee chairman on the Appropriations Committee. With the honor of holding that job, he takes on a burden of making some very tough decisions—decisions that directly affect the lives and health of almost every American. The programs competing for funding in his subcommittee are ones that provoke strong feelings and tug at our heartstrings. In my view, they could not be in better hands. Our colleague has demonstrated over and over again his commitment to helping people who have no big lobbies, and no big campaign contributions to hand out, but who represent some of the most needed and also some of the most cost effective programs our Government supports. He is a champion for the people who need champions the most in our society.

One small example of this is his willingness to support programs such as VISTA and the Older American programs in the ACTION agency, programs that are highly respected and known to be cost effective, but don't have well-funded lobbyists behind them. I know how hard it was this year to balance all the requests from Members, from the administration and interest groups and keep within the subcommittee's budget. In that context, the original allocations for the ACTION programs, which simply level-funded the programs, were understandable. But Senator HARKIN has listened to the requests that I have made and Senator KENNEDY has made and has managed to restore funds to these programs.

Once again, Senator HARKIN has demonstrated his sensitivity to the real value of programs and the people they serve. I simply want to express my appreciation for that and for all the hard work he and his staff put into trying to make the right, tough decisions.

Mr. KENNEDY. I commend Senator HARKIN and his staff for working with us to find a way to ensure that VISTA, the Retired and Senior Volunteer Program and the Senior Companion Program will have funding increases for the coming year. The Foster Grandparent Program, which is equally deserving, had already been able to obtain a funding increase, so my attention has been focused on these three other meritorious programs.

These programs have proven time and again that they can accomplish vitally needed community service at very low cost. They are the hallmark of Americans at their best—working together regardless of background to improve their communities.

VISTA provides a model for involving low-income communities and grassroots organizations in building long-term capabilities to address neighborhood problems. They help adults and children learn to read, provide shelter and food to the homeless, and offer many other indispensable services.

Examples of the 31 VISTA programs in Massachusetts show the critical tasks they are accomplishing. VISTA volunteers are working with the Dorchester Vietnamese-American Civic Association to expand literacy programs, especially English as a second language classes for Southeast Asian refugees and immigrants; they also assist high-school-age Vietnamese-Americans to acquire useful employment skills. In Brockton, VISTA volunteers provide preventive health education and substance abuse information to homeless shelter residents. The Greater Boston Regional Youth Council uses VISTA volunteers in violence-prone neighborhoods to reduce acts of violence against ethnic minorities. In western Massachusetts, volunteers are helping the organization called Construct to obtain funds for low-income housing construction. Three VISTA volunteers are working with Boston Partners in Education to develop the Books and Kids Program to enhance the literacy skills of elementary school students. Many other inspiring VISTA programs are working well across the State.

The Senior Companion Program helps senior citizens to help one another. Those who are more mobile help provide care to those needing assistance. As Edith Courville of Massachusetts testified at a Labor Committee hearing last May, the pairing keeps her companion active and avoids the larger expenditures required when a senior citizen can no longer live independently.

Worcester, MA, has a wonderful Senior Companion Program which costs the Government only $1.60 per hour of service. The Age Center of Worcester helps senior clients by providing hospice care, taking clients on walks, performing light housekeeping, assisting in meal preparation or shopping, providing conversation, and participating in other projects.

The Retired and Senior Volunteer Program enables senior citizens to become involved in meaningful volunteer projects and reimburses them for the cost of materials, transportation and other out-of-pocket costs. The program taps into their wealth of experience at a Federal cost of only 60 cents per hour of service.

The Greater Lawrence RSVP Program involves 385 volunteers working in 23 different projects, many involving the growing Hispanic population. Multicultural RSVP volunteers serve as Head Start teacher aides, ESL instructors, recreation aides for community-policing programs and in a latchkey after-school program for children.

In Springfield, one of the RSVP projects has helped keep open the Florence Grammar School by using volunteers to help bridge budget gaps. The volunteers provide health checkups, fitness classes, line dancing and teaching.

The Hampshire Community Action Commission in western Massachusetts uses RSVP volunteers to provide day care for preschoolers of diverse ethnic and financial backgrounds. Yvonne and Peter Peterson have put in so many volunteer hours at the Cloverdale Cooperative Nursery School that many people there mistakenly believe they are paid staff.

These are only some of the creative and useful ways in which senior citizens can stay involved in their communities after they retire from paid employment.

I commend these programs and the volunteers who make them work so effectively. They are wise investments for our communities and the Nation, and I am delighted that we have been able to increase their funding, enabling them to expand their important services.

AMENDMENT NO. 980

(Purpose: To increase appropriations for payments under section 3 of Public Law 81–874 (Impact Aid)

On page 47, line 10, strike "$567,080,000" and insert "$563,780,000".

On page 47, line 11, strike "$123,629,000" and insert "$121,629,000".

On page 47, line 12, strike "$29,462,000" and insert "$34,762,000".

Mrs. KASSEBAUM. Mr. President, I would like to speak briefly about the amendment Senator DOLE and I have offered to assist school districts that are heavily affected by federally connected children. Section 3(d)(2)(B) of the impact aid law requires the Secretary of Education to make full impact aid payments to districts with 50 percent or more federally connected children. This is to ensure that these districts receive a minimum level of funding that is comparable to the State average. The law sets a high priority for these districts—they are clearly the most dependent on the Federal Government, and their funding needs are clearly a Federal responsibility. Failure to meet this obligation fully would be both irresponsible and unfair, as those districts and their State governments would have to make up the difference.

Although the estimated total need for heavily impacted districts is between $37 and $39 million this year, the bill caps their funding at $29 million. This defies the intent of the authorizing language. At this level, these districts will receive only about 76 percent of the funds they are entitled to under the law. For the Fort Leavenworth School District in Kansas, this would amount to a loss of almost $300,000. I understand that the cap on section 3(d)(2)(B) payments frees up more money for all other impact aid districts. I believe, however, that we should target the limited Federal resources we have to the neediest impact aid districts.

I had hoped we would be able either to eliminate the cap entirely or make up all of the $10 million deficit for these districts. We have taken a compromise position with our amendment, however, and shifted $5.3 million to section 3(d)(2)(B) payments. The amendment will ensure that heavily impacted districts receive more of the funding to which they are entitled.

Policy changes on the allocation of impact aid funds would best be addressed during reauthorization of the impact aid law, rather than on an appropriations bill. I look forward to working with my colleagues to address this issue comprehensively at that time. I thank the managers of the bill for accepting the amendment and Senator PELL for his willingness to work with us to reach this compromise.

The PRESIDING OFFICER. Without objection, amendments numbered 978, 979, and 980, en bloc, are agreed to.

So the amendments (Nos. 978, 979, and 980) were agreed to.

Mr. HELMS. Mr. President, have the yeas and nays been ordered on the bill?

The PRESIDING OFFICER. They have not.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TELEMEDICINE, REACH MONTANA

Mr. BURNS. Senator HARKIN has provided tremendous leadership in the area of telemedicine, and I appreciate his efforts to use this advanced technology to improve health care delivery to rural and underserved areas. As he no doubt knows, there are numerous projects being developed across this country as well as some existing projects that need help with funding. Given the vast amounts of money that could be saved in reduced travel and duplicate tests and examinations, would the Senator agree that it is important to fund these new projects and continue the demonstrations now under way?

Mr. HARKIN. This is clearly a technology that will bring much-needed services to many Americans, not only in the area of health care, but in education, in business, and in community development. I certainly do believe this deserves our continued support.

Mr. BURNS. REACH Montana, a network proposed by the Montana Deaconess Medical Center in Great Falls, MT, will establish a consortium of rural community hospitals, physicians, and outreach facilities. The exciting thing about this proposal is that they will use plain old telephone services to bring specialty medical services to rural areas that cannot support their own specialists; it will connect rural providers with support, with medical information, library services, and continuing education—all vital elements to health care providers who practice in a State without a medical college.

The Montana Deaconess Medical Center has pledged in-kind logistical support, system maintenance, and personnel for this project, but require a sum of only $370,000 to cover the cost of the equipment. In a time when we are discussing millions and billions of dollars, this seems like a very small price to pay for the benefits these folks will reap. Just $370,000 will enable rural health care facilities in 20 locations to collaborate with a sponsoring tertiary organization to provide telemedicine, telecommunications, and distance learning to 122,193 people in 9 countries. That works out to be a one-time cost of only $3 per person.

A telecommunications link such as this one can literally mean the difference between life and death for folks in megarural portions of my State. And in the long run, the experience gained can be translated to help others across the country in similarly isolated areas. Would the Senator agree that this proposal would be of tremendous value not only to the residents in rural Montana but to those who need to explore alternative ways to deliver health care in rural and underserved populations?

Mr. HARKIN. It is not often we hear of projects that propose to do so much for so little. I would recommend that it be given every consideration.

Mr. BURNS. The Senator will be glad to know, also, that the senior Senator from my State, Mr. BAUCUS, has also been involved in trying to improve health services in rural areas through telemedicine and would certainly support these efforts.

EASTERN MONTANA TELEMEDICINE PROJECT

Mr. BURNS. Senator HARKIN is undoubtedly aware of the benefits of telemedicine. And his belief that this technology will help improve health care delivery to rural areas is indicative in his introduction of a bill to establish such demonstration projects. Given the tremendous value this technology provides and the savings that can be realized in reduced travel and duplicate tests and examinations, would the Senator agree that it is important to fund new projects and continuing projects?

Mr. HARKIN. By all means. This technology will no doubt be the saving grace to many rural communities as well as other underserved areas.

Mr. BURNS. The Eastern Montana Telemedicine Project, operated by Deaconess Medical Center in Billings, MT, proposes a phased-in demonstration project eventually reaching out to 24 rural facilities not only in Montana, but in Wyoming, North Dakota, and South Dakota. They are currently conducting a 6-month pilot of this network, extending health care services, education, and community development to five rural sites in eastern Montana. In order for this project to continue in its mission, though, money is desperately needed.

A total cost for this 24-site project would be $4 million. Senator HARKIN, I realize that in a time when budgets are tight, coming up with specific funds for such projects are tough. However, with the emphasis on health care reform, and in particular on cost-effective delivery of services, I feel it is crucial to allow these types of projects to continue and to succeed.

Knowing the moneys available for telemedicine are limited, I am willing to stagger the payments. I would suggest $1 million in the first year, $2 million in the second year, and funds as necessary in the following years. I am aware that $7 million is appropriated for such projects and that, with the continued development of this technology, more money will likely be designated in coming years. Would the Senator agree that continuation of this demonstration project would be valuable not only to the residents in rural Montana, Wyoming, and North and South Dakota, but it would serve as a learning experience for other rural and underserved populations looking to improve their health care delivery?

Mr. HARKIN. This proposal sounds not only workable but vitally important to the survival of many communities in megarural States such as ours, and I would encourage the Department to give careful consideration to the project.

Mr. BURNS. The Senator will be glad to know, also, that the senior Senator from my State, Mr. BAUCUS, has also been involved in trying to improve health services in rural areas through telemedicine and would certainly support these efforts.

THE LIVING AT HOME/BLOCK NURSE PROGRAM

Mr. DURENBERGER. Mr. President, I would like to thank my colleague, the Senator from Iowa and the chairman of the Labor, Health and Human Services, Education Appropriations Subcommittee. In recognizing the success of the Living at Home/Block Nurse Program in its report to accompany H.R. 2518, the subcommittee was very generous in its support of this program, currently operating in a number of midwestern communities.

I would like to bring to the chairman's attention the recognition the program obtained under the Older Americans Act. The program is the model for a national demonstration project, the Neighborhood Senior Care Program included under the Older Americans Act amendments last year. The Neighborhood Senior Care Program would provide grants nationally to eligible entities to coordinate professional and voluntary services to assist the elderly in their own homes.

The Living at Home/Block Nurse Program currently provides coordinated, community-based assistance in many midwestern communities. The program organizes communities to provide older individuals at risk of institutionalization the opportunity to continue to live in the comfort of their own homes, rather than forcing them into nursing home care. That can result in substantial savings to Medicaid. It relies on volunteers and professionals in the community to meet the necessary health and social service needs of the frail elderly that are not being met by Medicare or Medicaid. Through these services, the program has provided nurse case management, prevention activities, and early intervention. And that has contributed to the welfare of our seniors.

I encourage the Congress and the Clinton administration to continue to support this program and its replication through the national health service grants under the Neighborhood Senior Care Program.

Mr. HARKIN. I appreciate the comments from my colleague from Minnesota. The committee does recognize the importance of the Living at Home/Block Nurse Program in caring for our elderly in their own homes rather than costly institutions. I am pleased that the design of the Living at Home/Block Nurse Program has been replicated in the national demonstration program, the Neighborhood Senior Care Program. I also encourage the administration to consider supporting the Living at Home/Block Nurse Program's replication through this national program.

Mr. DURENBERGER. I thank the chairman for his comments and support.

SMART PROGRAM

Mr. KERREY. I would like to bring to the Chairman's attention a program developed by the College of St. Mary in Omaha which promotes gender equity. SMART or Science, Math and Relevant Technology exposes young, female students, particularly those from disadvantaged backgrounds, to math and science education. SMART develops effective hands-on methods of teaching math and science to elementary girls and trains teachers techniques to stimulate interest in these academic areas. I am very impressed by this program and I believe it would be an excellent candidate for funds under the Women's Educational Equity Pprogram.

Mr. HARKIN. As the Senator has described SMART and its objective, I would agree that this is exactly the type of program Congress would view favorably for funding under the Women's Education Equity Program, and I hope their grant application will be given serious consideration.

Mr. KERREY. I thank the distinguished chairman of the subcommittee, and I look forward to working with him further on this program in the future.

NEBRASKA HEALTH CARE NETWORK

Mr. KERREY. I would like to ask the distinguished Senator a question. I have become aware of a project involving 15 communities and 11 counties in rural western Nebraska. They are developing a telecommunications network to link their small communities in order to improve the quality of health care in these communities and to build the infrastructure to support a managed care network. This model could be used to demonstrate its applicability to other parts of rural America. I assume this is the type of telemedicine project the Senator envisions funding through the Office of Rural Health Policy.

Mr. HARKIN. Although I am not familiar with the details of the Rural Nebraska Health Care Network, as the Senator has described it, it is exactly the type of telemedicine project we envisioned funding through the Office of Rural Health Policy, and I would encourage the Office of Rural Health Policy to carefully consider this project.

Mr. KERREY. I thank the distinghushed chairman of the subcommittee and I look forward to working with him on this project.

SEATTLE INDIAN HEALTH BOARD

Mrs. MURRAY. Mr. President, in April 1993, the General Accounting Office [GAO] published a report showing that the greatest need in Indian health care is for effective and scientifically sound alcoholism and drug treatment services. It stated that the information the Federal Government provided to document and measure substance abuse treatment and prevention for American Indian people is seriously lacking. Finally, the GAO recommended that collaboration between the Indian Health Service, the National Institutes of Health [NIH], and the Substance Abuse, Mental Health Services Administration [SAMHSA] is needed to identify strategies and resources to collect and evaluate data on the prevalence of chemical abuse and the nature and effectiveness of prevention and treatment programs.

In my State, the Seattle Indian Health Board [SIHB] has taken a leadership role in bringing together a network of scientific, research experts, Native American traditional healers and alcohol/drug counselors to help address these issues. The SIHB is working with the University of Washington, Alcohol and Drug Abuse Institute, the U.S. Veterans Affairs Medical Center's Addiction Treatment Center, the State of Washington and King County Substance Abuse Programs to establish an "American Indian Center of Excellence in Substance Abuse Treatment and Education." The SIHB has provided residential and outpatient treatment to American Indians and Alaskan Natives since 1972. It currently operates the Thunderbird Treatment Center, the largest urban Indian Residential Program in the entire Nation.

The University of Washington was rated among the top programs nationally in substance abuse research training in a survey of deans of schools of medicine. Many of those top scientists have signed on as collaborators with the American Indian Center for Substance Abuse Treatment and Education. I believe that this combination of direct experience and technical science directly addresses the type of collaboration identified in the GAO's recommendation. The Fiscal Year 1994 HHS Appropriations Act includes several programs which could directly impact the recommendations of the GAO. In cooperation with the Indian Health Service, and in coordination with the SIHB, American Indian Center for Excellence in Substance Abuse Treatment and Education programs funded under this act could positively impact the deplorable problem of alcohol and drug abuse in Native American communities, and better document the science to measure our effectiveness in addressing these problems. Through the proposed Center for Excellence, we hope to better understand the problems of American Indians who suffer from both substance abuse and mental disorders. We also hope to better understand and better document what treatment modalities work and which do not work with American Indian people, paying particular interest to the value of traditional Native healing approaches. I would like to know how the SIHB American Indian Center for Excellence in Substance Abuse Treatment and Education could participate in the programs funded under this act to accomplish the vast improvements needed in the field of Indian alcohol and substance abuse treatment evaluation.

Mr. HARKIN. Mr. President, I want to thank my colleague from the State of Washington for bringing this matter to my attention. I commend the efforts of the Seattle Indian Health Board to develop an American Indian Center for Excellence in Substance Abuse Treatment and Education. In order to improve drug and alcohol treatment services for American Indians and Alaska Natives, I urge the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the Substance Abuse and Mental Health Services Administration to support projects like the American Indian Center for Excellence in Substance Abuse Treatment and Education.

NATIONAL ASSOCIATION FOR NATIVE AMERICAN CHILDREN OF ALCOHOLICS

Mrs. MURRAY. Mr. President, the Fiscal Year 1994 Appropriations Act for Labor, HHS, and Education provides funding under the Center for Substance Abuse and Prevention [CSAP] for the continuation of a national campaign for alcohol and substance education and prevention in Native American communities specifically targeting children of alcoholics. The National Association for Native American Children of Alcoholics [NANACOA], which is headquartered in Seattle, WA, has worked with CSAP to design and implement this national campaign for the past 2 years. I am pleased that CSAP has recognized the need to ensure that this campaign is culturally sensitive to Native American populations and that the materials, campaign design and social marketing strategies are based on perspectives relevant to Native Americans. As a Native organization, NANACOA has accomplished this task and is preparing to implement the campaign across the Nation in 1994.

NANACOA was incorporated in Washington State in 1988 by a geographically representative group of Native Americans from across the United States. In the past 5 years, NANACOA has had a tremendous impact on Native American communities. Through its newsletter "Healing Our Hearts," and the establishment of regional Native COA networks, NANACOA is providing support for children of alcoholics in Native American communities, with the ultimate goal to break the cycle of addictions within the family system. Over 4,000 American Indians and Alaska Natives have participated in the annual national training conferences sponsored by NANACOA. This December, NANACOA will host its fifth annual training conference in Albuquerque, NM, and expects over 1,000 participants. The national campaign currently being developed by CSAP and NANACOA offers Native communities in Washington State and all across the Nation with a positive prevention approach ingrained in the cultural strengths and resiliency of Native people. I want to thank the committee for their continued support for this important alcohol and drug prevention campaign in Native American communities.

Mr. HARKIN. Mr. President, the FY 1994 Labor, Health and Human Services, Education and related agencies appropriations bill includes funding to continue a national education and prevention strategy to address the alarmingly high incidence of alcoholism and substance abuse in Native American communities. I commend the efforts of groups like the National Association for Native American Children of Alcoholics to break the cycle of alcohol and drug addiction in Native American communities. I encourage the Center for Substance Abuse Prevention to support efforts to prevent the incidence of alcohol and drug abuse among Native American children of alcoholics.

UNIT COST FOR SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Mr. WOFFORD. Mr. President, I wish to engage in a colloquy with my distinguished colleague from Iowa, Mr. HARKIN.

I wish to express my support for H.R. 2518, the Fiscal Year 2994 Labor-HHS-Education Appropriations Act and to commend Members on both side of the aisle who worked cooperatively to make this measure a bipartisan bill. H.R. 2518 provides funding for several important programs for older Americans, including the Senior Community Service Employment Program.

At the outset, I want to emphasize that I fully support the $410.5 million appropriation level for the Senior Community Service Employment Program. However, I am having this discussion with my colleague, Mr. HARKIN, to address an important administrative matter regarding this program.

I am referring to the need for the Department of Labor and the Office of Management and Budget to update the unit cost formula for the Senior Community Service Employment Program to appropriately reflect annual increases in the minimum wage and in the rate of inflation. Since July 1, 1981, the Department of Labor and the Office of Management and Budget have made only three adjustments to the unit cost for the Senior Community Service Employment Program. These adjustments have increased the unit cost from $5,111 to $6,061 per enrollee. This represents an 18.6-percent increase. During the same time period, the Consumer Price Index—the Nation's yardstick for measuring inflation—has risen by 58.1 percent.

As a result, the Senior Community Service Employment Program is being stretched at the seams and rising programmatic costs—including health and liability insurance, workers' compensation, rent, and other costs—are threatening the operation of this very successful program. State and national sponsors cannot operate at their authorized levels throughout the program year and fewer eligible individuals are being served by the program, either as year-round or temporary enrollees. The existing unit costs is not sufficient to support the number of authorized community service positions for low-income older Americans.

For these reasons, I am asking my colleague from Iowa, Mr. HARKIN, to join me in urging the Department of Labor and the Office of Management and Budget to increase the unit cost to more accurately reflect the true cost of supporting one Senior Community Service Employment Program enrollee for 1 year. It is my understanding that the actual unit cost today—based on survey data from the national sponsors of the Senior Community Service Employment Program—is approximately $6,591. I urge the Department of Labor and the Office of Management and Budget to adjust the unit cost to this level, or to a level agreed upon in consultation with national sponsors of the program, and to then make annual adjustments to the unit cost to reflect increases in the minimum wage and inflation. Furthermore, I urge that adjustments to the unit cost be made incrementally so as not to decrease the number of enrollees served by the program.

Mr. HARKIN. The Senator from Pennsylvania has raised a good point about the Department of Labor and Office of Management and Budget updating the unit cost for the Senior Community Service Employment Program. I agree that the Department of Labor and Office of Management and Budget should confer with State and national sponsors of the Senior Community Service Employment Program and make adjustments in the unit cost formula, if appropriate, as described by my friend and colleague, Mr. WOFFORD.

TELECONFERENCING

Mr. HOLLINGS. It is my understanding that the Department of Labor is currently supporting a teleconferencing program to improve quality systems in the domestic machine tool industry to improve the competitiveness of the domestic industry without reductions in wages and benefits. I applaud the Department's support of this program and encourage the Department to continue its assistance to this important effort by this critical sector of the U.S. economy.

Does my colleague agree with my analysis?

Mr. HARKIN. Yes, Senator, I agree.

THUNDER CHILD TREATMENT CENTER

Mr. SIMPSON. I appreciate the opportunity to engage in a brief colloquy with the manager of the bill concerning subcommittee funding for the treatment improvement grants administered by the Center for Substance Abuse Treatment [CSAT]. I know my two colleagues from the State of Montana have shared my ongoing concern that an estimated 80 percent of the Native American population over the age of 14 living in Wyoming and Montana have substance abuse problems. Having recognized the scope of this problem, the Federal Government must do a better job of providing treatment alternatives for those living in rural communities. Does this bill provide funds intended to help address this problem?

Mr. HARKIN. The Senator is correct. I appreciate the concerns expressed by the Senator from Wyoming, and the Senators from Montana. The committee is aware of the success rate of treatment of Native American populations in culturally specific residential treatment programs, and recognizes the particular treatment barriers that exist in rural communities. Therefore, we have encouraged the Director of the Center for Substance Abuse Treatment to make funds available to support grants for Native American nonprofit primary residential treatment programs.

Mr. BURNS. If I might further inquire of the bill manager, am I correct in assuming that the circumstances facing the Native American populations in the States of Montana and Wyoming led the committee to make this recommendation to the Director of the CSAT? I know my colleagues and I have been most impressed with the work being done at the Thunder Child Treatment Center in Sheridan, WY. This nonprofit treatment program has been operating since 1971, and has earned an exceptional reputation for providing chemical dependency treatment and rehabilitation services specifically aimed at Native American adults, adolescents, and families. The board of directors at Thunder Child contains representatives of all the federally recognized tribes in Montana and Wyoming. Would this program be eligible for funding under the CSAT Program.

Mr. HARKIN. The Senator is correct, the Thunder Child Treatment Center would be an excellent candidate to receive such funding.

Mr. BAUCUS. I want to express my personal appreciation to the manager of the bill for his strong leadership in providing additional funds for substance abuse treatment. And I want to specifically thank him for recognizing the urgent need for providing funds aimed at assisting Native Americans living in rural communities. The support this effort has received crosses party lines, and the work being done at Thunder Child has a positive impact in both my State of Montana and in Wyoming. On behalf of the tribes from our two States, I want to express appreciation for the chairman's strong expression of support for their effort to secure funding of this important program.

Mr. HARKIN. I thank the Senator for his kind remarks, and I thank each of the Senators for bringing this program to the committee's attention. Please be assured of my continued interest in this effort.

CHILDREN'S MENTAL HEALTH SERVICES

Mr. WELLSTONE. Mr. President, I would like to engage my good friend from Iowa in a colloquy on a critical item in the fiscal year 1994 Senate Labor, Health and Human Services, and Education Appropriations bill. On September 14, the Senate Appropriations Subcommittee on Labor, Health and Human Services and Education marked up its spending bill for fiscal year 1994. While I recognize that my colleagues were under tremendous pressure to stay within strict spending caps, the Children's Mental Health Services Program, in the Center for Mental Health Services, received an appropriation in the Senate subcommittee of $15 million, which was $25 million less than the House recommended level. There are between 3 and 4 million American children with serious emotional or behavioral disturbances. It has been reported that only one-fifth of these children receive appropriate services.

Mr. HARKIN. Mr. President, I regret that the subcommittee was unable to provide more funding for the Children's Mental Health Services Program and want to assure my colleague from Minnesota that I am committed to increasing funding for this program. Funds will be used to help States develop and operate comprehensive, community-based mental health services for children with serious emotional, behavioral, or mental disorders so that children and their families can find the range of services they need close to home. Despite severe budget constraints, the Senate restored funding for the substance abuse and mental health block grants and tripled funding for Children's Mental Health, increasing the funding level to $15 million.

Mr. WELLSTONE. I appreciate the chairman's diligent work in committee, but without greater Federal attention to these children and youth with serious emotional disturbances, these children will continue to go without necessary community-based and coordinated services. Our States are spending millions of precious dollars financing out-of-State institutionalized treatment for their children merely because care is not available on the community level. I have heard from many people in my State from parents to educators; from child welfare authorities to the children themselves; all with a common message. The message is that without appropriate Federal funding for the provision of these services, children will be left without needed care, consequently, I would urge the chairman to yield to the House figure when this bill goes before conference.

Mr. HARKIN. Mr. President, I will give careful consideration to the views of my colleague from Minnesota as the Senate works to resolve differences with the House during conference negotiations on H.R. 2518.

MENTAL HEALTH COUNSELORS

Mr. HATFIELD. If I may inquire of the manager of the bill, I am advised that under current law, the clinical training grants administered by the Substance Abuse and Mental Health Services Administration through the Center for Mental Health Services are limited to the mental health disciplines enumerated in the Public Health Service Act. I understand that the Senator from Iowa has considered extending the eligibility for such clinical training grants to the counseling profession, as a means of encouraging these professionals to serve rural and other underserved populations. Has the bill manager made a determination on how to proceed in making counselors who are earning advanced academic degrees at the masters and doctoral level eligible to receive clinical training grants?

Mr. HARKIN. I thank the Senator for his interest in this matter. The counseling profession is not now listed within the Public Health Service Act as a core provider, which currently includes psychology, psychiatry, nursing, marital and family therapy, and social work. In light of the fact that the educational and professional requirements in the counseling profession are comparable with other enumerated disciplines in the Public Health Service Act, I believe the act should be amended to include counselors. I understand that the relevant authorizing committee, the Senate Committee on Labor and Human resources, on which I serve, will be considering amendment to the Public Health Service Act during the 103d Congress. I intend to urge the chairman, the Senator from Massachusetts, to give favorable consideration to this effort to include counselors as a core provider under the Public Health Service Act.

Mr. HATFIELD. I appreciate being advised of the Senator's interest in this matter, and will be happy to join in this effort.

FUNDING FOR MINORITY TEACHERS

Mr. SPECTER. I would like to engage my colleague, the distinguished chairman of the Subcommittee on Labor, HHS and Education appropriations in a colloquy on the subject of funding for the new program designed to encourage minorities to enter teaching under title V, part E, subpart 2 of the Higher Education Act. As the chairman knows, this program was initiated in the other body before there was an authorization in the 1992 Amendments to the Higher Education Act.

Mr. HARKIN. The Senator from Pennsylvania is correct. I believe Congress provided $1 million in fiscal year 1991 and $2.5 million in fiscal year 1993, and the Department is in the process of awarding the fiscal year 1993 funds at this time.

Mr. SPECTER. I am somewhat concerned about the lengthy delay in the Department's peer review and grantmaking process which may have disrupted at least one consortium of historically African-American, predominantly Hispanic, and majority institutions which were engaged in a pipeline-building effort. Such ongoing efforts must be built upon and sustained if we are to make significant progress in encouraging minority youth to pursue a career in teaching.

Mr. HARKIN. I share the Senator's view completely. In fact, one of the participating institution's in the Consortium for Minorities in Teaching Careers is the University of Iowa, which provides the evaluation component for the consortium's collective efforts. It is clear that the Department's 1-year delay in awarding the fiscal year 1993 funding disrupted the programmatic continuity that had been developed over the past 2 years, and caused the activities being provided to middle and high school students to cease.

Mr. SPECTER. The consortium should be commended for initiating this concept and for working to secure a congressional authorization and appropriations for this important program. As is the case with other Federal education programs, additional resources are required to continue the consortium's fine work and to fund other quality programs in this area. I hope the Senator from Iowa will work with me next year to increase funding for this program—which is supported by the Clinton administration—and which represents an essential element in our efforts to increase minority student retention and academic success in elementary and secondary education.

ELLENDER FELLOWSHIPS

Mr. JOHNSTON. Mr. President, I would like to engage the distinguished chairman of the subcommittee in a brief discussion about an extraordinary program by an organization that I have worked closely with for many years—the Close Up Foundation.

As many of my colleagues know, the Close Up Foundation's program brings students and educators to Washington for a week-long program on government and current issues. One of the principal distinguishing features of Close Up is its unique outreach to every disadvantaged constituency in America. The Close Up program is the only one of its kind that focuses efforts on including students who are at the edge, who are at a risk of dropping out. Students who are hearing impaired, visually impaired or orthopedically handicapped, students who are recent immigrants to this country, students whose parents are migrant workers, and, of course, students who are economically disadvantaged. Close Up's success in reaching diverse groups of students has been due largely to the Allen J. Ellender Fellowship Program, named in memory of the late Senator from Louisiana.

I know the committee has recommended $4.223 million for the Ellender Fellowships and has imposed two conditions on receipt of those funds. It is the second of those conditions—the matching requirement—that I would like to discuss with the subcommittee chairman.

Both the House and Senate bills stipulate that the Foundation match Federal dollars for student fellowships on at least a 1-for-3 basis in 1994 and at least a 1-for-2 basis in 1995."

It is my understanding that because the Foundation has recently lost a major sponsor and has had some difficulty in identifying new sources of comparable private contributions, the Foundation believes it may not be able to comply with the matching requirements specified in the House and Senate report language. I also understand that the chairman of the subcommittee is aware of these concerns, and intends to explore the consequences of the matching requirement during the House-Senate conference on H.R. 2518.

Mr. HARKIN. The Senator from Louisiana is correct. I am aware of the concerns raised by the Close Up Foundation regarding the matching requirement, and I intend to discuss this issue with Chairman NATCHER when we go to conference.

THE CLOSING OF ALASKA PULP CORP. MILL IN SITKA, AK

Mr. MURKOWSKI. Mr. President, I rise today to bring to the chairman's attention an extremely serious economic situation which we are facing in southeast Alaska. On September 30, 1993, the Alaska Pulp Corp. [APC] mill in Sitka will close indefinitely.

The closure of the pulp mill in Sitka, the dominant employer in the community, is a result of Federal resource and environmental policies. The lack of similar jobs in this resource-based economy necessitates a major effort in retraining. The effect of the mill closure on this small isolated community, once the full impact hits, will be devastating, but could be greatly relieved by dislocated worker assistance programs funded in this bill.

Mr. President, I would like to take the time to explain to the chairman the intricacies of this problem. Southeast Alaska is home to numerous small communities located on islands or on thin strips of mainland lying between the coastal mountain ranges and the waters of the Inside Passage. The vast majority of acreage in southeast Alaska is taken up by the Tongass National Forest, the largest national forest in the United States. During the 1950's, in an effort to bring a sustainable timber industry to southeast Alaska, the Forest Service negotiated two 50-year contracts with companies which built large mills in Ketchikan and Sitka. The timber industry brought economic stability to the region.

The closure of the APC mill is due to numerous and complex factors, but among the most important have been the withdrawal of timber production of most of the Tongass National Forest and the enactment of stringent Federal laws, regulations, and policies. These factors have severely limited the timber supply, required major capital investments, and increased the cost of production.

The priorities of Federal decisionmakers in Washington, DC, will severely affect our local economy. Sitka will lose more than 400 direct jobs. These direct jobs lost, combined with the indirect employment affected by the closure of APC, impacts about 20 percent of the community's 8,800 residents. The people of these small, isolated communities will experience a serious economic downturn.

I know that one of the administration's and the chairman's subcommittee's high domestic priorities is to help communities which have been devastated by Federal policies regain economic self-sufficiency. I applaud him for recognizing in your subcommittee report the priority that should be given to the workers in the Pacific Northwest who will lose their jobs due to Federal timber policies.

Mr. President, is the situation that I described above the type of situation to which this language on page 11, 12 under the title of "dislocated worker assistance" in the subcommittee report refers?

Mr. HARKIN. Yes.

Mr. MURKOWSKI. The State of Alaska has recently applied for discretionary funding under the [JTPA], Job Training Partnership Act, title III, National Reserve Program, in the U.S. Department of Labor. I am aware that the Appropriations Committee Subcommittee on Labor, Health and Human Services, and Education has increased the dislocated worker assistance appropriation for 1994 from the previous year by almost $500 million and that the Secretary of Labor receives 20 percent of this total appropriation as discretionary funds.

I cannot think of a more appropriate scenario than the one I have presented to you for the use of these funds. Does the Senator agree that the expenditure of these discretionary funds on the relocation and retraining of the workers who will lose their jobs in just a few days due to the closure of the APC plant in Sitka is an appropriate expenditure of such funds?

Mr. HARKIN. Yes, the committee expects that the Department will give expeditious consideration to applications for emergency assistance like the application submitted by the State of Alaska for the dislocated workers of the APC plant in Sitka.

THE NATIVE AMERICAN LANGUAGES ACT

Mr. MURKOWSKI. Mr. President, I would like to complement the chairman and the ranking minority member of the Senate Labor, Health and Human Services, Education, and Related Agencies Subcommittee on Appropriations for recommending a budget increase of $5,493,000 for the Administration for Native Americans. I am also pleased to see the committee supports the Native American Languages Act (Public Law 102–524).

As the chairman knows, Alaska's indigenous languages face a critical time. Out of the 20 original native languages spoken in Alaska, only two, Siberian Yupik and Central Yupik, continue to be spoken by children. The other 18 Alaska Native languages face extinction early in the next century. The Native American Languages Act will help enhance and preserve many of these languages.

Mr. President, as I mentioned, the Appropriations Subcommittee on Labor and HHS recommended a $5,493,000 increase for the Administration for Native Americans budget for fiscal year 1994. Does this increase represent a commitment by the subcommittee to support funding for the Native American Languages Act?

Mr. HARKIN. Yes, there is sufficient funding in the Administration for Native Americans fiscal year 1994 budget to support the Native American Languages Act. For this reason, I urge the Administration for Native Americans to begin funding the Native American Languages Act during the fiscal year 1994 budget period.

Mr. INOUYE. Mr. President, I commend the Senator from Alaska for his expression of concern over the prospective loss of Native American languages in Alaska, and I thank him for the clarification he has obtained from the chairman of the subcommittee. It was the threat of the loss of Native American languages, the inseparable connection between languages and culture, and the need of tribal governments for assistance in their efforts to preserve their languages that led the Congress to approve the Native American Languages Act of 1992.

At the Committee on Indian Affairs' hearing in June 1992, linguist testified that, although 155 native American languages were still spoken or remembered, perhaps only 20 were spoken by persons of all ages. Further, because some languages are spoken only by the old or very old, they forecast that by the year 2000, as many as 45 languages could be lost forever. It was the conclusion of the committee that the competitive matching grant program it authorized could help defeat that forecast. To be assured that funding for the program is included in the budget, is very good news to Indians and other Native Americans and to all who care about the continuation of the cultures of the indigenous peoples of America.

Mr. SPECTER. I concur with the remarks made by Senator HARKIN, Senator INOUYE, and Senator MURKOWSKI. The Native American Languages Act is an important program that should receive funding during fiscal year 1994.

Mr. MURKOWSKI. I thank Senator HARKIN, Senator INOUYE, and Senator SPECTER for their commitment to the Native American Languages Act. The Native American Languages Act is a good public law that deserves the support of Congress and the President of the United States. I urge the Administration for Native Americans to begin funding this important public law in fiscal year 1994.

NATIONAL INSTITUTE ON DRUG ABUSE'S MEDICATIONS DEVELOPMENT DIVISION

Mr. BIDEN. I want to thank the chairman, Senator HARKIN, and the ranking member, Senator SPECTER, for their work on behalf of the fight against drug abuse in this bill. I wish to underscore the commitment of this bill to a particular and valuable area of the drug treatment effort—research and development of medications to treat drug addiction. I also wish to point out that the President has recently been briefed by some of the Nation's leading pharmacotherapy researchers, and I understand the President is supportive of efforts to develop these medicines. As I understand the position of the chairman and ranking member, more resources are desperately needed in this area and the NIH and NIDA Directors are encouraged to augment this effort within the funds appropriated in this bill.

Mr. HARKIN. I agree with Senator BIDEN. The NIDA Medications Development Division is a particularly promising area of drug treatment research. The committee intends that the Medications Development Division's effort be supported by the NIDA Director, within the funds appropriated in this bill. The committee also intends that resources made available to support activities of the Decade of the Brain Program should include efforts to support research in the important effort to develop medicines to treat drug addition, an area where the Medications Development Division has demonstrated outstanding research.

Mr. SPECTER. I agree with the statements of both Senator BIDEN and Senator HARKIN. The national effort against drug abuse requires research and development of medicines that treat drug addiction. In the 2 years since the Medications Development Division was established, I have been encouraged by the progress of their research and I wish to further emphasize the committee's strong bipartisan support for funding this effort with the funds appropriated in this bill. I also fully endorse the committee's intent that resources supporting activities of the Decade of the Brain Program should support and closely coordinate with the research undertaken by the Medications Development Division.

Mr. BIDEN. I thank Senators HARKIN and SPECTER for clarifying the committee's support for the Medications Development Division and research and development of medications to treat drug addiction. I yield the floor.

STUDENT LITERACY AND MENTORING

Mr. KENNEDY. I want to ask the distinguished subcommittee chairman about the Student Literacy and Mentoring Corps and their intent with regard to funding the program in conference.

As the chairman knows, the Student Literacy and Mentoring Corps, housed at the Department of Education, funds service learning programs in institutions of higher education. In such programs, college students take for-credit classes that have a clinical component involving tutoring illiterate adults or children.

It is estimated that 10 percent of all tutors nationwide in literacy are funded out of this program, all at very low cost.

In Massachusetts, various institutions of higher education such as Stonehill College, Boston University, and Bunker Hill Community College have developed self-sustaining literacy programs with initial seed grants of $50,000 or less.

An evaluation underway shows that the program is taking root and is increasingly successful. The program structure was improved last year in the reauthorization process. In addition, service learning programs, which were exceedingly rare at colleges 5 years ago, are becoming more common, and this Federal program has been a catalyst for this development.

The philosophy of service-learning treats students as a capable and energetic resource which can be enlisted in improving their community. It sees education as an active process and incorporates an understanding that young people learn not just from books and lectures but also by being directly and cooperatively engaged with their classmates in projects outside of the classroom. Colleges are seeing the benefits of using these methods to ensure that the curricula are relevant.

The House appropriations bill approved $1.0 million for the program in fiscal year 1994. The Senate bill does not fund the program. I urge the distinguished chairman to recede to the House in conference and support this important program. When the evaluation is complete, we can determine what the appropriate longer-term funding level should be.

Mr. HARKIN. I appreciate the Senator's comments. It sounds as though the Student Literacy and Mentoring Corps is designed to achieve important goals and is improving. I understand that there are 173 grants outstanding for fiscal year 1994. How would the chairperson recommend we allocate the $1 million in funding across these 173 grants?

Mr. KENNEDY. It is my understanding that there is wide variation in these programs that were funded, ranging from excellent to average. Given that the $1 million would be inadequate to allow all these programs to continue, I would recommend that the Department of Education fund the best programs. I would urge the Senator to incorporate conference report language which directs the Department of Education to determine an equitable manner for distributing the $1 million in funding across the 52 programs which had excellent evaluation scores on their applications of 95 or higher.

Mr. HARKIN. I appreciate the Senator's remarks and will strive to achieve these goals.

Mr. KENNEDY. I thank the Senator.

FIBROMYALGIA

Mr. HATCH. Would my colleague, the distinguished ranking minority member of the Appropriations Labor, Health and Human Services, and Education Subcommittee engage in a colloquy on a very important topic: fibromyalgia?

Mr. SPECTER. I would be glad to do so.

Mr. HATCH. The Utah Chapter of the Arthritis Foundation and its Fibromyalgia Education and Support Group have made me aware of how serious this mysterious disease is. I understand it is the second most prevalent rheumatic disease. It is extremely disturbing because, at present, there is no known cause or cure.

In fact, I was surprised to learn that it affects 3 to 5 percent of the general population. Most affected are women. Some believe it is the most common cause of pain in women between 20 and 55.

Mr. SPECTER. I am familiar with those statistics. As my colleague knows, the committee is very interested in fibromyalgia. It is a serious disease.

In our report on the fiscal year 1993 budget for the National Institutes of Health, the committee directed NIH to provide a report on fibromyalgia research, including information concerning grants awarded, cooperative agreements, intramural research, overall research priorities, and a plan to address those priorities.

Mr. HATCH. Can the Senator bring me up to date on this?

Mr. SPECTER. Yes. NIH provided its report to the committee early this year. They followed it up with a workshop on May 19, which the committee found commendable.

Mr. HATCH. I am concerned that we do all we can to learn the cause of this disease and how to treat it. Does the Senator believe the funds provided for NIH in this legislation are adequate to do that job?

Mr. SPECTER. As the Senator from Utah knows, we always wish we could provide more funds to NIH than we have available. The committee believes that NIH should aggressively pursue stimulating interest in both basic and clinical research on fibromyalgia. We feel we have provided sufficient funds to increase significantly support for this important research, most notably neoendocrine abnormalities.

Mr. HATCH. I thank my colleague for this. As the Senator said, this is very serious, and I would like to work with him to provide whatever support is needed.

Excepted committee amendments on page 9, line 23 through page 10, line 7; page 42, line 20 through page 43, line 2; page 45, lines 7 through 25; and page 63, line 14

Mr. HARKIN. Mr. President, I ask unanimous consent that all remaining committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments agreed to en block are as follows:

> Page 9, line 23, through page 10, line 7; page 42, line 20 through page 43, line 2; page 45, lines 7 through 25; and page 63, line 14.

Mr. HARKIN. I move to reconsider the vote by which the committee amendments were agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CAMPBELL). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, while there is a lull in the action and my distinguished colleague from Iowa is not on the floor, and since I will not be able to be present after the final vote, assuming we have the schedules we have discussed for the final votes, I want to take a moment to congratulate the distinguished Senator from Iowa [Mr. HARKIN], for his outstanding work on this very complicated bill. I would also like to thank the distinguished chairman of the Appropriations Committee, Mr. BYRD, from West Virginia, for his continuing help, and also the ranking Republican, Senator HATFIELD, for his cooperation.

It is a difficult bill, because notwithstanding the fact that we have $260 billion total in budget authority, with some $67 billion for discretionary accounts, which is not enough money to go around—I see Senator HARKIN has returned to the floor, and I know he agrees with that proposition because we talk about it frequently—it takes very extraordinary staff work to put this bill in shape. There is extraordinary staff work on the floor and very long hours.

On the minority side, Craig Higgins, Bettilou Taylor, and Meg Snyder have done truly outstanding work not only on this bill, but they are constantly working not only with Senator HATFIELD and myself, but also with all the members of the subcommittee, really all the members of the Appropriations Committee; beyond that, all the Members of the Senate. They are available for advice and consultation. They have long service.

On the majority side, outstanding work has been done by Ed Long, Jim Sourwine, Carol Mitchell, Bill Cordes, Roberta Jones, Carol Ortega, Susan McGovern, and Gladys Clearwaters.

I want to acknowledge my appreciation for their efforts since, as I say, I will not be able to be here after the final vote later this afternoon.

I thank the Chair and yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia, [Mr. BYRD] is recognized.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Pennsylvania for his kind reference.

RETIREMENT OF SENATOR DON RIEGLE

Mr. BYRD. Mr. President, on Tuesday of this week, to the surprise and sincere disappointment of his many friends here in the Senate and to the hundreds of thousands of his constituents in Michigan, Senator DON RIEGLE announced his intention that this will be his last term in the Senate.

Mr. President, I have enjoyed a long friendship with the senior Senator from Michigan and, on more than one occasion, especially during my years as the leader of the Democratic Party in the Senate, I have benefited from the working relationships with Senator RIEGLE on a range of issues coming before the Senate. I have appreciated that quality of comradeship with Senator RIEGLE, as well as our genuine friendship. Likewise, I have appreciated the keen perception and the sheer energy that Senator RIEGLE has brought to our work together here in the Senate.

I have often observed that when Senator RIEGLE chooses sides on an issue, that issue has won for itself a powerful advocate and a faithful friend, as well as a voice to which many of our colleagues listen seriously, for its persuasive quality and its cogency.

Above all, however, Senator RIEGLE's retirement means that the citizens of Michigan will be losing one of their most ardent champions on the national level.

Often, some critics of the Senate decry the "boosterism" that they accuse Senators of exercising here in the Senate on the floor and in the committees. But that so-called boosterism is one of the reasons that States elect their Senators. If a Senator stands up for and speaks out in support of the interests of his or her own State, is that not one of the reasons for which he or she was elected? That is the nature of representative democracy in this Republic. And in his advocacy for the interests of the State of Michigan, Senator RIEGLE has been determined rational and impassioned, and the citizens of Michigan will miss Senator RIEGLE, as will the Senate and as will I when his term ends next year.

In announcing his decision to retire from the Senate, Senator RIEGLE highlighted a dimension of Senate membership that some of the Senate's harshest critics too often overlook in their glib attacks on this institution. Senator RIEGLE cited the sacrifices of family life that Senate duty demands of many of those who choose to serve in this body. For all those who must sacrifice to represent their home States and the Nation and their families, their families too often must sacrifice even more.

Long hours, loneliness, and separation are only some of the negatives that the spouses and offspring of Senators must be prepared to suffer in behalf of a serving Senator. Unfortunately, those sacrifices have become too overbearing for Senator RIEGLE and his family, and I can grasp the weight of those sacrifices in convincing Senator RIEGLE to seek redress for his family by retiring from Senate service.

But, Mr. President, I have long believed in an intangible quality to membership in the Senate. In the lengthy history of this body, out of millions upon millions of men and women who have peopled this Republic, the cumulative membership of the Senate has not yet reached the 2,000 mark. Think of that. In barely more than two centuries, fewer than 2,000 men and women—as a matter of fact, to be exact, 1,815—have carried the title of U.S. Senator.

That is a high challenge. That is a choice association. That is a sacred calling for service to the Nation, to the States, and to the people. This is the only forum of the States under the Constitution. This is the one forum in which all States are equal—the large and small, the most populous and the least populous. All are equal here, in this forum of the States—the United States Senate.

I hope then, Mr. President, that Senator RIEGLE will always remember that he is our friend, and that, as he moves on with his life, he will carry with him a knowledge of the special affection that we feel toward him. Likewise, I hope he will realize to the fullest the pride to which he has a right, as being numbered among such a select group of men and women who, in the long history of our country and in the United States Senate, have sat in this Chamber and its predecessor quarters helping to shape the destiny of America and the history of the world. That, after all, Mr. President, is the duty to which Americans chosen to carry the great and high and honorable title of U.S. Senator are called by a Providence higher than any of us can conceive.

RETIREMENT OF SENATOR DECONCINI

Mr. BYRD. Mr. President, as in every Congress, as the next cycle of elections approaches, some among our colleagues begin wrestling with the existential question of running for reelection or turning to other pursuits in lives and careers that understandably offer other options and that feel the pressure of other duties and commitments. With regret, I listened some days ago to Senator DENNIS DECONCINI's announcement that he did not plan to stand for reelection as his current term expires next year.

Senator DECONCINI has brought to his service in the Senate a quality of thoroughness and commitment and dedication, yoked to an understated warmth of personality and an appealing quality of gracious humility. Senator DECONCINI has been a hard-working Senator and has brought a mature self-discipline to his duty among us. I know I speak for all of our colleagues in saying that the Senate in the years ahead will miss Senator DECONCINI's special contributions.

I will miss him. He has been a faithful, hard-working, diligent member of the Appropriations Committee, of which I am the chairman.

Having said these things, I must add that, like Senator DECONCINI, I have long felt uncomfortable with the current process of seeking funds for reelection to the Senate, and I sought again and again, when I was the majority leader in this body, to support legislation to put a collar on the interminable money chase on which a Senator must embark if he or she senses a calling to Senate service and hopes to follow that sense of vocation.

When I was first elected to the Senate from West Virginia in 1958, I ran on the same ticket, the same year, with our former colleague, Senator Jennings Randolph. He ran for the unexpired term of the late Senator M. M. Neely, and I ran for the full 6-year term that year. Together, in the 1958 races for U.S. Senators from West Virginia, Jennings Randolph and I spent a combined total of roughly $50,000. By today's standards, $50,000 in a West Virginia election campaign would not underwrite a week's efforts, perhaps, for one Senate candidate, not to mention two candidates.

Be that as it may, I can understand Senator DECONCINI's concerns about having to launch another race for campaign funds, and I respect his decision. I particularly regret, however, the loss of a Senator who again and again has taken courageous stands, such as he did in his statesman-like support of the Panama Canal Treaties.

I can very well remember that great debate on the Panama Canal Treaties, when we needed two-thirds of the Senate to approve the ratification of those treaties. We mustered two-thirds plus one vote for each of those treaties. It was with the help of Senator DECONCINI that we were able to adopt that very historic milestone in the annals of our foreign relations.

And there have been other issues of decision wherein Senator DECONCINI chose a vote that he knew might not be popular, but that he believed was right, in the best sense of the word.

I know that, given his warm personality and his agile intellect, Senator DECONCINI will go forward into some new career after his retirement from the Senate. I wish him every success and every happiness wherever his destiny leads him.

RETIREMENT OF SENATOR METZENBAUM

Mr. BYRD. Mr. President, the 1994 general elections are more than a year away. In spite of that time lead, several Senators have already announced their intention not to stand for reelection as the new election cycle dawns. Among the first to announce his decision not to run next year has been Senator HOWARD METZENBAUM from Ohio.

Senator METZENBAUM has been in politics after a full and successful business career in Ohio. Since winning a full Senate term in 1976, Senator METZENBAUM has established himself as a man of sincerely liberal conscience, speaking out here in the Senate on behalf of causes dear to his heart where some others might have feared to tread.

In that process, Senator METZENBAUM has won the admiration of colleagues who might have opposed him, and who did oppose him, on many of the issues. But, nevertheless, I have appreciated the courage, conviction, commitment, and sheer toughness that Senator METZENBAUM brings to the Senate in everything that he undertakes.

While some men have succeeded in politics through diplomacy and compromise, HOWARD METZENBAUM's forte has been passion. Observing Senator METZENBAUM engaged in hot debate and sincere appeal, with his carefully groomed white mane suggesting the halos of saints in Victorian stained-glass church windows, Senator METZENBAUM calls to mind the image of an old testament prophet proclaiming his convictions and breathing life into his visions for a more just future and a fairer chance for the causes in which he so ardently believes.

Certainly Senator METZENBAUM has fulfilled a role for visionaries that the Founding Fathers foresaw for some elected to the Senate, and he has fulfilled that role very well.

I know that I speak for all of our colleagues in telling Senator METZENBAUM that he has added significantly to Senate deliberations through his years of service. And I, particularly, again note the years when I was the majority leader—and also the years when I was the minority leader in this body—there were times when Senator METZENBAUM's strong voice and strong advocacy and strong support meant the difference.

We wish for him many more years of rich and rewarding life as his retirement approaches.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

THANKING SENATOR HARKIN AND SENATOR SPECTER

Mr. BYRD. Mr. President, I thank the distinguished manager of the bill. While I am on the floor and on my feet, let me thank him, too—Mr. HARKIN—for his service to the Nation, to his people, and to the Senate. He is a hard-working member of the Appropriations Committee. He has always been most cooperative and courteous to me; most considerate; and he, too, brings to his work an ardency and a commitment that we all might strive to emulate. I thank him for the work that he has done on the bill and for the leadership that he has demonstrated in the subcommittee, in the full committee, and on the floor.

I likewise congratulate his colleague on the other side of the aisle, who also brings a deep commitment and a high purpose of service to the committee and to the Nation.

Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, I want to thank my friend and the distinguished chairman of the Appropriations Committee for those very kind words. They mean a lot to me because of the deep respect and admiration I have for Senator ROBERT BYRD, from West Virginia.

I want to thank him for the many years of guidance, of counsel that he has given to me since I first came to the Senate. It has been wise counseling, good counseling. I think I can say honestly that not once in my 8 years here have I not failed to follow the advice and counsel of Senator BYRD and counted it much to my benefit to make sure that I do follow his advice and counsel.

So again, I thank him very much for those kind words. They mean a lot to me.

Mr. BYRD. Mr. President, I thank the Senator.

I should say, also, that the Senator from Iowa and the Senator from Pennsylvania, Mr. SPECTER, have once again, as they have done repeatedly, stayed within the allocations that were given to the subcommittee by me in the beginning.

No subcommittee of the Appropriations Committee ever exceeds its allocations. So this committee is not a budget-busting committee. These subcommittees are not budget-busting subcommittees. They have faithfully lived up to the Budget Enforcement Act. I am very proud of that fact, and I am very proud of the leadership that continues to be given by the Senator from Iowa and the Senator from Pennsylvania.

Mr. HARKIN. I thank the Senator. We have lived within those allocations because of the great leadership of our distinguished chairman.

BETHUNE-COOKMAN STATEMENT

Mr. HARKIN. Mr. President, I would like to briefly address a matter of concern to certain Members regarding a proposal that we were unable to fund in this bill.

President Clinton included in his fiscal year 1994 investment package for education a request for $12.5 million to fund the second phase of construction of a performing arts center at Bethune-Cookman College in Daytona Beach, FL. Congress initially authorized this project in 1986 to honor Mary McLeod Bethune, the founder and first president of the college, who led the movement to promote the voter registration of African-American women and served as an adviser to President Franklin Roosevelt. The Congress provided $6.2 million under the original authorization for phase 1 of the Mary McLeod Bethune Memorial Fine Arts Center.

Additional support for the construction, maintenance, and endowment of the center was authorized last year and, as I mentioned, President Clinton requested funds for the center in his 1994 budget. As I think most of you know, however, the President's budget request for the activities funded by this bill exceeded our allocation by a substantial margin. As a result, we were unable to fund all of the investment activities included in the President's request.

Unfortunately, the Bethune-Cookman Center was one of the activities that we could not fund this year. The House also did not provide funding for the center. I want to reassure Members, however, that this difficult decision does not reflect an unwillingness to support the center, and that we are prepared to revisit the issue of funding for phase 2 of the center in future years.

NIH/HEART, LUNG, AND BLOOD INSTITUTE

Mr. HARKIN. Mr. President, also I want to clarify some of the report language regarding proportions of funding for heart, lung, and blood research at NHLBI. For many years there has been a precedent for relative percentages of funding, and also funding priorities have been based upon excellence of research proposals and judgment of the scientific advisers and staff at that Institute. The committee did not intend to interfere in that precedent and process. The bill report language simply indicates what is fully understood by all who work with the NIH; that we need to continue to strive to appropriately fund biomedical research across the board.

Mr. BOND. I want to join the chairman and the Senator from Minnesota in their view that current law allows the release of these emergency funds, and I will continue to work with the chairman and ranking minority member of the committee to secure their immediate release. The Missouri Department of Social Services has told me that there is a vital need for these funds, as thousands of Missouri families have been displaced by the flood. If the Great Flood of 1993 does not qualify as an emergency, then the designation is meaningless. I thank the Senators from Iowa and Minnesota for their leadership.

RELEASE OF EMERGENCY LIHEAP FUNDS TO FLOOD STATES

Mr. WELLSTONE. Mr. President, I would like to direct an inquiry to the manager of the bill, Senator HARKIN, relating to the Low-Income Home Energy Assistance Program. This relates to utilization of the emergency funds available under this program to assist victims of flood damage in the Midwest. On September 15, the Governors of nine Midwest States requested that the administration release emergency LIHEAP funding, which can be used to repair furnaces of low-income individuals, and for such other activities as replacement of waterlogged insulation materials. This work needs to be done before the onset of winter, but many low-income people, struggling with massive losses from the flooding, simply can't afford it. I understand OMB Director Panetta, in response to Senator HARKIN'S letter, raised an objection that current law would not permit targeting of LIHEAP funds to specific States. I would ask Senator HARKIN if it was not Congress' intent that emergency LIHEAP funds be targeted to specific areas to meet, among other things, special contingencies like this?

Mr. HARKIN. The Senator from Minnesota is correct. Our intent was clearly to make these LIHEAP reserve funds available to meet emergency needs resulting from specific localized disasters. In the upcoming conference with the House on the Labor-HHS appropriations bill, I will seek to include language in the statement of the managers clarifying congressional intent on this issue, and if deemed necessary, adjust the actual appropriations bill language. I will continue to do all I can to see that emergency LIHEAP funds are released as soon as possible to assist eligible persons in flood-impacted States.

Mr. WELLSTONE. I thank the chairman for that clarification. I know that release of these funds to meet emergency needs for over 6,000 people in Minnesota, and thousands of others in Iowa and in other flood-affected States, would enable us to rush urgent help to those in need as the winter approaches. I will continue to work with the chairman, and with the administration, to ensure prompt release of these funds. I ask unanimous consent to include at this point in the RECORD some correspondence on this issue. The first letter is from Energy Secretary O'Leary and HHS Secretary Shalala to OMB Director Panetta, urging release of the funds. The second is the letter from nine Midwest Governors requesting immediate release of the funds. Finally, I would like to insert an exchange of correspondence between Chairman HARKIN and Mr. Panetta to which I referred earlier. I thank the chairman for his help with this important effort.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, September 27, 1993.

Hon. LEON PANETTA,
Director, Office of Management and Budget, Old Executive Office Building, Washington, DC.

DEAR LEON: We would like to bring to your attention a serious matter involving the survival of low-income persons in the Midwest flood area, and to strongly recommend actions that can be taken immediately to alleviate their distress before the winter.

As you know, Senator Harkin sent a letter to the President on July 19, 1993, requesting the release of a portion of the contingency funds for flood relief. On September 15, you sent Senator Harkin a reply voicing concerns with releasing the funds to just the flood States, and suggesting instead that funds available from the Federal Emergency Management Agency (FEMA) could be used for this purpose. Also on September 15, the Governors of all nine flood States wrote to the President requesting that a portion of the LIHEAP contingency funds be released for flood relief efforts.

Based on the continued need of the flood states and our own review of this issue, we would like to revisit the possibility of using LIHEAP contingency funds for flood relief efforts.

Among those who have been most affected are low-income persons whose residences have been flooded. Many are still homeless, with the mid-western winter only a month to six weeks away in parts of the flood zone. Many more are little more than "camping out" in a shell of a house, with no working furnace and no hot water. Wet insulation not only will be ineffective this winter because of the moisture, but also, if not removed soon, will cause the structure to rot. Many of these disaster victims are struggling to provide food and clothing for their families. Furnace replacement or repair and weatherization needs are completely beyond their reach, and few of them have insurance to cover their losses. It is not likely that funds for weatherization needs will be met through the recently passed flood relief bill, H.R. 2667, at least in the near future.

We are concerned that further devastation awaits these unfortunate flood victims, who are already operating at the economic margins of society, if we do not ensure that they are able to return to their homes before winter.

We have been considering this issue carefully over the last month and believe that we should pursue further the idea of using LIHEAP contingency funds to supplement limited funds available from FEMA. FEMA has advised us that it does not have sufficient funds or authority to carry out all the activities that we believe could be accomplished with the contingency funds. Furthermore, FEMA cannot pay replacement value for items such as furnaces that were destroyed in the flood.

After discussing needs with the nine States involved, we believe release of $68 million of the contingency funds will meet the valid energy-related emergency needs of low-income persons in the flood States, and would cover repairs to approximately 13,000 housing units. The FY 1994 Senate Appropriations Bill contains the same provision for these contingency funds as was provided in the 1993 Appropriation. Therefore, we have the opportunity to modify the bill language to clarify our ability to target these funds if released. This strategy could also be pursued in Conference. We would appreciate your support in bringing this to pass.

Use of the funds made available will be coordinated between the Low-Income Home Energy Assistance Program in the Department of Health and Human Services and the Low-Income Weatherization Assistance Program in the Department of Energy. Local crews have been performing what repair work they can, but they have run out of funds. They are standing by to utilize any funds that are released to continue their work.

We strongly urge you to take immediate action to obtain the release of these funds so that necessary repairs can be made to make these homes ready for winter weather. We stand ready to discuss this with you.

Sincerely,

DONNA E. SHALALA,
Secretary of Health and Human Services.
HAZEL R. O'LEARY,
Secretary of Energy.

STATE OF MINNESOTA,
OFFICE OF THE GOVERNOR,
St. Paul, September 15, 1993.

Hon. BILL CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are respectfully asking for the release of the 1993 LIHEAP (Low-Income Home Energy Assistance Program) contingency appropriation. These funds were appropriated by Congress to provide aid in energy emergencies. Midwest states are experiencing such an emergency as a result of this summer's massive flooding. Flood waters have caused damage to furnaces, water heaters, insulation and windows in the homes of low-income families.

The support and assistance of the federal government have been vital in the flood cleanup and reclamation of property through programs initiated by FEMA, HUD, SBA and Agriculture. However, there are many families who will not be eligible for these programs, yet have needs which must be addressed. For example, SBA loans are available only to those with an ability to repay. Low-income families and those who have lost their jobs due to the floods are not eligible for loans. HUD programs address some repair needs but not the inability of a family with greatly reduced income to pay their winter heating bills. We are writing on behalf of these families.

We have already seen strong indications that the number of these households will increase this winter, as reduced farm income and the flood's ripple effect trigger layoffs, shortened work hours and reduced or eliminated income. These households are primarily working families, small family farmers, "mainstreet" business owners and employees, and those dependent on agriculture for their livelihood.

With your declaration of an energy emergency in the flood damaged states prior to September 30th, the LIHEAP contingency funds can be released. We are respectfully requesting that you release those funds.

Thank you very much for your consideration of our request.

Warmest regards,

Arne H. Carlson, Governor of Minnesota; Terry E. Branstad, Governor of Iowa; Jim Edgar, Governor of Illinois; Tommy G. Thompson, Governor of Wisconsin; Joan Finney, Governor of Kansas; Walter D. Miller, Governor of South Dakota; E. Benjamin Nelson, Governor of Nebraska; Mel Carnahan, Governor of Missouri; Edward T. Schafer, Governor of North Dakota.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, July 19, 1993.

Hon. BILL CLINTON,
United States President, 1600 Pennsylvania Ave., NW., Washington, DC.

DEAR MR. PRESIDENT: I am writing to urge you to release contingency funds provided in the Fiscal Year 1993 Labor, Health and Human Services, and Education Appropriations bill for the Low-Income Home Energy Assistance Program to assist victims in flood-ravaged states.

It is my understanding that these funds can be used for a variety of crisis intervention activities, such as emergency shelter, reconnecting electrical service, and repair of air conditioning and furnace equipment.

In this crisis, one of the most urgent needs of low-income people who have lost so much is immediate cash assistance. This program can provide much needed relief in this regard by offsetting some of the unanticipated costs of emergency energy-related assistance.

The appropriations bill provided $600 million on a nationwide basis for such emergencies as this, which can be made available by declaration of the President of an emergency, in conjunction with submission to Congress of a formal budget request. No further Congressional action is necessary.

I urge your immediate action to release as much Low-Income Home Energy Assistance contingency funds as possible to meet emergency needs in flood-devastated states.

Sincerely.

TOM HARKIN.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 15, 1993.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: Thank you for your letter to the President suggesting the Low Income Home Energy Assistance (LIHEAP) program's contingency fund be released to assist people affected by the flooding in Midwestern States.

I particularly want to thank you for your work in getting the emergency flood supplemental appropriation passed quickly to aid flood victims. The assistance package enacted, which provides $6.3 billion in disaster assistance, should deliver rapid, coordinated, and well-targeted help.

Your letter suggested that $600 million in FY 1993 LIHEAP contingency funds be released as part of Federal flood assistance efforts. As your letter correctly noted, LIHEAP's energy crisis intervention program may fund activities such as the provision of temporary emergency shelter and emergency repairs to heating and cooling equipment. It appears, however, that were they released, LIHEAP's contingency funds would not target only States affected by flooding but go to all LIHEAP eligible States, whether disaster relief efforts should target flood-affected States and help flood victims. As an alternative, Federal Emergency Management Agency (FEMA) funds in the disaster relief package may provide temporary shelter, cash grants for basic needs such as home energy assistance, and help with repairs.

I want to reiterate that the Administration will continue to seek additional assistance, as needed, for flood-affected States. Thank you again for sharing your views with me. As always, I welcome the opportunity to respond to them.

Sincerely,

LEON E. PANETTA,
Director.

ORDER OF PROCEDURE

Mr. HARKIN. Mr. President, I ask unanimous consent that a vote on or in relation to the D'Amato amendment No. 975 occur at 12:50 p.m.; that upon the disposition of amendment 975, the Senate vote on or in relation to the Helms amendment 976; that following the disposition of the Helms amendment, the bill be read a third time and the Senate proceed to vote on final passage of H.R. 2518, as amended; that upon final disposition of H.R. 2518, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, that the Chair be authorized to appoint conferees, and that all of the above occur without any intervening action or debate.

I further ask unanimous consent that after the vote on the D'Amato amendment, the succeeding votes be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 975

The PRESIDING OFFICER. The hour of 12:50 having arrived, the question is on agreeing to the D'Amato amendment numbered 975. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mrs. FEINSTEIN], the Senator from Arkansas [Mr. PRYOR], and the Senator from Pennsylvania [Mr. WOFFORD] are necessarily absent.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN) Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—97

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone

NAYS—0

NOT VOTING—3

Feinstein
Pryor
Wofford

So the amendment (No. 975) was agreed to.

Mr. D'AMATO. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 976

The PRESIDING OFFICER. The question is on agreeing to the Helms amendment No. 976. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—94

Akaka
Baucus
Bennett
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wofford

NAYS—4

Domenici
Inouye
Simon
Wellstone

NOT VOTING—2

Biden
Pryor

So the amendment (No. 976) was agreed to.

POSITION ON ROLLCALL VOTE NO. 293

Mr. WOFFORD. Mr. President, I wish to announce that on rollcall No. 293, the D'Amato amendment, I would have voted "yea."

CENSORSHIP OF BROADCASTING FROM NORTHERN IRELAND

Mr. LAUTENBERG. Madam President, I rise today to express my outrage at the continuing censorship by the British Government of broadcasting related to the conflict in Northern Ireland. As we consider this bill, which contains funding for the Corporation for Public Broadcasting, this is an appropriate time for this body to urge the Corporation, the U.S. Government and all American broadcasters to redouble their efforts to bring about an end to this censorship which is repugnant to American values and traditions.

Since 1988, the British Government has ordered broadcasters in the United Kingdom not to broadcast the voices of members of 11 groups including the Irish Republican Army and Sinn Fein. The British Broadcasting Corporation [BBC] and the British Broadcasting Corp.'s World Service have followed this requirement under protest. In fact, they have avoided the strict requirements of this rule by using actors, in some cases, to repeat the words of banned persons.

Madam President, this would not be an issue before us today except for the fact that many public radio stations in our Nation, funded by the Corporation for Public Broadcasting, air the BBC World Service. The World Service has a strong reputation in this country and around the world. Yet, the censorship that it suffers under is inconsistent with our views on freedom of speech and inconsistent with the need to hear all points of view on the situation in Northern Ireland.

The first amendment is clear on this point. By hearing all views, we can best make up our minds on the critical issues of the day. The long tragedy of conflict in Northern Ireland is certainly one of those issues. To broadcast and hear the views of the banned groups is not to endorse those views. It is simply a matter of hearing all points and positions.

The censorship imposed by the British Government is wrong. All those who value freedom should join in its condemnation. In fact, Mr. President, the Corporation, National Public Radio and the BBC itself have all protested this practice. The BBC airs a warning with all broadcasts that are directly affected by the government ban on using the voices of members of banned groups. The warning states that the government restrictions have prevented the use of the interviewees' voices.

We can and should do more to end this censorship. I rise to urge the Corporation for Public Broadcasting and all those who receive grants from it to take all appropriate steps to encourage the British Government to end this censorship.

Some have suggested that American broadcasters should accompany all BBC broadcasts related to the situation in Northern Ireland with a reminder of the censorship rules. This appears to be a reasonable and appropriate step that is consistent with full disclosure to the public of the restrictions on broadcasters in the United Kingdom. I urge all American broadcasters to consider such a reminder.

I also urge the U.S. Government to do all it can to bring an end to the restrictions. The situation in Northern Ireland remains one of the most troubling unresolved conflicts in the world today. Too many lives have been lost. Too much blood has been shed. We need to face this conflict with our eyes wide open, not blinded by a censor's rules. I urge my colleagues to look into this matter as I have and to join me in condemning this continuing affront to free speech.

DOLE-KASSEBAUM IMPACT AID AMENDMENT

Mr. DOLE. Madam President, for impact aid districts with 50 percent or more federally connected students, regular impact aid payments are not enough to cover the cost of education. As local taxpayers should not foot the bill for a Federal obligation, the 3(d)2(b) program was created to make up for any shortfalls. Realizing that these districts have no alternative revenue streams, the authorizing committee was quite specific that no limitations should be placed on this funding. Unfortunately, the appropriations request for fiscal year 1994 did not meet these needs and eligible school districts would have had this funding supplement cut by 25 percent.

In my home State of Kansas, the Fort Leavenworth budget would have shrunk by $300,000—almost enough money to pay for the education of 100 students. It is my understanding that 10 additional States would have been adversely affected, too.

I am pleased that the managers accepted the Dole-Kassebaum amendment which helped resolve this matter. Furthermore, I appreciate the efforts of Senator PELL and his staff in helping find a workable solution.

Madam President, for 43 years, Congress has supported the education of the sons and daughters of military personnel through the impact aid program. The program has consistently funded strong instruction, and I am pleased that this amendment will enable our most heavily impacted districts to maintain a high standard of excellence.

VOTE ON HELMS AMENDMENT NO. 976

Mr. BIDEN. Madam President, I rise for just a moment to explain my absence on the vote on the Helms amendment. After I voted on the D'Amato amendment, I was meeting with a constituent from Delaware in the President's room off the Senate floor. The room has no bells, and I was not notified that another vote was in progress until after the vote on the Helms amendment was over. I fully intended to participate in the vote, and I regret that I was not notified.

LABOR-HHS APPROPRIATIONS

Mr. KENNEDY. Madam President, I want to commend my colleague from Iowa, the chairman of the Labor-HHS subcommittee, for including two very important items in the National Cancer Institute section of the Appropriations Committee report dealing with issues that are critical to cancer treatment, and central to cancer patients and their families.

There are over 8 million cancer survivors in the United States today. Another million Americans are expected to be diagnosed with cancer this year. It is crucial to the well-being and comfort of these people that NCI find the answers about how to improve quality of life for cancer patients and survivors.

With millions of Americans now living with cancer, NCI should take into account the increasing evidence that psychological and social factors influence the morbidity and mortality of cancer. The institute must increase research on how to lessen the impact of cancer and improve cancer victims' quality of life by managing the disease and its treatment. I commend the subcommittee chairman for directing NCI to do this. Currently, less than 1 percent of NCI's budget is slated for this important research—just $6.5 million of NCI's $1.9 billion budget. Clearly, this isn't enough.

I was especially pleased to note the report language on page 80 of Senate Report 103-43, pointing to the evidence that psychological and social factors influence cancer incidence, morbidity, and mortality, and directing NCI to increase funding for clinical intervention trials that reflect the concerns of cancer patients, survivors, and their families in coping with cancer.

As chairman of the Labor and Human Resources Committee, I supported a provision in the NIH Revitalization Act (Public Law 103-43) setting aside a portion of NCI appropriations for cancer control activities, including psychosocial interventions to improve quality of life and increase treatment compliance. With the set-aside, and the increased funding provided in the House and Senate appropriations bill, NCI will have ample funding for more research on these vital concerns.

Mrs. FEINSTEIN. Madam President, I would like to engage the distinguished Senator from Nevada in a brief colloquy.

Mr. BRYAN. I would be happy to enter into a colloquy with my friend from California.

Mrs. FEINSTEIN. As the distinguished Senator knows, Ukiah Valley Medical Center is a 94-bed hospital located in Ukiah, CA. The 94-bed hospital that exists today is the product of an acquisition that occurred in 1988 when then-Ukiah Adventist Hospital acquired the assets of Ukiah General Hospital. Both hospitals at the time were very small, one 43-beds, the other 51-beds. Both hospitals were experiencing reduced demand and were struggling to survive. The cost of operating both hospitals, given their low occupancy rates, made the outlook for both hospital surviving highly unlikely. Ukiah Valley Medical Center's acquisition of Ukiah General was completed in August 1988. On the eve of the closing, the Federal Trade Commission staff announced it wished to investigate this transaction. Although the FTC chose not to seek an injunction to halt the transaction, the agency did file an administrative complaint 15 months after the hospital was acquired. The FTC did not try the case until November of 1992. Earlier this year, the chief administrative law judge at the FTC, Judge Parker, issued a 45-page opinion which found in favor of Ukiah on virtually every issue, including that the acquisition did not injure competition and that the FTC's proposed remedy, divestiture, should saddle the Ukiah community with two inefficient hospitals that would be less able to deliver improved quality of care.

Despite Judge Parker's clear findings of law and fact in favor of Ukiah Valley, the FTC chose to appeal Judge Parker's decision to the full Commission. The Commission, in doing so, is reviewing the record de novo and is not bound by Judge Parker's findings.

Ukiah now finds that after successfully defending itself from a prosecution that has lasted 5 years it is once again being forced to defend its acquisition before the Federal Trade Commission. During the last 5 years this small rural hospital has spent huge sums on legal fees. It has been hampered by an inability to attract new physicians to its medical staff because of the legal cloud hanging over it. As a not-for-profit concern, the hospital also has been placed at a disadvantage in its quest for charitable contributions.

I ask the distinguished Senator from Nevada if he could assure me that if the Federal Trade Commission does not bring this lengthy prosecution to a conclusion before the end of this calendar year that as chairman of the Subcommittee on Consumer Affairs he will hold an oversight hearing at the beginning of the second session of this Congress to examine why the prosecution of this small rural hospital in my State is being continued by the FTC.

Mr. BRYAN. Madam President, I would like to thank the Senator from California for bringing this matter to my attention. She and I discussed this issue several days ago when we were considering the Federal Trade Commission reauthorization bill. I informed the Senator at that time that I can appreciate her concerns and certainly would be inclined to hold a hearing in the next session to address any further concerns she may have.

Mrs. FEINSTEIN. I thank the Senator, and commend him on his longstanding concern for the preservation of available health care in rural America.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 82, nays 17, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—82

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Harkin
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—17

Brown
Conrad
Craig
Faircloth
Gramm
Gregg
Hatch
Heflin
Helms
Hutchison
Kempthorne
Kohl
McCain
Nickles
Pressler
Roth
Smith

NOT VOTING—1

Pryor

So the bill (H.R. 2518), as amended, was passed.

Mr. HARKIN. Madam President, I move to reconsider the vote by which the bill, as amended, was passed.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Madam President, that finishes the Labor, Health and Human Services, Education appropriations bill. I want to thank all Senators for their indulgence, for their bringing their amendments to the floor and getting this through.

THANKS TO THE STAFF

I want to especially thank the staff who have worked so long and so hard on this bill. It was not an easy year as Senator SPECTER said earlier. We had some pretty tight budget constraints we had to work under. But we got it through, I think as the vote indicates in a strong bipartisan manner. But a lot of the credit has to go to our staff who worked so long and hard.

On the majority side, staff director, Ed Long, Jim Sourwine, Carol Mitchell, Roberta Jones, Bill Cordis, Carol Ortega, Susan McGovern, and Gladys Clearwaters; on the minority side, Craig Higgins, Bettilou Taylor, and Margaret Snyder.

To all of them, my heartfelt thanks and gratitude for so many hours put in on this bill.

Now it is on to the conference. The conference last year lasted less than 6 hours. I was chair of that conference. So I have issued a challenge to my counterpart on the House side to see if he can break that record this year; see if we can do our conference in less than 5 or 6 hours this year. Let us hope we can get that done.

Again, I thank all Senators.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes, and the Chair is authorized to appoint conferees on part of the Senate.

The Presiding Officer (Ms. MOSELEY-BRAUN) appointed Mr. HARKIN, Mr. BYRD, Mr. HOLLINGS, Mr. INOUYE, Mr. BUMPERS, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. SPECTER, Mr. HATFIELD, Mr. STEVENS, Mr. COCHRAN, Mr. GORTON, Mr. MACK, and Mr. BOND conferees on the part of the Senate.

MORNING BUSINESS

Mr. HARKIN. Madam President, I now ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

CHILD PORNOGRAPHY

Mr. GRASSLEY. Madam President, I rise because I am a member of the Judiciary Committee, and the Justice Department has filed a brief on a child pornography case that is soon going to be before the Supreme Court.

I want to express my dissatisfaction with the action of the Justice Department in doing this.

I do this not only because I am a member of the Judiciary Committee but also because, in 1985 and 1986, I was involved in the federalization of the Ferber case, which was a 1982 Supreme Court decision in which the Supreme Court said that freedom of press and freedom of speech did not cover child pornography, as previously they had said it did not cover obscenity.

Solicitor General Days is the one that is obviously involved in arguing this administration's case before the Supreme Court. When he appeared before the Judiciary Committee for his confirmation hearings, I praised the administration for its decision to appeal an adverse pornography ruling.

Now, however, the Solicitor General has taken an extremely disturbing stand on child pornography. The case I am talking about is Knox v. United States. It concerns the child pornography conviction of a repeat offender who received and possessed videos of minors. These tapes contain pictures of girls, age 10 to 17, striking provocative poses for the camera. Although the girls had some clothing on, the photographer zoomed in on particular parts of the body for extended periods of time.

The Solicitor General represents the Government in cases before the Supreme Court. He defends the constitutionality of statutes and seeks to persuade the Court to adopt interpretations of statutes that further our Government's objectives. Imagine my surprise, then, when I learned that in this case, the Government was arguing that the child pornography conviction that it had won in both the district court and in the court of appeals should be thrown out. In short, our Government is arguing that it should not have won its cases at the district court and appeals level.

Instead, the Government should argue vigorously, in my opinion, for upholding the court of appeals' decision. That decision implements congressional intent. Congress passed this legislation to stop the exploitation of children.

The court of appeals was obviously right. By zooming in on those areas of the body, the photographer was exhibiting the children, taking advantage of young children by putting them on display and attracting notice. The statute applies even to clothed displays of these body parts. Moreover, by depicting the children suggestively, the production of the video violated the statute by using minors engaged in prohibited lascivious conduct.

Unfortunately, the Solicitor General now argues that unless the body part outlines can be perceived through the clothing, there is no prohibited exhibition.

Second, the brief says that the child herself—not at the pornographer's direction—must be engaged in the lascivious conduct. It troubles me that the Government now adopts the erroneous arguments that the criminal made in the court below.

Our Government is saying in this appeal exactly the same thing, that the person who was convicted said on appeal.

There are three significant problems with the Solicitor General's argument. First, it cannot be squared with the statutory language. Body parts can be exhibited through drawing attention to them, and the Solicitor General's focus on the child's acts reads out of the statute the requirement that the "producing of such visual depiction involves the use of a minor engaging in" the conduct.

The production of the videos at issue involved the literal "using" of these children within the words of the statute. Because he ignored these important words in the statute, the Solicitor General erroneously argued that the child—not the pornographer—must be the one lasciviously doing the exhibiting.

Second, the Solicitor General's argument is completely contrary to congressional intent.

Congress passed this statute to stop the victimization of children. We found that these materials were made through exploitation. We also found that the production of these materials harm children psychologically, emotionally, and sometimes even physically. Moreover, we found that child abusers use these materials to seduce other children.

These children are being exploited in a way that Congress, in the 1970's, and again later in the 1980's when I was involved, wanted to make sure it would stop. Children were being exploited for pornographic purposes—and not just for the sake of a picture, but I hope all understand that in child pornography, there are billions and billions of dollars that are being realized from the sale of child pornography.

The Solicitor General reads the statute as turning on the intent of the child. The child is the victim. But the Solicitor General reads the statute to require that the child, rather than the criminal, who happens to be the pornographer, must be acting in a suggestive way. We did not intend that. These are young people that we are talking about here. And the people who are the pornographers, the people who are getting rich off of this process, and probably enjoying it at the same time, are the ones that the statute was intended to go after.

We did not enact statutory language that based convictions on the intent of the victim, and the Solicitor General is wrong to ask the Supreme Court to hold that we did.

Third, the Solicitor General's argument will lead to more child pornography, and it is going to lead to more children being victims of pornography. If the key issue is the child's conduct, consider what kinds of child pornography production could never be prosecuted: Drugged children, threatened children, and very young children who could not possibly intend to display their bodies in any lascivious way. Moreover, how could the Government prove that the child engaged in the exhibition?

The Government would have to track down the victims and would have to ask them to relive the entire humiliating experience in court. Of course, if the child stated truthfully that she had no intent to display herself in a suggestive way, and that the idea was entirely the pornographer's, there could be no prosecution under the Solicitor General's argument.

Needless to say, the Solicitor General's brief is startling. It threatens a vast proportion of the child pornography cases that have been brought.

It asks the Court to reverse a case that it won, which would subvert the entire point of the statute. What is going on here? We know the administration sincerely desires to protect children. In their confirmation hearings that we had at almost any level of the Justice Department, the Attorney General and assistant and associate attorney generals told us of their commitment to children. So why is the Department abandoning the children and taking the side of the pornographer in this brief? I certainly hope that this brief does not signal the Solicitor General's willingness to pursue political goals rather than assisting the Court in understanding the intent of Congress, which is most often the role of the Solicitor General.

Madam President, the Government's brief is an insult to our children. It is also an insult to Congress because it misreads statutory language to seek a result contrary to congressional intent. Child pornography is an unspeakable horror. Congress acted to prohibit it in cases such as this. I hope the administration will reconsider its position. And I remind the Supreme Court that it need not adopt the child pornography user's interpretation of the statute merely because the Solicitor General happens to agree with it. The Supreme Court can adhere to the statute and to congressional intent by upholding the conviction, and I hope that it does. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I commend the distinguished Senator from Iowa for his cogent remarks on the floor at this time. He makes some very good points. I think it is about time people in America understand what really has been going on. I agree with what he said, and I am very happy he has taken time to educate all of us here today.

THE NEED FOR A NATIONAL DRUG CONTROL STRATEGY

Mr. HATCH. Madam President, it is fine to talk about reinventing Government. We might start by adhering to some of the laws that we already have on the books. For instance, on February 1, 1993, the Clinton administration was required by law to submit to Congress its first national drug control strategy. That was February 1, 1993. I do not think any of us will hold them to that date, but it is now September 29 and we still have not had their submission on its first national drug control strategy. Where is that drug strategy? Where is the Presidential leadership in the war on drugs? This administration is sending a terrible signal to our country: drug control is no longer a national priority.

This administration has slashed the drug czar's office to the bone, from 146 positions to 25, below the level needed to devise a drug strategy, and that is part of the reason why they still have not gotten it to us. It has sought to cut funding in the drug war. Budget allocations for prosecutors have been reduced, prison construction is being cut, there is talk about not prosecuting certain drug offenses, and it appears interdiction efforts will be cut back.

In July, the Washington Post reported that the Clinton administration had agreed to a $231 million cut in drug treatment and education funds in the House of Representatives.

Administration officials from the Office of Management and Budget were reported to have privately suggested many of the cuts. And, to give a misleading image of being aggressive in the drug war, the administration made a paper promotion of the drug czar to the Cabinet, yet appears to have cut him out of the loop.

Is this what it means to be a new Democrat? Hardly. Instead, this administration is turning the clock back on drug control, slipping inexorably into the old permissiveness of the Carter era. As A.M. Rosenthal observed in March, in the New York Times, as I recall, President Clinton's interest in fighting drugs can be summed up as: "No leadership. No role. No alerting. No policy." (New York Times, Mar. 26).

In May, Mr. Rosenthal warned that the "concept of the war on drugs is in danger of being dismantled and the result will be creeping legalization. If that is what Americans want, fine—they can get it by just keeping silent." (New York Times, May 18).

I am not trying to be partisan here. I am trying to wake this administration up. On May 18, 1993 at Philip Heymann's hearing to be Deputy Attorney General, and on May 25, 1993, at Lee Brown's confirmation hearing to be Director of the Office of National Drug Control Policy, I prodded the administration, acknowledging that it could not be expected to produce a strategy on February 1, less than 2 weeks after President Clinton was sworn into office. On the Senate floor, on July 13, I again called on the President to produce a national drug strategy and, again, in fairness, acknowledged that the administration needed time to devise a drug strategy.

I call upon editorial writers and columnists to draw attention to this issue and the need for Presidential leadership. I have my own views on this subject. I fought for additional funding for the DEA and Marshals Service. As well, Senator DOLE and I recently introduced a comprehensive crime bill which will provide law enforcement aid to drug ravished urban and rural communities. It beefs up the number of DEA and border patrol agents, increases the size of the drug czar's office, and provides drug control assistance to rural areas. But my purpose today is not to ask for endorsements of our legislation. Rather, I am asking that those who agree drug control should be made a higher priority by this President to let their concerns be known.

I understand that an outline of a drug strategy may be presented to Congress this month but the President's comprehensive strategy will not be presented to the Nation until next February, 1 year late. This is wholly inadequate.

Why do we need a strategy and Presidential leadership in the drug war? A recent University of Michigan study demonstrates why. The study shows that the decline of drug use among our Nation's young people, which began during the Reagan-Bush years, has virtually halt and that marijuana and LSD use are on the rise. Dr. Mitchell Rosenthal, the president of Phoenix House, the Nation's largest residential treatment organization stated that the study "ought to be a big signal to the President and his Cabinet that they have got to pay serious attention to the drug problem"—New York Times, July 16. The New York Times reported that Dr. Lloyd Johnson, who headed up the research team, concluded that the study indicates a more tolerant attitude toward drugs and the possibility of a steep increase in drug abuse. This study demonstrates the risk we face if the administration continues to ignore the drug problem.

The administration's proposal to merge the Drug Enforcement Administration into the Federal Bureau of Investigation also indicates why we need a cohesive national drug strategy. This merger, which is a part of the administration's proposal to reinvent Government, could seriously disrupt our Nation's drug control efforts. I do not want to dismiss the proposal out of hand. I personally thank the distinguished Attorney General of the United States for spending personal time with me on this effort. So I will keep an open mind on it but I am concerned about it and I am not sure it is the right thing to do. I support efforts to streamline Government. Yet, I believe the elimination of our Nation's premier drug control agency will likely undermine the effectiveness of our domestic and international counternarcotics efforts.

The DEA's mission is clearly defined and the DEA has proven itself to be very effective. Elimination of the DEA calls into question this administration's commitment to fighting the drug war. Frankly, I am also concerned that the merger could be used to hide major cuts to Federal law enforcement. Indeed, according to Vice President GORE's Report of the National Performance Review, the administration claims the merger will permit $187 million in cuts to law enforcement spending. I am not persuaded that these cuts will be purely the result of savings through increased efficiency. Rather, I suspect the administration may plan to cut into the muscle of our antidrug initiatives.

Had this administration developed a comprehensive drug strategy, one must question whether this proposal would even be discussed. Important questions need to be asked, the most important of which is: Will such a merger further the implementation of the administration's long term drug control goals and strategy? In order to answer this, and other questions, the Congress first needs to know what this administration's goals and strategy actually are.

I do not think I can be for a merger unless I will know what their strategies are. How could anybody be, if it is going to lead to a reduction in an effort against drugs?

Another recent example of the need for leadership and a national strategy is the recently reported plans to shift resources away from interdiction and toward greater military and economic aid for Andean nations—the Washington Post, September 16. As the administration ponders cutting interdiction, a move I seriously question the wisdom of, the Congress is preparing to cut the very foreign aid programs the White House wants to increase support for. The Senate will soon be considering a bill which cuts U.S. aid to foreign antidrug programs by $47 million. If the Congress had a strategy on which to base its decisions, we might not be seeing these cuts. The Washington Post reported last Thursday, September 16, "administration officials * * * acknowledged that events may be overtaking them."

Look. I have been all over Mexico, Central and South America. I have gone to some of these Andean countries. I have seen the DEA agents down there. And for the want of peanuts, absolutely hardly any money, they could have interdicted a lot more drugs. They could have stopped a lot more drug activity. We are not putting our money where our mouths are.

When President Clinton was running for office he said, in recognition of the link between drugs and crime, that "we have a national problem on our hands that requires a tough national response." New York times, March 26, quoting an earlier Clinton statement. Yet, the President's own drug czar, Lee Brown, has conceded that drugs are no longer "at the top of the agenda" as a political issue and that it is this administration's duty to "raise the consciousness of the American people."—Washington Post, July 8. Nearly 8 months into his term, however, the President has failed to demonstrate a true commitment to combating the drug problem. In April of this year, former drug czar officials Terrence Pell and John Walters warned of the President's lack of commitment. They wrote that his lack of interest "rests on a widespread mythology minimizing the importance of Presidential leadership."—Washington Post, April 16.

I do not know whether that is fair, but the fact is that is what is being written, and it bothers me.

Madam President, I suggest to my colleagues that we can no longer be silent about the administration's failure to carry out its obligations under the law or about its failure to recognize and address one of the most insidious threats to our families and our communities. I believe the University of Michigan study is an omen of things to come if we persist in allowing this administration's drug policies to drift aimlessly.

I hope President Clinton and the rest of the administration will begin to demonstrate a stronger commitment to sustaining a vigorous national effort against drugs. They can begin to do so by delivering to Congress the national drug strategy—not a summary.

As I have stated on numerous occasions, I stand ready to work with President Clinton and Lee Brown in continuing the fight against drugs. When a strategy is presented to Congress, I look forward to reviewing it, discussing it with the drug czar and the Attorney General and, where appropriate, suggesting changes. Through a sustained effort on the part of the Clinton administration, I believe we can continue to make progress in fighting drug abuse and drug-related violence throughout all of America.

In fact, I suggest this President probably would have a better chance to lead this fight than anybody else in the history of this country, because he is truly a younger man, he truly comes out of that sixties generation, and he truly understands, it seems to me, all of the ramifications.

He is very bright and intelligent. His wife is leading the health fight in this country and he has mastered those details, all of which I admire. I want to help him. I think I have had the reputation of helping him over these past 9 months and I intend to continue to.

But I want to see this defect remedied, and I want to see it remedied now. I think it is time for this administration to get it done. And if people below him are not going to do it, he has to crack the whip and get it done.

In the process, he is going to find a great ally in ORRIN HATCH and, I might add, he will find a great ally in a lot of other people that we can bring along to help support him in this great battle. Our kids and our families and our States and local areas need this done. We need to get this accomplished. We must work together and we have to start now. We cannot wait any longer.

Thank you, Madam President.

I yield the floor.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Madam President, the Federal debt stood at $4,384,313,074,547.91 as of the close of business on Monday, September 27. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $17,068.95.

FEDERAL FUNDS FOR ABORTION SERVICES

Mr. DORGAN. Madam President, since I came to Congress in 1981, I have supported restrictions on the use of Federal funds for abortion services and I have consistently voted in favor of the Hyde amendment. In the past, the Hyde amendment has banned Medicaid funds from being used for abortions except to save the life of the mother. I have supported extending those exceptions to include rape and incest. This year, the Hyde amendment has been modified to allow Medicaid funds to be used for abortions in the case of rape or incest in addition to saving the life of the mother. I am pleased that the Senate is considering what I believe to be a more reasonable version of the Hyde amendment.

Americans on both sides of this issue have indicated that they are very concerned about the number of abortions in this country and are opposed to the use of Federal funds for abortion services. To me, it just does not make sense to use taxpayer dollars to fund abortions.

Instead, we should use our precious resources to educate the American people about how to avoid unwanted pregnancies and about the alternatives that are available when an unwanted pregnancy occurs rather than pay for abortion services. This is the most realistic and effective plan to reduce the number of abortions in our country.

I do not view the abortion debate lightly. I give careful consideration to every vote on this issue. After careful reflection, I believe that a Hyde amendment that makes exceptions for rape and incest as well as when the mother's life is endangered is a reasonable and fair approach. It respects the consciences of millions of Americans and it reaffirms our commitment to reducing the number of abortions in this country.

A VERY SPECIAL LADY

Mr. SIMPSON. Mr. President, on June 26, 1993, I was so very honored and proud to be in attendance at the funeral of our beautiful former first Lady Pat Nixon. Prior to departing for the funeral I made some brief comments on the Senate floor with the intention of extending those remarks at a later date. And that is the purpose, Mr. President, for which I rise.

Mr. President, Pat Nixon was always—always—a very special lady. I first met her while my father was serving as Governor and my mother was First Lady of the State of Wyoming. The highest tribute I can pay to Pat Nixon is that she reminded me very much of my own dear and magnificent mother. I had watched both of these two ladies, Pat Nixon and Lorna Simpson, stand closely by the side of their spouses as they carried out their duties of governing and concluding legislation. Pat Nixon stood by her husband in a very noble, stoic and compassionate way. She always held her head high—even in the midst of an all out media blitzkrieg of political and personal attacks upon her husband. And when the end of the Nixon Presidency came, she never lost her splendid grace in any way. She was always the lady.

No American can ever fully appreciate how hideously difficult it is to be the President's spouse, the life partner and the support system in this giddy goldfish bowl of existence. Pat Nixon would not have chosen that life—and may not even have enjoyed that life. But because of that inner discipline, and inner energy, and rare spirit, and gentle fire she served as a truly generous and gracious First Lady who always conducted herself with great style, class, character and distinction.

She was one of nature's noblewomen. She touched this country's heart and the entire world with her quiet grace and dignity. Before that tremendous strong heart ceased to beat, her list of accomplishments were truly extraordinary. She had an unlimited measure of compassion for all humanity. She involved herself in so many things. She worked to make national parks and other recreational areas more accessible for Americans. She was a pioneer of the literacy movement and was a great advocate for true voluntarism. The American people owe her a sincere debt of gratitude for all of her extraordinary efforts in these areas.

According to historian William Seale:

> The great collection of White House Americana today is the result of exhaustive long hours spent by Pat Nixon. The impulse, the idea, and the energy were hers.

And we can never forget that she was the one responsible for making the White House accessible to hearing and visually handicapped Americans. Remarkable achievements by a remarkable First Lady.

But perhaps, Mr. President, the most impressive legacy of Pat Nixon was her total devotion and commitment to her family. Here was the tap root that sustained her. The family. There is not a soul among us who does not know of the unwavering support for her husband. But there was so much more. At a young age she lost her mother to cancer, and her brothers and father came to rely heavily upon her. She nurtured and sustained them, too, even at that tender age. She also raised two successful and beautiful daughters, Tricia and Julie. When you come to know them you know truly the old adage, "The Apple Doesn't Fall Far From the Tree." They are very dear and special people and they have supportive and fine spouses of their own and dear children, too. She was a kind, loving and wonderful grandmother to her four doting grandchildren. She loved them dearly. They loved her. It was Winston Churchill who once said that his children were his greatest memorial. For Pat Nixon, I can think of no finer monument. She will be remembered by a grateful citizenry who appreciate all that she gave to this country and its people.

Former President Nixon spoke so tenderly of his departed and beloved, Pat, at an event after the services in Yorba Linda, CA. He said: "I can never forget her smile—who could forget her smile?" I shall never forget the import of those remarks at that very moving remembrance ceremony.

So the great accomplishments of both President and Mrs. Nixon will be felt by future generations of Americans—and the thoughts and prayers of a grateful Nation go winging out to the entire family. The lives of many of us are richer for having shared a portion of them with Pat Nixon. America will always remember her as one of our country's sweetest and kindest and most compassionate First Ladies—and none shall ever forget her smile.

ART BY ANY OTHER NAME

Mr. FAIRCLOTH. Madam President, I have at hand a syndicated column written by Thomas C. Goolsby of Wilmington, NC.

On September 20, Mr. Goolsby wrote an especially refreshing column which was published by a number of newspapers. It was headed, "Art by Any Other Name," and I ask unanimous consent that the text of the column be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ART BY ANY OTHER NAME

RALEIGH, September 20.—Senator Helms and his fellow conservatives in the U.S. Senate may have lost their recent battles over funding for the National Endowment for the Arts (NEA), but "the times, they are a changing." Almost one-third of the Senate backed Senator Helms and his proposed changes in federal spending on the "arts."

Once again the cries of "censorship" and "totalitarianism" were heard in the halls of Congress, but if we get past the rhetoric to the reality, we see a totality different picture. One of our Senior Senator's common sense proposals was merely to require that NEA funding be restricted to nonprofit organizations. It sounds sensible. Let's only allow nonprofit groups to apply for and receive the free, hard-earned tax dollars of working Americans. As Senator Helms said, "I never heard a symphony orchestra that offended anyone." Wrong, Senator Helms—you should know better that to question the omnipotent wisdom of the NEA.

In response, the Senate came down against such restrictions on funding. The NEA can continue to fund any number of individual artists of questionable skill and taste. Don't forget—it's art and we little people have no right to question its value to society. We are just expected to pay for it.

The other "offensive" action by conservatives in the U.S. Senate was to require that no less than 70 percent of NEA funds be sent to the states for local distribution. Another critical and "dictatorial" error. How dare anyone question the power of the NEA and their ability to decide what is "art" and what art is worthy of funding. To trust decisions of such extreme import to "provincials" in Any Town, U.S.A. is patently absurd.

If Bill Clinton has his way, we will soon have a new "Madame of the Arts." Actress Jane Alexander is the President's choice as the new chairman for NEA. When Senator Helms was suggesting the previously mentioned changes to the NEA's spending habits, Senator Barbara Boxer, D-California, told him, "I am not an art critic. The senator from North Carolina is not an art critic. We will make mistakes, yes, but give Jane Alexander a chance." Senator Boxer left out that Ms. Alexander is not an art critic either, but even if she were, what gives her the right to decide what is art and what is not?

I freely admit that I don't agree with any federal funding of the arts. When so many Americans need so many things and when our Nation is trillions of dollars in debt, how can we take 180 million additional dollars away from those who need it in order to give it away to something as vague as "art?" Even if you disagree and believe in taxpayer funding of the arts, what is wrong with requiring that 70 percent or more of the money be distributed by local officials. At least then the "little guy" has more of a chance in deciding how his money is spent?

The best analogy to use for describing the attitude that exists in the minds of our so-called art critics at the NEA is to pretend that they hire house painters. You may not have even decided if your house needed painting. However, for the sake of make believe, a government bureaucrat shows up and says not only does your house need painting, but you will pay for it whether you like it or not. Further, you don't even have a choice on the color of paint—that's for the "artist" to decide.

Just remember—It's a crazy world we live in and you're paying the tab.

DEATH OF SGT. EUGENE WILLIAMS AND PVT. MATTHEW K. ANDERSON

Mr. McCONNELL. Mr. President, last Saturday 26-year-old Sgt. Eugene Williams and 21-year-old Pvt. Matthew K. Anderson from the 101st Airborne Division at Fort Campbell, KY, were shot down in an Army Blackhawk helicopter over Somalia and killed. Both of these men had been members of the Screaming Eagle Division for 1 year.

I want to express my sympathy to these men's friends and the Fort Campbell community. They served our Nation with distinction and honor, and we are all eternally grateful for their loyalty and courage. I extend my deepest condolences to their families and General Keane, the 101st's commander. Their loss is felt not only by those who knew them, but it is felt by me and the entire Nation as well.

ENERGY AND WATER APPROPRIATIONS ACT OF 1994

Mr. JOHNSTON. Madam President, I ask unanimous consent that we proceed to the consideration of H.R. 2445, an act making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 2445) making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

H.R. 2445

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the

Treasury not otherwise appropriated, for the fiscal year ending September 30, 1994, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, [$207,540,000] *$208,544,000*, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

[Central Basin Groundwater Project, California, $750,000;

[Los Angeles County Water Conservation, California, $100,000;

[Los Angeles River Watercourse Improvement, California, $300,000;

[Norco Bluffs, California, $150,000;

[Rancho Palos Verdes, California, $80,000;

[Biscayne Bay, Florida, $700,000;

[Tampa Harbor, Alafia River and Big Bend, Florida, $250,000;

[Indianapolis, White River, Central Waterfront, Indiana, $4,000,000;

[Lake George, Hobart, Indiana, $200,000;

[Little Calumet River Basin (Cady Marsh Ditch), Indiana, $310,000;

[Ohio River Shoreline Flood Protection, Indiana, $400,000;

[Hazard, Kentucky, $250,000;

[Brockton, Massachusetts, $350,000;

[Passaic River Mainstem, New Jersey, $17,000,000;

[Broad Top Region, Pennsylvania, $400,000;

[Juniata River Basin, Pennsylvania, $450,000;

[Lackawanna River Basin Greenway Corridor, Pennsylvania, $300,000;

[Pocotaligo River and Swamp, South Carolina, $400,000;

[Jennings Randolph Lake, West Virginia, $400,000;

[Monongahela River Comprehensive, West Virginia, $600,000; and

[West Virginia Comprehensive, West Virginia, $500,000.]

Central Basin Groundwater Project, California, $750,000;

McCook and Thornton Reservoirs, Illinois, $5,500,000;

Indianapolis, White River, Central Waterfront, Indiana, $900,000;

Little Calumet River Basin (Cady Marsh Ditch), Indiana, $310,000;

Ohio River Shoreline Flood Protection, Indiana, $400,000;

Hazard, Kentucky, $250,000;

Brockton, Massachusetts, $350,000;

Passaic River Mainstem, New Jersey, $10,000,000;

Pocotaligo River and Swamp, South Carolina, $400,000;

Jennings Randolph Lake, West Virginia, $400,000;

Monongahela River Comprehensive, West Virginia, $600,000; and

West Virginia Comprehensive, West Virginia, $500,000: Provided, That notwithstanding ongoing studies using previously appropriated funds, and using $2,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct hydraulic modeling, foundations analysis and related design, and mapping efforts in continuing preconstruction engineering and design for the additional lock at Kentucky Dam, Kentucky project, in accordance with the Kentucky Lock Addition Feasibility Report approved by Report of the Chief of Engineers, dated June 1, 1992: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $250,000 of available funds to complete a detailed project report, and plans and specifications for a permanent shore erosion protection project at Geneva State Park, Ashtabula County, Ohio: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $400,000 appropriated herein to continue preconstruction engineering and design, including preparation of the special design report, initiation of National Environmental Policy Act document preparation, and initiation of hydraulic model studies for the Kaumalapau Harbor navigation study, Lanai, Hawaii: Provided further, That the Secretary of the Army is directed to limit the Columbia River Navigation Channel, Oregon and Washington feasibility study to investigation of the feasibility of constructing a navigation channel not to exceed 43-feet in depth from the Columbia River entrance to Port of Portland/Port of Vancouver and to modify the Initial Project Management Plan accordingly: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $400,000 of funds appropriated herein to initiate a reconnaissance study, including economic and environmental studies, for the Pocataligo River and Swamp, South Carolina: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $90,000 of funds appropriated herein to complete the reconnaissance study of the Black Fox and Oakland Spring wetland area in Murfreesboro, Tennessee: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $200,000 of available funds to initiate the planning and design of remedial measures to restore the environmental integrity and recreational boating facilities at Old Hickory Lake, in the vicinity of Drakes Creek Park, in accordance with the reconnaissance study findings dated September, 1993.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), [$1,389,138,000] *$1,296,167,000*, to remain available until expended, of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri, and GIWW-Brazos River Floodgates, Texas, projects, and of which funds are provided for the following projects in the amounts specified:

[Rillito River, Arizona, $4,200,000;

[Red River Emergency Bank Protection, Arkansas, $3,500,000;

[Coyote and Berryessa Creeks, California, $4,000,000;

[Sacramento River Flood Control Project (Glenn-Colusa Irrigation District), California, $400,000;

[San Timoteo Creek (Santa Ana River Mainstem), California, $12,000,000;

[Sonoma Baylands Wetland Demonstration Project, California, $4,000,000;

[Central and Southern Florida, Florida, $17,850,000;

[Kissimmee River, Florida, $5,000,000;

[Melaleuca Quarantine Facility, Florida, $1,000,000;

[Casino Beach, Illinois, $300,000;

[McCook and Thornton Reservoirs, Illinois, $13,000,000;

[O'Hare Reservoir, Illinois, $5,000,000;

[Des Moines Recreational River and Greenbelt, Iowa, $2,700,000;

[Barbourville (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $3,868,000;

[Harlan (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $15,432,000;

[Pike County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $5,000,000;

[Salyersville, Kentucky, $1,000,000;

[Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $700,000;

[Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, $24,119,000;

[Lake Pontchartrain and Vicinity (Jefferson Parish), Louisiana, $200,000;

[Red River Waterway, Mississippi River to Shreveport, Louisiana, $65,000,000;

[Anacostia River, Maryland and District of Columbia, $700,000;

[Clinton River Spillway, Michigan, $2,000,000;

[Silver Bay Harbor, Minnesota, $2,600,000;

[Stillwater, Minnesota, $2,400,000;

[Sowashee Creek, Mississippi, $3,240,000;

[Molly Ann's Brook, New Jersey, $1,000,000;

[New York Harbor Collection and Removal of Drift, New York and New Jersey, $3,900,000;

[Rochester Harbor, New York, $4,000,000;

[Wilmington Harbor Ocean Bar, North Carolina, $5,266,000;

[West Columbus, Ohio, $5,000,000;

[Lackawanna River Greenway Corridor, Pennsylvania, $2,000,000;

[South Central Pennsylvania Environmental Restoration Infrastructure and Resource Protection Development Pilot Program, Pennsylvania, $10,000,000;

[Fort Point, Galveston, Texas, $1,500,000;

[Lake O' The Pines-Big Cypress Bayou, Texas, $300,000;

[Red River Basin Chloride Control, Texas and Oklahoma, $4,000,000;

[Wallisville Lake, Texas, $1,000,000;

[Richmond Filtration Plant, Virginia, $1,000,000;

[Southern West Virginia Environmental Restoration Infrastructure and Resource Protection Development Pilot Program, West Virginia, $3,500,000; and

[State Road and Ebner Coulees, LaCrosse and Shelby, Wisconsin, $1,467,000.]

Rillito River, Arizona, $4,200,000;

Coyote and Berryessa Creeks, California, $4,000,000;

Sacramento River Flood Control Project (Glenn-Colusa Irrigation District), California, $400,000;

San Timoteo Creek (Santa Ana River Mainstem), California, $12,000,000;

Sonoma Baylands Wetland Demonstration Project, California, $4,000,000;

Central and Southern Florida, Florida, $9,500,000;

Kissimmee River, Florida, $5,000,000;

Casino Beach, Illinois, $300,000;

O'Hare Reservoir, Illinois, $5,000,000;

Des Moines Recreational River and Greenbelt, Iowa, $1,700,000;

Pike County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $5,000,000;

Salyersville, Kentucky, $1,000,000;

Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $700,000;

Lake Pontchartrain and Vicinity (Jefferson Parish), Louisiana, $200,000;

Anacostia River, Maryland and District of Columbia, $700,000;

Stillwater, Minnesota, $2,400,000;

Sowashee Creek, Mississippi, $3,240,000;

Molly Ann's Brook, New Jersey, $1,000,000;

New York Harbor Collection and Removal of Drift, New York and New Jersey, $2,900,000;

Lake O' The Pines-Big Cypress Bayou, Texas, $300,000;

Red River Basin Chloride Control, Texas and Oklahoma, $4,000,000;

Wallisville Lake, Texas, $1,000,000; and

Southern West Virginia Environmental Restoration Infrastructure and Resource Protection Development Pilot Program, West Virginia, $3,500,000:

Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $3,500,000 of available funds to initiate and complete construction of the Finn Revetment portion of the Red River Emergency Bank Protection, Arkansas and Louisiana project: Provided further, That the Chief of Engineers is directed to use a fully funded contract for the construction of the Finn Revetment: Provided further, That the Secretary of the Army is directed to use $3,500,000 of funds appropriated herein to continue the Red River Levees and Bank Stabilization below Denison Dam, Arkansas project, including completion of studies to improve the stability of the levee system from Index, Arkansas to the Louisiana State line and continuation of rehabilitation work underway: Provided further, That with $2,000,000 appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Bethel, Alaska project authorized by Public Law 99–662, including but not limited to initiating lands and damages, erosion control construction, and continued related engineering and construction management: Provided further, That no fully funded allocation policy shall apply to the construction of the Bethel, Alaska project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $24,119,000 of the funds appropriated herein to continue the Lake Pontchartrain and Vicinity, Louisiana, Hurricane Protection project, including continued construction of parallel protection along Orleans and London Avenue Outfall Canals and the award of continuing contracts for construction of this parallel protection under the same terms and conditions specified for such work under this heading in Public Law 102–377: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $450,000 of funds appropriated herein to complete the repair and restoration to a safe condition of the existing Tulsa and West Tulsa local protection project, Oklahoma, authorized by the Flood Control Act of 1941, Public Law 73–228: Provided further, That with $19,300,000 of the funds appropriated herein, to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue to undertake structural and nonstructural work associated with the Barbourville, Kentucky, and the Harlan, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96–367: Provided further, That with $5,365,000 of the funds appropriated herein, to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue to undertake structural and nonstructural work associated with Matewan, West Virginia, element of the Levisa and Tug Forks of the Big Sandy and Upper Cumberland River project authorized by section 202 of Public Law 96–367: Provided further, That with $3,500,000 of the funds appropriated herein, to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Hatfield Bottom, West Virginia, element of the Levisa and Tug Forks of the Big Sandy and Upper Cumberland River project authorized by section 202 of Public Law 96–367 using continuing contracts: Provided further, That no fully allocated funding policy shall apply to construction of the Matewan, West Virginia, Hatfield Bottom, West Virginia, Barbourville, Kentucky, and Harlan, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy and Upper Cumberland river project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete construction of offshore breakwaters at Grand Isle, Louisiana, as an integral part of the repair of features of the Grand Isle and Vicinity, Louisiana, project damaged by Hurricane Andrew using funds previously appropriated for the purpose in the fiscal year 1992 Dire Emergency Supplemental Appropriations Act, Public Law 102–368, which are available for this work: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the section 14 bank stabilization program at McGregor Park in Clarksville, Tennessee utilizing heretofore appropriated funds until the Federal funds limit of $550,000 is reached or bank protection for the entire park is completed: Provided further, That using $3,800,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue with the authorized Ouachita River Levees, Louisiana project in an orderly but expeditious manner; and in addition, $145,000,000, to remain available until expended, is hereby appropriated for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana, project, as authorized by laws, and the Secretary is directed to continue the second phase of construction of Locks and Dams 4 and 5; complete construction of Howard Capout, McDade, Elm Grove, Cecile, Curtis, Sunny Point, and Eagle Bend Phase I and Phase II revetments in Pools 4 and 5, and levee modifications in Pool 5, all of which were previously directed to be initiated; and award continuing contracts in fiscal year 1994 for construction of the following features of the Red River Waterway which are not to be considered fully funded: recreation facilities in Pools 4 and 5, Piermont/Nicholas and Sunny Point Capouts, Lock and Dam 4 Upstream Dikes, Lock and Dam 5 Downstream Additional Control Structure, Wells Island Road Revetment, and construction dredging in Pool 4; all as authorized by laws, and the Secretary is further directed to provide annual reimbursement to the projects local sponsor for the Federal share of management costs for the Bayou Bodcau Mitigation Area as authorized by Public Law 101–640, the Water Resources Development Act of 1990.

Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g–1), [$352,475,000] *$348,875,000*, to remain available until expended, of which $2,400,000 is provided for the Eastern Arkansas Region, Arkansas, project.

Operation and Maintenance, General

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, [$1,691,350,000] *$1,673,704,000*, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that fund, and of which $18,000,000 shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601), and of which funds are provided for the following projects in the amounts specified:

Tucson Diversion Channel, Arizona, $550,000;

[Los Angeles River (Sepulveda Basin to Arroyo Seco), California, $400,000;]

Oceanside Experimental Sand Bypass, California, $4,000,000;

Los Angeles County Drainage Area (Hansen Dam), California, $2,790,000; and

[Flint River Flood Control, Michigan, $2,500,000;]

Sauk Lake, Minnesota, $40,000[; and]*:*

[New Madrid County Harbor, Missouri, $250,000:]

Provided, That not to exceed $7,000,000 shall be available for obligation for national emergency preparedness programs*: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $5,000,000 of available funds to undertake and complete critical maintenance items for water supply of the Kentucky River Locks and Dams 5–14 and to transfer such facilities to the Commonwealth of Kentucky: Provided further, That the Secretary of the Army is directed during fiscal year 1994 to maintain a minimum conservation pool level of 475.5 at Wister Lake in Oklahoma: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use Operation and Maintenance funds and complete, in coordination with the schedule for feasibility phase, studies to deepen the Columbia River navigation channel, long-term dredge disposal plans for the existing authorized Columbia River Navigation Channel project, including associated fish and wildlife studies.*

Regulatory Program

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $92,000,000, to remain available until expended.

Flood Control and Coastal Emergencies

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act approved August 18, 1941, as amended, $20,000,000, to remain available until expended.

OIL SPILL RESEARCH

For expenses necessary to carry out the purposes of the Oil Spill Liability Trust Fund, pursuant to title VII of the Oil Pollution Act of 1990, $350,000, to be derived from the Fund and to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, and the Water Resources Support Center, $148,500,000, to remain available until expended: [*Provided*, That not to exceed $54,855,000 of the funds provided in this Act shall be available for general administration and related functions in the Office of the Chief of Engineers] *Provided, That not to exceed $58,255,000 of the funds provided in this Act shall be available for general administration and related functions in the Office of the Chief of Engineers, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the Secretary's determination and the reasons therefore*: *Provided further*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers.

ADMINISTRATIVE PROVISIONS

During the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. None of the funds provided in this Act may be used to close any Corps of Engineers District Office.

SEC. 102. None of the funds provided in this Act may be used to transfer any functions of any Corps of Engineers District Office.

SEC. 103. None of the funds provided in this Act may be used to fund the activities of the Office of the Assistant Secretary of the Army for Civil Works.

SEC. 104. Any funds heretofore appropriated and made available in Public Law 100–202 to carry out the provisions for the harbor modifications of the Cleveland Harbor, Ohio, project contained in Public Law 99–662; and in Public Law 102–104 for the development of Gateway Park at the Lower Granite Lock and Dam Project, Washington, may be utilized by the Secretary of the Army in carrying out projects and activities funded by this Act.

SEC. 105. None of the funds provided in this Act shall be used to implement Defense Management Review Decision No. 918, dated September 15, 1992, to transfer from the Corps of Engineers property accountability of automated data processing equipment and software acquired with funds from the revolving fund established by the Act of July 27, 1953, chapter 245, 33 U.S.C. 576.

SEC. 106. In fiscal year 1994, the Secretary shall advertise for competitive bid at least 7,500,000 cubic yards of the hopper dredge volume accomplished with Government-owned dredges in fiscal year 1992.

Notwithstanding the provisions of this section, the Secretary is authorized to use the dredge fleet of the Corps of Engineers to undertake projects when industry does not perform as required by the contract specifications or when the bids are more than 25 percent in excess of what the Secretary determines to be a fair and reasonable estimated cost of a well equipped contractor doing the work or to respond to emergency requirements.

SEC. 107. Notwithstanding any other provision of law, the Secretary of the Army, acting through the Chief of Engineers, is authorized to reprogram, obligate and expend such additional sums as necessary to continue construction and cover anticipated contract earnings of any water resources project which received an appropriation or allowance for construction in or through an appropriations Act or resolution of a current or last preceding fiscal year, in order to prevent the termination of a contract or the delay of scheduled work.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For the purpose of carrying out provisions of the Central Utah Project Completion Act, Public Law 102–575 (106 Stat. 4605), [$25,770,000] *$24,770,000*, to remain available until expended, of which [$15,920,000] *$14,920,000* shall be *available* to carry out the activities authorized under title II of the Act *and for feasibility studies of alternatives to the Uintah and Upalco Units*, and of which $9,850,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided*, That of the amounts deposited into the Account, $5,000,000 shall be considered the Federal Contribution authorized by paragraph 402(b)(2) of the Act and $4,850,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out the activities authorized under title III of the Act[: *Provided further*, That, notwithstanding any other provision of law, of the amounts available for activities authorized under title II of the Act, not to exceed $500,000 shall be available for necessary expenses incurred in carrying out the responsibilities of the Secretary of the Interior under the Act].

In addition, for necessary expenses incurred in carrying out responsibilities of the Secretary of the Interior under the Act, $1,000,000, to remain available until expended.

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, [$13,109,000] *$14,409,000*: *Provided*, That, of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended, [$464,423,000] *$460,898,000* of which $46,507,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $160,470,000 shall be available for transfer to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further*, That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further*, That all costs of the safety of dams modification work at Coolidge Dam, San Carlos Irrigation Project, Arizona, performed under the authority of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506), as amended, are in addition to the amount authorized in section 5 of said Act.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, $282,898,000: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which can be derived from the special fee account established pursuant to the Act of December 22, 1987 (16 U.S.C. 4601–6a, as amended), may be derived from that fund: *Provided further*, That of the total appropriated, such amounts as may be required for replacement work on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), and such readvances since October 1, 1984, and in the future shall bear interest at the rate determined pursuant to section 104(a)(5) of Public Law 98–381: *Provided further*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same purpose and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further*, That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project.

In addition, to remain available until expended, such sums as may be necessary to cover the cost of work associated with rebuilding the Minidoka Powerplant, Minidoka Project, Idaho, to be offset by funds provided by the Bonneville Power Administrator as authorized by section 2406 of Public Law 102–486. Such offset will result in a final appropriation estimated at no more than $282,898,000.

BUREAU OF RECLAMATION LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans and/or grants, [$11,563,000] *$12,900,000*, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed [$18,726,000] *$21,000,000*.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $600,000: *Provided*, That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from the fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, to remain available until expended, such sums as may be assessed and collected in the Central Valley Project Restoration Fund in fiscal year 1993 and such sums as become available in, and may be derived from, the Central Valley Project Restoration Fund in fiscal year 1994, pursuant to sections 3407(d), 3404(c)(3), 3405(f) and 3406(c)(1) of Public Law 102–575: *Provided*, That the Bureau of Reclamation is directed to levy additional mitigation and restoration payments totaling $30,000,000 (October 1992 price levels), as authorized by section 3407(d) of Public Law 102–575: *Provided further*, That the Bureau of Reclamation is directed to assess and collect payments, revenues and surcharges in the amounts and manner authorized by sections 3404(c)(3), 3405(f) and 3406(c)(1) of Public Law 102–575, respectively.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, $54,034,000, of which $1,171,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

EMERGENCY FUND

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 22, 1987 (16 U.S.C. 460l–6a, as amended), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the reclamation fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 13 passenger motor vehicles for replacement only.

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 24, of which 18 are for replacement only), [$3,167,634,000 to remain available until expended, of which $10,000,000 shall be for hydrogen research and development], *$3,271,286,000, to remain available until expended*.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

[For expenses of the uranium program, including payment to the Tennessee Valley Authority under the settlement agreement filed with the United States Claims Court on December 18, 1987, $160,000,000, to remain available until expended.]

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for residual uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.) and the Energy Policy Act (Public Law 102–486, section 901), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of electricity as necessary and payment to the Tennessee Valley Authority under the settlement agreement filed with the United States Claims Court on December 18, 1987; purchase of passenger motor vehicles (not to exceed 5, of which 5 are for replacement only), $247,092,000, to remain available until expended: Provided, That revenues received by the Department for residual uranium enrichment activities authorized by section 201 of Public Law 95–238, and estimated to total $70,000,000 in fiscal year 1994, shall be retained and used for the specific purpose of offsetting costs incurred by the Department for such activities, notwithstanding section 3302(b) of title 31, United States Code: Provided further, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1994 so as to result in a final fiscal year 1994 appropriation estimated at not more than $177,092,000.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, Subtitle A of the Energy Policy Act of 1992, $286,320,000 to be derived from the fund, to remain available until expended; [and in addition, $49,679,000 in unexpended balances, consisting of $6,267,000 of unobligated balances and $43,412,000 of obligated] *and in addition, an estimated $49,679,000 in unexpended balances, consisting of an estimated $6,267,000 of unobligated balances and an estimated $43,412,000 of obligated* balances, are transferred from the Uranium Supply and Enrichment Activities account, to be available for such expenses.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 15 for replacement only), [$1,194,114,000, to remain available until expended: *Provided*, That no funds may be obligated for construction of a B-factory until completion, by October 31, 1993, of a technical review of the Cornell and Stanford linear accelerator proposals by the Department of Energy and the National Science Foundation: *Provided further*,] *$1,615,114,000, to remain available until expended: Provided*, That none of the funds made available under this section for Department of Energy facilities may be obligated or expended for food, beverages, receptions, parties, country club fees, plants or flowers pursuant to any cost-reimbursable contract.

NUCLEAR WASTE DISPOSAL FUND

[For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $260,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise her authority pursuant to section 302(e)(5) of said Act to issue obligations to the Secretary of the Treasury: *Provided*, That of the amount herein appropriated, within available funds, not to exceed $5,500,000 may be provided to the State of Nevada, for the sole purpose in the conduct of its oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: *Provided further*, That of the amount herein appropriated, not more than $7,000,000 may be provided to affected local governments, as defined in the Act, to conduct appropriate activities pursuant to the Act.]

For the nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $260,000,000 to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise her *authority pursuant to section 302(e)(5) of said Act to issue obligations to the Secretary of the Treasury: Provided, That of the amount herein appropriated, within available funds, not to exceed $5,500,000 may be provided to the State of Nevada, for the sole purpose of conduct of its scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: Provided further, That of the amount herein appropriated, not more than $7,000,000 may be provided to affected local governments, as defined in the Act, to conduct appropriate activities pursuant to the Act: Provided further, That within ninety days of the completion of each Federal fiscal year, each State or local entity shall provide certification to the Department of Energy, that all funds expended from such payments have been expended for activities as defined in Public Law 97–425, as amended. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in 18 U.S.C. 1913: Provided further, That none of the funds herein appropriated may be used for litigation expenses: Provided further, That none of the funds herein appropriated may be used to support multistate efforts or other coalition building activities inconsistent with the restrictions contained in this Act.*

ISOTOPE PRODUCTION AND DISTRIBUTION PROGRAM FUND

For Department of Energy expenses for isotope production and distribution activities, $3,910,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; the purchase of passenger motor vehicles (not to exceed 109 for replacement only, including one police-type vehicle), and the purchase of one rotary-wing aircraft, **[$3,572,198,000]** *$3,597,482,000*, to remain available until expended.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 125 of which 122 are for replacement only including 9 police-type vehicles), **[$5,185,877,000]** *$5,106,855,000*, to remain available until expended*: Provided, That a total of $8,000,000 shall be transferred from this account to the Environmental Protection Agency for the implementation of the Waste Isolation Pilot Plan Land Withdrawal Act of 1992 and the development of cleanup standards to guide the Department of Energy's environmental restoration efforts.*

MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense materials support, and other defense activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 45 for replacement only), **[$2,046,592,000]** *$1,963,755,000*, to remain available until expended: *Provided*, That the New Production Reactor Appropriation Account shall be merged with and the balances made available to this appropriation.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $120,000,000, to remain available until expended, all of which shall be used in accordance with the terms and conditions of the Nuclear Waste Fund appropriation of the Department of Energy contained in this title.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $401,238,000 to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511, et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $239,209,000 in fiscal year 1994 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1994 so as to result in a final fiscal year 1994 appropriation estimated at not more than $162,029,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, **[$31,757,000]** *$30,362,000*, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $4,010,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $3,000.

During fiscal year 1994, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $29,742,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $33,587,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $5,583,000 in reimbursements, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7101, et seq.), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, the purchase, maintenance, and operation of one fixed-wing aircraft for replacement only, **[$287,956,000]** *$272,956,000*, to remain available until expended, of which **[$275,400,000]** *$260,400,000* shall be derived from the Department of the Interior Reclamation fund; in addition, $5,000,000 is appropriated for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $7,168,000, to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $3,000); $165,375,000 to remain available until expended: *Provided*, That hereafter and notwithstanding any other provision of law, not to exceed $165,375,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1994, shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1994, so as to result in a final fiscal year 1994 appropriation estimated at not more than $0.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Cochairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, [$189,000,000] *$249,000,000*.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, [$15,060,000] *$18,060,000*, to remain available until expended.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $333,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $488,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), $498,000.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $542,900,000, to remain available until expended, of which $22,000,000 shall be derived from the Nuclear Waste Fund: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act of 1954, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $520,900,000 in fiscal year 1994 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1994 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1994 appropriation estimated at not more than $22,000,000.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by section 3109 of title 5, United States Code, $4,800,000 to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided*, That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1994 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1994 appropriation estimated at not more than $0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, $2,160,000, to be transferred from the Nuclear Waste Fund and to remain available until expended.

OFFICE OF THE NUCLEAR WASTE NEGOTIATOR

SALARIES AND EXPENSES

For necessary expenses of the office of the Nuclear Waste Negotiator in carrying out activities authorized by the Nuclear Waste Policy Act of 1982, as amended by Public Law 102-486, section 802, $1,000,000 to remain available until expended.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $308,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $298,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, [$138,973,000] *$140,473,000*, to remain available until expended.

TITLE V—GENERAL PROVISION

MINORITY PARTICIPATION IN THE SUPERCONDUCTING SUPER COLLIDER

SEC. 501. (a) PROGRAM IMPROVEMENTS.—Section 304 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102-377; 106 Stat. 1339) is amended—

(1) in subsection (a)—

(A) by striking "owned or controlled" and inserting "that (1) are owned and controlled";

(B) by inserting after "Native Americans" the following: "; or (2) are small business concerns that are at least 51 percent owned by 1 or more women and whose management and daily business operations are controlled by 1 or more women"; and

(C) by striking the last sentence;

(2) by inserting "and (d)" after "(6)" each place it appears; and

(3) by adding at the end the following new subsection:

"(c) ADMINISTRATION OF PROGRAM.—

"(1) CERTIFICATION REQUIREMENT.—A business concern or other organization shall be eligible for participation under this section only if it has been certified as meeting the requirements specified in subsection (a) by the Small Business Administration, or by a State, local, regional, or other organization designated by the Small Business Administration.

"(2) RECORDS AND REPORTS.—The Secretary of Energy, with respect to the Superconducting Super Collider project, shall—

"(A) submit to the Congress copies of—

"(i) each subcontracting report for individual contracts (SF294) required under the Federal Acquisition Regulation (48 CFR chapter 1) to be submitted by a contractor or subcontractor with respect to the project; and

"(ii) each summary subcontract report (SF295) required under the Federal Acquisition Regulation (48 CFR chapter 1) to be submitted by a contractor or subcontractor with respect to the project; and

"(B) maintain accurate information and data on the amount and type of subcontracts awarded by each contractor or subcontractor under the project and the extent of participation in the subcontracts by socially and economically disadvantaged individuals and economically disadvantaged women referred to in subsection (b).

"(3) CATEGORIES OF WORK TO BE INCLUDED.—The Secretary of Energy shall, to the fullest extent possible, ensure that the categories of work performed under contracts entered into pursuant to this section are representative of all categories of work performed under contract for the Superconducting Super Collider project.

"(4) AUDITS.—The Secretary of Energy shall conduct periodic audits to verify the continuing compliance of prime contractors and subcontractors with the requirements of this section. For such purpose, the Secretary shall have access to such reports and records of prime contractors and subcontractors as the Secretary determines to be necessary.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal year 1994 and thereafter.

SEC. 502. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 503. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 504. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 505. BONNEVILLE POWER ADMINISTRATION REPAYMENT PROPOSAL

Utilizing funds made available in this Act, the Secretary of Energy is directed to submit to the Congress by February 1, 1994, a legislative proposal to satisfy the Bonneville Power Administration's entire repayment obligation to the United States Treasury for appropriated investment in the Federal Columbia River Power System: Provided, That such a proposal shall result in maximum deficit reduction for the Federal Government in fiscal year 1995 through fiscal year 1999, and shall not increase Bonneville Power Administration rates beyond those rates which would result under existing debt repayment policy and practices.

This Act may be cited as the "Energy and Water Development Appropriations Act, 1994".

PRIVILEGE OF THE FLOOR

Mr. JOHNSTON. Madam President, I ask unanimous consent that floor privileges be granted to Robert Simon, who is a DOE fellow, during the pendency of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Madam President, I ask unanimous consent that the committee amendments, except the amendments on page 2, line 18; page 20, lines 4 through 14; and page 42, line 5, be agreed to en bloc; and that the bill as thus amended be regarded for purposes of amendment as original text; provided that no point of order shall be considered to have been waived by agreeing to this request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The committee amendments were agreed to en bloc, except the committee amendments on page 2, line 18; page 20, lines 4 through 14; and page 42, line 5.

Mr. JOHNSTON. Madam President, I am pleased to present to the Senate, the energy and water development appropriation bill for the fiscal year beginning on October 1, 1993, and ending on September 30, 1994. This bill, H.R. 2445, passed the House of Representatives on June 24, 1993, by a vote of 350 yeas to 73 nays. The Subcommittee on Energy and Water Development marked up this bill on September 21 and the full Committee on Appropriations marked up and reported this bill on September 23, 1993.

At the outset, Madam President, I want to express my deep appreciation to the chairman of the full Committee on Appropriations, Senator BYRD, for his assistance and for his leadership in moving this bill through both the subcommittee and the full committee and to the Senate.

Madam President, I especially want to express my warm appreciation to my ranking member and coleader in this endeavor, coleader for about 17 years, I think now, Mr. HATFIELD. It is a pleasant and a very productive relationship. I appreciate very much not just his help but his coauthorship and comanagement of the bill. In addition, I thank all members of the subcommittee for their work on this bill.

PURPOSE OF THE BILL

The purpose of this bill is provide appropriations for the fiscal year 1994 for energy and water development, and for other purposes. It supplies funds for water resources development programs and related activities of the Department of the Army, Civil Functions—U.S. Army Corps of Engineers' Civil Works Program in title I; for the Department of the Interior's Bureau of Reclamation in title II; for the Department of Energy's energy research activities—except for fossil fuel programs and certain conservation and regulatory functions—including atomic energy defense activities in title III; and for related independent agencies and commissions including the Appalachian Regional Commission and Appalachian regional development Programs, the Nuclear Regulatory Commission, and the Tennessee Valley Authority in title IV.

SUMMARY OF RECOMMENDATIONS

Madam President, the fiscal year 1994 budget estimates for the bill total $22,128,500,000. The amount of the bill as reported to the Senate is $21,990,171,000, which is under the 1994 budget estimate by $138,329,000 and over the House-passed bill by $484,173,000.

Madam President, I will briefly summarize the major recommendations provided in the bill. All the details and figures are, of course, included in the Committee Report No. 103-147, accompanying the bill, which has been available since last Friday, September 24.

TITLE I—ARMY CORPS OF ENGINEERS

First, under title I of the bill which provides appropriations for the Department of the Army Civil Works Program, U.S. Army Corps of Engineers, we are recommending a total amount of new budget authority of $3,933,140,000, which is $31.7 million over the House and $307.7 million over the budget estimate.

TITLE II—DEPARTMENT OF THE INTERIOR

For title II, Department of the Interior, Bureau of Reclamation, we recommend a total in new budget authority of $907.3 million, which is $54 million over the budget estimate and $888,000 under the House.

The water resources development activities and programs under titles I and II include appropriations totaling approximately $4,183,620,000 for Federal water resource development programs. This includes projects and related activities of the U.S. Army Corps of Engineers—Civil, the Bureau of Reclamation of the Department of the Interior, and the Tennessee Valley Authority. The Federal water resource development program provides lasting benefits to the Nation in the area of flood control, municipal and industrial water supply, irrigation of agricultural lands, water conservation, commercial navigation, hydroelectric power, recreation, and fish and wildlife enhancement.

The water resources appropriations are: $222,953,000 for general investigations; $1,902,065,000 for construction; $1,956,602,000 for operations and maintenance; and $92,000,000 for Corps of Engineers, regulatory activities.

TITLE III—DEPARTMENT OF ENERGY

Under title III, Department of Energy, the committee provides a total of $16.9 billion. This amount includes approximately $10.8 billion for atomic energy defense activities, for research and development, including national laboratories, $1,357,622,000; testing, $403,400,000; verification and control technology, $366,029,000; materials support, $1,092,193,000 for defense waste management and environmental restoration, $5,106,855,000.

For Energy supply, research, and development, a total of $3,271,286,000 is provided, which includes $252,349,000 for solar energy; $717,478,000 for environmental restoration and waste management—nondefense; $353,964,000 for nuclear fission R&D; $342,595,000 for magnetic fusion; $801,965,000 for basic energy sciences; and $416,060,000 for biological and environmental R&D.

An appropriation of $1,614,114,000 is provided for general science and research activities, high energy physics, and nuclear physics. Major programs are: High energy physics research, $612,769,000; nuclear physics, $353,345,000 and superconducting super collider, $640,000,000.

A new appropriation of $177 million is included in the bill for uranium supply and enrichment activities and $286.3 million is for a new appropriation account—uranium enrichment decontamination and decommissioning fund. For nuclear waste disposal an appropriation of $260 million is included out of the waste fund and $120 million is appropriated for defense nuclear waste disposal providing a total appropriation of $380 million to continue scientific characterization of Yucca Mountain and other nuclear waste program activities. For departmental administration $401.2 million is recommended offset with anticipated miscellaneous revenues of $239.2 million for a new appropriation of $162 million. A total of $345.3 million is recommended in the bill for the power marketing administrations and $165 million is for the Federal Energy Regulatory Commission [FERC] offset 100 percent by revenues.

TITLE IV—REGULATORY AND OTHER INDEPENDENT AGENCIES

A total of $435 million for various regulatory and independent agencies of the Federal Government is included in the bill. Major programs include the Appalachian Regional Commission, $249,000,000; Nuclear Regulatory Commission, $542,900,000 and the Tennessee Valley Authority, $140,473,000. The NRC amount is offset by licensing fees since, under law, the commission is required to recover 100 percent of its costs.

The 602B allocation for the bill is $22.1 billion in new budget obligational authority and $21.7 billion in outlays. The bill before the Senate contains $21.99 billion in budget authority and $21.7 billion in outlays. So there is no room to add to the bill because we have reached the outlay allocation number.

At this time, I would like to discuss the major recommendations, the first of which is the superconducting super collider [SSC].

SUPERCONDUCTING SUPER COLLIDER

The committee recommends $640,000,000 for the superconducting super collider to permit continued construction of this high-priority national project.

As the committee has noted for the last several years, construction of the SSC is the highest priority in particle physics today and is a critical necessity to permit progress in the basic understanding of matter into the 21st century. Numerous scientific reviews have affirmed and reaffirmed the fact that the SSC is the next logical and meaningful step in the ages-old quest for a deeper understanding of what things are made of and how they work.

Progress on the SSC has been impressive. Currently the project is about 20 percent complete. All major technical milestones have been met. The critical technical challenge to the project, the design and fabrication of the large superconducting dipole magnets, has been met. Highly successful magnets have been built at our national laboratories and the technology has been transferred to industry from those laboratories. Over 14 miles of the 54-mile collider tunnel have been completed.

The SSC continues to meet its cost and schedule goals as the Secretary of Energy testified before the committee. The committee is aware of a number of criticisms of SSC management that have been made public recently, but notes that those criticisms having any merit at all are aimed principally at the transparency and ease of use of financial and schedule reporting systems and not at any misuse of funds or mismanagement of project activities. The Department and its contractor have outlined the steps that will be taken to improve the performance of the project reporting systems while maintaining the excellent technical progress on the project.

The SSC continues to create excitement and activity in the world scientific community. Over 2,000 scientists from 23 countries are working on the design, development, and construction of the two major detectors that will address the scientific questions at the SSC. More than 100 American universities are involved in this effort.

The SSC is also having an impact on American industry. In addition to the transfer of technology from laboratories to industry that is evident in the SSC's magnet program, new tools, and techniques that are employed to meet the SSC's demanding performance requirements are finding significant application in other areas. The fabrication of high-quality superconducting wire, widespread uses of high-performance parallel computing, development of rapid tunnel-boring machines, and the use of proton beams in cancer therapy are but a few examples.

As it noted last year in its report on the super collider appropriation, the committee recognizes the historically international character of high-energy physics and encourages the Secretary of Energy to continue efforts seeking significant foreign contributions to the construction of the project. The committee recognizes the difficulty of obtaining firm commitments from foreign governments in light of the uncertainty of the United States commitment that is highlighted by the annual debate over continued funding for the project in the U.S. Congress. The committee reiterates its early contention that construction of the SSC should not be made dependent on obtaining foreign contributions. Since the SSC is an important, high-priority project, this Nation should be prepared to complete the project whether or not foreign contributions are obtained. The clear benefits of U.S. industries far outweigh any costs that might be attributed to a lack of foreign contributions.

It is apparent that the SSC has become a symbol of excessive Government spending and that opposition to the project is taken, by some, as a symbol of fiscal responsibility. The committee finds this outlook damaging. The SSC is an investment with great promise of profound new scientific knowledge and demonstrated capacity to develop future technologies and the economic well-being that will accompany those technologies. Terminating the SSC is not a mark of fiscal responsibility; true fiscal responsibility would nurture and encourage such investment and would demonstrate, to the Nation and the world, that this country can successfully complete the challenging projects on which it embarks.

One of the greatest challenges facing the Department of Energy and the country is the matter of environmental cleanup at the defense production sites. The committee is growing increasingly concerned that the cost of the environmental cleanup action that the Department is committed to perform under its' unusual compliance agreements is outpacing Congress' ability to pay for them.

In this bill, a total of $5.1 billion is appropriated for defense environmental restoration and waste management; $717.5 million for nondefense cleanup and management activities and $286 million for uranium enrichment decontamination and decommissioning. A grand total of $6.1 billion is appropriated for DOE programs and activities under environmental and restoration and waste management. The committee is also urging the Department to develop a mechanism for establishing priorities among competing cleanup requirements. The Department will need to address such matters as the risk to the health and safety of the public intended to be addressed by cleanup activities, the health and safety effect and the cost associated with implementing the requirements. In addition, the committee is concerned that the Department may not be providing sufficient attention and resources for basic science research activities which may lead to the development of new and innovative cleanup technologies.

The Department of Energy maintains our Nation's great scientific capability through the national laboratories and other DOE-related institutions. These are an invaluable resource of mathematical, scientific, and engineering expertise that should be tapped to promote competitiveness through joint scientific and technological ventures with industry and academia and to improve the education of America's youth.

The committee has included in the bill $38,353,000 for technology transfer at the energy research laboratories and $240,000,000 for technology transfer activities at the defense laboratories.

The committee strongly supports the Department's efforts in pursuing technology partnerships between its laboratories and the private sector. This country faces many political and economic changes that are creating new sets of priorities for the national agenda. The restructuring of the former Soviet Union has profound implications for defense priorities. Concern about the technological competitiveness of the United States is at an all-time high. The quality and educational level of our work force is one of the critical issues for our Nation in this decade. Environmental issues, such as global climate change, will play an important role in shaping the research and development agenda for the next several decades.

The Department's laboratories are well-suited to take on these challenges. The Department's laboratories have incomparable resources, and both the Government and the private sector should work to channel those resources. Tremendous opportunity exists for cooperative work with the Department's laboratories to develop new technologies. There are numerous vehicles available to carry out partnerships with the private section. Therefore, a significant portion of the budgets of the laboratories should be directed to activities determined jointly with industry and conducted in close cooperation and industry.

Madam President, in conclusion let me say that this is a good bill that merits the support of the Senate. The budget constraints we are operating under preclude including a number of good projects and activities. We simply had to defer a large number of requests for appropriations because of these constraints. As I mentioned earlier, we have no room to add to the bill which would cause us to exceed the outlay allocation under the 602B assigned this bill by the Committee on Appropriations. I would also urge Members who have questions and concerns to discuss them with the Senator from Oregon and me as soon as possible. We will, of course, be happy to cooperate and work out to the extent we can, problems and issues that we are advised of in advance. Hopefully there are not many amendments, and I hope Members who do contemplate amendments will discuss with us their concerns as soon as possible.

Madam President, for the edification of my colleagues, there are three big amendments that we know about in this bill—one dealing with the integral fast reactor by Senator KERRY, which I believe will come up first; one by Senator BUMPERS, dealing with the superconducting super collider, which I am advised will come up immediately after the Kerry amendment, which should be today; and one dealing with what we used to call the HTGR. It is now called the gas turbine modular helium reactor, a California project that the Russians want to go in 50-50 with us. That should come third after these other amendments.

Madam President, those are the only three amendments that I am aware of a controversial nature, other than housekeeping amendments and agreed to amendments.

I would say to my colleagues that the time is now to come to the floor, because we hope to finish this bill today. It may take a little longer than today, but certainly not beyond tomorrow morning.

I would tell my colleagues, if they are waiting for later in the week to put in amendments, the train will have left the station, because we do not intend to dally. We intend to give Senators a full length of time to debate, but after that, to move on to final passage.

With that, Madam President, I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Madam President, I wish to first thank the chairman of the Energy and Water Appropriations Subcommittee, Senator JOHNSTON, for his excellent work, and that of our staff, our combined staffs, in preparing the bill for Senate consideration.

Madam President, this has been truly a bipartisan effort. The process has reflected again the long tradition, as Senator JOHNSTON already referred to, that we have established through some 17 years of sharing the leadership of this subcommittee. Of that period I was privileged to serve as chairman for 6 years, and Senator JOHNSTON now going onto 10 years. So, I am delighted to recognize that historic event, not only our own experience as individuals but as members of the entire Appropriations Committee.

The Senator from West Virginia, Chairman BYRD, of the full Appropriations Committee, has certainly had his hand in making this bill possible. We take note of that role as well.

Madam President, I again want to take this occasion to emphasize the important role played by staff. I have often said we take the credit and the staff does much of the work. On this particular bill, certainly the work of Proctor Jones, David Gwaltney, Gloria Butland, Mark Walker, Dorothy Pastis, and Virginia James have all contributed to this bill in a very substantial way. We are blessed in our Appropriations Committee with a very professional staff. I would like to take note, too, our staff is very, very professional and nonpartisan.

I cannot help but repeat when the Republicans became the majority party in the Senate in the 1980 election, taking over the Appropriations Committee, my desire to retain all the professional staff on that committee was certainly to the advantage of the new majority party, because they represented the continuity of that staff. And we continued that staff that had been overwhelmingly appointed by the Democratic majority over many, many years prior to the Republicans' taking the majority status in the 1980 election.

Also, then, as we lost control of the Senate in the 1986 election, my successor, Senator John Stennis, of Mississippi, likewise continued the professional staff. We actually have staff on our subcommittee, David Gwaltney being one, who has never worked for other than a majority status staff in his long tradition on that committee. We are proud of that on our Appropriations Committee.

While Senator JOHNSTON has already given a fine summary of the contents of the committee's fiscal year 1994 recommendations, I want to emphasize a few points of my own.

First, this is one of the cleanest Energy and Water bills we have brought before the Senate. Although we were under some pressure to do otherwise, we have not recommended funding for any unauthorized construction projects, or included authorizing bill language for the Army Corps of Engineers or the Bureau of Reclamation. Furthermore, we have reduced drastically the number of specific earmarks for projects within the jurisdiction of the Department of Energy.

With regard to some of the actual programs covered in the bill, I first want to mention a provision we have included in the bill dealing with the Bonneville Power Administration. Section 505 of the bill urges the Secretary of Energy to submit draft legislation to the Congress by February 1, 1994, which would result in a buyout of Bonneville's total appropriated debt. This provision was included in reaction to the Vice President's National Performance Review which was unveiled just a few weeks ago.

In his report, the Vice President advocated reforming the debt repayment schedules for the Nation's Power Market Administrations. He also mentioned the debt buyout as a potential alternative to repayment reform for Bonneville Power. I am a strong supporter of the debt buyout option for Bonneville, and I do want to comply with the administration's request about the specific language.

When I finish my opening remarks I would like to offer a technical amendment, changing the word "direct" to "urge" in order to maintain the constitutional separation of powers, so that the President is unencumbered to offer any legislation by direction from the legislative branch. That has been made very clear to us in a letter from OMB, so I want to comply with that request in just a moment.

The committee's report to the bill also includes a provision on PMA repayment reform. In particular, the committee reminded the administration that Congress has historically opposed repayment acceleration proposals and has sought and received commitments that no changes in repayment would be implemented administratively. The committee also made it clear that any proposals affecting the repayment of debt by PMA's must be fully reviewed by the Congress and the public due to the potential for significant impacts on regional economies.

The committee also included language in its report on the Army Corps of Engineers' reorganization efforts at the division office level. While I empathize with Senators with division offices in their States which are proposed to be closed and merged with offices in other States, I do not believe that the corps will ever be able to alleviate every Members' individual concerns. From a pure efficiency and cost-effectiveness standpoint, the Energy and Water Development Subcommittee has been firm in its position that the corps should reorganize its headquarters and division offices.

In anticipation of these activities, the committee provided $7 million for corps reorganization activities in last year's appropriations bill. It is my understanding that a portion of those funds remain available to initiate reorganization activities as soon as Secretary Aspen issues his anticipated directive.

There should be no misunderstanding by any Member of the Senate about the fiscal urgency of this matter. The corps must either initiate its reorganization activities in the near future, or be forced to reduce its work force, nationwide. Either way, existing budget constraints cannot and will not allow the committee to fund corps activities at current levels indefinitely.

I believe the corps understands that any reorganization proposal that is not based on the basic principles of cost savings and efficiency is doomed to failure. If a proposal does not save money, or cannot be justified adequately on the basis of solid cost savings, then it likely will be rejected by the Congress. The corps has studied its reorganization options ad infinitum. The time has come for implementation.

Finally, I want to mention the committee's recommendation for nuclear weapons activities, and specifically our proposal for the nuclear testing program. The total recommendation for the weapons activities account is $3.597 billion. This is a decrease of $971 million from the fiscal year 1993 level, and a $109 million decrease from the budget request.

These numbers dramatically illustrate how the national security priorities for the United States are changing, and how this committee is keeping in step with those changes. Our recommendations support a program that anticipates a reduced nuclear weapons stockpile, no underground nuclear weapons testing, and no weapons production. I am proud to be associated with these recommendations, and believe they set a prudent and thoughtful course for the United States—one which will assist the President in his efforts to achieve a global ban on nuclear weapons testing, and control the production and distribution of nuclear materials.

Madam President, it has been my thesis for many years that science, in the sense of experimenting in underground testing, is the technology that is driving the weapons race, and unless we get control of that energy that is driving the weapons race, we are not going to really control the arms that are flooding this world.

So when this Senate and House of Representatives passed the Test Ban Treaty, or passed the test ban resolution, signed into law by the President, it became our responsibility to follow up in these appropriations bills, recognizing that new policy.

I am delighted to get at least the impression that the White House is not going to respond to the threatened Chinese underground testing by a knee-jerk reaction that we have to resume testing immediately in order to respond to the Chinese, even though that provision was given in the underground test ban legislation.

I think it shows maturity, it shows wisdom, and I do not think our foreign policy or domestic policy should be determined by another political power, particularly one like China.

With regard to the Nuclear Weapons Testing Program further, the committee is recommending a total of $403 million, $5 million less than the administration request, and $16 million below the fiscal year 1993 enacted level. Although this funding level is more than I personally would prefer to see, it is largely consistent with both the administration's proposed program and the Senate-passed version of the defense authorization.

Once again, Madam President, I want to thank Senator JOHNSTON for his efforts and leadership in developing this bill and delivering an excellent product to the full Senate for consideration. The subcommittee and the committee's recommendation is within the 602(b) allocation, $22.17 billion in budget authority and $21.7 billion in outlays.

AMENDMENT NO. 981

Mr. HATFIELD. Madam President, I would like to send to the desk and ask for its immediate consideration this technical amendment—which I believe has been cleared on both sides—to section 505 of the bill.

Mr. JOHNSTON. Madam President, we have cleared the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 981.

On page 53, line 22, strike the word "directed" and replace in lieu thereof the word "urged".

Mr. HATFIELD. Madam President, the amendment is self-explanatory, and it conforms now to the OMB's request that section be modified.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 981) was agreed to.

Mr. HATFIELD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Madam President, the Senate Budget Committee has examined H.R. 2445, the energy and water appropriations bill and has found that the bill is under its 602(b) budget authority allocation by $127 million and under its 602(b) outlay allocation by $2 million.

I compliment the distinguished manager of the bill Senator JOHNSTON, and the distinguished ranking member of the Energy and Water Subcommittee, Senator HATFIELD on all their hard work.

Madam President, I have a table prepared by the Budget Committee which shows the official scoring of the energy and water appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEES SCORING OF H.R. 2445: FISCAL YEAR 1994 ENERGY-WATER DEVELOPMENT APPROPRIATIONS

[In millions of dollars]

Bill summary	Budget authority	Outlays
Discretionary total		
New spending in bill	21,900	12,924
Outlays from prior years appropriations		8,775
Supplementals	0	0
Subtotal, discretionary spending	21,990	21,700
Mandatory total:	[illegible]	[illegible]
Bill total	21,990	21,700
Senate 602(b) allocation	22,117	21,702
Difference	−127	−2
Discretionary total above (+) or below (−):		
President's request	−133	−100
House—passed bill	484	289
Senate—reported bill		
Senate—passed bill		

Mr. JOHNSTON. Madam President, we await Senators to come to the Floor to offer their amendments. We certainly do not want to hurry Senators but, on the other hand, we do not intend to stay here all afternoon. So at some point we will go to third reading. That is a long way away, certainly not in the next 30 minutes.

So we are particularly waiting for Senator KERRY with an amendment on integral fast reactor and Senator BUMPERS is scheduled to come after him. I wish, if anyone in those offices is listening, if they could give us an indication of when we might expect Senator KERRY on the floor because we are ready to go on that amendment.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Madam President, the chairman and comanager of this bill indicated some 40 minutes ago that we were ready for amendments, and I, in addition, had asked the Republican Cloakroom to send out a hotline to all Republican Senators that we were ready for handling any of their amendments. We have had no response, no calls, as to the hotline.

So it seems to me that, bearing the time factor that we have experienced here, we should go to third reading. Therefore, I ask the manager of the bill if there would be any reason why we should not go to third reading of the bill and dispose of it, since there has been no response to our call to our colleagues who might have amendments.

Mr. JOHNSTON. Madam President, I say to my colleague that we have been waiting here now 40 minutes, and I know it does not take that long to get to the floor. Maybe we miscalculated the interest of Senators in bringing up their amendments. But I am advised that there is interest in bringing up the amendments.

I understood Senator KERRY of Massachusetts has an amendment on the integral fast reactor which he wanted to bring up and it was supposed to be brought up first.

At some point, certainly not beyond 3:30—that is another 30 minutes—that is time.

Mr. HATFIELD. Will the Senator compromise at 3 o'clock?

Mr. JOHNSTON. Well, the majority leader may want to come out here and ask for a quorum call and keep this going indefinitely. But I want to put Senators on notice that we will go to third reading, and I say if it has not happened by 3:30, this bill is on the way.

Mr. HATFIELD. I say to my colleague that, obviously, we are being observed by offices of our colleagues, because I have just been given a note on a call from Senator BROWN's office that he is on his way to the floor now to offer an amendment.

So I am happy to report that we may be in business shortly.

Mr. JOHNSTON. I am glad to hear that.

Madam President, in our caucus, we frequently have meetings where we talk about the quality of life, where Senator after Senator gets up and says: Why do we have to meet at night? Why can we not go home and have dinner with our families? Why can we not see our children before they are put to bed?

The distinguished Senator from Michigan [Mr. RIEGLE] just made a statement yesterday announcing that he was not going to run, and one of the reasons is that he has a family, and he is here night after night, losing the opportunity to see his family, because we are here at night. So, consequently, we are going to lose the services of, in my judgment, one of the most outstanding Senators I have ever served with.

Why are we here at night? It is because Senators will not come to the floor and offer their amendments. I think there is only one way to put a stop to that, and that is if Senators do not care enough to come to the floor to offer their amendments, then we go to third reading.

Senators have been put on notice now that at 3:30 we are going to third reading. So let the notice go forth.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. If the Senator will yield, parliamentary inquiry. Do we not need to ask unanimous consent to set aside the committee amendments for this amendment to be considered?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. I ask unanimous consent to set aside the pending committee amendments in order for the Senator from Colorado to offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 982

(Purpose: To limit the expenditure of funds for the superconducting super collider until certain management concerns are addressed)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated. The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 982.

On page 34, line 8, insert before the period ": *Provided further*, that none of the funds made available under this section for Department of Energy facilities may be spent to permit the continued construction of the superconducting super collider until after the Secretary delivers to the Committee an implementation plan for the specific recommendations of the Report of the DOE Review Committee on the Baseline Validation of the Superconducting Super Collider and the Secretary certifies that the management issues raised by General Accounting Office in its report dated February 1993, number GAO/RCED-93-87 have been adequately addressed and will not recur".

Mr. BROWN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BROWN. Mr. President, this is a straightforward amendment, and I will not trouble the body with extended debate.

I am happy to respond to comments or inquiries made. I believe it is a legitimate concern for American taxpayers. They insist that Congress and the administration address the observations made by the Government Accounting Office in their report, which was issued earlier this year, entitled "Federal Research Superconductor Is Overbudget and Behind Schedule."

I think it is a relevant factor in these deliberations. I think the American taxpayers have a legitimate right to insist that that report be addressed in detail, that the concerns be reviewed, analyzed, addressed, and answered.

That is what this amendment asks for. It addresses both the DOE Review Committee report and the Government Accounting Office report, the GAO report being dated February 1993. And it asks specifically that the management issues addressed by the GAO report be addressed and that the Secretary assure us that those problems will not reoccur. It carries some teeth.

If the Secretary is not able to address those issues and not able to assure us that they will not reoccur, then the money cannot be spent. But if, indeed, they are addressed and we are assured they will not reoccur, then the amendment would allow the funding provided in this measure to go forward.

It is straightforward. It is simple. It imposes restriction on further funding until these are taken care of, but I think it is a minimum level of assurance that the taxpayers of this country deserve if the spending on this project is to continue.

I yield the floor.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. BROWN. I am happy to yield.

Mr. JOHNSTON. Mr. President, I do not disagree with the thrust of this amendment because the Secretary of Energy has stated that she is going to do just this. I have given her assurance through me to my colleagues that those issues raised in that report will be addressed.

I have a concern here though that I ask the Senator from Colorado. If we were to adopt this amendment, it would go into effect immediately, and those employees at both places—some 10,000 employees, I think—would have to be immediately blue slipped.

I wonder if we could have a period of grace here. It will take her some time to implement and to certify this issue. I wonder if we could have a period of grace here. I would suggest 120 days, maybe. In other words, if she cannot deal with this under this amendment, the project would stop. But would the Senator be amenable to that kind of change?

Mr. BROWN. I appreciate the distinguished Senator's observation. My understanding is these are both reports that the Secretary is aware of, that they are in the process of trying to address, and I think the Senator's suggestion is a good one.

I am wondering if the Senator would think it would be reasonable to provide 90 days after the beginning of the fiscal year for the implementation of it.

Mr. JOHNSTON. Mr. President, there is nothing magic in my suggestion of 120 days. If we could take the 90 days with the understanding that we contact the Secretary in the meantime and do so jointly and if for whatever reason she needs a few more days, I could work with the Senator as we go to conference and extend that, because not only do I not resist this but I think it is a good amendment because it tightens this thing up and assures that those problems in the DOE review baseline validation committee report be addressed, and I believe it will be done within 90 days.

Mr. BROWN. I would be amenable to that, and I will be happy to work with the Senator to put that understanding into legislative language.

Mr. JOHNSTON. If I may ask my colleague, will this language do the job? It would read as follows:

> * * * that none of the funds made available under this section for Department of Energy facilities may be spent 90 days after the beginning of the fiscal year to permit * * * until * * *

Mr. BROWN. And pick up the balance of the amendment.

Mr. JOHNSTON. Yes. I think it would be unless the Secretary delivers.

So there would be two changes. We would put in 90 days after the beginning fiscal year and we would change "until after" to "unless."

AMENDMENT NO. 982, AS MODIFIED

Mr. BROWN. Mr. President, I ask unanimous consent of the Senate to amend my amendment as it has been outlined by the distinguished chairman.

The PRESIDING OFFICER. The Senator is modifying his amendment and he has that right.

Without objection, the amendment is so modified.

The amendment (No. 982), as modified, is as follows:

> On page 34, line 8, insert before the period ": *Provided further*, That none of the funds made available under this section for Department of Energy facilities may be spent 90 days after the beginning of the fiscal year to permit the continued construction of the superconducting super collider unless the Secretary delivers to the Committee an implementation plan for the specific recommendations of the Report of the DOE Review Committee on the Baseline Validation of the Superconducting Super Collider and the Secretary certifies that the management issues raised by General Accounting Office in its report dated February 1993, number GAO/RCED–93–87 have been adequately addressed and will not recur".

Mr. BROWN. Mr. President, my understanding is there are other Senators who wish to speak on this subject.

Mr. JOHNSTON. Mr. President, we are prepared to accept this amendment.

Mr. HATFIELD. We are prepared on this side to accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The yeas and nays have been ordered on the amendment.

The Senator from Colorado.

Mr. BROWN. Mr. President, it is my understanding that the junior Senator from Texas wishes to address this particular amendment.

I suggest the absence of a quorum.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado withdraw the request for the quorum call?

Mr. BROWN. Mr. President, I withdraw the request.

Senator BUMPERS and Senator HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. I am sorry.

Mr. HATFIELD. I want to ask one question.

Will the Senator yield for a question?

Mr. BROWN. I am glad to yield.

Mr. HATFIELD. With the modification and willingness to accept the amendment, will the Senator require a rollcall on this?

Mr. BROWN. I would like to have a rollcall, but I would be happy to adjust the timing.

Mr. HATFIELD. I think the information that has come to me, as well as to you, is that the junior Senator from Texas may wish to speak on this subject. I think the more important part that she wishes to speak on is on the amendment to be offered by the Senator from Arkansas [Mr. BUMPERS]. Therefore, she will have that opportunity to do so.

I just want to know if there is any reason why we have to have a rollcall, if we are willing to accept this amendment.

Mr. BROWN. I would be delighted to have the amendment adopted.

Mr. HATFIELD. Will the Senator vitiate the yeas and nays?

Mr. BROWN. Mr. President, I ask unanimous consent that we vitiate the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. JOHNSTON. Mr. President, I suggest we adopt the amendment but not reconsider it and lay it on the table, and if there is any problem with this, we can come back to it.

But, in the meantime, we can go ahead and adopt the amendment, because I do not believe there is any objection.

The PRESIDING OFFICER. If there is no further debate on this amendment, the question is on agreeing to the amendment offered by the Senator from Colorado [Mr. BROWN].

The amendment (No. 982), as modified, was agreed to.

Mr. JOHNSTON. Mr. President, I thank the Senator from Colorado for really an excellent amendment that I am sure will reassure some Senators who were worried about whether this plan would be timely adopted. This ensures that it will.

The PRESIDING OFFICER. The question then recurs on the committee amendment on page 2, line 18.

Mr. HATFIELD. Mr. President, I again ask unanimous consent to set aside the committee amendment in order that the Senator from Arkansas may be able to offer an amendment.

The PRESIDING OFFICER. Is there objection? Hearing none, that will be the order.

AMENDMENT NO. 983

(Purpose: To reduce the appropriation for General Science and Research Activities and terminate the Superconducting Super Collider program for the purposes of reducing the deficit in the Federal budget)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. WARNER, Mr. SASSER, Mr. COHEN, Mr. BRYAN, Mr. FEINGOLD, Mr. DORGAN, Mr. LAUTENBERG, Mr. BOND, Mr. EXON, Mr. JEFFORDS, Mr. KOHL, Mr. LEAHY, Mr. RIEGLE, Mr. WOFFORD, Mr. DECONCINI, and Mr. KERRY, proposes an amendment numbered 983.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 33, line 22, after the first comma, strike all through page 3, and insert in lieu thereof the following: "1,195,114,000, to remain available until expended: *Provided*, That of the funds provided under this heading, $220,000,000 shall be made available for termination of the contracts relating to the Superconducting Super Collider program: Provided, that none of the funds"

Mr. JOHNSTON. Mr. President, I wonder if the Senator will yield at this point before we get into this to see if we could discuss a time agreement. Would the Senator be amenable to that?

Mr. BUMPERS. I say to the Senator, I have several cosponsors. I think some of them are on the way to the floor right now. I would be reluctant to enter into a time agreement. I want to enter into an agreement at the earliest possible time, but I do not want to jeopardize anybody's rights on either side who wishes to speak on this amendment.

Mr. JOHNSTON. I would certainly want to do that. Does the Senator have an approximation of time, so we can begin to circulate the idea?

Mr. BUMPERS. It is very difficult to do right now. This amendment has, I do not know, 15 or 20 cosponsors. I do not know how many of them want to speak; I do not think too many of them. Quite frankly, I think there will be more speeches on your side than there will be on this side. But we have no intention of prolonging the debate.

I simply want to say to the distinguished Senator, Mr. President, that there are several things that need to be said to make the record, not for redundancy, only for emphasis to make the point of the amendment. I promise the Senator that is all our intention is.

As I say, we have no intention of delaying it. I would like to get the record made on it. We will have, hopefully, an up or down vote, and then we will go on from there.

Mr. JOHNSTON. I thank the Senator. I hope that we can have, later, when people come to the floor, maybe a time agreement of 3 or 4 hours, if you want it that long. And we can shorten it later, if we can.

Mr. BUMPERS. Mr. President, I hope that it will not take more than 4 hours. But, at this point, I am reluctant to enter into an agreement.

Certainly, Senator SASSER, Senator WARNER, and Senator BRYAN, and a couple of others, wish to speak on it. I am the only one that is going to take a lot of time, and that is not going to be a lot of time by Senate standards on amendments of this magnitude.

Mr. JOHNSTON. I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. BUMPERS. Mr. President, this is either the third or fourth time now that this issue has been debated on the Senate floor. My amendment leaves $220 million of the $600-plus million in the bill for the super collider. The $220 million I propose to leave is to terminate the project, to fill the big hole in.

Mr. President, I want to start by saying, I said on the floor one time that the only time I have ever seen a project killed in the U.S. Senate—and I believe I am correct on this—I have been here 19 years, and the only time I have ever seen a project of any size killed was on the Clinch River Breeder. I remember Howard Baker, the distinguished Senator from Tennessee, was the majority leader. And I want you to know that was a formidable chore.

Second—and this goes to the heart of why I agree with the distinguished floor manager that we should not belabor this amendment too long—is that debate does not change much of anything around here.

The other day, when we voted on my amendment on the advanced solid rocket amendment, one Senator came up to me and said, "I have been listening to this debate. I had intended to vote on the other side. I am persuaded of your position and I intend to support you."

Mr. President, it was about 1987, I guess, that we fought the third battle of Manassas here, late at night, to preserve the Manassas battlefield. That was the first and only time I have seen debate affect the outcome of a vote. That is a tragedy to say that, and I may be in error, but that is the only time I know of where Senators came in in the evening, took their seats, listened to the debate, happily did not know what the issue was, listened to both sides of the argument, and we were able to preserve the Manassas battlefield as a result.

And then, the other night, one Senator said he changed his mind after listening to the debate.

I do not know whether any minds are going to be changed on this or not. Our checks show that some Senators say they are undecided.

Mr. President, the superconducting super collider is what the Washington Post called this morning elegant science, and that the debate should really be about whether we could afford it or not.

And I could not agree more. The debate ought to be: Can we afford it?

Now, if you want to go back and look at something possibly before that, it is: Is there going to be a payback? Is the staggering cost of this project likely to return benefits in kind to the American people, who are going to be asked to pay for it? I say the answer is an absolute, unequivocal, no.

My amendment is not antiscience. Nobody has stood on the floor longer than I have to try to get more money for the National Institutes of Health. Nobody has fought for good science programs any harder than I have.

The distinguished Senator from Louisiana and I have bantered back and forth a lot about this amendment. I understand how important it is to him. It is important to the State of Louisiana. Louisiana and Texas are the two big winners. The rest of us only have to pick up the tab.

He said Senator BUMPERS is a member of the Flat Earth Society.

I said no, I am a member of the flat broke society.

This Nation is flat broke. I stand here, as I have on many occasions, and talk about a whole host of amendments that I think ought to be enacted in order to try to prove to the American people that they are wrong about Congress, and every year we conclusively prove that the American people are right about Congress—oftentimes for the wrong reasons.

I am reluctant to say some of these things during this debate because I have an excellent relationship with every Member of the Senate. The Governor of Texas, Ann Richards, is certainly one of the most effective lobbyists I have ever run up against. She is not even a member of this body, but there are precious few people, at least on this side of the aisle, who have not had a phone call from Ann Richards. I think she is a wonderful woman and great Governor. And if I lose this amendment, it will be in large measure because of her effective lobbying on behalf of the superconducting super collider. We all understand this is a big, big jobs program for Texas.

It has been said by one Senator that the space station and the superconducting super collider are welfare for Texas and free enterprise for the rest of us. When I think of the needs of this Nation, when I watched Hillary Clinton, as I did yesterday, testifying before a joint House committee, and the question on everybody's mind in the Congress is not whether we should have universal health care, whether it should be more efficiently delivered, whether it should be affordable. The question on everybody's mind is how are we going to afford it? How are we going to pay for it?

Everybody knows that a 75-cent tax on cigarettes is not going to pay for this health care bill.

We are proposing in our budget resolution, and in a reconciliation bill, to cut $56 billion out of Medicare over the next 5 years. I forget how many billions out of Medicaid. What is that? That is health care for the elderly, that is health care for the poorest of the poor.

Everybody here believes that education and the quality of education is deteriorating in this country. And, while money is not the only solution, certainly money would solve a lot of our educational problems.

When it comes to crime—which is out of control in this country—money will not solve the root causes of crime but it would certainly start an awful lot of programs that could ameliorate the crime rate in this country.

Let me just show my colleagues, when I talk about how much this is going to cost—I will come back to the total cost in a minute—but here is a chart which shows what we are committing ourselves to.

We have already spent $2 billion on this. Listen to this. We have spent $2 billion and that is 50 percent of what Admiral Watkins, Secretary of Energy, told us in 1987 the entire project was going to cost; $4 billion was the first estimate we got.

The next year Admiral Watkins came back and said, "I am sorry." This was in 1990. He came in 1987 and said the cost would be $4.4 billion. In 1990 he came back and said, "It is going to cost $5.9 billion, and if it costs a penny more than that, count me out. I promise you we can do it for $5.9 billion."

In 1991, 1 year later, the same Admiral Watkins came back and said the cost will be $8.2 billion. Stop there for just one moment. From 1987 to 1991—we had hardly broken ground—the cost doubled. In 4 years the cost doubled.

Now, in 1993 the cost is either $11.6 or $13 billion.

You will hear arguments on the other side today saying there are no cost overruns. We are right on target.

Here we have gone from $4.4 billion in 1987 to a short 6 years later, $13 billion, or a tripling of the cost.

When we first started off on this, they said the State of Texas is going to put up $1 billion and we are going to get a couple of billion from foreign contributors. I think Texas is good for $900 million. It issued a bond to do it.

So far as the other foreign contributions are concerned, forget that. It is so minuscule as to be hardly mentionable. What is it, cash? No. Who are the givers? India, Russia, China—they are not going to give us a dime. They are going to build a part of it.

And here we are. The Federal contribution—non-Federal contribution share is still shown as $1.4 billion. And $1 billion of that is supposed to come from Texas. The other $400 million they say is in commitments; not cash, commitments.

Anybody who has ever run for office, you try running on commitments. You will have a bunch of unpaid bills when your campaign is over. And we are going to have a bunch of unpaid bills, too, if we rely on the foreign contributions.

Here is what we are going to be doing. If this amendment is defeated today we are committing ourselves to $620 million next year, approximately the same amount until 1998 when it goes to $1 billion. And then for 4 years, 1999 through the year 2002—

Mr. JOHNSTON. Will the Senator yield?

Mr. BUMPERS. Yes.

Mr. JOHNSTON. Could the Senator tell me where he got those figures, of $1.7 billion starting after 1998?

Mr. BUMPERS. Yes. These figures are based on the DOE baseline validation report.

I might also say to the Senator, the Secretary of Energy, Mrs. O'Leary, appeared and somebody asked her for a definitive figure on what it was going to cost, because she had said she could give that to us.

Mr. JOHNSTON. The baseline validation report? I have it here. If the Senator could direct me to where it states it in the baseline validation, I would appreciate it.

Mr. BUMPERS. Senator, the 1991 baseline validation cost by the DOE was $8.44 billion. But they admitted that there were risks that had been identified by them, in August 1993, of $1.5 billion.

Mr. JOHNSTON. I am familiar with that. I was talking about the other chart that has 4 years at $1.7 billion, as if that were a Department of Energy plan by year to spend. I was not aware that is the figures of any Department of Energy report.

Mr. BUMPERS. You are familiar with this, and I will come back to that in just a moment. But on the figures you have asked me about, this thing is going to be finished in 2002. These figures are what the Department of Energy says will be the annual operating costs, the one-half billion a year. These are the figures that DOE will be requiring for 4 consecutive years, $1.7 billion, just to finish it on time, based on our present projection of what it is going to cost.

Mr. JOHNSTON. My question is, Where has DOE said $1.7 billion commencing in 1998?

Mr. BUMPERS. These are based on their figures. I did not just drag those out of the air.

Mr. JOHNSTON. Their figures, where? I have the baseline validation report, I have testimony of the Secretary of Energy, I have a lot of other reports, and nowhere have I ever seen those figures or anything close to them.

Mr. BUMPERS. Let me stand partially corrected. This is the amount of money that we calculate based on $13 billion. Now, if the Senator has a different figure to reach $13 billion, I would be happy to see it.

Mr. JOHNSTON. First of all, we think the $13 billion—and I will be prepared——

Mr. BUMPERS. I am going to come back to that in a moment.

Mr. JOHNSTON. Is absolutely not correct. I am glad the Senator said these are not the Department of Energy figures, these are a graphmakers' figures that have no relationship to DOE plans.

Mr. BUMPERS. My real, honest gut feeling is these figures will be much higher than this.

Mr. JOHNSTON. Why did you not make them?

Mr. BUMPERS. I am trying to be fair to the Senator. We are talking about $13 billion, and I am going to come to that right now.

Mr. JOHNSTON. I did not mean to interrupt.

Mr. BUMPERS. Anybody here who now believes that a project which started off at $4.4 billion in 1987 and today is at $13 billion, a tripling in 6 years, anybody that believes that is the last word on what the collider is going to cost, we have swampland to sell to you. Everybody knows what happens in projects like this. This thing is hardly off the ground, and we are already at triple what the original estimate was.

How do we reach the $13 billion? We did it with the help of Hazel O'Leary, who is the Secretary of Energy and who testified in the Energy Committee. We started off in—actually started off in 1987 with that figure—but the 1991 baseline report on the cost of the collider was $8.44 billion. But DOE not only does not quarrel with it, they discovered that they had left out $1.5 billion of risks. These are not risks, they are costs that are going to be spent and, in their heart of hearts, they will tell you that.

Add $1.5 billion to $8.44 billion and then here we have costs left out that they admit it is going to cost. No debate whatever, even from the Department of Energy, that when they made their first validation, they simply left out $1.2 billion that should have gone in. Add that in. And now the President says he wants to stretch the completion date by 2 to 3 years. Right now, we are 10 years away from finishing this if the President's request is honored, and it most certainly will be.

What does that cost to stretch it out an additional 2 to 3 years? That will cost another $1.6 to $2.4 billion.

So there it is. There it is, Mr. President, $12.7 to $13.5 billion. As I say, nobody believes for an instant that that is the final word on what this is going to cost.

Mr. President, you hear a lot of talk about what the purpose of this is. You are going to hear everything from cancer to corns to eczema all are going to be cured as soon as we finish the super collider. You will hear claims that magnetic resonance imaging, which is the state-of-the-art kind of x ray of the human body, is going to be improved or is at least as a result of the superconducting super collider.

The truth of the matter is, Mr. President, this is not unanimous even among physicists. The Senator from Louisiana will give you some statements from Nobel Laureates about how important this project is. There is a physicist from the physics department at Boston University named Steven Ahlen. He is a particle physicist. Of the 40,000 physicists in America, virtually of all of whom belong to the American Physical Society, 10 percent, or roughly 4,000 of them, are particle physicists. Most of them are hot for this because this is a particle physicist's dream. The other 36,000 will tell you privately that this does not amount to a hill of beans. A poll was taken of all the scientists in America, and 98 percent of them—listen to them—98 percent of them said the superconducting super collider is not important.

Mr. JOHNSTON. Mr. President, will the Senator yield? Does the Senator have that poll, because that is not the way the question was asked, as I recall.

Mr. BUMPERS. Give me just a minute to find that, will you?

Mr. JOHNSTON. I have it here. As I understand it, some members of the Sigma Xi were asked in the following question:

> * * * please rank your first three choices, with "1" representing your first choice for use of funds, "2" representing your second choice and "3" your third choice. I think that the three best uses of public funds for scientific research, at this point, are—

And they put—

> untargeted individual research awards; AIDS; biosphere/geosphere systems; engineering research centers and science and technology centers; human genome projects; space station; strategic defense initiative; superconducting materials; superconducting super collider; other.

Of those who replied, only 2 percent of those specified SSC. Not surprisingly untargeted research grants was the top since most of the members of Sigma Xi fraternity are in the business of getting untargeted research grants. They certainly were not asked whether this was an important project. You might as well have asked lawyers or doctors whether legal research is important, or whatever. They certainly were not in this field.

In any event, they did not say it was not important. Would the Senator agree with that?

Mr. BUMPERS. Just a moment.

Mr. JOHNSTON. While the Senator is looking——

Mr. BUMPERS. Let me just say, we had a letter from Dr. Rustum Roy, Penn State University. I do not know whether he is head of the department there. He is a physicist at Penn State. He is the one who gave us that figure. I do not have that poll. He goes on to say in a separate letter:

> The basic parts of medicine, biology, Earth science, chemistry, and material science have not, cannot, and will not be affected one iota by whatever comes out of the SSC and its relatives of the last few decades. Amazingly enough, nor will 95 percent of physics.

Mr. JOHNSTON. If the Senator will yield, and I appreciate him yielding on his time—I do not mean to be discourteous, but I have here on the letterhead of Sigma Xi, the Scientific Research Society, a full description of this in which they state that in 1988, which by the way was before construction began on this, a questionnaire was sent to approximately 10,000 selected members, 3,300 replied, and the sheet here from the fraternity says that the data collected—and I am quoting:

> The data collected in the exercise lacks statistical validity. Thus, the data derived from the returned questionnaires cannot be construed to represent the opinions, experiences, or positions of Sigma Xi members, the Society or the research community as a whole. * * * The data reflects only the views and experiences of the 3,300 respondents.

The letter from Linda Fuge Abruzzini, Ph.D., director of membership, points out what the field of these respondents is, and it is physical sciences, 26 percent; biological sciences, 25 percent; engineering sciences, 22 percent; social sciences, agricultural sciences, health sciences, mathematical and computer sciences, et cetera, are 8, 7, 7, and 5 percent.

So the point is that Sigma Xi itself states that it lacks statistical validity and involves—it was a questionnaire sent to people in fields far afield from physics and certainly high energy physics.

If it is appropriate at this time, Mr. President, I ask unanimous consent that the piece just referred to from Sigma Xi and from Dr. Abruzzini be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SIGMA XI,
THE SCIENTIFIC RESEARCH SOCIETY,
Research Triangle Park, NC, August 7, 1992.

DEAR MR. BARNETT: The following is a breakdown by field of respondents to the questionnaire sent to approximately 10,000 Sigma Xi members in 1988.

Field:	*Percent of respondents*
Physical Sciences	26
Biological Sciences	25
Engineering Sciences	22
Social Sciences	8
Agricultural Sciences	7
Health Sciences	7
Mathematical and Computer Sciences	5

About 3,300 individuals returned the questionnaire. Given the low response rate, the exercise cannot be considered statistically valid. Hence, the data collected is representative only of those who responded and should not be construed to be representative of the Sigma Xi membership or the research community as a whole.

I hope you find this information helpful. If you have any questions about this information or any other aspect of the data collected in response to the questionnaire, please contact me. I would be happy to work with you and would especially welcome the opportunity to aid in interpretation of the data.

Sincerely,
LINDA FUGE ABRUZZINI, Ph.D.,
Director of Membership.

SIGMA XI, THE SCIENTIFIC RESEARCH SOCIETY

In 1988 a questionnaire was sent to approximately 10,000 nth selected active members of Sigma Xi, The Scientific Research Society. The questionnaire addressed a broad range of topics. Because a low response rate was achieved (only about 3,300 individuals returned the questionnaire), the data collected in the exercise lacks statistical validity. Thus, the data derived from the returned questionnaires cannot be construed to represent the opinions, experiences, or positions of Sigma Xi members, the Society, or the research community as a whole—the data reflects only the views and experiences of the 3,300 respondents. (A summary of data collected from the returned questionnaires is presented in a booklet, "Sketches of the American Scientist," available from Sigma Xi Headquarters.)

The superconducting super collider (SSC) was addressed in the questionnaire in the following question (response data included):

25. (In the following question, please rank your first three choices, with "1" representing your first choice for use of funds, "2" representing your second choice and "3" your third choice.) I think that the three best uses of public funds for scientific research, at this point in time, are: (Please rank up to three choices)

Respondents identifying project as one of their three best choices for public funding

	Percent
Untargeted individual research awards	23
AIDS	16
Biosphere/geosphere systems	19
Engineering Research Centers and Science and Technology Centers	13
Human genome project	4
Space Station	6
Strategic Defense Initiative	4
Superconducting materials	9
Superconducting super collider	2
Other (Specify:)	4

Care should be taken in interpreting the responses to this question. It is important to bear in mind that the purpose of the question was not to determine personal favor or disfavor with any of the projects listed and such information cannot be concluded from the responses. Rather, the question was designed to identify each of the respondent's top three project choices for use of public funds for scientific research among a list of nine plus "other". Respondents were not asked to provide a rank order for all listed projects and a rank order of the respondents' funding preferences cannot be concluded from the data.

We hope you find this information useful. If you have any questions about the 1988 questionnaire data or its interpretation, please contact the Sigma Xi Headquarters at 800-243-6534. Sigma Xi would appreciate the opportunity to work with you regarding this or other issues pertaining to Sigma Xi or the research community.

Mr. BUMPERS. Will the Senator give me an opportunity to respond?

Mr. JOHNSTON. Of course.

Mr. BUMPERS. I alluded a moment ago to Dr. Rustum Roy, and this is his testimony before the Senator's committee in the Senate. And I assume the Senator was presiding at the time Dr. Roy said this.

> Summary. There are 3 overriding reasons why the super collider should not be funded now and by the U.S. alone. First, it takes away resources from other sciences relevant to jobs and industry. Secondly, it distracts the Nation and its scientists from urgent national priorities. Third, it is not materially urgent science and it could wait for a decade with no loss to science or the nation for implementation by an international body.

Now, this is particularly relevant because, as I say, this is his testimony before the Senator's and my Energy Committee.

Mr. JOHNSTON. If the Senator will yield, does the Senator recall what year that was? We do not recall him testifying before the committee.

Mr. BUMPERS. What I have here says, "Written Testimony by Professor Rustum Roy, Senate Hearing on the Superconducting Super Collider, August 4, 1993."

Mr. JOHNSTON. I think he must have submitted a written statement for the record. I do not recall him testifying.

Mr. BUMPERS. This does not say whether he testified or whether he submitted it. I do not really know. He has testified before our committee before, I think.

Mr. JOHNSTON. I think he is one of many scientists who submitted questions for the record and also for the record he is a material scientist, not a physicist.

Will the Senator agree with that?

Mr. BUMPERS. He is a material scientist.

Mr. JOHNSTON. I thank the Senator.

Mr. BUMPERS. "He is among the two or three leading material scientists in the United States. He is author of some 600 papers with major contributions to real science from diamond films to glass ceramics to sol-gel technology and nanocomposites. He is senior-most member of the National Academy of Sciences specializing in ceramic materials—one of the hottest fields in real science; he is a foreign member of the Swedish, Japanese, and Indian National Academies. In 1993, he was inducted into the Hall of Fame of U.S. Engineers, an honor shared by only 41 others in 100 years, by the American Society for Engineering Education."

So even though he is a material scientist, obviously, he just did not fall off a turnip truck.

Let me continue with what he said in that submitted testimony. Whether he said it orally or in writing I think is immaterial. He goes on to say:

> I speak for the 98 percent of American scientists who in the Sigma Xi survey—

And I assume it is the same survey the Senator is referring to —

> refused to give any priority for public funds for the SSC. We represent the real science, the public always believed it is supporting, as distinct from the speculative, abstract science of the SSC.
>
> The Congress has never heard from any scientist from electrical engineering, biology, theoretical chemistry or environmental science supporting the SSC. Yet the witnesses who testify for the super collider should clearly be recognized as a tiny subset, within physics, which represents a very modest fraction of the American scientific community.

Now, Mr. President, I give you these things to say that outside the field of particle physics—if you just ask every physicist in the country it might be a split decision—it is almost unanimous I think among particle physicists. God knows, with the amount of money we are going to be spending, we ought to be able to employ every one of them. But the point I wish to make is there is a whole raft of great people in this country—physicists, material scientists, doctors of medicine—who say simply that in a perfect world this might be highly acceptable. But we are not in a perfect world. We are a member of the "Flat Broke Society." If you are going to spend the money, spend it where it will do some good. That is what they all say.

Now, Mr. President, here is a portion of a letter from Barry M. McCoy, professor of physics, State University of New York at Stonybrook. And I will insert these in the RECORD in just a moment, Mr. President, but let me just read it:

> As a theoretical physicist with 26 years of experience and some 110 publications, I want to strongly express to you my intense dismay at the way the effort to fund the SSC is undermining public credibility in the objectivity of scientific research.

He refers to a forum. He said it "lasted from 10 a.m. to 4 p.m. and in those 6 hours there were exactly two sentences devoted to the scientific goals of the SSC."

Here is another part of his letter, and this is very important for everybody who thinks we have a cancer cure coming up.

> The low energy protons useful for cancer research are already available at many laboratories. Protons of the much higher energy produced by the SSC will kill you—

Will kill you—

> if you come into contact with them.
>
> DR. BARRY MCCOY,
> *Theoretical Physicist.*

Laurence J. Campbell, who is a physicist at the University of California, wrote:

DEAR SENATOR BUMPERS:

I will just read a highlight.

> The astonishing fact, in view of how seriously this project has been taken by Congress, is that there will be no benefits from the results of this research to any science or technology outside the very narrow specialty of particle physics itself. The reason for this gloomy assessment originates from the nature of the phenomena to be studied. They occur naturally nowhere—not on Earth, not in the solar system, not in our galaxy.

Twenty billion dollars. And he says the reason for this assessment is the nature of the phenomena to be studied occurs naturally nowhere—not on Earth, not in the solar system, not in our galaxy.

But the U.S. Senate is never deterred by things like that.

Let me digress just a moment, Mr. President, to say I worked feverishly on this for a long time. But this year I went through it and concluded once again that this is the most abysmal, unalterably abysmal waste of the taxpayers' money.

I concluded, as I lobbied my colleagues who said, I have promised so and so that I will vote with him on that; I had promised somebody else; this is really important to me. We have a lot of jobs. I understand that. We all understand that.

Mr. JOHNSTON. Mr. President, will the Senator yield at that point?

Mr. BUMPERS. Yes.

Mr. JOHNSTON. I thought the Senator had said previously during the hearings and on the floor here, first that this was not the most abysmal waste. I thought I heard that about the space station. Second, I thought I heard the Senator say this is good science, and in a perfect world we would like to do it, but we cannot afford to do it at that time.

Has the Senator changed his view?

Mr. BUMPERS. No. Absolutely not. I will answer that question further in a moment. But let me finish the point I was making.

The point I was making is one that I do not like to make. The point is that there are people in the U.S. Senate who have made up their mind whether that they are going to vote for this. No matter what you say; no matter what an abysmal mess this thing is, they are going to vote for it. You cannot say, do, or demonstrate anything. It is the same way with the space station.

That is the reason I say the American people have our number. I used to say, well, people do not really understand. They just do not understand what a tough job this is the way it works. They understand. They know we are not going to kill this program. They know we are not going to kill the space station. They know we have never killed a spending project in the last 20 years.

Why do you think they are hot for a balanced budget amendment, line-item veto, all the rest of that stuff which I have strenuously opposed? And I am not sure I am going to in the future; absolutely unsure that I am going to resist those things in the future. You cannot stop it. It is a jobs program, simply.

You know the only person that has lobbied a single Senator against this project? Me. You know how many contractors, how many Senators, how many special interest groups have rung the phones off the wall of every Senator in the U.S. Senate? Thousands.

Senator SASSER, and Senator WARNER, Senator COHEN, and I, it is a lonely thing as far as I know. I am about the only one who really buttonholed my colleagues and tried to make the case for the fact that we cannot continue doing business. I read them these quotes as I am reading here on the floor. They get a blank look on their face and walk off.

A letter from Theodore H. Geballe, professor emeritus, Stanford University:

> DEAR SENATOR BUMPERS: Briefly I believe the SSC will consume more money than is justified considering the many equally worthwhile smaller projects in other fields of science which are underfunded. . . . Discoveries in the other frontier fields are more apt to be relevant to the needs of society than are those of the SSC, and many more frontiers can be explored with the same amount of money than is required by the SSC project. We are more likely to make new discoveries by fishing in many ponds than by fishing in just one. . . . Many of the spinoffs and claims of the economic benefits of the SSC are simply misleading. . . . The SSC has, at most, caused a blip on the market price of superconducting wire. Last year 1,100 superconducting magnets were manufactured and sold, each made with 20 to 40 miles of the same niobium titanium wire now being used by the SSC.
>
> Officers of the American Society for Microbiology released the following statement: "Under the proposed '94 budget, the number of new and competing grants supported by the NIH."

I want my colleagues to listen to this—virtually all the health research in this country is done by the $10 or $11 billion we give NIH every year that they dole out to universities and scientists. I want you to listen to what is happening to NIH because we cannot fund them. The reason we cannot fund them is because this thing slurps up all the money.

> Officers of the American Society for Microbiology released the following statement: Under the proposed '94 budget the number of new and competing grants supported by the National Institutes of Health will decline to 5,594, marking a sharp drop of almost 1,200 from the 6,795 new and competing grants that were given just 2 years ago. No inflationary increases are proposed for the cost of research grants. The success rate would fall to 21.6 percent.

Senator, similar comments about underfunding every basic research by the National Science Foundation can also be made.

Professor Bloembergen of Harvard, President of the American Physical Society, two years ago, President of all the 40,000 physicists in America 2 years ago. Here is what he said:

> From high temperature superconductivity the growth hormones to the chemical reactions that devour the ozone, the discoveries that are changing our lives are most often made by individual scientists or small groups and their plight is increasingly desperate.

Testimony from Philip Anderson:

> I won the Nobel Prize in 1977 for fundamental research in solid state physics. I may be the physicist most often cited by my colleagues.

Just a couple lines:

> Most of that substructure is well understood, in the sense that nothing discovered by the SSC will, for the foreseeable future, change the way we work with, or think about the world; it cannot even change nuclear physics.

That is an interesting statement I will put in the RECORD, and I hope a lot of people will read that.

Mr. President, I am not going to take much more time here. I have all of this information, speeches, and so on. I would like to submit en bloc for the RECORD, and ask unanimous consent that it be entered at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. BUMPERS. I would be happy to yield.

Mr. JOHNSTON. Mr. President, I ask my colleague if it is not a fact that Dr. Philip W. Anderson, who was just quoted, did he not say that "on the scientific soundness"—that is of the SSC—I agree with almost all of what Steve has said "Steve," Dr. Weinberg, being the Nobel Laureate whose testimony immediately preceded him.

He goes on to say:

> On the mismanagement, I am not as closely connected with the inside project, but I know enough to know that it would be very surprising if the accusations on this were really completely true.

Skipping a little bit, he goes onto say:

> I well understand that the questions the SSC is designed to answer are deep, fundamental and interesting. . . if the scientists were allowed to carry out their job without interference they would probably do so very efficiently. I do not agree with Steve that it is the only way that the job can be done. I think that represents something of a failure of imagination. The point of my testimony is that of priorities.

Does the Senator recall that testimony, and does that fairly represent the flavor of what Dr. Anderson stated?

Mr. BUMPERS. I just sent his testimony to the desk. So I do not have it in front of me right now. But I can tell you, he is opposed to the super collider for the same reason all the rest of them are. Some of them are more critical than others. I did not read a letter there; I believe it was the last letter in that pack. But it said that Dr. Steven Ahlen—I think he is head of the physics department; he is a professor of physics, and he is a particle physicist at Boston University—He told me himself—and this is not a letter, this is not in testimony—he came into my office; he said, "Senator, every scientist in this country is hurting for research money."

That is exactly what all of these physicists are saying. You are so much more likely to get something beneficial that we can all enjoy the benefits of if you fish in many ponds, instead of looking for one big fish in one big pond.

He went ahead to say, "Do you know what they are looking for?" I said, "Dr. Ahlen, I never even had high school chemistry. I know they are trying to find the origin of mass." He said, "Well, that is correct. What they are looking for is what physicists call the Higgs Boson. The Higgs Boson is a particle that physicists think existed for something like one-millionth or one-thirtieth of one-millionth of a second at some time billions of years ago.

Mr. JOHNSTON. If the Senator will yield at that point, Mr. President, will the Senator not agree with me that scientists believe or theorize that Higgs Boson exists today, and that it is the field through which all energy and particles are propagated, and that it can be found only with the energies of the superconducting super collider? It is not that it existed way back then, it exists today, and they theorize that; will the Senator agree with that?

Mr. BUMPERS. Not totally. The Senator is partially correct. I think Dr. Ahlen—I am reluctant to quote a physicist on a technical matter about which I know very little—but the point I was about to make when the Senator asked me to yield to him is I think Dr. Ahlen thinks the Higgs Boson existed for a second many billions of years ago. But his concluding remark to me was: "I do not believe the Higgs Boson exists."

Let me just make another point. When we started the Manhattan Project, essentially based on a theory of Albert Einstein, to develop a nuclear weapon, every physicist in the country, every physicist in the world knew we had atoms. Everybody knew what an atom was. Einstein had a theory that if we could split that atom, if we could develop the technique for splitting that atom, it was going to make a big noise. And so we undertook the Manhattan Project to split the atom, harness it, put it on an airplane, and unleash it, and we did it. But everybody knew what we were going at.

Now here, there is one physicist in the country that will tell you that he knows that the Higgs Boson exists, and that after we spend probably $20 billion erecting this monstrosity, we are going to find it. If the Senator wants to say that expenditure is just fine, whether we find it or not, that is his prerogative. And I think essentially that is what he is going to be debating. All I am saying is that when you talk about—the Senator wants to challenge the $20 billion figure, I guess.

Mr. JOHNSTON. That is right.

Mr. BUMPERS. Mr. President, we have been through this so many times that I know what the Senator is thinking before he says it.

I simply say that we are not at $20 billion yet. We are not to $13 billion yet, either, but we know we are headed there. Let me just make the point again. If we have gone from $4.4 billion to $13 billion in 6 years, where do you think we are going to go in the next 10 years? You have to be eating and smoking something awfully strong to believe this is the last word. That is all we know right now. So $20 billion to finish the construction of that thing is not out of line at all.

Well, Mr. President, I have taken more time than I really intended to. We will speak further later on, but the Senator from Louisiana certainly is entitled to the floor.

Let me just say before he takes the floor that I think the deficit is the No. 1 problem in this country. The population being out of control is the world's greatest problem, and the deficit is the thing that threatens my children and grandchildren more than any other single thing.

How did we get a $4 trillion deficit? I will tell you exactly how we got it: I promised old so-and-so, and he is up for reelection. I promised so-and-so because he or she called me, and he is a good friend. Well, I do not much like the idea, but I just cannot go against my committee chairman.

See, that is where the people of this country do not understand how this place works. That is the way we got to $4 trillion. If we do not stop it—there is not a soul in this body who believes this country is not in decline politically, educationally, culturally, and economically. We are in decline in every measure. And you are not going to reverse it or make this country more competitive by logrolling gigantic scientific projects, which we know almost to a certainty have no paybacks, no spinoffs.

Mr. WARNER. Will the Senator yield for a quick question?

Mr. BUMPERS. Yes; I am happy to yield.

Mr. WARNER. Mr. President, this body was asked not long ago by the administration to raise taxes, and the American public responded that any increase in taxes should be applied toward reducing the deficit, not additional spending such as you have discussed here today. I think the Senator pointed out in good conscience that we cannot ask the public to accede to our new directive, signed by the President and in formal law, to raise taxes—and, at the same time, increase spending for projects which are not necessary.

My specific question to my good friend is—and I support him 100 percent, as he well knows, on this project—has he had the opportunity to refer to the zero deficit plan program which was carefully drawn up by our two former colleagues?

Mr. BUMPERS. I have not seen that. I have that document on my desk.

Mr. WARNER. Mr. President, I draw the Senator's attention to page 51, where it discusses those programs that we have to stop if there is any hope of dealing with the rising national debt and the ever-present annual deficit. Of course, the first item, which he and I covered before, was the space station.

The next one: Cancel the superconducting super collider.

> The SSC is to be the world's largest particle accelerant and would be used to help determine the universe's origin. The SSC is projected to consume 6 percent of all basic research spending over the next 5 years; that is, research on breast cancer and all of the other problems that many of our colleagues have raised here in this session.
>
> Its $8.3 billion price tag is almost double the original $4.4 billion estimate. The scientific value of the SSC is outweighed by its costs.

There is an impartial analysis. I urge the Senator to look at that, because I think if this body and the other body, indeed the Congress as a whole, is ever to begin to grapple with the reduction of the annual deficit and the national debt, we have to follow the objective and fair analysis by persons such as our two former colleagues who have given us this report.

Mr. BUMPERS. I thank my distinguished chief cosponsor, Senator WARNER, for those very cogent, pointed remarks made by himself and quoting former Senators Tsongas and Rudman, both of whom were Members of this body, and we always revered and respected them.

To the distinguished floor manager, let me close by saying once again: I voted for those tax increases; I voted for the budget deficit reduction plan—$250 billion in new taxes, $250 billion in spending cuts. How many times did we hear the cry on this floor: "We have to cut more spending before we raise taxes"? And how many times did I and others on this side respond by saying: "We are going to cut more spending." I really believe it.

I have never heard such fervor in the United States Senate as I heard 45 days ago for more spending cuts. And I applauded that, and I said to all of those who were crying for more spending cuts, "Don't you worry, you are going to get your chance."

Mr. President, since then Senator SASSER and I were able to cut a paltry $400 million out of the SDI budget. It should have been $1.4 billion, but $400 million was all we could cut.

I gave the Senate a chance to kill the National Endowment for Democracy. We lost that 23 to 74. The House killed that sucker overwhelmingly.

Incidentally, Mr. President, do you know what the House did to the super collider? They killed it by 130 votes. They killed it last year. The Senate resurrected it, and it came back to us from the House with everything neat and orderly intact. I am telling you, if we do not kill it today, it will go to conference again despite the fact that the House beat it by 130 votes, and it will come back here with the full $640 million on the bill, I promise you.

But then Senator WARNER, Senator SASSER, Senator COHEN, Senator BRYAN, and I gave you an opportunity to cut the space station, leave $500 million to terminate the project and save $1.6 billion. If we had voted for that, Mr. President, to kill the space station, counting the cost of the space station and interest at 4.5 percent compounded for 35 years, one single vote would have saved the taxpayers of this country $216 billion.

If we kill the super collider, the total cost in today's figures, with no inflation, no increase in cost, do the same thing for it, 35 years, 4.5 percent compounded interest, you can save $39 billion. We are not talking about the $600 million for 1994 or the $2 billion on the space station for 1994. We are talking about the outyears costs $100 billion for the space station and $20 billion for this one. Sure. But over the 35-year period we had an opportunity to cut $255 billion, and we very studiously refused to do it. I take that back. We have not done this one yet.

But, Mr. President, all those cries about, "I am not voting for any tax increases; I am not going to vote for anything but spending cuts." We come to the litmus test where people have an opportunity to put their vote where their mouth is and you cannot get them to say "yes." You cannot get this body to stop its old habits.

I said 45 days ago, if we had offered the super collider and the space station on the floor on the reconciliation bill they would both be dead right now. I said the other day on the floor I have a dog with a longer memory than the U.S. Senate has; 45 days and we have forgotten everything we said.

So, Mr. President, I urge my colleagues——

Mr. WARNER. Mr. President, will the Senator yield for one more question?

Mr. BUMPERS. I am happy to yield.

Mr. WARNER. Mr. President, I say to my good friend, when we stood toe to toe here on the space station, somewhat unexpectedly we suddenly saw letters appear on the desk of our colleagues from the Vice President and from others in the administration. Regrettably the administration came in. Albeit the close affiliation between my good friend from Arkansas and the President, and others, they did not follow the advice that Senator BUMPERS gave them on that.

But I do not see as yet the letters.

My question to the Senator is, does it appear there is an absence of the same strength, conviction, and support from the present administration as given to the space station as applies to the super collider?

Mr. BUMPERS. I am afraid so. I think the Senator is right.

Mr. WARNER. I see no letters up here from the administration which would indicate to me perhaps the administration is closer to the position taken by the Senator from Arkansas and the Senator from Tennessee and myself.

Mr. BUMPERS. I just want to say I have noted the precise observation the Senator from Virginia has made. Not only did we find a letter from the President and the Vice President on our desk, we got phone calls from the President. I did not. I discussed it with the President earlier, and I just told him there was no need to call me. I am fixed on this and have been for 4 years. But there are no letters here now.

Mr. WARNER. I see none.

Mr. BUMPERS. I do not see any letters on the desk from the President and the Vice President.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. WARNER. Yes, I am happy to yield.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that a letter from the President of the United States to WILLIAM NATCHER, chairman of the Committee on Appropriations in the House, dated June 16, 1993, which states, among other things, "I want you to know of my continuing support for the superconducting super collider," be printed in the RECORD.

There being no objection, material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, June 16, 1993.

Hon. WILLIAM H. NATCHER,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As your Committee considers the Energy and Water Appropriations Act for Fiscal Year 1994, I want you to know of my continuing support for the Superconducting Super Collider (SSC).

The most important benefits of the increased understanding gained from the SSC may not be known for a generation. We can, however, be certain that important benefits will result simply from making the effort. The SSC project will stimulate technologies in many areas critical for the health of the U.S. economy. The superconductor technologies developed for the project's magnets will stimulate production of a material that will be critical for ensuring the competitiveness of U.S. manufacturers, for improving medical care, and a variety of other purposes. The SSC will also produce critical employment and educational opportunities for thousands of young engineers and scientists around the country.

Abandoning the SSC at this point would signal that the United States is compromising its position of leadership in basic science—a position unquestioned for generations. These are tough economic times, yet our Administration supports this project as a part of its broad investment package in science and technology. Our support requires making sure that the project is well managed and that the Congress is informed of the full costs and anticipated benefits of the program. The SSC previously had an unstable funding profile. The stretched-out funding proposed by our Administration of $640 million in FY 94 will allow better control of project costs. The full cost and scheduling implications of this stretch-out will be complete in the early fall, and will be examined carefully by the Administration at that time.

I ask you to support this important and challenging effort.

Sincerely,

BILL CLINTON.

Mr. BUMPERS. Let me say, Mr. President, that does not sound like a very ringing endorsement to me.

Mr. JOHNSTON. I did read the whole letter. The whole letter is in the RECORD, I think.

Mr. WARNER. Mr. President, I would also observe that was before the President came before the Chamber and asked for an increase in taxes, ostensibly to reduce not only Government spending but to reduce the deficit.

Mr. BUMPERS. I think that letter was in June, was it not?

Mr. WARNER. That is correct. It is June 17.

Mr. JOHNSTON. Mr. President, will the Senator further yield?

Mr. BUMPERS. I am happy to yield.

Mr. JOHNSTON. Also, from the Executive Office of the President, dated September 28, 1993, which is yesterday, a Statement of Administration Policy in part says:

> The administration commends the committee's action to restore full funding for the SSC. The SSC will maintain U.S. preeminence in basic scientific research, stimulate development of new technology in areas important to the future health of the economy.

Mr. WARNER. Mr. President, who signed the letter?

Mr. JOHNSTON. That is a statement of administration policy. I just read the letter signed by the President. This is from the Executive Office of the President.

Mr. WARNER. The Executive Office has no signature power. Is there a signature on this?

Mr. JOHNSTON. It is OMB. There is a signature on the other one I just put in the RECORD. How many signatures does the Senator want?

Mr. WARNER. Mr. President, we are bringing an updated piece of solid support of the administration. I hope that someone will be identified as coming forth with that solid support comparable to the Vice President of the United States in the case of the space station.

Mr. BUMPERS. Mr. President, let me say that if that is from OMB, things are really strange. As you know, the former colleague, Leon Panetta, now is head of OMB. He was the most ardent opponent of the super collider when he was in the House of anyone in the House.

Let me just close out. I just simply say the one thing that the people understand is that we are not going to cut spending. They were very suspicious of that. They did not want us to vote on the reconciliation bill until we showed our good faith.

But one of the really strange paradoxes of the whole thing is the people who scream the loudest for spending cuts, they are the same ones who voted for the space station, the National Endowment for Democracy, SDI, and the super collider. They cannot spend enough for them. I yield the floor.

EXHIBIT 1

INSTITUTE FOR THEORETICAL PHYSICS, STATE UNIVERSITY OF NEW YORK AT STONY BROOK,
Stony Brook, NY, May 3, 1993.

Senator DALE BUMPERS,
Dirksen Office Building,
Washington, DC.

DEAR SENATOR BUMPERS: I am writing to you because you are the leader of the forces opposing the Superconducting Supercollider in the Senate.

On Thursday, April 29, an "educational forum" on the SSC, sponsored by the Texas Laboratory Commission, was held at the State University of New York at Stony Brook. This forum was moderated by the television commentator Edwin Newman and featured Dr. Roy Schwitters the director of the SSC. This was announced to be the first of several such forums to be held around the country in the next several months.

As a theoretical physicist with 26 years of experience and some 110 publications I want to strongly express to you my intense dismay at the way the effort to fund the SSC is undermining public credibility in the objectivity of scientific research.

The forum lasted from 10 AM to 4 PM and in those 6 hours there were exactly 2 sentences devoted to the scientific goals of the SSC; namely 1) it will give us information about the origin of mass and 2) there may be unexpected discoveries. I repeatedly asked Dr. Schwitters for more scientific justification and even reminded him of the fact that there have been 30 years of theoretical research that have passed since the Higgs mass mechanism was first proposed and that by now there are many physicists who have concluded that this mechanism is not relevant to nature. Nothing could induce Dr. Schwitters to add even one extra sentence to the justification of SSC. This is the same lack of scientific justification which characterized the debate in the Congress last year. I can only conclude that the director has no further relevant scientific arguments to present to the public to support his request for funds.

I have had an NSF grant for 20 years and can assure you that no grant from NSF is funded if there are only 2 sentences of scientific justification.

However, what was even more distasteful was the exploitation of minorities, the totally misleading claims of curing cancer, and the blatant appeal to pork barrel politics made by the director and other speakers.

One of the lunch time speakers was a black undergraduate from Virginia State University. He has a job that is connected with the SSC and gave a very moving presentation of how this experience was changing his life. It was in fact an eloquent demonstration of the need for minority scholarship programs but it has nothing to do with explaining why $8.6

billion should be spent on constructing the SSC.

Dr. Brenda Buckhold Shank, chairman of the radiation department of Mount Sinai hospital, gave a 20 minute presentation on cancer research at the SSC but blatantly ignored the fact that the protons used in cancer research have energies of some 300 Mev whereas the object of the SSC is to produce protons with energies one hundred thousand times greater. The low energy protons useful for cancer research are already available at many laboratories. Protons of the much higher energy produced by the SSC will kill you if you come into contact with them. The fact that the director would allocate 20 minutes for such a presentation indicates that he is either completely ignorant about how protons are to be used in cancer research or that he is blatantly and deliberately misleading the public.

In addition, the director was quite proud of the fact that contracts have been spread out to 48 states in an attempt to win votes in favor of funding. He seemed a quite oblivious to the fact that this is precisely the practice of pork barrel contracting that wastes so much of the taxpayers money.

Finally it must be pointed out that in the printed material passed out to the audience of the forum the proponents of SSC were attempting to take credit for all sorts of scientific discoveries ranging from penicillin to superconducting magnets to parallel processing computers. The fact is that the high energy physics experiments of the last 50 years have lead to none of these advances.

There are tens of thousands of reputable scientists with the highest standards of objectivity and integrity who are doing outstanding research in this country. Many of them are funded by government programs which are administered with the utmost attention to scientific and ethical standards. It is exceedingly unfair and unjust that instead of seeing the work of these many thousands of researchers the public is subjected to year after year of deceptive appeals by the supporters of the Superconducting Supercollider. I applaud you for your work towards the elimination of this tasteful item in the federal budget.

Sincerely,

BARRY M. MCCOY,
Professor of Physics.

LOS ALAMAS, NM,
June 28, 1993.

Senator DALE BUMPERS,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BUMPERS: Because of the Superconducting Super Collider's high cost and poor prospects for strengthening either science or technology I urge you to continue your leadership role in opposing further spending for its construction.

The cost-benefit ratio for this project is highly unfavorable. You are familiar with the costs (which include substantial annual operating costs) so I will review only the benefits.

The astonishing fact, in view of how seriously this project has been taken by Congress, is that there would be no benefits from the results of this research to any science or technology outside the very narrow speciality of particle physics itself. The reason for this gloomy assessment originates from the nature of the phenomena to be studied: they occur naturally nowhere—not on earth, not in the solar system, not in our galaxy, not in the present universe! Moreover, there are no naturally occurring phenomena in the present universe that would even be illuminated by the research of the SSC. No current problems involving existing matter, from nuclear processes to astronomical objects, would be clarified, much less solved.

The energies to be produced by the SSC, 40 teravolts, would have relevance only to the historical physical world during an infinitesimal interval of time near the origin of the universe. Knowing more about this early interval of time will merely raise questions about the preceding intervals, involving ever higher energies—and so on, to absurdity. The brute-force approach to these questions, as exemplified by the SSC, cannot be sustained.

Even though their energies are far closer to the real world than would be the SSC's the present-day high-energy particle accelerators at Fermilab, Illinois, and CERN, Switzerland, already illustrate the esoteric and effectively empty nature of the expected SSC results. For example, the most noteworthy of Fermilab's accomplishments, many would say, has been the discovery of the "upsilon", whose obscurity outside the tiny community of particle physicists is no oversight.

In summary, the SSC is an extravagant luxury whose funding cannot be justified in this time of shrinking budgets and promising alternative research opportunities.

Sincerely,

LAURENCE J. CAMPBELL,
Physicist, Ph.D.
(University of California).

STANFORD UNIVERSITY,
DEPARTMENT OF APPLIED PHYSICS,
Stanford, CA, August 2, 1993.

Hon. DALE BUMPERS,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BUMPERS: I have already had an opportunity to give testimony expressing my opposition to continuing the superconducting supercollider (SSC) project in its present form to the House Committee on Science, Space, and Technology and appreciate the opportunity to give some further thoughts to you. Briefly I believe that the SSC will consume more money than is justified considering the many equally worthwhile smaller projects in other fields of science which are underfunded. These small projects which embrace other branches of physics, chemistry, biochemistry, materials science, molecular biology, et cetera, cumulatively produce more new science, more technological spin-offs, and more new jobs than the SSC, and do it for less money.

Realistically the reason why science is given so much support is because of the uses to society of the new knowledge it produces, not because of its cultural value which some have argued is the justification for the SSC. A policy document released this month by the National Academy of Sciences entitled "National Goals for a New Era" which is meant to be a guide for public policy concerned with science and technology in the post cold war era concludes that the United States can no longer expect to excel in all major areas of science. We should strive to maintain a clear leadership in certain selected fields and to remain among the world leaders in all others. The document notes that "funding in one expensive activity can lead to cutbacks in many smaller activities even though these smaller activities generate the bulk of the new scientific knowledge."

All basic research, the R component of R&D, is concerned with explorations of new frontiers where one does not know ahead of time what will happen. There is always the risk the findings might be uninteresting. This is balanced by findings that lead to new developments and occasionally the discovery of completely unexpected new phenomena and behavior. The many and varied new technologies of today, including the $80 billion world electronics market, all have been made possible by basic research discoveries of the previous generation. Here we are concerned with new discoveries to pass on to future generations.

The possibility for unexpected new discoveries coming from the SSC project is certainly as high as for other frontier research efforts. Discoveries in the other frontier fields are more apt to be relevant to the needs of society than are those of the SSC, and many more frontiers can be explored with the same amount of money than is required by the SSC project. We are more likely to make new discoveries by fishing in many ponds than by fishing in just one. I would like to list a few just for purposes of illustration:

High-temperature superconductors which were unexpectedly discovered at the IBM research laboratory in Switzerland seven years ago are actively being studied because we don't understand how electricity is transported in these materials let alone the mechanism which gives rise to the superconductivity. New understanding is likely to lead to more efficient electrical power technologies, to better methods of nondestructive testing, to more sensitive detectors for medical applications and for magnetotelluric studies, to improved communication circuits, and possibly to a new generation of computers.

Another frontier is in polymer science where an understanding is sought of the principles underlying polymerization reactions which can be used to actually design and build new structures. A recent edition of the New York Times features a story on a new polymer superior to ivory for piano keys which "gladdens the hearts of musicians as well as elephants."

Scanning tunneling microscopes and its many derivatives are now being used to move, probe, and study individual atoms and molecules. Lasers have been turned into optical tweezers which can grab onto individual atoms in space. Scanning with near field light microscopes of provides images tens of times better than the best conventional microscopes. Collectively, these instruments all developed in the past few years represent the greatest advances in microscopy and imaging since the time of Galilee and maybe even in recorded history. They are currently being used in exquisite ways to extend the understanding of the physics, chemistry, biochemistry and materials science of molecules, surfaces, interfaces and other structures.

The SCC has economic potential, but it is less cost effective than many other fields because it almost certainly will produce fewer spin-offs per dollar invested than other fields. The net effect of the SSC on the economy could actually be negative if it were to draw enough resources away from other fields a number of which are acutely underfunded.

Many of the spin-offs and claims of the economic benefits of the SSC are misleading. It has been claimed, for example, that the SSC is providing the first large-scale use of superconductors and that the SSC developments have been responsible for a tenfold reduction in the price of superconducting wire. The facts are that there already exists a large market for superconducting magnets.

The SSC has, at most caused a blip on the market price. Last year, 1,100 superconducting magnets were manufactured and sold, each made with 20 to 40 miles of the same niobium titanium wire now being used by the SSC. These magnets operate at hundreds of hospitals and centers throughout the country used for taking whole body scans by magnetic resonance imaging (MRI).

Contrary to a quote from Admiral Watkins in the Washington Post last year, the superconducting wire needed for liquid helium based applications such as maglev trains, ship propulsion, energy storage magnets, power transmission cables, motors, and generators already exists. Some prototype devices were actually built 10 years ago. The reason they are not used is because the market is not ready. The SSC is investing in a helium-based technology which is too expensive for the marketplace.

Proponents of the SSC argue that stopping the SSC will not result in funds being released to other research areas. This is certainly not obvious particularly when Congress notes the acute underfunding in other research areas. Officers of the American Society for Microbiology released the following statement: "Under the proposed '94 budget, the number of new and competing grants supported by the NIH will decline to 5594, marking a sharp drop of almost 1200 from the 6975 new and competing grants that were given just two years ago. No inflationary increases are proposed for the cost of research grants. The success rate would fall to 21.6 percent.

Similar comments about underfunding of basic research by NSF can also be made. Professor Bloembergen of Harvard, as president of the American Physical Society two years ago, said: "From high-temperature superconductivity to growth hormones to the chemical reactions that devour the ozone, the discoveries that are changing our lives are most often made by individual scientists or small groups, and their plight is increasingly desperate."

I believe the US should join together with other European and Asian nations who also aspire to be world leaders in exploring the frontiers of particle physics to build and operate an SSC facility in Texas or somewhere else if necessary. Considering the alternatives it seems worthwhile even at this late date to try to overcome the difficulties in making the needed arrangements.

Sincerely yours,

THEODORE H. GEBALLE.

PRINCETON UNIVERSITY,
Princeton, NJ, August 4, 1993.

TESTIMONY BEFORE THE COMMITTEE ON ENERGY AND NATURAL RESOURCES AND THE SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT OF THE COMMITTEE ON APPROPRIATIONS OF THE DEPARTMENT OF ENERGY'S SUPERCONDUCTING SUPER COLLIDER PROGRAM

My name is Philip Anderson, Joseph Henry Professor of Physics at Princeton University. I worked for many years at AT&T Bell Labs, ending up with the rank of Director on my retirement, and I was a Professor at Cambridge University for a number of years. I won the Nobel Prize in 1977 for fundamental research in solid state physics. I may be the physicist most often cited by colleagues.

On several occasions over the years I have testified against the SSC and other Big Science projects, and in favor of funding a wider variety of fundamental science on a peer-reviewed basis, through institutions such as the NSF and the NIH which have a good record of responsible distribution of funds.

I want, on this occasion, particularly to emphasize that I do not oppose the SSC because it is scientifically unsound or badly mismanaged. Both of these accusations have been made in Congress and in the press, and I want to disassociate myself absolutely from them. These accusations should appropriately be made about Space Station Freedom, and I think it a scandal that the House has chosen to support the scientifically unsound and technologically uninteresting manned space program rather than the SSC, on the basis of fantastically overblown claims of its useful spinoffs. I well understand that the questions the SSC is designed to answer are deep, fundamental, and interesting; and that if the scientists were allowed to carry out their job without bureaucratic interference, they would do so efficiently.

The point of my testimony is that of priorities. The physics being done by the SSC is a very narrow specialized area, with a very narrow focus: on the very tiny and very energetic sub-sub-substructure of the world in which we live. Most of that substructure is well-understood, in the sense that nothing discovered by the SSC will, for the foreseeable future, change the way we work with or think about the world; it cannot change even nuclear physics. Perhaps a couple of hundred theorists—too many, indeed, thinking about such a restricted subject—and a thousand or so experimentalists work in this particular field of science. That is less than 10% of the research physicists, and a much tinier fraction of the research scientists, in the world. Yet the budget for this operation dwarfs the budget of all the rest of physics: particle physicists are funded, on the average, ten times as liberally as all other physicists. The SSC is not a very efficient jobs program, at least for scientists.

At least two books, and many articles, have been published recently trying to justify this special status for particle physics as somehow more fundamental than all other fundamental science. That so many particle physicists have time to write such books and articles may tell you something about the real interest of the field. There are many other really exciting fundamental questions which science can hope to answer, which people like myself are too busy to write books about:

How did life begin?
Why is biological catalysis so efficient?
What is the origin of the human race?
How does the brain work?
What is the theory of the immune system?
Is there a science of economics?

These are only the most obvious questions for the layman; our field, solid state physics, has many, many fascinating and fundamental unsolved mysteries, which are to my mind no less fundamental as to how matter and energy interact in the world around us than the deep interior of the fundamental particles.

In all of these questions, there is the possibility of serendipity; you may find something useful, or something you weren't looking for. The study of real intelligence is bound to tell you things about artificial intelligence, for instance. The theory of the immune system can tell you things about many awful diseases, not just AIDS. The deep questions of biology lead to bioengineering, the deep questions of solid state physics to materials engineering. This kind of relevance and serendipity is what a large inflexible machine such as the SSC does not have.

Particle physicists, naturally, are deeply concerned about the problems of funding and the health of their field. But so are the rest of us; and we feel that in no sense is particle physics the one special field in which it is essential for the U.S. to "stay ahead". If there is such an essential field, I would argue that it is among those I mentioned above. The playing field should be level, not heavily tilted in favor of one historically powerful group.

[From Science & Government Report, Aug. 1, 1991]

A NOBEL PHYSICIST'S HARSH ASSESSMENT OF THE SUPER COLLIDER

(Excerpts from testimony July 11 by Philip W. Anderson, Nobel laureate Professor of Physics, Princeton University, to the House Budget Committee Task Force on Defense, Foreign Policy, and Space.)

Selling Big Science. "It is impossible to emphasize too much that the big science projects, because they are very expensive, allow you to employ public-relations experts. And the political pressure behind them builds up because, of course, they are employing very important contractors and they are representing a large amount of money spent in one Congressional district or another. The small science project has nobody in its favor except the future."

Destructive Effects of the SSC. "The SSC is also a disaster . . . for the education of young physicists, concentrating enormous numbers of them in giant groups away from the intellectual climate of their universities, doing tiny bits of projects which last three or four graduate student PhD thesis times. Even the theoretical students come out trained in esoteric branch of mathematics with no experience of actually thinking about experimental results. In other words, the people spinoff is getting less and less efficient, just as is the technical spinoff, as the projects get bigger and more narrrowly focused on more and more practically irrelevant phenomena."

The High Energy Bandwagon. "Particle physics is a narrow, inbred field, and it is easy for the particle physicists to create an external appearance of unanimity of goals. I do not believe that the community in its private thoughts necessarily believes that a crash program and a rapid program on the SSC is necessarily the best next step. I certainly can find people who will say they don't think so."

Big Science on Campus. "[T]here is a style of research that is characteristic certainly in physics and big science, and you can tell. [In] big science, you see your colleagues spend half a semester teaching and then they are off in some large institution working away . . . for the rest of the time. In small science, they are right there in the department all the time. You also see the style of these . . . very long projects, projects which make it difficult, for instance, in my own department to assess the value or the quality of young assistant professors in that field, because the assistant-professor time for bucking for tenure is six years, and six years is less than the time necessary for these results to come out."

PREPARED STATEMENT OF PHILIP W. ANDERSON

Let me organize my testimony around a series of questions that you might ask me, and the answers that I would give to them.

(1) Is the SSC doing the most important, or the only, really fundamental research in the physical sciences?

I believe the answer is no.

(2) Will the research done by the SSC have any direct relevance to society or to the ostensible mission of the Department of Energy, namely to conserve and contribute to the nation's energy supply?

The answer is no; even its spinoff effect will be negligible.

(3) Are there worthwhile research institutions and projects which are being neglected and starved for money while the SSC is liberally funded?

The answer is yes, very many.

(4) Is the SSC so urgent that we have to go ahead with it at any cost?

Obviously not.

I will elaborate my answers to these questions.

(1) The standard testimony on behalf of the SSC will tell you that in some sense elementary particle physics is the bellwether of the sciences, the one which is out there leading the pack, the one which in some sense is investigating the "deepest" layers of reality in the world around us and the "most fundamental" laws of physics. As part of my testimony I'd like to append copies of an essay which will shortly appear in the American Institute of Physics' house magazine, Physics Today, which is about the subject or science of "complexity", and explains a little about how there is at least one other kind of frontier in the physical sciences, where a lot of action—I would argue more action—is taking place: the frontier of looking at bigger and more complex aggregates of matter, which often behave in new ways, according to new laws. These do not contradict the laws the elementary particle people discover, but are simply independent of them and are in no way less or more "fundamental".

If you were to ask me where in my own field of theoretical physics—and I have worked at least a little in most parts of this field including elementary particles—the most exciting things are happening right at the moment, I would certainly not put elementary particles at the top of the list: in my opinion, that field has wound itself down for the time being. I can tell because many of the young people are voting with their feet and leaving particle physics. Three areas where really exciting things are happening are first, the remarkable outpouring of new theoretical and fundamental physics sparked by the discovery of high Tc, superconductivity. So many radical exciting new ideas are appearing that, as the old theory of superconductivity proved to be a model on which the present standard theory of elementary particles is based, the new ideas may help stimulate the next revolution in theoretical physics generally, entirely aside from opening up many other areas of materials science which had languished for lack of theoretical understanding.

Second, we are close to understanding some century-old problems in hydrodynamics, particularly in turbulence. I am not an expert but I do sense increasing excitement in this and other fields of the physics of classical systems.

Finally, at many points physics and biology, and physics and organic—and biochemistry, are beginning to impinge in a meaningful way, both in experiment and theory, as physics becomes more capable of dealing with complexity.

Incidentally, all three of these fields are ones where funding is hard to come by, for a variety of reasons which to a great extent amount to the same reason: the American funding system is low on what you might call "risk capital": it is set up in such a way that it goes on funding whatever was funded in the past: Institutional rigidity is the name of the game. If you don't believe in institutional rigidity, ask yourself why it is that the DOE is still funding elementary particle physics, which whatever else you may say about it will never have an impact on the energy which comes out of the plug in your wall.

(2) Does the SSC and elementary particles physics have social relevance? We must concede immediately that the best of the elementary particle people base the whole of their pitch on the intellectual excitement of the search for fundamental laws. But as this message is diluted in the DOE and in the political rhetoric one finds claims that particle physics did everything from MRI and the computer revolution to the television screen and sliced bread. It is worth reiterating, then, that particle physics has not led to many technical breakthroughs; that if you want to solve technical problems the best way to spend your money is on the sciences which are relevant to your technical problem. The technical problem the SSC is setting out to solve is accelerating protons, and if they have any sense they will choose the most conservative possible technical means. That means they will be trying their best to avoid making breakthroughs in technology.

To me the saddest sight of all is to see officials of the department responsible for our energy supply deliberately misleading Congress with these false claims; and to see my particle physics colleagues, many of whom I admire and respect, sitting by and acquiescing in them.

The small sciences, on the other hand, the individual investigator fields such as the sciences of complexity, can and do live in a win-win world in technology. The science can feed on advances in technology and almost automatically feeds back into technology. In recent testimony I used the example of the late John Bardeen, who won one Nobel prize for a great technical breakthrough and a second one for a great fundamental science one.

The SSC is also a disaster for the education of young physicists, concentrating enormous numbers of them in giant groups, away from the intellectual climate of their universities, doing tiny pieces of projects which last three or four graduate student Ph.D. thesis times. Even the theoretical students come out trained in caoteric branches of mathematics and with no experience of actually thinking about experimental results. In other words, the people spinoff is getting less and less efficient, just as is the technical spinoff, as the projects get bigger and more narrowly focused on more and more practically irrelevant phenomena.

(3) Are there things which are being seriously underfunded? You would only have to chat with a few physics postdocs this year to realize how serious the situation really is. One of the worst situations is at the NSF Institute of Theoretical Physics of Santa Barbara, which if anything, should be the nation's most important reservoir of new ideas and future talent. The director has had to make an impossible choice between postdocs and programs. Second, the neutron diffraction facilities of this nation are an open scandal. The world's greatest scientists in this field have been for a couple of years completely devoid of facilities on which to work, facilities which even before that had not been upgraded for two decades. This is one of the most important single instruments for work in fundamental materials science.

A third field where one is seeing laboratory after laboratory drop out of the fundamental scientific race is superconductivity. Both governmental and industrial funding have been concentrated on short-term payoffs and purely technical goals; cook book science, mixing and baking and producing technically useful but scientifically uninteresting thin films and ceramics. The amount of money being spent on the large single crystals, special dopants, and careful measurements necessary to make scientific progress has contracted sharply; I would estimate that the total result of the fervor over high T, has been simply transfer of personnel from other useful fields, and the same people are in general working with less support than they had 5 years ago. Frankly, I think we in this country are saved in this as a scientific field only by the inability of the Japanese and the Germans to develop really innovative, original theoretical scientists; in the technology we are perhaps even worse off. Here the recent moves toward a really hefty materials initiative by the administration are much to be welcomed, but I hope the money will be spent wisely with an eye to the importance of fundamental science as well as technology as e.g., some should go to neutron diffraction.

(4) The fourth question doesn't need much more said by me. Since particle physics is such a narrow, inbred field, it is easy for them to create an external appearance of unanimity of goals. I do not believe that the community in its private thoughts really believes that a crash program on the SSC is necessarily the best next step. Upgrades on both CERN and FERMILAB are in the cards and a relaxed schedule would allow the dollars spent on these less radial steps to pay off in science without seeing ridiculous spectacles such as last year's, of results on Z's from one laboratory obsolete within a few weeks because a second machine came on stream.

Physics prides itself on internationalism; when a field like this one has reached the stage where it can and does bankrupt the scientific budgets of whole countries—as CERN has done to the U.K.—it is clear that rational international cooperation is the only sane response. There are much more sensible ways—or less damaging ones—to assert national chutzpah than to build accelerators in head to head competition with each other, and let the nation's scientific strength languish as a result.

SENATE HEARING ON THE SUPERCONDUCTING SUPER COLLIDER, AUGUST 4, 1993

(Written testimony by Prof. Rustum Roy)

QUALIFICATIONS OF THE WITNESS RUSTUM ROY[1]

Newsweek has accurately described him as "the leading contrarian" among U.S. scientists. The U.S. House of Representatives' Committee on Science, Technology and Research gave him its only standing ovation in 16 years after one of his recent testimonies. He is the only practicing prominent scientist who has studied and written about U.S. science policy from the inside. His criticisms of U.S. policy, regarded as far out a decade ago, are now called "prescient." The September 1992 House Committee Future of Research White paper called his book, Lost at the Frontier (co-author D. Shapley),

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[1] Evan Pugh Professor of the Solid State, Professor of Geochemistry, Professor of Science, Technology and Society at The Pennsylvania State University. Address: 102 Materials Research Laboratory, The Pennsylvania State University, University Park, PA 16802. Tel: 814-865-3411.

". . . perhaps the most comprehensive (albeit controversial) statement of an alternative policy . . ."

Rustum Roy is among the two or three leading materials scientists in the U.S. Author of some 600 papers with major contributions to real science from diamond films to glass ceramics to sol-gel technology and noncomposites. He is the senior-most member in the National Academy specializing in ceramic materials—one of the hottest fields in real science; he is a foreign member of the Swedish, Japanese and Indian national Academies. In 1993 he was inducted into the Hall of Fame of U.S. Engineers (an honor shared by only 41 others in 100 years) by the American Society for Engineering Education.

THE SCIENTISTS' CASE AGAINST THE SUPERCOLLIDER

Summary

There are three overriding reasons why the SSC should not be funded now, and by the U.S. alone, First, it takes away resources from other sciences, relevant to jobs and industry. Second, it distracts the nation and its scientists from urgent national priorities. Third, it is not particularly urgent science and it could wait for a decade with no loss to science or the nation, for implementation by an international body.

What is the Congress Funding if it Funds the SSC? Not U.S. Science

I speak for the 98% of American scientists who in the Sigma XI survey refused to give any priority for public funds for the SSC. We represent the real science, the public has always believed it is supporting, as distinct from the speculative, abstract science of the SSC.

The Congress has never heard from any scientist from electrical engineering, biology, theoretical chemistry or environmental science supporting the SSC. Yet the witnesses who testify for the supecollider should clearly be recognized as a tiny subset, within physics, which represents a very modest fraction of the American scientific community.

Separating the Two Kinds of Science

There are two kinds of science:

(a) Real science done by the vest majority of scientists in university, industry and government laboratories with which humans and society are in daily contact, which can be confirmed in 1,000 labs (and used) worldwide. This includes not only the enormous benefits of modern electronics, medicine and agriculture but also the great principles and generalizations of science mostly derived through observations in the world of technology and daily experience. They include a range of topics from the laws of motion, to $E=mc^2$ to quantum mechanics.

(b) Speculative science which cannot be tested by laboratory experiments, and about which speculations can go on forever, without any conceivable impact on humans or society. Modern astronomy and particle physics are the most obvious examples. The SSC is a typical example of a machine to do "speculative science." Is it, therefore, very much in the interests of the latter group to either pretend that their speculations are real, or to try to pass themselves off as real scientists: the Jacob and Esan gambit.

In science policy we judge the importance of a field or discovery by quantifying the impact it has first on neighboring fields of science. By this "Weinberg Criterion," named after Alvin Weinberg, founding Director of Oak Ridge, the SSC even if successful would rank very, very low.

Nothing the speculative science the SSC can discover can ever have any impact on chemistry, biology, engineering science, materials, agriculture. Indeed it is becoming obvious that our real sciences are the truly basic sciences because such science impacts particle physics very directly.

Fooling the Public

For the last forty years, partly unconsciously and recently more purposively, parts of the scientific community have worked very hard to blur the distinction between these two very very different kinds of "science." For good reason.

While the USA was the wealthiest country in the world with a growing economy no one really cared about the different ways in which we wasted our money. As that situation has changed dramatically and everyone is searching for ways to trim spending, those who do "speculative" science have realized that their forty years of wine and roses are coming to an end. Put in political terms these "welfare queens in white coats" are trying every trick in the book to hang on to their entitlements.

Vast Majority of Scientists Oppose the Supercollider

The facts, well shielded from the public till now, are that a huge majority of scientists including prominent Nobel prize winners in physics (and, of course, in other equally important fields) oppose the supercollider. Sigma Xi, the Research Society of America, made the only known survey ever of the priorities which a representative sample of American scientists would give to various major areas. The SSC came in last with less than three percent, yes, only about two percent supporting it. Large numbers of scientists from a wide variety of disciplines oppose the SSC and all Big Science projects. But the most telling are the many criticisms by leading physicists themselves, recounted below, together with the views of influential Congresspersons.

The Department of Energy regularly publishes the most exaggerated claims regarding the possible spinoffs from the SSC, from improving health to science education. This rebuttal of such claims by A. Penzias, Vice President of Bell Laboratories, a physics Nobel prize winner, was made years ago:

"I think there has been a fallacious connection made between the present state of particle physics and quantum mechanics. People will say, in the 1930s, who knew that quantum mechanics was going to be good for anything?

"The difference is that in the 1930s, as it was even in the days of the caveman, quantum mechanics applied to everyday experience. You have to do nothing more than urinate into a fire to cause a quantum mechanical effect. There are transitions in salt whose energy-level-difference laws are set by quantum mechanics which say that excited salt atoms are yellow . . . That's quantum mechanics, but it deals with a world which is accessible to us in our everyday experience.

"Therefore, let us not pretend that what we experiment [with in particle physics] is, in fact, going to illuminate what happens in that part of he arena of our knowledge and experience that's useful for us."

Recently, these claims have become so ridiculous that the highest-level members of the physics community and the Congress have both strongly objected to the exaggerations.

Quotations in the scientific press give the flavor of the controversy which is still kept as tightly controlled as possible:

"The dispute, which flared behind the sciences and in congressional testimony, began with DOE claims such as: 'Already, high-energy physics related to the SSC has had industrial applications in MRI and other technologies.' Nicholaas Bloembergen, a Nobel Prize-winning pioneer in the development of MRI, said, 'I can assure you that these are spinoffs of small-scale science and not of the SSC.'

"Later . . . Bloembergen re-entered the fray. In a fiery letter he said, 'MRI would be live and well today, even if Fermilab had never existed,' thundered Bloembergen.

"Congressman D. Eckart ridiculed the DOE's claims in laypersons' language:

"We have heard proponents tell us that the Superconducting SuperCollider will cure everything except the heartbreak of psoriasis. (A derisive reference to an obviously exaggerated television commercial.) The fact of the matter is that the [SSC] will not make one person well in this country."

Then Professor Philip Anderson of Princeton University, another Nobel Prize physicist, opened his testimony to Congress last July with a very clear definitive statement on the key questions thus:

(1) Is the SSC doing the most important, or the only, really fundamental research in the physical sciences?

I believe the answer is no.

(2) Will the research done by the SSC have any direct relevance to society or to the ostensible mission of the Department of Energy, namely to conserve and contribute to the nation's energy supply?

The answer is no; even its spinoff effect will be negligible.

(3) Are there worthwhile research institutions and projects which are being neglected and starved for money while the SSC is liberally funded?

The answer is yes, very many.

(4) Is the SSC so urgent that we have to go ahead with it at any cost?

Obviously not.

Damage to Important U.S. R/D

Coming on the heels of the analysis by Congress' own Office of Technology Assessment which shows how seriously small science would be hurt with only modest budget increases, this would appear to doom the SSC in the next year or two. Given the continuing decline in the U.S. economy, the possibility of large increases for all of science certainly appears remote. Given the budget agreement, there can be no illusions but that the rest of U.S. science, including that which is done in industry, will be seriously adversely affected by funding the SSC. The fate of the SSC seems to be running parallel to the ill-fated Clinch River Breeder Reactor, finally killed off by Congress after years and years of uncertainty and a waste of hundreds of millions of dollars.

Damage to Relations With Japan and the International Option

Can anyone seriously doubt in 1993 that ALL Big Science will in the future be done internationally. Why should the U.S. in its weakened economic posture commit itself against this unstoppable historical trend?

If by any incredible means this administration were to force the Japanese government by political pressure to provide $1B+ for the SSC against the strong (unanimous) deliberated consensus of Japanese scientists and engineers, we will have made enemies for all the rest of the U.S. R/D community. Every U.S. R/D policy maker should ask herself or himself that: How would U.S. engineers and scientists feel, if after all our committees had voted against, foreign politicians saddled us with it.

The rest of the world stands ready to cooperate and fund joint R/D in a dozen Big Science fields. The U.S. should cancel the SSC and move to lead this internationalization of Big Science.

AMHERST, MA,
June 4, 1993.

Representative SHERWOOD BOEHLERT,
Longworth House Office Building, Washington, DC.

DEAR SHERWOOD: After several years of intermittent correspondence I hope that you don't mind the first name. Though now pretty well established in western Massachusetts it's not exactly retirement; I'm active at the University of Massachusetts and keep some tabs on goings on in Washington on matters of science policy, among them the SSC. So have heard part of the news about the House S&T Committee hearings last week. The show goes on, and I for one am glad to see that you are keeping up the pressure. For a change, the committee heard testimony from other than hand picked proponents of the SSC. Schrieffer and Geballe are as good as they come, and I'm sure that they gave you a straight story (wish I'd been there). Anyhow the reports I read led me to do one more retrospective of SSC key points as they seem to me at this writing:

(1) The objective of the SSC remains, to address a pure science issue in particle physics, but there is no guarantee of success even if the machine is built. Nor will it give a "final theory" that will modify much of the rest of science. There are many other scientific frontiers, at least as or more important in the larger scheme of things. There is no argument about the fact that scientifically, if successful, it would be a remarkable achievement.

(2) One cannot hide the facts that the promoters of the SSC made claims for technological and societal benefits which were entirely unjustified, and that when real contributions credited to physics were cited they did not derive from particle physics but were the work of others (not credited). The public and Congress has been consistently manipulated. Professor Geballe and an associate, Dr. John Rowell, have documented the history at length in a letter to Science, vol. 259, 1237 (1993). Congress is told by its advocates that the SSC has wide support among physicists, but that simply isn't so; how can such a group of trained lawyers accept such hearsay?

(3) The most important reason the present SSC project should be reconsidered is that we can't afford it. Almost as important a point, not unrelated, is that a project of this magnitude should be a joint international one. In my opinion it is still not too late to develop a new plan in that vein, and to make joint funding the litmus test for continuing on any version.

(4) I have another concern, about the incorrect impressions that have apparently developed among the stronger proponents of the SSC among Congress. Take George Brown, for example. He seems to believe that wartime work in nuclear physics and particle physics spun off the science base from which electronics, computers, medical diagnostics, and most of today's high tech industries were born; that view is simply not well informed. If anything, it was the small science research at the MIT Radiation Laboratory, on radar, that set the stage for today's high tech industry. And it remains that small science is the true source of most societal benefits from physics.

It was good to hear that in your presentation to the committee you stressed this fact; it can bear repeating whenever the occasion arises.

What is even stranger to me is how, again taking George Brown as an example, some of your colleagues are arguing for societal or policy relevant science on the one hand, and at the very same time argue to place the major funding for physics in a project like the SSC, with the least possible societal or technological benefits to be expected. There are many facets of these questions, but consistency does not seem to be one of them.

I seem to have run on at some length; the topic has that effect. In rereading what is written above, there is a real sense of deja vu about the whole thing. Indeed, just for kicks I enclose a copy of my first letter to Congress on this topic, to Congressman Roe, Feb. 20, 1987, and my Testimony April 7, 1987. So what's new?

Anyhow, I encourage you to continue as you can in your crusade. It is in the country's best interests if it can lead to a better balance in the investment in science.

Sincerely yours,

JAMES R. KRUMHANSL.

JULY 28, 1992.

Hon. DALE BUMPERS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR BUMPERS: I am writing to express my opinion regarding the continuance of the present Supercollider project. I emphasize that I am not speaking for any organization. However, since I have been involved in many aspects of physics and other sciences in my career (Biography enclosed) and have given considerable thought to this issue, I have been urged to provide you at this time with some material which I have already sent to Congressman Boehlert, as well as others.

It is my position that work on the present Supercollider project, as well as the detectors which are being built in anticipation of this (yet uncertain) machine, should be brought to a halt. If this is done, it is reasonable in due course to consider a joint, international proposal involving the European, Japanese, and U.S. scientists from the outset, afresh. There is simply no present reason, either scientifically or for any other national priority to make this either an urgent or purely domestic project. I suggest that several points are relevant in support of my position; these are not entirely what Congress and the public hear, generally speaking. The appended documentation provides further background. Similar opinions are held by many.

U.S. leadership in "science" simply does not depend on the SSC, or even on particle physics. Whether a successful accelerator to detect the Higgs particle is made here or elsewhere, or twenty years from now, it will have little effect on science in the large. (Indeed, particle physics has made no significant contribution to the understanding of Superconductivity; it is only a "user".)

The SSC can make only insignificant contributions to technology or economic superiority, at best.

It is claimed that the SSC has the wide support of the physics community. This is far from true. In the first place the subfield of particle physics constitutes only about 10% of the activity in physics (enclosed is a bar graph profile by subfields). The advocates are largely in that subfield. Secondly, the SSC is certainly not the highest priority in physics overall; this is clear from an official statement by the Council of the American Physical Society. January 20, 1991 (enclosed).

It is remarkable, in my view, that a body of congressional members, some trained in investigative law, do not seem to have taken even simple steps to check some of the assertions which have been made, such as independent sample polling of the membership of the Physics societies, or other scientific, engineering, or technological/industrial groups. Instead the witnesses (for the most part) have been carefully selected, particularly in the Senate, to be largely among the promoters of the SSC.

The societal and technological claims for the SSC have been grossly exaggerated or misrepresented; the public is being seriously misled. The recent statements by Professors Geballe, and Schrieffer to the House Science Committee, as well as the recent letter by Geballe, and Dr. John Rowell to Science Magazine (enclosed), should certainly be brought into the Senate discussions.

These and a number of other factors lead me ever more strongly as time goes on to believe that a halt should be called. I want to emphasize that I agree that the scientific objectives in particle physics are important, but in the larger scheme of physics and science the answers will be far from providing a "final theory" except in a narrow subfield. Collectively, our other endeavors certainly have higher priority, on any basis.

Finally, I suggest that there would be much value to a fresh start, with a clean slate. There would be time to understand how a proposed $4 B project has already climbed to $11 (+??, construction only). There would be time to give a fair review to the questions now being asked about the SSC management structure, and to develop a less ad hoc procedure for future large projects. There would be time to sort out for the public what the real (honest!) expectations of benefits are. And, not the least, by broadening the base of scientific expertise to the international level, to consider a new program, there would be a more critical, extensive, and less partial review of the scientific and technological design issues and uncertainties which are currently known. I am sure that the research and design experience so far, both at the SSC and CERN, will be of some use in a future program, and not really lost.

I hope that these comments will be of use to you. It is not easy for me to oppose a project deemed so important by friends of many years. However, I have come to the conclusion that physics, science, as well as the public interest, in general, will be best served by terminating the present SSC project. When the time comes, a truly international project in this one subfield, widely reviewed, and whose societal role is clearly understood and realistically represented, would be far better for all.

I will be on extended travel beginning this Friday, July 30, until September 13. Please feel free to use this letter and any of the appended material as you see fit.

Sincerely yours,

JAMES A. KRUMHANSL,
Adjunct Professor, University of Massachusetts; Horace M. White Professor of Physics, Emeritus, Cornell University; Past President, American Physical Society; Jimmy Carter Appointee, National Science Foundation 1977–79.

THE SUPERCONDUCTING SUPER COLLIDER—ONE PERSPECTIVE, MAY 1991

(By James A. Krumhansl)

The SSC is to be a machine for doing basic research in elementary particle physics.

What is elementary particle physics? It is one subfield of abut 20 in physics, comprising about 12% of physics research activity measured by numbers of participants. It concerns itself scientifically with whether there are unifying laws of the forces of nature at the extreme subatomic scale.

What is particular about the SSC? It is a machine designed to accelerate particles to collide with 40 trillion electron volts of Energy, about ten times that of current accelerators. It is to be noted that this energy is about 100 trillion times removed from any chemical, biological, electronic, or engineering application. It is for experiments in the pure science of elementary particle physics.

What would be the benefits from the SSC? If successful it would allow the U.S. to remain at the forefront of the particle physics subfield of physics, and bring prestige to American science in that respect. It might answer questions about the unifying laws; other machines might also.

What would not benefit from the SSC? The effect of the SSC on U.S. technology or economic competitiveness would be insignificant, in spite of persistent claims to that effect [e.g. W. Henson Moore to Senate Energy Research and Development Subcommittee, April 16, 1991]. These claims are either gross exaggerations or quote accomplishments from other subfields of physics without attribution. Because of the very high energy of the phenomena to be studied, the results would benefit only a few other areas of science, e.g. astrophysics. To repeat for emphasis, this project is scientifically important, as pure research simply. That should be clearly understood.

What priority does the SSC have in physics overall? In January 1991 the American Physical Society (APS) made a formal statement on this question, which is appended. There, the support of the individual investigator has the clear priority; the SSC should be built in timely fashion . . . but not at the expense of broadly based research in physics. Therefore the matter of available total funding for physics becomes of the essence, a decision beyond the purview of the scientific community. Events since the original proposal in 1987 show that there is a high degree of uncertainty in what the SSC program will cost in total, accelerator plus detectors and auxiliary equipment; this complicates the funding decision further. Experience shows that in nearly all large projects, not just the SSC, projected costs are underestimates. Substantial international fiscal participation is very unlikely. Realism is called for.

A personal view in summary: Congress has not been well informed on Physics overall; the committee hearing process, with testimony from diverse agencies or protagonists, has come to be an episodal series of pleadings for particular interests and projects, and many other opportunities are not heard of. This simply does not lead to the perspective that is needed for priority decisions. But an overall perspective of physics can be obtained (perhaps only) from the American Physical Society's Planning Committee and its Panel on Public Affairs. The President's Science Advisor might well provide one overview, but it is not clear that the priorities in the President's budget are agreed upon in the science community. Nevertheless, in my opinion a reasonable survey of the whole of physics can be obtained rather expeditiously. It is of the utmost importance that Congress be aware of the important scientific and technological opportunities in all the subfields. A realistic understanding of the needed funding may then be achieved, related to priority choices.

Within the APS there have been numerous discussions of these matters. To build the SSC, and to fund the rest of physics so that it may achieve the scientific, educational, and application goals which are called for, will surely require doubling the total support of physics research, from about $1.3B today to $2.5B in the near future (current dollars). A large fraction of the increase is to build the SSC. I firmly believe that proceeding with the SSC, short of sufficient total, balanced funding in physics would do serious damage, even to related sciences and technology, and the SSC would fall short of its goals. The alternative is to readdress the directions for particle physics without the SSC, especially on a joint international basis; that deserves prompt, serious consideration.

JAMES A. KRUMHANSL, BIOGRAPHICAL INFORMATION

James A. Krumhansl was born in Cleveland, Ohio in 1919. He received degrees in electrical engineering at Dayton (B.S. 1939), physics and electrical communications at Case (M.S. 1940), and theoretical physics at Cornell (Ph.D. 1943). He has a D.Sc (Hon.) from Case-Western Reserve. During World War II he worked at Cornell and Stromberg Carlson on microwave systems and communication theory. In 1946 he was appointed jointly to physics and applied mathematics at Brown University. In 1948 he returned to Cornell; he has served in the development and as Director of the Laboratory of Atomic and Solid State Physics and in 1980 he became Horace M. White Professor of Physics. His research topics have included communication systems, applied mathematics, condensed matter physics theory, materials science, nonlinear science, nondestructive evaluation, composite materials, and molecular biophysics. He retired academically at Cornell in 1990, and continues research there as well as at the University of Massachusetts, Amherst where he is Adjunct Professor.

He has had industrial experience at Stromberg-Carlson (1943–45), as associate director of research of National Carbon Co., Union Carbide Corporation (1954–59), as consultant or visiting scientist to many industries, and as a Director of Allied Corporation (1980–1987).

He served under Jimmy Carter as presidential appointee to the National Science Foundation (1977–79) there as Assistant Director of Physical Sciences, Engineering, and Mathematics; also other government advisory committees, the Solid State Sciences Panel, and in the formation of and as chairman of the Materials Research Council of DARPA.

He has served the American Physical Society in many capacities, as President in 1989, as well as the American Institute of Physics on the Governing Board, and in several other roles.

He has been editor of Journal of Applied Physics and Physical Review Letters, associate editor of Reviews of Modern Physics, Solid State Communications, and Oxford Monographs in Physics.

He is a Fellow of the American Physical Society, of the American Association for Advancement of Science, and a Consulting Fellow of Los Alamos National Laboratory. He has been a Guggenheim Fellow, National Science Foundation Sr. Postdoctoral Fellow, Fulbright Lecturer, a visiting fellow of University College and of All Souls College, Oxford, of Gonville and Caius College, Cambridge, and a Royal Society of London visiting fellow.

His present research deals with the use of concepts in nonlinear science to discuss structural and dynamical phenomena in materials science, biomolecular physics, and astrophysics, in regard particularly to how localized structural conformations determine significant large scale behavior. He maintains an interest in science policy.

He resides with his wife Marilyn in Amherst, Massachusetts, where he continues his interests in extended family, science, winter sports, and cooking.

[From Science, Feb. 26, 1993]

FUNDING THE SSC

The discussion during 1992 about whether or not to continue funding the Superconducting Super Collider (SSC) was hardly an example of scientific clarity and accuracy. At least five arguments that were made for proceeding with the SSC deserve more careful scrutiny.

First, the argument was made that it is necessary for the United States to fund the SSC for the sake of national pride. This attitude now seems quaintly anachronistic. In 1992 both Corning and AT&T signed agreements with groups in Russia to carry out collaborative research in optoelectronics, while IBM, Toshiba, and Siemens signed an agreement to mutually develop the next generation of silicon memory chips. These high-technology fields are more relevant to national competitiveness than owning the highest energy accelerator. These corporations have faced the reality of a global economy and have realized that products requiring billion-dollar research investments can no longer be created alone, just for the sake of corporate or national pride. Perhaps it is time for the high-energy research community in the United States to join a global research community in the work that will be possible on CERN's (the European Organization for Nuclear Research's) new accelerator. Once the limits of that machine are exhausted, the community could then more sensibly argue for another that would represent an advance in global rather than national capability.

Second, arguments were made to imply that the high-energy experiments of the SSC are uniquely important. The SSC is indeed a worthy experiment that should be justified on the basis of its scientific merit because extending the frontiers of knowledge is a worthy challenge. However, this challenge is real for all fields of science and is not exclusive to high-energy physics. It is not possible to judge the intrinsic worthiness of important experiments in different fields of science. It is fruitless, for example, to compare the importance of finding out more about the origin of the universe with that of finding out more about the origin of life. The most important experiments in particle physics deserve support because they are likely to provide new understanding of the structure of the universe, but they are not necessarily the most important experiments in physics, chemistry, or biology.

Third, it has been said that, "[i]n the SSC we will gain experience with the first large-scale use of superconductivity. The SSC will transform superconductivity from a craft to an industrial capability" (1). The requirement for a large number of superconducting magnets for the SSC will be an anomalous market demand of relatively short duration. The superconducting industry has been built around today's products, such as magnets for magnetic resonance imaging (MRI) machines. In 1992, approximately 1100 such MRI systems were sold, each containing 20 to 40 miles of superconducting wire and representing a total revenue of $1.6 to $1.8 billion. The scientific discoveries that made such magnets possible were made during benchtop experiments in 1911 and the late 1950s and early 1960s.

The applications that will result from the SSC, quoted by Watkins (1)—maglev trains, ship propulsion, energy storage magnets, power transmission cables, motors, and generators—could be built quite adequately with today's technology. Some were built as prototypes a decade ago. The lack of widespread use of such products is not a result of unavailable technology but of inadequate market demand. The SSC will not suddenly create such a civilian market demand. The SSC will do nothing to enhance the nation's capability to make use of the new superconducting materials that were discovered in 1986. These would allow commercial systems to operate at higher temperatures (possibly cooled with liquid nitrogen rather than helium), which is a factor that would likely change their acceptance in the marketplace.

Fourth, the impression has been created that support from the scientific community for the SSC was "overwhelming." Despite the roughly 2000 signatures collected in support of the SSC, there was strong opposition to it across some parts of that community, particularly among the condensed matter scientists who make up the largest division of the American Physical Society.

Fifth, the impact of SSC expenditures (about $10 billion to construct and $1 billion a year for interest and operation) on other high-energy experiments and on other fields of science should have more carefully evaluated. The budget in the United States for the operation of high-energy experiments is about $630 million a year. Even allowing for the possibility of a 50% increase in funding for high-energy physics over the next decade, operation of the SSC would seem to consume all of the extrapolated annual budgets for high-energy research at universities ($100 million), Brookhaven National Laboratory ($90 million), Fermilab ($225 million), and the Stanford Linear Accelerator Center ($140 million). The net economic effect of funding the SSC is quite likely to be negative, in that money might be reduced in fields other than high-energy physics that have more consistently produced new and valuable spinoff technologies.

T.H. GEBALLE,
Department of Applied Physics,
Stanford University,
J.M. ROWELL,
Conductus, Inc., Sunnyvale, CA.

REFERENCES

1. J. Watkins, Washington Post, 21 July 1992, p. A19.

[From Physics Today, July 1993]

SSC: OF FINANCES AND FUNDAMENTALITY

Five hundred years after Copernicus directed our view away from the Earth and toward the larger universe, it seems that certain physicists still feel that they are the center of the universe. The letter to members of Congress urging the approval of funds for the Superconducting Super Collider (see Physics Today, August 1992, page 59) is hardly a testimony to the broad-mindedness of physicists.

The authors of that letter wrote, "The approval of the SSC project in 1990 was widely acclaimed as our nation's firm commitment to be a leader in this scientific age." As a physicist working in a biological science environment, I can assure you that not every scientist, nor for that matter every other citizen, believes that spending tens of billions of dollars on this project is the sine qua non of American scientific commitment. In essence, every man, woman and child in the US is being asked to donate $30 (for construction alone) to the SSC. I hope that every physicist supporting the SSC is equally generous with his or her own money when environmental, religious or lobbying organizations come to the door asking for donations.

Although what I have to say has been said before, I would like to indicate a few reasons why I, and perhaps others, have trouble supporting the SSC given the financial situation of the country, even though I find the physics exciting and fascinating:

Other than scientists working on the space station, every scientist can look at the SSC and ask, "Why do they deserve so much money?" As a researcher in radiation physics, I see the NIH budget supporting research in radiation oncology (medicine and physics together) at $16 million in 1990, and I marvel at the hundreds of millions being spent for the SSC detectors alone.

The SSC is not being supported for the right reasons. The physicists in the project fully appreciate why the SSC should be built, but society at large does not. The arguments in Congress in support of it included incredible claims of "a cure for cancer" and so on. As numerous reports have noted, many in Congress view it solely as a gigantic public works project. Aren't there other areas in society that could benefit from an enormous public works project?

The costs are delusionary. Even if it is built at or near cost, the operating costs will eat up public spending (and maybe general scientific budgets as well) for decades. DOE continually fights to find money to operate machines that it had no trouble building. I have seen two accelerators closed at Lawrence Berkeley Laboratory because of financial expediency. Both were used for medical research, and I can provide hundreds of cases of people cured of potentially fatal conditions who would not have been treated without such Federally funded accelerators. Why does the SSC deserve its money and not those accelerators?

Any such huge project inevitably wastes money. Even if there is perfect administration and accountability, large sums of money will go to very, very indirect purposes. During the design stage of the SSC at LBL, it was necessary to hire a full-time travel agent to make travel plans for the participants. What researcher can't imagine a more direct use of that salary, not to mention airfare?

The letter states that the SSC has "galvanized many foreign countries to follow us and collaborate." It seems to me that this is just untrue. Besides India, what other country has so far felt it worthwhile to participate in the SSC as a full partner?

Without my livelihood at stake, I am not likely to organize a large protest against the SSC. I merely wish to inform those who do support it that there are many people who are pro-science who, for a wide range of good reasons, do not believe that now is the time to fund such a project. Perhaps in five or ten years, the time will be ripe for a truly international collaboration on what is surely the single most expensive scientific enterprise in history.

MARK PHILLIPS,
University of Washington Medical Center.

I write in response to the many news stories in Physics Today and other periodicals concerning the fate of the Superconducting Super Collider. Although the US government might feel that limiting funds for research and reallocating the money to domestic affairs will relieve economic hardships, this path will only bring temporary gratification instead of scientific and technological breakthroughs that bring long-term benefits to humankind.

Throughout the 20th century, during both booms and busts in the economic cycle, science and technology never came to a standstill. In the midst of the Great Depression, Ernest Lawrence devised the cyclotron. At the same time, in economically afflicted Great Britain, James Chadwick was researching the neutron. Continual scientific research should also be the practice in the 1990s. Though the House of Representatives did designate $517 million in the 1993 fiscal year to the SSC, that amount of money is substandard, given the importance of the project to the future of high-energy physics.

The US government should be proud that the SSC is located in the United States, providing both new jobs and international prestige. As the APS executive board said in its statement of 26 June 1992 (see Physics Today, August 1992, page 58), "cancellation of such a highly visible project would send a message to the world that the United States is relinquishing its long-standing commitment to fundamental scientific research" I believe that the same logic applies to the full funding of the project. The government should not let such a significant enterprise dwindle in either construction or operation. The world harbors such a multitude of mysteries that delaying scientific progress because of lack of governmental funding disgraces mankind's quest to solve those mysteries.

LISA K. RAMOND
Duke University.

I find Physics Today's reporting on the funding of the Superconducting Super Collider disingenuous to say the least. In at least a half-dozen places, the news story in the August 1992 issue (page 58) equates or quotes various bodies equating the "commitment to fundamental scientific research" with commitment to funding the SSC.

Let us analyze this equation. It is on the face of it incorrect, since, first, fundamental scientific research is much, much broader, and one may well be committed to that goal and yet ignore or neglect the SSC. Next, can someone provide the criteria by which we decide which science is more fundamental than another? If particle physicists do not wish to abandon the English language, they must show how TeV particle physics provides the fundament—the base—for other fields. Applying the Alvin Weinberg criterion—what impact does the field have on neighboring fields?—puts TeV particle physics at the very bottom of the class among fundamental sciences. The basic parts of medicine, biology, Earth science, chemistry and materials science have not, cannot and will not be affected one iota by whatever comes out of the SSC and its relatives of the last few decades. Amazingly enough, nor will 95% of physics. How can we test this? Easy. Use the Institute for Scientific Information computers to list the papers coming from those sources (on Higgs bosons, various quarks and so on) and how often they are cited in any of the above fields. Even the most esoteric theoretical corner of condensed matter physics rarely encounters the particle physicist's TeV realm. Indeed, it is clear that chemistry, materials science and civil engineering will contribute enormously to TeV particle physics, since the machine essential to that corner of physics needs the spin-in from many other sciences to even get started.

The claim of special fundamentalness is also, of course, preposterous hubris. I submit that any objective analysis would reveal research areas in a dozen different disciplines that could much better serve as the test for a nation's "commitment to fundamental scientific research." Funding the SSC could result in abandoning fundamental scientific research in many fields and will certainly assure American decline in both science and technology in a dozen different fields of chemistry, biology and materials science. Indeed, it is obvious that funding the SSC is merely funding a public works project. There is absolutely no doubt that the SSC has survived only on its pork-barrel merit, and the scientists who use that route to advance their own tiny corner of science will no doubt rue the day, as the national technological capacity and wealth will slowly wither in their ability to support basic research at all. Only rich countries can afford esoteric research with no purpose connected to the public good.

The smaller, equally fundamental sciences are also quantifiably more meritorious in their value to society. The astonishing fact is that so few among the scientists in those fields have the intellectual fortitude to make their own case for being at least as fundamental as particle physics.

RUSTUM ROY,
Pennsylvania State University.

THE AMERICAN PHYSICAL SOCIETY,
New York, NY, May 21, 1991.

Dr. RICHARD A. CARRIGAN, Jr.,
Head, ORTA
Batavia, IL.

DEAR DR. CARRIGAN: Bob Park sent me a copy of your letter to him dated May 6, 1991, taking him to task in referring to testimony by DOE Deputy Secretary Hanson Moore as ill-advised. Mr. Moore stated "Magnetic Resonance Imaging is a spin-off from the activities of accelerator research done at Fermilab and SSC. When I testified subsequently at the same hearing, I inserted in my oral presentation the following. "As an expert in magnetic resonance I wish to correct a statement in the testimony of the Honorable Mr. Moore. I can state categorically that MRI is not a spin-off from SSC related activities".

For your information I may add that Leon Lederman was seated on my left, as he testified at the same hearing. Leon respected my testimony, as I did his.

From the facts stated in the main body of your letter, the following statement could be derived: "The superconducting wire technology in the U.S. has greatly benefited from the work done by and for Fermilab and SSC. This in turn has improved the equipment used in MRI". The extrapolation of this factually correct statement to the testimony by Mr. Moore that "MRI is a spin-off of Fermilab and SSC" is unwarranted, and indeed ill-advised. It completely ignores the essential contributions by a very large number of physicists who have brought MRI to fruition. MRI would be alive and well today, even if Fermilab had never existed. Superconducting magnets, manufactured, for example, by Oxford Cryogenics, are entirely adequate and used in many MRI installations in Europe and elsewhere.

In the interest of the unity of physics which we all wish to promote, excessive claims by a particular subfield should be avoided. I hope that in the future the technical information that is permitted to filter to the top administrative echelons of DOE is more carefully worded. I ask for your cooperation in this respect.

Sincerely yours,

N. BLOERBERGEN.

SMALL SCIENCE SQUEEZE

If practitioners of "small science" are looking for confirmation of their fear that "big science" is threatening their livelihood, they will find it in a staff memorandum prepared by the Congressional Budget Office (CBO). CBO points out that the three biggest civilian science and technology projects—the space station, the Earth Observing System, and the Superconducting Super Collider—account for two-thirds of the Administration's proposed fiscal year 1993 increase in the budget category known as Function 250, which includes the National Science Foundation, much of the National Aeronautics and Space Administration, and the general science programs of the Department of Energy. What's worse for small science devotees is that this year's proposal may be only the thin end of the wedge. CBO projects that the annual budgetary needs of the three mammoth projects will double between 1992 and 1997—yet the Administration's budget assumes that flat funding for Function 250 beyond 1993. If those projections turn out to be correct—a big if—the result isn't hard to figure: Small science gets squeezed (see chart). Some relief would come from allowing Function 250 to grow. But, as CBO points out, there will be increasing pressure to cut total government spending to hold down the ballooning federal deficit, with the result that "by 1995, the cumulative cuts will be so large that Function 250 is unlikely to escape without any reduction."

VOTE NO FOR THE SSC

(Steven P. Ahlen, Professor of Physics, Boston University, September 24, 1993)

I am an experimental particle physicist and astrophysicist who spent several years working on the SSC. I was a co-leader of groups that designed two of the four baseline detector systems for one of the two approved SSC experiments. I think the physics goals of the SSC are very interesting. But I believe it is unlikely that the SSC will work as advertised. I have seen up close and from a distance too many poorly made and selfishly motivated decisions to have any confidence that the project will come to a successful conclusion under current management, and I am pessimistic that the management can be improved sufficiently in the time remaining. I see no point in continuing to waste half a billion dollars per year. As such, I think that funding for the SSC should be terminated.

Some of my reasons for reaching this conclusion are based on technical details: detectors will probably be more expensive than now thought and will not work nearly as well as planned; calculations used in the design of experiments have been overly optimsitic; the probability of having 10,000 extremely large superconducting magnets working reliably is small; etc.; etc. Some of my reasons are based on my observations of the behavior of those involved with the SSC. I have been ashamed of the dishonesty I have seen in the presentation of the SSC case to the public and to Congress. I think it is a terrible thing that high energy physicists now seem to spend more time attending meetings, and planning political strategies than cultivating the creative process. I have even come to believe that large projects like the SSC may be detrimental to the advancement of science and technology and to the training of young minds (probably the most valuable benefit to be derived from scientific research).

But one does not have to be a physicist who has worked on the supercollider project to appreciate the difficult future facing the SSC. Consider for example, the following exhibits which illustrate the points made above:

Exhibit 1: In 1982, the High Energy Physics Advisory Panel recommended to the Department of Energy that construction of the Colliding Beam Accelerator at Brookhaven National Laboratory be stopped so that the major effort of the United States high energy physics research program could focus on the construction of SSC. The estimated cost of the SSC was placed at $2 billion at the time. Since then the cost has increased steadily at the rate of about $1 billion per year to over $10 billion, with no end in sight, and with the SSC completion date now assumed to be no sooner than 10 years from now. Simple extrapolation suggests a final cost of perhaps $20 billion or more.

Exhibit 2: It was recognized by the SSC management in 1990 that the design of the SSC magnets was inadequate, and that reduction of the beam energy from 20 trillion electron volts (20 TeV) to below 15 TeV would be required unless the cost of the SSC were increased by a few billion dollars. It was claimed that the physics goals could not be achieved at the lower energy. So the cost was increased dramatically to maintain the energy. Yet, in 1992, three detailed and credible proposals were submitted for experiments at Europe's Large Hadron Collider (LHB), to pursue the same goals as the SSC, at an energy of only 8 TeV per beam.

Exhibit 3: Since the SSC was approved by President Reagan in 1987, Congress has been repeatedly assured that ⅓ of the cost of the SSC would come from non-federal funds, mainly from foreign collaborators. As of this late date no foreign contributions have been committed. Yet, in 1991, Roy Schwitters, the Director of the SSC Lab, rejected the L* ("L-Star") experiment in spite of its approval by the Program Advisory Committee of the SSC, and in spite of its having strong backing from large scientific groups from Switzerland, Germany, Italy, Russia and China. Subsequently, the SSC Lab management orchestrated the replacement of L* by the GEM experiment, with the same design as L*, but without $300 million of foreign contributions that were expected for L*, and without the more experienced and competent leadership of the L* group.

Exhibit 4: Quoting from statements made by Senator J. Bennett Johnston on August 3, 1992 during debate in the Senate on the SSC: ". . . information that will come from the superconducting super collider on particles and forces . . . is essential to the understanding of astrophysics . . . 80% of matter out there in space which the scientists call dark matter cannot be understood without an understanding of the elementary particles and forces that make up nature . . ." Yet it was reported quite recently (see the article in the New York Times on September 21, 1993) by two independent groups of astronomers that significant amounts of dark matter have been identified and found to consist of stars too small (about 1/10 the mass of our sun) to emit light, not the sort of thing to be discovered at the SSC.

Exhibit 5: The question of using the newly discovered high temperature (high-T_c) superconductors for the magnets of the SSC was considered briefly in 1987. Such devices would be much less expensive to operate

than conventional superconducting magnets, since the former would require temperature no lower than could be provided with liquid nitrogen, which is much easier to use and much less expensive than the liquid helium required for normal superconductors. This option was rejected because it was felt that it would take 20 to 25 years for large magnet applicants to be developed for the high-T_c materials. Yet, just six years after that, it has been reported (as I learned in a Physics Department Colloquium at Boston University on September 22, 1993) that the key problem standing in the way of the use of the high-T_c materials has been solved, possibly enabling the construction of high-T_c magnets to produce large magnetic fields.

I think the discoveries of the last two exhibits are particularly instructive. A strong case can be made that, if they stand up to the close scrutiny they will get over the next few months, each is of at least as much importance as the kind of physics that would emerge from the SSC. Yet each was carried out with relatively little fanfare, and at very small cost compared to the SSC. It is ironic to note that the technological achievement of exhibit 5 would have been a marvelous example of the kind of useful spin-offs that would derive from the SSC program (such as are often touted by SSC proponents), if its pursuit had not in fact been rejected by those seeking funding for the SSC.

Neither science nor particle physics will suffer a sudden death if the SSC is terminated. There are many other equally important things that could be done by American particle physicists at much less cost: discover the "top quark" at Fermilab; continue to search for the Higgs boson at the LEP collider at CERN; collaborate on the LHC collider in Europe; attempt to answer the question why the universe seems to have more matter than antimatter with the proposed "B Factories;" and so on. I like to think that if the SSC were terminated, a truly international collaboration would evolve to carry out a similar project somewhere in the future, at the right time, with the right technologies, and with the right spirit.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the Senator has taken the better part of an hour, for which I do not begrudge him, but I wonder if we are ready now to talk about a unanimous-consent request.

If the Senator would be willing to allow, say, 3 hours and 10 minutes—give us 1 hour and 40 minutes, and the Senator from Arkansas an hour and 30 minutes, and that way the vote would occur at 7:30—I really believe we could get this matter out the way.

Mr. BUMPERS. Mr. President, I say to the Senator, if you do not mind withholding that, we have eight Senators on our list, all of whom are asking for at least 10 minutes. So if you do not mind, let us withhold that until we get rid of two or three of these. Could we do that? I think we can vote by 7:30.

Mr. JOHNSTON. Hopefully, if we are going to go late in the night, we could have a little window so we have time for a sandwich, at least.

Mr. BUMPERS. They do not need a window. They get paid well here. They need to sit on the floor and listen to the debate.

Mr. JOHNSTON. Mr. President, first of all, I would like to address the narrow question of whether the scientific community supports this project.

Mr. President, let me say, with all the conviction that I have—and I would stake my reputation, such as it is, on this statement—the scientific community supports this project.

The Senator made statements yesterday in the caucus and again here on the floor as if the vast majority of the scientific community does not support the project, and read from Sigma Xi, a scientific research society, as saying only 2 percent support this project. Not so, Mr. President. I read from what Sigma Xi said and what its significance was. And they did not say that at all.

As Sigma Xi itself stated, it is not statistically valid. The data collected is representative of only those who responded. Those who responded are in other fields. And the question was not whether the SSC is important, but what do you think is the most important. And, not surprisingly, they answered that their field was the most important. And that is all it meant.

They go on to say that the data cannot be construed to represent the opinions, experience, or position of Sigma Xi members. The data reflects only the views and experience of the 3,300 respondents. That is what they said, and that is in the RECORD. And I invite Senators to see that.

Mr. President, before the committee, we did not want to have, you know, a war of who could produce the most experts, because we could have been there for months.

But the Senator from Arkansas requested and received his top expert, Dr. Philip Anderson, who came and testified.

Mr. President, the top scientist, produced on behalf of the Senator from Arkansas, said, among other things, and I am quoting—and this is testimony before the joint hearing held on August 4, 1993. He stated as follows: "On the scientific soundness, I agree with almost all of what Steve"—that is Dr. Steve Weinberg, Nobel Laureate—"has said."

He agrees with everything he says, or almost all of what he says on the science.

> I well understand that the questions that the SSC is designed to answer are deep, fundamental, and interesting, and also that if the scientists were allowed to carry out their job without interference they would probably do so efficiently.

He goes on to say:

> The point of my testimony is that of priorities.

He is a solid-state physicist. He put higher priorities elsewhere.

But, Mr. President, that is hardly the same as saying that the scientific community does not support this project.

There is, in fact, an association that represents all of the physicists in America. It is called the American Physical Society. I have a letter here, dated September 28, 1993, from Donald L. Langenberg, President of the American Physical Society. Here is what he says:

> DEAR SENATOR: As you consider your vote on the Superconducting Supercollider, I wanted you to be aware of the position of the Executive Board of the American Physical Society (enclosed). The American Physical Society is the principal membership organization of physicists with over 42,000 members in academia, industry, and government.

That statement reads as follows. This was adopted September 11, 1993:

> The Executive Board of the APS is deeply concerned by the prospect of termination of the Superconducting Supercollider.
>
> The Supercollider is a project of great scientific merit that has met each of its technical milestones. It was undertaken only after approval at every level of government.
>
> A decision to discontinue the Supercollider in midstream would underscore the lack of the coherent national research policy that is needed to sustain American leadership in science.
>
> The APS Executive Board reaffirms its support of the supercollider in the context of a balanced effort for all of science.

As I say, that was adopted September 11, 1993.

In last year's debate, we put a similar letter of support by the American Physical Society in the RECORD.

Mr. President, if this were a mathematics problem, I would write the letters "QED," which means proven; settled.

The issue of scientific support for this project is not an issue. It is not that there are not dissenting voices. Look, you can find dissenting voices on everything from the income tax to Social Security to you name it. You are going to find dissent being voiced around this country.

But I am telling you, the scientific community, the American Physical Society, representing 42,000—42,000—scientists in academia, in Government, in research, they support it, and strongly support it. And they continue to support it and they continue to say that to discontinue it would be a tragedy.

Mr. President, last year, we put into the RECORD a letter signed by 1,600 Nobel laureates and other distinguished scientists. Today, I would like to simply put into the RECORD a letter signed by Jerome Friedman, Leon Lederman, and Steven Weinberg, each of whom won the Nobel Prize in the years 1990, 1988, and 1979, respectively in physics, very strongly supporting this project, and also a letter containing the names of 21 of the most distinguished Nobel laureates and Medal of Science winners in the country.

Mr. President, I will not take the time here to read all these names. Suffice it to say, Mr. President, here is Sidney Altman, Nobel Prize in chemistry, Yale University; Hans A. Bethe, Cornell University, Nobel Prize in physics; Paul Chu, University of Houston, National Medal of Science; Leon N. Cooper, Brown University, Nobel Prize in physics; et cetera, et cetera.

Mr. President, I ask unanimous consent that the letters that I referred to be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE AMERICAN PHYSICAL SOCIETY,
Washington, DC, September 28, 1993.

DEAR SENATOR: As you consider your vote on the Superconducting Supercollider, I wanted you to be aware of the position of the Executive Board of the American Physical Society (enclosed). The American Physical Society is the principal membership organization of physicists with over 42,000 members in academia, industry, and government.

Sincerely,

DONALD N. LANGENBERG,
President, American Physical Society.

STATEMENT OF THE EXECUTIVE BOARD OF THE AMERICAN PHYSICAL SOCIETY ON TERMINATION OF THE SUPERCONDUCTING SUPERCOLLIDER, SEPTEMBER 11, 1993

The Executive Board of the APS is deeply concerned by the prospect of termination of the Superconducting Supercollider.

The Supercollider is a project of great scientific merit that has met each of its technical milestones. It was undertaken only after approval at every level of government.

A decision to discontinue the Supercollider in midstream would underscore the lack of the coherent national research policy that is needed to sustain American leadership in science.

The APS Executive Board reaffirms its support of the supercollider in the context of a balanced effort for all of science.

SEPTEMBER 29, 1993.

Hon. J. BENNETT JOHNSTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR JOHNSTON: It has come to our attention that support of the Superconducting Super Collider by the scientific community has been questioned recently. We would like to take this opportunity to reaffirm to you and your colleagues the vital importance of the SSC.

The SSC became the top priority of high energy physicists in the early 1980s because it was deemed necessary to assure the next major step in understanding the nature of the world around us. Subsequent reviews by panels of high energy physicists (and physicists in other subfields) have sustained that priority. In recent years the scientific importance has grown and it is abundantly clear that the next meaningful step in understanding the nature of the world we live in depends upon results that can only be obtained at the SSC.

Over 2,000 scientists at universities and laboratories across the world are working on the massive detectors that will measure and analyze the particle collisions at the SSC. On September 11th of this year, the American Physical Society's Executive Board, representing its 40,000 members, issued a statement that expressed its deep concern with the prospects of termination of the SSC and reaffirmed its support. Last year, when the scientific support of the Super Collider was questioned, we, along with 40 of our colleagues, including 21 Nobel laureates, sent a letter stating the importance of the project. We are enclosing a copy of that letter to remind you and other senators that the scientific community stands firmly behind the Superconducting Super Collider.

Sincerely,

JEROME FRIEDMAN,
Nobel Prize 1990,
Massachusetts Institute of Technology.
LEON LEDERMAN,
Nobel Prize 1988,
Illinois Institute of Technology.
STEVEN WEINBERG,
Nobel Prize 1979,
University of Texas at Austin.

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK,
New York, NY, July 13, 1992.

Hon. J. BENNETT JOHNSTON,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR JOHNSTON: We the undersigned members of the scientific community are shocked and dismayed by the House rejection of funding for the Superconducting Super Collider. We are deeply alarmed by its immediate destructive effect on the entire U.S. scientific enterprise and even more concerned about the serious long-term damaging consequences of this action.

The approval of the SSC project in 1990 was widely acclaimed as our nation's firm commitment to be a leader in this scientific age. It has galvanized many foreign countries to follow us and collaborate on this unique common effort. It has also inspired our younger generation to be optimistic about their future in science and technology.

The construction of the SSC is at the cutting edge of advanced technology and industrial capability. It will generate a large number of jobs and will greatly enrich the nation's technological strength through training, research and manufacture.

At present, the scientific goals of the SSC are even more relevant and compelling than a few years ago. Furthermore, the SSC project has already made important scientific and technological progress in the design and development of the accelerator and detectors. At many international conferences, the initial achievements of the SSC project have been recognized as the symbol of our great strides forward in science and technology. This sudden rejection stuns and confuses. To kill an undertaking that is so splendidly fulfilling its expectations and its mission raises fundamental questions about our national commitment and our ability to carry out long-term scientific projects. Such an action is clearly damaging to future international collaboration on our scientific ventures.

We are painfully aware of the need to bring the budget deficit under control. However, in this world of very rapid change where confidence in any country can be quickly eroded, it is essential for our nation to steadfastly preserve and expand its scientific and technological strength.

The SSC is an investment for the future in science, technology and people. We therefore respectfully urge you to restore its funding.

Sincerely,

(The signatures of the following are on file.)

Sidney Altman, Yale University. (Nobel Prize in Chemistry, 1989.)

Hans A. Bethe, Cornell University. (Nobel Prize in Physics, 1967.)

Paul Chu, University of Houston. (National Medal of Science, 1988.)

Leon N. Cooper, Brown University. (Nobel Prize in Physics, 1972).

Alan M. Cormack, Tufts University. (Nobel Prize in Medicine, 1979.)

James W. Cronin, University of Chicago. (Nobel Prize in Physics, 1980.)

Hans G. Dehmelt, University of Washington. (Nobel Prize in Physics, 1989.)

Sidney D. Drell, Stanford Linear Accelerator Center. (Deputy Director, SLAC.)

Herman Feshback, Massachusetts Institute of Technology. (National Medal of Science, 1986.)

Val L. Fitch, Princeton University. (Nobel Prize in Physics, 1980.)

Herbert Friedman, Naval Research Laboratory. (National Medal of Science, 1967; Wolf Prize, 1987.)

Jerome I. Friedman, Massachusetts Institute of Technology. (Nobel Prize in Physics, 1990.)

Murray Gell-Mann, California Institute of Technology. (Nobel Prize in Physics, 1969.)

Donald A. Glaser, University of California, Berkeley. (Nobel Prize in Physics, 1960).

Sheldon L. Glashow, Harvard University. (Nobel Prize in Physics, 1979).

Marvin L. Goldberger, University of California, Los Angeles. (President Emeritus, California Institute of Technology).

Maurice Goldhaber, Brookhaven National Laboratory. (Director Emeritus, BNL; Wolf Prize, 1991).

Ernest M. Henley, University of Washington. (President, American Physical Society).

Dudley R. Herschbash, Harvard University. (Nobel Prize in Chemistry, 1986).

Henry W. Kendall, Massachusetts Institute of Technology. (Nobel Prize in Physics, 1990).

T.D. Lee, Columbia University. (Nobel Prize in Physics, 1957).

Leon M. Lederman, University of Chicago. (Nobel Prize in Physics, 1988).

Boyce D. McDaniel, Cornell University. (Director Emeritus, Laboratory of Nuclear Studies).

Joseph E. Murray, Harvard University. (Nobel Prize in Medicine, 1990).

George E. Pake, Institute for Research on Learning, Palo Alto. (National Medal of Science, 1987).

W.K.H. Panofsky, Stanford Linear Accelerator Center. (Director Emeritus, SLAC; National Medal of Science, 1969).

John Peoples, Fermi National Accelerator Laboratory. (Director, Fermilab).

Norman F. Ramsey, Harvard University. (Nobel Prize in Physics, 1989).

Burton Richter, Stanford Linear Accelerator Center. (Director, SLAC; Nobel Prize in Physics, 1976).

Abdus Salam, International Centre for Theoretical Physics, Trieste. (Nobel Prize in Physics, 1979).

Nicholas P. Samios, Brookhaven National Laboratory. (Director, BNL).

Frederick Seitz, Rockefeller University. (President Emeritus, Rockefeller University; National Medal of Science, 1973).

Joseph H. Taylor, Princeton University. (Wolf Prize, 1992).

Samuel C. C. Ting, Massachusetts Institute of Technology. (Nobel Prize in Physics, 1976).

Alvin Trivelpiece, Oak Ridge National Laboratory. (Director, ORNL).

James A. Van Allen, University of Iowa. (National Medal of Science, 1987).

Simon Van der Meer, CERN Laboratory, Geneva. (Nobel Prize in Physics, 1984).

Steven Weinberg, University of Texas, Austin. (Nobel Prize in Physics, 1979).

Victor Weisskopf, Massachusetts Institute of Technology. (Director Emeritus, CERN; National Medal of Science, 1979; Wolf Prize, 1981).

Robert R. Wilson, Cornell University. (Director Emeritus, FNAL: National Medal of Science, 1973).

(This is the same letter sent on June 25th, but with more signatures.)

Mr. JOHNSTON. Mr. President, the scientific support of the meeting of the scientific milestones of this project is not at issue.

I repeat, Mr. President, if what I have said is not true, I would vote against this project. It simply is a fact. It is a fact, and you cannot argue against it by quoting that one person says that he thinks something else is a higher priority.

Sure, Philip Anderson says that his field is a higher priority. You cannot fault him for that.

But the organization of which he is a member and which speaks for the 42,000 American physicists strongly supports this project.

Almost 10 years and $2 billion and three Presidential endorsements ago, a group of the most distinguished scientists in America got together and proposed a superconducting super collider. The group was composed of Nobel laureates and the most distinguished physicists in America.

Their plan to build a superconducting super collider was endorsed by the U.S. Congress, by, as I say, three different Presidents, and after beginning that project, endorsed at every level of Government, endorsed by the State of Texas which came up with $1 billion in bonding authority. We now have, since that initial endorsement 10 years ago, 2,000 scientists at work who have devoted their lives to this project, 10,000 employees, we have farmers who have been displaced from their land, we have buildings going up, we have a ring that is a tunnel ring which is being constructed of which there are 15 miles completed. This chart shows the tunnel ring, which is 54 miles of tunnel, 44 miles are under contract, 15 miles have been completed. We have completed over 20 percent of this project; 20 percent of the work is completed, and 20 percent of the funds are spent.

We are not just beginning this project. This debate is not whether we should begin the superconducting super collider, whether it is important to the United States of America to do this science. We decided that 10 years ago. We decided that $2 billion ago. We decided that before we took the land of these farmers and started building 54 miles of tunnel and completed 15 miles of tunnel.

Last year we had the second debate here on the floor of the Senate. In the same debate last year I put in the statement on the American Physical Society. This year, a year later, I put in an update of that statement. It is a replay of the same question. Last year, by 62 to 32 this Senate continued and reendorsed the superconducting super collider and did that endorsement with another $517 million, which has been spent.

At some point a democracy, a great country, has to make a decision and act on that decision. A great country has in many ways the characteristics of an individual. Some countries are cowardly. Some are brave. Some have integrity. Some have not. You cannot count on them. There are all kinds of personal qualities that a country has.

I think when it comes to the superconducting super collider, this country needs to have a little character and a little integrity. A great country does not begin a project of this kind and say to 2,000 of its most outstanding physicists, 10,000 employees, say to the State of Texas, say to the world: We are going to do this project, stake your lives upon it, your professional lives upon it; and then 10 years later change its mind, there being nothing which intervenes against this project. Nothing has intervened. They have met every scientific milestone.

As the opposing scientist, Dr. Philip Anderson, stated, but for the interference he has no doubt we would be able to do this project successfully.

There is no reason for a change of mind save a change in political attitude. I believe that decision has been made.

There has been a huge amount of sound and fury about the cost of this project. My friend from Arkansas uses various figures. He throws around $20 billion sometimes based on what I do not know. There was another chart he had over there a moment ago which I think he admitted was not based on anything except what some chart drawer had given him. It was not based on anything. I would like to talk about his chart over here at $11.6 and $13 billion, because the Secretary of Energy set the cost of this project, in 1991, at $8.249 billion. That cost is still valid according to the Secretary of Energy.

There are two caveats to what she has had to say. I put in here a letter from the Secretary of Energy dated September 20, 1993, which says, "In January 1991 the department established a project cost of $8.25 billion in 'as spent' dollars." That amounts to $7.31 billion in fiscal year 1993 dollars. "I am confident that the SSC can be built for the $8.25 billion subject to two qualifications."

She goes on to state those two qualifications, which are, first, the fulfillment of the management initiatives, which she has identified and undertaken. We adopted the Brown amendment earlier here today. The Brown amendment says 90 days after the start of the fiscal year, unless she certifies that she has taken that action which is referred to in paragraph 2, the management initiatives, the funding stops.

So we not only have her assurance she was going to do that, we put it in the law now. It has been adopted as an amendment. Unless she does it, funding stops.

The second qualification was the stretchout. The $8.25 billion previously identified, and which she still adheres to, is still a valid figure. But it is based on the original schedule.

If the President and the Congress in our collective wisdom see fit to stretch this out, and that is the decision to stretch out the project by 3 years in order to reduce the annual funding requirements, then that obviously is going to cost additional money. Indeed, a project can cost an infinite amount if carried on for an infinite number of years. The 3-year stretchout will cost—we do not know what. The Secretary of Energy says they are assessing that cost. There are some 40,000 work packages involved. It is going to take some time to come up with a precise figure. It could be $1.5 billion additional but spread out over many years between now and the year 2003.

That is not a cost overrun. That is a decision of the President and the Congress as to the speed at which we want to build the project and the annual amount we want to spend. What the President has decided and which we concur with is let us spend a little bit less each year and stretch the project out. That is not a cost overrun.

There have also been identified potentials, which are referred to in paragraph two of the Secretary's testimony, of potential cost overruns. The Secretary has testified before our committee. The amendment of the Senator from Colorado locks in her testimony to the effect of the management initiatives she is confident will avoid those potential cost overruns. These are not what the Senator calls expected cost overruns. These are potential. Any big project which builds a brand new thing is subject to a potential cost overrun. But the testimony before our committee from not only the Secretary of Energy, from the managers of the project, from other Nobel laureates who built like projects, was that they are confident these potential cost overruns can be avoided.

When you pick a figure of $11.6 billion it is an absolute worst case spending profile which, all of which, the $1.5, can be avoided.

Now, there is another $500,000 in there for experiments on other machines before this ever opens that are not part of the construction costs of SSC, never have been, never will be and that should be taken out.

So, Mr. President, the $8.25 billion, according to the Secretary of Energy, is a valid cost and is valid today, was valid as of September 20, 1993, subject to the stretchout and subject to her doing the management initiatives which she is now required under the Brown amendment to do.

Can we be absolutely certain that this $8.25 billion, subject to stretchout, will not be exceeded by one red, copper cent? Of course not. But I believe, Mr. President, that the record on this project and the record on other like projects support this.

We are told by the opponents that, "Oh, we have the GAO report that predicts, in effect, cost overruns." I have read that GAO report and have had testimony about that GAO report. Indeed, we put it in the RECORD. They have come up with some good work in it.

The problem with the GAO report is that the projections of costs were based upon data secured prior to August 1992 when the construction part of this project was in its very embryonic stage. Their methodology, which I guess is appropriate methodology—I am not an accountant—was to take those few contracts which had been begun, compare them to a baseline cost, and to the extent that they exceeded the baseline cost, to then extrapolate that figure and project it out of all future contracts to be let.

In the case of the construction contract, they projected a $43 million cost overrun, and based upon that small amount which had been let at that time, projected that that trend over the whole contract would cause a $630 million cost overrun.

The trouble with that—there is no trouble with that. It was, I guess, valid to the best of their knowledge back in August of 1992. We now have virtually all of those or the big majority of that construction contract under contract. When you take all of that now and plug it into the same formula, the same methodology, it shows not a $630 million cost overrun but a $40 million cost underrun.

Mr. President, it is not that the GAO report was wrong that they misadded the figures, but that they were dealing with the information such as it was prior to August 1992.

At that time, we did not have—we now have most of the tunnel under contract, as you can see here. The red is that which is complete and the yellow is that which is contracted for. Only a small amount is not contracted for, and we now know what the cost will be on that. The baseline cost estimate on the contracts made to date were $239 million, and the total cost of the actual tunnel contracts to date are $165 million, or $74 million total savings in tunneling costs to date. In other words, now that we know this information, now that it is under contract, now that it is a contractual right of the United States, we are saving $74 million on the roughly three-quarters, a little more than three-quarters, of the tunneling, 54 miles of tunneling that is complete.

Mr. President, I repeat, the point is not that this project, as any other big science project, is free of all risk whatsoever. But the United States can prudently go into this project confident that, as the Secretary of Energy has said, the initial project cost was correct.

What of the figures that Senator BUMPERS had over there where he says back in X years prior to 1990—I forget what years—that costs have increased since then? There has been one real set of cost increases which are not cost overruns but were redesign costs. There was a preliminary design and a preliminary estimate in the cost of this project.

The scientists, after the preliminary design, made some changes in design, what we call the aperture of the magnet which, in effect, focuses or provides what is called the luminosity of the proton screen. That change, together with some changes in the injectors—those are, in effect, the accelerators that put the initial beam of protons into the ring, plus some reestimates of inflation costs, that collection of cost increases was $1.7 billion. Not cost overruns.

Before we ever began construction of this project, that amount of cost was added to the project. Not mismanagement. It was redesign of the magnets, right out there in front of everybody, and that was the figure that gave us the $8.25 billion in as-spent costs which amounts to $7.31 billion in today's cost.

Mr. President, this is not, in spite of the efforts of some to portray it as a project beset with cost overruns. Not so. There has been no cost overrun on this project. Before the project was begun, there was a redesign which caused some additional escalation in the projected cost prior to the time we began it.

Since that time, Mr. President, there have been various adjustments, some below where we saved money, some above. But to suffice it to say that the Secretary of Energy, Dr. Steve Weinberg, who testified about this project, the project director, Dr. Roy Schwitters, and all others have testified that this project is on budget and on time. The Secretary of Energy has stated she is in the process of adopting management initiatives which will reduce the potential for any cost overruns in the future.

Let me just state that any project of this kind involves some risk of cost overruns. It simply does. That is why inside of this $8.25 billion projected cost there is about $1 billion in contingency funds. Only some 7 percent, if I recall correctly, has been spent. So that 93 percent of roughly $1 billion in contingency funds is there to cover any upward adjustments in costs.

Mr. President, I think it is important to also consider what happens if we cancel the project. The Department of Energy has estimated the termination cost of this project at $1.96 billion. So if you terminate this project, in addition to losing the science, losing what you have invested, then count on at least another $1.96 billion in termination costs that you are going to have to come up with, and that does not include what Texas would ask to be paid. I do not know whether we pay Texas back if we terminated this project or not, but I can tell you they would certainly have a heck of a good case in asking for that.

Let me say a word about the science of this project. It is awfully difficult to talk about the science because it is in this esoteric area that is hard for people to understand. We have talked here about the Higgs Boson. Just the very words, "the Higgs Boson"—people do not have any idea what a boson is or what the Higgs Boson is or, indeed, it is not a certainty of whether it exists or not.

What we do know is this: That there is a mechanism for what we call mass. Why does this pen have mass or weight, as we call it in common parlance?

Why does it? Why does the Sun attract the Earth and the Earth attract the Moon and all the planets in the cosmos attract one another? It is because of mass and gravity which in turn we believe is transmitted by what we call a graviton, which is a particle and also acts as a wave sometimes.

How does that work? Well, we believe that the Higgs Boson, again a particle and sometimes a wave—and do not ask me to explain how something can simultaneously act as a particle and a wave. Light does it. All matter does that. We do not know why or how except we have been able experimentally to demonstrate it.

But this Higgs Boson we think is the measure by which in effect the universe is tied together, by which gravity works, by which the four fundamental forces of nature—the strong and weak nuclear force, electromagnetism, and gravity—are all transmitted, because of what we believe is the Higgs Boson. No one has ever discovered the Higgs particle.

Quoting actually from Dr. Weinberg's book "Dreams of a Final Theory," he states that:

> A Higgs particle could not have been seen in any experiment so far if its mass were greater than about 50 times the proton's mass, which it might well be. We need to experiment to tell us whether there actually is a Higgs particle or perhaps several Higgs particles and to supply us with their masses.

Mr. President, he goes on to say that while we do not know whether there is the Higgs particle or the Higgs field, with the superconducting super collider we will discover what the mechanism is by which mass and forces are transmitted. We will open the door to this empty room where the answer lies. The theory is that it is the Higgs particle, but if it is something else, that is knowledge which will be at least as valuable as the Higgs particle, perhaps more so, because that would then destroy all the theories upon which we operate now, because the scientific community now—most of them—operates on the theory that there is something like a Higgs particle, the mass of which we do not now understand.

Mr. President, it is so fundamental. As Dr. Philip Anderson, who testified on behalf of Senator BUMPERS in our committee, said, this is fundamental knowledge. The way I like to explain it is like a tapestry. A tapestry is involved with a fundamental fabric, usually wool, with a stitch and with that same wool and same stitch you can do incredibly complex, difficult, amazing tapestries that can paint any picture you want.

We believe, Mr. President, that matter and energy are composed of fundamental particles called quarks and leptons and those in turn are held together in what we call a Higgs field or the Higgs Boson, and that that fundamental pattern or stitch makes everything. It makes us. It makes the cosmos. It makes everything. And we cannot know that without dealing with these energies that the superconducting super collider requires. It is fundamental, Mr. President.

We know that 90 percent of the cosmos is what we call dark matter. We do not know what it is. We can demonstrate mathematically and by our observations that 90 percent of the cosmos, of what is in the Milky Way, what is in the other galaxies, is dark matter. We do not know what it is. It does not emit radioactivity. It does not emit protons or light. It is just there to be demonstrated mathematically.

We will understand—at least we theorize—what that dark matter is made of. Perhaps some super symmetric particle that we do not yet understand the nature of, which in turn will give us answers about the cosmos. Cosmologists tell me it will tell us whether the cosmos will continue to expand, and it is expanding now, Mr. President—everyone agrees on that—or whether it will then turn around and begin to collapse upon itself; indeed, beyond the lifetime of any of us here. Not to worry.

Nevertheless, Mr. President, it is fundamental knowledge. I mean we are sending up a space station. We are sending up the Hubble telescope because we want to know.

Mr. President, a great scholar, Paul Freund, stated that the thing that unites us as a civilized society is the three most profound questions of the universe: Whither and why and whence. Where do we come from? Why are we here? And where are we going?

Mr. President, these questions lie astride the common boundary between theology and science, and I do not intend to get into the theological questions posed by that, although it is very interesting to deal with some of these Nobel laureates when they talk about what it means one for the other. Suffice it to say that many scientists see in the patterns, the complexities, the symmetries, and yet the simplicity of matter and quarks and leptons and the way they are put together, the hand of God. And to the extent that I am given a peek at what they have to say, I agree with that.

What we do know, Mr. President, is that those three fundamental questions, whither and why and whence—at least the whither, or certainly the how, how was it done, how are we put together, what are we made of, where is the universe going, how are these forces transmitted. And I might add also we will be able to understand what one force and what particle, in terms of another—we will be able to translate electromagnetism into gravity by mathematical formula just as we translate kilometers into miles today by mathematical formula. We will be able to understand quarks and leptons and gravitons and all the rest mathematically. As we can do now at the atomic level, we will be able to do that at the subatomic level and at the cosmos level.

Mr. President, that is fundamental. It is fundamental. And this is not a new endeavor. We did not begin this search for that knowledge with the SSC. We have been doing this for many, many years.

I do not know whether my colleagues are able to see this through the television, but we go back here to about the year 1900 with the first of these atomic accelerators—they used to call them atom smashers—the cathode ray tube, and we have increased the size and the energies of them as we have gone along, each time looking for fundamental knowledge, each time not looking for an x-ray tube, but that is what we found with the cathode ray tube. We discovered electrons, and from it has come TV and computer monitors and the basis for all electronics.

We did not know what we were going to find. I say "we" did not. Whoever the scientist was. I do not remember whether it was Faraday, or whoever it was, who discovered that.

Electrostatic generators were sort of next. Out of that, out of that search for fundamental knowledge came semiconductor manufacturing, used in all modern computers and electronics. Then we went to cyclotrons.

The first cyclotrons, Mr. President, were small enough to put in the hand. But they developed proton beam therapy to treat cancer. And, by the way, we have proton beam therapy which will come from the superconducting super collider because one of the beam lines will be for medical treatment. To be sure, it is an ancillary purpose, but it is nevertheless a purpose. And I would like to, sometime when we have time, go into what that proton beam therapy is, because it is fascinating the way they can shoot a beam of protons inside the body and in effect destroy the cancerous cell without destroying the tissue around it and rid the body of that cancer. We have been doing it for some years, and we will be doing it at the SSC.

But we went from cyclotrons to electron accelerators at Stanford [SLAC] and Cornell. We had radar technology, x-ray exploration of viruses and proteins, x-ray treatment of cancer, the microchips, industrial nondestructive testing, and sterilization of medical equipment.

Then we got to the proton accelerators, which this is, at Lawrence Berkeley Lab and Brookhaven, at FermiLab in Chicago. We have all of the superconducting technologies, enhanced proton and neutron beam therapy, MRI, advancements.

Mr. President, we do not know what the SSC is going to bring us. Dr. Jerry Friedman stated that, in his view, the SSC could and probably will produce breakthroughs of profound importance to humanity. We do not know what it will be. But we know that it has to have enhanced superconducting technology because that is required in the superconducting super collider. There will be a million events a second detected by these detectors, and the supercomputers have to differentiate between that which is interesting and that which is not. We know that is coming. There have already been breakthroughs at FermiLab—ultra fast electronics and superconducting magnets.

(Mr. WELLSTONE assumed the chair.)

Mr. JOHNSTON. Mr. President, the technologies that we have already developed in the manufacturing process is absolutely amazing. What they are able to do is start out with a niobium titanium wire. This is just a cross section of a wire. That is about 2 inches across. Picture, if you will, a long wire that is coated on the outside, I think it is, by niobium, and on the inside by titanium, or visa versa. They are able somehow to squeeze this wire down until it is less than a human hair—less than a human hair. And it does not have a sausage effect. It is squeezed down in long strands like that. That, in turn—my colleagues probably cannot see this, but each one of these little hairs is then woven together and put into a small wire. These wires, in turn, are woven together and put into a bigger wire like a battery cable. And these, in turn, are wrapped around and around these superconducting magnets so that this wire this size will carry tens of thousands of times the amount of current that your battery cable will carry. That is vital, that is essential, is basic to a superconducting magnet because when a superconducting magnet is used, it depends upon the amount of current that is in it in order to work.

Does that matter? Mr. President, superconducting magnets are used in everything from magnetic resonance imaging to magnetic energy storage—we are working on that—to maglev trains, to a whole host of applications to which this has already paid off in terms of manufacturing breakthrough. I do not know what comes next, Mr. President. But it is clear that a scientific enterprise of this size and complexity with as much talent as we have put together will have fundamental breakthroughs.

Mr. President, I want to close this part of the argument simply by saying that this Nation, which has been the leader of the world in science, the undisputed leader in the world in high energy physics, the undisputed leader of the world in virtually all forms of physics cannot afford now to abandon this project.

Yes, Mr. President, we are concerned about taxes. We are concerned about the deficit. We are concerned about the economy. Of course, we are. We are not in exactly desperate straits. If you look at the economic figures, the economic size of the economy now is larger than it has ever been. The growth rate is not what we would like, but we are growing. The figures just came out today, 1.9 percent on an annual basis for the last quarter; not nearly the robust growth we would like, but hardly desperate straits for a country.

Mr. President, I tell you to the extent the country is in desperate straits, to the extent that we have economic troubles, the last thing we ought to abandon is science.

Mr. President, if this country is going to make it in the next century, indeed in this decade, it is not going to be because our workers are willing to work for less wages than they are in Mexico or in Vietnam or in China with 1.2 billion people. That is not why we are going to make it, Mr. President. We are going to make it and continue to be great based upon the quality of our technology and the excellence of our science. That is going to be the story of this country. And if we are wise enough and careful stewards enough to be able to resist that momentary political thrill of being able to say, "Well, I cut 43/1000 of 1 percent of the budget"—which is what this represents—because of trying to make that symbol, if we are going to set in a chain reaction to start tearing apart our scientific community, Mr. President, I say shame on us. Historians will write about this decade, and it is not too much to say that if we take apart this science, this big science, we are taking apart the future of all big science.

How could we ever get into another big project if this successful project, which has met every single scientific milestone, which even the critics say is good science, even the expert called by Senator BUMPERS in opposition says it is fundamental, it is interesting, it is important, even the critics say that; if we take apart this project, $2 billion and 10 years into the project, which has met every scientific milestone, how can we ever do anything else? How can we ever go into nuclear fusion? How can we ever go into—I will not name all of the projects. I could because many of them come in front of our committee. But we just cannot. We have to see this through as a great country, Mr. President. We have to keep leadership in science. We have to do it even though we have to resist the momentary desire to cut 43/1000 of 1 percent of the budget—43/1000 of 1 percent of the budget. You stop this project and 22 others like it, and you cut 1 percent off the budget of the United States. It might give you a temporary 1-day article in the newspapers, some of which will approve, many others of which will strongly disapprove. But whatever good it does you, it is a 1-day article. But the harm you have done to science, the harm you have done to technology, the harm you have done to the future of this country will be permanent, enduring, and pernicious.

Mr. President, I submit we cannot afford to do that. We have to see this project, 10 years in the making, $2 billion invested, 10,000 employees, 2,000 scientists, all investing their lives on this project, every scientific milestone having been met, we cannot afford to turn our back on this project at this time.

Mr. GRAMM. Mr. President, I thank our dear colleague. Few here would be brave enough to try to go through and talk about the science embodied in this project. And I am not going to be equally brave.

I want to talk about America and what we have gotten out of science, and I want to talk about how the decision was made to move ahead with this project by Ronald Reagan. I want to talk about how we chose the site. I want to talk about the investment we have made. I want to talk about the deficit, and about how this amendment has nothing to do with the deficit and will not reduce the deficit, because it does not cut spending.

I will try to do all that in such a way as to deviate from my background as a school teacher, and be brief so that others can speak.

Let me begin by talking about why science is important. It seems to me that there are two things that have been critical to the growth and prosperity of America and to the riches and happiness of our people. One has been that we have been able to create an economic system that has allowed ordinary people like us to have more opportunity and more freedom than any other people who ever lived in history. And with that opportunity and with that freedom, ordinary people like us have been able to do extraordinary things.

I am fearful every day that we do things in Congress that lessen the degree of freedom that people have, that reduce the opportunity for ordinary people to have extraordinary opportunities. I worry about that when we expand regulations, when we raise taxes, when we crush incentives. But that system, the American free enterprise system, where people have an opportunity to use their God-given talents, that system that draws the best from each of us, is part of America's secret.

But I think another part of America's secret is science. No nation in history has ever benefited as much from science and technology as the United States of America. We have led the world in science for almost all of this century. Certainly, in the area we are talking about here, high energy physics, we have dominated the world in the 20th century.

One of the things that I think is too bad about this debate is that when people write about high-energy physics in the newspaper, they talk about the birth of the universe and the cosmos, things that people basically may not know much about and, quite frankly, may not care anything about.

Let me say something about high energy physics that people do care about: 20 percent of the gross national product of America, 20 cents out of every $1 of goods and services produced in America today, have come from high energy research conducted in America in the last 75 years. Everything from computers to television came from science that Americans were pioneers in. And because we developed that science, because we generated it for our use and the world's use, we are richer, freer, happier, more powerful today, and we exert a much greater control over our lives and future and the destiny of the world than we would exert had that science and technology not existed.

Science is not like a faucet that you turn on and it comes streaming out. The problem with the debate about science is that you cannot guarantee the future, you cannot guarantee the results. But you can talk about the past. It is like a company that claims it can make money, claims it can be successful; all it can really do is show its record.

Look at America's record in science and technology. Look at what it has meant to our living standards. Look at what it has meant to the real wages of our workers. I think we have to ask ourselves this: Do we want to be the leaders of the world in science and technology, or do we want that mantle to pass to somebody else? In large part, that is what this debate is about.

The reason this debate is so important is that if you listen to the debate of the critics, they say they want to cut this program because they want to do something about the deficit. But it is very revealing to me that 25 years ago, science and technology, as a percentage of the budget, comprised 5.2 cents out of every $1 spent in the Federal budget; 25 years ago, nondefense science and technology investment in the future, investment in future generations, investment in new science for new tools, for new growth, comprised 5.2 cents out of every $1 in the Federal budget.

Today, science and technology accounts for 1.8 cents out of every $1 in the Federal budget. In 25 years, we have seen the percentage of the Federal budget invested in science and technology decline by over 50 percent. But what has happened to spending in the last 25 years? It has exploded. It has exploded because we have invested in the next election and not the next generation. We have eaten our seed corn as a country by cutting science and cutting technology to invest in programs with big constituencies that mobilize people in the next election, but not programs that create science, technology and productivity for the next generation.

So this is not a debate born today. For the last 25 years, this debate has been going on, and science and technology have been losing. While I am on the subject, let me make note of the fact that all the Bumpers amendment does is cut funding for the superconducting super collider. It would reduce science as a percentage of the budget dramatically below the 1.8 percent that exists in this budget. But nowhere in the Bumpers amendment does it reduce total Federal spending.

As my colleagues are aware, and perhaps the people at home are aware, we have set out in law how much money we are going to spend this year in our budget in a bill we call "reconciliation." So it is the law of the land that says how much money we can spend. Nowhere in this amendment is that amount of money reduced by the amount that the superconducting super collider is cut.

So I say to my colleagues that what this amendment does is simply cuts the SSC, but leaves the money available to spend somewhere else. Does anyone here doubt that the money will be spent somewhere else?

Let me say to my colleagues that if Senator BUMPERS offered an amendment to cut the total level of spending by a comparable amount, and then left it up to us to fight it out where those cuts were made, I would cosponsor that amendment and vote for it.

The debate here is not about the deficit. The amendment does not affect the deficit. The debate here is about science, and it is about a choice between investing in the next generation and investing in the next election.

Where did this project come from? This project came from the fact that in the mid-1980's, the Reagan administration decided that the time had come to move forward into an area of science that was critically important to the future of the country and to our competitiveness on the world market, and they made a decision to go forward with building the SSC. Much has been made out of the fact that this site location is in Texas. But I want to remind my colleagues that most States in the Union submitted applications to have their States considered.

There was a very real concern that politics might play a role here. So the Department of Energy, during the Reagan administration, commissioned the National Academy of Science and the National Academy of Engineering to set up a procedure to look at each and every site and to make a decision based on what was good for science and what was good for the taxpayer.

Based on that review by the National Academy of Science and the National Academy of Engineering, a site in Ellis County, TX, was chosen, and it was chosen for two reasons.

First, it was chosen because the area has a rock formation called Austin chalk. It is a rock that is very easy to drill in but yet it is very hard. It meant that the construction costs and the stability of the collider once it was built would be superior to that of any other site looked at in the country.

Second, and I think of equal importance, while a lot of other States talked about helping build the project, Texas did something that no other State in the Union did. Texas actually put $1 billion on the table and said, "If you choose the Texas site, we will pay for one-eighth of the project."

Because of a site selection by the National Academy of Science and the National Academy of Engineering and because Texas was willing to put $1 billion on the table, this site was located in Texas.

Let me say, Mr. President, that we are basically down to a choice here, and the choice is this: This amendment does not change the total level of spending in the Federal budget. I will say that our colleague, Senator BUMPERS, offered an amendment to the space station that did make that change. But this amendment does not make that change.

So the issue here is about priorities, and I would simply like my colleagues to look at this priority and basically answer the following question: Does it make sense to kill the Nation's premier science project when we have already invested $2 billion in that project, when we have already paid for a quarter of the project, when a State has put up one-eighth of the money, and clearly the Federal taxpayer is going to be asked to compensate the State if we kill the project? Is it worth it to kill that project now that we have made this investment rather than completing the project and reaping the science and the technology and the benefits that will flow from it?

It seems to me that that is the question. It is a question of whether or not in a $1.5 trillion budget that we can afford to spend 1.8 percent on science and technology, remembering that 25 years ago we were spending 5.2 percent.

Finally, I cannot let the point pass, and I do not like to do it, but I think it is important to note that all spending and all spending cuts are priorities. Our last vote that we took yesterday was a vote about freezing funding for public television. I remind my colleagues that when we started public broadcasting there were 3 commercial networks. Today most Americans through cable have access to at least 50 channels. An amendment was made yesterday that said do not cut funding for public television. Let us just freeze the level of funding where we spend the same amount we spent last year plus inflation. That was the McCain amendment.

Yet those who are standing up today saying, "Here is your chance to cut deficits. Here is your chance to do something about the deficit." When the roll was called yesterday on the McCain amendment these are the same people who said, "No, I cannot freeze spending for public television, but today I can eliminate the world's premier science project."

Again, I remind my colleagues that we had in committee and on the floor 79 amendments to cut Federal spending, to mandate that these total amounts we spend be reduced and that we have to make hard choices. I voted for 79 of them.

Yet we are hearing, Let us kill this science project, when we could not freeze spending on public television yesterday.

We have already cut funding for science by over one-half in the last 25 years. We have already invested $2 billion in this project. I believe that America will be richer and freer and happier if we finish this project, if we reap the benefits in science and technology that come from this project. I believe that we will be more competitive and our children will have better jobs, that we will have a higher standard of living and that in science and productivity we will be better off.

So I urge my colleagues to stay with the project that we have been working on now. This is our 10th year. We have invested $2 billion in it. We have proven that the science works. It is hard to build a big project, but we have proven that the science of the magnets work; the project is well underway. You saw the chart that the Senator from Louisiana showed you where we have dug the tunnels; we built the magnets.

We are on the verge of completing a project that is vitally important to the future. Let us not kill off this project today so that the funds that we were investing in the next generation can be diverted to a social program that will yield returns in the next election but will not fundamentally change our country.

That is what this debate is about, and I thank my colleagues for their time listening.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, I rise today in support of the amendment offered by the distinguished senior Senator from Arkansas to eliminate further funding for the superconducting super collider.

Mr. President, it was less than 2 weeks ago that my distinguished colleague from Louisiana, the Senate's leading expert on energy policy, one of our ablest legislators, Senator JOHNSTON, made a thoroughly insightful speech in support of our successful attempt to reduce funding for the SDI program for $400 million. It is a battle that we fought together for many years. It is always reassuring to have his quick mind on my side in these debates.

But on the issue of the super collider I have to say that I must respectfully disagree with the sentiments of my friend, the senior Senator from Louisiana.

Mr. President, reasons abound for not building the super collider, and I submit that the most compelling is that we simply cannot afford it. The demand for deficit reduction that has gripped this body since 1990 has meant that there has been only enough discretionary money to pay for existing programs and little else. No new initiatives; no new starts. And the belt will only get tighter.

A short time ago, a new Senator came into the body, the distinguished junior Senator from Texas, Mrs. HUTCHISON, and in her maiden speech here on the floor of the U.S. Senate she brought her colleagues a message, a message that emanated from her election in the State of Texas. And this is what she said on June 23, 1993:

> This time the American people are giving us a message. I bring that message from Texas and from all America. Cut spending first.

Mr. President, we have an opportunity here before us today to once again substantially cut spending and to substantially reduce the Federal deficit.

I heard from the other side of the aisle only a moment ago the rather lame statement that, "Well, it does not do any good to reduce funding for the super collider because, by doing that, you are not really cutting spending. The money is still going to be there and can be used for other things."

That same argument was used, Mr. President, when we were debating saving some more than $100 billion over the lifetime of the space station. We listened to that argument and Senator BUMPERS and I amended our initiative to cut the space station to state specifically that the reductions in spending that would evolve from eliminating the space station would go directly to deficit reduction, and could not be spent for anything else. We reduced the caps in our amendment on discretionary spending to ensure that that would happen.

Now the same voices that we hear today complaining that this does not reduce overall spending were the same voices that we heard from then—yet, none of these Senators voted for our amendment which would have lowered the caps and directed that all of the savings from the space station go to deficit reduction.

These Senators rejected the opportunity to reduce the deficit by some $9 billion over the next few years. A complete turnaround, Mr. President.

It reminds me of an admonition a professor gave me in law school years and years ago. He said, "Young men and women, the dinosaur is extinct because it could not turn around fast enough."

Well, that is not going to happen, obviously, for some of our friends who are saying now we cannot support this amendment to cut the super collider because it does not go directly to deficit reduction; the same ones who were saying, we could not support the amendment to eliminate funds for the space station because it does not go directly to reducing the deficit and then still opposed the amendment when we ensured that all the savings would go to deficit reduction.

So, Mr. President, I just must say to my colleagues here today that these statements, "Well, if this went to deficit reduction, I would be the first to support it; I would be a cosponsor," are hollow statements, indeed.

My colleagues know that the deficit reduction bill that we passed not even 2 months ago will cut the $538 billion in domestic discretionary spending available this year by 12.5 percent by 1998. And I am not talking about a reduction of 12.5 percent from an escalating baseline. I am saying that spending is going to be flat at $538 billion from now until 1998 and there is going to be a real reduction of 12.5 percent during that period of time in the purchasing power of those domestic discretionary dollars.

As our purchasing power is going down by 12.5 percent, President Clinton's vision for change has laid out, I think quite correctly, an ambitious plan to remake Government—to remake Government from the national service to welfare reform, all worthy pursuits, even with our very limited resources. But to make way for the effort to reinvent Government, to make way for programs like national service to give young people a chance, to make way for welfare reform to get people off the welfare roles, we are simply going to have to do away with some very expensive and imprudent projects, such as the superconducting super collider. It is simply going to have to go.

Mr. President, supporters of the superconducting super collider say that, even in these tight budget times, we simply cannot cut off our noses to spite our faces. We have to make investments that will pay off in terms of scientific and economic advances down the road, say the supporters of the superconducting super collider.

These same individuals, many of them, a few months ago, when President Clinton was talking about investments in his stimulus package, were decrying investments as just another name for spending. How well I remember those denunciations of President Clinton's investment program as simply being just another name for spending. Somehow, they do not make the parallel here, that investments in the superconducting super collider might be just another name for spending.

But let us say it will pay off in terms of scientific economic advances down the road. I doubt that very seriously, and the most responsible and the largest body of scientific doctrine would agree with that. The collider has flaws that disqualify it for a share of the funding that we devote to science.

We have heard the problem of the escalating costs discussed here earlier today, from $5 billion, originally in 1988, to $13 billion today.

I must say to my colleagues, as chairman of the Senate Budget Committee, I have long been concerned about the super collider's history of escalating cost. When it comes to the issue of cost, the only thing super about the collider is the cost itself.

Mr. President, I was asked to write an editorial, which I did, which appeared yesterday in the USA Today newspaper. I characterized the superconducting super collider as a bottomless money pit, and I said we ought to seal it. I think that is the case, because I think we are simply seeing the tip of the iceberg here and, as this project continues, I guarantee that these costs are going to escalate and go up, up, up, up.

What we see here in this project is the classic Washington approach to getting something off the ground. First, they come at you with a very lowball estimate, greatly underestimating the actual costs. Then they try to distribute the work out around in certain areas, so that a number of Senators and Congressmen have a vested interest in seeing the project continue because it creates jobs in their States and their congressional districts, and they are understandably interested in seeing those jobs continue.

Then the project gets started and then the costs start going through the roof. But then the classic answer is, "We have so much invested now and it holds so much promise for the future that we simply cannot turn back now."

How many times have I heard that in my 17 years here in the U.S. Senate?

How many projects, particularly scientific projects, have we moved on down the line following that flawed rationale?

The past cost history of the super collider is something that we might review just very briefly for those of my colleagues who did not hear the very excellent discussion by the Senator from Arkansas. This was a program that began under President Reagan. The Department of Energy promised to keep the total cost of the collider under $5 billion.

Last year on this floor, I warned that if history is any judge, the latest cost estimate for the superconducting super collider, $8.3 billion, would not last for long. And that is true.

I have a chart here which indicates much of what has already been discussed here today. The cost from 1992, when I spoke on the floor, was $8.25 billion. It is now projected to be $13.5 billion. To start, $2 million of the cost increase is due to the costs associated with the President's decision to delay completion of the project by 3 years. Why are we stretching it out?

Mr. JOHNSTON. Will the Senator yield?

Mr. SASSER. Because we cannot afford to fund it at its true cost. So we are going to stretch out the cost and increase the overall cost, as we stretch it out.

Mr. JOHNSTON. Will the Senator yield on that point?

Mr. SASSER. I will be pleased to yield.

Mr. JOHNSTON. The Senator has seen Secretary O'Leary's letter of September 20 in which she states the $8.25 billion figure is still valid, subject to, one, the stretchout, and, two, the management initiatives which she is undertaking now and which now the Brown amendment require her to do.

The Senator is not saying there has been any cost overrun at this point?

Mr. SASSER. What I am saying is the cost estimates are now up from the $8.25 billion at the end in 1992, in mid-1992, to $13.35 billion now.

Mr. JOHNSTON. That is not the Department of Energy, that is the cost estimates of my colleague from Tennessee and Senator BUMPERS.

Mr. SASSER. If the Senator will allow me to explain where these are coming from? The Senator will not deny there has been a $2 billion increase in the cost of the superconducting super collider as a result of the stretchout that is occurring?

Mr. JOHNSTON. I state again, the Secretary stated, there will be additional costs which have not yet been calculated but $2 billion is a reasonable figure. But that is not an overrun.

Mr. SASSER. Let me say to my friend from Louisiana, it does not make any difference how we explain it. When you get to the bottom line, and we are talking about how much the national debt is going to be increased, it is going to be increased by the time this project is completed by approximately $2 billion. That comes from the stretchout.

And the stretchout comes because we are in such dire financial circumstances in this country, the Federal Treasury, that we cannot go ahead and complete this project in an expeditious way. We are building it on the long term, on the lay-away plan, I might say to my friend from Louisiana.

Mr. JOHNSTON. I understand the stretchout cost. I guess the point I would ask my friend about is this. Those figures do not show either cost overruns or mismanagement or any failure in the science, but a desire to extend the amount of time, for $2 billion, and the additional costs are potential costs which the Secretary has indicated she can avoid.

Mr. SASSER. Well, but it also includes $1.2 billion for expenses the General Accounting Office says, and the DOE has acknowledged, that were never included in the prior cost estimates for the superconducting super collider. That is precisely the problem. The orthodox Washington approach to getting a project off the ground, lowballing the initial estimates, selling the public and the Congress and those who are involved in going forward with the project, and now we find there was a $1.2 billion accounting error in the original cost, according to both the General Accounting Office and the Department of Energy.

Mr. JOHNSTON. If the Senator will yield, those amounts—some of those are operating costs. I believe $1.2 billion was for the detectors, for which we expect foreign contributions. Indeed, those have not yet been forthcoming but they are foreign contributions at Fermilab, they are contributions at CERN, and for detectors that is the usual thing.

But the Secretary has testified that we will build to cost. We will use only the $500 million which is budgeted for detectors—which is budgeted for detectors—so the additional amount, if it fails to come, is not a U.S. cost that is going to be spent. It would be a foreign contribution.

In other words, if the foreign contribution comes, it will be $1.2. Otherwise it is $500 million. So that figure is not correct.

Mr. SASSER. I disagree very strongly with my friend, the chairman. With regard to foreign contributions, when we embarked on this project we were supposed to receive $1.7 billion in foreign contributions, including a $1 billion contribution from the Japanese.

The Japanese have washed their hands of it and are saying due to the demands of other scientific research in Japan, they cannot afford to offer any assistance for the superconducting super collider. In essence, they are telling us, even though they spend more of their gross national product on research and science than we do here in the United States, they have other science in Japan that is more promising than the superconducting super collider. So they do not want to be a partner.

And let me just say this to my friend from Louisiana. With regard to foreign contributions, so far, it is my understanding all we have gotten is some surplus copper wire from Albania, and perhaps a pledge of about $20 million from India.

Given that scenario, it is clear we are not getting much support from other foreign governments.

Mr. JOHNSTON. Mr. President, I know this is correct; the $8.25 billion which the Secretary of Energy says is still valid subject to the two qualifications does not include any foreign contributions not yet received. The foreign contributions which the Senator referred to from Japan did not include those detectors. The detectors were not included in that. They were included in a separate account which, indeed, was not part of the $8.25 billion. And if money is not forthcoming for the detectors, it will not be built to that cost.

In other words, our cost for the detectors is $500 million, which is included in the $8.25 billion. That is a fact.

Mr. BUMPERS. Will the Senator yield for a question?

Mr. SASSER. I have the floor. I will be pleased to yield to the Senator from Arkansas.

Mr. BUMPERS. Let me say to the Senator from Louisiana, to make sure we are both talking about the same thing, we are talking about the cost the Department of Energy has consistently left out.

If I understand what the Senator from Louisiana is saying, the $1.2 billion that was left out in both 1989 and 1991 is this $1.2 billion; is that not correct? Those are costs that are going to be incurred? Does the Senator not agree with that?

Mr. JOHNSTON. Not all of those, no. What I am trying to tell my colleague is the cost of the detectors—I think the cost of the detectors was in the neighborhood of $1 billion.

Mr. BUMPERS. That is right. They are a half billion dollars each. There are two of them.

Mr. JOHNSTON. If foreign contributions are not as expected, forthcoming, we will spend $500 million on the detectors. That has been testified to. That is what they call a build-to-cost theory.

The Secretary of Energy testified to that before our committee. We have had that consistently said.

So if they identified that as being left out of the baseline, in the first place, that is the way all these projects are built. There is nothing new about that. There is no underestimation. That is the way they do it.

Mr. BUMPERS. Assistant Secretary Hunter resigned because of these cost overruns. He said, "I do not want to be a part of it."

If I may continue—

Mr. JOHNSTON. I say to my friend, there has not been a single cost overrun. Tell me now what it is.

Mr. SASSER. I do not want to be rude to my colleagues, but I want to reclaim my right to the floor.

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mr. BUMPERS. Will the Senator from Tennessee allow me to make a final point? It will take a minute.

Mr. SASSER. I yield to the Senator from Arkansas.

Mr. BUMPERS. There is a Washington Post article dated September 6, 1993. That is just about 22 days ago. Here is what happened:

> The magnitude of the collider's design error infuriated department officials. Hunter quit as energy research director after Watkins rejected his proposal for tightening controls over URA.

Who are the project managers—

> Hunter said he foresaw "massive cost overruns" that "I just didn't want to be associated with."
>
> Deputy Secretary Moore proclaimed: "We simply can't go back to the Congress 6 months after promising it would be one amount and tell them it's going to be something else."
>
> Yet in January 1991, convinced he had no other option, that is precisely what Moore did. He spelled out the new estimate of $8.25 billion * * * an increase of more than $2.3 billion over the original 1989 figure—in an 83-page green book complete with a glossary.
>
> But the new figure again omitted the $1.2 billion for the second detector and other expenses, although Moore's book clearly noted them as "related costs."

Then he goes on here:

> Now, just 2 years later, DOE is back to the drawing board again.

Now listen to this, and I will leave and let Senator SASSER proceed:

> The delay—

To the year 2002, which the President seeks—

> The delay will add about $2 billion in inflation, overhead and other "stretch-out" costs, according to DOE. If construction continues at that slower rate after 1997, "costs may increase indefinitely and the project may never be completed," a GAO official recently testified.
>
> Then there's the problem of $1.5 billion in potential cost overruns identified in a DOE review committee report released last week. O'Leary says she hopes to avoid these new expenses by restricting—

University Research Associates. As a matter of fact, she said she is going to fire them but has not done so yet. Then she says:

> * * * she hopes to avoid these new expenses by restricting URA to scientific issues and hiring a new prime contractor. But adding a contractor will cost money, too.
>
> How much? Senator WALLOP * * * asked—

He asked: Can you tell us, do you have an estimate? She said:

> "Yes, indeed * * *" O'Leary began in a confident voice, "I will tell you in my view, it's de minimis against the project and should not amount to any more than [pause] and I don't want to be held to this, but let me just try [pause] maybe [pause] I don't know, I don't know, I don't know. * * *"
>
> She promised to get back to him.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mr. JOHNSTON. Will the Senator allow me to reply to that?

Mr. SASSER. I will be pleased.

Mr. JOHNSTON. I was at the hearing. It is a very acute newspaper article. We get a lot of science from the newspaper. I know something about some of those things. For example, Secretary Hunter and his problems. I do not think it is necessarily appropriate at this point to go into the question of why Secretary Hunter quit. He was involved in a lot of things, including fusion, which is a very big question involved in what he did.

There is no question, Mr. President, I say to my friend, that there are stretch-out costs. Nobody has denied that. What the Secretary did testify to and what is a fact is that we are going to build the cost as far as the protectors are concerned and build that which is in the baseline and not build that which is not in the baseline. There has been no cost overrun. There is a potential. That is what the baseline validation committee recommendations are about. But there is a potential which will be avoided and must be avoided, according to the Brown amendment. There has not been a cost overrun, just has not been, and if there is, identify where it is.

Mr. SASSER. Mr. President, I think this debate between the distinguished chairman and the able Senator from Arkansas illustrates what this controversy is all about. The question that we need to resolve here is not whether there are cost overruns—and I think there are—or whether the actual costs of the superconducting super collider have been low-balled initially—which I think they have—we are going to see this project continue to escalate in cost, whether it escalates as a result of stretchout, of mismanagement, of scientific redesign or past low-ball cost estimates. I think we are just seeing the tip of the iceberg here.

The Department of Energy says that of this $13 billion figure, $1.7 billion is what they call "potential cost risks," as cited in their August baseline report. I realize that the distinguished chairman and others are telling us that the Department of Energy hopes to manage away most of these potential cost increases. What they are saying is we are going to do such a good job of managing and run such a tight ship that even though there is a potential for $1.7 billion in increased costs, we are going to see that that does not happen.

Mr. President, I just cannot put much faith in the Department of Energy's ability to do that. The Department of Energy inspector general report audited $508 million in contracts dealing with the superconducting super collider between 1989 and 1992. The Department of Energy's own inspector general found that 40 percent, or $216 million of the $508 million spent represented unnecessary or excessive costs. And included in that audit were excessive contractor and subcontractor charges, such as: $35,000 for a holiday party at a Dallas hotel; $39,000 for subcontractors' daily coffee and beverage service.

I bring that up simply to say that I do not think a leopard can change its spots overnight, and I do not think the Department of Energy is going to be able to manage away this almost $2 billion of likely cost increases.

It is of interest to note that the Department of Energy's own report also documents a $219 million increase in contingency expenses. Now, normally the purpose behind the contingency fund is to provide for, in advance, funds needed to offset unanticipated costs. It is not surprising to me that the super collider has now had a cost overrun of over $200 million for the contingency fund itself.

We discussed earlier the lack of foreign participation in this project. The project began with great hope and great optimism. The Japanese and others were going to be very solid partners in it. Everybody was going to have access to the operation of it. Many of our economic partners were going to participate. That simply has not happened. As I said earlier, the Department of Energy expected to secure a $1 billion pledge from Japan, but the Japanese just simply backed out entirely.

My colleagues might recall President Bush's ill-fated trip to Japan in December 1991. One of the reasons for that trip was to bring home the bacon with regard to the superconducting super collider. Yet, all the President brought home was a stomach virus and some bad news. They were not interested in investing in the superconducting super collider.

The fact that Japan, which spends more on basic scientific research relative to their gross domestic product than we do here in the United States, will not make a contribution to the super collider, raises additional concerns regarding the worthiness of this project.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mrs. HUTCHISON. I was going to ask if the Senator will yield.

Mr. SASSER. I will yield for a question, yes.

Mrs. HUTCHISON. The Senator has talked about the Japanese not investing in the super collider and other foreign investors that all of us hoped would contribute to the super collider. I just wonder if the Senator has ever had occasion to have an individual come in and ask the Senator to make an investment and you say, "Well, you know, that really looks like a good project and I just wonder what are you putting up?" The individual responds, "Well, I want your money up front, but my money is going to be based on a year-to-year assessment of whether we really want to finish this project," would the Senator make an investment with that individual?

Mr. SASSER. Frankly, to answer the distinguished Senator from Texas, it appears to me the Japanese looked at this project, looked at it long and hard and decided they do not want any part of it, and even went to the point of telling the President of the United States, when he went to Japan to try to enforce what we thought was a commitment, they stated that they were not interested.

So I believe the decision was made on the part of the Japanese on the basis of whether or not they viewed this as a cost-efficient expenditure of their research dollar. And apparently they answered in the negative.

Mrs. HUTCHISON. Will the Senator continue to yield?

Mr. SASSER. I am pleased to yield.

Mrs. HUTCHISON. I would just like to ask the Senator if he would not have a hesitancy to look at a project seriously if it did not have the commitment of the person asking for the money. And I submit that if Congress would show that we are willing to make a commitment and keep it, then maybe our foreign investors would come through because they do not challenge the scientific merit of the super collider.

Everybody that has testified, with a few exceptions, has said it really is a worthy project. And I think we all want foreign investment. But I do think we are going to have to act like responsible partners in order to procure that investment.

Mr. SASSER. In response to the Senator's question, I simply say that I know of no more ironclad commitment the United States can make than the statement by the President of the United States that we intend to build the superconducting super collider, and to journey to Japan personally to discuss it with the Prime Minister of Japan to try to enforce the commitment that we thought the Japanese had made.

It is virtually unprecedented, certainly unprecedented in modern times, for a President of the United States to go to another country, to Japan particularly, hat in hand and seek to enforce what we thought was a commitment from the Japanese and being told "No soap." In essence, that is what has happened. The Japanese just do not feel, obviously, that this is a cost-efficient expenditure of their dollars for scientific research. Many acclaimed scientists have raised concern about the super collider on this very point.

Now, I am not saying that there is not any merit at all to the superconducting super collider. If our Treasury was full, if this country was enjoying good fiscal health, then I would say full speed ahead with the superconducting super collider.

But the problem is that this Government is fresh out of cash and we have increased our national debt by some 300 percent over the past 12 years. We have to be very careful where we put our very limited dollars for scientific research.

Here is what Prof. Philip Anderson, a Nobel laureate at Princeton University, has said:

> Are there worthwhile research institutions and projects which are being neglected or starved for money while the super collider is relatively liberally funded? Yes, there are very many. Is the superconducting super collider so urgent that we have to go ahead with it at any cost? Obviously not.

Supporters of the super collider claim that by eliminating it the United States is going to surrender its leadership role in science research to Japan and Europe. Yet, the exact opposite I would submit is true. Allowing this very expensive and very exotic scientific project, the super collider, to suck up billions and billions of research dollars that might have otherwise gone to countless smaller scale projects I believe may be the greatest threat to our leadership role in basic scientific research.

As I said earlier, I do not dispute the assertion that the super collider might lead to some fascinating discovery about the origin of the universe as stated here by the distinguished chairman of the committee, for whom I have the highest regard and respect. I will say that the chairman of the Energy Committee has a far better knowledge than I of this whole subject. As I said earlier, it is an endeavor that I would consider supporting if our budget was not under such duress.

But I think we need to face some facts. Many supporters of the super collider have attempted to portray it as a vital technological undertaking that is going to yield tremendous tangible benefits to mankind.

I must say to you that I believe that assertion is open to considerable doubt. Even Dr. Leon Lederman, the distinguished Nobel laureate, and himself a leading supporter of the superconducting super collider, has stated:

> Spinoffs would be a crazy reason for building the superconducting super collider. We do not build it for the spinoffs.

So says Dr. Lederman.

Now, I am confident that we can improve this Nation's technological base in computing, in medicine, in transportation, and in energy to a much greater extent by shifting the country's scientific focus away from this gold-plated atom smasher.

Mr. President, granted even if that statement of my friend from Louisiana was true and the super collider still cost $8.3 billion, which I submit is way off the mark now, and even if the Department of Energy was successful in obtaining $1.7 billion in foreign contributions, which we know it will not be, even if the super collider was not draining funds away from important scientific research, which I frankly believe it is, and even if the superconducting super collider had the potential to yield significant economic and technological benefits, which I frankly believe will be minimal, we simply, in the final analysis, cannot afford to continue funding the superconducting super collider.

So for those reasons, Mr. President, I want to support the amendment offered by the distinguished Senator from Arkansas. I urge my colleagues to vote in favor of the amendment. The meter is running on the national debt every day. The meter is running on the super collider. We cannot pull the plug on the debt but we can pull it on the super collider. I urge my colleagues to do that. I yield the floor.

Mr. JOHNSTON. Mr. President, I wonder if the Senator from Arkansas is ready for a time agreement at this point?

Mr. BUMPERS. Mr. President, it is 10 after 6. I tell you what. What do you think about hour and a half, 45 minutes to the side? How does that sound?

Mr. JOHNSTON. That would give us a vote at 7:40. I think that is good.

Mr. President, with Senator HATFIELD's concurrence, and if the floor staff tells me it is suitable, which I believe it is, I think they would want to move to a vote.

I will be prepared to propound a unanimous consent, to provide for an hour and a half equally divided which would give us a vote at quarter to 8 on or in relation to, and I would move to table at that point.

Mr. BUMPERS. I do not want to enter into a time agreement if there is a motion to table the amendment. The Senator can do that any time he wants. I hope the Senator will not move to table.

Mr. JOHNSTON. I will move to table. I am sorry. That is nothing unusual. If the Senator cannot give a time agreement—I do not want to precipitantly ask to table before the Senator tells me he is ready. I am prepared to stay here as long as necessary or vote tomorrow, whatever. I am trying to work it for other Senators so they can plan their evenings. But I would want to table, which I submit is not unusual.

Mr. BUMPERS. Let us go a little while longer. I was hoping the Senator would not insist on tabling the amendment.

Let me check with my people. The Senator from Texas is the next speaker.

Mr. JOHNSTON. How long does the Senator from Texas wish?

Mrs. HUTCHISON. About 20 minutes. If there is an agreement, I will be happy to shorten my statement.

Mr. JOHNSTON. I thank the Senator.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, on the floor of the Senate a few weeks ago we saw some pretty outrageous art, some of it pornographic. The issue then was Federal funding of the artists. But I thought to myself, it is really more than that. The issue is, what are we leaving as the symbol of America during the times in which we are living? What will our era contribute to the world that will depict our lives and our values? We can debate what our art legacy will be for a long time.

Mr. President, today we will determine what our legacy will be in science and technology. I hope we decide to leave as our legacy the most important scientific project of our decade—the superconducting super collider. It promises to resolve the profound mysteries of what the world is made of and how it is put together. Discovering these answers will be one of the crowning achievements of our civilization.

In their letter to me three young students in Mrs. Fender's class in Red Oak High School, Jordan Jolly, Laura Lassiter and Oralia Diaz put it in perspective:

> In the times of Isaac Newton, modern technology was unimaginable. Things as common as a toaster or a walkman radio would have sent him screaming into the night. Things to be in the 23rd century will leave us spellbound and awed. The SSC could be the stepping stone for the future way of life.

When Faraday did his crucial experiments in electricity and magnetism in the early 1800's these phenomena were considered laboratory curiosities. But his work led to the development of motors, generators, electric lighting, radio, television, and many other devices upon which our society so heavily depends.

We cannot predict all of the applications of the basic research from the SSC anymore than Newton or Faraday could predict the great revolution in technology that would result from their work.

But what about today? We are talking about a lot of taxpayer dollars. These dollars are allocated for the SSC. But Senator BUMPERS wants to reroute that money to other projects.

So why is the SSC a better priority than something else? It is because the dollars are spent today and built on tomorrow rather than being spent today and gone tomorrow. That is the difference that the SSC will make.

The SSC project is already advancing various technologies and transferring them to industry even before we get the final bill on the project. This results from the unique technological challenges of the industries that are building its components. Look at this wire. It is flat, it is thin. Before superconducting research, this wire was a cable one foot in diameter. Because of SSC research, electricity to light an entire office building can now be conducted through this narrow line.

The potential future savings in dollars and energy from this dramatic improvement in superconducting wire could revolutionize how we get electricity.

The manufacturer of 11,000 magnets for the SSC will require 585,000 miles of this wire. As a result of the improvements in design and the quantities involved, the cost of superconducting cable has been reduced from $50 a foot to less than $5 a foot.

The lower cost of the wire is resulting in turn in lower costs of diagnostic equipment which uses superconducting—wire such as MRI machines. Superconducting wire is the largest single component in the cost of MRI machines, and we all know what a great diagnostic machine that is. And if MRIs are cheaper, they will be more available in the small towns of our country and it will bring down the cost of health care, something all of us are working to do.

We have never been able to store energy before SSC research. The magnets that are now being built for the SSC for the first time can store energy in enormous quantities. This means we will be able to avoid building entire powerplants in the future for peak load use.

Think of the savings on utility bills of every American household because we can store energy. In addition the extra benefit is the magnets do not have an adverse impact on our environment. They are safer than powerplants and protect the environment as well. All of this is available today because of the research to build the SSC.

To use the SSC as a scapegoat for our budget problems is to ignore the energy efficiencies that will be created, as well as the return on the investment that will be generated through commercial applications of superconductivity.

According to a recent industry survey of United States, European, and Japanese companies, the market for superconductor products, now $1.5 billion worldwide, is projected to be $90 billion annually by the year 2010. This market will be $200 billion by the year 2020. Let me repeat that. Within the next 30 years, the market for superconductor products is projected to be $200 billion annually—all for an $8.2 billion investment. The cost may even be lower than that if we can get foreign investment.

Mr. President, I think we can get foreign investment if America will show its commitment by the actions of the U.S. Senate tonight. If we will show that we will be a good business partner, we will have a lot of interest from Europe and Japan, and that will bring our costs down, and it will make it a world project.

Let us talk about the impact of the SSC on education. Over 2,000 scientists and graduate students at 120 universities all across America are participating in SSC research. Every year, more than 20,000 young students in our high schools and junior high schools participate in SSC education programs designed to improve math and science skills. A project such as the SSC, much like the space station, sparks the curiosity of young people, and it attracts them to careers in science and engineering. This will assure our Nation's status as a leader in science and technology—leadership which is essential for our economic well-being in an increasingly competitive world.

One of the highlights of my service in the U.S. Senate was the week I took Dr. Jerry Friedman with me to meet my Senate colleagues one-on-one. Dr. Friedman is a Nobel laureate, and he is a professor at MIT. He is a genius that can speak in plain English to all of us nongeniuses in this august body.

Mr. President, it was a thrill for me to see this distinguished scientist's eyes light up over the limitless possibilities that the SSC gives to his students. The tragedy is, however, that many of Dr. Friedman's students, and other brilliant young people like them, will be forced to leave their field or do their work in other countries if the United States walks away from the SSC.

If SSC construction is stopped, we lose the knowledge to be gained by building and using this unique research facility.

Listen to the words of some of the scientists brought together to work on the SSC:

Dave Coupal, a physicist from Menlo, CA, said:

> The super collider is the flagship lab for the field of particle physics. If it goes down, the whole field could go. I would have to consider a career change after 9 years of college and 10 years of research.

Scientists from the former Soviet Union working on the project warned that similar cutbacks by their government forced Russian researchers to abandon whole fields of study, including computer research.

Julian Budagov, a Russian physicist, said:

> Genetics and cybernetics were murdered in the Soviet Union when the government stopped financial support because there was no immediate benefit to society. We lost billions of dollars. And because of that, we now have in Russia a terrible lack of computers.

We cannot afford to let this field of physics be abandoned, or we will lose those opportunities in the future. The SSC will be a training ground for thousands of our most talented students. These scientists and engineers will go into industry to make the research into marketable products. That is how the new jobs will be created in our country. It is how our country's economy will continue to grow and expand and accommodate the growing number of workers we will have in the 21st century.

Will America make a commitment? Or will it build 20 percent of this project, invest $1.5 billion in taxpayer dollars and walk away? Will we do that? Will we walk away when the merits have not changed? In fact, it is being proven more so every day that the merits are there because of the early benefits that we have found during the building of the SSC.

Eleven-year-old Jonathan Siegrist, who has seen his parents agonize over the possible death of the super collider said that it may dissuade his generation from choosing careers in science. He said that "they are trying to get kids into science at the same time they are trying to kill this project. It is just not going to happen."

The vote tonight will determine what America is made of, literally and figuratively. The SSC is going to determine the basic element of our Earth, but our vote today will determine if our generation will live only for today, or will we reach for a better future for generations to come.

Mr. President, we must vote against Senator BUMPERS' amendment so that we can keep faith with our future generations, so that we can keep our technological edge, and so that we will make sure that we have the jobs that will allow our country to grow and expand and accommodate the students that are now working on the SSC.

I yield the floor.

Mr. BUMPERS. Before the Senator from Texas leaves the floor, I would like to say that I listened to her helpful speech. But, by the same token, those Texas Senators are awful hard to please. I saw where the senior Senator from Texas complained during the space station debate that the money would not go for deficit reduction. So we put a provision in there that it would reduce the discretionary spending caps so that it would definitely go for deficit reduction, and neither Texas Senator voted for us.

We thought if they are not going to vote for us for deficit reduction, we will not bother to put it in. I heard the Senator, a moment ago, say this money cannot be used for deficit reduction; it can be used for other things.

So let me just ask the Senator this: I was thinking about offering a second-degree amendment. Can I count on her support if I offer a second-degree amendment to make sure that it goes for deficit reduction?

Mrs. HUTCHISON. I am sure the Senator from Arkansas realizes that what we need to do in this country is prioritize our spending. I wonder if the Senator from Arkansas voted for the $16 billion stimulus package.

Mr. BUMPERS. I am sorry?

Mrs. HUTCHISON. Did you vote for the $16 billion spending package?

Mr. BUMPERS. Yes. I would do it again, because that would have gone to all of the people in the country to stimulate the economy. Here we have—I heard the Senator from Tennessee quote the Senator from Texas a moment ago in her speech on the budget resolution, saying, "There is a clear message being sent by the people of Texas, and it is cut spending." I saw all those buttons, particularly on that side of the aisle, that said, "It is cut spending, stupid."

And so, here we are, and this as the third or fourth amendment I have offered in the last 2 weeks to cut billions of dollars. Most of it goes to Texas. I wonder if in her speech she meant cut spending in all of the other 49 States, not Texas.

Mrs. HUTCHISON. I am really pleased that the Senator from Arkansas is now getting down to the brass tacks because he voted for $16 billion to build swimming pools and warming huts, and I think——

Mr. BUMPERS. Wait a minute. Let me say to the Senator from Texas, I listened to that talk until I was blue in the face, and there was no swimming pool, or warming hut, or anything else in that stimulus package. That was in a book that the mayors of this country can buy and had nothing to do with that stimulus package. I do not know how in the world the press let people get by with that. There was no swimming pools or golf courses in that bill.

Mrs. HUTCHISON. Mr. President, I know the Senator from Arkansas realizes that all of the spending stimulus was going to come from the list that was provided, and that was the list. I would love to have seen the list be more specific, but that is what it was going to go for.

So let us talk about spending priorities. If the Senator wanted to cut the deficit so badly, why did he not cut the $16 billion? Why would he take $640 million that is going to provide future industries and future jobs, that will create scientific technology that will be our future, versus something that would be spent one time and one time only? It is a matter of priorities.

I am sure the Senator from Arkansas makes a budget in his own household. I am sure he prioritizes what are the most important expenditures, and I am sure that part of his expenditures would be investments for his future retirement.

Mr. President, it is the same principle. We have a chance not to spend $16 billion for swimming pools or golf courses or whatever would be chosen, but we have a chance to spend $640 million that will be an investment in our future.

I am very, very clear in my intent, and that is to put our money where it will be a nugget for the future. And not to do that, I think, is really not looking out for the future generations that will benefit by this very bold step that we will take tonight.

Mr. BUMPERS. Mr. President, I make two observations. On the collider, if we were only talking about $500 million and that was it, I would vote for it. I give the Senator my word. I would vote for it right now. We have already spent $2 billion on it, headed for $13 billion, or $20 billion compounded. But you are going to have to borrow every penny of it, and if you spend that over the next 35 years, we are not talking about $500 million; we are talking about $39 billion.

The stimulus package I voted for was $16 billion, not $15 billion, and it went to 250 million people. It created a lot of jobs in this country on highway construction, at $16,000 a job. This super collider costs $100,000 for every job it creates.

So if it were just a question of the $500 million, the Senator would have my vote in a New York minute.

Mr. JOHNSTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Arkansas yield?

Mrs. HUTCHISON. He was talking to me. If I could respond to the Senator.

The PRESIDING OFFICER. The Senator from Arkansas has the floor and can yield for a question.

Mr. BUMPERS. I yield for a question to the Senator.

Mrs. HUTCHISON. I thank the Senator.

I think it is important that he mentioned that the $16 billion would have gone all over America and, of course, the SSC's figures are not $39 billion; it is $8.2 billion. And that is being spread all over America, as well, because we are looking at 120 universities in 35 States that will benefit from this research, whose students are learning, and they are going to fan out all over this country. There are 48 States receiving contracts and most States are benefiting from the SSC much more than the people of Texas.

As the Senator knows, the people of Texas have put $400 million into this project, and they have contracts that are worth $290 million. They are committed to this project because they see a great future. They are not asking for that return, because they know that this is bigger than Texas.

Texas competed, as the Senator knows, on a scientific basis. We did not win this on politics. We won it mostly because of the soil and the conditions and other scientific bases.

This is an American project, and it is going to provide jobs and futures for people from all over this country. It is an $8.2 billion project. It is not $16 billion; it is not $39 billion.

Mr. BUMPERS. Mr. President, let me just make one observation to the Senator from Texas.

If I knew that $39 billion was ultimately the cost of this; if I knew they were going to find the Higgs Boson and that that was going to lead to the grand unification theory—you are light years away from that, even if you find the Higgs Boson. I would not vote for it even if I knew they are going to find it, because I do not think there are any spinoffs. Even if there are some, we do not know what they are.

But the main point is you are embarking on a $39 billion expenditure without even knowing that there is going to be anything at the end of the tunnel.

So, no; I would not vote for it.

Mrs. HUTCHISON. Mr. President, let me just answer that one point. We have already spinoffs that will give us a $200 billion industry by the year 2020 just from the research that is done to build the SSC. So the payback is already there.

Mr. BUMPERS. I ask where the Senator got that figure.

Mrs. HUTCHISON. Yes. From the Washington report of the superconducting industry. It comes from the Council on Superconductivity for American Competitiveness.

Mr. BUMPERS. The industry. They would put $400 billion on it, if nobody argued with them.

Mr. JOHNSTON. Mr. President, will the Senator yield on the subject of a time agreement?

Mr. BUMPERS. I yield.

Mr. JOHNSTON. Mr. President, I think the leadership is circulating or wants to know about a time agreement which would go like this:

That between 9 a.m. and 10 a.m., we take up the Foreign Ops bill and vote at 10 o'clock on a voice vote; at 10 o'clock, we would return to this amendment.

Tonight, we will have as much time as anybody wants to speak.

At 10 a.m., we return to this amendment and have a vote on or in relation to the Bumpers amendment at 10:30 a.m.

At the conclusion of the Bumpers amendment, we move to the John Kerry amendment on IFR, with a 4-hour time limit equally divided, after which would occur a vote on or in relation to the Kerry amendment.

I am not propounding that request.

Mr. BUMPERS. Mr. President, I want to talk to the majority leader, and I am agreeable to that. If I understand it, we will vote on the Bumpers amendment at 10:30, and go directly to the Kerry amendment—is that on or in relation to—which I expect to be a motion to table?

As I say, we will have a vote on a motion to table or an up-or-down vote at 10:30.

Mr. JOHNSTON. That is right.

Mr. BUMPERS. After which we go to the Kerry amendment for 4 hours.

Mr. JOHNSTON. After disposal of the amendment.

Mr. BUMPERS. There will be unlimited debate this evening?

Mr. JOHNSTON. Unlimited debate this evening.

Mr. BUMPERS. I have no objection if the Senator wants to propound that request.

Mr. JOHNSTON. I have not propounded it at this time.

Mr. HATFIELD. Mr. President, we have to clear it on this side.

Mr. JOHNSTON. Does anybody know of objection? We will not propound it until it is cleared.

The PRESIDING OFFICER. The Senator from Arkansas still has the floor.

Mr. BUMPERS. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, this evening I stand in opposition to the amendment of the Senator from Arkansas to cut the funding for the superconducting super collider.

There is one thing I found most interesting this late afternoon when the Senator from Arkansas was speaking so eloquently about the fact that this Senate just cannot cut spending, and he is right. There are a lot of us who have tried over the last good number of years to reduce the overall rate of increase in spending in this Government; yet, we have seen our debt and our deficit continue to grow relatively unchecked while many Senators have come to the floor speaking most eloquently about a variety of approaches toward cutting.

What the Senator from Arkansas did not say tonight was: But we can shift spending. No, he is right. He cannot get a good vote on a cut. The reason he cannot is because the money stays in the budget and moves to mandatory spending, away from discretionary spending.

What am I talking about?

In my 13 years in the Congress of the United States, I have watched a very important and I think most significant shift go on in the budget prioritizing that this Congress has done, a shift that has a direct impact upon this Nation to invest in its future in the kind of way that we so effectively did through the decades of the fifties, the sixties, and the seventies.

Today we are caught up in funding, if you will, mandatory programs—we can call them people programs, or whatever—that speak to the immediate needs, but do not address our future. I will not deny that some of the immediate needs are important and necessary.

But I think the Senator from Texas and the Senator from Louisiana speak very eloquently about our future needs, about pushing the envelope of science in a way that constantly sets this country ahead of any other country in the world and provides an abundance of jobs in fields yet undiscovered for future generations.

Last weekend, I was at Mountain Home Air Force Base in our State of Idaho watching an air show, looking at the F-15's, the F-16's and B-1B's, and looking at all of the exciting new weaponry hanging beneath those marvelous aircraft, a product of investment, a product of a commitment on the part of this country in science and technology superior to any other country in the world—a kind of an investment that just a few years ago set our fighting men and women apart from any other country, in such a way that we could win a war at a very slight cost in human life to our country in the extension of our foreign policy through science and technology applied to weaponry.

Now what does it have to do with the superconducting super collider? It has a lot to do with it. Because the science I saw hanging beneath those marvelous aircraft at Mountain Home Air Force Base was a product of a science that was launched in the late fifties when I was in high school.

Mr. President, I remember very well, as a science student at Midvale High School, a small rural high school in Idaho, clipping from Popular Science and other magazines stories about the space program, about a commitment that this country was going to make to science to put man into space for a variety of reasons, and that from that just might come a few benefits.

And you and I and the rest of the world now know the rest of the story. The benefits were phenomenal.

The weaponry hanging beneath the aircraft at Mountain Home Air Force Base last weekend was a product of the space program, a product of the technology, a product of the guidance, a product of the material, a product of the mettle, a product of the human mind that had been pushed to the limits of science.

And, doggone it, this Senate should not opt just for tomorrow. That is what the Senator from Arkansas is doing. He is saying, "Let us not invest in our future. Let us only invest in tomorrow." Therefore, his amendment shifts money from these kinds of futuristic investment programs to tomorrow's needs, not the needs of the future.

The deficit will not go down. The debt will not go down. He already voted for a tax increase. He has not been willing to work with us to put true spending controls into place that forces the tough priorities that we ought to be forced to make.

If we were doing this in the context of a balanced budget or if we were doing this in the context of spending caps, then I would say that this debate is legitimate. Because it would suggest that it is this priority versus another.

And yet the Senator from Arkansas is not allowing that to happen. He is caught up in the business that all of us have been caught up in for the last decade—shifting money from one program to another in the name of cutting spending, only to see the debt break $4 trillion and to see our deficit hover in the $300 billion mark, nearly out of control. Those are the issues. Those are the tough choices.

I serve on a committee that says it is important for our country to invest in the future. This is an investment in that future. It is not an investment in the immediacy of tomorrow.

Will there be spinoffs? Oh, my goodness, let the mind begin to imagine—in medicine, electronics, computing, superconductivity; the idea that once again we could return to a rail service, a high-speed system, traveling from city to city in this country, avoiding the traffic gridlocks that now tie up the corridors along the east and west coasts and in our major metropolitan areas. The ability of the human mind applied to this science to expand our capabilities into the future is but yet phenomenal.

And what is exciting to me is that, as Senators nearly three decades ago told me when I was a young student at Midvale High School, "We are going to invest in your future by spending money in a space program that may give you or your peers an opportunity," I want to say the same thing to the young people of America today that are interested in high-energy physics, that are interested in the kinds of things that are offered in this marvelous program: "We offer you a future that only the mind can imagine, because we are willing to invest in not just tomorrow, but way out there into trying to find out what the world is all about."

Mr. President, just one other story. The weekend before last, I was out in St. Louis to visit with the Monsanto people about some amazing new science that is going on for the environment.

I am from the State of Idaho and most people know we do one thing very well out there, we produce potatoes. Some Senators would have to suggest that potatoes and the superconducting super collider do not have any relationship at all.

But I will tell you that the technology that came out of the space program, the technology that begins to find out what the world is all about, that allows us to look inside the atom, did something unique for the potato. It allowed us to go into the makeup, the structure, of that system and design it in such a way that potato beetles no longer like the taste of its foliage, so that we do not have to use the pesticides that some citizens worry might pollute our environment. The science that began to be the spinoff of some of these marvelous programs has now produced a potato that can be grown in Idaho and across the Nation that will provide food for the Nation and for the world and do it in a much cleaner environment, the result of science, the result of an investment 30 years ago by this Senate that we now begin to reap the benefit of today.

Let us not shift our spending. If we are going to get our budget under control, let us do it in a responsible way, instead of making arguments on the floor that this is some kind of a budget-cutter. Because all of us know it is not. It is merely taking money out of one program and putting it in another.

After we vote on this—if we were to vote the Bumpers amendment into final passage—the deficit would not be one dime different, nor would the debt. That is a fact, and we all know it.

Let us invest in our future. Let us defeat the Bumpers amendment and assure the kind of investing in the supreconducting super collider that we demand of ourselves, as we have in the past.

I yield back the remainder of my time.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2295

Mr. MITCHELL. Mr. President, I ask unanimous consent that, when the Senate considers the conference report on H.R. 2295, the Foreign Operations appropriations conference report, it be considered under the following time limitation: 30 minutes for debate, equally divided between Senators LEAHY and McCONNELL, or their designees; 30 minutes under the control of Senator HELMS, with the last 5 minutes under Senator LEAHY's control; and that, at the conclusion or yielding back of time, the conference report be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I now ask unanimous consent that, at 9 a.m. tomorrow, the Senate proceed to the consideration of the conference report to accompany H.R. 2295, the Foreign Operations conference report, to be considered under the terms of the previously agreed-to unanimous-consent agreement; that, at 10 a.m. tomorrow, the Senate resume consideration of the Energy-Water appropriations bill, H.R. 2445, and the pending amendment numbered 983 by Senator BUMPERS; that there be 30 minutes remaining for debate on his amendment, equally divided in the usual form; that a vote on or in relation to the Bumpers amendment occur at 10:30 a.m. tomorrow; that, upon the disposition of the Bumpers amendment, Senator KERRY of Massachusetts be recognized to offer his amendment relative to the liquid metal reactor; and that no second-degree amendments be in order to the Bumpers amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask unanimous consent——

Mr. JOHNSTON. Mr. President, if the Senator will yield, did the Senator set a time limit on the Kerry amendment?

Mr. MITCHELL. I am advised that there has been objection to a time limit. We have been advised that there is objection by a Republican Senator to a time agreement on the Kerry amendment, and maybe we can get one tomorrow, once we get into it.

Why do I not proceed with the remainder of this and we can come back and do it, once it is cleared on the Republican side.

CONTINUING APPROPRIATIONS, 1994

Mr. MITCHELL. Mr. President, I now ask unanimous consent the Senate proceed to the consideration of House Joint Resolution 267, the continuing appropriations resolution, that it be read a third time and passed, and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res 267) was ordered to a third reading, was read the third time, and passed.

SCHEDULE

Mr. MITCHELL. Mr. President, there will be no further rollcall votes this evening. However, Senators are advised that debate will continue on the Bumpers amendment so long as Senators wish to debate that matter this evening.

There will be 30 minutes only remaining for debate on that amendment tomorrow between 10 and 10:30 a.m. We are going to have a vote on that at 10:30. So if any Senator wants to address the subject he or she has full and ample opportunity to do so this evening.

Then, after the disposition of the Bumpers amendment, the Senate will proceed to consideration of the amendment by Senator KERRY of Massachusetts, and we will attempt between now and then, either late this evening or tomorrow morning, to get a time agreement on that amendment.

I thank the managers for their cooperation. I thank Senator BUMPERS for his cooperation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, what is the matter now before the body?

ENERGY AND WATER APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

AMENDMENT NO. 983

The PRESIDING OFFICER. The pending business is amendment No. 983, offered by the Senator from Arkansas [Mr. BUMPERS].

Mr. REID. Mr. President, we all know this is the information age. For the past 150 years, since Samuel Morse designed his telegraphic code, the explosion of knowledge has eclipsed all other forms of human endeavor. And born from this explosion has been one continuing truism: Knowledge is power.

In the 1860's, that power was manifested in the ability to move troops on railways and direct them by telegraph.

In the early years of this century, advancing knowledge gave birth to the Wright Brothers' airplane, Simon Lake's submarine, the caterpillar tractor, and Hiram Maxim's machinegun.

Those inventions were the foundation for the horrific war fought in Europe among its collapsing empires.

In the middle of this century, the inescapable fact of life for the entire world was the release of the atomic genie, made possible by America's Manhattan project in World War II.

What all those events have in common is that they were the results of American scientific genius, and that all were eventually applied by imperialistic or totalitarian governments to threaten our shores.

Now we have come to another brink of American scientific research. The superconducting super collider involves pure research, but it means much more. Knowledge truly is power. The only question is whether America is going to possess and use that power, or whether America is going to give it away with results yet unknown.

Nevada was an original competitor for the superconducting super collider. My State would have benefited significantly, both from an economic standpoint and from a standpoint of prestige.

Though Nevada did not get the project, it will still benefit, because the country will benefit. The superconducting super collider is good for America.

As the junior Senator from Maryland has said on a number of occasions, there are certain things that come before this body that I think, as she phrased it, are "giggle words." The superconducting super collider perhaps falls in that line. Because of the name itself, it is easy to point to. It may fall in that category. If that is the case, that is too bad.

Our Nation's future rests on keeping and/or regaining our scientific and technological edge. Report after report tells a sad story of American children who are falling further and further behind in science and math competency.

I wish each Member of the Senate could have listened to public radio a week ago last Saturday, where a group of scientists talked about the superconducting super collider. These people are interested in pure science, in trying to figure out why things are the way they are. When we stop, when our scientific community stops trying to figure out why things are the way they are, we are all in trouble. They, as indicated in that public radio broadcast, believe that they need the superconducting super collider to get them into areas not yet known.

Lester Thurow, the Nobel laureate, writes about how America is becoming less able to compete with other industrialized countries in a book called, "Head to Head." He writes:

> America did not become rich because it worked harder or saved more than its neighbors. It had a small population in a very large, resource-rich environment. Natural resources were combined with the first compulsory public K through 12 education system and the first system of mass higher education in the world. Together they gave America an economic edge. While Americans may not have worked harder, they were better skilled and worked smarter.

He goes on to say:

> The skills of the labor force are going to be the key competitive weapon in the 21st century.

This will take a solid knowledge of science and technology on the part of our young people and, of course, our scientific community.

When young people come to my office and I ask them what are you going to do, and when some of these bright young men and women say to me they are going to go to school to study math or science, I feel so good. And I tell them that. I say I am glad that you are going to be a scientist. We need more scientists. We need more people interested in math and science and technological fields.

These young people who come to my office, your office and everyone's office, whom we represent through the U.S. Senate—every one of these young people who is going into math and science and other forms of technology—is our gift to the future.

In order to succeed, however, these young people need the proper implements. I believe, as does a large segment of the scientific community, that without the superconducting super collider America's preeminence in science and technology will shift overseas. And that is where children will go to be trained, those bright math and science students, and that is where the rest of the world will go to be trained in pure physics. What a tragedy this would be, the great superpower not able to maintain what it needs to do in the scientific world.

I have read some of the reports where some scientists have said I would rather spend my money in my own field. And I can well understand that, because we are stifling scientific research in all areas in this country. So I can understand why they would rather have scientific research in their fields, rather than in this field. There have to be choices made. But, if we shifted the center of scientific knowledge, we would suffer as a country, our universities would suffer, our competitiveness would suffer, and of course, our economy would falter and suffer.

This investment may hold the key to the makeup of our universe. What more need be said about its value? This instrument, this superconducting super collider, may hold the key to the makeup of this universe that we do not understand. But for those who must see immediately what is in it for them, particle accelerator research has already improved cancer treatment, medical diagnostics, supercomputing and transportation.

It is unclear exactly what advances the superconducting super collider will bring. If we knew all the advances it would bring, we would not need it. But I do know this project will keep our Nation at the cutting edge of scientific research and technology.

Mr. President, it would be easy for me to vote against the superconducting super collider. Politically, it would be not a bad thing for me to do representing the State of Nevada. It is well known that Nevadans are at odds with the chairman of the Energy and Water Appropriations Subcommittee, the manager of this bill, over the waste repository at Yucca Mountain. That alone would be enough reason for me to vote against this project, to vote for the Bumpers amendment.

But though Nevada will get none of the money of this project, it is not, in my opinion, wasteful spending. We will all benefit—people from the State of Pennsylvania, people from the State of Louisiana, people from the State of Idaho, people from the State of Nevada—from this superconducting super collider.

I, Mr. President, vote against waste when I see it, and I guess we tend to look at waste with different eyeglasses. Among other things, I voted against forgiving Egypt its $7 billion debt. I thought that was wrong. I voted against the space station within the past week in this body. I voted against the B-2 bomber. I voted against the tea board that had been, I thought, wasteful spending for almost a hundred years.

I have great respect for the author of this amendment. We are together a lot more than we are apart, but I hope that those people who are concerned about this project because it costs too much money will understand that there are a lot of other things that cost a lot of money that should not cost a lot of money. I hope that everyone who is concerned about how much money we are spending will look at some legislation that I have sponsored to change the immigration laws in this country, S. 1351. If you want to talk about waste, if you want to talk about how we could have more money for education, let us talk about how we handle immigration, or do not handle immigration in this country.

I hope that everyone who supports the Bumpers amendment will support reform of the immigration laws. My colleagues should understand that the State of California is building a new school every day to take care of immigrants moving into California. My colleagues should understand that last year in Los Angeles County, in the county hospitals, almost 70 percent of the babies born were born to illegal immigrants.

MediCal, California's version of Medicaid, estimates that Californians pay over $700 million annually to provide health care for illegal immigrants. Children of the illegal immigrants count for more than 65 percent of births in the hospitals, almost 70 percent of the births in the hospitals. The people we have in prison, almost 25 percent of them are illegal immigrants.

So I hope—I am not going to go into a lot more detail about my legislation—but I hope that everyone who is here today talking about wasteful spending will understand some real waste, with the inordinate costs we have in education, our criminal justice system, welfare costs because of legal immigration into this country and we have to put a stop to that. There is some real money there to be saved. We can spend money on a lot of scientific things. We could do a lot toward retiring our debt if we would get that problem under control.

I mentioned earlier that I can understand why scientists—and I heard the manager of this bill talk with great elucidation about how scientists—sure, a number of scientists oppose this project because they do not have money for their own scientific research. And that, in fact, is factual. This Nation used to spend 5.2 percent of its budget on science. Now we spend less than 2 percent. We are not giving the scientists the tools to do real science. We need to do more.

Mr. President, in 1844, a man came to Washington—I am sure he was standing out here, down at the House, wherever Congress met on the House side in those days—and he had an idea. The idea that he had in 1844 is that if Congress and the President would appropriate enough money to build a telegraph line between Baltimore, MD, and Washington, DC, he would show this new technology—the telegraph—to the American people. He said it would revolutionize the communications industry in the world. Congress and the President accepted that and they appropriated $40,000 to build a telegraph line between Baltimore, MD, and Washington, DC. And sure enough, it did just that: It revolutionized the communications industry not only in the United States but in the world. We have to be involved in the scientific community. We have not done it enough.

Today, I believe, Mr. President, that we need to vote for America's future by voting to approve the superconducting super collider. There are people—and this is on the desks—who have said we should terminate funding for the superconducting super collider: Council for Citizens Against Government Waste, National Taxpayers Union, and others. I hope that these well-meaning, good people would take a look at what immigration, legal and illegal, is doing to our country and there we would find some real waste.

I hope they will get behind Senate bill 1351 and make that the law of this land.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Maine is recognized.

Mr. COHEN. Mr. President, I am rising to express my opposition to the continuation of funding for this program. I would like to say at the beginning that there is obviously some merit to the SSC. Any of us who are standing on the floor to urge the adoption of the Bumpers amendment must concede initially that this is a program that has some merit. But it has to be weighed against the value of all the scientific research that we will have to forgo in order to pay for it. And so it has merit, but as compared to what?

The National Academy of Sciences recently issued a report on Federal support for scientific research. The purpose of the report was to ensure that the Federal Government was spending its money on a balanced program of research and development. The academy panel examined some 20 fields of science. According to that panel's chairman, it "found four or five that were overfunded" and others that were underfunded. One of the areas found to be overfunded, not surprisingly, was in the field of high-energy physics. One panel member, the Nobel laureate economist Robert Solow said:

> Nobody looking at the field of high-energy physics from the outside could possibly think that we need to spend more money.

The Congressional Budget Office has affirmed this view in a report that was issued this year that stated that "the super collider is consuming a disproportionate share of U.S. science resources."

Given the budget realities, the only way we can increase funding for the fields of science that the Academy found to be underfunded or to be wanting is to shift resources from those areas that are, in fact, overfunded.

No one should mistakenly conclude that the adoption of this amendment will leave the field of high-energy physics in this country to wither from a lack of funding. The bill before the Senate would provide some $619 million for high-energy physics research other than the super collider. And none of that money will be touched by this amendment. Even if the amendment were adopted, we would still be providing the full funding for the construction of a new facility at the Fermi National Laboratory's Tevatron, which is already the most powerful accelerator in the world. We would still be providing funding for the construction of the relativistic heavy ion collider at Brookhaven National Laboratory. That is still fully funded. We are still providing full funding for construction of the continuous electron beam accelerator. We would still fund the Stanford linear collider and also the Bevalac Accelerator at the Lawrence Berkeley Laboratory.

So we are still providing significant funding in this field.

The next issue, is, are we going to be left out? Is somebody else going to beat us, not into space, to the Moon, to Mars, but to the discoveries that are the objective of this superconducting super collider?

Well, I am told that much of the research that is intended to be conducted through this program can be accomplished by other high-energy particle accelerators. As I understand it, the primary purpose of the SSC is to find a theorized particle known as the Higgs boson. I am not a scientist. I am not familiar with the details. I would yield certainly to the Senator from Louisiana in this field.

But the American Institute of Physics publication Physics Today reports that there is very high probability this can be done by another accelerator, the large Hadron collider that is going to be built in Europe. And while the large Hadron collider will be less powerful than the super collider, Physics Today reports as much as a 95 percent probability that it will be powerful enough to find the Higgs boson.

So given this fact, if we accept it is fact, then the advocates for the super collider are left to argue that we have to appeal to national pride. There is a lot to be said for national pride. But do we have to be the first in everything? If this one objective can be accomplished by another means, and if we have full funding of a number of other very successful high-energy projects underway, can we not at least make some concession here that somebody else can take the lead on this particular type of program?

Now, we have heard a lot of figures bandied about. I cannot see the charts that are at the opposite end of the room, but let me just review what I think to be the correct estimates.

As I understand it, the current estimate for the total cost of this program now stands at roughly $12 billion, which is about one-third more than DOE estimated last year. Secretary O'Leary continues to state she is confident that the cost of this collider can be contained to about $8.25 billion. But it is interesting that the Department of Energy's own independent cost estimate group put the cost at $11.8 billion, and this estimate was made before the Clinton administration decided to stretch the program out some 3 years and serious mismanagement problems came to light, which obviously are going to increase the costs significantly.

So I think there is every reason to believe that the costs are going to continue to climb.

The DOE project manager for the SSC recently wrote a memorandum in which he warned that "cost and schedule trends are worsening at an alarming rate."

How about international participation? The international contributions were expected to be some $1.7 billion. Well, they are, I will not say zero, but not far from it. The Department of Energy's assurances that Japan would contribute anywhere from $500 million to $1 billion are now acknowledged to be little more than wishful thinking.

In fact, in January, then-Secretary Watkins admitted that foreign contributions would amount to $400 million at most, and even this seems to be extremely optimistic. Even if this most recent wish were to be fulfilled, foreign contributions would amount to about 3 percent of the total project cost, rather than the 20 percent promised by the Department of Energy just 2 years ago.

So far, we have received only $63 million, and the Congressional Budget Office reported earlier this year that most of the foreign 'contributions' to date have been in the form of cost savings that DOE obtained by fabricating the magnets and other components of the SSC in low-wage countries like Russia and China."

This, it seems to me, hardly supports the arguments of the collider's proponents that its construction is going to be a major boon to the U.S. economy. Indeed, I think the Energy and Water conference report of a few years ago warned that "foreign participation in the superconducting super collider may negatively impact the development of high technology in this country and foster further development outside the United States."

MANAGEMENT PROBLEMS HAVE BEEN SWEPT UNDER THE RUG

Management of the SSC has been so poor that DOE was forced under congressional pressure to fire the construction contractor, a consortium of research universities. But this may not solve the management problems. According to the prestigious publication Science, "DOE officials expect most of the SSC management staff to be rehired by the new contractor." Science quotes SSC lab director Roy Schwitters as reassuring his staff that in past contractor changes, "the color of the ID cards may have changed, but the majority of the people have remained in their positions."

According to Physics Today, the publication of the American Institute of Physics, Secretary O'Leary's decision to dump the university consortium as the construction contractor "surprised veteran SSC watchers because she did not remove those who have received blame for many of the project's management and accounting problems."

In fact, DOE's project manager for the SSC, Joseph Cipriano, urged a much more drastic management shakeup, including the immediate firing of the SSC lab director. According to a memorandum by Cipriano, "confidence in existing management is practically nonexistent and cost and schedule trends are worsening at an alarming rate." He also urged putting the entire SSC project on hold for 1 year to allow time to fix management problems and to prepare less ambitious alternatives for SSC construction. Unfortunately, Secretary O'Leary rejected the recommendations of her SSC program manager and, instead, opted for superficial management changes.

Mr. President, the details of these serious management problems have been discussed at some length on the floor and in various publications. They need not be repeated. But it comes down to an issue that all of us on this side and many on the other side of the aisle continue to talk about: ways to save money. We talk about fraud and abuse and waste.

Here we have a program in which we can clearly demonstrate that it need not be funded in order to achieve the kind of breakthroughs we are looking for in this particular field and that we have several very seriously funded programs that can mark us as leaders in the field.

If we want to save money, here in the SSC we have a program that is likely to cost us as much as $12 billion. We can stop it now. Yes, we have spent anywhere from $1.5 to $2 billion already, and that is a lot of money. But we can save $10 billion by stopping the program now and adopting a more balanced approach in the funding of scientific research.

So, Mr. President, I look at this from a budgetary point of view. As I indicated before, I think the SSC has merit, but it does not have so much merit that we cannot afford to terminate the program now and devote a more realistic effort to high-energy physics and a more balanced effort to scientific research, in general.

Mr. JOHNSTON. Will the Senator yield for just one question?

Mr. COHEN. Yes.

Mr. JOHNSTON. The Senator stated that in Physics Today there was a statement there was a probability that the Hadron Collider in Cern would be able to find the Higgs Boson.

Is the Senator aware that the consensus among high-energy physicists in the United States is that that project, if it is built—and it has been deferred the last 2 years. My own view is they are probably not going to build it—but if they did build it, its energy is somewhere between 6 and 7 trillion electron volts, this is 20—they probably would not find it, at least American high-energy physicists believe that. That is why they have designed this one at 20 trillion electron volts.

Mr. COHEN. My understanding is that the American Institute of Physics in its publication indicated it would have a 95 percent probability of achieving the same result. We can get into a battle of the experts, but that is my understanding. And to the extent the Senator from Louisiana has other contradictory evidence, that is for the record I suppose. But I appreciate his comment. Perhaps the Senator can contradict the statement contained in the publication.

Mr. JOHNSTON. I guess there is no way to settle that argument here except to tell the Senator our scientists believe that is not so. As a matter of fact, they have a lot of doubt that the design at Cern can be made to work, that it would overwhelm the detectors. There is no need to get into the detail which we could go into, but at least our people do not believe that.

Mr. COHEN. I thank the Senator for his comments and I thank the Senator from Arkansas for yielding time.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. BRYAN. I thank the Chair.

Mr. President, I rise today as a sponsor of the amendment to eliminate funding for the superconducting super collider [SSC]. The time has come to stop wasting taxpayers' money on this extravagant pork barrel project and demonstrate to the American people that Congress can actually make the hard choices necessary to get our Nation's fiscal house in order.

I am proud that the Senate has recently voted to terminate two programs that are clearly not national priorities: the wool and mohair subsidy—$130 million—and the NASA program to search for extraterrestrial life—$12 million. These programs should be terminated but their costs are trivial when compared to the SSC. Terminating the SSC would send an unmistakable signal to the American public that Congress is serious about cutting the Federal deficit.

I am not against Government funding of science or particle physics specifically. Particle physics is an exciting field. But so is exploration of space, genetics, robotics, artificial intelligence, and a dozen other worthwhile projects. Given our current fiscal situation, we do not have the luxury of funding all the exciting science initiatives presented us and, instead, we have to make hard decisions if we are going to restore public confidence in our ability to govern.

In setting our spending priorities, we must analyze how each program enhances our competitiveness and improves our standard of living. We must also examine how well the individual programs are managed.

Measured by these standards, the SSC fails the test. Let us consider how the SSC compares with other science programs by considering the advice of some impartial experts.

The Industrial Research Institute, a nonprofit research organization funded by Fortune 500 industrial companies, took a survey or research and development corporate vice presidents across America and asked them to rate the big science projects currently being considered in terms of their promise to return something meaningful to the competitiveness of the United States.

America's corporate scientists rated the SSC dead last in terms of its benefits for our competitiveness. That assessment comes from Fortune 500 R&D experts. The view from the scientific community is no more charitable. In fact, a recent poll found that 98 percent of American scientists refused to give any priority to continued funding of the SSC.

This indictment of the SSC by the U.S. scientific community is further validated by the fact that no meaningful foreign contributors have stepped forward. This should tell us something.

Not only must we consider the SSC on its merits, we must also analyze what its impacts would be on other, more beneficial science projects.

If we continue with this ill-advised effort, we will starve a great deal of worthwhile science projects. Many scientists—including Nobel Prize winners and a past president of the Physicists' Professional Society—fear that it is the SSC itself which will most likely doom science in this country.

While the Federal agencies that train and fund most of the scientists in this country are turning down more than two-thirds of their applications, the SSC—a single project in a single subfield of science—is eating up $11 billion.

We hear the most exaggerated claims regarding the possible spinoffs from the SSC from improving health to science education.

What we really have is a public works project—a huge 54-mile tunnel. However, in all likelihood we cannot patent any discoveries from this basic research. We will spend the money; we will do the work. but whatever basic science results from this project will be available to our competitors at no cost. To me this has an all-to-common ring, where the United States invents, but the Japanese and the Germans manufacture, and reap the jobs and the profits.

The assessment given the SSC by our scientific community and our foreign competitors should be enough to sink this program. But when we combine this with the management problems we have discovered, there should be no doubt about this project's fate.

Let us look at how the SSC has been run. The record is atrocious. The program has been plagued by cost overruns and poor management from the very beginning.

The cost of the SSC has grown from $4.4 billion in 1987, with a $2.9 Federal contribution, to more than $11 billion today with over a $10 billion Federal contribution. That is a threefold increase in the Federal contribution to this project.

Recently, the DOE inspector general's report confirmed our worst fears about waste. Some of the bills submitted by the main contractor to DOE included a $375 disc jockey, $18,403 for coffee, $21,369 for plants, $1,626,605 for relocation costs over a 15-month period, which is the equivalent to $10,844 per SSC employee, and $293,668 for car rental and leasing.

This report points out that 40 percent, or $216 million, of the spending represented unnecessary or excessive costs. Regardless of the scientific merits of this project, the management issues should concern us all. I cannot, in good conscience, support a project which engages in such waste of taxpayer resources.

It is time to say enough. The deficits are too big, other needs are too urgent. We have a $4 trillion national debt, and it will increase to $6 trillion in the next 4 years and interest on the national debt this year will be over $300 billion—that is close to a rate of $1 billion a day. We cannot afford the things this country really needs, let alone the things we want.

While the proponents of the SSC have been vigorous in letting Senators know about the contracts in their States from the SSC, they fail to let us know the true costs. The citizens against Government waste have compiled a chart showing the tax burden per State to build the SSC.

Nevada's tax burden to fund this huge ditch in Texas is $71,500,000. That is almost $70 per man, woman, and child in Nevada for a project of dubious benefit. My constituents are urging more spending cuts, not questionable spending of this kind.

The SCC might be worthwhile to have someday, but for now we need to put it on the shelf until we can afford it. Let this vote be a symbol of our resolve to reduce the deficit. I urge my colleagues to support this amendment.

Mr. President, I wish to preface my comments in support of Senator BUMPERS' amendment by saying a word or two about the principal sponsor of the amendment.

I knew very little about the distinguished senior Senator from Arkansas prior to becoming a Member of this Chamber. I knew that he had been an able and impressive Governor, and I knew that he was an articulate spokesman for the causes in which he believed. My admiration for him has grown greatly as I have had occasion on a number of times to join him in this Chamber in support of his efforts to reduce spending.

We were together on the superconducting super collider in years past and we were together on the space station in years past, as we were this year. I suspect that many might say this hour of the day that perhaps no votes are likely to change at this hour.

But the position the Senator is advocating and in which I am pleased to support him is the right position.

Everybody talks in the abstract about cutting spending. Not a Member of this Chamber disagrees with that abstract proposition. But it is exceedingly difficult to develop a critical mass of any particular project to eliminate funding once that has started.

We have made some modest steps in the last week or two with the decision by my colleagues to eliminate the wool and mohair subsidy. The distinguished occupant of the chair was the leader in that effort, and I salute and congratulate his efforts in behalf of that cause. Modestly, we made a step with respect to the elimination of the program for the search for extraterrestrial intelligence, which has taken on new life in a recast name, but is the same old program, which is targeted to spend $100 million over the next 10 years. We in the Senate have taken a step on that.

But if we really want to send a message, if we really want to hit the ball out of the park, eliminate a program such as the one that is before us this evening, with the potential of that, because we are not talking just about $640 million, the appropriation included in this matter. We are talking about, over the course of 35 to 40 years—considering that we are going to have to borrow the whole of this money at a 4½-percent compounded annual rate—we are talking about $38 billion.

So the course that we continue to set tonight, if this program survives, is not just $640 million. It commits us to a course of expenditures that ultimately will result in a $38 billion expenditure.

Mr. President, I am not against funding every science, or particle physics specifically. I am sure that particle physics is an exciting field. But so, too, are exploration of space, genetics, robotics, artificial intelligence, and dozens and dozens of other worthwhile projects. Given our current fiscal situation, the question is, can we afford it? Do we have the luxury of supporting and funding all of these programs that may be desirable and, yes, may have some potential long-term benefits?

I think the answer to that proposition has to be in the negative. Not only can we not afford it, but we have to make some critical judgments. And the Congress has not been particularly effective in any judgment in setting forth the priorities for these fundings. It seems to me that we ought to subject that at least to a couple of standards.

No. 1, funding of such a project enhances our competitiveness. Would it make it possible for American industry to be more competitive in international commerce and thereby enhance our scientific, our manufacturing base, to provide opportunities for employment? The answer is in the affirmative. I think we have to give that very careful consideration. We have to examine thoughtfully how well laid out, how well managed the individual program is.

I respectfully submit that this program does not meet any of those criteria. It has been debated during the course of this afternoon at some length. The fact is that in the scientific community—the community that one might think would be the prime advocates of this program—98 percent of the scientists that were queried about this program indicated that this should not be a priority for funding.

The Fortune 500 R&D experts, when asked about this program and how they rank it, indicate that they do not believe that this is a program that holds a great promise or is particularly meaningful in terms of enhancing the competitiveness for America.

So you have private and public sector people in the scientific community who have taken a very dim view of this project. I understand that the advocates for this program, those scientists who work in highly specialized fields of particle physics, are excited and challenged and enthusiastic about this project. That could be said, I suppose, for every scientific project that deals with every subspecialty in the scientific field.

I think not only can we not justify this in terms of our current fiscal situation, but we cannot justify this in terms of the kind of priority that this program should have if we have the resources. I think we have to examine this also in the context of what harm it will do.

If we continue this program, we have the potential of starving a lot of worthwhile scientific projects that may not be as large, that do not have the advocacy groups in behalf of them, that may not have the glitz that big science has, but nevertheless may hold a very far greater potential in terms of enhancing our scientific knowledge and making our country more competitive with international commerce, manufacturing, and other technical fields.

It is my concern that the preemption of those limited resources is one of the great dangers that we face in approaching our scientific budgets with the big-science and the big-ticket approach.

The advocates of this program have done a very skillful job. I commend them for their skills, their resources. They have been very skillful in pointing out, in community after community across the country, State after State, that your State will benefit if this project goes forward; that there is a contract that will be let or has been let in one of the cities in your State. What has been less emphasized is that we all, as Americans, pay a cost for this type of an approach.

Mr. President, I invite my colleagues' attention to a chart that derives as its source some information provided by Citizens Against Government Waste.

What this chart seeks to depict is the tax burden imposed upon each of the respective States, assuming a total eventual cost outlay of $12.955 billion. From my own State of Nevada, a small State in terms of population, we are looking at an outlay of about $71.5 million, the burden of which goes to the taxpayers. I respectfully submit that this is a burden that we ought not to add to our taxpayers.

There has been a considerable amount of discussion during the course of the debate about how costs have exploded from a few million dollars to some cost projections that today range in the magnitude of some $13 billion. It is a program which has not been, in my judgment, responsibly managed. The inspector general's report, which has been commented on during the course of the day, has pointed out a number of examples of waste. I do not intend to go into all of them.

Suffice it to say that there have been bills submitted by contractors to pay for a disk jockey, $18,403; coffee; $21,369 for plants; $1,626,000 for relocation costs over a 15-month period, which is the equivalent to $10,844 per SSC employee; and another $293,000 for car rental leasing.

The report points out that 40 percent, or $216 million in the spending presented, is unnecessary or excessive costs. And regardless of the scientific merits of this project, the management issues alone should sufficiently concern us to put this project on hold until the project can be reexamined.

I say by way of conclusion that we do have an opportunity to put our action where our mouth is. We talk a great deal about deficit reduction. Some of us voted against the tax bill recently before this body because we did not believe there were enough spending cuts up front. This gives us an opportunity to redeem that concern by saying this is the kind of spending cut up front that we should undertake, and that the American taxpayers will benefit as a consequence of that.

I yield the floor.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, today I rise in support of the Bumpers amendment because I consider it imperative to do more than just search for ways to reduce Government spending.

I believe that if there exists a Government program designed to create jobs and industry and further our knowledge of technology, it must also be economical and sensible within the given framework of the budget.

The superconducting super collider, however, has been plagued by countless delays since its inception, and has wasted absurd amounts of precious dollars.

Today the Government cannot afford to keep throwing money at programs that perhaps look attractive on paper, but never reach their planned objectives; these are no longer the 1980's.

The days of star wars are gone.

The 1990's must be a decade in which the deficit is reduced and mindless funding for spendthrift programs is curbed.

The superconducting super collider is such a program.

Now, spendthrift is a description which should not be taken lightly; so let us define our terms.

I think the great majority of my distinguished colleagues would agree that, in context, spendthrift could mean any number of things: Costly; excessive; even wasteful.

The word seems to characterize the purchase of something that is unneeded, or not worth buying.

Mr. President, the Department of Energy's original plan for the super collider projected a cost of $4.375 billion, and promised completion by 1996.

The best cost estimate today has been increased by over $8 to $13 billion, with completion postponed until 2002. Considering these estimates, is the superconducting super collider still worth buying?

Here, I must question what the opportunity cost would be for proceeding with this project. What are we giving up—sacrificing—in return for the money drain the superconducting super collider has seemingly created? Dollars that could be injected into the economy, stimulating small businesses, and facilitating new jobs to replace others, are disappearing. In my view, the superconducting super collider money could be better spent on fighting the increasing crime problem in this country, expanding the capabilities for police forces in cities that need them most.

Instead, too many dollars are being expended on a program that is eating up scarce Federal resources. We can no longer afford such excesses, and hopefully, we will not.

Mr. President, former energy Secretary James Watkins declared, "If the superconducting super collider costs a dime more than $5 billion, we shouldn't build it." Well, it appears that the superconducting super collider will indeed cost a few more dimes than $5 billion dollars.

The latest official Energy Department cost estimate is $8.3 billion; yet, the Department's inspector general found that 40 percent of the $508 million in the project's contracts between 1989 and 1992 were unnecessary and excessive costs.

My esteemed colleagues, that is $216 million which the Department admits was carelessly misspent. Where did this money go? Could we possibly term this spendthrift?

Mr. President, the superconducting super collider's excessive costs add up to a sizable percentage of taxpayer's paychecks being thrown into the fireplace. All of this, remember, within a program that supposedly— someday— will be important to science and will create jobs and expand technology.

The delays which have already occurred in the super collider construction, as well as the cost overruns I have just mentioned, do not bode well for it as a new opportunity for jobs and industry. It appears to be merely another wasteful Government program, albeit one with a commendable promise.

Mr. President, our Nation's economic crisis and the problems the superconducting super collider project is encountering have convinced me that we simply cannot afford to continue it. The tax burden this project alone has levied on the people of Arizona, for example, is over $160 million. Who will gain from the superconducting super collider?

The average taxpaying civilian with a 9-to-5 job? Assuredly, each of us as citizens of the United States wish to see progress continue in the field of science. Further, the close relationship the super collider has between the commercial and private sectors certainly appears very promising to many in both communities. But how much can we afford to pay to make it work? How much further do we have to travel? And how much more money and time must be spent for it to culminate into its potential?

Everyone in America is going to have to do his or her part to assist in gaining control of the ballooning Federal deficit and to help our economy out of its current—yet temporary—plight. I believe it is one of our primary responsibilities, as representatives of our constitutents, to kill or delay any legislation that would misspend more tax dollars.

I have done my part by cosponsoring the Bumpers amendment which would kill the superconducting super collider project.

The superconducting super collider will cost an estimated $13 billion. The Bumpers amendment would stop the bleeding.

The money we save by killing the superconducting super collider can be used for creation of real jobs and real industry, not just potential jobs and the promise of future technology.

Mr. President, all of us have a great opportunity to reduce unnecessary spending by supporting the Bumpers amendment, and I urge my colleagues to support it.

It is time to pay the piper.

Mr. President, I yield the floor.

CHAPTER III OF "SAVE YOUR JOB, SAVE YOUR COUNTRY"

Mr. BAUCUS. Mr. President, this is the third in a series of speeches which, together, make up an extended review of Ross Perot's book, "Save Your Job, Save Your Country."

Yesterday, I talked about chapter II, and the day before, chapter I. Today, when I speak of chapter III, I realize that it is really an extended platitude, hung about with flashy but irrelevant numerical ornaments. It is called "American Jobs Matter," and it explains why jobs, in particular manufacturing jobs, are good for people who have them.

I wholeheartedly agree, and there is no one in this Chamber who disagrees. We all agree, and we all, throughout our careers, have tried to preserve and create manufacturing jobs. In fact, Mr. Perot is unlikely to find many people in the country who would disagree on that point.

But what this chapter fails to do is make the case that NAFTA will cost us any more manufacturing jobs than our present one-way free trade agreement with Mexico. The vast majority of economists agree that NAFTA will create a net gain in jobs in the United States.

For example, today, 30 percent of Mexico's exports to the United States are already duty free. That includes all of the manufactured goods coming out of the maquiladora plants. Our average American tariff on Mexican goods coming into the United States is less than 4 percent. By contrast, Mexico's tariff on American goods average 10 percent—2½ times higher. Mexico also has an array of other trade barriers, while we have virtually none.

That is, Mexico has import licensing schemes and has tremendously complicated arrangements which are very restrictive and protective. We in America do not have any. It is clear that we have a one-way free trade agreement today, and it is clear that NAFTA will convert that into a two-way agreement to benefit the United States. That means more jobs for Americans in the manufacturing industries—automobiles, high technology, capital goods, specialty steel, wood products, and many more. Nowhere does chapter III refute that.

It opens by recounting the decision of the Sunstrand Co. of Rockford, IL, to move part of its operation to Nuevo Loredo in Mexico 5 years ago. It tells the genuinely sad story of a woman who lost her job shortly afterward. But if you read closely, the loss of her job seems to have nothing to do with the move to Nuevo Loredo. Rather, she was laid off after Sunstrand sold her plant to a Wisconsin-based firm.

But perhaps the anecdote is just poorly written. Perhaps she did lose her job because of the move. If it does, it shows the fundamental weakness of Perot's case on manufacturing jobs.

WHY DO COMPANIES MOVE?

If all a company cares about is wages, it can move today. That is just what the Sundstrand company did,—before anyone had any idea there would be a NAFTA.

Perot goes on, throughout chapter III, in attempts to show that free trade with Mexico will move jobs out of the United States.

But every statistic he cites proves a different point: companies have moved before, can move today, and will keep moving whether or not we pass the NAFTA. Here are some examples from the book:

> 129 American apparel companies operate 222 factories in Mexico and employ 30,000 workers.
>
> In the 1970's, most jobs in the U.S. consumer electronics industry moved to Asia and Mexico.

There is no breakdown as to how much to Asia and how much to Mexico.

> The International Brotherhood of Electrical Workers reports that between 1985 and 1990 more than 25,000 of its members jobs moved to Mexico.

This all happened without NAFTA. It happened before Carlos Salinas or George Bush took office, much less Bill Clinton.

And think a little bit more. One of the reasons a union job might go south without NAFTA is that Mexico was not enforcing its minimum wage, child labor, workplace health and safety and laws. The NAFTA labor side agreement lets us impose trade sanctions on companies which do not obey those laws. Without NAFTA, there is not a thing we can do about it.

In chapter III, Mr. Perot wants to show that jobs will go south after NAFTA. But his statistics all show that jobs went south before NAFTA.

And if the experience of these companies is anything like that of Quality Coils, Inc., a lot of them made a bad move. Quality Coils moved a Connecticut plant to Juarez in 1989. And how is it doing today? After learning about productivity, transport costs, absenteeism and long-distance management, it is back in Connecticut. The CEO says "I can hire one person in Connecticut for what three were doing in Juarez."

The Haworth Co. of Holland, MI, had a little more foresight. They calculated, and found that they can produce furniture 25 percent more cheaply in Michigan than in Mexico. They stayed.

McIlhenny, the company that makes Tabasco sauce, pulled out of Mexico City in 1989 to enlarge its Louisiana operation, since it can bottle Tabasco four times as quickly here in America.

General Motors recently announced plans to shift auto production from northern Mexico to Lansing, MI. Apparently GM has read the previously referenced OTA study on automobile production costs that Mr. Perot so blithely ignores.

As an article on the front page of today's Washington Post indicated today, many, many businesses have found that the advantage of lower wages in Mexico is more than outweighed by other problems—poor infrastructure, absenteeism, et cetera. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ON CLOSER LOOK, FIRMS SEE LESS TO MEXICO

(By Tod Robberson)

MEXICO CITY.—As Mexico's low wages emerge as a major issue in the debate over the North American Free Trade Agreement, U.S. businessmen and Mexican officials here are arguing that problems of infrastructure and a range of other economic factors make Mexican labor far less of a bargain than it first appears.

Mexico's highway system is falling apart; its railroads are dangerously decrepit; bureaucratic hassles and corruption abound; the phone system doesn't work; and Mexican labor can be unreliable, U.S. executives here say. When the scores of risks and drawbacks are included in the equation, they say, many companies will realize they are better off staying in the United States.

Some large and mid-sized U.S. companies, including General Motors, already are finding that Mexico is not the cost-effective manufacturing venue it used to be.

For example, GM decided this summer to shift production of the 1995 Chevrolet Cavalier from a plant in northern Mexico to Lansing, Mich., because, said spokeswoman Nicole Solomon, "It's not just wages, but the entire calculation."

Mustafa Mohatarem, chief economist for GM, said in a telephone interview that the lower wages paid to Mexican auto workers were not enough to offset other relatively higher costs of doing business here. "Transportation costs, potential delays at the border and . . . higher inventory storage costs in Mexico" contributed to the move back to Lansing, Mohatarem said.

For more than 20 years, Louisiana-based McIlhenny Co., maker of Tabasco hot sauce, produced and packaged products in Mexico for sale here. But in 1989 the company decided that U.S.-based production would be more cost effective.

"Cheap labor had no effect on our decision," said the company's vice president, Paul McIlhenny. Rather, after calculating prices for raw materials and other production costs, "we decided Mexico just could not compete with our operation" in Louisiana.

In large part, business executives who are speaking out on Mexico's problems hope to counter the well-publicized assertions of billionaire Ross Perot that American jobs would hemorrhage southward under the NAFTA treaty—which would break down trade barriers among the United States, Mexico and Canada, creating a free-trade area of some 360 million consumers. Although President Carlos Salinas de Gortari has engineered economic reforms and radically improved the country's business climate, they say, Mexico has many problems to solve before it can live up to the image Perot has tried to give it.

"It's astounding to me that the United States fear us," said Claudio X. Gonzalez, director general of Kimberly Clark of Mexico and Salinas's adviser on foreign investment. "We're the smallest, least-developed economy of the three [NAFTA signatories]. We're the weaker partner in this whole equation. How are we a threat?

Mexico's infrastructure problems continue to be a major deterrent for American manufacturing companies that use modern "just-in-time" production schedules to reduce inventories and keep storage costs down.

Unanticipated delays, a daily aspect of life in Mexico, can scramble delivery schedules, said Steve Knaebel, president of Cummins Engine Co. of Mexico. "It's the unpredictability of the place," he said. "You never know when or where the problems will arise."

Knaebel estimated that each time he uses the telephone for a simple business call, for example, it takes three or four attempts before the call is completed. "This is the main tool I use for managing my business," he said, "and I can't even be sure if I'm going to get a line out."

He said Mexico's highway system is so dilapidated that truck transportation can take 30 to 40 percent longer here than in the United States, with 60 percent higher fuel costs adding to the bill. A new system of better-quality toll roads has improved some routes, but the cost is widely regarded as prohibitive for commercial traffic.

Railroads are hardly an attractive alternative, said Juan Manuel Correa, general director of Union Pacific of Mexico. "Overall, the system is obsolete. The technology has largely not been updated for 40 years," he said.

"They still send some of their traffic signals by telegraph—while the rest of the world is in the age of fax machines," Correa said, noting that Mexico's state-owned railroad company still employs 200 telegraph operators. "There is no way this system could be competitive with industrialized countries."

A spokesman for the national railroad company, Ferrocarriles Nacionales de Mexico, acknowledged that a freight train operating in the 1930s, when the system was nationalized, had a faster average speed than do Mexican trains today.

Correa said business confidence in the railroads is so low that the system accounts for barely 12 percent of Mexico's cargo transportation, "whereas it should make up 19 to 25 percent."

Correa also challenged Perot's assertion that low-cost Mexican labor necessarily makes up for Mexico's deficiencies.

Productivity per worker is a fraction of that in the United States, he said, noting that although the Mexican railroad has pared its staff from 80,000 to 60,000 employees, "they still only need 12,000 to 15,000 to do the job. In the United States, Union Pacific can do the same work with one person that it takes 17 to do in Mexico."

"Labor looks cheap up front, but the total cost can be very high," said a financial analyst at a major Mexican bank. "You're not saving money if it takes two or three times before you can get a job done right."

Bringing Mexicans up to American levels of quality and productivity carries a high price, and there is no guarantee that a trained employee will stay with a company once it has given him a marketable skill, said Ron E. Shaver, an operations manager of Hughes Aircraft Co.

In 1989, Shaver explained, Hughes transferred some of its U.S.-based microelectronics work to a Tijuana *maquiladora*—a plant where materials are imported from United States, assembled with cheap Mexican labor, then shipped back north for sale. But it took years of training before the plant began consistently producing microcircuits at an acceptable quality level.

Cummins Engine's Knaebel noted that although Mexico's minimum wage is less than $5 per day, other government-mandated benefits and adjustments can make the price tag five to six times higher.

By law, companies in Mexico must distribute 10 percent of pre-tax profits to their employees and pay an extra half-month's salary at the end of the year. In addition, they must pay 150 percent vacation bonuses, and 2 percent of their annual payroll must be contributed to an employee pension fund. Company-paid benefits for fired employees and salary demands by labor unions boost the base figure even higher.

"By the time you add all that up, we ended up paying our plant employees an average of $5 per hour in 1992. and that was market average," Knaebel said.

Unless a company deals with highly labor-intensive, piecework production, such as garment manufacture, cheap labor alone would not be an adequate incentive to move manufacturing operations here, McIlhenny said. "The exodus [of piece-work manufacturing from the United States] took place years ago. Those jobs were gone even before they started talking about NAFTA. So where is Ross Perot's argument?"

"So why come here? What's the offset?" he asked. "I think it's a market that presents all kinds of opportunities for development and growth. It's a country starved for quality and services. That's where we come in."

PEROT'S ANSWER: THE STATUS QUO

Mr. BAUCUS. Mr. Perot's analysis of the problem is bad enough. But his remedy is really a stunner. Here is a quote from the next-to-last page of chapter III:

> With the decline in U.S. manufacturing, the country is increasingly unable to provide good entry-level jobs for its youth. In 1980, for instance, 18 percent of 18-to-24 year old men earned less than $12,000 a year * * * young women, who started out in a worse position than their male peers, suffered similar declines in earnings. * * * The New York metropolitan area lost 725,000 manufacturing jobs in the past two decades.

These statistics are all misleading. But that really is beside the point. Assuming it was all true, what is Mr. Perot's response to this litany of misery and woe? Keep the status quo. That is what he says do not expand the market. Do just what we did while all these jobs went down the drain.

That is his solution is do nothing about the problem, keep the status quo, let the problems continue.

NAFTA WILL CREATE JOBS

Finally, at the end of the chapter, Mr. Perot adds an outright falsehood to his pile of red herrings and straw men. He says, flat out, "Even the strongest NAFTA supporters now admit that the agreement will cost U.S. jobs."

If you read the statement, what he really means is even on a net basis, even the stronger NAFTA supporters now admit the agreement will cost jobs on a net basis.

Perhaps Mr. Perot means that even advocates admit some jobs will be lost in some sectors—which is true. But far more jobs will be created than are lost. On balance the United States will gain tens of thousands of jobs. I know of nobody in Congress or the administration who supports the NAFTA while saying at the same time that it will on-balance cost the U.S. jobs. No one.

Every reliable study, every serious economist, every economic Nobel Prize winner, every trade and economic official who has looked at this agreement says the United States will gain jobs according to the International Trade Commission, a net of at least 95,000.

Mr. Perot must know that. And anyone who needs a reason to doubt any other sentence in his book need only look at this one. It is paragraph 3, page 37.

Like many Americans, I admired Mr. Perot for his exposition of the budget deficit—debt tangle that America is in. I think his analysis helped us take serious action on the deficit earlier this year. But the credibility he gained in that mighty effort is rapidly being eclipsed by the mixture of half-truths and misrepresentations he is showering on the NAFTA. Mr. Perot may have helped bring light and honesty to the budget debate. But he is bringing just the opposite to the trade debate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. KERREY. Mr. President, I come to speak in support of the superconducting super collider. Before I do I would like to comment on the statement of the distinguished Senator from Montana.

I have not made a final decision on NAFTA. I am inclined to support it. I am concerned with sugar. But I suspect, given what the Senator from Montana just said he worked out in wheat, we will be able to work out the problems relating to sugar as well. Then I will be able to clearly stand and say, as the distinguished Senator has just done, that the North American Free-Trade Agreement has side agreements on the environment, side agreements that will improve the quality of working conditions in Mexico.

We stand on the threshold of being able to say over the course of the next 25 years that we will, instead of moving into a morass where our number one concern is immigration and cocaine, 25 years from now we will look South and see a border where there is opportunity instead of problems.

So I am very grateful the distinguished Senator has taken the time to go through the book that Mr. Perot has put together because, in fact, many people have reached the wrong conclusion. They fear NAFTA is gong to hurt them. They fear particularly that NAFTA will cost them their jobs. So I am really very grateful.

I hope more Americans than usual are watching this evening and heard the words of the distinguished Senator from Montana because they are extremely constructive in this debate and a very, very important foundation for people making the decision whether or not they support this treaty.

Mr. President, speaking of jobs, there is very little doubt today in America that it is the number one issue. It is the number one thing, at least, that I hear in Nebraska. We have unemployment that is approximately 3 percent. It is a thing the people are worried about.

They are fearful they are going to lose their jobs. They are fearful of the consequences of automation in both services and manufacturing. They are fearful of the result of competition. They are fearful as a consequence of movement to temporary and part-time contract help. They are fearful as a result of demand-driven downsizing, not the least of which occurs as a result of our reduction in spending here in Washington on defense that has produced significant hardships in aerospace and has produced unemployment in California and other States that are heavily dependent on aerospace. People are afraid tomorrow they may lose their job.

It is possibly the reason that the President has emphasized security when talking about health care, saying that we are going to provide security for all Americans. We are going to give every American a card so they can feel secure.

Mr. President, as I said last week when I talked about this idea that I support, all we will provide Americans when we give them a card is the security that they are eligible for health care, Mr. President. So they are afraid that they are going to lose eligibility, and that because of the insurance company or the business, or some unforeseen circumstance, they will lose their health insurance.

Eligibility does not mean that the card will entitle them to high quality health care. High quality health care will come to the people of the United States of America only as a consequence of our ability to continue to generate wealth and income. I emphasize that, Mr. President. It is the private sector's ability to generate jobs and wealth that will determine whether or not Americans feel secure on the job, whether or not Americans feel secure abut the possibility of being able to hold on to high quality health care. There is nothing the Federal Government can do with legislation to secure high quality health care when reforming our health care system. We can secure the right of eligibility, but it is our ability to generate private sector jobs and wealth that will determine whether or not we get high quality care.

Mr. President, most people who have examined the problems of job growth in America identify the deficit as one of the principal culprits. The United States of America, the Federal Government, is extracting about 5 percent of the gross domestic product today in order to fund expenditures at the Federal level that are going to people in all kinds of ways—appropriations items, such as the one that the distinguished Senator from Arkansas is proposing to delete, mandatory programs that go out in the form of checks—all sorts of expenditures that are being made.

We do not collect tax revenue to pay all those bills. Instead, we collect tax revenue and then we borrow an additional $300 billion or so. And that borrowing soaks up about half of the available savings in the United States of America, some $300 billion worth every single year, which makes it difficult for the private sector to create jobs, makes it difficult for businesses to invest in plant and equipment and keep that modernization going so that we are competitive.

Everybody who looks at the problem says, Mr. President, that one of the reasons that Americans feel insecure and tend to oppose the North American Free-Trade Agreement is not because the 4 percent of the United States economy that is going into Mexico is a threat to their job, but, instead, the threat to their job is that the Federal Government is extracting 5 percent of the gross domestic product and nearly half of all available savings.

We had a very controversial vote in August to try to reduce that deficit. Many converted the argument and said, "All we are doing is raising taxes."

Mr. President, that is not true. That is not true. In fact, this very argument that we are having today, as I will try to point out later, illustrates that point.

We put real spending caps in place. We do have mandatory program constraints, as well, not as much as I would like, frankly—which is a point I will make later—but, in fact, this deficit in 1997, instead of consuming 5 percent of GDP and half of savings, will consume about half of that amount. Not as much as I would like. Certainly, I would like to be able to say that we are confident that we are going to be able to get to the point of having a surplus, of paying off debt. I believe it is most people's goal in the U.S. Senate that we do that.

But make no mistake about it, we took action, we took serious action that will result in the deficit of the United States of America being significantly smaller, half of the percent of GDP as what it would have been without our action.

I have heard some come to the floor, Mr. President, and say, "Well, failure to vote for this amendment indicates that Congress does not have the will to exert restraint."

Well, I reject that entirely. I reject it entirely. I think it is very misleading to say that, extremely misleading.

Because the facts are, when we have to come to the floor of this Senate and vote for an appropriation, we control the spending. But when we do not have to come to the floor to vote, we do not control the spending. In fact, we never even debate it.

To make my point, I will not insert this entire document in the RECORD, for those watching, it is late now, this is a document produced by the Congressional Budget Office. It is an economic budget outlook update. It talks about the budget outlook estimate from 1993 all the way through the year 2003. It is a very interesting presentation.

Again, it has to do with the idea that somehow this Senate does not exert restraint when it comes to appropriations; that if you vote against this amendment, you do not have the capacity to control spending. That just is not true.

In 1993, the year that will end on Friday of this week, we will have spent, in real terms, $547 billion. In the fiscal year that begins on Saturday, Mr. President, on all those things that we have to vote for on this floor, we will spend $542 billion—$5 billion less in real dollars.

Now, the fact is, when we vote, we exercise restraint. The dreadful truth of the matter is that by 1997 the amount of money we are spending in real dollars is going to be exactly the same—$547 billion.

Now I know there are a lot of people that look at the appropriations and they assume that every single dollar we spend is pork. Well, I am not here to tell you there is not a lot of pork in these appropriations. I voted against lots of things I would like to see stricken because I could, in fact, make no scientific or economic rationale for it. But, make no mistake about it, at least these appropriations create jobs.

Now, it is easy enough for editorial page writers or perhaps even people in Congress whose jobs are relatively secure to pooh-pooh that fact. But, at least, Mr. President, they do create jobs.

I am here today to support this project, in spite of the fact that it does not create jobs in Nebraska, because I believe it makes scientific sense, that it is an exciting part of this Nation's effort to explore the unknown.

But I am here to make another point, Mr. President. It is in this book that CBO has put out, an item that we will not debate on this floor, except that I hope that when the rescission bill is presented by the President that there will be enough of us interested in debating it that we will have an opportunity to offer an amendment on that.

It shows the mandatory spending programs—those things that are in law, so we do not appropriate them. They are authorized and they are off the radar screen and we do not come to this floor very often to debate them.

We spent $764 billion, Mr. President, in 1993. In 1994, we are going to spend $808 billion. That is a $44 billion increase—$44 billion.

If you subtract the increase in the deposit insurance that is there for the savings and loans, the fact of the matter is that almost every single dollar of spending increases in our budget year-to-year is in the mandatory programs and there is a real decline in the appropriated items.

I urge my colleagues not to stand on this floor and say that those who vote against this amendment are demonstrating that this Senate cannot exert its will when it comes to spending cuts.

Yes, I think our discretionary spending can come down more. I voted for other cuts, and I will vote for additional cuts.

But, Mr. President, when we vote on them, we exercise discipline, and when we do not, we exercise none.

If you look at the trends in the mandatory spending programs in this presentation, Mr. President, you can reach no other conclusion from what is going on with mandatory programs, essentially transfer payments that are made in some cases to very needy people, but in some cases to not very needy people.

I am here to tell my colleagues, and anybody else who cares about these things, that, as a consequence of being disabled in the war in Vietnam, the Government of the United States of America sends me $18,000 a year. In 1969, I needed that money. It was a lot less in 1969, because it has been adjusted with the COLA since 1972.

Mr. President, maybe some need that money.

But, even before I got in the Senate, even before I came in here and got the big bucks that I now earn, my income was in excess of $200,000 a year.

Mr. President, I cannot make a case that I need that money today. And yet the Government—the taxpayers—sends it to me.

Do you know what we are doing, Mr. President, with this budget? We are taking money from people who are working—in some cases, destroying their jobs when we do deficit reduction—so that we can send a check to people that really do not need it.

Now, maybe this Congress does not have the will to knock off a few additional items in appropriations. But, Mr. President, unless we have the will to do something about these mandatory spending programs, we are not going to have the money to invest in roads, in housing, in education, in job training, in these kinds of projects that do, in fact, make scientific sense.

Mr. President, I believe we are setting ourselves up when we go through these amendments, some of which have great merit. Perhaps the Senator from Arkansas will carry this amendment. I voted with him on the space station. I voted with him on ASRM, and may again some other amendments that he is likely to offer.

Mr. President, when they make good scientific sense, as this one does, in my judgment—and I have talked to the scientists that are involved in this particular project. Even though there is not a nickel spent in Nebraska, I have talked to scientists on this particular project and I am excited about what they are doing. I am excited about the potentials for engineering advances, as well. I am excited about what this Nation is doing with the superconducting super collider.

I felt no such excitement with the space station, and I voted "no." But with this one, Mr. President, we are moving into an area of the unknown that is likely to provide us with advances in science, it is likely to provide us technological advances that will allow us, as well, not just to remain competitive, but to create those high-paying jobs that everybody talks about.

Again, I have to say, I have heard a lot of people say it, and I read it all the time. It is one of those things you read. You get some editorial page writer who writes a column. He will call this pork barrel. The only reason it is there is because it is creating jobs.

I am not going to vote for anything just because it creates jobs. Never would I vote for something just because it is creating jobs. But we are making it difficult to make expenditures on those things that will not only create jobs but enhance our competitive position and give our people a sense that in fact their standard of living, their wages are going up; that they will have the ability to be able to afford high-quality health care; that we can be competitive with the nation of Mexico.

We are not going to be able to do any of that unless we get our arms around these mandatory spending programs that are going to be debated very little. The Republicans will come to the floor during the appropriations cycle and they will offer their amendments to cut the Community Development Block Grant, to cut the Corporation for Public Broadcasting, to cut all sorts of other things. We will come and offer our amendments and in fact some of them will stick, some of them in fact will be agreed to. And the public will be out there saying, "Can Congress not make any reductions?"

The public needs to know, when it comes to items that we have to stand and justify and appropriate out in the open, we are getting the job done not too badly. But when it comes to mandated programs, authorized money flows out with no debate at all.

I hope this amendment is defeated. I hope we build the superconducting super collider, complete it 10 years from now, and I believe as sure as I know anything that 10 years from now we will be glad we stayed the course. We will be glad we did not, 3 or 4 years into this thing, cut it off.

I see the charts of escalating costs. If we cut programs off because they escalate in cost, we would end the end-stage renal disease program today, we would end Medicare, we would end Medicaid, we would end almost every single program that we have.

When you start a big science engineering project like this, all of us who have built houses understand and know there are apt to be cost overruns. I believe this is a worthy project, but I am terribly concerned that for the sake of jobs in America all we are going to do in this entire cycle of appropriations is come down, score some points, and try to put the word out we really care about deficit reduction. But when it comes time to face those mandatory programs dead in the eye, we are going to say there is nothing that can be done about it.

Let me give a tough fact on mandatory programs. A lot of people out there assume that the mandatory programs are programs just for needy Americans. As I said, in most cases they are. It is remarkable what Social Security and Medicare and Medicaid have done. But, first of all, mandatory programs are not a problem we are going to be able to blame on the rich since 99 percent of the program expenditures go for households with incomes under $200,000 a year. Almost half of those expenditures go to households with incomes between $30,000 and $200,000 a year.

In many cases, those income transfers are justified, and I am not going to take money away from anybody who absolutely needs it. But what we are doing is transferring increasing amounts of money because we are afraid to come to people and say you have to take a little bit less. And we are cannibalizing, as a consequence, needed private sector investment and needed public sector investment. Those are the things that will give our people confidence that we are creating jobs in this country, providing them the security I think they are increasingly asking for in an economy that is so competitive today that everyone out there in the marketplace is concerned.

I appreciate very much and follow the leadership of the distinguished Senator from Arkansas on many occasions. I cannot on this occasion. I believe this project makes scientific sense. I hope, in fact, we send a strong message to the House that they made a mistake by deleting it, and that the conference restores it because I believe we will be proud of the accomplishment if we do.

I yield the floor.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Arkansas.

Mr. BUMPERS. Mr. President I will be brief. But before the Senator from Nebraska leaves the floor, I would like to make one observation for his edification.

He is a very thoughtful Senator, a very intelligent Senator, and I know his decisions about the superconducting super collider were not entered into lightly. But it seems to me, completely aside from the cost of the superconducting super collider, which is escalating out of control, we ought to rely on somebody. I am not a physicist. The Senator from Nebraska is not a physicist. The Senator from Louisiana is not a physicist. I am not a scientist nor are they.

I have to confess to my colleague, in making this statement, that spending this amount of money to find the Higgs Boson is to me an outrageous waste of money, because I think even if you find it you are still light years away from finding the origin of matter. And I do not know what you get when you find the origin of matter, for that matter.

But we talked a little this afternoon, and now I have the poll here. Sigma Xi, which is a scientific research society—it has been considered the honor society in America since 1886, it has 115,000 members, scientists—they sent out 10,000 questionnaires to selected members of that organization. They asked them to rank a series of scientific projects in one, two, and three. Which of these would you rank first, second, and third? Of a list of about 10 things you only got to pick three.

They got a response of 3,300 out of 10,000. It could be statistically skewed because of the 10,000 questionnaires they sent out to their membership they only got 3,300 answers. But do you want to know how many of those 3,300 who answered ranked the superconducting super collider first?

Here was the question:

> In the following question, please rank your first three choices with one representing your first choice for use of funds, two representing your second choice, and three your third choice.

I think the three best uses of public funds for scientific research are, of the 3,300 who answered that, 2 percent ranked the superconducting super collider as their choice.

Then there is this question about the so-called grand unification theory. We have been led to believe that we are looking for the ultimate particle of matter.

Senator BYRD very wisely the other day said, "What is that all about?"

I said, "We are trying to find the origin of matter."

He said, "You can find that in first Genesis."

That would be a Biblical answer.

But my point is, here is a quote from Dr. Sheldon Glashow, Nobel laureate. We should not ignore these people. The Senator from Louisiana has three or four Nobel laureates on his side and I have about they many of my side. But here is what he said:

> Not even the superconducting super collider nor its successors will approach the ultimate quest of the origin of the universe. To recreate the temperature of the universe at its birth we would need an accelerator light years in size. That does not mean, however, that we cannot even learn the nature of the infinite universe. We have a tool that is surely up to the task: The human brain.
>
> In the scheme of things, the SSC provides only a tiny step toward the grand unification theory.

Those are scientific arguments and they are not the reason I oppose it, though that is sufficient justification for me. The Senator from Nebraska said he has been with me, and he has indeed, on other amendments. He supported me last week on the space station.

The Senator, by doing that, did not just vote to cut the $2.1 billion for 1993, because as my colleagues know the space station has not even gotten going yet. It is going to cost over $100 billion to build.

When you compound the interest of the space station's ultimate cost of $100 billion at 4.5 percent, if we had voted to kill the space station, we would be voting over the next 35 years, counting interest on the cost, to save $216 billion.

We refused to do that on a vote of 59 to 40. The other night on the National Endowment for Democracy—a small thing—I tried to torpedo that; $35 million, peanuts around here. We hardly will stop to talk to somebody about $35 million. I lost that one by 23 to 74. Senators on both sides rejected the idea of killing that.

But you see, even that, when you consider how much we save and how much money we would not have to borrow at 4.5 percent, even that, on a 35-year cost basis, is $2.2 billion.

Now, the other day, I offered an amendment to kill the advanced solid rocket motor. It was not just $300 million in 1994 that I was trying to kill. It was $4 billion I was trying to save; $2 billion immediately and $2 billion in interest. The point could never be made enough that every dime we spend on these things is borrowed money which we will pay interest on forever. I computed it at 35 years. But we are going to be paying interest forever on these debts we incur.

So here, Mr. President, we had a chance to save $216 billion with the space station. We had a chance to save $4 billion on the advanced solid rocket motor, which NASA does not even want and which should never be built; we had a chance to save $2.2 billion on the little old National Endowment for Democracy. And now we have a chance not to save $500 million for next year on the super collider, because we know it is going to cost a lot more than that, but just assume—just assume—that it is $11 billion to $13 billion, which everybody knows it is going to cost close to $20 billion. It has tripled in cost in 8 years, so we know it is going to triple probably again in the next 10, but just a conservative estimate. You are not voting to cut $500 million from 1994; you are voting to cut $39 billion over the next 35 years, counting interest on the money.

If we reject this amendment, Mr. President, the Senate in 2 week's time will have chosen not to save $260 billion. I have other amendments coming, all of which total, over a 35-year period, $683 billion. I daresay, too, we have prevailed by cutting SDI by $400 million; not $1.8 billion, but $400 million. We should have cut another billion off it. So far, that is the only thing Senator SASSER and I have succeeded in getting this body to cut.

So when it is all said and done, we are probably going to lose on every one of those amendments, and we are going to say to the American people: "We turned down the opportunity to save $683.2 billion."

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. BUMPERS. Yes.

Mr. JOHNSTON. I had been with the Senator, as you know, on other amendments.

Mr. BUMPERS. I wish you were as eloquent on this as you were on the SDI the other night.

Mr. JOHNSTON. We particularly fought a good fight together on SDI, something I have been working on for a long time. But in the interest of absolute candor, and most of our colleagues have gone, so I think you can be candid at this point, would you not at least admit, of those projects, the SSC is the best?

Mr. BUMPERS. Mr. President, I am going to make a candid confession to you, and it is not so candid because I said it before. I know physicists would like to find the so-called Higgs Boson. If we are going to spend the money, I hope they find it. I do not think they will, but I hope they do.

If I had to choose between all of these dollars, that would just be the worst choice I would ever have to make. But I will say, between the collider and the space station, I had rather kill the space station because I know it has no paycheck and, second, because it costs so much more money.

I respect the Senator's opinion, but I can tell you that these things I consider so utterly worthless to humankind in this country and to our future. You know our problem. Our problem is that we spend money on the wrong things. It is just a case of mispriorities, and this is a classic case in point.

But let me close. I know everybody wants to fold up their tent and go home. I want to respond to a couple of things. I do not know whether we will prevail or not. It will be awfully close. I know that the politics of the issue is spending. The people in my State write me constantly, as they did during the budget resolution, as they did during the reconciliation bill, the so-called deficit reduction package. They wrote to me in great numbers, by the thousands, and said: "Cut spending." I said: "We're going to. I believe the mood of the Congress is set. I believe the spending cut fervor here is such that we are going to cut billions."

The people on that side of the aisle wore buttons: "It's spending, stupid." Other buttons said: "Cut spending first." And I understood that. The American people did not buy it. They said: "Yeah, you are telling us you are going to cut; but when the time comes, you will not do it."

I have seen the American people make some mistakes, but I do not quarrel with them because most of the time you give them the facts, and they are right.

One time Harry Truman told me—in a defining moment in my life, I told him I did not enjoy being Governor. Senator KERREY was also a Governor. I did not enjoy it very much, and I told him I did not like it. I had only been Governor 2 or 3 months. A country lawyer, thrown into the capital, the Governor's mansion, and all that.

He said: "Son, the best way to learn to like that job is to tell people the truth. How can you expect the American people to make correct decisions when there is somebody sitting in the Oval Office lying to them?" That happened to be Richard Nixon, and I do not have to tell this body what he thought of Richard Nixon.

You may disagree with the American people, but invariably if you give the American people the facts, they will make a right decision.

Mr. President, this sounds arrogant, and I am reluctant to say it, but if you were debating the SSC before the American people and they were the jury and they were going to cast a vote, the super collider would get about 15 percent of the votes. No more than 15 percent.

So they do not really understand, I guess, the arcane workings of the Senate. The House killed these things. They killed the National Endowment for Democracy. They killed the advanced solid rocket motor. They killed this one 379 to 43, and we resurrect it. We pass it. They killed this sucker. They killed the super collider by 130 votes, and we are going to resurrect it; and they are going to go to conference and come back here with a whole $600 million on it. The House kills them, and we resurrect them.

They have over 100 new Members over there. They came in committed to cut spending, and they are keeping their commitment. We committed 45 days ago during the reconciliation debate that we were going to cut spending. But how our memories have faded since then. We forget about those solemn commitments we made to the American people.

This afternoon, I heard the senior Senator from Texas talk about: You do not know that this money saved is going to go for deficit reduction. That is true. I want it to. But I will tell you, last week when we did the space station, to take away the argument of the Senator from Texas, I put a provision in saying it could only be used for deficit reduction. I lost one vote. One Senator said: "I am not going to vote for it because you have it in there that it has to go for deficit reduction." Both Senators from Texas have raised that issue today.

But when I had it in for deficit reduction on the space station, they voted against it. So I took it out. I thought: Good Lord, if they are not going to vote with me for putting it in there, why put it in and lose that Senator's vote again? So we did not put it in this one, to make sure it went for deficit reduction, though everybody here wants it to go to deficit reduction.

So this afternoon, because I did not have it in there, they raised that same old question: Why, you do not even know if this is going to deficit reduction. So I asked the junior Senator from Texas, I said: "I am thinking of offering a second-degree amendment so that it can only be used for deficit reduction. Can I count on your vote if I do that?" You know the rest of that story, do you not?

This is the biggest slab of pork ever to come out of this body for the State of Texas. One Senator said the other day, "It is welfare for Texas with the space station, the collider, and free enterprise for the rest of us." I have nothing against Texas; I love their Governor. I can tell you one thing, she has been the most effective person lobbying for this thing I have ever seen. She is a worthy adversary.

Mr. President, I will close by just saying I have done my best on this.

I really believe that there are people in this body who strongly believe they are doing the right thing by voting for the super collider. But I think there are not enough to pass it. I think a lot of people are going to vote for the super collider because of reasons other than merit. That is a real tragedy.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

Mr. WARNER. Mr. President, will the Senator just yield for one observation and a question. First, I urge the Senator to go back. I followed his remarks very carefully, and he was talking about a President who lied and then the record might indicate the Senator turned to the present incumbent of the White House, which I know the Senator did not intend to do, because I am certain that President Clinton has not in any way distorted the truth on this issue. I think maybe he has received some very bad advice to the limited extent there has been any endorsement by the White House.

Mr. BUMPERS. Let me clarify what I said a moment ago. I said that on the floor before, but this was in 1971. I had just been elected Governor, and I went to Kansas City to deliver the annual Truman Day dinner address. I first refused it. They said, "If you will go, we will let you spend an hour with President Truman"—President Truman, whom I deplored as a young undergraduate because I did not think he had a good speaking voice and I did not like the Vaseline he used on his hair and his little eye glasses, and so on.

But by this time I concluded what we all knew; he was one of the greatest Presidents we ever had. So when they said, "We will let you spend an hour with President Truman," it was irresistible. I flew up there in a thunderstorm. And I went over there to visit with him and Mrs. Truman. I had just finished reading the David McCullough book. I concluded he was 87 or 88 when I saw him.

That was the visit in 1971, and he was giving me a little friendly advice as a newcomer to politics, a new Governor to Arkansas, saying, "Son, you do what you think is right because that is what people expect you to do. They don't have time to keep up with it. You do. You make the best decision—after you get all the advice you can get, you make the best decision." And then that is when he said, "The only time this country ever makes a bad mistake is when there is some lying so and so sitting in the White House."

This had nothing to do with President Clinton, of course. This was back in 1971 when someone else was President. I am sorry I left that dangling, and I appreciate the Senator bringing it to my attention.

Mr. WARNER. I thank my good friend because I know the fervor with which he believes in his position. I agree with him wholeheartedly on it, and I am quite interested to hear other comments of this body as they relate to the desire on the part of the Senator from Arkansas and myself and others to have these savings go to reduce the deficit. And when the Senator challenged them on it, they did not accept the challenge.

I see my distinguished colleague who preceded me to the floor. I will ask no further questions. At an appropriate time I will seek recognition in my own right.

Mr. KERREY. I thank my friend from Virginia.

Mr. President, the distinguished Senator from Arkansas made a very eloquent presentation just now in which he said something to the effect this is the largest slab of pork that has ever gone to the State of Texas.

Again, I respectfully disagree. I believe that the basic science of the superconducting super collider is solid. I believe the applications that come just from the engineering of it, in cryogenics, in superconductivity, in the order of work that is going to be necessary to focus these protons and lasers, work that is going to be done, will create jobs in this country. I think they are going to create an impressive number of jobs.

I am standing here saying I hope this piece of legislation passes. I hope that we build this superconducting super collider, not because I am answering the call from some friend who says please vote for this, not because I have some inherent interest in the State of Nebraska that is going to be satisfied. But because I believe the science is solid. I believe the research is good. I think that anyone who sat with Steven Weinberg and other scientists who have worked on this project understands that this is not about finding Higgs Boson. This is about whether or not we as a nation are going to allow our particle physicists to continue to make progress. Who knows what they will discover.

But, Mr. President, I have to say again I looked at this long list of things, and as I said I voted for many things on here. But the distinguished Senator from Arkansas says one of the things we have to make sure we do for the American people is tell them the truth.

Mr. President, if every single thing the distinguished Arkansan has listed was passed that is $6.3 billion. I held up earlier this economic and budget outlook presented by the Congressional Budget Office.

Mr. President, the mandatory programs that are very rarely talked about on this floor are going to go up $44 billion.

Now, Mr. President, if you just use mathematics—I do not know if you can extend it just by multiplying in the fashion that it is laid out up here, but if you just extend the mathematics, one would assume that if we took action on mandatory programs that, let us say, controlled the growth by half, that would be $2.4 trillion.

But I suspect we are not going to be able to do that. I suspect we are going to hear cries of anguish about all the hardship.

Mr. President, I already identified myself as somebody who is a part of the receiving end of that. I can tell you it makes me awfully uncomfortable knowing that maybe I am destroying a job, either in the private sector or in the public sector, just so I can receive a check from the Federal Government that I do not need, Mr. President.

I would again respectfully disagree with another thing that the distinguished Senator from Arkansas said. We have to have some basis for deciding what science to do, other than maybe some outside group like the Sigma Xi organization.

Well, the distinguished Senator is the chairman of agriculture appropriations. I suspect there are a lot of things he and I both support in that appropriations bill that Sigma Xi does not have on their priority list either. We cannot make decisions based upon polls done by a while group of scientists.

We have to examine it, Mr. President. I am not a physicist. The distinguished Senator from Arkansas is not a physicist. The distinguished Senator from Louisiana is not a physicist. We need to stand on the floor of the Senate and say we have examined the project; that we have looked at the project and in our best judgment we think it should be appropriated and built, or that it should not be.

I have reached the judgment that it should be built. And I believe that I will be able to stand here 10 years from now as an American, perhaps not on this floor but as an American, God willing, and with the superconductor in place say I am glad we fought this battle and stayed the course.

I urge my colleagues to consider that. I urge my colleagues to consider that there were many other debates that occurred. I suspect there were people in 1962 and 1963 and 1964 who said that all the stuff President Kennedy wants, to go to the moon, for example it is nonesense, it is a waste of money, it is pork barrel spending, it is going to add up to huge amounts of money.

Well, we went to the Moon, Mr. President. I laid in a hospital bed in 1969 and it inspired me, inspired me. That is what this superconducting super collider is all about. We are exploring the unknown for the purpose of saying that we are going to find answers that we do not have today.

Mr. President, I genuinely believe that this project is beneficial, that it needs to be funded and I appreciate the advocacy of the distinguished Senator from Louisiana, fighting for it, and I appreciate the time.

Mr. WARNER. Mr. President, will the Senator yield for a brief question?

Mr. KERREY. I will be glad to yield.

Mr. WARNER. I have the most profound respect for my colleague and particularly his association with the military and national security affairs. When, Mr. President, I first examined this issue of the super collider I said to myself there must be a number of benefits flowing from this very costly experiment directly to national defense. But as a matter of precaution, I sought the opinion of the General Accounting Office, and I am about to read to the Senator a report that was directed back to me in response to my inquiry dated May 14, 1993.

> DEAR SENATOR WARNER: The principal result of high energy physics is fundamental knowledge about a matter * * * therefore, the SSC will not produce any direct national security benefits.

Mr. President, in these times of reduced defense budgets, with drawing down the overall size of our Armed Forces, cutting back, it seems to me that we have to make sure that scientific experiments like this have some direct benefit, maybe some indirect, but direct benefit to our national security if they are going to make this heavy investment.

Knowing of the Senator's deep interest in national security, I just wonder how he would react to the fact that the GAO opinion is that it will have no direct benefit.

Mr. KERREY. I appreciate the question of the distinguished Senator for Virginia.

First of all, GAO issues reports on all sorts of issues. I consider them. Sometimes their considered opinion pushes me over to say, yes. Sometimes it pushes me over to say no. But it is one of the many sources I would consult.

I have never found myself in the position of saying I'll do whatever the GAO says I should do. I find myself respecting a great deal of their analysis, and perhaps it is true. As the distinguished Senator from Virginia just read from the GAO report, the GAO is correct. It will not have any strategic benefit. The truly is not something that disturbs me at this state in the game.

There are three applications that I would identify to Americans who are wondering "What we are going to spend this money on; what is this going to do?"

First, there are, in my judgment, going to be great advances made in super conductivity. It is the largest superconductor every built, and it will, without a doubt, yield insights into superconductivity that will result in benefits to the people of the United States of America in the form of jobs, in the form of new discoveries, in the form of new market creation, or new market improvements.

It will keep the United States with a competitive edge. That is my conclusion.

Second, in the area of cryogenics, it will require cooling larger volumes of liquid helium at lower temperatures than ever before, and the use of liquid hydrogen. This is the technology of producing low temperatures on a large-scale for the transport of electrical energy.

It is the evaluation of engineers that I trust, evaluation of engineers that have been involved in large-scale projects, that had strategic applications. In fact, though, I did not ask the question: Will there be a strategic application in this?

Lastly, Mr. President, the superconducting super collider has extreme requirements on the central technology necessary to keep the protons together for this 53-mile circuit.

Again, there is no question there is going to be applications here because active feedback control systems are useful in everything—everything—Mr. President, from air traffic controllers to environmental systems.

I appreciate very much the distinguished Senator from Virginia asking the GAO to do an evaluation, because indeed for some it may be the reason why they would not support this particular project. It does not have potential for strategic application, but I see commercial application as well as the application of basic science.

That is why I have reached the conclusion, strongly, that I think we should appropriate the money. And I believe as a consequence of the appropriations and of our staying the course, unlike the space station, unlike the SDI program, and others that are on the list of the distinguished Senator from Arkansas, this one, in my judgment, Mr. President, will make us proud that we stayed the course and paid for the project.

Mr. WARNER. Mr. President, I thank my distinguished colleague. I did not suggest we take a GAO report and salute and march off. It seems to me this is an objective analysis given the magnitude of the billions of dollars.

Do you think here is some direct flow to national defense?

The report goes on to say although specific national security benefits cannot be predicted or directly tied to high energy physics research, national security may indirectly benefit.

I concede the fact about Teflon, which we learned about in an earlier space experiment, and about R&D and the other benefits that we have gotten that flow from these high technology programs either in the military or in NASA. But again this is a tremendous amount of money to be expended on basic research in an area we think that would be an enormous flow directly to national defense and to the security of our Nation, but no direct—possibly some indirect benefit.

I yield the floor.

Mr. JOHNSTON. Mr. President, I am glad the Senator got around to saying that the report said that the indirect benefits of the SSC, if applied to military purposes, could assist national security.

I would really like to get into that debate. But I am not going to do so at this time tonight.

Mr. KOHL. Mr. President, I rise today in support of the Bumpers amendment to cut funding for the superconducting super collider.

This amendment would cut $420 million from the project in fiscal year 1994. But the savings from ending this program would be much higher. Some estimate the final, total cost of the SSC at over $11 billion.

I am not advocating that the Senate kill this project just because it has a high price tag. I am, however, advocating examining very closely what that price tag pays for.

A recent report by a Department of Energy review committee suggests that most of what it pays for is cost overruns, schedule delays, and what the report calls manufacturing risks; $200 million for a 1991 contingency adjustment; $1.2 billion for spare parts which DOE had not anticipated needing in any of its previous cost estimates; $1.5 billion in what the review committee calls potential cost risks. The list goes on.

Proponents of the SSC argue the climbing price tag is worth the final payoff: The chance to study the tiny particles that are the key to the nature of the universe. And, of course, I would like to know more about the creation of the universe. But, frankly, right now I would be satisfied with an accurate estimate of the cost of the SSC.

If those who run the SSC project cannot even tell us when it will be done or how much it will finally cost, do we honestly believe they will be able to unravel the deepest secrets of the universe.

I do not mean to suggest that the SSC has no redeeming value, for it certainly does. What I am going to tell you, however, is that we cannot afford it. If we did not have a $300 billion budget deficit, I am sure that most of us would support efforts to broaden our understanding of the universe. On an intellectual level, who could be against the kinds of research which might allow us to reach the Holy Grail of science; a grand unified theory which could unite the elemental forces of nature and explain the status of matter in the moments after—and perhaps before—the Big Bang. In the best of all possible worlds, that is a laudable goal.

But the question before this body is not whether we would like our Nation to pursue this research. The issue before us is whether we are willing to pursue this research at the expense of an ever-burgeoning Federal deficit.

We often fail to recognize that we are sent here by our constituents to make hard decisions. Which one of us has not heard a clear message from our constituents that they want us to cut spending. To do so, we have to be willing to say that there are some projects we just cannot afford to pursue. With a $11 billion price tag that just keeps going up, I say that the SSC is a program that we cannot afford.

I am willing to bust atoms. I am just not willing to bust the budget. Unfortunately, the SSC does both. I will vote to eliminate its funding, and I urge my colleagues to do the same.

Mr. MOYNIHAN. Mr. President, the superconducting super collider is a machine for creating new kinds of matter. Matter not seen since the first few trillionths of a second after the birth of the universe. It is also a machine that will help us develop a unified theory of matter. As a machine, the SSC will accelerate protons to nearly the speed of light and then crash them together with such force that some of the energy will be transformed into matter, as predicted by Einstein's famous equation $e=mc^2$. The particles produced will tell us important things about the composition of matter and give us insights that we can harness to advance civilization.

To many this seems ridiculous. What else do we need to know about matter? Don't our senses tell us all we need to know about matter, at least all that's important? And what's the evidence that the insights will advance civilization?

Let's look at history. The Greeks thought matter was made of material that could not be cut—the atom. Yet for all their insight they never developed a body of laws that would regulate all nature. Newton with his laws of motion and gravitation gave hope to such a unified theory, but as scientists learned more about chemistry, light, electricity, and heat it was clear that Newtonian physics could not explain many phenomena. The world is a complicated place.

The development of x rays and electricity showed that there was a fundamental particle, the electron, present in all matter. In other words, atoms are made up of subatomic material. This insight gave us a new way of looking at matter, leading to a whole array of devices that have improved our lives in so many ways—medical diagnostic and treatment devices, engineering tools, entertainment, defensive weapons, and more.

Albert Einstein provided even more insight about matter with his special theory of relativity, suggesting new ways to demonstrate the existence of atoms. He interpreted Max Planck's work on heat radiation in terms of a new elementary particle, the photon. This led to the development of the lasers so widely used today. Used to scan grocery prices, replay music, perform delicate surgery, improvements in the quality of life that would never have been dreamed of let alone achieved had we not paid for the support of physics research.

Similarly, quantum mechanics developed in the 1920's by Niels Bohr allowed us to describe matter in terms of wave functions and probabilities, instead of particles and forces. The insight that chemistry could be explained in terms of electrical interactions between electrons and atomic nuclei led to the development of our modern chemical industry.

Though our progress has been great there are many gaps in our knowledge, and many wonderful though unpredictable benefits yet to be realized. The string theory first developed by Gabriel Veneziano in the late 1960's shows that the standard model of matter is a low-energy approximation of the fundamental nature of matter. Imagine that: strings. As if we didn't have enough trouble imagining matter made of the wave interactions predicted by quantum theory, we must now conceive that at a more fundamental level the subatomic particles are linked together in strings, much like the way atoms are strung together to make molecules, and molecules strung together to make matter as we perceive it daily. The trouble is that if we are to determine what matter is truly made of, we must create conditions similar to those that occurred when the universe was born. Energy levels that currently can only be approximated by the SSC. There is no promise that the findings from experiments with the SSC will result in complete understanding of matter. Past history suggests it won't, but it also suggests that the benefits that will accrue from applications of the insights gained will more than repay the costs of the SSC.

MORNING BUSINESS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that there be a period for morning business, for Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

A TRIBUTE TO JAMES M. SWEENEY

Mr. HARKIN. Mr. President, I rise today to pay tribute and say goodbye to a very special person, Jim Sweeney, whose recent passing is a great loss not only to his colleagues, his family, and his friends, but to everyone. I'm saying goodbye to Jim, but we will never say goodbye to his heart, his spirit, his soul.

Jim, who was my friend as well as my dedicated and talented foreign policy legislative assistant, lost his life in a car accident on August 21, 1993.

Mr. President, we all reacted pretty much the same way when we heard the news. Emotions swept over us. Tears welled up in our eyes. There was a certain catch in our throats, and an old feeling in our stomachs.

We feel these emotions today, and we should—for we realize that someone very special, someone we loved very much, will not grace our lives again with his presence.

Jim devoted his life to international peace and justice, Mr. President, dedicating 7 years to the Maryknoll mission in Venezuela. He held a tenure as regional coordinator and representative to the U.S. National Council of Churches, Central American task force and head of the justice and peace program.

And so, Mr. President, this untimely accident touches not only Jim's immediate family, but a much larger family that stretches from here to Eastern Europe and Russia, to Latin America and Haiti, to Africa, the Mideast, and Far East.

These family members know no ethnic, racial, religious, or national boundaries. They came from varied backgrounds: some are born to wealth and privilege, others just the opposite. Some are educated in the finest universities, some can barely read or write.

These family members are bound together for a common purpose:

To foster respect for human rights;

To promote social and economic justice and opportunity;

To empower the poor;

To lift up those who are down; and

To give hope to the hopeless and help to the helpless.

And overall, to give courage and strength to those who, at great personal risk, pursue these goals.

This is Jim's larger family. And while he may have physically departed, his spirit will never desert us.

Which is the second reason I rise today, Mr. President—to affirm an ancient native American saying: To live on in the hearts of those you love, is not to die.

Jim, your spirit does live on through those who knew you, whose lives you touched, and through them to countless thousands whose lives will be enriched because of you. You will be remembered by us, each in a different way.

Jim was a brilliant thinker—diplomatic, and politically savvy. He was regularly consulted by the Clinton administration on foreign policy and human rights issues. As my chief foreign policy adviser, he had already compiled an impressive record of legislative and diplomatic accomplishments.

Mr. President, Jim's work always had a direct impact on the lives of those who needed his help the most. Nothing illustrates this more clearly than the initiative he had been working on for more than a year at the time of his death: Legislation to end the exploitation of children by prohibiting the import of products made by their labor. As you know, Mr. President, this is one of my top legislative priorities.

And we're going to pass that bill—the Sweeney bill—in this Congress. We took a first step toward that just last week, when the Senate unanimously approved a resolution condemning the practice of child labor and calling upon the President to negotiate an international ban on goods made with child labor.

This resolution, which I dedicated to Jim, puts the U.S. Senate on record in support of the objective of the Sweeney bill and sends a clear message around the world that the United States will not tolerate the exploitation of children. Without Jim's tireless and skillful efforts, this historic declaration would not have been possible.

So Jim, I rise today to say goodbye, to keep your spirit and commitment alive, and to just say thanks. Thanks for being a good friend and a good person.

Mr. President, the historian Arthur Schlesinger once asked JFK how he wanted to be remembered. JFK thought for a moment, and replied: The highest accolade that can be given to anyone is to say they were a kind and decent human being.

Using that as our standard, we give him the highest honor: We will always remember him as a kind and decent human being.

EXECUTIVE SESSION

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Jane Alexander, to be Chairperson of the National Endowment on the Arts and the Humanities.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the nomination?

There being no objection, the Senate proceeded to consider the nomination of Jane Alexander, of New York, to be Chairperson of the National Endowment for the Arts.

Mr. LOTT. Mr. President, I want to address the nomination of Jane Alexander to be Chairman of the National Endowment for the Arts. Ms. Alexander is an extraordinary woman. She has been an actress, author, and producer for 30 years; there are very few people I can think of who could bring such a breadth of experience to the job of NEA Chairman. Clearly, Ms. Alexander has a long and distinguished record in the arts.

I am not standing up to oppose Ms. Alexander. I must rise in opposition to what I see is the continued radicalism of the NEA. The NEA needs a new direction, away from profane and obscene art, and toward art everyone can enjoy. Ms. Alexander during her confirmation hearing mentioned how at age 6 her uncle took her to the ballet, and how magical the experience was for her. More children—and more adults—should be exposed to the best our culture has created. The NEA makes some of these high culture opportunities possible.

The NEA, though, has been generously funding not so high culture things. Robert Mapplethorpe is just the tip of the iceberg. Did you know the NEA funded three homosexual film festivals in Pittsburgh recently? The titles of some of the movies cannot be spoken on the floor of the Senate, or anywhere else in public. The NEA also has given a fourth grant to Joel Peter-Witkin, a so-called "artist" whose graphic photographs include "Woman Castrating a Man" and "The Kiss," a photo of a human head sawed in half, with the two halves placed together, lip-to-lip.

Some artists have been up in arms, because they say having standards concerning what the NEA should fund amounts to censorship. These radicals think that anything goes, and American taxpayers have a duty to fund whatever trash these radicals produce. In some ways, the debate about art is being won by the radicals, because the profane pictures, or the dirty poems, or the blasphemous art cannot be shown on prime-time television, or talked about openly, without being profane or pornographic. I wouldn't want my kids to be exposed to this so-called art. So when people hear censorship of art, they rightly are against it. This is a free society, where everyone has a say. But many people don't realize that what is being funded by agencies like the NEA is not art, but trash—and not just by my standards, but by almost anyone's standards.

Speaking of censorship, the NEA itself practices censorship on a regular basis. Mr. President, I ask unanimous consent that an article from the June 24, 1992, Wall Street Journal by Roger Kimball be entered into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Thursday, June 24, 1993]

DIVERSITY QUOTAS AT NEA SKEWER MAGAZINE

(By Roger Kimball)

Like many other governmental agencies, the National Endowment for the Arts is awaiting the nomination and appointment of key personnel. But we do not have to wait for a new director of the NEA to know what direction support for the arts will take in the Clinton administration. It is the same direction in which the rest of the Clinton government is stumbling. The buzzword is "diversity." But the reality is an effort to impose quotas and politically correct thinking. Here as elsewhere the "politics of virtue" is taking precedence over mundane considerations of quality.

How does it work? Consider the case of the Hudson Review. Now celebrating its 45th anniversary, the Hudson Review has long been recognized as one of the most distinguished literary quarterlies in the country. Based in New York City, it has published work by T.S. Eliot, Wallace Stevens, Ezra Pound, W.H. Auden and other giants of 20th century literature.

In recent years, most general-interest literary magazines have either expired or become platforms for deconstruction and other forms of ideological persiflage. The Hudson Review is rare in having remained a forum for intelligent, well-written criticism and cultural commentary on a broad spectrum of topics. In fact, it belongs to a tiny handful of magazines where the first criterion of inclusion is literary merit.

Literary merit? Who still cares about that? Not, apparently, the NEA. For several years, the Hudson Review had applied for and received a small grant from the endowment's literature program. This year, the grant was turned down. In response to a request from the editors, the endowment supplied a summary of its panelists' comments on the grant application. It makes for interesting reading.

Dated May 27, this letter reports that the panelists expressed two main concerns. First, it was felt that "writers of color were significantly under-represented in the Hudson Review." Second, panelists criticized an article in the Summer 1992 issue about the black novelist Richard Wright as "isolating and condescending." "This concern was exacerbated," the letter continues, "when this essay was compared with the fulsome essay on Zola in the same issue."

Let's start with the article on Wright. Entitled "Problematic Texts of Richard Wright," the piece is by James W. Tuttleton, a professor of English at New York University and a widely recognized authority on American literature. It is a review of the new Library of America edition of Wright's work. Far from being "isolating and condescending," Mr. Tuttleton's article is a celebration of Wright. He describes the publication of Wright in the Library of America series—alongside such masters as Henry James, Edith Wharton and Mark Twain—as "an event of great cultural importance."

True, Mr. Tuttleton does not believe that every one of Wright's books was an unmitigated triumph. And he criticizes those works that, in his judgment, are less than first-rate. But he also praises "Uncle Tom's Children" as "a fully achieved work of fiction" and "Native-Son" as "a work of horrifying and sobering impact." As it turns out, his main criticism is reserved for the editor of the edition, Arnold Rampersad, a black literary scholar at Princeton. Mr. Rampersad chose to include as part of the texts certain passages—e.g., a scene from "Native Son" in which two characters masturbate in a movie theater—that Wright had decided to excise.

Nor was Mr. Tuttleton alone in his criticism. In its review of the Wright volumes, the London Times Literary Supplement suggested that Mr. Rampersad "appears to have overstepped his brief."

The message from the NEA's panel is clear: Only institutions waving the banner of political correctness need apply.

The freeze on unorthodox opinion works in two ways. First come the bean-counters and quota-mongers. How many blacks, Hispanics, Asians, women and people of varying "sexual orientation" do you publish? If you fail to meet the established quota, forget about getting a grant.

Then come the PC-police. Even if you have published articles about, say, black authors, were the articles sufficiently—that is, unequivocally and unreservedly—enthusiastic? And if you dared to criticize an "author of color," surely you cannot have praised a dead white European male in the same issue! (In fact, the offending article about Zola is descriptive and biographical, not "fulsome," but who pays attention to such niceties nowadays?)

The NEA recently announced that it had agreed to pay $252,000 to four performance artists whose grants had been turned down in 1990. Among the recipients is Karen Finley, whose contribution to culture involves smearing herself with chocolate and delivering harangues about the depredations of patriarchal society. Ms. Finley is white, as it happens. But she clearly knows better than the editors of the Hudson Review the sort of thing that appeals to the peer panels of the NEA.

Near the end of the letter detailing the reasons for denying a grant to the Hudson Review, we read that "the panelists remained concerned that the journal was becoming monolithic and self-perpetuating." You might well wonder, as I did, what institution or individual does not seek to be "self-perpetuating."Perhaps this means that the panelists wish that the Hudson Review would just go away.

But anyone acquainted with the contents of that distinguished journal knows that "monolithic" is about the last adjective one would use to describe it—that and, perhaps, "politically correct." To learn about those qualities, you will do much better dealing with the pros at the NEA and elsewhere in the Clinton administration.

Mr. LOTT. Mr. President, Mr. Kimball reports that the NEA turned down a small grant this year to the Hudson Review. The Hudson Review, a 45-year-old quarterly magazine, has published works by T.S. Eliot, W.H. Auden and other great writers of this century. The magazine has over the years received a small grant from the NEA's literature program, but was turned down this year. Why? The main reason was that writers of color were significantly underrepresented in the Hudson Review, according to a letter the magazine receives from the NEA. This is political correctness in its extreme.

My main question is, will Ms. Alexander rein in the radicalism at the NEA? Ms. Alexander eloquently said that she would listen to all sides of the debate. But she has also said that all art should be embraced, whether it is good art or bad art. I think this is wrong. What if some racist wanted a grant for antiblack art? What if some racist wanted a grant for antiblack art? What if some neo-Nazi skinhead wants a grant for anti-Semitic art? What if Jeffrey Dahmer wanted an NEA grant? Obviously, this all sounds ludicrous. But the NEA now funds bigoted art, and photographs of severed heads. Everything that is called art is not art—a lot of it is nonsense. Again, I praise the president on his choice—but Ms. Alexander needs to steer the NEA away from controversy. She needs to lead the NEA to fund art that every citizen can enjoy and learn from.

Mr. METZENBAUM. Mr. President, I rise in support of the nomination of Jane Alexander to be Chair of the National Endowment for the Arts. I want to commend President Clinton for making a truly superb choice for this important and sensitive position.

As we are all well aware, Jane Alexander has had a brilliant career as a highly respected and award-winning actress, producer, and author. She will bring to the job stature, integrity, and the unique perspective provided by 30 years' experience as a working artist.

I recently had the opportunity to talk with Ms. Alexander at some length, and to listen to her moving testimony in the Labor and Human Resources Committee. I was impressed with her commitment to the Endowment and the breadth and depth of her knowledge about the whole spectrum of the arts. There is no doubt in my mind that she will be an articulate and forceful spokeswoman for the arts and that she can provide positive and effective leadership for the Endowment.

And that is so important, because of the crucial role the endowment plays in enhancing the cultural life of our Nation. Since its creation 28 years ago, the NEA has compiled an outstanding record of achievement—supporting artists, promoting excellence, and bringing theater, ballet, symphonies, public television shows, and great works of art to millions of Americans in their own communities.

Yet, for the last 4 years, the NEA has struggled to survive while embroiled in constant turmoil as a few controversial grants have been used to launch repeated attacks on the Endowment.

In nominating Jane Alexander as Chairwoman of the NEA, President Clinton has indicated his desire to end this period of controversy and conflict, stating that the Endowment's mission is "too important to remain mired in the problems of the past." "It is time to move forward," he said, "and Jane Alexander is superbly qualified to lead the Endowment into a new era of excellence that encourages the involvement of all Americans."

I could not agree more. I urge my colleagues to get behind Jane Alexander and support her nomination. I look forward to working with her, and hope that with her leadership, we can once again begin to focus on the ways that the arts can enrich our lives and bring us together, and not the ways in which they can be used to divide us.

Mr. WARNER. Mr. President, I wish to indicate my support for the President's nominee.

The PRESIDING OFFICER. If there is no objection, the nomination is considered, and confirmed; and the President will be immediately notified.

The nomination was considered and confirmed as follows:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Jane Alexander, of New York, to be Chairperson of the National Endowment for the Arts for a term of 4 years.

The PRESIDING OFFICER. Without objection, the motion to reconsider and the motion to lay on the table are agreed to.

LEGISLATIVE SESSION

Mr. JOHNSTON. Mr. President, I ask unanimous consent that we return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

At 12:01 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2399. An Act to provide for the settlement of land claims of the Catawba Tribe of Indians in the State of South Carolina and the restoration of the Federal trust relationship with the Tribe, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 133. Concurrent Resolution providing for the printing as a House document of a collection of statements made in tribute to the late Justice Thurgood Marshall.

The message further announced that pursuant to section 114(b) of Public Law 100–458, the minority leader appoints Mrs. Sheila Smith of Lony Beach, MS, to serve as a member of the Board of Trustees for the John C. Stennis Center for Public Service Training and Development for a 4-year term on the part of the House

At 12:37 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 267. Joint Resolution making continuing appropriations for the fiscal year 1994, and for other purposes.

At 2:36 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2689. An Act to amend the United States Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, to extend the authorization of appropriations for such Act, and to improve administration of such Act, and for other purposes.

H.J. Res. 111. Joint Resolution designating October 21, 1993, as "National Biomedical Research Day."

The message also announced that the House has passed the following bill and joint resolutions, without amendment:

S. 1381. An Act to improve administrative services and support provide to the National Forest Foundation, and for other purposes.

S.J. Res. 61. Joint Resolution to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week."

S.J. Res. 121. Joint Resolution to designate October 6, 1993 and 1994, as "German-American Day."

The message further announced that the House has agreed to the following concurrent resolutions, each with amendments:

S. Con. Res. 4. Concurrent Resolution to authorize printing of "Senators of the United States: A Historical Bibliography", as prepared by the Office of the Secretary of the Senate.

S. Con. Res. 5. Concurrent Resolution to authorize printing of "Guide to Research Collections of Former United States Senators", as prepared by the Office of the Secretary of the Senate.

S. Con. Res. 6. Concurrent Resolution to authorize printing of "Senate Election, Expulsion, and Censure Cases", as prepared by the Office of the Secretary of the Senate.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1268) to assist the development of tribal justice systems, and for other purposes, it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. MILLER of California, Mr. RICHARDSON, and Mr. THOMAS of Wyoming as managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2519) making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1994, and for other purposes, it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints, that Mr. SMITH of Iowa, Mr. CARR, Mr. MOLLOHAN, Mr. MORAN, Mr. SKAGGS, Mr. PRICE of North Carolina, Mr. NATCHER, Mr. ROGERS, Mr. KOLBE, Mr. TAYLOR of North Carolina, and Mr. MCDADE, as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes, it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints, that Mr. YATES, Mr. MURTHA, Mr. DICKS, Mr. BEVILL, Mr. SKAGGS, Mr. COLEMAN, Mr. NATCHER, Mr. REGULA, Mr. MCDADE, Mr. KOLBE, and Mr. PACKARD as the managers of the conference on the part of the House.

At 4:30 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2243) to amend the Federal Trade Commission Act to extend the authorization of appropriations in such act, and for other purposes, it asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. DINGELL, Mr. SWIFT, Mr. MANTON, Mr. MOORHEAD, and Mr. OXLEY be the managers of the conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 8:24 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 1381. An act to improve administrative services and support provided to the National Forest Foundation, and for other purposes.

S.J. Res. 61. Joint Resolution to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week."

S.J. Res. 121. Joint Resolution to designate October 6, 1993 and 1994, as "German-American Day."

MEASURES REFERRED

The following bill and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2689. An act to amend the United States Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, to extend the authorization of appropriations for such Act, and to improve administration of such Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.J. Res. 111. Joint Resolution designating October 21, 1993, as "National Biomedical Research Day"; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1571. A communication from the Principal Deputy Comptroller, Department of Defense, transmitting, pursuant to law, a report relative to funds in the Research, Development, Test and Evaluation, Defensewide fiscal year 1993-94 appropriation; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LAUTENBERG, from the Committee on Appropriations, with amendments:

H.R. 2750. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes (Rept. No. 103-150).

By Mr. BYRD, from the Committee on Appropriations:

Special report entitled "Further Revised Allocation To Subcommittees of Budget Totals from the Concurrent Resolution, Fiscal Year 1994" (Rept. No. 103-151).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Daniel A. Dreyfus, of Virginia, to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself, Mr. KERRY, and Mrs. MURRAY):

S. 1496. A bill to amend the Export Administration Act of 1979 to provide for updated indexing standards for emerging technologies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BURNS (for himself and Mr. MCCAIN):

S. 1497. A bill to facilitate the development of an integrated, nationwide telecommunications system dedicated to instruction by guaranteeing the acquisition of a communications satellite system used solely for communications among State and local instructional institutions and agencies and instructional resource providers; to the Committee on Labor and Human Resources.

By Mr. DANFORTH:

S. 1498. A bill to authorize the Secretary of Transportation to release restrictions imposed in connection with the conveyance of certain lands to the city of Rolla, Missouri; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY:

S. 1499. A bill to authorize the Secretary of Transportation to convey for scrapping by the Virginia V Foundation a vessel in the National Defense Reserve Fleet that is scheduled to be scrapped; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN (for himself and Mr. DECONCINI):

S. 1500. A bill to amend the Job Training Partnership Act to establish a program to assist discharged members of the Armed Forces in obtaining training and employment as managers and employees with public housing authorities and management companies; to the Committee on Labor and Human Resources.

By Mr. MCCAIN (for himself and Mr. DOMENICI):

S. 1501. A bill to repeal certain provisions of law relating to trading with Indians; to the Committee on Indian Affairs.

By Mr. AKAKA:

S. 1502. A bill to require the Director of the Federal Emergency Management Agency to establish a FEMA region for the Pacific, and for other purposes; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. KERRY, and Mrs. MURRAY):

S. 1496. A bill to amend the Export Administration Act of 1979 to provide for updated indexing standards for emerging technologies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

HIGH TECHNOLOGY INDEXATION ACT OF 1993

Mrs. FEINSTEIN. Mr. President, today I am introducing the High Technology Indexation Act of 1993. I am pleased to be joined in introducing this legislation by Senators KERRY and MURRAY.

I am introducing this legislation today because I see the need to remedy a growing problem for our Nation's computer industry. That problem is the outdated and burdensome definitions that govern the exportation of high-speed computers.

Our Nation's export control system, designed for the cold war, is handicapping one of America's leading industries—the computer industry. I do not want to argue that export controls on computers are unnecessary. They are necessary. But, the cold war is over—our world has changed and technology continues to advance ever more rapidly. Our regulation of technology must keep pace with this advancement or our international competitiveness will be harmed. The export control system we have in place cannot possibly keep up with the vast improvements made in computing each year.

Currently any computer which operates at 195 millions of theoretical operations per second [mtops] is by definition a supercomputer. That means a company that wants to sell such a computer must impost a rigorous and costly safeguard regime on its customers as a condition of sale. Ten years ago a computer that operated at such speeds would have truly been a supercomputer. But, today desktop computers operate several times faster than 195 mtops and our fastest supercomputers operate at 20,000 mtops—100 times faster than the current definition.

Since 1949, our Nation has had an elaborate system of national security export controls, designed to insure that our potential adversaries did not gain a military advantage by obtaining civilian dual use technology from the West. The export control system is coordinated with our allies through the organization known as CoCom. While it was far from perfect, that system served us well through the era of the cold war.

It is time to undertake a comprehensive review of our export control regime. If we fail to do this soon, we will significantly disadvantage one of America's most dynamic industries—the computer industry. Other than aircraft, no other industry is so competitive internationally, doing 60 percent of their business overseas. Yet, 80 percent of their research and development jobs and 60 percent of their manufacturing jobs have remained in the United States. No other industry has such short product cycles, with new generations of computers being introduced every 18 months, on average. Indeed, according to the industry, 70 percent of its revenues come from products less than 2 years old.

That is why the computer industry cannot afford an export control regime that is so drastically out of date. Today, the U.S. Government requires licenses for the same Intel 80486 microprocesser-based personal computers that are available at every discount store and in every mail order catalog, and which are being made in every other garage in Taiwan.

To make things worse, it has been 10 years since we wrote into the regulations our definition of what constitutes a supercomputer, with little change in that definition in the interim. Yet, as I noted, the power of supercomputers has increased a hundredfold during that period. Today, India and the People's Republic of China manufacture machines that fit the supercomputer definition, and yet the Federal Government maintains that same rigid security regimes and the same thresholds to define these products that we have had for a decade.

Mr. President, something needs to be done immediately to remedy the situation. As Scott McNealy, CEO of Sun Microsystems wrote in an op-ed in the Wall Steet Journal recently, "Miss one development cycle and you are seriously hurt, miss two and you are mortally wounded." Unless we update our control system we are in danger of losing the very industry on which we depend for our competitiveness. That is why I am introducing the High Technology Indexation Act today.

This bill would direct the administration to develop an indexation system to ensure that export controls keep pace with our rapidly changing technology. The bill does not seek to create a new control level through legislation. Rather, it requires the development of a process for evaluation and review, utilizing technical experts from high-technology industry to insure rapid response to changing technological conditions.

This legislation also provides a hallmark for the control of our highest technological achievement, the supercomputer. As I have noted, this is a part of the computer market which has had the greatest technological advancements, yet little regulation change. Today, desktop machines, costing as little as $30,000, are defined as supercomputers. In such cases, the required security regime can cost more than the machine itself. That regulatory condition on sales is incompatible with any rational marketing strategy and an overwhelming deterrent to sales in an industry so dependent on the overseas market for its livelihood. By next year, there will be tens of thousands of these machines available in the marketplace, the only way to sensibly control them is to focus on those with the greatest capability, the true supercomputers. That is what the High Technology Indexation Act directs the Government to do.

By indexing the definition of a supercomputer to 15 percent of the top performing computers available, this legislation allows American companies to compete on a more equal basis with our international competitors. It does not, however, remove the Government's ability to limit the sale of high-speed computers to enemy nations. Let me stress that this legislation does not eliminate the licensing requirements for sales of computers. Although I believe that the entire export control regime needs to be reformed soon, this legislation would not in any way change the licensing system. Thus, all computers that must be licensed now will continue to need licenses.

This legislation would ensure that the U.S. Government does not continue to treat desktop computers, which are readily available on the open market, as through they were supercomputers. It is my hope that this legislation will help American businesses to stay on the cutting edge of technological innovation by eliminating some of the unnecessary and burdensome regulation of the computer industry.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "High Technology Indexation Act of 1993".

SEC. 2. INDEXING STANDARDS.

Section 5(g) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(g)) is amended to read as follows:

“(g) INDEXING.—

“(1) REMOVAL OF OBSOLETE REQUIREMENTS.—

“(A) IN GENERAL.—In order to ensure that requirements for validated licenses and other licenses authorizing multiple exports are periodically removed as goods or technology subject to such requirements become obsolete with respect to the national security or the policies of the United States, not later than 6 months after the date of enactment of the High Technology Indexation Act of 1993, the Secretary shall establish, in response to recommendations of technical advisory committees under paragraph (2), indexing standards which provide for increases in the performance levels of goods or technology described in paragraph (2)(A) that are subject to any such licensing requirements.

“(B) EMPHASIS.—The indexing standards required under subparagraph (A) shall emphasize the technical specifications of goods or technology below which no authority or permission to export is required.

“(C) REMOVAL OF CONTROLS.—With respect to goods or technology referred to in subparagraph (B) which no longer require licensing under the increased performance level standards established in accordance with subparagraph (A)—

“(i) the removal of controls on exports of such goods or technology to controlled countries shall be incorporated into United States proposals to all multilateral regimes; and

“(ii) controls under this section on exports of such goods or technology to countries other than controlled countries shall be removed, after consultations with the multilateral regimes, as appropriate, unless—

“(I) the Secretary, after consultation with the Secretary of Defense, the Secretary of State, and the heads of other appropriate executive departments (as defined in section 101 of title 5, United States Code), makes a determination that removal of controls on the goods or technology will permit exports that will be detrimental to the national security or the policies of the United States; and

“(II) the Secretary reports that determination in writing, together with a description of the specific anticipated impact on the national security or the policies of the United States, to the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

“(D) OTHER CONSIDERATIONS.—The Secretary shall also consider, where appropriate, eliminating site visitation requirements for goods and technology from which export controls have been removed under this paragraph.

“(2) RECOMMENDATIONS.—

“(A) IN GENERAL.—In carrying out this subsection, the Secretary shall direct the technical advisory committees appointed under subsection (h) to recommend indexing standards for goods or technology—

“(i) which are eligible for export under a distribution license;

“(ii) which are eligible for favorable consideration under the rules of the Coordinating Committee;

“(iii) below which exports require only notification of the governments participating in the Coordinating Committee; and

“(iv) below which no authority or permission to export may be required under this section.

“(B) SUBMISSION AND DETERMINATION OF ACCEPTANCE.—The technical advisory committees shall submit their recommendations for indexing standards as they are made to the Secretary, who shall determine, not later than 30 days after each submission, or not later than 45 days after a submission in the event of an objection by the head of any other executive department, whether to accept the standards or to refer them back to the appropriate technical advisory committee for further consideration.

“(C) TIMING OF PROPOSALS.—The proposals referred to in paragraph (1)(C)(i) shall be made at the next meeting of the Coordinating Committee, or any other multilateral regime, at which list review is conducted, that is held after the indexing standards established under this subsection are applied to the goods or technology involved.

“(3) POLICIES.—For purposes of this subsection, the term ‘policies of the United States’ means foreign policy and the nonproliferation policies referred to in section 6.”.

SEC. 3. SUPERCOMPUTER EXPORTS.

(a) SUPERCOMPUTER EXPORTS AND REEXPORTS.—Section 5(a) of the Export Administration Act of 1979 (50 U.S.C. 2404(a)) is amended by adding at the end the following new paragraph:

“(7) SUPERCOMPUTER DEFINITION.—

“(A) PERFORMANCE-BASED INDEXING SYSTEM.— The Secretary shall, not later than 6 months after the date of the enactment of this paragraph, publish in the Federal Register a performance-based indexing system in order to ensure that the definition of ‘supercomputer’ under paragraph (6)(A) and all controls and security safeguard procedures applicable to supercomputer exports and reexports are commensurate with technological advances in the supercomputer industry.

“(B) SECURITY SAFEGUARD PROCEDURES.— Under the indexing system published in accordance with subparagraph (A), for destinations in any country (other than a controlled country) that is a party to and, as determined by the President, is adhering to the Treaty on the Non-Proliferation of Nuclear Weapons (done at Washington, London, and Moscow on July 1, 1968) or the Treaty for the Prohibition of Nuclear Weapons in Latin America (done at Mexico on February 14, 1967), no security safeguard procedures may be required in connection with any export or reexport of a supercomputer with a composite theoretical performance at or below approximately 15 percent of the composite theoretical performance of the average of the 2 most powerful supercomputers currently available commercially in the United States or elsewhere.

“(C) ADVISORY COMMITTEE INPUT.—Before publishing the performance-based indexing system under subparagraph (A), the Secretary shall seek the views of the appropriate technical advisory committees appointed under subsection (h), and other interested parties.

“(D) REPORTS TO CONGRESS.—Not later than 2 weeks after publication of such system in the Federal Register, the Secretary shall submit a written report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, that includes—

“(i) the text of the Federal Register notice;

“(ii) a summary of the views expressed by the technical advisory committees and other interested parties with respect to the performance-based indexing system; and

“(iii) a description of how the performance-based indexing system addresses the views of the technical advisory committees appointed under subsection (h) and other interested parties.

“(E) DEFINITION.—For purposes of this paragraph, the term ‘security safeguard procedures’ means procedures that are required by the Department of Commerce, as a condition of an authorization to export or reexport a supercomputer, primarily to restrict access to and resale of such supercomputer.”.

Mr. KERRY. Mr. President, today I join with my distinguished colleague from California, Senator DIANNE FEINSTEIN, in introducing the High Technology Indexation Act of 1993. Our Nation's export control policy over the past few years has demonstrated that it is in critical need of alteration, as our high technology industries have suffered under the obsolete and onerous definitions that set the parameters of our export control system. Indexation is a partial answer—because it will remove items from the export list as technology progresses and such controls become unnecessary with respect to older technology which is increasingly further from the cutting edge.

Our bill would compel the U.S. Government to be more realistic in its definition of what constitutes a supercomputer and to change that definition as technology advances. We still must control technology that has military applications, but we also must design those controls carefully. We are certainly more likely to get cooperation from our allies and from the newly industrialized countries of the Pacific rim if we update our export control list. Ideally we should seek a control list that will both offer needed protections from weapons of mass destruction proliferation and to which will subscribe all the countries that possess high technology. With real effort, that delicate balance can be achieved. We can and should lead the way by updating our list, removing its current anachronistic application to technologies legally available on Third World street corners.

The cold war is over. Yet that fact is not reflected in the rules that govern high technology exports. We still have a system that denies modern telecommunications equipment, computers, and scientific instruments—our most competitive products—to markets in the former Soviet bloc and Asia. The computer industry offers a particularly glaring example of what is wrong with the current system. Computers have increased one hundred-fold in their speed over the decade since the U.S. Government first defined what constitutes a supercomputer for control purposes. Yet the original speed threshold in our export control policy has changed only marginally since the original definition. Computers with far more computing power than the threshold are available in stores around the world with no questions asked. Today many companies have to compel their customers to erect elaborate and expensive supercomputer security programs as a condition of sale in order to comply with U.S. Government regulation. Such programs can cost more than the computers themselves, which is obviously a deterrent to marketing such machines.

Mr. President, I also hope that the administration will see this bill as an incentive to go abroad to seek the broadest possible cooperation in a multilateral regime to control technology. Technology is diffusing throughout the world, beyond the traditional western industrial States. We need to reach an understanding with the new technological competitors so that they are playing by the same rulebook which is used by our companies. If the same technology is available from foreign sources with no controls, U.S. companies lose business but the target country still is able to obtain the high technology it desires. That is the worst of all worlds.

Mr. President, it is time that we modernize our export control system so that U.S. companies can remain competitive in world markets. The High Technology Indexation Act of 1993 begins that process, and I hope my colleagues will look closely at its provisions and then join with the distinguished Senator from California and me in enacting it during this Congress.

By Mr. BURNS (for himself and Mr. McCAIN):

S. 1497. A bill to facilitate the development of an integrated, nationwide telecommunications system dedicated to instruction by guaranteeing the acquisition of a communications satellite system used solely for communications among State and local instructional institutions and agencies and instructional resource providers; to the Committee on Labor and Human Resources.

EDUCATIONAL SATELLITE LOAN GUARANTEE PROGRAM

• Mr. BURNS. Mr. President, America faces many problems and challenges in education. From Montana to Maine, from local school districts to large universities, educators are being asked to do more with less. There is overcrowding in urban areas, and a lack of access to educational opportunities in many rural areas. And everywhere we turn, budgets are being squeezed. We do not have to look far to see examples of the problems in education. In my home State, our university system faces funding decreases and tuition increases. The problems don't end with higher education either. Like many other States, the Montana Supreme Court has ruled that all public school students must be given equal educational opportunities. This is extremely difficult to accomplish in rural areas where a school may only have 20 to 25 students. And it is equally challenging for inner cities.

Every student deserves equal access to a quality education, but not every small rural school, or poor inner city school, can afford the resources and specialized instructors that are available in wealthier communities. Saco, MT, is a perfect example. The Saco High School has less than 40 students. They just can't afford to hire a Spanish teacher to teach one class a day. This could unfairly limit students' educational opportunities. Unfortunately, this is not an isolated example. I could go on, giving you examples from every State in the Union. But there is no point in doing that when the real question is, 'What are we going to do about it?'

We are being challenged as a Nation, and we must react—as a Nation, with unity of purpose. We must marshal our resources and find ways to overcome the problems in education. Our children's future is at stake. We must act now to position America to move into the 21st century with a well-educated, competitive work force. There are many exciting proposals being forwarded and each of them has merit. Over this Nation's history, we have used good old American ingenuity to conquer many challenges and forge new horizons. Oftentimes, technology plays a key role in making us world leaders. In the areas of space and defense, our technological know-how has made us second to none.

I believe we should act now to apply that same technological knowhow to education. If we do, our success will be no less than it has been in space and defense. Whether it be through copper wire, satellites, or fiber optics, distance learning can provide access to the vast educational resources of our Nation, regardless of wealth or geographic location.

Let's go back for a minute to Saco, MT. Educators in Saco have turned to telecommunications and distance learning to diversify and enrich their students' education. Students in Saco can take not only Spanish, but Russian, chemistry, and physics via satellite. The REA in eastern Montana also has a project linking schools in Terry, Baker, Plevna, and Ekalaka, MT, with fiber optics. The fiber link allows students in these communities to have a two-way audio and visual connection with their Spanish and German teachers over a hundred miles away. Unfortunately, barriers still exist which are holding back the full development of distance learning.

Even if these problems are addressed, a nationwide, fiber optic network may not be a reality for quite some time. However, we cannot wait to expand the opportunities available through distance learning. We must start right here, right now, by taking advantage of the satellite technology that exists today.

That is why I am introducing today, along with Senator McCAIN, the Edsat bill—a bill which will help remove some of the barriers that are stunting the growth of distance learning. This bill offers Federal loan guarantees to a non-Federal, nonprofit, public corporation which they can use to obtain financing for the purchase or lease of a dedicated education satellite system. A dedicated educational satellite will allow us to address two barriers faced by those involved in distance learning via satellite.

First, it will insure instructional programmers that they will be able to obtain affordable satellite transmission time without risk of preemption by commercial users. Second, it will allow educators using the programming to have one dish focused on one satellite off which they can receive at least 24 channels of instructional programming, 24 different programs, every hour of the school day.

There is no doubt in my mind that distance learning is a growth area and that there is a role for the Federal Government in facilitating that growth. Most States are involved with distance learning, and more schools are participating every year.

Following their 1989 education summit in Charlottesville, VA, where former Gov. Wallace Wilkinson of Kentucky and other Governors—including then-Governor of Arkansas, Bill Clinton—raised with President Bush the proposal for this dedicated system, the EDSAT Institute was formed to analyze the proposal. In 1991, they issued a report entitled "Analysis of a proposal for an Education Satellite," and they found, as did the OTA report, "Linking for Learning," that individual States and consortiums of States are investing heavily in distance learning technologies and that the education sector is a significant market.

The legislation we are introducing today addresses the issue of an infrastructure for distance learning. The OTA report also addresses this issue and concludes that "national leadership could focus [infrastructure] investments toward the future, ensuring that today's distance learning efforts carry our educational system into the 21st century." A commitment to a national telecommunications infrastructure for distance learning requires a change in the existing Federal role. That is what we are proposing today—a change in the Federal role and a change in the Federal Communications policy. Our approach is based on the precepts of Abraham Lincoln who said, and I paraphrase, that the legitimate role of the government is to do for the people that which they cannot do for themselves.

The application of this great precept to this initiative begs to questions. First, how do we know the people cannot provide for themselves an integrated, satellite-based telecommunications system? And once we determine that they can't, we must then ask what the Federal Government role is in doing it for them?

The first question, why can't the education sector provide such a system themselves, is best answered by looking at the realities surrounding their use of satellite technology. While there is a significant market out there, it can best be described as disorganized and fragmented. For the most part, schools, school districts, State education agencies, colleges and universities all operate independently. In recent years, many States have undertaken efforts to plan and coordinate for distance learning. Many States have also formed distance learning consortiums. But until all the users are aggregated on a national level, they will not have enough market power to attract commercial interest for a telecommunications infrastructure to facilitate distance learning growth.

Aggregation is not the only hurdle that the education sector faces. They are also limited by short-term planning. As we all know, education budgets are formulated primarily at the State and local levels, and they are done on an annual or bi-annual basis. Since funding levels are uncertain from year to year, educators and administrators find it difficult to enter into long-term agreements. In the satellite market, these small, short-term users are considered occasional buyers. As occasional buyers, educational users must pay high commercial rates for service that is often undependable because they are subject to preemption. In today's satellite market, occasional buyers would not form a basis on which satellite vendors could offer dedicated service. A satellite vendor operates much like a shopping mall developer. Before they build and launch a satellite, they go out and procure contracts from users who can guarantee their use of a majority of the transponders for the life of the satellite—10 to 12 years. In doing this, they often look for an anchor tenant, a large user like HBO for example, and then fill up the rest of their capacity with smaller users. Clearly, the education sector is not in a position to satisfy these commercial practices and acquire for themselves a satellite dedicated to educational use.

So, how can the Federal Government help the education sector build a telecommunications infrastructure? Or more specifically, how can the Federal Government help the education sector acquire a satellite dedicated to education? Well, we could just go out and appropriate the money to buy a satellite, but I think would be very expensive and unnecessary. Instead we have the opportunity to enter into a public/private partnership which I think is the appropriate route to take. The legislation we are introducing says that the Federal Government's role is to take the risk from the private sector in order to encourage the development of a dedicated satellite system. A nonprofit, public corporation representing educational users of all levels will investigate all practical means to acquire the most cost effective, high-quality communications satellite system and report to the Secretary of Education their findings and recommendations. At that time, the Secretary will be authorized guarantee loans of up to $35 million of which not more than $5 million can be for the costs of operating and managing satellite services for up to 3 years.

The organization, the National Education Telecommunications Organization [NETO], was formed after the EDSAT Institute held seven regional meetings last summer. Through these meetings they recognized the need to aggregate the education market for distance learning and concluded that an education programming users organization was needed. NETO has a distinguished board of educators, public policy officials, State education agencies and telecommunications experts who are committed to the goal of developing an integrated telecommunications system dedicated to education. The first step, that of acquiring a dedicated satellite, is what we are facilitating through Federal loan guarantees.

Some have asked why NETO is needed. They have suggested that the Public Broadcasting System [PBS] is already in place and could meet the infrastructure needs of the distance learning community. This is not an attempt to replace PBS; I am a supporter of their mission and have spoken on a number of occasions in support of their efforts to expand educational programming. What we must keep in mind, however, is that PBS and NETO have very different missions. PBS is in the business of broadcasting. PBS provides programming and has acquired satellite time in order to deliver its own programming. In contrast, NETO's focus is on the distribution of distance learning—much of it live and interactive. NETO itself will not generate programming. NETO's sole concern is the creation of an infrastructure which will distribute instructional programming created by others at an equitable price to all users.

Although NETO will aggregate the market so that it will be of sufficient size, the education sector still faces the problem of being a short-term user. Educators cannot enter into the 5- or 10-year commitments that satellite vendors look for in long-term users. This legislation solves that problem by offering Federal loan guarantees to NETO so that they can, in turn, offer the satellite vendors the long-term commitment they need. Our proposal basically guarantees the vendor an anchor tenant. Without that guarantee, it is unlikely that even an aggregated education market would be able to secure a long-term lease or purchase arrangement with a satellite vendor.

If this legislation passes, the Federal Government will be setting a national policy in support of a telecommunications infrastructure for distance learning. A policy that will cost the Government relatively little compared to the benefits our Nation will receive through improved education and educational access. The risk to the Federal Government is minimal. The only risk the Government is assuming is the risk that the distance learning market will dissipate. I think the findings of the National Governors' Association, the OTA and the EDSAT Institute prove that highly unlikely. But I also believe that with distance learning, as with transportation and other infrastructure-dependent markets, once an infrastructure is in place the market will expand beyond our current expectations.

A dedicated satellite system will bring instructional programming which is now scattered across 12 to 15 satellites into one place in the sky. This collocation will allow educators to receive a variety of instructional programs without having to constantly reorient their satellite dish. By making the investment in a dedicated system on the front end, we are reducing distance learning costs for educators on the State and local levels. The programmers will benefit because they will be able to market their programming to a wider audience and will be guaranteed reliable satellite time at an affordable rate—a rate that will be equal no matter how much time they buy. Programmers include public schools, colleges, universities, State agencies, private sector corporations and consortiums, such as the Star Schools consortiums, and independents. The users will benefit because their investment in equipment to receive instructional programming may be reduced because of the technological advantages of focusing on one point in the sky. Users include primary and secondary students, college and university students, professionals interested in continuing education, community members and Government bodies. The benefits far outweigh the costs in my mind!

A dedicated educational satellite will allow students to benefit from equal access to quality education. This is really just a first step. Both NETO and I believe that a telecommunications infrastructure for use by the educational sector should not be technology specific. NETO's vision is for an integrated, nationwide telecommunications system, a transparent highway that encompasses land and space, over which educational and instructional resources can be delivered. They envision bringing together the land-based systems that are already in place, not replacing them. This is an inclusive effort, not an exclusive one. I hope that my colleagues will join me in making this a reality.

Technology has transformed every sector of our lives. It can transform education as well. It will not replace teachers, it will empower them with better teaching tools. It will inspire our young people to actively engage in their education. It will expose them to the world around them and broaden their horizons. Our Nation's children deserve no less.•

By Mr. DANFORTH:

S. 1498. A bill to authorize the Secretary of Transportation to release restrictions imposed in connection with the conveyance of certain lands to the city of Rolla, MO; to the Committee on Commerce, Science, and Transportation.

ROLLA AIRPORT IMPROVEMENT ACT

• Mr. DANFORTH. Mr. President, in the past four decades, the Federal Government has deeded land to many communities for the construction of airports pursuant to section 16 of the Federal Airport Act (49 U.S.C. 1115). In 1958, Rolla, MO, received a 1,300-acre Federal grant of land for the establishment of a municipal airport. Since then, Rolla has built and expanded its airport to encompass 632 acres of land. The remaining 668 acres are used as a hay field and pasture land.

Rolla is a growing community. In 1987, the city of Rolla established a long term airport improvement plan, which is critical to the economic development of the region. At its inception, the plan extended over 15 years at an estimated cost of $50 million. To date, the airport has undergone some of the planned development, but the progress has been slowed due to the small amount of income the airport is able to generate from the sale of aviation fuel and the lease of a hanger.

The Rolla National Airport would like to finance the rest of its long-term airport improvement plans. It proposes to do so by selling a portion of its excess land. The sale could bring added revenue and enable the airport to meet future needs. There are businesses willing to invest in the purchase of airport land contingent on their ability to obtain fee simple title to the land. Without clear title, the businesses are reluctant to locate on airport land since banks would be unwilling to finance construction on the land subject to forfeiture.

Despite its ownership of excess land, its need for airport development, and the existence of prospective buyers, the Rolla National Airport is prohibited by its Federal deed from selling land. Section 16 of the Federal Airport Act provides that transferred land must be used exclusively for airport purposes or be subject to reversion to the Federal Government. The Federal Aviation Administration has interpreted such language as a prohibition on the sale of any portion of transferred airport lands.

Past legislation has been enacted to relieve airports in Iowa, Oklahoma, Colorado, and Alaska from similar restrictions. This legislation required that airports receive fair market value when conveying airport land and use the proceeds for the operation or improvement of the airport.

Mr. President, Rolla's situation mirrors the situation in those communities helped by past legislation. The sale of land, at fair market value, would generate funds to be dedicated solely to Rolla's airport development. An improvement in airport facilities would assist the community's efforts for expanded economic growth. I hope my colleagues will support this much needed legislation.•

By Mrs. MURRAY:

S. 1499. A bill to authorize the Secretary of Transportation to convey for scrapping by the Virginia V Foundation a vessel in the National Defense Reserve Fleet that is scheduled to be scrapped; to the Committee on Commerce, Science, and Transportation.

"VIRGINIA V" RESTORATION ACT OF 1993

• Mrs. MURRAY. Madam President, today I introduce S. 1499, a bill to convey the proceeds provided from the scrapping of a vessel from the National Defense Reserve Fleet to the Steamer Virginia V Foundation. I commend the efforts of the Steamer Virginia V Foundation. This nonprofit organization has been working and continues to work very had to restore and promote the *Virginia V*, the last operating wooden hull steamer on the west coast and the sole survivor of the mosquito fleet that was once common on Puget Sound.

My great State of Washington is noted for the beauty of its coastline, mountains, forests, rolling fields, and of course the Puget Sound waterway. Puget Sound's unique geographic setting has given Washington a rich maritime history.

The restoration of the *Virginia V* is a grand tribute to both the maritime history on Puget Sound and early 20th century steamers. The ship served the Puget Sound region in a variety of ways: She was a commuter ship and helped transport troops from fort to fort in 1940 and 1941.

The *Virginia V* was built on Puget Sound's Kitsap Peninsula in 1922, but its triple expansion steam engine dates back to 1904 and was originally in the *Virginia IV*. The foundation began restoring the aging vessel in 1976. In 1989, the stern of the *Virginia V* was replaced. Since then, various sections of the deck have been repaired and replaced. The bow still needs refurbishing and the foundation hopes to begin that project this winter. So, it is apparent that the *Virginia V* has received extremely valuable care, and, with continued support, the foundation will soon complete its restoration project.

Once she is fully restored, the vessel will serve both the community and visitors who desire to learn more about our maritime heritage and early 20th century steamships. The foundation has already been active in the community by providing the Special People's Christmas Cruise, cruises for the Children at Risk Program, as well as cruises for many other organizations. If the foundation receives the funds called for in this act, it will be able to complete hull repairs, restore the engine room, improve passenger seating, strengthen its educational facilities that are often used for seminars and meetings and upgrade galley facilities. Ultimately, the *Virginia V* will be safe, comfortable, and a tremendous asset to our community.

I commend the foundation for its successful efforts to fund past restoration efforts. They have garnered financial support from both the private sector and State and local governments. The foundation will receive approximately a $300,000 to $400,000 boost if we go ahead and convey the proceeds provided from the scrapping of a vessel from the National Defense Reserve Fleet to the Steamer Virginia V Foundation. These Federal funds will leverage other public and private money to save this historical maritime landmark. The foundation has worked hard since 1976 to preserve a unique piece of our State's history and it should be supported in its final push to restore the *Virginia V*.

Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF NDRF VESSEL FOR SCRAPPING BY VIRGINIA V FOUNDATION.

(a) SHORT TITLE.—This Act may be cited as the "VIRGINIA V Restoration Act of 1993".

(b) VESSEL CONVEYANCE AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other law, the Secretary of Transportation may convey to the VIRGINIA V Foundation, a nonprofit organization located in Seattle, Washington (in this section referred to as the "Foundation"), without consideration, all right, title, and interest of the United States Government in a vessel which—

(A) is in the National Defense Reserve Fleet on the date of the enactment of this Act;

(B) is of not less than 4,000 displacement tons;

(C) has no usefulness to the Government; and

(D) is scheduled to be scrapped.

(2) CONDITION.—As a condition of conveying a vessel to the Foundation pursuant to this Act, the Secretary shall require that the Foundation enter into an agreement with the Secretary which requires that the Foundation—

(A) sell the vessel for scrap purposes;

(B) use the proceeds of that scrapping for expenses directly related to the preservation and restoration of the historic steamship VIRGINIA V, located in Seattle, Washington;

(C) have raised, before the date of conveyance authorized by paragraph (1), at least $100,000 from non-Federal sources for use for that purpose; and

(D) comply with any other conditions the Secretary considers appropriate.

(c) DELIVERY.—The Secretary shall deliver a vessel conveyed under this Act to the Foundation—

(1) at the place where the vessel is located on the date of the approval of the conveyance;

(2) in its condition on that date; and

(3) without cost to the Government.

(d) EXPIRATION.—The authority of the Secretary to convey a vessel under this Act expires on the date which is 2 years after the date of the enactment of this Act.

(e) TREATMENT OF AMOUNTS AVAILABLE TO FOUNDATION.—Amounts available to, or used by, the Foundation pursuant to subparagraph (B) or (C) of subsection (b)(2) shall not be considered in any determination of the amounts available to the Department of the Interior for the VIRGINIA V Foundation.●

By Mr. LIEBERMAN (for himself and Mr. DECONCINI):

S. 1500. A bill to amend the Job Training Partnership Act to establish a program to assist discharged members of the Armed Forces in obtaining training and employment as managers and employees with public housing authorities and management companies; to the Committee on Labor and Human Resources.

THE LEADERSHIP EMPLOYMENT FOR ARMED SERVICES PERSONNEL PROGRAM ACT OF 1993

Mr. LIEBERMAN. Mr. President, I am pleased to introduce legislation today to extend an innovative and successful pilot program that trains recently discharged or retired GI's to be managers and role models in public housing communities across the country. The program gives solders, sailors, airmen, and marines who have served the Nation so honorably in trouble spots around the world, the opportunity to make a difference in the Nation's troubled public housing communities.

The program, know as the Leadership Employment for Armed Services Personnel [LEAP] Program, operates under the premise that military veterans possess unique leadership and management skills that are particularly well-suited to managing public housing communities. Veterans are not only accustomed to motivating large groups of diverse people in difficult and sometimes dangerous environments, but they are also know how to navigate government inventory, personnel and procurement regulations, and get things done.

Most importantly, veterans can serve as important role models in communities where they are desperately needed. Indeed, the 50 members of LEAP's first class of veterans were attracted to the program by advertisements in military newspapers seeking men and women who could take charge of an environment full of disorder and uncertainty and become a distinct and important role model.

By all accounts, LEAP's graduates have already begun to do so in small but important ways in public housing projects and subsidized housing across the country. The challenges are great in many of these communities where many young people have turned to drugs and crime because they have lost faith that there is an alternative. In the words of one 20-year Army veteran who is now on the job in a public housing project in Toledo, OH, "These kids need someone to tell them: I have been as poor as you are and I have escaped, and this is how I did it—and you can too. You should see their faces light up when I tell them they're important."

The LEAP Program graduated its first class of 50 in November 1992. Forty-eight of the graduates of the pilot program, which was funded by the Department of Housing and Urban Department, have been hired, 37 by housing authorities and housing management companies in 14 States and the District of Columbia.

There are hopeful signs that the new administration will keep the pilot program going with temporary discretionary funding, and I encourage them to do so. The legislation I am introducing today will keep the program going on a more permanent basis. It provides $2 million a year to LEAP's parent, the National Center for Housing Management, a non-profit organization established by Executive order in 1972, to continue training 250 veterans a year for the next 5 years, beginning in 1994. No additional appropriation are necessary as the bill funds the program through the Job Training Partnership Act.

The 5-week LEAP curriculum is rigorous, consisting of 200 hours of instruction and 16 hours of testing. Courses are well-tailored to the needs of public housing managers, including such subjects as security management, drug education and intervention, maintenance, fair housing obligations, and social service training.

The LEAP graduates now working for housing authorities and housing management companies have proved to be such successful employees that their employers have pledged their support and commitment to hiring future LEAP graduates. Ten veterans and housing organizations have voiced their support for legislation to continue the LEAP Program, including the Veterans of Foreign Wars of the United States, Association of the U.S. Army, the Air Force Association, and the Retired Officers Association.

This bill mirrors legislation introduced by Representative ELLIOT ENGEL in the House of Representative, H.R. 1886. Fifty Members of the House have joined as cosponsors. Senator DECONCINI is joining me today as a cosponsor and I am hopeful that more of our colleagues will join us soon.

This is a small but hopeful program. It pairs an enormous national resource—talented, trained veterans who are committed to continuing their service to the country—with an enormous national problem—our deteriorating public housing. I am confident that the highly motivated veterans who wish to continue their service on these domestic battlefields are up to the challenge. Energy and self-discipline spreads, particularly when it brings results.

Mr. President, I ask unanimous consent that the text of this legislation and an article from the Washington Post describing the LEAP pilot program be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROGRAM TO ASSIST DISCHARGED MEMBERS OF THE ARMED FORCES IN OBTAINING TRAINING AND PLACEMENT IN PUBLIC HOUSING MANAGEMENT.

(a) TRAINING AND PLACEMENT PROGRAM.—(1) Part D of title IV of the Job Training Partnership Act (29 U.S.C. 1731 et seq.) is amended by adding at the end the following new section:

"SEC. 457. TRAINING PROGRAM IN PUBLIC HOUSING MANAGEMENT.

"(a) PROGRAM AUTHORIZED.—The Secretary shall enter into a cooperative agreement with the nonprofit National Center for Housing Management, established pursuant to Executive Order No. 11668 (42 U.S.C. 3531 note), to provide for a training program to assist recently separated members of the Armed Forces in obtaining the training necessary to become managers and employees in public housing authorities and management companies. Under the terms of the cooperative agreement, the training program shall be developed and operated by the National Center for Housing Management.

"(b) MEMBERS ELIGIBLE.—

"(1) IN GENERAL.—A member of the Armed Forces shall be eligible for selection to participate in the training program if the member—

"(A) is discharged or released from active duty after three or more years of continuous active duty immediately before the discharge or release; and

"(B) applies to participate in the training program within the one-year period beginning on the date of the discharge or release.

"(2) INELIGIBLE PERSONS.—A member of the Armed Forces who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the training program.

"(c) SELECTION.—The National Center for Housing Management shall be responsible for the selection of participants for the training program. The Center shall place a special emphasis on selecting members of the Armed Forces who have lived in public housing projects.

"(d) CONTENT OF TRAINING PROGRAM.—The training program shall provide extensive training to participants in such courses as housing management, maintenance management, occupancy management, security and drug reduction management, community change management, resident empowerment, tenant integrity, and fair housing and civil rights. The National Center for Housing Management shall provide such training through the use of recognized experts in these fields. The Center shall evaluate the performance of participants through the use of standardized tests.

"(e) NUMBER OF PARTICIPANTS.—Subject to the availability of appropriations for the training program, the National Center for Housing Management shall conduct at least 5 training sessions a year to achieve a graduation rate of at least 250 participants per year.

"(f) JOB PLACEMENT ASSISTANCE.—Upon graduation of a participant from the training program, the National Center for Housing Management shall also provide the graduate with appropriate job placement assistance through the Center's network of housing authorities and housing management companies.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $2,000,000 for fiscal year 1994, and $2,000,000 for each subsequent fiscal year. The amounts authorized by this subsection shall be in addition to the amounts authorized under section 3(c)(1) to carry out this part.".

(2) The table of contents in section 1 of the Job Training Partnership Act is amended by inserting after the item relating to section 456 the following new item:

"Sec. 457. Training program in public housing management.".

(b) EFFECTIVE DATE.—Section 457 of the Job Training Partnership Act, as added by subsection (a), shall take effect on October 1, 1993.

[From the Washington Post, Dec. 29, 1992]

COLD WAR VICTORS TACKLE PUBLIC HOUSING PROJECTS—EX-SOLDIERS PROVIDE DISCIPLINE, LEADERSHIP

(By Mark Thompson)

A cadre of U.S. soldiers who helped win the Cold War is setting out on yet another challenging mission: restoring respect and stability to the nation's public housing projects.

In the past month, 50 former drill sergeants, infantry officers and other military specialists have fanned out across the country to meet, get to know and maybe change the social climate in public housing.

It's part of a program aimed at providing new jobs for soldiers whose careers have been cut short by military cutbacks, and making tough inner-city neighborhoods safer.

All male, and mostly black, the soldiers know they are needed in the projects, where federal reports show that women head 85 percent of families—and as many as 95 percent of families in the inner cities.

"There's such a lack of discipline among these kids that if we could get some good sergeants and talk to them on a daily basis, we could straighten them out," said Lemarse Washington, a 30-year Army infantry veteran who just completed a six-week course on how to be a maintenance chief or youth counselor.

The course included a week in public housing in the District. "It reminded me a lot of Vietnam," said Washington, 50, who now teaches in Huntsville, Ala., and hopes to find work with a housing authority. "There's a lack of respect for life."

Washington believes he and his colleagues can make a difference. "If you've spent more than two years in the Army, you've been responsible for young men, and the language that you speak, the way you walk, your whole demeanor commands respect," he said.

The number of Americans residing in public housing has risen from 2.8 million in 1980 to 4.3 million in 1990, nearly 2 percent of the nation's population, according to the Census Bureau.

Trevor Gray, 34, lived in a South Bronx public housing project before beginning an 11-year career in the Navy as an electronics technician.

"The buildings still look the same, but back then you usually had both parents in the home. Today you don't," Gary said.

Several weeks ago, Gray became a maintenance supervisor for the housing authority in Columbia.

"There's no male authority figure to make them behave," he said. "Young men won't listen to females."

Children in public housing face bleak futures: Most tenants are poor and getting poorer. The federal government estimates about 80 percent of them live below the poverty line are unemployed and are in one-parent families.

And crime surrounds them. In Washington, for example, four out of five crimes occur inside its public housing developments.

"The nation needs male role models in public housing," said W. Glenn Stevens, vice president of the National Center for Housing Management, a nonprofit group that sponsored the course.

"Children growing up in public housing may only have drug addicts as male role models," he said.

Greg Byrne, director of Florida's 12,000-unit Dade County Department of Housing and Urban Development, said he was "very excited" about the idea of no-nonsense military people working in public housing. "These people really know how to run facilities," he said.

The fledgling program began with a class of 50 ex-military men, selected for their organizational and people skills. Close to 1,500 vets applied for the program, dubbed LEAP for Leadership Employment for Armed Services Personnel. A $370,000 federal grant paid for the men to attend the course at Quantico Marine Base.

The soldiers were drawn to the program by ads in military newspapers seeking veterans to "handle disorder and uncertainty" and be "a distinct and important role model."

"That's exactly what I wanted to do," said Chester Tindall, 41, who recently retired from the Army after a 20-year career and who has spent the past month managing 3,300 units for Toledo's public housing authority. "I think one person can make a difference."

By Mr. McCAIN (for himself and Mr. DOMENICI):

S. 1501. A bill to repeal certain provisions of law relating to trading with Indians; to the Committee on Indian Affairs.

REPEAL OF THE TRADING WITH INDIANS ACT LEGISLATION

• Mr. McCAIN. Mr. President, I introduce legislation on behalf of myself and Senator DOMENICI, to repeal the Trading with Indians Act.

Senator DOMENICI and I recently met with Navajo Nation Vice President Marshall Plummer who brought to our attention the present-day problems created by Federal agencies enforcing the 1834 act. The act was passed as a means to protect Indians from being unduly influenced by Federal employees. The act was amended in 1980 to allow for certain exceptions by regulation, but still generally prohibits employees of both the Indian Health Service [IHS] and the Bureau of Indian Affairs [BIA] from having any interest in the employee's name or in the name of another person, "in any purchase or sale of any service or real or personal property * * * from or to any Indian."

The statute contains an absolute prohibition against an IHS or BIA employee making "any purchase or sale to an Indian of any real or personal property for the purpose of commercially selling, reselling, trading or bartering such property." Additionally, Government employees may not "acquire any interest in property held in trust, or subject to restriction against alienation imposed by the United States unless the conveyance or granting of such interest in such property is otherwise authorized by law."

Violations are punishable by a fine of not more than $5,000 or imprisonment of not more than 6 months or both. In addition, violators "shall be removed form office, notwithstanding any other provision of law concerning the termination from Federal employment." (18 U.S.C. 437(a)).

Obviously, no one contests the rationale behind the Trading with Indians Act. However, the effect of enforcing an 1834 statute in 1993 has already resulted in some unforeseen and unintended consequences on IHS employees and their families. Technically, an IHS or BIA employee is in violation of the act if they were to sell their automobile to an Indian. The following is an example of how the IHS decision to enforce the act has impacted one Navajo employee.

Ms. Karen Arviso currently serves as the Navajo area IHS health promotion and disease prevention coordinator. During the recent outbreak of the hantavirus, she personally traveled to several reservation communities to educate the Navajo people on what was then known about the mystery illness. She has enjoyed her job, but this Friday she will be terminated. The reason: Her husband applied for a small business loan from the Bureau of Indian Affairs. The BIA was willing to approve his loan but since his spouse worked for the IHS, the BIA needed the IHS to consent to waive the application of the act. No waiver was provided. Instead the IHS sent a letter to Ms. Arviso informing her that she was in violation of the act and would either have to resign or be terminated. To add further hardship, Ms. Arviso and her husband have had to recently purchase a mobile home because she will no longer be eligible for Federal housing.

Other individuals have been asked to resign or be terminated because their spouses are involved in business activities on reservation. At the end of my statement is a letter that was recently sent to one IHS employee informing her that she was in violation of the act. While this particular situation is probably a technical violation of the act, I think everyone would agree that simply because an employee's spouse operates their own business is not necessarily sufficient reason to notify that employee that they must resign or be terminated. Moreover, where a conflict does exist, I believe the Standards of Ethical Conduct for Government Employees provide sufficient guidance to resolve such issues.

Senator DOMENICI and I have asked Secretaries Babbitt and Shalala to promptly review this matter and to give serious consideration to suspending further enforcement of the act until this bill has been acted upon. It is our intention to act promptly on this matter once we have received the administration's views.

I ask unanimous consent that a copy of a memorandum from the Navajo Area Indian Health Service and a copy of the bill be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL.

Section 437 of title 18, United States Code, is repealed.

DEPARTMENT OF HEALTH AND
HUMAN SERVICES,
September 21, 1993.

From: NAIHS: Executive Officer.
Subject: Trading With Indians Act.
To: Regina Hale, Staffing Assistant.

As a result of a discussion of the Trading With Indians Act in a staff meeting in Personnel, you asked the Personnel Office, Jennine Jones, whether or not your husband's law practice in Window Rock would place you in violation of the Act. The purpose of this letter is to notify you that we have determined that your interest in your husband's business renders you in violation of the Trading With Indians Act.

18 U.S.C. section 437 imposes criminal penalties upon officers, employees, and agents of the Indian Health Service who have an interest in certain transactions with Indians. Specifically, the law provides that any IHS employee who has an interest, either in the employee's name, or in the name of another person where such employee benefits or appears to benefit from such interest.

(1) in any contract made or under negotiation with an Indian, for the purchase or transportation or delivery of goods or supplies for any Indian, or

(2) in any purchase or sale of any service or real or personal property (or any interest therein) from or to any Indian,

or [who] colludes with any person attempting to obtain any contract, purchase, or sale, shall be fined not more than $5,000 or imprisoned not more than six months or both, and shall be removed from office, notwithstanding any other provision of law concerning termination from Federal employment. 18 U.S.C. section 437(a). Although the President or his designee is authorized to prescribe rules and regulations under which IHS employees may purchase from or sell to Indians, among the types of transactions which the President (and his designees) cannot authorize is "commercial trading." 18 U.S.C. section 437(b)(1), (2)(A). "Commercial trading" is not defined in the statute, but a regulation promulgated by the Secretary of the Interior (which applies to IHS employees until such time as the Secretary of HHS promulgates regulations) defines "commercial trading" as "any trading transaction where an employee engages in the business of buying and selling services or items which he is trading."

It is my determination that through your interest in your husband's law practice, you benefit from the sale of services, and given the business' location on the Navajo Reservation many of the business' customers presumably will be Indians. In light of the absolute prohibition against commercial trading with Indians by IHS employees, your interest in any transaction between your husband and an Indian would fall directly under the statute's absolute prohibition against commercial trading with Indians by IHS employees.

Based upon this determination, I must advise you that your financial interest in any prohibited transaction is cause for severe disciplinary action, as well as criminal penalties, under 18 U.S.C. section 437(a). Since your interest in your husband's law practice is incompatible with your position as an IHS employee, you must take steps to avoid any violations of the act (e.g., by divesting yourself of any interest in the business which would violate the Act), or resign from your position with the Indian Health Service. You must provide me proof that you have taken affirmative steps to divest yourself of your interest in your husband's law practice or otherwise remedy the situation within six months of your receipt of this letter. I am not proposing that any disciplinary action be taken at this time; however, it appears that I will have no choice but to consider taking some form of disciplinary action if you do not comply with the six month deadline.

If you have questions or need additional information, please feel free to consult with Jennine Jones, Area Personnel Officer, at 602/871-5831.

RON WOOD,
Executive Officer.•

By Mr. AKAKA:

S. 1502. A bill to require the Director of the Federal Emergency Management Agency to establish a FEMA region for the Pacific, and for other purposes; to the Committee on Governmental Affairs.

FEMA PACIFIC REGION CREATION ACT OF 1993

• Mr. AKAKA. Mr. President, today I am introducing legislation to require the Federal Emergency Management Agency [FEMA] to establish a new region, headquartered in Hawaii, that would encompass the Pacific Insular area, including Hawaii, the Commonwealth of the Northern Marianas Islands [CNMI], Guam, the Federated States of Micronesia [FSM], the Republic of the Marshall Islands [RMI], the Republic of Palau, and American Samoa.

FEMA's region IX currently has responsibility for administering emergency management assistance programs and responding to disasters throughout the Pacific as well as in California, Arizona, and Nevada. This enormous and diverse area, which covers millions of square miles, has suffered by far the largest number of disasters of any FEMA region. In the last twenty years alone, there have been 84 Presidentially declared disasters in Region IX—43 on the mainland and 41 in the Pacific Insular area. By anyone's measure, Region IX is stretched thin. This is exacerbated by the fact that FEMA personnel and resources have not grown in proportion to population increases.

The threats to California, Arizona, and Nevada are in some ways more complex and potentially devastating than elsewhere, not only because of the magnitude of potential disasters there, but also because of the greater numbers of people at risk. California itself is the equivalent of two States. Los Angeles and San Diego are two of the largest cities in the country, yet FEMA has no office or capability in these locations. Of the 84 Presidentially declared disasters I referred to earlier, 31 have occurred in California alone. Because of the Golden State's population, the impact of a flood or major earthquake is magnified many times, requiring significant resources for response and recovery. For example, the relatively small Loma Prieta quake in 1989 caused $7.5 billion in economic damage—and that was not the big one that the experts keep predicting.

Meeting the needs of California, Arizona, and Nevada is a difficult enough task—add responsibility for the American flag States—Hawaii, Guam, American Samoa, and CNMI—and the former trust territories—RMI, FSM, and Palau—and you come up with a service area that is arbitrary and unmanageable. Region IX's responsibility in the Pacific covers an area greater than the length and breadth of the U.S. mainland, stretching from Hawaii, at longitude 155 W and latitude 20 N, to the Republic of Palau, at longitude 135 E, to American Samoa, at latitude 14 S. Hawaii and American Samoa are 2,100 miles, and 4,200 miles from San Francisco, respectively, where region IX is headquartered. Palau, at 5,500 miles the most distant jurisdiction, is even more isolated: it takes at least 2 days to reach the former trust territory by modern jet aircraft—and that's assuming you make your connection! You can imagine the logistical problems that FEMA officials experience in monitoring and carrying out training and mitigation programs in these areas, much less responding to an actual disaster.

But distance is only one problem, if the most obvious. Difficulties in understanding native cultures, major time variations, lack of facilities, and differences in language, food, and climate are all major hurdles that greatly reduce the effectiveness of relief efforts. Nowhere on the planet does one encounter more problems of this sort than in the Pacific Insular region. Also, each of the Pacific territories has a unique political structure and working culture that require direct knowledge, fine-tuned sensitivity, and continuous contact on the part of FEMA officials. There is a vast difference between working with officials of the Federated States of Micronesia and working with, say, Arizona emergency management authorities. Even counties in Hawaii are organized much differently from their mainland counterparts.

The result of this lumping together of the seven Insular Pacific jurisdictions with California, Arizona, and Nevada is that the Pacific has received less than adequate attention. Indeed, it appears that the only time that the Pacific receives consideration is following a disaster. Improving preparedness and mitigation activities in the Pacific have been discussed by FEMA but rarely implemented, if at all. In a sense, this is completely understandable: FEMA must assign its limited resources in the most optimal fashion, and one accepted way to allocate resources is to assign them on the basis of population. When weighed against the population base of the west coast, the relatively few numbers of people who comprise the American flag States and former trust territories can only come up short.

Mr. President, for many of the same reasons that I have outlined above, I introduced legislation 2 years ago calling for the establishment of a FEMA field office in Hawaii. Based on my bill, Congress set aside funds for the creation of such a facility in the fiscal year 1992 FEMA appropriations measure. After some delay, this office was established on the island of Oahu earlier this year. Although the new Office is a major improvement over the previous arrangement, the satellite facility is not a full service office. I have been informed that the Hawaii office's principal responsibilities at this point are to provide emergency disaster assistance to the Pacific insular area and to act as a liaison with local military and civil defense authorities. The office lacks full training, technical assistance, and hazard mitigation resources, which is a significant impediment to increasing disaster preparedness and mitigation in the Pacific area. On the other hand, to shift those functions to Hawaii from region IX headquarters would result in reduced staffing levels for the San Francisco office, impairing FEMA's ability to serve its west coast constituency.

Thus, Mr. President, while I am gratified that the Hawaii field office initiative has become a reality, I have since become convinced that it is not enough. I am persuaded that we need a full-fledged regional office that is devoted exclusively to the needs of the Pacific insular area. Our needs are pressing enough, deserving enough, and unique enough to warrant a separate insular Pacific regional office; we who live in the Pacific should not be forced into competing for resources with equally-needy citizens on the mainland.

Mr. President, I urge my colleagues to support this legislation. I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEMA REGION FOR THE PACIFIC.

The Director of the Federal Emergency Management Agency shall establish a region of the Federal Emergency Management Agency for the Pacific region, that encompasses—

(1) Hawaii, which shall serve as headquarters for the region;

(2) American Samoa;

(3) Guam;

(4) the Commonwealth of the Northern Mariana Islands;

(5) the Federated States of Micronesia;

(6) the Republic of Palau (until such time a the Compact of Free Association is ratified); and

(7) the Republic of the Marshall Islands.●

ADDITIONAL COSPONSORS

S. 181

At the request of Mr. McCONNELL, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 181, a bill to prohibit the export of American black bear viscera, and for other purposes.

S. 265

At the request of Mr. SHELBY, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 265, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

S. 463

At the request of Mr. BUMPERS, the name of the Senator from Tennessee [Mr. MATHEWS] was withdrawn as a cosponsor of S. 463, a bill to prohibit the expenditure of appropriated funds on the Superconducting Super Collider program.

S. 483

At the request of Mr. SHELBY, the names of the Senator from Nevada [Mr. REID], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Mississippi [Mr. LOTT], the Senator from Hawaii [Mr. INOUYE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Mexico [Mr. DOMENICI], the Senator from Delaware [Mr. ROTH], and the Senator from Arizona [Mr. DeCONCINI] were added as cosponsors of S. 483, a bill to provide for the minting of coins in commemoration of Americans who have been prisoners of war, and for other purposes.

S. 500

At the request of Mr. WELLSTONE, his name was withdrawn as a cosponsor of S. 500, a bill to provide that professional baseball teams and leagues composed of such teams shall be subject to the antitrust laws.

S. 784

At the request of Mr. HATCH, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 1063

At the request of Mr. HATCH, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1111

At the request of Mr. KERREY, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 1111, a bill to authorize the minting of coins to commemorate the Vietnam Veterans' Memorial in Washington, D.C.

S. 1356

At the request of Mr. DOLE, the name of the Senator from Kentucky [Mr. McCONNELL] was added as a cosponsor of S. 1356, a bill to restore order, deter crime, and make our neighborhoods and communities safer and more secure places in which to live and work.

S. 1437

At the request of Mr. DOLE, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1437, a bill to amend section 1562 of title 38, United States Code, to increase the rate of pension for persons on the Medal of Honor roll.

S. 1489

At the request of Mr. METZENBAUM, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Hawaii [Mr. AKAKA], and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 1489, a bill to redesignate the J. Edgar Hoover Federal Bureau of Investigation Building located at Ninth and Pennsylvania Avenue, NW Washington, D.C., as the Federal Bureau of Investigation Building.

SENATE JOINT RESOLUTION 107

At the request of Mr. BINGAMAN, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Tennessee [Mr. MATHEWS], the Senator from Maryland [Mr. SARBANES], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 107, a joint resolution to designate the first Monday in October of each year as "Child Health Day."

SENATE JOINT RESOLUTION 119

At the request of Mr. KENNEDY, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Kansas [Mr. DOLE], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of Senate Joint Resolution 119, a joint resolution to designate the month of March 1994 as "Irish-American Heritage Month."

SENATE JOINT RESOLUTION 130

At the request of Mr. KEMPTHORNE, the names of the Senator from North Carolina [Mr. FAIRCLOTH] and the Senator from Tennessee [Mr. MATHEWS] were added as cosponsors of Senate Joint Resolution 130, a joint resolution designating October 27, 1993, as "National Unfunded Federal Mandates Day."

AMENDMENTS SUBMITTED

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION APPROPRIATIONS ACT FOR 1994

D'AMATO (AND OTHERS) AMENDMENT NO. 975

Mr. D'AMATO (for himself, Mr. DOLE, Mr. SPECTER, Mr. HELMS, Mr. BRADLEY, and Mr. LIEBERMAN) proposed an amendment to the bill (H.R. 2518) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes, as follows:

Insert at the appropriate place:

SEC. . It is the sense of the Senate that the United States Department of Justice should investigate whether any Federal criminal civil rights laws were violated as a result of (1) the murder of Yankel Rosenbaum on August 19, 1991, and (2) the circumstances surrounding the murder and accompanying riots in Crown Heights.

HELMS (AND BRYAN) AMENDMENT NO. 976

Mr. HELMS (for himself and Mr. BRYAN) proposed an amendment to the bill H.R. 2518, supra, as follows:

At the end add the following:

SEC. . RESTRICTION ON PAYMENT OF BENEFITS TO INDIVIDUALS CONFINED BY COURT ORDER TO PUBLIC INSTITUTIONS PURSUANT TO VERDICTS OF NOT GUILTY BY REASON OF INSANITY OR OTHER MENTAL DISORDER.

(a) IN GENERAL.—Section 202(x)(1) of the Social Security Act (42 U.S.C. 402(x)(1)) is amended—

(1) by inserting "(A)" after "(1)", and

(2) by adding at the end the following new subparagraph:

(B) Notwithstanding any other provision of this title, no monthly benefits shall be paid under this section or under section 223 to any individual for any month during which such individual is confined in any public institution by a court order pursuant to a verdict that the individual is guilty, but insane or not guilty of an offense by reason of insanity (or by reason of a similar finding, such as a mental disease, a mental defect, or mental incompetence).

(b) CONFORMING AMENDMENTS.—

(1) The heading for Section 202(x) of such act is amended by inserting "and Certain Other Inmates of Public Institutions" after "Prisoners".

(2) Section 202(x)(3), is amended by striking "any individual" and all the follows and inserting "any individual confined as described in paragraph (1) if the jail, prison, penal institution, correctional facility, or other public institution to which such individual is so confined is under the jurisdiction of such agency and the Secretary requires such information to carry out the provisions of this section.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to benefits for months commencing 90 days after the date of the enactment of this Act.

(2) SPECIAL RULE REGARDING PAYMENTS TO INSTITUTIONS.—The amendment made by subsection (a) shall not apply to any payment with respect to any individual, if, as of the date of the enactment of this Act, such payment is made directly to the public institution to compensate such institution for the expense of institutionalizing such individual.

HELMS AMENDMENT NO. 977

Mr. HELMS proposed an amendment to the bill H.R. 2518, supra, as follows:

At the appropriate place, add the following:

SEC. . None of the funds appropriated under this Act for the Medicaid Disproportionate Share Hospital payment program may be disbursed to a state until the Governor of such state certifies to the Secretary of Health and Human Services that such funds shall be expended solely for providing medical assistance under Medicaid: *Provided further*, That it is the sense of the Senate that any health care reform legislation enacted by Congress should modify or eliminate the Medicaid Disproportionate Share Hospital payment program, because states are currently abusing the program by spending Federal matching funds for purposes unrelated to Medicaid.

BINGAMAN AMENDMENT NO. 978

Mr. HARKIN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2518, supra, as follows:

On page 45, line 20, after "1994" insert "of which $5 million shall be used for 'State Planning for Improving Student Achievement Through Integration of Technology Into the Curriculum.'".

SIMON (AND OTHERS) AMENDMENT NO. 979

Mr. HARKIN (for Mr. SIMON for himself, Mr. DODD, and Mr. KENNEDY) proposed an amendment to the bill H.R. 2518, supra, as follows:

On page 63, line 6, strike "$202,287,000" and all that follows through the end of line 8 and insert in lieu thereof "$206,287,000: *Provided*, That notwithstanding any other provision of this Act, including the provisos pertaining to consulting services under the heading Community Services Block Grants, no department, agency, or instrumentality of the of the United States Government receiving appropriated funds under this Act for fiscal year 1994 shall, during fiscal year 1994, obligate and expend funds for consulting services in excess of an amount equal to 94.975 percent of the amount estimated to be obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1994: *Provider further*, That notwithstanding any other provision of this Act, the aggregate amount of funds appropriated by this Act to any such department, agency, or instrumentality for fiscal year 1994 is reduced by an amount equal to 5.025 percent of the amount to be expended by such department, agency or instrumentality during fiscal year 1994 for consulting services. As used in the preceding two provisos, the term consulting services includes any service within the definition of sub-object class 25.1 as described in the Office of Management and Budget Circular A–11, dated August 4, 1993."

DOLE (AND KASSEBAUM) AMENDMENT NO. 980

Mr. HARKIN (for Mr. DOLE for himself and Mrs. KASSEBAUM) proposed an amendment to the bill H.R. 2518, supra, as follows:

On page 47, line 10, strike "$467,080,000" and insert "$563,780,000".

On page 47, line 11, strike "$123,629,000" and insert "$121,629,000".

On page 47, line 12, strike "$29,462,000" and insert "$34,762,000".

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1994

HATFIELD AMENDMENT NO. 981

Mr. HATFIELD proposed an amendment to the bill (H.R. 2445) making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes, as follows:

On page 53, line 22, strike the work "directed" and replace in lieu thereof the word "urged".

BROWN AMENDMENT NO. 982

Mr. BROWN proposed an amendment to the bill H.R. 2445, supra, as follows:

On page 34, line 8, insert before the period ": *Provided further*, That none of the funds made available under this section for Department of Energy facilities may be spent to permit the continued construction of the superconducting super collider until after the Secretary delivers to the Committee an implementation plan for the specific recommendations of the Report of the DOE Review Committee on the Baseline Validation of the Superconducting Super Collider and the Secretary certifies that the management issues raised by General Accounting Office in its report dated February 1993, number GAO/RCED–93–87 have been adequately addressed and will not reoccur".

BUMPERS (AND OTHERS) AMENDMENT NO. 983

Mr. BUMPERS (for himself, Mr. WARNER, Mr. SASSER, Mr. COHEN, Mr. BRYAN, Mr. FEINGOLD, Mr. DORGAN, Mr. LAUTENBERG, Mr. BOND, Mr. EXON, Mr. JEFFORDS, Mr. KOHL, Mr. LEAHY, Mr. RIEGLE, Mr. WOFFORD, Mr. DECONCINI, and Mr. KERRY) proposed an amendment to the bill H.R. 2445, supra, as follows:

On page 33, line 22, after the first comma, strike all through page 3, and insert in lieu thereof the following: "1,195,114,000, to remain available until expended: *Provided*, That of the funds provided under this heading, $220,000,000 shall be made available for termination of the contracts relating to the Superconducting Super Collider program: *Provided*, That none of the funds".

McCAIN AMENDMENT NO. 984

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2445, supra, as follows:

At the appropriate place in the bill, insert the following: "No funds appropriated in this Act shall be made available for landscaping techniques that do not promote savings from reductions in the purchase of water, energy, and use of chemicals [when appropriate]."

LEVIN (AND COHEN) AMENDMENT NO. 985

(Ordered to lie on the table.)

Mr. LEVIN (for himself and Mr. COHEN) submitted an amendment intended to be proposed by them to the bill H.R. 2445, supra, as follows:

On page 49, line 16, insert before the period at the end the following: ": *Provided*, That of the funds provided for under this heading, $70,236,500 shall not be available to the Tennessee Valley Authority until such time as the Tennessee Valley Authority releases the $8,300,000 in excess Technology Brokering Program fees to the Treasury".

UNITED STATES GRAIN STANDARDS ACT AMENDMENTS OF 1993

DASCHLE AMENDMENT NO. 986

Mr. JOHNSTON (for Mr. DASCHLE) proposed an amendment to the bill (S. 1490) to amend Public Law 100–518 and the United States Grain Standards Act to extend through September 30, 1988, the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for other purposes, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "United States Grain Standards Act Amendments of 1993".

(b) REFERENCES TO UNITED STATES GRAIN STANDARDS ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the United States Grain Standards Act (7 U.S.C. 71 et seq.).

SEC. 2. EXTENSION OF AUTHORITY TO COLLECT FEES TO COVER ADMINISTRATIVE AND SUPERVISORY COSTS.

(a) IN GENERAL.—Section 2 of the United States Grain Standards Act Amendments of 1988 (Public Law 100–518; 7 U.S.C. 79 note) is amended by striking "1993" and inserting "2003".

(b) LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.—Section 7D (7 U.S.C 79d) is amended—

(1) by striking "inspection and weighing" and inserting "services performed"; and

(2) by striking "1993" and inserting "2003".

(c) REAUTHORIZATION OF APPROPRIATIONS.—Section 19 (7 U.S.C. 87h) is amended by striking "1993" and inserting "2003".

SEC. 3. COMPREHENSIVE COST CONTAINMENT PLAN.

Section 3A (7 U.S.C. 75a) is amended—

(1) by redesignating the first through fourth sentences as subsections (a) through (d), respectively; and

(2) by adding at the end the following new subsection:

"(e)(1) The Administrator shall develop and carry out a comprehensive cost containment plan to streamline and maximize the efficiency of the operations of the Service, including standardization activities, in order to minimize taxpayer expenditures and user fees and encourage the maximum use of official inspection and weighing services at domestic and export locations.

"(2) Not later than 180 days after the date of enactment of this subsection, the Administrator shall submit a report that describes actions taken to carry out paragraph (1) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.".

SEC. 4. USE OF INSPECTION AND WEIGHING FEES, AND OFFICIAL INSPECTION AND WEIGHING IN CANADIAN PORTS.

(a) INSPECTION AUTHORITY.—Section 7 (7 U.S.C. 79) is amended—

(1) in subsection (f)(1)(A)(vi), by striking "or other agricultural programs"; and

(2) in the second sentence of subsection (i), by inserting before the period at the end the following: "or as otherwise provided by agreement with the Canadian Government".

(b) WEIGHING AUTHORITY.—Section 7A (7 U.S.C. 79a) is amended—

(1) in the second sentence of subsection (c)(2), by inserting after "shall be deemed to refer to" the following: "'official weighing' or";

(2) in the second sentence of subsection (d), by inserting before the period at the end the following: "or as otherwise provided by agreement with the Canadian Government"; and

(3) in the first sentence of subsection (i), by inserting before the period at the end the following: "or as otherwise provided in section 7(i) and subsection (d)".

SEC. 5. PILOT PROGRAM FOR PERFORMING INSPECTION AND WEIGHING AT INTERIOR LOCATIONS.

(a) INSPECTION AUTHORITY.—Section 7(f)(2) (7 U.S.C. 79(f)(2)) is amended by inserting before the period at the end the following: ", except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out inspections within a single geographical area without undermining the policy stated in section 2".

(b) WEIGHING AUTHORITY.—The second sentence of section 7A(i) (7 U.S.C. 79a(i)) is amended by inserting before the period at the end the following: ", except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out the weighing provisions within a single geographic area without undermining the policy stated in section 2".

SEC. 6. LICENSING OF INSPECTORS.

Section 8 (7 U.S.C. 84) is amended—

(1) in subsection (a)—

(A) in paragraph (1) of the first sentence, by inserting after "and is employed" the following: ", or is supervised under a contractual arrangement,"; and

(B) in the second sentence, by striking "No person" and inserting "Except as otherwise provided in sections 7(i) and 7A(d), no person";

(2) in the first proviso of subsection (b), by striking "independently under the terms of a contract for the conduct of any functions involved in official inspection" and inserting "under the terms of a contract for the conduct of any functions"; and

(3) in subsection (d)—

(A) by inserting after "Persons employed" the following: "or supervised under a contractual arrangement"; and

(B) by inserting after "including persons employed" the following: "or supervised under a contractual arrangement".

SEC. 7. PROHIBITED ACTS.

(a) IN GENERAL.—Section 13(a) (7 U.S.C. 87b(a)) is amended by striking paragraph (11) and inserting the following new paragraph:

"(11) violate section 5, 6, 7, 7A, 7B, 8, 11, 12, 16, or 17A;".

(b) ADDING WATER TO GRAIN.—Section 13(d) is amended by adding at the end the following new paragraph:

"(4)(A) Except as provided in subparagraph (B), no person shall add water to grain for purposes other than milling, malting, or other processing or pest control operations.

"(B)(i) Subject to clause (ii), the Administrator shall allow, through the issuance of permits, the addition of water to grain to suppress grain dust unless the Administrator determines that the addition of water materially reduces the quality of the grain or impedes the objectives of this Act.

"(ii) The Administrator may charge a reasonable fee to recover the administrative and enforcement costs of carrying out clause (i). Fees collected under this subparagraph shall be deposited into the fund created by section 7(j).".

SEC. 8. CRIMINAL PENALTIES.

Section 14(a) (7 U.S.C. 87c(a)) is amended—

(1) by striking "shall be guilty of a misdemeanor and shall, on conviction thereof, be subject to imprisonment for not more than twelve months, or a fine of not more than $10,000, or both such imprisonment and fine; but, for subsequent offense subject to this subsection, such person"; and

(2) by inserting after "$20,000" the following: "(or, in the case of a violation of section 13(d)(4)(A), $50,000)".

SEC. 9. REPORTS, TESTING OF INSPECTION AND WEIGHING EQUIPMENT, OTHER SERVICES, AND APPROPRIATE COURTESIES TO REPRESENTATIVES OF FOREIGN COUNTRIES.

Section 16 (7 U.S.C. 87e) is amended—

(1) in subsection (b), by striking the third sentence; and

(2) by adding at the end the following new subsections:

"(g)(1) Subject to paragraphs (2) and (3), the Administrator may provide for the testing of weighing equipment used for purposes other than weighing grain in accordance with such regulations as the Administrator may prescribe, at a fee established by regulation or contractual agreement.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives of this Act.

"(3) Fees collected under paragraph (1) shall be reasonable and shall cover, as nearly as practicable, the estimated costs of the testing. The fees shall be deposited into the fund created by section 7(j).

"(h)(1) Subject to paragraphs (2) and (3), the Administrator may provide for the testing of grain inspection instruments used for commercial inspections in accordance with such regulations as the Administrator may prescribe, at a fee established by regulation or contractual agreement.

"(2) Testing performed under paragraph (1) may not conflict with or impede with objectives of this Act.

"(3) Fees collected under paragraph (1) shall be reasonable and shall cover, as nearly as practicable, the estimated costs of the testing. The fees shall be deposited into the fund created by section 7(j).

"(i)(1) The Administrator may perform such other services as the Administrator considers appropriate in accordance with such regulations as the Administrator may prescribe.

"(2) In addition to the fees authorized by sections 7, 7A, 7B, and 17A, and this section, the Administrator shall collect reasonable fees to cover the estimated costs of services performed under paragraph (1) other than standardization, compliance, and foreign monitoring activities.

"(3) To the extent practicable, the fees collected under paragraph (2), together with the proceeds from the sale of any samples, shall cover the costs, including administrative and supervisory costs, of services performed under paragraph (1).

"(4) Funds described in paragraph (3) shall be deposited into the fund created by section 7(j).

"(j) The Administrator may extend appropriate courtesies to official representatives of foreign countries in order to establish and maintain relationships to carry out the policy stated in section 2.".

SEC. 10. VIOLATION OF SUBPOENA.

Section 17(e) (7 U.S.C. 87f(e)) is amended by striking "the penalties set forth in subsection (a) of section 14 of this Act" and inserting "imprisonment for not more than 1 year or a fine of not more than $10,000 or both the imprisonment and fine".

SEC. 11. LIMITATION OF APPROPRIATIONS.

Section 19 (7 U.S.C. 87h) is amended by striking "sections 7, 7A, and 17A of this Act" and inserting "sections 7, 7A, 7B, 16, and 17A".

SEC. 12. STANDARDIZING COMMERCIAL INSPECTIONS.

Section 22(a) (7 U.S.C. 87k(a)) is amended by striking "and the National Conference on Weights and Measures" and inserting ", the National Conference on Weights and Measures, or other appropriate governmental, scientific, or technical organizations".

SEC. 13. ELIMINATION OF GENDER-BASED REFERENCES.

(a) Section 3 (7 U.S.C. 75) is amended—

(1) in subsection (a), by striking "his delegates" and inserting "delegates of the Secretary"; and

(2) in subsection (z), by striking "his delegates" and inserting "delegates of the Administrator".

(b) Section 4(a)(1) (7 U.S.C. 76(a)(1)) is amended by striking "his judgment" and inserting "the judgment of the Administrator".

(c) Section 5 (7 U.S.C. 77) is amended—

(1) in subsection (a)(1), by striking "his agent" and inserting "the agent of the shipper"; and

(2) in subsection (b), by striking "he" and inserting "the Administrator".

(d) Section 7 (7 U.S.C. 79) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator";

(2) in subsection (b)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his judgment" and inserting "the judgment of the Administrator"; and

(3) in subsection (e)(2)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his discretion" and inserting "the discretion of the Administrator".

(e) Section 7A(e) (7 U.S.C. 79a(e)) is amended by striking "he" and inserting "the Administrator".

(f) Section 7B(a) (7 U.S.C. 79b(a)) is amended by striking "he" and inserting "the Administrator".

(g) Section 8 (7 U.S.C. 84) is amended—

(1) in subsection (a), by striking "him" and inserting "the Administrator"; and

(2) in subsections (c) and (f), by striking "he" each place it appears and inserting "the Administrator".

(h) Section 9 (7 U.S.C. 85) is amended by striking "him" and inserting "the licensee".

(i) Section 10 (7 U.S.C. 86) is amended—

(1) in subsection (a), by striking "he" each place it appears and inserting "the Administrator"; and

(2) in subsection (b), by striking "he" and inserting "the person".

(j) Section 11 (7 U.S.C. 87) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "he" and inserting "the producer"; and

(B) in paragraph (5), by striking "he" each place it appears and inserting "the Administrator".

(k) Section 12 (7 U.S.C. 87a) is amended—

(1) in subsection (b), by striking "his judgment" and inserting "the judgment of the Administrator"; and

(2) in subsection (c), by striking "he" and inserting "the Administrator".

(l) Section 13(a) (7 U.S.C. 87b(a)) is amended—

(1) in paragraph (2), by striking "his representative" and inserting "the representative of the Administrator";

(2) in paragraphs (7) and (8), by striking "his duties" each place it appears and inserting "the duties of the officer, employee, or other person"; and

(3) in paragraph (9), by striking "he" and inserting "the person".

(m) Section 14 (7 U.S.C. 87c) is amended—

(1) in subsection (a), by striking "he" and inserting "the person"; and

(2) in subsection (b), by striking "he" each place it appears and inserting "the Administrator".

(n) Section 15 (7 U.S.C. 87d) is amended by striking "his employment or office" and inserting "the employment or office of the official, agent, or other person".

(o) Section 17(e) (7 U.S.C. 87f(e)) is amended by striking "his power" and inserting "the power of the person".

(p) Section 17A (7 U.S.C. 87f-1) is amended—

(1) in subsection (a)(2), by striking "he" and inserting "the producer"; and

(2) in subsection (c), by striking "he" and inserting "the person".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, September 29, 1993, in open session, to receive testimony on lessons learned by the Defense Base Closure and Realignment Commission and the Department of Defense concerning the 1993 base closure process; and a proposed land exchange regarding portions of Fort Sheridan, IL, and a site in Arlington, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., September 29, 1993, to consider pending calendar business:

At the Wednesday, September 29, business meeting, the committee will consider the following agenda items:

Agenda No. 8—To consider the nomination of Daniel Dreyfus to be Director of Civilian Radioactive Waste Management, U.S. Department of Energy.

Agenda No. 2—The Committee will resume consideration of S. 21, to designate certain lands in the California desert as wilderness and to establish Death Valley, Joshua Tree, and Mojave National Parks.

Amendments are anticipated.

Agenda No. 5—S. 991, to direct the Secretary of the Interior and the Secretary of Energy to undertake initiatives to address certain needs in the Lower Mississippi Delta Region.

Senator JOHNSTON will circulate an amendment in the nature of a substitute.

The Committee will also take up any other items ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, September 29, beginning at 9:30 a.m. to hear:

Robert Perciasepe, nominated by the President to be Assistant Administrator for the Office of Water Environmental Protection Agency;

Lynn R. Goldman, nominated by the President to be Assistant Administrator for the Office of Prevention, Pesticides and Toxic Substances Environmental Protection Agency;

Elliot P. Laws, nominated by the President to be Assistant Administrator for the Office of Solid Waste and

Emergency Response Environmental Protection Agency; and

Jean C. Nelson, nominated by the President to be general counsel Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to hear testimony from Dr. Shirley Chater, nominated to be Commissioner of Social Security, and Judge Herbert Chabot, nominated to be a judge of the U.S. Tax Court.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 29, 1993, at 2 p.m. to hold nomination hearings on the following:

Mr. Roger R. Gamble, of Virginia, to be Ambassador to the Republic of Suriname;

Mr. Peter F. Romero, of Florida, to be Ambassador to the Republic of Ecuador; and

Mr. William Lacy Swing, of North Carolina, to be Ambassador to the Republic of Haiti.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 29, 1993, at 10 a.m. to hold nomination hearings on the following nominees:

Ms. Marian C. Bennett, of the District of Columbia, to be inspector general, U.S. Information Agency;

Ms. Toby Trister Gati, of New York, to be Assistant Secretary of State for Intelligence and Research; and

Mr. Daniel L. Spiegel, of Virginia, to be the U.S. Representative to the European Office of the United Nations, with the rank of Ambassador.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the Health Security Act of 1993, during the session of the Senate on Wednesday, September 29, 1993, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY AND AGRICULTURAL TAXATION

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Subcommittee on Energy and Agricultural Taxation of the Committee on Finance be permitted to meet today at 2:30 p.m. to hear testimony on the subject of transportation fuel additives.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, September 29, 1993, at 10 a.m. to conduct a hearing on the first annual report of the Trade Promotion Coordinating Committee and the new Governmentwide strategic plan for U.S. export promotion and financing required by the Export Enhancement Act of 1992.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PROFESSIONAL BASEBALL ANTITRUST REFORM ACT OF 1993

• Mr. WELLSTONE. Mr. President, I ask unanimous consent that my name be removed as a cosponsor of S. 500, the Professional Baseball Antitrust Reform Act of 1993.

Since originally announcing my cosponsorship of this legislation, many concerns have been communicated to me about the possible instability that could be caused by removing baseball's antitrust exemption.

Baseball holds a unique place in our culture as well as in our economy, and I would like to give this subject even more extensive consideration.•

THE FEDERAL WOOL PROGRAM

• Mr. McCAIN. Mr. President, I want to comment on action that was taken by the Senate on September 23, regarding the Department of Agriculture's Wool and Mohair Program. While I share the views of many of my colleagues about the cost of the Wool Program, I am deeply concerned about the harmful impact that the total elimination of this program would have on the participants who live in poverty.

In light of our massive Federal budget deficit, it is clearly time for the Senate to significantly reduce the cost of a range of public programs. We can no longer justify spending billions of taxpayers' dollars on programs that have clearly outlived their usefulness—if there ever was any legitimate rationale for them in the first place.

I cannot support spending almost $200 million a year on a Federal wool and mohair subsidy program, nor the payment of large sums to individual producers of wool and mohair. The Congress has an almost inexhaustible appetite for spending programs and subsidies, and this is just one of scores of Federal programs that should be either ended or significantly cut back.

There is one vital area of concern I have, however, regarding the complete elimination of the Wool Program. In Arizona and several other Western States, thousands of native Americans help support their families by tending small herds of sheep and goats. For most of these native Americans, life consists of a difficult daily struggle to put food on the table for their children, in a environment with almost no economic opportunity and astronomical unemployment.

There were 6,799 Navajo recipients of wool payments in 1992 in Arizona, New Mexico, and Utah, and most of these ranchers also received mohair payments. Tribal representatives state that the average Navajo producer owns only 40 sheep and 30 goats. The average payment received by each Navajo in the Wool Program last year was only $205, and $178 for the production of mohair. While these payments are small, they are vital to these native American families, some of whom are also beneficiaries of the Federal Food Stamp Program.

As every Member of the Senate is aware, food stamp recipients are the very poorest Americans, with incomes of at most $1,100 per month for a family of four. I do not want to make the lives of these impoverished families even more difficult by taking away the small payments they may receive from the production of wool. The director of the Navajo Nation's Washington Office stated that the total elimination of the Wool and Mohair Program would have a disastrous effect on many Navajo families. Unfortunately, all assistance received by wool producers who are below the poverty line would be ended by the amendment proposed by Senator BRYAN and passed by the Senate.

It is my belief that it would be both appropriate and compassionate to allow wool and mohair producers who qualify for food stamps to continue to receive program payments. If every Senator would take a moment to consider the often bleak quality of life that these proud and hardworking native Americans face, I think they all would agree.

While I think vital assistance payments should be continued to any low-income rancher who is eligible for food stamps, I can personally attest to how troubling the economic circumstances are that face native Americans who fit this profile.

The facts are profoundly disturbing: The percentage of Navajos below the poverty level is four times higher than the rest of the country; the median household income in Navajo country is less than one-third of the income for other Americans; unemployment in Indian country averages 4 to 5 times that of the national average, and on some reservations approaches an appalling 90 percent. More than 15 percent of Indian homes lack basic sanitation facilities—a rate 8 times worse than the rest of the United States. On Navajo lands alone, more than 11,000 homes lack running water and sewage facilities.

Allowing those ranchers who receive food stamps to continue receiving the modest level of benefits they currently receive under the Wool Program, would still enable the cost of this program to taxpayers to be reduced almost in its entirety. In 1992, Federal wool and mohair payments totaled $191 million. The total payments received by Navajos in the States of Arizona, Utah, and New Mexico was only $2.3 million last year, less than 2 percent of the wool and mohair program's overall budget.

While the Department of Agriculture does not have readily available figures on how much of this total budget was paid out to ranchers who may be eligible for food stamps, I can tell you the amount is very low. Officials at the USDA and Navajo tribal representatives estimate that approximately half of the native Americans who receive wool and mohair payments have incomes at or below the poverty level.

Based upon this figure, I think it is fair to estimate that wool and mohair payments to ranchers who are eligible for food stamps are likely to be less than $3 million annually. If this is the case, the preservation of small assistance payments to poor ranchers would still achieve a savings to the Treasury of about 97 percent, while at the same time shielding some of the most impoverished citizens in our Nation from additional economic pain.

Furthermore, no significant bureaucracy at USDA would be necessary to continue modest assistance to the small number of producers who qualify for food stamps. The Navajo Tribe, for instance, already administers the Federal Food Stamp Program on a contract basis with the USDA. Perhaps a similar arrangement could be established to continue assistance that has up until now been provided under the Wool and Mohair Program.

I fully agree that we should reduce Federal spending on farm programs. I have voted to do so in the past, and I will continue to do so in the future. We must not, however, hurt those Americans who are in the most urgent need of assistance. If a small family rancher is barely able to provide for their children and is thereby eligible for food stamps, we should not take away the very modest payment they may receive from the Federal Wool Program.

Preserving these payments for small wool and mohair producers with incomes near the poverty level would be helpful, but the much larger issue of improving economic conditions in Indian country is a more complex problem. I'm pleased to have sponsored the Indian Employment and Investment Act, which will provide tax incentives to companies locating or expanding business operations on a reservation. A modified version of this legislation was signed into law as part of the budget reconciliation bill passed by the Congress this summer. It will definitely be a helpful step in the difficult task of creating good jobs for native Americans.

I will raise this concern with members of the House Appropriations Committee as they consider H.R. 2493 as recently amended by the Senate, as well as my colleagues in the Senate should any further conference be necessary.•

THE SENTENCE GUIDELINES STRAITJACKET

• Mr. SIMON. Mr. President, one of the areas where we have played to the crowd rather than play to the facts is in the area of mandatory minimums in our prison sentences.

We have to adjust to reality and do a better job.

The Federal judges are complaining loudly and justifiably that they do not have the flexibility to do the kind of job on sentencing that they should do.

While it sounds tough to have the mandatory sentences, we now have 455 people per 100,000 in our prisons and jails, and a distant second in numbers is South Africa with 311. Canada has 109.

In 1970, we had 134 per 100,000. We thought we would solve the crime problem by spending billions and billions on more prisons, and our crime rate has escalated not declined.

It should not take a genius to figure out we have to do better.

Recently, the Chicago Tribune had an excellent editorial, "The Sentence Guidelines Straitjacket."

It talks about the lack of common sense that we follow with our present policy.

I tried, without success, to negotiate some sensible modifications of the mandatory minimums on the crime bill before it reached the floor, but there was a reluctance on the part of a key member of the committee, for whom I have great respect, to accept modifications of the mandatory minimums because of the fear of the political fallout. For obvious reasons, I will not identify that person.

The Chicago Tribune editorial properly points out in its final paragraph:

> Excessive punishments for drug crimes are the result of political grandstanding by lawmakers who either don't know or don't care about he consequences for courts and prisons. The judges who say this policy is badly mistaken ought to be heard and heeded.

I ask that the entire editorial be placed into the RECORD at this point.

The editorial follows:

[From the Chicago Tribune, Sept. 5, 1993]

THE SENTENCE GUIDELINES STRAITJACKET

Last month a U.S. district court judge in Omaha gave a small public glimpse of the discontent simmering on the federal bench. Judge Lyle Strom refused to impose the 30-year prison terms dictated by law on four black defendants convicted of selling crack cocaine, ruling that the sentences would amount to racial discrimination. They got 20 years instead.

Strom's complaint is a powerful one: The law treats possession of one gram of crack as equivalent to possession of 100 grams of powder cocaine, even though the two are chemically the same. The 100-to-1 ratio badly skews the scales of justice against black defendants, who are much more likely to deal in crack than whites. Largely because of such laws, the average federal prison sentence is 49 percent longer for blacks that for whites—which amounts to more than 3½ years per offender.

Strom's decision may not survive an appeal, but the problem it addresses will. The uneven racial impact of our federal drug policy is only one of the results of a sentencing policy that has lost touch with reality.

In the 1980s, Congress resolved to show its toughness in fighting crime by enacting more than 100 mandatory sentences for drug violations and other offenses. For many crimes, the punishment far exceeds the crime. First offenders who have made the mistake of carrying a small packet of cocaine on an airplane or making a minor drug sale can find themselves in jail for a mandatory minimum sentence of 10 years. And in the federal system, there is no parole, meaning that those convicted must serve nearly their entire sentence even in the best circumstances.

The current federal judiciary, composed mostly of people appointed by Ronald Reagan or George Bush, is not known for coddling criminals. But it is verging on open revolt against these draconian penalties, which give judges virtually no latitude for mercy and crowd federal prisons with nonviolent offenders. Every federal judicial circuit has passed a resolution criticizing the laws. Some judges have simply refused to hear drug cases anymore—like Jack Weinstein of Brooklyn, who said in April that "I simply cannot sentence another impoverished person who destruction has no discernible impact on the drug trade."

At least one judge has resigned in protest. Others have refused to impose the mandatory sentences and dared appeals courts to overrule them. And, as the Philadelphia Inquirer reported recently, "It is becoming common for federal judges to apologize to convicted defendants while imposing the stiff jail terms."

The vociferous complaints from the men and women forced to apply these laws every day may finally be forcing some second thoughts in Washington. Attorney General Janet Reno has ordered a review of mandatory minimum sentences for drug offenders. Rep. Don Edwards, a California Democrat who heads the subcommittee on civil and constitutional rights, proposed to eliminate such penalties at least for nonviolent first-time offenders.

Excessive punishments for drug crimes are the result of political grandstanding by lawmakers who either don't know or don't care about the consequences for courts and prisons. The judges who say this policy is badly mistaken ought to be heard and heeded.•

HONORING NICK PETERSON

• Mr. DURENBERGER. Mr. President, I rise today to pay tribute to one of my constituents who recently won a truly remarkable honor. On July 29, 1993, Nicholas Peterson of Prior Lake, MN, won the Bronze medal for welding at the International Youth Skills Olympics [IYSO] in Taipei, Taiwan.

Nick Peterson is 19 years old, and graduated from Apple Valley Senior High School last year. He learned welding at the Dakota County Secondary Technical Center—and he now works at Flocovery Systems, Inc., in Eden Prairie.

A member of the American Welding Society, Nick bested 13 of the 16 contestants in the international welding competition. Of a possible 600 points, he scored 522—just 22 points shy of the gold. The weld integrity on all of his projects was exceptional.

Nick Peterson is an example of the kind of excellence we need to encourage in every school and work place in this country. I ask my colleagues to join me in congratulating him on his medal, and wishing him continued success in the future.•

WORLD MARITIME DAY 1993

• Mr. HOLLINGS. Mr. President, the secretary-general of the International Maritime Organization [IMO], Mr. William A. O'Neil, has announced that World Maritime Day 1993 is to be observed today, September 29, 1993. The theme of this year's observance is "Implementation of IMO Standards—The Key to Success."

The IMO is a specialized agency established within the framework of the United Nations to develop international standards for improving safety at sea and preventing pollution of the oceans. The U.S. Coast Guard handles a large part of the U.S. responsibility with respect to the IMO. The Coast Guard leads U.S. delegations to meetings of the IMO Assembly, the Maritime Safety, Marine Environmental Protection, and Legal Committees, and to all subcommittees, in order to influence the development of safety and pollution prevention standards.

As you are aware, Mr. President, I have been a strong, vocal advocate of a vibrant and competitive U.S. maritime industry. As chairman of the Senate Committee on Commerce, Science, and Transportation, my oversight of the Coast Guard and other maritime activities necessarily involves me in oversight of the IMO and its development of the appropriate safety and pollution prevention standards, and in fostering subsequent worldwide cooperation and compliance.

The U.N. Maritime Conference of 1948 adopted the convention establishing the IMO as the first international body devoted exclusively to maritime matters. Mr. President, on the occasion of World Maritime Day 1993, I publicly acknowledge the IMO's 45 years of work in maritime safety and pollution prevention, and I urge my colleagues to continue with me in promoting safer shipping and cleaner oceans.•

HONORING LEONARD LINDQUIST

• Mr. DURENBERGER. Mr. President, I rise today to honor one of my most distinguished constituents and a good friend, Leonard Lindquist.

Early in September, it was announced that Leonard himself would be the first recipient of an award named after him—the Leonard Lindquist Award for Excellence in Community Service. I can think of few if any individuals I have ever met who so richly deserve this kind of honor.

Throughout his career as a lawyer, Leonard has been dedicated to using the law as an instrument for making the community a better place. Former Vice President Walter Mondale and former Congressman Don Fraser are both alumni of his public service-oriented law firm.

Former Agriculture Secretary and Democratic Governor of Minnesota, Orville Freeman, put it exactly right when he said that Leonard "called himself a Republican, but he always supported whoever he thought was right."

That's exactly the kind of public spirit Leonard exemplifies. He is a model for all people who are in politics—and need to be reminded that each of us has a higher calling than mere partisanship.

Leonard has been retired from his law practice for the last 5 years, but he has not retired from his involvement in public service. Most recently, he helped former Minnesota Vikings Jim Marshall and Oscar Reed start up an outreach program—Professional Sports Linkage, Inc.—to connect pro athletes and other celebrities with at-risk youngsters.

Marshall and Reed were so impressed with the fundraising and other assistance that Leonard provided that they created the Leonard Lindquist Award—and conferred it on him.

I'm sure my colleagues will agree that Leonard is well worthy of this award—and I ask them to join me in sending him our warmest congratulations.

I ask that an article about Leonard from the Minneapolis Star Tribune be included in the RECORD at the conclusion of my remarks.

The article follows:

[From the Minneapolis Star Tribune, Sept. 29, 1993]

LEONARD LINDQUIST GETS A DESERVED AWARD FOR HIS LIFE OF COMMUNITY SERVICE

(By Dick Youngblood)

Jim Marshall, a Purple People Eater of some renown, calls Leonard Lindquist "my hero."

Tony Bouza, the grandiloquent ex-Minneapolis police chief, once wrote Lindquist to proclaim: "Blessed be the peacemakers."

Mayor Don Fraser calls him, simply, "a really neat guy."

Their tributes, among others, have inspired me to break a precedent: I'm about to say something nice about a lawyer.

By all accounts, Lindquist has left an indelible mark on our community and, in a variety of ways, on the country as well. Consider:

As a founder with Senior U.S. District Judge Earl Larson of the law firm now known as Lindquist & Vennum, he set out from Day 1 to make the firm a strong and supportive base for attorneys dedicated to community service and public life.

Among the firm's alumni: Fritz Mondale, former vice president and U.S. Senator; Orville Freeman, the former Minnesota Governor who served as President John F. Kennedy's agriculture secretary; Minneapolis Mayor Don Fraser, who also was a U.S. Representative, and Minnesota Supreme Court Justice Alan Page, himself a onetime Purple People Eater.

As a lifelong Republican, Lindquist not only helped loft the aforementioned Democrats onto the political scene, but also found himself up to his pinstripes in a passel of liberal causes. As a state legislator in the 1950s, for instance, he was a leader in the fair-housing battle and sponsored the state's first law banning racial discrimination in nursing homes. And in the 1960s he was tapped by Minneapolis Mayor Art Naftalin, another DFLer, as chairman of the Mayor's Committee on Fair Employment Practice.

"Leonard is a true mugwump," said Freeman, now an associate in the Washington, D.C., office of the Popham, Haik law firm. "He called himself a Republican, but he always supported whoever he thought was right."

As a prominent national labor mediator and arbitrator, Lindquist was asked by Fraser to intervene in 1982 in the violent, three-month printers' strike at the Bureau of Engraving Inc.

The result: Lindquist wooed the two sides to the bargaining table and had the strike settled within days, thereby eliciting Bouza's biblical reference.

As a man who devoted his career to representing working people—from nurses to pilots to Mayo Clinic residents—Lindquist was hired as outside counsel in 1969 to help form the National Football League Players Association and assist in negotiating its first contract with NFL owners.

Although the relationship endured until 1988, Lindquist's initial meeting with one of the group's founders, John Mackey, was not what you'd call promising. Perusing a press release that identified Mackey as the tight end of the Baltimore Colts, Lindquist asked if there wasn't a misprint: "Shouldn't this be right end?" he inquired.

"I'd never seen a professional football game before," Lindquist confessed in an interview the other day. "I'd never had much time for that sort of thing."

To hear him tell it, he still doesn't have all that much time, never mind his age—81—and his lengthy but so far successful battle against prostate cancer. Indeed, the reason I'm bringing the gent to your attention this morning is that I've uncovered a significant failure here in the twilight of his illustrious career.

Truth be told, Lindquist is simply lousy at this retirement business. For one thing, while he retired from active law practice in 1988, at age 76, Lindquist still spends 20 to 30 hours or more a week as a labor arbitrator and mediator, a chore that has taken him in recent months from Miami to Chicago to Seattle—not to mention a few lesser-known outposts in between. On a recent Tuesday, for example, he was aboard a 7:30 a.m. flight to Grand Forks to mediate a labor dispute.

More important, to borrow Fraser's words, Lindquist persists in the notion that lawyers—even octogenarian lawyers—"have an important and continuing obligation to the larger community."

All of which brings us back to the reason why Marshall, a member of a Minnesota Vikings defensive line dubbed "The Purple People Eaters," is saying nice things about Lindquist.

Marshall and former Vikings running back Oscar Reed are the founders of a truly creative inner-city organization, Professional Sport Linkage Inc., which uses athletes, business executives and other celebrities to help show at-risk youngsters that there are worthwhile alternatives to crime and drugs.

The private nonprofit organization offers programs ranging from chess, tennis and theater clubs to academic tutoring, job training and placement to about 100 youngsters referred by the courts, police, probation officers and community workers.

So what's all this got to do with Lindquist? Well, to help Marshall and Reed get started he placed the resources of Lindquist & Vennum at their disposal, including free legal advice, staff assistance and meeting space. "We didn't even have to pay for the doughnuts," said Reed, who has gained a couple of pounds since his playing days.

More important, Lindquist began putting the arm on acquaintances for contributions of time and money. "He did not request contributions," Marshall recalled, "He didn't encourage contributions. He insisted on contributions."

And this wasn't an isolated example, Marshall added: "At an age when most people would be out fishing, he's still doing what he's been doing for years—trying to make people's lives better."

And so, at a banquet early in September, Marshall announced that he and Reed were giving Lindquist their first annual Leonard Lindquist Award for Excellence in Community Service.

For his part, Lindquist has a fairly simple explanation for his unwillingness to relax: "I've always felt that, if the willingness to give dries up, so does the spirit," he said. Thus, despite prostate, cataract and hernia surgeries in the past three years, "I want to remain in the service as long as I feel I'm doing some good."•

THE TOP 50 WOMEN BUSINESS OWNERS

• Ms. MOSELEY-BRAUN. Mr. President, I have the distinguished honor today to recognize the top 50 women business owners in the country. These women, as well as all women business owners, should be acknowledged for their tremendous abilities and achievement.

The National Foundation of Women Business Owners [NFWBO], chaired by Ms. Laura Henderson of Prospect Associates, a local Washington based business, has completed important research substantiating the impact of women business owners as a new economic force. The foundation executive director, Dr. Sharon Hadary, played a key role in a research project that concluded that women-owned businesses employ more people in the United States than Fortune 500 companies do worldwide.

The 6.5 million women-owned businesses in the United States employ more than 11 million people. They operate in every industry sector including manufacturing, agribusiness, retail, health, and business and professional services. In addition, these women-owned businesses continue to expand. Over the last 2 years—while the largest companies in this Nation were reducing work forces—25 percent of women-owned business were adding employees.

I would like to take this opportunity to congratulate the top 50, and wish these women, and all women, continued success in their endeavors. Mr. President, I ask that a copy of the list of the NFWBO/top 50 be printed at this point in the RECORD.

The list follows:

THE NFWBO/WORKING WOMAN TOP 50

1. Pat Moran, President, JM Family Enterprises.
2. Marian Ilitch, Secretary, Treasurer, Little Caeser Enterprises.
3. Joyce Raley Teel, Co-Chair, Raley's.
4. Antonia Axson Johnson, Chair, Axel Johnson.
5. Liz Minyard, Gretchen Minyard Williams, Co-Chairs, Minyard Food Stores.
6. Linda Wachner, President, Chair, CEO, Warnaco Group.
7. Susie Tompkins, Co-Founder, Co-Owner, Esprit de Corp.
8. Sandie Tillotson, VP of Corporate Services, Nu Skin International.
9. Jenny Craig, Vice Chair, Jenny Craig.
10. Donna Steigerwaldt, Chair, CEO, Jockey International.
11. Norma Paige, Chair, Astronautics Corp. of America.
12. Helen Copley, Chair, CEO, Copley Press.
13. Barbara Levy Kipper, Chair, Chas. Levy.
14. Bettye Martin Musham, President, CEO, Gear Holdings.
15. Emily Woods, President, J. Crew.
16. Annabelle Fetterman, Chair, Lundy Packing.
17. Donna Karan, Chief Designer, CEO, Donna Karan.
18. Linda Johnson Rice, President, COO, Johnson Publishing.
19. Josephine Chaus, Chair, CEO, Bernard Chaus.
20. Dian Graves Owen, Chair, Owen Healthcare.
21. Ellen Gordon, President, Tootsie Roll Industries.
22. Carole Little, Co-Founder, Co-Chair, Carole Little.
23. Judy Sims, Chair, CEO, Software Spectrum.
24. Dorothy Owen, Chair, Owen Steel.
25. Adrienne Vittadini, Chair, Adrienne Vittadini.
26. Helen Jo Whitsell, Chair, CEO, Copeland Lumber Yards.
27. Lillian Vernon, CEO, Lillian Vernon.
28. Ann Gaither, President, Chair, CEO, J.H. Heafner.
29. Patricia Gallup, President, CEO, PC Connection.
30. Paula Kent Meehan, Chair, CEO, Redken Laboratories.
31. Jessica McClintock, President, CEO, Jessica McClintock.
32. Christel DeHaan, President, CEO, Resort Condominiums International.
33. June Morris, CEO, Morris Air.
34. Sondra Healy, Chair, Turtle Wax.
35. Marilyn Marks, CEO, Dorsey Trailers.
36. Kay Unger, Partner, Gillian.
37. Gertrude Boyle, Chair, Columbia Sportswear.
38. Lois Rust, President, Rose Acre Farms.
39. Joan Helpern, President, CEO, Joan and David.
40. Oprah Winfrey, Chair, CEO, Harpo Entertainment Group.
41. Marcy Carsey, Co-Owner, Carsey-Werner.
42. Lane Nemeth, President, CEO, Discovery Toys.
43. Sandy Gooch, Founder, Co-Owner, Mrs. Gooch's Natural Foods Markets.
44. Sheryl Handler, CEO, Thinking Machines.
45. Harriet Gerber Lewis, Chair, Gerber Plumbing Fixtures.
46. Libby Edelman, Senior Vice President, Sam & Libby.
47. Ruth Fortel, Chair, CEO, Ruth's Chris Steak House.
48. Jean Bernhard Buttner, President, Chair, CEO, Value Line.
49. Pleasant Rowland, President, Pleasant Co.
50. Jinger Heath, Chair, BeautiControl Cosmetics.•

PROPOSED PHASING OUT OF THE NATIONAL COMMISSION TO PREVENT INFANT MORTALITY

• Mr. DURENBERGER. Mr. President, I rise today to comment briefly on the proposed phaseout of the National Commission To Prevent Infant Mortality. The Commission has been an important source of information and inspiration for those of us involved with children's issues. I have felt honored to represent the Senate on the Commission for a number of years Mr. President, and I feel a deep sense of loss as its work apparently comes to an end through this legislation. The Commission will be sorely missed because of the numerous contributions it has made to making mothers and babies a top priority for our Nation, for States and for local communities. From the Commission's launching a national Resource Mothers Program to their continued push for one-stop-shopping integrated services for moms and kids, they have proven that leadership in the field of maternal and child health is needed in our country.

The Commission has sought to create alliances among groups not directly involved with maternal and child health issues, in order to broaden support for children. The National Health Education Consortium which represents over 60 national groups and nearly 12 million individuals and the National Consortium for African-American Children which represents over 100 national groups are just 2 of the important bridge-building initiatives the Commission has launched.

The Commission has commended public attention to the issues of mothers and children at risk. From nationally televised documentaries to countless newspaper stories and journal articles on the subject, the Commission has sought to keep the issues of promoting the health and well-being of mothers and children in the public eye.

The Commission has been called on numerous times by Members of Congress, the White House, private organizations and others for unbiased, current, accurate, state-of-the-art information about mothers and babies. Issues pertaining to mothers and children are spread so widely across congressional and administrative offices, that finding relevant information becomes a difficult and sometimes impossible undertaking. The Commission has always been an important resource for providing timely, accurate information to policy makers and the public.

Encouraging development of public/private partnerships is a critical strategy for long-term improvements in the lives of mothers and children. The Commission has been able to demonstrate by example, the value of public/private partnerships. The Commission has shown with limited dollars of support from the Federal Government matched by generous dollars from the private sector, that public/private partnerships can and do work.

Downsizing of Government is important—and I believe that it must be done. But I also believe that downsizing Government should take into account the usefulness and importance of the particular program or area being cut and how it fits into our national priorities. For a relatively small amount of funding—so small that it doesn't exist as a decimal point in the Federal budget—$460,000—the Commission has been able to make a substantial contribution to improving the lives of mothers and children.

The National Commission To Prevent Infant Mortality has performed a critical task by focusing the Nation's attention on the health and well-being of mothers and children as a national priority. I applaud their work and commitment and encourage all of us to continue the tremendous progress that they have already made.

In particular, I want to pay a special thanks to a number of individuals associated with the Commission, who have worked long and hard to improve the lives of mothers and children: Gov. Lawton Chiles of Florida, Chairman of the Commission; Representative ROY ROWLAND, Vice Chairman; Senator BILL BRADLEY, Representative BILL GOODLING, Lynda Johnson Robb, Dr. Herman Hein from Iowa, Rae Grad, Executive Director of the Commission and her staff and the many Federal, State, and local maternal and child health directors and advocates. All of these individuals have helped us to realize that children are our future—and there is no investment more important than their well-being.●

U.S. GRAIN STANDARDS ACT AMENDMENTS OF 1993

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 211, S. 1490, the U.S. Grain Standards Act Amendments of 1993.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1490) to amend Public Law 100-518 and the United States Grain Standards Act to extend through September 30, 1998, the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 986

Mr. JOHNSTON. Mr. President, on behalf of Senator DASCHLE, I send to the desk a substitute amendment and ask unanimous consent that the amendment be agreed to and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Is there objection.

Without objection, it is so ordered.

So the amendment (No. 986) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "United States Grain Standards Act Amendments of 1993".

(b) REFERENCES TO UNITED STATES GRAIN STANDARDS ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the United States Grain Standards Act (7 U.S.C. 71 et seq.).

SEC. 2. EXTENSION OF AUTHORITY TO COLLECT FEES TO COVER ADMINISTRATIVE AND SUPERVISORY COSTS.

(a) IN GENERAL.—Section 2 of the United States Grain Standards Act Amendments of 1988 (Public Law 100-518; 7 U.S.C. 79 note) is amended by striking "1993" and inserting "2003".

(b) LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.—Section 7D (7 U.S.C 79d) is amended—

(1) by striking "inspection and weighing" and inserting "services performed"; and

(2) by striking "1993" and inserting "2003".

(c) REAUTHORIZATION OF APPROPRIATIONS.—Section 19 (7 U.S.C. 87h) is amended by striking "1993" and inserting "2003".

SEC. 3. COMPREHENSIVE COST CONTAINMENT PLAN.

Section 3A (7 U.S.C. 75a) is amended—

(1) by redesignating the first through fourth sentences as subsections (a) through (d), respectively; and

(2) by adding at the end the following new subsection:

"(e)(1) The Administrator shall develop and carry out a comprehensive cost containment plan to streamline and maximize the efficiency of the operations of the Service, including standardization activities, in order to minimize taxpayer expenditures and user fees and encourage the maximum use of official inspection and weighing services at domestic and export locations.

"(2) Not later than 180 days after the date of enactment of this subsection, the Administrator shall submit a report that describes actions taken to carry out paragraph (1) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.".

SEC. 4. USE OF INSPECTION AND WEIGHING FEES, AND OFFICIAL INSPECTION AND WEIGHING IN CANADIAN PORTS.

(a) INSPECTION AUTHORITY.—Section 7 (7 U.S.C. 79) is amended—

(1) in subsection (f)(1)(A)(vi), by striking "or other agricultural programs"; and

(2) in the second sentence of subsection (i), by inserting before the period at the end the following: "or as otherwise provided by agreement with the Canadian Government".

(b) WEIGHING AUTHORITY.—Section 7A (7 U.S.C. 79a) is amended—

(1) in the second sentence of subsection (c)(2), by inserting after "shall be deemed to refer to" the following: " 'official weighing' or";

(2) in the second sentence of subsection (d), by inserting before the period at the end the following: "or as otherwise provided by agreement with the Canadian Government"; and

(3) in the first sentence of subsection (i), by inserting before the period at the end the following: "or as otherwise provided in section 7(i) and subsection (d)".

SEC. 5. PILOT PROGRAM FOR PERFORMING INSPECTION AND WEIGHING AT INTERIOR LOCATIONS.

(a) INSPECTION AUTHORITY.—Section 7(f)(2) (7 U.S.C. 79(f)(2)) is amended by inserting before the period at the end the following: ", except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out inspections within a single geographical area without undermining the policy stated in section 2".

(b) WEIGHING AUTHORITY.—The second sentence of section 7A(i) (7 U.S.C. 79a(i)) is amended by inserting before the period at the end the following: ", except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out the weighing provisions within a single geographic area without undermining the policy stated in section 2".

SEC. 6. LICENSING OF INSPECTORS.

Section 8 (7 U.S.C. 84) is amended—

(1) in subsection (a)—

(A) in paragraph (1) of the first sentence, by inserting after "and is employed" the following: ", or is supervised under a contractual arrangement,"; and

(B) in the second sentence, by striking "No person" and inserting "Except as otherwise provided in sections 7(i) and 7A(d), no person";

(2) in the first proviso of subsection (b), by striking "independently under the terms of a contract for the conduct of any functions involved in official inspection" and inserting "under the terms of a contract for the conduct of any functions"; and

(3) in subsection (d)—

(A) by inserting after "Persons employed" the following: "or supervised under a contractual arrangement"; and

(B) by inserting after "including persons employed" the following: "or supervised under a contractual arrangement".

SEC. 7. PROHIBITED ACTS.

(a) In General.—Section 13(a) (7 U.S.C. 87b(a)) is amended by striking paragraph (11) and inserting the following new paragraph:

"(11) violate section 5, 6, 7, 7A, 7B, 8, 11, 12, 16, or 17A;".

(b) Adding Water to Grain.—Section 13(d) is amended by adding at the end the following new paragraph:

"(4)(A) Except as provided in subparagraph (B), no person shall add water to grain for purposes other than milling, malting, or other processing or pest control operations.

"(B)(i) Subject to clause (ii), the Administrator shall allow, through the issuance of permits, the addition of water to grain to suppress grain dust unless the Administrator determines that the addition of water materially reduces the quality of the grain or impedes the objectives of this Act.

"(ii) The Administrator may charge a reasonable fee to recover the administrative and enforcement costs of carrying out clause (i). Fees collected under this subparagraph shall be deposited into the fund created by section 7(j).".

SEC. 8. CRIMINAL PENALTIES.

Section 14(a) (7 U.S.C. 87c(a)) is amended—

(1) by striking "shall be guilty of a misdemeanor and shall, on conviction thereof, be subject to imprisonment for not more than twelve months, or a fine of not more than $10,000, or both such imprisonment and fine; but, for subsequent offense subject to this subsection, such person"; and

(2) by inserting after "$20,000" the following: "(or, in the case of a violation of section 13(d)(4)(A), $50,000)".

SEC. 9. REPORTS, TESTING OF INSPECTION AND WEIGHING EQUIPMENT, OTHER SERVICES, AND APPROPRIATE COURTESIES TO REPRESENTATIVES OF FOREIGN COUNTRIES.

Section 16 (7 U.S.C. 87e) is amended—

(1) in subsection (b), by striking the third sentence; and

(2) by adding at the end the following new subsections:

"(g)(1) Subject to paragraphs (2) and (3), the Administrator may provide for the testing of weighing equipment used for purposes other than weighing grain in accordance with such regulations as the Administrator may prescribe, at a fee established by regulation or contractual agreement.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives of this Act.

"(3) Fees collected under paragraph (1) shall be reasonable and shall cover, as nearly as practicable, the estimated costs of the testing. The fees shall be deposited into the fund created by section 7(j).

"(h)(1) Subject to paragraphs (2) and (3), the Administrator may provide for the testing of grain inspection instruments used for commercial inspections in accordance with such regulations as the Administrator may prescribe, at a fee established by regulation or contractual agreement.

"(2) Testing performed under paragraph (1) may not conflict with or impede with objectives of this Act.

"(3) Fees collected under paragraph (1) shall be reasonable and shall cover, as nearly as practicable, the estimated costs of the testing. The fees shall be deposited into the fund created by section 7(j).

"(i)(1) The Administrator may perform such other services as the Administrator considers appropriate in accordance with such regulations as the Administrator may prescribe.

"(2) In addition to the fees authorized by sections 7, 7A, 7B, and 17A, and this section, the Administrator shall collect reasonable fees to cover the estimated costs of services performed under paragraph (1) other than standardization, compliance, and foreign monitoring activities.

"(3) To the extent practicable, the fees collected under paragraph (2), together with the proceeds from the sale of any samples, shall cover the costs, including administrative and supervisory costs, of services performed under paragraph (1).

"(4) Funds described in paragraph (3) shall be deposited into the fund created by section 7(j).

"(j) The Administrator may extend appropriate courtesies to official representatives of foreign countries in order to establish and maintain relationships to carry out the policy stated in section 2.".

SEC. 10. VIOLATION OF SUBPOENA.

Section 17(e) (7 U.S.C. 87f(e)) is amended by striking "the penalties set forth in subsection (a) of section 14 of this Act" and inserting "imprisonment for not more than 1 year or a fine of not more than $10,000 or both the imprisonment and fine".

SEC. 11. LIMITATION OF APPROPRIATIONS.

Section 19 (7 U.S.C. 87h) is amended by striking "sections 7, 7A, and 17A of this Act" and inserting "sections 7, 7A, 7B, 16, and 17A".

SEC. 12. STANDARDIZING COMMERCIAL INSPECTIONS.

Section 22(a) (7 U.S.C. 87k(a)) is amended by striking "and the National Conference on Weights and Measures" and inserting ", the National Conference on Weights and Measures, or other appropriate governmental, scientific, or technical organizations".

SEC. 13. ELIMINATION OF GENDER-BASED REFERENCES.

(a) Section 3 (7 U.S.C. 75) is amended—

(1) in subsection (a), by striking "his delegates" and inserting "delegates of the Secretary"; and

(2) in subsection (z), by striking "his delegates" and inserting "delegates of the Administrator".

(b) Section 4(a)(1) (7 U.S.C. 76(a)(1)) is amended by striking "his judgment" and inserting "the judgment of the Administrator".

(c) Section 5 (7 U.S.C. 77) is amended—

(1) in subsection (a)(1), by striking "his agent" and inserting "the agent of the shipper"; and

(2) in subsection (b), by striking "he" and inserting "the Administrator".

(d) Section 7 (7 U.S.C. 79) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator";

(2) in subsection (b)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his judgment" and inserting "the judgment of the Administrator"; and

(3) in subsection (e)(2)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his discretion" and inserting "the discretion of the Administrator".

(e) Section 7A(e) (7 U.S.C. 79a(e)) is amended by striking "he" and inserting "the Administrator".

(f) Section 7B(a) (7 U.S.C. 79b(a)) is amended by striking "he" and inserting "the Administrator".

(g) Section 8 (7 U.S.C. 84) is amended—

(1) in subsection (a), by striking "him" and inserting "the Administrator"; and

(2) in subsections (c) and (f), by striking "he" each place it appears and inserting "the Administrator".

(h) Section 9 (7 U.S.C. 85) is amended by striking "him" and inserting "the licensee".

(i) Section 10 (7 U.S.C. 86) is amended—

(1) in subsection (a), by striking "he" each place it appears and inserting "the Administrator"; and

(2) in subsection (b), by striking "he" and inserting "the person".

(j) Section 11 (7 U.S.C. 87) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "he" and inserting "the producer"; and

(B) in paragraph (5), by striking "he" each place it appears and inserting "the Administrator".

(k) Section 12 (7 U.S.C. 87a) is amended—

(1) in subsection (b), by striking "his judgment" and inserting "the judgment of the Administrator"; and

(2) in subsection (c), by striking "he" and inserting "the Administrator".

(l) Section 13(a) (7 U.S.C. 87b(a)) is amended—

(1) in paragraph (2), by striking "his representative" and inserting "the representative of the Administrator";

(2) in paragraphs (7) and (8), by striking "his duties" each place it appears and inserting "the duties of the officer, employee, or other person"; and

(3) in paragraph (9), by striking "he" and inserting "the person".

(m) Section 14 (7 U.S.C. 87c) is amended—

(1) in subsection (a), by striking "he" and inserting "the person"; and

(2) in subsection (b), by striking "he" each place it appears and inserting "the Administrator".

(n) Section 15 (7 U.S.C. 87d) is amended by striking "his employment or office" and inserting "the employment or office of the official, agent, or other person".

(o) Section 17(e) (7 U.S.C. 87f(e)) is amended by striking "his power" and inserting "the power of the person".

(p) Section 17A (7 U.S.C. 87f–1) is amended—

(1) in subsection (a)(2), by striking "he" and inserting "the producer"; and

(2) in subsection (c), by striking "he" and inserting "the person".

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass?

So the bill (S. 1490), as amended, was passed.

The title was amended so as to read: "To amend Public Law 100–518 and the United States Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for other purposes.".

MIDDLE EAST PEACE FACILITATION ACT OF 1993

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar order No. 213, S. 1487, the Middle East Peace Facilitation Act of 1993; that the committee amendment be agreed to; the bill be deemed read the third time and passed; the motion to reconsider laid upon the table, and any statements thereon appear at the appropriate place in the RECORD as though read.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with an amendment as follows:

On page 2 line 24, by striking the word "Until," and inserting in lieu thereof "Notwithstanding any provision of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1994, until".

So as to make the bill read:

S. 1487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(a) the Palestine Liberation Organization has recognized the State of Israel's right to exist in peace and security; accepted United Nations Security Council resolutions 242 and 338; committed itself to the peace process and peaceful coexistence with Israel, free from violence and all other acts which endanger peace and stability; and assumed responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations and discipline violators;

(b) Israel has recognized the Palestine Liberation Organization as the representative of the Palestinian people;

(c) Israel and the Palestine Liberation Organization signed a Declaration of Principles on Interim Self-Government Arrangements on September 13, 1993 at the White House;

(d) the United States has resumed a bilateral dialogue with the Palestine Liberation Organization; and

(e) in order to implement the Declaration of Principles on Interim Self-Government Arrangements and facilitate the Middle East peace process, the President requires flexibility to waive certain provisions of law pertaining to the Palestine Liberation Organization.

SEC. 2. WAIVER AUTHORITY.

(a) Notwithstanding any provision of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1994, until January 1, 1994, the President shall have the authority to waive any provision of law enumerated in paragraph (b) of this section, provided that before exercising this authority, the President shall consult with the relevant Committees of the Senate and House of Representatives, and further provided that the President determines, and so certifies to the Chairmen and Ranking Members of the relevant Committees of the Senate and House of Representatives—

(1) that it is in the national interest of the United States, and,

(2) that the Palestine Liberation Organization continues to abide by all commitments in its letter of September 9, 1993, to the Prime Minister of Israel, in its letter of September 9, 1993, to the Foreign Minister of Norway, and in, and resulting from the implementation of, the Declaration of Principles signed on September 13, 1993.

(b) The following provisions of the following acts shall be waived in accordance with the procedure in paragraph (a) of this section.

(1) Section 307 of the Foreign Assistance Act, as amended, with respect to the Palestine Liberation Organization (PLO), programs for the PLO, and programs for the benefit of entities associated with it.

(2) Section 1003 of the Foreign Relations Authorization Act, fiscal years 1988 and 1989 (Public Law 100–204).

(3) Section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98–164) with respect to the Palestine Liberation Organization (PLO), programs for the PLO, and programs for the benefit of entities associated with it.

(4) Section 37, Bretton Woods Agreement Act (Public Law 79–171).

ORDERS FOR THURSDAY, SEPTEMBER 30, 1993

Mr. JOHNSTON. On behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Thursday, September 30; that following the prayer, the Journal of the proceedings be deemed approved to date; the time for the two leaders be reserved for their use later in the day, as under the previous order; that the Senate proceed to the consideration of the conference report accompanying H.R. 2295; further, that relative to the Kerry amendment to H.R. 2445, the energy and water appropriations bill, that there be a time limitation of 4 hours with the time equally divided and controlled in the usual form, with no intervening amendment in order prior to disposition of the initial action on the Kerry amendment; and that when all time is used or yielded back, the Senate vote on or in relation to the Kerry amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, to explain the previous action, it is my intent, and I believe the words so stated, that after the 4-hour time limitation on the Kerry amendment we expect to have a motion to table at that point. If it is tabled, of course the Kerry amendment is over with. If it is not tabled, then further amendments would then be in order along with further debate.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSTON. I ask if that unanimous consent request so reflects.

The PRESIDING OFFICER. That explanation makes the agreement clear.

RECESS UNTIL 9 A.M. TOMORROW

Mr. JOHNSTON. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:41 p.m., recessed until Thursday, September 30, 1993, at 9 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate September 29, 1993:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JANE ALEXANDER, OF NEW YORK, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR A TERM OF FOUR YEARS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, September 29, 1993*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As the Sun lifts high in the sky and shows its light and warmth to the whole world, so may Your good spirit, O God, send its eternal light and its truth to each person. Fill our hearts with the bounty of every blessing and permeate our very souls with the assurances that Your word alone can give. May we go about our responsibilities this day with vigor and energy knowing that our contributions for justice and peace can become extraordinary when strengthened by the brightness of Your presence in our lives. Bless us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Illinois [Mrs. COLLINS] come forward and lead the House in the Pledge of Allegiance.

Mrs. COLLINS of Illinois led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize 15 Members on each side for 1-minute requests.

TRIBUTE TO SGT. EUGENE WILLIAMS: A FALLEN SOLDIER

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, Sgt. Eugene Williams, a 26-year-old man who grew up in my district in Chicago was one of the three soldiers who gave their lives to the cause of peace in Somalia. This young man who was able to escape the daily violence and realities of urban life for young African-Americans, and who was able to survive a 7-month tour of duty in the Persian Gulf war, was unable to escape the danger in the streets of Mogadishu, where his U.S. Blackhawk helicopter was shot down by Somali guerrillas with a rocket-propelled grenade.

Sergeant Williams was the second oldest son of Mr. and Mrs. Johnnie Williams. As a youngster on Chicago's West Side, he chose the Boy Scouts over gangs and joined the Explorer Scout Troop sponsored by the Chicago Police Department. He was a graduate of the Victor Herbert Elementary School and a football player at Crane High School.

He joined the military in 1985 and served in South Korea and Germany. Earlier this year he reenlisted in the service of his country. In the words of his father, "he died fighting for others. He was just proud to be a soldier and to be in the Army. He loved his job." Mr. Speaker, I pay tribute to Sergeant Williams and send my heartfelt condolences to his family.

CONGRESS SHOULD NOT BE STAMPEDED INTO ONE HEALTH CARE PLAN

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, we need fundamental change in the health care program in this country. Everyone agrees with that. We need to have a basic health care program that is extended to all citizens of this country.

But the drive for fundamental change does not mean we should embrace a federally controlled system of medical bureaucracy just to be able to say that we have made a change. The administration says they favor a simple system, a system that is free of bureaucracy. I wish that were so. Let us take a look for just a second at the hierarchy that is being put into place if we follow that system. A national health board appointed on a national basis to oversee health care. State alliances operated under Federal rules and regulations. A global budget enforced by the Federal Government. Price controls to be enforced by a national board of health care, and the Labor Department to monitor all of these activities, to deliver a federally supervised health care system.

Mr. Speaker, we need reform. But we need to have a reform that is developed in the private sector, that maintains choice, that maintains the best part of the system that we have, and we can do this, if we are not stampeded into going over the cliff for a federally controlled health care program.

LET RUSSIA FINANCE THEIR OWN DEMOCRACY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Uncle Sam wants to send another $2.5 billion to Russia. I think it is time to check this out.

Rebels control one of the cities in Georgia. Armenians and Azeris are involved in a bloody war. The President of the Ukraine has taken control of the Ukrainian Parliament. The whole Russian Confederation they say is falling apart. And Boris Yeltsin has taken control and had military troops surround the Russian Parliament.

I say maybe this will be the first time in history that Uncle Sam gives foreign aid to a country that has not one, but two Presidents, ladies and gentlemen. Russia now has two Presidents.

I say let Uncle Sam step back and let the Russian people finance democracy in Russia. Maybe Congress would be wise to advise the administration instead of sending hard-earned taxpayer dollars we could use for health care, maybe we should send over a team of Dr. Ruth and Dr. Spock. That would be more helpful for the Russians.

"NO BLOODY WAY" IS SUGGESTED RESPONSE TO FRENCH ON TRADE ISSUES

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, recently an Australian Ambassador summed up how to best deal with the French in the Uruguay round world trade negotiations under the General Agreement on Tariffs and Trade. Responding to France's reneging on the much-heralded Blair House compromise on agricultural subsidies, the ambassador said, "No bloody way" to France's demands to renegotiate.

Mr. Speaker, "No bloody way," should become the rallying cry of the United States and the unsubsidized agricultural exporting countries of the Cairns group. Farmers in these nations have suffered along with U.S. producers from absurd French agricultural policies. In November last year, these farmers finally thought the devastating agricultural subsidy war had ended and they were excited to concentrate on earning a decent living. However, French politicians have nearly destroyed those hopes by caving in to the terroristic threats of a group of militant French farmers dependent on rural French welfare.

Now, the French have blatantly reneged on a US-EC compromise in a way that was all too predictable. After accepting concessions from United States oilseed and soybean producers, who had patiently won recognition of their trade rights following a long dispute, the French agreed to accept that part of the compromise while clearly reneging on their written agreement to adhere to agreed upon cuts in the volume of subsidized agricultural exports.

Mr. Speaker, the intransigent French are not only sharing responsibility for forcing thousands of American and Australian farmers and millions of third-world farmers off of the land—they alone, are holding the world hostage by blocking, perhaps, the only international action able to end a world recession—that is completion of the Uruguay round of GATT. Consequently, U.S. trade officials should say, "No bloody way," to the French while unequivocally rejecting their completely unacceptable demands.

□ 1010

HEALTH CARE REFORM: KEEP THE GOOD, FIX THE BAD

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. DELAURO. Mr. Speaker, 1 week ago President Clinton presented his plan to reform our Nation's health care system. People in my district and people across the country tuned in on Wednesday night in record numbers to hear the President describe the National Health Security Act.

As the debate moves to Congress, public attention will now focus here as well. It would be a grave disservice to the American public to allow partisan bickering or special interest lobbying to sidetrack the debate on health care reform. Our mission in designing a health reform package should be clear: To preserve what is right with our health care system and to fix what is wrong.

Preserving what is right means ensuring that Americans have access to the quality care that we have come to expect. The Health Security Act will build upon that system and allow our medical institutions to continue to flourish.

Preserving what is right in our health care system also means retaining the right to choose your own physician.

The Health Security Act will guarantee every American a comprehensive benefits package that can never be taken away. To fix what is wrong with our health care system means we must cover the 37 million Americans who are currently without health insurance and the millions more who are underinsured.

To fix what is wrong with our health care system means a guarantee that no American family will lose coverage because of a lost job.

To fix what is wrong with our health care system means that no American will ever again be denied health coverage because of a preexisting condition.

In the coming weeks we will debate the Health Security Act. Undoubtedly we will make some changes to the President's plan. But let us be guided by two core goals: Preserving what is right and fixing what is wrong with health care in America.

THE HEALTH CARE PLAN WILL DESTROY JOBS

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, perhaps the Surgeon General should slap a warning on the President's health plan: This proposal may be hazardous to your job.

I say this because the heavy new regulations the President wants to place on small businesses across America will in fact destroy over 3 million jobs.

Last year, the highly respected Employee Benefits Research Institute conducted a study on the job-loss effect of an employer health insurance mandate—a mandate similar to the one the President is now proposing.

Its conclusion: A small business health insurance mandate will destroy 1.2 million jobs in America.

Mr. Speaker, there are better ways to extend insurance to the uninsured that will not destroy their jobs.

For employees and employers alike, let us reject this new Federal mandate on America's small businesses and low-wage workers.

HEALTH CARE IS A RIGHT, NOT A PRIVILEGE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to talk about the American Health Security Act. The people of my district whom I represent overwhelmingly asked me to reform health care and provide coverage for all of our citizens.

Mr. Speaker,these people work hard to pay their bills and care for their families yet they are unable to meet the demands of our current health care system because of skyrocketing cost.

There are those who believe that the Government should stay out of health care completely because they believe that the market should set the cost of health care. What these people fail to realize is that market forces break down when life and death decisions are made. We simply cannot ask families to continue to make health care decisions based on the same way they choose what brand of peanut butter they buy.

Health care decisions are the most important ones a family will make which is why the system we establish must recognize, that the health and safety of our citizens is the first duty of our Government. This is why health care is a right and not a privilege.

Last year this sign was given to me by one of my constituents. The Health Care Security Act is a way to fulfill our obligation to promote the general welfare, providing for our citizens a true health security.

DISTINGUISHING THE MESSAGE FROM THE MESSENGER

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, Americans can distinguish the message from the messenger—we are now reading the fine print behind the lofty principles. And the President's health care message is indeed very mixed: Claiming to encourage simplicity while creating an enormous new bureaucracy; claiming to boost the economy while charting a dangerous course toward major job loss from burdensome mandates; and claiming to produce savings while generating tremendous costs that inevitably will lead to higher taxes. In a major southwest Florida newspaper survey only days after the President made his pitch, only 2 of 10 people approved the Clinton plan. Americans see through slick marketing campaigns, want to fix what is broken by building on what works. We must invite the President to take a look at the Republican leader's message on health care. It is a message more than 2 of 10 Americans respond to favorably.

VOTE "NO" ON DEFENSE AUTHORIZATION BILL

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, today we resume debate on the defense authorization bill, which proposes $263 billion in military spending. I will vote against this bill and urge my colleagues to do so.

Mr. Speaker, the cold war is over, and our major enemy in the world today is not Russia, not the Warsaw Pact, and not communism. Our major enemy is the hopelessness and despair felt by tens of millions of American workers who are either unemployed or are seeing their standard of living decline; our major enemy is the pain experienced by senior citizens who are unable to survive with dignity on their meager Social Security benefits; and by young people who are unable to afford the cost of a higher education. Our enemy today and the threat to our national security is the rage and the frustration being felt by millions of young people who may never have a decent job in their lives and the waste of having millions of Americans sleep out on our streets.

Mr. Speaker, we do not need star wars, we need educational opportunity for all. We do not need the D–5 missile program, we need to put millions of Americans to work rebuilding our Nation and constructing the affordable housing we desperately need. We do not need to spend over $100 billion a year defending Western Europe and Japan; we need to make certain that our children, our veterans, and our senior citizens live in dignity.

Mr. Speaker, let us vote "no" on the defense budget and "yes" for new priorities in America.

UNNECESSARY TORPEDO IN HEALTH CARE DEBATE

(Mr. BUYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUYER. Mr. Speaker, President Clinton came to us claiming two things: He would lift the ban on gays in the military, to allow homosexuals to serve in the armed services; he said, "I will lift the Henry Hyde amendment to permit Medicaid funds," taxpayer dollars, "to finance abortions."

On these two subjects, the will of the American people through the Congress has spoken: The House yesterday moved off of the Senate initiatives and codified the ban on gays in the military into law. The Senate yesterday moved on the House initiatives and overwhelmingly passed the Hyde amendment to ban the use of taxpayer dollars to finance abortions.

Despite this signal, President Clinton in the health care debate wants to finance abortions through his health care plan. Wait until the American people see that a female veteran can choose a VA health care plan and obtain an abortion from a VA clinic.

Mr. Clinton, that is an unnecessary torpedo into the health care debate.

INTERMOUNTAIN HEALTH CARE

(Ms. SHEPHERD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEPHERD. Mr. Speaker, as we undertake health care reform in the coming months perhaps we must focus on achieving savings in the system by eliminating waste, curtailing fraud, and improving cost effectiveness. The experiences of Intermountain Health Care [IHC] in Utah suggest that we can meet this challenge by making a serious commitment to improving quality of care.

By establishing a computerized database to monitor and analyze health care outcomes, IHC doctors have improved their effectiveness while dramatically reducing costs. In one stunning example, IHC physicians were able to reduce their infection rates by more than 75 percent by moving forward the time antibiotics are administered before surgery. This measure saved $14,000 per avoided infection.

If every U.S. hospital achieved these standards, nationwide savings could exceed $1.5 billion. Mr. Speaker, it is clear that we can achieve great savings by renewing our commitment to quality. I urge my colleagues to join me in working with the President to accomplish this critical goal.

TERROR IN WASHINGTON, DC

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, last night in Washington, DC, I went to sleep again to the wail of police and ambulance sirens. This morning's headlines and news stories chronicle the pain and suffering of this wounded city. The savage murders, violence and lawlessness on the streets of our Nation's Capital must come to an end.

My God, if it takes bringing out the National Guard as Mayor Kelly has suggested, I say act now. Act now before another night of terror on our streets. Act now before another innocent child bystander's life is snuffed out, another merchant brutally slain.

I say act now to stop the genocide of a generation of young male African-Americans. I say act now to bring out the National Guard, enact a Federal crime bill or take whatever measures necessary to bring this senseless killing to an end.

□ 1020

NOT ENOUGH TIME FOR NAFTA

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, from the very beginning I have been against NAFTA, and I still am, but I have read some of the agreement and some of the arguments for it. I can see where benefits will come forth for the United States, for Mexico and for Canada, in about 10 or 12 years; but Mr. Speaker, the United States does not have the time, the industry or the jobs to sacrifice over 10 to 12 years.

If Mexico is sincere in free trade with the United States, they must then prove their mettle and show by example, not just agreements, before we enter into any free-trade agreement; but for now we should agree on no less than fair and equal trade that will phase in free trade when Mexico has shown her willingness to cooperate.

TIME TO BE DISGUSTED, NOT AMUSED

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, yesterday as I was coming down the stairway in the Cannon Building with those great brass rails, I knocked off the rail a little poster. I picked it up, and it reads, "I used to be disgusted. Now I try to be amused."

That reminded me that it was disgust in large measure with the American voters which sent me here, and I needed to recommit myself to their trust.

It is tempting to be amused because of the shameless pork and the trampling of democracy in this body are so ludicrous.

I now need to recommit myself to not be amused, but to continue to be disgusted and to work with increasing Members on both sides of the aisle to make the necessary changes to eliminate the shameless pork and to restore democracy to this body.

Thank you. I do not know who put it there, but thank you for this note.

HEALTH SECURITY

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, the debate on health care reform is now well underway. But as we proceed with hearings and consider the issues, and as we debate regulatory mechanisms and scoreable savings, let us not forget why we have undertaken this very important effort.

Plain and simple, far too many Americans either have no access to health care or live with the worry they may lose the access they have. My own State of Connecticut has one of the highest rates of individuals with private health insurance. Yet we have been battered by recession, and have struggled with layoffs. As we speak, 259,000 people—well over a quarter million, have no health insurance in Connecticut.

This is a difficult time for many. We can no longer feel secure about many of the things we used to take for granted. And that applies to health as well. Too many Americans no longer have the security of knowing that a serious illness will not devastate a family. Too many feel they cannot change jobs because they will jeopardize their health coverage. Too many defer important preventive care for lack of coverage.

Mr. Speaker, one important reason for tackling health care reform is to provide this kind of security for American families. The time for health security is now.

STRONG MESSAGE ON HEALTH CARE

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, last Friday evening I had the thrill of addressing the commencement of the ITT Technical Institute in West Covina, CA. There were nearly 2,000 people in the audience, and I did not know what the political makeup of it was, so I decided to spend my time talking about the fact that I have joined with President Clinton doing everything I possibly can to try to decrease trade barriers and expand exports to Mexico and other parts of the world.

I received a favorable response from that, but I was rather stunned when the graduates came by, and I shook each of their hands. While many of them said to me they supported our efforts to bring about a North American Free-Trade Agreement, I was very shocked when an overwhelming majority of those who spoke to me as they went through the line said—and I had not spoken about this issue at all—"Please do everything that you can to insure that this program which will bring about socialized medicine that President Clinton has supported is defeated."

I believe, Mr. Speaker, that provides a very strong message to us here that we need to find a market-oriented approach to deal with this issue.

HIGH COPAYMENTS FOR RURAL AREAS IN PRESIDENT'S HEALTH CARE PLAN

(Mr. HAMBURG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAMBURG. Mr. Speaker, the President has promised to work with Congress to pass health care legislation that will guarantee health security to all Americans. The principle of universal access means that regardless of your income, comprehensive health benefits will be there for you. I applaud the President for his commitment to this goal and I will work with him to achieve it.

But I am concerned that many families in my district and across this country would not be able to afford the high costs they would have to pay under the President's proposal. The President proposes low copayments for people in HMO's and high copayments for everyone else. In a rural district like mine, many communities do not have ready access to HMO's. Residents living in such remote areas, often the least able to afford them, would be saddled with high copayments by default. Under the President's proposals, they would have to pay 20 percent of the cost for all hospital and physician services. This copayment could make health care affordable for many people in rural areas and undermine the goal of universal access.

Mr. Speaker, to guarantee every American health security we must guarantee that copayments will be affordable. I look forward to working with the President toward this goal.

ONE MORE SCANDAL

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, I was in the White House when I saw reputations ruined, life savings drained, and yes, pensions threatened, and who were the victims? They were President Reagan's own staff members and who were doing little more than trying to follow out the President's directive to try to stop a Soviet takeover of Central America, but there were Members of the Congress who disagreed with the President and were willing to ruin reputations, call special prosecutors in to try to get their way.

Well, now with a new Democratic administration, what do we see? We see a scandal at the Presidential Travel Office, the White House Travel Office where the President's relatives were trying to get a job and willing to ruin the careers of civil servants to do it.

Now we see a Cabinet member accused of taking $700,000 in order to facilitate the lifting of the embargo against Vietnam.

We need a special prosecutor. We need to stop this hypocrisy and the double standard. What was totally unacceptable for the Republicans and required the destruction of people's careers is being whitewashed and ignored by this administration.

Mr. Speaker, let us end the hypocrisy. Let us have a special prosecutor and let us set things straight.

□ 1030

LY BINH TO BE IN MY OFFICE TOMORROW

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, the Clinton administration has taken two giant steps toward normalizing relations with Vietnam and lifting the embargo. One step was taken in July, and one was taken in September.

Now we find out that a Cabinet official, Mr. Ron Brown, the Secretary of the Department of Commerce, is accused of taking $700,000 to influence these decisions. He has said in the past that he never met with the conduit, the gentleman who is the conduit from the Vietnamese Government to our Government, but now he admits he has met with him, not once, not twice, but three times, once at the Department of Commerce.

In addition to that, Mr. Speaker, the gentleman who has made these accusations has taken an FBI lie detector test and passed it.

We have demanded an investigation into this, not unlike the Watergate or the Iran-Contra investigations, because it involves our foreign policy and a Cabinet official who may have influenced these decisions even though there are 2,200 POW/MIA's still unaccounted for in Vietnam.

Now the gentleman who has made these accusations is going to be in the Capitol tomorrow in my office. His name is Mr. Ly Binh. He will be in my office at 2:30, so any Member of this House, Democrat or Republican, who wants to get to the bottom of this alleged scam ought to be at my office at 2:30. It is 2411 Cannon Building.

THE IMPORTANCE OF COMMUNITY HEALTH CENTERS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, over the past 50 years the Federal Government has increased the number of public health programs that have been designed to try to prevent disease and illness, particularly among members of the population who do not have ready access to health care.

Each time I return to my district I see evidence of these very important public health programs. Community health centers and important outreach programs provide primary care to impoverished children and adults.

The Health Security Act of 1993, introduced last week by President Clinton, promises to improve our public health system by making community health centers essential providers of care. This will provide badly needed security to people who rely on community health centers for their care.

There should be no closed doors to people who are ill. Community health centers have always kept their doors open wide. I applaud the President's efforts and encourage my colleagues to make certain that the doors of community centers stay open to all who rely on their care for years to come.

KEEP PAC'S OUT OF HEALTH CARE REFORM

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, last week, we heard our President deliver a call to reform our Nation's health care system.

We have also heard the President call for reform of the way we finance our political campaigns.

As Congress begins to seriously attack both of these issues, I believe it is important that we do not aggravate one problem in our attempt to solve another one.

I have grave concerns about the regional and corporate alliances that would play such an important role in the President's health care plan.

And, if they are formed, I am afraid they could interject themselves into partisan politics.

For that reason, Mr. Speaker, I have introduced a resolution which would bar any national health board established to oversee or set Federal standards regarding elements of the health care system—from forming a political action committee and from making contributions to Federal candidates.

A similar ban would apply to regional or corporate alliances.

This resolution will preserve the necessary neutrality of any new healthcare bureaucrats.

CONGRESS MUST HELP SMALL BUSINESS TO PROVIDE HEALTH CARE COVERAGE FOR ITS EMPLOYEES

(Mr. LAUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAUGHLIN. Mr. Speaker, in his address to the joint session the President outlined six basic principles upon which national health care reform must be based. Of these six principles the sixth, responsibility, is the most basic of all. We, in Congress, have a responsibility to address the concerns of small business men and women of our Nation who are the very backbone of our country. We must ensure that small business employers will be able to obtain health insurance for their company at reasonable rates and will no longer be denied coverage because an employee has a sick child or spouse.

Mr. Speaker, small business owners have been telling me that they are facing the decisions between providing health care coverage for their employees or closing down their business. It is an essential feature of the President's program that 100 percent of the health care insurance premium be deductible. The changes we make to the system must take these factors into consideration and ensure that these men and women who provide jobs and make a significant contribution to our economy are not faced with the choice of providing health care or closing their business.

COST IMPACT LEGISLATION

(Mr. MORAN asked and was given permission to address the House for 1 minute.)

Mr. MORAN. Mr. Speaker, much has been said about reinventing government these days, but, as my colleagues know, it is not the Federal Government that has the most profound impact upon people's lives. It is State and local governments that determine how well their children are educated, how well their families are protected by their police and fire departments, how difficult it is to travel from one place to another, and yet local and State governments today spend more money trying to meet unfunded Federal mandates than all the money they try to spend for those democratically determined priorities at the local and State level.

Mr. Speaker, it is time to recognize that, if we do not have the money in the appropriations bills to pay for the legislation that we pass, we ought not be imposing those costs on local and State governments.

I urge my colleagues to support the fair act which requires that legislation, before it reaches the House floor, contain just what the cost impact will be on local and State governments, as well as the private sector.

Mr. Speaker, I urge my colleagues to cosponsor that legislation and to truly reinvent government where it really counts.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Speaker, I rise to propound a parliamentary inquiry.

The SPEAKER pro tempore (Mr. RICHARDSON). The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, what is the process by which we begin to deal with the issue raised by my colleague, the gentleman from Indiana [Mr. BURTON] a few moments ago? The gentleman from Indiana has made a statement which goes to the very heart of the integrity of governance in this country, and also it goes to the very heart of our foreign policy.

By what process can the House of Representatives begin an investigation of this very serious matter where we can be assured that the investigation will take place?

The SPEAKER pro tempore. The Chair advises the gentleman that committees of jurisdiction can initiate investigations on matters such as this.

Mr. WALKER. Well, Mr. Speaker, the problem is that the gentleman from Indiana has already written the committees of jurisdiction and is being stonewalled. My question is:

By what means can we ensure that, if the chairmen of those committees refuse to hold hearings on this matter of major significance, the House of Representatives can order such an investigation to take place?

The SPEAKER pro tempore. The Chair cannot respond more fully to the gentleman from Pennsylvania [Mr. WALKER] at this time.

Mr. WALKER. What strikes me as strange, Mr. Speaker, is when we had the chief of staff in the previous administration have a problem with driving a White House car to New York for some personal business, that could, in fact, be investigated almost immediately in the House of Representatives. Now we have a matter that goes to the heart of the governance of our society, and it does not sound to me as though there is any means by which we can get it investigated, and I am seeking to know whether or not there is a resolution of some sort that can be brought to the floor that would force this investigation to take place.

The SPEAKER pro tempore. The Chair cannot respond beyond the fact that a resolution can be introduced and referred to the appropriate committee of jurisdiction.

Mr. WALKER. But there is no privileged resolution that can be brought to the floor that would force the investigation to take place, Mr. Speaker?

The SPEAKER pro tempore. The Chair cannot comment on such an issue until seeing such a resolution.

Mr. BURTON of Indiana. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. WALKER] for his question.

I sent a letter to the chairman of the Committee on Foreign Affairs asking for an investigation. That appeared to me to be the committee of jurisdiction. He has indicated that he did not think he should do that, and he named a litany of other committees that ought to be notified, and that is what prompted the gentleman from Pennsylvania to ask these questions, and so we just want to know, if this merits an investigation, how do we do it?

☐ 1040

The SPEAKER pro tempore (Mr. RICHARDSON). If the gentleman wants to introduce a resolution, the Chair will refer it to the appropirate committee.

Mr. BURTON of Indiana. Mr. Speaker, we will do that.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of House Joint Resolution 267, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CONTINUING APPROPRIATIONS, FISCAL YEAR 1994

Mr. NATCHER. Mr. Speaker, pursuant to the order of the House on Monday, September 27, 1993, I call up the joint resolution (H.J. Res. 267) making continuing appropriations for the fiscal year 1994, and for other purposes, and ask for its immediate consideration.

The Clerk read the joint resolution, as follows:

H.J. RES. 267

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1994, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1993 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1993 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994;

The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994, notwithstanding section 15 of the State Department Basic Authorities Act of 1956 and section 701 of the United States Information and Educational Exchange Act of 1948;

The Department of Defense Appropriations Act, 1994, notwithstanding section 504(a)(1) of the National Security Act of 1947;

The District of Columbia Appropriations Act, 1994;

The Energy and Water Development Appropriations Act, 1994;

The Department of the Interior and Related Agencies Appropriations Act, 1994;

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1994;

The Military Construction Appropriations Act, 1994;

The Department of Transportation and Related Agencies Appropriations Act, 1994;

The Treasury, Postal Service, and General Government Appropriations Act, 1994; and

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994: *Provided*, That whenever the amount which would be made available or the authority which would be granted in these Acts is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of October 1, 1993, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1993, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1993: *Provided*, That where an item is included in only one version of an Act as passed by both Houses as of October 1, 1993, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1993.

(c) Whenever an Act listed in this section has been passed by only the House as of October 1, 1993, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the House, at a rate for operations not exceeding the current rate or the rate permitted by the action of the House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1993: *Provided*, That where an item is funded in applicable appropriations Acts for the fiscal year 1993 and not includedin the version passed by the House as of October 1, 1993, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by applicable appropriations Acts for the fiscal year 1993 at a rate for operations not exceeding the current rate and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1993.

(d) Notwithstanding any other provision of this section, the amount which would otherwise be made available or the authority which would otherwise be granted under subsection (a), (b), or (c) for civilian personnel compensation and benefits in each department and agency shall be no higher than the amount or authority necessary to support the personnel level resulting from an overall fiscal year 1993 personnel reduction of 1 percent from each department or agency's base level of full-time equivalent employment consistent with 1993 enacted appropriations, pursuant to Executive Order 12839, issued February 10, 1993.

SEC. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1993 or prior years, for the increase in production rates above those sustained with fiscal year 1993 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1993: *Provided*, That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1993.

SEC. 105. No provision which is included in an appropriations Act enumerated in section 101 but which wasnot included in the applicable appropriations Act for fiscal year 1993 and which by its terms in applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 21, 1993, whichever first occurs.

SEC. 107. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. No provision in any appropriations Act for the fiscal year 1994 referred to in section 101 of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

SEC. 110. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 111. Notwithstanding any other provision of this joint resolution, except section 106, activities funded in the Council on Environmental Quality and Office of Environmental Quality account shall be maintained at the current rate of operations.

SEC. 112. Notwithstanding any other provision of this joint resolution, except section 106, activities funded in the Selective Service System, Salaries and expenses account shall be maintained at the current rate of operations.

The SPEAKER pro tempore. Pursuant to the order of the House of Monday, September 27, 1993, the gentleman from Kentucky [Mr. NATCHER] will be recognized for 30 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. NATCHER].

Mr. NATCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we bring to the House a continuing resolution for fiscal year 1994 appropriations.

This joint resolution provides temporary, restrictive financing for programs covered under 11 of the 13 regular appropriations bills that have not yet been enacted into law. No extraneous issues are included in this resolution. The provisions of this continuing resolution apply until midnight October 21, 1993, or until the regular annual appropriations bills are enacted into law, whichever comes first.

Mr. Speaker, this continuing resolution is required because not all 13 regular appropriations bills that provide for the operation of the Government will be signed into law by the beginning of fiscal year 1994.

While conference action is occurring on bills after Senate passage, there is insufficient time to complete congressional action prior to the beginning of the fiscal year, and this resolution is therefore needed.

The Legislative Branch Appropriations Act of 1994 has been enacted into law and, accordingly, no provisions for programs funded in this act have been included in this resolution. The Foreign Operations Appropriations Act of 1994 is expected to be enacted into law prior to the beginning of the fiscal year and is not included in this resolution.

Mr. Speaker, the Appropriations Committee continues to be dedicated to the traditional appropriations process which means individual appropriations bills. Therefore, it will continue its efforts to get regular bills enacted as soon as possible. Based on current activities, the committee sees no need for any extension of this resolution beyond October 21 to get all regular appropriations bills enacted into law.

Section 101 of the resolution provides restrictive funding for 11 appropriations measures. Generally, projects or activities are continued at the lesser amount of either the House bill, the Senate bill or the current rate.

Mr. Speaker, this section also provides that the rate of operations for civilian personnel compensation cannot exceed the amount necessary to support the overall fiscal year 1993 personnel reduction level. This locks in the 1993 personnel savings called for in the President's reinventing government proposal started in an Executive order dated February 10, 1993.

Section 106 of the resolution provides that funds made available by this resolution continue to be available until midnight October 21, 1993, or until the enactment of the regular appropriations acts, whichever comes first. I emphasize that when regular bills are signed into law, the provisions of the continuing resolution automatically disengage and the regular appropriations bills then become the funding device.

Mr. Speaker, this resolution is clean of extraneous matter. This approach offers the best hope of achieving speedy congressional and executive branch approval and avoiding unnecessary Government disruptions, payless paydays, suspension of activities, and needless expense to the Nation.

In summary, this continuing resolution provides funding for 11 of the 13 regular appropriations bills at restrictive rates of operation for an interim period to allow for the smooth and continuous operation of the Government until final appropriations decisions are agreed upon by the Congress and the administration.

I urge its adoption.

Mr. Speaker, at this time I want to thank all of the Members of the House on both sides of the aisle for helping us with our appropriation bills. They have all helped us.

Mr. Speaker, last year the House passed all 13 of these bills and sent them to the other side in short order. We had a short term continuing resolution that only went for a brief period so that we could complete conference action.

Mr. Speaker, this year we only want one short term continuing resolution too. We want all 13 of these bills to go to the White House. We want the President to examine each one of them. If he wants to sign them, he can sign them. If he wants to veto them, he can veto them.

Mr. Speaker, as far as the continuing resolution is concerned, as I said, it is a clean resolution. There is nothing in there except the continuation of current year, ongoing programs and activities that will continue in fiscal year 1994 in these bills.

Mr. Speaker, I want to thank the gentleman from Indiana [Mr. MYERS] and every member of our committee on his side, including the gentleman from Pennsylvania [Mr. MCDADE], one of the ablest Members of this House, the ranking member, for working with us on all of these bills. We would not have progressed this far without that cooperation.

Mr. Speaker, I urge adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am a substitute today, as the chairman has stated. Our ranking Republican member, the gentleman from Pennsylvania [Mr. MCDADE], is unable to be here today, so I will attempt to fill his shoes in some capacity.

Mr. Speaker, as the chairman has stated, we once again find ourselves in a predicament, not an unfamiliar one on this Committee on Appropriations. It is one that has been forced upon us, where we must ask for a continuing resolution to fund every agency, to fund every department in the executive branch. As of midnight tomorrow, every one of the executive agencies runs out of money.

Mr. Speaker, that has not been the fault of the House of Representatives, nor the Committee on Appropriations, for most of these. In fact, by the August recess we in this House had completed 11 of the 13 major appropriations bills and sent them to the Senate. Unfortunately, we have been unable to get the Senate to act with the expeditiousness with which we acted. So we find ourselves in a situation today, through no fault of the Committee on Appropriations nor the House of Representatives, that we must ask for a continuing resolution.

Mr. Speaker, as the chairman has said, this is as clean as it can be. To make it very simple, this resolution provides that the agencies of government shall continue operating at last year's level, the Senate-passed version, or the House-passed version, or by their Committees on Appropriations, whichever of those three is the lowest.

Mr. Speaker, it is very simple, and I think very important. Every agency is required to continue the programs at no higher a level than last year and no greater extent covering any of the programs that may have been in the appropriations. They cannot, even though we may in some instances have programs in either the Senate or House-passed versions for the 1994 appropriations, they cannot expand those or develop new programs until there is an appropriation bill passed for that agency.

Mr. Speaker, at the suggestion of our ranking member, the gentleman from Pennsylvania [Mr. MCDADE], there is a provision on page 5 of this legislation providing that under the executive order signed by President Clinton, there is an agreement that Federal agencies shall be reduced in the next 3 years by 4 percent.

☐ 1050

In order to accomplish this, we have put a provision in here that they must start 1994 by having achieved a reduction in these agencies of at least by 1 percent. So we are trying to make every maximum effort to hold down spending, to make sure that we conserve every dollar, that we save the

American taxpayers dollars. And we cannot wait for 1997 or 1998 to do that.

Our Committee on Appropriations realizes this. We are making every effort to accomplish just that.

Mr. Speaker, I completely support this effort to continue our Government. We just cannot put the country in chaos by not passing this continuing resolution. We hope that every Member can support it, but we understand some Members may find it necessary not to vote for this. But, if we do not pass this resolution today, there would be many agencies of the Federal Government that would be put into a very severe situation.

That has happened in the past, but nothing would be gained by that. We must keep the Government running. We have more Government maybe than we need, but at least we cannot afford at this point not to have it function and to continue.

Mr. Speaker, I urge that we all support this.

Mr. NATCHER. Mr. Speaker, I reserve the balance of my time.

Mr. MYERS of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding time to me.

I would like to state full praise for the chairman of the Committee on Appropriations and for all those who have worked on that process in the House of Representatives and, indeed, the leadership of the House of Representatives.

This is a very difficult process of handling 13 different budgets that we go through, very unique for me, as a freshman, to be able to handle this.

But I have to rise today to say that a continuing resolution today is an admission of failure of the budget process of the United States of America, and we should not forget that. Across this country, States and local governments have passed various measures to help them in their budgeting processes, a line-item veto, balanced budget amendments, capital budgets separate from their ongoing budgets, and it has worked. Practically in every State and local government and probably in every household and in every business across the United States of America, budgets are adopted on time because everybody understands the repercussions if they are not adopted on time.

Here in Congress, we have developed the most Byzantine process I have ever seen to get through the budget process, going through authorizations, appropriations, going from the House to the Senate. And the Senate is where the problems are right now. And then back through conference into the House and the Senate again and, finally, over to the President who will then sign it.

This continuing resolution, which gives us some extra days, basically, does not give the executive branch any time to consider the repercussions of what may be in those various budget measures that will go through.

So we have a tremendous problem in doing all this. It is very difficult, I think, for a lot of particularly new Members of this Congress to understand this process. It is even more difficult, I believe, for the press to be able to explain it properly, and I do not believe that the public, the people who really count in the United States of America, who are tired of tax increases, who are tired of a Congress which has overspent, to have any input whatsoever, and that is a tremendous problem in terms of what we are doing today.

The time has come to end this process. The time has come to simplify it, to put in the constitutional limitations as Members of Congress to speak to this, to let it never happen again, to make sure that the Senate understands what this message is loud and clear.

My final thought is that, and it is a warning, I have understood that in past years in the continuing resolution, a lot of different amendments have been attached to it, which have obtained things that might not otherwise be able to be done. I hope we do not see that this year, and I hope we never see that again.

I congratulate the chairman. He has done a wonderful job of this. But I would point out that this is not the way to do business. Hopefully, Congress can change its way in the future.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself 1 minute.

The gentleman from Delaware [Mr. CASTLE] seemed to be defending the action of the executive branch and we are putting them in a bind. Actually, they put us in a bind. We did not get the President's budget until the middle of April. So one of the reasons this committee has been a long time getting here is the fact we did not have all the information coming out of the executive branch so we could not write legislation.

I share the gentleman's concerns that we need to change the budget system around here. In fact, I have got probably more radical changes I would recommend to change the budget system than maybe the gentleman would even recommend.

Nevertheless, this is not to say that the executive branch is entirely free of blame. We can only do what we can with what we have to work with. Again, we did not get the budget until April.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding time to me.

One of the big concerns that I have had since I came to Congress is every single year we continue to pass what is known as short-term CR's to keep Government running. That is a heck of a way to run a railroad, let alone a government.

We have 13 appropriations bills, and I want to commend the chairman and the ranking Republican and the members of the Committee on Appropriations for doing their dead-level best to get those 13 appropriations bills passed and sent to the Senate, passed by the Senate and then sent on to the President.

But the fact of the matter is, here we are again with a 3-week short-term CR, and it is something this Government should not be doing.

In addition to that, I would like to raise an issue. My colleague from Pennsylvania is going to ask a question here in a minute about the White House cutting 25 percent of their staff, as they said that they were going to do, I think by October.

This resolution, I understand, takes steps toward cutting overall executive branch Government by 4 percent over 4 years, 1 percent a year. But that is a far cry from the 25 percent cut that the President said he was going to institute at the White House in the past. I have problems with a continuing CR. I would like to question the White House on whethr or not they are going to live up to their commitment to cut their staff by 25 percent, as they promised.

If they do not do that, then we must question whether or not they are going to follow through on cutting the overall staff in the Government and the bureaucracy.

With that, Mr. Speaker, I want to thank the gentleman for yielding time to me.

Mr. MYERS of Indiana. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me.

I would like to raise a couple of questions, as I go through this particular bill. I look at section 101 on page 5, regarding the 1-percent reduction in personnel.

I see that we are implementing that particular authority in the bill. And then I also look over at section 112, and I find that there we say, "notwithstanding any other provision of this joint resolution, salaries and expenses account shall be maintained at the current rate of operations."

My first question is, which is it? Is section 101 the governing section with regard to salaries and expenses with a 1-percent reduction, or is section 112 the governing chapter of this particular bill?

Mr. NATCHER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Speaker, the provision in section 101 dealing with the rate for civilian personnel compensation has been included because of an agreement worked out between the chairman of our committee and the gentleman from Pennsylvania [Mr. McDADE], the ranking member. That is the reason it is in there. It should be in there.

As far as the section that the gentleman called attention to, 112, that deals only with the rate of operations for the Selective Service System.

I say to the gentleman from Pennsylvania [Mr. WALKER], the 1 percent civilian personnel reduction rate is the controlling factor of this resolution.

Mr. WALKER. So the Selective Service is not included in section 101?

Mr. NATCHER. Mr. Speaker, if the gentleman will continue to yield, the Executive order that causes the 1 percent personnel reduction applies to the Selective Service System, therefore that agency's rate for operation for civilian personnel is reduced by 1 percent.

Mr. WALKER. Then it seems to me it is a little confusing. On one hand we are saying that is there to reduce it 1 percent. On the other hand, the gentleman is saying "Keep it as it is."

Mr. NATCHER. Mr. Speaker, the Executive order, as the gentleman knows, would pertain to the entire Government except for a few small independent agencies and we have included a 1-percent rate reduction to account for this.

Mr. WALKER. So section 112 is not operative here. Section 101 is the governing section?

Mr. NATCHER. Mr. Speaker, the Selective Service System rate for operation for personnel compensation is only the amount needed consistent with the overall provision of the 1 percent reduction.

Mr. WALKER. The other question I have is with regard to the White House. As the gentleman from Indiana pointed out, as I understand it, this resolution says that the lower of the figures of either the Senate resolution, the House resolution or last year's spending will govern.

Do any of those resolutions contain the 25 percent reduction that the President has promised in the White House staff?

Mr. NATCHER. Mr. Speaker, that will be in the Treasury, Postal Service appropriation bill, which will be on the House floor tomorrow. That will be in that conference report. It will be in that conference report tomorrow.

Mr. WALKER. Mr. Speaker, is the gentleman saying that in the conference report tomorrow, the figures in there are a 25-percent reduction in the White House staff?

☐ 1100

Mr. NATCHER. I think the gentleman will find that is correct.

Mr. WALKER. I will be happy to yield to the gentleman, but I just want to clarify my point. So in other words, because it is in the conference report, will that be the standard as of October 1 under the continuing resolution? In other words, we will have cut the White House staff 25 percent by passing this continuing resolution?

Mr. NATCHER. I would advise the gentleman as soon as the President signs the Treasury-Postal bill, that is it. It is in there.

Mr. WALKER. What about the continuing resolution, because the continuing resolution is going to govern us for at least a few days there probably? Does that include the 25 percent as well?

Mr. NATCHER. The continuing resolution provides that as each bill is signed that bill then drops out of the continuing resolution. It disengages.

Mr. WALKER. So it is the gentleman's intention and the committee's intention, as of October 1 the White House staff will be reduced 25 percent?

Mr. NATCHER. That is correct.

Mr. WALKER. And as far as you know, the administration is going to comply with that and, in fact, on October 1 will have a staff 25 percent less than it was when they took office?

Mr. NATCHER. That is correct.

Mr. WALKER. I thank the gentleman. That is very helpful. I appreciate the information.

Mr. MYERS of Indiana. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. PORTER], a member of the committee.

Mr. PORTER. Mr. Speaker, I do not rise in opposition to this resolution but I do rise in opposition to the events which have led to it.

Once again, this body is forced to pass a resolution to continue the functions of Government because the Congress and the President have failed to enact the 13 regular appropriations bills on time and within budget.

I do not find fault with the chairman of our Committee on Appropriations on this matter. Indeed it has always been his intent to avoid this occurrence.

And I am sure that the chairman is anguished by it. He has done everything he can to avoid having a CR.

Rather, this body has been repeatedly forced to wait to act. We had to wait for the President's budget, which—in violation of the Budget Act timetable—was very very late. Then, once we received that budget, and learned that the numbers contained within it did not meet the constraints of the budget resolution—we had to wait again for the administration to tell us what to keep and what to discard. In many cases, we made those decisions for the administration, exercising as we should our power of the purse. We also had to wait for the authorizing committees, who in turn in many circumstances had to wait for the administration.

Mr. Speaker, considering these impediments, I think it is a credit to the committee that we are only 2 weeks behind schedule. And I understand that a new administration may need some time to get its feet under it, and move forward in a timely manner.

But, 2 weeks—only 2 weeks—is still not acceptable. And it is not encouraging that the new administration is getting started with a CR, the same device that was relied on all too often in the past two administrations.

Continuing resolutions, Mr. Speaker, are not an appropriate way to govern. They are an admission of failure, a confession of irresponsibility.

This continuing resolution is a clean CR, and that is a good thing. But we cannot control the other body, and experience counsels that they will be tempted to muddy this document with pet projects and initiatives irrelevant to its central purpose.

CR's do not help Federal managers plan an annual budget. They are a major impediment to long range planning, to responsible budgeting, to reinventing Government. They promote waste because they force the bureaucracy to think in extremely short-range terms.

Mr. Speaker, a few years ago I collected 147 signatures on a letter to Ronald Reagan. The signers pledged to vote to uphold a veto of any continuing resolution. We also asked the President to pledge not to sign one if Congress sent it to him. This strategy worked: The President announced in his State of the Union address that he would not sign a CR. The result was that this body passed 13 bills on time and within budget. And indeed, the Congress passed all 13 bills on time, within budget, for the first time in almost 40 years.

I urge President Clinton to take seriously the importance of abiding by budget timetables. I urge the President to do everything in his power to ensure that not one more CR clouds the record of his administration. And I encourage this body—Members on both sides of the aisle—to do all we can to make sure that there are simply no more CR's.

Mr. MYERS of Indiana. Mr. Speaker, I had requests for time but the requestee is not here. So I yield myself 1 minute to summarize here some of the remarks made.

First, last year at this time, as the chairman stated, we only had one appropriation bill that had been sent to the White House. That was the agriculture bill.

This year, through no fault of ours, the scenario is the same. Only the legislative branch bill has been sent downtown. By not enacting this continuing resolution, we are sending a signal that we will fund ourselves, but not keep other Federal workers going.

I also want to emphasize that this year the action of this continuing resolution would be $9 billion in budget authority under the 1994 total 602(b) allocation. For those who are not familiar with what a 602(b) is, that is the projection from the Budget Committee of how much we should be spending in these various categories. And on outlays where we are actually spending the money, we would be $8 billion below the 1994 total 602(b) allocation.

So this continuing resolution is making an effort to cut Federal spending. Maybe not as much as some of us would like to see. Ideally, if I were writing the bill, I would make much larger cuts than this. But we are a body where we have to cooperate, we have to compromise with not only ourselves in this body, but with the other body, the Senate across the Capitol.

So this is a good continuing resolution, as good as you can have. It is as clean as it possibly can be.

I urge that all Members to support this legislation.

Mr. MICHEL. Mr. Speaker, I find it unfortunate that 2 days before the beginning of the new fiscal year, we are faced with a continuing resolution because only 1 of the 13 regular appropriations bills has been signed into law.

The failure to complete the 13 regular appropriations bills by October 1, is one of the reasons that I recommended a 2-year budget cycle when I testified before the Joint Committee on the Organization of Congress earlier this year.

The only time in recent history that all regular appropriations bills were completed by October 1, was in 1988—the second year of the 2-year budget agreement of 1987.

The positive aspect of the continuing resolution before us today is that the basic bill provides spending at the lower level of the House-passed, Senate-passed, or last year's level, for each program through October 21.

It also goes further in an attempt to initiate some of the personnel savings envisioned in Vice President GORE's National Performance Review by reducing personnel levels percent below 1993 levels.

Last spring, President Clinton called for a 4-percent reduction in Federal personnel by fiscal year 1995. Subsequently, the Vice President's National Performance Review, issued September 7, recommended a larger, 12-percent reduction in Federal personnel by fiscal year 1999.

I strongly support at least a 1-percent reduction from 1993 levels provided in this continuing resolution which is the exact downpayment on the personnel reductions that was recommended by the President.

This action signals that we are willing to work with the President to implement Government savings and reforms. I pledge to continue to work toward implementing the total 5-year savings of $108 billion recommended in the Vice President's National Performance Review.

I will support the continuing resolution today because it is a clean bill that initiates some National Performance Review personnel savings.

In addition, to totally disrupt the Federal Government would place undue hardship on many individuals that rely on services from the Federal Government.

But, I would hope that there is serious consideration given to congressional reform proposals that improve the efficiency of Congress so that work can be completed in a timely fashion in the future.

I urge my colleagues to join me in voting for this clean, continuing resolution today.

Mr. BILIRAKIS. Mr. Speaker, here we go again.

Congress is required to pass 13 appropriations bills before the start of the new fiscal year. Since 1974, we have only succeeded in meeting that deadline twice—1977 and 1989. Once again, we will fail to meet this important deadline and have to pass another continuing resolution.

What many people do not realize, however, is that funds for Congress' own operations were approved in June and July by the House and Senate. In other words, while the budget for Congress is settled and approved—the rest of the Federal programs that people depend on are in financial limbo.

I believe that the funding requirements of Congress should only be considered after the needs of all other Americans are met to the best of our ability. I have introduced legislation, H.R. 1922, which would force Members of Congress to earn their own paychecks. Like every other wage earner and the salaried employee, I propose that Congress only be paid when it has completed its most basic work—to approve the general budget for the Federal Government, to discharge fully its responsibility over the Nation's pursestrings.

To accomplish this end, I would withhold our own paychecks and the money to run our offices until action is completed—on time—on all other general appropriations bills for the next fiscal year. Thus, instead of securing its own funding well in advance, Congress would be dead last in line for Federal spending.

My bill would effectively outlaw continuing resolutions, the huge spending bills that have been subject to widespread abuse. The proposal would also help to prevent the possibility of Government grinding to a halt, Social Security checks being threatened, and other programs held in limbo until appropriation bills are finally approved in the dead of night.

This proposal would not cure all institutional flaws or tackle broader ethical concerns, but I believe it would be a step in the right direction. I believe it would represent a change in thinking and attitude. I think people would prefer to see Congress step to the back of the line for a change.

If Congress was faced with the prospect of being shut down, then perhaps it would more seriously weigh the results of its inaction.

Mr. Speaker, I yield back the balance of my time.

Mr. NATCHER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RICHARDSON). Pursuant to the order of the House of Monday, September 27, 1993, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 274, nays 156, not voting 3, as follows:

[Roll No. 464]

YEAS—274

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bishop
Blackwell
Bliley
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Goodling
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Hughes
Hutto
Hyde
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Michel
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schiff
Schumer

Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)

NAYS—156

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bereuter
Bilirakis
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hoekstra
Hoke
Huffington
Hunter
Hutchinson
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Linder
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Miller (FL)
Minge
Molinari
Moorhead
Nussle
Oxley
Packard
Paxon
Penny
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Walker
Walsh
Weldon
Young (AK)
Zeliff
Zimmer

NOT VOTING—3

Conyers
McDade
Smith (MI)

☐ 1127

Ms. LAMBERT changed her vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2520, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. YATES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. REGULA

Mr. REGULA. Mr. Speaker, I offer a motion to instruct.

The Clerk will report the motion.

The Clerk read as follows:

> Mr. REGULA moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 2520, be instructed to insist on disagreement to the amendment of the Senate numbered 123.

Mr. KOLBE. Mr. Speaker, I would ask whether the distinguished chairman of the subcommittee, the gentleman from Illinois, is opposed to the motion to instruct conferees?

Mr. YATES. I am not opposed, Mr. Speaker.

Mr. KOLBE. Mr. Speaker, I am opposed to the motion to instruct, and pursuant to clause 1(b) of rule XXVIII, I request that one-third of the debate time be allotted to me on the motion.

The SPEAKER pro tempore. Under the rule, the gentleman from Ohio [Mr. REGULA] will be recognized for 20 minutes, the gentleman from Arizona [Mr. KOLBE] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. YATES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. STEARNS] for the purpose of engaging in a colloquy.

Mr. STEARNS. Mr. Speaker, I thank the gentleman for yielding time to me.

☐ 1130

First, I want to commend the gentleman on his motion and his efforts on the issue of grazing fees. This is sensitive and complicated issue, and the gentleman and the chairman, the gentleman from Illinois [Mr. YATES] are to be commended.

The House passed on July 15, by a vote of 240 to 184, an $8.7 million cut in the National Endowment of Arts. The House made a small but significant step toward controlling spending by this vote.

This vote was about fiscally responsibility. At a time when government's spending is out of control this was a welcome victory in the House.

It is my hope that the House conferees would insist on the House position in this matter. In past conferences, the House position has not been protected.

I realize that because of the rules of the House I am prevented from amending this motion to instruct conferees, but I seek the gentleman's assurances that the conferees will be empathic to the declared position of the House.

Mr. REGULA. Mr. Speaker, if the gentleman will yield, as he knows, I voted with him on the amendment to reduce the spending, and I want to assure him that I, on this side, will do all I can to preserve the will of the House in this matter, particularly in view of the large vote in support of the gentleman's amendment.

Mr. STEARNS. Mr. Speaker, I thank the gentleman from Ohio [Mr. REGULA] for his remarks.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleagues, the conflict over the fate and future of grazing on the public lands continues to rage on. Some in the other body have likened the battle to the Civil War that tore our Nation apart in 1861. I would note, that far more significant war lasted only 4 years. This conflict has endured for almost two decades.

As a veteran of the grazing battles, I have come to three conclusions. For the opponents, there is no right time to increase grazing fees. There is no right method by which to increase grazing fees. And, there is no level of fee increase which is fair and reasonable.

I followed with great interest the recent debate in the other body on this issue and was pleased, if not somewhat surprised, to hear my Senate colleagues say they "want finality to the controversy." They said they "don't want to be dealing with this again next year." They even claimed to support reform. I couldn't agree more, unfortunately, their actions belie their words.

The 1-year moratorium adopted by the other body is merely a further delaying tactic. It will take the issue of grazing fees and range management off the table for 1 more year. For those of us who support the concept of charging fair market value for the use of public lands and who want to see a range program that is fair for the ranchers, the taxpayers and the environment, there is no time like the present.

I have read with interest, and some chagrin, the misinformation that has been spread about my motion to instruct. It has been said that my motion would "have the effect of raising grazing fees on public lands 130 percent." That is patently false—the motion to instruct takes no position on the level of fee increase or the reforms embodied in the Secretary's proposal. The conferees could consider a range of options and do not necessarily have to endorse the Secretary's proposal. I personally endorse every part of it.

This issue has been debated on and off since 1976. This body has on four separate occasions in the past 3 years voted overwhelmingly for grazing fee increases in excess of the Secretary's proposal. This is the easiest of the votes because it is not a vote on a specific fee increase, not a vote on specific reform proposals, but simply a vote for change. A vote against the status quo.

If you take those who argued during the recent debate at their word, that is, "it is up to Congress to find the balance among these proposed changes," (Gorton) and that they are "not seeking to stonewall change but simply to be part of that process," (Bryan) then you should support my motion. My motion gives opponents of the administration's proposal a seat at the table. It effectively reopens the negotiations. The moratorium forecloses any near term resolution of this longstanding conflict.

Four times since 1990 the House has voted overwhelmingly to increase grazing fees and four times the response from the other body has been the same. Not the right vehicle, not the right time, not the right fee increase. The result of inaction: The fee, under the current flawed formula, continues to decline. In fact, the fee today is 24 percent lower than it was in 1980.

By virtually any measure the Federal fee is the lowest around. For example, fees collected by State land boards in 1991 ranged from $1.92 to $7.92 or an average of $3.90. Private lease rates in these same western States range from $17.96 to $8, or an average of $12.25. Simply put, the Federal Government is charging and receiving bargain basement rates.

Moreover, when you look at the cost of administering this program from a purely fiscal point of view, the Government would be better off eliminating the grazing program completely. Total costs in 1990 of administering the grazing program for both BLM and the Forest Service were $73.8 million. In fairness I would point out that some of this cost results from multiple use needs including wildlife enhancement. Total receipts were $27 million of which $5.5 million was returned to the western States and counties for a net loss to the Federal Treasury of $52 million. To remedy this deficit is why this motion is endorsed by the taxpayers union. The failure of the other body to address the numerous reform initiatives approved by this body is why the administration chose to act through a perfectly legal, perfectly deliberative and open rulemaking procedure which will not result in a fee increase before the end of fiscal year 1994 at the very earliest. For those who object to the Secretary's initiative I challenge them to offer a proposal. They have not. They have offered more of the same old bromides which when translated means do nothing.

Opponents of reform argue that there has not been adequate public input on this proposal. It is simply being put in place by executive fiat. I would point out, however, that there is precedent for addressing this issue administratively. President Reagan, in 1986, with no benefit of public hearings and no public comment period, literally with one stroke of the pen, extended indefinitely the current formula.

The process Secretary Babbitt has laid out is a much more open and public rulemaking procedure which has, and will continue to, involve extensive input from all interested parties. Five public hearings were held in the West before announcing a grazing reform package. An estimated 2,000 people attended those hearings and over 10,000 comments have already been received and are still coming in. Additional public hearings are also planned.

The only proposal on the table that would exclude the public and derail the opportunity for public input is the moratorium. The language in the Senate amendment specifically prohibits the use of any funds to continue any action involving the proposed rulemaking.

My colleagues also argue that the uncertainty surrounding this issue is in and of itself damaging to the lifestyle of western ranchers. I can understand that argument and stand ready to help end that uncertainty. Throughout the debate in the other body the proponents of the moratorium recognized that fees would ultimately go up.

Supporting the position embodied in the Senate amendment only further exacerbates the problem in the western communities caused by uncertainty. We can act today to end the uncertainty. A vote for my motion is a vote to end gridlock; a vote to provide stability and certainty to the western ranchers; a vote to end the conflict over the rangelands.

One other misconception that has surrounded this debate is the notion that this is a partisan issue. I find that argument particularly troublesome.

This is not a partisan issue. If it can be categorized it is a regional issue, but even that ignores the fact that these lands are publicly owned. They do not belong, as many in the West would have you believe, to the western ranchers. We have a duty to the owners, the American taxpayers, to see that these lands are managed properly and that the taxpayer receives a fair return for the use of these lands. That has not happened to date. Reform is critical if we are to right that injustice.

Sound fiscal policy as well as good stewardship demand that we begin phasing in a fairer, more market-based grazing fee, both for its economic benefits and its environmental ones.

Finally, this issue is not just about grazing fees. It is about whether or not we are going to address the broader issue of public lands reform, including reform of the antiquated 1872 mining law and reform of our timber policies.

Grazing fees is the easier of these public lands issues. If we put this issue effectively off the table for 1 more year, it will sound the death knell for this Congress, for any public lands reforms, whether it be grazing, mining, or timber harvesting.

Reform must start somewhere. It is time to put the taxpayers' interests ahead of the narrow special interests of the 2 percent of America's livestock producers who use the public rangelands for grazing.

There is ample room for compromise. The fee proposed by the administration can go down. It can be phased in over a longer period of time. The reform proposals can be revised or even eliminated. But none of these things are possible if the moratorium prevails.

Congress is by its nature a deliberative body, but we have many years to deliberate on this issue. The time for change is now. The time for action is now. It is high time to end the nearly two decades of gridlock on grazing fees.

□ 1140

Mr. Speaker, supporting this motion simply says that the conference committee on the Interior appropriations bill shall look at the grazing fee issue. The conferees can take any position they choose. They can deal with it however they might in the cost of grazing or any reforms. It does not lock the conference committee into anything. But if this fails, nothing can happen.

So I think it is vitally important that we address this issue as a matter of equity to the taxpayers of America that own this land, and, as a matter of equity to the ranchers who graze on these lands, so we can get a degree of certainty in what the future is in the grazing program of America.

Mr. Speaker, I reserve the balance of my time.

Mr. YATES. Mr. Speaker, I wish to endorse the views of my good friend, the gentleman from Ohio [Mr. REGULA], and associate myself with his remarks. On this issue, the gentleman is right.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MILLER], the distinguished chairman of the Committee on Natural Resources.

Mr. MILLER of California. Mr. Speaker, the gentleman from Ohio [Mr. REGULA] has properly framed the issue. The issue is, once again do we continue subsidizing the privileged class of people in this country who seek not only to have grazing fees at levels that they desire, but who now seek to postpone and prevent any review of those fees by this administration. They did not seek to postpone a review of those fees by a previous administration when they locked them into the current low rate.

This country has just gone through an agonizing process of budget reconciliation during which these fees were taken off the table by the Senate. We are about to enter into another budget reconciliation again next month, and the Senate's proposal is to take these fees off the table again.

What the Secretary of the Interior has done is set out a proposal over a 3-year period to raise these fees to $4.28 per cow—over a 3-year period, to gradually get to that price.

Mind you, the State of Montana is already at $4.24; Nebraska is at $7.53; North Dakota is at $8.50; Wyoming just voted to double their fees to $5; Colorado is $4.70 today. And where is the Federal Government? $1.86. $1.86 is what the Senate is trying to preserve.

Here is what is going on in private lands all across the country: $12 in South Dakota; $14 in Nebraska; $10 in Kansas; $9.49 in Idaho.

Everybody else is dealing with this in a businesslike fashion, except the Congress of the United States, especially the Senate, which time and again has rejected any effort to negotiate this, to consider legislation.

□ 1150

This body has voted overwhelmingly to raise these fees almost double the amount that the Secretary of the Interior is now proposing on an immediate basis, and the Secretary will string that out over 3 years.

The question is, Should we allow that process to go forward? The proposals have been made. They are out for public comment, something that was never provided when they locked in the fees. There was no public comment, as the gentleman from Ohio [Mr. REGULA] pointed out.

We must vote for this motion to instruct by the gentleman from Ohio so that the conference committee can deal with this issue and we can get it over and done with.

If Members listen to the Senate, a handful of Senators want to suggest to Members that it is never the right time, it is never the right amount, it is never the right issue.

We now have the ability to do this in the public light, in the public interest, in the interest of the taxpayers.

My colleagues, I urge support for the motion to instruct the conferees and to join the National Taxpayers Union, the League of Conservation Voters and almost every environmental group in this country. The minimum we can do for our constituents, who are paying the way, paying the subsidies for this program, is to allow this administration to bring it to some kind of common decency in terms of return for the taxpayers and the protection of the land.

Mr. KOLBE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to the Regula motion to instruct conferees. Members who are concerned about jobs, fairness and protecting the environment and U.S. taxpayers ought to reject this motion, too.

This motion will kill jobs. Lots of them. Raising grazing fees 130 percent, as this motion would do, will destroy jobs that support tens of thousands of rural ranching families. Board up the windows; close down the schools; put-up the "for sale" signs because the "out of touch" Washington beltway bandits who know not the slightest thing about public land grazing have issued their edict: No ranchers allowed on public lands. That is the message this motion sends and that is the attitude that has caused so much hostility toward government.

What business could withstand an increase over two times its current operating costs? Certainly not the families that make a modest living—an average of $28,000 annually—by providing low-cost beef to a hungry America and a growing export market.

Not only will this motion devastate the families who depend on ranching for their livelihood, but entire rural communities, consumers of beef and the environment will all be worse-off without the contributions of public ranchers.

In Arizona, there is a $302 million annual positive impact from ranching. This includes $30 million in taxes and $18.5 million in range improvements and results in the production of enough beef to feed 4.6 million Americans annually.

Those who are against family ranchers make two arguments, both of which contain holes large enough to drive 100 head of cattle through.

The first argument is that grazing fees on Federal lands amount to a subsidy. Nothing could be further from the truth. These proponents of misinformation compare private lease rates with public leases as if they are one and the same. Any serious evaluation of the two reveals significant differences.

Federal rangeland is not lush meadows, but mostly sparse desert or mountainous terrain. Federal permittees bear additional costs of transportation, herding, and predator and death losses. These permittees must pay for and maintain water systems on public lands that benefit grazing livestock as well as wildlife. The Federal permittee has the right to the grass only, yet must pay for all maintenance and improvements. Ranchers invest an average of $11,000 annually in money and labor to improve Federal rangeland. When these costs are included, the differences between Federal and private lease rates—not surprisingly—disappear. In many cases, final costs to Federal permittees actually surpass private lease rates.

When one considers the inferior quality of range forage, fewer services, shared access with other users, it is no surprise that 20 percent of grazing allotments go unused on Forest Service lands. If this is such a great deal for ranchers, why isn't the percentage of leased allotments much higher?

The current grazing fee is not a subsidy—it actually saves money for U.S. taxpayers. The costs of managing Federal rangelands would have to be incurred no matter what the level of grazing. Moreover, the public and wildlife would not enjoy the benefits—like building and maintaining fences and roads—that are now provided by ranchers. Former BLM Director, Cy Jamison, predicts that removing ranchers from Federal lands would result in an increase of up to 50 percent in the cost of managing public lands.

The value of rancher improvements is not small change. According to the BLM, in just one grazing district in Wyoming, BLM would be required to build 13,222 miles of fencing at a cost of almost $98 million if ranchers were removed from those lands! Estimates of the total cost to the Federal Government of fencing alone go into the several billion dollar range.

Mr. Speaker, very bluntly: Public lands ranchers do not receive a subsidy.

But what of the second argument of the opponents of family ranching: that the environment will be better off without—or with less—Federal grazing? Like the subsidy argument, closer scrutiny shows this argument to be unfounded. In fact, without public ranching, the environment would suffer.

Properly managed livestock grazing is good for rangelands. It reduces the risk of forest fires; it improves the condition of the land; and it promotes the growth of young trees. The thousands of watering facilities built by ranchers this century have improved the lands and wildlife populations. Since 1960, for instance, elk populations on Federal lands have increased 782 percent and moose populations have ballooned 476 percent. The result, according to BLM, is that Federal rangelands are in better forage condition than at any time this century.

One does not need to be a range expert to understand why the lands are doing so well. All one needs is a basic understanding of market economics. Ranchers are good stewards of public land because it is their best financial interest to do so—and because they know environmental protection reaps economic benefits. They carve out a living based on the condition of the rangeland. Unlike the Members in this chamber, theirs is more than an academic pursuit; their livelihoods depend on good healthy rangeland.

Proponents of this motion claim that voting for it is a vote to end gridlock. Don't be fooled. A vote for this motion is a vote to abdicate our congressional responsibility to set national policy on the administration of Federal lands. A vote against this motion is also a vote for a fair, thorough, and open public process—something that has not occurred to date.

After all the bogus arguments are stripped away, the simple truth is revealed: the fight to increase grazing fees is about removing ranchers from Federal rangeland for purely political reasons.

Stop this charade. The current grazing fee formula is fair. It works, and it's in the public interest. Vote for jobs, vote for the environment, vote for hard-working American ranchers—vote against the motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. REGULA. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, it is time that the 24,000 cattlemen who feed their livestock on 270 million acres of public land pay a fairer rate for grazing. Not a year from now, not sometime in the future, now.

These ranchers represent only 2 percent of the cattlemen in the United States and produce less than 2 percent of the country's beef. Yet, they pay only $1.86 per animal per month to graze on public lands, while the rest of the ranching industry pays an average of $10 per animal per month to graze on comparable private lands.

The loss to the taxpayers is in the millions. Mr. Speaker, these ranchers do not need a government subsidy. In fact at least four of them have made it to the Forbes magazine list of 96 billionaires in the United States.

In a time of fiscal problems, subsidies to special groups, subsidies to those who do not have a real need simply cannot be afforded.

We should be embarrassed that we cannot have the courage to cut out these indefensible subsidies. Republicans believe, Mr. Speaker, in market mechanisms. We believe in market pricing. It is interesting that we are for the market unless it gores our ox, and then somehow our philosophy goes out the window.

Mr. Speaker, if we cannot cut this one reasonably and over a period of time, where can we cut?

It is argued that this is apples and oranges, but the Domenici amendment prevents us even looking at those apples and oranges for yet another year. Enough is enough.

Support the Regula motion to instruct. It is right for taxpayers. It is right for America.

Mr. YATES. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the subcommittee of the Committee on Natural Resources, the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in strong support of the Regula motion to instruct. Hopefully, the House will not be cowed, like the Senate was, in terms of voting for the special interests on this policy.

Mr. Speaker, the existing policy with regard to the grazing on our public lands and those permitted to graze cattle makes a mockery of sound policy. That is why this proposal that the gentleman from Ohio [Mr. REGULA] is offering and the effort to work in good faith with the Secretary of the Interior on this has received support of the Taxpayers Union, has received the support of Citizens Against Government Waste and has received, of course, the very strong support of virtually every conservation and environmental group in this country.

Those who are opposed to it are those that benefit from it. Who are they? They are big companies. They are special interests. It is not just the little individual—the small rancher. In fact, Secretary Babbitt, by going out West and trying to develop a process in terms of input and hearing has, in fact, done yeoman's work in terms of trying to place this issue in an open public forum.

This policy was yielded upon and removed from the reconciliation bill and the administration stated they "were going to deal with it in the normal course—the regular administrative process or through changes in law."

Now we have the Senate attempting to slam dunk through the appropriations process a failed policy and continue the denial that they have made with regard to what the solution should be, what the policy should be with regards to the cost of grazing and using public lands.

It is not just that this freezes the process for 1 year. The fact is, the effect of this is there will be no change in grazing policy in 1993, no change in 1994, and probably no change in even 1995.

Even under the best of circumstances, going through the environmental impact statements and the other procedures, the earliest that this policy, if this were permitted to proceed in an administrative vein would be in July 1994.

□ 1200

That is when the policy could be put into effect. If you freeze this through a moratorium and say that the Secretary of the Interior and the administration cannot even study the problem until next October, and this particular proposal, what is going to happen? We are not going to have then another 10 months, another year. It is going to be 1995, if ever, to see a policy change.

Of course, I think something could shake up the other body over there, the Senate, and something miraculous could descend on them and they all of a sudden could come out for good public policy in terms of managing the range. But we have problems on the range today, and that has not happened in the past decade regarding public grazing issues.

In fact, the House has repeatedly sent bills over there trying to engage the Senate in dealing with this issue in a legislative manner. They have rejected that. They have been in a state of denial. The last administration sympathized with the special interests, in terms of management of public land and specifically regarding grazing permit charges. They gave in to political concerns and the taxpayer and the range ecosystem have paid the price.

Mr. Speaker, I hope the House will vote for the Regula motion and vote for sound public policy on the range today and tomorrow.

Mr. Speaker, our conferees on the Interior appropriation bill definitely should reject the ill-conceived Senate attempt to kill public land range reform.

The Senate amendment is simply yet another attempt to block effective steps toward reform of grazing and rangeland management, just as the Senate has blocked such steps for the past decade.

Home on the western range, reform is long overdue. The taxpayers are being shortchanged because the current system keeps grazing fees far below fair market value—not only below the price of private forage, but below what most Western States themselves charge for grazing on their State lands, lands which are intermingled with the national rangelands and are similar to the national lands in character and value. These State lands are often the mirror image of national range lands that are being leased on the cheap.

The House has repeatedly voted to scrap this obsolete system and to establish grazing fees that would more closely reflect market value. The new administration's proposals would finally move in that same direction, but the Senate amendment would actually block the administration from even developing those proposals.

Range reform involves more than grazing fees. In fact, while grazing fee increases are certainly justified and needed, they are less significant than other proposed changes in range management.

These changes—including greater public involvement, greater protection for the rangeland riparian areas that are so valuable for wildlife and the environment, less pressure on arid public rangeland, and using grazing-fee receipts for better land management—have also been supported by the House, and are addressed in the administration's preliminary reform proposals.

The Senate amendment would block all administrative steps toward these much needed reforms. It would prohibit the administration from "taking any action involved" in connection with developing its grazing reform initiative. While the dollars are important, the rational land management of these hundreds of millions of acres of public land is imperative.

The Senate proposal not only means that present policies could not be changed, it means that no proposals for change could be developed—and, in fact, that nobody in the administration could even review and consider the comments of the livestock industry or any other public comments related to development of a final proposal for rangeland reform. This type of narrow special interest control of America's public lands is repugnant and a slap in the face to the Secretary of the Interior's good faith effort to provide deliberate consideration of revisions to the grazing policies.

The House should surely reject this amendment. We should expect and encourage Secretaries Babbitt and Espy to consider public comments that are submitted over the next month, to develop a draft environmental impact statement—one that itself will be subject to further public comments—and to complete development of a complete reform proposal. Let us not hogtie the new Secretary of the Interior, who is trying to end gridlock and change public land policies through an open, fair process.

Congress can participate in this process and also can address grazing reform through legislation if there is a sincere desire to do so.

Several House grazing reform bills are pending, including one I introduced along with the gentleman from Georgia [Mr. DARDEN] on which hearings already have been held. Also pending is a bill for a 4-year reauthorization of the Bureau of Land Management. It also would be an appropriate measure for addressing grazing fees and rangeland reform.

Comparable bills are pending in the Senate, including the 2-year BLM reauthorization bill just passed by the House.

So, despite what some have said, the Senate amendment is not needed to preserve Congress' options. The Senate, in fact, has repeatedly rejected positive initiatives to engage in constructive grazing policy reform. Rather it has been satisfied to permit special interest to bully past administrations into maintaining faulty grazing fees.

In my opinion, it would be better for Congress to enact rangeland reform, rather than for needed changes to be made solely by the administration. And the House has been—and, I think, still is—ready to act on grazing reform.

The problem has been in the Senate. The problem clearly still is in the Senate as demonstrated by the amendment that is the subject of this motion to instruct House conferees.

Some supporters of the Senate amendment claimed that the amendment was not intended to stall rangeland reform. They said that they intended to seek the passage of legislation. I hope that is true. I hope that this time, finally, they will succeed in having the Senate pass a range reform bill. I am sure the House is ready to act. But if we fail to instruct conferees and serve notice about our opposition to this Senate attempt to kill range reform, both the House and the positive new administration policies of reform could be slam dunked through the appropriation process and avoid for a full year any administrative reform. In fact, it takes 10 months to fully, properly implement the change in grazing fees. If all goes well, the Senate freeze would mean that the administration could not take action for 2 years: No action in 1993, no action in 1994, and no action until maybe 1995. A big "maybe".

Mr. Speaker, the administration should be allowed to go forward with development of its own reform proposals. We should not prevent that—in fact, we should be encouraging Secretary Babbitt and the rest of the administration to continue with their efforts.

The Senate amendment would bring to an absolute stop this administration initiative. It is certainly unwise and premature. The House should instruct our conferees to soundly reject it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). Under the rule, Members should not characterize the Senate on this matter.

Mr. KOLBE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Speaker, I rise in opposition to the Regula-Synar motion to instruct. The increase in grazing fees that the Clinton administration would like to enact without congressional approval will destroy the entire Western livestock industry and the rural communities it supports.

The livestock industry is the key to rural development throughout much of the West. Every dollar a rancher spends yields another $5 in economic activity. The vast majority of ranch families are small businesses which earn less than $28,000 a year. The huge increase in the Federal grazing fee will force thousands of family ranchers out of business. The last thing Congress needs to do is support a policy which will damage small businesses.

Mr. Speaker, I strongly urge my colleagues to vote against this motion.

Mr. YATES. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I hope the House will support the motion offered by the gentleman from Ohio [Mr. REGULA] to instruct the House's conferees on H.R. 2520, Interior appropriations for fiscal year 1994, to have them reject the Senate's amendment blocking Secretary Babbitt's efforts to reform grazing and rangeland management practices.

There are sound environmental and fiscal reasons to support these reforms. Large expanses of public lands in the West are used for grazing, and large parts of those lands are actively eroding because they have lost much of their plant cover. The Bureau of Land Management states that two-thirds of the public lands it manages are in less than satisfactory condition.

Over the past decade, Colorado has been a model state for improvement of range conditions. In fact, Colorado is one of the few states in which BLM claims that its management efforts have resulted in improved range conditions in specific, identified areas. But even in this best case, the improvement has been minimal—involving a small fraction of BLM's rangelands in Colorado.

Overall, Colorado's rangelands are in trouble. According to the available, site-specific published data, 82 percent of BLM's rangelands in Colorado are in unsatisfactory condition. More than one-third—36 percent—are rated in the lowest category,or in poor condition. Poor condition means that these lands are "producing only a fraction of the vegetative cover compared to similar lands because they have lost so much plant cover and soil." That also means that these lands are actively eroding, and their condition is deteriorating.

Long-term range conditions are important to the ranching community. But, as Secretary Babbitt's proposal recognizes, rangelands also support extensive areas of critical habitat for wildlife, influence the water quality of virtually every river and stream, and provide recreational opportunities for millions of visitors. The deterioration of these lands—which the BLM attributed substantially to over-grazing—damages all of these important uses.

Given this situation, it is clear that we need to do more to restore the environmental condition of public rangelands. But, with a growing Federal deficit, where are the funds going to come from? The obvious and the equitable answer is that they should come from an increase in grazing fees. By statute, over 60 percent of the Federal grazing fee—62.5 percent to be exact—must be returned to the area involved for investments in improving rangeland conditions.

An increase in fees not only is needed but is justifiable. Today, the grazing fees charged by the BLM and Forest Service cover less than half of the cost of the agencies' rangeland management programs—programs which have not been able to halt deterioration on these lands at current funding levels.

For years, BLM has resisted making the connection between range conditions and grazing fees. I think that it is time for the BLM to acknowledge that grazing is a for-profit commercial activity, and its fees should recover at lease grazing's fair share of the cost of maintaining the underlying service—in this case maintaining the environment which supports grazing.

With people demanding deficit reduction, with the public pressing for more action to protect the environment, the proposals which Secretary Babbitt has made make sense. Increasing grazing fees, opening the range management process to other users of the public lands, and increasing investments in rangeland improvements are all needed steps—and are all responsive to the public.

While ranching families have raised legitimate concerns about some aspects of the Secretary's proposals, his direction is the right direction—and we should not let the Senate block him from proceeding. The process the Department intends to follow will provide the public, including the ranching community, with several more opportunities to critique future versions of the proposal. Further, under the Administrative Procedures Act, the Department will be required to respond, on the record, to all substantive concerns and criticism which are expressed. Moreover, Secretary Babbitt certainly recognizes that grazing is and should be a continued use of the public lands.

The bottom line is that range reform makes fiscal and environmental sense. The Senate amendment would just perpetuate gridlock and ignore the continuing deterioration of western rangelands. The Senate amendment should be rejected. I urge my colleagues to vote in support of the motion to instruct.

Mr. REGULA. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I rise to speak in support of the Regula motion to instruct conferees to reject the Senate amendment to the Interior Department appropriations bill, which would impose a 1-year moratorium on raising the grazing fees on Federal land.

The administration's reforms related to grazing fees and public lands management are overdue. Why should the Federal Government continue to subsidize grazing on public lands?

For 3 years, I and a large number of my colleagues in the House have voted to increase Federal grazing fees. Yet, each year this House vote is disregarded in conference.

Secretary Babbitt plans to issue proposed rules to increase grazing fees. These regulations will go through a comment period and only after that will final rules be written. The Secretary has proposed a 3 year phase-in of fees. Let us give the Secretary time to issue these proposals.

Mr. Speaker, the league of conservation voters, the National Wildlife Federation and every environmental organization supports the Regula motion. I ask my colleagues to support a reform of Federal grazing fees and vote yes on the Regula motion to instruct.

Mr. KOLBE. Mr. Speaker, I yield 2 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, as this country developed, most of the States took all of their public land, every square inch of it. In the West we really did not do that. It turned into the Bureau of Land Management, the Forest Service, and State lands.

We have been managing that land in a process we call multiple use: campers use it, hunters use it, birdwatchers, backpackers, fishermen, and also grazing uses it. How do we care for that? We have various tools. A lot of people do not understand this, but hunting is a tool. We keep down herds with hunting. Controlled burning is a tool. Cutting trees is a tool, and grazing is a tool.

One of the foremost experts that we have in America on public land is Dr. Jim Bounds. Dr. Jim Bounds has made the statement that if we take cattle and sheep off the range, watch it burn, just count on it. We will burn the range from one area to the other.

Mr. Speaker, I find it very interesting, an article that came from Canada. Our folks in Canada went through the same exercise as the Regula thing: Take the sheep and cattle off the range. Now what are they doing? "Rent a sheep, save a forest." Now someone came up with the brilliant idea of putting sheep on the range and paying $5 a month for sheep and cattle to go on the public range.

Ten years from now we will be standing here and someone will have a great idea, saying, How are we going to keep the burning in the West down? Put sheep or cattle on it, and let us take it out of the public funds to take care of that particular area.

What this is, it is an attack on the multiple use of the ground. I would urge Members to keep three things in mind. If we pass this Regula instruction, we will ruin the environment, we will hurt the industry, and it will cost the United States money. I would urge a no vote. Let us use some common sense on use of the public ground.

Maybe the people in the West should have been as smart as they were in Ohio and Oklahoma and other States, and should have taken over all of the public ground, which should be under the administration of the States anyway.

Mr. YATES. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I rise against the amendment and for the moratorium. I am not interested in stonewalling, I am not interested in delaying. I believe Congress, preferably this year, should deal with this matter of changing policy and some increase in grazing fees. The grazers in America are also supportive of some increase in grazing fees.

I say the Congress should do it, not a bureaucrat by executive fiat downtown, but the Congress, because there is a great deal more in Secretary Babbitt's proposal than a simple increase in grazing fees. He has subleasing, which is a change in that policy; a change in grazing advisory boards; a change in the very important matter of tenure; that is, how long a grazer can have the right to lease.

Then there is the critically important matter which Secretary Babbit would change with regard to water rights. Mr. Speaker, these are policy issues. These are matters which the Congress of the United States, if it is going to change, should codify the changes.

I urge my colleagues to support the right of the Congress to make policy changes, and not have it done downtown by executive fiat.

Mr. KOLBE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I rise in opposition to the motion offered by the gentleman from Ohio [Mr. REGULA]. Once again, my colleague from a State with no public rangelands, and few beef cattle, is attempting to make policy that affects my constituents greatly, and his own not at all—except perhaps for a few Midwestern feedlot operators who stand to gain from diminished competition from Western ranchers.

Mr. Speaker, I remind my colleagues that the other body recently placed a moratorium on the expenditure of funds by the Interior Department to implement rangeland reforms by administrative fiat. They did this so that Congress might have proper opportunity to address legislative reform.

My colleague, the gentleman from Ohio, seeks to instruct our conferees not to accept such language. Yet, Mr. REGULA, himself, is the author of a moratorium, in this same bill, on mineral patent processing by the Department. He did this in order to freeze the status quo while Congress considers reform of the mining laws governing the public lands. Now, it seems to me the Congress ought to be consistent in the use of spending moratoria as a tool to effect public policy.

So which is it to be? My constituents are impacted by both Mr. REGULA's mining patent moratorium and the Senate-passed rangeland reform moratorium. The House could take a stand, on principle, against this legislative tactic, in any and all forms—mining, grazing, offshore oil-drilling, you name it.

On the other hand we can acknowledge the utility of moratoria to effect the will of Congress. If so, let us dry our hypocritical tears shed over the actions of the other body and defeat this motion. But, my colleagues, you cannot have it both ways.

Mr. Speaker, I urge a no vote on this motion.

□ 1210

Mr. YATES. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. HAMBURG].

Mr. HAMBURG. Mr. Speaker, I want to associate myself with the very fine amendment by the gentleman from Ohio [Mr. REGULA], and also with the remarks made by the gentleman from California [Mr. MILLER], the gentleman from Minnesota [Mr. VENTO], and the support of Chairman YATES.

I believe that the Secretary of the Interior, Mr. Babbitt, has demonstrated important leadership on this issue to create a direct relationship between grazing permits, the grazing market, and the impact on public lands.

Senator DOMENICI's amendment I believe is an attempt to freeze reform. We need to move forward with this issue, and I want my freshman colleagues to know and to understand that the House of Representatives has been trying to deal with this issue since 1976. We need that push from the administration and the leadership that has been shown by Secretary Babbitt.

Secretary Babbitt has put into place a very strong public process. He has held hearings all over the West. He has published a rule. He has taken public comment. He is committed to a fair and open process which balances the interests that are concerned here.

Please join me in voting to instruct our representatives at the conference to oppose the Domenici amendment, to create open space so that our Secretary of the Interior can lead the way to reform in this very important area.

Mr. KOLBE. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I am sure Members are confused about why the Senate voted so heavily for a moratorium. The obvious answer is this: This issue has been before the authorizing committees in this Congress for the last 11 years that I have been here, and the people who know most about it, the members of those committees, have never brought a bill to the floor.

We have tried to compromise this issue and cannot do it. The people who know most about it did not bring a bill to the floor. So that is why we end run this program through the Rules Committee, we end run it with this kind of an idea of an instruction to conferees.

The facts are that the people who know understand that there is no subsidy for grazing fees. There is none, because the fee now covers the cost of management of grazing on public lands. And the facts are that it costs more to run cattle on public lands than it does to run on private lands. Think of it with this fee between $1.86 and $10. It costs more to run on Federal lands, proven by economists throughout the country.

Now why do States demand higher prices? They have better land. Why does private enterprise, private land, command higher fees? Better land. It is that simple. The worst land in the country to graze on is Federal land.

If you think there is deprivation because of livestock, you are wrong, Look at this chart. The range after 6 years of drought, 36 percent is in fair condition, 31 percent in good condition, 5 percent excellent, unclassified 13, and poor 15 percent. Now that is the classification of the land by the Bureau of Land Management.

If there is such a deprivation to public lands, why have wild game, big game, competitors some say with livestock, increased dramatically? Look at the antelope, bighorn sheep, deer, elk, moose, all up, huge, in huge numbers in the West for all the benefit from, grazing alongside with cattle.

I ask Members not to impose this tax on people. We have just choked down the Clinton tax increase. This is the next one. Vote "no."

Mr. YATES. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I do not support the Secretary of the Interior's grazing-fee increases. I believe they would be a serious problem for many small ranchers throughout the West, especially the smallest ranchers.

However, I will be supporting the Regula motion, because I believe this issue has been debated to death for years, and it is time to bite the bullet.

I am concerned about an administration proposal perhaps a year from now that may be more damaging. I am concerned that if we put this issue off one more year, where are we going to be in that year? My concern is those small ranchers with 50 to 300 head of cattle that would be severely impacted by the administration's proposal.

I believe that if we can negotiate the difference now that we will be better off. I have been promised a seat at the table with Secretary Babbitt, with Mr. SYNAR, with Mr. MILLER, with my colleagues who I have long supported on this issue.

I think the current grazing formula is reasonably fair. But if we put it off, we are not getting anywhere. The time has come to negotiate the best possible deal. The time has come to deal with this issue now. The time has come to put this issue behind us so that we can deal with other land issues that are important on the national agenda.

Mr. Speaker, once again, to my colleagues who have been very sincere and positive on this issue, I do not support the Secretary's proposal. I believe we are going to have to compromise it. I believe we are going to, unfortunately, draw lines between big and small ranchers, because the smaller ranchers are going to be more severely impacted. That is political reality.

For that reason, Mr. Speaker, I urge support for the Regula motion.

Mr. Speaker, today I rise to express my concerns with the way in which the administration's grazing reform seems to be headed. I do not support the administration's proposal as it is currently structured. I believe that significant changes are needed to make this reform acceptable.

I recently requested a study from Texas A&M University to evaluate the impacts of the proposed 230-percent increase in the public land grazing fee. From this study, I have concluded that the small ranchers—ranchers grazing less than 300 head of cattle—will be significantly hurt by the proposed increase in grazing fees. I am especially concerned with the impacts that the proposed reform could have on the small ranchers in New Mexico. We need to ensure that the limits and timing of fee increases are reasonable and allow for a viable grazing industry that is dependent of public lands.

Despite my reservations about the grazing plan, I believe strongly that this issue needs to be settled now. We cannot afford to have debate on these grazing issues prolonged by a 1-year moratorium. What will 1 year buy us? It will merely prolong the debate, harden positions on both sides, and result with a reform package that is even worse than what we have to work with today.

I have talked with both proponents and opponents to the proposed grazing reform. I believe we can reach agreement on what is needed to reform grazing. I have talked with Representative SYNAR and other colleagues in the House, and I have personal assurances from Secretary Babbitt that I will be at the table with the administration in negotiating changes to make this a workable reform package.

Now is the time for Congress to negotiate with the administration on the grazing reform package. I will work directly with the administration and Secretary Babbitt to modify and improve the provisions in the grazing reform proposal. I encourage you to work with me and take advantage of this opportunity. We need to cooperatively arrive at grazing regulations that we can all live with. Let's not delay this any further. Let's get on with resolving the grazing issues now.

I urge my colleagues to support the Regula motion and move forward now negotiating with the administration. We need a grazing reform package that will work, not prolonged debate for another year.

Mr. KOLBE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. PACKARD], a member of the subcommittee.

Mr. PACKARD. Mr. Speaker, I rise to express opposition to the motion to instruct conferees on the Interior appropriations bill. This motion would instruct conferees to disagree with the Senate language in the Interior appropriations bill, that places a 1 year moratorium on the issue of grazing fees on public lands.

Whether you agree or disagree with raising the grazing fees, the bottom line is that this motion would cut lawmakers out of this debate. Clearly, this is an issue which demands congressional action, and we should not be precluded from input.

I believe that Secretary Babbitt should not be able to unilaterally raise grazing fees of public lands without congressional approval. The people elected Members of Congress to serve them as Government debates issues of great importance—such as the use of our public lands. If my colleagues support the motion to instruct, they sanction removing themselves from this debate.

The Senate language will ensure that we have a voice in the process, and we do not turn the entire decisionmaking process over to Secretary Babbitt and the Interior Department. I urge my colleagues to vote against this motion to instruct the Interior conferees.

Mr. YATES. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Speaker, I rise in strong support of the motion offered by the gentleman from Ohio [Mr. REGULA] to instruct the conferees. And I want to commend him for taking this very, very bold action.

For the past 7 years, I have joined several of our colleagues in introducing legislation to increase Federal grazing fees to fair market value and to reform public rangeland management. This body has approved rangeland management reform measures at least four times in the last 3 years.

Mr. Speaker, reform of the current rangelands management system is badly needed. The BLM and the U.S. Forest Service rangeland programs, which manage over 260 million acres of public land, operate at a combined deficit of approximately $50 million per year. In addition to this operating loss, the American taxpayer is losing millions of dollars in grazing fee revenues every year as the result of the current Federal grazing fee that is 20 percent of the market value in some locations and one-third of the average market value in the Western United States.

Mr. Speaker, in a time when the Federal deficit is a critical concern to the American people and this body, responsible management of public resources alone is reason enough to support this motion to instruct the conferees. But there are other reasons to support public rangeland management reforms.

The current program is fundamentally unfair to the vast majority of our Nation's livestock ranchers. Nationally, only 3 percent of all ranchers have access to this federally subsidized grazing land. In the Western States, only 10 percent of the ranchers have access to this below-cost service. The majority of ranchers, large and small, who do not have access to Federal grazing land are placed at a competitive disadvantage by the current policy. The Federal Government should not penalize the vast majority of this Nation's ranchers by subsidizing their competition.

Mr. Speaker, the rangeland reforms contemplated by Secretary Babbitt would also help restore thousands of acres of rangeland damaged by overgrazing and poor management by offering better permit terms to those ranchers who manage their allotments in a sound environmental manner. Allotments for conservation-related use would also be made available under the new proposal. In a number of reports issued over the past several years, the GAO has described the environmental risks created by declining allotment conditions, insufficient monitoring, and generally inadequate management of large sections of BLM and Forest Service rangeland. The management changes proposed by the administration are not only environmentally responsible, but also protect the value and utility of an important public resource.

Mr. Speaker, many of those receiving the grazing fee subsidy are large ranching businesses, not the small ranchers that some would have us believe. In fact, last year's combined report issued by BLM and the Forest Service showed that almost one-half—47 percent—of the total available grazing forage managed by the BLM was controlled by only 10 percent of the total permittees. One permittee controls over 5 million acres of grazing land, an area larger than six of our Nation's States.

Mr. Speaker, I commend Secretary Babbitt for addressing this issue and I urge the members of this body to cast a vote for fair and responsible management of taxpayers' property by supporting Mr. REGULA's motion.

□ 1220

Mr. KOLBE. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. I thank the gentleman for yielding this time to me.

Mr. Speaker, Colorado is the home of 13,000 of the Nation's approximately 27,000 permittees; almost half of all the people we are talking about are in Colorado. These increases could devastate the ranching industry in Colorado. It could cripple Colorado's agricultural industry, which historically has been one of the most stable segments of our sometimes boom-and-bust economy out there.

The projected increases could rise more than 130 percent over the next 5 years, and we think that is a great way to bring in money for the Federal Government, it is a little like the boat buyers act tax we put in a few years ago. We are not going to bring in more money, we are going to force permittees, many of them, into leaving ranching altogether.

It is not fair to see grazing fees as a windfall for ranchers. We need to realize that the rangeland we are talking about is a rangeland that, when we were homesteading this country, no one wanted; the worst land, the highest land, the least productive land. This is a land no one wanted. That is why the Federal Government still has it. And the rancher must bear both the grazing fee and the cost of improvements, such as water and fencing.

Total costs using Federal lands often, already, cost ranchers in excess of $9. By comparison, private leases cost around $8.50 per animal unit month, and the landlord provides the improvements.

I encourage you to vote against this motion to instruct.

Mr. KOLBE. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. MCINNIS].

Mr. MCINNIS. Mr. Speaker, there are a couple of points I wish to make. First of all, the issue here is not the pluses or the minuses of grazing, the issue is whether or not we should issue a moratorium. Why do we need a moratorium? Because we have not gotten a fair hearing.

I missed my only votes out of the Natural Resources Subcommittee because I went to one of those hearings. They were nothing but a courtesy. You can nod your head or shake it in disgust, but let me read you an internal memo that came out of the Interior Department and then you tell me if this is a fair hearing. This is to the Secretary of Interior, Mr. Babbitt, from his director of communications:

> DEAR SECRETARY: We realize you want to use price increases as a strawman to draw attention from management issues. But there are other ways this might be done.
>
> We've not yet done enough to sell the public and media on what will be coming out in the regs. Let us manage, manage the first public comments, manage them so the regs are perceived to be fair and in the long-term interest of the region.
>
> For those with concern of the environment, the riparian zone, our own statistics can be used to show the range is in better shape than at any point in this century. With that in mind, we must make deliberate and public attempts to prove how bad the conditions are in many riparian zones.

Those public hearings were nothing but a joke.

I urge a "no" vote.

Mr. KOLBE. Mr. Speaker, I yield 1 minute to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. I thank the gentleman for yielding this time to me.

Mr. Speaker, I too rise in opposition to this motion. It has been argued here that we should support this motion because we need to better manage the rangeland. But let us recognize that arguing about proper price for the use of our rangelands should not be used as a tool to manipulate agendas on the range issues.

It has been argued here that the price being paid for the use of our rangeland is not high enough. Some said it is only 20 percent of the market value. They do not point out that the impact of this could be devastating on the agricultural industry in Idaho, or rangeland utilized throughout this country, because users pay those additional costs for management and handling of the Federal lands that they are able to use. But the most important point to make here is that we should oppose this motion to make sure that Congress remains a part of making this decision.

The amendment that was just talked about indicates there is a very carefully managed and carefully calculated effort on the way to impose these new increases by Executive fiat, taking Congress out of the system. That is why the Senate acted, and that is why we must take the same course and allow Congress to work this issue rather than to continue to let it be managed by Executive fiat.

Mr. KOLBE. Mr. Speaker, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, 1 minute is hardly enough time to cover it, but I am opposed to the bill. I have a book I just got on Western wisdom the book is called "Don't Squat With Your Spurs On." That is good advice. But it also says in there in other little bits, and one of them is, "Don't ask your barber if you need a haircut." I sort of think about that when everyone who has spoken here in support of this comes from somewhere else other than the States dedicated to public lands. We have 50 percent in our State, some go as high as 80 percent. These are not parks; these are not wilderness; these are lands that were left after the homesteads took place.

These are not high-productive areas. We are talking about multiple use here, the opportunity to use multiply these lands that are in public ownership. The rest of your States, the lands went to private ownership or went to the State.

I have a suggestion: Why do you not deed it to the States? Why do you not do that in a fairness mood? We will take care of it, and you will not have the cost of dealing with it.

We have talked about the condition of the range. The condition of the range is good. The wildlife is up; that is good for hunters. We have talked about multiple use. We have talked about the price, comparing apples and oranges. We need to have a chance to do something with this besides moving forward with the Secretary's plan that will put people off the ground.

Mr. KOLBE. Mr. Speaker, I yield 1 minute to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in opposition to the Regula motion. Most agree that public land use policy should be examined and updated. However, the administration rangeland plan goes too far and totally ignores the role of Congress in managing our Federal lands.

Congress has a role, as it should be, since we represent districts which in many cases are 50 percent, 70 percent, or 90 percent owned by the Federal Government. The people who are impacted by the proposed 130 percent fee increase must have a voice in the process.

The administration has just begun public hearings gathering facts and data on grazing. Recent studies conclude that there is no Federal subsidy—that grazing on public lands is actually more costly than grazing private land. However, when the Federal Government owns 70 percent to 90 percent of the land, as in most Western States, there is little choice: Either you graze livestock on public land or you go out of business.

I urge my colleagues not to short circuit the process—allow the moratorium to extend time to gather the facts and make a reasoned decision. Oppose the Regula motion.

☐ 1230

Mr. KOLBE. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I think the reasons for opposing the Regula motion to instruct have all been given. I rise to oppose the motion before us.

I am glad that we have the moratorium language from the Senate on grazing fees.

I view this effort to remove the moratorium as part of a series of attacks on the resource-based industries, whether to limit the public lands for grazing, whether to limit the use of water for agriculture, the use of lands for mining or for timber harvesting. I think enough is enough.

If we want to get back to having people employed and to becoming competitive again and having a higher quality of life, we have got to be able to allow these lands to be used by ranchers who live in the area.

As many know, there is not much other use that these public lands can be put to. The fees are reasonable. We are not giving a subsidy here, considering that the users have to build their own fences, provide their own water, plus buy their grazing permits.

So, Mr. Speaker, I urge opposition to this motion.

Mr. YATES. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, in the few minutes we have remaining in this debate, I hope that we can move away from the hyperbole by some of the speakers and return to the calm recitation of the facts.

Fact No. 1. The taxpayers of this country lost $1 billion coming to the Treasury during the decade of the eighties, subsidizing 2 percent of the cattle industry of this country.

Fact No. 2. Of that 2 percent of the cattle industry that has enjoyed this subsidy for literally decades, 2 percent of it control almost half the grazing lands in our country. They do not represent the Ma and Pa operations that have been portrayed here today. Some of the major benefactors of the grazing permits are companies like Getty Oil, Union Oil, Texaco, Zenchiku Land & Livestock Co. out of Japan, Metropolitan and John Hancock Mutual Life Insurance Cos., some the largest companies in our country.

Fact No. 3. Sixty percent of the grazing land in this country well into the next century will be in poor or unsatisfactory condition.

Fact No. 4, and probably the most important: In 10 years of debate on this floor and in the committees of this Congress, there has not been one presentation of one shred of verifiable evidence to support any accusations and objections that have been presented today. It will not kill jobs; it will not raise cattle prices, hurt the environment, destroy western communities, kill small business, or run ranchers off the land.

To the contrary, the evidence after 10 years is overwhelming and indisputable that this is the proper thing to do for the management of our range lands.

Mr. Speaker and my fellow colleagues and fellow Americans, it is time to run our public range lands more like a business. It is time to give our western ranchers a good dose of free enterprise.

This administration, under the leadership of Bruce Babbitt, has given us a wise and workable solution to a longstanding dispute that very frankly we in Congress simply cannot resolve.

The Secretaries of Interior and Agriculture went out to five public meetings and heard from literally thousands of citizens who participated in these hearings and will participate in the process as we move forward.

It is very simply time for Congress to get out of the way and let the process move forward.

The bottom line for those who support the Senate position is that there is never going to be a right time to increase the grazing fees and there is never going to be an increase that is acceptable.

For those of us who support the concept of fair market value for the use of our public lands and for a range program that works for both the taxpayers and the environment, the only solution is to support the Regula motion to instruct.

Finally, let us be honest with ourselves. Let us be honest with our constituents. If we cannot do this small thing for the taxpayers, we will never convince the public that we are serious about reducing the Federal deficit or public land reform.

Mr. Speaker, support the Regula motion to instruct.

Mr. KOLBE. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN. Mr. Speaker, I thank the gentleman for yielding time to me. I rise in opposition to the motion.

Mr. Speaker, I rise in opposition to the Regula amendment. I believe strongly that we must promote proper stewardship of our Federal lands, make all reasonable efforts to balance the budget, and always strive to strengthen our economy. As far as I can tell, though, the administration's proposal will accomplish none of these objectives. Some reform of Federal grazing policy is, indeed, necessary, but it must recognize distinct differences between public and private lands.

Ranchers already have a built-in incentive to properly manage Federal lands on which their cattle graze—they need to continue grazing on that land for years into the future. If there are problems, conditions can be built into permits to encourage better stewardship. As well, permits can be extended beyond 10 years for especially good land stewards.

Doubling grazing fees and drastically increasing Federal burdens will only serve to drive ranchers from public lands. Without ranchers sustainably utilizing Federal lands, less money will go to the Treasury and the budget will be worse off, not better.

There can be no question that cattle ranching families play a significant role in regional economies, both directly through the product they bring to market and indirectly through other businesses such as automobile and equipment dealers, feedstores and grocery stores, doctors and dentists, that rely on the broader ranching economy. Already hard hit by our lingering recession, many rural areas will be dealt a knockout blow. This will especially be the case in many parts of California, which is having a particularly difficult time during this recession.

But the recession has been forgotten by those who would propose the current version of reform of Federal grazing policies. I believe some reform is necessary but believe it should recognize differences between public and private lands. Public land reserved for multiple use was not placed in wilderness for a reason. These lands are of lower grade and cost more to use and maintain.

Protect proper stewardship of Federal lands, the budget, and the economy. Oppose the Regula amendment.

Mr. KOLBE. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Speaker, I rise in opposition to the Regula motion to instruct.

Mr. KOLBE. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I rise in opposition to the Regula tax increase.

Mr. KOLBE. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Speaker, I rise in opposition to the motion.

Mr. Speaker, I rise in opposition to the Regula motion to instruct conferees on H.R. 2520, the Interior appropriations bill for fiscal year 1994.

Mr. Speaker, I do not oppose an increase in the Federal grazing fee. However, I do object to the continuing efforts to circumvent the legislative process in an effort to achieve a large increase in the fee. Most ranchers who lease Federal land understand the need for an adjustment in the fee, but understandably oppose huge increases, like the 130-percent increase proposed by the administration, because it would be devastating to their business.

I think that the administration's proposal deserves some study. I believe that Secretary Babbitt has made his best effort to propose a solution. However, I object to having his solution implemented without congressional input and oversight. The House and Senate committees with jurisdiction over Bureau of Land Management and Forest Service land have the responsibility to ensure that any changes made to the Federal grazing program be fair, sensible, and just. Clearly, the administration needs to play a role in this process, but shutting out Congress is not acceptable.

We have debated the issue of grazing fees many times in this Chamber, and I won't take a lot of time reiterating these arguments, but I would like to point out one important issue. It is clear to anyone who has taken the time to study grazing in the Western States that grazing on Federal land is vastly different from grazing on private land. Each time we debate this issue, proponents of an increased fee compare the private fee with the Federal fee. Unfortunately, this is comparing apples and oranges. Ranchers who use Federal grazing permits are required to make many range improvements that private permit holders are not. A report prepared by the Departments of Interior and Agriculture found that the 23,600 ranchers who hold Federal permits have receipts that are 17 percent below the industry average. It is clear that a Federal grazing permit does not give a rancher a competitive advantage. Any change in the grazing formula must take into account the investment that a rancher must make on public lands.

Mr. Speaker, Congress cannot continue to shirk its responsibility to make decisions on how our public lands and other natural resources are to be managed. While I know firsthand that we won't always agree on these issues, I strongly believe that we owe it to our constituents to fulfill this important responsibility.

Mr. KOLBE. Mr. Speaker, I yield our remaining time to the gentleman from New Mexico [Mr. SKEEN], a distinguished member of the Committee on Appropriations.

Mr. SKEEN. Mr. Speaker, I want to apologize to the gun control lobby for plagiarism, but it illustrates the Shoot Out at the O.K. Corral that we have done time and time again.

With the utmost respect for the proponents of this measure, for whom I do have a great deal of love and respect, at least for a few of them, we have met again and I will dispute facts one, two, three, four and five, and you can shake that packet of GAO studies that have been done. They even contradict themselves. It is totally refutable.

How many of you in here have ever had a grazing permit? Hold your hands up. One, two, three, four.

How many of you wish that you did not have them? One, two, three, four. I do not. I bought mine off because I knew one day that we were going to face this kind of a problem with people who have no attachment to the real problem of land management under a grazing permit system, who are going to object to the system as it is, when it was imposed on the ranching communities in Western States, not like other States that own all their land. This was put upon us as a method of having somebody steward the land from the 1800's on up to the 1900's.

Mr. Speaker, this is not a subsidy to ranchers under any circumstances.

How in the world do you think that you can compare private leasing systems with a public land system is fallacious, has no bearing whatever, none, and will never have because they are totally two different things.

Market value, how do you establish market value when there is no market? You cannot sell a permit. You cannot buy a permit. You have to conform to the method of leasing this land by owning adjacent land, putting in the capital improvements, control the water base and all the rest.

Environmentally, let me say this, the greatest managers in the environment that you have are those grazing permitees you have today because they manage that land day in and day out.

The BLM, you never see them and never will.

Mr. YATES. Mr. Speaker, I yield my remaining time to the gentleman from Ohio [Mr. REGULA].

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Mr. REGULA. Mr. Speaker, I think we should take one more step. In holding up our hands, asking everybody in this room who owns these lands to hold up their hands; well, of course, it is everyone in this room because these lands belong to all the people of these United States. What we are seeking to do is have fairness in the administration of these lands in terms of the fees that are charged.

Now this is supported by the National Taxpayers Union. It is supported by practically every environmental group in this country. The reason that it is equitable, Mr. Speaker, is it makes sense, and of course we have heard how ranchers will go out of business.

Well, what I do not understand is how the 98 percent of the ranchers that do not graze on public lands stay in business. They seem to manage somehow, as opposed to the 2 percent that get the subsidies in the form of lower grazing fees, lower by 20 percent now than in 1980. I would like to know what else we can buy that is 20 percent cheaper today than it was in 1980. That speaks eloquently to the fact that there is something inequitable about the present standard.

I would point out, too, that we have had a lot of concern about budget deficits. We are subsidizing these fees to the tune of $52 million.

Now let me in fairness say that that also helps the multiple use of these lands, and I am all for the multiple use, and I have no quarrel with leasing of these lands. I think it makes good sense to have the ranchers use them. It is simply a matter of getting what is fair.

And let me point out what my motion does not do. It does not, and I emphasize it does not, endorse Secretary

Babbitt's plan. It does not increase grazing fees.

What does it do? It allows the House and Senate conferees, the elected representatives of the people, the elected representatives of the owners of the land, to establish a fair and equitable grazing fee, fair to the ranchers, fair to the taxpayers, fair to the Treasury, a program that will be fair to all that will recognize the realities of today.

Mr. Speaker, I urge all of my colleagues to support this motion so that the conferees from the House and the Senate, and, as my colleagues heard, the gentleman from New Mexico, others, will have an opportunity to participate. Let us get rid of this problem that has been around. However the conferees decide, along with input from the Members of this body, let us achieve a fair and equitable program for the taxpayers, for the ranchers and all concerned. I urge this body to support this motion.

Mr. KYL. Mr. Speaker, I rise in opposition to the Synar-Regula motion to instruct conferees. The Senate rightly denied funds for implementation of the Clinton administration's Rangeland Reform 1994 Program. Given the impact it will undoubtedly have—it will devastate many already struggling Western communities—Congress ought to have an opportunity to fully review and assess its impact, and vote on it, before it is implemented. The Senate amendment will allow that time to act.

Mr. Speaker, President Clinton's 130-percent increase in Federal grazing fees is a job-killer. It is unreasonable. It appears to be an effort to eliminate livestock grazing as an acceptable use of public lands, and it ought to be rejected.

If the concern is about environmental damage resulting from overgrazing, there are ways to address that. Those who are abusing public lands and causing significant damage can be identified and either brought into compliance or be denied a grazing permit. However, the vast majority of ranchers are good stewards of the land. They need to be. Their livelihoods depend on it.

If the concern is about wildlife, managed grazing can be an asset. Livestock producers have built—with their own funds—tens of thousands of watering sites on Federal lands.

If the concern is about the comparability of fees with those charged on State or private lands, let's compare apples to apples. A rancher on Federal land, unlike his counterpart on private land, must build his own erosion control measures, stockponds and watering holes, and fencing. That ought to be taken into account when setting fees.

If the concern is about fair return to the Treasury, a more modest increase could be considered. Most ranching families earn less than $28,000 per year, and an increase of the magnitude proposed here today will simply put them over the edge. Once bankrupt and unemployed, they won't be paying grazing fees, or income taxes. Revenues to the Treasury will fall.

Mr. Chairman, legitimate concerns can be addressed. The Clinton program is not about resolving concerns. It is about eliminating grazing from public lands. I urge the defeat of the Synar-Regula motion to instruct, and support for the Senate amendment to block implementation of the Clinton policy.

Mr. SMITH of Michigan. Mr. Speaker, the motion to instruct conferees on the fiscal year 1994 Interior Appropriations bill to raise grazing fees could devastate rural communities in the West and set a very bad precedent. We should not raise grazing fees 130 percent: It is not justified because of environmental reasons. The Bureau of Land Management found that public rangelands are in better condition than any time this century. It is not for budget reasons a recent Heritage Foundation study found what westerners have known for some time—that public lands grazing is not priced below market value and that higher grazing fees could actually result in less Federal revenue, with millions of additional dollars having to be spent on fencing and other improvements to the land. If bids were taken the grazing fees would probably be less. Indeed, the former Director of the BLM predicts that if ranchers were eliminated from Federal lands, costs to the Federal Government for rangeland management would increase by as much as 50 percent. I urge this body to let the Senate language prevail and that in the next year we examine the possibility of bidding or otherwise assuring a fair market value.

Mr. REED. Mr. Speaker, this is not gridlock, this is a total roadblock.

Despite overwhelming public support for raising Federal fees charged for grazing livestock on public lands, the other body has voted to preclude the Clinton administration from implementing this necessary reform. I believe that we should approve the Regula motion to instruct conferees, and reject the Senate amendment extending the freeze on grazing fees. We must allow the President to act.

For decades, a small group of ranchers representing only 2 percent of all livestock producers, has enjoyed the benefits of an outdated and unfair grazing fee policy that is both financially and environmentally unsound. By effectively limiting Federal grazing fees to only one-fifth of the those charged by private landowners, this program inflicts a double whammy on the taxpayer: costing the Government in lost revenue and preventing the collection of sufficient fees to administering the program or to cover the cost of restoring habitats damaged by grazing.

By supporting the Regula motion, the Members of this House can take an important first step in bringing about the long overdue end to Federal subsidies of livestock grazing on public lands. I intend to take this unique opportunity to protect the American taxpayer and our environment, and I urge my colleagues to join me in my support of this motion.

Mr. SANTORUM. Mr. Speaker, the House of Representatives has approved legislation in each of the past several years to increase the fees for grazing on land administered by the Bureau of Land Management and the Forest Service. In every instance, the House-passed language has been removed from the final measure by Senate conferees.

Recently, the Secretary of the Interior took the initiative by proposing increased grazing fees over the next 3 years within the context of overall rangeland reform. This action is in the proposed rulemaking stage, and public comment is being received. An amendment to H.R. 2520, however, could derail this process by prohibiting spending any funds to continue any action involving the proposed rulemaking. This language, offered by Senator DOMENICI of New Mexico places a 1-year moratorium on the reform process. Even though I do not endorse the broad scope of the Secretary's proposal, I cannot support the intent of the Domenici amendment to delay these reforms. We have avoided real reform in the area of grazing fees for far too long.

I recognize that fair value grazing is not a realistic alternative for many Western ranchers. Some reform, however, is necessary in order to bring this subsidy into line with the costs to the Federal Government. I favor a fair resolution to ensure that the fee increases are reasonable. But if the Domenici amendment is retained, then there will be no compromise on grazing fees for at least another year.

In 1992, I voted with 244 of my colleagues to reform this program, which effectively subsidizes ranchers at a cost to the Federal Government of more than $50 million a year. Today, we are considering a motion to permit the process of reform to proceed. I believe that it is important that we move toward a resolution of this issue. Therefore, I intend to vote for the motion to instruct the House conferees to reject the Domenici amendment.

Mr. DEFAZIO. Mr. Speaker, I rise to support the administration's efforts to comprehensively reform grazing practices on our public lands. I want to stress the word "reform."

I have consistently opposed attempts in this body to levy punitive grazing fee increases on ranchers in the West. I said that any fee increase should be part of a comprehensive proposal to grazing practices. The administration's proposal passes that test.

I don't necessarily support every detail of Secretary Babbitt's proposal. But I flat-out oppose the Senate's effort to stifle debate on long overdue rangeland management reforms. The Senate's position would prevent the administration from even reviewing comments from the public on its proposal, including constructive suggestions from the ranching community. It would prevent any meaningful reforms for the next year. This debate has nothing to do with protecting congressional prerogatives; it has everything to do with protecting a system that no longer serves the public interest.

Mr. FAZIO. Mr. Speaker, I rise in opposition to the Regula motion and do so as a supporter of rangeland reform.

Let me state at the outset that the current grazing fee formula needs to be reformed and a grazing fee increase is warranted. Unfortunately, there is the appearance that the administration has already set a new grazing fee target and is now in the process of justifying the proposed increase. It appears as though a decision has been made on the new grazing fee level before the rulemaking process has been completed. Before embracing a proposed fee increase, there must be an open and fair process that entertains the concerns and interests of all parties, including industry.

Additionally, Mr. Speaker, the practical effect of the moratorium will be minimal. Under the current rulemaking process, a final rule on rangeland reform will not likely be implemented until the fall of next year, about the time the proposed moratorium would expire. The process can continue to move forward unimpeded during this time.

I support rangeland reform, but I want a constructive, open and fair process to achieve it. Therefore, I will oppose the Regula amendment. Simply let the administration know that I want an inclusive process, free from predetermined outcomes.

Ms. LOWEY. Mr. Speaker, I rise in strong support of the motion offered by the gentleman from Ohio to instruct the House conferees to reject the Senate amendment to the bill imposing a 1-year moratorium on administration actions to establish market-rate grazing fees and enact other rangeland reforms.

We have an opportunity to begin reinventing Government today by telling the House conferees that we will wait no longer to end the senseless waste of taxpayer dollars and sensitive rangelands caused by Federal grazing subsidies.

The Vice President's reinventing Government task force recently issued its report which called on the Federal Government to charge market-rate prices for the use of Federal property. Undercharging for grazing rights encourages environmentally harmful overgrazing and provides ranchers on Federal lands an unfair advantage over their competitors who must pay market rates for grazing privileges.

Year after year, Members of this body have struggled to reform Federal rangeland policies only to lose to the special interests. I have supported those efforts and this year I introduced legislation of my own to direct the Department of Interior to charge market rates for grazing privileges on Federal lands. This measure would save an estimated $80 million over the next 5 years.

The Department of Interior, headed by Secretary Babbitt, has signaled its intention to move forward with grazing policy reforms that include charging market rates for grazing privileges. The proponents of the Senate moratorium want to block the Interior Department's efforts to end this wasteful subsidy. They want to prolong the gridlock and preserve a sweetheart deal that the Federal Government has been giving to some cattle rangers all these years.

It is time to take a stand for the national interest. It is time to tell the privileged few, who have been enjoying special treatment at the expense of the American taxpayer, to pay their way like everyone else.

Mr. Speaker, I can think of better ways to spend the estimated $80 million that Federal grazing subsidies will cost the American people over the next 5 years—by reducing the Federal deficit, by enhancing our commitment to education, by investing in our neglected infrastructure.

These are the choices that the American people sent us here to make. I urge my colleagues who have expressed support for reinventing Government to vote for reinventing Government today. Support the Regula motion to instruct the conferees.

Mr. PASTOR. Mr. Speaker, today the House spoke on an issue of great importance to our Nation's ranching and livestock industry. By a majority vote, the House instructed its conferees for the fiscal year 1994 Department of the Interior and related agencies appropriations bill to insist disagreement to Senate amendment No. 123, which would place a moratorium on the Clinton administration's efforts to reform the Federal Government's policy for livestock grazing on public lands.

As a supporter of this motion to instruct conferees, I would like to state that I am firmly committed to a healthy and productive livestock industry in the United States. I do believe however, that the time has come for definitive action on the question of grazing fees and rangeland management reform. It is in this spirit that I cast my vote in favor of the motion to instruct the House conferees.

I would like to state, Mr. Speaker, that my vote for the motion does not necessarily constitute support for any specific recommendation or provision contained in Secretary Bruce Babbitt's proposed reforms. Rather, my vote indicates my strong desire to continue the reform dialog. To date, the administration has held five public meetings in the West and has heard from thousands of people. In December, when a draft environmental impact statement and draft regulations on the proposed reforms will be released, there will be additional opportunities for input from the public. My vote today was for the continuation of this process.

For years now, Congress has attempted to bring stability to the manner in which the Federal Government manages its rangelands. And for years, Congress has been unable to agree on a solution. What is needed today is not a continuation of this gridlock, but an end to the grazing fees debate that has produced so much uncertainly for ranchers and others throughout the country.

With this said, Mr. Speaker, I want to highlight the important fact that by its action today, the House is not relinquishing its ability to legislatively change any administration plan for reform or to develop its own reform measures. As a Member of Congress and an Arizonan committed to a productive livestock industry, I will be closely watching the continued development of the administration's proposed reforms for the management of Federal rangelands and the grazing fees system.

Mr. ORTON. Mr. Speaker, I rise in opposition to the Regula motion. Most agree that public land use policy should be examined and updated. However, the administration rangeland plan goes too far and totally ignores the role of Congress in managing our federal lands.

Congress has a role, which is as it should be, since we represent districts which in many cases are 50 percent, 70 percent or 90 percent owned by the Federal Government. The people who are impacted by the proposed 130 percent fee increase must have a voice in the process.

Such a massive increase in the grazing fee would have a devastating impact on many livestock producers in my district and across the west. The Federal Government owns almost 70 percent of the land in Utah. In most of the rural counties in my district, the Federal Government owns over 90 percent of the land; in several, it owns 98 percent. This high level of federal ownership presents economic and other challenges which my colleagues from the East cannot even imagine. In my district, as in most western states, there is little choice. Either you graze public land or you go out of business.

My colleagues should make no mistake about it. The increase in the grazing fee which the administration is proposing would put many livestock producers in my district and across the West out-of-business. A wide range of unanticipated costs would result. The most serious are the social and human costs in small rural communities. But since the proponents of an increase in grazing fees insist on trying to frame the debate in purely dollar terms, let me briefly mention a couple of the direct dollars costs to the Federal Government.

A direct, but hidden cost would be the increased expenditures for entitlement programs as we destroy the ability of many of our citizens in the rural West to earn a living. Before we allow any increase in grazing fees in the guise of providing a fair return to the treasury, it would seem wise to me to determine whether such a change would result in net gain or loss to the treasury. This has not been done.

Another hidden impact would be upon banks. Banks in rural communities which have in the past accepted a grazing permit as loan collateral would be increasingly stressed by the bankruptcies which would result by this action by the administration. The value of grazing permits has plummeted in the face of these proposed increases significantly reducing the collateral value of the permit securing these loans. Some banks could fail. Others could be so badly hurt that they would not be able to provide the money needed by the private sector to enhance the economies and quality of life in these rural areas. This unfortunate chain of events, in turn, could slow the growth of the national economy with consequences for the nation as a whole.

Let me cite just one other impact. As the base of rural counties erodes, so does their ability to provide the basic services to the millions of visitors to the federal lands. Most of my colleagues are not aware that the counties provide landfills for garbage, pay for search and rescue activities, provide police protection and law enforcement on most public lands and a wide range of other services with no or very little compensation by the Federal Government. The cost to the Federal Government to provide these services in my district would far exceed the relatively small amount of money the increased grazing fees would return to the treasury.

If the evidence were clear that grazing fees were indeed below the fair market value, I could understand the desire of some in this body and in the administration to raise fees quickly. But the data from a number of studies suggest that even at the current rate, it actually costs more to graze on public land than to graze on comparable private land. There certainly is no subsidy to livestock producers and grazing fees in the west are certainly not below fair market value.

It is particularly disturbing to me that the decision by the administration to increase grazing fees ignores this evidence. Equity demands that the burden of proving the insufficiency of the current grazing fees should rest with those who would seek to raise them. There has yet to be a thorough and in depth public discussion of these studies and analyses by the administration. Indeed, as the famous leaked Sweeney/Wyman memo so frequently referred to here today and in recent debate in the other body makes abundantly clear, the Interior Department apparently had its mind made up to raise grazing fees long ago, regardless of the facts of the situation. I hope that the leak of that memo proves sufficiently embarrassing that the Department will now seriously and honestly look at all the facts and engage in good faith in a public debate on this issue.

That is all the moratorium language in the conference report seeks to accomplish. By postponing the implementation of any increased grazing fees for a year, all of us, Congress, the public, livestock producers and others will have the time to fully debate this issue. I am confident that this review will show that what the administration proposes is not only unwise but unjustified.

The economic impact upon thousands of good, hard working people across the West could be devastating if this proposed action by the administration is undertaken precipitously. There is no harm or damage which would result from waiting. The only prudent course is to support the moratorium and provide both the time and the incentive for all parties to gather and debate the facts and make a reasoned decision.

I urge my colleagues to oppose the Regula motion.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion to instruct offered by the gentleman from Ohio [Mr. REGULA].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KOLBE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 314, nays 109, not voting 10, as follows:

[Roll No. 465]

YEAS—314

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Bachus (AL)
Baesler
Barca
Barlow
Barrett (WI)
Bartlett
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Duncan
Durbin
Edwards (CA)
Engel
English (OK)
Eshoo
Evans
Everett
Farr
Fawell
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Hoyer
Hughes
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klug
Knollenberg
Kreidler
LaFalce
Lambert
Lancaster
Lantos
Laughlin
Lazio
Leach
Levin
Levy
Lewis (GA)
Linder
Lipinski
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McHugh
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Petri
Pickett
Pickle
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Saxton
Schenk
Schroeder
Schumer
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Solomon
Spence
Stark
Stearns
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NAYS—109

Allard
Armey
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Barton
Bateman
Bentley
Bilbray
Bliley
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards (TX)
Emerson
English (AZ)
Ewing
Fazio
Fields (TX)
Frost
Gallegly
Gekas
Geren
Gingrich
Grams
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Houghton
Huffington
Hunter
Hutchinson
Inhofe
Johnson (SD)
Johnson, Sam
Kingston
Kolbe
Kopetski
Kyl
LaRocco
Lehman
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Manzullo
McCandless
McCollum
McCrery
McInnis
McKeon
Montgomery
Moorhead
Myers
Nussle
Orton
Packard
Peterson (MN)
Pombo
Pomeroy
Quillen
Roberts
Rogers
Roth
Sarpalius
Schaefer
Schiff
Skeen
Smith (OR)
Smith (TX)
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Vucanovich
Walker
Walsh
Williams
Wolf
Young (AK)

NOT VOTING—10

Conyers
Dingell
Grandy
Klink
Lloyd
McDade
Michel
Serrano
Smith (MI)
Spratt

□ 1305

Mr. LIVINGSTON changed his vote from "yea" to "nay."

Messrs. LEVY, COBLE, BACHUS of Alabama, and EVERETT changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PENNY). Without objection, the Chair appoints the following conferees on H.R. 2520, Department of the Interior and Related Agencies Appropriations Act, 1994: Messrs. YATES, MURTHA, DICKS, BEVILL, SKAGGS, COLEMAN, NATCHER, REGULA, MCDADE, KOLBE, and PACKARD.

There was no objection.

GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the motion just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1734

Mr. SKAGGS. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 1734.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2519, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2519) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1994, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. ROGERS

Mr. ROGERS. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. ROGERS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2519, be instructed to agree to the first proviso of the Senate amendment numbered 147, with an amendment that reads as follows:
>
> In lieu of the first proviso in Senate amendment numbered 147, insert the following:
>
> "*Provided*, That none of the funds appropriated in this paragraph shall be available for arrearage payments to the United Nations until the Secretary of State certifies to the Congress that the United Nations has established an independent office with responsibilities and powers substantially similar to offices of Inspectors General authorized by the Inspector General Act of 1978, as amended"

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes, and the gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, my motion would instruct the House conferees to agree to a Senate provision, authored by Senator DOMENICI, requiring the United Nations to create an inspector general's office before receiving any more U.S. arrearage payments in fiscal 1994.

The United Nations must be reformed. That has been Congress' cry so often in the last 10 years that we are beginning to sound like a broken record. The American people, who pay 25 percent of the United Nations general budget and 31.7 percent, Mr. Speaker, of the international peacekeeping budget of the United Nations, people will be charged almost $1.5 billion in assessed contributions to the United Nations in 1994.

This does not include the hundreds of millions of dollars our constituents will give in voluntary contributions to the United Nations not contained in this bill. That is a huge investment, and we are entitled to know how our money is being spent. And we do not.

Almost 80 percent of the general budget of the United Nations is being used to pay for 14,000 employees of the U.N. Secretariat alone, workers who enjoy some of the most generous employment benefits around, including salaries which are guaranteed at rates 15 to 20 percent higher than the highest comparable private sector, salaries which, I might add, are tax free, Mr. Speaker.

They have additional payments of $1,270 per year per dependent child. They are guaranteed 100 percent cost-of-living increases. These 14,000 employees at the Secretariat alone enjoy vacations of up to 2 months per year.

□ 1310

They have payments to cover three-fourths of all education costs including college, for each of their children, and they have one of the world's best retirement systems.

No wonder U.N. programs are forced to scrounge for other sources of funding—including coming back to Uncle Sam for voluntary contributions.

And, would you believe, the Secretary-General has called for higher pay for U.N. staff members.

With personnel policies like these, no wonder Richard Thornburgh, during his tenure as head of management at the United Nations found:

Too many deadwood staff members doing too little work and too few good staff members doing too much.

Featherbedding to preserve unnecessary U.N. jobs at all costs.

In one instance, management sabotaged attempts to eliminate 500 unneeded jobs, a move costing the United Nations $20 million per year.

Lucrative consulting contracts given to retired and even dismissed employees.

In addition we are treated to all too frequent press accounts of questionable U.N. spending, including:

$110,000 to refurbish the home of the head of the U.N. peacekeeping mission in Cambodia;

Millions spent to generate thousands of U.N. publications on such worthwhile topics as "Imperialism: The Last Stage of Capitalism."

And the list goes on, and on, and on. Obviously, no one at the United Nations is minding the store.

At a time when the United Nations is reported to face tremendous financial crisis, how can this be?

According to the Richard Thornburgh's review of the United Nations—the United Nations is almost totally lacking in any effective mechanism to deal with waste, fraud, and abuse.

To bring about much needed reform, Thornburgh recommended to the United Nations that it immediately establish an inspector general's office.

He is not alone in his cry:

President Clinton called for an IG in his speech at the United Nations earlier this week.

Vice President GORE recommended the immediate creation of a U.N. IG in his national performance review.

Unbelievable, their calls for an inspector general face stiff opposition at the United Nations—even from some of our traditional allies.

It is beyond me as to how anyone could oppose an inspector general whose function would be to:

Evaluate and recommend policies to promote economy, efficiency, and effectiveness;

Prevent and detect fraud and abuse;

Keep the U.N. Secretary General and the member States fully informed about problems in the United Nations.

Mr. Speaker, an inspector general is our chance to get true reforms at the United Nations.

It is time this Congress put some muscle behind the President's call for reform. The vote on my motion is a vote for U.N. reform. it is a vote for accountability.

The American public, which, let me once again remind my colleagues, will provide over $1 billion to the United Nations this year, demands no less of its government, and we must demand no less of the United Nations.

As the Vice President said in his national performance review, we must "prove to the American people that their tax dollars will be treated with respect for the hard work that earned them."

My colleagues, I do not believe the United Nations has treated the American taxpayer with respect.

Prove to your constituents that you want the U.N. waste to stop.

Support my motion to instruct.

Mr. Speaker, I urge support for my motion to instruct, and I reserve the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, former Attorney General Thornburgh was appointed in the last administration as the Under Secretary General for Management at the United Nations, and he made the recommendation that they have an inspector general. Our present Ambassador to the United Nations, Albright, has recommended they have an inspector general, and they are moving in that direction. The President has called for them to have an inspector general.

The Senate bill has about two pages of wording in it referring to this subject matter. Then the gentleman from

Kentucky [Mr. ROGERS] has an improved version, I think, but the gist of what we are talking about is, they need an inspector general, and they need to move that way as fast as possible. I do not think there is any disagreement about the objectives.

Mr. Speaker, I am going to vote for the gentleman's motion. There is a difference in the wording, obviously, between what the gentleman has in his motion and what they have in the Senate bill, but I think whatever it is, we can work the wording out. The gist of it is that we want them to have an inspector general.

Mr. Speaker, I was a sponsor of the first inspector general in the Government here in the United States. It was for the Department of Agriculture. The idea is that they should have someone working at all times, looking for things that ought to be corrected and reporting back to the people who can do something about it, and exposing it.

That is the whole idea here. I do not disagree with the idea, and I am going to vote for the gentleman's motion.

The SPEAKER pro tempore. Are there further requests for time?

Mr. ROGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not expect we will consume anywhere near the time that has been allotted. I plan to close very briefly here if the gentleman from Iowa [Mr. SMITH] wishes to do the same. We should have a vote very soon, so those who are watching the debate can be thus advised.

Let me take just a few minutes. I will be brief, Mr. Speaker. This is a proposal that, although fresh on the floor today, has been pushed for so many years in a variety of forms. The U.S. Congress and other institutions have been requesting of the United Nations some accountability for years with no avail. It is a part of the bureaucracy of the United Nations to resist this kind of request. I understand that. There are at least two schools of thought within the United Nations about whether or not this is a good idea.

Most of the industrialized nations have been requesting this for a long time, and agree upon it. Many of the Third World countries do not want it. That is understandable. That is part of the history of the United Nations.

Mr. Speaker, in my opinion, we will not see the needed reforms until we take this action of withholding arrearage payment funds until our Secretary of State certifies the United Nations has complied with this request. It is not unreasonable. In fact, it is very sensible, and will make a better United Nations, and of course, better accountability of the funds that our taxpayers and all others around the world give to the United Nations.

Mr. Speaker, the founders in 1945 did not mean for the United Nations to end up as it is now, in this bureaucratic maze. I am quoting from a story in the press recently: "The whole U.N. civil service got hijacked by the Cold War and decolonization," said Donald McHenry, the former U.S. Ambassador to the United Nations

"As many experts point out, the U.N. grew as it did because its members wanted it to. For the Third World countries, the United Nations offered jobs for politicians' brothers-in-law and gave them a world platform for their problems. The major powers went along.

"Hiring for U.N. offices was rather like patronage hiring in the old Chicago Streets and Sanitation Department—except that Streets and Sanitation actually picked up garbage, while the United Nations only complained about it," Charles Lipson, a University of Chicago Professor of International Politics, recently told a U.S. panel studying the United Nations

So it has developed over the years, into the bureaucracy that needs to be reformed. The only way to do it is as we have done in the past. The Kassebaum-Solomon amendment, which began these arrearages 4 years ago, the money was withheld for the purposes of extracting some reforms in the United Nations.

□ 1320

Now we need to take the next step.

So, Mr. Speaker, I hope we can have a very positive vote on this motion to instruct.

Mr. Speaker, I have no further requests for time.

Mr. SMITH of Iowa. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROGERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PENNY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Kentucky [Mr. ROGERS].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROGERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 13, as follows:

[Roll No. 466]

YEAS—420

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle

Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—13

Becerra
Brewster
Clement
Collins (IL)
Conyers
Dingell
Gephardt
McCurdy
McDade
Miller (CA)
Pickett
Smith (MI)
Wilson

☐ 1342

Mr. LAZIO changed his vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CLEMENT. Mr. Speaker, during rollcall vote No. 466 on H.R. 2519 I was unavoidably detained. Had I been present, I would have voted "yea."

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the motion to instruct conferees on H.R. 2519 which was just agreed to.

The SPEAKER pro tempore [Mr. PENNY]. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. SMITH of Iowa, CARR of Michigan, MOLLOHAN, MORAN, SKAGGS, PRICE of North Carolina, NATCHER, ROGERS, KOLBE, TAYLOR of North Carolina, and MCDADE.

There was no objection.

CONFERENCE REPORT ON H.R. 2295, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1994, AND SUPPLEMENTAL APPROPRIATIONS FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION ACT, 1993

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 259 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 259

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 259 waives all points of order against the conference report on H.R. 2295, the Foreign Operations Appropriations Act for Fiscal Year 1994 and against its consideration. The rule further provides that the conference report shall be considered as read.

Mr. Speaker, the conference agreement on the Foreign Operations Appropriations Act provides $13 billion in new budget authority for fiscal year 1994. This amount is $1.6 billion below the President's request and is within the 602(b) allocation.

The agreement displays a new policy emphasis on emerging democracies and provides a total of $2.5 billion in technical and humanitarian assistance for the new Independent States of the former Soviet Union and $390 million for Eastern Europe and the Baltics.

The conference agreement provides $5 billion for Israel and Egypt as well as increased funding for the economic support fund to accommodate assistance for the West Bank and Gaza. In addition, the agreement provides $800 million for refugee and disaster assistance to meet the current situation in Somalia, the former Yugoslavia, as well as other areas around the world.

The conference agreement provides $784 million in development assistance for Africa as well as $1 billion to assist United States business to export United States goods abroad.

Mr. Speaker, House Resolution 259 will expedite consideration of this important conference agreement. I urge my colleagues to support the rule and the agreement, and I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for yielding this side half the time.

Mr. Speaker, as the gentleman from South Carolina has just indicated, we have before us a rule that provides for the timely consideration of the conference report on the foreign operations appropriations bill for fiscal year 1994.

This rule is typical of those that are usually provided for conference reports in that all points of order are waived.

There is a twofold reason for the waivers.

First, the conference report contains $1.6 billion in fiscal year 1993 assistance for Russia.

In order for these funds to be made available, the President must sign this legislation into law before midnight tomorrow night.

Thus, the 3-day layover has been waived.

The second reason for waivers is simply the fact that Congress has not enacted a foreign aid authorization bill into law since 1985. That was 8 years ago.

Hence, virtually everything in this conference report is unauthorized.

I must say that Members should appreciate the work of the Foreign Operations Subcommittee in stepping into the breach each year and, in effect, writing the annual foreign aid bill. They do a good job, even though I have some problems in supporting foreign aid in general.

Turning now to the substance of the conference report itself, Mr. Speaker, I am compelled to oppose this legislation on final passage. I will do so because of my continuing reservations about aid for Russia, aid that might take the form of direct assistance to the Government or to the central bank of Russia.

I have opposed this kind of assistance in the past, and I will continue to oppose it in the future until a fully democratic government is in place in Moscow and Soviet troops are completely and once and for all out of the Baltic nations.

In Latvia, Lithuania, and Estonia, those Soviet troops are still there.

My further concern is simply the question of where this assistance is going.

The situation in Russia is so chaotic, and we all are watching it on TV by the hour, I remain unconvinced that we can tell with any certainty exactly who is getting this assistance and how effectively they are using it.

Given the track record of so many foreign aid programs in so many countries in which, by hook or by crook, the government itself or government-controlled entities get their hands on it, I am not convinced the situation in Russia will turn out to be any different. It rarely does.

I must also say that the amount of money involved strikes me as being too much for a token, but not enough to really make a difference—even if it were to be used with maximum effectiveness which it will not be. Too many former Communists still are in the government and they still have their fingers in this foreign aid pie.

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When one considers just how much it is costing today to stabilize and rebuild the former East Germany, a country only one-tenth the size of Russia, we can get an idea of just how much it will cost eventually to repair Russia after 74 years of communism. All of the money in the world would not be enough to do it, Mr. Speaker. The Russians themselves will have to pull it all together by a sincere, all-out effort to completely democratize their country, including a free market system. They are vacillating back and forth, not really doing it. The only way they can establish a free market system is by attracting private capital and private investment from outside the country itself. They cannot do that without enacting property rights laws, without enacting commercial laws to protect investments from American businesses and industry that might want to do business there. They must absolutely establish a judiciary system that is free of political interference, like we have in this country, to guarantee protection under the law. Otherwise their laws are not worth 2 cents, and nobody in their right mind is going to put money into Russia from our private sector.

Mr. Speaker, we should not be giving the Russian Government, or their central bank, American tax dollars. It ought to be going from the private sector here to the private sector there in the form of loans or investments so that we can get a return on that investment in this country.

Mr. Speaker, there is an old philosophy that says, "Do not give them fish, do not give them money to buy fish. Teach them how to fish, and they will feed themselves." This philosophy is not represented in this foreign aid appropriations legislation. This is the philosophy we ought to be living by because of the failure of foreign aid in the past. I will vote no when this conference report comes up for a vote later on, after this rule has been passed.

Mr. DERRICK. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. SOLOMON. I, too, Mr. Speaker, have no requests for time, and I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. OBEY. Mr. Speaker, pursuant to the provisions of House Resolution 259, I call up the conference report on the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BRYANT). Pursuant to House Resolution 259, the conference report is considered as read. (For conference report and statement, see proceedings of the House of September 28, 1993, at page H7159.)

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes, and the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, before I begin to describe what is in this conference report, I would like to pay special tribute to a group of people who are often maligned in the popular press and in the court of public opinion, namely the congressional staffers who helped put together this bill: Terry Peel, Bill Schuerch, Mark Murray, Mike Marek, Laurie Maes, Karen Brown, Dean Sackett, Jim Kulikowski, and the two people who gave us tremendous technical assistance from the agencies themselves, Bob Lester and Carol Schwab and a number of others. I simply want to say that, if we take into account the hundreds of witnesses our committee has before it each year, if we take into account the hundreds of staff who accompany each and every one of those witnesses, if we take into account the hundreds of public groups and the hundreds of interest groups who are constantly inquiring of the committee about one or another of the matters in this package, and if we realize that all of the staff work to respond to all of those problems is done by roughly seven people, I think it is an amazing accomplishment, and I am very grateful to all of them on both sides of the aisle, as I am to the associate staff members who have also assisted the subcommittee membership.

I also want to say that this is, very largely, a new subcommittee this year. We have on the Democratic side myself, and the gentleman from Texas [Mr. WILSON], and the gentleman from Illinois [Mr. YATES] who have served on the subcommittee in the past, but then we have the gentleman from Massachusetts [Mr. OLVER], the gentlewoman from California [Ms. PELOSI], the gentleman from California [Mr. TORRES], the gentleman from New York [Mr. SERRANO], and the gentlewoman from New York [Mrs. LOWEY] who have served on the subcommittee but a short time. On the Republican side we have the gentleman from Illinois [Mr. PORTER], and the gentleman from Iowa [Mr. LIGHTFOOT], the gentleman from Alabama [Mr. CALLAHAN] and the ranking Republican, the gentleman from Louisiana [Mr. LIVINGSTON] who have performed yeoman's service on the bill and who have at all times conducted themselves in an absolutely bipartisan fashion.

I would dare to say, Mr. Speaker, that I cannot recall a single partisan comment made by any Member on either side of the aisle during the hearings, markups or conference, and I really believe that the way members of this subcommittee, and the way the staff on this subcommittee, conduct themselves is really a case study in the way Congress ought to perform. I very much appreciate the help that we have gotten from each and every one of them.

Let me simply say that this bill is $1.1 billion below last year's spending level. It is $1.4 billion below the President's request. It is $373,000 below the bill as it left the House. It is $461 million below our subcommittee allocation under the 602(b) section of the budget. We have seen a lot of writing in the popular press, and elsewhere, lately about the need to reform foreign assistance and the need to reduce military aid now that the cold war has ended. I want to simply point out that in the years since I have become chairman of this committee this bill has dropped from $16.5 billion total to $12.5 billion today, and that would not have happened without the bipartisan cooperation of each and every member of the subcommittee.

I would also point out that the military aid, as a share of this bill, has dropped from 40 percent as a share of the bill in 1985 to 24.6 percent today, which is a very large reduction, and I think it reflects the new realities in the world.

I also want to make the point that this bill, in spite of those overall budget reductions, provides $2½ billion to meet our highest new priority, assistance to the former republics in the Soviet Union. There is also room in the bill for the beginning of the $500 million aid proposition that the administration has been discussing with respect to the Middle East to assist the Palestinians as we move toward peace in that region. This committee has always made refugees our No. 1 priority, and we did again this year despite the fact that we had very deep cuts in a significant number of programs. We have an increase in this budget for refugees. We also make enhancing the ability of this country to export our commercial products a high priority because we provide $1 billion to the Export-Import Bank to facilitate our exports to the rest of the world, and we institute, or we begin the process of instituting, virtually each and every reform mentioned by the Gore Commission including requiring that AID begin to downsize the number of missions that it has around the world by eliminating 12 of those missions this year.

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So I think this subcommittee can truthfully say that if you take a look at what we have done and what we have required the administration to do before they can get the second half of the money in this bill, we have virtually put into place all of the reform actions suggested by the Gore Commission.

With respect to the earmarks in the bill, when the bill left the House we had no earmarks. The Senate had 27. We come back from conference with only four. I think that is a very good record.

We have a number of legislative limitations in the bill as well, limitations on assistance, such as, for example, the limitation on Soviet aid if they provide any significant assistance to Cuba. There was a waiver authority that we provided for the President in that instance. In my view, he will not need to use that waiver authority, because I do not define in any way what the Soviet Union has been doing as supplying assistance. I think the relationship that they have with Cuba with respect to purchasing sugar is very similar to a large number of other commercial relationships that countries often have with each other around the world, and does not in any way constitute assistance.

I would also say that it is necessary for this House to pass this bill today, because, as was indicated in discussion on the rule, we have in this bill a significant amount of assistance which is funded through 1993 supplemental appropriations for the Soviet Union. If we do not enact this bill before the end of the fiscal year, that portion of the bill will be inoperative.

So I simply want to say I think this bill meets the desires of the taxpayers to be fiscally frugal. I think it certainly responds to the new realities around the world.

Mr. Speaker, I want to pay special tribute to the gentleman from Louisiana [Mr. LIVINGSTON], the ranking Republican. This is his first year as ranking Republican. I think the gentleman has done a very good job in acquainting himself with all of the many programs that this bill has. He has conducted himself in an absolutely bipartisan fashion. You will never doubt for a moment when you deal with the gentleman from Louisiana [Mr. LIVINGSTON] that you are dealing with a conservative Republican, and there is nothing wrong with that. But I very much appreciate the professional way he has gone about our business.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS, FY 1994 (H.R. 2295)

	FY 1993 Enacted	FY 1994 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE III - MILITARY ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Military Education and Training	42,500,000	42,500,000	21,250,000	21,250,000	21,250,000	-21,250,000
Foreign Military Financing Program:						
Grants	3,300,000,000	3,231,657,000	3,175,000,000	3,123,558,000	3,149,279,000	-150,721,000
(Limitation on administrative expenses)	(26,000,000)	(25,558,000)	(23,558,000)	(23,558,000)	(23,558,000)	(-2,442,000)
Direct concessional loans:						
Subsidy appropriations	149,000,000	120,263,000	46,530,000	46,530,000	46,530,000	-102,470,000
Administrative expenses	200,000	194,000				-200,000
(Estimated loan program)	(855,000,000)	(855,000,000)	(769,500,000)	(769,500,000)	(769,500,000)	(-85,500,000)
FMF program level	(4,155,000,000)	(4,086,657,000)	(3,944,500,000)	(3,893,058,000)	(3,918,779,000)	(-236,221,000)
Subtotal, Foreign military financing program	3,449,200,000	3,352,114,000	3,221,530,000	3,170,088,000	3,195,809,000	-253,391,000
Reappropriation (deobligation/reobligation) authority (sec. 515):						
Foreign military financing		500,000	500,000	500,000	500,000	+500,000
Total, Foreign military assistance	3,449,200,000	3,352,614,000	3,222,030,000	3,170,588,000	3,196,309,000	-252,891,000
Special Defense Acquisition Fund:						
(Limitation on obligations)	(225,000,000)					(-225,000,000)
Fund elimination		-266,000,000	-266,000,000	-266,000,000	-266,000,000	-266,000,000
Peacekeeping operations	27,166,000	77,166,000	75,623,000	62,500,000	75,623,000	+48,457,000
Nonproliferation and Disarmament Fund		50,000,000	10,000,000	10,000,000	10,000,000	+10,000,000
Total, title III, Military assistance programs	3,518,866,000	3,256,280,000	3,062,903,000	2,998,338,000	3,037,182,000	-481,684,000
(Limitation on obligations)	(251,000,000)	(25,558,000)	(23,558,000)	(23,558,000)	(23,558,000)	(-227,442,000)
(Estimated loan program)	(855,000,000)	(855,000,000)	(769,500,000)	(769,500,000)	(769,500,000)	(-85,500,000)
TITLE IV - EXPORT ASSISTANCE						
EXPORT-IMPORT BANK OF THE UNITED STATES						
Limitation of Program Activity:						
Subsidy appropriations	757,000,000	757,000,000	700,000,000	1,000,000,000	1,000,000,000	+243,000,000
(Estimated loan program)	(15,500,000,000)	(16,500,000,000)				(-15,500,000,000)
Administrative expenses	45,683,000	46,295,000	45,369,000	45,369,000	45,369,000	-314,000
Negative subsidy	-16,533,000	-51,783,000	-51,783,000	-51,783,000	-51,783,000	-35,250,000
Total, Export-Import Bank of the United States	786,150,000	751,512,000	693,586,000	993,586,000	993,586,000	+207,436,000
FUNDS APPROPRIATED TO THE PRESIDENT						
Trade and Development Assistance						
Trade and development	40,000,000	60,000,000	40,000,000	40,000,000	40,000,000	
Total, title IV, Export assistance	826,150,000	811,512,000	733,586,000	1,033,586,000	1,033,586,000	+207,436,000
(Estimated loan program)	(15,500,000,000)	(16,500,000,000)				(-15,500,000,000)
Grand total, all titles:						
New budget (obligational) authority	26,257,377,903	14,425,993,066	12,983,038,866	12,526,854,047	12,982,665,866	-13,274,712,037
Appropriations	(26,257,377,903)	(14,425,993,066)	(13,168,038,866)	(12,781,954,047)	(13,190,765,866)	(-13,066,612,037)
Rescissions			(-185,000,000)	(-255,100,000)	(-208,100,000)	(-208,100,000)
(Limitation on obligations)	(251,000,000)	(25,558,000)	(23,558,000)	(23,558,000)	(23,558,000)	(-227,442,000)
(Limitation on guaranteed loans)	(650,000,000)	(375,027,000)		(346,885,000)		(-650,000,000)
(Limitation on direct loans)		(20,712,000)		(19,161,000)		
(Limitation on callable capital)	(4,631,070,700)	(4,665,876,024)	(4,090,600,894)	(3,188,161,394)	(4,090,600,894)	(-540,469,806)
(Estimated level of direct/guaranteed loans)	(231,319,000)	(110,000,000)	(110,000,000)	(160,000,000)	(135,000,000)	(-96,319,000)
(Estimated loan program)	(16,355,000,000)	(17,355,000,000)	(769,500,000)	(769,500,000)	(769,500,000)	-(-15,585,500,000)
RECAP						
TITLE I - MULTILATERAL ECONOMIC ASSISTANCE						
Contributions to International Financial Institutions	1,583,418,903	1,957,852,066	1,505,070,866	1,358,764,107	1,507,770,866	-75,648,037
International organizations and programs	310,000,000	390,000,000	339,500,000	360,628,000	360,628,000	+50,628,000
Total, contribution for Multilateral Economic Assistance	1,893,418,903	2,347,852,066	1,844,570,866	1,719,392,107	1,868,398,866	-25,020,037
TITLE II - BILATERAL ECONOMIC ASSISTANCE						
Bilateral Development Assistance	4,158,382,000	4,075,578,000	3,838,997,000	3,761,217,940	3,868,517,000	-289,865,000
Economic Support Fund/Special Assistance Initiatives	3,546,704,000	3,934,771,000	3,502,982,000	3,014,320,000	3,174,982,000	-371,722,000
Total, Bilateral Economic Assistance	7,705,086,000	8,010,349,000	7,341,979,000	6,775,537,940	7,043,499,000	-661,587,000

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS, FY 1994 (H.R. 2295), continued

	FY 1993 Enacted	FY 1994 Estimate	House	Senate	Conference	Conference compared with enacted
Housing and other credit guaranty programs:						
Subsidy appropriations	16,407,000	16,407,000	16,078,000	16,078,000	16,078,000	-329,000
Operating expenses	8,407,000	8,407,000	8,239,000	8,239,000	8,239,000	-168,000
(Estimated level of guaranteed loans)	(150,000,000)	(110,000,000)	(110,000,000)	(110,000,000)	(110,000,000)	(-40,000,000)
Subtotal, development assistance	2,397,163,000	2,295,259,000	2,158,202,000	2,058,082,000	2,154,102,000	-243,061,000
Payment to the Foreign Service Retirement and Disability Fund	42,677,000	44,151,000	44,151,000	44,151,000	44,151,000	+1,474,000
Operating expenses of the Agency for International Development	512,000,000	512,000,000	501,760,000	494,080,000	501,760,000	-10,240,000
(By transfer)	(4,300,000)	....	....	....	....	(-4,300,000)
Reform and downsizing	....	....	....	....	3,000,000	+3,000,000
Operating expenses of the Agency for International Development Office of Inspector General	39,316,000	39,916,000	39,118,000	38,518,940	39,118,000	-198,000
Debt restructuring	50,000,000	45,427,000	7,000,000	7,000,000	7,000,000	-43,000,000
Subtotal, Agency for International Development	3,041,156,000	2,936,753,000	2,750,231,000	2,641,831,940	2,749,131,000	-292,025,000
Economic Initiatives						
Economic support fund	2,670,000,000	2,582,000,000	2,364,562,000	2,280,500,000	2,364,562,000	-305,438,000
Rescission (sec. 545 (a))	....	....	-185,000,000	-250,000,000	-203,000,000	-203,000,000
International fund for Ireland	19,704,000	20,000,000	19,600,000	....	19,600,000	-104,000
Assistance for the Philippines:						
Multilateral assistance initiative for the Philippines	40,000,000	40,000,000	20,000,000	20,000,000	20,000,000	-40,000,000
Assistance for Eastern Europe	400,000,000	408,951,000	400,000,000	380,000,000	390,000,000	-10,000,000
Assistance for former republics of the Soviet Union	417,000,000	903,820,000	903,820,000	603,820,000	603,820,000	+186,820,000
(1993 Supplemental - Foreign Operations)	....	(630,000,000)	(630,000,000)	(630,000,000)	(630,000,000)	(+630,000,000)
(1993 Supplemental - Defense)	....	(979,000,000)	(979,000,000)	(979,000,000)	(979,000,000)	(+979,000,000)
Demobilization and transition fund (by transfer)	(29,000,000)	....	....	....	....	(-29,000,000)
Subtotal, Economic Initiatives	3,546,704,000	3,934,771,000	3,502,982,000	3,014,320,000	3,174,982,000	-371,722,000
Total, Agency for International Development	6,587,860,000	6,871,524,000	6,253,213,000	5,656,151,940	5,924,113,000	-663,747,000
Independent Agencies						
African Development Foundation						
Appropriations	16,905,000	16,905,000	16,905,000	16,905,000	16,905,000	....
Inter-American Foundation						
Appropriations	30,960,000	30,960,000	30,340,000	30,960,000	30,960,000	....
Overseas Private Investment Corporation						
Loan subsidies:						
Direct	....	2,937,000	2,717,000	2,717,000	2,717,000	+2,717,000
Guaranteed	9,800,000	6,863,000	6,348,000	6,348,000	6,348,000	-3,452,000
Total	9,800,000	9,800,000	9,065,000	9,065,000	9,065,000	-735,000
Operating expenses	8,128,000	8,128,000	7,518,000	7,518,000	7,518,000	-610,000
(Limitation on direct loans)	....	(20,712,000)	....	(19,161,000)	....	....
(Limitation on guaranteed loans)	(650,000,000)	(375,027,000)	....	(346,885,000)	....	(-650,000,000)
Total, Overseas Private Investment Corporation	17,928,000	17,928,000	16,583,000	16,583,000	16,583,000	-1,345,000
Total, Funds Appropriated to the President	6,653,653,000	6,937,317,000	6,317,041,000	5,720,599,940	5,988,561,000	-665,092,000
Peace Corps						
Appropriations	218,146,000	219,745,000	219,745,000	219,745,000	219,745,000	+1,599,000
Department of State						
International narcotics control	147,783,000	147,783,000	100,000,000	100,000,000	100,000,000	-47,783,000
Montreal Protocol Facilitation Fund (by transfer)	(15,000,000)	....	....	....	....	(-15,000,000)
Migration and refugee assistance	620,688,000	640,688,000	670,688,000	670,688,000	670,688,000	+50,000,000
United States Emergency Refugee and Migration Assistance Fund	49,261,000	49,261,000	19,261,000	49,261,000	49,261,000	....
Anti-terrorism assistance	15,555,000	15,555,000	15,244,000	15,244,000	15,244,000	-311,000
Total, Department of State	833,287,000	853,287,000	805,193,000	835,193,000	835,193,000	+1,906,000
Total, title II, Bilateral economic assistance	7,705,086,000	8,010,349,000	7,341,979,000	6,775,537,940	7,043,499,000	-661,587,000
Appropriations	(7,705,086,000)	(8,010,349,000)	(7,526,979,000)	(7,030,637,940)	(7,251,599,000)	(-453,487,000)
Rescissions	....	....	(-185,000,000)	(-255,100,000)	(-208,100,000)	(-208,100,000)
(By transfer)	(48,300,000)	....	....	....	....	(-48,300,000)
(Limitation on direct loans)	....	(20,712,000)	....	(19,161,000)	....	....
(Limitation on guaranteed loans)	(650,000,000)	(375,027,000)	....	(346,885,000)	....	(-650,000,000)
(Estimated level of direct/guaranteed loans)	(231,319,000)	(110,000,000)	(110,000,000)	(160,000,000)	(135,000,000)	(-96,319,000)

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS, FY 1994 (H.R. 2295), continued

	FY 1993 Enacted	FY 1994 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE III - MILITARY ASSISTANCE						
Foreign Military Financing Program:						
Grants	3,300,000,000	3,231,657,000	3,175,000,000	3,123,558,000	3,149,279,000	-150,721,000
Direct concessional loans, subsidy costs	149,200,000	120,457,000	46,530,000	46,530,000	46,530,000	-102,670,000
(Limitation on concessional loans)	(855,000,000)	(855,000,000)	(769,500,000)	(769,500,000)	(769,500,000)	(-85,500,000)
Subtotal, Foreign Military Financing Program:						
Budget authority	3,449,200,000	3,352,114,000	3,221,530,000	3,170,088,000	3,195,809,000	-253,391,000
(Program level)	(4,155,000,000)	(4,086,657,000)	(3,944,500,000)	(3,893,058,000)	(3,918,779,000)	(-236,221,000)
Other, Military	69,666,000	-95,834,000	-158,627,000	-171,750,000	-158,627,000	-228,293,000
Total, Military Assistance Programs	3,518,866,000	3,256,280,000	3,062,903,000	2,998,338,000	3,037,182,000	-481,684,000
TITLE IV - EXPORT ASSISTANCE						
Export Assistance	826,150,000	811,512,000	733,586,000	1,033,586,000	1,033,586,000	+207,436,000
Total, all titles, excluding IMF	13,943,520,903	14,425,993,066	12,983,038,866	12,526,854,047	12,982,665,866	-960,855,037
International Monetary Fund (IMF)	12,313,857,000	....	....	....	....	-12,313,857,000
Grand total, all titles	26,257,377,903	14,425,993,066	12,983,038,866	12,526,854,047	12,982,665,866	-13,274,712,037

Mr. Speaker, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the foreign operations conference report. As my friend and chairman of the subcommittee has pointed out, this is my first year as ranking Republican of the subcommittee. I have to tell you that because of the leadership of Chairman OBEY, with whom I have a great working relationship, the great cooperation from his staff, and the hardwork and cooperation of the members of the subcommittee, the job of passing this bill, while not easy, has certainly been pleasant.

We have done, I think, an extraordinary job with limited resources. We are meeting the immediate needs of the Nation with respect to foreign assistance. Again, I want to congratulate the chairman for being so kind and generous with his time.

I also want to thank all the members of the subcommittee and their staff for their assistance to me while we went through this whole procedure.

Mr. Speaker, under normal circumstances, I might have been tempted to treat the House to a lengthy explanation of my support for H.R. 2295, which I am sure would have captivated everyone's attention. However, Monday night's conference, which lasted well into Tuesday morning, has given me a new appreciation for the need of great brevity. So I am going to keep my remarks confined, if I may.

Mr. Speaker, as I stated earlier, H.R. 2295 is indeed a bipartisan piece of legislation. It overwhelmingly passed the House last June, by 309 to 111 votes, with a majority of both parties supporting the bill. I expect and hope, that it will pass today. But I must stress my belief that it is very important that it does pass. In fact, if H.R. 2295 is not signed by the President by midnight tomorrow, Thursday, the last day of September, U.S. foreign assistance programs will be thrown into an uproar, as the continuing resolution passed earlier today contained no provisions to temporarily fund any of the accounts provided for in H.R. 2295.

Furthermore, the Russian aid package, which is so vital to our national interests, will be irreparably gutted if this conference report is not passed today. Approximately $1.6 billion of the $2.5 billion contained in H.R. 2295 for Russia and other new Independent States of the former Soviet Union is in the form of fiscal year 1993 supplemental money, which will be lost forever if this conference report fails to become law before the end of this fiscal year.

Mr. Speaker, I could elaborate on the many reasons I support 2295, and I could list provisions in H.R. 2295 that most, if not all of us, would agree are important to U.S. interests. But I will resist that temptation and discuss just a couple more reasons why I support the conference report.

Mr. Speaker, the fact is this is a good bill. It is a bipartisan bill. It is not a perfect bill and there are provisions which I personally would change. Coming at it from my perspective, I will say that the chairman and some of the members of the committee and I disagreed on perhaps the approach of some of the provisions, but it was an amicable disagreement. In fact, when it came down to it, not only the members of our subcommittee, but the Members of the other body, finally reached a compromise.

Mr. Speaker, this is a compromise bill. This is a compromise which we all can and should support.

The conference report is fiscally responsible. It continues a recent downward trend in foreign aid spending by cutting $1.1 billion from last year's foreign aid levels and over $1.6 billion from President Clinton's 1994 budget request.

The bill also contains funding for the West Bank and for Gaza, to facilitate the Middle East peace process which began a couple of weeks ago in earnest. One could support the bill for this reason alone.

Another vitally important aspect of H.R. 2295 is the $2.5 billion in aid for Russia and the Independent States. The recent events in Georgia and Russia, as well as other parts of the former Soviet Union, underscore the volatility of the region, but they also underscore our need for assistance, which will only bolster the democratic forces and lessen the economic tension contributing to the unrest.

We have had news, for example, that there are more missiles in Russia than we initially knew were there. It is very much in our interest to see to it that those missiles do not threaten the United States again, and are, in fact, dismantled and cease to exist altogether. Certainly it is in our interest to see to it that they become neutralized and are not part of a massive force bent on the destruction of the United States and the rest of the world.

So by fostering democracy and free enterprise in Russia, and by helping them dismantle their nuclear arsenal and resettle their troops, we are ultimately helping ourselves. A democratic, free market, Russia will be a boom to the United States business interests and exports. If we are successful, and I caution "if," there are no guarantees in this bill, but if we are successful in bringing Russia into the fold of Western industrialized peaceful nations, the savings in United States defense expenditures alone will more than pay for the small amount of Russian aid in H.R. 2295.

Most importantly, the peace and tranquillity of the world, the future of our children and grandchildren, can be greatly improved by the passage of this bill. So I would urge the adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. WHEAT].

□ 1410

Mr. WHEAT. Mr. Speaker, I rise in support of this bill and the fine work that has been done by my colleagues, those who brought this Foreign Operations Conference Committee report to the floor. Let me just add my voice in strong support of this legislation. I commend all my colleagues, especially subcommittee chairman, the gentleman from Wisconsin [Mr. OBEY], for the fine work that they have done.

Mr. Speaker, I am proud to add my voice in strong support for the fiscal year 1994 foreign operations conference report. I commend the members of the committee and all of my colleagues who played a role in bringing this bill to the floor today.

This measure takes important steps toward recognizing the changing realities and priorities that our Nation and the world face in the post-cold-war era. The bill, for example, seeks to help stabilize the situation in the former Soviet Union, and it provides refugee and disaster relief for the tragedy that continues to unfold in Bosnia and Somalia.

At the same time, this measure also maintains our strong national commitment to Israel and peace in the Middle East. In its region of vital strategic importance and violent instability, today's bill recognizes that it is in America's best interests to continue to play a prominent role in the Middle East. By providing full funding to Israel and Egypt. The fiscal year 1994 foreign operations bill will help ensure that we maintain that important commitment at this critical period.

Mr. Speaker, earlier this month the world watched in hope and wonder as a historic step towards Israel-Palestinian peace was taken. President Clinton called it a brave gamble for peace.

Now more than ever, it is important for our Nation to provide resources and assistance to help ensure that the Israeli people feel confident and secure in taking bold steps towards peace. This legislation will help send a signal to all that the United States-Israel alliance is unshakable and the commitment to Israel's security is enduring.

This is a time of great challenge and great opportunity in the Middle East and elsewhere around the world. In this regard, the administration and Congress are working together to develop a new approach to U.S. foreign policy and our international aid program.

Each of the challenges singled out by President Clinton during his recent address at the United Nations—weapons proliferation, sustainable development, conflict resolution, population growth, economic growth, democracy building, and humanitarian assistance—are of immediate concern and priority to Israel and the entire Middle East region.

I am confident that as we work together to reform our Nation's foreign assistance program, Congress and the administration will stand united in support of efforts to meet these and other challenges in the Middle East while building upon our strong commitment to the people and the security of Israel.

Mr. LIVINGSTON. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, the direction that we take on foreign assistance this year and in the coming years is a strong signal about our attitudes toward America's role in the post-cold-war era. We are at a crossroads. Will we turn inwards or will we look outwards?

Perhaps it is an American trait that we are wont to forget history. We forgot history after World War I, stuck our heads in the sand and ended up unprepared for another world war only two decades later.

After World War II, we never really stopped fighting, as the hot war led directly into the cold war. Now that cold war is over, and the debate is raging in our country, not always explicitly but often as an undercurrent, about our Nation's proper role in the world.

I believe this is a watershed time in the history of our Nation and that the direction we choose will affect the lives of our children and grandchildren, just as the American victory in World War II led to tremendous economic growth in our Nation and an increase in American stature after World War II.

This will provides $2.5 billion in assistance for Russia and the newly independent States to help them transition to freedom, democracy, and a market system. Can we guarantee that by providing these funds the former Soviet Union will transition peacefully? No. No, we cannot. In fact, almost assuredly, no matter what we do the transition will be rocky. But you can be sure that if we do nothing and the tenuous political situation erupts into violence and the forces of democracy are defeated, we will regret not having done what we could.

Foreign assistance is a small but important part of our Nation's foreign policy. With it we can project our Nation's values—human rights, rule of law, democratic institutions, a market-oriented economic system—to the people in nations that desperately desire positive change. Without foreign assistance, which accounts for less than 1 percent of our budget, we could only project our interests through pure diplomacy or the force of arms. Foreign assistance is an essential alternative.

For all the positive elements in this bill, I believe it contains a flaw. We have given up earmarks, Mr. Speaker.

The proponents of this non-earmarking policy support giving the President broad latitude in allocating foreign assistance. That is a positive trait. But in this, it is curious that this is the very year when the Clinton administration, everyone in Congress, including the chairman of the Committee on Foreign Affairs, concedes that the Agency for International Development, receiving nearly $1 billion under this bill, is broken and must be fixed.

We await a Wharton report that we have not yet seen, and it seems very curious and an illogical time for Congress to step away from the earmarks, one of our best ways to ensure that AID focuses on our Nation's priorities.

I do not think this is a fatal flaw, and I continue to support the bill. But I believe that appropriate committees and subcommittees must carefully monitor AID in the coming year. Mr. Speaker, I call on the President and Brian Atwood, our AID Administrator, to produce their recommendations so that we can reform AID and not need earmarks nearly so much as we have in the past.

I thank my chairman and ranking member, I thank our fine staff for bringing this conference report to the floor, and I urge the Members to look outward and to vote yes.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise in strong support of H.R. 2295, the conference report on the foreign operations, export financing, and related programs appropriations bill of 1994.

First, I want to commend our chairman for the distinguished work he has done in moving this bill, with its crucial aid for the states of the former Soviet Union and our Middle East allies. This bill should be on its way to the President's desk tomorrow and that is a tribute to you, Mr. Chairman, to Mr. LIVINGSTON, and to your wonderful staffs.

As a new member of the subcommittee, I have appreciated the seriousness with which you approach all the work of the subcommittee. You stand out as a public servant with both heart and intellect. People in this country, and throughout the world—people who don't necessarily know your name—benefit every day from the work you do. And I have benefited from working with you.

In my limited time, I wish to address one area in this bill: The United States relationship with Israel.

Just 3 weeks ago we all watched in amazement as Israelis and Palestinians signed their historic agreement on the White House lawn. That agreement did not instantly create peace in the Middle East. But it did establish a foundation on which secure and permanent peace will be built.

That agreement would never have been reached without the strong backing the United States has provided Israel in recent years. That support has provided Israel with the confidence it needs to pursue a peace initiative that entails serious risk, along with great opportunity.

That backing is manifested in the bill we are voting on today. The conference report includes $3 billion in military and economic assistance—assistance that is essential if Israel is to maintain its qualitative military edge. It also contains $80 million to help Israel absorb the tens of thousands of Jewish refugees who continue to pour into the Jewish homeland. The bill has a strong new provision opposing the Arab boycott of Israel, that economic assault on Israel which must be eliminated so that Israel can achieve its full potential as a center for commerce, trade, and research.

The bill also includes an important provision that would halt any U.S. dealings with the PLO if that organization backs away from its pledge to live in peace with Israel.

In short, this bill will help provide Israel with the confidence it needs to build a secure peace with all its neighbors. A vote for this bill is nothing less than a vote to endorse an end to the long and tragic Arab-Israeli conflict.

Mr. LIVINGSTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Iowa [Mr. LIGHTFOOT], a member of the subcommittee.

Mr. LIGHTFOOT. Mr. Speaker, I thank the gentleman for yielding time to me.

First, Mr. Speaker, I would like to commend the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Louisiana [Mr. LIVINGSTON] for an excellent job in guiding this bill through the House and negotiating a conference report with the Senate. They heard from a number of committee members and there is, obviously, a diverse amount of opinion amongst those of us on the committee. And I think bringing that all together into something we all can support deserves a great of credit.

On Monday, President Clinton addressed the United Nations General Assembly. In that speech to the world body, the President stated that putting our economic house in order cannot mean that we shut our windows to the world. I agree with the President, but I think it is tough to do when we have so many priorities here at home.

Frankly, I have rather mixed feelings toward this bill. I do accept our international responsibilities, but I cannot help but think we can do it better. As a new member of this subcommittee, I was disappointed by the enormous waste of money, largely because of some dubious congressional earmarks.

For example, earlier this year I listened to the Defense Department explain to us how they were going to spend the equivalent cost of five new, American made aircraft to refit 20-year-old aircraft and donate them to Botswana as part of a program to give African countries excess military equipment. This program was forced upon the Defense Department by an earmark in the other body.

I do want to commend the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Louisiana [Mr. LIVINGSTON] for removing all of the earmarks but those most important out of the bill this year.

I am also disappointed by an administration that has still failed to produce a foreign aid reform plan. The fall of the Soviet Empire does mean that we must reorder our aid priorities. But the issue has been studied to death, and it is time for the administration to pick one and present it to the Congress.

This is the last foreign aid bill I will support without a comprehensive plan from this administration. They are talking a good game about empowering AID workers, but now I think it is time to let them do it.

Finally, I want to briefly discuss the Russian aid package. The stakes are high in Russia and throughout that entire region. Not only is democracy at stake but, with thousands of nuclear weapons, our safety as well as other countries of the world. Helping people to make the peaceful transition by understanding the market economy through contracts and through marketing, I think, is one of the things that we should be working on.

□ 1420

Beyond that, however, I am not sure if the situation is beyond our ability to help. I do support the bill, but I believe we can do better. I believe we must watch carefully in Russia to make sure our enthusiasm for helping them make the democratic transition does not overrule common sense.

In closing, I again commend both the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Louisiana [Mr. LIVINGSTON] for a job well done, not just in getting the bill through this House, but for what it represents in a changing world.

Mr. OBEY. Mr. Speaker, I have no further requests for time, except for a few closing remarks of my own.

Mr. LIVINGSTON. Mr. Speaker, I am delighted to yield 4 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Speaker, I thank the gentleman for yielding time to me, and commend him, as others have, for his work on the subcommittee as the first year's ranking member, and from our side, we certainly appreciate his efforts in keeping us informed.

Mr. Speaker, I support the conference report as a whole, but I do want to register an objection to one part of the report. That is the $2.5 billion in aid to Russia. We all want to help Russia. I have supported particularly the dismantlement of nuclear facilities funds, so-called Nunn-Lugar funds, and have spent some time in Russia in an effort to try to assist in development of that program, because in the end it will assist the United States.

It is also the case that we have helped Russia. As a matter of fact, right now there is so much money in the pipeline that we cannot spend it all. That is one of the reasons why $1.6 billion would be transferred in this bill from the fiscal 1993 year to the fiscal 1994 year. There is a total of about $138 billion that has been pledged or given to Russia or the other Republics by the United States and other Western nations and Japan. Approximately $16.5 billion of the U.S. contribution remains in the pipeline right now, and the President's promises consist of an additional $4.1 billion.

As I said, this money is in the pipeline, and we do not need to put any more money in the pipeline, in my view, but leave that argument aside for a moment. There is also a necessity to help other republics. I do not think sufficient attention has been given to this part of the problem, and it is not specifically addressed in this conference report.

A third point that I think needs to be addressed is the fact that the Russian Government itself obviously is in a state of crisis at this time, and has done some things which are not contributing to a successful conversion of the economy to a system that well receives the kind of aid that we provide, Mr. Speaker. One has to have a system that can use the money we provide in the way we give it. Right now, that is not happening.

Last Thursday, I believe it was the Wall Street Journal that ran a long article on the new central bank chief. I have with me here the Journal of Commerce article reporting the same story. The headline is: "U.S. Investors Troubled by Reports Yeltsin Will Keep Central Bank Chief."

To just quote a couple of paragraphs:

> U.S. optimism over Russian economic prospects dimmed following reports that President Boris N. Yeltsin has decided to retain Viktor Gerashchenko as head of the nation's Central Bank.
>
> Jeffrey D. Sachs, a Harvard University economist and Yeltsin advisor, said in a phone interview from Bolivia that he was informed by a Yeltsin cabinet member Wednesday of Mr. Gerashchenko's reappointment, adding that the move "throws cold water" on hopes for economic reform.

He further "blamed Mr. Gerashchenko for runaway inflation in the Russian ruble and charged him with responsibility for 'destruction of confidence in the currency.'"

This is not a way to inspire confidence that the kind of assistance that we are providing is going to have any significant effect.

In addition to that, any assistance that the United States or anyone else offers probably ought to await the election of a new parliament. Again, Jeffrey Sachs, speaking on this point, said:

> The West can do little at this point, except to spell out the stakes clearly to Yeltsin and hold back on financial aid to the Russian Government until the reformers are more strongly in place. . . . What's needed for decisive progress is a breakthrough to new elections that can retire most of the old guard.

Mr. Speaker, it is the old guard that has been contributing to most of these problems. It is certainly not Yeltsin or his advisors.

Mr. Speaker, the last point I would make this: Andrey Kozyrev, the foreign minister, yesterday spoke at the United Nations saying that Russia should have the right to use force to intervene in the former Soviet Republics, several of which are engaged in or engulfed in ethnic conflicts. One of them is Georgia, Mr. Speaker, where Mr. Shevardnadze has blamed the Russians for interference in the offensive there, which is aimed at throwing him out of the Georgian Government.

It seems to me that under these circumstances, Mr. Speaker, for the United States to be providing this assistance to Russia when the Foreign Minister is asking for the right from the United Nations to intervene militarily in former Republics, where people like Mr. Shevardnadze are blaming the Russians for their action in the State of Georgia, it is not the time, in effect, to give a blank check of $2.5 billion to the Russians. We ought to be sitting down with them and insisting on some conditions, both economic and foreign policy, before we do this.

This is the portion of the conference report which I oppose, although in balance, I would support the report in its entirety, and I thank the gentleman for yielding time to me.

Mr. LIVINGSTON. Mr. Speaker, with the understanding that we are about to close, I yield myself such time as I may consume.

Mr. Speaker, I would tell my good friend, the gentleman from Arizona [Mr. KYL], that this bill has no blank check for Russia and the former Soviet Republics. There is at least $300 million which is designated at the discretion of the State Department and the administration to go to the Independent States, other than Russia. The administration has the flexibility to distribute aid to the new Independent States other than Russia as is needed.

The fact is, the money for Russia is not unchecked. It is going for goods and services in Russia, it is not going in cash from government to government. Moreover, no money can go to Russia unless the Government, the existing Government under Yeltsin or anybody else, is making progress in implementing comprehensive economic reforms based on market principles, is moving toward private ownership, is negotiating repayment of commercial debt, has respect for commercial contracts, and provides equitable treatment for foreign private investment.

I would stress, our aid is conditional. Moreover, there is another condition, that if the Russians, for example, somehow seize assets of American nationals or disrupt the free enterprise system by additional expropriation, our assistance can be cut off right away by this administration. This is a day-to-day process. I would suggest to the gentleman that if he were to talk to Mr. Chubias in Russia, who is, as young as he may be, the godfather of the free enterprise system in Russia, he would find that a vast majority of Russian industries, large and small, are in the process of being privatized. As a matter of fact, almost all of the small businesses have been privatized, and in a very short space of time most of the medium-sized and large businesses wills be privatized.

We really do not have a schedule. The train is leaving the station. This is the last bill for another year. If we decide to wait around before we give aid to Russia and to the new Independent States of the former Soviet Union until the next bill comes through here, we do not know what kind of governments will exist there.

This is an expression of the goodwill of the American people in hopes that they will develop democracy, because God help us, God help this Nation, God help this world, if they revert to another form of communism, fascism, totalitarianism, or some other form of dictatorship.

This is an expression of hope, not a guarantee, but hope that Russia and the other new Independent States will become free. If we do not make this installment of hope today, we may be too late by the next time we have an opportunity.

Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. PELOSI], who has been of immense help on this bill.

Ms. PELOSI. Mr. Speaker, I rise today in support of the fiscal year 1994 foreign appropriations conference report. As a member of the subcommittee, I would like to commend the chairman, the gentleman from Wisconsin [Mr. OBEY] and the ranking minority member, the gentleman from Louisiana [Mr. LIVINGSTON] for their leadership and cooperation on this bill. I think it was a fine example of bipartisanship and cooperation that enabled us to come to the floor with this.

Although I did not agree with everything, some of my differences were on the Democratic side, so I did want to make that point.

I also commend the subcommittee staff, particularly Terri Peel, Bill Schuerch, and Mark Murray, for their many hours of hard work in bringing this conference report to the floor.

Mr. Speaker, foreign aid is not necessarily a popular expenditure, but it certainly is a necessary one, and I think a good investment. This conference report addresses pressing global funding needs while reducing overall spending. It appropriates just under $13 billion, over $1.4 billion less than the President's request.

Mr. Speaker, the conference report provides the administration with maximum flexibility in carrying out this Nation's foreign aid programs.

□ 1430

It also respects the integrity of the authorization process. For the first time in recent history, the House passed a foreign operations bill containing no earmarks. The Senate, on the other hand, had earmarked over 60 percent of the funds in their version of this bill. As our colleagues can imagine, the conference was lively.

I am pleased that the conference agreement before us today contains an equitable resolution of the earmark discrepancy. This conference report earmarks only earmarks which I support, resolution of the funds critical to the Middle East peace process, foreign assistance for Israel and Egypt, and needed refugee assistance in Israel, and a small pool of funds designed to promote the reunification of Cyprus.

The conference report also contains funding critical to our global future. The aid to the former Soviet Republics is a sound investment in global security. If the former Republics do not successfully make a peaceful transition to market economies and democratic states, and we see daily how difficult this transition is, we face the real possibility of an explosion of regional conflicts which will dwarf the tragic situation in the former Yugoslavia. Assistance provided now can save us increased defense and military expenses in the future.

Among the many programs of note to be funded through this conference report are family planning, including the U.N. Population Fund [UNFPA], receiving U.S. assistance for the first time in 9 years. UNFPA's 1993 State of the World Population report contains some alarming statistics with serious implications for the global environment. At the current rate of growth, the world population will more than double by the year 2050, further straining global resources which are already unable to sustain the world's population. The conference report contains language to address my concerns and the concerns of a number of my colleagues about UNFPA's participation in China, which has some Draconian family planning practices. United States funds will not be available for use in China; and if the UNFPA spends more than $10 million on its program in China, the excess will be deducted from the United States contribution to UNFPA. I will be following this issue closely, as I know my colleague from Louisiana [Mr. LIVINGSTON] will also.

Recent reports have noted the administration's interest in reinventing our foreign aid programs. This process will entail significant consultation with Congress on goals, priorities, and funding levels. The conference report before us today is an important step. It provides maximum flexibility and congressional guidance and will allow the administration and Congress to work together on promoting a foreign aid agenda which promotes democracy, sustainable development, and new priorities.

I only wish we could resolve the situation without degrading language regarding Cuba. However, I would urge my colleagues to support the conference report.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to close debate by making a few points about assistance to the former Soviet Union. I have said many times that if you total up the total amount of money spent by the United States since Harry Truman first decided it was necessary to contain Russia until it changed, if you total up all of the money spent on defense since that time and divide it by the number of American families paying income taxes today, you come up with a per-family cost to win the cold war of over $80,000 per family. That is a lot of money. It could buy an awful lot of people in this country a pretty nice retirement home.

Since 1985 when the Communist system started to crumble in Russia, we have spent $565 billion less than President Reagan thought would be necessary to spend in defense between then and now, because no one realized the Soviet Union was about to collapse. That is saving an awful lot of taxpayers' money.

And I would suggest that the $2.5 billion in this bill aimed at trying to stabilize the situation in the former Soviet Union now, today, was correctly described by none other than Ross Perot as being "a good buy and pennies on the dollar." That is exactly what it is.

When I talk to people, they think foreign aid means we write out checks to Russia, send them over, and put them in a pot somewhere. That is not the way it works. The way it works is we set up standards for receiving that aid, and we do not send cash. We send technical assistance, we send food, we send pharmaceuticals.

I was in parts of Russia—along with the gentleman from Louisiana—in April, where they were denying insulin to children and all of those who had retired because they did not have enough to go around. So they were giving it only to the working-age population.

I think American values dictate that we do something to try to help people in that situation, and I think it is in our own national interest.

As the gentleman from Louisiana has correctly pointed out, we are not sending cash to the central bank. We are providing technical assistance to build the private sector. We are providing humanitarian aid. We are helping them to create a commercial code. We are helping them to develop private-property law. We are helping to develop a private sector and develop small businesses so that they can convert from a Marxist system to a market system.

I do not know if we are going to see success in Russia or not. I think history probably dictates that we probably will not. But I would ask what is the alternative? Should we just sit by on the sidelines, such our thumbs and worry? I don't think so. I think we need to do a little more than that. I think we need to be engaged. It is the biggest crisis facing the world at this time.

After World War I we were not engaged. When post-World War I Germany collapsed, and when the forces of turmoil were chewing up that country, just as they are in Russia today, the West did not engage. The West abandoned the Weimar Republic to its own fate. A fellow by the name of Hitler rose out of those ashes. The result was 40 million people dead and almost half a million Americans dead. American families were shattered because of the loss of loved ones.

I think that America and the West can do better this time. We do not know if Mr. Yeltsin's reform forces are going to survive or not, but I ask you this: How many American politicians have run the kind of risk, either political or personal, that Mr. Yeltsin and his allies are running every day? If you have talked to Mr. Kozyrev, the Foreign Minister of Russia, and I talked to him directly a week after the coup, after the right-wing Communist coup failed, he told us what it was like to be bottled up in the Russian White House with Russian troops all around, and with the right-wingers trying to gather them up and destroy the reformist movement. And he said he was very frightened when he stepped from the safety of the White House behind that small band of military leaders supporting the reformers, stepped through the military lines and went to his home to try to get what he needed in order to try to leave Russia so that he could talk to President Bush and talk to the West and let them know that the coup was not succeeding, and that the reformist forces were still alive and well. He said he expected at any moment to be arrested.

Do you know how he got out of Moscow with the KGB looking for him? It was because the KGB was stupid enough to only be watching the VIP exits, and so he took the regular tourist exit, and by a lucky accident of history got out, and kept trumpeting the fact that the reformers were still alive and well.

It just seems to me that we owe that incipient democratic movement in that country our support, our emotional support, our financial support, something more than our rhetorical support.

Jeffrey Sachs has been referred to today, and I would simply point out that despite all of his misgivings, which we share, he supports the aid in this bill. He supports the aid in this bill. He does not want to see cash assistance go to the central bank in Russia, because the central bank has been essentially irresponsible. And that is why the IMF and the World Bank are withholding funding, because they think so too.

So I would suggest that the right thing to do is to support this bill for this and many other reasons. Again, I appreciate the broad degree of support we have had for it on both sides of the House.

Mr. GEJDENSON. Mr. Speaker, I rise in support of the conference report on Foreign Operations and I would like to direct my colleagues' attention to one provision in particular within this conference report.

Under the title providing assistance to the new Independent States of the former Soviet Union, language was inserted that states that the conferees strongly encourage the participation of qualified U.S. business in the United States with expertise in nuclear engineering and nuclear safety to participate in assisting any of the newly Independent States in the establishment of designs to increase the safety of nuclear powerplants.

The language further encourages the awarding of grants to small businesses for these purposes—especially those companies which are located in areas affected by the decline in defense-related industries.

This is an excellent use of foreign aid dollars. We are promoting U.S. business and jobs in districts such as my own in Connecticut which have felt the pinch of defense cutbacks, while providing an urgent need to our friends overseas. I only wish the provision had extended the use of these grants to our friends in Poland and other countries within Eastern Europe who also desperately need these services.

Let's avoid another Chernobyl. Let's support this conference report.

NEW TIED AID POLICY

The administration has developed a new tied aid policy of $150 million for the war chest—in subsidy. That translates into $1.5 billion in project finance.

They propose to get the money by using the $50 million already set aside at Eximbank for this purpose—no change for Eximbank's budget, in other words. The balance of $100 million is to come from other export promotion accounts, meaning F.C.S., T.D.A., O.P.I.C., and so forth.

We should ask Chairman Brody to explain the new tied aid policy. The following questions should also be asked:

It would appear that the Bank is not contributing new money for this purpose but, rather, receiving a net increase through budget reallocations of $100 million; is that correct?

How will you cut the other agencies' and departments' budgets?

Will the bulk of the $100 million come from the USDA, which holds the lion's share of export promotion dollars—$3.2 billion?

Are you concerned that this policy may have negative effects on our export promotion programs? For example, T.D.A. will have less money for feasibility studies and F.C.S. may have to cut their overseas representation.

Could you comment on these concerns?

Mr. HOUGHTON. Mr. Speaker, I stand today to support reluctantly the foreign operations conference report. The bill conditions economic aid to Nicaragua on a number of criteria. Let me start by saying I stand second to no one in my support for Violetta Chamorro and the democratic Government of Nicaragua.

Over the last several months, we have heard from the critics waiting in the weeds to tear down the only builders of democracy Nicaragua ever has had. On the one hand, I am torn by my friendship and support for the Chamorro government. On the other, I realize that if this were not agreed to, the alternative would be even worse for the people of Nicaragua. So, the political powers that be have crafted a plan. This is the best we are going to get. I accept it, but not happily.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BRYANT). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 321, nays 108, not voting 4, as follows:

[Roll No. 467]

YEAS—321

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burton
Byrne
Calvert
Camp
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dornan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
Eshoo
Evans
Ewing
Farr
Fawell
Fazio
Filner
Fingerhut
Fish
Foglietta
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Gordon
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hunter
Hyde
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
King
Kingston
Kleczka
Klein
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Montgomery
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Santorum
Sawyer
Saxton
Schenk
Schiff
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (TX)
Snowe
Spratt
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Tucker
Unsoeld
Upton
Valentine
Vento
Visclosky
Walsh
Washington
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NAYS—108

Allard
Archer
Armey
Baker (CA)
Barrett (NE)
Barton
Bonilla
Brooks
Bunning
Buyer
Callahan
Canady
Collins (GA)
Combest
Condit
Conyers
Costello
Cox
Crane
Crapo
Cunningham
DeFazio
DeLay
Dooley
Doolittle
Dreier
Duncan
English (OK)
Everett
Fields (LA)
Fields (TX)
Flake
Gallegly
Gekas
Geren
Gonzalez
Goodling
Goss
Hall (TX)
Hancock
Hansen
Hayes
Hefley
Hefner
Herger
Hughes
Hutchinson
Hutto
Inglis
Jacobs
Johnson, Sam
Kim
Klink
Laughlin
Lehman
Lewis (FL)
Lloyd
McCandless
McHugh
McKeon
Mica
Miller (FL)
Minge
Mollohan
Moorhead
Murphy
Myers
Neal (NC)
Nussle
Orton
Packard
Petri
Pombo
Poshard
Quillen
Rahall
Roberts
Roemer
Rogers
Rohrabacher
Roth
Sanders
Sangmeister
Sarpalius
Schaefer
Schroeder
Sensenbrenner
Shuster
Smith (NJ)
Smith (OR)
Solomon
Spence
Stark
Stearns
Stump
Tanner
Tauzin
Taylor (MS)
Thomas (WY)
Thurman
Traficant
Velazquez
Volkmer
Vucanovich
Walker
Weldon
Williams
Young (FL)

NOT VOTING—4

Clay
Ford (MI)
McDade
Smith (MI)

☐ 1503

Mrs. VUCANOVICH and Mr. MOLLOHAN changed their vote from "yea" to "nay."

Mr. FAWELL and Mr. PAYNE of New Jersey changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore (Mr. BRYANT). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2243, FEDERAL TRADE COMMISSION ACT AMENDMENTS OF 1993

Mr. SWIFT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2243) to amend the Federal Trade Commission Act to extend the authorization of appropriations in such act, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington? The Chair hears none, and appoints the following conferees: Messrs. DINGELL, SWIFT, MANTON, MOORHEAD, and OXLEY.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The SPEAKER pro tempore. Pursuant to House Resolution 254 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2401.

□ 1504

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, with Mr. DURBIN, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, September 28, 1993, amendment No. 3, printed in part 3 of House Report 103–252, had been disposed of.

It is now in order to consider amendment No. 1 printed in part 4 of House Report 103–252.

AMENDMENT OFFERED BY MR. KOPETSKI

Mr. KOPETSKI. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KOPETSKI: At the end of subtitle C of title XXXI, insert the following new section:

SEC. 3139. MORATORIUM ON NUCLEAR WEAPON TESTING.

(a) MORATORIUM.—Except as provided in subsection (b), no underground test of a nuclear weapon may be conducted by the United States before September 30, 1994.

(b) EXCEPTION.—An underground test of a nuclear weapon may be conducted by the United States before September 30, 1994 if a foreign state conducts a test of a nuclear weapon before such date. An underground test of a nuclear weapon may be conducted by the United States under this subsection only in accordance with the procedures established in section 507(c) of Public law 102–377.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. KOPETSKI] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Chairman, I want to take a moment to thank the chairman of the Committee on Armed Services, the gentleman from California [Mr. DELLUMS].

POINT OF ORDER

Mr. KOPETSKI. Mr. Chairman, I raise a point of order first.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. KOPETSKI. Mr. Chairman, I think the gentleman from Arizona [Mr. KYL] and the gentleman from Nevada [Mr. BILBRAY] want to reserve the right to be opposed to my amendment.

The CHAIRMAN pro tempore. Does the gentleman from Arizona rise in opposition to the amendment offered by the gentleman from Oregon [Mr. KOPETSKI]?

Mr. KYL. Yes, Mr. Chairman, I do; and I appreciate my colleagues making the point.

The CHAIRMAN pro tempore. The gentleman from Arizona [Mr. KYL] will be recognized for 5 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Oregon [Mr. KOPETSKI] in support of the amendment.

Mr. KOPETSKI. Mr. Chairman, I want to take a moment to thank the chairman of the Committee on Armed Services, the gentleman from California [Mr. DELLUMS], as well as to acknowledge to the Nation a fact that the folks in his district know that he has a strong commitment as a leader of peace in this world to try to bring sanity to America's defense program and peace to the entire world.

Mr. Chairman, I prepared this amendment in the event that President Clinton's announced nuclear weapons testing policy might be challenged in either body. This has not happened, and momentarily I will ask that this amendment be withdrawn from consideration. I will also include a statement from the gentleman from Minnesota [Mr. SABO], a decent man and one of the leaders for nuclear weapons disarmament, to be printed in the RECORD:

SEPTEMBER 28, 1992.

Mr. Chairman, I rise to express my support for the Kopetski amendment, and also to commend my colleague from Oregon for the strong leadership he has provided to the Congress on this issue of nuclear weapons testing. I understand the amendment will be withdrawn, but I am glad I have this chance to express my support for limits on nuclear testing.

Over the last dozen years, those of us who support the idea of arms control have often taken the floor to criticize Administration policies. I am glad that this time I am able to applaud a President for making the right decision on nuclear testing.

Earlier this summer, President Clinton decided to extend the U.S. moratorium on nuclear testing at least until September 1994. After consultations with the relevant agencies, the President determined that we would be able to maintain the safety and reliability of our nuclear deterrent without active explosives testing. He further determined that continuing the moratorium would assist U.S. efforts to control the proliferation of nuclear weapons.

As a result of that decision, the French, British, and Russians also have agreed to a temporary, but open-ended, nuclear testing moratorium. The Chinese also came along, although somewhat reluctantly. There have been no nuclear tests, anywhere in the world, for almost a year. The Administration has devised a plan for negotiating a Comprehensive Nuclear Test Ban Treaty and has begun consultations with the other nuclear powers about the specifics of time and location for those talks. We have also begun to plan for renewal of the Nonproliferation Treaty in 1995.

The core of this policy is the continuing nuclear testing moratorium. I strongly support it, and I believe the majority of the Congress supports it, as well.

This is why I am disturbed and concerned about continuing reports in the press that China is preparing to conduct a nuclear test, probably within the month. I have joined several of my colleagues in writing the Chinese Ambassador to the United States to urge that this test not be conducted. I understand the U.S. government, as well as many other governments around the world, have expressed their concern to Chinese government officials.

A Chinese test would undermine our efforts to achieve a Comprehensive Nuclear Test Ban Treaty. Perhaps more importantly for China, which must be concerned about the acquisition of nuclear weapons by North Korea and other Asian states, I believe renewed testing would make extension and strengthening of the Nonproliferation Treaty a much more difficult proposition.

As bad as a Chinese test would be to these efforts, a renewal of testing by the other nuclear powers would greatly compound the problem. Certainly it would not benefit the interests of the United States to respond to a single Chinese test with a U.S. test. As I understand Administration policy, we have determined that a ban on nuclear testing and controlling the spread of nuclear weapons are fundamentally in the interests of U.S. national security. These are the goals toward which we are working. A Chinese test would undermine the achievement of those goals, but a U.S. test—which would almost certainly be followed by Russian, English, and French tests—could destroy any chance of achieving them.

There are elements within the Executive Branch which probably would promote a tit-for-tat response—our test for their test. I also suspect that these will be the same people who argued earlier this year for the United States to discontinue the testing moratorium. This argument, so redolent of the "old thinking" that predominated during the Cold War, must be rejected. There is no fundamental U.S. security interest that would be served by resumed testing.

There are other, much more effective options available to the President—options which support, not undermine, movement toward a Comprehensive Nuclear Test Ban Treaty. The Chinese test should be condemned as dangerous and ill-advised. We should reaffirm our determination that the U.S. arsenal continues to be safe and reliable without additional testing. The other nuclear powers should be encouraged to maintain the moratorium. And we should solidify plans to begin testing negotiations.

In short, Mr. Chairman, the President made the correct decision in continuing the nuclear test moratorium and moving toward negotiations for a Comprehensive Nuclear Test Ban Treaty. We should maintain that policy.

Representative MARTIN OLAV SABO.

Before withdrawing my amendment, Mr. Chairman, I want to take a few moments to assess the current nuclear weapons testing situation. With great respect I salute President Clinton's decision to extend the moratorium on U.S. nuclear weapons testing. The President reaffirmed this policy this week in his speech before the U.N. General Assembly. The New Testament of the Bible has a passage that reads, "Blessed are the peacemakers for they shall be called the children of God." Bill Clinton has established himself as a peacemaker.

Mr. Chairman, on July 3, 1993, President Clinton stated:

> I have therefore decided to extend the current moratorium on United States nuclear testing at least through September of next year, as long as no other nation tests, and I call on the other nuclear powers to do the same. If these nations will join us in observing this moratorium, we will be in the strongest possible position to negotiate a comprehensive test ban and discourage other nations from developing their own nuclear arsenals.

For the RECORD I include a copy of President Clinton's radio address from July 3, 1993:

THE PRESIDENT'S RADIO ADDRESS, JULY 3, 1993

Good morning. Two hundred and seventeen years ago, our Founding Fathers declared our independence to secure the liberty and prosperity we celebrate every July Fourth. Although our times and challenges are very different from those our founders faced, these issues are still the enduring concerns of the American people today.

In a few days, I will represent the United States in Japan at the annual meeting of the major industrialized nations of the world to work for new global policies that create more American jobs, open markets for our products, and strengthen our security as we embrace the challenges of this new world. America commands respect on the world stage because we have taken aggressive steps to put our own economic house in order at a time when all the advanced nations are having real troubles with the economy.

Here in Washington the House and Senate have both passed versions of my economic plan to promote growth and to reduce the deficit by $500 billion. The plan also has incentives for people to invest more in our economy, to create jobs, and provides money for education and training in new technologies and helps the defense workers who have been laid-off by defense cuts.

We've made a good beginning now. As this plan has progressed through the Congress, interest rates have continued to come down, mortgage rates are now below 7.5 percent, and nearly 1 million new jobs have been added to the economy since January, about the same number as came in the previous 3 years.

Change is hard, though. Many people are still skeptical. Many of the opponents of my plan chant "tax-and-spend." But the truth is, it's not an old tax-and-spend plan. And the people who are attacking it are those who taxed the middle class, cut taxes on the wealthy, borrowed and spent our economy into a $4 trillion debt in the last 12 years. Our plan is fair. It has $250 billion in spending cuts and asks the upper 6 percent of Americans to pay 75 percent of the new taxes. It moves the working poor out of poverty. It enables me to attend this meeting of the other advanced nations with a record of real results that will encourage our competitors to take steps to revive their economies as well. And that's important for every American, because we can't grow the United States economy as we ought to until we have cooperation from other nations, and they're growing. Why? Because since 1987, two-thirds of our new jobs have come from exports. We live in a global economy. We have to compete all over the world, and we have to sell our products and services everywhere.

When we stepped up to the plate here at home to get our own house in order, it enabled us to make the global economy work for the people of the United States if others will do their part. And that's what we're working on now. As I said, all the nations I'll be meeting with are facing difficult times. Their economies are even slower than ours. But we know that together we can grow, we can have a stronger economy, and we can have more security.

I'd like to talk to you about that for a few minutes. Because of the vigilance, the democratic values, the military strength of the United States and our allies, we won the cold war. Our inheritance, our victory is a new chance to rebuild our economies and solve our problems in each of our countries while we reduce military spending. But our profound responsibility remains to redefine what it means to preserve security in this post-cold-war era. We must be strong, we must be resolute, and we must be safe. This great task has certainly changed with the passage of the cold war. The technologies of mass destruction in the hands of Russia and the United States are being reduced. But technologies of mass destruction that just a few years ago were possessed only by a handful of nations, and still are possessed only by a few, are becoming more widely available. It is now theoretically possible for many countries to build missiles, to have nuclear weapons and other weapons of mass destruction. This is a new and different challenge that requires new approaches and new thinking.

During my campaign for President, I promised a wholehearted commitment to achieving a comprehensive nuclear test ban treaty. A test ban can strengthen our efforts worldwide to halt the spread of nuclear technology in weapons. Last year, the Congress directed that a test ban be negotiated by 1996, and it established an interim moratorium on nuclear testing while we reviewed our requirements for further tests. That moratorium on testing expires soon. Congress said that after the moratorium expires, but before a test ban was achieved, the United States could carry out up to 15 nuclear tests to ensure the safety and reliability of our weapons. After a thorough review, my administration has determined that the nuclear weapons in the United States arsenal are safe and reliable. Additional nuclear tests could help us prepare for a test ban and provide for some additional improvements in safety and reliability. However, the price we would pay in conducting those tests now, by undercutting our own nonproliferation goals and ensuring that other nations would resume testing, outweighs these benefits.

I have therefore decided to extend the current moratorium on United States nuclear testing at least through September of next year, as long as no other nation tests. And I call on the other nuclear powers to do the same. If these nations will join us in observing this moratorium, we will be in the strongest possible position to negotiate a comprehensive test ban and to discourage other nations from developing their own nuclear arsenals.

If, however, this moratorium is broken by another nation, I will direct the Department of Energy to prepare to conduct additional tests while seeking approval to do so from Congress. I therefore expect the Department to maintain a capability to resume testing.

To assure that our nuclear deterrent remains unquestioned under a test ban, we will explore other means of maintaining our confidence in the safety, the reliability, and the performance of our own weapons. We will also refocus much of the talent and resources of our Nation's nuclear labs on new technologies to curb the spread of nuclear weapons and verify arms control treaties.

Beyond these significant actions, I am also taking steps to revitalize the Arms Control and Disarmament Agency so that it can play an active role in meeting the arms control and nonproliferation challenges of this new era. I am committed to protecting our people, deterring aggression, and combating terrorism. The work of combating proliferation of weapons of mass destruction is difficult and unending, but it is an essential part of this task. It must be done.

Americans have earned the right on this Fourth of July weekend to enjoy life, liberty, and the pursuant to happiness in the new era America did so much to create. This moment of opportunity is the reward for our vigilance and sacrifice during the long years of the cold war.

We now have the freedom to concern ourselves not merely with survival but with prosperity for ourselves and our children. We have the strength and the stature to lead the world into a future of greater security and global growth.

Because of the changes we have made, America can now fulfill the dreams and aspirations of the patriots who made our freedom possible more than 200 years ago. We can do them no greater honor than to make the most of what these times have to offer. Working together, we will.

Have a happy and safe holiday, and thanks for listening.

NOTE: This address was recorded at 6:34 p.m. on July 2, in the Roosevelt Room at the White House for broadcast at 10:06 a.m. on July 3.

Just over 1 year ago, Mr. Chairman, the gentleman from Arizona and I directed a spirited debate during House consideration of a 1-year moratorium on U.S. nuclear weapons testing. Advocates of the moratorium challenged the U.S. Government to assume the mantle of nonproliferation leadership. Advocates of the moratorium challenged the cold war mindset of nuclear bomb testing just for the sake of the status quo. Advocates of the moratorium refuted every reason given for continued nuclear weapons testing. On October 2, 1992, then-President George Bush signed legislation instituting a 9-month moratorium on U.S. nuclear weapons testing.

□ 1510

Today, the Nevada testsite remains silent and will hopefully do so for time eternal. The Russians have not tested since 1990 and the French nuclear testing program in the South Pacific is silent also. Even the Chinese have acted with restraint since September 25, 1992. I commend all of these nations for the leadership as the world community pursues nonproliferation goals of a comprehensive test ban [CTB] treaty and extension of the Non Proliferation Treaty [NPT] in 1995.

At the same time, the Congress and the Clinton administration must call for continued leadership from all of the nuclear powers to refrain from a resumption of nuclear weapons testing. A resumption of testing or new nuclear weapons testing by any nation must be viewed for what it is: a rogue nation stampeding away from the herd of nation's who have found common purpose in ending the nuclear arms race.

In recent days, the press has reported that China may be on the verge of a nuclear weapons test. I and numerous other Members have urged the Chinese to demonstrate continued leadership, and to join the other nuclear powers in support of the moratorium and nonproliferation objectives. It has also been made clear to the Chinese, by the Clinton administration and Members of Congress, that China will be held accountable in the United States and abroad for her actions. At the same time, let me stress what I believe to be the view of a significant number of Members of this body; one Chinese nuclear weapons test is not justification for resumed nuclear weapons testing by the United States or any nation. Should the proponents of resumed nuclear testing, or the Clinton administration seek to resume testing based on one Chinese test, I am confident this will meet strident opposition in the Congress. The United States should not allow itself to join a stampede led by one irresponsible rogue.

In the coming months, I look forward to working with interested Members on both sides of the aisle as the administration moves forward on a CTB and extension of the NPT. Already President Clinton has dispatched representatives to Beijing, London, Paris, Moscow, and New York City to meet with the nuclear powers and international community. There are many outstanding questions ranging from the necessary safeguards to maintain the U.S. deterrent to the proper forum for international negotiations. Diligent oversight by the Congress and the committees of jurisdiction is appropriate and necessary.

Mr. KYL. Mr. Chairman, I yield 30 seconds to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Oregon [Mr. KOPETSKI]. We recognize that the Chinese probably are on the verge of resuming nuclear testing, and I do not think that world pressure has been shown in the past to have any effect on the Chinese as exampled by we continue to extend most-favored-nation treaty status to the Chinese. I do think it is going to help put pressure on them. They just do not respond to world pressure. I think we have to have things in place to resume testing, if necessary, to show the world that we mean business in this particular regard.

Mr. Chairman, I urge my colleagues to reject the Kopetski amendment.

Mr. KYL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Kopetski amendment codifies President Clinton's policy of extending the moratorium on nuclear testing until September 1994, unless another country tests a weapon. Yet, as we have heard, China is preparing a test, and now the President has announced that we will not resume tests in any event, but we will hold China accountable.

Mr. Chairman, how? Obviously, China will test, regardless of what the United States does. That is the first point that I would make.

Mr. Chairman, contrary to the assumption underlying the Clinton administration's policy and this amendment, a comprehensive test ban treaty will not strengthen efforts to halt the spread of nuclear weapons. There is no evidence that a testing moratorium or a CTBT will promote nonproliferation. The most recent affirmation of this point is the planned nuclear test by China and the discussion in China about developing its own nuclear weapons program. The U.S. policy not to test obviously has had no impact on these nations' decisions.

Other nations will make their decisions about the utility of a nuclear option on the basis of their perception of their own security interests, not on the actions of the United States on nuclear testing.

Mr. Chairman, my second point is contrary to another Clinton assumption, nuclear testing is needed to assure the safety and reliability of U.S. nuclear weapons. The administration's apparent view that U.S. nuclear weapons are "safe enough for now," demonstrates a cavalier attitude toward the complexity of nuclear weapons and fails to take into account past safety and reliability problems with the stockpile. No Department of Defense or Department of Energy has ever taken the position that our weapons are reliable enough to forgo testing. We have always ensured continued reliability and safety through testing.

Mr. Chairman, I might add that we test the most mundane of weapons in our inventory, from pistols, rifles, and handgrenades, on up to the most sophisticated jet fighters. It is truly an anomaly that the most sophisticated and dangerous weapons, our nuclear weapons, would not be subjected to continued testing for their reliability and safety.

Mr. Chairman, finally, contrary to an assumption by the Clinton administration, there are no other means sufficient to maintain confidence in the safety and reliability of the U.S. nuclear stockpile. Sophisticated computer modeling and simulation, conventional testing, and other nonnuclear testing regimes can provide useful data, but none of these methods provide a high confidence alternative to ensure the safety, reliability, and effectiveness of U.S. nuclear weapons.

Mr. Chairman, in summary, the bottom line is this: the Kopetski amendment does nothing but codify current policy, which is both wrong and unneeded, and for that reason I applaud the gentleman for withdrawing his amendment and would have urged opposition to it.

Mr. Chairman, I yield back the balance of my time.

Mr. KOPETSKI. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore [Mr. DURBIN]. Is there objection to the request of the gentleman from Oregon?

There was no objection.

AMENDMENTS EN BLOC OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, pursuant to section 3 of House Resolution 254, I offer amendments en bloc consisting of amendment 11, as modified, and amendment 16, as modified, printed in part 4 of House Report 103-252.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc as modified.

The text of the amendments en bloc as modified, is as follows:

Amendments en bloc offered by Mr. DELLUMS:

MODIFICATION TO THE AMENDMENT OFFERED BY MR. GOODLING

The amendment as modified is as follows:

Page 367, after line 9, insert the following new section:

SEC. 1304. DISSEMINATION OF LIST OF CONVERSION, REINVESTMENT, AND TRANSITION PROGRAMS.

Section 4004(c) of the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (division D of Public Law 101-510; 104 Stat. 1849) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3)(C) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(4) ensure that adequate means are available to disseminate to interested communities, businesses, and defense workers and members of the Armed Forces a list of the Federal economic adjustment programs described in the reports required under paragraph (3).".

At the end of title IX (page 325, after line 25), insert the following new section:

SEC. 950. PROHIBITION OF TRANSFER OF NAVAL ACADEMY PREPARATORY SCHOOL.

During fiscal year 1994, the Secretary of the Navy may not transfer the Naval Academy Preparatory School from Newport, Rhode Island, to Annapolis, Maryland, or expend any funds for any work (including preparation of an architectural engineering study, design work, or construction or modification of any structure) in preparation for such a transfer.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. MEEHAN

The amendment as modified is as follows:

At the end of subtitle C of title II (page 70, after line 19), insert the following new section:

SEC. . TACTICAL AND THEATER MISSILE DEFENSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Systems to provide effective defense against theater and tactical ballistic missiles that may be developed and deployed by the United States have the potential to make equal or greater contributions to the national security interests of nations that are allies of the United States as they do to the national security interests of the United States.

(2) The cost of developing and deploying a broad spectrum of such systems will be several tens of billions of dollars.

(3) A truly cooperative approach to the development and deployment of such systems could substantially reduce the financial burden of such an undertaking to any one country and would tap additional sources of technological expertise.

(4) While recent statements of nations that are allies of the United States have expressed a desire for greater involvement in United States tactical missile defense efforts, those nations are unlikely to support programs for theater missile defense development and deployment unless, at a minimum, they can play a meaningful role in the planning and execution of such programs, including active participation in research and development and production of the systems involved.

(5) Given the high cost of developing theater ballistic missile defense systems, allied participation in tactical missile defense efforts would result in substantial savings to the United States.

(b) PLAN AND REPORTS.—(1) The Secretary of Defense shall develop a plan to coordinate development and implementation of Theater Missile Defense programs of the United States with that of its allies, in order to avoid duplication of effort, to increase interoperability, and to reduce costs. The plan shall set forth in detail any financial, inkind, or other form of participation in cooperative efforts to plan, develop, produce, and deploy theater ballistic missile defenses for the mutual benefit of the countries involved.

(2) The Secretary shall submit to Congress a report on the plan developed under paragraph (1). The report shall be submitted in both classified and unclassified version, as appropriate, and may be submitted as a component of the next annual Ballistic Missile Defense organization report to Congress.

(3) The Secretary shall include in each annual Ballistic Missile Defense Organization report to Congress a report on steps taken to implement the plan developed under paragraph (1). Each such report shall set forth the status of discussions with United States allies for the purposes stated in that paragraph and the status of contributions by those allies to the Theater Missile Defense Cooperation Account, shown separately for each allied country covered by the plan.

(c) RESTRICTION OF FUNDS.—Of the total amount appropriated pursuant to authorizations in this Act for theater ballistic missile defenses programs, not more than 80 percent may be obligated until—

(1) the report under subsection (b)(2) is submitted to Congress; and

(2) the President certifies in writing to Congress that each of the NATO allies, Japan, Israel, South Korea, and any other country that the President considers appropriate have been formally contacted concerning the matters described in the report.

(d) SENSE OF CONGRESS.—It is the sense of Congress that, whenever the United States deploys theater ballistic missile defenses to protect another country, or the military forces of another country, that has not provided financial or in-kind support for development of theater ballistic missile defenses, the United States should consider whether it is appropriate to seek reimbursement from that country to cover at least the incremental cost of such deployment.

(e) REQUIREMENT TO ESTABLISH ANNUAL TMD LEVEL.—The Congress shall establish by law for each fiscal year (beginning with fiscal year 1995) the level of new obligational authority (stated as a single dollar amount) for research, development, test, and evaluation and for procurement for theater missile defense programs of the Department of Defense for that fiscal year.

(f) ALLIED PARTICIPATION IN TMD.—Congress encourages greater participation by United States allies, and particularly by those nations that would benefit most from Theater Missile Defense systems, in cooperative Theater Missile Defense efforts with the United States.

(g) FUND FOR ALLIED CONTRIBUTIONS.—(1) Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2609. Theater Missile Defense: acceptance of contributions from allies; Theater Missile Defense Cooperation Account

"(a) ACCEPTANCE AUTHORITY.—The Secretary of Defense may accept from any allied foreign government or any international organization any contribution of money made by such foreign government or international organization for use by the Department of Defense for Theater Missile Defense programs.

"(b) ESTABLISHMENT OF THEATER MISSILE DEFENSE COOPERATION ACCOUNT.—(1) There is established in the Treasury a special account to be known as the 'Theater Missile Defense Cooperation Account'.

"(2) Contributions accepted by the Secretary of Defense under subsection (a) shall be credited to the Account.

"(c) USE OF THE ACCOUNT.—(1) Funds in the Account are hereby made available for obligation for research, development, test, and evaluation, and for procurement, for Theater Missile Defense programs of the Department of Defense.

"(d) INVESTMENT OF MONEY.—(1) Upon request by the Secretary of Defense, the Secretary of the Treasury may invest money in the Account in securities of the United States or in securities guaranteed as to principal and interest by the United States.

"(2) Any interest or other income that accrues from investment in securities referred to in paragraph (1) shall be deposited to the credit of the Account.

"(e) NOTIFICATION OF CONDITIONS.—The Secretary of Defense shall notify Congress of any condition imposed by the donor on the use of any contribution accepted by the Secretary under the authority of this section.

"(f) ANNUAL AUDIT BY GAO.—The Comptroller General of the United States shall conduct an annual audit of money accepted by the Secretary of Defense under this section and shall submit a copy of the results of each such audit to Congress.

"(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2609. Theater Missile Defense: acceptance of contributions from allies; Theater Missile Defense Cooperation Account.".

Mr. DELLUMS (during the reading). Mr. Chairman, I ask unanimous consent that the amendments en bloc, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the rule, the amendments en bloc are not subject to a demand for division of the question.

The gentleman from California [Mr. DELLUMS] will be recognized for 10 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, I rise in strong support of the en bloc amendment's language on theater missile defense burdensharing. The rationale for this amendment is clear—our allies are the principal beneficiaries of these defensive systems, and we want to ensure that they have the opportunity to contribute to the cost of research and development of the program.

Theater defenses do not offer protection against missiles capable of intercontinental flight. Even at the height of the cold war, they would not have protected the United States against attacks from the Soviet Union, because they're designed to intercept objects fired at low-altitude trajectories.

The Clinton administration's bottom-up review proposes spending $12 billion on theater missile defense systems from 1995 to 1999. Despite the end of the cold war and our crushing budget problems, the United States continues to fund virtually all of the theater missile defense programs. Clearly, we cannot continue to shoulder the entire burden of paying for this program.

This amendment requires the Secretary of Defense to develop a detailed plan to coordinate development and implementation of TMD programs with our allies to avoid duplication and reduce costs.

In an effort to encourage greater participation by our allies in cooperative theater missile defense efforts, the amendment directs the Secretary of Defense to submit to Congress classified and unclassified reports that detail financial, in-kind, and any other contributions made by our allies toward the theater missile defense program.

I want to emphasize that point again, because it goes to the heart of the issue. This amendment specifies, for the first time, that the Secretary of Defense must take concrete steps to implement the plan. The Secretary must keep Congress informed on the status of discussions with our allies and the amount of allied contributions, broken down by country, to the theater missile defense cooperation account.

Theater missile defense continues to have utility in the post-cold-war world. Make no mistake—this amendment is not about eliminating the TMD program. Rather, this amendment puts the Department of Defense and our allies on notice that it is in their interests to share the costs of building TMD systems that are designed primarily to benefit them.

Let us share the burden.

□ 1520

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, now that the House is about to consider final passage of H.R. 2401, I want to take a brief moment to explain how I view this vote.

When you consider this bill separate from broader, longer term considerations, it is not that bad a bill. Other than cuts to ballistic missile defense and intelligence programs that I, along with the Clinton administration, believe are too deep, the Armed Services Committees and the full House have taken a generally cautious, moderate approach to this bill.

There is one particularly positive element of H.R. 2401 that I would like to bring to the House's attention. I am, of course, referring to the leadership of my chairman, the gentleman from California. While the chairman and I may often disagree over issues of substance and politics, my colleague has allowed all members to be heard, he has provided the forum for ample, sometimes exhaustive, debate, and he has treated the minority as fairly as any chairman I have served with during my 23 years as a Member of this House.

While there are valid substantive reasons for voting against this bill, Chairman DELLUMS' stewardship of the Armed Services Committee and this year's defense debate in the House is not one of them. I look forward to working with my chairman on this bill and on the many important issues our committee will be confronted with in the future.

Unfortunately, this bill brings to the House floor the stark reality of the Clinton administration's long-term vision for the further dismantling of the U.S. military. President Clinton was not elected to address defense issues. Despite the violent realities of national, ethnic, and religious conflicts that have filled the political vacuum created by the end of the cold war, when it comes to issues of the U.S. military it would appear that the White House is far too preoccupied with how much further they can cut defense spending. This focus on cutting defense spending is increasingly inconsistent with the administration's desire to expand the commitments of U.S. military personnel in assorted peacekeeping, peacemaking, and humanitarian missions around the world.

Secretary Aspin's bottom-up review recently recommended a military force structure that I believe is inconsistent with the administration's future strategy of maintaining forces sufficient to prevail in two nearly simultaneous regional conflicts. I do not believe that the Aspin-recommended forces can be paid for within the Clinton 5-year defense numbers. Following on the heels of 8 consecutive years of real decline in defense spending, I believe that the Clinton administration 6-year defense plan threatens the viability of our U.S. military forces.

As I stated when general debate on this bill commenced back in early August, I am more concerned today for the security of this Nation than I was during the height of the cold war. The end of the cold war has unleashed numerous regional and local conflicts, some of which challenge our political, economic, and security interests in various parts of the world. In light of these many challenges, I fear that those who advocate large cuts in the U.S. defense budget pose perhaps the biggest threat to the future of the U.S. military.

For months now, the President and Secretary Aspin have asserted the importance of U.S. economic security as justification for the deep defense cuts they have proposed. Administration officials have assured us that job creation plans, worker retraining, and defense conversion programs will alleviate any dislocation caused by the almost 2 million military and defense-related private sector jobs that the Clinton Bureau of Labor Statistics estimates will be lost under the Clinton defense plan.

Likewise, despite the fact that defense companies, of all sizes, will disappear by the thousands as a result of these cutbacks in the years ahead, the administration assures us that it is committed to preserving a strong industrial base. I do not know how the administration will reconcile these seemingly irreconcilable forces, but I contend that defense spending cuts of the magnitude proposed will do more harm than good to the very economic security the President wants to protect, as several million skilled workers are laid off and the once strong defense industrial base is dramatically reduced.

These are the longer term interests and the broader context of which I spoke a moment ago. H.R. 2401 reflects an initial downpayment on a 6-year defense plan that I simply cannot support. Despite the characterization of fiscal year 1994 as a treading water defense budget, it nonetheless represents the first year of a longer term Clinton vision for U.S. national security that I believe puts at risk the finest military force in history.

As a taxpayer, an individual Member of Congress, and the new ranking Republican on the Armed Services Committee, I have wrestled long and hard with these issues. The last time I voted for House passage of a Defense authorization bill was in 1985, the same year the on-going defense build-down began. Up until this year's debate, this defense build-down has been carried out on the watch of two Republican Presidents—a build-down I opposed then as I do now. Accordingly, my vote today has everything to do with my concerns for national security and nothing to do with partisanship. I am voting my conscience as every Member in this House ought to. As such I cannot support final passage of H.R. 2401 and plan to vote "no."

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I take this opportunity, nearing the moment of final passage of this bill, under the leadership of the new chairman of the Committee on Armed Services, the gentleman from California [Mr. DELLUMS], I take this opportunity to compliment him and congratulate him, not only for his even-handedness and his fairness but for his leadership, for his looking after the troops, for his doing his best to see that there is an opportunity for them to be the best-trained in the world and to keep us on the cutting edge militarily, to keep us the best nation on defense in this world.

This is his first bill as chairman. I compliment him on the excellent job that he has done, wish him well in the days ahead.

On a personal note, as subcommittee chairman, he has been a very great help to me in putting the parts of my particular portion of the bill together.

I want to let this body know of the outstanding job that this gentleman has done, his first year as chairman of the Committee on Armed Services.

Mr. SPENCE. Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the matter before us is an en bloc amendment. I am assuming that that will pass on a voice vote. At the end of that, the committee will have done its job and we will report back to the House. So I would like to take this opportunity not to speak to the en bloc amendment but to speak more generically.

First, let me thank my distinguished colleague, the gentleman from California [Mr. SPENCE] for his very kind and very generous remarks. He is a very easy gentleman to work with, an easy gentleman with which to communicate, and it is a delight and a pleasure to work with my colleague.

Clearly, we have substantive differences on a wide range of matters, but we have learned how to deal with each other with comity and with cordiality and with respect. I thank the gentleman for that.

I would like to also thank the gentleman from Missouri [Mr. SKELTON] for his very kind and generous remarks.

Finally, in this regard, to thank all of the members of the staff. As I have said on more than one occasion, we are only as good as our staffs, because a great portion of the business of governmentis done by staff people, often unsung and not visible human beings but people who do an extraordinary job.

I think that any time and every time we have an opportunity to thank them and to compliment them for their extraordinary work, we should do so.

Finally, Mr. Chairman, this is the first opportunity that I have had to come to the floor in this new capacity as chairman of the House Committee on Armed Services. I am now in my 23d year. I was elected in 1970.

I came to Congress to advocate peace, nuclear disarmament, to radically alter the priorities of this country, to address the human misery of people across the wide panorama of experiences that afflict human beings in this country at the level of race and class and sex and geography, whatever.

In the context of 1971, against the backdrop of the Vietnam war, this gentleman's comments were deemed as radical, far out. But I would suggest, Mr. Chairman, that the issues we raised 23 years ago, perceived as radical in the context of the early 1970's, are issues that are now on the front burner of America and this country.

What are the issues? Peace, nuclear disarmament, downsizing the military budget, economic conversion, reordering the priorities, reinvesting in America, reinvesting in American people, reinvesting in our children, rebuilding our economy, health care, education, all of these issues.

Mr. Chairman, we have become the first generation of American people who are afraid of our own children. That has enormous implications.

I would suggest to Members that a society that is afraid of its own children is a society on its way to dying. We are frightened of our children, because we are now reaping the whirlwind of decades of neglect and lack of attention. But now the Berlin Wall is down. The Soviet Union has dissipated. The Warsaw Pact no longer exists.

It brings us great challenges, but it gives us great hope, because there are great possibilities at this moment.

As I have said before, this moment is pregnant with great potential to do extraordinary good. The world cries out for peace. People cry out for human rights and civil rights, and our people cry out for social and economic justice in this country.

Mr. Chairman, I have ascended to the position of the chair of the House Committee on Armed Services as an advocate of peace, as one who has advocated the military budget in order to address the priorities of our people. We now are there, Mr. Chairman.

As my distinguished colleague from South Carolina indicated how he will vote, it is interesting. I voted on 22 separate occasions against military budgets. Now I am placed in this new role, this new position.

□ 1530

I will vote for this bill, Mr. Chairman, but not because I am communicating to anyone in this body or to the American people that this military budget cannot be cut further. I believe that a prima facie case can be made to cut this budget even further than President Clinton chooses to do it.

The challenge before us is to take a prima facie case and make it a reality. We have to move our colleagues down a different road. Old labels no longer apply. Old paradigms no longer apply. Old ideas no longer apply. This is a new moment with great possibilities and great opportunities.

This new administration is trying to get off the ground. They were not off the ground fast enough to be able to allow a bottom-up review to shape this budget for fiscal year 1994, but we as a committee did our best. We did some good things in this bill. We have lifted the issue of economic conversion to a level that was never seen before. We placed $13 billion at the disposal of the American people to clean up toxic waste and restore our environment. We have moved away from nuclear armament. We have done many good things in this bill, but we have miles to go, Mr. Chairman.

The Members have placed me in this role of leadership to try to help guide my colleagues to a new vision, a new set of ideas, to a new paradigm. I accept that challenge, but let the challenge be that we cannot continue to spend at this level. The world does not require it. Our people need us to move in a different direction.

I think we have turned a magnificent corner, but we have a ways to go. Next year, the year after, and the year after that will be the great challenges of this committee. Let this administration place their 5-year plan on the table.

To my distinguished colleague, the gentleman from South Carolina [Mr. SPENCE], let us have an honest debate. I will guarantee that the framework will be open, will be frank, will be vigorous. My objective will be to try to move this body to a new place, to go even below the cuts, to start restoring this country, because as long as our children are dying in the streets and we are spending money preparing to wage war, there is something wrong in our society. We have to go in a different way, in a different direction.

Mr. Chairman, for those of my colleagues who have voted against the military budget over the years, because of their concerns of the priority of this Nation, feel free to do that. I think every human being in this body ought to vote their conscience, ought to vote what they honestly believe is correct.

I think we have turned a major corner. It is my hope and my dream and my aspiration, for whatever time remains in this body, and I am allowed to serve with honor in this position, to take us far below where we are, because I think that is the priority, that is the mandate, that is the necessity.

For those who feel that we have cut too much, I do not think that case can be made. When we were spending $300 billion a year on the military budget, 70 percent of it was directed at fighting a war with the Soviet Union and the Warsaw Pact, $210 billion annually directed at two enemies that no longer exist. One does not have to be a brilliant rocket scientist to understand that if those major threats to which we directed 70 percent of our resources are no longer on the radar screen, that we can certainly make significant reductions in our military budget.

If the threats to the United States out there are regional threats, we certainly do not need to continue to spend as if the threat is the Soviet Union. The bipolar world has evaporated, disappeared. Let us now develop a new notion, a new definition of what national security is, Mr. Chairman. Let us develop a new set of ideas about what the threat is, based on the reality of the world, not some misconstrued, cartoon-like notion about what the real world is.

Let us develop a military budget that makes sense, and let us take the savings from that, whether we call it a peace dividend or whatever, and begin to rebuild our society. Our children demand it, their parents need it, and their grandparents hope for it.

Mr. Chairman, with those remarks we conclude a very significant and important debate. I am honored that my colleagues have chosen me to chair the Committee on Armed Services at this extraordinary moment in American history.

My hope is that, on sober reflection of this moment, that history will record that we did a decent job, as good as we could for this moment, but not nearly as good as we can.

Mr. Chairman, I yield back to reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendments en bloc offered by the gentleman from California [Mr. DELLUMS].

The amendments en bloc were agreed to.

The CHAIRMAN pro tempore. The Chair will put the question on the committee amendment in the nature of a substitute, as amended.

Mr. DELLUMS. Mr. Chairman, I would ask the Chair, do I have time remaining?

The CHAIRMAN pro tempore. The gentleman from California [Mr. DELLUMS] can still move to strike the last word, under the terms of the rule.

Mr. DELLUMS. Mr. Chairman, I move to strike the last word.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I am privileged to yield to my distinguished colleague, the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, let me begin by applauding the chairman, the gentleman from California, for the extraordinary work he has done as chairman of the Committee on Armed Services, and for the many years of enormous effort that he has put into fighting for a world of peace and social justice.

Mr. Chairman, I just want to say one word, or more than one word, on my views on this budget. That is to say that while I think it is probably the best Defense budget we have seen for many years, as the chairman himself has indicated, it probably has not gone far enough. I intend to vote against it. Let me say very briefly why I intend to.

To put it simply, Mr. Chairman, despite the end of the cold war, we simply have not gone far enough in recognizing that the Soviet Union does not exist, that the Warsaw Pact does not exist, and that in fact our major security problem now is not foreign policy, it is domestic needs. When we talk about spending $263 billion on the military at the same time as our children continue to go hungry, 5 million kids in America are hungry at the same time as 2 million people continue to sleep out on the streets, at the same time as millions of young people are unable to afford to go to college, then I think we are wrong about our definition of the American security problems. Our security problems are home now, and not abroad.

I want to congratulate the chairman and other people for their efforts to make sensible cuts in the budget. Sadly enough, amendment after amendment that was brought forth was voted down. I find it ironic that some of those people who fought against these amendments are exactly the same people who are telling us how serious our deficit problem is. When we ask them to vote to save taxpayers money, they do not do it.

Let me give a few examples. The so-called Dellums-DeFazio amendment regarding star wars would have cut this wasteful and inefficient system in half. We do not need star wars. We had a good amendment to significantly cut star wars. Unfortunately, despite all the rhetoric about our $4 trillion debt and our needs at home, that amendment was defeated.

The D–5 missile program. The Dellums-Penny amendment would have terminated procurement, saving $1.2 billion. Unfortunately, once again, that amendment was defeated.

Burden-sharing. We are spending over $100 billion a year defending Europe, Western Europe, and Asia against a nonexistent enemy. We are defending countries that inmany ways are wealthier than we are.

There was a good amendment brought forth, the so-called Bryant amendment, which would have required Europe, Korea, and Japan to pay the cost of defending themselves by September 1996, a very sensible amendment. Unfortunately, a majority of the Members voted no; again, the same people who tell us every day about how terrible our deficit problem is.

The intelligence budget, the gentleman from New York [Mr. OWENS] and I offered an amendment which could have cut intelligence spending by 10 percent. We are now funding the intelligence budget at the same level as at the height of the cold war; once again, voted down.

Altogether, these amendments, if passed, would have saved the American taxpayers over $100 billion over the next several years, $100 billion. Some could go to deficit reduction, some to rebuild America and give hope and faith to the people that the chairman was just talking about, the young people who are never going to have a job in their lives, the children who are hungry. That is where the money could have gone, but we did not do it.

Let me simply conclude, Mr. Chairman, by congratulating once again the chairman for putting together what is probably the best Defense budget we have seen here in many, many years. However, I believe that now is the time to demand radical changes in national priorities. Let us look home at our enormous needs.

☐ 1540

And let us tell the military-industrial establishment that their day has come and gone, and we are going to pay attention to the working people, to the children, to the veterans, to the elderly people who have been ignored for so many years.

And it is in that spirit, while congratulating my good friend on the excellent work that he has done, that I urge a "no" vote on the Defense budget.

PARLIAMENTARY INQUIRY

Mr. DELLUMS. Mr. Chairman, might I inquire, under the rule, do the Chair and the ranking member continue to have the opportunity to strike the last word?

The CHAIRMAN pro tempore [Mr. DURBIN]. At this point the ranking minority member has the right under the rule to strike the last word and to be recognized for 5 minutes and to yield as he desires. Of course, the gentleman from California can ask for unanimous consent from the committee to extend his pro forma debate time.

Mr. DELLUMS. Mr. Chairman, might I further inquire, so that I understand it, the Chair is saying that this gentleman has exhausted the opportunity to strike the last word?

The CHAIRMAN pro tempore. The fact is the gentleman has just debated a pro forma amendment and he may not do so over and over again, unless the committee were at some other stage in the bill. The gentleman can make a unanimous-consent request.

Mr. DELLUMS. I thank the Chair.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I did not intend to take any further time, but in view of what has transpired lately I feel I must.

Mr. Chairman, we will always have in this country and we have always had in this country people who have said that we do not need a defense, or that we need to cut out most of our defenses.

I would like to remind those people that we would not be here today as a free country if we had listened to those kinds of people over the history of this country. We will have more wars, Mr. Chairman. As long as we have human beings on this Earth, acting like human beings act, we will have more wars. The Bible admonishes us in that respect. There will be wars and rumors of wars. The only question is when, not if we will have other wars. We have to be prepared.

At the same time we will always have people in this country who will fight for our freedom, and that is what makes us what we are today. I thank God for them, and have thanked God for them in the past. That is our only hope.

Please do not listen to those who say we do not need a strong defense. The best way to prevent a war is to be so strong that no one is going to take you on.

Mr. Chairman, I yield to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Chairman, I thank my colleague for yielding. I have always supported this authorization bill, because I remember the early days of World War II when this country was not prepared. I am concerned about this bill. Are we heading in that same direction once again where we are not prepared, and I hope and pray we are never tested to find out whether we are doing an adequate job in defending or preparing for the inevitable some time in the future.

I am also concerned about what this committee did not do this time, and that is to take care of our retired military. I think we have an obligation to those retirees who did serve faithfully and to their families.

We have a responsibility, not necessarily for providing commissaries or exchange privileges, but for medical facilities. I will use my own State of Indiana as an example. When the work of the Base Closing Commission is completed, we will have no active base in the State of Indiana to provide medical care and pharmacies for our retirees and their families, and the retirees will have to travel several hundred miles just to fill a prescription.

I did not testify before the committee. I did write and talk to several Members and asked that they investigate this and to find some way where retirees are taken care of. But I do not find where we have it in this legislation.

So I think we are failing the retirees who have served our Nation in an obligation that we have made to those people and their families. So I am disappointed that this committee did not take care of these retirees adequately.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding because I did want to clarify that there are going to be a number of no votes on this floor that are not going to reflect the opinions expressed earlier by the gentleman from Vermont. The gentleman from Vermont is voting no because he does not believe this bill goes far enough toward creating a hollow army for our country. There are many of us who believe that this bill goes too far toward creating a hollow army, and we are going to be voting no as well.

We are going to be voting no because we believe when you have a President who continues to want to commit or commits troops all over the world, that it becomes passing strange that we then suggest on this House floor that we can continue to decimate the military, and yet complete those commitments.

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Chairman, I thank the gentleman for yielding.

First I want to commend the committee and its distinguished chairman for what they have done. I shall vote for this legislation.

I am concerned though that the job of the Armed Services Committee is going to become more difficult as we go along. I rejoice as much as anyone does at the ability to cut back. There are some items in here that I feel should have been cut back even further.

But I think we need to remind ourselves that there are Hitlers born every day, there are Mussolinis born every day, there are Tojos born every day, there are Saddam Husseins that are born every day, and the history of my lifetime has been that there has got to be somebody with the determination and the ability to say no, you cannot go that far; you have got to stop.

That is, unfortunately, the role that we Americans have to play. It is an extra burden that we have to carry.

I think this is a good bill. But I want to wish good luck to the chairman and to the ranking minority member on this committee, thank them for their fine work, and wish them good luck in piloting us to a sound future.

The CHAIRMAN pro tempore. The time of the gentleman from South Carolina [Mr. SPENCE] has expired.

(On request of Mr. WALKER and by unanimous consent, Mr. SPENCE was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, as I was pointing out, the problem that we have is that we see a lot of these commitments arising around the world. The President evidently wants to commit us at some point to Bosnia.

The Somalia resolution that was adopted on the floor yesterday essentially tells the President that he has to come back to us with a plan, but has no hope whatsoever in it that we are actually going to withdraw troops from Somalia. There evidently are a contingent of troops being planned to go to Haiti, and we have a series of actions where we are going to commit American troops.

Yet, this committee has come up with a bill that strips us of the resources to be able to do all of these missions that this administration is committing us to.

I would suggest that if in fact we have a desire to concentrate on domestic affairs and withdraw the resources from the military, then maybe, maybe it is time that you also have the nerve to suggest to your own administration that they ought not to commit us to any more military missions, and actually vote for real actions to pull troops out of where they are now serving.

The fact is that we could have had a real vote on this House floor to withdraw the troops from Somalia now, and we refused to allow in the Rules Committee that kind of an amendment to come to the floor, so that we are going to continue to expend money in Somalia at the same time that we are withdrawing the resources from those troops.

I would suggest that that is not an appropriate way to proceed, that we then have a hollow army that is always at risk. And it is not the appropriate kind of measure for us to be approving on this floor.

☐ 1550

So my vote will be "no," not because I do not believe that the gentleman from California [Mr. DELLUMS] and the gentleman from South Carolina [Mr. SPENCE] have not worked hard on this bill—I think they have—but I think in the end the bill does undermine our ability to maintain the sort of military force that this administration seems anxious to commit all over the world.

I thank the gentleman for yielding.

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. MCNULTY] having assumed the chair, Mr. DURBIN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, pursuant to House Resolution 254, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute, as amended, adopted by the Committee of the Whole?

Mr. WALKER. Mr. Speaker, I demand separate votes on the following amendments:

The Schroeder amendment that requires the 1995 Base Realignment and Closure Commission to include foreign bases along with domestic facilities in its closure recommendations;

The Lloyd amendment which requires the overseas operations and maintenance funding to be reduced by $725 million in fiscal year 1994 to reflect anticipated overseas force reductions of 50 percent;

The Andrews of Maine amendment that bans the use of defense conversion funds for financing foreign arms sales;

The Skelton amendment that codifies a modified version of the "don't ask, don't tell" policy on gays in the military; and

The Gephardt-Gilman amendment which requires the President to report to Congress by October 15 the goals, objectives, and anticipated duration of United States forces deployed in Somalia.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

REQUEST TO ADDRESS THE HOUSE

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute. This concerns what we talked about this morning.

The SPEAKER pro tempore. The Chair would not normally entertain that request at this particular point in the order of events.

The votes will be taken in the order in which the amendments were considered in the Committee of the Whole, since the bill was considered as read and the order of amendments was prescribed by three secial orders.

If a separate vote is not demanded on any other amendment, the Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: At the end of subtitle B of title XXVIII of the bill, add the following new section:

SEC. 2819. EXPANSION OF BASE CLOSURE LAW TO INCLUDE CONSIDERATION OF MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES FOR CLOSURE AND REALIGNMENT.

(a) Expansion of Scope of Base Closure Law.—The Defense Base Closure and Realignment Act of 1990 (Part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) by redesignating sections 2910 and 2911 as sections 2911 and 2912, respectively; and

(2) by inserting after section 2909 the following new section:

"SEC. 2910. CONSIDERATION OF MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES.

"(a) Recommendations for Termination and Reductions of Military Operations Outside the United States.—With respect to recommendations made in 1995 for the closure and realignment of military installations under this part, the Secretary and the Commission shall include recommendations for the termination and reduction of military operations carried out by the United States at military installations outside the United States.

"(b) Selection Criteria.—(1) Not later than December 31, 1993, the Secretary shall publish in the Federal Register and transmit to the congressional defense committees the criteria proposed to be used by the Department of Defense in making recommendations for terminating and reducing military operations carried out by the United States at military installations outside the United States. The Secretary shall provide an opportunity for public comment on the proposed criteria for a period of at least 30 days and shall include notice of that opportunity in the publication required under the preceding sentence.

"(2) Not later than February 15, 1994, the Secretary shall publish in the Federal Register and transmit to the congressional defense committees the final criteria to be used in making recommendations for terminating and reducing military operations carried out by the United States at military installations outside the United States.

"(3) The criteria developed under this subsection, along with the force-structure plan referred to in section 2903(a), shall be the final criteria to be used in making recommendations for terminating and reducing military operations carried out by the United States at military installations outside the United States, unless the criteria are—

"(A) disapproved by a joint resolution of Congress enacted on or before March 15, 1994; or

"(B) amended by the Secretary in the manner described in section 2903(b)(2)(B).

"(c) Recommendations of the Secretary.—The Secretary shall transmit recommendations to the Commission for the termination and reduction of military operations of the United States at specified military installations outside the United States. The recommendations shall be included in the recommendations transmitted to the Commission with respect to the closure and realignment of military installations inside the United States under section 2903(c).

"(d) Review and Recommendations by Commission.—The Commission shall review the recommendations transmitted by the Secretary under subsection (c). The Commission may make changes in the recommendations made by the Secretary only in the manner provided in subparagraphs (B), (C), and (D) of section 2903(d)(2). The Commission shall include, in its recommendations to the President under section 2903(d), its recommendations for the termination and reduction of military operations of the United States at specified military installations outside the United States.

"(e) Review and Transmittal by the President.—The recommendations transmitted by the President under section 2903(e) shall contain the recommendations of the Commission for the termination and reduction of military operations of the United States at specified military installations outside the United States.".

(b) Effect of Failure To Include Sufficient Overseas Installations.—Section 2903 of such Act is amended by adding at the end the following new subsection:

"(f) Failure To Include Sufficient Overseas Installations.—(1) In the case of the recommendations of the Commission required to be transmitted to the Congress in 1995 pursuant to subsection (e), if the closure or realignment of military installations outside the United States does not account for at least 25 percent of the closure and realignment recommendations of the Commission, as certified by the Commission under paragraph (2), then the process by which military installations may be selected for closure or realignment under this part with respect to that year shall be terminated.

"(2) In determining whether the percentage specified in paragraph (1) is satisfied, the Commission shall calculate such percentage both in terms of—

"(A) the number of military installations outside the United States recommended for closure or realignment as a percentage of the total number of military installations recommended for closure or realignment that year; and

"(B) the number of military personnel and civilian employees of the Department of Defense stationed or employed outside the United States directly affected by the recommendations as a percentage of the total number of military personnel and civilian employees of the Department of Defense directly affected by the recommendations.".

(c) Conforming Amendments.—(1) Subsection (b) of section 2901 of such Act is amended to read as follows:

"(b) Purpose.—The purpose of this part is to provide a fair process that will result in the timely closure and realignment of military installations inside and outside the United States.".

(2) Section 2911 of such Act, as redesignated by subsection (a)(1), is amended—

(A) in paragraph (4), by inserting after the first sentence the following new sentence: "With respect to military operations carried out by the United States outside the United States, such term includes the sites and facilities at which such operations are carried out without regard to whether the sites and facilities are owned by the United States."; and

(B) by adding at the end the following new paragraph:

"(8) The terms 'closure' and 'realignment' include, with respect to military operations carried out by the United States outside the United States, the termination or reduction of such operations.".

The SPEAKER pro tempore. The question is on the amendment.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to rule XV, the four votes, if ordered, will be 5-minute votes and Members will be requested to remain in the Chamber in order to avoid missing votes.

The vote was taken by electronic device, and there were—yeas 292, nays 138, not voting 3, as follows:

[Roll No. 468]

YEAS—292

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burton
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coyne
Cramer
Crane
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Dreier
Duncan
Durbin
Edwards (CA)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)

Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gillmor
Glickman
Gonzalez
Gordon
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Hoyer
Hughes
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Long
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHugh
McInnis
McKinney
McNulty
Meehan
Meek
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Montgomery
Moran
Morella
Murphy
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pomeroy
Portman
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schaefer
Schenk
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Wheat
Williams
Wise
Wolf
Woolsey
Wyden
Yates
Zimmer

NAYS—138

Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berman
Bliley
Blute
Boehner
Bonilla
Bunning
Buyer
Castle
Coble
Collins (GA)
Combest
Coppersmith
Cox
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dunn
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Hamilton
Hancock
Herger
Hoekstra
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Johnson, Sam
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Lancaster
Laughlin
Levy
Lewis (FL)
Linder
Livingston
Lloyd
Machtley
Mann
Manzullo
McCandless
McCollum
McCrery
McCurdy
McHale
McKeon
McMillan
Menendez
Mica
Michel
Molinari
Mollohan
Moorhead
Murtha
Nussle
Oxley
Packard
Paxon
Pickett
Pombo
Porter
Pryce (OH)
Ramstad
Rohrabacher
Ros-Lehtinen
Santorum
Saxton
Schiff
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Talent
Thomas (CA)
Thomas (WY)
Torkildsen
Torricelli
Visclosky
Vucanovich
Walker
Weldon
Wilson
Wynn
Young (AK)
Young (FL)
Zeliff

NOT VOTING—3

McDade
Smith (MI)
Whitten

☐ 1616

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). Before the Chair announces the results of this vote, he would like to make an announcement:

Due to a momentary power outage the computers were down for approximately 1 minute during the course of this vote. One or more Members may think they have voted when they actually have not. So, the Chair is going to wait for another minute to allow Members to look at the board and verify whether or not they have actually been recorded.

Mr. PAXON and Mr. WILSON changed their vote from "yea" to "nay."

Messrs. HASTERT, HANSEN, and BURTON of Indiana changed their vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: At the end of title X (page 346, after line 23), insert the following new sections:

SEC. 1043. SHARING DEFENSE BURDENS AND RESPONSIBILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) Since fiscal year 1985, the budget of the Department of Defense has declined by 34 percent in real terms.

(2) During the past few years, the United States military presence overseas has declined significantly in the following ways:

(A) Since fiscal year 1986, the number of United States military personnel permanently stationed overseas has declined by almost 200,000 personnel.

(B) From fiscal year 1989 to fiscal year 1994, spending by the United States to support the stationing of United States military forces overseas will have declined by 36 percent.

(C) Since January 1990, the Department of Defense has announced the closure, reduction, or transfer to standby status of 840 United States military facilities overseas, which is approximately a 50 percent reduction in the number of such facilities.

(3) The United States military presence overseas will continue to decline as a result of actions by the executive branch and the following initiatives of the Congress:

(A) Section 1302 of the National Defense Authorization Act for Fiscal Year 1993, which required a 40 percent reduction by September 30, 1996, in the number of United States military personnel permanently stationed ashore in overseas locations.

(B) Section 1303 of the National Defense Authorization Act for Fiscal Year 1993, which specified that no more than 100,000 United States military personnel may be permanently stationed ashore in NATO member countries after September 30, 1996.

(C) Section 1301 of the National Defense Authorization Act for Fiscal Year 1993, which reduced the spending proposed by the Department of Defense for overseas basing activities during fiscal year 1993 by $500,000,000.

(D) Sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, which directed the President to develop a plan to gradually reduce the United States military force structure in East Asia.

(4) The East Asia Strategy Initiative, which was developed in response to sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, has resulted in the withdrawal of 12,000 United States military personnel from Japan and the Republic of Korea since fiscal year 1990.

(5) In response to actions by the executive branch and the Congress, allied countries in which United States military personnel are stationed and alliances in which the United States participates have agreed in the following ways to reduce the costs incurred by the United States in basing military forces overseas:

(A) Under the 1991 Special Measures Agreement between Japan and the united States, Japan will pay by 1995 almost all yen-denominated costs of stationing United States military personnel in Japan.

(B) The Republic of Korea has agreed to pay by 1995, one-third of the won-based costs incurred by the United States in stationing United States military personnel in the Republic of Korea.

(C) The North Atlantic Treaty Organization (NATO) has agreed that the NATO Infrastructure Program will adapt to support post-Cold War strategy and could pay the annual operation and maintenance costs of facilities in Europe and the United States that would support the reinforcement of Europe by United States military forces and the participation of United States military forces in peacekeeping and conflict prevention operations.

(D) Such allied countries and alliances have agreed to more fully share the responsibilities and burdens of providing for mutual security and stability through steps such as the following:

(i) The Republic of Korea has assumed the leadership role regardingground combat forces for the defense of the Republic of Korea.

(ii) NATO had adopted the new mission of conducting peacekeeping operations and is, for example, providing land, sea, and air forces for United Nations efforts in the former Yugoslavia.

(iii) The countries of western Europe are contributing substantially to the development of democracy, stability, and open market societies in eastern Europe and the former Soviet Union.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the forward presence of United States military personnel stationed overseas continues to be important to United States security interests;

(2) that forward presence facilitates efforts to pursue United States security interests on a collective basis rather than pursuing them on a far more costly unilateral basis or receding into isolationism;

(3) the bilateral and multilateral arrangements and alliances in which that forward presence plays a part must be further adapted to the security environment of the post-Cold War period;

(4) the cost-sharing percentages for the NATO Infrastructure Program should be reviewed with the aim of reflecting current economic, political, and military realities and thus reducing the United States cost-sharing percentage; and

(5) the amounts obligated to conduct United States overseas basing activities should decline significantly in fiscal year 1994 and in future fiscal years as—

(A) the number of United States military personnel stationed overseas continues to decline; and

(B) the countries in which United States military personnel are stationed and the alliances in which the United States participates assume an increased share of United States overseas basing costs.

(c) Reducing United States Overseas Basing Costs.—(1) In order to achieve additional savings in overseas basing costs, the President should—

(A) continue with the reductions in United States military presence overseas as required by sections 1302 and 1303 of the National Defense Authorization Act for Fiscal Year 1993; and

(B) intensify his efforts to negotiate a more favorable host-nation agreement with each foreign country to which this paragraph applies under paragraph (3)(A).

(2) For purposes of paragraph (1)(B), a more favorable host-nation agreement is an agreement under which such foreign country—

(A) assumes an increased share of the costs of United States military installations in that country, including the costs of—

(i) labor, utilities, and services;

(ii) military construction projects and real property maintenance;

(iii) leasing requirements associated with the United States military presence; and

(iv) actions necessary to meet local environmental standards;

(B) relieves the Armed Forces of the United States of all tax liability that, with respect to forces located in such country, is incurred by the Armed Forces under the laws of that country and the laws of the community where those forces are located; and

(C) ensures that goods and services furnished in that country to the Armed Forces of the United States are provided at minimum cost and without imposition of user fees.

(3)(A) Except as provided in subparagraph (B), paragraph (1)(B) applies with respect to—

(i) each country of the North Atlantic Treaty Organization (other than the United States); and

(ii) each other foreign country with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent duty in that country or the placement of combat equipment of the United States in that country.

(B) Paragraph (1) does not apply with respect to—

(i) a foreign country that receives assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2673) (relating to the foreign military financing program) or under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.); or

(ii) a foreign country that has agreed to assume, not later than September 30, 1996, at least 75 percent of the nonpersonnel costs of United States military installations in the country.

(d) Obligational Limitation.—(1) The total amount appropriated to the Department of Defense for Military Personnel, for Operation and Maintenance, and for military construction (including NATO Infrastructure) that is obligated to conduct overseas basing activities during fiscal year 1994 may not exceed $16,915,400,000 (such amount being the amount appropriated for such purposes for fiscal year 1993 reduced by $3,300,000,000).

(2) For purposes of this subsection, the term "overseas basing activities" means the activities of the Department of Defense for which funds are provided through appropriations for Military Personnel, for Operation and Maintenance (including appropriations for family housing operations), and for military construction (including family housing construction and NATO Infrastructure) for the payment of costs for Department of Defense overseas military units and the costs for all dependents who accompany Department of Defense personnel outside the United States.

(e) Allocations of Savings.—Any amounts appropriated to the Department of Defense for fiscal year 1994 for the purposes covered by subsection (d)(1) that are not available to be used for those purposes by reason of the limitation in that subsection shall be allocated by the Secretary of Defense for operation and maintenance and for military construction activities of the Department of Defense at military installations and facilities located inside the United States.

SEC. 1044. BURDENSHARING CONTRIBUTIONS FROM DESIGNATED COUNTRIES AND REGIONAL ORGANIZATIONS.

(a) In General.—Section 1045 of the National Defense Authorization Act for Fiscal Year 1992 and 1993 (Public Law 102–190; 105 Stat. 1465) is amended—

(1) in subsection (a)—

(A) by striking out "During fiscal years 1992 and 1993, the Secretary" and inserting in lieu thereof "The Secretary"; and

(B) by striking out "Japan, Kuwait, and the Republic of Korea" and inserting in lieu thereof "any country or regional organization designated for purposes of this section by the Secretary of Defense"; and

(2) in subsection (f)—

(A) by striking out "each quarter of fiscal years 1992 and 1993" and inserting in lieu thereof "each fiscal-year quarter";

(B) by striking out "congressional defense committees" and inserting in lieu thereof "Congress"; and

(C) by striking out "Japan, Kuwait, and the Republic of Korea" and inserting in lieu thereof "each country and regional organization from which contributions have been accepted by the Secretary under subsection (a)".

(b) Clerical Amendment.—The heading of such section is amended to read as follows:

"SEC. 1045. BURDENSHARING CONTRIBUTIONS FROM DESIGNATED COUNTRIES AND REGIONAL ORGANIZATIONS.".

SEC. 1045. MODIFICATION OF CERTAIN REPORT REQUIREMENTS.

(a) Biennial NATO Report.—Section 1002(d) of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 22 U.S.C. 1928 note), is amended—

(1) by striking "(1) Not later than April 1, 1990, and biennially each year thereafter" and inserting in lieu thereof "Not later than April 1 of each even-numbered year";

(2) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2); and

(3) by striking out paragraph (2) (following the paragraph (2) designated by paragraph (2) of this subsection).

(b) Report on Allied Contributions.—Section 1046(e) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1467; 22 U.S.C. 1928 note) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(4) specifying the incremental costs to the United States associated with the permanent stationing ashore of United States forces in foreign nations.".

(c) Sense of Congress.—(1) The Congress finds that the Secretary of Defense did not submit to Congress in a timely manner the report on allied contributions to the common defense required under section 1003 of the National Defense Authorization Act, 1985 (Public Law 98–525; 98 Stat. 2577), to be submitted not later than April 1, 1993.

(2) It is the sense of Congress that the timely submission of such report to Congress each year is essential to the deliberation by Congress concerning the annual defense program.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DELAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 427, nays 1, not voting 5, as follows:

[Roll No. 469]

YEAS—427

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks

Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—1

Stump

NOT VOTING—5

Ford (MI)
McDade
Smith (MI)
Unsoeld
Williams

□ 1626

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MCNULTY). The Clerk will report the next amendment on which a separate vote was demanded.

The Clerk read as follows:

Amendment: At the end of title XIII (page 447, after line 6), insert the following section:

SEC. 1360. RESTRICTION ON USE OF DEFENSE CONVERSION FUNDS FOR THE SALE OR TRANSFER OF DEFENSE ARTICLES OR DEFENSE SERVICES.

(a) RESTRICTION.—Except as provided in subsection (b), none of the funds appropriated pursuant to an authorization of appropriations in this Act and made available for defense conversion programs may be used to finance (whether directly or through the use of loan guarantees) the sale or transfer to foreign countries of foreign entities of any defense article or defense service, including defense articles and defense services subject to section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(b) CIVILIAN END-USE.—The Secretary of Defense may grant exemptions from the restriction of subsection (a) with respect to sales or transfers of defense articles or defense services for civilian end-use.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "defense article" has the meaning given that term in paragraph (3) of section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(2) The term "defense service" has the meaning given that term in paragraph (4) of such section.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GINGRICH. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote, which will be followed by additional votes.

The vote was taken by electronic device, and there were—ayes 266, noes 162, not voting 5, as follows:

[Roll No. 470]

AYES—266

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Applegate
Baesler
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilirakis
Bishop
Blackwell
Boehlert
Bonior
Borski
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Crane
Danner
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dixon
Dooley
Duncan
Dunn
Durbin
Edwards (CA)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Franks (NJ)
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Hoyer
Huffington
Hughes
Inslee
Istook
Jacobs
Jefferson
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
Kleczka
Klein
Klink
Klug
Knollenberg
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McMillan
Meehan
Menendez
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Orton
Owens
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shepherd
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Tanner
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Wise
Wolf
Woolsey
Wyden
Wynn
Zimmer

NOES—162

Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Bartlett
Barton
Bateman
Bilbray
Bliley
Blute
Boehner
Bonilla
Boucher
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Combest
Cox
Cramer
Crapo
Cunningham
Darden
de la Garza
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Doolittle
Dornan
Dreier
Edwards (TX)
Emerson
Everett
Ewing
Fields (TX)
Fowler
Franks (CT)
Frost
Gallegly
Gekas
Geren
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Houghton
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Johnson (CT)
Johnson (GA)
Johnson, E.B.
Johnson, Sam
King
Kingston
Kolbe
Kyl
Lancaster
Laughlin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Mann
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McNulty
Meek
Meyers
Mica
Michel
Molinari
Moorhead
Murtha
Myers
Natcher
Ortiz
Oxley
Packard
Payne (VA)
Peterson (FL)
Pickett
Pickle
Pombo
Quillen
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rowland
Santorum
Sarpalius
Schaefer
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Torkildsen
Torricelli
Vucanovich
Walker
Walsh
Weldon
Wilson
Yates
Young (AK)
Young (FL)
Zeliff

NOT VOTING—5

Ford (MI)
McDade
Smith (MI)
Unsoeld
Williams

□ 1636

Mr. MURTHA changed his vote from "aye" to "no."

Mr. ISTOOK changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1640

The SPEAKER pro tempore (Mr. McNULTY). The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Strike out section 575 (page 198, line 7, through page 206, line 11) and insert in lieu thereof the following:

SEC. 575. POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.

(a) CODIFICATION.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

"§654. Policy concerning homosexuality in the armed forces

"(a) FINDINGS.—Congress makes the following findings:

"(1) Section 8 of article I of the Constitution of the United States commits exclusively to the Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

"(2) There is no constitutional right to serve in the armed forces.

"(3) Pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the armed forces.

"(4) The primary purpose of the armed forces is to prepare for and to prevail in combat should the need arise.

"(5) The conduct of military operations requires members of the armed forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

"(6) Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

"(7) One of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of the individual unit members.

"(8) Military life is fundamentally different from civilian life in that—

"(A) the extraordinary responsibilities of the armed forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a specialized society; and

"(B) the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

"(9) The standards of conduct for members of the armed forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the armed forces.

"(10) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the armed forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

"(11) The pervasive application of the standards of conduct is necessary because members of the armed forces must be ready at all times for worldwide deployment to a combat environment.

"(12) The worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the armed forces in actual combat routinely make it necessary for members of the armed forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

"(13) The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service.

"(14) The armed forces must maintain personnel policies that exclude persons whose presence in the armed forces would create an unacceptable risk to the armed forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(15) The presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(b) POLICY.—A member of the armed forces shall be separated from the armed forces under regulations prescribed by the Secretary of Defense if one or more of the following findings is made and approved in accordance with procedures set forth in such regulations:

"(1) That the member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts unless there are further findings, made and approved in accordance with procedures set forth in such regulations, that the member has demonstrated that—

"(A) such conduct is a departure from the member's usual and customary behavior;

"(B) such conduct, under all the circumstances, is unlikely to recur;

"(C) such conduct was not accomplished by use of force, coercion, or intimidation;

"(D) under the particular circumstances of the case, the member's continued presence in the armed forces is consistent with the interests of the armed forces in proper discipline, good order, and morale; and

"(E) the member does not have a propensity or intent to engage in homosexual acts.

"(2) That the member has stated that he or she is a homosexual or bisexual, or words to that effect, unless there is a further finding, made and approved in accordance with procedures set forth in the regulations, that the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

"(3) That the member has married or attempted to marry a person known to be of the same biological sex.

"(c) ENTRY STANDARDS AND DOCUMENTS.—(1) The Secretary of Defense shall ensure that the standards for enlistment and appointment of members of the armed forces reflect the policies set forth in subsection (b).

"(2) The documents used to effectuate the enlistment or appointment of a person as a member of the armed forces shall set forth the provisions of subsection (b).

"(d) REQUIRED BRIEFINGS.—The briefings that members of the armed forces receive upon entry into the armed forces and periodically thereafter under section 937 of this title (article 137 of the Uniform Code of Military Justice) shall include a detailed explanation of the applicable laws and regulations governing sexual conduct by members of the armed forces, including the policies prescribed under subsection (b).

"(e) RULE OF CONSTRUCTION.—Nothing in subsection (b) shall be construed to require that a member of the armed forces be processed for separation from the armed forces when a determination is made in accordance with regulations prescribed by the Secretary of Defense that—

"(1) the member engaged in conduct or made statements for the purpose of avoiding or terminating military service; and

"(2) separation of the member would not be in the best interest of the armed forces.

"(f) DEFINITIONS.—In this section:

"(1) The term 'homosexual' means a person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts, and includes the terms 'gay' and 'lesbian'.

"(2) The term 'bisexual' means a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.

"(3) The term 'homosexual act' means—

"(A) any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires; and

"(B) any bodily contact which a reasonable person would understand to demonstrate a propensity or intent to engage in an act described in subparagraph (A).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"654. Policy concerning homosexuality in the armed forces.".

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall revise Department of Defense regulations, and issue such new regulations as may be necessary, to implement section 654 of title 10, United States Code, as added by subsection (a).

(c) SAVINGS PROVISION.—Nothing in this section or section 654 of title 10, United States Code, as added by subsection (a) may be construed to invalidate any inquiry, investigation, administrative action or proceeding, court-martial, or judicial proceeding conducted before the effective date of regulations issued by the Secretary of Defense to implement such section 654.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the suspension of questioning concerning homosexuality as part of the processing of individuals for accession into the Armed Forces under the interim policy of January 29, 1993, should be continued, but the Secretary of Defense may reinstate that questioning with such questions or such revised questions as he considers appropriate if the Secretary determines that it is necessary to do so in order to effectuate the policy set forth in section 654 of title 10, United States Code, as added by subsection (a); and

(2) the Secretary of Defense should consider issuing guidance governing the circumstances under which members of the Armed Forces questioned about homosexuality for administrative purposes should be afforded warnings similar to the warnings under section 831(b) of title 10, United States Code (article 31(b) of the Uniform Code of Military Justice).

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote, to be followed by additional votes.

The vote was taken by electronic device, and there were—ayes 295, noes 133, not voting 5, as follows:

[Roll No. 471]

AYES—295

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bonior
Borski
Boucher
Brooks
Browder
Brown (FL)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Carr
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLay
Derrick
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Ford (MI)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Hefner
Herger
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kopetski
Kyl
LaFalce
Lambert
Lancaster
LaRocco
Laughlin
Lazio
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Mann
Manton
Manzullo
Martinez
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Menendez
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Natcher
Neal (NC)
Nussle
Obey
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Sensenbrenner
Sharp
Shaw
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torricelli
Traficant
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—133

Abercrombie
Ackerman
Andrews (ME)
Bacchus (FL)
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Blackwell
Boehlert
Brown (CA)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Clay
Clayton
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dixon
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gilman
Gonzalez
Gunderson
Gutierrez
Hamburg
Harman
Hastings
Hilliard
Hinchey
Horn
Huffington
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kennedy
Kennelly
Kolbe
Kreidler
Lantos
Leach
Lewis (GA)
Maloney
Margolies-Mezvinsky
Markey
Matsui
McCloskey
McDermott
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley
Moran
Morella
Nadler
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pickle
Rangel
Reed
Reynolds
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Schenk
Schroeder
Schumer
Scott
Serrano
Shays
Shepherd
Skaggs
Slaughter
Smith (IA)
Smith (OR)
Stark
Stokes
Studds
Swift
Synar
Thompson
Torkildsen
Torres
Towns
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Wheat
Williams
Woolsey
Wyden
Yates

NOT VOTING—5

Brewster
McDade
Orton
Smith (MI)
Washington

☐ 1645

Messrs. HASTINGS, JEFFERSON, and MARKEY changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WASHINGTON. Mr. Speaker, during rollcall vote No. 471, the Skelton amendment, I was unavoidably detained. Had I been present I would have voted "no."

The SPEAKER pro tempore. The Clerk will report the last amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: At the end of title X (page 346, after line 23), insert the following new section:

SEC. 1043. INVOLVEMENT OF ARMED FORCES IN SOMALIA.

(a) SENSE OF CONGRESS REGARDING UNITED STATES POLICY TOWARDS SOMALIA.—

(1) Since United States Armed Forces made significant contributions under Operation Restore Hope towards the establishment of a secure environment for humanitarian relief operations and restoration of peace in the region to end the humanitarian disaster that had claimed more than 300,000 lives.

(2) Since the mission of United States forces in support of the United Nations appears to be evolving from the establishment of "a secure environment for humanitarian relief operations," as set out in United Nations Security Council Resolution 794 of December 3, 1992, to one of internal security and nation building.

(b) STATEMENT OF CONGRESSIONAL POLICY—

(1) CONSULTATION WITH THE CONGRESS.—The President should consult closely with the Congress regarding United States policy with respect to Somalia, including in particular the deployment of United States Armed Forces in that country, whether under United Nations or United States command.

(2) PLANNING.—The United States shall facilitate the assumption of the functions of United States forces by the United Nations.

(3) REPORTING REQUIREMENT.—

(A) The President shall ensure that the goals and objectives supporting deployment of United States forces to Somalia and a description of the mission, command arrangements, size, functions, location, and anticipated duration in Somalia of those forces are clearly articulated and provided in a detailed report to the Congress by October 15, 1993.

(B) Such report shall include the status of planning to transfer the function contained in paragraph (2).

(4) CONGRESSIONAL APPROVAL.—Upon reporting under the requirements of paragraph (3) Congress believes the President should by November 15, 1993, seek and receive congressional authorization in order for the deployment of United States forces to Somalia to continue.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LINDER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote, and will be followed by additional votes on this bill.

The vote was taken by electronic device, and there were—ayes 405, noes 23, not voting 5, as follows:

[Roll No. 472]

AYES—405

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—23

Bachus (AL)
Barton
Coble
Combest
Dornan
Fields (TX)
Geren
Hancock
Hunter
Inhofe
Johnston
McKinney
Obey
Parker
Paxon
Payne (NJ)
Ridge
Roberts
Sensenbrenner
Stump
Taylor (MS)
Walker
Weldon

NOT VOTING—5

Collins (GA)
Furse
McDade
Smith (MI)
Torricelli

☐ 1657

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

PERSONAL EXPLANATION

Mr. COLLINS of Georgia. Mr. Speaker, on September 28, the gentleman from Missouri [Mr. GEPHARDT] offered an amendment which I strongly supported. I ask unanimous consent that the following remarks be placed in the RECORD immediately following rollcall vote No. 472 on the Gephardt amendment:

Mr. Speaker, I strongly support the amendment offered by the gentleman from Missouri, and have a frustrating disagreement regarding the electronic recording of my vote. Therefore to make my position perfectly clear, I would have voted, and, indeed, believe I did vote, in favor of the Gephardt amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SPENCE. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SPENCE moves to recommit the bill H.R. 2401 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

Strike out section 1041 (page 344, line 9, through page 346, line 13) and insert in lieu thereof the following:

SEC. 1041. LIMITATION ON PLACING UNITED STATES FORCES UNDER OPERATIONAL CONTROL OF A FOREIGN NATIONAL ACTING ON BEHALF OF THE UNITED NATIONS.

(a) LIMITATION.—Except as provided in subsection (b), funds appropriated or otherwise made available for the Department of Defense may not be obligated or expended for activities of any element of the Armed Forces that after the date of the enactment of this Act is placed under the operational control of a foreign national acting on behalf of the United Nations.

(b) CERTIFICATION.—Subsection (a) shall not apply in the case of any proposed placement of United States Armed Forces under such operational control if the President, not less than 30 days before the date on which such operational control is to become effective, certifies to Congress that such operational control is necessary to protect vital national security interests of the United States.

(c) REPORT TO ACCOMPANY CERTIFICATION.—In the case of any certification under subsection (b), the President shall submit with the certification a report setting forth the following:

(1) A description of the vital national security interest that requires the placement of United States forces under the operational control of a foreign national acting on behalf of the United Nations.

(2) The mission of the United States forces involved.

(3) The expected size and composition of the United States forces involved.

(4) The incremental cost to the United States associated with the proposed operation.

(5) The precise command and control relationship between the United States forces involved and the international organization.

(6) The precise command and control relationship between the United States forces involved and the commander of the United States unified command for the region in which the operation is proposed.

(7) The extent to which the United States forces involved will rely on non-United States forces for security and self-defense and an assessment on the ability of those non-United States forces to provide adequate security to the United States forces involved.

(8) The conditions under which the United States forces involved can and would be withdrawn.

(9) The timetable for complete withdrawal of the United States forces involved.

(d) CLASSIFICATION OF REPORT.—A report under subsection (c) shall be submitted in unclassified form and, if necessary, in classified form.

(e) EXCEPTION FOR SMALL FORCES.—This section does not apply in the case of elements of the Armed Forces involving fewer than 100 members of the Armed Forces in any one country.

(f) EXCEPTION FOR ONGOING OPERATIONS.—(1) This section does not apply in the case of activities of the Armed Forces in Somalia pursuant to United Nations Security Council Resolution 814, adopted March 26, 1993 (or any Security Council resolution that is adopted as a successor to that resolution), as part of the United Nations operation designated as the United Nations Peacekeeping Operation in Somalia II (UNOSOM II).

(2) This section does not apply in the case of activities of the Armed Forces in Macedonia pursuant to United Nations Security Council Resolutions 795, adopted December 11, 1992, and 842, adopted June 18, 1993, as part of the United Nations force designated as the United Nations Protection Force (UNPROFOR).

(g) INTERPRETATION.—Nothing in this section may be construed as authority for the President to use United States Armed Forces in any operation.

Mr. SPENCE (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SPENCE. Mr. Speaker, I offer this motion to address a serious policy issue that has surfaced over the past few months. This is not a partisan motion. It is not a motion in gest. It is a serious motion which deserves the attention of this body.

I am referring to the proposal by this administration to change long-standing U.S. military and foreign policy by allowing American military forces to be placed under the command of foreign officers on a regular basis.

The first step in this direction was taken in Somalia earlier this year when we placed several thousand U.S. troops under the command of a Turkish general acting on behalf of the United Nations.

The next step was taken in Macedonia, where another 300 Americans were placed under the command of a Danish general acting on behalf of the United Nations.

At the same time, the administration has been working on a Presidential Policy Directive or PDD intended to formalize this policy of subordinating U.S. forces to the control of foreign officials.

Mr. Speaker, the substance of this motion is straightforward.

It simply requires that before the President can place American people under the command of a foreign officer acting on behalf of the U.N., he must first certify to the Congress that taking such a step is necessary to protect vital U.S. national security interests.

It is not a prohibition—it is not an infringement on the President's ability to carry out his Commander-in-Chief responsibilities—and it does not affect our current operations in Somalia or Macedonia.

What it does is set a standard on any future deployment of U.S. forces requiring that our young men and women will not have their fate entrusted to foreign control of some foreign officer unless the President determines that it is in our national interest to do so.

□ 1700

It is just that simple, Mr. Speaker.

Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I rise to join my good friend, the ranking Republican member of the Committee on Armed Services, the gentleman from South Carolina [Mr. SPENCE], in urging adoption of the motion to recommit H.R. 2401 with instructions.

I want to stress to my colleagues that this motion will make a very simple and long-overdue change in the law. It will require that the President not place our U.S. forces under foreign command in U.N. operations unless he can certify that doing so is necessary to protect vital national security interests of the United States.

This motion is not intended to tie the hands of the President. Rather it is intended to ensure that any decision to place our U.S. forces under foreign command in U.N. operations be well-thought-out.

It will ensure that no American mother will ever be told that her son or daughter died in a foreign-commanded U.N. operation that was not vital to our national interests.

There is nothing unprecedented about this kind of requirement. The law already requires, for instance, that the President not initiate covert actions without first finding that they are important to the national security of the United States, and he is required to report all such findings to Congress in a timely fashion.

I say to my colleagues, if you think our U.S. forces should routinely be placed under foreign command in U.N. operations, you should oppose this motion.

But, if you agree with me that foreign command of our U.S. forces should be the exception rather than the rule, you should support this motion.

Accordingly, I urge a "yes" vote on this motion.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from South Carolina [Mr. SPENCE] has 30 seconds remaining.

Mr. SPENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I strongly support the motion.

Mr. Speaker, the U.N. operation in Somalia is evidence that expanding U.N. command of U.S. forces, which the President is considering, would be a serious mistake.

The United States is the world's sole superpower, and it must act and lead as a superpower, without surrendering to the United Nations its sovereignty or the responsibilities of its own people.

President Clinton is our Nation's Commander in Chief. When U.S. troops are committed, the responsibility is his. It is a constitutional burden that all who sit in the Oval Office must bear. It cannot be transferred to the United Nations or any other foreign entity.

Multinational U.N. operations may sometimes be feasible and desirable. But the command of our forces should never, as a matter of standard policy, be relinquished to the United Nations and accountability for the conduct of military operations must always rest with the President.

I urge my colleagues to support this motion to recommit.

Mr. SPENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, I rise in support of the motion to recommit.

Mr. Speaker, any and all attempts by this administration to give the United Nations a "blank check" for the use of U.S. combat troops overseas must be stopped.

Are we sending U.S. troops into combat for U.S. national security interests and U.S. military objectives, or are we sending them into combat for U.N. interests and objectives?

Who will be accountable to the American people—the mothers and fathers, wives and husbands, sons and daughters—for sending and keeping these troops in a combat situation? Will it be Bill Clinton or will it be Boutros-Ghali?

How are we going to pay for expanded U.S. military operations under the United Nations while we continue to gut the defense budget? Can we really afford to be the policeman of the world?

If we have learned anything about the use of military force in the last quarter century, it is that once we decide to use force, we must act quickly and decisively with clear objectives. Putting U.S. forces under U.N. command would leave U.S. forces in open ended commitments without decisive action and without clear objectives. The cost would be much more than dollars, it could be American lives.

Mr. Speaker, I include a copy of my letter to Clinton and a very thoughtful editorial by Senator BYRD.

[From the New York Times, Aug. 19, 1993]

THE PERILS OF PEACEKEEPING

(By Robert C. Byrd)

WASHINGTON—The news that the Clinton Administration is considering an expanded role in United Nations peacekeeping operations is cause for concern. The plan would allow American soldiers to serve under foreign commanders on a regular basis. Before adopting any directive embracing this policy, the Administration should allow Congress to debate it thoroughly.

If the plan is carried out, we would face more than the dubious prospect of sending U.S. troops into battle under foreign command. We might also become militarily involved in operations that the American people don't properly understand or support.

Unless there is a national consensus in favor of U.S. involvement, any such military endeavors could be disastrous.

U.N. intervention in Somalia is a case in point. The operation was initially commendable. It's goal was to see that humanitarian aid was delivered to needy Somalis, and U.S. troops performed admirably. But now, with the humanitarian mission successfully completed, the U.N. is trying to rebuild the nation's political structure. This risky experiment could include thousands of U.S. troops.

The deaths of four American soldiers in Mogadishu this month and the overt hostility of Somalis toward U.N. troops show that the operation is quickly crumbling. It is not worth American lives lost and injuries sustained.

Congress has never approved, or even considered, U.S. participation in forcing a political reconciliation in Somalia. And there is certainly not a consensus among Americans that such an effort is worth any price in our soldiers' blood. Without a consensus, the likely result of such an operation could be a cut-and-run failure similar to the Beirut disaster of 1982 to 1984.

Lacking Congressional and popular support, U.S. combat forces in Somalia should be removed as soon as possible.

Dedication to U.N. Security Council resolutions and peacekeeping missions should not be used by any Administration to escape the hard job of consensus-building in Washington. Despite a Security Council resolution authorizing member nations to do battle against the marauding Iraqi Army in Kuwait in 1990, the Bush Administration sensibly sought Congressional approval before committing American forces.

The humanitarian mission in Somalia has now been totally eclipsed by a gang war in which the U.S. is taking sides under the U.N. umbrella. In October, the U.N.'s initial six-month mandate there expires. If the mission is extended, additional money will be required.

The U.S. is expected to pay about 30 percent of the U.N.'s peacekeeping bill. The U.N. intervention in Somalia and Bosnia is far more expensive than more traditional peacekeeping and humanitarian relief operations. Congress is already being asked to provide billions of dollars to support the mushrooming ambitions of the U.N. in peacekeeping operations around the world.

On Capitol Hill there is a growing reluctance to write such large checks. Congress has even been reluctant to pay our currently overdue peacekeeping bill. This shows that the Administration will have a tough sell in gaining support for more money. Where will these funds come from? We certainly should not cut spending on domestic needs to pay for foreign adventures.

Yet the White House has requested almost $1 billion for U.N. obligations in fiscal 1994. By setting aside this huge sum, the Administration could avoid having to come to Congress to get approval for every peacekeeping endeavor it wants to get involved in.

Congress's ability to support or deny financing is critical to insuring its voice in policy making. Until a clear consensus is reached regarding the U.S. role in all peacekeeping matters, Congress should not hand off its constitutional responsibility.

Mr. SPENCE. Mr. Speaker, I yield my remaining time to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. I thank the gentleman for yielding this time to me.

Mr. Speaker, I just want to say those whirring sounds you hear are American military dead turning over in their graves at the prospect of command of their forces being turned over to the United Nations, in whose Security Council now sits the Cape Verde Islands, for example. It seems to me the President has an obligation to certify that the particular operation in which our troops are to be under the command of the United Nations is in our national interest. That is not asking a lot; it does not deprive him of his power as commander-in-chief, but it safeguards the command and control of our troops.

Mr. DELLUMS. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker and Members of the House, let me say to all of you this may very well be the most important foreign policy/national security issue that you will debate in this decade, the question of command and control with respect to the use of troops.

I would submit to you, Mr. Speaker and Members of this House, that with all due respect to my colleagues, this motion to recommit is no way to embrace major policy. I take great pride in what I do as a Member who serves on the Committee on Armed Services, and I am sure that members of the Committee on Foreign Affairs feel the same sense of pride. We should discuss these matters in the normal course of events. We should have a significant discussion, we should have witnesses, we should have a debate, we should come to some determination about these matters, not in a motion to recommit.

We should not be propelled into action without careful considerations. I would say to my colleagues on this side of the aisle, if there is anyone in this body who has not been a puppet of any President irrespective of party, it is this person.

So I am prepared, with the help of my colleagues on this side of the aisle, in the House Armed Services Committee, and I am sure that I speak to a moral certainty as to my colleagues on the Committee on Foreign Affairs, that we should hold hearings and address this issue seriously and substantively within the framework of the process.

I would first urge my colleagues to withdraw this condition on the motion to recommit. This policy is too important for us to do it in this process. That is now not talking to the merits, simply speaking, to how we ought to do our business with dignity and, as I said, on the most important foreign policy/national security issue we will deal with in this decade.

I hope my colleagues will withdraw it. But in the event they do not, and notwithstanding that discussion, let me make a final few points:

First, with respect to the administration, I will say to my colleagues, the President and the Secretary of Defense oppose this motion to recommit. For those of you who wish to, there is a letter signed by the Secretary of Defense dated today for your perusal that lays out the administration's opposition to this motion to recommit and their reasons.

Let me give you a few of mine: First, this committee dealt with this issue, but without prejudicing the debate or the outcome with respect to whether or not to deploy forces under U.S. command in the U.N. action. The committee bill expands upon the Congress' precious right to authorize the use of troops. We do require at least 30 days' notice before the President undertakes such action.

Second, the administration has committed itself to maintaining national command and control. You heard those statements from the President of the United States in his most recent statement to the United Nations.

Third, in the post-cold-war world, Mr. Speaker, we must move forward and understand the need to work in these coalition efforts. If we proclaim as national policy that we would not do so, it seems to me we send an extraordinarily negative message to the world at a time when we ought to be moving in coalition efforts to bring sanity and peace to the world.

Finally, during both World War I and World War II, the U.S. combat units did indeed serve under foreign commands. Since the founding of the United Nations. Mr. Speaker, our forces have served under foreign command in U.N. operations in Korea, in the Sinai, in West New Guinea, in Somalia and former Yugoslavia, and others. We have the capacity to make these judgments, and we should do so.

I urge my colleagues, in the event my colleagues on the other side of the aisle persist in offering this amendment, I ask you to reject it. Let us do our job. I guarantee you that the House Armed Services Committee and the Committee on Foreign Affairs will address these matters in due course. It is too important for us to do it frivolously at this moment on a motion to recommit, and I ask my colleagues to do so but I also ask my colleagues to withdraw this amendment. It does harm at a very important point.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SPENCE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. The Chair wishes to announce that a recorded vote on final passage, if ordered, will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 192, noes 238, not voting 3, as follows:

[Roll No. 473]

AYES—192

Allard
Andrews (NJ)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kaptur
Kasich
Kildee
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Machtley
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Neal (NC)
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—238

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—3

Bateman
McDade
Torricelli

☐ 1725

So the motion to recommit was rejected. The result of the vote was announced as above recorded.

Mrs. COLLINS of Illinois. Mr. Speaker, even though the chairman of the Armed Services Committee did a fine job of shepherding through the legislative process this massive Defense authorization bill, I find myself ambivalent about it. On the one hand it contains many good programs for converting some of our defense economy into useful nondefense purposes; on the other, it still contains money which is sorely needed to ease the critical needs of our society which is struggling under the weight of homelessness, poverty, a less than vigorous national economy, a poorly educated citizenry, and many other ills being funded for star wars, ballistic missile systems, and stealth bombers.

The question then is: Are our priorities properly placed? I think not. Sure we Americans must have a strong national defense, but we must also have safe neighborhoods, and a well educated populous who enjoy a quality of life at the very least commensurate with those of their parents.

Now this is not some idyllic dream I am spinning. It is a brief recitation of what has up to now been historically the case with each new generation of Americans.

While I feel certain those who voted against amendments to delete star wars, et cetera from this bill surely believe they were furthering our Nations's quest for peace and/or self-defense, it is my opinion that we as a Nation are missing the mark in our insistence on seeing threats where they do not exist and failing to address the threats that stare us in the face. We do have an ongoing crisis within our shores. As I watch the war that goes on every night in some parts of my district of Chicago and in urban, suburban, and rural communities across America I wonder if we in this Congress are paying attention. The young men in some of our communities and neighborhoods have a greater chance of being killed in gunfire than soldiers engaged in formal warfare. Yes, today we face threats of ignorance, violence, and poor education systems within the borders of our country that pose just as much of a danger as any foreign power and we must address hem.

To reiterate, Mr. Speaker, the chairman of the Armed Services Committee has done a significant job on this bill but even though its dollar amounts have been reduced, its total cost is too high. Until we pay attention to the tragic conditions that beset our domestic tranquility, quality of life and overall well-being, I will continue to find it difficult to support more funding for the Department of Defense.

Mr. KOLBE. Mr. Speaker, the Defense authorization bill for fiscal year 1994, H.R. 2401, reminds me of the fairy tale of the emperor with no clothes on. I only wish this legislation was a fairy tale.

The massive cuts to our military, reflected both in this bill and in the Clinton administration's "Bottom-up Review," will leave our proud fighting forces naked, without adequate resources or manpower. I oppose this legislation because of the size and timing of the cuts to the military—cuts leading to hollow forces reminiscent of the Carter administration. And while proponents of these draconian cuts applaud and cheer as this Defense budget is paraded through the House, this Member wishes to point out that, indeed, it has no clothes on.

President Clinton intends to cut a minimum of $127 billion out of the Defense budget over 5 years. While proponents of these cuts argue that the tearing down of the Berlin Wall, the demise of the Warsaw Pact, and the dissolution of the former Soviet Union permits us to make dramatic cuts in the United States Defense budget, the irony is, the world is less safe today than at the height of the cold war. The former Soviet Union still has a huge arsenal and the risk of an accidental or unauthorized launch has increased. Certainly, the recent turmoil in Russia should remind us of this threat. Long range missile technology is proliferating, and within 10 years, the United States will face a number of countries armed with long range nuclear missiles. For example, China is buying ICBM's from Russia and selling arms to Iran, and nuclear proliferation is also rearing its head in North Korea.

The Clinton administration's foreign policy decisions can not be reconciled with their proposed cuts to our military. For the first time, significant numbers of U.S. military men and women are under the command of the United Nations in peacekeeping operations—with the U.S. taxpayer footing much of the bill. Troops are also serving in Somalia and Macedonia and many more may go to missions in Bosnia, Haiti and the Golan Heights. The limitless task of global peacemaking and peacekeeping consumes more and more of a declining U.S. Defense budget.

This Defense bill includes $16 billion in authorization for environmental expenditures and economic conversion—draining further funds from Defense needs into nonmilitary programs. So in reality, this bill cuts even deeper and puts a greater strain on military resources than is apparent from the raw numbers.

Despite the substantial military build-down since 1986, U.S. military forces have performed spectacularly while serving around the world in a growing variety of missions. In recent years, our troops have been deployed to Libya, Bolivia, the Philippines, Panama, and most notably to the Persian Gulf to participate in Operation Desert Shield/Storm. Our troops have also participated in counternarcotics operations, peacekeeping and peacemaking operations, and humanitarian efforts. But if the cuts proposed in this legislation are enacted, Congress will be asking our men and women in uniform to perform these tasks in socks and a helmet.

I urge my colleagues to vote against H.R. 2401 so that the House Armed Services Committee can bring before the House a new bill that places national security issues above arbitrary budget cuts. Jeane Kirkpatrick, former U.S. Ambassador to the United Nations, said, "Clinton's budget cuts too deeply, too quickly to be prudent, and it has been given too little thought." Let's be sure to properly clothe our military.

Ms. WOOLSEY. Mr. Chairman, I rise today to express my opposition to H.R. 2401, the Defense authorization bill for fiscal year 1994. This bill does not make enough cuts in wasteful defense programs, and it codifies a shameful, discriminatory policy toward gays in the military. For these reasons, I am voting against the Defense bill.

The cold war is over. The recent signing of the Middle East peace accord shows us that peace is breaking out. But while Members of Congress keep saying that the cold war is over, they are failing to translate the message into sound peacetime spending policies.

In terms of current dollars, America has spent $231 billion on defense in 1975. This year's bill calls for $263 billion in defense spending. In 1993—a year when America has no superpower enemy—Congress is considering a bill which spends $32 billion more than the defense budget that was passed at the height of the cold war. Thanks to the hard work of Armed Services Committee Chairman RON DELLUMS, this bill does make cuts in some of the wasteful Reagan/Bush programs, but we are still far above the spending levels of the cold war. As the threat has gone down, spending has gone up.

During the August district work period, Members of Congress went home and heard their constituents tell them to make more spending cuts. However, when we came back in September to debate this bill, the House of Representatives failed to take the opportunity to cut spending in the most wasteful programs of all—weapons systems which are relics of the cold war and should no longer be a priority for the future of this Nation.

My colleagues had an opportunity to cut funding for star wars by 50 percent and they declined. They had an opportunity to require our allies to bear a greater share of the burden for our operation in Europe, and they declined. Finally, Members of this body had a chance to save the American taxpayers $10 billion over the next 5 years by voting for an amendment I offered with a few of my colleagues to terminate funding for the Trident D–5 nuclear missile, a relic from the cold war era. Again, they declined. This shows me that while Members of this body are constantly saying cut spending, they refuse to cut the most wasteful, and expensive, spending programs.

The people I speak with in Marin and Sonoma Counties are not interested in wasting another $10 billion on more nuclear missiles. They are interested in health care reform, education reform, and reducing the deficit; 37 million people are going without health care, programs like Head Start have not been fully funded, and our deficit continues to rise because we choose to spend money on unnecessary weapons instead of our children. I would hate to go back and tell the people of Marin and Sonoma that we failed to deal with these problems because we are spending $262 billion on defense. It is time to reorder our Nation's spending priorities.

Mr. Chairman, our Defense budget is not better than it was in 1975, and our policy on gays in the military is no better than the Dark Ages. On the policy of "don't ask/don't tell," I say, don't ask me to support it, don't tell me that it's fair. The proposal contained in this bill would not only gag gay and lesbian soldiers from admitting their sexual orientation to anyone, including family members; it would also prohibit conduct on and off the base. Moreover, it will continue to subject soldiers to unjust investigation and persecution. I find it outrageous that the Department of Defense has wasted hundreds of millions of taxpayer dollars to conduct witch hunts, which amount to nothing less than an internal war against the citizens of this country.

In November 1992, the American people elected 110 new Members of Congress because they wanted change. I can tell you, Mr. Speaker, that I do not see enough change in this bill. I am voting in opposition to the Defense authorization bill, and I urge my colleagues to do the same.

The SPEAKER pro tempore [Mr. MCNULTY]. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Notwithstanding the Chair's prior announcement, this will be a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 268, noes 162, not voting 3, as follows:

[Roll No. 474]

AYES—268

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Ballenger
Barca
Barcia
Barlow
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Buyer
Byrne
Camp
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman

Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Glickman
Gonzalez
Gordon
Grandy
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Horn
Hoyer
Hughes
Hutto
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Mann
Manton
Manzullo
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Sabo
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Visclosky
Volkmer
Vucanovich
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wynn

NOES—162

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Callahan
Calvert
Canady
Coble
Collins (GA)
Collins (IL)
Combest
Conyers
Cox
Crane
Crapo
Cunningham
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (CA)
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gallo
Gekas
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Gunderson
Hamburg
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Johnson, Sam
Johnston
Kim
King
Klug
Knollenberg
Kolbe
Kyl
Levy
Lewis (FL)
Lightfoot
Linder
Livingston
Maloney
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (CA)
Miller (FL)
Minge
Molinari
Moorhead
Murphy
Myers
Nadler
Nussle
Owens
Packard
Paxon
Peterson (MN)
Petri
Pombo
Quillen
Rahall
Ramstad
Rangel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Rush
Sanders
Santorum
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Studds
Stump
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vento
Walker
Walsh
Wolf
Woolsey
Wyden
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—3

McDade
Skaggs
Torricelli

□ 1742

Mr. ROHRABACHER and Mr. GILMAN changed their vote from "aye" to "no."

Mr. SERRANO changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on that portion of the bill, H.R. 2401, considered today and the remainder of the bill as passed.

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 2401, the Clerk be authorized to correct section numbers, punctuation, and cross references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, H.R. 2401.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California.

There was no objection.

WAIVING CERTAIN POINTS OF ORDER DURING CONSIDERATION OF H.R. 3116, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, FISCAL YEAR 1994

Mr. FROST. Mr.Speaker, by direction of the Committee on Rules, I call up House Resolution 263 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 263

Resolved, That points of order against consideration of the bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes, for failure to comply with clause 7 of rule XXI are waived. During consideration of the bill, all points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: beginning with "*Provided*" on page 20, line 17, through "operations:" on page 21, line 21; beginning on page 27, line 23, through line 25; beginning on page 108, line 20, through page 109, line 5; and beginning on page 114, line 3, through page 115, line 10. where points of order are waived against only part of a paragraph, a point of order against matter in the balance of the paragraph may be applied only within the balance of the paragraph and not against the entire paragraph. Points of order under clause 2 of rule XXI against the amendment printed in the report of the Committee on Rules accompanying this resolution are waived.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. All time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 263 expedites the consideration of H.R. 3116, the Department of Defense Appropriations Act for Fiscal Year 1994, by waiving certain points of order against its consideration and against provisions in the bill.

The rule waives clause 7 of rule XXI against the consideration of the bill.

Clause 7 of rule XXI requires that printed hearings and the bill's report be available for 3 days prior to the consideration of a general appropriation bill. The Committee on Rules has provided this waiver only because the transcripts of the hearings conducted by the Defense Subcommittee in preparation for the fiscal year 1994 bill have not been printed. The bill and report, however, have been, and are, currently available.

Mr. Speaker, with the exception of four provisions of the bill which are specified in the rule, House Resolution 263 also waives clause 2 and clause 6 of rule XXI against the provisions in H.R. 3116. Clause 2 of rule XXI prohibits the inclusion of unauthorized appropriations or legislative provisions in a general appropriations bill, and clause 6 of that rule prohibits reappropriations in a general appropriations bill.

As Members are aware, the House has just finished its consideration of the fiscal year 1994 Defense authorization, and consequently H.R. 3116 contains unauthorized provisions. The appropriations bill, however, largely tracks the authorization, and in those instances where there are major policy conflicts, the Committee on Rules has deferred to the authorizing committee.

Specifically, the Armed Services Committee objected to the inclusion of $1 billion in funds for a Carrier Replacement Program which was not included in the authorization. Consequently, the Committee on Rules did not provide a waiver of clause 2 of rule XXI against the specific provision in the bill which provides these funds. In addition, because the carrier provision is found at the beginning of a long paragraph entitled "Shipbuilding and Navy," and because this provision is the only one in that paragraph which was objected to by the authorizing committee, the rule provides a specific protection for the remainder of the paragraph.

The Committee on Rules has also declined to protect the provisos in the paragraph entitled "Global Cooperative Initiatives, Defense-Wide," which prohibit the use of funds for humanitarian or peacekeeping operations unless certain conditions have been met; section 8099, which prohibits the purchase by the Department of Defense of certain cement products; and section 8113, which waives certain requirements of the Arms Export Control Act and the Foreign Assistance Act. The inclusion of these provisions in H.R. 3116 was objected to by the authorizing committees with jurisdiction over these matters, and the Rules Committee, therefore, did not provide waivers of clause 2 or 6 of rule XXI.

Finally, Mr. Speaker, House Resolution 263 waives clause 2 of rule XXI points of order against an amendment printed in the report of the Committee on Rules which accompanies this resolution. This amendment, to be offered by the gentleman from California [Mr. WAXMAN] extends a deadline for DOD, the National Institutes of Health, and the Food and Drug Administration to certify that a large-scale clinical trial of a specific AIDS vaccine should not be performed.

Mr. Speaker, H.R. 3116 is the last of the 13 appropriations bills to be considered by the House for fiscal year 1994. It is a bill which has been carefully crafted by the Defense Subcommittee of the Committee on Appropriations and which reflects the policy decisions that have been recommended to the House by the Committee on Armed Services. House Resolution 263 provides for the orderly consideration of this appropriations bill and I urge its adoption in order that the House may complete its consideration of the funding for the Department of Defense prior to the end of the fiscal year. Mr. Speaker, if this bill is to be sent to the President prior to the expiration of the continuing resolution we passed earlier today, Congress must move quickly to finish its work on this most important legislation.

☐ 1750

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in the strongest possible opposition to this rule, and I urge every Member who is concerned about the defense of our country to join me in voting against it.

As the gentleman from Texas [Mr. FROST] has just told the House, this rule for the Defense appropriations bill is typical of those granted for appropriation bills in that most points of order are waived except for several specified sections. It is those sections that the rule does not protect which are of greatest concern to me, and to those who worry about what might be happening in the next several weeks in a place called Bosnia.

Frankly, I cannot support this bill on final passage if the two sections dealing with peacekeeping and the construction of a new aircraft carrier are knocked out by points of order. Those issues ought to be debated on the floor of this House, and they are not going to be.

Mr. Speaker, I opposed the Defense authorization bill on final passage because I believe that legislation does not provide for an adequate defense of our country. Is that going to ring home in the not-too-distant future.

I am convinced that the authorization bill does not meet the minimum security requirements for this country that were outlined by Secretary Aspin's bottom-up review of our national defense structure. Indeed, Secretary Aspin himself has said publicly that the projected defense spending over the 4-year span of the Clinton administration does not meet the minimum requirements identified by that bottom-up review. I would urge every Member of this House to go back and read it. It is important.

When listening to testimony last week in the Committee on Rules, I became convinced that the appropriators share these same concerns. Accordingly, they put two provisions into this defense appropriations bill which in my view are a significant start in correcting the deficiencies in the authorization bill.

First, the appropriators established some very realistic, very realistic and necessary requirements and conditions with respect to U.S. participation in international peacekeeping operations. People on the other side of the aisle ought to be listening to these conditions, because it is almost as if debate has been turned around here. The world is upside down, and I would say to the gentleman from California [Mr. DELLUMS] that he gave a great speech. It sounded like a speech that I ought to be giving on my side of the aisle.

The appropriators put in provisions that require 15-days notice to Congress whenever the administration is going to commit U.S. troops to a peacekeeping operation. The language in this bill before us requires congressional authorization for such participation by our troops, and even more importantly, the appropriators also established a ceiling. They established a ceiling on Defense Department funds that can be transferred into peacekeeping operations.

The distinguished chairman of the Subcommittee on Defense of the Committee on Appropriations, the gentleman from Pennsylvania [Mr. MURTHA], gave very compelling testimony before the Committee on Rules concerning these provisions. He expressed his serious concern that continued and indefinite and indiscriminate U.S. support for peacekeeping operations, which is about to happen, funded by pirating the readiness accounts in the defense budget, run the grave risk of hollowing out our active duty forces.

The gentleman from Pennsylvania [Mr. MURTHA] warned in the strongest possible terms against a return to the hollow forces of the late 1970's. My God, every one of us sitting here remembers that. When our troops were stationed in Germany and Korea, their families back home were on food stamps because we were improperly funding the defense needs of our country. We are on our way right back to that very situation.

During the present fiscal year alone, the United States has spent more than $1.3 billion in support of peacekeeping operations, at the expense of maintaining the readiness of our own regular forces. I am holding right here in my hand an itemized list. Do the Members want to hear the names? Somalia, Iraq, Angola, Cambodia, El Salvador, the Western Sahara, the former Yugoslavia—that means Macedonia and Bosnia. We have already spent $1.3 billion in these peackeeping efforts in civil wars around the world.

Come and take a look at this list. It is going to be 10 times bigger than that in the next 3 months. Believe me, $1.3 billion hardly represents a downpayment compared to the bill that will come due if and when the administration commits 25,000 United States troops into Bosnia. Do the Members know how much that will cost per day? Millions and millions of dollars.

Mr. Speaker, our ongoing participation in Somalia has become, in my opinion, a monstrous folly. Getting involved in the swamp known as the Balkans is not only monstrous folly, it is insanity. Adolph Hitler put 42 divisions, 200,000 men, into the Balkans and they were picked off 1 and 2 and 10 at a time by snipers. What do we think is going to happen to American troops over there? The same thing is going to happen.

The social, ethnic, and religious conflicts in the former Yugoslavia, however tragic that situation may be, have defied resolution for centuries. We are not going to solve it with 25,000 troops or 50,000 troops or 200,000 troops. No outside force has ever gone in there and figured out a solution, not even with hundreds of thousands of troops at their disposal.

Mr. Speaker, I greatly fear that the administration is getting us for a debacle in Bosnia that will make the Somali operation look like a success story by comparison. That is why the provisions, the restraints that the appropriators inserted in this bill, are so terribly necessary. I can say only one thing to my friends on the Committee on Foreign Affairs, so many of whom I served with for so many years. If the Members knock out the peacekeeping provisions in this bill on a point of order, and they are coming to this floor tomorrow to do it, at the request of President Clinton, the Committee on Foreign Affairs had better be prepared to bring their own alternative to the floor in the very near future. The Members know that is not going to happen. That is why it is important that we maintain it in this bill today.

The debate we had yesterday concerning Somalia was thanks to the initiative of the ranking member of the Committee on Foreign Affairs, the gentleman from New York [Mr. GILMAN], sitting next to me, who insisted that the sense-of-Congress language be put in the Defense authorization bill. Fortunately, the House had sense enough to do that.

The Committee on Foreign Affairs as a whole, in my estimation, however, has been derelict in its duty by letting this whole issue go this far without having done anything.

□ 1800

I sincerely hope that the committee will come up with a legislative vehicle that will provide this House with an opportunity to have a comprehensive debate on the subject of peacekeeping. It is the most important issue facing this Nation today, because we are talking about lives. This debate absolutely must take place before a single United States soldier sets foot in Bosnia.

Now the second item, Mr. Speaker, that I am concerned about in this bill is the provision that provides for a $1 billion appropriation toward the construction of a new aircraft carrier. Why should we be concerned about that?

This provision is also subject to a point of order, according to the rule. It is my understanding, based on the testimony presented in the Rules Committee, that the appropriators included this provision as a way to anticipating the Clinton administration's expected request for such a carrier in the fiscal year 1995, next year out, defense budget.

I would note further that the bottom-up review, which I do not think 50 Members of this body have read, called for the construction of an additional carrier to replace one presently in service which is more than 40 years old. Ladies and gentlemen, we owe it to the men and women in service to give them the best.

By starting construction this year, and this is where all fiscal conservatives ought to pay attention, by starting construction this year the eventual cost of finishing the carrier would be reduced by $300 million. Members know we are drowning in a sea of red ink. We have a chance here tonight to save $300 million, and yes we are going to flush it down the drain. We are going to add $300 million to the cost of that carrier by putting off the funding until next year.

Again, the Rules Committee leaves this provision unprotected, a provision which has bipartisan support, wide support on both sides of the aisle.

Mr. Speaker, the provision on peacekeeping will save American lives by the thousands, if we are able to debate that on this floor. The provision for the new carrier will save taxpayers millions of dollars.

This rule does the irresponsible thing. The Rules Committee, by leaving these two provisions unprotected, will not give us important debate on the floor tomorrow because two Members of Congress will stand up and knock these provisions out on points of order.

That is why we ought to vote down this rule and come back here with a good rule and a real debate. We are not talking about pork-barrel projects. We are not talking about domestic projects. We are talking about the defense of this country and the lives of American men and women, the All-Volunteer Force that serves our country. Why can we not debate this on the floor? We owe it to our troops and we owe it to our constituents back home to vote down this rule. I urge defeat of it.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, for the purposes of debate only, I yield 6 minutes to the gentleman from California [Mr. DELLUMS], the chairman of the authorizing committee.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I would like to have the attention of my distinguished colleague from New York, because I did listen to every word that my colleague uttered this evening. There are a number of remarks that the gentleman made that I would like to respond to, but time does not permit. Let me go to the salient issue.

First, Mr. Speaker, let me raise this rhetorical question: How many times, I would ask my colleagues, have we been asked to vote against rules that waive points of order? How many times? More times than I can count, Mr. Speaker.

It sets history on its head. It takes me aback. It is shocking to me to hear tonight on the floor of this body that the gentleman is asking us to oppose a rule that does not waive all points of order. We cannot walk both sides of the street simultaneously, unless your legs are pretty wide open, and when they are, Mr. Speaker, you stand pretty vulnerable.

The gentleman from New York is my good friend and I respect him. He says one person can rise to raise a point of order. I do not stand here in the capacity of one person. This is not an ego trip. This is no personal issue. I stand here as the chairperson of the authorizing committee charged with a responsibility. It sets history on its head, Mr. Speaker, when you argue to sanction violations of a process that the gentleman from New York and I have already marched into the well on numerous occasions to defend, that the integrity of the process must be maintained.

Let us come specifically to the carrier. Let me say something to my colleague. We asked for a point of order to be allowed against a $1 billion appropriation, against a $4.8 billion weapons system. Now that is not an accommodation. That is real money.

Mr. Speaker, the bill says appropriation based on authorization. First, to simply say that is a prima facie case that that is a weapons system that is not authorized.

Second, I would say to the gentleman from New York, this weapons system was not even requested in fiscal year 1994.

Now to the integrity of the process. "If authorized." The House authorization bill did not authorize it, it does not appear anywhere in the companion report of the fiscal year 1994 authorization bill just passed by the House.

Mr. Speaker, further, in the other body, the companion bill of the DOD authorization for fiscal year 1994 also did not authorize this weapons system. Their report does not speak to it.

To the gentleman from New York I would ask this question that he might answer in his time: If the bill says appropriate upon authorization, and the House authorization bill did not authorize it, the Senate authorization bill did not authorize it, the only way that it can be authorized in fiscal year 1994 is both bodies to report back in a conference report $1 billion out of scope, where is the precedent for coming back to a body $1 billion out of scope? I would suggest that logic stands on this gentleman's side. If you can authorize the bill in fiscal year 1994, and you say you cannot appropriate until you authorize, and you cannot authorize until fiscal year 1995, then query: Why then encumber $1 billion in budget authority to appropriate in fiscal year 1994 saying that it is sitting there waiting so some businessman says well, if I can take this money from 1994, sit it there until we authorize, on October 1 we can rush to start signing contracts.

Mr. Speaker, we on the House Armed Services Committee take our jobs very seriously. I will say to the gentleman from New York if we have rules here, how can we argue to votedown a rule because it waives points of order? We ought to maintain the integrity of the authorizing process. But then when it comes to defense we say but, let us set that aside. Do you want a kangaroo court here, do you want rules that govern different subject matters in different ways? Then this would be a bizarre experience. There has to be some continuity. This would be a bizarre experience. So there has to be some way.

You can say yes in the authorizing process. You can say no in the appropriation process. But you cannot turn that around. You cannot say no authorization and yes in the appropriation. That is the rules that were set up before I came here, Mr. Speaker, so I am not here on some personal trip. That is insulting. I am not here on some ego trip, some turf war. That is insulting.

Either this body operates on discipline, it operates on principle, it operates on integrity, or it does not.

So this is not a personal fight here. This is not some one-man show.

Finally, I would say in order to get beyond that, Mr. Speaker, I met with the Democratic caucus of our committee and I said I serve at your pleasure, what do you wish to do. I am prepared as the chair of the committee to tell you what I think, but you act. If you want to blink, blink. If you do not want us to blink, then do not blink. They said do not blink. That is why I am here.

I ask Members to support this rule. Give us the opportunity to maintain the integrity of the process.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I might consume, briefly, to respond to one of the people whom I respect most in this House. I have always respected him over all of these years, the chairman of the Armed Services Committee, Mr. RON DELLUMS. He has grown in further respect by the membership of this entire House in the way he has conducted himself, believe me, and I have said that a number of times. I mean it sincerely, so in no way would I ever want to insult the gentleman, because he is extremely capable and sincere in everything that he does.

Mr. DELLUMS. I stand corrected and thank the gentleman.

Mr. SOLOMON. Having said that, let me just point out that the authorizers, when they came before the Rules Committee, asked for restrictive rules. The rules did limit what we could do in the way of amendments on the authorization bill.

☐ 1810

Let me finish and I will yield to the gentleman.

Furthermore, we went on for some 7 weeks now, putting out four rules. That ties a record for the number of rules dealing with a single piece of legislation.

Let me say to the gentleman that I am not as concerned about the aircraft carrier as I am about the other issue. I am concerned about the aircraft carrier because it saves $300 million, and any time we can do that we ought to be doing it.

What I am really concerned about, I will say to the gentleman, is the other provision that is being left subject to a point of order, namely peacekeeping.

You know, if we put ourselves in a position—and I served in the U.S. Marine Corps and know what it is to be the military—if our troops are put in Bosnia, it is going to be very hard for this gentleman here to cut off funding for them and bring them home. I am going to owe it to them to support them.

Therefore, before that happens, I want the opportunity to be able to say to the President on behalf of the American people that we do not want those troops placed into a civil war situation in the Balkan countries.

Having said that, let me just read to you what we are arguing about. This is the language at issue in the bill. It prohibits the use of funds for humanitarian or peacekeeping operations unless—unless—the President notifies Congress at least 15 days before approving the operation. That gives us the opportunity for debate before the fact, and not after the fact.

We owe that to these young men and women.

No. 2, the President specifies the estimated costs, method of payment, duration, and scope of the operation, and States the United States interest and goals that will be served by the operation. That is reasonable to request.

No. 3, the funds for such operations are derived only from operations provided under the heading of global cooperative initiatives for humanitarian assistance.

That limits the amount the administration can spend on peacekeeping efforts to about $380 million, almost half a billion dollars, without coming back to this Congress and asking permission to continue.

This to me is reasonable language to include. And we could do it because it is for the defense of this country. It is not arguing over whether we are going to spend money on this domestic program or that one; it is for the defense of the country. We ought to have that debate.

Then, if Mr. LEE HAMILTON, the gentleman from Indiana, chairman of the Committee on Foreign Affairs, wants to come to this floor and offer an amendment to strike this language, we have the debate and an opportunity to vote "yes" or "no." But let's have the debate; don't short circuit the whole thing by a simple point of order.

I say to the gentleman from California [Mr. DELLUMS] the appropriators are right.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. I thank the gentleman for yielding to me.

Mr. Speaker, a point of clarification: My point of order does not go to the gentleman's latter point, as he well knows.

Mr. SOLOMON. I know it does not.

Mr. DELLUMS. This gentleman's point goes only to the appropriation of the carrier that has not been requested, nor authorized.

Secondly, I know the gentleman was sitting there the day I walked into the Committee on Rules for the first time as chair of the Committee on Armed Services. I said to the gentlemen that you can fashion whatever rule you choose, and I did not walk in the door offering any restrictions. I said that I am prepared to live with whatever the Rules Committee fashioned in order for the deliberation of the debate.

So the gentleman is not speaking to this person.

I was prepared to live with the open rule or whatever rule.

So the rule that got laid down the Rules Committee laid down; this gentleman did not walk in and ask you for some limited rule.

Mr. SOLOMON. The gentleman is absolutely right, and I am not criticizing the gentleman. I am criticizing the rule. I am asking every Member to vote "no" on the rule. I thank the gentleman for his comments.

Mr. Speaker, I yield such time as he may consume to the distinguished ranking member of the Committee on Foreign Affairs, the very distinguished gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding this time to me.

Mr. Speaker, I wish to associate myself with the remarks of the distinguished ranking Republican member of the Committee on Rules, the gentleman from New York [Mr. SOLOMON].

I share Mr. SOLOMON's concerns about the arbitrary manner in which the Rules Committee majority has exercised its power on this and other bills to prevent important issues from coming to the floor.

One significant item in this bill that this rule will keep from the floor is a provision concerning the so-called global cooperative initiative which is the new Defense Department program established by the administration to significantly step up our Nation's participation in U.N. peacekeeping operations.

I have previously raised serious concerns about this global cooperative initiative. The provision that this rule will keep from the floor would impose some very sensible restrictions on Defense Department support for and involvement in U.N. peacekeeping operations pursuant to the global cooperative initiative.

It is unfortunate that the Members of this House will once again be denied an opportunity to debate and vote on this very significant matter.

Accordingly, I urge my colleagues to oppose this rule.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise on this issue probably looking at it a bit differently than others do. But first let me address myself to the gentleman from New York. I have deep concerns regarding the proposed peacekeeping thoughts and suggestions. I have communicated with the White House an entire set of conditions that they should consider before any peacekeeping is to be instituted in Bosnia. So I understand whence you come on that issue.

Our committee—and as the gentleman knows, I am a member of the Committee on Armed Services, the authorizing committee—our committee did not have anything to do with that issue on peacekeeping. But I understand whence you come, and I want the gentleman to know that I have made my position quite clear at the White House on the conditions that ought to be taken into consideration.

And I think they would be parallel to some of the gentleman's conditions.

I do speak, however, on the issue dealing with the aircraft carrier. I look at it, I am sure, in a different light than my chairman. This was not asked for by the administration. It was not authorized by our committee.

I will probably help lead the charge for an aircraft carrier when it is recommended and requested. I feel very strongly about the seapower of our Nation.

But what happens in this instance where we have gone through a machination of trying to crunch numbers and fit them all together to make them come out, doing our best to have enough training, operation, maintenance, and a respectable number of young men and young women in uniform, plus the other systems that go into it. I am fearful that if we at the last minute, without all the previous time which we should have had, had they asked for the aircraft carrier we could have done it and found where you would take the money from. At this date, what happens? The only easy place to take money is from the end strength; that is, you cut people out of uniform. You get 100 cents on the dollar when you do that.

For that billion dollars, let me say this, the average salary cost on a man-year basis for a serviceman or woman is $35,000 per year. On that basis we could use that billion dollars toward an aircraft carrier to pay the salaries of 28,600 troops. That is 28,600 service members that we could keep on active duty if that billion dollars were not spent on the aircraft carrier.

Now, if that is to become a part of the budget, the quick way to find the billion dollars is right out of the end strength of those and we end up at least cutting 28,600 additional troops. We do not want that.

Let me go on and tell you my concerns because I think you on the other side of the aisle will understand and agree with me. We have additional duties coming up, like it or not, in the peacekeeping area. I am convinced that when the bottom-up review refers to 10 Army divisions, for instance—a division slice is 48,000—that is 480,000 troops plus the training and the doctrine command, which would be 42,000, that is 522,000 soldiers, bottom.

□ 1820

I think it is too low, but in addition to that, if we have peacekeeping efforts, those people in peacekeeping should be over and above those troops, because it is those troops that give us the capability of fighting a successful conflict on two fronts. Frankly, it is not enough.

The SPEAKER pro tempore (Mr. MCNULTY). The time of the gentleman from Missouri [Mr. SKELTON] has expired.

Mr. FROST. Mr. Speaker, I yield 3 additional minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I am of the opinion that should we enter into peacekeeping duties, we will need around 60,000 people for that. Do you take them out of hide or do you take them in addition thereto?

So what we are looking at is additional soldiers and sailors, people in uniform, rather than cutting.

An aircraft carrier that has not been taken into consideration by an authorization committee causes a cut in troop strength. I am truthfully concerned about that. I want the Members of this body to understand, I feel very strongly about keeping a high level of troops, keeping a high level of training for them.

I will be for the aircraft carrier, but we have to make sure that the troops are not cut in the process. That is a deadly serious situation. We have to consider that. If we do it properly, and hopefully we will, I assure the gentleman on the other side that I will lead the charge for that aircraft carrier, but I do not want our troops to get cut. Frankly, we are going to need more if we have any type of peacekeeping obligations in the future.

I hope those on the other side will help me find those additional troops when that time comes, because there will be a major battle on this floor comes the time for the budget consideration, and I hope to do my best to make sure we have sufficient troops, sailors, marines, soldiers, and airmen, to meet our commitments throughout this world.

I hate to see anything even as important and vital as an aircraft carrier to invade that number and to hurt the possibility of keeping our end strength at a proper level.

Mr. SOLOMON. Mr. Speaker, I say to the gentleman who just spoke that he is one of the most respected Members of this House; particularly in the chairmanship of the subcommittee that he chairs, he certainly does look out for those troops.

Mr. Speaker, I yield time to another respected Member, one from the State of Florida. He is also a member of the Intelligence Committee, and he is the ranking Republican on the Legislative Subcommittee of the Committee on Appropriations.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding this time to me.

I had no intention of getting into this debate on the rule, but I was astonished at some of the debate I heard between the chairman of the Armed Services Committee and the gentleman from New York [Mr. SOLOMON], the ranking member of the Rules Committee, about the issue of an aircraft carrier.

The question was whether or not the Appropriations Committee was funding an aircraft carrier that had not been authorized. I would remind the very distinguished chairman of the Armed Services Committee that last year his committee authorized nearly $1 billion for advanced procurement on this specific aircraft carrier. Our committee appropriated the funds to go along with that authorization.

Now we are talking about dropping out a year. The Navy has told us if we drop out a year, that aircraft carrier is going to cost at least $200 million more than it would if we proceed with the funding included in the bill we will consider tomorrow morning.

Now, the gentleman from Missouri [Mr. SKELTON], the very distinguished gentleman, raised the issue of end strength. There is no doubt in this Member's mind that we have reduced the end strength to a level that I think is dangerous, but listen to this, the end strength that we provide in the appropriations bill is exactly the end strength authorized by the gentleman's committee, and in the area of end strength for Reserves we have actually gone beyond the authorization and appropriated for an additional 7,000 personnel end strength for Reserves.

So the arguments that the carrier is not authorized are hollow, because the carrier advanced procurement was authorized last year by the gentleman's committee.

On the end strength argument, we have actually appropriated for more end strength than the Armed Services Committee authorized.

I think the arguments made by the gentleman from New York [Mr. SOLOMON] in opposition to this rule are valid arguments. I think the arguments of the distinguished gentleman who is chairman of the Armed Services Committee, while they might be articulate, which he always is, do not really address the issue as it exists today.

Again I thank the gentleman for yielding this time to me.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for his cogent remarks.

I yield 4 minutes to the distinguished gentleman from Virginia [Mr. BATEMAN], a member of the Committee on Armed Services.

Mr. BATEMAN. Mr. Speaker, I certainly appreciate the gentleman yielding this time to me.

Certainly within the 3 minutes there is a lot more that needs to be said than I can possibly say; but one aspect of this discussion needs to be addressed and is not being addressed, and that is to the extent we are in this position where legitimately the chairman of the Armed Services Committee can call this proposal for the aircraft carrier unauthorized and where we risk costing the taxpayers of America over $200 million if we delay funding the aircraft carrier in this session, and when you bear in mind that we now operate under rules as to authorization and the other workings of authorization and the Appropriations Committee designed long before we had the accounting rules thatnow go to how you score outlays and budget authority and how you match one with the other and how the timing in which the authorizers act relative to when the appropriators are required to act, we have some incredible mixed mishmash of how we make the gears of our wheels mesh in order to cogently and rationally legislate.

I would call upon all the Members of this body, especially those on the Rules Committee, to address this problem and how the Rules of the House need to be changed so that we do not have to make unintelligent, even silly, stupid public policy decisions, because of the complexities of our rules and their inability to match the reality in which we need to make public policy decisions.

Let me say, Mr. Speaker, that it does strike this Member as odd that we say something we appropriated and authorized $832 million for last year is an unauthorized activity or project. That strikes me as strange. It strikes me as strange that if the appropriators have said in funding something that none of this money can be obligated until it has been finally formally and officially authorized that this is a substantial accommodation.

I do not understand this in the context that we may be depriving our taxpayers of America of $200 million unnecessarily for a defense platform that I think every knowledgeable person on the authorizing and Appropriations Committee feels is one of our most vitally important platforms and which is justified under the bottom-up review.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. BATEMAN. Yes, I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, where does the gentleman seek to find the $1 billion? The gentleman served with me on the committee as we assiduously went about the business of putting together a $263 billion military budget that all fit. Where would the gentleman find this additional $1 billion?

Mr. BATEMAN. I would say to my chairman that that is indeed a problem and one which needs to be addressed and should be addressed.

I do not know. No one has been able to tell me what the Appropriations Committee has done or not done in order to make it possible to at least appropriate conditionally the $1 billion.

☐ 1830

But we have a long ways to go before we will ever enact either an authorization bill that gets signed into law and passes this Congress in an appropriations bill, and what we ought to be doing is seeing that we go forward together in order to do it the logical way in order that we do not hamstring the end strength of the gentleman from Missouri [Mr. SKELTON] and the personnel account, but at the same time we get the platform, and we get it in a way in a timetable that avoids wasting $200 million. That is my plea.

Mr. Speaker, the concluding point I want to make is: I am not quarreling with my chairman, or anyone else on the authorizing committee. The only committees I serve on are authorizing committees. I, too, am jealous of their prerogatives, but certainly there is enough wisdom, enough judgment, and enough responsibility in this body that we can come together in a way that we do the practical, common sense thing that serves the public interest and our national security.

We have a rule which, if passed, makes the carrier subject to a point of order. It may be subject to a point of order, but it does not require a point of order, and logic would dictate that no point of order should be raised, even if it can.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. BATEMAN. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, the gentleman from Virginia [Mr. BATEMAN] really backs up what I have been saying: "You cannot pinpoint where the billion dollars comes from."

We went through a very arduous procedure of piecing together a $263 billion defense authorization bill. I am for the carrier, but where in the world are we going to find——

Mr. BATEMAN. Mr. Speaker, I reclaim my time.

Mr. SKELTON. I will tell the gentleman where to find it.

Mr. BATEMAN. The one thing that is not being done: It has not been taken out of personnel to this point, and we can make sure that it does not get done this way before we are through and does get done in the most responsible way.

Mr. FROST. Mr. Speaker, may I inquire what time remains for each side?

The SPEAKER pro tempore [Mr. MCNULTY]. The gentleman from Texas [Mr. FROST] has 12 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 5 minutes remaining.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 7 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Speaker, let me just respond.

First of all, this is a debate on the rule. The rule goes to the question of the process that governs how we do business here. We are trying to change this debate into a discussion about the carrier. This debate is about the integrity of the process, or the lack thereof, and Members' willingness or ability to make judgments in that regard.

Having said that, let me just now come to both the process and the substance.

I say to the gentleman. A carrier is probably more important to the Navy than anything else. If they had wanted it, why did they not ask the authorizing committee? As the gentleman from Missouri [Mr. SKELTON] pointed out, he was prepared to support it, and, if you had asked me, I would imagine that the majority of my colleagues would support it. But why did they not ask if it was that important?

Now, Mr. Speaker, we have heard this figure: $200 million. We are going to save the taxpayers $200 million. Where did that figure come from? Did it drop from the air? Did it come from our committee?

No. Some CEO said, "If you guys appropriate the money and authorize it, I can show you where I can save you $200 million." Yet these are the guys that have never built a ship with the money they said they would build it on in history.

Mr. Speaker, we are replete with cost overruns, so suddenly there is going to be this great accuracy of this $200 million? Give me a break.

Now my distinguished colleague said he could not answer the question of where would the money come from. That is precisely the responsibility of the authorizing committee, to determine those judgments within the framework of intelligent and rational policy considerations, policy discussions.

Mr. SOLOMON. Mr. Speaker, would the gentleman yield and I will answer the question?

Mr. DELLUMS. Mr. Speaker, just one second, and I will come back to the gentleman from New York [Mr. SOLOMON] because I want answered one other question.

The gentleman from Florida said $800 million was authorized by this committee last year, long-lead items.

No. 1, this gentleman was not the chair last year; but, No. 2, that $800 million for long-lead items was for a nuclear propulsion system that routinely is requested 2 years in advance of the request and authorization because it takes a substantial amount of time in order to build that nuclear propulsion system. So, there is nothing off-color or unusual about that. But the request has not been made.

To summarize, Mr. Speaker, No. 1, this is not a debate about the carrier. That ought to be dealt with in the normal course of things. This is a debate about the process, the integrity or the lack thereof. I am suggesting to you that it sets this institution on its head when my colleagues, day after day, come here banging against rules that waive points of order, and we simply ask for a rule that gives point of order, and suddenly they are saying, "Defeat the rule."

I say, "You can't walk both sides of the street."

Finally, let the administration ask in the normal course of things, and let us do our job in the normal course of events.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I just say to the gentleman, "You wanted to know where the money is going to come from. Let me give you two very good sources: First of all, bring our troops home from Somalia. We'll save $500 million in the next few months alone. Do not deploy our troops in Bosnia, and we will save hundreds of millions of dollars over the next 7 to 8 months. That more than pays for any carrier, believe me, I would say to the gentleman.

Mr. Speaker, I hope the gentleman will take that into consideration.

Mr. DELLUMS. I would simply say to my colleague on both of those issues:

On the issue of Somalia, my colleague, that is going to be a debate that is going to go into the future. The gentleman and I know that. We know we are going to ultimately resolve that matter. The question of Bosnia is a debate that lies before us, an the gentleman from New York [Mr. SOLOMON] knows where this gentleman stands on that, the authority and responsibility of Congress in war making and my concern about war powers.

I come back to the issue: Why are we appropriating in fiscal year 1994 $1 billion for a $5 billion weapon system that cannot legally be authorized until fiscal year 1995?

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, as a member of the subcommittee, and I know that my colleague has spoken on this already, but we saw an opportunity because long lead had already been approved by the authorization committee to put in $1 billion because of this complex relationship, and we felt, because of the interrelationship of outlays and budget authority, we had an opportunity to invest $1 billion in the carrier, which is needed. We are going to build it, we know we are going to build it, and, because of that, by doing that, and this is the point I heard the gentleman make when I first came to the floor.

I called the Secretary of the Navy. I called the Chief of Naval Operations. I said, "Is this $200 million number real?"

I was told, "Yes, we will save in the acquisition of the carrier $200 million."

Now I know that sometimes these numbers get stretched, sometimes by contractors, but this came right from the top leadership of the U.S. Navy.

Mr. DELLUMS. If I might reclaim my time for a moment——

Mr. DICKS. And so we just thought it was a good investment. We——

Mr. DELLUMS. I will yield back, but I would like to reclaim my time at this point because I think the record should be complete.

Mr. DICKS. Yes.

Mr. DELLUMS. Mr. Speaker, I have talked with the Deputy Secretary of Defense who said they did not, while they may have wanted it. I said, "Why didn't you ask?"

They said, "We didn't, and we're not trying to go around the authorizing process."

They said that as a matter of fact and as a matter of record, my friend. The administration should not be about going aroune the authorization process——

Mr. DICKS. They were just——

Mr. DELLUMS. They——

Mr. DICKS. The number of $200 million, of whether that was a real number, and they said, "Yes, that was a real number." They did not say they were asking us to do it. They wanted the whole carrier.

Mr. DELLUMS. One other thing they agreed with me on is that in the course of the markup they did have ample opportunity to penetrate the process with a request on a timely enough basis that we could have considered it ordinarily within the framework of H.R. 2401. They agreed with me in that regard.

So, my question is: "Why wasn't it done?"

One last comment, Mr. Speaker.

During the authorization process I tried to maintain the integrity of keeping the playing field level.

□ 1840

What this does is it unlevels the playing field. You start down the road on this defense conversion effort here.

The SPEAKER pro tempore (Mr. McNULTY). The Chair would advise that each side has 5 minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER], the chief deputy whip.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding. I would like to comment to those who ask, where is the money coming from? It is going to come from the same place every other dollar comes from, and that is the taxpayer.

Mr. Speaker, I would like to report to the chairman, this bill we consider tomorrow, the appropriations bill that includes this amount, is under the 602(b) allocation budget authority, as well as outlay.

I would like to, if I may, make just one further comment. The reason that we are having this debate today, I would say to the gentleman, on the subject of the carrier, is because tomorrow, once the gentleman makes his point or order, we are not going to be able to have any debate on the subject of the carrier. So, when the iron is hot, you strike, or whatever the cliche is. That is why we are doing it today, because I think the gentleman is going to preempt us tomorrow.

Mr. WALKER. Mr. Speaker, reclaiming my time, I think this discussion of process here has been fascinating this evening. I have enjoyed it. It is a little interesting, the fact that they do waive points of order on 95 percent of the bill, because the fact is none of this is authorized and will not be authorized by the time this bill becomes law. So to suggest that somehow we can carve out one or two little territories here and that is destructive of the process, the fact is the rule coming down here waives about 95 percent of the bill. But they leave a couple of places where they are going to allow no debate.

One of the places that is particularly of concern to me, as the gentleman from New York [Mr. SOLOMON] suggested is of concern to him also, is the introduction of peacekeeping forces possibly into Bosnia.

Mr. Speaker, the reason why that becomes important is because when the authorization bill was here, it was here under a closed rule, where typically we would have been able to offer language under an open rule to deal with this matter. But we were prevented from offering amendments. We could not even offer amendments on the authorization bill to knock out pork projects that were protected by the Committee on Rules.

In the case of the introduction of military troops on peacekeeping missions, we were not able to address that issue. The Committee on Appropriations found the need to address that issue so compelling that they included it in their bill.

Mr. Speaker, what happens? Well, now the rules process is used to see to it that we will never get to debate it under the appropriations process either.

So what has happened here is the rules process has been used to prevent this House from debating whether or not peacekeeping forces ought to be put into Bosnia without congressional approval. That is wrong. That is the use of the process, that is the use of governance, in the wrong way.

We ought to have a right to debate that issue. It is a fundamentally important issue at this point. Young men and young women are going to be sent to die in Bosnia, and we are not going to even have a chance to debate it beforehand. This administration does not want us to have that debate on this floor, because they feel that debate might embarrass them. It is wrong not to have that debate, and this rule prevents us from having that debate. It should be turned down.

Mr. FROST. Mr. Speaker, for the purpose of debate only, I yield 4 minutes to the gentleman from Indiana [Mr. HAMILTON], the chairman of the Committee on Foreign Affairs.

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I operate a little bit at a disadvantage here because I did not hear all of the previous statements with regard to the waiver. As I understand it, the rule does not protect the provision from objection, and it is my intention to object.

Now, it is not my intention to be obstreperous here. It is true that the particular language is authorizing language, which, as I understand it, very clearly falls within the jurisdiction of the Committee on Foreign Affairs.

That is a parochial argument. It is an argument on the basis of protecting the jurisdiction of the Committee on Foreign Affairs. It is really not, however, the most important thing to be said here.

It just so happens that this whole business of peacekeeping is a threshold issue in this Congress at this time. It is a very important issue, we all recognize that. The provision that has been drafted has been drafted with the best of intentions, but it could be a very mischievous provision.

It is a provision that is strongly opposed by the administration. It is a provision which they believe seriously hampers the power of the Commander in Chief. It is a provision that, as they have stated to me, they object to seriously enough that it would make this bill subject to a veto.

Now, I want to say to my friends who support this provision that I understand their motivation here, and I think it is a motivation that is worthy, because they are deeply concerned about peacekeeping here, and this 15-day prenotification provision calls for good information.

But let me just argue not to proceed too quickly. This is a very tough, difficult issue. The way this particular provision is drafted, it raised very grave concern on the part of the President, the Commander in Chief, as to whether the exercise of the powers of the Commander in Chief would in fact be seriously hampered.

That is the reason I intend to object to this tomorrow. Not to be obstreperous, but because I think we are acting too quickly on a very grave matter.

I do want to say that the Committee on Foreign Affairs and other committees here are working very closely now with the administration on the whole question of a better consultative mechanism than we now have. Some of us saw that in action last week as the administration came up with prior consultation with respect to the introduction of troops, possibly into Bosnia under the peace agreement. I think we are moving in the right direction.

I also want to say that with regard to the remarks of the gentleman who just spoke, his deep concern about Bosnia; that is a legitimate concern, obviously. It is my very strong view that if American forces are introduced into Bosnia as part of a peacekeeping agreement, that those steps should be authorized by the Congress. The administration agrees with that position. There is no intent, as I understand it, no intent to introduce American forces into Bosnia as part of a peacekeeping agreement without getting the authorization of the United States Congress.

That is my strong view. So far as I can understand it, it is the strong view of the administration. And everybody in this chamber is quite right to be concerned about Presidents acting without the authorization of Congress there.

Mr. Speaker, I appreciate very much the opportunity to make these observations.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 3 minutes.

Mr. SOLOMON. Mr. Speaker, the gentleman from Indiana [Mr. HAMILTON], the chairman of the Committee on Foreign Affairs, is one of the most respected Members of this House. I served with him for years on that committee. Much of what the gentleman says is true. I hope the President does come and ask permission to put these troops in.

However, there is no guarantee that that is going to happen. What the argument is today is over this language. It simply says the President notifies Congress at least 15 days before the operation. The gentleman agrees with that, so why not write it into the bill.

The second portion says, and this is so terribly important to the American people, that the President specifies the estimated cost, the method of payment, the duration and scope of the operation, and states the U.S. interests and goals that will be served by that operation.

We do not believe that a civil war warrants any U.S. participation, and we want that explained to us. This simply says the President will explain it to us.

Mr. Speaker, this may be the only vote that Members have on whether we put American troops into a civil war in Bosnia. If Members defeat this rule, it will not only save $300 million on the aircraft carrier issue, but, more importantly, it will save American lives.

☐ 1850

Mr. HAMILTON. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Indiana.

Mr. HAMILTON. Mr. Speaker, the gentleman and I are not really, I do not think, in too much difference here.

The gentleman supports this particular provision, but there may be times when the President cannot notify the gentleman 15 days ahead of time. We do not write something that arbitrary into the law.

There has been a lot of complaining done about micromanagement of the executive power. This is a classic illustration of it.

We are micromanaging a President and saying that he must give us 15 days. There may be occasions when he cannot give us 15 days.

Mr. SOLOMON. Mr. Speaker, reclaiming my time I say to my good friend, that the gentleman from Pennsylvania [Mr. MURTHA] is one of the most respected Members of this House. He would never do anything to impair the Commander in Chief of the United States of America. This is his language. He believes in it. We believe in it.

Members ought to vote "no" on this rule so that we can keep that language in the bill.

Vote "no."

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

The issues here have been adequately aired. We have had eloquent speeches on both sides.

The Committee on Rules has tried to be fair and reasonable in its approach, and I urge the adoption of this rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 254, nays 176, not voting 3, as follows:

[Roll No. 475]

YEAS—254

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—176

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Whitten
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—3

LaFalce
McDade
Torricelli

□ 1909

Messrs. CANADY, BAKER of California, and KASICH changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3167, EXTENDING THE UNEMPLOYMENT COMPENSATION PROGRAM

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–269) on the resolution (H. Res. 265) providing for consideration of the bill (H.R. 3167) to extend the emergency unemployment compensation program, to establish a system of worker profiling, and for other purposes, which was referred to the House Calendar and ordered to be printed.

JEMEZ NATIONAL RECREATION AREA

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 38) to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 4, line 19, strike out "religious purposes, and insert: "customary uses,".

Page 4, line 20, strike out "shall," and insert "shall, subject to the provisions of section 2(n)".

Page 4, line 23, strike out "religious purposes," and insert: "customary uses,".

Page 5, line 2, strike out all after "Act")." down to and including line 9 and insert "The Secretary, in accordance with such Act, upon request of an Indian tribe or pueblo, may from time to time temporarily close to general public use one or more specific portions of the recreational area in order to protect traditional and customary uses in such portions by Indian peoples."

Page 6, line 7, strike out all after "law." down to and including line 15.

Page 9, after line 5, insert:

(n) RESOURCE PROTECTION.—The Secretary may designate zones where, and establish periods when, any activity otherwise permitted in the recreation area will not be permitted for reasons of public safety, administration, fish and wildlife management, protection of archaeological or cultural resources, or public use and enjoyment. Except in emergencies such designations by the Secretary shall be put into effect only after consultation with the appropriate State agencies, appropriate tribal leaders, and other affected parties.

Page 11, after line 13, insert:

SEC. 5. ACQUISITION OF LAND.

(a) STATE LAND.—Land and interests in land within the boundaries of the recreation area that are owned by the State of New Mexico, or a political subdivision of New Mexico, may be acquired only by donation or exchange.

(b) OFFERS TO SELL.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may acquire land and interests in land within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange.

(2) LIMITATION.—The Secretary may not acquire lands within the recreation area without the consent of the owner thereof unless the Secretary has determined that such lands will be put to a use different from their use as of the date of enactment of this Act and that such new use would be incompatible with the protection of the natural and cultural resources of the recreation area.

Page 11, line 14, strike out "SEC. 5." and insert "SEC. 6."

Mr. VENTO (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Minnesota?

Mr. HANSEN. Mr. Speaker, reserving the right to object, under my reservation I yield to the gentleman from Minnesota [Mr. VENTO] for an explanation of the Senate amendments.

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, H.R. 38, introduced by Mr. RICHARDSON, was passed by the House last April and has now passed the Senate with amendments.

The Senate amendments which are acceptable to me clarify the language protecting traditional uses by Indian peoples, require consultation with tribal leaders, and provide more specific direction on how lands within the NRA can be acquired.

H.R. 38 would establish a 57,000-acre Jemez National Recreation Area within the Santa Fe National Forest in New Mexico. The national recreation area would encompass a portion of the Jemez Mountains that includes steep canyons with brilliantly colored rimrocks and rich biological diversity. The largest elk herd in New Mexico migrates through the area and the mountains are home to many Federal- and State-listed threatened, endangered, and sensitive species.

The Jemez also contains one of the highest densities of archeological and cultural sites in North America, estimated at approximately 15 sites per square mile and totaling approximately 30,000 sites. Large, ancient Pueblo Indian village sites are particularly abundant. Many of these sites have been nominated and placed on the National Register of Historic Places.

Easy access and scenic surroundings make the Jemez a popular recreational area. National forest figures show that almost 300,000 people a year visit the Jemez Mountains. Within the area is the east fork of the Jemez River, 11 miles of which have been designated as a national wild and scenic river.

The legislation, in addition to enhancing the public's use and enjoyment of the area, will also protect the resources of the Jemez by withdrawing the area from mineral entry and providing that timber harvesting would have to be compatible with the purposes of the national recreation area.

I urge my colleagues to support this bill which will protect and enhance the Jemez Mountains.

Mr. HANSEN. Mr. Speaker, the minority has no problem and we agree with these amendments.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Minnesota?

There was no objection.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2403, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1994

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 261 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 261

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2403) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for the purpose of debate only, I yield the customary one-half hour of debate time to the gentleman from Tennessee [Mr. QUILLEN] pending which I yield myself such time as I may consume. During consideration of this resolution, Mr. Speaker, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 261 is the rule providing for consideration of the conference report on H.R. 2403, the bill making appropriations for the Treasury Department, the U.S. Postal Service, and the Executive Office of the President for fiscal year 1994. The bill also includes funding for several independent agencies, including the General Services Administration, the Office of Personnel Management, and the Federal Election Commission.

So that the House may consider this conference report as expeditiously as possible, both the chairman and the ranking minority member of the Subcommittee on Treasury, Postal Service, and General Government Appropriations requested, and the Rules Committee granted, a rule waiving all points of order against the conference report and against its consideration.

Mr. Speaker, the conference agreement provides $22.538 billion for fiscal year 1994, which is $169.958 million below the level approved by the House in June.

We are also advised by the Budget Committee that the conference report is $50 million below the discretionary budget authority and $20 million below outlay spending allocations and the 602(b) spending allocations for this subcommittee.

It is within the target for discretionary budget authority and outlays set by the Appropriations Committee pursuant to the fiscal year 1994 budget resolution.

Mr. Speaker, we commend the chairman of the Appropriations subcommittee responsible for this legislation, the gentleman from Maryland [Mr. HOYER], and the ranking minority member, the gentleman from Iowa [Mr. LIGHTFOOT], for their good work on this bill and I urge my colleagues to approve this rule so that we may act this evening on this conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as my colleague, the gentleman from California, has described, this rule waives all points of order against the consideration of the conference report to accompany H.R. 2403, making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President and certain Independent Agencies for fiscal year 1994.

While I do not endorse this frequent practice of granting blanket waivers against conference reports for appropriation bills, we need to complete our action on these funding measures in a timely manner, and I will not oppose this rule.

I hope Members have taken the time to review the provisions of this conference report. Of particular concern to many Members, myself included, is the absence of language to prohibit the use of tax dollars to pay for abortions under the Federal Employees Health Benefits Program. This language has been around for some 10 years, but it is not included in this bill. Passage of this conference report will open the door to allow taxpayer financing of abortion on demand for Federal employees. I find this unacceptable.

Additionally, the conference report contains a modification to the revenue forgone reform provision to include a 6-year phase-in for postage rate increases for nonprofit mail. The bill also prohibits a cost-of-living increase for Federal employees but adopts the phasing in of the locality-pay increases.

Mr. Speaker, earlier today the House adopted a continuing funding resolution because we could not move the 13 appropriation bills through the Congress prior to the beginning of the fiscal year. In fact, only one of the appropriation bills has been signed into law. So I will not oppose this rule since it will expedite the consideration of this conference report.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I thank the gentleman from Tennessee for his remarks.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HOYER. Mr. Speaker, pursuant to House Resolution 261, I call up the conference report on the bill (H.R. 2403) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes.

□ 1920

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 24, 1993, at page H6983.)

The SPEAKER pro tempore. The gentleman from Maryland [Mr. HOYER] will be recognized for 30 minutes, and the gentleman from Iowa [Mr. LIGHTFOOT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conferees have reached agreement on H.R. 2403 the treasury, postal service, and general government appropriations bill for fiscal year 1994. It was not an easy conference, because the fiscal restraints required the conferees to make some difficult decisions.

The conference report will fund the agencies in this bill at a level which will enable them to perform their assigned functions in an effective and efficient manner.

H.R. 2403 provides a total of $22.5 billion in new budget authority for the agencies under this bill for fiscal year 1993. The conference agreement is below the 602(b) allocations for both budget authority and outlays. I ask unanimous consent to insert a table in the RECORD providing details of this conference report.

DEPARTMENT OF THE TREASURY

Mr. Speaker, the conference report on H.R. 2403 funds Federal agencies deeply involved in the war on drugs. The conference report provides funding for a number of law enforcement agencies in the Department of the Treasury such as the U.S. Customs Service, the Secret Service, the Bureau of Alcohol, Tobacco, and Firearms, the Internal Revenue Service, the Financial Crimes Enforcement Network, and others.

U.S. POSTAL SERVICE

In the Postal Service, the conferees included revenue forgone reform which represents a compromise between commercial and nonprofit mailers to eliminate the authorization for revenue forgone appropriations. Mr. CLAY, chairman of the Post Office and Civil Service Committee did an outstanding job in crafting the original compromise on revenue forgone. This compromise creates a mechanism to continue preferred, lower postage rates for nonprofit mailers without the need for taxpayer subsidy. The compromise also establishes a 6-year phase-in of postage rate increases for nonprofit mail. Commercial use of nonprofit third-class mail has been prohibited. Advertising for nonprofit second-class mail has been limited, as has the use of library rate mail by commercial publishers. Publishers may use library rate mail only for matter which has been ordered by libraries or schools.

EXECUTIVE OFFICE OF THE PRESIDENT

In the Executive Office of the President, the conferees have fulfilled the President's commitment to reduce employment in the Executive Office by 25 percent below the total level in fiscal year 1993. The conferees have included language in the bill that requests the Office of National Drug Control Policy to maintain a level of 40 positions, 15 above the President's request. Both the administration and the House were opposed to mandating personnel levels. In fact, the House conferees were successful in eliminating all personnel floors and ceilings except this one. But conferees do involve compromises, and the other body was adamant on this issue. The conferees did require the Executive Office to reduce other Executive Office accounts by 15 positions to guarantee to the House that the total ceiling on the Executive Office of the President reflects the 25-percent reduction below 1993 levels. The conferees have provided appropriations above the President's request in the special forfeiture fund in the Office of the National Drug Control Policy for ADAMHA and community partnership grants for drug prevention and drug treatment in the Department of Health and Human Services.

EXECUTIVE OFFICE OF THE PRESIDENT EMPLOYMENT LEVELS

We wish to clarify the intent of the conferees with regard to the employment levels for the Executive Office of the President. The statement of the managers states that the total employment level for the Executive Office of the President shall not exceed 1,044, with the understanding that this level will fluctuate as the President manages the day-to-day operations of the White House.

It is the intent of the conferees that this total should not include the staff requirements for the Office of Management and Budget, Office of Federal Procurement Policy, or the Office of the U.S. Trade Representative.

The President's pledge of a 25-percent reduction in White House staff excludes these offices, and therefore the conferee's agreement of a 1,044 employment level at the White House also excludes these offices.

INDEPENDENT AGENCIES

In the General Services Administration the conferees have provided funding for additional construction projects, and have also included language which gives the legislative committees of both the House and Senate an opportunity to review in detail these projects and to approve or disapprove the projects prior to the obligation of funds.

The conferees have also fully funded the Government payment for annuitants, employees' health benefits.

GENERAL PROVISIONS

The conferees have fully protected locality pay and its implementation on January 1, 1994. In order to avoid the necessity of reduction-in-force by agencies whose budgets did not preserve a pay raise in 1994, the conferees have blocked the across-the-board employees cost index pay increase that was to be effective in January.

REINVENTING GOVERNMENT

Mr. Speaker, I also want to discuss what the conferees have done to recreate Government and our response to the Vice President's challenge to make "Government Work Better and Cost Less."

First, the conferees stated their strong support for the goals of making our Government work better and more efficiently.

Second, the conferees initiated changes in the bill to achieve immediate impact toward the Vice President's goals.

We created an "innovation fund" for all agencies within this bill, which will allow agencies to carry over 50 percent of their savings for productivity investments, employee bonuses, and employee training. Adding market incentives for efficiency is, in our opinion, the key to making Government work better for less.

We deleted almost every mandated FTE employee ceiling and floor in this bill, with the only exception being law enforcement and the Office of Drug Control Policy.

We provided agencies flexibility to reallocate funds by providing limited transfer authority.

We directed agencies to work toward reducing Government redtape and paperwork—not only for internal Government paperwork, but for small businesses and people who must deal with the Government as well.

We have urged IRS and Customs to restructure their workforce to meet modern day requirements and service standards.

We have directed GAO and GSA to begin the process to make GSA compete with private companies in providing services to Federal agencies. It is our belief that if GSA can offer the best price, they should win, if not, they should lose agencies business.

We have provided support for the President's Labor-Management Council or the "National Partnership Council" as it is called.

The conferees have approved a provision that would allow multiagency funding of the National Partnership Council. The conferees recognize that the Council may be established under current law with single agency funding. This provision would simply allow the Council also to proceed under multiagency funding, subject to authorization, in case this type of added funding capability is deemed desirable.

We have directed the Administrator of GSA to review every project in this bill and ensure that it meets a Federal need, is of appropriate design, and its costs are fully justified, and report back to us on their findings.

And we have put in place through the House report, the basis for performance management, which we intend to fully pursue in next year's hearings in my subcommittee. We believe that we must be about identifying achievable goals and performance measures to measure progress or failure, if we are to restore the American people's trust in how their Government spends their money.

In summary, the conferees funded all agencies at a level that would enable them to continue their operations in the most effective and efficient way possible.

Mr. Speaker, I believe that this is a good conference report. It represents a reasonable compromise with the Senate. I believe that it is fair, it is well done, and I urge Members to support the conference report.

Treasury Department, U.S. Postal Service, Exec. Office of the President and Ind. Ag. (H.R. 2403)

	FY 1993 Enacted	FY 1994 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE TREASURY						
Departmental Offices:						
Salaries and Expenses	71,202,000	104,597,000	104,597,000	105,700,000	105,150,000	+33,948,000
International Affairs	33,408,000					-33,408,000
Total, Departmental Offices	104,610,000	104,597,000	104,597,000	105,700,000	105,150,000	+540,000
Office of Inspector General	29,147,000	28,897,000	28,897,000	28,897,000	28,897,000	-250,000
Financial Crimes Enforcement Network	18,342,000	18,280,000	18,280,000	18,280,000	18,280,000	-62,000
Treasury Forfeiture Fund (limitation on availability of deposits)		14,770,000	14,770,000	50,000,000	32,500,000	+32,500,000
Federal Law Enforcement Training Center:						
Salaries and Expenses	47,158,000	47,195,000	47,195,000	47,695,000	47,445,000	+287,000
Acquisition, Construction, Improvements, and Related Expenses	12,301,000	6,712,000	7,712,000	12,712,000	12,712,000	+411,000
Total, Federal Law Enforcement Training Center	59,459,000	53,907,000	54,907,000	60,407,000	60,157,000	+698,000
Financial Management Service	214,069,000	209,877,000	209,877,000	209,877,000	209,877,000	-4,192,000
Bureau of Alcohol, Tobacco and Firearms	370,372,000	364,245,000	364,245,000	368,046,000	366,446,000	-3,926,000
United States Customs Service:						
Salaries and Expenses	1,317,535,000	1,311,819,000	1,311,819,000	1,363,668,000	1,350,668,000	+33,133,000
Operation and Maintenance, Air and Marine Interdiction Programs	81,624,000	46,063,000	46,063,000	47,863,000	47,863,000	-33,761,000
Operations and Maintenance, Customs P-3 Drug Interdiction Program	28,000,000	28,000,000	28,000,000	28,000,000	28,000,000	
Air and Marine Interdiction Programs, Procurement	21,174,000	21,093,000	21,093,000	21,093,000	21,093,000	-81,000
Customs Facilities, Construction, Improvements and Related Expenses	4,600,000			10,000,000	5,000,000	+400,000
Customs Forfeiture Fund (limitation on availability of deposits)	15,000,000					-15,000,000
Customs Services at Small Airports (to be derived from fees collected)	1,500,000	1,406,000	1,406,000	1,406,000	1,406,000	-94,000
Total, United States Customs Service	1,469,433,000	1,408,381,000	1,408,381,000	1,472,030,000	1,454,030,000	-15,403,000
United States Mint	53,001,000	54,770,000	54,770,000	54,770,000	54,770,000	+1,769,000
Bureau of the Public Debt	191,243,000	189,209,000	189,209,000	187,209,000	187,209,000	-4,034,000
Payment of Government Losses in Shipment	500,000	500,000	500,000	500,000	500,000	
Internal Revenue Service:						
Administration and Management	157,368,000	167,822,000	167,822,000	167,822,000	167,822,000	+10,454,000
Processing Tax Returns and Assistance	1,632,624,000	1,696,853,000	1,696,853,000	1,696,853,000	1,696,853,000	+64,229,000
Tax Law Enforcement	3,831,375,000	4,043,281,000	4,007,962,000	4,043,281,000	4,007,962,000	+176,587,000
Information Systems	1,478,914,000	1,487,722,000	1,402,629,000	1,487,722,000	1,471,448,000	-7,466,000
(By transfer)		(39,751,000)				
Total, Internal Revenue Service	7,100,281,000	7,395,678,000	7,275,266,000	7,395,678,000	7,344,085,000	+243,804,000
United States Secret Service	480,432,000	457,360,000	457,360,000	461,931,000	461,931,000	-18,501,000
Total, Title I, Department of the Treasury	10,090,889,000	10,300,471,000	10,181,059,000	10,413,325,000	10,323,832,000	+232,943,000
TITLE II - POSTAL SERVICE						
Payment to the Postal Service Fund	121,912,000	91,434,000	91,434,000	91,434,000	91,434,000	-30,478,000
Payment to the Postal Service Fund for Nonfunded Liabilities	38,614,000	38,803,000	38,803,000	38,803,000	38,803,000	+189,000
Total, Title II, Postal Service	160,526,000	130,237,000	130,237,000	130,237,000	130,237,000	-30,289,000
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
Compensation of the President	250,000	250,000	250,000	250,000	250,000	
The White House Office	42,795,538	38,914,000	38,914,000	38,754,000	38,754,000	-4,041,538
Executive Residence at the White House	7,598,000	7,925,000	7,925,000	7,925,000	7,925,000	+327,000
Official Residence of the Vice President	324,000	324,000	324,000	324,000	324,000	
Special Assistance to the President	3,257,000	3,270,000	3,270,000	3,270,000	3,270,000	+13,000
Council of Economic Advisers	3,428,000	3,420,000	3,420,000	3,420,000	3,420,000	-8,000
Office of Policy Development	3,772,000	5,122,000	5,122,000	5,122,000	5,122,000	+1,350,000
National Security Council	6,118,000	6,648,000	6,648,000	8,209,000	6,648,000	+530,000
National Critical Materials Council	185,000					-185,000
Office of Administration	24,853,000	24,850,000	24,850,000	24,850,000	24,850,000	-3,000
Office of Management and Budget	52,981,000	53,481,000	56,539,000	53,481,000	56,539,000	+3,558,000
Office of Federal Procurement Policy	3,058,000	3,058,000		3,058,000		-3,058,000
Office of National Drug Control Policy:						
Salaries and Expenses	101,248,000	5,800,000	5,800,000	11,687,000	11,687,000	-89,561,000
Transfer to other agencies:						
Federal Law Enforcement Training Center	(5,000,000)					(-5,000,000)
Drug Enforcement Administration	(2,000,000)					(-2,000,000)
Alcohol, Drug Abuse & Mental Health Administration	(33,701,000)					(-33,701,000)
Financial Crimes Enforcement Network	(2,800,000)					(-2,800,000)
Immigration & Naturalization Service	(7,000,000)					(-7,000,000)
United States Marshals Service	(2,500,000)					(-2,500,000)
United States Customs Service	(5,741,000)					(-5,741,000)

Treasury Department, U.S. Postal Service, Exec. Office of the Pres. and Ind. Ag. (H.R. 2403) - Cont.

	FY 1993 Enacted	FY 1994 Estimate	House	Senate	Conference	Conference compared with enacted
Dept of Justice: Bureau of Justice Assistance	(2,000,000)					(-2,000,000)
Counter-Drug Technology Assessment Center	(15,000,000)					(-15,000,000)
Total, transfer to other agencies	(75,742,000)					(-75,742,000)
Total, Office of National Drug Control Policy	101,248,000	5,800,000	5,800,000	11,687,000	11,687,000	-89,561,000
Unanticipated Needs	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	
Federal Drug Control Programs:						
High Intensity Drug Trafficking Areas Program		86,000,000	86,000,000	86,000,000	86,000,000	+86,000,000
Special Forfeiture Fund	75,742,000	28,000,000	28,000,000	75,000,000	52,500,000	-23,242,000
Transfer to other agencies:						
Internal Revenue Service			(6,000,000)		(6,000,000)	(+6,000,000)
Drug Enforcement Agency			(4,000,000)		(4,000,000)	(+4,000,000)
Counter-Drug Technology Assessment Center			(5,000,000)			
Bureau of Alcohol, Tobacco and Firearms			(1,000,000)	(5,000,000)	(5,000,000)	(+5,000,000)
United States Customs Service			(5,000,000)			
ADAMAHA				(25,000,000)	(15,000,000)	(+15,000,000)
CTAC (R&D)				(15,000,000)	(7,500,000)	(+7,500,000)
Community Partnership Grants (CSAP)				(10,000,000)	(10,000,000)	(+10,000,000)
ONDCP Director discretion			(7,000,000)	(20,000,000)	(5,000,000)	(+5,000,000)
Total, Federal Drug Control Programs	75,742,000	114,000,000	114,000,000	161,000,000	138,500,000	+62,758,000
Total, Title III, Executive Office of the President	326,609,538	268,062,000	268,062,000	322,350,000	298,289,000	-28,320,538
TITLE IV - INDEPENDENT AGENCIES						
General Services Administration:						
Federal Buildings Fund:						
Appropriation	281,601,000			312,814,000	288,486,000	+6,885,000
Unobligated balances		150,218,000	295,294,000			
Rescission		(-185,344,000)	(-107,781,000)	(-185,344,000)	(-185,344,000)	(-185,344,000)
Limitations on availability of revenue:						
Construction & acquisition of facilities	(626,312,000)	(746,965,000)	(820,476,000)	(933,787,000)	(925,027,306)	(+298,715,306)
Repairs and alterations	(594,066,000)	(546,682,000)	(539,982,000)	(516,782,000)	(523,782,000)	(-70,284,000)
Energy Investment Proposal			(6,700,000)			
Energy Investment Proposal		6,700,000				
Installment acquisition payments	(143,381,000)	(119,108,000)	(118,108,000)	(119,108,000)	(118,108,000)	(-25,273,000)
Rental of space	(1,882,691,000)	(2,125,373,000)	(2,124,373,000)	(2,117,421,000)	(2,117,421,000)	(+234,730,000)
Real property operations	(1,130,871,000)	(1,233,085,000)	(1,231,085,000)	(1,226,085,000)	(1,226,085,000)	(+95,214,000)
Program direction	(142,000,000)	(157,613,000)	(156,613,000)	(156,613,000)	(156,613,000)	(+14,613,000)
Design and construction services	(179,930,000)	(189,274,000)	(188,274,000)	(184,081,000)	(184,081,000)	(+4,151,000)
Total, Federal Buildings Fund	281,601,000	156,918,000	295,294,000	312,814,000	288,486,000	+6,885,000
(Limitations)	(4,699,251,000)	(5,118,100,000)	(5,185,611,000)	(5,253,877,000)	(5,251,117,306)	(+551,866,306)
Federal Supply Service	56,144,000	55,804,000	55,804,000	43,420,000	43,420,000	-12,724,000
Use of proceeds of sales and overpayments				12,384,000	12,384,000	+12,384,000
Information Resources Management Service	46,419,000	46,291,000	45,675,000	44,730,000	45,675,000	-744,000
Federal Property Resources Service	13,933,000	15,756,000	15,756,000	15,756,000	15,756,000	+1,823,000
General Management and Administration	34,000,000	31,435,000	31,435,000	31,435,000	31,435,000	-2,565,000
Office of Inspector General	34,748,000	34,925,000	34,925,000	34,925,000	34,925,000	+177,000
Allowances and Office Staff for Former Presidents	2,386,000	2,833,000	2,833,000	2,833,000	2,833,000	+447,000
Expenses, Presidential Transition	5,000,000					-5,000,000
Total, General Services Administration	474,231,000	343,962,000	481,722,000	498,297,000	474,914,000	+683,000
Office of Personnel Management:						
Salaries and Expenses	119,000,000	118,533,000	118,533,000	118,533,000	118,533,000	-467,000
(limitation on administrative expenses)	(69,993,000)	(72,754,000)	(72,754,000)	(72,754,000)	(72,754,000)	(+2,761,000)
Office of Inspector General	4,227,000	4,253,000	4,253,000	4,253,000	4,253,000	+26,000
(limitation on administrative expenses)	(8,500,000)	(8,514,000)	(8,514,000)	(8,514,000)	(8,514,000)	(+14,000)
Government Payment for Annuitants, Employees Health Benefits	4,149,245,000	3,458,480,000	4,146,480,000	3,458,480,000	3,805,480,000	-343,765,000
Government Payment for Annuitants, Employee Life Insurance	12,433,000	1,607,000	1,607,000	1,607,000	1,607,000	-10,826,000
Payment to Civil Service Retirement and Disability Fund	6,900,000,000	7,065,819,000	7,065,819,000	7,065,819,000	7,065,819,000	+165,819,000
Employees Health Benefits Fund (limitation on administrative expenses)	(14,702,000)	(14,774,000)	(14,774,000)	(14,774,000)	(14,774,000)	(+72,000)
Employees Life Insurance Fund (limitation on administrative expenses)	(1,086,000)	(826,000)	(826,000)	(826,000)	(826,000)	(-260,000)
Retired Employees Health Benefits Fund (limitation on administrative expenses)	(251,000)	(165,000)	(165,000)	(165,000)	(165,000)	(-86,000)
Total, Office of Personnel Management	11,184,905,000	10,648,692,000	11,336,692,000	10,648,692,000	10,995,692,000	-189,213,000
Administrative Conference of the United States	2,314,000	2,314,000		1,800,000	1,800,000	-514,000
Advisory Commission on Intergovernmental Relations	1,820,000	1,859,000		1,000,000	1,000,000	-820,000
Citizens' Commission on Public Service and Compensation	250,000	254,000				-250,000
(Rescission)				-250,000	-250,000	-250,000
Committee for Purchase from People Who Are Blind or Severely Disabled	1,653,000	1,679,000	1,689,000	1,689,000	1,689,000	+36,000

Treasury Department, U.S. Postal Service, Exec. Office of the Pres. Ind. Ag. (H.R. 2403) - Cont.

	FY 1993 Enacted	FY 1994 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Election Commission	21,143,000	21,151,000	23,564,000	23,564,000	23,564,000	+2,421,000
Federal Labor Relations Authority	21,647,000	21,341,000	21,341,000	21,341,000	21,341,000	-306,000
Merit Systems Protection Board:						
Salaries and Expenses	24,450,000	24,674,000	24,674,000	24,674,000	24,674,000	+224,000
(limitation on administrative expenses)	(1,950,000)	(1,989,000)	(1,989,000)	(1,989,000)	(1,989,000)	(+39,000)
National Archives and Records Administration	168,042,000	193,182,000	193,182,000	198,482,000	195,482,000	+27,440,000
Reduction of debt	....	-3,397,000	-3,397,000	-3,397,000	-3,397,000	-3,397,000
Office of Government Ethics	8,265,000	8,313,000	8,313,000	8,313,000	8,313,000	+48,000
Office of Special Counsel	7,952,000	7,992,000	7,992,000	7,992,000	7,992,000	+40,000
United States Tax Court	32,435,000	35,350,000	33,650,000	35,350,000	33,650,000	+1,215,000
Total, Title IV, Independent Agencies	11,949,107,000	11,307,366,000	12,129,422,000	11,465,547,000	11,786,464,000	-162,643,000
(limitation on administrative expenses)	(4,793,733,000)	(5,029,778,000)	(5,174,852,000)	(5,165,555,000)	(5,162,795,306)	(+369,062,306)
General Reduction, 1.478 % of Discretionary accounts	....	....	....	-173,772,000	....	....
Grand total:						
New budget (obligational) authority	22,527,131,538	22,006,136,000	22,708,780,000	22,157,687,000	22,538,822,000	+11,690,462
(Appropriations)	(22,527,131,538)	(22,006,136,000)	(22,708,780,000)	(22,157,937,000)	(22,539,072,000)	(+11,940,462)
(Rescissions)	....	....	....	(-250,000)	(-250,000)	(-250,000)
(Limitations)	(4,793,733,000)	(5,029,778,000)	(5,174,852,000)	(5,165,555,000)	(5,162,795,306)	(+369,062,306)

Mr. Speaker, I reserve the balance of my time.

Mr. LIGHTFOOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report to accompany H.R. 2403, the Treasury, Postal Service, and General Government appropriations bill for fiscal year 1994. Mr. Speaker, I concur with my chairman and good friend, Mr. HOYER, on a number of points in this bill.

As a Republican and the ranking member of the subcommittee, there are a number of things in this conference report I can strongly support.

For one, as my chairman says, the total numbers of the bill are below the House-passed bill. Our discretionary numbers are slightly higher, but by less than 2 percent. When combined with the mandatory figures, the total bill is actually only $6 million more than fiscal year 1993. In most accounts, we basically split the difference between the House and Senate bills, and in addition we are below the subcommittee's 602(b) allocation in budget authority.

The funding for the executive office of the President is $28 million below fiscal year 1993 levels, although most of that can be accounted for by cuts to the office of national drug control policy, or the drug czar's office.

One issue I would like to call to the attention of Members is our bill's incorporation of some of the Vice President's national performance review recommendations. As a Republican, I find myself supportive of many of these recommendations, such as the call for reductions in the numbers of Federal employees, and eliminating legislative mandates to the agencies which micromanage the Federal Government. For many of the agencies funded in the bill, we removed the mandated floors in FTE [full-time equivalent positions] levels, in following the Vice President's national performance review recommendations to stop micromanaging Federal agencies. I do believe we could have gone farther than we did in this area, by completely adopting this approach for all agencies, but there were concerns about the impact this might have on law enforcement agencies.

I was also pleased the conference included language I proposed to recommend that Federal agencies make efforts to reduce by 50 percent the paperwork burden, both internally and for individuals and businesses which are required to prepare Government forms for various purposes.

I also want to mention to my colleagues who have concerns about construction of new Federal buildings in the bill, that language is included in the conference report requiring the authorization of the buildings by the public works committees of both bodies prior to the obligations of any funds. The conference report takes the same approach it did last year, by not funding any nongovernment, or special projects, as was done in previous years.

For those who are concerned about postal revenues forgone and non-profit postal rates, our conference report also reaffirms the so-called Clay compromise adopted by the budget reconciliation bill enacted earlier this year. Therefore, this section of the bill should also be noncontroversial.

Another positive point in this conference report carried over the intent of last year's bill with respect to the family-friendly policy of the Federal Government. The conferees directed OPM to take a stronger leadership role in addressing this issue, stressing that the Government's ability to retain and attract the most qualified professionals depends highly on employee satisfaction, and the perception of such.

The conference report also included language carried over from the House bill requesting that GSA initiate a management review to determine the feasibility of making the Federal supply service a totally reimbursable service. I believe this is an excellent goal, and I think my colleagues on this side of the aisle would agree.

One final matter which I know was important to my Republican colleagues was the elimination, in the House bill, of several small agencies or organizations funded in previous years by this bill. Although we were not successful in defunding all of them, and partially because of objections on both sides of the aisle, I was pleased that the final conference report did refund two of these small entities. As many of you know, once a commission or agency is created, it takes on a life of its own, and is virtually impossible to ever eliminate. I myself have had second thoughts at times.

Unfortunately, if we are ever to get a grip on the Federal budget, we have got to start somewhere. I know many people felt both of these entities had merit, but nonetheless, I was pleased we had the ability to start somewhere, and I commend my colleagues who had the backbone to "just say no."

Now let me take just a few moments to mention a couple of concerns I have about this conference report. First of all, I was extremely disappointed that the conference report eliminates completely, as did the House bill, language contained in this bill in previous years prohibiting the use of Federal funds to finance Federal employees' health benefit plans which fund abortions. I do not believe the American public is solidly behind public financing of abortion, and I therefore believe most Americans will not want to be compelled to pay for abortions through Federal employees health benefit plans. Adoption of the Hyde amendment by both bodies is clear indication of that. I know many of my colleagues share my concern about this matter, and some may seek to work their will with respect to that portion of the bill—I will not oppose such efforts. It was clear during committee and floor consideration that we did not have the votes to reinstate the abortion prohibition language, but I will let the House work its will on that issue.

I also was quite concerned about the statement of managers' failure to include language discussing the recently completed GAO report on White House payroll practices. We have seen, we believe, unprecedented actions taken by the White House with respect to the backdating of pay raises, retroactive appointments, and double-dipping by White House employees on two federally funded accounts. I believe it is wrong to simply turn a blind eye to that, and I would like to thank the chairman for agreeing to hold a hearing on this matter. GAO made clear that Congress should revisit the issue of title 3 employees and the President's discretion in that regard to prevent potential abuse in the future.

Because the White House and both bodies of Congress are controlled by the same party, we have all the more need to ensure that the proper amount of oversight is being maintained. The minority party has a very important role to play in this oversight process, because we are the only ones providing any scrutiny over the executive branch. This Congress did a very effective job at oversight, I might add, during the past 12 years of Republican administrations, and I urge my Democratic colleagues not to forget that. We are still separate branches of Government, and should not simply take everything said or done by the White House at face value without careful evaluation. If we do, we will be failing to do our jobs for the American people. I will continue to urge my chairman to hold an oversight hearing on White House actions in several areas.

On a final note, I would like to extend my thanks to Bill Smith, Betsy Phillips, Robin Bason, Jenny Mummert, and John Berry on the majority staff, and Michelle Mrdeza on the minority staff, for all their hard work. I especially appreciate the cooperation we have had. In my first year as ranking member of the subcommittee, it has made my job easier. I also thank my friend, Chairman HOYER, for his willingness to hear all sides, and to accommodate the minority when he is able to. I have enjoyed working with him in his first year as chairman of the subcommittee.

□ 1930

Mr. HOYER. Mr. Speaker, I reserve the balance of my time.

Mr. LIGHTFOOT. Mr. Speaker, I yield 8 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I will be very brief.

Mr. Speaker, I rise in opposition to the bill, but before I give the reasons, let me just stipulate publicly my admiration and respect for the job that the gentleman from Maryland [Mr. HOYER] and his staff did, also the gentleman from Iowa [Mr. LIGHTFOOT] and his staff did.

Nothing that I say here is meant to be criticism in any way of them. You could not have a fairer team.

Let me just say to the gentleman from Iowa [Mr. LIGHTFOOT] that I think it is the A-team, it has always been the A-team. The work of the gentleman from Maryland [Mr. HOYER] has always been "A," and I think the gentleman from Iowa [Mr. LIGHTFOOT] has been a great improvement over the one he replaced; so let me just stipulate that for the RECORD.

Mr. Speaker, I am going to oppose the bill for two reasons. There were five Federal employees who lost their jobs because of firing in the Travel Gate. There has been a lot of activity now to try to help them find jobs, and partially because of the gentleman from Maryland [Mr. HOYER] I think they have been successful in finding them, but all five of these employees now have legal fees of over $20,000. One gentleman is perhaps in the range of $30,000.

We are asking that the administration work out something to pay for their legal fees.

Now, the Members know and the people listening know that when a Member of Congress or a high-profile employee, a political employee gets in trouble, they go to their campaign funds or to their wealthy friends. These career Federal employees have no place to go. One or two or them may be bankrupt for this activity.

The White House on this issue is out of control, and this issue has to be dealt with. I have been disappointed that but for the gentleman from Maryland [Mr. HOYER] and one or two others, there have been very few people who have really expressed any interest.

I say to the Federal Employee Unions whose job it is to represent and defend your Members and employees, your silence has been basically an indictment, because you had an obligation to come to the defense of the least, and if you come to the defense of the least, many times your employees will be better off.

Second, let me cover an issue that is equally important. It came out in the Wall Street Journal last week that a friend of the President, Mr. Ickes, who is a prominent lawyer up in New York who is alleged—and I say alleged—to be connected with organized crime had a White House pass.

Now, your constituents when they come to Washington do not have a White House pass. He had a White House pass that enabled him to walk into the White House whenever he wanted to.

In fact, Mr. Ickes was quoted, he said:

> Many people get access to the White House. I am one of those and I see nothing improper in it.

Then if you go back and you read in the Wall Street Journal piece it says:

> When New York lawyer Harold Ickes visited the Capitol in early June, a Senator's aide asked him quizzically, "Are you here in behalf of the White House or Puerto Rico?"

The confusion was understandable. Mr. Ickes, the son of Franklin Delano Roosevelt's Interior Secretary, is widely known as an influential friend of President Clinton and has often been mentioned for a top White House job, and even has the kind of Secret Service issue pass that is given to Presidential aides allowing him to roam the White House corridors at will. That is wrong. It was wrong in the Reagan administration when Deaver had the pass, and it is wrong in this administration and it ought to stop.

□ 1940

Second, we have Carville, and, if my colleagues read in the latest Time/Newsweek magazine, it is a picture. Adviser James Carville spins the President's message.

Well, Bob Teeter, who was the pollster and political adviser for President Bush, did not have a White House pass. Mary Matalin did not have a White House pass. But Carville has a White Hose pass; Begala has a White House pass.

Now it is said, "Well, they are friends of the President. What's wrong with that?"

Well, the people who work on the White House staff ought to have White House passes. The President's family ought to have a White House pass.

Now, if the President wants Begala and Carville to come in, just put their name on the list, same way when any Member goes down to the White House.

But it is wrong, and what they are doing is they are trading on their knowledge and ability to enter the White House and be friends of the President. They are trading on that to pick up clients.

Now, if my colleagues read the full article, Ickes is on retainer with the Government of Puerto Rico for $10,000 a month, and I ask my colleagues, "Why do you think they are hiring him?" They are hiring him because he has the access to the White House.

I would urge Members to vote "no" on this bill. I say to my colleagues, "I think, if you constituents knew that

Begala, and Carville, and then Ickes and others, and we have asked the White House for a list of those, and what I think would be an acceptable compromise, I would feel comfortable, is if they gave the list of those who had the White House passes to the chairman, Mr. HOYER, and to Mr. LIGHTFOOT, and no other Member, if that were the case, whereby they could then make a decision whether or not it was appropriate. But when people are on the White House list, and they are also outside selling their wares, I think it's wrong. I think it's wrong morally, and I think it's wrong ethically.

"Second, by voting this bill down and sending a message to the White House you may do more to help the Clinton administration by stopping this than anything else that you can do.

"Last, I ask that any Member of Congress, if you ever happen to be the subject of an indictment, think about these five Federal employees who now have hanging over their head the situation where they still can potentially be indicted. They are still running up legal fees. One has Akin Gump, who, I can tell you, is not very cheap, and no one is coming to their defense. The White House has a moral obligation to take care of that."

Second, Mr. Speaker, the White House ought to stop these passes, lift the White House passes, and at the minimum, anyone who has a White House pass, the gentleman from Maryland [Mr. HOYER] and the gentleman from Iowa [Mr. LIGHTFOOT] ought to be able to see them.

I urge a no vote to send a message to the White House that these things are wrong.

Mr. Speaker, I rise in opposition to the conference report. I want to thank the chairman of the committee, Mr. HOYER, for his leadership in bringing this conference report to the floor today. I also want to recognize Mr. LIGHTFOOT for his efforts. I was previously the ranking member of this committee, so I'm aware of the demands placed upon Mr. LIGHTFOOT. Both Members have worked hard on this legislation, but because of a number of important changes in this year's bill, I cannot support it.

This bill contains a number of provisions which I support. It expands from three to four the number of Federal telecommuting pilot projects in the Washington metropolitan area. As Members know, these centers will allow Federal employees to work from regional centers—complete with computers, fax machines, and telephones—rather than spending hours commuting to downtown District of Columbia. This is a win-win concept: Federal employees will be able to spend more time with their families rather than being stuck in traffic and they become more productive in their jobs.

I also want to mention one provision which I feel strongly about which was stricken from this bill before it was originally passed in the House. This provision would have allowed Federal employees to apply their accumulated sick leave for the adoption of a child. Right now, Federal employees may use sick leave for the birth of a child, but families which adopt may not, creating an unfair double standard for adoptive parents. I am pleased that the House recently passed legislation which authorizes this change and I am hopeful that the other body will quickly act on that important bill.

Mr. Speaker, I would like to speak about serious concerns in this bill. From the firings of the Travel Office staff to the backdating of pay and providing White House passes to lobbyists, this Executive Office of the President is skating close to and maybe even over the ethical edge. There are various White House staffing and financial issues that should be examined more closely.

First of all, I am deeply concerned about the fate of the five fired employees of the White House travel office. It is incomprehensible why the Federal employee unions haven't made this issue a top priority. This is a case where Federal employees were wrongfully accused of a crime, fired from their jobs without just cause, publicly criticized for political gain, leaving them unemployed and straddled with thousands of dollars in legal fees. I understand that the Justice Department has ruled that these five employees will be allowed to make their case for Federal reimbursement of legal fees, but that there is no guarantee that the Government will reimburse these people.

Second is the question of White House security passes. Recently I wrote to White House Chief of Staff Mack McLarty regarding the proliferation of White House passes being given out to individuals who are not White House employees but who are basically working in the White House while holding lucrative paid positions outside the White House.

The Chief of Staff declined to provide information on individuals who hold White House passes, but did say that these non-Government persons were holding passes because they provide regular services to the White House. I am seriously concerned that at least some of the non-Government persons known to have White House passes are highly paid lawyers, consultants, and lobbyists who are not subject to any kind of oversight or disclosure requirements that are routine for regular White House employees. Serious ethical and conflict of interest problems abound with this kind of loose operation.

I am concerned that this White House seems to be developing a pattern of having highly paid—from outside sources—volunteers working on a regular basis in the White House with potentially unknown dubious connections. What outside group or corporation wouldn't mind paying an employee to go volunteer at the White House if that volunteer could promote their cause or have the White House access?

Furthermore, many of these volunteers have the best of both worlds: They don't have to give up their outside salaries or subject themselves to financial disclosure or limits on outside income yet they have the access and the cache of working from the White House. Look at James Carville, for example: He holds a White House pass, works regularly at the White House—see picture featuring him spinning the President's health care message at the Talk Radio fest at the White House last week—and heads out after he is done and gets paid for speeches all over the country and even in foreign countries. He is not subject to any of the restrictions that a regular White House employee must abide by. During the Bush administration outside operatives such as Bob Teeter or Mary Matalin never held such passes or worked at the White House in such a fashion.

If these individuals are providing regular services doesn't the public have a right to know who they are, what their connections are and what potential conflicts of interest they might have?

Earlier this year we saw the consequences of providing Harry Thomasson with the wide roaming access that he had with his White House pass. Now we have individuals such as corporate attorney, Susan Thomases, providing regular services on a volunteer basis and Harold Ickes who recently lobbied successfully to get the White House to switch positions on a Puerto Rican tax break and has been put on retainer by the Puerto Ricans to instruct them on "how best to deal with the Clinton administration" (WSJ 9/21/93). Prior to the vote on the Clinton budget, Mr. Ickes met with freshman lawmakers who in turn made personal pleas to the President on June 10 which were said by Clinton aides to have been critical to his decision to bend on the issue. Yet Mr. Ickes insists he doesn't have to register as a lobbyist because he is serving as a strategist and adviser to the Puerto Ricans in dealing with the Democratic Party. And all this from a President who campaigned on ending the clout of Washington influence peddlers. So much for change in the ethics arena.

Mr. Ickes, who is under investigation for his role in representing a union in New York that is alleged to be dominated by organized crime, bragged to The Wall Street Journal: "Many people get access to the White House; I am one of those, I see nothing improper about it." Mr. Ickes was also involved with questionable legal dealings on behalf of New York Mayor David Dinkins in the past. It was these very reasons that the President decided not to name Mr. Ickes as Deputy Chief of Staff as he had originally planned. If he could not pass White House muster and go through financial disclosure procedures and clearance procedures for a White House job, why is he known as, Mr. Access? In an ironic twist, Newsday reports that Mr. Ickes was the transition official who drafted this administration's ethics rules. Talk about the fox guarding the henhouse.

In Mr. McLarty's letter to me, he stated that, "A limited number of non-Government persons who, for the most part, have rendered regular services to the administration, also have White House passes." Given that these individuals are providing regular services to the White House while some or many continue to hold high paying outside jobs, we should know:

First. Who are these non-Government persons who have rendered regular services to the administration? (Regardless of whether they have White House passes or not.)

Second. Have these individuals obtained White House clearance and have they filed financial disclosure?

Third. Since I would assume these non-Government persons are unpaid, what kind of efforts have been made to determine potential conflicts of interest?

Fourth. For whom do these individuals providing regular services work or who pays their salaries? From whom do they receive outside contracts or consulting fees?

Fifth. What types of positions are these non-Government persons serving in on a regular basis? Do they have use of office and secretarial services? Do they have limited or unlimited passes throughout the White House?

Sixth. If these individuals are providing services to the administration on a regular basis in what way, if any, are they considered different than Government employees?

Seventh. How are the various war rooms being staffed and paid for? Are there nonpaid staff who are paid from other sources on the outside working these war rooms?

Eighth. Is the Democratic National Committee, labor organizations, lobbying groups, for example, Families USA which paid for the families who attended the White House health care event to discuss their health care situations, or other groups paying the salaries of any of these volunteers?

I have been told that many of the staff and volunteers continue to hold temporary passes with many clearances pending and being held in the White House Counsel's office for further review. I am told that information on many individuals is of a nature that would in previous administrations make them ineligible for clearance. What is the status of these pending clearances? We need to know more. Mr. Chairman, I ask that you join me in requesting from the White House a list of all people who have White House passes and a justification for their holding these passes. Taxpayers deserve to know if the people inside the White House are there to help America or to help themselves.

Further, I am told that earlier this year, White House Administrator David Watkins made inquiries as to whether it would be possible to put privately donated transition money or other private donations into some kind of nonprofit fund that could then be used to hire individuals and pay them on that payroll while allowing them to be volunteers in the White House. Has this been done?

Mr. Speaker, the conference report before us provides more than $150 million for the operation of the White House and the Executive Office of the President. This is taxpayers money and should be scrutinized as closely as any other Federal program. With serious questions still unanswered regarding the travel office and unlimited White House access by influence peddlers, I believe the White House has a lot of explaining to do.

I want to publicly state to the chairman that I intend to get to the bottom of each of these issues. I will not let up until I am satisfied that tax dollars are being spent in a prudent and ethical manner. This administration is calling on us to reinvent Government and reinvent health care, but for starters, they need to get their own house in order first.

HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
September 22, 1993.

Mr. THOMAS MCLARTY III,
Chief of Staff, The White House, Washington, DC.

DEAR MR. MCLARTY: I am writing in regard to your response to my letter concerning the issuance of White House passes.

While you declined to provide information on individuals who hold White House passes, I continue to remain concerned given that at least some of the non-government persons known to have White House passes are highly paid lawyers, consultants and lobbyists who are not subject to any kind of oversight or disclosure requirements that are routine for regular White House employees. As a member of the Treasury/Postal Appropriations subcommittee, I am concerned with this situation. Serious ethical and conflict of interest problems abound with this kind of loose operation.

In your letter you stated that, "A limited number of non-government persons who, for the most part, have rendered regular services to the Administration, also have White House passes." Given that these individuals are providing "regular services" to the White House while some or many continue to hold high paying outside jobs, I would like to know the following:

1. Who are these non-government persons who have rendered regular services to the Administration? (Regardless of whether they have White House passes or not)

2. Have these individuals obtained White House clearance and have they filed financial disclosure?

3. Since I would assume these non-government persons are unpaid, what kind of efforts have been made to determine potential conflicts of interest?

4. For whom do these individuals providing "regular services" work or who pays their salaries? From whom do they receive outside contracts or consulting fees?

5. What types of positions are these non-government persons serving in on a regular basis? Do they have office space such as was made available to Harry Thomasson earlier this year? Do they have use of office and secretarial services? Do they have limited or unlimited passes throughout the White House?

6. If these individuals are providing services to the Administration on a "regular basis" in what way, if any, are they considered different than government employees?

7. How are the various "war rooms" being staffed and paid for? Are there non-paid staff who are paid from other sources on the outside working these "war" rooms?

8. Is the Democratic National Committee, labor organizations, lobbying groups (for example, Families USA which paid for the families who attended the White House health care event to discuss their health care situations) or other groups paying the salaries of any of these "volunteers"?

I also understand that many of the staff and volunteers continue to hold "temporary" passes with many clearances pending and being held in the White House Counsel's office for further review. I am told that information on many individuals is of a nature that would in previous Administrations make them ineligible for clearance. What is the status of these pending clearances?

I am concerned that this White House seems to be developing a pattern of having highly paid (from outside sources) "volunteers" working on a regular basis in the White House with potentially unknown dubious connections. What outside group or corporation wouldn't mind "paying" an employee to go "volunteer" at the White House if that "volunteer" could promote their cause or have the White House access?

Furthermore, many of these "volunteers" have the best of both worlds: They don't have to give up their outside salaries or subject themselves to financial disclosure or limits on outside income yet they have the access and the cache of working from the White House.

Your letter declining to disclose who holds these passes at least admitted that these individuals who are holding passes are providing "regular services" and as such virtually operate as employees of the White House. If these individuals are providing "regular services" doesn't the public have a right to know who they are, what their connections are and what potential conflicts of interest they might have?

Earlier this year we saw the consequences of providing Harry Thomasson with the wide roaming access that he has with his White House pass. Now we have individuals such as corporate attorney, Susan Thomases, who I understand will be doing the President's scheduling until November 1 on a "volunteer" basis. In addition, Harold Ickes who recently lobbied successfully to get the White House to switch positions on a Puerto Rican tax break and has been put on retainer by the Puerto Ricans to instruct them on "how best to deal with the Clinton administration" (WSJ, 9/21/92) bragged to The Wall

Street Journal: "Many people get access to the White House; I am one of those. I see nothing improper about it." The scrutiny of Michael Deaver during the Reagan Administration was for conduct very much like that of Mr. Ickes. It was wrong when Michael Deaver did it; it is wrong now.

Further, I am told that earlier this year White House Administrator David Watkins made inquiries as to whether it would be possible to put privately donated transition money or other private donations into some kind of nonprofit fund that could then be used to hire individuals and pay them on that payroll while allowing them to be "volunteers" in the White House. I would like to know if this has been done in any capacity.

I would appreciate your response to this matter as soon as possible.

Sincerely,

FRANK R. WOLF,
Member of Congress.

THE WHITE HOUSE,
Washington, DC, August 19, 1993.

Hon. FRANK R. WOLF,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN WOLF: Thank you for your letter of July 29.

To our knowledge, there have been no material changes in security procedures at the White House when compared to those of previous administrations. The security function as to personnel rests primarily with the Office of White House Personnel Security, which is under the direction of the Office of Counsel to the President. Other security functions regarding the White House are provided by the Secret Service and other agencies, such as the Department of Defense. The Office of White House Personnel Security originates the necessary paperwork for security clearances.

The vast majority of the holders of White House passes are employees or detailees. Certain administration officials employed by various agencies of the Executive Branch, whose duties require regular White House access, possess White House passes. A limited number of non-government persons who, for the most part, have rendered regular services to the Administration, also have White House passes. The list of these persons is confidential. As a result of a review being conducted by my office, in conjunction with the Office of Counsel to the President, there may be some modification of our pass policy with respect to non-government persons.

Personally,

MACK MCLARTY.

[From the Wall Street Journal, Sept. 21, 1993]

ICKES, CLINTON INSIDER AND PUERTO RICO ADVOCATE, SHOWS NOT ALL WHO LOBBY MUST WAIT IN THE HALL

(By Jeffrey H. Birnbaum)

WASHINGTON.—When New York lawyer Harold Ickes visited the Capitol in early June, a senator's aide asked him quizzically, "Are you here on behalf of the White House or Puerto Rico?"

The confusion was understandable. Mr. Ickes, the son of Franklin D. Roosevelt's Interior secretary, is widely known as an influential friend of President Clinton, has often been mentioned for a top White House job and even has the kind of Secret Service-issued pass that is issued to presidential aides, allowing him to roam the White House corridors at will.

But Mr. Ickes was hardly representing the president that day on Capitol Hill. Rather, he was lobbying for Puerto Rico and working to defeat one of Mr. Clinton's most important tax proposals, the severe curtailment of a generous subsidy to U.S. manufacturers, especially pharmaceutical makers, with operations in the Island commonwealth. In the end, the president relented, and Mr. Ickes's side won, when most of the tax break was preserved.

MANY HATS

During his election campaign, Mr. Clinton insisted that he wouldn't tolerate special access for narrow interests, and promised to "take away power from the entrenched bureaucracies and special interests that dominate Washington." As Mr. Ickes's example shows, however, not only have special interests continued to flourish, but people close to the president are participating in the bazaar.

The Puerto Ricans placed the 54-year-old Mr. Ickes on retainer starting in mid-April, at a fee that lobbyists put at $10,000 a month. Mr. Ickes won't discuss how much he is being paid. He began meeting with prominent lawmakers and their staffs; he also attended numerous strategy sessionswith lobbyists and Puerto Rican officials, helping to plot how to beat the president's proposal. Participants say he gave advice on a variety of matters, including how best to deal with the Clinton administration.

Mr. Ickes's roles as White House adviser and Puerto Rico lobbyist sometimes blurred. The chief of staff of the Senate Finance Committee, Lawrence O'Donnell, talked to Mr. Ickes as if he were the Puerto Rican's conduit to the White House, and even admonished Mr. Ickes for failing to lobby the White House harder.

"It struck me as something of a waste of time being in my office when all the resistance was coming from the administration," Mr. O'Donnell says. "I made it clear that anyone who has access to the White House on this should be lobbying the White House."

Mr. Ickes, whose practice is based in Mineola, N.Y., contends he wasn't lobbying the White House at all at the time. In fact, after serving as the chief operating officer of the Clinton transition in Little Rock, Ark., he had agreed not to lobby any government agency for six months after the start of the new administration. He insists that the advice he gave to lobbyists didn't violate that agreement, and adds that "I certainly had no information and did not attempt to obtain any information about where different people in the White House stood" on the issue.

But he did meet with several Democratic lawmakers whose influence proved to be pivotal. These included such tax writers as House Ways and Means Chairman Dan Rostenkowski of Illinois, New Jersey Sen. Bill Bradley, New York Rep. Charles Rangel and Connecticut Rep. Barbara Kennelly. Mr. Ickes' also met with twofreshman lawmakers of Puerto Rican descent, Reps. Nydia Velazquez of New York and Luis Gutierrez of Illinois, whose personal pleas to the president on June 10 were said by Clinton aides to have been critical to his decision to bend on the issue.

Despite those meetings, Mr. Ickes insists that he doesn't have to register as a lobbyist because he is serving as a strategist and adviser to the Puerto Ricans in dealing with the Democratic Party. The current lobbying-registration laws are so loosely worded that he appears to be correct.

REDUCING THE CUT

But his work produced results nonetheless. The original Clinton proposal would have cut the Puerto Rican tax subsidy by $6.8 billion over five years. The final tax change reduced the break by $3.7 billion over the period.

Mr. Ickes is continuing to represent Puerto Rican interests, and has been meeting with the White House officials on their behalf since the six-month ban on contacts by former transition staffers lapsed in July. He arranged a meeting for himself and the governor of Puerto Rico with senior White House aide Marcia Hale at the National Governors Association meeting in Tulsa, Okla., last month. He also arranged, and stayed for the start of, a meeting between the governor and Hillary Rodham Clinton at the same Tulsa event.

Meanwhile, he continues to use his White House pass to come and go at 1600 Pennsylvania Ave. "Many people get access to the White House; I am one of those," Mr. Ickes says. "I see nothing improper about it."

And clearly he is still welcome there. "His work with the government of Puerto Rico involved a whole wide range of issues; the tax issue is just one aspect of it," says White House Communications Director Mark Gearan. "Harold is a valued friend of the administration."

[From the Washington Post, Sept. 21, 1993]

SHEEEEEEEEEEEEE'S BAAAAAAACCK . . .

(By Keith Jenkins)

It's kind of hard to imagine, but White House scheduling is obviously in such disarray right now that staffers are actually hoping that Susan Thomases will temporarily step into her old campaign job.

Several aides yesterday expressed relief—even enthusiasm—that the Clintons' controversial friend will likely fill the scheduling job on a volunteer basis until about Nov. 1. Marcia Hale recently vacated the post to head the White House intergovernmental affairs office, and it's slated to be filled permanently by Ricki Seidman, who's on an extended R&R leave. Lately, the president's schedule has been handled seat of the pants.

We hate to rehash old stuff, but we will: Thomases, a New York lawyer and one of Hillary Clinton's closest pals, drove the campaign staff nuts with her abrupt, controlling and often autocratic handling of the campaign schedule last year. There was even a time when aides went into shock just thinking she might get a White House job.

But time apparently heals old wounds. "She's organized, to the point and she understands the Clintons," said one staffer. "Doing the president of the United States' schedule by committee just isn't making it."

As for Thomases, a call to her New York office went unreturned.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and my colleagues, I know the gentleman from Virginia feels very strongly about these two issues. In particular, of course, he talked on this issue when we passed this bill in the House, the issue of the five employees in the White House Travel Office who were removed from the Travel Office. In part because of his interest and the interests of others, I have worked closely with Mr. McLarty in the White House on this issue. I am pleased that all five of these employees have, in fact, been offered jobs at comparable levels and with their seniority intact. I think that was appropriate to do. The gentleman from Virginia [Mr. WOLF] thought that was appropriate as well.

I want to tell the gentleman from Virginia that, as he knows we are still working on the issue of the attorneys' fees, which is also of serious concern, and I think he raises a good point.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, I just want to say and acknowledge publicly that I think of the reason they have been taken care of is because of the good offices of the gentleman from Maryland. I know of the work, and I publicly want to say that one has been a constituent of mine. He has been very, very concerned. I am not sure any have been the gentleman's constituents, but I do appreciate the good work that the gentleman has done in helping them at least find employment.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Virginia [Mr. WOLF] for his remarks, but I would point out at no time did the White House indicate any objections to doing that and, in fact, felt that that ought to be done, and I think there was an agreement on that. But the gentleman from Virginia has made that point very clear.

On the second point, Mr. Speaker, I do not know whether the gentleman had an opportunity to read the Wall Street Journal today. The gentleman has had an impact already and made at least one point. Harold Ickes, a New York lawyer who represented the Puerto Rican government, has had his White House pass revoked, so the gentleman's concerns have been heard, and I am sure that this matter obviously is being reviewed in the light of the fact that they have already taken one action.

So, I think the White House is sensitive to the issue that the gentleman raises.

I would urge the Members, however, to remember that those are only two messages. I understand that, but this conference report, after all, does fund the Department of the Treasury, the General Services Administration, the Secret Service, Customs, and many others. I think the message has been sent. We have taken care of the five employees, Mr. Ickes' pass has been taken back, and I presume this matter is under review.

Mr. Speaker, I urge the Members to support the conference report.

Mr. DARDEN. Mr. Speaker, I rise in strong support of the conference report on H.R. 2403. I commend Chairman HOYER, the ranking member, Mr. LIGHTFOOT, the other subcommittee members and staff for their hard work and efforts in bringing this balanced bill to the floor today.

Mr. Speaker, while the chairman has outlined the contents of this conference report, I would like to highlight several of its important provisions. First, this measure appropriates $170 million less than the Treasury, Postal Service, general government bill approved by this body in June of this year. The final appropriations contained in this bill are the result of many hard choices.

Second, this conference report contains funds important to law enforcement including drug interdiction efforts, drug treatment and prevention programs, the U.S. Customs Service, the Secret Service, and BATF. This bill also continues the programs and development of the Federal law enforcement training center which provides most of the training for Federal law enforcement personnel.

Finally, Mr. Speaker, several difficult issues are addressed in this conference report including Federal employee salary adjustments, reductions in the number of Federal employees, and subsidized mailing rates for nonprofit organizations.

Mr. Speaker, I again commend the chairman and other members of the conference committee for their diligent efforts and urge my colleagues to support this measure.

Mr. HOYER. Mr. Speaker, we have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WOLF. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 207, nays 206, not voting 20, as follows:

[Roll No. 476]

YEAS—207

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Coyne
Cramer
Darden
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dingell
Dixon
Dooley
Durbin
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Houghton
Hoyer
Hughes
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kennedy
Kennelly
Kleczka
Klein
Kolbe
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Leach
Lehman
Levin
Lewis (GA)
Lightfoot
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Moran
Morella
Nadler
Natcher
Neal (MA)
Neal (NC)
Obey
Olver
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Price (NC)
Rangel
Reed
Reynolds
Richardson
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Slaughter
Smith (IA)
Spratt
Stokes
Strickland
Studds
Swett
Swift
Synar
Tanner
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NAYS—206

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Costello
Cox
Crane
Crapo
Cunningham
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grandy
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kyl
LaFalce
Laughlin
Lazio
Levy
Lewis (CA)
Linder
Lipinski
Livingston
Lloyd
Machtley
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Murphy
Myers
Nussle
Oberstar
Ortiz
Orton
Packard
Pallone
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tauzin

Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—20

Boucher
Brewster
Bryant
Clay
Dicks
Edwards (CA)
Frank (MA)
Grams
Hall (OH)
Lewis (FL)
Martinez
McDade
Murtha
Oxley
Porter
Schroeder
Smith (OR)
Stark
Torricelli
Yates

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Mr. DE LA GARZA changed his vote from "yea" to "nay."

Mr. NEAL of Massachusetts and Mr. VALENTINE changed their votes from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material on H.R. 2403, the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PERSONAL EXPLANATION

Mr. LEWIS of Florida. Mr. Speaker, due to a health concern in my family, and the fact that today's session was not scheduled to run past 6 p.m., I was unable to cast my vote on H.R. 2403: a bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1994, and for other purposes.

Had I been here, I would have voted "no," as I did on this bill as it originally passed the House.

PERSONAL EXPLANATION

Mr. PORTER. Mr. Speaker, I was not recorded as voting on Rollcall No. 476. Had I voted, I would have voted "aye."

PERSONAL EXPLANATION

Mr. GRAMS. Mr. Speaker, I was unable to cast my vote on H.R. 2403, the Treasury, Postal Service, General Government appropriations conference report.

Had I been present in the Chamber at the time of the vote, I would have voted "no" on Rollcall Vote No. 476.

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, I was unavoidably absent from the House Chamber during Rollcall Vote No. 476. Had I been present, I would have voted "nay."

AUTHORIZING PERMANENT AUTHORITY OF SECRETARY OF COMMERCE TO CONDUCT QUARTERLY FINANCIAL REPORT PROGRAM

Mr. SAWYER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2608) to make permanent the authority of the Secretary of Commerce to conduct the Quarterly Financial Report Program, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. REAUTHORIZATION OF COLLECTION AND PUBLICATION OF QUARTERLY FINANCIAL STATISTICS BY THE SECRETARY OF COMMERCE.

(a) IN GENERAL.—Section 4(b) of the Act entitled "An Act to amend title 13, United States Code, to transfer responsibility for the quarterly financial report from the Federal Trade Commission to the Secretary of Commerce, and for other purposes", approved January 12, 1983 (Public Law 97-454; 96 Stat. 2494; 13 U.S.C. 91 note) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1998".

(b) EFFECTIVE DATE.—The amendment made under subsection (a) shall take effect on September 30, 1993.

Amend the title so as to read: "An Act to provide for the reauthorization of the collection and publication of quarterly financial statistics by the Secretary of Commerce through fiscal year 1998, and for other purposes.".

Mr. SAWYER (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Ohio?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I rise in support of H.R. 2608 as amended by the other body and would like to thank my friend and colleague from Ohio, TOM SAWYER for his diligent work on this measure.

H.R. 2608 as passed by the House would have permanently authorized the Secretary of Commerce to conduct the Quarterly Financial Report Program. H.R. 2608 as amended by the other body would authorize the QFR Program for a 5-year period until 1998. The other body was concerned with permanently authorizing the QFR Program at this point until they could consult with experts to learn more about the QFR statistical collection process.

The QFR Program originally conducted by the Federal Trade Commission was established 45 years ago to provide on an ongoing basis needed statistics on the financial performance of manufacturing, mining, and trading operations. Today, the QFR Program provides financial data for essential calculation of key Government measures of the national economy. The QFR is the principal economic indicator of the U.S. economic performance and the primary source for estimates of the gross domestic product [GDP] and national income accounts.

Mr. Speaker, H.R. 2608 is noncontroversial and recognizes the critical role of the QFR Program. The QFR Program is wholeheartedly supported by the U.S. corporations which supply the information and I urge my colleagues to support this legislation.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio [Mr. SAWYER].

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Mr. SAWYER. Mr. Speaker, I thank my friend, the gentlewoman from Maryland. Frankly, I was going to explain the content of the measure, but the gentlewoman from Maryland has done such a marvelous job.

Mr. Speaker, H.R. 2608 reauthorizes the collection and publication of quarterly financial statistics by the Secretary of Commerce through fiscal year 1998. I am pleased to be the sponsor of this legislation, along with the ranking minority member of the Committee on Post Office and Civil Service, the gentleman from Indiana, JOHN MYERS.

I also want to thank the gentleman from Wisconsin [Mr. PETRI] for his support and cooperation in bringing this bill to the floor in a timely way.

The Quarterly Financial Report [QFR] Program is the Nation's most current and comprehensive source of data on corporate financial activity. QFR data are essential for calculating key measures of the national economy.

As Members may recall, the House approved H.R. 2608 on September 21 under Suspension of the Rules. The following day, the Senate passed H.R. 2608 with an amendment that reauthorizes the QFR Program for 5 years, through September 30, 1998.

The Senate wanted to have the opportunity to review the QFR Program again in the future. I understand their concerns and am happy to accept the amendments.

H.R. 2608 will ensure the accuracy and continuity of principal economic indicators. I urge my colleagues to support H.R. 2608, as amended.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Ohio?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill, H.R. 2608, and the Senate amendments thereto.

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

RELATING TO CONSIDERATION OF SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE AMENDMENTS TO H.R. 2493, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 260 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 260

Resolved, That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to take from the Speaker's table the bill (H.R. 2493) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes, with the Senate amendments to the House amendments to the Senate amendments numbered 29 and 164 thereto, and to consider: (1) a motion that the House concur in the Senate amendment to the House amendment to the Senate amendment numbered 29 with the amendment printed in section 2 of this resolution; and (2) a motion that the House concur in the Senate amendment to the House amendment to the Senate amendment numbered 164 with the amendment printed in section 3 of this resolution. Each Senate amendment shall be considered as read. Each motion shall be debatable for one hour, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on each motion to final adoption without intervening motion.

SEC. 2. The House amendment to the Senate amendment to the House amendment to the Senate amendment numbered 29 is as follows: In the matter proposed to be added by the Senate amendment, insert after the word "operations" the following: ", except for marketing year 1993".

SEC. 3. The House amendment to the Senate amendment to the House amendment to the Senate amendment numbered 164 is as follows: In the matter proposed to be added by the Senate amendment, insert before the period at the end of section 731 the following: ", except in the case of the Food and Drug Administration".

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON] is recognized for one hour.

Mr. GORDON. Mr. Speaker, during consideration of this resolution all time yielded is for the purpose of debate only.

For purposes of debate only, I yield the customary 30 minutes, Mr. Speaker, to the gentleman from Florida [Mr. GOSS], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 260 provides for the consideration of the Senate amendments to the House amendments to the Senate amendments to the Agriculture, Rural Development, Food and Drug Administration and related agencies appropriations bill for fiscal year 1994.

House Resolution 260 makes it in order, any rule of the House notwithstanding, to consider the motions printed in sections 2 and 3 of the rule.

The resolution provides for 1 hour of general debate on each motion which is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. Each motion shall be considered as read.

Finally, the rule provides that the previous question shall be considered as ordered on each motion without intervening motion.

Mr. Speaker, each of the two motions in the rule contain a technical amendment to the Senate amendments to the conference report. The first House amendment would make clear that the termination of the Wool and Mohair Program would become effective beginning with fiscal year 1994. The second amendment would restore the floor on the level of full-time employees permitted at the Food and Drug Administration. This amendment would in no way affect the Senate language relating to the limitation on funds for Honey Program payments.

I urge my colleagues to adopt this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, folks who are into C-SPAN have been following the incredible back and forth on this 1994 Agriculture appropriations bill. We have seen just how hard it is to actually shut down obsolete and low-priority Federal programs. Americans want us to cut spending—they want us to cut programs that we do not need and can no longer afford. But in this town cutting a program is infinitely more difficult than creating new ones. And so here we are, round three in the effort to actually shut down two Federal Agriculture subsidy programs that simply have outlived their national significance. The honey price support subsidy has been identified by a whole host of independent taxpayer watchdog groups as an unnecessary and costly boondoggle for the Nation's 2,000 beekeepers. We thought we had killed the Honey Program last month—only to wake up and find out that bees have more than one life and the thing just would not die. The Wool and Mohair Program, created in the 1950's for strategic purposes to ensure adequate clothing for our troops, was targeted for elimination in Vice President GORE's reinventing Government report. Both of these programs were among the 50 specific spending cuts I offered for debate earlier this year in response to President Clinton's challence to provide specific spending cuts. So I am pleased to support this rule, which finally brings the tortuous debate to a close and provides that these cuts will, in fact, be made. For once, the taxpayers could come out the winners. Specifically, we were asked for this rule to ensure three things: First, we had to deal with a technicality in House rules that limits the number of times we can bounce an issue back and forth from here to the other body. Second, in the interest of fairness, we were asked to make sure that we not penalize those participating in the Wool and Mohair Program by killing it retroactively. These seem to be reasonable requests, though there is some difference of opinion about retroactivity. But let us be very clear, once this legislation is signed into law, we will have made sure that, as of 1994, the honey subsidy and the Wool and Mohair Program will finally and permanently be put out to pasture. Third, we were asked to help bring this bill into compliance with administration concerns about Congress establishing fixed personnel floors for certain Federal agencies. I applaud the chairman for complying with this request. I only wish he would have gone all the way and not asked for an exception for the FDA—one agency that I think many Americans believe should be reined in, not expanded. A top issue in my mailbag these days is the question of FDA interference in Americans' lives and their ability to buy vitamins. But this is a debate that will have to be resolved another day. For now, I urge support for this rule so we can get on with cutting spending.

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. DURBIN] the chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and related agencies of the Committee on Appropriations.

Mr. DURBIN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the honey program was abolished by House floor action, but the amendment offered by my colleague, the gentleman from Illinois, has a flaw in it which we are correcting with our effort tomorrow in the passage of the Senate amendment. The message, of course, is that the program is to be eliminated, and our language tomorrow will clarify that.

Second, under the wool and mohair program, the Senate has spoken and the House sentiment appears to be in concert. What we will attempt to do tomorrow with the passage of an amendment is to make certain that all of those Americans currently enrolled in the wool and mohair program for this marketing year, marketing year 1993, will be paid as promised. This is absolutely essential for the families and businesses involved in the program.

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Over the past several days my office has been inundated by telephone calls from across the United States, from farmers and ranchers and producers who have enrolled in the program in good faith, in an attempt to conduct their business consistent with our Federal mandate and guidelines. This effort by the Senate to eliminate the program retroactively would have been totally unfair.

Our effort tomorrow to make certain that the marketing year of 1993 is protected is I think fair, whether you support the program or oppose it. It is clear that the program for the marketing year 1994 will not be funded. If any further action is to be taken on the wool and mohair program, it will require further action in the Congress.

The final point I would like to make is this: The President, Vice President, and Cabinet have promised the American people they will reduce the number of Federal employees. All of us support that. In fact, when the Office of Management and Budget asked us to eliminate a provision in this bill which set a floor, that is a minimum for the number of employees in various agencies, we agreed to do so, with one exception. The exception is the Food and Drug Administration, and I think it is a critically important exception.

We know that this small agency is responsible for the approval of new drugs and medical devices that will create medical breakthroughs for Americans from one coast to the other. And we want to make certain they have the professionals on hand to do the job. We are working now with the administration. I am confident that we will reach an agreement with them where we will have the necessary men and women doing the professional job at the Food and Drug Administration to make sure that new drugs, new medical devices are brought online as quickly as possible and in a professional manner.

In addition, this Congress passed several years ago a law creating the regulation and inspection of mammography clinics. If your daughter, your wife, your mother, or your friend goes to a mammography clinic in America, she should be confident that the technician and the equipment are the best, and that they are accurate. It is a matter of life and death. This program has been so slow to start that the subcommittee decided to work to put more resources to make sure that it happened. That is why we are also asking for additional money so that we can make the inspections required by law.

The same is true for nutrition labeling as well as the approval of generic drugs and many other areas such as clinical laboratory inspection. These efforts by the Federal Government for health and safety of our people are consistent with what Americans expect for their tax dollars, and consistent with the message delivered by the President in this Chamber last week. And I am confident by tomorrow we will have worked out an agreement so that the necessary professional personnel will be on hand at the Food and Drug Administration to perform these valuable functions.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Picacho, NM, Mr. SKEEN, the ranking Republican Member.

Mr. SKEEN. Mr. Speaker, I thank the gentleman for the time and thank him for pronouncing Picacho correctly. You have learned your Spanish very well, and very quickly.

I want to say that it has been a very dramatic few days, because those of us who know what agricultural programs are specifically associated with some of them always wonder at people who have no reason to really give a damn what happens, so long as we are going to save the taxpayers, and that is great. That is wonderful, we are going to save the taxpayers. But you also have commitments that you have made to citizens of this country who happen to be agricultural producers, and you may or may not like the program, but you have a lot of people who have become dependent on these programs because these margins in agriculture are very, very small.

There are no rich people that I know of that make their living strictly from the practice of agriculture. None that I am aware of. It is not a very remunerative type of business. Yet you have the greatest agricultural producers anywhere in the world in the United States because of some of the programs that we have.

I have the feeling that we are going to transport ourselves into a system of doing away with all agricultural subsidies, and it is going to be a mistake, because I do not think we are going to find the quality of agriculture we have today.

But nevertheless, let us go back to what has happened to the wool program. I am more associated with it because I have been in the wool-growing business, I and my family have. I am fourth generation and my son is fifth.

The way the Senate has spoken, I have no argument with it, because it was a fair test. But to make it retroactive because of their absolute nonacquaintance, or to say ignorance of how the program works was I think something that had to be remedied. And I do appreciate the cooperation of the people on the floor of this House and over in the Senate as well to make them understand that if you made it retroactive right in the middle of this marketing season, because the wool has already been shorn last spring, the lambs are now being delivered, and those prices and those markets are shaking at their very foundations because of the situation that we have introduced here in the House and the Senate or in the Congress of the United States.

So that amendment I think is absolutely essential and necessary to at least give some stability to this market year, and make this transaction go a whole lot easier for people who really need the help that we are going to offer them by removing the retroactivity.

Now in the Food and Drug Administration, I agree with the chairman. The Food and Drug Administration was absolutely and correctly characterized by the chairman, and I want to say that we have taken this on as a cause of great need and seriousconsequences, that is keeping the FDA with the kind of personnel that they need to do the work that they need to do in an expeditious manner because of the situation in the health spectrum in this country and all of the rest of the world. It is a good amendment. I approve of it and I hope that we will pass it. And I thank the gentleman from the Rules Committee, the gentleman from Florida [Mr. GOSS], from Sanibel Island, another Spanish name.

Mr. GOSS. Mr. Speaker, I thank the gentleman for pronouncing Sanibel properly.

Mr. Speaker, I am delighted to yield 3 minutes to my colleague and good friend, the distinguished gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I thank the gentleman for yielding and appreciate the opportunity to talk a little bit about this rule. I rise in support of the rule, and I want to thank the Rules Committee and the gentleman from the Agriculture Committee for supporting this rule. I find that there is support even from those who do not necessarily support the program.

So we are talking about two different things here. And this rule is, it seems to me, very important because it allows us to make a change in an amendment that was passed in the Senate, an amendment that would have a devastating effect on an industry, and particularly in the West. And I am very pleased that my friend from Florida supports the rule. I do not agree with his characterization of the industry. Nevertheless, I do agree with the rule.

Let me talk just a minute about the wool industry. It is one that not many people are familiar with. Most people think of the wool industry as a farm flock, a small number of sheep on a farm that sort of graze around the fences, and pick up the weeds, and keep things mowed, and that is good, and there are lots of them, because there are lots of very small farms. As a matter of fact, I had a list today that was put out about the number of pounds of wool that were produced in each congressional district, I think many Members would be surprised at the amount of wool production there is. There were 300-some congressional districts in which there is a substantial amount of wool.

But the unique things, of course, are the range flocks, and the range herds that we have in the West. And these are herds, frankly, that use a resource, a public resource, that is almost unusable for any other kind of animal. It is one that supports small communities. It is one that supports ranchers that are almost entirely dependent on their sheep operations. They are not hobby people who go out and buy ranches and have income from other sources. These are people who make a living raising sheep.

I also want to mention just in passing that this is not one that has been spending tax dollars. This is one that is supported by a tariff import fee.

So I am very pleased that we have this rule. I think tomorrow we can talk about the program. But certainly if this rule were to be denied, we would have a program where people have borrowed money for operations, which is very ordinary for ranchers in Wyoming and other places, borrow the operating money for this year's operation. The operation is over, depending on participating in this program, and without this amendment we would find that program cut off for the year that has passed, and folks would have bank notes due with the program failing at the end of the program.

So, Mr. Speaker, I urge our colleagues to support this rule and support the passage of this proposition.

Mr. GOSS. Mr. Speaker, I wish to assure my friend and colleague, the gentleman from Wyoming, that I would not mischaracterize an industry which I think is very important. It was the subsidy that I perhaps overcharacterized in my opening remarks, and I hope he accepts those comments in that spirit.

I also feel the gentleman from New Mexico made a very valid point about the distinction between crop years, and fiscal years, and calendar years, which will come out in the debate tomorrow. And I think it is excellent that we have a rule that is going to allow that distinction to come forward for the edification of the Members of this body. I learned about them yesterday in the Rules Committee for the first time, and I think they are important, and I think they are part of a very legitimate concern about fair play.

☐ 2030

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GORDON. Mr. Speaker, I have no further requests for time. Let me just conclude by giving my congratulations to the chairman, the gentleman from Illinois [Mr. DURBIN] and the ranking minority member, the gentleman from New Mexico [Mr. SKEEN], their committee and staff, for bringing these technical corrections to us in such a professional way to conclude this bill.

Mr. Speaker, I have no further requests for time, and I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. (Mr. DEAL). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE 27TH ANNUAL COUNTRY MUSIC AWARDS

(Mr. CLEMENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CLEMENT. Mr. Speaker, tonight the eyes of the Nation will be focused on Nashville, TN, site of the 27th Annual Country Music Awards.

Broadcast from the stage of the Grand Old Opry on CBS tonight, the CMA Awards each year bring out the best and the brightest in today's country music scene.

Country music is one of the most popular forms of music in the Nation today. It has a rich tradition, deriving its roots from the folk songs of our workers, capturing the spirit of our religious hymns, reflecting the sorrow and joy of our ballads, and echoing the drive and soulfulness of rhythm and blues.

Over 2,500 stations nationwide broadcast country music, a listening audience of 30 million, and annual sales of country music records now surpass $700 million.

Tonight, awards for best records, songs, and artists in a multiple of categories will be awarded. The awards will be combined with live performances from some of the top artists around the world. But whoever receives these awards, it will be the audience who wins.

I am proud to represent the country music industry here in the Congress and, Mr. Speaker, I invite my friends and colleagues to join in celebrating the month of October as Country Music Month, beginning with tonight's broadcast of the CMA Awards Show.

Mr. Speaker, I hope all my colleagues will join me as cosponsors of my Country Music Month resolution (H.J. Res. 106).

Mr. Speaker, I include the following list of finalists:

NASHVILLE, TN.—Finalists for the 27th annual Country Music Association awards:

Entertainer of the Year: Brooks & Dunn; Garth Brooks; Vince Gill; Alan Jackson; Reba McEntire.

Male Vocalist of the Year: John Anderson; Garth Brooks; Vince Gill; Alan Jackson; George Strait.

Female Vocalist of the Year: Mary-Chapin Carpenter; Wynonna Judd; Reba McEntire; Pam Tillis; Tanya Tucker.

Single of the Year: "Ain't That Lonely Yet," Dwight Yoakam; "Chattahoochee," Alan Jackson; "Don't Let Our Love Start Slippin' Away," Vince Gill; "I Don't Need Your Rockin' Chair," George Jones; "Two Sparrows in a Hurricane," Tanya Tucker.

Album of the Year: "A Lot About Livin' (And a Little 'Bout Love)," Alan Jackson; "The Chase," Garth Brooks; "Come On Come On," Mary-Chapin Carpenter; "Hard Workin' Man," Brooks & Dunn; "I Still Believe in You," Vince Gill.

Vocal Group of the Year: Alabama; Confederate Railroad; Diamond Rio; Restless Heart; Sawyer Brown.

Vocal Duo of the Year: Bellamy Brothers; Brooks & Dunn; Darryl and Don Ellis; Sweethearts of the Rodeo.

Music Video of the Year: "Chattahoochee," Alan Jackson; "Cleopatra Queen of Denial," Pam Tillis; "Don't Let Our Love Start Slippin' Away," Vince Gill; "I Don't Need Your Rockin' Chair," George Jones; "Seminole Wind," John Anderson.

Horizon Award: Mark Chesnutt; Sammy Kershaw; Tracy Lawrence; John Michael Montgomery; Trisha Yearwood.

Song of the Year (award to songwriter): "Ain't That Lonely Yet," Kostas, James House; "Boot Scootin' Boogie," Ronnie Dunn; "Chattahoochee," Alan Jackson and Jim McBride; "I Still Believe in You," Vince Gill and John Barlow Jarvis; "Seminole Wind," John Anderson.

Vocal Event of the Year: Clint Black with Wynonna Judd, "A Bad Goodbye;" George Jones with Vince Gill, Mark Chesnutt, Garth Brooks, Travis Tritt, Joe Diffie, Alan Jackson, Pam Tillis, T. Graham Brown, Patty Loveless and Clint Black, "I Don't Need Your Rockin' Chair;" Reba McEntire and Vince Gill, "The Heart Won't Lie;" Tanya Tucker with Delbert McClinton, "Tell Me About It;" Trisha Yearwood with Don Henley, "Walkaway Joe."

Musician of the Year: Paul Franklin; John Barlow Jarvis; Brent Mason; Mark O'Connor; Matt Rollings.

H.R. 830, THE REGULATORY FLEXIBILITY AMENDMENTS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. EWING] is recognized for 5 minutes.

Mr. EWING. Mr. Speaker, I take this special order to discuss H.R. 830, the Regulatory Flexibility Amendments Act. This bill will help reduce costly regulations on small businesses and local governments. We all know how important small businesses are to the American economy.

In a time where we have seen the Fortune 500 companies cut back their employment by 30 percent and, we know, even more, that new jobs are created through small businesses, that most of our job opportunities come from small businesses.

As I travel around my central Illinois district, one of the things that is made very clear to me in visiting small-business people is their unhappiness with what they consider to be excessive Government regulations.

I am constantly reminded by them that they feel terribly burdened, that their costs are greatly increased and, yes, their profitability and their ability to hire new employees is adversely affected by excessive Government regulations.

I hope that my colleagues will take a close look at H.R. 830 and will join the 203 Members of this body who have already cosponsored this piece of legislation.

What is the Regulatory Flexibility Act? Well, the RFA, as it is known, was passed in 1980 and signed by then-President Carter. It requires Federal regulators to review the costs of proposed new regulations by preparing a regulatory flexibility analysis. Regulators must then seek ways to minimize these costs on the small businesses that are being regulated, to find ways to make their regulations effective without being overburdensome. But the agencies were provided in the original act passed in 1980 with an escape hatch, which they have learned to use very effectively. They may approve a certification which states that the rule will not have a substantial effect on a sufficient number of small entities to require an analysis be done. They use this escape hatch almost routinely, and rules and regulations promulgated by the some 5,000 regulators in this country and put into effect without ever analyzing this burden, the effect or the cost in jobs to the businesses being regulated.

Because the Regulatory Flexibility Act, when passed, was flawed, it did not allow for judicial review of theagencies' compliance. The agencies are free to do as they wish without any fear that anyone will challenge their authority.

What then will H.R. 830 do? H.R. 830 will remove the prohibition on judicial review. Yes, I believe H.R. 830 will restore what I think would be a constitutional right on the small businesses and the people who own and operate them in this country.

It will remove the prohibition on judicial review and allow small businesses to take legal actions if the agencies fail to comply with the law, if they fail to analyze their regulations, if they fail to realize and to analyze whether these regulations are overly burdensome.

This will literally put some teeth into the Regulatory Flexibility Act and, I think, will meet the demands and the requests of my constituents and those, I believe, of every Member in this body.

This small change will do a lot to reduce the cost of new regulations on small businesses and local governments.

While regulators are currently judge, jury, and enforcers, this will level the playing field. H.R. 830 is moving quickly, with over 203 cosponsors. We have bipartisan support, including the chairman and ranking member of the Committee on Small Business. H.R. 830 is endorsed by 50 small-business groups, such as National Small Business United, National Association for the Self-Employed, National Federation of Independent Business.

The administration of William Clinton, under Vice President AL GORE, in their Reinventing Government Program, called for the No. 1 action in the section dealing with small business, with the adding of judicial review to the Regulatory Flexibility Act. I am pleased with that, I am pleased with the bipartisan support for this good legislation.

Ladies and gentlemen, I hope that all the Members who have not joined as cosponsors of H.R. 830 will contact us so that their names may be added to this fine legislation.

☐ 2040

$284 MILLION A YEAR FOR FOREIGNERS WHO LIKE THE CANADIAN HEALTH CARE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, lots of conservative commentators and their supporters in Congress love to yak about long lines for health care service in Canada and how Canadian doctors are fleeing to the United States. They are wrong on both counts: There are no lines for emergency care and in one recent year, more United States doctors moved to Canada than came here.

But the really embarrassing news is contained in the September 23, 1993 The Globe and Mail of Toronto: "U.S. President Bill Clinton's plan to provide health insurance for all Americans, paid for partly with cigarette taxes, offers two accidental benefits for Canadian government finances: First, Americans would no longer be tempted to slip across the border for free Canadian health care; and second, smuggling of cigarettes from the United States would become somewhat less lucrative, and perhaps less widespread.

"No one knows how many U.S. free riders use Canada's health system, but a leaked report by Ontario Health Insurance Plan investigators earlier this year estimated that use of health cards by ineligible people, some from the United States, costs as much as $284 million a year.

"There is evidence that Americans cross the border to have babies and get treatment for AIDS, among other things, the investigators said.

"This past summer, Ontario officials charged a woman from Rochester, NY, with impersonation and attempted fraud, and an Arkansas man with conspiracy to defraud, in connection with use of health cards."

Once again, I hate to bother the ideologues who bad-mouth Canada, but I hope that an occasional fact or two could slip into their brains. I would hope these facts would help shame them into supporting a true reform of our Nation's health care system.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Mr. Speaker, I appreciate the recognition and the opportunity to address the House this evening and my colleagues who are listening. I am here tonight to talk about an issue that all America is talking about today, an issue that touches the lives of more Americans in a more personal way than any other, an that issue, of course, is health care.

To be honest, Mr. Speaker, I think anybody who was watching CNN today will tell you that we had a pretty tough act to follow, because over the past 2 days the First Lady has appeared before no less than five congressional committees. She has articulated our health care challenge and the administration's solution I think more eloquently and more forcefully than anybody I know, and anybody who has seen her talk about this issue, the over 300 Members of Congress who had this plan unveiled and introduced to them by her over a week ago knows who well she is prepared and how committed she is to making sure we do this well and right. Her testimony has kept the momentum for reform going that started a week ago tonight, and I want to commend her publicly for it.

Mr. Speaker, it was exactly 1 week ago today, actually 1 week ago and 15 minutes, that the President came into this Chamber, to this podium behind me and asked Congress to take up the challenge of providing health security for all Americans. It was a passionate speech. It was an eloquent speech. He outlined his plan to fix what is wrong with our health care system while preserving what is right with it, the good parts of it, to build upon and improve the system we have now to make it fair, to make it better, and to make everybody who participates, and everybody will, to be responsible and above all to guarantee that each American has comprehensive health benefits that never, never can be taken away.

While I was listening to the speech, I could not help but think about history. I could not help but think about a similar speech delivered in this Chamber by a President some 58 years ago, when President Franklin Roosevelt also stood up and challenged Congress to provide security for all Americans, security in the form of Social Security.

It was 30 years later or thereabouts that Lyndon Johnson came to the Congress of the United States, stood behind us and said we have got to provide Medicare for our elderly so they are covered.

When FDR introduced Social Security back in 1935 he called it a sacred trust between the Government and the people that could never be broken and that trust was symbolized by the Social Security card that we all have.

I think the same can be said about the President's health care plan. If you remember during his speech, the President held up this card, a health security card, a card that guarantees to each American a comprehensive package of benefits equal to or better than the benefits provided by most Fortune 500 companies.

This card, too, will represent a sacred trust between the Government and the people. As the President said in his speech:

> With this card, if you lose your job or you switch a job, you are covered. If you leave your job to start a small business, you are covered. It you retire early, you are covered. If you or someone in your family has a preexisting medical condition, a heart problem or perhaps cancer, you are covered. If you get sick or a member of your family gets sick, even if it is a life-threatening illness, you are covered, and if an insurance company tries to drop you for any reason, you will still be covered because that will be illegal.

The President's health care plan guarantees a comprehensive package of benefits and with this card, you will never leave home without it. It will be with you. It will be the security you need, the security that has been missing on the health care front in this country.

That is the ultimate goal of health care reform, to give every American the peace of mind to know that no matter what happens, health care will be always there for them.

As the First Lady said yesterday:

> I hope we can agree on one thing at the outset, that when our work is done every American will receive a health security card guaranteeing a comprehensive package of benefits that can never be taken away under any circumstances.

Because we all know that certainly is not the case today. Every single month, think about this, every single month 2 million people who work hard, who play by the rules, lose their coverage, and over the next 2 years one out of four Americans is expected to be without insurance at some point during that period.

This problem is unraveling the social fabric of our society. It is unraveling the economic competitive advantage we have had for so many years. It is reducing our productivity. It is affecting our competitiveness. It is draining our Federal and our State budgets and driving down the wages and the living standards of our workforce.

This problem affects us all and we have got to work together to solve it. A national consensus for health care reform is now building. It is forming, and for the first time ever leaders from both the Democratic Party and the Republican Party have embraced comprehensive reform.

The question we will spend the coming months trying to answer is simply this. What is the best way to get there from here?

It is not an easy question. As someone once said, "Gravity isn't easy, but it's the law."

Well, health care reform will not be easy, but it is the law that will most profoundly affect the future of America, and we together, Independents, Democrats and Republicans, have to make it happen. We are on the cusp of making it happens. We are on the verge of making history. We are on the verge of doing something that each and every one of us in this legislative body will be proud of the rest of our lives.

Last week the President's speech started the ball rolling. His plan has shaped the parameters of the debate, and in the coming months we in Congress are going to work with the White House and the public to hammer out all the choices that confront us, and there are a lot of issues before us, believe me; but I hope we can put aside our partisan and our ideological differences that have been conducted in a way that we wish we could move beyond in this Chamber and come up with a final plan that is fair, that is compassionate and that works, a plan that remains wedded to the six principles and basic values on health care reform that the President outlined last week: Security, simplicity, savings, choice, quality, and responsibility. I think they are worth repeating here this evening.

First, security, to provide all Americans with the security of knowing that no matter what happens, whether you switch jobs, you lose your job, you get laid off, you have a preexisting condition, you and your family will never lose your health care coverage. People need to have that sense of security. They have it in Germany. They have it in France. They have it in Canada. I could go on and on. We need it here for the American people.

□ 2050

Second, savings, to control the costs that are crippling American businesses, American families, exploding our deficit here in this Federal Government, as well as in our State Governments.

In 1980, Mr. Speaker, a family of four, the cost of health insurance was about $2,500 a year. Today it is in the neighborhood of $6,500, and, if we do nothing, if we let this system drift and unravel the way it has been, it will be $14,000 a year by the end of the decade.

The plan will stop the escalating costs of health care premiums and provide discounts to small businesses so they can afford health care for their employees and for their families. It will provide that is needed to help those small, independent businesses provide their employees with a security that they need to perform well, to have confidence in their bosses, to be healthy, to be there at work, on the job, and to be able to be retained so there is not the turnover in our small business system that there presently is today.

Third, simplicity. Everybody has horror stories about the paperwork. We need to reduce paperwork, cut redtape, reduce the regulations that are keeping doctors and nurses and other health care practitioners from giving us the health care they were trained to give us and that they want to give us.

Today there are 1,500 insurance companies, all with a form of their own. This plan, the President's plan, will reduce that to one form, one form, and it will free up our medical practitioners to do what is best, and that is provide health care for us.

Fourth, choice. We have got to, and we will under this plan, preserve your right to choose your doctor and your health plan. There are literally tens of millions of people in this country today who do not have that choice. Under the plans that they have at work they have to have a certain doctor or they have to have a certain plan. This will free up the opportunity to make the choice that you want on the doctor you want, on the health plan you want, so that we all will have a doctor our family has confidence in.

Fifth, quality, to make what is best about American health care even better, and there is a lot of good in the system today. The plan will provide for free preventative care so we can catch things early, so we can keep people healthy, so that the costs will not rise when they get ill. The plan will invest more in training, more family doctors, and will make medical research a priority, and for seniors it will preserve Medicare. I want to repeat that. It will preserve Medicare and cover, in addition, prescription drugs and expand long-term care for the first time.

Mr. Speaker, everyone knows someone in their family, in their work, in their neighborhood, who is spending an enormous amount of money, an inordinate amount of money, for prescription drugs. We must ensure that America continues to have the best doctors and the most advanced treatment in the world, and we are with the quality that is going to be built into this system.

Sixth, responsibility, to make sure that everyone pays their part and contributes to health care. Right now we all pay for those who do not take responsibility, and everybody knows who I am talking about. There are folks out there that do not have insurance. They end up in the emergency room where it is inefficient and particularly costly. That cost gets passed on to us, those who have insurance. It shows up in the bills that we get when we leave the hospital. It shows up in doctor bills.

Every one of us have had that experience. We get home. We see the bills. We want to know why such an inordinate, high amount for this drug or that drug while we were in the hospital this day. That is because we are picking up the costs of the 37 million Americans who do not have health insurance, who end up getting it anyway, and it has got to be paid for.

Responsibility also means changing the behavior that drives the cost and causes suffering like violence from handguns. By God, we are going to do something about that in this Congress this time. And smoking, and excessive drinking. All of these things have to be reined in, and we need to restore the sense that we are all in this together. That is what responsibility means, that we are all in this together. Working together we are going to drive the costs down, and we are going to provide health care for all of us.

Through it all there will be those who will say, and you can hear them now, that we do not need any change, we cannot afford change, that the present system is working fine, that the insurance companies and the drug companies will make changes on their own. We cannot let the special interests dictate this debate. This debate is too important and too powerful for our country. America has been at the mercy, at the mercy, of some of these people for far too long, and it is time we recognize in this country that health care is a right, not a privilege. It is a right.

Mr. Speaker, if every other major industrial country in the world can provide health coverage for its people, we can, too. Germany has been doing it since 1870. Think about that.

In the months to come, Mr. Speaker, we are going to hear a lot of statistics, and we are going to hear a lot of numbers to dramatize the health care crisis, but we have got to remember that health care is more than just numbers and more than statistics.

Mr. Speaker, it is real lives, real people. We have to be able to put ourselves into the stories of the people we hear from to give this debate some meaning, some texture, some emotion, people like that man from Michigan who wrote me to say that 14 years ago he was diagnosed with Hodgkin's disease, and, with the help of a strong will, and some good doctors, and a caring family, he fought it, and by 1985 he was pronounced cured, cured by everyone but his employer's insurance company who refused to cover him because he was, quote unquote, a bad risk. So, after 15 years on the job, his boss was forced to lay him off just because the insurance company would not cover him, and now he has no job, and he and his wife and his two children have no health insurance.

We have all heard these stories before, Mr. Speaker. I have. A couple of years ago I remember going back to my district and meeting with a man who said to me, "You know, Congressman, I'm not quite ready for Medicare. I'm not 65. I'm in my late fifties. But I worked 40 years at this plant." And this guy worked at a job where he worked a tough job, where he came home dirty and sweaty, and all he wanted to do when he got home was just catch his breath, and let some time pass, and feel the peace of being out of the factory. Forty years; felt he earned himself a pension; was getting a pension of $500 a month, not a lot of money, but certainly a big comfort to him, $500 a month.

Mr. Speaker, he went to the mailbox to get his pension check a week before he saw me. He said, "You know, Congressman, there was a check there, but it was for 32 bucks, and there was a note that said that's all you're going to get from now on because your health insurance has gone up so much that we have to deduct it from your pension." His life, his dream, what he had worked for, was gone, and I come across people like that each and every day in my congressional district. It is happening all over America.

A group of women came to see me at my office. They were health care workers. They worked at a nursing home. They bathed and took care of our mothers, and fathers, and our grandparents. They made a little more than the minimum wage, $5½ to $6 an hour. They had no health insurance themselves, and yet they were taking care of our families, and one woman broke down and told me, "You know, Congressman, I go to bed every night and say a prayer that my son doesn't get sick because I don't have the wherewithal to take care of him."

The choice for her could have been very easy. I mean she could have gotten health care by staying on Medicaid or going on Medicaid. She did not. She had too much feel for the dignity of work, and she went to work.

Should we be penalizing people like this? That is not the way I think this country wants to move.

So, Mr. Speaker, these people come from all walks of life, people who are frustrated. They are frightened, and they are fed up with a system that makes no sense, that provides no coverage at a crucial time and does nothing that protects them from the price gouging and the rising costs of health care today. They come from people whose very idea of security is being shattered before their eyes. It is time to provide people with the security and the peace of mind to know that no matter where they go, no matter what they do, that health care will always be there for them.

I see that in the eyes, and in the faces, and in the hearts of the people who live across the river from my district in Ontario in Canada. Now, you can say what you will about the Canadian system, but there is a serenity there, a peace of mind. There is a good feeling by Canadians about what their country has done in providing health care for them.

Our ultimate goal here then is health security for all Americans, and the only way to get there is to keep what is right with our system, the best doctors, the best medical technology, the best medical research, while fixing what is wrong.

□ 2100

Nothing we do in this Congress will be as important. Nothing we do will be more longlasting. Nothing we do will touch the lives of more people, than health care reform.

Mr. Speaker, I hope we all have the courage to do what is right, because the future of our children and the future of our country will depend on how we act, how we conduct ourselves, and how expeditiously we move to provide at this most propitious moment, health care for the American people.

STATEHOOD FOR THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON], is recognized for 60 minutes.

Ms. NORTON. Mr. Speaker, I appreciate the opportunity to address the House this evening on a subject of overriding importance to the people of the District of Columbia whom I represent.

Members of this House and of the other body over the past several weeks cannot but have noticed that residents of my district have allowed themselves to be arrested in order to protest their political and civic condition. Each Thursday, and I am told that tomorrow once again they will come to Independence Avenue, before the Cannon and Longworth Buildings, they come, and some of them submit themselves to arrest in the tradition of civil disobedience of Mahatma Gandhi and Martin Luther King.

Mr. Speaker, I feel an obligation to address the House concerning what they have told me about their effort. First let me indicate that this is an effort born and bred in the District. It is not an effort of mine nor an effort that I have participated in. But it is an effort that anyone who represents the residents of the District of Columbia must surely endorse, even as I hope that my efforts as a young student in the Student Nonviolent Coordinating Committee were endorsed when we engaged in similar civil disobedience against injustice.

As we were successful in the civil rights movement more than 30 years ago, I have the faith to believe that with multiple actions, especially actions on this floor, the residents of the District of Columbia will be regarded in their full citizenship.

The number of people arrested thus far is 96. One person has been arrested 12 times. The total number of arrests is 165. There have been 12 weekly demonstrations. Mr. Speaker, perhaps it says something about the nature of this process that among those arrested has been the Mayor of the city, Sharon Pratt Kelly; Rev. Jesse Jackson, who is the statehood lobbyist; Dick Gregory, the famous wit; and two members of the City Council, Mr. Kevin Shavers and Mr. Frank Smith.

The weekly total reads much like that I remember in the early 1960's. On July 1 there were 32 arrested; on July 8, 3; on July 15, there were 6 arrested; on July 22, there were 8; on July 29, 9 people were arrested; on August 5, 11; on August 12, 11; on August 19, 5; on August 26, Mr. Speaker, 38 people were arrested; on September 2, 10 were arrested; on September 9, 22 were arrested; on September 16, 10 were arrested. And so it goes, Mr. Speaker.

They volunteer. Sometimes they come in groups. There will be a group of senior citizens on October 7. There will be religious groups on September 30, tomorrow. There will be a group from the D.C. Public Schools on November 4.

Why would people submit themselves to arrest in the streets adjacent to the free world? They do so, Mr. Speaker, because alone, among the residents of the 50 States and the four territories, they are treated with insidious discrimination based on citizenship.

My constituents alone, among the 50 States and 4 Territories, pay Federal income taxes to the Federal Treasury and have no vote on final passage in this Chamber, and neither voice nor vote in the Chamber of the Senate.

The four Territories have a similar status. There is a large difference between those residents and my own, however. That difference is that the four Territories pay no Federal income tax to the Federal Treasury, and thus the initial promise that created the compact of the United States of America has been kept as to them, no taxation without representation. They are not taxed, and they are not fully represented.

Mr. Speaker, we are taxed, and we are not fully represented. We are third per capital in Federal taxes paid to the Federal Treasury. The word "tax" has become an evil word in this Chamber. Imagine what my residents feel, what my constituents endure when they pay taxes—not to the crown, which the Founders finally refused to pay taxes to, but to their native land, without full representation.

We are 600,000 strong, larger than three States. We have a productive economy. We have business services higher than 30 States, legal services higher than 41 States, hotel and lodging higher than 27 States, finance, insurance and real estate higher than 14 States. We have 20 million tourists every year.

My constituents do not seek, of course, jurisdiction over Federal territory. If, as we pray, the District of Columbia becomes the State of New Columbia, most of Washington that Members know and that their constituents know will remain Washington, DC, the Capital of the country. The great and expansive Federal enclave created by the great L'Enfant will remain under Federal jurisdiction. This House, all of the territory along Constitution Avenue and Independence Avenue and Pennsylvania Avenue, much of Washington, will remain Washington, DC, and that will be called Washington, DC.

But, Mr. Speaker, Washington, DC does not need to be the eight wards of the District of Columbia. The far Northwest and the far Southeast are not now necessary and have never been necessary to the Federal presence. We ask for the liberation of that part of this territory.

□ 2110

This very House has shown that it is within its power to do just that. In the middle of the 19th century, the State of Virginia, which had given some of its land to create this great city, approached this body and demanded back its land, because the District of Columbia, through this House and the Senate, was going to abolish slavery.

To retain the institution of slavery, they told the Members of this body, "We demand back the land we gave you to form the District of Columbia." And what did this body do?

This body gave the land back to Virginia and made the District of Columbia smaller by that amount of land, and it is now in Alexandria and across the other side of the river. And so the part of the Constitution that says that there shall be Federal territory no more than 10 miles square was preserved.

It is less than 10 miles square today, because this body honored the request of the Commonwealth of Virginia in the name of slavery.

My constituents, Mr. Speaker, ask that in the name of freedom you reduce the size of the District of Columbia yet again, leaving the great expanse of the Federal territory and creating the State of New Columbia, this time in the name of liberating the neighborhoods of the District of Columbia to govern themselves as every community in the territory called the United States does. In American Samoa, in Guam, in Puerto Rico, in the Virgin Islands, there is self-government, Mr. Speaker. Self-government is a travesty in the District of Columbia.

To be sure, we have a Mayor and a City Council. And, Mr. Speaker, as we have seen this very session, at whim any Member may call forth any law passed by my democratically elected council and demand a vote to overturn that law. And if the truth be told, Mr. Speaker, at whim this body could overturn each and every law passed in the 20 years since there has been home rule for the District of Columbia. That is what the Home Rule Act has amounted to.

We have served in our wars, including fifth per capita in the Persian Gulf. When I walked into this House last term, the first item of consequence to be debated was the Persian Gulf war. I got to speak to that question, Mr. Speaker.

At the very time that I rose to speak, we were then fourth per capita. But when the time came, Mr. Speaker, to register one's vote up in the corner there, there was no place for the District of Columbia to vote aye or nay. Yet, we were there in greater measure than almost all who are already represented, free and equally, in this body.

Perhaps you are coming to understand, Mr. Speaker, why there is some consternation among those I represent this day and this evening.

The constitutional qualifications to become a State have all been met. Majority vote of the residents, that was done more than 10 years ago. Requisite population and resources, I have just reiterated our resources, a very productive economy. Commitment to democracy, I dare say, Mr. Speaker, a greater commitment demonstrated than most Americans have had the opportunity to demonstrate.

We carry each and every burden of citizenship willfully, without complaint. And yet, most of the most precious, many of the most precious advantages of citizenship are kept from us.

Mr. Speaker, only the United States of America, as it turns out, denies its Capital City full and equal representation in its national body. How could it be that in countries with names like Albania and Argentina and countries with names like Botswana and China, in countries with names like Gabon and Haiti, in countries with names like Malta and Nigeria, in countries with names like Russia and Ukraine, the residents of the capital city enjoy equal rights with the residents of every part of the nation?

We stand alone, Mr. Speaker, in this regard. And it is a lonely, ignominious place to stand.

Put yourself in the position of the District of Columbia and ask yourself what action you would now take. The action I seek, I seek on this floor alone.

I seek a vote for statehood for the State of New Columbia. I seek a vote to make the 51st State of the United States of America. I seek to wipe from our body politic 600,000 citizens stateless and disenfranchised. I seek to eliminate inequality of citizenship.

Mr. Speaker, I am a fourth-generation Washingtonian. My great grandfather walked across the District line from Virginia before the Civil War. My grandfather entered the D.C. Fire Department in 1902. No member of my family has enjoyed full and equal rights in the United States of America, because we are Washingtonians.

People of my race, who did not enjoy full rights, have managed to get them through the largesse of this House and the Senate of the United States. And the great civil rights bills of the 1960's, the equality legislation we continue to pass, has enfranchised those least enfranchised. And so there remains one small place, one small group of people treated invidiously. I represent those people, Mr. Speaker. We can no longer live with this distinction.

"There must be some alternative," I am told, "Truly, there is some other way."

I believe I am told this out of tradition. People cannot imagine that this territory would become something else. I wonder if one would ask, therefore, ask us to hold with this tradition out of some romantic sentimentality somewhere in the country. It is partly tradition and, perhaps, mainly the failure of imagination, the failure to conceive that something that for 200 years has been the Nation's Capital might indeed be something else in order to bring equality of citizenship to the residents of the District.

□ 2120

So people search for other alternatives. Fair enough. Fair enough. We have tried them all. Let me dispose of them tonight so the Members can understand why I stand here with the alternative I propose.

In the 1970's the residents of the District of Columbia put before this body and the Senate an amendment that would have, indeed, given us full representation in the House and the Senate. It was voted out of this body. If you please, Mr. Speaker, it got all of 16 States out of the 38 needed for ratification. Thank you very much, Mr. and Mrs. America, if you please, Mr. Speaker.

Even had we prevailed, look at the anomaly with which we would have been left, Mr. Speaker. We would have had a full voting Representative on final passage in the House, and not merely in the Committee on the Whole, as I now vote. We would have had two Senators, and these three people would have been put in the position of seeing the budget of their city come to be heard here as if the Congress were the City Council of the District of Columbia.

Yes, that is how it works, Mr. Speaker. When the city council finishes the $3 billion budget, most of it raised in the District of Columbia, instead of it going into effect, and here I am talking about money raised exclusively in the District of Columbia, the budget then goes to the President of the United States. He sends it to the Congress of the United States, and then it goes to a subcommittee of the Committee on Appropriations, as if the District of Columbia, instead of being a jurisdiction of 600,000 Americans, were the HHS or the State Department.

Then a subcommittee sits down and literally repeats the hearings of the Budget Committee of the Council of the District of Columbia. It goes through it, step-by-step, because, of course, that is what you have to do if the budget resides here.

Then it comes here and it is voted up or down. Members regularly get up and attach to our budget matters that are of interest and concern to their constituents. Members completely unaccountable to the residents of the District of Columbia, elected by none of them, rise up and decide whether we shall have X or whether we shall have Y, and put that in our budget.

Let me try, Mr. Speaker, going into the district of any one of my colleagues to dare to propose what their city council should do. I would not dare to, and I wish that my colleagues would not dare do, but they shall do, until we are no longer subject to congressional jurisdiction.

When the Council of the District of Columbia passes a law, even if that law is, let us say, an alley closing, Mr. Speaker, that law cannot be final until it rests here for 30 legislative days. Considering our recesses and when that law might come, that 30 days could last for several months. If it is a criminal law, it has to be 60 days. When it has rested long enough and no Member has put in a disapproval resolution, and any Member may, it may, indeed, become law if we are fortunate.

Is that any way to run a democracy, Mr. Speaker? Is the hypocrisy of this process not clear enough to those of us fortunate enough to be born in this country and to have observed its most basic principles?

Mr. Speaker, we are told that, "Well, if that is not quite good enough, if it failed in the 1970's, if it would have been half a loaf, anyway, because you would have had representation but your budget still would have come here and your laws still would have come here, if that is not good enough, here is another one for you, District of Columbia residents. Try this one on: why don't you retrocede to Maryland? After all, Virginia gave part of the land, they took theirs, Maryland gave part of the land. Why does the District of Columbia not become part of the State of Maryland?"

The first answer is one of democracy and impossibility. Both the District of Columbia and the State of Maryland would have to agree. The only mandate I have is for statehood. My residents have voted by a decisive margin for statehood. Let us look at the State of Maryland. The State of Maryland has not had a chance to vote one way or another, but if you have had a chance to follow the politics and the legislative activity of the State of Maryland, you will understand that it is probably easier to get statehood in this body than it is to get the District retroceded to the State of Maryland.

The State of Maryland has one large city, it is called Baltimore, one and only one large city. If you were to follow the way Baltimore is treated, perhaps you would understand what I mean when I say that I don't think there is any chance that Maryland is going to wish to accept the District of Columbia as a city of the State of Maryland.

There are those who think that it will dilute their power. I suppose it would. There would be more of us, relative—there would be a new jurisdiction, making it larger, but also reconfiguring the politics and the political culture itself of Maryland. We have had no takers for that proposition. I might add, Mr. Speaker, no one from Maryland has stepped forward with any serious proposition that this might be a good thing to do.

Voila, there goes the half a loaf, voting representation, and the impossible loaf, retrocession to Maryland.

What is left, Mr. Speaker, under our laws and Constitution? Statehood and only statehood. I defy the Members to come forward with a good reason, other than it is the way it always has been, for denying statehood and thereby denying citizenship rights to the residents of the District of Columbia.

Our country has proudly challenged undemocratic practice throughout the world. I am proud of what my country has done throughout the world. I believe that the democracy movement that has flown around the world many times over now, seizing virtually every continent, has imitated the practices of this country. Everywhere in the world people want to come to this country. We must make ourselves worthy for that emulation.

Most people in the world, most people in this country, do not realize the condition, the political condition, of the capital city of this country. Most Americans simply would not endorse it.

I am not alone in supporting statehood for the District of Columbia, Mr.

Speaker. The President of the United States, Bill Clinton, even before he was elected and sent, has unequivocally supported statehood for the District of Columbia.

He came to testify before the Committee on the District of Columbia before he became President, and did so eloquently on this question. Since becoming President, he has not hesitated to continue to indicate his endorsement of statehood for the District of Columbia, and to indicate that he would sign a bill if this House would pass one, and if the Senate of the United States would pass one.

On May 27 in the Rose Garden, televised for the American people at a town meeting, the President made a statement in response to a question about whether he supported statehood for the District of Columbia from someone in the audience.

□ 2130

I quote his words:

> Well, I think frankly, I think having the Senators and the Members of Congress is not as important as having control over your own destiny. The District of Columbia has more people than 5 other States, pays more taxes than 10 other States, and sent more soldiers to fight in the Persian Gulf than 20 other States, and yet every time they turn around Congress can overturn anything they do through their elected officials. If they become a State, yes, it's true, they would get two Senators and a Member of Congress, just like the other small States. But the main thing is they would have more control over their own destiny. It's very frustrating for the people of the District to know that Congress can do or not do anything. Just like this fellow said, they can say no, you can't have $2 million for police, and you can't do it on your own because they don't have independence. So that's why I've always supported statehood. Once I saw the facts about the size, the taxes, the contribution to the national interest, I thought they ought to have the right to be independent.

End of quote from the President of the United States. Those who have had occasion to study this matter most deeply have also supported statehood for the District of Columbia. The statehood movement is almost 15 years old. Our own hometown newspaper, the Washington Post, did not support statehood for many years.

In a historic breakthrough on January 13 of this year the Washington Post endorsed statehood for the District of Columbia. The Post has thought long and hard. My own view is that it did not support statehood earlier because it was thinking about questions that have begun to be answered, questions about what would happen to the District of Columbia financially, questions about alternatives, questions about the rest of a Federal enclave.

May I quote, Mr. Speaker, from what the Washington Post said in this historic editorial, breaking its silence on this issue. I quote from only part of the editorial:

> It is time to right a great historic wrong. Since 1800 the residents of Washington, DC have been the only taxpaying U.S. citizens denied representation in Congress. With the election of Bill Clinton, it has become politically possible to give them the status that is their due. We believe now is the time to begin defining and then putting in place an arrangement that puts District residents on an equal footing with all Americans. As a step toward that end, Congress passed a proposed constitutional amendment 15 years ago that would have given the city full congressional representation. Only 16 of the required 38 States ratified the proposal, mostly for partisan reasons. Republican lawmakers wanted no more Democrats in the Congress, and as some suspect, many legislators wanted no more blacks there as well. The only achievable alternative, if citizens here are to enjoy their full political participation that is their due is statehood.

That is my hometown newspaper, one of America's great national newspapers, and one that came to statehood thoughtfully, quietly, incrementally. I believe this editorial has significant credibility because it was so long in coming, because it is so thoughtful a position.

But if I may say so, Mr. Speaker, before my hometown newspaper arrived at its conclusion concerning statehood, the newspaper said to be America's greatest newspaper had three times written editorials endorsing statehood for the District of Columbia, and I refer to none other, Mr. Speaker, than the New York Times. In three editorials the New York Times, in a space of little more than a year, has said that statehood for the District of Columbia is the appropriate remedy for the denial of full citizenship for the residents that surround this place this evening.

The first editorial was entitled "Free the Government's Plantation." If I may quote one sentence from that editorial, Mr. Speaker, "The current arrangement is more suited to a dictatorship than a democracy." That is the New York Times.

The second editorial was entitled "The D.C. Plantation: Freedom Soon?" The third editorial was entitled "The State of Misgovernment."

Mr. Speaker, I recognize that I have been discussing a structural change in government. I recognize that it is a departure of a most unusual kind.

May I say to you, Mr. Speaker, that in some ways the request I make for statehood in this House is no different from the request of virtually every State that has entered the Union. We know that it takes only the vote of the House, the vote of the Senate, and the signature of the President of the United States. But, Mr. Speaker, even for those territories that were in the middle of our country, where as it were Manifest Destiny would seem to have said that those places had to be included in the United States of America, even for such States it has always been difficult to become a State of the United States of America.

Before the Civil War, if a slave State wanted to get in, a free State had to get in, and then it was a wash, and then they both got in. This has always been a profoundly political question, Mr. Speaker. It has not been objectively about whether or not California should come in. They came in quickly, Mr. Speaker, because there was a gold rush at the time.

It has not been about whether or not Utah should enter or Illinois should come in. Underneath those debates, as with this, were questions of politics. I accept that, Mr. Speaker.

But in each and every one of those instances, including the last, Hawaii and Alaska, American principles finally overcame American politics. It must happen this time as well. We cannot leave 600,000 people much longer in the netherland of democracy, in the twilight between real democracy and pseudodemocracy, pretending that there is equality of citizenship here with our fellow Americans everywhere else. We must stop the pretense.

There is a way to do it, and the time has come to do it, Mr. Speaker. As some would say, "Try it, you might like it." Mr. Speaker, what I say is try it, you will not know much difference. Washington, DC, will still be the Washington, DC, we most know, the downtown Federal enclave. The residents who live in the far Northeast, those who live in Southwest, those who live in Northwest and Southeast will have, in reality, the same relationship to this Federal place as they have now, except for one difference. There will be one person here who stands and votes on everything as every American who pays taxes should and must. And there will be two people in the other body who as the Founders would have it will express the wishes and vote them for their constituents.

□ 2140

I ask my colleagues, especially those who are new to this body—and there are 110 of you, you are said to come here for a change, and for many of you change means democracy and democratization of this body—the most significant act you and the rest of us could take to democratize this body would be to admit the last colony of the United States of America.

In their name, in the name of the Mayor of the city called the District of Columbia now, in the name of the 13 members of the city council, in the name of the 600,000 residents who, in virtually every respect, are like each and every one of those you represent, I ask this body to finally deliver to my constituents what, through the good graces of the Congress of the United States, has been delivered to all others, all others who live under the American flag.

Mr. Speaker, I ask that before this session has ended, that this body votes to make Washington, DC, the present Federal enclave, and the eight wards of the District of Columbia, the State of New Columbia, the 51st State of the United States of America.

THE CRISIS IN SOMALIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CONYERS], is recognized for 60 minutes.

Mr. CONYERS. Mr. Speaker, I am deeply troubled by those who want to prematurely withdraw United States forces from Somalia.

It would be a profound mistake to put a time limit on United States peacekeeping in Somalia. We would undo all the good we have done if we give the warlords and bandits the exact hour they can retrieve their guns and reassert their reign of terror.

It would set a terrible precedent if the U.S. military could be bullied out of its commitments. We cannot allow understandable concern for the protection of United States lives to push us out of Somalia, leaving a larger mess than when we arrived.

I support President Clinton's twin efforts to stabilize the crisis in Somalia and develop a sound policy that will help the Somalians establish peace and tranquility in their strife-torn nation. We should all listen carefully to the words of Gen. Colin Powell who yesterday warned us against an untimely withdrawal of United States forces from Somalia.

General Powell was quite clear:

> In the case of places like Somalia—where the mission was nice and clear cut when we went in, but it's becoming a little more difficult now—we will have to continue our calculus of political objectives, means applied to that objective, and sort them out. But because things get difficult, you don't cut and run. You work the problem and try to find a correct solution.

The U.N. Security Council adopted a resolution committing the United Nations to remain in Somalia until March 1995. This includes a program to set up district and national political counsels and reconstruct the collapsed police force, judiciary, and civilian administration. we should not act in a manner that undercuts that position.

I support the Clinton policy efforts in Somalia. In August, Secretary of Defense Aspin listed several objectives that still must be achieved if Somalia is ever to recover. According to Aspin, these include: Credible police forces must be established; warlords must give up their heavy weapons; the United Nations and the Organization of African Unity should try to restart the internal reconciliation process; and there must be an economic recovery plan.

I share the anguish of the families and loved ones of those who have suffered trying to keep and enforce the peace in Somalia. But it is clear that the casualties are being shared by several nations. This is not a case of the United States being asked to fight alone.

The current cycle of violence began in June 1993, when 34 Pakistani troops were killed by General Aideed's forces. In August, four U.S. soldiers were killed by a remote-controlled bomb. InSeptember, seven Nigerians were killed. Last week, a U.S. Blackhawk helicopter was shot down, killing three of our soldiers.

The United States currently has about 4,700 personnel in support of the U.N. forces. This is about a fifth of the 25,800 troops we have deployed last year. The total U.N. force today is about 25,000 and is expected to reach its authorized level of 28,000 in October. The United Nation estimates that the hardcore guerrillas in Somali warlord Aideed's employ is only 200 follows:

Much remains to be done before Somalia can be said to be secure. Weapons are still in abundance throughout the country, and the various tribal and fractional leaders are still poised waiting to see what will happen next as the United Nation attempts to bring about reconciliation and recovery in the face of the Aideed challenge.

Most experts and foreign governments have praised the U.S. effort. Local leaders who have been fighting each other have been brought together for the first time under U.S. auspices, even if final agreement still eludes us.

There is peace and adequate food supplies throughout most of the country. The attacks on United States and U.N. forces in Mogadishu are the exception. For example, in Kismayu, a formerly troubled city, U.N. peacekeepers have organized negotiations among clan elders, who have publicly thanked the United Nations for its efforts.

The United Nation is also assisting in the following key efforts: The reestablishment of the Somali police force; the development of a program for removing mines; creation of 13 district councils of local representation, with additional councils expected soon; establishment of public information activities; and other activities to provide for the public health, jobs training, and farming and livestock recovery.

I applaud the efforts of majority leader RICHARD GEPHARDT. He has tried to reconcile the U.S. peacekeeping operations with the requirements of the War Powers Resolution. Of course, the Congress must discharge its constitutional responsibilities. The Congress must approve any decision to continue risking the lives of brave Americans in combat.

But, I hope the public debate on this complex issue will not in any way intimidate the President. He now faces some of the great difficulties that often arise when the United States offers its assistance to developing countries. We cannot shrink from this humanitarian challenge.

We cannot abandon the Somali people. We cannot succumb to isolationist idiocy. We cannot let the United States be intimidated by warlords or gangsters.

We must stay the course.

□ 2150

EARMARKING IN APPROPRIATIONS BILLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BROWN] is recognized for 60 minutes.

Mr. BROWN of California. Mr. Speaker, let me assure those remaining that I will not take the full 60 minutes.

Mr. Speaker, I take this time this evening to continue with a minor crusade that I have been carrying on for the last couple of years aimed at reducing the amount of earmarks in appropriation bills. I do so because tomorrow when we take up the appropriations bill for the Defense Department, I intend to offer a motion which will to a small degree alleviate some of the problems of earmarking in that bill.

Let me say in a prefatory way that the bill we have before us tomorrow is one of the best bills emanating from the Appropriations Committee and the Defense Subcommittee that I have seen in this body during my service here. I think the chairman of that committee, the gentleman from Pennsylvania [Mr. MURTHA] and the ranking member, the gentleman from Pennsylvania [Mr. McDADE], have brought us a bill which really is exceptional in many ways. I fully intend to support that bill.

I feel somewhat reluctant to bring up what I consider to be minor flaws in the overall content of the bill, but a major issue in terms of the way the Congress itself operates.

This bill tomorrow will expend almost a quarter-of-a-trillion dollars of the taxpayers' money. It represents a substantial reduction from the prior year and a major move in the direction of focusing substantial resources on the problems of defense conversion and on technology reinvestment, two very important issues which the Armed Services Committee in the military authorization bill has dealt with very well.

As I will point out in my remarks, the funds for these programs have been increased substantially to meet the needs of the country, which is undergoing a very rapid downsizing of the military and the military-industrial base and is seeking to develop in place of that a new and vital advanced technology-industrial structure.

In all the good points of this bill, there are still a few items which I think deserve attention and which I will try to deal with.

Technically, none of the programs in this bill are authorized, because the authorizing committee, on whose bill we just completed action today, has not yet seen that bill adopted and sent to the President, so we are technically without an authorizing bill. For that reason, the Appropriations bill would be subject to multiple points of order for funding unauthorized programs. That has been dealt with in the rule which waives the points of order, except in a very few cases, and this is appropriate. I think the Rules Committee has acted wisely and the Appropriations Committee has acted wisely in requesting this waiver.

There were a few cases where waivers were not asked, the most important of which was a $1 billion item for a new defense weapons system. Under our rules, of course, that item can be and will be stricken from the bill tomorrow on a point of order.

The problem from my standpoint is not that there are earmarks in the bill, and again I would compliment the chairman on there not being very many, and those earmarks contained within the bill I would be inclined to support and not to raise a point of order against because they are worthy.

The problem that I am going to focus on is the problem of earmarks contained in the language of the report. This is a practice which has been growing exponentially over the last few years. I have been dealing with it in those matters involving the jurisdiction of my committee, the committee that I chair, the Committee on Science, Space, and Technology.

I have brought these issues to the floor before, including the closing days of last year.

It is not my general intention or practice to intervene in the activities of other authorizing committees. I have great faith and confidence in the distinguished chairman of the Armed Services Committee, the gentleman from California [Mr. DELLUMS] to raise any necessary points of order with regard to the Appropriations bill as he sees fit, and as I have already indicated he proposes to deal with the issue of an unauthorized weapons system through the normal process of the rule tomorrow; however, I want to point out, and this is partly to salve my own conscience, that this bill contains in the Defense reinvestment program and some of the Defense conversion items a number of issues which are germane to the jurisdiction of the Committee on Science, Space, and Technology.

As a matter of fact, there will be members of our committee who will be conferees on the Defense authorization bill. It is only in that rather small area that I propose to express my views and to express them as politely and as circumspectly as I can.

Within the language of the report on the Defense appropriations bill, there are several dozen earmarks designating specific projects to which money will be allocated which under our rules cannot be reached in any way by Members of the House on this floor. They cannot be amended. They cannot be subject to a point of order.There is literally nothing that can be done to approach this particular problem.

Now, in what I am saying, I am not trying to derogate the contents of these earmarks. It is sometimes pointed out that these earmarks tend to be beneficial to a relatively few Members of Congress or to one or more small regions of the country. I do not make that criticism of these earmarks contained in the report language of the bill that will be before us tomorrow. I have looked at them very carefully. Although there is inadequate information in the report for me to make a judgment, I notice that they are distributed widely around the country.

As a matter of fact, I note with satisfaction that California gets a full share of these earmarks, along with a dozen or more other States.

□ 2200

So, I have no basis to object to the earmarks on the basis of the quality of the projects, which I cannot judge without any information, or its distribution. It benefits California, although not my own particular district, as much as it does any other State, and, from what I can tell, the intent of these earmarks is to fully carry out the intent of the technology reinvestment program, with one exception. That one exception is that the law which established the technology reinvestment program specifically states that the projects will be allocated, will be selected, on the basis of a competitive system in which applicants will be allowed to submit projects. They will be reviewed, and the best projects will be selected from the standpoint of what will contribute to the national welfare. In the case of the earmarks in the report, in this area there is no such competitive process. In fact, it is specifically precluded.

And this is the point that gives me pause. The total amount of these earmarks amounts to, depending upon how you figure it, at least a quarter of the entire allocation.

Now I have already pointed out that the Committee on Appropriations has increased the amount of funding for this program by more than a quarter. So, in effect you could say, "Well, they have added the additional money, and they, therefore, should have some voice in how that additional money is to be distributed."

There are all kinds of arguments that one could use to defend this process, but I have been taking the point of view, and I will continue to take this point of view, that the taxpayers of this country are entitled to a process in the allocation of the tax money which they contribute to the Government which will produce the very best return. Such a process does not exist for programs which are not requested by anyone, not the President, not the Defense Department, not any other department; and which are not reviewed by any of the authorizing committees of the Congress, whose role it is to determine whether these projects are meritorious and to recommend in the form of legislation that they be funded. None of these processes have been gone through.

Now, even though I am making this point, and I will continue to make it, and I will seek to get the Members of the House to join with me tomorrow in an amendment to restate the necessity for competition in this process of awarding grants, I am still pleased that the funding has been as generous as it has been. I still think that the program is going to be of great value to the country, and, as I have already said, I feel that this is one of the best bills that has come before us, and I intend to support it.

But I would like to point out what I consider to be the most pernicious effect of this, and I pointed this out last year at a similar time in the cycle when there were earmarks on another bill. In that case it was the energy and water appropriation bill, and through good fortune, more than anything else, I was able to procedurally bring the issue of these earmarks, which were within the bill itself, not in the report, which made it somewhat easier to do, bring it to a vote on the floor of the House, and these projects, which involved a relatively modest sum of about $100 million, were overwhelmingly rejected by the Members of the House. They had no opportunity to see them, to vote on them, previously in committee, to review them. They had apparently appeared by magic during the closing moments of the conference between the House and Senate, and the mood of the House was to reject them. A week later these exact same earmarks appeared in this bill that we will have up tomorrow; or last year's version of it, the defense appropriations bill. The same identical projects appeared, and this time protected by a rule which made it impossible to do anything about it.

Now the pernicious aspect of this that I am pointing out is very simply this:

About 85 percent of the Members of the House of Representatives are deprived of the opportunity to have an equal voice with their colleagues on the Committee on Appropriations in the determination of those projects and those programs which are best for the American people. They are told, in effect, by our dear friends on the Committee on Appropriations, "Trust us. We know what's best for the United States, and we will pick and choose those programs and those projects which are in our opinion best for the country, and we will allocate the money, or a substantial portion of it, for those projects."

Now that is bound to create in the eyes of a large majority of the Members of the House the feeling that we have two classes of Members of Congress, one class with the power, and the ability and the wisdom to make wise choices about the allocation of the taxpayers' resources; the second class, lacking that wisdom and lacking that power, are relegated to the role of taking it or leaving it, in effect.

Now in a good bill like this in which the earmarks in the bill are relatively minimal, aside from the $1 billion which will be stricken, and the earmarks inthe report are only a billion dollars or so in a quarter of a trillion dollar bill, many Members of Congress are likely to say it is not worth worrying about. But let me tell all of those Members who think it is not worth worrying about that I used to think it was not worth worrying about, and in the more limited sphere or earmarks for academic research facilities and programs, which is within the jurisdiction of the Committee on Science, Space, and Technology which I chair, I have seen those earmarks grow from about $10 million a year in the early 1980's up to more than three-quarters of a billion dollars last year.

In other words, Mr. Speaker, what is happening is a very natural human reaction. The members of the Committee on Appropriations, having seen that they can get away with $10 million, go for $50 million the next year, and $150 million the following year, and they keep increasing it, and they will continue to keep increasing it until all Members of Congress who are not members of the Committee on Appropriations finally decide that perhaps the situation is getting too far out of balance.

Now this has happened before. It was a little before my service in the Congress, nearly 100 years ago, as a matter of fact. But at that time the situation got out of balance, and the Congress abolished the Committee on Appropriations.

Now it is not my intention to try and act tomorrow to abolish the Committee on Appropriations. I think that committee does a valuable service, but it is composed of fallible human beings who do what most fallible human beings do, and they try to go as far as they can in probing the limits of what they can do to achieve their own personal goals. Being a fallible human being myself, Mr. Speaker, I expect I might even follow that path if I were a member of the Committee on Appropriations. But I am too old to switch, and I am so deeply concerned about the future of this institution that I want to see it operate in accordance with normal procedures, orderly process, fair sharing of responsibility and the right to serve their constituents so that we can achieve, through the processes of the Congress and the rules of the Congress, the best welfare for the people of this country and the most harmonious workings of this great institution.

Now I should not refer to the workings of the other body, but I have to point out that the sins that I am referring to are not confined to the House of Representatives. The Members of the other body are equally adept at using the power and influence that comes with being a senior member of the Committee on Appropriations and they do their own set of earmarking. So, I have to point out that on top of the approximately, say, $1 billion of earmarks, of which perhaps a quarter are in the program that I referred to, the technology reinvestment program, on top of that our distinguished colleagues in the other body, when it comes to conference with the House on this particular appropriation bill, are going to want to have their $1 billion.

□ 2210

We operate with appropriation caps around here. You can only stretch those so far. But one of the things that we will do tomorrow is to eliminate $1 billion in this bill for that weapons system that I referred to. That will leave us $1 billion under the 602(b) allocation, more or less, and that vacuum will be filled by $1 billion worth of earmarks coming from the other body.

That process has been going on and on at an accelerating rate. Now, in the other body, they are somewhat more proud of their prowess in this situation than we are. It is I think a more acceptable practice. Their rules are more flexible and they are able to accommodate this in a more collegial way than we are in the House.

The distinguished Senator from West Virginia who chairs the Appropriations Committee has publicly stated many times that he feels that this process of earmarking is reasonable and necessary and desirable, and that he feels that the Members of that body, the other body, should not be required to go through the processes of authorizing committee reviews and the other methods by which we seek to get additional input into the process of making wise decisions on the expenditure of the taxpayers' money.

I am not saying this to criticize the Members of the other body. They, like other human beings, are using their opportunities, their influence, their power, to achieve their goals in the most effective and least onerous way that they can. This is normal. I am just pointing out the pernicious nature of this process when carried to extremes. I am going to, in saying this, of course, make it clear to all of my colleagues in both the House and the Senate that I have the greatest respect for them. In no way am I trying to belittle or defame them.

As I have said, it ill behooves me to throw rocks at them, when I would perhaps be doing the same thing if I were in their shoes. But I am not in their shoes, and I have another motive. That motive, which is forced upon me by the nature of my own responsibilities, is to protect the prerogatives of those Members of the House who are not on the Appropriations Committee, and, if necessary, to fight with the Senators who would use their rules and their power to make it more difficult for those Members of the House to be treated as full equals in this process of allocating funds for the benefit of the people of this country.

Now, I want the junior Members of this body, who now number 115 or so, to particularly understand this process. They were elected to come here and make the system better. They were elected to reduce the vestiges of special privilege that exist, to make the Members of this body and the other body responsive to the wishes of the American people. And it is fairly clear that the American people do not want those of us elected to serve them to take it upon ourselves to assume that we have some special wisdom.

We are a collective body, and it is from the wisdom of the collective body that the people of this country expect to benefit. So I am asking these junior Members of Congress, who have not been through this process, even the one last November to which I referred, to take special note of what happens tomorrow.

We have already had one or two examples in early appropriations bills in which the authorizing committee chairman and the appropriations subcommittee chairman became engaged in a contest over the appropriation of funds which had not been authorized. In that contest so far, it seems that the authorizing committee has enjoyed both the predominant support of the Members of the House, and, in their effort to fully implement and abide by the rules of the House, they have enjoyed the support of those who interpretthe rules.

What will happen tomorrow is difficult to ascertain. It is my intention to offer a motion to amend the bill. The amendment that I am going to offer is in the form of a restriction on obligating the funds in that bill.

Under the rules, I will be precluded from offering that amendment if the chairman of the subcommittee moves that the Committee rise, and it will be necessary to defeat that motion before I can offer an amendment.

The amendment that I will offer is the most innocuous amendment that I could think of offering. It is a restatement of existing law that requires that the funding for the Technology Reinvestment Program be subjected to a competitive review. That is the existing law. It is contained in the Defense authorization bill from last year and it is contained in the Defense authorization bill that we passed today.

Now, why do I take the trouble to merely restate existing law on the appropriation bill? Well, I wonder about that myself. Because it is my view that if the administration officials to whom these funds are appropriated to spend are willing to spend them today in violation of the law, as they are, they will be willing to spend them tomorrow in violation of the law, even though I restate that law on the bill.

The problem here goes beyond the law. The appropriators say, "We tell you to spend the money for these projects which we have selected." They are not authorized. But the order to spend it occurs in the language of the report, which cannot be attacked for failing to deal with authorized projects.

The implication is that if they do not spend the money as directed by the Appropriations Committee, despite the fact that the law says that they will not spend it for those projects, but only on projects which have been reviewed on a competitive basis, the implication is that if they do not go ahead and fund those projects their funding may be cut in the next appropriations bill.

This is a powerful, powerful tool to use on those dedicated public servants who may lose their jobs if their appropriations get cut in the next round. So I do not fault them for obeying the language of the committee report, which is not binding in law, because they know that behind the directives contained in that report is the possibility of very severe action which they will not like in the next round of appropriations.

There are other ways in which this problem can be addressed. I have, for example, after last year's fiasco in which I was thoroughly beaten over the head, sought to make some minor changes in the rules of the House and the rules of the caucus.

Last year I was not even notified that these earmarked projects would appear. We changed the rules to require that notification be given to the authorizing committee chairmen so that they would be aware of it. That is contained in changes in the rules of the Democratic caucus which were made. Then in the rules of the House there were changes made to allow for the authorizing committee chairmen to be in control of a certain amount of debate time to offer a motion to refuse to go along with these earmarks, in effect.

☐ 2220

Obviously, these changes in the rules did not seem to give a very strong signal to those members of the Committee on Appropriations who continued to earmark. We said at the time that we are not trying to overturn the orderly processes of the House. We are trying to make them work. And if we are not able to make them work through modest changes in the rules, we will look toward less modest changes in the rules. Of course, one of those changes might be to make any earmarking in committee reports subject to the same points of order and adherence to the rules that that same language would be exposed to if it were in the bill. I do not know how difficult that would be.

I suspect a lot of Members would resist it. But that would be the next step in the orderly procedure for trying to bring this situation under control.

Another step might be for the administration, the President, to give the dedicated public servants, who now spend this money in violation of the law, instructions not to violate the law. And the President and the Vice President have indicated, in statements that they have made, that they do not approve of earmarking. They would like to see it curtailed.

We have written to the Vice President, calling his attention to the situation and suggesting that the administration take some action to deal with this problem through instructions to the Federal bureaucracy.

I have no way of knowing whether the administration will take kindly to that. As a matter of practical fact, the administration itself does not like to tangle with powerful members of the House and Senate Appropriations Committees, because so much of their program depends upon favorable action by these distinguished gentlemen.

Of course, the court of last resort is the people of this country. I have not hesitated, in my own small way, to let the people of this country know that I think that there is a flaw in the way the system works here. In my own committee, we have had exhaustive oversight investigations; we have had hearings. We have called before us both the members of the executive branch, who have been charged with the responsibility of spending this money for earmarked funds, and representatives of the institutions and organizations which received it. And we have asked them to explain why it is that they have acted in the way that they have.

We have compiled an interesting history of this process. We intend to compile an even more interesting history. It may be that because these actions of the Committee on Appropriations which curtail the responsibility of the authorizing committee, these authorizing committees will feel more and more compelled to use their oversight responsibility, which cannot be curtailed by the Committee on Appropriations.

As a matter of fact, my own committee has very broad oversight responsibility. It includes oversight of all civilian research, development and demonstration. I think I might enjoy using all the spare time that I am going to have by not being able to authorize by conducting a more vigorous oversight of these projects which are earmarked. I am not implying that any of these projects would be subject to public criticism, if their genesis and their operations were thoroughly laid out in the public record. My own suspicion is that most of them are good projects. But would it do any harm if we got a second opinion from the authorizing committees before we fund them? I do not think it would. And since we cannot get that second opinion before we fund them, we are forced into the posture of getting that second opinion after they are funded.

It is my intention to pursue that course vigorously over the coming months.

Now, I am not trying to be a crusader. I have said this before. I am very fond of my friends on the Appropriations Committee. I want merely to be treated as an equal, as I am in terms of my responsibility to my constituents. I will not argue the case that they may all be smarter than I am.

The course that I am taking, I think, is eminently reasonable. I do not intend to change it in the near future. I will resort to whatever methods are necessary to begin to remedy this situation that I see.

This is grandiose talk, as far as one individual is concerned. I am humbly going to avoid being grandiose and try and bring this matter to my colleagues in the most logical and rational way that I can and beg for their support. If they disagree with me, if they feel that they are better served and their constituencies are better served by abdicating their own responsibilities to a few select members of the Appropriations Committee, then I say God bless them. I will probably not belabor the issue all that much. But I am going to seek, as I did last year, to enable an expression of views by the Members of this body. And based upon the experience of last year, I think that the large majority of the Members of this body would rather have a system in which they have some input and in which they have a voice, in which their responsibilities as members of authorizing committees are fully implemented. And they will have a more satisfying and satisfactory service here in this great body in which we are all so proud to serve.

Mr. Speaker, we will continue this discussion tomorrow when I get the opportunity to offer my amendment, assuming that I do get that opportunity. I am looking forward to what happens on that occasion.

I will close merely by expressing my hope that all of the Members of this body will understand the importance of the principles which are at stake here and not be diverted by the fact that the individuals involved are all good friends and highly respected colleagues. There is nothing in any way, shape or form intended to cast any other light on this. I have been particularly pleased, as a matter of fact, over the last year to work with the gentleman from Pennsylvania, Chairman MURTHA, on a number of issues and find that he is, as I have always known, a genial, able, very understanding person. I hope that he will understand that whatever I am doing tomorrow was not intended in any way to reflect on the excellent work that he has been doing.

Mr. Speaker, I include for the RECORD the letter to which I referred:

COMMITTEE ON SCIENCE, SPACE,
AND TECHNOLOGY,
Washington, DC, September 27, 1993.

Hon. ALBERT GORE, Jr.,
Vice President of the United States of America,
The White House, Washington, DC.

DEAR MR. VICE PRESIDENT: I want to congratulate you on your report, "Creating a Government that Works Better and Costs Less." You have outlined an ambitious and much needed program. Among your many recommendations, one in particular caught my attention: "Minimize congressional restrictions such as line items, earmarks, and eliminate FTE floors." As you may remember, eliminating earmarks for academic research projects and facilities has long been one of my priorities.

During the past year, the Committee on Science, Space, and Technology has been investigating the scope of academic earmarks and their effects on U.S. government priority-setting and budgeting. We found that in the past ten years, earmarking has increased seventy-fold and now totals three-quarters of a billion dollars per year. This explosion in earmarking has come at a time when fiscal constraints imposed by budget deficits have limited the ability of federal departments to fully fund research programs that meet established national needs. The result is that more and more of those scarce research dollars are being fenced off by a handful of Members of the Appropriations Committees determined to ensure that pet projects for institutions in their states are funded, usually without regard to merit or national priorities.

I do not question the goals of most earmarked projects, but rather the method by which the funds are awarded. Dollars are allocated to particular institutions for particular purposes based on nothing more than that school's ability to approach a member of the Appropriations Committees (a process often facilitated by a high-priced lobbyist) to ask for a favor. The projects themselves rarely undergo even the quick scrutiny of public testimony before Congress; the vast majority of these earmarks are written into report language in House-Senate Conferences by staffers.

More than ninety percent of earmarks appear in the report language that accompanies legislation. These reports are neither legally binding on an agency nor subject to review or amendment by either the House or Senate. Just as importantly, these reports are not signed by the President. Although report language is in effect nothing more than the studied opinions of those members of the Appropriations Committees that were a party to the Conference, agencies in the executive branch testified before the Science Committee earlier this month that they treat such language as if it represented the legally binding will of Congress.

I want to work with you to develop a mechanism which would give agencies a greater voice in determining which (if any) earmarks they will follow and which they should reject. One possibility is an Executive Order which would give agencies guidance on how to respond to earmarks in appropriations report language. The Executive Order could clarify the notion that report language is merely advice, not legally binding instruction. The strongest approach would be to require agencies to disregard earmarks appearing in report language that are not also explicitly delineated in the appropriations legislation.

If you feel that such an approach is too severe, I offer two more moderate alternatives.

1. Require agencies to seek the approval of the relevant authorizing and appropriating committees before obligating the funds for an earmarked project. If the committees cannot come to any agreement during the current fiscal year, the funds would be returned to the Department of the Treasury.

2. Subject to the approval of the relevant authorization and appropriations committees, require agencies to transfer any funding for earmarks to existing authorized programs which have the general programmatic goals embodied in the earmarked project. If the committees cannot come to any agreement during the current fiscal year, the funds would be returned to the Department of the Treasury.

At three-quarters of a billion dollars annually, academic earmarks have clearly grown out of control. An Executive Order that places Appropriations Reports in their proper perspective in the eyes of executive departments and agencies would serve as an important and immediate check on this practice. So long as agencies continue to treat such report language as the law of the land, more and more of our research dollars will be directed through these reports, which are neither voted upon by Congress nor agreed to by the President. From the perspective of our economic vitality and the integrity of Constitutional government, this is a dangerous situation.

With your support, I and like-minded Members of Congress would be able to work more effectively to eliminate earmarks in appropriations legislation. I would appreciate hearing your views on my suggestions and look forward to working with you on this issue, as well as the many other worthwhile ideas that you have articulated for "reinventing government."

Sincerely,
GEORGE E. BROWN, Jr.,
Chairman.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCDADE (at the request of Mr. MICHEL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. NORTON) to revise and extend their remarks and include extraneous material:)

Mr. KENNEDY, for 5 minutes today.
Mr. STARK, for 5 minutes today.
Mr. CONYERS, for 60 minutes today.
Mr. BROWN of California, for 60 minutes each day, on September 29 and 30.
Mrs. MALONEY, for 60 minutes, on September 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. EWING) and to include extraneous matter:)

Mr. YOUNG of Alaska, in two instances.
Mr. SCHAEFER.
Mr. SOLOMON.
Mr. SANTORUM.
Mr. SAM JOHNSON of Texas.
Mr. FISH.
Mr. BAKER of California.
Mr. SCHIFF.
Mr. WELDON.
Mr. RIDGE.
Mr. GEKAS, in two instances.
Mr. SMITH of Michigan.
Mr. HASTERT.
Mr. CAMP, in two instances.
Mr. GINGRICH.

(The following Members (at the request of Ms. NORTON) and to include extraneous matter:)

Mr. HAMILTON.
Mr. STARK.
Mr. BONIOR in three instances.
Mr. HOYER in two instances.
Mr. MOLLOHAN.
Mr. SWETT.
Mr. MATSUI.
Mr. JACOBS.
Mr. ROSTENKOWSKI.
Mr. KANJORSKI.
Mr. CLEMENT.
Mr. LEVIN.
Mr. CLYBURN in two instances.
Mr. STUDDS.
Mr. TRAFICANT in two instances.
Mr. GEPHARDT.
Mr. NEAL of Massachusetts.
Ms. VELAZQUEZ.
Mr. PASTOR.
Mr. FARR of California.
Mr. FILNER.
Mr. TUCKER in two instances.
Ms. EDDIE BERNICE JOHNSON of Texas.
Mr. COSTELLO.
Mr. TAUZIN.
Mr. MINETA.

ADJOURNMENT

Mr. BROWN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 30 minutes p.m.) the House adjourned until tomorrow, Thursday, September 30, 1993, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1956. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled "Department of Agriculture Reorganization Act of 1993"; to the Committee on Agriculture.

1957. A letter from the Secretary of the Treasury, transmitting the annual report on the operations of the Exchange Stabilization Fund [ESF] for fiscal year 1992, pursuant to 31 U.S.C. 5302(c)(2); to the Committee on Banking, Finance and Urban Affairs.

1958. A letter from the Secretary of Education, transmitting Final Regulations—Training Program for Federal TRIO Programs, Upward Bound Program, and the Student Support Services Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1959. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of H.R. 2010, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

1960. A letter from the U.S. Commissioner, Susquehanna River Basin Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

1961. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the 1992 annual report of the Director of the Administrative Office of the United States Courts together with the March and September proceedings of the Judicial Conference of the United States held during 1992, pursuant to 28 U.S.C. 604(a)(4), (h)(2), 2412(d)(5); to the Committee on the Judiciary.

1962. A letter from the Secretary of Transportation, transmitting the annual report for 1992 on the relative cost of shipbuilding in the various coastal districts of the United States, pursuant to 46 U.S.C. app. 1123(c); to the Committee on Merchant Marine and Fisheries.

1963. A letter from the Deputy Administrator, General Services Administration, transmitting informational copies of Reports of Building Project Survey for Jacksonville, FL, and Greeneville, TN, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1964. A letter from the Assistant Secretary for Environmental Restoration and Waste Management, Department of Energy, transmitting a business plan; transfer of Hanford's extrusion press and other selected metalworking equipment to city of Richland; jointly, to the Committees on Energy and Commerce and Armed Services.

1965. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation entitled "United States-Mexico Border Water Pollution Control Act"; jointly, to the Committees on Public Works and Transportation and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3167. A bill to extend the Emergency Unemployment Compensation Program, to establish a system of worker profiling, and for other purposes; with amendments (Rept. 103–268). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONIOR: Committee on Rules. House Resolution 265. Resolution providing for consideration of the bill (H.R. 3167) to extend the Emergency Unemployment Compensation Program, to establish a system of worker profiling, and for other purposes (Rept. 103–269). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1188. A bill to provide for disclosures for insurance in interstate commerce; with an amendment (Rept. 103–270). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSTENKOWSKI:

H.R. 3167. A bill to extend the emergency unemployment compensation program, to establish a system of worker profiling, and for other purposes; to the Committee on Ways and Means.

By Mr. TAUZIN (for himself, Mr. LIPINSKI, Mr. ORTIZ, and Mr. MANTON):

H.R. 3168. A bill to amend title 46, United States Code, to establish requirements to ensure safe operation of recreational vessels, and to improve State recreational boating safety programs; to the Committee on Merchant Marine and Fisheries.

By Mr. KENNEDY (for himself and Mr. GONZALEZ):

H.R. 3169. A bill to provide for public access to information regarding the availability of insurance, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CHAPMAN:

H.R. 3170. A bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to consult with representatives of physicians and to use the most recent available data in making geographic adjustments to the payment rates for physicians' services under part B of the Medicare Program, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. DE LA GARZA (for himself (by request), Mr. STENHOLM, Mr. PENNY, Mr. VOLKMER, Mr. ENGLISH of Oklahoma, Mr. GLICKMAN, Mr. JOHNSON of South Dakota, Mr. DOOLEY, Mr. THOMPSON, Mrs. CLAYTON, Mr. SARPALIUS, Mr. HILLIARD, Ms. McKINNEY, Mr. POMEROY, Mr. MINGE, Ms. LONG, and Mr. HOLDEN):

H.R. 3171. A bill to authorize the Secretary of Agriculture to reorganize the Department of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. DEFAZIO (for himself, Mr. INSLEE, and Mr. SMITH of Oregon):

H.R. 3172. A bill to amend the definition of rural community to expand eligibility for economic recovery funds; to the Committee on Agriculture.

By Mr. LIVINGSTON:

H.R. 3173. A bill to prohibit the admission to the United States as refugees of individuals who served in the armed forces of Iraq during the Persian Gulf conflict; to the Committee on the Judiciary.

By Ms. MARGOLIES-MEZVINSKY:

H.R. 3174. A bill to suspend until January 1, 1997, the duty on finasteride and finasteride tablets; to the Committee on Way and Means.

H.R. 3175. A bill to extend retroactively until January 1, 1996, the prior suspension of duty on L-alanyl-L-proline, also known as Ala Pro; to the Committee on Ways and Means.

H.R. 3176. A bill to extend retroactively until January 1, 1996, the prior suspension of duty on diflunisal; to the Committee on Ways and Means.

H.R. 3177. A bill to suspend until January 1, 1997, the duty on levodopa; to the Committee on Ways and Means.

H.R. 3178. A bill to extend retroactively until January 1, 1996, the prior suspension of duty on amiloride hydrochloride; to the Committee on Ways and Means.

By Mr. McCRERY:

H.R. 3179. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to individual investment accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. MONTGOMERY:

H.R. 3180. A bill to amend title 10, United States Code, to provide a charter for the National Guard Bureau, and for other purposes; to the Committee on Armed Services.

By Mr. MORAN:

H.R. 3181. A bill to redesignate the J. Edgar Hoover Federal Bureau of Investigation Building located at Ninth and Pennsylvania Avenue, NW., Washington, DC, as the Federal Bureau of Investigation Building; to the Committee on Public Works and Transportation.

By Mr. PALLONE:

H.R. 3182. A bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. PORTER:

H.R. 3183. A bill to assure that tax increases contained in the Omnibus Budget Reconciliation Act of 1993 are used solely for deficit reduction; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 3184. A bill to prohibit the transfer or possession of semiautomatic assault weapons, and for other purposes; to the Committee on the Judiciary.

By Mr. TALENT:

H.R. 3185. A bill to amend the National Flood Insurance Act of 1968 to provide insurance benefits for elevating structures incurring serious damage from floods and increase the maximum coverage amounts under the national flood insurance program, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. TAUZIN (for himself, Mr. HAYES, Mr. JEFFERSON, Mr. FIELDS of Louisiana, Mr. LIVINGSTON, Mr. McCRERY, and Mr. BAKER of Louisiana):

H.R. 3186. A bill to designate the U.S. courthouse located in Houma, LA, as the "George Arceneaux, Jr., United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. YOUNG of Alaska:

H.R. 3187. A bill to amend the Aleutian and Pribilof Islands Restitution Act to increase authorization for appropriation to compensate Aleut villages for church property lost, damaged, or destroyed during World War II; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself, Mr. STUDDS, Mr. MANTON, and Mr. FIELDS of Texas):

H.R. 3188. A bill to amend the Central Bering Sea Fisheries Enforcement Act of 1992; to the Committee on Merchant Marine and Fisheries.

By Mr. YOUNG of Alaska:

H.R. 3189. A bill to amend the Internal Revenue Code of 1986 to allow a charitable contribution deduction for certain expenses incurred by whaling captains in support of Native Alaskan subsistence whaling: to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 3190. A bill to amend the Federal Water Pollution Control Act to direct the Administrator of the Environmental Protection Agency to issue a discharge permit which modifies certain requirements with respect to the discharge of pollutants into the ocean from a publicly owned treatment works where an aggressive water reclamation program is being implemented jointly to the Committee on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. STARK:

H.J. Res. 270. Joint resolution to ensure all residents equal access to quality health care services if a managed competition health plan is enacted by requiring Members of Congress to enroll in the lowest cost health care plan offered in a health alliance area, and to impose an excise tax on Members of Congress equal to three times any amount the Member pays in health care premiums above the amount paid by enrollees in the lowest cost health care plan in the health alliance area; jointly, to the Committees on House Administration and Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 66: Mr. BARCA of Wisconsin.

H.R. 68: Mr. KOPETSKI and Mr. WYNN.

H.R. 70: Mr. QUINN.

H.R. 108: Mrs. FOWLER.

H.R. 166: Mr. ROYCE.

H.R. 290: Mrs. SCHROEDER.

H.R. 411: Mr. PARKER.

H.R. 466: Mr. BACHUS of Alabama.

H.R. 790: Mr. MEEHAN.

H.R. 799: Mr. KASICH.

H.R. 823: Mr. SCHIFF.

H.R. 830: Mr. BARRETT of Wisconsin, Mr. HOKE, Mrs. BENTLEY, Mr. HASTERT, Mr. HORN, and Ms. SNOWE.

H.R. 892: Mr. BAKER of Louisiana.

H.R. 1181: Mr. TAYLOR of North Carolina, Mr. QUILLEN, Mr. CUNNINGHAM, Mr. JACOBS, Mr. HAMBURG, Mr. DEUTSCH, Mr. DELLUMS, and Mrs. MORELLA.

H.R. 1277: Mr. KOPETSKI, Mr. PACKARD, and Mr. KING.

H.R. 1295: Mr. SMITH of Texas, Mrs. JOHNSON of Connecticut, Mr. KNOLLENBERG, Mr. MCDADE, Mr. LEWIS of California, Mr. CALVERT, Mr. ROHRABACHER, Mr. YOUNG of Florida, Mrs. FOWLER, Mr. BILIRAKIS, Mr. KING, Mr. QUINN, Ms. PRYCE of Ohio, Ms. SNOWE, Mr. BEVILL, Mr. RICHARDSON, Mr. MURTHA, Mr. DICKEY, and Mr. SCOTT.

H.R. 1314: Mr. REED, Mr. KOPETSKI, Mr. DUNCAN, Mr. PASTOR, Mr. MANN, and Mr. RAMSTAD.

H.R. 1442: Mr. KOPETSKI.

H.R. 1490: Mr. KYL, Mr. CLYBURN, Mr. HOUGHTON, Mr. CANADY, Mr. SCHAEFER, and Mr. BACHUS of Alabama.

H.R. 1494: Mr. SANDERS.

H.R. 1534: Mr. OBERSTAR and Mr. APPLEGATE.

H.R. 1546: Mr. CAMP.

H.R. 1552: Mr. QUINN.

H.R. 1604: Mr. FRANKS of New Jersey.

H.R. 1605: Mr. QUINN.

H.R. 1687: Mr. DIXON, Mr. PENNY, Mr. BONIOR, Mr. TOWNS, Mr. MARTINEZ, and Mr. SARPALIUS.

H.R. 1738: Mr. EWING.

H.R. 1786: Mr. DICKS and Mr. KOPETSKI.

H.R. 1900: Mr. DOOLEY, Mr. SMITH of New Jersey, Mr. TORRICELLI, Mr. LANTOS, and Ms. DELAURO.

H.R. 1922: Mr. PORTER.

H.R. 1933: Mr. THOMPSON, Mr. MCCLOSKEY, Ms. BROWN of Florida, Mr. FIELDS of Louisiana, Mr. HUGHES, and Mr. WASHINGTON.

H.R. 2043: Mr. RANGEL.

H.R. 2171: Mr. HINCHEY and Mr. DELLUMS.

H.R. 2173: Mr. GILMAN.

H.R. 2238: Mr. CLINGER and Mr. KLECZKA.

H.R. 2286: Mr. MINGE, Mr. DEAL, Mr. KNOLLENBERG, Mr. SKELTON, and Mr. STUMP.

H.R. 2305: Mr. PICKLE and Mr. STARK.

H.R. 2376: Mr. UPTON.

H.R. 2441: Mr. SANDERS and Ms. LOWEY.

H.R. 2612: Mr. DELLUMS.

H.R. 2641: Mr. KAPTUR.

H.R. 2644: Mr. POMEROY.

H.R. 2736: Mr. WILSON, Mr. EVANS, Mr. HINCHEY, and Mr. GUTIERREZ.

H.R. 2769: Mr. FRANK of Massachusetts.

H.R. 2786: Mr. UPTON.

H.R. 2830: Mr. TORRES, Mr. FILNER, Mr. STARK, Mr. DELLUMS, Mr. SERRANO, and Mr. MILLER of California.

H.R. 2837: Mr. MAZZOLI, Mr. FROST, Mr. LANCASTER, Mr. BEREUTER, Mr. BEILENSON, Mr. MENENDEZ, and Mr. VALENTINE.

H.R. 2878: Mr. HUGHES.

H.R. 2884: Mr. GIBBONS.

H.R. 2898: Mr. DELLUMS.

H.R. 3029: Mr. PACKARD and Ms. FURSE.

H.R. 3030: Mr. KYL.

H.R. 3039: Mr. ROTH.

H.R. 3098: Mrs. MALONEY, Mr. FRANK of Massachusetts, Mr. FOGLIETTA, Ms. BYRNE, Mr. FILNER, Mr. BACCHUS of Florida, and Mr. MANN.

H.R. 3125: Mr. POMBO and Mr. DELAY.

H.R. 3138: Mr. SCHIFF.

H.R. 3146: Mr. ARCHER and Mr. COX.

H.J. Res. 113: Mr. COLLINS of Georgia, Mr. HUTCHINSON, and Mr. ROTH.

H.J. Res. 171: Mr. BACHUS of Alabama, Mr. BARRETT of Nebraska, Mr. DORNAN, and Mr. MOORHEAD.

H.J. Res. 178: Mr. ABERCROMBIE, Mr. BATEMAN, Mrs. BENTLEY, Mr. BROWDER, Mr. COSTELLO, Mr. DE LA GARZA, Mr. DELLUMS, Mr. EWING, Mr. HOYER, Mr. HUGHES, Ms. KAPTUR, Mr. LANTOS, Mr. LEWIS of Georgia, Ms. LOWEY, Mr. MANTON, Mr. MILLER of California, Ms. MOLINARI, Mr. MURPHY, Mr. OWENS, Mr. PASTOR, Mr. SAXTON, Mr. SKEEN, Mr. SISISKY, and Mrs. THURMAN.

H.J. Res. 197: Mr. ANDREWS of New Jersey, Mr. ABERCROMBIE, Ms. BROWN of Florida, Ms. BYRNE, Mr. ENGEL, Mr. TORKILDSEN, and Mr. ANDREWS of Maine.

H.J. Res. 212: Mr. COX, Mrs. LLOYD, Mr. WELDON, Mr. SABO, and Mr. GORDON.

H.J. Res. 234: Mr. WAXMAN, Mr. FROST, Mr. SHAYS, Mr. KASICH, Mr. TUCKER, Mr. SAWYER, Mr. ENGEL, and Mr. EWING.

H.J. Res. 257: Ms. FURSE.

H.J. Res. 265: Mr. REED and Mr. PASTOR.

H. Con. Res. 59: Ms. PELOSI and Mr. WYNN.

H. Con. Res. 140: Mr. CARDIN.

H. Con. Res. 141: Mr. CONDIT, Mr. HAYES, Mr. SPENCE, and Mr. TEJEDA.

H. Con. Res. 153: Mr. PENNY, Mr. GALLO, Mrs. MEYERS of Kansas, Mr. MCCURDY, Mr. HOEKSTRA, Mr. DELAY, and Mr. FROST.

H. Con. Res. 156: Mr. BARRETT of Wisconsin, Ms. SHEPHERD, Mr. MANN, Mr. KREIDLER, Mr. TRAFICANT, and Mr. CLEMENT.

H. Res. 165: Mr. PACKARD, Ms. LAMBERT, Mr. WYNN, Mr. DEUTSCH, and Mr. TANNER.

H. Res. 234: Mr. MCKEON, Mr. BOEHLERT, Mr. GREENWOOD, Mr. SPRATT, Mr. SMITH of Texas, Mr. LEVY, Mr. TOWNS, Mr. CLYBURN, Mr. DERRICK, Mr. SCOTT, and Mr. SPENCE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1734: Mr. SKAGGS.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

59. The SPEAKER presented a petition of the Common Council of the City of Buffalo, NY, relative to Federal funding for the D.A.R.E. Program; which was referred to the Committee on Education and Labor.

EXTENSIONS OF REMARKS

ENLARGING DEMOCRACY

HON. RICHARD A. GEPHARDT
OF MISSOURI
HON. NEWT GINGRICH
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 29, 1993

Mr. GEPHARDT. Mr. Speaker, we would like to encourage all of our colleagues to read the following address by Special Assistant to the President for National Security Affairs Anthony Lake. We believe that Mr. Lake's speech provides a basis for an active U.S. foreign policy by enlarging democracy and free markets throughout the post-cold war world.

FROM CONTAINMENT TO ENLARGEMENT

(By Anthony Lake)

I have come to speak with you today because I believe our nation's policies toward the world stand at an historic crossroads. For half a century America's engagement in the world revolved around containment of a hostile Soviet Union. Our efforts helped block Soviet expansionism, topple Communist repression and secure a great victory for human freedom.

Clearly, the Soviet Union's collapse enhances our security. But it also requires us to think anew because the world is new.

In particular, with the end of the Cold War, there is no longer a consensus among the American people around why, and even whether our nation should remain actively engaged in the world. Geography and history always have made Americans wary of foreign entanglements. Now economic anxiety fans that wariness. Calls from the left and right to stay at home rather than engage abroad are re-enforced by the rhetoric of Neo-Know-Nothings.

Those of us who believe in the imperative of our international engagement must push back. For that reason, as President Clinton sought the Presidency, he not only pledged a domestic renaissance, but also vowed to engage actively in the world in order to increase our prosperity, update our security arrangements and promote democracy abroad.

PURSUING AMERICAN INTERESTS ABROAD

In the eight months since he took office, President Clinton has pursued those goals vigorously. We have completed a sweeping review of our military strategy and forces. We have led a global effort to support the historic reforms in Russia and the other new states. We have helped defend democracy in Haiti and Guatemala and secured important side agreements that pave the way for enactment of the North American Free Trade Agreement. We have facilitated major advances in the Mideast peace process, working with our Arab partners while strengthening our bonds with Israel. We have pursued steps with our G-7 partners to stimulate world economic growth. We have placed our relations with Japan on a new foundation and set a vision of a New Pacific Community. We are putting in place practical policies to preserve the environment and to limit the spread of weapons of mass destruction. We have proceeded with sweeping reductions in nuclear arms and declared a moratorium on testing as we move toward a comprehensive test ban. We have struggled with the complex tragedy in Bosnia. And we have worked to complete our mission of ensuring lasting relief from starvation in Somalia.

But engagement itself is not enough. We also need to communicate anew why that engagement is essential. If we do not, our government's reactions to foreign events can seem disconnected; individual setbacks may appear to define the whole; pubic support for our engagement likely would wane; and America could be harmed by a rise in protectionism, unwise cuts to our military force structure or readiness, a loss of the resources necessary for our diplomacy and thus the erosion of US influence abroad.

Stating our purpose is neither academic nor rhetorical. What we do outside our borders has immediate and lasting consequences for all Americans. As the President often notes, the line between foreign and domestic policy has evaporated. Our choices about America's foreign policy will help determine:

Whether Americans' real incomes double every 26 years, as they did in the 1960s, and every 36 years, as they did during the late '70s and '80s. Whether the 25 nations with weapons of mass destruction grow in number or decline.

Whether the next quarter century will see terrorism, which injured or killed more than 2000 Americans during the last quarter century, expand or recede as a threat.

Whether the nations of the world will be more able or less able to address regional disputes, humanitarian needs and the threat of environmental degradation.

I do not presume today to define the Administration's entire foreign policy vision. But following on Secretary Christopher's speech yesterday, and anticipating the address the President will make to the United National General Assembly on Monday, I want to suggest some broad principles, as a contribution to an essential national dialogue about our purpose in the world.

AMERICA'S CORE CONCEPTS: DEMOCRACY AND MARKET ECONOMICS

Let us begin by taking stock of our new era. Four facts are salient. First, America's core concepts—democracy and market economics—are more broadly accepted than ever. Over the past ten years the number of democracies has nearly doubled. Since 1970, the number of significant command economies dropped from 10 to 3.

This victory of freedom is practical, not ideological: billions of people on every continent are simply concluding, based on decades of their own hard experience, that democracy and markets are the most productive and liberating ways to organize their lives.

Their conclusion resonates with America's core values. We see individuals as equally created with a God-given right to life, liberty and the pursuit of happiness. So we trust in the equal wisdom of free individuals to protect those rights: through democracy, as the process for best meeting shared needs in the face of competing desires; and through markets as the process for best meeting private needs in a way that expands opportunity.

Both processes strengthen each other: democracy alone can produce justice, but not the material goods necessary for individuals to thrive; markets alone can expand wealth, but not that sense of justice without which civilized societies perish.

Democracy and market economics are ascendant in this new era, but they are not everywhere triumphant. There remain vast areas in Asia, Africa, the Middle East and elsewhere where democracy and market economics are at best new arrivals—most likely unfamiliar, sometimes vilified, often fragile.

But it is wrong to assume these ideas will be embraced only by the West and rejected by the rest. Culture does shape politics and economics. But the idea of freedom has universal appeal. Thus, we have arrived at neither the end of history nor a clash of civilizations, but a moment of immense democratic and entrepreneurial opportunity. We must not waste it.

The second feature of this era is that we are its dominant power. Those who say otherwise sell America short. The fact is, we have the world's strongest military, its largest economy and its most dynamic, multiethnic society. We are setting a global example in our efforts to reinvent our democratic and market institutions. Our leadership is sought and respected in every corner of the world. As Secretary Christopher noted yesterday, that is why the parties to last week's dramatic events chose to shake hands in Washington. Around the world, America's power, authority and example provide unparalleled opportunities to lead.

Moreover, absent a reversal in Russia, there is now no credible near-term threat to America's existence. Serious threats remain: terrorism, proliferating weapons of mass destruction, ethnic conflicts and the degradation of our global environment. Above all, we are threatened by sluggish economic growth, which undermines the security of our people as well as that of allies and friends abroad. Yet none of these threats holds the same immediate dangers for us as did Nazi conquest or Soviet expansionism.

America's challenge today is to lead on the basis of opportunity more than fear.

The third notable aspect of this area is an explosion of ethnic conflicts. As Senator Moynihan and others have noted, the end of the Cold War and the collapse of various repressive regimes has removed the lid from numerous caldrons of ethnic, religious or factional hatreds. In many states of the former Soviet Union and elsewhere, there is a tension between the desire for ethnic separatism and the creation of liberal democracy, which alone can safely accommodate and even celebrate differences among citizens. A major challenge to our thinking, our policies and our international institutions in this era is the fact that most conflicts are taking place within rather than among nations.

These conflicts are typically highly complex; at the same time, their brutality will tug at our consciences. We need a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

healthywariness about our ability to shape solutions for such disputes, yet at times our interests or humanitarian concerns will impel our unilateral or multilateral engagement.

The fourth feature of this new era is that the pulse of the planet has accelerated dramatically and with it the pace of change in human events. Computers, faxes, fiber optic cables and satellites all speed the flow of information. The measurement of wealth, and increasingly wealth itself, consists in bytes of data that move at the speed of light.

The accelerated pace of events is neither bad nor good. Its sharp consequences can cut either way. It means both doctors and terrorists can more quickly share their technical secrets. Both prodemocracy activists and skinhead anarchists can more broadly spread their views. Ultimately, the world's acceleration creates new and diverse ways for us to exert our influence, if we choose to do so—but increases the likelihood that, if we do not, rapid events, instantly reported may overwhelm us. As the President has suggested, we must decide whether to make change our ally or allow ourselves to become its victims.

FROM CONTAINMENT TO ENLARGEMENT

In such a world, our interests and ideals compel us not only to be engaged, but to lead. And in a real-time world of change and information, it is all the more important that our leadership be steadied around our central purpose.

That purpose can be found in the underlying rationale for our engagement throughout this century. As we fought aggressors and contained communism, our engagement abroad was animated both by calculations of power and by this belief: to the extent democracy and market economics hold sway in other nations, our own nation will be more secure, prosperous and influential, while the broader world will be more human and peaceful.

The expansion of market-based economics abroad helps expand our exports and create American jobs, while it also improves living conditions and fuels demands for political liberalization abroad. The addition of new democracies makes us more secure because democracies tend not to wage war on each other or sponsor terrorism. They are more trustworthy in diplomacy and do a better job of respecting the human rights of their people.

These dynamics lay at the heart of Woodrow Wilson's most profound insights; although his moralism sometimes weakened his argument, he understood that our own security is shaped by the character of foreign regimes. Indeed, most Presidents who followed, Republicans and Democrats alike, understood we must promote democracy and market economics in the world—because it protects our interests and security; and because it reflects values that are both American and universal.

Throughout the Cold War, we contained a global threat to market democracies; now we should seek to enlarge their reach, particularly in places of special significance to us.

The successor to a doctrine of containment must be a strategy of enlargement—enlargement of the world's free community of market democracies.

During the Cold War, even children understood America's security mission; as they looked at those maps on their schoolroom walls, they knew we were trying to contain the creeping expansion of that big, red blob. Today, at great risk of oversimplification, we might visualize our security mission as promoting the enlargement of the "blue areas" of market democracies. The difference, of course, is that we do not seek to expand the reach of our institutions by force, subversion or repression.

We must not allow this overarching goal to drive us into overreaching actions. To be successful, a strategy of enlargement must provide distinctions and set priorities. It must combine our broad goals of fostering democracy and markets with our more traditional geostrategic interests. And it must suggest how best to expend our large but nonetheless limited national security resources: financial, diplomatic and military.

In recent years, discussions about when to use force have turned on a set of vital questions, such as whether our forces match our objectives; whether; we can fight and win in the time that is acceptable; whether we have a reasonable exit if we do not, whether there is public and congressional support. But we have overlooked a prior, strategic question—the question of "where"—which sets the context for such military judgments.

I see four components to a strategy of enlargement.

First, we should strengthen the community of major market democracies—including our own—which constitutes the core from which enlargement is proceeding.

Second, we should help foster and consolidate new democracies and market economies, where possible, especially in states of special significance and opportunity.

Third, we must counter the aggression—and support the liberalization—of states hostile to democracy and markets.

Fourth, we need to pursue our humanitarian agenda not only by providing aid, but also by working to help democracy and market economics take root in regions of greatest humanitarian concern.

A host of caveats must accompany a strategy of enlargement. For one, we must be patient. As scholars observe, waves of democratic advance are often followed by reverse waves of democratic setback. We must be ready for uneven progress, even outright reversals.

Our strategy must be pragmatic. Our interests in democracy and markets do not stand alone. Other American interests at times will require us to befriend and even defend non-democratic states for mutually beneficial reasons.

Our strategy must view democracy broadly—it must envision a system that includes not only elections but also such features as an independent judiciary and protections of human rights.

Our strategy must also respect diversity. Democracy and markets can come in many legitimate variants. Freedom has many faces.

STRENGTHENING THE COMMUNITY OF MAJOR MARKET DEMOCRACIES

Let me review each of the four components of this straegy in greater detail.

It is axiomatic in electoral campaigns that you start by firming up your political base. The same is true in international politics. Thus, the highest priority in a strategy of enlargement must be to strengthen the core of major market democracies, the bonds among them and their sense of common interest.

That renewal starts at home. Our efforts to empower our people, revive our economy, reduce our deficit and re-invent our government have profound implications for our global strength and the attractiveness of democracy and markets around the world. Our domestic revival will also influence how much of their hard-earned money Americans will commit to our engagement abroad.

The imperative of strengthening the democratic core also underscores the importance of renewing the bonds among our key democratic allies. Today our relations with Europe, Canada and Japan are basically sound. But they suffer from an economic problem and a military problem.

The economic problem is shared sluggish growth and the political cost it exacts on democratic governments. For example, over the past decade, many western European nations have not created a single net job. Partly as a result, most of our key allies are now sitting atop thin treasuries and thin political majorities. Economic stagnation and its political consequences undermine the ability of the major democratic powers to act decisively on our many common challenges, from the GATT to Bosnia.

Fortunately, many of our democratic allies are undertaking searching re-examinations of government processes and domestic policies, just as we are. These efforts should proceed boldly—not only for the sake of justice and prosperity in each of our nations, but also so that our democratic community once again can act with vigor and resolve.

That is why we are leading the effort to secure a successful GATT agreement by year's end. And it is why enactment of NAFTA is one of the President's top priorities. But while these specific agreements are of enormous importance, this need for economic renewalgoes even further. We are in the early stages of as great a change in the global economy as we faced at the end of World War II. And with hard times in all our nations, we face the possibility of creating vicious rather than virtuous circles of international economic action. Unless the major market democracies act together—updating international economic institutions, coordinating macroeconomic policies and striking hard but fair bargains on the ground rules of open trade—the fierce competition of the new global economy, coupled with the end of our common purpose from the Cold War, could drive us into prolonged stagnation or even economic disaster.

The military problem involves NATO. For half a century, NATO has proved itself the most effective military alliance in human history. If NATO is to remain an anchor for European and Atlantic stability, as the President believes it must, its members must commit themselves to updating NATO's role in this new era. Unless NATO is willing over time to assume a broader role then it will lose public support, and all our nations will lose a vital bond of transatlantic and European security. That is why, at the NATO summit that the President has called for this January, we will seek to update NATO, so that there continues behind the enlargement of market democracies an essential collective security.

FOSTERING NEW DEMOCRACIES AND MARKET ECONOMIC

Beyond seeing to our base, the second imperative for our strategy must be to help democracy and markets expand and survive in other places where we have the strongest security concerns and where we can make the greatest difference. This is not a democratic crusade; it is a pragmatic commitment to see freedom take hold where that will help us most. Thus, we must target our effort to assist states that affect our strategic interests, such as those with large economies, critical locations, nuclear weapons or the potential to generate refugee flows into our own nation or into key friends and allies. We must focus our efforts where we have the most leverage. And our efforts must be demand-driven—they must focus on nations whose people are pushing for reform or have already secured it.

The most important example is the former Soviet Union and it fits the criteria just noted. If we can support and help consolidate democratic and market reforms in Russia and the other newly independent states, we can help turn a former threat into a region of valued diplomatic and economic partners. In addition, our efforts in Russia, Ukraine and the other states raise the likelihood of continued reductions in nuclear arms and compliance with international non-proliferation accords.

The new democracies in Central and Eastern Europe are another clear example, given their proximity to the great democratic powers of Western Europe.

And since our ties across the Pacific are no less important than those across the Atlantic, pursuing enlargement in the Asian Pacific is a third example. In July, the President underscored that point in Japan and Korea with his descriptions of a New Pacific Community.

Continuing the great strides toward democracy and markets in our emerging Western Hemispheric Community of Democracies also must be a key concern. And we should be on the lookout for states whose entry into the camp of market democracies may influence the future direction of an entire region; South Africa and Nigeria now hold that potential with regard to sub-Saharan Africa.

How should the United States help consolidate and enlarge democracy and markets in these states? The answers are as varied as the nations involved, but there are common elements. We must continue to help lead the effort to mobilize international resources, as we have with Russia and the other new states. We must be willing to take immediate public positions to help staunch democratic reversals, as we have in Haiti, Guatemala and Nigeria. We must give democratic nations the fullest benefits of integration into foreign markets, which is part of why NAFTA and the GATT rank so high on our security agenda. We must link wider access to technology markets with commitments to abide by nonproliferation norms. And we must help these nations strengthen the pillars of civil society, improve their market institutions, and fight corruption and political discontent through practices of good governance.

In all these efforts, a policy of enlargement should take on a second meaning; we should pursue our goals through an enlarged circle not only of government officials but also of private and non-governmental groups. Private firms are natural allies in our efforts to strengthen market economies. Similarly, our goal of strengthening democracy and civil society has a natural ally in labor unions, human rights groups, environmental advocates, chambers of commerce, and election monitors. Just as we rely on force multipliers in defense, we should welcome these "diplomacy multipliers," such as the National Endowment for Democracy.

THE "BACKLASH" STATES

The third element of our strategy of enlargement should be to minimize the ability of states outside the circle of democracy and markets to threaten it.

Democracy and market economics have always been subversive ideas to those who rule without consent. These ideas remain subversive today. Every dictator, theocrat, kleptocrat or central planner in an unelected regime has reason to fear their subjects will suddenly demand the freedom to make their own decisions.

We should expect the advance of democracy and markets to trigger forceful reactions from those whose power is not popularly derived. The rise of Burma's democracy movement led to the jailing of its most vocal proponent, Aung San Suu Kyi. Russia's reforms have aroused the resistance of the nomenklatura.

Centralized power defends itself. It not only wields tools of state power such as military force, political imprisonment and torture, but also exploits the intolerant energies of racism, ethnic prejudice, religious persecution, xenophobia, and irredentism. Those whose power is threatened by the spread of democracy and markets willalways have a personal stake in resisting those practices with passionate intensity.

When such leaders sit atop regional powers, such as Iran and Iraq, they may engage in violence and lawlessness that threatens the United States and other democracies. Such reactionary, "backlash" states are more likely to sponsor terrorism and traffic in weapons of mass destruction and ballistic missile technologies. They are more likely to suppress their own people, foment ethnic rivalries and threaten their neighbors.

In this world of multiplying democracies, expanding markets and accelerating commerce, the rulers of backlash states face an unpleasant choice. They can seek to isolate their people from these liberating forces. If they do, however, they cut themselves off from the very forces that create wealth and social dynamism. Such states tend to rot from within, both economically and spiritually. But as they grow weaker, they also may become more desperate and dangerous.

Our policy toward such states, so long as they act as they do, must seek to isolate them diplomatically, militarily, economically and technologically. It must stress intelligence, counterterrorism, and multilateral export controls. It also must apply global norms regarding weapons of mass destruction and ensure their enforcement. While some of these efforts will be unilateral, international rules are necessary and may be particularly effective in enforcing sanctions, transparency and export controls, as the work of the IAEA in Iraq demonstrates.

When the actions of such states directly threaten our people, our forces, or our vital interests, we clearly must be prepared to strike back decisively and unilaterally, as we did when Iraq tried to assassinate former President Bush. We must always maintain the military power necessary to deter, or if necessary defeat, aggression by these regimes. Because the source of such threats will be diverse and unpredictable, we must seek to ensure that our forces are increasingly ready, mobile, flexible and smart, as the President and Secretary Aspin have stressed.

Let me take a moment to illustrate what America's armed forces are doing, right now as we meet: In South Korea, some 37,000 U.S. troops are on guard against aggression from the North. In the Persian Gulf, the "Abraham Lincoln" carrier battle group and other forces remain stationed as a follow up to Operation Desert Storm. And as we move toward new Middle East peace agreements, some 1000 US soldiers continue to help keep the peace in the Sinai Peninsula. Such forces cost money. Some people may regret our "Bottom Up Review" did not suggest a substantially smaller or cheaper force. But the fact is: these forces, the world's very best, are part of the necessary price of security and leadership in the world.

While some backlash states may seek to wall themselves off from outside influence, other anti-democratic states will opt to pursue greater wealth by liberalizing their economic rules. Sooner or later, however, these states confront the need to liberalize the flow of information into and within their nation, and to tolerate the rise of an entrepreneurial middle-class. Both developments weaken despotic rule and lead over time to rising demands for democracy. Chile's experience under General Pinochet proves market economies can thrive for a time without democracy. But both our instinct and recent history in Chile, South Korea and elsewhere tell us they cannot do so forever.

We cannot impose democracy on regimes that appear to be opting for liberalization, but we may be able to help steer some of them down that path, while providing penalties that raise the costs of repression and aggressive behavior. These efforts have special meaning for our relations with China. That relationship is one of the most important in the world, for China will increasingly be a major world power, and along with our ties to Japan and Korea, our relationship with China will strongly shape both our security and economic interests in Asia. It is in the interest of both our nations for China to continue its economic liberalization while respecting the human rights of its people and international norms regarding weapons sales. That is why we conditionally extended China's trading advantages, sanctioned its missile exports and proposed creation of a new Radio Free Asia. We seek a stronger relationship with China that reflects both our values and our interests.

Our policies toward the Islamic world provide another example. Let me emphasize this point: our nation respects the many contributions Islam has made to the world over the past 1300 years, and we appreciate the close bonds of values and history between Islam and the Judeo-Christian beliefs of most Americans. We will extend every expression of friendship to those of the Islamic faith who abide in peace and tolerance. But we will provide every resistance to militants who distort Islamic doctrines and seek to expand their influence by force.

THE HUMANITARIAN AGENDA

The fourth part of a strategy of enlargement involves our humanitarian goals, which play an important supporting role in our efforts to expand democracy and markets. Our humanitarian actions nurture the American public's support for our engagement abroad. Our humanitarian efforts also can stimulate democratic and market development in many areas of the world. Ultimately, the world trusts our leadership in that broader effort in part because it witnesses our humanitarian deeds: it knows that our responses to hunger and suffering, from Bangladesh to Somalia to Chernobyl, are an expression of who we are as a nation. Our humanitarian efforts must continue to include a broad array of programs—economic and military assistance, disaster relief, and projects to assist education, nutrition and health. Over the coming months we plan to work with Congress to reform this array of aid programs—to focus them more strategically and efficiently on the promotion of democracy and markets, environmentally sustainable development and early responses to social and economic chaos.

We face great challenges to our humanitarian instincts in this era, and far fewer barriers to action than there were during the period of superpower competition. Public pressures for our humanitarian engagement increasingly may be driven by televisedimages, which can depend in turn on such considerations as where CNN sends its camera crews. But we must bring other considerations to bear as well: cost; feasibility; the permanence of the improvement our assistance will bring; the willingness of regional and international bodies to do their part; and the likelihood that our actions will generate broader security benefits for the people and the region in question.

While there will be increasing calls on us to help stem bloodshed and suffering in ethnic conflicts, and while we will always bring our diplomacy to bear, these criteria suggest there will be relatively few intra-national ethnic conflicts that justify our military intervention. Ultimately, on these and other humanitarian needs, we will have to pick and choose.

Where we can make a difference, as in Somalia and Northern Iraq, we should not oppose using our military forces for humanitarian purposes simply because these missions do not resemble major wars for control of territory. Such missions will never be without risk, but as in all other aspects of our security policy, our military leadership is willing to accept reasonable risks in the service of our national objectives.

Ultimately, it is through our support for democracy and sustainable development that we best enhance the dramatic new winds of change that are stirring much of the developing world. In Africa, for example, we recently have seen the birth of democracy in Namibia and multiparty elections in over a dozen African countries. These developments, combined with new efforts at regional conflict resolution and a shift away from planned economies, provide real hope that sub-Saharan Africa can at long last begin to realize her vast potential. One key to that progress will be South Africa, which has now begun its historic countdown toward a full non-racial democracy. Just as our strategy of enlargement focuses on key points of leverage, so our strategy toward Africa must focus on providing international leadership to help South Africa's transition succeed.

CURRENT FOREIGN POLICY DEBATES IN PERSPECTIVE

What does a strategy of enlargement tell us about the major foreign policy debates we hear today? Above all, it suggests many of those debates are overdrawn. The headlines are dominated by Bosnia, Somalia, and "multilateralism." A strategy of enlargement suggests our principal concerns should be strengthening our democratic core in North America, Europe and Japan; consolidating and enlarging democracy and markets in key places; and addressing backlash states such as Iran and Iraq. Our efforts in Somalia and Bosnia are important expressions of our overall engagement; but they do not by themselves define our broader strategy in the world.

The conflict in Bosnia deserves American engagement: it is a vast humanitarian tragedy; it is driven by ethnic barbarism; it stemmed from aggression against an independent state; it lies alongside the established and emerging market democracies of Europe and can all too easily explode into a wider Balkan conflict.

That is why this Administration supported lifting the arms embargo against Bosnia, led a successful effort to enforce the no-fly zone, initiated a large-scale humanitarian airlift, and pushed NATO's pledge of air strikes to stop the strangulation of Sarajevo and other Bosnian cities. It is why we remain committed to helping implement an acceptable and enforceable peace accord, and through that commitment, encourage its achievement. But while we have clear reasons to engage and persist, they do not obliterate other American interests involving Europe and Russia, and they do not justify the extreme costs of taking unilateral responsibility for imposing a solution.

In Somalia, President Bush engaged our forces to help end a murderous famine. He correctly concluded we could create a secure military environment for humanitarian relief at a reasonable cost and risk. As a result our nation helped save hundreds of thousands of lives and restored order throughout most of Somalia. As we have approached our goals, we have reduced our military presence by 80 percent and transferred lead responsibility for peacekeeping and reconstruction to the UN. The withdrawal of our remaining combat troops is only a matter of time, but it must not come in a way that undermines all the gains made in the areas beyond Mogadishu and leads, almost inexorably, to the chaos which caused the human tragedy in the first place.

Unfortunately, debates over both Bosnia and Somalia have been cast as doctrinal matters involving the role of multilateralism. This focus is misplaced. Certainly, in each case—as in Cambodia and elsewhere—our actions are making multilateral case law for the future. But we should not let the particular define the doctrinal. So let me say a word about the current doctrinal debate on multilateralism—a subject Ambassador Albright will address more fully on Thursday.

I believe strongly that our foreign policies must marry principle and pragmatism. We should be principled about our purposes but pragmatic about our means.

Today some suggest that multilateralism should be our presumptive mode of engagement. Others suggest that it is inherently flawed—dragging us into minor conflicts where we have no interest and blocking us from acting decisively where we do have an interest.

This debate is important but dangerous in the rigidity of the doctrines that are asserted. Few who bemoan multilateralism today object to NATO, the IMF, or the GATT. And it is beyond debate that multilateral action has certain advantages: it can spread the costs of action, as in our efforts to support Russian reform; it can foster global support, as with our coalition in the Gulf War; it can ensure comprehensiveness, as in our export control regimes; and it can succeed where no nation, acting alone, could have done so, as in Cambodia. I would go further and state my personal hope that the habits of multilateralism may one day enable the rule of law to play a far more civilizing role in the conduct of nations, as envisioned by the founders of the United Nations.

But for any official with responsibilities for our security policies, only one overriding factor can determine whether the USshould act multilaterally or unilaterally, and that is America's interests. We should act multilaterally where doing so advances our interests—And we should act unilaterally when that will serve our purpose. The simple question in each instance is this: what works best?

THE CASE FOR ENGAGEMENT

I believe there is a more fundamental foreign policy challenge brewing for the United States. It is a challenge over whether we will be significantly engaged abroad at all. As I suggested at the outset, in many ways, we are returning to the divisions and debates about our role in the world that are as old as our Republic. On one side is protectionism and limited foreign engagement; on the other is active American engagement abroad on behalf of democracy and expanded trade.

The last time our nation saw that classic division was just after World War II. It pitted those Democrats and Republicans whose creativity produced the architectures of post-war prosperity and security against those in both parties who would have had us retreat within the isolated shell we occupied in the 1920s and 1930s. The internationalists won those debates, in part because they could point to a unitary threat to America's interests and because the nation was entering a period of economic security.

Today's supporters of engagement abroad have neither of those advantages. The threats and opportunities are diffuse, and our people are deeply anxious about their economic fate. Rallying Americans to bear the costs and burdens of international engagement is no less important. But it is much more difficult.

For this reason, those who recognize the value of our leadership in the world should devote far more energy to making the case for sustained engagement abroad and less energy to debates over tactics. To be sure, there will be disagreements over tactics: we expect to be held accountable for our policy decisions, and our critics can expect us to respond where we disagree. But all of us who support engagement should be careful to debate tactics in a way that does not prevent us from coming together in common cause around the fundamental importance of that goal.

All of us have come out of the Cold War years having learned distinct lessons about what not to do—don't go to war without a way to win; don't underestimate the role of ideas; don't minimize the power of nationalism. Yet we have come into the new era with relatively few ways to convince a skeptical public that engagement abroad is a worthwhile investment. That is why a national dialogue over our fundamental purposes is so important.

In a world of extraordinary complexity, it would be too easy for us in the internationalist camp to become "neo-Marxists"—not after Karl, but after Groucho, who once sang, "Whatever it is, I'm against it."

It is time for those who see the value of American engagement to steady our ranks; to define our purpose; and to rally the American people. In particular, at a time of high deficits and pressing domestic needs, we need to make a convincing case for our engagement or else see drastic reductions in our military, intelligence, peacekeeping and other foreign policy accounts.

In his farewell address in January, 1953, Harry Truman predicted the collapse of Communism. "I have a deep and abiding faith in the destiny of free men," he said. "With patience and courage, we shall some day move on into a new era."

Now that era is upon us. It is a moment of unparalleled opportunity. We have the blessing of living in the world's most powerful and respected nation at a time when the world is embracing our ideals as never before. We can let this moment slip away. Or we can mobilize our nation in order to enlarge democracy, enlarge markets, and enlarge our future. I am confident that we will choose the road best travelled.

TRIBUTE TO LT. COL. JOHN P. MOORE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of Lt. Col. John P. Moore, a man of unparalleled professionalism from my 17th District on Ohio.

Mr. Speaker Lieutenant Colonel Moore is the Logistics Group Commander for the 910 Airlift Group at Youngstown Air Reserve Base. He is an air reserve technician [AFT]. But to our chagrin, he will be leaving the base to take assignment at HQ Air Force Reserve at Robins Air Force Base [AFB] GA.

Mr. Speaker Lieutenant Colonel Moore's career is peppered with awards, honors, and accomplishments. While earning his bachelor of science and master of education degrees, he complemented his learning with a military education. He attended squadron officers school, Air Command and Staff College and the Air War College at the Air University at the Maxwell AFB, AL. The Colonel received his commission through the Air Force Officers Training School at Lackland AFB. TX.

While serving on active duty Colonel Moore held numerous positions, including maintenance control officer and wing maintenance control officer at Hill AFB, UT. He then left active duty and joined the Air Force Reserve in Youngstown. By 1985, he became the deputy commander for maintenance and Commander, 910 consolidated Aircraft Maintenance Squadron. In 1992, the position was reclassified as logistice group commander. His contributions to the surrounding community have been outstanding as well. He is a member of the base-community council and has helped spearhead the drive to obtain new aircraft for the base.

Lieutenant Colonel Moore's decorations and awards are many: Air Force Meritorious Service Medal, Air Force Commendation Medal (with one Oak Leaf Cluster), Air Force Outstanding Unit Award, National Defense Service Medal (with device), Air Force Longevity Service Ribbon (with four Oak Leaf Clusters), Small Arms Expert Marksmanship Ribbon and the Air Force Training Ribbon.

Mr. Speaker, I would like to join the citizens of my district in thanking Lieutenant Colonel Moore, his wife Mary Frances and their children John David and Patricia Anne for their service to our community. I wish the Colonel well at his new assignment.

SLOVAKIA: ON ESTABLISHING DEMOCRACY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. HOYER. Mr. Speaker, this week the Helsinki Commission will release a report on the human rights situation in Slovakia—a newly independent country and a new participant in the CSCE process. It constitutes one of a series of reports prepared by the Commission staff on the implementation of human rights commitments in Eastern Europe and the transition to democracy in this region. Other reports have been prepared on Bulgaria, Croatia, Estonia, Germany, and Latvia.

The Commission's first report on developments specifically in Slovakia, issued in April last year, examined the political situation in that republic as its leaders stood poised to assume both power and responsibility. Today, independent Slovakia presents a mixed picture.

On the plus side of the ledger, the worst abuses of the former Communist regime have ceased: political prisoners have been released, travel restrictions curtailing freedom of movement have ended, and religious freedom is generally respected. In addition, free and fair elections were held in Slovakia in June 1992 and a workable constitution was passed shortly after that.

Nevertheless, the transition to democracy is hardly complete and other essential elements for the rule of law have yet to be established: the independence of the judiciary remains uncertain; an accounting with former leaders of the Communist regime awaits its victims; and questions relating to the legacy of war and totalitarianism, such as property restitution, are still outstanding. In some areas of the human dimension, such as freedom of the press, a distinct hostility on the part of the ruling party has been evidenced. In addition, the government has pursued policies that suggest at best indifference toward and at worst intolerance of the rights of those belonging to minorities groups.

Regrettably, even as this report was being sent to the printer, additional human rights problems have emerged. Prime Minister Meciar has sought to bring criminal charges against a journalist for reporting on Meciar's own poorly worded speech about Roma, Gypsies. The parliament has just passed new legislation reaffirming its restrictions on the rights of individuals to names of their own choosing. Although perhaps not as restrictive as the previous regulations, the new law still discriminates on the basis of both sex and ethnicity, requiring Hungarian women to use a slavic name ending—whether they want to or not. Bilingual road signs remain banned, contrary to assurances made by Prime Minister Meciar to Congressmen TOM LANTOS this past spring regarding the fair treatment of minority communities. And just a few days ago, the Commission received information from a nongovernmental organization regarding proposed plans for administrative redistricting in Slovakia. As described, these plans appear to be specifically designed to limit the effective participation of Hungarian Slovaks in public affairs, contrary to commitments in the CSCE Copenhagen Document.

The human rights implications of these developments are, I believe, all too clear. But equally important, these issues have significance for Slovakia's transition to a free-market economy. One can only wonder how much money is spent by the central government in Bratislava to maintain a bureaucracy to ensure that peoples' names meet state-defined limitations. How much money is spent painting over the Hungarian versions of city and road names? To me, Bratislava's heavyhanded tactics not only sound shortsighted, they sound expensive.

I do not want to paint too black a picture; as I said at the outset, after all, the situation in Slovakia is mixed. I was heartened, for example, to learn that high-level Slovak officials, including President Michal Kovac, publicly denounced a recent assault on an American rabbi in Bratislava. The open condemnation of intolerance by those in positions of leadership may help curb acts of violence and foster a climate of mutual trust. I was also gratified to learn that the nongovernmental Slovak Helsinki Committee has issued a statement addressing the problem of social intolerance toward Roma, Jews, and other minorities and urging greater government initiative in redressing human rights concerns. Greater public involvement in Slovakia by all segments of society can play a critical role in facilitating the transition to democracy.

Mr. Speaker, the human dimension problems facing Slovakia today have broad implications: they raise questions for the economic well-being of the people of Slovakia, for the regional security of this country, and for Slovakia's integration into the community of nations. Independence in Slovakia may have been achieved overnight. But the establishment of democracy will take greater time and, perhaps, require even more of the people of that country.

TRIBUTE TO CHRISTINE B. ANTOSKIEWICZ

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. BONIOR. Mr. Speaker, on this day, September 29, 1993, the southeast Michigan chapter of the March of Dimes Birth Defects Foundation will be hosting the 10th annual Alexander Macomb Citizen of the Year Award dinner. The award, instituted in 1984, is named after my home county's namesake, Gen. Alexander Macomb, a hero of the War of 1812.

This year, the March of Dimes has chosen a long-time friend, Christine B. Antoskiewicz, as a recipient of the award. Christine and I worked together at the Macomb County Juvenile Court Division where she has continually championed children's rights since 1964. A voice for children living with abuse and neglect, she is also responsible for initiating a community network that supports the children of Shelter Care.

Through advocacy, education, and community service, the March of Dimes has established itself as an organization with an impeccable reputation. And, the southeast Michigan chapter rightly recognizes Christine for her excellent service and outstanding leadership. Their recognition is an exceptional honor and I urge my colleagues to join me in saluting my friend, Christine Antoskiewicz, as a recipient of the Alexander Macomb Citizen of the Year Award.

TRIBUTE TO ARTHUR WHITFIELD STANLEY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. CLYBURN. Mr. Speaker, I would like to share with my colleagues excerpts of a speech given by Attorney Mordecai C. Johnson on October 2, 1992, in honor of Mr. Arthur Whitfield Stanley, a longtime civil rights worker and civic leader in Darlington, SC.

The excerpts follow:

ARTHUR WHITFIELD STANLEY, RACE MAN

Our honoree was born on August 19, 1914, the only child of "Mopsy" Gandy and Martha Stanley. He was raised by his mother's mother, Ellen "Ma" Stanley, who called him her little "Man" and conferred upon him her family name. Because of his grandmother, he was fortunate to go to Mayo High School here, to become a star kicker on its football team and to graduate in 1933. For some 30 years, he was President of the Darlington Branch, NAACP.

Travel with me back to the early morning of the Third Wednesday in August of 1914.

At that time, there were numerous ex-slaves for "Man" to listen to. The NAACP was 5 years old. There was no Darlington Branch.

Democracy in this country meant publicly lynching a Black man every week.

Democracy meant high mortality rates. If you were a middle aged Black, you had beat the odds. The tax for being Black was about 40 percent of your life.

Woodrow Wilson's democracy meant *de jure* discrimination everywhere. It was in the schools where the Black teacher was paid about 25% as much money as her white counterpart. It was in transportation because the Supreme Court, in *Plessy vs. Ferguson*, had said it was lawful to segregate passengers by race. It was in the church, the hospital, the jail, the courts, the cemetery.

Arthur Whitfield Stanley has lived through the administrations of more than one-third of our Nation's Presidents.

When Mr. Stanley was 47 years old, his 3 children and others similarly situated got the right to attend school with white children because of a class action called *Stanley vs. The School District of Darlington County*. We took that case all the way to the United States Supreme Court. Thus, the Stanley name is indelibly stamped in the annals of jurisprudence of this nation for as long as the record of the law exists.

At the age of 50, Arthur Stanley, with the nation, witnessed the Civil Rights Act of 1964. For the first time in his life, the law said he could eat in a restaurant and sleep in a hotel without regard to race. He could walk in a public park and read in a public library without racial discrimination. What I reverently call "The Adam Clayton Powell Bill," a provision for cutting off federal money to entities that discriminate, was embodied in Title VI of the Act. And for the first time, the law said that employers couldn't discriminate against a worker because of race or sex.

The next year, Congress passed the Voting Rights Act which put old "Bubba," the literacy tester, out of a job. Twelve years later, Mr. Stanley was elected to the City Council of Darlington.

When Arthur Stanley was 53 years old, he and the rest of us witnessed something that the world had never seen: a Black man—Thurgood Marshall—took a seat on the Supreme Court of the United States.

"Man" Stanley was 69 years old when he shook hands with our State's first Black Senator in this century, his old friend, former head of the State NAACP, I. DeQuincy Newman.

Today, at age 78, "Pop" Stanley has seen the number of Blacks in the General Assembly grow from zero to 22.

Mr. Stanley, President Emeritus of the Darlington County Branch, NAACP, can look back at the days when Black men who stood up were likely to be crushed. They couldn't work on the white man's job because they'd get fired. They couldn't be sharecroppers because they'd be kicked out of their homes. For the same reason, they couldn't be renters. And if they owned a house or business, they couldn't borrow money on it because the banks put the squeeze on them. You could get shot at, your house set afire, run out of the state, like Reverend Brother J.A. DeLaine of Clarendon County; you could, like Reverend J.M. Hinton, State President of the NAACP, be chainwhipped by masked men on a dark road at midnight and, like Black newsman John McCray, jailed because of what you wrote, you could be lynched. That's what happened to you if you stood up; if you were a "race man." And Arthur Stanley stood up. He stood up, though threatened by what had happened to his friends, threatened with bankruptcy, with physical violence. Arthur Stanley often stood alone in Darlington County—like a rock. I won't say he stood fearlessly. He had to be scared sometimes. But he stood up anyway.

And today, Arthur Whitfield Stanley deserves our richest encomium and panegyric, the highest tribute, Black folks can give; today, I proclaim him a "race man!"

My friends, I would not have you believe that I believe that Mr. Stanley has solved all of our problems. You and I know that whatever our accomplishments in the past, there are problems, yes, challenges, ahead of us.

Thousands of years ago, a Black prophet named Jeremiah lamented that, "the harvest is past, the summer is ended, and we are not saved."

The long hot summers of the 60s are behind us, and "we are not saved." We have reaped the harvest of laws calling for anti-lynching and equal pay for teachers and voting rights and school integration and economic development and anti-discrimination in housing, in employment, and all the rest. Yet, "we are not saved."

With blacks being about one-third of the population of this State, 16 Black House members out of 124, six Black members of the 46 member Senate, 5% of the State's judgeships is not an apogee. We are yet far from the millennium, the promised land. "We are not saved."

In education, our little Johnnys can't read.

The Black man is still an endangered species—being shot and shot full of drugs and sent to jail in disproportionate numbers,

Dream with me a little while, as we stand on the threshold of the 21st Century.

I dream of young Blacks harnessing the energy of the sun, the strength of the ocean, the power in the lightning and the thunder, thus solving the world's energy problems.

I envision our youngsters farming the seas and deserts, teaching sick folks to heal themselves, teaching hungry folks to feed themselves—in Somalia, in Ethiopia, in Kenya, in Tanzania, in Mozambique. . . .

I close with a poem written by a civil rights lawyer named Johnson, the first Black admitted to the Bar in the State of Florida, who, in 1920, became the first Black Executive Secretary of the NAACP. I want to recite to you a poem written by James Weldon Johnson, born 43 years before Arthur Whitfield Stanley.

This 92-year-old poem has three verses. The first verse is a song of triumph. It calls for singling loudly and resoundingly and powerfully and with great faith, great hope; and it implores us to keep on marching.

The second verse is a recounting of history. It tells of a terrible darkness, from whence we came to the light.

The third verse is a prayer. It recalls God's delivery of us from darkness to light; and it invokes the blessings of the Deity, that He will keep us in the light, standing upright.

You may have heard that poem. It goes like this:

Lift every voice and sing, till earth and heaven ring,
Ring with the harmonies of liberty;
Let our rejoicing rise, high as the listening skies,
Let it resound loud as the rolling sea.
Sing a song full of the faith that the dark past has taught us;
Sing a song full of the hope that the present has brought us;
Facing the rising sun of our new day begun,
Let us march on till victory is won.
Stony the road we trod, bitter the chastening rod,
Felt in the days when hope unborn had died;
Yet with a steady beat, have not our weary feet,
Come to the place for which our fathers sighed?
We have come over a way that with tears has been watered,
We have come, treading our path through the blood of the slaughtered,
Out from the gloomy past, till now we stand at last
Where the white gleam of our bright star is cast.
God of our weary years, God of our silent tears,
Thou who hast brought us thus far on the way;
Thou who hast by Thy might, led us into the light,
Keep us forever in the path, we pray.
Lest our feet stray from the places, our God, where we met Thee,
Lest our hearts, drunk with the wine of the world, we forget Thee,
Shadowed beneath Thy hand, may we forever stand,
True to our God, true to our native land.

CONSERVATION AND MANAGEMENT OF FISHERY RESOURCES IN AN AREA IN THE SEA OF OKHOTSK KNOWN AS THE PEANUT HOLE

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing a bill to promote the conservation and management of fishery resources in an area in the Sea of Okhotsk known as the Peanut Hole. The bill amends the Central Bering Sea Fisheries Enforcement Act of 1992 (P.L. 102–582) by including the Sea of Okhotsk as a region in which fishing is not to occur by U.S. fishermen. Fishermen found to violate the statute will be subject to penalties under U.S. law.

The Peanut Hole is a small enclave of international water in the Sea of Okhotsk which is encircled by the 200-nautical-mile exclusive economic zone [EEZ] of the Russian Federation. Fishermen have decimated the pollock stocks there resulting in the need for strong conservation measures. While the Russian Federation has controlled fishing within the boundaries of its EEZ, its regulations have not achieved the desired effect due to the over-harvesting by foreign fishermen who have positioned their boats on the other, high-seas side of the line. While delegates from both the Russian Federation and United States have sought long-term, international agreements, certain fishing nations have refused such efforts.

The Peanut Hole has suffered the same difficulties as the Donut Hole, a similar enclave located in the Central Bering Sea and surrounded by the EEZ's of the United States and the Russian Federation. While the Central Bering Sea Fisheries Enforcement Act of 1992 helped to restrict fishing in the Donut Hole, the Congress did not consider the Peanut Hole. Unfortunately, fishermen who can no longer fish in the Donut Hole have consequently flocked to the Peanut Hole. It is feared that they will continue their harvest until they capture the very last fish.

The bill, as introduced, aims to foster improved conservation and management in the Peanut Hole. It is expected that the use of civil penalties will result in greater cooperation for establishing a long-term, international agreements. Such an effort may be the only means to prevent the commercial extinction of once very profitable and plentiful fisheries. I urge you to support this bill in its entirety.

CBO REPORT ON H.R. 2151—THE MARITIME SECURITY AND COMPETITIVENESS ACT OF 1993

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. STUDDS. Mr. Speaker, on September 22, 1993, the Committee on Merchant Marine and Fisheries filed its report on H.R. 2151, the Maritime Security and Competitiveness Act of 1993—House Report 103–251.

At that time, the Congressional Budget Office had not yet completed its cost estimate of the legislation and the report was filed without the usual CBO report. Under those circumstances, and in compliance with clause 7(a) of rule XIII of the Rules of the House of Representatives, the committee included in the report its own estimate of the costs that would be incurred in carrying out H.R. 2151.

Subsequent to filing the report, the CBO cost estimate was received. To inform the Members of the House and to comply with the spirit of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, I am hereby inserting the full text of the CBO cost estimate on H.R. 2151:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 28, 1993.

Hon. GERRY E. STUDDS,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2151, the Maritime Security and Competitiveness Act of 1993.

Enactment of H.R. 2151 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,
ROBERT D. REISCHAUER,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: H.R. 2151.

2. Bill title: Maritime Security and Competitiveness Act of 1993.

3. Bill status: As reported by the House Committee on Merchant Marine and Fisheries on September 22, 1993.

4. Bill purpose: H.R. 2151 would establish the maritime security fleet program within the Department of Transportation (DOT). Under this program, the Secretary of Transportation would enroll eligible privately owned vessels in the Maritime Security Fleet (MSF). Each owner or operator of a vessel in the fleet would enter into a 10-year operating agreement with the department under which the carrier would agree to make its vessels available to the Department of Defense (DOD) when needed for national security. For each ship enrolled in the fleet, the company would receive $2.1 million annually ($2.3 million for 1994), subject to appropriation. All carriers would be able to sign agreements once their eligibility has been determined, but payments for vessels covered by operating differential subsidies (ODS) or Military Sealift Command (MSC) charters would not begin until these other payments ended. We expect that the new agreements would be signed in fiscal year 1995 at the earliest, based on the effective dates and implementation schedule specified in the bill.

Section 10 of the bill would authorize DOT to subsidize the construction of certain vessels built in American shipyards. Under the series transition program, DOT would enter into agreements with shipyards to subsidize the construction of a series of commercial vessels over a five-year period, provided that federal payments do not exceed 50 percent of the ship's cost and that no subsidized vessel is to be purchased for the U.S. coastwise trade. DOT could enter into a subsidy agreement, which would constitute a binding obligation of the United States, only if appropriations were available and only if the department has determined that the receiving shipyard would be able to build additional similar vessels at competitive prices after building the subsidized ships.

The bill includes a number of other amendments to the Merchant Marine Act, 1936. It also would require DOT to study the impacts of the MSF program and to report its findings to the Congress.

5. Estimated cost to the Federal Government: Assuming appropriation of the necessary sums, we estimate that implementation of the bill would cost the federal government between $1.2 billion and $2.4 billion over the period from 1995 to 2010. Of these amounts, $0.5 billion to $0.7 billion would be sent between 1995 and 1998, with annual outlays ranging between $100 million and $200 million during this period. These costs would fall within budget function 400.

BASIS OF ESTIMATE

Maritime Security Fleet Expenditures: Assuming appropriation of the necessary sums, CBO estimates that the federal government would spend between $1.1 billion and $2.2 billion between 1995 and 2010 to subsidize the operation of between 70 and 130 vessels, depending on the number of carriers that are willing to participate in the MSF program and the number of vessels that would be eligible. Because many of the eligible vessels expected to participate have existing ODS or MSC charter contracts, only about $0.1 billion would be spent the first year of the program (fiscal year 1995). We estimate that outlays over the 1995–1998 period would be between $0.4 billion and $0.5 billion.

For purposes of these estimates, CBO has assumed that the full amounts necessary for the 10-year agreements would be appropriated for fiscal year 1995, the year in which all agreements are expected to be signed, regardless of when payments begin. Estimated costs for liner vessels, which account for between $0.8 billion and $1.8 billion of the totals, are based on information obtained from industry sources regarding the number of ships that would be entered into the program. (We expect a minimum of about 40 and a maximum of close to 90.) For bulk vessels, including tankers, CBO has assumed that all ships currently receiving operating differential subsidies would join the program once their existing contracts expire; for the maximum case, we have assumed that all ships now chartered by MSC would also participate. We estimate that payments to bulk carriers, which account for between $0.2 billion and $0.3 billion of the total, would be only about 40 percent of the maximum amounts authorized because most of these carriers probably would be carrying U.S. government cargoes for more than one-half of the year and would therefore be ineligible for the entire $2.1 million annual payment.

Series Transition Payments: In order to comply with the provisions of the MSF program that would require all subsidized ships to be replaced after they reach 25 years of age, we expect that carriers would have to purchase about 10 vessels from U.S. shipyards over the life of the series transition program. Based on current cost differentials and assuming appropriation of the necessary sums, CBO estimates that it would cost the federal government between $150 million and $200 million to subsidize the construction of ten tankers. For the purpose of this estimate, we have assumed that carriers would seek to purchase newly built vessels for the MSF program and that DOT would issue a determination that participating shipyards would be able to produce competitively priced vessels of the same type after constructing the subsidized vessels.

The series transition program could be used to subsidize construction of other vessels for sale to foreign-flag or U.S.-flag carriers serving foreign markets. CBO anticipates little additional activity, however, because, even with the government subsidy, U.S. shipyards would have difficulty attracting foreign buyers, who account for most of the shipbuilding demand.

Other provisions of the bill would not affect federal spending.

6. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-

you-go procedures for legislation affecting direct spending or receipts through 1998. CBO estimates that enactment of H.R. 2151 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

7. Estimated cost to State and local governments: None.

8. Estimate comparison: None.

9. Previous CBO estimate : None.

10. Estimate prepared by: Deborah Reis.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

TRIBUTE TO CHARLIE MAINS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. JACOBS. Mr. Speaker, Charlie Mains was a very special person, one of God's noblemen.

He was a man with few words, always well chosen to produce wonderful wisdom often laced with scintillating humor.

At his funeral, his son, Tim, told a refreshing story. Charlie Mains had suggested that the son make a speech before an audience and the son was intimidated at such a maiden effort. Tim Mains told his father that if he went before that audience he might fall down. His father's reply: "It's not about falling down; it is about getting back up."

In losing Charles H. Mains, the world has lost far too much:

CHARLES MAINS WAS ATTORNEY

Charles H. Mains, 77, an Indianapolis attorney, died Monday at his home.

Mr. Mains was an attorney for 43 years and had been chief attorney for the Veterans Administration 21 years, retiring in 1984.

He was an Army veteran of World War II and was awarded a Purple Heart.

Mr. Mains was a member of Clermont Christian Church and Clermont Lions Club and was a past district governor of Lions District 25-f.

He also was a member of Bridgeport Masonic Lodge, Veterans of Foreign Wars Post 1120 and American Legion Post 64 and was a trustee of Lions Camp Woodsmoke and a Wayne Township Democratic ward chairman.

He was a graduate of the Indiana University Law School.

Memorial contributions may be made to Camp Woodsmoke or Lions Cancer Control Fund.

Services will be at 11:30 a.m. Thursday in Conkle Speedway Funeral Home, with calling from 2 to 9 p.m. Wednesday. Entombment will be in Crown Hill Mausoleum.

Survivors—wife Gwen Johnston Mains; sons Steve, Tim Mains; daughters Laura Canavesi, Roxie McNelly; brothers Earl, Donald Mains; five grandchildren.

CHARLES MAINS HAD BEEN TOP ATTORNEY FOR THE VETERANS ADMINISTRATION HERE

Services for Charles H. Mains, 77, Indianapolis, former chief attorney of the Veterans Administration in Indiana, will be at 11:30 a.m. Thursday in Conkle Funeral Home, Speedway Chapel, with calling from 2 p.m. to 9 p.m. today.

He died Monday.

Mr. Mains, a 1950 graduate of Indiana University School of Law, was chief attorney for the VA for 21 years, retiring in 1984.

He was a member of Clermont Christian Church. He formerly was a Wayne Township Democratic ward chairman. Mr. Mains was a 32nd degree Mason.

He was a member of Clermont Lions Club, past district governor of Lions District 25-F and trustee of Lions Camp Woodsmoke. While district governor in 1974, Mr. Mains coordinated the Marion Country Lions Clubs' participation in The Indianapolis Star's new Computerized Election Bureau.

He was an Army veteran of World War II and received a Purple Heart.

Memorial contributions may be made to Lions Camp Woodsmoke or Lions Cancer Control Fund.

Survivors: wife, Gwen Johnston Mains; sons, Steve and Tim Mains; daughters, Laura Canavesi and Roxi McNelly; brothers, Earl and Donald Mains; five grandchildren.

TRIBUTE TO CHARITY WEBB

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to a truly special individual who has contributed significantly to California's educational system. Charity Webb has served over the past year as president of the California School Boards Association [CSBA] and is concluding her term in December. During her tenure as president, Ms. Webb encouraged thoughtful debate and innovative approaches to dealing with the challenges faced by California's educational community. Her outstanding leadership helped achieve a better system of education for California.

Ms. Webb received her bachelor's degree in secondary education at the University of Arkansas. In 1985, she completed the School Board Members and Superintendent's Training Program at the University of Santa Clara.

Ms. Webb's dedication to improving the quality and efficiency of public education has spanned more than 20 years. In this time, she has worked as an educational researcher, substitute teacher, high school teacher and active school board member.

Since 1977 she has served on the Berryessa Union School District Board of Trustees, 6 years as president; since 1984 she has served on the Santa Clara County Board of Education Executive Committee; the Early Intervention Committee and the Nominating Committee; and since 1980 she has been active in the CSBA, serving on numerous committees and as an officer at several posts. In addition, she has been active in the California Coalition of Black School Board Members, the National Caucus of Black School Board Members, the National School Board Association and the Advisory Committee on Blacks in Education.

As a community leader, Ms. Webb has worked tirelessly for many organizations, among them Kids Are Special, the United Way Allocation Committee, Black Concerned Parents of Berryessa and the Santa Clara County Democratic Committee.

Her many honors and awards include the Santa Clara Alliance of Black Educators' Award for advancing the education of children, the Berryessa School Trustees' Award in appreciation for outstanding service to the Berryessa District, the California Coalition of Black School Board Members' Award for outstanding service for her work on the annual conference, and the Political Achievement Award given jointly by the California Black Women's Coalition and the Black Concerns Association.

Mr. Speaker, I highly commend Ms. Charity Webb for her many accomplishments and contributions to public education and I ask my colleagues to join me in congratulating her on her exceptional leadership as president of the California School Boards Association. I extend my best wishes to Ms. Webb for continued success in all of her future endeavors.

140TH ANNIVERSARY OF PINE STREET BAPTIST CHURCH IN MILFORD, MASSACHUSETTS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, I am pleased to announce to my fellow members the 140th anniversary of the Pine Street Baptist Church in Milford, MA.

Many citizens in the Milford area did not want their contributions going to support other churches. As a result, several people of the Baptist community came together to form their own church.

They have been reaching out to the community ever since their founding 140 years ago. Many of the church's 110 active members have gone out and volunteered in the community. One of the places in the community that has benefited from their generosity is the local homeless shelter. Additionally, many church members have served in Baptist missions around the world.

The church was founded in 1853 and soon after that a building was found in Milford that suited their needs perfectly. The property was bought from the Italian club that occupied it at the time. It was then converted into a church. Services are still being held in that original building.

One of the church's programs that has inspired many of the church members has been the Angel Tree Program. Each Christmas, the children of the Sunday School adopt 30 or 40 children of whom one or both of their parents have been incarcerated. The children give them a Christmas. Food and presents are supplied, along with plenty of love and support.

The present pastor, Paul Traverse, brought much to the church when he arrived on their doorstep 5 years ago. The most important thing that he brought, one of the members said, was his seven gifted children, who brought with them their musical abilities and joyous sense of family that they have shared with all. This has enlightened and inspired the church members, and as a result, many inactive members have come back to the fold.

Mr. Speaker, I ask my colleagues to join me in congratulating the Pine Street Baptist Church as they celebrate their 140th anniversary and wish them continued success in their upcoming years.

TRIBUTE TO AMY BETH BROOKS

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. MOLLOHAN. Mr. Speaker, I am pleased to congratulate Ms. Amy Beth Brooks of Morgantown, WV, for her award-winning script in the Veterans of Foreign Wars' voice of democracy contest.

Ms. Brooks' script is titled "My Voice in America's Future." I would like to submit for the record the text of her script, and commend the VFW for making the Voice of Democracy Scholarship Program available to students across our Nation:

MY VOICE IN AMERICA'S FUTURE

(By Amy Brooks)

In the beginning: sound of one voice. One single voice speaking out, stating a belief, posing a question. Voice provokes thought, thought provokes action . . . another voice joins the first. With a reciprocation of ideas comes newfound power, influencing others to take up this cry, striving for change . . .

From somewhere amid this chorus comes the sound of my own voice . . . faltering at first, uncertain. How difficult, in an age of extremes, to find a true voice in America's future. And yet as I speak, I begin to realize not only the significance of what I say, but also the wonder of my freedom to say it. My inalienable right as an American citizen, that of absolute free speech, opens infinite doors to my impact on the future of our nation. Thus empowered with the potential to make myself be heard, my voice distinguishes itself from countless others, and I contribute my own personal verse with a new clarity and strength of purpose.

Such is the birthright of every American: the chance to express, with impunity, our most profound thoughts and opinions. That regardless of race, sex, or social status, the power of each person's voice is limited only by the extent of his own will and determination.

In theory, this is an illustration of the ideal society. The possibility that one voice could invoke passion and controversy from an entire nation is the first, best example of the values with which our forefathers shaped this government. In theory, that voice is the thread which binds a people governed by a document called the Constitution.

Well, the Constitution of the United States of America was written in 1787. We are currently in the year 1992; and, as an American citizen weaned on these principles of democracy, I now raise my voice in the assertion that as a culture, we must not lose sight of the intent with which our freedoms were established. Being aware of the responsibilities that accompany these freedoms, my words will help ensure a future in which the basic rights guaranteed by the Constitution are reestablished, regardless of how we may see them being violated today.

To apply purist views to the in-between shades of everyday life is no simple task. The fact is, when we attempt to translate our most fundamental laws to accommodate the values of modern society, what is ideal in theory often becomes flawed or inconvenient in practice.

But if democracy has flourished, it has done so because we are, above all else, a people ultimately committed to upholding justice. Our rights to free speech and to open expression of our individual religions . . . the music we listen to, the clothes we wear, the art we view, and the choices we make for our own bodies, are values that we cannot allow to be compromised under any circumstances.

Know that these assertions are not mine alone. More than a personal conviction, this return to our oldest doctrines is a cry taken up by my entire generation. Our determination to improve our country will indeed be the impetus for a peaceful revolution—a democratic battle, in which the soldiers wear blue jeans instead of frock coats, and carry pencils rather than bayonets.

And though the voices of my generation are as yet young, make no mistake: our words carry in them a pitch of real hope which heralds a stronger future for this nation.

Think . . . what a nation we could be. Though America is rich in history beyond its age, 216 years is a very short time span in the development of a civilization.

We have time to work towards a more ideal government. We have the intelligence and creativity to improve our standards of living. And, most importantly, because of democracy, we have the freedom to voice openly our hopes and concerns for the future of America.

So ends my own personal verse. But my voice, once part of that resounding chorus which shapes history, will never die. Find your own voice in democracy, and project it until your words are acknowledged—whether they be strong, soft, the last to join the cry . . . or those, the very first to rise, in the beginning.

GEORGIA IN TURMOIL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. HOYER. Mr. Speaker, the situation in the newly independent state of Georgia is extremely alarming. Of all the former Soviet republics, Georgia has been the most unstable, violence-ridden, and violence prone. In the past year, thousands have been killed and many more have become refugees in the war with Abkhazia. Georgia's defeat this past weekend, and the fall of the Abkhaz capital, Sukhumi, to Abkhaz forces aided by Russians and North Caucasians, have inaugurated a new stage in the multiple crises that have bedeviled this beautiful country.

Since 1990, inter-ethnic, inter-necine, and inter-state conflicts have wracked Georgia. In 1991–1992, fighting ravaged the South Ossetian Autonomous Oblast, which wanted to unite with the North Ossetian Autonomous Oblast across the border in Russia.

Armed hostilities ended there in June 1992, when Russian-brokered ceasefire arrangements created peacekeeping units composed of Russians, Georgians, and Ossetians to keep the combatants apart. But the respite was brief. Only 2 months later, war erupted in Abkhazia, an autonomous republic which had been trying to negotiate a federative relationship with Georgia. It now appears that Georgia has lost Abkhazia, and it remains to be seen whether they will be able to agree on Abkhazia's status or develop normal neighborly relations.

Exacerbating these territorial and ethnic disputes has been an ongoing crisis of legitimacy in Georgia itself. Zviad Gamsakhurdia, a prominent anti-Communist dissident, came to power in October 1990 parliamentary elections. In May 1991, he was elected President by the population with a reported 87 percent of the vote. But Georgia's anti-Communist, proindependence movement was fractured, and Gamsakhurdia had made some determined personal and political enemies who boycotted the October 1990 voting and refused to acknowledge his right to govern. He, for his part referred to them as "criminals, not an opposition."

In fall 1991, the parliamentary opposition began to echo charges by Gamsakhurdia's extra-parliamentary critics. I visited Tbilisi in September 1991 and, after meeting with all sides, became convinced that a confrontation was unavoidable. It came in December 1991, when armed combat broke out between pro- and anti-Gamsakhurdia forces, forcing the President to flee in January 1992.

The military council which came to power repressed Gamsakhurdia's supporters while negotiating with Eduard Shevardnadze, former Communist Party boss of Georgia and Soviet Foreign Minister. He returned to Tbilisi in March 1992, but his efforts to establish control and stability have failed. Gamsakhurdia's backers, who are especially numerous in western Georgia, reject Shevardnadze's legitimacy. And Shevardnadze could not provide for Georgia's inhabitants the primary service of governments: a modicum of law and order. For most of 1992, various armed militias rampaged through the country, engaging in violence against each other and the civilian population, whom they robbed at will.

Georgia's economy has practically collapsed. And throughout this entire period, Georgia has also had to deal with Russian involvement in the country's ethnic territorial disputes. Though Moscow claims to recognize Georgia's territorial integrity and has denied taking sides, there is convincing evidence that Russia provided support to the South Ossetians. Since August 1992, Russian forces have manifestly backed Abkhazia. Russian planes have bombed Georgian-held Sukhumi, and Russian Defense Minister Pavel Grachev visited Abkhazia last summer, where he openly talked about Russia's strategic interests in the region. Surely, these include weakening Georgia so as to induce its reintegration into a Russian orbit, and maintaining control of the Black Sea—for military considerations and because an oil pipeline from Azerbaijan and Kazakhstan may traverse Georgia, terminating on the Black Sea.

Mr. Speaker, it would have been hard enough in the best of post-Soviet circumstances for Georgians, Ossetians, and Abkhaz to work out their differences. But Russian involvement stroked and exacerbated these disputes, making them all but unresolvable by peaceful means. I am deeply concerned about Russia's blatant interference in Georgia, not only because it has aggravated animosities and prolonged bloodshed, but because it signals the willingness of some in Moscow—especially in the Ministry of Defense—to resort to force to reestablish Russian hegemony over the former U.S.S.R.

Today, the situation has become even more complex. Zviad Gamsakhurdia has returned from exile to Georgia, and a full-fledged civil war between his backers and Shevardnadze's may now break out. Hostilities in South Ossetia, where a tenuous ceasefire has been holding, may also again erupt. Meanwhile, hundreds of thousands of refugees—Georgians, Abkhaz, and many others—have nowhere to live and little to eat.

What happens now? Zviad Gamsakhurdia clearly has support in western Georgia, where he is currently ensconced. Eduard Shevardnadze, though his reputation for having useful friends in high places all over the world has been tarnished, remains the most influential Georgian politician in the rest of the country. Perhaps more bloody conflict between these two contending forces is inevitable. But I fervently hope—as does everyone who has visited Georgia and enjoyed the legendary hospitality of its people—that Georgians will stop killing each other. Perhaps an internationally monitored election or a referendum will determine the people's choice of leader.

But whatever happens in Georgia, Russia has no business fishing in these troubled waters. The speech by Russian Foreign Minister Andrei Kozyrev at the United Nations yesterday, in which he requested not only endorsement but actual funding by international organizations for Russian peacekeeping efforts in the former U.S.S.R., shows what Moscow wants: Russian forces help stir up ethnic territorial disputes, and then appear as peacekeepers, with U.N. sanction and dollars.

Mr. Speaker, Moscow must not think that we are blind to this game or are willing to comply in its execution. Obviously, Russia has interests in the other Republics, but if we ignore the methods it uses to secure them, we will guarantee not merely Russian hegemony, but we will undermine political reform in Russia itself. Russia must pursue its interests in the former Soviet Republics in a civilized manner; if it subverts their sovereignty, it will subvert its own future and our hopes for it.

H.R. 3167, THE UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1993

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the rules of the Democratic caucus, I wish to serve notice to my colleagues that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration by the House of Representatives of H.R. 3167, the Unemployment Compensation Amendments of 1993.

TRIBUTE TO WILLIAM B. BROWNING

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. BONIOR. Mr. Speaker, on this day, September 29, 1993, the southeast Michigan chapter of the March of Dimes Birth Defects Foundation will be hosting the 10th annual Alexander Macomb Citizen of the Year Award dinner. The award, instituted in 1984, is named after my home county's namesake, Gen. Alexander Macomb, a hero of the War of 1812.

This year, the March of Dimes has chosen William B. Browning as a recipient of the award. Committed to improving the health of America's babies, the March of Dimes in southeast Michigan rightly recognizes Bill for his excellent service and outstanding leadership. As a board member of the Utica Community Schools, Bill has helped make the Utica schools a statewide educational leader. After 19 years on the board, 12 of which he has served as president, Bill certainly deserves much of the credit for Utica's educational success.

Through advocacy, education, and community service, the March of Dimes has established itself as an organization with an impeccable reputation. Being recognized by the March of Dimes is an exceptional honor and I urge my colleagues to join me in saluting Bill Browning as a recipient of the Alexander Macomb Citizen of the Year Award.

MARCH OF DIMES HONOREES

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. LEVIN. Mr. Speaker, I rise today to pay tribute to the 1993 honorees of the March of Dimes Alexander Macomb Citizen of the Year Award. These exceptional volunteers from Macomb County, MI, are being honored for their special contributions to the fight against birth defects.

The 1993 honorees are Christine B. Antoskiewicz and Bill Browning, and the Penna family, who will be presented a Special Family Award. Their exemplary efforts in the name of children bring us closer to a world without birth defects, child abuse, and neglect.

For nearly 20 years, Christine Antoskiewicz has been a voice for the rights of abused children who may not have been able to speak for themselves. She has taken a leading role as an advocate of children's rights in both her professional and private lives. Since 1964, she has worked at the Macomb County Juvenile Court Division, rising to her present position as supervisor of the Community Provisional Release Program with the Macomb County Youth Home. Giving of her own time, Ms. Antoskiewicz has strengthened community support for ShelterCare, an outreach program for abused or neglected children.

William B. Browning has worked to provide quality education for the children of Macomb County for 19 years. As a member, and later the president, of the Utica Community Schools Board of Education, he gained a statewide reputation as a leader who cares deeply about the children in his district. Earlier this year, Sterling Elementary was given his name in recognition of his dedicated service.

The Penna family will receive a Special Family Award which recognizes their efforts as a family to help further the cause of the March of Dimes. The Pennas are well known in Macomb County for their popular family restaurant that bears their name, but their generous aid to the prevention of birth defects and infant mortality is less well known. Their quiet support over the years shows a true commitment to the children of Macomb County.

I offer my warmest congratulations to all of these deserving honorees. I hope that their example of community service inspires others to also give of themselves. Organizations such as the March of Dimes could not complete their much needed work without people like Christine Antoskiewicz, Bill Browning, and the Penna family.

MILITARY RETIREES AMENDMENT

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. SAM JOHNSON of Texas. Mr. Speaker, I want to express my support for an amendment Representative RALPH HALL offered yesterday to the Defense authorization bill.

I support this amendment for all of the military retirees in the Third District of Texas who were, but now are not, eligible to receive prescription drug benefits.

These retirees, ones who gave at least 20 years in our armed services, are currently being denied prescription drug benefits because they live in the wrong ZIP Code.

Last year, the Department of Defense [DOD] instituted a prescription drug demonstration project to help military retirees who were adversely impacted by the closure and realignment of many of our military bases.

However, the way DOD decided who was eligible for this program was ZIP Code. Those whose ZIP Code is within the invisible 40-mile radius around Carswell Air force Base are eligible, those who are not, tough.

I believe that this type demonstration project which only serves a selected few is unfair and wrong. Mr. Hall's amendment will allow every retiree who is eligible for medical benefits to be included in this program. That is only fair.

As we continue to draw down our Defense structure, we must find innovative and creative ways to solve problems which arise because of reductions and base closures. This amendment is one such innovative way.

I would like to commend my colleague from Texas who took the time to draft and introduce this very sensible and necessary reform.

TRIBUTE TO THE AMERICAN HEALTH FOUNDATION

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. FISH. Mr. Speaker, our current health care crisis is largely a consequence of the high cost of treating illness. Statistics document that heart disease, stroke, cancer, and AIDS are the main causes of deaths in our Nation. Research during the past four decades has clearly shown that diseases are largely man-made and therefore preventable.

Much of this knowledge has been provided through the research of a unique organization whose main research center is in my Congressional District. I am referring to the American Health Foundation, whose scientists have greatly contributed to our present knowledge of the causes of manmade chronic disease, and whose mission is to urge the Nation to adopt preventive strategies toward a healthier Nation.

The American Health Foundation is a not-for-profit private health research organization and one of the Nations leading laboratory cancer centers. Since its founding in 1969, the Foundation has been dedicated to working toward the reduction of avoidable chronic disease through preventive medicine. It is internationally known for its basic disease prevention research as well as for its advocacy of comprehensive school health education and minority cancer prevention projects.

Aware of the fact that other steps toward disease prevention can and must be taken, the leaders of the foundation, and its visionary founder, Dr. Ernst L. Wynder, have included research on health promotion in the design of their disease prevention programs. The application of such programs is Dr. Wynder's chief concern.

Next Monday, October 4, has been designated National Child Health Day. It is a day designed to promote awareness that the health of children, our Nation's greatest resource, should be one of our greatest priorities. This year, Child Health Day, sponsored by the American Health Foundation, will establish the importance of education as the key element in preventive medicine.

Mr. Speaker, we are indebted to the American Health Foundation's scientists and leaders for all they have given us in return for our support through cancer prevention and health education grants. We ought to be aware of the potential for even greater collaboration with these experts that hold key knowledge toward finding the solution of our Nation's health problems.

TRIBUTE TO WYNONNA JUDD

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. TRAFICANT. Mr. Speaker, I rise in honor of one of the top country singers in America. Mr. Speaker, I rise in honor of Wynonna Judd.

Ms. Judd was born in 1964 in Ashland, KY. Growing up, she had no television or telephone to entertain her, so she taught herself to play the guitar. She quickly excelled on the instrument and, by the age of 15, joined a musical partnership with her mother Naomi. Four years later, the tandem reached superstardom.

The Judds became the most awarded country act of the 1980's, amassing over two dozen smash hits and 12 million in record sales. In 1991, Naomi retired, but Wynonna continued her success. She debuted as a solo act in 1992 with her album "Wynonna". One year and 3 million sold copies later, Wynonna hit the road to promote her second album "Tell Me Why". The second effort is also enjoying phenomenal popularity, as evidenced by the sellout crowds and ballooning sales totals.

Mr. Speaker, Ms. Judd has brought her unique spirit to music and for that we can be grateful. I wish her all the best as her career continues to blossom.

TAIWAN'S NATIONAL DAY AND THE UNITED NATIONS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. CLYBURN. Mr. Speaker, the Republic of China will be celebrating its 82d National Day on October 10, 1993. Taiwan has much to celebrate. Taiwan's economy is strong, and it has achieved remarkable political progress in the last 5 years.

I join Taiwan's friends on the Hill in wishing Taiwan success and progress in Taiwan's bid to rejoin the United Nations. Taiwan withdrew from the United Nations in 1971. However, in the last 22 years, Taiwan has worked very hard to make itself a vital nation in the world, economically and politically. It is now time to invite Taiwan back to the United Nations. It is unfair and wrong to leave the 20.8 million peace loving people living in the Taiwan area unrepresented in the United Nations.

Taiwan Government officials have made it very clear that the issue of the representation of China was not solved in 1971 when mainland China took the seat of the ROC. The facts are that mainland China has never governed the island of Taiwan, and that the people on Taiwan have had no representation in the world body since 1971.

If readmitted to the United Nations, Taiwan would have a great deal to contribute to the world body. Taiwan would enhance the United Nation's prestige and relevance and make the United Nation a genuine representative global forum.

AGNES McCARTNEY HONORED FOR HER WORK TO PROMOTE CARBON COUNTY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a wonderful lady and a good friend, Agnes McCartney, who after 30 years has retired as the executive director of the Carbon County Tourist Promotion Agency.

She was the first and only executive director of the tourist promotion agency which was created in 1965.

Originally from Wilkes-Barre, Agnes' association with Carbon County actually began when she and her husband, Frank, moved to Lansford from Harrisburg in 1955. Her husband returned to Harrisburg in 1959 to serve as commissioner of the State police until 1963, but Agnes stayed in Lansford and became known as a fixture in her community and in Carbon County through her myriad of activities.

In 1960, Agnes was hired by the Carbon County Planning Commission. Two years later the county commissioners appointed her as temporary executive director. She performed her job so well that she was there for 11 years.

During her time at the helm of the planning commission, Agnes was instrumental in coordinating the construction of the Mauch Chunk Creek Watershed, a multipurpose flood control and recreational facility in Summit Hill and Jim Thorpe. She also was a force in the development of the Mauch Chunk Lake Park which was named "Watershed of the Year" in 1971.

In April 1974, Agnes became deputy director of the Schuylkill-Carbon Agency for Manpower. She worked to place young people in summer jobs and created the county's action committee for human services and Better Neighborhoods, Inc., in an effort to rehabilitate crumbling buildings.

Thoughout her career with the Agency for Manpower, Agnes continued her work with the county's tourist promotion organization. Late in 1981, the agency was dissolved, and Agnes went back to promoting Carbon County full time.

Due to Agnes, Carbon County, and the city of Jim Thorpe, have been put on the map. Jim Thorpe is well known for its history and architecture and has been featured nationally in many publications, including the Washington Post Magazine.

After all her successes, Agnes certainly deserves some time to herself, although we will certainly miss her. Agnes plans to spend time with her five children and their families now that she has retired. However, she has promised to be on call whenever the good folks of Carbon County need her and her priceless advice and experience. Thank you, Agnes, for your work and commitment to Carbon County. We wish you all the best.

ALASKA NATIVE SUBSISTENCE WHALING EXPENSE CHARITABLE TAX DEDUCTION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. YOUNG of Alaska. Mr. Speaker, I rise to introduce a measure that would provide critically needed tax relief to a few Alaskan Native whaling captains who otherwise may not be able to continue their centuries-old tradition of subsistence whaling. In brief, this bill would provide a modest charitable deduction to those Native captains who organize and support traditional whaling hunt activities for their communities.

The Inupiat and Siberian Yupik Eskimos living in the coastal villages of northern and western Alaska have been hunting the bowhead whale for thousands of years. The International Whaling Commission [IWC] has acknowledged that "whaling, more than any other activity, fundamentally underlies the total lifeway of these communities."

Today, under the regulatory eye of the IWC and the U.S. Department of Commerce, these Natives continue a sharply restricted bowhead subsistence hunt out of 10 coastal villages. Local regulation of the hunt is vested in the Alaska Eskimo Whaling Commission [AEWC] under a cooperative agreement with the Department of Commerce, National Oceanic and Atmospheric Administration.

The entire Native whaling community participates in the hunt activities. However, Native tradition requires that the whaling captains are financially and otherwise responsible for the actual conduct of the hunt; meaning they must provide the boat, fuel, gear, weapons, ammunition, food, and special clothing for their crews and must store whale meat until used.

Each of the approximately 35 bowhead whales landed by Native communities each year provides thousands of pounds of meat and muktuk—blubber and skin. Native culture dictates that a whaling captain whose crew lands a whale is responsible for feeding the community in which the captain lives. Customarily, the whale is divided and shared by all of the people in the community free of charge.

In recent years, Native whaling captains have been treating their whaling expenses as a deduction against their personal Federal income tax, because they donate the whale meat to their community and because their expenses have skyrocketed due to the increased costs in complying with Federal requirements in outfitting a whaling crew. The IRS has refused to allow these deductions, placing an extreme financial burden on those who usepersonal funds to support their Native communities' traditional activities. Currently five whaling captains have appeals of these disallowances pending before the tax court or the IRS.

The bill I am introducing today would amend section 170 of the Internal Revenue Code to provide that the investments made by this relatively small and fixed number of subsistence Native whaling captains are fully deductible as charitable contributions against their personal Federal income tax. Such an amendment should also retroactively resolve the disallowance and assessment cases now pending within the statute of limitations.

The expenses incurred by these whaling captains are for the benefit of the entire Native community. These expenses are vital contributions whose only purposes are to provide food to the community and to perpetuate the aboriginal traditions of the Native subsistence whaling culture,

Each Alaskan Native subsistence whaling captain invests an average of $2,500 to $5,000 in whaling equipment and expenses in a given year. A charitable deduction for these expenses would translate into a maximum revenue impact of approximately $230,000 a year.

Such a charitable deduction is justified on a number of grounds. The donations of material and provisions for the purpose of carrying out subsistence whaling, in effect, are charitable contributions to the Inupiat and Siberian Yupic communities for the purpose of supporting an activity that is of considerable cultural, religious, and subsistence importance to those native people. In expending the amounts claimed, a captain is donating those amounts to the community to carry out these functions.

Similarly, the expenditures can be viewed as donations to the Inupiat Community of the North Slope [ICAS], to the AEWC and to the communities' participating churches. The ICAS is a federally recognized Indian tribe under the Indian Reorganization Act of 1934 (48 Stat. 984). Under the Indian Tax Status Act, donations to such an Indian Tribe are tax deductible (28 U.S.C., 7871(a)(1)(A)). The AEWC is a 501(c)(3) organization. Both the ICAS and the AEWC are charged with the preservation of Native Alaskan whaling rights.

It also is important to note the North Slope Borough of Alaska, on its own and through the AEWC, spends approximately $500,000 to $700,000 annually on bowhead whale and other Arctic marine research and programs in support of the United States' efforts at the International Whaling Commission. This is money that otherwise would come from the Federal budget to support the United States representation at the IWC.

Given these facts and the internationally and federally protected status of the Native Alaskan subsistence whale hunt, I believe expenditures for the hunt should be treated as charitable donations under section 170 of the Internal Revenue Code. I ask my fellow Members to join with me in clarifying the Federal Tax Code to make this a reality for these Native whaling captains.

I ask that a copy of the bill be reprinted at the close of these remarks.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARITABLE CONTRIBUTION DEDUCTION FOR CERTAIN EXPENSES INCURRED IN SUPPORT OF NATIVE ALASKAN SUBSISTENCE WHALING.

(a) IN GENERAL.—Section 170 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) EXPENSES PAID BY CERTAIN WHALING CAPTAINS IN SUPPORT OF NATIVE ALASKAN SUBSISTENCE WHALING.—

"(1) IN GENERAL.—In the case of an individual who is recognized by the Alaska Eskimo Whaling Commission as a whaling captain charged with the responsibility of maintaining and carrying out sanctioned whaling activities and who engages in such activities during the taxable year, the amount described in paragraph (2) (to the extent such amount does not exceed $7,500 for the taxable year) shall be treated for purposes of this section as a charitable contribution.

"(2) AMOUNT DESCRIBED.—The amount described in this paragraph is the aggregate of the reasonable and necessary whaling expenses paid by the taxpayer during the taxable year in carrying out sanctioned whaling activities. For purposes of the preceding sentence, the term 'whaling expenses' includes expenses for—

"(A) the acquisition and maintenance of boats, weapons, and gear used in the hunt,

"(B) the supplying of food for the crew and other provisions for carrying out sanctioned whaling activities, and

"(C) Storage and distribution of the catch from such activities.

"(3) SANCTIONED WHALING ACTIVITIES.—For purposes of this subsection, the term 'sanctioned whaling activities' means subsistence bowhead whale hunting activities conducted pursuant to the management plan of the Alaska Eskimo Whaling Commission."

"(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to all taxable years beginning before, on, or after the date of the enactment of this Act.

DINER OWNER TERRY CONWAY AND TRUCK OWNER PAUL COLLINS LEAD RELIEF EFFORT TO FLOODED MIDWEST

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. SOLOMON. Mr. Speaker, yesterday a trailer rig arrived in Davenport, IA, loaded with nearly 25,000 dollars' worth of supplies for Midwest flood victims.

This relief effort was spearheaded by Terry Conway, owner of Tic-Toc Diner in Kingsbury, NY, who for several months has used the truck as a drop-off station for generous people who wanted to help.

Once Conway got the idea, he contacted Paul Collins, the truck's owner. Within 15 minutes Collins arrived with the truck.

Most of the contributions came from good business neighbors like Leland Paper, which donated almost 17,000 dollars' worth of cleaning materials and detergents; Sutherland Pet Center, which donated a large supply of pet food; and Adirondack Janitorial, which supplied plenty of mops and other cleanup materials.

But at least a quarter of the items came from individuals who wanted to lend a helping hand. Cash donations totaled $500. As an incentive, Conway gave out an estimated 3,000 dollars' worth of ice cream cones this summer to contributors.

Mr. Speaker, Americans have always responded whenever anyone anywhere in the world was suffering. This relief effort was made possible by the efforts of churches, schools, service clubs, and individuals.

But I would like to single out Terry Conway and Paul Collins for their leadership role in this effort. I'd like other Members to join me in saluting these two gentlemen, because this, Mr. Speaker, is America at its best.

BUILDING A STRONG NONPROLIFERATION POLICY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. STARK. Mr. Speaker, I applaud the President for his leadership in fighting the spread of the bomb. We cannot stop proliferation until we ban all plutonium production. We need restraints from the nuclear weapon states, "no-first-use," and deep cuts in strategic arsenals.

In the post-cold war world these are reasonable and achievable goals. The President deserves credit for his efforts. I am confident that Congress will build a strong policy that will keep the world safe.

TRIBUTE TO IRENE E. DUPONT—NEW HAMPSHIRE PHOTOGRAPHER WHO BROUGHT FRANCESTOWN'S MAIN STREET TO THE NATION'S CAPITAL

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. SWETT. Mr. Speaker, I invite my colleagues to join me today in paying tribute to Mrs. Irene E. DuPont—an outstanding professional photographer and teacher at the Nashua Senior High School for the last 24 years. An excellent exhibit of her photographs—Vistas of New Hampshire—is currently on display for the next 2 weeks in the Rotunda of the Cannon House Office Building.

Mr. Speaker, it is unusual to find such a diversity of talents in a single individual, as we find in Irene DuPont. Mrs. DuPont is an outstanding teacher who motivates and inspires her students. Perhaps she is so successful because of the great value she places on education. She worked and saved her money for 9 years in order to attend college. After graduating from Notre Dame College in Manchester, NH, she began a career in teaching. At the new Nashua Senior High School, she was asked by the principal to learn something about photography because the new building had a dark room.

That was the beginning of her unusually successful career as a high school photography teacher. She took an 8-week course in photography in Manchester, then later completed studies in photography at the Art Institute in Boston where she received a degree. Some 18 years ago, she started with one class daily of 20 students. Because of the interest in the subject and the magic of herteaching, she now devotes full-time to teaching photography—five classes with 120 students daily.

Her teaching was recognized this past year when she was 1 of only 13 teachers in America to receive the National Teacher Award given by Time-Warner Communications in recognition of classroom activity using both photography and cable television programming. It was also Time-Warner Communications whose financial support made it possible for this exhibit of her photographs to be put on display in the Rotunda of the Cannon House Office Building.

But Irene DuPont's excellence in the classroom is only one of the many facets of her professional activity. She is also a professional photographer of great skill and sensitivity. Her work has been exhibited throughout New England as well as on the west coast. Her photographs have been published in magazines, textbooks, and used as covers on a variety of pamphlets. The photographs in the Rotunda of the Cannon House Office Building are only a sampling of the excellence of her art.

Among the excellent photographs are an outstanding series of Francestown, NH. This is a small community in my congressional district whose Main Street exhibits period architecture. The homes and stores and churches along Main Street are all about a century and a half old. Irene DuPont's photographs capture the historic homes and the people who live in them. This series of photographs was done through a grant from the New Hampshire Arts Council, which covered the cost of film and paper for the photographs.

Another outstanding series of photographs are of New Hampshire's covered bridges—a picturesque part of the Granite State's historic heritage. Our State has the largest number of covered bridges per capita and in relation to the area of the State, and Irene DuPont has photographed all of them. Her photographs have been published in the book Spanning Time, New Hampshire Covered Bridges. When Irene DuPont started photographing bridges in 1982, there were 54 bridges, but four have since been burned by arson. Her work is an important historical record documenting our State's unique architectural and transportation legacy. Not only has she recorded these important landmarks, she has increased public interest in covered bridges, and our State now has tougher laws and stiffer penalties for those who burn or attempt to damage our bridges.

Mr. Speaker, Irene DuPont exemplifies the rock solid values that are typical of the people of New Hampshire. She is an inspiring and an inspired teacher, as well as a chronicler of the heritage of the Granite State. I urge my colleagues to examine her fine work in the Rotunda of the Cannon House Office Building and to join me in honoring her for her work.

TAIWAN AND THE UNITED NATIONS

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. SCHAEFER. Mr. Speaker, one of the most prosperous and economically dynamic places in the world is the Republic of China. One of the world's most generous donors of foreign aid is the Republic of China. The Republic of China has a population four times that of Finland.

Despite all these attributes of statehood, the Republic of China does not have any representation in the United Nations. The 21 million people living in the Taiwan area, in fact, have not been represented in the United Nations since 1971. As much as the People's Republic of China claims jurisdiction over Taiwan, the fact is that the PRC does not have any jurisdiction at all. The Government on Taiwan is the Republic of China.

I take pleasure in saluting the Republic of China for its achievements since its founding 82 years ago. The Republic of China's Government has managed to give its people one of the highest living standards in history. With its generous foreign and humanitarian aid programs, the Republic of China is definitely a giver, in every sense of the word.

The entire world community would benefit from the Republic of China's membership in the United Nations. It would only be fair to the 21 million people living in the Taiwan area and to the millions of people around the world whose jobs involve doing business with Taiwan, either directly or indirectly. The Republic of China belongs in the United Nations just as the United Nations needs the Republic of China among its members.

Mr. Speaker, as Taiwan approaches its 82d birthday, I salute its many accomplishments and call on the United Nations to return it to the United Nations.

HISPANIC HERITAGE MONTH

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Ms. VELÁZQUEZ. Mr. Speaker, I rise today in observance of Hispanic Heritage Month, a month-long celebration which seeks to increase national awareness of Latino culture. Over the past decade, our Hispanic-American communities have been energized by an enhanced awareness of their cultural vitality and potential for economic and political self-empowerment.

As a Puertorriqueña, I speak with pride of the contributions of my people to the varied fields of culture, entertainment, sports, business, and public service. But instead of discussing the accomplishments of our more popular entertainers and sports heroes, I would like to take this opportunity to discuss the achievements of those figures who do not receive their share of the limelight. These individuals deserve the praise and admiration that their most famous compatriots receive, yet their accomplishments often go unnoticed or are easily forgotten. By paying tribute to these pioneers of our community, we pave the way for young Latinos to follow in their footsteps.

Let me begin by paying tribute to the Puerto Rican soldiers who have lost their lives fighting for the United States of America. As American citizens, hundreds of Puerto Rican men have gone to battle to fight for the United

States. We must all pay homage to the 731 Puerto Rican soldiers who lost their lives in the Korean war, to the 345 Puerto Rican soldiers who lost their lives in Vietnam, and to the four Puerto Rican soldiers who lost their lives in Desert Storm, including Capt. Manuel Rivera, a Puerto Rican from the south Bronx, who was the first soldier to perish in Operation Desert Storm. His courage, strength, and patriotism should always remain vivid in our memory.

In light of the fighting contributions of these soldiers, let me bring to your attention the struggles and battles of a great Puerto Rican woman, Felisa Rincon de Gautier. Doña Felisa as she is popularly known, was among the first women to register to vote in Puerto Rico. She was the first woman in the Western Hemisphere to be elected mayor of a large city in the Americas, San Juan, Puerto Rico. She served as mayor for 22 years, transforming San Juan into one of the greatest capitals of Latin America. Though she is retired from elected office, Doña Felisa continues her public service through a foundation named in her honor. Doña Felisa is a source of great pride to her native Puerto Rico and to Latino women and men all across this hemisphere.

The triumphs of these figures provide select highlights of not only Puerto Rican achievement, but of Latino achievement as a whole. But for every tale of attainment, hundreds remain hidden or untold as Latinos continue to strive outside the spotlight of national awareness. These individuals make up the backbone of our legacy and culture. Their strength and their battle to find their way in American society is an example to us all. For this reason, we celebrate their accomplishments in a month, long celebration of history, community, and heritage.

I urge my colleagues and the American public to take advantage of this month to explore, learn, and better understand our people, our contributions, and our efforts.

AUTHORIZATION FOR APPROPRIATION TO COMPENSATE ALEUT VILLAGES FOR CHURCH PROPERTY LOST, DAMAGED, OR DESTROYED DURING WORLD WAR II

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. YOUNG of Alaska. Mr. Speaker, I am introducing legislation today to increase the authorized appropriation level of funding necessary to fully compensate the Aleut people of Alaska for church property lost, damaged, or destroyed during World War II.

Many Americans are aware of the sad chapter in U.S. history during World War II when Japanese-Americans were stripped of their property and interred for the duration of the war. Few Americans, however, are aware that the Aleut people of the Aleutian chain in Alaska were similarly treated, with even more disastrous results. In an effort to remove civilians from the war effort following the Japanese bombing of Dutch Harbor and their capture of Attu and Kiska islands in the summer of 1942, the military evacuated and relocated all of the people of the Aleut villages on the Pribilof Islands and those west of Unimak Island on the Aleutian chain. Displaced to southeast Alaska, the villagers of the islands were housed in whatever structures could be found or slapped together with little or no effect. Under the protection of the military, these Americans were simply forgotten by their Government. Squalid living conditions, inadequate housing and sanitation facilities, and nonexistent medical care combined to exact a devastating toll on the Aleut people who had placed themselves in the hands of a government sworn to protect them.

Upon their return, the survivors found their homes and buildings destroyed, and their Russian Orthodox churchesburned to the ground. Their sacred icons were destroyed, lost or stolen, and some of these dated to the days of Czarist Russia.

While the causes of the destruction of all of the churches remains unknown, it is known that some were destroyed during the United States recapture of Attu and Kiska, and others were simply looted and burned.

In an effort to acknowledge the damage perpetrated upon the Aleuts and partially compensate them for their losses, Congress passed legislation in 1988 which recognized and compensated Japanese-Americans and Aleuts. As a part of act, the Secretary of Interior was directed to determine the real and personal church property damaged and destroyed during actions taken in the Aleutian chain during World War II. Congress authorized $1.4 million for such purposes. The study results are in, and the estimated costs of replacing the property is $4.7 million. This legislation would give congressional recognition of the obligation owed the Aleuts as determined by the Department of Interior study.

Mr. Speaker, I cannot in strong enough terms detail for the Members of this body the human suffering and dislocation which the Aleut people were forced to abide at the hands of their own Government's neglect. The Aleut people are good people, who have endured much at the hands of first the Russians—when Alaska was owned by the Russians—and then the United States Government during World War II. This legislation is not intended to plow old ground through the sensitive fields of the memories of those Aleuts whose lives were changed forever by World War II. The Aleut people, aided by the inner strength of their abiding faith in their God, are not seeking retribution. I do, however, seek that to the extent that we can as a nation make them whole, we endeavor to do so. We will never be able to reproduce their homes, their churches, their icons or their loved ones. But through adoption of this legislation, we can continue to recognize their extraordinary sacrifice during World War II. I ask that the House rapidly consider and report this legislation.

PROGRAMS AND SERVICES FOR OLDER PERSONS 20TH ANNIVERSARY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. COSTELLO. Mr. Speaker, I ask that my colleagues join me to congratulate Programs and Services for Older Persons of Southwestern Illinois on its 20th anniversary. In conjunction with Belleville Area College in Belleville, IL, the PSOP, organized by Mr. Gene Verdu, serves some 20,000 elderly people throughout much of southern Illinois. By providing home-delivered meals, transportation services, part-time jobs, medical assistance, and recreational opportunities, Gene Verdu and the PSOP have extended a welcome hand to the elderly of our community and improved many neighboring communities.

I urge my colleagues to help me extend a hearty congratulations to Gene Verdu and the Programs and Services for Older Persons on their 20th anniversary. Their contributions to the elderly and their efforts to improve the quality of life for hundreds of older Americans in southern Illinois, are worthy of our highest praise.

JOBS IN A COMPETITIVE WORLD ECONOMY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 29, 1993 into the CONGRESSINAL RECORD:

JOBS IN A COMPETITIVE WORLD ECONOMY

Although the economic recovery from the 1990–91 recession is now more than two years old, Americans continue to worry about their jobs. Trouble companies are eliminating jobs by the tens of thousands, and even profitable companies with booming sales are shedding jobs. Many people wonder whether they will be able to keep or find good jobs in the face of all the changes that seem to be taking place in the economy. I have noticed a steady erosion in the security of average Americans, and that has led to a lot of quiet anxiety. People wonder whether the U.S. economy can deliver jobs with reasonable pay in this competitive world economy.

The U.S. economy is in the midst of a major restructuring. Technological change and international competition are forcing American workers and businesses to be more flexible and adaptable to changing market conditions. In the long run, these changes should be good for the economy—they increase efficiency, raise productivity, and encourage faster growth and a rising standard of living. But they are also disruptive and increase worker uncertainty. We need to pursue policies that will reassure workers that there will be plenty of good jobs available as these changes take place.

TRENDS

The sluggish performance thus far in the 1990s has obscured the fact that the United

States has been the envy of other industrial countries in its ability to generate jobs over the past two decades. Almost 20 million jobs were created in the 1970s and another 18 million were created in the 1980s. Despite our current problems, the number of people with jobs has reached an alltime high in the past few months.

But many worry about the quality of the jobs being generated. One concern is that too many workers looking for full-time permanent jobs with good benefits have had to accept part-time work. Some evidence suggests that employers are reluctant to hire full-time workers because they do not want to pay benefits such as health insurance. And the number of parttime jobs is indeed growing. Yet the percentage of the working-age population with a full-time job is higher than it was in the 1960s and 1970s. So employers are not, on balance, eliminating full-time jobs and replacing them with part-time jobs.

A more serious concern about the quality of jobs we are creating focuses on trends in wages and earnings. Between 1948 and 1973 strong productivity growth led to strong growth in wages and earnings. After adjusting for inflation, the average worker earned about twice as much in 1973 as in 1948. But real wages have basically stagnated since 1973. Many of the new jobs created have been lower-wage jobs, and much of the growth in compensation has been for fringe benefits that do not show up in the paycheck. Family income has grown primarily because more spouses are working more hours, not because wages are rising.

Another serious concern is the widening gap between the wages of workers of different skill levels. The most skilled and best educated workers are in demand in today's international marketplace, while lesser skilled workers have faced increasing competition from workers overseas and from immigrants.

As one person put it to me the other day, "There are just too few good jobs to go around." Our big problem, it seems to me, is creating jobs for the average worker that pay well. It is not much comfort that every advanced industrial nation is wrestling with this same problem and no country has found the formula.

CAUSES AND CURES

Because this country has been growing slowly over a period of years, people press to defend their own security by seeking to discourage imports or to slow down industrial change. Those approaches only make the economy grow more slowly.

The challenge is not so much to save old jobs as it is to produce new ones based on high value work. The principal reason good jobs are threatened is that a highly competitive world economic order is emerging. The forces propelling this new order are likely to persist, making our economic lives tougher. The problem is aggravated by the fact that too many workers lack the skills employers are looking for to compete in this new order and too few employers are investing as much as they should in improving their employees' skills and training. Another factor is technology. Although it enhances productivity in the long-run, it can be threatening to some workers.

There is a better response, but it will require a lot of stamina. We simply have to make a broad range of investments in our workers' skills to increase productivity, and we need to rein in government budgets to increase savings and investment. Although not glamorous or easy, these are the right things to do.

Productivity-enhancing investment: In the long run, the key to better jobs and better wages is stronger productivity performance. This, in turn, requires an investment strategy aimed at producing more investment in machines and factories, and more research and development into new and better ways of doing things. One of the most important steps is better education and training: a good basic education for everyone, affordable college, school-to-work apprenticeships for young people, and lifetime learning in the workplace. The Clinton administration is considering many of these ideas as it develops a "workforce strategy" designed to ease the transition of Americans from the old economic order to the new. We also need further deficit reduction to encourage more private investment.

Jobless assistance: A range of policies that are good for longer-term growth and job creation could hurt some jobs in the short-run, including deficit reduction, trade liberalization, defense conversion, technological development, and health care reform. We need to carefully examine our policies toward dislocated workers. In some cases cash adjustment assistance may be appropriate. But the primary emphasis should be on providing the training and assistance needed to give less-skilled Americans a real shot at a decent job.

Short-term stimulus: If the recovery continues to be sluggish, we will be tempted to revisit the question of short-term fiscal stimulus—tax cuts or increased government spending. I continue to believe that the primary responsibility for nurturing the recovery rests with the Federal Reserve, which should keep down interest rates. The major objective of fiscal policy at this time should be lower deficits.

CONCLUSION

Most of the task of providing good jobs for American workers rests with the private sector. But government has a role to play in creating a general economic policy environment conducive to noninflationary growth. And we need to examine what government can do to encourage more training and retraining—helping citizens equip themselves to prosper in a world constantly being transformed.

TRIBUTE TO WILMER (WILLIE) SCHAEFF

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize the induction of a fine individual into the State of Michigan Polka Music Hall of Fame. The contributions he made to music in Michigan will not be forgotten.

Mr. Wilmer Schaeff, known as Willie to his friends, was born in Saginaw, MI, on June 5, 1934. The third of seven children in his family, Willie's musical career started when his parents bought an accordion for his oldest brother. At the age of 15 he started playing publicly with various bands, eventually studying music at Delta College. In 1972 he formed his own band called the Music Chef's.

Throughout this time he spread joy to all the people who listened to his expertise. Whether it be at local clubs, halls, or taverns there was always a large crowd on hand to hear and feel his music. They truly enjoyed all that Willie gave them.

On March 23, 1957, Willie married Marie Herbin. It was because of Marie that Willie decided to learn how to play the plectrum banjo. He quickly taught himself and soon was entertaining at various events. They were the parents of four children, three girls and a boy.

Willie served in the Army for 2 years, is a 31-year member of the Pattern Makers League and also belonged to the Saginaw Musical Association. In 1991 he retired from the Advanced Development Laboratory, central foundry, General Motors.

Willie has recorded albums with Frank Feil, Andy Nester, and John Stanulis. He has also played with many great band leaders from around mid-Michigan and across the State.

Willie Schaeff has truly dedicated his life to music and all the joys it could bring. Mr. Speaker, I know that you will join with me in commending this outstanding individual for the service he provides to music enthusiasts everywhere.

CENTENNIAL OF THE BOROUGH OF NORWOOD

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. WELDON. Mr. Speaker, it is with great pleasure that I rise today to congratulate the Borough of Norwood as the community celebrates its centennial on October 2, 1993.

Norwood is a community rich in history. In 1893, a group of freeholders petitioned the court of the county of Delaware for application for a charter on behalf of the town of Norwood which was part of Ridley Township. The court allowed the incorporation of Norwood as a borough and also set up the first election of officers on November 6, 1893.

A newly incorporated borough, rich with natural resources and vast acreage, Norwood continued to prosper and major development began following our Nation's First World War.

Today, with a population of 6,000, Norwood Borough is a thriving municipality in Delaware County. It has a thriving business district, and a beautiful waterfront area.

As the Member of Congress representing Norwood, I want to call this momentous occasion to the attention of my colleagues, and urge them to join me in honoring Norwood Borough. Norwood is a fine community in which to live, with hard-working, patriotic people, many of whose families have lived in the area for generations. Any Member of Congress would be proud to represent this outstanding community, and I am pleased to offer my best wishes for another 100 years of continued success.

HOUSE RESOLUTION 134

HON. WILLIAM P. BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. BAKER of California. Mr. Speaker, before we can bring about change in our Government, Congress must change the way it does business.

For the sake of reform, there may come a way for the many to bypass the powerful few. For the past 61 years, the discharge petition process has been kept secret. This means a House Member's constituents may never know how he really feels about a specific issue.

Let me provide an actual example: This year, only 70 out of 435 Members signed the discharge petition to force a vote on term limits. Yet 92 Members actually cosponsored the bill. Secret discharge petitions allow Members of Congress to get away with saying one thing in their districts and doing another in Washington.

Currently, when a Member of Congress claims he supports a certain bill, there is no way of knowing whether or not he signed the discharge petition to force a vote on the bill. Because the discharge petition is secret, a Congressman is able to doubletalk his constituents.

Congressional leadership and committee chairmen oppose the discharge petition because they stand to lose much of their power. When the chairman of a committee opposes a particular bill, he has the power to singlehandedly kill it by never moving the proposal forward.

Today, we will vote on the discharge petition circulated by Congressman JIM INHOFE of Oklahoma. This successful petition forced a vote on whether all future discharge petitions would become part of the public record. In other words, no more secrets.

This summer, the American people let Congress know how they felt through letters, phone calls, and radio call-in shows. Several Democrats, fearing the wrath of voters more than that of their party leadership, signed the petition.

In the end, all but two Republicans signed this successful petition along with a handful of Democrats. It is significant to note that 30 of the first 36 to sign the discharge petition were Republican freshmen. We were elected on a wave of change and we have not backed down from our commitment to reforming Congress.

It's only the career Members of Congress who fear an educated electorate. They fear that the voters will continue to demand real reform in Washington, and they know that cannot stall indefinitely. Only constant pressure from the voters, and those in Congress genuinely interested in reform, will bring about true change.

MICHEL CALLS FOR ACTION THIS YEAR ON HEALTH CARE REFORM

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. HASTERT. Mr. Speaker, our House Republican leader, BOB MICHEL, today in a speech before the American Medical Association, outlined a course of action for health care reform which deserves the attention of all our colleagues.

In the speech, he urges that we move ahead this year with seven key health care reforms that are common to both the President's proposal and our Republican proposal, and that if we do so we will bring the benefits of these reforms to the American people at a much earlier date than otherwise would be the case.

Because this makes eminent sense, I am inserting the text of the speech at this point in the RECORD:

Standing before you this afternoon, I know there is one great over-riding question on your minds. It is a question that every American is obsessed with this week, the most important question now before the nation: Will the Atlanta Braves or the San Francisco Giants win the National league West pennant race? Since I root for the Chicago Cubs, I am ill-equipped to answer such a profound question. So, instead, I'll get right to the subject of the day, health care reform.

Today and tomorrow you will be deluged by speeches and reports and panel discussions. So let me get quickly to what House Republicans believe are the major points about this health care debate. First, there was much that was good and much that was new in the President's health care speech. But what was good was not necessarily new—and what was new was not necessarily good.

In a few minutes I'd like to outline what we think is good and why we think we can begin action now on those agreed-upon points—not next year, but immediately. You should know that we House Republicans do have a health care plan of our own. It meets all the goals of any sensible reform: it is compassionate, it is affordable, it is workable and it can be implemented—much of it immediately—without ruining a system that needs reform, not total dismantling. I've frequently been asked if Republicans will compromise or will we confront the President on health care reform? My answer to that question is: that's up to the President and his Democratic leadership in the Congress.

If they show a willingness to really sit down and get things done on a bipartisan basis, we are ready to work at the same table. In fact we are already at the table and I'd like to take the President and First Lady at their word when they say they want to work with us. But if they simply want us to become props when it comes time for an Oval Office signing ceremony, or if they want us to sign on to a plan we know is flawed, just for the sake of appearing bipartisan, then they will choose the path of confrontation.

Let me briefly outline for you how we Republicans have come to where we are. We in the House have worked independently of our counterparts in the Senate. We've been checking in with them from time to time and Senator Chafee's proposal seems to have the broadest support to date among Senate Republicans although Senator Gramm and others have differing views. In the House we Republicans have spent well over two years looking at this problem from every conceivable angle. I co-chaired our Task Force with Newt Gingrich who you are going to hear from tomorrow. The further we got into the subject the more we realized how difficult it was going to be to put the pieces together and how costly it will be to go all the way in one fell swoop.

I never criticized the Administration for the delays when they were deliberating for an extended period of time because it indicated to me they too were finding it much more difficult and complex to match reality with those grandiose campaign speeches and promises. To make a long story short, we House Republicans have come up with our bill that we call the Affordable Health Care Now Act, introduced just 2 weeks ago with 116 co-sponsors. No other plan on either side of the House has as many co-sponsors and that would of course include the Cooper and McDermott proposals from the Democratic side.

Now let me try to put this issue in some legislative context:

We've been burned on attempts at health care reform before. I was here when we enacted Medicare and Medicaid and those cost projections then were only a fraction of what they are in reality today. And you all remember our effort at crafting Catastrophic Health Care legislation during the Reagan Administration. It is a cautionary tale. I was a lead sponsor of the proposal, and to begin with, all we asked for was a measly $4.00 a month increase in Medicare premiums to pay for catastrophic coverage. But by the time the plan made its way through Congress, it became overloaded with prescription drugs, etc., so much so that we had to enact a tax on a tax to pay for it and within a year, we were humiliatingly forced to repeal it. So we learned a lesson: all our good intentions went down the tube because the Congress got too benevolent and the senior citizens rebelled at what they were going to have to pay for the coverage.

Let me now turn to the President's plan: The President's speech on Wednesday was many things. It was highly emotional in tone. It was filled with touching, if at times not quite relevant, anecdotes. Above all it was permeated with that combination of fervent idealism and lack of specific detail that marked the President's earlier effort when he told us of his plans for the budget. But there was one thing missing in that eloquent speech last Wednesday: The right questions. The tough questions. The necessary questions. They were conspicuous by their absence.

As you could see last Wednesday night, Congress is very good at quickly rising to its feet and cheering when the TV cameras are there. But what this debate demands is our capacity to stay in our seats and think—and then ask the pertinent questions. The essence of democratic government, especially in crafting legislation, is asking the right questions, asking them at the right time, and not taking rhetoric or equivocations for an answer. That is what we are expecting of all our Republican members of those committees that will be considering the various parts of the President's proposal. And bear in mind, we don't yet have the specific legislative language and probably won't for another couple of weeks.

Last week, we in the Republican Conference heard from Vice President Gore about how bad bureaucracy is and how necessary it was to re-invent government to escape bureaucracy. But last Wednesday, President Clinton was telling us that a key to his health care reform plan was the creation of a new government bureaucracy, those state "alliances", plus a National Health Board. In fact, the Administration has admitted that federal administrative costs alone for this plan will amount to over $2 billion a year. That translates into upwards of 50,000 additional bureaucrats to meddle into our health care, and those must be the new jobs the President said would be created by his plan.

If government bureaucracy is wrong, and needs "re-invention", why invent a new one to impose on doctors and patients? And speaking of questions, have you noticed that the administration's propaganda machine, which blasts out at high decibels on the President's plan, turns down the volume to a whisper when it comes to discussing Tort Reform and Malpractice Reform? At this point, you might have a question of your own and it probably is: O.K., Bob, we know there is a lot wrong with the plan the President presented—but what do you Republicans plan to do about it?

My answer is this: We will urge the President and the Majority Leadership in the Congress to begin immediate action on seven key health care reforms, which are common to the Clinton proposal and the House and Senate Republican plans. Let's begin now. Let's get action now. Let's address the concerns of those people whose horror stories the President spoke of so eloquently—and let's do it now.

And here are those areas for immediate action:

1. Administrative Reforms.—The President says that billions can be saved by moving to a standard claims form and electronic billing. We agree, and we have included such reforms in our proposal. I am sure all of you would readily concur on the need for reduced paperwork. The sooner we move legislation in this regard, the sooner the actual implementation takes place. So, there is no reason for delay.

2. Malpractice Reform—You all know the cost of malpractice insurance and the tendency to practice defensive medicine when the threat of being sued is constantly hanging over your heads. We have a strong malpractice reform section in our bill. President Clinton supports malpractice reform. Billions can be saved by such reforms. They can move ahead independently of any other health care change. Let's do it.

3. Anti-Trust Reform—Reforming our antitrust laws to allow greater cooperation among providers, such as the sharing of equipment and facilities, will go a long way to improving the efficiency of our health care system. The Administration, to its credit, recently announced some administrative changes in this regard, but to really do the job, we need legislative action. The President believes in this, we believe in it, so let's act now.

4. Anti-Fraud Reform—There are numerous estimates of what fraud is costing our health care system, but whatever it is we must move ahead expeditiously to root it out. We have a strong anti-fraud section in our bill, and the President specifically spoke to that point in his speech. So this is another area where early action is called for.

5. Medical Reform—There is widespread agreement that the states need more flexibility in administering the Medicaid program, so that they can try out more efficient ways to both reduce costs and cover more people. In fact, in our proposal, we allow the states to enroll the patients in private insurance plans should they prove more effective and we also permit the states to allow uninsured individuals to buy-in to the Medicaid program, as a means of moving toward universal coverage. The states are crying out for more Medicaid flexibility, so there is no good reason not to move ahead now to give it to them. As for Medicare, with all the complaints we hear at our district offices, would you believe the President said, he doesn't want to touch it apparently because it's working so well. We think he just doesn't want to rile up the senior citizen lobby.

6. 100% Deduction for the Self-Employed—We feel it's only fair that the self-employed receive the same tax treatment for the cost of their insurance premiums that is accorded all other employers. This is particularly important to our nation's farmers, who have a difficult time as it is in making ends meet. The President supports this change, it is in our bill, and many Democrats are sponsoring legislation to this end. So there is every reason to include this as part of our package of early reforms.

And finally:

7. Insurance Reform.—There is almost uniform agreement, even in the insurance business itself to a great degree, that individuals changing jobs should not lose their insurance coverage, and that individuals with serious illness are neither denied coverage nor have imposed on them unaffordable premium increases.

These changes go hand-in-hand with the need to insure the availability of affordable group policies to small employers. Last year the Senate twice passed the Bentsen proposal to undertake such reforms. We have these reforms in our proposal. The President supports them. So there is no reason why we should further delay action. These seven reforms are commonsense changes supported by Republicans and Democrats, including the President.

By moving ahead with these reforms now, we speed up the implementation process, and allow the American people to experience the benefits of health care reform at a much earlier date. I call upon the President and the Democratic Leaders in Congress to sit down with us to map out a process for Congressional action on these reforms as soon as possible. We on the Republican side are ready and willing to meet at any time. In conclusion, let me just say: When administration spokesmen and key Democrats come before you and play the violins sweetly, just remember two things:

(1) The President's Health Plan isn't the only game in town—but it will be if critics of his plan don't get organized and

(2) the President's Plan has a long, torturous road ahead of it. There is much that can be done to emerge from this process with a good health plan, and part of it can be implemented quickly.

Along that road, the President is going to have to look us all in the eye and answer some tough questions, those questions that were not answered in his speech. We look forward to working with you, in the A.M.A., to keep what is best in a good system and reform those things which have failed us or are in need of improvement. And remember: keep on asking those questions.

THE RECREATIONAL BOATING SAFETY IMPROVEMENT ACT OF 1993

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. TAUZIN. Mr. Speaker, I rise today to introduce H.R. 3168, a bill to improve recreational boating safety. This bill is the result of a concerted effort my many organizations involved in boating safety to recommend improved Federal laws and funding. I want to thank the Coast Guard, National Transportation Safety Board, National Association of State Boating Law Administrators, Boat Owners Association of the United States, and National Marine Manufacturers Association for all of their help in developing this legislation. I want to particularly praise our state boating law administrators who are on the front lines protecting so many of us who enjoy recreation on our Nation's waters. H.R. 3168 will create a Federal requirement for the mandatory wearing of lifejackets for children, encourage States to adopt important boating-while-intoxicated laws, limit the spending of Federal boating safety funds for construction of public access sites, and require boating safety violators to take a boating safety course.

First, H.R. 3168 establishes a Federal requirement for children 12 years of age and under to wear personal flotation devices on recreational vessels under 26 feet on an open deck. Boating is an inherently dangerous activity even for experienced, qualified, and mature individuals. Children who are often less skilled, physically and emotionally immature, and generally unable to care for themselves require protection. In July 1993 a boating accident occurred in Arkansas which tragically illustrated the problem. Five of the seven victimswere children ranging in age from 18 months to 10 years; none of whom were wearing lifejackets. A lifejacket could have saved these innocent lives.

Second, H.R. 3168 caps the amount of Boat Safety Account funds that a State can use for the construction of public boat ramps and piers at 25 percent. All of the States, with the exception of four, use other funding sources other than the boat safety account to construct public access sites. Since States currently receive and are required to spend a certain percentage of funds from the sport fish restoration account for such purposes, the limited funding available for boating safety should be directed primarily towards other important and unfunded boating safety programs such as law enforcement, training, and education. The use of more than 25 percent of Federal boating safety funds for building access facilities takes away from the use of those funds for boating safety purposes.

Third, H.R. 3168 encourages States to adopt boating-while-intoxicated [BWI] laws beginning in fiscal year 1998 by providing incentive funding to those States with adequate BWI laws. In 1998, the State boating safety program will receive an additional $10 million of new funding from the Clean Vessel Act of 1992. As introduced, the $10 million would be divided into two pools. The first $5 million would be available to States that have either a blood alcohol concentration standard of .10 or less, or have a behavioral standard for evidence of intoxication. The second $5 million would be distributed to States that have an implied consent law.

Finally, H.R. 3168 provides Coast Guard hearing officers with the authority to require boating safety courses in lieu of or in addition to a civil penalty where a person has been found to be in violation of a Federal boating safety law. The Secretary will be given the responsibility to develop regulations that identify a qualified boating safety course, such as Coast Guard Auxiliary, Power Squadron, Red Cross, et cetera.

H.R. 3168 will greatly improve the ability of States and the Coast Guard to protect the safety of thousands of Americans who enjoy boating on our Nation's waterways. I am a strong supporter of all those involved in boating safety at all levels. Passage of H.R. 3168 will save countless children's lives, take drunk boaters off the water, and educate those who violate our boating safety laws.

H.R. 3043, THE INDUSTRIAL AND COMMERCIAL LAND RECYCLING ACT

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. RIDGE. Mr. Speaker, at the turn of the century, Pennsylvania, a leader in the industrial revolution, was producing 60 percent of the Nation's steel. The Commonwealth's steel industry furnished the rails for the Nation's railway empire, the structural steel for our modern cities, and the armament for our national defense. Pennsylvania was also a leader in electrical equipment manufacturing, and the extractive industries of lumber, petroleum, natural gas, and coal. Although most of these booming industries no longer exist, scars created from them remain.

Today, tragically, many of these industrial sites, once production hotbeds that fueled the economies of Pennsylvania and the Nation, are polluted and abandoned. We as a nation can no longer afford to ignore these urban plights and leave them for dead. Revitalizing these sites, as well as more recently abandoned sites, in conjunction with addressing our emerging economic needs, can and should become a priority.

Industrial contamination that remains today resulted from what we now know are improper waste-handling practices that were entirely legal at the time. Unfortunately, these old sites are looked upon as sad reminders of industrial decline and of exhausted resources. This should no longer be the case. The majority of these sites are not beyond reuse or dangerously contaminated. Instead of looking at them as hopeless for new applications, we should be looking at abandoned and polluted sites with economic development possibilities in mind.

While the potential certainly exists, recycling and reusing abandoned sites for entirely new purposes will not occur until the stumbling blocks that hamper development are removed.

Two major policies often block effective reuse of old industrial sites. First, in States like Pennsylvania, new property owners are automatically held responsible for cleaning up all past pollution on a site even when they had nothing to do with the polluting. And, second, the majority of existing cleanup standards are not based on the actual risk contaminants pose to public health or the environment, but on a policy which automatically assumes every site must be cleaned up to a pristine condition.

The result has been cleanup policies that have had the unintended consequence of preventing the reuse of existing industrial sites because few companies are willing to buy a previously developed site only to be forced to clean up the waste that someone else has intentionally or unintentionally left behind.

Throughout our Nation, economic development agencies, financial institutions, and private companies avoid using existing industrial sites and build on natural and recreation areas, prime farmland, and open space out of fear of being held responsible for cleaning up pollution they did not cause. If this trend continues, virgin land throughout our Nation will be lost to development while polluted and abandoned industrial sites will remain stagnant. In these difficult economic times, parties interested in developing any abandoned site should be encouraged, not discouraged to do so.

In an effort to encourage interested yet cautious parties to undertake such efforts, I have introduced the Industrial and Commercial Land Recycling Act. My legislation, H.R. 3043, uses a commonsense approach in a manner that effectively addresses the problems associated with recycling industrial and commercial sites.

More specifically, H.R. 3043 reverses the growing practice of using new land as opposed to reusing old land through five main objectives.

My legislation: Encourages innocent landowners and responsible companies to voluntarily clean up sites so tax dollars do not have to be spent on cleanups and costly enforcement actions do not have to be taken; provides guidelines to develop and implement cleanup plans which reduce and eliminate real risks to public health and the environment; limits the cleanup liability of innocent public agencies, financial institutions, and other parties where cleanup plans have been approved and completed; requires guarantees that new jobs will be created or jobs retained on industrial sites where cleanup plans have been completed; and helps to ensure that professionals involved in creating cleanup plans are competent.

Under my legislation, for example, innocent landowners who had no responsibility for contamination on an industrial property, or responsible owners who voluntarily come forward before an enforcement action is taken by the Federal Government, can submit cleanup plans to the Environmental Protection Agency [EPA] to recycle or reuse the property for commercial or industrial purposes. A cleanup plan would detail any pollution on the site and the risk it poses to public health and the environment, taking into account the future use of the property.

The plan would also describe any cleanup measures needed to reduce or eliminate the exposure of the public or the environment to contaminants that cause them harm. After undergoing public review, the plan would then be approved or disapproved by EPA. A property owner would then be able to move forward and implement an approved plan.

When EPA certifies the cleanup plan is completed, the property owner must post a cleanup guarantee fee to be held by EPA for 2 years to make sure the cleanup has been done properly. The property owner must also guarantee to retain or create a specific number of jobs over the next 5 years.

In addition the property owner, a financial institution investing in the property, and tenants, are relieved from further liability for pollution identified in the cleanup plan once the EPA-approved plan is fully implemented. A property owner would forfeit cleanup liability protection, however, if it was obtained under fraudulent conditions or if employment guarantees were not fulfilled.

With no distinction between the procedures for cleaning up abandoned industrial sites which may have relatively low concentrations of contaminants and contamination, present environmental laws and policies only serve as stumbling blocks to effectively reusing these sites. What is needed is an initiative designed to encourage the private cleanup of industrial sites. My legislation does just that. H.R. 3043 strives to clean up abandoned industrial sites to a level that is safe for its intended reuse, protect open space and farmland from unnecessary development, while retaining or creating jobs.

REMARKS BY DR. PAUL BERG

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. GEKAS. Mr. Speaker, I would like to share with my colleagues some remarks made by Dr. Paul Berg, Willson Professor of Biochemistry and director of the Beckman Center for Molecular and Genetic Medicine at Stanford University School of Medicine, before the congressional biomedical research caucus on Monday, June 28, 1993.

The text of Dr. Berg's remarks follows:

REMARKS BY DR. PAUL BERG

My name is Paul Berg, and I am presently Willson Professor of Biochemistry and Director of the Beckman Center for Molecular and Genetic Medicine at Stanford University School of Medicine.

My research over the past 40 years would, by most acceptable definitions, be classed as basic in that it focused initially on cellular mechanisms of metabolism and growth, and then veered into molecular biology and genetic chemistry for the majority of my research career. I consider myself fortunate to have been an early participant in the science that led to what is now referred to as the "Genetic Revolution." I have been, and continue to be, a forceful advocate for strong Federal support of basic research and for science education. Both are essential if we are to maintain our scientific leadership in the world. I have also been active in trying to promote applications of basic science discoveries to more applied purposes, specifically more rapid applications in medicine.

Towards that end the Beckman Center of which I am director aims to develop closer intellectual and working ties between basic and clinical scientists. I also serve as scientific consultant to two biotechnology research companies near Stanford, one being concerned with new drug discovery and the other with developing tools for improved detection of genetic disease.

My comments today will focus on some of the challenges that need to be met in order to develop more effective interactions between the largely Federally funded research carried out in university laboratories and the commercial sector whose focus is to convert such research findings into societally valuable products, at a profit. Let me begin by reflecting on the roots of one of today's triumphs: biotechnology.

Fifty years is a relatively short span in the history of medicine. But it was during this period, beginning at the start of World War II, that much of our understanding of the underlying mechanisms of human disease was acquired. The events that occurred during this period are unmatched by any earlier period in biology or medicine. Moreover, there has been an astonishing increase in our capacity to investigate problems that had previously seemed either unapproachable, or too profound, or even beyond the reach of science. Cell biology, genetics, biochemistry, and its offspring, molecular biology, have been the driving forces in revealing the unity and wonders of life's molecules and processes.

But a new kind of biomedical science has emerged that will lead the way to major advances in our understanding of complex biological systems, particularly of man, and in the process create new opportunities for the management of human disease. In this new kind of biomedical science, old disciplines are being transformed and merged to become hybrid sciences, enriching each other with their techniques, instruments, and most importantly by their ways of thinking about biological systems. The former barriers between disciplines and departments in our universities and research institutes are disappearing largely because solving problems of mounting complexity requires diverse ideas, skills and approaches. Many young investigators have been quick to recognize this restructuring and the intellectual opportunities it provides.

Moreover, the boundaries that traditionally separated basic and applied research have become more porous. As a consequence, basic research is a step away from practical applications. This fact, and the promise that current research in molecular biology holds for developments in medicine, agriculture and industry have created what we now refer to as the biotechnology industry.

I define biotechnology as the application of biological concepts, organisms and materials to industrial, agricultural and medical processes.

Even now, with biotechnology still in its embryonic state, a recent report from Ernst and Young documents product sales in excess of $6 billion, and modest projections indicate that the biotechnology industry may generate 10–15 times that amount of sales volume by the turn of the century. These projections take account of major products that are in the final stages of development, trial and regulatory review. In the U.S., there are presently 1200 biotechnology companies employing about 80,000 people. At the present rate of growth, it is estimated that there could be twice that number of biotechnology companies and, therefore, they could be one of the leading generators of entrepreneurial initiatives and new jobs during the next few decades. Some have gone so far as to tout biotechnology as the next industrial revolution.

What spawned biotechnology? There is no debate about its origins: it was a consequence of extraordinary developments in biochemistry, genetics and cell biology during the 25 years following World War II. Key discoveries emanating from the leading research universities and institutes in the U.S., as well as abroad, laid the foundations for the crucial breakthroughs that gave birth to genetic engineering, the key element of biotechnology.

In virtually every instance, the research leading to the critical discoveries was funded by the respective governments for the purpose of understanding basic life processes. Rarely was the funding motivated by an expectation of practical application. Nobody engaged in the work could have predicted how it would turn out or where it would lead, nor could they predict the benefits today; it was sufficient that the research was engrossing, fascinating and filled with surprises. As it turned out, serendipity and odd luck turned up a trick that made it possible to modify the genetic makeup of organisms ranging from viruses and bacteria to plants and animals in precise and predetermined ways.

This capability has changed the way we study life processes and enabled us to alter a variety of organisms to serve our needs. Thus, it is possible to convert bacteria, yeast and even mammalian cells into veritable factories for the production of precious therapeutic agents: for example, TPA for dissolving life threatening blood clots in the heart and brain, erythropoietin for treatment of severe anemias, human insulin for diabetes, growth hormone for dwarfism, drugs for the cure of hepatitis and vaccines for its prevention. Hopefully, the AIDS virus will be conquered soon and targeted destruction of cancer cells will follow. Moreover, industrial processes, making use of substances produced by genetically engineered organisms, are being simplified and made more efficient and economical.

Agriculture is being revolutionized because of our ability to make genetically modified plants that are more resistant to plant pests, better able to withstand harsh environments of killing frost. Using the new technologies, plants can be engineered to prevent premature spoilage of fruits and vegetables, thereby making them more marketable. Even more astonishing are recent developments that permit plants to produce human proteins or to produce rare oils at a fraction of the current costs.

These advances are merely the first generation of opportunities. They were recognized soon after the scientific breakthroughs were made. But more scientific innovations are inevitable, leading to second and succeeding generations of commercial initiatives.

There are some who decry the need for more research, and, indeed, suggest that our advancing technologies are driving up the cost of health care, creating more problems than are solved. Reflect, however, what our society and costs would be like without the polio vaccine or sensitive methods for detecting HIV-1 in our blood supply or without biogenetically engineered blood clotting factors for our young hemophiliacs. Should we neglect further researches, and forego the potential treatments of cancer, heart, mental and autoimmune disease, many of which are within our grasp?

Our pharmaceutical industry is the most productive in the world in terms of the new and effective drugs it generates. The productivity of new drugs amongst the rest of the developed world's pharmaceutical industries pales by comparison with ours.

And yet, the record of our pharmaceutical company R&D is unimpressive.

We obviously need to improve.

And we can improve if we take better advantage of the genius of our universities and research centers. But how? By their nature, commercial research enterprises are relatively focused and restricted to the research they support. By contrast, academic research is generally more basic, less targeted and far ranging. But we can't rely wholly on academic institutions to improve our productivity.

1. Universities are not suited by temperament or resources to carrying out the development component of the R&D mission, so discoveries made there often languish.

(a) Developing, commercializing and marketing a widget, discovered or developed in the course of a basic research project, is beyond the province of the discoverer or the university; neither is suited to do it well or have the resources to do it successfully.

(b) Neither is the sponsor of that research, the Federal government, suitable or appropriate to undertake that role.

(c) In our system, perhaps the most successful if not the least objectionable, is the commercial sector.

(d) Nevertheless, irrespective who carries it on to development, the discoverer and colleagues, who understand the fundamentals, and the opportunities created by the breakthrough, are invaluable to those who will make the investment for ultimate commercialization.

This dependence is seen in two ways.

This is a map of the U.S. where each dot represents an existing biotechnology company. It is not a surprise that the heavy cluster of dots congregate around the major research universities where the fundamental research was and is being done. That is not accidental. It derives from the entrepreneurial drive of many of the universities' scientists as well as recognition by the venture capital community that the universities are the font of new knowledge and technology, and that locating nearby enables the nascent companies to draw on that expertise.

What new discoveries are in the offing? Perhaps ones that will tell us more about cancer, aging or how the brain works. I predict that we'll see many more dots on this map 5 years from now, and they will cluster around the institutions that make the key discoveries—that is, if our institutions are not hamstrung by short-term objectives.

I want to end my comments by emphasizing the essential link between a robust basic research enterprise and the flow of products and solutions that can assure the health and welfare of our society. Much of the basic research has been and will continue to be done in our universities, so we'd better look to their health and stop beating up on them. Our research universities are still the envy of the world, and for many good reasons. Yet it has become fashionable of late to denigrate their activities with relatively trivial accusations. It is also tough for scientists looking to move their discoveries to commercial fruition when they are accused of conflict of interest, and, at the same time, criticized for not contributing to solving our nation's problems.

Let me conclude with a quotation from Sir Peter Medawar's essay "On the Effecting of

All Things Possible": "If we imagine the evolution of living organisms compressed into a year of cosmic time, then the evolution of man has occupied but a day. Only during the past 10–15 minutes of the human day has our life been anything but precarious. We are still beginners and may hope to improve. To deride the hope of progress is the ultimate fatuity, the last word in the poverty of spirit and meanness of mind."

TRIBUTE TO FRANK SOHOREC

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize the induction of a fine individual into the State of Michigan Polka Music Hall of Fame. The contributions he has made to music in Michigan will not be forgotten.

Mr. Frank Sohorec was born in Chesaning, MI, on February 4, 1936. Mr. Sohorec is the third child of John and Katherine Sohorec. He graduated from Chesaning High School in June 1954.

In June 1959, he married Betty Kalisek. They have three daughters; Deborah, Michele, and Wendy, along with seven grandchildren.

Frank's interest in music began at an early age. In the eighth grade he took his first drum lesson. After entering high school he picked up the baritone horn and played in the high school junior band. His sophomore year his help was needed on the family farm, so he was forced to drop his musical studies and only take one-half day of school. This did not stop his interest in music however. He listened to every station that broadcast polka music and went to every polka dance he could.

Frank's next move in music was the purchase of his first set of drums, followed a year later the joining of the Czech Notes Band in 1964. He played actively until 1986 when he retired.

During this time he spread joy to all the people who listened to his musical expertise. Whether it was a local clubs, out of State hotels, or the many weddings he played, there was always a large crowd on hand to hear him play. They truly enjoyed all that Frank gave them.

He played with many bands during this time, including some times when he had jobs with two bands and had to call on others to help him out. The late Bedrick Smeage gave Frank the title of all star drummer.

During his 22 years of playing he was on over four albums with area bands, and has played with over 20 well known polka artists from the mid-Michigan area in many different venues.

Frank Sohorec truly dedicated his life to music and all the joys it can bring. Mr. Speaker, I know you will join me in congratulating and commending this outstanding individual for the service he provided to the people of Michigan.

CLEAN WATER ACT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. FILNER. Mr. Speaker, today I am introducing legislation which will amend the Clean Water Act to allow coastal cities to treat their sewage in a cost-effective—and environmentally sensitive—manner.

Existing law requires every city—regardless of environmental conditions and circumstances—to treat sewage at the secondary level. Yet scientific studies have proven that sewage treated at advanced primary level and discharged into the ocean at depths greater than 300 feet does no environmental harm. And upgrading such a sewage system to secondary treatment can cost billions of dollars.

My own city of San Diego is blessed with unique environmental conditions. The Continental Shelf drops off very sharply from the California coast. There is also a very active ocean current. As a result, once a sewage plant outfall pipe is placed a sufficient distance from shore, the effluent is rapidly dispersed. No benefit accrues to the local marine environment by treating the sewage to secondary levels currently required by the Clean Water Act. In fact, environmental damage is caused by increased energy costs and sludge production.

While San Diego does not need to upgrade its wastewater treatment plant, it does need to implement an aggressive water reclamation program. Over 90 percent of San Diego's water comes from outside the region. As water resources become more and more scarce, such dependence will become a real obstacle to future economic prosperity.

The legislation I am introducing addresses both of these concerns. It allows the Administrator of the Environmental Protection Agency to issue a permit modifying the secondary sewage treatment requirements where it can be clearly demonstrated that such standards would not result in any harm to the marine environment and where an aggressive water reclamation program is being implemented.

This will allow our city to put its scarce resources where they are truly needed. Attention can be focused on water reclamation, which is vital to our long-term viability, and not to a needless and costly upgrade of our waste water treatment plant.

I hope that my legislation will be folded into the Clean Water Act Reauthorization bill which the House of Representatives will be considering later this year.

I would eagerly welcome the support of my colleagues on this issue of critical importance to many cities in this Nation.

TOWARD A NATIONAL EXPORT STRATEGY

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. MINETA. Mr. Speaker, today the Trade Promotion Coordinating Committee submitted a report to the Congress entitled "Toward a National Export Strategy." I wholeheartedly support this report because it addresses the problems we have regarding this country's overall trade policy.

I am very pleased that President Clinton is following through with his commitment to develop a national export promotion strategy. The report outlines over 60 specific actions, many of which can be taken immediately, to help the United States create jobs and compete in today's global market.

One of the greatest obstacles for high tech companies has been regulatory export controls. The Clinton administration intends to streamline the export licensing process and liberalize export controls on computers and telecommunications products. For example, the Clinton administration will propose an increase in the threshold for exports of computers, propose an increase in the definition of a supercomputer, and expand the availability of distribution licenses for computer exports.

The United States now faces tough competition from around the globe in nearly every high-technology sector. Customers who are frustrated with the restrictions of our export controls have the option of buying from other countries, and are making that choice with increasing frequency. Our customers are being replaced by competitors.

Increasingly, export control regulations have failed to keep up with rapidly changing market developments. Many technologies are still subject to export restrictions in the United States long after they become freely available in other countries.

All this means that when United States high technology companies try to compete in world markets, we do so with one hand tied behind our back much of the time.

Our congressional office has probably had more experience working with export license agreements and has been working for an overhaul of this system longer than any other office. We finally have an administration that agrees. The report that is being released by the Clinton administration states that our goal is to help American businesses achieve dynamic export growth. The Federal Government will be paving the way for businesses to do this by providing them with information, technical assistance, financial resources, and Government support.

The United States has many new export markets for its goods and services. The Pacific rim countries, Central and Eastern Europe, and the former Soviet Union are just a few of these new markets. To compete in this larger, more complex world market, the United States must adjust its attitudes and improve the methods we use to promote exports.

President Clinton knows that the Federal Government must play an important and more focused role in helping the private sector sell more goods and services overseas. This administration will create a user-friendly Federal export promotion service by consolidating the existing services and creating one-stop shopping to help exporters. In addition, the Federal Government will improve coordination and increase participation in its advocacy efforts to result in improving U.S. companies' chances of success.

We have waited too long for these reforms, but the Clinton administration is taking action now. These actions collectively constitute the beginning of a coordinated, focused, and aggressive national export strategy. We need such a strategy to help U.S. companies compete more effectively in global markets and create more high-quality jobs for American workers.

TRIBUTE TO THE PENNA FAMILY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. BONIOR. Mr. Speaker, on this day, September 29, 1993, the southeast Michigan chapter of the March of Dimes Birth Defects Foundation will be hosting the 10th annual Alexander Macomb Citizen of the Year Award dinner. The award, instituted in 1984, is named after my home county's namesake, Gen. Alexander Macomb, a hero of the War of 1812.

This year, the March of Dimes has added a special family award and has named the Penna family as the first recipients. Committed to improving the health of America's babies, the March of Dimes in southeast Michigan rightly recognizes the Pennas for their service and outstanding leadership. Best known for their excellence in food, the Pennas operate a family-owned restaurant and a banquet center. As a proud Italian immigrant family, the Pennas have discovered the American dream while never forgetting the needs of the less fortunate. Their success has enabled them to bless the March of Dimes with generous financial support.

Through advocacy, education, and community service, the March of Dimes has established itself as an organization with an impeccable reputation. Being recognized by the March of Dimes is an exceptional honor and I urge my colleagues to join me in saluting the Penna family as recipients of the Alexander Macomb Citizen of the Year Award.

TRIBUTE TO LT. GEN. JAMES H. DOOLITTLE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1993

Mr. FARR of California. Mr. Speaker, I rise today to pay tribute to an outstanding American patriot and World War II hero, an aviation pioneer, successful businessman, and beloved family man, USAF Lt. Gen. James H. "Jimmy" Doolittle, who passed on earlier this week.

General Doolittle was popularly known for his daring feat of personally leading the first air raid on Tokyo on April 18, 1942, as part of the first bombing mission launched from an aircraft carrier, a feat many believed to be impossible. Doolittle's raid proved to be a tremendous morale booster for United States and the Allied Forces at a low point in the war by shattering the Japanese high command's sense of invulnerability and demonstrating that Japan was not impenetrable. The B–25 bombers his squadron flew did not carry enough fuel to allow them to make it back to the carrier or to reach ally territory, thus, all 16 planes in the mission had to be crashlanded and then abandoned after dropping their bombs. Doolittle's original role was to recruit and train the pilots for this dangerous mission, but during the 4-month training project he became so involved that at the last minute he signed on as the squadron commander in order to lead the raid. Jimmy Doolittle provided extraordinary leadership to the volunteer crews who were faced with being forced to land in enemy territory or perish at sea. And for this great service, he was awarded our Nation's highest award, the prestigious Medal of Honor, presented by President Franklin D. Roosevelt in a White House ceremony.

Doolittle was promoted to brigadier general, skipping the rank offull colonel in 1942 and soon promoted to the rank of major general later than year. In 1943, he was named the commanding general of the North African Strategic Forces. A few months later in 1944, he was promoted to lieutenant general and took over the 8th Air Force in the European theater providing the critical leadership to shift this air unit to more offensive air combat tactics. A highly decorated officer in World War II, in addition to being awarded the Medal of Honor he was bestowed the Distinguished Service Medal, the Silver Star, and the Air Medal and granted recognition from the Chinese and French Governments. In 1985, Doolittle was promoted to four-star general. His stars were pinned by President Ronald Reagan and Senator Barry Goldwater.

Doolittle set aviation records for speed and distance in the 1920's and 1930's as an Army pilot and as a private pilot for the Shell Oil Co. In 1922, he flew a DH–4 equipped with crude navigational equipment from Pablo Beach, FL, to San Diego, "an extraordinary achievement with the equipment of the time," as cited on the citation that accomplished his Distinguished Flying Cross, which he was awarded for flying this mission with the Signal Corps Reserve. His flight demonstrated the ability of the U.S. Air Corps to move to any part of the United States in less than 24 hours. In 1924, Jimmy Doolittle received an Oak Leaf Cluster for his Distinguished Flying Cross by performing a series of acceleration tests and extreme maneuvers that might occur in air combat. Subsequently, in 1925, Doolittle won the Schneider Trophy race, the first of many to come, reaching a recordsetting 232 mph in a Curtiss Navy racer equipped with pontoons, while serving on the Naval Test Board at Mitchell Field in New York.

While in the midst of illustrating his flying prowess, he was also pursuing his academic ambitions, graduating from the University of California with a B.A. in 1922, earning an M.S. in 1924 from the Massachusetts Institute of Technology [MIT], and becoming one of the first to earn a doctorate in the field of aeronautics, also from MIT in 1925.

His work in aviation includes the development of the first artificial horizontal and directional gyroscopes. During these experiments, he flew the first blind flight, wearing a hood while taking off and landing safely using experimental flight instruments. These developments have been noted to be his finest contributions to the field of aviation. While with the Shell Oil Co., he was largely responsible for the development of high octane gas which was critical for the operation of larger, more powerful aviation engines. Additionally, he worked diligently to convince engine manufacturers to produce more powerful engines, a feat that played a contributing role in the Allied Forces winning the war.

While probably most notably known as a war hero, pilot, and research engineer, ever ready to share his wealth of technological knowledge and skills with the world, Jimmy Doolittle was married for 71 years to his high school sweetheart, Josephine, who preceded him in 1988, a magnificent accomplishment in itself, and quite possibly his proudest. He was survived by his son, Col. John Doolittle, retired, and his daughter-in-law Priscilla Doolittle. He will always be remembered in history as a legend, and one of America's most outstanding patriots.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 30, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 1

10:00 a.m.
Labor and Human Resources
To hold hearings on the nomination of William B. Gould IV, of California, to be a Member of the National Labor Relations Board.
SD–430

OCTOBER 5

10:00 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 1346, to replace the Copyright Royalty Tribunal with copyright arbitration royalty panels to be appointed and convened by the Librarian of Congress.
SD–226

OCTOBER 6

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine proposals to reorganize the Department of Agriculture.

SD-138

2:30 p.m.

Veterans' Affairs

Business meeting, to consider pending calendar business.

SR-418

OCTOBER 7

2:30 p.m.

Agriculture, Nutrition, and Forestry

Agricultural Research, Conservation, Forestry and General Legislation Subcommittee

To hold hearings on the implementation of American agricultural research priorities.

SR-332

OCTOBER 13

9:30 a.m.

Indian Affairs

To hold hearings on S. 720, to clean up open dumps on Indian lands.

SR-485

11:00 a.m.

Veterans' Affairs

To hold hearings to examine the role of the Department of Veterans Affairs under the Administration's proposal to reform the nation's health care system.

SR-418

OCTOBER 19

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on the use of intelligent vehicle highway systems for commercial vehicles.

SR-253

OCTOBER 20

9:30 a.m.

Indian Affairs

To hold oversight hearings on issues relating to Indian self-goverance.

SR-485

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings to examine violence in television programs, focusing on S. 1383, to prohibit the distribution to the public of violent video programming during hours when children are reasonably likely to comprise a substantial portion of the audience, S. 973, to require the Federal Communications Commission to evaluate and publicly report on the violence contained in television programs, and S. 943, to protect children from the physical and mental harm resulting from violence contained in television programs.

SR-253

OCTOBER 21

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 447, to facilitate the development of Federal policies with respect to those territories under the jurisdiction of the Secretary of the Interior.

SD-366

Environment and Public Works

Clean Air and Nuclear Regulation Subcommittee

To hold hearings on the implementation of the acid rain provisions of the Clean Air Act Amendments of 1990.

SD-406

2:30 p.m.

Veterans' Affairs

To hold hearings to review research on the health effects of agent orange and other herbicides used in Vietnam.

SR-418

OCTOBER 28

9:30 a.m.

Indian Affairs

To hold oversight hearings on issues relating to Indian child abuse.

SR-485

HOUSE OF REPRESENTATIVES—*Thursday, September 30, 1993*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Grant to each person, gracious God, the hope and faith to meet this day and all the days ahead. May our aspirations find a home, may our hopes bring us fulfillment, and may our ambitions be realized. Yet, we pray, that in all our goals we will be faithful to our commitment to service to others through deeds of love and concern. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado [Mr. HEFLEY] come forward and lead the House in the Pledge of Allegiance.

Mr. HEFLEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that it will limit requests for 1-minute recognition to seven per side.

WOMEN'S HEALTH SERVICES ACT OF 1993

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to introduce to this Chamber a piece of legislation that I believe addresses two of the most devastating diseases affecting American women: breast cancer and osteoporosis.

The Women's Health Services Act, which I am introducing today, creates preventive and early detection mechanisms under the Medicare Program to battle the catastrophic results of these two deadly diseases.

Every 3 minutes a women in America dies of breast cancer. The National Cancer Institute estimates that in 1993, 46,300 women will die from the deadly disease, and that 183,000 new cases will be diagnosed. What is worse is that American women are dying of breast cancer today at the same rate that they did in 1930.

Osteoporosis is a deadly bone disease. It decreases its victims' bone mass, causing an increase in the risk of bone fracture. While osteoporosis is found in more than 24 million Americans, more than 80 percent of its victims are women.

Osteoporosis is associated with an estimated cost of $7 to $10 billion each year. Yet its costs are even deeper in human terms. More than 20 percent of the elderly women who suffer from hip fractures die within 6 months of the incident.

The Women's Health Services Act which I am introducing today changes current Medicare law to cover mammography screening services for all women over the age of 50 on an annual basis. Currently, for most of these women, Medicare covers only biannual screening.

For osteoporosis victims, the Women's Health Security Act covers an early detection test, called the bone mass measurement test. Early detection can eliminate many devastating effects later.

And finally, this legislation would provide permanent coverage to an osteoporosis drug—coverage which under current law will expire in 1995.

For the sake of our grandmothers, mothers, sisters, daughters, and friends, I urge you to cosponsor this necessary women's health legislation.

THE FALL CLASSIC

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, tomorrow, we start the month of October. In the Clinton era, that means the start of two things: The World Series and the gas tax. In deference to the fall classic, let me put the gas tax in terms any baseball fan can understand.

We must all be Brave, as we face this Giant increase in the gas tax.

We all know this tax really Sox it to the middle class. Every time we Phillie up our tanks, we will be reminded that we are giving more money to the Government for more spending and higher deficits.

From Chicago to Atlanta, from Philadelphia to San Francisco, this gas tax sends a cruel reminder that the President threw the country a nasty curve ball with his budget.

He may have said during the campaign that he opposed a gas tax, but tomorrow we will witness first hand how useful the President's promises really are.

COMMENDING PRESIDENT CLINTON FOR HIS HEALTH CARE REFORM INITIATIVE

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, I commend President Clinton for his courage and conviction to boldly reform our country's health care system, which has been critically ill for many years. The fatal flaws of the current system must be corrected if we are to control our economic and health care destiny.

Under our current system: General Motors spends more on health care than on steel; by the year 2000, 1 out of every 5 dollars spent in the United States will be for health care; insurance companies happily insure healthy people and actively work to avoid their responsibilities when those same people become ill; and over the next 2 years, 1 out of every 4 Americans will find themselves without insurance.

No American should ever have to choose between paying the mortgage and taking a sick child to the doctor. By seizing the initiative, President Clinton has allowed the Nation to take a giant step toward real health care reform so that no American will ever have to make that choice.

TOMORROW

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, tomorrow will be a day of firsts. It will be the first day of the new Clinton gas tax. Now you will recall the White House passed that tax—along with a few hundred billion dollars more—because they could not cut spending.

Tomorrow also will be the first day of life under the new "continuing resolution" Congress passed yesterday. Now in case you don't know, a "CR" is what Congress passes to keep the Government running because it was unable to pass the bills it was supposed to pass to keep the Government running.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Well, let me mention one more thing: These are the same people who want to bring you a new Government-run health care system. After 9 months in office this administration has started to slowly unveil a health care plan they claimed they had all through last year's campaign. They still cannot tell you how much it will cost, but they will tell you it will run better and cost less than what you have now. Trust them.

Let me offer a little advice to Americans: Get a fill-up tonight and while you are at it, maybe you should get a check-up too. Because unlike Annie's song, tomorrow will not always be just a day away.

GET REAL TIME ON CAMPAIGN REFORM

(Mr. BROWDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWDER. Mr. Speaker, it is "get-real" time around here. Now that most people admit that the "public financing beast" is dead, for a variety of legal, philosophical, and political reasons, it is time for us to move on to the most doable campaign finance reform plan.

There are acceptable ways to set voluntary spending limits and restrain special interest money. At the least, we can eliminate the perverse incentives in current law that encourage excessive reliance on big money in congressional campaigns.

Earlier this year I introduced a comprehensive proposal, the Fair Campaign Finance Reform Act, that would establish voluntary spending caps at $600,000 and limit aggregate PAC contributions to less than half of that amount. The plan offers a mixture of incentives—such as reduced rate TV, radio, and mail rates—for candidates to accept the voluntary limits.

Today I am introducing the Big Spenders Sin Tax Act, which would place a "sin tax"—forfeiture of currently unlimited tax exempt status, reduced rate mailings, and lowest unit rate broadcasting—on all campaigns exceeding the $600,000 mark for campaign receipts and $300,000 for PAC contributions.

It is "get-real" time on campaign finance reform.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WISE). The Chair would remind Members there are only seven 1-minutes to each side, of which each side has now had three.

CONGRESS SHOULD START DEBATING THE CRIME ISSUE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, 25,000 Americans are murdered every year. In the last 3 years there were more American citizens killed in our streets than soldiers killed during the entire Vietnam War, ladies and gentlemen.

There is drive-in, drive-by, drive-through killings, on and on and on; families have fallen apart; schools and churches are now starting to raise our kids. And while Uncle Sam does everything for everybody, Congress does absolutely nothing about crime.

In fact, Congress will not even enact the death penalty for kingpin drug dealers who bring in tons and tons of heroin and cocaine—unbelievable, ladies and gentlemen.

And after all this, one of the greatest officers, drug fighters, in our history, Joe Occhipinti, was railroaded and sent to jail for political reasons. I think Congress should start debating crime. We will find more of our jobs in crime than we will in an unemployment bill.

I have been asked by many law enforcement groups around the Nation to personally investigate the Joe Occhipinti case, and I shall.

HEALTH CARE REFORM: MINIMIZE THE BUREAUCRACY

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, we are clearly going to do some reform in health care; the question is what do we do and how do we do it? I think the most compelling question is how much bureaucracy is going to be involved.

I would like to read from Mike Royko's column. He took a look at the bureaucracy, and this is what he said:

> My lack of trust is based on a list I once made of things the Federal Government does well: fight wars. It is a very short list, as you can see. In recent years we have learned what the Federal Government doesn't do very well. It is not good at watching lending institutions; we also know the Federal Government can't protect our borders. That is why we have thrown up our hands and tell millions of illegal aliens, "Come here and just stop by the office and we will make you legal." It's not good at preventing tons of dope from flowing into this country; it is of little or no use in protecting us from crime, absolutely awful at handling money.

So, he concludes: "Why throw everything up for grabs and create another army of bureaucracy?"

We ought to give that some thought.

REFORM OF SUPERFUND LAW NEEDED

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, a few weeks ago, I met with several hundred Kansans to hear their views on the Federal Superfund Program. Virtually everyone issued a stinging indictment of the liability provisions of the Superfund law.

Fixing Superfund is an urgent priority for my constituents in Kansas, and also for the country. Reauthorizing Superfund should focus on cleaning up contaminated sites in the most cost-effective way possible, while holding responsible parties' feet to the fire.

Mr. Speaker, the U.S. Treasury Department recently released suggestions for reform of the Superfund law. In their report, the Treasury Department advocates replacing retroactive, strict, joint and several liability with a strict and apportioned liability scheme. I commend the Treasury Department for its sensible recommendations. I believe their proposal gives us an excellent framework within which to begin developing practical and fair solutions.

I will submit a copy of the Treasury Department's report in today's Extension of Remarks. I call on my colleagues as well as on the Clinton administration to move forward on this important issue during the 103d Congress.

HEALTH CARE REFORM: MINIMIZE FEDERAL CONTROLS

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, last week, the President gave an inspiring speech extolling the virtues of his health care goals, most of which we all share.

He spoke of making the health care system more secure, more simple, and more cost efficient.

The President is a gifted speechmaker. However, there were some details he left out, Mr. Speaker. And, as always, the devil is in the details.

We didn't hear much about the National Health Board—a Federal bureaucracy that will dwarf many Federal agencies, and that will decide how much Americans are allowed to spend on health care.

This much bureaucracy and governmental control makes many of us nervous—on both sides of the aisle. We fear that such increased Government involvement will do more harm than good.

Mr. Speaker, let us remember what Hippocrates taught all doctors: "First, do no harm."

Let us be careful; let us minimize, not increase Federal control; let us trust the private sector to do a better job than Government—certainly the American people do.

HEALTH CARE REFORM: PEACE OF MIND AT AN AFFORDABLE PRICE

(Mr. KLEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN. Mr. Speaker, just about everyone I know has a personal story about a health care nightmare, a loved one who has suffered from catastrophic illness and had everything wiped out, someone afraid of losing a job or locked into a job he does not like for fear that he may lose health insurance as well.

The overriding goal of the President's courageous and inspired plan is to end those nightmares. To be sure, there are those who may disagree with aspects of the plan, and new ideas will be generated, and the debate will be a healthy one; but at the end of that debate we owe it to all Americans to produce a health care reform that will provide for all of us peace of mind at a price that as individuals and as a nation we can afford.

BINH LY: QUESTIONS ABOUND

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, last night I spent 4 hours taping an interview with Mr. Binh Ly, the man who has made allegations and accusations against the Secretary of Commerce, Ron Brown, by saying that he took $700,000 in bribes and other considerations from the Vietnam Government in order to get the embargo lifted, even though we have not had a full accounting of our 2,200 POW's and MIA's.

In that interview some very distressing things were brought to my attention. First of all, there was an FBI investigation that took place investigating Mr. Ly, and during that investigation he passed a lie detector test, and the investigation went on; they even gave him an electronic beeper so they could stay in touch with him.

But on April 23 the FBI investigation involving Mr. Ly was stopped. I found that that was a little over 1 month after Janet Reno was confirmed as the Attorney General of the United States. We have to ask the question: Why was that investigation stopped?

Second, there has been a grand jury empaneled in Miami, and Mr. Ly has not been called to testify. Why has he not been called to testify?

And third, tonight there will be a special order on this, and we will go into great detail. So anybody that is interested, pay attention, and at 2:30 this afternoon we will have the tapes.

NATIONAL FIREFIGHTERS DAY

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, as Chairman of the congressional fire services caucus I am honored today to join with the bipartisan cochairs of the caucus to introduce legislation honoring those loyal men and women who serve as the domestic defenders of our great country. This bill designates October 29, 1993 as National Firefighters Day in commemoration of the 2 million firefighters who risk their lives every day of the year in an effort to preserve the lives and property of the American people.

Few can say they risk their lives to preserve the safety and livelihood of family, friend, and neighbor. However, this is exactly the job of the men and women of the fire services. National Firefighters Day gives the American people an opportunity to recognize these unsung heroes whose efforts are often under appreciated.

As we turn the corner on fire prevention week which starts next Monday, I urge my colleagues to cosponsor this resolution, and honor the efforts and memory of those who work to protect our communities and families. Please join me and the leadership of the congressional fire services caucus in supporting National Firefighters Day.

□ 1020

COUNTRY MUSIC GAS TAX

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, last night, as the world watched the Country Music Awards, one couldn't help but think that the President's gas tax will go into effect tomorrow.

Earlier this year, I spoke about the President's affection for country music, and about how he could easily write a song called Achey-Breaky Promises because of his broken campaign promises.

In fact, I am sure that many Americans wish the President would stand by his stand to not raise the gas tax.

But when the people go "On the Road Again" this Friday, they will realize that, as Patsy Cline might say, the Government's Cheating Heart is taking their hard-earned money for more spending.

To Garth Brooks' "Friends in Low Places," this gas tax really hurts. To the truck drivers, to the middle-class consumers, a nickel a gallon adds up to a lot of money.

The President made his Democrat allies "Walk the Line" on the gas tax and his budget package. I bet these members now think that Bill Clinton got the gold, and they got the shaft when it comes to raising taxes.

GENERAL LEAVE

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes. I may be permitted to include tables and other extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1994

Mr. MURTHA. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed one hour, the time to be equally divided and controlled by the gentleman from Florida [Mr. YOUNG] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. MURTHA].

The motion was agreed to.

□ 1022

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3116, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The SPEAKER pro tempore. Under the unanimous consent agreement, the gentleman from Pennsylvania [Mr. MURTHA] will be recognized for 30 minutes, and the gentleman from Florida [Mr. YOUNG] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have debated the authorization bill for 32 hours.

Mr. Chairman, I bring to the House of Representatives the fiscal year 1994 Defense appropriations bill. I'd like to thank all the members of the Defense Subcommittee for the hard work they have performed all year. I'd like to give special thanks to the ranking minority member of the subcommittee, my friend from Pennsylvania, Mr. MCDADE. I'd like to thank the new members of the subcommittee, Mr. VISCLOSKY, Mr. DARDEN, and Mr. SKEEN. They have made an invaluable contribution to our deliberations this year.

The Appropriations Committee is recommending to the House a total of $240.1 billion in the new budget authority for fiscal year 1994 for the Defense Department. This figure is $14 billion below the budget request and $937 million below the current year funding level. These spending levels do not include funds for the nuclear weapons program of the Department of Energy or for military construction. Those activities are funded in separate appropriations bills.

At this point in the RECORD I will insert a table outlining the committee's recommendations by account:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1993 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1994

Agency and item [1]	Appropriated, 1993 (enacted to date) [2]	Budget estimates, 1994 [3]	Recommended in bill [4]	Bill compared with appropriated, 1993 [5]	Bill compared with budget estimates, 1994 [6]
RECAPITULATION					
Title I—Military personnel	76,275,025,000	70,083,770,000	71,277,520,000	−4,997,505,000	+1,193,750,000
Title II—Operation and maintenance	69,405,963,000	74,239,308,000	73,771,103,000	+4,365,140,000	−468,205,000
Title III—Procurement	55,375,931,000	45,067,328,000	45,654,493,000	−9,721,438,000	+587,165,000
Title IV—Research, development, test and evaluation	38,234,848,000	38,620,327,000	36,546,014,000	−1,688,834,000	−2,074,313,000
Title V—Revolving and management funds	1,737,200,000	1,451,895,000	1,581,900,000	−155,300,000	+130,005,000
Title VI—Other Department of Defense programs	11,027,823,000	11,082,748,000	10,969,594,000	−58,229,000	−113,154,000
Title VII—Related agencies	246,600,000	312,088,000	146,988,000	−99,612,000	−165,100,000
Title VIII					
General provisions	380,925,000		21,700,000	−359,225,000	+21,700,000
(Additional transfer authority)	(1,500,000,000)	(2,000,000,000)	(2,000,000,000)	+500,000,000)	
Total, Department of Defense	253,156,315,000	240,857,464,000	239,969,312,000	−13,187,003,000	−888,152,000
Scorekeeping adjustments	956,424,000	224,067,000	175,227,000	−781,197,000	−48,840,000
Grand total	254,112,739,000	241,081,531,000	240,144,539,000	−13,968,200,000	−936,992,000

Note.—This bill is below the budget request; below the budget resolution; below the 602(b) allocation in budget authority; and conforms with the outlay level in the 602(b) allocation.

DECLINE IN DEFENSE SPENDING

In light of these geopolitical events, the committee supports the downsizing of the force structure and the need to reduce spending for defense. However, the committee notes the scope of the reductions in defense that have already occurred in recent years and the projections for the outyears is extremely large. For example:

First, the fiscal year 1994 budget represents the ninth consecutive year of reductions in budget authority for defense when measured in constant dollars. Statistic does not include the one time spike in spending for Operations Desert Shield and Desert Storm. However, these costs were reimbursed by donations from foreign nations.

Second, by the end of fiscal year 1994, the Active Force level will be 513,000 below the level in place when the Berlin Wall came down in 1989. This number is higher than all the forces we had stationed overseas in 1989 and equal to the entire force we deployed to the Persian Gulf during the war with Iraq in 1991.

Third, by the end of fiscal year 1994, the number of civilians employed by the Department of Defense will be 198,000 below the level in place when the Berlin Wall came down.

Fourth, the reduction of 711,000 military and civilians since the Berlin Wall came down is approximately equal to the entire population of San Francisco or Baltimore.

Fifth, the projected uniformed strength by 1997 of 1,400,000 would be the lowest number of personnel in the Armed Forces in 57 years.

Sixth, this year's spending level for defense as a percent of the gross national product, is projected to be the lowest it has been since before World War II with the exception of fiscal year 1948.

Seventh, U.S. military presence either has or soon will be ended, reduced, or placed on standby at over 800 overseas installations.

Eighth, a rapid reduction in the U.S. base structure in ongoing.

Ninth, millions of jobs will also be eliminated in the private sector as a result of these reductions.

Tenth, the procurement account has declined by 64 percent in 9 years.

Eleventh, budget outlays for national defense as a percentage of the Federal budget are the lowest since before World War II.

In historical perspective and in the perspective of America's total wealth, the funds provided in this budget for defense are indeed modest.

PRIORITIES

Mr. Chairman, in fashioning this bill we have placed our highest priorities on maintaining a high quality force, maintaining a high level of readiness and ensuring that it is a highly mobile force.

Also, the committee continues to support, as a national priority, an adequate strategic deterrent to prevent a nuclear strike and guard against nuclear terrorism.

A brief summary of the committee's recommendations in these areas follows.

QUALITY FORCE

The committee's highest priority is to maintain a high quality force. It is absolutely essential to recruit, train and retain high quality personnel. There have been some indicators recently that the quality and morale of the troops is declining. For example, as we point out in the report accompanying this bill:

The propensity to enlist has been declining as shown in a series of polls taken of high school seniors as to their intention to enlist.

The number of recruits that are high school graduates had been at 100 percent for the services, but has declined in recent years.

There is anecdotal and statistical evidence that the personal lives of many of our military personnel are in increased turmoil as the rapid downsizing proceeds.

To help ensure that a high quality force with a high morale is maintained, the committee has added $1.1 billion for a 2.2-percent increase for uniformed personnel.

READINESS

Within the operation and maintenance accounts, the committee has added $1.1 billion for training, depot maintenance backlog and facilities repair. While these items are not glamorous, they are essential to maintaining our forces at a high level of readiness.

MOBILITY

A central focus of the downsize force structure is the need for a high degree of mobility in the strategic and tactical arena. This requirement is especially important as the United States continues its steady withdrawal from overseas bases. The following table lists the committee's recommendations for a variety of programs which will enhance strategic and tactical mobility.

Program	Budget request	Committee recommendation
C–17	$2,318,000,000	$2,018,000,000
C–130	0	446,000,000
KC–135 Re-engining	0	160,000,000
Osprey	82,295,000	102,295,000
Maritime Fund	290,800,000	490,800,000

PEACEKEEPING

Mr. Chairman, I would like to address the issue of peacekeeping funds. The budget request included a $300 million request for a peacekeeping fund. As we state in our report, the committee is concerned that an open-ended approval of this request would in effect, put Congress in a position of prospectively approving the funding resources for unspecified and undetermined future military operations.

Thus, while the committee has approved a fund for peacekeeping, it has also included bill language which requires the administration in power to notify the Committee on Appropriations and Armed Services 15 days before approving the U.S. military personnel in carrying out any international humanitarian assistance, peacekeeping, peacemaking, or peace-enforcing operations. The notification to the Congress, which is to be in accordance with established reprogramming procedures, must specify:

Estimated cost of the operation;

How it is to be paid for;

Projected duration and scope of the operation;

Goals of the operation; and

U.S. interests that will be served by the operation.

INTELLIGENCE BUDGET

Between fiscal years 1982 and 1992 the intelligence budget has grown by over 100 percent in real terms. In comparison, the defense budget has grown by only 5 percent during the same period. The fiscal year 1994 budget request for the National Foreign Intelligence Program includes significant growth over the fiscal year 1993 level. This bill reduces the budget request by $800 million thus freezing funding for the National Foreign Intelligence Program at the fiscal year 1993 spending level. The House Intelligence Committee proposed freezing the intelligence budget at the fiscal year 1993 level; however, fiscal year 1993 dollars were rescinded after the authorizing committee's mark. The bill also recommends a mandatory 4-percent reduction to the National Foreign Intelligence Program personnel levels when compared to fiscal year 1992 levels.

Following are the funding levels for major programs in the procurement account and the research, development, test and evaluation account.

FUNDING LEVELS FOR MAJOR PROGRAMS

PROCUREMENT

The Committee recommends $18,069,473,000 in new obligational authority. Major programs funded in the bill include the following:

$386,000,000 for 24 AH–64 Attack helicopters;
$233,557,000 for 60 UH–60 Blackhawk helicopters;
$216,000,000 for 36 AHIP helicopter modifications;
$135,231,000 for 144 Avenger systems;
$207,268,000 for 1000 Javelin missiles;
$276,717,000 for 34 MLRS launchers and 12,000 MLRS rockets;
$152,559,000 for 255 ATACMS missiles;
$192,437,000 for the Bradley Fighting Vehicle Base Sustainment Program;
$159,526,000 for the 155 MM Howitzer program;
$119,710,000 for 72 Abrams Upgrades;
$620,787,000 for Army ammunition;
$174,737,000 for 4661 HMMWV vehicles;
$458,258,000 for 945 Palletized Loading Systems;
$352,465,000 for SINCGARS radios;
$129,601,000 for 4 AV–8B aircraft;
$1,521,534,000 for 36 F–18 aircraft;
$276,484,000 for 12 CH/MH–53E helicopters;
$143,274,000 for 12 AH–1W helicopters;
$189,276,000 for 7 SH–60B helicopters;
$149,839,000 for 8 SH–60F helicopters;
$259,225,000 for 12 T–45 trainers;
$118,461,000 for E–6 modifications;
$983,345,000 for 24 Trident II (D5) missiles
$248,288,000 for 216 Tomahawk missiles;
$215,028,000 for 220 Standard missiles;
$100,125,000 for 108 Mk–48 ADCAP Torpedoes
$1,000,000,000 for the Carrier Replacement program;
$2,642,772,000 for 3 DDG–51 destroyers;
$893,848,000 for 1 LHD–1 amphibious assault ship;
$124,175,000 for 1 Mine Warfare command and control ship;
$604,339,000 for the B–2 aircraft;
$724,700,000 for 24 F–16 fighter aircraft;
$1,772,809,000 for 6 C–17 transport aircraft;
$241,823,000 for 1 JSTARS aircraft;
$268,325,000 for F–15 modifications;
$203,143,000 for C–135 modifications;
$489,929,000 for 749 AMRAAM missiles; and
$470,585,000 for Space Boosters.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The Committee recommends $36,546,014,000 for the RDT&E title, a reduction of $2,074,313,000 from the budget request. Specific recommendations of selected programs are as follows:

The Committee provided $367,080,000, the budget request, for the RAH-66 Comanche helicopter.

The Committee provided $237,846,000, the budget request, for the Armored Systems Modernization program. The Committee also added $33,000,000 for Bradley upgrades, $34,600,000 for the M1A2 program, and $20,000,000 for the Advanced Command and Control Vehicle above the budget request.

The Committee provided $92,672,000 for the Sense and Destroy Missile Armament Missile (SADARM), an increase of $57,661,000 to the budget request.

The Committee added $25,000,000 for Horizontal Battlefield Integration program to digitize the battlefield.

The Committee added $25,000,000 to accelerate the Line-of-Sight, Antitank (LOSAT) program.

The Committee provided $476,000,000, the budget request, for the Centurion next generation attack submarine.

The Committee provided $92,328,000, the budget request, for Advanced Surface Machinery Systems which provides next generation propulsion for surface ships.

The Committee provided $460,764,000 for ship self-defense, an increase of $106,800,000 to the budget request.

The Committee denied the request for $399,218,000 for development of the A/F–X next generation attack aircraft.

The Committee provided $1,485,496,000, the budget request, for the F–18E/F aircraft development program.

The Committee provided $149,995,000 for upgrades to the F–14 aircraft, an increase of $78,000,000 to the budget request.

The Committee provided an additional $205,000,000 for Navy manufacturing technology programs.

The Committee provided $80,000,000 for the National Aero Space Plane, an increase of $36,741,000 to the budget request.

The Committee provided $126,543,000 for the B–1B Bomber, an increase of $33,000,000 to the budget request.

The Committee provided $790,497,000, the budget request, for the B–2 Advanced Technology Bomber. In addition, the Committee added $48,000,000 for the GPS-Aided Targeting System/GPS-Aided Munition (GATS/GAM) to provide an earlier and effective precision guided conventional munition for the B–2.

The Committee provided $154,799,000 for the C–17 program, a decrease of $25,000,000 to the budget request.

The Committee provided $2,250,997,000, the budget request, for the F–22 Advanced Technology Fighter.

The Committee provided $125,014,000 for high definition display systems, an increase of $67,800,000 to the budget request.

The Committee provided $2,870,040,000 for Ballistic Missile Defense (formerly the Strategic Defense Initiative), the amount recommended by the House Armed Services plus funding for the Brilliant Eyes program as explained in the Space and Related Programs section of this report, a decrease of $767,095,000.

The Committee provided $190,556,000 for maritime technologies, a new program.

The Committee provided $624,000,000 for dual use technologies, an increase of $300,000,000 to the budget request.

The Committee denied the request of $147,733,000 for a Departmental level manufacturing technology program, and provided funds in the Service accounts instead.

The Committee transferred $122,819,000 for the High Performance Computing Modernization Program to the Procurement, Defensewide appropriation.

Mr. NATCHER. Mr. Chairman, I rise in support of the Defense appropriations bill for fiscal year 1994. This bill contains $240 billion for the Department of Defense for our national security. As Members know this continues the overall adjustment of our military posture and is below last year's level of $254 billion.

This is the 13th and final regular appropriations bill for fiscal year 1994 to come before the House. The Senate is marking up and passing our bills, and we're conferencing as quickly as we can so that congressional action can be completed as soon as possible.

Mr. Chairman following is a status of all our regular bills:

STATUS OF FISCAL YEAR 1994 APPROPRIATIONS BILLS

1 signed into law: Legislative (P.L. 103–69).
3 conference reports:
Agriculture (2 amendments returned to House);
Treasury-Postal Service (passed House); and
Foreign Operations (passed House and Senate).
5 passed House and Senate:
Commerce-Justice-State (conferees appointed September 29);
District of Columbia (conferees appointed September 27);
Interior (conferees appointed September 29);
VA-HUD; and
Labor-HHS-Education.
3 passed House and reported by Senate:
Energy and Water;
Military Construction; and
Transportation.
1 reported by House committee: Defense.

Mr. Chairman, by the August recess we had 11 of our 13 bills through the House. I thank all Members for their cooperation.

I want to commend the gentleman from Pennsylvania [Mr. MURTHA], chairman of the Defense Subcommittee, and also the gentleman from Pennsylvania [Mr. MCDADE], the ranking minority member of the subcommittee on the excellent job they have done in bringing out this bill. Also, Mr. Chairman, we have an excellent staff on this subcommittee as we do on all of our 13 subcommittees. We are grateful for the hard work they have done.

Mr. Chairman, this bill provides for the important defense programs that are needed to assure our national security. It provides for these important programs in a responsible and careful way as we continue adjusting our military to world conditions. The cold war is over, yet our Department of Defense continues to be called on an increasing basis for various deployments all over the world. We must keep in mind that not withstanding the end of the cold war, we currently have many trouble spots or potential trouble spots all over the world. We have serious problems in the former Republics of Yugoslavia, in North Korea, in the former Soviet Union. We have terrorism worldwide. We must not neglect our military responsibilities under these circumstances. The Defense Appropriations Subcommittee has faced up to these problems and has done an excellent job.

Again, I want to commend the chairman and the ranking minority member and all the other members of the subcommittee for a good bill, and I urge its adoption.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Chairman, we have debated most of these issues at great length and we will debate more as we get into the amending process.

I want to compliment Chairman MURTHA and my good friend JOE McDADE—who cannot be here today because of a severe case of the flu—for their leadership in presenting a Defense bill which is far less than we really would like because of the funding constraints we are under, but at the same time provides a ready, sustainable force, with particular attention to our greatest national defense asset—our people.

I also want to compliment every member of our subcommittee who have labored for many hours in a truly bipartisan manner to craft a bill which meets our needs.

This bill, for the 9th year in a row is less than it was last year.

Between 1985 and 1990, the Congress cut defense requests by a total of $108 billion.

In the 1990 budget agreement, Defense budget authority was cut by an additional $210 billion for fiscal years 1991 through 1995.

In January 1992, President Bush proposed an additional cut of $50 billion including a $7 billion cut to last year's bill which the Congress doubled to $14 billion.

And in February of this year, President Clinton proposed an additional $127 billion in defense cuts over the next 5 years including a cut of $11 billion for the bill we have under consideration, to which we added an additional $1 billion cut.

You add it all up and we will have cut $503 billion from defense between 1985 and 1998.

Over the past 5 years, active duty troop levels have been cut by nearly 25 percent—over 510,000 troops.

And have we asked these fewer troops to do less?

Absolutely not, in fact we have asked them to do even more. In fact, in addition to preserving peace we've added humanitarian assistance missions around the world.

Today, forces of the U.S. military are deployed in every State in the Union and 87 foreign countries

We have 13 ongoing international humanitarian missions including: Southern Watch—Iraq (air escort surveillance); Provide Confort—Iraq (feeding refugees); Continued Hope—Somalia (feeding country); Provide Promise—Bosnia (air drops); and Able Sentry—Macedonia (keep Bosnia from overflowing)

And when you consider the other nondefense related costs we are being asked to fund such as the almost $5 billion in environmental expenditures and the $3.2 billion in economic conversion, it is a miracle that our defense dollars go as far as they do.

We can be proud that because of the stability we provided to the rest of the world: The Berlin Wall is down, the Warsaw Pact is dissolved, the Soviet Union is no longer a threat, and democratic forces have emerged in Eastern Europe and the former Soviet Union.

But Mr. Speaker, the world we fact today is a dangerous place, we are currently monitoring 75 hotspots around the world including 12 shooting wars in Soviet Georgia: Abhazia, Cambodia, Armenia, Azerbajan, Angola, Rwanda, Liberia, Somalia, Sudan, Ossettia, and Bosnia.

The Russian White House is surrounded by armed troops. Nuclear and chemical capability is spreading throughout the Third World at alarming rates.

This is not the time to dismantle our defense capability and return it to the hollow force we found ourselves in during the seventies.

Mr. Speaker, I support this bill. But it is far from perfect. In keeping with the bottom's up review, we have set the Marine Corps end strength at 174,000. It should be 177,000 if we are really concerned about the extremely high deployment rates for marines who are away from home more than 50 percent of the time. Among the most important accounts of all—but far from glamorous—is the operation and maintenance account. We had to cut that $478 million from the budget request due to our outlay constraints. We've cut the C–17 program $300 million in keeping with the authorized level, even though our aircraft situation is very troubling. We cut $100 million from Milstar. We cut the national foreign intelligence program by $880 million, leaving a level equal to fiscal year 1993, and $340 million less than the House-passed authorization. We've cut the drug interdiction program by $410 million which is $383 million less than last year.

But we've done the best we can with the allocation we were given. In fact JACK MURTHA and JOE McDADE and the dedicated staff they have assembled are real heroes for being able to cram so many good ideas, many from Members who do not serve on the subcommittee or the full committee into this package without decimating our ability to provide for our national security, particularly with regard to readiness. The readiness of our forces and their sustainability are real keys to their effectiveness. And this bill is right on the edge. We cannot afford to reduce readiness and it wouldn't take much more of a cut to do that and return our forces to the hollow levels of the seventies.

So I urge my colleagues, stick with us.

As tempting as it is to beat up on defense spending, resist those efforts to cut the bill we present today even further so that if we are ever required to go in harms way again as we were in Desert Storm, that we will go there with the knowledge that we have the right people, with the right equipment and the proper training to promote our national security interests anywhere in the world.

And if necessary—to fight and to win.

Mr. DICKS. Mr. Chairman, I rise in strong support of H.R. 3116, the Defense appropriations bill for fiscal year 1994. I congratulate Chairman MURTHA for his outstanding leadership and cooperative approach to a very important issues that we face today. I commend Mr. McDADE, the ranking member, and all of my colleagues on the Defense Appropriations Subcommittee for their efforts to produce a bill that addresses our national security requirements despite the fiscal constraints and emerging world developments. I also want to thank the staff of the subcommittee for their professional support and the long hours they labored to make this bill possible.

In H.R. 3116, the committee recommends $240.1 billion in new budget authority, nearly $14 billion below that of the fiscal year 1993 budget. Considering the world realities and our own budgetary constraints, this important reduction represents the ninth consecutive year of decline in defense spending, and a significant contribution toward deficit reduction.

The world is still a very uncertain place and we are faced with challenges and events that will continue to shape our national security policy for the years to come. The President and the Secretary of Defense have presented to the country a defense plan, that supports a leaner, but effective force. While world events almost certainly justify overall reductions in spending, we must continue to maintain our responsibilities and interests around the world. This committee continues to support the proposed reductions in defense spending as consistent with our legitimate security requirements. However, these moves must be carefully executed so that we maintain a credible military force and not place our security in jeopardy.

H.R. 3116 offers a real reduction in defense spending, with the crucial goal to support a smaller overall military; ready, well trained and equipped, to meet future threats and missions. The transition to a smaller armed forces has not been a painless task. Elements of the defense industrial base, which for years has provided our military the specialized weapons systems that gave us the superior military technology and capability unmatched anywhere in the world, are being terminated, and shut down. This country recently experienced a very painful round of base closures. To date, more than 800 bases have been closed around the world. The Secretary of Defense has already predicted the next round will be even larger—and undoubtedly more painful.

This bill provides $575 million for innovative technology programs with potential commercial applications through the technology reinvestment project more then double the amount in the President's fiscal year 1994 request. By bringing defense and commercial industries together, I believe there are exciting opportunities to decrease the development costs of an acquisition program as well as stimulate the economy.

The committee has maintained its priorities on maintaining the quality of our troops, their training, readiness and flexibility. We have expressed concern with the current funding levels of operations and maintenance, and have funded the readiness accounts $1 billion over the House authorization bill. This committee has been at the forefront of insisting a pay increase for our service members. This committee has provided more than $1 billion for this 2-percent pay increase, which has been authorized by the House and Senate committees.

Our national military strategy and objectives mandate a global capacity for rapid response to regional crisis and the projection of national power with forces based primarily in the United States. To meet this requirement, this committee has sought to expand and modernize our ability to provide strategic lift both from the air and sea. These initiatives must be a priority for defense investment. Reaction/response time becomes even more important as the world's adversaries become more difficult to detect. While we continue to withdraw our forward deployed troops, we relieve the forward logistics disadvantage with increased air and sealift, which includes the prepositioning of equipment and supplies. Combined with quick lift, light and heavy divisions, equipment and supplies can be transferred to all parts of the world. We have funded the C–17 and we are awaiting the outcome of the defense advisory board to determine what assets will be needed to complement the C–17.

This bill encourages the consideration of using commercial widebodies, with minimal military modifications, to remedy the severe existing airlift shortfalls. The Air Mobility Command reported that only 27 percent of the C–141 fleet are fully mission capable. Airlift is essential to our national military strategy, and peacetime airlift operations are at an alltime high. We must have a more effective airlift capacity, and I believe that commercial widebodies, with state-of-the-art avionics, and with worldwide depot and maintenance support will provide such capability.

Future threats, as well as the budgetary constraints we face, continue to influence what weapon system capabilities will be required. Secretary Aspin is restructuring our defense capabilities, but there are limited funds available, and we must prioritize what can be committed. The first priority must remain the ability to deliver significant ordnance over long distances with little warning or advanced basing. I remain convinced that 20 B–2's offer revolutionary conventional capabilities for this requirement.

In light of the small contingency forces, the B–2 with smart conventional weapons and global reach, is exactly the kind of weapon we need for the future. The world still has a great deal of threat, and the B–2, in its conventional role, remains our greatest source of deterrence.

Arms control remains an important priority of this administration. President Clinton, in his speech to the United Nations on Monday, indicated that proliferation is one of our most serious challenges. As administration officials have testified to this Congress, the proliferation of weapons of mass destruction must be reigned in. One of the President's efforts will be ban on the production of fissile materials. Another effort must be to continue the dismantlement of the former Soviet Union arsenal, to track and protect that inventory. Fiscal year 1994 marks the third year that funds are authorized in support of the demilitarization of the former Soviet Union.

In light of the President's recent announcement of national health care, it is important to note how supportive the members of this committee have been to improve the health care for the military, their families, and the uniformed retirees. These people deserve better care. I am very encouraged by the fact that the Department is aggressively pursuing the expansion of the managed care support program in Washington and Oregon.

This committee continues to be concerned with the environmental cleanup of our defense bases. The new administration and the Department have placed the protection of the environment high on its priority list. This bill provides nearly $11 billion for environmental cleanup. This bill also makes a number of recommendations to improve environmental restoration programs in order to expedite the completion of remedial action and have resulted in wasted expenditures.

I urge my colleagues to join the members of this subcommittee in support of this bill.

Mrs. COLLINS of Illinois. Mr. Chairman, if there were ever a time for us to reorder our spending priorities it is now. If there were ever a vehicle in which to do that, it should be this bill. While the Appropriations Committee has attempted to convert some of our defense spending to civilian purposes they have strayed from the goal in certain areas of this bill which could have been markedly improved through the adoption of several amendments.

Representative KENNEDY offered a good amendment which would have eliminated the funding for the Army School of the Americas. This anachronism might as well be known as Noriega University since it is the institution that has trained him and many of the other nondemocratic military regimes which have ruled by force over the peoples of South and Central America. In our new world order this particular institution is clearly out of place. Instead of educating future dictators we might pay attention to the education crisis which faces our own children here at home.

The bill could have been improved if we had adopted the Maloney amendment which eliminated another anachronism, the National Board for the Promotion of Rifle Practice. This institution which was established after the Spanish-American War to improve the readiness of recruits into the Armed Forces has long since served its usefulness. Today it has become merely a method of funneling cheap weapons and ammunition to members of the National Rifle Association. I can't imagine anything more outrageous than the Federal Government promoting the stockpiling of guns and ammunition when the rational approach would be to deny a few people the opportunity to practice their target shooting and provide more of our children safer neighborhoods to live in.

These amendments, along with a few others, show the many opportunities for prudent cuts in spending that were not agreed to. The time to reduce spending on these many unnecessary defense programs and begin spending on some of our urgent domestic crisis such as health care, homelessness, violence prevention and education has long passed.

Mr. Chairman, I recognize that we are beginning to shift our emphasis from defense spending toward other immediate domestic needs, but I am afraid this bill does not move decisively in that direction. For that reason I will be voting against H.R. 3116 and I urge my colleagues to join me.

Mr. LAFALCE. Mr. Chairman, I am pleased to rise in support of H.R. 3116, and to discuss certain provisions of the bill affecting the Small Business Innovation Research [SBIR/STTR] Program. The program, established in 1982, was the vision of Representatives NEAL SMITH, JOE MCDADE, myself, and several other legislators who sat on the Small Business Committee at that time. Under the program, the Department of Defense and 10 other Federal agencies are required to allocate certain percentages of their extramural R&D budgets for research projects conducted by small businesses. Since its inception, the program has generated a remarkable amount of innovation by small, high-technology businesses, as documented in studies by the General Accounting Office and Small Business Administration, and a report by the National Academy of Sciences. The Department of Defense has warmly endorsed the program, citing "its positive effect on all R&D programs," and last year a House Armed Services Committee panel on the defense industrial base, and a Senate Republican leadership report on Defense change, called for doubling the size of the program.

On the basis of such evidence, last year the Small Business Committee, which I chair, worked with the Armed Services Committee and others to secure passage of legislation—Public Law 102–564—which significantly expanded the program's size and concept.

This year the Department of Defense, in its budget request, submitted specific funding lines for SBIR/STTR, and the Appropriations Committee has modified those funding lines in the committee report accompanying H.R. 3116. I have sought Chairman MURTHA'S assistance in clarifying that the Department of Defense must still fulfill the percentage funding requirements specified in Public Law 102–564. The chairman has graciously agreed, and I wish to include in the RECORD our exchange of letters indicating that to the extent the SBIR/STTR funding lines fall short of the total percentage requirements, the Department must identify the remainder in order to fully comply with the percentage requirements set forth in the law. The letters follow:

COMMITTEE ON SMALL BUSINESS,
Washington, DC, September 23, 1993.

Hon. JOHN P. MURTHA,
Chairman, Subcommittee on Defense, House Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to seek a clarification of certain provisions in the Defense Appropriations bill (H.R. 3116) affecting the Small Business Innovation Research (SBIR/STTR) program.

The Committee Report accompanying H.R. 3116 indicates (p. 189) that SBIR funding should be a percentage of the appropriated amounts for extramural research and development (R & D), rather than a percentage of the Administration's requested budget. I fully agree; such an interpretation is consistent with the SBIR Act which passed last year (Public Law 102–564) and the way in which the program has been administered since its inception in 1982.

However, the specific line items for SBIR/STTR in the Report add up to less than the percentage requirements set forth in the SBIR Act. I therefore seek your clarification that these line items indicate where part of the money for SBIR/STTR is to come from, and that, as in previous years, the remainder will need to be identified by the Department in order to fully meet the percentage requirements set forth in the SBIR Act.

I appreciate your attention to this important matter, and I look forward to your response.

Sincerely,

JOHN J. LAFALCE,
Chairman.

COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 28, 1993.

Hon. JOHN J. LAFALCE,
Chairman, Committee on Small Business, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter dated September 23, 1993 concerning

> small business innovative research. I appreciate your concurrence with our Committee's approach for the DoD RDT&E appropriations. If our position is sustained in conference, I intend that the amounts calculated for the SBIR funding lines will either be consistent with the requirements of the SBIR Act or else other provisions will be made to ensure that the Department is required to meet the total funding requirements in the SBIR Act. Our staffs are communicating on how to count funding for SBIR within Ballistic Missile Defense (formerly SDI), which accounts for a large portion of the apparent difference in the amounts calculated by our Committees. The Subcommittee on Defense will consider your request during its deliberations in conference on the Department of Defense Appropriations Act for fiscal year 1994.
>
> Sincerely,
>
> JOHN P. MURTHA,
> *Chairman,*
> *Subcommittee on Defense.*

Mr. DICKS. Mr. Chairman, one of the key provisions of this legislation is our continued support for SEMATECH, the industry-Government consortium on semiconductor manufacturing.

I am pleased to report to my colleagues that SEMATECH has continued its impressive record of technology successes which have helped the U.S. semiconductor industry and U.S. semiconductor equipment industry regain top ranking in the world market share.

When we first established SEMATECH in 1987, the United States chip industry found itself losing ground to foreign competitors. Furthermore, the Department of Defense was concerned about the increasing reliance on foreign sources for key technologies used in our most advanced weapons systems.

SEMATECH has been an important investment for the semiconductor industry and our Nation. Working with the Advanced Research Projects Agency and its 11-member companies, SEMATECH's scientists and engineers have helped reverse the decline in world market share for U.S. chip manufacturers while ensuring that the Department of Defense will have the latest technology available domestically for its next generation of weapons, communications, and surveillance systems.

For example, SEMATECH and its members have developed key semiconductor manufacturing equipment that is used to make chips for weapons such as the F–22, the Patriot, and many missile systems such as the AMRAAM, Hellfire, and Tomahawk.

The consortium's technology also is used in the production of a number of defense systems, to include the Phalanx ship defense system, tactical and battlefield communications, the pilot survival radio, battlefield surveillance, and cluster bombs.

Dr. William J. Perry, Deputy Secretary of Defense, has stated that the Department of Defense must increasingly rely on dual-use technologies. SEMATECH provides ARPA the ability to leverage industry dollars and expertise to ensure U.S. technological superiority in semiconductor manufacturing for critically needed defense electronics.

Mr. MONTGOMERY. Mr. Chairman, I rise in support of this measure, and I want to commend the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. MURTHA], and the gentleman from Pennsylvania, the ranking minority member [Mr. MCDADE], for the excellent work they have done on behalf of our Nation's Armed Forces.

I want to speak about several items that will also affect the well-being of veterans who have left the Armed Forces. This bill will help to sustain and enhance benefits and services for former service members in a number of ways.

Several months ago, I contacted the chairman of the subcommittee to advise him of my strong interest in establishing an environmental medical unit to help study undiagnosed ailments of Persian Gulf war veterans. As I told Chairman MURTHA in my letter to him of June 18:

> I am working with our colleague, the Honorable Pat Schroeder, Chairwoman of the Armed Services Subcommittee on Research and Technology, on an important provision which I have suggested be included in the DOD authorization bill this year. The legislation would authorize a grant for the Secretary of Defense to establish a new environmental medical unit aimed at resolving an important question regarding health care concerns of many active duty members and veterans who served during the Persian Gulf War in Southwest Asia.
>
> As you are aware, a significant number of those who served in the Persian Gulf have experienced a pattern of chronic disabling symptoms including fatigue, joint pain, weight loss, and intermittent fever and diarrhea. In many instances, these symptoms have defied exhaustive efforts at diagnosis and treatment. A recent hearing held by our committee produced very compelling testimony regarding the importance of conducting research to explore the growing belief that this very disabling syndrome may be related to unique sensitivity to low level chemical exposures on the part of those affected. A recent National Academy of Sciences report identified the need for a specialized environmental isolation unit within a hospital as a setting for such research.
>
> The research being called for appears to have scientific merit according to an April 28, 1993 letter from the Deputy Director of the National Institute of Environmental Health Sciences (NIEHS) to the Commanding General of Walter Reed Army Medical Center. What is needed are the funds to construct and equip the research unit.

The gentleman from Pennsylvania has responded affirmatively to my request. This bill includes $1.2 million for such a unit to be established in conjunction with a medical school and a military hospital affiliated with the Department of Veterans Affairs.

This bill also provides substantial support for the Department of Veterans Affairs' acclaimed medical and prosthetic research program. The bill includes $30 million in funding for joint DOD/VA research projects. The medical research proposals funded by this program are aimed at areas of interest common to DOD and VA. It is a unique and very successful program. I am delighted that the chairman and members of the subcommittee continue to support this program.

The bill also includes $1.7 million for a study of the effects of depleted uranium on military personnel. Along with several other members of the Armed Services and Veterans' Affairs Committees, I supported the authorization provision which addresses this subject and want to express appreciation to the subcommittee chairman for his responsiveness to the concerns of present and former servicemembers on this matter.

The report accompanying this measure also urges the Secretary of the Navy to consider transferring the Orlando Naval Hospital while still fully operational, without compensation or reimbursement, to the Department of Veterans Affairs. The Secretary of Veterans Affairs has visited the Naval hospital recently to determine the feasibility of using the facility as an outpatient clinic and nursing home care unit. The Department has announced plans to build a new outpatient clinic and a nursing home care unit in Orlando. The present outpatient clinic is very inadequate and VA should proceed to expand its outpatient clinic operation without further delay.

I would also like to comment on the provisions in the bill directing the Department of Defense to award a CHAMPUS reform initiative [CRI] type contract to cover the State of Florida. Included in this provision is language which would allow the Department of Veterans Affairs to participate in such a contract, and I urge the Secretary of Veterans Affairs to consider making VA facilities available for this purpose. The President has announced that as part of the Health Security Act of 1993, he intends to allow VA medical facilities to participate as providers in health alliances. Participation in a managed-care CRI initiative would give VA valuable insight into the challenges ahead of it, and I urge the Secretary to actively consider a VA role in this initiative.

The subcommittee has recommended $10 million for a Model Veterans Training and Employment Demonstration Program. This is a program which I was pleased to sponsor in the DOD authorization bill. This program would train and place recently separated servicemembers in construction and hazardous waste remediation industries. The American Legion has been successful in placing veterans in high-paying construction jobs. This pilot program has great potential to provide meaningful training and long-term employment to recently separated servicemembers, and I want to thank the subcommittee for including funding support in this measure for this purpose.

The $25 million contained in the DOD authorization bill we passed yesterday to train and place in good jobs service personnel being phased out of the military is not included in this bill. However, I have been assured that should the Senate include the $25 million in the bill it passes, it would be favorably considered in conference.

Again, I want to thank the very able chairman of the subcommittee [Mr. MURTHA] and the distinguished ranking minority member [Mr. MCDADE] for their leadership and support of these provisions.

Mr. LIGHTFOOT. Mr. Chairman, I rise in support of H.R. 3116, the Department of Defense appropriation for fiscal year 1994.

This is a difficult bill to write. The pressure to reduce defense spending must be balanced against the need to ensure the reductions are reached in a way that leaves us with a fighting force capable of performing all the missions asked of it. This bill reflects that balance and I commend Mr. MURTHA and Mr. MCDADE for their outstanding efforts on our behalf.

I also commend the subcommittee for attempting to take action on the issue of U.N. peacekeeping. The subcommittee included language requiring notification to Congress when American troop deployments are planned for humanitarian interventions. I share Mr. MURTHA and Mr. MCDADE's concern that administration plans to establish a fund for peacemaking and peacekeeping is to ask Congress to establish funds for the United States to engage in unspecified and undetermined future military operations without the consent of Congress.

At my request, the subcommittee also included language prohibiting the use of Department of Defense funds to renovate and turn over to the United Nations a defense facility for use as a U.N. peacekeeping headquarters. In addition, at my request, the subcommittee also included report language directing the administration to report to Congress on its plans to strengthen the United Nations.

Many of us are concerned the administration's plans to strengthen the United Nations is not being explained in a straight forward manner to Congress or the people. President Clinton went to the United Nations on Monday and said the things Americans want to hear. Mr. Clinton warned the United Nations not to become engaged in every one of the world's conflicts, he expressed American desire to reduce our assessed costs for peacekeeping operations, and encouraged the United Nations to make serious efforts to reduce wasteful spending.

Unfortunately the President's speech does not match his actions. For months now the Clinton administration has been preparing Presidential Decision Directive-13 and its annex Presidential Review Document-13. Among the many proposals included in this new policy are: placing U.S. troops under U.N. command; repealing the laws which limits the amount of troops the United States can commit to peacekeeping operations without congressional approval, and bypassing the congressional budget process by establishing new slush funds for U.N. peacekeeping.

We have seen bits and pieces of the administration's proposed policy in various bills, yet the administration refuses to provide Congress the total policy as embodied in Presidential Decision Directive-13.

Last night's action by the Rules Committee, to strip on procedural grounds the 15-day notification period from the bill, is an example of the Democrat leadership of this House allowing the President to say one thing at the United Nations and still give him the freedom to involve our troops in any U.N. operation he sees fit.

The administration must be made to understand that no funds will be provided for expanded peacekeeping commitments through backdoor funding. Congress must fully debate this issue before any further financial commitments can be made.

Again, I commend Mr. MURTHA and Mr. MCDADE for a well written bill and urge the entire House to support this bill.

Mr. PICKLE. Mr. Chairman, I want to commend the Defense Appropriations Committee and Chairman JOHN MURTHA and JOE MCDADE for their hard work on this excellent piece of legislation. I appreciate and commend the committee's strong support for continued funding for SEMATECH.

SEMATECH is a partnership between 11 American semiconductor manufacturers and the Department of Defense dedicated to solving the technical challenges required to keep the United States No. 1 in the global semiconductor industry.

President Clinton and Vice President GORE praised SEMATECH when they outlined their technology policy in Silicon Valley in February. In its paper, "Technology for America's Economic Growth, A New Direction to Build Economic Strength," the White House wrote:

> SEMATECH, an industry consortium created to develop semiconductor manufacturing technology, will receive continued matching funds from the Department of Defense in FY 94. This can serve as a model for federal consortia to advance other technologies.

I applaud the leadership of Dr. Bill Spencer at SEMATECH, and his predecessor, Dr. Bob Noyce. SEMATECH began as a bold experiment in industry-government cooperation. Today, it stands as a model program that is effective, cost-efficient, and a true national asset. SEMATECH continues to be representative of the growing partnership of industry, government, and academia that has been prospering in this country.

In addition, SEMATECH determined that it can accomplish what it needs to accomplish in 1994 with a budget of $180 million. Therefore, their request for funding this year was reduced by $10 million.

I commend the House Defense Appropriations Committee led by Chairman MURTHA for continuing its recognition of the importance of high technology to this Nation's economic and national security and the substantial contribution that SEMATECH has made since its inception in 1987.

Mr. DICKS. Mr. Chairman, last year, in the fiscal year 1993 House Defense Appropriations Subcommittee report, this committee expressed its support for the Army's goal to equip its soldiers with the most technologically advanced equipment in sufficient quantity. But the committee also expressed real concern that because of budgetary constraints that are beyond the Army's control, the Army is continually being forced to stretch out programs, cut back, and even eliminate many of its very important modernization and acquisition programs.

Mr. Speaker, this year, the Army testified before our committee that modernization is the key to tomorrow's readiness, and that they have made a conscious effort to maintain the technological base. Continuous modernization is the means by which we sustain our forces and capabilities. The challenge ahead of our military is to maintain the technological edge by sustaining modernization, and to reshape the leaner force with the equipment of the future. Yet, the Army procurement budget is 60 percent lower than where it was expected to be just 3 years ago.

In fiscal year 1991, the Army planned a procurement budget for fiscal year 1994 was $18.7 billion, but the Army today has a procurement budget of only $6.8 billion.

And the overall Army budget continues to decline. In fiscal year 1991, the Army projected a budget of $98.3 billion for fiscal year 1994, but today for fiscal year 1994 the Army has a budget of $60.7 billion.

This year, the R&D technology base is 12 percent less than last year. Mr. Speaker, I believe this level of funding is inadequate to support the Army's mission.

Mr. Speaker, I am very concerned about the continuous decline in resources available to the Army—especially when one considers the proportional amount of dollars available to the Army in relation to total DOD funding. Mr. Speaker, continuing to take these large, proportional reductions to the already small Army budget exacerbates the decline of modernization programs, and certainly affects the Army mission of maintaining a well-trained and well-equipped force for the future. Any further reductions will put our Army at risk. I believe modernization must complement readiness as key factors in preventing the return to the hollow force.

This modernization effort is accomplished in many ways: A system needs to be in production, needs to be upgraded, or the next generation system must be in development. Without this, the erosion begins, as we lose the critical skills, the industrial base diminishes, technology becomes stagnant, the equipment ages and becomes obsolete; in many cases the restart of a cold production line is cost prohibitive. The end result is the reduction of our military superiority over many potential threats.

With the end of the cold war, our military strategy is shifting quickly from a strategic, to a more conventional role for our forces, and I believe that it is essential that our Nation's Army be fully capable and ready.

Mr. Speaker, an example of this procurement problem is the Army's family of medium tactical vehicle requirements, the Army truck—at the current acquisition schedule, it will take the Army 30 years to buy out the currently required inventory. This means that by the time the fielding is accomplished, the soldier that received the first truck would be driving a 30-year-old truck. Acquisition programs this slow are unacceptable, but because of the limited budget provided to the Army, this unfortunately is becoming the norm.

Another example is the further development of the RAH–66 Comanche Helicopter. It is fortunate that the past 25 years have produced tremendous advances in armed helicopter capabilities and the associated technologies. The Comanche represents an opportunity to build on the record of accomplishment. As it becomes operational, it will replace 30-year-old aircraft in the current inventory, and will provide many times the capabilities of its aging predecessors. The future of the Army's modernization program necessitate the Comanche as part of a conventional force, and the support of this program is crucial.

Mr. Speaker, I recognize that the future defense budgets may provide even more limited funding. While additional cuts will be necessary, further cuts to the Army should only be made based upon a weighted average of the dollars available. I believe that the Army's allocation needs to be increased, and the salami slicing must be stopped.

I believe the Army needs at least a 2-percent increase of DOD total obligation authority to meet minimum requirement of a force projection Army.

I urge the Secretary of Defense to fully evaluate the future impact on modernization and readiness of the current and projected Army funding levels as he begins to prepare for the future defense budgets, and to promote more sufficient levels of funding for the Army's requirements.

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

Mr. MURTHA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 3116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1994, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $21,571,207,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $18,633,383,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $5,763,117,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $15,916,937,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3021, and 3038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $2,143,272,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $1,565,838,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $350,490,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8021, and 8038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $783,158,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 265, 3021, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $3,334,183,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 265, 8021, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $1,215,935,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $14,437,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $15,221,091,000 and, in addition, $880,200,000, to be derived by transfer from the Defense Business Operations Fund and $150,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided,* That $450,000 shall be made available only for the 1994 Memorial Day Celebration and $450,000 shall be made available only for the 1994 Capitol Fourth Project.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,667,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $18,097,782,000 and, in addition $1,092,700,000, to be derived by transfer from the Defense Business Operations Fund and $150,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided,* That $350,000 shall be available only to connect residences located in the vicinity of the Naval Air Warfare Center, Warminster, to the Warminster municipal water supply system.

OPERATION AND MAINTENANCE, MARINE CORPS

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $1,773,889,000 and, in addition, $121,000,000, to be derived by transfer from the Defense Business Operations Fund.

Operation and Maintenance, Air Force

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $8,787,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $18,305,447,000 and, in addition, $941,400,000, to be derived by transfer from the Defense Business Operations Fund and $200,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That $15,500,000 shall only be used to operate, maintain and enhance the Tactical Interim CAMS and REMIS Reporting System (TICARRS–92): *Provided further*, That TICARRS–92 be reestablished, with direct maintenance data input, as the supporting system for at least one wing each of F–15, F–16, and F–117A aircraft by no later than February 1, 1994: *Provided further*, That TICARRS–92 be reestablished, with direct maintenance data input, as the supporting system for all F–15, F–16, and F–117A aircraft by no later than April 1, 1994: *Provided further*, That none of the funds appropriated or otherwise made available under this Act shall be used to operate, maintain or otherwise support an automated maintenance management system for F–15, F–16, and F–117A aircraft other than TICARRS–92 after April 1, 1994: *Provided further*, That of the funds appropriated under this heading, not more than $9,538,000 shall be available only for a grant to the Women in Military Service For America Memorial Foundation, Inc., to be used solely to perform the repair, restoration, and preservation of the main gate structures, center plaza, and Homicycle of the Arlington National Cemetery. These funds shall be made available solely for project costs and none of the funds are for remuneration of any entity or individual associated with fund raising for the project: *Provided further*, That of the funds appropriated under this heading, $5,000,000 shall be made available only for continued environmental restoration of the former Olmsted Air Force Base, Pennsylvania.

Operation and Maintenance, Defense-Wide

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $9,497,133,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $19,422,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided*, That of the funds appropriated by this paragraph, $996,001,000 shall be made available only for the Special Operations Command: *Provided further*, That of the funds appropriated in this paragraph, $427,705,000 shall not be obligated or expended until authorized by law.

Operation and Maintenance, Army Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,115,095,000: *Provided*, That of the funds appropriated in this paragraph, $19,505,000 shall not be obligated or expended until authorized by law.

Operation and Maintenance, Navy Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $807,200,000: *Provided*, That operational control of the Naval Reserve Personnel Center, including its functions and responsibilities, shall be under the command and control of the Commander, Naval Reserve Command: *Provided further*, That of the funds appropriated in this paragraph, $31,400,000 shall not be obligated or expended until authorized by law.

Operation and Maintenance, Marine Corps Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $86,855,000: *Provided*, That of the funds appropriated in this paragraph, $11,805,000 shall not be obligated or expended until authorized by law.

Operation and Maintenance, Air Force Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,370,222,000: *Provided*, That of the funds appropriated in this paragraph, $15,644,000 shall not be obligated or expended until authorized by law.

Operation and Maintenance, Army National Guard

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $2,272,018,000: *Provided*, That of the funds appropriated in this paragraph, $10,000,000 shall be available only for a National Guard Outreach Program in the Los Angeles School District: *Provided further*, That of the funds appropriated in this paragraph, $48,763,000 shall not be obligated or expended until authorized by law.

Operation and Maintenance, Air National Guard

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; $2,695,233,000: *Provided*, That of the funds appropriated under this paragraph, $3,000,000 shall be made available only for the operation of Air National Guard C–130H operational support aircraft of the 159th Air National Guard Fighter Group and the 169th Air National Guard Fighter Group: *Provided further*, That of the funds appropriated in this paragraph, $30,000,000 shall not be obligated or expended until authorized by law.

National Board for the Promotion of Rifle Practice, Army

For the necessary expenses and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the national matches) in accordance with law, for operation and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; the conduct of the national matches; the sale of ammunition under the authority of title 10, United States Code, sections 4308 and 4311; the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; and the payment to competitors at national matches under section 4312 of title 10, United States Code, of subsistence and travel allowances under section 4313 of title 10, United States Code; not to exceed $2,483,000.

Court of Military Appeals, Defense

For salaries and expenses necessary for the United States Court of Military Appeals; $5,855,000, of which not to exceed $2,500 can be used for official representation purposes: *Provided*, That of the funds appropriated in this paragraph, $245,000 shall not be obligated or expended until authorized by law.

Environmental Restoration, Defense

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense; $1,716,800,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, research and development associated with hazardous wastes and removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That of the funds provided under this heading, not less than $200,000,000 shall be available only for the expedited cleanup of environmentally contaminated sites and only in accordance with a comprehensive plan submitted to Congress by the Secretary of Defense.

Support for International Sporting Competitions, Defense

(INCLUDING TRANSFER OF FUNDS)

For expenses of logistical support (including security planning and services) and personnel services provided by the Department of Defense for the World University Games, the 1996 Games of the XXVI Olympiad, and the World Cup USA Organizing Committee, (other than pay and nontravel related allowances of members of the Armed Forces of the United States, except for members of the Reserve components thereof called or ordered to active duty to provide support for such international sporting competitions), as authorized by law, provided by any component of the Department of Defense to such sporting competitions, $6,000,000, of which not less than $2,000,000 shall be available only for the 1996 Games of the XXVI Olympiad, to remain available until expended: *Provided*, That unobligated balances of funds appropriated in the Department of Defense Appropriations Act, 1992 (Public Law 102–172) under the headings "World University Games" and "Summer Olympics" and unobligated balances of the funds appropriated in the Department of Defense Appropriations Act, 1993, (Public Law 102–396) under the headings "World University Games" and "Summer Olympics" and "World Cup USA 1994" in title II of that Act shall, notwithstanding section 8003 of Public Law 102–172 and section 9003 of Public Law 102–396, upon the enactment of this Act, be transferred to this appropriation, to be merged with and to be available for the same purposes, and for the same time period, as this appropriation: *Provided further*, That the funds so transferred from such Acts under the headings "Summer Olympics" shall be available only for expenses for, or incurred in anticipation of, the support provided, or to be provided, to the 1996 Games of the XXVI Olympiad: *Provided further*, That funds appropriated in this paragraph shall not be obligated or expended until authorized by law.

Humanitarian Assistance

For transportation for humanitarian relief for the people of Afghanistan and sub-Saharan Africa, acquisition and shipment of transportation assets to assist in the distribution of such relief, and for transportation and distribution of humanitarian relief supplies, and excess non-lethal property; $15,000,000, to remain available for obligation until September 30, 1995: *Provided*, That of the funds appropriated in this paragraph, $15,000,000 shall not be obligated or expended until authorized by law.

Global Cooperative Initiatives, Defense-Wide

(INCLUDING TRANSFER OF FUNDS)

For support of Department of Defense responses to national and international natural disasters and the expenses of other global disaster relief activities of the Department of Defense; for acquisition, transportation, and distribution of humanitarian relief supplies, including the acquisition and shipment of transportation assets to assist in the distribution of such humanitarian relief supplies; and for Department of Defense expenses of participation in, and support for, multilateral, international peacekeeping and humanitarian efforts, including the provision of military personnel, supplies, and services, under national or international auspices, in connection with such efforts; $383,000,000, to remain available for transfer until September 30, 1995: *Provided*, That the Secretary of Defense shall, upon determining that such funds are necessary to carry out the purposes of this appropriation, transfer the funds made available by this appropriation to other appropriations or funds available to the Department of Defense, as the Secretary may designate, to be merged with, and to be available for the same purposes and for the same time period, as the appropriations or funds to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act: *Provided further*, That none of the funds appropriated under this heading shall be obligated or expended for costs incurred by United States Armed Forces in carrying out any international humanitarian assistance, peacekeeping, peacemaking or peace-enforcing operation unless, at least fifteen days before approving such operation, the President notifies the Committees on Appropriations and Armed Services of each House of Congress in accordance with established reprogramming procedures: *Provided further*, That any such notification shall specify—

(1) the estimated cost of the operation;

(2) whether the method by which the President proposes to pay for the operation will require supplemental appropriations, or payments from international organizations, foreign countries, or other donors;

(3) the anticipated duration and scope of the operation;

(4) the goals of the operation; and

(5) the United States interests that will be served by the operation:

Provided further, That no other funds appropriated or made available to the Department of Defense, other than funds appropriated under this heading or under the heading "Humanitarian Assistance" in this Act, shall be obligated or expended for costs incurred by United States Armed Forces in carrying out any international humanitarian assistance, peacekeeping, peacemaking or peace-enforcing operations: *Provided further*, That funds appropriated in this paragraph shall not be obligated or expended until authorized by law.

Former Soviet Union Threat Reduction

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for providing incentives for demilitarization; for establishing programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise; for expansion of military-to-military contacts; for supporting the conversion of military technologies and capabilities into civilian activities; and for retraining military personnel of the former Soviet Union; $400,000,000, to remain available until expended.

TITLE III

PROCUREMENT

Aircraft Procurement, Army

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interest therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,726,164,000, to remain available for obligation until September 30, 1996: *Provided*, That of the funds appropriated in this paragraph, $219,627,000 shall not be obligated or expended until authorized by law.

Missile Procurement, Army

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,126,110,000, to remain available for obligation until September 30, 1996: *Provided*, That of the funds appropriated in this paragraph, $41,795,000 shall not be obligated or expended until authorized by law.

Procurement of Weapons and Tracked Combat Vehicles, Army

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $892,709,000, to remain available for obligation until September 30, 1996: *Provided*, That of the funds appropriated in this paragraph, $15,712,000 shall not be obligated or expended until authorized by law.

Procurement of Ammunition, Army

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $620,787,000, and, in addition, $100,000,000, to be derived by transfer from the Conventional Ammunition Working Capital Fund of the Department of Defense, to remain available for obligation until September 30, 1996.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed 16 passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,904,933,000, to remain available for obligation until September 30, 1996.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $5,664,216,000, to remain available for obligation until September 30, 1996.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, other ordnance and ammunition, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $2,808,986,000, to remain available for obligation until September 30, 1996: *Provided*, That of the funds appropriated in this paragraph, $44,162,000 shall not be obligated or expended until authorized by law.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier replacement program, $1,000,000,000: *Provided*, That these funds shall not be available for obligation or expenditure until September 30, 1994;

Refueling overhauls, $31,127,000;

DDG–51 destroyer program, $2,642,772,000;

LHD–1 amphibious assault ship program, $893,848,000;

Mine warfare command and control ship, $124,175,000;

Oceanographic ship program, $110,049,000: *Provided*, That pursuant to 10 U.S.C. section 2304(c)(5), the last vessel of the T-AGS 60 oceanographic research ship program may be procured as an option to the contract for the construction of the lead ship of the class: *Provided further*, That none of the funds provided in this Act or any other Act may be obligated for T-AGS multibeam sonar systems prior to review by the Committees on Appropriations of a Navy plan detailing compliance with the recommendations of the Comptroller General of the United States set forth in his decision of August 19, 1993 (Case B-253129);

For craft, outfitting, post delivery, production design support, first destination transportation, and cost growth, $595,131,000;

In all: $5,397,102,000, to remain available for obligation until September 30, 1998: *Provided*, That additional obligations may be incurred after September 30, 1998, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards: *Provided further*, That of the funds appropriated in this paragraph, $1,236,914,000 shall not be obligated or expended until authorized by law.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 609 passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $2,980,815,000, to remain available for obligation until September 30, 1996: *Provided*, That of the funds herein provided for the Computer Acquisition Productivity Program, not less than $20,000,000 shall be available, obligated, and expended only for automatic data processing investment equipment and peripheral equipment and related software for Defense Accounting Office and Naval Computer and Telecommunications Station, New Orleans, the Enlisted Personnel Management Center, and the Naval Reserve Personnel Center: *Provided further*, That all Naval and Marine Corps active and reserve personnel central design activities and personnel accounting programs shall be managed and coordinated at the Enlisted Personnel Management Center and the Naval Reserve Personnel Center: *Provided further*, That the Secretary of Defense shall provide a report on establishing a full service finance and accounting operation for joint reserve functions at the Defense Accounting Office, New Orleans and the Naval Reserve Forces Command: *Provided further*, That the operations and functions of the Reserve Financial Management System shall remain colocated with the Commander, Naval Reserve Force: *Provided further*, That of the funds appropriated in this paragraph, $119,335,000 shall not be obligated or expended until authorized by law.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 96 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; $527,754,000, to remain available for obligation until September 30, 1996: *Provided*, That of the funds appropriated in this paragraph, $56,733,000 shall not be obligated or expended until authorized by law.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $6,887,201,000, to remain available for obligation until September 30, 1996: *Provided*, That of the funds appropriated in this paragraph, not less than $20,000,000 shall be available only for the C-130J aircraft.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $3,845,354,000, to remain available for obligation until September 30, 1996: *Provided*, That of the funds appropriated in this paragraph, $224,483,000 shall not be obligated or expended until authorized by law.

Other Procurement, Air Force

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; the purchase of not to exceed 710 passenger motor vehicles of which 695 shall be for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $7,336,918,000, to remain available for obligation until September 30, 1996.

National Guard and Reserve Equipment

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; $1,178,100,000, to remain available for obligation until September 30, 1996: *Provided*, That of the funds appropriated in this paragraph, $184,825,000 shall not be obligated or expended until authorized by law.

Procurement, Defense-Wide

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 1 vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; and the purchase of not to exceed 438 passenger motor vehicles, of which 420 shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $1,557,344,000, to remain available for obligation until September 30, 1996: *Provided*, That the funds available under this heading for the High Performance Computer Modernization plan may be used only for: (1) the execution of existing contract upgrade options of installed stable supercomputer facilities that have not kept technically current; or (2) the acquisition in open, competitive procurements of architecturally stable, fully user-operational, compatible supercomputers possessing essentially stable system software, which have been successfully demonstrated using statistically valid samples of the current workload of the laboratories in question without substantive reprogramming or program conversion.

Defense Production Act Purchases

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061); $200,000,000, to remain available until expended: *Provided*, That none of these funds shall be obligated for any project unless a Presidential determination has been made in accordance with the Defense Production Act: *Provided further*, That the Department of Defense shall notify the Committees on Appropriations of the House of Representatives and the Senate sixty days prior to the release of funds for any project not previously approved by Congress.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Army

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $5,560,082,000, to remain available for obligation until September 30, 1995: *Provided*, That $2,000,000 shall be made available only for the Center for Prostate Disease Research at the Walter Reed Army Institute of Research: *Provided further*, That $5,000,000 shall be made available only for the Center of Excellence in Breast Cancer Research and Training at the National Naval Medical Center, in Bethesda, Maryland: *Provided further*, That not less than $1,000,000 of the funds appropriated in this paragraph shall be made available only to a joint research partnership involving an educational institution, not now engaged in a large volume of basic research, and a biomedical research institute, including a working arrangement with Canadian and German scientists, for the development and testing of a new insulin derivative for the treatment of diabetes and hypoglycemia in the dependents of active duty military members: *Provided further*, That of the funds appropriated in this paragraph, $142,941,000 shall not be obligated or expended until authorized by law.

Research, Development, Test and Evaluation, Navy

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $8,604,777,000, to remain available for obligation until September 30, 1995: *Provided*, That for continued research and development programs at the National Center for Physical Acoustics, centering on ocean acoustics as it applies to advanced antisubmarine warfare acoustics issues with focus on ocean bottom acoustics, seismic coupling, sea-surface and bottom scattering, oceanic ambient noise, underwater sound propagation, bubble related ambient noise, acoustically active surfaces, machinery noise, propagation physics, solid state acoustics, electrorheological fluids, transducer development, ultrasonic sensors, and other such projects as may be agreed upon, $1,000,000 shall be made available, as a grant, to the Mississippi Resource Development Corporation, of which not to exceed $250,000 of such sum may be used to provide such special equipment as may be required for particular projects: *Provided further*, That none of the funds appropriated in this paragraph may be obligated or expended to develop or purchase equipment for an Aegis destroyer variant (commonly known as "Flight IIA") whose initial operating capability is budgeted to be achieved prior to the initial operating capability of the Ship Self-Defense program, nor to develop sensor, processor, or display capabilities which duplicate in any way those being developed in the Ship Self-Defense program: *Provided further*, That funds appropriated in this paragraph for Aegis Combat System Engineering tactical display simplification may be obligated only to develop equipment on an interim basis which is planned to be installed in Aegis ships prior to the date that the first production unit of the Advanced Display System is planned to be accepted by the Government: *Provided further*, That funds appropriated in this paragraph for Aegis Combat System Engineering tactical display simplification may not be obligated on contracts which include production options for ship installations planned beyond the date that the first production unit of the Advanced Display System is planned to be accepted by the Government: *Provided further*, That funds appropriated in this paragraph for development of E-2C aircraft upgrades may not be obligated until the Under Secretary of Defense for Acquisition submits a plan to the Committees on Appropriations and Armed Services of each House of Congress for development and deployment of a fully participating cooperative engagement capability on E-2 aircraft to be fielded concurrent with and no later than major computer upgrades for the aircraft: *Provided further*, That funds appropriated in this paragraph for development of the L-X ship may not be obligated unless the baseline design of the ship includes cooperative engagement capability and sufficient own-ship self-defense capability against advanced sea-skimming antiship cruise missiles in the baseline design to achieve an estimated probability of survival from attack by such missiles at a level no less than any other Navy ship: *Provided further*, That after January 1, 1994, funds appropriated in this paragraph for the Naval Research Laboratory may not be obligated unless the Navy's Manufacturing Technology Program Office has responsibilities and position equivalent to the Science and Technology Directorates at the Office of Naval Research and is fully staffed to meet those responsibilities.

Research, Development, Test and Evaluation, Air Force

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $12,608,995,000, to remain available for obligation until September 30, 1995: *Provided*, That not less than $21,000,000 of the funds appropriated in this paragraph shall be made available only for the Joint Seismic Program and Global Seismic Network administered by the Incorporated Research Institutions for Seismology: *Provided further*, That not less than $60,000,000 of the funds appropriated in this paragraph shall be made available only for the National Center for Manufacturing Sciences (NCMS).

Research, Development, Test and Evaluation, Defense-Wide

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $9,526,918,000, to remain available for obligation until September 30, 1995: *Provided*, That not less than $97,000,000 of the funds appropriated in this paragraph are available only for the Extended Range Interceptor (ERINT) missile: *Provided further*, That the Ballistic Missile Defense Organization (BMDO) shall continue its current strategy of flight testing, ground testing, simulations, and other Government analyses of the Patriot Multimode Missile and the Extended Range Interceptor for selection of the best technology in terms of cost, schedule, risk, and performance to meet PAC-3 missile requirements for theater missile defense and that the Director, BMDO, will determine when there is adequate information to proceed to selection for engineering and manufacturing development: *Provided further*, That none of the funds in this paragraph may be used to operate more than one external affairs office in the Washington, D.C. area for ballistic missile defense programs: *Provided further*, That not less than $15,000,000 of the funds appropriated in this paragraph shall be made available as a grant awarded through competitive procedures to a State supported historically black college or university with a demonstrated expertise in physics and materials science, a doubled enrollment over the past seven years, and a leading enrollment of National Achievement Scholars over the last several years, for construction to expand facilities for basic sciences and engineering associated with research, development, and other programs of major importance to the Department of Defense: *Provided further*, That not less than 25 percent of the funds appropriated in this paragraph for the High Performance Computing initiative may be obligated only for research designed to develop improved performance from high performance computing systems and technology utilizing parallel vector processing architecture: *Provided further*, That not less than $20,000,000 of the funds appropriated in this paragraph shall be available only for an Experimental Program to Stimulate Competitive Research (EPSCOR) in the Department of Defense which shall include all States eligible as of the date of enactment of this Act for the National Science Foundation Experimental Program to Stimulate Competitive Research: *Provided further*, That none of the funds appropriated in this paragraph for research, development, demonstration, or commercialization of electric vehicles and the related infrastructure; fuel cell research; natural gas research; or coal research, authorized to be conducted by the Secretary of Energy under statutes administered by such Secretary shall be obligated by the Secretary of Defense except in accordance with the applicable provisions of the Energy Policy Act of 1992 and other relevant statutes and pursuant to an agreement, made available to the applicable legislative and appropriation Committees of Congress, between the Secretary of Defense and the Secretary of Energy that provides for coordination of all such activities with the relevant programs at the Department of Energy administered under such Acts: *Provided further*, That of the funds appropriated under this heading, not less than $52,000,000 shall be made available only for the Computer-aided Acquisition and Logistics Support (CALS) Shared Resource Center (CSRC) program. Of that amount, not less than $30,000,000 shall be made available only for the continued operation of the original CSRC by the current nonprofit institution or its successor in interest, as the Department's tri-service CALS standards and technologies development, deployment, training, and education hub for the CSRC program; the continued operation of the CSRC Regional Satellite (CRS); and the establishment and continued operation of additional CRSs to be operated by educational or other nonprofit institutions. In addition, $20,000,000 shall be made available only for the continued operation of the six original CRSs: *Provided further*, That none of the funds in this Act can be expended to pay the salaries or expenses of the Department's CSRC Program Management Office unless such office is located within the Office of the Secretary of Defense: *Provided further*, That nothing shall prohibit use of the CSRC or CRSs by industry, associations, other Department of Defense services and agencies, and other government agencies for efforts to be separately negotiated and funded: *Provided further*, That $2,300,000 shall be made available only for cell adhesion molecule research.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director, Test and Evaluation in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; $232,592,000, to remain available for obligation until September 30, 1995.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; $12,650,000, to remain available for obligation until September 30, 1995.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE BUSINESS OPERATIONS FUND

For the Defense Business Operations Fund; $1,091,100,000: *Provided*, That none of the funds available in the Defense Business Operations Fund shall be used for any hardware procurement, new development, or expansion of the Defense Business Management System; except that funds may be used to continue minimal maintenance efforts of the Defense Business Management System for the Defense Logistics Agency to continue daily operations.

NATIONAL DEFENSE SEALIFT FUND

(INCLUDING TRANSFER OF FUNDS)

For National Defense Sealift Fund programs, projects, and activities, $490,800,000, to remain available until expended: *Provided*, That up to $200,000,000 shall be available for transfer to the Secretary of Transportation for costs (as defined in section 502 of the Federal Credit Reform Act of 1990) of loan guarantee commitments under title XII of the Merchant Marine Act, 1936, as amended by H.R. 2401, the National Defense Authorization Act for Fiscal Year 1994: *Provided further*, That any facilities financed by the foregoing loan guarantee commitments must make use of new technologies and processes which have been demonstrated by Department of Defense organizations prior to construction of facilities: *Provided further*, That all loan guarantees or loan guarantee commitments made by the Secretary of Transportation shall occur only after consultation with the Secretary of Defense: *Provided further*, That notwithstanding any other provision of law, the Secretary of Transportation shall give priority to providing loan guarantees to businesses located in enterprise zones and investing private funds in developing integrated design and manufacturing facilities technologies: *Provided further*, That notwithstanding any other provision of law, all loan guarantees or loan guarantee commitments for ship construction shall be made without regard to gross ton weight.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law; $9,644,447,000, of which $9,368,185,000 shall be for Operation and maintenance, of which $276,262,000, to remain available for obligation until September 30, 1996, shall be for Procurement: *Provided*, That the Department shall competitively contract during fiscal year 1994 for mail service pharmacy for at least two multi-state regions in addition to the ongoing solicitations for Florida, South Carolina, Georgia, Delaware, New Jersey, Pennsylvania, and Hawaii, as well as each base closure area not supported by an at-risk managed care plan; that such services shall be procured independent of any other Department managed care contracts; that one multi-state region shall include the State of Kentucky: *Provided further*, That of the funds appropriated in this Act, such funds as necessary shall be used for the continuation of the cooperative program model being established at Madigan Medical Center for severely behavior disordered students: *Provided further*, That of the funds appropriated in this paragraph, $265,000,000 shall not be obligated or expended until authorized by law.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986, (50 U.S.C. 1521) and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $397,561,000, of which $292,061,000 shall be for Operation and maintenance, $74,800,000, to remain available until September 30, 1996, shall be for Procurement, and $30,700,000, to remain available until September 30, 1995, shall be for Research, development, test and evaluation: *Provided*, That of the funds appropriated in this paragraph, $30,700,000 shall not be obligated or expended until authorized by law.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; $757,785,000: *Provided*, That the funds appropriated by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act: *Provided further*, That of the funds appropriated in this paragraph, not less than $5,900,000 shall be available only for the Gulf States Counter-Narcotics Initiative.

Office of the Inspector General

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended; $169,801,000, of which $169,001,000 shall be for Operation and maintenance, of which not to exceed $400,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on his certificate of necessity for confidential military purposes; and of which $800,000, to remain available until September 30, 1996, shall be for Procurement.

TITLE VII

RELATED AGENCIES

NATIONAL FOREIGN INTELLIGENCE PROGRAM

Central Intelligence Agency Retirement and Disability System Fund

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $182,300,000.

National Security Education Trust Fund

(RESCISSION)

Of the funds made available in Public Law 103–50 for the National Security Education Act under the heading "National Security Education Trust Fund", $10,000,000 is hereby rescinded.

Of the funds made available in Public Law 102–172 for the National Security Education Trust Fund, $140,000,000 and interest earned and accrued thereon is hereby rescinded.

Community Management Staff

For necessary expenses of the Community Management Staff; $114,688,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army.

SEC. 8005. Section 9005 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396) is amended by striking out "contained in this Act" and inserting "or any other funds available to the Department of Defense" in lieu thereof.

(TRANSFER OF FUNDS)

SEC. 8006. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act.

(TRANSFER OF FUNDS)

SEC. 8007. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds and the "Foreign Currency Fluctuations, Defense" and "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8008. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the Committees on Appropriations and Armed Services of the Senate and House of Representatives.

SEC. 8010. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for payments to physicians and other authorized individual health care providers in excess of the amounts allowed in fiscal year 1993 for similar services, except that: (a) for services for which the Secretary of Defense determines an increase is justified by economic circumstances, the allowable amounts may be increased in accordance with appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act; and (b) for services the Secretary determines are overpriced based on allowable payments under title XVIII of the Social Security Act, the allowable amounts shall be reduced by not more than 15 percent (except that the reduction may be waived if the Secretary determines that it would impair adequate access to health care services for beneficiaries). The Secretary shall solicit public comment prior to promulgating regulations to implement this section. Such regulations shall include a limitation, similar to that used under title XVIII of the Social Security Act, on the extent to which a provider may bill a beneficiary an actual charge in excess of the allowable amount.

SEC. 8011. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the Committees on Appropriations and Armed Services of the Senate and House of Representatives have been notified at least thirty days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without a 10-day prior notification to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

SEC. 8012. (a) None of the funds appropriated by this Act shall be available to convert a position in support of the Army Reserve, Air Force Reserve, Army National Guard, and Air National Guard occupied by, or programmed to be occupied by, a (civilian) military technician to a position to be held by a person in an active duty status or active Guard or Reserve status if that conversion would reduce the total number of positions occupied by, or programmed to be occupied by, (civilian) military technicians of the component concerned, below 69,061: *Provided*, That none of the funds appropriated by this Act shall be available to support more than 46,111 positions in support of the Army Reserve, Army National Guard, or Air National Guard occupied by, or programmed to be occupied by, persons in an active Guard or Reserve status: *Provided further*, That none of the funds appropriated by this Act may be used to include (civilian) military technicians in computing civilian personnel ceilings, including statutory or administratively imposed ceilings, on activities in support of the Army Reserve, Air Force Reserve, Army National Guard, or Air National Guard.

(b) None of the funds appropriated by this Act shall be used to include (civilian) military technicians in any administratively imposed freeze on civilian positions.

SEC. 8013. Notwithstanding any other provision of law, governments of Indian tribes shall be treated as State and local governments for the purposes of disposition of real property recommended for closure in the report of the Defense Secretary's Commission on Base Realignments and Closures, December 1988, the report to the President from the Defense Base Closure and Realignment Commission, July 1991, and Public Law 100–526.

SEC. 8014. (a) The provisions of section 115(a)(4) of title 10, United States Code, shall not apply with respect to fiscal year 1994 or with respect to the appropriation of funds for that year.

(b) During fiscal year 1994, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(c) The fiscal year 1995 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1995 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1995.

SEC. 8015. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8016. None of the funds appropriated by this Act shall be obligated for the pay of any individual who is initially employed after the date of enactment of this Act as a technician in the administration and training of the Army Reserve and the maintenance and repair of supplies issued to the Army Reserve unless such individual is also a military member of the Army Reserve troop program unit that he or she is employed to support. Those technicians employed by the Army Reserve in areas other than Army Reserve troop program units need only be members of the Selected Reserve.

SEC. 8017. None of the funds available to the Department of Defense may be used for the floating storage of petroleum or petroleum products except in vessels of or belonging to the United States.

SEC. 8018. Notwithstanding any other provision of law, the Secretaries of the Army and Air Force may authorize the retention in an active status until age sixty of any officer who would otherwise be removed from an active status and who is employed as a National Guard or Reserve technician in a position in which active status in a reserve component of the Army or Air Force is required as a condition of that employment.

SEC. 8019. Notwithstanding any other provision of law, proceeds from the investment of the Fisher House Investment Trust Fund will be used to support the operation and maintenance of Fisher Houses associated with Army medical treatment facilities.

SEC. 8020. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 1415(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act—

(1) enlists in the armed services for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 308a or 308f of title 37, United States Code,

nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That, in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8021. Funds appropriated in this Act shall be available for the payment of not more than 75 percent of the charges of a postsecondary educational institution for the tuition or expenses of an officer in the Ready Reserve of the Army National Guard or Army Reserve for education or training during his off-duty periods, except that no part of the charges may be paid unless the officer agrees to remain a member of the Ready Reserve for at least four years after completion of such training or education.

SEC. 8022. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

SEC. 8023. None of the funds appropriated or made available by this Act may be obligated for acquisition of major automated information systems which have not successfully completed oversight reviews required by Defense Department regulations: *Provided*, That the automated information systems oversight review board will be independent of any other Department review function and chaired by the Assistant Secretary of Defense (Command, Control, Communications and Intelligence): *Provided further*, That except for those programs to modernize and develop migration and standard automated information systems that have been certified by the Department's senior information resource management (IRM) official as being fully compliant with the Department's information management initiative as defined in Defense Department Directive 8000.1, no funds may be expended for modernization or development of any automated information system (AIS) by the military departments, services, defense agencies, Joint Staff or Military Commands in excess of $1,000,000 unless the senior official of the Office of the Secretary of Defense with primary responsibility for the functions being supported or to be supported certifies to the Assistant Secretary of Defense for Command, Control, Communications and Intelligence that the functional requirement(s) is valid and that the system modernization or development has no unnecessary duplication of other available or planned AISs: *Provided further*, That the Department shall develop the capability for open systems integration of commercial-off-the-shelf (COTS) applications within the Composite Health Care System (CHCS): *Provided further*, That the Department shall limit deployment of the Defense Blood Standard System (DBSS) to donor and processing centers, and shall procure, install, and integrate by April 1, 1994, at two or more CHCS sites an open system compliant COTS hospital-based blood bank/transfusion application, with security access by application function and developed in the same application language as CHCS: *Provided further*, That the Department shall procure and install at all CHCS alpha and beta sites by April 1, 1994, an open system integrated anatomic pathology COTS application with security access by application function and developed with the same software application language as CHCS: *Provided further*, That notwithstanding any other provision of law, the one time investment cost, including the procurement or lease of new or reutilized automatic data processing investment equipment, peripheral equipment and related software, for the July 16, 1993 DOD Data Center Consolidation Plan shall not exceed $309,000,000.

SEC. 8024. Notwithstanding any other provision of law, the Secretary of the Navy may use funds appropriated to charter ships to be used as auxiliary minesweepers providing that the owner agrees that these ships may be activated as Navy Reserve ships with Navy Reserve crews used in training exercises conducted in accordance with law and policies governing Naval Reserve forces: *Provided*, That none of the funds appropriated or made available in this Act may be used to inactivate, disestablish, or discontinue the Navy's Craft of Opportunity Program.

SEC. 8025. Notwithstanding any other provision of law, the Department shall competitively award contracts in fiscal year 1994 for at least four new region-wide, at-risk, fixed price managed care support contracts consistent with the following requirements: (1) each contract or acquisition shall reflect the major features of the CHAMPUS Reform Initiative and include provision for the commanders of major military medical centers to participate as the regional lead agents; (2) each such contract or acquisition shall include a triple option benefit; (3) one similar contract or acquisition shall cover the State of Florida (which may include Department of Veterans Affairs' medical facilities with the concurrence of the Secretary of Veterans Affairs); (4) one similar contract shall cover the States of Washington and Oregon; (5) each other such contract or acquisition shall include at least one complete State; (6) the managed care support contracts for California and Hawaii, Florida, Washington and Oregon shall not be counted for purposes of the required four new contracts of acquisitions; and (7) the Department shall modify a currently operating CHAMPUS service contract to include an at-risk managed health care provision, to provide services not later than 90 days after enactment of this Act, in the area of Homestead Air Force Base, to include the Homestead and South Miami Hospitals as institutional providers, with a benefit structure substantially identical to that established in fiscal year 1993 for the Carswell, Bergstrom and England Air Force Bases (including a retail pharmacy network available to Medicare-eligible beneficiaries), said provision to remain effective as an interim measure until implementation of the competitive at-risk contract for Florida as required by this section: *Provided further*, That none of the funds appropriated, or otherwise made available to the Department of Defense, by this or any other Act of Congress, shall be used to implement or administer any changes to the operating CHAMPUS Reform Initiative-like contracts unless the scope of benefits and program management structure are consistent with the basic CHAMPUS Reform Initiative design in operation on January 1, 1993: *Provided further*, That any law or regulation of a State or local government relating to health insurance, prepaid health plans, or other health care delivery, administration, and financing methods shall be preempted and shall not apply to any contract entered into pursuant to chapter 55 of title 10, United States Code: *Provided further*, That any requirements for the certification of cost effectiveness, access and quality of any managed health care programs will be construed to require that the certification compare on a national basis the program to be certified with the standard CHAMPUS program as determined by the application of sound actuarial principles: *Provided further*, That the Department shall competitively award at least two contracts in fiscal year 1994 for stand-alone, at-risk managed mental health services in high utilization, high-cost areas, consistent with the management and service delivery features in operation in the Contracted Provider Arrangement (CPA) Tidewater Demonstration.

SEC. 8026. Funds appropriated or made available in this Act shall be obligated and expended to continue to fully utilize the facilities at the United States Army Engineer's Waterways Experiment Station, including the continued availability of the supercomputer capability: *Provided*, That none of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the Armed Services and Appropriations Committees of Congress that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8027. For the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508), the term program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 1994, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the Committee of Conference, the related classified annexes and reports, and the P–1 and R–1 budget justification documents as subsequently modified by Congressional action: *Provided*, That the following exception to the above definition shall apply:

For the Military Personnel and the Operation and Maintenance accounts, the term "program, project, and activity" is defined as the appropriations accounts contained in the Department of Defense Appropriations Act: *Provided further*, That at the time the President submits his budget for fiscal year 1995, the Department of Defense shall transmit to the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives a budget justification document to be known as the "O–1" which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for operation and maintenance in any budget request, or amended budget request, for fiscal year 1995.

SEC. 8028. Of the funds appropriated to the Army, $217,600,000 shall be available only for the Reserve Component Automation System (RCAS): *Provided*, That none of these funds can be expended—

(1) except as approved by the Chief of the National Guard Bureau;

(2) unless RCAS resource management functions are performed by the National Guard Bureau;

(3) to pay the salary of an RCAS program manager who has not been selected and approved by the Chief of the National Guard Bureau and chartered by the Chief of the National Guard Bureau and the Secretary of the Army;

(4) unless the Program Manager (PM) charter makes the PM accountable to the Chief of the National Guard Bureau and fully defines his authority, responsibility, reporting channels and organizational structure;

(5) to pay the salaries of individuals assigned to the RCAS program management office unless such organization is comprised of personnel chosen jointly by the Chiefs of the National Guard Bureau and the Army Reserve;

(6) to pay contracted costs for the acquisition of RCAS unless RCAS is an integrated system consisting of software, hardware, and communications equipment and unless such contract continues to preclude the use of Government furnished equipment, operating systems, and executive and applications software; and

(7) unless RCAS performs its own classified information processing: *Provided further*, That notwithstanding any other provision of law, none of the funds appropriated shall be available for procurement of computers for the Army Reserve Component which are used to network or expand the capabilities of existing or future information systems or duplicate functions to be provided under the RCAS contract unless the procurement meets the following criteria: (A) only RCAS automated data processing (ADP) equipment may be procured and only in the numbers and types allocated by the RCAS program to each site; (B) the requesting organizational element has no computer for stand-alone office automation usage; (C) replacement equipment will not exceed the minimum required to maintain the reliability of existing capabilities; (D) replacements will be justified solely on the cost and feasibility of repairs and maintenance of present ADP equipment as compared to the cost of replacement; and (E) the procurement is recommended by both the Chief of the respective Reserve Component and the Chief of the National Guard Bureau, and approved by the Functional Proponent in the Department of Defense.

SEC. 8029. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

(TRANSFER OF FUNDS)

SEC. 8030. Notwithstanding any other provision of law, the Department of Defense may transfer prior year, unobligated balances and funds appropriated in this Act to the operation and maintenance appropriations for the purpose of providing military technician and Department of Defense medical personnel pay and medical programs (including CHAMPUS) the same exemption from sequestration set forth in the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508) as that granted the other military personnel accounts: *Provided*, That any transfer made pursuant to any use of the authority provided by this provision shall be limited so that the amounts reprogrammed to the operation and maintenance appropriations do not exceed the amounts sequestered under the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508): *Provided further*, That the authority to make transfers pursuant to this section is in addition to the authority to make transfers under other provisions of this Act: *Provided further*, That the Secretary of Defense may proceed with such transfer after notifying the Appropriations Committees of the House of Representatives and the Senate twenty calendar days in session before any such transfer of funds under this provision.

SEC. 8031. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8032. All new Department of Defense procurements shall separately identify software costs in the work breakdown structure defined by MIL–STD–881 in those instances where software is considered to be a major category of cost.

SEC. 8033. During the current fiscal year and thereafter, of the funds appropriated, reimbursable expenses incurred by the Department of Defense on behalf of the Soviet Union or its successor entities in monitoring United States implementation of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range or Shorter-Range Missiles ("INF Treaty"), concluded December 8, 1987, may be treated as orders received and obligation authority for the applicable appropriation, account, or fund increased accordingly. Likewise, any reimbursements received for such costs may be credited to the same appropriation, account, or fund to which the expenses were charged: *Provided*, That reimbursements which are not received within one hundred and eighty days after submission of an appropriate request for payment shall be subject to interest at the current rate established pursuant to section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (59 Stat. 526). Interest shall begin to accrue on the one hundred and eighty-first day following submission of an appropriate request for payment: *Provided further*, That funds appropriated in this Act may be used to reimburse United States military personnel for reasonable costs of subsistence, at rates to be determined by the Secretary of Defense, incurred while accompanying Soviet Inspection Team members or inspection team members of the successor entities of the Soviet Union engaged in activities related to the INF Treaty: *Provided further*, That this provision includes only the in-country period (referred to in the INF Treaty) and is effective whether such duty is performed at, near, or away from an individual's permanent duty station.

SEC. 8034. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8035. None of the funds available in this Act to the Department of Defense or Navy shall be obligated or expended for (or to implement) automatic data processing, data processing center, central design activity, DMRD 918, defense information infrastructure, military or civilian personnel and finance and accounting function consolidation plans, consolidations, and disestablishment or realignment plans that impact, in terms of reductions in force or transfers in military and civilian personnel, end strength, billets, functions, or missions, the Enlisted Personnel Management Center, the Naval Computer and Telecommunications Station and Defense Accounting Office, New Orleans, and the Naval Reserve Personnel Center and related missions, functions, and commands until sixty legislative days after the Secretary of Defense submits to the House and Senate Committees on Appropriations a report, including complete review comments and a certification, by both the Secretary of Defense and the Comptroller General, justifying and certifying that such plans and actions: (1) do not consolidate, plan to consolidate, disestablish or realign Department of Defense or Service data processing functions or centers, central design activities, finance and accounting or military and civilian personnel functions and activities, or claim savings from such function and activity consolidations and disestablishment, realignment, or consolidation plans, that are in more than one defense management report plan or decision or any other Department of Defense or Service consolidation, disestablishment, or realignment plan; (2) utilize criteria primarily weighted to evaluate, measure, and compare how data processing centers, central design activities, financing and accounting and military and civilian personnel functions and activities are ranked in terms of operational readiness, customer satisfaction, and the most cost effective and least expensive from a business performance, and regional operations cost standpoint; (3) will provide equal or better service for DOD customers; (4) will not adversely impact the quality of life and benefits of the individual service person, dependents, and civilian personnel; and (5) will not adversely impact the mission and readiness of the Navy and Naval Reserves: *Provided*, That none of the provisions in this section shall, in any way, affect the implementation of the Defense Base Closure and Realignment Commission recommendations.

SEC. 8036. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by Executive Agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 1995 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such Executive Agreement with a NATO member host nation shall be reported to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate thirty days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8037. All obligations incurred in anticipation of the appropriations and authority provided in this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act.

SEC. 8038. None of the funds available to the Department of Defense in this Act shall be used to demilitarize or dispose of more than 310,784 unserviceable M1 Garand rifles and M1 Carbines.

SEC. 8039. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8040. None of the funds appropriated by this Act may be used by the Department of Defense to assign a supervisor's title or grade when the number of people he or she supervises is considered as a basis for this determination: *Provided*, That savings that result from this provision are represented as such in future budget proposals.

SEC. 8041. Of the funds appropriated by this Act, no more than $18,500,000 shall be available for the mental health care demonstration project at Fort Bragg, North Carolina: *Provided*, That adjustments may be made for normal and reasonable price and program growth.

SEC. 8042. None of the funds appropriated by this Act may be used to pay health care providers under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) for services determined under the CHAMPUS Peer Review Organization (PRO) Program to be not medically or psychologically necessary. The Secretary of Defense may by regulation adopt any quality and utilization review requirements and procedures in effect for the Peer Review Organization Program under title XVIII of the Social Security Act (Medicare) that the Secretary determines necessary, and may adapt the Medicare requirements and procedures to the circumstances of the CHAMPUS PRO Program as the Secretary determines appropriate.

SEC. 8043. None of the funds appropriated by this Act shall be available for payments under the Department of Defense contract with the Louisiana State University Medical Center involving the use of cats for Brain Missile Wound Research, and the Department of Defense shall not make payments under such contract from funds obligated prior to the date of the enactment of this Act, except as necessary for costs incurred by the contractor prior to the enactment of this Act, and until thirty legislative days after the final General Accounting Office report on the aforesaid contract is submitted for review to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That funds necessary for the care of animals covered by this contract are allowed.

SEC. 8044. None of the funds provided in this Act or any other Act shall be available to conduct bone trauma research at the Letterman Army Institute of Research until the Secretary of the Army certifies that the synthetic compound to be used in the experiments is of such a type that its use will result in a significant medical finding, the research has military application, the research will be conducted in accordance with the standards set by an animal care and use committee, and the research does not duplicate research already conducted by a manufacturer or any other research organization.

SEC. 8045. The Secretary of Defense shall include in any base closure and realignment plan submitted to Congress after the date of enactment of this Act, a complete review for the five-year period beginning on October 1, 1993, which shall include expected force structure and levels for such period, expected installation requirements for such period, a budget plan for such period, the cost savings expected to be realized through realignments and closures of military installations during such period, an economics model to identify the critical local economic sectors affected by proposed closures and realignments of military installations and an assessment of the economic impact in each area in which a military installation is to be realigned or closed.

SEC. 8046. No more than $50,000 of the funds appropriated or made available in this Act shall be used for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and Senate that such a relocation is required in the best interest of the Government: *Provided further*, That no funds appropriated or made available in this Act shall be used for the relocation into the National Capital Region of the Air Force Office of Medical Support located at Brooks Air Force Base.

SEC. 8047. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5 or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the armed forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under section 331, 332, 333, 3500, or 8500 of title 10, or other provision of law, as applicable, or

(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5.

SEC. 8048. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-function activity.

SEC. 8049. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8050. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8051. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the military or civilian medical and medical support personnel end strength as of September 30, 1993, as defined by section 711(c) of Public Law 101-510: *Provided*, That none of the funds appropriated in this Act may be used to reduce the military or civilian medical and medical support personnel end strength at a base undergoing a partial closure or realignment, where more than one joint command is located, below the September 30, 1991 level.

SEC. 8052. Of the funds made available in this Act, not less than $11,679,000 shall be available for the Civil Air Patrol, of which $4,642,000 shall be available for Operation and Maintenance.

SEC. 8053. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 815th Weather Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8054. During the current fiscal year, withdrawal credits may be made by the Defense Business Operations Fund to the credit of current applicable appropriations of an activity of the Department of Defense in connection with the acquisition by that activity of supplies that are repairable components which are repairable at a repair depot and that are capitalized into the Defense Business Operations Fund as the result of management changes concerning depot level repairable assets charged to an activity of the Department of Defense which is a customer of the Defense Business Operations Fund that became effective on April 1, 1992.

SEC. 8055. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46-48).

SEC. 8056. During the current fiscal year and thereafter, there is established, under the direction and control of the Attorney General, the National Drug Intelligence Center, whose mission it shall be to coordinate and consolidate drug intelligence from all national security and law enforcement agencies, and produce information regarding the structure, membership, finances, communications, and activities of drug trafficking organizations: *Provided*, That funding for the operation of the National Drug Intelligence Center, including personnel costs associated therewith, shall be provided from the funds appropriated to the Department of Defense.

SEC. 8057. During the current fiscal year and thereafter, the Navy may provide notice to exercise options under the LEASAT program for the next fiscal year, in accordance with the terms of the Aide Memoire, dated January 5, 1981, as amended by the Aide Memoire dated April 30, 1986, and as implemented in the LEASAT contract.

SEC. 8058. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8059. None of the funds in this Act shall be obligated for the procurement of Multibeam Sonar Mapping Systems, and supporting software, not engineered and manufactured in the United States: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8060. During the current fiscal year and thereafter, notwithstanding any other provision of law, the Department of Defense is hereby authorized to develop and procure the LANDSAT 7 vehicle.

SEC. 8061. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8062. Of the funds appropriated by this Act for the Defense Health Program, notwithstanding any other provision of law, the amount payable for services provided under this section shall not be less than the amount calculated under the coordination of benefits reimbursement formula utilized when CHAMPUS is a secondary payor to medical insurance programs other than Medicare, and such appropriations as necessary shall be available (notwithstanding the last sentence of section 1086(c) of title 10, United States Code) to continue Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) benefits, until age 65, under such section for a former member of a uniformed service who is entitled to retired or retainer pay or equivalent pay, or a dependent of such a member, or any other beneficiary described by section 1086(c) of title 10, United States Code, who becomes eligible for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) solely on the grounds of physical disability, or end stage renal disease: *Provided*, That expenses under this section shall only be covered to the extent that such expenses are not covered under parts A and B of title XVIII of the Social Security Act and are otherwise covered under CHAMPUS: *Provided further*, That no reimbursement shall be made for services provided prior to October 1, 1991.

SEC. 8063. During the current fiscal year, the Secretary of Defense may accept burdensharing contributions in the form of money from Japan, the Republic of Korea, and the State of Kuwait for the costs of local national employees, supplies, and services of the Department of Defense to be credited to applicable Department of Defense operation and maintenance appropriations available for the salaries and benefits of national employees of Japan, the Republic of Korea, and the State of Kuwait, supplies, and services to be merged with and to be available for the same purposes and time period as those appropriations to which credited: *Provided*, That not later than 30 days after the end of each quarter of the fiscal year, the Secretary of Defense shall submit to the Congress a report of contributions accepted by the Secretary under this provision during the preceding quarter.

SEC. 8064. (a) Funds appropriated in this Act to finance activities of Department of Defense (DOD) Federally Funded Research and Development Centers (FFRDCs) may not be obligated or expended for an FFRDC if a member of its Board of Directors or Trustees simultaneously serves on the Board of Directors or Trustees of a profit-making company under contract to the Department of Defense unless the FFRDC has a DOD approved conflict of interest policy for its members.

(b) None of the funds appropriated in this Act are available to establish a new FFRDC, either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

SEC. 8065. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.

SEC. 8066. Notwithstanding any other provision of law, no more than 15 percent of the funds available to the Department of Defense for sealift may be used to acquire, directly or indirectly, through charter or purchase, ships constructed in foreign shipyards: *Provided*, That ships acquired as provided above shall be necessary to satisfy the shortfalls identified in the Mobility Requirements Study: *Provided further*, That any work required to convert foreign built ships acquired as provided above to United States Coast Guard and American Bureau of Shipping standards, or conversion to a more useful military configuration, must be accomplished in United States domestic shipyards: *Provided further*, That none of the funds shall be used to purchase the following major components: bridge or machinery control systems, or interior communications equipment, auxiliary equipment, including pumps for all shipboard services, propulsion system components (that is, engines, reduction gears, and propellers), shipboard cranes, and spreaders for shipboard cranes for sealift ships unless the systems or equipment, and their components, are manufactured in the United States: *Provided further*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8067. For the purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services, the Committees on Appropriations, and the subcommittees on Defense of the Committee on Appropriations, of the Senate and the House of Representatives.

SEC. 8068. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8069. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 1994. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8070. (a) Of the funds made available in this Act in title II, Operation and Maintenance, Army, $5,000,000 shall be available only to execute the cleanup of uncontrolled hazardous waste contamination affecting the Sale Parcel at Hamilton Air Force Base, in Novato, in the State of California.

(b) Notwithstanding any other provision of law, in the event that the purchaser of the Sale Parcel exercises its option to withdraw from all or a portion of the sale, as provided in the Agreement and Modification, dated September 25, 1990, between the Department of Defense, the General Services Administration, and the purchaser, as amended, the purchaser's deposit of $4,500,000 shall be returned by the General Services Administration and funds eligible for reimbursement under the Agreement and Modification, as amended, shall come from the funds made available to the Department of Defense by this Act.

(c) Notwithstanding any other provision of law, in the event that the purchaser purchases only a portion of the Sale Parcel and exercises its option to withdraw from the sale as to the rest of the Sale Parcel, the portion of the Sale Parcel that is not purchased (other than Landfill 26 and an appropriate buffer area around it), together with any of the land referred to in section 9099(e) of Public Law 102-396 that is not purchased by the purchaser, shall be sold to the City of Novato, in the State of California, for the sum of One Dollar as a public benefit transfer for school, classroom or other educational use, for use as a public park or recreation area or for further conveyance as provided herein, subject to the following restrictions: (1) if the City sells any portion of such land to any third party within ten years after the transfer to the City, which sale may be made without the foregoing use restrictions, any proceeds received by the City in connection with such sale, minus the demonstrated reasonable costs of conducting the sale and of any improvements made by the City to the land following its acquisition of the land (but only to the extent such improvements increase the value of the portion sold), shall be immediately turned over to the Army in reimbursement of the withdrawal payment made by the Army to the contract purchaser and the costs of cleaning up the Landfill and (2) until one year following completion of the cleanup of contaminated soil in the landfill and completion of the groundwater treatment facilities, the sale must be at a per-acre price for the portion sold that is at least equal to the per-acre contract price paid by the purchaser for the portion of the Sale Parcel purchased under the Agreement and Modification, as amended, and thereafter must be at a price at least equal to the fair market value of the portion sold. The foregoing restrictions shall not apply to a transfer to another public or quasi-public agency for public uses of the kind described above. The deed to the City shall contain a clause providing that, if any of the proceeds referred to in clause (1) are not delivered to the Army within 30 days after sale, or any portion of the land not sold as provided herein is used for other than educational, park or recreational uses, title to the applicable portion of such land shall revert to the United States Government at the election of the General Services Administration. The Army shall agree to deliver into the applicable closing escrow an acknowledgement of receipt of any proceeds described in clause (1) above and a release of the reverter right as to the affected land, effective upon such receipt.

(d) Notwithstanding any other provision of law, the Air Force shall be reimbursed for expenditures in excess of $15,000,000 in connection with the total clean-up of uncontrolled hazardous waste contamination on the aforementioned Sale Parcel from the proceeds collected upon the closing of any portion of the Sale Parcel purchased by the contract purchaser under the Agreement and Modification, as amended.

SEC. 8071. Notwithstanding any other provision of law, the Secretary of Defense may, when he considers it in the best interest of the United States, cancel any part of an indebtedness, up to $2,500, that is or was owed to the United States by a member or former member of a uniformed service if such indebtedness, as determined by the Secretary, was incurred in connection with Operation Desert Shield/Storm: *Provided*, That the amount of an indebtedness previously paid by a member or former member and cancelled under this section shall be refunded to the member.

SEC. 8072. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8073. During the current fiscal year, voluntary separation incentives payable under 10 U.S.C. 1175 may be paid in such amounts as are necessary from the assets of the Voluntary Separation Incentive Fund established by section 1175(h)(1).

(INCLUDING TRANSFER OF FUNDS)

SEC. 8074. Amounts deposited during fiscal years 1993 and 1994 to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8075. In order to maintain an electric furnace capacity in the United States, preference for the purchase of chromite ore and manganese ore authorized for disposal from the National Defense Stockpile shall be given to domestic producers of high carbon ferrochromium and high carbon ferromanganese—

(A) whose primary output during the three preceding years has been ferrochromium or ferromanganese; and

(B) who guarantee to use the chromite and manganese ore for domestic purposes.

SEC. 8076. During the current fiscal year, none of the funds available to the Department of Defense may be used to procure or acquire (1) defensive handguns or defensive handgun ammunition unless such handguns or handgun ammunition are the M9 9mm Department of Defense standard handgun or ammunition for such handguns, or (2) offensive handguns and ammunition except for the Special Operations Forces.

SEC. 8077. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient government housing while performing active duty for training or inactive duty training: *Provided*, That such members may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: *Provided further*, That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

SEC. 8078. For fiscal year 1994, the total amount appropriated to fund the Uniformed Services Treatment Facilities program, operated pursuant to section 911 of Public Law 97-99 (42 U.S.C. 248c), is limited to $291,000,000, of which not more than $265,000,000 may be provided by the funds appropriated by this Act.

SEC. 8079. None of the funds available in this Act may be used to support in any manner, including travel or other related expenses, the "Tailhook Association": *Provided*, That investigations by the Secretary of the Navy or consultation with the Tailhook Association are not prohibited by this provision.

SEC. 8080. During the current fiscal year and thereafter, from funds available to the Department of Defense, the Director of the Air National Guard shall operate a Command, Control, Communications and Intelligence planning office manned by three full-time Air Guard officers in the rank of O-6, O-5, and O-4: *Provided*, That these officers shall be in addition to the strengths authorized in section 524 of title 10, United States Code.

SEC. 8081. None of the funds appropriated in this Act or made available to the Department of Defense and deposited into the Pentagon Reservation Maintenance Revolving Fund may be used for the purpose of constructing a Pentagon Maintenance Facility, a Logistics Support Extension, or any other building not an integral part of the present Pentagon building.

SEC. 8082. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the Defense Agencies.

SEC. 8083. None of the funds available to the Department of Defense may be obligated or expended for construction of Ground Wave Emergency Network (GWEN) sites in Fiscal Year 1994.

SEC. 8084. The $15,000,000 made available in section 9088 of the Department of Defense Appropriations Act, 1993 (Public Law 102-396) for payment of claims to United States military and civilian personnel for damages incurred as a result of the volcanic eruption of Mount Pinatubo in the Philippines, shall remain available for obligation until September 30, 1994, notwithstanding section 9003 of that Act.

(TRANSFER OF FUNDS)

SEC. 8085. In addition to any other transfer authority contained in this Act, $100,000,000 appropriated in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations contained in this Act which are available for the payment of civilian voluntary separation incentives, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred.

SEC. 8086. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991, (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8087. During the current fiscal year, annual payments granted under the provisions of section 4416 of the National Defense Authorization Act for fiscal year 1993 (Public Law 102-428; 106 Stat. 2714) shall be made from appropriations in this Act which are available for the pay of reserve component personnel.

SEC. 8088. None of the funds appropriated by this Act may be used to relocate the 116th Fighter Wing of the Air National Guard from Dobbins Air Reserve Base to Robins Air Force Base, or to convert that wing from F-15A aircraft to B-1B aircraft.

SEC. 8089. (a) IN GENERAL.—Subject to subsection (b), the Secretary of the Army may release, discharge, waive, and quitclaim all right, title, and interest which the United States may have by virtue of the quitclaim deed dated June 18, 1956, in and to approximately 6.89 acres of real property, with improvements thereon, in Harris County, Texas.

(b) CONDITION.—The Secretary may carry out subsection (a) only after obtaining satisfactory assurances that the State of Texas shall obtain, in exchange for the real property referred to in subsection (a), a tract of real property—

(1) which is at least equal in value to the real property referred to in subsection (a), and

(2) which shall be, on the date on which the State obtains it, subject to the same restrictions and covenants with respect to the Federal Government as are applicable on the date of the enactment of this Act to the real property referred to in subsection (a).

(c) LEGAL DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property referred to in subsection (a) shall be based upon surveys that are satisfactory to the Secretary.

SEC. 8090. None of the funds appropriated by this Act shall be used to procure aircraft fuel cells unless the fuel cells are produced or manufactured in the United States by a domestic-owned and domestic-operated entity: *Provided*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the

House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8091. (a) Notwithstanding any other provision of law, not less than $750,000 of the funds appropriated under the heading "Operation and Maintenance, Army" in title II of this Act shall be made available until expended to conduct a demonstration program involving the Army Senior Reserve Officers' Training Corps battalion at Indiana University-Northwest and Army Junior Reserve Officers' Training Corps units near the University. The purpose of the program shall be to encourage minority students in secondary educational institutions to continue their education.

(b) Under the program, Senior Reserve Officers' Corps cadets may serve as mentors and tutors for students in Junior Reserve Officers' Corps units. Cadets and students may participate in combined activities, including summer camps, field training, and other traditional military activities.

(c) Senior Reserve Officers' Corps cadets who serve as mentors and tutors may be paid a stipend.

(d) After a cadet has satisfactorily served in the program, under criteria established by the Secretary of the Army and for a period of time determined by the Secretary, the cadet may be provided financial assistance tuition, books, laboratory fees, and similar educational expenses if the cadet continues to serve satisfactorily in the program.

SEC. 8092. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $50,000.

SEC. 8093. None of the funds appropriated by this Act shall be available for direct or indirect support of the joint Department of Defense/Department of Energy Safeguard C contingent nuclear testing program.

SEC. 8094. In connection with procurements of petroleum products made by the Department of Defense with appropriated funds, the Secretary shall consider all qualified bids from any eligible country under the Caribbean Basin Economic Recovery Act which is hereby deemed a designated country pursuant to 19 U.S.C. 2511(b).

SEC. 8095. During the current fiscal year, appropriations available for the pay and allowances of active duty members of the Armed Forces shall be available to pay the retired pay which is payable pursuant to section 4403 of Public Law 102–484 (10 U.S.C. 1293 note) under the terms and conditions provided in section 4403.

SEC. 8096. None of the funds appropriated in this Act may be used to pay the salaries of more than two Senior Executive Service positions within the Office of the Assistant Secretary of the Army for Civil Works: *Provided*, That the individuals in these positions may not be compensated at a rate higher than level three of the Senior Executive Service.

SEC. 8097. (a) During the current fiscal year, none of the appropriations or funds available to the Defense Business Operations Fund shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Defense Business Operations Fund if such an item would not have been chargeable to the Defense Business Operations Fund during fiscal year 1993 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 1995 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1995 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 1995 procurement appropriation and not in the supply management business area or any other area or category of the Defense Business Operations Fund.

SEC. 8098. (a) The prohibition in section 133(a)(2) of the National Defense Authorization Act for fiscal years 1990 and 1991 (Public Law 101–189; 103 Stat. 1383) does not apply to the obligation of funds in amounts not to exceed $216,000,000 for the procurement of not more than 36 OH–58D Scout aircraft from funds appropriated in title III of this Act.

(b) The prohibition in section 132(a)(2) of the National Defense Authorization Act for 1990 and 1991 (Public Law 101–189; 103 Stat. 1383) does not apply to the obligation of funds in amounts not to exceed $368,430,000 for the procurement of not more than 24 AH-64 aircraft from funds appropriated in title III of this Act.

SEC. 8099. The Department of Defense may not purchase at wholesale or retail, a cement product manufactured by the burning of hazardous or toxic waste unless the following written notice is included with the product: "WARNING: This cement product was manufactured by a process that burns a hazardous material and may contain residue of the hazardous material. Use appropriately for the risk involved." This warning must be printed in a size and type that is clearly legible and on all bagged products and on the shipping manifest if the product is purchased in bulk.

SEC. 8100. (a) FINDINGS.—The Congress finds that—

(1) the United States Government has not made adequate efforts to seek the payment of compensation by the government of Peru for the death and injuries to United States military personnel resulting from the attack by aircraft of the military forces of Peru on April 24, 1992, against a United States Air Force C–130 aircraft operating off the coast of Peru; and

(2) in failing to make such efforts adequately, the United States Government has failed in its obligation to support the servicemen and their families involved in the incident and generally to support members of the Armed Forces carrying out missions on behalf of the United States.

(b) SEMIANNUAL REPORT.—The Secretary of Defense shall submit a report to Congress on December 1 and June 1 of each year on the efforts made by the Government of the United States during the preceding six-month period to seek the payment of fair and equitable compensation by the Government of Peru (1) to the survivors of Master Sergeant Joseph Beard, Jr., United States Air Force, who was killed in the attack described in subsection (a), and (2) to the other crew members who were wounded in the attack and survived.

(c) TERMINATION OF REPORT REQUIREMENT.—The requirement in subsection (b) shall terminate upon certification by the Secretary of Defense to Congress that the Government of Peru has paid fair and equitable compensation as described in subsection (b).

SEC. 8101. Notwithstanding any other provision of law or regulation, the Department of Defense is directed to use available off the shelf, nondevelopmental items in filling small craft and small boat requirements when at all possible.

SEC. 8102. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

SEC. 8103. None of the funds appropriated by this Act shall be available for payment of the compensation of personnel assigned to or serving in the National Foreign Intelligence Program in excess of 96 percent of such personnel actually assigned to or serving in the National Foreign Intelligence Program on September 30, 1992: *Provided*, That in making any reduction in the number of such personnel that may be required pursuant to this section, the percentage of reductions to Senior Intelligence Service positions shall be equal to or exceed the percentage of reductions to non-Senior Intelligence Service positions: *Provided further*, That in making any reduction in the number of such personnel that may be required pursuant to this section, the percentage of reductions to positions in the National Capital Region shall be equal to or exceed the percentage of reductions to positions outside of the National Capital Region.

SEC. 8104. None of the funds provided by this Act may be used to pay the salaries of any person or persons who authorize the transfer of obligated and deobligated appropriations into the Reserve for Contingencies of the Central Intelligence Agency.

SEC. 8105. During the current fiscal year and thereafter, funds appropriated for construction projects of the Central Intelligence Agency, which are transferred to another Agency for execution, shall remain available until expended.

SEC. 8106. During the current fiscal year and thereafter, monetary limitations on the purchase price of a passenger motor vehicle shall not apply to vehicles purchased for intelligence activities conducted pursuant to Executive Order 12333 or successor orders.

SEC. 8107. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1995.

(TRANSFER OF FUNDS)

SEC. 8108. During the current fiscal year and thereafter, no funds may be made available through transfer, reprogramming, or other means between the Central Intelligence Agency and the Department of Defense for any intelligence or special activity different from that previously justified to the Congress unless the Director of Central Intelligence or the Secretary of Defense has notified the House and Senate Appropriations Committees of the intent to make such funds available for such activity.

SEC. 8109. The classified annex prepared by the Committee on Appropriations to accompany the report on the Department of Defense Appropriations Act, 1994 is hereby incorporated into this Act: *Provided*, That the amounts specified in the classified Annex are not in addition to amounts appropriated by other provisions of this Act: *Provided further*, That the President shall provide for appropriate distribution of the classified Annex, or of appropriate portions of the classified Annex, within the executive branch of the Government.

SEC. 8110. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems at the Unified and Specified Commands.

SEC. 8111. After March 1, 1994, none of the funds appropriated by this Act shall be available for any National Foreign Intelligence Program: *Provided*, That this provision shall not apply for any National Foreign Intelligence Program for which budget exhibits were submitted to the House Committee on Appropriations which justifies in detail all funds requested for "base", "ongoing", and "new" programs for fiscal year 1995.

SEC. 8112. None of the funds appropriated by this Act shall be available for the planning, programming or actual movement of any component or function of the Defense Mapping Agency Aerospace Center annex from the St. Louis, Missouri, area.

SEC. 8113. (a) During the current fiscal year and hereafter the provisions of law specified in subsection (b) shall not extend to any military firearms (or ammunition, components, parts, accessories, and attachments for such firearms) of United States manufacture furnished to any foreign government by the United States under the Arms Export Control Act or any other foreign assistance or sales program of the United States if—

(1) such firearms are among those firearms described in clause (i) of the second subparagraph (B) of section 38(b)(1) of the Arms Export Control Act; and

(2) such foreign government certifies to the United States Government that such foreign government has transferred such firearms to a person who is not an officer, employee, or agent of such foreign government for the purpose of returning such firearms to the United States for sale in the United States.

(b) The provisions of law specified in this subsection are—

(1) the prohibition under the regulations required by the second sentence of section 38(b)(1)(A) of the Arms Export Control Act; and

(2) the requirements contained in—

(A) subsections (a)(1), (a)(4), and (e) of section 505 of the Foreign Assistance Act of 1961; and

(B) paragraph (2) of subsection (a), and the third sentence of such subsection, of section 3 of the Arms Export Control Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8114. In addition to amounts appropriated or otherwise made available by this Act, $21,700,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard for a 2.2 percent pay increase for uniformed members.

SEC. 8115. None of the funds appropriated or made available in this Act shall be obligated or expended for the performance of depot-level maintenance by the Department of Defense unless such activities are conducted in accordance with section 2466(a) of title 10, United States Code, as amended by Public Law 102-484.

SEC. 8116. Notwithstanding any other provision of law, and in accordance with section 2905 of the Defense Base Closure and Realignment Act of 1990, Public Law 101-510, the Department of Defense shall proceed with implementation of the 1993 Defense Base Closure and Realignment Commission recommendation concerning the consolidation of tactical missile maintenance at Letterkenny Army Depot.

SEC. 8117. Notwithstanding any other provision of law, the Secretary of the Navy shall obligate the funds appropriated for fiscal years 1992 and 1993 for the USH-42 Mission Recorder program for the A-6 aircraft.

SEC. 8118. In addition to amounts appropriated elsewhere in this Act, $200,000 shall be available only for settlement of claims and interest thereon, associated with contract numbered N62474-86-C-0253 for construction of a multipurpose range complex at the Marine Corps Air Ground Combat Center in Twentynine Palms, California: *Provided*, That such settlement shall be made pursuant to the recommendation of August 19, 1993, of the Comptroller General of the United States (case B-230871.3).

SEC. 8119. Notwithstanding any other provision of law, none of the funds appropriated for fiscal year 1993 and fiscal year 1994 for the DDG-51 destroyer program shall be obligated or expended for procurement of the ring laser gyroscope inertial navigation system under a sole source contract.

SEC. 8120. The Secretary of the Navy shall carry out the establishment of the Mine Warfare Center of Excellence at the naval station at Ingleside, Texas (including the establishment of all subordinate units and the relocation of Navy mine warfare forces), in accordance with the schedule of the Navy for the establishment of such center and without regard to any alteration in that schedule that would otherwise be required pursuant to any other provision of law enacted during the first session of the 103d Congress that applies specifically to the construction and operation of that center or to the relocation of Navy mine warfare forces to Ingleside, Texas.

SEC. 8121. (a) The amount expended during fiscal year 1994 from funds appropriated by this Act or any prior Department of Defense Appropriations Act shall not exceed $255,795,000,000.

(b) The Secretary of Defense and the Director of Central Intelligence shall take such steps as necessary to ensure compliance with the requirement in subsection (a).

(c) The provisions of the Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) shall not apply with respect to funds appropriated by this Act or any prior Department of Defense Appropriations Act to the extent necessary to enable the Secretary of Defense to comply with subsection (a).

(d) Any payment required to be made by the Department of Defense to a business concern that, but for this subsection, would be required to be made during September, 1994 may be made during the period beginning on October 1, 1994, and ending on the date that is 30 days after the date on which the payment would otherwise be required to be made. In determining the amount of any interest penalty under section 3902 of title 31, United States Code, for failure to make any such payment, any period for which the Secretary of Defense, under the preceding sentence, deferred the required payment date shall not be taken into account.

(e)(1) The Secretary of Defense shall, on each of the dates specified in paragraph (2), submit to the Committees on Appropriations and the Committees on Armed Services of the Senate and House of Representatives a report on the implementation of this section. Each such report shall include—

(A) an analysis of cumulative obligations and cumulative expenditures from accounts subject to the limitation in subsection (a) during the period beginning on October 1, 1993, and ending on the last day of the month preceding the month in which the report is to be submitted, including a comparison of such obligations and expenditures with the relevant estimates of outlays made by the Office of Management and Budget and the Congressional Budget Office; and

(B) a description of the specific actions taken by the Secretary to ensure that the Department of Defense meets the requirements of subsection (a).

(2) The reports required by paragraph (1) shall be submitted not later than the following dates in 1994: January 15, April 15, July 15, September 15, and October 15.

(TRANSFER OF FUNDS)

SEC. 8122. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided*, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further*, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

AOE combat support ship program, $3,459,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1986/1990":

MHC coastal mine hunter program, $3,459,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

AOE combat support ship program, $46,000;

Oceanographic ship program, $538,000;

For craft, outfitting, post delivery, and ship special support equipment, $994,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

For craft, outfitting, and post delivery, $3,806,000;

Under the heading, "Aircraft Procurement, Navy, 1992/1994", $28,710,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1992/1996":

DDG-51 destroyer program, $41,800,000;

For craft, outfitting, and post delivery, $1,560,000;

Under the heading, "Weapons Procurement, Navy, 1992/1994", $36,000,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

SSN-688 attack submarine program, $26,596,000;

CVN nuclear aircraft carrier program, $83,600,000;

LHD-1 amphibious assault ship program, $3,258,000;

From:

Under the heading, "Aircraft Procurement, Navy, 1992/1994", $28,890,000;

Under the heading, "Aircraft Procurement, Navy, 1993/1995", $3,400,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1993/1997";

Refueling overhauls, $909,000;

DDG-51 destroyer programs, $14,400,000;

MHC coastal mine hunter program, $9,343,000;

For craft, outfitting and post delivery, $27,250,000;

Under the heading, "Weapons Procurement, Navy, 1993/1995", $76,164,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy 1989/1993":

TRIDENT ballistic missile submarine program, $11,655,000;

SSN–688 attack submarine program, $26,972,000;

SSN–21 attack submarine program, $40,800,000;

DDG–51 destroyer program, $71,500,000;

MHC coastal mine hunter program, $9,429,000;

From:

Under the heading, "Other Procurement, Navy, 1993/1995", $68,361,000;

Under the heading, "Research, Development, Test and Evaluation, Navy, 1993/1995", $45,000,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy 1990/1994":

TRIDENT ballistic missile submarine program, $7,241,000;

DDG–51 destroyer program, $40,100,000;

MCM mine countermeasures program, $7,564,000;

T–AGOS surveillance ship program $58,456,000;

From:

Under the heading, "Weapons Procurement, Navy, 1993/1995", $24,015,000;

Under the heading, "Other procurement, Navy, 1993/1995", $102,439,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

SSN–21 attack submarine program, $70,654,000;

DDG–51 destroyer program, $31,300,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1993/1997":

LSD cargo variant ship program, $24,500,000.

SEC. 8123. None of the funds in this Act are available for any board, committee, or panel which develops, sets, defines, or recommends National Foreign Intelligence Program requirements: *Provided*, That this provision shall not apply to any such board, committee, or panel for which a majority of the members are not career intelligence or cryptologic professionals.

SEC. 8124. The Departments of Defense and Air Force are directed to obligate, no later than thirty days after enactment of this Act, the $55,500,000 appropriated for research and development in Public Law 102–396 only for the continuance of the Space Nuclear Thermal Propulsion Program.

SEC. 8125. The Secretary of Defense and the Director of Central Intelligence shall deliver, in conjunction with the fiscal year 1995 budget request, a report providing the following information about all research and development projects involving the implementation, monitoring, or verification of current and projected international arms control agreements: (a) annual and total budgets, goals, schedules, and priorities; (b) relationships among related projects being funded by the Department of Defense, the National Foreign Intelligence Program, and other departments and agencies of the Federal Government; and (c) comments by the Arms Control and Disarmament Agency about the relevance of each project to the arms control priorities of the United States.

SEC. 8126. Notwithstanding any other provision of law, none of the funds appropriated in this or any other Act shall be used for the purchase of a totally enclosed lifeboat survival system, which consists of the lifeboat and associated davits and winches, if less than 75 percent of the entire system's components are manufactured in the United States, and if less than 75 percent of the labor in the manufacture and assembly of the entire system is performed in the United States.

SEC. 8127. None of the funds appropriated by this Act may be used (1) to transfer to the United Nations a facility in the continental United States for use as a United Nations peacekeeping facility, or (2) for the renovation of such a facility in preparation for such a transfer.

Mr. MURTHA. Mr. Chairman, I ask unanimous consent that the bill, through page 125, line 19, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

POINTS OF ORDER

Mr. MURTHA. Mr. Chairman, I have four points of order

The CHAIRMAN. The gentleman will state the points of order.

Mr. MURTHA. Mr. Chairman, I make points of order against the following language in the bill. Beginning on page 27, line 23, through line 25;

Beginning with "Provided" on page 20, line 17, through "operations" on page 21, line 21, of the bill;

Against section 8099, beginning on page 198, line 20, through page 109, line 5; and

Against section 8113, beginning on page 114, line 3, through page 115, line 10.

These provisions give affirmative direction, impose additional duties, set aside existing law, go beyond the funding in this bill and appropriate for an unauthorized project.

This constitutes legislation in an appropriations bill and is in violation of clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Florida wish to be heard on the points of order?

Mr. YOUNG of Florida. Mr. Chairman, we reluctantly concede the points of order.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, let me just express my appreciation for the consideration by the chairman in accepting these points of order. As chairman of the Committee on Foreign Affairs, I appreciate that very much.

The CHAIRMAN (Mr. ROSTENKOWSKI). Does any other Member wish to be heard on the points of order?

If not, the points of order are conceded.

The Chair understands that points of order beginning on page 27, line 23, through line 25 are against pages 20, line 17 through page 21, line 21, against the section beginning on page 108, line 20.

Does the gentleman also make points of order against section 8113, beginning on page 114, line 3, through page 115, line 10?

Mr. MURTHA. Yes, Mr. Chairman.

The CHAIRMAN. Those points of order are conceded and sustained.

Mr. MURTHA. Mr. Chairman, I ask unanimous consent that all debate on this bill and amendments thereto be concluded not later than 12:30 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: At the end of the bill, add the following new sections:

SEC. . COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. . SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of Defense shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. . PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. . RECIPROCITY.

(a) GENERAL RULE.—Except as provided in subsection (b), no contract or subcontract may be made with funds authorized under this Act to a company organized under the laws of a foreign country unless the Secretary finds that such country affords comparable opportunities to companies organized under laws of the United States.

(b) EXCEPTION.—(1) The Secretary may waive the rule stated under subsection (a) if the products or services required are not reasonably available from companies organized under the laws of the United States. Any such waiver shall be reported to the Congress.

(2) Subsection (a) shall not apply to the extent that to do so would violate the General Agreement of Tariffs and Trade or with any other international agreement to which the United States is a party.

Mr. TRAFICANT [during the reading]. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this amendment basically states we seek compliance with the Buy American Act. We give notice that with regard to people who get funds under this appropriation, we encourage them to buy American-made products when they can.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, we have no objection to the amendment.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, we support the gentleman's amendment and accept the amendment.

Mr. TRAFICANT. Mr. Chairman, I appreciate the support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MS. FURSE

Ms. FURSE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. FURSE: Page 40, line 22, strike "$9,526,918,000" and insert "$9,376,918,000".

Mr. MURTHA [during the reading]. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Ms. FURSE. Mr. Chairman, I stand before you today in support of the Furse-Penny amendment. Our original amendment would have reduced funding for Ballistic Missile Defense by 10 percent—$329 million—from a little over $3 to $2.7 billion.

It is our desire that all of the considerable savings from this amendment be devoted to deficit reduction and we hope the appropriators will share that opinion in conference.

We arrived at the $2.7 billion BMD spending level because it is consistent with the findings of Defense Secretary Aspin's Bottom-Up Review, which was just released September 1. The review, in Mr. Aspin's words, is "the vehicle by which my Department will focus on the new dangers and opportunities of this post-cold war world." It is the document which projects our national defense needs for the fiscal year 1995–99 period.

The $3 billion funding level for BMD in this will was established in the authorization by the Armed Services Committee in its late July markup. Unfortunately, our committee did not have the benefit of the Bottom-Up Review's findings at that time.

In this review, Secretary Aspin stated new funding goals for BMD, and called for "a redirected BMD program that will provide a robust theater missile defense capability." The review calls for spending $18 billion over 5 years on BMD. A majority, $12 billion, would be spent on TMD. That is an average of $2.4 billion a year for TMD.

In addition, we are also concerned that at the present level of spending—over $3 billion—we are funding the development of systems that we cannot afford in the outyears. Earlier this year, the head of the Strategic Defense Initiative Office testified that the $1.8 billion in the administration fiscal year 1994 request for TMD would grow to an average of $3.3 billion over fiscal years 1995–99. The increase is a result of TMD's expected transition from research into the production phase later in the decade. Because it is universally acknowledged that production is more costly than research, it would be irresponsible of us to incubate more scientific BMD eggs than we can actually hatch. BMD supporters and opponents alike do not want to waste scarce Federal funds on programs that will end up being cancelled.

If we are to arrive at the Bottom-Up Review's recommended level of an average $2.4 billion a year for fiscal years 1995–99, then $1.3–$1.5 billion is the proper level for fiscal year 1994, based on the ratio provided by SDIO.

The other categories in BMD are being funded at steady levels. Those are national missile defense, research and support, and follow-on technologies; they add up to $1.2 billion. So, we add to that $1.2 billion the proper TMD funding level of $1.3–$1.5 for a total of $2.5–$2.7 billion. We chose $2.7 billion to give maximum flexibility to program planners.

The chairman of the Defense Subcommittee expressed his willingness to work with me on this amendment and has indicated that he will accept our amendment, with a change to a $150 million reduction in total BMD spending. I appreciate his interest in this issue and I look forward to continuing to build on this success next year. With the impact of compound interest, the $150 million we are saving today is actually a saving of $1.15 billion over 30 years. I am proud of what we have accomplished today and I urge my colleagues to support the Furse-Penny amendment to reduce BMD funding by $150 million in fiscal year 1994.

Mr. MURTHA. Mr. Chairman, will the gentlewoman yield?

Ms. FURSE. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, we accept the amendment.

Ms. FURSE. Mr. Chairman, I thank the chairman of the committee for accepting the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon [Ms. FURSE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PENNY

Mr. PENNY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PENNY: Page 27, line 5, strike "$2,808,986,000" and insert "$1,680,390,000".

Mr. MURTHA. Mr. Chairman, I ask unanimous consent that the time on this amendment be limited to 20 minutes, 10 minutes to the gentleman from Minnesota [Mr. PENNY] and 10 minutes to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. PENNY] will be recognized for 10 minutes, and the gentleman from Pennsylvania [Mr. MURTHA] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bipartisan amendment—offered by myself, Congresswoman LYNN WOOLSEY, and Congressman SCOTT KLUG—reduces funding in the Navy weapons procurement section of this bill by just over $1.1 billion. It is my intention that this entire reduction be applied to the Trident II/D-5 Missile Program—resulting in the termination of this program after fiscal year 1993.

Mr. Chairman, this is primarily a budget issue. The Department of Defense is planning to spend over $10 billion over the next few years to procure over 300 additional D-5 nuclear missiles. At a time when we are reducing expenditures on many other nuclear weapons programs, the Department of Defense wants to continue spending billions of dollars on submarine-launched nuclear missiles.

In addition, the Department of Defense is tentatively planning to spend about $5 billion to replace the C-4 missile with the D-5 missile on the eight Trident I submarines. The question before us today is whether or not we can justify spending billions of dollars in the next few years on additional nuclear missiles.

Why do I believe that we can not afford to spend scarce taxpayer dollars on additional nuclear missiles?

First, while the opponents of this amendment downplay the fact that the cold war is over and that the Soviet Union no longer exists, the fact is that this missile was designed solely to penetrate the hardened targets found only in the former Soviet Union.

To illustrate the problem that the Navy has encountered with the fact that the cold war has ended, I have an article here from Defense News of 3 months ago which explains how the Navy is studying ways to use the D-5 missile for conventional purposes. Can we really afford to procure D-5 missiles—at a cost of $30 million per missile—for conventional uses when a less expensive missile could perform this mission? If the Navy so badly needs additional D-5 missiles for their strategic submarine fleet, why are they studying ways to use this expensive missile for conventional purposes?

Second, there is the question of this amendment jeopardizing the START II Treaty. This amendment essentially requires the Navy to seek an agreement with the Russians to allow the United States to decrease the number of missiles per submarine—a procedure known as "detubing"—and increase the number of warheads per missile. Only the "detubing" part of this action is not allowed under the START II Treaty. The treaty counts 24 missiles per submarine—and four warheads per missile—whether there are 24 missiles on the submarine or not.

Therefore, in order to reduce the number of missiles per submarine—and have it counted that way—the United States would need to seek an agreement with the Russians on this issue of detubing. Does a requirement to ask the Russians about this issue—which would save American taxpayers billions of dollars—really jeopardize the START II Treaty? Not in my opinion.

If we vote today to terminate the Trident II/D-5 Missile Program, the worse result of asking the Russians to allow the United States to detube its Trident II submarines would be for the Russians to say "no" to this proposal sometime after termination of the D-5 missile. The Congressional Budget Office discussed this scenario in its recent report on the Trident II/D-5 missile.

According to CBO, the United States could in such a circumstance deploy no more than 1,248 submarine-launched ballistic missiles, which is about 30-percent fewer than what is permitted by the START II Treaty.

Yet even with a smaller deployment in that portion of the nuclear triad, the United States would still retain a total of about 3,000 deployed nuclear warheads—an arsenal which would be roughly equal to the number of warheads that Russia is expected to deploy under the START II Treaty, according to the Congressional Budget Office.

Mr. Chairman. I urge members to vote in favor of the Penny-Woolsey-Klug amendment.

□ 1030

Mr. Chairman, I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I yield 5 minutes of my time to the gentleman from Florida [Mr. YOUNG] and ask unanimous consent that he be permitted to yield time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. YOUNG] for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, we cannot do this. This is the only line that we have left dealing with nuclear missiles. This is the most survivable of our nuclear missiles, and if the former Soviet Union had dismantled all of their missiles and had destroyed them, we might be able to do this. But that is not the case. The former Soviet Union, their missiles are still in place, and they are still aimed at us, and we still need the strength of a deterrent, and this is our deterrent.

The President of the United States, Mr. Clinton, has asked that we preserve this system; the Chairman of the Joint Chiefs, General Powell, has asked that we preserve this system; the Secretary of Defense, Mr. Aspin, has asked that we preserve this system, all in letters to the Congress, and this Congress itself has spoken at least four times in the last several weeks urging that we not destroy, or eliminate, or terminate the D-5 program. This is the only line that we would have left open to provide our Nation with a deterrent against a nuclear attack from anyone else that might have nuclear capability, and, as we all know, nuclear capability is growing throughout the world at a dangerous rate.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I commend the gentleman from Florida [Mr. YOUNG] on his statement.

I would also point out that it is not as if we are not doing something about reducing our production of nuclear weapons. We have stopped the Peacekeeper Program; we have stopped Midgetman; we have stopped the SRAM Program; we have eliminated the Cruise Missile Program, and this is the one remaining strategic nuclear program that we have.

Mr. Chairman, our entire arms control strategy, as we reduce down to 3,000 warheads, is based on the fact that we are going to have a credible, survivable missile at sea on the Trident submarines. This would undermine the President, undermine the Secretary of Defense, would undermine our entire arms control regime between the United States and the various republics in the former Soviet Union.

So, I commend the gentleman on his statement. He is exactly on target, and I would urge that the amendment offered by the gentleman from Minnesota [Mr. PENNY] be defeated, and be defeated soundly, as it was before.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman from Washington [Mr. DICKS] for his statement.

Mr. Chairman, I yield such time as he may consume to my colleague, the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman from Florida [Mr. YOUNG], my friend, for yielding this time to me. It is amendments like this that are certainly penny wise and pound foolish. This is a foolish amendment, and the one which cut $150 million in RDT&E that passed by voice vote a few minutes ago is likewise foolish. I am going to express that opinion in the conference on both of these because this is not a peaceful world.

Mr. Chairman, we have recently learned that Russia has almost twice as many missiles as we believed them to have only a few years ago. There was an intelligence breakdown. There are more missiles pointed at us than we ever dreamed were pointed at us years ago. That must be dealt with. Hopefully, Russia will cease to be a threat because of the foreign aid bill that passed this House yesterday. But Belarus, Kazakhstan, Ukraine all have intercontinental missiles with a 10,000 kilometer range. China has ICBM's with 12,000 kilometer range. North Korea has a 1,000 kilometer range missile that can reach Japan. If we just unilaterally reduce our own capability to provide a nuclear deterrent, then we are acting in violation of our responsibilities to our children and our grandchildren.

Mr. YOUNG of Florida. Mr. Chairman, the gentleman from Louisiana [Mr. LIVINGSTON] makes a very profound statement, and I hope the Members will vote as they have in the past.

Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I rise today to solicit my fellow Members' strong support for the Trident missile production program. Continued production of the Trident II/D-5 missile is necessary to maintain a strong national defense and to protect the future security of our country.

The Trident system forms the backbone of our Nation's strategic deterrent. Today, submarine-launched ballistic missiles carry over half of all U.S. warheads on alert. Under START II, SLBM's will carry more than two-thirds of these warheads.

Trident II is the most modern, most accurate, most reliable, most flexible, and most robust missile in the U.S. arsenal. And it has a longer designed service life than any of its predecessors. The Trident submarine, together with the D-5 missile, provide us with the highest degree of confidence in the credibility of our sea-based strategic deterrent.

And yet, this amendment would prematurely terminate D-5 production before all Trident II submarines have been outfitted with the very system they were designed to carry. It would do so without regard for the ultimate size and composition of U.S. strategic forces. With bombers removed from day-to-day alert, we now rely more on the other two legs of the triad. And as the number of strategic weapons comes down further under arms control, our strategic posture will rely more heavily on Trident II/D-5—our primary deterrent, operating at sea, with virtual invulnerability.

Our Nation's security deserve the best, most advanced, capable, cost-effective missile we have to offer. The Trident II/D–5 is this missile. Please support the President's request for 24 more Trident II/D–5 missiles by defeating this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from California, a member of the subcommittee.

Mr. LEWIS of California. Mr. Chairman, I am a bit astonished sitting here on the floor. I, frankly, had not focussed on this amendment. This is an amendment that would eliminate the Trident missile; is that correct?

Mr. YOUNG of Florida. I would have to say to the gentleman that that would be the effect of it absolutely.

Mr. LEWIS of California. That is essentially the same amendment that lost so handily when the authorizing bill was on the floor, I believe; was it not?

Mr. YOUNG of Florida. The gentleman is absolutely correct. This House has voted against this amendment several times already.

Mr. LEWIS of California. Well, that debate clearly outlined how fundamental this missile is in terms of our strategic defense. It is absolutely unbelievable to me that it is back here on the appropriations bill.

Nonetheless, Mr. Chairman, I certainly would oppose the amendment.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman from California [Mr. LEWIS] for his statement, and I yield back the balance of my time.

Mr. PENNY. Mr. Chairman, I yield 4 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I rise today to remind my colleagues once again: The cold war is over, and the recent signing of Middle East Peace Accords shows us that peace is breaking out. But while Members of Congress keep saying that the cold war is over, they are failing to translate the message into sound peacetime spending policies.

The CBO estimates that this bill will cost us $262 billion. In a time when we have no superpower enemy, we are paying $262 billion on defense—five times the budget of the State of California. In contrast, the 1975 defense bill, which was passed at the height of the cold war, spent only $230 billion, adjusted for inflation. As the threat has gone down, the spending has gone up.

During the August district work period, Mr. Chairman, Members went home and heard their constituents tell them to make more spending cuts. Well, we came back in September to consider the defense authorization bill, and in the first week we had a chance to save the American taxpayers $10 billion by voting to end production of the Trident D–5 missile, a wasteful cold war relic. This amendment failed, 183 to 240. This shows me that while the Members of this body are constantly saying "cut spending first," some refuse to cut the most wasteful spending programs of all.

When I went back to Marin and Sonoma Counties—California's Sixth Congressional District—the people I spoke with were not interested in wasting another $10 billion on more submarine-launched nuclear missiles. They were interested in health care. They were interested in education reform. And, of course, they were interested in reducing the deficit. Mr. Chairman, I would hate to go home at the end of the year and tell the people of Marin and Sonoma that we failed to deal with these problems because we voted to spend $10 billion on the Trident D-5 nuclear missile. I would much rather tell them that we are solving the health care crisis, reforming our education system, and reducing that deficit.

Mr. Chairman, I urge my colleagues to vote for the issues we were all elected on in 1992. You have gone home and heard the call to cut spending. I urge you to answer this call by joining Mr. PENNY, Mr. KLUG, and myself in voting to eliminate one of the most wasteful, and expensive, spending programs we have—the Trident D-5 missile. I urge you to invest in our country's future and vote to save billions of dollars.

□ 1040

Mr. MURTHA. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Minnesota [Mr. PENNY] that would terminate production of the Trident II missile.

The Trident submarine force is the most survivable leg of the strategic deterrent. In addition, the D–5 is the only strategic missile still under production.

The world security environment has undergone revolutionary change over the last 5 years.

As noted in Secretary Aspin's bottom up review, "tens of thousands of nuclear weapons continue to be deployed on Russian territory, and on the territory of three other former Soviet Republics." The political future of these Republics is not cast in stone.

The United States has removed 80 percent of the START I required reductions in the number of warheads on ballistic missile systems, while the former Soviet Union has only removed 15 percent.

The Russians are currently developing, and plan to deploy, three new ballistic missiles within the next 10 years: A road-mobile, single RV, as well as a silo-based single RV, and a follow on missile for the *Typhoon* class ballistic missile submarine.

Nonetheless, the changed environment allows us to make dramatic reductions in these forces. Under START II, the Peacekeeper, small ICBM and Minuteman II ICBM's are eliminated. We are buying only 15 percent of the B-2 bombers originally programmed, the SRAM II program has been canceled and cruise missile carrying B–52's retired. We are scrapping all *Poseidon* submarines. The Trident submarine program has been capped at 18 and the W–88 warhead terminated.

The assertion that the Navy already has enough D–5 missiles for deployment is incorrect. As President Clinton has stated, "even at the lowest Trident levels pursuant to the bottom up review, additional D–5 missile procurements are required in fiscal year 1994 and 1995."

Mr. PENNY suggests that we just "Detube" the submarines. The President clearly stated the problems with this when he said—

> A United States proposal along these lines would open a pandora's box in terms of inviting counter proposals by our START partners for relief from other treaty dismantlement requirements they find onerous. If the United States were to ask Russia, Ukraine, Belarus and Kazakhstan for permission to revise or eliminate the strict START SLBM launcher elimination procedures, each of these States would likely demand a quid pro quo in areas under both START and CFE where they are already pressing us to simplify or waive weapons elimination requirements. The result would be an unraveling of the meticulously negotiated dismantlement procedures contained in both accords, with an attendant degradation in the irreversibility of these agreements.

Just 3 weeks ago, this body debated at length this very issue. The House of Representatives voted down those amendments that would terminate this important program.

I urge my colleagues not to support the Penny amendment.

Mr. Chairman, I include for the RECORD a letter from Les Aspin, the Secretary of Defense, in regard to this matter:

THE SECRETARY OF DEFENSE,
Washington, DC, August 2, 1993.

Hon. NORMAN D. DICKS,
House of Representatives, Washington, DC.

DEAR NORM: In advance of the upcoming consideration by the House of the President's FY 94 Defense Budget, I would like to reaffirm the importance I attach to continued Trident II (D–5) missile production.

While the risk of nuclear war is at an all time low, maintaining a robust and credible nuclear deterrent is critical as we work to reduce the residual nuclear threat. Looking out to our nuclear force under START II, the United States will rely more heavily on submarine launched ballistic missiles (SLBMs). Terminating D–5 missile production now would have the following adverse consequences:

The D–5 missile production requested for FY 94 and FY 95 is required to equip the ten Atlantic SSBNs scheduled to carry D–5 missiles, of which five are now operational and the remainder are in various stages of construction. Continued production in these years will be needed even if we were to reduce the number of operational tests to below currently accepted levels. D–5 procurement in FY 96 and beyond depends upon future judgments regarding overall Trident submarine force size, the possible D–5 retrofit of C–4 missiles now carried by older Trident submarines, and the size of the operational test program.

Modifying the submarines under construction—as some have suggested—to carry C–4 missiles would leave us with brand new SSBNs carrying an aging, less capable missile whose service life is limited. We should not address the question of retrofitting the C–4 missiles now.

Terminating D–5 missile production now would shut down the only operating strategic ballistic missile production line in the United States. Sustaining a low rate of D–5 production, and the associated industrial and technology bases, provide a key and unique hedge against future uncertainties.

Finally, ending production would also eliminate incentives for Russia to implement both START I and START II. While we are optimistic that START I and II will ultimately enter into force, it is highly premature and unwise to make force structure decisions now—such as stopping D–5 missile production—based on that optimism.

Continued D–5 production is, therefore, essential to the future health of our deterrent capability. I strongly urge your continued support for this critical program.

LES ASPIN.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to my colleague, a member of the Subcommittee on Defense Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I thank my friend for yielding.

Mr. Chairman, it was apparent to me from hearing the previous speaker that she had not spoken with Members of this House who were in Russia just about 5 months ago. When we were in Aleksandr Rutskoy's office, we saw on the wall of his office not only a picture of Peter the Great, who unified Greater Russia, but also a map of the old Soviet Union.

One Member pointed to the map and said, "Aren't you living in the past, Mr. Vice President?" And he said, "No. That is the future."

In fact, Mr. Rutskoy is currently holed up in the White House, their legislative body, in Moscow, today. We do not know what the outcome will be 24 hours from now, but he could very well find himself installed as Russia's new leader. And we are standing here unilaterally trying to dismember America's nuclear deterrent.

Mr. Chairman, it seems to me that is one of the most incredible, foolish moves that we could possibly make.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from South Carolina, who is an expert on this matter.

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this is offered as an economy amendment, a way of cutting and saving money. But in truth we are building Trident submarines right now which are specifically outfitted to accommodate the D–5 missile. The underlying premise of this amendment is you can take the C–4 missile which we already have amply in stock and stick it in the silos of these Trident submarines.

They do not fit. As a matter of dimensions, you simply cannot do it. So you have got to take the D–5 submarines already build and those under construction and the keel has been laid on all of them, and reoutfit them so they will accommodate the C–4 missile. That will cost $350 million per submarine.

Then when you do that, what have you got? You have got an old missile, a C–4 missile, that you are putting in a new submarine. Its remaining life will be a fraction of the hull life of the new submarine. Before the hull life of the new submarine has expended itself, you have to buy a new missile. You have to schlep the old missile. Finally, you have an infrastructure built on the Atlantic Coast at King's Bay, GA, specifically to accommodate the D–5 Trident II missile. That will have to be reconstructed to take on the C–4 as well.

Mr. Chairman, this is an ill-thought-out proposal. What we get in return is an older missile that is less effective, that has less range, less operating territory, and a smaller target set. It is not a good idea, and it is not an economical proposal either.

Mr. PENNY. Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, I thank the gentleman from Minnesota for yielding. We are going to miss his leadership next year when he decides to step down.

Mr. Chairman, let me say to my colleagues on this side of the aisle that I, like many of you, share an enthusiasm for doing cuts. And when the Citizens Against Government Waste announced its rating last week, I had a 95 percent track record of voting in this House for amendments to cut waste. In fact, the one vote I missed was for the space station. So I am not adverse whatsoever to financing technological advancement.

But let us make it clear how this world is more dangerous today than it was in the past, and why in some ways it is exactly the case of why this system is no longer needed.

I agree with the gentleman from Louisiana [Mr. LIVINGSTON] that we need to be awfully careful in preparing our defense for the next decade. But let me suggest what everybody has indicated we need to be more substantially worried about are smaller regional conflicts.

The D–5 Trident missile was specifically designed to hit hardened silos in the former Soviet Union. There are no other hardened silos at any potential other target in Iran, in Iraq, or any other kind of situations or scenarios that you can begin to paint. So we are left with the question about whether we are really spending a great deal of money increasing a nuclear deterrent to use on targets which simply do not exist anywhere except in the former Soviet Union. And you and I may disagree on the potential volatility of the former Soviet Union at some point.

But let me make it clear. That with 400 C–5 missiles and 300 D–5 submarine-launched ballistic missiles, and 3,500 nuclear warheads already in the United States arsenal, that would allow us to easily deploy the START II limitation of 1,750 warheads at sea.

Mr. Chairman, again, what we are talking about is a country that faces a $300 billion annual operating deficit, to say nothing of the $1 trillion of debt we have packed up in the past. I think we have to be concerned about the safety and the future of the United States and its people in the years ahead, but I think that makes all of us in this body make tough choices about what systems we can afford and what systems we cannot afford.

Mr. Chairman, let me say I join strongly with my colleague, the gentleman from Minnesota [Mr. PENNY], in arguing that we can save $1,200,000,000 in 1994, and we can save another $10 billion through 1999. It is a terrific missile system when needed against an enemy that no longer exists, and a target that, frankly, does not exist any place in the world, except an enemy that is dismantling at the same rate we are.

Mr. PENNY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this amendment will save $10 billion over the next 7 or 8 years. The question we really face is why are we doing this in the first place?

This Congress and the President have not adjusted to the fact that the 50-year arms race, first with the Japanese and the Nazis, and then with the Soviet Union, is over. It has ended. An era in history has ended.

We should completely adjust our budget and our military budget for that. We have 656 submarine-launched ballistic missiles on station. At whom are they aimed? At Mr. Yeltsin, who we are possibly going to be aiding? At whom are they aimed? Six hundred fifty-six is enough.

☐ 1050

The D–5 is a first strike weapon. It is intended to give us instant reaction capability, because the Soviet hunter killer subs are following our missile launchers, except they are not anymore. They are all in port. The danger they pose to us is not that they will destroy our missile submarines but that they will be gone at a fighter sale.

Mr. Chairman, I urge passage of this amendment.

Mr. HEFLEY. Mr. Chairman, many Members may ask themselves, Why should I support a defense against ballistic missiles?

You can look to the past and to the future for answers.

During Desert Storm, American service personnel were killed by incoming Scud missiles. If we'd had a better defense, these soldiers and airmen would be alive today.

Israel sat night after night worrying and waiting for a Scud attack.

Desert Storm should have made it very clear: We need an effective defense against ballistic missiles.

How about the future? What can it tell us about the need for ballistic missile defense?

There are approximately 30 countries with a ballistic missile capability.

Some of these nations are our allies;

Many are unfriendly—China, Iraq, Syria, Iran, Libya, North Korea; and

Of the 30 nations which have a ballistic missile capability, 8 are in the Middle East.

There are hotspots around the world, where our troops could be deployed—which are in range of ballistic missiles from hostile countries.

Someday it might be Washington, DC, instead of the West Bank. China, Russia, and the Ukraine all have the ability right now to deliver a ballistic missile strike on the United States.

The current situation in Russia ought to cause us some concern.

What if a hardliner comes to power?

Even worse, what if a hardliner who believes that the old Soviet Union should be reconstituted or the United States needs to be annihilated gets control of nuclear weapons. A Russian Kamikazi.

What if North Korea, currently getting technical expertise from short-on-cash Russian scientists, develops a system. Not only can they strike our troops in South Korea, but possibly the United States.

What if Iran or Libya or Iraq or Syria were to have a nuclear capability?

Many in Congress would have us believe that everything in the world is Pollyanna—there will be no more wars.

We need to wake up. The world is hurling toward nuclear saturation.

The author of this amendment has insinuated that the administration supports the lower BMD funding. Nothing could be further from the truth.

Secretary of Defense Aspin said:

> Saddam Hussein and the Scud missiles showed us that we need a ballistic missile defense for our forces in the field. That threat is here and now. In the future, we may face hostile or irrational states that have both nuclear warheads and ballistic missile technology that could reach the United States.

John Deutch, Assistant Secretary of Defense said in a letter to Chairman DELLUMS on September 7, after the bottom-up review:

> As you are aware, the Department of Defense has completed the Bottom-Up Review and refocused the BMD program. The revised funding profile through the Future Year Defense Plan is $18 billion—averaging about $3.6 billion a year.

Maj. Gen. Malcolm O'Neill, the Director of BMDO said:

> Further reductions [below the Appropriations Committee mark] will completely undermine our ability to effectively execute the President's BMD program.

I have been with my friend, Mr. PENNY, on many budget cutting issues. But I strongly disagree on this one.

Even the Clinton administration is opposed to this amendment. It would do irreparable damage to an effective antiballistic missile program.

I urge my colleagues to vote no on the Penny amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. PENNY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. PENNY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 248, not voting 12, as follows:

[Roll No. 477]

AYES—178

Abercrombie
Allard
Andrews (ME)
Applegate
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Blackwell
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cardin
Clay
Clayton
Clyburn
Coble
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Coyne
Danner
de Lugo (VI)
DeFazio
DeLauro
Dellums
Dingell
Dooley
Duncan
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Everett
Faleomavaega (AS)
Farr
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Gilchrest
Goodlatte
Gordon
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hilliard
Hinchey
Hobson
Hochbrueckner
Hoekstra
Holden
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnston
Kennedy
Kennelly
Kildee
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
LaRocco
Leach
Lehman
Levin
Lewis (GA)
Long
Lowey
Maloney
Margolies-Mezvinsky
Matsui
McCloskey
McDermott
McHale
McInnis
McKinney
Meehan
Mfume
Miller (CA)
Miller (FL)
Minge
Mink
Morella
Nadler
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Owens
Pallone
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Petri
Pomeroy
Porter
Poshard
Rahall
Ramstad
Reed
Reynolds
Roemer
Rohrabacher
Romero-Barcelo (PR)
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Schaefer
Schenk
Schroeder
Sensenbrenner
Serrano
Sharp
Shays
Skaggs
Slaughter
Snowe
Stokes
Strickland
Studds
Stupak
Swett
Synar
Taylor (NC)
Thomas (WY)
Thompson
Thurman
Towns
Unsoeld
Upton
Velazquez
Vento
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—248

Ackerman
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Carr
Castle
Chapman
Clement
Clinger
Coleman
Collins (GA)
Combest
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Darden
de la Garza
Deal
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Dreier
Dunn
Edwards (TX)
Emerson
English (OK)
Ewing
Fawell
Fazio
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goss
Grams
Greenwood
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Hoagland
Hoke
Horn
Houghton
Hoyer
Huffington
Hunter
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Istook
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
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Kim
King
Kingston
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Knollenberg
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Laughlin
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Payne (VA)
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Price (NC)
Pryce (OH)
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Ravenel
Regula
Richardson
Roberts
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Sarpalius
Saxton
Schiff
Schumer
Scott
Shaw
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thornton
Torkildsen
Torres
Torricelli
Traficant
Tucker
Valentine
Visclosky
Vucanovich
Walker
Walsh
Weldon
Whitten
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—12

Ford (MI)
Goodling
Herger
Markey
McDade
Neal (NC)
Rangel
Ridge
Smith (MI)
Stark
Underwood (GU)
Washington

□ 1110

Mr. LAZIO, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SLATTERY changed their vote from "aye" to "no."

Ms. WATERS and Messrs. FOGLIETTA, DINGELL, and STOKES changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Chairman, I regret my absence for rollcall vote No. 477, on an amendment offered by Congressman TIMOTHY PENNY to H.R. 3116, making appropriations for the Department of Defense for fiscal year 1994. As a member of the National Education Goals Panel, I was attending the unveiling of the third "National Education Goals Report." I was unavoidably detained on my return to the Capitol and missed rollcall vote No. 477. Had I been present for the vote, I would have voted "nay."

□ 1110

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of California: Page 125, after line 19, insert before the short title provision the following:

SEC. . None of the funds appropriated or otherwise made available by this Act may be used for a defense technology reinvestment project that is not selected pursuant to the applicable competitive selection and other procedures set forth in chapter 148 of title 10, United States Code.

Mr. MURTHA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman?

There was no objection.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. I thank the gentleman for yielding.

Mr. Chairman, we accept the amendment offered by the gentleman from California.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, this language actually tracks the existing law, and we are happy to accept the amendment.

Mr. BROWN of California. May I just take one moment then to thank the chairman of the subcommittee for his generosity. This amendment is restating the law with regard to the need for competitiveness in the process of selection. We know the chairman is going to do everything that he can in this regard. I commend him for it. This is one of the best bills that I have seen him bring to the floor.

I will assure him that I continue to be concerned about earmarks, but I am not going to pursue it in this particular forum.

Mr. Chairman, I have an amendment at the desk which is a limitation amendment to assure that competitive procedures be used in the technology reinvestment project of the defense conversion project.

The technology reinvestment project was created last year by the Congress as an attempt to cushion the impact of the defense downsizing and to help communities and firms revitalize through civilian market opportunities.

The TRP, as it is commonly known, was embraced by this administration, with the President, Vice President, Cabinet Secretaries, agency heads, and numerous program representatives crisscrossing the Nation to encourage communities and firms to apply.

The response from the public was overwhelming, with approximately 3,000 consortia comprising over 15,000 firms applying to the $472 million project.

Key to the TRP, was the promise to the public that this would be a fair, merit-based, competitive process. They are trusting that the Government will allow competition on a level playing field. And, this is what is prescribed in the law.

However, in fiscal year 1993, 26 percent of the TRP funds were earmarked in appropriations report language, and there are real concerns that these may influence the selection process.

In fiscal year 1994, in the report language to this bill, the percentage of earmarks in report language has grown to nearly 40 percent.

The public will not accept this, we should expect them to be outraged. And we should be outraged if we allow this to happen and violate the public's trust.

This amendment simply restates what is already written in the law, and I ask your support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BROWN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAXMAN: Page 52, after line 2, insert the following new section:

SEC. 8005A. Title IV of the Department of Defense Appropriations Act, 1993 (Pub. L. 102-396; 106 Stat. 1890) is amended in the 9th proviso under the heading "Research, Development, Test and Evaluation, Army" by striking "six months" and inserting "18 months".

Mr. WAXMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Chairman, in 1992, the other body added a provision to the Defense appropriations bill that required that a particular research trial be undertaken using a particular experimental AIDS vaccine. The provision allowed an exception to this requirement only if the Defense Department, the National Institutes of Health, and the Food and Drug Administration—all three—certified that the trial should not proceed by April 6 of this year.

April 6 has come and gone, and this certification was not made. Now, however, these three agencies have concluded that the vaccine trial in last year's Defense bill is not appropriate and they have told my staff and Congressman DINGELL's staff that they are prepared to certify that the trial should not proceed.

I will not take the Committee's time at this point to describe the relative merits of the vaccine or the allegations that have arisen. That may be appropriate at another time and another place. Suffice it to say that my amendment would simply extend the period during which the Defense Department, the National Institutes of Health, and the Food and Drug Administration are allowed to make their required certifications. After making these certifications, the Defense Department will use these funds for their other AIDS research activities.

Let me be clear on this matter: No one in this body wants an AIDS vaccine more than I do, and I have done all that I can to make that hope a reality. But I also believe that the original provision in the 1993 statute was inappropriate, and I do not want the Congress to force the expenditure of precious research dollars on a project that none of the agencies supports.

My amendment is supported by the administration. I urge Members to vote "yes."

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the chairman of the subcommittee.

Mr. MURTHA. I thank the gentleman for yielding.

Mr. Chairman, we accept the amendment.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Mr. Chairman, we support the gentleman's amendment. We think it is a good amendment, and are prepared to accept it.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. I thank the gentleman for yielding.

Mr. Chairman, I am not intending to call a vote on this amendment. However, there is not unanimous support on this particular amendment, and I can assure the gentleman there will be additional discussion in the conference.

Mr. WAXMAN. Mr. Chairman, I thank the gentlemen.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. WAXMAN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey: Page 37, line 1, after "members:" insert the following: *Provided further*, That $1,000,000 of the funds appropriated in this paragraph shall be available for a lyme disease program:".

Mr. SMITH of New Jersey (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. I thank the gentleman for yielding.

Mr. Chairman, we accept the amendment.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Mr. Chairman, we are happy to accept the amendment.

Mr. SMITH of New Jersey. I thank the gentleman.

Mr. Chairman, I rise to urge my colleagues to support my amendment to the Department of Defense appropriations bill funding a Lyme disease research program through the Army Environmental Hygiene Agency.

Lyme disease is a debilitative disease which robs men, women, and children alike of their health and spirit. Its victims suffer with extreme fatigue, chronic migraines, arthritis, epileptic seizures and other neurological side effects. Nearly 50,000 people have contracted the disease in the last decade—and the CDC believes this number to be a gross underestimate of the true number of sufferers as Lyme disease often goes misdiagnosed.

Men and women serving in the armed forces are at a particularly high risk of infection from this tick borne illness. During field maneuvers and other ordered activities, they are often in highly endemic areas, such as grassy or wooded lots. Over the past 2 years, the Army has seen a 300-percent increase in the rate of infection among its military and civilian personnel.

The Environmental Hygiene Agency has been the de facto lead agency for Lyme disease research for the Department of Defense since the DOD began tracking the disease in 1987. To date, they have funded their research on tick control, pest management, and other preventive methods with scraps of funding from their general operating budget. Unfortunately, military downsizing has put this important program in jeopardy and it may be eliminated altogether without the specific funding offered in my amendment.

Just 2 days ago, the House passed my amendment authorizing $1 million in funding for a Lyme Disease Program in the Army Environmental Hygiene Agency. This modest cost includes $500,000 for a one time start up cost of the program and $500,000 for operating expenses in fiscal year 1994. The amendment also requires that all pertinent information be shared with the general public through the Public Health Service.

This program represents the perfect military-civilian partnership. I urge my colleagues to vote in favor of the Smith amendment to the DOD appropriations bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. EVANS

Mr. EVANS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EVANS: Page 11, line 14, insert after "Command" the following:

: *Provided further*, That, of the funds appropriated in this paragraph $10,000,000 shall be available for activities to support the clearing of landmines for humanitarian purposes.

Mr. EVANS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. EVANS. Mr. Chairman, I have an amendment at the desk. It would provide $10 million in funding to assist other nations in clearing the scourge of antipersonnel landmines.

It is ironic that in a world facing weapons of mass destruction that one of the deadlier threats would come from a weapon often smaller than a cigar box and as cheap as a few dollars to produce. Yet, the landmine has emerged as a significant problem throughout the world.

During the proxy battles of the cold war, countries used huge amounts of these cheap weapons. Unfortunately, they were not just employed against military targets. Both intentionally and unintentionally, innocent men, women, and children bore and continue to bear the brunt of these indiscriminate killers. An estimated 800 people a month are killed throughout the world by mines. In Afghanistan roughly 400,000 civilians were injured and 200,000 killed by mines.

Yet, landmines exact more than just a human cost. Entire countries are wounded by landmines use, preventing refugees from returning home and farmers from cultivating their fields, delaying recovery from war and conflict. A report released last month by the State Department called "Hidden Killers: The Global Problem with Uncleared Landmines" concluded that at least 85 million landmines are scattered in 62 countries around the world. Unfortunately, many of the countries cannot mount the efforts necessary to clear the mines. For example, it has been estimated that Cambodia would have to spend five times its GDP to clear all of its landmines.

It may not be possible to solve each countries' problem but we can help prevent the loss of life. DOD has a wide range of resources, including demining training, education on mine awareness, and mine clearance equipment that can be utilized by other countries to help clear mines. The U.S. Army has already conducted its first demining training course for foreign mine clearance instructors to rave reviews. The State Department report points to these DOD resources and reflects the thinking of the Demining Coordination Group [DCG] to utilize these resources to address this problem. The DCG, an interagency group including representatives from DOD, coordinates U.S. demining policy.

I urge my colleagues to support my amendment. The carnage that antipersonnel landmines has visited on innocent men, women, and children is a senseless tragedy that we cannot ignore. We have the resources to help remove these killers and we should share them. It is a very small amount of money that would go a long way in preventing the needless loss of life and limb.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. EVANS. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. I thank the gentleman for yielding.

Mr. Chairman, we accept the amendment.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. EVANS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Mr. Chairman, we think this is an important amendment, and we are happy to accept it.

Mr. EVANS. Mr. Chairman, I appreciate the comments of the gentlemen.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. EVANS].

The amendment was agreed to.

Mr. HEFLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to make an amendment at this point in the bill, although it is on pages 33 and 34, and I am unable to do that because what I would like to take out is in the report language itself.

So I would like to raise the issue, if I might, to make you aware of it.

The language seeks to direct C–130's to Youngstown, OH.

The report language I am referring to seeks to direct C–130 aircraft to the Reserve unit at Youngstown, OH. There are many aircraft wings across the country in far greater need of these C-130's than is the Youngstown group.

As part of the Air Force Reserve modernization program, the Air Force is trying to replace 20- to 30-year-old C-130E models with the new H models. After waiting for years, other units in greater need have received the new H models, and many aircraft wings have become priority reserve wings to receive new planes, according to the Department of Defense.

Remember, these 20- to 30-year-old airplanes, which need to be replaced, we are talking about the safety of air crews when we talk about this. And the Air Force has been doing this in a very logical, priority kind of way. But in the report language, a Congressman from Ohio has put language into this bill and the two previous defense appropriation bills designating the C-130's to Youngstown. This is not where the Department of Defense wants the planes to go. They did not ask for them to go there. They do not have facilities for them there, they do not have air crews for them there, and it will cost us considerable money to provide all of this at the Youngstown location.

All the other aircraft wings have the infrastructure to support the aircraft; Youngstown does not.

Just to build the additional infrastructure in Ohio, it will cost the taxpayers an additional $16.5 million. I have checked the figure with the Air Force three times, and that is a correct figure.

Additionally, the Youngstown unit would have to train an additional 14 crews at a cost of $4.1 million. This is also an Air Force figure.

Combined, that means the American taxpayer will have to cough up an additional $20.6 million to satisfy the desire of the congressional delegation from that particular area.

The Air Force should make the decisions on where these planes are to be based. They have told me again and again that they simply do not want these planes in Ohio. The Defense Department is already experiencing tighter budgets, and we cannot afford any longer the luxury of this type of micromanagement. Unfortunately, because the Appropriations Committee placed this in the report language rather than in bill language, I cannot get to it to remove it, but I want us to be aware of it. I want us to try to avoid—to see if we can avoid this kind of earmarking in the future.

Mr. Chairman, I yield back the balance of my time.

☐ 1120

AMENDMENT OFFERED BY MR. MURTHA

Mr. MURTHA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURTHA: On page 19 of the bill, strike out line 13 and all that follows through line 23 on page 21.

Mr. MURTHA. Mr. Chairman, let me explain to the House what we have done. Because the Defense Department asked for money for what they call global initiatives, we felt that if they had that money set aside we would put severe restrictions on that money.

Since the restrictions were removed on a point of order, we feel the money should not be made available.

We feel this $383 million should be removed from the bill until we can work out language to satisfy both the House and the Senate. The language I had worked out, a number of Members on the other side of the Capitol did not think was strong enough. I felt it was the most we could do under the Constitution.

So Mr. Chairman, I offer this amendment to eliminate the $383 million in the global initiatives area until we can work it out in conference.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me say I really do not like to see this amendment adopted, but I think we have to adopt it if we are going to put any kind of controls on the deployment of U.S. forces without the United States Congress being a part of the decision. This is extremely important, since we are reducing the Defense budget by billions of dollars in short periods of time, while at the same time we are asking our military forces to take on more assignments than the average American is aware of.

Since the language that would have made those restrictions part of the law was stricken on a point of order, this is the only other way to address the issue. It is an important issue. We cannot be sending Americans everywhere in the world where somebody wants to start a civil war.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I think particularly now with all the concern about what we are going to do regarding Bosnia that to give $300 million is like giving them a blank check. I think that would be a mistake.

I think we should agree with the chairman's amendment and eliminate the $300 million in spending at this juncture.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to my friend and colleague, the gentleman from Louisiana [Mr. LIVINGSTON], a member of the Defense Subcommittee and the ranking member on the Foreign Operations Subcommittee, of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman for yielding to me.

I have to say, Mr. Chairman, that I agree with the chairman on his amendment.

We have lost 11 people, 11 young men in Somalia over the last 6 or 8 months. As long ago as January, 1993, when we were in Somalia, those pilots who were flying the C-130's were flying every day, 12 and 13-hour days, possibly 15-hour days.

The Marines, the sailors who were on the ships, had already been deployed 6 months. They were talking about extending their cruises for long periods of time.

Since that time, we have cut $14 billion under last year's Defense budget. There will be fewer men, fewer women in uniform; there will be fewer ships, fewer planes; they will be deployed more often, more frequently. There will be less maintenance, capability, and we are sending them to Somalia, possibly Bosnia, certainly Haiti and other parts of Africa, some 17 places around the world.

There are 73,000 troops currently deployed in peacekeeping missions today. The Congress of the United States cannot abdicate its authority in having a voice over those operations. If we do not pass this amendment, with the action taken by the gentleman from Indiana [Mr. HAMILTON], frankly we will not have a further voice in whether or not our troops, our young men and women in uniform, are deployed at great length and at great hazard in every corner of the world.

So Mr. Chairman, I urge adoption of this amendment.

Mr. YOUNG of Florida. Mr. Chairman, the gentleman has made an excellent statement in behalf of this amendment.

Because of the spending constraints that we are under and the reductions in the Defense appropriations bill, the end strength is coming down.

Just one quick example, the U.S. Marine Corps: With the end strength provided for in this bill, the average marine is going to be deployed more than 50 percent of the time. He will be away from his home base, be away from his family more than 50 percent of the time.

Mr. Chairman, we support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MURTHA].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 11, line 5, strike "$9,497,133,000" and insert "$9,487,133,000".

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, we accept the amendment.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, we also accept the amendment.

Mr. BURTON of Indiana. Mr. Chairman, I guess I do not need to go into detail about this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The amendment was agreed to.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to raise a question which I raised in the authorizing committee yesterday, with no response.

I am concerned about the obligation we have to the great many military retirees and their families to provide medical care for those people. With the completion of the base closing of all the bases we have, we have many people located in some rural areas, in some smaller States, who have to drive hundreds of miles for medical care or to get a prescription filled.

I notice on page 283 that you provide for a temporary service in the Blue Grass Army Depot in Kentucky to provide until they get a mail service pharmacy.

Has any consideration been given about taking care of providing for these military retirees and their families? We have an obligation, when they entered the service and gave their service to the country through the years, we have an obligation to provide for their senior years, their older years, or when they have a handicap.

I see nothing being done by Congress to take care of these retirees and their families as far as pharmacies are concerned.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, this has been a personal project with me, trying to increase the medical care for the dependents and the retirees in the military. I started about 7 years ago. It has been a frustrating experience.

We have had some tremendous successes in California and Hawaii where we have had about a 98-percent approval rating in the new proposal that we worked out there. We are expanding that to the rest of the country.

Of course, we do not know how it will fold in to any new national health care plan, but we are well aware of what the gentleman if talking about. We are doing everything we can to be sure that the dependents and retirees are taken care of.

If there is a specific problem, if the gentleman would bring it to the attention of the committee, we will try to take care of it. We will sit down and see what we can work out.

Mr. MYERS of Indiana. Mr. Chairman, I appreciate the committee chairman's remarks.

In my own State of Indiana, we are closing out the only two active stations there. That means people where I live in my district, military retirees, of which I am one, too, will have to drive 250 miles minimum to get to a pharmacy, let alone being taken care of in the other obligations we have.

Now, we have veterans' hospitals closer, but right now they cannot be treated at veterans' hospitals.

So Mr. Chairman, I hope the Congress will take this into consideration. We have an obligation to take care of these people.

Mr. Chairman, I thank the gentleman for the contributions he has made.

AMENDMENT OFFERED BY MR. KENNEDY

Mr. KENNEDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY: Page 8, line 1, strike out $15,221,091,000" and insert in lieu thereof "15,218,191,000".

Mr. KENNEDY. Mr. Chairman, my amendment would reduce the Army operation and maintenance account by $2.9 million, the amount dedicated to running the Army School of the Americas at Fort Benning, GA. The intent of the amendment is to close the school.

It has been called the School of the Dictators. Many of Latin America's most notorious foes of democracy and human rights violators went to the school. The Clinton administration has put the promotion of democracy and human rights at the center of U.S. foreign policy. Continued operation of the School of the Americas, given its history and tradition, stands in the way of establishing a new U.S. relationship with Latin America based on strengthening civilian, democratic institutions.

Let me give you some examples of who the SOA graduates are:

Leopoldo Galtieri, ex-head of the Argentine Junta; Roberto D'Aubuisson, organizer of Salvadoran death squads; and Manuel Noriega, presently a resident of the Federal Prison System.

In Guatemala, the three most senior officers who backed the Serrano coup in May of this year. Two of the three have been sacked for their role in the coup.

Last year a coalition of international human rights groups issued a report charging 246 Colombian officers with human-rights violations. More than 100 had been at the school, several as instructors. A Colombian lieutenant colonel attended the school after Colombian courts named him the subject of an investigation for a prominent massacre committed by troops under his command. This gave the impression, raised in the Colombian Congress in 1991, that the United States was shielding the officer from prosecution.

In El Salvador, 48 officers—over two-thirds—of the 69 officers cited for human rights violations in the report of the U.N. Truth Commission trained at the school. This includes Col. Elena Fuentes, one of the country's most notorious hardline officers. Elena Fuentes was in the room when Salvadoran military leaders gave the order to murder the Jesuit priests in 1989. He was an instructor at the school in 1985 and 1986. In fact, 19 of the 26 officers cited by the U.N. Truth Commission for involvement in the Jesuit murders and coverup were SOA graduates.

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Some will object that the school counts among its graduates noble and courageous soldiers as well. I do not doubt this. The U.N. Truth Commission report tells of a Salvadoran officer—a graduate of the school—who objected to the massacre of civilians in San Sebastian in 1988. Tragically, his commanding officer, another SOA graduate, ordered the operation to go ahead.

I have heard some say that the record of Latin American militaries would be even worse without the School of the Americas. Mr. Speaker, this is surely a weak endorsement for an institution that costs the United States millions of dollars a year and identifies us with tyranny and repression.

The school has recently added a few hours of human rights training to its courses. I met with a human rights expert who was invited to speak to instructors and trainees this spring. He came away convinced that the school's instructors, many of them from Latin America, were either indifferent or hostile to his message, and that the school should be closed.

My amendment will not end any relationship between the United States and Latin American militaries. Each year the United States trains thousands of foreign soldiers by bringing them to the United States and by sending U.S. military trainers abroad. The Department of Defense is also crafting new initiatives to promote democracy through military-to-military contacts. Some of these initiatives may prove to be effective. But continued operation of the School of the Americas, with its history and tradition of abusive graduates, stands as a barrier to establishing a new and constructive relationship with Latin American militaries after the cold war. And it continues to associate the United States with those abuses.

I do not question the good values and the commitment of the U.S. personnel at the school. But after examining the record of school graduates, I cannot help but conclude that we need to make a fresh start, freed from this record and history of abuse.

We have left much of the money that will go to this school for the purposes of continuing the military in its current hiring quota, so we will not be weakening our military. We will just be getting at the root cause of the abuses, which is the operations and maintenance account.

Mr. EDWARDS of California. Mr. Chairman, the School of the Americas at Fort Benning, GA, has the nefarious distinction of being the place in the United States where the worst human rights abusers in the Western Hemisphere come to learn military tactics and to teach them.

Lists of the many dictators and petty tyrants who have both attended and taught courses at SOA were published in Newsweek and the Miami Herald. Some of the more infamous graduates of SOA include Manuel Noriega, the former dictator of Panama who is serving 40 years in a U.S. prison for drug trafficking and for whose capture the United States invaded Central America; 19 officers from El Salvador cited by the U.N. Truth Commission for involvement in the murder of 6 Jesuit priests, their housekeeper and her daughter; 2 of the Salvadoran officers cited for the assassination of Archbishop Oscar Romero; 10 of the officers of the massacre at El Mozote, El Salvador; 6 Peruvian officers linked to a death squad that killed 9 university students and a professor; and Humberto Regalado, the Honduran Chief of Staff linked to Colombian drug dealers. SOA is contrary to the international interests of the United States—to promote peace, democracy, and economic development around the globe.

It is admirable that the U.S. military feels capable of instilling in Central and South American soldiers the professionalism to which we are accustomed and the respect for civilian authority which is enshrined in our Constitution. However, such attempts have been a colossal failure at SOA. Too many times in recent memory the perpetrators of murder and massacre have been found to be graduates.

The Kennedy amendment would not end our international military training and education programs which occur on U.S. soil and abroad. What it would do is close a dark chapter in the military history of the Americas. Support the amendment; close the School of the Americas.

Mr. MURTHA. Mr. Chairman, could I get a time limit on this amendment being offered by the gentleman from Massachusetts [Mr. KENNEDY]?

Mr. KENNEDY. Mr. Chairman, I would like to reach an agreement on a time limit action; but I would advise the Chair there are several speakers on our side who want to be heard on this amendment.

Mr. MURTHA. How about 20 minutes to be equally divided and controlled by the gentleman from Georgia [Mr. BISHOP] and the gentleman from Massachusetts [Mr. KENNEDY]?

Mr. LEWIS of Florida. Mr. Chairman, does the gentleman intend to share the time in opposition to the amendment with this side?

Mr. MURTHA. I am sure that the gentleman will share the time.

The CHAIRMAN. Is the gentleman from Pennsylvania [Mr. MURTHA] making a unanimous-consent request that debate on this amendment be limited to 20 minutes, to be equally divided and controlled by the gentleman from Massachusetts [Mr. KENNEDY] and the gentleman from Georgia [Mr. BISHOP], with the time to be shared with the gentleman on the other side of the aisle?

Mr. MURTHA. Yes, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. BISHOP] for 10 minutes.

Mr. BISHOP. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY], and I urge the Members of this body, this Committee of the Whole, to not listen to what appears to be uninformed rhetoric and to really look at the facts about the School of the Americas.

Mr. Chairman, the School of the Americas is located at Forth Benning, GA, and was established in 1946. Its mission by public law is to develop and conduct for the Armed Forces of Latin America the most doctrinally sound, relevant, and cost-effective training program as possible to promote military professionalism, to foster greater cooperation among multinational military forces and to expand the Latin American Armed Forces' knowledge of U.S. customs and traditions, including democracy. It conducts 41 different training courses from the cadet level to the command in general staff equivalent. It includes training for U.S. service wives, foreign area officers, for Latin American coverage. The planned workload for 1994 is 1,743 students. The School of the Americas has trained over 54,000 students since its establishment. Its graduates include 10 Presidents, 38 ministers of defense and state, 71 commanders of armed forces, and 25 service chiefs of staff in Latin America.

Human rights awareness is an indispensable element in the school's curriculum. Students receive training in law and law welfare, the Geneva and Hague Conventions, and military law and ethics. The training focuses heavily upon civilian-military relations in the conduct of military operations and the effects of human rights violations. The school has played a significant role in the dramatic change in Latin America since 1976, from dictatorship, military juntas, to military supported democratic societies.

With all due respect to the gentleman from Massachusetts [Mr. KENNEDY], Mr. Chairman, I must respectfully suggest that his logic is flawed. I suggest that what we have here, as supported by the Chairman of the Joint Chiefs of Staff Colin Powell, the Department of Defense, the Committee on Armed Services of this House and of the Senate, are all of the appropriations and authorizations committees that supported this appropriation over the years. The gentleman from Massachusetts is just mistaken. What we are about to do is to throw out the baby with the bath water. We cannot destroy the school because of its graduates, some of its graduates. We might as well abolish M.I.T. because Michael Milken graduated from the Wharton School. We might as well abolish all of our schools in this country because they may happen to develop and to graduate a youngster that may get into crime. I suggest that this amendment is ill-conceived. it is not thought out properly, and we ought to oppose it, and defeat it, and support and strike a blow for democracy in Latin America.

Mr. Chairman, I reserve the balance of my time.

Mr. KENNEDY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, 2 months ago, I wrote to Secretary of Defense Les Aspin to express my concerns about the School of the Americas at Fort Benning, GA. I asked why we should be spending millions of dollars to train foreign soldiers who use the skills they learn at the School of the Americas to brutalize their own people. I received a reply this morning, and it makes me even more inclined to close the school than when I sent the letter. Let me quote from the DOD's response:

> To assume that one short course in the United States can counteract perhaps contradictory messages absorbed over a lifetime from within one's own culture and elsewhere overestimates the missions and power of School of the Americas training.

I couldn't agree more. One short course is not enough to instill respect for human rights, but it is more than enough time to teach the most effective and savage methods of repression. Even if the terrorists we taught at the School of the Americas didn't learn anything that helped them victimize the people they were supposed to protect, we should not have given them the legitimacy and prestige associated with official support from the U.S. Government.

The U.N. Truth Commission report released in March linked 47 graduates of the School of the Americas to human rights abuses in El Salvador. While the school's administration states that it "systematically advocates human rights awareness," the Truth Commission's report suggests that the school deserves a failing grade.

With the end of the cold war, the primary objective of U.S. foreign policy in the Western Hemisphere since World War II—to contain the expansion of Soviet influence—has been plant-supplanted by the need to encourage respect for democracy and human rights along with economic development and an end to narcotics trafficking. If the

School of the Americas does not meet these objectives, then its $2.9 million budget is difficult to justify. I do not know where the officers who murdered priests and raped nuns learned how to terrorize civilians, but I do not think we should be educating violent criminals in techniques they can use to violate the basic rights of innocent people. We should shut off funds to the School of the Americas before we contribute to the training of any more of those unsavory thugs.

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Mr. BISHOP. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida [Mr. YOUNG], and ask unanimous consent that he be permitted to yield time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LEWIS], a member of the subcommittee.

Mr. LEWIS of California. Mr. Chairman, I thank my colleague for yielding.

Mr. Chairman, I would like to say to the gentleman from Massachusetts [Mr. KENNEDY] that I very much understand the gentleman's intention. But I must say that I cannot help but believe strongly that his premise is fundamentally flawed.

Mr. Chairman, I presume the gentleman from Massachusetts [Mr. KENNEDY] did not include Mr. Somoza on his list of people who had received military training who in some way abused his view of the world in Latin America. Would the gentleman from Massachusetts close the school that Somoza graduated from as well? Somoza is a graduate of West Point.

Mr. KENNEDY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Massachusetts.

Mr. KENNEDY. Mr. Chairman, I would suggest to the gentleman from California [Mr. LEWIS] that if any school in the United States had the record of abuse of this school, with the total number of graduates, the total number of hundreds and hundreds and hundreds of individuals that have been cited by all of the international courts for their human rights abuses, that any school would have been closed.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I would suggest to the gentleman there are 54,000 graduates of that school, all of whom have been exposed to the United States in a very special way, who are making a difference. There are problems with a few graduates of every school.

Mr. Chairman, I must suggest that one way or another, the gentleman from Massachusetts [Mr. KENNEDY] should understand the training in the United States exposes people in a positive way to the best of our system. To suggest that a course some way determines a person's pattern of life, to say the least, is a misunderstanding.

Mr. Chairman, the motivations of the gentleman from Massachusetts [Mr. KENNEDY] are appropriate, but I would suggest the gentleman is way off target.

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS of Georgia. Mr. Chairman, I rise to oppose the amendment offered by my colleague, the gentleman from Massachusetts.

This amendment is misdirected. In spite of the gentleman's intent, this amendment does not directly impact the funding for the School of Americas. Instead, it recklessly cuts $2.9 million from an already streamlined operations and maintenance budget for the U.S. Army. Since the School of Americas is both authorized and a part of public law, the Army would still have to find funding for the School of Americas. And because of this amendment, they would be forced to find those funds in a smaller budget.

Additionally, I want to make it clear that I also oppose the intent of this amendment.

This amendment ignores the curriculum, mission, and history of the school. I encourage the gentleman to go to Fort Benning and review the school before depleting Army's operations and management funds.

The School of Americas was founded with a mission to develop and conduct doctrinally sound, cost-efficient military training programs for the Armed Forces of Latin America. It provides Latin American armies with first hand understanding of American democracy and customs. School of Americas is also a pioneer in training Latin American soldiers in human rights. For many of these soldiers, this is their only training in international human rights. While there have admittedly been some rotten apples who attended the school, one can imagine how many more human rights violations would take place in Latin America without this training.

Each year the School of Americas trains around 1,700 students from Argentina, Bolivia, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Paraguay, Peru, Uruguay, Venezuela, and the United States. The vast majority of the 54,000 officers trained by School of Americas since 1946 have improved their home countries.

In many instances they have provided stability, turned back insurgency, brought down dictatorships, and served as important representatives for democratic ideals.

Each student must attend a class specifically focused on human rights, and human rights training is woven into every course. Students take courses such as law of land warfare, Geneva and Hague Conventions and military law and ethics. Every course emphasizes proper civil-military relations in combat operations. We should evaluate the school on the basis of their curriculum, their graduates overall record and their contribution to the community they serve.

Some have committed terrible human rights violations and I share the gentleman from Massachusetts' concerns about their conduct. But their actions are not due to their training at Fort Benning. Each individual is responsible for his own behavior, and should receive punishment for such actions. I deplore the humanitarian violations which have been attributed to some graduates of this program and hope that any individuals involved in such actions will be punished to the full extent of the law.

The Kennedy amendment misses the mark in reality and in intent. The school's curriculum and mission are sound. If reforms are to be made, they should be made in the recruitment process. School of Americas does not select their students. The State Department is involved in student selection and should set even stricter criteria on which soldiers are chosen for the program. Additionally, countries that send a high percentage of students later convicted of human rights abuses should be restricted accordingly.

The Department of Defense is looking into ways to improve the School of Americas program, and if changes are to be made, all parties including the State Department should be involved. This appropriations bill is not the proper venue to address School of Americas, and I urge my colleagues to vote "no" on the Kennedy amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON], a member of the subcommittee.

Mr. LIVINGSTON. Mr. Chairman, I thank my friend for yielding, and I would like to point out that an amendment like this is like cutting off your nose to spite your face. Relationships created between Latin American military people and United States military people endure for their lifetimes. Tremendous good flows from their presence in this academy. There may be some bad eggs. The Newsweek article of August 9, indicates, "the Wharton School of Finance could be blamed because Michael Milken went there."

Mr. Chairman, in any group you will always have somebody controversial. But the good done by the relationships created in this school has enabled the

United States to foster relations and influence with countries to our southern border for generations, and we should not eliminate that potential for good influence. Today there are more democracies in Latin America than ever before in history. The proof is in the pudding.

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I hope this amendment is defeated. It is very counterproductive. The graduates of this school that may have acted criminally did so in spite of what they learned, not because of it. The opportunity to train thousands of Latin American military in our country, in our traditions, in our human rights processes, is invaluable. Because a few go wrong does not vitiate the enormous good that comes from this school.

Mr. Chairman, as I recall, one of the 12 Apostles went bad. That does not mean the rest of the Apostles should have dispersed.

This is a terribly useful school in language, in human rights, and in tradition. It is an advantage that we have, in developing good relations with our neighbors to the south and we ought to avail ourselves of it.

Mr. Chairman, I hope this amendment is defeated.

Mr. BISHOP. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, I thank the distinguished gentleman from the southern part of Georgia, from the area where Fort Benning and this school is located, for yielding to me.

Mr. Chairman, this amendment, while it is well-meaning, has very, very dangerous implications. Taken quite to its logical conclusion, as an alumnus of the University of Georgia, based on my alleged conduct since my graduation, someone one day might even want to close that fine university.

So let me say that this is a very misdirected effort, and let us look at the problem. Today there is $2.6 million in a program called IMET, International Military Education and Training, which comes under foreign operations appropriations. If we wanted to cut out the money which went to these students, we are actually going after the wrong money here. What we are going after is operation and maintenance of a school that stands up for democracy and freedom throughout Latin America. This amendment will not punish anyone but the instructors and employees in the school.

Mr. Chairman, it would be a terrible mistake to close this school, and I strongly urge my colleagues to oppose the amendment.

Mr. KENNEDY. Mr. Chairman, might I inquire how much time remains?

The CHAIRMAN pro tempore (Mr. FARR). The gentleman from Georgia [Mr. BISHOP] has one 1 minute remaining, and the gentleman from Massachusetts [Mr. KENNEDY] has 8 minutes remaining.

Mr. KENNEDY. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Chairman, I am pleased to support the amendment of the gentleman from Massachusetts [Mr. KENNEDY] here and commend him for bringing this issue before us.

Mr. Chairman, today this body will have the opportunity to halt nearly $3 million of funding for this school with a history of training Latin American military thugs who have demonstrated utter contempt for basic human rights in Central and Latin America.

The gentleman from Massachusetts [Mr. KENNEDY] has outlined the honor roll of dishonor of hundreds, if not thousands, of graduates of this institution.

At a time when Oregon schools and our children face rising tuition costs that price them out of the university classroom, at a time when my students in Oregon go to school in overcrowded facilities, at a time when children in this country do not have enough books, they do not have play fields, they do not have all of those things that go into making learning healthy and creative, this is not the time, if there ever was, to provide millions of dollars of free tuition for graduate students in civil disruption, terrorism, and murder.

Mr. Chairman, if we do not support the amendment of the gentleman from Massachusetts [Mr. KENNEDY], which deletes the funding for this program, then we will be funding human tragedy. That is what this amendment is about, and that is why we ought to be voting "yes" on the Kennedy amendment.

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Mr. KENNEDY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HAMBURG].

Mr. HAMBURG. Mr. Chairman, I rise in strong support of the Kennedy amendment which will cut all funding for the School of the Americas.

In April, I led a delegation to El Salvador to examine the prospects for a democratic election in 1994. One of my stops included the university where six Jesuit priests, their cook, and her daughter were murdered in cold blood in November 1989. That act shook the conscience of the world and focused attention on the repressive practices of the Salvadoran Armed Forces.

Mr. Chairman, it appalls me to discover that 19 of the officers implicated in the U.N. Truth Commission report were graduates of the U.S. Army's School of the Americas in Fort Benning, GA. It enraged me even more to learn that almost three-fourths of the Salvadoran officers accused in seven other massacres during the civil war were also trained at the School for the Americas. I think most Americans would be appalled to learn that their tax dollars and their military contributed to the training of cold-blooded killers in Central American nations.

The School of the Americas has outlived whatever purpose it may have served in the cold war world. We should all be thankful that the civil wars that have marred the region for the past decade appear to be over. It is now time to assist those countries, countries that have suffered untold amounts of death and misery, rebuild their infrastructure and economies. In order to do this, we must move from the military mindset that has plagued our relationship with Central America.

The School of the Americas is a strong symbol of a confrontational policy toward Central America, a way of the past that in my estimation has done more harm than good. Let us terminate the program and move toward the future. I urge support for the Kennedy amendment.

Mr. KENNEDY. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Chairman, I rise in support of the Kennedy amendment to cut funding for the School of the Americas, an institution which has been called an academy of torture and a school for dictators. Let us take a quick look at the honor roll from this school: 19 of the 27 Salvadoran officers implicated in the Jesuit murders were graduates of the school; 105 Columbian military officers charged with human rights violations are school alumni; and the school's most notorious graduate, Panamanian dictator Manual Noriega, had two separate tours at the school.

During the 1980's, death squads, dictators, and unchecked armies carried out a reign of terror on the residents of Central and Latin American nations. During the same period, the Uintd States spent billions of dollars to keep in power many of the individuals who carried out unspeakable crimes against peaceful citizens.

Mr. Chairman, what is done cannot be undone. However, we have the opportunity to ensure that the United States will not continue training potential dictators here in the United States. I ask my colleagues to join me in helping write an end to a sad chapter in this Nation's history. American taxpayers and the war-weary people of Central America deserve nothing less.

Mr. KENNEDY. Mr. Chairman, I yield 1 minute to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, I rise in support of the Kennedy amendment.

The School of the Americas was established to train military officers for Central America's military forces. Supporters for continued funding for SOA contend that it is one of the most effective foreign relation operations being operated by the U.S. Government.

Assuming that this is true, the question must be asked, at what price?

Let us look at El Salvador's track record where the SOA has been used for training military officers. In El Salvador, most of the atrocities were ordered or conducted by the Salvadoran military, aligned with paramilitary death squads. Some of the most infamous incidents were carried out by the military; the massacre by the army's elite of more than 200 civilians—mostly, children and elderly men.

The murder of Archbishop Oscar Arnulfo Romero as he was saying Mass in 1980. The rape and murder of three Maryknoll nuns and a Catholic lay worker in 1980.

The murder of six Jesuit priests, their housekeeper and her daughter at the Central American University in 1989. It would be sad to believe that my dear colleagues condone such outrageous conduct, oppression, torture, and rape of Latin American citizens.

United States trained militaries in Latin America supported dictators at the expense of the people in the regions.

Military, we support—humanity, we ignore. The cold war policy of U.S. buildup in arms was oblivious to human rights.

We are the No. 1 exporter of arms. The same guns being used to kill American sons and daughters were sold by American parents during the cold war.

I remember a Newsweek article dated, August 3, 1993. Its basic theme was "U.S. Training Does Not Turn Soldiers Into Democrats."

Therefore, I ask my colleagues to join me in supporting the Kennedy amendment.

Mr. BISHOP. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. TORRICELLI], chairman of the Subcommittee on Western Hemisphere Affairs.

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman for yielding time to me.

There is no voice in this Congress that is heard more often on issues of human rights than the gentleman from Massachusetts [Mr. KENNEDY]. There are times, indeed, when I might, in the past, have joined him in this effort. But today it is simply dated.

For whatever abuses there have been in the past, the reality is today. For the first time in 200 years, democracy in Latin America is the coin of the realm. And from Argentina to Guatemala, coups are being resisted. Militaries are staying in their barracks. Democracy is being respected.

The School of the Americas is the contribution of the United States to this tremendous success. It is told best in a story of only a few months ago in Guatemala, a nation which has almost never seen a democratic government follow a democratic government.

A coup occurred, and an American-trained officer stood still while the democratic process and the courts worked their will. This school is a contribution. Its closing would be a tragedy. It would be a withdrawal of America from Latin America.

Resist the amendment.

Mr. KENNEDY. Mr. Chairman, I yield the balance of my time to the gentleman from Georgia [Mr. LEWIS].

The CHAIRMAN. The gentleman from Georgia [Mr. LEWIS] is recognized for 2 minutes.

Mr. LEWIS of Georgia. Mr. Chairman, I rise today to speak in support of the Kennedy amendment, striking $2.9 million for funding for the School of the Americas.

Rather than serving as a bridge between the United States and our Latin American neighbors, the school of the Americas serves as a barrier to establishing new and constructive relationships with Latin American militaries in the wake of the cold war.

This school is not needed. We should be training people for peace and not for war. We should be teaching people to beat their swords into plowshares, to study war no more.

Many of the graduates of this school have a long history of human rights abuses. Their rolls read like a who's who of Central America's worst human rights violators.

Why should we continue to fund and condone military inspired murder? Why should we continue to train thugs to kill their own people?

Today, Mr. Chairman, I break with many of my colleagues in the Georgia delegation. But I believe that the time has come for someone to speak out for peace and an end to the financing of government-sponsored killing.

Vote for peace, vote for harmony, vote for the Kennedy amendment.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KENNEDY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 256, not voting 8 as follows:

[Roll No. 478]

AYES—174

Abercrombie
Ackerman
Allard
Andrews (ME)
Applegate
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Berman
Blackwell
Blute
Bonior
Borski
Brown (CA)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Clay
Clayton
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coyne
Danner
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Dickey
Dooley
Duncan
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Foglietta
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gilchrest
Glickman
Gonzalez
Gordon
Greenwood
Gutierrez
Hamburg
Harman
Hefley
Hinchey
Hochbrueckner
Hoke
Holden
Hutchinson
Inslee
Jacobs
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klink
Klug
Kopetski
Kreidler
Lambert
Lehman
Lewis (GA)
Long
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McDermott
McHale
McKinney
Meehan
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Morella
Murphy
Nadler
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Pomeroy
Porter
Poshard
Rahall
Ramstad
Rangel
Reynolds
Roemer
Romero-Barcelo (PR)
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Shays
Shepherd
Slattery
Slaughter
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Taylor (NC)
Thurman
Torkildsen
Torres
Towns
Unsoeld
Upton
Velazquez
Vento
Volkmer
Waters
Watt
Wheat
Williams
Woolsey
Wyden
Wynn
Yates

NOES—256

Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Boucher
Brewster
Brooks
Browder
Brown (FL)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Carr
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Coppersmith
Cox
Cramer
Crane
Crapo
Cunningham
Darden
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Dunn
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Flake
Fowler
Frost
Gallegly
Gallo
Gekas
Geren
Gibbons
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings
Hayes
Hefner
Herger
Hoagland
Hobson
Hoekstra
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Kaptur
Kasich
Kim
King
Kingston
Klein
Knollenberg
Kolbe
Kyl
LaFalce
Lancaster

Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Lowey
Machtley
Manton
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McHugh
McInnis
McKeon
McMillan
McNulty
Meek
Menendez
Mica
Michel
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Natcher
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Petri
Pickett
Pickle
Pombo
Portman
Price (NC)
Pryce (OH)
Quillen
Quinn
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Scott
Sharp
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Torricelli
Traficant
Tucker
Valentine
Visclosky
Vucanovich
Walker
Walsh
Waxman
Weldon
Whitten
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Ford (MI)
Hilliard
Jefferson
McDade
Neal (NC)
Underwood (GU)
Washington
Wilson

☐ 1219

Messrs. MANZULLO, SKAGGS, and WAXMAN changed their vote from "aye" to "no."

Messrs. BRYANT, PAYNE of New Jersey, DERRICK, and SLATTERY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MALONEY: Page 15, strike line 15 and all that follows through page 16, line 8.

Mr. MURTHA. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY. I yield to the gentleman from Pennsylvania.

☐ 1220

Mr. MURTHA. Mr. Chairman, I ask unanimous consent that each side have 13 minutes on this amendment, and if I may, I would like to extend the time so that each side would have 13 minutes.

We have agreed to a unanimous-consent request to proceed until 12:30, and I would like to extend it enough so that each side would have 13 minutes on the pending amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mrs. MALONEY. Reserving the right to object, Mr. Chairman, I ask for 15 minutes on each side.

Mr. MURTHA. All right, I will amend the request and ask for 15 minutes on each side, Mr. Chairman.

Mrs. MALONEY. Further reserving the right to object, Mr. Chairman, I yield to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will yield, I assume the understanding of the subcommittee chairman is that we would receive half of the opposition time on this side.

Mr. MURTHA. The gentleman from Florida [Mr. YOUNG] will control the 15 minutes, and the gentlewoman from New York [Mrs. MALONEY] would control the other 15.

Mrs. MALONEY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The gentlewoman from New York [Mrs. MALONEY] will be recognized for 15 minutes, and the gentleman from Florida [Mr. YOUNG] will be recognized for 15 minutes.

The Chair recognizes the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment would end an embarrassing Government boondoggle and an outdated, wasteful, gun program called the National Board for the Promotion of Rifle Practice.

Buried in this year's Defense appropriations bill is an attempt to appropriate $2.5 million to subsidize the Civilian Marksmanship Program.

The program was created 90 years ago, following the Spanish-American War, when the Army found that too many recruits didn't know how to shoot. The program was designed to generate a pool of skilled marksmen and riflery trainers for the Army to call on in time of war.

But now, according to a GAO report the Army cannot identify "any training or mobilization reliance" for the program. At a time when we are downscaling the military, closing bases, and discharging military personnel who thought they had a job for life, we don't need to fund a Civilian Marksmanship Program.

Today, most of the $2.5 million a year in the Civilian Marksmanship Program goes to finance target shooting competitions among gun clubs, and the annual give-away of 40 million rounds of ammunition and firearm supplies to young people.

Without any compelling military purpose, this program amounts to nothing more than a Federal subsidy of a sportsman's hobby. If this program is justified, why do we not have Government-subsidized fishing trips? Of golf fees? Or windsurfing programs? Why not season tickets to the New York Giants? We have got to draw the line somewhere.

This is not an antigun amendment; it is an antiwaste amendment. How can we expect the American people to believe that we are really serious about cutting the deficit if we continue to subsidize recreational shooting?

The sum of $2.5 million might not seem like a great deal in a $1.3 trillion budget, but it is an awful lot to our families, of whom we are asking to contribute more to get the deficit under control.

Mr. Chairman, this program is a relic from a former time. Preserving it would only prove to the American people that this Congress is out of date and out of touch. It is time for Congress to bite the bullet and end the program.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. GILLMOR].

Mr. GILLMOR. I thank the gentleman for yielding this time to me.

Mr. Chairman, I point out that the Federal Government does fund a number of youths and sports programs. The one proposed to be eliminated here is one of the most cost effective and efficient there is.

How many people are served? There are 51 State associations, 1,500 clubs, 126,000 affiliated club members, and that does not count the more than 400,000 Boy Scouts who benefit from DCM-funded programs. Primary emphasis is on gun safety, competitive marksmanship, and responsibility.

In a very real sense, DCM has enhanced the U.S. position in world competition; 9 out of 10 members of the U.S. Olympic shooting team in the 1992 summer games in Barcelona, including gold medalist Lonnie Mailley, are from this program.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. BREWSTER].

Mr. BREWSTER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong opposition to the Maloney amendment.

There has been a good deal of misinformation circulating about the National Board for the Promotion of Rifle Practice and its Director of Civilian Marksmanship Program. I would like to take this opportunity to clear up some things.

The Director of Civilian Marksmanship Program [DCM] was restructured in the last Congress to allow this appropriation to be received only by youths aged 10 to 17. In the past, the appropriation provided free target practice and firearms training ammunition to all participants, adults, and youth.

Currently, only youths receive Federal funding support. All adult participants personally bear the full cost of participation. In addition, DCM is more focused on youth competitive sports training emphasizing safety, self-esteem, discipline, and character.

This program provides good services at a cheap cost. DCM reaches almost one-half million Boy Scouts and youths at a cost of only $2.5 million. If these Scouts were the only people reached by the program it would be at a cost of only $5 per participant. However, many more youths other than Boy Scouts benefit from this program creating even a lower cost per participant.

Other youth participant programs have a much higher per-participant cost. The National Youth Program reaches only 70,000 youths, but at a cost of $9.4 million. This program costs the American taxpayer $134 per participant.

DCM is a good program that teaches self-esteem, discipline, character, and weapons safety. At a time in which this country is facing drastic problems with accidental shootings involving youths, I find it ludicrous to cut an inexpensive program that teaches youth gun safety.

Linking this program to inner-city violence, as the proponents of this amendment are doing, is nonsense. We might as well outlaw Olympic boxing, high school wrestling, and other such sports because they promote street violence.

Mrs. MALONEY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. I thank the gentlewoman for yielding this time to me.

Mr. Chairman, I rise in support of the Maloney amendment.

Today, we have an opportunity to eliminate funding for the U.S. Army's Civilian Marksmanship Program. While this program has a practical-sounding name, in reality this program is one that has outserved its usefulness and is now best called a Government boondoggle.

The Congress created this program some 90 years ago, and it now becomes our responsibility to end it. It was created in 1903 for a legitimate reason, but in 1993, the program's merits are no longer there.

It is now time for the Congress to take a second look and recognize it for what it is—wasteful spending. Funding for the CMP serves one purpose today and that is only to subsidize gun and rifle clubs and their participation in sport shooting.

The Civilian Marksmanship Program is a $2.5 million Federal subsidy that promotes recreational shooting with military-type semiautomatic weapons. It began as a way to provide marksmanship training to potential military recruits.

Back in 1903, those recruits were teenage boys and young men who worked on farms and in factories and who could be called upon to serve their country at a moment's notice. In many cases, they had no experience in shooting rifles and needed to be trained.

No one today can honestly argue that this program is an aid to national defense or is essential to military readiness. The Army does not rely on it for recruiting. Only a small number of the total participants in the CMP enlist in the Armed Forces. In fact, over half of the CMP participants are older than 26—which is a lot older than the normal Army enlistee.

Today's Army has well-trained reservists to call upon. We have State National Guard units to supplement the regular forces. Rifle clubs do not figure into the military's mobilization and training plans.

Today's Army depends on high technology and sophisticated machinery and weapons. Rifles play a much diminished role in the modern Army.

I ask my colleagues to look at this program for what it is—a Federal subsidy for rifle clubs. It is a Federal subsidy for a few sportsmen whose hobby is competitive shooting. The Civilian Marksmanship Program is an example of the type of funding this Congress should not hesitate to eliminate.

Mr. Chairman, I certainly believe that this is an important budget-cutting vote for this body today. But, I cannot leave the well of the House without remarking on what I see as an inconsistency between this program and the battle now ongoing with children and guns and violence.

The supporters of the Civilian Marksmanship Program tell us that this Army program is now focused on marksmanship training for American youth—for children as young as 10 years old.

The United States is not Somalia. Ten-, eleven- and twelve-year-old children are not a part of our well-regulated militia.

The supporters tell us that the CMP instills positive values in our children. Yet, over the past decade, we have witnessed a 2,000-percent increase in juveniles charged with homicide. Children are killing children with guns. Children are taking guns into the schools and endangering the lives of teachers and other students.

Too many children are learning to equate guns with power. That message is wrong. Children need a stronger and better message that teaches them to say "no" to guns.

Mr. Chairman, anyway you look at it, the Civilian Marksmanship Program does not serve a military purpose for adults or children. Ending the $2.5 million subsidy for shooting competitions will not threaten sportsmen who want to use firearms for their own enjoyment. The thousands of private gun clubs in this country will continue to support this activity for those who want to participate.

But let us stop kidding ourselves by calling this a military program essential to our military budget. Support the Maloney amendment and end this Federal subsidy for recreational target shooting.

The supporters of the civilian marksmanship program tell us that the Army program is now focused on marksmanship for youth; we do not need to be subsidizing money for people to learn how to shoot military weapons.

□ 1230

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, first of all, we have a crime bill coming up, and one of the items in there is the proper use and the safe use of weapons. In this course, gun safety, how to use and handle them, sports competition, not as the gentlewoman says, just to watch.

Second, to keep the kids off the streets, sports activities that are good.

The Fish and Wildlife Commission last night in the sportsmen's caucus, the Secretary said they are going into outreach programs for women and children in the inner cities in the proper use of weapons that we use.

It is not guns, as the liberal gentleman from New York says.

The gentlewoman from New York voted for the National Endowment for the Arts, a total boondoggle, voted not to cut it at all and would not even cut it 5 percent. Now she wants to save, through smoke and mirrors, $2½ million. Give me a break.

Military guns, how little does the gentlewoman know. She fails to see the solution to a very simple problem.

Mrs. MALONEY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. STARK], the original sponsor of the amendment.

Mr. STARK. Mr. Chairman, I support this amendment because we cannot afford to continue to waste the taxpayers' money.

The DCM has lost its usefulness. It does not help in preparedness. It is not a good recruiting tool. Actually, marksmanship with all the high-technology stuff we have is no longer the important skill it was when the Army started this back in the early 1900's. Current Army training procedures already meet our soldiers' marksmanship needs. We do not need this.

And as to the Boy Scouts, I would put that in the same category as giving free footballs to top order teams. If we want to do that, we can.

The Army tells us they would not continue the program if we did not force them to.

Let us help the Army.

In 1990 we decided to continue funding because they promised that if given the chance they would achieve self-sufficiency. So much for that promise.

President Clinton has challenged us to reinvent government, to save taxpayer money by eliminating outdated programs which cannot meet their own goals. This is a perfect example. Let us reinvent this boondoggle program and save the Nation some money. Support the Maloney amendment. It is good government. It is good sense. It is good economy and it is good for the United States.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON], the distinguished ranking member of the Committee on Rules.

Mr. SOLOMON. Mr. Chairman, I hesitate to get up and speak because I am so angry.

The gentlewoman represents New York City. I represent upstate New York, rural areas, 10,000 square miles.

I vote time and time again to help the gentlewoman and her constituents in New York City, particularly for subsidizing mass transit. Now the gentlewoman turns around and stands up here and offers an amendment which hurts the children in my district and children all across this country.

The gentlewoman voted for tens of millions of dollars for the Endowment for the Arts. Do you know what this program she is trying to kill has done since 1903? It has trained young men and women, young boys and girls in the Boy Scouts and Girl Scouts how to understand safety and how to respect a weapon. That is so important because hunting and fishing mean so much to the people of my area.

We do not have many playgrounds. What we do have in abundance are rural woods in the Catskill and Adirondack Mountains. Across this country it is much the same, especially in rural areas.

This is a vital, vital program. It spends pennies to save millions, to promote good character in young boys and girls when they grow up.

Why is the gentlewoman doing this? It is wrong. The gentlewoman should withdraw the amendment.

Please, please vote no on this amendment.

Mrs. MALONEY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, 90 years ago this Nation had a real security problem. Young recruits were not prepared for the Spanish-American War.

This Congress responded by creating this program to train young marksmen. Now it is time to declare success. We are ready for the Spanish-American War and we can eliminate this program with real safety.

The fact of the matter is, this is a program, a Government expenditure in search of a rationale.

We are told it has no military value whatsoever. It is providing free ammunition to children, doing more than wasting money. It is an indictment on our national priorities.

This Congress has been unable to provide funding for children who are eligible for Head Start. Children go to school each day and there are no hot lunches, but we find $2½ million to give them free ammunition.

Mr. Chairman, this fails what I consider to be the "look 'em in the eye test."

There is not a Member of this Congress who could look a constituent in the eye and tell them, "I'm going to raise your taxes, restrict your Medicare, eliminate your program, but I am finding the money to give free ammunition to young children."

Mr. Chairman, support the Maloney amendment, end this program. If the NRA wants to give free ammunition, let them give some of the $80 million they have in their own treasury, the millions of dollars they find to fight gun control. That money is a better source, rather than the taxpayers' money.

Mr. YOUNG of Florida. Mr. Chairman, I yield 30 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, to the gentleman from New Jersey [Mr. TORRICELLI], the gentleman is listed as one of the biggest spenders by the taxpayers. The gentleman is talking about giving free ammunition to children, it is supervised information. Does the gentleman have any idea how many lives of children that are saved that go into homes knowing that a weapon is dangerous because of the proper use and understand the question of safety?

If the gentleman wants to let children go ahead untrained in weapons when they are all over the place that we do need to take off the streets, then vote against this thing.

Mrs. MALONEY. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I am a Cub Scout coordinator. All of my children have participated in the Scouting program.

Prior to today, I have never heard the argument that this Department of Defense program was central to the success of Scouting.

Now, I acknowledge that one opportunity offered to these young people through the Scouting program is training in the proper use of guns, but I am here today to tell you that there are gun clubs all over America that would be happy to provide this gun training service to America's youth without a taxpayers' subsidy.

This program may have served a national purpose in 1903, but it is not needed in 1993.

Mr. Chairman, I urge support for the Maloney amendment.

Mr. YOUNG of Florida. Mr. Chairman, I reserve the balance of my time.

Mrs. MALONEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, this amendment gives the Members of this House an opportunity to improve the quality of our constituents' lives, while cutting Federal spending.

The Civilian Marksmanship Program has absolutely no defense value. Our military trains new recruits in the use of all weapons that they will need. Whatever value this program may have had in increasing national military readiness back in 1903 has long since gone the way of bolt-action rifles in combat.

What this programs does is hand out $2.5 million of our constituents' hard-earned money to support private citizens in their recreational use of firearms. While I assume that these people find the prospect of shooting up the rifle range at taxpayer expense highly entertaining, subsidizing this entertainment is indefensible, especially when we do not have sufficient funds to properly fight the TB and AIDS epidemics, to remove asbestos and lead paint from our schools, to provide decent housing and education for our people, to eliminate our $300 billion annual deficit, but we have plenty of money to waste to buy ammunition for private gun clubs.

I also do not know how the supporters of this provision would explain to the families of the thousands of Americans killed in drive-by shootings, or of those who have been shot by close acquaintances, or of the police officers killed in the line of duty, why the Congress sees nothing wrong with subsidizing recreational shooting.

Perhaps this is the new fiscal discipline I keep reading so much about. I hope not. I hope that my colleagues will keep their priorities straight and reject this giveaway.

Mr. Chairman, support this amendment, no more free bullets.

Mrs. MALONEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. SCHENK], a sponsor of this amendment and a major deficit reduction hawk in our freshman class.

□ 1240

Ms. SCHENK. Mr. Chairman, I commend the gentlewoman from New York [Mrs. MALONEY] for her tenacity in bringing this amendment to the floor.

Mr. Chairman, I rise in very strong support of the efforts of the gentlewoman from New York [Mrs. MALONEY] to show the American taxpayer that we care about their money.

This is not about the Boy Scouts or the Girl Scouts. This is about cutting spending, and every Member that uttered those words during their most recent campaign must vote for this amendment.

Mr. Chairman, I thought that I had seen a ridiculous waste of money in honey subsidies, and mohair subsidies and helium reserves, but spending $2 million, not smoke and mirrors, but $2 million of taxpayer money to give away bullets and to train people how to use rifles, really goes in the hall of fame of ridiculous spending.

I urge support of the amendment offered by the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. FINGERHUT], one of the leaders in the freshman class and one of the strong leaders in the freshman fiscal caucus.

Mr. FINGERHUT. Mr. Chairman, I thank the gentlewoman from New York [Mrs. MALONEY] for yielding this time to me.

Mr. Chairman, we have a talk show host back in Cleveland who calls Washington Disneyland on the Potomac. I think I know now what he means. This is a defense appropriations bill. This is the day when we are debating how much money to spend on the defense of our country. I have a lot to learn about those issues, but there is one thing I do know, and that is that the issue of the Boy Scouts is not part of that. The ultimate cynicism that is being portrayed here, to wrap this program around the Boy Scouts, frankly makes me ill.

If the NRA wants to play games, let them play games with other bills, not with our defense.

Mrs. MALONEY. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, in deference to my dear friend, the gentleman from New York [Mr. SOLOMON], I am compelled to support my other friend from New York in this amendment simply because I think it is time to end this civilian marksmanship program. There is not, nor has there ever been, any compelling military purpose, and what we are asking is what we have heard, that we are saying to taxpayers, "Please reach down and find a way to subsidize recreational shooting so that we might be able to provide ammunition to children."

Mr. Chairman, that is wrong, that is un-American, and we challenge the NRA and others who are hellbent to subsidize this cause to not put it on taxpayers.

Mrs. MALONEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentlewoman from New York [Mrs. MALONEY] for yielding this time to me, and I thank her for her amendment.

Mr. Chairman, this is a BYOB amendment, bring your own bullets. It is about time.

Mr. Chairman, people have to buy their own immunizations for their children, they have to buy their own preschool education, they have to buy their own books, they have to buy their own cookies if they are den mothers for the Cub Scouts. Why in the world do we have a subsidy for bullets at a time when the GAO tells us there is absolutely no military need for this program? It is just a holdover from the great old ride'em and shoot'em up days of 1903.

So, it is 1993, and this is the way to save money. I salute the gentlewoman for bringing her amendment here, and I say to my colleagues, "Do, please, buy your own bullets. The Government doesn't have the money."

Mr. LEWIS of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I cannot say all I would like to say in opposition to this amendment in 1 minute, but I would like to invite the gentleman from Minnesota who spoke earlier in favor of the amendment to come to my State, to come to my hometown, and participate in a Boy Scout BB gun contest that has helped finance with these funds, and this is not just a local contest, my colleagues. It goes on, and this is for safety, for youth.

I say to my colleagues, "If you want to deny them that, that's fine, but I think that the people who have spoken in favor of this amendment really come from a different world than those of us who have learned to use guns, and use them rationally, use them legitimately. I'm afraid that some of these people who have spoken in favor of this amendment, when I go out deer hunting in November to try and shoot my deer, would object to that and be out there trying to rant and rave, and everything else, to save that little deer."

Well, my colleagues, I for one believe that we need gun safety here in the United States, and this program helps with gun safety.

Mr. GONZALEZ. Mr. Chairman, I rise in strong support of the Maloney amendment. If the Civilian Marksmanship Program, funded by the National Board for the Promotion of Rifle Practice, ever served a national need, that need has long since abated; in fact, any program that promotes the proliferation of weaponry and ammunition, which becomes readily available to the criminal element, is a disservice to the national interest.

Just a few years after I was elected to Congress, I was eyewitness to the greatest crime of the century—the assassination of President Kennedy. The President and I had been friends for many years, and he visited San Antonio before he went to Dallas together that fateful November in 1963. I had warned the President not to come to Texas then, as I had become aware of the proliferation of arms and ammunition available to extremists, especially to extremists who hated the President. Sadly, my advice was not heeded, and the tragedy was allowed to unfold.

After the President's assassination, I spoke out repeatedly on the House floor about the extremist right-wing hate group called the Minutemen. This group, and numerous others since then, received arms and ammunition free of charge from the U.S. Government's Civilian Marksmanship Program. What our Government did then, and has since done domestically, it is also doing internationally—the consequences of both practices are clear in today's militaristic and violent society.

If there is one truth about our country today, it is that there is no scarcity of ammunition and weaponry. There are bullets and guns everywhere—readily available, and enough for every man, woman and child. Surely we do not need to fuel this explosion any more, and I commend Representative MALONEY for taking the initiative this year in trying to eliminate the funding for the Civilian Marksmanship program. There has never been a better time or a better argument for passage of the Maloney amendment.

Ms. FURSE. Mr. Chairman, I want to express my support for the amendment offered by the gentlelady from New York [Mrs. MALONEY] to cut $2.5 million for the Civilian Marksmanship Program.

This program, for the purported purpose of educating young people in becoming responsible gun operators, is not the kind of assistance the taxpayers need to be paying for. Rather, we should be paying for education in reading and writing and arithmetic. There is no reason the public should pick up the costs for marksmanship training.

Twenty percent of our Nation's children are living in poverty, according to the UNICEF report issued last week. The $2.5 million cost of the Civilian Marksmanship Program would be better used in ways other than providing free bullets.

Mr. BOEHLERT. Mr. Chairman, one of the most frequently cited arguments that we hear from gun control advocates is that guns are the cause of numerous accidents, injuring thousands of Americans each year. The vast majority of these accidents occur because people do not treat guns with the care and intelligence that is required.

It is for this reason that I rise in support of the continuation of the Civilian Marksmanship program. By teaching respect for firearms, it promotes the safe use and handling of firearms. This program saves lives.

While it was originally conceived to train young men for the armed services, its mission has expanded over the years. It focuses on the instruction of youths between the ages of 10 and 17, the only participants to receive Federal support in the form of free ammunition, hearing and eye protection, and achievement medals. While it doesn't subsidize activities for adults, it does involve adults from all facets of the community. Parents, law enforcement officers, National Guardsmen, and reservists volunteer their time to work with youth organizations, such as the Boy Scouts, the Future Farmers of America, and 4–H clubs, to educate young Americans.

And as far as getting your bang for the buck, not many Government sponsored youth programs can compare with an average cost of only 50 cents per participant. A bargain price when you consider the tremendous civic benefits of the program.

I listen to critics who contend that by educating kids about firearms, we are somehow promoting violence. To these people, I reply that such an irrational claim is tantamount to saying that driver education promotes irresponsible driving, or that sex education promotes teenage pregnancy. It just isn't the case.

My colleagues, if you are serious about reducing gun violence, then I would urge you to join me in supporting this program. Vote against the Maloney amendment to eliminate funding for the Civilian Marksmanship Program.

Mr. LEWIS of Florida. Mr. Chairman, I yield back the balance of our time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Mrs. MALONEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. MALONEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 190, noes 242, not voting 6, as follows:

[Roll No. 479]

AYES—190

Ackerman
Andrews (ME)
Bacchus (FL)
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Berman
Blackwell
Blute
Bonior
Borski
Brown (CA)
Brown (FL)
Bryant
Bunning
Byrne
Cantwell
Cardin
Clay
Clayton
Clement
Coble
Collins (IL)
Conyers
Coppersmith
Costello
Coyne
de Lugo (VI)
Deal
DeLauro
Dellums
Derrick
Deutsch
Dixon
Dooley
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fawell
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gibbons
Gilchrest
Glickman
Gonzalez
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hamburg
Harman
Hastings
Hefner
Hoagland
Hoekstra
Hughes
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnston
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Knollenberg
Kreidler
LaFalce
Lambert
Lantos
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCurdy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal (MA)
Norton (DC)
Nussle
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Petri
Pickle
Porter
Portman
Poshard
Price (NC)
Quinn
Ramstad
Rangel
Reed
Reynolds
Ridge
Roemer
Ros-Lehtinen
Rostenkowski
Roukema
Roybal-Allard
Rush
Sabo
Sangmeister
Schenk
Schroeder
Schumer
Scott
Sensenbrenner
Shays
Shepherd
Slattery
Slaughter
Stark
Stokes
Studds
Swett
Swift
Synar
Talent
Thompson
Torkildsen
Torres
Torricelli
Towns
Tucker
Valentine
Velázquez
Vento
Visclosky
Waters
Watt
Waxman
Wheat
Woolsey
Wynn
Yates
Zimmer

NOES—242

Abercrombie
Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Boucher
Brewster
Brooks
Browder
Brown (OH)
Burton
Buyer
Callahan
Calvert
Camp
Canady
Carr
Castle
Chapman
Clinger
Clyburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Cooper
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
DeFazio
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Doolittle
Dornan
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fazio
Fields (TX)
Fish
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Gephardt
Geren
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Green
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hilliard
Hinchey
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kim
King
Kingston
Kolbe
Kopetski
Kyl
Lancaster
LaRocco
Laughlin
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Machtley
Manzullo
Martinez
McCandless
McCloskey
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Molinari
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Natcher
Neal (NC)
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Pryce (OH)
Quillen
Rahall
Ravenel
Regula
Richardson
Roberts
Rogers
Rohrabacher
Rose
Roth
Rowland
Royce
Sanders
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Sharp
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Traficant
Unsoeld
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Williams
Wise
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff

NOT VOTING—6

McDade
Romero-Barceló (PR)
Serrano
Underwood (GU)
Washington
Wilson

☐ 1304

The Clerk announced the following pair:

On this vote:

Mr. Serrano for, with Mr. Wilson against.

Mr. POMEROY and Mr. COLEMAN changed their vote from "aye" to "no."

Messrs. POSHARD, GUNDERSON, and DREIER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the bill?

The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Department of Defense Appropriations Act, 1994."

Mr. MURTHA. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. WISE] having assumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purpose, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LINDER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 325, noes 102, not voting 6, as follows:

[Roll No. 480]

AYES—325

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Bateman
Becerra
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Calvert
Camp
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Duncan
Durbin
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hutchinson
Hutto
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Mann
Manton
Manzullo
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McHale
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Rose
Rostenkowski
Rowland
Roybal-Allard
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Sharp
Shaw
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Snowe
Spratt
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Valentine
Velazquez
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—102

Allard
Applegate
Archer
Armey
Baker (CA)
Barrett (WI)
Bartlett
Barton
Beilenson
Bentley
Bereuter
Boehner
Burton
Callahan
Canady
Collins (IL)
Combest
Conyers
Cox
Crane
Crapo
DeFazio
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Dunn
Edwards (CA)
Everett
Fields (TX)
Gilman
Goodling
Goss
Grams
Hamburg
Hancock
Hastert
Hefley
Herger
Hoekstra
Huffington
Hunter
Hyde
Inglis
Inhofe
Johnson, Sam
Johnston
Kim
King
Klug
Knollenberg
Kyl
Leach
Levy
Lewis (FL)
Linder
Maloney
Margolies-Mezvinsky
McCandless
McCollum
McDermott
McHugh
McInnis
Mica
Miller (FL)
Minge
Molinari
Nadler
Nussle
Owens
Penny
Peterson (MN)
Petri
Pombo
Ramstad
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Rush
Sanders
Schaefer
Sensenbrenner
Shays
Smith (OR)
Smith (TX)
Solomon
Spence
Stark
Stearns
Stump
Unsoeld
Vento
Walker
Watt
Wyden
Yates
Zeliff
Zimmer

NOT VOTING—6

Fawell
McDade
Serrano
Thomas (CA)
Washington
Wilson

□ 1326

The Clerk announced the following pair:

On this vote:

Mr. Wilson for, with Mr. Washington, against.

Messrs. BUNNING, PAXON, GOODLATTE, and DUNCAN changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3116, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1994

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3116, the Clerk be authorized to correct section numbers, punctuation, cross references, and make other necessary technical adjustments.

The SPEAKER pro tempore (Mr. WISE). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERSONAL EXPLANATION

Mr. FAWELL. Mr. Speaker, I noticed in the CONGRESSIONAL RECORD dated September 30, 1993, that my vote on final passage of the Defense appropriations bill for fiscal year 1993 (H.R. 3116) was not electronically recorded. However, I distinctly remember voting "no" on final passage of this measure. For whatever reason my vote was not recorded, I would like the CONGRESSIONAL RECORD to show that I voted "no" on passage of the Defense appropriations bill for fiscal year 1993.

APPOINTMENT OF CONFEREES ON H.R. 2491, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1994

Mr. STOKES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2491) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. LEWIS of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 2941, be instructed to agree to the Senate amendment numbered 1, contained on page 8, lines 4–5.

The SPEAKER pro tempore. The gentleman from California [Mr. LEWIS] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. STOKES] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, very briefly, this is a noncontroversial motion to instruct addressing itself to the problem among VA hospitals and clinics across the country relative to the backlog in needed equipment. The motion to instruct would have us go to the Senate mark.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. STOKES. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I concur with the gentleman's amendment. He has accurately stated the facts regarding it, and we have no problem with it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California [Mr. LEWIS].

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. STOKES, MOLLOHAN, and CHAPMAN, Ms. KAPTUR, and Messrs. TORRES, THORNTON, NATCHER, LEWIS of California, DELAY, GALLO, and MCDADE.

There was no objection.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title.

H.J. Res. 267. Joint resolution making continuing appropriations for the fiscal year 1994, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2518. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes.

That the Senate insists upon its amendments to the bill (H.R. 2518) "An act making appropriations for the Departments of Labor, Health, and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HARKIN, Mr. BYRD, Mr. HOLLINGS, Mr. INOUYE, Mr. BUMPERS, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. SPECTER, Mr. HATFIELD, Mr. STEVENS, Mr. COCHRAN, Mr. GORTON, Mr. MACK, and Mr. BOND to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2295) "An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1487. An act entitled the "Middle East Peace Facilitation Act of 1993," and

S. 1490. An act to amend Public Law 100-518 and the United States Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for other purposes.

APPOINTMENT OF CONFEREES ON H.R. 2518, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. NATCHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2518) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

□ 1330

The SPEAKER pro tempore (Mr. WISE). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. PORTER

Mr. PORTER. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. PORTER moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on H.R. 2518, be instructed to agree to the Senate amendment numbered 24.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. PORTER] will be recognized for 30 minutes, and the gentleman from Kentucky [Mr. NATCHER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, this is a noncontroversial motion; it instructs the House to agree to the Senate amendment No. 24, regarding fraud in the Federal Employee Compensation Act, that is the FECA Program. The Senate amendment requires the Department of Labor to cut off FECA benefits for individuals convicted of fraud against the program.

Members may wonder why this is necessary. I want to take a few seconds to explain it.

Mr. Speaker, the office of workers compensation program at DOL lacks the authority to terminate benefits when it determines that a recipient has lied about his or her disability or illness. Incredibly, the Department lacks the authority to terminate benefits even when a recipient is convicted of fraud in a court of law.

There are many documented cases where the Department has been thwarted. The Senate amendment seeks to remedy that situation.

Mr. Speaker, cases of fraud in this program are well known.

Last year, a welder at a Naval shipyard claimed he injured his back on the job; he later received $150,000 in FECA benefits at the same time he owned and operated an excavation business.

In another case, a former postal worker injured his elbow in 1979; from 1979-91, he received $120,000 in FECA benefits while operating a used auto business. He failed to report his employment to the Department.

During 1990 and 1991, the Department obtained 63 convictions of fraud in the FECA Program but was unable to terminate payments to even half of those individuals.

The Senate amendment seeks to remedy this situation.

It is narrowly drawn to prohibit FECA payments to an individual convicted of fraud against the program.

Mr. Speaker, I urge adoption of my motion.

Mr. NATCHER. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to my chairman.

Mr. NATCHER. I thank the gentleman for yielding to me.

Mr. Speaker, we have no objection to the motion to instruct on this side.

Mr. PORTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. PORTER].

The motion to instruct was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. NATCHER, SMITH of Iowa, OBEY, STOKES, HOYER, Ms. PELOSI, Mrs. LOWEY, Mr. SERRANO, Ms. DELAURO, Mr. PORTER, Mr. YOUNG of Florida, Mrs. BENTLEY, Mr. BONILLA, and Mr. MCDADE.

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. DURBIN. Mr. Speaker, pursuant to House Resolution 260, I call up from the Speaker's table the bill (H.R. 2493) making appropriations for Agriculture, rural development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1994, and for other purposes, with Senate amendments to House amendments to the Senate amendments numbered 29 and 164 thereto.

GENERAL LEAVE

Mr. DURBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the pending legislation, and that I be permitted to include tables, charts, and other extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the title of the bill.

MOTION OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DE LA GARZA moves, pursuant to House Resolution 260 that the House concur in the Senate amendment to the House amendment to the Senate amendment numbered 29 with an amendment as follows: In the matter proposed to be added by the Senate amendment, insert after the word "operations" the following: ", except for marketing year 1993".

The SPEAKER pro tempore. Under the rule, the Senate amendment is considered as read.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. DURBIN] will be recognized for 30 minutes, and the gentleman from New Mexico [Mr. SKEEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, at the outset I would like to say this amendment we are offering today is an attempt to resolve obvious flaws and difficulties in the amendment to eliminate the wool and mohair program previously offered on the other side of the rotunda. Let me say I only know two people who are enrolled in this program, and I do not know of a soul in my congressional district who is enrolled.

But over the last several days I have had the opportunity to speak to literally dozens of men and women who earn a living across America raising sheep and goats and participate in the wool and mohair program. There are about 30,000 specialized sheep farms in America and 70,000 farms that have some income from wool sales. These 100,000 farms and ranches represent several hundred thousand farmers and their families. I believe many of them have accepted the reality that the future of this program is at best in doubt and quite likely will not be renewed any time in the near future.

What we are attempting to do with this amendment is to resolve a serious flaw in the Senate amendment. The Senate amendment was retroactive so that the farmers and ranchers enrolled in the program for this marketing year, 1993, would be denied the program payment which they were promised.

The net result of that is catastrophic, and I use that term advisedly; for the farmers and ranchers enrolled in the program, many of them would literally face bankruptcy unless the amendment which we are offering today is adopted. I do not believe anyone, even the harshest critics of this program, want to see that happen. Many of these farmers have gone to their banks and borrowed money, they have spent this money in anticipation of the Federal payments under the program. What we are attempting to do is to make it clear that farmers enrolled in the program for the marketing year 1993 will be paid as promised out of fiscal year 1994 funds.

Let me make this clear as well. We are making a statement to the U.S. Department of Agriculture that no funds are to be used for the 1994 marketing year of the wool and mohair program; that as of the passage of this legislation, only the 1993 marketing year program will be funded.

I believe that that is a fair resolution. I also think it is the right thing to do for the many men and women who stand to lose so much.

Let me add, too, it is not just a question of the producers. According to the Farm Credit Bank of Texas, which met yesterday, 15 banks in Texas have 30 percent or more of their loan portfolios collateralized against this incentive payment. It is estimated that 6 to 12 banks in Texas will go into liquidation unless we pass this amendment.

So this effort by the House today, I think, has serious consequences for the people who are enrolled in the program and those affected by it.

Mr. Speaker, I reserve the balance of my time.

Mr. SKEEN. I thank the gentleman and the Speaker.

Mr. Speaker, I think the chairman of the Subcommittee on Agriculture Appropriations has bracketed and broached the question appropriately and given a good synopsis of exactly what has happened.

Shutting down this program has caused dire and severe effects in our part of the country in the Southwest, where so much of the fine wools that are used in manufacturing clothing in the United States. Let me tell you this, we produce only one-third of the wool used in domestic consumption in the United States. We must import two-thirds.

So this program was initiated years ago to provide the kind of high quality in production to keep the domestic industry alive and well and producing what was considered at that time, and still is to some extent, a strategic commodity.

So I think the least we can do is pass this resolution, keep sacrosanct the 1993 commitment that the Government has made to these growers, and not let the Senate action constitute a situation that cancels out the 1993 program. In effect, that is what we are doing today, holding sacrosanct the 1993 program.

Mr. Speaker, I reserve the balance of my time.

□ 1340

Mr. DURBIN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DE LA GARZA], the chairman of the Committee on Agriculture.

Mr. DE LA GARZA. Mr. Chairman, I thank the gentleman for yielding this time to me. I apologize to the Speaker. There were three gentlemen from Texas standing at the same time.

The SPEAKER pro tempore (Mr. WISE). "The eyes of Texas are upon you."

Mr. DE LA GARZA. Mr. Speaker, I am privileged to be the one that was recognized.

Mr. Speaker, the problem we find ourselves in has been eloquently articulated by the chairman of the subcommittee and by the ranking member.

We have had meetings with everyone concerned, including a personal visit by myself with the author of the amendment in the Senate. We have come up with what we think is a particularly applicable resolution.

Mr. Speaker, I rise in support of the amendment to remove the portion of the Senate amendment that retroactively eliminates funding for the wool and mohair programs.

I offer this amendment in order to prevent the Senate amendment from applying to the marketing of the 1993 crops of wool and mohair. Let me explain why the House should approve this amendment.

The Senate amendment would prohibit payments to wool and mohair producers during fiscal 1994. As a consequence, Government payments for the 1993 crops of wool and mohair—which would be paid during fiscal 1994—will be eliminated retroactively, without notice or warning.

Mr. Speaker, eliminating the program retroactively was not the intent of the author of the Senate amendment. Whether you think the wool program is worthwhile or not, I hope you recognize the unfairness of retroactive elimination to sheep and goat producers in all 50 States.

Whether you support the wool program or not, the reality is that a significant portion of income for wool and mohair producers comes from Government payments. That's the reality. Believe me, my preference and the desire of every farmer in this country is to compete on a level playing field and get a decent income from the marketplace.

But that is not the reality of the marketplace for wool and mohair. This industry faces a very depressed market for wool and mohair, in large part because of policy decisions taken by Australia. In addition, American wool-growers face heavily subsidized competition from the European Community. That's the reality of the marketplace.

If we immediately and retroactively eliminate the wool and mohair programs this Congress could very well be forcing 25 to 30 percent of our Nation's 100,000 wool and mohair producers of the land and into bankruptcy court.

Lenders have extended loans based on the expectation that the market sale of this year's crop will be supplemented by a Government incentive payment next year. In some cases, the Government checks are the collateral—the woolgrower doesn't even get the Government payment, it goes straight to the bank to pay this year's operating loan.

If Congress eliminates the programs now, lenders will call in these loans. Retroactive elimination of the wool and mohair programs would economically devastate thousands of our Nation's wool and mohair producers.

Eliminating the wool and mohair programs, in the manner proposed in the Senate amendment, is also unfair because it allows for no transition time for producers to rearrange their financing and production plans. Again, the immediate and retroactive portion of the Senate amendment is simply unfair and must be corrected.

Mr. Speaker, a few weeks ago I received a letter from President Clinton thanking me and the committee for our work—included in the 1993 Reconciliation Act—to reform the operation of the wool and mohair programs. What we did in that legislation was reduce the maximum payments a wool or mohair producer could receive by two-thirds by 1997. This is what the President wrote to me:

> This represents an important step forward in reforming the program, and I commend you and the committee for moving forward aggressively on this issue.

That is what President Clinton wrote to me on our actions to reform the wool and mohair program.

Mr. Speaker, I recognize—as do all of us who represent farm and rural areas—that a majority in Congress and this administration want to see further savings achieved and further reforms in our farm programs. The House Agriculture Committee—just as Chairman DURBIN and his Appropriations Subcommittee have done in this conference report—is taking steps necessary to respond to these concerns.

The amendment I am offering eliminates funding for the wool and mohair programs in fiscal 1994 but it does allow producers to receive payments on their 1993 crops of wool and mohair.

Mr. Speaker, it is only fair that the Federal Government not renege on a financial compact that 100,000 American families based their financial decision on earlier this year.

This amendment puts wool and mohair producers on notice that they cannot expect Federal assistance next year.

Furthermore, it is my intention to have the House Agriculture Committee follow through with authorizing legislation—to be brought back to the House floor later this year—to amend the Wool Act and to give Members in the House the opportunity to vote on reforms or elimination of the program.

I urge Members to support my amendment.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. ARMEY].

PARLIAMENTARY INQUIRY

Mr. ARMEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. ARMEY. Mr. Speaker, do we have an amendment before us, the amendment of the gentleman from Texas?

The SPEAKER pro tempore. Yes; the gentleman has a motion.

Mr. ARMEY. Mr. Speaker, may I inquire of the committee chairman as to the intent of his amendment?

Mr. DURBIN. Mr. Speaker, if the gentleman will yield, the intent of this amendment, and I want to make it clear, because I know the gentleman's position, the intent of this amendment is to tell the U.S. Department of Agriculture that they are only to expend funds under the Wool and Mohair Program for the marketing year 1993 and not to expand funds for the marketing year 1994.

Mr. ARMEY. Mr. Speaker, as we have three Texans on the floor, we now have two chairmen on the floor. I had actually directed the question to the chairman of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, If the gentleman will yield, I apologize to the Members for the confusion, but I thank the chairman for his understanding.

I would reply to my distinguished colleague, the gentleman from Texas [Mr. ARMEY], one, this amendment as was explained will permit wool producers to receive incentive payments for the 1993 crop only. These producers have already incurred financial obligations, et cetera.

This amendment does not terminate the program. That can only be accomplished by amending permanent law.

Therefore, my commitment to the gentleman and to this House is that we will bring legislation to the floor this year that will amend the Wool Act and give Members of the House the opportunity to seek reform or eliminate the program.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Texas for his explanation. With that commitment, I will support his amendment and encourage my colleagues to do the same.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Texas.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on this motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SKEEN. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I am the principal sponsor of legislation that would prospectively deauthorize the Wool and Mohair Program. There are more than 30 cosponsors.

If I could ask for the chairman of the Committee on Agriculture to respond to an inquiry.

I would like to propound this question to the gentleman from Texas [Mr. DE LA GARZA]. I have read the text of the colloquy and I would like to clarify whether it is the gentleman's intention that the rule under which this reform legislation would come to the floor would permit an amendment of the sort that is embodied in my legislation, which would actually terminate the program prospectively, rather than simply modify the program.

Mr. DE LA GARZA. Mr. Speaker, if the gentleman will yield, the answer is yes. Our intent is to bring legislation that can be terminated or can be amended to suit the desires of the Members.

We always have come from the Committee on Agriculture with an open rule. We have never had closed rules, so our intent is to bring legislation, period, unless the House worked its will.

Mr. ZIMMER. Mr. Speaker, I thank the gentleman.

Mr. DURBIN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I rise in support of the amendment, but also to compliment the new chairman and the ranking member, for the first time the Agriculture Appropriations bill has included buy-American language in their bill. I believe it has been good language. It has been tailored with the help of the committee chairman, and I want to thank the committee and commend the committee for their work.

Mr. SKEEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Thousands of individuals and dozens of communities will suffer if the House and Senate do not act with fairness, common sense, and humanity.

By abruptly ending the Wool and Mohair Incentive Program, the Senate vote last week would wreak havoc with the lives and financial livelihoods of thousands of Texas ranchers and their communities. This devastating approach to agricultural incentives will wipe out the economies of entire counties.

Without any warning, these payments that ranchers have been relying upon are being stripped away.

Some Members argue that this isn't really a retroactivity issue. But these Members fail to realize that the Wool Program is one of the few programs that pays for this year's activities with the next year's funds.

For comparison, Congress pays for military retiree COLA's in fiscal year 1994 with fiscal 1994 funds. It works the same way for Amtrak, NEA, and defense spending. But calendar year 1993 wool payments are not made with fiscal year 1993 funds like in other programs—they are made with fiscal 1994 funds.

Sheep and goat producers are already 9 months into the marketing year for the 1993 wool crop. The operating money for these farms and ranches was borrowed almost 1 year ago and the operating budgets included the incentive payments. Producers have already invested money and sweat relying upon 39 years of commitment by the Government.

The program is set up so that payments for this year's crop—which was produced earlier this spring—are not made until several months into 1994.

More than 350,000 people in small communities across America rely on income generated by the sheep industry. It is estimated that the loss of these incentive payments will affect 15,000 jobs directly, and 45,000 jobs indirectly, in Texas alone.

About 16,000 wool and mohair producers in 35 west Texas counties received incentives last year. West Texas provides 90 percent of the Nation's mohair and 25 percent of its wool. In many cases, the incentive payment makes or breaks the producer.

Texas ranks second in international mohair production, behind South Africa. About 90 percent of Texas mohair is exported for processing overseas.

In fact, the American Sheep Industry Association estimates that 25 to 30 percent of the Nation's 125,000 producers will go under if the program is abolished.

Such a cut will overwhelm many rural communities. The impact will be felt at every grocery store, feed store, restaurant and car dealership. This cut will cost jobs. It will have a ripple effect felt beyond the confines of rural America.

Faced with the fourth year of record low wool prices as well as the fifth year of lamb prices below the cost of production, elimination of this year's wool incentive payments will be the final blow to many farm families struggling to remain in business.

For those who believe these producers can simply convert to another crop, I invite you to travel to rural west Texas. You will find ranchers raising sheep and goats on land that would produce no other crop. Where a farmer could diversify, these folks have but one crop—goats and sheep.

Producers acted in good faith that the laws of the United States would not be changed overnight. Usually, this is a safe bet in Washington. But on September 23d, the Senate reversed a 39-year-old law in just a couple of hours. Without the benefit of hearings.

This amendment will simply allow producers to receive payments for their 1993 crop. It will allow producers to phase out without immediate default on their loans.

At the very least, these wool and mohair producers deserve respect enough not to be whipsawed by the political passions of Washington.

Like any industry, wool and mohair producers need time to adjust to drastic changes in the business climate. A sudden, unanticipated earthquake like the loss of all Federal incentives will surely swallow most if not all of an entire industry that is already struggling against unfair foreign competition.

At a minimum—a very minimum—Congress should act out of fairness, common sense and humanity, and allow wool and mohair producers to receive incentive payments from this year's crop. Our amendment does just that. Mr. Chairman, the honest, taxpaying ranchers and wool and mohair producers of west Texas deserve no less.

Mr. SMITH of Texas. Mr. Speaker, I thank my friend, the gentleman from New Mexico, for yielding this time to me.

I understand an agreement has been worked out so the wool and mohair producers will get their 1993 incentive payments. That is absolutely necessary, in the interest of common sense, justice, and fairness. On behalf of the wool and mohair producers in my district, I am delighted with that outcome.

Mr. SKEEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. Mr. Speaker, I just would like to say very briefly that we have been through the last several days with a lot of tension and anticipation out in communities throughout this country, and I just want to thank the gentleman from New Mexico, Chairman DURBIN and Chairman DE LA GARZA for addressing this problem that would have called for and created economic disaster in many communities throughout America, not just in my congressional district.

We have been working around the clock on this for the last couple days. I just want to thank everyone for helping us on this matter and correcting this mistake that was made in the Senate.

Mr. Speaker, I would like to make one thing fundamentally clear. Today we are not voting on the Wool Act. The Wool Act is dead. This body will not be having a debate on the merits of a program which creates 350,000 jobs at no cost to the taxpayer. A program which has reduced the national debt by $5 billion since its beginning. We are not going to have an opportunity to vote or debate the merits of this program. The Senate has already acted and we will not have that vote.

Today we are voting on something else. We are voting on the word of our Republic. We are voting our commitment to keep our promises, to be honest with the American people. The Senate action would retroactively prevent payment for this year's crop. Common sense tells us that no payment for this year's crop is a retroactive cut, although I am sure that some may attempt to argue to the contrary. What cannot be argued is that retroactively stopping the payment will destroy the lives and livelihoods of thousands of Americans all across our great land. Thousands of ranchers have already made their business plans based on this year's crop payment. So have their bankers, as well as the small businesses in their communities. The amendment before us today will make the technical corrections to fix the Senate's drafting error that threatens to destroy so many of our fellow Americans.

To give some idea of the human impact of the Senate's action, I'm going to share with you a few of the comments I've received from hard-working people in Texas.

DEAR CONGRESSMAN BONILLA: My mom and dad raise goats. They are very scared about the wool act and what will happen to our family. I am 8 years old and I want to know the government wants to take away why our living. My mom says we will be okay if they give us time to work with the bank. Can you tell them to take away the incentive after this year?

Thank you,

NELDA CORBELL.

SEPTEMBER 25, 1993.

Re: Mohair Incentive Program.

Congressman HENRY BONILLA.

I am a rancher that raises sheep and goats for a living. The ranch has been in my family for approximately 70 years. My incentive payments totaled approximately $12,000.00, which is surely not enough to drive a Lincoln Continental, which some Congressman and newspaper men believe all ranchers own. Our ranch life consists of hard work and long hours with small returns which most people in agriculture accept with the job. Our way of life is being threatened as are our communities by the loss of this program. Thank you for your time.

STEVE HAYNES.

DEL RIO, TX,
September 25, 1993.

Hon. HENRY BONILLA,
House of Representatives,
Washington, DC.

DEAR MR. BONILLA: If you do not pay the wool incentive I will loose my job. I have a wife and 3 small boys who depend on my job for a living. If I do not get to work, I will have to go on welfare, and unemployment.

Please see what you can do so my boss will not have to get rid of his ranch.

Thank you,

HUMBERTO BALDERAS.

SEPTEMBER 27, 1993.

Hon. HENRY BONILLA,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BONILLA: I support the efforts to reinvent government, as do Texas farmers and ranchers. But no one industry should be ask to bear the cuts alone or suffer those cuts in an unfair, retroactive manner when others have not yet made a sacrifice.

Last week the Senate amended the Conference Report to accompany H.R. 2493, the fiscal 1994 Agriculture Appropriation Bill, to eliminate spending for the wool and mohair program. The House now must either concur with the Senate or take other action. As Commissioner of Agriculture for the State of Texas representing a vital component of that industry, I respectfully request that you do not vote to concur with the Senate amendment, and that you support efforts to fund last year's program and restore economic stability to the sheep and goat industry.

As you know, Texas leads the nation in the production of wool and mohair. The amendment that the Senate passed does not look to the future of the program. It seeks to retroactively stop payments to those who have in good faith relied on the program. You may not be aware, but this is the only commodity program in which the appropriations are approved after the program year. In other words, bankers, merchants, and transporters have outstanding loans and bills based on the fact that for the last forty years, producers have been paid by the wool and mohair program at the end of the crop year. As you know, the wool and mohair industry will do its fair share to reduce the national deficit and in fact have agreed to the $50,000 payment limitation for each producer. This Senate amendment will most affect small and medium size operations and I am concerned about the serious effects on Texas rural communities and our state's economy if this amendment is allowed to stand. We must decide whether we want an industry to contribute to our nation's and state's economies or to become a liability.

In the United States, 350,000 people are in sheep and sheep-related industries, $619.6 million is generated by purchase of lamb, $2.86 billion comes from the production and sale of wool clothing and other types of apparel, $25.2 million is generated by the export of live sheep from the United States, and $437.6 million is generated by the export of wool clothing. I encourage you to consider carefully if you want to eliminate private sector jobs and retard economic growth based on this $191 million investment.

Thank you for your time and consideration. If I may be of additional help, please do not hesitate to let me know.

Sincerely,

RICK PERRY,
Commissioner.

I was not elected to destroy the lives and livelihoods of honest and hard-working American families. Retroactively canceling the payment will bankrupt thousands of American ranchers, close hundreds of small businesses, and jeopardize the stability of hundreds of rural banks. In effect, if we fail to pass the de la Garza technical correction, we will be endorsing a congressionally created depression in rural America. A congressionally mandated natural disaster every bit as real and terrible as Hurricane Andrew or the recent Midwest floods.

But the significance of this retroactive misery extends far beyond rural America. If we fail to reverse this retroactive measure we are sending a message to each and every American that their Government's word is not it's commitment. I want every American watching this debate at home to know that I am hopeful every Member of this body will want America to keep its word and meet this commitment to our fellow Americans and join me and support this bipartisan amendment.

Mr. SKEEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Speaker, very briefly, I would just like to express my support for this motion.

Mr. DURBIN. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS of Texas. Mr. Speaker, I rise in strong support of this amendment. I do want to commend the gentleman from New Mexico, Mr. SKEEN, Chairman DE LA GARZA, Chairman DURBIN, the gentleman from Texas, Mr. STENHOLM, and many others who have worked so hard to work out what I think is a very reasonable compromise on this program.

Mr. DURBIN. Mr. Speaker, I yield 1 minute to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise in support of the amendment.

I commend Chairman DE LA GARZA and the gentleman from New Mexico, Mr. SKEEN, and others who have been involved in working out a compromise here to at least preserve the integrity of the 1993 season.

I have some frustration that we arrived at this point at all, given the fact that the Wool Program is funded through tariffs, and in fact generates revenue for the Treasury; but nonetheless, this is a compromise that has been reached at this point which will at least preserve things for wool growers during this 1993 wool season.

Mr. Speaker, I rise in support of the amendment offered by Chairman DE LA GARZA, although I also want to express enormous frustration that this body finds itself in this situation at all.

The House Agriculture Committee on which I serve, as well as the full House of Representatives, have passed legislation which provided for some important reforms in the Wool and Mohair Program, but which preserved the basic program intact. The Senate, however, has voted to not only abolish the Wool and Mohair Program outright, but to effectively make that termination retroactive.

The Senate language will prohibit the use of public funds to support the price of wool and mohair through loans, purchases, payments, or other operations during fiscal year 1994. Since producers typically receive their incentive payments for a given year's production the following April or May, the consequence of the Senate action would be to deny payments to wool and mohair producers for their current 1993 production.

South Dakota and other wool and mohair producers have borrowed money and otherwise entered into financial commitments based on the reasonable assumption that they would receive their incentive payments for their 1993 production. It would be outrageous to retroactively deny payment, and I'm pleased that the de la Garza amendment will correct that potential inequity.

The action of the Senate, however, is much more damaging than simply jeopardizing payments for the 1993 wool and mohair production. Even after passage of this amendment, the future continuation of the Wool and Mohair Program remains in doubt. The Members of this body should keep in mind that the American taxpayers are not responsible for directly paying a dime to run this important program. As of 1991, the tariff placed on imported wool products generated $7.4 billion in income and has paid out only $2.3 billion since its inception in 1954. In other words, this program has actually created a net surplus of $5.1 billion which was returned to the Federal Treasury.

I appreciate that there are those who would like to either abolish wool tariffs in the name of free trade or who believe that all revenue from the tariff should be directed to the Treasury for Federal deficit reduction. Nonetheless, the loss of this program, which has not been costing anything from the Treasury, will not only devastate growers, but will also have a terribly negative impact on shearers, truckers, herders, feed suppliers, packing house workers, and wool warehouses as well as Main Streets throughout rural America. Let there be no doubt that the complete termination of this program will lead to additional bankruptcies, loan defaults, unemployment compensation, food stamps, and welfare payments, simply so that some Members can claim to the press that they killed a Federal program.

Support the de la Garza amendment, but then join me in our effort to retain a reformed and no-cost Wool and Mohair Program that our producers can rely on for generations to come.

Mr. SKEEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I rise in strong support of this amendment. I think this is a fairness amendment. It deals with solving this short-term problem and we can look longer to the other one.

I come from a district that has the largest wool production in the country, and I feel that you have done a great service for us here, and I support the amendment.

Mr. WILLIAMS. Mr. Speaker, I rise today in support of the motion offered by the chairman of the House Agriculture Committee, Mr. DE LA GARZA.

Historically, the Wool Act has been an easy target whenever Congress looks at ways to reduce the budget. But it is frankly the wrong target. We should beware of too easy answers to our budget dilemma in which the end result would actually be a loss of revenue and perhaps the elimination of an entire industry nationwide.

In our rush to cut the Federal budget we are going to do it not by reducing the expenditures in areas of the Federal budget that have massive amounts of money but rather we are going after a few small worthwhile, but altogether insignificant, programs in the much larger scheme of our trillion dollar Federal budget. The Wool Act costs little and is frankly badly misunderstood by Members of both bodies. Killing the wool subsidy after the 1993–94 payment to help balance the budget is like swatting a gnat on the back of an elephant. Because of that logic and the constant inaccurate attacks on the Wool Act, we should think twice before we scuttle the Wool Act totally.

The Wool Act actually has put money back into the Federal treasury. Tariffs on imported wool have put billions more into the Federal Treasury than was paid to producers. This tariff was justified because it was feared that opening up imports would harm our domestic industry. It in fact did. Since the Wool Act became law the sheep population has declined from 31 million to just a little over 10 million today. It is important to keep these payments coming to help producers diversify their operations.

It is particularly distressing to me to think of which producers are the most likely to be eliminated by any wholesale elimination of this agricultural stabilization policy that has now been in place for scores of years. The outright elimination of this program in an orderly manner will not just hurt families in the industry. It will be a further blow to country schools, to small communities, and to the rural way of life.

In Montana alone there are more than 3,600 wool and mohair producers. They raise sheep, for the most part, in country that quite frankly can't support any other forms of livestock or crops.

These producers should not be expected to pay the full cost of our attempts to reduce the Federal budget. We should seriously look at ways to cut the Federal budget so that we don't nail family ranchers in our efforts to eliminate tycoons from the program. This program and these families are what is right with America not what's wrong with it.

Mr. SKEEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DURBIN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Under the rule, the previous question is ordered on the motion.

The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA].

The motion was agreed to.

A motion to reconsider was laid on the table.

□ 1350

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer the motion made in order under the rule relating to amendment No. 164.

The SPEAKER pro tempore (Mr. WISE). The Clerk will report the motion.

The Clerk read as follows:

> Mr. DURBIN moves, pursuant to House Resolution 260, that the House concur in the Senate amendment to the House amendment to the Senate amendment numbered 164, with an amendment as follows: In the matter proposed to be added by the Senate amendment, insert before the period at the end of section 731 the following: ", except in the case of the Food and Drug Administration".

The SPEAKER pro tempore. Under the rule, the Senate amendment is considered as read. The gentleman from Illinois [Mr. DURBIN] will be recognized for 30 minutes, and the gentleman from New Mexico [Mr. SKEEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, let me say at the outset that there are two issues that are addressed by this Senate amendment. The first issue relates to the honey program. The second issue relates to the question of whether a floor shall be established for the number of employees to be hired at various agencies, and our debate today is specifically in reference to the Food and Drug Administration.

Mr. Speaker, I want to make it clear that I plan to ask for unanimous consent to withdraw this amendment and then offer a privileged motion to concur in the Senate amendment. The net effect of that motion on my part, if it prevails, will be to first remedy any flaws in the language that was passed by the House of Representatives providing that no funds are available for the crop year 1994 honey program and, second, to continue, as the Senate has previously decided, to state that there will be no floors on hiring in any agency affected by this appropriations bill.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I want to clarify exactly where we are here.

If I understand correctly, the gentleman is going to attempt to make certain that the House action with regard to the honey program of ending all subsidies to the honey program is, in fact, taken care of here and that the problem that was created by the exact language of the House is now being corrected so that we do end, in fact, subsidies to the honey program.

Mr. DURBIN. Mr. Speaker, the gentleman from Pennsylvania [Mr. WALKER] is correct.

Mr. WALKER. Then beyond that the Senate amendment went to the subject of floors for employment at the FDA, and in that case the gentleman is going to ask unanimous consent to recede or to withdraw the language that was in the rule previously passed so that we can, in fact, accept the Senate amendment in that regard; is that right?

Mr. DURBIN. The gentleman is correct.

Mr. WALKER. Now the thing that concerned us a little bit about the process here and why we were concerned about the language within the rule, it did sound as though what we were about to do was in conflict with Vice President GORE's reinventing Government and his desire to remove all of these floors. Are we, in taking the action as the gentleman proposes by unanimous consent, ensuring that the floors for FDA are entirely eliminated?

Mr. DURBIN. For the next fiscal year, yes.

Mr. WALKER. I have just been handed a letter here that was written to the gentleman by Mr. Panetta with regard to this matter. Is there anything that is happening with regard to this letter which would, in fact, at least partially restore the floors? Has the OMB Director agreed that we are eliminating the floors altogether and that at this point there is no assigned number of personnel for the FDA?

Mr. DURBIN. The gentleman makes a good point and one I wanted to address during the course of this debate. I will address it at this point.

The gentleman from Pennsylvania [Mr. WALKER] is correct that the reinventing Government report by the Vice President suggested dramatic changes in the administration of the Federal Government and a substantial reduction of Federal personnel. What we are attempting to do is to take action consistent with that promise made by the Vice President, and I hope, sincerely hope, that Congress will do its best to abide by that request.

I might say to the gentleman from Pennsylvania that the Food and Drug Administration really comes to this debate in a little different position than most other agencies. The gentleman probably recalls he may have supported the establishment of a user fee for the pharmaceutical industry in the United States. The pharmaceutical manufacturers in this country rely on the Food and Drug Administration to give approval to new drugs. Unfortunately, because of the number of drug applications pending, there has been a breakdown, or a delay, in the approval of new drugs. The industry came forward, working with our Committee on Energy and Commerce, and the gentleman from Michigan [Mr. DINGELL], and reached an agreement that they would pay a user fee which in the next fiscal year will amount to $54 million for the purpose of augmenting and improving the professional personnel at the Food and Drug Administration. This will provide for more professional employees on staff prepared to review the drug applications moving those drugs through the process more quickly. The industry reached the agreement with the House Committee on Energy and Commerce, we passed the bill, the Senate passed it, and it was signed by President Bush.

Now, of course once we have made that commitment, it suggests we have to increase the amount of personnel at the Food and Drug Administration consistent with the $54 million user fee that will be paid. Our conversations with the Office of Management and Budget have at least, in that respect, been directed toward hiring at least 300 new professional personnel at FDA, paid for through the user fee, in an effort to have more drug approvals and have them done more quickly.

The second part, I might say to the gentleman, relates to other actions taken by Congress over the last several years. We have over the last several years passed substantial and, I think, important legislation to improve health and health safety in America. It has been virtually unanimous in this House of Representatives and in the Senate where we have stood together and said we want to make certain, for example, that mammography clinics across the United States have the very best equipment. That in fact the people who are operating the equipment are qualified to do so, so that our daughters, wives, mothers, and friends who go for a mammography test can be confident that the results are accurate. It is literally a matter of life and death, and yet, having passed this legislation, we have not provided the FDA with the resources and personnel to implement the act.

The clock is ticking. Exactly 1 year from tomorrow all clinics across the United States, and I believe there are about 10,000 of them, are supposed to be inspected and certified, and we have not provided the personnel for that purpose.

So, in my conversation with Director Panetta we have agreed that there should be additional personnel at FDA to meet that particular objective.

Mr. WALKER. Mr. Speaker, if the gentleman would yield further, and I appreciate his explanation, the only thing I would say to the gentleman parenthetically here is we have a tendency to pass laws and then provide the personnel. The FCC is facing that with regard to the Cable Reregulation Act that we passed last year, and we do that in a number of instances.

But I am concerned about a couple of sentences in this letter, and perhaps the gentleman from Illinois [Mr. DURBIN] could clarify it for me. In the first paragraph he says:

> Second, however, I want to emphasize the administration's commitment to ensuring that the FDA has sufficient personnel to fulfill its mission.

He then later emphasizes that point by saying in the letter:

> Further, as you know, we are committed to working with the Secretary to ensure that the FDA has sufficient FTE to enable it to implement the Prescription Drug User Fee Act of 1992.

The gentleman has explained to the House that with regard to that matter; that is, the user fee issue with the drug companies that he mentioned, that that is going to result in an increase of personnel at FDA of approximately 300 people. He has also mentioned that with regard to the clinics for mammography, that that, too, will result in an increase in personnel at FDA.

The question here is: In order to comply with the Vice President's recommendation, which I have to believe took into account these things when they made the recommendation; is the gentleman then telling us that they are going to cut personnel in other areas of FDA in order to allow them to hire the people in these new areas of jurisdiction?

Mr. DURBIN. I cannot answer that question, but I will tell the gentleman this: I mentioned the mammography clinic inspections. We anticipate that approximately 65 new employees will come on board at the Food and Drug Administration in an attempt to start the regulation process and inspect the 10,000 clinics across the United States. I think the gentleman would agree this is for a very important purpose. We also face serious backlogs at this agency. For example, in the area of medical devices, which includes such things as breast implants and heart valves, just a few years ago there was no backlog of applications waiting to be approved. Today there are 4,300 applications for medical devices waiting for approval. I cannot tell the gentleman from Pennsylvania that there is going to be a medical breakthrough in any one of the 4,300 applications. My guess is that for some families and some people suffering in this country the answer will be in the positive. Something there will help save lives. Will this require more personnel to set aside this backlog? Yes, it will, and I suggest the FDA will probably have to add new people on for that purpose.

☐ 1400

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, my concern is I assume the Vice President took all of these things into account when he in fact made his recommendation that we cut personnel across the board and eliminate these personnel requirements. Reinventing Government does anticipate a significant savings from the reduction in Federal personnel.

If I understand the gentleman correctly, this may be an agency where they are not going to really reduce. They are actually going to increase personnel in this agency, if I understand the gentleman correctly, which means some other agencies then supposedly carrying out vital missions to the Government are going to have to be reduced even further to accommodate the fact that the Food and Drug Administration is growing.

Do we have some understanding of just what the impact of these kinds of actions is going to be?

Mr. DURBIN. Mr. Speaker, reclaiming my time, I would like to respond to the gentleman, and perhaps at that point the gentleman from New Mexico [Mr. SKEEN] would yield the gentleman further time if he wants to continue this colloquy.

Mr. Speaker, I happen to believe that what Vice President GORE set out to do was to reduce Federal employment. I do not recall that he said specifically every single agency will be subject to the same percentage cut. So I think the judgments have to be made. I believe that the American people, when asked whether the Food and Drug Administration should be given additional personnel to do the things we have just described, would probably say yes, this is a good investment. This is an investment to find the medical breakthroughs and make life better for all Americans.

That also suggests the Vice President, if he is going to meet his goal in reinventing Government, will have to find other areas to cut in other agencies. So I think the net impact of the Vice President's suggestion would be a reduction in Federal personnel. Some agencies may find additional personnel, and others may find reduction in personnel.

Mr. Speaker, I reserve the balance of my time.

Mr. SKEEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I think we do need to understand, I am informed by staff that the Vice President's recommendation was a 4-percent reduction in every agency's personnel by 1995. If that in fact is the case, I think we are just hearing here an example of the fact that we are about to begin modifying the reinventing Government by a fairly substantial margin. If in fact I understand the gentleman from Illinois [Mr. DURBIN], we are talking about at least 365 new people at the Food and Drug Administration to implement worthy goals that the Congress has outlined, but, nevertheless, things which it seems to me under the reinventing government plan have to be done within the context of the proposed reductions.

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be happy to yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, I am sure the gentleman is aware of the fact that the Food and Drug Administration is under the aegis of the Department of Health and Human Services. It is clear from the Vice President's goals that there will be reductions in that department.

I think the gentleman feels, as I do, that within the Food and Drug Administration there are important legislative objectives and health objectives to be met. I am hoping that their employment will stabilize soon, that they will meet their missions and goals, and that maybe at some later date we can even trim back the number of employees.

Mr. Speaker, I would really feel that we had not met our responsibility and duty if, come a year from tomorrow we had not really taken seriously the legislative mandate to inspect mammography clinics across the United States.

Mr. WALKER. Mr. Speaker, reclaiming my time, if I understand what the gentleman has told us though, what his interpretation of the Vice President's goal is for the Department of HHS is for it to be reduced by 4 percent by 1995. The fact that this one agency within HHS is growing means that some of the other agencies within HHS, maybe Social Security, maybe the Public Health Service, some of the other agencies there are going to have to be trimmed even further to accommodate this growth in Food and Drug Administration. Is that what I hear the gentleman saying?

Mr. DURBIN. Mr. Speaker, if the gentleman will yield further, I am not going to interpret the Vice President's missions and goal. I will only tell the gentleman we will reduce Federal employment pursuant to the Vice President's goals. How they will be reduced in each agency, how much will be reduced in each agency, I think is really up to the congressional process to determine, as it should be, through the appropriations and authorizing process.

But I think the gentleman will agree with me that the health goals we are trying to meet through the Food and Drug Administration are absolutely critical. We would be remiss if we said, a week after President Clinton spoke to us on health care reform, that we did not follow through and make sure this important health safety agency is well-funded.

Mr. WALKER. Mr. Speaker, reclaiming my time, I still want to clarify just exactly where we are. When we passed the continuing resolution yesterday, we included in that a 1-percent reduction in the overall personnel costs of every agency. That was a part of the language of the continuing resolution.

If I understand what the gentleman is now telling us, it is that was for HHS, but the Food and Drug Administration need not participate in that. In fact, the gentleman anticipated growth in the Food and Drug Administration.

Mr. DURBIN. Mr. Speaker, if the gentleman will yield further, I cannot tell the gentleman exactly how that will apply to the Department of Health and Human Services. It is beyond our jurisdiction on this subcommittee. The gentleman from Kentucky [Mr. NATCHER] has that authority.

Mr. WALKER. It will not apply to FDA.

Mr. DURBIN. Mr. Speaker, I can say it is our intent that the number of full time equivalents, the number of personnel at the Food and Drug Administration, will increase during the next fiscal year for the reasons I have enumerated.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Illinois [Mr. DURBIN]. He has been generous with his time, as has the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, it is said that too many cooks spoil the broth. But I say there cannot be any broth without a cook and a kitchen staff. This is the situation we are talking about with this amendment and the Food and Drug Administration.

Congress has assigned the FDA many important tasks. Last year, we told the FDA to improve and ensure mammography quality, and we were right to do it. As a breast cancer survivor, I know the importance of a high-quality mammogram and an accurate reading. It saved my life.

But Congress has not provided the FDA with staff to implement this act, so we currently have less than one dozen people working feverishly to develop a program within 1 year or mammography clinics will be closed. Without these tests, more women will die from an undiagnosed disease. It's like asking for water to be turned into wine. Only Commissioner Kessler has fewer apostles.

Mr. Speaker, we must provide the FDA with the appropriate staff levels to carry out its essential duties. I urge my colleagues to vote for this live-saving amendment.

Mr. SKEEN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I simply want to extend my thanks to the gentleman from Illinois [Mr. DURBIN], as well as to the ranking Republican member, the gentleman from New Mexico [Mr. SKEEN], because I ascertain that at least for fiscal year 1994, we have eliminated the honey program payment subsidies, and that is what I am, of course, very vitally concerned about.

I understand the gentleman is going to ask for unanimous consent to withdraw the amendment which he was going to present, and thus we have the Brown amendment being accepted.

Before concluding, I would like to take a moment to set the record straight about the amendment I offered in the House on August 6 because there have been several inaccurate reports of what happened.

Currently, honey producers can get Federal subsidy payments in any of three ways: First, producers can get loan deficiency payments up front for the difference between the market rate [47 cents/pound] and the price support level [53.8 cents/pound]; Second, they may obtain Federal loans for honey at the higher price support level, but pay them back within 9 months at the lower market rate with no interest; Third, they can get the loans, then forfeit the honey to the Government, pocketing the loan at the higher price support level.

The House did not limit subsidies when the House version of the Agriculture appropriation bill was first considered earlier this summer because an amendment was ruled out of order. Then, Senator BROWN amended the Senate version of the bill to limit subsidy payments to $50,000 per year, per producer. His amendment specifically included sections of the law dealing with all three types of subsidy payments mentioned in the paragraph above. The House-Senate conference adopted the Senate language, item No. 164, in technical disagreement with the House position.

When the conference report came to the House, I offered an amendment to the Senate language that simply replaced the $50,000 limitation with $0—my amendment was overwhelmingly adopted. I did not make a mistake in drafting my amendment—which did not change a single word in the underlying amendment—nor did Senator BROWN. The Congressional Research Service legal division has issued an opinion confirming that the Brown language, as amended by my amendment, eliminates all three types of subsidy payments.

Nevertheless, because of a subsequent conflicting opinion by the USDA questioning whether the third type of subsidy payment was eliminated, Senator BROWN and I decided it would be best to make it absolutely clear that all three subsidies were eliminated in the statute. Accordingly, Senator BROWN amended the House amendment clarifying this. This was adopted by the Senate last Thursday, and, I presume, will be adopted by the House today.

Again, I simply want to thank all of those who have worked with us here. I think we actually have eliminated, at least for 1 fiscal year, a program that all of us had been working on in regard to having it deleted. Again, my thanks to all of those who have been helpful in that regard.

Mr. DURBIN. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I take this time to thank the chairman and ranking member for their cooperation with the Committee on Agriculture. I regret that it was problems in our jurisdiction that arose, from a multiplicity of reasons.

Mr. Speaker, the main reason for taking this time is to commend the distinguished chairman of the subcommittee. This is his maiden trip. This is his first handling of the Appropriations Subcommittee. All of us are proud of the way the gentleman and his staff have worked. We appreciate the cooperation extended. I am sure I speak for all of the agencies that the gentleman dealt with, but principally for the Committee on Agriculture.

Mr. Speaker, the gentleman from Illinois [Mr. DURBIN] has done a good job. We are proud of the work he has done. He has established a tremendous precedent and openness in working with the legislative area, and I want to thank and commend him on behalf of all of us for the excellent manner in which he has handled this legislation and brought it to fruition before the end of the fiscal year.

☐ 1410

Mr. DURBIN. Mr. Speaker, I yield myself such time as I may consume.

First, let me say I am very glad that I yielded to my colleague from Texas for that statement. I thank him for his kind remarks, but if there is any credit for this legislative achievement, it should be shared with my ranking minority spokesman, the gentleman from New Mexico [Mr. SKEEN].

He has worked diligently, and his staff as well, and neither of us would be able to stand here today and take full credit without acknowledging the hard work of so many people on the subcommittee and members of the staff.

Let me conclude, if I might, by saying the following:

A week ago the President of the United States stood in this Chamber and, I think, rallied the American people to a debate which is absolutely essential on the future health of America.

He said to us and said clearly that we are going to take health care very seriously in this Congress.

I am happy to report today that this effort to make certain that the Food and Drug Administration has adequate personnel to perform its functions is consistent with the message which the President gave to us.

I have worked very closely with the Director of the Office of Management and Budget, Leon Panetta. He has a tough job, as the gentleman from Pennsylvania alluded to earlier. He has to find ways to cut overall Federal employment but to make sure, during the course of that, that the important missions of the Federal Government are protected.

I am one who believes that, in the Food and Drug Administration, some of the most important missions in the Federal Government are being performed.

We have discussed, and I would like to thank my colleague, the gentlewoman from Nevada [Mrs. VUCANOVICH] for her remarks on the important role the Food and Drug Administration plays in the inspection of mammography clinics.

The fact of the matter is, there is not a family in America that does not rely on the Food and Drug Administration and its representation every day.

Just a few months ago, a major soft drink manufacturer in the United States faced a scare because of the possibility that some foreign objects were being put in their product. It was on the nightly news and every newspaper and every radio program. There was a full-scale panic in reference to that product. There was real concern about what would happen to the company.

Then at a moment in that debate, the Food and Drug Administration stepped forward and said, it is a hoax. The American people can be confident that this product is safe. The story disappeared from the headlines.

It attests, I think, to the reputation of this agency, a reputation which we must jealously guard, those of us who have the responsibility to authorize and appropriate for that agency.

I want to salute the Committee on Energy and Commerce and its chairman, the gentleman from Michigan [Mr. DINGELL], who shares my feelings about the Food and Drug Administration, and the subcommittee chairman, the gentleman from California [Mr. WAXMAN], who has been a real leader when it comes to public health issues.

We will continue to work on this subcommittee to make sure that this important agency and the Department of Agriculture as well as the other agencies in our jurisdiction receive adequate compensation and appropriations each year to perform their missions. We will be mindful of Vice President GORE's mission to reduce the size and the expense of Federal Government, but we will not lose sight of those critical health safety missions.

Mr. Speaker, I ask unanimous consent that the motion be withdrawn.

The SPEAKER pro tempore (Mr. WISE). Is there objection to the request of the gentleman from Illinois?

There was no objection.

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DURBIN moves that the House concur in the Senate amendment to the House amendment to the Senate amendment numbered 164.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. DURBIN] will be recognized for 30 minutes, and the gentleman from New Mexico [Mr. SKEEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I yield back the balance of my time.

Mr. SKEEN. Mr. Speaker, I yield myself such time as I may consume.

I would like to take just a moment of my time. I have no speakers and intend to yield back as soon as I finish, but I want to say to the chairman of this committee that it has been a real pleasure. We paralleled each other in our careers in Congress on most of the committees that we have served on, but particularly, when we would up as chairman and ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, we took on an extremely important responsibility. That is, to promulgate and to help promote the best agricultural system, most productive agricultural system anywhere in the world. I think we have taken that responsibility very seriously, in the face of the fact that only 2.2 percent of our entire population is involved in the business of producing the kind of agricultural products that we consume here in the United States today.

Unfortunately, that has led us to forget our agricultural roots. So it is easy to criticize agricultural programs, particularly when money gets tight, because we are fat and happy with the kind of nourishment that we get every day so we take it for granted that we really do not get milk from cows. It comes from a supermarket. Anything we want, we go to the market.

There are folks still down there, still producing it from the ground. And it is the use of a natural resource.

These programs that are promulgated have helped develop this great system. So when Members find us reluctant to do away with them in the sense of being economically sound and helping the taxpayers, it is a responsibility we have to, first of all, make sure that those programs serve agriculture, because they also serve the taxpayers and the people of this United States of America, the best-fed, the best-dressed and the best-housed people in the entire world. That responsibility we do not take lightly. So we fight for these programs.

I know, it is very popular to kill off so-called outdated, unneeded programs. But that is a determination that we have to make, when we understand what the program does. And I think that we have done an excellent job, and the chairman has done on outstanding job.

I want to comment on the gentleman from Texas, who was my first chairman. I learned a good lesson from him, because he was most gracious. When I first came here in 1980, we talked about the Wool Act at the time, because it was up for renewal. I will never forget his comment.

He said, "when you have something to say," and I launched into this thing, because I was very happy that I was so knowledgeable about the wool program and so few people understood it, even where mohair is. As a matter of fact, one member says, "Where in the heck does mohair come from?" So I thought I would kid him a little bit and I said, "Well, it comes from a little mo that you shave in the dark of the moon," something like that.

I saw that he was taking me seriously, and I retracted it and said, "No, it comes from a hair goat called an angora goat."

But the best thing the chairman taught me was, "Don't stand up there and talk too long so, when you see my gavel come across my chin, shut up."

I have never forgotten those words. It is the best advice I have ever gotten. So I am going to do this.

I thank all my colleagues for their great cooperation. It has been great working with them.

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. SKEEN. Mr. Speaker, I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, I thank the gentleman for his kind remarks. I want to echo what he had to say about the chairman of the Committee on Agriculture. I hope that every Appropriations Committee chairman and ranking minority member have the good fortune of having a chairman of an authorizing committee as cooperative and friendly as the gentleman from Texas [Mr. DE LA GARZA] has been.

Mr. SKEEN. Mr. Speaker, I will second that any time.

Mr. DURBIN. Mr. Speaker, if the gentleman will continue to yield, I would like to clarify what this motion is about, because I am going to ask for a rollcall vote on it.

This motion, which I have made, the effect of it will be to clarify that no funds are available for the crop year 1994 honey program as the House intended it. We will adopt the Senate clarifying language to that effect and to eliminate any language officially establishing any floor for any agency affected by this appropriation in terms of the hiring of personnel.

Those are the two things accomplished by this motion. I will be asking for a rollcall on it as soon as we have finished.

Mr. SKEEN. Mr. Speaker, Mr. Speaker, I thank the gentleman for his kindnesses and cooperation and the great privilege to serve with him.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I rise in support of H.R. 2493, a bill providing appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies for fiscal year 1994.

I would like to commend Chairman DURBIN, the Agriculture Appropriations Subcommittee's ranking Republican member, Mr. SKEEN, and the balance of the House delegation for the fine job they performed under difficult circumstances.

I am pleased with the provisions of the report that deal with the child nutrition and adult nutrition programs under the authorizing jurisdiction of the Committee on Education and Labor.

But I did want to particularly express my thanks to the House conferees for securing the deletion of a series of Senate-added amendments to the bill which sought to set forth permanent stipulations to the appropriations provided to a number of the nutrition programs under the authorizing jurisdiction of the Committee on Education and Labor. I also want to assure Chairman DURBIN that we will address the issues posed by the stipulations as we reauthorize these and other nutrition programs next year, and that I will certainly seek his counsel on those issues.

Mr. POMEROY. Mr. Speaker, I am deeply troubled by the prospect that programs important to agriculture are being unfairly singled out for reactionary slash and burn cuts without regard to the merits at issue. This type of congressional action is demonstrated in the vote last week by the other body to end the Wool and Mohair Program retroactively.

I want to share with my colleagues just one example of what this would do in my State of North Dakota. The Dean and Paula Swenson family in Walcott, ND, went to their local bank last spring and borrowed operating capital using their sheep and goat herd and their expected wool payment as collateral. If last week's vote in the other body is to stand, the value of the Swenson's herd will be reduced by $50,000 overnight. The value of an angora goat in North Dakota will drop from $45 to $10 immediately upon Congress pulling the rug out from under this family that is pursuing a farming business plan based on a program Congress said would be there.

Mr. Speaker, people like the Swensons become victims when we engage in budget cutting by anecdote and press release. Far too often we fail to make the connection between our actions on this floor and the people's lives who are directly, and in this case, immediately affected.

If it is the will of the Congress to end the Wool and Mohair Program, then it will be ended. But let us at least phase out the program so that those who operated by the rules have a chance to diversify their operations and find new sources of income.

I ask my colleagues to please not disregard the human dimension of this vote.

The SPEAKER pro tempore. All debate having been concluded, the question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DURBIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 430, nays 0, not voting 3, as follows:

[Roll No. 481]

YEAS—430

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—3

Chapman	McDade	Washington

☐ 1526

Mr. WILLIAMS and Mr. SWIFT changed their vote from "nay" to "yea."

Mr. HEFNER and Mr. HAYES changed their vote from "present" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AGRICULTURAL CONSERVATION PROGRAM DATA AND TABLES REFLECTING CONFERENCE AGREEMENT ON H.R. 2493

Mr. DURBIN. Mr. Speaker, there has been some question on earmarks under the Agricultural Conservation Program. The appropriations process has always tried to not earmark this account since the funds are distributed under a needs formula. I would point out that, again this year, the conference agreement was specific in not earmarking funds for this program.

Mr. Speaker, at this point in the RECORD I will insert the tables which reflect the conference agreement on H.R. 2493, the Agriculture, Rural Development, Food and Drug Administration, and related agencies appropriations bill for fiscal year 1994. These tables include the fiscal year 1993 supplementals that have been enacted to date.

Agriculture, Rural Development, Food & Drug Administration, & Related Agencies (H.R. 2493)

	FY 1993 Enacted	FY 1994 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - AGRICULTURAL PROGRAMS						
Production, Processing, and Marketing						
Office of the Secretary	2,282,000	2,295,000	2,320,000	2,295,000	2,308,000	+26,000
Office of the Deputy Secretary	543,000	546,000	553,000	546,000	550,000	+7,000
Office of Budget and Program Analysis	5,756,000	5,781,000	5,954,000	5,781,000	5,881,000	+125,000
Office of the Assistant Secretary for Administration	596,000	798,000	808,000	798,000	803,000	+207,000
Rental payments (USDA)	50,503,000	135,503,000	135,503,000	135,503,000	135,503,000	+85,000,000
Building operations and maintenance	25,700,000	25,264,000				-25,700,000
Advisory committees (USDA)	952,000	940,000	940,000	940,000	940,000	-12,000
Hazardous waste management	16,000,000	15,802,000	15,802,000	15,802,000	15,802,000	-198,000
Departmental administration	25,014,000	26,960,000	26,301,000	25,960,000	26,301,000	+1,287,000
Office of the Assistant Secretary for Congressional Relations	1,307,000	1,317,000	1,333,000	1,317,000	1,325,000	+18,000
Office of Public Affairs	8,925,000	8,963,000	8,629,000	8,510,000	8,570,000	-355,000
Intergovernmental affairs	468,000	472,000	478,000	472,000	475,000	+7,000
Total, Office of Public Affairs	9,393,000	9,435,000	9,107,000	8,982,000	9,045,000	-348,000
Office of the Inspector General	62,786,000	63,127,000	65,932,000	64,872,000	65,530,000	+2,744,000
Office of the General Counsel	24,554,000	24,735,000	26,149,000	25,835,000	25,992,000	+1,438,000
Office of the Assistant Secretary for Economics	580,000	582,000	589,000	582,000	586,000	+6,000
Economic Research Service	58,720,000	50,824,000	57,702,000	51,219,000	55,219,000	-3,501,000
National Agricultural Statistics Service	81,004,000	81,458,000	82,069,000	81,458,000	81,764,000	+760,000
World Agricultural Outlook Board	2,367,000	2,550,000	2,582,000	2,550,000	2,566,000	+199,000
Office of the Assistant Secretary for Science and Education	560,000	562,000	569,000	562,000	566,000	+6,000
Alternative Agricultural Research and Commercialization	7,250,000	19,752,000	7,250,000	12,000,000	9,000,000	+1,750,000
Agricultural Research Service	658,379,000	665,168,000	688,805,000	680,165,000	692,469,000	+34,090,000
Human Nutrition Information Service	10,788,000	10,757,000				-10,788,000
Reappropriation		2,222,000				
Special fund	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	
Buildings and facilities	34,514,000	24,283,000	29,387,000	32,788,000	32,743,000	-1,771,000
Total, Agricultural Research Service	706,181,000	704,930,000	720,692,000	715,453,000	727,712,000	+21,531,000
Cooperative State Research Service	430,143,000	423,734,000	428,586,000	443,652,000	453,736,000	+23,593,000
Buildings and facilities	52,101,000		37,750,000	56,874,000	56,874,000	+4,773,000
Extension Service	428,428,000	425,937,000	429,175,000	433,828,000	434,582,000	+6,154,000
National Agricultural Library	17,715,000	17,693,000	17,682,000	18,155,000	18,155,000	+440,000
Office of the Assistant Secretary for Marketing and Inspection Services	550,000	682,000	691,000	682,000	687,000	+137,000
Animal and Plant Health Inspection Service:						
Salaries and expenses	349,538,000	342,333,000	347,582,000	352,193,000	348,104,000	-1,434,000
Special fund, user fees	83,362,000	90,328,000	91,460,000	91,460,000	91,460,000	+8,098,000
Subtotal	432,900,000	432,661,000	439,042,000	443,653,000	439,564,000	+6,664,000
Buildings and facilities	10,400,000	10,145,000	10,145,000	10,145,000	10,145,000	-255,000
Total, Animal and Plant Health Inspection Service	443,300,000	442,806,000	449,187,000	453,798,000	449,709,000	+6,409,000
Food Safety and Inspection Service	493,867,000	408,756,000	516,738,000	516,738,000	516,738,000	+22,871,000
New user fees		(104,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(+1,000,000)
Federal Grain Inspection Service	11,397,000	4,627,000	11,554,000	11,509,000	11,532,000	+135,000
New user fees		(6,882,000)				
Inspection and Weighing Services (limitation on administrative expenses, from fees collected)	(42,784,000)	(42,784,000)	(42,784,000)	(42,784,000)	(42,784,000)	
Agricultural Cooperative Service				5,708,000		
New user fees						
Agricultural Marketing Service:						
Marketing Services	56,221,000	50,235,000	61,614,000	56,887,000	61,614,000	+5,393,000
New user fees		(6,152,000)	(4,452,000)	(4,452,000)	(4,452,000)	(+4,452,000)
(Limitation on administrative expenses, from fees collected)	(55,953,000)	(55,953,000)	(55,953,000)	(55,953,000)	(55,953,000)	
Agricultural Cooperative Service	5,640,000	5,218,000				-5,640,000
New user fees		(450,000)				
Funds for strengthening markets, income, and supply (transfer from section 32)	10,309,000	10,670,000	10,309,000	10,670,000	10,309,000	
Payments to States and possessions	1,250,000	1,235,000	1,735,000	1,300,000	1,735,000	+485,000
Total, Agricultural Marketing Service	73,420,000	67,358,000	73,658,000	68,857,000	73,658,000	+238,000
Packers and Stockyards Administration	11,996,000	12,052,000	12,194,000	12,052,000	12,123,000	+127,000
Total, Production, Processing, and Marketing	3,044,965,000	2,976,806,000	3,139,370,000	3,174,308,000	3,195,187,000	+150,222,000
Farm Income Stabilization						
Office of the Under Secretary for International Affairs and Commodity Programs	551,000	556,000	563,000	556,000	560,000	+9,000

Agriculture, Rural Development, Food & Drug Administration, & Related Agencies (H.R. 2493), continued

	FY 1993 Enacted	FY 1994 Estimate	House	Senate	Conference	Conference compared with enacted
Agricultural Stabilization and Conservation Service:						
Salaries and expenses	724,926,000		730,842,000	730,842,000	730,842,000	+5,916,000
(Transfer from export loans)	(589,000)		(589,000)	(589,000)	(589,000)	
(Transfer from P.L. 480)	(1,036,000)		(1,036,000)	(1,036,000)	(1,036,000)	
Total, salaries and expenses	(726,551,000)		(732,467,000)	(732,467,000)	(732,467,000)	(+5,916,000)
Dairy indemnity program	5,000	5,000				-5,000
Total, Farm Income Stabilization	(727,107,000)	(561,000)	(733,030,000)	(733,023,000)	(733,027,000)	(+5,920,000)
CORPORATIONS						
Federal Crop Insurance Corporation:						
Administrative and operating expenses	309,948,000	202,311,000	290,116,000	290,116,000	290,116,000	-19,832,000
Federal crop insurance corporation fund	285,794,000	247,737,000	235,794,000	235,794,000	235,794,000	-50,000,000
Total, Federal Crop Insurance Corporation	595,742,000	450,048,000	525,910,000	525,910,000	525,910,000	-69,832,000
Commodity Credit Corporation:						
Reimbursement for net realized losses	9,200,000,000	20,896,614,000	18,000,000,000	18,000,000,000	18,000,000,000	+8,800,000,000
Hazardous waste (limitation on administrative expenses)	(3,000,000)	(4,000,000)	(4,000,000)	(4,000,000)	(4,000,000)	(+1,000,000)
Disaster payments	1,350,000,000					-1,350,000,000
Borrowing authority		900,000,000		900,000,000	900,000,000	+900,000,000
Total, Corporations	11,145,742,000	22,246,662,000	18,525,910,000	19,425,910,000	19,425,910,000	+8,280,168,000
Total, title I, Agricultural Programs	14,916,189,000	25,224,029,000	22,396,685,000	23,331,616,000	23,352,499,000	+8,436,310,000
(By transfer)	(1,625,000)		(1,625,000)	(1,625,000)	(1,625,000)	
(Limitation on administrative expenses)	(101,737,000)	(102,737,000)	(102,737,000)	(102,737,000)	(102,737,000)	(+1,000,000)
TITLE II - CONSERVATION PROGRAMS						
Office of the Assistant Secretary for Natural Resources and Environment	563,000	571,000	578,000	571,000	575,000	+12,000
Soil Conservation Service:						
Conservation operations	576,539,000		588,262,000	593,835,000	591,049,000	+14,510,000
River basin surveys and investigations	13,251,000		13,482,000	13,482,000	13,482,000	+231,000
Watershed planning	9,545,000		9,721,000	10,921,000	10,921,000	+1,376,000
Watershed and flood prevention operations	291,594,000	148,096,000	228,915,000	258,615,000	241,965,000	-49,629,000
Resource conservation and development	32,516,000	5,756,000	32,945,000	35,000,000	32,945,000	+429,000
Great Plains conservation program	25,271,000	16,105,000	25,658,000	25,658,000	25,658,000	+387,000
Total, Soil Conservation Service	948,716,000	169,957,000	898,983,000	937,511,000	916,020,000	-32,696,000
Agricultural Stabilization and Conservation Service:						
Agricultural conservation program	194,435,000	148,538,000	194,650,000	194,650,000	194,650,000	+215,000
Water quality incentives program	(15,000,000)		(15,000,000)	(22,000,000)	(18,500,000)	(+3,500,000)
Forestry incentives program	12,446,000	11,362,000	12,820,000	12,820,000	12,820,000	+374,000
Water bank program	18,620,000	16,918,000	18,620,000		8,000,000	-10,620,000
Emergency conservation program	33,000,000	2,726,000	10,000,000			-33,000,000
Colorado River Basin salinity control program	13,783,000	8,394,000	13,783,000	13,783,000	13,783,000	
Conservation reserve program	1,578,517,000	1,755,541,000	1,743,274,000	1,743,274,000	1,743,274,000	+164,757,000
Wetlands reserve program		370,260,000	44,450,000	70,000,000	66,675,000	+66,675,000
Total, Agricultural Stabilization and Conservation Service	1,850,801,000	2,313,739,000	2,037,597,000	2,034,527,000	2,039,202,000	+188,401,000
Total, title II, Conservation Programs	2,800,080,000	2,484,267,000	2,937,158,000	2,972,609,000	2,955,797,000	+155,717,000
TITLE III - FARMERS HOME AND RURAL DEVELOPMENT PROGRAMS						
Office of the Under Secretary for Small Community and Rural Development	572,000	576,000	583,000	576,000	580,000	+8,000
Rural Development Administration:						
Salaries and expenses	5,200,000	8,052,000				-5,200,000
Loan administrative expenses:						
RDIF (by transfer)	(21,755,000)	(26,716,000)				(-21,755,000)
RDLF (by transfer)	(524,000)	(2,471,000)				(-524,000)
Total, salaries and expenses	(27,479,000)	(37,239,000)				(-27,479,000)
Farm Service Agency:						
Salaries and expenses		1,574,413,000				
Loan administrative expenses:						
RHIF (by transfer)		(349,256,000)				
ACIF (by transfer)		(261,158,000)				
RDIF (by transfer)		(27,213,000)				
Self-Help HLDF (by transfer)		(14,000)				
CCC Export Loans (by transfer)		(601,000)				
P.L. 480 (by transfer)		(1,025,000)				
Total, salaries and expenses		(2,213,680,000)				

Agriculture, Rural Development, Food & Drug Administration, & Related Agencies (H.R. 2493), continued

	FY 1993 Enacted	FY 1994 Estimate	House	Senate	Conference	Conference compared with enacted
Farmers Home Administration:						
Rural Housing Insurance Fund Program Account:						
Loan authorizations:						
Low-income housing (sec. 502)	(1,245,000,000)	(1,855,079,000)	(1,750,000,000)	(1,750,000,000)	(1,750,000,000)	(+505,000,000)
Unsubsidized direct	(50,000,000)	....	(50,000,000)	(50,000,000)	(50,000,000)	....
Unsubsidized guaranteed	(579,500,000)	(677,041,000)	(750,000,000)	(750,000,000)	(750,000,000)	(+170,500,000)
Housing repair (sec. 504)	(26,330,000)	(41,811,000)	(35,000,000)	(35,000,000)	(35,000,000)	(+8,670,000)
Farm labor (sec. 514)	(16,300,000)	(15,814,000)	(16,300,000)	(16,300,000)	(16,300,000)	....
Rental housing (sec. 515)	(573,900,000)	(540,107,000)	(573,900,000)	(540,107,000)	(540,107,000)	(-33,793,000)
Site loans (sec. 524)	(600,000)	(609,000)	(600,000)	(600,000)	(600,000)	....
Credit sales of acquired property	(187,000,000)	(166,863,000)	(166,863,000)	(150,000,000)	(133,000,000)	(-54,000,000)
Total, Loan authorizations	(2,678,630,000)	(3,297,324,000)	(3,342,663,000)	(3,292,007,000)	(3,275,007,000)	(+596,377,000)
Loan subsidies:						
Single family (sec. 502):						
Direct	238,332,000	371,387,000	350,350,000	350,350,000	350,350,000	+112,018,000
Unsubsidized direct	3,785,000	....	3,785,000	3,785,000	3,785,000	....
Unsubsidized guaranteed	10,672,000	11,103,000	12,225,000	12,300,000	12,225,000	+1,553,000
Housing repair (sec. 504)	10,533,000	16,331,000	13,671,000	13,671,000	13,671,000	+3,138,000
Farm labor (sec. 514)	8,029,000	8,144,000	8,394,000	8,394,000	8,394,000	+365,000
Rental housing (sec. 515)	287,930,000	309,967,000	311,972,000	309,967,000	309,967,000	+22,037,000
Credit sales of acquired property	21,468,000	25,397,000	25,397,000	22,830,000	20,242,000	-1,226,000
Total, Loan subsidies	580,749,000	742,329,000	725,794,000	721,297,000	718,634,000	+137,885,000
RHIF expenses:						
Salaries and expenses	404,746,000	349,255,000	374,255,000	374,255,000	374,255,000	-30,491,000
Administrative expenses	22,265,000	21,906,000	21,906,000	21,906,000	21,906,000	-359,000
Total, RHIF expenses	427,011,000	371,161,000	396,161,000	396,161,000	396,161,000	-30,850,000
Rental assistance:						
(Sec. 521)	392,186,000	411,683,000	411,683,000	464,655,000	440,854,000	+48,668,000
(Sec. 502(c)(5)(D))	11,800,000	5,840,000	5,840,000	11,210,000	5,840,000	-5,960,000
Total, Rental assistance	403,986,000	417,523,000	417,523,000	475,865,000	446,694,000	+42,708,000
Total, Rural Housing Insurance Fund	1,411,746,000	1,531,013,000	1,539,478,000	1,593,323,000	1,561,489,000	+149,743,000
(Loan authorization)	(2,678,630,000)	(3,297,324,000)	(3,342,663,000)	(3,292,007,000)	(3,275,007,000)	(+596,377,000)
Rural rental assistance payments (voucher program)	....	75,000,000	25,000,000	25,000,000	25,000,000	+25,000,000
Self-Help Housing Land Development Fund:						
Loan authorization	(500,000)	(622,000)	(622,000)	(622,000)	(622,000)	(+122,000)
Loan subsidy	22,000	23,000	23,000	23,000	23,000	+1,000
Administrative expenses	21,000	14,000	14,000	14,000	14,000	-7,000
Agricultural Credit Insurance Fund Program Account:						
Loan authorizations:						
Farm ownership loans:						
Direct	(66,750,000)	(78,081,000)	(78,081,000)	(122,000,000)	(78,081,000)	(+11,331,000)
Guaranteed	(488,750,000)	(556,543,000)	(556,543,000)	(556,543,000)	(556,543,000)	(+67,793,000)
Subtotal	(555,500,000)	(634,624,000)	(634,624,000)	(678,543,000)	(634,624,000)	(+79,124,000)
Operating loans:						
Direct	(725,626,000)	(796,252,000)	(700,000,000)	(796,252,000)	(700,000,000)	(-25,626,000)
Guaranteed unsubsidized	(1,500,000,000)	(3,507,032,000)	(1,800,000,000)	(3,000,000,000)	(1,800,000,000)	(+300,000,000)
Guaranteed subsidized	(238,354,000)	(420,350,000)	(250,000,000)	(250,000,000)	(250,000,000)	(+11,646,000)
Subtotal	(2,463,980,000)	(4,723,634,000)	(2,750,000,000)	(4,046,252,000)	(2,750,000,000)	(+286,020,000)
Soil and water loans:						
Direct	(9,337,000)	(2,897,000)	(2,897,000)	(2,897,000)	(2,897,000)	(-6,440,000)
Guaranteed	(1,415,000)	(2,012,000)	(2,012,000)	(1,415,000)	(1,415,000)	....
Subtotal	(10,752,000)	(4,909,000)	(4,909,000)	(4,312,000)	(4,312,000)	(-6,440,000)
Indian tribe land acquisition loans	(1,000,000)	(1,163,000)	(1,163,000)	(1,000,000)	(1,000,000)	....
Emergency disaster loans	(138,924,000)	(119,731,000)	(100,000,000)	(100,000,000)	(100,000,000)	(-38,924,000)
Watershed and flood prevention	(4,000,000)	(4,108,000)	(4,000,000)	(4,000,000)	(4,000,000)	....
Resource conservation loans	(600,000)	(616,000)	(600,000)	(600,000)	(600,000)	....
Credit sales of acquired property	(88,000,000)	(147,566,000)	(147,566,000)	(100,000,000)	(123,783,000)	(+35,783,000)
Total, Loan authorizations	(3,262,756,000)	(5,636,351,000)	(3,642,862,000)	(4,934,707,000)	(3,618,319,000)	(+355,563,000)
Loan subsidies:						
Farm ownership:						
Direct	10,706,000	13,210,000	13,210,000	20,637,000	13,210,000	+2,504,000
Guaranteed	20,576,000	20,870,000	20,870,000	20,870,000	20,870,000	+294,000
Farm operating:						
Direct	109,530,000	92,438,000	81,200,000	84,626,000	81,200,000	-28,330,000
Guaranteed unsubsidized	18,150,000	18,409,000	9,360,000	15,747,000	9,360,000	-8,790,000
Guaranteed subsidized	15,350,000	49,509,000	29,425,000	29,445,000	29,425,000	+14,075,000

Agriculture, Rural Development, Food & Drug Administration, & Related Agencies (H.R. 2493), continued

	FY 1993 Enacted	FY 1994 Estimate	House	Senate	Conference	Conference compared with enacted
Soil and water loans:						
Direct	1,740,000	463,000	463,000	463,000	463,000	-1,277,000
Guaranteed	43,000	43,000	43,000	31,000	31,000	-12,000
Indian tribe land acquisition	226,000	229,000	229,000	197,000	197,000	-29,000
Emergency disaster	36,266,000	31,202,000	26,060,000	26,060,000	26,060,000	-10,206,000
Credit sales of acquired property	18,894,000	22,725,000	22,405,000	15,400,000	18,903,000	+9,000
Negative subsidies		-761,000	-761,000	-761,000	-761,000	-761,000
Total, Loan subsidies	231,481,000	248,337,000	202,504,000	212,715,000	198,958,000	-32,523,000
ACIF expenses:						
Salaries and expenses	215,712,000	261,158,000	261,158,000	261,158,000	261,158,000	+45,446,000
Administrative expenses	14,467,000	14,234,000	14,234,000	14,234,000	14,234,000	-233,000
Total, ACIF expenses	230,179,000	275,392,000	275,392,000	275,392,000	275,392,000	+45,213,000
Total, Agricultural Credit Insurance Fund	461,660,000	523,729,000	477,896,000	488,107,000	474,350,000	+12,690,000
(Loan authorization)	(3,262,756,000)	(5,636,351,000)	(3,642,862,000)	(4,934,707,000)	(3,618,319,000)	(+355,563,000)
Rural Development Insurance Fund Program Account:						
Loan authorizations:						
Water and sewer facility loans:						
Direct	(850,000,000)	(868,386,000)	(800,000,000)	(868,386,000)	(834,193,000)	(-15,807,000)
Guaranteed	(35,000,000)	(35,500,000)	(35,000,000)	(35,500,000)	(35,250,000)	(+250,000)
Subtotal	(885,000,000)	(903,886,000)	(835,000,000)	(903,886,000)	(869,443,000)	(-15,557,000)
Community facility loans:						
Direct	(100,000,000)	(388,303,000)	(250,000,000)	(200,000,000)	(225,000,000)	(+125,000,000)
Guaranteed	(100,000,000)	(75,000,000)	(75,000,000)	(75,000,000)	(75,000,000)	(-25,000,000)
Subtotal	(200,000,000)	(463,303,000)	(325,000,000)	(275,000,000)	(300,000,000)	(+100,000,000)
Industrial development loans: Guaranteed	(200,000,000)	(298,762,000)	(298,762,000)	(200,000,000)	(249,381,000)	(+49,381,000)
Total, loan authorizations	(1,285,000,000)	(1,665,951,000)	(1,458,762,000)	(1,378,886,000)	(1,418,824,000)	(+133,824,000)
Loan subsidies:						
Water and sewer: Direct	122,903,000	120,532,000	111,040,000	120,532,000	115,786,000	-7,117,000
Community facility:						
Direct	8,410,000	37,510,000	24,125,000	19,320,000	21,723,000	+13,313,000
Guaranteed		3,803,000	3,803,000	3,803,000	3,803,000	+3,803,000
Industrial development	10,850,000	2,778,000	2,778,000	1,860,000	2,319,000	-8,531,000
Total, Loan subsidies	142,163,000	164,623,000	141,746,000	145,515,000	143,631,000	+1,468,000
RDIF expenses:						
Salaries and expenses	57,294,000	53,940,000	57,294,000	57,294,000	57,294,000	
Administratives expenses	914,000	900,000	900,000	900,000	900,000	-14,000
Total, RDIF expenses	58,208,000	54,840,000	58,194,000	58,194,000	58,194,000	-14,000
Total, Rural Development Insurance Fund	200,371,000	219,463,000	199,940,000	203,709,000	201,825,000	+1,454,000
(Loan authorization)	(1,285,000,000)	(1,665,951,000)	(1,458,762,000)	(1,378,886,000)	(1,418,824,000)	(+133,824,000)
Rural Development Loan Fund Program Account:						
(Loan authorization)	(32,500,000)	(174,164,000)	(100,000,000)	(150,000,000)	(100,000,000)	(+67,500,000)
Loan subsidy	18,616,000	97,532,000	56,000,000	84,000,000	56,000,000	+37,384,000
RDLF expenses:						
Salaries and expenses	524,000	2,476,000	1,476,000	1,476,000	1,476,000	+952,000
Administratives expenses	5,000		5,000	5,000	5,000	
Total, RDLF expenses	529,000	2,476,000	1,481,000	1,481,000	1,481,000	+952,000
Total, Rural Development Loan Fund	19,145,000	100,008,000	57,481,000	85,481,000	57,481,000	+38,336,000
(Loan authorization)	(32,500,000)	(174,164,000)	(100,000,000)	(150,000,000)	(100,000,000)	(+67,500,000)
Agricultural Resource Conservation Demonstration Program Account:						
(Loan authorization)	(10,000,000)	(6,799,000)		(6,799,000)	(6,799,000)	(-3,201,000)
Loan subsidy	3,644,000	3,599,000		3,599,000	3,599,000	-45,000
Alcohol Fuels Credit Guarantee Program Account:						
(Loan authorization)	(30,000,000)					(-30,000,000)
Loan subsidy	9,000,000					-9,000,000
Administrative expenses	100,000					-100,000
State mediation grants	3,000,000	2,963,000	2,963,000	4,000,000	3,000,000	
Rural water and waste disposal grants	425,000,000	535,571,000	450,000,000	535,571,000	500,000,000	+75,000,000
Very low-income housing repair grants	27,500,000	30,679,000	25,000,000	25,000,000	25,000,000	-2,500,000
Rural housing for domestic farm labor	11,000,000	11,157,000	11,000,000	11,000,000	11,000,000	
Mutual and self-help housing	12,750,000	12,932,000	12,750,000	12,750,000	12,750,000	
Supervisory and technical assistance grants	2,500,000	2,536,000	2,500,000	2,500,000	2,500,000	
Rural community fire protection grants	3,500,000	3,550,000	3,500,000	3,500,000	3,500,000	

Agriculture, Rural Development, Food & Drug Administration, & Related Agencies (H.R. 2493), continued

	FY 1993 Enacted	FY 1994 Estimate	House	Senate	Conference	Conference compared with enacted
Rural housing preservation grants	23,000,000	23,329,000	23,000,000	23,000,000	23,000,000	...
Compensation for construction defects	500,000	508,000	500,000	500,000	500,000	...
Rural development grants	20,750,000	51,046,000	35,000,000	50,000,000	42,500,000	+21,750,000
Solid waste management grants	3,000,000	3,081,000	3,000,000	3,000,000	3,000,000	...
Emergency community water assistance grants	60,000,000	10,143,000	10,000,000	10,000,000	10,000,000	-50,000,000
Outreach for socially disadvantaged farmers	...	9,876,000	3,000,000	3,000,000	3,000,000	+3,000,000
Subtotal, grants and payments	592,500,000	697,371,000	582,213,000	683,821,000	639,750,000	+47,250,000
Office of the Administrator	600,000	...	600,000	600,000	600,000	...
Salaries and expenses	8,802,000	...	35,552,000	35,552,000	35,552,000	+26,750,000
Loan administrative expenses:						
RHIF (by transfer)	(404,746,000)	...	(374,255,000)	(374,255,000)	(374,255,000)	(-30,491,000)
ACIF (by transfer)	(215,712,000)	...	(261,158,000)	(261,158,000)	(261,158,000)	(+45,446,000)
RDIF (by transfer)	(35,539,000)	...	(57,294,000)	(57,294,000)	(57,294,000)	(+21,755,000)
RDLF (by transfer)	...	...	(1,476,000)	(1,476,000)	(1,476,000)	(+1,476,000)
Self-Help HLDF (by transfer)	(21,000)	...	(14,000)	(14,000)	(14,000)	(-7,000)
AFCG (by transfer)	(100,000)	...	...	...	...	(-100,000)
Total, salaries and expenses	(664,920,000)	...	(729,749,000)	(729,749,000)	(729,749,000)	(+64,829,000)
Total, Farmers Home Administration	2,707,611,000	3,150,220,000	2,918,197,000	3,119,229,000	2,999,683,000	+292,072,000
(By transfer)	(656,118,000)	...	(694,197,000)	(694,197,000)	(694,197,000)	(+38,079,000)
(Loan authorization)	(7,299,386,000)	(10,781,211,000)	(8,544,909,000)	(9,763,021,000)	(8,419,571,000)	(+1,120,185,000)
Rural Electrification Administration:						
Rural Electrification and Telephone Loans Program Account:						
Loan authorizations:						
Direct loans:						
Electric 5%	(625,035,000)	(24,690,000)	(125,000,000)	(125,000,000)	(125,000,000)	(-500,035,000)
Telephone 5%	(239,250,000)	(25,000,000)	(125,000,000)	(75,000,000)	(100,000,000)	(-139,250,000)
Subtotal	(864,285,000)	(49,690,000)	(250,000,000)	(200,000,000)	(225,000,000)	(-639,285,000)
Treasury rate:						
Electric	...	(592,604,000)	...	...	...	...
Telephone	...	(236,287,000)	(198,000,000)	(198,000,000)	(198,000,000)	(+198,000,000)
Subtotal	...	(828,891,000)	(198,000,000)	(198,000,000)	(198,000,000)	(+198,000,000)
Muni-rate:						
Electric	...	...	(600,000,000)	(600,000,000)	(600,000,000)	(+600,000,000)
Telephone	...	...	...	...	...	...
Subtotal	...	...	(600,000,000)	(600,000,000)	(600,000,000)	(+600,000,000)
FFB loans:						
Electric, regular	(813,450,000)	(803,376,000)	(300,000,000)	(300,000,000)	(300,000,000)	(-513,450,000)
Electric, repriced	...	...	(513,000,000)	(513,000,000)	(513,000,000)	(+513,000,000)
Telephone	(119,625,000)	(118,143,000)	(120,000,000)	(120,000,000)	(120,000,000)	(+375,000)
Subtotal	(933,075,000)	(921,519,000)	(933,000,000)	(933,000,000)	(933,000,000)	(-75,000)
Total, Loan authorizations	(1,797,360,000)	(1,800,100,000)	(1,981,000,000)	(1,931,000,000)	(1,956,000,000)	(+158,640,000)
Loan subsidies:						
Direct loans:						
Electric 5%	117,319,000	4,030,000	20,150,000	20,375,000	20,375,000	-96,944,000
Telephone 5%	43,950,000	3,223,000	16,115,000	9,668,000	12,891,000	-31,059,000
Treasury rate:						
Electric	...	533,000	...	...	...	...
Telephone	...	47,000	40,000	40,000	40,000	+40,000
Muni-rate, electric	...	...	46,020,000	46,020,000	46,020,000	+46,020,000
FFB loans, regular electric	35,388,000	...	11,100,000	3,090,000	3,090,000	-32,298,000
FFB loans, telephone	...	...	84,000	...	...	...
Total, Loan subsidies	196,657,000	7,833,000	93,509,000	79,193,000	82,416,000	-114,241,000
RETRF salaries and expenses	29,163,000	29,442,000	29,982,000	29,982,000	29,982,000	+819,000
Total, Rural Electrification and Telephone Loans Program Account	225,820,000	37,275,000	123,491,000	109,175,000	112,398,000	-113,422,000
(Loan authorization)	(1,797,360,000)	(1,800,100,000)	(1,981,000,000)	(1,931,000,000)	(1,956,000,000)	(+158,640,000)
Rural Telephone Bank Program Account:						
Direct loans (limitation on obligations)	(177,045,000)	(199,847,000)	(199,847,000)	(199,847,000)	(199,847,000)	(+22,802,000)
Direct loan subsidy	35,000	40,000	40,000	3,118,000	3,118,000	+3,083,000
RTB salaries and expenses	8,632,000	8,794,000	8,794,000	8,794,000	8,794,000	+162,000
Distance Learning and Medical Link Programs	5,000,000	5,071,000	10,000,000	10,000,000	10,000,000	+5,000,000
Rural Economic Development Loans Program Account:						
Direct loans (limitation on obligations)	(12,389,000)	(13,025,000)	(13,025,000)	(13,025,000)	(13,025,000)	(+636,000)
Direct subsidy	3,423,000	3,381,000	3,381,000	3,423,000	3,423,000	...
Office of the Administrator	243,000	...	...	...	...	-243,000

Agriculture, Rural Development, Food & Drug Administration, & Related Agencies (H.R. 2493), continued

	FY 1993 Enacted	FY 1994 Estimate	House	Senate	Conference	Conference compared with enacted
Salaries and expenses:						
Electric and telephone loans (by transfer)	(29,163,000)	(29,442,000)	(29,982,000)	(29,982,000)	(29,982,000)	(+819,000)
Rural telephone bank (by transfer)	(8,632,000)	(8,794,000)	(8,794,000)	(8,794,000)	(8,794,000)	(+162,000)
Subtotal	(37,795,000)	(38,236,000)	(38,776,000)	(38,776,000)	(38,776,000)	(+981,000)
Total, Rural Electrification Administration	243,153,000	54,561,000	145,706,000	134,510,000	137,733,000	-105,420,000
(By transfer)	(37,795,000)	(38,236,000)	(38,776,000)	(38,776,000)	(38,776,000)	(+981,000)
(Loan authorization)	(1,797,360,000)	(1,800,100,000)	(1,981,000,000)	(1,931,000,000)	(1,956,000,000)	(+158,640,000)
(Limitation on obligations)	(189,434,000)	(212,872,000)	(212,872,000)	(212,872,000)	(212,872,000)	(+23,438,000)
Total, title III, Rural Development Programs	2,956,536,000	4,787,822,000	3,064,486,000	3,254,315,000	3,137,996,000	+181,460,000
(By transfer)	(716,192,000)	(706,690,000)	(732,973,000)	(732,973,000)	(732,973,000)	(+16,781,000)
(Loan authorization)	(9,096,746,000)	(12,581,311,000)	(10,525,909,000)	(11,694,021,000)	(10,375,571,000)	(+1,278,825,000)
(Limitation on obligations)	(189,434,000)	(212,872,000)	(212,872,000)	(212,872,000)	(212,872,000)	(+23,438,000)
TITLE IV - DOMESTIC FOOD PROGRAMS						
Office of the Assistant Secretary for Food and Consumer Services	542,000	547,000	554,000	547,000	551,000	+9,000
Food and Nutrition Service:						
Child nutrition programs	2,536,098,000	2,845,044,000	2,727,022,000	2,727,022,000	2,727,022,000	+190,924,000
Discretionary item	....	3,700,000	....	....	....	....
Transfer from section 32	4,290,455,000	4,710,185,000	4,770,109,000	4,770,109,000	4,770,109,000	+479,654,000
Total, Child nutrition programs	6,826,553,000	7,558.929,000	7,497,131,000	7,497,131,000	7,497,131,000	+670,578,000
Special milk program	14,898,000	20,277,000	20,277,000	20,277,000	20,277,000	+5,379,000
Special supplemental food program for women, infants, and children (WIC)	2,860,000,000	3,287,220,000	3,210,000,000	3,213,500,000	3,210,000,000	+350,000,000
Commodity supplemental food program	94,500,000	93,330,000	104,500,000	104,500,000	104,500,000	+10,000,000
Food stamp program:						
Expenses	24,564,357,000	29,545,655,000	24,545,655,000	24,545,655,000	24,545,655,000	-18,702,000
Reserve	2,500,000,000	....	2,500,000,000	2,500,000,000	2,500,000,000	....
Nutrition assistance for Puerto Rico	1,040,175,000	1,091,000,000	1,078,528,000	1,078,528,000	1,078,528,000	+38,353,000
Cattle tick eradication	10,825,000	....	12,472,000	12,472,000	12,472,000	+1,647,000
Total, Food stamp program	28,115,357,000	30,636,655,000	28,136,655,000	28,136,655,000	28,136,655,000	+21,298,000
Food donations programs for selected groups:						
Needy family program	81,601,000	68,641,000	68,641,000	68,641,000	68,641,000	-12,960,000
Elderly feeding program	142,912,000	141,142,000	150,000,000	150,000,000	150,000,000	+7,088,000
Subtotal	224,513,000	209,783,000	218,641,000	218,641,000	218,641,000	-5,872,000
Soup kitchens	32,000,000	31,604,000	40,000,000	40,000,000	40,000,000	+8,000,000
Total, Food donations programs	256,513,000	241,387,000	258,641,000	258,641,000	258,641,000	+2,128,000
The emergency food assistance program	45,000,000	45,643,000	40,000,000	42,500,000	40,000,000	-5,000,000
Commodity purchases - TEFAP	120,000,000	161,714,000	80,000,000	107,500,000	80,000,000	-40,000,000
Total, The emergency food assistance program	165,000,000	207,357,000	120,000,000	150,000,000	120,000,000	-45,000,000
Food program administration	103,535,000	103,898,000	107,767,000	107,767,000	107,767,000	+4,232,000
Human Nutrition Information Service	-2,250,000	....	....	10,864,000	....	+2,250,000
Reappropriation	....	....	....	....	....	....
Total, Food and Nutrition Service	38,434,106,000	42,149,053,000	39,454,971,000	39,499,335,000	39,454,971,000	+1,020,865,000
Total, title IV, Domestic Food Programs	38,434,648,000	42,149,600,000	39,455,525,000	39,499,882,000	39,455,522,000	+1,020,874,000
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS						
Foreign Agricultural Service	110,023,000	99,838,000	117,812,000	110,284,000	118,027,000	+8,004,000
CCC computer facility	....	7,905,000	....	....	....	....
Office of International Cooperation and Development	7,247,000	7,252,000	....	....	....	-7,247,000
Scientific activities overseas (foreign currency program) (limitation on administrative expenses)	(1,062,000)	(1,062,000)	(1,062,000)	....	(1,062,000)	....
Total, Foreign Agricultural Service	117,270,000	114,995,000	117,812,000	110,284,000	118,027,000	+757,000
General Sales Manager:						
Salaries and expenses	....	4,713,000	....	....	....	....
(Transfer from Commodity Credit Corporation)	(4,668,000)	....	(4,866,000)	(4,866,000)	(4,866,000)	(+198,000)
(Transfer from export loans)	(2,731,000)	(2,792,000)	(2,792,000)	(2,792,000)	(2,792,000)	(+61,000)
(Transfer from P.L. 480)	(1,467,000)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(+33,000)
Total, General Sales Manager	(8,866,000)	(9,005,000)	(9,158,000)	(9,158,000)	(9,158,000)	(+292,000)

Agriculture, Rural Development, Food & Drug Administration, & Related Agencies (H.R. 2493), continued

	FY 1993 Enacted	FY 1994 Estimate	House	Senate	Conference	Conference compared with enacted
Public Law 480 Program Account:						
Title I - Credit sales:						
Program level	(555,276,000)	(496,373,000)	(496,373,000)	(540,445,000)	(496,373,000)	(-58,903,000)
Direct loans	(509,996,000)	(450,446,000)	(450,446,000)	(490,184,000)	(450,446,000)	(-59,550,000)
Ocean freight differential	45,280,000	45,927,000	45,927,000	50,261,000	45,927,000	+647,000
Title II - Commodities for disposition abroad:						
Program level	(810,000,000)	(821,570,000)	(821,570,000)	(821,570,000)	(821,570,000)	(+11,570,000)
Appropriation	810,000,000	821,570,000	821,570,000	821,570,000	821,570,000	+11,570,000
Title III - Commodity grants:						
Program level	(333,594,000)	(280,083,000)	(280,083,000)	(280,083,000)	(280,083,000)	(-53,511,000)
Appropriation	333,594,000	280,083,000	280,083,000	280,083,000	280,083,000	-53,511,000
Loan subsidies	342,003,000	346,889,000	346,889,000	377,490,000	346,889,000	+4,886,000
Debt restructuring	40,000,000	32,171,000				-40,000,000
Salaries and expenses:						
General Sales Manager	1,467,000	1,500,000	1,500,000	1,500,000	1,500,000	+33,000
ASCS	1,036,000	1,025,000	1,036,000	1,036,000	1,036,000	
Subtotal	2,503,000	2,525,000	2,536,000	2,536,000	2,536,000	+33,000
Total, Public Law 480:						
Program level	(1,698,870,000)	(1,598,026,000)	(1,598,026,000)	(1,642,098,000)	(1,598,026,000)	(-100,844,000)
Appropriation	1,573,380,000	1,529,165,000	1,497,005,000	1,531,940,000	1,497,005,000	-76,375,000
CCC Export Loans Program Account:						
Loan guarantees:						
Short-term export credit	(5,000,000,000)	(5,000,000,000)	(5,000,000,000)	(5,000,000,000)	(5,000,000,000)	
Intermediate export credit	(500,000,000)	(500,000,000)	(500,000,000)	(500,000,000)	(500,000,000)	
Emerging democracies export credit	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	
Loan subsidy	388,170,000	403,238,000	403,238,000	403,238,000	403,238,000	+15,068,000
Salaries and expenses (Export Loans):						
General Sales Manager	2,731,000	2,792,000	2,792,000	2,792,000	2,792,000	+61,000
ASCS	589,000	601,000	589,000	589,000	589,000	
Total, CCC Export Loans Program Account	391,490,000	406,631,000	406,619,000	406,619,000	406,619,000	+15,129,000
Office of International Cooperation and Development				7,697,000		
Scientific activities overseas (foreign currency program) (limitation on administrative expenses)				(1,062,000)		
Total, title V, International Programs	2,082,140,000	2,055,504,000	2,021,436,000	2,056,540,000	2,021,651,000	-60,489,000
(By transfer)	(8,866,000)	(4,292,000)	(9,158,000)	(9,158,000)	(9,158,000)	(+292,000)
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION						
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Food and Drug Administration						
Salaries and expenses	746,035,000	613,339,000	813,339,000	638,339,000	813,339,000	+67,304,000
(By transfer)	(3,000,000)					(-3,000,000)
Prescription drug user fee act	(36,000,000)	(54,000,000)	(54,000,000)	(54,000,000)	(54,000,000)	(+18,000,000)
New user fees		(200,000,000)		(175,000,000)		
Total, salaries and expenses	(785,035,000)	(867,339,000)	(867,339,000)	(867,339,000)	(867,339,000)	(+82,304,000)
Buildings and facilities	8,350,000	8,350,000	8,350,000	8,350,000	8,350,000	
Rental payments	25,612,000	48,575,000	48,575,000	48,575,000	48,575,000	+22,963,000
Total, Food and Drug Administration	779,997,000	670,264,000	870,264,000	695,264,000	870,264,000	+90,267,000
DEPARTMENT OF THE TREASURY						
Financial Management Service: Payments to the farm credit system financial assistance corporation	84,614,000	62,696,000	62,696,000	62,696,000	62,696,000	-21,918,000
INDEPENDENT AGENCIES						
Commodity Futures Trading Commission	47,300,000	47,485,000	47,485,000	47,485,000	47,485,000	+185,000
Farm Credit Administration (limitation on administrative expenses).	(39,908,000)	(41,683,000)	(40,426,000)	(40,426,000)	(40,426,000)	(+518,000)
Farm Credit System Assistance Board (limitation on administrative expenses)	(809,000)					(-809,000)
Total, title VI, Related Agencies and Food and Drug Administration	911,911,000	780,445,000	980,445,000	805,445,000	980,445,000	+68,534,000
(Limitation on administrative expenses)	(40,717,000)	(41,683,000)	(40,426,000)	(40,426,000)	(40,426,000)	(-291,000)

Agriculture, Rural Development, Food & Drug Administration, & Related Agencies (H.R. 2493), continued

	FY 1993 Enacted	FY 1994 Estimate	House	Senate	Conference	Conference compared with enacted
Grand total:						
New budget (obligational) authority	62,101,504,000	77,481,667,000	70,855,735,000	71,920,407,000	71,903,910,000	+9,802,406,000
Appropriations	(62,101,504,000)	(77,479,445,000)	(70,855,735,000)	(71,920,407,000)	(71,903,910,000)	(+9,802,406,000)
Reappropriation	....	(2,222,000)	....	....	....	....
(By transfer)	(729,683,000)	(710,982,000)	(743,756,000)	(743,756,000)	(743,756,000)	(+14,073,000)
(Loan authorization)	(14,796,746,000)	(18,281,311,000)	(16,225,909,000)	(17,384,021,000)	(16,075,571,000)	(+1,278,825,000)
(Limitation on administrative expenses)	(143,516,000)	(145,482,000)	(144,225,000)	(144,225,000)	(144,225,000)	(+709,000)
(Limitation on obligations)	(189,434,000)	(212,872,000)	(212,872,000)	(212,872,000)	(212,872,000)	(+23,438,000)
Title I - Agricultural programs	14,916,189,000	25,224,029,000	22,396,685,000	23,331,616,000	23,352,499,000	+8,436,310,000
Title II - Conservation programs	2,800,080,000	2,484,267,000	2,937,158,000	2,972,609,000	2,955,797,000	+155,717,000
Title III - Farmers Home and Rural development programs	2,956,536,000	4,787,822,000	3,064,486,000	3,254,315,000	3,137,996,000	+181,460,000
Title IV - Domestic food programs	38,434,648,000	42,149,600,000	39,455,525,000	39,499,882,000	39,455,522,000	+1,020,874,000
Title V - Foreign assistance and related programs	2,082,140,000	2,055,504,000	2,021,436,000	2,056,540,000	2,021,651,000	-60,489,000
Title VI - Related agencies and Food and Drug Administration	911,911,000	780,445,000	980,445,000	805,445,000	980,445,000	+68,534,000
Total, new budget (obligational) authority	62,101,504,000	77,481,667,000	70,855,735,000	71,920,407,000	71,903,910,000	+9,802,406,000

(Mr. WALKER asked and was given permission to proceed out of order for 1 minute.)

LEGISLATIVE PROGRAM

Mr. WALKER. Mr. Speaker, I have asked unanimous consent to speak out of order in order to ascertain the schedule for the rest of the day and for the upcoming week from the majority leader.

I yield to the gentleman from Missouri [Mr. GEPHARDT] to so inform us.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding to me.

We will not have further votes today. There will not be votes on tomorrow.

On Monday, October 4, the House will meet at 12 noon, but there will not be legislative business.

On Tuesday, October 5, the House will meet at noon to take up two bills on suspension. Recorded votes will be postponed until the end of legislative business. H.R. 618, the Government Securities Reform Act of 1993, and H.R. 2659, Organ and Bone Morrow Transplantation Amendments of 1993. Votes can be expected to occur on that day between 4 and 7 p.m.

On Wednesday, October 6, and Thursday, October 7, the House will meet at 10, take up H.R. 2351, Arts, Humanities, and Museums Amendments of 1993, modified open rule, 1 hour of debate; H.R. 1845, National Biological Survey Act of 1993, open rule, 1 hour of debate; H.R. 2151, Maritime Security and Competitiveness Act of 1993, subject to a rule; and H.R. 1804, Goals 2000: Educate America Act, subject to a rule.

And we might also expect that the unemployment compensation extension might be brought up.

Friday, October 8, the House will meet at 10, but there will not be legislative business.

Conference reports on appropriations bills are expected, as they become available. Conference reports, obviously, may be brought up at any time.

Any further program will be announced later.

Mr. WALKER. Mr. Speaker, I thank the majority leader.

If I understand correctly, there will not be votes before 4 o'clock on Tuesday; is that correct?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will continue to yield, that is correct.

Mr. WALKER. And that the unemployment bill, I think a couple of Members have some questions on that, but just for my understanding, the unemployment bill would not be brought up until the Wednesday-Thursday timeframe; is that right? It would not occur on Tuesday?

Mr. GEPHARDT. Mr. Speaker, that is correct.

Mr. SANTORUM. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. SANTORUM. Mr. Speaker, I thank the gentleman for yielding to me.

As the majority leader knows, the extension of benefits expires on Saturday, October 2. I know that the original unemployment extension was scheduled for this afternoon.

My question to the majority leader is, What is the reason for the delay? And why are we waiting until Wednesday to deal on something which is obviously a pressing problem today?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will continue to yield, as the gentleman knows, there is a requirement that this matter be paid for under our budget rule. There have been a number of ideas brought up in the committee, as I understand it, to pay for it.

☐ 1530

Many of them were unattractive and unpopular. There was a continuing amount of concern about the way the committee finally resolved the matter. There was an attempt by Members here, and maybe even Members on the other side, to find a more amenable way to do this.

Mr. SANTORUM. I thank the gentleman.

ANNOUNCEMENT BY THE MAJORITY LEADER REGARDING OCTOBER SCHEDULE

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I rise to announce to the Members that available in the Cloakroom on both sides and sent generally to the membership is the October 1993 schedule, which I would like to make Members aware of.

In that month what we are anticipating is votes on Friday, October 1; no votes on Monday, October 4; no votes on Friday, October 8; and no votes on October 11, which is Columbus Day; but votes every other day in the month, including Mondays and Fridays.

Mr. SANTORUM. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Pennsylvania.

Mr. SANTORUM. Mr. Speaker, the gentleman said there would be votes on October 1.

Mr. GEPHARDT. I meant to say no votes, I am sorry.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I would ask the gentleman, it is my understanding, then, that there would be votes on Monday, the 18th; Friday, the 22d; Monday, the 25th; and Friday, the 29th. Is that correct? We anticipate 5-day weeks for voting the last 2 weeks of October?

Mr. GEPHARDT. That is correct.

Mr. WALKER. If the gentleman will continue to yield further, has the majority leadership made any decisions at this point with regard to November, as to whether or not we may be proceeding toward the adjournment of the House by Thanksgiving?

Mr. GEPHARDT. We are consulting today and will be the early part of next week with the gentleman's leadership and leadership on both sides in the Senate, and with the administration officials that are involved, to try to come as early next week as we can with more definitive information for Members about the schedule for the rest of the year.

Mr. WALKER. If the gentleman will yield further, these 5-day weeks that are anticipated here are in some sense, maybe, aiming toward an early, rather than a later, adjournment?

Mr. GEPHARDT. It should lead one to cautious optimism about trying to complete our business at the earliest possible moment.

Mr. WALKER. There was talk, if the gentleman will yield further, about having at least 1 of these weeks in October be a reform week that would include lobbying reform and campaign reform, and some of us had hoped congressional reform.

Is that scheduled for 1 of those 2 weeks that we have 5-day sessions?

Mr. GEPHARDT. There is an intent, as the gentleman says, to have a reform period where we consider a variety of reform measures. We do not know definitively whether or not it will be in 1 of those 2 weeks in October. We are aiming to get that period as quickly as possible.

Mr. WALKER. I thank the gentleman.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. WISE). Is there objection to the request of the gentleman from Missouri?

There was no objection.

ADJOURNMENT TO MONDAY, OCTOBER 4, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

NOTICE OF INTENT TO ADD RUSSIA TO LIST OF BENEFICIARY DEVELOPING COUNTRIES UNDER THE GENERALIZED SYSTEM OF PREFERENCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–142)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed.

To the Congress of the United States:

I am writing to inform you of my intent to add Russia to the list of beneficiary developing countries under the Generalized System of Preferences (GSP). The GSP program offers duty-free access to the U.S. market and is authorized by the Trade Act of 1974.

I have carefully considered the criteria identified in sections 501 and 502 of the Trade Act of 1974. In light of these criteria, and particularly Russia's level of development and initiation of economic reforms, I have determined that it is appropriate to extend GSP benefits to Russia.

This notice is submitted in accordance with section 502(a)(1) of the Trade Act of 1974.

W.J. CLINTON.

THE WHITE HOUSE, *September 30, 1993.*

NOTICE OF CONTINUATION OF HAITIAN EMERGENCY BEYOND OCTOBER 4, 1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–143)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Haitian emergency is to continue in effect beyond October 4, 1993, to the Federal Register for publication.

The crisis between the United States and Haiti that led to the declaration on October 4, 1991, of a national emergency has not been resolved. While substantial progress has been made toward restoring democracy pursuant to United Nations Security Council Resolution 861, all necessary conditions to that restoration have not yet been met. Multilateral sanctions have been suspended but not terminated. Political conditions in Haiti continue, therefore, to be of considerable concern to the United States. For these reasons, I have determined that it is necessary to retain the authority to apply economic sanctions to ensure the restoration and security of the democratically elected Government of Haiti.

W.J. CLINTON.

THE WHITE HOUSE, *September 30, 1993.*

NAFTA, HELPING A NEW GENERATION OF AMERICANS MEET ITS INTERNATIONAL RESPONSIBILITY

(Mr. INSLEE asked and was given permission to address the House for 1 minute.)

Mr. INSLEE. Mr. Speaker, I rise today to speak in favor of the NAFTA treaty. In doing so, I speak for hope and against fear, I speak for change and against the status quo, and I speak in favor of stepping toward the future and against clinging to the past.

It is on our shoulders, the new generation of leadership, to pass this treaty. Our predecessors' focus of their entire generation was the cold war. That generation told their people what risks they faced in hiding from the challenges of that time, and then made the tough choices that were necessary to prevail, and so should we.

Now, as has been said before, the torch has been passed to a new generation, a generation whose international responsibility is not to secure borders but to open markets to our products. The wealth, the health, and the vitality of our people depends on us.

Every generation is tested in its own unique way. The cold war generation did not fail in their test, and under the leadership of President Clinton, neither shall we in ours. Our predecessors established NATO. We should establish NAFTA.

ADDING UP CLINTON'S CUTS

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I urge every Member of the body to read Ann Devroy's column today about how the White House is finagling the numbers with regard to the White House staff. They have cut the Office of Drug Policy czar from the $76 million in its forfeiture fund down to $28 million, when drugs are ravaging the streets. There are people in this body who know people who have been involved in the drug problem, and yet the drug problem is spreading throughout this country. Mr. Bennett and others try to do something about it. They have literally cut it back.

I, for one, am not critical of the White House for hiring more people. If they need more people, I am prepared to vote to give them more people to do the necessary job.

☐ 1010

But for them to pretend that they cut the staff by 25 percent and cut the budget by 25 percent is unethical and it is basically a lie.

We literally, and the American people should know, and this body should know, we have no drug policy in this Clinton administration. They have not told the truth about how they are reducing the numbers.

It is time to be honest in dealing with the Congress and, more importantly, honest in dealing with the American people.

It is a disgrace. I urge my colleagues to read this story.

[From the Washington Post, Sept. 30, 1993]

ADDING UP CLINTON'S CUTS

(By Ann Devroy)

The White House plans to announce today that it has met President Clinton's campaign promise to reduce its staff by 25 percent, but behind that number is an entirely different story: What taxpayers will get is not less spending on White House staff but less spending on White House anti-drug efforts.

Clinton, both in his campaign and in the early weeks of his presidency, promised to cut the White House staff by 25 percent. The pledge became a symbol of his overall goal to reduce and reorganize government. If everyone else in America and the government tightened their belts, he said, so too would he.

What the cuts have become, instead, is a struggle to make the numbers come out right, a study in creative definitions of what constitutes the White House staff, and a flurry of pink slips sent to career workers—not the political aides many people think make up the White House staff.

Item: Figures provided by the White House to congressional committees that oversee the White House budget show increases in spending on the White House office staff, the vice president's staff, the Office of Administration, the domestic policy office and the National Security Council. Two other arms of the White House, the Office of Management and Budget and the Office of the U.S. Trade Representative, show slight increases as well.

Where the major saving occurs is in the Office of National Drug Control Policy, where $76 million in its "forfeiture fund" has been reduced to $28 million, and staff—all career workers in the anti-drug field—has been reduced from 112 to 25 for a total saving of nearly $60 million. The forfeiture fund represents money the drug office sends to other government agencies with direct drug control duties, such as the Customs Service or the Drug Enforcement Administration.

It was unclear yesterday whether the forfeiture funds that were cut were just shifted to some other anti-drug agency. And Congress is in the midst of forcing the White House to reconsider staffing levels at the drug control policy office.

Asked if Clinton's White House staff cut did not result primarily in a cut in spending on drug control, Roy Neel, deputy chief of staff in charge of implementing the cut, said, "I won't dispute that."

Item: The next largest spending reduction, eliminating the Council on Environmental Quality, accounts for a saving of about $2.5 million. Congress has refused the White House request to kill the council and has added funds to keep it running, so it is likely that some of that saving will not be realized.

Item: The third highest saving comes from eliminating the National Space Council, for about $1.6 million. Although the move does not produce much in saved funds, the White House says, it meets Clinton's pledge to cut staff size.

The White House had pledged to cut 350 people, going from 1,394 "White House staff" to 1,044 by Oct. 1, the opening of the new fiscal year.

Killing the space council eliminates 44 of those jobs, according to White House figures supplied to Congress. But 39 of those 44 people do not actually work at the White House or even in the government. They serve on an advisory council that meets a few times a year; that is the "job" the Clinton team is eliminating in this category.

Asked about such methodology—including in its staff body count someone who attends a meeting in Washington on space policy a few times a year—Neel said: "It is a body. We counted it in our baseline and we counted it as a cut. Let's not get into a baseline argument again."

Item: White House figures show the elimination of 47 jobs in the Office of Administration, all of them career workers such as accountants, secretaries and budget analysts. But the office still costs more this year than last.

Asked about reports that part-timers were hired to do the work or that some of it was contracted out—which would not reduce costs, but might help reduce the full-time body count—officials acknowledged some that part-time workers had been hired.

That office, however, has come under repeated criticism for sloppy administrative work, including a recent General Accounting Office report citing backdating of paychecks, retroactive raises and other accounting missteps. It also has been criticized for mishandling procurement for computers and telephone service—all as the White House zeroed in on its experienced workers for major layoffs.

Item: The White House made the correspondence unit the first target of cuts, laying off longtime workers early in the Clinton tenure at the same time the president was getting huge masses of mail—thousands more letters than President George Bush had received. White House officials said that the office, like others, had to be reduced to save staff, and that volunteers would take over.

But in a letter to Rep. Ernest J. Istook Jr. (R-Okla.), who had posed questions to the White House about staff reduction, Patsy Thomasson, director of the administration office, says the office has entered "into a contract for processing the backlog of mail." Such contracting-out is reflected in the overall White House budget, but not in the White House staff numbers because contractors do not count as staff.

Item. The baseline. Clinton's pledge was translated after the election into a reduction of what the White House defined as the White House staff The new administration excluded in its official count the Office of Management and Budget and the Office of the U.S. Trade Representative, both organized by law within the Executive Office of the President, and counted by previous administrations. This made the job reduction task easier because it resulted in lowering by 176 the net number of positions that had to be eliminated.

The Clinton team also used peak Election Day staffing figures for the Bush baseline, not staff figures on October 1 of Bush's term. Using peak figures as a reference point makes the goal easier.

Some Clinton aides acknowledge, on the deepest of background, that the staff cut has become what one called "the quintessential Washington game." An unrealistic pledge, made by a candidate without knowledge of the White House operation, must now be kept because of its symbolism and because otherwise Republicans in Congress would make an issue out of it.

One senior aide, asked by a reporter if the president regrets having made the pledge and having his staff struggle to produce some reasonable approximation of the goal, said, "Off the record?"

When the reporter said "No," the official replied: "No. The president promised a leaner, smaller staff and that is what he has produced."

These are funding levels for 1993 and Clinton administration requests for fiscal 1994 for offices in the Executive Office of the President.

WHITE HOUSE COSTS

[Figures in millions, ranked by change from fiscal year 1993]

	1993 appropriation	1994 request	Change (rounded)
White House Office	$35.39	$38.91	$3.53
Office of Policy Development	3.77	5.12	1.35
Office of the U.S. Trade Representative	19.99	20.62	0.62
National Security Council	6.12	6.65	0.53
Office of Management and Budget	52.98	53.48	0.50
Office of Administration	24.44	24.85	0.41
Executive Residence at the White House	7.60	7.93	0.33
Special Assistance to the President	3.15	3.27	0.12
Residence of the Vice President	0.32	0.32	
Unanticipated needs	1.00	1.00	
President's compensation	0.25	0.25	
Office of Federal Procurement Policy	3.06	3.06	
Council of Economic Advisers	3.43	3.42	−0.01
National Critical Materials Council	0.24	0.00	−0.24
Office of Science and Technology Policy	6.23	5.17	−1.06
National Space Council	1.59	0.00	−1.59
Council on Environmental Quality	2.56	0.00	−2.56
Office of National Drug Control Policy	93.35	33.80	−59.55
Salaries and expenses	17.35	5.80	−11.55
Forfeiture fund	76.00	28.00	−48.00

Source: White House figures provided to the House Appropriations Subcommittee on Treasury, Postal Service and general government.

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The SPEAKER pro tempore (Mr. JOHNSON of South Dakota). Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

[Mrs. COLLINS of Illinois addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

A SAD DAY FOR ATF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. PICKLE] is recognized for 5 minutes.

Mr. PICKLE. Mr. Speaker, today, the Department of the Treasury released its report on the actions taken by the Bureau of Alcohol, Tobacco and Firearms outside Waco at the Branch Davidian complex. There have been many conflicting statements about what occurred before and during ATF's raid on February 28, and I am hopeful that this investigative report will provide some answers.

On April 22, 1993, the Ways and Means Subcommittee on Oversight, which I chair, held a hearing on ATF's budget request and questioned Director Higgins about the entire Waco operation. At that time, it was clear from available documents that the operation was not well planned or safely executed. Further, ATF agents were reporting to me privately that public statements by ATF officials were not providing a complete or accurate picture of what had occurred.

In followup to the hearing and the agents' reports, I contacted Treasury Secretary Bentsen to determine: First, if ATF could have executed the arrest warrant for Mr. Koresh outside the compound; second, what were the facts surrounding when and how Mr. Koresh became aware of ATF's raid; third, why ATF proceeded when the element of surprise was lost; fourth, whether ATF attempted to alter or destroy records; and fifth, if ATF followed all procedures and policies throughout the Branch Davidian investigation and operation.

The report released today clearly shows that this raid was poorly handled, particularly since the element of surprise was gone. Some of the gung ho men within ATF decided to go ahead—and lives were lost unnecessarily. The capable ATF Agency must shoulder its responsibilities.

Most regrettable of all, however, is the fact that top ATF officials have not been forthcoming in their response. The ATF now suffers from the lack of cooperation. It is a sad day for ATF.

WORDS OF A PATRIOT, JOHN LANGELOTH LOEB, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY of New York. Mr. Speaker, I rise today to share with my colleagues the words of a true American patriot. Last February, the Honorable John Loeb, Jr., was honored by the Sons of the American Revolution with their Distinguished Patriot Award.

Mr. Loeb is indeed a distinguished patriot. Furthermore, he is a remarkable man who left an indelible mark on many aspects of our society. A successful businessman, he has always found time to serve our Nation and he is a man of vision. In a variety of capacities, Mr. Loeb made contributions to our foreign policy, to the protection of our environment, to enhancing educational opportunity, to access to health care, and to the strength of our artistic heritage.

When he received the Distinguished Patriot Award, Mr. Loeb took the opportunity to reflect on the true meaning of patriotism and the unique qualities that make ours such a special Nation. His words were a source of inspiration for those who were present when he was honored, and I encourage all of my colleagues to read them and to contemplate their meaning.

I submit the text of Mr. Loeb's remarks to be printed in the RECORD in their entirety.

THE ANATOMY OF PATRIOTISM

(By Hon. John L. Loeb, Jr.)

I am very happy that funds for this dinner will go to scholarships for young women as well as that very unique American history museum, the Fraunces Tavern Museum at Broad and Pearl Streets. I have a particular affection for that museum because, in one of the galleries, hangs a picture of my grandmother, Adeline Moses Loeb, my Grandma Moses. She was a member of the DAR, a Daughter of the American Revolution, and traced her roots to Colonial times. Her stories of her ancestors inspired my love of American history. She married my grandfather—at that time a recent arrival to these shores—who became successful in business. During our childhood, they frequently bickered over the question of which was more important, money or family.

Of course, we knew.

From 1776 until modern times, a member of my family has served in the United States Armed Forces in every war. They held public office, pioneered in business and nurtured talent in many fields. They demonstrated and transmitted from generation to generation a spirit which I consider part of my heritage.

In their love of this land, my family shared an emotion which has been widely felt with particular intensity in this country since the time of the founding fathers—patriotism. American patriotism must be an almost instinctive response to a land so blessed. Who could not be attached to and awed by a country so vast in its continental sweep, so endowed with natural wondrous beauty? Who could not be devoted to and protective of a nation whose government was entrusted to its citizens and where life, liberty and even the pursuit of happiness was their birthright?

Patriotism does not require daring physical deeds and sacrifice in the defense of the nation or services performed in the glare of public attention. You don't have to be another Nathan Hale or Daniel Webster to be a patriot. In the truest sense, patriotism, to me, is expressed in the daily lives of ordinary men and women whose conduct as citizens is governed by their belief in and practice of the ideals and traditions that are the glory of American democracy: men and women who believe in freedom not only for themselves but for their neighbors, who seek opportunity without denying it to others, who understand that democracy requires tolerance.

Unhappily, patriotism has sometimes been invoked to camouflage bigotry: by the Know-Nothings of the 1840's by the Ku Klux Klan, by the apostles of McCarthyism after World War II and by the extreme Religious Right today. Almost every minority in America has at some period been subjected to intolerance. Yet compared to the rest of the world (consider the seemingly "tribal" ethnic conflicts tearing apart the Middle East, Yugoslavia, the former Soviet Union, Africa, Northern Ireland, to name a few) America's experiment in diversity and tolerance has succeeded beyond anybody's wildest dreams.

The anatomy of patriotism is complex. Patriotism might be difficult to sustain in a people as diverse as we are. We are after all a nation of immigrants and we have all been immigrants. Each of us has pride in our special heritage as well as great love of America. Even in the 18th century of founding fathers knew that a spirit of tolerance and freedom was crucial—no, indispensable—to preserve the unity and purpose of the new nation. That is why, for example, they took the revolutionary and historic step of separating church from state.

President George Washington, whose birthday we celebrate tonight, often gave voice to these same sentiments of tolerance and liberty. I would like to read to you part of a letter that he wrote to the Jewish congregation of Newport, Rhode Island, on August 17, 1790:

"The citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy, a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship . . . Happily the government of the United States which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should comport themselves as good citizens."

So let us, in the words of George Washington, always "comport ourselves as good citizens." By so doing we sustain the spirit of patriotism that you, the Sons of the Revolution and the Daughters of the Cincinnati, have done so much to encourage and enhance and which is such a source of American strength.

A SALUTE FOR CAUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise today to pay tribute, as earlier this month, we conducted our traditional observance of Labor Day, our annual recognition of the working men and women of America. Now that the Congress has reconvened, I did not want any more time to pass without extending a particular salute to an organization headquartered in Prince Georges County, part of my Fifth Congressional District of Maryland.

The organization is CAUSE [The Mechanical Contractors and Unions Seal of Excellence], whose offices are located in Lanham, MD. CAUSE is the Washington area's cooperative organization of union mechanical contractors, the two labor unions who represent the contractors' employees—Steamfitters Local Union 602 and Plumbers Local Union 5—and the contractors' regional association, the Mechanical Contractors D.C. Association.

CAUSE has helped to solidify and advance an already enviable record in labor-management relations in the Washington area's mechanical contracting industry. Relations in this metropolitan region have been outstanding for the past century. It is a record of labor-management harmony unmatched anywhere else in the United States.

CAUSE's objective is to continue this cooperation and even strengthen it. When this happens, everyone wins—the consumers of Metropolitan Washington, the contractors who are employers and their employees—the skilled craftsmen who make up the membership of the steamfitter and plumber unions.

Mr. Speaker, union and management work through CAUSE as partners to promote even better labor relations, which in turn produces a better job, delivered on time and within budget, always with a strong commitment to excellence and productivity.

Representatives of management and the two labor unions signed a memorandum of understanding in 1984 pledging to:

First, eliminate strikes, lockouts, or any other kind of work stoppages.

Second, work together to produce the best quality installation for the money.

Third, avoid overtime except when necessary for productivity.

Fourth, prohibit all unnecessary and inefficient work practices.

Fifth, avoid work disputes through preassignment conferences, with any difference being resolved before the project starts.

From this labor-management, cooperation have come specific results. For example, the number of manhours worked by craftsmen in the mechanical contracting industry in the Washington area show an increase in the period from 1984, the year CAUSE was established, through 1992 despite the national recession.

Mr. Speaker, all of us have just returned from special Labor Day ceremonies in our States and congressional districts. I am both pleased and proud to add this Labor Day recognition to CAUSE in my own district and to the men and women of the mechanical contracting industry, Steamfitters Local Union No. 602 and Plumber Local Union 5 who have made CAUSE the success story that it is.

All of us who live and work in Metropolitan Washington are better off because of this success. For this reason, I know you will join me in this special salute.

INTENSE REGRET AT HOUSE'S FAILURE TO PASS UNEMPLOYMENT COMPENSATION EXTENSION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Mrs. JOHNSON] is recognized for 5 minutes.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise to express my intense regret that the House has decided in the last few minutes not to deal with extending unemployment compensation benefits. To the many people in America who have been unemployed for months, and months, and months, and in some States like Connecticut are without much hope of employment in the near future, extending these benefits was very, very important to them. And while I appreciate that we will come back next week and retroactively extend these benefits, I can tell my colleagues all they have to do is call their own State Department of Labor and confirm that failing to extend them in a timely fashion will cost our State Departments of Labor thousands and thousands of dollars, maybe hundreds of thousands of dollars. And the complexity of the retroactivity is a far, far bigger problem than we here on the floor ever design to acknowledge.

I had a Department of Labor official stop me 10 days ago and say, "Look, whatever you do, please do it in a timely fashion. If you are not going to extend, tell us. If you are going to extend them, do it on time."

It is really a crime that we are not dealing with this bill, and we are going to waste the taxpayers' dollars with the administrative complexities and problems that we are going to create, because some people want to save the welfare benefits of noncitizens or aliens. This is simply wrong. And I stand here tonight regretting that the House has been unable to go ahead and pass an extended benefit bill that I personally support, and that Republicans have been strongly behind moving forward.

Mr. ARCHER. Mr. Speaker, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I am happy to yield to the gentleman from Texas.

Mr. ARCHER. Mr. Speaker, I commend the gentlewoman for her comments, and I think it is very, very interesting, and the people of this country should understand, that the Democrat leadership has refused to let us vote on this bill today because they want to continue to pay welfare benefits out of the Treasury to aliens. And the American people do not support that.

This bill had at least one portion of it which was a constructive reform that would restrict the payment of welfare benefits to aliens. So I want to commend the gentlewoman from Connecticut for pointing out to this body, and also pointing this out to the country.

Mrs. JOHNSON of Connecticut. I think it is important for people to understand that there were two sources of funding in this. One source of funding was supposed to come from the reduced number of people who would need benefits because we were going to do a better job of placement assistance. Now we could have done that a long time ago, and maybe that will yield the resources that we are anticipating. But one has to say that that is at the very least an optimistic estimate, and those funds may or may not materialize. And if they do not, we simply run up the deficit.

The only solid part of the funding for this bill was the section that required American citizens who bring over alien relatives and take responsibility for them for 3 years, to extend that to 5 years to take economic responsibility for someone you bring over for 5 years. Because what is happening is that many older people are coming over, and after 3 years they are ending up on SSI. That is the disability payment system.

So the 5-year extension is not a real hardship. The great majority are independent after 3 years. But I think it is a responsibility that I think we should be legitimately asking of people who bring noncitizen relatives to America.

So it is a legitimate funding source. It was the only scorable funding source, and it is really unfortunate that we are going to delay its passage.

Mr. ARCHER. If the gentlewoman will yield further, I agree completely, and the American people agree. The American people desperately want reform of welfare payments to aliens. I hear that over and over again in my town meetings. And here the first step to reforming that is being held back by the Democrat leadership because some of their Members want these welfare payments to continue.

This body should understand precisely why we did not get to vote on that bill today, and I think that is unfortunate And I thank the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. I thank my colleague. All those unemployed are going to feel the consequences of the decision tonight, and every State government is going to waste thousands of dollars trying to make up for the difficulties and the problems that we have created through this delay.

TRIBUTE TO THE HONORABLE JACKSON E. BETTS

The SPEAKER pro tempore. The gentleman from Ohio [Mr. OXLEY] is recognized for 5 minutes.

Mr. OXLEY. Mr. Speaker, during the August recess a former Member of this House of Representatives passed away. Jackson E. Betts of my hometown of Findlay, OH, died at the age of 89, and I wanted to take a few minutes to recognize Jack's great public service to his constituents and to the State of Ohio, and indeed to the Nation.

He was a former prosecuting attorney in our home county of Hancock. He was a member of the State legislature, the Ohio House of Representatives, and actually served as the speaker of the house there for one term before he was elected to the Congress.

He came to the Congress and served 22 distinguished years here. He was a member of the Ways and Means Committee, and when Jack decided to retire in 1972, had he come back for the next Congress in 1973 he would have been the ranking Republican on the Committee on Ways and Means.

I have a personal interest in bringing this to the Members' attention, because Jack was not only a longtime family friend, but he was a mentor to me. I had the distinct opportunity to work for Jack one summer here in 1965 when I was a junior at Miami University and Jack allowed me to work for him as an intern for about 8 weeks in the summer of 1965. And I suspect that that was one of the major reasons why when the time came I chose to run for the U.S. House and to follow in his footsteps.

Jack Betts in many, many ways represented what is best about public service in our country, a very unassuming, a very modest individual, but well liked by everyone.

I think it gives a good idea, Mr. Speaker, about how well regarded Jack was that when the House Committee on Standards of Official Conduct was first constituted, the so-called ethics committee, Jack Betts was an appointee from the Republican side. And that I think gives an indication of what kind of an individual he was and how well respected Jack was.

There are very few Members left today in the House who served with Jack, just a handful. But those who did, and many of them have statements I am going to be making a part of the RECORD, had a very sincere interest in making certain that Jack was remembered.

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I have so many fond remembrances of Jack and his surviving spouse, Martha.

That summer when I worked here, they decided on their anniversary that they would take me and a fellow intern who was working for Bill McCulloch out to the ballgame. We went out to the ball park to watch the then-Washington Senators play. That was their idea of celebrating their anniversary. I will never forget the opportunity we had to be with them then.

After Jack's distinguished career here, in which he served with former Presidents Ford and Bush, he was actually on the Committee on Ways and Means with President Bush, he came back to Findlay, OH, became a part-time acting municipal judge. I had the distinct pleasure of practicing law before Jack on at least two occasions there in Findlay, and he became very active again in the Rotary Club and in his church and really became, I guess, the quintessential legislator who serves with great distinction here in Washington and then returns to his home roots.

I know he enjoyed his retirement very much. During that time I had more than one occasion to ask for his sage advice, both political and official. Every time, Jack was so kind and open with his ability to dissect an issue and talk about an issue and how important it was to his district and to my district.

Our districts in many ways were the same; we represented the same counties, particularly Hancock County, Richland County, Hardin County, Marion County, and we were very much aware of what went on back there politically. The conservative nature of the district, I think, is a constant source of strength to me, and I know it was to Jack.

So we will all miss him very much.

I again thank the Chair for his indulgence and want to particularly recognize the great service that Jack Betts gave in so many years of public life. We are always proud of saying we are from Findlay, OH; I know that Jack's family and Jack himself will very much respect the honor that we gave him this afternoon.

Mr. OXLEY. Mr. Speaker, I want to take this time to pay tribute to the late Jackson E. Betts who died at his home in Findlay, OH, on August 13, 1993.

Jackson Betts graduated from Findlay High School in 1922, earned his B.A. from Kenyon College in 1926 and his law degree from Yale Law School in 1929. In addition, he was awarded honorary law degrees from Kenyon College, Heidelberg College, Ohio Northern University, and the University of Findlay.

Jackson Betts' distinguished career, which spanned five decades, began in 1931 when he served as special counsel for the State attorney general and ended with his retirement from this body in 1972. After serving as Hancock County prosecutor from 1933 through 1936, Jack Betts was elected to the Ohio House of Representatives where he was chairman of the Ohio House Judiciary Committee from 1993 through 1944 and speaker of the Ohio House in 1945 and 1946. He is recalled by many who knew him during those years as an able parliamentarian and wonderful speaker. He always had time for everyone and was a mentor for many younger members.

After serving so ably in the Ohio legislature, Jack Betts was elected to represent the former Eighth Congressional District of Ohio which includes Hancock, Hardin, Wyandot, Marion, Crawford, and Richland Counties. From 1951 to 1972 he amassed a list of accomplishments of which anyone could be proud. He was the House Republican whip for both the Ohio Delegation and the midwest region. He was first appointed to the Banking and Currency Committee, and in 1959 was named to the Ways and Means Committee. At his retirement, he was the second ranking Republican on Ways and Means. In addition, he was an original member of the House Ethics Committee, becoming the ranking Republican. Jack Betts was appointed to this committee because of his uncompromised personal ethics and untarnished reputation.

During his tenure in Congress, Jack Betts was a prime sponsor of revenue sharing legislation. His philosophy was that it would bring tax dollars back to his district, of which he was so proud. He objected to heavy handed Census Bureau requirements that forced people to answer personal questions. These objections prompted a cartoon, which hung on his wall, showing a Census Bureau worker calling through a shower curtain "Is anyone in there with you?" Jack Betts argued that the Constitution stated that the census was for the purpose of redistricting only. While his legislation was never enacted, answering census questions was made voluntary.

Another accomplishment of Jack Betts was the expansion of rural mail delivery. His efforts resulted in increased frequency, making mail delivery more convenient.

After his retirement from this body in 1972, Jack Betts was able to spend more time at home with his family. He loved gardening, woodworking, walking, and swimming. Jack remained active in the community, teaching at the University of Findlay and serving as a substitute municipal judge. He was a member of the Trinity Episcopal Church in Findlay, the Valley of Toledo Scottish Rite, Honorary 33d Degree, the Mason, the Valley of Toledo Zenobia, the Knights of Pythias, the Odd Fellows Lodge, the Findlay Rotary, the Sons of the American Revolution, and the American, Ohio, and Findlay Bar Associations.

During his retirement years, jack also found time to author a book entitled "A View From the Back Bench," which was published in 1986.

Mr. Speaker, Jack Betts is remembered by so many for his ability, integrity, compassion, and humility. Former U.S. Representative Clarence Brown said, "Having the honor to serve in Congress with Jack, I can attest to both his personal integrity and humility. He was held in genuine personal respect and affection by all who had the opportunity to get to know him. Jack understood the highly intricate material of the tax issues with which he dealt in the House Ways and Means Committee and was always willing to patiently share that knowledge with those less familiar with that speciality. He was not given to double talk or duplicity of any kind. But he was never offensive about forcing his views on others. The art of legislative success is the ability to disagree without being disagreeable—that was Jack Betts. And Jack always retained a sense of humor about himself and public service—vital to the personality balance of any politician. While he eschewed the title Honorable, he took public service seriously as both an honor and an honorable profession. All of us who knew him are better for the experience." Jack Betts daughter, Nancy Betts Bowman, recalled how her father loved to give Capitol tours to visiting constituents. She said "He never got over the awe and respect of just being in the Capitol."

Former Representative Charlie Vanik recalled that "Betts was a powerful force for unity among the Ohio delegation. He excelled in the art of gentle persuasion. He was always kind, helpful, and deferential. Jack held a high respect for the views held by others, yet he never strayed from his conservative Republican roots."

Mr. Speaker, many others, including former Presidents Gerald Ford and George Bush, have paid tribute to Jackson Betts and I would like to include their statements with mine.

Jack Betts' career and the manner in which he conducted it stand as an example for all in public life. His family—his wife Martha, daughter Nancy, his three grandchildren, two brothers, Richard A. Betts and Dr. Thomas F. Betts—should be proud of this remarkable American. And I am proud that I can call him my mentor and my friend.

STATEMENT BY PRESIDENT GEORGE BUSH

I had the privilege of serving with Jack Betts in the Congress and working closely with him on the Ways and Means Committee. He was a public servant in the finest sense and, more important, a true friend. Jack was also a mentor, who taught me a lot about service to country, loyalty, and just plain decency. He was a very good man, and he is dearly missed by all whose lives he touched.

STATEMENT BY PRESIDENT GERALD FORD

Congressman Jackson Betts was a longtime, very good friend who had a superb record in the U.S. House of Representatives. I had great admiration for his excellent political/legislative record.

[From the Courier, Findley OH, Aug. 16, 1993]

JACKSON BETTS

One of Hancock County's most distinguished sons has left us.

Jackson E. Betts was a statesman, pure and simple.

He represented a quality of character and spirit of public service that was rare, even in his day. He faithfully served his country, his state, and his nation in elected public office. He never lost an election.

He was respected and admired by his constituents, his neighbors, his friends, and his colleagues. He walked gracefully with U.S. presidents, cabinet members, congressional leaders, ambassadors, and yet he kept his common touch. He truly loved Hancock County and the people of his district. He respected them and viewed public service in their behalf a public trust. His modesty was a large part of his charm.

The man's character was eloquently recognized when the U.S. House of Representatives created its ethics committee. He was so admired and trusted that he was named by his Republican Party colleagues as their unanimous choice as the senior ranking member of their party to serve. He was Mr. Integrity.

Jackson Betts first served in elected office as Hancock County prosecutor. He then was elected to serve as this county's representative in the General Assembly. He was elected by his fellow legislators as speaker of the Ohio House of Representatives. From there he went on to serve 11 terms in the U.S. House of Representatives, becoming the second-ranking Republican member of the powerful House Ways and Means Committee.

His full record has been chronicled elsewhere; the quality of his service is what deserves special tribute.

Jackson E. Betts left a record of uncompromising dedication to public life. It was his life. He loved his family, he loved the law, he loved people, he loved his country. He found fulfilling expression of these feelings in honorably serving the public offices to which he was elected.

His friendly, unassuming manner was his hallmark.

He walked tall among us. He was the epitome of an honest, sincere public servant. All who knew Jackson Betts join in mourning his losses. But we rejoice in our remembrances of his days among us. We join in honoring a life that was rich, rich, rich.

Farewell to an American Patriot!

JACK BETTS: 1904–1993—FORMER U.S. REPRESENTATIVE, STATE LEGISLATOR DEAD AT 89

Jackson E. Betts, Hancock County's congressman for 21 years and a former speaker of the Ohio House, died at 10:03 a.m. Friday at the emergency department at Blanchard Valley Hospital. He was 89.

The Findlay native's local, state and federal political career spanned five decades, from 1931 through 1972. He also was a longtime attorney.

A Republican, he was U.S. representative for Ohio's former 8th Congressional District for 11 terms—from 1951 through 1972, when he retired from the job.

Earlier, he was a member of the Ohio House of Representatives from 1937 through 1946. He was chairman of the Ohio House Judiciary Committee from 1939 through 1944, and served as speaker of the Ohio House in 1945 and 1946.

He also was Hancock County prosecutor from 1933 through 1936, and had been a special counsel for the state attorney general's office in 1931.

"Jack" Betts was born May 26, 1904 in Findlay to John E. and Elizabeth (Fisher) Betts. He married Martha Neeley on June 12, 1934, and she survives at 3309 Briarcliff Drive.

Also surviving is a daughter, Mrs. David (Nancy L.) Bowman, Buffalo, N.Y.; three grandchildren; and two brothers, Richard A. of Findlay; and Dr. Thomas F. of Deshler.

As a member of Congress, Mr. Betts was not often in the national limelight. He preferred to be a team player and referred to himself as a "back bencher." In fact, a book that he wrote about his memories of Washington, Ohio and local politics was titled, "A View From The Back Bench." The book was published in 1986.

Republicans were at a disadvantage through most of his tenure in the U.S. House. During his 21 years there, Republicans were the majority party for two years. But Mr. Betts did hold some powerful positions in the U.S. House and had a hand in some notable legislation.

He served on the House Ways and Means Committee from 1959 through 1972, and was the second-ranking Republican on that panel when he retired. He also was a member of the original House ethics committee—the Committee on Standards of Official Conduct—and was the ranking minority member of that panel during his last term.

He also served on the Joint Committee on Internal Revenue Taxation, and the Committee on Banking and Currency.

He was named House Republican Whip for both the Ohio congressional delegation and the Midwest Region in 1960. He served in both capacities for several years, then was Midwest Region Whip for three sessions of Congress.

Mr. Betts was a prime sponsor of revenue-sharing legislation. He also succeeded in expanding rural mail delivery. One of his most publicized legislative endeavors was his sponsorship in 1969 of a bill to stop the Census Bureau from requiring people to answer personal questions on Census forms. The legislation didn't make it through Congress. The Census Bureau, however, voluntarily made some of the changes sought by Mr. Betts—some questions on Census forms could be answered voluntarily.

While a congressman, he was a delegate to the NATO Parliamentary Conference held in Paris in November 1958. Mr. Betts also was a member of the Board of Visitors for the United States Military Academy in 1957. From 1960 through 1962, he was a member of the Board of Visitors for the United States Naval Academy.

The seven-county congressional district that Mr. Betts represented at the time he retired from Congress no longer exists—it was eliminated during redistricting. The district included Hancock, Erie, Crawford, Huron, Richland, Seneca and Wyandot counties.

After leaving Congress, he rejoined the Findlay law firm Betts and Betts, with his brother, Richard. He also taught government classes at the University of Findlay. In 1980 he was honored by the Ohio State Bar Association for his 50 years of law practice.

He was inducted into the Ohio Elks Association Hall of Fame in 1981, for distinguishing himself in his profession. He was a longtime member of Findlay BPOE 75.

He was a 1922 graduate of Findlay High School. He received a bachelor's degree cum laude from Kenyon College in 1926, and earned his law degree from Yale Law School in 1929. He was a member of Delta Tau Delta fraternity.

Mr. Betts received honorary law degrees from Kenyon College, Heidelberg College, Tiffin; Ohio Northern University, Ada; and the University of Findlay.

He was a member of Trinity Episcopal Church, Findlay, and was an active vestryman and lay reader in the church. He also was a member of Valley of Toledo Scottish Rite, where he held an honorary 33rd degree; Free & Accepted Masons 227; Valley of Toledo Zenobia; Knights of Pythias 85; and Odd Fellows Lodge.

Mr. Betts was an honorary member of Findlay Rotary Club, having served as its president in 1948–49. He also was a member of Sons of the American Revolution.

A funeral service will be held at 1 p.m. Wednesday at Trinity Episcopal Church, the Rev. Elden Smith officiating. Burial will be in Maple Grove Cemetery.

Visitation will be held from 2–4 and 7–9 p.m. Tuesday at Coldren-Crates Funeral Home, where Masonic rites will be held at 10 a.m. Wednesday.

Memorials may be made to Trinity Episcopal Church, to Kenyon College, or to a charity of the donor's choice.

BETTS IS MOURNED BY COLLEAGUES, FRIENDS

(By Jim Maurer)

Former Congressman Jackson Betts was fondly remembered Friday as a man who sparked a young boy's interest in government, and as a man who was admired by his peers for his hard work and dedication.

Betts, 89, of Findlay, died Friday morning at Blanchard Valley Hospital.

U.S. Rep. Michael G. Oxley, R-Findlay, said the Oxley and Betts families were longtime friends. Oxley remembered a trip he made to Washington, D.C. as a fourth grader, when Betts took him around to meet other members of the U.S. Congress.

Oxley also served as an intern in Betts' congressional office in 1965 while a junior at Miami University, Oxford. It was that experience which "sparked my desire to succeed him in Congress. I'll miss him very much," Oxley said.

"I never heard anyone say a bad word about him," Stozich said of Betts.

Local political figures also lauded Betts on Friday.

"Jack Betts, by his integrity and devotion to public service, was a continual inspiration to us in local politics. We will miss him, but we will not forget his legacy," said Ralph Russo, chairman of the Hancock County Republican Central Committee.

Charles E. "Pete" Oman, retired longtime clerk of Hancock County Common Pleas Court, who was involved in various local Republican activities over the years, said, "Certainly the community has lost one of its great political and government leaders. He was an everyday person with all people and was respected by many. He was calm and quiet, yet a knowledgeable man."

Marvin E. Monroe said he was "shocked" to hear the news of Betts' death. He had known Betts for a long time and called him "my dearest friend." Monroe served as administrative assistant for Betts.

Former President Gerald R. Ford, who served with Betts in the U.S. Congress from 1961 until Betts retired in 1972, issued a statement saying, "Congressman Jackson Betts was a longtime, very good friend who had a superb record in the U.S. House of Representatives. I had great admiration for his excellent political/legislative record."

John P. Stozich, a state legislator from Findlay from 1983–1991 before being named director of the Ohio Department of Industrial Relations, said be admired Betts and credits the former congressman with encouraging Stozich to seek a post in the state Legislature.

Stozich said one of the greatest compliments he received during his tenure in the

Legislature was from constituents "who told me 'you're just like Jack Betts was,'" because of his accessibility to the public.

Mr. NATCHER. Mr. Speaker, our former colleague, Jackson E. Betts, served with us in the House for a period of 22 years. Upon his retirement he was the second ranking member on the Ways and Means Committee.

During his service in the House of Representatives, he established an outstanding record. His capacity for loyalty and love of his country was known to all of the Members serving with him, and in every position he held, either private or public, he achieved distinction. His service in all of his assignments was marked by a high sense of conscience and duty.

Since I have been a Member of Congress, I have served with some 2,000 Members in the House and in the U.S. Senate. Jackson Betts was an outstanding Member of Congress and he was concerned about the people in this country. He believed that our children are our greatest asset and that they must be educated.

I recall, Mr. Speaker, that he always had a large bowl of buckeyes sitting on a small table in a waiting room and all of his visitors, upon leaving, would take a buckeye—just for good luck and for the Buckeye State of Ohio.

Mr. Speaker, I was sorry to hear of the death of my friend, Jackson Betts. I want to extend my deepest sympathy to the members of his family.

Mr. SPENCE. Mr. Speaker. I rise to join those who have come to honor the memory of our former colleague, Jackson Betts. I was saddened to learn of the passing of Jack on August 13. He was an outstanding Congressman, who represented the people of the old Eighth District of Ohio well.

Although I came to the House of Representatives just 2 years before Jack's retirement, I knew him to be a dedicated and able lawmaker. He was a true friend to all who had the honor of serving with him.

Mr. Speaker, my former administrative assistant, Kenneth L. Black, who recently retired after over 30 years of service in the House, was the administrative assistant to Jack Betts during his last term in office. Ken also has fond memories of Jack that he has shared with me.

Jack Betts led a life that was full of accomplishments. The people of northern Ohio benefited greatly from Jack's 22 years of representation of them.

I would like to extend my deepest sympathy to Jack's fine family.

Mr. MICHEL. Mr. Speaker, I was very sorry to learn while Congress was recessed for the summer, our good friend and former colleague, Jackson Betts of Ohio, has passed away. He and Martha were such a happy team during his tenure, when he served with such distinction on the Ways and Means Committee.

I met him first when I was but a staff member here on the Hill and it was Jack's very nature to be so friendly and accommodating to all those with whom he came in contact, regardless of whether they had equal status as a Member or served the institution of the House in some less important way.

Jack Betts was one of those bona fide conservatives of the old school and it was so appropriate that he should have served our party with such distinction as a member of the taxwriting committee of the House. He never lost sight of his roots back in Findlay, Ohio, and that conservative constituency he represented for over 20 years.

I can remember the regrets when we heard in the Cloakroom on that day when he announced that he would not run again. Here was one great fellow who was leaving voluntarily when he seemed to be so young and energetic and in the prime of his life. We hated to see him go at that time, but we know from his friends that he really enjoyed his life of retirement.

We just wanted to be numbered among those who considered Jack Betts to be one of the finest members ever to have served in the House and our life has been enriched simply by having known him. We extend to Martha and the members of his family our profound sympathy.

Mr. QUILLEN. Mr. Speaker, on August 13, a distinguished former Member of this body, Jackson Betts, passed away at the age of 89. Jack Betts was a fine lawyer, a conscientious Member of Congress, and a good friend, and he will be deeply missed by those who knew him.

Jack Betts, a Yale lawyer who still remembered his roots, was privileged to represent the Eighth Congressional District of Ohio in the House of Representatives, a district which included his home town of Findlay, where he had been born in 1904. After a career as a prosecuting attorney and a State legislator, including 2 years as speaker of the Ohio House of Representatives, he came to Congress in 1951, and shortly was placed on the Ways and Means Committee, where his expertise on tax issues was a great help to all of us.

I came to know Jack Betts best in his capacity as ranking minority member on the Committee on Standards of Official Conduct, on which I also sat. Service on the Ethics Committee is one of the most difficult tasks faced by a Member of Congress, but Jack handled this great responsibility with evenhandedness and aplomb. His experience as a prosecutor helped him keep the rights of the individual in balance with the needs of this great institution, and Jack Betts never let these duties overwhelm him.

In 1972, a combination of weariness and redistricting led Jack to retire. Upon his departure, I took over Jack's assignment as ranking member of the Committee on Standards, but I could not really replace him and his leadership, and during my service there, I tried to live up to the standard that Jack Betts had set.

All too many Members of Congress remain in the Washington area when their careers end. Jack Betts, however, never forgot who had sent him to Washington, and he spent his remaining years back home in Findlay, the town he loved. jack enjoyed an extremely productive retirement, and he was always giving back to the community. He taught college and sat as a local judge in Findlay, and he remained a highly respected local figure until his death. I was saddened to hear of his passing, but I and the others who served with Jack Betts will always take inspiration from his memory.

Mr. CRANE. Mr. Speaker, Jackson Betts will be remembered by those who served with him in this Chamber as a gentleman and an outstanding Congressman.

His enemy was big government, as might be expected of a Member who referred to himself as a country Congressman.

He used his senior position on the Ways and Means Committee to fight higher taxes for big government.

One symbol of the big government which he opposed was the census.

He was in strong opposition to the expansion of the census questionnaire to include such topics as toilets, television sets, shared bathrooms, and income from alimony. He felt those subjects had nothing whatsoever to do with the census which was designed by the Nation's Founding Fathers to take the count of the Nation's population for the purpose of reapportioning Congress. He wanted the Census Bureau to ask only the same questions as those in the first census.

Big government was too big to defeat in this battle, although he was successful in repealing a section of the law which provided a jail term for those who refused to answer census questions.

He was first elected to Congress in 1950 and served for 22 years. Prior to moving to Congress, he won elections as Hancock County prosecuting attorney, and to the Ohio House of Representatives. He served as speaker of the Ohio House of Representatives in 1945 and 1946.

It was the symbol of his enemy—the census—which led to the end of the congressional career of Jackson Betts. The Ohio congressional reapportionment that followed the 1970 census eliminated his district, and he decided against running for reelection.

Jackson Betts will be remembered as a Member who served his Nation and his northern Ohio constituents well for over two decades. We extend our sympathy to his wife of almost 60 years, Martha.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore (Mr. JOHNSON of South Dakota). Is there objection to the request of the gentleman from Ohio?

There was no objection.

UPDATE ON NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Mr. Speaker, I am here once again this afternoon to talk about the proposed North American Free-Trade Agreement.

To be honest, Mr. Speaker, the longer this debate goes on and the more I listen to the arguments of the people in favor of this treaty, I cannot help but think of the story of those two brothers who went up to the wilds of Canada to hunt moose. They hunted for a week, and each of them bagged one moose. When the pilot landed in order to take them home, he saw the gear and the moose and said, "I can't pull you guys out of here with all that stuff; the load would be too heavy." One of the brothers said, "I don't understand. Last year each of us bagged a moose and the pilot loaded everything."

On reflection, the pilot said, "Well, I guess if you did it last year, we can do it again this year." So they loaded the plane. It moved slowly across the lake over the trees toward the mountains, but it was too heavy and crashed into the mountains.

Luckily, no one was hurt. As they crawled out of the wreckage, one of the brothers asked, "Where are we?" And the other brother looked around and said, "Oh, we are about a mile farther than we got last year."

The point is the brothers did not give the pilot all the information he needed, and the plane crashed. And as far as I can see, NAFTA supporters are conveniently ignoring some simple truths because they know that the public, if it knows all the facts, the agreement will crash. But it is too late, because the public has already caught on to them. They know NAFTA is bad for America, and they are lining up against it.

It is a bad deal for workers in America and in Mexico, was put together by the corporate elite on both sides of the border, and is not in our interests to move forward.

The public knows that Mexico has lax environmental laws, virtually no health and safety laws enforced; corrupt judicial system, and a minimum wage that pays 58 cents an hour, beckoning American companies to move across the borders.

This ad and others like it by the Mexican Government are running in trade publications all across the country, or had been running until this April. If you cannot read it, I will read it for you. It says, "I can't find a good, loyal worker for a dollar an hour within a thousand miles of here." The ad goes to say, "Come down to Mexico, where wages and benefits are less than $1 an hour, where you can save $15,000 per worker if you locate down here." Then it gives you a number to call.

We called the number, and of course we found out that they are flooded with calls. Companies are not going to stay in this country when they can pay 50 cents an hour or $1 an hour or $2 an hour and not have to worry about tariffs, not have to worry about nationalization problems, not have to worry about labor standards, not have to worry about environmental standards. They are going, they are poised to go.

It does not take a genius to figure out that if you are going to give companies this choice, they are going to make it and they are going to leave.

But that is not really why I am here talking tonight. I want to talk about NAFTA with a different angle, a different approach. Last week I talked about some of the information that NAFTA supporters do not like to talk about. I talked specifically about how corrupt the Mexican political system is and about how Mexico's society is rife with restrictions on freedom and marked by violations of human rights. And I talked about how justice is denied, how poverty is enforced by an agreement between government, government-run labor and business, and how persons and property are not safe in Mexico.

I mentioned, for instance, that in the past 5 years 52 members of the opposition political party in Mexico had been killed. Imagine how we would react if 52 opposition leaders had been assassinated since 1988.

I talked about how 26 journalists had been killed in Mexico since 1988, like Manuel Buendia, who had been an outspoken critic for 38 years, fighting political corruption in Mexico, fatally shot four times while entering a garage near his office.

I could go on and on and on and talk about the corruption that is rife. These are the facts, Mr. Speaker. And if the people of Mexico cannot trust their own government to do right by them, then how can we trust them to keep their word?

Supporters of NAFTA say, "Oh, no, the system in Mexico has changed. That might have happened before, but it doesn't happen anymore. There is no corruption in Mexico anymore." And I say tell that to Father Romo, a Catholic priest, a member of the Center for Human Rights in Chiapas, Mexico.

Earlier today he came into my office to tell me a story and met with some other Members of Congress, about two world farmers. One night not long ago, these two farmers were minding their own business, when the Mexican state police burst into their home, without a warrant, arbitrarily arrested them and put them in jail.

They stayed in jail until a few days later when the two were dragged from their prison cells in the middle of the night, dragged down to a nearby river, tortured by state police, nearly drowned, and forced to sign confessions for crimes they did not commit.

Again, I was told this story just today. That is just what has always happened in Mexico and what is happening today. It is no wonder that Amnesty International, a recognized, respected human rights organization, cited Mexico for widespread use of torture by law enforcement agents.

□ 1600

It is a monument to the violation of human rights. If that story is not enough for you, you should have been in my office earlier in the week when I met with a constituent of mine named John Winterhalter who lives with his wife and two sons in Romeo, MI. John is a business agent for Machinists Local 48 in Warren, MI. Last Tuesday, John was in southern California at a conference. Last Tuesday about 40 trade unionists took time out from the conference and took a bus stop to Mexico to tour one of the maquiladora facilities at Tijuana.

For those of you who are not aware of it, these are huge facilities, 80 percent of them owned by American corporations. They pay anywhere between 58 cents an hour and $1½ an hour. They have polluted the environment down there. They have kept people in low wages without decent working conditions. It is a deplorable situation that we have engaged in through our corporations since the late 1960's.

The group included a Maryland State legislator named John Jeffries, who is the Chair of the Maryland General Assembly black caucus.

As I pointed out last week, these trade unionists were in Tijuana for not more than a few hours when they were detained by police for over 3½ hours. The group was detained in a fenced area. They were isolated and were not allowed to make phone calls, not even to the American consulate. Every person on the bus was asked to show identification, including addresses and ages. At first they were not told why they were being detained. Then they were told they needed a special visa to enter the maquiladora zone, even though no such requirement exists in Mexican law.

Then they were told their violation was simply discussing internal working conditions with Mexican workers. That is understandable, because they are treated like dogs, exposed to pollution, and they work under horrendous conditions.

About 80 percent of the corporations down there, as I mention, are American.

Before releasing these machinists, the Mexican police admitted that they detained the bus at the request of the maquiladora factory which was Carlyle Plastics, which is headquartered in Boston, MA.

The situation in this maquiladora zone is just one example of what we can expect to find throughout Mexico if NAFTA is passed.

Workers in Mexico are not free, and to pretend that they are, as some of the great newspapers in our country and editorial writers to fantasize that they are is complete hogwash. The audacity for them to get up and to write and to speak and to criticize us who are making this fight, when 26 of their own journalists have been murdered since 1988. Have they no sense of responsibility to their own?

The workers in Mexico are not free. The bottom line is you cannot have free trade with a country that is not free.

Mario Vargas Lose, the great Peruvian writer, candidate for President in Peru, winner of many distinguished international awards for writing, wrote that Mexico is the perfect dictatorship because it has the guise of democracy, but they do not let people participate.

Anyone concerned about the lives and the future of workers in the United States, Canada, or Mexico, should not ignore the ugly reality of Mexico's policies today. NAFTA supporters claim that Mexico has changed the political system, but it is clear that they have not. It is clear they have just gone on with their corrupt ways.

I think of that fact. It goes a long way toward explaining this newspaper story that appeared in the San Diego Union Tribune of September 16.

As you know, Mr. Speaker, San Diego is on the border of Mexico.

The headline reads, "Asylum Pleas Flood INS. Huge Surge In Mexican Applications Causes Concern, May Imperil NAFTA."

The story says that officials of the Immigration and Naturalization Service said yesterday that they were staggered when they recently noticed a worrisome and unexpected trend, the explosion in the number of Mexicans seeking asylum here, based on claims that they fear political persecution in their homeland.

"Last year 614 Mexicans requested political asylum. Already this year this number has reached 5,400 and now coming in at a rate of 1,000 a month," said Gregg Beyer, who oversees this asylum program.

Mr. Speaker, if Mexico is supposedly doing such a good job of cleaning up its act and reforming its political system, why are so many fleeing the country? Would you not expect them to stay and work at home?

And is it their fault? The Mexican people are not the problem. They are honest. They are hard working. They want and deserve the same thing that families in Michigan and all across America want and deserve, but they are suffering under a political system that makes them suspicious of authority in spite of their own honesty, a system that asks them to have hope for the future, but then dashes that hope at every turn, at the bargaining table, in judicial hearings, in attempts to clean up their polluted environment.

No, Mr. Speaker, the Mexican people are not the problem. They are good. They are skilled. They are productive. They want changes for their families like we do.

The enemy is the decades of entrenchment that have corrupted a single party system and officials who would allow that corruption to poison nearly every element in public life. It is an enemy that can only be defeated by decades of contentious reform.

Thankfully, there are people in Mexico like Father Romo who are trying to reform the judicial system, trying to improve human rights, trying to organize independent labor unions so that workers' standards of living can rise.

There are those who claim that Mexico's stability depends on NAFTA. They are dead wrong. To the contrary, NAFTA will lock into place the people who are now in charge and policies that exploit their own people. It institutionalizes and codifies the injustice that is crippling Mexico today and it will accelerate the economic damage that is being done to Mexico, the United States, and Canada today.

Now, when the countries of Europe launched an effort to build an economic unified market, they developed certain standards of democracy. They developed certain standards to reach in terms of standard of living before a country could join. Portugal, Spain, Greece, and now Turkey have had to increase their standards to meet the European standard in democratization, in the standard of living. They have worked in the European community for 45 years to put this together. They have spent over the last 4 years $100 billion getting ready for it.

We, on the other hand, are trying to do this in 3 years with a situation that clearly spells out the difference in our economies. Our wage differential with Mexico is anywhere from 8 to 12 to 1, depending on who you read or believe. In Europe, it is like 2 or 3 or 4 to 1.

We have got a long way to go, but we must do what we can to bridge our gaps. This agreement will not do it.

Our future is linked to the people of Mexico, but we must be on the side of those who are fighting for democratic reform and for a decent standard of living, for the people on both sides of the border.

My bottom line on Mexican trade is this. If we are going to have an agreement with Mexico, it should be one that raises their standard to our levels, not lowers our standards to their level. Only then can we compete on the quality of the product and not on the misery and the suffering of the people.

Too many people in this country have fought hard at the bargaining table for labor union rights, for consumer rights, for protection of our air, our water and our land, to throw all that away on an agreement that was conceived and trying to implement in 2 to 3 years with a Government that has not treated its people fairly or democratically.

So, Mr. Speaker, I ask my colleagues today to look at all these important questions, the wage question, the environmental question, the human rights question. They are all part of what makes this agreement critical to our future, but lacking in its substance to make the difference that we all desire.

Mr. Speaker, I yield to my distinguished friend, the gentleman from Ohio [Mr. BROWN], who has been a stalwart on this issue.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Macomb County, MI, for the leadership he has shown. There is no one in this House of Representatives who has done more to defeat NAFTA. There is no one in this entire Congress who has worked harder on this as the gentleman from Michigan [Mr. BONIOR] has said, we need to look at who are the winners in NAFTA and who are the losers in NAFTA, who gains from NAFTA, who will be hurt in NAFTA.

It is clear that the people that gain from NAFTA are basically three groups: the Mexican Government, and the 36 families who control 50 percent of the wealth in Mexico, those 36 families are the big winners in NAFTA. Those 36 families run the government. Those 36 families are the reason for the corruption in Mexico, of many of the political deaths and problems in Mexico, the fact that it is a society with some very, very wealthy people and the rest of society, almost the entire rest of society is very, very poor. They gain from NAFTA in a big, big way.

The second group of people who benefit from NAFTA are American lobbyists. There are literally hundreds of people lobbying for NAFTA in this U.S. Congress who are paid by the Mexican Government.

☐ 1610

The Mexican Government has spent at least, as the gentleman from Michigan [Mr. BONIOR] said, and my friend, the gentlewoman from Connecticut [Ms. DELAURO], the gentleman from Michigan [Mr. STUPAK], and the gentleman from Vermont [Mr. SANDERS] who have joined us here today are saying the Mexican Government has spent already at least $30 million to convince us in Congress that NAFTA is a great thing for the American people. Never in history has a foreign government spent that kind of money, or a foreign interest spent that kind of money, to convince the elected officials in another country that they should do something for the good of that country.

Those lobbyists have produced things like this, a very slick North American free trade kind of set of brochures. Something was dropped off at my office about an hour and a half ago, although it is dropped off, it seems, at least once a day, something like this. They also have this very slick, and the gentleman from Michigan [Mr. STUPAK] and I were talking a minute ago wishing that we had the money to produce things like this: "Partners in Trade in North American Free Trade Zone," more kind of material, propaganda, to convince us.

They also dropped off, and I will not read the name of the lobbying firm, but they also dropped off a statement required to be filed with any material they send out saying that such and such a lobbyist located at such and such an address in Washington has registered as a foreign agent pursuant to the Foreign Agents Registration Act of 1938 with the Department of Justice, FARA, as an agent of the Mexican Embassy free-trade office.

In this country, when people are hired that are American citizens to lobby against American interests on behalf of foreign governments, we used to call that treason. Today we simply call it business as usual.

The third group that is a big gainer from NAFTA is corporate America. The top people in corporate America, the big stockholders, they will make money from NAFTA because they will go and hire Mexicans at low wages, evade environmental laws, run around labor laws, child labor laws, other kinds of occupational safety laws, avoid them, be able to make products cheaper, still sell them to American consumers at the same prices which they have already done according to what has happened in the last 10 years in Mexico.

Briefly, the major two losers under this agreement are American workers who, not only have lost 500,000 jobs to Mexico, but also have had their wages depressed because employer, after employer, after employer in this country are saying now, and will continue to say in a more accelerated way, Hey, if you don't give back a dollar an hour, we are just going to pull up stakes and move to Mexico. So, American workers that have been fortunate enough not to lose their jobs often are having their wages depressed, or at least stagnated, because of the threat of the NAFTA and threat of going to Mexico.

The other major loser in NAFTA is simply the American taxpayer. This is a $50 billion new Government program. We cannot on this House floor sometimes pass a $2 billion program to extend unemployment corporation benefits to our people. We could not because of opposition of a lot of people that are for NAFTA, could not just pass a $16 billion program for public works to stimulate the economy for job training, for education for our workers. Instead we want to pass a $50 billion program for Mexico so that we can build more bridges and highways, and clean up the environment along the border, and lose tariff dollars and all the kinds of things that Mexico, that this trade agreement with Mexico, is going to cost us.

A $50 billion new program is one of the hoaxes of NAFTA that we are going to put on the American people. We have got to say no to this NAFTA.

I thank the gentleman from Michigan [Mr. BONIOR] for yielding.

Mr. BONIOR. I thank the gentleman from Ohio [Mr. BROWN], and, before I yield to my colleague from Connecticut, if I could suggest, you know, the other side will argue, you know, well, this is going to cost $50 or $40 billion for road repairs and bridge repairs so we can move the commodities by the improved infrastructure. It is going to cost money to clean up the environment along the border, as the gentleman mentioned. It is going to cost money to retrain our workers. They readily agree it is going to cost tens of billions of dollars, but then they say, But you don't have to worry about that because the products that we will be making here and selling to Mexicans will make up for that.

What the fallacy in that argument is is that the trade that we do with Mexico does not reach the Mexican consumer. If we look at the $5 billion trade surplus that we have with Mexico today, 85 percent of it, 85 percent of it, is either parts made here, shipped across the border for assemblage, brought right back over here the next day or the next week to be sold here. Never gets into the consumer's hands in Mexico. That is 64 percent of what happens. The other 20 to 21 percent, or 24 percent, goes to the construction of new factories or equipment in those factories, so, when we look at that number about how trade has increased, we have got to look at what they are talking about, and it is basically our jobs that are being exported.

Mr. BROWN of Ohio. Mr. Speaker, if the gentleman would yield before the gentlewoman from Connecticut [Ms. DELAURO] talks, some people have characterized that as industrial tourism where American products go down to Mexico, and we call that an export so that Mexican workers, underpaid, in terrible work conditions, with no environmental regulations, can assemble that. So, those parts just go to Mexico sort of as tourists for a few days until they are shipped back to the United States so that we lose jobs, American companies make more money at the expense of Mexican workers, do not pass those savings on to American consumers, and the Mexican workers lose, American workers lose.

It is simply a bad deal.

Mr. BONIOR. One other point: the numbers game. We are going to hear a lot about the numbers game. Here is how it is going to create jobs. Let me give my colleagues an example of how they are misusing the numbers, the opposite side.

A factory in upstate New York makes typewriters. They decide they can make them for a lot cheaper, so they go down to Mexico and make them instead of paying their workers $12, $14, $15 an hour. They go down there, and they pay them a buck an hour. While they are in New York there are maybe 3,000 workers who feed into that factory from small shops. The factories then move down to Mexico so they are feeding Mexico with these parts out of these small shops. Our Government counts those 3,000 workers as job creators because of the new trade with Mexico. That is how crazy and absurd this all gets in terms of the numbers being used against us

Mr. Speaker, I yield to the gentlewoman from Connecticut [Ms. DELAURO] who has been just a tiger on this issue.

Ms. DELAURO. Mr. Speaker, I want to thank my colleague and the majority whip for yielding to me at this time and I also for being a part of this debate with other of my colleagues on the floor this evening.

Mr. Speaker, I also want to thank him for his calm and reasoned voice in this tumultuous debate on NAFTA. Few issues that we address here provoke such passion and are the targets of such distortion.

Through all of the strident rhetoric we have been fortunate to have the measured tones of Mr. BONIOR bring reason to the debate. His regular special orders have been a source of excellent information on NAFTA, and I applaud him for his outstanding efforts.

One of the largely unexamined issues regarding NAFTA has been the costs associated with implementing the agreement. I don't need to remind those in this Chamber and those watching these proceedings that we have recently been through a grueling fight to reduce the budget deficit by nearly $500 billion over 5 years. We fought hard for each dollar of the $255 billion in cuts contained in this agreement.

This is a critical point because in order to maintain those cuts, and keep our commitment to deficit reduction, we cannot pay for any new programs unless we cut existing ones. Yet NAFTA represents a host of new costs and revenue losses to the Federal government that could jeopardize the fragile progress we are making on reducing the deficit.

First, there are the lost revenues. Estimates are that the total number of lost tariffs to the U.S. Government is between $2 billion and $3 billion annually—nearly enough to pay for the entire Head Start Program.

Other losses, less easy to calculate, include lost corporate tax revenues as United States businesses move to Mexico, attracted by the tremendously lower wages and benefits they are able to pay Mexican workers and the lax environmental standards with which they have to comply.

Another potential loss will be income tax revenues. Unemployed workers can't pay income tax, and hundreds of thousands of workers will lose their jobs as a result of NAFTA no matter whose economic model you use. This cannot be dismissed simply as idle speculation, either. In testimony before the House Budget Committee, the former Premier of British Columbia said that, as a result of the Canada-United States Free-Trade Agreement and the transfer of Canadian jobs to the United States and Mexico, "The tax base in many * * * Canadian towns and cities has eroded, resulting in jeopardized municipal and social services."

That should be a sobering message to those of us who have seen Federal aid in this country to cities and towns in our districts shrink tremendously over the past decade, helping push towns like Bridgeport in my State of Connecticut into bankruptcy.

A tragic sidelight of all this is that many small towns in rural America may simply wither and die. For example, the NAFTA agreement will hit the apparel and textile industries especially hard, according to a recent article in the Journal of Interamerican Studies. These are two of the largest manufacturing industries in the United States, with combined employment of almost 2 million workers, many of them women and minorities. And for many rural communities the local textile or apparel plant is the primary employer. Yet NAFTA could result in the loss of half the total employment in the apparel industry in the first 5 years.

How do we calculate this loss—the cost of moving much of rural America to this country's economic outskirts?

But suppose we can at least help the workers displaced as apparel and textile mills close and manufacturing jobs are moved to Mexico. Estimates are that between 112,000 and more than half a million Americans could lose their jobs. Consider that after the United States-Canada Free-Trade Agreement—an agreement between two relatively similar countries—Canada lost 23 percent of all its manufacturing employment—more than 460,000 jobs, with 65 percent of the plants that closed shutting their doors permanently.

First, there will be the costs of unemployment assistance. Shortly we will begin to debate a bill to extend unemployment benefits here at home where many States are still suffering from the recession. In Connecticut alone, we have lost more than 180,000 jobs over the past 4 years, and unemployment benefits are necessary just to keep hardworking men and women going from day to day.

Just today, Mr. Speaker, I received a note from seven people in my district opposing NAFTA. Ranging in age from 37 to 72, they are, for the first time in their lives, unemployed. We will have to help them, and many more like them, under NAFTA.

So far we have spent $6.2 billion in fiscal year 1993 and fiscal year 1994, and a new bill will commit us to another $1.1 billion. Consider the additional funds we will have to spend as both skilled and semi-skilled workers lose their jobs to the lure of low Mexican wages.

Second, many promises have been made to retrain workers who have lost their jobs because of NAFTA. Worker retraining is expensive and will require substantial Federal investment—nearly $1.7 billion according to Clinton administration estimates and $2 billion for 1994 alone according to the Congressional Budget Office.

The European Community has raised massive funds to help individuals hurt by European economic integration—spending about $2.5 billion each year on education and training.

These are not all the costs by any means. There are the costs of the massive environmental cleanup necessary, estimated at about $3 billion; $15 to $20 billion for building the border infrastructure according to our Commerce Secretary; and money required by border States including Texas which has said it will request $10 billion from the Federal Government.

Mr. Speaker, we cannot afford this NAFTA now. We have a fragile economy, just recovering from a devastating recession. We have millions unemployed. We have a huge budget deficit. Neither my State, nor the other 50 States in this country, nor the hard working men and women of the United States can afford this NAFTA.

☐ 1620

Mr. BONIOR. Reclaiming my time, there was a study done under the Bush administration and the Commerce Department that was reported in the National Journal, a very respected publication in this town, that was kept under wraps. We have never seen it. But that study indicated that we will lose 40 percent of our auto, steel, apparel, and textile jobs. Forty percent.

That will not only devastate those people and those families, but those whole communities that depend upon those jobs. So the gentlewoman is absolutely correct.

Before I yield to the gentleman from Michigan [Mr. STUPAK], my good friend who has been a real champion for workers, I would like to add a little flavor. So people know that this is not a Democratic issue, we have Republicans and Independents on the House floor who feel strongly about this issue.

Before I yield to my friend from California, I will yield to my friend from Vermont [Mr. SANDERS]. That shows you the geographical distribution of opposition to NAFTA.

Mr. SANDERS. I want to thank the whip for yielding, and to say to him personally that the leadership role that he is playing now in standing up for the average working person in this country is what the American people are crying out for and are demanding this Congress begin to do. The reason that our institution is held in so low esteem is people perceive, quite correctly, that this institution time after time comes out on the side of the wealthy and the powerful, and we ignore the millions of people who are unemployed, who are seeing their standard of living decline. It is about time that some of us, and it is nice to see a Republican ally here, and it is nice to see at least one Member of the leadership, begin to stand up forcefully on the issue, that we come together and protect the American workers.

I will be brief. What I want to say is that I think the issue of NAFTA should be placed within the context of what is happening in the American economy today.

There is a huge story out there which CBS is not reporting, which is not discussed terribly often in this institution or in the White House. And let me be very frank and tell you what it is. That is that day by day, the United States of America is evolving into a Third World economy, run by an oligarchic elite. That may sound strong to some people. I think that is the reality.

What NAFTA is about is an acceleration of that process. What has been going on in this country is that today we rank 13th in the world in terms of the wages and benefits our workers receive. Twenty years ago we were No. 1. What the NAFTA process is about is saying to American workers, you are making seven bucks an hour now, you are making eight bucks an hour now. Do you think that is good? Why do you think that you deserve eight dollars an hour, when there are people in Mexico who are working for a minimum wage of 58 cents an hour, working for a buck an hour, for two bucks an hour? What makes you think you deserve eight dollars an hour?

You are getting health care benefits. Health care benefits? In Mexico they do not get health care benefits. Start taking a cut.

So instead of us looking to Europe, to Germany, where workers are now working 35 hours a week, where workers make 25 percent more than our workers, what we are doing is looking to Mexico, where very, very desperate people are being forced to work for starvation wages.

That is what this whole process is about. It is not to raise the wages of the workers in Mexico; it is to lower our wages, to force us to compete against a very, very desperate people.

Let me simply conclude, and I have to admit there is an irony here, and I know the gentleman from Michigan [Mr. BONIOR] is familiar with this issue. You remember some years ago when the U.S. Government was pouring millions and millions of dollars into the war against the people of Nicaragua and supporting the Contras. The fight that Mr. Reagan and his friends were fighting was a fight for democracy. Remember that?

Nicaragua was just not democratic enough for Mr. Reagan. We had to kill 30,000 people there.

Lo and behold, we do not hear much about the issue of democracy as we attempt to merge our economy with Mexico. It is widely known that President

Salinas was elected in an undemocratic election. There was massive vote fraud. It is widely known that virtually every state election that takes place in Mexico is fraudulent.

Where are the front page stories on the New York Times? Gee, I must have missed them.

I guess in Nicaragua we were concerned, but not in Mexico. You have, as the gentleman from Ohio [Mr. BROWN] just mentioned a moment ago, a Mexican economy and government run by 25 or 30 extremely wealthy people. You have a government that has not lost an election since the 1920's. Everybody knows why they do not lose elections; because they are all fraudulent.

Let me conclude by simply saying this: If NAFTA passes, and many of us are working day and night to see that it does not, it will simply accelerate the process by which our working people become poorer and our multinationals and wealthy people become wealthier. For the sake of the vast majority of our people, the Members of this body have got to come together and defeat this NAFTA.

Mr. BONIOR. I thank the gentleman from Vermont [Mr. SANDERS] for his eloquent and passionate remarks and his fight for justice on this issue.

I yield now to my friend, the gentleman from California [Mr. HUNTER], a member of the Republican leadership.

☐ 1630

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding to me.

I have to say that following the remarks of the gentleman from Vermont [Mr. SANDERS], I guess it can truly be illustrated that a number of us oppose this ill-constructed agreement for different reasons, because I have to take exception to my colleague with respect to the Reagan government and the Reagan policy, which I think brought freedom to the four nations of Central America, which were military dictatorships.

When I became a Member of Congress in 1980, Nicaragua, in Salvador and Honduras and Guatemala, and the gentleman, the leader, a member of the Democrat leadership knows that we have had differences of opinion on this issue, but I think that it is important to look to the common ground on the issue before us, which is NAFTA, and particularly, to look to the facts upon which this agreement is based.

Those facts, which the gentleman has described, with respect to the phony figures, the $40 billion figure that we consistently hear from Mr. Kantor, which is a figure that gives smoke and mirrors a bad name.

I wrote a letter to Mr. Kantor about halfway through this ongoing debate, and on the Republican side, we have held now some 6 debates in the Research Committee on NAFTA, with the strongest proponents and the strongest opponents. And it was my understanding that about 34.7 percent of these components were, of the $40 billion in exports to Mexico—exports to Mexico—that are touted by Mr. Kantor, about 34 percent of those exports are in reality simply components that are made in the United States, shipped to Mexico for completion or for assembly with other components, and then put on a bus, doing a U-turn, never reaching the Mexican market, coming right back to the same Americans who made them for sale.

That means that if this little podium I am standing at right now, if you took this and made it in Washington, DC, for $100, shipped it to Tijuana on a bus to be sanded and varnished for $10 and then put it back on the same bus and took it back here to Washington, DC, to sell to the U.S. Congress, when this podium on the bus crossed the international line at Tijuana, Mr. Kantor would call this a $100 export to Mexico. After being sanded and varnished for $10, put back on the bus and sent back to Washington, DC, it would be called a $110 export from Mexico to the United States.

My question to one of his assistants was, "Why don't we just waggle the bus on the international border five times and we can make Mexico our biggest trading partner?"

So that is absolutely a phony statistic. It is not a true export.

If you pull that out, as the gentleman has suggested, out of the $40 billion, you see that you have over 50 percent of the so-called exports to Mexico represented in capital goods. And what are those capital goods?

The capital goods are the equipment, the machinery, the tooling that is being shipped south as plants leave the United States and go to Mexico.

Mr. BONIOR. They are high-technology plants, too.

Mr. HUNTER. Absolutely. I want to address the high-technology aspect, if I can for 1 minute. They are high-technology plants.

An experiment was done, I think it is ironic that the NAFTA opponents, Democrat and Republican, who oppose NAFTA have the most respect for the productivity of the Mexican worker.

Mr. BONIOR. The Mexican workers are very productive.

Mr. HUNTER. They are very productive. And the Ford plant at Hermosillo has shown that when they have good training and when they have good equipment, which they are being given, and they have good middle level management, they turn out a high quality product for a very low hourly wage.'

So the Hermosillo plant, Ford plant, ranks 6 out of 46 auto assembly plants in North America, according to J.D. Powers & Associates. And yet the workers are working for about $2.38 an hour. There is no reason these experiments, having been done by the Big Three, there is no reason why a much larger piece of America's auto manufacturing base will not move to Mexico unless we protect American workers and, I might add, American business.

I thought that Henry Ford made a great statement in the 1930's when he was asked, why are you paying your people so much? It is a Depression. You could get by with a lot less.

And he said, "I pay my workers well because I want them to be able to buy my products."

I think there are a lot of conservative Republican American businessmen, Republican and Democrat businessmen, who realize that.

This advertisement that the whip has to his right, "Where can I find good workers for a buck an hour? Yes, you can, in Yucatan," by the Mexican Government, is the politics of abandonment.

We have had some bitter fights between labor and management, between liberals and conservatives, between Democrats and Republicans. But we have managed to weather those battles. We have managed to build a middle class in America.

My answer to NAFTA is, why do we not make America investment-friendly?

I might say that I have had some discussions with the majority whip and a number of people on the other side of the aisle to talk about making America investment-friendly and business-friendly. But the answer is not to go to Mexico.

I thank the gentleman for yielding time to me.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his contribution.

Mr. Speaker, I now yield to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, many people acknowledge that the NAFTA agreement will result in a loss of low-skilled American jobs. But they argue that in the long run, it will create more high-skilled jobs in America and a strengthened economy.

A number of my constituents have raised this issue with me. I would like the gentleman's response.

Mr. BONIOR. First of all, let me say that the perception that the only jobs that will be going to Mexico are low-skilled, low-paying jobs is erroneous. What is going on right now, Harley Shakin, a professor at the University of California who has written extensively about Mexican-United States relations, industrial relations, in particular, and who has written several books and is a known expert on this, has indicated that we are shipping high-technology plants down to Mexico at an accelerated rate.

The Hermosillo auto plant that the gentleman from California [Mr. HUNTER] mentioned was just one of them. There are many others, high-technology facilities, that are going to take good-paying jobs from America.

I have a number of my constituents who work in the auto industry. In fact, I have one of the highest percentages of auto workers of any place in the country. I have seen whole sections of auto plants, whole plants in my district move down to Mexico and good-paying jobs leave this country to be established there, high-technology jobs.

Then, of course, they pay very low wages down there. But as we have mentioned, they are very good in high productivity.

The other part of the gentlewoman's question deserves an answer. And that is, they will be able to purchase products here, because they will be making wages that will enable them to purchase American consumer products. And we will be able to produce those products for the Mexican market.

The fallacy with that argument is that the Mexican Government has had, in collusion with the government-run labor unions, has had, and businesses, has had a policy of low wages. Wages for Mexican workers are lower now than they were in 1979, real wages, lower than they were in 1979.

They had an upturn in 1987, because they were at the depth of their recession/depression. And they had nowhere to go.

If you devalued the peso, their wages, which will eventually happen very soon, were much, much lower.

Mr. BROWN of Ohio. Mr. Speaker, if the gentleman will continue to yield, I would add that not only have wages gone down in Mexico, the major thrust of the pro-NAFTA people is wages are going to go up in Mexico. The middle class is going to grow. They are going to buy our cars. They are going to buy all of our products.

But the fact is, they can barely afford to buy a spark plug, let alone a car. The issue is wages.

Since 1980, wages dropped 32 percent in Mexico. They have gone down 32 percent since 1980. At the same time, productivity per worker in Mexico has gone up 40 percent.

In a free society, as wages go up, so does productivity. They shadow one another within a point or two.

But in Mexico, because of what the majority whip, the gentleman from Michigan [Mr. BONIOR] has said, and what the gentleman from Michigan [Mr. STUPAK] and others have said, and the gentlewoman from Ohio [Ms. KAPTUR] over the last few months, is that wages are kept down by the Government.

There will be no middle class formed under the Free Trade Agreement the way it is negotiated now. Mexican workers are not paid enough. Their wages will not go up. They will produce more and more and compete, and frankly, take American jobs. And we are all the losers, except for the wealthy families in Mexico and the large corporate interests in this country that have exploited workers all along in Mexico.

☐ 1640

Mr. BONIOR. I thank my colleagues. Just to reemphasize the number that the gentleman has mentioned, 32 percent in wages has declined since 1979. Those are not just numbers we are picking out of the air. Those are numbers that came from the Mexican Government's National Institute of Statistics, and corroborated by our own Bureau of Labor Statistics.

I yield again to my friend, the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, again, it is a pleasure to join my colleagues from California, Vermont, Ohio, and, of course, Michigan as we once again come to the House floor in our united opposition to NAFTA.

Throughout the weeks we have discussed NAFTA and our reasons to oppose it. We have spoken a lot of Europe, and what has happened over there. Now they have the European Community, their free trading bloc, if you will. But you have to look back at the history of the European free trading bloc. You have to go back to about 1956, when they started what was then called the Common Market, as I knew it as I was growing up in northern Michigan. That was 1956, and probably some 35, 37 years later they have evolved into this European Community, a free trading bloc.

When we saw that, there has been this rush to adopt this so-called North American Free Trade Agreement. If we look at the European Community and what they have learned over 40 years, however, almost 40 years now, it is much of what the gentleman from California [Mr. HUNTER] said. You do not abandon your own workers, you do not abandon your standard of living, you do not abandon your good-paying jobs.

What has the European Community said to the Eastern bloc countries as they have applied for application into this large European trading bloc. Those Eastern bloc countries, like Hungary, former Czechoslovakia, which is now the Republic of Slovakia, and the Czech Republic, Poland and Austria? What did they say? They said to them, "Once you raise your standard of living, once you raise the wages of your workers, once you have more political stability in your country, and when you have or begin your environmental clean-up, we will then consider you for application into our trading bloc."

But we have not done that. We have said to Canada, and we have a free trade agreement, and we had for some time, "Your culture is similar to ours. Your economy is similar to ours. Your environmental concerns, especially with the Great Lakes, are very similar to ours." Therefore, we have a free trade agreement with Canada.

"Why, then, would we bring in Mexico, where the average wage is less than $1? Why would we bring them in when they have horrendous environmental problems, as the gentleman from California [Mr. FILNER] said last week when he testified they were dumping 50-million gallons of raw sewage into southern California from Tijuana? Why would we allow that country to become a trading block with us?

Mr. BONIOR. I would say to the gentleman on that point, it is absolutely amazing to me. It shows us the insensitivity of the Mexican Government. Here they are in the process of trying to convince us, okay, that they are going to clean up their act on the environment, and they are dumping 30-million gallons of raw sewage, as I understand it, into San Diego, into the waters, into the area that is represented so very well by the gentleman from California, BOB FILNER.

It is that type of insensitivity. And when we look at the side agreements on the environment, even the person from Mexico who negotiated that agreement, the Secretary of Commerce, I think his name is Mr. Serra Puche, he has said it is basically a meaningless—and I am paraphrasing—endeavor, because the process is so long and complicated and drawn out that it will never reach a final solution.

In fact, if the gentleman will bear with me a second, I will read him exactly what he said:

"The time frame of the process makes it very improbable that the stage of sanctions could be reached."

He defended what he called an exceedingly long dispute resolution process of the NAFTA agreement, so in essence, he is telling his own folks that, "Don't worry about it. The process is too long. We won't have to do the clean-ups that are mandated under the agreement we have."

Mr. STUPAK. If the gentleman will yield further, we should really learn from the Europeans. Their system has evolved over 40 years. It appears to be a fair and just trading bloc. We should learn from them, that as countries increase their economy, clean up their environment, and bring further stability to their government, then and only then should they be allowed to be a free-trading partner with us.

We should share in the production and the consumption of goods, and the only way we can do that is if we have an equal or closely similar economy. So as the gentleman from California [Mr. HUNTER] said, we should not abandon our economy, we should not abandon our standard of living, we should not abandon the working men and women of this country by entering into a free-trade agreement with Mexico which would only lower our standard of living and lower the wages for the working men and women of this country.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his contribution. I think he makes an excellent point in terms of how the Euorpeans have handled this in a much more complicated situation, because of all the different countries and the different standards and wages, but how they have corralled, embraced and brought into their system this divergence, and made them toe the line on two very basic points: democratization and economic stability.

I yield to the distinguished gentlewoman from Ohio [Ms. KAPTUR], who has been a real champion on this issue, as well.

Ms. KAPTUR. Mr. Speaker, I just want to thank the gentleman from Michigan [Mr. BONIOR] for his great leadership in these efforts. It is a pleasure to join late this afternoon with my colleagues, the gentleman from the State of Michigan, BART STUPAK, the gentleman from Ohio, Mr. BROWN, and also the gentlewoman from New York, Ms. MALONEY, new Members of this body who really have made a tremendous difference in this debate, because their election last November and their entry into this legislative chamber has meant that the whole dynamic of this debate has shifted, and it really says to me that voting does make a difference and that the American people can reflect their will.

With over 100 new Members here, the dynamic is certainly different than it was over the last 2 years. I want to especially thank the gentleman from Michigan [Mr. BONIOR] for his wholehearted efforts to try to shape something that will be good for all of the people of this continent.

Tonight I guess I am rather troubled in coming here to the floor, because we have been following the votes on this very closely. Tonight I wanted to talk a little bit about the lobbying that is going on behind closed doors, that is not written up a lot, but we know is happening. I wanted to talk about that tonight, as well as the statement that was made by a woman that our women's delegation met with last May, a woman from Mexico that we had the great opportunity to meet, who really begged of us that we find some alternative to this proposed agreement that she said should focus on the continent, but an agreement for development, for equity, for fairness, and for employment and decent wages.

This particular NAFTA will not do that. The gentleman from Michigan has eloquently, this evening, pointed out many reasons why. I guess what bothers me at this point is that the House's delay in sending the legislation to us as it attempts, behind closed doors, to sway Members, we now know tonight we would win this vote if it were held now, but there is tremendous lobbying going on behind closed doors, particularly, and I am going to single out the industries that are now sort of, where the votes hang in the balance with them.

I really do not think this agreement should be about any one industry, about any one State. We ought to be doing exactly what this representative from Mexico said, seeking what is right for all people of the continent, something that is fair, something that is equitable, something that helps people raise their standard of living.

I have watched as some of the interests in this agreement, and I represent part of the flat glass industry of the United States, watched that industry in particular participate in these discussions, interested largely in itself. Of course, we are interested in the jobs associated with that industry, but is it the proper position for the flat glass industry that if it achieves all that it wants for itself, that its interest should only be as narrow as itself? Or should its interest rather be the standard of living of the United States, the future hope for democracy in Mexico, and the benefit for all people of the continent? I would hope its interests would be broader than its own narrow shareholders' interests.

I look at the sugar industry, particularly the sugar beet industry, where I know some of the phone calls being made to Members in this Chamber and in the other body are coming. I say to myself, "It is important to be fair to that industry, but is that industry's interest only as narrow as its own pocketbook? Or are the people who work in that industry, the shareholders in that industry, the farmers in that industry, don't they have a larger interest than only themselves? Could they possibly have an interest in this country and in the continent, and trying to be what is right in the long term? Or are they only there for their own narrow self-interest?"

Or I look at the wheat industry, particularly the durum wheat growers of our country. If we did everything we could do for them in this agreement, would they then change their vote, simply because their own narrow interests had been satisfied?

□ 1650

Or are we here to do something more for the people of our country and the people of this continent? Or how about the citrus industry?

Mr. BONIOR. If the gentlewoman will just yield on wheat, because that is an important issue, and I think there are those of us in the Chamber who are interested in this issue as well. I happen to have a lot of sugar beet farmers in my district, and I have told them specifically: "Do not sell out the rest of the workers in this country for a deal on this issue."

There are a lot of issues that are of concern to them that come before this Congress. We have to stand together, those of us who believe in justice, and a fair price and a fair wage for people.

I want to tell people about and talk a little bit about the wheat that the gentlewoman just mentioned, because what the administration is going to try to do, or what the negotiators are going to try to do, is they are going to try to have side agreements to the side agreements, because they could not get a deal on wheat or sugar. And they are going to say to these particular representatives who represent those areas of the country that we will do a separate letter.

But I want to illustrate how dangerous that is and what a trap that is. We people were not happy with the African-Canadian trade agreement. And what happened was during those negotiations we producers were worried that the Canadian wheat would flood into the United States markets while Canada was allowed to retain many of the restrictions on imported wheat. In an exchange of letters with the Committee on Ways and Means in July, the then U.S. Trade Representative at that time, Clayton Yeutter, suggested an understanding had been reached whereby Canada would voluntarily limit its wheat exports to the United States as a condition for retaining its own import restrictions. The USTR solution sounded good on paper, as did others like it, such as on wheat prices and subsidization of wheat by the Canadian Government.

But what sounds good on paper does not always turn out to be good in practice. United States imports of Canadian wheat have skyrocketed, skyrocketed since 1988, in spite of these understandings, leaving a number of wheat producers in North Dakota, South Dakota, Minnesota, and Montana on the verge of bankruptcy.

These side agreements to side agreements are nothing but a shield to get votes, and they do not work. They historically have not worked. And I would caution my friends in both parties to be leery of deals of this nature.

Mr. Speaker, I yield back to the gentlewoman from Ohio.

Ms. KAPTUR. I thank the gentleman for that clarification. And also to move on to one other industry where we know lobbying is going on very intensely by the White House and their paid emissaries, that is, the citrus industry. I would say to people in our country involved in that industry is your obligation only to the narrow interests of your industry and your own part of the United States, or is your obligation to the future of this continent, to our people in this country, to the people of Canada, to the people of Mexico to try to shape an agreement that goes beyond whatever your own narrow self-interests might be, and to the public interest, and to a continental accord that has the hope of raising standards of living?

I am troubled by what I see happening with the amount of money that is being spent by the U.S.-NAFTA group. They have to file their lobbying disclosure forms with the Clerk of the House. Thank God we have some of those lobbying laws in place. But the amount of money that is being spent by the people who wish to move this through, and it is happening behind closed doors for the most part.

Mr. BONIOR. It is unprecedented, unprecedented.

Ms. KAPTUR. It is absolutely unprecedented. I am looking here at just one of the publications that has come out. My goodness, I have never been able to afford anything this expensive, multicolored brochure, in all of the years I have been in public life, and this is being produced by the Government of Mexico, which is supported by the 3 dozen corporations that literally own that country. To see that this kind of money is being spent to influence public opinion, or this particular publication here that the Embassy of Mexico has sent out, hiring some of the most well-known publications firms here in Washington.

Mr. BONIOR. I thank my colleagues for participating today, the gentlewoman from New York, Mrs. MALONEY, the gentlewoman from Ohio, Ms. KAPTUR, the gentleman from Ohio, Mr. SHERROD BROWN, as well as the gentleman from California, Mr. DUNCAN HUNTER, and the gentleman from Vermont, Mr. SANDERS, and the gentleman from Michigan, Mr. BART STUPAK. I thank you for your participation, and we will continue our fight.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. MALONEY] is recognized for 60 minutes.

Mrs. MALONEY. Mr. Speaker, I called this special order to declare my strong support for President Clinton's campaign finance reform package.

This package represents a historic opportunity. For 25 years, this town has danced around campaign finance reform. Now, it is time to face the music.

The President's plan is not perfect. But as Common Cause, Public Citizen, the New York Times, and the Washington Post have all pointed out, the President's plan represents a major step forward. It finally puts the public interest ahead of the special interests.

The plan would help level the playing field for challengers to compete against incumbents, who often win solely because they far outspend their opponents. Last year, despite unprecedented voter disenchantment, 96 percent of all incumbents who ran in the House of Representatives were reelected. And 90 percent of all contributions from Political Action Committees went to incumbents. This is not a coincidence. PAC's—Political Action Committees—are a legitimate source of campaign contributions, but they should not be the dominant source.

In my own race, I was outspent by a ratio of five to one. I was one of only two women this year who actually beat an incumbent.

As cochair of the freshman class task force on campaign finance reform, I am proud that the President has included all of the major reforms we recommended in our freshman reform package. The President's plan would impose an overall voluntary spending limit. It would reduce the influence of special interests by restricting total contributions from PAC's. It would provide $75,000 of public financing in the form of vouchers for campaign media to candidates who raise more than $75,000 in contributions of less than $200. That provision gives a stronger voice to the little guy who cannot make large donations.

The plan also would crack down on the stealth tactic of funneling soft money through political parties.

Many of us in the freshman class were gratified that the President included all of our positions in his outline for meaningful campaign finance reform.

To its credit, the House Democratic leadership, Speaker Foley, and majority leader DICK GEPHARDT, have been active and outspoken on this issue.

On January 5 of this year Representative SAM GEJDENSON introduced H.R. 3, the Congressional Campaign Spending Limit and Election Reform Act of 1993.

This bill is identical to the provisions of the 1992 conference report on S. 3, which passed both the House and the Senate, but was vetoed by President Bush.

H.R. 3 contains all of the principles that both the freshman class and President Clinton have called for in our respective outlines for reform.

I would like to quote the major elements of our freshman reform package:

First, overall voluntary spending limits.

Second, incentives in the form of alternative resources for candidates who accept spending limits.

Third, new restrictions on the use of soft money by barring parties from using such donations for Federal elections.

Fourth, limiting PAC contributions.

Fifth, tightening restrictions on independent expenditures.

And, last, the class called for House consideration of campaign finance reform legislation by September 30. Just last week, Speaker FOLEY pledged to the class that campaign finance reform would be considered by the House sometime before the end of October.

□ 1700

One of the problems that we confront in true campaign finance reform is how do we provide the public funding which is crucial to leveling the playing field and limiting special interest influence.

Part of the plan's funding could come from a voluntary $5 checkoff on Federal tax forms. For the average citizen the checkoff breaks down to less than 2 cents a day. The plan would ask every American, "Won't you give your 2 cents worth to clean up government forever?" And the beauty of it is, if you do not want to, you do not have to.

Funding could likewise be paid by the communication voucher approach contained in the May 7 proposal of President Clinton, Speaker FOLEY and Majority Leader GEPHARDT. This could be funded by an excise tax on all campaign contributions made to Federal candidates and federally registered tax and political parties. Contributions to these candidates, tax and political, totaled $1.5 billion during the 1991–92 election cycle. A 7 percent tax on these contributions during the 1991–92 election cycle would have raised approximately $100 million more. This would be more than enough to pay for the estimated cost of the May 7 communication vouchers.

Likewise, the communication voucher approach contained in the May 7 proposal could be funded by tightening further the repeal of the tax deduction for lobbying deductions.

The Senate Finance Committee's approach to repealing the tax deduction for lobbying would have raised substantially more revenues than the House Ways and Means Committee approach, which was adopted in the reconciliation bill.

Therefore, there may be additional revenues to be raised from the repeal of the tax deductions for lobbying that could be used to fund the communication vouchers.

At a recent meeting with business leaders in my district, one executive questioned whether campaign finance reform was really a serious concern of the American people. He insisted that reducing taxes was far more important to them; but the way campaigns are financed has a lot to do with reducing taxes. The American taxpayer will have to cough up half a trillion dollars for the S&L bailout. The S&L crisis was caused by reckless deregulation of the S&L's adopted by many Members of Congress whose campaigns were financed by S&L's. Now the American taxpayer is picking up the whopping tab.

I am proud that the President's plan was modeled in part after New York

City's campaign finance law, which I coauthored as a member of the New York City Council. That law was recently hailed by the chairman of the New York Public Interest Research Group, or NYPIRG, as the toughest and best campaign finance law in the nation.

Last fall the voters issued a mandate for change, a mandate for us in Congress to do more than protect our chances for re-election. Mr. Speaker, I hope they did not vote in vain.

Mr. COPPERSMITH. Mr. Speaker, I thank my colleagues for arranging the special order and for allowing me to join with them. Today I rise to support the campaign finance reform proposals offered by my freshman Democratic colleagues.

When my colleagues began work on reforms in general we first turned our attention to comprehensive campaign finance reform. As new Members fresh off the campaign trail, we have unique insights into the handicaps that the current system places on challengers. As we consider various reform proposals in this Congress, we need to make sure that the changes we make give us a more competitive system. True campaign finance reform will level the playing field and allow for rigorous debate of the issues.

We need to reduce the length and cost of elections. Too much of our current electoral politics center around television time and sound bites. Candidates without the ability to televise themselves face a critical disadvantage. While this handicap may aid incumbents, it poorly serves the public. Sound bites and slogans, the briefest and most perfunctory distillation of off the cuff thought, drown our reasoned discussion of the issues. We need to reverse this process, which values pictures over words, and looks over quality of the candidates.

Moreover, the current system encourages incumbents to make fundraising one of their top priorities. Policy considerations necessarily suffer as a consequence. We should not stint the good of the Nation in the need to raise funds for our expensive process of election.

We also need to reduce the influence of special interests that currently dominate the process. Whether it is PAC contributions, or a board of directors who get together and sign checks, the effect is the same. The interests of the few often prevail at the expense of all Americans, those with a special interest prevail over the general public interest.

Special interest money however it arrives turns campaigns into contests of fund raising skills instead of a healthy and informative debate of ideas and principles. If we intend to restore Americans' faith in government, we must begin by restoring confidence in the process that gives us our Congress. Comprehensive campaign finance reform is a vital step towards that goal.

I strongly support the proposals in the freshmen Democratic reform package, which include, overall voluntary spending limits on campaigns, alternative resources for candidates who accept these spending limits, PAC restrictions, elimination of soft money, and restrictions on independent expenditures by wealthy candidates.

Elections determine the future of our Nation. This package of reforms will help level the playing field and improve the quality of our political campaigns.

Mr. FARR of California. Mr. Speaker, today, I join my freshman colleagues in supporting the President's proposals for comprehensive campaign reform.

Campaign finance reform is vital. An increasingly impatient public wants and deserves reform of the electoral system.

The public sees Washington as a place where special interests get special treatment—where lawmakers are too dependent on special interests for help in getting elected to make good policy decisions.

During my campaign for Congress, I pledged to make the system fairer, more open and more responsive to the public. I pledged to support reform that would give all Americans a real say in the legislative process. Curbing the influence of big money, special interest lobbyists must be a part of any reform efforts.

Campaign reform must also encompass reform of the electoral process. Real reform must create a level playing field for incumbents and challengers.

New PAC restrictions must also be accompanied by public resources for House candidates. Without such only the wealthy or well-connected will be viable candidates.

Mr. Speaker, I am proud to join you and my freshman colleagues in the House in supporting comprehensive campaign reform legislation that restores integrity and confidence in our electoral system. I look forward to working with the President to create a reform package that will address the needs of the American people.

THE TRUTH ABOUT NAFTA: MORE JOBS FOR AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

Mr. DREIER. Mr. Speaker, I have requested this special order to talk specifically about the North American Free-Trade Agreement, an issue that those of you who have been following the debate over the past few minutes are probably maybe a little tired of the issue which the American people and our colleagues will be hearing about pretty regularly over the next several weeks, coming up to a vote which we anticipate will take place shortly before Thanksgiving.

Clearly, while I did not hear the statements that were made earlier from my colleagues on the other side of the aisle, I think it is very important for us to take a few minutes to talk about the benefits of the North American Free-Trade Agreement. I feel very strongly about that, and to open up this debate I would like to call on my very dear friend, the gentleman from California [Mr. HORN] who has been a very active Member of our effort to implement the North American Free-Trade Agreement and is now going to present to us a statement which he has been working on for the past several weeks.

I will say that I have had the privilege of looking at that statement ahead of time, and it is a brilliant one. I commend it to my colleagues.

Mr. Speaker, at this point I am happy to yield to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, I thank my colleague, the gentleman from California, who has taken such great leadership in this debate concerning the North American Free-Trade Agreement. This is one of the most crucial issues that will be coming before this Congress in this decade.

With the exception of the Clinton budget plan, no issue has generated more passion than the North American Free-Trade Agreement [NAFTA]. On balance, NAFTA is in the best short-term and long-term interest of the United States. It will bring many benefits to American consumers and workers. Above all, NAFTA will create jobs. That seems to be the issue that is forgotten in all the smoke, all the passion, all the emotion, all the raw heat that we have heard on these matters.

All the negative effects that opponents of NAFTA predict if the agreement is passed—specifically, American businesses moving to Mexico for cheaper labor—have already happened and can continue to happen even if NAFTA is defeated.

That is the irony of this discussion. Nowhere do they talk about what can be solved with NAFTA that cannot be solved without NAFTA.

The positive aspects of NAFTA—creating American jobs, eliminating Mexican tariffs and cleaning up the environment—will happen only if NAFTA is passed.

Here are the specific reasons I believe NAFTA deserves your support as the citizens out there and our support in this Chamber on both sides of the aisle.

How will NAFTA create American jobs? NAFTA will establish the largest market in the world. Every $1 billion in American exports accounts for approximately 19,600 American jobs related to that $1 billion. On average, export jobs pay 12 to 17 percent more than other, nonexport-based jobs.

United States exports to Mexico have tripled to $40 billion since 1986, when Mexico began lowering its tariffs on American products upon joining the General Agreement on Tariffs and Trade, known to most of us as GATT. United States trade with Mexico has gone from a $5.7 billion deficit in 1987 to a surplus of over $5 billion in 1992.

Mexican tariffs are 2½ times higher than ours—an average of 10 percent compared to our average of 4 percent. NAFTA would eventually eliminate all tariffs over the next 15 years which will dramatically increase our ability to export to Mexico. Because United States tariffs are so low, Mexican companies already have access to our markets.

Over half of all Mexican exports enter the United States duty-free. It has been estimated that by 1995 NAFTA should increase United States employment by 200,000 jobs. Rest assured that if we do not take advantage of this opportunity, the Japanese and Germans will—with lasting adverse consequences for American prosperity and hundreds of thousands of jobs all over this Nation.

Will NAFTA lead to an increase in American companies going to Mexico? If a company wants to move to Mexico—for whatever reason—it can do so whether NAFTA is ratified or not.

Mr. DREIER. Mr. Speaker, if I can reclaim my time momentarily, I would like my colleague to underscore once again that item that he referred to about Japan. I think that is a very important point which needs to be made once again. We so often hear from people who are virulent opponents of Japan's trade policy, and I agree with the fact that they have barriers that prevent us from being able to sell United States manufactured goods. The criticism that is so often leveled is they are somehow likening the situation between Japan and Mexico, and the fact of the matter is Mexico is reducing its tariff barriers to zero, so that we will be in a position to sell our goods there. I wish my friend would underscore that once again.

Mr. HORN. If Japan reduces its tariff barriers to zero, let alone its non-tariff barriers, we would not have a balance of payments deficit with Japan. The fact is Korea imports over half its rice from California. Japan might well do it, except the Japanese majority party wants to protect the farmers in their country. That is not unknown to our country or their country, but the fact is that our Nation is a Nation whose opportunities for its people has been based on the expansion of trade.

The American clipper ships plied every sea in the world. We opened up Japan. We opened up China. Now we are talking about the beginning of what could become a hemispheric common market. We seek to start with Canada, the United States, and Mexico, which even then will be the world's largest common market.

□ 1710

Some American firms have come back from Mexico. But the fact is NAFTA has been made a stalking-horse, a straw man, whatever one wants to call it, for a lot of other ills that have nothing to do with the North American Free-Trade Agreement.

Mexican law has required many companies, for example automobile manufacturers, that want to sell in Mexico to produce in Mexico, or face prohibitively high tariffs. NAFTA removes these reasons for relocating an American business to Mexico. Indeed, American automakers estimate that sales of American-made cars to Mexico will go from 1,000 to 60,000 in the first year after NAFTA is passed when Mexico lowers its tariffs and ends other restrictive practices.

That means jobs by the thousands for American workers in Detroit and elsewhere in the United States.

Do companies locate plants solely because of lower wages? Decisions to locate plants are determined not only on wage levels, but also on such factors as productivity, infrastructure, proximity to markets, education, training, technology, and communications. If such decisions were based solely on wages, then India, Bangladesh, and Haiti, as has often been said, would have full employment. United States workers are more productive than Mexican workers, not because Mexican workers cannot be as productive as American workers, but the fact is United States workers are better educated and better trained. Someday Mexican workers will be as well trained, and that is a hope for Mexico as well.

Will American industries be overwhelmed by a flood of products from Mexico? NAFTA provides protections to prevent import surges that could threaten the viability and health of an American industry. These import surge protections allow us to place the tariff back on a product for a period of 3 years. Tariffs on both sides are scheduled to be gradually eliminated over 15 years. Combined with the protection against import surges, there will be ample time for businesses to adjust.

How will NAFTA affect the environment? Unquestionably, the environment along the United States-Mexico border is a mess—but this has absolutely nothing to do with NAFTA since NAFTA does not currently exist, and you cannot blame an agreement for the sewage in the water, and the toxic pollution that is going on along the Mexican-United States border. If NAFTA is rejected, the environment will not be improved along that border, or anywhere else in Mexico. It will be an even greater mess. Conditions will become worse if Mexico has no incentive to improve the environment. We need an incentive for Mexico.

Under NAFTA, the United States and Mexico have committed that their laws and standards will provide high levels of environmental protection and they have committed to effectively enforce those laws. That is why reputable environmental groups support NAFTA.

Supporters include the National Audobon Society, World Wildlife Fund, Natural Resources Defense Council, Environmental Defense Fund, and Conservation International. These groups represent over 7 million environmentalists.

On September 21, 1993, Stewart Hudson of the National Wildlife Federation testified before the Subcommittee on Trade of the House Committee on Ways and Means. He stated that the real purpose of the environmental groups that oppose NAFTA was not concern for the environment but rather the desire to kill trade between America and Mexico. His testimony deserves to be quoted at length.

He said that two things must be remembered about the environment and NAFTA:

> First, a fair and objective reading of the NAFTA leaves you with one uncompromising conclusion: the environment is far better off with this NAFTA than without. Two, those who want to kill NAFTA are hiding behind the environment.

Mr. Hudson stressed that NAFTA unquestionably improves food safety standards, improves pollution standards, and protects international environmental agreements.

Asking how any environmentalist could oppose NAFTA, Mr. Hudson explained:

> The answer is simple: The environmental critics of NAFTA, those who will forever be holding out for more—even at the expense of making progress on the environment in dealing with problems of concern to all of us—are out to kill trade. It's kind of like an Olympics where the bar keeps getting raised higher and higher * * * that's the game that's being played. Make no mistake about it.

He went on to say that it was a diversion to talk about rejecting this NAFTA in favor of a better NAFTA.

> No amount of fine-tuning or renegotiation will ever satisfy these opponents of NAFTA. The bar will continue to be raised because the goal is to kill NAFTA, not to find new ways of breathing life back into it.

Mr. Hudson's testimony should be read by anyone who has been led to believe that NAFTA is bad for the environment.

Mr. DREIER. Mr. Speaker, would the gentleman yield for a quick question to follow up on that?

Mr. HORN. I yield to the gentleman from California.

Mr. DREIER. It seems to me that it is very natural that one would conclude that, as an economy improves, the demand for improvement of environmental standards will follow. In fact, if one looks at the worst environmental conditions on the face of the earth, they are in Third World societies where people are so impoverished they are not in a position to insist on improved environmental standards.

Mr. HORN. Exactly. You cannot develop an infrastructure to correct environmental deficiencies unless you have substantial resources which derive from an economy that works. You need an economy which provides a satisfactory income for its workers and fellow citizens, and then has a sufficient surplus to invest in order to turn around the abuses of the environment within that economy.

Mr. DREIER. I thank my friend for yielding.

Mr. HORN. I thank the gentleman from California for his contribution on that.

So that it may reach a wider audience, I ask that Mr. Hudson's statement before the Trade Subcommittee of the House Committee on Ways and Means on September 21, 1993 be entered into the RECORD at the conclusion of my remarks.

The conclusion is clear: The North American Free-Trade Agreement is good for the environment.

How will NAFTA affect illegal immigration? Each night, we are being flooded with several thousand illegal immigrants from Mexico and other countries who come across our borders, not simply our southwestern border, or our southeastern borders, but also our northern border, and recently we all read about boats of Chinese crammed in, coming in on the East Coast and the West Coast. With rare exception there is absolutely nothing in NAFTA that is likely to lead to an increase of illegal immigration in the short term.

In the long term, Mexican economic growth will certainly lessen the pressure on the population to illegally enter the United States to look for work.

Turn down NAFTA, and there will not only be thousands more illegal immigrants every night. There might well be tens of thousands every night.

How will NAFTA affect California? California will greatly benefit if NAFTA is passed. Mexico is already our third largest export market. Exports from California to Mexico grew from $2.2 billion in 1987 to $6.5 billion in 1992. In particular, industries which are traditional California strengths—aerospace, computers, transportation, construction, electronics, and others—will benefit from NAFTA.

NAFTA is a small, but essential element in helping to rebuild California's prosperity which has been hit so hard by the recession and defense cutbacks.

How will NAFTA affect Hispanic-Americans? As the natural bridge between America and Mexico, Hispanic-Americans will have many more opportunities for economic success with NAFTA than without. Increased trade between America and Mexico will help Hispanic-Americans and therefore all Americans.

Why? Because NAFTA will mean jobs. Those will be jobs in America for Americans—whether your ancestry is that of an Hispanic-American, an African-American, an Asian-American, an American Indian American, or even, as I am, a German-Irish-American. It is ourselves, our children, our grandchildren, and those yet to come, who will benefit from this treaty in both the short and the long run.

Some critics of NAFTA have crossed the line between opposition to a trade agreement and bigotry against Hispanics.

NAFTA has been caught up in some of the passion against illegal immigration. The two issues are completely separate. I have a two-decade track record of opposing illegal immigration and supporting tough measures to stop illegal immigration. But illegal immigration should be opposed from all countries, not just Mexico. It should be opposed because it is, by definition, illegal, not because many of the illegal immigrants happen to be Hispanic. The United States admits more legal immigrants than all the rest of the world combined. Many legal immigrants wait for years to come to America. Illegal immigration is simply not fair.

We need to keep this debate focused on NAFTA as a trade agreement, and I call on the critics of NAFTA not to cross the line between opposition to a trade agreement and bigotry, and to refrain from the heated rhetoric that fans the flames of ethnic resentment.

We have all heard many specific criticisms of NAFTA. It is time to separate fact from fiction:

Recently most of the specific criticisms have come from Ross Perot and Pat Choate in their book, "Save Your Job, Save Our Country, Why NAFTA Must Be Stopped—Now."

Mr. Perot and I agree on many important issues: The need to cut spending and balance the budget, campaign finance reform, term limits, law and order, illegal immigration, ensuring congressional accountability by changing the discharge petition process, just to name some of the most critical. However, on NAFTA, Mr. Perot and I disagree as to what the agreement does and what the effects will be.

The following are some specific criticisms that have been raised by Mr. Perot and other critics of NAFTA.

Myth: NAFTA will put at risk up to 5.9 million American jobs that would be lured to Mexico by lower wages.

What are the facts? Reputable economists on the right and the left have correctly characterized this claim in Mr. Perot's book as an extreme exaggeration. Where does this 5.9 million jobs at risk figure come from? Industries in which wages account for more than 20 percent of the value of the output are assumed to be at risk.

These industries include aerospace, medical equipment, and sonar equipment in which there is simply no danger of job loss to Mexico. It also includes many industries such as bakeries and wood pulp mills where there is no competition from Mexico.

Mr. Perot's book also selectively quotes the testimony before Congress of former Secretary of Labor Lynn Martin that NAFTA will cost 150,000 American jobs. What Secretary Martin actually said was that NAFTA will create 325,000 jobs—a net increase of 175,000 over those jobs lost.

Those who exaggerate potential job losses do not discuss American job gains from NAFTA. Recently, 283 top economists of all political views—including 12 winners of the Nobel Prize in economics—signed a statement supporting NAFTA They agreed that America will gain many more jobs than we might lose.

The economists said, "the assertions that NAFTA will spur an exodus of U.S. jobs to Mexico are without basis." These job gains will be precisely in the areas in which America and California will most benefit. These job gains are the strongest reason for supporting NAFTA.

Myth: NAFTA will undermine American sovereignty because it sets up a system of binational and trinational panels to resolve disputes.

What are the facts? NAFTA gives American businesses definable and enforceable legal rights when they sell to Mexico or operate in Mexico. Our businesses have not had these rights before. What the dispute resolution process does is let an American company that has been treated unfairly in a Mexican court appeal to a neutral United States-Mexican panel. Obviously, a Mexican company that felt it had been mistreated in an American court could do the same.

The binational and trinational panels cannot change our laws. Only Congress can do that. If America should disagree with the ruling of an independent panel it could choose to simply do nothing. This would give Mexico or Canada the right to retaliate by withdrawing trade concessions—just as we would have the right to retaliate against them. This is a right we demanded to ensure that Mexico and Canada keep their word.

We have nothing to fear from the dispute resolution process if we keep our word, which we obviously will.

Myth: NAFTA will undermine truck safety.

What are the facts? No provision of NAFTA exempts Canadian or Mexican vehicles or drivers from United States environmental, safety, or vehicle standards. Our country made it clear that the trucking standards of each American State would apply to all Canadian and Mexican trucks and their drivers. These standards will be enforced with the same stringency applied to U.S. operators.

Myth: NAFTA will allow low-wage truckers to enter the United States trucking business.

What are the facts? NAFTA allows U.S. trucking firms to enter the protected Mexican market for the first time. The United States-Mexican trucking trade is estimated as $3 billion or more annually. Three years after the adoption of NAFTA, Mexican and United States nationals may engage in cross-border truck service—but only in border States. Mexicans already can engage in this cross-border traffic in a limited fashion now—without NAFTA. NAFTA levels the playing field, so we can get into it. Mexican nationals may not carry American domestic cargo traffic from point-to-point within the United States. They can only engage in point-to-point cross-border traffic, in other words, hauling from Mexico to the United States and taking a load back to Mexico. But they cannot haul goods from Chihuahua, Mexico, to the Port of Long Beach or the Port of Los Angeles, leave the load, then make new hauls of new goods and drop them off at any other point in the United States before finally taking a load to Mexico. The trucks have to go back across the border before they can drop the load picked up at the Port of Long Beach or the Port of Los Angeles.

Still another myth: NAFTA will undermine food safety standards. If they cannot scare you with unsafe, drive anywhere trucks, they will scare you with food.

What are the facts? NAFTA does not set standards, and certainly could not require the United States to adopt food safety standards lower than those we already have. And anyone that has dealt with the Food and Drug Administration knows that the standards are very high in this country, and they are not about to be changed.

NAFTA explicitly states that each party to the agreement can maintain higher standards than the international minimum. Our standards are set. They will continue to be set by the U.S. Congress and the various State legislatures. Claims that NAFTA will allow Mexican vegetables sprayed with DDT to be imported into the United States are simply untrue.

The truth does not seem to affect some in this debate. Apparently some people feel, as Goebels did under Hitler, "if you say it long enough, eventually people will believe it because so many people seem to be saying it." The question is, what are the facts?

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United States regulatory agencies will continue to vigorously monitor food imports, not simply from Mexico, but from 180 other countries in the world.

Still another myth: NAFTA will undermine the Buy American Act and State and local legislation that mandates purchasing American-made products and services.

What are the facts? As to the latter, the NAFTA government procurement provisions do not apply to State and local governments. Therefore, NAFTA cannot possibly undermine and buy-local laws [NAFTA article 1001].

As for the Federal level, NAFTA does open up competition for construction and services, but the Davis-Bacon Act, which has been on the books for 61 years, has mandated the payment of prevailing wages on Federal construction projects, and that would still apply, and it would end any lower wage advantage that a Mexican construction firm might think it has. American construction and engineering firms are the best in the world.

And NAFTA will open up the market to those firms and other similar firms. Those firms strongly support NAFTA, because their expertise is in demand in Mexico. The Government procurement provisions of NAFTA will open up vast opportunities for American firms to sell goods and services and provide services in both Mexico and Canada.

Still another myth: Mexicans are too poor to buy United States goods.

There is no question, the Mexican economy has some real problems. There are some very poor people in Mexico, just as there are some very poor people in parts of the United States. But what are the facts?

Our recent trade experience with Mexico simply disproves this myth. Mexico is a growing market of 90 million consumers, 3 times the size of the population of California, as well as businesses and government. Seventy cents of every dollar Mexico spends on foreign products is spent on goods from the United States. Let me repeat that, Mr. Speaker: "Seventy cents of every dollar that Mexico spends on foreign products is spent on goods from the United States."

Mr. DREIER. Mr. Speaker, if the gentleman will yield, I would simply like to ask my friend, who has chosen to reiterate it, to underscore the fact that the average Mexican expends quite a bit more on goods from the United States than the average Japanese citizen, the average Korean citizen. And those very wealthy Western Europeans do not spend as much as the average Mexican spends on United States goods.

Am I correct in concluding that?

Mr. HORN. Mr. Speaker, the gentleman is absolutely correct, and he has, with great clairvoyance, moved to my next paragraph.

On a simple per capita basis, which includes purchases by individuals, government, businesses, even tourists, Mexicans buy $450 of American goods annually, on a per capita basis. That does not mean every Mexican buys $450 of American goods. Some are going to buy much more. But when you divide 90 million people into the amount that we are selling and exporting to Mexico, the figure is $450 per capita.

Figured on exactly the same basis, this is more than is bought per capita by the Japanese, who purchase $385 per person of American goods; by the Germans, who purchase $326 per person of American goods; or by the British, who purchase $395 per person of American goods. All of these countries have much higher average incomes than do those who live in Mexico, but Mexico is proving increasingly to be our best customer.

Still another myth: We are not really exporting finished goods to Mexico. We are sending component parts, which are then fashioned into various completed products for sale back to the United States.

I have probably heard that one 75 times.

What are the facts? Some of our exports are components, just as Mexico also exports some components to us for finally being assembled here.

As estimated 22 percent of all United States exports to Mexico were components for assembly in Mexico and resale back to the United States. This is down from an estimated 32 percent, down 10 points, since 1987. If components were all we export, then we would not have a trade surplus with Mexico—remember over $5 million trade surplus—unless one thinks that Mexico would buy components, turn them into finished products, and then sell the finished products back to us for less than they paid for the original components.

Further, 83 percent of the growth in United States exports to Mexico in the last 5 years has been products for consumption in the Mexican market, not for reexport.

The facts simply do not support this myth about American trade with Mexico.

Still another myth: Then we are told that we are not really exporting goods to Mexico; instead American companies are using these goods to set up plants in Mexico which will take jobs from Americans.

What are the facts? Capital goods—goods used in the production of other goods and services, such as machinery, machine tools, telecommunications equipment, planes, railroad cars and so on—are 33 percent of our exports to Mexico. Capital goods are 39 percent of all U.S. exports to the world.

Critics of NAFTA need to be reminded that exporting capital equipment is good, not bad, for the United States of America.

I wish we had many more sales of capital equipment. We once led the world in exports of capital equipment. Japan has increasingly come up; Germany has increasingly come up. High technologically oriented industrial nations develop and sell capital equipment because they are backing ideas and innovation.

Mexico needs equipment to produce goods for its own growing market. We want plants in Mexico to buy American equipment. For many years, the United States, as I noted, was the world leader in the manufacture of capital equipment. Then in the 1970's, we were clobbered by Japan, Germany, Italy, and Great Britain. Now our manufacturing base is coming back, and to strengthen that base, we need to be able to export capital equipment.

As I also noted previously, our exports to Mexico have more than tripled in recent years, from $12 billion in 1986 to over $40 billion in 1992, not even a decade. In 6 short years we have increased our exports to Mexico from $12 to $40 billion.

We have gone from that $5 billion trade deficit in 1986 to that $5 billion trade surplus in 1992. NAFTA would continue this progress, create even more high-paying export jobs in the United States.

Moreover, imports from Mexico, which have grown from $17 billion in 1986 to $35 billion in 1992, also create jobs, since Americans import, distribute and sell those products. This means more choices and lower prices for American consumers, a very often neglected group.

We do not want to go back to the Smoot-Hawley tariffs of the Depression days, which simply erected higher tariffs and kept out the products of the rest of the world. In turn, other nations kept out our products. It meant we did not get out of the Depression until the coming of the Second World War.

Logic says we should go for the agreement and seize the opportunity presented by NAFTA. Because only by passing NAFTA will we know for sure if the benefits expected by supporters of NAFTA will actually materialize. Let us imagine that the critics of NAFTA are right, or even only partially right, and NAFTA turns out to be bad for America.

Well, then we can simply cancel the agreement. We have canceled other agreements, and we will cancel this agreement. It is that simple.

NAFTA is an agreement and only an agreement enacted by legislation, passed by the United States Congress. It could be canceled unilaterally by the American Congress with 6 months' notice, or it could be modified by agreement of the three countries: Canada, Mexico, and the United States.

In other words, we run a far, far greater risk if we reject NAFTA now than if we approve NAFTA now.

The campaign against NAFTA has largely been waged on myths, rather than on facts. NAFTA has become a lightning rod for all the fears and misconceptions of the left and the right.

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What an irony. Some activists on the far left have joined hands with some activists on the far right who would crush unions and environmental protections in this country. If trade with a less developed country such as Mexico is bad for America, why do we have a $5 billion trade surplus, rather than a trade deficit? Why has trade increased so dramatically in the last 6 to 7 years, to the benefit of hundreds of thousands of American workers? Remember, 19,600 jobs in America are connected with every $1 billion of goods that we export.

NAFTA will increase these benefits for Americans by further lowering Mexican tariffs, and by ultimately eliminating them. This will enable us to export even more to Mexico, which will create tens of thousands of American jobs.

American workers are still the most productive workers in the world. Every survey shows that. We can compete with and surpass the workers of any other country.

We have a great deal to gain from increased trade. With NAFTA we have much to gain and little to fear from a country with an economy one-twentieth of the size of our own.

That is why this agreement—a joint product of a Republican administration and a Democratic administration—is a good deal for America. That is why this agreement is supported by most economists, most businesses, major environmental groups, the Democratic Speaker of the House, the Democratic majority leader of the Senate, a majority of Republicans in the House and Senate, and all six living Presidents of the United States from both parties.

It is also in accord with the vision of two earlier Presidents, Franklin Delano Roosevelt and John Fitzgerald Kennedy, who had the vision to promote better relations between America and the nations to our south.

That is what the Good Neighbor Policy and the Alliance for Progress were all about. They saw—as this agreement will create—a hemisphere of free nations, free markets, and free people. Democratic and competitive, free of paternalism.

The North American Free-Trade Agreement is right for America.

The North American Free-Trade Agreement means jobs for Americans.

It deserves our wholehearted support.

I want to thank my colleague, the gentleman from California, for yielding me the time.

Mr. Speaker, I include the following testimony for the RECORD:

TESTIMONY OF STEWART J. HUDSON ON BEHALF OF NATIONAL WILDLIFE FEDERATION

Good morning, Mr. Chairman. I am Stewart J. Hudson, Legislative Representative for the International Programs Division of the National Wildlife Federation. The Federation is the nation's largest private conservation organization, dedicated to the wise management of natural resources and protection of the global environment.

The National Wildlife Federation, along with a majority of the nation's leading environmental and conservation organizations, wholeheartedly supports the NAFTA and we urge Congress to approve this vitally important agreement. My organization firmly believes the environment is far better off with the NAFTA package than without it. This position is also shared by the National Audubon Society, the World Wildlife Fund, the Natural Resources Defense Council, the Environmental Defense Fund, and Conservation International, groups which, together with outs, represent over 7.5 million members in this country and abroad who will be working in every Congressional district to see this agreement passed.

Our decision to support the NAFTA and its environmental agreements is the result of thousands of hours of work, and intense pressure from our members and the Congress to assure that NAFTA would include a strong environmental component. At the beginning of the debate over NAFTA, a debate which has spanned nearly three years, trade and environmental concerns were thought to be unlinkable. As a result of our efforts, environmental concerns are clearly one of the pillars of this agreement.

Here are a few examples:

The NAFTA itself provides for protection and strengthening of the highest food safety, environmental, and consumer standards. These standards are protected at the federal, state, and local level. NAFTA does not force these standards downward. When a higher standard is challenged, the standard is presumed valid, and the challenging party bears the burden of proving it a violation of the NAFTA.

In addition, NAFTA denies countries the ability to lower pollution standards to attract business. Article 1114 of the NAFTA is clear on this point and is unprecedented in any trade or investment agreement. In addition, the Commission on Environmental Cooperation will have the power to investigate and even levy penalties when a country ignores its pollution laws.

In yet another unprecedented provision, NAFTA protects international environmental agreements which rely on trade measures for their enforcement.

The Agreement on Environmental Cooperation, which establishes the North American Commission on Environmental Cooperation, will make lax enforcement of environmental laws in the NAFTA territory actionable through monetary penalties and trade sanctions.

* * * * *

Claim: Our laws to keep wildlife from being abused in trade remain in jeopardy.

Facts: Prohibitions on the illegal trade in wildlife and endangered species are *explicitly* protected under NAFTA Article 104. That provision assures that the CITES Convention (controlling trade in threatened and endangered plants and animals), along with the Basel Convention (Hazardous Waste Trade), and the Montreal Protocol (which protects the ozone layer), will all take precedence over a conflicting NAFTA Article. The allegation that wildlife protection will be endangered by the NAFTA is without foundation.

Claim: Laws such as those to protect dolphins and turtles during harvesting of tuna and shrimp are disallowed.

Facts: None of the U.S.'s environmental laws are disallowed under NAFTA, despite the allegations made by environmentalists who criticize trade. Conservation laws that are non-discriminatory have been successfully defended by the U.S. government for some time and, under the NAFTA, can be successfully defended from challenge. To claim that they are "disallowed" by the NAFTA is intentionally misleading.

Claim: States would have to weaken their laws too, and they can't defend their laws when challenged.

Facts: NAFTA does *not* require a federal government to pre-empt sub-federal laws in order to conform with the obligations of the treaty. NAFTA simply holds the federal government responsible for defending any inconsistency between a country's NAFTA obligations and a sub-federal law. NAFTA does *not* require states to weaken laws and in fact states are allowed to set standards that may, in some cases, exceed even their own federal government's standards.

Moreover, states and local governments are not the kind of defenseless victims portrayed by this allegation. In the event that a state law is challenged, the U.S. government takes responsibility for defense of legitimate sub-federal standards. The U.S. practice is also to include states as full participants in any panel proceeding that would involve their laws. As stated by the United States Trade Representative, Mickey Kantor, in recent correspondence with chairman of the Subcommittee on Health and the Environment of the House Committee on Energy and Commerce, Henry Waxman, "In the case of the NAFTA—as we have done in connection with the Canada Free Trade Agreement—we would expect state representatives to be full participants in any panel proceedings concerning their laws."

Claim: Most of the environmental conventions to which the U.S. is a party are subordinated to the harsh provisions of NAFTA.

Facts: Most international environmental treaties to which the U.S. is party make no use of specific trade provisions or measures to achieve the goals of those agreements and as such are not in conflict with NAFTA. The conflict suggested by this allegation is imaginary.

Claim: This [NAFTA] is a threat to American environmental sovereignty. It is also a major step toward ending democracy in this country.

Facts: Our environmental sovereignty is far from threatened. In fact, it is safe to say that given current international trade rules, NAFTA strengthens our ability to maintain control over our environmental laws.

The environmental hold-outs on NAFTA are assuming a grave responsibility. If they are successful in convincing you to kill NAFTA, then they are honor bound to go to the border and tell the residents of the *colonias* why they eliminated $8 billion in funds for addressing the environmental horrors that afflict that area. They are honor bound to explain to Mexican citizens why they felt it necessary to trash NAFTA provisions improving their voice in environmental issues.

They should travel to Oregon and explain to small businesses like David Evans and Associates, an environmental and engineering consulting firm in Portland, that there will be no new jobs for their sheet metal workers, drill press operators, and skilled machinists because in killing NAFTA, new opportunities for their firm were wiped out.

Finally, they can explain to environmentalists why environmental issues will no longer be considered with credibility in future trade agreements.

But all of these sad scenarios, which harm the United States at least as much as Canada and Mexico, need not unfold if members of Congress prevent themselves from being distracted from the best argument in favor of NAFTA and that is the NAFTA itself.

The evidence is clear—the environment is far better off with the NAFTA than without it, and killing the NAFTA package only perpetuates the status quo. Those who want to kill NAFTA and hide behind the environment should beware that as fact replaces fiction in this debate, their constituents may wonder why they voted to eliminate all of the important benefits the NAFTA had to offer.

These groups may tell you that they are not out to kill NAFTA, that they just do not like *this* NAFTA, and that they would support a renegotiated agreement. Fortunately, most members of Congress will recognize this for the diversion it represents—no amount of fine-tuning or renegotiation will ever satisfy these opponents of NAFTA because their goal is to *kill* NAFTA, *not* find new ways of breathing life back into it.

In contrast to the defeatism exhibited by NAFTA opponents, members of Congress have a choice. If members of Congress demonstrate the same kind of commitment and leadership exhibited at the White House last week, the American public will understand and be supportive of a trade agreement that creates jobs, protects natural resources, and provides a clear direction for how best to promote sustainable development in an increasingly global environment.

We sincerely urge you to make this choice, for jobs, for the environment, and for our country.

Mr. DREIER. Mr. Speaker, I thank my friend from Long Beach for providing us with what was truly one of the best statements on the North American Free-Trade Agreement. He has really touched on a wide range of the questions and concerns that have emanated from many, and I believe what he has done is, he has taken what I described as the fear versus facts theory and really focused on the facts, and taken many of the items that people have raised that have led many people to fear the implementation of a North American Free-Trade Agreement, and I commend him for what was clearly an excellent statement.

I am surrounded by three new Members of the House of Representatives. My friend from Long Beach is just one of them. Another one who is a strong supporter of the North American Free-Trade Agreement is my friend, the gentleman from Selah, WA, Mr. INSLEE. At this point I yield to Mr. INSLEE.

Mr. INSLEE. Mr. Speaker, I thank the gentleman very much. It is a pleasure to be here tonight, because it is an opportunity to come down here to the Chamber of the House and fight for American jobs. It is really clear that NAFTA is going to create what America needs. It is going to create American jobs.

I come down here to try to dispel the myth, the rumor, the smoke, the hokum, the bunkum that people are laying on, about trying to kill American jobs. NAFTA is the answer to what ails us, or part of that answer.

Let me tell you what I mean by that. There is going to be net winners when NAFTA passes and there are going to be net losers. Let me tell you who they are.

The net winners are going to be American working people, because they are going to have more jobs in this country. Let me tell you who probably is going to be the net losers, frankly, and it is time to tell the truth. The net losers are going to be the working people in Germany, in Japan, in Asia, who are our real economic competitors. Let me tell you why.

Let me tell the Members where our jobs were going in the last 10 years in this country. Some were going to Mexico, but I will tell you where they are really going, Asia. We have a $75 billion trade imbalance with Asia. We are shipping jobs every week across the Pacific, and to Europe, because we are losing markets. Let me tell you why when NAFTA passes we are going to be better than we are today, because the status quo is this.

If I may, in the ensuing battle of the charts, I have one that I think is probably the most salient fact in this argument. Today the American worker has to pay a tax, and the folks I represent do not know about that tax. It is kind of hidden. I call it the hidden Mexico tax on American workers. That is a 10-percent average tariff. If you look at this as a wall, Mexico has a 10-foot-high wall, a tax, on American workers that people in my district, in Selah, WA, a little town up in the State of Washington, have to pay to get their exports into Mexico, a 10-foot wall.

Now, we are getting snookered up in Selah, WA, because we only have a 4-foot wall, an average 4-foot tariff of Mexico exports to us. In Selah, WA, we call this getting the short end of the stick. Mexico imposes a 10-percent tax on my constituents, and we only impose a 4-percent tax on Mexican workers.

Mr. DREIER. My friend makes an excellent point. Obviously that 2½ times disparity is one which has created an advantage for those in Mexico over us, and yet due to privatization in Mexico we have still seen an increase in the flow of exports from the United States to Mexico. I think that my friend's presence here simply underscores the fact that there is bipartisanship in the support of this.

Now, my friend, the gentleman from Long Beach, Mr. HORN, talked about the fact that we have two administrations that were involved in the negotiating process. We all know that a year ago last month, since this is September 30 and not October 1, it was August of last year, President Bush initialed the North American Free-Trade Agreement, and the two side agreements that were brought forth by the Clinton administration. I am happy that my friend, the gentleman who is a proud and strong Democrat, stands here with us trying to reduce barriers.

At this point I yield to another Member of Congress, a very good friend, the gentleman from Bloomfield Township, MI [Mr. KNOLLENBERG], who is getting ready to head back there in just a few minutes, but I would like to yield some time to him to talk about his strong commitment and support toward reducing trade barriers.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding to me. I do appreciate the leadership he has shown in putting together the other side, perhaps, which I think is what the country needs, and it certainly is what this body needs. I think the gentleman from Washington [Mr. INSLEE] is right on target with his comments.

Today I would like to direct my remarks to every Member of this body who is undecided on the issue of NAFTA.

You have heard a lot of rhetoric as to what this treaty will do and not do—some of it grounded in fact, some of it pure political theater. Your role so far has been to sift the facts from the theater and make reasoned judgments.

With this in mind, consider the central complaint of NAFTA's opponents.

I ask you, how can anyone argue that when a country lowers its tariffs, it somehow acts as an incentive for companies to locate there?

Let us test this hypothesis.

Say, for instance, that Japan lowered its tariffs and import restrictions on American-made goods tomorrow. Would we hear a giant sucking sound of United States jobs to the Orient? Of course not.

Now imagine if, 20 years ago, we entered into a NAFTA-like agreement with Japan. Would our trade balance be better than it is now? Would United States companies have a greater presence in Japan's domestic market? Would American companies be making the products that Japanese companies now make? Yes, yes and yes.

During the 1980's, Honda, Mazda, Toyota, and Nissan all moved some of their auto production to America. Why? Because they feared we would raise our tariffs on imported cars and tighten import quotas.

Anti-NAFTA logic would have us believe that lower tariffs and the removal of numerical quotas are the prime cause of job movement.

In short, the central rationale for opposing NAFTA is based on a false economic premise. Think about that next time you hear talk of the giant sucking sound.

Anyone with a cursory knowledge of economics understands that freer trade is a win-win game, and if implemented, NAFTA will create thousands of jobs here at home and improve our lackluster economy.

Unfortunately, the opponents' tactics of distortion have transformed the debate from a rational discussion into a convoluted shouting match—and right now, some would say they are winning.

The problem with NAFTA is not in the agreement itself—it is in the lack of public understanding.

Let me say this—America, as my colleagues have pointed out, has a choice. We can either grow the U.S. economy by embracing world markets, or wither under protectionism.

The defeat of NAFTA would jeopardize the General Agreement on Tariffs and Trade [GATT] and slow down the movement for international free trade. This would hurt all of the world's economies.

In spite of what the critics would have you believe, by increasing trade with Mexico, NAFTA will create thousands of high-wage manufacturing and service sector jobs for American workers in America.

There is a great deal of distortion surrounding this issue. For a moment, let us talk specifics.

□ 1750

As has been pointed out, NAFTA is really about fairness. Right now, Mexican tariffs are on average four times higher than United States tariffs. NAFTA will equalize tariffs and eliminate the unfairness.

Opponents often use the strange argument that NAFTA will encourage United States businesses to leave for Mexico. But there is nothing on the lawbooks preventing U.S. companies from moving now.

If anything, the reduced Mexican tariffs and greater trade will enable more companies to stay in the United States. Companies will not have to go to Mexico to penetrate that market. And while there is going to be dislocation in some industries—as there would be anyway if we maintain the status quo—overall NAFTA will result in substantial job creation in the United States.

Furthermore, Mexican wages are not as low as NAFTA opponents suggest. By law, Mexican employers must provide year-end bonuses, double time for overtime, 20 days paid vacation per year, paid medical leave, and housing credits. In addition, it is customary to provide benefits that we are used to here, like health insurance and a transportation allowance, which is something they will have in many cases, and even grocery allowances.

In fact, as has been pointed out by my colleagues, if wages were the only criteria one looked at in determining where to go into business, Haiti and Bangladesh would be the economic powerhouses of the world.

So, despite what our good friend Ross Perot might have said, the fact is that NAFTA is a winner for the U.S. economy. It will open up a market of nearly 100 million customers or consumers, it will reduce the illegal immigration problem by making Mexico a more attractive place to stay and work, and it will help all of North America compete with Asia and Europe.

Mr. DREIER. I thank my friend from Bloomfield Township for his very considerable contribution to this debate. Coming from the State of Michigan where many of our Michigan colleagues are opposing NAFTA, it is great to have his words once again demonstrating the bipartisan commitment to the implementation of the North American Free-Trade Agreement.

We have heard from both sides of the aisle this evening. At this point I am happy to yield to my very good friend and fellow Californian, a member of the Committee on Ways and Means who has been working diligently to try and break down trade barriers on employment in the North American Free-Trade Agreement, my friend from Sacramento, Mr. MATSUI.

Mr. MATSUI. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] and appreciate all of the leadership he has shown on this issue, along with other of the Members who have spoken as well. And of course I would like to particularly commend the gentleman from the State of Washington, JAY INSLEE. As a new Member he has certainly shown a lot of leadership, a lot of courage, and certainly a lot of vision that I think this country needs in terms of his support, very visible, active support on behalf of the North American Free-Trade Agreement. We certainly appreciate the fact that as a new Member of Congress he supports this legislation.

I am going to be very brief, Mr. Speaker. But I would like to make one observation. There has been so much misunderstanding about what the NAFTA or the North American Free-Trade Agreement is all about, particularly since the August recess when Members were back in their home districts or home States.

Ross Perot, for example, suggested that there is a giant sucking sound, and I am sure other Members have commented on that, of jobs being pulled from the United States to Mexico. And unfortunately that could not be further from the truth.

What NAFTA is really all about, pure and simple, is a trade agreement. It is a trade agreement in which tariffs on both sides of the border are reduced. For example, on the U.S. side of the border the average tariff is 4 percent. For every Mexican good coming into the United States, the tariff is 4 percent of the average. On the Mexican side of the border, for every United States product going into Mexico, there is a 10-percent average tariff. Mexico's tariffs are 2½ times the size of the United States tariffs. Mexico has a clear advantage.

Some have said well, we are concerned that the NAFTA will create an unbalanced playing field. Well, there is an unbalanced playing field today, and that playing field tilts to Mexico's advantage.

What the NAFTA does is to reduce these tariffs immediately, particularly on the Mexican side where the tariffs are higher, and within a period of 5, 10, and 15 years those tariffs on both sides of the border go down to zero.

To give an example of how this will create jobs rather than lose jobs in the United States, in the computer industry, in the Silicon Valley or up in Massachusetts, or in Texas, or in any other State that develops American computers, when you ship a computer down to Mexico made in the United States today there is a 20-percent tariff on that computer. As a result of that, IBM and some other companies had to move down to Mexico, because they cannot afford a 20-percent tariff. And believe it or not, and I know that there has been a lot of misunderstanding about this, the Mexicans are a rapidly developing economy. In fact, it is one of the fastest-growing economies in the world today. They are rapidly developing a middle class. Today 26 percent of the Mexican citizens are considered middle class, and that is going to grow, and grow, and grow.

If the NAFTA passes, if the NAFTA passes, immediately that tariff goes down to 10 percent, and within a 5-year period that tariff will be zero. And that is why the CEO of Tandy Corp., the CEO of IBM, the CEO of every computer company in America has said that they will stay in the United States, create more jobs if, in fact, the NAFTA passes.

What they are really afraid of is if NAFTA fails, the Japanese, the Germans, the French, the Europeans will begin to sell their computers to the rapidly growing Mexican market.

Automobiles. I see many of my colleagues from Michigan opposing the NAFTA, and I can tell you that it is absolutely incredible that somebody from that State could oppose the NAFTA, given the facts today. Without the NAFTA there is a 20-percent tariff on U.S. automobiles made in the United States going down to Mexico. In addition to that, Mexico has a domestic-content requirement. Any automobile sold in Mexico has to have Mexican parts, Mexican laborers before it can actually be sold, and that is why only 1,000 U.S. cars a year, made in the United States, are being shipped to Mexico. And that is why you have the Chrysler Corp., GM, and Ford in Mexico today, because they want to sell cars in Mexico to the middle-class Mexican market.

And believe this or not, statistics will show it, on a per-capita basis the Mexicans are the fastest-growing purchasers of automobiles in the world. They are going to buy Japanese automobiles, French and German automobiles if we do not get into that market.

If NAFTA passes, immediately that 20-percent tariff goes down to 10 percent, and within a 10-year period it goes down to zero.

In fact, the vice president of General Motors Corp. last week stated that if the NAFTA passes, in the first year they will sell 66,000 United States automobiles, all made in the United States, to Mexico, at an additional cost to the Mexicans of $1 billion. And it will create immediately 15,000 more U.S. jobs, and all of them will be members of the United Auto Workers Union.

It is incredible that somebody from Michigan would oppose this agreement.

Let me conclude by making one final observation. To a large extent, this is not only about the NAFTA or our relations with Canada and Mexico. This issue is about Japan and about the European Continent.

I talked to a person from Britain a couple of nights ago at the British Embassy, and he was saying that if the NAFTA fails, the British are going to move down there quicker than you can ever imagine, because right now the English are the second largest investors in the Mexican market. And they really want that Mexican market. I can tell you the Japanese want Mexico not to have an agreement with the United States. They want NAFTA to fail because they want to move into that market, because it is the largest available market that is rapidly growing, 80 million people. Where else is the United States going to find a market of 80 million people over the next decade?

And Mexicans right now want to buy U.S. consumer goods. Right now they buy 20 percent of their consumer goods that they use in their house from the United States of America.

But this debate is not only about NAFTA. It is not only about Japan or Europe. This debate is about something else more fundamental, and I think that is where vision comes into play. That is where the whole notion of values on America come into play.

Do you know why we are the greatest nation, the reason why this country is so powerful, why over the last 200 years we have been a great economic power? It is because in this country we value change, because we believe change is part of the American ideology, because we believe that change makes us competitive and is what makes this country progressive.

□ 1800

To give you an example, if the opponents had their way in 1910, if the opponents were in power in 1910, we would be protecting the blacksmith and the carriage maker against the automobile. If the opponents were in power in the 1970's, we would still be listening to music on a phonograph, rather than a cassette recorder or a CD. That is what this debate is all about, those people who are afraid of change want to protect the status quo. Those people who are afraid of change are the ones who really do not want progress in this country, because they only want the few jobs they have, because they are insecure.

Those who support NAFTA are the optimists of the world. We know we can compete with the Japanese and the Germans and the Europeans, and yes, even the Mexicans.

We know that we can beat them if we are just unleashed and given their markets, because ultimately what this debate is really all about is the whole notion of what is one's view of the future in America.

I want my son to have a great opportunity, a great job in this country. Whatever that job may be will depend upon what the markets will be. It will depend upon what the new technology will be. It will depend on what the consumer wants to buy in this country, and it probably will not be a phonograph or a CD or even a VCR, because there is going to be change in the year 2000. If we do not adapt to that change, the Europeans will, the Japanese will, or even the Mexicans will. That is really what we are talking about. We are talking about something very fundamental to our country.

Are we a nation that truly believes that change is important? Are we a nation that truly believes that we are powerful and that we can compete against the rest of the world?

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. DREIER. Mr. Speaker, I thank my friend for his excellent statement.

Let me just say that I interjected at one point. I wanted to underscore something that my friend, the gentleman from Sacramento, said, and that is in talking to the chief executive officer of IBM, the prospect of facing 20 percent tariffs which exist today between the United States and Mexico for computers is obviously a daunting one. The desire to reduce that to 10 percent and ultimately down to zero is something to which the industry aspires, so that we can take advantage of those 88 million consumers in Mexico in that growing market.

The fact of the matter is the chief executive officer of IBM said that if NAFTA fails, they will have no choice whatsoever other than to move operations which are presently in the United States to Mexico.

Why? Because it is essential that they take advantage of the consumer market that exists there.

So truly, NAFTA is going to be a job creator in this country as we reduce that tariff barrier which exists there.

Mr. Speaker, I thank my friend for his leadership on this issue. I thank him for demonstrating that this clearly is a bipartisan issue, and while he and I have often disagreed on issues in the past as they have related to California, there are many who often say, "Why can't the California delegation come together?" Well, on NAFTA we are. I believe that we will have a majority of our colleagues from our State working on that.

Mr. MATSUI. Mr. Speaker, if the gentleman will yield further, one argument that we will be hearing, we probably heard it just before the gentleman from Washington and the gentleman from California came up, is the issue of income. I think we should address that issue, because it is a most specious issue.

The SPEAKER pro tempore (Mr. JOHNSON of South Dakota). The time of the gentleman from California [Mr. DREIER] has expired.

NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. INSLEE] is recognized for 60 minutes.

Mr. MATSUI. Mr. Speaker, would the gentleman from Washington yield a few minutes to me?

Mr. INSLEE. I yield to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Speaker, I thank the gentleman from Washington for yielding a few minutes.

Mr. Speaker, in terms of the issue of the wages, we will acknowledge, because it is correct, that the average Mexican wage is about one-seventh of the average wage in the United States. In other words, our wages are seven times greater than the Mexican wage. That is why there has been a lot of fear.

"Oh, my goodness, these wages, all these jobs are going to go down south."

Let me give you some empirical evidence. Back in 1985, I believe it was, I was then, as I am now, a member of the Committee on Ways and Means, on the Trade Subcommittee. We passed what was known then as the Caribbean Basin Initiative. It was an initiative to provide a free trade agreement with the Caribbean countries, Granada, Jamaica, Barbados. All these countries again had wages about one-tenth the size of the United States.

Labor leaders appeared before the Ways and Means Committee and said,

> This is going to destroy the manufacturing base in America. This will create a situation where American jobs will be sucked down to the Caribbean Basin, and all these manufacturing jobs will be put in the Caribbean Basin.

I would urge my colleagues to go to the Caribbean Basin today. There are no manufacturing jobs in the Caribbean Basin, because wages were not the component that businesses decided to use when they decided to locate in any given place.

The reason is because in manufacturing today in America, wages are only 10 percent of the total cost of manufacturing in this country, and throughout the world.

What is more important is the quality of the work force, the environment of the work force in the surrounding areas, whether there is an educational institution in the surrounding area, the kind of technology that the country or the State happens to have. These are the kinds of things that are important in the 20th and 21st centuries. These are the kinds of things that make the decision as to where people locate and where businesses go.

The whole notion of wages being critical to the decision of where IBM or Motorola or G.M. goes is absolutely ridiculous, because it is such a small component of the total cost of doing business in America today.

Mr. DREIER. Mr. Speaker, will the gentleman yield briefly, if I could follow on with the line of thinking of my friend from Sacramento?

Mr. INSLEE. Certainly, I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding to me.

It is a very good point that the gentleman from California [Mr. MATSUI] makes as we look at this wage issue.

Quite frankly, I am going to choose to take on something that was said by the distinguished majority leader as it relates to wage rates, and that is a chart I have had sitting here for the last hour. I have been meaning to focus on this, and I will very briefly.

I would like to quote the statement that was provided by the majority leader, the gentleman from Missouri [Mr. GEPHARDT], when he said:

> Mexican wages are kept artificially low because of the actions, and inactions, of the government. And they have kept these wages low to help their economy grow. And, if their wages don't rise, the downward pressure on our wages will continue.
>
> Official data from the Mexican Government tell the story best. Since 1980, real hourly compensation has fallen by 32 percent in Mexico, while manufacturing productivity has increased by more than 30 percent. Economists tell us that wages should roughly track productivity increases. Yet, Mexican workers are producing more, and getting less.

Mr. Speaker, those statements are quite frankly untrue. There is no truth whatsoever to the basis on which the majority leader outlined his opposition to the North American Free-Trade Agreement.

What I would like to do is address that question now with this particular chart that I have right here.

First, Mexican wages did skyrocket from 1979 to 1981, fueled by the 1979 oil price shock and a tremendous influx of unwise foreign lending. While the wage rate went up, the worker productivity barely budged.

When the Mexican economy collapsed, a product of the bursting of the oil bubble and also the cutoff of most foreign loans, wages plummeted to a realistic level. Under very antitrade socialist regimes, in the early 1980's Mexican wages fell dramatically from 1981 to 1986.

Real Mexican wages, Mr. Speaker, turned around under President Salinas in 1987.

Now, we have regularly listened to the critics who talk about the fact that the Mexican Government is corrupt, there is no political pluralism.

Well, quite frankly, if we look at the mid-1980's and the turnaround that began when President Miguel de la Madrid had the Mexican Government participate and join the General Agreement on Tariffs and Trade, as my friend, the gentleman from California [Mr. HORN], said, and then the election of President Salinas, where privatization began of the telephone industry, the banking industry, which in 1981 had been nationalized by President Jose Lopez Portillo.

When this privatization move began, we saw tremendous improvement in the economy and also an increase in wage rates as it relates to productivity.

Now, if we could focus on the chart here, we can see the orange chart here shows the actual real earnings of the Mexican worker juxtaposed to productivity.

In 1988, there was actually a decrease in the real earnings as it related to productivity, but if you look at 1989, beginning at that point there was a surge in wage rates juxtaposed to productivity, and then it goes in 1990, 1991, and in 1992.

Of course, the gentleman from Missouri [Mr. GEPHARDT] has regularly talked about the fact that wage rates are much lower than the level of productivity.

☐ 1810

The wage rates in Mexico far exceeded the level of productivity there, so it is very important that we dispel this rumor and look at the facts. People continue to give these untruths, which need to be addressed, and I thank my friend from Selah for yielding me this time, and I look forward to his presentation.

Mr. INSLEE. I think, you know, we have got to look at another issue, and that is wages here. You know, we are starting to hear the opponents of NAFTA start to change their tune a little bit. You know, originally they started saying, well, we will be a net loser, but I think the evidence has shown very conclusively that, when you take down their 10-foot wall, and we only take down a 4-foot wall, there is no way on this green Earth we are not going to have a net increase in jobs in this country.

But you know they have fallen back to another argument. They say, well, that the jobs that will be created here, they will be the low-paying jobs. They will not be the good-paying, high-value, expert jobs. Well, you know, sometimes you got to deal with facts once in a while, and I happen to have some.

If you look at the jobs that we gain by exports to Mexico today, and you compare the average wage, if you will, for those across industry in general, you will find that, if you look at this block, these are wages for jobs in general, and the cross-hatched are the wages created by exports to Mexico.

The fact of the matter is, even today, having to jump over the 10-foot wall, our wages, generated by exports to Mexico, are higher, and they are going to be greater, and I guess I would yield to the gentleman and ask him if that is any different on the Mexican side.

Mr. DREIER. I will tell the gentleman the situation that is very important for us to underscore is that historically, as we look at export jobs in the United States, jobs that are created due to exports to other countries, the wage rates here in the United States for those jobs is 17 percent higher than the wage rates for products that are created for domestic consumption.

So, clearly we are going to be creating higher wage jobs right here in the United States when it comes to enhancing our chance to export to Mexico and to other countries.

Mr. INSLEE. I thank the gentleman.

You know I would like to come back, if I can. We were talking about how this relates to our competitors in Germany, and in France, and Japan, and Italy, and Singapore, and we were talking. The gentleman from California [Mr. MATSUI] made an excellent point that in fact our competitors would be in the Mexican market; the Germans and the Japanese will be stealing our jobs. In fact, if we do not enter into NAFTA, and I would like to talk about that for just a moment, about maybe why the gentleman from California [Mr. MATSUI] said that; if you look at the barriers right now that Japan has got to our exports; or, excuse me, Mexico, they have got this 10-foot high wall, and that 10-foot high wall under NAFTA is going to be taken down brick by brick until it is zero, as will ours come down to zero. We are going to enjoy something we do not have right now. The American worker is going to enjoy a level playing field with Mexico.

What will the German worker have after NAFTA passes? The German worker will still have to crawl over the 10-foot wall, the Japanese exporter will still have to crawl over the 10-foot wall, the Singapore exporter.

Now, is there any way under those circumstances that we cannot be better off on a net basis?

Mr. DREIER. Well, my friend is absolutely correct in pointing to the fact that throughout the world there are countries which would love to see the defeat of the North American Free-Trade Agreement, and, as the gentleman knows, as we look in this country at the textile industry, for instance, they are very concerned about the prospect of the defeat of NAFTA because we would see other countries move into Mexico and immediately utilize Mexico as an export platform into the United States, and that 4-foot wall would still exist. But in many areas it is extraordinarily low, and it seems to me that we need to recognize that, if we are going to strengthen our ties with the Americas, it would behoove us to not jeopardize that relationship, encouraging them to strengthen ties with Japan, other countries in the Pacific Rim, and, as the gentleman from California [Mr. MATSUI] was saying, Great Britain and other countries in Western Europe.

Mr. INSLEE. I would like to compare, if we can for a minute, the Washington to the California experience.

As the gentleman knows, we have our charts, and we talk, and we hear economists bicker and argue about that, but I would like to talk for a minute about real life. I want to talk to you about somebody in real life in my life, my neighbors in Selah, WA.

My neighbors grow apples, and several years ago they got into trouble. There were economic problems for my neighbors because the apple prices were dropping because we were losing markets, the ability to sell apple products, and my next-door neighbor, they have got a little 15-acre ranch, and frankly they had some financial trouble, and then something happened about 1986, 1987, that preceded NAFTA, and that is we convinced Mexico to reduce their trade barriers against apples. They had this high wall against apples, and we, because we started to talk about NAFTA, got them to reduce that wall, and I want to tell my colleague what happened to my neighbors.

My neighbors were putting a fellow through college at the time and having financial difficulties. They started to sell apples to Mexico, and their neighbors started to sell apples to Mexico, and we went from a $50 million in the State of Washington, excuse me, $80 million sales of Washington products made by Washington workers in my State to Mexico, to over $500 million exports to Mexico in 5 years, and why did we do that? Well, it was not because I was sent to Congress. It was because we convinced Mexico to reduce their trade barriers, and does my colleague know what happened to my neighbors? They got out of financial difficulty. They put their son through college. They had a real impact, a real-life story of success, which is the preview, if the gentleman will, of NAFTA, because what is going to happen to them is going to happen to American workers across this country if we continue to get Mexico to bring down their barriers.

And let me ask the gentleman about California.

Mr. DREIER. Well, let me just say to my friend, first, if you look at the situation that existed in Washington State and throughout the entire United States, including States like Pennsylvania, Ohio, Michigan, where we regularly hear on this floor from people who are virulent opponents of the North American Free-Trade Agreement, and look at the facts, their States have seen an increase of 100, 200, as much as 300 percent in their level of exports to Mexico since privatization began, since the economy of Mexico strengthened and since the Mexican consumer began to emerge to a position where they were able to afford United States manufactured products.

I think my friend from Long Beach would like to add to that, too.

Mr. HORN. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, I think it is in an excellent example that our colleague, the gentleman from Washington [Mr. INSLEE], has given on the expansion of the market, the enrichment of the people in his home community through opening the doors to trade. As I listen to the opponents with all sincerity and deep feeling talking about these matters, what this whole debate reminds me of is what we argued about in this Nation in the 1930's. Is the economy simply a pie and the argument is over the relative size of each slice of the pie between workers, management, and consumers, or is an economy an ever-expanding pie—if we want it to be—where new ideas become new jobs which provide the dignity and self-esteem that comes with individual economic satisfaction?

We have heard a lot in the last few days about corruption in Mexico. We heard a lot this afternoon about corruption in Mexico. One of the great themes of western civilization has been, as the economies started to develop in Europe, people started thinking about independence and freedom, getting out from being vassals under the king, or in this country, in the 19th century, organizing labor unions, getting out from the paternalistic control of management. All of that has come with economic freedom. Economic freedom has been the basis of political freedom. If we do not encourage economic freedom in Mexico, the Mexicans will never be free of the one-party system they have.

□ 1820

Mr. DREIER. If the gentleman would yield on that particular point, I would just like to ask the gentleman, since he did mention the issue of the early 1930's, one automatically thinks of the Smoot-Hawley Tariff Act and the fact that played a role in expanding the Great Depression.

My friend is a brillant historian. I wonder if he might talk briefly about the effect of the 1930's trade policy in the United States and the effect that it had on the United States and throughout the world.

Mr. HORN. Well, the unfortunate thing is that nations use similar policies in the wrong circumstances. When we started as a nation we had Secretary of the Treasury Alexander Hamilton's great Letter on Manufactures. Canada did exactly what we did when it started on its own course in the mid-19th century. The policy was to raise your tariff barriers to the outside would in order to protect your domestic industry, so you could develop an independent capacity to meet the needs of your people and not have to be dependent on the mother country.

Yet that policy and the policy of protecting domestic manufacturers against competition went beyond a reasonable day. And this is what we face right now with Mexico. They have protected their industries from competition. They had a number of inefficient, command economy, State-run industries, until the recent privatization that you described very well.

Yet, we made the mistake in thinking how to get out of our own depression—which was part of a worldwide depression—that we would simply raise our tariff barriers and everything would be for the best.

But everything was not for the best. Even then we had the beginnings of a global economy. As you and I noted earlier, America has been a great trading nation. As our colleague, the gentleman from California [Mr. MATSUI] observed we have believed in change. We have been an optimistic people. Every foreign observer who came to these shores in the 19th century wrote about American optimism. People came here—and continue to come here—because they can start from nothing and have something as a result of hard work. And that opportunity is what we want other nations to share. Now, the Mexicans will gain from that dynamism and they will gain more freedom, as well as a better economy.

Mr. INSLEE. You spur a thought when you mention the pie. I think it bears repeating, that trade is not a zero sum game.

Mr. HORN. Right.

Mr. INSLEE. The American worker will gain through NAFTA, and the Mexican worker will gain through NAFTA. And the Japanese, German, Italian, and Singaporean worker will probably lose due to NAFTA, because they will still have to crawl and pay that 10-percent tax to get into Mexican markets.

But let me suggest, when it comes to baking pies, the Europeans are doing it pretty well right now. We ought to talk about Europe just a little bit, because of what happened in the European Community when they went through this before us.

The debate we are having today was heard in the Parliaments of Europe several years ago about whether to form a European Community. There were the opponents of the European Community who argued in Sweden and Denmark and northern Europe, the rich industrialized world, the opponents of the European Community came and said, "Don't lower our trade barriers. Don't you deal with those southern Europeans, those dastardly Spaniards. Don't deal with those Portuguese. You know, they are not as democratic as we are. They are not as industrialized as we are. And if you do," those opponents of the Community in Sweden and Germany said, "our wages will go down while theirs come up. We will meet in the middle and we will be lower."

For once, let us look at what has happened. The northern European wages have gone up faster than ours with no NAFTA. Their wages are going up faster than ours, while they are trading and have locked us out of some markets in Spain and Portugal. So have the southern Europeans. They have both gone up, while we are locked out of the European Community.

It is time for us, it seems to me, to start realizing that our competitors are going to eat our lunch if we do not start to play the same game, and that game is developing large markets, which inures to both the northern people and the southern people, like it did the Swedes and Spaniards, just like it will for the Americans and Mexicans.

Mr. HORN. The gentleman is absolutely correct. I wonder as I hear all these debates why leaders in American labor, at the national, State, and local levels, are so misleading the average worker as to the effects of the North American Free-Trade Agreement.

It seems to me we are still mired in the class warfare of the 1930's or the 19th century. And until we grow out of that, the opportunities for the American worker are being limited by their own leaders. It seems to me the whole history that you and others have described this afternoon is a good example of what expanding trade means.

As I said in the beginning, we are talking about jobs for Americans in America.

Mr. INSLEE. We have in this country, I guess we should not focus too much on Europe, but we have a history of what liberalization of Mexican trade policy does. I used one example of my neighbors that live a stone's throw from my house.

But if you look at what NAFTA does, we know what NAFTA does. We do not have to argue and listen to us beating our gums in Congress about what NAFTA is going to do. We know what it is going to do, because for the last 5 years it has been doing it. Because before 1987, here we have a chart showing the trade relationship before 1987. We had a significant deficit with Mexico. That means before 1987 we shipped our jobs south across the Mexican border, while they shipped their goods north.

In 1987 we started to see the beginnings of the NAFTA philosophy of free trade with Mexico. Because what we did is we convinced Mexico, through bipartisan efforts, to reduce their tax on American workers and to reduce their trade tariff on our exports.

What happened? We do not have to argue about what happened. We do not have to guess. We do not have to speculate. We should all come down here, all 400 of us, and look at the facts.

The fact is our exports increased. We have gained over 100,000 new jobs exporting goods to Mexico, because now we have a significant trade surplus with Mexico, over $5 billion. A trade surplus.

So all of this palaver in Congress about what NAFTA means, you just have to look. Go down there and see which way the goods are flowing. We are selling more to them than they are selling to us. And this is going to get bigger with NAFTA. It could get smaller without NAFTA.

Mr. HORN. You are absolutely correct. If the Mexican parliament hears much of this debate, they might change their mind and get out of the agreement before it is implemented.

Mr. INSLEE. I am not sure we are that persuasive.

Mr. HORN. I think they are more visionary, frankly, than some in our country who are just spreading fear and rumor for selfish political or economic purposes.

Mr. INSLEE. Let me suggest, the gentleman raises a significant point about the thinking of those opposed to NAFTA. I credit it sincere belief and do not question motivations at all in this debate. But as I hear the NAFTA argument, the NAFTA opponents, here is what I boil it down to. If you put it in a kettle and boil it down, here is what the anti-NAFTA argument is. Mexico does not have a democracy as good as ours, which is true. Mexico has lower wages than we do, which is true. Mexico stands potentially to gain some of our jobs because they have lower wages under the existing trade policy, which is true. All of these things are true today.

Tell me what the anti-NAFTA forces have come forward with and said they are going to do about that sad, sorry state of affairs. What do they suggest? What medicine do they suggest for this illness of this country? Where are they?

We have suggested a NAFTA medicine. But they want to leave the status quo alone. They think it is good enough to lose millions of American jobs, and the folks who want NAFTA believe it is not good enough.

Let me suggest one idea in democracy. They argue Mexico is not as good a democracy as we are. Frankly, I think we should be proud that nobody is as good a democracy as we are. I take pride working in this citadel of democracy.

But, you know, every country goes through progress. Look at our environmental laws 40 years ago. I love Pittsburgh now. Pittsburgh is a shining example about how you can change your environment.

Look at our labor laws 50 years ago. Progress is possible. Progress is possible, and on this, I will trust one person above anyone else. I realize he is a Democrat, but I hope you will deal with me for just a moment on this, someone who truly knows Latin American politics, who has committed his life to achieving democracy in Latin America, and that is ex-President Jimmy Carter, who has come forward on a bipartisan basis with Presidents Bush, Ford, and Clinton in support of this treaty.

Because what he says is if you shine America on Mexico, if you trade with Mexico, there is only one possible result. No dictatorship can stand against the light of America's democracy. And the closer we are to Mexico, the more they will learn from us, frankly. And if we shut them aside into the darkness, some of their nondemocratic traditions will remain and prosper.

But what Jimmy Carter has said is lean them up against our lamp of democracy, and they will learn from us. And I want to give credit on a bipartisan basis to the Republican Party and the Republican Presidents who have made that same argument.

☐ 1830

Mr. HORN. Mr. Speaker, the gentleman is absolutely correct. The last six Presidents have been eloquent on this subject.

I cited earlier Franklin Delano Roosevelt's vision and John F. Kennedy's vision for a hemisphere of freedom where the economies are working. And it disappoints me when I see very sincere people, who have been worked up by this anti-NAFTA campaign, and have legitimate concerns about what has occurred in Mexico in terms of the government's treatment of labor leaders, in terms of the government's cancelling any attempt for collective bargaining. But what they want us to do is impose domestic American labor law, which provides for free collective bargaining, for rights for workers, against child labor and all these other things we know from the progressive era of this country in this century, on internal Mexican conduct.

We would resent it, as Americans, if, through NAFTA or without NAFTA, somehow Mexican internal law could be imposed on the United States. And yet, that is exactly what the opposition to this is all about.

As I said earlier, they say, "Well, not this NAFTA. We want a better NAFTA."

Well, the better NAFTA, when you peel it all away, is "We want you to impose our labor standards on the people of Mexico within Mexico." That is unheard of in any international law, any relations between nations, unless you are an occupying army. And we are not an occupying army. We do not want to be an occupying army.

So that is another thing we need to deal with and peel away. Very sincere people are correctly concerned and, yet, these same very sincere people, 10, 20 years ago, were certainly willing to make agreements with totalitarian governments. They were known as Mao Tse-tung in the People's Republic of China and Mr. Brezhnev in the Union of Soviet Socialist Republics. And those agreements happened to stick, even though they were made with totalitarians. And for one simple reason: Whether it is a totalitarian government and a democratic government or a democratic government and not-so-democratic government's agreement, those agreements stick when they are in the mutual self-interest of both nations. And certainly, most people, and the Presidents you cited, and certainly the eloquence of President Carter, have meant this is in the self-interest of Canada, Mexico, and the United States of America. When enacted, NAFTA will be the beginning of a hemisphere of free people and freedom in their economic system as well as in their politics.

Mr. INSLEE. I think there has been, actually, though, when you think about it, in the last administration, some ability, in fact, to, through legal method, lever Mexico toward our standards.

I think it is important for the American people to recognize that the sidebar agreements that have been achieved are unique. This is the first time we have had a hammer over Mexico to improve their environmental standards. We can punish them with a $20 million trade tariff, if they do not improve enforcement of their environmental standards. Never had it before. Do not have it now. Will not have it without NAFTA.

We have another $20 million hammer if they do not improve their child labor and worker safety standards. Do not have it now. Have never had it. Will not have it without NAFTA.

But the anti-NAFTA forces say, well, get a bigger hammer and come back. Look who has tried? A Republican President, a Democratic President, and they have fashioned some hammers for us to use.

But what do the NAFTA forces here in this Congress come back with again, 400 of us maybe, they come back and say, Well, I am a Congressman from such-and-such district. I will fashion a better agreement than the last two Presidents have not been able to fashion on a bipartisan basis.

Mr. DREIER. Mr. Speaker, I think that is a very interesting thing for us to raise.

Last Friday, when I arrived, as my friend from Long Beach regularly does, at Los Angeles International Airport, I jumped onto La Cienega Boulevard. When I got up to the intersection of La Cienega and Stocker, there was a great big sign that said, "Not this NAFTA."

And my friend from Selah has very accurately pointed to the fact that there are many people who want to bring about major modification of this. And if you look at the amazing, rather schizophrenic coalition of people who oppose this, I would challenge anyone to try and fashion the next NAFTA, as those who oppose NAFTA say, "We all support free trade; we all want a North American Free-Trade Agreement, but not this NAFTA," I challenge those people to try and fashion an agreement which would have the support of Pat Buchanan and Jesse Jackson, Ross Perot, and Jerry Brown.

Obviously, we have put together, with this agreement, support from both sides of the aisle, two administrations, all four former Presidents.

And the point that my friend also raises, about changes that have taken place in Mexico. Those who are critics of this plan correctly point to corruption and a lack of political pluralism that has existed. But we are very pleased that is all in the history of Mexico.

If you look back to 1929, when Mr. Cardness chose to nationalize the oil industry and the institutional revolutionary party came to power, yes, they have had one-party control of that country. And we want to encourage political pluralism.

There are many people who believe that there is no political pluralism whatsoever in Mexico today. But again, they are wrong.

Since privatization began, since the Salinas presidency began to take on this bold and dynamic leadership, we have seen opposition party candidates win mayorships and governorships throughout Mexico, in fact, literally dozens of mayors who are members of the PON party, the National Action Party in Mexico, have successfully won elections. And we have seen governors of the opposition party win elections.

I am convinced that if we defeat NAFTA, the chance for this greater level of political pluralism will be stifled. And I hope very much that we will be able to see NAFTA put into place so that we can encourage freer elections and a greater level of participation in that country.

Mr. INSLEE. I think that basically what the gentleman has alluded to is that I do not think any American President who wants to try to satisfy all of our demands in this country would want to try to sell shoes to the NAFTA critics. Because any pair of oxfords would be the wrong style and any pair of pumps, any pair of tennis shoes. It is impossible to do.

We have been given a good-faith effort from two administrations, and we have achieved something that no one has ever done.

I am going to give credit, just for a moment to the Democrat that came at the tail end of this. He has achieved what no one has ever done, to achieve levers, hammers to move Mexico toward the direction we want them to go.

It is a fair statement that we are not going to forge any better bipartisan consensus to get this through the U.S. Congress.

Mr. DREIER. My friend is absolutely correct. What we need to realize is that it is this NAFTA or no NAFTA. Because as we know, I was saying earlier here, we will see other countries, nations in the Pacific rim, specifically Japan, which will choose to locate operations in Mexico and use Mexico as an export platform into the United States.

Yet, under NAFTA, with the tough rule of origin requirements that are there, requiring 75 percent of the items used in manufacture to come from North America, the three countries involved in the NAFTA clearly it will accrue to the benefit of the United States.

Mr. INSLEE. I would just like to allude to something I read the other day that we were talking about history, in accruing to our benefit.

I think we are in the position of another civilization, another country hundreds of years ago. That was China.

China was a great culture, civilization. They had invented gunpowder. They had an advanced civilization. They were the leader in the world's civilization hundreds and hundreds of years ago.

And they became concerned about people that they considered barbarians. So what did they do? Their leadership convinced them, due to fear, the fear of what was going on around them in the world, instead of engaging in change, they decided to build a wall, a Great Wall, a world-renowned wall.

That was successful in making them feel protected from the challenges of the rest of the countries they had to deal with, and that wall let them sleep at night, while Europe continued to compete and surpass the Chinese civilization for centuries, for centuries.

This country has to accept the fact that a wall is not going to protect the American workers. But knocking down the Mexican wall will. By allowing us to get into their markets and realizing we are going to allow them fair trade, equal trade, we will succeed.

☐ 1840

Heaven help us if we follow the Chinese example of hiding behind walls as the anti-NAFTA people would desire us to do. That is not the direction for this country. We will lose by hiding behind walls.

Let me say that some of our competitors are watching us carefully tonight and other nights to see if they are going to get the advantage that we could potentially turn down.

Mr. HORN. That is the ironic part that the gentleman correctly cites. Major powers all over the world hope this country will be dumb enough to turn down the North American Free-Trade Agreement. A rejection by us will give these other countries the unique opportunity to exploit opportunities which are ours achieved through diplomacy, through reasoning, and a bipartisan alliance of both major parties. If we fail, it will be a sad day for America.

Mr. INSLEE. I thank my colleague. Perhaps I can move ahead, if the gentleman will yield further.

Mr. HORN. Please do. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Speaker, I would like to comment, if I can, on just how I see our responsibility and my generation's responsibility in this regard.

I came here, left a small town and came here several months ago. The way I look at this situation, Mr. Speaker, is that there really is a new generation of leadership in this country. It has been said before, the torch has been passed to a new generation of leadership. Our predecessors, our fathers politically, were dominated by the cold war. They were dominated by the need to fight the cold war. Now the cold war is over, and now it is our responsibility to fight a new kind of war. That is a war to get markets, so that we can get jobs for the people we represent, and we must knock down the trade barriers in Mexico so my people, my neighbors, can export products, so they can have jobs in my home town. That is what I am here fighting to do.

Mr. Speaker, I believe that our predecessors established NATO, and it won, and we should establish NAFTA, and we will win.

AN ANALYSIS OF THE CLINTON HEALTH PLAN

The SPEAKER pro tempore (Mr. JOHNSON of South Dakota). Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I am going to speak on an American health plan and a German health plan, and analyze the Clinton health plan as outlined in a New York Times book entitled, "The President's Health Security Plan," and outline the alternatives the House Republicans have introduced in a bill entitled, "Affordable Health Care Now," which currently has about 120 cosponsors.

Mr. Speaker, I am fascinated with the gap between the President's speech and what I am discovering now that I am reading the plan. Let me start, though, by saying that there are many changes that need to be made in health care; that we ought to put together a bill, as the gentleman from Illinois [Mr. MICHEL] told the American Medical Association yesterday, we ought to put together a bipartisan bill that we could pass this fall on the seven major areas that we agree on.

We agree on administrative reforms, on malpractice reform, on antitrust reform, on antifraud reform, on Medicaid reform, on 100 percent deduction for the self-employed, and an insurance reform. I think in those seven areas we could actually pass a good, commonsense positive step that would help millions of people, and save several billions of dollars, and let it go ahead this fall and pass this before we adjourn for this session of Congress.

However, as I study the President's health care plan, the Clinton plan, I am astonished at how bad it is, and how fundamentally wrong it is for America. Captured in an article this morning entitled "Health Plan—Devilish Details," by Elizabeth McCaughey, she is a Fellow at the Manhattan Institute in New York. When you begin to read the details, it is remarkable.

I was trying to understand how an American President could propose a centralized bureaucratic plan which is this bad and this fundamentally wrong for Americans. I think I have found it on page 314 of a book called "Reinventing Government" by David Osborn and Ted Gabler. David Osborn is a consultant to Vice President GORE on reinventing government.

On page 314, where David Osborn and Ted Gabler are describing health care reform as they would see it, they say,

> This kind of system would share some features of the Canadian model, but its closest, although not identical, parallel is in Germany, actually in the former West Germany. The German Government steers the system.

I have been saying this for several days, that it just felt, the more I read about the Clinton plan, the more it felt like German medicine. I had assumed it had been discovered by my good friend, Senator JAY ROCKEFELLER, on one of his vacations, or the Clintons, who are very fond of Germany. However, in fact, now that I have been doing more research, I wonder if it was not originally the suggestion of Mr. Osborn which led them towards the German model.

There are several things wrong with the German model. The first is that West Germany is a very small country, about the size of Oregon, and it is a very homogenous country. Virtually everyone there is German. By contrast, we are a huge country, so complicated, enormous diversities, 260 million people, and we come from all kinds of backgrounds.

Anyone who has been to Germany can use one simple, everyday, common experience to describe the difference between German and American culture styles. In Germany there is no speed limit on most of the Autobahn, although in congested areas there is. But everyone who knows German civilization knows that if there was a speed limit imposed tomorrow morning, virtually all Germans would obey it until the next election, when they would defeat the current politicians and replace them with an antispeed-limit party.

By contrast, for most Americans, their response to speed limits is dramatically different. I think I can say, in all candor, without insulting any American who is listening, that for most Americans a speed limit is a benchmark of opportunity; that there is an astonishing pattern virtually anywhere in this country of looking at the sign and thinking, "Now, can I go 5 miles an hour over, or 10 miles an hour?"

The difference is not just about driving, the difference goes to the core of the two cultures. Bureaucracy makes some sense in a German culture. It is no accident that Max Weber, a German, was the greatest intellectual analyzer of the bureaucratic model.

In the American civilization, however, we are not particularly good at bureaucracies. We are good at incentives, we are good at competition, we are good at individual leadership, we are good at creativity, we are good at encouraging people in their own self-interest to move in the right direction. There are many things we do very well, and I would argue, as I have on other occasions, that American civilization is the most successful integrated civilization in history; that more human beings from more backgrounds come together out of self-interest and in an enlightened way as citizens, and create greater opportunities for each other, than any civilization in the history of the human race.

But the one thing we do very, very badly is large peacetime bureaucracies. I was very struck the other night, as an illustration. I thought it was remarkably symbolic that when the President came to this very House, when he stood down here in the well to address the Nation in a joint session, or rather, up at the desk to address the Nation, with an entire country watching, with all the Members of the House and the Senate here, with the diplomats here, with the Cabinet sitting down front, when he looked up at his teleprompter, the President of the United States saw not his health care speech but his State of the Union Message.

That is right. The White House bureaucracy had put the wrong computer tape in the teleprompter, or the wrong disk, rather. The result was that the President was looking at the wrong speech.

He turned to Vice President GORE and he said, according to newspaper reports, "They have the wrong speech on the teleprompter." Vice President GORE, in the great tradition of bureaucracy, said, "No, they don't." The President pointed out, in touch with reality, "I am reading it. It is the wrong speech."

Now, I want to make this very profound and yet funny point. If an American bureaucracy as high as the White House cannot get the right speech in a teleprompter for the President of the United States to address the joint session, what level of pride and hubris would lead someone to believe that this bureaucracy will get the right CAT scan, the right MRI's, the right x ray to the right doctor in the right operating room when you and I are in there?

□ 1850

And yet, that is the essence of the Clinton plan. When you start going through this, as I will in a minute, and you read the scale of bureaucracy, the scale of centralized planning, the kind of hubris involved in thinking that a handful of people in a room in the White House could design for 260 million people their version of what they in the White House believe the rest of us should choose is astonishing. And it uses language I think to disguise rather than to disclose.

Now this is not a new phenomenon. I have to thank Bill Niskanen, a very sophisticated economist at the Cato Institute, who discovered this quote, which I think illustrates perfectly 234 years after it was written exactly the level of conceit that we are dealing with. And the word conceit comes not from me, but from Adam Smith's writing in 1759 in what I think is far and away his more important work, "The Theory of Moral Sentiments." Smith of course was the Scottish philosopher who wrote "The Wealth of Nations," the most important single description of how markets operate.

But in a book written some 17 years earlier, called "The Theory of Moral Sentiments," he outlined a general structure of how humans behave in the real world, and this is what he said, and I want you to think about this and apply it directly to the Clinton health plan:

> The man of system is apt to be very wise in his own conceit. He seems to imagine that he can arrange the different members of a great society with as much ease as the hand arranges the different pieces upon a chess board. He does not consider that the pieces upon the chess board have yet another principle of motion besides that which the hand impresses upon them. But that in the great chess board of human society, every single piece has a principle of motion of its own, although different from that which the legislature might choose to impress upon it. If those two principles coincide and act in the same direction, the game of human society will go on easily and harmoniously, and is very likely to be happy and successful. If they are opposite or different, the game will go on miserably and the society must be at all times in the highest degree of disorder.—Adam Smith, 1759.

Now let us apply it in the real world. If the Government adopts commonsense, practical, general rules that make sense to people, they will obey them. A 70-mile-an-hour speed limit on a superhighway is obeyed by dramatically more people than 20 miles an hour on a superhighway.

But if the Government starts to adopt rules and regulations that go against the very core of how people behave, people will start to find ways to cheat.

I found it fascinating that in Elizabeth McCaughey's article today she makes the point:

> A parent lying awake, worried about a child's illness and whether the gatekeeper will OK a specialist, might think about bribes or even going outside the system. The Clinton plan anticipates the problem with new criminal penalties for "payment of bribes or gratuities to influence the delivery of health services." (p. 9). Doctors, meanwhile, joke about "offshore" practices, hospital ships outside the 3-mile limit, and other ways for families to escape controls and buy the health care they want.

Now, let us look at what we are talking about. How does the Clinton plan work. It does exactly the wrong things. It establishes first of all a national health board. It sounds innocuous, but let me describe for just a few minutes, reading from the New York Times version, which is slightly different in page numbers from the White House version about the national health board.

This is what they say about the national health board, pages 44 and so on:

> The national health board which is responsible for setting national standards and overseeing the establishment and administration of the new health system by States.

In other words, the President is going to appoint people in Washington, DC, bureaucrats appointed by politicians, to oversee the health system of every State.

And here is what they will do:

> The board establishes requirements for State plans, monitors compliance with those requirements, provides technical assistance, and insures access to health care for all Americans.

Note the powerful words, "establishes requirements, monitors compliance, insures access."

They go on to say:

> The board interprets and updates the nationally guaranteed benefit package and issues regulations.

They go on to say:

> The board issues regulations concerning implementation of the national budget for health care spending and endorses the budget. The board establishes baseline budgets for alliances by allocating national spending among alliances to reflect regional variations.

Let me make it clear what this means. If you are lucky, and you are clever, and your lobbyist and your politicians have the right influence, your region gets more money. If you are unlucky, and you are unclever, and your region is politically incorrect, your region gets less money. "Allocating national spending among alliances to reflect regional variations."

You have to be totally ignorant of American history to believe that that board would become anything but a political pork barrel that will give the money to your friends and your allies and punish and starve your opponents.

"The board certifies compliance with the budget." Now what happens if you fail to meet your responsibilities? This is what the Secretary could do, the Secretary of Health and Human Services. This is one human being in a nation of 260 million people. We are now going to have a Federal health dictator.

This is what the Federal health dictator can do: "The Secretary has the authority to order the withholding of Federal health appropriations." In other words, the Federal health dictator can call your State Governor of your State and say you have failed to comply, you get no Federal money as of this date on my personal single dictatorial signature.

If the State persists in its failure, here is what the book says: "The Secretary"—and I prefer to think of it as the health dictator—"is required to take one of the following actions:" They then say:

> Dissolve an existing health alliance and establish one or more regional alliances in compliance with Federal requirements. Contract with private parties or others to establish and operate regional alliances. Order regional alliances or health plans to comply. Take other steps as needed.

Now, this a grant of power to a single human being which in all of World War II was never done. Other than Lincoln's suspension of habeas corpus during the Civil War, I know of no instance ever in the history of the United States that one person was given the level of dictatorship that this plan would give to one human being.

And again, for anyone who knows American history, it is hard to imagine in a hard Presidential year, with a tough reelection, with a friend who is giving a lot of money and promises to bring an entire union or an entire corporation or an entire region, that suddenly the wrong party who gave to the wrong side's friends, that their alliance is suddenly guilty of 22 technical violations as found by Federal inspectors sent from Washington, and suddenly they are suspended, and suddenly a brand new alliance is created which just happens to be staffed by and has the money going to the President's friends. Is that impossible in the history of America, or in fact do we not have a number of occasions where power given too closely does, as Lord Acton warned, tend to corrupt, and absolute power corrupts absolutely?

But it goes further. Forget the fact that they are dissolving your insurance plan, they decide from Washington with one person making the decision what kind of plan you are allowed to buy; forget that they can take over everything that is going on in your State; forget that they can cut off all Federal aid to your State. Here is what else it says:

> The Secretary of the Treasury will impose a payroll tax on all employers in the State. The payroll tax shall be sufficient to allow the Federal Government to provide health coverage to all individuals of the State, and to reimburse the Federal Government for the cost of monitoring and operating the State's system.

This is literally the Federal Government taking over all of the health care of a State, and then having the Secretary of the Treasury establish a unique payroll tax for one State.

□ 1900

Now, what if you are a politically incorrect State? What if you voted for the wrong person for Governor? What if that candidate for Governor might be about to run for President next time?

Oh, you would say, but they would never do that. That I think is a level of naivete about human nature that I think is astonishing.

Imagine one person, the health dictator, will be able wipe out your entire health program, and another person, the new tax dictator, will be able to impose a payroll tax on all the employers in the State and that payroll tax shall be sufficient to allow the Federal Government to provide health coverage to all individuals in the State and to reimburse the Federal Government for the cost of monitoring and operating the State system.

Now, that is a level of detailed intervention that we have never ever in American history seen, with power given to one particular agency.

Elizabeth McCaughey catches it correctly when she says:

> The Clinton plan will make almost all Americans buy basic health coverage through the "regional alliance" where they live. Regional alliances are huge, government monopolies that will purchase basic health care for everyone in the area. The law will require you to buy basic health coverage from the limited choices offered by your alliance. It will be illegal to buy it elsewhere.

Can you imagine in America where your desire to buy better health insurance for your family is illegal? Your desire to take better care of your family is illegal? Your desire to do better, to have more security, to have greater options to improve your lot is illegal?

Elizabeth McCaughey goes on to say:

> Alliance officials will negotiate benefit packages and prices with insurers and health maintenance organizations (HMOs)—groups of physicians and hospitals that provide total health care through cost-conscious methods to each consumer for a prepaid premium. Unless you now receive health care through Medicare, military or veterans benefits, or unless you or your spouse works for a large company, the law will require you to buy basic health coverage from the limited choices offered by your alliance. It will be illegal to buy it elsewhere. (Pages 13, 16, 81.)
>
> Under the plan, the federal government will set ceilings on how much each regional alliance can spend on payments to insurers and HMOs annually. The goal is to limit private health care spending. Alliances can reject any health insurance option that would push spending through the ceiling. Fee-for-service insurance, which tends to be more costly than HMO coverage, will be the first to go.
>
> In addition, an alliance cannot offer any plan that costs 20% more than the average price of all plans it offers. Plans with added benefits (such as Pap smears every year instead of every third year) and many fee-for-service plans will be excluded by the 20% rule. A primary goal of the Clinton plan is to eliminate a two-tier health care system, where people who can pay more for medical care will receive more.

Now, let me make a point about this. I want to see an America where everybody improves their life by getting better, by having more, by being more prosperous, by having more choices. The Clinton plan levels everyone down, to give everyone less. It tries to reduce all of us to the lowest possible denominator, and it is extraordinarily anti-small business, not only in its mandates, not only in its payroll tax increases, not only in its red tape, but from the fact that many of the small businesses it will put out of business are the small businesses, the pharmacies, doctors, and local health agencies that are not gigantic and not big national firms and will not be able to get to the Secretary of Health and Human Services or the Health Dictator, as I prefer to call that function.

Let me go on and read some more from Elizabeth McCaughey, because I think she has it exactly correct:

> Annual ceilings and the 20% rule will make it virtually impossible for some alliances to offer choose-your-own-doctor health insurance. Americans have been told that they will always have the option to buy fee-for-service insurance. But the plan says that, with a waiver from the National Health Board, alliances can exclude all fee-for-service plans, effectively forcing millions of citizens to join an HMO.

Now, notice this is so typical of what we are discovering with the Clinton administration. The first speech is terrific. The second speech sounds a little strange, but not too bad, but they beg you, never read the fine print, so you are really always going to be able to buy your own insurance unless, of course, the National Health Board says you do not.

Now, that requires a level of trust in Government that I do not think Americans want to make anymore. That requires you to believe that Washington will always keep its word. That requires you to believe that seven political appointees on a board appointed by a President sitting in Washington, DC, are not going to use the power that has been given to them.

Let me go on again and quote from Elizabeth McCaughey:

> Cara Walinsky of the Health Care Advisory Board and Governance Committee, which advises 800 hospitals world-wide, explains that the plan "will make it as difficult as possible for you to buy more" than the standard package.
>
> The Clinton proposal is designed to drive doctors out of private practice. The plan has "very strong incentives built in that work against fee-for-service, not only on the consumer side, but also on the provider side," explains Ms. Walinsky. Even Drs. David Himmelstein and Steffie Woolhandler, leading proponents of a Canadian-style single-payer system, warn that the plan will "obliterate private practice."

Now, let us take a look at this. We are telling Yeltsin, more perestroika. We are telling Poland, Hungary, Ukraine, more free enterprise. And what are we telling America?

The Clinton administration wants to wipe out private practice. They want to eliminate doctors and nurses working on their own. They want to crush everybody into large bureaucratic managed structures of thousands and thousands of people reporting to a National Health Board of politicians in Washington, which then reports to a health dictator.

Let me carry this a stage further, quoting from Elizabeth McCaughey:

> *Price controls will make private practice unfeasible.* Americans have been told that there are no price controls. But the plan empowers alliances to set fees for doctors seeing patients on a fee-for-service basis. The plan states: "A provider may not charge or collect from a patient a fee in excess of the fee schedule adopted by an alliance."

Now, what is this? This is Government controlled markets. This is the Government stepping in to say what you can charge, what you can pay.

I find it fascinating that some of the large corporations that are endorsing this plan, what if we set up a national automobile board? What if the national automobile board decided it would set the price of cars? What if the national automobile board decided how many cars you could make by State and which factories could make which cars? And what if the national automobile board said we will only have three kinds of cars, just as they are talking about in the Clinton plan of three kinds of health insurance. You can have a big car, a medium car, or a small car. You choose which of the three sizes you want.

Why, the auto industry would go crazy. They would say that is goofy. The average American would know instinctively that does not make any sense.

But gradually over the last 30 years we have drifted into so much Government-run health care, so much red tape, so much overregulation, that we can talk now today about a system where the Government will empower an alliance to literally establish what you and your doctor negotiate and can literally set prices.

Imagine if we decided to do that for McDonald's or Wendy's and for fast food, a Government fast food board that would allow prices to be set. People would know instinctively that is un-American. Maybe it works in Germany. We know it failed in Russia. We know that centralized command bureaucracies simply do not work, and yet here we are being told that it is going to work in Washington under Clinton.

Let me go on and quote a little further from Elizabeth McCaughey:

> *Americans have been told that the quality of health care will not decline. Many experts believe it will.* In HMOs, gatekeepers, or primary care physicians, tightly limit patient use of specialists. Physician-subscriber ratios at HMOs average 1 to 800, half the ratio of physicians to the nation's population. Under the plan, pressure on gatekeepers to curb access to specialists will increase. Ms. Walinsky predicts that above a threshold level of "reasonable quality," alliances will choose HMOs based on lowest cost, not highest quality, in order to meet federal spending limits.

She goes on to say, as I said earlier:

> A parent lying awake, worried about a child's illness and whether the gatekeeper will OK a specialist, might think about bribes or even going outside the system. The Clinton Plan anticipates the problem, with new criminal penalties for "payment of bribes or gratuities to influence the delivery of health service." Doctors, meanwhile, joke about "offshore" practices, hospital ships outside the three mile limit, and other ways for families to escape controls and buy the health care they want.

Now, let me just say, many of these millionaire politicians who today are going to vote for this plan are going to be the first people to get on their private jet and leave the country to go to a hospital somewhere else if they are told that their child or their parent or their grandchild cannot get the care in the United States.

Instead of having the King of Jordan fly to the United States to get health care, we are going to start seeing health care systems set up overseas and Americans will fly to Mexico or to the Bahamas or to Bermuda or to Tokyo or somewhere else.

Then, of course, they will try to make it illegal to leave.

Elizabeth McCaughey states further: "The plan's biggest surprise"—this really struck me. I did not realize this until Elizabeth McCaughey wrote this, and I think every member of the Black and Hispanic Caucus had better read carefully what she says about this:

> The plan's biggest surprise is who bears the cost of universal health coverage. The plan requires states to create health alliance regions—similar to election districts. How those alliance lines are drawn will determine which areas of the state are hit with the highest health care premiums, because they are shouldering the costs of health coverage for the inner city poor. The system promises to pit black against white, poor against rich, city against suburb.
>
> The average treatment cost of a baby born addicted to drugs is $63,000. Because of community rating, anyone who lives in an urban alliance is going to pay high premiums, regardless of his health or behavior. Part of the premium covers his own care; part is a hidden tax to provide universal health coverage within the alliance. Some alliances will bear especially heavy social burdens, others will not. Everyone will figure out that you get more health care for your dollar or pay lower premiums in an alliance without inner city problems. The plan will be an incentive for employers to abandon cities and relocate.

Let me repeat this, and I hope every Member of the Black and Hispanic Caucuses reads this line and starts to think about what the Clinton plan is going to do to destroy jobs in the inner city.

The plan will be an incentive for employers to abandon cities and relocate.

Let me go a stage further. This is the final section by Ms. McCaughey.

> Suppose a State fails to establish its regional alliance on time or to meet all Federal requirements. The plan empowers the Secretary of the Treasury to impose a payroll tax on all employers in the State. The payroll tax shall be sufficient to allow the Federal Government to provide health coverage to all individuals and to reimburse the Federal Government for the cost of monitoring and operating the State system. The plan does not set any limit on this tax. The Clinton plan is coercive. It takes personal health choices away from patients and families, and it also imposes a system of financing health care based on regional alliances that will make racial tensions fester and produce mean-spirited political struggles and lawsuits to shirk the cost of medical care for the urban poor. Members of Congress should read the 239-page draft rather than relying on what they hear and then turn their attention to alternative proposals that aim to provide universal coverage while avoiding the devastating consequences of the Clinton health plan.

Now, 26 months ago, in 1991, the gentleman from Illinois [Mr. MICHEL] established the House Republican health task force. Long before Bill Clinton became President, Mr. Speaker, we began working on the question:

How can we fundamentally overhaul American health and make sure that every American has access, that they have choice, that they have quality and that we continue to be the finest health care system in the world while lowering the cost?

We have been meeting for 2 years and 2 months thanks to Congressman MICHEL's leadership. We have had 25 Members of the House Republican Party meeting from every relevant committee, plus key Members to represent rural America and urban America and to look at special concerns. We have produced the affordable health care now bill, Mr. Speaker, which is the most widely cosponsored health care bill in the Congress, having 117 cosponsors as of yesterday.

Affordable health care now is a bill which is based on American culture and American civilization. Unlike the Clinton plan, Mr. Speaker, it does not establish a health dictator. It does not establish a tax dictator. It does not establish a national board of 7 politically appointed bureaucrats to run all health care for 260 million Americans. Affordable health care now uses the market, personal responsibility, the traditional values that have made America great, creates individual incentive and begins the process of getting government out of the way and getting government to quit making the messes that government has created in health.

Let me run through some of the key provisions. It provides group insurance for small business based on a model in Cleveland that we know works for over 10,000 small businesses and that allows small businesses to buy health insurance by allowing them to buy in a pool so that they have much lower costs for insurance so they can afford it instead of crushing small business and killing jobs the way the Clinton plan does. Our program lowers the cost of insurance and allows small businesses to afford it.

Second, Mr. Speaker, we allow the States to go to managed care for Medicaid and for people up to 200 percent of the poverty level thereby mopping up a number of the people who are currently uninsured by allowing the State to put them into a managed care plan based on a Medicaid model. We do so in a way that lets the Governor, such as Carroll Campbell of South Carolina, Tommy Thompson of Wisconsin, who have been making real breakthroughs in health care, continue to develop better approaches to do a better job for less money.

We eliminate preconditions so that no one ever again has to fear that they will not be able to get health insurance because they cannot afford it. We ensure portability so, if you change jobs, you can continue to get insurance. We stop the government from raising the cost of health care artificially for hospitals and doctors.

Today it is illegal under antitrust for hospitals or doctors to plan together or work together. We eliminate that, and we allow hospitals and doctors to cooperate because we know that the consumer today is paying far, far more in the cost of health care because of antitrust blocking good planning, good cooperation and good common sense. So we changed that to allow hospitals and doctors to decide who should buy the MRI, and who should buy the CAT scan, who should specialize in hearts, and who should specialize in cancer, and begin to get some voluntary rationalization of the process by local decisions made by local people looking at local conditions without getting involved in a national health bureaucracy establishing by law and enforcing by putting people in jail.

Mr. Speaker, we use systems that are already working in community health centers for the inner city and in rural health care to extend further to virtually every poor person in America access to health at a common sense, low price effort to make the doors open for everybody who needs the care in the inner city and in rural America. We know the system works because it already exists. It is not some program, as David Osborne described it, invented, brought in from Germany. It is instead, in the affordable health care now plan, an American plan based on what works in America.

We use individual incentive by developing a medical savings account, which is sometimes called a medical IRA or Medisave program that works in a way that fits Americans. It allows you to have a very high deductible catastrophic plan, say $3,000 per family, and it gives you at the beginning of the year the $3,000 so that, when you go to the doctor or you go to the pharmacist, you are using your dollars that are in your wallet to pay for your health care. If at the end of the year you have not spent the money, you can take it as a Christmas bonus, and pay income taxes, or you can roll it into a savings account, have a tax-free interest buildup, and later in life use the money, paying taxes on it, for putting your children through college, for buying a house, for what you want to, or you can roll it tax-free into buying long-term care for people who are growing older and are concerned about the long term.

It is fascinating, by the way, that President Clinton the other night admitted that more Americans than ever are living beyond 80 years of age, which will be an indication, if one thinks about it, that maybe the health system is doing some things right. You know, if the health system were so bad, how come we have so many more people living to be over 80?

What we need to do is improve upon the American health system, not destroy it with a German bureaucratic model, and let me carry you back again to the radical difference. In the medical savings accounts, which we have in the affordable health care now approach, if you save the money, if you learn this is my $3,000, and you come to believe you can have it at the end of the year, it saves on health costs at three levels:

First, because it is a first dollar cost, we know people are more likely to be frugal. Second, since you are paying cash on the spot, the doctor does not have to hire a clerk to fill out a form to send to your insurance company who has a clerk to read the form. That is two people who you save that are currently just pushing paper. In addition, since you are paying cash on the spot, they do not have to charge you the interest rate of the time value of money while waiting to get the paperwork done, and nowadays that can be 90 or 120 days, so that on a $50 item you can be paying $3 or $4 just for the interest while they wait for the money to come in and another $12 for the paperwork. And then in addition medical savings accounts, or Medisave, or a medical IRA, whichever you prefer, has the third great advantage that, not only is it your first dollar, therefore you are more frugal, not only does it save on redtape and paperwork, but it encourages preventative care.

Mr. Speaker, people come to learn, if they take care of themselves, they are in a much better position to have the money at the end of the year, and so it encourages wellness, it encourages exercise, it encourages paying attention to your diet. It does the right kind of things. I think the affordable health care now approach is exactly the right approach, and I hope every Member of Congress will compare and contrast the enormous bureaucracy, the centralized control of the Clinton plan, with what we are trying to do.

☐ 1920

In a very funny way, the Clinton plan is kind of reverse perestroika. Instead of moving from centralized bureaucracy in government toward decentralization in the marketplace, the Clinton plan would move us exactly the opposite direction from where we are trying to get Russia to go. And it is ironic, because I happen to read something I agreed with, which is in creating a government that works better and costs less, which is Vice President AL GORE's report of the National Performance Review.

The very beginning starts with a quote from Clinton and GORE in putting people first. By the way, when you are listening to this quote, think about the Clinton plan and ask yourself how could somebody have written what I am about to read to you and written their big bureaucratic centralized health care plan?

> We can no longer pay more for and get less from our Government. The answer for every problem cannot always be another program or more money. It is time to radically change the way the Government operates, to shift from top-down bureaucracy to entrepreneurial government that empowers citizens and communities to change our country from the bottom-up. We must reward the people and ideas that work, and get rid of those that don't.

Now, I would ask the President and the Vice President, how can you say shift from top-down bureaucracy to entrepreneurial government, and then propose a health plan that is the exact opposite? That creates a health dictator and a tax dictator and is totally top-down? Where the power is all in Washington in a group of appointed people who will be bureaucrats appointed by the President?

It is just astonishing to me that you could have the contradictions between the Gore report, which I frankly agree with, and the Clinton health plan, which I think is astonishingly out of touch with American reality.

You know, many, many years ago, my first name is NEWT, and that is the English version of the Norwegian canute. And King Canute was a famous king whose advisors kept telling him he was wise and bright and successful in everything.

Finally one day he got sick of them telling him all these things and went down to the ocean and he said, "Waves, stop." And they didn't stop, of course. And he turned to his advisers and said, "You see, we are all limited by reality."

Well, this week, in an article entitled "The Health Plan's Financing Gap," Martin Feldstein, in the Wall Street Journal on Wednesday, reminded all of us that President Clinton may be in a way President Canute.

Feldstein goes through the health plan's analytical package and says look, based on everything we know about how humans behave, the Clinton plan will cost a minimum of $70 billion a year more by 1997 than they are telling us, and at the same time it will reduce income to the Government, reduce tax income, by about $49 billion a year. So the effect of the two would be about $119 billion, or a $120 billion a year financing gap.

In other words, the Clinton plan will cost, according to Dr. Feldstein, the former chairman of the President's Council of Economic Advisers and a professor of economics at Harvard, will cost about $120 billion more in 1997, or would require an across-the-board 18-percent increase in personal tax rates. Except that that, of course, would further slow down the economy, and so you would lose money.

Now, he estimates you would have to increase marginal tax rates by 24 percent in 1997 in order to cover the Clinton gap in financing.

This was brilliantly pointed out on the Committee on Energy and Commerce by the gentleman from Virginia [Mr. BLILEY] during a hearing on the Clinton health plan when he pointed out that the Clinton plan projects, when it is fully phased in, that it will increase its expenditures above inflation annually by eight-tenths of 1 percent.

Let me give you the figures for around the world. That means that Germany will be growing three times faster based on the 6 years, 1985 through 1991. Germany will be increasing the cost of this plan by three times as much. The United Kingdom will be increasing the cost of its plan by five times as much. Japan will be increasing by six times as much. Canada will be increasing six times as much. Italy will be increasing seven times as much. And the U.S. historic pattern for that period is 7½ times as much.

In other words, the Clinton plan says you are not going to have to spend the money, don't worry about it, and here are our figures. Then you look in the real world, not the fantasy world of the White House plan, but the real world, and you suddenly realize that if you took the best effort anywhere in the world, in the industrial world, from 1985 to 1991, it was three times bigger an increase than the Clinton plan suggests. And if you start to apply that three times as big an increase to what the Clintons are talking about, you are beginning to have dramatic changes.

Furthermore, as the gentleman from Virginia [Mr. BLILEY] points out, the places that come close to the Clinton model, the gentleman says, "We are talking about systems that explicitly ration care."

Now, let us be very clear with people. "Explicitly rationed care" means if you are over 55 and you need kidney dialysis, you die. Explicitly rationed care means if you are above a certain age and need a heart bypass operation, you wait in line, and the odds are pretty good you die before the line gets to the hospital. Rationed care means if you have a particular kind of disease, you just may never have it taken care of. Explicitly rationed care means if you need a hip joint replacement at 70 years of age, you do not get it, because you are too old. It is cheaper for the State to let you stay bedridden than it is for the State to put a new hip socket in. Rationed care means in item after item after item you do not get the care.

Even with all of that, those systems have bigger increases in their annual health budget than the Clinton plan projects. Which tells us what? The Clinton plan simply is not being honest with the American people. It is simply not sharing how it will really work.

Now, I believe that we can pass two bills. I believe we could pass an immediate bill which could help people now by taking the seven items we agree on on a bypartisan basis, passing it this fall, and helping millions of people and saving billions of dollars.

I hope that next year we can start with the affordable health care now plan, working on a bipartisan basis, and design an American plan, not a German plan. I would hope that we could design a plan that emphasizes the marketplace, emphasizes individual choice, and uses incentives for people to be able to go out and get the best care they want.

We have four goals. We want to lower the cost of the system by having more competition and less paperwork, by getting the Government out of the way, and increasing entrepreneurship so new ideas and new technologies and new approaches can lower costs. Just as Wal-Mart lowers costs, just as cellular telephones lower costs, just as microwaves have come down in cost. In the private sector, with real competition, costs come down. Only in defense and health care, where the Government is messing things up, do costs go up. So first we want to lower costs.

Second, we want to design a system which, between managed care for medicine, some kind of transitional voucher for people, much like an earned income tax credit as they begin to rise, and between ensuring that everyone has 100 percent deductibility for buying insurance and that everyone has access to group insurance, that we have access, that there are no preconditions, and that no one loses their health insurance.

Third, we, unlike the Clinton plan, want to give every American a real choice, the kind of choice you have when you go to a mall and there are 200 shops. Not the kind of choice you have under the Clinton plan, where you can have any one of three, but, by the way, you cannot afford the most expensive, and even the most expensive is very limited.

Fourth, we want to ensure quality. This has been the highest value health system in the world. There is better health care here, and you can tell it by a very simple fact: If you have a truly serious illness anywhere in the world, you want to get to an American hospital. If you have a truly difficult problem, you want an American specialist.

We want to continue that tradition. We want to ensure that our children and our grandchildren have the best health care in the world, with the finest technology, with the widest range of choice. We want to ensure that they have access to it, and that they can afford it.

I think, with all sadness, that an obsolete German model of centralized bureaucracy, which is even beginning to grind down in Germany, a country the size of Oregon, if you look at the original West German plan, simply is hopelessly wrong for a continentwide America, stretching halfway across the Pacific, with 260 million people of all kinds and backgrounds, integrating themselves voluntarily by their own initiative and their own incentives.

□ 1930

I hope we can build an American plan, and I hope Members will look carefully at Affordable Health Care Now. And I hope people across the country, as they study what is happening in health care, will look at Affordable Health Care Now as an answer, not perfect, can be improved, but a beginning for a truly bipartisan bill that can truly solve the major problems that are left while maintaining all that is good in our current system.

MEASURES TO RESTRICT THE PARTICIPATION BY UNITED STATES PERSONS IN WEAPONS PROLIFERATION ACTIVITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–144)

The SPEAKER pro tempore (Mr. JOHNSON of South Dakota) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) and section 301 of the National Emergencies Act (50 U.S.C. 1631), I hereby report to the Congress that I have exercised my statutory authority to declare a national emergency and to issue an Executive order, which authorizes and directs the Secretary of Commerce, in consultation with the Secretary of State, to take such actions, including the promulgation of rules, regulations, and amendments thereto, and to employ such powers granted to the President by the International Emergency Economic Powers Act, as may be necessary to continue to regulate the activities of United States persons in order to prevent their participation in activities, which could contribute to the proliferation of nuclear, chemical, and biological weapons, and the means of their delivery.

These actions are necessary in view of the danger posed to the national security, foreign policy, and economy of the United States by the continued proliferation of nuclear, biological, and chemical weapons, and of the means of delivering such weapons, and in view of the need for more effective controls on activities sustaining such proliferation. In the absence of these actions, the participation of U.S. persons in activities contrary to U.S. nonproliferation objectives and policies, and which may not be adequately controlled through the exercise of the authorities conferred by the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et. seq.*), could take place without effective control, posing an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

The countries and regions affected by this action would include those currently identified in Supplements 4, 5, and 6 to Part 778 of Title 15 of the Code of Federal Regulations, concerning nonproliferation controls, as well as such other countries as may be of concern from time to time due to their involvement in the proliferation of weapons of mass destruction, or due to the risk of their being points of diversion to proliferation activities.

It is my intention to review the appropriateness of proposing legislation to provide standing authority for these controls, and thereafter to terminate the Executive order.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 30, 1993.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WASHINGTON (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. MCDADE (at the request of Mr. MICHEL) for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SMITH of Michigan) to revise and extend their remarks and include extraneous material:)

Mr. DELAY, for 5 minutes, today.

Mr. SHAW, for 5 minutes, today.

Mr. BAKER of California, for 5 minutes, today.

Mr. JOHNSON of Connecticut, for 5 minutes, today.

(The following Members (at the request of Mrs. UNSOELD) to revise and extend their remarks and include extraneous material:)

Mrs. LOWEY, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. OBEY, for 5 minutes, on September 30, October 4, 12, 20, 28, November 5, 8, 16, 24, December 2, 10, 13, 21, and 29.

Mr. INSLEE, for 60 minutes, today.

Mr. OBEY, for 60 minutes, on October 1, 5, 6, 7, 8, 13, 14, 15, 18, 19, 21, 22, 25, 26, 27, 29, November 1, 2, 3, 4, 9, 10, 12, 15, 17, 18, 19, 22, 23, 26, 29, 30, December 1, 3, 6, 7, 8, 9, 14, 15, 16, 17, 20, 22, 23, 24, 27, 28, 30, and 31.

Ms. NORTON, for 60 minutes, on October 5, 6, 12, 13, 19, 20, 26, 27, November 2, 3, 9, 10, 16, 17, 23, 24, December 1, 7, 8, 14, 15, 21, 22, 28, and 29.

Mr. PICKLE, for 5 minutes, today.

(The following Members (at the request of Mr. INSLEE) to revise and extend their remarks and include extraneous material:)

Mr. RICHARDSON, for 60 minutes each day, on October 5 and 6.

Mr. STARK, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SMITH of Michigan) and to include extraneous matter:)

Mr. CRANE.
Mr. DUNCAN.
Mr. CLINGER.
Ms. MOLINARI.
Mr. SAM JOHNSON of Texas.
Mr. KOLBE.

(The following Members (at the request of Mrs. UNSOELD) and to include extraneous matter:)

Mrs. MALONEY.
Mr. CLEMENT.
Mr. REED.
Mr. STUDDS.
Mr. JACOBS.
Mr. ANDREWS of Texas.
Mr. TUCKER in two instances.
Mr. SKELTON.
Ms. EDDIE BERNICE JOHNSON of Texas.
Mr. PICKLE.
Mr. STRICKLAND.
Mr. BLACKWELL in two instances.
Mr. HEFNER.

(The following Members (at the request of Mr. GINGRICH) and to include extraneous matter:)

Mr. HILLIARD.
Mr. BURTON of Indiana.
Mr. MENENDEZ in two instances.
Mr. SMITH of New Jersey.
Mr. SMITH of Texas.
Mr. BERMAN.
Mr. SLATTERY.
Mrs. FOWLER.
Mr. LAZIO.
Ms. FURSE.
Mr. WELDON.
Mr. KENNEDY.
Mr. COPPERSMITH.
Mr. POSHARD.
Mr. GOODLING.
Mr. KING.
Mr. PORTER.
Mr. CLINGER.
Mr. RICHARDSON.
Mrs. UNSOELD.
Mr. TRAFICANT.
Mr. STARK.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 38. An act to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes.

H.R. 2295. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes.

H.R. 2608. An act to provide for the reauthorization of the collection and publication of quarterly financial statistics by the Secretary of Commerce through fiscal year 1998, and for other purposes.

H.J. Res. 267. Joint Resolution making continuing appropriations for the fiscal year 1994, and for other purposes.

ADJOURNMENT

Mr. GINGRICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to, accordingly (at 7 o'clock and 33 minutes p.m.) under its previous order, the House adjourned until Monday, October 4, 1993, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1966. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1967. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's memorandum of justification for a Presidential determination to draw down DOD commodities and services, and to set aside legal restrictions on providing foreign assistance to Somalia, pursuant to Public Law 101–513, section 547(a) (104 Stat. 2019); to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NATCHER: Committee on Appropriations. A report on revised subdivision of budget totals for fiscal year 1994 (Rept. 103–271). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2659. A bill to amend the Public Health Service Act to revise and extend programs relating to the transplantation of organs and of bone marrow; with an amendment (Rept. 103–272). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KENNEDY (for himself and Mr. DEUTSCH):

H.R. 3191. A bill to revise the national flood insurance program to promote compliance with requirements for mandatory purchase of flood insurance, to provide assistance for mitigation activities designed to reduce damages to structures subject to flooding and shoreline erosion, and to increase the maximum coverage amounts under the program, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BROWDER:

H.R. 3192. A bill to deny certain benefits to candidates for election to the House of Representatives who accept contributions in excess of certain limitations, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, and Post Office and Civil Service.

By Mr. EVANS (for himself, Mr. KENNEDY, Mr. GUTIERREZ, and Mr. STRICKLAND):

H.R. 3193. A bill to expand services provided by the Department of Veterans Affairs for veterans suffering from post-traumatic stress disorder [PTSD]; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 3194. A bill to amend the Internal Revenue Code of 1986 to provide for inflation adjustments to the income threshold amounts at which 85 percent of Social Security benefits become includible in gross income; to the Committee on Ways and Means.

H.R. 3195. A bill to amend the Internal Revenue Code of 1986 to increase the income threshold amounts at which 85 percent of Social Security benefits become includible in gross income; to the Committee on Ways and Means.

By Mrs. FOWLER (for herself, Mr. TORKILDSEN, Mr. ROYCE, Mr. MICA, Mr. HUTCHINSON, Mr. CASTLE, Mr. MILLER of Florida, Mr. BLUTE, Mr. SMITH of Michigan, Ms. DUNN, Mr. MCKEON, Mr. LINDER, Mr. FRANKS of New Jersey, Mr. BUYER, Mr. BACHUS of Alabama, Mr. KIM, Mr. BAKER of California, Mr. KNOLLENBERG, Mr. EVERETT, Mr. KINGSTON, and Mr. BARTLETT of Maryland):

H.R. 3196. A bill to amend the Federal Election Campaign Act of 1971, the Internal Revenue Code of 1986, and title 39, United States Code, to provide for an open, fair, and responsive electoral process, and for other purposes; jointly, to the Committees on House Administration, Ways and Means, and Post Office and Civil Service.

By Mr. HOLDEN (for himself and Mr. GILMAN):

H.R. 3197. A bill to redesignate the Post Office building located at 13th and Rockland Streets in Reading, PA, as the "Gus Yatron Federal Postal Facility"; to the Committee on Post Office and Civil Service.

By Mr. KANJORSKI:

H.R. 3198. A bill to suspend until January 1, 1997, the duty on [3R-alpha(R*), 4-beta]]-4-(acetyloxy)-3-[1-[[(1,1-dimethyl ethyl) dimethylsily]oxy]ethyl]-2-azetidinone, also known as aceotoxy azetidinone; to the Committee on Ways and Means.

H.R. 3199. A bill to suspend until January 1, 1997, the duty on p-nitrobenzyl alcohol; to the Committee on Ways and Means.

H.R. 3200. A bill to renew until January 1, 1996, the previous suspension of duty on 2,2-dimethylcyclopropylcarboxamide, also known as D-carboxamide; to the Committee on Ways and Means.

By Mrs. MINK (for herself, Mr. ABERCROMBIE, Mr. BLACKWELL, Mr. BECERRA, Ms. BYRNE, Mrs. CLAYTON, Mr. COLEMAN, Mrs. COLLINS of Illinois, Miss COLLINS of Michigan, Mr. DELLUMS, Mr. DELUGO, Mr. EDWARDS of California, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. GILMAN, Mrs. KENNELLY, Mr. MARTINEZ, Mr. MATSUI, Ms. MCKINNEY, Mr. MILLER of California, Mr. MINETA, Mr. NADLER, Mr. OWENS, Ms. PELOSI, Mr. RANGEL, Mr. SANDERS, Ms. SLAUGHTER, Mr. TOWNS, Mr. TUCKER, Mrs. UNSOELD, Mr. WASHINGTON, Ms. WATERS, and Ms. WOOLSEY):

H.R. 3201. A bill to establish comprehensive early childhood education programs, early childhood education staff development programs, model Federal Government early childhood education programs, and for other purposes; to the Committee on Education and Labor.

By Mr. MOAKLEY:

H.R. 3202. A bill to suspend temporarily the duty on film of polymers of propylene; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 3203. A bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements and an annual screening mammography under part B of the Medicare program, and to make permanent the coverage of certain osteoporosis drugs under part B of such program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. RICHARDSON:

H.R. 3204. A bill to transfer a parcel of land to the Taos Pueblo Indians of New Mexico; to the Committee on Natural Resources.

By Mr. SCHUMER (for himself, Mr. BREWSTER, Mr. EDWARDS of Texas, and Ms. HARMAN);

H.R. 3205. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to create a deficit reduction account and to reduce the discretionary spending limits, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. STRICKLAND (for himself and Mr. MANN):

H.R. 3206. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow personnel at correctional facilities to qualify to receive certain benefits; to the Committee on the Judiciary.

By Mr. WYDEN:

H.R. 3207. A bill to amend the Public Health Service Act to provide for the training of health professions students with respect to the identification and referral of victims of domestic violence; to the Committee on Energy and Commerce.

By Mr. DERRICK:

H.R. 3208. A bill to establish a common market to bind together the countries of North America, Central America, and South America in a common commitment to promote democracy and mutually beneficial economic development; jointly, to the Committees on Ways and Means and Foreign Affairs.

By Mr. FALEOMAVAEGA (for himself, Mr. MILLER of California, Mr. RICHARDSON, Mr. THOMAS of Wyoming, Mr. YOUNG of Alaska, Mr. GIBBONS, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS of New Jersey, Mr. BAESLER, Mr. BARRETT of Wisconsin, Mr. BEREUTER, Mr. BERMAN, Mr. BONIOR, Mr. CALVERT, Mr. CLEMENT, Mr. CONYERS, Mr. COOPER, Mr. DEFAZIO, Mr. DE LA GARZA, Ms. DELAURO, Mr. DELLUMS, Mr. DE LUGO, Mr. DURBIN, Mr. EDWARDS of Texas, Ms. ENGLISH of Arizona, Ms. ESHOO, Mr. FAZIO, Mr. FROST, Ms. FURSE, Mr. GINGRICH, Mr. GUTIERREZ, Mr. HAMBURG, Mr. HASTINGS, Mr. HILLIARD, Mr. HOAGLAND, Mr. HUGHES, Mr. JEFFERSON, Mr. JOHNSON of South Dakota, Mr. KILDEE, Mr. KOPETSKI, Mr. LIPINSKI, Mr. MCDERMOTT, Mr. MILLER of Florida, Mr. MINETA, Mrs. MINK, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PARKER, Mr. PASTOR, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. ROSE, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SKEEN, Ms. SLAUGHTER, Mr. STOKES, Mr. SYNAR, Mr. THOMPSON, Mr. TOWNS, Mr. TUCKER, Mr. UNDERWOOD, Ms. VELAZQUEZ, and Mr. WAXMAN):

H.J. Res. 271. Joint resolution designating November of each year as "National American Indian Heritage Month"; to the Committee on Post Office and Civil Service.

By Mr. HOYER (for himself, Mr. WELDON, Mr. VALENTINE, and Mr. BOEHLERT):

H.J. Res. 272. Joint resolution designating October 29, 1993, as "National Firefighters Day"; to the Committee on Post office and Civil Service.

By Mr. SAM JOHNSON of Texas:

H. Con. Res. 157. Concurrent resolution expressing the sense of the Congress commemorating the heroism and lifetime achievements of the late General James H. "Jimmy" Doolittle, who died on September 27, 1993; to the Committee on Post Office and Civil Service.

By Mr. KLUG (for himself, Mr. PENNY, Mr. ROBERTS, Mr. BOEHNER, Mr. CAMP, Mr. COX, Mr. DOOLITTLE, Mr. MOORHEAD, Mr. PORTMAN, Mr. RAMSTAD, Mr. SANTORUM, Mr. UPTON, and Mr. WALKER):

H. Res. 266. Resolution requiring the appropriate committees of the House to report legislation to transfer certain functions of the Government Printing Office, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII:

Mr. GINGRICH introduced a bill (H.R. 3209) for the relief of Kevin and Nancy Weiss;

which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mrs. MALONEY.

H.R. 39: Mr. PASTOR, Mr. RANGEL, Mr. BARCA of Wisconsin, and Mr. HILLIARD.

H.R. 145: Mr. MCHALE.

H.R. 216: Mr. QUINN.

H.R. 322: Ms. ESHOO, Mr. SWETT, Mr. BARCA of Wisconsin, Mr. CLYBURN, and Mr. DURBIN.

H.R. 509: Mr. WOLF.

H.R. 546: Mr. DELLUMS, Mr. BILBRAY, Mr. PARKER, Mr. TANNER, and Mr. WILLIAMS.

H.R. 963: Mr. CAMP.

H.R. 972: Mr. BILIRAKIS and Mr. ANDREWS of New Jersey.

H.R. 979: Mr. BREWSTER.

H.R. 1009: Mr. QUINN.

H.R. 1012: Mr. SANDERS and Mr. SANGMEISTER.

H.R. 1080: Mr. FRANKS of New Jersey.

H.R. 1164: Mr. REYNOLDS and Mr. SLATTERY.

H.R. 1203: Mr. SMITH of New Jersey, Mr. OXLEY, Mr. SANTORUM, Mr. HYDE, and Mr. WYNN.

H.R. 1353: Mr. KIM, Mr. INHOFE, Mr. EWING, Mr. HALL of Texas, Mr. GINGRICH, Ms. DUNN, Mr. HYDE, Mr. COMBEST, Mr. GILCHREST, Mr. WALKER, Mr. CUNNINGHAM, Mr. CRANE, Mr. BALLENGER, Ms. PRYCE of Ohio, and Mr. THOMAS of Wyoming.

H.R. 1529: Mr. SUNDQUIST.

H.R. 1552: Ms. SCHENK.

H.R. 1627: Mr. BACHUS of Alabama, Mr. BARTLETT of Maryland, Mrs. BENTLEY, Mr. BUNNING, Mr. BUYER, Mr. CALLAHAN, Mr. CALVERT, Mr. CASTLE, Mr. CHAPMAN, Mr. CLEMENT, Mr. CLINGER, Mr. CRANE, Mr. DELAY, Mr. DICKEY, Mr. EVERETT, Mr. FIELDS of Texas, Mr. GOSS, Mr. GRANDY, Mr. HAYES, Mr. HEFLEY, Mr. HOBSON, Mr. HOEKSTRA, Mr. HOKE, Mr. HUNTER, Mr. HUTTO, Mr. HYDE, Mr. KASICH, Mr. KNOLLENBERG, Mr. KYL, Ms. LAMBERT, Mr. LANCASTER, Mr. LEACH, Mr. LEWIS of California, Mr. LIVINGSTON, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MCINNIS, Mr. MCKEON, Mr. MICA, Mr. MICHEL, Mr. MONTGOMERY, Mr. NUSSLE, Mr. PACKARD, Mr. PETRI, Mr. PICKETT, Mr. PORTER, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. QUILLEN, Mr. REGULA, Mr. RIDGE, Mr. ROGERS, Mr. ROYCE, Mr. SAXTON, Mr. SENSENBRENNER, Mr. SKEEN, Mr. SKELTON, Mr. SMITH of Texas, Mr. SMITH of Iowa, Mr. SWIFT, Mr. TALENT, Mr. TANNER, Mr. TAYLOR of Mississippi, Mr. THOMAS of California, Mr. THORNTON, Mrs. THURMAN, Mr. VOLKMER, Mrs. VUCANOVICH, Mr. WILSON, Mr. SPENCE, Mr. POSHARD, Mr. ORTON, Mr. BROWN of California, and Mr. INSLEE.

H.R. 2092: Ms. BYRNE, Mr. BEVILL, and Mr. BRYANT.

H.R. 2119: Mrs. SCHROEDER.

H.R. 2331: Mr. BARCA of Wisconsin.

H.R. 2444: Mr. SANTORUM, Mr. ANDREWS of New Jersey, Mrs. MORELLA, Mr. PARKER, Mr. SCHAEFER, and Mr. PACKARD.

H.R. 2589: Mr. MINETA.

H.R. 2609: Mr. MACHTLEY, Mr. FOGLIETTA, Mr. FROST, Mr. FAWELL, and Ms. DANNER.

H.R. 2623: Mr. ROBERTS and Mr. RAHALL.

H.R. 2638: Mr. BRYANT and Mr. REYNOLDS.

H.R. 2663: Mr. DE LA GARZA, Mr. FROST, Mr. RICHARDSON, and Ms. LONG.

H.R. 2706: Mr. BEILENSON and Mr. WYNN.

H.R. 2735: Mr. BAESLER.

H.R. 2787: Mrs. LOWEY and Mr. SANDERS.

H.R. 2838: Mrs. LOWEY.

H.R. 2866: Mr. KENNEDY, Mr. DE LUGO, Ms. MCKINNEY, Mr. GEJDENSON, Mr. BARLOW, and Mrs. MEYERS of Kansas.

H.R. 2872: Mr. EMERSON and Mr. PORTER.

H.R. 2873: Mr. DEFAZIO, Mr. COOPER, Mr. BROWN of California, and Mr. BURTON of Indiana.

H.R. 2884: Ms. ENGLISH of Arizona.

H.R. 2912: Mr. MCCRERY and Mr. CRAMER.

H.R. 2921: Mr. SCOTT.

H.R. 2959: Mr. SCHIFF, Mr. BLUTE, Mr. LEVY, Mr. BUNNING, Mr. MYERS of Indiana, Mr. HOBSON, Mr. SMITH of New Jersey, Mr. BOEHNER, Mr. YOUNG of Alaska, Mr. MCCANDLESS, and Mr. ZELIFF.

H.R. 2968: Mr. HUTTO, Mr. KINGSTON, Ms. SHEPHERD, and Mr. LIPINSKI.

H.R. 3031: Ms. MOLINARI.

H.R. 3065: Mr. SUNDQUIST, Mr. GEKAS, and Mr. COX.

H.R. 3127: Mr. HEFLEY and Mr. CONDIT.

H.R. 3135: Mr. GOSS.

H.R. 3159: Mr. GUTIERREZ and Mr. BONIOR.

H.J. Res. 22: Mr. HUFFINGTON.

H.J. Res. 38: Mr. COBLE.

H.J. Res. 61: Mr. SPENCE, Ms. ROS-LEHTINEN, Mr. ARCHER, Mr. COMBEST, and Mr. MCKEON.

H.J. Res. 106: Mr. DE LUGO, Mr. SHAYS, and Mrs. UNSOELD.

H.J. Res. 113: Mr. COBLE.

H.J. Res. 131: Mr. BISHOP, Mr. BAKER of Louisiana, Mr. HALL of Ohio, Mr. MILLER of Florida, Mr. SOLOMON, Mr. TAUZIN, Mr. HOLDEN, Mr. WYNN, Mr. YOUNG of Alaska, and Mr. HILLIARD.

H.J. Res. 148: Mr. NADLER and Mr. SMITH of Oregon.

H.J. Res. 165: Mr. NEAL of Massachusetts, Mrs. UNSOELD, Mr. PICKETT, and Mr. CRAPO.

H.J. Res. 178: Mr. WYNN, Mr. BEILENSON, Mr. HALL of Ohio, Mr. STUPAK, Mr. HINCHEY, Mr. ROSE, Mr. MORAN, Mr. VALENTINE, Mr. REGULA, Mr. HASTINGS, Mr. SPENCE, Mr. HOUGHTON, Mr. KING, Mr. LEVY, Mr. QUINN, and Mr. SOLOMON.

H.J. Res. 206: Mr. BERMAN, Mr. DIXON, Mr. GOODLATTE, Mrs. MORELLA, Mr. TORRES, and Mr. VOLKMER.

H.J. Res. 218: Mr. NEAL of North Carolina, Mr. RANGEL, Mr. HUGHES, Mr. SCHUMER, Mr. WELDON, Mr. ACKERMAN, Mr. MINETA, Mr. ROEMER, Ms. PELOSI, Mr. KING, Mr. HOKE, Ms. PRYCE of Ohio, Mr. YOUNG of Florida, Mr. BILIRAKIS, Mr. FISH, Mr. SMITH of New Jersey, Mr. WOLF, Mr. BLILEY, Mr. DORNAN, Mr. MYERS of Indiana, Mr. HYDE, Mr. CRANE, Mr. COBLE, Mr. DE LA GARZA, Mr. MOORHEAD, Mr. MARKEY, Mr. MFUME, Mr. MATSUI, Mr. KENNEDY, Mr. RIDGE, Mr. BOEHLERT, Mr. BEREUTER, Mr. TALENT, Ms. MOLINARI, Mr. TRAFICANT, Mr. APPLEGATE, Mr. THOMAS of California, Mr. MCCANDLESS, Mr. FORD of Tennessee, Mr. ROTH, Mr. GALLEGLY, Mr. HORN, Ms. NORTON, Ms. MCKINNEY, Mr. BROWN of California, Mr. SWIFT, Mr. KILDEE, Mr. MANZULLO, Mr. DREIER, Mr. STARK, Ms. DELAURO, Mr. HOCHBRUECKNER, Mr. BONILLA, Mr. KIM, Mr. QUINN, Mr. EMERSON, Mr. HOUGHTON, Mr. SCHIFF, Mr. SKEEN, Mrs. FOWLER, Mr. GRANDY, Mr. GONZALEZ, Mr. NATCHER, Mr. GIBBONS, Mr. HOYER, Mr. WILSON, Mrs. MINK, Mrs. UNSOELD, Mr. HASTINGS, Mrs. MEEK, Mr. DEFAZIO, Mr. COLEMAN, Mr. SAWYER, Mrs. LOWEY, Mr. HOBSON, Mr. WHITTEN, Mr. DIAZ-BALART, Mr. DURBIN, Mr. MORAN, and Mr. PASTOR.

H.J. Res. 260: Mr. HOCHBRUECKNER, Mr. GORDON, Mr. BARCA of Wisconsin, Mr. BARRETT of Wisconsin, Mr. FROST, Mr. WYNN, Mr. MARTINEZ, and Mr. ENGEL.

H.J. Res. 262: Mr. HILLIARD, Mr. KINGSTON, Mr. NEAL of Massachusetts, and Mrs. VUCANOVICH.

H. Con. Res. 49: Mr. SANTORUM.

H. Con. Res. 61: Mr. MOAKLEY, Mr. SCHUMER, Mr. QUINN, Ms. LOWEY, Mr. MANTON, Mr. COYNE, and Mr. LIPINSKI.

H. Con. Res. 100: Mr. HOLDEN, Ms. SHEPHERD, and Mr. SAXTON.

H. Con. Res. 107: Mr. MILLER of Florida, Ms. SCHENK, Mr. DEAL, Mr. BOEHLERT, Mr. SARPALIUS, Mr. VOLKMER, and Mr. SWIFT.

H. Con. Res. 124: Mr. GLICKMAN.

H. Con. Res. 147: Ms. PELOSI, Mr. GENE GREEN of Texas, and Mr. INSLEE.

H. Res. 32: Mr. CRAMER.

H. Res. 225: Mr. CRAPO, Mr. KREIDLER, Mr. MCHUGH, Mr. PETRI, Mr. PORTMAN, and Mr. SCHIFF.

DISCHARGE PETITIONS

Under clause 3 of rule XXVII the following discharge petitions were filed:

Petition 1, May 11, 1993, by Mr. GERALD B.H. SOLOMON on H.R. 493 has been signed by the following Members: Gerald B.H. Solomon, Mel Hancock, Jim Bunning, Bob Stump, Jim Saxton, Stephen E. Buyer, Don Young, David L. Hobson, Charles T. Canady, Deborah Pryce, John A. Boehner, Rob Portman, Ernest J. Istook, Jr., Toby Roth, E. Clay Shaw, Jr., John Linder, Sam Johnson, Richard H. Baker, Tillie K. Fowler, Philip M. Crane, Michael Huffington, Martin R. Hoke, Peter G. Torkildsen, Howard P. "Buck" McKeon, Wally Herger, Michael D. Crapo, Peter Hoekstra, Jennifer Dunn, Carlos J. Moorhead, Jim Kolbe, Bill Baker, Randy "Duke" Cunningham, Rick Lazio, James M. Talent, Michael A. "Mac" Collins, Jack Quinn, Christopher Cox, Dana Rohrabacher, John T. Doolittle, James C. Greenwood, David A. Levy, Peter T. King, Donald A. Manzullo, Peter Blute, Terry Everett, Cass Ballenger, Cliff Stearns, Bob Goodlatte, Rod Grams, Michael N. Castle, Michael Bilirakis, David Dreier, Rick Santorum, Stephen Horn, Porter J. Goss, Robert S. Walker, Edward R. Royce, Alfred A. (Al) McCandless, Ken Calvert, Robert H. Michel, Jim Ramstad, Doug Bereuter, Fred Upton, James V. Hansen, Nancy L. Johnson, John J. Duncan, Jr., James M. Inhofe, Bill Paxon, Olympia J. Snowe, Harris W. Fawell, Thomas W. Ewing, Dan Miller, Bill Barrett, Charles H. Taylor, Ileana Ros-Lehtinen, Richard K. Armey, Dick Zimmer, Don Sunquist, Thomas J. Bliley, Jr., Roscoe G. Bartlett, John L. Mica, Jack Fields, Jim Nussle, Nathan Deal, Jay Kim, Helen Delich Bentley, Spencer T. Bachus III, Martin T. Meehan, Jim Bacchus, William H. Zeliff, Jr., Ronald K. Machtley, Dan Schaefer, Wayne Allard, George W. Gekas, W.J. (Billy) Tauzin, Tom Lewis, Ron Packard, and Dean A. Gallo.

Petition 3, July 1, 1993, by Mr. BILL McCOLLUM on House Joint Resolution 38 has been signed by the following Members: Bill McCollum, Michael Huffington, Y. Tim Hutchinson, James M. Inhofe, Porter J. Goss, Cass Ballenger, Jack Quinn, John T. Doolittle, Jennifer Dunn, Rod Grams, John Linder, Ernest J. Istook, Jr., Dick Zimmer, Richard W. Pombo, Thomas W. Ewing, Bill Barrett, Craig Thomas, Mel Hancock, Charles H. Taylor, Paul E. Gillmor, Rick Lazio, Charles T. Canady, Howard P. "Buck" McKeon, James M. Talent, Joe Knollenberg, Jay Dickey, Terry Everett, Jack Kingston, Bob Stump, Bob Inglis, Elton Gallegly, Bill Baker, Stephen Horn, James V. Hansen, Dana Rohrabacher, Peter G. Torkildsen, Wayne Allard, Jim Ramstad, Nick Smith, Bob Goodlatte, Michael Bilirakis, Ken Calvert, Michael A. "Mac" Collins, Arthur

Ravenel, Jr., Jim Lightfoot, Sam Johnson, Howard Coble, Gerald B.H. Solomon, Tillie K. Fowler, Jim McCrery, Stephen Buyer, Deborah Pryce, William H. Zeliff, Jr., Robert K. Dornan, Lincoln Diaz-Balart, Richard K. Armey, Martin R. Hoke, Rob Portman, Peter Blute, Scott L. Klug, Henry Bonilla, John L. Mica, Peter Hoekstra, James C. Greenwood, Jack Fields, Jim Nussle, Nathan Deal, Jay Kim, Jim Kolbe, Spencer T. Bachus, Martin T. Meehan, Edward R. Royce, Philip M. Crane, Scott McInnis, Doug Bereuter, Cliff Stearns, Dan Miller, Don Johnson, Lamar Smith, Ron Packard, Ronald K. Machtley, Dan Schaefer, Rick Santorum, Bill Paxon, J. Alex McMillan, Charles Wilson, Newt Gingrich, Dean A. Gallo, David Minge, Don Sundquist, Michael D. Crapo, Bob Franks, Robert F. (Bob) Smith, Donald A. Manzullo, George W. Gekas, Jim Saxton, Christopher Cox, and Roscoe G. Bartlett.

Petition 4, September 23, 1993, by Mr. HOEKSTRA on House Joint Resolution 9 has been signed by the following Members: Peter Hoekstra, Joe Barton, Fred Upton, Bob Goodlatte, Tom DeLay, Thomas W. Ewing, Bob Inglis, Edward R. Royce, Tillie K. Fowler, Martin R. Hoke, Richard K. Armey, Bill Archer, Jack Kingston, Michael A. "Mac" Collins, Dan Burton, Rob Portman, J. Dennis Hastert, Howard P. "Buck" McKeon, Thomas J. Bliley, Jr., Dick Zimmer, John Linder, Scott McInnis, Jack Quinn, Cass Ballenger, Joe Knollenberg, Spencer T. Bachus, Bill Emerson, Peter G. Torkildsen, Christopher Cox, John A. Boehner, Michael D. Crapo, Scott L. Klug, Jim Bunning, Deborah Pryce, David L. Hobson, Bill Baker, Richard W. Pombo, Stephen E. Buyer, Ken Calvert, Henry Bonilla, Roscoe G. Bartlett, James M. Inhofe, Donald A. Manzullo, Sam Johnson, Bob Livingston, Wally Herger, William H. Zeliff, Jr., Jennifer Dunn, Ronald K. Machtley, Dan Schaefer, Bill Paxon, Wayne Allard, Jim Ramstad, Don Sundquist, Charles T. Canady, Michael Bilirakis, Michael Huffington, Y. Tim Hutchinson, Bill McCollum, George W. Gekas, Ron Packard, W.J. (Billy) Tauzin, James A. Hayes, Porter J. Goss, Bob Stump, Gerald B.H. Solomon, John L. Mica, and Dean A. Gallo.

Petition 5, September 28, 1993, by Mr. STEARNS on House Resolution 156 has been signed by the following Members: Cliff Steans, Ronald K. Machtley, Dan Schaefer, Bill Paxon, Wayne Allard, Jim Bunning, Jim Ramstad, Charles T. Canady, Dana Rohrabacher, Randy "Duke" Cunningham, Sam Johnson, Barbara F. Vucanovich, John J. Duncan, Jr., Howard Coble, William H. Zeliff, Jr., Michael Huffington, Michael A. "Mac" Collins, Michael D. Crapo, Bill Baker, Y. Tim Hutchinson, Donald A. Manzullo, James M. Inhofe, Tillie K. Fowler, Bill McCollum, Dan Burton, Rob Portman, George W. Gekas, Thomas W. Ewing, Ron Packard, Christopher Cox, Bill Emerson, Wayne T. Gilchrist, Tom Lewis, Porter J. Goss, Bob Stump, Michael Bilirakis, Gerald B.H. Solomon, and John L. Mica.

PETITIONS, ETC.

Under clause 1 of rule XXII:

60. The SPEAKER presented a petition of the citizens of the United States of America, relative to: 1 Repeal Income Tax; 1(A) Abolish the Internal Revenue Service; 2 Replace Income Tax With Imports; Excise & Duties; 2(A) Restore State Sovereignty; 3 Repeal the "Federal" Reserve Act; 3(A) Prosecute all Federal Reserve Board of Governors including Alan Greenspan and its stockholders; which was referred jointly to the Committees on Ways and Means and Banking, Finance and Urban Affairs.

SENATE—*Thursday, September 30, 1993*

(Legislative day of Monday, September 27, 1993)

The Senate met at 9 a.m., on the expiration of recess, and was called to order by the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

This morning we want to remember Mrs. Alice Koutsoumpass, who is recovering from surgery yesterday.

Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge him, and he shall direct thy paths. Proverbs 3:5–6.

Eternal God, Lord of Heaven and Earth, Ruler of nations, You know the world in macrocosm and microcosm. You know where we are in history and what the future holds. You know the mind and heart of each servant in the Senate, and You know the issues they face and the enormity of the problems confronting them. May the wisdom of Proverbs be understood in its relevance to this situation, to each of our lives.

We pray in the name of Jesus, the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 30, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WOFFORD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADERSHIP TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

In my capacity as a Senator from the State of Pennsylvania, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOREIGN OPERATIONS APPROPRIATIONS ACT FOR 1994—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 2295, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2295) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The Senate proceeded to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 29, 1993.)

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. I do not seek recognition, Mr. President.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HELMS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. HELMS. A parliamentary inquiry, Mr. President.

The ACTING PRESIDENT pro tempore. What is the inquiry?

Mr. HELMS. My inquiry is, is the information I received just 2 minutes ago accurate—that another one of these sleazy unanimous-consent requests has been granted, in this case eliminating any possibility of a rollcall vote on this conference report?

The ACTING PRESIDENT pro tempore. The unanimous consent provides that, upon the yielding back of time, the conference report will be agreed to.

Mr. HELMS. I will not use my allotted time yet. But, as a result of this unanimous consent—unless it is reversed and I am permitted to request the yeas and nays and thereby get a rollcall vote on this conference report, the Senate has had its last unanimous-consent request, as far as I am concerned.

The night before last, the same sort of thing was done in a different way. And the possibility of any recorded vote on this matter has been eliminated.

Now, I ask unanimous consent that, notwithstanding the unanimous-consent request granted last night, I be permitted to ask for the yeas and nays and that there be a rollcall vote on the pending conference report.

Mr. LEAHY. Mr. President, reserving the right to object, I would tell my distinguished colleague that for the moment I will object. I will explain why. It is because the unanimous-consent request was entered into by the Democratic and Republican leadership. This was not my request. I know, or at least I understand, it was hot lined to all offices.

I am perfectly happy, as one individual Senator, to have a rollcall on this. I did not ask that it not be a rollcall. But insofar as the Republican side and Democratic side have agreed to this unanimous-consent request last night, I do not think, absent consultation with both the Democratic and Republican leadership, that it would be appropriate for me to agree to a unanimous-consent request of the Senator from North Carolina.

He may do whatever he wishes with the request. But he may want to consider renewing the request after there has been consultation with both the Republican and Democratic leader.

I would not personally have any objection to that but I think we should discuss it with the leadership, so I will interpose an objection for the moment.

Mr. HELMS. If the Senator will yield, I can understand his position. I am not irritated with him because although he and I do not agree on a lot of things, he always plays fair, and I am sure he is playing fair on this.

It was just suggested to me by a staff member, I think for Senator MCCONNELL, that a rollcall vote may be permitted if it is stacked, with the vote to occur at 10:30 or some later time this morning. I am perfectly agreeable to that.

Mr. President, I believe I am allotted 30 minutes of time after 9 o'clock, is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. HELMS. What time do I have remaining as of now?

The ACTING PRESIDENT pro tempore. The Senator has 26 minutes remaining.

Mr. HELMS. I am going to yield the floor for now. I ask to be notified when

I can begin my 26 minutes. I do not want to begin now.

Mr. LEAHY. Mr. President, the plan was to have this finished by 10 o'clock. I will use a couple of minutes but then I am going to put in a quorum call under the usual understanding that time runs, unless there are other Senators seeking recognition.

Mr. HELMS. I object to that. I would like the full 26 minutes. The Senator does not want to deprive me of everything. I know my colleague does not want that.

The ACTING PRESIDENT pro tempore. Who yields time?

If no Senator yields time, the time must be deducted proportionally from both sides.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield myself 4 minutes.

Mr. President, I am pleased to present the conference report on H.R. 2295, the foreign operations, export financing, and related programs appropriations for fiscal 1994.

The most important good news about this conference report is that it is a reduction of about $1 billion below the fiscal 1993 foreign aid appropriation, and it is $1.4 billion below the President's request for fiscal 1994. I could not agree with the administration's request that foreign aid should be exempted from the budget cuts everyone else is having to make.

As Senators, Senator McCONNELL and I have been working hard to get this bill to the President because it contains the President's full request, including a fiscal 1993 supplemental appropriation, for assistance to support democratic and free market reform in the new Independent States of the former Soviet Union. That was the central priority of this foreign aid bill. It is why so many Senators worked closely with us, and gave full cooperation to speed the bill along its path. The Senate, in getting the bill off the floor in record time last week, demonstrated its support for the NIS aid package. We are giving the President the tools to respond to a historic opportunity to help shape democracy and an open society in our former adversary.

As I predicted in my statement on the bill during Senate consideration last week, we did receive some further help from the committee. Due to a reallocation of outlays by the Appropriations Committee, the conferees were able to adjust some accounts up to the House levels.

As Senators know, the Senate-passed bill decreased the international disaster assistance account by $100 million below the President's request. This cut was entirely because my subcommittee's outlay allocation was $97 million below that of the House. There was certainly no policy reason for it. I and several other Members expressed our concern about this reduction when H.R. 2295 was on the Senate floor. At the time I said that my top priority for conference, should the subcommittee's allocation be revised upward, was to restore the full disaster assistance request.

My colleagues and those interested in this account will be pleased to know that the conferees were able to adjust that account back to the House level and the President's request of $145,985,000. This level will go further toward enabling the United States to respond to disaster-related problems around the world.

I am pleased that the conferees also were able to go to the House level for the U.S. contribution to the World Bank, the International Development Association, and the Enterprise for the Americas Multilateral Investment Fund. While I have major policy concerns with the World Bank and IDA, the cuts I was forced to recommend to the Senate in our contributions to those institutions went deeper than I felt wise. Budget allocation realities left me no choice in the matter.

Nevertheless, both accounts are substantially below request levels. The cuts are a signal to the World Bank and IDA that they had better respond to our clearly stated policy and management problems if congressional support for U.S. contributions is to be rebuilt.

The conference agreement also gives the President more resources in the economic support fund to deal with the Middle East peace accord. I told the President that we would seek to build in some additional flexibility to support the Middle East peace process. There is sufficient funding to permit assistance for the West Bank and Gaza at the levels recommended by both House and Senate. There are funds to enable the United States to participate in multilateral efforts to help implement the peace accords. The higher level of ESF now in the bill gives the President some flexibility to respond to the upcoming international donors conference.

Mr. President, many, many people made invaluable contributions to getting this conference report, and NIS aid, to this point. I want once again to thank the distinguished full committee chairman, the President pro tempore, for his leadership and extraordinary efforts to help us overcome monumental problems. I also thank the chairman and ranking member of the Senate Budget Committee, Senator SASSER and Senator DOMENICI, for their support and advice in handling difficult problems. Senators INOUYE and STEVENS responded to President Clinton's appeal by agreeing to a reallocation of nearly $1 billion in defense subcommittee allocation to the Foreign Operations Subcommittee for NIS aid.

I want to pay special thanks to my good friend and ranking member of the Foreign Operations Subcommittee, the Senator from Kentucky. His cooperation and support in shaping and guiding this bill through an extraordinarily difficult process was invaluable. I look forward to future years of constructive cooperation on the Foreign Operations Subcommittee with the distinguished Senator from Kentucky.

Let me also again thank the many staff members whose hard work and dedication was so essential. All Members know that behind a bill of this complexity there is a mountain of expert staff work, and never more so than in this conference report. The majority clerk, Eric Newsom, and majority staff members, Tim Rieser and Fred Kenney, worked tirelessly. I appreciate the support and cooperation of the minority staff, the minority clerk, Jim Bond, minority staff member, Juanita Rilling, and Senator McCONNELL'S staff member, Robin Cleveland. I also wish to thank Doug Olin and Charles Flickner of the Budget Committee for helping us solve many problems.

The executive branch also participates in the legislative process, with its representatives constantly hovering in the background, peering over our shoulders, and offering us ceaseless bits of advice. Their contributions are also invaluable, and help us to avoid many mistakes or misjudgments. Let me give special thanks and recognition to Wendy Sherman, who is proving to be everything I predicted she would be—a superb Assistant Secretary of State for Legislative Affairs. President Clinton owes her much in achieving his full Russia and NIS aid program, which I will certainly make clear to him personally.

It has been a great pleasure working with the new AID administrator, Brian Atwood. His expertise make our job easier.

Bob Lester and Carol Schwab, counsels from AID and the State Department, once again generously provided their legal expertise and advise.

I also wish to thank Will Davis, of the Bureau of Legislative Affairs at State, Marianne O'Sullivan, of the AID Bureau for Legislative Affairs, George Tyler and Robert Baker of Treasury, Michael Friend of the Defense Security Assistance Agency, Bill Hellert of Eximbank, and many others who contributed to getting this bill done.

We are actually at an interesting spot with the conference report of the foreign operations bill. I believe we have set an all-time record, certainly a speed record since I have been in the Senate, for the least amount of debate time on the floor to get a foreign aid bill passed through the U.S. Senate. We did that last week. The conference started this week around 11 o'clock at night on Monday. Some of us were delayed because of the bad weather. I was delayed getting out of Vermont. It took me a little bit longer to fly down than it would have to drive down.

We started the conference at 11 o'clock at night on Monday, and we finished about 3 o'clock Tuesday morning. That also was a record. It was the least amount of time taken for a conference on a foreign aid bill—at least that I can remember in 19 years here. I say that to compliment the Members of the House, especially the chairman, Mr. OBEY, and the ranking member, Mr. LIVINGSTON, on the House side and their colleagues.

I also compliment Senators on both sides of the aisle, the Republican side, led by Senator MCCONNELL, and those on the Democratic side, who worked so hard to move through that.

We have a reduction of about $1 billion below the fiscal year 1993 foreign aid appropriation. It is actually $1.4 billion below the President's request for fiscal year 1994. I mention these figures, when people ask if we are actually going to cut Federal spending, this is an appropriations bill that will pass today, will go to the President today, will be signed into law today and makes very, very significant cuts.

I said to the people in Vermont that I was absolutely convinced that we were going to be cutting spending and that I intended to, in any committee I chaired. We have done so here. We are not going to exempt foreign aid from budget cuts, and we are going to make budget cuts in every area of domestic spending.

The central priority of this foreign aid bill was support for the new Independent States of the former Soviet Union, and I will speak further on that later.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. HELMS. The Senator from Pennsylvania wants to speak first.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, if my distinguished colleague from North Carolina will yield for just a moment, I have a very brief exchange which I would like to have with the distinguished managers.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SPECTER. I ask for 2 minutes. May I direct that to my distinguished colleague from Kentucky?

The ACTING PRESIDENT pro tempore. Who yields time? Does the Senator from Kentucky yield time?

Mr. MCCONNELL. I yield 2 minutes to the Senator.

Mr. HELMS. Wait, I object. I ask unanimous consent that the Senator from Pennsylvania be allowed to proceed for 2 minutes with the time to be charged to both sides.

Mr. MCCONNELL. How much time do I have under my control?

The ACTING PRESIDENT pro tempore. Fourteen minutes.

Mr. MCCONNELL. I will be happy to give him 2 minutes of my time, I say to the Senator from North Carolina. Is that a problem?

Mr. HELMS. Very well.

Mr. MCCONNELL. I yield 2 minutes of my 14 minutes to the Senator from Pennsylvania.

Mr. SPECTER. I thank both my colleagues from North Carolina and Kentucky.

Mr. President, I know that earmarks were a major problem when this bill got to conference. After considerable discussion with the distinguished chairman, Senator LEAHY, and the distinguished ranking member, Senator MCCONNELL, we had arrived at a figure of $3 million earmarked for investigation for the war crimes tribunal, because of the necessity to have immediate funding to proceed with the gathering of evidence so that prosecutions could be initiated on the war crimes atrocities in the fighting in the former Yugoslavia.

That investigation has been brought to a standstill because of the absence of any funds. When you gather evidence for a criminal proceeding, it is very important to gather it immediately or as promptly as possible. I regret to say that a great deal of evidence has already probably evaporated.

I had discussed this matter with a number of members of the administration, including the Secretary of State, Warren Christopher, and the U.N. Ambassador, Madeleine Albright and the Secretary General of the United Nations, Boutros Boutros-Ghali. Of course, he is very interested in the funds so they can proceed. I believe the administration is in accord.

I will ask the distinguished chairman at this time to summarize with me the private discussions which we have had which I think ought to be on the record; and that is to encourage the State Department to advance the funding, up to $3 million, for the investigations as promptly as possible, and at the same time to do our utmost through the administration to get other countries to contribute funds as well for the investigation. I know that people at the State Department have or I have reason to believe that people at the State Department are watching our conference report. I think this kind of emphasis is very important.

The ACTING PRESIDENT pro tempore. The Senator's 2 minutes have expired.

Mr. LEAHY. I yield myself 1 minute to respond. I am assured by the State Department in a letter from Wendy Sherman, Assistant Secretary of State, that they are aware of this and will make their best efforts to get the money for the war crimes tribunal.

As the Senator from Pennsylvania knows, I strongly support the efforts to get this up and underway, and do the kind of investigative work necessary to gather the evidence before it disappears. He also knows that I want, as I believe he does, to have other countries involved, too, so that this is not seen as a solely U.S.-sponsored, U.S.-funded, U.S. operation. If it is to have an effect, it has to be truly multilateral. I have every intention to work to assure that the money at the level recommended is available and we will work with the State Department to see that is done.

Mr. SPECTER. Mr. President, I ask for an additional 1 minute from my colleague from Kentucky.

The ACTING PRESIDENT pro tempore. The Senator may proceed for 1 minute.

Mr. SPECTER. Mr. President, I thank my colleague. I am pleased to hear the comments by Senator LEAHY. We first met at the National District Attorneys Association in 1969. Senator LEAHY used to be just Attorney Leahy, from Burlington. I had a similar position in Philadelphia. We had a lot of experience in the importance of gathering evidence. I am glad to have those reassurances.

When this bill is signed later today, I hope that tomorrow we will see initiatives by the State Department to start advancing funds so that evidence can be collected.

I thank the Chair, and I thank my colleagues.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HELMS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. HELMS. Please advise the Senator from North Carolina the time situation with respect to the two managers of the bill and the Senator from North Carolina.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina has 24 minutes.

Mr. HELMS. Pardon me?

The ACTING PRESIDENT pro tempore. The Senator from North Carolina has 24 minutes.

Mr. HELMS. Twenty-four minutes.

The ACTING PRESIDENT pro tempore. The Senator from Vermont has 8 minutes, and the Senator from Kentucky has 10 minutes.

Mr. HELMS. I thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HELMS. I yield myself such time as I may require, Mr. President.

Perhaps a word of explanation is in order as to why I am indignant about the current parliamentary situation. I knew nothing about a unanimous consent foreclosing the right of Senators to cast recorded votes and be on public record on a piece of foreign aid legislation that proposes to spend $14.5 billion of the American taxpayers' money. Moreover, it is money that will be given to foreign countries and foreign interests. I think somebody may be trying to avoid exposure on this vote. I regret sincerely that this unanimous-consent request was granted last night. I was not advised about it, and I do not know anybody else who was, except the manager of the bill.

Now I am not indignant about JESSE HELMS. I do not like foreign aid. I do not vote for foreign aid. I wish that we could go back and recapture the enormous expenditures for foreign aid since its inception in 1946.

About 10 years ago, Mr. President, I had a careful study made of how much foreign aid had cost the American taxpayers as of that time. I instructed my assistants take care to factor in the interest on the borrowed money that was sent to foreign countries.

There was no balanced Federal budget, so it was fair to assume that Congress was giving away borrowed money.

I was amazed when I got my report from the Library of Congress, whose computers we had to use because our office computers could not handle arithmetic of that size. Up to that time, the cost to the American taxpayers for foreign aid was $2 trillion. Perhaps that in part explains why I do not vote for foreign aid. Perhaps that explains why my distinguished predecessor from North Carolina, Sam Ervin often said that he had never voted for a penny of it.

And yet we have a unanimous consent that provides that Senators will not even have to take a stand on this matter. Yes, I resent it, but not because of JESSE HELMS. I will give you an example of why I resent it.

Down in Texas, there is a young widow whose husband was intentionally killed by the Peruvian Government. I offered an amendment to force the State Department to get cracking on obtaining some compensation for that young widow. But, the State Department is silent in seven languages with the Peruvians. Yet, the State Department went to the House of Representatives and lobbied the conferees to drop the amendment—that this Senate had approved—to withhold foreign aid to the Peruvian Government unless and until the Peruvian Government compensates this young widow down in Texas.

The State Department opposed that amendment even though the State Department bureaucrats have been sitting on their hands about helping that young woman. I resent it, and as the father of two daughters and the grandfather of five, I hope the U.S. Government never does anything like that to them.

Last week, Mr. President, this Senate also voted overwhelmingly in a rollcall vote, 92 to 4, to close some loopholes in current law regarding the expropriation of U.S. citizens' property by foreign governments which receive foreign aid from the American taxpayers.

Now, many Senators did not dare vote against that. There were four who did vote no—and none of them was a surprise. But the other 94 Senators agreed. They are on record. They will not be on record today, as matters now stand on this foreign aid conference report.

The original Helms amendment regarding expropriation of property of American citizens would have cut off foreign aid to any government if, within 3 years, that Government fails to return the property confiscated from American citizens or fairly compensates the rightful owners. This amendment was carefully crafted to make allowances for new democracies, and the President was given a 6-month country-by-country national interest waiver.

That amendment passed the Senate 92 to 4 last week. But then came the State Department lobbying in conference. The conferees began meeting at 10 o'clock at night and met until 4 o'clock in the morning. I am not sure that any of the conferees were wide awake enough to know what they were doing.

The emasculated version of the amendment that emerged from the conferees was worse, Mr. President, than current law. Not only did the conferees emasculate the amendment passed by the Senate, 92 to 4, they made current law worse with the conferees' proposed substitute amendment.

Obviously, I did not want that to happen so I requested that the conference drop the amendment I had offered because it had been so mutilated by the conferees.

Now, Mr. President, the point is this on that amendment. At least 900 American citizens have come to my associates and me asking for help. These Americans are from every State of the Union.

For example, one of my constituents in North Carolina had a large amount of his property confiscated by the Costa Rican Government 18 years ago, at a time when Jerry Ford was President of the United States. This citizen still has not been compensated. Yet, the State Department sits on its hands. It does not represent the American people. But the United States taxpayers have been forced to send an uninterrupted flood of their tax money to Costa Rica—via a United States Government that refuses to do anything for the American citizens who have been so abused by the Costa Rican Government.

What did the American citizens get from the State Department? They got deaf ears and closed doors. The bureaucrats at the U.S. State Department could not care less about these American citizens. I do not know about any other Senator, but I for one am fed up with the U.S. State Department.

Mr. President, the Senate took a step forward last week on the expropriation matter, but the second Helms amendment to be dropped in conference, to which I alluded earlier, required the Government of Peru to compensate the 31-year-old widow of a U.S. serviceman killed 18 months ago by the Peruvian military. The amendment was accepted by the managers of this bill and went to conference, but that did not matter. The State Department lobbied the conferees late at night and had the amendment killed.

Mr. President, a word or so about that tragic episode involving the husband of the young widow in Texas. That young American died when a U.S. Air Force C–130 was deliberately and intentionally shot down by the Peruvians. The C–130 was in international airspace. It was 60 miles from the Peruvian coast. Visibility was unlimited. The United States plane had clear markings, and a Department of Defense investigation concluded that the Peruvians knew that they were attacking a United States military aircraft.

On the third pass, the Peruvian fighters blew a hole in the United States C–130. Sergeant Beard was sucked out and fell 20,000 feet to his death. The Peruvians knew well what they were doing when they fired on that United States airplane.

Well, with such respect as I can muster, I cannot understand why the conferees succumbed to the blandishments of the U.S. State Department on this one. After all, there is $67 million of the American taxpayers' money in the foreign aid pipeline for Peru, and if Peru had simply faced up to its responsibility and paid just a tiny fraction of that amount to Sergeant Beard's widow, I would never have offered the amendment. The matter would have been moot.

Nevertheless, the amendment was dropped at the behest of the U.S. State Department lobbyists, and Mrs. Beard is not likely to be given another thought down at Foggy Bottom. That is why I am indignant.

Good Lord, Mr. President, even Saddam Hussein's Iraq paid compensation to the victims of the U.S.S. *Stark*. But the U.S. State Department is unwilling to require that compensation be paid for an American serviceman killed intentionally by one of the largest recipients of U.S. foreign aid.

And this bill, I remind you, will take $14.5 billion out of the pockets of the U.S. taxpayers to send to foreign countries.

Mr. President, I could repeat what I have said many times, what so many of us have said, including former Senator Herman Talmadge of Georgia, who stood right over there in this Chamber on countless occasions and remarked how the State Department has an

Asian desk, a Latin American desk, a European desk, but Senator Talmadge always said what the State Department needs is an American desk. And he was right.

Secretary of State Warren Christopher testified at his confirmation hearing in January that there was going to be an American desk. Well, if there is an American desk down at the State Department, it is in some storeroom down the hall that nobody ever sees.

The Congress and the State Department have a duty to protect and defend American citizens. I regret that these two commonsense amendments were dropped in conference, but the Senate did the best it could. It voted on them. And I did the best I could by offering them. But was I snookered in the bottom half of the ninth inning? No, Jesse Helms did not get snookered; the American people got snookered.

That is what happened, and the U.S. State Department's lobbyists went away chuckling because they had once again preserved their little bureaucracy.

I want this to be understood by the U.S. State Department. I have tried to cooperate. This very week a whole list of ambassadorial nominees was on the agenda of the Foreign Relations Committee. The Democrats could not get a quorum. Only three or four Democrat Senators came to the business meeting. Seven or eight Republican Senators came, and we bailed out the Democrats. We bailed out the crowd at the State Department, who wanted these nominees confirmed by the Senate.

Unless there is a change of heart down at Foggy Bottom, there will be no more bailouts. My cooperation with the State Department will be a thing of the past. If the State Department cannot look after that young widow down in Texas who lost her husband to the Peruvians, I do not want anything further to do with the State Department.

There is no way I can support this foreign aid bill. Other Senators may feel differently. I respect that. But I wish there could be a rollcall vote so that Senators would be on record and have to take a stand for the public to know how they voted on giving away $14.5 billion to foreign countries.

If I have any time remaining, Mr. President, I reserve it.

Mr. McCONNELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky [Mr. McCONNELL] is recognized.

Mr. McCONNELL. Mr. President, it is not my goal here to enter into a debate with the Senator from North Carolina. There are a couple of observations I want to make that I hope will make him feel a little better.

First of all, the Senator from North Carolina did better in conference than anybody else I am aware of either on or off the committee. Three of his five amendments were included in the conference report. One was dropped at his request and one put in the report. The three that the Senator from North Carolina was concerned about that are in short waiver on the Palestinian Liberation Organization; a ban on aid to supporters of terrorists; and, with regard to the parking fine provision, we made it stronger than the Senator's original amendment. We increased the penalty by 10 percent.

So I am sorry that the Senator from North Carolina feels he did not do well in conference. If he did not do well, imagine how everybody else feels. It was a pretty difficult conference.

Let me say with regard to a rollcall vote, I have no idea how the UC agreement came about for no rollcall vote. I was thinking of calling for a rollcall vote myself. I think we ought to have a vote on this. This is a historic bill. Only 10 Senators voted against it last week. Clearly this bill is not particularly controversial, and this Senator has absolutely no objection to having a rollcall vote on it. I am proud to vote for this measure. I think it is a measure of historic importance. This is a measure that is geared to America's national interests. This year we are passing a foreign aid bill that is $1.8 billion below last year's bill. So we are cutting the overall foreign aid portion of our budget, which was already less than 1 percent, even further.

In addition, what we have done this year is we have focused this bill on America's priorities. This bill is largely about the Camp David accords and the new Independent States of the former Soviet Union. That is what this bill is largely about. So what we have done with the diminishing resources we have, we have focused them on the most important countries.

So I think this is a bill to be proud of. I hope we will have a rollcall vote. I look forward to seeing the results of it. I predict only a small number of Senators will oppose it.

In addition, Mr. President, some other observations about the foreign aid bill this year: Last year there were 90 earmarks in the bill. This year we only have seven. That is for the Camp David countries. And the other three are related to the NIS. While we had limited resources, I just indicated, we moved foreign assistance in the right direction. We focused on our highest priorities as we advanced U.S. economic security and political interests.

This bill is about U.S. interests. Make no mistake about it. The heart and soul of this bill are the support we provide to the Camp David countries and the strong commitment we make to democracy and economic reform in the new Independent States. This bill recognizes it is in our security interests to see the former Soviet Republics dismantle their nuclear weapons; it is in our economic interest to open markets of several hundred million consumers; and it is in our political interest to strengthen democracy.

After a great deal of discussion, I am pleased that the House agreed to the Senate's approach in structuring aid to the new Independent States. We define here in the Senate broad categories of assistance, which offered the President maximum flexibility to fund emerging priorities and opportunities. Instead of a blank check, we offered a blueprint, not a blank check but a blueprint, and I am satisfied that virtually all of the funds in this bill will go either to or through the private sector.

We support private sector development, trade and investment, a special multilateral privatization and restructure fund, and we make a sizable commitment to our Export-Import Bank which advances U.S. commercial interests. The Export-Import Bank is about our commercial interests, Mr. President. That is in this bill. I repeat, this bill is about U.S. interests.

This bill also includes an earmark for Ukraine, which I personally felt was essential. With 52 million people, a great deal of economic promise, and nuclear weapons, I believe Ukraine deserves independent recognition in our bill. And that independent recognition is in here. I am satisfied our blueprint funds the right priorities.

But that is not enough. The public needs to know that there are conditions to our aid. In two amendments I offered, joined by Senator LEAHY and the committee chairman, Senator BYRD, we linked aid to performance. Aid must be suspended if any nation violates the territorial integrity or national sovereignty of another nation. As we have watched events unfold in Georgia, this condition has particular importance.

Aid is also linked to progress on economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable tax treatment of U.S. companies.

Mr. President, I believe the private sector is the key to securing change in the new Independent States. But companies are cautious, given the unpredictability of the facts and commercial code over there. U.S. aid can only ease some of the economic and social transition pains. Ultimately, only the private sector can generate jobs, revenue, and growth. Our aid should be linked to advancing those interests. I think we have done an excellent job in this bill of promoting our interests. That is what this bill is about.

I also want to acknowledge, Mr. President, the outstanding support of Senator LEAHY. I have enjoyed working with him; with Senator BYRD, chairman of our committee; Senator INOUYE; and Senator STEVENS, who really made it possible; I enjoyed working with Erik Newsom and his whole team on the other side; and, of course, Jim Bond and Juanita Rilling, as well as my own Robin Cleveland. It is a pleasure to work with all of these individuals. This is truly a historic bill. I hope we will have a rollcall vote on it.

I reserve the remainder of my time.

THE UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I note the presence of the Senator from North Carolina on the floor. I have been advised and have been provided a transcript of his remarks earlier this morning with respect to the unanimous-consent agreement. I feel that it is necessary and appropriate to set the record straight with respect to this agreement.

The distinguished Senator from North Carolina stated, and I am now reading from his earlier remarks:

> My inquiry is, is the information I have just received 2 minutes ago that another one of these sleazy unanimous-consent requests has been granted, in this case eliminating any possibility of a rollcall vote on this conference report?

Mr. President, I do not know what the Senator meant by using the word "sleazy," but it carries a connotation of impropriety, underhanded, or inappropriate activity. I merely want to state for the record that this unanimous-consent agreement, like all others, was discussed between the majority and the minority staffs, and when agreement is reached, in the normal practice, each side—the Republican leader and his staff, and the majority leader and his staff—is responsible for gaining the approval of each of the Members in their respective parties.

We proceeded, as we always do, to notify all Democratic Senators of the agreement, requesting their approval; that approval was granted. We were then notified by the Republican leader's staff that comparable approval had been granted by all Republican Senators. Therefore, I presented the agreement here on the floor of the Senate, as I have hundreds of other times, and as Senator DOLE, Senator BAKER, and Senator BYRD all did when they were majority leader.

With respect to the question of a rollcall vote, it is a common and standard practice in the Senate that in the absence of a request for a rollcall vote, a vote occurs by voice. Many, many bills, some important, some not, are approved by voice vote in the Senate, when there is no request for a rollcall vote. In this case, I am advised by majority staff that the Republican staff specifically stated and acknowledged and agreed that there was no request for a rollcall vote. Therefore, we agreed to proceed by voice vote.

I am going to, in a moment, seek consent to vitiate that and have a rollcall vote, because I believe if any Senator wants a rollcall vote, we ought to do so. Had I known that any Senator wanted a rollcall vote, I would not have put the request in this fashion. But I must say, I do not believe there is anything sleazy about this practice. If the Senator from North Carolina has a complaint, I submit that it is with his own colleagues, because we deal with the Republican leadership in good faith. It is not within my area of activity or my responsibility to personally solicit each Republican Senator. That is up to the Republican leader and his staff. When I am told by the Republican leader or his staff that this has been approved by all Republicans, I accept that. I take it in good faith, and I act upon that representation. That is what occurred here.

If there was a misunderstanding between the Senator from North Carolina and the Republican leader and his staff, that is regrettable, but that does not make this agreement or this practice sleazy or in any other way inappropriate.

Obviously, it is possible, given 100 Senators and the constant press of business, that there can be misunderstandings. And all staff members, like Senators, are human and therefore fallible, and the possibility of error exists. But I just want the record to reflect the reality of what occurred here. There was nothing underhanded, devious, secretive, inappropriate, or sleazy about it. It was in the normal course of business, and the practice followed was the practice that we have followed consistently on such matters, without which it would be very difficult for the Senate to conduct its business, certainly on the schedule we now have.

Therefore, Mr. President, I would be pleased to yield to the Senator from North Carolina, if he wishes to make any comment, following which I am going to ask that we notify Senators on both sides, as in the normal practice, and I will shortly put a request to vitiate the prior agreement and request a rollcall vote on this measure.

I would be pleased to yield to the Senator from North Carolina.

Mr. HELMS. I appreciate the distinguished and able majority leader's lecture. But the fact remains that it has been pretty well known on both sides of the aisle that I want a rollcall vote on every spending bill. That has been my position for at least 2 years.

I have not had a chance to talk with the Republican staff, because they were caught this morning in traffic, and I happened to see one who just now arrived.

In any case, the majority leader does not have to absolve himself with me. I do resent the fact that these kinds of arrangements are made. What time was it, if I may ask the majority leader, that this unanimous consent was agreed to?

Mr. MITCHELL. I do not recall that offhand, but I will ask the clerk to check. It was at 6:47 p.m.

Mr. HELMS. The distinguished occupant of the chair does not happen to know how many people were on the floor at this time, does he?

Mr. MITCHELL. They do not count the number of people on the floor.

Mr. HELMS. Forgive me, if the Senator will let me finish.

I will be perfectly satisfied with the Senator's proposition to vitiate that portion of the unanimous consent so that we can have a rollcall vote either now or later in the morning. But I think it has been well known on this side of the aisle that I believe—as one Senator—that there should never again be a costly spending bill passed by the Senate on a voice vote. I will be glad to have the majority leader inquire about that.

What the breakdown in this instance was, I do not know. But the breakdown was not with me. I was not asked about it. I received no word.

Mr. MITCHELL. If I might respond, I do not wish to get involved in any communication controversy between the Senator from North Carolina and the Republican leader or the Republican leader's staff. That is nothing with which I have anything to do. I merely want to make it clear that our regular practice is that the staffs discuss the contents of these agreements, and then each leader is responsible for gaining clearance from all of the Senators of the respective parties to the agreement.

I am sure the Senator from North Carolina understands and agrees that I must necessarily rely on the representations of the Republican leader and his staff.

I presented this agreement at 6:47 p.m. yesterday, and I am advised that the manager of the then-pending legislation, Senator JOHNSTON, announced sometime before that we were attempting to gain approval of this agreement. So an announcement had been made prior to that in the afternoon.

But I presented the agreement after I was advised by my staff that they had been advised by the Republican leader's staff that this had the approval of all Republican Senators. Had I been aware of any Senator—not just the Senator from North Carolina—who objected, I would not have put the request, or I would have requested the presence of that Senator to state his objection personally.

Second, I merely want to state that the number of Senators present on the Senate floor is not an indication that the matter has not been cleared by the parties. Most of the clearance is done when Senators are engaged in other activities, and it is the responsibility of each Senator to establish whatever communications he or she chooses within his or her office to receive and act upon requests for clearance of unanimous-consent agreements.

That is something in which I do not want to get involved. My concern is that the use of the word "sleazy" by the Senator from North Carolina creates a clear implication of inappropriate or secretive or wrongdoing activity, which I just wanted the RECORD to reflect simply is not the case.

This was a normal course of business, and we relied completely upon the Republican leader's staff, the confirmation of the fact that no Republican Senator objected to this practice, no Republican Senator requested a rollcall vote.

Now that the Senator has made clear that he wants a rollcall vote, I am perfectly pleased to put the request. I will momentarily.

Mr. President, I ask unanimous consent that the time used in this colloquy not be charged against the time previously set for debate on the pending bill.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

Mr. MITCHELL. After checking with staff to see if there is any objection now to the current request to vitiate the order and request the rollcall vote, I will put that request shortly.

I thank my colleagues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair will note that the hour of 10 o'clock has arrived.

Who yields time?

On the pending question, the Senator from Kentucky has 1 minute.

Mr. DOMENICI. Mr. President, I commend the managers for providing President Clinton with funding and authority he requested for economic cooperation with Russia, Ukraine, and other former Soviet Republics.

The Senate bill and this conference report greatly improve the chances of success for President Clinton's plan for Russia, but this is no blank check.

Explicit congressional guidance on the use of these funds in Ukraine and Armenia, as well as in Russia, is included here. That has been the practice for many years in foreign assistance appropriations bills.

The detailed guidance in this bill doesn't tie the President's hands. If conditions continue to change, and he wants to do something different, he can do so as long as he notifies the Appropriations Committees under the usual procedure.

Ambassador Strobe Talbott, Tom Dine, when he is confirmed, and other officials charged with implementing American assistance efforts in Russia and Ukraine have a heavy burden. No one has tried to do anything like this since Herbert Hoover's efforts to limit famine in Ukraine, Russia, and the Baltic nations after World War I.

I appreciate Ambassador Talbott's efforts to keep in touch with me and other Members, and I look forward to working with him and his staff in the future.

UKRAINE-RUSSIA STABILIZATION PARTNERSHIPS

The Ukraine-Russia Stabilization Partnership Program, section 575, is the outcome of many discussions I have had at our national laboratories and universities over the past 3 years with American business and former Soviet scientists and engineers. It was discussed with Ambassador Talbott and the adroit Assistant Secretary, Wendy Sherman. It was improved during conference by the new ranking Republican on the House side, my friend from Louisiana.

We now realize that Russia and Ukraine will not move overnight toward a market economy. Until that transition is further along, I am convinced that one of the most useful things we can do is to help them preserve key defense-related scientific and engineering assets. If they fade away during the transition, the role of these institutions in a civilian economy can never be determined, and years of work are lost.

The Senate report on page 106 gives a detailed explanation of what we hope to accomplish with the stabilization partnership program. I anticipate that Ambassador Talbott and the Secretary of Energy will move quickly to mobilize American businesses and former Soviet institutions in stabilization partnerships, using the national laboratories as catalysts. When that happens, Americans, as well as Ukrainians and Russians, will benefit.

NO GUARANTEES IN RUSSIA AND UKRAINE

There is no guarantee that the program of cooperation funded today will affect the outcome in Russia, Ukraine, and the other countries. The best we can do is to make sure that we keep hope alive over there that better days are ahead, and that we are ready to help.

The worst we can do is to repeat errors made in earlier foreign aid programs that failed through arrogance, incompetence, or corruption.

Mr. President, I do not agree with all of the sentiments expressed by the conferees in section 579 regarding the struggle between President Yeltsin and the Supreme Soviet.

Russians are a proud people, and I am not sure that they care what labels we attach to their President and parliament. As I just suggested, they are looking to us and to their own Government for something to give them renewed hope for a better future, if not for them, at least for their children.

Renewed hope among the Russian and Ukrainian people will require confidence that they possess effective governments and productive economies. That will not necessarily happen when results of another national election interrupt another difficult winter.

Unless Russia finds a legitimate and effective executive and legislature that can focus on governance and every day concerns of Russian people far from Moscow, events in Moscow matter little. Russians will continue to look to local and regional governments for solutions, and the Kremlin's masters will matter less and less.

COMMENDATION OF MANAGERS

In closing, I commend the Senate and House chairmen, Senator LEAHY and Congressman OBEY, for their tireless commitment to help the survivors of the Soviet experience without increasing the overall budget for foreign aid.

In his first months on the Appropriations Committee, Senator MCCONNELL has proved to be an effective ranking Republican member on the Foreign Operations Subcommittee. He did an excellent job representing the Senate position during the conference, building on his active participation in the Foreign Relations Committee in prior years.

I commend the conferees, also, for conditioning half of AID's operating expenses on rapid implementation of Vice President GORE's recommendations for foreign aid reform that are included in his National Performance Review.

EXPORT INITIATIVE SUPPORTED BY BILL

On Wednesday morning, the administration announced a major export initiative at a Banking Committee hearing. The Export-Import Bank will be able to implement a major component of this export initiative, a new program of tied aid, because this conference agreement includes sufficient authority for the Eximbank.

Much of the credit for the tied aid program goes to Eximbank's new president, Ken Brody, who overcame longstanding resistance from the State Department and the Agency for International Development.

Mr. President, I thank the managers for their consideration.

Mr. NICKLES. Mr. President, may I take a moment to point out the significant achievements realized in Egypt in the area of telecommunications. Under the auspices of USAID, Egypt now boasts a telecommunications system and network which, in lines per 100 persons, far surpasses many other developing countries.

The history of AID telecommunications projects in Egypt is long and impressive. That commitment began as early as 1978 with projects to rationalize the Egyptian telecommunications sector. Later, in 1981, Telecom projects I, II and III were initiated by AID. This effort was continued in 1988 with the commencement of Telecom IV and now, the fifth stage known as TSSP/Telecom V, is scheduled to move forward and receive funding.

Throughout the process, companies like AT&T have been integral partners, introducing new, state-of-the-art United States equipment to the Egyptian market. AT&T's activities have led to expanded United States exports and jobs here at home, while simultaneously helping to develop a key sector of the Egyptian economy.

Mr. McCONNELL. Does the Senator think that this partnership has been so successful that it should be used for models elsewhere?

Mr. NICKLES. The Senator from Kentucky is absolutely correct in noting what has proven to be a showcase project for AID, and for cooperation with U.S. companies like AT&T. Continued United States Government and Congressional support for AID capital projects in the Egyptian telecommunications sector is essential. Similarly, it is essential that the TSSP be implemented expeditiously and without delay. Any delays in fully implementing TSSP could result in a significant loss of U.S. market share.

Mr. MCCONNELL. Under the original timetable, was TSSP to be implemented this year? Wouldn't delays set back the significant progress made to date in Egypt, and jeopardize the continued expansion and improvement of the Egyptian telecommunications sector?

Mr. NICKLES. Mr. MCCONNELL is correct. AID should not delay implementation of TSSP, and I urge the Cairo AID mission to move forward quickly. AID should immediately demonstrate a continued, full commitment and fully fund the TSSP program at the originally agreed upon level. The TSSP is the capstone of a project lasting well over 10 years and should be implemented in a timely fashion. The Telecom V/TSSP final stage will integrate previous accomplishments to date, creating a unified, reliable telecommunications network. Unless this TSSP program is fully and promptly funded, the substantial United States investment in providing leading edge technology to Egypt will fall substantially short of its goals.

Mr. President, the Congress expects that the United States AID mission and the Government of Egypt will move promptly to complete the Telecom IV activities and expedite grants under the Telecom V/TSSP program. We commend recent initiatives by the AID Mission to make monies from the cash transfer program available to support continued improvements in the telecommunications sector, and hope that similar efforts will be forthcoming to move TSSP forward.

TUNISIA

Mr. LEAHY. Mr. President, during the Conference on the fiscal year 1994 Foreign Operations appropriations bill, language regarding Tunisia was misplaced and was never offered to the conferees and did not appear in the joint statement of managers. I, therefore, want to associate myself with Senator INOUYE's language on Tunisia, which expresses support for relations between the United States and Tunisia and its contribution to Middle East peace.

Mr. President, in the committee report accompanying the Senate Foreign Operations appropriations bill, the committee expressed concerns about human rights in Tunisia based on information in the State Department's country report on human rights practices and from international human rights organizations.

Shortly after publication of the committee report, information was brought to the committee's attention by the State Department and Senator INOUYE which I believe should have been included with the original language. Senator INOUYE pointed out that the report did not mention efforts by the Tunisian Government to correct human rights problems and to assist the United States in advancing the Middle East peace process. Just hours after the Washington signing of the Israel-PLO Declaration of Principles, the Tunisian Government hosted a delegation of high-ranking Israeli Government officials.

I agreed with Senator INOUYE that the report should have mentioned these points. Although it was my intention to offer his language for inclusion in the joint statement of managers, it was inadvertently misplaced during the confusion which often reigns during a conference. This conference concluded at 2:30 am in the morning of September 28. Therefore, on behalf of myself and Senator INOUYE, I ask unanimous consent that the language that we had agreed upon be printed in the RECORD at the end of our remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Again, I regret that this language was accidently omitted. Tunisia is an important country, and while there are human rights problems there the Tunisians deserve credit for steps they are taking, both to reform their economy and their justice system. There may be ways that the United States can assist them in these efforts.

Mr. INOUYE. I want to thank Senator LEAHY for his comments. I do believe that the committee report language should have mentioned the progress Tunisia is making in the area of human rights and the important role they are playing in the peace process. The language we agreed to offer in the conference should have been included in the joint statement of managers of the conference report, and I am pleased that you have offered to join me in placing it in the CONGRESSIONAL RECORD. I trust that the administration will consider these remarks when developing policy toward Tunisia.

EXHIBIT 1

TUNISIA

The conferees express their support for Tunisia's efforts at promoting peace in the Middle East, as evidenced by their recent meetings with representatives of the Israeli Government. These meetings offer tangible proof that the signing of the Washington accords have contributed to the momentum toward peace in the region.

The conferees also are encouraged by the steady progress made by Tunisia in instituting a strong program of economic reform.

The conferees remained concerned by reports of human rights violations in Tunisia, in particular, the incommunicado detention and mistreatment of detainees. The conferees believe the Tunisian Government recognizes that these problems exist and is making efforts to reform its police and judicial system. The conferees will continue to monitor these efforts. The conferees recommend that the administration consider making funds available under the Administration of Justice Police Training Program to assist Tunisia in addressing a broad range of human rights problems.

WOMENCARE INTERNATIONAL PROJECT

Mr. SPECTER. Mr. President, I would like to ask my colleague, the senior Senator from Vermont, to join me in clarifying the meaning of the Senate report language addressing prenatal care and birthing programs in the new Independent States [NIS]. It is my understanding that Magee Womens Hospital in Pittsburgh, PA, has assumed the leadership role in the development of a model prenatal care program in the NIS.

Mr. LEAHY. I would like to compliment the senior Senator from Pennsylvania for his leadership in recognizing the need to address the serious issue of infant mortality in Russia and the NIS. Without adequate prenatal care and birthing facilities in these countries it will be difficult to improve child survival rates. The report accompanying this bill acknowledges the work of the Womencare International Project, which I understand was established by Magee Womens Hospital. This program provides a model obstetrical and educational training program for economical prenatal care throughout Russia and the NIS.

NUCLEAR REACTOR SAFETY IN THE NIS

Mr. LIEBERMAN. Mr. President, I want to bring to my colleagues' attention a very important provision in the foreign operations conference report. This provision, which I fully support, strongly encourages qualified American businesses to assist the newly independent states of the former Soviet Union in improving the safety of their nuclear powerplants. In particular, the provision encourages that program funds for this purpose be awarded to qualified small businesses, especially those which are located in areas affected by the decline in defense-related industries.

Mr. President, I applaud the conferees for including such a provision in their report because it addresses two major concerns: the safe operation of nuclear reactors in the NIS and the economic health of communities dependent on a shrinking defense sector. This is an excellent example of maximizing the benefits of our foreign aid dollars. In doing so, we are promoting small businesses here at home while also helping our new partners abroad. I urge my colleagues to support the conferees' efforts in this regard.

The PRESIDING OFFICER. Under the previous order, the Senator from

Vermont controls the last 5 minutes of debate and the Senator from North Carolina should be recognized.

Mr. LEAHY. I am not sure I understand that, Mr. President. Could you repeat, please?

The PRESIDING OFFICER. There remains 10 minutes for the debate, 5 minutes controlled by the Senator from Vermont, 5 minutes by the Senator from North Carolina.

Mr. LEAHY. Under the unanimous consent, it is the last 5 minutes that is to go to the Senator from Vermont; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Then I would understand by that the time is running now. It is running on the time of the Senator from North Carolina.

The PRESIDING OFFICER. The Senator is correct.

The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the time between now and 10:15 a.m. be for debate on the foreign operations bill with the time to be controlled equally between Senators LEAHY and MCCONNELL; that the time between 10:15 a.m. and 10:45 a.m. be for debate only on the Bumpers amendment to the energy and water appropriations bill, with that time be equally divided and controlled between Senators JOHNSTON and BUMPERS; that at 10:45 a.m. the vote occur on or in relation to the Bumpers amendment; and that immediately following disposition of the Bumpers amendment a vote occur on the foreign operations appropriations conference report.

Mr. LEAHY. Mr. President, reserving the right to object, is there any reason not to do the job on the foreign operations now?

Mr. MCCONNELL. Mr. President, reserving the right to object, we have to check.

Mr. MITCHELL. Yes, there is the reason, for the convenience of both Senators.

Mr. JOHNSTON. Mr. President, reserving the right to object, and I shall not.

Mr. President, I shall not object, but in last night's unanimous consent we followed after disposition of the Bumpers vote and now the foreign operations vote. We had the Kerry amendment on the integral fast reactor with 4-hour time limit with a vote to occur on or relation to that at the end of 4 hours, if we could have that added to the request.

Mr. MITCHELL. It was my intention that that part of the agreement not be changed by this here, and I will simply state so there can be no misunderstanding.

Mr. LEAHY. Mr. President, I reserve the right to object, and I shall not.

Do I understand the distinguished majority leader's request to still have the provision of the earlier one which gives the last 5 minutes of the debate on the foreign operations bill to the sole control of the Senator from Vermont?

Mr. MITCHELL. Yes.

Mr. President, I intended to modify the prior agreements only to the extent that they were modified by the changes that I proposed. In all other respects the prior agreements are to remain in effect.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MITCHELL. Mr. President, I renew my request.

Mr. MCCONNELL. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the second vote in the sequence just agreed to be a 10-minute vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. MITCHELL. Mr. President, I thank my colleague.

The PRESIDING OFFICER. The Senator from Kentucky has 4½ minutes; the Senator from Vermont has the last 4½ minutes.

Mr. LEAHY. The last 5 minutes.

The PRESIDING OFFICER. That was modified in the last agreement.

The Chair will note that the time is being charged to the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, may I ask why the time is being charged to the Senator from Kentucky?

The PRESIDING OFFICER. The order provided for the time between 16 minutes after and 10:15 be divided equally between the two parties. It was further determined that the Senator from Vermont will be granted the latter part of that time period. At 10:15 the time is up.

Mr. MCCONNELL. Mr. President, I am happy to yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Kentucky yields back his time.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, there has been a great deal of confusion this morning about whether we order a rollcall vote or not, and I would hope that anybody watching this not lose sight about what we are doing.

Mr. President, I would hope that no one would lose sight of what is being done here. The Senate has moved with remarkable speed on the question of foreign aid. I do not know of a time in 19 years when a major foreign aid bill has gone through the Senate with this speed or through conference with this speed.

Earlier I mentioned my compliments not only to the distinguished Senator from Kentucky [Mr. MCCONNELL], and those on his side as well as those on the Democratic side making this possible, Senator BYRD, Senator INOUYE, Senator SASSER, Senator DOMENICI, and others, who worked on that, but also our distinguished counterparts in the other body, Mr. OBEY, Mr. LIVINGSTON, and others, as well as the State Department, the administration and others.

We did this because we at least had one major part of this foreign aid bill that reflected national security interests and national economic interests of the United States, the part involving the new Independent States, the former Soviet Union.

I have said over and over again, Mr. President, that I do not intend to bring any more foreign aid bills to the floor of the Senate that reflect basically the way we did foreign aid during the cold war, that do not reflect the changes that should be made.

Most of this bill began, at least its genesis was in the inertia of a cold war time, not in the realities of today, with one area of exception: the aid for the New Independent States.

It is not done to aid Boris Yeltsin as an individual. That would be a mistake. And I am more and more convinced it would be a mistake if we simply put all of our foreign policy based on the success or failure of one person, Boris Yeltsin. I think it would be a very serious mistake, just as it was a mistake to put all of our foreign policy goals on the successor failure of Mikhail Gorbachev.

But it is in our best interests to put our hope and faith on democracy in Russia and an economic system that allows it to compete with the rest of the world; not on the number of warheads or ships or airplanes or armies, but rather on its ability to enter into true economic competition with the rest of the world.

And that is what we have done in this bill. We have designed one that says that it is in the United States interest to foster democracy in Russia and the other New Independent States; it is in the United States interest to improve the economic conditions. That is where our competition will be in the future. Now, that is post-cold war foreign policy.

I hope that next year, when we stand here with a foreign aid bill, the whole bill will reflect a post-cold-war period that we will look at every single part of our foreign aid bill and say, "Is this in our best interest?" And, if it is, keep it; and if it is not, get rid of it, and have the United States, the one superpower in the world, using this part of its diplomatic and economic arsenal to direct democracy and help democracy flourish around the world, help improve human rights, improve the economic conditions of people, as well our own people here in the United States, and turn the United States from being the largest debtor nation in the world to one where, once again, we can proudly export "Made in the United States of America" products around the world, creating hundreds and thousands and millions of jobs here in the United States.

That is what we must do in our foreign aid bill. That is what we can do in our next year's foreign aid bill. And I hope the administration and the leaders in Congress would come together to shape that for next year.

We have demonstrated that Republicans and Democrats alike would join together in creating a good foreign aid bill this time in the area of the former Soviet Union. We can do it in all other areas.

We have also shown that we respect the realities of what is happening in the Middle East; that the United States will stand as the one solid partner to bring together the parties and help this newly and very fragile peace between the State of Israel and the PLO to actually work.

We have written in here something extraordinary, Mr. President. We have set aside those laws that denied the United States the ability to deal with multilaterals and working with the PLO. And we have given an opening so that we can do that so we can direct and work with other countries as they try to come together, because other countries have a stake in the Middle East as well as the United States—the Europeans, the Gulf States, the Arab States, Japan, and others. They must also come forward and help this so the U.S. taxpayer is not asked to solely support this. Everybody has a stake.

Again, reflecting the realities of today not the inertia of the past, we have at least within this foreign aid bill the seeds of what could be a whole new policy in foreign aid.

I hope that the administration, I hope the Congress, I hope others would come together, allow us to do that so that this will be the last foreign aid bill that even has the remnants of the cold war and next time will be one that points us toward the next century.

● Mr. PRYOR. Mr. President, last week, I offered an amendment to the Foreign Operations appropriations bill, which I believed would help to eliminate waste and mismanagement at the World Bank. I was pleased that my amendment was adopted, and felt that the Senate was moving in the right direction in its handling of international financial institutions.

I was not the only Senator outraged at the clear excesses of this institution. My colleague, Senator BROWN, proposed that the Congress withhold funding to the World Bank until it established an independent office of inspector general. My amendment, however, while demanding greater accountability, also sought to recognize what seemed to be real progress at the World Bank. Last week, the World Bank established an inspection panel to review projects. My amendment called for the Secretary of the Treasury to urge the independent panel to look into fraud and waste and, to the extent possible, prepare its own independent review of allegations of fraud and abuse at the World Bank.

Mr. President, today I learned of the changes made to my amendment in conference. Some changes are positive. Instead of singling out the World Bank, the revised language refers to all international financial institutions. Also, the new amendment calls for the establishment of a full-fledged office of inspector general at all these institutions. This is important because our view of what a tough inspector general should do is not within the purview of the World Bank's current inspection panel.

Unfortunately, Mr. President, if the World Bank decides not to heed the urgings of the Treasury Secretary and create an inspector general office, then the report next spring will not provide Congress with all the information we are seeking. As a backup, my original amendment sought a report by the Treasury Department that would have included an independent analysis by the Department relating to allegations of waste and abuse at the World Bank.

Mr. President, I am simply not convinced that the World Bank is going to be very forthcoming on this issue. That being the case, I believe that the Treasury Department should aggressively pursue its own review of problems at the World Bank. This should include seeking to obtain documents and other items important to a legitimate review of the operations and management of the World Bank through voluntary disclosures by the World Bank.

I have discussed this with the committee and want to join with the committee in urging the Treasury Department to embrace this task. I also intend to begin my own review and will look for help from other agencies of this government in my effort.

Mr. President, ultimately Congress is itself like a bank. We give money to projects we judge to be worthy. In this case—the World Bank. Just like a bank, Congress should expect and, if necessary, demand a look at the books of the lendee.

This is simply good business.

Like a bank, if Congress is denied access to the books or if independent auditing is refused by the lendee, then Congress is justified in questioning the wisdom of funding the project.

More to the point, Mr. President, if changes do not occur at the World Bank and if Congress does not begin to get a clear picture of what is going on there, this Senator, and I believe many others, will be back with much stronger medicine on this bill next year, or on other legislation in the interim.●

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. I understand we are under an order as to when that will be done.

The PRESIDING OFFICER. All time has expired.

ENERGY AND WATER APPROPRIATIONS ACT OF 1994

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2445, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2445) making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Bumpers amendment No. 983, to reduce funds for General Science and Research Activities and terminate the Superconducting Super Collider Program for the purposes of reducing the deficit in the Federal budget.

AMENDMENT NO. 983

The PRESIDING OFFICER. Under the previous order, the hour of 10:15 having arrived, there remains 30 minutes for debate on the Bumpers amendment numbered 983, with the time equally divided and controlled in the usual manner.

Mr. JOHNSTON. Mr. President, I yield 5 minutes to the distinguished Senator from California [Mrs. FEINSTEIN].

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the committee chairman for the 5 minutes.

I would like to present my position as a Senator from California, and that position is to rise in opposition to the Bumpers amendment to terminate the superconducting super collider.

Now, what is the super collider, and why is it important?

As we know, what it essentially is is a particle accelerator. It will accelerate protons to incredible velocities, close to the speed of light, around a 54-mile tunnel in rings in the opposite direction so that, at specific points, they can be steered into a head-on collision. And the protons rotate at about a rate of 10 million times an hour.

The point is that, by generating streams of new particles, the collision energy is released. Just as atomic bombs convert matter into energy, the collider will convert energy of proton collisions into new particles of matter. So it is a major step forward and it is the top priority of high-energy physicists, because it helps us understand the nature of the world around us.

It is my basic belief that we should do what Americans do best—we should work to our strong suit, not our short suit. We have developed the telephone and the airplane. We have pioneered computer technology. We have landed on the Moon. Nuclear energy, transistors, lasers, radar, genetic engineering all were born in this country. If we wish to remain a great power, we must support the basic research from which the breakthrough results will come.

Breakthroughs do not come often, but when they do, they can alter the course of life. And I believe we have that opportunity with the superconducting super collider. It is a major attempt at another generation of scientific advances.

The project is, to date, 20 percent complete. We should not turn tail and run. Let us finish it. Let us do the job.

"Since 1989, contracts on the SSC total more than $1.2 billion for domestic firms," according to an August 1993 report of Perryman consultants. "Over 98 percent of all funds have been awarded to United States entities. The aggregate impact of these expenditures on national business activity is estimated to be $7.6 billion in total expenditures, $2.8 billion in gross domestic product, $1.8 billion in personal income, $660 million in retail sales, and 337,828 jobs."

It sounds to me like this is a program that helps and not hinders our economy:

> California has been a key player in the SSC initiative from its inception. Ten universities and three major laboratories within the State have been actively involved in research related to the project. Several Californian firms have received substantial awards to date, including a magnet contract with General Dynamics that already exceeds $140 million in production. More than 700 companies from the State have received 2,200 awards and grants totaling almost $240 million. Over the life of the project, direct awards to California facilities should be well over $1.0 billion.
>
> The cumulative impact of the contracts to date on the California economy is found to be: $1,037.5 million in total expenditures; $528.2 million in gross domestic product; $336.1 million in personal income; $125.2 million in retail sales; and 14,912 jobs (person years).

In pushing the field of superconductivity, we will undoubtedly reap long-term benefits and the SSC undoubtedly will lead to opportunities for future superconducting industries in California. It is likely this research will reduce the cost of superconducting magnets, increase the ability to store power thus avoiding peak power overloads, improve magnetic levitation vehicles, and improve thrusters for propelling ships.

Superconducting wire produced for the SSC already is improving the efficiency and lowering the costs of magnetic resonance imaging.

The international market for superconducting materials is expected to be billions of dollars by the year 2000 because of the transportation and power storage potential.

The SSC's technological breakthroughs will provide opportunities for high-technology business and high-skilled work force currently in defense-related activities.

Finally, the ideas and challenges represented by the SSC attract students to enter the field of physics. One of my constituents, James Kelly, recently wrote me:

> I am a graduate student at U.C. Davis and my research focuses on predicting what will be seen at the SSC, and designing experiments to be carried out there. Like other young physicists in the field, I felt lucky to be starting research at the time the SSC was under construction. I studied all that I have in anticipation of discoveries waiting to be made at the SSC. If the government decides not to fund the completion of the project there will be no future for me in the career I have spent my life preparing for; my research cannot continue without the possibility of testing it in the near or distant future.

Mr. President, we need to follow through on our commitment to the SSC and do it right. I urge my colleagues to vote against this amendment and for continuation of the super collider.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I sometimes think we are just sitting around in the United States Senate waiting for the economic apocalypse. The place is out of control. You cannot cut spending. As you know, I have been trying for the last 2 weeks, just as I did last year and the year before, with absolutely no success. Here is a project that started in 1987 with $4.4 billion; 6 short years later, it is $13 billion, a tripling. That is a doubling of the cost every 2 years. Yet, the Senate does not seem to really care.

Where are we now, after we get up to the $13 billion figure? A project that over the 35-year life of it is going to cost $38 billion, even if those figures hold up. Bear in mind, the $13 billion cost we are talking about right now—this project is not going to be finished for 10 years. You know, you have to be smoking something pretty tough to believe that the $13 billion figure is the last figure, when the cost has tripled in 6 years. We have 10 years to go before we complete it. This thing is endless.

Here is a Washington Post article dated September 6, a little over 20 days ago. It is talking about the super collider:

> Their omissions and miscalculations from the start obscured more than half the true cost of the mammoth project, generating enough new estimates to emboss a whole rack of tee shirts. The latest estimate by the CBO, Congress' investigating arm, is that it will cost more than $11 billion, more than twice the number 5 years ago. Even that number is not certain.

What kind of management do we have? University research associates that work for free; that is about what they are worth. Here is what they say:

> The Department's contract or on the job, a nonprofit group of physicists called the University Research Association, further confused the picture by failing to properly track costs. For much of the past year, according to project employees and officials, URA had to struggle to determine how much money had been spent, let alone how much was needed to finish the job.

Listen to this:

> A January computer message from one employee read—

This is just a small division, his division.

> We have probably spent $6 to $8 million since fiscal year 1993 began, but who knows? We will take coffee-stained computer runs, old cocktail napkins, 10-key tapes, anything. Just get us any kind of cost information, please.

He signed it, "still flying blind."

Do you think the Senate is impressed by that? No. There are a lot of people here to whom there is not one thing you can say. I could stand right here today and say, "They say that this project is one-fifth completed. I say not one spade of dirt has been turned." I could say that, and even if that were true, I promise you Senators would come in here and still vote for it. They do not care. The politics is always on the side of spending. It is not on cutting.

I hear a lot of lamentations around here about pork. There has never been a piece of pork come through here like this. And for what? What do we get out of it? Here is what some Nobel laureates say.

Philip Anderson, Nobel Prize winner at Princeton:

> To me, the saddest sight of all is to see officials of the department responsible for our energy supply, deliberately misleading Congress—

Think about that; a Nobel laureate says the Department of Energy has deliberately misled Congress:

> with these false claims; and to see my particle physics colleagues, many of whom I admire and respect, sitting by and acquiescing in them.

Nobel Prof. Nicolas Bloembergen at Harvard:

> To say that "magnetic resonance imaging is a spinoff of Fermilab and SSC" is unwarranted and ill-advised. It completely ignores the essential contributions by a very large number of physicists who have brought MRI to fruition. MRI would be alive and well today even if Fermilab had never existed.

And those are the claims we are listening to for spending $38 to $40 billion.

Nobel Prize winner A. Penzias, vice President of the Bell Laboratories.

> Let us not pretend that what we experiment with in particle physics is, in fact, going to illuminate what happens in that part of the arena of our knowledge and experience that's useful to us.

I could go on. Nobel Prize winner Philip Anderson again:

> It is worth reiterating that particle physics has not led to many technical breakthroughs. If you want to solve technical problems, the best way to spend your money is on the sciences which are relevant to your technical problems.

I heard the distinguished floor manager of this bill say the other day that this thing was on time and on budget. You think about that.

Asking for coffee-stained napkins to justify expenditures of $4.4 billion in the original estimate, now $13 billion, and to have the gall to say this thing is on budget and on time? I will tell you what is on time. I have seen it happen here 100 times.

Mr. President, I have been here 19 years and I have seen one project killed. We could not kill the B–2; the same arguments. The B–1; same arguments. You go through them all. Here is the way it works: $4.4 billion to find the origin of matter, to find the Higgs Boson, which may or may not exist.

For $4.4 billion, the way we spend money around here, maybe it is worth spending $4.4 billion to find out the origin of matter. I am not curious about it. It ain't going away. If the Higgs Boson exists, it will be here 20 years from now when hopefully there will be some sanity and fiscal responsibility in this body. They say, "Somebody is going to get ahead of us."

I say let them get ahead of us on this one. But for $4 billion, $4.4 billion, we say OK, maybe it is worth a try. Then in 1990 we come back and say we made a slight error; the cost is $5.89 billion. But that is it.

But that is it. I sat in the committee and heard Admiral Watkins, Secretary of Energy, say: "If it goes one dime above that, count me out."

He came back 1 year later and said: "I made a slight mistake. It is really 8.2." One year later, and he was not counting himself out.

So people began to say, look—that is when I brought it up the first time; kill this sucker right now before it bankrupts the country. I did not get enough votes to count that year. But everybody says we have it under control now; we have all those cost overruns fixed.

So in 1992, they come back. We are up to about $10 or $11 billion last year and, again, they say we have whole new management in place and so on and so on; it is all fixed now. This year they come back and say: "We are firing University Research Associates. It is true they are incompetent, but we are firing them, so everything is going to be hunky-dory."

If we lose today, I will come back next year trying to kill it again. Next year the argument will be, we have gone too far; we cannot turn back now. That is what is on time. That is the 5-year cycle I have witnessed here time and time again until we get to the point: "We have gone too far; we cannot turn back now."

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Louisiana controls 9 minutes 4 seconds; Senator BUMPERS controls 5 minutes 16 seconds.

Mr. JOHNSTON. Mr. President, we have heard a lot of rhetorical pyrotechnics on the floor of the Senate. But let me tell my colleagues that the statement of somebody on the floor of the Senate does not make it fact and does not make it correct. Much of what we have heard against the SSC is not fact and not correct.

Let me begin with the question of cost. I have stated repeatedly on the floor, there have been no cost overruns on the SSC. There have been adjustments of cost, redesign of the magnets before construction ever started, and that was a substantial increase in cost. But it was not a cost overrun.

What we do have is a potential for exceeding the baseline cost which was developed by the Secretary of Energy in her baseline validation cost study, and based on that study, she has undertaken a management initiative.

We adopted the Brown amendment which states that until and unless she fully implements that management initiative and certifies that that deals with the question of cost overrun potential, then 90 days after the start of the fiscal year, funding must stop.

Mr. President, we have a scientific project here that by every estimate, by critics and by proponents alike, has met every scientific milestone, is scientifically sound. We have a project here, Mr. President, that is well managed and that will produce what it is supposed to produce.

Item 2: Scientific support. We have heard that 98 percent of the members of the scientific community oppose this project. Not so, Mr. President. Sigma Xi, a scientific research society, did a poll. And based on that poll, they were asked to state what their highest priorities were. But John F. Ahearne, executive director of Sigma Xi, said in a letter to me on September 29, 1993, as follows:

> Among many questions, the questionnaire asked for a ranking of the top three best uses of public funds for scientific research [in 1988]. The top three were grants to individual researchers, biosphere/geosphere systems, and AIDS. Even if this poll had received enough responses to be useful, we did not ask whether the researchers were for or against any specific project. Therefore, the responses should not be used, for example, to indicate a position for or against the SSC.

Mr. President, I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SIGMA XI,
THE SCIENTIFIC RESEARCH SOCIETY,
Research Triangle Park, NC, Sept. 29, 1993.

Senator J. BENNETT JOHNSTON,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR JOHNSTON: There may be some misunderstanding concerning a questionnaire used by Sigma Xi in 1988. This was an early attempt to measure the attitudes of U.S. researchers. Unfortunately, this first attempt received too low a response rate (about 33%) to be useful.

Among many questions, the questionnaire asked for a ranking of the top three best uses of public funds for scientific research [in 1988]. These top three were grants to individual researchers, biosphere/geosphere systems, and AIDS. Even if this poll had received enough responses to be useful, we did not ask whether the researchers were for or against any specific project. Therefore, the responses should not be used, for example, to indicate a position for or against the SSC.

I hope this clarifies the matter.

Sincerely,

JOHN F. AHEARNE,
Executive Director.

Mr. JOHNSTON. Mr. President, that is the kind of opposition we have had to this project. When you examine it, there is nothing there. It is nothing but fog, and beneath the fog, there is no substance. We are told that Philip Anderson, who was brought to the committee at the behest of Senator BUMPERS, as the leading opponent, when he gets to the committee, what does he say? He says:

> I well understand that the questions the SSC is designed to answer are deep, fundamental and interesting and also that if the scientists were allowed to carry out their job without interference, they would probably do so very efficiently.

He goes on to say that "the point of my testimony is that of priorities."

We do not fault him for differing on priorities. He is a solid state physicist, in a different field of physics. He is entitled to his opinion. But, Mr. President, he has not criticized this project for its science, for its worthiness or for the excellence of its management.

We are told that there are these other Nobel laureates who oppose the project. Yet we were told that Sheldon Lee Glashow, a Nobel laureate from Harvard University, opposed the project. Sheldon Lee Glashow wrote me a handwritten note by fax last night. I would like to read it to my colleagues:

> DEAR SENATOR JOHNSTON: Today, Senator BUMPERS intimated that I oppose the SSC. Nothing could be further from the truth. American triumphs in basic science inspire our youth and give pride to all Americans. The SSC will make a giant step to understanding and the world we are born to. To cancel it is to cut the root, kill the science and leave our Nation shamed and scientifically impoverished. I am 100 percent behind the SSC.

Signed, Sheldon Lee Glashow, Nobel laureate, Harvard University.

Mr. President, so much for the scientists who oppose this project.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 29, 1993.

Senator BENNETT JOHNSTON,
Hart Senate Office Building.

DEAR SENATOR JOHNSTON: Today, Sen. Bumpers intimated that I oppose the SSC. Nothing could be further from the truth. American triumphs in Basic Science inspire our youth and give pride to all Americans. The SSC will make a giant step to understanding the world we are born to. To cancel it is to cut the root, kill the science, and leave our nation shamed and scientifically impoverished. I am 100% behind the SSC.

Respectfully,
SHELDON LEE GLASLOW,
Nobel Laureate,
Harvard University.

Mr. JOHNSTON. Mr. President, the real measure of scientific support for this is the American Physical Society whose 42,000 members have endorsed and this month on September 11, reendorsed this project, strongly supporting the project.

This is not a nation of scientific or intellectual Yahoos. We are not members of the Flat Earth Society. This Nation is the leader of science in the world, an inspiration to scientists everywhere in this universe. We have here a project on the very cutting edge of knowledge.

Mr. President, it is designed to tell us what has been called the final theory. Dr. Steven Weinberg, Nobel laureate, says this:

> It is a simple set of principles from which flow all arrows of explanation, final physical principles that have no explanation in terms of deeper principles.

They are, in effect, the deepest principles.

He goes on to say:

> If history is any guide at all, it seems to me to suggest that there is a final theory. In this century we have seen a convergence of the arrows of explanation like the convergence of meridians toward the North Pole.

Mr. President, this Nation is on the verge, if we follow through with this project, of finding out about the origins of mass, about why things have weight, about how it all fits together, about what the basic pattern of this universe is, about how we are put together, where the universe is going from here and we dare not turn our back on this, our finest and most profound scientific project.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. I yield the Senator from Virginia 3 minutes.

Mr. WARNER. Mr. President, if I could respectfully ask both managers of this bill the following question: This body had a very thorough and lengthy debate on the question of the reconciliation bill, and at the heart of that bill was a whole new tax structure placed upon the American worker.

My examination of the record is both managers voted against those tax increases. Nevertheless, as I voted with them, our side of this bipartisan debate lost. It is now law.

Subsequent to that, the President, the Vice President, and others in positions of authority have committed to seek further cuts because the argument was made to the taxpayers this new tax will help reduce the annual deficit and then in turn the national debt.

I ask both managers if they are willing to, at this time, indicate what are those additional cuts that are likely to come forward, and why is it that responsible people like our two former colleagues who devised the zero deficit plan just released a week or 10 days ago, come up with one of the number one cuts the Super Collider Program. I have to believe that this bipartisan, objective analysis, this bipartisan objective analysis selected this program among the top 10 to be cut.

So if we are not to cut the space station, and not cut the superconducting super collider, could the managers indicate how, when, and where we are going to fulfill the commitment made by the President, the Vice President, and many in this Chamber to begin to make reductions in Government spending such that the taxes imposed on the American people by this recent piece of legislation are not to be expended for new programs? I pose the question.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS addressed the Chair.

Mr. GRAMM. Is the Senator going to yield the time to answer the question? If he does, I would be happy to answer.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. On the Senator's time.

Mr. GRAMM. No, on the Senator's time. I do not have any time.

Mr. BUMPERS. I do not have any time either.

Mr. President, the Senator from Virginia has posed the question. I remember Ronald Reagan used to say, if not now, when? If not us, who? I ask the managers, where, when are we going to start cutting?

That was everything in the reconciliation, and we have not cut one dime since then. You saw the list I put up here of the things that I have offered and intend to offer, and I will not win any of them.

So far as Professor Glashow is concerned, let me tell you I did not say he was opposed to the SSC. I put it in perspective to say what he is saying is, this is such an infinitesimal part of the journey to finding the origin of matter. It is just that. He said we probably can, but do not hold out the proposition that this is going to find the origin of matter. He said "not even the SSC or its successors will approach the ultimate quest of the origin of the universe." That is what he said.

Now, Mr. President, all those debates 45 days ago about how we are going to cut spending, it is all rhetorical, all rhetorical. Nobody was really serious about it. I do not see, for the life of me, how anybody can keep a straight face and talk about spending cuts and walk on this floor and vote for the super collider and the space station and the advanced solid rocket, on all the rest of those things we do not need, which will not do a thing for the country.

The Senator from Louisiana is always talking about the Flat Earth Society. I wish to reiterate, I am not a member of the Flat Earth Society, but I am a member of the flat broke society and going more broke every day.

Here is the GAO report of August of this year. You think this project is on time and on budget?

> 1. Progress to date is generally accurately reported but it is very difficult to track with the limited capabilities.

Mr. JOHNSTON. Mr. President, will the Senator yield to correct his statement?

That is the report of last year.

Mr. BUMPERS. This is August, 1993. GAO report.

I am sorry, DOE report. This is the DOE's own review of this project. They identified a $1.5 billion cost——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. Mr. President, I plead with my opponents to vote with me and show a little fiscal responsibility.

Mr. WARNER. Mr. President, I rise today to join with my distinguished colleague Senator BUMPERS to urge the full Senate to support our amendment to terminate funding for the Superconducting Super Collider Program.

Mr. President, on June 24, 1993, the House of Representatives overwhelmingly agreed to eliminate funding for the SSC by a vote of 280 to 150. The SSC Program on which the Senate will vote is vastly different from that which was considered last year. At that time, the Senate believed that it was an $8.2 billion program, and that the total Federal portion of funding would not exceed $5.5 billion. Since then the situation has changed dramatically.

Information released by the Department of Energy reveals that the SSC will probably cost at least $11 billion for construction alone. The Department of Energy admits there is at least a $1.4 billion shortfall in foreign contributions. The Federal share of funding will now be $11.6 billion—more than twice what we believed last year.

Terminating the SSC now would save the American taxpayer $500 million in fiscal year 1994 and $3.1 billion through fiscal year 1998. The total savings, including direct costs and interest amounts to almost $40 million over the next 35 years.

Mr. President, my concern regarding cost increases, questionable value and schedule delays of this project, prompted me to request that the General Accounting Office prepare a detailed analysis of the program, specifically the direct national security benefits, if any, that might be derived from the project. The answer: very little to none.

Mr. President, the central question the Congress must resolve is: Do the potential benefits of the SSC justify the cost of $11 billion to build the project?

Mr. President, There are no guarantees of fundamental new discoveries if the SSC works as planned. If there are any discoveries, they will have little if any applications to the major technological problems facing the world today. SSC technologies and potential discoveries are in a different domain from solving environmental pollution, curing AIDS, improving mass transit, lowering the cost of medical care, and many other domestic problems which need more funds.

The economic survival of this Nation demands that we spend our hard-earned tax money to solve real problems in this country. Why should we invest billions of dollars on the chance that we might slightly expand our philosophical understanding of the universe, when we have so many urgent problems and critical needs.

Mr. President, this is a time when we must carefully prioritize the allocation of every Federal dollar. Mr. President, since the Congress has already voted to raise taxes in a number of areas, and I for one voted not to raise any new taxes, then we have to consider with equal seriousness major cuts in spending.

We all agree that the spending cuts in the President's deficit reduction plan are not substantial enough. Terminating the SSC would allow many Members who argued for deeper budget cuts to prove we were serious.

Mr. LAUTENBERG. Mr. President, I rise in support of the Bumpers amendment. This amendment will terminate funding for the superconducting super collider. Terminating this project now will save the American people at least $9 billion over the life of this project.

Mr. President, each year the Appropriations Committee analyzes funding requests for certain programs and projects. Since we have limited resources, we must freeze, cut, or terminate many programs. While reviewing these budget requests, we must look at the merits of a project and the costs because we simply cannot afford to fund every program, even though almost every program has at least some value. As we respond to increasing deficits by reducing spending, a program has to have more merit and fewer costs if it is going to get my support.

In my judgment, the superconducting super collider [SSC] has little value and its costs have spun out of control. Therefore, I will soon cast my third vote to terminate funding for the SSC.

Let's start by looking at the issue of costs.

Mr. President, the projected cost of the SSC has grown 200 percent over the last 6 years.

The Reagan administration originally projected that the SSC would cost $4.4 billion to build. We have probably spent that $4.4 billion doing reestimates of what the project will cost. Every year the Department of Energy has to look at the program and tell us that it will cost more than they told us it would last year. Look at the record. In 1988 they told us it would cost $5.3 billion; in 1989 it was $5.9 billion; in 1991 it was $8.2 billion; in 1992 it went up to $10.0 billion; and this year we reached $11.0 billion. And while we haven't gotten to an official reestimate for 1994, the figure of $13 billion has already started to circulate.

Mr. President, this cost escalation is a broken promise to the American people. And it isn't just promises that are being broken: I suspect a few laws about what we can spend Federal dollars on have been broken, too.

The inspector general for the Department of Energy took a look at how some of the money was spent. Here is the conclusion the report reached:

> There was a pattern of unreasonable costs that went unchallenged and cost growth that was not adequately dealt with. We concluded that $216 million, or about 40 percent of the $508 million in subcontractor expenses we examined, were unreasonable. * * * We also found out that $174 million in planned expenditures were not adequately supported to ensure that they were reasonable.

But that was just the general conclusion. Take a look at some of the specifics: $56,000 for decorating potted plants; $35,000 for a holiday party; $18,000 for coffee supplies; $16,000 for a Christmas party; $2,400 for liquor.

So that is what we are spending. What are we getting? Well, Mr. President, that is hard to say. The kind of questions the SSC is designed to answer, the sort of problems it may help us solve, are far from trivial. They are fundamental questions which might tell us something about the nature of matter and the forces operating at the time of creation. They are real questions, Mr. President. They deserve answers.

But we have lived without those answers for thousands of years. I am not convinced that now—with a massive deficit, with massive needs for other kinds of scientific research, with a similar facility being built in Europe—is the time to spend all of this money on the SSC.

Look at it objectively, Mr. President. There is a growing consensus among the scientific community that the cost of the SSC is growing so rapidly that it is threatening to squeeze out many other worthwhile, smaller science projects. Because of its escalating costs, the SSC is taking up approximately 6 percent of Federal spending on basic science.

Those other projects could yield valuable questions to less global questions than the SSC seeks to address. And those questions may yield products and processes which have practical applications. I know that the proponents of the SSC claim that there will be commercial spinoffs from that project, but I am not sure that the person responsible for the project—the Secretary of Energy—agrees. In a letter that I received from her on September 20, 1993, she said that—

> The SSC is the next step in our quest to understand the fundamental nature of matter and energy.

I interpret this to mean that there will be very few commercial spinoffs.

Mr. President, I am not antiscience. I respect the men and women who have devoted their lives to the effort to understand the fundamental forces of nature. I salute the men and women whose research has made America a leader in the scientific world in general and high energy physics in particular. I applaud basic research and am proud of the contribution my State has made to that enterprise.

But the SSC, Mr. President, simply does not meet the contemporary test of budgeting: Its costs continue to increase, it crowds out other valuable research programs, and it simply does not promise enough benefits. I hope there will be a day when we can afford a program like the SSC. But this is not that day. As a result, I will support the Bumpers amendment and urge my colleagues to do the same.

Mr. WOFFORD. Mr. President, since I arrived in the Senate, I have voted to support the super collider. I have long believed that efforts like this deserve support. Such efforts challenge the boundaries of science and the imagination. And I have long believed that a Nation like ours, that has the wherewithall to expand its knowledge, can overcome other challenges such as poverty, homelessness, infant mortality, and insecurity of health care.

But times have changed. The Federal deficit has limited our ability to do all the things that are valuable to do. I don't like this fact—but it is the truth. Now, the American people expect us to make the hard choices necessary to reduce the deficit. I am prepared to make those choices.

Today I will vote for eliminating further spending for the super collider. This decision does not come easily. I recognize the sacrifices that will result. But the fact is that if we are serious about cutting Federal spending and reducing the deficit, we simply cannot now afford this effort.

Mr. President, I am not singling out the super collider for elimination. Earlier this year, I announced a package of spending cuts totaling $65 billion above those proposed by the President. My vote today is another step toward making those cuts a reality.

Mr. MATHEWS. Mr. President, I rise today to add my voice in support of the superconducting super collider.

Obviously, this program is one which has generated much debate and discussion in this body.

The question occurs, whether at this particular time, as our Nation faces some difficult economic choices, we should continue this technological research program.

It's clear, that in an era of growing technological advance, our Nation must make those difficult choices necessary to maintain our competitive edge.

In the past, we became complacent in our dedication to scientific advancement and lost our preeminent leadership role in technology. Mr. President, we dropped the ball, becoming a major purchaser of electronic equipment. We found ourselves sitting on the bench in the microchip industry, and lagging in the aeronautics and automobile industries.

The SSC holds the promise of advances in a wide range of fields from medicine to electronics and computing systems, to transportation. As players in the ever expanding global marketplace of the 21st century, these advances in cutting edge technologies could very well be the keys to our economic future.

Mr. President, our economic climate dictates that we make hard financial choices. In the measures we have considered to date, I have joined with my colleagues in making many such decisions. There is a difference however, in putting our heads in the sand and ignoring opportunity, and in making informed choices.

I believe it is incumbent upon us to create opportunities for our Nation to grow in the future.

In weighing all the aspects of this project, and listening to what informed Tennesseans have to say, I have come to believe in the positive long-term benefits of the SSC. Mr. President, we should not let this program die.

Mr. President, as further testimony of the importance of the SSC, I would ask that an editorial which appeared yesterday in the Nashville Banner, entitled "Don't Abandon the SSC" be included in the RECORD following my remarks.

I thank the Chair.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Nashville Banner, Sept. 28, 1993]

DON'T ABANDON THE SSC

Congress is at a decision point on whether to continue development of the $10 billion SSC—the Superconducting Super Collider—under construction beneath a Texas prairie. Such a big-ticket item offers budget-cutters a tempting target.

But despite the need to bring down the federal deficit, shutting down the SSC project at this point, with $2 billion already invested or appropriated, would be foolish. It would be killing, for largely symbolic reasons, a project that could play a major role in creating the knowledge needed to keep the United States in the forefront of new technology.

If and when it is completed, the collider will be the largest scientific instrument in the world, and one of the most important. Its purpose is to help physicists discover the fundamental nature of matter and energy. Its size and power leave no doubt that important discoveries will be made with it, even though no one can predict in advance, as some critics seem to expect, what those discoveries may be or what practical applications may come from them.

Obviously, canceling the collider would "save" money. But Sen. J. Bennett Johnston, D-La., notes that "if you kill this project and 22 others like it, you have saved the munificent sum of 1 percent of the budget. * * * The next day (after the vote), the budget deficit will be just the same * * * and the symbol that would endure is that the United States no longer wants to be a leader of the world in science."

That decision would undoubtedly be cheered in Berlin and Tokyo. President Clinton is right in contending that the SSC project, "will stimulate technologies in many areas critical for the health of the U.S. economy." This project was worth pursuing when the Reagan administration proposed it and Congress approved. It still is.

Despite Clinton's affirmation of support for continuing the project, the strength of his resolve is yet to be determined. The SSC deserves his firm backing.

There is a determined effort in Congress to kill the collider. The House of Representatives voted 280–150 this summer to end funding. But the Senate saved the project last year, and there's hope that it will again.

There are innumerable places and programs in which Congress can—and should—save money. But it would be irresponsible and misguided to sacrifice in the name of deficit cutting a project of this importance to science and potential for the nation's technological future—one that can reasonably be expected to pay major dividends.

Mr. BRADLEY. Mr. President, I rise today to support the Bumpers amendment, as I have done every time my distinguished colleague has introduced it.

Less than 3 weeks ago, I spoke in this Chamber about the need for principles to guide our attempts to cut Federal spending. Without a set of principles to guide our actions, we will just continue to argue in circles about the merits of every program on the chopping block, yet eliminating none of them. Mr. President, this is precisely the kind of business as usual politicking that has caused the American people to become cynical of our system of government, and frankly, I don't blame them.

That is why I've asked myself two simple questions each time I've set out to cut spending in the appropriations bills that the Senate has been considering over the past few weeks. The first question: "Does it provide something that is in the general interest, and is essential to American public life?" The second: "Is the taxpayer funding the only and most cost-effective way that this specific important public purpose will be met?" These two principles, I believe, reflect basic American values, and take into account the obvious limitations we have on Federal spending.

The Senator from Arkansas has pointed out time and time again, here on the Senate floor and in Energy Committee hearings, the weaknesses of this project. Does it provide something in the general interest, essential to American public life? That is a fair question. Proponents of this program believe that the SSC will be the linchpin to our technological progress into the 21st century. In 1990, however, the Federal Government spent over $60 billion in research and development that was not related to SSC. Industry spent nearly $78 billion on R&D. From the standpoint of R&D, the SSC program is far from the be-all and end-all that its supporters would claim.

In our present circumstances, I cannot blindly support a program that asks so much of us. In a perfect world, where governments don't run budget deficits into the hundreds of billions of dollars I agree that the SSC could be a valuable part of the R&D picture. But as we know, Mr. President, this is not a perfect world. For the past 2 years, the deficit has been greater than the defense budget. Less than 2 months ago, we passed a budget that would reduce the deficit $490 million over 5 years. We did so, and we all talked about the need for additional spending cuts and special sessions of Congress devoted to deficit reduction. But for all that rhetoric, we've been unable to cut much more than a study for extraterrestrial life.

Now, I have stated repeatedly that I am committed to technological advancement, to research and development. I myself have consistently supported funding for R&D that is cost effective, goal oriented, and focused. But we cannot continue to justify the existence of a program based simply on its possible merits, particularly when we spend so much on what we all agree is essential R&D already.

From a management standpoint, SSC is simply a bust. In its report, the DOE's own review committee on the baseline validation of the SSC noted $2.9 billion in additional costs. That's on top of the cost estimate of $8.24 billion. That doesn't include the $1.6 to $2.4 billion that would be needed if the project was stretched out by 3 years. And unless DOE is going to compromise safety or the research capability of the SSC, then over $1 billion in additional funding would be needed to pay for potential overruns. Mr. President, when does it end? Are we going to continue to dig ourselves deeper and deeper into this black hole or are we going to climb out?

Mr. President, I say we climb out. I support the Bumpers amendment, and I urge my colleagues to do so.

Mr. FEINGOLD. Mr. President, I join Senator BUMPERS and my other colleagues in opposing continued funding for the superconducting super collider. I do so, because after careful thought, I continue to believe that we as a country cannot afford this project.

I would like to share some background on my opposition to the superconducting super collider. Early in my campaign for the U.S. Senate, I identified specific targeted projects I believed should be eliminated in the name of deficit reduction. The superconducting super collider was one of those projects. Since that time, I have given this project much additional consideration, and I have done so with significant input from scientists in the University of Wisconsin-Madison physics department.

I am told University of Wisconsin-Madison has around 40 scientists and engineers involved in the design of various SSC projects and technologies. In fact, approximately $7 million of the funds expended have made their way to this university located not 10 miles from my home.

It follows that there is a good deal of support for the SSC in the University of Wisconsin physics department. In fact, I have heard from only one professor there who opposes the project. This physicist believes that funding of mega-projects such as the SSC comes at the expense of smaller scale peer reviewed projects that were once the basis for scientific advances. The other physicist who have contacted me are strongly in support of the SSC, and I certainly respect their opinions.

However, aside from the arguments of whether to fund big science or small science, and aside from the arguments over whether the SSC is the necessary next step in particle physics, I believe we must look at the bottom line.

The bottom line is this. The U.S. Government does not have the money to pay for the SSC. According to a recent Department of Energy report, if this project is stretched out we can expect total costs to exceed $11 billion and more likely to approach $13 billion.

After it is built, the Department of Energy anticipates $500 million a year in operating costs. What does this mean? Over the entire lifetime of this project, Congress would have to appropriate more than $30 billion. In other words, our Federal debt will increase more than $30 billion for this one scientific project.

One side note, the management of the SSC project has come under considerable scrutiny recently for allowing outlandish subcontractor expenses. I do not think the average American taxpayer considers $127,000 for liquor, holiday parties, potted plants, and coffee supplies to be a very good investment in our scientific future.

I hope the recognition that all is not well with management of the SSC project, coupled with already escalating costs will encourage my colleagues to oppose funding.

Hate to think what the ultimate cost will be to the taxpayer, and what the burden will be to our Federal debt.

Mr. President, I am proud to be a cosponsor of this amendment, and encourage my colleagues to join me in terminating the superconducting super collider.

Mr. MOYNIHAN. Mr. President, the motion to table the proposal to reduce the appropriation for the super collider gives me the opportunity to repeat in what will be more coherent terms the remarks I made yesterday. These were based on a conversation with our nobel laureate Murray Gell-Mann, although he bears no responsibility whatsoever for their accuracy.

Statement by Senator Daniel Patrick Moynihan on the Superconducting Super Collider, September 29, 1993

The Super Conducting Super Collider is a machine for creating new kinds of matter. Matter not seen since the first few trillionths of a second after the birth of the universe. It is also a machine that will help us develop a unified theory of matter. As a machine, the SSC will accelerate protons to nearly the speed of light and then crash them together with such force that some of the energy will be transformed into matter, as predicted by Einstein's famous equation $E=mc^2$. The particles produced will tell us important things about the composition of matter and give us insights that we can harness to advance civilization.

To many this seems ridiculous. What else do we need to know about matter? Do not our senses tell us all we need to know about matter, at least all that is important? And what is the evidence that the insights will advance civilization?

Let us look at history. The Greeks thought matter was made of material that could not be cut—the atom. Yet for all their insight they never developed a body of laws that would regulate all nature. Newton with his laws of motion and gravitation gave hope to such a unified theory, but as scientists learned more about chemistry, light, electricity and heat it was clear that Newtonian physics could not explain many phenomena. The world is a complicated place.

The development of X-rays and electricity showed that there was a fundamental particle, the electron, present in all matter. In other words, atoms are made up of subatomic material. This insight gave us a new way of looking at matter, leading to a whole array of devices that have improved our lives in so many ways—medical diagnostic and treatment devices, engineering tools, entertainment, defensive weapons, and more.

Albert Einstein provided even more insight about matter with his special theory of relativity, suggesting new ways to demonstrate the existence of atoms. He interpreted Max Planck's work on heat and radiation in terms of a new elementary particle, the photon. This led to the development of the lasers so widely used today. Used to scan grocery prices, replay music, perform delicate surgery, improvements in the quality of life that would never have been dreamed of let alone achieved had we not paid for the support of physics research.

Similarly, quantum mechanics developed in the 1920's by Niels Bohr allowed us to describe matter in terms of wave functions and probabilities, instead of particles and forces. The insight that chemistry could be explained in terms of electrical interactions between electrons and atomic nuclei led to the development of our modern chemical industry.

Though our progress has been great there are many gaps in our knowledge, and many wonderful though unpredictable benefits yet to be realized. The string theory first developed by Gabriel Veneziano in the late 1960's shows that the standard model of matter is a low-energy approximation of the fundamental nature of matter. Imagine that; strings! As if we didn't have enough trouble imagining matter made of the wave interactions predicted by quantum theory, we must now conceive that at a more fundamental level the subatomic particles are linked together in strings, much like the way atoms are strung together to make molecules, and molecules strung together to make matter as we perceive it daily. The trouble is that if we are to determine what matter is truly made of, we must create conditions similar to those that occurred when the universe was born. Energy levels that currently can only be approximated by the SSC. There is no promise that the findings from experiments with the SSC will result in complete understanding of matter. Past history suggests it won't, but it also suggests that the benefits that will accrue from applications of the insights gained will more than repay the costs of the SSC.

Mr. KERRY. Mr. President, I have no doubt that the superconducting super collider will make an important contribution to our Nation's wealth of scientific knowledge. I am told by respected members of the scientific community—many of whom come from my home State of Massachusetts and have a vested interest in the research to be conducted with the SSC—that this project will advance our understanding of particle physics. And I recognize the importance of that fact. During my service in the Senate, I have been a strong supporter of science and technology programs because I recognize the role such projects play in protecting our Nation's economic security and standing in the international marketplace. Advancement in basic scientific research is important to the maintenance of our competitive edge. I take a backseat to no one in recognizing that science and research are baseline essentials for our economy and its competitiveness.

Today, however, we find ourselves at a crossroads. We must prioritize our national spending. The question of whether to fund the SSC is more complex than simply whether to endorse and fund such projects in order to realize their pure research value. The context of the debate is defined by the twin imperatives of reducing the daunting $300 billion Federal budget deficit and maintaining the United States' lead in the many facets of science and technology. The total amount of Federal funding available for all scientific and technological activity is limited—it is truly or very nearly a zero sum game. Consequently, funding invested in big science or in megaprojects such as the SSC may mean dollar-for-dollar reduction in other science and technological programs. Such a circumstance requires elected officials to make very difficult and painful choices.

One of the main problems with the super collider is that the project seems to have a limitless ability to generate ever higher costs. The GAO, DOE inspector general and Defense Contracts Audit Agency have sharply criticized the management of the SSC Program. In fact, one DOE audit concluded that the data does not exist as of yet to formulate a reliable estimate of cost or schedule—this at a time when we all must tighten our belts to bring costs under control.

Furthermore, many preeminent scientists have concluded that the supercollider will have little or no direct spinoff potential. If we are really interested in promoting superconductor, mag-lev or medical research, as proponents of the SSC claim we will be doing indirectly by continuing the supercollider, then let's invest the taxpayer's dollars directly into those technologies.

I wish we could fund each and every worthy science project that comes before the Senate. We cannot. Big science projects are consuming larger amounts of the Federal R&D budget. The Congressional Budget Office has estimated that nondefense big science projects funding will rise to 22 percent of the R&D budget by 1996. As the costs for big science projects increase, other research areas suffer. Let me offer just one example. The decade of the 1990s has been billed "the Decade of the Brain," yet researchers working on unlocking the secrets of stroke—the No. 3 killer of Americans—are hindered by a lack of sufficient funding. Progress has been made in understanding the causes of Parkinson's disease and multiple sclerosis. But his progress has been slow in coming and is threatened by poor funding. Millions of Americans continue to die from cancer and heart disease. More research funding could be critical to conquering these age-old ailments. The list goes on.

Mr. President, I am not saying that big science projects are not deserving of Federal funding. Indeed, I want to support and wish I could support the best managed and most promising science and research projects. But constraints imposed by the budget deficit and our monstrous Federal debt force us to continue to defer projects we would like very much to support. The SSC is among them. We must subject all science projects to a harder set of tests. My sad conclusion is that the SSC, despite its significant merits, is unable to pass this new and stiff test.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana has 49 seconds.

Mr. JOHNSTON. Mr. President, this issue is about symbols, to be sure, the symbol on the one hand of making a cut of 43/1000th of 1 percent in our Federal budget—a powerful symbol. It will resonate for maybe a day for the American public.

It is also a symbol that says America will be walking away from its leadership in science, the inspiration of the world in science, the excellence of 10 years of work where every milestone has been met, every goal has been reached, and a project that, according to the Secretary of Energy, according to the distinguished scientists, is on time and on budget. And there has not been one shred of evidence to show $1 of cost overruns. Mr. President, it is a great project. It should be continued.

Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

I further announce that, if present and voting, the Senator from Arkansas [Mr. PRYOR], would vote "nay."

The PRESIDING OFFICER (Mr. CAMPBELL). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—57

Akaka
Bennett
Biden
Bingaman
Boren
Breaux
Brown
Byrd
Campbell
Chafee
Cochran
Coverdell
Craig
Danforth
Daschle
Dole
Domenici
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Hatch
Hatfield
Heflin
Helms
Hutchison
Johnston
Kempthorne
Kerrey
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Nickles
Packwood
Pell
Pressler
Reid
Robb
Rockefeller
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Wallop

NAYS—42

Baucus
Bond
Boxer
Bradley
Bryan
Bumpers
Burns
Coats
Cohen
Conrad
D'Amato
DeConcini
Dodd
Dorgan
Durenberger
Exon
Faircloth
Feingold
Gregg
Harkin
Hollings
Inouye
Jeffords
Kassebaum
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Metzenbaum
Mitchell
Murray
Nunn
Riegle
Roth
Sarbanes
Sasser
Smith
Warner
Wellstone
Wofford

NOT VOTING—1

Pryor

So the motion to table the amendment (No. 983) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON CONFERENCE REPORT—H.R. 2295

The PRESIDING OFFICER. Under the previous order, the question is on the Foreign Operations conference report, with the time for the vote being 10 minutes.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 11, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—88

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—11

Byrd
Craig
Faircloth
Gregg
Helms
Hollings
Kempthorne
Kohl
Roth
Smith
Wallop

NOT VOTING—1

Pryor

So the conference report was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CORRECTION ON VOTE NO. 297

Mr. BINGAMAN. Mr. President, on rollcall vote No. 297, I was present and voted "aye." The official RECORD shows me as being absent. Therefore, I ask unanimous consent that the official RECORD be corrected to reflect my vote. This will in no way change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been corrected to reflect the above order.)

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will just take 1 minute.

I do want to thank my colleagues for the very strong support for this foreign aid bill. I think, as I said earlier, we have put an extraordinary package of aid together for the former Soviet Union, for the new Independent States. I hope that the people in Russia, as well as the people around the world, see what this final vote was. It was an extraordinary vote, with nearly 90 percent of the U.S. Senate voting for this. In the other body, there was also a very heavy vote for it.

As I said earlier, we are not simply supporting one person in Russia. That would be a mistake. I do hope that President Yeltsin is successful in a peaceful resolution of what is happening in Russia. I would not want this to be an indication that we have put our aid package tied solely to the fate of one person. It is tied to the concept of creating democracy in the former Soviet Union, in helping economic progress in the former Soviet Union.

But it is also making very clear, as President Clinton has already said, that we are supportive of going forward with democracy in Russia. We are hoping the impasse today will be resolved peacefully, without bloodshed, and there will be democratic elections soon.

But I think that everybody should understand where the U.S. Senate stands. It was a very strong vote. And I thank my colleagues for it.

I yield the floor.

ENERGY AND WATER APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts [Mr. KERRY] is recognized.

Mr. KERRY. Mr. President, what is the parliamentary situation? Do we need to set the amendments aside at this point?

The PRESIDING OFFICER. Under the previous order, the Senator was to be recognized to offer his amendment.

Mr. KERRY. I thank the Chair.

AMENDMENT NO. 987

(Purpose: To restrict funding for the Advanced Liquid Metal Reactor/Integral Fast Reactor (ALMR/IFR) Program)

Mr. KERRY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] for himself, Mr. GREGG, Mr. FEINGOLD, Mr. DECONCINI, Mr. LAUTENBERG, and Mr. BUMPERS, proposes an amendment numbered 987.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 54, between lines 6 and 7, insert the following new section:

SEC. 506. ADVANCED LIQUID METAL REACTOR.

No funds appropriated under this Act shall be expended for the Advanced Liquid Metal Reactor/Integral Fast Reactor (ALMR/IFR) Program, or related fuel cycle programs, except for the purpose of terminating such programs.

Mr. KERRY. Mr. President, we just had one of the more significant votes to try to cut in a place where I think an awful lot of us felt very strongly a cut could have been made and it was not. As we all know here in the Senate, it is not easy to cut. It is not easy for Senators to vote against other Senators' projects, States, or workers. We all have concerns. We all have considerations.

I would like to make it as clear as I can that in bringing this amendment, I well understand the needs and concerns of Senators in their home States. I, indeed, talked to each of them well before bringing it up in order to notify them so there will be no surprise about this. But I believe personally, Mr. President, that this is one of those items in the budget where we have to look beyond the parochial considerations and where we really have to weigh heavily what the implications are, not just on the budget but on the larger questions about the overall budgeting process and, much more importantly, in this particular issue, the advanced liquid metal reactor, about the larger concerns of the United States and of the world.

This is an issue about money, about environmental concerns, about cost and efficiency over the long term and about proliferation. And one of the most significant issues at stake is the question of proliferation.

Now it is not completely easy for somebody just to sort of jump into this thing and weigh through some of the technical aspects of it, but I assure my colleagues that it is not as complicated as, at first blush, it might seem.

Second, there is a way to understand very precisely what is happening here.

The first thing that I would like to make clear is that the amendment that has been sent to the desk by myself, together with Senator GREGG of New Hampshire, Senator FEINGOLD, Senator DECONCINI, Senator LAUTENBERG, Senator BUMPERS, and others is not a vote on nuclear power.

I want to make that very clear at the outset. This is not a vote for or against nuclear power. In point of fact, I support light water reactors and next generation light water reactor technology. That is not what this vote is about.

This vote is about one particular technology, one kind of technology, a nuclear technology, and what the implications of that one kind of technology are for our overall policy.

Just this week the President of the United States went to the United Nations for his first address to the United Nations. In that address the President articulated very clearly, and I might add appropriately, his nonproliferation policy.

A key element of that policy, in my view the very heart of that policy, is an effort to stem the production of materials that can be used in nuclear weapons.

I know the President recognized that, for the United States to be able to lead in this effort, which is what he said he wanted to do, that is why he went there and made this speech—for us to lead in this undertaking, we have to have our own house in order. We have to approach this with the moral high ground, the clean hands necessary to permit us to talk to Japan or to Russia, both of whom have potential technologies but not yet the kind of commitment that we appear to be making in this advanced liquid metal reactor.

So much of what hinges on this vote is the question of the signal we send to Russia or to Japan or to any other country that proliferates, whether it is South Africa, Brazil, Argentina, Pakistan, Israel, all these countries about whom we have expressed concerns about bombs and bomb proliferation.

The United States has to set an example. If the United States moves into a plutonium-creating breeder reactor capacity, the United States is acting in a way directly contrary to our stated policy.

I want to emphasize the White House stated policy:

> The United States does not encourage the civil use of plutonium and accordingly does not itself engage in plutonium reprocessing for either nuclear power or nuclear explosive purposes.

Those are the words of the President of the United States, spoken this week. "The United States does not engage in plutonium reprocessing for either nuclear power or nuclear explosive purposes."

The Kerry-Gregg-Bumpers amendment aims to bring U.S. practice, the money we are spending on our programs, into line with this policy of the President, enunciated this week. We seek to strengthen the Government's ability in its nonproliferation diplomacy by terminating the Advanced Liquid Metal Reactor Program.

I might add we also seek to save $50.4 million this year, $165 million over 5 years, and the potential expenditure, depending on what we all know is the foot-in-the-door psychology, get the study done, get the program going, get some other States involved, create a rationale, and we are off and running to a $2 to $3 billion expenditure over 10 years.

Several times in the course of the debate on the super collider and the space station we heard the Senator from Arkansas say very clearly in all his years in the U.S. Senate there is only one program that actually got cut in this body and that was the Clinch River breeder reactor. Several times he said that.

Right now we have an opportunity to decide whether or not that one cut may be reversed because the ALMR, the advanced liquid metal reactor, is the son of Clinch River breeder reactor. It is the direct descendant of the Clinch River breeder reactor. And Congress terminated the Clinch River breeder reactor because of cost, because of environmental concerns, and because of nuclear proliferation concerns.

While there have been some advances in technology in the course of the decade since that decision was made, the disadvantages of the breeder reactor remain essentially unchanged. Breeder reactors convert uranium into plutonium and the material, plutonium, we all know is used to make nuclear weapons.

Promoting a fuel cycle based on plutonium, which is what the ALMR does, inevitably increases the risks of proliferation, because if it is a technology that we are building supposedly to have commercial capacity, we want to sell it. If we want to sell it, so it is valuable to have engaged in this process, we are turning the technology over to the people we sell it to.

If it has plutonium-making capacity, we are turning over to them the plutonium-making capacity. That is the cycle. And that raises the risks.

Some will come to the floor today and they will claim this technology is not a breeder. All I can do is ask my colleagues to measure all the scientific statements with respect to this particular technology. But most important I ask them simply to turn to the Argonne National Laboratories of Illinois, which we are going to hear from today, to their own annual report. Let me quote from the annual report of Argonne National Laboratory. It says:

> Because the IFR can be operated as a breeder reactor, it can produce more fuel than it consumes.

That is the Argonne National Lab's own report. Those are its own words. And that is its own hype about why this breeder is important.

Some may try to deny those words or say it is not important anymore, but it stands. In addition to the facility at Argonne West, that funding in the appropriations bill would go to allow operation during the so-called termination period of what is called EBR–II. That is the title of it in the bill. That is the title of its name out in Idaho, EBR–II.

EBR–II stands for experimental breeder reactor II; the son of Clinch River.

The ALMR does exactly what the President of the United States has said we should not do. It does exactly what the Congress of the United States decided we would not do. It reprocesses plutonium. For this reason the New York Times and the Washington Post this past week, and other papers have all editorialized saying we should end the funding for the ALMR. In one of those editorials, the New York Times, it says:

> * * * because it produces electricity by converting uranium that cannot be used in warheads into plutonium which can be used in warheads.

It is critical to note that ALMR, the advanced liquid metal reactor, is not necessary to preserve the nuclear option of this country. I said something about this at the outset of my comments, but I want to make it very clear. The nuclear power industry itself in this country has indicated its future depends on the success of a new generation of advanced light water reactors. In fact, the nuclear industry of this country is not deeply interested or financially heavily committed to this effort. They are telling us the Government has to build two prototypes before they are willing to really get involved and take a financial stake.

So here the Government is launching off on this great effort with the nuclear industry understanding its future is not in liquid metal reactors, they are in light water reactors, and in the next generation of light water reactors which use uranium and which create a waste product where the plutonium is contained with the actinides and the Pu-239 which is all mixed together. Because it is mixed together you cannot use it for bombmaking purposes.

The danger of the ALMR is that it separates through this pyrotechnical process—it separates out that waste, and leaves you much closer to bomb capacities.

The light water reactor is what is called a slow reactor.

Mr. JOHNSTON. Will the Senator yield at that point, or does he want to finish?

Mr. KERRY. I would like to get through the statement and then I will be happy to answer questions, if the Senator would like.

The slow reactor, which is the light water reactor, specifically does not breed. The Department of Energy currently has a program, which I support and others here support, to develop the advanced light water reactors. This program is funded jointly with the industry, as well as the Government.

In addition, a National Academy of Sciences report gave light water reactors the highest ranking for overall performance in its evaluation. The capital costs of producing plutonium fuel are necessarily much higher than those of uranium because of the extra costs of the reprocessing.

As a result, the price of uranium would have to increase about fifteenfold before the ALMR would potentially be competitive with light water reactors. And the only way that is going to happen, Mr. President, is if the light water reactors first became so widely used, much more widely used than they are today, that they totally depleted the supply of uranium.

The National Academy of Sciences estimates that even if that happened—and there is no sign that it will happen—but even if it happened, the liquid metal reactor would not be cost competitive with light water reactors for a minimum of 30-plus years and probably for more like 80 years and possibly not ever because the technology during that period of time will change so significantly that the ALMR would be obsolete. That is even if you are just sitting around talking about this, without the proliferation concern, without all the other cost concerns, without the dangers in terms of waste creation through the processing, and I will get into that in a few minutes. That is just on the issue of cost and economic viability.

Even if you are given that scenario, Mr. President, it is just absolutely highly questionable that the ALMR technology is ever going to be competitive as a source of electricity. Even if uranium prices dramatically increase to make a breeder competitive with advanced light water reactors, that is not going to guarantee that breeders are going to be cost competitive with other sources of electricity, which we are doing an enormous amount to develop, ranging from improvements in our current process, natural gas, wind, solar, et cetera.

The truth is, Mr. President, like a lot of projects that come along in the U.S. Congress, they start with one rationale, and then when that rationale seems to fade because people have a stake in it—jobs are created, contracts are given, universities get attached, professors, et cetera—then we always run around and try to find another rationale for doing something.

That is precisely what has happened here. The ALMR has been on one of those roller-coaster rides of rationale. Recognizing the lack of economic justification, and that can be shown beyond any reasonable doubt, but recognizing the lack of economic justification, recognizing the absence of any real commercial interest in this effort from the nuclear industry itself, proponents of the ALMR are now going to come to the floor today and they are going to promote waste management mission. There is the new mission of the ALMR. It is going to help us not proliferate. It is going to help us burn up the actinides, and we are going to somehow get rid of the plutonium that is dangerous and that is going to be a benefit in the new technology through a process called actinide recycling.

This is a technology that, in talking with colleagues, as all of us have been in the last couple of days, I hear some of my colleagues say, "Well, that sounds kind of interesting. Gee, that would be kind of good if we could burn up the plutonium, if we could take military arms material and get rid of it, would that not, in fact, make sense?"

And on the surface, I suppose it sounds fairly appealing to have the capacity, particularly something in nuclear, to make something useful out of waste. We have been trying to do that in other sectors. It sounds good to say we can chew up nuclear waste, but, Mr. President, there is a lot more to examine than the promise, the fiction, or the hope that is what we would be able to do here.

No. 1, there already exists attractive technologies to dispose of civilian radioactive wastes from nuclear reactors. One of those methods is called direct disposal which keeps all of the waste tied in together so that it is easily traceable, easily manageable and, most importantly, very difficult to separate and put into bombs.

A number of studies have found that fissioning of radioactive waste is neither a safe nor a feasible means of waste disposition from an environmental perspective.

So, No. 1, we have another method; No. 2, you are posed to face major environmental problems in trying to engage in the fissioning of radioactive waste.

The Department of Energy just published a report in July, and I quote:

> The spent-fuel alternative using light water reactors was the most practical and economical alternative evaluated.

That is the best way to do it. Mr. President, what you can do is, you take the plutonium, you take the waste currently produced from weapons, et cetera, and you can mix it into uranium and factor right back through the light water reactor which then mixes that plutonium in this totally mixed spent fuel which then cannot be made into weapons product. That is a far cheaper, far more sensible way to deal with the question of waste than creating a whole new set of reactors solely for the purpose, supposedly, of burning, and I say supposedly because a lot of other people have the capacity to convert those once they purchase them.

So you have the danger on the environmental side, the danger on the economic side, and the danger on the proliferation side constantly leaping out at you.

Even the American Nuclear Energy Council has stated in congressional testimony:

> We see no benefit in considering transuranic burning as a waste solution for current fuel.

This is the American Nuclear Energy Council saying: "Don't do it; there's no benefit to it."

Actinide recycling itself, I might point out, generates highly radioactive fission products along with heavy toxic metals, in effect substituting one daunting toxic waste disposal problem for another.

That has to be emphasized here, Mr. President. Can you do a pyrotechnical process that, in fact, does burn some of this material? Yes, I acknowledge that. Yes, you can do that. But there is an enormous cost apart from the cost of building the technology. There is the cost that process itself produces waste. In fact, it will increase your fissionable product waste and low-level waste by some 30 percent, and that has to be stored somewhere.

So you have not really solved a problem fundamentally, you have created a new problem. We all know the problem of localities dealing with large amounts of low-level waste and where we are going to put them. In effect, you take one daunting thing with this dreamy idea and you put it away with another.

I might add, Mr. President, the cost of this is extraordinary. We are talking about 325 jobs. That is what is at stake basically. And the cost of this program, the money that is at stake in this today comes down to $500,000 per job. It would be a heck of a lot cheaper just to take some money and pay these folks and say, "Don't go do anything," instead of paying them to complete the task at $500,000 per job. The economics of this program remain without any justification, despite this new proclaimed shift in emphasis, which I can go into at greater length.

The National Academy of Sciences and independent scientists—I think it is important to note as we go through this debate, we are going to hear from folks involved with the EBR–II in Idaho and we are going to hear from my friends in Illinois with Argonne and we are going to hear from those scientists and those professors who are, indeed, involved with the technology and like it. They are going to say nice things about it. But the only independent studies that have been done, the National Academy of Sciences and the Lawrence Livermore National Laboratory study, have questioned the economic viability of using this technology for waste management purposes. I quote from the NAS study last year:

> The potential to alleviate some of the waste disposal problem for LWR fuel through actinide recycling is not considered justification for advancing the advanced LMR.

Scientists at the Lawrence Livermore Lab, in fact, have estimated that using the ALMR for waste management could quadruple the cost of high-level waste disposal.

Another claim that proponents of the ALMR have made is that it is necessary for the disposal of military plutonium.

But again I pointed out that many other safer and more cost-effective alternatives exist for plutonium disposal including running the waste through the light water reactor that I already talked about.

Now, Mr. President, maybe this is a good moment to point out what the technology is.

This looks like a daunting chart, complicated, but these are the different forms of producers of both waste and plutonium.

You have your fast reactor.

And what we have done is put them at the range of the danger scale.

The light water reactor, the ALMR, and the possibility of what is called wrapping a blanket [U-238] around the reactor and then they bombard it, and that is the process that creates breeder and that is the true breeder reactor.

Both the ALMR and light water reactor initially produce actinides which is waste, fission products, and Pu-239, which is the plutonium. It is all mixed together, and that is the way the light water reactor leaves it, all mixed together. That is why it is difficult to make a bomb because it is an extremely complicated and expensive process to take the Pu-239 and process it out so you can get it down into a weapon.

Now, from this stage, in light water reactor, we currently do direct disposal, easy to track. You go from here. You have it all mixed together. It is not easy to make into a bomb and you take it down into direct disposal.

What the ALMR would propose to do is have another process called pyroprocessing which burns it and separates the Pu-239 and other actinides from other fission product.

In point of fact, these circles are reversed. Pu-239 and the other actinides make up only 5 percent of the mass of the waste. The fission products are about 95 percent of the mass of the wastes. So you have pyro-processing which is going to be OK to take out other actinides and Pu-239, but it has created more fission waste, product waste.

Incidentally, in the fission product waste you have your longest half-life material, some of which has a half-life of millions of years, 24,000 years, different components of it, and that still has not been dealt with, 95 percent of it. It would take, to deal with all of the waste that we are talking about trying to get rid of that they are advertising is potentially helpful, 40 plants, 40 ALMR plants, 100 years of processing to try to get to the point where they have processed the available waste, still leaving you with a 30 percent increase of waste. Now, that is if you had built 40 plants.

Mr. President, this material here is very easily translatable into weapons material because you do not have the fission products any longer mixed in it. And if you have taken this technology and commercially made it viable and sold it, you have made this capacity. Unless somebody is going to honor the process and take this fuel back and burn it again in the ALMR, they can take that off and reprocess it quickly into weapons grade material, or they have the alternative of making changes in the reactor, wrapping a blanket around it, creating a breeder reactor and then going straight into weapons material through this methodology here.

That is the danger. There is no guarantee. You sell this technology. People can change it. You have massive infrastructure of nuclear technology being supposedly commercially transferred which is plutonium created, and that is dangerous.

The safest is to hold it in this form. It is also economically the most viable.

Now, we have 84,000, we estimate, metric tons of civilian waste that will come from all of the nuclear plants of this country today. That is the estimate for the life of those plants. Over the life of those plants, they will produce about 84,000 metric tons of waste.

Military waste, including Russian missiles, is only about 100 metric tons—100 metric tons measured against 84,000 civilian tons of waste and this will only separate about 5 percent of the plutonium portion of it.

It does not make sense, Mr. President.

An Office of Technology Assessment release last week found that the concept of plutonium transformation using fast reactors appears to have some limitations. To consume plutonium in a fast reactor requires significant design changes from the original ALMR that was intended to produce plutonium. It could also be expensive. The required reprocessing could multiply the total volume of radioactive waste by 10, thereby drawing up costs.

So you have to ask the question why do we want to do that? Why do we want to factor up the total amount of radioactive waste by a factor of 10 when we already know the struggle we have in trying to achieve legitimate repository for nuclear waste in this country?

ALMR's will not be able to dispose of military plutonium in a timely fashion. It would take about 20 years for ALMR's to be commercially available, assuming it works and they proceed down this road, assuming the absolutely incomprehensible—that it stuck to time line—and the absolutely unexpectable, which is that it stuck to price line, as we have seen in every other program of the Government. And then they would have to recycle military plutonium through their reactors, just the military. Remember, 84,000 metric tons of civilian high-level nuclear waste versus 100 metric tons of military.

Just to deal with the military, the ALMR's would have to process this military waste through their reactor cores for 100 years in order to transmute the plutonium into fission products. Meanwhile, that plutonium would have to be stored and safeguarded.

Now, one of the key differences in these methodologies is that this is transparent as a process. You could see easily where it is going. You could track it. You know because of the reprocessing demands. It is a lot more capable of being tracked and it is mixed.

This is unmixed, not as transparent. It is closer to the bomb level. It is subject to diversion. It is harder to track. And it only deals with that 5 percent volume.

Now, Mr. President as a result of proliferation and environmental concerns that this raises and the $500,000 per job cost, it is simply far too expensive an indulgence and far too dangerous an indulgence for a nation that is groaning under the burden of the debt we have to say it is OK, we are going to help people in certain States and we are going to kind of be soft on this one and not be critical about the promises of this so-called new technology, this new reason for the existence.

If you compare the termination costs—some people are going to tell you that there really is not that much cost difference, that there is already a termination time line that this is on, and so if we just proceed down the termination line it really will not make that much difference.

Well, the Kerry-Gregg-Bumpers amendment directly saves us $50.4 million this year. It leaves in $100 million for the termination process and then we save $165 million over the 5 years.

Now, if you take that $165 million and look at the people who are working in these two locations whose jobs will be affected, this is precisely how you come out with the question of $500,000 a job.

Mr. President, there is a great deal more to be said. There are other people to be quoted who are in support of this cut. But this comes down to one of those critical questions about big science versus small, about promises versus broken promises and dreams, and so forth. And when you measure the dangers of this system against the realities of cost, it simply does not make sense.

The National Taxpayers Union says cut it. Citizens Against Government Waste says cut it. The Safe Energy Communication Council says cut it. The National Resources Defense Council says cut it. The Nuclear Control Institute says cut it. The U.S. Public Interest Research Group says cut it. Public Citizen says cut it. The Sierra Club says cut it.

You can go on down the road here. This is not a technology that is somehow sought after even by the industry itself.

And I will quote later from some of the energy and power institutes, electric power institute studies themselves, which show that they are not interested in this technology.

Mr. President, I reserve the remainder of my time. The Senator from Wisconsin, I believe, wanted to speak.

The PRESIDING OFFICER (Mr. KERREY). Who yields time?

Mr. JOHNSTON addressed the Chair.

Mr. KERRY. Mr. President, I did not yield the floor.

I wanted to see how long the Senator wants to speak.

Mr. FEINGOLD. Three minutes.

Mr. KERRY. Mr. President, let me ask my friend. Does he want to take some time at this point?

Mr. JOHNSTON. If the Senator from Wisconsin wants to proceed, I will defer.

Mr. KERRY. Let me say to my friend, I think the Senator from Wisconsin wanted only 3 minutes. I know the Senator from Louisiana wants more time than that. If the Senator from Wisconsin may use the 3 minutes, I will be happy to yield after that.

I reserve the remainder of my time.

I yield 3 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. FEINGOLD] is recognized for three minutes.

Mr. FEINGOLD. Thank you, Mr. President. I thank the Senator from Massachusetts and the Senator from Louisiana.

Mr. President, I rise in support of the amendment to terminate funding for the advanced liquid metal reactor. I want to offer high praise to the Senator from Massachusetts for the careful work that he has done in preparing this amendment, which I think is an obvious example of where a cut can and should be made today in this body.

I oppose continued funding of ALMR on many fronts. This project raises safety and environmental concerns; it raises economic questions; and perhaps most disturbing, it raises the threat of nuclear proliferation. At a time when every item in the Federal budget is being subjected to close scrutiny, I would say this one does not even warrant a second glance.

The other body had no trouble solidly defeating continued funding for this with a vote of 272 to 146. I believe the U.S. Senate should follow suit. President Clinton originally proposed complete elimination of this program, although he did later agree to a scaled-back version. I must mention that the Department of Energy's own Office of Policy, Planning, and Evaluation, Mr. President, rates this program only 21st in priority out of 23 electricity initiatives.

Proponents of ALMR argue that it can be used to recycle other nuclear wastes, given the long-term problems associated with nuclear waste disposal this is somewhat of an enticing argument. Unfortunately, though, the National Academy of Sciences and independent scientists at Lawrence Livermore National Lab have questioned the economic viability of using this technology for high-level waste disposal. They estimate it would quadruple the cost of high-level waste disposal. The technology would not be commercially viable for 30 years.

In addition, as I am a member of the Foreign Relations Committee, I certainly applaud efforts to curb the spread of nuclear arms. Why in the world, at a time when the President is seeking to address these global concerns, would we want to invest in a technology that could lead to greater availability of weapons-usable nuclear material?

I believe this sets precisely the wrong example, as the Senator from Massachusetts has already very eloquently pointed out.

Nor do I believe switching from a uranium-based nuclear power system to one based on plutonium makes economic sense when we have a readily available and inexpensive supply of uranium that does not raise the same proliferation concern.

In the last 8 years, we have spent $1.3 billion on ALMR technology, and it will continue to soak up our funds until we take a stand. The amendment before us would save our country $55 million this year alone.

Mr. President, we have a soaring Federal debt that is now well exceeding $4 trillion. Earlier this year, we put a downpayment on that in the deficit reduction bill. Cancelling this project—an unnecessary, potentially dangerous project—will be another small monthly payment on that enormous debt.

Mr. President, as elected officials, we are often called upon to make really tough funding choices. We do that every day. But to me, Mr. President, this is not a tough choice at all; this is an easy one to cut. I urge my colleagues to do so today.

Again, I compliment the Senator from Massachusetts for his leadership on this issue.

Thank you, Mr. President.

Mr. JOHNSTON. Mr. President, I yield myself such time as I may need.

Mr. President, I do not know how this debate got off in the wrong direction as it has. But I have never seen so many great institutions and smart people who have been so badly mistaken about a technology.

Mr. President, the first and most obvious mistake is to call this a breeder reactor.

Mr. President, it is not a breeder reactor. It is incapable of breeding plutonium.

At a cost of some $60 million, it can be reconfigured, if you take 3 years, it could be reconfigured to breed plutonium. I mean, look; with $60 million, you can change a Greyhound bus into a 747, or a 747 into a Greyhound bus. But it is not a breeder. And it is incapable of breeding now. The mere fact that by spending $60 million and taking 3 years you can achieve that capability is hardly a reason to call it a breeder; to call it the Clinch River breeder reactor.

Mr. President, we stopped the Clinch River breeder reactor not because breeding was bad in itself, but rather because it cost too much money and we did not think we needed it. I was deeply involved in that controversy at that time. That was a question of economics; it was not a question of breeding being bad.

What is wrong with having a capability that says you can breed plutonium in 3 years if you spend $60 million? Another country is not going to buy this in order to get a breeder if they have to spend $60 million and take 3 years.

In order to make a breeder out of this, you would have to replace the core with a breeder core at a cost of $55 million, including driver assemblies at $32 million, blanket assemblies at $21 million, and control assemblies at $2 million. As I say, it would take 3 years.

So, Mr. President, it is clearly, definitively, definitely not a breeder reactor and it is incapable of that.

Mr. President, why should we have a look-see at this technology? The reason is, Mr. President, because this will burn plutonium. It is not a question of breeding plutonium. It is a question of using or destroying or burning the plutonium which now exists.

Last summer, the Department of Energy published its Plutonium Disposition Study, which assumed that we would need to dispose of 100 metric tons of weapons-grade plutonium over the next 25 years. We already have an agreement with the Russians to purchase their highly enriched uranium and we may want to consider, at some juncture, taking some of their plutonium.

The question is, what do we do with our plutonium, and what would we do with the Russian plutonium? The answer—we think, we hope—is in this technology.

We can burn the plutonium in this reactor, we think.

What else are we going to do? I have seen this chart where you are talking about how you are going to take these fission products and put them away in Yucca Mountain. We are not talking about fission products. We are talking about plutonium and how do you dispose of it, a very valuable resource. And to say we are going to bury the plutonium in Yucca Mountain, that will not work. First of all, the value is there and, second, the problem with plutonium—the press always says in these articles that it is the "most poisonous, toxic element known to man." Well, that is really very misleading. The fact of the matter is, if this were plutonium, I could steal it from the safe, put it in my pocket, and walk out of the building with it and be confident that I could get it out into the car. I would not want to keep it there for a long time. It emits only nominal amounts of what we call gamma radiation, and the alpha and beta radiation that comes from it can be squelched with a piece of paper. That is why it is such a proliferation problem.

The same thing is true of U^{235}. These are the two bomb materials. In their pure form, they are poisonous and toxic, of course, if you ingest them. But you can steal them and take them out of the building. That is the problem with plutonium. That is the proliferation problem.

Mr. President, the Russians, Ukrainians, and all of those that have this very valuable resource, for which they have spent billions of dollars to produce this plutonium, are now going to extract it from their weapons. What, pray tell, is the world going to do with that plutonium?

We have a research program here that is designed to burn plutonium and get rid of it. It is not just the waste. That is another question which I will get to—the waste from our nuclear plants, which is a very important reason to pursue this technology. But it is, first and foremost, a way to get rid of plutonium, to extract its value, and to do so in a proliferation-proof style.

Mr. President, believe me when I tell you that this reactor is proliferation-proof. That is the second big reason to pursue this reactor.

We have this very wonderful chart up there, and if you follow it through, you go from pyroprocessing to the mixture and the chemical reprocessing, the little square that says "chemical reprocessing," as if somehow that is easy.

Mr. President, let me tell you what happens with this reactor. We take plutonium, pure stuff; you can put it in your pocket and steal it. We take that right away and mix it, melt it down, and mix it with spent waste, which has these what we call fission products. From that moment on, you cannot put it in your pocket. You have to get behind a lead shield or behind 4 feet of earth or 3 feet of concrete or 4 inches of lead. That is what it takes to shield the gamma radiation that comes from spent fuel rods. And when mixed with spent waste, the plutonium then itself becomes highly radioactive; it can kill you. And more importantly, from the standpoint of proliferation, it cannot be reconverted unless you have remote handling equipment and a very expensive manufacturing plant—based on what we call the "PUREX process," which is extremely involved and well beyond the scientific capability of these emerging countries.

When we talk about proliferation, we are not talking about the danger of proliferation to Russia. They are already proliferated, as are China, or France, or England, or these other countries that are now nuclear powers. We are talking now about proliferating to the countries like Korea, Pakistan, South Africa, and others that are not fully nuclear powers now and are emerging countries which we want to stop from becoming nuclear powers.

In this process, when we take pure plutonium and we mix it immediately with fission products, it prevents any emerging country from using this as raw material. So, Mr. President, this is the answer to proliferation. It is not the problem of proliferation.

Mr. President, we had a hearing on this with all these distinguished scientists. The way we do it in our committee is we get the proponents and opponents and put them there, and you toss out the ball and say, "What do you say when he says this is proliferation-proof, when pyroprocessing mixes this and it requires remote handling, and it has gamma rays, and you cannot get it unmixed?"

The other side did not have any answer to that. How these great newspapers with potential greatness—and I think occasionally they rise to greatness—can call this a proliferation problem and call it a breeder, I do not know. It is just not true, Mr. President; it is not true. This is, we hope, the answer to proliferation.

There is also another very strong element or reason to be for this, in that it does, in fact, reduce the amount of fission products, reduce the quantity and radioactivity, and the waste heat, which would enable us, at Yucca Mountain, to put the waste closer together; because when you have spent fuel—we are on spent fuel now, not plutonium—it gives off not only gamma radiation—alpha, beta, and gamma—but it also gives off a lot of waste heat. If you can reduce the waste heat, you can put it closer together, and that means you get more bang for your buck at Yucca Mountain and you would not need an additional Yucca Mountain, with all of the difficulty we have gone through with that. In fact, the capacity of Yucca Mountain is really already spoken for. If we can have this kind of technology, we will be able to better utilize Yucca Mountain without having to have another facility.

Mr. President, we have been told a lot about the cost of this program. The fact of the matter is, what we are talking about is the research and development phase of the program. What we want to do is determine the feasibility of this program. We are not now deciding whether to build a reactor, whether to go all the way into the program, but whether we should complete the research and development phase of this program. In other words, we want a look-see at whether this really works. We do not know whether it does or not. We do know that we are dealing with a tremendous problem of proliferation. And if this is the answer—and I am not sure it is; you always have the problem of economics. So far, it is very promising. But the cost of a look-see at completing the R&D program is extremely modest.

Let me show you what I mean. With the Kerry amendment, the cost of immediate termination, beginning October 1, 1993, is $345.4 million and takes 5 years.

Now, our position is that we ought to complete the R&D program, and give us the look-see which costs $445.2 million and takes 5 years.

In other words, there is only $100 million difference over the 5-year period. That is rather counterintuitive.

You say how can it cost 80 percent as much to complete the program as to terminate the program.

The reason is that EBR-2, which is the reactor, uses liquid sodium, a metal which, in turn, has been irradiated and become a mixed waste, which under RCRA must be deposed of in particular ways; either in Yucca Mountain—and Yucca Mountain will not be ready until 2000 something, well after this program is over—or there is only one other place for it and that is in the reactor. And, in effect, you have to continue to operate the reactor while terminating it.

We have heard all this. What did it cost? Ten million dollars a job, or whatever my dear friend said. But I am sure he did not look at the cost of terminating the program as opposed to the cost to continuing it.

Mr. President, if this program has any value at all, believe me it is worth $100 million. It is, we think, the answer—it may be, should I say—the answer to proliferation. It may be the answer to reducing the waste heat and the quantity of nuclear waste, and we think it is a way to dispose of plutonium safely, proliferation-proof, dispose of plutonium.

I would like to hear from my friends in the opposition how they would do away with pure plutonium. Remember, you can put it in your pocket and carry it out of the building; you can steal it; you can proliferate. You can pilfer and proliferate plutonium, or indeed U–^{235}, very easily, but you cannot do it with these fission products—I mean with this plutonium once it goes through the ALMR process. And that is the first thing that happens to that plutonium. You get the 500 million metric tons, you melt it down, and put it with the waste, and from then on believe me it is proliferation-proof.

Mr. President, this is a good investment for this country, $100 million for a look-see to finish the R&D. Let us have a debate at the end of that.

It may be the experts will say, "no," we ought to terminate the program. It may be the experts will tell us, look, this is the answer to proliferation; it is the answer to doing away with the plutonium; it is a way to utilize a very valuable resource that is plutonium as fuel, and it makes sense economically.

We will not know the answers to those questions until we spend what amounts to $100 million over a 5-year period. It is a good investment for America, and I hope we will do it.

Mr. President, I yield 10 minutes to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President, and I thank the chairman.

I am reminded, in listening to the debate, of when I was little one day my little brother came home and he was in tears. He had been out in the schoolyard and someone had picked on him. He came home and ran in to my mother, tears running down his face, and said: "Mama, mama, Ricky just called me ignorant bliss."

We laughed. He had no idea. He did not understand the insult. He was insulted for the wrong reasons.

I submit to you, Mr. President, and to the Members of this body, that well-meaning notwithstanding, and fancy charts notwithstanding, the opponents of the integral fast reactor project are off base and do not understand the fundamentals. If there is a reason to be against this project, it is none of the reasons that have been cited so far.

This amendment is, in my opinion, not only pennywise and pound foolish, it is a shortsighted assault on science, a shortsighted assault based on misinformation. I daresay all the discussion and opposition to this project so far has been discussed as though we are talking about a proven technology, not cutting-edge science with the potential to save billions of dollars in storage costs and to reduce waste.

Mr. President, as everyone here knows, we have a serious and rapidly growing nuclear waste problem. We have perhaps 1,000 tons or more of Russian plutonium that the United States is considering purchasing and trying to dispose of. We have plutonium generated by our own defense establishment that needs disposal. And we now have over 700 tons of plutonium in spent fuel from current commercial nuclear reactors that we must somehow deal with and dispose of.

Our challenge is to try to keep that waste out of the environment for literally tens of thousands of years, because that is how long it will pose a major threat to public safety. We are not accustomed generally to talking in those kinds of time frames. Residents of Nevada, for example, are justifiably anxious about being the host of a nuclear waste depository that cannot be allowed to fail for a period of time that is much longer than all of recorded human history. They know that even underground burial is not a good answer for wastes that are harmful for almost 100,000 years. It is almost incomprehensible to think how long this stuff stays around and dangerous.

Residents of my State, and most States around the country, would be even more alarmed to know about the huge volumes of spent nuclear fuel—that includes plutonium—that are in water-filled concrete tanks at commercial reactor sites around the country. These wastes are not anywhere near as safe as wastes buried underground. That intolerable condition, of course, cannot be allowed to continue.

There is a technology under development, however, that offers some real promise of dealing with these previously intractable nuclear waste problems, and that is the Advanced Liquid Metal Reactor Program, also known as the Integral Fast Reactor Research Program, or IFR.

The IFR Program was designed with one clear mission: to address public concerns associated with nuclear power—safety, proliferation, and waste management. Research on this technology is conducted by scientists working at the Argonne facilities and others. Now, I am not a scientist. But you do not have to be a scientist to understand the unique advantages this technology offers. This program is good science, Mr. President, and I would like to take a moment to clear the air of some of the misinformation and mistakes that have been made in discussing IFR technology.

In my months here in the Senate, I have seen programs measured in terms of the number of jobs created, the types of services provided, or the types of products manufactured. Argonne does not produce services or products. It produces science, and science is about our future. Science is about answering questions. Science is about experimentation. And sometimes, through experimentation, science discovers answers to some of our most pressing problems.

We cannot bury our nuclear wastes in the sand—or even in the most stable of underground caverns—and be sure that we are protecting future generations from nuclear contamination of the water or the air, and this is the belief that guides the Argonne program. For 10 years, Argonne scientists have worked to perfect a technology for a brand new generation of nuclear reactors—a technology fundamentally different than todays nuclear reactors. This technology destroys plutonium, makes the nuclear waste problem much more manageable, does so in a way that does not pollute the water, the ground, or the air—and generates electricity in the bargain.

This technology has the potential to save us billions in storage costs of these waste stockpiles. It is a safer technology than what we have now. This technology is the Integral Fast Reactor Program.

I do not want to imply that spent nuclear fuel and plutonium in storage in the United States is an imminent danger, and I do not think anyone should be frightened about that part of this debate.

What I do want to make clear is that the IFR is the only technology that has the potential to guarantee a solution to the plutonium waste problem, because there is no other technology that can guarantee that plutonium will not leach into the ground, into our water, and into our air over the next 1,000 generations, and those are the kind of timeframes that plutonium forces us to think about. We cannot bury our heads—or our nuclear waste problems in the sand and wish they would go away.

Let us talk about what the IFR will do and will not do and, again, to dispel some of the myths and some misinformation and hysteria around this problem. First, the IFR is safe. It does not rely on complex cooling systems and huge, complex pumps operating at tremendous pressures. It uses liquid sodium for coolant, a coolant that, unlike water, will not boil away in the very unlikely event that the reactor overheats. Importantly, this coolant works at atmospheric pressure and through convection. It is, therefore, a much simpler, more reliable, and much safer system than anything that has previously been used at a nuclear reactor. This new nuclear metal coolant is safer than the light water currently in use. It is important to remember that distinction.

Second, the design of the fuel is such that if the reactor does begin to overheat, the fuel itself expands, thereby shutting down the nuclear reaction. It will not and cannot melt down like Three Mile Island or Chernobyl. Tests have proven this.

Third, the IFR reduces—and I reiterate, it reduces nuclear proliferation risks. Because of the confusion in this area, this issue is worth the Senate's particular attention. It is worth remembering that this technology is not the Clinch River project that was shut down. It is not a plutonium breeder technology. The IFR does not grow plutonium; it eats it. In fact, the only thing it has in common with that canceled project is liquid sodium cooling. It is not a plutonium breeder reactor; it is a burner of plutonium.

It is also worth noting that every single existing commercial nuclear reactor around the world produces plutonium. The IFR design, however, consumes plutonium, instead of producing it. And while it is theoretically and technically possible to reconfigure the reactor to produce plutonium, that would take years, major expense, and a complicated conversion process.

The simple truth is that the IFR is designed to burn bomb grade plutonium as fuel, as well as plutonium that is in spent fuel from existing commercial nuclear reactors. Redesigning it to do the opposite is not like changing a light bulb, and even if someone were to engage in the 3-year process that Senator JOHNSTON discussed that would be easily detectable by the United States so this reactor technology would result in a reactor that represents less of a plutonium proliferation risk than any existing commercial water-cooled reactor.

Mr. President, the scientific facts make it clear that this technology will not lead to greater nuclear problems. In fact, what convinced me to support this project is its potential to deal with the terrible hazards represented by our already existing nuclear waste stockpiles.

No other technology can guarantee that plutonium will not leach into our ground, our water and our air over the hundreds of thousands of years it will take before the radioactivity fades away.

On the other hand, assuming the technology works as planned—as Senator JOHNSTON called it, a look-see—when nuclear wastes are fed into this reactor, wastes with a half-life of well over 100,000 years are transformed into wastes with a life of only a few hundred years—and we can design storage for that period of time. What is more, the volume of waste—how much of the stuff there is—is substantially reduced—further reducing our nuclear waste disposal problems.

Only a few short years ago, the IFR was simply a concept in scientists' minds. Now, Mr. President, the IFR is real. Scientists are poised to begin demonstration of this recycling technology. And I cannot emphasize enough this recycling technology. The fuel cycle has reached the final stages of experimentation and is prepared for demonstration at Argonne's Idaho facilities.

Industry is not waiting in the wings, watching for success or failure. Industry is supporting the technology. In fact, utilities have already begun considerable financial support for the IFR.

The Japanese utilities, who see the value and the wisdom of this research, have already committed $46 million to this research. Southern California Edison is contributing $2 million. Commonwealth Edison in my State of Illinois has pledged to demonstrate recycling spent fuel with Argonne fuel cycle technology. Of particular importance is the National Association of

Regulatory Utility Commissioners, which unanimously passed a resolution strongly supporting advanced liquid metal reactor technology. And it is kind of interesting that Boston Edison, located in the home State of my distinguished colleague from Massachusetts, has joined in expressing strong support for the continuation of this program.

But, let us keep in mind what we are talking about here today, what the real issue is today. We are not talking about commercializing this technology. We are talking about finishing research to perfect this technology. We are talking about making a sound investment to make the future environmentally safer. It is an investment in sound science.

Mr. President, some people say we can save money by stopping this program. I am sure there are those who see this vote as an opportunity to be antinuclear proliferation and prodeficit reduction.

However, as I have said, we are burning plutonium, not creating more. As to the budget argument, quite frankly, terminating the IFR at this point would be a serious mistake. It would be penny-wise and pound-foolish. Shutdown costs over 5 years, compared with taking this research to completion over the same time period, are almost the same. We will have lost the opportunity that this science gives us. For that very reason, that is why this decision is so vitally important.

Mr. President, I want to talk a little bit just briefly at the end of my 5 minutes about this assault on science, because it seems to me all of us have a concern with deficit reduction. All of us want to get this budget under control. All of us want to be fiscally responsible.

But it seems to me to be the essence of shortsightedness to take on an assault on some of the most promising science that we have as a way to ostensibly achieve that.

We have seen already by the numbers that it will not achieve deficit reduction. It will not give us any savings and we will have lost the opportunity to go forward with some science that promises great use all over the world.

I would refer just a little to a letter that was passed out yesterday during the debate on the SSC. It says just simply—and I want to end with this.

This really is one of those debates like Christopher Columbus and people saying, "You can't go too far because the world is flat."

What kind of science are we going to have? Are we going to continue the research in applied science to give us the understanding, to give us the capacity to continue to be world leaders in this area, or are we going to step backward and bury our heads and be ashamed of the progress we have made so far and then kill a program that we have gotten this far with and leave us really worse off than we started?

I think, Mr. President, that, in this situation, ignorance is not bliss; that the fact of the matter is that, if we look at the facts and the whole truth about this project, we will see the wisdom of continuing the IFR project.

And I say so not out of parochialism, but really out of the real concern for our future—for our future in science, for our position as a world leader in this area.

Thank you.

The PRESIDING OFFICER. Who yields also time?

Mr. SIMON. Mr. President, first, I want to thank my colleague from Illinois for her eloquent statement, as well as for her hard work on this question.

I yield 15 minutes to the junior Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, we are gathered here to discuss this whole issue. I appreciated how the Senator from Massachusetts began this discussion, and that is by noting that this is not a discussion of whether or not we are pronuclear or antinuclear. This is a debate that has to focus on the fact that we have nuclear waste that exists today and the fact that we have nuclear weapons that exist today. We need to do something about it.

We have 23,000 metric tons of nuclear waste that exists in the United States today. If we were to shut down all of the nuclear plants at 12 o'clock noon tomorrow, we would still have 23,000 metric tons of nuclear waste that exists today in the United States.

What are we going to do about it?

With regard to the weapons, all of us are concerned about nuclear proliferation. As a result of the START Treaty and the fact that the cold war has been won by the United States, we have the treaties that now define that 100 metric tons of weapons grade plutonium will now be declared surplus. This is weapons grade plutonium. What are we going to do with it?

Now, we have seen in the former Soviet Union that one of their remedies for nuclear storage is to take spent nuclear fuel rods and to simply dump them into the Arctic Ocean or into their lakes.

I do not think there is an individual here that believes that is any sort of solution. You talk about concern for the environment. That really raises the flag.

With an absence of IFR technology, then, the only solution that we have—the only solution—is to bury this material that has been referenced by the distinguished chairman of the Energy Committee. He referenced Yucca Mountain.

The fact of the matter is that Yucca Mountain is merely a concept and would cost us $6 billion—that is $6 billion—simply to come up with the environmental impact statement to determine if Yucca Mountain is viable for that sort of repository.

And I can tell you, coming from the State of Idaho where for years we have been the storage facility for nuclear waste, we have been waiting for the WIPP facility in New Mexico to be opened. It has been built but we are still waiting for it to open so that we can send the low-level nuclear waste to WIPP and we cannot even get that accomplished.

The distinguished Senator from Wisconsin, who made the point that with regard to IFR—the integral fast reactor—that it has great environmental concerns, that it is not economically feasible.

Let me quote for my friend from Wisconsin from Max Carborn, who is emeritus chairman of nuclear engineering from the University of Wisconsin, who says:

> IFR is the only environmentally benign and economically acceptable solution to the Nation's energy requirements.

It has been contended repeatedly that this is simply Clinch River breeder reactor revisited. I would like to quote from Dr. Hans Bethe who, I will note, for 50 years has been an outspoken opponent against nuclear weapons. He is a very distinguished scientist. He said in a letter to Representative George BROWN, a Representative on the House Committee of Science, Space, and Technology this year:

> Some members of your committee believe, I am told, that the IFR is a repackaging of the defunct Clinch River breeder. Nothing could be further from the truth.

And E.C. Brolin, who is the Acting Director of the Office of Nuclear Energy, Department of Energy, in his testimony just a few months ago in front of the Energy Committee in discussing IFR said:

> What is it not? It is not a breeder reactor. This is a burner reactor, which is designed to consume the plutonium which is being generated as we speak in light water reactors.

This technology does not add to nuclear proliferation. This technology for the first time gives us an ability to spoil the weapons grade plutonium and then to consume that plutonium.

Is that a significant step toward moving this planet of ours to a nuclear deproliferation? It absolutely is.

There is a letter that was sent to the distinguished Senator from Massachusetts who is the author of this amendment. The letter was sent by Dr. Richard Wilson, who is a professor of physics, Harvard University, Massachusetts. He is a member of the National Academy of Sciences. He is an ad hoc member of the committee to review this specific technology.

Again, the National Academy of Sciences, which the Senator from Massachusetts pointed out, is an independent entity. In this letter to the Senator from Massachusetts, Dr. Wilson says:

> The crucial point is that pure plutonium cannot be produced in the IFR fuel cycle. It is no easier to make a bomb with IFR fuel than with spent light water reactor fuel.

The fact of the matter is that the IFR is the only technology that will consume plutonium and all other reactors produce plutonium as a byproduct.

If the objective is to obtain pure plutonium, then you do not need an IFR. You already have, as I referenced earlier, 23,000 metric tons of nuclear waste that exist already in the United States. You have 70,000 tons of nuclear waste that exist globally. And from that stockpile through the process that the chairman of the Energy Committee pointed out, the Purex process, you can then derive your plutonium.

It is the same process that the IFR would have to go through in order to attain pure plutonium, because the IFR cannot produce pure plutonium. And, in fact, if you go through the IFR process, it is an additional process that you do not have to go through with the light water reactor.

We need the IFR to consume the nuclear waste that exists in the United States today, the nuclear trash that exists. And we need the IFR to spoil the plutonium that poses a direct threat to the well-being of this planet of ours.

Dr. Charles Till, who is the associate laboratory director at the Argonne National Laboratory, makes the point concerning the consuming of waste. He points out if no new nuclear reactors are built, the amount of spent fuel generated in the United States by the year 2030 will be between 85,000 to 115,000 metric tons. And the legislated capacity of the first geological repository is 70,000 metric tons.

Dr. Till says:

> If spent fuel is placed directly into containers for repository disposal, the volume of the container is inefficiently utilized; on the other hand, if the spent fuel is consolidated or tightly packed in the container, there is the future risk, after several hundred years of storage, that the fuel material will relocate into a more compact mass and reach a condition of nuclear criticality in the disposal site. The actinide recycling technology, by recycling and destroying the fissionable actinide elements present in spent fuel, completely eliminates the concern for future criticality events.

And the volume of waste is reduced by 20 to 33 percent.

With regard to the weapons grade plutonium Dr. Till goes on to say:

> Only the IFR with continuous recycle affords the potential to completely eliminate the weapons plutonium. If plutonium, in any form, is buried, it can always be reconverted to weapons material within a few years, even from a vitrified waste form. So it becomes a 100,000 year concern, without the benefit to mankind that comes from using its energy potential to produce electricity.

To deny this research because of fear of the possibility of turning this from a burner to a breeder is like a patient who is experiencing an abdominal pain who goes to the physician and the physician determines he needs to have an appendectomy.

In the course of the conversation the patient says, "But could I get an infection from the incision?"

And the physician says, "I suppose there is that chance, but you need the operation."

And the patient says, "Then I do not want the operation because I am against infection."

I am against infection, but I know when we need to have an operation. I am against nuclear proliferation, but I know when we need technology to deal with it. This provides us with that solution.

In the Book of Isaiah it talks about beating our swords into plowshares. This technology allows us that opportunity, to beat our swords into plowshares, to spoil and consume weapons grade plutonium. What a tremendous legacy to leave to our kids and to our grandchildren. It is a remarkable opportunity to complete this project, to take it to proof of concept, because it will be a dramatic step forward in the solution to nuclear waste and nuclear weapons.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. I yield the Senator from Arkansas 5 minutes.

Mr. BUMPERS. Mr. President, I thank the distinguished Senator from Massachusetts for taking on this battle. He is on the side of the angels. I know the arguments made by his opponents are sincere and genuine. I am not arguing with that. But I was the person in the Senate who led the fight to kill the Clinch River breeder reactor over a 6-year period. You never kill any spending projects around here in 1 year. You have to lay the groundwork.

Last year we received 32 votes on the amendment to kill the superconducting super collider. This year we received 42, and it would have been 43 except that one Senator is ill. So, presumably, next year the collider will be gone. At least we hope so.

Having said that, Mr. President, I believe that the liquid metal reactor would never be accepted by the American people if they understood this debate. President Clinton has been taking the high road on nuclear weapons, on nuclear weapons testing, and wanted to take the high road on this but generously, to accommodate a few Senators, requested $15 million for actinide recycling. Now the committee has provided $64 million in funding.

I can share this with you. People should not, I guess, ever share anything that they talked to the President about. But I did lobby the President on the nuclear test ban. I told him we had the moral high ground and the temporary test ban should be extended. I do not know if the decision he made to extend the test ban was based on my lobbying efforts.

But his decision was eminently correct. For 12 long years, I argued that we ought to quit testing. You are not ever going to get nuclear weapons under control in the world until all countries stop testing.

Now, to stop testing weapons for military purposes—actually, they are not military, they are political weapons; nuclear weapons are not military weapons. But now we have the high ground on that, and we have been trying to talk to Korea, we have been trying to talk to other nations that are hellbent on developing nuclear weapons, and we are in a perfect position to talk to those people.

You cannot say to North Korea—and, incidentally, I do not mind telling you on the front end that if North Korea insists on going ahead with their plans, they are the kind of renegade government that I would recommend military action on, just as Israel took military action against Iraq.

But why would we want to give up that high ground and turn right around and go forward with the liquid metal reactor which increases the risk of plutonium proliferation, which gives up the moral high ground because we cannot keep up with the plutonium in our weapons program, and to try to keep count of all the plutonium that would go into this would be utterly impossible.

As I say, we have the moral high ground; we ought not to give it up. You start processing spent nuclear fuel and making plutonium to go into a liquid metal reactor, and you are going to see that stuff scattered all over the world.

I do not mind a certain amount of research on actinide recycling. If I really thought right now that the kind of safeguards that DOE says we can put on this to make sure that proliferation is not a problem—if I really believed that, I might change my vote on this. I just do not believe it.

I can tell you, at this stage of the game, at this stage of the Clinton administration, the worst thing in the world and the worst signal we could send to the people of the world is to go forward with this project.

I want to strongly commend the Senator from Massachusetts for his courageous effort on this amendment. I intend to support him as strongly as I know how. I will help him in the well. Incidentally, considering my track record in the last couple of weeks, I will leave the floor when we are voting, if he wants me to.

In any event, I want to applaud his efforts. He has the moral high ground, and I hope when the vote is cast, the U.S. Senate will have the moral high ground. I thank the Senator for yielding.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Massachusetts.

Mr. KERRY. Madam President, I thank the Senator from Arkansas. Talk about courage; he has been tilting at the windmills and the space station and the super collider. I think he has had one of the most sensible lists of reasonable cuts that we could make.

I know the Senator is as committed as I am to science projects. I represent Massachusetts Institute of Technology, Clark University, Boston University, Northeastern, Harvard—countless universities and colleges. The University of Massachusetts is deeply involved in technology. But I can tell you, they are screaming today because many of the small science projects that would really produce spinoffs are being cut out because of these enormous projects.

I would like to address a few points that have been raised here. It is very interesting; my colleagues have come to the floor and they kind of say what I said is not true. But they just say it. They do not show you exactly what is happening in terms of process that proves it is not true. They cannot counter their own studies that say to the contrary, so they just say it.

I would like to deal with each of the major points the chairman made with respect to this.

No. 1, he asserted, as boldly as any comment I heard in this debate, that this is not a breeder reactor; it does not have breeder capacity; we are not talking breeder here.

Madam President, let me just share with you other people's views as to why this is a breeder reactor. I quote Jerry Griffith, of the Department of Energy, January 23, 1989:

> One reason this (integral fast) reactor is considered especially crucial to the future of nuclear power in the United States is that it is the best technology for breeding plutonium.

General Electric, 1990:

> The ALMR is unique among the major power reactor concepts developed to date throughout the world in that it can be designed to create more fissile material than it consumes.

Mr. Y.I. Chang and C. Till, of the Argonne National Laboratory, in April 1991:

> The IFR is a fast breeder reactor which produces more fissionable isotopes than it consumes.

The American Nuclear Energy Council, May 1991:

> As envisioned, the (advanced liquid metal) reactor would produce more fuels than it consumes. * * *

R.G. Wymer of Martin Marietta Energy Systems, in May 1992:

> The breeder version of IFR operates with two types of metal fuel assemblies: The driver fuel assembly and the blanket assembly.

The blanket assembly is what I described earlier. The blanket assembly is what gives you breeder capacity through the bombardment of neutrons.

The National Academy of Sciences, 1992:

> (The liquid metal reactor's) uniqueness lies in the potential for extending fuel resources through breeding.

Nolan Hancock; Oil, Chemical & Atomic Workers; June 1993:

> The IFR is truly a new and unique high technology program which shows considerable promise for the future. It is a type of nuclear reactor which breeds its own nuclear fuel. * * *

J.G. Delene, et al., of Oak Ridge National Laboratory, June 1993:

> The breeding of additional fissile material within the ALMR permits additional ALMR plants to be deployed. * * *

Madam President, it is not sufficient just to come to the floor and say it is not this or it is not that. Colleagues have a hard enough time picking through the morass. This is a breeder reactor and it has the capacity of being a breeder reactor.

My colleague who talks about a $60 million conversion, last night we just read about Syria and hundreds of millions of dollars in $100 bills being counterfeited to support terrorism. Do we really believe that North Korea or Libya or Syria, or some other country, is going to have trouble coming up with $60 million to do a conversion? They will print the money and buy it from us.

This is a breeder reactor.

Let me read from the Argonne National Laboratory Annual Report, Research Highlights—very current, Madam President, 1992 to 1993.

I ask unanimous consent that this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> Because the IFR can be operated as a breeder reactor, it can produce more fuel than it consumes. The reactor can be configured to produce only enough new fuel to replace what it burns, or more, or less. New fuel need never be shipped in, nor waste shipped out, over the operating life of the plant. This eliminates the risk of environmental damage or unauthorized diversion of radioactive materials during transport. Breeding capabilities also mean IFR technology will make full use of the world's limited supply of uranium. Unlike coal-burning power plants, nuclear power plants emit no carbon dioxide which could contribute to the greenhouse effect, and no oxides of sulphur or nitrogen which produce acid rain.

Mr. KERRY. "Because the IFR can be operated as a breeder reactor, it can produce more fuel than it consumes."

This is Argonne itself telling us they are a breeder reactor.

So let us not be deceived. Lest anybody not be convinced at this point, I have a Department of Energy statement regarding the experimental breeder reactor.

I ask unanimous consent that this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY, FACILITIES DIVISION, OFFICE OF NUCLEAR ENERGY, NE-44

EXPERIMENTAL BREEDER REACTOR—REACTOR VESSEL SUBASSEMBLY INVENTORY

The reactor has the capability to hold 712 subassemblies, 637 in the reactor core grid plate and 75 in the storage basket. At this time, the current loading is as follows:

	Grid plate	Storage basket
Assemblies:		
Driver fuel	73	24
Depleted uranium blankets	326	4
Stainless steel	212	13
Control rods	13	11
Source	1	0
Experimental	12	15
Empty positions	0	8
Total	637	75

Subassemblies are removed from the reactor from a storage basket position. In shutting down the Experimental Breeder Reactor-II, each blanket assembly will be transferred to a storage basket position and replaced with a stainless steel dummy assembly to retain the core geometry. Once all blankets have been removed, the fuel and other assemblies will be removed, again replaced with stainless steel dummy assemblies. Based on fuel/blanket handling experience over 29 years, it is estimated that the average subassembly removal rate from the reactor will be 2.5 subassemblies per week. Accordingly, it will take approximately two and one-half years to remove the blankets and an additional year to remove the fuel and other assemblies.

When the reactor is shut down, the 637 grid positions will be filled with stainless steel dummy assemblies and the in-reactor storage basket will be empty.

Mr. KERRY. Madam President, this comes from DOE itself. It is one of their routing memos of just this month, 1993, where it talks about—underlined—"Experimental Breeder Reactor." They call it a breeder reactor, and they talk about the blankets. They have "depleted uranium blankets; Grid Plate, 326" of them; storage four, and these are all used, and they are what give it the capacity to be a breeder reactor.

Madam President, this is a breeder reactor, No. 1; it has breeder reactor capacity, and everybody knows it is plutonium-fuel based and that that is dangerous.

No. 2, my colleagues talked about proliferation, several of them. They say this can be the beating of swords into plowshares. We do not need this technology to do that. That is, indeed, a laudable and aspired goal by all of us. But the fact is that we have that technology today, Madam President.

There are 100 metric tons of pure warhead fuel, warhead explosive material that can come from the Soviets or from us, and that can be made into a fuel called MOX. It is a mixture of plutonium and uranium. DOE tells us that in just 25 years, you can burn that full 100 metric tons of plutonium in our current light water reactors.

So I am all for advanced science. We have advanced science today. The advanced sciences are the liquid water reactors which can burn the fuel, putting out a mixed waste product that does not have the danger for proliferation that this does.

Let me read from the DOE study on this issue of how to deal with this. Here is DOE itself. It is kind of unusual. The DOE Technical Review Committee Report, July 2, 1993, U.S. Department of Energy Plutonium Disposition Study.

> The spent fuel alternative using light water reactors was the most practical and economic alternative evaluated. The discharged spent fuel can be treated in a manner that is similar to the way in which discharged fuel from existing light water reactors is managed.

In other words, we do not need another methodology that is going to create much more toxic waste, that is going to cost much more, and that is going to provide danger with respect to proliferation.

Now, let us talk about the proliferation issue, Madam President.

I read from an independent study. And I emphasize the importance of independent. We know what participants will say, but it is important to look, all of us, at what an independent scientist or an independent entity says. This is a study requested from Martin Marietta, a company that is defense oriented, that is certainly part of the defense structure of this country. This was requested by the Department of Energy and the U.S. Department of State. It was prepared in May 1992, and it says, and I quote from the study, Martin Marietta speaking:

> Because of the more desirable mix of isotopes, one must recognize that plutonium from liquid metal reactors is more desirable for use in weapons than is plutonium from light water reactors, which itself is considered by the United States to pose a proliferation threat.

Now, there is no one in this body—my colleague from Illinois understands the threat of proliferation. We know that light water reactors pose something of a threat. But here is Martin Marietta in its own study for DOE and the Department of State saying that it is much more desirable, weapons used from the pyrotechnic process, from the LMR, than you have from the fast light water reactor. And that is the distinction I was drawing earlier.

This is not a fancy chart. It may be a little convoluted, but it is simple lines showing this process. And what happens is that the pyrotechnic process, pyroprocessing process, provides you with a fuel that is closer to bomb material and that is not as easily traceable, as easily trackable and stored. So the proliferation remains as volatile as it was earlier.

There is more I could say about it, but for the moment I reserve the remainder of my time.

Mr. GREGG. Will the Senator from Massachusetts yield?

Mr. KERRY. I will be delighted to yield 5 minutes to the Senator from New Hampshire.

Mr. GREGG. I thank the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from New Hampshire is recognize for 5 minutes.

Mr. GREGG. I wish to associate myself with the comments made by the Senator from Massachusetts relative to this project. We have in this institution and have had for generations a process called logrolling, and it has been traditionally identified with agriculture programs where you vote for my commodity and I vote for your commodity, and on and on. And we end up with a lot of programs in that manner which are of questionable need but have political constituencies.

Unfortunately, what we are seeing developing, I believe, and we have seen it over the past few days, is logrolling in the science community. We are seeing this attitude of programs being brought forward which have marginal need and questionable relevance in the area of science for the future but which have built up a momentum which causes them to continue to be funded and, because they associate themselves with other programs, end up building up a plurality of votes.

That is unfortunate, because the issue here is science and what science the Federal Government should be pursuing. And when we put money into science projects which are at the margin in their return to this American science community and to this country of valuable knowledge and usable activities for the future, we are taking from science other opportunities the Federal Government should pursue which are more appropriately funded, which may not have the constituencies to have the support.

This program falls into the category of a marginal program which may have at one time had a legitimate need or legitimate claim on Federal funds but which legitimate need and claim has now long since passed but which maintains a momentum of itself and for its own purposes but a momentum which cannot be found based in or structured from the need of science or the need of the future of the country for this project.

The simple fact is that the program does not create an entity or scientific undertaking which this Nation is going to pursue. Common sense tells you that. This is an R&D project to produce the type of science and reactor that would require, should it even prove to be successful—and I think the Senator from Massachusetts has pointed out all the reasons why many people in the science community feel this would not be successful—would require an additional 40—an additional 40—reactors under the program to be built, at the cost of about $84 billion.

Now, anybody with any common sense who has watched the nuclear community in this country and the manner in which it has come to a grinding halt in the area of building new reactors knows that we are not going to produce another 40 reactors. We are not going to go out and build another 40 of these projects. We are certainly not going to go out and spend $84 billion on something like that. And the private sector is not going to pick up that cost. That has been fairly obvious from the beginning of this project.

So this concept that we must complete this R&D project as it has been defined so that we will have in place the knowledge necessary to take the next step on the face of it has no credibility because the next step to build 40 reactors has no credibility. We are not going to do that.

And then there is the argument, well, we have spent all this money on this program, and therefore we should finish this program. How many times have we heard that in Government? How many times have we heard, well, we took all this good money, put it after this project—it turned out to go bad; it is not going to produce the results we expected—but let us put some more good money after this project because we are just close enough that we should finish it.

At some point we have to stop; we have to stop spending the money. The real issue here is the $290 billion deficit we have as a nation. That is the issue. And we have an opportunity under this project to take a little chunk out of that deficit, little by Federal standards, fairly large by many other standards, $100 million dollars by the estimate of the chairman of the committee, significantly more by other estimates that have been put forward here.

Whatever it is, it is at least a step in the right direction toward addressing spending money that we do not have on a project that does not have viability for the future.

We have to draw the line somewhere. I have stood on this floor and I have voted on a number of occasions in this body in opposition to other programs which amount to subsidies of commodities, of concepts in other areas, agricultural and social areas to try to control the national debt and the deficit which we are running up.

As an individual who comes from a region of the country which is very much science related, very much technology related, which has an economy very dependent on technology products, I do not think that I can walk away from that field and say that field should not be touched in the Federal agenda; we should continue to fund the technology side of the Federal agenda, but we should make the cuts in other places, agriculture or some other area that maybe has less of an impact on my region.

That is not right. It is not appropriate if we are going to control Federal spending. We must be looking at all functions of the Federal budget, projects which are not justified and which we cannot afford, or even if they are justified, we cannot afford.

In this case, we clearly have a project which is not justified and which we cannot afford.

Since 1986 DOE has spent over $1.35 billion on ALMR, including $436 million in 1993. The Argonne National Lab estimates that it will take $128 million a year to complete the project. This comes to about $1.7 billion or maybe as high as $2 billion. Who knows? This does not take into account the concept that if this were technology which was found to be needed—which I do not believe it will be, and I think the case has been made fairly effectively that it will not be by the Senator from Massachusetts—that you then, in order to make it effective and to have any viability, have to go out and build 40 reactors at the cost of about $84 billion.

By the time this project was completed, it would be obsolete and the technology would be obsolete. In fact, it is obsolete today, for all intents and purposes.

If we fund this project we will be funding a program which we cannot justify on science, and which we cannot afford in the national budget.

We have to start making some tough decisions here on this Senate floor, not only on issues of social spending, agricultural policy, but also on issues which have that magical word beside them, technology. In this area, on this specific project, we should draw the line and say let us stop the spending.

Thank you. I yield the floor.

Mr. JOHNSTON. Madam President, I yield 15 minutes to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. JOHNSTON. Madam President, may I say before I yield, we are working on an arrangement, so we hope to be able to vote at 3 o'clock or before. We are trying to work that out. It has not yet been worked out. We are working on that.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. I thank my colleague.

Madam President, you have not been here long enough to know my general record. I have not been enthusiastic about nuclear energy. My State happens to get a higher percentage of energy from nuclear energy than any State in the Nation, but I have opposed the Price Anderson liability on nuclear energy.

The utilities in my State have not been happy about my stand. I opposed Clinch River, even though Illinois would benefit by it.

Illinois does have some benefits from this, but frankly it is not my reason for supporting this legislation. And I would add I have joined my colleague, Senator KERRY, for whom I have great respect and who has done great work in many areas, and I have joined Senator BUMPERS in calling, a long time ago, for ending of nuclear tests.

But I believe for reasons of arms control and for reasons of nuclear waste, and for reasons of cost, it makes sense to go ahead with this.

I ask unanimous consent to put into the RECORD a letter from President Clinton to Congressman DENNY HASTERT of my State in support of the IFR.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, April 12, 1993.

Hon. J. DENNIS HASTERT,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE HASTERT: Thank you for your letter of support for the Integral Fast Reactor Program being conducted at the Department of Energy's Argonne National Laboratory.

In recognition of the potential benefits of the Integral Fast Reactor technology, the Department of Energy's proposed FY 94 budget includes funds to support this program. This level of funding will preserve the essential scientific progress of the Integral Fast Reactor Program, which holds the potential to significantly reduce the volume and lifetime of high-level nuclear waste.

With best wishes,
Sincerely,

BILL CLINTON.

Mr. SIMON. In the area of arms control—and this is really the most important question of all, what happens in nuclear energy in other countries, and what, as our colleagues from Washington know, what happens in the State of Washington, is a process called PUREX that produces plutonium. We are trying to move away from that.

There is no country that is more sensitive on nuclear weapons than Japan. And it is interesting, Madam President, that Japan is putting $46 million into this program. I can assure you Japan would not be doing that if they thought there was one iota of a chance this would encourage proliferation of weapons.

This provides an alternative. It consumes plutonium, and the end product is not pure plutonium, it is dirty plutonium in words that I can understand. It is a mixture, and it becomes almost impossible to extract everything else from plutonium, so that it cannot be used for arms production.

This becomes significant because nuclear plants have a lifespan of about 30 years. If this process works, and we do not know for sure that it will work, the end product will be something that cannot be used in arms, and will cost much less. So that countries around the world that build, either rebuild plants if they have them or build new nuclear plants, will build nuclear plants the end product of which, unlike at the present time, cannot be used for nuclear weapons.

So from the viewpoint of arms control, this is extremely significant.

Let me just read part of the testimony of E.C. Brolin, who is in charge of the Office of Nuclear Energy for the Department of Energy, before the Committee on Energy and Natural Resources of the U.S. Senate:

> The department, in conjunction with the State Department, commissioned a study to examine the proliferation-resisting characteristics of the proposed processes. One of the study's conclusions is that the actinide recycled process using a metal fuel form is inherently more proliferation-resistant than conventional recycling.

Let me repeat that:

> Is inherently more proliferation-resistant than the conventional recycling which uses the PUREX process in an oxide fuel form. The study notes that the mixture of plutonium, uranium and other inactinides obtained * * * cannot be used directly to produce a nuclear weapon.

Again:

> cannot be used directly to produce a nuclear weapon because plutonium is never in the pure form in the process.

The study pointed out:

> Entry into a heavily shielded cell—

Let us just say they wanted to do it, they want to extract these other materials—

> entry into a heavily shielded cell for material diversion purposes would be deadly and easily detected by the plant operators who safeguard officials. Compared to traditional aqueous chemical processes that we use right now, the study concluded that the output of actinide recycling processes would be of far less benefit for initiating a nuclear weapons program.

That makes it, I think, very, very clear from the viewpoint of weapons control.

Our colleague, Senator KEMPTHORNE from Idaho, spoke just a little bit ago, submitted some questions to the Department of Energy. Among other things they said:

> The plutonium is always diluted. It is never in a pure form. There is a dilution of the plutonium with materials that makes nuclear weapon production very difficult.

Finally, there is a very large radiation barrier present that creates significant engineering and cost barriers to separating the plutonium for weapons use.

I heard the National Academy of Sciences quoted, and they have been very sensitive on this question. Here is the report I have here from the National Academy of Sciences.

Let me quote in their summary:

> The committee believes that the light metal reactor should have the highest priority for long-term nuclear technology development.

I think it is very clear, number one, that from the viewpoint of arms control—and that, frankly, is my number one concern—we ought to be going ahead with this.

Dr. Hans Bethe of Cornell University, who has been a leader in saying we have to stop nuclear testing and all that, is for this and wrote a letter to our colleague, Congressman BROWN from California.

He said:

> Some members of your committee believe, I am told, that the IFR is a repackaging of the defunct Clinch River breeder. Nothing could be further from the truth.

Sometimes people use the breeder to refer to this, but in fact that is not an accurate description.

The second reason for favoring this is the question of nuclear waste. You simply do not produce as much nuclear waste, and you produce waste that will last 200 or 300 years, rather than 10,000 or 100,000, or who knows how many years. I think that is significant. Plus, you do not produce nearly the amount of it. It is not just years, it is the amount. So whatever you have to put in Yucca Mountain, or wherever you dispose of it, would be much less.

The third reason that I strongly favor this is the cost factor. If this is successful and, again, it is promising—it is promising enough, I add, Madam President, that Southern California Edison has put $2 million into this process. They would not do that if they did not feel that it was a promising thing. If this is successful, you can build plants for much less money, and you are going to save money for consumers. This is a consumer issue, in my opinion. We have spent—when I say "we," I mean the Federal Government—billions trying to figure out what to do about nuclear waste, how to solve this problem, and what we do about arms control.

Here is something that, for a relatively small amount, may provide the answers, or part of the answers. It will cost us—and I heard my colleague from New Hampshire say that the worst argument is that since we have put so much money in it, we ought to finish it. We have put about $700 million into this. For $100 million more, we will find out whether it works. And it is promising. It is a little bit like the cost factor—I cannot recall where your office is, Madam President, but I voted against the Hart Building. But once that Hart building was along the way up to a certain point, I finally started voting for it, because there is no sense in wasting that money. I think that is where we are. I think the cost factor is one that militates that we move in this direction.

There are other things that I could mention. I think there is a great deal of misinformation out here.

Let me finally point out what the Department of Energy says in responding to the OTA criticisms. I will read these three points:

> The report states that the ALMR fuel recycle could increase waste volumes to a factor of ten. This conclusion is applicable to aqueous reprocessing, but the Department of Energy's Actinide Recycle Program is based on a radically new technology, pyroprocessing, that could reduce the volume of waste by up to a factor of four relative to once-through fuel cycles.
>
> The report challenges the potential for the ALMR to be economic. Although it is too early to project specific economic performance with certainty, a recent DOE study that included the ALMR as an option for plutonium disposition found that an ALMR could recover the costs of plutonium disposition through sales of electricity.
>
> The report concludes that significant design changes would be required from the original liquid metal reactor to consume plutonium. Significant design changes have already been made in the wake of Clinch River to improve safety, economics, as well as to allow the burning of plutonium. The Department's program is already based on the consumption of plutonium—not the production of plutonium.

So, Madam President, for reasons of arms control, I favor this. For reasons of consumption of nuclear waste, I favor this. And for reasons of costs and protecting consumers, I favor it. I think it is a sound program.

Let me add that my colleague from Louisiana has provided leadership on this. He is one of the more substantial Members of this body, and one of the reasons he is more substantial, is that he gets on top of the technical aspects of these things in a way that impresses me.

Madam President, I yield back whatever time I may have remaining to the Senator from Louisiana.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that a vote on or in relation to the Kerry amendment No. 987 occur at 3 p.m. today, without intervening action or debate, with the time until 3 p.m. be equally divided and controlled in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. Reserving the right to object, and I do not believe I will.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Madam President, how much time remains on each side?

The PRESIDING OFFICER. Each side has approximately 50 minutes.

Mr. KERRY. Madam President, I would like to respond to some of the comments made by my friend from Illinois. While it is in people's minds, let me address a couple of points.

My colleague says there are three reasons for supporting it—arms control, nuclear waste, and cost. It is interesting to note that I have cited at least three or four studies which show that the cost is prohibitive, noneconomical. One study says this is economically feasible. More important, on arms control, let me point out—and this is perhaps one of the most telling and important points to focus on in this debate—once again, the argument has been made that this is the way to get rid of plutonium, to get rid of warhead material that would come from the Soviet Union.

Well, just a few days ago, in the Sunday New York Times, we learned that the Russian Soviet atom arsenal was larger than the West estimated. What is intriguing about this is that it is fundamentally made up not so much of plutonium, which is our concern, but uranium. It is uranium that we will have to dispose of from the Soviet Union in far greater amounts than plutonium. And you cannot burn the uranium in the ALMR. But you can burn uranium and plutonium in the light water reactor. That is existing technology today.

So if you are really trying to deal with the arms control problem of Russia and get rid of existing ways, you have far more opportunity to do it with the light water reactor, which is less proliferation-prone than you do the advanced liquid metal reactor, because you can lose plutonium and uranium.

Furthermore, on the waste issue, my friend from Illinois pointed to the National Academy of Sciences report, and says "I want to read you from the report," and he reads from page 155 that says "LMR," liquid metal reactor, "should have the highest priority for long-term nuclear technology development."

That is the part of the report he read to you. What he did not read to you was the rest of the report on the same page. I quote:

> While the market potential is low in the near term (before the second quarter of the next century)—

Yet on the same page—

> * * *but its uniqueness lies in the potential for extending fuel resources through breeding.

So the very report he uses to say this is a long-term technology also says it is a breeding technology, and it is no near-term use, which is precisely what the Senator from New Hampshire was arguing in the choices we need to make about how we spend our citizens' money.

Moveover, let me read from page 152.

> Their potential for alleviating some of the waste disposal problems for the light water reactor through actinide recycling is in such a preliminary stage that this feature is not considered justification for the advanced light liquid metal reactor program.

Mr. JOHNSTON. Madam President, will the Senator yield at that point?

Mr. KERRY. I am happy to yield for a question.

Mr. JOHNSTON. I believe the Senator is talking about a previous design. He is not talking about the IFR.

Mr. KERRY. No. The design has only changed in the context of trying to make it solely a burner as opposed to a producer. But that is a design feature which can be changed back, as the Senator himself has said, for 60 million bucks, or whatever they want to make.

Mr. JOHNSTON. It is 3 years and $60 million. The Senator does not dispute that figure?

Mr. KERRY. Argentina, Brazil, Pakistan, India, China for a long time, and now we hear South Africa and Israel have spent years. What is 3 years and 60 million bucks for someone who wants to have weapons capacity. It is nothing in today's world.

Mr. JOHNSTON. We are not building a reactor for export. We want to complete the R&D on this reactor to determine whether it makes sense, and if we build it, we would not be exporting it. I would hope not.

Mr. KERRY. Let me say to the Senator if he is not planning to export it and he is only planning to use it in the United States, there is even less commercial reason for making the argument that you ought to use it, because you cannot support this economically just on the market in the United States, given the existence of light water dependency that the industry now has.

Mr. JOHNSTON. No. There is a difference. Look, it was a long way between the R&D phase and the commercialization phase.

I did not say if we made the decision, we would not give it to our friends in France, or whatever, with proper safeguards. But that is a lot different than saying we give it to every North Korea that comes along. I would not think we would.

Mr. KERRY. Obviously, and this Senator does not contemplate that. This Senator does not.

But the point is you still have to grapple with the fundamental issue whether or not it is necessary. Let us say we could do it. You still have not given the reason. You have not. Again, it comes to the second distinction that I would draw with the Senator from Illinois because of the waste issue.

Mr. SIMON. Madam President, will the Senator yield?

Mr. KERRY. I will be happy to yield, but I would like to yield on some of the Senator's time. Otherwise, I would like to make my point.

Mr. SIMON. Could I have 1 minute of time?

Mr. JOHNSTON. Yes. I yield to the Senator.

Mr. SIMON. I would just like to point out the quotations that he reads are from page 12 of the National Academy of Sciences report where they are talking about five different processes, and the quotation he reads is not about the light metal reactor.

Madam President, I ask unanimous consent to have page 12 of this report printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

c. Government incentives, in the form of shared funding or financial guarantees, would likely accelerate the next order for a light water plant. The Committee has not addressed what type of government assistance should be provided nor whether the first advanced light water plant should be a large evolutionary LWR or a mid-sized passive LWR.

5. The CANDU-3 reactor is relatively advanced in design but represents technology that has not been licensed in the United States. The Committee did not find compelling reasons for federal funding to the vendor to support the licensing.

6. SIR and PIUS, while offering potentially attractive safety features, are unlikely to be ready for commercial use until after 2010. This alone may limit their market potential. Funding priority for research on these reactor systems is considered by the Committee to be low.

7. MHTGRs also offer potential safety features and possible process heat applications that could be attractive in the market place. However, based on the extensive experience base with light water technology in the United States, the lack of success with commercial use of gas technology, the likely higher costs of this technology compared with the alternatives, and the substantial development costs that are still required before certification, the Committee concluded that the MHTGR had a low market potential. The Committee considered the possibility that the MHTGR might be selected as the new tritium production reactor for defense purposes and noted the vendor association's estimated reduction in development costs for a commercial version of the MHTGR. However, the Committee concluded, for the reasons summarized above, that the commercial MHTGR should be given low priority for federal funding.

NOTE.—The Gas Cooled Reactor Associates estimates that, if the MHTGR is selected as the new tritium production reactor, development costs for a commercial MHTGR could be reduced from about $1 billion to $0.3–0.6 billion. [Doe, 1990 in Chapter 3]

8. LMR technology also provides enhanced safety features, but its uniqueness lies in the potential for extending fuel resources through breeding. While the market potential is low in the near term (before the second quarter of the next century), it could be an important long-term technology, especially if it can be demonstrated to be economic. The Committee believes that the LMR should have the highest priority for long-term nuclear technology development.

9. The problems of proliferation and physical security posed by the various technologies are different and require continued attention. Special attention will need to be paid to the LMR.

Mr. KERRY. I beg to differ. I was reading from page 155 which is the same page the Senator from Illinois read from.

Mr. SIMON. I read from page 12. I have the report right here.

Mr. KERRY. I know the Senator is reading from the wrong page. I was suggesting I would rather not have the RECORD corrected incorrectly.

Mr. SIMON. Again, if I may look to page 155—I just turned to that page. Again, the low-market potential.

Madam President, I ask unanimous consent that page 155 be printed in the RECORD, also.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Higher costs of this technology compared with the alternatives, and the substantial development costs that are still required before certification, the Committee concluded that the MHTGR had a low market potential. The Committee considered the possibility that the MHTGR might be selected as the new tritium production reactor for defense purposes and noted the vendor association's estimated reduction in development costs for a commercial version of the MHTGR. However, the Committee concluded, for the reasons summarized above, that the commercial MHTGR should be given low priority for federal funding.

NOTE.—The Gas Cooled Reactor Associates estimates that, if the MHTGR is selected as the new tritium production reactor, development costs for a commercial MHTGR could be reduced from about $1 billion to $0.3—$0.6 billion. [DOE, 1990]

8. The LMR technology also provides enhanced safety features, but its uniqueness lies in the potential for extending fuel resources through breeding. While the market potential is low in the near term (before the second quarter of the next century), it could be an important long-term technology, especially if it can be demonstrated to be economic. The Committee believes that the LMR should have the highest priority for long-term nuclear technology development.

9. The problems of proliferation and physical security posed by the various technologies are different and require continued attention. Special attention will need to be paid to the LRM.

The above conclusions formed the basis for the formulation of alternative U.S. R&D programs in Chapter 4.

Mr. SIMON. That is not the page I was reading but referring to HMTGR rather than the LMR.

Mr. KERRY. I understand that.

But the point the Senator from Massachusetts makes is what they talk about in uniqueness is the breeding capacity and that the market potential is low in the near term.

If you go to page 152, they point out that as a waste disposal mechanism, that it is really not considered justification for advancing this technology.

Here is the National Academy of Sciences saying do not advance this technology now. One of the reasons they say that, if I could point out to my colleague, is they are putting a lot of energy into pointing out that the plutonium problem will be somewhat alleviated by beginning to pyro-process it. But what they are not telling you is that a whole group of additional fission products are created during that process, the total waste. You have a whole additional add-on to waste, and among the fission products left over are, in fact, more intensely radioactive fission products than plutonium specifically. And what is dangerous about them in terms of the environment is these fission products that are left over as a result of this process are water soluble, so they have more environmental potential for damage in terms of leakage and storage, et cetera.

The fission products that I am specifically referring to are iodine-129, which has a half-life of 17 million years; cesium-135, which has a 3 million year half-life, and technetium which has a 212,000 year half-life. These are created in the process while you are trying to get rid of plutonium-239, the half-life of which is 24,000 years.

So, again, for 5 percent waste mass you are creating a 30 percent increase in low-level waste and an increase in other high-level waste.

It just does not make sense, Madam President.

My colleague from New Jersey was very patient. I will yield to him 8 minutes and reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 8 minutes.

Mr. LAUTENBERG. I thank the Senator from Massachusetts and commend him for the leadership in trying to terminate a program that is going to create more disposal problems in the future at a much more significant cost to the country.

We have heard a technical discussion, and I do not want to enter into that. I am looking at this from the standpoint of its ultimate value—what it is going to cost us and where are we in term of our ability to spend money on projects that have at best a questionable future, and at worst, a total wasteful disaster.

Mr. President, I am proud to join Senators KERRY, GREGG, BUMPERS, and others in offering this amendment to eliminate funding for the advanced liquid metal reactor. By terminating this program now, we can save the American people $165 million over the next 5 years. But, Madam President, that is peanuts. If we start down the road of developing this technology, we will be spending funds in the future that will dwarf anything we are talking about now; $165 million would be looked at wispfully as we look back over our shoulder to see what kind of an enterprise we have got ourselves involved with.

And we will prevent future demands that we spend additional billions to build a demonstration reactor, construct associated facilities, and then decommission everything we have built.

We have already spent more than $1.3 billion on this program since 1986. And all we have proven, in my view, is that the ALMR technology does not make economic sense, creates serious environmental problems, and raises real proliferation concerns.

Madam President, we simply do not have the funds to invest in technologies which are uneconomical and in the final analysis, would create additional problems, both financial and environmental.

While the Government wants to spend billions on this program, the private sector has not even said it is worth it. The utility industry is focusing its efforts on reactors which depend on uranium, which is cheap and abundant, not the plutonium—based ALMR technology. The ALMR technology has failed the test of the marketplace.

Given its deficiencies as an energy producing system, ALMR proponents now argue that it will solve the high-level radioactive waste problem.

If that were not so bizarre we could treat it with humor because the ALMR will not do that.

Here is what an advanced liquid metal reactor would do: It would produce more waste than it burns up. According to Argonne National Laboratory technical documents, the reprocessing of plutonium would increase the amount of high-level radioactive waste by 30 percent. It also would create millions of additional cubic feet of low-level radioactive waste.

And ALMR facilities would burn up spent fuel very slowly taking centuries to burn existing spent fuel.

Finally, Mr. President, using ALMR's for high-level radioactive waste management would be costly beyond description.

Now, there are various estimates. One estimate from the Lawrence Livermore National Laboratory concludes that the reprocessing, the total projected high-level waste, would, by itself, add $84 billion to the costs.

Dr. Frank von Hippel, a professor at Princeton University, estimated that if all costs are included, the fissioning of spent fuel from existing reactors would cost $400 billion, with only half recovered from the sale of electricity.

It is no wonder that independent studies have concluded that using ALMR's for high-level radioactive waste management is just another one of those ideas whose time has not come. Let me give you three representatives examples.

First a 1992 National Academy of Sciences report concluded that "the potential to alleviate some of the waste disposal problem * * * is not considered justification for advancing the advanced LMR development program."

Second, an independent report prepared by scientists at the Lawrence Livermore National Laboratory concluded that there "remain no cost or safety incentives" for transmutation as part of a high-level waste management system.

Third, even the American Nuclear Energy Council stated in congressional testimony, "we see no benefit in considering transuranic burning as a waste solution for current fuel."

Finally, the ALMR poses serious nuclear weapons proliferation risks. It is capable of producing weapons-grade or near weapons-grade nuclear material. Exports of this technology would greatly reduce a country's acquisition time for nuclear weapons.

Madam President, development of ALMR technology would cost the Federal taxpayer billions of dollars with little possibility of ever providing any benefits. We need to nip the development of this technology in the bud while we can still save taxpayers money.

I find it astounding, I must tell you—at a time when we are scraping for money for ways to deal with our national health problem, to deal with our national education problem, to deal with our housing problem, and when we have eliminated program, after program, after program—that we would engage in developing a program that does nothing but keep a program going that has, perhaps, some local economic benefit. I do not dismiss that. But when it is judged in the context of where this country is financially, of the tax burdens that we have laid upon our citizens, of the sacrifices we are making, to me, this is one project that ought to be stopped now.

I hope my colleagues will support the amendment offered by the distinguished Senator from Massachusetts. I, once again, commend him for his leadership on this and so many other matters of importance to this country.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank the Senator from New Jersey very much.

I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. I yield 10 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 10 minutes.

Mr. CRAIG. Madam President, in the debate on this amendment this morning, my colleague from Massachusetts attempted to lay down ground rules as to how this debate would be conducted: This would not be a vote against nuclear power; this would be a vote to talk about his greatest concern in the technology of the IFR, as he so proposed it. That was the issue of proliferation.

And yet, over the course of the debate, the chairman of the Energy Committee and others have continually said and quoted a variety of sources that would suggest to the Senator from Massachusetts that the argument of proliferation is, in fact, a bogus argument.

I would, for a short time this afternoon, like to expand on that concern, because it is one that we all must be concerned about, especially as our world changes, and our ability as a nation to attempt to stop or to control the issue of proliferation.

It was believed that the breeder reactor concept, when we were looking at the Clinch River design, of course, was that of a plutonium producer. This Congress made the right decision, in the context of where we are today, to discontinue the Clinch River breeder. But the Congress decided to go forward with another technology, and that was the IFR technology, not because it was a breeder, but because it was not.

And EBR–II in Idaho, my State, where this technology is being researched today, was reconfigured. Now, we did not change the name of it. You do not go around changing the name of items or entities that are as well established by their name as EBR–II was. And, of course, the Senator from Massachusetts took advantage of the lack of a name change, but failed to tell you that there was a reconfiguration of this design and this reactor to deal with the new technology that we are working on.

That reconfiguration was done and the technology goes forward. It is important technology for all the reasons that my colleagues from Illinois, and my colleague from Idaho, and the chairman of the committee have talked about: A new, safe technology to provide nuclear energy in a safer form in a commercial way, but also to do something else that is unique, and that is to burn up the fuels today that are generated by Pilgrim I, owned by Boston Edison, a 600-megawatt nuclear powerplant in the home State of the Senator from Massachusetts. It produces upward of 500 pounds of plutonium each year and has become part of a massive stockpile in this country of plutonium.

My colleague from New Hampshire has, within the boundaries of his State, Seabrook, a 1,150-megawatt plant producing upward of 500 pounds of plutonium a year.

That is the problem, I say to Senators, the problem that our nuclear industry today is producing plutonium and we want to get rid of it. We do not want to have to put it in a geologic repository that has a 10,000-year life and creates, in the industry, what we call a very large footprint that will not go away and has to be monitored, and has to be guarded, and made safe.

We have the opportunity, through this technology, to change the nature of those particular spent fuels in a way that is safer, that changes the half-life, that still requires the storage, that reduces the footprint or the area and the space of the storage within the large geologic repositories. And those are the facts.

I think Bernard Baruch was right when he said:

> Every man has a right to be wrong in his opinions, but no man has a right to be wrong in his facts.

And the facts are simple in this case. Scientist, after scientist, after nuclear physicist, all lined up saying: This is not a breeder reactor. The technology is different. It does not produce plutonium; it burns it. It is a step in the right direction against proliferation.

And those are important issues for this country to address.

My colleague from Idaho spoke of turning swords into plowshares. That was refuted in part, or the refutation was attempted, by my colleague from Massachusetts when he said that we have just discovered that this large stockpile in Russia is substantially uranium and not plutonium. Uranium will not burn in an IFR. Wrong again, it will burn in an IFR, because inside the reactor it is converted to plutonium through the process of the reactor itself. And it is the plutonium that is burned.

Yes, that uranium can be used. It is possible to do. And the scientists say that, and we checked with them just a few moments ago. Without question, scientists without bias on this issue but extremely knowledgeable in the technology say that is doable. It can be done. And it would be done.

Those are awfully important issues to deal with. I am not going to hide behind the fact that there are 800 jobs in Idaho and 300-plus jobs in Illinois, about 1,000 jobs. You could argue this is a jobs issue, but it is not. Nor should it be argued in that way.

But it ought to be argued as a look into the future with the kind of an R&D program that allows us a whole different kind of capability to do what we want to do, to maintain an important industry in this country, and a phenomenally important source of energy, and at the same time, begin to address an awfully important problem to the whole of the Western World.

That is the question of proliferation. Those are, really, the fundamentals in this debate. Those are the facts.

Madam President, I ask unanimous consent an editorial from the Chicago Tribune and a letter from E.C. Brolin, Acting Director of the Office of Nuclear Energy, Department of Energy, be printed in the RECORD, as well as his response to the summary of the debate that went on before the Energy and Natural Resources Committee that goes right down the line talking about proliferation, the ALMR technology, and what it offers this country.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRAIG. I believe it is also important, in the context of this debate, to clearly understand where our President is. Because early on, this administration had attempted to zero out this funding. But they are back with a change of mind.

Is it because Senators or Representatives applied pressure on them? I think not. I, and others, asked Secretary of Energy Hazel O'Leary to look at the technology, not to react to it purely as a budget issue, but to look at what it offered to our country, and what it costs to get us to proof of concept in design. She did that. In all courtesy to her, she took the time, brought her experts around her, and examined the technology of the IFR. She came back with very similar conclusions. As a result of that, their attitudes were changed and their support shifted.

I ask unanimous consent to have printed in the RECORD a letter from the President to Representative HASTERT in the House. It speaks to the support of IFR technology.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. CRAIG. This administration supports this. The Energy Committee took testimony in an extensive way to prove all of the points that are very important to all of us, that this is not proliferation.

Within all of that, I believe we have clearly proven and provided an important record for Senators to make this critical decision. So let me offer for the record two additional reactions: One from the American Nuclear Energy Council speaking to the importance of ALMR, IFR technology, because it was argued earlier in the day that the industry was not supportive of the technology. It was so argued by the Senator from Massachusetts. This is a letter that says they are. I ask unanimous consent that the letter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. CRAIG. I also ask unanimous consent we print in the RECORD a resolution from the utility industry that supports the technology of the IFR as a potential producer of civilian energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. CRAIG. Madam President, I say to my fellow colleagues here in the Senate, within a few moments they will be asked to cast an important vote, a vote that will determine our ability to provide energy in the future, long term, with a safe, sound, environmentally clean technology, while at the same time doing what this country has so longed to do for so many decades, to reduce nuclear proliferation around the world. To begin to deal with the treaties, we, as a Nation, are responsible for having caused to bring down the nuclear threat, and to do it in a safe and sound way by investing our tax dollars while accomplishing an ability through the generation of civilian power, to pay for it.

I yield the remainder of my time.

EXHIBIT 1

DEPARTMENT OF ENERGY,
Washington, DC, August 16, 1993.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to Senator Craig's request during the August 5, 1993, hearing before the Senate Committee on Energy and Natural Resources, enclosed is a discussion of questions and issues raised during recent deliberations on the actinide recycle program and the advanced liquid metal reactor.

Your interest in the actinide recycle program is appreciated. Please let me know if I can be of any further assistance.

Sincerely yours,

E.C. BROLIN,
Acting Director,
Office of Nuclear Energy.

[Department of Energy, August 1993]

THE ACTINIDE RECYCLE PROGRAM: ANALYSIS AND DISCUSSION OF BUDGET ISSUES

SUMMARY

The questions raised in floor debate and related discussions on actinide recycling and the advanced liquid metal reactor (ALMR) which would be required for its use, can be summarized as follows:

The actinide recycle and advanced liquid metal reactor programs present serious economic, environmental and proliferation concerns.

Actinide recycling uses a liquid metal reactor that can be converted from a plutonium burner to a plutonium breeder without much difficulty—on the order of removing the governor from a car engine.

Actinide Recycling:

Has strong economic potential (could save billions of dollars over 60 years by recycling actinides, which are isotopes of uranium, plutonium, neptunium, americium found in light water reactor spent fuel)

Offers major environmental, health, and waste management benefits (would allow high-level nuclear waste to be used to produce energy while emitting no greenhouse gases, reduce need to mine and mill uranium, and could enhance waste repository capacity)

Would use a process that is proliferation resistant (at no point in the process is plutonium present in its pure form; other actinides and impurities preclude direct use in a nuclear weapon, and high levels of radioactivity make handling difficult. Thus, the handling and separation equipment that would be required for weapons processing are significant barriers to diversion and surreptitious use)

Would use an ALMR that is not a breeder system (conversion to plutonium breeding would require extensive core rearrangement including blanket assembly insertion, and could not be done surreptitiously)

A specific discussion of each point is provided in the following sections. More detailed supporting information can be made available and discussed upon request.

ACTINIDE RECYCLE: ECONOMIC POTENTIAL

Statement: Expenditure of $23 million on this program for FY 1994 in scarce taxpayer funds is not justified.

Clarification: Actinide recycle offers the potential for billions of dollars in savings. Spending under $100 million through 1988 on the Actinide Recycle Program is a small price to determine whether these large gains are technically and economically feasible.

Statement: This program is going to wind up costing $2 billion.

Clarification: It is premature to speculate on total program costs. In any case, the more expensive demonstration phase would be 50/50 cost shared with industry, as required by the Energy Policy Act of 1992, and would not proceed unless actinide recycle feasibility is established and industry is satisfied that the system is economic.

Statement: Using ALMR technology requires assorted new fabulously expensive facilities.

Clarification: Commercialization of any innovative technology is not going to be inexpensive. Facilities will be commercially deployed only if industry is convinced that the system is economic.

Statement: Actinide recycling would greatly increase the cost of the disposal program up to $84 billion—at current costs of $1,000/kilogram.

Clarification: This reflects economic analysis which:

Assumes a fuel processing cost 3 times the program goal.

Does not include revenue from the sale of electricity.

Does not take into account that the costs of fuel reprocessing are borne by the utility purchasing the fuel for LMRs, not by the repository program.

ACTINIDE RECYCLE: ENVIRONMENTAL AND WASTE MANAGEMENT BENEFITS

Statement: ALMRs will not substantially decrease the need for, or the environmental risk from, a high level waste depository.

Actinide recycling would not help expand the capacity of the repository since the current limit is not physical space, but rather a legal restriction.

Full implementation of this program will not reduce, even by one, the number of waste storage facilities we will need to build.

According to the Department of Energy and Public Citizen, the ALMR would generate more tons of high level waste than it would consume.

Clarification: Our analysis indicates that ALMR/Actinide Recycle can reduce a number of risk factors, expand high-level waste repository effective capacity by as much as a factor of 4, and reduce the need for additional repositories after 2015.

First, if actinides are not present in the waste, most of the long-term heat load after 300 years is eliminated, allowing more compact waste emplacement.

Second, actinide recycle removes the highly radioactive and long-lived portions of radioactive waste to be used as fuel in ALMR's to produce electricity.

Third, the compact nature of the envisaged waste forms in actinide recycle indicates that the volume and mass of radioactive waste for permanent disposal will be significantly less.

Fourth, if actinides are not present, the radioactivity of contents of the repository will decay to very low levels within about 300 years (otherwise the radioactivity remains very high for tens of thousands of years).

Finally, the most troublesome fission products would be emplaced in waste forms potentially more leach resistant than current spent fuel, and the burden, cost and risk of proving that actinides are immobile under all repository conditions could be avoided.

ACTINIDE RECYCLE: PROLIFERATION RESISTANCE

Statements: By promoting a fuel cycle based on plutonium, the ALMR represents a serious proliferation threat.

Pyroprocessing is actually worse than chemical reprocessing in some respects; the ALMR can be used directly as a plutonium breeder apart from the reprocessing technology.

Clarification: The proposed actinide recycle system is not a proliferation threat.

At no point in the process is plutonium present in its pure form: actinides, other impurities, and high levels of radioactivity preclude direct use in a nuclear weapon, and present significant barriers to diversion and surreptitious use.

Actinide recycle pyroprocessing preserves the essential diversion resistance of light water reactor spent fuel, and has inherent advantages over chemical reprocessing.

An ALMR cannot operate apart from its fuel cycle; even in the hypothetical case of "breeder" operation, the inherent proliferation resistance advantages are preserved.

Statement: A Department of Energy report reveals unresolved problems in ALMR safeguards, plant inspectability, and materials accountability for nonproliferation verification; we would be creating a plutonium economy across the planet.

Clarification: This joint State Department/DOE study found:

"The IFR [Integral Fast Reactor—technological basis for actinide recycling/ALMR] fuel recycle process is inherently more proliferation resistant than conventional recycle using the PUREX process and oxide fuel fabrication." and,

"The plutonium obtained from the IFR fuel recycle as now conceived cannot be used directly with confidence to produce a nuclear weapon because of its residual fission product radioactivity and the presence of significant heat-producing and neutron producing radioisotopes."

ACTINIDE RECYCLE: SCIENTIFIC/INDUSTRIAL SUPPORT

Statements: Members of the private sector say they will not put up money, or they will not have anything to do with the liquid metal reactor.

Why hasn't the industry supported this project? It should be willing to share costs of development if it has any interest in the technology.

Clarification: Industry is supporting this project:

The ALMR design team currently shares program costs.

Southern California Edison has expressed its intent to support ALMR/Actinide Recycle through a $2 million collaboration program.

The Japanese have committed over $46 million to this program.

Statement: The Advanced Liquid Metal Reactor does not have support from the National Academy of Sciences and the Lawrence Livermore National Laboratory which found no justification for continuing the ALMR project.

Clarification: The National Academy of Sciences has stated that "the LMR should have the highest priority for long-term nuclear technology development." (The cited NAS study did not review actinide recycle as the program was only in its infancy when the study was conducted)

A March 1992 Lawrence Livermore National Laboratory report addressed the waste-management impacts of actinide recycle, but did not address the ALMR program. Although it estimated a low waste-management significance of actinide recycle, the actual findings detail potential benefits consistent with the highly positive conclusions of other actinide recycle studies.

Statement: The ALMR is feasible for electrical generation only if used as a breeder.

Clarification: Simply not true. The ALMR is a feasible electricity generator operating as a waste consumer without breeding.

[From the Chicago Tribune, Sept. 19, 1993]

ARGONNE NUCLEAR RESEARCH IS VITAL

With an eye more on deficit reduction and anti-nuclear sentiment than on the future, the U.S. House voted overwhelmingly last June to kill funding for research on a new type of nuclear reactor.

The decision to end work on the Integral Fast Reactor at Argonne National Laboratory was more than penny wise and pound foolish; it was totally irresponsible. Scientists have spent $700 million since 1984 developing the revolutionary technology, and they had hoped to show next month that it works.

The Senate soon will have a chance to intervene. Rather than toss out a promising technology just before it can be tested, it should restore funding. The cost to taxpayers would be small compared with the potential benefits they and their children can reap later from a secure, abundant energy source.

Today's commercial reactors are cooled by water and use uranium as their primary fuel. By contrast, Argonne's sodium-cooled reactor burns either spent fuel from existing nuclear plants or plutonium to produce electricity. It can be set up to burn more radioactive material than it produces or to produce waste that can be reprocessed and recycled as fuel.

Despite its potential to dispose of spent nuclear fuel, burn plutonium from dismantled warheads and provide an inexhaustible energy source, House opponents argue that the new reactor would be too expensive.

Utilities, they say, are more interested in a new generation of light-water reactors being developed for use by the end of the decade. In addition, they warn, the greater use of plutonium would increase the risk of nuclear arms proliferation.

True, utilities want a near-term nuclear option of new, smaller light-water reactors. But in the next 15-50 years, perhaps sooner, the nation might want to have another nuclear choice—one that can produce electricity safely for centuries with less and more manageable waste than current technology.

To shut down the Argonne program now without completing tests, as the House has voted, would take five years and cost $406 million. To demonstrate that it works and have it available for possible future use would take five years and cost $445 million—a $39 million difference.

Actually, the Integral Fast Reactor could come in handy fairly quickly. It could be used to reduce spent fuel that is accumulating at nuclear plants. It could provide a market for plutonium being released from weapons in Russia and the United States. As for a proliferation threat, the reactor's fuel reprocessing doesn't produce weapons-grade plutonium.

Some lawmakers may not believe that nuclear power will play a role in America's energy future, but few scientists agree. For $39 million, a new technology can be demonstrated and preserved as a long-term option. It's a small price to pay; the Senate should ante up.

EXHIBIT 2

THE WHITE HOUSE,
Washington, April 12, 1993.

Hon. J. DENNIS HASTERT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HASTERT: Thank you for your letter of support for the Integral Fast Reactor Program being conducted at the Department of Energy's Argonne National Laboratory.

In recognition of the potential benefits of the Integral Fast Reactor technology, the Department of Energy's proposed FY 94 budget includes funds to support this program. This level of funding will preserve the essential scientific progress of the Integral Fast Reactor Program, which holds the potential to significantly reduce the volume and lifetime of high-level nuclear waste.

With best wishes,
Sincerely,

BILL CLINTON.

EXHIBIT 3

AMERICAN NUCLEAR
ENERGY COUNCIL,
Washington, DC, September 20, 1993.

Hon. JOHN KERRY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KERRY: Your recent Dear Colleague letter contains an excerpt from ANEC congressional testimony which does not accurately represent the ANEC position on the Advanced Liquid Metal Reactor (ALMR).

ANEC full supports the ALMR research and development (R&D) program. We have consistently advocated before Congress the necessity for completing the certification of the Advanced Light-Water Reactor (ALWR) program and continuing the development of advanced reactors as the best energy option for America's future.

The industry strongly believes that the ALMR technology needs to be studied and developed by DOE to determine the applicability of the program to fulfill our national energy needs as outlined in the Energy Policy Act of 1992 (EPACT). In the EPACT, Congress recognized the valuable contribution the ALMR technology could make to helping the U.S. meet baseload capacity requirements to support economic growth in the next century. Accordingly, the EPACT authorizes continued support for the technology leading to the construction of a demonstration facility.

Indeed, ANEC favors a DOE investment in the technology because the ALMR offers one of the most environmentally benign options for the large scale production of electricity. It produces no greenhouse gases, no acid rain chemicals, and no ozone depleting chemicals. ANEC supports the ALMR program because it includes an actinide recycle demonstration which will significantly contribute to the solution of the nuclear waste management problem by making material available for energy production that would otherwise have to be disposed of as high-level nuclear waste. The ALMR can have a positive impact on reducing the volume of spent fuel from reactors deployed later in this century.

The utility industry is supportive of the ALMR technology, but at the same time, wishes to emphasize the need to continue the commercialization of the Advanced Light-Water Reactor (ALWR). While the light-water reactors will be ready for deployment in the mid-1990s, the ALMR technology will require longer term development and a prototype demonstration. Private industry and international organizations are currently cost sharing the development of the technology with DOE.

The position of ANEC and the industry has been, and continues to be, to support the advanced technologies. We believe the continuation of the ALMR R&D program is particularly important to the future of the nuclear industry. I would like to quote from a 1991 report by Advanced Reactor Corporation, a sixteen utility industry consortium, which put this matter in perspective:

"The current emphasis on ALWRs, followed by later development of HTGR and LMR technologies, has evolved from a better understanding of the anticipated growth in demand of electricity, accumulating experience with LWR systems, the extent of economically recoverable uranium or deposits and the economic aspects of developing and deploying more advanced technologies. Licensing requirements, construction schedule, plant cost, and operation confidence can be reasonably well defined for ALWRs without the need to build and operate a prototype plant, as compared to the HTGR and LMR technologies where the operation of a full-scale prototype plant is viewed as necessary to achieve sufficient confidence on their operational and economic viability."

ANEC will continue to work with the nuclear research and development community to assure that the ALMR program receives funding for the technology. We believe the technology merits the continued support of the federal government and the Congress.

Please ask your staff to contact me if you have any questions regarding the nuclear energy industry's support for the ALMR program.

Sincerely,

EDWARD M. DAVIS.

RESOLUTION REGARDING CONTINUED FUNDING OF THE ADVANCED LIQUID METAL REACTOR PROGRAM AND THE ACTINIDE RECYCLE PROGRAM

Whereas, the Energy Policy Act of 1992, which was overwhelmingly passed by both Houses of the U.S. Congress, requires the Secretary of Energy to carry out civilian nuclear programs in a way that will lead toward the commercial availability of advanced nuclear reactor technologies; and

Whereas, the Energy Policy Act of 1992, further directed the Secretary of Energy to complete necessary research and development on high-temperature gas-cooled reactor technology and advanced liquid metal reactor technology to support the selection, by September 30, 1998, of one or both of those technologies as appropriate for prototype demonstration; and

Whereas, the Energy Policy Act of 1992, further directed the Secretary of Energy to evaluate by September 30, 1996, actinide burning technology to determine if it can reduce the volume of long-lived fission byproducts; and

Whereas, flexibility to choose between as many fuel options as possible is critical to meeting energy needs economically in the future; and

Whereas, the Department of Energy's Advanced Liquid Metal Reactor (ALMR) Program and its associated Actinide Recycle System add to promising new technological approaches for the safe, economic, reliable, efficient and environmentally benign production of electricity; and

Whereas, the ALMR offers potentially dramatic improvements in operational safety, with its passive safety features, and could more efficiently utilize uranium fuel resources and extend their availability for into the future and coupled with the Actinide Recycle System also offers potential nuclear waste management benefits in the future as the volume, toxicity, and radioactive lifetime of nuclear waste associated with this ALMR fuel cycle could be reduced with implications for the need and/or timing of a second nuclear waste repository; and

Whereas, the NARUC emphasizes that this potential future benefit does not affect the urgent need to proceed with the current nuclear waste program and maintain the funding required to proceed with its goals; and

Whereas, the Actinide Recycle System in conjunction with the ALMR program is designed to be more proliferation-resistant than several other nuclear fuel cycle approaches in existence today and could prove advantageous to other Department of Energy radioactive waste management needs; and

Whereas, the cost of continuing the entire ALMR program and the Actinide Recycle System (over the costs associated with shutting down the affected facilities) is quite modest; and

> Whereas, at fiscal year 1993 funding levels, it is expected that within only three years the ALMR/Actinide Recycle System research and development will be sufficiently far along to know whether the technology will economically offer the benefits for which it has been designed; and
>
> Whereas, continued Federal government funding at appropriate levels is essential to maintain this potentially important research and development project; now, therefore, be it
>
> *Resolved*, That the Executive Committee of the National Association of Regulatory Utility Commissioners (NARUC), convened at its 1993 Summer Meeting in San Francisco, California, calls on the Clinton Administration and the U.S. Congress to adhere to the objectives of the National Energy Policy Act of 1992 and fully fund research on the Advanced Liquid Metal Reactor and Actinide Recycle System for the next three years.
>
> Sponsored by the Committee on Electricity. Adopted July 28, 1993.

Mr. JOHNSTON. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator has 30 minutes 46 seconds; Senator KERRY has 33 minutes.

Mr. JOHNSTON. Madam President, I yield myself 5 minutes.

There has been a lot of talk here, and I think most of it mistaken, about the question of whether this is a breeder. And the unstated assumption is that a latent capacity to be a breeder is a very bad thing. I would like to deal with both questions.

First, this is decidedly not a breeder. This machine, if successfully matriculated through its R&D process and built, will not breed plutonium. It could be converted, indeed, to a breeder. It would take 3 years and $60 million, according to present estimates, to do so. So it is clearly not a breeder. It is not built for that purpose. It is not designed for it and does not have that capability.

The implicit assumption that this is somehow a bad thing, and a latent capacity upon the expenditure of $60 million in 3 years somehow is a reason not to do it if it otherwise is worthwhile. I think that is clearly wrongheaded. Yes, we started into the Clinch River breeder reactor and decided not to do it. Why did we do so? Simply because of the economics and because of the lack of necessity. At the time the Clinch River breeder reactor was begun, a multibillion dollar project, the demand for nuclear fuel was much greater than is projected because it appeared the world was going to go much more heavily nuclear than it is now. So additional fuel, which the breeder reactor would have produced, would have alleviated what they projected at that point to be a lack of uranium-235, the fissile material used in these reactors.

It was because of the fact we did not have the need and because of the economics that we walked away from it. Madam President, as one who was on the Energy Committee—the Interior Committee we called it at that time—it was not because of proliferation we walked away from Clinch River. And let me tell you why, Madam President. The problem in proliferation is not that somebody is going to get hold of maybe a $1 or $2 billion reactor and make plutonium in order to make bombs; the big countries already have that capacity. In fact, they already have the bombs in great quantity.

What we are dealing with in proliferation is the emerging countries, the North Koreas, the Vietnams, et cetera. With those, the problem is the plutonium, the plutonium, as I say, which can be stolen and carted away by an individual because it is easy to handle and easy to steal. That is the problem with proliferation. A breeder reactor, if any were converted into that capability, does not alleviate that problem nor does it make a North Korea more capable to go into this program. This has nothing to do with a problem of proliferation. This has everything to do with alleviating the problem of proliferation.

It is absolutely clear that is so. This reactor, if it is successful, would burn plutonium, and could use up that weapons grade plutonium that is coming out of the Soviet weapons now. We have made an agreement with the Russians already for the first 500 metric tons of their highly enriched uranium, and we hope to negotiate with them to help eliminate their weapons.

Mr. KERRY. Will the Senator yield for a question?

Mr. JOHNSTON. Yes.

Mr. KERRY. Will the Senator not agree as a member of the committee—and I have some of the record here in front of me—will he not agree that light water reactors provide a source for burning off plutonium and/or uranium?

Mr. JOHNSTON. Light water reactors could be, indeed, configured to do so.

Mr. KERRY. They could do that, could they not, by creating this mix of uranium-plutonium called MOX; is that not accurate?

Mr. JOHNSTON. I believe so, yes.

Mr. KERRY. My question to the Senator is can we not now, with current technology and know-how, burn off, in light water reactors, plutonium mixed with uranium?

Mr. JOHNSTON. I would say that capability is within our technological capability. And it may well be possible—if the Senator's point is that is a possibility, I would say, yes, definitely so.

The PRESIDING OFFICER (Mrs. BOXER). The time of the Senator from Louisiana has expired.

Mr. JOHNSTON. I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator yields himself an additional 2 minutes.

Mr. JOHNSTON. The point is we are dealing with a very serious problem. That is the proliferation of plutonium. We have to have a way to get rid of it. The advantage of this for burning plutonium is that the first step in this process is to mix the plutonium with the irradiated fuel. It, at that point, becomes proliferation-proof.

Mr. KERRY. The Senator is very good at turning a question around into an answer. He has always been very good at that.

The fundamental point is still that the technology is available today. The MOX technology does not need——

The PRESIDING OFFICER. The Chair reminds the Senators that the 2 minutes of the Senator from Louisiana have expired.

Mr. KERRY. I will make the point afterward.

Mr. JOHNSTON. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. JOHNSTON. Madam President, we are probing a number of different ways to get rid of this plutonium. I think we really need to look at the economics and look at the scope of the problem. It is a very serious problem.

Plutonium itself—everyone says it is the most toxic chemical known to man. Not quite, because it can be handled. Literally you can put it in your pocket and carry it out of the building. That is the proliferation problem. The same is true with U-235. It can be carted off.

The beauty of this program is that the first step is to mix it with irradiated spent fuel, which will kill you if you put it in your pocket, and it can be handled only with remote handling equipment, very expensive remote handling equipment. And it can then only be separated by a PUREX-like process which is well beyond the scientific capabilities of these emerging countries.

Madam President, we had a hearing on this in the Energy Committee. We had two experts, one Dr. Chuck Till, who runs the program, and I asked him:

> Compare the difficulty of PUREX on regular light water reactors—

PUREX is this process of extracting the plutonium—

> with the fuel from the IFR, pyroprocessing.

He said:

> Let me say again that the fresh product from the pyroprocess is in fact radiologically very similar to spent light water reactor fuel. For either you will have to put it through a solvent extraction process—

That is PUREX—

> in order to get the pure plutonium that history says everyone, every Nation, everyone who has tried to make a weapon drops out pure plutonium so they can handle it.

Then we asked Dr. Richard Wilson from Harvard, the recognized preeminent expert. I asked him:

> Dr. Wilson, what is your view of that?

He is not connected with the nuclear industry. He is just an expert. He says:

> I think there may be a very slight difference in that the light water reactor fuel would have a lot of other stuff—

Uranium—

> still with it and from this it would be a little more concentrated than the plutonium but Dr. Till is otherwise absolutely correct. You will have to have something like a PUREX process after to handle it.

The Martin Marietta report, which my colleague referred to earlier, is basically supportive of that.

So, Madam President, what we have here is a potential to deal with the proliferation problem—not to contribute to the proliferation problem, but to deal with it—to burn the plutonium, to reduce the waste stream.

Mr. WALLOP. Will the Senator yield for a question?

Mr. JOHNSTON. Yes, I will.

Mr. WALLOP. Is not essentially what you are saying, that the process advocated by the Senator from Massachusetts adds a significant burden to a waste stream which is a problem we already do not know how to resolve, whereas the one in front of us, the integral fast reactor, significantly diminishes the waste stream; is that not encapsulating what was just in that report?

Mr. JOHNSTON. Yes, plus—plus—it will not only reduce the waste stream, which deals with the problem of nuclear waste, but deals with the problem of proliferation by giving us a way to get rid of plutonium.

Mr. WALLOP. We cannot possibly do that with the light water reactor at this moment in time, and were we to, we would have an increase, not a diminishment, of the waste?

Mr. JOHNSTON. That is right.

Mr. WALLOP. But that is no near-term process.

Mr. JOHNSTON. Neither one is. Both take further research, as with the actinide program.

One final point. It costs 80 percent as much to terminate the program as it cost to follow through with the program. It will take several years to complete the processing of the existing fuel, and that will take place in EBR-II, which is the reactor.

In effect you have to spend the money anyway. So it makes every sense, it seems to me, to complete the look-see of the program, the R&D program.

Mrs. FEINSTEIN. Will the Senator yield for a question?

Mr. JOHNSTON. Yes.

Mrs. FEINSTEIN. Because I have listened very carefully to this debate now for 3 hours. I think it has been one of the best debates I have heard since I have been in the Senate. I am amazed at the breadth of knowledge, and I think the chairman on the positive side and the Senator from Massachusetts are really to be commended for the understanding of this. It is extraordinarily impressive.

I think it comes down to one question. From our research, according to Argonne itself, for each metric ton of spent fuel reprocessed, at least 1.3 metric tons of high-level wastes are generated. Is that statement true or false and could the Senator expand on it?

Mr. JOHNSTON. Frankly, I do not know what the tonnage is. It does not sound right. But the problem with nuclear waste is not the tonnage. It is the radioactivity and waste heat because when you have hot rods, you have to space them—the length of the spacing between the storage of the rods depends upon the heat. That is one of the problems that they are looking into at Yucca Mountain—is what all this heat does on cracking the rock and on drying the rock, and those kinds of dynamics.

So the problem is waste heat and radioactivity, and this process would reduce not only the amount of heat, not only the amount of radioactivity but markedly reduce the number of years for which it lasts. So that you would have relatively benign material after about 300 years.

Mrs. FEINSTEIN. I thank the Senator.

The PRESIDING OFFICER. The Chair will inform the Senator from Louisiana that he has 14 minutes and 55 seconds remaining, the Senator from Massachusetts has 33 minutes and 1 second remaining.

Who yields time?

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank the Senator from California, first of all, for her very generous comment about the quality of debate and the breadth of knowledge. I particularly want to thank her for what I think was one of the most important questions and points made through the question.

With all due respect to my friend from Louisiana, that was not an answer because all of the available studies—and we are still in this sort of folks over here talking opinion, and a certain group of us, I might add, representing quite a disparate group from across the country, not just the interested parties—Ohio, New Jersey, Massachusetts, California, various places, Wisconsin—all pointing out some of the problems.

The OTA just last week says, addressing the question asked by the Senator from California:

> The reprocessing could multiply the total volume of radioactive waste by 10, thereby driving up costs.

That is the bottom line here.

Now, if I could just quickly comment, the Senator from Idaho a moment ago talked about—I quote him. He said, "The administration supports us."

Now, that is news to me. And I will read from the statement of administration policy issued September 28, 1993 on this bill, on the amendments on the floor. And on the advanced reactor. The administration says, I quote:

> The committee has rejected the administration's proposed termination of unnecessary reactor projects including the liquid metal reactor and the high temperature gas-cooled reactor.

The committee rejected the administration's effort to kill that.

I have a letter from Leon Panetta early on where in his answer to a letter from Governor Andrus of Idaho he said:

> As you know, the IFR reactor is a derivative of DOE's breeder program, the funding of which has been reduced significantly over the last 15 years. We believe this program, including research and development in the related facilities, has received little measurable interest from entities such as U.S. electric utilities. In contrast, the U.S. reactor manufacturers and utilities are providing the majority of funding for the light water reactors, including both the evolutionary and the passive designs.
>
> In addition, the IFR and its predecessor programs have raised significant proliferation policy concerns over the past two decades. The IFR reactor consumes as well as produces a wide array of transuranic isotopes. * * *

Now, the President's policy, he says, supports only the element of the actinide recycle program essentially to demonstrate technological feasibility. That is about $21 million. The committee wants to put in $63 million. The administration wanted only $21 million. Now, my amendment strikes it out. I would suggest that what we ought to do is strike it out and come back, and if we feel we want to add in $21 million for the administration that is a separate issue. But the administration does not support $63 million for this liquid metal reactor.

Now, I yield.

Mrs. FEINSTEIN. Will the Senator yield for a question?

Mr. KERRY. I yield for a question.

Mrs. FEINSTEIN. Mr. President, I ask the Senator from Massachusetts, if I may, I listened earlier and to me the pivotal question is does this thing eat and consume hazardous nuclear materials so they can never be used again, or in the process of so doing does it throw off other nuclear materials, great in half life, presenting additional storage problems and not really solving the basic problem? Does the Senator agree that it can consume both uranium and plutonium and put it into a form that is not usable for nuclear proliferation? First question.

Mr. KERRY. That is an excellent question, and the Senator is very good at honing in on the critical issue here.

The answer to the Senator's question in candor is both. It does have the capacity, yes, to use plutonium and to eat it up. But as the Martin Marietta study shows and the DOE study shows, that happens extremely slowly. It would take 40 plants over 100 years to be able to chew up the available amount, and then you have only used a small percentage of your total waste product or problem. You have only used the pure plutonium that is weapons grade usable which is an extraordinarily small amount of the total metric tonnage. In fact, we have 84,000 metric tons of civilian high-level waste versus only about 100 metric tons of absolutely weapons pure grade material.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. KERRY. So we are talking about building the system to chew up weapons grade material and create high-level waste in the same process.

Now, let me just say the study by the Electric Power Research Institute, which is normally for these kinds of things, said this is inordinately expensive and it will increase the cost of disposing of civilian waste from $34 billion up to $84 billion. They also say it is the worst way for both civilian and military because it is the false comparison.

Let me just read from the committee's hearings themselves.

The chairman of the committee, Senator JOHNSTON, asked an individual, Mr. Horner, who was testifying: "First of all, then this differs in its capacity to breed from, for example, Clinch River?"

And Dr. Till, who is from Argonne, said, "No. That it shares."

So he acknowledged in the hearing August 5, 1993 that it shares the breeder capacity.

"Well, what does it take to add the blanket?" The chairman asked him, "Is that a big change?"

And Dr. Till said, "No, it's not a tremendous change. Again, you would have to reoptimize the core."

So the point I make is that in point of fact the technology could be changed in a matter of months. This is not a big change. And you wind up with a situation where you are now comparing the advanced liquid metal reactor against chemical reprocessing.

Now, that is the comparison. It is better than chemical reprocessing.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. KERRY. Let me just finish the one point. But if you compare it to light water reactor processing and putting the plutonium in that, all of the studies show it is not better than that, or safer than that, or more cost effective than that.

I will be happy to yield.

Mr. JOHNSTON. I thank my friend for yielding because it was in fact a very good question, and I am not sure I heard the answer. But the Senator's question was: Will this burn weapons grade plutonium and put it in a state that is not easily convertible back into weapons?

And the answer is absolutely yes; is it not?

Mr. KERRY. Let me just answer that. I said both. It does two up some plutonium. That is accurate. If the question is, can the process two up plutonium, the answer is, yes it can. But in the process, the second part of the question, does it create a whole lot more waste in the process, the answer is it creates 30 percent more waste according to the Argonne National Lab, and it creates wastes that have higher half-lives than the waste that you have destroyed in plutonium. So you have actually added to the problem.

The next question is, even if you can two up the plutonium, the next question is, well, is that the only way to do it? Is this the best way to do it? The answer is——

Mr. JOHNSTON. Let us answer the question first.

Mr. KERRY. The Senator is on his time.

Mr. JOHNSTON. Whether this is a breeder, and a lot of other questions. We got off——

Mr. KERRY. The Senator is answering the question. The bottom line of the question is, does this make sense? That is the question.

Mr. JOHNSTON. I know it does not to the Senator from Massachussetts. It does not answer the Senator's question. Tell me if the Senator from Massachussetts disagrees with this.

Mr. KERRY. Whose time are we on? I will answer this on the time of the Senator. I would like to answer the Senator. My time is going.

Senator GLENN wants to speak. I would be happy to answer the question on the time of the Senator.

Mr. JOHNSTON. I have a lot less time. I will yield myself 1 minute for the purpose of this. It is very important.

First of all, I believe we have established that this will burn plutonium, and burn it at a pretty rapid rate when you are talking about pure weapons grade plutonium.

Second, the waste that comes out of the burning process is highly irradiated, cannot be processed, cannot be reprocessed back except by a PUREX-like process, which would be a very expensive process, beyond the technological capability of emerging countries.

Third, that the waste stream that comes out of it is orders of magnitude less in terms of radioactivity and heat load.

Have I said anything that is not correct?

Mr. KERRY. The Senator has told—if I may, Madam President.

The PRESIDING OFFICER. The Senator from Lousiana has the floor at this point.

Mr. KERRY. The Senator has asked me if he said anything incorrectly. The problem is the Senator has told only half the story.

Let me quote from his own hearing where Mr. Horner said:

> You have heard Dr. Till testify about the pyro-process technique and the difference between that and PUREX, and that the pyroprocessing technique gives you a highly irradiated fuel—

What he just referred to—

> which is very dangerous and difficult to deal with. So why does that not reassure you about the danger of proliferation?

The answer:

> Mr. HORNER: For a number of reasons, Senator. First, as I said earlier, the comparison is not with other reprocessing techniques, which is what the Senator is doing in in his question. It is with current U.S. policy in disposing of the plutonium and spent fuel. That is the better comparison. And the second point is it brings us closer to weapons usable fuel.

Let me answer the Senator from Louisiana. Can you take plutonium and burn it? The answer is yes. But in the process of separating what was once fuel all mixed together, you have weapons grade fuel, nonweapons grade fuel, you have other actinides, plutonium, but they are all mixed together. It is extraordinarily expensive, extremely difficult. We do not even do it now—to make weapons grade material out of this fuel at the first stage of a light water reactor.

But what they are saying is the pyroprocessing technique is going to use plutonium, burn it up, and in the process is going to separate plutonium, and the other wastes from your other fission products some of which, I just pointed out, have a half-life much longer than plutonium.

What have you accomplished when you have done this? You have burned a small percentage, tiny percentage; you have to reburn again and again and again over years. It takes hundreds, really. One of the labs estimates, Lawrence Livermore, says 1,000 years of burning process to get rid of the current rate of civilian toxics which leaves you with an increase of toxics and raises the cost of doing it from $34 billion up to $84 billion.

Mr. JOHNSTON. Madam President, if the Senator would yield, you are mixing the problem of plutonium with civilian nuclear waste.

Mr. KERRY. The National Lab estimates, I said on military alone, 100 years, 40 plants. But for the full measure of toxics belonging to the civilian sector, it would currently take a larger amount of time. We are not talking about doing that. But what I am pointing out to the Senator is that this—let me return to the Martin Marietta study. The Martin Marietta study makes it very, very clear that this process brings the fuel, I read from it:

> Because of the more desirable mix of isotopes—which you get in this pyro-processing—you have to recognize that plutonium taken from the liquid metal reactor is much more desirable for * * * weapons than plutonium from the light water reactor which is itself considered by the U.S. a proliferation threat.

So Martin Marietta, Department of State, DOE say if you escalate this to the new level, you have escalated the proliferation threat, you are closer to bombmaking material and that is a threat.

I would like to reserve the remainder of my time and yield 8 minutes to the Senator from Ohio, who I might add, is one of the foremost advocates of nonproliferation efforts in the U.S. Senate.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I thank my distinguished colleague very much.

Madam President, I dislike very much being in the position of opposing the committee chairman, Senator JOHNSTON. He does much good work in these areas of technology and so on. I find myself most of the time on his side on these things and working with the committee. We have worked back and forth a great deal in matters like this.

In this particular area, however, I must rise today to express my opposition to funding the LMR and the integral fast reactor and pyro-reprocessing that goes along with it.

We are being told that these fast reactors such as the IFR will dispose of the plutonium problem. But at the same time there are cheaper and less dangerous ways to dispose of plutonium.

Also, the once-through light water cycle has not been considered in the DOE economic analysis. The DOE studies claim that the United States will make money, whereas in reality we will spend more money to foster a plutonium economy with fast reactors.

A number of questions need to be answered about this technology before we invest more taxpayer dollars. Among these questions:

When will the new generation of liquid metal fast reactors be on line to destroy plutonium? How much will it cost?

Will these new reactors be owned by the government or by utilities?

Will the reprocessing be done at a utility site or at a DOE national laboratory? Who will license such a reprocessing facility and what will be the licensing requirements?

Is this approach more expensive than other approaches for generating electricity such as natural gas, light water reactors, or renewables?

What signal will be sent to other nations which are embarking on reprocessing technologies to extract plutonium?

But these items where we are talking about the possibility of spreading plutonium economies around the world, are disquieting questions in a world which is fiscally strapped at the same time, and where we have some very direct, severe proliferation problems in places such as the Indian subcontinent, the Korean peninsula, and elsewhere.

There have been a couple of references made to the OTA study. That OTA study referred to which I released last week called "Dismantling the Bomb and Managing the Nuclear Materials" was started about 2 years ago. It took about 1½ years for them to do this study. We released it last week. That study was set up to try to determine how we can best manage these materials, how we can speed up the dismantling of weapons, and do it safely.

It was done because we know some of the mistakes that were made as we built up in our weapons program that we are paying dearly for now—estimates are some $200 billion that is going to be required to clean up our nuclear weapons plants and their processes and the waste leftover.

I do not want to see us now in the weapons dismantlement make some of those same mistakes.

The report was entitled "Dismantling the Bomb and Managing the Nuclear Materials."

I recommend very highly that my colleagues read, study, and have their staffs study this very comprehensive, incisive study that the OTA did.

OTA examined the ALMR/IFR option for plutonium disposal and made some telling observations. Let me read some of OTA's findings for your benefit:

> With a new interest in disposal of surplus military plutonium, ALMR designers have suggested the possible use of their design. However the concept of plutonium transformation using fast reactors appears to have some limitations. To consume plutonium in a fast reactor requires significant design changes from the original LMR that was intended to produce plutonium. It could also be expensive: the required reprocessing could multiply the total volume of radioactive waste by 10, thereby driving up costs.

OTA also observes:

> The licensing process would likely be difficult and contentious both for the ALMR facilities and their associated reprocessing facilities.

Finally OTA points out that:

> Deploying ALMRs solely for burning weapons plutonium would be difficult to implement because only a small amount of plutonium may be available from weapons dismantlement. Proponents usually tie this concept to a national decision to turn to a plutonium breeding/recycling energy program. Moreover, as a strategy to eliminate actinides including plutonium contained in spent fuel, this would be very slow compared to many other direct disposal strategies such as vitrification. To reach a tenfold reduction in the inventory of actinides accumulated in U.S. spent nuclear fuel (equivalent to burning 90%) was estimated to require more than 100 years.

I ask unanimous consent to have printed in the RECORD the OTA summary of the ALMR/IFR concept.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BOX 4-D—PLUTONIUM TRANSFORMATION CONCEPT 1: ADVANCED LIQUID METAL REACTOR/INTEGRAL FAST REACTOR SYSTEM

The advanced liquid metal reactor/integral fast reactor (ALMR/FR) has been proposed as a plutonium disposition option. It was originally designed as a fast breeder reactor for electricity generation (producing more plutonium than is consumed).

The ALMR design could be modified to consume plutonium and other transuranic actinides instead of producing them. This feature was promoted as a means to eliminate such actinides in spent fuel from conventional U.S. light-water reactors. It would still require plutonium reprocessing, and many burning/reprocessing cycles would be required to significantly reduce the actinide inventory in spent fuel. This proposal is currently being evaluated by the National Academy of Sciences Panel on Separations Technology and Transmutation Systems (STATS panel).

With a new interest in disposal of surplus military plutonium, ALMR designers have suggested the possible use of their design. However, the concept of plutonium transformation using fast reactors appears to have some limitations. To consume plutonium in a fast reactor requires significant design changes from the original LMR that was intended to produce plutonium. It could also be expensive: the required reprocessing could multiply the total volume of radioactive waste by 10, thereby driving up costs (7).

The concept also envisions reprocessing, to separate fission products in spent fuel, and subsequent recycling of the remaining plutonium. The licensing process would likely be difficult and contentious both for the ALMR facilities and their associated reprocessing facilities (45). Reprocessing would be either a standard chemical separation process or a pyrochemical process if one was sufficiently developed. Aqueous waste from the process would contain transplutonium actinides including neptunium and residual plutonium, although another process under development at Argonne National Laboratories can recover better than 99.99 percent of all actinides, leaving only fission products in the waste solution (6). Fuel fabrication with recycled plutonium (after the first cycle with pure weapons-grade plutonium) would have to be done remotely in a hot cell because of gamma-emitting actinides (52).

If it operates according to present designs this option would eliminate most transuranic actinides, including plutonium, while generating high-level waste. That waste would require a repository, the future availability of which is unknown.

Deploying ALMRs solely for burning weapons plutonium would be difficult to implement because only a small amount of plutonium may be made available from weapons dismantlement. Proponents usually tie this concept to a national decision to turn to a plutonium breeding/recycling energy program. Moreover, as a strategy to eliminate actinides including plutonium contained in spent fuel, this would be very slow compared to many other direct disposal strategies such as vitrification. To reach a tenfold reduction in the inventory of actinides accumulated in U.S. spent nuclear fuel (equivalent to burning 90 percent) was estimated to require more than 100 years (45).

Source: Office of Technology Assessment, 1993.

Mr. GLENN. I would like to share some of my other thoughts on the ALMR program.

THE PLUTONIUM ECONOMY

The ALMR/IFR is being sold as a reactor co-located with its reprocessing plant to avoid plutonium shipments all over the country. It is very unlikely that a utility would buy the IFR, but if it did, you could be sure that the reprocessing plant would not be located on the utilities' property. Licensing and regulatory procedures would make such a setup daunting to say the least. This means that we would have to put in place plutonium shipping and storage as part of the cycle.

The generic environmental statement on mixed oxide fuels—the so-called GESMO process of the 1970's—which was before the NRC, would have to be reopened in order to license the mixed oxide fuels for power reactors.

ACTINIDE BURNING

ALMR/IFR is being sold as an actinide burner which would burn americium, neptunium, plutonium, and other actinides. But Madam President, to build the IFR reactors is the hard way to get rid of plutonium. First of all, the IFR will produce plutonium because neutrons will collide with and be absorbed by uranium in the fuel. The plutonium can be minimized by wasting neutrons, but still considerable plutonium will be produced. The IFR will only burn a fraction of actinides in one cycle, as the National Academy of Sciences points out:

> * * * the time to reach an inventory reduction of 100 percent would be more than 1000 years. * * *

The National Academy has not yet given its opinion on plutonium disposal; this is expected in November. However it is clear that disposal in the earth, storage, or burning as a mixed oxide in light water reactors are all cheaper and easier than starting up a whole new fuel cycle based on liquid sodium reactors and a new type of reprocessing. In addition, there are advanced machine concepts under study, such as accelerators, that in theory could burn plutonium and transmute the waste products so their danger to health and safety is minimized.

A year ago Congress asked DOE to prepare a technical review on plutonium disposition. This study concluded that:

> Near total plutonium destruction was found to be realistically impossible within the 25-year time frame required for disposition. Net plutonium destruction for this alternative ranged from 35–63 percent, even with the use (in some cases) of novel fuel designs to enhance destruction.

In other words, the fast reactors will not really destroy the plutonium, but just reduce the amount. The fast reactors will change the isotopic compositions, but one can still make weapons with the reactor grade plutonium.

PROLIFERATION

By continuing down the ALMR/IFR path the United States will encourage the Japanese, among others, to reprocess spent fuel for the recovery of plutonium. Is this a wise signal to send? At this time the Federal Republic of Germany is wavering in their decision to abandon the recycle option. The British are uncertain in their decision on the THORP plutonium recycling plant. The French breeder reactors are having problems. Why now send the message to these nations that pyroreprocessing is something that we want to encourage? It is likely that pyroreprocessing plants can be made more compact than the Purex plants, and thus potentially easier to hide. In addition the safeguarding and materials accountancy of pyroreprocessing will be very complex, thus complicating the job for the IAEA.

FISCAL RESPONSIBILITY

After the Nation has spent considerable money, who will buy the IFR? Clearly, not the utilities. I do not expect that the Congress will give DOE the money to build its own utility at a cost of some $20 billion. We have already seen the Nation waste billions on the late and unlamented Clinch River liquid metal fast breeder reactor. Do we want to waste more money on this technology?

These funds for the ALMR/IFR will be followed with requests to spend billions to build a demonstration plant, and then the utilities will either choose advanced light water reactors, natural gas, or renewables, but not the IFR. The United States has spent some $1.3 billion between 1987 and 1993. I think it is time to draw the line.

URANIUM ECONOMICS VERSUS PLUTONIUM ECONOMICS

No utility will burn plutonium as compared to uranium at a loss of some $10 million per year reactor. The public will not allow the utilities to choose the plutonium cycle for these financial reasons and for other reasons.

Madam President, these are some of my thoughts on the ALMR/IFR Program. I ask my colleagues to strike the funding for this program.

I ask unanimous consent that some materials regarding this subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHAT EXPERTS SAY ABOUT LIQUID METAL REACTORS FOR NUCLEAR WASTE DISPOSAL AND ARMS CONTROL

The Department of Energy's Advanced Liquid Metal Reactor (ALMR) program is developing a breeder technology for potential future use. Supporters of the program contend the technology could be used to consume radioactive plutonium and other actinides from spent fuel rods and military weapons. However, this proposal has been criticized by independent scientists, industry, taxpayer organizations, environmentalists, and arms control groups.

ON LIQUID METAL REACTORS FOR HIGH-LEVEL WASTE DISPOSAL

"Their potential to alleviate some of the waste disposal problem for LWR fuel through actinide recycling . . . is not considered justification for advancing the advanced LMR. . . ." *National Academy of Science*, 1992.

"There remain no costs or safety incentives to introduce (partitioning and transmutation) into the High-Level Waste management system." *Lawrence Livermore National Laboratory, et al.*, February 1992.

"The policy would likely incur a large cost penalty, encounter major institutional difficulties, multiply licensing difficulties, and amplify political and public opposition to the nuclear power program as a whole." *Electric Power Research Institute*, March 1991.

ON LIQUID METAL REACTORS FOR WEAPONS DISPOSAL

"Proponents of nuclear power sometimes argue that military plutonium should be stored to provide start-up fuel for fast-neutron plutonium-breeder reactors when they eventually become commercially feasible. However, that argument makes little sense . . . They are not even close to being cost-effective." *Frank Von Hippel, Princeton University, et al.*, November 1992.

"(The liquid metal reactor) is a breeder technology that could be used to increase the already excessive supply of plutonium existing in the world today * * * Furthermore, using plutonium from dismantled warheads as fuel in ALMRs does not offer a realistic solution to the problems of plutonium disposition." *Friends of the Earth, Greenpeace, Natural Resources Defense Council, Nuclear Control Institute, Public Citizen, Physicians for Social Responsibility*, March 1993.

[From the New York Times, Sept. 28, 1993]

NEW CURBS ON NUCLEAR WEAPONS

President Clinton yesterday announced the most serious effort in years to curb the spread of nuclear arms and other weapons of mass destruction. In his speech to the United Nations General Assembly in New York, he pledged to seek global bans on the production of nuclear material for bomb-making and on nuclear testing. And he offered important inducements to get other countries to cooperate.

His commitment comes not a moment too soon. Iran, North Korea and others are poised to develop nuclear weapons. And now from Russia comes word that the Soviet nuclear arsenal may have been far larger than previously admitted, leaving far more plutonium and enriched uranium to dispose of safely in that dangerously fragmenting society.

Mr. Clinton's predecessors tried to curb the spread of nuclear arms by keeping nuclear material out of the hands of bomb-makers; they stopped short of seeking a ban on the production of plutonium and enriched uranium. But as more and more nuclear material is produced it has become harder and harder to keep track of. That's why a ban on production makes sense.

Mr. Clinton can start by urging the Senate to bar funds for the Advanced Liquid Metal Reactor, which generates electricity by converting uranium that can't be used in warheads into plutonium, which can. And he can heed members of Congress who want him to urge Japan, Britain and France to re-examine their plutonium production policies in a world of nuclear excess.

Mr. Clinton's commitment to curbing proliferation is evident in the inducements he is offering other nations to go along. Overriding the objections of American weapons laboratories, he will begin negotiations to ban nuclear testing, which could strengthen worldwide adherence to the Nuclear Nonproliferation Treaty.

He will also permit international inspections of U.S. stockpiles of nuclear material extracted from dismantled nuclear warheads, making it easier for Russia and other states to accept such monitoring. In so doing, he overcame the overwrought objections of bomb-makers who contended that inspections would unveil secret techniques.

Mr. Clinton will also share U.S. intelligence on global trafficking in arms-making technology and materials, a step the guardians of secrecy in the intelligence agencies had resisted.

And if all else fails to induce nations not to build weapons of mass destruction or export technology that enables others to do so, he will allow them to purchase missile and other advanced technology from the U.S. Some arms controllers may denounce that as a Faustian bargain.

But Mr. Clinton is not proposing indiscriminate sales; he'd issue export licenses on a case-by-case basis, and only to states that live up to their obligations not to proliferate. It's a risk worth taking. How can the U.S. get other states to join the Missile Technology Control Regime if there are no privileges of membership?

If his efforts succeed, Mr. Clinton could do more for U.S. security than those who built up America's nuclear arsenal in the first place.

Mr. KEMPTHORNE. Will the Senator yield for a question?

Mr. KERRY. I have to reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts reserves 10 minutes 30 seconds. The Senator from Louisiana has 13 minutes 28 seconds.

Mr. JOHNSTON. I yield 1 minute to the Senator from Illinois.

Mr. SIMON. Senator FEINSTEIN asked some very key questions. I have just three points:

No. 1, the end product here is dirty plutonium that cannot be used for arms purposes. That is why the Japanese have invested $46 million in this process. They are interested in restricting this proliferation.

No. 2, as far as cost effectiveness, you would not have Southern California Edison and other utilities investing money in this if they did not believe, ultimately, it was going to be cost effective.

Finally on the Senator's question on the amount of waste produced, I simply point out that the Department of Energy says, and the head of Office of Nuclear Energy in testifying in August said: "It would reduce the volume and mass of the high-level radioactive waste in the repository."

Finally, I ask that the Department of Energy response to the OTA study, which they say is based on outmoded technology, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF TECHNOLOGY ASSESSMENT (OTA) REPORT, "DISMANTLING THE BOMB AND MANAGING THE NUCLEAR MATERIALS," ADVANCED LIQUID METAL REACTOR

While the report is an excellent introduction to the very difficult issues to be confronted in addressing the future excess plutonium inventory, it draws several conclusions that appear to stem from misinformation with respect to the Department of Energy's Actinide Recycle Program.

The Actinide Recycle Program is demonstrating the technical and economic feasibility of this innovative technology significantly reducing the future burden of nuclear waste. The Department and others are evaluating whether this technology could also be used to support an excess weapons plutonium disposition mission.

The OTA report offers much useful information for initiating an informed dialogue on plutonium disposition, but in the case of the Advanced Liquid Metal Reactor (ALMR) the underlying technical premises are dated and not indicative of the program currently under development at the Department of Energy.

Many of OTA's criticisms appear related to earlier fast reactor and reprocessing (PUREX) technologies which were abandoned several years ago by the Department for many of the same reasons raised by OTA. Specific comments are as follows:

"The report states that the ALMR fuel recycle could increase waste volumes by a factor of ten. This conclusion is applicable to aqueous reprocessing, but the Department of Energy's Actinide Recycle Program is based on a radically new technology (pyroprocessing) that could reduce the volume of waste by up to a factor of four relative to a once-through fuel cycle.

"The report challenges the potential for the ALMR to be economic. Although it is too early to project specific economic performance with certainty, a recent DOE study that included the ALMR as an option for plutonium disposition found that an ALMR could recover the costs of plutonium disposition through sales of electricity.

"The report concludes that significant design changes would be required from the original liquid metal reactor to consume plutonium. Significant design changes have already been made in the wake of Clinch River to improve safety, economics, as well as to allow the burning of plutonium. The Department's program is already based on the consumption of plutonium—not the production of plutonium."

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Madam President, I yield 1 minute to the Senator from Idaho.

Mr. KEMPTHORNE. Madam President, thank you very much. There has been much made of the OTA study.

I ask unanimous consent that the Department of Energy's review of that study be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF TECHNOLOGY ASSESSMENT [OTA] REPORT "DISMANTLING THE BOMB AND MANAGING THE NUCLEAR MATERIALS," ADVANCED LIQUID METAL REACTOR

While the report is an excellent introduction to the very difficult issues to be confronted in addressing the future excess plutonium inventory, it draws several conclusions that appear to stem from misinformation with respect to the Department of Energy's Actinide Recycle Program.

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Many of OTA's criticisms appear related to earlier fast reactor and reprocessing (PUREX) technologies which were abandoned several years ago by the Department for many of the same reasons raised by OTA. Specific comments are as follows:

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The report challenges the potential for the ALMR to be economic. Although it is too early to project specific economic performance with certainty, a recent DOE study that included the ALMR as an option for plutonium disposition found that an ALMR could recover the costs of plutonium disposition through sales of electricity.

The report concludes that significant design changes would be required from the original liquid metal reactor to consume plutonium. Significant design changes have already been made in the wake of Clinch River to improve safety, economics, as well as to allow the burning of plutonium. The Department's program is already based on the consumption of plutonium—not the production of plutonium.

Mr. KEMPTHORNE. You will see that this is an excellent conclusion that points out that it totally disagrees with the OTA study.

Also, Madam President, the Senator from California has asked an excellent question. I share what I think is her concern, and that is nuclear proliferation. She asked about whether or not IFR's would consume the 100 metric tons of weapon grade plutonium, which is a real threat to national and world security. It would take five IFR's a period of 70 years, once the material was put in those IFR's, to consume, in essence, all of that plutonium. That is a significant benefit to the IFR program.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Madam President, I yield myself 4 minutes.

Madam President, let me answer my good friend from Illinois quickly if I can, who emphatically made the statement that this is not a proliferation problem because, as he said, the product is not a pure plutonium and cannot be used for arms reduction.

My good friend is just not correct in his conclusion that it cannot be used. It cannot be used, he is correct, in its dirty form. It has not, when coming out of pyroprocessing, been made into a weapons grade form at that moment. Nor, for instance, is it when it comes out of the light water reactor in the early stage. But what is critical, and what the Martin Marietta study says, and I once again say, is that the plutonium from a liquid metal reactor is more desirable for use in weapons than the plutonium from the light water reactor.

Ms. MOSELEY-BRAUN. Madam President, will the Senator yield?

Mr. KERRY. I do not have enough time to yield.

Ms. MOSELEY-BRAUN. Will the Senator yield for a question?

Mr. KERRY. I will yield on the Senator's time, but I do not have time.

It is not that it cannot be made. It is closer to bomb material. It is plutonium in a reactor that can become a breeder reactor.

They have made much about the notion that this is reconfigured. The reconfiguration can be changed very easily, in point of fact. I earlier pointed out that a significant portion of the materials now used in this reactor in its reconfiguration, in fact 45 percent of it, is breeder reactor material. It has blankets. It has the capacity to be changed. There is not one of the scientists who testified before the committee who denied that this could be reconfigured into breeder capacity. Even Argonne understands that and has said that.

Madam President, to go further than that, the second comment made was that Japan, and others, would not be doing it if there was not an interest.

The President of the United States went to the United Nations this week and basically said to Japan and Russia: Do not do it. We do not want you to do it. We do not want plutonium reprocessing plants created. This is directly contrary to our own policy at least in its current form.

So, it is imperative that we do not encourage these other countries that we are trying to discourage from doing it to do it because we are talking out of both sides of our mouths.

Finally, on this issue of nuclear waste that has been made about it, I think there is a critical point to remember here. The amount of mass of waste that is going to be reduced is really infinitesimal. All of the studies thus far show that. Let me just share with colleagues the Lawrence Livermore study. I do not think people will find Lawerence Livermore overly suspect on this one. They were asked to do a study. They did it, and here is what they say.

> Pyro-processing, which is what this is trying to do, is neither an alternative to the current geologic disposal program, nor essential to its success, nor can the technology be implemented unless there is a resurgence of nuclear power. Many believe it cannot occur until the capability of disposing of radioactive waste is successfully demonstrated.
>
> Moreover, pursuing pyro-processing as an integral part of the U.S. geological effort will require radical restructuring of the law behind it and a national system for supplying electricity for it. There remain no cost or safety incentives to introduce pyro-processing into the high-level waste management system.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. KERRY. Madam President, I reserve the remainder of my time.

Ms. MOSELEY-BRAUN. Madam President, will the Senator yield?

Mr. JOHNSTON. Madam President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Louisiana has 10 minutes 56 seconds remaining.

Ms. MOSELEY-BRAUN. Will the Senator yield?

Mr. JOHNSTON Madam President, I am first going to yield 2 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, for the record—and here we are now dealing with facts that just must be addressed—the Martin Marietta study has been laid down as statements of fact when, in fact, the experts have now looked at it and said it was a different kind of technology. It was done in the early stages, and you cannot quote it in today's context in today's debate and use it as a valid statement.

Let me then enter for the RECORD a statement of scientists in the Department of Energy that effectively say that this study was done in the early stages of our R&D and that it has significantly changed. Those are the facts. They do refute Martin Marietta. It is important for the RECORD that that be a part of it, and I ask unanimous consent to have that statement printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESPONSE TO QUESTIONS ON BURNER TO BREEDER CAPABILITY; SENATE ENERGY COMMITTEE ACTINIDE RECYCLE HEARING AUGUST 5, 1993

Argonne National Lab Response, p. 99:

RESPONSES TO QUESTIONS FROM SENATOR BUMPERS

Question 1. If a liquid metal reactor were constructed and operating, what would need to be done to turn the reactor into a breeder reactor. How long would this process take?

Answer. Today there exists over 700 tons of Pu contained in the current reactor spent fuel. This amount will grow by about 700 tons in a 10-year period, even if no additional nuclear reactors are built. The Pu amount cumulated in the current commercial reactors by the year 2010 would be able to start up over 100 GWe of [FRs and provide their 30-year lifetime make-up requirements when operated on burner mode. Because of this huge inventory of plutonium, the LMRs constructed during the next 50 years are most likely to be net Pu burners and the core designs would be optimized for the burning mode. The future next-generation LMRs could then be designed for breeding optimization. Of course, it is technically feasible to convert a burner design into a breeder design.

In the simplest sense, stainless steel would have to be replaced with depleted uranium blanket assemblies. Second, a significant change to the fuel would be required. Third, there might have to be a change in the control rods and safety rods, depending on the change in reactivity swing during a burnup cycle. These changes could only be made if the original design were flexible enough to allow a substantial redistribution of the sodium coolant through the various regions of the reactor. A change of this magnitude would require a licensing process, which would probably require a several year lead time to develop the safety case and go through the licensing process. Ignoring the engineering requirements, several months would be necessary to manufacture the new fuel and blankets.

The underlying question, however, is whether the conversion to a breeder would become a potential proliferation path. Because this conversion is relatively expensive, obvious, and slow, if an LMR was exported as a burner, it would not be possible to go through this conversion clandestinely.

Department of Energy Response to Senator Kempthorne Question on Proliferation, p. 88:

Question 4. Opponents of the IFR contend that, even with a normally operated IFR producing a plutonium mixed with contaminants for recycling, it would not be difficult for a national government to withdraw from the Non-Proliferation Treaty, elude the safeguards and secretly divert the nuclear material to alternative uses. How easy would this be to accomplish with an IFR reactor, and are those risks greater or less than with current nuclear reactors?

Answer. If a national government abrogates the Non-Proliferation Treaty, then an IFR reactor or its fuel cycle facility could conceivably become a source to divert plutonium. However, because the IFR pyroprocessing is incapable of producing a pure plutonium product, subsequent reprocessing using the aqueous process is necessary. Therefore, we believe that the risk of proliferation is not any greater than that associated with current power reactors because this same aqueous separation technology could just as easily be used to separate plutonium from spent fuel from current reactors, avoiding altogether the need for IFR technology.

Department of Energy Response to Senator Kempthorne on Proliferation Issues, p. 89:

Question 12(a). The 1991–1995 Safeguards Criteria issued by the International Atomic Energy Agency (IAEA) recommends developing "near-real time accountability" capabilities at reprocessing facilities. A Martin Marietta study has been repeatedly cited because it supposedly concludes that the IFR's recycle design would require periodic and frequent shutdowns to estimate flow and inventories. Accountability measurements, it is argued, cannot be accomplished during operations. Is this a fair characterization of the Martin Marietta study's conclusions?

Answer. When the Martin Marietta study was conducted in 1991, the IFR process development was still in an early R&D stage, and the commercial-scale IFR facility design was based on a conceptual design developed in 1985, for which a facility specific IAEA safeguards regime had not yet been developed. The conclusion in this report regarding technology development have been integrated into the development program to ensure these concerns are addressed. Development and demonstration of accountability measurements which will satisfy the IAEA requirements are an important part of the planned fuel cycle demonstration program.

Over-emphasizing technical safeguard development requirements does not correctly reflect the central tenet of this report. The Martin Marietta report correctly cited the need for technical developments to satisfy the international safeguards regime, but this does not detract from the central conclusion of this report that the IFR fuel recycle process is "inherently more proliferation-resistant than conventional recycle, using the PUREX process and oxide fuel fabrication."

Question 12(b). What was the purpose of the Martin Marietta study, and how would you characterize its conclusion? Do you believe the questions, if any, raised by the Martin Marietta study can and will be addressed during the remaining R&D effort pertaining to the IFR?

Answer. A panel of the highly experienced experts in fuel cycle and actinide chemistry and nuclear and nonproliferation foreign policy was assembled to assess the nonproliferation potential and international implications of the IFR technology. This assessment was co-sponsored by the State Department and the Department of Energy. The central conclusions of the report are:

"The IFR fuel recycle process is inherently more proliferation-resistant than conventional recycle using the PUREX process and oxide fuel fabrication."

"The plutonium obtained from IFR fuel recycle as now conceived cannot be used directly with confidence to produce a nuclear weapon because of the residual fission product radioactivity and the presence of significant heat-producing and neutron-producing radioisotopes."

"The IFR recycle process, even with modifications, does not lend itself to producing plutonium pure enough for weapons use. Further time-consuming purification in special facilities would be required."

The report also notes that acceptable accountability may not be easy to achieve, and that, at the time of the report's preparation, there were unresolved problems in the areas of safeguards, plant inspectability, and material accountability. These technical concerns do not, however, detract from the inherent proliferation advantages of this innovative fuel cycle, and development programs are underway to resolve these technical concerns.

Mr. CRAIG. Madam President, let me also suggest when we are talking volume versus mass versus radioactivity as it relates to waste stream and the kind of configuration that will be made up in a geologic repository, there is no doubt that we are not talking volume. We are talking mass and we are talking radioactivity, and we are talking about the ability once the fuel goes through the IFR process and it is configured or it is changed by the burning process, that you can store it closer together. In other words, you can get a heck of a lot more in the same room than you could from the waste stream of a light-water reactor.

Those are facts now. You cannot refute it.

Let us put the hearing record in the RECORD, and I ask unanimous consent that page 102 of the hearing record that totally refutes the statement of the Senator from Massachusetts on this argument be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Qestion 5. When, and if, the liquid metal reactor becomes commercially viable, do you expect that actinide recycling will be performed by the government or private companies? Do you expect that the recycling will occur at the reactor sites or elsewhere?

Answer. When the LMR becomes commercially viable, there is no reason that the actinide recycling could not be performed by the private industry as part of the normal power generation and fuel supply industries. There will be two types of recycling process facilities involved. The facility to extract actinides from the LWR spent fuel is expected to be centrally located with a throughput capability to handle a large number of LWRs. The other type of facility that enables recycling of antinides within the IFR is expected to be collocated with the IFR reactor plant.

Question 7. If actinide recycling still leaves fission products with lives longer than 300 years, what benefits will actinide recycling bring to our nuclear waste disposal program?

Although actinide recycling still leaves some fission products with long half-lives, the long-lived fission product risk, by any standard, is small. Even Tc–99 and I–129 are dissolved in ground water and escape the repository, the resulting health effects are less than 0.1% of the expected health effects from a natural background radiation. This issue can also be looked at from the viewpoint of the EPA 10,000-year cumulative release limits placed on the repository. The total amount of I–129 is such that even if the entire inventory is released it is well below the allowable release limit. The amount of Tc–99 is slightly larger than the allowable release limit. However, Tc–99 can be put into a suitable matrix to improve the leachability characteristics (easily in IFR processing) and hence satisfy the EPA cumulative release limit.

The actinides, on the other hand, have much higher toxicity—about four orders of magnitude higher than that of Tc–99 and I–129. The repository assessment models predict that actinides will be retained in the geologic formation. The question is how to prove it. In terms of the EPA standards, the allowable cumuiative release is about 0.01% over 10,000 years. Or equivalently, the allowable annual release rate is one part in 100 million per year. This requires validation of the geological information and analytical tools for extremely accurate predications of the long-term behavior of the site and waste forms. If actinides are recycled and burned in the reactor, this need is eliminated and the technical performance requirements placed on the repository can be met easily.

Furthermore, actinide recycling reduces the decay heat loading in the repository by a large factor, especially for the long-term burden. This combined with the reduced radiological toxicity provides opportunity to enhance the capacity utilization and deferring the need for future repositories. It also represents a viable technical backup option in the event unforeseen difficulties arise in the repository licensing process.

Question 8. How much money do you estimate the government will have spent on the liquid metal reactor program by the time the reactor becomes commercially viable?

Answer. The amount spent on the IFR Program since its inception in 1984 is about $700 million. Approximately additional $500 million is needed to complete the IFR technology demonstration and terminate the facilities over the next five years. The federal share of a commercial prototype demonstration project would be of the order of $1 billion. The total cost is thus approximately equal to one large central station electricity generating plant.

These costs are seen to be very small when compared to the potential benefits in the future. Benefits in the range of tens and hundreds of billions dollars can be realized through the avoided cost of uranium resources to continue the nuclear electricity generation, savings due to deferring of additional repositories and reduced repository operating cost resulting from reduced high-level waste volume. In addition to these direct benefits, the following indirect benefits can be also realized:

Weapons stockpile plutonium can be effectively and efficiently transformed to safe, peaceful use without any cost penalty. In fact, a large saving in the power generation cost is expected. As the IFR fuel, an inventory of 100 MT is worth about $5 billion, at the same time solving the disposition issue.

The IFR pyroprocessing technology has potential for application to various Pu scrap materials in the defense complex and DOE spent fuel inventories of various kinds. Billions of dollars of savings can be realized for ultimate disposition/disposal of these materials.

IFR is a U.S. unique technology, with excellent export market potential. This is the nuclear version of a high technology that will assure the U.S. its international leadership role in nuclear development.

Mr. CRAIG. Those are the facts to be dealt with in this debate.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Who yields time?

Mr. JOHNSTON. Madam President, I yield 1 minute to the Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the Senator very much.

Madam President, I will be to the point and, hopefully, be as clear and straightforward as possible. A lot of confusion has been injected in this debate which does all of us who are listening a disservice.

The debate essentially comes down to two different types of reprocessing alternatives: Light-water versus liquid metal. The fast reactor project to recycle the waste is a burner as opposed to a breeder reactor. It gives rise to less volume in terms of waste, with a shorter half-life as opposed to other processes and is the most antiproliferation approach that we presently have.

We are right on the verge of being able to employ this technology. If you are against proliferation, you will be for the IFR. If you are against large volume of nuclear waste, you will be for IFR. If you are against keeping waste buried in the stand for a thousand years, you are for IFR.

Madam President, I will ask to have printed in the RECORD the following documents:

First, a paper on "A Concept for Increasing the Effective Capacity of a Unit Area of a Geologic Repository." This paper shows a reduction by a factor of four in the amount of waste volume.

And second, the Technical Review Committee Report by the U.S. Department of Energy Plutonium Disposition Study, which clearly answers this question regarding proliferation resistance to say that "Complete plutonium destruction is not possible without the use of reprocessing and fast reactors such as ALMR."

I know the time has expired.

Madam President, I ask unanimous consent to have those documents printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Department of Energy Plutonium Disposition Study, July 2, 1993]

TECHNICAL REVIEW COMMITTEE REPORT

THE SPIKING ALTERNATIVE

After fuel fabrication (which chemically dilutes the weapons plutonium), reactors can very rapidly introduce a large radiation barrier into the fuel assemblies. 100 MT of weapons plutonium could be irradiated in 2.5 to 12 years following the start of operations. Very few reactors would be required. Unfortunately, the short residence time within the reactor does not substantially alter the isotopic quality of the plutonium. Additionally, in no case was a sufficient (3 GWe) electrical production capability constructed to allow the costs of plutonium disposition to be offset by electricity sales. Many of the disadvantages could be overcome if the irradiated fuel were reinserted into the reactor for further burnup (spike-store-burn).

THE SPENT FUEL ALTERNATIVE

The study found that the spent fuel alternative increased the proliferation-resistance of the weapons plutonium substantially. Unlike the spiking alternative, the plutonium isotopics associated with this option would be significantly degraded by longer residence times in the reactor, especially in the case of the light water reactors (LWRs) and the MHTGR. For the LWRs, the spent fuel produced would be similar to existing commercial reactor spent fuel and, thus, would add only a small, incremental waste management burden.

All of the reactor technologies evaluated through this study can satisfy the requirements of the spent fuel alternative. The ALMR and the MHTGR were found, however, to be significantly less mature than the light water reactors, particularly ABWR and System 80+, which were considered the most mature. Compared to the LWR concepts studied, the lesser technical maturity of the ALMR and MHTGR would be expected to result in greater development and deployment costs and schedule risks.

Using light water reactors and the spent fuel alternative also showed the greatest promise for offsetting the costs of plutonium disposition with electricity revenues. However, construction of several large powerplants (some with many reactors) would be required unless the 25-year time constraint were relaxed. The use of numerous reactors could result in increased public concern and siting difficulties.

For these reasons, the study found that the spent fuel alternative, using light water reactors, appears to be the most effective way to achieve the desired proliferation-resistance.

THE DESTRUCTION ALTERNATIVE

Although reactors can destroy 35–63 percent of the plutonium in 25 years, the study did not identify any practical means of completely destroying the plutonium in this time frame. The amount of plutonium destroyed can be increased by expanding the time period available. Practically, however, complete plutonium destruction is not possible without the use of reprocessing and fast reactors such as the ALMR. Even in this case, substantially more than 25 years would be required to achieve complete plutonium destruction.

In all cases, the quantity of residual plutonium in the spent fuel produced by the various destruction alternatives was sufficiently high to require safeguards that are similar to those of the spent fuel alternative; therefore, safeguards requirements would not be offset by proceeding to the destruction alternative. In the case of the ALMR, however, the ultimate waste forms arising from reprocessing would be essentially plutonium-free and, thus, would probably require fewer safeguards.

Destruction of plutonium by using reactors was found to incur substantially increased technical risk and schedule uncertainty, which would likely translate into increased costs.

ECONOMIC ANALYSIS

The fission option offers the potential to generate revenue through electricity production to offset the costs of plutonium disposition. Due to the large initial investment required to enable the use of fission reactors for plutonium disposition, it is unlikely that these costs can be fully recovered over the near-term course of the mission. The reactors have, however, a much longer life (40–60 years) than that needed for the plutonium disposition mission. When electricity revenues beyond the initial plutonium disposition mission are included (as one measure of this residual value), cost recovery can be achieved through some applications.

The analyses showed that the spent fuel alternative is the most economical means for plutonium disposition. For this alternative, study results indicated that the ALWRs and the ALMR could generate positive net present value life cycle revenues ranging from $1.2–5.8 Billion. The MHTGR was not able to generate positive net present value life cycle revenues for any of the cases examined. Sensitivity analyses to date indicate that the principal factors affecting the economic results are the assumed discount rate and the price of electricity—both of which are essentially independent of the plutonium disposition mission.

TRITIUM CONVERSION

The study showed that all of the reactor concepts could convert to tritium production within six months of notification to do so and produce the required amount of tritium (if this capability were needed in the future). The amount of tritium that can be produced is consistent with likely future requirements.

A CONCEPT FOR INCREASING THE EFFECTIVE CAPACITY OF A UNIT AREA OF A GEOLOGIC REPOSITORY, MAY 17, 1993

(Allen G. Croff, Chemical Technology Division, Oak Ridge National Laboratory)[1]

ABSTRACT

By processing spent fuel to remove the actinides, the thermal properties of the resulting high-level waste (HLW) are substantially altered. In particular, the "thermal half-life" of the waste is reduced from centuries to about 30 years. The work in this paper evaluates a High-Efficiency Waste Emplacement Concept (HEWEC) that takes advantage of the decrease in thermal half-life. The HEWEC is based on the observation that the waste loading per unit area of a repository is potentially limited by the maximum allowable temperatures at several locations: the waste package (very near field), the rock surrounding the package and emplacement drifts (near field), and the large bulk of surrounding rock (far field). The first two of these are controlled by decay heat generated within years or decades of waste emplacement, primarily resulting from the fission products but with significant contributions from actinides. Far-field temperatures are controlled by decay heat generated over centuries, primarily from the actinides. While the critical temperature limit for spent nuclear fuel typically occurs within the package, it is close to limits in all other locations. However, if spent fuel without actinides (i.e., high-level waste) is emplaced in the repository, far-field temperatures no longer approach the limits, and the waste loading is restricted by temperatures in near-field and very-near-field locations. If the repository is fully ventilated during operation, a sufficient fraction of the total decay heat can be removed to allow significantly more waste to be loaded in a unit area without exceeding temperature limits. The evaluation of the HEWEC is based on the analysis of a number of existing thermomechanical studies. The results indicate that it appears possible to increase the equivalent amount of waste that can be loaded in a unit area of a repository by about a factor of 4.7. The evaluation also indicates that application of the HEWEC precepts to unreprocessed spent fuel is not as effective, potentially increasing repository loading by only a factor of 1.2.

Ms. MOSELEY-BRAUN. Madam President, I hope to have clarity in the concluding moments of the debate.

Mr. JOHNSTON. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from Lousiana has 6 minutes 45 seconds; the Senator from Massachusetts has 6 minutes 23 seconds.

Mr. JOHNSTON. Madam President, I yield myself the remainder of my time.

Madam President, if I may address the very piercing questions asked by the Senator from California, it really is fairly simple what we are trying to do if we do not mix our metaphors and mix our advantages.

There are at least three advantages of this process. One is it is inherently safe. We have not dealt with that here but it is a highly important advantage. But we have dealt with the two other advantages. One is the proliferation advantage, and the other is the waste reduction advantage.

Unfortunately, we have mixed those two. Let me make it as clear as I can. The advantage on this is for proliferation. It is that you can take pure plutonium, of which there are many tons in the world being extracted from weapons—which really is the proliferation problem today; that is really where the biggest unsolved problem comes from—you can take that, and we mix it together when we first get it. In doing so we do not destroy the value of it, but we destroy the ability to use it in weapons.

That is what we do initially with this plutonium and, therefore, render it practically incapable of being made into a weapon.

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[1] Managed by Martin Marietta Energy Systems, Inc. for the U.S. Department of Energy under contract DE-AC05-84OR21400.

There has been some talk, and the Senator quotes a Martin Marietta report, et cetera, in saying that it is easier to reconvert this plutonium once it has been converted into this fuel back into pure plutonium than from a light-water plant.

Well, earlier I read the testimony of the expert from Harvard, Dr. Chuck Till, and indeed quoted from Martin Marietta, that there is, as those experts said, a vanishingly small amount of difference. Both would require the PUREX process. The PUREX process cannot be miniaturized. It is a huge, big process beyond the capability of emerging countries. And for those that have the ability to do PUREX now, such as a big nuclear weapons power, it is irrelevant anyway.

So, as a practical matter, we can take that pure plutonium, immediately convert it into proliferation-proof material, and it is beyond the capability of anybody to put it back into weapons.

Now, that is a separate advantage from the advantage of the waste advantage. The waste advantage is that you can reduce this by a factor of four in quantity and volume. The real importance there is the expense in packaging the material, because these packages they put these things in are very expensive.

But the most important thing is not the reduction in volume by a factor of four, but the waste heat and radioactivity which is reduced, the so-called actinides, which are these long-lived fission products, are reduced markedly, so that after about 300 years it is relatively benign and the heat load in the meantime is very much smaller. The heat load is the real problem.

If we build a repository at Yucca Mountain, we have a legal limit on the capacity of 70,000 metric tons that will be used up, I think, by the year 2013 at the rate we are presently going. About the time it gets to be opened, it is overloaded. You can only put so much there because it is so hot.

Now if we could reduce that in quantity, but more importantly in radioactivity and waste heat, it is safer and more could be stored, and we do not have to have another repository.

Now what we are asking here, Madam President, is not to build this reactor—it would be expensive—but to give us a look-see at the R&D. We want to complete this program. It costs 80 percent as much to terminate the program as to do the research. It would take the same amount of time. Because, effectively, you have to keep it in the EBR-II, which is the reactor which is being used now.

Madam President, it is just so clear that this is a good investment. I am not saying that this is the direction the country ought to go for the long-term. We do not know that. It sounds like a lot of money, $100 million over 5 years.

Madam President, we are spending $6.3 billion just to determine whether the Yucca Mountain site would be suitable for a repository—$6.3 billion. And we are asking for $100 million, spread over 5 years, to determine whether this technology is capable of dealing with this problem of proliferation plutonium and, I think, virtually solving the problem. And we reduce the waste—the heat, the radioactivity, the volume, and the difficulty of packaging it —and, in addition to that, whether or not it is a passively safe reactor.

Now, you know, Madam President, if we do this, follow through this program, 5 years from now, what this will probably turn on is the economics. Because it will not make sense if it is not economically sensible. I think, as I have listened to these experts—and we listened to these hearings and all that—I am confident of what I am telling you about the ability to deal with the actinides, with the plutonium, with the proliferation, with the waste.

What we really do not know is the economics. There are other competing technologies. We mentioned accelerators. That is a possibility with plutonium. The high-temperature gas reactor is another possibility.

We really need to finish the research and development so that we will know the answer to the economics. We will know that in the same 5-year period for only $100 million. It is a good investment for the country.

Madam President, I hope the Senate will support the committee and our motion to table, which will be made at the conclusion of the statement by my distinguished friend.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Massachusetts has 5 minutes and 49 seconds remaining.

Mr. KERRY. Madam President, thank you very much.

I thank my friend from Louisiana for the quality of the debate and also the Senators from Illinois, both of my colleagues.

Listening to my friend summarize, what he just said was that there really is not a question about the science as to what you can do with the actinides and that, therefore, we ought to proceed.

Now, that is not at issue. I will concede to him that we know that we could reduce some of the actinides. That is not the issue here.

The issue here is what is the implication of choosing to do so? Does it make sense from proliferation, from hazardous waste, from cost effectiveness, from electricity generation, from environmental perspectives?

I respectfully submit to my colleagues that on every single one of those issues they have not provided documentation by independent analysts or others that say it is.

On the other hand, those of us who have opposed this have shown that the National Academy of Sciences, the Livermore Laboratories, the Department of Energy itself, the Office of Technology Assessment, the Electricity Power Resource Institutes, an internal DOE study, all of them, including the New York Times and Washington Post editorials, and others, say do not do this. It does not make sense.

Now, respectfully, Madam President, the first issue, proliferation. Much has been said about, we have changed the configuration. That is not the issue. I acknowledge the configuration has been a "change." Why? It was changed because there was no rationale for doing this unless they could chew up plutonium and change the configuration. But it is clear from the record that that configuration can be changed back.

And in the hearing record, the chairman himself said, "What does it take to add the blanket?" That is the uranium blanket 238, which is bombarded with neutrons and creates the breeder. "What does it take to add the blanket? Is that a big change?" The Argonne scientist himself says: "No, it is not a tremendous change."

Now, Madam President, that is the problem here. Do we want to do this?

Now when you measure that against the other problem, it is suggested that we will reduce the mass at Yucca Flats. Well, by how much? They have not said. But they also have not dealt with the problem of the mass that they will create in reducing this small amount of mass. Low-level waste, up by 30 percent; high-level waste will be increased, also. And, I might add, waste that is of much longer half-life than the waste we are destroying. And, I also might add, water soluble waste, which has to be put in repositories, which is far more risky in terms of long-term storage.

So there is a negative side.

Mr. JOHNSTON. Will the Senator yield for a short comment?

Mr. KERRY. Well, sure.

Mr. JOHNSTON. I apologize.

But we did say we would reduce the waste by a factor of 4—4 to 1—down to 25 percent. And there is less waste here and less water soluble waste than in fission reactors.

Mr. KERRY. But, if I could add, the waste that will be reduced by that factor is not, in the long run, the large portion of civilian waste that is the major problem of the country. And, most importantly, in doing so, the studies show you will raise the cost to the country of doing this from $34 billion to $84 billion.

Now, all of us ought to ask ourselves a question: Why do we want to raise that cost? And why do we want to raise that cost when there is an existing technology which allows us to do this with none of the down side—no proliferation down side, no environmental down side, no cost down side—and use the existing technology, which supports, I might add, the nuclear industry which wants to use light water reactors and second generation?

The way to do it is to process this plutonium that they are worried about through the existing light-water reactors and thereby contaminate it with the other nonfissionable waste products and store it in the way we are today, vitrify it, do any number of things that we can do in terms of that depletion.

So I respectfully suggest that this is one of those crunch moments we get here in the Senate where we have to pit the local interest of a couple of States against the larger interests of the country. It is hard for us to do that.

When you look at the number of jobs that are at stake here, measured against the cost, the environmental risks, the proliferation risks, you wind up with about $500,000 for a job with a technology that has a downside, for a technology the nuclear industry does not say we need, for a technology the White House said we do not need. I ask colleagues to help make that decision.

Mr. DECONCINI. Madam President, I rise today in strong support of the Kerry-Gregg-Bumpers amendment to eliminate the funding for the Advanced Liquid Metal Reactor [ALMR] Program. Proponents of this program speak of the ALMR as if it were the most economical and sensible option available to dispose of plutonium. This is most certainly not the case. Even the DOE agrees that the most cost-effective means of plutonium disposition known to date is disposal via the spent fuel alternative utilizing an advanced light-water reactor.

Madam President, the Department of Energy's Technical Review Committee issued its Plutonium Disposition Study in July of this year. The committee reviewed three fission option alternatives for plutonium disposition: The spiking alternative, the spent fuel alternative, and the destruction alternative. According to the report, the use of light-water reactors and the spent fuel alternative "showed the greatest promise for offsetting the costs of plutonium disposition with electricity revenues." Using the destruction alternative involving the ALMR, however, would entail "substantially more than 25 years" for complete destruction of the plutonium. This method, according to the DOE report, also would increase the technical risk and schedule uncertainty, which "would likely translate into increased costs."

Increased costs? Friends, the last thing this economy needs right now is increased spending on projects like the ALMR. We simply cannot keep chasing programs like this around, giving them a lifeline of funding, when they are actually terminally ill. The DOE report states that: "Compared to the LWR [Light-Water Reactor] concepts studied, the lesser technical maturity of the ALMR and MHTGR [Modular High-Temperature Gas-Cooled Reactor] would be expected to result in greater development and deployment costs and schedule risks." The report concludes that: "the spent fuel alternative, using light water reactors, was the most practical and economical alternative evaluated." What more do we need? Do we need to bring up the fact that by killing this program we save $25 million in defense money?

As the ALMR Program is not commercially viable in this Nation alone, the question that must be asked is whether the risks of plutonium proliferation are too great if this reactor technology is exported. In my view, our unstable world cannot accommodate a new reactor technology that is capable of breeding pure plutonium. While it is true that ALMR is a true burner reactor, the simple fact is that it can be converted into a breeder reactor for a few million dollars. I sincerely trust that no one in this Chamber would consciously vote to increase accessibility of weapons-grade nuclear fuel. But, considering the ALMR's lack of economic sense without global replication, that is exactly what will occur if we develop this dangerous technology.

Madam President, we need to nail the coffin shut on the ALMR. We killed its sibling, the Clinch River breeder reactor in 1983, but somehow it rose from the dead. Now let us bury this program deep so that it will never haunt us or our children again.

Madam President, I yield the floor.

Mr. SIMPSON. Madam President, I support research funding for the integral fast reactor. That is not a surprise to many. I strongly support nuclear power and believe that it is important to always keep the nuclear option available to us.

That does not mean I support all reactors, regardless of what type they are.

One of the original goals of this project was to reduce the need for uranium. We mine uranium in Wyoming, and those familiar with the uranium markets know that we have not been mining much uranium in Wyoming of late.

Thus, we do not much like breeder reactors in Wyoming. In 1983, I voted against funding the Clinch River breeder reactor. That may surprise a few of my colleagues.

If all the IFR had going for it was breeding, it would not be going very far with me.

So, what about the IFR? "Bag the breeder." That is the sound bite. It is catchy. "Bag the breeder." And if that was the whole issue, I would be asking: "Do you prefer paper or plastic?" But, "bagging the breeder" simply does not tell the whole story.

I oppose this amendment for a number of reasons.

Let us talk first about the waste issue. What are we going to do with the nuclear waste in this country?

Nuclear waste is going to be with us a long time—longer than all of recorded history. Our distinguished President pro tempore's discussions of Roman history help highlight how short the period of recorded history is. Given that, it seems to me we need to examine as many options as possible.

Vote to kill this project now and we will never know the extent to which the IFR technology could have alleviated the waste problem.

Kill the project now and for years and years you will hear how we could have helped solve the waste problem if only the Senate had voted for the IFR. You can count on it. Would it not be better to know for sure. Why do we not finish the research?

Now let me talk a little about environmental equity. This is a tough, tough issue—one that requires very careful consideration. The issue is who generates the waste and who will be at risk should we not ensure that the protections are adequate?

Well, who generates the largest percentage of our nuclear waste? The East. Most of the nuclear power plants are in the East. The Northeast in particular is very dependent on nuclear power.

Three-quarters of Vermont's electrical generating capacity is nuclear power.

Two-thirds of Maine's generating capacity comes from nuclear energy.

New Jersey? Two-thirds of its electricity comes from nuclear power.

Connecticut gets half its power from nuclear energy.

These States use more nuclear power, and thus produce more nuclear waste than many other States.

Now, who is going to get to live next to this waste. Those of us in the West.

I believe that we will site an acceptable repository. One that will be safe. I do not believe that just because you live near a facility you are at risk. Adequate protection is the key.

One of the precepts of nuclear power, is defense in depth. Redundancy is important—never rely on just one safeguard. The IFR may be another safeguard—one more way to ensure our repositories are safe. We should find out.

We don't know what the future holds. As I hope our colleague from West Virginia would agree, the Romans probably could not have envisioned the world we live in today. We should see if the IFR offers cost-effective defense in depth.

This technology could also allow more waste to be stored in a repository, which means fewer repositories. Heat load is important for repositories. The IFR can reduce the concentration of the actinides, thereby lowering the heat load. The less heat, the closer together the wastes can be placed. This means more waste can be stored in the same area.

If we need fewer repositories, the less the chances are that one of these repositories will be proposed for your State. Does anyone here wish to volunteer their State for the next Yucca Mountain?

As I say, this is not a vote to build a new Clinch River breeder reactor—if it were I would vote against it.

This is not a vote to sell IFR's around the world.

This is not a vote to change U.S. policy on civilian plutonium reprocessing.

This is a vote on whether or not to conduct research.

This vote is not about the future of nuclear energy. It's about the future of nuclear waste.

This vote is not about deficit reduction, but it is about debt reduction. Nuclear waste is a debt we will leave to future generations. It seems to me we need to look at all the options?

If you have doubts about the technology—nuclear energy is pretty high-tech stuff, it's easy to get confused about neutrons and half-lives and curies—let me suggest an alternative.

The Nuclear Regulatory Commission is currently preparing a report on this technology which is due in December. The NRC has no stake in this technology, yet they certainly have much expertise on the subject. Why not see what they have to say first?

Finally, let me talk about just a minute about proliferation—a scary subject for most folks if ever there was one.

The spread of the bomb is not going to be decided by this vote, nor even the symbolism of this vote. North Korea, Iraq, India, and China are not going to care a whit about this vote. Britain is considering reprocessing. Even our new friends, the Russians, are trying to hold our markets hostage to their highly enriched uranium which I am not at all pleased about.

It is a scary world, Madam President. Killing off the IFR will not make the world any safer.

Right now, anyone watching this debate is thinking about non-proliferation. I doubt most were last week, and if we vote today, few will be thinking about it next week.

That would be a shame. Look at the people speaking on this issue today. A good cross-section of the Senate. If we want to do something about non-proliferation, then let us do it. Let us roll up our sleeves and tackle it head on.

Let us agree on a schedule for hearings and legislation. What are we going to do about China, about countries like Iraq, about North Korea. These countries are not going to wait 10 to 20 years for the IFR to become a commercial technology to obtain or spread the bomb. Don't kid yourself.

If proliferation is the concern, cancelling the IFR is surely not the answer.

I hope my colleagues will not vote to cancel this project, but will focus on the real issue of proliferation.

Mr. WALLOP. Madam President, today we are facing a siege on research funding for two advanced technologies that hold the promise of efficient, clean electricity generation. They both offer innovations in reactor safety features. Just as importantly, both technologies offer a possible solution to the problem of disposing of nuclear materials coming from our dismantled weapons. They each have other unique assets specific to the particular design. The American taxpayer has invested over $700 million on each of these technologies and each has already been under preliminary design certification review by the Nuclear Regulatory Commission. After crossing threshold after threshold, we have arrived at the point where it will soon be possible to reap the rewards of this significant investment.

In spite of this, we are being presented today with amendments to this bill that propose eliminating funding for the completion of the research on these technologies. If the Luddites of 19th-century England are in search of a house to haunt this Halloween, there is a welcome mat out in the United States Senate today.

The attack on these two technologies is filled with incorrect statements that demonstrate a lack of understanding about these research programs. The Department of Energy today pointed to some of the misinformation circulated about the IFR program in a very rare display of criticism of the Office of Technology Assessment. The Department found that OTA's critique of the advanced liquid metal reactor was dated and bears little relation to the existing integral fast reactor program at the Department. OTA concluded that IFR technology could increase waste volumes when, in fact, the actinide recycle program is based on pyroprocessing, a technology that could reduce waste volumes by a factor of four. Similarly, OTA failed to recognize that the Department's IFR program is based on burning up plutonium, not producing it. These are just two examples of many misconceptions that exist with respect to the IFR technology.

A similar situation exists with respect to the high-temperature, gas-cooled reactor, the GT-MHR. A National Research Council report that is cited by anti-nuclear groups as justification for canceling the program was completed before significant changes were initiated on this reactor design. The report also did not have the benefit of several studies by the nuclear power industry supporting research and development of the HTGR technology. The industry supports the HTGR technology as a logical long-term option for nuclear power generation because of its passive safety features. Also since the National Research Council report was published, the design of the HTGR has been changed to provide an increase of 50–60 percent in efficiency over existing light water reactors.

Unfortunately, whether through carelessness or intent, the truth has been distorted. The Senate Energy and Natural Resources Committee has examined these two technologies in depth and found that both are worth pursuing. It makes no sense to cut out these programs when they are nearing the point of providing practical options for electricity generation and nuclear waste reduction.

During the debate earlier on the SSC, many of my colleagues alluded to numerous examples of this country's investment over the years in science and technology. They touted the contribution that investment has made to the health and comfort of our citizens as well as to our stature in the international community. The U.S. Senate would truly be doing the country a disservice if, after bringing these two technologies so far along, with over a billion dollars already invested, we refuse to conclude the research. Nothing would be accomplished except sending these technologies, and the scientific advances and jobs associated with them, off to a foreign competitor, with the postage paid by us.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

The Senator from Louisiana.

Mr. JOHNSTON. Madam President, I move to table.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR], is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], is necessarily absent.

The PRESIDING OFFICER (Mr. ROBB). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 53, nays 45, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—53

Bennett
Boren
Breaux
Brown
Burns
Campbell
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Daschle
Dodd
Dole
Domenici
Durenberger
Faircloth
Ford
Gorton

Gramm
Grassley
Hatch
Heflin
Helms
Hutchison
Johnston
Kassebaum
Kempthorne
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pressler
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—45

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Bryan
Bumpers
Byrd
Chafee
Conrad
DeConcini
Dorgan
Exon
Feingold
Feinstein
Glenn
Graham
Gregg
Harkin
Hatfield
Hollings
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
McCain
Metzenbaum
Mitchell
Pell
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Wellstone
Wofford

NOT VOTING—2

Bond
Pryor

So the motion to lay on the table the amendment (No. 987) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote.

Ms. MOSELEY-BRAUN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana [Mr. BAUCUS].

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that a fellow in my office, Elma Ripps, be allowed privileges to be in the Chamber at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MISSOURI RIVER

Mr. BAUCUS. Mr. President, I rise to talk about one of the greatest rivers on this Earth. Mark Twain called it "The Big Muddy." And I speak, of course, of the Missouri River.

Mr. President, the Big Muddy, otherwise known as the Missouri River, starts as a trickle in Trident, MT, building power as she winds her way across central Montana, down through the heartland of America, until finally she unites with the Mississippi River.

Dams along the Missouri provide the lifeblood of the West—precious water for agriculture, hydroelectric power, recreation, navigation, wildlife habitat, and, as we saw so dramatically this summer, flood control for the Midwest.

I ask my friends in Missouri and Iowa to imagine how much worse the floods would have been were it not for dams in Montana and the Dakotas holding back the water. But, as many Montanans like to say: Whiskey is for drinking, but water is for fighting.

There is a disagreement, Mr. President, over the best way to use the waters of the Missouri River. Both upstream and downstream States have differing opinions about what the primary uses should be. And these priorities are dynamic. They must change to reflect today's economic realities throughout the Missouri Basin.

Much has changed since the late 1930's when the first dam, Fort Peck Dam in Montana, was constructed on the Missouri River. Back then, flood control, navigation, irrigation, and power generation were the top priorities for the Missouri. Recreation, tourism, and wildlife barely entered the picture.

Things could not be more different today. Back in 1944, the Army Corps of Engineers estimated that the demand for transporting goods along the river would be 12 million tons a year. Yet, even at commercial navigation's peak in 1977, only 3.3 million tons of goods were transported along the river. By 1988, this number had dropped to 2.2 million tons. By 1990, it dropped down to 1.4 million tons. That is about 90 percent less than the corps estimated when setting navigation as a priority use of the river.

Mr. President, while benefits from barge traffic have declined, the economic benefits from upstream recreation and tourism have skyrocketed. By the corps' own conservative estimates, the economic benefits from recreation and fish and wildlife in Montana and the Dakotas brought, in 1988 dollars, $67 million.

In the same year, gross revenues from barge companies downstream on the Missouri brought in only $14 million. That means recreational benefits outweighed navigational benefits by approximately 5 times.

All this proves one important lesson. It is high time for the Army Corps of Engineers to reinvent the way it manages the Missouri. Assumptions from the 1940's do not make sense in today's economic plans.

In short, it is time for change. I believe change is on the way.

Beginning in 1989, the corps began the process of revising the Missouri River Master Manual governing operations of the entire Missouri River system. The corps recognized, as did the people of Montana and the Dakotas, that changing economic priorities called for a revised operating manual.

So I come to the floor today to support the corps in their review process. We have in this country a very specific procedure for reviewing major, Federal projects. It is the environmental impact statement process, or EIS. It works to involve the public and to protect all interests in the watershed.

But this process cannot, and should not, be influenced by political pressures that try to sway the results of the study, particularly a study not yet completed as in the case of the Missouri River Master Manual revision.

Unfortunately, the House passed a version of the energy and water development appropriations bill that contains language that would restrict this EIS process. This language reads:

> The committee will not support efforts to (1) change the Master Manual, or (2) implement a revised version of the manual, if either of these actions result in limitations . . . on downstream . . . navigation.

In essence, Mr. President, this language ignores the economic realities of the Missouri River basin of the 1990's. It is an unreasonable exercise in micromanagement that would tie the corps' hands, and it sets a dangerous precedent that politics, not economics or science, should guide management decisions for our watersheds.

Ask yourself this: Why are some of the downstream States so afraid of letting the EIS process proceed along its natural course? Why, even before the draft EIS is released, are they already trying to stop it?

We do not want special treatment as upstream States, just equal treatment, fair treatment. Let the corps do their job, not have their hands tied by biased congressional language.

Last July I brought this matter to the attention of the distinguished chairman of the committee, Senator JOHNSTON. It is my understanding that a number of my colleagues in the upper basin States did the same. I want to express my deep gratitude to him for hearing our concerns and leaving this House language out of the Senate report.

In closing, let us let the EIS process continue without restrictions. Let us see what the best management policy of the Missouri River truly is, based on science and sound economics, not politics. Let us keep this restrictive report language out of the final conference report as we did here in the Senate.

CHAPTER IV OF "SAVE YOUR JOB, SAVE YOUR COUNTRY"

Mr. BAUCUS. Mr. President, today I take up chapter IV of Ross Perot's book "Save Your Job, Save Your Country." This chapter is the heart of his book. It contains the two basic Perot arguments, and they are:

First, low local wage rates are the only reason a company would invest anywhere.

Second, NAFTA is a business elite's "investment agreement" meant to protect investment in Mexico rather than boost American jobs.

Mr. President, I would think that as an experienced businessman, Mr. Perot knows better. I do not know his motivations, and I will not speculate on them.

Local wages are a factor in investment decisions. So is the cost of health care, the level of crime, the education system, tax rates, the productivity of the workforce, and the cost of transport. If all a company cares about is wages, it can go to Mexico today. The American tariffs on Mexican goods, which average 4 percent, do not make a bit of difference compared to the disparity in wages between America and Mexico.

Once again, a company that cares only about wages can go to Mexico today. But it probably will not because it can find plenty of countries with much lower wages. It can move straight on south to Bolivia, across the gulf to Haiti, down the Pacific to Peru, or to any of a dozen other countries.

Companies have good reasons to stay in America—education, transportation, infrastructure, productivity, and more. If those do not matter, we lost the company long ago. And that is the central point everybody should remember when we talk about wages.

Let us look at one example. On page 44 of Mr. Perot's book, he talks about the auto industry. He says that to take advantage of the low wages paid to Mexico auto workers, in comparison to United States, auto firms will move the whole American auto industry south. That is what he claims on page 44.

Bad move if they do. The Office of Technology Assessment looked into this. They compared the cost of making cars for the U.S. market, factoring in not just wages but health benefits, productivity, transport costs, and other factors, and they found that it cost $8,770 to make a car in the United States and $9,180 to make the same car in Mexico.

That means for every car they make in Mexico and sell here, they lose $410. That means American auto workers will be big winners with NAFTA. That is probably why General Motors recently announced plans to move production facilities back from northern Mexico to Lansing, MI.

That is bad enough. But the real whopper Mr. Perot makes is when he talks about the whole economy, at the bottom of page 53 of his book: "Which jobs are at most risk for Mexican buyout? he asks. He answers it. He says, "Companies with moderate growth, low- to mid-technology operations, and a labor component of more than 20 percent or more of the cost of the goods sold."

He goes on to say, in answering this question: "Today, 75 U.S. manufacturing industries fit these criteria. They employ more than 5.9 million U.S. production workers. Their payrolls to U.S. workers exceed $138 billion a year," he says. He goes on to say, "Not all these jobs will be lost—but all will be vulnerable if NAFTA is ratified by Congress." That is what he says.

Mr. President, this argument is patently ridiculous. The industries Mr. Perot lists as in danger of going to Mexico include high-wage, high-skilled jobs in sonar equipment, aerospace, medical equipment, and telecommunications. Jobs in them demand the most skilled and productive workers we have. There are good reasons why they cluster around the military sites, hospitals, and media centers—and why they will stay there after NAFTA passes.

On the other hand, that list also includes the opposite of sorts of industries, which have high labor content and sell their goods right on the spot. Local bakeries are an example. They will have lots of trouble selling fresh bread trucked all the way up from Mexico City.

Once again, the fact is simple. If all a company cares about is the wage, it will move. If a company cares about a high-quality work force, good transportation, productivity, and other basic competitive needs, it will not move to Mexico. It will stay here.

The second main argument that Mr. Perot makes in chapter IV is that NAFTA is an investment agreement. It will protect United States investments in Mexico, he says, more effectively than Mexican law protects them today, and thus makes it safe for American companies to move south. That is what he claims.

Anyone who has read chapter I of the book will find this line of argument more than a little surprising. Why? Because chapter I attacks NAFTA's investment provisions on real estate, cable TV ownership, construction, banking, automobile industry, and agriculture. Why? Because they do not open up Mexico to investment—you guessed it—quickly enough.

I am sure Mr. Perot is happy to make both opposite arguments, one in chapter I, the opposite argument in chapter IV. NAFTA does not open up Mexican investment fast enough, chapter I. It opens up Mexican investment too much, chapter IV. But the truth is NAFTA does eliminate most Mexican restrictions on foreign investment. That is a good thing in itself. A better investment climate in Mexico means a more prosperous Mexico; it means less illegal immigration; it means a better market for American goods; it means more jobs in both countries.

Mexico also eliminates a lot of investment policies that Mr. Perot does not mention. They include the requirement that auto companies build factories in Mexico if they want do sell cars in Mexico. And they include the Maquiladora Program, which maintained Mexican barriers to imports while abolishing United States duties. Those are big wins for the United States, which Mr. Perot does not mention in his book.

Remember, investment is not a bad thing. Business executives will tell you that in order to sell in a market, they must invest in sales and service operations in that market. You cannot expect a Mexican who buys a Ford to drive it up to Detroit for a tuneup.

Further, at times moving part of a big manufacturing operation is the only way to keep from losing the whole thing. As Clyde Prestowitz notes, we have the potential to do in Mexico what Japan has done in Thailand.

> There, Japanese companies have invested and assembled components shipped from Japan into products for export to the world. Japan thereby runs a trade surplus with Thailand, while both their production and exports increase. Under NAFTA, U.S. firms should be able to do the same in Mexico, turning Mexico into the same kind of export platform that Thailand provides for Japan.

Prestowitz is absolutely right. We should not fear greater protection for investment. We should welcome it, because it's good for us and good for Mexico.

The global economy is far too complex to be understood in one-dimensional terms with wages being the only determinant of where jobs are located. Wages are a factor in citing decisions, but they are only part of complex calculus, not the determining factor. If we are going to compete with our real rivals—Germany and Japan—we have to get beyond this kind of simplistic thinking about the global economy. Just as Japan's involvement in Thailand helped Japan and Thailand. United States involvement in Mexico can help the United States and Mexico in the larger struggle to enhance our competitiveness, the NAFTA will help us, not hurt us.

My home State of Montana was one of Mr. Perot's best States in the Presidential election of 1992. He did well in Montana because Montanans wisely saw he was generally talking sense on the budget issue. But with respect to NAFTA, this Montanan can see he is not talking sense.

I yield the floor.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey, Senator BRADLEY.

Mr. BRADLEY. Mr. President, I do have an amendment to offer, but I see the distinguished Senator from Missouri and the Senator from Pennsylvania. I am wondering what their interest is, and if it is an amendment or a long speech, or a few stories to make us think about why we are here, or something.

Mr. DANFORTH. Mr. President, if I may, I would like to make some comments that follow on from Senator BAUCUS' speech.

The PRESIDING OFFICER. The Chair recognizes Senator DANFORTH.

THE IMPORTANCE OF THE MISSOURI RIVER

Mr. DANFORTH. Mr. President, in responding to the initial comments that were made by Senator BAUCUS on the Missouri River and the importance of the Missouri River, it is, of course, the matter of great interest to Senators from the upstream States and also Senators from other parts of the country as well.

The Corps of Engineers is now conducting a review of what is called its master manual to determine the relative priorities of various uses of Missouri River water, and those of us who are not from the upstream States are very concerned about it, because we believe that there is a very good likelihood that the Corps of Engineers is going to come out with a revised master manual that will reduce to a secondary or tertiary position on the list of priorities, navigation on the Missouri River and indeed on the Mississippi River.

It is important to note that with respect to the Mississippi River, about half of the water in the Mississippi River at St. Louis feeds into it from the Missouri River. So anything that would reduce the flow of water in the Missouri River would have an effect on the Mississippi River as well and transportation which goes up and down the Mississippi River.

About 65 percent of the water in the Mississippi in drought time is from the Missouri River. Accordingly, it is possible to literally shut down transportation on the Mississippi simply by controlling the flow and reducing the flow into the Missouri River. This is the concern, and it is a matter of great controversy right now, which involves various States.

I want to say to the Senate that I in no way denigrate other uses of water other than transportation. I understand recreational use. I think it is important for people to be able to do windsurfing and sun fishing and the like. But the economic import of river transportation of the inland waterway system for barge transportation is so significant that I myself think it is a little bit ridiculous to elevate recreational use of reservoirs of the upper Missouri River basin to the point where it has an affect on transportation. Considering the amount of agricultural commodities that are shipped on the river, considering the amount of coal that is shipped on the river, considering the amount of fertilizer and chemicals that are shipped upstream on the river, this is a major transportation and a major economic resource for our country.

Therefore, I simply wanted to remark on the comments raised by the Senator from Montana. He certainly has opened up an important question for our consideration. I am glad he did. Although I am not exactly on his side.

There is a letter that was sent in February to the President, and it was signed by 20-some Members of the Senate and a number of Members of the House of Representatives.

I ask unanimous consent that this letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, February 17, 1993.

Hon. WILLIAM J. CLINTON,
President of the United States,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As Members of Congress interested in the free flow of commerce on the Mississippi River system, we are writing to express our concerns about a serious threat to the integrity of the system.

As you well know, the Mississippi River system, which includes the Missouri, Ohio, Arkansas, and Illinois Rivers, is a vital component of our nation's transportation network. Over 100 million tons of cargo, worth almost $16 billion, crosses the middle region of the Mississippi River every year. Products from as far as Pennsylvania, West Virginia, and Nebraska are shipped on the Mississippi, some ending up in Louisiana for export. More than half of the nation's grain exports are shipped on the system; more than 75 percent of those transit the middle region of the Mississippi River.

The Corps of Engineers is currently wrapping up a three-year review and update of the Master Water Control Manual for the Missouri River and its upstream reservoirs. In its study, the Corps has considered over 250 scenarios for managing the Missouri River system, nearly all of which assume higher reservoir levels than prescribed in the current Master Manual. Many of these alternatives threaten to lower water levels in the Missouri to a point where navigation would be imperiled. This would have serious consequences for the entire Mississippi River system.

The Missouri River is the largest tributary of the Mississippi, accounting for nearly half of the water in the Mississippi at St. Louis. In June of 1988, when the Upper Mississippi experienced serious drought conditions, the Missouri provided as much as 65 percent of the water in the Mississippi. During that drought, about 180 blockages occurred over a span of 900 miles. The economic toll was disastrous, as barge rates tripled and remained at inflated rates. If it weren't for strong flows from the Missouri, conditions would have been dramatically worse.

In addition, barges originating on the Missouri are destined to ports up and down the Mississippi, and vice versa. If navigation on the Missouri is brought to a halt, the viability of the entire Mississippi River system would be badly damaged.

Major sectors of our economy depend on reliable flows of water for navigation. According to a Missouri-Arkansas River Basin Association study, navigation delays of four weeks on the Mississippi River could cost as much as $160 million. The agricultural sector is especially reliant on barge transportation. A Missouri Department of Agriculture study estimates that if navigation on the Missouri River is halted, increased input costs and lower farm prices would reduce net farm income in the State of Missouri alone by over $100 million in one year.

Because changes to this document could have serious repercussions for our transportation network and for midwestern agriculture, we urge you to assign an inter-agency group, consisting of at least the Secretaries of Defense, Transportation, and Agriculture, to consider the policy choices involved. We ask that you direct those Secretaries to review the Corps's work to date, and that you ensure agreement between the interested agencies before the Corps issues a draft environmental impact statement to update the Master Manual.

We appreciate your attention to this matter. The integrity of the inland waterways system is at stake.

Sincerely,

Alan Wheat; Dave Durenberger; John C. Danforth; Christopher S. Bond; Thad Cochran; Trent Lott; Dan Coats; J. Bennett Johnston; Richard G. Lugar; Tom Harkin; Don Nickles; Jim Sasser; Nancy Landon Kassebaum; David L. Boren; Charles E. Grassley; John D. Rockefeller, IV; John B. Breaux; Carol Moseley-Braun; Paul Simon; Howell Heflin; Paul Wellstone; Wendell H. Ford; Harlan Mathews; Herb Kohl; Dale Bumpers; Mitch McConnell; Richard C. Shelby; Russell D. Feingold; Jim Leach; Bart Gordon; Jerry F. Costello; Jim Nussle; Jim Ramstad; Fred Grandy; Timothy J. Penny; John A. Boehner; Mel Hancock; Pat Roberts; Peter Hoagland; Pat Danner; Bill Barrett; Blanche M. Lambert; Ike Skelton; Ray Thornton; Jan Meyers; Richard A. Gephardt; Jim Slattery; Harold L. Volkmer; Bob Livingston; Dave McCurdy; Doug Bereuter; Jim McCrery; John S. Tanner; Thomas J. Barlow; Bill Emerson; William L. Clay; Sonny G. V. Montgomery; Jamie L. Whitten; Lane Evans; Donald A. Manzullo; Bob Clement; Steve Gunderson; Jim Lightfoot; W.J. (Billy) Tauzin; Dan Glickman; James M. Talent; James A. Hayes; Neal Smith; William H. Natcher; David Minge; Don Sundquist.

Mr. DANFORTH. I yield the floor.

MISSOURI RIVER OPERATING PLAN—POLITICS OR GOVERNING?

Mr. BOND. Mr. President, earlier this afternoon one of my colleagues brought up the issue of the ongoing Corps of Engineers review of the Missouri River basin's master manual. He implied that political pressure was being brought to bear unduly and that the draft EIS process should continue using sound science and economics rather than politics.

As one who has watched the upstream States flex their political muscle over the corps at every opportunity, I have to ask myself why the sudden concern over language in the House energy and water appropriations bill which says Congress should be involved in any major changes in the management of the river.

I also should note for the record that these complaints come from the same region whose Senators in June 1991 placed a hold on the nomination of Nancy Dorn to be the Assistant Secretary of Army for Civil Works in an attempt to cut a deal regarding the management of the river.

I become even more concerned when I hear a series of statements that came straight from a fatally flawed, politically motivated, GAO report.

So I must confess that this sudden insistence on a pure no-politics handling of the corps EIS is cause for concern.

Now as many of my colleagues may know, the GAO issued a report last year which has been trumpeted by the upstream states as proof positive that the management of the river by the corps is wrong and should be changed. Unfortunately, this report is so flawed that it has become a catalyst for reform of the GAO.

Too often the GAO has allowed itself to become a willing pawn in political games, in effect allowing a requester to write the report they want. I have referred to this as the "Alice's Restaurant" of Woody Guthrie fame where "you can get anything you want at Alice's restaurant * * *"

The GAO's report on the corps management of the Missouri River is one excellent example of this type of shoddy, unprofessional work.

Two key points bear repeating from my critique of this report.

First, that the so-called corps estimate of 12 million tons of navigation on the river formed the basis for the operating plan of the river. Let me make this absolutely clear.

At no time between the authorization of the river widening and the first master manual did the corps, Congress, or any State, local or other Federal agency assume navigation traffic would reach 12 million tons. At no time since the first master manual—whether it be in the annual operating plans or in the subsequent revisions of the master manual—has any agency assumed or acted on the assumption that 12 million tons of navigation would be reached.

Second, the 1944 Flood Control Act clearly identifies the priorities of the system. As even up stream Senators admit, navigation is listed, recreation is not. Thus the House is right in their position that the corps must come to Congress if they wish to add or change the priorities specified in the 1944 Flood Control Act.

These issues are fairly straightforward. The corps cannot, nor should it, revise the master manual to create new rights unless Congress agrees and changes the underlying law.

While the upstream States say they don't want politics involved, it was Congress that authorized the project, Congress which set the priorities for use, Congress which funded the project, Congress which funds its annual upkeep, and Congress who decides what if any changes in the priorities should be made.

That is not politics, that is governing.

ENERGY AND WATER APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

AMENDMENT NO. 988

(Purpose: To limit certain funds regarding the monitored retrievable storage facility)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. DOMENICI, and Mr. BRYAN, proposes an amendment numbered 988.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is a follows:

At the appropriate place in the bill, insert the following:

SEC. . None of the funds provided under this Act shall be made available for Phase II-B grants to study the feasibility of siting a Monitored Retrievable Storage Facility unless the Nuclear Waste Negotiator has first certified to the Secretary of Energy that there is a reasonable likelihood that agreement can be reached among all of the relevant governmental officials in the vicinity of any proposed site.

Mr. BINGAMAN. I ask unanimous consent that the pending committee amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I rise today to propose an amendment to the energy and water appropriations bill dealing with appropriations from the nuclear waste fund. This amendment would preclude funding for phase II, part B grants pursuant to site investigation for a monitored retrievable storage facility, pending agreement among relevant governmental officials in the vicinity of any proposed site. I believe that there are some significant issues surrounding the MRS process, and the Office of the Nuclear Waste Negotiator, that we need to address before more funds are spent on the project.

The intention of this amendment is to address these issues in a limited way by slowing down the funding process. Phase II, part B funding can be provided to the tune of $3 million per applicant. I believe that there is a good-government need to keep from putting more money into this program until we have asked and answered some important questions. This may require getting to these issues through the authorizing committees. But I believe we need to start with the program's funding.

Let me take a minute to lay out some of the history of this program. The Nuclear Waste Policy Act of 1982 required the Department of Energy to develop a repository to dispose of nuclear waste. The act also instructed DOE to study and propose a monitored retrievable storage facility, which would be used as a temporary emplacement until a permanent repository was constructed. Although the purpose of the 1982 act was to devise a permanent solution to nuclear waste disposal, it was envisioned that a temporary solution would be needed in geographic proximity to the powerplants where the waste was produced. Most of these plants are on the two coasts.

The 1982 act further required utilities to maintain and pay for their onsite storage and to pay fees into the nuclear waste fund for future Federal storage in an MRS facility and disposal in the repository.

The 1987 amendments to the Nuclear Waste Policy Act authorized construction of a temporary MRS and established the Office of the Nuclear Waste Negotiator. The Negotiator is empowered to find a State or Indian tribe willing to host a repository or an MRS facility and to negotiate with the Governor or tribal leader the terms and conditions under which the prospective host would accept either facility at a technically qualified site.

Mr. President, let me simply state my concerns with the MRS Program.

First, the program as it is now developing is a long way from what was originally envisioned. When the Nuclear Waste Policy Act of 1982 was passed, temporary storage was envisioned near the point of waste production—on the east and west coasts of the United States. Instead, what we have devolved into is the all too common situation of looking toward the vast open spaces of the West to accommodate the products of an industrial civilization.

If the MRS is intended to be temporary, why truck this waste all the way across the country? The safety and health of the American people is not at stake here. Utilities can store the additional waste at reactor sites. Spent fuel has been safely stored for many years in storage pools at reactor sites, and dry storage technologies are considered by NRC, and others, to be at least as safe. Costs are estimated to be roughly the same for onsite storage and an MRS facility.

Second, the premises under which the program is operating are questionable. DOE's MRS policy is based on the assumption that a potential host State or Indian tribe will agree to, and the Congress will approve, an agreement that would allow an MRS facility to begin operating in 1998. But because of the statutory linkages between the permanent repository and the MRS, as laid out in the 1982 Nuclear Waste Policy Act, this is most unrealistic.

DOE does not expect to receive the Nuclear Regulatory Commission's authorization to conduct a repository at Yucca Mountain until 2004. According to a 1991 GAO report, this means that DOE could not have an MRS facility operating before about 2007.

So where is this waste going to go in the meantime? Has DOE thought about this? We certainly have not received any indication that the Department has any contingency plans.

Third, I believe that the MRS is diverting attention from the real problem of permanent disposal. Since the passage of the 1987 amendments, DOE's target deadline for development of a permanent repository slipped from 2003 to 2010, and now to 2013. What real guarantees do we have that a temporary MRS might not turn into a permanent facility? Although the 1987 amendments linked development of an MRS facility to progress in permanent repository development, the Negotiator could negotiate an agreement for hosting an MRS facility without any real linkages to a repository.

So, Mr. President, we have problems in either direction on this. I urge the Senate to adopt this amendment so that we can take a step back and really scrutinize where this program is going.

I believe there are some significant issues surrounding the MRS process in the Office of the Nuclear Waste Negotiator, and we need to address those issues before more funds are spent in this area.

It is my information this amendment is acceptable on both sides.

The PRESIDING OFFICER. Is there additional debate?

The Senator from Louisiana, Senator JOHNSTON.

Mr. JOHNSTON. Mr. President, we not only accept this amendment, we enthusiastically endorse it.

Under the Nuclear Waste Policy Act, the nuclear waste negotiator was directed to go out and try to find a volunteer for the monitored retrievable storage nuclear waste facility. The negotiator has done that. They have what they call phase I grants and phase II grants that they can make to Indian tribes, as well as States and localities. Many grants have been provided to Indian tribes. The problem is the Indian reservations happen to be located within States, and States feel like they are entitled to have a say in the process, too.

So what the Senator is saying here is that you do not waste the Government's money by making the grants unless there is a reasonable assurance that the States will also go along. That is really good legislation. I really appreciate the Senators from New Mexico in their bringing forward this very constructive amendment.

The PRESIDING OFFICER. Is there additional debate?

Mr. BINGAMAN. Mr. President, let me just thank the committee chairman for his comments. I do think it is very important we get the States and local government officials who are directly affected by this in the vicinity being considered involved in this process. That is the purpose of the amendment.

I urge my colleagues to support it.

The PRESIDING OFFICER. Is there additional debate?

If not, the question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 988) was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey, Senator BRADLEY.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the committee amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 989

(Purpose: To eliminate funding for the gas turbine-modular helium reactor (GT-MHR) program)

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. KOHL). The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY] proposes an amendment numbered 989.

On page 31, strike lines 9 through 12, and insert the following: "which 18 are for replacement only), $3,249,286,000, to remain available until expended: *Provided*, That no funds made available by this Act shall be used for the gas turbine-modular helium reactor (GT-MHR) (formerly known as the high temperature gas reactor).".

Mr. BRADLEY. Mr. President, I rise today to offer an amendment to cut $22 million from this appropriations bill, the $22 million earmarked for the high-temperature gas reactor, the HTGR, now know as the gas turbine-modular helium reactor.

This program had been scheduled for termination by President Clinton. No money was requested by the Department of Energy's budget for fiscal year 1994. The President did not ask for this money. The Energy Department did not request this money.

Last year, a National Academy of Sciences panel completed a review of the current civilian nuclear power reactor program. This study was done specifically at the request of Congress and in response to concerns voiced by an energy and water appropriations bill that the nuclear program should be rethought, newly defined, and directed to be responsive to current projected conditions.

After serious analysis, the National Academy of Sciences panelists reached this conclusion: "No funds should be allocated for development of HTGR technology."

It makes little sense for Congress to demand the experts to do their work and then we simply disregard their recommendation. I am not aware that anyone here is a nuclear scientist. The Academy's panel recommended no funds for this program.

The nuclear utility industry itself is at best lukewarm on this technology. The industry recalls the experience at the 330MW Fort Saint Vrain's HTGR. But the experience says that reactor was completed in 1974 and the plant had perhaps the worst operating record of any civilian nuclear facility in the country and was shut down for good in 1990.

In testimony before the Senate Committee on Energy and Natural Resources, nuclear advocates predicted that no utility would order a plant based on this technology prior to the year 2010. No utility. These are nuclear advocates. No utility would order a plant with this technology if it were developed until the year 2010. The Department of Energy representatives present agreed.

In a 1991 study, the Electric Power Research Institute found that even by 2010 the modular HTGR high-temperature gas reactor would not be cost competitive with the reactor, the advanced light-water reactor, notably the Westinghouse designed AP600. It is on these reactors, the advanced light water-reactors and their designs—not on this HTGR reactor—that the nuclear industry is betting its resurgence and the reemergence of nuclear power as an option.

This reactor on which $22 million is being spent is not a priority issue with the nuclear industry. I have a utility in my State. It has four nuclear powerplants. They have no interest in this technology. The industry itself has not manifested significant interest in this technology. So this is not a nuclear energy debate. This is a debate about the budget.

Do you want to spend $22 million on this reactor, which the industry does not seem to want and which the National Academy of Sciences has recommended that no funds be spent on?

Mr. President, the HTGR program or the MHTGR program or the GT-MHR program—the high temperature gas reactor, the modular high temperature gas reactor, the gas turbine modular helium reactor—whatever you want to call it, in my view writes the book on how to waste taxpayer dollars. It makes the wool and mohair program seem like Head Start.

The HTGR is a technology for which commercial orders were being taken in 1970. In 1970, General Atomics, the lead vendor, had 5 contracts for construction of 10 plants. By 1975, 3 years before the accident at Three Mile Island all of these contracts but one were terminated. The one commercial reactor that was built, the Fort Saint Vrain plant, operated only 15 percent of the time. It was a disaster. It was closed in 1990. In short, this technology did not fly in the marketplace. No utility wanted it.

Since 1978, the taxpayers have kicked in $540 million in research and development into this technology, $540 million.

What has the industry itself contributed to develop this technology that supposedly they are going to profit from $27 million. That is a 20-to-1 cost share, 20 times more taxpayer dollars than industry dollars.

And for this investment here is what the taxpayer has accomplished. We have taken a technology that was billed as commercial, cost-competitive in 1970 and turned it into a technology that might be commercial and cost competitive in the year 2010.

Now that is progress. Does this sound like something that you would like to spend your money on? I would argue, no.

And that kind of progress—from being cost competitive in 1970 to essentially having the cost competitiveness of the modified technology recede into the distant horizon of 2010—will only happen if taxpayers kick in between $1 billion and $2 billion more—$1 billion and $2 billion more. Why?

Well, first, we have to complete the R&D phase which DOE says will cost about $700 million. This phase is necessary to give us the basic information on the technology. Then, to make the technology commercial, we will have to build a full-scale demonstration plant and operate it successfully through several fuel cycles. That is what the utility industry says will have to happen before there is any likelihood that any of them is going to place an order for this reactor.

This demonstration reactor will add another $1 billion or more to the HTGR bill.

Now, let us think about that. We have just had a vote on the advanced light metal reactor. Last week, we had a vote on the advanced solid rocket motor. In both of those cases, as in the super collider debate, the argument was made: "Well, it is too late to stop. We just have to go forward."

You know, there are only two arguments that are made for this kind of project: One, it is too soon to tell, so we have to spend more money. And the other is, it is too late to stop, so we have to spend more money.

My view is that if we stop this now, we would not be incurring the $2 billion in future cost and we would save $22 million now.

Mr. President, just to reiterate this point, my amendment directly cuts only $22 million from the Department of Energy account. But that is not the way you have to think about this. Because if we do not stop the program now, it obviously continues, and that continuation implies more and more taxpayer funding—up to $2 billion—for a technology that has not lived up to its promises, that was not commercial in 1970, and probably will not be competitive in 2010.

This amendment ultimately cuts far more than $22 million. We avoid all of the other costs in all of the other appropriations bills that will follow this $22 million.

The nuclear industry is supporting, with its words and its wallets, I might say, the advanced light water reactor. They care about that. Those wallets are staying shut for the HTGR, and maybe that should be the clearest sign of all.

The National Academy of Sciences understood this. It recommended no funding for a research program. That is a very rare event. The National Academy of Sciences, all scientists, all research oriented, said no funding for this research program.

President Clinton understood this. He recommended no funding for this program. The administration supports my amendment to eliminate this $22 million.

I might add that the nuclear industry does not have much interest in this technology. Certainly not enough to put up much money—$27 million against $540 million for the Federal Government over 20 years. So, if money talks, the nuclear industry does not have much interest.

The National Academy of Sciences says we want no funds for this program. President Clinton says no funds for this program. And, I might add, Ronald Reagan understood all of this, as well, and in his administration his recommendation was also no funding for this program.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. BRADLEY. I would like to finish my statement.

Our constituents, I think, understand this too.

I have a letter from representatives of a wide variety of groups—from the Council for Citizens Against Government Waste to the Friends of the Earth—supporting this amendment.

I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FRIENDS OF THE EARTH, LEAGUE OF CONSERVATION VOTERS, COUNCIL FOR CITIZENS AGAINST GOVERNMENT WASTE, SIERRA CLUB, U.S. PUBLIC INTEREST RESEARCH GROUP, PUBLIC CITIZEN, ENVIRONMENTAL ACTION, NATURAL RESOURCES DEFENSE COUNCIL, SAFE ENERGY COMMUNICATION COUNCIL, NUCLEAR INFORMATION & RESOURCE SERVICE,

September 28, 1993.

ENERGY & BUDGET L.A.: FLOOR ACTION WEDNESDAY—SUPPORT BRADLEY AMENDMENT TO CUT $22 MILLION FOR MHTGR

"*No funds should be allocated for development of HTGR technology.*"*—National Academy of Sciences, in 1992 study mandated by Congress*

DEAR SENATOR: When the Senate considers the Energy and Water Appropriations bill later this week, we urge you to vote for Sen. Bill Bradley's amendment to delete all funding for the Department of Energy's Modular High-Temperature Gas-Cooled Reactor (MHTGR) (aka "Gas Turbine-Modular Helium Reactor"). President Clinton proposed in his budget to terminate the program, but the Appropriations Committee is attempting to revive its funding. The amendment would cut $22 million in FY94, and save hundreds of millions of dollars in future program costs.

Council for Citizens Against Government Waste (CCAGW) opposes the MHTGR because of cost and economics. In a comparison of competing electricity generating technologies, Department of Energy staff ranked the MHTGR as 20th out of 23 DOE programs on the basis of energy contribution, economic contribution, market risk, technological risk and environmental impact. The utilities' Electric Power Research Institute found in 1991 that the MHTGR would not be cost competitive with the advanced light water reactors on which the nuclear industry now pins its hopes. If no utilities want to buy the MHTGR, why should the taxpayers want to? Continued research alone could cost hundreds of millions of dollars, with no actual reactor order in sight. Industry is unlikely to adopt untested technology without a working prototype, which would easily cost a billion dollars, the majority of which would be sought from the taxpayer.

Environmentalists also oppose the MHTGR because of safety concerns. The MHTGR has been portrayed as safer because it uses passive cooling systems. But these systems do not allow use of conventional containment structures to prevent release of radiation in event of accident. The Nuclear Regulatory Commission's Advisory Committee on Reactor Safeguards wrote in a July 20, 1988 letter to the NRC Chairman that lack of containment "might be a problem" and posed "a major safety trade-off" if the reactor vessel and core were not intact. The Committee concluded that "we are not prepared at the present time to accept these approaches [to reactor safety] as being completely adequate."

We would like to alert you that the League of Conservation Voters's political advisory committee will consider this vote in the process of compiling the 1993 National Environmental Scorecard at the end of this session. Also, Council for Citizens Against Government Waste may consider this vote when compiling its 1994 congressional ratings.

Please support the Bradley amendment.

Sincerely,

Ralph De Gennaro, Director, Appropriations Project, Friends of the Earth; Jim Maddy, President, League of Conservation Voters; Daniel A. Lashof, Senior Scientist, Natural Resources Defense Council; Leon Lowery, Director, Energy Government Relations, Environmental Action; Bill Magavern, Director, Critical Mass Energy Project, Public Citizen.

Tom Schatz, President, Council for Citizens Against Government Waste; Anna Aurilio, Staff Scientist, U.S. Public Interest Research Group; Karen Kalla, Associate Washington Representative, Sierra Club; Martin Gelfand, Research Director, Safe Energy Communication Council; Michael Mariotte, Executive Director, Nuclear Information & Resource Service.

Mr. BRADLEY. The recommendation of the citizens groups is the same as Ronald Reagan, the same as Bill Clinton, the same as the National Academy of Sciences: No funding.

These groups feel so strongly about it that my sense is this amendment will likely be on two scorecards—the League of Conservation Voters and Citizens Against Government Waste.

I hope people understand that there are very sound, substantive reasons to delete this funding.

Less than 3 weeks ago, I stood in this Chamber to speak about the need to set up some principles to guide our attempts to cut Federal spending. Without a set of principles to guide our actions, we will just continue to argue in circles about the merits of this program or that program, whether it should be on the chopping block. Yet, we are not going to eliminate any of them.

Last week, I offered an amendment to eliminate the Selective Service System in the post-cold war world. No, we did not do that.

The last two amendments that we had on the Super Collider and the advanced light metal reactor could have saved millions of dollars—billions. No, we did not vote to cut.

When we were doing the budget, everybody was saying we have got to cut spending, cut spending, cut spending, cut spending. Now here is a opportunity to cut spending. Our response: no, no, no, no.

Well, here is another opportunity.

Mr. President, these votes are precisely the kind of business-as-usual politicking that I think has caused the American people to become cynical about our system of Government.

That is why I asked myself two simple questions each time we set out to cut spending in appropriations bill that the Senate was going to consider for the past couple of weeks.

The first question: Does it provide something that is in the general interest and is essential to American public life? National defense?

The second question is: Is the taxpayer funding the only and most cost-effective way that this specific, important, public purpose will be met?

These two principles, I think, reflect basic American values and take into account the obvious limitations we have on Federal spending.

Mr. President, does the high temperature gas reactor, the modular high temperature gas reactor, or the gas turbine modular helium reactor—all part of the same family—do any of them provide something essential to American life? Absolutely not. Bill Clinton says no. Ronald Reagan says no. The National Academy says no. Public citizen groups say no.

Mr. President, is taxpayer funding the only and most cost-effective way to support this program? I say no.

We have given this technology and those who will benefit from it—the companies involved—$540 million since 1978 and they have only put up a little over $20 million, and we have precious little to show for it.

I say we have done enough. If the industry will not support this project—bearing in mind that the HTGR reactors have been built since 1964—then it should not be supported by the American taxpayers.

It is time to stop this program. I urge the Senate to step up, to follow President Reagan and President Clinton, to follow the experts at the National Academy of Sciences, to follow the citizens groups, and to follow two principles and say: Enough is enough. Let us end this program.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana.

Mr. JOHNSTON. I must say, hearing my distinguished friend, and he is my friend, talk about this program, I hardly recognized the program because he was talking about a different program and different technology. He talked about Fort Saint Vrain, which was a program from the early 1970's, and about a report from the National Academy of Sciences on a different kind of reactor.

If my colleagues will listen carefully, I can tell them why this ought to be done. Let me say at the outset, about this reactor, the gas turbine modular helium reactor—an agreement has been signed with the Russians to share the cost of the development of it, 50-50. I do not know whether it was discussed at the Vancouver summit or not. But we do know the President is very interested in promoting trade with Russia. I say that at the outset because this is a very important technological possibility, and let me explain why.

First of all, this is an inherently safe reactor. That means it cannot melt down. Some reactors have what we call a positive coefficient, which means when you take away the coolant, the water, the radioactivity increases and it is a runaway. This is the case of the RBMK reactors in Russia, such as the Chernobyl reactor. It had a positive coefficient and it was a water-cooled reactor. Consequently when the water was taken away from the fuel rods, not only the fuel rods got hotter but the radioactivity increased and in a matter of virtually no time, almost instantaneously, the rods had melted and you had the beginning of the China syndrome. You had the Chernobyl syndrome.

We think with American light water reactors the Chernobyl cannot happen because American reactors, while they are water cooled, do not have this positive coefficient. Nevertheless, as we saw in Three Mile Island [TMI], you can have a difficult situation if the water is taken away because you can have the beginning of melting of the fuel rods.

That is what happened at TMI. The American reactors have a containment building which, in the case of TMI, contained all the radioactivity. The seriousness of the result of TMI, in addition to scaring a lot of people, was it was a very expensive cleanup operation.

We are coming out with a new generation of reactors; the AP-600 by Westinghouse is one; General Electric has another one; CE has another one, which in addition to those factors—containment, negative coefficient on fuel—they also have an ability to circulate the water which does not depend upon pumps so there is a natural convection flow of the water which makes them still safer.

But even with the new reactors, there is always that possibility, however remote, however fleeting, however vanishingly small, that if the water gets away from the rods, you could have a nuclear accident—contained, to be sure, by the building. And we think inherently safe. But not absolutely demonstrably safe.

This reactor is the first to come along that we believe is absolutely inherently safe. It cannot melt down. Why is that? Because of the design of the fuel. There are minute amounts of fuel encased in a little round ball smaller than a BB; and because of the size of the reactor, I believe it is 600 megawatts, because of the size of it, that is why they call it modular.

Because of those characteristics of the fuel, if you take away all the coolant, the highest temperature that this can reach is 1,400 degrees centigrade. The fuel has been tested to 1,800 degrees centigrade. And we believe it could withstand 5,000 degrees Fahrenheit. But it has been tested to 1,800 degrees centigrade. So there is a 400 degree centigrade safety margin in the event of the worst accident possible. That makes this a very, very attractive alternative. I believe my friend from New Jersey will concede it does have that capacity.

That is why the country has pursued technologies, including the Fort Saint Vrain reactor—which, indeed, was not a success at all. Not because of the inherently safe characteristics but because of the heat exchanger and the turbine, which ran on some water bearings and just did not work. In other words, it was that which was outside the reactor, not the reactor itself, which was the difficulty. But, of course, if you cannot generate electricity, what is the point? And Fort Saint Vrain, indeed, did not work.

This reactor uses a brandnew technology that has not been commented upon by the National Academy of Sciences or anyone else. And it should be. What we want to do is bring this reactor to a research and development status where we can determine if what appears to be true about this reactor, if what the Russians see in this reactor, what we see in the reactor, is true. If so, then I do not see how anybody can be against the reactor. The real difference in this reactor is you do not have to use a heat exchanger.

In the average reactor, you have the water that circulates in through the core and actually comes in contact with the fuel rods and comes out as very hot, boiling water or steam, and goes through what is called a heat exchanger. Picture, if you will, a lot of little pipes into which this radioactive water is circulating. Those pipes are in turn in contact with some other pipes. The second set of pipes contain clean water. You have to exchange the heat between that which circulates through the reactor and is contaminated through the pipes in contact with the other pipes, so you can get steam in the second loop, which is not contaminated.

That is said very quickly. To accomplish it and do it is a very complicated, wasteful process. There is a huge amount of waste heat involved. Indeed, they did not even solve the problem in the case of Fort Saint Vrain—it could not work.

This reactor uses helium. It puts the helium gas directly into the generator so you do not have to go through this additional loop, so the helium gas operates like a jet engine or just like a gas-fired turbine. The gas goes directly into the generator.

The advantages of this are pretty obvious. There is 100 percent less waste heat. In other words, in the ordinary reactor, you have twice as much waste heat that just goes up into the atmosphere as on this one. What does that mean? It means half the amount of fuel and half the amount of waste because of the efficiency of the process.

You say, why have they not done that with water? Why did they not put the water or steam directly into the generator? The answer is the water is radioactive.

You say why is the helium not radioactive?

The answer is that helium is an inert gas. It does not partake of the radioactivity.

Why did they not do this all along? Well, it is because they lacked a particular technology that they have developed, and that is a mature technology that allows for heat recuperating inside the reactor, and that is the breakthrough of this design.

So we have a design that we believe is inherently safe, and it uses half the fuel, produces half the waste, produces half the waste heat that goes up into the atmosphere.

There are some other advantages. One of them is it does not use water. That means you would be able to put the reactor in a desert area because it does not require these vast quantities of water. You can imagine what that means. It means, for example, that you can put these reactors way out there in the desert where they are away from people and they do not require the water. There are huge advantages to it.

Another big advantage is that this reactor, the initial technology was really developed as a tritium producer, what we call a production reactor. Tritium is an essential element in nuclear weapons. Nuclear weapons have both plutonium or uranium and tritium. Tritium is a gas which decays. I think the half-life of tritium is 5½ years.

In other words, you make a nuclear weapon, you put in the tritium; 5½ years later, you come in and there is half the tritium there you started with; and in another 5½ years, you have one-fourth, and so on.

So it means the entire American stockpile of nuclear weapons soon become—"soon" being a relative term—become obsolete and incapable.

How are we solving that problem? What we are doing is reducing the number of nuclear weapons, and we do what they call mine the tritium out of the weapons; that is, take the tritium out of some weapons and put it in other weapons so we will have enough.

But guess what? By the year 2008, we have to have—according to the Armed Services Committee in their report on the 1994 defense authorization, they say we have to have a new reactor operating in order to avoid the loss of the capability of our nuclear weapons.

You say, "Well, we want to go to a nuclear-weapons-free world," and I endorse that. All of us want to see that. But prudence says, with nuclear weapons proliferating all over the world right now, we ought at least to keep our capability to produce tritium and not confuse our hope for the future with our knowledge of history and our cold, hard prediction of what may happen. I would like to have the security of this country rest on something other than an agreement of all these nuclear weapons countries and possible nuclear weapons countries, including North Korea, Libya, et cetera, to do away with all their nuclear weapons capability.

So that is another reason to have this technology. It is because it can produce tritium.

Mr. President, if we need new supplies by the year 2008, according to this Armed Services Committee report in their authorization bill for 1994, they say that we should begin construction by 1999 or by the year 2000. Preliminary design would have to begin in 1994 or 1995. So what we are doing in this bill, the $22 million in this bill will give the Department of Energy the capability of doing enough R&D on this reactor to determine, first, whether we ought to pursue the Russian connection where we would use their ability on a 50-50 split with us. Frankly, most of their contribution would come in terms of expertise, buildings, some supplies over there. Most of ours would, I presume, come from money as well as expertise.

In any event, an agreement has been signed with the Russians. The Russian Energy Minister has twice been in my office urging that I do everything I can to promote this exchange. The name of the Russian Energy Minister is Victor Mikhailov. He is very strong on this program. So what this does is it gives us a look-see at the program.

There is still another aspect of this. The Russians have announced that they want to use their plutonium and their highly enriched uranium in a reactor program. You can say, "Well, why do they not just bury it out there in the desert somewhere?"

In the first place, as we discussed in the last amendment, that is not proliferation-proof, but more than that, it destroys the value of the plutonium, and this is a way to burn the plutonium because this can be a plutonium burner. Again, it produces half the amount of waste with a high degree of efficiency.

The projections, Mr. President, by the designers of this reactor would show that it is more efficient than an ordinary light-water reactor and more economically viable than a light-water reactor. To be sure, those are the claims of the developers, but they are not claims with figures picked out of the air. They are, rather, engineering claims made from the preliminary design which they have done.

What the committee is asking is that we pursue this technology through its early R&D stages to give us the answer to five questions:

First, should we pursue it with the Russians, who are very anxious to do it? Everybody is anxious to do cooperative R&D with the Russians, a cooperative commercial venture. This is such a venture.

Second, should it be pursued as a plutonium burner? And that is a very important nonproliferation issue.

Third, should it be pursued as an inherently safe venture? I believe that is the one characteristic that virtually everyone concedes, that it is inherently safe, it cannot melt down.

Fourth, and perhaps most important, do the claims for its economic viability stand up? And that is very important.

Finally, is it the right way to go as a tritium producer, at least in a standback capacity? It may be that we will not want to have a reactor to make tritium. My guess is that we will because you remember the K reactor down in South Carolina we closed.

The Senator from Oregon and I both agreed we should close that K reactor because it was not a safe reactor. That does not mean we will not need technology for tritium in the future.

This would give the option to have a look-see as to whether we can make tritium from a reactor.

Is this the only possible technology for making tritium? We think that it might be able to be made in accelerators.

I, personally, do not believe that accelerator technology is going to work out economically, but that is a possibility and we need to look into that as well. But a prudent country does not crack all its eggs because it does not need a chicken right at the present time. It pursues its possibilities for its future needs. And that is what this relatively small amount of money does. It allows us to pursue what could be tremendous breakthroughs in safety, in economy, in nonproliferation, and tritium production that we do not now have.

That is why the committee has put in the money. This technology is different from any studied at Fort St. Vrain, which the Senator from New Jersey talked about. Absolutely, we should not pursue Fort St. Vrain. Fort St. Vrain could not be made to work. But that is like saying the Edsel did not work, so abolish Detroit. This is new and different, totally different.

The reason we pursued technology at Fort St. Vrain is because of that inherently safe characteristic. That is why the country spent money on Fort St. Vrain. We think this will help create not only the safe technology, but the proliferation ability, the ability to produce the tritium, and all done at a very efficient and economically viable way.

Mr. HATFIELD. Will the Senator yield for a question.

Mr. JOHNSTON. Mr. President, I hope we would continue with this.

I will yield.

Mr. HATFIELD. Mr. President, I commend my colleague for such a lucid description of a very highly technical issue. Methinks he speaks as a nuclear physicist. I should address him perhaps not as my colleague, Senator, but my colleague, Dr. BENNETT JOHNSTON. I not only have that feeling of awe and respect, but I also have a sense of fear, and that is that this ability that he has demonstrated to his colleagues here today might become a criterion for future chairmen of our subcommittee.

Mr. JOHNSTON. I thank the Senator for his kind remarks. He is always a wonderful partner to work with.

Mr. President, I wonder if the Senator from New Jersey has disgreed with anything that I have said and, if so, what it is, and should we engage in a colloquy about it.

Mr. BRADLEY. Mr. President, if I could, I would like to maybe comment on a few of the remarks that were made by the distinguished Senator from Louisiana.

Mr. JOHNSTON. While I still have the floor, Mr. President, I really wanted to find out, does he agree, first of all, with my statement that this is an inherently safe technology?

Mr. BRADLEY. I would say that every new generation of nuclear reactors is safer than the previous generation. That is inherent in a new generation of reactors. I think it is too early to tell on this particular technology, however. And I think that is one of the things that is being tested.

Mr. JOHNSTON. I appreciate the Senator's response. I think what I am hearing is that the Senator does not disagree with the claims, but you have to do the research in order to find out whether what everyone thinks is so really is so. Is that fair?

Mr. BRADLEY. As I heard the Senator speaking, and he can correct me if I am wrong, one of the key elements in safety would be the fact that the containment facility would not have to be as big or as strong as in other nuclear reactors. Is that true?

Mr. JOHNSTON. As a matter of fact, you would not need a containment building. But I believe the NRC, nevertheless, would require a containment facility, so that it is like belt and suspenders; you do not need it, but they say you have to wear a belt even though you have suspenders. And we built that into the economic projections here, that a containment facility would be required.

Mr. BRADLEY. As I heard the Senator making his comments, that was one of his points, that you would not need a containment facility. And now it has changed slightly to maintaining the assertion you do not need a containment facility, but the NRC is going to force you to have a containment facility. I find that to be a slight contradiction.

Mr. JOHNSTON. No, I am not saying that the NRC has said that they would require it. I expect that they would because that seems to be their present policy. There has been no application to license this reactor, so that we do not know what they would do.

What I am saying is that I believe the scientists would say that the claims for an inherently safe reactor, that at loss of coolant the top temperature would be only 1,400 degrees, that this fuel has been tested at 1,800 degrees centigrade, and that they believe the melting point is well above 1,800 degrees centigrade. And that would dictate, since a melt down is not possible, that a containment was not necessary. Now, whether they would require the belt and suspenders, nobody knows at this point. But what we are after here is the safety.

My first question was whether he agrees that that safety is there, and I assume that the answer to that is yes.

Mr. BRADLEY. If I could respond, it would be that it is still inconclusive. I would just point out that the NRC has been reviewing the design as a part of an ongoing effort of licensing, questions about licensing. And they contracted for review of the MHTGR technology and it was a probability risk assessment.

This review concluded, and I would like to, if I could, just quote from the report.

> At this conceptual stage, it must be concluded that important elements of the design such as the almost complete reliance on one passive——

That is automatic——

> system for heat removal, the choice of non-safety related minimal redundancy designs for other heat removal and support systems in the current confinement three-eighths design and the elimination of the operator from all but mundane tasks cannot be justified under the current PRA.

Which is probability risk assessment. Then it goes on and says:

> It must be concluded that not only has the risk from the MHTGR not been completely assessed but that the actual risk associated with the reactor——

This is the reactor. Not the turbine, the reactor.

> may be substantially higher than estimated in the MHTGR probability risk assessment.

Mr. JOHNSTON. But the Senator keeps referring to the MHTGR which is a different animal, a different generation from the HTGR. The fundamental difference here is that we have direct helium, the gas directly into the turbine, whereas the previous generation had the heat exchanger and relied upon water and did not have what we called the recuperator which is able to conserve the heat inside the reactor and in turn is able to give you that 50 percent less fuel, 50 percent less waste, and 50 percent less waste heat.

So the point I am making to my dear friend from New Jersey is that those were different animals. To say Fort Saint Vrain or the HTGR, the MHTGR, this report or that report, it is not the same. This is different. The Russians liked this one and this one is the one that we ought to have a look-see at from R&D.

Mr. BRADLEY. I guess what I am saying to the distinguished Senator from Louisiana is that I am not so comfortable with the significance of difference that he points to.

These are variations. But the real question is are they that significantly different? On that point I would simply like to refer to the National Academy of Sciences study which admittedly was on the other technology. But I would like to read a footnote that is in the study:

> The committee learned in mid-1991 that the MHTGR design had been changed. While the committee did not have an opportunity to review the new MHTGR study, the committee understands that the objective was to reduce costs while retaining a safety advantage, thus some of the design details listed below may no longer be current.

This is the operative sentence:

> However, the committee is not aware of any changes to the fundamental principles underlying the MHTGR design concept discussed here.

So the basic point is, yes, there can be some differences. But, according to the National Academy of Sciences, they are not so significant as to alter the judgment of no funding for this project. That is how I read it.

I would say to the distinguished Senator, I certainly stand in awe of his technical knowledge of the field, and the chairman of the committee has long experience in the field. But that is how I would read it. I would also make the point that if this was something that the utility industry wanted that they would be very pleased about this breakthrough in safety. Yet, during the committee hearing in 1991, the head of the Southern Nuclear Co. stated:

> I am not sure we are far enough along with MHTGR technology to be fully certain as to the actual advantages on passive safety over the ALWR passive design.

Mr. JOHNSTON. Is the Senator aware that even traditionally antinuclear groups have conceded, at least one of them, that this is passively safe? A July 1990 study of an advanced reactor prepared for the Union of Concerned Scientists, that was actually on the previous generation, found that the MHTGR passive safety system "requires no power to operate, relying on natural circulation of air. It requires no actuation signals to perform its safety function and it is not dependent on actuation of valves to perform its safety function."

So I believe that passive safety element of this is fairly well conceded.

I think the big question is about the economics of it. I can see that is a big question as it is on any new reactor.

Mr. BRADLEY. I say to the distinguished Senator I do think the economics is why this amendment is offered. The real question is: Do we want to spend $22 million of taxpayer money? And on the point related to Russia, my basic attitude is let them put their 50 percent up first.

I think if this was very important to our foreign policy with Russia that this would have been at least noted in the foreign operations appropriations that we just passed 2 or 3 days ago.

I have some major concerns about the plan, that the reason we should do this is to further our relations with Russia and that Russia will put up 50 percent. My understanding is Russia is broke. Russia cannot even take care of its nuclear reactors that are about to explode. To think they are now going to put a lot of money into a technology that is so distant in my view is untenable.

Mr. JOHNSTON. Mr. President, a New York Times article on April 6 had a story that goes on to say:

> An agreement with the Russian Ministry for Atomic Energy to form a reactor building venture was signed in Moscow Thursday and was made public * * * yesterday. Top Russian officials have said to have pushed hard to have the issue discussed this past weekend at the Vancouver Summit. It is not known whether the topic was there, although President Clinton made known he favors technological cooperation.

It goes on to point out:

> The initiative parallels joint plans already underway to burn Russia's vast supply of uranium and other fuel of nuclear warheads.
>
> Last year the Russian administration announced a deal with Russia to buy much of its highly enriched uranium from nuclear harm so it could be diluted and a fuel for civilian power plants. That agreement is snarled in bureaucratic red tape.

It goes on to talk about it. But I mean it is a signed deal with the Russians. It is brand new. It is just this year. We ought to have a look-see at it before we say, well, pooh-pooh on that. You know, no scientific study or report has been done on this.

I would like to see the National Academy of Sciences take a look at the reactor. I would like to have a judgment done on the deal with the Russians. Is it a good one? They want to put up their expertise. They have all of these unemployed scientists out there that are a resource that the Russians could put up.

I do not think, before we look at it as a nation, that we ought to say no, we should not do it.

Mr. BRADLEY. I say to the distinguished Senator that I think that he has just made the argument that is always made for these kinds of projects, and that is: It is too soon to tell. Therefore, we have to put up some more money because we do not know whether this is going to work.

Of course, earlier today the argument was it is too late to stop.

I understand that when you are doing research both of those are popular arguments. And I certainly do not diminish the possibility of those arguments being valid. But I have also been in this Chamber long enough to know that they are frequently made to keep things moving ahead. Too soon to tell, too soon to tell. A little bit more, a little bit more. Then you cross the line and you have done too much to stop.

I think reasonable men and women can disagree on where that point is. I guess what I am saying is that I see this has $700 million down the road in research and development, I see that it has a demonstration phase of $1 billion or $2 billion. I see this as a much bigger commitment than I think we can afford to make in our current budgetary circumstance.

I am not over here because either I am a physicist or because I am against research. I am certainly not a physicist, nor a researcher. But you have to ask in the current environment, well, how much do you want to spend? What do you want to spend it for? If we do not do this, is anybody going to do it?

I must say that the fact that over 20 years we have put up about $540 billion of public money and the industry has only put up $27 million leads me to conclude that as long as the taxpayers are prepared to do it for them, they will gladly go along with it. I say let us stop.

Mr. JOHNSTON. Mr. President, the too-soon-to-tell, the too-late-to-stop argument, you always have had. We have nuclear fusion that the Senator from New Jersey is very interested in which we have money for in here. We put up billions on nuclear fusion. The electric power industry not only is not putting up money on that, but they say do not put up money on it. They say it will not work, it will never work. But we are proceeding with that because we believe it is too soon to tell, and that the payoff would be sufficient that we ought to pursue it.

I do not say that to be rhetorically cute. I say it to illustrate a very important point, which is that we need to look at these technologies, and not with any technology that comes along and say they always say too soon to tell, they always say too late to stop, and therefore we ought to stop before we can tell and we ought to stop you know, stop any technology. That should not be the attitude. The attitude should be to look at this with cold-eyed reality, and try to fix a point at which you say, go or no-go.

I am not saying spend $1 billion here, make that decision, I am not saying that at all. I say we ought to do this this year, and we ought to take a look at that Russian agreement.

And we ought to have a study on this, being new technology, and find out whether it does offer the kind of promises which on the face of it we think obtain there. I wish the Senator would look at it in that light. This is not another boondoggle research project. This is one that has tremendous promise, where we are close to the point at which we should make a decision of go or no-go.

Mr. BRADLEY. I thank the distinguished Senator from Louisiana for his comments. I am prepared in a very short time, if he would like, to move on from this issue to another issue.

I cannot let the illusion that—I know there was no intention to make a comparison with this. One of the differences in this program is the President recommended $347 million for a fusion program and zero for this program. That is a very significant difference from my perspective. The MHTGR reactor was built in the sixties. We have never really been able to have a fusion reactor that worked. The MHTGR reactor was based on uranium. Fusion is based on water. I know the Senator's intention. I simply urge that we eliminate this $22 million as just part of our efforts to reduce spending at a time where we have to begin to make some choices.

Mr. JOHNSTON. Mr. President, I believe the Senator is saying he is ready to move on to another amendment. As I understand it, we will not have any rollcall votes before 6 o'clock. So I ask the Parliamentarian if I should move to table now, and would that vote occur at 6 o'clock?

The PRESIDING OFFICER. That would require unanimous consent to set the time for the vote.

Mr. JOHNSTON. Do I understand from the floor staff that that is the wish of the majority leader if I should make a motion to table now, that we have that vote at 6 o'clock?

Mr. President, I move to table, and I ask unanimous consent that a vote on my motion occur at 6 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. BRADLEY. Reserving the right to object. Do you want a minute or two equally divided prior to the vote?

Mr. JOHNSTON. Mr. President, I think we ought to just go ahead and vote. I do not think a minute will do any good.

Mr. BRADLEY. All right.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BRADLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FEINGOLD). Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, I ask the committee amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 990

(Purpose: To reduce the funding levels for certain programs in the Army Corps of Engineers and the Bureau of Reclamation)

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY] proposes an amendment numbered 990.

Mr. BRADLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 18, strike "$208,544,000" and insert "$157,600,000".

On page 7, line 10, strike "$1,296,167,000" and insert "$1,061,237,000".

On page 17, line 15, strike "$1,673,704,000" and insert "$1,657,700,000".

On page 24, line 17, strike "$14,409,000" and insert "$12,714,000".

On page 25, line 7, strike "$460,898,000" and insert "$431,848,000".

Mr. BRADLEY. Mr. President, I rise to offer an amendment to this Energy and Water appropriations bill that would reduce the Army Corps of Engineers and Bureau of Reclamation figures and would lower the amount of money in this program to the President's request.

I would like to make it clear to all Members that the amendment would not cut into individual projects but would only affect the overall spending level. It would leave the redistribution of the lower funding level up to the conferees in the appropriations conference. In other words, the conferees would have roughly $334 million less to allocate, but this amendment does not reduce funding for any particular project.

For years Congress has routinely funded substantial growth in these projects, more or less ignoring the President's budget request. The President would request 3 percent, and the Congress would give him 4 percent.

This year, if we follow the recommendations of the Energy and Water Subcommittee and the Appropriations Committee, spending for the Corps of Engineers and the Bureau of Reclamation will increase by 6.5-percent, well in excess of the inflation rate; well in excess of what Social Security increased, for example; well in excess of what programs to aid families to send their children to college increased; well above what programs to help the poor increased. It would be a 6.5 percent increase. Simply put, it is business as usual.

The amendment that I offer leaves, as I said, the job of determining what to cut to the conferees. The amendment, I think, does trim down to the President's level. You can say it trims the fat, if you want to. It would eliminate spending that the President did not request, and it does so by reducing the amount of funds in the construction account, the operations and maintenance account, and the investigation account of the Army Corps of Engineers and the Bureau of Reclamation. It reduces it by $334 million, which would still leave in this account and in this appropriation $3.75 billion for water projects. That is what the President asked for. This level equals roughly the total appropriations that were given in fiscal year 1993.

I think for many Members, who have been back in their districts talking about cutting the budget, one of the things that was said for a long time is, well, we ought to just freeze spending.

This would be essentially a freeze on the spending for the Corps of Engineers and the Bureau of Reclamation.

Mr. President, less than 2 months ago, we stood on the floor of this Chamber and delivered lengthy speeches about the need for deficit reduction and the need to cut government spending. We were going to have a special session of Congress. We were going to have special cuts. We were going to have this, that, and the other thing. And everyone was around here wringing their hands because we could not really get at those discretionary programs in the big budget bill. All we could do was cut entitlements or raise taxes. Everybody said, well, when we get to those appropriations bills, we are going to really cut spending then.

We are going through these appropriations bills one by one, and I do not see us cutting spending. To the contrary, spending is going up, and in this category spending is going up 6.5 percent. Everybody has water projects in their State. Everybody has Corps of Engineer projects and Bureau of Reclamation projects. They are important, in a general sense, to the health of a particular State.

The President has requested roughly $3.75 billion, and I am suggesting that we give him what he has requested, not increase it over 6.5 percent.

The President, in his budget request for the Bureau and the Army Corps, delivered on his part of the bargain to say that he was going to try to keep spending down. I think it is up to us to follow through.

Or are we just going to pretend as if the deficit does not get bigger; that we can talk about accounting gimmicks, or we can talk about increasing taxes, but when it comes to cutting spending, we are not willing to step up to the bar.

I would like to place in the RECORD a statement of support from the administration for this amendment.

I ask unanimous consent that it be printed in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 28, 1993.

STATEMENT OF ADMINISTRATION POLICY—H.R. 2445—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, FISCAL YEAR 1994

This Statement of Administration Policy expresses the Administration's views on H.R. 2445, the Energy and Water Development Appropriations Bill, FY 1994, as reported by the Senate Appropriations committee. The Administration supports Senate passage of H.R. 2445 and will work with the Congress to address the concerns described below.

SUPERCONDUCTING SUPER COLLIDER (SSC)

The Administration commends Committee action to restore full funding for the SSC. The SSC will maintain U.S. preeminence in basic scientific research and stimulate development of new technologies in areas important to the future health of the U.S. economy.

PRESIDENT'S INVESTMENT PROGRAM

The Committee bill supports several specific investments, including cooperative research and development agreements and most of the increase requested for solar and renewable energy programs.

The Committee bill deletes funding for construction of the Accelerator B-Factory. The Administration expects the Department of Energy to select a site for the B-Factory shortly and urges the Senate to restore the $36 million requested for this project.

The Committee bill would not provide the requested $26 million for construction of the Advanced Neutron Source (ANS), one of the President's priority investment initiatives.

At the same time, the Committee has added $19 million and earmarked an additional $3 million for the Los Alamos National Laboratory to operate and perform neutron scattering experiments at the Los Alamos Meson Physics Facility (LAMPF). LAMPF was proposed for closure in the President's budget. There are several other facilities in the United States that can perform small scale neutron scattering experiments more cost effectively than LAMPF. The estimated long-term costs of upgrading LAMPF to a world class neutron scattering facility are $1.5 billion. An independent advisory committee (the Kohn Committee) has determined that a new reactor such as the ANS would be more capable and cost-effective and is a higher priority neutron source than an accelerator. The Administration urges the Senate to support the Administration's investment program and redirect funds from operation of LAMPF to the ANS project.

BONNEVILLE POWER ADMINISTRATION LANGUAGE

Section 505 of the committee bill would direct the Secretary of Energy "to submit to the Congress by February 1, 1994, a legislative proposal to satisfy the Bonneville Power Administration's entire repayment obligation to the United States Treasury for appropriated investment in the Federal Columbia River Power System." The language in this section would also impose additional specific requirements regarding the content of the required legislative proposal. The Constitution gives the President unqualified discretion to decide whether and when to propose legislation. The Administration objects to this provision on constitutional grounds and would consider such language only as advisory.

ATOMIC ENERGY DEFENSE ACTIVITIES

The Administration is pleased that the Committee has substantially adopted the funding levels in the amended budget request that was transmitted to the Congress on September 8th. Of particular importance is the full funding of the reduced request for operating funds for nuclear weapons research, development, and testing. Further reductions from this level would seriously impair the ability of the Department of Energy to assure the safety and reliability of existing nuclear weapons without nuclear tests and maintain the capability to resume testing of nuclear weapons, as directed by the President.

The Administration is also pleased that the Committee has restored the full $17 million requested for the Dual-Axis Radiographic Hydrotest Facility (DARHT), which was deleted by the House. In the absence of underground nuclear weapons tests, the DARHT facility will be vital to maintaining confidence in the stockpile.

The Administration opposes the Committee's use of additional, uncosted obligational balances as a funding offset mechanism for Defense Activities. The President's request already reflects an aggressive strategy to reduce uncosted balances. The request identifies $708 million in prior-year balances as offsets for the Weapons Activities and materials Support accounts. The House increased that sum to $752 million and identified the source of the extra funds as FY 1993 research and development funds that the Administration had requested be reprogrammed to technology commercialization activities. The Senate Committee has increased the offset to $892 million, without identifying the source of funds.

While program spending has continued to decrease from earlier expectations, there is no assurance that sufficient offsets from prior balances will be available without significantly impacting program activities. The prior-year offsets proposed by the Committee would be most difficult to achieve in the Materials Support account. The additional $100 million offset proposed by the Committee in the account could require significant workforce reductions and result in significant delays in the stabilization and transition of facilities at the Savannah River Site from production to eventual decontamination and decommissioning.

ADVANCED REACTOR RESEARCH & DEVELOPMENT

The Committee has rejected the Administration's proposed termination of unncessary reactor projects, including the liquid metal reactor and the high-temperature gas-cooled reactor. The Administration also proposed to terminate the SP–100 reactor program; Committee action on this program is unclear. Instead, the Committee has added $63 million above the Administration's request to fund continued research and development for these projects. The Administration supports only elements of the actinide recycle program essential to demonstrate technological feasibility.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

The Committee has reduced the President's $5,428 million request for Defense Environmental Restoration and Waste Management by $321 million. The Administration requests that the Senate restore $41 million for a budget level of $5,148 million.

URANIUM ENRICHMENT FACILITIES

The Committee has rejected the President's proposal to allow the U.S. Enrichment Corporation (USEC) to determine whether to operate both U.S. uranium enrichment facilities after FY 1995. Absent the President's proposal, the USEC would have no flexibility and would have to lease both facilities for at least six years. If a cost-benefit analysis determined that only one facility is necessary, this requirement would incur a significant cost over the next five years. The Administration urges the Senate to consider the President's proposal.

The Administration objects to a provision of the Committee bill that would provide $80 million to support atomic vapor laser isotope separation (AVLIS) research and development. The Administration has proposed funding this technology only if non-Federal funding is obtained.

OFFICE OF THE INSPECTOR GENERAL

The Administration encourages the Senate to restore full funding for the Office of the Inspector General. This funding is necessary so that critical audit, oversight, and investigative activities can be sustained to complement the Administration's initiatives to improve the management and financial performance of the Department and its contractors.

ARMY CORPS OF ENGINEERING/BUREAU OF RECLAMATION

The Committee has added over $350 million to the president's request for programs of the Army Corps of Engineers and the Bureau of Reclamation. Most of this Increases is for unrequested construction projects and studies that the Administration does not support. The Administration would support an amendment to reduce the funding level of unrequested water projects in the Army Corps of Engineers and the Bureau of Reclamation.

Funds have been included in the Department of the Interior and Related Agencies Appropriations Bill, FY 1994, to support the Administration's follow-up to the April 1993 Forest Conference. In further support of Forest Conference follow-up, the Administration would support shifting $5.0 million originally requested for the Bureau of Reclamation's Yuma Desalting Plant to the Construction program for ecosystem restoration activities in the Klamath and Trinity River Basins.

Section 102 of the Committee bill would prohibit the use of funds to transfer any functions of any Army Corps of Engineers district office. This provision would prevent the Army Corps of Engineers from making management decisions that increase efficiency and provide cost-containment. Such provisions are contrary to the government-wide recommendations of the National Performance Review. The Administration urges the Senate to remove this provision from the bill.

Mr. BRADLEY. Mr. President, I ask unanimous consent that a letter endorsing the amendment from the National Taxpayers Union, the Friends of the Earth, the American Rivers, the Council for Citizens Against Government Waste, the National Wildlife Federation, the Sierra Club, and the League of Conservation Voters be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FRIENDS OF THE EARTH, NATIONAL TAXPAYERS UNION, AMERICAN RIVERS, COUNCIL FOR CITIZENS AGAINST GOVERNMENT WASTE, NATIONAL WILDLIFE FEDERATION, SIERRA CLUB, LEAGUE OF CONSERVATION VOTERS,

September 29, 1993.

SUPPORT BRADLEY AMENDMENT TO CUT WATER PROJECTS TO PRESIDENT'S REQUEST; ADMINISTRATION SUPPORTS THIS AMENDMENT

DEAR SENATOR: When the Senate resumes consideration of the Energy and Water Appropriations bill Thursday, we urge you to vote for Sen. Bill Bradley's amendment to cut funding for water projects of the Bureau of Reclamation and Army Corps of Engineers to the level requested by the President for FY94. The amendment would apply to the two agencies' budget accounts for investigations, construction, and operations & maintenance. No particular project would be cut by the amendment, which would only adjust the overall account totals.

The National Taxpayers Union and Council for Citizens Against Government Waste support this amendment because it represents a serious effort to hold the line against wasteful spending. For FY94, the President requested about $3.75 billion for the accounts covered by the amendment, but the Committee appropriated about $4.09 billion, an increase of $334 million. This money will go to BuRec and the Corps, two agencies in desperate need of "reinvention" given their proclivity toward unnecessary, uneconomic projects and their failure to ensure that beneficiaries pay for the benefits of federal water projects.

Environmentalists support the amendment because many water projects cause damages such as: flood disasters from channelization of rivers, rapid consumption of scarce water resources, construction of dams which destroy ecosystems and habitat, depletion of aquifers, salinization of croplands and water supplies, loss of biodiversity, and harm to fisheries. Funding in the bill for all or part of projects such as Animas-LaPlata, the Central Arizona Project and the Garrison Diversion represents unacceptable subsidies for environmental destruction.

The Administration supports this amendment, having issued a statement of policy on the bill which says: "The Committee has added over $350 million to the President's request for programs of the Army Corps of Engineers and Bureau of Reclamation. Most of this increase is for unrequested construction projects and studies that the Administration does not support. The Administration would support an amendment to reduce the funding level of unrequested water projects in the Army Corps of Engineers and the Bureau of Reclamation." (28 Sept. 1993)

We would like to alert that the League of Conservation Voter's political advisory committee may consider this vote in the process of compiling the 1993 National Environmental Scorecard at the end of this season.

We recognize that the amendment cuts with a blunt knife, and that senators may feel that their state's projects are particularly worthy. Nonetheless, these agencies must share in the national sacrifice. Funds for any worthy projects not requested by the Administration can be obtained by cutting elsewhere in these agencies' budgets. Please support this Bradley amendment.

Sincerely,

Ralph De Gennaro, Director, Appropriations Project, Friends of the Earth; Jill Lancelot, Director, Congressional Affairs, National Taxpayers Union; Dale Pontius, Vice President, American Rivers; Tom Schatz, President, Council for Citizens Against Government Waste; Mary Marra, Director, Environmental Quality, National Wildlife Federation; Melanie Griffin, Washington Dir, Land Protection Program, Sierra Club; Jim Maddy, President, League of Conservation Voters.

Mr. BRADLEY. Mr. President, this is another one of the attempts to try to say: Are we going to have some discipline here?

Now, it is quite conceivable that at the end of this whole appropriations process we will not have any discipline and we will have demonstrated it to the public. But on this amendment, what it says is $3.75 billion is enough. Spend $334 million less. Take it out of construction, operation and maintenance, and investigations. There is no specific project here that is targeted. It would be up to the conference committee to decide. No single project loses because of this amendment. Ultimately the decision rests with the conferees.

I hope that we will be able to see our way through to vote for this. I am under no illusion that it is likely, but I still think that the effort is worth making, because, if you believe that the deficit is eating away at our children's future, maybe we can freeze some of these water projects for a year—1 year—in order to reduce the deficit another $334 million. That is really what this amendment does.

I yield the floor.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the committee's recommendation at $3.9 billion for the corps and the Bureau of Reclamation is less than the inflation increase from last year. So this is not even keeping up with inflation.

But a lot has happened since last year, Mr. President. We have had severe flooding on the Mississippi River. We have had the passage of Senator BRADLEY's bill, which I helped him a great deal on, the Reclamation Projects Authorization and Adjustment Act, signed into law as Public Law 102-575, the estimated cost of which is $2.6 billion.

Now, because we passed that bill, we put in this bill, for example, the Los Angeles and San Gabriel water reclamation projects in California for $10.25 million and a central Utah project for $4 million.

We have flood control matters coming out of the Mississippi.

Mr. President, a lot has changed since last year.

I am for budget cutting, but in a year when you have had all of these tremendous floods, and we are already less in real terms than we had last year, where are we going to take it from? Some of these are environmental projects. Those that I just mentioned are environmental projects, and I helped the Senator from New Jersey get those passed.

Sonoma Bay Wetlands, for example. I know the Senator is interested in that. That is $4 million.

The business of the world has to go on, Mr. President. We have already cut below last year in real terms. To be sure, we are more than the President requested, but we are less than last year in real terms. Just how much are we supposed to cut?

Mr. President, there are $215 million—some of those I just mentioned—that were not requested by the President. Some of them involve flood control studies that the President did not know about on the Mississippi, projects like the West Columbus flood control project in Ohio, Molly Ann's Brook in New Jersey, Levisa and Tug Fork in West Virginia, O'Hare Reservoir in Illinois.

Ask the Illinois Senators whether O'Hare Reservoir is important. I can tell you that is not fluff. That is not the cream on top of the pie.

Mr. President, those kinds of projects are the meat and bones and sinew of this bill. I do not know why it was not requested.

Barbourvill and Harlan, KY, projects; Passaic River flood control project in New Jersey. I do not know, maybe the Senator can tell me the importance of that.

Mr. President, here are a few more examples:

In Bethel, AK, we have a $2 million project. Onondaga storm water discharge in New York, $11 million. Mr. President, Onondaga is one of the most polluted lakes in the entire Nation, and Senator MOYNIHAN's initiative gets us started on Onondaga.

O'Hare Reservoir, McCook and Thronton Reservoirs in Illinois, $18 million.

West Columbus flood control project—I just mentioned that— $9 million.

Kissimmee River Restoration in Florida, $5 million. Kissimmee is the environmental project in Florida.

Flood control studies related to the recent record flood on the Missouri and upper Mississippi Rivers.

Kentucky Dam, lock addition, in Kentucky; St. John River conservation project in Maine; Shoshone project in Wyoming; Topeka, KS flood control project; Mid-Dakota and Mni Wiconi projects in South Dakota; Sonoma Bay Wetlands in California; I mentioned the Los Angeles and San Gabriel water reclamation projects; central Utah project; Beaver Lake water transmission project in Arkansas; and the New York Harbor and Channel in New York and New Jersey.

Altogether, I think there are 54 corps projects and about another 10 Bureau of Reclamation projects, ongoing projects. I mean, are we supposed to stop those?

This budgeteering, Mr. President, you get a new crowd over there at OMB and they say, "Well, we want to look good," so they cut back on this project, knowing that the money is going to be there because they are vital things, but it is sort of playing the old budget game.

Mr. President I can tell you, not only is this prudent budgeteering, but not to fulfill these basic fundamental needs would be a terrible injustice to people who are subject to further flooding, who are seeking relief from the ravages of flood control, who are seeking, in some cases, the opening up of navigation, which is essential to the job base in this country, and in other instances to pursue environmental values like the Senator's bill from last year involving the Central Valley of California projects.

So, Mr. President, I think this amendment makes a nice statement. We have had statements about, well, we need to cut here, there, and everywhere. But I can tell you, Mr. President, we are already below last year in real terms, and to cut more would be devastating. I do not believe, in prudence, that the Senate would seriously consider the amendment, so I will not belabor the point. I think it is pretty clear.

May I say, finally, that the bill as recommended is within the 602(b) allocation of this committee. So if this were cut, the money would be available for other priorities. I do not know what the Senator's priorities are. And even if he put in language in violation of the

Budget Act subject to a point of order, which would reduce the numbers, then you go to the conference committee, and the House would just say, "Well, fine. If you do not want to put it in for your priorities, we will put it in for ours."

Mr. BRADLEY. If the Senator will yield on that point, just for a question to clarify the RECORD, because I do think it is an interesting point that he has made.

The Senator is saying, essentially, if this amendment passed there would be $334 million less for these two programs, Bureau and Army Corps. But the $334 million would simply go back to where?

Mr. JOHNSTON. What happens in actual terms is we would cut these back and we would go to conference with the House, which has a similar 602(b) allocation to ours. I think we are $100 million more in budget authority, but identical in outlays. And the outlays are the constraint in this instance.

So we would go to conference with the House, which has their priorities, and we would come with ours, which would have $300 million less than the House, with a different set of priorities. And then we confer.

What would happen is the 602(b) allocation would then be available to meet the House priorities rather than the Senate priorities.

If that sounds like an arcane process, we decided a long time ago to have a 2-stage budget process, a financial process in this Congress. First we battle out the budget resolution, the reconciliation, decide how much we are going to spend. It was a very painful process in both Houses and that played out just a few weeks ago.

The final act of that was, of course, the budget cutting and revenue package, which passed in each House by one single vote. Some said it is not nearly enough money. Others said it is too much taxes. Some said we need this, we need that. But we fought that out and we came up with a number which was then distributed to the Appropriations Committee. That is called the 602(a) allocation. That is the amount of discretionary spending available to the Appropriations Committee. That, in turn, was divided up among the subcommittees, which is called the 602(b) allocation. We were given our allocation, which is roughly $21 billion in budget outlays, and the House has the same outlay number.

To the extent we change this and cut this, we have already had that fight. We are talking about now whether we take the Senate's priorities or the House's. What the Senator from New Jersey would have us do is go bargain over their wish list and not ours. When I say "wish list," I am not talking about a wish list in the sense of fluff list. I am talking about flooding on the Mississippi River. I am talking about the Missouri River. I am talking about navigation. I am talking about those projects in the central valley of California that the Senator did such an outstanding job on, in passing that legislation. That is what we are talking about.

Mr. President, if the Senator cares to discuss it further I will.

Mr. BRADLEY. Mr. President, I would just like to respond very quickly, if I could.

Mr. JOHNSTON. Sure.

Mr. BRADLEY. Mr. President, I think what we see is this is a bill that touches every State and, therefore, it is very difficult to vote for spending cuts. There are projects in every State in this bill. Therefore, it is not likely this amendment is going to be very close.

But at the same time it illustrates a larger point, which is that even if a person stood up on the floor in an appropriations bill and sought to cut spending, in fact you do not cut spending. It reverts back to an earlier decision.

The public ought to understand the process because I think frequently people do not understand why we do not cut spending. The answer is because the process has been so convoluted that it is always easier to manage to tie up in knots someone who wanted to cut spending than it is to actually cut spending.

Mr. JOHNSTON. If the Senator would yield?

Mr. BRADLEY. Yes.

Mr. JOHNSTON. We cut the President's budget request $137 million overall. Was the Senator aware of that? We cut the President's overall spending request by $137 million, real cuts. But what we did is we cut some programs, for example some of the defense programs—we cut those by a bigger amount and offset these so the net is a $137 million cut. We just had different priorities and less spending than the President.

If you are saying the President's priorities—and it is really not the President. Look, it is those nameless, faceless people over in OMB. Do you think the President went down this list and said we need to cut the Passaic River, N.J., or whatever it was—or New York Harbor and Channels? He does not know these things are in here. It is not because he is not very smart. He is working on other things.

You have somebody there in OMB who said, "O'Hare Reservoir, that is not our priority. I would like to put the money,—" so says this gnome, "over there, in nuclear testing or whatever." We just have different priorities, the Congress does.

That is what this is about. Do not tell me we are not cutting spending; $137 million is real money and we cut it below the President's request. We might have later information. I think we have later information on floods in the Missouri and Mississippi Rivers. That budget was put together really before those floods got a full head of steam.

Mr. BRADLEY. I say to the distinguished Senator, I appreciate the points he has made. I think ultimately we should face the fact we are going to be spending more here than we could, in terms of last year's appropriations for the Bureau of Reclamation and the Army Corps. We are going to spend about $334 million more than the President asked, for those programs. And while the Senator read a long list of projects, flood control projects, various projects in this State and that State—many of which I care about, the Senator cares about, other Members care about—this amendment does not cut those projects. This amendment reduces the amount of money to be allocated, and the conference decides which projects are cut, whether all are trimmed a little or whether some are eliminated.

Mr. BAUCUS. Mr. President, the amendment of the Senator from New Jersey would reduce the Army Corps of Engineers and Bureau of Reclamation budget to the President's budget request. I oppose the Bradley amendment.

As the Senator from Louisiana noted earlier, these projects are all authorized projects and worthy of support.

While these projects will put this bill $334 million above the administration's budget request, this request was made months before the recent flooding that has devastated parts of the Midwest.

The levels of funding in this bill will enable the Senate to our priorities and allow the chairman to exert his leadership in the conference with the House.

This overall level in this bill will fall below the President's budget request of $21.13 billion and the current-year funding level of $22.08 billion.

I think the authorized levels for the corps and the Bureau of Reclamation projects should be retained. This will provide some relief for the flood victims in the Midwest.

Mr. DOLE. Mr. President, is leader time reserved?

The PRESIDING OFFICER. Leader time is reserved.

PRESIDENT CLINTON'S U.N. ADDRESS

Mr. DOLE. Mr. President, on Monday, in his speech to the U.N. General Assembly, President Clinton outlined several foreign policy proposals, including greater efforts to strengthen democracies, to stem proliferation, to reform the United Nations, and to promote sustainable development. Other recent speeches by Secretary Christopher, National Security Adviser Lake, and U.N. Ambassador Albright laid the foundation for the President's speech. This four speech offensive seems designed as a high-level, and extended, rebuttal to the perception of drift and lack of initiative in the administration's foreign policy.

Many of the objectives cited in the administration's speeches are noteworthy. Many deserve our support, including reforming the United Nations and efforts to combat proliferation.

What was missing from President Clinton's speech was a review of what the administration is doing, and as important, what the United Nations is doing, in New York and around the world.

If we look, we will see that there is a large gap between U.S. interests and U.N. operations. When we fail to recognize that gap, we drift into questionable missions, like nation-building in Somalia.

I am encouraged to see that the administration is moving away from involvement in the United Nation's nation-building efforts in Somalia, and that we will be limiting our military role there. As my colleagues will recall, the Senate resolution on Somalia, passed a few weeks ago, urged the President to turn over operations to the United Nations.

We also see the gap between United States interests and United Nations operations in Bosnia-Hercegovina. President Clinton stated that in the post-cold war world we should align ourselves with new democracies—and I agree with that assertion. Well, one of the new democracies and United Nations member state, Bosnia, and Hercegovina, is being dismembered—with the help of the United Nations—and the United States is going along. The Bosnian parliament decided it could not accept what the Bosnian president termed an unjust peace and conditioned its acceptance of the proposed peace settlement on the return of territory seized by force.

Mr. President, for the past 18 months Bosnia has been denied its inherent right to self-defense and has lost most of its territory. The United Nation's approach to the brutal destruction of Bosnia and its people has been to maintain the arms embargo, mediate a plan which rewards aggression and ethnic cleansing, and pressure the Bosnians into accepting such a sell-out.

U.N. Ambassador Albright noted last week that if we had relied on the United Nations to contain communism, the Berlin Wall would still be standing. I could not agree more. But, then why has the United States relied on the United Nations to address the war against Bosnia? If agreed to, the Owen/Stoltenberg plan would erect new Berlin Walls in Bosnia—Walls that impose ethnic partition. And the United States would be asked to send as many as 25,000 troops to defend those ethnic walls. I ask Ambassador Albright and President Clinton, how could U.S. participation in the implementation of such an unprincipled plan be reconciled with U.S. interests in supporting democratic States and upholding international laws and principles? Are there not other options which better serve our interests, support the sovereignty of Bosnia as a U.N. member State, and would not require such a large commitment of U.S. lives and resources?

Mr. President, we are in this terrible position because we have allowed the United Nations to determine the parameters of our policy toward Bosnia. The President said that the United Nations must learn to say "no." Well, the United States must learn to say "no" to the United Nations when its policies are unprincipled and ill-conceived.

It seems to me that since the Bosnians are going back to the negotiating table, we should go back to the drawing board to look at other options—even if the United Nations is not eager to do so.

Turning to Africa—the United Nations has dropped the ball in Angola, certifying an election process which was fraught with problems, and then been mute on attacks on UNITA forces which preceded the renewal of civil war. Meanwhile, there are United Nation plans to send up to 10,000 peacekeepers to Mozambique—a country where the United States has no strategic interests and which has the potential to look more like Somalia than Namibia a few years down the road. The United Nations may have an interest in walking away from Angola into Mozambique, but the United States does not.

And so, although the President outlined operational criteria for U.S. participation in U.N. peacekeepoing operations, he left out the most important consideration: Does a proposed mission promote or protect U.S. interests?

The President laid out some of the right questions for U.S. participation in U.N. operations: a real threat assessment; cost; definition of clear mission. Yet, one of the President's key standards—whether an end point to the mission is identified—has not been defined with respect to United States involvement in Somalia. The President does not need to wait for the United Nations on this. While Somalis are shooting down United States helicopters, and killing American peacekeepers, the American people are waiting for the end to this mission. I hope that the report the President sends to the Congress on October 15 will be a blueprint for United States withdrawal from Somalia.

Yet another new mission was announced on Monday: The deployment of United States peacekeepers to Haiti. I ask President Clinton: Does this new mission in Haiti meet the criteria outlined at the United Nations? Where is the real threat to international peace? Where are the clear objectives? What is the end point? A viable Haitian state? Democracy in Haiti? Will the United States really walk away after 6 months if conditions are unchanged? What will be the rules of engagement for U.S. forces if, for example, they witness a murder by extremists from either side? And, how much will the mission cost? I am not satisfied the President's own questions have been answered for this most recent U.N. operation.

Mr. President, where does the United States have a clear interest? This is not a comprehensive list, but I would like to list a few important areas. In the Middle East: the United States has an interest in the implementation of the Israeli-PLO accord and in follow-on agreements; in South Africa—where the transition to nonracial democracy is in progress, and in Russia, where continued democratic reform is at stake—all of these developments were cited by President Clinton as miracles. But I remind the President that the United Nations had nothing to do with these events and achievements. Indeed, it is the United States which has played a critical role in all of these developments.

I support the President's call for reforms at the United Nations and I stand ready to work with him, especially in reducing the U.S. assessment in a way that reflects global economic changes. But reducing the assessment is just a starting point. The facts are that the U.N. bureaucracy is bloated and inefficient, that duplication and outdated committees are the norm, and that corruption is commonplace. We must be clear, the United Nations does not simply need a makeover, it needs reconstructive surgery. And that surgery should be completed before new responsibilities are undertaken. The United Nations may try to pull the wool over American eyes with face-saving measures such as the appointment of an official to report on corruption. This is not enough. The establishment of an independent inspector general—preferably an American—is long overdue.

While I welcome the call for a broadening of the missile technology control regime and efforts to strengthen biological and chemical weapons agreements, I have serious concerns about the President's proposals to pursue a comprehensive test ban treaty. In my view as long as the United States relies on a nuclear deterrent, we should not take actions which would undermine the safety, survivability or reliability of our nuclear arsenal. As for the global ban on the production of highly enriched uranium and plutonium, I have doubts about such a ban's verifiability.

Absent from the President's remarks on proliferation were the troubling developments in North Korea. The administration's diplomatic efforts have not reversed the course of the North Koreans, they have only managed to prevent a withdrawal from the Nonproliferation Treaty. In combatting proliferation we have to come to grips with North Korea and other rogue States who are often impervious to international criticism and even sanctions, and uncooperative with the International Atomic Energy Agency.

President Clinton also spoke of sustainable development. What was noticeably absent was any discussion of foreign aid reform, a subject mentioned in the earliest days of this administration.

Instead of foreign aid reform, there has been more business as usual—promised reviews are incomplete, draft reports are not released, and legislative proposals are nonexistent. It now appears the administration has begun meetings with Democrats to plot a course on foreign aid reform. Even the Washington Post has seen the new plan but Republicans have been shut out—not invited and apparently not welcome. As I have said before on another issue, if we are not in on the takeoff, do not expect us to be in for the landing. I hope that the administration will reconsider its decision to leave Republicans out.

Mr. President, the bottom line is that U.S. interests and U.N. interests are not synonymous. There will be times when U.S. interests and U.N. efforts intersect. However, we must avoid adopting the United Nations agenda whether in Somalia, in Bosnia, in Haiti, or elsewhere, when it does not meet our standards and democratic principles. The key to making the world safe for democracies and not for dictators, is not to reinvent the United Nations, but to assert U.S. leadership in support of U.S. interests.

TRIBUTE TO SARA BELDEN

Mr. DOLE. Mr. President, I rise today to recognize a loyal member of my staff who is leaving Senate service today. For the past 6 years, Sara Belden has worked for me and the people of Kansas, starting as a receptionist and working her way up to the position of Kansas press secretary.

A native of Sterling, KS, and a graduate of the University of Kansas, Sara has been an important link between our office and the people of our State. Whether it is responding to individual constituents, traveling throughout Kansas, or reaching out to the scores of weekly papers that serve our State's smaller communities, Sara has been committed to putting Kansas first, which my staff knows is job No. 1.

As Sara leaves our staff for a new challenge at the Renewable Fuels Association, she does so with my sincerest thanks. Mr. President, I know all Kansans join me in wishing Sara Belden all the best in her future endeavors.

Mr. President, I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. JOHNSTON. Mr. President, we have a number of noncontroversial amendments which we are prepared to accept as soon as the Senator from Oregon returns from the dining room. We do not know of any other amendments on our side. I ask the floor staff if there are any that require a vote.

I guess what I am asking, Mr. President, is that the floor staff and leadership put things in motion to determine whether at the end of the votes, which are ordered at 6 o'clock, that we could go directly to final passage, because a rollcall on final passage is requested.

By the way, Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 1511 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ENERGY AND WATER APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

AMENDMENT NOS. 991 THROUGH 1000

Mr. JOHNSTON. Mr. President, I will submit a group of amendments en bloc which have been jointly cleared. I would like to explain them before I submit them.

The first is on behalf of Senators CHAFEE and PELL, dealing with Quonset Point-Davisville, RI, and involves the expenditure of $1.875 million on that project.

The second is on behalf of Senators METZENBAUM and GLENN, and deals with a problem in Ohio where the Corps of Engineers many years ago bought an easement for flooding, and the corps has been moving some of these residents out, even though they are in areas that are not likely to flood. This amendment says that none of the funds herein may be used to move those residents, provided those residents are willing to make a hold harmless declaration.

Mr. President, the next is on behalf of Senator WALLOP and the whole amendment states that at least $4.6 million of the amount derived from the fund shall be expended in accordance with the Energy Policy Act. This means that of a fund which is provided for rehabilitation and cleanup of uranium enrichment facilities, that at least $4.6 million of that fund shall be spent on miners' claims, uranium miners' claims. That is in accordance with the Energy Policy Act of 1992.

The next is on behalf of Senator DANFORTH, stating that the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $4.46 million of available funds to complete preconstruction engineering and design on the Ste. Genevieve, MO, flood control structure. Ste. Genevieve, MO, Mr. President, is a national historic monument which was a landmark, which was terribly impacted during the recent floods.

This directs that the design of the flood control facilities be built.

The next is on behalf of Senator MOYNIHAN, directing that $2 million out of appropriated funds be used to carry out engineering design for relocation and comfort and lifeguard stations from the coast of New York City to Rockaway Inlet in North Point. That is within available funds.

The next is on behalf of Senator HATFIELD. I will let Senator HATFIELD explain this amendment with respect to geothermal resources.

The next is on behalf of Senator WARNER, a direction to the corps to utilize $2 million for the Virginia Beach erosion control and hurricane protection project.

Again, that is within available funds. It includes a statement by Senator WARNER.

The next is on behalf of Senator BUMPERS and provides that the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $3 million to provide design and construction assistance for a water transmission line in the northern part of Beaver Lake, AR, and in Benton and Washington Counties, together with a statement by Senator BUMPERS.

The next is on behalf of myself, directing that within available funds, $6.3 million be directed to continue with the authorized Ouachita River levees project, of which $3.8 million shall be used to continue rehabilitation or placement of deteriorated drainage structures. That is an ongoing project.

The next is on behalf of Senator HATFIELD for Senators GRAMM and HUTCHISON, which provides that the Secretary of the Army is authorized to convey—actually authorized to sell—to the city of Galveston, a parcel of land which is known as the Santa Cinto disposal area east of Galveston Island.

This is, I think, an artificial island created by the corps in disposing of spoil. And it authorizes the corps and provides for compensation at fair market value, and speaks of disposal of the spoil. In any event, that is permissive with the corps.

Mr. President, before I ask that those matters be dealt with, does the Senator from Oregon want to explain the amendment on geothermal?

Mr. HATFIELD. Mr. President, the amendment I have just offered would make the $4.5 million from the geothermal resources development fund available within the total funds appropriated for this bill for the Department of Energy's energy supply, research and development activities. It makes these funds available for use, but does not increase the amount of funds appropriated in the bill.

The bottom line is we are taking this action to have a carryover of such unobligated funds to continue their availability in the fiscal year 1994–95. It has no other purpose. It does not do anything to make the commitments to those funds or to earmark those funds. It is merely a carryover action.

AMENDMENTS NOS. 991–1000, EN BLOC

Mr. JOHNSTON. Mr. President, I now ask unanimous consent that the amendments just explained be submitted and considered en bloc.

I send those amendments and statements to the desk at this time.

The PRESIDING OFFICER. Without objection, the amendments are considered en bloc and agreed to en bloc.

The amendments (Nos. 991 through 1,000) were considered and agreed to as follows:

AMENDMENT NO. 991

(Purpose: To fund the construction of two elevated water storage towers and the relocation of sewer lines at Quonset Point-Davisville, Rhode Island)

In the matter under the heading "CONSTRUCTION, GENERAL" under the heading "CORPS OF ENGINEERS—CIVIL" of title I, after the item relating to Wallisville Lake, Texas, insert the following:

Quonset Point-Davisville, Rhode Island (for 2 elevated water storage towers and the relocation of sewer lines), $1,875,000.

AMENDMENT NO. 992

(Purpose: To restrict the use of certain funds for the removal of residential structures)

At the appropriate place, insert the following new section:

SEC. . PROHIBITION ON REMOVAL.

(a) PROHIBITION.—Subject to subsection (b), no funds made available pursuant to this Act may be used to carry out a policy to remove or demolish any residential structure that is subject to an easement or right-of-way in favor of the United States for the containment or impoundment of waters in the Muskingum River Basin, Ohio, until such time as the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives have reviewed and approved the policy.

(b) AGREEMENT TO HOLD HARMLESS.—

(1) IN GENERAL.—The Secretary of the Army shall offer to enter into a written agreement with the owner of each residential structure that is covered by the prohibition referred to in subsection (a). Under the agreement, the owner shall hold the United States harmless for any loss of personal property, real property, injury, or death that is the result of any flooding of the structure.

(2) FAILURE TO ENTER INTO AN AGREEMENT.—If an owner fails to enter into an agreement pursuant to paragraph (1), the Secretary of the Army may, in accordance with the applicable easement or right-of-way, remove or demolish the structure.

Mr. METZENBAUM. Mr. President, this amendment would stop the Army Corps of Engineers from throwing Ohio property owners out of their homes.

For the past 12 years, the corps has been pursuing a policy of encroachment resolution in the Muskingum River Basin, a policy in which hundreds of families have been forced out of their homes without receiving a single dime of compensation.

Ostensibly, the reason is safety to ensure that people's homes are not flooded.

Last year, however, I learned that the corps was displacing families whose homes had never flooded, and likely never would flood. They were located at elevations exceeding a flood projected to occur once every 500 years.

I stepped in and after some discussion, the corps agreed to conduct additional flood frequency studies. Those studies recognized that the existing policy was overly harsh, and the corps subsequently agreed to modify it somewhat.

But the fact remains, Mr. President, that the policy continues to be a riddle filled with all manner of inconsistency which will continue to cause great harm to my constituents.

This amendment simply says to the corps, hold on, wait until the House and Senate committees have a chance to look at what you're doing.

We should be looking at this policy. Its effects are not limited to Ohio. According to information I obtained from the Corps of Engineers, 345 other families living near corps projects in 13 other States stand to lose their homes by reason of encroachment resolution.

I ask unanimous consent that the corps document listing these projects and States be entered into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Summary of unresolved easement encroachments nationwide

Division, district, and project name	*Habitable Structures*
Lower Mississippi Valley:	
St Louis:	
Mark Twain Lake, MO	1
Carlyle Lake, IL	79
Missouri River:	
Omaha:	
Lake Sakakawea, ND	3
North Central:	
Rock Island:	
Saylorsville Lake, IA	1
North Pacific:	
Seattle:	
Albeni Falls, Dam Project, ID	2
Ohio River:	
Huntington:	
Beechfork Lake, WV	1
Bluestone Lake, WV	2
Delaware Lake	6
Dillon Lake, OH	2
Tom Jenkins Dam, IN	4
Louisville:	
Cecil M. Harden, IN	116
Nolin River, KY	1
Rough River, KY	55
Nashville:	
Chetham Lake, TN	1
Cordell Hull Lake, TN	1
Old Hickory Lake, TN	2
Wolf Creek Reservoir, KY (aka: Lake Cumberland)	2
Pittsburgh:	
Berlin Lake, OH	19
Tygart Lake, WV	13
South Atlantic:	
Mobile:	
Lake Sidney Lanier, GA	5
South Pacific:	
Los Angeles:	
Prado Flood Control Basin, CA	12
South Western:	
Little Rock:	
Greers Ferry Lake, AR	8
Millwood Lake, AR	1
Table Rock Lake, MO	7

AMENDMENT NO. 993

(Purpose: To specifically include amounts designated in the Department of Energy's Budget Request for implementation of Title X of the Energy Policy Act of 1992)

On page 33, line 11, strike the period and insert the following: ": *Provided*, That at least $40,600,000 of amounts derived from the fund for such expenses shall be expended in accordance with title X, Subtitle A of the Energy Policy Act of 1992.".

AMENDMENT NO. 994

On page 6, line 25 insert the following before the period: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $4,460,000 of available funds to complete preconstruction, engineering and design for the Ste. Genevieve, Missouri flood control project authorized by section 401(a) of the Water Resources Development Act of 1986 (100 STAT. 4118) so that the project will be ready for construction by October 1, 1994: *Provided further*, That all plans, specifications and design documents shall be concurrently reviewed in order to expedite the project".

AMENDMENT NO. 995

(Purpose: To provide funding for engineering design for the relocation of the existing comfort and lifeguard stations on the Atlantic coast of New York City, from Rockaway Inlet to Norton Point)

On page 13, line 1, after the colon, insert the following: "Provided further, That the Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers, shall (1) use $2,000,000 of funds appropriated herein to carry out engineering design for the relocation of the comfort and lifeguard stations on the Atlantic coast of new York City, from Rockaway Inlet to Norton Point, as authorized by section 1076 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2105), and (2) not later than 1 year after the date of enactment of this Act, report to Congress on the results of the expenditure of funds required under paragraph (1):''.

AMENDMENT NO. 996

On page 31, line 12, insert the following after the word "expended": ", of which, $4,500,000 shall be derived by transfer from the Geothermal Resources Development Fund".

GEOTHERMAL AMENDMENT

Mr. HATFIELD. The amendment I have just offered would make $4.5 million from the geothermal resources development fund available within the total funds appropriated in this bill for the Department of Energy's energy supply, research and development activities. It makes these funds available for use, but does not increase the amount of funds appropriated in the bill.

The geothermal resources development fund was established in the late 1970's as a loan guarantee account for a Department of Energy program which provided loan guarantees to experimental geothermal power generation facilities. In the spring of 1981, a decision was made to accept no new applications under this program, although prior appropriations were retained against pending claims. At this time, there remains $4.5 million in this account which is unexpended, and against which there are no claims.

Consistent with language in the Senate report to H.R. 2445 (S. Rept. 103–147), indicating that the Department of Energy should make funds available from recoveries or prior year unobligated balances for additional cost-shared efforts with private industry on new geothermal concepts and projects, the Department should use the $4.5 million from the geothermal resources development fund for these same types of efforts.

Mr. JOHNSTON. I agree both with Senator HATFIELD's amendment and his stated intention on how the Department of Energy should utilize the $4.5 million. Directing the funds for geothermal research and development activities for the purpose of funding industry cost-shared programs is an appropriate use of the funds.

Mr. HATFIELD. I thank the distinguished Senator from Louisiana.

AMENDMENT NO. 997

(Purpose: Virginia Beach Erosion Control and Hurricane Protection Virginia project)

On page 6, line 25, before the period, insert the following: ": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $2,000,000 of funds appropriated herein to engineer and design the Virginia Beach Erosion Control and Hurricane Protection, Virginia project, including storm water collection and discharge, as authorized by section 102(cc) of Public Law 102–580''.

Mr. WARNER. Mr. President, I want to thank the managers of the bill for accepting this amendment which will ensure that there will be adequate protection to the oceanfront of Virginia Beach from hurricanes and other severe storms.

My amendment simply restates the authorizing provisions for the city's beach erosion and hurricane protection project as provided in the Water Resources Development Act of 1992 and as first authorized in the Water Resources Development Act of 1990.

Let me make it clear to all of my colleagues that this amendment does not make any modifications to the project as authorized by the Congress.

This amendment is necessary, however, to provide further direction to the Corps of Engineers to comply with the project's authorization and to proceed with the engineering and design of the project accordingly.

The Congress first provided the Corps of Engineers with the necessary authorization in 1976 to examine appropriate hurricane protection measures for the Virginia shoreline in the city of Virginia Beach from the Virginia/North Carolina border to the city of Norfolk.

Following many years of analysis, the Chief of Engineers report was approved and forwarded to Congress in 1985. This report recommended a Federal project for 7 miles of public beach from Rudee Inlet to 89th Street.

Mr. President, this project will protect Virginia's largest public Atlantic Ocean beach and, therefore, it is critical that the project is designed to provide sufficient protections while recognizing the recreational benefits provided by this public beach.

AMENDMENT NO. 998

On page 15, line 22, insert the following before the semicolon: ": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $3,000,000 appropriated herein to provide design and construction assistance for a water transmission line from the northern part of Beaver Lake, Arkansas, into Benton and Washington Counties, Arkansas, as authorized by section 220 of Public Law 102–580''.

Mr. BUMPERS. It is my understanding this bill contains $3 million under the construction general account of the U.S. Army Corps of Engineers for design and construction assistance relating to a water withdrawal facility and transmission line at Beaver Lake, AR. This provision was authorized by the Water Resources Development Act of 1992 and will allow completion of a very important water resource project that will serve the people of Arkansas and will provide benefits to the neighboring States of Missouri and Oklahoma.

I would like to remind the chairman that the amount allowed in this bill is part of a $38 million effort of which more than $20 million will be provided by State and local sources. I would also like to stress how critical the acceptance of this provision is to the viability of this project. Due to a shortfall in funding, the major Federal partner, the Rural Development Administration of USDA, was in a position of scaling back its participation to a level that would very likely have meant that this project would never be completed. Without the $3 million provided in this bill, this project was, in a very real sense, on the verge of a very untimely death.

I will not go into detail here of the many reasons why this project is so important to this region of the country. Factors ranging from health considerations to economic development all play a role, and I am sure the chairman is aware of the work I have pursued along these lines in my role as Chairman of the Appropriations Subcommittee on Agriculture and Rural Development.

Mr. JOHNSTON. I am aware of the work of the senior Senator from Arkansas through the Appropriations Subcommittee on Agriculture and Rural Development and I look forward to continuing my work with him on that subcommittee. The Senator is also correct that the pending bill includes the $3 million as he describes.

Mr. BUMPERS. I thank the distinguished chairman for his comments and for his assistance in providing this important provision in this bill.

AMENDMENT NO. 999

On page 15, strike the proviso starting on line 18 through "manner" on line 22, and insert the following: "*Provided further*, That using $6,300,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue with the authorized Ouachita River Levees, Louisiana project in an orderly but expeditious manner and within this amount, $3,800,000 shall be used to continue rehabilitation or replacement of all deteriorated drainage structures which threaten the security of this critical protection, and $2,500,000 shall be used to repair the river bank at Columbia, Louisiana, which is eroding and placing the project levee protecting the city in imminent danger of failure''.

OUACHITA RIVER LEVEES, LA

Mr. JOHNSTON. Mr. President, this amendment simply directs the Corps of Engineers to use $6,300,000 to continue design and construction of the Ouachita River Levees project in Louisiana. This amount includes $3,800,000 to continue rehabilitation or replacement of deteriorated drainage structures in the levee system. This issue has been addressed by the committee in the Energy and Water Development Appropriations Acts of 1991, 1992, and 1993, but for which critical needs still remain. Additionally, there is a critical bank caving problem at Columbia, LA, which is endangering the levee protecting the historic portion of the city. The intent of Congress, as described in Public Law 74–734, the Flood Control Act of 22 June 1936, Section 5, is to provide protection to the people and city property of Columbia, LA. Therefore, $2,500,000 is needed for the Corps of Engineers to prepare engineering plans and specifications and to construct bank stabilization at Columbia, LA.

AMENDMENT NO. 1000

At the appropriate place insert:

SEC.

(1) IN GENERAL.—The Secretary of the Army is authorized to convey to the city of Galveston, Texas, fee simple absolute title to a parcel of land containing approximately 605 acres known as the San Jacinto Disposal Area located on the east end of Galveston Island, Texas, in the W.A.A. Wallace Survey, A-647 and A-648, city of Galveston, Galveston County, Texas, being part of the old Fort Jacinto site, at the fair market value of such parcel to be determined in accordance with the provisions of paragraph (4). Such conveyance shall be made at the discretion of the Secretary of the Army upon the agreement of all interested parties.

(2) COMPENSATION FOR CONVEYANCE.—Upon receipt of compensation from the City of Galveston, the Secretary shall convey the parcel as described in paragraph (1). Such compensation shall include—

(a) conveyance to the Department of the Army of fee simple absolute title to a parcel of land containing approximately 564 acres on Pelican Island, Texas, in the Eneas Smith Survey, A-190, Pelican Island, City of Galveston, Galveston County, Texas, adjacent to property currently owned by the United States. The fair market value of such parcel will be determined in accordance with the provisions of paragraph (4); and

(b) payment to the United States of an amount equal to the difference in the fair market value of the parcel to be conveyed pursuant to paragraph (1) and the fair market value of the parcel to be conveyed pursuant to paragraph (2)(a).

(3) DISPOSITION OF SPOIL.—Costs of maintaining the Galveston Harbor and Channel will continue to be governed by the Local Cooperation Agreement between the United States of America and the City of Galveston dated October 18, 1973. Upon conveyance of the parcel described in paragraph (1), the Department of the Army shall be compensated directly for any anticipated costs which may be incurred in site preparation and in the disposition of spoil in excess of the present value of current costs of spoil disposition.

(4) Determination of fair market value.—The fair market value of the land to be conveyed pursuant to paragraphs (1) and (2) shall be determined by independent appraisers using the market value method.

(5) NAVIGATIONAL SERVITUDE.—Those portions of a 605-acre parcel of land known as the San Jacinto Disposal Area and more fully described in paragraph (1) supra, are declared to be nonnavigable waters of the United States.

(6) SURVEYS AND STUDIES.—The 605-acre parcel and the 564-acre parcel shall be surveyed and further legally described prior to conveyance. Not later than 60 days following enactment of this Act, if he deems it necessary, the Secretary of the Army shall complete a review of the applicability of section 404 of the Clean Water Act to the said parcels.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendments were agreed to en bloc.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1001

Mr. JOHNSTON. Mr. President, the next unanimous consent is a technical amendment. Let me read it.

I ask unanimous consent the adoption of the committee amendments starting on page 33, line 22, and ending on page 34, line 4, be vitiated and that said committee amendment be withdrawn and that the following amendments, which I send to the desk, be considered in order and agreed to.

I withhold that at this time.

What this does is rearrange the phrases. It keeps them, the money, the same in the bill, and otherwise makes no change. Staff indicates that that is essential.

And I now make that unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 1001) was agreed to, as follows:

AMENDMENT NO. 1001

That on page 33 line 22 strike "$1,194,114,000" and insert "$1,615,114,000".

That on page 33 line 23 strike all after "*Provided*," over to and including "*further*," in line 3 on page 34.

AMENDMENT NO. 1002

(Purpose: To clarify the intent of Congress with regard to certain appropriations)

Mr. JOHNSTON. On behalf of Senator BURNS, I send to the desk an amendment with respect to the Northern Cheyenne Settlement Act.

This has been previously cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for Mr. BURNS, proposes an amendment numbered 1002.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) Section 7(e) of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 is amended by adding at the end thereof the following new sentences: "All costs of environmental compliance and mitigation associated with the Compact, including mitigation measures adopted by the Secretary, are a responsibility of the United States. All moneys appropriated pursuant to the authorization under this subsection are in addition to amounts appropriated pursuant to the authorization under section 7(b)(1) of this Act, and shall be immediately available.

(b) Except for the authorizations contained in subsections 7(b)(1), 7(b)(2) and 7(e), the authorization of appropriations contained in this Act shall not be effective until such time as the Montana water court enters and approves a decree as provided in subsection (d) of this section.

(c) The amendments made by this section shall be considered to have taken effect on September 30, 1992.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 1002) was agreed to.

Mr. JOHNSTON. I ask unanimous consent that upon disposition of the Bradley amendment No. 990, Senator BROWN be recognized to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I think we still have three pending committee amendments. Is there any objection to considering those at this point?

Mr. HATFIELD. Mr. President, I urge adoption of them.

The PRESIDING OFFICER. Without objection, the remaining committee amendments are agreed to, en bloc.

So the excepted committee amendments at page 2, line 18; page 20, lines 4 through 14; and page 42, line 5, were agreed to, en bloc.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 989

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on a motion to table amendment 989. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 58, as follow:

[Rollcall Vote No. 299 Leg.]

YEAS—41

Bennett
Bingaman
Bond
Boren
Boxer
Breaux
Burns
Cochran
Craig
Danforth
Daschle
Domenici
Feinstein
Ford
Gramm
Grassley
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Johnston
Kempthorne
Lott
Mack
Mathews
McConnell
Moseley-Braun
Murkowski
Nunn
Packwood
Pressler
Sasser
Shelby
Simon
Smith
Specter
Stevens
Thurmond
Wallop

NAYS—58

Akaka
Baucus
Biden
Bradley
Brown
Bryan
Bumpers
Byrd
Campbell
Chafee
Coats
Cohen
Conrad
Coverdell
D'Amato
DeConcini
Dodd
Dole
Dorgan
Durenberger
Exon
Faircloth
Feingold
Glenn
Gorton
Graham
Gregg
Harkin
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
McCain
Metzenbaum
Mikulski
Mitchell
Moynihan

Murray
Nickles
Pell
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Simpson
Warner
Wellstone
Wofford

NOT VOTING—1

Pryor

So the motion to lay on the table the amendment (No. 989) was rejected.

Mr. BRADLEY. Mr. President, I move to reconsider the vote by which the motion was rejected and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. May we have order?

The PRESIDING OFFICER. The Senate will be in order.

The question is on agreeing to the amendment of the Senator from New Jersey [Mr. BRADLEY].

The amendment (No. 989) was agreed to.

Mr. BRADLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 990

The PRESIDING OFFICER. The question now is on the motion to table the Bradley amendment numbered 990. The yeas and nays have been ordered on the motion to table and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 81, nays 18, as follows:

[Rollcall Vote No. 300 Leg.]

YEAS—81

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lott
Mack
Mathews
McConnell
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—18

Bradley
Brown
Coats
Coverdell
DeConcini
Faircloth
Feingold
Gregg
Jeffords
Kohl
Lieberman
Lugar
McCain
Metzenbaum
Roth
Simpson
Smith
Wallop

NOT VOTING—1

Pryor

So the motion to lay on the table the amendment (No. 990) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote and I move to lay that on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I think under the unanimous-consent agreement, Senator BROWN is to be recognized. Other than that, I know of no other amendments.

If anybody has any amendments, I wonder if they would so indicate.

Then, I think, after a 5-minute speech by Senator BROWN, we will be ready for final passage. There will be a vote on final passage.

The PRESIDING OFFICER. The Senate will be in order.

Under the unanimous-consent agreement, Senator BROWN from Colorado is recognized for 5 minutes. The Chair recognizes Senator BROWN.

TOBACCO CONTENT RULES

Mr. BROWN. Mr. President, let me thank the distinguished chairman for the time. I will not delay the deliberations of the body other than to alert them to what I believe is a serious problem with regard to trade. Included in our reconciliation measure was a provision that provided a domestic content requirement that was quite extraordinary.

It provided a domestic content requirement for tobacco on cigarettes and other tobacco products manufactured inside the United States, both for domestic sale and, incredibly, for export. In other words, we passed a law that makes it much more expensive to produce products for export from this Nation than if those products are manufactured overseas. Literally, what we have done by the law is urge and force manufacturers to take U.S. products overseas to produce for export sales.

It is incredible. Not only does it violate GATT, but it violates any form of common sense. It virtually forces people to take jobs out of this country and put them overseas.

We had a vote on that provision at that time on reconciliation. We were forced to bring it up as a challenge to a point of order, clearly not considered in the normal process.

At that point, a number of Members were kind enough to come up to me and indicate they felt there was validity in the concerns I had raised; that they would have been willing to vote with me if, indeed, it did not endanger the reconciliation package.

Thus, I intend to introduce a bill that will make it clear this provision cannot be in effect if it is found to violate the GATT Agreement that we have signed and agreed to.

With regard to that, this has become a poster child of our duplicity in international trade negotiations. The very countries we have gone to and urged them to open up their markets to U.S. products are now using this against us.

The Journal of Commerce carries an article from September 24 where a number of Third World countries have taken action against us under the GATT provisions, pointing out that they are GATT illegal. The New York Times carries a provision about this legislation. I might quote from the New York Times with regard to this incident:

> * * * the former Brazilian Ambassador, recalled the United States had formally protested before a GATT panel several years ago when Thailand imposed similar import fees on tobacco. The U.S. was successful.

Mr. President, what has literally happened is when other countries try to impose this kind of domestic content on tobacco, the United States itself went to GATT and called it GATT illegal and brought a protest and won that protest. And now we have gone into the international trade market and have done exactly the same thing we have accused others of doing and branded as an unfair trade practice.

Mr. President, it is very important for this country's trade future that this provision be repealed. I will introduce a bill that does that, and I will offer on the next piece of legislation, where it does not involve legislating on an appropriations bill, an amendment that either repeals this or makes it ineffective until we have a ruling if it violates the GATT Agreement.

Before I yield, I ask unanimous consent to print in the RECORD a copy of the article from the New York Times, a copy of the editorial from the Washington Post, and a copy of the article from the Journal of Commerce.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Journal of Commerce, Sept. 24, 1993]

GATT NATIONS FUME AT THE UNITED STATES OVER TOBACCO-CONTENT RULES

(By John Zarocostas)

GENEVA.—The United States came under fire this week from Latin American, Asian and African nations for its regulation requiring a 75% domestic-content supply requirement for cigarette manufacturers that severely limits the volume of imports.

During a council session of the General Agreement on Tariffs and Trade, Brazil, Argentina, Colombia, El Salvador, Guatemala, Venezuela, Thailand and Zimbabwe jointly protested that amendments, introduced to the tobacco program under the Omnibus Budget Reconciliation Act of 1993, run contrary to international trade rules.

The amendments were signed by President Clinton on Aug. 10.

Geneva-based GATT is the international body that governs trade throughout much of the world.

Speaking on behalf of the eight-nation group, Brazil's Jose Alfredo Graca Lima said "the measures approved result in adverse trade effects to all flue-cured and Burley tobacco exporting countries, but especially to developing countries."

He said last year's exports to the United States from the eight nations mentioned above amounted to 91,537 tons, worth $353 million.

The minimum-requirement provisions also include stiff penalties for manufacturers who fail to comply, plus additional charges to be paid by importers.

The United States agreed to a request for consultations with the group of eight and with Canada, Chile and the European Community.

Chile—which last year shipped 3,095 tons, or 70% of its Burley tobacco exports to the United States, with a total value of $13 million—said the new measures would negatively affect its exports.

Andrew Stoler, assistant U.S. trade representative, told delegates consultations most likely would begin Monday.

If the consultations fail to resolve the grievances amicably, the next likely step will be a call for the establishment of a dispute panel.

One trade diplomat close to the dispute thinks the issue "will probably go to panel."

Senior trade sources said the Colombian foreign minister has written to Secretary of State Warren Christopher warning that the new U.S. measures could undermine the fight against drugs, as tobacco is a cash crop grown near the drug areas.

[From the Washington Post, July 30, 1993]

Protecting Tobacco, Incompetently

In a classically perverse attempt at protectionism, Congress is about to do serious damage to tobacco growers and workers through a clumsy effort to help them. Many mischievous and harmful little provisions are being stitched into the huge budget reconciliation bill, and the tobacco amendment is one of them. It's a typically good-hearted endeavor to shield American tobacco growers from foreign competition at the expense of small farmers in Latin America and Africa. But it isn't going to work out the way the sponsors expect.

The tobacco market is changing rapidly. The cigarette manufacturers are fighting fiercely for shares of an American market that, because of the anti-smoking campaigns, is no longer growing. Domestic tobacco is expensive because the government supports the price. To make cigarettes more cheaply, the manufacturers have been turning increasingly to imports.

To prevent that, the conferees on the reconciliation bill have now accepted a Senate provision that would require at least 75 percent of the tobacco in all American-made cigarettes to come from domestic sources. It would also put a tariff on the imports sufficiently high to pay for the domestic price supports.

Congress sometimes finds it difficult to remember that trade runs in both directions—outward as well as inward. The cigarette companies export heavily—at present—from the American plants. The companies believe, for good reason, that all of their future growth will be abroad. But the downward pressure on prices is even more severe in other countries than here. If their American plants can't get access to tobacco at world prices, the manufacturers will move their operations overseas to serve their foreign markets. That will mean even less American tobacco in the cigarettes, not to mention fewer jobs in the American tobacco factories.

Good riddance? Perhaps. Cigarettes are a major threat to public health, and you can argue that the shrinkage of the American industry ought to be welcomed. But that's not the view of the tobacco growers, or the people who work for the tobacco companies or the people in the Senate who represent them and are now successfully pushing this tobacco provision into law. It will give the growers one or two good years, for which the tobacco-state senators will take full credit. Then, as the companies begin to move overseas, the growers will go into a sharp decline that the same senators will naturally blame on foreigners.

[From the New York Times, Sept. 29, 1993]

A Curb on Imported Tobacco Aids Farms and Philip Morris

(By Michael Janofsky)

Faced with the likelihood that taxes on cigarettes will soar as part of the Clinton Administration's health care plan, two leading tobacco state lawmakers, worried about declining sales, rolled a little-noticed provision into the Federal budget bill that gives American tobacco farmers—and the nation's biggest cigarette maker—a big lift.

In the final, harried days of legislative deal-making over the budget, Senator Wendell H. Ford of Kentucky and Representative Charles Rose of North Carolina, both Democrats from major tobacco growing states, pushed through a regulation that American-made cigarettes must contain at least 75 percent American-grown tobacco. That is more than twice the amount now used in some cigarettes.

As the country's first law regulating tobacco content, it instantly lifted the fortunes of America's troubled tobacco farmers, already squeezed by declining consumption, rising costs and competition from imported tobacco that costs as much as 40 percent less.

It also puts additional cost pressure on cigarette manufacturers who, facing higher excise taxes, must decide whether to pass on to smokers the expense of using more domestic leaf.

And by limiting imports of tobacco, it could further complicate the troubled world trade talks under the General Agreement on Tariffs and Trade. "This is the poster child of duplicitous trade policy," Hank Brown, the Republican Senator from Colorado, said of the content rule. He had argued strongly against the measure in the Senate, contending that it would prompt the larger cigarette makers, led by the Philip Morris Companies, to increase production in overseas plants at the expense of jobs here.

"There will be immediate and severe job loss in the U.S. tobacco manufacturing plants," said Representative Stephen L. Neal, Democrat of North Carolina, who opposed the regulation. "There will be trade retaliation. And over the longer term, U.S. tobacco growers will be hurt."

The law also for the first time places a kind of tariff, in the form of an "assessment," on imported tobacco to help finance the Federal tobacco crop subsidy program. The assessment would raise an estimated $29 billion over five years, which was the main justification for including it in the deficit reduction package.

But critics like Representative Sam M. Gibbons, a Democrat from Florida who is chairman of the House subcommittee on trade, suggested that the new regulation was merely a politically motivated exchange to give lawmakers from tobacco-growing states something for their support on the budget measure when the Federal cigarette tax of 24 cents a pack could quadruple.

A LINK IS SEEN

The budget squeaked by both in the Senate and the House by one-vote margins. Among the 34 Democrats from House districts dependent on the tobacco industry, 30 supported the budget package. So did the five Democratic Senators from states in which tobacco is a leading crop—Kentucky, North Carolina, South Carolina, Tennessee and Virginia.

The White House, Senator Ford and others insisted there was no deal made. But Representative Rose, during a July 28 House-Senate conference committee in which the content provision was approved, acknowledged a clear link between that law and the prospect of using higher cigarette taxes to finance health care.

"Those who are drafting the health care proposals for this country have singled out tobacco for special treatment," he said. "And we are working very closely with the White House in an effort to find a middle ground where we can be helpful."

Or, as Mr. Gibbons said in an interview: "They're going to tax the hell out of tobacco. This was a kiss-off."

Representative Rose failed to respond to repeated attempts over a two-week period to reach him for comment.

For years, growers have pushed for a domestic-content law to slow the growth of imported tobacco, the bulk of which has been coming from Brazil, Zimbabwe, Argentina, Thailand and Malawi. Imports more than doubled from 1989 to 1992, according to the Agriculture Department, while domestic tobacco output rose only 26 percent.

LAW IS DIVISIVE

"Imports have been killing us," said Danny McKinney, chief executive of the Burley Tobacco Growers Cooperative Association in Lexington, Ky. "The playing field was not level. So the growers sat around and decided what had to be done."

Yet unlike most issues facing the tobacco industry, including attacks by antismoking groups, which tend to unify all segments, the domestic-content law has been divisive. Philip-Morris, which made Senator Ford and Representative Rose its No. 1 and No. 3 recipients of political contributions in the last election campaign, supported the idea.

But the R. J. Reynolds Tobacco Company and other, smaller cigarette makers favored an alternative plan that would have relaxed the regulation for American-made products for export. The regulation, as written, gives Philip Morris a decided advantage because of its ability to shift production offshore to a worldwide network of plants in 26 countries or territories, from where it can satisfy foreign demand. Just this week, Philip Morris announced that it was acquiring a major interest in the state tobacco operation in Kazakhstan, with plans to produce 20 billion cigarettes a year from there.

Other companies either have more modest international operations or none at all.

For that reason, many tobacco growers say that any law imposing a content regulation on cigarettes made in America to send abroad is unfair. The higher-cost tobacco places farmers at a competitive disadvantage in world markets, where demand for American cigarettes is growing.

Why did the provision that only Philip Morris favored pass Congress?

"Philip Morris got a deal first," said an executive from a rival tobacco company who spoke on the condition he not be identified. "Once it was penciled in, it was tough to change."

Philip Morris declined to discuss the matter. Barry Holt, a spokesman, said that the company would not respond to questions about its position on the content provision or any role it might have played in helping it pass.

Like the farmer groups, the smaller companies recognize the possibility that benefits from the regulation might be short-lived. They contend that companies will eventually move more of their operations offshore to avoid the law or simply reduce domestic production because of the increased costs. Either way, it would eliminate American jobs and reduce the demand for domestic tobacco after the rule takes effect.

James W. Johnston, the chairman and chief executive of R. J. Reynolds, said in a letter to 3,000 growers in June that a content rule would lower the demand for domestic tobacco in the long run and eventually cost some farmers their jobs. He later warned that the proposal "will do more harm than good."

Mr. Johnston declined to be interviewed for this article.

RETALIATION IS FEARED

Other objections have come from free trade advocates who view the measure as an excuse by other countries to impose their own laws to restrict imports. When the measure was still under debate in Congress, the ambassadors from several tobacco-producing countries protested. Rubens Ricupero, the former Brazilian Ambassador, recalled that the United States had formally protested before a GATT panel several years ago when Thailand imposed a similar import fee on tobacco.

"The U.S. was successful," Mr. Ricupero said in an interview. "The panel decided against Thailand, and Thailand had to change its provision."

Earlier this month, eight countries—including Brazil, the leading tobacco exporter to the United States, and Thailand—filed a formal protest with GATT officials in Geneva. Last week, the United States agreed to respond.

Peter Sutherland, the Director General of GATT, said in an interview last week that any new tariff would be "extremely dangerous," with negotiators trying to conclude world trade talks by Dec. 15. He added, "Within sight of the line, you really have to recognize that if serious disputes are breaking out on specific items, it could have a negative effect."

A spokeswoman for the United States trade representative, Mickey Kantor, declined to comment.

In an interview, Senator Ford stressed that his primary motivation for pushing the content requirement was to protect the interests of tobacco farmers back home in the face of new cigarette taxes. He said he made his feelings clear in a meeting with Hillary Rodham Clinton as she was gathering information on health care changes. He said he told her, "The higher the tax, the greater my emotions."

Rising tobacco imports, he said, have forced 69 percent of the tobacco farmers in Kentucky to take other jobs.

OBJECTIONS TO PLAN

Before the conference members voted for the tobacco content provision, 13 to 8, Mr. Gibbons, the Florida Democrat, said he and others objected to it both as a cushion for farmers against higher cigarette taxes and because it complicated the GATT world trade talks.

At one point, Mr. Gibbons said to Mr. Rose, according to a transcript of the meeting, "I didn't realize this has to do with health care."

"Well it does," Mr. Rose replied in the meeting.

"That may never become law," Mr. Gibbons said in the budget conference. "But this is going to become law. Wouldn't it be more appropriate to deal with this in the health care legislation rather than something that is not related to health care?"

But in the vote on the tobacco provision, Mr. Gibbons was the only Democrat in opposition.

Already, executives from R. J. Reynolds, which employs more than 11,000 people in the United States, have said they could be forced to move several hundred production jobs overseas within a year after the regulation takes effect. That date has not yet been determined.

Then there are the international trade officials straining to conclude the trade talks. Like Mr. Sutherland, the GATT Director General, they view the domestic content provision as a provocation, almost certain to be rebuffed the way Thailand's was. Back then, one of those leading the charge against Thailand was the Democratic Senator from Kentucky, Mr. Ford.

Mr. FORD. I ask unanimous consent that I might have 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator.

Mr. FORD. Mr. President, there are so many holes in the Senator's statement that I can drive an 18-wheeler through it. He says he is going to introduce a special piece of legislation.

I reserve my time then to debate at that point, and I am not going to delay my colleagues this evening.

I thank the Chair.

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Are there further amendments to the bill?

Mr. DOMENICI. Mr. President, I rise in support of the energy and water development appropriations bill reported by the Senate Appropriations Committee.

By CBO's scoring, this bill provides $22 billion in new budget authority and $12.9 billion in new outlays for the Department of Energy, the Corps of Engineers, the Bureau of Reclamation, and for other selected independent agencies. With outlays from prior-year BA and other completed actions, the Senate bill is within the subcommittee's section 602(b) allocation.

I particularly appreciate the subcommittee's support for a number of projects and programs important to my home State of New Mexico.

The bill strongly supports technology transfer efforts by our DOE national laboratories. The committee has provided a total of $243 million to carry out the National Competitiveness Technology Transfer Act of 1989, which I coauthored.

The funding initiatives in this bill will encourage the integration of the scientific and technical expertise of DOE's national laboratories with U.S. industry to enhance their capabilities and their ability to compete in an expanding global market.

Moreover, it will provide support for the development of technologies to solve some very complex environmental problems in the weapons complex.

The Senate report does an excellent job in describing how the DOE laboratories are well-suited to take on these significant challenges.

In particular, the Senate report includes language I suggested acknowledging that partnerships between the DOE labs and small- and medium-sized business represent an important opportunity to increase U.S. global competitiveness through the development and application of generic industrial technologies.

The report also states that technology transfer efforts related to environmental restoration and waste management are an appropriate use of these funds.

I commend the subcommittee chairman, the Senator from Louisiana, and the ranking minority member, the Senator from Oregon, for bringing this bill to the floor within its section 602(b) allocation and the spending cap.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ENERGY—WATER SUBCOMMITTEE

[Spending totals—Senate—reported bill; fiscal year 1994, in millions of dollars]

Category	Budget authority	Outlays
Discretionary:		
Outlays from prior-year BA and other actions completed		8,775
H.R. 2445, as reported to the Senate	21,990	12,924
Scorekeeping adjustment		
Adjusted bill total	21,990	21,700
Senate Subcommittee 602(b) allocation	22,117	21,702
President's request	22,124	21,799
House bill	21,506	21,411
Senate-reported bill compared to:		
Senate Subcommittee 602(b) allocation	−127	−2
President's request	−133	−100
House bill	484	289

Note: Details may not add to totals due to rounding. All totals adjusted for consistency with current scorekeeping conventions.

Prepared by SBC Republican staff for informational purposes only; not to be used for official scorekeeping purposes or for determining Budget Act points of order.

UPPER ARKANSAS RIVER BASIN PROGRAM

Mr. CAMPBELL. Mr. President, I would like to engage the distinguished floor manager in a brief colloquy regarding the Bureau of Reclamation's Upper Arkansas River Basin Water Quality Restoration Program. It is my understanding that the committee has included $125,000 to continue studies to address the water quality problems in the Upper Arkansas River Basin, particularly heavy metal contamination.

Mr. JOHNSTON. The Senator is correct, the committee has included $125,000, the amount requested by the President, to continue the program in fiscal year 1994.

Mr. CAMPBELL. I thank the distinguished chairman. I believe the Bureau has reported that, as a part of the program, it has identified priority demonstration projects to be implemented under the authority of section 708 of Public Law 102–575.

Mr. JOHNSTON. I understand that the Bureau of Reclamation is working through its multiagency technical work group to identify possible demonstration project sites. It is preparing project implementation plans and could implement the projects in fiscal year. As the Senator knows, implementation is contingent on the establishment of partners for cost-sharing and long-term operation and maintenance agreements.

Mr. CAMPBELL. I thank the chairman for his clarifications. I have been greatly encouraged by reports that much progress is being made in the development of project implementation plans, and that cost-sharing partners have been tentatively identified. If some plans were to be completed this spring, would the committee consider a reprogramming to make additional fiscal year 1994 funds available for project implementation and development?

Mr. JOHNSTON. We would encourage the Bureau to request a reprogramming if project implementation is possible this year. I also understand that progress is being made in data collection, monitoring and planning for these basin-wide restoration activities through the multiagency approach. The Bureau points to less duplication of effort, more efficient utilization of resources, and a practical approach to reaching a consensus among the expert participants. Corrective action projects could conceivably incorporate these advantages.

Mr. CAMPBELL. I again thank the distinguished chairman for his clarifications. The State of Colorado has been an active participant in the technical work group and will continue to play an important leadership role. And, I would add, the residents of the Upper Arkansas Basin are hopeful that they will continue to be included in this consensus building approach to problem solving, and are looking forward to being involved in this successful federal program.

ST. GEORGES BRIDGE

Mr. BIDEN. Mr. President, I would like to take this opportunity to thank the distinguished chairman of the Energy and Water Appropriations Subcommittee for his important role in assuring the smooth and timely construction of the St. Georges Bridge project in Delaware. In particular, I thank Senator JOHNSTON and the committee for clarifying the Corps of Engineers' obligation to reimburse the State of Delaware for the costs of constructing the highway approaches to the bridge, as well as the St. Georges Bridge itself.

Congress has previously determined that it was the corps' responsibility to reimburse the State of Delaware for the new bridge crossing the Chesapeake and Delaware Canal at St. Georges in Delaware. This year, in direct conflict with its own previous position, the intent of Congress and the State's federally approved plans, the corps attempted to revise its duties to the state. The corps claimed that it was not responsible for the cost of approaches to the bridge. This unilateral reinterpretation would have shifted $40 million in costs to Delaware's taxpayers.

The language included with the appropriations for the Corps of Engineers restates congressional understanding of the corps' obligation to direct the $14 million provided for fiscal year 1994—as well as for funds provided in previous and future appropriations—to the costs of building the approaches to the bridge as well as the bridge itself.

This report language is not only consistent with the agreement for the bridge under construction, but is consistent with previous projects in which the Federal Government has provided bridges over the canal in fulfillment of its clear legal obligation to provide "good and sufficient crossings."

The State believes that attempting to build a bridge without access to it fails to meet the agreement reached between Delaware and the Federal Government, and also fails to meet the test of common sense. I share this view and am pleased the Energy and Water Subcommittee, under the leadership of its distinguished chairman, also agrees with the State's position.

Mr. JOHNSTON. The committee is pleased to be able to help clarify the corps' responsibilities in the construction of the St. Georges Bridge and its approaches. The committee agrees that the corps' revision of its responsibilities under an agreement that had governed the project since its inception was contrary to both the intent of Congress and the previous position of the corps.

The committee report restates what we understand is that the existing agreement between the State and the corps, namely that it includes reimbursement for the costs for approaches to the St. Georges Bridge as specified in the State's federally approved plans and as in acts of Congress.

Mr. BIDEN. I thank the distinguished chairman for the subcommittee's longstanding support and for his assistance in clarifying the scope of the Corps of Engineers' duty to reimburse the State of Delaware for construction costs associated with the St. Georges Bridge project.

MINIMUM DREDGE FLEET

Mr. HATFIELD. Mr. President, the fiscal year 1994 Energy and Water Development appropriations bill which is being considered today repeats a provision that was first enacted last year as section 106 of the fiscal year 1993 Energy and Water Development Appropriations Act (Public Law 102–377). The provision allows the Secretary of the Army to advertise for competitive bid an additional 7,500,000 cubic yards of hopper dredge volume during fiscal year 1994. The bill language was worked out originally last year during conference with the House, and in an effort to clarify the conferees' intent of the language for the Corps of Engineers, Senator JOHNSTON and I entered into a colloquy on the floor during consideration of the fiscal year 1993 conference report. Because the provision is repeated in section 106 of this year's Senate bill, H.R. 2445, I believe there is a need to repeat the original colloquy, too.

During last year's conference, we agreed on a compromise amount of 7,500,000 cubic yards in new work to be made available for competitive bidding by private industry during the new fiscal year. The language in section 106 uses the term "at least 7,500,000 cubic yards" in describing the compromise amount. I am concerned that someone in the corps may try to argue that the 7,500,000 cubic yards is the floor and not the target. Someone in the corps might argue that we expect the corps to move up from that amount, not up to that amount.

As a result, I wish to ensure that the legislative history sends as clear a message as possible that the conferees agreed that the target was 7,500,000 cubic yards, and that the term "at least" does not imply a floor to be exceeded. Is this correct?

Mr. JOHNSTON. My colleague from Oregon is correct. Last year we reached a good faith compromise allowing competitive bidding on an additional 7,500,000 cubic yards of hopper dredge work in fiscal year 1993, and our intent remains the same for fiscal year 1994. I join him in emphasizing to the corps that it is a target, not a floor. Of course, they may not be able to hit this precise amount exactly, and our language allows the corps to exceed it by some very small amount.

Mr. HATFIELD. I agree that we need to provide some leeway to the corps to execute its dredging contracts. I understand that calculation of the contracts for competitively bidding the contracts may require a small amount above 7,500,000 cubic yards.

We must stress, however, that Congress agreed to a target of 7,500,000 cubic yards. While I do not ascribe motives to anyone, I want to make it clear that the corps cannot first put out for competitive bid 7,400,000 cubic yards, and then put out for competitive bid another huge contract that results in far exceeding our target total of 7,500,000 cubic yards. While I agree that this is farfetched, it is better to clarify matters now.

Mr. JOHNSTON. I agree.

Mr. HATFIELD. I thank the distinguished Senator from Louisiana.

MILL CREEK LOCAL FLOOD PROTECTION

Mr. GLENN. Mr. President, I rise today to engage the distinguished chairman in a colloquy concerning a flood control project in the Cincinnati Metropolitan Area—the Mill Creek Local Flood Protection Project. This project, which was intended to provide flood protection covering a 17½-mile section of Mill Creek, was terminated by the Corps of Engineers late last year.

My concern is not with the decision to terminate the project per se, but rather with the manner in which the corps arrived at this decision. Instead of conducting a comprehensive reevaluation of the project beforehand to determine the impact this decision might have on the local community, the corps announced the termination, and then subsequently began a study to determine how to terminate the project. By its methodology, the study will ignore many of the concerns of the residents and landowners who were supposed to be protected by the project. For example, the local communities I have heard from do not know whether walking away from a half-completed project leaves them in a worse predicament, and at a higher risk, than before the project was begun. Now the corps tells me that this could not be the case, but that has not entirely assured our local officials.

Mr. President, it is critical that the corps work in cooperation with officials from the city of Cincinnati and be attentive to their concerns and those of landowners in the region. This is a significant matter that I will be discussing with the new administration leadership.

Mr. METZENBAUM. Mr. President, I rise in concurrence with my colleague from Ohio. I have heard from residents and officials of the city of Cincinnati who are trying to cope with this situation and to act responsible in light of the corps' decision. I would point out that there has been a Federal investment in this project and a rather sizable local financial contribution. I would hope that the Corps of Engineers will consult with the city of Cincinnati and the Mill Creek Conservancy District regarding the scope of the project study currently underway by the corps to determine how the study might address those issues raised by the local communities.

Mr. JOHNSTON. I certainly appreciate the concerns of my two colleagues from Ohio and want to assure them that it is the intent of the committee that the Corps of Engineers should consult and work in cooperation with city officials as it studies the disposition of the Mill Creek project.

ST. AUGUSTINE BEACH RENOURISHMENT

Mr. MACK. Mr. President, I would like to take a moment to briefly mention a project which was not specifically mentioned in the energy and water appropriations bill and to make an inquiry of the managers.

Under the Water Resources Development Act of 1986, the shore protection of St. Augustine Beach was authorized. However, only recently has this project been ready to go forward. In order to do so, the corps must now conduct an economic update study and begin preplanning for the construction and engineering of this beach renourishment project. I have been informed this will require $150,000.

The question I have for the managers of this bill is, given the relatively low cost of the project and its existing authorization, whether it is appropriate for the corps to move forward on this project utilizing funds within existing accounts?

Mr. JOHNSTON. I can appreciate the desire of the Senator from Florida [Mr. MACK] to proceed with work on this project. Since it is in fact authorized, I would urge the corps to move forward with the economic update study and fund this request from within existing accounts.

Mr. HATFIELD. I am well aware of the many needs of the State of Florida in light of its many wetlands and the fact it is surrounded on three sides by ocean. Likewise I appreciate the Senator from Florida's desire to maximize his States limited resources. As such, I concur with my colleague and comanager of this bill, the Senator from Louisiana [Mr. JOHNSTON].

Mr. MACK. I thank the managers for their clarification on this funding issue and am greatful for their willingness to assist the State of Florida.

FLORIDA BAY STUDY

Mr. MACK. Mr. President, I come to the floor today to speak for a moment about funding provided for a study to restore the health of the endangered Florida Bay and to thank the managers and the committee for recognizing the importance of saving this vital environmentally sensitive treasure.

As the committee is aware the Florida Bay sits in between the southern end of the State at the base of the Everglades and the Florida Keys. In part, the diversion of the water flow from the Everglades has resulted in a substantial diminished water flow in the bay. As a result salinity is increasing in the bay jeopardizing the pristine environment on the ocean bottom as well as endangering the indigenous fisheries.

Over the last several years local government entities, the State of Florida and the U.S. Government have joined forces in an effort to restore the health of both the Everglades and the Florida Bay. In fact, as recently as September 23, 1993, the Department of the Interior, the Department of Commerce, the Department of Agriculture, the Department of the Army—civil works—the Environmental Protection Agency, and the Department of Justice signed an agreement to work together with the South Florida Water Management District as well as local and tribal governments in the development and implementation of a comprehensive program to restore the south Florida ecosystem.

Indeed, the agreement includes wording with regard to research on Florida Bay which states such research should include development of a baseline scientific condition assessment and indicator monitoring program, and appropriate biological and hydrological modeling to evaluate ecosystem restoration. Some appropriate uses of these funds would be: Measurement of freshwater flows to Florida Bay; developing a two-dimensional model of Florida Bay; metering for salinity testing; aircraft and satellite remote sensing; expansion of water quality network in the bay. As other entities are also interested in contributing to this research, the corps should be receptive to pooling the moneys provided for this research with other funding sources to provide for the most comprehensive study possible.

I ask the managers of this bill, the Senators from Louisiana and Oregon, if it is their intent that the funding provided to the corps for research into the restoration of the health of Florida Bay be utilized in a manner consistent with the recently signed agreement of the Interagency South Florida Ecosystem Task Force.

Mr. JOHNSTON. I say to the Senator from Florida that I am pleased to hear of this cooperative agreement and would therefore expect that if the corps signed such an agreement for them to move forward in consultation and cooperation with the interagency task force and the South Florida Water Management District as well as State, local, and tribal governments for authorized activities.

Mr. HATFIELD. I would also expect the Corps of Engineers to proceed on this study in the spirit of the recently signed agreement and would expect the State and local government entities to be active participants in the development of this study.

Mr. MACK. I thank the managers for their clarification of this issue and appreciate their willingness to provide for its funding.

PART OF VENTURA, CA

Mrs. FEINSTEIN. Mr. President, I would like to address a question to Chairman JOHNSTON. The Committee report urges the Corps of Engineers to provide adequate resources and attention to operation and maintenance requirements in order to protect the large Federal investments which have already been made by the corps. The Port of Ventura, CA is one of the harbors specified by your report to receive high priority. I applaud the committee's emphasis of this important project. Once the ongoing work is completed, Ventura Harbor will no longer require annual dredging, which will result in savings to the Federal Government. Is it the committee's intention that, notwithstanding the administration's original budget request, the corps should use the funding flexibility this bill provides to address the operations and maintenance needs at Ventura Harbor.

Mr. JOHNSTON. That is the committee's intention. We have long recognized that operation and maintenance priorities change—sometime overnight. Consequently, we believe the corps should have maximum flexibility within certain limits and guidelines to address these changes. If, as appears to be the case, Ventura's needs have changed, then, by all means, the corps should use its flexibility to meet those needs.

Mrs. FEINSTEIN. I thank the chairman for his assistance and clarification.

ISOTOPE PRODUCTION AND DISTRIBUTION FUND

Mr. CRAIG. Mr. President, I rise to address an issue that is discussed in the report accompanying H.R. 2445, the Energy and Water appropriations bill. Specifically, on page 129 and 130 of the report, under "Isotope Production and Distribution Fund," I note particular reference is made to the need for a domestic source for the production of the isotope, molybdenum-99. As the report states:

> [T]he Committee believes that the Department should give high priority to developing a consistent set of policy and operational guidelines for the program, including an expeditious resolution to the issues surrounding the proposed domestic production of molybdenum-99.

With regard to this issue, I was wondering if the chairman and senior republican of the subcommittee were aware that at the Idaho National Engineering Laboratory, or the INEL as we call it, initiatives are currently underway to examine an expanded use of the advanced test reactor, run under the Naval Reactor Programs, as a source for the production of radioisotopes including molybdenum-99?

Mr. JOHNSTON. Mr. President, if I may speak for my colleague, Senator HATFIELD, the committee is aware of the program at the INEL. As I understand it, a strategic business plan has been developed to evaluate the cost benefits and possible Department strategy for leasing out to an external customer, such as a pharmaceutical company, one of the ATR's available "test loops" to produce the molybdenum-99 isotope.

Mr. CRAIG. The chairman is entirely correct. To follow up, Mr. President, could my friend from Louisiana tell me if the advanced test reactor at the INEL could be an additional program to be evaluated by the Department of Energy as a potential source for the production of molybdenum-99?

Mr. JOHNSTON. As the Senate knows, the committee would direct the Secretary of Energy to provide to the authorizing and appropriating committees by January 30, 1994, a strategic plan for its isotope production program. This report would also include recommendations on the domestic production of the Molybdenum-99 isotope.

It is not the intention of the committee or this Senator to limit or direct the Department toward one potential source or one particular evaluation. The report should identify and review all candidate sources. In that regard, and based on my understanding of the current ATR initiative at the INEL, I would certainly recommend that it not be excluded from the Department's consideration and analysis.

Mr. CRAIG. I appreciate the Senator's comments. I would certainly view the potential expansion of the ATR's isotope production to include molybdenum-99 as another important program development for the Department, the Idaho laboratory and the entire U.S. health care industry.

I yield the floor.

THE NAVAJO TRANSMISSION PROJECT

Mr. DOMENICI. Mr. President, the fiscal year 1994 Energy and Water appropriations bill contains $5,000,000 that will be made available to the Department of Energy to implement Indian energy resource programs in accordance with the vertical integration provisions of the Indian energy title of the Energy Policy Act of 1992 [title XXVI]. This appropriation represents an important first step in utilizing the authorities of the Energy Policy Act, which Senator JOHNSTON so ably steered into law, to support the development of Indian energy resources. Does the Senator agree that the Navajo Nation will qualify to receive the $5 million in funding provided in the form of a grant to be utilized to pay costs for environmental review and other preconstruction costs associated with the Navajo transmission project?

Mr. JOHNSTON. That is correct. The committee understands that the Navajo transmission project is a 400-mile, 500-kilovolt electrical transmission line that will run from the Four Corners area to a termination point in Nevada.

Mr. DECONCINI. The Navajo transmission project is a precedent-setting partnership between the Navajo Nation and the Western Area Power Administration. The project will provide public and private utilities and other energy companies strategic access to planned transmission facilities in the southern Nevada area, and will alleviate the transmission bottleneck in the Four Corners Area, which today prevents the efficient delivery of excess electrical generation capacity in the southwest. Does Senator DOMENICI agree that this project offers significant energy benefits for the Nation?

Mr. DOMENICI. Yes. Eliminating the existing transmission bottleneck in the Four Corners Area has long been a high priority Federal objective.

Mr. BINGAMAN. The project will be majority owned by the Navajo Nation which has invested $5 million in the project, has authorized a right-of-way for the project, and has joined with Western in conducting environmental review for the project. However, private financing is not available for preconstruction costs, such as environmental review, and the Navajo Nation is unable to allocate $5 million from its budget to this project without adversely affecting the provision of basic services to the tribe's 200,000 members. Does the Senator from Arizona agree that the Navajo transmission project offers a cost effective means to realize significant energy benefits for the Nation?

Mr. DECONCINI. Yes.

Mr. McCAIN. The Navajo transmission project is an excellent example of a project in which Indian tribes can become more involved in energy projects utilizing Indian resources. Trough this project, the Navajo people will be able to move from passive lessors of their energy resources to active participants in environmentally responsible energy development on Indian lands, as Congress intended in the Indian energy title of the Energy Policy Act. A you know, the Navajo Nation played an active role in supporting the enactment of this title. Does the Senator from Louisiana agree that this is the type of project Congress had in mind when the Indian energy title was adopted?

Mr. JOHNSTON. Clearly this project furthers the objectives of the Indian energy title.

Mr. DOMENICI. Environmental review for the project has already been initiated. To keep the project on schedule, funds will need to be made available on a timely basis. Is the Senator confident that prompt decisions on the allocation of these funds will be made by the Department of Energy?

Mr. JOHNSTON. It is the committee's intent that the Department move expeditiously in utilizing the funds appropriated for the Indian energy title.

PROJECT CHARIOT

Mr. STEVENS. Mr. President, I am pleased that the Senator from Louisiana gave me the opportunity to have an exchange with him about a very disturbing situation in my State which has given rise to a great deal of concern among the Native citizens. I have discussed the Project Chariot issue with Senator JOHNSTON on several occasions. The Atomic Energy Commission, as part of a program to use nuclear explosives to excavate a harbor at Cape Thompson in northwest Alaska, performed a study on how radioactive fallout would distribute through the Arctic climate. Various radioactive material was spread out on the tundra. When the study was completed, the radioactive material was buried in a mound. Two Native villages, Point Hope and Kivalina, are each less than 30 miles from that site. Local residents were never notified of the experiments or of the fact that the radioactive material remained at the site.

The Department of Energy completed the removal of the radioactive material early this month. I want to commend the Department for getting to the site to clean it up in a timely manner and for agreeing to complete future studies on the material and its impact on the environment. However, the funds provided the State of Alaska for monitoring the cleanup did not cover the monitoring costs of the local Native villages.

Mr. President, the distinguished Senator from Louisiana and I have discussed this matter. I believe he agrees with me, as other members of the subcommittee, that this is simply not right. These local communities, who never knew about the experiments being done near their homes, were forced to spend much-needed funds in order to ensure that the remediation work was done in a manner which satisfied their residents. These local communities incurred substantial oversight expenses related to the Department's remediation efforts. It is my position that these communities should be reimbursed for reasonable expenses by the Department of Energy. The Secretary should review the request for reimbursement from the local communities and compensate them for reasonably necessary expenses through available funds. It is my hope that these local communities in my State will be fully reimbursed for their reasonable and necessary expenses. Am I correct that the Senator from Louisiana agrees with me on this matter?

Mr. JOHNSTON. Mr. President, the senior Senator from Alaska is correct. I agree with the opinions expressed by him.

Mr. STEVENS. I want to thank and commend the good Senator from Louisiana and other members for all of their help on this matter which is of great concern to me and the people of my State. Does the ranking member of the Appropriations Committee, the Senator from Oregon, agree with my view on this issue?

Mr. HATFIELD. I fully agree with the opinions expressed by Senators from Alaska and Louisiana.

THE TRIPARTY AGREEMENT

Mrs. MURRAY. Would the Senator from Louisiana yield for a question?

Mr. JOHNSTON. I would be happy to yield to the Senator from Washington.

Mrs. MURRAY. The subcommittee included report language asking DOE to conduct risk analyses to attach priorities to cleanup spending based on threats to human health. I am inclined to agree with Chairman JOHNSTON on the merits of this concept; it makes sense to spend money where it will do the most good to protect public health and safety.

As we do this, however, I think we must also protect the structure and goals of existing compliance agreements, such as the triparty agreement between DOE, EPA, and Washington State.

As I understand it, DOE activities carried out pursuant to the language included in the committee report would in no way change or undermine the goals, terms, conditions, and procedures required under existing compliance agreements. Further, any changes to existing compliance agreements would continue to be subject to the procedures contained within these legally binding agreements as executed by the parties. Does the chairman concur in that interpretation?

Mr. JOHNSTON. Let me say first, the Senator from Washington is very correct in saying that the committee report language does not relieve the Department of Energy of its duties under the compliance agreements. The intent of the committee report language is to ask the Department to go out and analyze the problems at the waste sites and analyze all of these agreements and come up with a proposal which involves resetting of priorities and a plan for the expenditure of the funds appropriated. Our objective is to get the cleanup done and to see if DOE cannot come up with a better scheme for getting the work done. We do not want to continue everything as it presently is. It may be that the Department needs to go back in, renegotiate or rework these agreements. DOE needs to identify areas of contamination that left unattended would pose the greatest risk to human health and the environment. They need to adjust the priorities, find out the biggest threats to health and the environment, and make proper risk assessments. That is the committee's overall intent and the spirit of this is not to repudiate agreements, but to seek to negotiate sensible ones that can effect the cleanup.

CLEANING UP OLD WEAPONS FACILITIES

Mr. SIMPSON. DOE's cleanup of old weapons facilities greatly concerns me. I believe that DOE may be overlooking some existing technologies which could greatly assist with their cleanup efforts. In Wyoming, for example, we have a number of companies with extensive experience in removing radionuclides from the environment. These companies mine uranium and have invested millions in extraction, reclamation, and restoration technologies. They have developed techniques such as in situ mining that can remove radionuclides from the soil and ground water.

It is my understanding that DOE is only beginning to evaluate some of the proven, cost-effective technologies that were developed and perfected in the mining industry. Many of DOE's sites require the extraction or mining of the contaminants from the soil and water. The very nature of in situ uranium mining required the development of environmentally sound extraction and restoration technologies. Thus, this seems to be a perfect opportunity for the Government and private sector to work together to share their knowledge and help move the cleanup process forward. I believe DOE should work with the uranium mining industry to determine if these techniques can be cost-effectively applied to DOE's sites.

Mr. JOHNSTON. I am familiar with these technologies and agree that mining technologies could be of use in DOE's restoration program. DOE should investigate these technologies.

Mr. SIMPSON. As my colleague knows, I had wanted to offer an amendment requiring DOE to work with the uranium mining industry on the use of these technologies. I am willing to defer for this year, however, as I understand my colleague's strong desire not to set a precedent regarding earmarking of technologies. I will watch DOE's progress in evaluating in situ mining technologies, however, which could affect my plans for next year.

Mr. JOHNSTON. I thank my colleague. I, too, will closely monitor DOE's progress in investigating mining technologies.

WYOMING APPROPRIATIONS ITEMS

Mr. SIMPSON. Mr. President, I rise to express my appreciation to the Appropriations Committee, and particularly to Senator JOHNSTON, the subcommittee chairman, and to Senator HATFIELD, our ranking member, for their attention and support for some very important initiatives that will have a most favorable and direct impact on Wyoming.

This legislation contains continued funding for crucial rehabilitation and betterment of the Shoshone irrigation project, $1.7 million has been included in the committee's bill, which is $600,000 more than the House agreed to. Without these funds, the irrigation district will not be able to receive full matching funds from the State. Critical work will be delayed, resulting in additional costs to the State, the district, and the Federal Government.

So I do appreciate the committee's support for that funding level for the Shoshone irrigation district in Wyoming.

As many of my colleagues may know, there has been a great deal of contention in Wyoming about the management of water on and around our only Indian reservation, the Wind River Indian reservation in Fremont County.

I am pleased to inform my colleagues that the recent months have seen a new spirit of cooperation, collaboration, and communication between tribal and State governments. This constructive dialog has already done a great deal to ease tensions and restore a sense of community in that area of Wyoming.

One of the major hurdles that has to be overcome is collection of up to date and accurate information on the water supply in the Wind River Basin.

I also appreciate the fact that both versions of the bill include funding for the continuing Wind River Basin hydrologic study.

Finally, I would also express my thanks for the continued support of the rehabilitation of the Owl Creek unit in Wyoming. This irrigation district is directly adjacent to the Wind River reservation and its continued rehabilitation is crucial to sustaining the agriculture industry, and improving both conservation and supply in that area.

TRANSITION PROGRAM BENEFITS

Mr. REID. It is my understanding that the bill appropriates $100 million for programs to protect those employees at the Department's weapons complex who are affected by the transition of these facilities from weapons production operations to environmental clean-up. These funds will support the early retirements, retraining and other transition programs needed to implement section 3161 of the 1992 National Defense Authorization Act.

It is my further understanding that the transition program benefits that are funded under this bill are not limited to Federal employees, but also include the employees of the contractors and subcontractors. Particularly, it is my understanding that construction workers at the DOE sites also are to receive the transition benefits and protections funded under this bill, as authorized by the 1992 National Defense Authorization Act. Am I correct in this understanding?

Mr. JOHNSTON. The Senator is correct.

Mr. REID. Finally, I remain very concerned about the absence of an effective medical surveillance program at the weapons complex sites. Last year, the Office of Technology Assessment issued a very disturbing report on worker health and safety problems at these DOE facilities. OTA indicated that there was a tremendous need for DOE to implement a medical surveillance program throughout its system.

As part of section 3162 of the 1992 National Defense Authorization Act, we directed the Secretary of Energy to establish a comprehensive medical surveillance program. However, nowhere in this appropriations bill has the Secretary asked for funds to implement this program. Without funding, I am concerned that the Department of Energy may not implement the Medical Surveillance Program.

Do I have the Senator's assurance that the committee will raise this concern with the Secretary, and determine how the Secretary intends to implement the medical surveillance program mandated under section 3162?

Mr. JOHNSTON. The Senator may be assured that we will raise his concerns with the Secretary, and urge her to report to the committee on the Department's plans to implement the comprehensive medical surveillance program for the weapons complex.

FUNDING OF THE SP–100

Mr. LAUTENBERG. I oppose continuation of funding of the SP–100. Although the Federal Government has spent over $400 million since 1984 to develop nuclear reactors for space applications, the administration has determined that the SP–100 has no commercial or other identified applications. Unless terminated, the Department of Energy has estimated that it will cost another $1.6 billion over 12 years to complete the current constructions phase of the program with additional costs for completion of flight testing and deployment. The SP–100 also poses grave environmental dangers. The failure of a satellite powered by the SP–100 during launch or reentry into the atmosphere could spread radioactivity from the SP–100's highly enriched uranium fuel.

The administration has asked for $22.5 million to terminate all work on the SP–100. It is my understanding that the Senate version of the Energy and Water Appropriations bill provides the funding requested by the administration to terminate the SP–100. Would the chairman of the subcommittee confirm that this is correct?

Mr. JOHNSTON. The Senator is correct. The bill provides funds to be used to terminate the SP–100 as requested by the administration.

THE MINORITY HONORS PROGRAM AND THE EMCORE PROGRAM

Mr. DOMENICI. Mr. President, I want to bring to the attention of the Senate two successful education programs sponsored by the Department of Energy that are in danger or being significantly reduced or possibly eliminated by this appropriations bill. Each of these programs meets our Nation's energy and high-technology needs in its own unique way, and I am concerned that elimination or reductions in these programs could have a detrimental effect on the future of energy development and research, and our ability to train workers in these vital areas.

The first program I want to bring to the Senate's attention is the Minority Honors Training and Industrial Assistance Program. As many of my Senate colleagues may know, I have been a strong advocate for this program, which helps provide greater opportunities for training and employment for minorities in the areas of high-technology and energy-related fields.

In previous years, this program has had its own line item in the Department of Energy budget in the special programs appropriation. Traditionally this program has received less than $500,000, despite my constant requests that we fund this program at a higher level to help meet increasing needs in the energy industry.

I appreciate the desire to consolidate programs that have overlapping missions. As I understand it, this was the rationale for consolidating the Minority Honors Program with several other programs under the special programs budget.

I wholly agree that we should roll together programs that serve similar needs. However, I hope that consolidation does not translate as elimination. With the proposed consolidation, the DOE budget justifications shows a $344,000 increase in the Minority Honors and Industrial assistance activity to reflect this merger.

Mr. President, I must tell you that this recommendation gives me pause. It is my sincere hope that although the Minority Honors Program was not given a line item, its absence from the committee report does not indicate a lack of interest in the program or intention to eliminate its funding. While I understand the urge to resist giving smaller programs their own line items, I would urge those who will be conferees on this tissue to consider language indicating that this program should be continued, even though in a consolidated account.

Let me tell you a little bit about the impacts of this program in New Mexico. In Las Vegas, NM, the Luna Vocational-Technical Institute has used funding from the Minority Honors Program to serve both its student population and New Mexico's growing energy and high-technology industry. Through this program, DOE and LVTI provide minority students with opportunities for training and employment with energy-related industries and scientific institutions. Through this program, these industries hire high-caliber, well-trained employees.

LVTI has used this program to provide more than 1,000 scholarships to over 450 minority honor students. Over 300 participants have graduated from the program, and over 80 percent of these graduates are now gainfully employed.

LVTI has also established partnerships with private industry and national scientific institutions, such as Los Alamos and Sandia National Laboratories. These partnerships have helped provide career opportunities for students, assist with curriculum development in high-technology areas, and train students to work with industry and participate in special classroom projects during their training.

Since its inception, LVTI has placed students in Sandia National Laboratories' summer employment programs, which has led Sandia to consider students and graduates for employment. LVTI also cooperates with Kirtland Air Force Base to assist students in pursuing careers in computer programming and electronics. Many of these students have been hired as full-time employees by Kirtland.

The Minority Honors Program is a proven success. One need only to look at the wonderful things being done at LVTI as evidence of this.

The second program at risk is the science education program EMCORE—the Environmental Management Career Opportunity Research Experience Program—funded by the Environmental Restoration and Waste Management arm of DOE. While the overall reduction in funding for the Environmental Restoration and Waste Management Program poses a significant threat to the EMCORE program in itself, language recently approved under the Senate version of the Defense authorization bill places this program in danger of being transferred to another office within DOE without its funding.

The EMCORE Program is administered by Associated Western Universities Inc. through DOE/Idaho. This program funds researchers who conduct environmental research programs in critical areas. EMCORE supports the researchers and their students, both graduate and undergraduate, at DOE laboratories.

In New Mexico, for example, a number of students at New Mexico State University in Las Cruces have received EMCORE scholarships for summer research at a program in New Mexico I'm certain many of you are familiar with—the Waste Isolation Pilot Plant, or WIPP, in Carlsbad. The WIPP site has provided numerous students and teachers with an exceptional laboratory for examining the safe burial of nuclear waste.

Through EMCORE, researchers and students were able to measure nuclear waste vault deformations. Over a period of 10 weeks, these students witnessed first-hand the technical—and political—issues involving WIPP and the ability of man to dispose of nuclear waste safely. Clearly, EMCORE funding is being put to good use with projects of this type.

While EMCORE provides many advantages to students through real-world research settings, its most important advantage is, perhaps, the enthusiasm it fosters among students who will soon be called on to address the increasingly complex issues involved in environmental management. As one professor pointed out to me, waste management does not hold the same appeal and glamor as many other high-profile scientific projects, such as the space program or particle acceleration. EMCORE's emphasis on mentoring students in areas of waste management helps to pique students' interest in what at the outset may appear to be an overly technical and nonglamorous field.

Now, however, we find that EMCORE's funding is at risk due, as I mentioned before, to a reduction in funding to the Defense Environmental Restoration and Waste Management Program—by some $321 million—and the transfer of the scholarship program to another DOE office without the accompanying funds.

This transfer without funds is particularly disturbing. Because many students participating in EMCORE receive tuition and fee assistance, as well as monthly undergraduate research stipends, this elimination of funds now leaves these students without their funding for the current academic year. Because of the delay in moving to this appropriations bill, many students were not notified of this suspension of funds until only a few days before classes were to begin. Many of them now face the very real possibility of being unable to meet the costs of attending school.

Mr. President, I will close today by quoting the renowned scientist James Bryant Conant, who was not only a great scientist, but a thoughtful and devoted letter writer. In one of his many letters to the New York Times, Mr. Conant wrote:

> There is only one proved method of assisting the advancement of pure science—that of picking men of genius, backing them heavily, and leaving them to direct themselves.

These programs have provided our students—men and women alike—with the backing they need to recognize and expand upon their own individual gifts. They have provided countless students with the advantages and hands-on training they will not find anywhere else. In many cases, experience in these programs has led these students to full-time employment in research and other high-technology industries.

The Minority Honors Program and EMCORE have helped finance and fulfill the dreams of students who may not have normally had the opportunity to pursue careers in science, math, engineering, or other high-technology fields. These programs work, and they're proving it every day in New Mexico and across the country.

Again, it is my sincere hope that consolidation of these projects into other programs does not spell out their ultimate demise. I urge the conferees to keep the important contributions of these programs in mind during the conference, and consider the consequences these consolidations will have on student advancement in the sciences. Their loss will ultimately be our loss as well. I do not believe we can afford to let this happen.

I thank the conferees for their consideration of my remarks.

Mr. LAUTENBERG. Mr. President, the Fiscal Year 1994 Energy and Water Appropriations Act includes funding for design of the Tokamak physics experiment [TPX], which is the second generation fusion machine. Fusion energy holds the promise of providing our Nation with an abundant supply of clean energy in the next century and this bill will allow industry and research community to move toward this goal.

The administration strongly supports fusion research as well as design and construction of TPX and I ask unanimous consent to insert the following letter in the RECORD from the Secretary of Energy, Hazel O'Leary, in support of the Tokamak physics experiment [TPX] scheduled to be built at the Princeton Plasma Physics Laboratory.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,
Washington, DC, September 22, 1993.

Hon. J. BENNETT JOHNSTON,
Chairman, Subcommittee on Energy and Water Development, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is a follow up to a meeting held September 8, 1993, in which you were briefed by the Department on our plans for United States participation in the International Thermonuclear Experimental Reactor program. The Department of Energy regards the International Thermonuclear Experimental Reactor as setting a standard of excellence for carrying out a collaborative international scientific endeavor, and we appreciate your interest and support.

I understand there was a candid and productive discussion of this program. However, my staff also reported that you see a need to delay our domestic initiative, the Tokamak Physics Experiment, until international agreement has been reached on beginning construction of the International Thermonuclear Experimental Reactor.

We strongly urge you to support our full $20 million request for continued design of the Tokamak Physics Experiment for the following reasons:

(1) The Tokamak Physics Experiment constitutes a forward-looking step for the United States fusion program and addresses issues in improved tokamak design and pulse length that go beyond the International Thermonuclear Experimental Reactor mission. It represents an experimental focus for the United States fusion program at the beginning of the next century when existing experiments will have been fully exploited.

(2) The Tokamak Physics Experiment has been conceived in such a way that it will be able to provide critical guidance for the operation of the International Thermonuclear Experimental Reactor. The size and scale of the International Thermonuclear Experimental Reactor enterprise are such that operational improvements derived from the tokamak design could save time and money.

(3) Another objective in the Tokamak Physics Experiment is to bring United States industry into the project very early in the design phase, in part to incorporate industrial manufacturing knowledge, but more importantly to provide an opportunity for technology transfer as the United States prepares to participate in the International Thermonuclear Experimental Reactor construction. Also, some of the technologies concerned, such as superconductivity, robotics, and computer control systems, have relevance beyond fusion.

(4) The proposed fiscal year 1994 budget of $20 million for the Tokamak Physics Experiment already constitutes a minimal start on preliminary design activities for the project. These funds are needed in order to continue the present design efforts, to bring industrial contractors into the design team, and to begin research and development that is needed to validate the design concepts.

From the beginning, the International Thermonuclear Experimental Reactor was designed to ensure equal participation from the four partners. With this concept of parity and shared responsibility, it represents an international endeavor that is already breaking new ground on both technical and political horizons. However, international agreement to begin construction will take considerable time even with the best intentions of all the participants.

The Tokamak Physics Experiment, on the other hand, is ready to move forward, and I urge that we continue the design process. This experiment will provide the United States with the technical basis to be a productive partner in a future international fusion program. Failure to proceed with the Tokamak Physics Experiment at this time will be perceived as a sign of weak resolve on the part of the United States fusion program and, thereby, will undercut our participation in the International Thermonuclear Experimental Reactor.

Again, the Department values your continued support of the International Thermonuclear Experimental Reactor project.

Sincerely,

HAZEL R. O'LEARY.

FLOOD CONTROL FOR STE. GENEVIEVE, MO

Mr. DANFORTH. Would the Senator from Montana, the chairman of the Environment and Public Works Committee, respond to a question regarding a flood control project for Ste. Genevieve, MO?

Mr. BAUCUS. I would be happy to yield to the Senator from Missouri.

Mr. DANFORTH. As the Senator is well aware, the problem with this project is that it is not a normal flood control project. Under normal circumstances, a town the size of Ste. Genevieve, population 4,400, would never qualify for flood protection of this nature. It does not have the means to pay the required 25-percent local share of a $41 million project, and the benefits of protecting such a small town would not be worth the costs of the project, according to the corps analysis'. In 1986, Congress authorized this project despite these facts. This is because Congress recognized a fact that the corps' statutory requirements do not permit it to recognize—that the historic value of Ste. Genevieve is worth a great deal to the country. This project will protect a National Historic District which is made up of the best collection of original French colonial architecture in North America. Those who visit Ste. Genevieve recognize what a beautiful and important historic resource the town is.

Once again, Congress needs to act to move this project along. It must modify the local cost-share requirement in order for this project to be constructed. As the chairman of the Environment and Public Works Committee knows, I have, for some time, been trying to alter the cost share to a level that is attainable for the community of Ste. Genevieve. It is a very high priority of mine to change legislatively the cost-share requirement so that construction on this project can begin by fiscal year 1995.

My question is: Will the Senator from Montana work with me to help me enact a provision to modify the local cost-share requirement before the end of fiscal year 1994?

Mr. BAUCUS. I share the Senator's assessment of the needs and the uniqueness of this project, and I will work with him to deal with the cost-sharing issue before the end of 1994.

Mr. DANFORTH. I thank the Senator from Montana for his commitment. Does the Senator from Rhode Island, the ranking Republican of the Environment and Public Works Committee, agree with the assessment of the Senator from Montana?

Mr. CHAFEE. The flood control project for Ste. Genevieve presents a truly unique situation deserving of a unique legislative response. I will work with the Senator from Missouri to deal with the cost-sharing issue before he retires from the Senate.

Mr. DANFORTH. I thank the chairman and ranking Republican of the Environment Committee for their commitment to making this important project a reality.

Mr. BYRD. Mr. President, I commend the chairman of the subcommittee, Mr. JOHNSTON, for the outstanding job he has done in shepherding this bill through the hearings process, in subcommittee, and in managing this bill on the floor. He has been most ably assisted by the ranking member of both the subcommittee and the full committee, Mr. HATFIELD. These two make a formidable team.

The Energy and Water Development appropriations bill provides funding for a major portion of our Nation's infrastructure and science research and development. The chairman has demonstrated this afternoon in debate his mastery of the complex scientific and technological issues that are addressed in this bill. His expertise has been put to fine use in forging a successful bill.

I commend managers for a job well done on this bill. I call attention to my colleagues of the expert jobs performed by Proctor Jones, David Gwaltney, and Gloria Butland for the majority, and Mark Walker and Dorothy Pastis for the minority. These professionals have labored tirelessly to produce this bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read the third time.

The bill was read the third time.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2446

Mr. MITCHELL. Mr. President, I ask unanimous consent that following the third reading of the pending bill, the Senate now proceed to consider H.R. 2446, the military construction appropriations bill under the following limitations: That the committee amendments be adopted en bloc; that they be considered as original text for the purpose of further amendments; that no points of order be waived by this agreement; that the only floor amendments be the following, and that they be subject to relevant second-degree amendments, where applicable, and that all time for debate be equally divided and controlled in the usual form, unless otherwise stated.

The amendments are: An amendment by Senator BYRD that is relevant; an amendment by Senator HATFIELD that is relevant; an amendment by Senator SASSER that is relevant; an amendment by Senator METZENBAUM that is relevant; an amendment by Senator BURNS that is relevant; an amendment by Senator GORTON that is relevant; an amendment by Senator INOUYE regarding land transfer, 10 minutes; an amendment by Senator SASSER regarding funding for the International Guard, 10 minutes; an amendment by Senator LAUTENBERG regarding burdensharing, 1 hour; that there be 1 hour for debate on the bill, with an additional 15 minutes under the control of Senator McCAIN; that once the listed amendments have been disposed of and all time has been used or yielded back, the bill be read a third time and the Senate, without intervening action or debate, proceed to vote on final passage; that upon disposition of H.R. 2446, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees, with the above occurring without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object, and I shall not object, I wonder if we can dispose of this measure tonight, along with the one we just had third reading on.

Will the distinguished majority leader give me the schedule for the remainder of the evening and tomorrow?

Mr. MITCHELL. It is my expectation that if we complete action on the energy and water appropriations bill and the military construction appropriations bill, that there be no further votes this evening and no session tomorrow.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Reserving the right to object, and I also will not object, I just ask the majority leader, is there any way to anticipate when the votes will occur this evening on the amendments that will require votes, and on final passage, or is it possible to lump those at a particular time? I did have a commitment this evening.

Mr. MITCHELL. It is my understanding that there will not be any votes on amendments; that the only vote will be final passage, but I will defer to the chairman of the subcommittee and the manager of the bill.

Mr. SASSER. I thank the distinguished majority leader. There will be no votes on amendments, and I will tell my colleagues that I think the time on the relevant amendments, such as the 1 hour for Senator LAUTENBERG, can be squeezed down very, very considerably.

I hope we will get to final passage on this bill in a fairly short period of time, within an hour.

The PRESIDING OFFICER. The unanimous consent request is pending. Is there objection?

Mr. BUMPERS. Reserving the right to object, Mr. President, and I will not object. Is there anything in the unanimous consent request about the Agriculture conference report?

Mr. MITCHELL. No, there is not.

Mr. BUMPERS. Does the leader not anticipate taking that up tonight?

Mr. MITCHELL. That is correct; I do not anticipate taking it up tonight.

Mr. DOLE. Mr. President, I have been advised on this side that there will be no request for a rollcall vote on the military construction appropriations bill. If that is the case, we can vote now on energy and water, and some Members who have to depart can be accommodated.

Mr. MITCHELL. Mr. President, we had a lengthy and difficult and unpleasant exchange this morning on the question of whether or not there would be votes on appropriations bills. I was told that it is an absolute standing request that there be a recorded vote on every appropriations bill.

I am perfectly prepared to do that, but I want it clearly understood that when the Republican leader says it in this case, he is speaking for all Republican Senators.

Mr. DOLE. All who are here.

[Laughter.]

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I hope we could dispose of the military construction bill without a rollcall vote this evening. Two of our colleagues have come to me. One's child is having a birthday party this evening that he wants to attend. Frankly, I think that is a pretty important occasion. Another Senator has come to me and has indicated he would like very much to go to a parent-teachers' evening at his son's school this evening. I happen to think that is a pretty important function.

So I hope we could handle this military construction bill—there is nothing controversial in here. It has been cleared on both sides. I hope that we could handle this without a rollcall this evening.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I have always felt the need of and have always requested we have rollcall votes. I was not involved in any unpleasant exchange. Let me first of all say that. And I do not want to be involved in an unpleasant exchange at this moment either. But I have always felt that on matters of appropriations we should have rollcall votes. Now, that has been my position, and I think we should do so. Maybe if there was a vote, a rollcall vote for certain on the conference report, we could do it that way. But let me just consider this for a moment.

The PRESIDING OFFICER. The Chair advises the Senator from Minnesota that he reserves his right to request a rollcall vote when there is a conference report.

Mr. WELLSTONE. Mr. President, let me just be direct about it. I think we should have a rollcall vote on matters of appropriation, and so I would call for a rollcall vote.

Mr. SASSER. Mr. President, I am pleased to assure the distinguished Senator from Minnesota that we would bring it back from conference and have a rollcall vote on it at that time. I do not anticipate this bill is going to change substantially in conference, and I anticipate we will probably pass it by unanimous vote. Most of these military construction bills are. So I hope our friend from Minnesota could find it in his heart this evening to let us vote on this bill when it comes back on the conference report.

Mr. HARKIN. If the Senator will yield.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I am sorry that someone has to go to a parent teacher event at school. Two weeks ago I had a similar situation where I wanted to go to my daughter's school; it was parents' night at school. I made that request known, but we still had to stay here and vote. And so I find it kind of curious that now we have the same situation.

I hope that in the overall we could start getting out of here a little bit earlier, those of us who have children at home and families could get out of here a little bit earlier tonight so we could have dinner once in a while with our families.

Mr. WELLSTONE. Mr. President, let me take a popular position here tonight, which is as follows: We will have a rollcall vote on the conference report for certain. I will not ask for the rollcall vote tonight. But could I say to my colleagues, I am just kind of wilting under this, not pressure but just good looks from good friends. But I really do believe that on appropriations bills we should have rollcall votes, and I am going to be calling for those votes. But tonight, given plans that have been made, we will not do it. We will have a rollcall vote on the conference.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none. It is so ordered.

Mr. MITCHELL. Mr. President, I am going to repeat now so there cannot be any misunderstanding, I am taking the words expressed here by the Senators who have spoken and the silence of others as an indication that there is no request for a rollcall vote——

Mr. FORD. Mr. President, please, let us hear the majority leader.

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order.

Mr. MITCHELL. That there is no request for a rollcall vote on the military construction appropriations bill with the assurance provided the Senator from Minnesota that there will be a rollcall vote on the conference report on that bill. That being the case, I suggest we have the vote now on the energy and water appropriations bill, and that will be the last vote until Monday.

Now, there will be votes on Monday, and Senators should be aware of that. I will announce that schedule either later tonight or via Senate offices tomorrow. We hope to be on the transportation appropriations bill at that time. We have that and defense appropriations to do next week.

Mr. WELLSTONE. Mr. President, I would ask for a rollcall vote on the water and energy bill tonight.

The PRESIDING OFFICER. A rollcall vote has already been ordered.

The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

The PRESIDING OFFICER (Mr. LEVIN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 89, nays 10, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—89

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Wallop
Warner
Wofford

NAYS—10

Brown
Faircloth
Feingold
Gregg
Helms
Kerry
Kohl
Roth
Smith
Wellstone

NOT VOTING—1

Pryor

So the bill (H.R. 2445), as amended, was passed.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on behalf of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. JOHNSTON, Mr. BYRD, Mr. HOLLINGS, Mr. SASSER, Mr. DECONCINI, Mr. REID, Mr. KERREY, Mr. HATFIELD, Mr. COCHRAN, Mr. DOMENICI, Mr. NICKLES, Mr. GORTON, and Mr. MCCONNELL conferees on the part of the Senate.

Mr. JOHNSTON. I extend my sincere thanks to especially Senator HATFIELD and Senator BYRD, who worked so closely with us on this bill. I thank all my colleagues and the outstanding staff, who have done such a terrific job on both sides of the aisle. We are very pleased.

I yield the floor.

MILITARY CONSTRUCTION APPROPRIATIONS ACT

The PRESIDING OFFICER. The clerk will state the bill, H.R. 2446, by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2446) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2446

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1994, for military construction functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by Law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, **[$837,644,000]** *$723,505,000*, to remain available until September 30, 1998: *Provided*, That of this amount, not to exceed **[$109,441,000]** *$88,000,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further, That of the funds appropriated for "Military Construction, Army" under Public Law 102–136, $4,700,000 is hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Army" under Public Law 102–380, $9,200,000 is hereby rescinded.*

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, **[$575,971,000]** *$580,033,000*, to remain available until September 30, 1998: *Provided*, That of this amount, not to exceed **[$64,373,000]** *$59,373,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further, That of the funds appropriated for "Military Construction, Navy" under Public Law 101–148, $7,662,000 is hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Navy" under Public Law 102–136, $23,630,000 is hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Navy" under Public Law 102–380, $37,660,000 is hereby rescinded.*

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, **[$913,297,000]** *$969,926,000*, to remain available until September 30, 1998: *Provided*, That of this amount, not to exceed **[$63,882,000]** *$58,180,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 102–136, $14,480,000 is hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 102–380, $2,230,000 is hereby rescinded.*

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, **[$618,770,000]** *$524,165,000*, to remain available until September 30, 1998: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed **[$42,405,000]** *$37,405,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further, That of the funds appropriated for "Military Construction, Defense Agencies" under Public Law 102–136, $15,500,000 is hereby rescinded.*

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[$203,980,000]** *$291,250,000*, to remain available until September 30, 1998.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the

Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$161,761,000] *$245,723,000*, to remain available until September 30, 1998.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$87,825,000] *$124,794,000*, to remain available until September 30, 1998.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$28,647,000] *$25,013,000*, to remain available until September 30, 1998.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$66,136,000] *$68,427,000*, to remain available until September 30, 1998.

[NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

[For the United States share of the cost of North Atlantic Treaty Organization Infrastructure programs for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction Acts and section 2806 of title 10, United States Code, $140,000,000, to remain available until expended.]

OUTSIDE THE UNITED STATES

Notwithstanding any other provision of law, for military construction and family housing construction outside the United States for the Army, Navy, Air Force, and Defense Agencies and for the North Atlantic Treaty Organization Infrastructure Programs, as currently authorized by law, $300,000,000, to remain available until expended, Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction and family housing and the North Atlantic Treaty Organization Infrastructure account as he may designate, to be merged with and to be available for the same purposes, and for the same period, as the appropriation or fund to which transferred.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$218,785,000] *$228,385,000*, to remain available until September 30, 1998; for Operation and maintenance, and for debt payment, [$1,067,922,000] *$1,125,601,000*; in all [$1,286,707,000] *$1,353,986,000*.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$367,769,000] *$354,738,000*, to remain available until September 30, 1998; for Operation and maintenance, and for debt payment, [$781,952,000] *$835,055,000*; in all [$1,149,721,000] *$1,189,793,000: Provided, That of the funds appropriated for "Family Housing, Navy and Marine Corps" under Public Law 101–148, $25,018,000 is hereby rescinded.*

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$192,197,000] *$195,035,000*, to remain available until September 30, 1998; for Operation and maintenance, and for debt payment, [$805,847,000] *$853,912,000*; in all [$998,044,000] *$1,048,947,000: Provided, That of the funds appropriated for "Family Housing, Air Force" under Public Law 102–136, $6,400,000 is hereby rescinded: Provided further, That of the funds appropriated for "Family Housing, Air Force" under Public Law 102–380, $48,702,000 is hereby rescinded.*

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $159,000, to remain available for obligation until September 30, 1998; for Operation and maintenance, [$25,711,000] *$27,337,000*; in all [$25,870,000] *$27,496,000*.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

For use in the Homeowners Assistance Fund established pursuant to section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374), $151,400,000, *to remain available until expended.*

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART I

For deposit into the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526), [$27,870,000] *$12,830,000*, to remain available for obligation until September 30, 1995: *Provided*, That none of these funds may be obligated for base realignment and closure activities under Public Law 100–526 which would cause the Department's $1,800,000,000 cost estimate for military construction and family housing related to the Base Realignment and Closure Program to be exceeded[: *Provided further*, That not less than $19,800,000 of the funds appropriated herein shall be available solely for environmental restoration].

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), [$1,800,500,000] *$1,526,310,000*, to remain available until expended: *Provided*, That [such funds are available solely for the approved 1991 base realignments and closures: *Provided further*, That] not less than $262,300,000 of the funds appropriated herein shall be available solely for environmental restoration.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $1,200,000,000, to remain available until expended: *Provided*, That such funds will be available only to the extent an official budget request is transmitted to the Congress: [*Provided further*, That such funds are available solely for the approved 1993 base realignments and closures:] *Provided further*, That not less than $300,000,000 of the funds appropriated herein shall be available solely for environmental restoration.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan or in any NATO member country, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 113. The Secretary of Defense is to inform the Committees on Appropriations and the Committees on Armed Services of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

(TRANSFER OF FUNDS)

SEC. 114. Unexpended balances in the Military Family Housing Management Account established pursuant to section 2831 of title 10, United States Code, as well as any additional amounts which would otherwise be transferred to the Military Family Housing Management Account, shall be transferred to the appropriations for Family Housing, as determined by the Secretary of Defense, based on the sources from which the funds were derived, and shall be available for the same purposes, and for the same time period, as the appropriation to which they have been transferred.

SEC. 115. Not more than 20 per centum of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 116. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 117. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 118. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 119. Of the funds appropriated in this Act for Operation and maintenance of Family Housing, no more than $13,000,000 may be obligated for contract cleaning of family housing units.

(TRANSFER OF FUNDS)

SEC. 120. During the five-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 121. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization and Japan and Korea to assume a greater share of the common defense burden of such nations and the United States.

[SEC. 122. (a) Notwithstanding any other provision of law, the Secretary of the Army shall transfer, no later than September 30, 1994, without reimbursement or transfer of funds, to the Architect of the Capitol, a portion of the real property, including improvements thereon, known as the Army Research Laboratory, Woodbridge Research Facility, located in Prince William County, Virginia, consisting of approximately 100 acres, more or less, as determined under subsection (c).

[(b) The Architect of the Capitol shall, upon completion of the survey performed pursuant to subsection (c) and the transfer effected pursuant to subsection (a), utilize the property to be transferred to provide facilities to accommodate the varied long term storage and service needs of the Library of Congress and Legislative Branch.

[(c) The exact acreage, legal description and apportionment as to the portions of the property to be transferred under this section shall be determined by a survey satisfactory to the Architect of the Capitol and the Secretary of the Army.]

SEC. 122. Notwithstanding any other provision of this Act, each amount appropriated by this Act is hereby reduced by four percent.

SEC. 123. Proceeds received by the Secretary of the Navy pursuant to section 2840 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) are appropriated and shall be available for the purposes authorized in that section.

[SEC. 124. Defense access roads for Camp Dodge, Iowa, (86th Street improvements) shall be considered as fully meeting the certification requirements specified in section 210 of title 23 of the United States Code.

[SEC. 125. COMPLIANCE WITH BUY AMERICAN ACT.

[No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

[SEC. 126. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

[(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

[(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

[SEC. 127. PROHIBITION OF CONTRACTS.

[If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligiblity procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.]

SEC. 128. Of the funds appropriated in this Act for "Military Construction, Army," $4,400,000 shall be obligated for a DIAL Central Office Facility at Fitzsimmons Medical Center, Colorado.

SEC. 129. Of the funds appropriated in this Act for "Military Construction, Air National Guard," $2,800,000 shall be obligated for an ACMI support facility at the Gulfport-Biloxi Regional Airport, Mississippi.

This Act may be cited as the "Military Construction Appropriations Act, 1994".

Mr. SASSER. Mr. President, I am pleased to bring before the Senate the military construction appropriations bill and report for fiscal year 1994.

This bill was reported out of the full Appropriations Committee last Thursday by a unanimous vote of 29–0. The bill recommended by the full Committee on Appropriations is for $9.754 billion. This is $1.041 billion under the budget request and $520 million under the House bill.

This bill is within the committee 602(b) budget allocation for both budget authority and outlays.

However, compared to last year, the bill is $1.357 billion over fiscal 1993 appropriations. In fact, the military construction accounts are the only national defense accounts which have substantial real growth from last year.

The reason for the growth is twofold: First, last year the previous administration instituted a program pause in the military construction investment accounts. This year, we are having to play catch-up ball. We are finding that you simply cannot wish investments away. Even though we are closing bases and reducing our Nation's military infrastructure, we must continue to invest in the remaining core base structure. We must not allow our family housing, and our barracks, and our maintenance spaces to deteriorate. For if we do, morale and readiness will surely suffer. We believe the Pentagon should adopt a floor for modernization and quality of life investments in future budget submissions. Without minimum investments, we will be mortgaging the future. We will be risking the creation of military ghettos. The Appropriations Committee will not allow that deterioration to occur.

Second, with each passing year we are finding that it is costing more on the front end to close and realign military bases. Despite the fact that significant appropriations must be provided for base closures and realignments, we must continue that process, as painful as it is to many of our States. We are eliminating at least 30 percent of our military manpower, measured from the mid-1980 levels. However, base closure actions to date have identified only 15 percent of our base structure for closure. So, none of us need to be under any illusion. The 1995 round of base closures is going to be significant. The Department of Defense simply cannot continue to pay for unneeded bases and overhead. We must continue to invest in the bases we keep open, that is for sure. But we must close the bases we no longer need, as difficult as that is.

Mr. President, it was very difficult to draft the military construction bill this year. The authorization bill which passed the Senate a few weeks ago authorized $1.6 billion more for military construction than the 602(b) budget allocation granted to the Subcommittee on Military Construction Appropriations. So, we have had to make some difficult cuts and reductions in order to make room for projects Senators added to the authorization bill. It was our view on the subcommittee that we would make every effort to fund most of those projects authorized in order to get Senators projects to conference with the House.

To do that, we approved no unauthorized projects; we cut overseas expenditures by one-third; we continued to phase-fund large hospital projects; and we provided for general reductions.

So, Mr. President, we are taking to conference more than 150 projects which were not included in the President's budget request but were included in the Armed Services Committee's authorization bill which has passed the Senate.

Now, Mr. President, I do not want my colleagues to be under any illusion. We will not be able to secure approval of all 150 of the Senate's add-ons in conference. In prior years, we have been able to secure an additional allocation from the conferees on the Defense Appropriations bill. While we may be able to secure a modest increase in our allocation this year as we proceed to conference, we will not likely be able to secure enough additional allocation to provide for every project we take to the conference table.

I would add that there are more than $1,100 million in differences between the House and Senate. When you back out the bill the must-spend appropriations such as the minimum amount necessary for base closures and payments for the operations of family housing, the differences between the House and Senate are more than 20 percent of the entire bill. Those are significant differences, Mr. President. We will have to conference those differences with only a modest increase in our budget allocation.

I take the time of the Senate to explain this situation because I want my colleagues to be on notice that the conferees will not be able to approve everything in this bill. We are going to have to make some cuts. So, I take this opportunity to ask each Senator to provide the subcommittee with your priorities. The conference will need to know what Senators' priorities are because cuts are going to have to be made.

Mr. President, the committee report discusses several other issues of importance. However, in the interest of time, I will not discuss those issues today. The committee does expect, however, that the Department take seriously our recommendations and comments in the committee report. For the past several years, we have been working with the Department to reduce thresholds and reduce the amount of reports and notifications to the committee. However, we expect the Department to continue to provide the committee with the information it needs to provide oversight on behalf of the American people.

Mr. President, before I yield to the ranking minority member, I want to note that this is Senator GORTON's first year as the ranking minority member. It has been a pleasure to work with him this year as we developed our recommendations for the military construction bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, my sincere thanks go to my colleague from Tennessee. Senator SASSER has presented a precise outline of the provisions of this bill. I must say that I greatly appreciate his efforts and the assistance of his staff as we have worked together on the measure. But perhaps the greatest tribute to that work is the ease with which it apparently will be accepted by the Senate. It is a thoughtful and quality product.

There are a few elements that I would like to discuss and I believe deserve the attention of the Senate.

First, the committee has agreed with the President's effort to provide the necessary funding for the planning, design, and construction of military facilities worldwide. This includes generous funding for the National Guard. The bill also finances the construction and operation of an increased supply of high-quality military family housing.

Second, the administration budget included more than $450 million for projects outside the United States. A new account was set up placing all outside projects and NATO infrastructure into one account.

The committee does not agree with the administration's proposed funding for these programs. We propose $300 million. This reduction, however, is still a 276-percent increase over last years appropriation for similar projects.

Third, the administration's request asked for full funding of hospital construction projects. The funds could not be expended in fiscal year 1994 so the committee has continued to phase fund the hospitals.

We were obviously not able to meet all of the requests of our colleagues, but we made every effort to do so where those projects were of high military priority.

The bill will not be complete, of course, until we have conferenced it with the House. As the House had a considerably higher 601(b) budget allocation, there may be some real difference when it comes back.

Again, before I close, I want to say that the quality of work performed by the chairman, Senator SASSER, the other members of the subcommittee, the subcommittee staff, Mike Walker, Jim Morhard, and others, has been superb and deserves the gratitude of the Senate.

It is a good, fair bill, and I urge my colleagues to support it.

Mr. SASSER. Mr. President, I thank the distinguished Senator from Washington for his very kind comments this evening.

AMENDMENT NO. 1003

Mr. SASSER. Mr. President, I send an amendment to the desk on behalf of Senator INOUYE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Tennessee [Mr. SASSER], for Mr. INOUYE, proposes an amendment numbered 1003.

Mr. SASSER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

The Secretary of the Navy may grant a perpetual easement for drainage and other public purposes to the City and County of Honolulu over approximately fifty to seventy (50–70) acres of land at West Loch Branch, Naval Magazine Lualualei, on condition that the consideration received shall be no less than fair market value as determined by the Secretary and that the Secretary shall receive such consideration in the form of either the actual design and construction of certain roadway, fencing, physical security, and other improvements at West Loch Branch, Naval Magazine Lualualei to the satisfaction of the Secretary, or the payment of funds for use by the Secretary for the design and construction of such improvements, or any combination thereof.

Mr. SASSER. Mr. President, this amendment is legislative in nature. However, the requirement for the amendment was not known when the armed services authorization bill was debated and passed by the Senate.

What this amendment does is provide for a land transfer in Hawaii. It has been discussed with the Armed Services Committee. It has been cleared by the Armed Services Committee with the understanding that this legislative language will be dropped from the Appropriations Committee if the conferees on the authorization bill are able to incorporate it into their conference.

The amendment does not increase budget authority or outlays.

Mr. President, I will say that this amendment has been cleared on both sides of the aisle.

Mr. GORTON. Mr. President, that is correct. The amendment has been cleared. We support it.

Mr. SASSER. I thank the Senator.

Mr. President, I yield back the time. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1003) was agreed to.

The SASSER. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1004

Mr. SASSER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. SASSER] proposes an amendment numbered 1004.

Mr. SASSER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6 line 10 strike "$245,723,000" and insert in lieu thereof "$254,923,000".

On page 4 line 6 strike "$969,926,000" and insert in lieu thereof "$963,726,000".

On page 11 line 23 strike "$1,200,000,000" and insert in lieu thereof "$1,197,000,000".

Mr. SASSER. Mr. President, this amendment provides $9.2 million to extend the runway at Maxwell Air Force Base, AL.

I am reluctantly offering this amendment. This project is, I might say, however, the No. 1 priority for the Air Force. My concern has been and continues to be that we are extending a runway at an active Air Force base that does not have a flying mission that requires a longer runway.

I tell my colleagues that the delegation from Alabama has unanimously asked that we take this issue to conference so that it can be decided there. The delegation from Alabama and the Air Force point out that the extension is primarily needed to provide an alternate airfield for the Alabama Air National Guard. There is some justification there.

With that understanding, I am willing to offer this amendment as an Air National Guard project. I will review this project again as we go to conference.

I might say, Mr. President, this project does not increase budget authority or outlays, as we make general reductions elsewhere in the bill to accommodate it.

Mr. President, I believe this amendment has also been cleared on both sides of the aisle.

Mr. SHELBY. Mr. President, I am pleased to join the subcommittee chairman and the senior Senator from Alabama in offering this amendment to H.R. 2446, the military construction appropriations bill for fiscal year 1994.

Last year, $10.7 million was added to the Air Force military construction account in the Department of Defense Authorization Act for fiscal year 1993 to extend the length of the runway at Maxwell Air Force Base in Montgomery, AL, from 7,000 to 8,000 feet. Regrettably, there was no appropriation for this project in fiscal year 1993.

However, when the fiscal year 1994 Defense budget was submitted to Congress by the Clinton administration it included $9.2 million for a 1,000 foot extension of the runway. Despite this request, the Senate Appropriations Committee, in the belief that no existing or future mission requirement has been validated in support of the project, denied the request for the runway extension.

Mr. President, there is a real requirement for this runway extension. This runway was built over 40 years ago for trainer and light transport aircraft of that era. Everytime the Air Force or other visitors travel to Maxwell Air Force Base they have to fly into Dannelly Field which serves both the Air National Guard and the Montgomery area. This adds to ground handling time; to tight schedules; makes security more difficult; and requires additional transportation and aircraft maintenance support requirements.

Moreover, the primary AETC T-38 Aircraft and high performance fighters that fly into Maxwell need waivers to land on the 7,000 foot runway. Safety considerations require runways with a minimum length of 8,000 feet. Finally, when Alabama National Guard and Reserve units deployed for the Persian Gulf during Desert Shield and Desert Storm they had to embark from bases hundreds of miles away. The length of the runway and the weight bearing capacity of the ramp not only prevented a direct overseas deployment, but also resulted in higher operations and maintenance costs.

Mr. President, I want to take this opportunity to thank the senior Senator from Tennessee, the chairman of the Military Construction Subcommittee for his support in this effort and I urge my colleagues to adopt the amendment.

Mr. GORTON. Mr. President, I suspect my chairman and colleague does not know that this Senator has both been stationed at Maxwell Air Force on active duty in the Air Force and on one occasion during the Reserves.

Of course, it is not an active flying Air Force base. It is the location of the Air University, and the justification to the extent that there is one, is for the Air National Guard.

I agree with the remarks of the distinguished chairman, and we have certainly cleared this amendment on our side.

Mr. SASSER. I thank the Senator and yield back all time on the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (No. 1004) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1005

(Purpose: To limit the availability of certain funds for overseas military basing activities)

Mr. SASSER. Mr. President, I send to the desk an amendment, which I offer on behalf of the distinguished Senator from New Jersey [Mr. LAUTENBERG].

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. SASSER], for Mr. LAUTENBERG, proposes an amendment numbered 1005.

Mr. SASSER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, beginning on line 2, strike out "*Provided*, That such amounts of this appropriation" and insert in lieu thereof "*Provided*, That $120,000,000 of such amount shall not be available unless the Secretary of Defense certifies to Congress that (1) the amount requested by the Department of Defense for overseas basing activities (as that term is defined in section 1301(b) of the Public Law 102-484 (106 Stat. 2544)) for each fiscal year after fiscal year 1994 is expected to be significantly less than the amount requested for such activities for the previous fiscal year; (2) negotiations for revised host-nation agreements as required under section 1301(e) of Public Law 102-484 (106 Stat. 2545) have commenced; (3) such negotiations will result in agreements that provide in fiscal years after fiscal year 1993 for an assumption by host-nations of greater costs of the United States military installations covered by the agreements; and (4) progress is being made in such negotiations to reduce the United States share of the costs of all overseas basing activities: *Provider further*, That such amounts of this appropriation as are available and".

Mr. LAUTENBERG. Mr. President, as my colleagues know, I have a particular interest in ensuring that our allies pay a greater share—a fairer share, a more proportional share—of the costs of collective security. Specifically, I believe the United States should be paying less of the overseas basing costs in Europe and Korea.

The amendment I am offering today would move us in that direction. It would fence $120 million of the $300 million this bill provides for overseas projects. The fenced money would be released only when the Secretary of Defense certifies that burdensharing negotiations are underway and that the United States is making progress in securing greater commitments from our allies.

Before the fenced money is released, the Secretary must certify that our budget request for overseas basing activities is expected to decline next year and beyond. He must also tell the Congress that progress is being made in negotiations to reduce the U.S. share of all overseas basing costs.

Mr. President, the bill before us includes a limited burdensharing initiative. It provides $300 million in a new account for NATO infrastructure and overseas military construction projects. The bill reduces the administration's budget in these areas by $150 million or 33 percent. I congratulate Senator SASSER for his leadership in this area.

Because a new account is created and less funds are provided for overseas projects, the bill forces the administration to set priorities. It puts pressure on the Department of Defense to determine exactly how much the United States can continue contributing to the NATO infrastructure account and how much we can continue spending on other overseas military construction projects. We can't afford to do it all.

The provision included in this bill moves our Nation forward one step. But it does not move us far enough. I believe we should do less to bankroll the collective security and that we can do more than reduce these budgets by $150 million. But I am told that many of the overseas military construction projects are at bases in the U.S. territories. I am told that some of the funds are for housing for our troops, child care facilities, and environmental restoration projects.

While I believe our allies should pay for a greater portion of these costs, I do not want to penalize U.S. troops and their families while our Government seeks increased contributions.

However, I do want to create a greater incentive for the administration to move forward aggressively. I want to provide a greater incentive for the administration to secure increased contributions from our allies sooner, rather than later. I want to provide a greater incentive for the administration to relieve the American taxpayer of the burden they have been carrying for far too long.

The amendment I am offering today would provide that incentive by fencing 40 percent of the funds provided in this bill—$120 million—pending a certification by the Secretary of Defense. It would immediately provide the remaining 60 percent—$180 million—for the most worthy NATO infrastructure fund and overseas military construction projects.

This amendment is entirely consistent with the burdensharing vote in the Senate on the fiscal year 1994 Department of Defense authorization bill. In that amendment, the Senate expressed its view that our overseas basing costs should decline significantly.

The Senate also called on the President to intensify his efforts to negotiate more favorable host-nation agreements. We explicitly called for agreements under which the allies assume an increased share of the labor, utilities, and service costs associated with U.S. military installations.

We called for the allies to pay more for military construction projects and real property maintenance as well as for leasing requirements associated with U.S. military bases. We called for greater contributions for actions necessary to meet local environmental standards and for efforts that would relieve the Armed Forces of relevant tax liabilities.

This amendment would move our Nation and our allies in the direction of meeting these goals. I urge my colleagues to support this amendment.

Mr. SASSER. Mr. President, I commend the Senator from New Jersey for offering this amendment.

Frankly, what this amendment does is call for more burden sharing on the part of our allies. I think we are getting the attention of our allies on this issue.

I know that the Clinton administration is committed to the proposition that our allies should pay their fair share. The leadership that Senator LAUTENBERG has exhibited on this issue I think is getting the attention of our allies, and our allies are responding.

So I comment Senator LAUTENBERG for his continued leadership on this issue and for his energy in continuing to press it.

I support the Lautenberg amendment and ask unanimous consent that I be made an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, this amendment, which is legislative in nature, I might say has been cleared with the authorization committee, and the majority is willing to accept the amendment.

I inquire of my friend from Washington what his position is on it.

Mr. GORTON. Mr. President, this side will be pleased to accept the amendment.

This Senator would like to point out that the distinguished chairman has very definitely put his money where his mouth is.

The original request for this account in the President's budget was $450 million. The amount which is included in this appropriation is $300 million. That, I think, is an extremely eloquent message that the chairman has just stated.

Nevertheless, there is justification for this NATO infrastructure. The following is a statement on NATO infrastructure that I ask to be inserted in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE NATO INFRASTRUCTURE PROGRAM

The NATO Infrastructure Program is the premier example of an effective burdensharing program, based on the notion of common funding through collective cost sharing. (The US national share is about 27%.) The program provides the facilities, installations and C3I capabilities the Alliance needs to conduct its ground, air and maritime collective security missions.

NATO has completely re-directed it away from its former Cold War orientation. Major categories of projects and systems no longer eligible for common funding include facilities and programs for forces stationed in their country of origin, like frontier fortifications, forward storage sites, national bases (e.g., German air bases); and facilities supporting de-mobilized land-based nuclear systems like Lance, GLCM and Pershing II.

The new program is directed toward reinforcement and mobility requirements; advanced C3 systems; advanced information support systems for enhanced political consultation and crisis management; surveillance, reconnaissance and intelligence gathering systems; logistics and resupply activities; training and exercise support systems, and continuing security of residual nuclear weapons.

Under the new program criteria, forces stationed outside of their national boundaries (75% US) and support for reinforcing forces (embarkation/debarkation ports, etc.) will receive program funding. Also included is O&M support for US storage facilities in Europe.

Historically, US forces have been direct beneficiaries of some 30–40% of the program. These percentages could be expected to increase under the new program. Additionally, US industry consistently wins about 50% of the high tech projects, and because of the often close interface between NATO and related projects in allied countries, US industry can successfully compete for these national projects.

Based on new criteria and force structures, a minimum of approximately $600M worth of multi-year Infrastructure projects in direct support of still evolving US requirements in Europe have been identified for common funding.

Significant mobilization and reinforcing requirements in support of the new NATO strategy and ongoing operational requirements currently generate some $320M worth of multi-year projects in the US eligible for NATO funding. As in Europe, requirements are still evolving. Examples include airfield and railroad improvement projects in Georgia, South Carolina, Texas and Kansas; and storage and loading projects in North Carolina, New York and New Jersey, among others.

We will not be able to realize any of these projects, however, unless the Program receives sufficient funding to allow it to implement the new reforms and procedures.

BASIC INFORMATION ON THE NATO INFRASTRUCTURE PROGRAM

Established in 1950, the NATO Infrastructure Program is designed to support the wartime requirements of NATO-assigned forces for permanent and mobile installations, facilities and capabilities.

It has a number of unique characteristics which have contributed to it durability, flexibility and success, including a common funding mechanism, theater-wide operational requirements set by the Major NATO Commanders, management by NATO committees and decentralized (host nation) project execution.

To date, the program has produced approximately $20 billion in operational inventory in 13 categories of approved works, including airfields, naval bases, POL facilities, communications and navigation aids, training, war headquarters, warning installations, surface-to-surface and surface-to-air missiles, ammunition and forward storage sites and reinforcement support.

Most recently, these facilities, installations and equipment played a key role in support for Operation Desert Shield/Desert Storm, Provide Hope and Provide Comfort. They are also playing an increasingly important role in regard to the crisis in former Yugoslavia.

The program and its collective expression of Alliance cooperation and funding has long been recognized by the US Congress and the Allies as the premier defense burdensharing program.

The majority of the program is financed by the 15 nations within the Integrated Command Structure, on a cost sharing basis—the US share is about 27%. France participates on a limited basis on some warning facility, communications and pipeline projects.

The total inventory of facilities, installations and equipment now exceeds $20 billion. Annual programs during the late 1980s averaged about $1.6 billion, with the US share averaging about $440 million. Return, in terms of projects supporting US forces, averaged about $600 million.

Historically, US forces have been the direct beneficiaries of some 30–40% of the program. US industry consistently wins about 50% of the contracts for high technology products and systems and, because of the often close interface between NATO and related projects in allied nations, the program offers a window through which US industry can successfully compete for allied national projects which might not otherwise be accessible.

For a variety of political, military and financial reasons, all associated directly with the significantly changed European regional security environment, both the scope and content of the Infrastructure Program have been re-assessed.

In future, the Alliance will place increased emphasis on new mission areas, such as peacekeeping and conflict prevention operation; communications and information processing in support of increased political consultation and crisis management; expanded logistics re-supply, reinforcement and throughput support; and enhanced environmental awareness programs, among others.

With that, we are happy to accept the amendment.

Mr. SASSER. I thank the Senator from Washington and yield back all time on the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1005) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MALMSTROM AIR FORCE BASE

Mr. BAUCUS. I would like to express my appreciation for this bill and commend the chairman on the hard work it represents. I would like to clarify the status of a proposed construction project at Malmstrom Air Force Base in Great Falls, MT.

It is my understanding that the Air Mobility Command is interested in constructing additional ramp space at Malmstrom for 10 additional KC–135 tankers. I believe that Malmstrom is the right base to expand parking space for the KC–135 tankers for a number of reasons: Encroachment is not an issue, nor are noise profiles a problem; and, significant area exists for expansion. Further, Malmstrom has a new, state-of-the-art wash-rack hangar; and the base has a newly installed upgraded fuel-pit system.

Mr. SASSER. That is my understanding as well.

Mr. BAUCUS. It is also my understanding that it would be premature to fund the construction of this ramp space prior to design work being initiated.

Mr. SASSER. The Senator from Montana is correct.

Mr. BAUCUS. Is it the chairman's understanding that there are sufficient funds in this bill to complete the design work for additional ramp space at Malmstrom Air Force Base?

Mr. SASSER. Yes, there is money in this bill to do just that.

Mr. BAUCUS. If enough design work is completed this year, does the chairman anticipate that the funding for construction would be readily available next year?

Mr. SASSER. Yes, I think that would be the case.

Mr. BAUCUS. I thank the chairman.

REGARDING THE IDAHO TRAINING RANGE

Mr. KEMPTHORNE. Mr. President, I seek recognition for the purpose of a colloquy with the ranking member of the Military Construction Appropriations Subcommittee, Senator GORTON. Has the senior Senator from Washington read the report language concerning the proposed Idaho Training Range?

Mr. GORTON. Yes, I have read the report language.

Mr. KEMPTHORNE. Does the Senator understand the report language to mean that, assuming the Secretary of Defense certifies that the Idaho Training Range is required for training and readiness, the range proposal should move forward?

Mr. GORTON. Yes, that is my understanding.

Mr. KEMPTHORNE. Has the Senator read the letter from Gen. John Conaway, chief of the National Guard Bureau, expressing the National Guard's strong support for the proposed training range?

Mr. GORTON. Yes, I have read General Conaway's letter.

Mr. KEMPTHORNE. Is the Senator from Washington aware of the fact that the Idaho Air National Guard and 366th Composite Wing based at Mountain Home Air Force Base will be able to greatly improve their training capability and readiness through the use of the proposed new range?

Mr. GORTON. Yes, I understand that these units would benefit from the increased training capability that the proposed Idaho Training Range would provide.

Mr. KEMPTHORNE. Does the Senator know that the Idaho Air National Guard will manage the proposed range? And, is the Senator aware of the Idaho National Guard's outstanding record of environmental protection?

Mr. GORTON. Yes, I know that the Idaho Air National Guard will manage the proposed range and I am familiar with the impressive record of environmental protection of the Idaho National Guard.

Mr. KEMPTHORNE. Does the distinguished senior Senator from Washington know that, as recently as last year, the Idaho National Guard has received awards for its stewardship of the land and its efforts to protect the Idaho environment?

Mr. GORTON. Yes, as I recall, in 1992 the Idaho National Guard received the Department of the Army's Natural Resources Conservation Award. I also recall that was the first time that a National Guard unit received such an award and that is quite an accomplishment.

Mr. KEMPTHORNE. Does the ranking member of the subcommittee know that the Democratic Governor of Idaho, Cecil Andrus, Idaho's two Senators, and the Congressman from the affected district, Congressman CRAPO, strongly support the appropriation of funds to acquire land for the proposed training range? In addition, has the Senator seen Governor Andrus' letter in support of the range?

Mr. GORTON. Yes, I am aware of the bipartisan support for the proposed training range and I have read the Governor's letter.

Mr. KEMPTHORNE. Is the Senator aware of the fact that military aircraft from the other services, and from other States, including Nevada, will occasionally use the proposed range to increase their training and readiness?

Mr. GORTON. Yes, I understand that the proposed range will make a significant contribution to the overall readiness of our Armed Forces.

Mr. KEMPTHORNE. Is the distinguished ranking member of the subcommittee aware of the fact that the effort to build the Idaho Training Range will comply with every applicable law including the National Historic Preservation Act, the Native American Grave Protection and Repatriation Act, the State Historic Protection Act, the Federal Land Management and Policy Act, and the National Environmental Protection Act?

Mr. GORTON. Yes, I understand that the range proposal will comply with all applicable laws.

Mr. KEMPTHORNE. I ask unanimous consent that letters from Governor Andrus and General Conaway, as well as a press release describing one environmental award won by the Idaho National Guard, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENTS OF THE ARMY
AND THE AIR FORCE,
NATIONAL GUARD BUREAU,
Washington, DC.

Hon. JOHN MCCAIN,
Ranking Republican, Subcommittee on Military Readiness and Defense Infrastructure, Committee on Armed Services, U.S. Senate Washington, DC.

DEAR SENATOR MCCAIN: We have been requested by Senator Kempthorne's office to provide you with the Air National Guard's position on the Idaho Training Range Proposal. The Air National Guard fully supports the State of Idaho proposal to establish a new air-to-ground training range complex. The proposed Idaho Range will support the quality and completeness of current composite wing training at Mountain Home Air Force Base, Idaho and meet the training needs of the Idaho Air National Guard at Boise, ID. The range will enhance the flexibility for future force structure decisions affecting the total Air Force.

The existing Salyor Creek Range, located in Idaho, is capable of supporting much of the basic weapons delivery training needed by the composite wing's mission and the 124th Fighter Group at Boise, ID. However, Saylor Creek's size limits unilateral composite force training inherent in the wing's mission. The State of Idaho's proposal for the Idaho Training Range is an important step towards mitigating this limitation. The proposed Idaho Training Range will enhance operations benefits by accommodating the Idaho unit's ability of working, planning, and training together as a composite wing.

We strongly encourage your support for this Idaho initiative.

JOHN B. CONWAY,
Lieutenant General, USAF, Chief, National Guard Bureau.

OFFICE OF THE GOVERNOR, BOISE, ID,
September 14, 1993.

Hon. JIM SASSER, *Chairman, Subcommittee on Military Construction Senate Committee on Appropriations, U.S. Senate, Washington, DC.*

DEAR SENATOR SASSER: Over two years ago, acknowledging the Air Force's decision to station a composite wing of aircraft at Mountain Home Air Force Base, I proposed the state of Idaho develop a new tactical training range in southwestern Idaho. This range would include a variety of tactical targets and provide an expanded training capability for both the Composite Wing and the Idaho Air Guard with its F-4G Wild Weasel mission. These units currently use the Saylor Creek Range, which has some significant limitations.

General Merrill A. McPeak, Air Force Chief of Staff, commenting on the range issue, said "We need expanded range capability for the readiness of our forces stationed at Mountain Home Air Force Base. I have used the existing range and it does not meet our total training requirement."

To develop the new range target areas, the state of Idaho has offered state lands in exchange for lahds owned by the Bureau of Land Management. This exchange is progressing in a timely manner.

The environmental examination of this proposal has had the continued involvement of many Idahoans, and the environmental impact statement should be completed this year. Under this plan, the Idaho Air Guard will both use and manage the range. Incidentally, the Idaho National Guard is recognized nationwide for its stewardship of our public lands. Our Army Guard was recently awarded the Department of the Army, Chief of Staff, Natural Resource Conservation Award and Department of Defense Citation of Meritorious Achievement for its management of the Orchard Training Area. As you know, the Snake River Birds of Prey Area also overlaps a large portion of our Orchard Range.

To have complete control over lands immediately adjacent to the target areas and to preclude uses that might adversely affect the future operations of the range, the state of Idaho needs to purchase approximately 7,000 acres of privately-owned land in Owyhee County, Idaho. Therefore, I hope you and your colleagues on the subcommittee can support the enclosed request for a $6.76 million military construction add-on for the Idaho Training Range.

I strongly endorse the development of this new range as a long-term military asset to the Air Force and the Idaho Air Guard. I would be glad to discuss this issue with you in more detail, at your convenience, if you desire.

With best regards,
Sincerely,

CECIL D. ANDRUS,
Governor.

[Joint Staff Public Affairs Office Press Release, July 6, 1992]

NATIONAL GUARD CLAIMS ENVIRONMENTAL AWARD

Years of observation, scientific research and exhaustive field work, as well as close to ties with environmental and conservation groups have culminated in winning the Department of the Army's Natural Resources Conservation Award for the Idaho Army National Guard. In the Army Chief of Staff's office at the Pentagon in Washington, D.C. on June 17, 1992, Maj. Gen Darrell Manning, Adjutant General, Idaho, accepted the award on behalf of the State. Manning credited Lt. Col. Richard Sheehan State Environmental Officer, and his team, Marjorie Blew, Training Site Environmentalist, and Dana Quinney, Land Condition, Tend Analysis Program Manager, for the success of the program.

The Natural Resources Award Program was initiated by the Secretary of Defense in 1962 to recognize military installations and Defense Department employees for outstanding accomplishments in the management of flora, fauna, soil, water, cultural resources and outdoor recreation.

The Idaho Army National Guard was recognized for its stewardship of the Orchard Training Area (OTA), a 138,000 acre training range in southwestern Idaho. The OTA is one of the largest heavy force (armor/mechanized) training areas for the Army National Guard in the United States. The Idaho Army Guard established an Environmental Management and Analysis Program (EMAP) in 1987, with a goal of analyzing existing and potential environmental impacts of ongoing training and operational activities on the OTA. In 1989, the EMAP implemented an Integrated Training Area Management Program to assess and monitor environmental resources.

The EMAP managers have since integrated their programs with the Bureau of Land Management's Snake River Birds of Prey Area Environmental management programs.

Important features of Idaho's program include instant reaction to extinguish fires on the training range which devastate native plant life and allow more flammable exotic area grasses to gain a foothold increasing the risk of more damaging fires in the future; replanting already damaged areas with native vegetation, and closely regulating access to more fragile areas of the range both to military and grazing uses. The guard environmentalists also work closely with environmental and conservation groups and institutes of higher learning and local school systems. Exhaustive scientific research projects are also underway studying the effects of military activity and grazing on the ecosystem.

REFORMING THE MILITARY CONSTRUCTION FUNDING PROCESS

Mr. MCCAIN. Mr. President, the military construction bill we are debating today is in many ways a system we can no longer afford. It calls for us to spend a total of $9.75 billion in new budget authority and appropriations on military construction for fiscal 1994 programs. This total is a 16-percent increase over the fiscal year 1993 military construction appropriation.

There is no doubt that we need military construction. In fact, we have underfunded the replacement and upgrading of many military facilities, including housing for our military personnel.

There is no doubt that much—even most—of the funds we are being asked to vote upon are needed and justified. In fact, even when items lack priority, they almost always have some short term value to our military forces.

I think, however, that it is time that we stood back and took a close look at what we are really voting on. We are not voting on a military construction plan that was carefully prepared by the Department of Defense. It is inherently out of balance with the cuts we are making in manpower and defense spending.

In fact, Secretary Aspin has made a point of stressing that we have only cut our expenditures on bases and infrastructure by 15 percent at a time when we are cutting forces by 30 percent and defense spending by 43 percent. In spite of the results of the Base Closure Commission, the Department of Defense is sending forward military construction plans that inevitably mean pouring hundreds of millions of dollars, if not billions, into facilities that ultimately will have to be closed to bring our defense spending back into balance.

There is, however, a more immediate issue at stake. The Department of Defense and the Congress are locked into a system where the Department of Defense knows that Members of the House and Senate rush each year to add military construction projects to the list it includes in its budget request. As a result, the Department deliberately underfunds its military construction request.

We in the Congress respond by forwarding new requests from our States and districts. These requests go to the authorizers and appropriators. They go to me as the ranking Republican on the Subcommittee on Military Readiness and Defense Infrastructure. They go to Senator GLENN as chairman of that subcommittee, to the chairman and ranking member of similar subcommittees in the House Armed Services Committee, and to our counterparts in the Senate and House Appropriations Committee.

Letter pour in from Members. We and our staffs are confronted by far more requests than we can possibly evaluate, and the review by the Department of Defense consists only of telling us whether they do or do not object to the request. Quite often, the Department simply accepts requests as free money—making no real effort to determine the priority for the request at issue.

There is no practical way to ensure that the taxpayers money is properly spent even if the request is received in time for review. In practice, however, many requests are deliberately sent forward at the last minute. The National Guard is particularly good at timing such requests to come in while we are in the process of markup, but every element of the military is guilty.

Much of this flood of requests never sees the light of day. Staff must sort out the resulting mess. There is no item by item review by Members. No overall analysis. No open review by the Department of Defense. Committee markup consists of approving long lists, listening to Member special requests, and rushing through a budget process that involves billions of dollars.

The problems that result are illustrated by a review the Congressional Research Service has completed for me of the add-ons we made last year to the military construction bill. The authorizing committees added $900 million in military construction projects and $743 million in family housing requests. The appropriators added $788 million in military construction and $212 million in family housing.

Even by our standards, this was real money. It was a critical part of the $10.5 billion in unrequested projects and defense activities that the authorizers added to the fiscal year 1993 defense budget, and the $12.6 billion added by the appropriators.

This year, an analysis by the U.S. Senate Republican Policy Committee notes that the Senate Armed Services Committee added more than $1 billion to this bill that was not included in the President's request. The appropriators funded most of this request, although we appropriators came in with a budget $1.6 billion higher than the one approved by the authorizers and they cut military construction across the board by 4 percent to stay within their fiscal targets.

Let's look at the total numbers for a moment. Even if we ignore the fact that we have reprogrammed many of the funds the administration requested to meet member requests, we are still far above the administration's total request. The administration asked for $8.4 billion in the adjusted 1993 request. We propose to spend $9.8 billion.

Mr. President, the time has come for this process to stop. The time has come for open and proper review of all military construction requests. The time has come to halt last minute add-ons in markup and on the floor. There is no conceivable reason to classify any aspect of the military construction authorization and appropriation process. There is no reason not to insist on full review of each request by the Department of Defense. There is no reason that markup of these requests should not be fully open to the public.

I have already talked to Senator GLENN about this process, and said that this mix of waste and need must not occur again. I wish to make it clear to all my colleagues that I will insist next year on open and systematic hearings on all such military construction requests. The time has come to shed the full light of public review on this military construction process, and to put an end to waste and pork.

EXCESS FEES FROM CONTRACT OFF-LOADING AT TVA

Mr. LEVIN. Mr. President, I had intended to send to the desk an amendment to require the Tennessee Valley Authority to return $8.3 million to the taxpayers. The reason for this amendment was that the TVA currently has in its accounts $8.3 million of taxpayer money which was not appropriated to it, and TVA has refused to return this money to the Treasury or to the agencies to which it was appropriated.

TVA accumulated this surplus through its Technology Brokering Program, by charging officials in other agencies a premium to help them circumvent their own procurement laws. This program was established, in theory, to promote the economic development of the Tennessee Valley region through interagency agreements with other Federal agencies.

In practice, however, the program was abused by sending most of the money to companies with no connection to the Tennessee Valley at all, for purposes unrelated to the development of the valley. Even today, more than 2 years after the DOD inspector general and the TVA inspector general first identified the abuses in the Technology Brokering Program, TVA has acknowledged that 87 percent of the money going to new projects under the program today is being spent on projects outside the Tennessee Valley.

Under the Technology Brokering Program, TVA charged other agencies fees in excess of the cost of the services it provided. As of July 1993, the total fees collected from other agencies under the Technology Brokering Program were $12.9 million, but the program's operating costs were only $4.6 million. The $8.3 million surplus is available to TVA for other purposes.

The $8.3 million of excess fees now in TVA's accounts were never authorized by Congress for TVA, never appropriated to TVA, and do not belong to TVA. This money should be returned to the taxpayers, and my amendment would have required TVA to take this step by conditioning TVA's appropriation in this bill on the return of this money to the Treasury.

My colleague from Tennessee has suggested that we give the TVA an opportunity to address this issue on its own before we consider reducing the availability of appropriations. And he has agreed to work with me to get TVA to reconsider its decision on this matter. I welcome his interest and support and for this reason I will not offer my amendment at this time.

Mr. SASSER. Mr. President, I thank the Senator from Michigan for withholding his amendment. I believe that we need to address the problem of the inappropriate use of interagency purchasing procedures on a comprehensive basis. The actions of a number of agencies involved in contract offloading, including but not limited to TVA, should be carefully scrutinized. For this reason, I am pleased to work with my colleague from Michigan and urge the TVA to reconsider its decision relative to the return of the $8.3 million in question to the Treasury.

At the same time, however, I do not believe that it is fair to single out the TVA for special legislative treatment. While my colleague from Michigan has harshly criticized TVA for its actions in brokering contracts from other agencies, TVA argues with some persuasion that it was merely using legal interagency contract procurement practices to its advantage. The bottom line is that all agencies that have collected excessive fees should be subject to the same rules. I look forward to continuing to work with Senator LEVIN to achieve that result.

Mr. LEVIN. I agree with the Senator from Tennessee that no Federal agency should be charging excessive fees to other agencies. The procurement laws and regulations that TVA helped other agencies to circumvent were written to protect the taxpayer; the circumvention of the purposes of these laws and regulations has led to numerous cases of wasteful spending.

I thank the Senator again for his willingness to work with me and urge the TVA to reconsider its decision relative to the return of these funds to the Treasury. I must say, however, that if, upon reconsideration, the TVA still does not agree to return these funds to the Treasury, I will pursue legislative and other courses of action. This case is too well documented, and the issues too important, to ignore.

Mr. COHEN. I agree with my colleague from Michigan that agencies must not be allowed to profit from overcharges associated with contract offloading. For that reason, I was prepared to cosponsor the amendment to require the return of the amount TVA had overcharged other Federal agencies, plus interest, to the Treasury before it could receive full funding in fiscal year 1994 appropriations. While I am willing to withhold legislative action at this time, I also intend to pursue legislative and other courses of action if this money is not returned.

Mr. GORTON. Mr. President, I should like to discuss one issue that relates to the home port at Everett, WA, with the distinguished chairman of the committee. Just this week the Navy has informed me of the urgent need during the course of the completion of that Naval station for bachelor enlisted quarters on the Naval station itself.

The design for that project is 35 percent complete. The Navy states to us that it needs these quarters before the facilities at Sand Point in Seattle, WA, close at the end of fiscal year 1995, which they will do as a part of the first base closure round.

This project, however, has not been authorized at this point. I am informed that this comes close to being the first military construction bill in history that includes not a single unauthorized project, which is a tremendously important mark. For that reason, I have not asked for an amendment on the subject.

I am seeking authorization for the project by the conference committee on the armed services authorization bill. If that authorization is included, I simply ask my friend and colleague from Tennessee for his help, if we can work out an appropriation during the conference on the appropriation bill.

Mr. SASSER. I will assure the Senator that the conferees will fully consider his project during the course of the conference.

Mr. GORTON. That is entirely satisfactory.

I thank the chairman.

Mr. BYRD. Mr. President, I commend Senator SASSER, chairman of the Military Construction Subcommittee, and Senator GORTON, the ranking member of the subcommittee, for their diligent efforts in managing this bill through committee and on the floor in such an expeditious manner.

Year after year, the Senator from Tennessee has shown his keen understanding of the matters contained in this legislation and has shown real leadership as our Nation faces the ongoing drawdown of our military establishments. His expertise is appreciated and valued by this Senator.

Mr. SASSER. Mr. President, I know of no further business to come before the Senate relative to this military construction bill. I am prepared to yield back all time.

Mr. GORTON. This side has nothing further to offer. I yield back the remainder of our time.

The PRESIDING OFFICER. Are there further amendments? If not, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 2446), as amended, was passed.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Chair appoints the following conferees.

The Presiding Officer appointed Mr. SASSER, Mr. INOUYE, Mr. REID, Mr. KOHL, Mr. BYRD, Mr. GORTON, Mr. STEVENS, Mr. MCCONNELL, and Mr. HATFIELD conferees on the part of the Senate.

Mr. GORTON. Will the Senator yield?

Mr. SASSER. Yes.

Mr. GORTON. Mr. President, I simply would like once again to offer my congratulations to the distinguished chairman. This may not be a world's record for the ease with which this bill was passed, but I am sure it is a personal record for the distinguished chairman. It reflects the quality of the work which he has done in preparing the bill.

Mr. SASSER. I thank the distinguished ranking member for his comments. Let me say that we could not have done this as expeditiously and as smoothly without the counsel and cooperation of our friend from Washington.

Mr. FORD. Mr. President, let me, too, compliment the Senator from Tennessee [Mr. SASSER] and the Senator from Washington [Mr. GORTON] for the fine and expeditious job they have done on the military construction legislation tonight. It indicates that when good work is done, the Senate can meet its obligations.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that we now have a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

LACK OF FISCAL DISCIPLINE TO REDUCE FEDERAL SPENDING

Mr. FEINGOLD. Mr. President, I rise to express my growing amazement at lack of fiscal discipline that this body has exhibited over the past several weeks as we have debated and defeated opportunity after opportunity to reduce Federal spending.

Just today, the U.S. Senate voted to continue funding for two enormous deficit-producing projects, the supercolliding superconductor and the advanced liquid metal reactor.

Both of these projects were terminated in the House-passed appropriations bill, but resuscitated right here in the Senate.

In just one afternoon—this afternoon, today—we have voted to spend an additional $11 to $13 billion on two projects that we do not need.

Like the billions of dollars we voted last week to continue spending on the space station, these projects were fiercely defended by Senators from the States where the funds were targeted for expenditure.

Mr. President, over three decades ago, President Eisenhower spoke with great foresight about the dangers posed by the military-industrial complex.

Today, on the floor of this Senate, we saw an evolution of that concept into a military/industrial/scientific complex that is locked into draining the Federal Treasury of billions and billions of dollars for enormous projects of questionable value.

When we voted to continue the space station last week, I was very concerned and disappointed that it was a sign that we were unable to restrain Federal spending. Mr. President, after today's votes, I am outraged at the message that is being sent to the American people by the U.S. Senate.

Earlier this year, when the President's budget package was being considered, I heard colleague after colleague, on both sides of the aisle, call for more cuts in Federal spending.

Time and time again, we heard Members of Congress say, "The President's package doesn't have enough spending cuts. We should cut spending, not raise taxes. We need more spending cuts. Cut spending first."

Many Senators said that.

But these statements stand in stark contrast to what has recently happened over and over and over again on the floor of the U.S. Senate when we have been presented with specific opportunities to cut Federal spending.

Amendment after amendment to cut Federal spending—amendments which have come from both sides of the aisle, from all political perspectives, have been defeated one after another.

Even when the Senate has decisively voted to cut a program, like the wool and mohair program, we have watched the spending cut shrivel and wither away in some other part of the congressional process, be it in the conference committees or in the back Halls of Congress where the lobbyists and the special interests have their hands buried deeply in the pockets of America's taxpayers.

I have tried to identify votes in the Senate since the deficit reduction bill was enacted where the spending cut side prevailed.

I am sorry to say, Mr. President, the list is very short.

There have only been four or five instances since the budget reconciliation bill passed where the Senate has adopted an amendment to cut Federal spending.

In contrast, the list of expensive, deficit-busting projects that have been continued at a time when our annual deficit and national debt have reached staggering levels is simply unbelievable.

Amendments to cut spending for next year for four costly projects whose merits are subject to serious debate—the space station, the superconducting super collider, the advanced liquid metal reactor, the advanced solid rocket motor—have been defeated along with similar amendments to cut spending on a number of other programs.

Last night, the Senator from Arkansas, Senator BUMPERS, who has been one of the foremost leaders in the fight to achieve deficit reduction, listed the cumulative cost of the programs and projects that the Senate has refused to cut in just the last 2 weeks.

Senator BUMPERS made the very appropriate point that when the Federal Government has to go out and borrow the money to fund these deficit-creating programs, we incur not only the actual cost of the program, but the additional interest that the Treasury must pay for the borrowed money.

The vote to retain the space station program will cost the Federal taxpayers far more than just the $2.1 billion in fiscal year 1994. The Senator from Arkansas calculated the cumulative savings that the Senate has rejected in the past 2 weeks is really closer to $260 billion when interest payments are included in the totals.

I recognize that taken one by one, there may be valid arguments that compel individual Members to vote to continue a program.

I have faced those questions myself on this floor.

Two nights ago, I agonized over voting for the amendment to eliminate the $30 million increase that the Appropriations Committee had approved for the Corporation for Public Broadcasting.

I strongly agree that we should support CPB and that the funding for this program has fallen in past years below the clear need.

I know many of the people who work for Wisconsin Public Broadcasting and I know what difficult financial constraints they face.

But I found that I would not justify a $30 million increase for public broadcasting in a year when we are asking Americans across all walks of life to make sacrifices so that we can restore fiscal sanity to our Federal budget.

I voted last week for an amendment to freeze certain new construction for VA hospitals while important decisions are made about health care reform and utilization of available resources although I am strongly committed to maintaining the VA health care system and meeting our moral obligations to those who have served in our Nation's armed services.

On the other hand, I did not support amendments to terminate funding for NEA or for the World Bank. In the latter case, I told the sponsor of the amendment that although I could not justify voting to terminate funding entirely, I wanted to work closely with him in curbing the Government waste and lavish spending that he had identified. I intend to work on an amendment to do that.

I understand that each Member of the Senate must read an individual judgment as to what programs he or she consider vital and which programs have a lower priority.

And I don't think it is necessary to vote for every spending reduction amendment put before the Senate to show that you are committed to reducing Federal spending.

But collectively, as a body, we have shown over and over why the Federal deficit is out of control.

We apparently lack the will to make virtually any hard decisions, cut any Federal spending programs that might benefit some constituency.

We have over 3,000 farmers in Wisconsin who collect wool subsidy payments from the Federal Government.

I told them when I ran for the U.S. Senate that they might have to give up those kinds of payments if we were ever going to balance the Federal budget.

Two nights ago, even before I had heard about the CPB amendment, my office started receiving phone calls from public television stations in Wisconsin, urging me to oppose any amendment that would freeze their funding at last year's level.

I have heard from timber communities, urban constituencies, rural voters, school districts, highway and transportation interests, environmentalists, universities—everyone asking for more Federal spending for their programs.

I have tried to be consistent and give the same message. It is a simple message. We have to cut Federal spending.

I do not enjoy telling my constituents that a program they benefit from is going to be terminated or have its funding reduced. That is no fun.

But that is the kind of tough medicine that all Americans are going to have to take if we are going to get the Federal deficit under control.

But I did not think it would be so difficult to achieve a consensus in the U.S. Senate to enact any meaningful spending reductions beyond what was contained in the budget reconciliation bill.

I have heard on the floor of this Senate and in the hallways some of the most amazing arguments in support of continuing the most marginal spending programs.

It is said we need the superconducting super collider because some 2,000 scientists have moved their families to Texas and we should not let them down.

It is said we should continue to spend $21 million a year operating the Selective Service System, although no one realistically expects to see the kind of large scale draft that would justify that system, because it does not really cost very much. That is what is said.

That is one of my favorite arguments: "this or that program is too small to bother with; it won't save that much if we kill it, so let's just keep the program going." I have heard that argument a lot in the last couple of weeks.

Somehow, that argument does not fly back home in Wisconsin.

The voters in my State actually believe that a million or two million dollars is a lot of money.

And when you start talking about a $10 or $20 million program, they actually think we are talking about big money.

Maybe they feel that way because it is their money.

Maybe they do not like sending their hard earned money back to Washington so that we can spend it on programs that no longer make sense.

One of the most frustrating lessons I have learned in the past 8 months is how hard it is to stop funding a program once it has started.

No matter how much the world or the conditions that led to creation of a program have changed, no one wants to end a program.

If the original need is no longer valid or politically popular, we, or somebody, create a new reason.

Let me give you a few examples.

Breeder reactors have become undesirable because of their costs, so a new rationale is being advanced that they are needed for disposal of nuclear waste, rather than energy production.

The end of the cold war makes it hard to argue that we still need to spend more than $200 million a year on Radio Free Europe to undermine Communist governments, so the new rationale for supporting 1,600 employees in Munich, Germany is called alternative radio—so that people in Poland and Hungary can hear a United States-taxpayer funded broadcast, in addition to the CNN, BBC, ABC, CBS, and NBC broadcasts that can now be freely received throughout much of Eastern Europe.

If we no longer need the mohair support program for military uniforms, it supposedly has become a rural development program.

I heard an argument made that we must continue the superconducting super collider because it is needed to support the next generation of physicists.

I cannot help but ask myself is there not a more productive way to support science than pouring billions and billions of dollars into a research activity which is probably already obsolete?

Although the cold war has vastly changed our defense and national security needs, I keep hearing that advanced weapons systems and military bases are needed to provide work for defense contractors and military personnel.

Can we not find a less costly and more productive employment program for displaced workers?

Now I understand why many Members are giving serious consideration to changing their positions regarding process-oriented budget proposals, such as the balanced budget or line-item vetos.

I think it is because we just seem incapable of imposing any serious discipline on ourselves.

Yet, I recognize that the lesson of the past few weeks is that special interests have a powerful ability to defend Federal spending that is of far lower priority than programs that provide services to the average American.

I fear that with a balanced budget amendment, the situation could grow worse, not better.

Programs that are protected today would remain insulated from real deficit reduction and the burden would fall upon more worthy programs that simply do not have the same political clout that has been demonstrated under current law.

Would we vote to terminate the space station or superconducting super collider if the balanced budget amendment were enacted?

I do not know the answer but I fear the answer is probably no. We would still find a way to fund these projects that cannot be justified anymore.

I am also fascinated by the fact that many of the Members who call for across-the-board spending cuts or caps on entitlement programs have voted over and over for the big ticket Federal deficit producing projects that are very difficult to justify during the current fiscal crisis.

Too many Members seem to have adopted the view that spending reductions are OK anywhere but my State.

If that is true, it is very hard to see how we are ever going to cut Federal spending.

I also want to respond to the remarks made last night by the Senator from Nebraska [Mr. KERREY], when he asked that Members of the Senate not stand "on this floor and say that those who vote against the superconducting super collider are demonstrating that this Senate cannot exert its will when it comes to spending cuts."

With all due respect to the Senator from Nebraska, I am going to stand here on the Senate floor and say that those same who vote against these amendments, time after time, are demonstrating that the Senate is not committed to spending cuts.

I recognize that on individual votes, there may be differences of opinion and I agree that it is not fair to take any single vote, and use it as the benchmark of whether a Member is for or against deficit reduction.

But taken together, the Senate has sent a deafening message to the American people in this series of votes that we are not at all serious about changing the direction of the Federal Government on Federal spending.

And I disagree strongly with the argument made last night that the problem with the deficit lies in mandatory spending programs, not discretionary programs.

The problem lies everywhere.

It is in every dollar, every line item in the Federal budget that we are not willing to scrutinize and trim.

I do not agree that the only way we can produce meaningful deficit reduction is to cut entitlement programs like Medicare or Social Security.

I just do not buy the argument that it is OK to vote for billions of dollars in unnecessary spending for things like the space station or the superconducting super collider on the Advanced Solid Rocket Program or the advanced liquid metal reactor because the real money is in mandatory spending programs.

I do not think my constituents in Wisconsin care whether a program is an entitlement program or a discretionary program—they care about whether we are spending more money than we have.

I think a wasted Federal dollar is a wasted Federal dollar whatever account it comes out of, and until we stop playing games and start cutting the fat out of the Federal budget, we are not going to reduce the Federal deficit.

Mr. President, in conclusion, I want to make two observations.

First, a lot of people like to say that the problem in Congress is the process, the procedure; that we are caught up in gridlock and cannot get anything done.

That is not what has happened in the Senate in the past several weeks.

We have had plenty of opportunities to vote for amendments to cut unnecessary spending. Any one of us could bring up an amendment. There was no rule stopping us. We had a chance to vote. It was not a procedural problem. The problem is we voted down those amendments.

The problem is not the process; it is our lack of commitment to the principle.

We want to cut Federal spending; we say we want to reduce the Federal deficit and retire the national debt.

We just do not want to make the hard choices that are necessary to achieve those goals.

Second, a lot of people say the problem with you folks out there in Washington is there it is too much Republican and Democrat, it is too much partisan talk; "why can't the two parties get together and work together?"

That is not the problem. This Federal deficit is not a partisan issue.

Amendments to cut Federal spending on all of the issues I mentioned tonight have been offered by Democrats and Republicans alike. And those efforts have been rejected by a bipartisan majority. This is a bipartisan problem. It is not going to be solved by procedural of partisan gimmicks.

Mr. President, to conclude, this problem with the Federal deficit will only be resolved when there is a real commitment in this town, in Washington, DC, to cut Federal spending. That is the message that the American people have been sending us, and I am afraid we better start listening soon.

Thank you, and I yield the floor.

Mr. FORD. Mr. President, I enjoy my new friend from Wisconsin. He is a gentleman. He is very articulate. He is very thorough, and I enjoy him very much. He has been an addition to the Senate in the best possible light since he has arrived here. I enjoy him very much.

But let me just make a point or two here with the Senator, if I may, in the best of contingents.

The Senator said that each Senator will have to make up his or her mind. That is what this Chamber is all about: We have the debate, we have the vote, and the Senators make up their minds.

The Senator said, and I did not get all of it, but I believe the Senator said some cuts should not be made. That is another decision: What do you cut or what do you not cut?

So the Senator is giving his position as he believes it. I voted with him to cut the space station. I thought we were going too far and spending too much money. But on some of the other things, I did not vote with him. And so this Senator made up his mind on what he thought was best.

He said Members vote to save jobs in their States. Let us just look at how it arrived in that State. This legislative body, House and Senate, debated for years scientific efforts for this country, and once the decision was made, then a location for that scientific endeavor was made and States had the opportunity to put forth an effort to secure that scientific effort. A lot of people believed in it.

So States who believed in it, wanted to go out and say, "Come to our State, we will even help financially." And on the superconducting super collider, Texas was chosen, for instance. They put up a billion dollars to support that effort, a scientific effort, by the way.

A decision was made to go to advanced science because the world is changing and we want to be on the edge. I want to give my children and my grandchildren and their children every opportunity. So I have to pick and choose.

I am a little bit older than the distinguished Senator from Wisconsin and probably have had a few more lashes across my back politically than the Senator from Wisconsin. But the decision was made to go to advanced science to be sure that we were there and we offered them what we considered to be the best.

A lot of us believe that the world is changing and science is a part of that future. And so we have made some decisions. We can always find something wrong with every big project. I can go to any big company and spend a couple of days and come out with horror stories. But, nevertheless, when you look at the total, the horror stories are not very much.

He says we have missed opportunities to cut. That was the Senator's decision on what he thought we ought to cut, and the Senate did not agree with him.

I know it is frustrating. I came here 19 years ago. It was so frustrating. I had a hard time because I came to this body with a file of projects for my State: Sewer, water, roads, all those things. I thought that the Federal Government gave help to the States, and as Governor I understood the need of my State, one of the poorer States. So I came here to try to get those projects.

Those who had been around here a long time said to me, and I could quote what the Senator said,

> Son, just relax, just relax. If we don't get to it this week, we'll get to it next week and maybe the week after that, but just relax and we'll get to it.

This is a Chamber of debate. The distinguished Senator has put forth his position, and I respect him for that. Some of us felt the other way. We were together on some and opposed on others.

So I hope we will not give up his tenacity, or whatever good word I might use for his effort, his strong effort, and that he continues to let us have the benefit of his thoughts, the benefit of his effort. I believe he is going to make a contribution to this Senate, and I hope not getting his way in the last couple of days, or last couple of weeks, would indicate that he is not gaining, so we will pick and choose on projects in the future. We will have good debate. We will have long debate.

There will be some issues here you wish would go away, you have heard enough of it. It does not apply to your State hardly at all, but it is part of the country and you will have to help us make a decision on what is right to make it for our State. We are going to help you make a decision on basically what is right for Wisconsin.

Again, I compliment the Senator on his effort and look forward to it. I just wanted to make these points to him tonight. I did not want him to get down on his ability to win on every one. It was hard not to win. I am a poor loser, very poor loser, and I am sure he is, too. Every once in a while, as my daddy told me, and I have a lot of daddy stories, he said: "In politics, when they tear the hide off politically, when it grows back, you're tougher."

So after a while, in politics, they tear the hide off you, you become tougher and you become patient, and patience in this body is sometime a great asset.

Mr. FEINGOLD. If I may briefly respond.

Mr. FORD. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I want to thank the Senator from Kentucky for not only his kind words, but also for the guidance and help he has given me as I enjoyed the experience of getting used to being a Member of this body in the last 9 months.

He has been enormously considerate and helpful. I appreciate his words. This is not the first legislative body I have had the pleasure of serving. I spent 10 years in the Wisconsin State Senate and had some members there who had been there a while who were among the best friends I had, and ones who helped me do more to learn how to get things done in the body than anybody else.

All I want to say, Mr. President, is on this issue, the problem is that I sincerely believe when we passed that deficit reduction bill that it was only going to be the first step. In Wisconsin, we have a term for when you want to get things passed later on but not in this bill, when you get reassured that it will actually be taken later. It is called a trailer bill in Wisconsin.

Yes, I knew deep down that the later spending cuts were probably just trailer bills, and these trailer bills never get passed. It is a standing joke in the State legislature. I hope that is not the case here.

I assure the Senator I have only begun to fight on this issue. Frankly, I see people like the senior Senator from Arkansas, who has been here 18, 19 years, he is still out here fighting every day on those deficit reduction issues, as are many other Members. And I hope, for however long I am here, I will continue to fight them. I enjoy the battle. I find that in legislative bodies you loose more often than you win.

I am not saying this tonight out of discouragement at all. I am trying to point out that the people in my State and throughout this country really do feel differently about Federal spending than they did a couple of years ago. I think we are going to realize that either sooner or late. I think it is better we realize it sooner.

I thank the Senator. I look forward to working with the Senator on each of these items later.

I yield the floor.

TRIBUTE TO GEN. COLIN POWELL

Mr. DOLE. Mr. President, today is Colin Powell's last day as Chairman of the Joint Chiefs of Staff, and his last day in the armed services.

As General Powell returns to civilian life, I want to join with those around the world who are saluting the remarkable career of this outstanding soldier—a soldier who was devoted to the cause of freedom and the cause of peace.

When Colin Powell entered the armed services in 1958, his fellow cadets said that he displayed rare leadership abilities and that he motivated many others to succeed. The skills those cadets identified were the same skills that have been the hallmark of Colin Powell's life and career.

For the past three and a half decades—from the swamps of Vietnam to the Oval Office of the White House—Colin Powell has earned the total respect and admiration of everyone he served and everyone he led.

As he rose to the highest military position in this country, Colin Powell never forgot the needs of the most junior soldier, sailor, airman, or marine.

General Powell knew from personal experience that wars and battles are not won in offices. As the recipient of 11 medals for courage in battle, General Powell knew that victories are won in the field.

And for Colin Powell the readiness and the morale of the soldier in the field was always the top priority.

Mr. President, if there is one word that describes Colin Powell, it is the word "integrity." He has survived the battles of Washington, DC, with his moral character intact and his honesty unquestioned.

General Powell will tell you the values he lives are the values he learned from his Jamaican immigrant parents, who told their children that they fully expected them to "do something with their lives."

In speeches and articles, General Powell has told America's youths that he expects the same thing out of them. He has been and will continue to be a shining example to our youth of what can be accomplished through hard work and personal resolve.

Mr. President, General Powell and I have often talked of the years he spent at the base in Fort Leavenworth, KS. And, on behalf of all Kansans, I want to extend an invitation to General Powell and his wife, Alma, to become permanent residents.

I don't know what the general has planned for the future, but I would remind him that a Kansas connection seemed to do wonders for a soldier named Dwight Eisenhower.

Mr. President, I believe that history will reflect the fact that the restoration of the American military and the commitment to freedom that were part and parcel of the Reagan and Bush administrations were some of the most important actions of this century.

And history will also reflect that when the decisions were made—decisions that would mean more freedom around the world—Colin Powell was either influencing, implementing, or making those decisions.

I wish General Powell and his family nothing but the best in the years ahead, and I look forward to the contributions I am confident he will continue to make to his county and his fellow citizens.

QUESTIONS ABOUT THE CLINTON HEALTH CARE PLAN

Mr. DOLE. Mr. President, this morning I had the privilege of listening to Hillary Clinton talk about the President's health care plan. She and the President deserve a lot of credit for taking on a very complicated issue and moving the entire health care debate forward.

It is important to keep in mind that we are talking about reforming a system that comprises one-seventh of America's economy—an estimated $900 billion a year. America has the highest quality health care delivery system in the world, and I can't think of anyone who wants that to change.

But, that does not mean we should embrace anything that is called reform. We need to proceed carefully. We have heard good speeches and excellent testimony, but the details are what will determine the success or failure of health care reform. Before we act, the American people need to understand how this plan will affect their jobs and their lives.

We need to start asking questions now.

President Clinton is essentially promising middle-class Americans that his health care plan can reduce the deficit and provide working people with a host of new benefits that they will not have to pay for. These promises all sound good, but we need to see if the Clinton health plan can actually deliver. We need to understand the real costs of this plan in terms of jobs, dollars, choices, and quality of care.

The morning I read an editorial in the Wall Street Journal entitled, "Health Plan's Devilish Details." Dr. Elizabeth McCaughey, the author of the article, suggests that the actual Clinton plan may be far different from what we have heard for the past week from the administration.

Essentially, this article makes three points.

The first is that under the Clinton plan most people will not be able to buy the kind of insurance they have now, which lets them choose their own doctor, go to a specialist when they think they need to, and get a second opinion if they have doubts.

Second, there will be price controls on doctors.

And third, Americans have been told that the quality of care will not decline, but many experts believe that it will.

These are important issues.

I ask unanimous consent that this article be printed in the RECORD immediately following my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 30, 1993]

HEALTH PLAN'S DEVILISH DETAILS

(By Elizabeth McCaughey)

The news from the White House wasn't adding up. An estimated 38 million uninsured Americans would be given health coverage, yet the only new tax would be on cigarettes. The nation would limit health care spending, but no one would sacrifice choice or quality. I felt uneasy about the missing pieces.

So I called the office of Sen. Harris Wofford (D., Pa.) and asked for a copy of the Clinton health plan. I read it and reread it—all 239 pages plus charts—poring over the details, consulting doctors and health care experts, and shaking my head at how different the plan is from what we are hearing.

Here are the facts that surprised me, and that will probably trouble most people. Page numbers refer to the latest draft of the plan—the blueprint made available to Congress two weeks ago.

Under the Clinton plan, most Americans will not be able to hold onto their personal physician or buy the kind of insurance that 77 percent of Americans now choose. Such fee-for-service insurance allows them to pick a doctor, go to a specialist when they feel they need one, get a second opinion if they have doubts, and select the hospital they think is best.

The Clinton plan will make almost all Americans buy basic health coverage through the "regional alliance" where they live. Regional alliances are huge, government monopolies that will purchase basic health care for everyone in the area.

Alliance officials will negotiate benefit packages and prices with insurers and health maintenance organizations (HMOs)—groups of physicians and hospitals that provide total health care through cost-conscious methods to each consumer for a prepaid premium. Unless you now receive health care through Medicare, military or veterans benefits, or unless you or your spouse works for a large company, the law will require you to buy basic health coverage from the limited choices offered by your alliance. It will be illegal to buy it elsewhere. (Pages 13, 15, 81.)

Under the plan, the federal government will set ceilings on how much each regional alliance can spend on payments to insurers and HMOs annually. The goal is to limit private health care spending. Alliances can reject any health insurance option that would push spending through the ceiling. Fee-for-service insurance, which tends to be more costly than HMO coverage, will be the first to go. (Pages 42, 61.)

In addition, an alliance cannot offer any plan that costs 20 percent more than the average price of all plans it offers. (Page 60.) Plans with added benefits (such as Pap smears every year instead of every third year) and many fee-for-service plans will be excluded by the 20 percent rule. A primary goal of the Clinton plan is to eliminate a two-tier health care system, where people who can pay more for medical care will receive more. The plan mandates "care based only on differences of need." (Page 11.)

Annual ceilings and the 20 percent rule will make it virtually impossible for some alliances to offer choose-your-own-doctor health insurance. Americans have been told that they will always have the option to buy fee-for-service insurance. But the plan says that, with a waiver from the National Health Board, alliances can exclude all fee-for-service plans, effectively forcing millions of citizens to join an HMO. (Page 62.)

Where a fee-for-service plan is offered, an alliance can impose a costly surcharge that will discourage consumers from choosing it. (Page 98.) Another rule, "community rating," requires insurers to offer the same basic package to everyone in the region for the same price. (Page 224.) Smokers and nonsmokers, drug abusers and nonusers pay the same. Community rating means that the sick are not thrown overboard, but it also makes those who adopt healthy behavior subsidize those who do not, and it pushes fee-for-service insurance out of reach of many Americans who now can afford it.

It will be hard to buy additional insurance. The basic benefit package is skimpy in some areas. But because of the community rating rule, insurers must offer supplemental policies to every person in a region at the same price. (Page 81.) High risk individuals will line up, but insurers will not. Cara Walinsky of the Health Care Advisory Board and Governance Committee, which advises 800 hospitals world-wide, explains that the plan "will make it as difficult as possible for you to buy more" than the standard package.

Seeing a specialist and paying for it out-of-pocket will be almost impossible. Few doctors will be practicing outside HMOs. The Clinton proposal is designed to drive doctors out of private practice. The plan has "very strong incentives built in that work against fee-for-service, not only on the consumer side, but also on the provider side," explains Ms. Walinsky. Even Drs. David Himmelstein and Steffie Woolhandler, leading proponents of a Canadian-style single-payer system, warn that the plan will "obliterate private practice."

Price controls will make private practice unfeasible. Americans have been told that there are no price controls. But the plan empowers alliances to set fees for doctors seeing patients on a fee-for-service basis. The plan states: "A provider may not charge or collect from a patient a fee in excess of the fee schedule adopted by an alliance." (Page 62.)

Americans have been told that the quality of health care will not decline. Many experts believe it will. In HMOs, gatekeepers, or primary care physicians, tightly limit patient use of specialists. Physician-subscriber ratios at HMOs average 1 to 800, half the ratio of physicians to the nation's population. Under the plan, pressure on gatekeepers to curb access to specialists will increase. Ms. Walinsky predicts that above a threshold level of "reasonable quality," alliances will choose HMOs based on lowest cost, not highest quality, in order to meet federal spending limits.

A parent lying awake, worried about a child's illness and whether the gatekeeper will OK a specialist, might think about bribes or even going outside the system. The Clinton Plan anticipates the problem, with new criminal penalties for "payment of bribes or gratuities to influence the delivery of health service." (Page 9.) Doctors, meanwhile, joke about "offshore" practices, hospital ships outside the three-mile limit, and other ways for families to escape controls and buy the health care they want.

The plan also takes away from HMO users the legal protection many state lawmakers believe they should have. Some states have passed "any willing provider" laws to prevent HMOs from arbitrarily excluding hospitals, pharmacies, or physicians from their networks. HMOs have protested that these laws hobble cost containment. The Clinton administration apparently agrees. The plan preempts state laws protecting consumer choice. (Page 76.)

The plan's biggest surprise is who bears the cost of universal health coverage. The plan requires states to create health alliance regions—similar to election districts. How those alliance lines are drawn will determine which areas of the state are hit with the highest health care premiums, because they are shouldering the costs of health coverage for the inner city poor. The system promises to pit black against white, poor against rich, city against suburb.

The average treatment cost of a baby born addicted to drugs is $63,000. Because of community rating, anyone who lives in an urban alliance is going to pay high premiums, regardless of his health or behavior. Part of the premium covers his own care; part is a hidden tax to provide universal health coverage within the alliance. Some alliances will bear especially heavy social burdens, others will not. Everyone will figure out that you get more health care for your dollar or pay lower premiums in an alliance without inner city problems. The plan will be an incentive for employers to abandon cities and relocate.

Considering the number of court battles when states draw election districts, lawsuits over "medical gerrymandering" are inevitable. The plan sets out rules that will be dissected in courtrooms across the nation: States may not "concentrate racial or ethnic minority groups, socio-economic groups, or Medicaid beneficiaries," and may not "subdivide a primary metropolitan statistical area." An alliance drawn to include a city and its surrounding suburbs will be considered in compliance. (Page 50.) Home prices and litigation fees will rise and fall depending on which suburbs are sucked into a metropolitan alliance and which escape.

Suppose a state fails to establish its regional alliances on time, or to meet all federal requirements? The plan empowers the Secretary of the Treasury to "impose a payroll tax on all employers in the state. The payroll tax shall be sufficient to allow the federal government to provide health coverage to all individuals * * * and to reimburse the federal government for the costs of monitoring and operating the state system." (Page 47.) The plan does not set any limit on this tax.

The Clinton plan is coercive. It takes personal health choices away from patients and families, and it also imposes a system of financing health care based on regional alliances that will make racial tensions fester and produce mean-spirited political struggles and lawsuits to shirk the cost of medical care for the urban poor.

Members of Congress should read the 239-page draft, rather than relying on what they hear, and then turn their attention to alternative proposals that aim to provide universal coverage while avoiding the devastating consequences of the Clinton health plan.

WASHINGTON DOUBLE STANDARDS

Mr. DOLE. Mr. President, the double standard is right up there with the Cherry Blossom Festival as one of the venerable Washington traditions—and judging by some recent events, it's fair to say this tradition is alive and well today.

This past July 13, I wrote to Attorney General Reno requesting the appointment of a special counsel to conduct an independent investigation of the so-called Travelgate affair. As I pointed out to the AG, the White House's own internal Travelgate report raised a number of disturbing questions that merited scrutiny by someone with an office outside the west wing.

Did Harry Thomason, a close friend of the President, violate the Federal conflicts-of-interest statute when he intervened on behalf of his own airline charter company, which was seeking White House business? Did executive branch officials exert pressure on the Internal Revenue Service to initiate an investigation of Ultrair, the airline charter company that formerly did business with the travel office? Did the FBI act properly when it played along with White House political damage control?

On September 16, more than 2 months after my original request for the appointment of a special counsel, I finally received a response to these questions from the Attorney General's Deputy, Mr. Philip Heymann.

According to Mr. Heymann, Attorney General Reno is reviewing the White House's travel office report "to determine what further action, if any, is necessary and appropriate." The letter goes on to say that the "Department of Justice is aware of no facts or circumstances that would warrant turning to an outside special counsel."

Mr. Heymann adds that:

> Even if the independent counsel provisions of the Ethics in Government Act * * * were in force, we have received no specific, credible allegations of criminal wrongdoing by individuals who would have been covered by the act. * * *

Cut through all the legal underbrush and the bottom line is that the Justice Department has stamped "case closed" on the Travelgate files.

Earlier this month, we learned that Travelgate-style antics may have spilled over to the State Department. According to press reports, a former Clinton campaign official now working at the State Department had asked the State Department archives to produce the personnel files of 160 political appointees who had served during the Bush administration. The contents of at least two of the confidential files were publicly disclosed.

My colleague from Kentucky, Senator MCCONNELL, has since written to Attorney General Reno requesting the appointment of a special counsel to determine whether any Federal laws were broken. We have also written to Secretary of State Warren Christopher requesting a full accounting of the unauthorized file search as a condition to the Senate proceeding to the State Department authorization bill. This request still stands.

So far, no word from the Attorney General. No word from the Secretary of State either. We have received a letter from the Assistant Secretary of State for Legislative Affairs, stating that the matter has been turned over to the State Department's inspector general. So stay tuned for the IG's report.

This somewhat casual approach contrasts sharply with the firestorm that engulfed Washington last year when State Department officials were charged with tampering with then-candidate Bill Clinton's passport files. Clinton campaign officials protested. The media had a field day. And the Republican Attorney General at the time ultimately named an independent counsel to identify the passport culprits. This independent counsel is still in business today.

Mr. President, Washington is a town full of double standards, so I am not surprised when Republican administrations get raked over the coals by a Democrat Congress, while Democrat administrations receive the kid-glove treatment from their congressional friends. What we see is politics, pure and simple. And you can be certain that if a Republican were in the White House at the time Travelgate took off, there wouldn't have been enough camera crews in Washington to cover all the congressional hearings.

But beyond double standards, what concerns me most is the deceit of masking politics with the protective veneer of the law. Saying there is no specific, credible evidence and that there are no facts or circumstances warranting a Travelgate special counsel sounds like good political spin, particularly when it's clear to anyone with a little common sense that there are plenty of facts and plenty of circumstances that deserve investigation.

Mr. President, I ask unanimous consent that the letter from Deputy Attorney General Heymann be inserted in the RECORD immediately after my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE
DEPUTY ATTORNEY GENERAL,
Washington, DC, September 16, 1993.

Hon. BOB DOLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: The Attorney General has asked me to respond to your letter outlining your concerns surrounding the investigation of allegations relating to the White House Travel Office and your suggestion that an outside special counsel be appointed. The Attorney General is reviewing the White House Report relating to the Travel Office to determine what further action, if any, is necessary and appropriate.

Exercise of the Attorney General's authority to appoint outside special counsel to investigate allegations of criminal wrongdoing has traditionally been reserved for extraordinary circumstances, where there is a compelling reason to believe that a criminal investigation or prosecution by the Department of Justice would be compromised by the presence of an actual or perceived conflict of interest. At this point, the Department of Justice is aware of no facts or circumstances that would warrant turning to an outside special counsel in connection with the White House Travel Office matter. Even if the Independent Counsel provisions of the Ethics in Government Act, 28 U.S.C. §§591–599, were in force, we have received no specific, credible allegations of criminal wrongdoing by individuals who would have been covered by the Act, and therefore, the provisions of the Act would not be triggered.

To address your second concern, Associate Attorney General Webster Hubbell is the third-ranking official within the Department of Justice, enjoys the Attorney General's and my complete confidence, and is thus an appropriate alternative contact for the White House should it have an inquiry for the Department of Justice concerning a criminal matter and the two of us are unavailable. He is the contact on most civil matters; I, on most criminal matters. But it is important that we be able to backstop each other.

You also ask about the timing of a letter that I sent to the White house requesting that Travel Office employees not be interviewed in the course of the White House inquiry into the matter. You are quite right in your observation that "[s]urely, [someone] within the Justice Department had conveyed [the Department's] concerns about interviewing the Travel Office employees before July 1." In fact, the letter merely memorialized my position on the issue, a view that had been communicated to the White House as soon as the issue was first raised.

Finally, with respect to your concerns about OLA's communications with your staff on the subject to making FBI personnel available for a meeting, I regret what appears to have been a miscommunication. It was our understanding that a member of your staff wished to question John Collingwood, the FBI's Inspector in Charge of Public and Congressional Affairs, concerning his own conduct in the course of the Travel Office inquiry. As you know, except in the most unusual circumstances, the Department has been reluctant to make Departmental personnel available for direct congressional questioning about their handling of ongoing matters. Your request for questioning Mr. Collingwood seemed to fall within this general prohibition; as a result of this position, we agreed to make Mr. Collingwood available for a meeting with your staff. We regret that we appeared uncooperative. We were in fact making every effort to accommodate your request.

On behalf of the Attorney General, thank you for you inquiry. I hope that this information is of assistance to you.

Sincerely,

PHILIP B. HEYMANN,
Deputy Attorney General.

TRIBUTE TO GEN. COLIN L. POWELL ON THE OCCASION OF HIS RETIREMENT FROM ACTIVE MILITARY SERVICE

Mr. WARNER. Mr. President, I rise today to pay tribute to a great American, an outstanding military leader and one of the true heroes of our age, the Chairman of the Joint Chiefs of Staff, Gen. Colin L. Powell.

General Powell will end his active military career effective today, retiring in ceremonies at Ft. Myer, VA, after 35 years of distinguished military service.

I was privileged to introduce legislation in March 1991 on behalf of 51 of my colleagues to authorize the award of the Congressional Gold Medal to General Powell following the magnificent performance of this Nation's Armed Forces in driving Iraqi forces from Kuwait in the war in the Persian Gulf.

In receiving the Congressional Gold Medal, General Powell along with his colleague Gen. Norman Schwarzkopf, joined the distinguished ranks of previous recipients, beginning with the first medal going to Gen. George Washington, and subsequently, a medal to John Paul Jones. Other awardees include General Pershing of World War I fame and Generals Marshall, Eisenhower, MacArthur, and Ridgeway of the World War II and Korean war era.

General Powell's extraordinary leadership, competence, and professionalism clearly instilled great confidence and pride in our Nation's Armed Forces and contributed greatly to the allied victory in Operation Desert Storm.

It was my privilege to work with General Powell in drafting and introducing the legislation that, upon passing the Senate by a narrow margin of just five votes, provided the congressional concurrence in the President's decision to commit U.S. forces to combat action in the Persian Gulf.

Mr. President, General Powell is an extraordinary military leader. He truly deserves the many accolades he has received and which have been paid to only a few of his predecessors. General Powell is truly a soldier's soldier. He has earned his way to the top of his profession by displaying at every level his unique leadership, perseverance, and toughness.

General Powell has also been extremely fortunate to have his dedicated and charming wife, Alma, by his side throughout his military career. She met and exceeded every tradition of the good Army wife. Military wives are known for their resilence and sacrifices. Alma Powell stands out even among this group of women who accompany our military professionals through the hardships, difficulties, and many tour separations of their careers. The Nation owes a great deal of gratitude to Mrs. Powell for the sacrifices she has made over the years and the contributions she has made to our Nation as a military wife and partner to one of our Nation's greatest military leaders.

General Powell's life is truly an American success story. Born of Jamaican immigrant parents in New York City on April 5, 1937, and raised in the South Bronx section, he later graduated from the City College of New York in 1958 and was commissioned a second lieutenant in the regular Army through the Reserve Officer Training Corps Program.

The ability of Colin Powell to rise through the ranks, predicated solely on his ability to lead and instill confidence in others and to meet the other very high standards of military professionalism is not only a tribute to his character and capabilities but indicates also the full and equal opportunities the Army provides today to the entire officer corps. This is a significant footnote in the history of our Nation and our Armed Forces.

General Powell comes from a very fine family. He related to me on more than one occasion how proud he was of his parents, who instilled in him the confidence that he would succeed, and, indeed, he has succeeded. I recall reminiscing with General Powell once when he told me that when he became a second lieutenant in the Army, his salary was higher than the salary his father was then earning. He was genuinely proud of his parents, their sacrifices and accomplishments and his family background.

Perhaps because of the closeness of his own family, General Powell has been sensitive to the importance of the family role in the military professional life—both for enlisted as well as officers. Throughout the conflict in the Persian Gulf, it was apparent that he was extremely conscious of the importance of the steadfast resolve and support of the families at home, of the loved ones and others, who did so much to sustain those who had gone to fight the war in the gulf. General Powell's concern for the military family was always apparent in his actions and decisions.

General Powell has had an illustrious military career. He chose the infantry, which is, in most respects, the most challenging of the specialities offered in a military career. He had two combat tours in Vietnam. He commanded effectively in units from company level up to U.S. Forces Command.

He is a decorated combat soldier, very modest about his combat decorations, including the award of the Purple Heart. Because of his calm, decisive and confident manner, he has increased greatly the confidence of the American people in our armed forces.

General Powell is well-liked and highly respected by military personnel throughout the ranks—from the enlisted ranks up through his general officer colleagues. His popularity among the young soldiers, sailors, airmen, and marines is directly attributable to his genuine and obvious concern for their welfare. He truly cares for them and it shows in all that he does.

Mr. President, from December 1987 to January 1989, General Powell served as the Assistant to the President for National Security Affairs. I am proud that I had the opportunity to lead the effort in the Senate to assure his appointment for this critical position while still retaining his status as an active duty military officer. His service as Assistant to the President for National Security Affairs was outstanding and the Nation was truly fortunate that he could put his uniform back on upon completion of those duties and resume his military career, leading to his appointment by President Bush as the 12th Chairman of the Joint Chiefs of Staff in October 1989.

Mr. President, General Powell has clearly been one of the most effective and most popular Chairmen of the Joint Chiefs of Staff we have ever had. In conflicts in Panama, the Philippines, the Persian Gulf and numerous others, he demonstrated the decisiveness, judgment, and skills the situation required.

We have all grown to rely on his advice and judgment. In some cases, his judgment was considered by some to be overly prudent. He was even referred to on occasion as a reluctant warrior. It is understandable and fitting that he insisted that we exercise great caution before sending our sons and daughters into battle. Because of his experience in Vietnam, he knew that it was important to examine carefully the involvement of our national interests and to ensure that the Nation supported an effort before committing our Armed Forces to combat.

General Powell has served as an outstanding role model for young people. He is truly the kind of example we have long sought for the youth of our country to emulate. Whatever General Powell decides to do in the future, I am certain that he will continue to fulfill this role. In a nation which seeks heroes, General Powell stands out today, above all others. The Congress and the American people clearly trust him and have great confidence in him. His credibility on national security matters is unsurpassed by any other General officer or government official in recent history.

Mr. President, General Powell has served his country long and faithfully. He has earned his place in our Nation's history. He and his wife, Alma, have earned the retirement they so richly deserve. General Powell has already indicated, however, that, at sometime in the future, he would hope to do something in service of the Nation in some capacity. I am certain that the Nation will benefit greatly from General Powell's future service, in whatever capacity he chooses to serve.

I join the Nation in expressing our heartfelt appreciation to General Powell for his outstanding service to our country and which he and Mrs. Powell Godspeed and a long and happy retirement.

SMALL BUSINESS BECOMING ANOTHER ENDANGERED SPECIES

Mr. BURNS. Mr. President, small business entrepreneurs in America today are worried. They are worried about the future of their business enterprises and the future of their employees.

They are worried, and I am too. Everyday it seems that people in Washington, who have absolutely no idea of what it takes to run a small business, are passing laws, writing regulations and making decisions that wrap small businesses in red tape.

Before my government service began as a county commissioner just 7 years ago, I owned and operated my own small business. I know what it's like to figure out how to make ends meet, how to make sure your employees get a good salary and benefits, how to struggle to keep your head above water, and all the time it seems like government keeps throwing road blocks in your way.

These road blocks make many entrepreneurs want to throw their hands up in despair, and I have been working hard to move these obstacles out of their way.

I am looking for ways to keep taxes down and to reduce the red tape and regulations that small business entrepreneurs face. I am also working to pass legislation to improve small businesses' access to credit. I have also joined with Senator ROTH of Delaware to introduce Real Jobs for America. This bill is designed to undo the damage that has been done to small businesses over the last several years. To encourage businesses to hire new workers, the bill gives a 13.8-percent tax credit for new employees. It also calls for the indexing of the capital gains tax. And, I am working on a bill to reinstate the ability of small business owners and self-employed individuals to deduct expenses for offices in their homes for tax purposes.

These are just a few of the initiatives I am working on in Washington to ease the concerns of small business, and let me tell you, Mr. President, that for those of us in Montana, these concerns are very real. With some 98 percent of the businesses in our State being small businesses, our State's economic success rests on their economic success.

Business entrepreneurs are the cornerstones of our communities. But they are at the end of their rope and feel frustrated that career politicians and government bureaucrats simply do not understand the impact government mandates, rules and regulations have on small business.

The best expression of the frustrations we have comes from J. Riley Johnson, who is the State director for the Montana chapter of the National Federation of Independent Business. He represents over 8,600 Montana small business owners, and an editorial he wrote recently appeared in a newspaper in eastern Montana.

Mr. President, Mr. Johnson's words ring true and I think my Senate colleagues and the Members of the House should know what he has to say. I ask unanimous consent that Mr. Johnson's editorial be entered into the RECORD. I truly hope that all Senators and Congressmen will take the time to read it.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS IS BECOMING ANOTHER ENDANGERED SPECIES

(By J. Riley Johnson)

Dick and Winnie Greenshields liken themselves to the spotted owl, and they are worried.

For 21 years, they have carefully and painstakingly built a small business by following the rules. They studied their market niche, laid it all out on paper, borrowed no more than absolutely necessary, hired the right people and pinched their pennies. Today, Dick and Winnie's East Glacier Park grocery store affords them some financial rewards, provides six jobs and is a vital cog in the economy of this small Montana community.

Why are Dick and Winnie worried?

Because they, like thousands of other small-business owners, are feeling increasingly threatened by one ill-conceived governmental scheme after another. They fret over the constant tinkering with tax rates, new and changing regulations, more and more paperwork and the unceasing fear of government enforcers peering over their shoulders.

From Washington comes such things as the proposed Budget Deficit Reduction Bill that will take $500 billion off the main street of this country and send it all back to Washington to pay for more government. Then there are the new mandates on small business like maternity leave and parental leave. And, of course, the new Health Care Reform Proposal that could add up to 12 percent to every small-business payroll, looms in the immediate future. This is not to mention the continual hikes in Social Security and Medicare payments and proposed new gasoline taxes.

But that is only part of the story.

From Helena comes a new income tax bill that will take another $70 million off the main streets of Montana and send it back to Helena for more government. Worker's compensation rates are skyrocketing. Unemployment taxes are rising. There's a new gasoline tax, and government agencies are daily drafting new rules and regulations for small business on health, safety and the environment.

"I watch the news, and it scares me," said Dick. "All I hear is bad. More government, more taxes, more paperwork. Sometimes I ask myself why I'm even trying to run a business. Why should I be taking the risks and creating jobs?"

You wouldn't think that operating a small business would be that frustrating, but today there are no areas of small business in which government fails to dabble.

The average Montana small-business owner never becomes one of the fat cats—contrary to what you might hear on the street. The average NFIB member in Montana last year took home $31,500 before taxes, and that was, for the most part, a husband and wife both working in the business. Yet, these are the so-called "fat cats" who are being asked to shoulder the social ills of this state and, indeed, this country.

But Dick and Winnie have made the decision to stick with it. Entrepreneurship is in their blood. Nevertheless, their confidence is fading, and they wonder if the struggle is really worth the rewards.

That's a sad but growing commentary on the free-enterprise system that made America what it is today.

The Greenshields' story represents a dangerous trend. Small-business owners are tired of being the whipping posts for social reformers and government. The established and experienced small-business owners in Montana—the very ones that could best create the new jobs and expand the economy in hundreds of Montana communities—are cutting back inventories, cutting back full-time employees and cutting back expansion. More and more, I am seeing "Mom and Pop" and a few family members running the small businesses on main streets from Libby to Baker, from Hamilton to Plentywood. Look around. You'll see it too.

The worried Dick and Winnie Greenshields and thousands of other struggling small-business owners in Montana find themselves, like the spotted owl, on the endangered-species list.

NATIONAL DRUNK AND DRUGGED DRIVING PREVENTION MONTH

Mr. MITCHELL. Mr. President, I am pleased to be a cosponsor of Senate Joint Resolution 122, a resolution to designate December 1993, National Drunk and Drugged Driving Prevention Month.

Drunk and drugged driving is the most frequently committed violent crime in our Nation. Last year alone, impaired driving killed nearly 18,000 people, and injured 1.2 million others.

Too often and for too long too many of us have treated these statistics with indifference. But each of those statistics is a human being with a family, with responsibilities, and too often with a blighted future. The injuries Americans sustain from the accidents caused by impaired drivers are among the most severe, costly and permanent that the human body can endure.

There are few Americans whose lives have not been affected in some way by drunk or drugged driving.

The financial costs of impaired driving to our society are staggering—$46 billion last year, including $5.5 billion in medical costs.

The toll that drunk and drugged driving takes on the lives of Americans, however, is even more staggering. The grief that must be borne by those whose sons, daughters, parents, friends have been killed or injured is immeasurable.

This year, the Senate grieved when the disastrous consequences of drunk driving struck at one of our colleagues, the senior Senator from South Carolina, whose daughter was killed by a drunk driver.

It is tragic when promising young lives are ended or healthy young bodies are crippled by the carelessness and apathy that allows too many of us to disregard the potential danger that an impaired driver represents. It is a tragedy too often played out in American homes. It is a tragedy because it can so easily be prevented.

It is necessary for all Americans to treat impaired driving as the crime that it is. Friends and families have to learn that being tolerant of somebody who's drunk and insists on driving isn't polite, it's dangerous. People have to learn to have the courage to tell their friends, their family members when they aren't capable of driving safely. That's something we can all learn.

The public education and information efforts that organizations like Mothers Against Drunk Driving and Students Against Driving Drunk have already made have had an enormous effect in making us more aware of our personal responsibility for preventing impaired driving.

The designation of the holiday month as a special time of awareness is a valuable way to augment those public information and education efforts. It deserves to be approved, and I urge my colleagues to join with me in supporting National Drunk and Drugged Driving Prevention Month.

CLAUDIE COOKE: A CAREER OF SERVICE TO SOUTH CAROLINA

Mr. HOLLINGS. Mr. President, most Members of this body are blessed with a core group of loyal, reliable aides who have been with them from the outset of their Senate careers, men and women who have stuck with them through thick and thin, and to whom they owe a special debt of gratitude. Claudie Cooke of my Columbia staff is one such aide.

Claudie fought alongside me in my winning Senate campaign in 1966, and since then she has served with exceptional dedication as a case worker in my Columbia office. For 27 years, she has served the people of South Carolina in a very direct and personal way.

Claudie's specialty is resolving constituents' problems vis-a-vis the whole gamut of Federal agencies, from Social Security to VA to Medicare. Over nearly three decades, she has assisted countless thousands of South Carolinians. She has done this with dedication, skill, and a very special brand of compassion. Bear in mind that unlike staffers in Washington, who usually deal with constituents at arm's length over the phone, staffers based in our State offices deal face to face with citizens of all walks of life. This requires a special skill and patience, which Claudie Cooke possesses to an unusual degree. Her trademark is her remarkable capacity for caring, for treating everyone with the same high measure of respect and courtesy. In this regard, Claudie has been the epitome of everything a Senate case worker should be.

So, Mr. President, I rise today to say thank you to Claudie Cooke, to express my own gratitude and the gratitude of people across South Carolina whose lives she has touched in ways big and small. I wish Claudie and her husband Thomas all the best in the years ahead.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Tuesday, September 28, the Federal debt stood at $4,386,348,704,685.85, meaning that on a per capita basis, every man, woman, and child in America owes $17,076.87 as his or her share of that debt.

HISPANIC HERITAGE MONTH

Mr. LEVIN. Mr. President, I would like to take this opportunity to remind us all that September is Hispanic Heritage Month—a time for us to appreciate and celebrate the myriad contributions that the Hispanic-Americans of this country have made. Hispanic-Americans are a dynamic, growing segment of our country and they bring their unique language, traditions, and culture to our communal melting pot. Hispanic-Americans have played and will continue to play a significant role in the areas of art, science, and business across our country. Certainly, they are members of a vital and important community in my home State of Michigan.

I would like to take a moment to highlight one of the many events that took place in Michigan to celebrate Hispanic Heritage Month. The Hispanic Independence Awards Committee of the Flint area held the Fifth Annual Hispanic Awards Ceremony at the Harding Mott Center in Flint on Saturday, September 18. The Hispanic Independence Awards Committee was founded in 1989 to recognize outstanding Hispanics who made positive contributions to the local community. Membership in this committee has grown as the need to honor more and more deserving individuals has increased.

The service awards presented by the Hispanic Independence Awards Committee at the awards ceremony included the Pedro Mata, Jr. Award for leadership, the Tano Resendez Award for service, the Joe Benavidez Award for education, the Labor Involvement Award, the Veteran Award, the Maria DeLeary Student Award, the Bruno Valdez Arts and Entertainment Award, and the Pedro Mata, Jr. Scholarship Award.

I would like to commend the Hispanic Independence Awards Committee for its work in recognizing excellence and I am sure that all the award recipients can be justly proud of their achievements. I know the profound impact that the Hispanic citizens of the Flint area, and throughout Michigan, have made to enriching the quality of life in my home State. The Hispanic Heritage Month gives all of us the opportunity to appreciate the contributions that Hispanic-Americans have made all across our great Nation.

CALLING FOR GAO REPORT ON END-OF-YEAR SPENDING

Mr. KOHL. Mr. President, for most Americans, tonight is no different than any other early autumn night. But in Washington, DC, tonight is New Year's Eve. September 30 is the last day of the Government's fiscal year; October 1 begins fiscal year 1994.

All over this city, today and tonight, Government employees will be celebrating New Year's Eve in a way not unlike the rest of us will spend December 31. They will be staying up late, and they will be spending lots of money. The only difference is, the money they are spending is yours. And you are not invited to the party.

I am not here today to condemn these Federal employees' actions. Under the Government's arcane budget rules, agencies must spend most of the money appropriated to them in fiscal year 1993 by today, or they lose it. Worse yet, if they come in under budget on some project or program—if they save money—their agency will lose that much money in next year's budget. There is absolutely no incentive to save taxpayer dollars. There is every incentive to spend, spend, spend as the fiscal year draws to a close.

This is not a newly discovered problem. Vice President GORE, in his report, "Reinventing Government," recognizes the perverse incentive system that encourages end-of-year spending.

And everyone who has worked in the Washington bureaucracy has their own end-of-year spending story. One former Defense Department official called September a feeding frenzy at the public trough.

Representative LAMAR SMITH investigated travel expenditures for the 20 years between 1971 and 1991. He found more than $2 billion, or 4 percent of total Federal travel spending, was thrown away in the last 30 days of the fiscal year. That $2 billion represents travel spending in September over the monthly average.

Unfortunately, Representative SMITH's study is the only hard evidence we have of the end-of-year wasteful spending we all believe is going on. For the last several years, the Treasury has stopped releasing to the public information on the monthly spending of Federal agencies. Those numbers are now available only on a quarterly basis—and not in enough detail to discern end-of-year spending trends.

Therefore, today, I will ask the General Accounting Office to investigate how great and pervasive the problem of end-of-year spending is. I will ask GAO to choose at random several appropriations made by Congress and track them through the year to see whether the money was spent as Congress intended or whether excess money was shifted to other purposes at the end of the fiscal year. I will also ask the GAO to look at the spending in several general, controllable spending categories—travel, printing, supplies—and see whether there is a historical record of spending increases toward the end of the year.

If GAO documents the kind of waste that I am afraid exists, I will be prepared to offer and push legislation to end end-of-the-year feeding frenzies. We must be able to guarantee taxpayers that their tax money is spent rationally—not thrown away at the end of the year in an attempt to conform with our current, ridiculous budgeting rules.

I ask that a copy of my letter to GAO be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 30, 1993.

Hon. CHARLES BOWSHER,
Comptroller General of the United States, General Accounting Office Building, Washington, DC.

DEAR COMPTROLLER BOWSHER: I have become concerned over reports of wasteful end-of-fiscal-year spending by agencies. Vice President Gore, in his report Reinventing Government, identifies a budget system that penalizes agencies that spend less than they are allocated by the end of the fiscal year. I am worried that the result is agencies making wasteful, hasty, and inappropriate spending decisions in the last month of the fiscal year.

Unfortunately, there is little but anecdotal evidence identifying an end-of-year spending problem. Because the Treasury Department now reports obligations of agencies only by quarter, it is impossible to discern end-of-year spending trends.

I am interested in addressing legislatively the problem of end-of-year spending, but I would like to craft a solution based on a sound exposition of the problem. Therefore, I would like you to examine this issue. I would like GAO to choose several appropriations made by Congress and track them through the fiscal year to determine whether the money was spent as Congress intended—or whether it was shifted to other purposes because of the pressures of the approaching end of the fiscal year. I would also like your office to examine spending in several general, controllable categories—for example travel, printing, or supplies—and determine whether the month-by-month historical record of spending on these items demonstrates an end-of-year spending problem.

I would certainly be interested in any suggestions you might have on these or other ways to pinpoint the end-of-year spending problem. Because I hope to act legislatively in time to stop this sort of waste next fiscal year, I would like you to design a report on which I could have an interim report in January and June of 1994 and a final report in August of 1994.

I look forward to working with you on this important issue. Thank you for your help on this critical project.

Sincerely,

HERB KOHL,
U.S. Senator.

LT. GEN. JAMES H. DOOLITTLE.

Mr. THURMOND. Mr. President, I rise today to pay tribute to one of our Nation's most legendary and innovative military leaders, Lt. Gen. James H. Doolittle, who passed away earlier this week.

In his almost 100 years on this Earth, General Doolittle accomplished many great things, but is best known for his feats as an Army Air Corps officer during the Second World War. In particular, though, he is remembered as the architect of a daring 1942 bombing mission of Japan.

Mr. President, not many Members of this body remember what life was like back in the days shortly after Pearl Harbor was attacked by the Japanese on December 7, 1941. In just a brief period of time on that Sunday morning, almost the entire American Pacific Fleet was destroyed, enabling the Japanese to conquer outpost after outpost. Those were discouraging days for the United States. The Japanese were close to obtaining their objective of controlling the Pacific and Hitler's forces were blitzing across Europe in every direction. While no one doubted that the United States would ultimately triumph over the dark forces of fascism and imperialism, there did not seem to be any light at the end of the tunnel. America very badly needed a morale boost and General Doolittle was able to provide it.

On April 18, 1942, a little more than 4 months after hostilities broke out, General Doolittle led 16 long-range bombers off the deck of the U.S.S. *Hornet* in an attack against Japan. The aircraft bombed the cities of Tokyo, Yokohama, Nagoya, and Kobe, inflicting light damage, but letting our enemy know that we were ready and willing to bring the war back to their turf. Almost all of the Doolittle raiders made it safely to China and returned to the United States where they were heralded as heroes. General Doolittle was awarded the Medal of Honor for this raid by President Roosevelt.

After retiring from the Air Force in 1946, Doolittle held a string of executive positions in the private sector, ranging from a vice presidency of Shell Oil to serving on the board of Mutual of Omaha Companies. Not one to idly sit by in his retirement, the general continued to respond to numerous letters and requests for photographs and autographs.

Mr. President, James Doolittle lived a full and rich life for 96 years, giving generously of his time and talents to our great Nation. In his long life, many kind things were said of him, but nothing kinder than these words of remembrance by his son, Col. John Doolittle, who said: "He served his country very well, his family beautifully and he was successful in business. If you want one word to define him, that word is integrity."

I would like to take this opportunity to extend my deepest sympathy to General Doolittle's family in their time of sorrow.

THE CONFERENCE REPORT TO H.R. 2295, THE FOREIGN OPERATIONS APPROPRIATIONS BILL

Mr. BRADLEY. Mr. President, I want to applaud today's passage of the conference report to H.R. 2295, the foreign operations appropriations bill. As a result of this legislation's successful passage, $2.5 billion will go toward assisting the new Independent States of the former Soviet Union in their efforts for democratic and free-market reform. It is in America's interest to see the NIS become democracies with market-based economies that raise living standards, with a much smaller Defense establishment, and with an acceptance of free-flowing capital, trade, and ideas. We should do what we can to help them make this transition.

I am particularly pleased that this legislation includes funding for educational and cultural exchange programs with the NIS, which I believe to be one of the most cost-effective ways to aid the fledgling democracies. Educational exchanges have a long-term impact, bringing young people from the former Soviet Union to the United States to live, study, and experience American culture in our homes, schools, and communities. These future leaders take back to their home countries invaluable firsthand knowledge of how a free-market democracy functions.

At the same time, Americans benefit from the exchanges as hosts and as students visiting the NIS. Americans learn from having foreign students in their homes and classrooms. Moreover, Americans studying in Kiev, St. Petersburg, Vilnius, and Alma-Ata return home with a better understanding of the people of the NIS. They have the unique privilege of witnessing first hand the new frontiers of democratic capitalism.

Person-to-person contact—not dollars—will build the bonds that will construct an era of mutual respect to replace the cold war era of mutual suspicion. The success of and enthusiasm for the educational exchanges that began this year under the Freedom Support Act, both in the United States and the NIS, have proven to me their worth and the importance of ensuring that they continue.

This bill includes at least $116 million for an expansion of educational exchanges with the NIS. I urge the administration to commit at least $40 million of the NIS assistance package to high school student exchanges, $25 million to undergraduates, $20 million to graduate students, $10 million to community colleges, $10 million to university partnerships, $10 million for secondary school teachers and administrators, and $1 million to scholars.

The most important exchange component, I believe, is an expansion of the Freedom Support Act Secondary School Exchange Program, and we must ensure that it receive at least $40 million of the funds made available for exchange programs in this appropriations bill. This amount would allow over 10,000 high school students to participate in exchanges. These youths will live with families, attend schools, and return to their own homes having learned about our institutions, skills, and values. They will have acquired a better appreciation of how they—the future leaders—can build their own institutions. Because we want the students' experiences to be meaningful, the program should favor long-term exchanges of a semester to a year over short-term stays.

I urge the administration to expand this program as quickly as possible. By next June, nearly 5,400 high school students from the United States and the former Soviet Union will have participated in the first wave of Freedom Support Act exchanges. According to Dr. Elena Lenskaya, head of the International Cooperation Department of the Russian Ministry of Education, the impact of the exchange program in the republics has been profound. It is, for many, the first tangible evidence of help from the United States.

As the recruitment and selection process for the program's first year has shown us, enthusiasm for the program in the NIS is overwhelming. Preliminary reports suggest that the more open and all-encompassing recruitment process planned for next year may result in 20 times the number of applicants in the program's first. It would be devastating if the program were to be decreased even the slightest bit in Russia or any of the other former republics. The high school exchanges have momentum, and we must capitalize on this momentum and build on the successful foundation laid by USIA and the exchange organizations in the first year. Now is the time to intensify our efforts and pour more of our resources into this most effective program. I urge USIA to put as much of the funds to use as quickly as possible. And once this next wave of NIS high school students comes to the United States and we can again see firsthand that these exchanges work, I hope that we will be able to expand the program even further.

The potential for the other exchange programs is also unlimited. I believe we must give preferential treatment to foreign students and educators interested in the social sciences, the humanities, teaching English, or acquiring knowledge or skills applicable to building democratic institutions. Existing exchange programs for undergraduate and graduate students should be expanded, and we must ensure that community colleges receive their fair share of the funds. Exchanges for community college students will provide new opportunities to students who may not be served by the secondary or traditional undergraduate exchanges. University partnerships will also provide useful avenues for curriculum and faculty development in the NIS.

Exchanges of secondary school teachers and administrators will prove to be a vital link in reaching increasing numbers of students. One teacher who has a positive exchange experience in the United States can have an impact on many students who may have no other opportunity to learn firsthand information about our Nation and its values.

In addition, we must also provide funds to establish scholars-in-residence programs at U.S. institutions such as the Woodrow Wilson Center. We would be foolish to not take advantage of the insights and knowledge of such intellectual leaders as Davlat Khudonazarov, a former Presidential candidate in Tajikistan who was driven out of his home country. We should seize the opportunity to learn from the experience of individuals like Davlat and fund the establishment of a scholar-in-residence program.

Mr. President, we must take advantage of the opportunity before us and open our homes, schools, and communities to the people of the former Soviet Union—and we must do it swiftly. The long-term dividends of our efforts today are great, and we will all be enriched by strengthening the human bonds that hold our countries together.

FACES OF THE HEALTH CARE CRISIS

Mr. RIEGLE. Mr. President, I rise once more in my continuing effort to put a face on the health care crisis in America. Today I want to tell the story of Joan and Lesley Kachadourian from Gibraltar, MI. Joan, age 56, has been delaying seeking proper care for a heart condition because she and her husband are uninsured.

Joan has had a thyroid condition for years. She was improperly medicated to treat her thyroid which led to her current enlarged heart condition. Because she has an enlarged heart, Joan can only walk short distances and cannot work. If she strains herself at all, she has an angina attack.

Joan receives nitroglycerin to treat the attacks, but it does not cure the cause of the attacks as heart surgery would. The cumulative angina attacks are weakening her heart and greatly increasing the likelihood of a potentially fatal heart attack. Only a specialist can help cure her condition, but she cannot afford a specialist or additional treatment, so she relies on her family doctor to keep her supplied with the drugs to treat her attacks. It is a significant burden to pay approximately $100 a month for her prescriptions.

Joan and Lesley lost their health insurance coverage when Lesley's employer, a local iron company, closed down and left him without a job and their family without benefits. Lesley now works two jobs but neither provides health care benefits. Up until 2 years ago when Joan couldn't pass the required physical, she worked for the local school district as a substitute bus driver. She was a part-time employee and was not eligible for health care benefits through the school district. Joan is currently unable to work because of her heart condition.

Joan has looked into purchasing health insurance on her own, but any policy available to her would deny coverage for her preexisting conditions, so most are of little value to her. Fortunately, Joan has just recently been awarded disability through Social Security. But, she will not receive any health care benefits under Medicare until the spring of 1995.

In addition to her heart condition, Joan developed a hernia as a result of having pneumonia last fall. Joan's family doctor wanted to admit her into the hospital, but, once again, because of the cost of hospitalization and lack of health insurance, Joan did not receive the treatment she needed.

The financial burden of Joan's medical conditions has been lessened by help from family members. Joan and Lesley have a 20-year-old son in college at Ferris State University, and a 24-year-old son, and 3-year-old grandson who live with them. Financially, the Kachadourians are managing to stay afloat with the support of their family, but Joan's health is gradually deteriorating because she can not afford the care she needs.

Joan deserves to have access to affordable health care coverage. Our citizens deserve the peace of mind that guaranteed coverage can bring regardless of their work status or preexisting medical conditions. I will continue to do all I can to work for health care reform to help Americans, including people like Joan who have fallen through the cracks in the current system.

THE 2000 OLYMPIC GAMES

Mr. MOYNIHAN. Mr. President, last Thursday the International Olympic Committee awarded the 2000 summer games to the city of Sydney. I rise today to offer my congratulations to that city. Our friends in Australia had unsuccessfully endeavored to win the honor of hosting the Olympic games in the two previous site selections. Their selection to host the 2000 games was well deserved.

Sydney was not the favored candidate for these games. Indeed, a headline of The Washington Post's on the day of the selection was "Confident Chinese See Olympics Going Beijing's Way Today." This did not come to pass. A message was sent.

The Olympic games represent the pinnacle of amateur competition. It probably should not carry such political overtones, but when nations are pitted against each other in competition is inevitable. At the 1936 Olympics in Berlin the Nazi hosts were bent on proving Aryan superiority and on establishing in the popular mind the legitimacy of the Nazi regime. In 1980 soon after the invasion of Afghanistan, Moscow played host to the summer games. President Carter would not have it and we boycotted them in protest. South Africa has been barred from participating in any Olympic games for some three decades.

Politicizing these games runs counter to the Olympic spirit, but totalitarian states have repeatedly used them and other international events as an opportunity to showcase the alleged benefits of a rigorously controlled society. As I wrote in 1980, in an article published in the Daily News referring to the controversial Moscow Olympics, "Athletic competition is, for the Soviets, but another way of trumpeting the virtues of their totalitarian state. * * * For [them] amateur athletic competition is professional politics."

Were the International Olympic Committee to have awarded Beijing the 2000 games, it would have sent a most unfortunate political message to those who are struggling to bring democratic reforms to China. The selection of Sydney now sends an altogether different message to those responsible for the Tiananmen massacre, flagrant human rights abuses, and the continued subjugation of the Tibetan people.

I hope that there will be a time in the near future when I can stand in this chamber and congratulate the selection of a city in China to host the Olympic games, when its government has ended human rights abuses and embraced the norms of international law.

I ask that the following article appear in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RUSSIANS PLAY POLITICS SO PUT' EM IN PENALTY BOX

(By Daniel Patrick Moynihan)

The worldwide reaction to the Soviet invasion of Afghanistan once again raises the question of convening the Summer Olympics in the Soviet Union. But it is not really a new question. Moscow's interest in Olympic competition has always been political in one way or another.

Athletic competition is, for the Soviets, but another way of trumpeting the virtues of their totalitarian state. Of course, they have always reacted with self-righteous indignation whenever an Olympic competitor from a Communist country decided to opt for life in one of the free societies which have been host of the games in the past. But, in 1980, for the first time, the Soviets would have had no fear that one of their athletes might defect to the West. Free to know that they would be spared that embarrassment, the Soviets could turn to "controlling" the situation. Would reporters be free to report what they saw? Would Soviet citizens, especially human-rights activists, be allowed to establish contact with Westerners in Moscow?

These questions, I believe, now pale in comparison to the larger issues raised by the blatant Soviet recourse to armed force in Afghanistan. For it underscores dramatically the fact that the Soviets do not share our appreciation for the common spirit which is supposed to animate the Olympic Games.

Like any other activity in which the Soviet government participates, there is but one purpose—the advancement of its totalitarian aims. Just as the brutal suppression of cultural activity inside the Soviet Union demonstrates that, there, there is no such thing as "art for art's sake," so does the Soviet view of competitive athletics remind us that, there, there is no such thing as "sport for sport's sake." For the Soviets, amateur athletic competition is professional politics.

Yet the Soviets persist in attempting to secure world acceptance as a legitimate state and as an advanced society. They do this by offering nominal assent to the proper language of international life, but then distort it for their own purposes. They crave to impose their definition of terms upon the rest of the world. Unceasingly, their propaganda apparatus portrays their government as the victim of misunderstanding but even more of outright conspiracy. Armed with such self-righteousness, the Soviets demand that the rest of the world show its good intentions by treating the Soviet state as it would treat any other.

It is startling that at this juncture in world affairs, there are still those who would argue that the world ought to afford the Soviets the legitimacy they seek. It is not that we are without the lessons of history in this regard. In 1936, Hitler was host of the Olympic Games precisely to establish in the popular mind the legitimacy of the Nazi regime. At a time when Nazi Germany was flouting the rules of civilized conduct—not merely subjecting its own citizens to unspeakable brutalities, but also scrapping international agreements with serene contempt—the world chose to ignore what lay right before its eyes and proceeded with business as usual with the Nazis. We know the consequences.

Thus I believe the position taken by the Secretary of State and by the President to the effect that the Soviets will either leave Afghanistan or we will leave the Moscow Olympics is both sound and necessary. The games should be moved—or alternative games should be organized—to a place where the Olympic spirit will be allowed to breathe. There is a special poignancy in this for all those who have prepared for the games with great effort and at great sacrifice. yet I would say that to elevate the competition itself to an absolute status is, in its own way, a departure from the very spirit of the games.

If we must forgo the opportunity to excel on the athletic field we will at least have the greater opportunity to demonstrate something far more important—our excellence as a democracy and our stout-heartedness as a people of principle.

DEFINITION OF "RURAL COMMUNITY"

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1508, a bill to amend the definition of "rural community" as defined by the farm bill of 1990 introduced earlier today by Senators MURRAY and HATFIELD; that the bill be deemed read three times, passed, motion to reconsider laid upon the table; further that any statements relating to this matter appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, just over 3 months ago, I spoke on the Senate floor about the great changes overtaking the management of Federal forests in the Pacific Northwest. These splendid forests have been the subject of bitter debate for years and years. Management decisions have been imposed by every branch of Government, from the Federal Government to Congress to the U.S. Court of Appeals. Finally this year, the Clinton administration decided to end the conflict by proposing a comprehensive new strategy for forest management. This plan does not come without pain, or without additional controversy. But it does chart a course for bringing an end to conflict, and it is now in the process of implementation.

I made one central point then, and I'll reaffirm it again now. When Government decides to change policy, it has an obligation to help people adjust to the change. In this case, it has meant providing stability, economic diversification incentives, retraining choices, and new forest management initiatives that will provide local governments, small businesses, and individuals with options for the future. When President Clinton announced his new forest management strategy, I committed to my constituents to doing everything I could do steer the accompanying economic package through Congress.

Today I join my colleague from the Pacific Northwest, Senator HATFIELD, in introducing legislation that will put one of the important pieces in place. This bill is important to my State and region because it makes an existing program work better for people there. In 1990, Congress passed legislation authored by former Representative Sid Morrison to create a Community Assistance Program within the U.S. Forest Service. This program has benefitted numerous communities in the West by providing funds directly from the Federal agency—with minimal overhead and no middleman—to towns and people with the ability and drive to create viable economic opportunities in historically timber-dependent areas.

President Clinton and his staff have been working diligently since last spring with the Governors of Washington, Oregon, and California to identify existing programs, improvements to such programs, and other initiatives that communities can use to help chart an economic course for the future. As part of his economic diversification program, he proposed, and the Senate has approved, significant increases for the Community Assistance Program. But the joint Federal-State working group also identified changes that could make the program work better. Today we propose to make those changes.

Essentially, this bill does two things: first it ensures that no town with a good idea will fall through the cracks; and second, it empowers nonprofits groups such as churches, civic groups, and cooperatives to pursue entrepreneurial ideas. Under these amendments to the Community Assistance Program, towns and counties in rural areas adjacent to national forests, and people within them, will have access. This program makes sense: it puts resources in the hands of people who know what to do with them; it minimizes overhead; and focuses narrowly on the problem without a lot of red tape.

Mr. President, I would like to commend the excellent work of Senator LEAHY of Vermont, the chairman of the Agriculture Committee, and his staff in helping put this bill together. I would also like to thank Senator HATFIELD for his leadership and sensitivity in this time of challenge for our region. This is a good bill, and I urge all my colleagues to provide support for its passage.

So the bill (S. 1508) was deemed to have been read three times and passed, as follows:

S. 1508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2374(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6612(3)0 is amended to read as folllows:

"(3) The term 'rural community' means—

"(A) any town, township, municipality, or other similar unit of general purpose local government,or any area represented by a not-for-profit corporation or institution organized under State or Federal law to promote broad based economic development, or unit of general purpose local government, as approved by the Secretary, that has a population of not more than 10,000 individuals, is located within a county in which at least 15 percent of the total primary and secondary labor and proprietor income is derived from forestry, wood products, and forest-related industries such as recreation, forage production, and tourism and that is located within the boundary, or within 100 miles of the boundary, of a national forest; or

"(B) any county that is not contained within a Metropolitan Statistical Area as defined by the United States Office of Management and Budget, in which at least 15 percent of the total primary and secondary labor and proprietor income is derived from forestry, wood products, and forest-related industries such as recreation, forage production, and tourism and that is located within the boundary, or within 100 miles of the boundary, of a national forest.".

TRIBUTE TO THE LATE JUSTICE THURGOOD MARSHALL

Mr. FORD. Mr. President, I ask unanimous consent the Senate proceed to consideration of House Concurrent Resolution 133, a concurrent resolution regarding the printing of statements made in tribute to the late Justice Thurgood Marshall just received from the House; the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements thereon appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (H. Con. Res. 133) was agreed to.

MEASURE PLACED ON CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that S. 1507, a bill amending the Higher Education Act of 1965, introduced earlier today by Senator PELL and others, be placed on the calendar and any statements thereon appear in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations reported today by the Committee on the Judiciary and that the Senate proceed to their immediate consideration: Fredrick W. Thieman, U.S. attorney for the western district of Pennsylvania; Jennifer B. Coffman, to be U.S. district judge for the eastern and western districts of Kentucky, and all those nominations submitted to the Senate today except Janet A. Napolitano to be U.S. attorney for the district of Arizona. I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; that the Senate return to legislative.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

Frederick W. Thieman, to be U.S. attorney for the Western District of Pennsylvania;

Joseph P. Strom, Jr., to be U.S. attorney for the District of South Carolina;

Judith Ann Stewart, to be U.S. attorney for the Southern District of Indiana;

Edmund A. Sargus, Jr., to be U.S. attorney for the Southern District of Ohio;

Betty H. Richardson, to be U.S. attorney for the District of Idaho;

Thomas J. Monaghan, to be U.S. attorney for the District of Nebraska;

Jay P. McCloskey, to be U.S. attorney for the District of Maine;

Kathryn E. Landreth, to be U.S. attorney for the District of Nevada;

Clause Harris, Jr., to be U.S. attorney for the Northern District of Alabama;

Helen F. Fahey, to be U.S. attorney for the Eastern District of Virginia;

Edward L. Dowd, Jr., to be U.S. attorney for the Eastern District of Missouri;

Robert P. Crouch, Jr., to be U.S. attorney for the Western District of Virginia;

Veronica F. Coleman, to be U.S. attorney for the Western District of Tennessee;

David M. Barasch, to be U.S. attorney for the Middle District of Pennsylvania;

Martha A. Vazquez, to be U.S. attorney for the District of New Mexico;

Jennifer B. Coffman, to be U.S. attorney for the Eastern and Western Districts of Kentucky;

William R. Wilson, Jr., to be U.S. attorney for the Eastern District of Arkansas;

M. Blane Michael, to be U.S. circuit judge for the Fourth Circuit; and

Michael J. Yamaguchi, to be U.S. attorney for the Northern District of California.

STATEMENT ON THE NOMINATION OF M. BLANE MICHAEL

Mr. BYRD. Mr. President, during my nearly 35 years as a Member of the U.S. Senate, I have been privileged on numerous occasions to speak in support of the confirmation of many outstanding West Virginians who have been nominated for highly responsible positions at the Federal level.

On this occasion, I can say sincerely that I am exceptionally enthusiastic about the prospect of the ascent to the Federal bench of this candidate who is being presented to us as a nominee to the Fourth Circuit Court of Appeals—M. Blane Michael, from Charleston, WV.

Coincidentally, Blane Michael is a native of Charleston, SC, where he was born in 1943.

Notwithstanding, Mr. Michael grew up in West Virginia, and, after serving as president of the student body, graduated in 1965 magna cum laude with a B.A. degree from West Virginia University, and with membership in Phi Beta Kappa.

Subsequently, Mr. Michael earned his doctor juris degree from New York University, graduating in 1968, whereupon he served in the Wall Street law firm of Sullivan & Cromwell as an associate from 1968 to 1971.

Consequently, Mr. Michael served as an assistant U.S. attorney for the Southern District of New York in 1971–72, before returning home to practice law solo and privately in Petersburg, WV, from 1973 to 1975.

After serving as a law clerk to Chief Judge Robert E. Maxwell, U.S. District Court, Northern District of West Virginia, Mr. Michael worked as counsel for the then Governor of West Virginia, our colleague Senator ROCKEFELLER, and has been a practicing attorney and partner in West Virginia's largest law firm, Jackson & Kelly, since 1981.

With wide and deep experience in criminal and civil law, Blane Michael is today one of West Virginia's brightest, most admired, and most talented attorneys. He is blessed with a charming and supportive partner in his wife, Mary Anne, and they have a lovely and talented daughter, Cora.

Moreover, Blane Michael's career and achievements are those of which any man of a comparable age would be proud and with which he would be richly satisfied. By any standard, Blane Michael is qualified to serve on the bench of the Fourth Circuit Court of Appeals.

But in the nomination of Blane Michael to such a high position of responsibility, the constituency of the Fourth Circuit Court of Appeals will be anticipating the services of a man more than merely objectively qualified to serve as a Federal judge.

In Blane Michael, we are confronted with the candidacy for the Federal bench of a man who is also qualified by character, by intellect, by maturity, by integrity, and by already tempered, challenged, and practiced judgment.

Therefore, Mr. President, I urge the confirmation of the nomination of Blane Michael to the bench of the U.S. Court of Appeals for the Fourth Circuit and to the oversight of the important issues that will come before that court for resolution.

STATEMENT ON THE NOMINATION OF VERONICA COLEMAN

Mr. SASSER. Mr. President, I am very pleased that the Senate is today taking prompt action to approve the nomination of Veronica Coleman as U.S. attorney for the Western District of Tennessee.

I was very pleased to recommend Veronica Coleman for this post. She is an outstanding individual. She brings a wealth of broad-based legal experience to the position of U.S. attorney.

Ms. Coleman is a graduate of Howard University here in Washington, DC, and received her law degree from Memphis State University.

Currently, she is a juvenile court referee in Memphis. In that position, Ms. Coleman has gained substantial expertise in domestic and family law matters. She had previously developed considerable experience in corporate law as senior attorney for Federal Express Corp. She has also worked as legal counsel to the president of Memphis State University. Finally, she has served as assistant district attorney general and assistant public defender. Her work in those important positions provided her with the litigation experience so vital to any U.S. attorney.

As a result of that extensive experience in both the private and public legal community, she has been appointed as assistant to the board of law examiners and to the Tennessee Commission on Criminal Rules Procedures.

In addition, Veronica Coleman has found considerable time for community service. She initiated the first volunteer mentoring program for teenaged mothers, the forerunner of legislation and similar programs to address the growing problem of teenage pregnancy.

Mr. President, I think it is also important to point out that this appointment is an important step in President Clinton's goal of bringing greater diversity to the Federal bench. Veronica Coleman is the first African-American and the first woman to serve as U.S. attorney in Tennessee.

Mr. President, for all these reasons, I believe that Veronica Coleman will be an outstanding U.S. attorney. We are indeed fortunate that she has chosen to devote her considerable talents to public service.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT ON RUSSIA AND THE GENERALIZED SYSTEM OF PREFERENCES—MESSAGE FROM THE PRESIDENT—PM 44

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

I am writing to inform you of my intent to add Russia to the list of beneficiary developing countries under the Generalized System of Preferences (GSP). The GSP program offers duty-free access to the U.S. market and is authorized by the Trade Act of 1974.

I have carefully considered the criteria identified in sections 501 and 502 of the Trade Act of 1974. In light of these criteria, and particularly Russia's level of development and initiation of economic reforms, I have determined that it is appropriate to extend GSP benefits to Russia.

This notice is submitted in accordance with section 502(a)(1) of the Trade Act of 1974.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 30, 1993.*

REPORT ON HAITI—MESSAGE FROM THE PRESIDENT—PM 45

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Haitian emergency is to continue in effect beyond October 4, 1993, to the *Federal Register* for publication.

The crisis between the United States and Haiti that led to the declaration on October 4, 1991, of a national emergency has not been resolved. While substantial progress has been made toward restoring democracy pursuant to United Nations Security Council Resolution 861, all necessary conditions to that restoration have not yet been met. Multilateral sanctions have been suspended but not terminated. Political conditions in Haiti continue, therefore, to be of considerable concern to the United States. For these reasons, I have determined that it is necessary to retain the authority to apply economic sanctions to ensure the restoration and security of the democratically elected Government of Haiti.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 30, 1993.*

REPORT ON THE PROLIFERATION OF NUCLEAR, CHEMICAL, AND BIOLOGICAL WEAPONS—MESSAGE FROM THE PRESIDENT—PM 46

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing and Urban Affairs.

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) and section 301 of the National Emergencies Act (50 U.S.C. 1631), I hereby report to the Congress that I have exercised my statutory authority to declare a national emergency and to issue an Executive order, which authorizes and directs the Secretary of Commerce, in consultation with the Secretary of State, to take such actions, including the promulgation of rules, regulations, and amendments thereto, and to employ such powers granted to the President by the International Emergency Economic Powers Act, as may be necessary to continue to regulate the activities of United States persons in order to prevent their participation in activities, which could contribute to the proliferation of nuclear, chemical, and biological weapons, and the means of their delivery.

These actions are necessary in view of the danger posed to the national security, foreign policy, and economy of the United States by the continued proliferation of nuclear, biological, and chemical weapons, and of the means of delivering such weapons, and in view of the need for more effective controls on activities sustaining such proliferation. In the absence of these actions, the participation of U.S. persons in activities contrary to U.S. nonproliferation objectives and policies, and which may not be adequately controlled through the exercise of the authorities conferred by the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et. seq.*), could take place without effective control, posing an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

The countries and regions affected by this action would include those currently identified in Supplements 4, 5, and 6 to Part 778 of Title 15 of the Code of Federal Regulations, concerning nonproliferation controls, as well as such other countries as may be of concern from time to time due to their involvement in the proliferation of weapons of mass destruction, or due to the risk of their being points of diversion to proliferation activities.

It is my intention to review the appropriateness of proposing legislation to provide standing authority for these controls, and thereafter to terminate the Executive order.

WILLIAM J. CLINTON,

THE WHITE HOUSE, *September 30, 1993.*

MESSAGE FROM THE HOUSE

At 12:43 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following bill, in which it requests the concurrence of the Senate:

H.R. 3123. An act to improve the electric and telephone loan programs carried out under the Rural Electrification Act of 1936, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 38) to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes.

The message further announced that the House agrees to the conference report on the bill (H.R. 2403) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2608) to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program.

At 3:54 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 38. An act to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes.

H.R. 2295. An act making appropriations for foreign operations, expert financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes.

H.R. 2608. An act to provide for the reauthorization of the collection and publication of quarterly financial statistics by the Secretary of Commerce through fiscal year 1998, and for other purposes.

H.J. Res. 267. Joint resolution making continuing appropriations for the fiscal year 1994, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The following enrolled bill and joint resolutions, previously signed by the Speaker of the House of Representatives, were signed by the President pro tempore (Mr. Byrd):

S. 1381. An act to improve administrative services and support provided to the National Forest Foundation, and for other purposes.

S.J. Res. 61. Joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week."

S.J. Res. 121. Joint resolution to designate October 6, 1993 and 1994, as "German-American Day."

H.R. 2295. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes.

H.J. Res. 267. Joint resolution making continuing appropriations for the fiscal year 1994, and for other purposes.

At 5:49 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2491) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. Stokes, Mr. Mollohan, Mr. Chapman, Ms. Kaptur, Mr. Torres, Mr. Thornton, Mr. Natcher, Mr. Lewis of California, Mr. DeLay, Mr. Gallo, and Mr. McDade be the managers of the conference on the part of the House.

The message also announced that the House agrees to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 164 to the bill (H.R. 2493) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies for the fiscal year ending September 30, 1994, and for other purposes, resolved that the House agrees to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 29 to the aforesaid bill, with an amendment as follows: In the matter proposed by the Senate amendment, insert after "operations" the following: ", except for marketing year 1993".

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2518) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. Natcher, Mr. Smith of Iowa, Mr. Obey, Mr. Stokes, Mr. Hoyer, Ms. Pelosi, Mrs. Lowey of New York, Mr. Serrano, Ms. DeLauro, Mr. Porter, Mr. Young of Florida, Mrs. Bentley, Mr. Bonilla, and Mr. McDade be the managers of the conference on the part of the House.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 30, 1993, he had presented to the President of the United States, the following enrolled bill and joint resolutions:

S. 1381. An act to improve administrative services and support provided to the National Forest Foundation, and for other purposes.

S.J. Res. 61. Joint resolution to designate the week of October 3, through October 9, 1993, as "Mental illness Awareness Week."

S.J. Res. 121. Joint resolution to designate October 6, 1993 and 1994, as "German-American Day."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1572. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-1573. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report relative to the Government National Mortgage Association; to the Committee on Banking, Housing and Urban Affairs.

EC-1574. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on the Homeownership and Opportunity for People Everywhere program for fiscal year 1992; to the Committee on Banking, Housing and Urban Affairs.

EC-1575. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the transition to quieter airplanes; to the Committee on Commerce, Science and Transportation.

EC-1576. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation entitled "U.S.-Mexico Border Water Pollution Control Act;" to the Committee on Environment and Public Works.

EC-1577. A communication from the Principal Deputy Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report of the financial review of the National Institute of Environmental Health Sciences' use of Superfund monies; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. Biden, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 537. A bill for the relief of Tania Gil Compton.

S. 760. A bill for the relief of Leteane Montasi.

By Mr. Baucus, from the Committee on Environment and Public Works, without amendment:

S. 832. A bill to designate the plaza to be constructed on the Federal Triangle property in Washington, DC, as the "Woodrow Wilson Plaza."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. Biden, from the Committee on the Judiciary:

William Roy Wilson, Jr., of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

M. Blane Michael, of West Virginia, to be United States Circuit Judge for the Fourth Circuit.

Janet Ann Napolitano, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

David M. Barasch, of Pennsylvania, to be United States Attorney for the Middle District of Pennsylvania for the term of four years.

Michael Joseph Yamaguchi, of California, to be United States Attorney for the Northern District of California for the term of four years.

Martha A. Vazquez, of New Mexico, to be United States District Judge for the District of New Mexico.

Joseph Preston Strom, Jr., of South Carolina, to be United States Attorney for the District of South Carolina for the term of four years.

Jennifer B. Coffman, of Kentucky, to be United States Judge for the Eastern and Western Districts of Kentucky.

Thomas Justin Monaghan, of Nebraska, to be United States Attorney for the District of Nebraska for the term of four years.

Frederick W. Thieman, of Pennsylvania, to be United States Attorney for the Western District of Pennsylvania for the term of four years.

Judith Ann Stewart, of Indiana, to be United States Attorney for the Southern District of Indiana for the term of four years.

Veronica Freeman Coleman, of Tennessee, to be United States Attorney for the Western District of Tennessee for the term of four years.

Edward L. Dowd, Jr., of Missouri, to be United States Attorney for the Eastern District of Missouri for the term of four years.

Robert P. Crouch, Jr., of Virginia, to be United States Attorney for the Western District of Virginia for the term of four years.

Jay Patrick McCloskey, of Maine, to be United States Attorney for the District of Maine for the term of four years.

Helen Frances Fahey, of Virginia, to be United States Attorney for the Eastern District of Virginia for the term of four years.

Claude Harris, Jr., of Alabama, to be United States Attorney for the Northern District of Alabama for the term of four years.

Betty Hansen Richardson, of Idaho, to be United States Attoney for the District of Idaho for the term of four years.

Edmund A. Sargus, Jr., of Ohio, to be United States Attorney for the Southern District of Ohio for the term of four years.

Kathryn E. Landreth, of Nevada, to be United States Attorney for the District of Nevada for the term of four years.

(The above nominations were reported with the recommendation that they be confirmed.)

The following executive reports of committees where submitted:

By Mr. MOYNIHAN, from the Committee on Finance:

George Munoz, of Illinois, to be Chief Financial Officer, Department of the Treasury.

Mary Jo Bane, of Massachusetts, to be Assistant Secretary for Family Support, Department of Health and Human Services.

June Gibbs Brown, of Hawaii, to be Inspector General, Department of Health and Human Services.

Shirley Sears Chater, of Texas, to be Commissioner of Social Security.

Jeffrey E. Garten, of New York, to be Under Secretary of Commerce for International Trade.

Herbert L. Chabot, of Maryland, to be a Judge of the United States Tax Court for a term expiring fifteen years after he takes office. (Reappointment)

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WELLSTONE:

S. 1503. A bill to expand services provided by the Department of Veterans Affairs for veterans suffering from post-traumatic stress disorder (PTSD); to the Committee on Veterans' Affairs.

By Mr. HATFIELD:

S. 1504. A bill to amend the Job Training Partnership Act to establish an Environmental Employment Transition Assistance Program (EETAP), and for other purposes; to the Committee on Labor and Human Resources.

S. 1505. A bill to amend the Federal Land Policy and Management Act of 1976 to enhance the management of Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 1506. A bill to amend the Public Health Service Act to provide for the training of health professions students with respect to the identification and referral of victims of domestic violence; to the Committee on Labor and Human Resources.

By Mr. PELL (for himself and Mr. JEFFORDS):

S. 1507. A bill to make technical amendments to the Higher Education Amendments of 1992 and the Higher Education Act of 1965, and for other purposes; placed on the calendar.

By Mrs. MURRAY (for herself and Mr. HATFIELD):

S. 1508. A bill to amend the definition of a rural community for eligibility for economic recovery funds, and for other purposes; considered and passed.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1509. A bill to transfer a parcel of land to the Taos Pueblo Indians of New Mexico; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (for himself, Mr. AKAKA, and Mr. CAMPBELL):

S. 1510. A bill to amend title 38, United States Code, to increase the amount of the loan guaranty for loans for the purchase or construction of homes; to the Committee on Veterans' Affairs.

By Mr. DORGAN:

S. 1511. A bill to eliminate the crediting of "good time" for violent and repeat offenders in Federal and State prisons, authorize funding for boot camps and the conversion of military facilities to regional prisons, and for other purposes; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself, Mr. AKAKA, and Mr. CAMPBELL):

S. 1512. A bill to amend title 38, United States Code, to require the establishment in the Department of Veterans Affairs of mental illness research, education, and clinical centers, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE:

S. Res. 147. A resolution to constitute the minority party's membership on certain of the standing committees for the 103d Congress, or until their successors are chosen; considered and agreed to.

By Mr. D'AMATO (for himself and Mr. COATS):

S. Con. Res. 45. A concurrent resolution relating to the Republic of China on Taiwan's participation in the United Nations; to the Committee on Foreign Relations.

By Mr. McCAIN:

S. Con. Res. 46. A concurrent resolution expressing the sense of the Congress commemorating the heroism and lifetime achievements of the late General James H. "Jimmy" Doolittle, who died on September 27, 1993; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE:

S. 1503. A bill to expand services provided by the Department of Veterans Affairs for veterans suffering from post-traumatic stress disorder [PTSD]; to the Committee on Veterans' Affairs.

VETERANS PTSD TREATMENT AND PSYCHOLOGICAL READJUSTMENT ACT OF 1993

● Mr. WELLSTONE. Mr. President, today I am introducing the Veterans PTSD Treatment and Psychological Readjustment Act of 1993. This measure will expand and improve access to VA outpatient and inpatient care for veterans suffering from post-traumatic stress disorder.

PTSD is a devastating disorder that affects numerous veterans, their families, and communities. It is a behavioral disorder occurring in individuals who have experienced a very traumatic event. While PTSD commonly occurs in veterans who have been exposed to the stresses of combat, it can also arise among victims of violent crime, sexual trauma, natural disasters, and other distressing events outside the realm of normal experience. PTSD victims often manifest such symptoms as angry outbursts, anxiety and panic attacks, aggressive and violent behavior, and recurrent flashbacks and nightmares. The disorder is often chronic and can emerge many years after the trauma of battle and reemerge suddenly and unpredictably.

Unfortunately, the consequences of PTSD often are as tragic for the veteran's family as they are for the veteran. Through my work and the work of my wife, Sheila, on the issue of domestic violence, I can testify to the deep and lasting impact on families that are victims of violence, abuse, and neglect. And, in my contacts with the families of Minnesota veterans who suffer from PTSD, I have learned that such families often suffer from neglect and abuse. This can have serious consequences for the children and even grandchildren of veterans afflicted by PTSD. A Minnesota psychotherapist who works with veterans who have PTSD has told me that she is now treating the adult children, and sometimes the grandchildren of Vietnam veterans who have grown up in violent homes. To prevent the perpetuation of this cycle of violence and trauma, we must move promptly to ensure that all veterans suffering from PTSD have access to effective and timely treatment.

A 1988 congressionally mandated study on the readjustment of Vietnam-era veterans provides alarming evidence concerning both the prevalence of PTSD among Vietnam veterans and the relatively small percentage of PTSD victims who were receiving VA treatment services for PTSD. The study found diagnosable PTSD in over 15 percent or almost 480,000 of male Vietnam veterans, with an additional 11 percent or about 340,000 experiencing three to five symptoms of PTSD. During the concluding year of the study, only 10 percent of Vietnam-era veterans suffering from PTSD were receiving VA treatment for the disorder. Moreover, since the study was completed, the conflict in the Persian Gulf has resulted in a further increase in demand for VA services for PTSD.

To make matters worse, the VA Chief Medical Director's Special Committee on PTSD—now under the aegis of VA's Under Secretary for Health—for the past 10 years has recommended substantial expansion of VA inpatient and outpatient treatment facilities for PTSD. For the most part, the committee's recommendations have gone unheeded. While it is long overdue, I'm proud that our measure will implement many of the special committee's recommendations.

The Veterans PTSD Treatment and Psychological Readjustment Act of 1993 has three essential elements. First, it provides for a gradual expansion of VA inpatient and outpatient facilities for treatment of PTSD that is phased in over a 4-year period, concluding on December 31, 1997. This will result in the following increases in PTSD treatment facilities: 30 specialized inpatient PTSD units [SIPU's] at VA medical centers—there are now 26 units; 40 vet centers—there are now 201 centers—to be located in areas where there are relatively high numbers of veterans who belong to minority groups and areas that are currently not well served by vet centers; and 50 PTSD clinical teams [PCT's] at VA medical centers which provide mental health services—there are now 57 teams.

Second, and perhaps as important, it broadens veterans eligibility to receive PTSD and psychological readjustment services and authorizes VA counseling services for some dependents of armed service members and veterans. The bill requires that SIPU's be made available to all eligible veterans, including veterans of the Persian Gulf conflict. At the same time, it expands eligibility for counseling services to assist readjustment to civilian life to any veteran who served in a combat area of operations and to other veterans on a resource-available basis. The bill also authorizes the VA to provide counseling services to survivors of armed forces members who die while on active duty or from a service-connected condition, as well as to family members of armed forces members who are receiving combat pay.

Third, the legislation provides for two important PTSD research programs and an innovative pilot program. One research program that is of great significance to Minnesota veterans will focus on the effectiveness of involving the family in the treatment of PTSD. In my travels through Minnesota, it is often stressed to me that any comprehensive approach to treating PTSD must include family members who often are both indirect victims of PTSD and crucial to successful treatment outcomes. The other research program will address the vital issue of determining the most effective treatment modalities for dealing with PTSD. The pilot program will also provide information on the most promising approach for dealing with PTSD. It authorizes the Secretary of Veterans Affairs to contract for PTSD care and treatment and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities. It may well turn out that the use of community-based facilities will provide an important alternatives to structured treatment at more conventional facilities.

Mr. President, in considering this bill for expanding PTSD treatment facilities, it is important to note that the VA, when properly funded, often does an excellent and unique job in treatment and research on PTSD. The vet centers have done exceptionally successful work over time to keep veterans out of long-term institutional care for PTSD. They are remarkable institutions, with a majority of the staff comprised of veterans who have served in a war zone. Vet centers provide an almost unique model of user-friendliness, and have a national reputation among veterans for offering help without hassles. The VA's National Center for PTSD also has an enviable reputation and is considered the world's leader in research, education, and the development of treatment models for PTSD. They are unique assets that have few, if any, counterparts in the private sector. In the context of a national health reform in which the VA medical system is expected to compete with private insurers, it is urgent that we nurture those VA programs that provide veterans with effective treatment that would be difficult to replicate elsewhere. Clearly, the VA's PTSD programs belong in this category.

More than 20 years after Vietnam veterans returned from the war, hundreds of thousands of them continue to suffer from the ravages of PTSD. Until we provide all of them with access to treatment that will help both them and their families, our obligation to them will remain unfulfilled. The costs of war do not only involve bombs and bullets, but also include providing medical care to those veterans who continue to suffer the scars of battle, sometimes for a lifetime. While PTSD is not as visible as a bullet wound or lost limb, the torment and pain it causes are no less real or painful. I urge my colleagues to join me by cosponsoring this vital and long-overdue measure.

Mr. President, in closing I should note that Representative LANE EVANS will introduce a companion bill in the House of Representatives today and express my deep gratitude to him for working with me on this legislation. Representative EVANS is a tireless, dedicated, and courageous advocate for all American veterans and I commend him for his extensive and effective work on their behalf.

I ask consent that a copy of the legislation I am introducing be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans PTSD Treatment and Psychological Readjustment Act of 1993".

SEC. 2. FINDINGS.

The Congress finds—

(1) that a study carried out pursuant to the Veterans' Health Care Amendments of 1983 (Public Law 98–160; 97 Stat. 993) on the readjustment of Vietnam-era veterans estimated that approximately 479,000 Vietnam-theater veterans currently suffer from full-blown post-traumatic stress disorder (PTSD);

(2) that such study found that during the final year in which such study was conducted only 10 percent of the Vietnam-era veterans suffering from post-traumatic stress disorder were provided services by the Department of Veterans Affairs for post-traumatic stress disorder;

(3) that the conflict in the Persian Gulf resulted in an increased demand for services provided by the Department of Veterans Affairs for post-traumatic stress disorder;

(4) that expansion of the current programs of the Department of Veterans Affairs to provide services to veterans suffering from post-traumatic stress disorder (including specialized inpatient PTSD units, PTSD clinical teams, readjustment centers, and other services) would be an effective means of reaching those veterans who have not previously been provided such services; and

(5) that implementing the recommendations of the Special Committee on Post-Traumatic Stress Disorder would be an effective means of reaching veterans suffering from post-traumatic stress disorder who have not been provided services.

SEC. 3. EXPANSION OF THE SPECIALIZED INPATIENT POST-TRAUMATIC STRESS DISORDER UNIT PROGRAM.

(a) POLICY.—It shall be the policy of the Secretary of Veterans Affairs to implement the recommendations of the Special Committee on Post-Traumatic Stress Disorder with respect to the program of the Department of Veterans Affairs to establish and operate specialized inpatient post-traumatic stress disorder units (SIPUs) at Department medical centers. In operating such units, the Secretary shall ensure that the facilities and services of such units are available to all eligible veterans, including veterans of the Persian Gulf conflict.

(b) INCREASE IN NUMBER OF SIPUs.—The Secretary shall increase the number of specialized inpatient post-traumatic stress disorder units existing on the date of the enactment of this Act by not less than 30. Of such number—

(1) not less than five such units shall be established by December 31, 1994;

(2) not less than a total of 15 such units shall be established by December 31, 1995;

(3) not less than a total of 25 such units shall be established by December 31, 1996; and

(4) not less than a total of 30 such units shall be established by December 31, 1997.

SEC. 4. EXPANSION OF THE VET CENTER PROGRAM AND OUTREACH EFFORTS FOR VETERANS WITH READJUSTMENT COUNSELING NEEDS.

(a) SPECIAL COMMITTEE RECOMMENDATION.—(1) The Secretary of Veterans Affairs, acting through the Under Secretary for Health of the Department of Veterans Affairs, shall direct the Special Committee on Post-Traumatic Stress Disorder to identify areas of the country in which there are significant needs for expanding the Vet Center program, especially areas in which there are relatively high numbers of veterans who are members of minority groups and areas that are currently not well-served by Vet Centers.

(2) The Special Committee, based on its findings under paragraph (1), shall present a list of not less than 40 areas as candidates for new Vet Centers to the Readjustment Counseling Service of the Department of Veterans Affairs not later than September 30, 1994.

(b) VET CENTER PROGRAM EXPANSION.—Based on the requirements identified pursuant to subsection (a), the Readjustment Counseling Service shall increase the number of Vet Centers existing on the date of the enactment of this Act by not less than 40. Of such number—

(1) not less than five such centers shall be established by December 31, 1994;

(2) not less than a total of 20 such centers shall be established by December 31, 1995;

(3) not less than a total of 30 such centers shall be established by December 31, 1996; and

(4) not less than a total of 40 such centers shall be established by December 31, 1997.

(c) OUTREACH RECOMMENDATIONS.—The Advisory Committee on Veteran Readjustment Counseling shall prepare a report on recommendations to increase outreach efforts to veterans of the Vietnam-era and periods after the Vietnam-era who have readjustment counseling needs. The Advisory Committee shall submit such report to the Secretary not later than July 29, 1994. Not later than 60 days after receiving such report, the Secretary shall transmit a copy of the report, together with the Secretary's comments and recommendations, to Congress.

SEC. 5. EXPANSION OF ELIGIBILITY FOR READJUSTMENT COUNSELING AND CERTAIN RELATED COUNSELING SERVICES.

(a) READJUSTMENT COUNSELING.—(1) Subsection (a) of section 1712A of title 38, United States Code, is amended to read as follows:

"(a)(1) Upon the request of any veteran who while in the active military, naval, or air service served in a combat theater of operations (as defined by the Secretary of Defense), the Secretary shall furnish counseling to such veteran to assist such veteran in readjusting to civilian life. Upon the request of any veteran other than a veteran described in the preceding sentence, the Secretary shall, within the limits of Department facilities, furnish counseling to such veteran to assist such veteran in readjusting to civilian life.

"(2) Such counseling shall include a general mental and psychological assessment to ascertain whether such veteran has mental or psychological problems associated with readjustment to civilian life.".

(2) Subsection (c) of such section is repealed.

(b) OTHER COUNSELING.—Such section is further amended by inserting after subsection (b) the following new subsection (c):

"(c)(1) The Secretary may provide the counseling services described in section 1701(6)(B)(ii) of this title to the surviving parents, spouse, and children of any member of the Armed Forces who dies while serving on active duty or from a condition (as determined by the Secretary) incurred in or aggravated by such service.

"(2) The Secretary may make the facilities and services of Vet Centers available to provide appropriate counseling and other services to family members of any member of the Armed Forces who is receiving combat pay.".

(c) AUTHORITY TO CONTRACT FOR COUNSELING SERVICES.—Subsection (e) of such section is amended by striking out "subsections (a) and (b)" each place it appears and inserting in lieu thereof "subsections (a), (b), and (c)".

SEC. 6. ADVISORY COMMITTEE ON THE READJUSTMENT OF VETERANS.

(a) IN GENERAL.—(1) Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1712B the following:

"§ 1712C. Advisory Committee on Veteran Readjustment Counseling

"(a)(1) There is in the Department the Advisory Committee on Veteran Readjustment Counseling (hereinafter in this section referred to as the 'Committee').

"(2) The Committee shall consist of 18 members. The members of the Committee shall be appointed by the Secretary and shall include individuals who are recognized authorities in fields pertinent to the social, psychological, economic, or educational readjustment of veterans. An officer or employee of the United States may not be appointed as a member of the Committee. At least 12 members of the Committee shall be veterans of the Vietnam era or other period of war. Appointments of members of the Committee shall be made from among individuals who have experience with the provision of veterans benefits and services by the Department or who are otherwise familiar with programs of the Department.

"(3) The Secretary shall seek to ensure that members appointed to the Committee include persons from a wide variety of geographic areas and ethnic backgrounds, persons from veterans service organizations, minorities, and women.

"(4) The Secretary shall determine the terms of service and pay and allowances of the members of the Committee, except that a term of service may not exceed two years. The Secretary may reappoint any member for additional terms of service.

"(b)(1) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the provision by the Department of benefits and services to veterans in order to assist veterans in the readjustment to civilian life.

"(2)(A) In providing advice to the Secretary under this subsection, the Committee shall—

"(i) assemble and review information relating to the needs of veterans in readjusting to civilian life;

"(ii) provide information relating to the nature and character of psychological problems arising from military service;

"(iii) provide an on-going assessment of the effectiveness of the policies, organizational structures, and services of the Department in assisting veterans in readjusting to civilian life; and

"(iv) provide on-going advice on the most appropriate means of responding to the readjustment needs of future veterans.

"(B) In carrying out its duties under subparagraph (A), the Committee shall take into special account veterans of the Vietnam era, and the readjustment needs of such veterans.

"(c)(1) Not later than March 31 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to the readjustment of veterans to civilian life. Each such report shall include—

"(A) an assessment of the needs of veterans with respect to readjustment to civilian life;

"(B) a review of the programs and activities of the Department designed to meet such needs; and

"(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

"(2) Not later than 90 days after the receipt of each report under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.

"(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

"(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to that section.

"(d)(1) Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Committee under this section.

"(2) Section 14 of such Act shall not apply to the Committee.".

(2) The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1712B the following:

"1712C. Advisory Committee on Veteran Readjustment Counseling.".

(b) ORIGINAL MEMBERS.—(1) Notwithstanding subsection (a)(2) of section 1712C of title 38, United States Code (as added by subsection (a)), the members of the Advisory Committee on the Readjustment of Vietnam and Other War Veterans on the date of the enactment of this Act shall be the original members of the advisory committee established under that section.

(2) The original members shall so serve until the Secretary of Veterans Affairs carries out appointments under such subsection

(a)(2). The Secretary shall carry out such appointments as soon as is practicable. The Secretary may make such appointments from among such original members.

SEC. 7. PILOT PROGRAM FOR TREATMENT OF POST-TRAUMATIC STRESS DISORDER.

(a) ESTABLISHMENT OF PROGRAM.—(1) Subchapter II of chapter 17 of title 38, United States Code, is amended by adding at the end the following:

"§ 1720E. Treatment and rehabilitation for post-traumatic stress disorder; pilot program

"(a)(1) The Secretary, in furnishing hospital, nursing home, and domiciliary care and medical and rehabilitative services under this chapter, shall conduct a pilot program under which the Secretary may contract for care and treatment and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community based treatment facilities for eligible veterans suffering from post-traumatic stress disorder. Such pilot program shall be planned, designed, and conducted by the Under Secretary for Health, with the approval of the Secretary, so as to demonstrate any medical advantages and cost effectiveness that may result from furnishing such care and services to veterans with post-traumatic stress disorder in contract facilities as authorized by this section, rather than in facilities over which the Secretary has direct jurisdiction.

"(2) Before furnishing such care and services to a veteran through a contract facility as authorized by paragraph (1), the Secretary shall approve (in accordance with criteria which the Secretary shall prescribe by regulation) the quality and effectiveness of the program operated by such facility for the purpose for which such veteran is to be furnished such care and services.

"(b) The Secretary, in consultation with the Secretary of Labor and the Director of the Office of Personnel Management, shall take appropriate steps to—

"(1) urge all Federal agencies and appropriate private and public firms, organizations, agencies, and persons to provide appropriate employment and training opportunities for veterans who have been provided treatment and rehabilitative services under this title for post-traumatic stress disorder and have been determined by competent medical authority to be sufficiently rehabilitated to be employable; and

"(2) provide all possible assistance to the Secretary of Labor in providing such veterans with such employment and training opportunities.

"(c) Upon receipt of an application for treatment and rehabilitative services under this title for post-traumatic stress disorder from any individual who has been discharged or released from active military, naval, or air service but who is not eligible for such treatment and services, the Secretary shall—

"(1) provide referral services to assist such individual, to the maximum extent practicable, in obtaining treatment and rehabilitative services from sources outside the Department; and

"(2) if pertinent, advise such individual of such individual's rights to apply to the appropriate military, naval, or air service and the Department for review of such individual's discharge or release from such service.

"(d) The capacity of the pilot program under subsection (a) shall be maintained at 500 eligible individuals.

"(e) The Secretary may not furnish care and treatment and rehabilitative services under subsection (a) after the last day of the fifth fiscal year following the fiscal year during which the pilot program authorized by that subsection is begun.

"(f) Not later than March 31, 1998, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the findings and recommendations of the Secretary pertaining to the operation through September 30, 1997, of the pilot program authorized by subsection (a).

"(g) The authority of the Secretary to enter into contracts under this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.".

(2) The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1720D the following:

"1720E. Treatment and rehabilitation for post-traumatic stress disorder; pilot program.".

(b) EFFECTIVE DATE.—The Secretary of Veterans Affairs may not furnish care and treatment and rehabilitation services under subsection (a) of section 1720E of title 38, United States Code, as added by subsection (a), before October 1, 1993.

SEC. 8. REPORT ON POST-TRAUMATIC STRESS DISORDER CONTRACT CARE.

(a) EXAMINATION OF EFFECTIVENESS.—The Special Committee on Post-Traumatic Stress Disorder, in consultation with the Advisory Committee on Veterans Readjustment Counseling, shall examine the effectiveness of contracts for the treatment of post-traumatic stress disorder with private facilities and therapists under section 1712A(e) of title 38, United States Code.

(b) REPORT.—Not later than December 31, 1994, the Special Committee shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report of its findings and recommendations pertaining to—

(1) establishing stable funding for post-traumatic stress disorder contract care, and

(2) the availability of post-traumatic stress disorder contract care for eligible individuals in rural areas and such individuals who are not currently well-served by other Department of Veterans Affairs medical services.

SEC. 9. USE OF SCHOLARSHIP AND TUITION REIMBURSEMENT PROGRAMS FOR MENTAL HEALTH PROFESSIONALS.

In administering the Health Professionals Educational Assistance Program under chapter 76 of title 38, United States Code, the Secretary of Veterans Affairs shall seek to encourage the participation of individuals in the program who desire to become psychologists, psychiatrists, social workers, psychiatric nurses, and other professionals specializing in the treatment of post-traumatic stress disorder. The Secretary shall designate, pursuant to section 7612(b)(3) of that title, additional fields of education or training that may be beneficial for the treatment of veterans suffering from post-traumatic stress disorder.

SEC. 10. POST-TRAUMATIC STRESS DISORDER RESEARCH PROGRAMS.

(a) INTERMODAL APPROACH.—The Under Secretary for Health of the Department of Veterans Affairs shall conduct a research program to consider the most effective treatment modalities for the treatment of post-traumatic stress disorder. The research program shall be conducted at at least one specialized inpatient post-traumatic stress disorder unit (SIPU), at least one post-traumatic stress disorder clinical team (PCT), and at least one veterans readjustment center, as designated by the Under Secretary. The Under Secretary shall report the findings of such program to the Committees on Veterans' Affairs of the Senate and House of Representatives not later than December 31, 1997.

(b) INVOLVEMENT OF FAMILY MEMBERS.—The Under Secretary shall conduct a research program concerning the effectiveness of involving the family in the treatment of post-traumatic stress disorder. The Under Secretary shall report the findings of such program to the Committees on Veterans' Affairs of the Senate and House of Representatives not later than December 31, 1996.

(c) IMPLEMENTATION.—The Under Secretary shall carry out subsections (a) and (b) through the National Center on Post-Traumatic Stress Disorder.

(d) ADVICE.—The Under Secretary shall carry out subsections (a) and (b) in consultation with the Special Committee on Post-Traumatic Stress Disorder and the Advisory Committee on Veterans Readjustment Counseling.

SEC. 11. EXPANSION OF THE POST-TRAUMATIC STRESS DISORDER CLINICAL TEAM PROGRAM.

(a) POLICY.—It shall be the policy of the Secretary of Veterans Affairs to implement the recommendations of the Special Committee on Post-Traumatic Stress Disorder to establish and operate post-traumatic stress disorder clinical teams (PCTs) at Department medical centers which provide mental health services. In operating such teams, the Secretary shall ensure that the services of such teams are available to all eligible veterans.

(b) INCREASE IN NUMBER OF PCTS.—The Secretary shall increase the number of clinical teams existing on the date of the enactment of this Act by not less than 50. Of such number—

(1) not less than 15 such units shall be established by December 31, 1994;

(2) not less than a total of 30 such units shall be established by December 31, 1995;

(3) not less than a total of 40 such units shall be established by December 31, 1996; and

(4) not less than a total of 50 such units shall be established by December 31, 1997.

(c) LOCATIONS OF NEW PCTS.—In establishing new post-traumatic stress disorder clinical teams pursuant to subsection (a), the Secretary shall first locate teams at medical centers that do not have a specialized inpatient post-traumatic stress disorder unit (SIPU) and do not have an affiliated Vet Center.

SEC. 12. DEFINITIONS.

For the purposes of this Act—

(1) The term "Special Committee on Post-Traumatic Stress Disorder" means the Special Committee on Post-Traumatic Stress Disorder established by the Under Secretary for Health pursuant to section 110 of the Veterans Health Care Act of 1984 (38 U.S.C. 1712A note).

(2) The term "Advisory Committee on Veteran Readjustment Counseling" means the Advisory Committee on Veteran Readjustment Counseling established under section 1712C of title 38, United States Code (as added by section 6(a)).●

By Mr. HATFIELD:

S. 1504. A bill to amend the Job Training Partnership Act to establish an Environmental Employment Transition Assistance Program [EETAP], and for other purposes; to the Committee on Labor and Human Resources.

S. 1505. A bill to amend the Federal Land Policy and Management Act of 1976 to enhance the management of Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

ASSISTANCE FOR DISLOCATED WORKERS

• Mr. HATFIELD. Mr. President, over the past year—and as recently as this week—considerable attention has been focused on the potential job losses resulting from the recommendations of the Base Closure Commission and the effects of the North American Free-Trade Agreement. I, too, am concerned about and sympathetic for the thousands of men and women who will ultimately lose their jobs because of these federal policy initiatives to move our Nation into a post-cold-war era and a global economy.

But there is another source of major job dislocation—again caused by Federal decisions—which has been overshadowed because of these other issues: the job losses resulting from Federal policies to protect our country's natural resources.

Through my sponsorship of numerous policy initiatives to protect our environment and as the original sponsor of endangered species legislation in 1972, I have a longstanding record of supporting laws to insure the responsible stewardship of our environment. However, I am deeply concerned that efforts to protect our natural wonders are frequently made without regard to the effect of those efforts on our people and communities.

Regulatory and statutory efforts to protect our resources now affect tens of millions of acres of publicly and privately owned land; hundreds of rural communities; and tens of thousands—if not hundreds of thousands of human beings. If we are going to continue to receive the support of the American public to protect our environment, we must address the human element of this problem. For in the final analysis, these environmental protection decisions cannot survive without society's support.

When President Clinton convened the forest summit earlier this year in Portland, OR, the discussion centered around this very dilemma: how to preserve and enhance the environment while also supporting economic growth and the protection of jobs. While I do not agree with the administration's conclusions on how to accomplish or balance these objectives, we do agree on one simple principle.

The Federal Government has a responsibility to guide the transition of the communities as well as provide assistance to the men and women who are paying the price of preserving the environment with their jobs. We must provide our fellow citizens with the means to find new family-wage professions.

Although many men and women will lose their jobs as a result of NAFTA and closing some of our military bases, most have transferrable skills that can be applied to new professions. But many of the workers who lose their jobs as a result of environmental protection do not. These casualties have spent a great deal of their lives in the forests or on the coastal waters harvesting trees or fishing to feed, house, and clothe America and much of the rest of the world.

Unfortunately, many of these people do not have high school diplomas, and little—if any—family savings which would allow them to pay the mortgage or car payments, buy basic necessities, afford health care services and clothe their children for the extended period of time it takes to learn a new profession and find a job.

In my travels through the timber dependent and fishing communities of rural Oregon, I consistently hear the desperate pleas from dislocated timber workers and salmon fishermen that, due to financial constraints, they are unable to complete many of the training or educational programs offered by the Federal Government to assist in their transition to new jobs. They often ask how can we, the Federal Government, expect them to get retrained in a new family-wage profession and find new jobs with only 26 weeks of unemployment compensation.

Mr. President, the simple answer is that we cannot expect miracles to happen overnight, let alone in just 26 weeks. This is especially true in light of the fact that many of these people have invested most of their lives in the jobs upon which they and their families have come to depend.

That is why I differ with the environmental community and the administration over how to resolve the forest management crisis now gripping my region.

I have never doubted—in fact, I support—the protection of biologically significant forests, not only in the Pacific Northwest, but everywhere. I do not believe, however, that the plan forwarded by the President is necessary or defensible. I stand ready to work with the President and his administration to draft a new approach which is scientifically defensible and economically defensible.

What I cannot support is the immediate shutdown of our forests overnight. We must have a plan to get from point A to point B, and we must help our people with that journey.

Let me take a moment to tell the stories of a few individuals who are attempting to make this difficult transition. I would like to point out to my colleagues that their success has been due in part to the fact that they have been lucky enough to access financial assistance that has allowed them to enter new family-wage professions.

Last year I met a gentleman named Bruce Deal. In 1963, Mr. Deal moved from Nashville, AR, to Winston, OR, where he subsequently completed high school in 1966. Mr. Deal almost immediately went into the forest products industry where he worked for Roseburg Forest Products Saw Mill for 23 years.

In 1991 due to the timber supply crisis in the Pacific Northwest, he lost his job. Prior to that, he had never had the opportunity to learn anything else other than operate a saw. The pay was good and, according to Mr. Deal, there was no reason to learn another profession or new skills because he was able to provide for his family.

However, on a September day 2 years ago he lost his job, and all he worked to achieve was suddenly destroyed. Because of the subsequent financial and emotional strain, he lost his house, and became separated from his wife and two children. His entire future had suddenly become very precarious.

Fortunately, Mr. Deal is currently pursuing a profession in the health care field. When I first met him in May of 1992, he had just completed his first two terms. He is still in the program and is now expecting to complete a degree in health administration in the spring of 1994.

According to Mr. Deal, without the financial support he received from Umpqua Training and Employment, he would have never made it as far as he has and, even though his outlook has improved, the anxiety of loosing his job, home, and family have left lifelong scars.

But he told me one thing during our conversation back in May that has left a lasting impression on me. Rather than being concerned about the plight of his own family, he expressed his concern for the future of several men and women he knew who were in their 50's and had little more than sixth grade educations. He simply asked me: "What is going to happen to them?"

Mr. President, I hear many success stories like this one, whose achievement is due in part to the critical financial assistance necessary to bridge the transition to new professions.

For instance, Ms. Frankie Barker who worked in the same saw mill as Mr. Deal for 21 years. She was fortunate enough to have a sufficient education and income support to enter a civil engineering program at Umpqua Community College where she graduated Phi Theta Kappa. Shortly after her graduation she landed a job as a drafter and since has received promotions and raises.

Another example is Mr. Jim Gosser who worked as a lathe operator for over 30 years. At 52 years of age, and with only a 10th grade education, Mr. Gosser fully intended to work for the same employer until he retired. However, when Willamette Industries shut down the Lebanon plywood mill due to a lack of raw materials, the predicament this gentleman had to face became abundantly clear.

With the help of many individuals, Mr. Gosser was able to earn his high school equivalency and enroll in a community college class in real estate property management. Eventually, he went on to real estate sales school and is currently employed as a real estate salesman 2 years after being laid off.

Mr. President, these individuals provide us with just a few success stories. However, because Oregon can only provide an extremely limited number of people with financial assistance, too many people simply are forced out of their retraining or educational programs to find employment to meet their financial needs.

There are over 20,000 additional people in Oregon alone who have lost their forest products jobs and who face a much more bleak future. We must move—we have an obligation to move—to help these people—now.

Therefore, Mr. President, today I am introducing two bills to assist workers who have lost their jobs due to Federal efforts to protect and or manage our environmental resources. As some of my colleagues will recall, in the 102d Congress, I offered legislation to assist workers who have lost, and continue to lose their jobs because of the listing of animals and plants as endangered or threatened under the auspices of the Endangered Species Act.

I offered that legislation because I was concerned that, in an effort to protect the northern spotted owl, the human toll was being forgotten and their transitional needs were being ignored. I am extremely encouraged that the Senate Appropriations Committee is recommending $1.1 billion—virtually a $500 million increase for the title III program under JTPA. However, because title III does not require needs-based assistance to those who are participating in retraining and educational programs, I have been concerned that we are not also addressing the structural inadequacies of the program.

The legislation I offer today, the Environmental Transition Assistance Act of 1993, addresses this structural inadequacy and expands on my previous legislation by incorporating several other current laws that protect this country's environmental resources.

The essence of this bill is to require needs-related payments or income assistance, a financial floor if you will, for workers who are adjusting to career changes. Under this bill, workers enrolled in qualified training or education programs exceeding the period of time for which they can receive unemployment insurance, would be eligible to complete their instruction with further monetary assistance or needs-based payments.

The second bill I am introducing, the Natural Resource Employment Transition Assistance Act, would not only provide needs-based payments to those who have lost their jobs due to the management practices of our public lands, it would also require the Secretary of the Interior to prepare an economic impact statement in conjunction with a proposal to withdraw land from public or commercial use.

By requiring the Secretary of the Interior to prepare an economic impact statement when it proposes to withdraw land from any kind of production, Congress and the public can gain a better understanding of the economic consequences of these decisions. Specifically, the EIS would require the Department of the Interior to analyze, among other things, the economic impacts on local revenues, the local tax base, school financing, social services, infrastructure funding, unemployment, and inflation in the affected area.

Mr. President, I want to say that these bills are not intended to be cure-alls to these difficult issues. They will not provide the people and the communities all that will be needed to address the problems they face when the Federal Government decides to protect our environment.

These proposals will, however, not only raise the understanding of the impact and consequences that result from these efforts, but at the very least, they will provide a helping hand to those individuals caught between statutory inadequacies, our preservation efforts, and the specter of immediate unemployment and cultural dislocation.

I ask my colleagues to join with me to advance the cause of both our environment and our people by quickly enacting these proposals into law at the earliest possible time.

Mr. President, I ask that both bills and copies of the endorsement for the Environmental Employment Transition Assistance Act be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1504

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Environmental Employment Transition Assistance Act of 1993".

SEC. 2. ENVIRONMENTAL EMPLOYMENT TRANSITION ASSISTANCE.

(a) AMENDMENT.—Part B of title III of the Job Training Partnership Act (29 U.S.C. 1662 et seq.) is amended by adding at the end the following:

"SEC. 327. ENVIRONMENTAL EMPLOYMENT TRANSITION ASSISTANCE.

"(a) DEFINITIONS.—As used in this section:

"(1) ADVERSELY AFFECTED EMPLOYMENT.—The term 'adversely affected employment' means work in an industry, occupation or establishment which—

"(A) has sustained or is projected to sustain substantial economic harm;

"(B) has experienced, is experiencing, or will experience interruptions in the supply of raw materials or goods used in manufacturing; or

"(C) will gradually decline or down-size or experience an acceleration of decline,

as a direct or indirect result of the listing of any species as 'threatened' or 'endangered' under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), or of the implementation of the National Forest Management Act of 1976 (90 Stat. 2949), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resource Planning Act of 1974 (16 U.S.C. 1601 et seq.), or the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.).

"(2) ADVERSELY AFFECTED WORKER.—The term 'adversely affected worker' means an individual who—

"(A) is an eligible dislocated worker; and

"(B)(i) has been totally, partially or temporarily separated from work that is considered as adversely affected employment within the 3-year period beginning on the date of enactment of this section; or

"(ii) has received a notice of termination or layoff from such work.

"(3) AFFECTED STATE.—The term 'affected State' means any of the several States of the United States and the District of Columbia in which there is adversely affected employment.

"(b) DETERMINATION OF ELIGIBILITY.—

"(1) IN GENERAL.—To be eligible for assistance under this section, an individual shall be determined to be an adversely affected worker as defined under paragraph (2) of subsection (a).

"(2) SPECIAL RULE.—The Secretary of Labor, pursuant to criteria established by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of the Army, the Secretary of Commerce, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Energy shall make the eligibility determination of whether an individual meets the definitional requirement under subsection (a)(2)(B).

"(3) CERTIFICATION.—The Secretary of Labor, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of the Army, the Secretary of Commerce, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and the Governor of an affected State, shall certify an industry, occupation or establishment based on the listing, or the implementation of any of the Acts, described in subsection (a)(1) as one in which there is adversely affected employment.

"(4) CONCLUSIVE PRESUMPTION.—

"(A) IN GENERAL.—The total, partial, or temporary layoff, or the notification of termination or layoff, of an adversely affected worker during a period of 5 years following the listing of the species, or the implementation of the Acts, on which certification of an industry, occupation, or establishment is based under paragraph (3) shall be conclusively presumed to be attributable to compliance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Forest Management Act of 1976 (90 Stat. 2949), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), the Federal Water Pollution Control Act (33

U.S.C. 1251 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resource Planning Act of 1974 (16 U.S.C. 1601 et seq.), or the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.).

"(B) Exception.—No conclusive presumption exists under subparagraph (A) if an adversely affected worker has voluntarily quit, been laid off, or terminated from a job for a cause that would disqualify such worker for unemployment compensation under the State law.

"(c) Grants Authorized.—The Secretary may award grants to States, substate grantees (as described in section 312(c)), employers, employer associations, and labor organizations—

"(1) to provide training, adjustment assistance, and employment services to adversely affected workers; and

"(2) to make needs-related payments to such workers in accordance with subsection (h).

"(d) Grant Amount.—

"(1) In general.—The amount of a grant awarded under this section shall be based on a percentage developed by the Secretary through consideration of the ratio of—

"(A) the per capita incidence of adversely affected workers in each State; to

"(B) the per capita incidence of adversely affected workers in all States.

"(2) Rural areas.—The Secretary shall not award a grant under subsection (c) unless the applicant provides assurances that the applicant will use a portion of the amount awarded under the grant to provide training, adjustment assistance, employment services and needs-related payments to adversely affected workers in rural areas.

"(e) Priority and Approval.—

"(1) Application.—

"(A) In general.—To be eligible to receive a grant under subsection (c), a State, substate grantee, employer, employer association, or labor organization shall submit an application to the Secretary at such time, in such manner, and containing such assurances as the Secretary may require.

"(B) Review prior to submission.—Prior to the submission of an application under subparagraph (A), an applicant shall—

"(i) submit the application for review and comment to the private industry council and the State; and

"(ii) offer local labor organizations the opportunity to provide comments on the application.

"(C) Documentation.—An applicant that submits an application under subparagraph (B) shall maintain all documentation relating to consultations with the entities described in clauses (i) and (ii) of such subparagraph.

"(2) Needs-related payments required.—The Secretary shall not approve an application for a grant under subsection (c) unless the application contains assurances that the applicant will use amounts provided under the grant to provide needs-related payments in accordance with subsection (h).

"(f) Use of Funds.—Subject to the requirements of subsections (g) and (h), grants under subsection (c) may be used for any purpose for which funds may be used under section 314.

"(g) Adjustment Assistance.—

"(1) Job search allowance.—Grants under subsection (c) for adjustment assistance may be used to provide a job search allowance to an adversely affected worker. Such allowance, if provided, shall provide reimbursement to such worker in an amount that does not exceed 90 percent of the cost to such worker for necessary job search expenses, as prescribed by regulations of the Secretary, or $800 whichever is less, unless the need for a greater amount is demonstrated in the application and approved by the Secretary.

"(2) Criteria for awarding job search allowances.—A job search allowance may be provided only—

"(A) to assist an adversely affected worker who has been totally separated in securing a job within the United States; and

"(B) if the Secretary determines that the adversely affected worker cannot reasonably be expected to secure suitable employment in the commuting area in which such worker resides.

"(h) Needs-Related Payments.—The Secretary shall prescribe regulations with respect to the use of amounts awarded under a grant under subsection (c) for needs-related payments in order to enable adversely affected workers to complete training or education programs under this section. Such regulations shall—

"(1) require that needs-related payments shall be provided to an adversely affected worker only if such worker—

"(A)(i) qualifies for emergency or extended unemployment benefits; or

"(ii) does not qualify or has ceased to qualify for unemployment compensation;

"(B) is participating in training or education programs under this section, except that the regulations shall protect an adversely affected worker from being disqualified pursuant to this subparagraph for a failure to participate that is not the fault of such worker; and

"(C) receives, or is a member of a family that receives, a total family income (exclusive of unemployment compensation, child support payments, and welfare payments) that, in relation to family size, is not in excess of the lower living standard income level;

"(2) provide that an adversely affected worker may not be disqualified from receipt of needs-related payments if such worker terminates temporary or part-time employment to participate in a training or education program under this section;

"(3) provide that not later than 30 days after enrollment in a training program, an adversely affected worker shall receive needs-related payments if such worker—

"(A) does not qualify or has ceased to qualify for unemployment compensation; and

"(B) has enrolled in a training program under this section;

"(4) provide for procedures for waiving maximum benefits requirements;

"(5) provide for procedures for allowing the payment of needs-related payments based on special needs which shall be determined on appeal by the Secretary;

"(6) provide that the levels of needs-related payments to an adversely affected worker who does not qualify or has ceased to qualify for unemployment compensation shall be equal to the higher of—

"(A) the applicable level of unemployment compensation; or

"(B) the official poverty line (as defined by the Office of Management and Budget, and revised annually by the Secretary in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2));

"(7) provide that the amount of needs-related payments to an adversely affected worker who qualifies for emergency or extended unemployment benefits shall be equal to the difference between the amount of such worker's compensation and the amount of such worker's unemployment benefits;

"(8) provide for the adjustment of payments to reflect changes in total family income; and

"(9) provide that the grantee shall obtain information with respect to such income, and changes therein, from the adversely affected worker.

"(i) Counseling and Referrals.—Not later than 45 days after an adversely affected worker qualifies for unemployment benefits, a grantee under this section shall provide employment counseling and referral to training programs, if needed, to such worker.

"(j) Administrative Expenses.—

"(1) In general.—The Secretary of Labor may reserve not more than 5 percent of the awards appropriated under this section for the administration of activities authorized under this section, including the provision of technical assistance for the preparation of grant applications.

"(2) Priority.—In the provision of technical assistance for preparation of grant applications under paragraph (1), the Secretary of Labor shall give priority to nongovernmental, and nonprofit organizations.

"(k) Authorization of Appropriations.—

"(1) In general.—In addition to amounts authorized to be appropriated by section 3(b), as amended by section 102(a) of the Job Training Reform Amendments (Public Law 102–367), there are authorized to be appropriated $100,000,000 for fiscal year 1994, and such sums as may be necessary for each of fiscal years 1995, 1996, 1997, and 1998, to carry out this section. The total amount appropriated for all 5 such fiscal years shall not exceed $500,000,000.

"(2) Availability.—Amounts appropriated pursuant to this subsection shall remain available until expended.

"(l) Regulations.—Not later than 180 days after the date of enactment of this section, the Secretary shall prescribe regulations to carry out this section.

"(m) General Accounting Office Assessment of Effects on Employment of Compliance With Environmental Policies.—The Comptroller General of the United States shall—

"(1) identify and assess, to the extent possible, the effects on employment that are attributable to compliance with the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Forest Management Act of 1976 (90 Stat. 2949), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resource Planning Act of 1974 (16 U.S.C. 1601 et seq.), or the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.); and

"(2) submit to the Congress on the date that is 4 years after the date of the enactment of this section a written report on the assessments required under paragraph (1).".

(b) Conforming Amendments.—

(1) The table of contents of the Job Training Partnership Act is amended by adding at the end of the items pertaining to part B of title III the following:

"Sec. 327. Environmental employment transition assistance.".

(2) Section 3(b) of the Job Training Partnership Act (29 U.S.C. 1502(c)), as amended by section 102(a) of the Job Training Reform Amendments (Public Law 102–367), is amended by striking "section 326" and inserting "sections 326 and 327".

S. 1505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Natural Resource Employment Transition Assistance Act of 1993".

SEC. 2. FINDINGS.

Congress finds that—

(1) more than 450 million acres of Federal land are administered as public lands (as the term is defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)) by the Bureau of Land Management of the Department of the Interior;

(2) most of the public lands are located in 11 western States and Alaska;

(3) the public lands constitute the largest Federal land management system and comprise over 60 percent of all federally owned real property;

(4) as much as 75 percent of the 2.2 billion acres of land in the United States has been in the public domain, including practically all the lands within the boundaries of all States excluding Texas and Hawaii;

(5) pursuant to the policies set forth in the Federal Land Policy and Management Act of 1976 (42 U.S.C. 1701 et seq.), the Bureau of Land Management manages most public lands;

(6) the Secretary of the Interior (referred to in this section as the "Secretary") is required to manage public lands according to multiple use and sustained yield principles involving an interdisciplinary approach that includes physical, biological, and economic disciplines, and is required to weigh long-term benefits to the public against short-term gains;

(7) in the management of public lands, the Secretary is required to give special consideration to the designation and protection of critical environmental areas;

(8) the Secretary is authorized to withdraw land for the purpose of limiting activities to maintain other public values in an area, or to reserve the area for a specific purpose;

(9) many withdrawals curtail or adversely affect economic uses of the public lands;

(10) the Secretary is authorized to regulate the use, occupancy, and development of public lands through such instruments as rules, easements, licenses, leases, and permits;

(11) the Secretary may order a suspension of the instruments described in paragraph (10) if the Secretary determines that the suspension is necessary to protect public health or safety, or the environment;

(12) the Secretary has promulgated and follows guidelines for land use planning on all public lands managed by the Bureau of Land Management;

(13) public lands are widely seen as valuable national assets, capable of providing the best public benefits through continued Federal ownership, but are sorely in need of more effective economic management;

(14) many workers have suffered adverse economic conditions caused by Federal laws and regulations that govern the use of natural resources on public lands;

(15) many of the workers who have been dislocated by restrictions placed on the use of public domain lands limiting the use of natural resources have unique skills that are not readily transferable to other industries;

(16) reemployment opportunities are often limited in the area in which the workers were formally employed;

(17) economic assistance is necessary for workers who have been dislocated because Federal policies have led to their economic hardships;

(18) assistance programs are often inadequate or nonexistent for workers who have lost their jobs and are in need of assistance as a result of Federal land management decisions affecting public land;

(19) there is a need for financial and technical assistance for workers who have suffered adverse economic conditions; and

(20) an assistance program should be established that promotes technical, financial, and other types of assistance to workers.

SEC. 3. PURPOSE.

It is the purpose of this Act to improve the ability of the Secretary of the Interior to manage the public lands of the United States pursuant to the requirements of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) by providing an assistance program for workers who were or are currently threatened to be dislocated from employment as a result of restrictions placed on public lands.

SEC. 4. NATURAL RESOURCE EMPLOYMENT TRANSITION ASSISTANCE.

(a) ECONOMIC IMPACT STATEMENT.—Section 204(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714(b)) is amended by adding at the end the following new paragraph:

"(3)(A) The Secretary shall include with each notice published pursuant to paragraph (1) a detailed statement of the economic impact of the proposed withdrawal. The economic impact statement shall accompany the proposal for withdrawal through the agency review process.

"(B) The economic impact statement shall include an analysis of—

"(i) the economic impact of the proposed withdrawal on Federal, State, and local revenues, the local tax bases, school financing, social services, and infrastructure funding, unemployment levels, and inflation;

"(ii) any adverse economic effects that could not be avoided if the proposed withdrawal was to take place;

"(iii) alternatives to the proposed withdrawal, including the alternative of no withdrawal;

"(iv) an assessment of Federal funding requirements for recreational facility maintenance; and

"(v) an assessment of the impact of the proposed withdrawal on Federal land and natural resource management policies.

"(C) If the Secretary determines that a proposed withdrawal would result in no significant economic impact, the Secretary shall include in the economic impact statement a finding that reflects the determination, including an explanation of the finding.

"(D) Prior to preparing an economic impact statement, the Secretary shall consult with each Federal, State, and local agency that has jurisdiction by law or special expertise with respect to each economic impact involved.

"(E)(i) Copies of the economic impact statement and the comments of the appropriate Federal, State, and local agencies, shall be made available to the public.

"(ii) The Secretary shall provide for a period during which the public may comment on the proposal for withdrawal. The public comments shall be appended to the economic impact statement.

"(F) The Secretary shall prepare a record of decision for each withdrawal decision, including a rejection of an application for withdrawal. The record of decision shall summarize the actions of the agency and explain the rejection of the proposed alternatives.".

(b) TRANSITION ASSISTANCE.—The Federal Land Policy and Management Act of 1976 (42 U.S.C. 1701 et seq.) is amended by adding at the end the following new title:

"TITLE VIII—TRANSITION ASSISTANCE

"SEC. 801. NATURAL RESOURCE EMPLOYMENT TRANSITION ASSISTANCE.

"(a) DEFINITIONS AND DETERMINATION OF ELIGIBILITY.—

"(1) DEFINITIONS.—As used in this section:

"(A) ADVERSELY AFFECTED EMPLOYMENT.—The term 'adversely affected employment' means work in an industry, occupation, or establishment (including the timber industry or an occupation or establishment related to the timber industry) that, as a direct or indirect result of the implementation of this Act—

"(i) has sustained or is projected to sustain substantial economic harm;

"(ii) has experienced, is experiencing, or will experience interruptions in the supply of raw materials or goods used in manufacturing; or

"(iii) will gradually decline or down-size or experience an acceleration of decline.

"(B) ADVERSELY AFFECTED WORKER.—The term 'adversely affected worker' means an individual who—

"(i) is an eligible dislocated worker within the meaning of section 301(a)(1) of the Job Training Partnership Act (29 U.S.C. 1651(a)(1)); and

"(ii)(I) has been totally, partially, or temporarily separated from work that is considered as adversely affected employment within the 3-year period beginning on the date of enactment of this section; or

"(II) has received a notice of termination or layoff from such work.

"(C) AFFECTED STATE.—The term 'affected State' means any of the several States of the United States and the District of Columbia in which there is adversely affected employment.

"(D) PRIVATE INDUSTRY COUNCIL.—The term 'private industry council' means a private industry council described in section 102 of the Job Training Partnership Act (29 U.S.C. 1512).

"(2) DETERMINATIONS.—The determination of whether an individual is an adversely affected worker under paragraph (1)(A)(ii) shall be made by the Secretary of the Interior, pursuant to criteria established by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of the Army, the Secretary of Commerce, the Secretary of Energy, the Secretary of Agriculture, or the Secretary of Labor, as appropriate.

"(3) CERTIFICATION.—The Secretary of the Interior, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of the Army, the Secretary of Commerce, the Secretary of Energy, the Secretary of Agriculture, the Secretary of Labor, and the Governor of an affected State, shall certify an industry, occupation, or establishment based on the implementation of this Act as one in which there is adversely affected employment.

"(4) CONCLUSIVE PRESUMPTION.—

"(A) IN GENERAL.—The total, partial, or temporary layoff, or the notification of termination or layoff of an adversely affected worker after 1981, on which certification of an affected State is based under paragraph (3) shall be conclusively presumed to be attributable to compliance with this Act.

"(B) EXCEPTION.—No conclusive presumption exists under subparagraph (A) if an adversely affected worker has voluntarily quit, been laid off, or been terminated from a job for a cause that would disqualify such worker for unemployment compensation under the State law.

“(b) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—The Secretary may award grants to States, substate grantees (as described in paragraph (2)), employers, employer associations, and labor organizations—

“(A) to provide training, adjustment assistance, and employment services to adversely affected workers; and

“(B) to make needs-related payments to such workers in accordance with subsection (g).

“(2) SUBSTATE GRANTEES.—Entities eligible for designation as substate grantees include—

“(A) private industry councils in a substate area designated by the Governor of the State involved;

“(B) service delivery area grant recipients or administrative entities;

“(C) private nonprofit organizations;

“(D) units of general local government in the substate area, or agencies thereof;

“(E) local offices of State agencies; and

“(F) other public agencies, such as community colleges and area vocational schools.

“(c) GRANT AMOUNT.—

“(1) IN GENERAL.—The amount of a grant awarded under this section shall be based on a percentage developed by the Secretary through consideration of the ratio of—

“(A) the per capita incidence of adversely affected workers in each State; to

“(B) the per capita incidence of adversely affected workers in all States.

“(2) RURAL AREAS.—The Secretary shall not award a grant under subsection (b) unless the applicant provides assurances that the applicant will use a portion of the amount awarded under the grant to provide training, adjustment assistance, employment services, and needs-related payments to adversely affected workers in rural areas.

“(d) PRIORITY AND APPROVAL.—

“(1) APPLICATION.—

“(A) IN GENERAL.—To be eligible to receive a grant under subsection (b), a State, substate grantee, employer, employer association, or labor organization shall submit an application to the Secretary at such time, in such manner, and containing such assurances as the Secretary may require.

“(B) REVIEW PRIOR TO SUBMISSION.—Prior to the submission of an application under subparagraph (A), an applicant shall—

“(i) submit the application for review and comment to the appropriate private industry council and the State; and

“(ii) offer local labor organizations the opportunity to provide comments on the application.

“(C) DOCUMENTATION.—An applicant that submits an application under subparagraph (B) shall maintain all documentation relating to consultations with the entities described in clauses (i) and (ii) of such subparagraph.

“(2) NEEDS-RELATED PAYMENTS REQUIRED.—The Secretary shall not approve an application for a grant under subsection (b) unless the application contains assurances that the applicant will use amounts provided under the grant to provide needs-related payments in accordance with subsection (g).

“(e) USE OF FUNDS.—Subject to the requirements of subsections (f) and (g), grants under subsection (b) may be used for any purpose for which funds may be used under section 314 of the Job Training Partnership Act (29 U.S.C. 1661c).

“(f) ADJUSTMENT ASSISTANCE.—

“(1) JOB SEARCH ALLOWANCE.—Grants under subsection (b) for adjustment assistance may be used to provide a job search allowance to an adversely affected worker. Such allowance, if provided, shall provide reimbursement to such worker in an amount that does not exceed 90 percent of the cost to such worker for necessary job search expenses, as prescribed by regulations of the Secretary, or $800, whichever is less, unless the need for a greater amount is demonstrated in the application and approved by the Secretary.

“(2) CRITERIA FOR AWARDING JOB SEARCH ALLOWANCES.—A job search allowance may be provided only—

“(A) to assist an adversely affected worker who has been totally separated in securing a job within the United States; and

“(B) if the Secretary determines that the adversely affected worker cannot reasonably be expected to secure suitable employment in the commuting area in which such worker resides.

“(g) NEEDS-RELATED PAYMENTS.—The Secretary shall prescribe regulations with respect to the use of amounts awarded under a grant under subsection (b) for needs-related payments in order to enable adversely affected workers to complete training or education programs under this section. Such regulations shall—

“(1) require that needs-related payments shall be provided to an adversely affected worker only if such worker—

“(A)(i) qualifies for emergency or extended unemployment benefits; or

“(ii) does not qualify or has ceased to qualify for unemployment compensation;

“(B) is participating in training or education programs under this section, except that the regulations shall protect an adversely affected worker from being disqualified pursuant to this subparagraph for a failure to participate that is not the fault of such worker; and

“(C) receives, or is a member of a family that receives, a total family income (exclusive of unemployment compensation, child support payments, and welfare payments) that, in relation to family size, is not in excess of the lower living standard income level;

“(2) provide that an adversely affected worker may not be disqualified from receipt of needs-related payments if such worker terminates temporary or part-time employment to participate in a training or education program under this section;

“(3) provide that not later than 30 days after enrollment in a training program, an adversely affected worker shall receive needs-related payments if such worker—

“(A) does not qualify or has ceased to qualify for unemployment compensation; and

“(B) has enrolled in a training program under this section;

“(4) provide for procedures for waiving maximum benefits requirements;

“(5) provide for procedures for allowing the payment of needs-related payments based on special needs that shall be determined by the Secretary on appeal;

“(6) provide that the levels of needs-related payments to an adversely affected worker who does not qualify or has ceased to qualify for unemployment compensation shall be equal to the higher of—

“(A) the applicable level of unemployment compensation; or

“(B) the official poverty line (as defined by the Office of Management and Budget, and revised annually by the Secretary of Health and Human Services in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2));

“(7) provide that the amount of needs-related payments to an adversely affected worker who qualifies for emergency or extended unemployment benefits shall be equal to the difference between the amount of such worker's compensation and the amount of such worker's unemployment benefits;

“(8) provide for the adjustment of payments to reflect changes in total family income; and

“(9) provide that the grantee shall obtain information with respect to such income, and changes therein, from the adversely affected worker.

“(h) COUNSELING AND REFERRALS.—Not later than 45 days after an adversely affected worker qualifies for unemployment benefits, a grantee under this section shall provide employment counseling and referral to training programs, if needed, to such worker.

“(i) ADMINISTRATIVE EXPENSES.—

“(1) IN GENERAL.—The Secretary of the Interior may reserve not more than 5 percent of the awards appropriated under this section for the administration of activities authorized under this section, including the provision of technical assistance for the preparation of grant applications.

“(2) PRIORITY.—In the provision of technical assistance for preparation of grant applications under paragraph (1), the Secretary shall give priority to nongovernmental and nonprofit organizations.

“(j) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Secretary shall prescribe regulations to carry out this section.

“(k) GENERAL ACCOUNTING OFFICE ASSESSMENT OF EFFECTS OF COMPLIANCE WITH ENVIRONMENTAL POLICIES.—The Comptroller General of the United States shall—

“(1) identify and assess, to the extent possible, the effects on Federal land management and natural resources policy, and on employment, that are attributable to compliance with the provisions of this Act, the National Forest Management Act of 1976, the Migratory Bird Treaty Act, the Act commonly known as the Clean Water Act, the National Environmental Policy Act of 1969, the Forest and Rangeland Renewable Resources Planning Act of 1974, the Multiple-Use Sustained-Yield Act of 1960 or the Endangered Species Act of 1973, and any other Federal land management and natural resource policies; and

“(2) submit to Congress on the date that is 4 years after the date of the enactment of this section a written report on the assessments required under paragraph (1).

“(l) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated $100,000,000 for fiscal year 1994, and such sums as may be necessary for each of fiscal years 1995 through 1998 to carry out this section. The total amount appropriated for all 5 such fiscal years shall not exceed $500,000,000.

“(2) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended.”.

OFFICE OF THE GOVERNOR,
Salem, OR, September 28, 1993.

Hon. MARK O. HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR MARK: I am writing to thank you for your efforts on behalf of Oregon's dislocated workers and rural communities and to lend my support for the introduction of your “Environmental Employment Transition Assistance Act of 1993.” This legislation combined with your assistance through the Appropriations Committee to fund other worker and community programs will help address the changes occurring in Oregon's natural resources based industries.

The proposed legislation is in line with the efforts we have made in helping President Clinton design his Northwest Economic Adjustment Initiative. Workers and their families need more than just training. They need the adjustment assistance, employment services and needs-related payments your bill addresses.

I also applaud the provision in the legislation which grants eligibility for labor organizations to participate in this program. They are able to bring a much needed understanding of the needs of workers to designing programs that really work for the benefit of the dislocated worker and their family.

Thank you for your leadership and I look forward to continuing our efforts together on behalf of Oregon workers and communities.

Sincerely,

BARBARA ROBERTS,
Governor.

WESTERN COUNCIL OF INDUSTRIAL WORKERS, UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,
Portland, OR, September 27, 1993.
Hon. MARK O. HATFIELD,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR HATFIELD: Thank you, once again, for showing strong support for Pacific Northwest forest workers.

Your bill, which would provide economic assistance to workers negatively impacted by the application of various environmental, forest management and wildlife protection laws, is urgently needed. We are now several months into President Clinton's "Option 9" and it is increasingly obvious to most observers that the Administration's approach is destined to fail.

Not only has the Administration's plan failed to secure a reliable source of timber supply to support employment in Oregon's timber towns, the economic adjustment program is also grossly inadequate. When a deliberate government policy has the effect of throwing tens of thousands of people out of work, the government has an obligation to provide full and complete transition programs for those people who are impacted. Fortunately, your bill recognizes this moral obligation.

I would like to especially commend you for expanding the bill to include eight different forest management, environmental and wildlife protection acts. There is an increasing recognition across the country that the application of these laws is not cost free. The costs of environmental protection often fall on people. The case involving the protection of the Northern Spotted Owl is a classic example. Our members have been devastated by court injunctions that have halted most timber sales from Forest Service and BLM lands on the west side. Your bill would help to fill in the huge gap left by the Clinton adjustment program.

Your bill also points out that the rest of the country can learn a valuable lesson from those of us who have struggled through the spotted owl debate—human and economic disaster can be minimized and mitigated with foresight, sensitivity to the needs of workers and with properly constructed programs.

With kind regards, I am

Sincerely,

MICHAEL DRAPER,
Executive Secretary.

INTERNATIONAL WOODWORKERS OF AMERICA, U.S. AFL–CIO,
Gladstone, OR, September 28, 1993.
Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: Thank you for introducing the Environmental Employment Transition Assistance Act of 1993. This legislation, if passed, would go a long way toward making the Jobs Training Partnership Act more relevant, effective and meaningful for thousands of already dislocated, and tens of thousands soon to be dislocated workers throughout the Pacific Northwest.

While, dislocated woodworkers will still bear a disproportionate burden as a result of the Clinton Administration's misguided forest management policy, commonly referred as Option #9, your legislation will substantially lessen that burden. Currently, less than 25% of dislocated woodworkers are able to use the programs provided by JTPA. Given that JTPA represents the administration's principal dislocation program is indeed alarming, and one reason legislation such as yours is needed so critically.

This legislation, by at least recognizing the importance of needs based payments, represents an important first step toward a labor market policy which acknowledges that workers who are directly adversely affected by federal policy should not be forced to suffer and bear the entire burden of a dislocation which results because of no fault of their own. The current system blames the worker for the misfortune of being born in a timber dependent town and working for a highly productive and important industry. Your proposed legislation for the cost to dislocated workers begins the process of acknowledging that the single largest cost for the nation's newest forest management policy has been grossly underestimated.

In addition, the legislation's efforts to hold down administrative overhead is indeed welcome. The IWA-U.S., has had far too many experiences where programs funded and designed to help dislocated woodworkers result in doing little more than expanding federal, state, local and PIC bureaucracies. One way to keep these programs more efficient is to involve affected unions. Your legislation does this and is another reason we support this effort.

The IWA-U.S., endorses the Environmental Employment Transition Assistance Act as a positive first step and looks forward to working with your office not only to enact this piece of legislation, but to assist you in developing additional labor market programs designed to mitigate the harsh aspects of option #9 in the Pacific Northwest.

Respectfully yours,

WILLIAM J. HUBBELL,
President.

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,
Washington, DC, September 29, 1993.
Hon. MARK O. HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: This is to express our support for the bill you are preparing to introduce that would provide training assistance to workers displaced because of government action taken under the Endangered Species Act and other environmental and forest management laws.

Our union represents some 30,000 workers in the Pacific Northwest who work in the forest products industry. Today their jobs are threatened because of implementation of the Endangered Species Act, NIFM and NEPA concerning the northern spotted owl. In fact, listing of the owl and the subsequent law suits and court injunctions have already had a major impact on workers. Since January 1991, 85 wood products mills have closed in the region, throwing 9,500 people out of work. And this is not the end of the dislocations and turmoil expected to play out in the coming years under the President's "Option 9."

Regretfully, the economic adjustment program put forward by the Clinton Administration to accompany the "Option 9" forest management plan is sorely inadequate. It understates by a very large margin the unemployment impacts that will result from the Administration's forest plan and, thus, fails to provide adequate retraining and adjustment assistance. Your bill would fill a very large void.

Thank you for coming to the assistance of working families dislocated due to application of federal policy concerning preservation of wildlife, forest management, and other environmental requirements. This problem is not confined to the Pacific Northwest, but is national in scope.

While much attention has been focused on the northern spotted owl, virtually every state in the country will experience job losses due to the application of the Endangered Species Act and other laws requiring environmental compliance. We need enactment of your bill as soon as possible.

With kind regards, I am

Sincerely yours,

JAMES S. BLEDSOE,
General Treasurer.

AMERICAN FEDERTION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, September 29, 1993.
Hon. MARK HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: It is our understanding that you will soon introduce, as you did in the last Congress, your legislation entitled the "Environmental Employment Transition Assistance Act of 1993." Once again, I am writing to express the support of the AFL–CIO for your legislation, as we did with last year's proposal.

The strict application and enforcement of numerous environmental laws has had the added affect of exacerbating the already severe job loss problems faced by workers in the forest products industry. Moreover, we expect this problem to only worsen in the weeks and months ahead.

Forest products workers who need training assistance have unique problems that are different from other types of displaced workers. Your proposal takes a major step forward in providing assistance to workers during these tenuous times.

We look forward to working with you for the best possible implementation of your proposal.

Sincerely,

ROBERT M. MCGLOTTEN,
Director.

OREGON DEPARTMENT OF HUMAN RESOURCES,
Salem, OR, September 27, 1993.
Hon. MARK O. HATFIELD,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: I am pleased to hear of your plans to reintroduce the Environmental Transition Assistance Act to the United States Senate.

In light of the uncertainties many Oregonians face in the job market as a result of the listing of several species as threatened or endangered under the Endangered Species Act, I heartily endorse this legislation. As you are aware, the resulting decline in many industries in the Pacific Northwest has had a tremendous economic impact to the region.

With the recent reduction in available dollars for our state dislocated worker programs, the need for assistance to dislocated workers is even greater than it was a year ago. We hope the committee will act favorably on the bill.

If the Employment Department can be of any further assistance, please don't hesitate to let me know. Thank you for reintroducing this important piece of legislation

Sincerely,

PAMELA A. MATTSON,
Acting Director, Employment Department.

OREGON, BUREAU OF
LABOR AND INDUSTRIES,
Salem OR, September 29, 1993.

Hon. MARK HATFIELD,
U.S. Senate, Washington, DC.

DEAR SENATOR HATFIELD: I would like to lend my support to your efforts to provide new training opportunities for workers who are adversely affected by the many environmental decisions that are being made today. The Environmental Employment Transition Assistance Program of 1993 is a positive step toward providing additional assistance to many individuals whose lives and livelihood are being adversely affected by decisions that are entirely out of their control. This bill should have a positive impact on their attempts to develop new employment skills and provide them some added hope at a time when many have lost hope in finding viable employment.

We in Oregon have a long tradition of providing assistance to the dislocated worker community. We have set up special programs in our Apprenticeship and Training Division and are actively assisting the Job Training Partnership Act participants to enter training programs that will lead to gainful employment in high skill occupations. I feel that this bill will go a long way to assist the dislocated worker stay on his/her feet at a time of great need.

I congratulate you on this initiative and lend my fullest support in your efforts to gain passage of the Environmental Employment Transition Assistance Act of 1993.

Sincerely,

MARY WENDY ROBERTS,
Commissioner.

LEAGUE OF OREGON CITIES,
Salem, OR, September 28, 1993.

Hon. MARK O. HATFIELD,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: I have had an opportunity to review a draft of your proposed Environmental Employment Transition Assistance Act of 1993.

I believe that your proposal addresses a significant problem which is becoming altogether too common in Oregon's municipalities. During my conversations with city officials from across the State, it is clear to me that the increasing decline in employment in our natural resource industries is creating immediate local crises which have severe long-term implications. As city officials, we are becoming increasingly involved with the Economic Adjustment Initiative as we see the devastating impacts which the decline of natural resource industries is having on municipalities. This decline may occur outside city limits, but the severity of its impacts is felt inside our communities. We have got to find a way to get Oregonians back to work; I believe your proposed amendments can be a significant component of an overall solution.

I recognize that this proposal does not represent a new direction for you. I appreciate your work on the Appropriations Committee to secure funding for the President's Northwest Economic Adjustment Initiative. That legislation was a good first step, which I believe is complemented by your proposal.

I wish you much luck with this effort, please be sure to contact me if there is anything the League of Oregon Cities can do to assist your efforts. We will keep you posted on our progress here in Oregon.

Sincerely,

MIKE LINDBERG,
President.

ASSOCIATION OF OREGON COUNTIES,
Salem, OR, September 24, 1993.

Hon. MARK O. HATFIELD,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: I am very pleased to let you know that AOC strongly supports your bill for the Environmental Employment Transition Assistance Act of 1993. We are particularly pleased to see that your approach has been expanded to encompass a number of environmental laws in addition to the Endangered Species Act.

This continues to be a very difficult period for the people of Oregon who are dependent on a healthy resource based economy. In addition to the many who continue to lose their jobs on the westside, we now have the very definite prospect of significant job losses in eastern Oregon with the new forest management proposals and application of other environmental laws. These workers and their families clearly deserve the type of help that is intended by your bill.

We appreciate very much your efforts. If there is any way we can assist with support for S. 2491 we are ready and willing to do so.

Sincerely,

MICHAEL J. SYKES,
President.

THE OREGON PRIVATE INDUSTRY
COUNCIL, INC. & THE OREGON CONSORTIUM,
Albany, OR, September 27, 1993.

Hon. MARK O. HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: The Oregon Consortium and the The Oregon Private Industry Council, Inc. fully support your proposed bill, the Environmental Employment Transition Assistance Program, which would amend Title III of the Job Training Partnership Act. We believe strongly that specific retraining assistance is necessary to ease the transition of displaced workers, as we fully implement environmental protection laws throughout the nation. We particularly appreciate the focus in your bill on needs related payments, to support displaced workers in long term career retraining programs.

Since July 1988, over 10,000 workers have lost their jobs in the 27 rural counties represented by the Oregon Consortium, because of the timber crisis. Even with the potential of additional targeted retraining funds for the northwest through President Clinton's Timber Plan, we do not expect to be able to meet the widespread retraining demands in rural Oregon.

Thank you again for your commitment and assistance to Oregon's dislocated workers. Our state and the nation continue to benefit from your leadership on job retraining and education issues.

Sincerely,

ANN ABLE,
Executive Director.

UMPQUA TRAINING &
EMPLOYMENT, INC.,
Roseburg, OR, September 24, 1993.

Hon. MARK O. HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: Thank you so much for sharing a copy of your proposed "Environmental Employment Transition Assistance Act of 1993". Of course, I read it with great interest. There has been no relief from the numbers of dislocated timber workers coming to UT&E for retraining assistance. Local sources indicate that we are to expect continuing layoffs and dislocation.

In addition to the discretionary money you helped us receive last year, UT&E has applied for still another discretionary grant that is in its final review stages. We expect that application to be successful. For the most part, Douglas County's dislocated workers have been well served by Title III of JTPA.

We are also tracking the progress of President Clinton's proposal to direct more Title III money to the Pacific Northwest as part of his Forest Plan.

It seems to me that the "Environmental Employment Transition Assistance Act of 1993" offers long-term relief, through fiscal year 1998, and with its emphasis on "needs-related payments" provides a measure of hope to dislocated workers not presently found in the Job Training Partnership Act. More often than not, retraining requires more than two years.

As I did last year, I want to thank you for your attention to the needs of dislocated workers in Oregon.

Sincerely,

NORM GERSHON,
President.●

By Mrs. BOXER:

S. 1506. A bill to amend the Public Health Service Act to provide for the training of health professions students with respects to the identification and referral of victims of domestic violence; to the Committee on Labor and Human Resources.

DOMESTIC VIOLENCE IDENTIFICATION AND REFERRAL ACT

● Mrs. BOXER. Mr. President, I rise today to introduce the Domestic Violence Identification and Referral Act. Similar legislation has been introduced in the House by Representative WYDEN.

We read daily about shootings and assaults on our streets, but we rarely hear about the brutality which occurs behind closed doors. Spouse abuse, child abuse and elder abuse injures thousands of Americans each year, and is growing at an alarming rate. The psychological and physical injuries caused by such abuse constitute a national public health crisis.

An estimated 2 to 4 million women are battered by their spouses or former spouses each year. As many as one-fifth to one-third of all women who visit emergency rooms are victims of abuse. In 1991, 2.7 million children were abused or neglected in America, a 150-percent increase over the last decade.

Battering causes more than bruises and broken bones. Twenty-five percent of all domestic violence victims have been beaten during pregnancy. In one-half of spouse abusing families, the children are battered as well. According to a study conducted by the San Francisco family violence project of men who abuse their wives, 63 percent of the abusers had either seen their own mothers abused or had themselves been abused as children.

Doctors, nurses, and other health care professionals are on the frontlines of this abuse, but they can't stop what they haven't been trained to see or trained to talk about. The Domestic Violence Identification and Referral Act would provide that necessary training.

At a press conference today, Dr. Katherine Bemmann, president-elect of the American Medical Women's Association, stated that everything she learned about domestic violence in her practice she learned from her patients, not the medical establishment. Dr. Richard Jones, former president of the American College of Obstetrician and Gynecologists, said that he asks every patient at every visit about abuse, but it is not standard medical practice. He estimated that by becoming more aware of the problem, and learning how to ask the right questions, the number of abused women he identifies has increased from 1 to 3 every year, to 2 to 3 every week.

In a recent survey of California emergency rooms by the Family Violence Prevention Fund of San Francisco, only 1 out of every 4 medical staff received educational training on domestic violence. As a result, only 5 percent of battered women were properly identified. The survey also noted a significant lack of referral lists and brochures addressing the needs of battered women.

The bill that Congressman WYDEN and I have drafted requires medical colleges and health professional schools to include training on domestic violence in their curriculums within 2 years of enactment or risk losing a portion of their Federal funds.

It further mandates that the training emphasize identifying victims of domestic violence and maintaining complete medical records, providing medical advice regarding the dynamics and nature of domestic violence, and referring victims to appropriate public and nonprofit entities for assistance.

And, in our bill, domestic violence is defined in the broadest terms, to include battering, child abuse, and elder abuse.

Doctors, nurses, and other health professionals are confronting a wave of violence that society has traditionally conspired to keep hidden and away from public view. Early education and training is key to learning how to identify its victims and prevent it in the future. By the time a hurt child or woman walks into a doctor's office or emergency room, it may already be too late.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Domestic Violence Identification and Referral Act of 1993".

SEC. 2. ESTABLISHMENT, FOR CERTAIN HEALTH PROFESSIONS PROGRAMS, OF REQUIREMENTS REGARDING DOMESTIC VIOLENCE.

Part G of title VII of the Public Health Service Act (42 U.S.C. 295j et seq.), as added by section 102 of Public Law 102-408 (106 Stat. 1994), is amended by inserting after section 795 the following section:

"SEC. 796. REQUIREMENTS REGARDING IDENTIFICATION AND REFERRAL OF VICTIMS OF DOMESTIC VIOLENCE.

"(a) SUBMISSION OF INFORMATION.—In the case of a health professions entity described in subsection (b), the Secretary may make an award of a grant or contract under any of parts C through F to the entity only if the application submitted under section 798(f)(2) for the award describes whether and to what extent the entity has in effect the requirement that, as a condition of receiving a degree or certificate (as applicable) from the entity, each student have had significant training in carrying out the following functions as a provider of health care:

"(1) Identifying victims of domestic violence, and maintaining complete medical records that include documentation of the examination, treatment given, and referrals made, and recording the location and nature of the victim's injuries.

"(2) Examining and treating such victims, within the scope of the health professional's discipline, training, and practice, including, at a minimum, providing medical advice regarding the dynamics and nature of domestic violence.

"(3) Referring the victims to public and nonprofit private entities that provide services for such victims.

"(b) DESIGNATED HEALTH PROFESSIONS ENTITIES.—A health professions entity referred to in subsection (a) is any entity that is a school of medicine, a school of osteopathic medicine, a school of public health, a graduate program in mental health practice, a school of nursing (as defined in section 853), a program for the training of physician assistants, or a program for the training of allied health professionals.

"(c) LIMITATIONS ON AMOUNT OF AWARDS.—

"(1) DETERMINATION BY SECRETARY.—Before making an award of a grant or contract under any of parts C through F to a designated health professions entity for a fiscal year, the Secretary shall make a determination of whether the entity, as of October 1 of the fiscal year—

"(A) meets the criterion of having in effect the requirement described in subsection (a); and

"(B) meets the criterion of providing, pursuant to such requirement, for the significant training of the students of the entity in the functions described in such subsection.

"(2) LIMITATIONS.—With respect to fiscal year 1996 and subsequent fiscal years, in the case of a designated health professions entity that is determined under paragraph (1) to have failed to meet a criterion described in such paragraph, the Secretary may not make an award to the entity of a grant or contract under a program of any of parts C through F in an amount exceeding—

"(A) for an award under the program made for the first fiscal year (after fiscal year 1995) for which the entity has so failed, 95 percent of the amount of the most recent award made before fiscal year 1996 to the entity under the program (or if the entity has not previously received such an award, 95 percent of the amount of the award that the Secretary otherwise would have made to the entity);

"(B) for an award under the program made for the second such fiscal year, 90 percent of the amount of the award for the first such year;

"(C) for an award under the program for the third such fiscal year, 85 percent of the amount of the award for the second such year; and

"(D) for an award under the program for the fourth such fiscal year, 80 percent of the amount of the award for the third such fiscal year.

"(d) INELIGIBILITY.—With respect to awards of grants and contracts under a program of any of parts C through F, in the case of a designated health professions entity that has received an award under the program for a fourth fiscal year for which the entity has failed to meet a criterion described in subsection (c)(1), the following applies:

"(1) The entity may not receive any further awards under the program until the entity meets each such criterion.

"(2) If the entity meets each such criterion and receives an award under the program, but subsequently fails to do so for any fiscal year, the series of limitations described in subsection (c)(2) shall be applied to further awards to the entity under the program in the same manner and to the same extent as the series was applied to the entity for the initial 4 fiscal years (after fiscal year 1995) for which the entity failed to meet such a criterion.

"(e) DEFINITIONS.—For purposes of this section:

"(1) DESIGNATED HEALTH PROFESSIONS ENTITY.—The term 'designated health professions entity' means an entity described in subsection (b).

"(2) DOMESTIC VIOLENCE.—The term 'domestic violence' means any intentional violence, controlling, or coercive behavior or pattern of behavior by an individual who is currently or who was previously, in an intimate or acquaintance relationship with the victim. Such behavior may occur at any stage of the lifecycle and may encompass single acts or a syndrome of actual or threatened physical injury, sexual assault, rape, psychological abuse, or neglect. Such term includes behavior which currently may be described as 'child neglect', 'child abuse', 'spousal abuse', 'domestic violence', 'woman battering', 'partner abuse', 'elder abuse', and 'date rape'.".●

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1509. A bill to transfer a parcel of land to the Taos Pueblo Indians of New Mexico; to the Committee on Energy and Natural Resources.

BLUE LAKE TERRITORY LAND TRANSFER

• Mr. DOMENICI. Mr. President, today I am pleased to be joined by Senator BINGAMAN in introducing legislation to complete the transfer of land to the Taos Pueblo for their sacred Blue Lake territory. The vast majority of this land was transferred in 1970 to Taos Pueblo in the Blue Lake Wilderness Act, Public Law 91-550. The remaining segment of about 764.3 acres will complete the Blue Lake territory's integrity by adding the so-called Bottleneck Track. This Bottleneck area was and continues to be used by Taos Pueblo as the sacred Path of Life Trail connecting the Pueblo itself with Blue Lake.

Since the mid-1970's, the U.S. Forest Service has recognized the importance of this trail by agreeing to close the Bottleneck part of the wilderness to the general public during ceremonial activities conducted by Taos Pueblo religious leaders. Uninvited and unwelcome intrusions, however, continue to be a problem for the Pueblo.

KEY HISTORIC FACTS

The Pueblo of Taos originally claimed 300,000 acres of aboriginal land before the Indian Claims Commission [ICC] in 1951. The ICC has expired and records are kept by the U.S. Court of Claims. In 1965, the ICC reduced the Taos claim to 130,000 acres, explaining that Spanish land grants would not be used as a precedent by the ICC. Taos Pueblo agreed to accept payment for 80,000 acres of the 130,000 acres, but refused to accept payment for the 50,000 acres known as the Blue Lake area.

In 1966, S. 3085 was introduced by Senator Clinton P. Anderson for the return of the remaining 50,000 acres known as the Blue Lake area. Star Lake is also located in this area. Objections to S. 3085 were raised by U.S. Forest Service and the Wilderness Society because they needed an additional 2,000 acres to add to another tract of about 3,000 acres. A minimum of 5,000 acres were necessary to qualify this area as a wilderness area.

The current Bottleneck area, along with other Taos land under Indian title totaling 2,000 acres, was added to Wheeler Peak. The 2,000 acres essentially taken from Taos Pueblo were used to establish the original boundaries of the Wheeler Peak Wilderness. These 2,000 acres include the 764.33 acres now requested by Taos Pueblo. The Pueblo is not claiming the full 2,000 acres, but wants only the Bottleneck area of 764.33 acres mainly because the Path of Life Trail is an integral part of the Blue Lake shrine area and it runs through the Bottleneck.

In 1970, President Nixon signed H.R. 471, by Representative Haley, into law—Public Law 92-550. The Blue Lake transfer of 48,000 acres to Taos Pueblo excludes the 2,000 acres described above that were used to establish the wilderness. Thus, the 2,000 acres and the 48,000 acres included in the 1970 transfer together make up the original 50,000 acres recognized by the Indian Claims Commission as the sacred Blue Lake area. Wheeler Peak Wilderness has since expanded to almost 20,000 acres. The addition of 14,700 acres in 1980 to the Wheeler Peak Wilderness explain this expansion.

In its interlocutory order of September 8, 1965, the Indian Claims Commission found that Taos Pueblo "has established Indian title in the Pueblo of Taos to the areas of land described as the Eastern area and Western area in Finding of Fact No. 3." This finding of fact describes in detail the 130,000 acres of land claimed by Taos Pueblo and includes 50,000 acres for the Blue Lake sacred area. Again, the Pueblo accepted payment for 80,000 acres of this 130,000 acres to which the ICC declared they owned Indian title.

While the Pueblo would seem to have a legitimate claim to the full 2,000 acres of the Wheeler Peak Wilderness, they are most interested in and are only claiming the Bottleneck area of 764.33 acres because of the sacred areas and the Path of Life Trail contained therein. The Wilderness Society, Audubon Society, Sierra Club, and the National Wildlife Federation support the return of the Bottleneck to Taos Pueblo.

Under the terms of this legislation, Taos Pueblo will hold the responsibility and right to manage and control the entire Blue Lake territory. The Bottleneck Tract is currently a part of the Wheeler Peak Wilderness Area in the Carson National Forest, New Mexico. Public access to this Bottleneck Tract encourages intrusions into the surrounding Indian lands of the Blue Lake Wilderness Area.

The Bottleneck Tract is essentially a scenic overlook location at the present time. There are few trees, no camping, fishing, or other recreational uses except hiking. As discussed above, about 14,700 acres were added to the Carson National Forest Wheeler Peak Wilderness by Public Law 96-550. The Pueblo feels strongly, and we agree, that this addition more than offsets any loss of wilderness lands for public use that would occur as a result of this transfer of 764.3 acres to the United States Department of the Interior to be held in trust for the Taos Pueblo.

USE OF THE BOTTLENECK LANDS

It is the intention of Taos Pueblo, under the terms of this bill, to use the lands for traditional purposes only, such as religious ceremonial, hunting and fishing, a source of water, forage for their domestic livestock, and wood, timber, and other natural resources for their personal use, all subject to such regulations for conservation purposes as the Secretary of the Interior may prescribe. It is also our intention that the lands shall remain forever wild and shall be maintained as a wilderness.

Mr. President, identical legislation is being introduced in the House today by Congressman RICHARDSON. I urge my colleagues to support this bill to return the Bottleneck land to Taos Pueblo.•

By Mr. ROCKEFELLER (for himself, Mr. AKAKA, and Mr. CAMPBELL):

S. 1510. A bill to amend title 38, United States Code, to increase the amount of the loan guaranty for loans for the purchase or construction of homes; to the Committee on Veterans' Affairs.

VA HOME LOAN INCREASE ACT OF 1993

• Mr. ROCKEFELLER. Mr. President, today I am introducing legislation that would improve the Department of Veterans Affairs Home Loan Guaranty Program by increasing the amount of the guaranty made by VA to lending institutions who make VA loans to veterans. The bill would increase the maximum loan guaranty from $46,000 to $50,750 and thus increase no-downpayment VA-guaranteed home loans from the current level of $184,000 to $203,000. This bill keeps the current VA loan guaranty formula of 25 percent of loans over $144,000.

Mr. President, housing prices in certain parts of the country—such as Boston, New York, Washington, DC, San Francisco, Los Angeles, Alaska, and Hawaii—are simply out of reach for many veterans who wish to buy homes. This proposed increase in the guaranty would allow many veterans to use their entitlement.

Mr. President, other housing entities have recognized the need for a similar adjustment to keep pace with housing costs. For example, on January 1, 1993, the Federal National Mortgage Association [Fannie Mae] and the Federal Home Loan Mortgage Corporation [Freddie Mac] two federally chartered private for-profit corporations established to provide funds for residential mortgages, increased their loan limits to $203,150 on single-family conventional mortgages in which these companies invest.

In the past, the Government National Mortgage Association [Ginnie Mae] has increased the loan limit when VA has increased the limits on its guaranty. The bill I am introducing today will allow veterans to participate in the housing market on parity with the conventional loan market.

I am pleased to advise Members that the bill as introduced will not result in any cost to the Government and will, in fact, produce savings.

Mr. President, increasing the VA's loan guaranty will allow veterans to participate with the same loan limitations enjoyed by their civilian counterparts while continuing to have the advantage of no downpayment. I intend to bring this measure before the Veterans' Affairs Committee on October and am hopeful that the committee will report the legislation back to the Senate in the near future, thereby allowing thousands of veterans and active duty military members to enjoy the benefits of home ownership.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN AMOUNT OF LOAN GUARANTY FOR LOANS FOR THE PURCHASE OR CONSTRUCTION OF HOMES.

Subparagraphs (A)(i)(IV) and (B) of section 3703(a)(1) of title 38, United States Code, are each amended by striking out "$46,000" and inserting in lieu thereof "$50,750.".●

By Mr. DORGAN:

S. 1511. A bill to eliminate the crediting of "good time" for violent and repeat offenders in Federal and State prisons, authorize funding for boot camps and the conversion of military facilities to regional prisons, and for other purposes; to the Committee on the Judiciary.

VIOLENT CRIME PREVENTION ACT OF 1993

Mr. DORGAN. Mr. President, I wish to speak about legislation I am introducing in the Senate dealing with the subject of crime. It is not new to hear of a crime bill, but neither is it new for those of us who serve in the Senate, in our Nation's Capitol, to open the newspaper and read of yet another tragedy—innocent victims killed in the commission of senseless crimes.

Yesterday, you opened the paper and the front page showed a picture of a 4-year-old girl named Launice Smith. This child died at 1:45 p.m. yesterday at Children's Hospital. I do not know Launice Smith, but I know about 4-year-olds. I have a 4-year-old daughter. I do know about violent crime. It has occurred in my family. Launice Smith last Saturday was playing on a football field near a school here in Washington, DC and was shot in the head.

This is a story from yesterday. You could take the paper almost any day: "Violent 36 Hours Leaves 10 Slain Across the District," "Paroled Rapist Arrested in Midday Assault." In September, 350 murders so far in the District of Columbia, 4,800 robberies so far this year in the District of Columbia.

The thing that is unusual about all of this is these murders, by and large, are not perpetrated by people we do not know. We know them. In most cases, they have been in the criminal justice system only to go back to the street. The person currently charged with killing Launice Smith has been in the criminal justice system. This is not a stranger. This person has been arrested before.

Let me give you some examples of recent crimes in this country that you have all read about. Michael Jordan's father was killed allegedly by two people, both of whom were guilty of violent crimes previously, both of whom were on the street, one of whom was guilty of a violent crime sentenced to 6 years, out in 2, allegedly kills again. The other was charged with a violent crime last October and still had not been to trial in July, now alleged to have killed this man.

Uwe-Wilhelm Rakebrand, a tourist, just days ago in Florida with his pregnant wife on a delayed honeymoon, is shot to death by a stranger. By someone we do not know? No, it was by someone we know, someone who was already charged just days before in another crime—in our criminal justice system only to be sent back to the streets again to allegedly kill a German tourist.

Patricia Lexie. Does anybody forget this case? Henry James, driving down the highway here in this town, tells his friends, "I feel like shooting somebody" and rolls down the window at the same time Patricia and her husband are driving down the street, and he kills her. Was he a stranger? No. Six days before he had been up before a judge in the District of Columbia on another attempted murder charge—put back to the street.

My point is these murders are not being committed by people we do not know. We know about them and the criminal justice system fails us.

You might say yes, there are causes for this that we need to discover and understand: child abuse, poverty, hundreds of causes. And, yes, we need to understand and deal with them. But we also must, as we do that, put violent people in jail and keep them in jail to protect innocent people, innocent people like Launice Smith, innocent people like these folks who are victimized by people perpetrating violent crimes over and over again.

I am offering legislation with four parts.

First, let us create a place to put violent criminals. Never should we have the excuse that people who commit violent acts cannot be put away because we have no space. We are closing 100 military installations. When half the people in prison these days are nonviolent, take those people out of prisons and put them in prison work camps in abandoned military facilities, open up tens of thousands of prison cells and put violent criminals in prison and keep them there.

So let us make space. We can do that. Take nonviolent people out of cells, put them in prison camps and open the cells for violent prisoners. Then put these people in jail.

How do we do that? Well, a couple ways. One, let us provide for all Americans a report on the sentencing practices of all judges in criminal trials in this country so people have some basic information about the appropriateness of sentences meted out in our criminal justice system.

Do any of you know how long the average murderer stays in prison in this country? Does anybody know the answer to that? How long on average would a murderer spend in prison? The answer? Seven years. Sentence, 17 years; result, 7 years in jail.

I propose for violent crimes that criminals not be given good-time credits in prison. Let them serve their sentence. If you send them to jail for 17 years, let them spend 17 years in jail. We do not need good-time credits in prison for those who commit violent acts.

Let us confine violent criminals, those who commit violent acts, put them in jail and keep them in jail for a while.

In addition to eliminating good-time credits, providing reports on judges' sentencing practices for the American people, and opening up cell space by creating prison camps and opening cells for violent criminals, I also propose that victims and victims' families across the country have a right in every criminal jurisdiction to be present at sentencing and to present oral or written testimony to sentencing judges about the victims of the crime and that victims be present and have the opportunity to be present at parole hearings as well.

Those four steps, in my judgment, move us in the direction of deciding that those who we know commit criminal acts can be taken from our streets and kept from our streets to protect innocent Americans.

No, I do not believe in getting tough just to look tough, but neither do I believe that 4-year-old children playing on playgrounds should be shot in the head by people who we already know commit violent acts. I propose, Mr. President, a bill that very simply, while we are searching for all of these causes and trying to relieve all of the problems which relate to violent crime, we find a place to put violent prisoners.

I have suggested a way to do that—we put them there and we keep them there. I suggest that not because I am a person who is vengeful or lashes out in anger but because this country can no longer accept what is going on all around this country in our major cities.

We have a crime wave of epidemic proportions. If we were to describe to people in other countries a city that had 350 murders by September, and a city that had 4,800 robberies by September, they would suggest a travel advisory. And that is not unusual for Washington, DC. It is happening all over the country in our major cities.

The fact is on an average day last year, in this country, an average day—24 hours—in the United States of America there were 67 murders and 292 rapes. Per capita, this country has 10 times the number of homicides as Japan, 10 times the number of homicides as France, 13 times the number of homicides as England, 5 times the number of homicides—not double, triple, five times the number of homicides as our neighbors to the north, Canada. Sixty percent of the people now in prison in this country have been there before.

As I mentioned in my statement today, the few people I have used as examples—and I do so with respect to their memories—were innocent victims, preyed upon by criminals who perpetrate violent acts and have done so repeatedly and who while going though the criminal justice system we have discovered that system has failed us, that system has created a revolving door, unfortunately, that allows violent criminals to move in one side and back out the other to a street to commit violent acts again.

My hope, Mr. President, is that as we discuss the crime bill and debate what to do about the epidemic of crime in America, we will discuss in a serious way how we find a way to identify violent criminals, to put them in our criminal justice system, to put them away and to keep them away, in order to protect innocent Americans.

By Mr. ROCKEFELLER (for himself, Mr. AKAKA, and Mr. CAMPBELL):

S. 1512. A bill to amend title 38, United States Code, to require the establishment in the Department of Veterans Affairs of mental illness research, education, and clinical centers, and for other purposes; to the Committee on Veterans' Affairs.

VA MENTAL HEALTH CARE IMPROVEMENT ACT OF 1993

• Mr. ROCKEFELLER. Mr. President, I am proud to introduce legislation that would establish up to five centers of excellence in the area of mental illness at existing VA health care facilities. These centers, to be known as Mental Illness Research, Education, and Clinical Centers [MIRECC's] would be a vitally important and integral link in VA's efforts in the areas of research, education, and furnishing clinical care to veterans suffering from mental illness.

Mr. President, the need to improve services to mentally ill veterans has been recognized for a number of years. For example, the October 20, 1985, report of the Special Purposes Committee to Evaluate the Mental Health and Behavioral Sciences Research Program of the VA, chaired by Dr. Seymour Kety—generally referred to as the Kety committee—concluded that research on mental illness and training for psychiatrists and other mental health specialists at VA facilities were totally inadequate. The Kety report noted that about 40 percent of VA beds are occupied by veterans who suffer from mental disorders, yet less than 10 percent of VA's research resources are directed toward mental illness.

Little has changed since that report. Information provided to the Committee on Veterans' Affairs at our August 3, 1993, hearing showed that the percentage of VA patients suffering with mental illness continues to hover over the same 40 percent rate found by the Kety committee. Likewise, VA's research on mental illness has not increased to any appreciable extent and was estimated to be approximately 12 percent.

Mr. President, VA provides mental health services to more than one-half to three-quarters of a million veterans each year, yet in the decade between the time the Kety committee began its work and now, there has not been a significant effort to focus VA's resources on the needs of mentally ill veterans. Among the recommendations of the Kety committee was one that VA centers of excellence be established to develop first-rate psychiatric research programs within VA. Such centers, in the view of the Kety committee, would provide state-of-the-art treatment, increase innovative basic and clinical research opportunities, and enhance and encourage training and treatment of mental illness.

Based on the recommendations of the Kety committee, the Committee on Veterans' Affairs began efforts more than 6 years ago to encourage research into mental illnesses and to establish centers of excellence. For example, on May 20, 1988, Public Law 100–322 was enacted which included a provision to add an express reference to mental illness research in the statutory description of VA's medical research mission which is set forth in section 7303(a)(2) of title 38.

At that time, the committee (see S. Rept. 100–215, page 138), urged VA to establish three centers of excellence, or MIRECC's, as proposed by the Kety committee. In March 1992, Senator Cranston, then chairman of the Committee on Veterans' Affairs, noted that the VA had not taken any action to implement those recommendations. I unfortunately must tell you today that the VA still has done little to implement the recommendations of the Kety committee and has made no progress on the establishment of centers of excellence.

Mr. President, I also note that the January 1991 final report of the blue ribbon VA Advisory Committee for Health Research Policy recommended the establishment of MIRECC's as a means of increasing opportunities in psychiatric research and encouraging the formulation of new research initiatives in mental health care, as well as maintaining the intellectual environment so important to quality health care. The report stated that these "centers could provide a way to deal with the emerging priorities in the VA and the Nation at large."

In light of VA's failure to act administratively to establish these centers of excellence, our committee has developed legislation to accomplish this objective. The proposed MIRECC's legislation is patterned after the legislation which created the very successful Geriatric Research, Education, and Clinical Centers [GRECC's], section 302 of Public Law 96–330, enacted in 1980. The MIRECC's would be designed first, to congregate at one facility clinicians and research investigators with a clear and precise clinical research mission, such as PTSD, schizophrenia, or drug abuse and alcohol abuse; second, to provide training and educational opportunities for students and residents in psychiatry, psychology, nursing, social work, and other professions which treat individuals with mental illness; and third, to develop new models of effective care and treatment for veterans with mental illnesses, especially those with service-connected conditions.

The establishment of MIRECC's should encourage research into outcomes of various types of treatment for mental illnesses, an aspect of mental illness research which, to date, has not been fully pursued, either by VA or other researchers. The bill would promote the sharing of information regarding all aspects of MIRECC's activities throughout VHA by requiring the Chief Medical Director to develop continuing education programs at regional medical education centers.

Finally, beginning February 1, 1995, the Secretary would be required to submit to the two Veterans' Affairs Committees annual reports on the research, education, and clinical care activities at each MIRECC and on the efforts to disseminate the information throughout the VA health care system.

At our committee hearing on August 3, 1993, numerous witnesses, including Dr. John Lipkin, representing the American Psychiatric Association, and Mr. Richard Greer, representing the National Alliance for the Mentally Ill, testified in favor of the MIRECC legislation. All of the veterans service organizations testifying at the hearing—the American Legion, Veterans of Foreign Wars, Disabled American Veterans, and Paralyzed Veterans—supported the enactment of MIRECC's legislation.

Mr. President, the VA for too long has made inadequate efforts to improve research and treatment of mentally ill veterans and to foster educational activities designed to improve the capabilities of VA mental health professionals. The establishment of MIRECC's will be a significant step forward in improving care for some of our neediest veterans. I am hopeful that this long recognized need will become more than a forgotten want item for veterans who suffer, in many cases, in silence.

The Veterans' Affairs Committee has reported, and the Senate has passed, comparable legislation in each of the last two Congresses. I intend to bring this legislation before the Veterans' Affairs Committee at our markup in October and hope to get final Senate action shortly thereafter.

Mr. President I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MENTAL ILLNESS RESEARCH, EDUCATION, AND CLINICAL CENTERS.

(a) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following:

"§ 7319. Mental illness research, education, and clinical centers

"(a) The purpose of this section is to improve the provision of health-care services to eligible veterans suffering from mental illness, especially mental illness related to service-related conditions, through research, the education and training of health personnel, and the development of improved models for furnishing clinical services.

"(b)(1) In order to carry out the purpose of this section, the Secretary, upon the recommendation of the Under Secretary for Health and pursuant to the provisions of this subsection, shall—

"(A) designate not more than five health-care facilities of the Department as the locations for a center of mental illness research, education and training, and clinical activities; and

"(B) subject to the appropriation of funds for such purpose, establish and operate such centers at such locations in accordance with this section.

"(2) The Secretary shall designate at least one facility under paragraph (1) not later than January 1, 1994.

"(3) The Secretary, upon the recommendation of the Under Secretary for Health, shall ensure that the facilities designated for centers under paragraph (1) are located in various geographic regions.

"(4) The Secretary may not designate any healthcare facility as a location for a center under paragraph (1) unless the Secretary, upon the recommendation of the Under Secretary for Health, determines that the facility has developed (or may reasonably be anticipated to develop)—

"(A) an arrangement with an accredited medical school which provides education and training in psychiatry and with which the facility is affiliated under which arrangement residents receive education and training in psychiatry through regular rotation through the facility so as to provide such residents with training in the diagnosis and treatment of mental illness;

"(B) an arrangement with an accredited graduate school of psychology which provides education and training in clinical or counseling psychology, or both, and with which the facility is affiliated under which arrangement students receive education and training in clinical or counseling psychology, or both, through regular rotation through the facility so as to provide such students with training in the diagnosis and treatment of mental illness;

"(C) an arrangement under which nursing, social work, or other allied health personnel receive training and education in mental health care through regular rotation through the facility;

"(D) the ability to attract scientists who have demonstrated creativity and achievement in research into the causes, treatment, and prevention of mental illness and into models for furnishing care and treatment to veterans suffering from mental illness;

"(E) a policymaking advisory committee composed of appropriate mental health-care and research personnel of the facility and of the affiliated school or schools to advise the directors of the facility and the center on policy matters pertaining to the activities of the center during the period of the operation of the center; and

"(F) the capability to conduct effectively evaluations of the activities of the center.

"(c) Clinical and scientific investigation activities at each center may compete for the award of funding from amounts appropriated for the Department of Veterans Affairs medical and prosthetics research account and shall receive priority in the award funding from such account insofar as funds are awarded to projects and activities relating mental illness.

"(d) The Under Secretary for Health shall ensure that research activities carried out through centers established under subsection (b)(1) include an appropriate emphasis on the psychosocial dimension of mental illness and on proposals of means of furnishing care and treatment to veterans suffering from mental illness.

"(e) The Under Secretary for Health shall ensure that useful information produced by the research, education and training, and clinical activities of the centers established under subsection (b)(1) is disseminated throughout the Veterans Health Administration through the development of programs of continuing medical and related education provided through regional medical education centers under subchapter VI of chapter 74 of this title and through other means.

"(f) The official within the Central Office of the Veterans Health Administration responsible for mental health and behavorial sciences matters shall be responsible for supervising the operation of the centers established pursuant to subsection (b)(1).

"(g)(1) There are authorized to be appropriated for the Department of Veterans Affairs for the basic support of the research and education and training activities of the centers established pursuant to subsection (b)(1) the following:

"(A) $3,125,000 for fiscal year 1994.

"(B) $6,250,000 for each of fiscal years 1995 through 1997.

"(2) In addition to the funds available under the authorization of appropriations in paragraph (1), the Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department of Veterans Affairs medical care account and the Department of Veterans Affairs medical and prosthetics research account such amounts as the Under Secretary for Health determines appropriate in order to carry out the purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by adding at the end of the matter relating to subchapter II the following:

"7319. Mental illness research, education, and clinical centers.".

(c) REPORTS.—Not later than February 1 of each of 1995, 1996, and 1997, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the status and activities during the previous fiscal year of the mental illness, research, education, and clinical centers established pursuant to section 7319 of title 38, United States Code (as added by subsection (a)). Each such report shall contain the following:

(1) A description of—

(A) the activities carried out at each center and the funding provided for such activities;

(B) the advances made at each center in research, education and training, and clinical activities relating to mental illness in veterans; and

(C) the actions taken by the Under Secretary for Health pursuant to subsection (d) of such section (as so added) to disseminate useful information derived from such activities throughout the Veterans Health Administration.

(2) The Secretary's evaluations of the effectiveness of the centers in fulfilling the purposes of the centers.●

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. BIDEN, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 11, a bill to combat violence and crimes against women on the streets and in homes.

S. 445

At the request of Mr. CONRAD, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 445, a bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to improve monitoring of the domestic uses made of certain foreign commodities in order to ensure that agricultural commodities exported under agricultural trade programs are entirely produced in the United States, and for other purposes.

S. 446

At the request of Mr. ROTH, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 446, a bill to extend until January 1, 1996, the existing suspension of duty on tamoxifen citrate.

S. 482

At the request of Mr. BOREN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 482, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 737

At the request of Mr. HATFIELD, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 737, a bill to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies.

S. 784

At the request of Mr. HATCH, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 1248

At the request of Mr. DOLE, his name was added as a cosponsor of S. 1248, a bill to transfer to the Secretary of Transportation the functions of the Interstate Commerce Commission.

S. 1350

At the request of Mr. INOUYE, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 1350, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1351

At the request of Mr. REID, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1351, a bill to curb criminal activity by aliens, to defend against acts of international terrorism, to protect American workers from unfair labor competition, and to relieve pressure on public services by strengthening border security and stabilizing immigration into the United States.

S. 1354

At the request of Mrs. KASSEBAUM, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1354, a bill to amend the Fair Labor Standards Act of 1938 relating to the minimum wage and overtime exemption for employees subject to certain leave policies, and for other purposes.

S. 1408

At the request of Mr. LOTT, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1408, a bill to repeal the increase in tax on Social Security benefits.

S. 1432

At the request of Mr. HOLLINGS, the names of the Senator from Hawaii [Mr. INOUYE], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 1432, a bill to amend the Merchant Marine Act, 1936, to establish a National Commission to Ensure a Strong and Competitive United States Maritime Industry.

S. 1437

At the request of Mr. DOLE, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 1437, a bill to amend section 1562 of title 38, United States Code, to increase the rate of pension for persons on the Medal of Honor roll.

S. 1448

At the request of Mr. SASSER, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1448, a bill to establish a Police Corps Program and a Law Enforcement Scholarship and Employment Program.

S. 1449

At the request of Mr. HOLLINGS, the names of the Senator from North Dakota [Mr. DORGAN], and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 1449, a bill to establish a common market to bind together the countries of North America, Central America, and South America in a common commitment to promote democracy and mutually beneficial economic development.

SENATE JOINT RESOLUTION 41

At the request of Mr. MACK, his name was added as a cosponsor of Senate Joint Resolution 41, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

At the request of Mr. SIMON, the names of the Senator from Texas [Mr. GRAMM], the Senator from Vermont [Mr. JEFFORDS], the Senator from Delaware [Mr. ROTH], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Georgia [Mr. COVERDELL], and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Joint Resolution 41, supra.

SENATE JOINT RESOLUTION 91

At the request of Mr. SPECTER, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Michigan [Mr. RIEGLE], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 91, a joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 119

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of Senate Joint Resolution 119, a joint resolution to designate the month of March 1994 as "Irish-American Heritage Month."

SENATE JOINT RESOLUTION 132

At the request of Mr. BURNS, the names of the Senator from North Dakota [Mr. CONRAD], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 132, a joint resolution designating the week of October 17, 1993, through October 23, 1993, as "National School Bus Drivers Safety Week."

SENATE JOINT RESOLUTION 134

At the request of Mr. BIDEN, the names of the Senator from California [Mrs. FEINSTEIN], the Senator from Delaware [Mr. ROTH], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Joint Resolution 134, a joint resolution to designate October 19, 1993, as "National Mammography Day."

SENATE JOINT RESOLUTION 138

At the request of Mr. D'AMATO, the names of the Senator from Tennessee [Mr. MATHEWS], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Joint Resolution 138, a joint resolution to designate October 3 through 10, 1993, as "Great American Beer Week."

SENATE RESOLUTION 128

At the request of Mr. LAUTENBERG, the names of the Senator from Vermont [Mr. LEAHY], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Resolution 128, a resolution expressing the sense of the Senate regarding the protection to be accorded United States copyright-based industries under agreements entered into pursuant to the Uruguay Round of trade negotiations.

SENATE CONCURRENT RESOLUTION 45—RELATIVE TO THE REPUBLIC OF CHINA ON TAIWAN

Mr. D'AMATO (for himself and Mr. COATS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 45

Resolved by the Senate (the House of Representatives concurring),

Whereas, China has been a divided nation since 1949, and the government of the Republic of China on Taiwan (ROC) and the People's Republic of China on the Chinese mainland have since exercised exclusive jurisdiction over separate parts of China;

Whereas, United Nations General Assembly Resolution 2758 (1971) does not constitute a complete solution to the issue of China's seat in the United Nations which resulted from the division of China;

Whereas, the government of the ROC acknowledges that two equal and distinct political entities exist within the divided China;

Whereas, the Republic of China on Taiwan is currently the 14th largest trading nation in the world; its gross national product is the world's 20th largest; its annual per capita income exceeds US $10,000; its foreign exchange reserves exceed US $80 billion; and it has become the world's 7th largest outbound investor;

Whereas, the 21 million people on Taiwan enjoy a democratic form of government, and the ROC government's policies conform to those of other democratic nations;

Whereas, the ROC has joined other nations in responding to international disasters and crises; has undertaken programs of assistance for less-developed nations; and has in other ways accepted regional and global responsibilities;

Whereas, the ROC has joined several important multilateral organizations in recent years, including Asia/Pacific Economic Cooperation (APEC) and the Asian Development Bank, and its admission into these organizations has been supported by the United States;

Whereas, a consensus has emerged in the Republic of China on Taiwan to participate in the United Nations, and the government of the ROC has launched a campaign to pursue a seat in the United Nations without prejudice to the current position of the People's Republic of China in the UN; and

Whereas, ROC membership in the United Nations is in conformity with the UN's principle of universality and will contribute to the peace and stability of the Pacific region, and therefore to the interests of the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the Republic of China on Taiwan deserves full participation, including a seat, in the United Nations.

SENATE CONCURRENT RESOLUTION 46—RELATIVE TO JAMES H. DOOLITTLE

Mr. McCAIN submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 46

Whereas Jimmy Doolittle made pioneering contributions to the field of aviation, setting early records for speed and distance and developing ground-breaking methods for flying aircraft by instruments;

Whereas Jimmy Doolittle advanced the Nation's ability to defend itself using airpower through his experimental flights designed to simulate air combat maneuvers and his work with the Shell Oil Company in developing the higher octane fuel that eventually extended the range of allied bombers and improve the performance of allied fighters;

Whereas Jimmy Doolittle helped found and organize the civilian Air Force Association to champion the cause of establishing a coequal and autonomous Air Force, a goal that was realized on September 18, 1947;

Whereas Jimmy Doolittle distinguished himself in academia and industry, becoming one of the first Ph.D.s in aeronautics and serving on numerous boards, advisory committees, and serving as president of the Institute of Aeronautics, as a special assistant to the Air Force Chief of Staff and as Chairman of the National Advisory Committee for Aeronautics, the forerunner of the National Aeronautics and Space Administration;

Whereas Jimmy Doolittle made personal and heroic contributions to the allied victory in World War II, by helping with the conversion of automobile plants to airplane parts manufacturing plants; by leading a squadron of B–25 bombers, which launched from the deck of the aircraft carrier Hornet, on a daring April 18, 1942, raid of the Japanese mainland, the success of which boosted allied morale and shattered Japan's sense of invulnerability at a critical time in the war; and by commanding the 12th Air Force, the North African Strategic Air Forces, the 15th Air Force, and the 8th Air Force; and

Whereas Jimmy Doolittle has been duly honored by this Nation with numerous awards, including its highest award, the Medal of Honor, for personal valor and intrepidity at an extreme hazard to life during the 1942 raid on Japan, other decorations for wartime contributions, including the Distinguished Service Medal, the Silver Star, and Air Medal, among others, as well as being recognized with a 1985 promotion to four star general by President Ronald Reagan, and the bestowal of the Medal of Freedom by President Bush in 1989: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress expresses the thanks of a grateful Nation in memory of General James H. "Jimmy" Doolittle, hero, aviation pioneer, scientist, and patriot, for his lifetime of service and his willingness to make the ultimate sacrifice for duty, honor, and country.

• Mr. McCAIN. Mr. President, I rise today to introduce a resolution to commemorate the life of Gen. James H. "Jimmy" Doolittle, a true American hero.

The general is best known for leading a raid over Tokyo in the early days of World War II from the aircraft carrier *Hornet*. This heroic feat earned General Doolittle the respect of the Nation and the Medal of Honor from President Roosevelt.

General Doolittle went on to other leadership positions in World War II but he also had notable achievements in aviation, including setting early records for speed and distance, pioneering instrument flying, and developing high-octane fuel.

In 1988, President Bush recognized General Doolittle with the Medal of Freedom—a well-deserved honor. Last Monday, this Nation lost one of its greatest aviators, who had reached the age of 96. His memory will live on in the hearts of all patriots who have been willing to make the supreme sacrifice.

As he is laid to rest at Arlington National Cemetery, Mr. President, a grateful Nation pauses to remember a truly great man and a hero to us all.•

SENATE RESOLUTION 147—RELATIVE TO COMMITTEE MEMBERSHIP

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 147

Resolved, That the following shall constitute the minority party's membership on the following standing committee for the 103d Congress, or until their successors are chosen:

Committee on Governmental Affairs: Mr. Roth, Mr. Stevens, Mr. Cohen, Mr. Cochran, Mr. McCain, and Mr. Bennett.

AMENDMENTS SUBMITTED

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT FOR 1994

KERRY (AND OTHERS) AMENDMENT NO. 987

Mr. KERRY (for himself, Mr. GREGG, Mr. FEINGOLD, Mr. DECONCINI, Mr. LAUTENBERG, Mr. BUMPERS, Mr. GLENN, and Mr. JEFFORDS) proposed an amendment to the bill (H.R. 2445) making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes, as follows:

On page 54, between lines 6 and 7, insert the following new section:

SEC. 506. ADVANCED LIQUID METAL REACTOR.

No funds appropriated under this Act shall be expended for the Advanced Liquid Metal Reactor/Integral Fast Reactor (ALMR/IFR) Program, or related fuel cycle programs, except for the purpose of terminating such programs.

BINGAMAN (AND OTHERS) AMENDMENT NO. 988

Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. BRYAN) proposed an amendment to the bill (H.R. 2445), supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . None of the funds provided under this Act shall be made available for Phase II–B grants to study the feasibility of siting a Monitored Retrievable Storage Facility unless the Nuclear Waste Negotiator has first certified to the Secretary of Energy that there is a reasonable likelihood that agreement can be reached among all of the relevant governmental officials in the vicinity of any proposed site.

BRADLEY (AND FEINGOLD) AMENDMENT NO. 989

Mr. BRADLEY (for himself and Mr. FEINGOLD) proposed an amendment to the bill (H.R. 2445), supra, as follows:

On page 31, strike lines 9 through 12, and insert the following: "which 18 are for replacement only), $3,249,286,000, to remain available until expended: *Provided*, That no funds made available by this Act shall be used for the gas turbine-modular helium reactor (GT–MHR) (formerly known as the high temperature gas reactor).".

BRADLEY (AND FEINGOLD) AMENDMENT NO. 990

Mr. BRADLEY (for himself and Mr. FEINGOLD) proposed an amendment to the bill (H.R. 2445), supra, as follows:

On page 2, line 18, strike "$208,544,000" and insert "$157,600,000".

On page 7, line 10, strike "$1,296,167,000" and insert "$1,061,237,000".

On page 17, line 15, strike "$1,673,704,000" and insert "$1,657,700,000".

On page 24, line 17, strike "$14,409,000" and insert "$12,714,000".

On page 25, line 7, strike "$460,898,000" and insert "$431,848,000".

CHAFEE (AND PELL) AMENDMENT NO. 991

Mr. JOHNSTON (for Mr. CHAFEE, for himself and Mr. PELL) proposed an amendment to the bill (H.R. 2445), supra, as follows:

In the matter under the heading "CONSTRUCTION, GENERAL" under the heading "CORPS OF ENGINEERS—CIVIL" of title I, after the item relating to Wallisville Lake, Texas, insert the following:

Quonset Point-Davisville, Rhode Island (for 2 elevated water storage towers and the relocation of sewer lines), $1,875,000.

METZENBAUM (AND GLENN) AMENDMENT NO. 992

Mr. JOHNSTON (for Mr. METZENBAUM, for himself and Mr. GLENN) proposed an amendment to the bill (H.R. 2445), supra, as follows:

At the appropriate place, insert the following new section:

SEC. . PROHIBITION ON REMOVAL.

(a) PROHIBITION.—Subject to subsection (b), no funds made available pursuant to this Act may be used to carry out a policy to remove or demolish any residential structure that is subject to an easement or right-of-way in favor of the United States for the containment or impoundment of waters in the Muskingum River Basin, Ohio, until such time as the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives have reviewed and approved the policy.

(b) AGREEMENT TO HOLD HARMLESS.—

(1) IN GENERAL.—The Secretary of the Army shall offer to enter into a written agreement with the owner of each residential structure that is covered by the prohibition referred to in subsection (a). Under the agreement, the owner shall hold the United States harmless for any loss of personal property, real property, injury, or death that is the result of any flooding of the structure.

(2) FAILURE TO ENTER INTO AN AGREEMENT.—If an owner fails to enter into an agreement pursuant to paragraph (1), the Secretary of the Army may, in accordance with the applicable easement or right-of-way, remove or demolish the structure.

WALLOP AMENDMENT NO. 993

Mr. JOHNSTON (for Mr. WALLOP) proposed an amendment to the bill (H.R. 2445), supra, as follows:

On page 33, line 11, strike the period and insert the following: ": *Provided*, That at least $40,600,000 of amounts derived from the fund for such expenses shall be expended in accordance with title X, Subtitle A of the Energy Policy Act of 1992.".

DANFORTH AMENDMENT NO. 994

Mr. JOHNSTON (for Mr. DANFORTH) proposed an amendment to the bill (H.R. 2445), supra, as follows:

On page 6, line 25, insert the following before the period: *: Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $4,460,000 of available funds to complete preconstruction, engineering and design for the Ste. Genevieve, Missouri, flood control project authorized by section 401(a) of the Water Resources Development Act of 1986 (100 STAT. 4118) so that the project will be ready for construction by October 1, 1994: *Provided further*, That all plans, specifications and design documents shall be concurrently reviewed in order to expedite the project".

MOYNIHAN AMENDMENT NO. 995

Mr. JOHNSTON (for Mr. MOYNIHAN) proposed an amendment to the bill (H.R. 2445), supra, as follows:

On page 13, line 1, after the colon, insert the following: "*Provided further*, That the Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers, shall (1) use $2,000,000 of funds appropriated herein to carry out engineering design for the relocation of the comfort and lifeguard stations on the Atlantic coast of New York City, from Rockaway Inlet to Norton Point, as authorized by section 1076 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2015), and (2) not later than 1 year after the date of enactment of this Act, report to Congress on the results of the expenditure of funds required under paragraph (1):".

HATFIELD AMENDMENT NO. 996

Mr. JOHNSTON (for Mr. HATFIELD) proposed an amendment to the bill (H.R. 2445), supra, as follows:

On page 31, line 12, insert the following after the word "expended": ", of which, $4,500,000 shall be derived by transfer from the Geothermal Resources Development Fund".

WARNER AMENDMENT NO. 997

Mr. JOHNSTON (for Mr. WARNER) proposed an amendment to the bill (H.R. 2445), supra, as follows:

On page 6, line 25, before the period, insert the following: ": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $2,000,000 of funds appropriated herein to engineer and design the Virginia Beach Erosion Control and Hurricane Protection, Virginia project, including storm water collection and discharge, as authorized by section 102(cc) of Public Law 102–580".

BUMPERS AMENDMENT NO. 998

Mr. JOHNSTON (for Mr. BUMPERS) proposed an amendment to the bill (H.R. 2445), supra, as follows:

On page 15, line 22 insert the following before the semicolon: ": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $3,000,000 appropriated herein to provide design and construction assistance for a water transmission line from the northern part of Beaver Lake, Arkansas, into Benton and Washington Counties, Arkansas, as authorized by section 220 of Public Law 102–580".

JOHNSTON AMENDMENT NO. 999

Mr. JOHNSTON proposed an amendment to the bill (H.R. 2445), supra, as follows:

On page 15, strike the proviso starting on line 18 through "manner" on line 22, and insert the following: "*Provided further*, That using $6,300,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue with the authorized Ouachita River Levees, Louisiana, project in an orderly but expeditious manner and within this amount, $3,800,000 shall be used to continue rehabilitation or replacement of all deteriorated drainage structures which threaten the security of this critical protection, and $2,500,000 shall be used to repair the river bank at Columbia, Louisiana, which is eroding and placing the project levee protecting the city in imminent danger of failure".

GRAMM (AND HUTCHISON) AMENDMENT NO. 1000

Mr. JOHNSTON (for Mr. GRAMM for himself and Mrs. HUTCHISON) proposed an amendment to the bill (H.R. 2445), supra, as follows:

At the appropriate place insert:

SEC. .

(1) IN GENERAL.—The Secretary of the Army is authorized to convey to the City of Galveston, Texas, fee simple absolute title to a parcel of land containing approximately 605 acres known as the San Jacinto Disposal Area located on the east end of Galveston Island, Texas, in the W.A.A. Wallace Survey. A–647 and A–648, City of Galveston, Galveston County, Texas, being part of the old Fort Jacinto site, at the fair market value of such parcel to be determined in accordance with the provisions of paragraph (4). Such conveyance shall be made at the discretion of the Secretary of the Army upon the agreement of all interested parties.

(2) COMPENSATION FOR CONVEYANCE.—Upon receipt of compensation from the City of Galveston, the Secretary shall convey the parcel as described in paragraph (1). Such compensation shall include—

(a) conveyance to the Department of the Army of fee simple absolute title to a parcel of land containing approximately 564 acres on Pelican Island, Texas, in the Eneas Smith Survey, A–190, Pelican Island, City of Galveston, Galveston County, Texas, adjacent to property currently owned by the United States. The fair market value of such parcel will be determined in accordance with the provisions of paragraph (4); and

(b) payment to the United States of an amount equal to the difference in the fair market value of the parcel to be conveyed pursuant to paragraph (1) and the fair market value of the parcel to be conveyed pursuant to paragraph (2)(a).

(3) DISPOSITION OF SPOIL.—Costs of maintaining the Galveston Harbor and Channel will continued to be governed by the Local Cooperation Agreement between the United States of America and the City of Galveston dated October 18, 1973. Upon conveyance of the parcel described in paragraph (1), the Department of the Army shall be compensated directly for any anticipated costs which may be incurred in site preparation and in the disposition of spoil in excess of the present value of current costs of spoil disposition.

(4) DETERMINATION OF FAIR MARKET VALUE.—The fair market value of the land to be conveyed pursuant to paragraphs (1) and (2) shall be determined by independent appraisers using the market value method.

(5) NAVIGATIONAL SERVITUDE.—Those portions of a 605-acre parcel of land known as the San Jacinto Disposal Area and more fully described in paragraph (1) supra, are declared to be nonnavigable waters of the United States.

(6) SURVEYS AND STUDIES.—The 605-acre parcel and the 564-acre parcel shall be surveyed and further legally described prior to conveyance. Not later than 60 days following enactment of this Act, if he deems it necessary, the Secretary of the Army shall complete a review of the applicability of Section 404 of the Clean Water Act to the said parcels.

JOHNSTON AMENDMENT NO. 1001

Mr. JOHNSTON proposed an amendment to the bill (H.R. 2445), supra, as follows:

That on page 33 line 22 strike "$1,194,114,000" and insert "$1,615,114,000."

That on page 33 line 23 strike all after "*Provided*," over to and including "*further*," in line 3 on page 34.

BURNS AMENDMENT NO. 1002

Mr. JOHNSTON (for Mr. BURNS) proposed an amendment to the bill (H.R. 2445), supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) Section 7(e) of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 is amended by adding at the end thereof the following new sentences: "All costs of environmental compliance and mitigation associated with the Compact, including mitigation measures adopted by the Secretary, are a responsibility of the United States. All moneys appropriated pursuant to the authorization under this subsection are in addition to amounts appropriated pursuant to the authorization under section 7(b)(1) of this Act, and shall be immediately available.

(b) Except for the authorizations contained in subsections 7(b)(1), 7(b)(2) and 7(e), the authorization of appropriations contained in this Act shall not be effective until such time as the Montana water court enters and approves a decree as provided in subsection (d) of this section.

(c) The amendments made by this section shall be considered to have taken effect on September 30, 1992.

MILITARY CONSTRUCTION APPROPRIATIONS ACT FOR 1994

INOUYE AMENDMENT NO. 1003

Mr. SASSER (for Mr. INOUYE) proposed an amendment to the bill (H.R. 2446) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes, as follows:

At the end of the bill insert the following new general provision:

The Secretary of the Navy may grant a perpetual easement for drainage and other public purposes to the City and County of Honolulu over approximately fifty to seventy (50–70) acres of land at West Loch Branch, Naval Magazine Lualualei, on condition that the consideration received shall be no less than fair market value as determined by the Secretary and that the Secretary shall receive such consideration in the form of either the actual design and construction of certain roadway, fencing, physical security, and other improvements at West Loch Branch, Naval Magazine Lualualei to the satisfaction of the Secretary, or the payment of funds for use by the Secretary for the design and construction of such improvements, or any combination thereof.

SASSER AMENDMENT NO. 1004

Mr. SASSER proposed an amendment to the bill (H.R. 2446), supra, as follows:

On page 6 line 10 strike "$245,723,000" and insert in lieu thereof "$254,923,000".

On page 4 line 6 strike "$969,926,000" and insert in lieu thereof "963,726,000".

On page 11 line 23 strike "$1,200,000,000" and insert in lieu thereof "$1,197,000,000".

LAUTENBERG (AND SASSER) AMENDMENT NO. 1005

Mr. SASSER (for Mr. LAUTENBERG) proposed an amendment to the bill (H.R. 2446), supra, as follows:

On page 8, beginning on line 2, strike out "*Provided*, That such amounts of this appropriation" and insert in lieu thereof "*Provided*, That $120,000,000 of such amount shall not be available unless the Secretary of Defense certifies to Congress that (1) the amount requested by the Department of Defense for overseas basing activities (as that term is defined in section 1301(b) of Public Law 102–484 (106 Stat. 2544)) for each fiscal year after fiscal year 1994 is expected to be significantly less than the amount requested for such activities for the previous fiscal year; (2) negotiations for revised host-nation agreements as required under section 1301(e) of Public Law 102–484 (106 Stat. 2545) have commenced; (3) such negotiations will result in agreements that provide in fiscal years after fiscal year 1993 for an assumption by host-nations of greater costs of the United States military installations covered by the agreements; and (4) progress is being made in such negotiations to reduce the United States share of the costs of all overseas basing activities: *Provided further*, That such amounts of this appropriation as are available and".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to hear testimony from Mrs. Hillary Rodham Clinton on the subject of the administration's health care reform proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, September 30, 1993, at 10 a.m. to hold nomination hearings on the following: Mr. Edward Joseph Perkins, of Oregon, to be Ambassador to Australia; Mr. Richard W. Teare, of Ohio, to be Ambassador to Papua New Guinea and to serve concurrently as Ambassador to Solomon Islands and to the Republic of Vanuatu; and Ms. Theresa Anne Tull, of New Jersey, to be Ambassador to Brunei Darussalem.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, September 30, at 10 a.m. to hold a nomination hearing on Carol Bellamy, of New York, to be Director of the Peace Corps.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, September 30, 1993, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Security and Savings: Americans Respond to the Health Security Act of 1993, during the session of the Senate on Thursday, September 30, 1993, at 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION AND REFUGEE AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Immigration and Refugee Affairs, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, September 30, 1993, at 2 p.m. to hold a hearing on the nomination of Doris Meissner to be Commissioner of Immigration and Naturalization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, RECYCLING, AND SOLID WASTE MANAGEMENT

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Recycling and Solid Waste Management, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, September 30, 1993, at 10 a.m., to conduct a hearing on the Superfund cleanup process and innovative cleanup technologies.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

AN ARIZONA INSTITUTION

• Mr. DECONCINI. Mr. President, I rise today to recognize a longstanding Arizona institution, Harkins Theatres.

As the only locally run theater chain in Arizona and the longest running independent chain in the Southwest, Harkins Theatres celebrates its 60th anniversary on September 22. In 1933, Dwight "Red" Harkins opened Tempe's first theater and brought the State's first outdoor movie theater at Tempe Beach Park. The College Theatre soon followed in 1940 of Mill Avenue which is known today as the Valley Art Theatre. Red Harkins, at age 18, was the youngest moviehouse operator in the Nation.

This year Dan Harkins added to the Harkins Theatre chain by opening the State's largest movie house on June 30. Harkins Centerpoint Luxury Cinemas, a two-tier four-story structure, featuring 11 auditoriums, was built in the same neighborhood as the first theater his father opened in 1940. Centerpoint has already won an award from the International Signs of the Times for its neon design.

Dan Harkins and Harkins Theatres are synonymous with providing to Arizona and audiences throughout the Southwest the highest quality films available throughout the world. Harkins has always had the courage to offer audiences a wide range of truly excellent films, with selections not necessarily based on commercial appeal. His screens often reflect the cutting edge of new filmmakers, the most modern techniques and provocative subjects from the United States and all over the world. His legacy will continue to elevate, educate and broaden a new generation of film viewers to appreciate the highest standards of film creatively, innovations and excellence.

Congratulations to the Harkins family which has made such significant contributions to the quality of life, arts, and culture in our great State.•

S. 1490, THE U.S. GRAIN STANDARDS ACT AMENDMENTS OF 1993

• Mr. GRAIG. Mr. President, the authority for the Federal Grain Inspection Service [FGIS] of the U.S. Department of Agriculture expires September 30, 1993. The U.S. Grain Standards Act Amendments of 1993, S. 1490, a bill to reauthorize FGIS through the year 2003, is being considered by the Senate this week.

I would like to thank Senator DASCHLE, chairman of the Agriculture Subcommittee on Agricultural Research, Conservation, Forestry and General Legislation, for his extensive effort to get this bill passed in a timely fashion.

The subcommittee, under the leadership of Senator DASCHLE, has conducted extensive oversight on FGIS. This oversight included a year-long investigation by the General Accounting Office. On May 13, 1993, the subcommittee held a hearing to find ways to improve FGIS operations and on September 9, 1993, the subcommittee held a hearing to examine the abusive use of water to control grain dust.

Among other things, the bill prohibits the application of water onto grain for purposes other than milling, malting, other processing, or pest control operations. The bill also states that the Administrator shall allow water application, through a permit process, unless the Administrator determines the addition of water to grain materially reduces the quality of the grain or is inconsistent with the U.S. Grain Standards Act.

While the language of this bill recognizes that the application of water to grain can be a tool available to gain elevators for safety purposes, it is understood that any misuse of water will not be tolerated.

This legislation places the Administrator of FGIS, through the permit system within FGIS, in a position to make decisions regarding when and precisely how the use of water is permitted.

S. 1490 also changes the penalty for violations of the act from a misdemeanor to a felony and substantially increases the monetary penalty imposed for a violation.

The Administrator must base permit granting and water use determinations on scientific research. It is anticipated that Agricultural Research Service [ARS] within the Department of Agriculture would be used as a significant contributor to the FGIS information base.

The Administrator is also authorized to collect reasonable user fees for the administration and enforcement of the act. It is understood that these fees would be used for enforcement activities within FGIS and not for Justice Department prosecution of violators or for the Office of General Counsel at the Department of Agriculture.

It is anticipated that FGIS could improve its oversight and keep user fees reasonable by utilizing normal compliance visits made by other USDA employees to grain elevators.

Again, I thank Chairman DASCHLE, the Agriculture committee, and the Senate leadership for the timely consideration of this legislation and urge its expeditious passage.•

COMMEMORATING 1993 HISPANIC HERITAGE MONTH

• Mrs. FEINSTEIN. Mr. President, it is my distinct pleasure to rise today to commemorate National Hispanic Heritage Month. This year marks the 15th year the U.S. Senate has officially commemorated the important contributions of the Hispanic community, and it is the fifth year the President has set aside September 15 through October 15 as National Hispanic Heritage Month.

This month, all across the Nation, Americans are celebrating the achievements and honoring the contributions of Hispanic-Americans.

In my State, Mr. President, the names of our cities and streets define California in the minds of Americans and citizens throughout the world. From San Francisco to San Diego, the diverse vitality and cultural heritage of the Hispanic community resonates loudly and with great pride. The Hispanic community has a proud tradition of reminding us that the American dream is alive and well, and that through hard work, resolute belief in God and strength in the family, anything can be achieved.

The strong religious faith of the Hispanic community can be linked to the Spanish missionaries who helped settle the West. These missionaries possessed the spirit of community and taught a number of Native Americans and settlers to read and write. In 1930, the people of California honored the memory of one of those missionaries, Father Junipero Serra, when his statue was placed not far from this chamber in Statuary Hall.

Today Hispanics represent the fastest growing ethnic group in the United States, currently totalling 9 percent of the U.S. population. California is home to 7.6 million or about 34 percent of all Hispanic-Americans. Experts estimate that by the year 2050, 1 in every 5 Americans will be of Hispanic origin.

This explosive growth is reflected in my State where there are more Hispanic-owned businesses than in any other State, and where 16 percent of all Hispanic elected officials in the U.S. hail from California.

Undoubtedly, Hispanic-Americans have made impressive strides, due to their industrious work ethic and strong family unity. However, much more needs to be accomplished. Although Hispanics have made great progress in education, they continue to lag behind the rest of the Nation. I remain steadfast in my commitment to working with Hispanic leaders in bringing the concerns and issues of the Hispanic community to the attention of a national agenda.

Hispanic Heritage Month seeks to increase the national awareness and understanding of, and respect for all Americans of Hispanic origin. Hispanic-Americans are a diverse group. They came to America from different places, at different times, and for different reasons. Yet they share in a fundamental cultural identity, and a mutual aspiration to earn and enjoy the promise and benefits that America, at its best, extends to all.

Mr. President, I could go on and on about the many positive contributions this esteemed community has made to California, but let me just say: for every struggle and triumph we hear and read about, hundreds, surely thousands more, remain untold.•

HONORING ST. STANISLAUS ROMAN CATHOLIC CHURCH

• Mr. WOFFORD. Mr. President, I rise today to salute St. Stanislaus Roman Catholic Church on the occasion of their 100th anniversary celebration.

Founded in 1893 the church was established under the auspices of Rev. Bernard Dembinski. The church was formed to provide a place of worship for the rapidly growing Polish community of Hazelton, PA.

In addition to Reverend Dembinski the church has been led by the following clergymen: Rev. Richard Augst; Rev. Alexander Kowalchik; Rev. Aloysius Novak; Father Anthony Dorgowski; Rev. Francis Dobrydnio; and currently, Rev. Louis Garbacik. Each of these men, along with the dedicated parishioners of St. Stan's have played a vital role in the development of this historic institution.

Again, I offer congratulations and best wishes to all those associated with St. Stanislaus. May all your future memories of St. Stan's be filled with happiness, prosperity, and blessings.•

HONORING JOE MESI—A GREAT ATHLETE

• Mr. D'AMATO. Mr. President, I rise today to honor Joe Mesi, a great young athlete. Boxer Joe "Baby Joe" Mesi of Tonawanda, NY, captured the gold medal in the super heavyweight division at the Empire State Games in August and improved his record to 7 to 0. Dubbed by former world welterweight and middleweight champ Carmen Basilio as having the potential to become a "big Rocky Marciano," Mesi is also the reigning New York State Golden Gloves open division super heavyweight champion. Mesi is only 19 years old, yet exhibits the talent of more experienced fighters. He gained his nickname "Baby Joe" because of his small size in elementary school, but now stands 6 feet 2 inches and weighs close to 250 pounds. He is a member of the Buffalo boxing revival team organized by Jimmy Ralston, a former top 10 world light heavyweight contender.

Joe Mesi attends D'Youville College in Buffalo, NY, where he is a dedicated student-athlete. He is the grandson of former AAU heavyweight champion Tom Mesi, who celebrated his 82d birthday during the Empire State Games. Joe's older brother Tom is the New York State Golden Gloves novice super heavyweight champion.

I commend Joe on his dedication to boxing, athletics, and education.•

HONORING MOUNT OLIVE BAPTIST CHURCH

• Mr. WOFFORD. Mr. President, I rise today to salute Mount Olive Baptist Church on their 100th anniversary celebration.

Founded in 1893 the church was established under the auspices of Rev. T.H. Washington. Since its inception the church has steadily increased its membership, ultimately forcing the congregation to construct several new church edifices.

In addition to Reverend Washington, the church has been led by the following clergymen: Rev. L.E. Keiser; Rev. C.C. Adams; Rev. F.W. Williams; Rev. Grover Nelson; Rev. J.E. Thompson; Rev. H.R. Williams, Jr.; Rev. Brannon J. Hopson; Rev. Clifford Seay; and Rev. Randall Barr. Each of these men, along with the dedicated congregation of the church have played a vital role in the development of this historic institution.

Again, I offer congratulations and best wishes to all those associated with Mount Olive Baptist Church. May all your future memories of Mount Olive be filled with happiness, prosperity, and blessings.•

THE EARTHQUAKE IN INDIA

• Mr. MOYNIHAN. Mr. President, I rise to express my great concern for the people of India who have fallen victim to the strongest and potentially most destructive earthquake that country has experienced in nearly 20 years. Today's earthquake struck the Maharashtra State of India at 3:56 a.m. local time and measured 6.4 on the Richter scale. According to reports, the death toll from the earthquake could rise to more than 6,000. Residents and police said earlier today that more than 4,100 people were killed and up to 10,000 injured in the quake. The State-run television in India is now citing the death toll at 10,000 with another 10,000 people injured.

The brute force of this type of natural disaster is virtually incomprehensible to those who have not lived through it. America, like India, is a large diverse country. We understand the loss and suffering that come with such unforeseen disasters. Our hearts go out to all in India who have lost their lives, their homes, their loved ones, and their sense of security as a result of this tragic event.•

JOSEPH CORP. AND MERCHANT NATIONAL BANK OF AURORA

• Mr. SIMON. Mr. President, I am proud to acknowledge the Joseph Corp. of Illinois and Merchants National Bank of Aurora as one of social compact's 1993 honorees for partnership achievement in recognition of their efforts to strengthen neighborhoods by helping lower income families achieve home ownership.

In 1992, financed by the Merchants National Bank of Aurora, the Joseph Corp. purchased 15 vacant houses in Aurora, IL, from the Aurora Housing Authority. Although scattered throughout the community, the houses were predominantly located in areas afflicted by crime, poverty, and physical deterioration. Many of the houses had been sitting vacant for up to 8 years.

The Joseph Corp. is rehabilitating all of the houses, installing new furnaces and water heaters. In some cases, new plumbing, roofs, floors, kitchens, and baths were needed. Rehabilitation of one home was done through a cooperative program with local high school students who study building trades.

I commend the members of the Joseph Corp. and Merchants National Bank of Aurora for their dedication to providing affordable, safe homes for needy families. They have generated a spirit of renewal in Aurora's neighborhoods. The efforts of committed groups—such as Joseph Corp. and Merchants National Bank of Aurora—are vital to our pursuit of a better world, and I salute their commitment.•

ACTION AMENDMENT

• Mr. HARKIN. Mr. President, I offer this amendment on behalf of Senators Simon, Kennedy, and Dodd.

This amendment would provide a $3 million increase in funding for the well-established ACTION programs to help reassure ACTION volunteers that despite all the attention that has been focused on the President's new national service program, the Congress wants to encourage and support their ongoing community service efforts as well.

The national service legislation included a reauthorization of the ACTION programs and provided for the incorporation of the ACTION agency within the new Corporation for National Service. This step will help ensure that ACTION activities are coordinated with the national service initiative, and will create new opportunities for ACTION to increase both public and private sector support for its programs.

The President and Congress are justifiably proud of their achievement in launching the new national service initiative, but I think we need to remind ourselves that programs like Volunteers in Service to America, the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer Program have been creating opportunities for volunteers of all ages to serve their fellow Americans for over two decades.

VISTA volunteers work with communities to help low-income individuals achieve self-sufficiency and to alleviate poverty-related problems such as hunger, homelessness, illiteracy, substance abuse, domestic violence, and child abuse.

The Older American Volunteer Programs—renamed the National Senior Volunteer Corps under the national service legislation—provide opportunities for hundreds of thousands of elderly Americans to contribute to their communities by providing needed services.

Foster Grandparents volunteer 20 hours a week to give one-on-one assistance to children with special or exceptional needs, including children born with AIDS, children with learning disabilities, and incarcerated youth.

Senior Companions offer personal assistance and companionship to older adults with problems that place them at risk of institutionalization, thus helping to meet long-term care needs at a very low cost.

And Retired Senior Volunteers use their skills, talents, and experience to respond to community needs and solve community problems.

Our bill already includes an increase of $1,750,000 for the Foster Grandparent Program, and this amendment would provide modest increases for the other major ACTION programs as well. Of the $3,000,000 provided by the amendment, $1,700,000 would be added to the regular VISTA program for a total of $36,367,000, or nearly 5 percent over the 1993 level. The amendment also would provide an additional $1,000,000 for the Retired Senior Volunteer Program [RSVP] and $300,000 for the Senior Companion Program.

In addition, this amendment would increase the flexibility of ACTION to adequately fund the VISTA program by removing set-asides that are no longer necessary as the result of reauthorization.

The increase for ACTION would be offset by a further reduction in the amounts appropriated in the bill for consulting services. This reduction would be in addition to the consulting services reduction already taken to provide increased funding to the National Youth Sports Program.

This amendment is a modest step toward giving the ACTION programs the resources they need to play their important role alongside the new national service initiative.●

FINAL FOREST SERVICE APPEAL REGULATIONS

● Mr. CRAIG. Mr. President, 1 week ago I began a countdown here on the Senate floor designed to gain the administration's attention to completing the final regulations for resolving appeals of Forest Service field projects.

It was my expectation, and that of other Senators, that the final regulations would surely be published in the Federal Register today, at the latest.

That did not happen. The countdown to the end of fiscal year 1993 is over, and we still do not have final regulations. However, there has been a hurried, catch-up effort underway to clear the final regulations through the Department of Agriculture and the Office of Management and Budget.

I have a letter, dated today, from Assistant Secretary James Lyons who promises a fast-track approach from this point on to approve the final regulations and put them into practice at the field level of the Forest Service. It is Mr. Lyons' stated intention to expedite approval of the regulations as he is aware of the urgency of the situation.

Only when that has been done will I be satisfied. Resolution of this matter is of the greatest importance to my State of Idaho which has 10 national forests encompassing more than 20 million acres. Hundreds of projects are currently held up in appeals.

Many of my colleagues are equally concerned because of similar impacts on their States. I will continue to track this issue until the job is done, and I will keep my colleagues informed on the progress we are making.

I ask consent to enter Mr. Lyons' letter in the RECORD.

The letter follows:

DEPARTMENT OF AGRICULTURE,
Washington, DC, September 30, 1993.

Hon. LARRY CRAIG,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CRAIG: Thank you for your recent letter regarding the final Forest Service appeals regulations.

I share your concern that the new regulations be published so that the field units may begin implementation. To that end, I have been working with the Forest Service and the Office of Management and Budget to finalize the regulations in a manner that is timely and faithful to the enacted statute.

The regulations are being finalized and should be sent to the Office of Management and Budget today for approval. I have asked that OMB expedite their approval of these regulations and I have been assured that they are aware of the need for urgency.

I appreciate your interest in this issue and I promise to keep you and your staff apprised of any further developments.

Sincerely,

JAMES R. LYONS,
Assistant Secretary for Natural Resources and Environment.●

WORK ON THE SSN-23

● Mr. D'AMATO. Mr. President, readers of the RECORD are familiar with the deep misgivings I have expressed regarding the funds the Navy is seeking to pry loose to continue work on the SSN-23. Until today, Congress had no insight into how half a billion dollars was to be spent beyond the vague promise that it would help to bridge the submarine industrial base to Centurion. Our oversight responsibilities demand a better grasp of events than such airy assurances, and I made it clear that I was prepared to block further construction of a third *Seawolf* until the Navy provided Congress with a specific strategy for the SSN-23.

I am delighted to report that the Navy has delivered to me a detailed breakout of how the $540 million appropriated by Congress will be spent. Critical vendors, less nuclear and combat system suppliers, will be protected. As for the two exceptions, my colleagues will recall that the long-lead funding for the CVN-76 appropriated last year was, in part, designed to bridge critical nuclear subcontractors to Centurion. I, and others, are attempting to address the needs of the submarine combat system industrial base this year through a variety of means, most prominently a BQG-5 Wide Aperture Array backfit program.

I ask that the Navy list of components and suppliers be included in the RECORD.

The material follows:

SSN-23 SUBMARINE INDUSTRIAL BASE ITEMS

The Department of Defense Bottom-Up Review concluded that construction of the SSN 23 in FY 1995 or FY 1996 is the most effective alternative to bridge the submarine industrial base gap until the FY 1998 authorization of the New Attack Submarine.

The following is a preliminary list of components to be procured for SSN 23 utilizing the $540 million provided by P.L. 102-298:

GFE

System/Component	Manufacturer	State
Propulsor	FMC	MN
Hull/Back-up Valves	Electric Boat Division	CT
Main Propulsion Unit	Westinghouse Electric Corp.	CA
SSTGs	General Electric	MA & NY
Oxygen Generator	Treadwell	CT
AN/BSY-2 Components	Various	Various
Type 18H periscope	Kollmorgen	MA
Type 8J periscope	To Be Determined	TBD
AN/WLQ-4(V)	GTE	CA
Gas Mgt System	Hamilton Standard	CT

The suppliers of the CFE equipment listed are supplying these components on existing SEAWOLF contracts. The ultimate selection of the SSN 23 supplier is the responsibility of the shipbuilder.

CFE

System/Component	Manufacturer	State
Main Condenser	IMO Ind. Deleval	NJ
Hydraulic pumps	IMO Inc. (IMO Pump)	NC
R114 A/C components	York International	PA
Heat Exchanger	Aqua Chem, Inc	TN
Heat Exchanger	Precision Components.	PA
Towed Array Handling	Lakeshore, Inc	MI
Diesel Generators	Coltec Industries	WI
Low Pressure Blower	Dresser Industries	IN
Propulsion Plant pumps	Ingersoll—Dresser Inc	NJ
Vacuum Pumps	Nash Engineering	CT
LP Air Compressor	Nash Engineering	CT
Main Thrust Bearings	Waukesha Bearings	WI
R-12 Refrigeration	Marlo Coil	MO
Acoustic Filters	Oil States Industries	TX
Shaft Seal Housing	American Metal Bearing.	CA
Shaft Seal Assy	EG&G Sealol Inc	RI
HY100 Castings	ESCO Corp	OR
Non-Ferrous fittings	Nucraloy Corp	NY
Connectors	D.G. O'Brien	NH
Penetrators	D.G. O'Brien	NH
SPM Cables/Penetrators	ITT Cannon	AZ
Various Valves	P J Valves	PA
Various Valves	Custom Marine	CT
Various Valves	Morland Valve	CT
Various Valves	Marotta	NJ
Various Valves	Allied Signal	AZ
Quite Hydraulic Valves	Sargent Controls	AZ
Hydraulic Actuators	Flo-Tork	OH
Power Dist Switchboards	NMP	OK
Quiet Air Manifolds	VACCO	CA
Motor Generators	General Electric	PA
Quiet Hydraulic Cylinders	Allied Signal	AZ
Forgings	Lenape Forge	PA
Forgings	E M Jorgensen	WA
Burners	Cepeda Associates	KY
Bow Dome	HITCO/BP Chemical	CA
Main Air Ejectors	IMO Condenser Div	NJ
Fittings/Flanges	Cunico Fitting & Valve.	CA
Elec. Switch Gear	SPD Technologies	PA
Special Electronics	EMS Development Corp.	NY
Noise Monitoring System	Scientific Atlanta	CA
155 VDC System	Westinghouse	MD
Scrubbers	Cepeda Associates	KY
Torpedo Tubes	Electric Boat Div	CT
Welding Consumables	INCO Alloys Int'l	NC
Arc Fault Detection Cntrl	Henschel	MA
Steel Welding Consumables	L-TEC Welding Cutting Sys.	OH
Fasteners	BEK Level-I	CA
ADS/BASEBAND	Hughes	CA
Secondary Propulsion Sys	Westinghouse	PA
Chlorine Generator	Hamilton Standard	CT
Risics	Edwards	TX

Nuclear components were placed on contract in FY 1989 when advance procurement funds were appropriated for SSN 23. When the SEAWOLF program was terminated, the contracts were placed on stop work.

Contracts will be placed as soon as possible after the $540 million is released for Program Manager obligation.

The SSN 23 submarine industrial base fund planned breakdown is as follows:

	Percent
Government Furnished Equipment, Nuclear	10
Government Furnished Equipment, Non-Nuclear	50
Contractor Furnished Equipment/SSN 23 construction prep	40●

REGULATORY REVIEW

● Mr. ROTH. Mr. President, the President has today signed a new Executive order on regulatory review, replacing two Executive orders on the same subject signed by President Reagan. In view of the possibilities and the rumors concerning the direction of the new order, it is not bad at all. The basic outline of the regulatory review process is much like the ones it replaced—remarkably so if one recalls the abuse heaped on the Reagan and the Bush administrations.

What the new order demonstrates is that, notwithstanding the partisan mischaracterization of previous efforts, regulatory review is an indispensable function of the modern Presidency. No President can hope to govern without a program for centralized review of regulations.

There is, in any matter of great importance such as this, the temptation to overanalyze, to look for biases, to uncover and examine the nuance of every word. Those who succumb will miss the basic point that the new order is simply a new tool to achieve certain policy objectives of the President. And, like any farmer, the President will be judged not by his tools but by his results. While this new order is not a perfect tool, it is more than adequate to get the job done. What no tool can provide, however, is the will to use it well. The same is true of the new order.

Whether we will see desirable results remains to be seen. That depends on the vigor and the judgment of the Vice President, the Administrator of OIRA, and agency and department heads to whom is assigned the execution of the new order. I wish them well and offer my assistance in that task.

In time, they will discover, as those before them, that those who take exception to any action of regulatory review, will challenge the review itself. And in time, they will learn that it is not enough to review executive branch regulations to control Government policy but that there is a real need to cover regulations from independent agencies as well. Last year, to address these points, I introduced S. 2172, which would have codified the former Executive orders in statute so that no one could claim that regulatory review contradicted particular acts of Congress. The bill would have also extended the reach of regulatory review to independent agency regulations. The Paperwork Reduction Act of 1980 authorizes OIRA to review paperwork regulations from both Executive branch agencies and independent agencies. That legislation is, in my opinion, a useful model for the review of all regulations.

In this Congress I have deferred the introduction of S. 2172 awaiting the new Executive order. I was concerned that the introduction of S. 2172 in this Congress would have been interpreted as an insistence, on my part, that regulatory review take the exact form of previous orders, a form we all knew the President was reconsidering. However, my purpose was not, and is not, to create a debate between the old form and the new form but rather to protect the process from attack in Congress and in the courts and to enhance the regulatory review role of the Presidency no matter who happens to hold the office. Now that the new order has been signed, I plan to rewrite S. 2172 to achieve those purposes.

One aspect of the new order that is a change for the worse is the reduction in OIRA's former authority to review all regulations. Under the new order, agencies determine which of their own regulations are significant and only those are routinely forwarded to OIRA for review. In contrast, the previous rule had been that all regulations be sent to OIRA for review. The issue is not the distinction between significant regulations and other regulations but who makes that determination. That is a very significant decision itself. I would feel a lot more comfortable if the routine were that OIRA received all the regulations and chose which were important rather than the agencies, with a certain amount of self-interest, deciding what OIRA received.

Centralized regulatory review is not a process that can be decentralized in any of its particulars without undercutting its inherent value. The fundamental concept of regulatory review is that of a second look by another party, a party with some oversight responsibility over all agencies. Self-review is commendable but is no substitute for the real thing.

The new order recognizes this point and tries to address its weakness by allowing OIRA to request additional regulations for review. But that, in my opinion, will not be as effective as the all-regulation review approach taken by the previous Executive order. OIRA will not have adequate knowledge or time to overturn agency decisions not to forward regulations for review. And, I assume, that a blanket OIRA request to the agencies for all regulations, while a solution, is not contemplated by the new order.

Finally, any analysis of the new Executive order cannot overlook the role of the Vice President. It is striking on two levels. First, for those who criticized Vice President Quayle's role as Chair of the President's Council on Competitiveness—and I recall the criticism was rather extreme, they must be somewhat chagrined by the explicit and important role given to Vice President GORE. The similarities are embarrassing.

Second, the differences between Vice President GORE's role and Vice President Quayle's role are likewise noteworthy. Vice President GORE's role as a conflict resolver is established as a matter of law in an Executive order. Vice President Quayle's role was established informally by a directive. This informality avoided certain problems.

By including the President and the Vice President in the text of the order itself, it follows that certain restrictions apply. The model chosen for these highest elected officials in the land is that of a court resolving disputes. I note with some puzzlement that, like a court, the President cannot ask that a matter be presented to him. The President must wait for a subordinate to request review. Moreover, the President and Vice President are subjected to time limits when they are resolving any conflict. I cannot imagine that these limits on Executive authority are meaningful. When not disregarded, these limits may prove to be distracting impediments to the proper exercise of Executive authority. And when disregarded, they lay the predicate for criticism and mischief in a process that is already troubled enough.

In sum, the new order—despite its opening rhetoric—maintains the previous system of regulatory review in its major aspects. But the system, as noted before, is only a tool. The real question is not answered today, and that is how will the administration use it to resolve the conflicting national goals which Congress has sought to achieve.

The Executive order issued today is a good beginning. Taken as a whole, the order reflects a fairly comprehensive and balanced understanding of a complex subject. I am generally pleased with the substance of the order. And I look forward to working with the administration in any way I can so that regulatory burdens on the American people may be minimized.●

MINORITY PARTY MEMBERSHIP ON CERTAIN STANDING COMMITTEES

Mr. DOLE. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 147) to constitute the minority party's membership on certain of the standing committees for the 103d Congress, or until their successors are chosen.

The PRESIDING OFFICER. Without objection, the resolution is agreed to.

The resolution (S. Res. 147) was agreed to; as follows:

Resolved, That the following shall constitute the minority party's membership on the following standing committee for the 103d Congress, or until their successors are chosen:

Committee on Governmental Affairs: Mr. ROTH, Mr. STEVENS, Mr. COHEN, Mr. COCHRAN, Mr. MCCAIN, and Mr. BENNETT.

Mr. FORD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR MONDAY, OCTOBER 4, 1993

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon, Monday, October 4; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; and, that there then be a period for morning business not to extend beyond 1 hour after the announcement of the Chair, with Senator BYRD recognized to speak during the entire period of morning business; that at the conclusion of Senator BYRD's speech, the Senate proceed to the consideration of H.R. 2750, the Transportation appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS AND VOTES ON MONDAY, OCTOBER 4, 1993

Mr. DOLE. Mr. President, I just repeat, underscore for Members on this side of the aisle that I had a discussion with the majority leader. It is our hope that there will be Members on both sides available with real amendments that can be debated, and that votes could occur later in the afternoon on Monday.

So I say to my colleagues on this side of the aisle to be prepared on Monday with real amendments, or amendments that can be disposed of. And we would like to complete action on the Transportation bill sometime on Tuesday.

Then, as I understand, the majority leader will take up the Defense appropriations bill which will be the last appropriations bill, and complete action on that by Thursday evening, early Thursday evening.

Mr. FORD. Mr. President, it is always amazing to listen to the optimistic view of the distinguished Republican leader as he talks about getting us out early.

So it is always a joy to have him here to help us get out.

RECESS UNTIL MONDAY, OCTOBER 4, 1993

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:09 p.m., recessed until Monday, October 4, 1993, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 30, 1993:

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

LARRY E. BYRNE, OF VIRGINIA, TO BE ASSOCIATE ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE SCOTT M. SPANGLER, RESIGNED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate September 30, 1993:

THE JUDICIARY

M. BLANE MICHAEL, OF WEST VIRGINIA, TO BE U.S. CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

WILLIAM ROY WILSON, JR., OF ARKANSAS, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS.

JENNIFER B. COFFMAN, OF KENTUCKY, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN AND WESTERN DISTRICTS OF KENTUCKY.

MARTHA A. VAZQUEZ, OF NEW MEXICO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO.

DEPARTMENT OF JUSTICE

JUDITH ANN STEWART, OF INDIANA, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF 4 YEARS.

THOMAS JUSTIN MONAGHAN, OF NEBRASKA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF NEBRASKA FOR THE TERM OF 4 YEARS.

FREDERICK W. THIEMAN, OF PENNSYLVANIA, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF 4 YEARS.

MICHAEL JOSEPH YAMAGUCHI, OF CALIFORNIA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF 4 YEARS.

JOSEPH PRESTON STROM, JR., OF SOUTH CAROLINA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF 4 YEARS.

ROBERT P. CROUCH, JR., OF VIRGINIA, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF VIRGINIA FOR THE TERM OF 4 YEARS.

DAVID M. BARASCH, OF PENNSYLVANIA, TO BE U.S. ATTORNEY FOR THE MIDDLE DISTRICT OF PENNSYLVANIA FOR THE TERM OF 4 YEARS.

VERONICA FREEMAN COLEMAN, OF TENNESSEE, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF 4 YEARS.

EDWARD L. DOWD, JR., OF MISSOURI, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF 4 YEARS.

HELEN FRANCES FAHEY, OF VIRGINIA, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF 4 YEARS.

CLAUDE HARRIS, JR., OF ALABAMA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF ALABAMA FOR THE TERM OF 4 YEARS.

KATHRYN E. LANDRETH, OF NEVADA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF NEVADA FOR THE TERM OF 4 YEARS.

JAY PATRICK MCCLOSKEY, OF MAINE, TO BE U.S. ATTORNEY FOR THE DISTRICT OF MAINE FOR THE TERM OF 4 YEARS.

BETTY HANSEN RICHARDSON, OF IDAHO, TO BE U.S. ATTORNEY FOR THE DISTRICT OF IDAHO FOR THE TERM OF 4 YEARS.

EDMUND A. SARGUS, JR., OF OHIO, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF OHIO FOR THE TERM OF 4 YEARS.

EXTENSIONS OF REMARKS

WORLD MARITIME DAY 1993

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. STUDDS. Mr. Speaker, the United Nations has declared today "World Maritime Day," a day to reflect on the contributions and missions of the International Maritime Organization [IMO].

The IMO was organized in 1958 by United Nations charter as the first international body devoted solely to maritime matters. Since its inception 35 years ago, the IMO's two main goals have remained essentially the same—to improve the safety of international shipping and to prevent pollution of the world's oceans. With over 130 member countries, the IMO has adopted more than 40 treaties. Some, such as the International Convention for the Safety of Life at Sea [SOLAS], apply to more than 96 percent of the world's merchant ships. Currently, IMO members are completely revising "the most important international convention dealing with training, certification and watchkeeping." The revision of the International Convention of Training, Certification, and Watchkeeping for Seafarers is an important safety-related project which, when complete, will bring the convention up to date and provide for quicker implementation.

Many recent actions at the IMO have been prompted by well publicized pollution accidents. While the number and size of oilspills has declined, accidents continue to occur. Some of the more well known examples are the capsizing of the *Herald of Free Enterprise* in 1987, the grounding of the *Exxon Valdez* in 1989, and the *Aegean Sea* and *Braer* oilspills of 1992 and 1993.

While its main purposes have remained the same through the years, massive changes in the world's maritime industry have necessitated changes in the way the IMO achieves its goals. The organization has attempted to change its focus from reactive to a more proactive approach—seeking to prevent accidents from occurring rather than merely responding to mishaps after they happen. In the wake of the *Exxon Valdez* spill, members of the IMO negotiated the International Oil Pollution, Response and Cooperation Convention in 1990. That convention established a global framework which emphasizes prevention of future spills and greater international cooperation in response to catastrophic accidents. The United States was the first country to ratify the convention in 1992, and has since been followed by 10 other nations.

Each year, the Secretary-General of the IMO selects a topic to focus attention on a theme which is essential in fostering the mission of the organization. This year's topic is: "Implementation of IMO standards—the key to success." In his address on the subject, IMO Secretary-General William O'Neil argued the importance of implementation: "Governments are IMO's teeth and IMO has the right to expect them to bite when necessary. If they fail to do so, the next few years could well see a fall in maritime standards that could result in lives being lost and the environment being damaged. But if they carry out their obligations there is no reason why the successes of the last two decades could not be continued. It all depends upon implementation—for that is the key to success."

The Secretary-General is right. Regulations and treaties are useless unless and until flag-state countries that ratify IMO conventions are committed to enforcing their requirements. That is not an easy task, but the cost of failing to implement existing IMO rules by their signatories will be paid in lives lost and greater amounts of ocean pollution. The United States should continue its contribution to the IMO and work with it to ensure greater implementations of its standards which, in the long run, will make the world's merchant fleet safer and our oceans cleaner.

Mr. Speaker, I ask that the entire text of Secretary-General O'Neil's message concerning World Maritime Day 1993 be entered in the RECORD.

WORLD MARITIME DAY 1993—IMPLEMENTATION OF IMO STANDARDS—THE KEY TO SUCCESS

(By William A. O'Neil)

Implementation according to the dictionary means putting something into effect. Making sure that it gets done. And as far as IMO's twin targets of safer shipping and cleaner oceans are concerned, implementation is the key to success. It is a responsibility that no one who is involved in shipping can evade.

The International Maritime Organization's role in this process is primarily to develop and adopt treaties and other regulations which are designed to improve the safety of international shipping and to prevent pollution of the world's oceans. Virtually every maritime nation in the world is a Member of IMO and normally conventions are adopted unanimously. The IMO view is that there is no point in introducing measures which are only acceptable to a fraction of countries involved in shipping.

Since 1959, IMO has adopted more than 40 treaties. Some of these have been ratified by so many countries that they apply to more than 96% of the world's merchant ships. This means that it should be impossible to operate ships internationally that do not meet IMO standards. In theory that also means that the rate of serious casualties should be virtually the same for all flags—yet a glance at the statistics shows that this is not the case. Ships operating under the flag with the worst record are a hundred times more likely to have an accident than those in the fleet with the best record.

This can only be because the measures themselves are implemented unevenly and differently. There are many people and organizations involved in the process of implementation and the one with the most direct responsibility is the shipowner, who is supposed to operate and maintain his ships according to IMO standards. But sometimes shipowners do not do so. Maintenance is delayed, repairs are badly carried out, quality comes second to cheapness. Shipowners are only able to operate this way because some Governments allow them to do so and it is Governments—not IMO—who are responsible for making sure that IMO conventions are implemented and complied with.

There is a two-pronged approach to assuring that this is done—by flag State control and by port State control. The flag State is the country whose flag a ship flies while the port State is the one which the ship visits.

When a Government ratifies a convention it has to make sure that its own national law conforms with the requirements of the convention. The convention then has to be enforced, like any other law.

In the case of technical measures this involves establishing a marine administration and appointing a team of skilled surveyors and inspectors with appropriate knowledge and experience to make sure that IMO requirements are met. This cannot be done cheaply and a Government that is planning to develop a merchant marine and become a so called flag State must be prepared to invest in the infrastructure required. This is especially important for them because they have by far the greatest responsibility for assuring that safety standards are maintained.

Port State control is designed as a secondary line of defense. Whenever a ship goes to a port in a foreign country it can be inspected to ensure that it complies with IMO requirements. In extreme cases the inspectors can order repairs to be carried out before the ship is permitted to sail.

The division of responsibility is clear enough. IMO, which now consists of more than 140 countries, makes the rules. Individual Governments undertake to ensure that their own ships meet those rules and, to make quite sure, they agree that their ships can be inspected when they visit other countries.

Just how effective has this system been? Well, a quick glance at the statistics is quite encouraging. The number of lives lost at sea in 1992 was the lowest for 13 years. The amount of oil getting into sea as a result of shipping operations fell by 60% during the 1980s, according to the best available estimates. Shipping has become safer over the years and this means that the number of major oil spills is only a third of what it was in the 1970s.

IMO would like to see this trend continue. Existing regulations are kept under review and revised to ensure that they keep pace with technological change. Where necessary, new conventions are adopted. But there are signs that the progress made over the years could be under threat.

The world merchant fleet is ageing—the average cargo ship is now 20 years old—and statistics show that old ships are more at risk than young ones. They are not being replaced with new tonnage because there is still an over-supply of ships and the cost of building new ones is so high that it is almost impossible to run them at a profit.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Shipowners are seeking to economise in many areas. Some are moving their ships from traditional flags to registers which enable costs to be reduced. Taxes are lower and crews can be recruited from low-wage countries. This has led to an increase in the number of multi-national crews and fears that this could in turn lead to communication problems. Crews are in any case getting smaller while equipment becomes ever more sophisticated. Despite this, there are fears that by the end of the century the demand for officers and crews will far exceed supply. This could lead to owners having to employ not the best qualified personnel but simply anybody who is willing to go to sea.

The danger that standards could begin to slip is very real indeed and the answer does not lie in more conventions and more regulations. It lies in better implementation of existing measures.

We know that there is a great deal of room for improvement. Governments which have ratified the most important treaty dealing with marine pollution—known as MARPOL 73/78—are supposed to send in regular reports to IMO on how it is being implemented. Yet a recent survey showed that only 30 of 79 Contracting Parties have ever done so. Governments are also supposed to send IMO information about serious casualty investigations: we are still waiting for more than 600, some of which go back to the 1970s.

The position is potentially so serious that IMO cannot sit by and watch the hard work of three decades being jeopardized by the failure of some Governments to keep their treaty pledges.

In April this year a new sub-committee met at IMO for the first time. Its task is to consider ways of improving implementation by flag States. The IMO Assembly, which begins its 18th session next month, will be considering a new International Safety Management Code which outlines the responsibilities of shipping companies for safety and gives guidance on how it can be improved. It is expected that next year this Code will be made mandatory.

Because of concerns about flag State implementation, improved port State control is being encouraged. Regional agreements, which enable resources to be used to the best effect, have already been set up in Europe and Latin America and plans to establish similar systems in Asia and the Pacific and in the Caribbean are well advanced.

These measures will make it increasingly difficult for sub-standard ships to be operated undetected and IMO is also determined that the standards of the crews who operate them will also be raised.

The most important international convention dealing with training, certification and watchkeeping is being completely revised. This matter is considered to be so urgent that IMO recently scrapped the original timetable and replaced it with an accelerated procedure that should see the new convention ready for adoption in 1995. A special working group is looking at matters such as language difficulties and the effects of fatigue on crew performance.

These and other measures show that IMO is determined to continue to keep working towards its twin objectives of safer shipping and cleaner oceans. But it will only succeed if everyone else shows the same resolve. IMO has no powers to force shipowners to maintain their ships, to keep crew standards high and to obey international treaties.

In the last resort only Governments have the ability to ensure that shipowners, managers, classification societies, insurers and everybody else involved in the industry achieves the standards laid down in IMO instruments. For Governments are IMO's teeth and IMO has the right to expect them to bite when necessary. If they fail to do so the next few years could well see a fall in maritime standards that could result in lives being lost and the environment being damaged. But if they carry out their obligations there is no reason why the successes of the last two decades could not be continued. It all depends upon implementation—for that is the key to success.

PENSION REFORM NECESSARY

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. PICKLE. Mr. Speaker, I wish to call the attention of my colleagues in the House to the administration's pension reform proposal that was released this morning by Secretary of Labor Robert Reich. This proposal is comprehensive in its scope and timely in its release. It represents months of intensive work by the Departments of Treasury, Labor, and Commerce as well as by the Office of Management and Budget, the National Economic Council and the Pension Benefit Guaranty Corporation and the Ways and Means Oversight Subcommittee.

Mr. Speaker, I think it is worth noting that after this very intensive review, the Clinton administration has reached the same conclusion as has previously been reached by the General Accounting Office, the Congressional Budget Office, the Congressional Research Service, the Bush administration, and the Ways and Means Oversight Subcommittee. In fact, every single responsible group that has considered this issue has concluded that legislation is essential to stop the chronic and massive underfunding of pension plans by many of America's largest corporations.

The fact is that for decades labor and management have negotiated pension promises without funding those promises. Instead some unions and management have been content to rely on Federal guarantees for these benefits. In the meantime the premium charged by the Federal Government for guaranteeing these unfunded pension promises has been inadequate. As a result pension plans are underfunded by over S51 billion and the Pension Benefit Guaranty Corporation has already incurred losses that have left it with a deficit of S2.7 billion. Retirees and taxpayers are at risk, and without legislation these risks will get worse.

Mr. Speaker, I commend the administration for making its proposed reforms. But proposals are not enough. It is now the obligation of the Congress to act on these proposals. The Ways and Means Oversight Subcommittee will hold a hearing on Monday, October 4, to receive the administration's recommendations. It is my hope that all the committee's of jurisdiction can act expeditiously to advance this legislation. To delay is to put workers and taxpayers at risk by letting companies continue to make empty pension promises.

IN HONOR OF THE DEDICATION OF ALUMNAE HALL AT ST. DOMINIC ACADEMY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. MENENDEZ. Mr. Speaker, I rise today in celebration of the dedication if a new annex at St. Dominic Academy in Jersey City, NJ. Alumnae Hall, as the new annex is called, houses a new science laboratory wing, a new library and educational media center, and twelve additional classrooms. These new facilities give the students of the academy the opportunity to expand their knowledge of the sciences in a first-rate setting.

The tradition and history which St. Dominic Academy and Jersey City has shared has been both rich and rewarding. First housed on First Street, the academy has moved three times—to Bergen Avenue in 1915, then to Bentley Avenue in 1930, and finally to its present site on Kennedy Boulevard on the feast of the great Dominican theologian, St. Thomas Aquinas, March 7, 1942. This last move is especially well-remembered in the community, and is known as one of the managerial wonders of the world. At the time, automobiles and trucks were scarce, and gas was rationed due to the war effort, so students were enlisted to transport books and small pieces of furniture. A steady parade of 100 girls wound its way on 100 trips from Bentley Avenue, along Hudson Boulevard, and down Duncan Avenue, to complete the move in 3 days' time.

Through its growth and its four sites however, St. Dominic Academy has had only one home, Jersey City. Sister Jane Albert described this relationship perfectly: "Saint Dominic Academy has been educating the daughters of Hudson County families for over 120 years. This expansion of their facilities is a visible sign of their continued vitality and commitment to the people of Jersey City and Hudson County."

I am pleased and proud to be able to share in the dedication of Alumnae Hall, and I encourage all of the students of St. Dominic Academy to take full advantage of the new facilities. I have the greatest confidence that they will continue in the academy's tradition of academic excellence and service to the community, and make us all proud of their achievements.

A TRIBUTE TO REV. DR. WILLIAM J. SHAW

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. BLACKWELL. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to pay tribute to a most beloved clergyman from the city of Philadelphia. On Friday, October 8, Rev. Dr. William J. Shaw will be honored at a banquet celebrating his campaign for the presidency of the National Baptist Convention, and his unfailing commitment to the Lord Jesus Christ. To commemorate this most special occasion, I would like to take a moment to reflect on the remarkable career of this outstanding individual.

A native of Marshall, TX, with high honors Dr. Shaw graduated from Bishop College where he received his bachelor of arts degree in philosophy and religion. Dr. Shaw then expanded upon his initial degree by attending such distinguished institutions as the Union Theological Seminary in New York, and the Colgate Rochester Divinity School where he earned his doctor of ministry degree.

As the Pastor of the world renowned White Rock Baptist Church in the great city of Philadelphia, since 1956, Dr. Shaw has led his congregation with the greatest sense of dedication and commitment to the good works of the Lord Jesus Christ. Dr. Shaw has always fought for the betterment of the entire Philadelphia community, and has proven himself an excellent advocate and fighter for the urgent needs that constantly face our neighborhoods.

Mr. Speaker, throughout his career, Dr. Shaw has also been a major asset to many organizations in our city, our State, and the entire Nation. From his post as director of the minister's division of the National Congress of Christian Education, and as cochair of the Greater Philadelphia Urban Affairs Coalition, Dr. Shaw has clearly become one of Philadelphia's most recognized and beloved leaders. Furthermore, as a member of the board of directors of the Junior Achievement of Delaware Valley, Inc., the United Way of Southeastern Pennsylvania, and Community Legal Services of Philadelphia, Dr. Shaw has constantly dedicated his time and boundless energy to the betterment of all residents of Philadelphia.

I ask my colleagues to rise and join me in paying our greatest tributes to Reverend Doctor William J. Shaw. I would also like to extend warm appreciation to Dr. Shaw's beloved wife Camellia, and their beautiful family. On behalf of the entire U.S. Congress, I offer my greatest thanks and appreciation to Reverend Dr. William J. Shaw. May God continue to bless and smile on this truly great man, so that he may continue to preside over our spiritual community well into the next century.

TAIWAN'S NATIONAL DAY AND THE UNITED NATIONS

HON. WALTER R. TUCKER III

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. TUCKER. Mr. Speaker, as the Republic of China on Taiwan prepares to celebrate its 82d National Day on the 10th of October, the ROC Government has made known to the world its interest in returning to the United Nations.

It should be clear to everyone concerned that Taiwan's U.N. membership, if granted, would be consistent with the principles of the universality of the U.N. membership and of respect for the fundamental human rights and freedoms of the 21 million people living in the Taiwan area. Moreover, it would be conducive to the eventual reunification of all China. The membership precedents set by the former East and West Germany and North and South Korea are proof that membership in the United Nations does not impede the unification of a country, nor imply international endorsement of a country's division.

Such being the case, this Member urges that all Members of Congress give their moral and vocal support to our friends in the Republic of China on Taiwan. They have a right to be represented in the United Nations and we should help them obtain what is rightfully theirs: U.N. membership.

NAFTA CREATES JOBS

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. ANDREWS of Texas. Mr. Speaker, the following editorials clearly demonstrate the need for passage of the North American Free-Trade Agreement. I request these articles to be inserted into the CONGRESSIONAL RECORD.

[From the Houston Chronicle, September 9, 1993]

NAFTA WILL RESTORE LOST AMERICAN OIL-TOOL JOBS

(By John M. Murphy)

Now that the negotiating work on the North American Free Trade Agreement is complete, it's time for those of us who support NAFTA to begin the important job of selling the package to the public and Congress. This promises to be a difficult—but winable—effort. NAFTA is a good product that deserves our support, so let's get on with it. Congress should approve NAFTA this year so American industry and workers can begin reaping NAFTA's important benefits.

In recent years, the petroleum equipment and services industry has faced circumstances similar to those faced by many American industries—dramatically declining markets at home requiring a search for new markets overseas. Success in finding those markets will determine the future—indeed, the survival—of our industry.

NAFTA promises a significant upturn for the oil drilling equipment industry, which has lost more than half its employees—more than 450,000 jobs—over the past decade, as U.S. drilling and production reached an all-time low. In the same time, the United States has spent $500 billion on imported oil, representing 60 percent of our current trade deficit.

This is an industry that clearly needs to find new markets, and there is none with greater long-term potential than Mexico, a nation of proven oil reserves but little investment in explorations and production. Under its Energy National Mobilization Program, Mexico is anticipating a $20 billion investment in oil-field equipment and services over a five-year period. This could provide a tremendous boost to companies like Dresser, as well as much-needed jobs—many in the Steelworkers Union, a major part of the Dresser work force. We want to put those people back to work. But we need new opportunities in new markets. We need NAFTA.

A just-completed survey of members of the Petroleum Equipment Suppliers Association demonstrates clearly why we support NAFTA wholeheartedly. First, our members project export sales to Mexico of oil drilling equipment and services would triple in the first year NAFTA is implemented. Second, our members find this increase in exports will create nearly 3,000 U.S. jobs, both union and non-union.

The agreement allows gradual access to Mexico's government procurement market over 10 years, including purchases by PEMEX, the state-owned oil company. Mexican tariffs—currently 20 percent for most oil-field equipment—are to be phased out over eight years. Is the agreement perfect? No. We're disappointed at the length of the transition periods. But NAFTA does provide American companies the opportunity to compete for a share of the dynamic Mexican market while the agreement begins to level the playing field. That's significant improvement over our position without NAFTA.

Unfortunately, the entire NAFTA debate so far has been sadly distorted, dominated by opponents more intent on generating heat than shedding light. The "giant sucking sound" may be good newspaper copy, but as a source of public enlightenment it's tragically off base.

What NAFTA's critics consistently fail to acknowledge is the agreement's potential to open the Mexican market to U.S. goods and services, and how that will create good American jobs. Instead they create a smoke screen by claiming U.S. jobs will flee to Mexico in search of lower labor costs. This smoke screen obscures one basic truth: The evidence shows it won't happen.

Critics of a unified European Community raised the same specter, warning that jobs would be lost to low-wage Spain and Portugal. Not only has this not occurred, but Spain is now a growing market for exports made throughout Europe.

NAFTA will have a similar impact on North America, producing a number of benefits: Opening the Mexican market to U.S. goods and services; creating 20,000 U.S. jobs for every $1 billion in additional exports; maintaining North American competitiveness; providing Mexico with increased resources to devote to environmental protection; and helping to stem the tide of illegal immigration from Mexico.

The last point has been the subject of extensive news coverage and is especially important in states along or near the 2,000-mile border. NAFTA will create more prosperous conditions in Mexico, reducing the pressure on Mexicans to seek work across the border. As Mexico's President Carlos Selinas de Gortari has said, Mexico wants to export goods, not people.

There is one final point to be made. U.S. credibility as a trading and negotiating partner is at stake in NAFTA. Nations around the world are watching to see if America can be trusted to live up to agreements reached at the bargaining table. If NAFTA is defeated, potential partners could choose not to negotiate rather than test our commitment to abide by our agreements.

So there are many things riding on the successful ratification of NAFTA. Rather than delay or derail this moment, let's seize it.

[From the Houston Chronicle, August 29, 1993]

VOTING FOR THE STATE: VITAL THAT ALL OF THE TEXAS DELEGATION SUPPORT NAFTA

If ever there were an issue deserving of the unanimous support of Texas' congressional delegation, it is the North American Free Trade Agreement. No single action by the federal government holds more promise for the future prosperity of Texans than the trade agreement with Canada and Mexico.

The NAFTA accord was signed by George Bush, is supported by Bill Clinton, and should now be ratified by vote of Congress.

That vote is anticipated to be close, particularly in the House of Representatives, where many Democratic members are said to be waivering or opposed to the pact. President Clinton is expressing concern about whether he can get it approved.

In light of these circumstances, a unified stand by Texans in support of the agreement will be especially crucial. At the end of the day, the scorecard on NAFTA for Texans in Congress should read 32–0 in favor.

The record reflects that a majority of the state's congressmen, and both Texas senators, are supportive.

However, several in the delegation continue to be in the uncommitted category, with questions about environmental and labor issues. Two Texas congressman—Rep. Craig Washington, D-Houston, and Rep. Henry B. Gonzales, D-San Antonio—are on record as opposing NAFTA.

The concerns of those as yet undecided would appear to be more than adequately addressed in the parallel or "side" agreements on the environment and labor recently agreed to by negotiators from the three countries. The agreements are an utterly pragmatic piece of work and deal realistically with Texas concerns such as the environmental impact of NAFTA along the border.

There is no remaining environmental or labor concern which outweighs the potential benefit of NAFTA to Texas and Texans.

The importance of the trade agreement to the nation as a whole, and especially to this state and to the constituents of this state's congressional delegation can scarcely be overstated or overestimated.

It offers a free-trade zone stretching from Canada to Mexico, running literally through the heart of Texas. It represents an enormous opportunity, not only for American and Texas business, but for working people across the hemisphere.

Eventually, NAFTA may result in trade partnerships involving 1 billion people in a bloc extending from Canada to Chile, with Houston and Texas at the center.

Indeed, several Texas economists have identified passage of the free trade agreement as one of the two or three developments that could mean most to the state's future growth and prosperity.

By helping to create a more prosperous Mexico, NAFTA also holds out the prospect that fewer illegal immigrants will be pushing across the border in search of opportunity. That is a benefit of particular importance to Texans. It should also be a compelling reason for Texans in Washington to Vote "aye."

Together with Reps. Washington and Gonzales, Rep. Gene Green, D-Houston, is among those House members who have signed a letter to the president arguing that dealing with health-care reform should take priority over congressional attention to NAFTA.

With all due respect to these Texas congressmen, those priorities are misplaced. A significant part of the stress on the nation's health-care system, particularly in this state, is directly traceable to the flood of illegal immigrants here. Ratifying NAFTA holds the promise that many of those hundreds of thousands of illegals will be encouraged to stay in better-paying jobs at home.

In short, approving NAFTA will have a specific, positive impact on health-care reform.

Putting off consideration until health care is resolved might well kill the trade agreement. There is a rather general consensus that the complexities and controversies of health-care reform make action by Congress impossible until well into next year, if then. Postponement is not an option for NAFTA.

By virtue of its location astride the North and South American continents, Houston, with its port, its industrial base and transportation infrastructure, stands to become a major crossroads of hemispheric trade if NAFTA is enacted.

Given those direct and readily identifiable benefits to this area, a vote for the agreement should be a matter of enlightened self-interest for all area congressmen.

NAFTA will create a North American economic colossus of 360 million consumers in a $6 trillion economy. A significant portion of that prosperity promises to flow to Houstonians and Texans.

The Texas congressional delegation will be called upon to play a pivotal role in bringing that exhilarating prospect to reality. A vote in favor of NAFTA is a resounding vote for Texas' future.

EXECUTIVE ORDER ON REGULATORY REVIEW

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. CLINGER. Mr. Speaker, this week President Clinton is scheduled to sign an Executive order governing White House review of regulations promulgated during his administration. This Executive order replaces those issues by President Reagan, which were subject to intense criticism by some Members of Congress.

The ironies surrounding the drafting of this week's Executive order would be funny if the subject was not of such major import to the job-producing health of the Nation. Any of my colleagues who believe, as I do, that American taxpayers and businesses are already overregulated should take a long look at the product that is coming out of the White House this week.

After being critical to the point of insulting to then-Vice President Dan Quayle for giving special access to the business community during the rulemaking process, it appears that the current administration has opened the back door of the White House, but is allowing only special interest groups to enter. While to my knowledge no Member of Congress has been given a copy of this Executive order, leaders of the environmental community have been allowed to review the draft on several occasions and even demand several rewrites.

According to news accounts, special authority is being granted to the Vice President under the Executive order for the purpose of controlling the regulatory powers of the executive branch. The economic benefit/cost analysis requirement for rulemaking is being significantly diluted. The number of agency rulemakings subject to any centralized review is being restricted, and new disclosure requirements are being imposed on OMB, but not on the White House or the Vice President.

I am enclosing in the record a copy of a letter I sent to OIRA Administrator Sally Katzen expressing my concerns with an early draft of the Executive order and a Wall Street Journal article from last spring which details the practice of the Vice President's staff to advance their own private agendas by controlling the writing of regulations by the departments and agencies.

Perhaps the Clinton administration will be true to their word and use this so-called streamlined review process to foster the drafting of less-costly and more efficient rules and regulations. But, it should be an issue for the entire Congress to keep an eye on.

COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC, August 3, 1993.

Hon. SALLY KATZEN,
Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC.

DEAR ADMINISTRATOR KATZEN: Thank you and John Quinn for taking time this past week to visit with me and my staff to discuss the Administration's efforts to revise Executive Order 12291 regarding White House review and oversight of agency rulemaking. I appreciate the courtesy you afforded me to comment on your plans.

I am generally pleased with the blueprint you presented in my office. It is vital, for example, for OMB's Office of Information and Regulatory Affairs to remain as the preeminent body to conduct centralized regulatory review. I also believe that a policy council of domestic rulemaking authorities can be a useful tool in your efforts to promulgate more efficient and effective regulations. As well, your plans to look back at existing regulations will continue what should be a never ending battle against obsolete government redtape.

There are, however, a number of areas which I believe should be further considered as you finalize your efforts to shape the Clinton Administration's regulatory review process. Frankly, your effort to define within the Executive Order a key and visible role for the Vice President in conducting certain regulatory reviews will invite a lot of attention. For example, your explanation of how a proposed rule can travel from an initiating agency through OIRA to the Office of the Vice President raises questions about whether agencies will develop strategies to appeal to the Vice President and his staff as a way to avoid serious review by OIRA. It also sends signals as to where outside groups should go to be heard. I encourage you to develop more clear precepts which can be used to guide the following activity:

You state that only "significant" rules will receive OIRA consideration, yet fail to identify a meaningful definition of the term significant. Should not all proposed rules to be reviewed at least summarily in order to enable OIRA to make a final determination for the President as to what is and what is not significant?

Although the "Gramm Disclosure Standards" will apply to contacts between OIRA staff and outside groups, you state no similar standards when contacts are made between Executive Office of the President staff and outside groups concerning pending regulations. Will not establishing different disclosure standards for OIRA than other entities in the Executive Office raise questions on how open a regulatory review process you have created?

In response to a question from my staff, you indicated that the Vice President could not, in effect, unilaterally "pull up" proposed rules from either an agency or from OIRA for his consideration. Will such activity be restricted as part of the Executive

Order? Should not OIRA, as the preeminent regulatory review authority, determine which disputes are presented to the Vice President for consideration? Because news accounts have suggested that such activity has already occurred, is that not contrary to the criticism Vice President Gore raised regarding the activities of the "Quayle Council"?

I also appreciate the concerns you raise with suggestions that you publish the draft order in the Federal Register to receive public comment. Given the heated debate over the regulatory review process during the past twelve years, however, I hope that you will give further consideration to giving the public an opportunity to comment on a process that will have direct impact on their lives.

Finally, Congressman Norman Sisisky (D–VA) and I will introduce later this week the House companion to S. 560, the Paperwork Reduction Reauthorization Act of 1993, originally introduced by Senator Sam Nunn. I encourage you to focus your efforts toward supporting this legislation. I am certain that working together, we can make the Clinton Administration regulatory review process a success.

I look forward to reviewing the final Executive Order. Thank you again for working with my office.

Sincerely,

WILLIAM F. CLINGER, Jr.,
Republican Chairman.

[From the Wall Street Journal, Apr. 13, 1993]

CLINTON'S TEAM MOVES TO EXTEND REGULATION IN VARIETY OF INDUSTRIES

(By Bob Davis and Bruce Ingersoll)

WASHINGTON.—Just one week after Bill Clinton won the election, career officials at the White House took stock and realized that fighting for deregulation now was futile.

They abruptly called off their 19-month resistance to a proposal sharply limiting worker exposure to toxic fumes from glycol ethers, telling the Labor Department there wasn't any need to "quibble" any longer. Explains a White House staffer now helping the Clinton team: "We were being criticized for holding up rules too long."

The move to end the fracas over glycol ethers, which are used in paints and coatings, was only the first glimpse of a bold departure from the drive to deregulate. Since taking office, the Clinton administration has been extending its regulatory reach, strengthening oversight and stepping up antitrust enforcement—all moves that could cost industry billions of dollars and cut into corporate profits.

A LIST OF TARGETS

Major airlines have been put on notice that the government is scrutinizing their pricing practices. The cable-television industry faces federal mandates to roll back rates and improve quality; the feds will even monitor whether cable companies answer customers' phone calls within 30 seconds.

Strict quality-control rules will be imposed on the seafood industry, and more inspectors will be sent into meat and poultry plants to curb a rise in food-borne illness. An early target of presidential criticism, the prescription-drug industry, may get slapped with price controls, while over-the-counter drug makers face the prospect of tough new reporting rules. And on Friday, the Clinton administration asked General Motors Corp. to recall 4.7 million pickup trucks because government officials fear side-mounted fuel tanks pose a fire hazard.

"We don't know their final bottom line," says David Hale, a Kemper Financial Services Inc. economist. "During this year and next, regulation is one of the few things that can give a big kick to inflation."

The Clinton camp hasn't laid out a comprehensive regulatory agenda or even set its priorities. But early actions send a clear message. In a number of industries, including financial services and communications, the administration is continuing a deregulatory trend dating back to the Carter years. But elsewhere, especially where environmental and health issues are involved, the Clinton team is pursuing what amounts to a regulatory crackdown. Within a year, it must decide how to pursue two projects that could rank among the costliest regulatory efforts ever.

KEY PROJECTS

First, the White House, in revamping the health-care system, may require employers to buy health coverage for their workers according to a government-designed package of benefits; the programs may also create a National Health Board to regulate health-care spending. Second, the Environmental Protection Agency, in devising rules for cleaning up thousands of contaminated areas at factories and refineries, could demand so much of industry that the costs would eclipse the multibillion-dollar Superfund program, says Paul Portney, an economist at Resources for the Future.

During the campaign, Mr. Clinton's economic team promised to explore "market-based" alternatives to regulation, and some economic advisers remain committed to that idea. But so far, the administration has generally stuck with conventional regulatory tools: detailed rules and more inspectors. That approach reflects the views of allies on Capitol Hill and among environmental and consumer groups. And it jibes with the strong populist bent of many Clinton appointees, who are more likely to view government's role as that of a tough cop policing business.

Attorney General Janet Reno calls herself an advocate for children and vows to take "vigorous enforcement action" against polluters. Agriculture Secretary Michael Espy, after representing a poor black congressional district in Mississippi for six years, is taking the lead in consumer protection. His plan to hire 160 more meat inspectors would reverse 12 years of shrinking back.

QUESTIONS ABOUT POLITICS

"They certainly give the impression that they believe government can be used to make people's lives better," says Carol Tucker Foreman, a former assistant agriculture secretary. But David McIntosh, who led former Vice President Dan Quayle's Competitiveness Council, accuses the Clinton administration of playing politics. Regulation "won't be judged by economic effects or social gains, but for political gain," he says. "They're putting together coalitions" that can help them on a variety of initiatives.

The Clinton administration's regulatory efforts are being led by Vice President Albert Gore, who oversees an interagency project to create a White House system for reviewing major rule proposals. In effect, Mr. Gore, a passionate environmentalist, is filling a vacuum left by the dissolution of the Competitiveness Council, which he harshly criticized for opening a back door at the White House for big business to quietly reverse agency decisions.

Notwithstanding his criticism of secretive policy making, Mr. Gore or members of his staff have weighed in behind closed doors on at least three regulatory decisions involving Antarctica, biotechnology and fuel-efficiency standards for cars. In all these situations, the Gore staff sided with the environmentalists.

"We've had as much access and communications with the White House in the last three months as we did during the past 12 years," says Bruce Manheim, a senior attorney at the Environmental Defense Fund. Industry lobbyists say they also have ready access, however.

Jack Quinn, Mr. Gore's counsel, says it is "commonplace" for a vice president to participate in regulatory decisions and for his office to round up views from other agencies. Another White House official takes a more jaded view: "You still have a vice president's office playing in regulatory review, just as before, but with a different orientation."

The administration's regulatory moves are even more pronounced because the usual counterweights are missing. In past administrations, the Council of Economic Advisers has been a deregulatory force. But new Council head Laura Tyson says she agrees with Mr. Gore, the author of a bestseller on global environmental problems, that "on some environmental issues we have underestimated the benefits," such as new jobs in clean-air technologies.

The White House budget office's regulatory staff—once a powerful appendage of the Competitiveness Council in blocking rules that it thought might be costly—used to be a counterweight as well. But now the staff must get a Clinton appointee to sign off on every review of rule proposals. The staff hopes Sally Katzen, a lawyer nominated to head the budget regulatory office, can restore some of its clout.

Regulatory agency officials like the new order. "The atmosphere is incredibly refreshing," says Michael Taylor, deputy commissioner for Food and Drug Administration policy. "Instead of almost automatic resistance, there's administration support for what we're trying to do."

But John Robson, deputy Treasury secretary under President Bush, worries about an unchecked proliferation of regulations spawned by congressional Democrats. "Congress won't have a brake on its regulatory instinct," he says. And "you won't have a presidential pencil" vetoing unneeded rules.

President Bush's regulatory record is mixed. Early on, he backed passage of the Clean Air Act and legislation to end discrimination against the handicapped, which together added an estimated $27 billion in annual regulatory costs. But with the election approaching, he reversed course and started decrying the mounting cost of regulation, pegged at $581 billion this year by University of Rochester economist Thomas Hopkins. A Bush moratorium on new rules, combined with the controversy over the Competitiveness Council, turned the often-technical subject of government regulation into a major issue in the 1992 presidential race.

"ECONOMIC" AND "SOCIAL" AREAS

The Clinton administration disavows any intention of adding to the regulatory burden or of reregulating industries, such as trucking, airlines and telecommunications, freed from government control. Indeed, in some "economic" areas—as opposed to such "social" areas as environmental or consumer protection—the Clinton team is pressing for further deregulation.

Banking is one example. Four regulatory agencies have agreed on a broad plan to spur lending to small business and have criticized current regulations as "overly burdensome." One goal: more "character loans" in which bankers evaluate a borrower's general creditworthiness and willingness to repay loans, instead of relying so much on government lending criteria.

Another example is auctioning licenses to use radio waves—an idea popularized in the Reagan administration and regularly panned by Democrats until Mr. Clinton embraced it. Currently, the Federal Communications Commission awards licenses to communications companies only after holding lengthy hearings or lotteries.

In addition, the administration has made something of an exception for new technologies, embracing deregulation but at a slower pace than predecessors wanted. In biotechnology, for instance, the administration generally has approved a Bush plan to deregulate field-testing of six crops, but it killed a provision, pushed by the Competitiveness Council, to allow university review boards instead of the government to approve tests.

"You don't hear the word 'deregulation' anymore," says Terry Medley, the Agriculture Department's biotechnology chief. "What you hear is 'appropriate regulation.'"

Some industries may welcome a dose of regulation. Biotech companies think that they can better allay consumer concerns about eating genetically engineered food if their products pass government muster. Fish and seafood processors hope that FDA regulation will be seen as a federal seal of approval.

THE FDA'S KESSLER

But for the most part, Clinton appointees are bound to make many industries unhappy. Over the objections of drug and medical-device makers, Mr. Clinton kept on FDA Commissioner David Kessler, who made his mark as President Bush's fiercest regulator. Now, Mr. Kessler and other FDA officials want Congress to expand the agency's enforcement powers further, while operating on the assumption that they already have the authority to overhaul regulation of the entire seafood industry and to require the reporting of adverse reactions to over-the-counter drugs. Dr. Kessler also remains intent on requiring manufacturers of dietary supplements to have a scientific basis for any health claims they make.

Meanwhile, at the Transportation Department, Secretary Federico Pena is proving to be an activist, too. On his first day in office, he pulled back a proposal to let truck drivers work longer hours with shorter rest periods. He has also brushed aside airline-industry objections and proposed rules limiting the hours flight attendants are on duty, so they won't be too tired to handle emergencies.

A MESSAGE ON ANTITRUST

Mr. Pena's success in forcing Northwest Airlines to drop what he regarded as a heavy-handed plan to stifle competition from tiny Reno Air was taken as a message that the Clinton administration would pursue antitrust where the Bush administration would have held off. Mr. Clinton's advisers believe that the challenge coming from smaller airlines keeps major carriers from losing the competition edge needed in the global dogfight for market share. How broadly they will apply that view to other U.S. companies competing overseas will become clearer with the appointment of a new antitrust chief at the Justice Department.

Industry will also get a better fix on just how hard the administration will press ahead on regulation once Mr. Clinton fills high-level vacancies at several agencies, including the Occupational Safety and Health Administration, Commodity Futures Trading Commission and National Highway Traffic Safety Administration.

At the Securities and Exchange Commission, Arthur Levitt Jr., a former American Stock Exchange chairman, is the leading contender to succeed Richard Breeden as chairman. Under Mr. Breeden, the SEC has strengthened the hand of shareholders in proxy battles and toughened disclosure rules on executive compensation—both initiatives any Clinton appointee would probably embrace. "You won't see a sea change at the SEC," says John Olson, a Washington securities lawyer.

Two regulatory jobs in the telecommunications area are set to be filled by congressional staffers who helped draft legislation that imposed new rules on the cable-television industry. The FCC chairman is expected to be Antoinette Cook, a Senate staffer, while Larry Irving, her counterpart in the House, is expected to head the Commerce Department's telecommunications office.

As for the Federal Trade Commission, Mr. Clinton won't get a chance to put his imprint on the Republican-dominated panel until a seat opens up in September 1994. But Chairwoman Janet Steiger and her staff are already on Mr. Clinton's wavelength. They are cracking down on telemarketing fraud, deceptive advertising and anticompetitive practices at a furious pace—the sort of activism that may assure Ms. Steiger's reappointment.

TRIBUTE TO ANN-MARIE WALLACE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. WELDON. Mr. Speaker, it is with great pleasure that I rise today to recognize Ann-Marie Wallace, an innovative mother from Aston, PA. Ms. Wallace has bridged the gap between being a working woman and a mother. Assisted by her 2-year-old, twin daughters, Kaitlin and Kierstin, Ms. Wallace broadcasts The Home Show live from her basement on WCZN–AM (1590) in Philadelphia.

Ms. Wallace is the only work-at-home mom who hosts a radio show from her house. Frustrated with the hours and the commute involved in working after her twins were born, Ann-Marie approached WCZN station owner Lloyd Roach, who came up with the home studio idea. Since its July 7, 1993 debut, The Home Show has provided enjoyment to older listeners and has been met with overwhelming success.

I would ask that my colleagues in the House of Representatives join me in recognizing Ann-Marie Wallace for her commitment to her work and her family and in wishing her continued happiness and success.

REPUBLIC OF CHINA CELEBRATES 82D NATIONAL DAY

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. HILLIARD. Mr. Speaker, on October 10, 1993, the Republic of China on Taiwan will be celebrating their 82d National Day. Today, I would like to wish them good luck and good fortune as they seek to rejoin the United Nations.

I am glad to say today that Taiwan is one of our finest allies in Asia and a responsible international player. Over the years, they have provided many developing countries with technical assistance and needed development funds. In 1988, Taiwan established its International Economic Development Fund to assist other countries in need.

It is obvious that Taiwan wishes to serve the international community as a partner, contributor and participant. It is my view that the world should strongly consider allowing Taiwan to play a larger role within the international community. Taiwan's 20.8 million people deserve the right to be represented within the United Nations.

TRIBUTE TO THOMAS M. STANNERS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. SKELTON. Mr. Speaker, as chairman of the Subcommittee on Military Forces and Personnel, I want to commend Thomas M. Stanners who is retiring after over 45 years of Government service. During that time he has faithfully served the taxpayer by reducing unnecessary Government expenditures and improving the management and efficiency of the Federal Government.

Mr. Stanners started working for the Federal Government as a Navy enlistee in 1947. He subsequently worked as a civilian in the Department of the Army, the Civil Service Commission, the Bureau of the Budget, and the Office of Management and Budget. Mr. Stanners has played a significant role in every major study of military compensation over the last several years. He is an acknowledged expert, not only on military compensation and retiree issues, but also on military health care issues and civilian compensation issues.

Most of Mr. Stanners' efforts have been directed at reducing Government expenditures. While these efforts could normally be expected to result in conflicts with the beneficiaries of Government programs, Mr. Stanners has had an exceptional record. Throughout his career, he has maintained an excellent rapport, indeed a friendship, with his coworkers, congressional staff and the interest organizations affected by his recommendations. Most recently, he was honored at a special luncheon by the Military Coalition, an umbrella organization of military retiree and family interest groups.

I want to join with the many others honoring Tom Stanners for his outstanding career and the human qualities he brought to all of his professional efforts. I wish him and his wife the very best retirement—one that is happy, healthy and productive.

DRS. HACKERMAN AND KOZMETSKY: NATIONAL TECHNOLOGY WINNERS

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. PICKLE. Mr. Speaker, yesterday, the administration announced this year's winners of the National Medal Technology awards. The awards are given annually to leaders in technology innovation who have made extraordinary achievements in the commercialization of technology or the development of human resources that foster technology commercialization.

I am proud that two of this year's recipients are good personal friends of mine who have strong ties to the University of Texas in Austin. They are Dr. Norman Hackerman, former University of Texas president and Dr. George Kozmetsky, former dean of the University of Texas Business school.

Dr. Kozmetsky is being honored for his work at the IC2 Institute at the University of Texas. The institute is a major international research center for the study of innovation, creativity and capital. Dr. Kozmetsky appeared before the House Science and Technology Committee earlier this year to describe the excellent work being done there. The institute provides opportunities to transfer information between institutions and helps to link organizations that otherwise would not have access to one another.

Dr. Hackerman served as president of the University of Texas for 3 years and president of Rice University for 15 years. His early work studying surface and corrosion chemistry led to his involvement in the Manhattan project which was the most top-secret scientific project of World War II. Dr. Hackerman was honored in a Rose Garden ceremony at the White House this week by President Bill Clinton.

Both of these gentlemen are world renowned scientists and I am proud of their achievements and my association with them.

A TRIBUTE TO FRANK STEPHENS

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. BLACKWELL. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to honor and pay tribute to a truly remarkable man whose professional and personal accomplishments are unparalleled. Many honors have been bestowed upon Mr. Frank Stephens, and at this time, I would like to take just a moment to highlight some of the special moments of his remarkable career.

Mr. Speaker, Mr. Stephens served in the U.S. Air Force as an illustrator. Later, he was appointed noncommissioned officer in charge of the graphic arts unit at Harlingen Air Force Base in Texas. Following his commitment to the military, Mr. Stephens attended the Hussian School of Art in 1961 and went on to graduate from the Philadelphia College of Art in 1961 with a major in advertising design.

Mr. Speaker, it is truly a great honor for me to present the credentials of this incredible man before Congress today. It is clear through an examination of his accomplished career as an illustrator for the Free Library of Philadelphia that he is a man who has undeniably dedicated himself to his community, his city, and his country as well. He has designed and supervised thousands of publications and has designed over 300 major exhibitions. These publications and exhibitions play a major role in informing the public of services, programs, and resources available at the Free Library of Philadelphia.

Mr. Stephens' artistic contributions and creativity represent a treasure trove to all who understand that we share a common heritage. With his retirement from the Free Library of Philadelphia, the young people of our city and the entire Philadelphia community will lose a sincere, sensitive, and caring man. On September 30, 1993, I invite my colleagues to rise and join me in congratulating Mr. Frank Stephens for his many years of outstanding service.

CONGRATULATIONS TO HELEN B. DRYE AND OPAL M. CARTER

HON. WALTER R. TUCKER III

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. TUCKER. Mr. Speaker, I want to take this opportunity to recognize the accomplishments of two outstanding educators, Helen B. Drye and Opal M. Carter, upon their retirement from the Compton Unified School District after each educator had achieved over four decades of service to the public school system.

All too often we read in the newspapers the problems in our public school systems, in particular those in urban centers. However, both Helen Drye and Opal Carter were dedicated educators who took the time and made the extra effort to listen, care, and sometimes even be a parent figure to the children they taught. It is in this vein that I believe it appropriate to recognize their tremendous positive contribution in the shaping of young lives.

Helen Drye gave 42 years of her life to education. She rose from the ranks of classroom teacher to administrative positions in areas of project management and personnel coordination and ultimately retired after serving as principal at Thomas Jefferson, Clarence, Dickson, and Mark Twain Elementary Schools in Compton, CA.

Opal Carter held numerous positions in the education system for some 43 years. She also began her career as a classroom teacher, then went onto serve in areas of compensatory education, counseling, and guidance. Opal Carter retired as assistant director management, information, research and evaluation.

I extend my deepest congratulations to Helen B. Drye and Opal M. Carter for their outstanding achievement in the field of education and wish them both the best in their well-earned retirement years.

TRIBUTE TO THE HONOREES OF THE WOMEN'S SCHOLARSHIP CLUB OF ELIZABETH'S 1993 EXCELLENCE AWARDS BANQUET

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the honorees of the women's scholarship club of Elizabeth's 1993 excellence awards banquet, to be held on Friday, October 1, 1993. The honorees are African-Americans whom the women's scholarship club feels have made a positive contribution to their community.

This year, the club recognizes the work of five outstanding individuals in the categories of business, community service, education, politics, and religion. This year's business honoree is Jesse Bell of West Orange, a former resident of Elizabeth who is being recognized for work with numerous civic organizations. The award for community service goes to Lorraine Brooks-Body of Roselle for her work with New Jersey civic groups. In education, the club recognizes Gilbert Grant, a teacher at Elizabeth High School. Elizabeth council members Patricia Perkins-Auguste and Charles W. Harris share honors in the politics category, and Rev. David Jefferson, Sr., of the Shiloh Baptist Church in Elizabeth will receive the award in religion.

Mr. Speaker, I'm proud to be able to honor the award winners in this way, and I'm sure my colleagues join me in paying tribute to these outstanding community leaders. We hope that their dedication to their community serves as an example for all to follow. Congratulations are in order for each of them, as well as our profound thanks for their service.

TRIBUTE TO THE BEACHES HONOR GUARD

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mrs. FOWLER. Mr. Speaker, it is with great admiration and respect that I recognize the members of the Beaches Honor Guard for their dedicated service to northeast Florida. This 35 member veterans' organization, in existence since 1981, has served the Jacksonville community in various patriotic capacities.

Since it was founded, the Honor Guard has participated in the funerals of over 500 veterans. With tireless devotion, the members of the Honor Guard have provided fellow veterans with a final tribute which benefits their service and sacrifice.

This organization, first founded by Mr. Phillip Ness and Mr. Robert Ness—who serve as first vice director and executive director, respectively—also participates in Flag, Veterans, and Memorial Day ceremonial dedications each year. They celebrate America's greatness and colorful history with a presentation of the American flag and a performance of the 21-gun salute.

The members of the Beaches Honor Guard have served our country in times of global strife, and they continue to serve in peacetime through their patriotic and memorial endeavors. Their activities mean a great deal to the families of veterans and to patriotic citizens in my State.

Again, I salute the Beaches Honor Guard. I am proud of their efforts and pleased to have the opportunity to honor them for their devotion to the United States of America.

TRIBUTE TO THE YOUNGSTOWN MAENNERCHOR

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of the Youngstown Maennerchor, a singing group which has brought joy and hope to the citizens of my 17th Congressional District in Ohio for 130 years.

Mr. Speaker, on a cold winter night in 1863, a small group of German immigrant men formed the Maennerchor to sing the melodies and folk songs of their heritage. Soon thereafter, they were invited to sing at the dedication ceremony for the "Man on the Monument," a Civil War Memorial on Central Square. Their first public program took place in March of 1867. Since then, concerts have been a tradition. In 1890, the national concert was held in Youngstown. In 1913, for their 50th anniversary, Madam Schuman-Heink dazzled the audience at the Old Opera House. Her performance inspired the formation of the society's Ladies Auxiliary. The Maennerchor's popularity reached an all-time high in 1937, when more than 1,200 singers from all over the State came to Youngstown's Stambaugh Auditorium for the Ohio District Concert. The society reached worldwide appeal in 1988 when the Duisburg Police Choir of Duisburg, West Germany joined them for their 115th anniversary concert at the auditorium.

The enthusiasm created by the Maennerchor resulted in ballooning membership totals. Consequently, their headquarters at the Kaercher Homestead has undergone several enlargements and now includes a ballroom and a large restaurant. The breadth of the society's functions has enlarged as well. It now accommodates nonsingers by creating other activities, such as a bowling league, golf leagues, pool, bocce, pinochle, scat and darts. Today the society includes both men and women, and is guided by wise, energetic leaders. The 1993–94 officers are Joe Wheeler, president; Tom Duffy, vice president; Bill McGuire, financial secretary; Bob Fleet, treasurer, Lil Todor, recording secretary and trustees, Ron Parks, Gundi Parks, George Fleet and Rocky Schwederski.

Mr. Speaker, I join the citizens of my district in saluting the Maennerchor for their role in bringing together not only Germans, but the community as a whole. Their gift of music is both generous and timeless.

SILVER ANNIVERSARY FOR SHAWNEE COMMUNITY COLLEGE

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. POSHARD. Mr. Speaker, on October 2, 1993, Shawnee Community College will celebrate 25 years of commitment to creating outstanding educational opportunities for the residents of southern Illinois.

Shawnee Community College is a vital resource for the people of southern Illinois. It provides important educational opportunities for a wide variety of students so they may pursue their chosen careers.

I congratulate the people of the Shawnee system for their past and continued efforts to improve the quality of life in our area. Shawnee Community College has been instrumental in assisting those who dream of obtaining a quality and affordable education.

Education is the key that unlocks the potential of our people. Shawnee has for 25 years been a trusted and valued locksmith and we will rely on them to continue that tradition for many years to come.

I congratulate the entire Shawnee community and give them my heartiest congratulations on this special occasion.

RECOGNIZING FILIPINOS FOR AFFIRMATIVE ACTION FOR 20 YEARS OF SERVICE TO THE EAST BAY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. STARK. Mr. Speaker, today, I would like to congratulate Filipinos for Affirmative Action for its 20 years of service to the diverse community of Alameda County. During the last few decades, I have seen the Filipino community grow at a phenomenal rate, thus creating a variety of challenges. Filipinos for Affirmative Action, however, has always found the means to provide a social safety net for its community.

FAA has provided important services, such as employment, immigration advocacy, public health education, youth services and general information and referral to the Filipino community. They have also worked in collaboration with many other organizations and agencies to fill the gaps in services. FAA has also shown an exceptional leadership role in protecting the civil rights of the Filipino community through education and advocacy.

FAA should also receive special recognition for their youth services. Their youth programs include career awareness, substance abuse prevention, HIV/AIDS prevention and parent education; all of which focus on developing self esteem and decisionmaking skills. One of the programs which has impressed me most is the Recovery for East Bay Asian Youth project. Through this 5-year demonstration project, FAA is able to train two substance abuse counselors who can serve Filipino youth who are struggling with the destructive consequences of drug and alcohol abuse. Hundreds of students have been part of educational presentations, ethnic specific alternative activities and individual counseling.

Mr. Speaker, I stand before you today to recognize Filipinos for Affirmative Action's achievements of the last 20 years, its ability to meet the challenges of our community, and for the dedication and continuous commitment of the staff, board of directors and its supporters. I hope you and my colleagues will join me in congratulating this fine organization for all its accomplishments and wishing it well in its future plans.

RTC SHOULD DROP SUIT HARMFUL TO TENANTS IN NEW YORK CITY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mrs. MALONEY. Mr. Speaker, it is extremely disturbing to me that Resolution Trust Corporation is taking every measure legally possible to overturn rent control and rent stabilization laws in New York City as they apply to tenants who live in RTC-owned apartments.

Therefore I urgently call upon the Resolution Trust Corporation to drop plans for appealing its defeat in a lawsuit against residents of New York City who live in apartments governed by New York State's rent control and rent stabilization laws.

While the total number of potentially affected tenants is relatively small, the precedent of such an RTC action would set, particularly for potential action by other Federal entities, would be disastrous for a far larger number of city residents.

These laws are some of the most basic and most successful means we have in New York City to provide affordable housing for our citizens.

Yet despite the fact that many middle-class citizens depend on these laws to provide them with affordable rents in apartments, RTC has sought to violate these laws by overturning existing leases and thus dramatically raising rents beyond what is affordable. As a matter of fact, RTC attempted, unsuccessfully, to evict tenants from their homes.

The situation in New York City was so bad that RTC was sued by the New York State attorney general, who soundly defeated RTC on this issue in Federal District Court. U.S. District Judge Robert Carter stated in his clear ruling against RTC that "FIRREA does not authorize the RTC to repudiate statutory tenancies and * * * the RTC has no power to evict the tenants." However, RTC has not let the matter rest with its decisive defeat: It plans to appeal the decision.

What adds insult to injury is that in order to pursue their overturn of these affordable housing laws, RTC has hired two of the most expensive law firms in the Nation to pursue its litigation. So in essence, the taxpayers are forced to pay enormous legal bills for an action that will remove New York City taxpayers from their home.

In a written response to my questioning of RTC officials at a Housing Subcommittee hearing, RTC informed my office that it has spent $750,000 with the firm of Nixon, Hargrave, Devane & Doyle to litigate this ridiculous suit and an additional $65,000 to the firm of Hughes, Hubbard & Reed in preparation for the appeal.

It is supremely ironic that having just approved the final funding bill for RTC, we will have the taxpayers subsidize a lawsuit that would result in evicting those same taxpayers from their homes.

Given RTC's faulty and mistaken policy overall and its resounding defeat in Federal District Court on this issue, I strongly urge RTC to immediately cease all efforts to appeal Judge Carter's ruling.

IT'S TIME TO BRING OUR BOYS HOME

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. CRANE. Mr. Speaker, earlier this week, a U.S. Army helicopter was shot down in Mogadishu. Three young Americans were killed in the incident. Somalian citizens danced around the still-smoking bulkhead. Once again, a foreign populace celebrated as American bodies were flown home.

While I support the goals of providing humanitarian assistance to the starving people of Somalia, I have felt from the beginning that the deployment of American troops into such a volatile situation is a grave mistake.

While the United States must never shy away from using our military—the greatest fighting force ever assembled—when it is warranted, I believe it is a mistake and a dangerous precedent to insert American troops into an unstable situation without clearly defined and attainable goals.

Certainly, I am distressed by the famine and suffering in Somalia; however, I am most concerned about the American lives we have put on the line in this risky undertaking.

Consequently, I welcome the immediate removal of U.S. troops, and to that end, I have cosponsored House Resolution 239, a resolution introduced by Congressman JOHN MICA of Florida, urging the President to withdraw all United States Armed Forces from Somalia.

It is my view that our soldiers have served honorably in accomplishing their humanitarian mission under Operation Restore Hope; however, 4,000 United States troops still remain in Somalia.

It is time to bring our troops home, before more American men and women are sent home.

THE PUBLIC SAFETY OFFICERS' BENEFITS FAIRNESS ACT

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. STRICKLAND. Mr. Speaker, today I am introducing "The Public Safety Officers' Benefits Fairness Act" to honor the brave men and women who work in correctional facilities across the country and risk their lives every day.

This legislation would simply extend the coverage of the current Public Safety Officers' Benefits law to all personnel who work in correctional facilities. This law provides a $100,000 benefit to the eligible survivors of a public safety officer, such as law enforcement officers, firefighters, or a member of a public rescue squad or ambulance, whose death was the direct and proximate result of a traumatic injury sustained in the line of duty. The law also provides this same benefit to a public safety officer who has been permanently and totally disabled as the direct result of a catastrophic personal injury sustained in the line of duty.

Currently, corrections officers are covered under the act but not other personnel who work in prisons and jails. My legislation would extend this coverage to the dedicated individuals who expose themselves to dangerous risk every day by working in correctional facilities where the inmate population is often violent and unpredictable.

Before I came to Congress, I served for 6 years as a counseling psychologist at a maximum security prison in Lucasville, OH. During this time I worked with a young teacher who was brutally murdered by an inmate she had been tutoring. Her death benefit claim was initially turned down because as a teacher she did not fit the definition of a public safety officer under the current law. After 2 years on appeal, her claim was awarded by the Department of Justice. They made the award only after it was presented that she had been a member of the prison hostage negotiation team, and therefore operated in a law enforcement capacity. I ask the House: If she had not been a member of the hostage negotiating team, would her murder have been any less brutal and tragic?

Her death serves as a grim reminder of the danger correctional facility personnel face every day in this country. Indeed, as the crime rate has grown in America, more violent individuals are being incarcerated in our prisons and jails. In 1991 there were 10,192 inmate assaults against staff in correctional facilities. Of these, 2,871 were serious enough to require medical attention. The everrising number of prisoners being incarcerated in overcrowded prisons provides a volatile setting for all those who work in a correctional facility and are around inmates on a regular basis—not just corrections officers.

The unfair and arbitrary application of the public safety officers' benefits law has prompted me to introduce legislation aimed at bringing balance and fairness to the way the Department of Justice has administered the law. For instance, in 1991 a food service supervisor working in a correctional facility in Macon, GA, was stabbed to death by an inmate. Her claim was denied, yet the Department awarded the benefit in the case of a food service instructor who was attacked by an inmate while in the stockroom of the prison kitchen and died in 1984. Both of these workers obviously were exposed to the inmates and both were killed, yet only one family was awarded the death benefit. The application of this law is unfair.

I would also point out that the conference report of the Public Safety Officers' Benefits Act, as originally passed, included language to cover "individuals if they are exposed, on a regular basis, to criminal offenders such as those responsible for screening arrestees or prisoners for possible diversion into drug treatment programs." This language would indicate to me that the authors of the law recognized the great risk individuals who work in correctional facilities face everyday and should therefore be covered by the law.

Colleagues, I ask for your support of this modest measure which would rectify an unjust situation for the brave individuals working in correctional facilities who have daily contact with dangerous inmates. Please support the Public Safety Officers' Benefits Fairness Act.

TRIBUTE TO LUSO AMERICAN SOCCER ASSOCIATION

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. REED. Mr. Speaker, I rise today to pay tribute to an outstanding organization which has contributed much to the Portuguese-American community and youth of our State for two decades, LASA, the Luso American Soccer Association.

Since 1973, LASA has been supporting and promoting the interests of organized soccer in Rhode Island and our neighboring State of Massachusetts. It has helped expand the internationally popular sport of soccer here in the United States. Affiliated with the U.S. Soccer Federation, LASA has brought physical development, sportsmanship, and recreation to many young people and has organized competitions and tournaments for the enjoyment of all. As the Congressman from Rhode Island's Second Congressional District, it gives me great pleasure to congratulate LASA on its 20th anniversary and thank the association for its many contributions to our community.

Mr. Speaker, I would ask my colleagues to join me in saluting this community-based soccer association for its efforts to foster healthy athletic competition and promote the sport of soccer among the Portuguese-American community and all cultures.

ON THE OCCASION OF THE FIRST UNITED STATES-JAPAN LEGISLATIVE STAFF EXCHANGE

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. CLINGER. Mr. Speaker, I rise today to welcome to the United States the Japanese legislative staff delegation participating in the inaugural United States-Japan legislative staff exchange. Sponsored by Representative Norman Mineta of California and myself, the exchange will bring senior Japanese and American legislative staffers together for a wide-ranging discussion of issues affecting United States-Japan relations.

The exchange, entitled "Shared Challenges of Democratic Governance," will focus on the impact of domestic politics and political reform on foreign policy and specifically, United States-Japan relations. A special thanks to the Asia Foundation for their support which helped make this event possible.

United States and Japanese political leaders currently face similar situations—lackluster economies and strong political reform movements. Discussions of how these and other factors affect our relations with Japan and vice versa will be extremely beneficial in fostering understanding between our two nations.

In addition, helping the Japanese legislative staff learn about American political and cultural institutions will provide them with the background needed to understand the dynamics of U.S. policymaking. At the same time, senior congressional staff will have a great opportunity to learn from their counterparts about the Japanese political system.

Starting September 26 and ending October 4, the Japanese delegation will participate in a series of meetings and briefings with Members of Congress, analysts from the Congressional Research Service, and representatives of political, business, labor, academic, and media organizations and institutions. The exchange will also include visits to congressional districts.

Representing Japan are Toshihiko Yokoo, Japan New Party; Koutarou Shishida, Japan New Party; Jiro Aichi, Shinseito; Ichiro Uchida, Foreign Ministry, Tomoyuki Watanabe, Heisei Ishi no Kai; Yoshira Aisaka, Liberal Democratic Party; Taizo Toyoda, Liberal Democratic Party; and Isao Motegi, Social Democratic Party of Japan.

U.S. participants include Matt Fletcher, Committee on Government Operations; David Castagnetti, Office of Congressman Norm Mineta; Brent Franzel, Office of Senator Christopher Bond; Robert Tomkin, Democratic Study Group; Kathy Scarrah, Office of Senator Joe Lieberman; and Richard Cronin, Congressional Research Service.

Again, I am pleased to rise and welcome our Japanese friends to the United States and hope that this inaugural visit will be just the first of many successful exchanges between our nations.

IN HONOR OF BENNETT X-RAY TECHNOLOGIES

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. LAZIO. Mr. Speaker, on behalf of myself and the other members of the Long Island congressional delegation—Representatives Gary Ackerman, George Hochbrueckner, Peter King, and David Levy—I would like to commend Bennett X-Ray Technologies of Copiague, NY, which is located in my congressional district. Bennett was recently awarded the U.S. Department of Commerce's prestigious E Award, the Nation's most distinguished award honoring American exporters. One of only 50 companies in the entire country to receive this honor, Bennett is the first Long Island company to win the award since 1990 and the only Long Island company to win this year.

Bennett X-Ray Technologies, founded in 1955 by Bennett Kleinman, began as a local company manufacturing x-ray technologies to meet the needs of private practice physicians. Bennett's son, Calvin Kleinman, took over as president/CEO in 1987 and, in response to the changing economic conditions facing Long Island and the Nation, immediately began expanding the company into new markets and new specialties. Since that time, Bennett has evolved from a successful local manufacturer to a successful exporter in the global marketplace. Their 200 employees now manufacture radiographic and mammographic x-ray systems for use at hospitals, diagnostic centers, and private clinics throughout the world.

Bennett X-Ray Technologies' valuable products have even gained the recognition of the World Health Organization [WHO]. The WHO recently approved Bennett's 100 kHz high frequency x-ray system for its multipurpose radiographic system requirements for developing nations. This high-powered x-ray system operates on a simple electrical outlet. Bennett has continued to thrive domestically as well, having recently developed the "Contour Mammography System," an imaging system that will greatly improve the ability to detect and diagnose breast cancer at greater comfort to women. This new technology is extremely important throughout the country, but has special significance for Long Island, where breast cancer rates are among the highest in the Nation.

Mr. Speaker, the Long Island congressional delegation is extremely proud of Bennett X-Ray Technologies and its 200 employees. We offer our heartiest congratulations on their recent award and valuable contributions to Long Island's economy.

TEXAS MILITARY INSTITUTE CELEBRATES YEARS OF QUALITY EDUCATION

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. SMITH of Texas. Mr. Speaker, it is with great pleasure that I bring to the attention of my distinguished colleagues the 100th anniversary of the Texas Military Institute in San Antonio, TX. As a proud graduate of TMI I would like to congratulate them on celebrating 100 years of quality education.

Founded as an all boys military school by the bishop of the Episcopal Diocese of west Texas on October 1, 1893, the school was named West Texas Military Academy. From 1926 to 1952 the school was owned by Dr. W.W. Bondurant who also owned San Antonio Academy. He renamed the school Texas Military Institute. In 1952 TMI was returned to the Episcopal Diocese.

From the beginning the school aimed to furnish through instruction, Christian training and to develop the sense of moral responsibility and instill the principles of a well-regulated, manly life. The graduates of TMI for the past 100 years reads like a Who's Who of San Antonio and our Nation in terms of military, civic, and business leaders.

One hundred years later, TMI has survived the test of time by evolving as our society has changed while maintaining continuity of purpose and mission.

The mission of TMI today is: To prepare young people for success in their future studies, for leadership and for life, through a challenging and demanding academic program and a wide range of cocurricular activities, provided in a Christian community.

As an all boys military school for 79 years and as a coeducational college preparatory school with an optional military program for 21 years, TMI continues to produce leaders for our city, State, and country. This is accomplished by providing a disciplined environment, giving responsibilities to students and holding them accountable for their actions. This applies to the classroom, extra-curricular activities, athletics and conduct, on and off campus.

At TMI, students gain their identity, not lose it.

One hundred years has seen amazing changes in our city, our country, and the world. TMI survived the test of time by evolving with the times while not changing what the school has stood for since the beginning, that is, academic excellence, in a Christian and disciplined setting while developing the whole person. WTMA/TMI has produced top-notch leaders in the past and continues to do so now and in the future. WTMA and TMI graduates of yesterday, today, and tomorrow have a proud heritage and, most importantly, a foundation on which to build a life of success.

My congratulations to TMI and here's to 100 more years of serving San Antonio as an outstanding educational institution.

IN THE NAME OF THE NEW CHAIRMAN OF THE JOINT CHIEFS OF STAFF

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. JACOBS. Mr. Speaker, judging from various newscasts lately, the best kept military secret ever will be the way to pronounce the name of our new chairman of the Joint Chiefs of Staff. Regardless of pronunciation, by all accounts he, like his predecessor, will be a great one.

ANNOUNCEMENT OF SUPPORT FOR NAFTA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. BERMAN. Mr. Speaker, I have today announced my support for the North American Free Trade Agreement.

I have listened with great care to the concerns of those who oppose this agreement, and I have come to this decision only after extensive study and reflection. In deference to the passion with which my friends and longtime colleagues in the labor movement express their concerns, I have concentrated my study on each and every argument they have raised with me.

In the end, I conclude that passing NAFTA is in the best interest of advancing my own intense commitment to creating new, high wage manufacturing jobs in southern California.

Manufacturing jobs have been the engine of upward mobility for hundreds of millions of hard-working Americans. In southern California, defense cutbacks have resulted in the loss of these jobs to an extent far greater than anything NAFTA's opponents point to in their most dire predictions. I am convinced that NAFTA is the route to restoring manufacturing jobs.

I have dedicated my adult life to fighting for working people, first as a union labor lawyer, and now as an elected official. The loss of jobs and the erosion of worker benefits in California and the Nation have been my greatest concern. And I want to be very clear that I was not persuaded by blithe talk of retraining. The most effective retraining in the world doesn't create jobs.

I have decided to support NAFTA because of these facts:

Since 1986, when Mexico began to lower its trade barriers, United States exports to Mexico have more than tripled.

A United States trade deficit with Mexico which was $5.7 billion in 1987 has now become a $5.4 billion surplus.

And for every $1 billion in net exports to Mexico, 20,000 new jobs are created in the United States.

This is what is happening now, pre-NAFTA, because of the lowering of Mexican trade barriers, a movement that will increase as those barriers are further lowered and eventually eliminated.

Mexican tariff barriers to our exports are still 2½ times as high as our tariff barriers. It seems patently obvious that leveling the tariff playing field is a good deal for the United States.

Take the U.S. auto industry—a huge concern of mine, given the shutdown of the Van Nuys GM plant which cost thousands of jobs in my district, and my efforts through the CALSTART consortium to jumpstart the manufacture of electric vehicles in southern California.

The United States tariff on the import of Mexican autos is 2.5 percent: no hindrance to the United States auto industry packing up and moving to Mexico lock, stock, and barrel today if low Mexican wages were the only consideration.

But the Mexican tariff on United States autos is a whopping 20 percent, a levy which will be cut to 10 percent immediately, and eliminated altogether over the next decade under NAFTA.

We must face facts: as U.S. companies get leaner and productivity increases, it is increased export opportunities that will produce the growth of new jobs.

Southern California has been on a low-wage job trajectory for too long now. This can only be reversed through efforts to expand exports and to institute a real industrial policy—shunned by many but not by me.

In my years as a legislator, I have worked diligently to clean up and protect the environment. I profoundly believe that the catastrophic environmental problems along the United States-Mexico border will be addressed faster and better if we pass NAFTA than if we defeat it. NAFTA is the vehicle for urgently needed environmental cleanup funding which will not be forthcoming without it.

NAFTA is not perfect, and no final solution, but it is essential to addressing the problem of illegal immigration, which every reliable scholar tells us is dependent on an economic development strategy for the Western Hemisphere.

Without economic development in Mexico, we cannot truly solve the problem of illegal immigration and the enormous costs it imposes on all Americans, Californians above all. As long as poor Mexican parents cannot support their families in Mexico, laws and fences can only make a small dent in the number of undocumented workers seeking a paycheck in the United States.

Franklin Delano Roosevelt, Harry Truman, and John F. Kennedy—great Democratic Presidents—rejected the short-sighted allure of protectionism as the economic salvation of America. They understood that it is increased trade, not trade barriers, that produce jobs and prosperity. Recognizing that fact, I will support NAFTA.

TRIBUTE TO DR. GURMIT SINGH AULAKH

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. BURTON of Indiana. Mr. Speaker, I would like to insert in the RECORD the eloquent testimony of Dr. Gurmit Singh Aulakh before the Congressional Human Rights Caucus from September 20. Dr. Aulakh detailed for the caucus the horrible human rights abuses being committed against Sikhs by the Indian Government and appealed for United States intervention to find a lasting and peaceful solution to the ongoing conflicts in Punjab, Kashmir, and Nagaland.

I would also like to insert in the RECORD a recent letter to the editor by Dr. Aulakh published in the Washington Times. In his letter, he details the human rights abuses by the Indian Government in that region—including staged encounters in which Sikh activists are murdered by security forces, and torture that has become endemic in Indian Government prisons.

Mr. Speaker, I would like to pay a special tribute to Dr. Aulakh, who I believe is the most determined and persistent advocate for oppressed and unrepresented people that I have met in my 11 years in Congress. As president of the Council of Khalistan, Dr. Aulakh has worked tirelessly to bring to the attention of the Congress, the world community, and the world's news media to the long suffering of the Sikh people. He is a well-known figure on Capitol Hill, roaming the halls of Congress enlisting support for freedom and human rights for the Sikh people. This year, thanks in no small part to his efforts, Congress for the first time cut development assistance to India to protest the Indian Government's human rights abuses.

Dr. Aulakh has toiled tirelessly to promote the peaceful struggle, not only for respect for the human rights of all people, but for a free and independent homeland for Sikhs called Khalistan. This year, for the first time, a resolution has been introduced in Congress calling for a plebiscite on independence in Punjab. His work has energized the Sikh community across the country and throughout the world, and brought them one step closer to realizing their dream—a free homeland where human rights and democratic freedoms are respected.

[From the Washington Times, Sept. 23, 1993]

ANOTHER PLACE WHERE U.S. MEDIATION COULD BRING PEACE

I agree wholeheartedly with Sardar Abdul Qayyum Khan, the prime minister of Azad Kashmir, that "The United States is compelled by its own strategic interest in the maintenance of stability" to act as a broker of peace in South Asia ("Indo-Pakistani violence could erupt in nuclear war, Kashmir leader says," Sept. 15). However, the Muslims of Kashmir are not the only Indian-oppressed nation seeking U.S. aid and arbitration. In neighboring Punjab, the Sikh nation also desires U.S. mediation to bring peace and freedom to its independence-aspiring homeland, Khalistan.

On Aug. 5 Rep. Pete Geren, along with 13 other members of Congress, introduced House Concurrent Resolution 134, which supports Khalistan's right to self-determination and calls for a United Nations plebiscite so that the Sikhs of Khalistan "may determine for themselves, under fair and peaceful conditions, their political future." The strength of Mr. Geren's resolution, as with the recently successful Israeli-Palestinian accord, is that it offers peaceful, democratic solutions to often-violent independence movements. How can the United States go wrong by promoting peace through negotiation and democracy?

Every day, 20 to 30 Sikhs are killed in "fake encounters" or other extra-judicial killings in Khalistan. More than 110,000 Sikhs have been killed by the Indian government police, paramilitary forces and vigilante mobs since 1984. Asia Watch reports "Virtually everyone detained in Punjab is tortured." In addition, the freedom-seeking Christians of Nagaland also suffer under Indian rule. Since 1947, 150,000 Christians have been killed in their struggle for freedom.

Indeed, the aggrieved nations of India, notably the Sikhs of Khalistan, the Christians of Nagaland and the Muslims of Kashmir eagerly welcome U.S. mediation for peace and freedom in their homelands. India is not one nation, but a conglomerate of nations held together by the nexus of oppression. In the end, only independence for Khalistan, Kashmir and Nagaland will bring peace and stability to South Asia.

GURMIT SINGH AULAKH,
President, Council of Khalistan.

COUNCIL OF KHALISTAN,
Washington, DC, September 20, 1993.

LADIES AND GENTLEMEN: Since the June 1984 Indian government attack on the spiritual and political symbol of our faith, the Golden Temple, the Sikh nation has lost over 110,000 men, women, and children at the hands of the Indian government. Today, there are 500,000 Indian troops occupying the state of Punjab. The Sikhs are ruled by draconian legislation, especially designed to deny our most basic human rights. These "laws" have been deemed "disturbing" and "completely unacceptable" by the United Nations Human Rights Commission.

On March 30, 1993 Congressman Dan Burton introduced the "Justice in India Act" (H.R. 1519) in the House. This bill addresses the barbarity of Indian draconian legislation by calling for cuts in U.S. aid until Indian black laws are repealed.

Though measures such as the "Justice in India Act" has put pressure on the Indian government, it is still the case that to be a Sikh in Punjab is to be in constant danger. Sikhs are still denied the rights to life, liberty and the pursuit of happiness.

For example, take the case of Kulwant Singh Saini a respected lawyer who was shot dead along with his wife by the police. The police hung Mr. Saini's 18 month old son by his feet from a tree. The baby died when he slipped out of the rope. Their bodies were not returned to their families.

Or take the case of Bhai Gurdev Singh Kaunke, the Jathedar of the Akal Takht or highest trustee of the Sikh nation. He was picked up by the police, tortured, and murdered. His body was not returned to his family.

I am sure the caucus would be interested to hear my feelings on how the human rights situation in Punjab may be permanently rectified. I feel with all my heart and mind that the only way the Sikh people of Punjab will ever permanently have the dignity of human birth, is when they have a free and sovereign Khalistan.

Let me make this clear: The issues of freedom and human rights are inseparably linked. The prospects of human rights for Sikhs, or any minority community in India, is non-existent. For 46 years since India's independence, the Sikh nation has suffered systematic discrimination and dispossession in every sphere of human life; economic, political, social, and cultural. To this day, no Sikh has ever signed the Indian constitution.

Last month, on August 5, Congressman Pete Geren along with 13 cosponsors introduced House Concurrent Resolution 134 recognizing the Sikh nation's right to self-determination. The resolution justly calls for a United Nations sponsored plebiscite in the Sikh homeland, Punjab, Khalistan so the Sikhs may "determine for themselves, under fair and peaceful conditions, their political future." America stands for self-determination, freedom, democracy, justice and rule of law. None of these exist for the Sikh nation.

Distinguished members of the caucus, self-determination is a fundamental right of all nations. It is enshrined in Article 1 of the United Nations charter. The plebiscite, as with the recent Israeli-Palestinian peace accords, offers an end to bloodshed through peace and democracy. I urge the U.S. government to recognize the need of the Sikh nation, a land of its own, and initiate a dialogue between Khalistani and Indian leadership for peace and freedom.

In closing, I urge the caucus to see the connection between human rights and independence for the Sikhs of Khalistan. Human rights and freedom are inextricably linked. If you support human rights for the Sikhs, then you support freedom for Khalistan. We do a disservice to the 21 million strong Sikh nation when we define freedom and human rights in mutually exclusive terms.

I sincerely thank the caucus for hearing my testimony. Thank you. God bless you.

GURMIT SINGH ANLAKH,
President, Council of Khalistan.

THE U.S. TREASURY DEPARTMENT PROPOSAL ON SUPERFUND

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. SLATTERY. Mr. Speaker, a few weeks ago, I met with several hundred Kansans to hear their views on the Federal Superfund program. And virtually everyone issued a stinging indictment of this law:

Small businesses told how their companies' existence is endangered as they face substantial liability for wastes they legally disposed of years ago.

Local government officials and citizens told of their disgust over waiting for their communities to be cleaned up while EPA and private parties battled over who should pay.

Major employers told how the law invites lawsuits which delay cleanup and divert resources and energies from cleanup to courtrooms.

Reauthorization of Superfund offers us an opportunity to revisit these issues, and to construct solutions which focus efforts on cleaning up Superfund sites in the most cost-effective way possible, while still holding responsible parties' feet to the fire.

Mr. Speaker, the U.S. Treasury Department recently released suggestions for reform of the Superfund law. In their report, the Treasury Department advocates replacing retroactive, strict, joint and several liability with a strict and apportioned liability scheme. I commend the Treasury Department for its sensible recommendations. I believe they give us an excellent framework within which to critique the current liability scheme, and to begin developing practical and fair solutions.

I submit a copy of the Treasury Department's proposal as a part of my remarks, and request that it be included in the RECORD.

I call on my colleagues as well as on the Clinton administration to move forward on the important issue of Superfund reauthorization during the 103d Congress. I urge you to consider the Treasury Department's suggestions, and let these serve as a starting point with which to end the morass of retroactive, strict, joint and several liability currently contaminating our courts, and tying up dollars from the intended goal of Superfund: the expeditious cleanup of hazardous waste sites.

TEXT OF TREASURY DEPARTMENT VIEWS ON SUPERFUND LIABILITY

SUMMARY

The Department of the Treasury believes that Superfund liability should (1) be based on strict liability predicated on behavior, and not on status; (2) be apportioned to reflect a liable party's contribution to contamination at a site; and (3) not be applied retroactively to actions that were not unlawful at the time they took place. These principles should also be reflected in the Solid Waste Disposal Act, and should preempt State law. We believe the principles are fully consistent with a proper interpretation of the "polluter-pays" principle and would be an effective means to expedite cleanups, would improve incentives for environmentally sound behavior by hazardous-waste generators and transporters, and would reduce transaction costs as well as the enormous economic costs of the manifold uncertainties created by current law. We also believe that this approach to Superfund liability would encourage insurers to again underwrite environmental damages.

Superfund liability should be revised to eliminate (1) strict liability based on status, (2) joint-and-several liability, and (3) retroactive liability prior to December 11, 1980 (or other appropriate date), with respect to parties whose actions at a site were in compliance with applicable law. In its place would be a strict-and-apportioned liability-scheme based on behavior that is partially retroactive. "Orphan shares" should be paid by Superfund, as the basic logic of the Superfund contemplates.

Expressed by reference to the liability options outlined in materials made available by EPA to the Interagency CERCLA Reauthorization Policy Committee and the General Superfund Work Group, Treasury supports liability option 2 (strict and apportioned liability) and option 5 (public funding for orphan shares), together with such aspects of option 4 (special treatment for certain parties) as may be necessary to clarify the liability of those parties.

DISCUSSION

Principles of liability

In General: The Treasury Department endorses EPA's basic principle that liability is predicated on behavior: The "polluter pays" for the costs of cleaning up sites contaminated by hazardous wastes, and that behavioral liability should be strict, and not based on negligence. Consistent with this principle, a polluter should only be liable for the costs of cleaning up a site in reasonable proportion to the contribution of its actions to the problem. Also consistent with this principle, we reject any scheme that attaches liability merely on the basis of a relationship to a site (e.g., as a current owner or operator) or status as a lender or fiduciary.

Joint-and-Several Liability: The problems with joint-and-several liability are twofold: (1) liability for the costs of cleaning up hazardous wastes for which a person was in no way responsible is a patently unfair and unreasonable interpretation of the "polluter-pays" principle; and (2) the application of the joint-and-several concept creates enormous economic uncertainty by imposing potentially ruinous costs in a capricious manner that occasions large transaction costs.

Treasury recognizes the convenience of joint-and-several liability in pressuring potentially responsible parties to reach settlements with the Federal Government, but we believe that the price paid for this convenience in economic uncertainty, perversion of a properly interpreted "polluter-pays" principle, and inflated transaction costs is disproportionate to the value of the convenience.

Retroactive Liability: Retroactivity raises similar issues. While it is no doubt convenient for the Government to assign liability to all parties that have contributed to a Superfund site irrespective of whether they were in compliance with existing laws, doing so violates common standards of fairness while doing nothing to deter future undesirable behavior. In come cases, parties held liable were not only in compliance with laws existing at the time of their action, but were in fact following the State government's explicit directive to deposit the wastes at the site. If the government, representing the interests of society, decides to change a standard of behavior, fairness requires that it should not apply the new line to past actions.

Apportionment of liability

The liability regime Treasury supports would require some method of apportioning clean-up costs among all responsible parties. The financial obligations of all known and liable parties should be collected directly from those parties by EPA (or state governments, see below). Orphan shares and those of all other parties free of liability or exempt should be paid by Superfund, as the basic logic of the program contemplates. Clean-up costs attributable to these shares constitute a public good that should be financed by the public, as assessed by the revenue-raising procedures provided for the funding of Superfund.

We recognize that designing and implementing an effective apportionment process will be a challenge, particularly in view of the inadequate record-keeping practices of many firms. Nonetheless, we believe it is extremely important for the reality as well as the public perception of the evenhandedness and consistency of the Superfund program that the most rigorous possible apportionment process be established.

The process could be administered directly by EPA, by an administratively or judicially appointed master, or by State governments in prescribed circumstances. Any increase in the Federal cost should be regarded as an indirect cost of the cleanup of hazardous waste sites and should financed directly by Superfund. We note that it is highly likely that administrative costs would be far less than the transaction costs of the current system, which relies heavily on private litigation to apportion clean-up costs.

The process should apportion 100 percent of cleanup costs among all "polluters," including parties that may no longer exist, whose identities are unknown or that are financially non-viable, municipalities, and other public entities. The definition of "polluter" should be circumscribed to include only parties directly or indirectly contributing to a release or threatened release at a site or benefitting from the reduced production costs resulting from the failure to dispose of hazardous wastes in ways that do not occasion clean-up costs in the future. Current owners should not be considered "polluters" liable for passive releases for whose potential they did not have knowledge when the property was acquired, subject to a reasonable standard of inquiry. Similarly, current owners should not be liable for costs associated with threatened releases resulting from the actions of a prior owner of which they did not have knowledge, again subject to a reasonable standard of inquiry.

The system should prescribe a hierarchy of criteria for defining the variables to be used for the apportionment. For example, the volume and toxicity of hazardous wastes deposited might be the preferred measure of relative liability, with other measures specified for use where volumetric and toxicity data are not available. Carefully selected procedures should be prescribed for use when adequate data are not available, such as a good-faith apportionment based on known facts and circumstances and the assignment of equal shares (including orphan shares) when the available information is truly limited, with the burden of proof on identified parties to demonstrate lesser liability either administratively or judicially.

Post-cleanup releases

A problem of frequency and dimension unknown to Treasury is the costs of dealing with releases or threatened releases of hazardous wastes after a cleanup is completed. When such events occur because of conditions truly unknown (and that could not have been ascertained under a reasonable standard of inquiry) at the time of settlement, the cleanup costs should be paid by Superfund. The rationale is simply the desirability of eliminating the uncertainty to responsible parties associated with the current practice of leaving liability open in perpetuity on the chance that additional clean-up costs will be incurred after a cleanup is completed. The additional cost to Superfund could be financed by a statutorily prescribed surcharge on all settlements (in the nature of an insurance premium) that would be deposited into the Superfund and invested to cover the cost of additional cleanups that may become necessary.

Additional special provisions

As a general strategy for the design of public policy, Treasury does not believe that exemptions, immunities, "carveouts," and other types of special provisions for particular classes of individuals, firms, or other entities are as effective in promoting equity and economic efficiency as are appropriately designed general rules and provisions that constitute a level playing field for all parties. We believe that a liability regime incorporating the principles and broad policy characteristics outlined above could be implemented in a manner that would satisfy Treasury's concerns about the liability of lenders, fiduciaries, Government entities that hold non-proprietary property, government-appointed conservators and receivers, and certain first-subsequent purchasers that are not polluters (e.g., passive releases). However, to the extent that the approach described above does not fully resolve liability issues in these cases, Treasury believes that special provisions would have to be included in the Administration's legislative proposal to achieve the results anticipated from the preferred liability scheme. As in the past, Treasury staff are prepared to work with EPA staff to develop the necessary language should the need materialize.

De Minimis and de Micromis Polluters: Under a regime of apportioned strict liability, we believe that exemptions for de minimis and de micromis polluters would not be necessary, and that EPA should be vested with administrative authority to resolve the liability of these parties.

Municipalities: We have serious reservations about a general limitation on the liability of municipalities on grounds of equity and economic efficiency. The termination of joint-and-several liability should substantially reduce the anxieties of municipal authorities, and the special circumstances of municipal involvement should be taken into account in the design of apportionment standards. For example, a municipality may have deposited non-toxic waste at a site where hazardous wastes were also deposited; its deposits increased the volume of wastes to be processed and hence the total cost of the cleanup, although its wastes were on average low in toxicity. Once such special circumstances are accounted for, the rules should apply uniformly to all parties meeting the conditions.

Generators: Considerations of fairness, coupled with the "polluter-pays" principle and the problems of retroactive liability, require that the liability of generators of hazardous wastes be revised. Accordingly, a generator whose hazardous waste is accepted for disposal by a site operating under a Resource Conservation and Recovery Act (RCRA) permit should be relieved of liability with respect to that hazardous waste. Such an approach would provide a strong disincentive for generators to dispose of hazardous waste illegally, and should further encourage insurers to underwrite generators for environmental damages. Serious consideration should also be given to adopting this approach with respect to deliveries to and by hazardous-waste transporters and treatment facilities that meet specified standards.

Current Owners: Our approach would eliminate the need for special provisions with respect to innocent current owners. We believe, however, that the principle of unjust enrichment should apply to any current owner (including a foreclosing lender) who benefits from a cleanup financed by the Superfund. Such persons should be required to reimburse the Superfund in an amount equal to (or some defined fraction of) the estimated increase in the market value of the property directly attributable to the cleanup.

Fiduciaries: Any limitation on the liability of fiduciaries, whether by virtue of the approach described above or through special provisions, should extend only to the personal liability of the fiduciary, and should not provide any additional limitation on the potential liability of the beneficial owner of the property or a lien against the property held by the fiduciary.

RECOGNIZING THE ACCOMPLISHMENTS OF GEN. JAMES "JIMMY" DOOLITTLE

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am honored to be able to introduce a concurrent resolution with Senator JOHN MCCAIN today honoring the life and achievements of Gen. James H. "Jimmy" Doolittle.

As you all know, General Doolittle, the first pioneer of military aviation, died on Monday at the age of 97.

General Doolittle's long and distinguished career started in 1917 as a flying cadet in the Signal Corps Reserve. While in the corps, he received degrees from University of California as well as Massachusetts Institute of Technology [MIT].

General Doolittle is most famous for leading a squadron of B–25 bombers, in 1942, on a raid of the Japanese mainland. This raid gave a much needed boost to United States and allied morale, while shattering the Japanese's sense of invulnerability.

Following this mission, he was presented the Nation's highest award, the Medal of Honor, which was presented to him by President Franklin D. Roosevelt. The White House ceremony honoring Doolittle commanded the attendance of respected military leaders such as Gen. "Hap" Arnold and Gen. George Marshall.

Doolittle was also promoted to brigadier general, skipping the rank of full colonel. In 1942, he was promoted to major general and in January 1944, he became a lieutenant general and commanded the Eighth Air Force in the European theater.

General Doolittle was highly decorated for his efforts in World War II, receiving such honors as the Medal of Honor, the Distinguished Service Medal, the Silver Star, the Air Medal, among many others.

Finally, in 1985, Doolittle was promoted to a four-star general. His stars were pinned on by President Ronald Reagan and Senator Barry Goldwater of Arizona.

He served on the board of directors of many corporations and received honorary degrees from eight universities.

The world and the United States are much better places because of the accomplishments of Gen. Jimmy Doolittle. He has been a mentor to many Americans and if any American military hero is worthy of a congressional proclamation honoring his achievements, it is Gen. Jimmy Doolittle.

NATIONAL ASSOCIATION OF MEDICAL STAFF SERVICES

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. DUNCAN. Mr. Speaker, I am privileged to have within my congressional district the headquarters of the National Association of Medical Staff Services. This association has a membership of well over 3,000 health administration professionals nationwide.

In light of the current debate on health care reform, I want to bring to the attention of my colleagues and other readers of the RECORD the views expressed by NAMSS regarding public access to information from the National Practitioner Data Bank:

NAMSS—FOR THE MEDICAL STAFF SERVICES PROFESSIONAL

The National Association Medical Staff Services (NAMSS) is uniquely qualified to take a position on the issue of public release of information from the National Practitioner Data Bank. From this perspective, NAMSS must oppose moves for passage of a federal law to require public release of information from the National Practitioner Data Bank.

NAMSS has more than 3000 members from over 2500 healthcare organizations. These members perform important administrative and regulatory compliance duties in their hospitals and other healthcare facilities.

One of the primary duties of NAMSS members is to assist the healthcare organization in the handling of credentials verification of physicians to practice on hospital staffs. This is a thorough, exhaustive process involving direct checks with responsible representatives of medical facilities, educational institutions, licensing and peer review boards and other organizations with pertinent information on the physicians involved.

From these sources, NAMSS members help to assemble a complete and reliable professional profile on the physicians being certified. In fact, NAMSS submits that the easiest and most reliable way to check out a physician's competence is to establish whether the doctor has been granted privileges to practice on a hospital staff. NAMSS members also coordinate the ongoing evaluation of physicians previously accredited.

In taking this position, we would underscore the following points:

NAMSS members are deeply committed to enforcement of the highest professional standards for practicing physicians and to inform consumer choice.

This commitment can best be fulfilled through responsible and comprehensive reporting of the evaluation of physicians' current clinical competence rather than the isolated release of NPDB data.

In short, NAMSS believes that direct public access to NPDB information in its current state will do more harm than good. Consumers will be confused and misled. Some doctors will be unfairly tarnished. Some elements of the news media will misinterpret the data and report it in sensational fashion. As a result, the medical community will understandably begin to seek loopholes in laws and regulations to avoid reporting information to NPDB.

Consider these examples:

Already we have had repeated instances of gross misinterpretation of the reporting by the news media of mortality rates at hospitals, depicting some leading medical facilities as virtual merchants of death. These reports do not explain that a hospital with a shock trauma unit might experience a higher mortality rate while providing the highest quality of care. These statistics and the stories based upon them do not report how many lives were saved in these facilities. This same example applies to hospitals with specialized cancer treatment units, heart treatment centers, special programs for the aging, etc. Are we willing to influence these leading medical institutions to separate themselves from these vital services to protect their professional images—all in the name of consumer choice?

Medical facilities with these units, which are publicly identified as having high mortality rates, now must spend heavily on public information and public education efforts to try to convey the true picture to consumers. These efforts are only partially successful in correcting false impressions. These programs cost money, driving up the cost of health care at those facilities.

Concerning NPDB, the release, for example, of the fact that a doctor has entered a financial settlement in a malpractice suit does not mean the physician has been found guilty of malpractice. Insurance companies often dictate these settlements rather than bearing the expense of protracted fact-finding and litigation.

Explanation of reports to NPDB, on malpractice or other topics, are limited to 600 characters. This is insufficient space to adequately explain such complex happenings as malpractice suits and liability claims.

NPDB, only two years old, has many "bugs" which need to be worked out. The system does not have enough information to give the "historical value" of physicians' records.

In summary, NPDB is just one of many sources NAMSS members rely upon in coordinating the credentials verification of doctors to practice at the nation's accredited hospitals. A negative report from NPDB will be investigated, confirmed, explained or otherwise put into context in determining the physician's competence and professional record.

NAMSS stands ready to work with authorities at all levels to achieve a comprehensive and fair system for judging the fitness of physicians. In the interim, we caution against a damaging, knee-jerk reaction in the name of consumer choice.

NAMSS also submits that the current credentials verification process for hospital practice is a highly reliable standard for determining physician fitness. Certainly it is a more reliable standard than NPDB data standing alone, or any other single factor.

TRIBUTE TO CLEAR COMFORT, THE ALICE AUSTEN HOUSE

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Ms. MOLINARI. Mr. Speaker, on Saturday, October 2, 1993, I will join representatives from the National Park Service and Friends of the Alice Austen House at a Plaque Ceremony for "Clear Comfort," the home of Alice Austin, on Staten Island, NY.

In April, when I received the announcement from the Secretary of the Interior, Bruce Babbitt, that Alice Austen's home would be entered in the National Register of Historic Places, I felt very proud.

There is no doubt that "Clear Comfort" is an historically significant property. However, it is undoubtedly notable because of Alice Austen, the woman who lived there for 78 years, most of her life.

Born in 1866, this remarkable woman blossomed into a talented photographer who documented a portion of American society for many future generations to study about and cherish. She took more than 7,000 photographs during her lifetime and is noted as the earliest American woman of importance in photography.

This house was her laboratory. She used a room on the second floor for a darkroom, its gardens as a backdrop and used other rooms in the house as stage sets. One thing that sets Alice Austen apart from her contemporaries is that she documented the everyday activities of her friends and family, giving her photographs a realistic edge that conventional photographers of her day did not.

Alice Austen is a woman who dared to be different in her pursuits of mastering the art of the camera. In many ways, she was a pioneer photographing women smoking cigarettes, and playing tennis—big no-no's during Victorian times.

I would like to conclude with a quote from George Szekely and Kianna Gabay who wrote "A Study of A Community: Staten Island Architecture and Environment" published in 1980: "a building is like a garment, a second outer skin. Some buildings fit our bodies and our spirits." These words unquestionably summarize Alice Austen's relationship with "Clear Comfort." When we look at the open spaces and lovely views of the sea we see exactly what gave Alice Austen's photos a personal touch that is missing from many of the Victorian age.

Mr. Speaker, it is an honor for me to take part in this historical event, commemorating this house as a national landmark, and in part the woman who lived here.

TRIBUTE TO THE RESCUE MISSION OF MAHONING VALLEY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. TRAFICANT. Mr. Speaker, on October 9, 1993 the Rescue Mission of Mahoning Valley will celebrate 100 years of serving the community. I rise in honor of this fine organization.

Mr. Speaker, the Mission is a nonprofit organization in my 17th District of Ohio which deals with the family and their many problems. Rev. David L. Sherrard, the executive director of the Mission, believes the home needs to preserve more today than at any other time. As he explained to me, "Satan is very rampant in the world today."

Mr. Speaker, the Mission has provided a valuable service to the people of my district, counseling and assisting families in search of filling their worldly and spiritual needs. I can say that without this worthy organization, the havoc the economy has played on my district would have had a much more disastrous effect on the families who reside there.

Mr. Speaker, I join the citizens of my district in saluting the Rescue Mission of Mahoning Valley on their Centennial anniversary. Their longevity is a testament to the compassion and drive it continually demonstrates. May God be with this fine organization for another 100 years.

TRIBUTE TO HARRY TURNER

HON. W.G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. HEFNER. Mr. Speaker, on October 1, 1993, the many friends and coworkers of Harry Turner will join him in celebrating his retirement.

I expect to be present and will read the following resolution:

RESOLUTION

Whereas Harry Turner, a native of Waterbury, Connecticut, and later a resident of Richmond, Virginia, attended the University of Richmond;

Whereas Harry Turner was appointed to the Corporate Affairs Department at the Philip Morris Cabarrus Manufacturing Facility in 1991, where he previously worked as a Group Supervisor in Primary Processing;

Whereas Harry Turner joined Philip Morris in 1965 at the Richmond facility and held numerous supervisory positions before coming to the Cabarrus Manufacturing Facility in 1982;

Whereas Harry Turner has held various positions in the community, including board member of the Concord L.I.F.E. Center (Living Interest for the Elderly), member of the State Board of Community Colleges, and coordinator for the annual fundraising efforts of the Salvation Army;

Whereas Harry Turner has been active in the political party of his choice; and

Whereas Harry Turner served as Chairman of the Philip Morris United Way Campaign in 1989 and currently serves on the board of directors for the North Carolina Transportation History Corporation: Now, therefore, be it

Resolved, That the friends and coworkers of Harry Turner express their gratitude to Harry Turner on the occasion of his retirement from Philip Morris U.S.A. for his long and faithful service to his company and his community.

TRIBUTE TO THE NEW YORK GUARDIAN

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. KING. Mr. Speaker, when our Founding Fathers crafted the Constitution, they recognized that a free nation should be, must be, premised on a free press.

Today, I would like to take this opportunity to congratulate a fledgling monthly publication, the New York Guardian, now entering its third year, which has lived out the ideals which our forefathers envisioned.

The New York Guardian was founded on Long Island by citizens who believed that the press in New York was not as diverse, not as fair, as it should be. A free press must be diverse, and should offer the public a balance of opinion and information. Very simply, the residents of Long Island need a newspaper other than Newsday which is politically biased and religiously bigoted.

Already the New York Guardian has sought to offer that balance in the national disclosure of public policy, and despite being only a newsmonthly, it has broken a number of stories that the public had a right and a need to know.

The New York Guardian has gained a national reputation, and has received praise from former President Reagan and former Secretary of HUD Jack Kemp. British historian and author Paul Johnson has touted the Guardian as "an admirable monthly dedicated to publicizing the vices of the American political establishment."

Indeed, the New York Guardian has served as a guardian for the public's welfare—a role that a free press should play in democratic society, as guaranteed in the Bill of Rights.

Additionally, the New York Guardian has proven itself as an important news source. Under the direction of Christopher Ruddy, the New York Guardian and its staff has informed the public on a number of important issues, including public funding of the National Endowment of the Arts. Guardian exclusives uncovered that our tax dollars had been used to promote art that is often anti-Christian, obscene, and blatantly political.

Guardian exclusives included revelations that the NEA funded such projects as the film "Jesus Christ Condom," a proabortion ad for the National Abortion Rights Action League which was to be shown on MTV, two anti-Christian books entitled "Queer City" and "Live Sex Acts," and the only detailed account of the offensive nature of the Whitney Museum's Biennial Exhibit.

These are just a few of the areas in which the Guardian has provided an alternative view. The taxpayers of the country deserve an alternative view: The Guardian does this in a broad sweep of areas including promoting family values, preserving national security, exposing governmental abuse, and providing information on the media itself.

In addition to its value as a news source, the Guardian has been a forum for the ideas of leading thinkers, Russian writer Lev Navrozov's column appears exclusively in the Guardian. Articles by Ronald Reagan, Dr. Bernard Nathanson, Herb London, Milton Friedman, Ed Koch, Jack Kemp, Paul Johnson, Malachi Martin, John Cardinal O'Connor, Dr. James Dobson, and others, have appeared on the Guardian's pages.

The Guardian is a valuable resource, and a much needed addition to the American public square. May it prosper and grow.

LEGISLATION INTRODUCED TO TRANSFER A PARCEL OF LAND TO THE TAOS PUEBLO INDIANS OF NEW MEXICO

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. RICHARDSON. Mr. Speaker, I am introducing a bill to transfer a parcel of land to the Taos Pueblo Indians of New Mexico. This legislation transfers 764.33 acres of land in the Wheeler Peak Wilderness Area known as the Taos Bottleneck to the Secretary of the Interior, to be held in trust for the Pueblo of Taos. This land will be part of the Pueblo of Taos Reservation.

This bill will be the last chapter of a long history of attempts by the tribe to recover land which was wrongfully taken from the Pueblo. In 1965, nearly 60 years after the United States had extinguished title to the Blue Lake watershed by proclamation, the Indian Claims Commission affirmed the Pueblo's claim to 130,000 acres. The Pueblo agreed to a settlement for 80,000 acres outside of the sacred Blue Lake watershed, but made it clear that nothing but return of the remaining 50,000 acres would be acceptable.

In 1965 legislation which would convey trust title to the 50,000 acres of the sacred watershed to the Pueblo was introduced. However, there was opposition to the bill because conveying the land to the Pueblo would leave the Carson National Forest with a shortage of acres necessary to designate the Wheeler Peak Area as a wilderness area. The Wilderness Act of 1964 required a minimum of 5,000 acres to qualify as a wilderness. Those opposing the 1965 legislation proposed that 2,000 acres in the Bottleneck Area be exempted from lands returned to the Pueblo.

The Pueblo agreed not to press its legal claims to the Bottleneck lands in order to obtain the support for legislation. This reduced the confirmed title of 50,000 acres to 48,000 acres, thereby creating the Bottleneck Area. In 1970, Public Law 91–550, the Blue Lake Wilderness Protection Act was signed. The Act placed under trust an area "containing approximately 48,000 acres, more or less," for Taos Pueblo under wilderness status. In 1976 the stipulation of settlement for the Pueblo's land claim was signed. It contained language which expressly states that the stipulation shall not bar the Pueblo from seeking, by act of Congress, of that area, determined by the Indian Claims Commission to be within the Pueblo's aboriginal title area and of special religious significance to the Pueblo.

Since passage of Public Law 91–550, the Wheeler Peak Wilderness Area has been expanded, so that this bill does not jeopardize its wilderness status. Under the terms of this bill, this parcel of land will be managed in accordance with the act of May 31, 1993, as amended by Public Law 91–550, the Blue Lake Wilderness Protection Act. These provisions ensure that the Pueblo of Taos shall use the lands for traditional purposes only, such as religious ceremonials, hunting and fishing, a source of water, forage for their livestock, and wood, timber and other natural resources for their personal use, all subject to regulations for conservation purposes as the Secretary of the Interior may prescribe.

I urge my colleagues to support this bill.

Section-by-Section Analysis of a Bill To Transfer a Parcel of Land to the Taos Pueblo Indians of New Mexico

SECTION 1. LAND TRANSFER.

Subsection 1(a) transfer the parcel of land described in subsection (b) to the Secretary of the Interior, without consideration, to be held in trust for the Pueblo of Taos. This subsection clarifies that this parcel shall be part of the Pueblo de Taos Reservation, and provides that the parcel shall be managed in accordance with section 4 of the Act of May 31, 1993 (Chapter 45, 48 Stat. 108), as amended by Public Law 91–550 (84 Stat. 1473), the Blue Lake Wilderness Act.

Subsection 1(b) contains the legal description for the parcel of land to be transferred.

Subsection 1(c) directs the Secretary of Agriculture to file a map and legal description of the Wheeler Peak Wilderness as modified by subsection (a) with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. It provides that the map and description shall be on file and available for public inspection in the office of the Chief of the Forest Service, United States Department of Agriculture.

CONGRATULATIONS COUNTRY MUSIC AWARD WINNERS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. CLEMENT. Mr. Speaker, last night, in the home of country music, Nashville, TN, the 27th annual Country Music Awards were presented before a nationwide television audience.

Hosted by superstars Clint Black and Vince Gill, the awards ceremony showcased the best artists, musicians, and songwriters around today.

Mr. Speaker, the reasons for country music's popularity were evident as one watched last night's awards show. Country music has some of the brightest and most talented songwriters, artists, and musicians in the music industry today, and it is indeed an honor to represent them here in the Congress.

I congratulate all of the award winners and the nominees for helping make 1993 one of country music's best years.

I have included with my remarks a list of the CMA award winners.

NASHVILLE, TN.—Winners at the 27th annual Country Music Association Awards:

Vince Gill, entertainer of the year.

Vince Gill, male vocalist of the year.

Mary-Chapin Carpenter, female vocalist of the year.

"I Still Believe in You," Vince Gill, album of the year.

"Chattahoochee" by Alan Jackson, single of the year.

Willie Nelson, Country Music Hall of Fame.

Brooks & Dunn, vocal duo of the year.

Diamond Rio, vocal group of the year.

"Chattahoochee" by Alan Jackson, music video of the year.

"I Still Believe in You," by Vince Gill and John Barlow Jarvis, song of the year, (award to songwriter).

Mark Chesnutt, Horizon Award for most promise.

"I Don't Need Your Rockin' Chair," George Jones with Vice Gill, Mark Chesnutt, Garth Brooks, Travis Tritt, Joe Diffie, Alan Jackson, Pam Tillis, T. Graham Brown, Patty Loveless and Clint Black, vocal event of the year.

Mark O'Connor, instrumentalist of the year.

NASHVILLE, TN.—Satiny-voiced Vince Gill bumped Garth Brooks from the top of the country music hill, winning entertainer-of-the-hear honors at the Country Music Association awards.

Gill, 36, won or shared five honors Wednesday night at the CMA's 27th annual awards, including top male vocalist. His poignant "I Still Believe in You" won best song and top album.

Brooks, country music's top seller and concert draw, had also been nominated as entertainer of the year, an award he won the previous two years.

"I never cared where I sat on the totem pole," Gill said afterward. "I'm just glad to be part of it."

Alan Jackson won three honors, Brooks one and Willie Nelson got the biggest ovation at the Grand Ole Opry House as he was inducted into the Country Music Hall of Fame as its 54th member. The 60-year-old Nelson was decked out in formal attire instead of the usual bandanna, T-shirt and jeans.

"I really thought you had to die to get here," he said. "So I went ahead and dressed up just in case."

Gill, who led the nominations with eight, said he was surprised to win best entertainer.

"I've always operated under the theory that I don't feel like I'm an entertainer. I just feel like I'm a musician and I sing songs," he said. "I don't have the big stage show. I don't run around and do a lot of those things. I've got a killer band and it's just great singing and playing."

Gill and Brooks were among 11 stars who shared the vocal event of the year award for "I Don't Need Your Rockin' Chair." The contingent was led by George Jones, who missed the presentation because he was in the bathroom.

Others who shared the award were Mark Chesnutt, Travis Tritt, Joe Diffie, Pam Tillis, T. Graham Brown, Patty Loveless and Clint Black.

Alan Jackson won three awards, including single of the year and music video of the year for his rollicking, "Chattahoochee," about summer fun on a Georgia river. He also shared the vocal event of the year honor.

Mary-Chapin Carpenter won her second straight award as top female vocalist, telling the audience, "This is an incredible surprise. . . . I'm overjoyed."

Brooks & Dunn were voted vocal duo of the year for helping inspire the country dance craze. Diamond Rio was voted to vocal group for the second straight year and Chesnutt won the Horizon Award for most promising artist.

Fiddler Mark O'Connor, who plays classical and country, received the instrumentalist of the year award.

REFORM OF THE NATIONAL FLOOD INSURANCE PROGRAM

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1993

Mr. KENNEDY. Mr. Speaker, I rise today to introduce the National Flood Insurance Reform Act of 1993.

When the National Flood Insurance Program was established in 1968, the goals were to provide flood insurance for residents of at-risk areas, to reduce Federal disaster costs, and to encourage community efforts to reduce risky development. Unfortunately, these laudable goals have not been realized. The program has put the taxpayer at risk while failing to ensure that those who should be covered by flood insurance actually receive coverage. Reform of the program is long overdue.

The issue of reform of the National Flood Insurance Program is not new. Our colleague from Nebraska, Mr. BEREUTER, has worked extensively on this issue, and contributed much to the public debate. He should be commended by this House for his good work, which included helping craft a similar measure which passed the House in the last Congress by an overwhelming margin. That legislation, unfortunately, was not approved by the other body and did not become public law. Rep. BEREUTER has introduced legislation (H.R. 62) in this Congress which reflects his suggestions for flood insurance reform, many of which are incorporated into the legislation I introduce today.

The recent floods in the Midwest heighten the need for reform of the National Flood Insurance Program. Among its most serious flaws is that it has more outstanding claims than reserves, and is in serious danger of being forced to dip into its borrowing authority. According to recent estimates, the fund is running a deficit of approximately $50 million.

Even more critical is that it has been estimated by GAO that a catastrophic storm could result in up to $4 billion in claims to the program, a hit to the fund which would almost certainly require a taxpayer bailout. In addition, the low participation rate in the program leaves the fund with less than necessary reserves. It is especially disturbing that FEMA estimates that only $50 million in claims will be paid as a result of the massive Midwest floods. This relatively small amount of claims occurs because it is estimated that only 10 percent or fewer of those who face flood danger in that area actually have flood insurance. The national participation figure only rises to 17 percent—approximately 2 million out of the estimated 11 million structures located in a floodplain.

This distressfully low rate of participation arises from two distinct problems. First, too few of those required by law to obtain flood insurance ever actually get flood insurance. Second, many who do obtain flood insurance let their policies lapse. These correctable problems are addressed in this bill by better enforcement of the mandatory purchase requirement by lenders and GSE's, and by the escrowing of flood insurance payments for the term of the mortgage.

To provide for mitigation of flood risks, this measure establishes an innovative policyholder mitigation fund, to provide grants to States and communities to carry out flood damage mitigation activities. This fund would be financed primarily by a small surcharge on policyholders—$10 for insuring principal residences and up to $25 for other structures—to address flood problems in a proactive way, thereby reducing the risk of flood damage in States and communities. This preventive action, which can include, for example, elevation, relocation, demolition, or floodproofing of structures, particularly structures incurring repetitive losses to the fund, will reduce flood insurance claims and provide increased protection to communities from costly damage in the future.

Finally, this measure specifies that Federal flood insurance will not be available for new construction, or additions to existing structures that make them not readily movable, within 30-year erosion areas, and limits the availability of insurance to new, readily movable residential structures within a 60-year erosion area. In my view, the Federal Government should not be involved in making land use decisions on what can be built, and what cannot. That's the job of State and local governments. At the same time, however, the Federal Government should not be putting taxpayers at risk in insuring structures likely to be hit by severe erosion. This very sensible provision, which removes the Federal taxpayer from harm's way in certain erosion areas, strikes an appropriate balance by protecting taxpayers without compromising the right of State and local governments to decide the fate of the land. This approach has the strong backing of the environmental community.

I urge support for this measure. At this point, I would like to include in the RECORD a brief description of the National Flood Insurance Reform Act of 1993.

The material follows:

SUMMARY OF NATIONAL FLOOD INSURANCE REFORM ACT OF 1993

(By Chairman Joseph P. Kennedy II)

LENDER COMPLIANCE PROVISIONS

Increases purchase of flood insurance by strengthening and expanding current mandatory flood purchase requirements to all lenders. Under the bill, the mandatory purchase requirements, which require flood insurance for the term of the loan, would now extend to regulated lending institutions, federal agency lenders (i.e., SBA, FHA, FmHA, VA, FFCA), other lending institutions, and government sponsored enterprises (i.e., Fannie Mae and Freddie Mac). The bill also requires federal agency lenders and government sponsored enterprises to design procedures to ensure that flood insurance is continued for the life of the loan.

Establishes standard notification requirements and procedures to ensure compliance with the mandatory purchase requirement.

Requires lenders to establish an escrow account for flood insurance for residential real estate loans.

Clarifies that Federal agencies may not waive the mandatory purchase requirement for any purposes.

Allows lenders to charge borrowers a reasonable fee for flood hazard determinations on loan origination.

Allows regulators to levy a $350 fine for each violation on lenders who have a pattern and practice of failing to require the purchase of flood insurance. The annual penalty may not exceed $100,000 per lender.

Lenders may purchase insurance for a property and charge the borrower if insurance is required and found not in force after notifying the homeowner of the mandatory purchase requirement.

Requires development and lender usage of a Standard Hazard Determination Form.

Requires regulators, when conducting examinations, to assess lender compliance with flood insurance regulations.

COMMUNITY RATING SYSTEM

Authorizes and codifies the Community Rating System, a program already implemented by the FIA that provides incentives for preventive actions by communities to reduce losses. The CRS would reduce premiums in communities that implement loss reduction measures that exceed FEMA standards.

MITIGATION PROVISIONS

Establishes a National Mitigation Fund funded by a policy surcharge of $10 for principle residences and up to $25 for non-principle residences. The National Mitigation Fund will provide financial assistance to State and community mitigation assistance programs to stimulate the planning and execution of mitigation activities. Eligible activities will include the elevation, relocation, demolition, floodproofing or purchase and removal of flood-prone or erosion-threatened buildings. Requires states to provide $1 for every $3 of Federal funds provided.

Prohibits granting of insurance for new construction within the 30-year erosion zone and limits its availability within the 60-year erosion zone.

Repeals the flooded property purchase and loan program and the erosion-threatened structures program. Activities in these programs will be eligible for funding through grants from the National Mitigation Fund.

Directs the Administrator to conduct a study on the feasibility of a mitigation insurance program.

OTHER PROVISIONS

Improves Flood Insurance Rate Maps (FIRMS) by directing FEMA to review and update FIRM's on a 5-year cycle and to distribute all changes in a compendium every six months.

Directs FEMA to identify erosion hazard areas using erosion rate data.

Raises the maximum coverage amounts to $203,150 for a single-home and $500,000 for non-residential property.

Establishes a Flood Interagency Task Force to provide recommendations and guidelines on compliance with the mandatory purchase requirement.

HOUSE OF REPRESENTATIVES—*Monday, October 4, 1993*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 4, 1993.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, we thank You for so many gifts that have been freely given and today we remember the gift of forgiveness and the blessing of reconciliation. With all the tumult and turbulence in society, we are grateful that we can put behind us some of the discord and conflict that pull people apart and draw instead on the rich resources of faith and the majesty of Your creation. In spite of the tension of daily life, may grace, mercy, and pardon mark our relationships and cause us to grow together as one people in the spirit of unity. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. MINGE] will lead the House in the Pledge of Allegiance.

Mr. MINGE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 133. Concurrent resolution providing for the printing as a House document of a collection of statements made in tribute to the late Justice Thurgood Marshall.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1508. An act to amend the definition of a rural community for eligibility for economic recovery funds, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
October 4, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, October 1, 1993 at 4:50 p.m. and said to contain a copy of a report on America's shipyards, as required by section 1031 of Public Law 102-484.

With great respect, I am,
Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

STRENGTHENING AMERICA'S SHIPYARDS: A PLAN FOR COMPETING IN THE INTERNATIONAL MARKET—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-145)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services and the Committee on Merchant Marine and Fisheries and ordered to be printed:

To the Congress of the United States:

In accordance with the requirements of section 1031 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484), I transmit herewith a report entitled "Strengthening America's Shipyards: A Plan for Competing in the International Market."

The U.S. shipbuilding industry is unsurpassed in building the finest and most complex naval vessels in the world. Now that the Cold War has ended, these shipyards, like many other defense firms, face a new challenge—translating their skills from the military to the commercial market. Individual shipyards already have begun to meet this challenge. The enclosed report describes steps that the Government is taking and will take to assist their efforts. I look forward to working with the Congress and the industry to ensure a successful transition to a competitive industry in a truly competitive marketplace.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *October 1, 1993.*

CONFERENCE REPORT ON H.R. 2491, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1994

Mr. STOKES submitted the following conference report and statement on the bill (H.R. 2491), making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-273)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2491) "making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 7, 17, 21, 27, 29, 36, 41, 53, 54, 58, 71, 72, 75, 80, 87, 88, 91, 94, 95, 96, 99, 102, 107, 108, 109, 110, 111, 114, 118, 124, 126, 132, and 135.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 9, 10, 11, 13, 14, 20, 22, 24, 25, 26, 28, 30, 31, 32, 33, 34, 35, 39, 40, 42, 43, 46, 47, 48, 49, 50, 51, 56, 60, 64, 65, 66, 70, 74, 78, 82, 83, 92, 93, 97, 98, 103, 104, 105, 106, 112, 115, 117, 119, 125, 128, 130, 131, and 134, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$15,622,452,000*; and the Senate agree to the same.

Amendment numbered 4:

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of "$10,000,000" named in said amendment, insert: *$8,000,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$826,749,000*; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$28,000,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), as amended, $1,275,000,000, to remain available until expended.

And the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$9,312,900,000*; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$263,000,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,326,865,000*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert:

For contracts with and payments to public housing agencies and nonprofit corporations for congregate service programs, $6,267,000, to remain available until September 30, 1995, in accordance with the provisions of the Congregate Services Act of 1978, as amended:

For contracts with and payments to public housing agencies and nonprofit corporations for congregate services programs under section 802 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), $18,733,000, to remain available until September 30, 1995.

And the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$115,000,000*; and the Senate agree to the same.

Amendment numbered 45:

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$334,000,000*; and the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

INDIAN HOUSING

INDIAN HOUSING LOAN GUARANTEE FUND

For the cost (as defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739), $1,000,000. Such funds shall be available to subsidize guarantees of total loan principal in an amount not to exceed $25,000,000.

And the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$916,963,000*; and the Senate agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following: *: Provided further, That not more than $5,000,000 of the amounts made available under this heading may be used for personnel compensation and benefits*; and the Senate agree to the same.

Amendment numbered 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

ADMINISTRATIVE PROVISION

None of the funds provided under this title to the Department of Housing and Urban Development, which are obligated to State or local governments or to housing finance agencies or other public or quasi-public housing agencies, shall be used to indemnify contractors or subcontractors of the government or agency against costs associated with judgments of infringement of intellectual property rights; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$20,211,000;* and the Senate agree to the same.

Amendment numbered 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment, insert: *$2,500,000*; and the Senate agree to the same.

Amendment numbered 67:

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$9,159,000*; and the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$338,701,000*; and the Senate agree to the same.

Amendment numbered 69:

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *: Provided, That not more than $50,600,000 of these funds shall be available for procurement of laboratory equipment, supplies, and other operating expenses in support of research and development*; and the Senate agree to the same.

Amendment numbered 73:

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$850,625,000*; and the Senate agree to the same.

Amendment numbered 76:

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,465,853,000*; and the Senate agree to the same.

Amendment numbered 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,215,853,000*; and the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$67,036,000*; and the Senate agree to the same.

Amendment numbered 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

For necessary expenses for capitalization grants for State revolving funds to support water infrastructure financing, and to carry out the purposes of the Federal Water Pollution Control Act, as amended, and the Water Quality Act of 1987, $2,477,000,000, to remain available until expended, of which $500,000,000 shall not become available until May 31, 1994: Provided, That of the amount which becomes available on October 1, 1993, $1,817,000,000 shall be for making capitalization grants for State revolving funds; $22,000,000 shall be for making grants under section 104(b)(3) of the Federal Water Pollution Control Act, as amended; $80,000,000 shall *be for making grants under section 319 of the Federal Water Pollution Control Act, as amended; and $58,000,000 shall be for section 510 of the Water Quality Act of 1987.*

And the Senate agree to the same.

Amendment numbered 84:

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

None of the funds provided in this Act may be used within the Environmental Protection Agency for any final action by the Administrator or her delegate for signing and publishing for promulgation of a rule concerning any new standard for radon in drinking water.

And the Senate agree to the same.

Amendment numbered 85:

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

No funds appropriated by this Act may be used during fiscal year 1994 to enforce the requirements of section 211(m)(2) of the Clean Air Act that require fuel refiners, marketers, or persons who sell or dispense fuel to ultimate consumers in any carbon monoxide nonattainment area in Alaska to use methyl tertiary butyl ether (MTBE) to meet the oxygen requirements of that section.

And the Senate agree to the same.

Amendment numbered 86:

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$4,450,000* ; and the Senate agree to the same.

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

OFFICE OF NATIONAL SERVICE

For necessary expenses of the Office of National Service within the Office of Administration of the Executive Office of the President as authorized by 3 U.S.C. 107, $160,000: Provided, That not more than $50,000 shall be used for reimbursing detailees.

And the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, $375,000.

And the Senate agree to the same.

Amendment numbered 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$7,509,300,000, to remain available until September 30, 1995: Provided, That not to exceed $1,100,000 under this Act shall be available for the Towards Other Planetary Systems/High Resolution Microwave Survey program (also known as the Search for Extraterrestrial Intelligence project): Provided further, That of the funds provided under this heading, $1,946,000,000 is available only for the redesigned space station, of which (1) not to exceed $160,000,000 shall be for termination costs connected only with Space Station Freedom contracts, (2) not to exceed $172,000,000 shall be for space station operations and utilization capability development, and (3) not to exceed $99,000,000 shall be for supporting development*; and the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

In lieu of the matter proposed in said amendment, insert: *Provided further, That not more than $1,100,000,000 of the amounts made available under this heading for the redesigned space station may be obligated before March 31, 1994*; and the Senate agree to the same.

Amendment numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,986,000,000*; and the Senate agree to the same.

Amendment numbered 120:

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$100,000,000*; and the Senate agree to the same.

Amendment numbered 121:

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment, as follows:

In lieu of the matter proposed in said amendment, insert: *: Provided further, That none of the funds made available under this heading may be used to enter into a new charter or lease for the use of a research vessel refurbished or modernized in a foreign shipyard or of a newly-constructed research vessel built in a foreign shipyard*; and the Senate agree to the same.

Amendment numbered 122:

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,500,000*; and the Senate agree to the same.

Amendment numbered 123:

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$118,300,000*; and the Senate agree to the same.

Amendment numbered 127:

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

NATIONAL SERVICE INITIATIVE

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service in carrying out the programs, activities, and initiatives under the National and Community Service Act of 1990, as amended (Public Law 103–82) (hereinafter referred to as "the Act"), $370,000,000, to remain available until September 30, 1995, except as provided hereafter: Provided, That not more than $25,000,000 is available for administrative expenses authorized under section 501(a)(4) of the Act, of which not more than $11,000,000 shall be for administrative expenses for State commissions pursuant to section 126(a) of subtitle C of title I of the Act: Provided further, That not to exceed $10,000,000 made available under this heading shall be for subtitle E of title I of the Act: Provided further, That not more than $94,500,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust Fund for educational awards as authorized under subtitle D of title I of the Act: Provided further, That not more than $9,450,000 of the $94,500,000 made available for the National Service Trust Fund shall be for educational awards authorized under section 129(b) of subtitle C of title I of the Act: Provided further, That not more than $5,000,000 is available for the Points of Light Foundation as authorized under title III of the Act: Provided further, That not more than $15,000,000 shall be for activities under subtitle H of title I of the Act.

And the Senate agree to the same.

Amendment numbered 133:

That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$34,314,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 18, 38, 57, 113, and 129.

LOUIS STOKES,
ALAN B. MOLLOHAN,
JIM CHAPMAN,
MARCY KAPTUR,
ESTEBAN E. TORRES,
RAY THORNTON,
WILLIAM H. NATCHER,
JERRY LEWIS,
TOM DELAY,
DEAN A. GALLO,
JOSEPH M. MCDADE,
Managers on the Part of the House.

BARBARA A. MIKULSKI,
PATRICK J. LEAHY,
J. BENNETT JOHNSTON,
FRANK R. LAUTENBERG,
J. ROBERT KERREY,
DIANNE FEINSTEIN,
ROBERT C. BYRD,
PHIL GRAMM,
ALFONSE D'AMATO,
CHRISTOPHER S. BOND,
CONRAD BURNS,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2491) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

Amendment No. 1: Appropriates $15,622,452,000 for medical care, instead of $15,552,452,000 as proposed by the House and $15,637,452,000 as proposed by the Senate.

The conference agreement reflects the following changes from the budget estimate:

+$8,000,000 for homeless programs authorized by the Homeless Veterans Comprehensive Services Program Act of 1992. Language earmarking $8,000,000 for this purpose has been included in the bill as required by law. The conferees agree that the Secretary should have more discretion in allocating funds among the homeless programs and the VA should not expect to see funds earmarked in the bill next year.

+$4,000,000 for programs to address the needs of women veterans.

+$1,000,000 for neuroskeletal research, treatment, and services.

+$2,000,000 for new community-based and primary care outpatient clinics.

+$95,000,000 to reduce the equipment backlog.

+$2,000,000 for marriage and family counseling of veterans of the Persian Gulf War.

+$4,000,000 for post-traumatic stress disorder treatment activities.

+$1,000,000 for readjustment counseling centers.

+$1,500,000 for bedside telephone systems in VA hospitals.

+$1,500,000 for geriatrics and extended care through innovative, cost-effective, noninstitutional programs such as adult day care, hospital-based home care, and hospice care.

−$5,000,000 as a result of transferring headquarters' quality assurance activities to the medical administration and miscellaneous operating expenses account.

−$15,000,000 as a result of lower than estimated pharmaceutical costs.

−$120,000,000 due to lower than estimated average salary costs.

The conferees note that the Administration failed to request any resources for cost-of-living adjustments or locality pay in any of the salary accounts in this or any other bill. It was assumed that such requirements would be eliminated in the reconciliation package passed this summer. Because the Reconciliation Act did not change locality pay requirements, agencies carried in this bill will be faced with over $200,000,000 in additional costs. Approximately $130,000,000 of that amount will fall to the VA medical care account. Since the conferees were not able to provide additional resources to cover locality pay, agencies are expected to reprogram funds to meet this requirement within existing appropriations.

Amendment No. 2: Deletes language proposed by the House and stricken by the Senate earmarking $9,850,000,000 for personnel compensation and benefits costs. The conferees have agreed to delete the earmarking for salary funds but expect the VA to maintain the employment level at the budget request of 205,188.

Amendment No. 3: Delays the availability of $651,000,000 in the equipment and land and structures object classifications until August 1, 1994, as proposed by the Senate, instead of delaying the availability of $531,350,000 as proposed by the House.

Amendment No. 4: Restores language proposed by the House and stricken by the Senate earmarking $10,000,000 for new veterans homeless programs authorized by the Homeless Veterans Comprehensive Services Program Act of 1992, amended to change the amount to $8,000,000.

Amendment No. 5: Deletes language proposed by the Senate providing $500,000,000 for the National Health Care Reform Contingency Fund, contingent upon the enactment of health care reform legislation and a budget request designating the entire amount as an emergency requirement.

Amendment No. 6: Deletes language proposed by the Senate providing a $10,000,000 appropriation and $5,000,000 by transfer for a new health professionals education debt reduction program. The conferees agree to fund this program, when authorized, at the $10,000,000 level from the medical care account.

Amendment No. 7: Appropriates $68,500,000 for medical administration and miscellaneous operating expenses as proposed by the House, instead of $73,500,000 as proposed by the Senate.

DEPARTMENTAL ADMINISTRATION

Amendment No. 8: Appropriates $826,749,000 for general operating expenses, instead of $823,249,000 as proposed by the House and $828,249,000 as proposed by the Senate. The Committee of Conference is an agreement that the increase above the budget request be made available to reduce the mounting backlog of veterans benefits claims.

Amendment No. 9: Appropriates $369,000,000 for construction, major projects, as proposed by the Senate, instead of $322,793,000 as proposed by the House.

The conference agreement includes the following changes from the budget estimate:

+$31,000,000 for the clinical addition project at the Ann Arbor VA Medical Center. The conferees agree that this represents the final appropriation for this project.

+$3,500,000 for the joint project for the relocation of the medical school functions and facility renovations at the Mountain Home VA Medical Center.

+$3,300,000 for the medical advance planning fund.

+$12,300,000 for the medical design fund.

+$450,000 for the cemeterial advance planning fund.

+$550,000 for the cemeterial design fund.

+$4,000,000 for cemeterial site acquisition.

+$1,400,000 for the regional office design fund.

+$6,750,000 for a 60-bed nursing home care unit addition at the Prescott VA Medical Center.

+$16,000,000 for a 60-bed nursing home care unit at the Hawaii VA Medical Center.

+$4,000,000 for design of an outpatient addition and parking garage at the San Juan VA Medical Center.

−$45,543,000 from the working reserve. This amount, together with $30,227,000 proposed in the budget request will provide for a total of $75,770,000 from the working reserve for the 1994 construction program.

−$12,000,000 from asbestos abatement.

−$2,000,000 from hazardous substance abatement.

−$17,000,000 as a general reduction to be taken at the Secretary's discretion, except the Ann Arbor project, subject to normal reprogramming procedures.

Amendment No. 10: Deletes language proposed by the House and stricken by the Senate requiring a medical center director to approve that a construction project's design is acceptable from a patient care standpoint.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

Amendment No. 11: Inserts technical change to the language citation as proposed by the Senate.

Amendment No. 12: Inserts language proposed by the Senate earmarking not more than $12,000,000 for the Youthbuild program, amended to change the amount to $28,000,000. This amount, together with $20,000,000 provided under severely distressed public housing projects program will provide a total of $48,000,000 for Youthbuild activities in fiscal year 1994.

Amendment No. 13: Deletes language proposed by the House and stricken by the Senate appropriating $1,250,000,000 for the HOME Investment Partnerships Program. Funding for the HOME program is provided in amendment numbered 15.

Amendment No. 14: Deletes language proposed by the House and stricken by the Senate appropriating $75,000,000 for the HOME Investment Partnerships Program for disaster assistance for victims in Presidentially-declared disasters. Funds for this purpose were provided in a 1993 Supplemental Appropriations Act.

Amendment No. 15: Inserts language proposed by the Senate appropriating $1,275,000,000 for the HOME Investment Partnerships Program and limiting such funds for six activities, amended to delete the limitations. The House provided $1,250,000,000 for the HOME program in amendment numbered 13. The conferees agree that the increased minimum allocation authorized by section 217(b)(2)(B) shall be $500,000 per State in fiscal year 1994. The conferees also agree that if higher funding levels for community housing partnership activities and State and local housing strategies are authorized, such increases can be provided through normal reprogramming procedures.

Amendment No. 16: Appropriates $9,312,900,000 for annual contributions for assisted housing, instead of $9,192,900,000 as proposed by the House and $9,334,900,000 as proposed by the Senate. The conferees expect the Department and the Office of Management and Budget to adhere to the 1994 program detailed in the following table:

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING FISCAL YEAR 1994—GROSS RESERVATIONS

	Units	Cost	Term	Budget authority
Recaptures	NA	NA	NA	$242,680,000
Carryover	NA	NA	NA	203,000,000
New authority	NA	NA	NA	9,312,900,000
Total available	NA			9,758,580,000
Public housing:				
Public housing	5,746	83,333	NA	478,800,000
MROP	1,255	95,000	NA	119,200,000
P.H. service coordinators (sec. 673)	NA	NA	NA	30,000,000
Indian housing	2,785	94,429	NA	263,000,000
Amendments	NA	NA	NA	62,262,000
Lease adjustments	NA	NA	NA	22,451,000
Modernization	NA	NA	NA	3,230,000,000
Subtotal, public housing	9,786			4,205,713,000
Section 8 and other:				
Elderly:				
Capital grants	[9,000]	57,874	NA	521,000,000
Rental assistance	9,000	3,540	20	637,000,000
Subtotal, elderly	9,000			1,158,000,000
Disabled:				
Capital grants	[3,000]	60,025	NA	180,000,000
Rental assistance	3,000	3,457	20	207,000,000
Subtotal, disabled	3,000			387,000,000
Service coordinators (secs. 671 and 677)	NA	NA	NA	22,000,000
Total, elderly/disabled	12,000			1,567,000,000

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING FISCAL YEAR 1994—GROSS RESERVATIONS—Continued

	Units	Cost	Term	Budget authority
Service coordinators:				
Project-based (sec. 674)	NA	NA	NA	15,000,000
Tenant-based (sec. 675)	NA	NA	NA	5,000,000
Multifamily (sec. 676)	NA	NA	NA	10,000,000
Total, service coordinators	NA	NA	NA	30,000,000
Family self-sufficiency coordinators	NA	NA	NA	8,400,000
Incremental rental assistance	39,703	6,684	5	1,326,865,000
Moving to opportunity	[4,364]	7,527	5	[1] [171,250,000]
Public housing relocation/replacement	2,481	6,684	5	82,916,000
Foster child care	2,202	7,030	5	77,401,000
Family investment centers	NA	NA	NA	25,675,000
Litigation	NA	NA	NA	45,000,000
Property disposition	5,325	6,948	15	555,000,000
Loan management	3,775	4,961	5	93,650,000
Preservation	33,330	NA	NA	541,000,000
Sec. 23 conversions	200	3,960	5	3,960,000
Housing opportunities for persons with AIDS	888	7,030	5	156,000,000
Lead-based paint	NA	NA	NA	150,000,000
Sec. 8 amendments	NA	....	....	900,000,000
Subtotal, sec. 8 and other	99,904	....	....	5,562,867,000
Posst 1979 sec. 8 residual receipts	NA	....	....	(10,000,000)
Total, annual contributions	109,690	....	....	9,758,580,000
Incremental	63,324	....	....	3,869,066,000

[1] Includes counseling.

Amendment No. 17: Provides for the use of $242,680,000 of prior year assisted housing funds recaptured in 1994 as proposed by the House, instead of $242,000,000 as proposed by the Senate.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing for the use of up to $203,000,000 in carryover funds recaptured during fiscal year 1992 as a result of the conversion of section 202 direct loans to capital grants.

Amendment No. 19: Earmarks $263,000,000 for Indian housing, instead of $257,320,000 as proposed by the House and $268,000,000 as proposed by the Senate.

Amendment No. 20: Earmarks $598,000,000 for public housing as proposed by the Senate, instead of $400,000,000 as proposed by the House.

Amendment No. 21: Deletes language proposed by the Senate earmarking not more than 20 percent of the $598,000,000 provided for public housing for major reconstruction of obsolete public housing projects. The conferees agree that the Department should set aside the full authorization of 20 percent for the major reconstruction of obsolete public housing projects.

Amendment No. 22: Earmarks $3,230,000,000 for the public housing modernization program as proposed by the Senate, instead of $3,100,000,000 as proposed by the House. The Committee of Conference is in agreement that funding of the choice in management program should be deferred until the 1993 program awards can be evaluated.

Amendment No. 23: Earmarks $1,326,865,000 for rental assistance units (section 8 certificates and vouchers), instead of $1,381,518,000 as proposed by the House and $873,139,000 as proposed by the Senate. The conferees agree that this amount includes $164,250,000 for the moving to opportunity program and $7,000,000 for the moving to opportunity counseling program. In addition, the conferees urge the Department to make 700 voucher units available for the HUD–VA supported housing project for homeless veterans.

The conferees agree that the Department should submit a reprogramming request for the use of section 8 certificates in connection with the use of pension funds upon enactment of the proper authorization.

Amendment No. 24: Inserts technical language proposed by the Senate clarifying the cite for the housing voucher program.

Amendment No. 25: Earmarks $900,000,000 for amendments to section 8 contracts (other than for section 202 projects) as proposed by the Senate, instead of $1,228,997,000 as proposed by the House.

Amendment No. 26: Earmarks $541,000,000 for the preservation program as proposed by the Senate, instead of $599,559,000 as proposed by the House.

Amendment No. 27: Restores language proposed by the House and stricken by the Senate establishing administrative fees for new incremental assistance units at 8.2 percent, the rate authorized by law. The conferees are concerned that some public housing authorities may be utilizing savings from administrative fees as offsets for shortfalls in operating subsidies. The current performance funding system formula does not adequately address all the costs incurred by the public housing authorities. The Department is urged to consider revising the PFS formula and to reflect all costs required to operate and maintain public and Indian housing projects.

Amendment No. 28: Earmarks $156,000,000 for housing opportunities for persons with AIDS as proposed by the Senate, instead of $125,000,000 as proposed by the House.

Amendment No. 29: Earmarks $150,000,000 for grants to States and local governments for the lead-based paint hazard reduction program as proposed by the House, instead of $250,000,000 as proposed by the Senate.

Amendment No. 30: Inserts technical correction to the language as proposed by the Senate.

Amendment No. 31: Earmarks $1,158,000,000 for the section 202 housing for the elderly program as proposed by the Senate, instead of $1,023,350,000 as proposed by the House.

Amendment No. 32: Earmarks $22,000,000 for elderly housing service coordinators as proposed by the Senate, instead of $15,855,000 as proposed by the House.

Amendment No. 33: Earmarks $387,000,000 for the section 811 disabled housing program as proposed by the Senate, instead of $445,373,000 as proposed by the House.

Amendment No. 34: Appropriates $4,558,106,000 for assistance for the renewal of expiring section 8 subsidy contracts as proposed by the Senate, instead of $5,558,106,000 as proposed by the House.

Amendment No. 35: Deletes language proposed by the House and stricken by the Senate requiring all contract renewals to be for a term of not less than five years.

Amendment No. 36: Restores language proposed by the House and stricken by the Senate appropriating $800,000,000 as an advanced 1995 appropriation for assistance for the renewal of expiring section 8 subsidy contracts.

Amendment No. 37: Appropriates $6,267,000 for congregate services in accordance with the Congregate Services Act of 1978 and $18,733,000 for congregate services as authorized by section 802 of the Cranston-Gonzalez National Affordable Housing Act, instead of $6,267,000 in accordance with the 1978 Act as proposed by the House and a total of $25,000,000, including up to $6,267,000 in accordance with the 1978 Act and the balance as authorized by section 802 of the 1992 Act as proposed by the Senate.

Amendment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

For the urban revitalization demonstration program under the third paragraph under the head "Homeownership and Opportunity for People Everywhere grants (HOPE grants)" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, Public Law 102–389, 106 Stat. 1571, 1579, $778,240,000, to remain available until expended: Provided That notwithstanding the first proviso in such third paragraph, the Secretary shall have discretion to approve funding for more than fifteen applicants: Provided further, That no part of the foregoing amount that is used for the urban revitalization demonstration program shall be made available for an application that was not submitted to the Secretary by May 26, 1993: Provided further, That of the foregoing $778,240,000, the Secretary may use up to $2,500,000 for technical assistance under such urban revitalization demonstration, to be made available directly, or indirectly under contracts or grants, as appropriate: Provided further, That nothing in this paragraph shall prohibit the Secretary from conforming the program's standards and criteria set forth herein, with subsequent authorization legislation that may be enacted into law: Provided further, That of the $778,240,000 made available under this heading, $20,000,000 shall be made to eligible grantees under the urban revitalization demonstration program, to implement programs authorized under subtitle D of title IV, and of which, $10,000,000 shall be made for youth apprenticeship training activities for joint labor-management organizations pursuant to section 3(c)(2)(B) of the Housing and Urban Development Act of 1968, as amended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree that $250,000 of the $10,000,000 provided for section 3 activities should be used for evaluation activities.

Amendment No. 39: Inserts language proposed by the Senate earmarking not more than $198,750,000 of the funding provided for the drug elimination grants for low-income housing account for housing authorities with more than 1,250 public housing units, not more than $53,000,000 for public housing authorities with less than 1,250 units, and not more than $13,250,000 for federally-assisted, privately-owned, low-income housing.

The conferees agree that technical assistance and training for or on behalf of public housing agencies and resident organizations can be provided from within each of the above limitations. The conferees further agree that subsequent authorizing legislation for a replacement or modified program can adjust the above limitations to conform to such subsequent legislation.

Amendment No. 40: Deletes language proposed by the House and stricken by the Senate providing $48,000,000 for the Youthbuild program in a separate account.

The conference agreement provides a total of $48,000,000 for Youthbuild activities, including $28,000,000 in the HOPE grants account and $20,000,000 in the severely distressed public housing projects account.

Amendment No. 41: Appropriates $35,747,000 for the flexible subsidy fund as proposed by the House, instead of $41,000,000 as proposed by the Senate.

Amendment No. 42: Inserts language proposed by the Senate apportioning the availability of the FHA—general and special risk program account subsidy funds on a quarterly basis—$36,842,750 per quarter.

Amendment No. 43: Establishes the loan limitation for the Government National Mortgage Associations guarantees of mortgage-backed securities loan guarantee program account at $130,000,000,000 as proposed by the Senate, instead of $85,000,000,000 as proposed by the House.

HOMELESS ASSISTANCE

Amendment No. 44: Appropriates $115,000,000 for the emergency shelter grants program, instead of $15,350,000 as proposed by the House and $55,000,000 as proposed by the Senate.

Amendment No. 45: Appropriates $334,000,000 for the supportive housing program, instead of $319,968,000 as proposed by the House and $400,000,000 as proposed by the Senate.

Amendment No. 46: Appropriates $150,000,000 for the section 8 moderate rehabilitation single-room occupancy program as proposed by the Senate, instead of $107,835,000 as proposed by the House.

COMMUNITY PLANNING AND DEVELOPMENT

Amendment No. 47: Appropriates $4,400,000,000 for community development grants as proposed by the Senate, instead of $4,223,675,000 as proposed by the House.

The conferees urge HUD to pursue opportunities through the CDBG program to work cooperatively with Historically Black Colleges and Universities (HBCUs), and local entities of government to facilitate joint applications for facilities funds. The conferees believe that joint ventures between units of local government and HBCUs under the CDBG program can provide mutually beneficial opportunities to construct multiple use community service facilities on HBCU campuses that will benefit low income and subsidized housing residents, senior citizens, and the institution of higher education and its students.

Amendment No. 48: Earmarks $44,000,000 of community development grants for Indian tribes as proposed by the Senate, instead of $42,236,750 as proposed by the House.

Amendment No. 49: Earmarks $45,000,000 of community development grants for section 107 grants as proposed by the Senate, instead of $60,000,000 as proposed by the House. The conferees agree that no reductions are to be taken in the historically black colleges and universities or work study programs.

Amendment No. 50: Deletes language proposed by the House and stricken by the Senate appropriating $50,000,000 for community development grants to be used in areas affected by Hurricanes Andrew and Iniki and Typhoon Omar. Funds for this purpose were provided in a 1993 Supplemental Appropriations Act.

Policy Development and Research

Amendment No. 51: Appropriates $35,000,000 for research and technology as proposed by the Senate, instead of $83,000,000 as proposed by the House.

The conference agreement reflects the following changes from the budget estimate:

+$250,000 for evaluation of the performance funding system.

+$3,000,000 as a grant for the Housing Assistance Council, including $1,000,000 for the loan fund.

+$500,000 as a grant for the National American Indian Housing Council.

+$250,000 for housing technology research as authorized by section 933 of the 1992 Housing Act.

−$4,000,000 as a general reduction, subject to normal reprogramming guidelines.

INDIAN HOUSING

Amendment No. 52: Restores language proposed by the House and stricken by the Senate appropriating $2,000,000 in program subsidies and establishing a loan limitation of $50,000,000 in the Indian housing loan guarantee fund, amended to appropriate $1,000,000 for program subsidies and establish a $25,000,000 loan limitation.

FAIR HOUSING AND EQUAL OPPORTUNITY

Amendment No. 53: Appropriates $25,000,000 for fair housing activities as proposed by the House, instead of $21,419,000 as proposed by the Senate.

Amendment No. 54: Restores language proposed by the House and stricken by the Senate earmarking $20,481,000 of the fair housing activities funds for the fair housing initiatives program.

MANAGEMENT AND ADMINISTRATION

Amendment No. 55: Appropriates $916,963,000 for salaries and expenses, instead of $918,463,000 as proposed by the House and $910,910,000 as proposed by the Senate. The conference agreement includes $1,500,000 and 15 FTEs for a new Office of Severely Distressed Public Housing.

Office of Federal Housing Enterprise Oversight

Amendment No. 56: Appropriates $10,700,000 for salaries and expenses as proposed by the Senate, instead of $5,742,000 as proposed by the House.

Amendment No. 57: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate making a correction to the language citation.

Amendment No. 58: Deletes language proposed by the Senate that would ensure proportional assessment of 1993 fees between the two government-sponsored enterprises.

Amendment No. 59: Inserts language proposed by the Senate limiting the employment for the office to not more than 45 full-time equivalent positions, amended to instead limit to $5,000,000 the amount of funds available for personnel compensation and benefits costs. The conference agreement has deleted the limitation on employment. However, employment shall not exceed 45 full-time equivalent positions.

REVISION OF AMOUNTS FOR HUD

Amendment No. 60: Deletes language proposed by the House and stricken by the Senate that would transfer $10,000,000 from the research and technology account to the HOPE grants account.

ADMINISTRATIVE PROVISION

Amendment No. 61: Inserts language proposed by the Senate to limit funds made available to HUD which are obligated to State, local, public or quasi-public agencies from being used to indemnify contractors or subcontractors of such agencies against costs associated with judgments or allegations of infringement on intellectual property rights, amended to restrict the limitation to funds provided in the Act and deleting the reference to allegations.

TITLE III—INDEPENDENT AGENCIES

American Battle Monuments Commission

Amendment No. 62: Appropriates $20,211,000 for the salaries and expenses of the American Battle Monuments Commission, instead of $19,961,000 as proposed by the House and $20,461,000 as proposed by the Senate.

Chemical Safety and Hazard Investigation Board

Amendment No. 63: Appropriates $2,500,000 for the Chemical Safety and Hazard Investigation Board, instead of $5,000,000 as proposed by the House and none as proposed by the Senate.

Commission on National and Community Service

Amendment No. 64: Deletes the center heading stricken by the Senate and proposed by the House, "Commission on National and Community Service".

Amendment No. 65: Appropriates no funds for the salaries and expenses of the Commission on National and Community Service as proposed by the Senate, instead of $2,519,000 as proposed by the House.

Amendment No. 66: Appropriates no funds for the programs and activities of the Commission on National and Community Service as proposed by the Senate, instead of $105,000,000 as proposed by the House.

Consumer Product Safety Commission

The conferees agree to the following changes to the budget request for the salaries and expenses of the Consumer Product Safety Commission:

+$100,000 and +1 FTE for high-priority, risk-based hazard assessment and reduction activities.

−$100,000 and −1 FTE from agency management.

This is instead of a $200,000 and 2 FTE shift in resources as proposed by the Senate and no shift in resources as proposed by the House.

Court of Veterans Appeals

Amendment No. 67: Appropriates $9,159,000 for the salaries and expenses of the Court of Veterans Appeals, instead of $9,040,000 as proposed by the House and $9,278,000 as proposed by the Senate.

Environmental Protection Agency

Amendment No. 68: Appropriates $338,701,000 for research and development, instead of $353,565,000 as proposed by the House and $328,565,000 as proposed by the Senate.

The conferees have reduced the research and development account by $14,864,000, including $4,000,000 from the massively parallel computer in the high-speed computing and communications program and $10,864,000 to be taken as a general reduction at the discretion of the Administrator, subject to normal reprogramming procedures. it is expected that most or all of this reduction will be taken from the other services/contracts object classification.

Amendment No. 69: Limits operating expenses to $50,600,000 as proposed by the Senate, instead of $10,200,000 as proposed by the House. For technical reasons, the language has been amended to delete the construction, alteration, repair, rehabilitation, and renovation of facilities language in this limitation.

This account does not include a change in definition of operating expenses, but retains the current definition. The conferees have chosen to leave the current definition in place because the research and development account includes unique characteristics in its program which make it difficult to categorize the administrative expenses in the same manner as in the abatement, control, and compliance account. Because the retention of the current administrative expenses is inconsistent with other EPA accounts, the

Agency is directed to continue to track the administrative versus programmatic expenses of research and development as carried in other EPA accounts.

Amendment No. 70: Appropriates $1,352,535,000 for abatement, control, and compliance as proposed by the Senate, instead of $1,367,535,000 as proposed by the House.

The conferees are in agreement on the following changes to the budget request:

+$5,000,000 for the Clean Lakes program.

+$8,000,000 for rural water assistance activities. The distribution of funds should be made proportionally based on levels provided for the activities carried in the 1993 appropriation.

+$5,000,000 for public water system supervision grants.

+$4,000,000 for lead poisoning grants.

+$2,000,000 for pollution prevention grants.

+$2,000,000 to improve the scope and quality of the Toxics Release Inventory (TRI) in Pollution Prevention Act data.

+$2,000,000 to provide data and technical support for multimedia pollution prevention initiatives in permits, inspections, and enforcement actions.

+$500,000 for training grants to small, minority, and women-owned businesses and contractors. Of this amount, $200,000 is for lead-based paint abatement and other lead poisoning activities; $100,000 is for radon activities; $100,000 is for asbestos activities; and $100,000 is for underground storage tank cleanup.

+$375,000 for Long Island Sound program activities.

+$1,600,000 for the Great Lakes National Program office activities.

+$2,000,000 for upgrades to EPA's supercomputer.

+$1,500,000 for environmental education grants, to be awarded to minority institutions.

+$2,300,000 for technologies for a decontamination project in the New York/New Jersey Harbor.

+$750,000 for the Small Business Ombudsman program.

+$375,000 for the Grand Canyon Visibility Transport Commission.

+$2,500,000 for Indian multimedia grants.

+$750,000 for toxic remediation activities.

+$185,000 for water quality protection for the Florida Keys Marine Sanctuary.

+$750,000 for the National Estuaries Program.

+$350,000 for EPA's Water Conservation Task Force.

+$500,000 for the small town environmental planning program.

+$300,000 for grants to states for state technical assistance programs under the Pollution Prevention Act of 1990.

+$1,300,000 for the wastewater operator training grant program.

+$2,000,000 for alternative wastewater treatment technologies.

+$1,700,000 for academic training and education.

+$2,600,000 for air quality activities authorized under section 103 of the Clean Air Act.

+$1,750,000 for Lake Onondaga.

+$2,000,000 for Lake Champlain.

+$250,000 for interstate air pollution control activities.

+$1,000,000 for a study by the National Academy of Public Administration. The conferees have provided funds for this study to review the proper distribution of resources within the Agency. It should include a review of risk assessment as stated in Senate Report 103–137 and examine the effectiveness of the agency's organizational structure in furthering better environmental priorities. The NAPA study should address risk as well as other variables which may be factored into resource allocation.

The conferees expect that this report will be completed in the timeframe set forth in the Senate report. Prioritization of environmental goals is needed as Congress begins to reauthorize several major environmental statutes. In addition to the National Academy of Sciences, NAPA is urged to work with EPA's Risk Assessment and Management Commission, which was established to investigate the policy implications and appropriate uses of risk assessment. Finally, NAPA is expected to work with the Committees on Appropriations in establishing the framework and goals of this review.

+$500,000 for toxicological research.

+$500,000 for research on high altitude engine testing.

+$700,000 for acid deposition research of the Adirondack Mountains.

+$500,000 for the Mickey Leland National Urban Air Toxics Research Center.

+$400,000 for clean alternative fuels research.

+$500,000 for research on the zebra mussel.

+$800,000 for continued neurotoxicity research efforts.

+$350,000 for continued indoor air research.

+$900,000 for drinking water research, of which $450,000 is for health effects and $450,000 is for disinfection by-products research. The conferees encourage the participation and cost-sharing of the water supply community in this crucial research.

+$2,000,000 for monitoring and improving air quality in regions along the U.S./Mexican border.

+$150,000 for Class I visibility air studies.

+$1,700,000 for the liquefied gaseous fuels spill test facility.

+$1,800,000 for research on environmental equity issues.

+$400,000 for solar energy pollution prevention and solar detoxification technology development activities.

+$800,000 for air toxic metals research.

+$500,000 for global and stratospheric ozone mitigation research programs.

+$2,000,000 for encouraging competitive research in rural states.

−$1,350,000 from international activities.

−$5,000,000 from the "green" programs.

−$1,000,000 from the green companies initiative.

−$7,000,000 from the Montreal Protocol facilitation fund.

−$9,000,000 from administrative expenses.

−$61,485,000 as a general reduction from contracts, to be taken at the discretion of the Administrator, subject to normal reprogramming procedures.

The conferees expect the Agency to work with the Committees on Appropriations in determining the proper allowanceholder within the Agency with regard to the various Congressional directives.

Funds for water quality improvement activities are now included under the water infrastructure account within the amount provided for water quality agreements.

Because the conferees were faced with tight fiscal constraints and numerous high priority environmental problems as well as for technical reasons, funds have not been included for asbestos. More than $350,000,000 has been provided to date in the abatement of asbestos in schools. The conferees are in agreement that a study of the remaining hazards of asbestos and the relative risk involved should be conducted, as directed by the Senate in its report accompanying this bill.

With regard to ongoing highway construction projects, the EPA is encouraged to work in conjunction with the Army Corps of Engineers and other federal agencies to expedite approval of necessary permits. Should additional information be considered necessary to augment any existing environmental impact statements, the Agency should move expeditiously to review all supplemental materials.

Amendment No. 71: Limits funds available for operating expenses to $283,000,000 for abatement, control, and compliance as proposed by the House, instead of $280,000,000 as proposed by the Senate.

Amendment No. 72: Deletes language proposed by the Senate providing funds to subsidize direct loans for asbestos and the implementation of asbestos activities to be derived from the unobligated balances of the Agency.

Amendment No. 73: Appropriates $850,625,000 for program and research operations, instead of $859,170,000 as proposed by the House and $841,000,000 as proposed by the Senate.

The Committee of Conference is in agreement on the following changes to the budget request:

+$250,000 for the Office of Small and Disadvantaged Business Utilization.

+$1,000,000 for new initiatives including activities under the Waste Isolation Pilot Plant Land Withdrawal Act (WIPP), lead poisoning, enforcement, and water infrastructure programs.

−$1,000,000 from the Office of International Activities.

−$100,000 from the program management element of the Office of Prevention, Pesticides, and Toxic Substances.

−$8,695,000 as a general reduction, to be taken at the discretion of the Administrator, subject to normal reprogramming guidelines. It is not the intent of the conferees to exempt those program areas that have had specific reductions taken from this general reduction.

Amendment No. 74: Deletes language proposed by the House and stricken by the Senate providing for an administrative expense ceiling in the Office of Inspector General. Although no administrative expense ceiling has been included under the Inspector General's account, the Agency is directed to track its administrative expenses in this account. It is expected that for IG activities, the Agency will use the global definition of administrative expenses carried in other EPA accounts.

Amendment No. 75: Provides $18,000,000 for buildings and facilities as proposed by the House, instead of $12,000,000 as proposed by the Senate. The conferees are in agreement that funds should be provided for headquarters relocation buildout expenses as well as funds for the continued design of the Research Triangle Park laboratory facility.

Amendment No. 76: Provides $1,465,853,000 for the Hazardous Substance Superfund, instead of $1,416,100,000 as proposed by the House and $1,496,400,000 as proposed by the Senate.

The conferees are in agreement on the following changes from the budget request: +$25,000,000 for National Institute of Environmental Health Sciences (NIEHS) basic research grants.

+25,000,000 for the Agency for Toxic Substances and Disease Registry (ATSDR). Of this amount, $3,000,000 is for the continued study of human health impacts of contaminated fish and $1,000,000 is for air monitoring activities. ATSDR is encouraged to continue to enhance and expand its cooperative programs focusing on establishing substance specific investigations on data gaps that exist among 130 profiled substances required to be studied by CERCLA.

+2,500,000 for the Gulf Coast Hazardous Substance Research Center.

+300,000 for training grants to small, minority, and women-owned businesses and contractors.

+3,500,000 for minority academic institutions under the University Hazardous Substance Research Centers grant program.

−$42,000,000 from administrative expenses. It should be noted that in addition to the funds provided for administrative expenses for Superfund, the Agency estimates that at least $13,000,000 in carryover funds will be available for expenditure in this account. The level provided reflects a change in definition of administrative expenses to make it similar to those in the other EPA trust fund accounts and, to the extent possible, the abatement, control, and compliance account. Activities which are administrative in nature are now included under the ceiling rather than in the programmatic account. As the budget becomes more constrained, it is important to have better accountability of all funds. This revised definition will properly track administrative expenses which had formerly been carried with little oversight in the programmatic component of the program.

The conferees understand the complexity and difficulty of implementing this change in a short time period, but expect that most issues will be resolved within this fiscal year. The conferees expect further refinements will be made to the initial definition and direct the Agency to report, as needed, on any further statement of definition.

−$44,847,000 as a general reduction, to be taken at the discretion of the Administrator. This reduction is subject to the normal reprogramming guidelines.

Under the Agency's Superfund administrative improvements initiative, several procedures have been designed to expedite the current process. While the conferees are supportive of such an initiative, these efforts should in no way hinder the listing of sites on the Superfund national priority list. The Agency should continue its normal procedures under Superfund rules and regulations, including the listing of Superfund sites if warranted by the administrative record.

Amendment No. 77: Provides $1,215,853,000 to be derived from the Hazardous Substance Superfund, instead of $1,246,400,000 as proposed by the Senate and $1,206,100,000 as proposed by the House.

Amendment No. 78: Provides $250,000,000 to be derived from general revenues as proposed by the Senate, instead of $210,000,000 as proposed by the House.

Amendment No. 79: Provides $67,036,000 to the Agency for Toxic Substances and Disease Registry, instead of $64,036,000 as proposed by the House and $69,036,000 as proposed by the Senate.

Amendment No. 80: Limits funds available for administrative expenses to $280,000,000 as proposed by the House, instead of $240,000,000 as proposed by the Senate.

Amendment No. 81: Appropriates $2,477,000,000 for water infrastructure/state revolving funds as proposed by the House instead of $2,500,000,000 as proposed by the Senate. In addition, the Committee of Conference has agreed that of the amount provided, $500,000,000 shall not become available until May 31, 1994. The conferees have also agreed that of the amount made available upon enactment, $1,817,000,000 are for making capitalization grants for state revolving funds.

Further, of the funds provided for activities under the Federal Water Pollution Control Act and the Water Quality Act, $22,000,000 is for making grants under section 104(b)(3) (water quality agreements); $80,000,000 is for making grants under section 319 (nonpoint source pollution grants); and $58,000,000 is for section 510 of the Water Quality Act of 1987. While the conferees have agreed to the language proposed by the Senate, the phrase "and other related wastewater activities," has been deleted.

It is the intent of the conferees that of the $1,817,000,000 provided for making capitalization grants for state revolving funds, $599,000,000 is for drinking water state revolving funds. It is expected that these funds will be held in reserve until such time that they may be authorized. Once authorized, the Committees on Appropriations will entertain a reprogramming request by the Administrator.

It is also the intent of the conferees that the $500,000,000 which is not available until May 31, 1994 is to support water infrastructure financing of hardship communities. These funds have been set aside until projects are authorized for this purpose. For technical reasons, the conferees have been unable to extend the deadline for authorization of these funds beyond May 31, 1994. At this time, it is uncertain whether authorization will be completed by the end of May. Therefore, the conferees intend to recommend extending this deadline to a later date in 1994 in the next available appropriations vehicle.

Amendment No. 82: Inserts language proposed by the Senate providing for the heading, "Administrative Provisions".

Amendment No. 83: Inserts language proposed by the Senate to prohibit the use of funds for activities related to the classification of dried hops as a processed commodity.

Amendment No. 84: Inserts language proposed by the Senate to prohibit the use of funds to promulgate, carry out, or enforce regulations concerning radionuclides. This language has been amended to limit the prohibition of the use of funds for promulgation of a final rule concerning a new standard for radon in drinking water.

This provision is intended to preclude the promulgation of a new radon standard. Existing rules and proposed and final rules for other than radon would not be affected. EPA could promulgate the non-radon provisions of the pending rulemaking as required by the court. It is not intended to affect the Agency's actions concerning the final development of such a rule for such promulgation under the applicable provisions of law.

Amendment No. 85: Inserts language proposed by the Senate which prohibits the use of funds by EPA to regulate fuel additives in certain instances. This language has been amended to narrow the scope of the provision.

The purpose of this limitation on appropriations for the EPA is to deal with an alleged health problem in Alaska said to be caused by the use of methyl tertiary butyl ether (MTBE) in the carbon monoxide nonattainment areas of Alaska. The limitation precludes enforcement of section 211(m)(2) of the Clean Air Act (CAA) against marketers, refiners, or distributors of gasoline to require use of oxygenated substances. The conferees intend that this be a one year limitation and that during this period, the State of Alaska and EPA jointly fund, with the assistance of the refiners and producers, studies by the EPA to resolve any uncertainties regarding such health effects of oxygenated fuels in Alaska. The Office of Research and Development at the EPA believes that additional research on oxygenates would be useful and oxygenated fuels should be investigated before being introduced into commercial application. This limitation does not relieve Alaska of its responsibilities under the CAA.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Amendment No. 86: Appropriates $4,450,000 for the Office of Science and Technology Policy within the Executive Office of the President, instead of $4,200,000 as proposed by the House and $4,700,000 as proposed by the Senate.

Amendment No. 87: Restores language proposed by the House and stricken by the Senate requiring that the Office of Science and Technology Policy reimburse other agencies for not less than half of the personnel compensation of detailees.

Amendment No. 88: Deletes language proposed by the Senate limiting the number of detailees assigned to the Office of Science and Technology Policy to six.

The conferees direct the Office of Science and Technology Policy to hire no more than six detailees.

OFFICE OF NATIONAL SERVICE

Amendment No. 89: Inserts language proposed by the Senate providing $160,000 for the salaries and expenses of the Office of National Service within the Executive Office of the President. This is amended to limit reimbursements for detailees at $50,000 and eliminate a provision requiring the Office of National Service to pay other agencies for not less than half of the cost of detailees. The conferees direct the Office of National Service to pay for not less than 50 percent of the cost of personnel compensation for all detailees.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

Amendment No. 90: Appropriates $375,000 to the Council on Environmental Quality as proposed by the Senate instead of none as proposed by the House. The language is amended to delete the transfer of these funds from the program and research operations account of the Environmental Protection Agency. The conferees have instead provided a direct appropriation to this account.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Amendment No. 91: Deletes language proposed by the Senate providing an additional $400,000,000 in contingency funding for the disaster relief account. Currently, the Agency has approximately $400,000,000 in contingency funding. This level should be sufficient to cover any unusually large increase in disaster relief activities until such time that the Congress could provide supplemental funding.

Amendment No. 92: Appropriates $160,490,000 for salaries and expenses as proposed by the Senate, instead of $164,239,000 as proposed by the House.

The Committee of Conference is in agreement of the following changes to the budget request:

−$1,000,000 from travel.

−$4,107,000 as a general reduction, to be taken at the discretion of the Director, subject to normal reprogramming procedures.

Amendment No. 93: Inserts language proposed by the Senate making a technical correction to a citation as proposed by the House.

Amendment No. 94: Appropriates $212,960,000 for emergency management planning and assistance as proposed by the House, instead of $215,000,000 as proposed by the Senate.

The conferees are in agreement on the following changes to the budget request:

+$2,000,000 for emergency management assistance grants.

+$1,000,000 for section 305(a) grants authorized by Superfund Amendments and Reauthorization Act (SARA), title III.

+$7,000,000 for "other state and local program" grants.

−$20,000,000 as a general reduction, to be taken at the discretion of the Director, subject to normal reprogramming procedures.

Amendment No. 95: Restores center heading as proposed by the House and stricken by the Senate to include only one administrative provision.

Amendment No 96: Deletes language proposed by the Senate prohibiting the expenditure of funds for the chauffeuring of employees.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

Amendment No. 97: Inserts language proposed by the Senate providing that none of the funds appropriated to the Office of Consumer Affairs may be used for other activities within the Department of Health and Human Services.

INTERAGENCY COUNCIL ON THE HOMELESS

Amendment No. 98: Deletes language proposed by the House and stricken by the Senate appropriating $910,000 for salaries and expenses of the Interagency Council on the Homeless. The conferees agree that all responsibilities should be transferred to the Department of Housing and Urban Development. The conferees note that field activities have never been funded by the Council, rather such support is provided on a nonreimbursable basis.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Amendment No. 99: Deletes rescission center heading proposed by the Senate.

Amendment No. 100: Appropriates $7,509,300,000 for research and development, instead of $7,475,400,000 as proposed by the House and $7,544,400,000 as proposed by the Senate. In addition, the conferees have agreed to limit the total amount available for the redesigned space station to $1,946,000,000 as proposed by the Senate instead of $2,100,000,000 as proposed by the House. The House amount did not reflect refinements of the proposed amendment to the President's budget on the space station submitted in House Document 103–103, which allocated certain station-related costs to other portions of the NASA research and development account. When the reallocation of these activities is taken together, however, the total provided for space station activities, including payloads, is $2,100,000,000.

The conferees have also agreed to include two bill language provisions carried by both the House and Senate which limit space station operations and utilization capability development costs to $172,000,000 and supporting development costs to $99,000,000. The conferees have also agreed to include a limitation on space station funds as proposed by the Senate of $160,000,000 for termination costs. The limitation proposed by the House prohibiting the use of any funds for space station NASA headquarters level I support service contracts has not been included. However, in accordance with the agreement as outlined in the letter from NASA to the Committees dated August 9, 1984, and reaffirmed by letter on September 30, 1993, the conferees have agreed to "cap" any space station funds at zero that may be used for space station engineering integration contract activities and for space station technical and management information systems contract activities after December 1, 1993.

Finally, the conferees have agreed to include a provision proposed by the Senate and modified to limit to $100,000,000 any funds made available under this act for the Towards Other Planetary Systems/High Resolution Microwave Survey Program (also known as the Search for Extraterrestrial Intelligence Project). The $1,000,000 included for this activity is available only for termination costs.

The conference agreement reflects the following changes from the budget request:

−$50,000,000 from support service contractors.

−$25,000,000 from space capability development payload operations.

−$35,000,000 from space capability development advanced programs. The conferees agree that none of the reduction should be taken from the single-engine centaur or solid-propulsion integrity programs.

+$10,000,000 for the single-engine centaur project.

+$1,600,000 for the solid-propulsion integrity program.

−$25,000,000 from research operations support, including:

−$15,200,000 from space capability development research operations support,

−$3,100,000 from Earth Observing System research operations support, and

−$6,700,000 from aeronautical technology research operations support.

+$50,000,000 for space capability development space lab and payload operations for joint U.S./Russian activities.

+$50,000,000 for the Office of Space Science for joint U.S./Russian science missions.

−$19,000,000 from the Advanced X-Ray Astrophysics Facility (AXAF–S). The conferees direct NASA to use the remaining $16,900,000 to fly the principal AXAF–S instrument on the ASTRO-E satellite.

+$22,500,000 for physics and astronomy and planetary science mission operations and data analysis with a high priority afforded the Hubble Space Telescope repair mission.

+$64,300,000 for the Discovery program. These funds will provide $66,200,000 each in fiscal year 1994 for the Near Earth Asteroid Rendezvous (NEAR) and Mars Environmental Survey Pathfinder (MESUR) programs. The conferees agree that the $150,000,000 programmatic cost cap for these missions is based on 1992 dollars.

+$7,000,000 for the Earth Observing System Data Information System (EOSDIS) for programmatic reserves.

−$2,000,000 from the Earth Observing System "A" platform.

−$13,000,000 from the Consortium for International Earth Science Information Network (CIESIN). The committee of conference concurs with the agreement reached in the Senate on the CIESIN project. That agreement makes available $5,000,000 of fiscal year 1994 funds to establish CIESIN as a Distributed, Active Archive Center (DAAC) for socioeconomic activities within the EOSDIS program. The conferees note that approximately $13,000,000 of fiscal year 1993 funds will be available for a total 1994 program level of $18,000,000. The conferees further expect that given CIESIN's new status as a DAAC, an annual budget of $6,000,000 per annum beginning in fiscal year 1995 will be established by NASA. The conferees also expect that beginning in fiscal year 1995, the National Science Foundation will establish, through a competitive process, a Center for the Human Dimensions of Climate Change at a level of approximately $6,000,000 annually.

−$20,000,000 from the new technology initiative science data purchases program.

−$11,300,000 from the Towards Other Planetary Systems/High Resolution Microwave Survey program. A total of $1,000,000 has been made available only for termination costs.

−$5,800,000 from the Advanced Launch Technology program. The conferees agree that the $20,000,000 made available for this activity shall be allocated as follows: $8,000,000 for development of a low-cost booster program; $5,000,000 for advanced propulsion development; and $7,000,000 for hybrid rocket technology.

+$15,000,000 for the flight and ground-based NASA/NIH protocol for micorgravity science.

−$17,500,000 from the small satellite technology program.

−$40,000,000 from commercial use of space. Included within the funds made available are the following assumptions:

$14,500,000 for the commercial experiment transporter (COMET),

$45,000,000 for the commercial mid-deck augmentation module (CMAM), and

a $9,400,000 general reduction to be applied at the agency's discretion subject to the normal reprogramming procedures except that none of the reduction shall be applied to direct grants to centers for the commercial development of space.

The conferees recognize that the reduction of $21,500,000 in the CMAM program could cause difficult financial and technical adjustments. The conferees have agreed, therefore, after further consultations with NASA, to include an advanced fiscal year 1995 appropriation of $40,000,000 in a 1994 supplemental bill. This amount will essentially meet all 1994 and 1995 NASA commitments to the CMAM program.

−$28,700,000 as a general reduction from space research and technology to be taken subject to the normal reprogramming procedures.

−$12,000,000 as a general reduction from aeronautical subsonic research to be taken subject to the normal reprogramming procedures.

+$10,000,000 for the high-speed civil transport program.

+$1,000,000 for an assessment of whether a National Institute of Aeronautics should be established within NASA.

−$80,000,000 from the National Aerospace Plane. The conferees have made this reduction without prejudice owing to the severe budget constraints faced by all domestic discretionary programs. The NASP objective is to demonstrate the technology required to permit the Nation to develop reusable, single-stage-to orbit (SSTO) vehicles with airbreathing primary propulsion as well as horizontal take off and landing. The conferees continue to believe that this goal, although technically difficult, would represent an exceptional breakthrough for American aeronautics. In that context, again recognizing the goal of single-stage-to orbit capability, the conferees urge that NASA examine carefully the importance of proceeding with the NASP project, and if it believes NASP can contribute significantly to meeting this goal, propose a reprogramming of funds to ensure the proper NASA role in the joint NASA/Department of Defense NASP program.

+$8,000,000 for minority university research, including $2,500,000 for hispanic-serving institutions; $5,000,000 for historically black colleges; and $500,000 for model institutions of excellence. The conferees urge that NASA work closely with the Environmental Protection Agency and the National Science Foundation to expand the number of historically black colleges and universities research centers in earth and space science, engineering, and mathematics, including high-performance supercomputing and scientific visualization.

+$3,000,000 for educational technology.

+$1,000,000 for an assessment of whether a National Institute of Space Science should be established within NASA.

+$1,500,000 for the Office of Advanced Concepts and Technology for cooperative efforts by the Department of Defense in artificial intelligence and software reuse. +$2,500,000 for the Advanced Communication Technology Satellite (ACTS) program.

−$5,000,000 from the LANDSAT program.

−$5,000,000 from space capability development engineering and technical base.

−$5,000,000 from spacelab payload mission management activities.

−$5,200,000 from Life Science flight Experiments.

−$24,000,000 from the Mars Observer program. The conferees are disappointed in the recent loss of the Mars Observer. A total of $10,200,000 has been included for a possible 1995 or 1996 reflight of the Mars mission. Based on an early review of comparative costs, it appears that a reflight of existing Mars Observer instruments would represent achieving the most science at the lowest cost—particularly when launch requirements are included.

Finally, the conferees support the recommendation carried in the Senate report (103–137) to reconvene the Augustine Commission panel to update its findings in light of new budget realities and to evaluate how successfully NASA has implemented its recommendations.

Amendment No. 101: Inserts language proposed by the Senate, amended to establish a funding limitation for space station by a date certain.

The conferees have agreed that of the $2,100,000,000 provided for the space station program, not to exceed $1,100,000,000 shall be available before March 31, 1994. The conferees have further agreed to "cap" the space station program at $1,100,000,000 in accordance with the agreement as outlined in the letter from NASA to the Committees dated August 9, 1984, and reaffirmed by letter to the Committees on September 30, 1993.

The conferees have agreed to cap the space station program in view of the continuing concern that any joint U.S./Russian space station option not compromise the long-standing goals of the American program. Fundamentally, the conferees believe that any Russian participation should enhance and not enable the space station. In that context it is important that a U.S.-led "human-tended" station with sufficient power to operate it should be the first phase of any international space station. The conferees welcome Russian participation including the use of the so-called Russian "tug" for guidance and navigation, the Russian Soyuz as a crew rescue vehicle, and other Russian docking and rendezvous technology and hardware. The conferees believe that over the coming four to six weeks a final configuration incorporating any Russian participation must be resolved in order to proceed with an amended critical design review of space station Alpha. Continued delay or uncertainty regarding what space station the United States will build can only exacerbate the problem of expending $8,000,000 a day for a program that remains undefined in terms of its final configuration. The conferees hope that the United States and Russia can agree, along with the other international partners, on an *acceptable* final configuration that will permit the lifting of the "cap" described above.

Amendment No. 102: Deletes language proposed by the Senate limiting funds for any space station with a user capability less than that available for space station Freedom.

Amendment No. 103: Inserts language proposed by the Senate limiting funds made available for the space station program to enter into contracts with the Republic of Russia.

Amendment No. 104: Inserts language proposed by the Senate limiting funds under the research and development account to $100,000,000 for activities for cooperative space ventures between the United States and the Republic of Russia including $50,000,000 for space transportation capability development activities and $50,000,000 for space science activities other than life sciences.

Amendment No. 105: Inserts language proposed by the Senate prohibiting the use of any of the $100,000,000 provided for cooperative agreements with the Republic of Russia until after December 15, 1993.

Amendment No. 106: Inserts language proposed by the Senate providing that no funds be made available under the research and development account to pay or reimburse the Department of Defense for any expenses connected with a planetary exploration mission.

Amendment No. 107: Deletes language proposed by the Senate limiting the dollars available for the mission to planet earth activities and for a socioeconomic data active archive center.

Amendment No. 108: Deletes language proposed by the Senate prohibiting the use of earth observing system data information funds for the construction of non-NASA facilities. The conferees have deleted this provision without prejudice. NASA is directed, however, to provide no funds for the construction of non-NASA facilities including the reimbursement of construction costs through annual data archive center operation budgets. The conferees further agree that all prior interagency agreements that would have permitted this are considered null and void and that facility costs should be born by the non-NASA agencies directly.

Amendment No. 109: Deletes language proposed by the Senate limiting funds available for space research and technology activities.

Amendment No. 110: Appropriates $4,878,400,000 for space flight, control and data communications as proposed by the House instead of $4,892,900,000 as proposed by the Senate. The conference agreement reflects the following changes from the budget request:

—$30,000,000 from structural spares. The conferees also agree that because of ongoing budget constraints, and the possibility of additional reductions that may have to be incurred under the shuttle production activity owning to potential future rescissions, the advanced turbo fuel pump development program should not be activated in fiscal year 1994. The 1994 budget includes no funds for the restart of the advanced fuel pump program. Although the conferees are pleased with the progress that has been made in the past nine months to correct development problems encountered with the advanced liquid oxygen turbo pump, given the increasingly limited resources available for new programs, it would not be prudent to begin a commitment to this activity.

−$2,000,000 from program support.

−$155,500,000 from the Advanced Solid Rocket Motor program.

The conferees have included $124,900,000 in fiscal year 1994 for the Advanced Solid Rocket Motor program. This is a reduction of $155,500,000 below the budget request of $280,400,000. The conferees regret that the full request for the ASRM program could not be accommodated within the severely constrained allocations available to the subcommittee—particularly in view of the more than one billion dollars that has been expended on the program to date, and also in view of the significant safety, payload, and manufacturing advantages gained with the ASRM development.

The Committee of Conference is aware, however, that NASA will soon make a final decision regarding the orbital inclination of the space station. If such decision places station in a 51.6 degree orbit to accommodate access from Russia, the shuttle will experience a significant degradation in lift capacity to station.

The conferees believe, therefore, that if the higher space station orbit is selected by NASA, the ASRM is clearly an active and viable option available to offset the loss of shuttle lift capacity. In that context, the conferees direct that NASA and the Administration determine if the ASRM is the preferred option to address the issue of diminished shuttle lift capacity should a higher space station orbit be selected. If such a determination is made, the conferees expect that NASA will submit a reprogramming by November 15, 1993 of such funds necessary to proceed with ASRM development.

If, however, NASA elects to choose an alternate approach to enhance shuttle lift capacity, then the funds provided ($124,900,000) for ASRM may be used only for termination and transferring the production of solid rocket motor nozzles and the refurbishment of solid rocket motor cases to the new ASRM production site located near Yellow Creek, Mississippi. To assure that such an option remains viable, the conferees have acceded to the Senate and restored the $32,600,000 requested for ASRM construction at Yellow Creek.

−$5,000,000 from launch and mission support.

−$200,000,000 from shuttle operations.

−$10,000,000 as a general reduction from launch services to be applied at the agency's discretion subject to the normal reprogramming procedures. The conferees are in agreement with the language contained in the House report (103–150) directing that NASA launch the AXAF–I mission on shuttle with an appropriate upper stage.

+$6,600,000 for the Discovery Near Earth Asteroid Rendezvous (NEAR) launch vehicle.

−$48,000,000 from the tracking and data relay satellite replacement new start. This reduction is made without prejudice. The conferees note that NASA has provided the historical "estimated need versus actual need" data on the TDRS system. It indicates that there has been a substantial over-estimate of future need for use of the system. Nevertheless, the Committee will entertain a reprogramming upon submission of data in the operating plan that outlines how the TDRSS will operate in conjunction with any Russian participation in the space station program.

-$11,000,000 as a general reduction from space communications, including a reduction of $8,600,000 from space communications operations activities at headquarters and at the NASA ground terminal.

-$500,000 from Mars Observer operations.

Amendment No. 111: Deletes center head proposed by the Senate.

Amendment No. 112: Appropriates $500,300,000 as proposed by the Senate instead of $512,700,000 as proposed by the House. The conferees agree that no funds provided under this heading may be used for the construction of a neutral buoyancy laboratory.

Amendment No. 113: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, including technical language pursuant to Public Law 102-486 concerning utility energy efficiency and water conservation cash rebates received by the National Aeronautics and Space Administration.

Amendment No. 114: Deletes language proposed by the Senate rescinding $10,000,000 of fiscal year 1993 funds provided for the Consortium for International Earth Science Information Network.

The conferees agree to fence $10,000,000 of 1993 CIESIN construction funds until the completion of the pending Inspector General report.

Amendment No. 115: Appropriates $1,635,508,000 as proposed by the Senate, instead of $1,637,500,000 as proposed by the House. The conference agreement makes the following changes to the budget request:

-$25,000,000 from space station and NASA-related employment. The May 1993 station employment level was estimated at 2,240 full-time positions. A 30 percent reduction from that level (the NASA goal) would equate to approximately 650 positions. The conferees expect that a part of that reduction will occur from closing NASA operations at the Reston Level II Space Station facility. The conferees further direct that total NASA end of year fiscal year 1994 employment shall not exceed 22,900 FTE.

-$14,492,000 as a general reduction to be taken at the agency's discretion subject to the normal reprogramming procedures.

The conferees note that as NASA reduces its programmatic activities, including personnel, it is important that the agency ensure that it does not lose sight of its responsibility to demonstrate that the cutting edge of technology reflect the full ethnic, cultural and gender diversity of the United States. The small and disadvantaged business goals and objectives should continue to reflect aggressive efforts to increase the full participation of targeted groups and contracting opportunities, 8(a) set-asides, and in training and research grants. The current goal of achieving a minority set-aside of eight percent of contract dollars should be maintained. Up to $48,400,000 of available funds may be used for minority university research and education programs in fiscal year 1994 with the intent of reaching a $101,000,000 investment level by fiscal year 1999.

The conferees also agree that up to $800,000 of available research and program management funds may be used for multicultural education and equal opportunity training programs over the next three fiscal years (1994-1996). In addition, $748,000 of available funds may be used for equal opportunity compliance activities and the processing and adjudication of matters of employment discrimination occurring under 29 CFR 1614.

The Committee of Conference agrees that in a subsequent legislative vehicle it will recommend a rescission to offset any mandatory "pay as you go" costs incurred as a result of NASA "early-out" legislation.

Finally, the conferees are concerned that the original purposes of operating plan changes have become increasingly distorted over the past three to four fiscal years. The operating plan is intended to accommodate unexpected and technical dollar change requirements in various NASA programs. It is *not and should not* be used as a vehicle for changing policy and programmatic decisions made in the conference report. The conferees expect, therefore, that except where specific reprogramming proposals may be recommended in the conference agreement, such as in the case of the NASP and ASRM programs, the operating plan adhere to those conditions for which it was originally employed.

NATIONAL SCIENCE FOUNDATION

Amendment No. 116: Appropriates $1,986,000,000 for the research and related activities of the National Science Foundation, instead of $2,045,000,000 as proposed by the House and $1,940,000,000 as proposed by the Senate.

The conferees agree with the following adjustments from the request by the Administration:

-$204,800,000 to be taken as a general reduction at the agency's discretion, subject to the normal reprogramming guidelines.

-$12,500,000 from activities connected with the Foundation's role in high-performance computing. The conferees direct the Foundation not to expend more funds on high-performance computing than it spent in fiscal year 1993 until it provides a written report to the Committees on Appropriations articulating specific and measurable goals in this area. This report must include timetables and milestones for achieving NSF's goals, and should describe how these efforts relate to the Administration's national information infrastructure initiative.

-$6,500,000 from the acquisition of an arctic research vessel.

+$5,000,000 for a second round of funding for agile manufacturing.

The conferees agree that GAO complete a study on indirect costs consistent with the guidance in both House and Senate reports. GAO should report to both Committees on Appropriations concurrently.

Amendment No. 117: Inserts language proposed by the Senate prohibiting any of the funds provided for research and related activities from being used to acquire an arctic research vessel. The conferees have deferred further action on the arctic research vessel pending receipt of a report from the General Accounting Office on the costs and benefits associated with the various acquisition strategies (including lease, purchase, debt financing, and other mechanisms) which could be pursued by the NSF or its institutional operator.

Amendment No. 118: Deletes language proposed by the Senate prohibiting expenditures for the establishment of any new research centers in fiscal year 1994.

The conferees expect that beginning in fiscal year 1995, the National Science Foundation will establish, through a competitive process, a Center for the Human Dimensions of Climate Change at a level of approximately $6,000,000 annually.

Amendment No. 119: Inserts center heading proposed by the Senate, changing the account title from "Academic Research Facilities and Instrumentation" as proposed by the House to "Academic Research Infrastructure" as proposed by the Senate.

Amendment No. 120: Appropriates $100,000,000 for academic research infrastructure, instead of $55,000,000 as proposed by the House and $125,000,000 as proposed by the Senate.

The conferees note the great difficulty experienced by colleges and universities with significant populations of historically underrepresented groups in obtaining funding for research facilities and instruments. The conferees direct the Foundation to pay particular attention to the needs of these institutions when obligating funds under this title.

Amendment No. 121: Inserts language proposed by the Senate for United States Polar Research programs prohibiting the use of funds to refurbish, modernize, or build a research vessel in foreign shipyards. This is amended to reference vessels built in "a foreign shipyard", rather than vessels "not refurbished or modernized" or "not built in" the United States.

EDUCATION AND HUMAN RESOURCES

The conferees agree to the following changes from the budget request for the education and human resources account:

+$7,500,000 for the Experimental Program to Stimulate Competitive Research (EPSCoR).

+$10,000,000 for science and advanced technology grants to community colleges.

+$1,000,000 for minority summer science camps.

-$1,500,000 for systemic reform in rural areas. This program should complement the urban systemic initiative.

-$3,500,000 as a general reduction, taken at the Agency's discretion, subject to the normal reprogramming guidelines.

-$3,000,000 from curriculum development.

Amendment No. 122: Appropriates $1,500,000 for the Critical Technologies Institute, instead of $1,000,000 as proposed by the House and $2,000,000 as proposed by the Senate.

The conferees agree to the following changes to the budget request for the Critical Technologies Institute:

+$250,000 for activities focused on the development of performance goals for Federal investments in science and technology.

-$250,000 for a grant to the National Academy of Public Administration [NAPA] to review NSF's various research centers, including, but not limited to, its science and technology, engineering, and supercomputer centers.

Amendment No. 123: Appropriates $118,300,000 for the salaries and expenses of the National Science Foundation, instead of $120,800,000 as proposed by the House and $115,500,000 as proposed by the Senate.

Amendment No. 124: Restores the center heading proposed by the House and deleted by the Senate naming the account "National Science Foundation headquarters relocation". Deletes center heading proposed by the Senate naming the account "National Science Foundation headquarters relocation and related activities".

Amendment No. 125: Deletes language stricken by the Senate and proposed by the House allowing funds for this activity to remain available until expended.

Amendment No. 126: Deletes language proposed by the Senate allowing the Foundation to use resources appropriated under this heading to pay for rent.

NATIONAL SERVICE INITIATIVE

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Amendment No. 127: Appropriates $370,000,000 for the Corporation for National and Community Service as proposed by the

Senate, instead of no appropriation as proposed by the House. In addition, the conferees agree to several limitations as proposed by the Senate but not proposed by the House. They are:

$14,000,000 limit on administrative expenses for the Corporation,

$11,000,000 limit on administrative expenses for State commissions,

$94,500,000 limit on appropriations to the National Service Trust Fund,

$5,000,000 limit on payments to the Points of Light Foundation, and

$15,000,000 limit on subtitle H activities.

The conferees agree to amend two limitations proposed by the Senate but not proposed by the House by agreeing to:

$9,450,000 limit on educational awards for VISTA volunteers, instead of a $4,725,000 limit on educational awards for VISTA volunteers as proposed by the Senate and no limit as proposed by the House, and

$10,000,000 limit on subtitle E activities, instead of a prohibition on expenditures for this purpose as proposed by the Senate and no limitation as proposed by the House.

The conferees did not agree to several limitations as proposed by the Senate but not proposed by the House. They are:

$3,000,000 limit on grants to Native American tribes,

$3,000,000 limit on grants to territories,

$9,500,000 limit on technical assistance,

$10,000,000 limit on disaster assistance,

$25,000,000 limit on transfers to other federal agencies,

$2,000,000 limit on programs for individuals with disabilities,

$11,000,000 limit on Summer of Service, and

$9,000,000 limit on Stafford loan forgiveness.

The conferees direct the Corporation to obligate no more than $180,500,000 for subtitle C activities and no more than $40,000,000 for subtitle B activities.

The conferees agree to the following overall allocation for the fiscal year 1994 appropriation:

Subtitle C activities	$180,500,000
National service trust	94,500,000
Service learning	40,000,000
Subtitle E activities	10,000,000
Corporation administrative expenses	14,000,000
State commission administrative expenses	11,500,000
Subtitle H activities	15,000,000
Points of Light Foundation	5,000,000
Total appropriation	370,000,000

The conferees agree that funds shall remain available until September 30, 1995, except appropriations for the National Service Trust, which shall remain available until expended, as proposed by the Senate but not by the House.

The conferees agree that funds appropriated under subtitle E of title I may be used for educational awards, and that the Committees on Appropriations will review the limitation on educational awards for VISTA volunteers at mid-year and may adjust it in a subsequent legislative vehicle, if justified.

The conferees agree that up to $12,000,000 of subtitle C funds may be used for technical assistance.

The conferees agree that the Corporation may not establish more than 50 full-time equivalent positions in fiscal year 1994. The Committees on Appropriations will consider some increases above that level if justified by a detailed operating plan.

NEIGHBORHOOD REINVESTMENT CORPORATION

Amendment No. 128: Appropriates $32,000,000 for the payment to the Neighborhood Reinvestment Corporation as proposed by the Senate, instead of $30,476,000 as proposed by the House.

The conferees agree with the following adjustments to the request by the Administration:

+$3,024,000 for equity capital activities, to be allocated, where possible, to assist with the distressed elements of the federally assisted housing inventory, including RTC and FHA properties where strong NeighborWorks organizations are currently in place.

+$500,000 for developing fully integrated service delivery programs for NHS communities modeled on the criteria of the HOPE 6 Program.

+$500,000 for the development of a demonstration program for national service with the NHS network, consistent with the requirements of the National and Community Service Trust Act of 1993.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

Amendment No. 129: Reported in disagreement.

TITLE IV—CORPORATIONS

FEDERAL DEPOSIT INSURANCE CORPORATION

Amendment No. 130: Deletes language proposed by the House and stricken by the Senate providing such sums as may be necessary for the payment of insurance losses under the Savings Association Insurance Fund.

Amendment No. 131: Appropriates $1,171,000 for the FSLIC Resolution Fund as proposed by the Senate, instead of $1,326,00,000 as proposed by the House.

Amendment No. 132: Restores language proposed by the House and stricken by the Senate appropriating $7,000,000 for the FDIC affordable housing program and allowing the FDIC the flexibility to waive certain provisions of section 40 of the Federal Deposit Insurance Act in order to maximize the efficient use of available funds.

RESOLUTION TRUST CORPORATION

Amendment No. 133: Appropriates $34,314,000 for the Office of Inspection General of the Resolution Trust Corporation, instead of $34,046,000 as proposed by the House and $34,582,000 as proposed by the Senate.

TITLE V—GENERAL PROVISIONS

Amendment No. 134: Limits consultants pay to not to exceed the rate paid for executive level IV as proposed by the Senate, instead of the maximum rate paid for GS-18 as proposed by the House.

Amendment No. 135: Restores language proposed by the House and stricken by the Senate prohibiting the expenditure of funds in the Act in violation of the Buy American Act.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1994 recommended by the Committee of Conference, with comparisons to the fiscal year 1993 amount, the 1994 budget estimates, and the House and Senate bills for 1994 follow:

New budget (obligational) authority, fiscal year 1993	$89,557,933,000
Budget estimates of new (obligational) authority, fiscal year 1994	89,268,383,032
House bill, fiscal year 1994	87,946,121,032
Senate bill, fiscal year 1994	87,931,529,032
Conference agreement, fiscal year 1994	87,690,272,032
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1993 ...	−1,857,660,968
Budget estimates of new (obligational) authority, fiscal year 1994	−1,568,111,000
House bill, 1994	−245,849,000
Senate bill, 1994	−231,257,000

LOUIS STOKES,
ALAN B. MOLLOHAN,
JIM CHAPMAN,
MARCY KAPTUR,
ESTEBAN E. TORRES,
RAY THORNTON,
WILLIAM H. NATCHER,
JERRY LEWIS,
TOM DELAY,
DEAN A. GALLO,
JOSEPH M. MCDADE,
Managers on the Part of the House.

BARBARA A. MIKULSKI,
PATRICK J. LEAHY,
J. BENNETT JOHNSTON,
FRANK R. LAUTENBERG,
J. ROBERT KERREY,
DIANNE FEINSTEIN,
ROBERT C. BYRD,
PHIL GRAMM,
ALFONSE D'AMATO,
CHRISTOPHER S. BOND,
CONRAD BURNS,
MARK O. HATFIELD,
Managers on the Part of the Senate.

ELECTION OF MEMBER TO COMMITTEE ON EDUCATION AND LABOR

Mr. SOLOMON. Mr. Speaker, by direction of the minority leader, I offer a privileged resolution (H. Res. 267) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 267

Resolved, That Representative Michael N. Castle of Delaware be and is hereby elected to the Committee on Education and Labor.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE TURMOIL IN RUSSIA AND SOMALIA

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, it is clear that in Russia we as a nation must stay the course, while in Somalia we must change the course. It is no secret that Boris Yeltsin, the elected leader of the former Soviet Union, now Russia, is intent on bringing democracy and reform to his nation. It is in our best interests and in the world's interest, then, to help him stay the course, to promote democracy and to inculcate reform.

So it is easy for us, and we should, as the President already has, indicate support for Boris Yeltsin while in Somalia we should change the course.

In Somalia we started off with a humanitarian effort to end the famine in Somalia, and now it has turned into a military expedition beyond our wildest expectations.

The House has already voted to give the President until October 15 to outline the purpose and the rationale for staying in Somalia and for risking further American lives in that region.

SHOULD WE STAY THE COURSE IN SOMALIA?

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I would like to commend the gentleman from Pennsylvania [Mr. GEKAS], and I certainly agree with his statement that we have a real serious problem in Somalia.

Reports are coming now that we have had a number of Americans who have been wounded there, and some have lost their lives. I think we have got to go back and take a hard look at that policy of how long we want to keep those Americans on the ground in Somalia.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

[Mrs. COLLINS of Illinois addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 60 minutes.

[Mr. OBEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

[Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

[Mr. BONIOR addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

□ 1210

ORDER OF BUSINESS

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. SKELTON] be able to precede me in the special orders scheduled for today.

The SPEAKER pro tempore (Mr. MINGE). Is there objection to the request of the gentleman from New York?

There was no objection.

PEACEKEEPING IS UNDERMINING OUR WAR-FIGHTING CAPABILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. SKELTON] is recognized for 10 minutes.

Mr. SKELTON. Mr. Speaker, peacekeeping commitments may so degrade the Armed Forces' war-fighting capability that it will be impossible to carry out the national military strategy. That strategy, which I support, requires a military sized to win two Persian Gulf type regional wars almost simultaneously. If the commitments/forces mismatch continues to develop as current trends suggest, the military will be unable to carry out the strategy.

Nowhere are the harmful trends more evident than in the Army. In the end, success or failure in winning wars will depend on the U.S. Army. Even in the Persian Gulf, where air power was so important, heavy land forces were required to bring the conflict to a successful conclusion.

Information has recently come to my attention that causes me to question whether the resources devoted to the Army under the bottom-up review will be adequate to win the first regional contingency called for in the national strategy in a reasonable time, much less the second.

Mr. Speaker, the concern I voice has nothing to do with partisan politics. Both the Bush and Clinton administrations have embraced the so-called win/win strategy which requires sizing the military for two major regional conflicts. Although the Clinton military budget is somewhat smaller than the last Bush budget, it is quite likely that a second Bush term would have produced comparable defense budgets in response to the quest for a cold war peace dividend. I believe it is important for political leaders to resist imprudent demands from whatever source that would break our military and render it unable toaccomplish the missions our Nation is calling on it to accomplish.

I don't have as many facts in my possession as I would like. I intend to continue to review the situation until I do. But I do have enough to sketch out the basis of my concern about the Army.

In the Persian Gulf war, the Army deployed roughly 250,000 active troops and 130,000 Reserve component—Reserve and National Guard—personnel to the area of operations. It follows that if the Army is to be sized to fight and win two major regional contingencies like the Persian Gulf war simultaneously, it would require about 500,000 active personnel to deploy.

To arrive at the required size of the entire Army, it is necessary to add to that figure tens of thousands of support personnel required to keep the beans and bullets flowing to the troops in theater—and additional thousands of Army personnel to support the Marines and the Air Force because the Army serves as the storekeeper and much more for all ashore personnel in any war that lasts more than a few weeks. On top of these numbers it is necessary to add the thousands of active personnel who are needed for education and training—everything from new recruits to Reserve component units that would be called to active duty. Once again, the Army assists the other services in training, particularly the Marines. Finally, the institutional structure of the Army—the installations, the commands, the acquisition organizations—add additional thousands. Also, let us not forget the Army Corps of Engineers for flood control and Army personnel for disaster relief missions.

Mr. Speaker, I don't have all the numbers. And I would be the first to acknowledge that the Reserve components will be called on to shoulder many of the tasks performed by active personnel in the past. But making allowances for added Reserve component participation and other relevant factors I may have overlooked, what I have sketched suggests that an Army sized to fight two major regional contingencies should be closer to 600,000 active personnel than to 500,000. I am sorry to have to report to you that the Under Secretary of Defense for Acquisition, Mr. Deutch, told the Committee on Army Services in a briefing on the bottom-up review last Thursday that the recommended size of the Army will be less than 500,000 personnel.

The conclusion that I believe must be drawn is that the Army is being sized to fight one war, not two. We may have a win/win strategy, but we are in fact drawing the Army down to a win/zero capability.

Peacekeeping missions may even undermine the first win. Peacekeeping tends to further undermine the Army's capability for regional war—and could undermine the Armed Forces' capability to conclude even one major regional contingency with dispatch. I recently returned from a factfinding trip that focused on the nature of peacekeeping missions in general, and, in particular, the prospective involvement of United States military personnel in Bosnia as part of a NATO operation to implement a peace agreement. What my delegation learned should cause this body to deliberate long and hard before committing large numbers of our troops to a peacekeeping operation.

During the course of the trip I learned that there are fundamental differences between peacekeeping and combat operations. Peacekeeping requires patience, forbearance in the use of force, and even-handed negotiation among adversaries. Combat requires the use of force quickly and decisively against an adversary. Crack U.S. combat troops must be retrained for peacekeeping duty—and trained again for combat afterward.

Units assigned to peacekeeping must be replaced by other units after a period of time. Consequently, a given unit conducting peacekeeping operations requires that additional units and several times the number of personnel on the ground be committed to the mission—and removed from their combat mission. A commonly used rule-of-thumb in our military is that each unit conducting peacekeeping on the ground engages two additional units, a 3-to-1 ratio. That is a very conservative planning factor. I have been told that the British use a 5-to-1 ratio. In other words, if an Army battalion is committed to a peacekeeping mission, two additional battalions must be dedicated to the mission as well.

Peacekeeping operations draw more heavily on the Army than on the Marine Corps. The Army, with its versatile mix of light, medium, and heavy combat units and robust support structure, must shoulder the brunt of any peacekeeping operation that requires troops on the ground. What are the personnel implications for the Army of the present and prospective peacekeeping missions of which we are presently aware? Press reports indicate that we have approximately 4,000 personnel in Somalia, 1,000 in the Sinai, and 300 in Macedonia. Additionally, there are reports that we are planning to move as many as 25,000 troops into Bosnia and possibly 4,000 to the Golan Heights. That is a total of more than 34,000 troops. Applying the 3 to 1 ratio, the United States is contemplating engaging over 100,000 Army personnel to peacekeeping, one-fifth of the entire post-drawdown Army, and the equivalent of between 4 and 5 divisions.

This is alarming in light of the bottom-up review proposal of cutting the U.S. Army to only 10 divisions. Three of those divisions will be stationed overseas, in Europe and Asia. A major regional contingency would require the rapid deployment of at least five divisions—in the Persian Gulf it was seven; in the Korean war it was seven. If the equivalent of five divisions are devoted to peacekeeping when a crisis erupts and will require retraining before they can be deployed for combat, there is no way that the U.S. Army will be in a position to respond rapidly to the crisis.

Mr. Speaker, there may be a considerable margin for error in my back-of-the-envelop calculations. But they are sufficiently accurate to assert that the U.S. Army is being sized at a level that will undermine its capability to fulfill the stated national military strategy and that will, in fact, cast grave doubts on the ability of the United States to pursue that strategy.

The events of the past weekend in Moscow strongly demonstrate that this is a dangerous and uncertain world. We must have an Army that is capable of accomplishing the missions that the Nation assigns it in pursuit of the national interests.

□ 1220

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Missouri.

Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding.

I just want to commend the gentleman from Missouri [Mr. SKELTON] for his fine statement. He is a student of history, of the Armed Forces, and of the U.S. Army, and he is a person well known to those of us who serve in this House as one who is highly motivated by his concern for the welfare of our military personnel, of our having the resources to do whatever we must to meet our responsibility in world affairs, and most especially in that context, that we have the best equipped, the best trained, and the best maintained Army, and that its roles and missions be properly and prudently thought out before the units of that Army are asked to go in harm's way.

So it is for that reason, Mr. Speaker, that I thank the gentleman from Missouri for his statement, and I suggest that all Americans who may be concerned about the Army and what may be expected of it should heed the expression of concern just enunciated by the gentleman from Missouri.

Mr. Speaker, I thank the gentleman for yielding, and I thank him for his fine statement.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Missouri very much. I appreciate my colleague's making his statement in support of my comments. I truly am deeply concerned.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. SKELTON. I am happy to yield to my friend, the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding, and I just want to say to the gentleman that he certainly has made a very commendable statement. It is so terribly, terribly important today.

When you look at what is happening over in the former Soviet Union, in Russia today, when you look at what is happening in Bosnia and Somalia, where more American lives were just lost over the weekend, I just want to say to the gentleman that those of us on this side concur in a bipartisan, sincere statement, backing up exactly what the gentleman has just said.

The gentleman from Missouri [Mr. SKELTON] all during the 1980's was one of the real leaders in this Congress who helped Ronald Reagan in a bipartisan effort to build the peace-through-strength movement that literally brought down communism, and that is the real reason we have democracy breaking out all over the world today.

Mr. Speaker, I just want to say I commend the gentleman for his statement. I will be having more to say about that when I take my special order a little bit later. I thank the gentleman very much for having said it.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from New York for his very kind and encouraging words.

National defense is a bipartisan effort. As I have stated a moment ago, I have great concerns over where the bottom-up review leads us, particularly in the area of personnel, and I hope we in this body take a very close look at this.

I am, as the gentleman knows, chairman of the Subcommittee on Military Forces and Personnel of the Committee on Armed Services, and it is my intention to have a hearing on this issue. As I have said before, I say again to the gentleman from New York that we all realize that the numbers just do not add up and they cannot add up. Thus I felt it my duty to express my concern today.

A CURRENT APPRAISAL OF U.S. MILITARY CAPABILITIES

The SPEAKER pro tempore (Mr. MINGE). Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 60 minutes.

Mr. SOLOMON. Mr. Speaker, we have just heard the gentleman from Missouri [Mr. SKELTON] talk about the problems that are facing us today with all the serious cutbacks that are taking place in our defense budget. I want to talk a little bit about that, but first I would read into the RECORD some of the concerns that were presented in a statement of Republican Policy Committee on our national defense. This was adopted by the Republican Conference back on August 4, 1993, last month. It says as follows:

> Republicans are increasingly alarmed by the accelerating downward spiral of the defense budget. Before our national security crashes in a ball of flames, we must regain control and preserve the Pentagon's ability to carry out its crucial mission.
>
> Republicans are deeply troubled by the growing disparity between declining defense resources and the Clinton Administration's increasing global commitments of U.S. military forces. For the first time, substantial numbers of U.S. armed forces are being detailed to foreign commanders for U.N. peacekeeping operations. Thousands of American troops are serving in Somalia and Macedonia and many more have been offered for potential missions to Bosnia—

perhaps as many as 25,000 in the not too distant future, as well as to other places like Haiti and the Golan Heights.

> The limitless task of global peacemaking and peacekeeping consumes more and more of a declining U.S. defense budget.

The report goes on to say this: "At the end of World War II, we commanded the most impressive force the world had ever seen. Only 5 years later," after the Second World War, "in Korea, our poorly trained and equipped forces were nearly overrun by a third-rate military power."

The report goes on to say:

> In the absence of superpower rivalry, dangerous tyrants have been unleashed in Iraq, Iran, North Korea, and Libya. Nuclear, chemical, and biological weapons—and the missiles to deliver them—are proliferating at an alarming rate.
>
> Faced with this, President Clinton plans to cut the defense budget by at least $127 billion over the next 5 years, above and beyond substantial cuts made by the Bush administration.—

cuts that were agreed to recently by both this House and the other body.

> These deep cuts were not the result of any serious analysis of defense needs of the 1990's.

This was spelled out by the previous speaker, the gentleman from Missouri [Mr. SKELTON].

> They were made before the Pentagon even began its "Bottom-Up-Review" of future defense needs. This budget should be an action plan for defending the United States in a world of diversifying threats.

The report continues, "Instead, it utterly fails to meet our defense needs." And that is going to get much, much worse.

> The Clinton defense cuts will only lead to a reduction in readiness and a return to the disastrous "hollow forces" of the late 1970's. They will hobble recruitment and retention, and impair training and readiness. There is already growing evidence that the United States forces are starting to go hollow as readiness budgets are consistently used to pay for peacekeeping and other humanitarian operations.

The report concludes by saying that we must stand firm with our men and women in uniform who daily risk their lives to protect American national security interests in a very dangerous world that is not getting any less dangerous. The report says:

> They deserve better than to be put in harm's way in order to achieve ill defined objectives while essential national defense capabilities wither away. This candle cannot be burned at both ends for very long without predictable disastrous consequences.

Mr. Speaker, that candle is being burned at both ends, and we are in trouble.

Back in the 1970's we had a military which had lost most of the technical people because the salaries and benefits after the Vietnam war had gone down to a point where we just could not attract an all-volunteer military from a real cross-section of America. Many of the families of the soldiers and sailors and marines and Air Force personnel who were serving overseas were literally on food stamps. That is how bad things were, and our military was in terrible, terrible shape.

We saw what happened in 1980 when President Carter, with all good intentions, tried to muster a rescue force to bring home the American hostages that were being held in Iran. To do that we had to cannibalize about 14 helicopter gunships just to get 5 that would work. And those five did not work; actually only two finally did work in the end. And that rescue mission was a total failure. That was not the fault of President Carter; it was the fault of the condition of our military.

We cannot and we must not put our troops back into that same situation, and I am afraid that is what we are heading for.

□ 1230

We have to look at what happened in Desert Storm just not too long ago, because we were militarily prepared, and we did have a real cross-section of American young men and women serving in our military who were tremendously capable. They were the best trained, the best equipped, the most highly motivated young men and women ever to serve in the military.

Mr. Speaker, I put in 8 years in the U.S. Marine Corps, and I know what those differences are. These young men and women today are truly great at what they do. The reason they are great is why we had so few casualties in Desert Storm. That was because of the kind of backing that they had and the funding that they had in our military budget at the time.

Today, when you look at what happens all around this world, just look at CNN this morning with what we see happening in the former Soviet Union, in Russia. Most of the parliamentarians that are holed up in that so-called White House are not duly elected people. They are the old Communist regime, who hung on after the revolution in Russia, and they are the ones that are trying now to reestablish these tentacles of communism around the world.

I was over there several months ago and met with this so-called President Rutskoi, who is the leader of this Communist rebellion over there right now.

On his wall is a huge map, a map of what he portrays or sees Russia to be in the next 10 years. Ladies and gentlemen, that is not the boundaries of Russia that we know today. His map goes and expands those entire boundaries to include all of the former Soviet Union, all of those independent republics today. It includes the Warsaw Pact countries: Hungary, Czechoslovakia, and Poland. It includes the Baltic states of Latvia, Lithuania and Estonia. It even includes the Balkans: Bosnia, Serbia, and Croatia.

That is what is at stake over there today. That is a real threat.

Then I look at what is happening with these peacekeeping deployments that we have today in Somalia. There again, our troops were sent to perform a humanitarian deed, to save starving people. That mission is over, and we should have brought those troops home.

Instead, over the last several weeks we have seen more and more American soldiers being killed. Just yesterday we think that there were probably seven more Americans killed, and perhaps some even taken hostage, and many, many more wounded. This is in a place where there is not even a government, not even a judiciary. There is nothing there. There is no real national strategic interest for us to be there. We ought to be bringing those troops home.

In Bosnia we have another situation. Look at that situation, and I just shutter to think what would happen if we put 25,000 American soldiers into Bosnia.

Mr. Speaker, for centuries and centuries and centuries no one has been able to solve that problem. Adolf Hitler during the Second World War put 42 divisions into the Balkans, 200,000 men, and they were picked off 1, 5, and 10 at a time, and the problem was never solved.

If we were to put, 25,000 American troops into the same situation, it would not matter if we had 100,000 American troops there, we are not going to solve this civil war situation.

Mr. Speaker, I would just sum up by citing American foreign policy under all modern Presidents. When I was in the Marine Corps I served under Harry Truman, a great American. Under Eisenhower, and under John F. Kennedy, and all of themodern Presidents, American foreign policy has always been to support the sovereignty of free democratic nations and the boundaries thereof. That is American foreign policy. And should Serbia happen to cross the border and go into a place called Skopje or go into Macedonia, or if any of those countries were to invade a sovereign nation, then we, as Americans, do have the right, it is American foreign policy, to go in and do something about it by direct military action—not so-called peacekeeping under a foreign commander.

But we cannot continue to deploy American troops in ill-defined peacekeeping efforts in all parts of the world where they are right now, in Somalia, in southern Iraq, in Angola, in Cambodia, in El Salvador, in western Sahara. In these efforts we have spent literally billions of dollars just in the last couple of years. We should not be there, and we should bring those troops home.

Mr. Speaker, I say this because just the other day we had a debate on this floor concerning the defense appropriations bill. That bill had language in it that would have prevented our troops from being deployed in Bosnia without a vote of this Congress. The language in that bill simply said that we are prohibited from using funds for humanitarian or peacekeeping operations unless the President notifies Congress at least 15 days before approving that operation; second, that the President specify the estimated cost, the method of payment, the duration and scope of the operation, and states the U.S. interest and goals that will be served by the operation; and, third, the funds for such an operation are derived only from appropriations provided under the heading of global cooperative initiatives or humanitarian assistance. In other words, the rest of the defense budget will not be pirated to pay for it.

We needed to have that debate on this floor before American troops are put in harm's way in these civil disorders around the world.

Mr. Speaker, I would hope that we would have that debate on this floor before these troops are sent over there. We will be talking with President Clinton and his advisers, hoping that we will be able to come to this floor and have this meaningful debate, so the American people will be represented in their views as to whether these troops should be in Bosnia or not.

SPECIFIC "ASSAULTS" ON THE WEST

The SPEAKER pro tempore (Mr. MINGE). Under a previous order of the House, the gentleman from Wyoming [Mr. THOMAS] is recognized for 60 minutes.

Mr. THOMAS of Wyoming. Mr. Speaker, I rise to talk about an issue that is very important to me and to people who live in the West. My two friends have spoken very eloquently about defense. I am going to talk about defense as well, only defense of the West and defense of the public land States.

Wyoming and the public land States have been under assault by the Clinton administration, which has targeted this region on an agenda that seriously threatens that economy. Public land States generally follow the Rocky Mountains down from the southern Canadian border to the Mexican border, and are made up of anywhere from 50 to 85 percent public land, land that was residual, land that was left when these areas were homesteaded.

From the outset, this administration has singled out the region with a series of heavy handed directives that would destroy the multiple use practices which have become historic and traditional in the public land States, that of farmers, ranchers, the mineral industry, and many other groups. I met with a group recently in which part of them were paleontologists. I am not good at that word, but people that look for dinosaurs and dinosaur tracks. These were people that did not make a living from it, but rather just did it as a recreational hobby kind of thing, who are also concerned about not having access to public land.

Mr. Speaker, let me give you a list of the things that have recently, in the last 6 or 8 months, become a problem to the West, and even more so than they ever were.

Grazing fees on livestock. The proposal is to raise them 2½ times, more than double the grazing fees that we have had. Plus there are a number of other very restrictive regulations, such as a major reduction in oil and gas exploration and leasing; a moratorium on leases, even those that had been sold, until they can be reviewed; increases in rates in the collection of royalties on trona, a product that is very important to our State, one that is marginal in terms of profitability, and one that would make a great deal of difference.

☐ 1240

Massive changes in Western water law. Western water law, which is in an arid area, such as the West, becomes a very vital issue in terms of the economy. It becomes part and is, indeed, part of the State constitution. The ownership of the water resolves to the State in Wyoming, and that constitution was accepted by this body, by the Congress of the United States.

Major revisions in the mining law, the Endangered Species Act, which simply becomes the land management kinds of problems. The National Biological Survey, which we will talk about this week, which tends to impinge upon private property rights. Wetlands, gas tax. My State of Wyoming was his most hard with the gas tax of any State in the Union. The Clean Water Act. Just last week, the abolition of the wool and mohair incentive, an industry in our State that cannot survive without it.

These are some of the kinds of things that have been affecting us. No other sector in this country has been impacted by as many rules and regulations and changes in their economy as has the West.

It comes as kind of a surprise, when this administration spends most of its time talking about "The economy, Stupid," about trying to do something for jobs. Here we have a situation where jobs are threatened, long-term kinds of jobs.

The multiple use concept is the backbone of the economy of the West. When much of your State belongs to the Federal Government, the decisions made by Federal land managers have a great deal to do with the prospects for an economy, whether it be livestock, whether it be grazing, sheep, minerals, coal.

Wyoming is the largest coal producer in the United States, largely on public lands. So you have to have an opportunity to use this. This is not to say, of course, that you do not deal equally with the economy. The fact is, you want balanced multiple use. That is what we are seeking.

Unfortunately, the only aspect of public land use that the President and Secretary Babbitt are emphasizing is recreation and wildlife conservation and Federal control. No one disputes the importance of wildlife and wilderness preservation. But do not be fooled about the nature of this Federal land. This is not Yellowstone Park. This is not the wilderness. This is not even forest reserve. There are unadjudicated lands. These are lands that are residual, when the early settlers came to the West. Obviously, they staked out their claims in the river bottoms and on the streams and where the land was most valuable. The rest of it was left. It was never taken up.

As a matter of fact, the BLM laws originally said the Bureau of Land Management was there to manage the land pending its final disposal. The notion was, of course, that it would go into private ownership, as it does in the rest of the States. That was subsequently changed and for continuing management, but the point is, these lands were set apart from the lands that were taken in private ownership. And they cannot be used separately.

If we continue to do this, farmers and ranchers will be forced to sell their lands, and the wildlife that depends on these lands will be faced with subdivisions and other kinds of things.

There is just one other aspect to ownership that I should mention. That is the so-called checkerboard lands all through the West, particularly through Wyoming. On 20 miles of either side of the Union Pacific Railroad, the lands were, every other section was given to the railroad as an incentive to build that transportation system. They now continue to be privately owned lands, and every intermingled section is a public section.

These are the kinds of lands that take 100 acres for a cow and calf for a year. You have to have a long-legged cow to get enough to eat. You cannot separate these and use one section for one thing and the next section for something else.

Frankly, the cost of fencing is more than the value of the land. So you have to really take into account the kinds of lands these are.

The most disturbing, I think, aspect of the Clinton administration's assault on the West is that it is being done under the guise of public involvement. From rangeland reform to introducing wolves into Yellowstone, the Secretary of Interior, Mr. Babbitt, and others have said they are listening to the people. Indeed, they came out and had a series of hearings where people came from the West and talked about their problems there. But they certainly were not listening.

After this series of hearings in which the preponderance of testimony was in this direction, the regulations of the Department were issued. And they were the very same as the memo that was written before the hearings were ever held. So much for public comment and input.

In addition, Vice President GORE has recently said that one of the things he chooses to do in reinventing Government is to decentralize the Government, put the decisions where the problems are, where the folks are.

Let me tell you that this latest change in regulation on grazing specifically moves the decisions to Washington. Mr. Baca, the Director of the BLM, makes no bones in his regulations that we will make the decisions in Washington. So much for empowerment and letting officials who actually live in the West make the substantive land-use decisions.

Mr. Speaker, it is extremely important to remember the structure of these public lands. The fact that they are dependent on one another. There were some figures shown on the floor the other day of the increase in wildlife in the West. I must tell you that there is a very strong dependence on public lands, wildlife on the private lands. The winter feed is almost all on private lands. Because those were the lands that were homesteads. That is where the water is. The water development on public lands has been done by lessees. So there is very much of a dependency that flows from the public lands to the private lands. You simply cannot set them aside.

Mr. Speaker, the people of Wyoming and the West are fed up with the Federal Government and the concept that they are simply welfare cowboys. These individuals are not trying to rip off the Government but simply make a living for themselves and their families, just like coal miners in West Virginia or auto makers in Ohio or farmers in Missouri.

The people of the West are being driven into bankruptcy, however. They do not have any more to give. Increased gas tax, which hits Wyoming harder, the massive changes in Federal land policy, these are the kinds of things the West cannot take. At a time when all of us, including the President, are concerned and constantly talking about the need to create jobs and to improve our economy, this administration is taking steps that will devastate many towns and communities in the West.

We need to begin to take some steps to stop this outrageous process.

The SPEAKER pro tempore (Mr. MINGE). Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

[Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MATSUI] is recognized for 60 minutes.

Mr. MATSUI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CUNNINGHAM] is recognized for 60 minutes.

[Mr. CUNNINGHAM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

[Mrs. BENTLEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KOLBE] is recognized for 60 minutes.

[Mr. KOLBE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

[Mr. GINGRICH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EMERSON) to revise and extend their remarks and include extraneous material:)

Mr. THOMAS of Wyoming, for 60 minutes, today.

(The following Members (at the request of Mr. SKELTON) to revise and extend their remarks and include extraneous material:)

Mr. DIXON, for 5 minutes, on October 5.

Mr. SKELTON, for 60 minutes, today.

Mr. LIPINSKI, for 60 minutes, on October 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SKELTON) and to include extraneous matter:)

Mr. TRAFICANT.

Mrs. THURMAN.

(The following Members (at the request of Mr. EMERSON) and to include extraneous matter:)

Mr. OXLEY.

Mr. LEWIS of California.

The following Member (at the request of Mr. THOMAS of Wyoming) and to include extraneous matter:)

Mr. BROWN of California.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and joint resolution of the House of the following title:

On September 29:

H.R. 2074. An act to authorize appropriations for the American Folklife Center for fiscal years 1994 and 1995, and

H.R. 3051. An act to provide that certain property located in the State of Oklahoma owned by an Indian housing authority for the purpose of providing low-income housing shall be treated as Federal property under the Act of September 30, 1950 (Public Law 874, 81st Congress).

On October 1:

H.R. 38. An act to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes;

H.R. 2295. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 2608. An act to provide for the reauthorization of the collection and publication of quarterly financial statistics by the Secretary of Commerce through fiscal year 1998, and for other purposes; and

H.J. Res. 267. Joint resolution making continuing appropriations for the fiscal year 1994, and for other purposes.

ADJOURNMENT

Mr. THOMAS of Wyoming. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to, accordingly (at 12 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Tuesday, October 5, 1993, at noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STOKES: Committee of Conference. Conference report on H.R. 2491. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-273). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MICHEL:

H. Res. 267. Resolution electing Representative MICHAEL N. CASTLE of Delaware to the Committee on Education and Labor; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 62: Mr. PENNY.

H.R. 123: Mr. CANADY, Mr. KNOLLENBERG, and Mr. HUNTER.

H.R. 124: Mrs. MORELLA and Mr. HUNTER.

H.R. 892: Mr. ROYCE.

H.R. 1293: Mr. WALSH.

H.R. 1604: Mr. ROHRABACHER.

H.R. 1671: Mr. SAXTON.

H.R. 1772: Mr. BISHOP, Mr. BOUCHER, and Mr. BARLOW.

H.R. 2130: Mr. SHAYS.

H.R. 2268: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2292: Mr. SYNAR.

H.R. 2394: Mr. KOPETSKI and Mr. FOGLIETTA.

H.R. 2395: Mr. KOPETSKI and Mr. FOGLIETTA.

H.R. 2859: Mr. WALSH, Mr. BEILENSON, Mr. MOORHEAD, Mr. RAVENEL, Mr. BOEHNER, Mr. SHAYS, Mr. SMITH of Texas, Mr. PACKARD, Mr. LEWIS of Florida, and Mr. HUNTER.

H.R. 2884: Mr. OLVER.

H.R. 3041: Mr. SLATTERY, Mr. TAYLOR of Mississippi, and Mr. DARDEN.

H.R. 3064: Mr. LIGHTFOOT, Mr. BREWSTER, Mr. TALENT, Mr. KOPETSKI, Mr. DOOLITTLE, Mr. SARPALIUS, and Mr. COMBEST.

H.J. Res. 139: Mr. KINGSTON and Mr. MCNULTY.

H.J. Res. 265: Mr. TANNER, Mr. KING, Mr. HOCHBRUECKNER, Mr. HEFNER, Ms. DANNER, Mrs. MALONEY, Mr. YATES, Mr. MURTHA, Mr. NEAL of Massachusetts, Mr. SCHUMER, Mr. COPPERSMITH, Mr. BAKER of California, Mr. GORDON, Mr. WAXMAN, Mr. HOLDEN, Mr. MAZZOLI, Mr. DINGELL, Mr. KLECZKA, Mr. WALSH, and Mr. LIPINSKI.

H. Con. Res. 52: Ms. CANTWELL, Mr. GUTIERREZ, Mr. WOLF, Mr. MOLLOHAN, and Mr. NEAL of North Carolina.

SENATE—*Monday, October 4, 1993*

(Legislative day of Monday, September 27, 1993)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable PATTY MURRAY, a Senator from the State of Washington.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Be anxious for nothing; but in everything by prayer and supplication with thanksgiving, let your requests be made known to God.—Phil. 4:6.

Father in Heaven, when a Senator announces he will not return to the Senate, his/her staff is immediately introduced to an insecure future. We pray for those staffs and any other staff people who, because of circumstances, face insecurity in their position. Give them confidence that God has a plan for their lives, and teach them to look in His direction for peace.

In the name of the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 4, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATTY MURRAY, a Senator from the State of Washington, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. MURRAY thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

UNANIMOUS-CONSENT AGREEMENT

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the majority leader, asks unanimous consent that the previous order allocating the morning business period to Senator BYRD today be modified as follows: That morning business extend until 1 p.m., with Senators permitted to speak therein for up to 10 minutes each, and that at 1 p.m., the Senate proceed to the consideration of H.R. 2750, the Department of Transportation appropriations.

If there is no objection, it is so ordered.

In my capacity as a Senator from the State of Washington, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE addressed the Chair.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. DOLE. Is leaders' time reserved?

The ACTING PRESIDENT pro tempore. Yes. We are in morning business.

SALUTE TO BOB MICHEL

Mr. DOLE. Madam President, one of the true privileges of serving as Senate Republican leader for the past 8 years has been the opportunity to work on a day-to-day basis with my counterpart in the House, Congressman BOB MICHEL.

I rise today to pay tribute to this outstanding public servant, who announced today that he will not seek reelection to the House in 1994.

BOB MICHEL is a true "man of the House." He came here as a young World War II veteran to work for the Congressman who represented his hometown of Peoria. And when that Congressman retired in 1956, BOB succeeded him, and he has been reelected ever since.

Although he has spent much of his life in Washington, DC, there is no doubt that Peoria is still BOB MICHEL's home. And the values that define BOB MICHEL as a man and a leader, values like hard work, honesty, and loyalty, are values that remain important in America's heartland.

When BOB retires from Congress, he will haveserved as Republican leader for 14 years. And no doubt about it, they have been some of the most remarkable years in American history.

BOB MICHEL stood with President Reagan as he restored America's economy, America's military, and America's pride. And when some were ready to cut and run from the President in the early 1980's, BOB MICHEL did not back down—making the tough votes that kept America moving in the right direction.

And when President Bush came to Congress seeking support for operations Desert Shield and Desert Storm, he had no greater ally then BOB MICHEL.

Although the Democrat leadership was opposed to the President, BOB worked tirelessly across party lines to deliver the votes that ensured that America would always stand up for freedom.

There will be a lot of tributes and a lot of salutes coming BOB's way in the next 15 months. But I have two suggestions on how we can best honor him.

One is to give the Republican Party a majority in the House of Representatives—something that has not occurred during BOB's 37 years in the House.

And the other, which probably will not happen, is to allow BOB—and his outstanding singing voice—the chance to give a concert at Carnegie Hall. I am not sure which is apt to happen first.

I thank BOB MICHEL for his friendship and his leadership.

I served in the House with BOB MICHEL from 1961 to 1968 and I know BOB and his family well. I wish he, Corinne, and their family all the best in the years ahead.

And I would say something else about BOB MICHEL. If you find anybody in either party who has a bad word to say about BOB MICHEL, I would be surprised. He is just that kind of a person. His word is his bond. There is a lot of stress and pressure in this place from time to time. There is even more on the House side because there are 435 over there and only 100 over here.

I think over the years that BOB has never wavered in his commitment to serve not only his district but the country. I think that certainly typifies and exemplifies the kind of man he has been.

So I wish him every success. He is going to remain as Republican leader until the end of this term. We will be working with him on a daily basis. In fact, I already have a meeting scheduled tomorrow to talk about health care, so he is not going to let up because he announced today that he would retire.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SOMALIA

Mr. DOLE. Madam President, later on today, I will be making a statement on Somalia, and also on what is happening in Russia.

But, certainly, I think Somalia is going to deserve our immediate attention, with the increased number of casualties that we are learning about this morning in the helicopter raid, where, apparently, 5 American helicopters were shot down and maybe as many as 10 Americans or more were killed and scores wounded.

It seems to me it is time to take a hard, hard look at why we are still there, when we started off in an effort to help that country and help keep people from starvation. It has gone from a humanitarian mission to almost an outright armed conflict. It seems to me, Congress and the administration ought to come to grips with this and make a decision, one way or the other. I hope we can do it very quickly.

Madam President, I reserve the remainder of my time. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CARNAGE IN SOMALIA

Mr. BYRD. Madam President, the reports from Somalia over the last few hours indicate Americans by the dozens are paying with their lives and limbs for a misplaced policy on the altar of some fuzzy multilateralism. At least 12 are dead, with another 6 missing, and 70 more others are wounded. Five U.S. helicopters have been shot down.

I believe we should disengage our forces and declare the U.S. contribution to this U.N. extravaganza over. We should bring the 1,500 or so Rangers that are serving in combat in Mogadishu home as soon as possible, and insist that the Secretary General of the United Nations replace the U.S. contingent of some 2,000 logistical and other support troops out of the U.N. peacekeeping contingent as soon as possible. The endgame of United States participation in Somalia should be measured in days and weeks, not months and years. This U.N. experiment on new world order nation-building, the new mission that neither the Congress nor the American people at large ever endorsed, ought to be shut down as far as U.S. involvement is concerned. If other nations want to stay in Somalia at the urging of the U.N. Secretary General, that is their decision.

Both this body and the other body have passed resolutions by overwhelming majorities on Somalia, first to receive a report by the President to explain and justify any continuing policy toward, and United States troop presence in, Somalia by no later than October 15, leading to a vote in both Chambers no later than November 15, to "receive congressional authorization in order for the deployment of United States forces to Somalia to continue."

Both the President and the Secretary of Defense, Mr. Aspin, made statements over the weekend indicating that they felt the United States might still have some continuing role in Somalia. If the President has settled on our future policy toward Somalia and the U.N. peacekeeping mission there, then he need not wait until the 15th to report to the Congress on it. He can move up the date for the report, and we can move up our vote on that policy, I would think, within hours of receiving his report. There is not any particular reason to delay and agonize over it—let us debate this operation and vote on it as soon as possible.

Madam President, if more Americans are to be sacrificed in Mogadishu, the Congress ought to share the responsibility for it. If the decision is to disengage, why in the world should we drag these fatal cops-and-robber operations on any longer? Let us vote and let us get out.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DORGAN). Without objection, it is so ordered.

UNITED STATES MISSION IN SOMALIA

Mr. DOLE. Mr. President, we just learned that the American loss of life in Somalia this week was far worse than initially reported. At least 12 American servicemen were killed, several are missing in action, and dozens of Americans have been wounded. Early reports indicate that some U.S. forces may be held hostage. According to the wire sources that came in, I guess we are preparing to send more troops and tanks to Somalia; an additional 200 infantrymen, plus tanks and armored vehicles. That is what they said today.

Also, early reports indicate that some U.S. forces may be held hostage. Of course, these casualties are above and beyond the mine which killed one Somali and an American and wounded three more.

As the body bags pile up in Mogadishu, confusion over U.S. objectives increase. U.N. Secretary General Boutros-Ghali has once again attempted to veto a U.S. effort to find a political resolution to set limits on U.S. Armed Forces. I happen to believe it is high time for Boutros-Ghali to recognize that we will decide what is in the American interest and that he is not empowered to make U.S. foreign policy.

The gap between United States interests and U.N. operations is great and growing in Somalia. The United Nations seems obsessed with getting General Aideed. And Boutros-Ghali seems to think the United States is required to put its military muscle behind this effort.

So let us be clear. U.N. Security Council Resolution 814 only authorizes efforts to capture those responsible for attacks on the United Nations. It does not bind the United States in attacks on the United Nations. It does not bind the United States regardless of what Boutros-Ghali thinks, and this administration needs to remind Boutros-Ghali that he works for the Security Council, and not the reverse. Already there are voices saying if United States forces leave Somalia, civil war, chaos, and famine will result.

Mr. President, that is exactly what is wrong with getting involved there in nation-building in Somalia in the first place. What if the Nigerians, or the Indians, or the Pakistanians do not provide forces? Will Americans have to stay forever to prevent famine or civil war? If Somalia is that fragile, I am not certain anyone can build a nation there in the near future. Certainly it should not be the job of U.S. Armed Forces, especially when Congress and the administration are working together—unfortunately, they are working together to slash the defense budget. My view is we are going at it much too rapidly. In this time of limited defense resources we should put our priority on protecting and promoting the United States interests in meeting the threats to the United States security.

The same week that President Clinton received good press for telling the United Nations "to say no" to peacekeeping, U.N. operations were extended in Haiti, Angola, Georgia, Somalia, and Liberia. The United States cannot and should not be involved there in all of these places. So Boutros-Ghali should keep that in mind in making U.N. commitments.

Mr. President, there has been fighting on the streets of Moscow. We have all witnessed it. We watched television all day yesterday, and all morning; I guess half the night. Itappears Boris Yeltsin has won the short-term struggle, and the forces in parliament have surrendered. We understand that Rutskoi and Khasbulatov may be in custody. But instability in Russia is not over.

As I indicated, yesterday, it seems to me that we need to take another look at our relationship with the Republic of Russia, and maybe take another look at how the World Bank and the International Monetary Fund operates and whether or not shock therapy, which they seek to impose on emerging democracies such as Poland, Yugoslavia, and others, whether it works, and whether it in fact may be the cause of the present problems in the Russian Republic.

It is very, very difficult to move from a Communist economy to a market economy. And it seems to me that this has not been fully recognized by leaders of the World Bank or the IMF.

In any event, we do have a vital national interest in the future of Russia. I certainly share the view expressed by President Clinton yesterday, and my friend the majority leader, in saying that we should support Boris Yeltsin. In my view, he does believe in democracy; maybe not the same way we do, but certainly I think that it is his intent and his goal, and we should not make it any more difficult than possible.

I also believe that perhaps President Yeltsin should take a look at one of the requests that, had he agreed to, might have allayed some of the problem; that is, having a simultaneous election for parliament and the President in the Russian Republic.

So it seems to me even though there is a lot of instability there—at least right now it appears to be a bit more stable than say 24 hours ago—we do have a vital interest there. There are a lot of nuclear weapons there, and the one thing we do not want to happen is reverting back to subhardline military, hardline Communists that are back at each others throats, and back in the cold war; back to more missiles, and spending billions and billions of dollars more on weaponry.

We do not have any comparable interest in Somalia. That is the point I would make. It seems to me that enough Americans have died in Somalia. I do not believe we should indefinitely continue to support Boutros Boutros-Ghali's plan in Somalia. It seems to me maybe some of the African nations ought to take an interest in Somalia.

I think nearly all of us—in fact, we passed a resolution here, and agreed with the early objective that was to provide humanitarian relief to prevent thousands and thousands of people in Somalia from starving. When that effort was launched, I think there was broad bipartisan support, as there should have been. But somewhere along the line without Congress having any say, that mission was changed from humanitarian to nation-building, I believe primarily at the direction of the United Nations.

So it seems to me when the administration issues its report on United States operations in Somalia next week, I hope it will include a blueprint for how and when the United States leaves Somalia for good.

I certainly know the President is dealing with this as best he can. But it is becoming more and more important that Congress and the administration face up to our responsibilities, and not what the United Nations may have in mind.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ROLE OF THE UNITED STATES IN SOMALIA

Mr. GREGG. Mr. President, there is a great deal occurring in the world today, obviously, with what is happening in Russia and now what is happening in Somalia. The focus of American attention is diffused, therefore, across the world. I do believe it is time that we focused more precisely and more directly on the events in Somalia.

American lives are being lost there, and we wonder what for. We initiated our actions in Somalia for the purposes of humanitarian aid. They were good and honorable purposes. But now we find ourselves engaged in trying to capture and take control of a situation from a warlord. We are in exercises which are described as search-and-seizure exercises but which involve the delivery of American troops into harm's way.

When you are involved in trying to capture a warlord, one presumes you are at war. Therefore, the tenor and purposes of the Somalia operation have changed fundamentally. It has gone from being a humanitarian effort to being an effort which involves the use of American force in a foreign country, not only the risking of American lives but American lives being lost. One must ask why? And I believe the American people are asking why. One must decide whether or not this is the appropriate policy not only for the administration but also for the Nation.

Therefore, at this time it is absolutely essential that this issue be brought before the Senate of the United States to be properly debated and that we raise the questions which are so obvious and we discuss them and we decide on the proper American policy.

Some of those questions clearly involve what is our purpose there. If it has so fundamentally changed from being one of delivering humanitarian aid in the American tradition of trying to assist less fortunate people around the world to being one of pursuing a warlord, then we should admit that and we should acknowledge that; therefore, we are involved in a military action —in a war.

If it is one where American troops are to be commanded by a foreign commander under the auspices of the United Nations, then we should have a formal debate of that policy for this is a fundamental change in the history of our Nation in the way that it undertakes the prosecution of war.

We are not a nation which has traditionally allowed our troops to be commanded by foreign commanders and certainly, as the last and only surviving superpower in the world, our troops have a distinction which places them in a different categorythan other military forces which are involved in United Nations' activities.

We are the most powerful Nation in the world. When we use that power, we must recognize that we have to use it judiciously, and we have to use it not only in the interests of the international community but we have to use it consistent with American law and American constitutional authority and in the manner in which the American people expect.

One of the things that they expect is that when our troops and our people, our sons and daughters, brothers and sisters, friends and neighbors are put in harm's way and their lives are put at risk, the American people expect to understand why.

Right now in Somalia I do not think anybody really knows why. We understood the initial objective. It was a good and honorable one, as I mentioned. It was one of humanitarian aid, but I am not aware that we really understand, and we clearly have not fully debated the objective which is being pursued today, which appears to be the capturing of some warlord whose name no one in America had heard 10 weeks ago but who has now become the focus of the loss of a number of American lives.

We are a constitutional democracy. As such, when we engage our troops, it is fully appropriate that the bodies which have the ultimate power of the people in this constitutional democracy debate that issue and make a decision. We have learned from past history that we cannot commit American troops and put at risk American lives unless the American people support that effort and that we transgress on the history and on the purposes of a constitutional democracy if we allow ourselves to proceed in any other manner.

Clearly, in Somalia we have now stepped on to that ground which is called war. Therefore, we have to and should have a debate pursuant to the terms of our laws and consistent with our history and our traditions.

What we initiated in Somalia was right in our humanitarian aid but what it has evolved into is in question as to whether it is right. In any other circumstance, I suspect we might consider what is going on there to be foolish. But American lives have been lost; therefore, it is tragic. What we cannot allow it to become, however, is a situation where we evolved into a confrontation which risks further American lives without the American people understanding our purposes and our goals and without the troops, who are putting their lives at risk there, understanding their purposes and their goals.

This is a serious time in the world. Obviously, what is happening in Russia portends to be more serious for us as a nation.

But as we, as a nation, embark on this new post-cold-war period, I think it is important that we get better definition of purpose and direction when American lives are put at risk, and that involves public debate and this is the proper body for that debate.

And, thus, I hope that we, as a Senate, will proceed to discuss the issue of Somalia in the near future, in the immediate future, before any more American lives are lost; and that we shall put into definition and some focus what is our purpose there and, most importantly, how we intend to disengage or, if it is our decision, how we intend to engage pursuant to the laws which we, as a nation, have as a constitutional democracy.

Thank you, Mr. President.

I yield back my time.

The PRESIDING OFFICER. The Senator from New Hampshire yields the floor.

COMMEMORATING 1993 HISPANIC HERITAGE MONTH

Mrs. FEINSTEIN. Mr. President, it is my distinct pleasure to rise today to commemorate National Hispanic Heritage Month. This year marks the 15th year the U.S. Senate has officially commemorated the important contributions of the Hispanic community, and it is the fifth year the President has set aside September 15 through October 15 as National Hispanic Heritage Month.

This month, all across the Nation, Americans are celebrating the achievements and honoring the contributions of Hispanic Americans.

In my State, Mr. President, the names of our cities and streets define California in the minds of Americans and citizens throughout the world. From San Francisco to San Diego, the diverse vitality and cultural heritage of the Hispanic community resonates loudly and with great pride. The Hispanic community has a proud tradition of reminding us that the American dream is alive and well, and that through hard work, resolute belief in God and strength in the family, anything can be achieved.

The strong religious faith of the Hispanic community can be linked to the Spanish missionaries who helped settle the West. These missionaries possessed the spirit of community and taught a number of native Americans and settlers to read and write. In 1930, the people of California honored the memory of one of those missionaries, Father Junipero Serra, when his statue was placed not far from this Chamber in Statuary Hall.

Today Hispanics represent the fastest growing ethnic group in the United States, currently totaling 9 percent of the U.S. population. California is home to 7.6 million or about 34 percent of all Hispanic Americans. Experts estimate that by the year 2050, one in every five Americans will be of Hispanic origin.

This explosive growth is reflected in my State where there are more Hispanic-owned businesses than in any other State, and where 16 percent of all Hispanic elected officials in the United States hail from California.

Undoubtedly, Hispanic Americans have made impressive strides, due to their industrious work ethic and strong family unity. However, much more needs to be accomplished. Although Hispanics have made great progress in education, they continue to lag behind the rest of the Nation. I remain steadfast in my commitment to working with Hispanic leaders in bringing the concerns and issues of the Hispanic community to the attention of a national agenda.

Hispanic Heritage Month seeks to increase the national awareness and understanding of, and respect for all Americans of Hispanic origin. Hispanic Americans are a diverse group. They came to America from different places, at different times, and for different reasons. Yet they share in a fundamental cultural identity, and a mutual aspiration to earn and enjoy the promise and benefits that America, at its best, extends to all.

Mr. President, I could go on and on about the many positive contributions this esteemed community has made to California, but let me just say: for every struggle and triumph we hear and read about, hundreds, surely thousands more, remain untold.

Mr. President, I yield the floor.

CONGRATULATIONS TO SHELLEY E. JONES, NATIONAL DISTINGUISHED PRINCIPALS AWARD WINNER

Mr. HEFLIN. Mr. President, I am proud to congratulate Shelley E. Jones, Alabama's 1993 recipient of the National Distinguished Principals Award. This award recognizes innovation and a commitment to seeing each new school year as an opportunity to elevate instruction to a new level of excellence. Shelley and all the national winners of this prestigious award are testaments to the long-standing commitment of our society to providing its children with a first-rate education. This deserved recognition singles out those who make that commitment a part of their daily lives.

Shelley Jones is the principal at Woodland Forrest Elementary School in Tuscaloosa, AL. Her guiding educational philosophy for nurturing her students is the strong belief that children need strong roots and wings to support them. She works to foster a lifelong love of learning by offering students an abundance of extracurricular opportunities to complement the basics. At Woodland Forrest, after-school enrichment options include classes in Japanese, karate, gymnastics, computers, and chess. Shelley has had artists-in-residence at her school for the past 4 years. These artists focus on the visual arts, instrumental music, and theater.

Her Parent-Teacher Association, at 1,000 members strong, has won local and statewide awards almost a dozen times. Shelley, who holds a bachelor of arts degree from the University of Kentucky and a master of arts from the University of Alabama, works overtime to recruit the best teaching candidates and to promote professional growth. It is interesting to note that six of her former teachers are now principals.

Again, I am happy to congratulate and commend Shelley E. Jones for all her innovative work and her total dedication to putting a fresh face on education and preparing our young people for the world of tomorrow. I wish her and the other 1993 National Distinguished Principals all the best for many future successes.

TRIBUTE TO LILLIAN ADELA DUFFEE ADAIR

Mr. HEFLIN. Mr. President, on September 14, a long-time friend of mine and my wife's—Lillian Adela Duffee Adair—passed away in Birmingham. Duffee, as she was affectionately known by her many friends and family, was an energetic and widely respected and loved civic leader in Dadeville, AL.

When I try to think of adjectives to properly describe Duffee, the first one that leaps to mind is rather simple: happy. Duffee was a truly happy person, cheerful, peppy, always enthusiastic about life and the people around her. She was effervescent, bubbling with life. The spirit she exuded was contagious, because to be around her produced associated happiness.

I never met anyone who enjoyed the little things in life more than Duffee Adair—the ordinary things, the things that we take for granted and overlook every day. She had a way of making the mundane and ordinary seem interesting and alive, and was able to help us look at things in ways that we hadn't before.

Duffee's happiness was completely natural. It was a gift that came from somewhere deep within her soul, and was on display even during the most trying of circumstances. It often manifested itself through her loyalty to friends and family, through the kind things she did for them and for others, and through the degree of sincerity that guided her through it all. Some people try to put on a good face for the world that isn't real, but Duffee's was always the genuine thing.

When I think of Duffee, her personality, and the way she lived, I am reminded of the old saying, "happiness is a wine of the rarest vintage * * *." Duffee was a person of the rarest vintage, someone who shared herself totally with her family and those fortunate enough to have known her over the years.

A short verse penned by the late English poet Philip Larkin, to me, captures the attitude Duffee brought to each new day. "What are days for?" He asks. "Days are where we live. They come, they awake us time and time over. Where can we live but days? They are to be happy in."

I will always remember Duffee as someone who embraced her days, was happy in them, and made those who knew her happier in ours. I extend my sincerest condolences to her family and ask unanimous consent that an article appearing in the September 16, 1993, edition of the Dadeville Record recalling her life and contributions be printed in the RECORD immediately following my statement.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Dadeville Record, Sept. 16, 1993]

LILLIAN ADAIR DEAD AT 73

Long-time Dadeville resident Lillian Adela Duffee Adair, affectionately known by her friends as Duffee, died Tuesday night at a Birmingham hospital, following a long illness.

She was married to Charles R. Adair Jr., a Dadeville attorney.

Mrs. Adair, 73, was a former Woman of the Year and served as president of the American Legion Auxiliary, the Philomathic Club, the Worth While Club, the Women of the Church and Regent of the Tohopeka Chapter of the National Society Daughters of the American Revolution. She also served as district director of the Alabama Society and a member of the Board of Trustees of the Kate Duncan Smith SAR School.

A member of the group which founded the Horseshoe Bend Regional Library, she served as a member of the board of Dadeville Public Library. She was a deacon of the First Presbyterian Church of Dadeville.

Other accomplishments include serving as chairman of the Still Waters Ladies Bridge Club; member of T Birds, a golf group at Still Waters; and founding member of the Slim and Trim Club. Mrs. Adair received citations from Camp ASCCA for her work there and from the U.S. Air Force.

Mrs. Adair was born in Birmingham, the daughter of Cecil Gravlee Duffee Sr. and Nell Devine Duffee and attended schools there until she and her family moved to Dadeville. She returned to Birmingham for one year, where she attended Ramsey High School and was a TKD.

She returned to Dadeville, where she was graduated from Tallapoosa County High School. Later she returned to teach at her alma mater. While she taught, she was secretary-treasurer of the Tallapoosa County Teachers Association, a member of Delta Kappa Gamma and held certificates to teach in all grades.

She held a B.A. from the University of Alabama, and did graduate work there and at Alabama Polytechnic Institute. She also held an honorary Ph.T. from the university, was a member of Pi and Kappa Delta and sat on the KD House Corporation Board. She also worked on the Crimson-White and Corolla. Recently she was named a member of the Permanent Committee for the 50th reunion of the class of 1942.

Perhaps the achievement of which she was most proud is the part she was allowed to play in the lives of attorney Cecil Duffee III, Realtor Steve Duffee, interior designer Linnie Duffee, systems analyst Joe Duffee and law student Rob Duffee.

A memorial service will be held Friday, Sept. 17, 1993, at 2:30 p.m. at First Presbyterian Church in Dadeville. The Rev. Wade Acton will officiate.

WE'VE ACHIEVED OUR GOAL IN SOMALIA—NOW LET'S BRING U.S. TROOPS HOME

Mr. DORGAN. Mr. President, it is time for the United States to begin an orderly withdrawal of its troops from the African country of Somalia. During the past few weeks events in the capital of Mogadishu only confirm that our role in Somalia is dangerously unclear and poorly thought through.

For a variety of reasons, the fighting in Mogadishu has begun to escalate. It is enough of a tragedy that a number of American troops were killed over the weekend on a mission against the most powerful Somali warlord. I understand that there are now reports that American troops have been taken hostage, and that up to 500 Somalis have been injured during renewed fighting.

The United States originally undertook a massive humanitarian relief effort to guarantee the delivery of food and medicine to people who were starving and dying in Somalia. We achieved that goal. We accomplished the mission of feeding starving Somali citizens.

Famine no longer threatens the Somali people. While there are pockets of food shortages and disorder, especially in the capital of Mogadishu, most rural areas appear quiet. Farming has resumed, and outlying areas are increasingly able to meet their own food needs.

More recently, however, United States troops have remained in Somalia for the vague purpose of creating stability in that country. The fact is there has been little stability in Somalia in this century. I wonder how easily and quickly we can use military means to build a Somali nation when there is virtually no foundation for nation-building available.

I voted several weeks ago to condition further funding for our operations in Somalia on congressional authorization of a clearly defined mission. We asked the administration to report back by October 15 on the exact nature of the mission of our troops there.

Whatever the outcome of that debate, no one should doubt that U.S. intervention made an outstanding contribution under Operation Restore Hope to create a secure environment for humanitarian relief. As I have noted before, the operation saved hundreds of thousands of lives.

But somewhere along the way the United Nations operation lost track of its original mission: feeding hungry people. Now our troops in Somalia are engaged in military actions against a warlord.

Regardless of the ultimate decision on the use of U.S. troops, the United States and the United Nations must make a concerted effort to push for national reconciliation and economic reconstruction. However, that must be pursued as a political rather than as a military strategy. Former President Carter has made this point emphatically. It also reflects the intent of the Horn of Africa Recovery and Food Security Act, which I introduced and Congress passed last year.

In the final analysis, it is a dangerous strategy to keep American troops in harm's way if the mission is not clear, definable and achievable. The United States should begin now to bring our troops home from Somalia.

Our humanitarian mission there is complete.

Mr. President, for a number of years I chaired a task force on hunger over in the House of Representatives, the International Task Force on Hunger. I know about hunger. I have held dying children in my arms in refugee camps. I have seen some of the most gripping, wrenching conditions of hunger and poverty that exist in this world. Once you see it you never forget it—ever.

So when we undertook the humanitarian mission to help Somalia, I complimented President Bush. I believe he did the right thing. You cannot stare into the eyes of dying children and decide it does not matter. We embarked on a significant humanitarian effort to help the people of Somalia. We succeeded brilliantly. We saved thousands, probably hundreds of thousands, some say millions of lives.

That humanitarian effort is now largely over. Yet just about 20 minutes ago I heard on the television a report about the tragedy in Somalia today, more people killed, more American soldiers killed. The television report, as is typical, I guess, had a reporter saying, "Some say America should give up." No one that I know of says that. This is not about giving up. It is about whether or not we have American forces in harm's way on an undefined mission.

I agree with the minority leader, Senator BYRD, Senator GREGG, and others who have spoken today on this subject. I believe it is fraught with danger for us to embark on a mission beyond that of humanitarian relief. We're not just dealing with the issue of hunger now. We are now talking about searching for warlords. We are now talking about nation building. We are now talking about stability in Somalia.

Somalia has not really been stable for a century. It will not be stable when we leave. But we have accomplished our mission in Somalia. We ought not to keep American troops in danger there on an undefined mission.

Since our troops have accomplished the task we set them in Somalia—providing hunger relief—it is time to bring those troops home.

I yield the floor.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Friday, October 1, the Federal debt stood at $4,406,339,573,433.47, meaning that on a per capita basis, every man, woman, and child in America owes $17,154.70 as his or her share of that debt.

TRIBUTE TO GEN. COLIN L. POWELL ON HIS RETIREMENT

Mr. STEVENS. Mr. President, last Thursday, many of us had the occasion to join President Clinton and President Bush, Vice President GORE, and Vice President Quayle for the ceremony of the retirement of Colin L. Powell, who has been our Chairman of the Joint Chiefs of Staff. I do not think anyone who attended that ceremony came away without having at least one or two tears, because it was such a remarkable ceremony, and General Powell's remarks were, in themselves, extremely remarkable. He told his own story in just a few words.

Since that time, I have been privileged to see the presentation on C-SPAN. I want to commend C-SPAN for carrying it in full. That is what brings me to the floor today because I have obtained a copy of General Powell's retirement address and I ask unanimous consent that it be printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. Mr. President, in my time in the Senate, I have had occasion to come in contact with few people who have left such an impression upon me. I have dealt with General Powell from the time he was in the White House, when he was with Secretary Weinberger, when he was back at the National Security Agency and in his role as a general in the Army, as well as the Chairman of the Joint Chiefs of Staff.

I do not think that anyone, if they will take the time to read the statement that he made, can match a statement like that with the words of any person still alive today. What I heard was reminiscent to me of some of the statements I heard from General Eisenhower, or I remember the Churchill address when he came to Harvard University when I was a student there at the law school.

I think that, as a matter of fact, there are few people who will ever match the record of history of this man. Coming as he did from an ROTC unit at the City College of New York, to become the absolute pinnacle of his profession, the Chairman of the Joint Chiefs of Staff, Colin Powell, has worked for our Nation's security. There is not a person in the country, if not the world, that has not benefited by his service to our country to date. It would be a challenge to any young person to try to live up to the standards this man has set for himself and for those he has commanded. The commitment that he expressed to the men and women of our armed services who have served with him and his statement to us last Thursday is something to behold.

Mr. President, it is with great regret that I see my good friend, Colin Powell, retire. He is still a very young man. I am one who hopes that he finds a way to continue his service to this Nation. Whatever it will be, whoever has the good fortune to be able to associate with and work with Colin Powell, as those of us in the Senate have had during the time we have worked with him on defense matters, they will find themselves in contact with a true man, a good father, a good husband, and a good American.

I thank the Chair.

EXHIBIT 1

REMARKS BY GEN. COLIN. L. POWELL CHAIRMAN, JCS, RETIREMENT CEREMONY, SEPTEMBER 30, 1993, FORT MEYER, VA

Gen. POWELL. President and Mrs. Clinton, Vice President and Mrs. Gore, President and Mrs. Bush, Vice President and Mrs. Quayle, justices of the Supreme Court, Secretary Aspin and members of the Cabinet, service secretaries, members of the Diplomatic Corps, my fellow chiefs of defense who have traveled from afar to be here, my dear friend Field Marshal Vincent, the chairman of the Military Committee of NATO, my fellow members of the JCS and the commanders-in-chief of the Armed Forces of the United States who are here today, distinguished guests, members of my beloved family, friends old and new—but all treasured—men and women of the Armed Forces of the United States represented so magnificently by the Joint Forces Honor Guard before you, I express my sincere thanks to each and every one of you for being here to share my final day in uniform.

The Army has officially advised me that, for record purposes, I have served 35 years, three months, 21 days, and as we say in the infantry, a wake-up. I loved every single day of it. And it's hard to leave. It is made easier by your presence.

Mr. President, Secretary Aspin, I thank you for your very, very kind words and your presence here today, as well as the great honor you do to me, Mr. President, by awarding me the Medal of Freedom with Distinction. I also thank you both and Vice President Gore for the support and the openness that you have shown me and to my colleagues on the Joint Chiefs of Staff over the past eight months. During those eight months, we've dealt with some very, very difficult issues. But, Mr. President, as you once said to me, if the issues were easy, if the problems were so quick to receive a solution, they would have been solved earlier by somebody else.

Mr. President, you and Secretary Aspin have pledged yourselves to keeping our armed forces strong and of the highest quality. I can't tell you how much that means to each and every one of us in uniform, to know that we have that kind of support, that kind of dedication, that kind of commitment from our commander-in-chief. On behalf of all of the members of the Armed Forces of the United States, I thank you for that pledge. And I can pledge back to you on behalf of each and every one of these wonderful young men and women that they will never, never let you down when it becomes necessary for you to call on them.

President and Mrs. Bush and Vice President and Mrs. Quayle, let me also say that it means a great deal to Alma and to me to have you here today. You have been our dear friends over the years, and you have been treasured friends and supporters of our armed forces. Your presence here today with President Clinton and Vice President Gore speaks volumes about the nature of our political system and its relationship to the military. And I thank you both very, very much for being with us.

There are too many distinguished guests here to recognize them all, but let me welcome especially my dear friend, Secretary of Defense Cheney and Secretary Weinberger, who had such an important influence on my life over the last 10 years. I also want to recognize my predecessors as chairman. Admiral Crowe is here and General Jones, General Vessey and Admiral Tom Moorer. I also recognize all the former members of the JCS and former commanders of our unified and specified commands.

As the president and secretary noted, much has happened over the past four years. I need not catalogue for this audience the events attendant to the demise of the Cold War and the beginning of a new era in world history. We have seen war and we have seen peace. We have seen suffering, and we have seen promise of democracy. We have seen hope mixed with danger and uncertainty. We have seen the path open to a better world.

Under you, Mr. President, America will lead the way to that better world. The aspiring nations of the world trust the United States. They need the United States. They need our political leadership. They need our economic strength. They need our value system as a model to learn from. They need our military strength, and they need our military commitment to help keep order and to help prevent aggression. America's armed forces will have a busy future; busier than in the predictable garrison days of the Cold War.

As we sit here on this gorgeous fall afternoon at this historic post, elsewhere American aviators are patrolling over the Persian

Gulf, American infantrymen are in danger in Mogadishu dealing with a difficult challenge, the kind of challenge that is, perhaps, very, very typical of what we will be seeing more of in the future. Americans are flying desperately-needed supplies into Bosnia. Other GIs are preparing for the possibility, the hopeful possibility of implementing a peace agreement in Bosnia. Our Navy patrols the Adriatic Sea and the Red Sea and the Persian Gulf. Our Marines provide a reassuring presence in troubled regions of the world. The Army stands watch in Korea andEurope. Our Coast Guard goes after the drug enemy infiltrating our country.

And at the heart of each of these services is the young American boy or girl, perhaps only 19 years old, a volunteer, well-trained, proud, selflessly serving a nation wherever that nation and whenever that nation calls upon it to go and to serve. They carry on a tradition of over 200 years of service and sacrifice. They go into harm's way to protect us and to provide for the common defense. They are the best and the very brightest of America's youth.

And the greatest of all honors I have had was the honor of being one of them and of being their senior representative over the past four years. They have succeeded in every mission and by their performance have bonded once again with the American people in a way we have not seen for decades. I thank each and every one of them for their service to our country.

For me, today is a day of memories and a day of thanks. And for the last several days memories have been flooding in, and I've been having difficulty sorting them all out. Some are very, very vivid, some are vague. They aren't entirely coherent to me except perhaps in the deepest recesses of my mind's eye. The memories come to me in so many different ways. I remember vividly the day that my father—many, many year ago, for the first time—put me on a bus in New York City and saw me off to Fort Bragg, North Carolina, my first military experience. I remember fondly my ROTC days at CCNY. I remember cold nights in Korea and Germany with a sergeant coming along to offer me a hot cup of coffee. I remember miserably hot and terrifying days in Vietnam. I remember the warmth and pleasance of family reunions between assignments, or coming home from overseas.

I remember meeting Alma for the first time. I remember the memory of the births of each of our three wonderful, perfect children, and the birth of a treasured grandson. I remember the thrill of moving from post to post, the excitement of working in the White House during historic times, the exhilaration of Operation Desert Storm. The faces of old friends, and former commanders, and fellow soldiers, and family members have been marching by in a steady cadence for the last several days. I especially see the faces of comrades—comrades-in-arms who gave their lives in service to this country. I see the faces of those who trained me, those who disciplined me, those who inspired me, those who served with me, those who cared for me and loved me over these past 35 years.

Many of you are here today, and I can't possibly thank you all. You know who you are, and I need not name all of the hundreds present. These events and people have given me a great life and have given me a great career. I have never wanted to be anything but a soldier, and my dream has been fulfilled for almost four decades.

I find myself on this beautiful afternoon a most fortunate, fortunate man. And by my side for most of that time has been Alma. For over 31 years I have distilled from our life together one lesson that I will pass on to any young person contemplating marriage. Marry high. Marry high. And with Alma I hit the heights. She raised three wonderful children. Over those 31 years we moved to 22 different houses, but she made sure we never changed homes. SHe shared every dark moment. She has been my partner and my supporting pillar over all those years. She has been a perfect Army wife, inspiring others and representing the nation so well around the world. Without her love and caring, I cannot imagine what my life would be like.

So, Alma, darling, on this, your day, too, I thank you. I thank you from the bottom of my heart for sharing this journey. I will never be able to fully express my gratitude, so let me just say thank you, darling.

For the three Powell kids, and for the last five year joined by a wonderful daughter-in-law, let me just say that you have brought me incredible joy and pride, and I thank you so much. You are all hereby relieved of further duty as the general's kids. You no longer need to call me sir, you no longer need to stand at attention when I speak to you—(laughter)—you no longer need to refer to me behind my back as the Great Santini. I also promise to be a bigger patsy for you in the future than I've been in the past. You are treasures.

I also must say thank you to my remarkable extended family who have come from around the country to be here today—from Birmingham, from New York, from California, from Canada, from all over. My sister, Marilyn, is here, and is now the matriarch, and she represents all of those first and second generations present who descend from an incredible group of Jamaicans who came to this country in the 1920s, seeing and seeking opportunities that existed only here. As one news article once put it, "it was a darn good thing for Colin Powell that Luther and Ariel (sp) Powell got on in Kingston ended up in America and not somewhere else. I wish all of you here had known Luther and Ariel Powell, two remarkable people who are still with me and every member of my family every day. They are here today on this field as surelyas I am, and I love them very much and I thank them very much.

I thank my office family, Nancy and Kenny (sp), and Greg (sp) and Otis and all the others who have been indispensable over the last several years.

I especially must thank Admiral Dave Jeremish, my vice chairman, for his outstanding friendship and support.

I thank my JCS colleagues. We have been a remarkable team of six officers who have worked as brothers in arms to do our very, very best for the nation, and I'm proud of each and every one of them and the leadership that they have provided to the services and to the support that they have given to me.

I thank the brilliant Joint Staff.

And I thank all of my friends who are here today from Kelly Street and my White House fellow days, from CCNY, from Germany.

I thank a couple of special, special friends who know who they are, who call me every day to make sure that I'm all right.

I also share with the president in congratulating General John Shalikashvili. He will be a brilliant chairman. He will be absolutely splendid in the job. He and Joanie (sp) are a great military team.

For a moment, with your permission, I wish to stop being the ecumenical chairman and just for a moment I want to return to my beloved Army. The Army has been my hoe. The Army has been my life. The Army has been my profession. The Army has been my love for all these many years. The Army has invested in me. It has taken chances on me. It has cared for me. When my career over the years took rather bizarre political turns that should have been fatal, great Army leaders such as General John Wickam and General Carl Vuono always let me know that I could come home, that I had a place to go in the Army.

I am where I am today because the Army takes care of its own. I was allowed to rise based on performance. The Army took in a young black kid from ROTC in the South Bronx and brought him to this point. The Army allowed me to climb on the shoulders of the Buffalo Soldiers and other African Americans who had blazed a trail for 300 years of American history. And I hope the day will come soon when all parts of our society do for young minorities what the Army and the other armed services have been doing for young men and women of all color over the years.

And, finally, I want to thank the American people and the nation for the privilege of serving. I love this country with all my heart and with all my soul. It is a love without limit. I have a bottomless faith in the goodness of this land and in the goodness of its people. I am proud to be an American. I am so proud to have been an American soldier. And so, on this, my last hour in uniform, my heart is filed with gratitude, with love and with thanks for the blessings of family, the blessing of friends, and, above all, the blessing, the unique blessing, of being a citizen of this nation which God has blessed and which we are all very, very proud to call America.

Thank you all for being here today. Goodbye and God bless you.

A DISTINGUISHED SOLDIER, SCHOLAR AND HUMAN BEING—COLIN POWELL

Mr. LAUTENBERG. Mr. President, I want to align myself with the comments made by the Senator from Alaska, as we witness the retirement of a great and distinguished soldier, scholar, and human being. The fact that Gen. Colin Powell got his start in life in an area that hardly has seen the kind of rise to success that he has portrays what might be the opportunity for those who would despair, based on the grim character of their environment.

Not in any way to draw an association between the career of the Senator and the distinguished Chief of Staff, but I was born in Paterson, NJ, a place not unlike the area of the Bronx in which Gen. Colin Powell was born. And when you think of what kinds of opportunities are available in this country, few think in terms of the success that he was able to achieve, the admiration of the world, the balance of temperament that is so unique among those who do have their careers in the military as their destination.

But Colin Powell's character, his demeanor, his brilliance, his scholarly concerns, or scholarly review of what his military responsibilities were are so unique. I have heard comparisons going back to President—then General Eisenhower. I do not know whether there is something prophetic in that slip of the tongue, but the fact is, General Powell is a distinguished American, a distinguished citizen, who I think sets an example for young people across this country that if you have the desire and you can couple that with your ability, it should be the sky is the limit.

And we thusly have to conclude that our responsibility as legislators, as a country, is to provide the educational access that Colin Powell was able to achieve, and so many others, and therefore not limit in any way one's ability to grow, to develop, and to contribute.

I yield the floor at this point.

HEALTH CARE REFORM

Mr. DOLE. Mr. President, Washington is a city full of agendas. But, if one dominates the list these days, it is health care reform. One thing is for certain, we have a long road ahead of us to debate this issue. But, as we journey through these discussions, I would like to suggest three rules to keep in mind.

The first rule to remember is that there are a lot of players in this arena. While President and Mrs. Clinton should be congratulated for moving the issue to the top of the agenda, they by no means have a monopoly on efforts to reform our Nation's health care system. There are literally dozens of reform proposals to revamp health care in this country—many of these proposals call for comprehensive reform measures that will bring all Americans into the system and will rein in costs.

I have joined with Senator CHAFEE and over 20 of my Senate Republican colleagues in designing a proposal that uses market reforms to achieve universal access and reduction of costs. This reform proposal is one of many. Senators McCAIN and GRAMM, Senator BREAUX, the House Republican leadership and Congressman COOPER, to name just a few, all have comprehensive plans for health care reform.

In my view, the more serious plans we have, the better. After all, this is perhaps the most significant piece of legislation the Congress may enact this decade.

The second rule for the coming months is that we must be honest with the American people. Last week, for example, while Mrs. Clinton was testifying before several congressional committees, she said that covering retired employees would cost $4.5 billion.

Well, Mr. President, this weekend's New York Times reported that the White House now says it will cost $6 billion or higher. My view, is that the White House and Congress should take a pledge today—no more making promises we can't keep. No rosy scenarios. No more fudging the numbers. No juggling the books. I think that's fair and is the least that the American public deserves.

The third rule is by no means a new one, but has stood the test of time. It goes back to the hippocratic oath and says, "Do no harm."

Mr. President, I have said it many times before, but it bears repeating. America has the best health care system in the world. We have the best health providers. We do not ration care. We have no waiting lists. Unfortunately, however, it is a system that fails to include all of our citizens. That's what we have to work on.

You don't have to be a health care expert to know that the issue is extremely complex and requires very serious consideration. We, as Government officials and representatives of our States and districts, owe it to our American citizens to get it right. So, the more ideas, the more discussion, the more serious consideration that this subject receives, the more secure Americans will be in knowing that Congress was enacted health care reform that is fair—that is equitable—that preserves quality and choice—and that is economically viable.

The not-so-distant past, when Congress enacted catastrophic legislation, taught us—or should have taught us—that the American people will not swallow every bitter pill that Congress decides to administer—nor should they.

Mr. President, there are a lot of individuals weighing in on this debate. And, I suspect a lot more to come. I think this is good. And it is right.

The bottom line is security. The American people deserve security in their access to quality care—security in their ability to choose their provider—and security in knowing that the price tag of health care reform will not be economic instability.

So Mr. President, I say to my colleagues in Congress, let's get all the ideas on the table—and let's have a meaningful debate that will result in taking the best of all the plans—Republican and Democratic—Senate and House. It might take some time, but I think the American people are willing to wait a little longer if it means getting it right the first time.

Mr. President, I would like to add to the RECORD a copy of an article that appeared last week in the Los Angeles Times. This article caught my eye because it underscores the need for debate. There is no one idea that is best or that will solve all of our health care woes. We need to hear them all. As lawmakers, it is the only responsible way to reform health care.

[From the Los Angeles Times, September 26, 1993]

AN IMPRESSIVE MODEL OF PURE POLITICAL LOGIC

(By Suzanne Garment)

WASHINGTON.—There is, in this country, a great and solemn debate to be held on the merits of President Bill Clinton's plan for health-care reform. But if you fear that this debate might actually take place, and that you will have to suffer through tedious months of talk about utilization rates and micro-simulation models, relax.

The nation's medical fate will not be determined by the Clinton plan's complicated numbers. It will hang on not-so-complicated politics.

In recent years, Americans of all political stripes have complained about our health-insurance system, and we have been offered many solutions. Some say we should make very insurance firm cover a certain number of high-risk people, the way we do with auto insurance. The American left wants a Canadian-style system, with the government paying all bills. It might give us second-rate care, but at least it is comprehensible. Some conservatives want individuals to pay for their own care out of medical savings accounts, financed by tax breaks.

But the Clinton people, those self-proclaimed policy wonks, the ones who are supposed to be smart enough to make government work where others have failed, have gone for none of these.

Instead, the Clinton plan offers a combination of competition and ham-fisted regulation, a promise to simultaneously streamline and create scores of new bureaucracies, a design whose numbers no economist outside the White House will defend. The plan makes little policy sense. But it is a model of political logic.

For example, health experts agree we will never approximate a market in medical care until we stop subsidizing health benefits through tax breaks. The Clintonites know this. But the necessary tax changes are not there, because labor leaders reject them.

The Clinton plan, preaching responsibility, requires all business, big and small, to pay for workers' insurance. But small business is a dangerous group to have arrayed against you in a legislative fight, so the plan turns around and gives the money back to them, in the form of a government subsidy.

The Clinton Administration has declared war on pharmaceutical companies. But prescription drugs are where the elderly incur the biggest out-of-pocket medical costs. And senior citizens are even fiercer than small businessmen. So drugs are put under the government's insurance umbrella.

In fact, Clinton's entire approach to his health plan is a piece of impressively intelligent politics.

He has declared that once Congress gets his plan, he will insist on preserving only the big Principles. On details, he'll be laid back. You want to phase it in more slowly? We'll negotiate.

Clinton has trumpeted his flexibility so loudly that he is clearly doing more than just building support. He is telling Congress and interest groups they can play a big role in the plan's design. Almost irrespective of what emerges from Congress, he can look at the baby, announce his parenthood and claim victory.

Moreover, if the dickering lasts long enough, the plan will be barely launched by the time Clinton runs for reelection in 1996. His ideas may prove to be a disaster, but the country will not yet know it.

The sales strategy for the Clinton plan is shaping up to be just as politically shrewd. It has three parts. In Part One, the Clintonites show an eager bipartisanship on the Hill. Hillary Rodham Clinton is doing yeoperson work in briefing the legislators. During the President's address to Congress, she made brilliant use of the Trophy Seats next to the First Lady in the House gallery, where the Clintons put highly symbolic persons who have been flattered into lending their presence to legitimize some proposal.

Hillary's companions were the pediatrician T. Berry Brazelton and—more important—C. Everett Koop, Ronald Reagan's surgeon general. Koop's antiabortion position is anathema to many of the Clinton's closest supporters—but hey, business is business.

In Part Two, the Clintons run a conventional modern campaign for their plan. They are mobilizing their grassroots allies in labor and the American Assn. of Retired Persons. They will visit Larry, Phil, Oprah and the morning talk shows. The day after the speech, the White House lawn was blanketed with Administration officials giving interviews on the plan. Their war room, which Hillary has renamed the delivery room, is as bouncing-off-the-walls as ever.

But if Parts One and Two have the Clintons and their helpers behaving like hyperactive pussycats, Part Three—the paid media campaign—is a matter of growls, snarls and bared teeth.

Granted, the insurance firms struck first. Knowing they were to be chief villains of the Clinton campaign, they started to run a TV commercial that showed a couple at their kitchen table discovering that the Clinton plan, despite its promises, had taken their freedom of medical choice away from them.

The ads aired before Clinton's speech to Congress. The Clinton folks were angry that the industry had "jumped the gun." (The rabbit, unsportsmanlike, had lit out for the hills before the hounds were ready.) So Clinton allies began running their own TV ads, bearing the message that if life-insurance companies were knocking the President's plan, it must be good for the people.

The Democratic National Committee has just sent me a glossy color flier with a note in it from the DNC and the President himself, offering me the "once-in-a-life-time chance" to become an Official Health Care Volunteer. They will give me a Petition Volunteer Kit for collecting pro-Clinton-plan signatures from my neighbors. (These people clearly do not know my neighborhood.) The signatures will be used to help our congressman resist "high-powered" pressure from the greedy interests opposed to the plan.

All I have to do to get the kit is to call an 800-number and fork over $15. They say they will take Visa or Mastercard.

That's what it will probably be like in the great health-care debate. We policy slaves will hold conferences about whether the Clinton plan is administrable. Meanwhile, in the real world, the fight will be about something else.

The post-Cold War world demands more competitiveness from this country. U.S. jobs and their attendant benefits are growing more unstable. Whatever employment-based welfare state we once had is breaking apart. The debate's outcome will hinge on how scared we are and how willing politicians are to exploit this fear. We will see how much we value freedom of choice; how much we yearn for security, and how much we mistrust the opposing institutions of government and medical professions.

So, while the health-care fight may not devote sufficient attention to Clinton's problematic numbers, we should take heart. The debate will answer questions that are more important.

GAO TRAVELGATE REPORT

Mr. DOLE. Mr. President, the White House tried gamely to ground the so-called Travelgate affair when it prepared its own internal management review last July. But, in the final analysis, this internal report offered few answers and ended up raising more troubling questions.

Did executive branch officials exert pressure on the Internal Revenue Service to initiate an investigation of Ultrair, the airline charter company that formerly did business with the White House Travel Office? Did the FBI act properly when it played along with the White House political damage control? Did close friends of the President violate the Federal conflicts-of-interest statute?

Since July, when the White House issued its internal report, calls for congressional hearings have gone unheeded. And Deputy Attorney General Philip Heymann has flatly denied my request for the appointment of special counsel.

Despite these setbacks, those of us who believe the American people deserve an independent and complete accounting of Travelgate has not given up.

Earlier this year, Congress directed the General Accounting Office to initiate its own travelgate investigation, and report back to Congress by September 30.

The GAO has made a genuine effort to do its job and has issued an interim report of its findings. Unfortunately, the report is short on findings and long on the bureaucratic obstacles encountered by GAO investigators.

According to the GAO, there have been "extensive and time-consuming negotiations with both White House and senior Department of Justice officials" for the sole purpose of arriving at an agreement that will allow the GAO to gain access to relevant documents. Apparently, this agreement was reached sometime in late September, just days before the GAO was required by law to submit its findings to Congress.

The GAO report also points out that "Although the White House is providing documents at an increasing rate, those documents are reviewed prior to receipt, and some decisions have been made to redact information on the grounds that it is not pertinent to our review or is information that the White House Counsel's Office believes is privileged." In other words, the White House may be withholding relevant information from the GAO, claiming the executive privilege or claiming that the information is beyond the scope of the GAO's investigation.

Mr. President, the White House and the Justice Department have every right to take a cautious approach to the GAO investigators. But, in this town, caution is often a euphemism for a lack of cooperation.

Perhaps the word "coverup" is a bit too strong, but it is my hope that both the White House and Justice will be more accommodating to the GAO as it strives to fulfill the mission given it by Congress.

Mr. President, I ask unanimous consent that the GAO's interim Travelgate report be inserted in the RECORD immediately after my remarks.

There being no objection, the interim report was ordered to be printed in the RECORD, as follows:

THE COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, DC, September 30, 1993.

To the President of the Senate and the Speaker of the House of Representatives:

This is an interim report on the General Accounting Office (GAO) review of the White House travel office being conducted pursuant to Public Law 103–50.

During May 1993, White House and other officials took a number of actions that led to the announcement of the dismissal of the seven White House employees who had for some years operated the White House Travel Office. Those actions and others involving the Department of Justice, the Federal Bureau of Investigation (FBI), and the Internal Revenue Service (IRS) raised concerns in the Congress about the propriety of the dismissals and related activities of the agencies involved.

Although the White House initiated an internal management review of the situation, the Congress provided for an independent review by GAO. Specifically, Section 805 of Public Law 103–50 provides that:

"Notwithstanding any other provision of law, the Comptroller General of the United States shall conduct a review of the action taken with respect to the White House travel office and shall submit the findings from such review to the Congress by no later than September 30, 1993."

In response to this statutory mandate, we initiated a review of the White House Travel Office matter. To ensure that we included in our review the full range of congressional concerns about the episode, we consulted with congressional staff representing each of the committees and Members of Congress, both majority and minority, who had expressed an interest to us in the White House Travel Office. From the outset of our work, we said that it was unlikely that a comprehensive review of the issues involved could be completed before the September 30 reporting date contained in the statute. We agreed that we would inform the Congress by that date of the scope and progress of our review. That is the purpose of this report.

OBJECTIVES OF OUR REVIEW

Our review is designed to provide a comprehensive assessment of the full range of issues raised in the July 2, 1993, White House Travel Office Management Review and in the subsequent congressional debate about those events. Specifically, we are examining (1) the procurement practices, financial management, and oversight of the Travel Office prior to the events of May 1993; (2) the investigation of the Travel Office conducted by the White House officials, including the involvement (if any) of other investigative agencies of the government, such as the FBI and the IRS, as well as the involvement of nongovernment individuals and organizations; (3) actions taken to improve the management and operations of the Travel Office since the events of May; and (4) personnel actions affecting the Travel Office employees.

If other relevant issues arise during the course of our work, we will expand our objectives as necessary to ensure that our report provides a comprehensive assessment of all of the circumstances surrounding these matters. If we uncover evidence of possible criminal action, we will refer that evidence to the FBI for further investigation.

PROGRESS HAS BEEN MADE IN ESTABLISHING PROCEDURES FOR OUR WORK

It is taking considerable time and effort to negotiate access to the information and individuals necessary for us to complete our review. We are making progress in establishing suitable procedures, and our access to records and individuals is beginning to accelerate. However, some access issues remain which we will continue to pursue.

This review of the White House Travel Office is unusual and time-consuming because of the combination of three highly sensitive concerns. First, because of balance of power concerns, the White House traditionally has been reluctant to open its operations to GAO review. Our reviews of other matters at the White House, such as the use of military aircraft for White House staff travel[1] or retroactive appointments of White House personnel,[2] have required extensive negotiations with White House officials for us to obtain access to the records and individuals necessary to complete our work. In some cases, we have been unable to reach conclusions or assure that the entire matter was reviewed because records were not made available. Over the years, and through many administrations, White House officials' actions to restrict our access have been based on the premise that the activities of the immediate offices of the President are confidential and not subject to routine congressional or public scrutiny.

The second sensitive matter in this review is the fact that the Department of Justice and the FBI have initiated several internal investigations of matters related to the White House Travel Office episode. The FBI and the Public Integrity Section of the Justice Department's Criminal Division are conducting a criminal investigation of the travel office operations. The Department of Justice's Office of Professional Responsibility is conducting an independent investigation of such matters as the interaction between the White House and the FBI during the episode and whether the criminal investigation was properly initiated through the Attorney General's office. Under most circumstances, it is GAO policy not to interfere with or duplicate ongoing criminal investigations. Thus, we generally do not need access to records and information associated with criminal or other internal Department of Justice investigations. However, in this case, because the investigations are central to the objectives of our statutorily required review, we have sought to obtain access to records and individuals despite the other ongoing investigations.

Because our requirements for information involve access to records and individuals at both the White House and Department of Justice, there have been extensive and time-consuming negotiations with both White House and senior Department of Justice officials to reach agreements that will permit us to obtain the breadth of access necessary to complete our review in a reasonable period of time. As a result, we have not made as much progress on the review itself as would have been desirable. Nonetheless, we have obtained some records of White House Travel Office activities both before and after the events of May, and we have conducted some of the interviewsnecessary to our work. We expect our work to accelerate in the near future as additional records and individuals are made available.

Until the past few days, however, we have not had any success in reaching agreement with the Department of Justice on access to records or individuals. We were told in mid-August by a high-level Justice official that the Department would work with us to reach agreement on appropriate procedures for obtaining records and access to individuals. However, subsequent requests to, and meetings with, relevant Justice organizations produced no progress toward that end. In response to our reiteration of the critical importance of this access to our ability to complete our review, the Associate Deputy Attorney General notified us, in a letter dated September 24, 1993, that we will be given access to most of the records and individuals requested to date (see app.). Some limitations remain, but the records and interviews promised, if provided, should permit us to make considerable progress on our objectives while we further pursue the remaining matters.

The third sensitive area involved in this review is related to the issue of assessing the IRS actions related to the White House Travel Office episode. Section 6103 of the Internal Revenue Code, which prohibits, under criminal penalties, release of information about taxpayers—individuals or corporations—unless the taxpayer consents, must be carefully adhered to in our work. Through the cooperation of the IRS and the Department of the Treasury Inspector General, as well as our own access authority in this area, we expect to obtain the information we need to assess this issue. However, it is unlikely that we will be able to provide detailed information about the matter in a public report.

POTENTIALLY SERIOUS OBSTACLES REMAIN UNRESOLVED

Although both the White House and the Department of Justice have provided or promised the access needed for our work, several obstacles remain which must be overcome if we are to provide the comprehensive review we have planned and to which we are committed. Although the White House is providing documents at an increasing rate, those documents are reviewed prior to our receipt, and some decisions have been made to redact information on the grounds that it is not pertinent to our review or is information that the White House Counsel's office believes is privileged.

We have discussed with White House Counsel officials our concern that procedures must be established for us to obtain an overview of the universe of records involved, so that we can satisfy ourselves that we have obtained all the relevant documents and understand the basis for any decision to withhold records. White House officials have stated that such procedures can be established, but it is not clear to us how that will be accomplished. Failure to achieve this objective, which is central to government auditing standards, could compromise our ability to report comprehensive findings.

Another important obstacle is the limitation imposed by the FBI's ongoing criminal investigation. In his letter of September 24, 1993, the Associate Deputy Attorney General declined at this time to release documents associated with the criminal investigation. He requested that we postpone efforts to interview certain individuals because "premature interviews [of those persons] would create the risk of compromising an ongoing criminal investigation." The individuals named include the seven former Travel Office employees, as well as certain other individuals who are central to the completion of our review. The Associate Deputy Attorney General stated in his letter that an effort will be made to expeditiously complete the criminal investigation, we will be notified promptly when Justice determines that any particular interview no longer presents a problem for the criminal investigation, and the Justice Department will reconsider our request to pursue an interview on a case-by-case basis if an urgent need develops as our review proceeds.

Considerable information has been recently provided or promised and it will take some time to complete the interviews with the individuals the Justice Department has agreed we can meet with. Thus, we plan to proceed with our review and temporarily postpone certain interviews as the Justice Department requests. Such cooperation is consistent with our general policies on such matters when a criminal investigation is ongoing. If the criminal investigation is completed "expeditiously," it should not adversely affect the timely completion of our work. However, unforeseen further delays or limitations generated by the outcome of the investigation (such as the continuing unwillingness of some individuals to meet with us because they have been or might be criminally charged) may limit our ability to reach clear conclusions about the activities of the Travel Office before May 1993 or may require that we qualify our observations and conclusions. We will continue to work with the Department of Justice to minimize the impact of these problems on our review.

PLANS FOR COMPLETION OF OUR REVIEW

From the outset of this review, we have devoted the resources necessary to carry out the work in a timely fashion. We will continue to do so. We plan to provide regular status reports to interested congressional officials and will call attention promptly to any further unanticipated obstacles if they arise.

We are sending copies of this report to the Chairmen and Ranking Minority Members of relevant congressional committees, the White House Chief of Staff, the Attorney General, the Director of the FBI, the Commissioner of the IRS, and other interested parties upon request.

MILTOM J. SOCOLAR,
Acting Comptroller General.

DEPARTMENT OF JUSTICE, OFFICE OF
THE DEPUTY ATTORNEY GENERAL,
Washington, DC, September 24, 1993.

MS. NANCY KINGSBURY,
Director, Federal Human Resource Management Issues, United States General Accounting Office, General Government Division, Washington, DC.

DEAR MS. KINGSBURY. The Department of Justice is making every effort to cooperate with your review of the treatment of the employees of the White House Travel Office, and I believe that you will be able to make a great deal of progress in your investigation without compromising our ongoing investigations.

I understand that the FBI and the Public Integrity Section of the Criminal Division have made arrangements for you to review documents of the White House Travel Office, and that your review of those documents is already underway. We are also prepared to make the following documents available to you:

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[1] Military Aircraft: Travel by Selected Executive Branch Officials: (GAO/AFMD-92-51, April 7, 1993).

[2] Personnel Practices: Retroactive Appointments and Pay Adjustments in the Executive Office of the President (GAO/GGD-93-148, Sept. 9, 1993).

1. Policy Statements or Operating Procedures:

All documents requested, if they exist, will be provided to you by the FBI.

2. Documents related to the FBI's interaction with the White House at the time of the dismissal of the Travel Office employees:

a. Copies of correspondence between the FBI and Members of Congress concerning the Travel Office will be provided.

b. The May 24, 1993 letter from Mr. Heymann to Senator Biden stating the Department of Justice policy regarding contacts between the White House and the Department will be provided.

c. Copies of the following documents prepared by the FBI concerning its interaction with the White House will be provided:

1. FBI "Chronology" regarding the Travel Office matter. (This internal FBI document apparently was not transmitted to the Attorney General, but formed the basis for the FBI "Management Review" which also will be provided to you.)

2. FBI "Management Review" submitted to the Attorney General will be provided.

3. Copies of any FBI statements to the press about the White House Travel Office will be provided.

3. A copy of the final report of the Office of Professional Responsibility about the White House Travel Office matter will be provided when it is completed and submitted to the Deputy Attorney General.

The following documents that you have requested do not exist:

1. Copies of any records in FBI files concerning press inquiries. The FBI has advised me that no such records are kept.

2. Copies of any documents associated with the processing of a GAO Hotline complaint about the White House Travel Office filed in December 1988 by GAO with the White House Legal Counsel's office. It appears that GAO did not report this allegation to the FBI. A review of the FBI indices has been conducted and there is no record of anyone else having reported it to the FBI.

Consistent with Department of Justice policy, we are not able to provide internal FBI and Justice Department documents relating to the criminal investigation at this time. Similarly, any written correspondence with persons involved in the Travel Office investigation or their attorneys will not be released at this time. In the event that you have a specific compelling need for any particular document, please let me know and we will consider your request.

We have no objection to your request to interview the officials of the Department of Justice named in your letter about their interaction with White House officials during the early stages of the Travel Office investigation. However, we do request that you begin those interviews no earlier than October 8 so that the Office of Professional Responsibility may complete its interviewing process.

I am not aware of what involvement the FBI special agent based in Nashville, Tennessee had in the Travel Office matter. He is not a Special Agent in Charge, and I ask that you defer any request to interview him until I can determine what if any involvement he had.

I understand that the Public Integrity Section has already agreed that you may proceed to interview all but 2 of the 18 White House staff members and 1 of the 2 OMB employees mentioned in your letter. In the category of "other" individuals, the Public Integrity Section has removed its objection to one of the persons listed and requested that you defer interviews of the others. Also, the Public Integrity Section has agreed to notify you when it determines that any particular interview no longer presents a program for the criminal investigation.

After a thorough review, it is my considered judgment that premature interviews of the remaining persons whose interviews the Public Integrity Section has requested that you postpone would create the risk of compromising an ongoing criminal investigation. As you know, GAO traditionally has deferred to the Department of Justice when actions by GAO might interfere with ongoing investigations. However, I understand your legitimate need to comply with your statutory obligation and ask only that you postpone certain interviews until the criminal investigation has progressed to the point at which there would be no undue interference. If an urgent need develops to conduct any particular interview as your investigation proceeds, we will reconsider any requests on a case-by-case basis.

As we discussed, it is important that GAO agree to disclose the results of any interviews that you conduct in the event that such disclosure is required by a court pursuant to the Jencks Act in any future prosecution.

We are trying to move expeditiously to complete our criminal investigation. I appreciate your understanding and look forward to working with you in an effort to accommodate your interests.

Sincerely,

DAVID MARGOLIS

Associate Deputy Attorney General.

MEMBERSHIP OF COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the membership list of the Committee on Energy and Natural Resources and its subcommittees be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the membership was ordered to be printed in the RECORD, as follows:

MEMBERS OF THE FULL COMMITTEE

J. Bennett Johnson, Louisiana, Chairman, Dale Bumpers, Arkansas, Wendell H. Ford, Kentucky, Bill Bradley, New Jersey, Jeff Bingaman, New Mexico, Daniel K. Akaka, Hawaii, Richard C. Shelby, Alabama, Paul Wellstone, Minnesota, Ben Nighthorse Campbell, Colorado, Harlan Mathews, Tennessee, Byron L. Dorgan, North Dakota.

Malcolm Wallop, Wyoming, Mark O. Hatfield, Oregon, Pete V. Domenici, New Mexico, Frank H. Murkowski, Alaska, Don Nickles, Oklahoma, Larry E. Craig, Idaho, Robert F. Bennett, Utah, Arlen Specter, Pennsylvania, Trent Lott, Mississippi.

STANDING SUBCOMMITTEES

ENERGY RESEARCH AND DEVELOPMENT

Wendell H. Ford, Chairman.

Richard C. Shelby, Vice Chairman.

Dale Bumpers, Jeff Bingaman, Paul Wellstone, Harlan Mathews, Byron L. Dorgan.

Pete V. Domenici, Arlen Specter, Don Nickles, Larry E. Craig, Trent Lott.

MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Daniel K. Akaka, Chairman.

Harlan Mathews, Vice Chairman.

Dale Bumpers, Wendell H. Ford, Ben Nighthorse Campbell.

Larry E. Craig, Frank H. Murkowski, Don Nickles, Robert F. Bennett.

PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Dale Bumpers, Chairman.

Ben Nighthorse Campbell, Vice Chairman.

Bill Bradley, Jeff Bingaman, Daniel K. Akaka, Richard C. Shelby, Paul Wellstone, Byron L. Dorgan.

Frank H. Murkowski, Mark O. Hatfield, Trent Lott, Pete V. Domenici, Robert F. Bennett, Larry E. Craig, Arlen Specter.

RENEWABLE ENERGY, ENERGY EFFICIENCY, AND COMPETITIVENESS

Jeff Bingaman, Chairman.

Paul Wellstone, Vice Chairman.

Bill Bradley, Daniel K. Akaka, Richard C. Shelby, Harlan Matthews.

Don Nickles, Arlen Specter, Trent Lott, Mark O. Hatfield, Pete V. Domenici.

WATER AND POWER

Bill Bradley, Chairman

Wendell H. Ford, Ben Nighthorse Campbell, Byron L. Dorgan.

Robert F. Bennett, Mark O. Hatfield, Frank H. Murkowski.

J. Bennett Johnston and Malcolm Wallop are Ex Officio Members of all the Subcommittees.

IN CELEBRATION OF THE 82D ANNIVERSARY OF THE REPUBLIC OF CHINA ON TAIWAN

Mr. CRAIG. Mr. President, on the 10th of October this year, the Republic of China will be celebrating its 82d anniversary.

I would like to take a moment to pass on my best wishes to President Lee Teng-Hui, Foreign Minister Fredrick Chien and Ambassador Mou-Shih Ding in honor of the celebration of the National Day of the Republic of China.

The ROC and the United States have enjoyed the benefits of a long and affable relationship. Not only do I look forward to the continuation of that affiliation between our two nations, but also the friendly and mutually beneficial ties that have developed between the ROC and my home State of Idaho.

Mr. President, I ask unanimous consent to insert in the RECORD a congratulatory letter to President Lee that is signed by myself and my Republican colleagues.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 29, 1993.

Re: October 10, 1993—The Republic of China's Eighty-second Anniversary.

President LEE TENG-HUI,
C/O Foreign Minister Fredrick Chien, Ministry of Foreign Affairs, Taipei, Taiwan, The Republic of China.

DEAR MR. PRESIDENT: We wish to send our greetings and congratulations to you and Foreign Minister Fredrick Chien on the occasion of the 82nd Anniversary of the Founding of the Republic of China.

The Republic of China has a long and proud history. Dr. Sun Yatsen's dream of building a modern nation based on the principles of nationhood, freedom and equal distribution of wealth has now been realized on the island of Taiwan. The Republic of China is universally recognized as a major economic power and a democracy.

We applaud your achievements and wish that you and your people will continue to prosper.

Through the good offices of your representatives here in Washington, most notably through the tireless efforts of Ambassador Mou-shih Ding, we have been kept informed of the recent developments in your country such as your 14th National Party Congress in August, 1993, your Legislative Yuan elections last December and your purchase of 150 F-16's from the United States last fall. Through the writings of Foreign Minister Fredrick Chien, we have also learned of your country's keen interest in becoming more active in the international arena, particularly in returning to the United Nations. We believe that the ROC should be accorded representation in all international agencies and organizations in view of your world status as a major economic power and thriving democracy. We are confident that the ROC will soon have a important voice as you seek to shoulder more international responsibilities and be a full player on the world stage.

Congratulations, Mr. President. Please be assured that we are fully behind you, your people and your democratic ideals.

Sincerely,

Bob Dole, Jesse Helms, Phil Gramm, Bill Cohen, Paul Coverdell, Strom Thurmond, Slade Gorton, Dan Coats, Bob Smith, Dirk Kempthorne, Conrad Burns, Pete V. Domenici, Larry Craig, Judd Gregg, Mitch McConnell, Kay Bailey Hutchison, Thad Cochran, Arlen Specter, John McCain, Larry Pressler, Frank H. Murkowski, Lauch Faircloth, Kit Bond, and Malcolm Wallop.

Hank Brown, Connie Mack, Nancy Landon Kassebaum, Mark Hatfield, Al Simpson, Trent Lott, R.F. Bennett, Bill Roth, Bob Packwood, Al D'Amato, Richard G. Lugar, Orrin Hatch, Chuck Grassley, Dave Durenberger, Jack Danforth, Jim Jeffords, J.W. Warner, Don Nickles, John H. Chafee, and Ted Stevens.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 2750, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2750) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,173,000.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $481,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $7,667,000.

OFFICE OF THE ASSISTANT SECRETARY FOR TRANSPORTATION POLICY

For necessary expenses of the Office of the Assistant Secretary for Transportation Policy, $2,410,000.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $8,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $2,826,000, including not to exceed $60,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,225,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $33,794,000, of which $6,417,000 shall remain available until expended.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, $1,538,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $901,000.

CONTRACT APPEALS BOARD

For necessary expenses of the Contract Appeals Board, $602,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $1,430,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $934,000: Provided, That, notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this or any other Act may be used for business opportunities related to any mode of transportation.

OFFICE OF INTELLIGENCE AND SECURITY

For necessary expenses of the Office of Intelligence and Security, $1,214,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, to remain available until expended, $2,815,000.

OFFICE OF COMMERCIAL SPACE TRANSPORTATION

OPERATIONS AND RESEARCH

For necessary expenses for operations and research activities related to commercial space transportation, $4,990,000, of which $1,500,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, there may be credited to this account up to $200,000 received from user fees established for regulatory services.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed **[$92,220,000]** *$93,000,000* shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriations Acts to the Department of Transportation, together with advances and reimbursements received by the Department of Transportation.

PAYMENTS TO AIR CARRIERS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for payments to air carriers of so much of the compensation fixed and determined under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), as is payable by the Department of Transportation, **[$15,540,000]** *$33,423,077*, to remain available until expended and to be derived from the Airport and Airway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs *in excess of $33,423,077* for the Payments to Air Carriers program in fiscal year 1994: *Provided further*, That none of the funds in this Act shall be used by the Secretary of Transportation to make payment of compensation under section 419 of the Federal Aviation Act of 1958, as amended, in excess of the appropriation in this Act for liquidation of obligations incurred under the "Payments to air carriers" program: *Provided further*, That none of the funds in this Act shall be used for the payment of claims for such compensation except in accordance with this provision: *Provided further, That none of the funds in this Act shall be available for service to communities in the forty-eight contiguous States that are located fewer than seventy highway miles from the nearest large or medium hub airport, or that require a rate of subsidy per passenger in excess of $200, unless such point is greater than two hundred and ten miles from the nearest large or medium hub airport.*

RENTAL PAYMENTS

For necessary expenses for rental of headquarters and field space and related services assessed by the General Services Administration, $149,605,000: *Provided*, That of this amount, $3,262,000 shall be derived from the Highway Trust Fund, $37,114,000 shall be derived from the Airport and Airway Trust Fund, $576,000 shall be derived from the Pipeline Safety Fund, and $175,000 shall be derived from the Harbor Maintenance Trust Fund: *Provided further*, That in addition, for assessments by the General Services Administration related to the space needs of the Federal Highway Administration, $17,524,000, to be derived from "Federal-aid Highways", subject to the "Limitation on General Operating Expenses".

Minority Business Resource Center Program

For the cost of direct loans, [$180,000] *$300,000*, as authorized by 49 U.S.C. 332: *Provided, That of this amount, $120,000 shall be derived from unobligated balances of the Office of Small and Disadvantaged Business Utilization: Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed [$4,500,000] *$7,500,000*. In addition, for administrative expenses to carry out the direct loan program, [$220,000] *$400,000: Provided further, That of this amount $180,000 shall be derived from unobligated balances of the Office of Small and Disadvantaged Business Utilization.*

COAST GUARD

Operating Expenses

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed four passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; [$2,555,695,000] *$2,590,083,000*, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund; and of which $32,250,000 shall be expended from the Boat Safety Account: *Provided*, That the number of aircraft on hand at any one time shall not exceed two hundred and [twenty-three] *twenty-one*, exclusive of aircraft and parts stored to meet future attrition: *Provided further*, That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, [*That of the funds provided under this head, not less than $8,000,000 in vessel maintenance and overhaul work currently scheduled to be conducted at the Coast Guard Yard is to be awarded based upon a competitive solicitation of both public and private shipyards*] *That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839.*

Acquisition, Construction, and Improvements

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, [$310,700,000] *$354,690,000*, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which [$79,200,000] *$103,690,000* shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 1998; [$27,100,000] *$64,285,000* shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 1996; [$47,700,000] *$50,200,000* shall be available for other equipment, to remain available until September 30, 1996; [$119,200,000] *$95,900,000* shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 1996; and [$37,500,000] *$40,615,000* shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 1994: *Provided, That funds received from the sale of the VC–11A and VC–4 aircraft shall be credited to this appropriation for the purpose of acquiring new aircraft and increasing aviation capacity.*

[(RESCISSION)

[Of the funds provided under this heading in Public Law 102–388, $20,000,000 are rescinded.]

Environmental Compliance and Restoration

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, [$22,100,000] *$23,000,000*, to remain available until expended.

Alteration of Bridges

For necessary expenses for alteration or removal of obstructive bridges, [$5,940,000] *$12,940,000*, to remain available until expended.

Retired Pay

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $548,774,000.

Reserve Training

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $64,000,000.

Research, Development, Test, and Evaluation

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, [$22,500,000] *$25,000,000*, to remain available until expended, of which $4,457,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

Boat Safety

(AQUATIC RESOURCES TRUST FUND)

For payment of necessary expenses incurred for recreational boating safety assistance under Public Law 92–75, as amended, $32,250,000, to be derived from the Boat Safety Account and to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

Operations

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development, establishment of air navigation facilities and the operation (including leasing) and maintenance of aircraft, and carrying out the provisions of the Airport and Airway Development Act, as amended, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of four passenger motor vehicles for replacement only, [$4,568,219,000] *$4,584,584,000*, of which [$2,294,500,000] *$2,292,292,000* shall be derived from the Airport and Airway Trust Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: [*Provided further*, That, of the funds available under this head, $2,000,000 shall be made available for the Mid-American Aviation Resource Consortium in Minnesota to operate an air traffic controller training program:] *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard setting organization to assist in the development of aviation safety standards: [*Provided further*, That no funds under this head may be used for the implementation, execution or enforcement of section 91.21 of title 14 of the Code of Federal Regulations pertaining to the use of portable electronic devices on aircraft] *Provided further, That none of the funds provided shall be made available for pay raises or bonuses in fiscal year 1994 for Federal Aviation Administration employees whose responsibilities include noise abatement policy function, managing aircraft route design or changes, and responsibility for preparing, managing, and overseeing the environmental impact statement mandated by section 9199 of Public Law 91–508, until the final report on such impact statement is issued: Provided further*, That none of these funds shall be available for new applicants for the second career training program.

Facilities and Equipment

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized by the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations of officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, [$2,142,000,000] *$2,162,578,000*, of which [$1,945,500,000] *$1,988,488,000* shall remain available until September 30, 1996, and of which [$196,500,000] *$201,662,000* shall remain available until September 30, 1995: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities.

Research, Engineering, and Development

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, in accordance with the provisions of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including construction of experimental facilities and acquisition of necessary sites by lease or grant, [$240,000,000] *$254,000,000*, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

Grants-in-Aid for Airports

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs under the Airport and Airway Improvement Act of 1982, as amended, and under other law authorizing such obligations, $2,200,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the commitments for which are in excess of [$1,500,000,000] *$1,800,000,000* in fiscal year 1994 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 506(e)(4) of the Airport and Airway Improvement Act of 1982, as amended.

Aviation Insurance Revolving Fund

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under title XIII of the Federal Aviation Act of 1958.

Aircraft Purchase Loan Guarantee Program

The Secretary of Transportation may hereafter issue notes or other obligations to the Secretary of the Treasury, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury may prescribe. Such obligations may be issued to pay any necessary expenses required pursuant to any guarantee issued under the Act of September 7, 1957, Public Law 85–307, as amended (49 U.S.C. 1324 note). None of the funds in this Act shall be available for activities under this head the obligations for which are in excess of $9,970,000 during fiscal year 1994. Such obligations shall be redeemed by the Secretary from appropriations authorized by this section. The Secretary of the Treasury shall purchase any such obligations, and for such purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under the subsection. The Secretary of the Treasury may sell any such obligations at such times and price and upon such terms and conditions as he shall determine in his discretion. All purchases, redemptions, and sales of such obligations by such Secretary shall be treated as public debt transactions of the United States.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, including motor carrier safety program operations, and research of the Federal Highway Administration not to exceed [$462,961,000] *$475,731,000* shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That not to exceed [$166,460,000] *$173,850,000* of the amount provided herein shall remain available until expended: *Provided further*, That, notwithstanding any other provision of law, there may be credited to this account funds received from States, counties, municipalities, other public authorities, and private sources, for training expenses incurred for non-Federal employees.

Highway-Related Safety Grants

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402 administered by the Federal Highway Administration, to remain available until expended, $10,000,000 to be derived from the Highway Trust Fund: *Provided*, That not to exceed $100,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses": *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of $10,000,000 in fiscal year 1994 for "Highway-Related Safety Grants".

[RAILROAD-HIGHWAY CROSSINGS PROJECTS

[For necessary expenses of certain railroad-highway crossings projects as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, to remain available until expended, $12,828,000.]

Federal-Aid Highways

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of [$17,482,663,000] *$18,020,000,000* for Federal-aid highways and highway safety construction programs for fiscal year 1994.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the funds made available for the functional replacement of publicly-owned facilities located within the proposed right-of-way of Interstate Route 170 in Public Law 96–131, $200,000 are rescinded.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the funds made available under this heading in Public Law 100–71, $364,180 are rescinded.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the authority made available for the intersection safety demonstration project in Public Law 100–457, $3,059,960 are rescinded.

Federal-Aid Highways

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, $18,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

Right-of-Way Revolving Fund

(LIMITATION ON DIRECT LOANS)

(HIGHWAY TRUST FUND)

During fiscal year 1994 and with the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $42,500,000.

Motor Carrier Safety Grants

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of section 402 of Public Law 97–424, $68,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $65,000,000 for "Motor Carrier Safety Grants".

[Baltimore-Washington Parkway

[For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970 and section 1069 of Public Law 102–240 for the Baltimore-Washington Parkway, to remain available until expended, $16,000,000.

[Kentucky Bridge Project

[For up to 80 percent of the expenses necessary for continuing construction to replace the Glover Cary Bridge in Owensboro, Kentucky, $12,000,000.

[Border Highway Project

[For up to 80 percent of the expenses necessary for the border highway project authorized in Public Law 89–795, $8,000,000.]

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Operations and Research

[For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92–513, as amended) and the National Traffic and Motor Vehicle Safety Act, $74,221,000, to remain available until September 30, 1996.]

Operations and Research

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under 23 U.S.C. 403 and section 2006 of the Intermodal Surface Transportation Efficiency Act of 1991, *the Motor Vehicle Information and Cost Savings Act (Public Law 92–513, as amended) and the National Traffic and Motor Vehicle Safety Act*, to be derived from the Highway Trust Fund, [$46,780,000] *$128,311,000*, to remain available until September 30, 1996.

Highway Traffic Safety Grants

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred carrying out the provisions of 23 U.S.C. 153, 402, 406, 408, and 410, section 2007 of the Intermodal Surface Transportation Efficiency Act of 1991, and section 209 of Public Law 95–599, as amended, to remain available until expended, $138,550,000, to be derived from the Highway Trust Fund: *Provided*, That, notwithstanding subsection 2009(b) of the Intermodal Surface Transportation Efficiency Act of 1991, none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 1994, are in excess of $163,500,000 for programs authorized under 23 U.S.C. 402 and 410, as amended, of which $123,000,000 shall be for "State and community highway safety grants", $12,000,000 shall be for section 153 "Safety belt and motorcycle helmet use" grants, $3,500,000 shall be for the "National Driver Register", and $25,000,000 shall be for section 410 "Alcohol-impaired driving countermeasures programs": *Provided further*, That none of these funds shall be used for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of $10,500,000 for "Alcohol safety incentive grants" authorized under 23 U.S.C. 408: *Provided further*, That not to exceed [$5,153,000] *$4,800,000* of the funds made available for section 402 may be available for *all costs, including salary costs associated with* administering "State and community highway safety grants": *Provided further*, That not to exceed $500,000 of the funds made available for section 410 may be available for technical assistance to the States: *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs authorized under section 209 of Public Law 95–599, as amended, the total obligations for which are in excess of $4,750,000 in fiscal years 1982 through 1994.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, [$14,865,000] *$9,990,000*, of which $2,485,000 shall remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and that no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

LOCAL RAIL FREIGHT ASSISTANCE

For necessary expenses for rail assistance under section 5(q) of the Department of Transportation Act, as amended, [$10,000,000] *$20,000,000*, to remain available until expended.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, [$43,927,000] *$44,434,000*, of which $1,357,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from non-Federal sources for expenses incurred in training safety employees of private industry, State and local authorities, or other public authorities other than State rail safety inspectors participating in training pursuant to section 206 of the Federal Railroad Safety Act of 1970.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, [$20,166,000] *$17,113,000*, to remain available until expended: *Provided*, That up to $100,000 shall be made available to support, by financial assistance agreement, railroad-highway grade crossing safety programs, including Operation Lifesaver: *Provided further*, That $100,000 is available until expended to support by financial assistance agreement railroad metallurgical and welding studies at the Oregon Graduate Institute.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.) and the Rail Safety Improvement Act of 1988, [$130,000,000] *$250,000,000*, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation authorized by 45 U.S.C. 601, to remain available until expended, [$431,000,000] *$559,580,000*, of which [$331,000,000] *$351,000,000* shall be available for operating losses incurred by the Corporation and for labor protection costs, and of which [$100,000,000] *$208,580,000, not to become available until July 1, 1994*, shall be available for capital improvements: *Provided*, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: [*Provided further*, That the Secretary shall make no commitments to guarantee new loans or loans for new purposes under 45 U.S.C. 602 in fiscal year 1994: *Provided further*, That no funds are required to be expended or reserved for expenditure pursuant to 45 U.S.C. 601(e): *Provided further*, That funds provided to cover operating losses incurred by the Corporation shall be utilized only for the following expense categories: train operations, maintenance of equipment, maintenance of way, on-board services, and station services: *Provided further*, That the Corporation shall maintain adequate information in its financial management systems to monitor and account for the specific uses of funds appropriated herein:] *Provided further*, That no funds in this Act may be used, either directly or indirectly, to support intercity bus routes unconnected by a rail segment provided by the National Railroad Passenger Corporation Thruway Bus Service Program.

MANDATORY PASSENGER RAIL SERVICE PAYMENTS

To enable the Secretary of Transportation to pay obligations and liabilities of the National Railroad Passenger Corporation, $137,000,000, to remain available until expended: *Provided*, That this amount is available only for the payment of: (1) tax liabilities under section 3221 of the Internal Revenue Code of 1986 due in fiscal year 1994 in excess of amounts needed to fund benefits for individuals who retired from the National Railroad Passenger Corporation and for their beneficiaries; (2) obligations of the National Railroad Passenger Corporation under section 358(a) of title 45, United States Code, due in fiscal year 1994 in excess of its obligations calculated on an experience-rated basis; and (3) obligations of the National Railroad Passenger Corporation due under section 3321 of the Internal Revenue Code of 1986.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That [no new] *not more than $5,000,000 in* loan guarantee commitments shall be made during fiscal year 1994: *Provided further*, That, notwithstanding any other provision of law, for fiscal year 1989 and each fiscal year thereafter all amounts realized from the sale of notes or securities sold under authority of this section shall be considered as current year domestic discretionary outlay offsets and not as "asset sales" or "loan prepayments" as defined by section 257(12) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That any underwriting fees and related expenses shall be derived solely from the proceeds of the sales.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the planning or execution of *programs the obligation of which are in excess of $27,900,000 for* the National Magnetic Levitation Prototype Development program as defined in subsections 1036(b) and 1036(d)(1)(A) of the Intermodal Surface Transportation Efficiency Act of 1991.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the National Magnetic Levitation Prototype Development program as defined in subsections 1036(b) and 1036(d)(1)(A) of the Intermodal Surface Transportation Efficiency Act of 1991, $27,900,000, to remain available until expended and to be derived from the Highway Trust Fund.

[HIGH-SPEED GROUND TRANSPORTATION

[(LIQUIDATION OF CONTRACT AUTHORIZATION)

[(HIGHWAY TRUST FUND)

[For payment of obligations incurred in carrying out the provisions of the High-Speed Ground Transportation program as defined in subsections 1036(c) and 1036(d)(1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991, $4,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $3,500,000 for the "High-Speed Ground Transportation" program.]

HIGH-SPEED GROUND TRANSPORTATION DEVELOPMENT

For necessary expenses for high-speed ground transportation development, to remain available until expended, $2,091,000: Provided, That no more than $79,191,000 of budget authority shall be available for these purposes.

TRUST FUND SHARE OF HIGH-SPEED GROUND TRANSPORTATION DEVELOPMENT

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

In addition to amounts otherwise available under this heading, and subject to the same terms and conditions, $77,100,000 for payment of obligations incurred in carrying out section 1036 of the Intermodal Surface Transportation Efficiency Act of 1991 and other High-Speed Ground Transportation Development activities, to remain available until expended and to be derived from the Highway Trust Fund: Provided, That $77,100,000 shall be paid from the Highway Trust Fund to the Federal Railroad Administration High-Speed Ground Transportation Development Account.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by the Federal Transit Act and 23 U.S.C. chapter 1 in connection with these activities, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, [$19,569,000] *$21,295,000*: *Provided*, That no more than [$37,731,000] *$39,457,000* of budget authority shall be available for these purposes.

FORMULA GRANTS

For necessary expenses to carry out the provisions of sections 9, 16(b)(2), and 18 of the Federal Transit Act, to remain available until expended, $1,324,916,000: *Provided*, That no more than [$2,404,867,000] *$2,336,000,000* of budget authority shall be available for these purposes: *Provided further*, That of the funds provided under this head for formula grants no more than [$752,278,000] *$802,278,000* may be used for operating assistance under section 9(k)(2) of the Federal Transit Act.

UNIVERSITY TRANSPORTATION CENTERS

For necessary expenses for university transportation centers as authorized by section 11(b) of the Federal Transit Act, to remain available until expended, $3,238,000: *Provided*, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses for transit planning and research as authorized by section 26 of the Federal Transit Act, to remain available until expended, [$37,000,000] *$50,875,000*: *Provided*, That no more than [$76,125,000] *$95,000,000* of budget authority shall be available for these purposes: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for training.

TRUST FUND SHARE OF TRANSIT PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21(a) of the Federal Transit Act, [$1,140,000,000] *$1,076,133,000*, to remain available until expended and to be derived from the Highway Trust Fund: *Provided*, That $18,162,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's administrative expenses account: *Provided further*, That [$1,079,951,000] *$1,011,084,000* shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's formula grants account: *Provided further*, That $2,762,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's university transportation centers account: *Provided further*, That [$39,125,000] *$44,125,000* shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's transit planning and research account.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of [$1,707,425,000] *$1,785,000,000* in fiscal year 1994 for grants under the contract authority in section 21(b) of the Federal Transit Act: *Provided*, That notwithstanding any provision of law, there shall be available for fixed guideway modernization, $760,060,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, [$354,315,000] *$357,000,000*; and there shall be available for new fixed guideway systems, [$593,050,000] *$667,940,000*, as follows—

$10,000,000 for alternatives analysis only for the South Boston Piers Transitway Project;

[$55,000,000] *$5,000,000* for the Chicago Central Area Circulator Project;

[$1,600,000 for the Cleveland Dual Hub Corridor Project] *$14,500,000 for the Boston, Massachusetts to Portland, Maine Commuter Rail Project*;

[$60,000,000] *$38,720,000* for the Dallas South Oak Cliff LRT Project;

[$40,500,000] *$14,500,000* for the Houston Regional Bus Plan Program of Projects;

[$2,000,000 for alternatives analysis only for the Kansas City South Corridor LRT Project] *$64,800,000 for the New Jersey Urban Core*;

[$163,050,000] *$190,000,000* for the Los Angeles Metro Rail MOS–2 and MOS–3 Projects;

[$2,400,000] *$4,800,000* for alternatives analysis [only] *preliminary engineering, and environmental analysis* for the New Orleans Canal Street Corridor Project;

[$1,000,000 for the Northeast Ohio Commuter Rail Project] *$500,000 for the South Jersey alternatives analysis*;

[$13,000,000] *$25,000,000* [for design only] for the Orange County Transitway System Project;

[$50,000,000 for the Pittsburgh Busway Projects] *$70,000,000 for the New York Queens Connection Project*;

$3,800,000 for the Orlando Streetcar Project;

[$70,000,000] *$99,000,000* for the Portland Westside LRT Project;

[$1,500,000] *$1,000,000* for the Sacramento LRT Extension Project;

[$28,200,000] *$44,820,000* for the San Francisco Airport BART Extension Project and the Tasman Corridor LRT Project;

[$2,000,000] *$6,000,000* for [preliminary engineering only for] the Salt Lake City South LRT Project;

[$19,600,000] *$15,200,000* for the St. Louis METRO Link LRT to Airport Project;

[$10,000,000] *$12,000,000* for the Florida Tri-County Commuter Rail Project;

[$3,200,000 for preliminary engineering only for the Twin Cities Central Corridor Project] *$25,000,000 for the Maryland Commuter Rail Project*;

[10,000,000] *$8,000,000* for the Wisconsin Central Commuter Line Project; [and]

$3,000,000 for the Lakewood Freehold and Matawan or Jamesburg Commuter Rail Project;

$6,700,000 for the Hawthorne-Warwick Commuter Rail Project;

$3,150,000 for the Baltimore LRT Extensions Project;

$1,850,000 for alternatives analysis for Cincinnati, Ohio Commuter Rail; and

$600,000 for Memphis, Tennessee Regional Rail Plan:

[$50,000,000 which shall be allocated at the discretion of the Secretary of Transportation:] *Provided further*, That Public Law 102–388 is amended under Federal Transit Administration, "Discretionary grants" by deleting "not less than $76,500,000 for the Honolulu Rapid Transit Starter Line of Projects;": *Provided further*, That of the funds affected by the preceding proviso, [$26,500,000 shall be for the South Boston Piers Transitway and $50,000,000] *$4,000,000 shall be for the Milwaukee, Wisconsin East-West Corridor Project and $72,500,000* shall be allocated at the discretion of the Secretary.

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21(b) of the Federal Transit Act, administered by the Federal Transit Administration, $1,000,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

INTERSTATE TRANSFER GRANT—TRANSIT

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) related to transit projects, $45,000,000, to remain available until expended.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For necessary expenses to carry out the provisions of section 14 of Public Law 96–184 and Public Law 101–551, $200,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, [$10,901,000] *$10,265,000*, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

ADDITIONAL HIGHWAY PROJECTS

APPALACHIAN CORRIDOR IMPROVEMENT PROJECT

For 80 percent of the expenses necessary to continue construction on [Kentucky Corridor B] *West Virginia Corridor L* of the Appalachian Development Highway System, as authorized by section 1069(y) of Public Law 102–240, [$3,800,000] *$62,200,000*.

[CUMBERLAND GAP TUNNEL PROJECT

[For 80 percent of the expenses necessary for the Cumberland Gap Tunnel Project, as authorized by 1069(c) of Public Law 102–240, $10,000,000.]

PITTSBURGH BUSWAY

For 80 percent of the expenses necessary for the Pittsburgh Busway, as authorized by section 1069(e) of Public Law 102–240, $28,000,000.

MINEOLA GRADE CROSSING

For 80 percent of the expenses necessary for the Mineola, New York grade crossing, as authorized by Public Law 99–591, $7,800,000.

CONGESTION MITIGATION

For 80 percent of the expenses necessary for the Syracuse, New York congestion mitigation project, as authorized by section 1069(bb) of Public Law 102–240, $2,000,000.

CROSS WESTCHESTER EXPRESSWAY

For 80 percent of the expenses necessary for the I–287 Cross Westchester, New York Expressway high occupancy vehicle lane project, as authorized by section 1069(ff) of Public Law 102–240, $15,000,000.

SCHENECTADY BRIDGE

For 80 percent of the expenses necessary for construction of the Exit 26 bridge in Schenectady County, New York, as authorized by section 1069(b) of Public Law 102–240, $4,000,000.

COLUMBIA GORGE HIGHWAY

For 80 percent of the expenses necessary for the Hood River to Mosier Connection project, as authorized by section 16(b)3 of Public Law 99–663, $2,800,000.

MANASSAS BATTLEFIELD BYPASS

For 80 percent of the expenses necessary for the Manassas Battlefield highway projects, as authorized by section 1004(d) of Public Law 100–647, $3,200,000.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the functions of Hazardous Materials Safety and for expenses for conducting research and development, $12,721,000, of which $1,334,000 shall remain available until expended: Provided, That up to $1,000,000 in fees collected under section 106(c)(11) of the Hazardous Materials Transportation Act (49 U.S.C. App. 1805(c)(11)) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.

AVIATION INFORMATION MANAGEMENT

For expenses necessary to discharge the functions of Aviation Information Management, [$2,533,000] *$2,521,000*: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for aviation information management: *Provided further*, That, notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received from user fees established to support the electronic tariff filing system: *Provided further*, That there may be credited to this appropriation funds received from user fees established to defray the costs of obtaining, preparing, and publishing in automatic data processing tape format the United States International Air Travel Statistics data base published by the Department.

EMERGENCY TRANSPORTATION

For expenses necessary to discharge the functions of Emergency Transportation and for expenses for conducting research and development, [$915,000] *$884,000*: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.

RESEARCH AND TECHNOLOGY

For expenses necessary to discharge the functions of Research and Technology and for expenses for conducting research and development, [$1,863,000] *$1,781,000*, of which $585,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.

PROGRAM AND ADMINISTRATIVE SUPPORT

For expenses necessary to discharge the functions of Program and Administrative Support, [$6,160,000] *$6,283,000*, of which $180,000 shall be derived from the Pipeline Safety Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination: *Provided further*, That no employees other than those compensated under this appropriation shall serve in the Office of the Administrator, the Office of Policy and Programs, the Office of Management and Administration, and the Office of the Chief Counsel.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, [$19,479,000] *$19,146,000*; of which [$2,449,000] *$2,313,000* shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended; and of which [$17,030,000] *$16,833,000* shall be derived from the Pipeline Safety Fund, of which $8,400,000 shall remain available until expended.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out section 117A(i)(3)(B) of the Hazardous Materials Transportation Act, as amended, $400,000 to be derived from the Emergency Preparedness Fund, to remain available until expended: *Provided*, That not more than [$10,350,000] *$11,000,000* shall be made available for obligation in fiscal year 1994 for amounts made available by section 117A(h)(6)(B) and (i)(1), (2) and (4) and section 118 of the Hazardous Materials Transportation Act, as amended: *Provided further*, That such amounts shall only be available to the Secretary of Transportation *and the National Institute of Environmental Health Sciences.*

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $36,595,000: Provided, That not more than $1,000,000 of the funds made available under this head shall be available for implementation of Public Law 101–576.

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $3,348,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $37,105,000, of which not to exceed $1,000 may be used for official reception and representation expenses.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b), and not to exceed $1,500 for official reception and representation expenses, [$44,904,000] *$44,960,000*: *Provided*, That joint board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their official duties as such: *Provided further*, That $7,300,000 in fees collected in fiscal year 1994 by the Interstate Commerce Commission pursuant to 31 U.S.C. 9701 shall be made available to this appropriation in fiscal year 1994.

PAYMENTS FOR DIRECTED RAIL SERVICE

(LIMITATION ON OBLIGATIONS)

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed $475,000 for directed rail service authorized under 49 U.S.C. 11125 or any other Act.

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

For administrative expenses of the Panama Canal Commission, including not to exceed $11,000 for official reception and representation expenses of the Board; not to exceed $5,000 for official reception and representation expenses of the Secretary; and not to exceed $30,000 for official reception and representation expenses of the Administrator, $51,742,000, to be derived from the Panama Canal Revolving Fund: *Provided*, That none of these funds may be used for the planning or execution of nonadministrative and capital programs the obligations for which are in excess of $540,000,000 in fiscal year 1994: *Provided further*, That funds available to the Panama Canal Commission shall be available for the purchase of not to exceed thirty-five passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama), the purchase price of which shall not exceed $19,000 per vehicle: *Provided further*, That notwithstanding any other provision of law, none of these funds shall be used for the planning or execution of annuity payments to the government of Panama in excess of $50,000,000 *until the Secretary of State and the Secretary of Transportation, in consultation with the Commandant, United States Coast Guard, certifies in writing that the government of Panama has taken adequate steps to investigate and, when appropriate, penalize Panamanian flag ships which have been reported by other nations to have violated the provisions of*

Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) and that the government of Panama has taken sufficient steps so as to ensure improved compliance with the provisions of Annex V of said treaty on the part of Panamanian flag ships.

DEPARTMENT OF THE TREASURY

Rebate of Saint Lawrence Seaway Tolls

(HARBOR MAINTENANCE TRUST FUND)

For rebate of the United States portion of tolls paid for use of the Saint Lawrence Seaway, pursuant to Public Law 99–662, $9,707,000, to remain available until expended and to be derived from the Harbor Maintenance Trust Fund, of which not to exceed $225,000 shall be available for expenses of administering the rebates.

Washington Metropolitan Area Transit Authority

INTEREST PAYMENTS

For necessary expenses for interest payments, to remain available until expended, $51,663,569: *Provided*, That these funds shall be disbursed pursuant to terms and conditions established by Public Law 96–184 and the Initial Bond Repayment Participation Agreement.

TITLE III—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

Sec. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

Sec. 302. Funds for the Panama Canal Commission may be apportioned notwithstanding 31 U.S.C. 1341 to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law that are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

Sec. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236–244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

Sec. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–18.

[Sec. 305. None of the funds for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.]

Sec. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

Sec. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

Sec. 308. None of the funds in this Act shall be available for the planning or implementation of any change in the current Federal status of the Volpe National Transportation Systems Center, and none of the funds in this Act shall be available for the implementation of any change in the current Federal status of the Turner-Fairbank Highway Research Center*: Provided, That the Secretary may plan for further development of the Volpe National Transportation Systems Center and for other compatible uses of the Center's real property: Provided further, That any such planning does not alter the Federal status of the Center's research and development operation.*

Sec. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 310. (a) For fiscal year 1994 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1993, no State shall obligate more than 25 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 15 per centum of the total amount distributed to all States under such subsection.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1994, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 103(e)(4), 104 and 144 of title 23, United States Code, and under sections 1013(c) and 1015 of Public Law 102–240; [and]

(3) not distribute amounts authorized for administrative expenses, the Federal lands highway program, the intelligent vehicle highway systems program, and amounts made available under sections 1040, 1047, 1064, 6001, 6006, 6023, and 6024 of Public Law 102–240, and not more than [$1,107,124] *$1,050,000* for section 5002 of Public Law 102–240 *and $458,629 for the National Commission on Intermodal Transportation authorized by section 5005 of Public Law 102–240, and $15,000,000 for administrative costs and allocation to States under section 1302(d) of the Symms National Recreational Trails Act of 1991. Amounts for section 5002 and section 5005 of Public Law 102–240 and amounts for section 1302(d) of the Symms National Recreational Trails Act of 1991 shall be deemed necessary for administration under section 104(a) of title 23, United States Code; and*

(4) Notwithstanding subsection (a) or any other provision of law, the Secretary shall withhold from initial distribution the fiscal year 1994 Federal-aid highways obligation limitation set aside for Interstate Construction Discretionary projects: Provided further, That the Secretary shall distribute only after August 1, 1994, such obligation limitation withheld in accordance with this section to those States receiving Interstate Discretionary allocations.

[(d) Subject to paragraph (c)(2) of this section, a State which after August 1 and on or before September 30 of fiscal year 1994 obligates the amount distributed to such State in that fiscal year under paragraphs (a) and (c) of this section may obligate for Federal-aid highways on or before September 30, 1994, an additional amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to such State—

[(1) under sections 104 and 144 of title 23, United States Code, and 1013(c) and 1015 of Public Law 102–240, and

[(2) for highway assistance projects under section 103(e)(4) of title 23, United States Code,

which are not obligated on the date such State completes obligation of the amount so distributed.]

(d)(1) During the period October 1 through December 31, 1993, the aggregate amount of obligations under section 157 of title 23, United States Code for projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, sections 131(b), 131(j), and 404 of Public Law 97–424, sections 1061, 1103 through 1109, 4008, and 6023(b)(8) and 6023(b)(10) of Public Law 102–240, and for projects authorized by Public Law 99–500 and Public Law 100–17, shall not exceed $302,551,350.

(2) The limitation on obligations for Federal-aid highways for fiscal year 1994 shall apply, notwithstanding any other provision of law, to obligations for priority corridor feasibility studies under section 1105(h) of Public Law 102–240; obligations for the Priority Corridor Revolving Loan Fund under section 1105(i) of Public Law 102–240; and obligations for the Applied Research and Technology Program under section 307(e) of title 23, United States Code.

(e) During the period August 2 through September 30, 1994, the aggregate amount which may be obligated by all States pursuant to paragraph (e) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(1) under sections 104 and 144 of title 23, United States Code, and 1013(c) and 1015 of Public Law 102–240, and

(2) for highway assistance projects under section 103(e)(4) of title 23, United States Code,

which would not be obligated in fiscal year 1994 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized.

(f) Paragraph (e) shall not apply to any State which on or after August 1, 1994, has the amount distributed to such State under paragraph (a) for fiscal year 1994 reduced under paragraph (c)(2).

SEC. 311. None of the funds in this Act shall be available for salaries and expenses of more than one hundred and ten political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 312. Not to exceed [$800,000] *$1,500,000* of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

SEC. 313. The limitation on obligations for the programs of the Federal Transit Administration shall not apply to any authority under section 21 of the Federal Transit Act, previously made available for obligation, or to any other authority previously made available for obligation under the Discretionary Grants program.

SEC. 314. None of the funds in this Act shall be available for the construction of, or any other costs related to, the Central Automated Transit System (Downtown People Mover) in Detroit, Michigan.

SEC. 315. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 316. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided*, That no appropriation shall be increased or decreased by more than 12 per centum by all such transfers: *Provided further*, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 317. Such sums as may be necessary for fiscal year 1994 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act.

SEC. 318. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 319. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to Federal Aviation Administration design and performance specifications, the purchase of which was assisted by a Federal airport aid program, airport development aid program or airport improvement program grant. The Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by the Federal Aviation Administration in accordance with agency criteria.

[SEC. 320. None of the funds made available in this Act may be used by the Federal Aviation Administration for a new national weather graphics system.]

SEC. 321. None of the funds in this Act shall be available to award a multiyear contract for production end items that (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract or (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the government's liability or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 322. None of the funds provided in this Act shall be made available for planning and executing a passenger manifest program by the Department of Transportation that only applies to United States flag carriers.

SEC. 323. None of the funds in this Act shall be available for the planning or implementation of any change in the current Federal status of the Federal Aviation Administration's flight service stations at Red Bluff Airport in Red Bluff, California, and Tri-City Airport in Bristol, Tennessee.

[SEC. 324. Of the funds provided for "Research, development, test, and evaluation" in this Act, the Coast Guard shall utilize $1,000,000 to enter into a grant agreement with the International Oceanographic Foundation, Inc. for research activities at the South Florida oil spill research center.]

SEC. 324. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act or previous Acts under "Federal Transit Administration, Discretionary Grants" for projects specified in this Act or previous Acts or identified in reports accompanying this Act or previous Acts not obligated by September 30, 1996, shall be made available for other projects under section 3 of the Federal Transit Act, as amended.

SEC. 325. None of the funds made available in this Act may be used to implement, administer, or enforce the provisions of section 1038(d) of Public Law 102-240.

[SEC. 326. None of the funds made available in this Act may be used to implement, administer, or enforce the labeling and marking requirements relating to bulk packagings containing oil established by the rule published by the Research and Special Programs Administration of the Department of Transportation on February 2, 1993 (58 Fed. Reg. 6864).]

SEC. 327. Funds appropriated in Public Laws 101-516, 102-143, and 102-388 for a structure to replace the bridge over the 17th Street Causeway in Fort Lauderdale, Florida, may be used either for a replacement bridge or a tunnel.

[SEC. 328. None of the funds provided by this Act shall be made available to any State, municipality or subdivision thereof that diverts revenue generated by a public airport in violation of the provisions of the Airport and Airway Improvement Act of 1982, as amended.]

SEC. 328. Sec. 373 of the Fiscal Year 1993 Department of Transportation Appropriations Act is amended by striking the period in the last line, inserting a comma, and adding: "and Provided further, That improvements identified as highest priority by section 1069(t) of Public Law 102-240 and funded pursuant to section 118(c)(2) of title 23, United States Code, in fiscal years 1993 through 1997 shall not be treated as allocations for Interstate maintenance for such fiscal year under section 157(a)(4) of title 23, United States Code, and sections 1013(c), 1015(a)(1), and 1015(b)(1) of Public Law 102-240".

[SEC. 329. None of the funds in this Act may be used by the Federal Aviation Administration to support research, engineering or other activities conducted by a limited liability corporation.

[SEC. 330. None of the funds in this Act shall be available to implement or enforce regulations that would result in the withdrawal of a slot from an air carrier at O'Hare International Airport under section 93.223 of title 14 of the Code of Federal Regulations in excess of the total slots withdrawn from that air carrier as of October 31, 1993 if such additional slot is to be allocated to an air carrier or foreign air carrier under section 93.217 of title 14 of the Code of Federal Regulations.]

SEC. 330. Funds made available for Federal-aid highways pursuant to the provisions of the Surface Transportation Assistance Act of 1982 and the Surface Transportation and Uniform Relocation Assistance Act of 1987 shall not be available for obligation after September 30, 1995.

SEC. 331. None of the funds in this Act may be used for the planning, design or construction of an additional air carrier runway at Tulsa International Airport.

[SEC. 332. None of the funds made available by this Act may be obligated or expended to design, construct, erect, modify or otherwise place any sign in any State relating to any speed limit, distance, or other measurement on any highway if such sign establishes such speed limit, distance, or other measurement using the metric system.

[SEC. 333. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c; popularly known as the "Buy American Act").

[(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

[(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

[(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

[(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.]

SEC. 334. None of the funds provided by this Act shall be made available for any airport development project, or projects, proposed in any grant application submitted in accordance with title V of Public Law 97-248 (96 Stat. 671; 49 U.S.C. App. 2201 et seq.) to any public agency, public authority, or public airport that imposes a fee for any passenger enplaning at the airport in any instance where the passenger did not pay for the air transportation which resulted in such enplanement, including any case in which the passenger obtained the ticket for the air transportation with a frequent flyer award coupon.

SEC. 335. Notwithstanding any other provisions of law, tolls collected for motor vehicles on *any bridge connecting the boroughs of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island.*

SEC. 336. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard Acquisition, Construction, and Improvements shall be available after the fifteenth day of any quarter of any fiscal year beginning after October 1, 1993, unless the Commandant of the Coast Guard first submits a quarterly report to the House and Senate Appropriations Committees on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: Provided, That such reports shall include an acquisition schedule, estimated current and future year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisitions project: Provided further, That such reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction, and improvements account be fully funded: Provided further, That such reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: Provided further, That all information submitted in such reports shall be current as of the last day of the preceding quarter.

SEC. 337. No funds provided in this Act or any other Appropriations Act for fiscal year 1994 shall be available for payments to Coast Guard personnel above the pay grade W–4 under 37 U.S.C. 301a, 37 U.S.C. 305a, and 37 U.S.C. 306.

SEC. 338. Section 705 of Public Law 94–210 is amended by adding:

"(c) For the purpose of any State or local requirement for permit or other approval for construction of any improvement undertaken under this title, the exemptions and procedures applicable to a project undertaken by the Federal Government or agency thereof shall apply.".

SEC. 339. None of the funds provided in this or any other Act shall be used to remote radar coverage from the Roswell, New Mexico, airport prior to the Federal Aviation Administration obtaining congressional approval based upon a cost study applying (1) actual personnel staffing levels used at comparable facilities such as Moses Lake, Washington, and Waterloo, Iowa, and (2) the actual equipment costs based on integration with existing systems rather than acquisition of wholly redundant systems. The Federal Aviation Administration will report back to the committee with an appropriate study not later than December 31, 1993.

SEC. 340. Notwithstanding any other provision of law, monies previously appropriated for the Chattanooga fixed rail project out of the section 3 "New Construction" account shall be made available for the Chattanooga electric vehicle project through the "Bus and Bus Facilities" account.

SEC. 341. Notwithstanding any other provision of law, funds previously appropriated for Project Breakeven in Portland, Oregon, may, upon application by Tri-Met to the Federal Transit Administration, be expended on other eligible transit projects in the Portland metropolitan region.

SEC. 342. Amend section 201 of the Act (45 U.S.C. 181) by adding to the end thereof the following sentence: "As used in this title, the term 'foreign commerce' shall include flight operations (excluding ground operations performed by persons other than flight crew members) conducted in whole or in part outside the United States and its territories by air carriers within the meaning of 49 U.S.C. 1301(3).".

Amend section 202 of the Act, 45 U.S.C. 182, by adding to the end thereof the following sentence: "As used in this title, the term 'employment' shall also include flight crew members employed by air carriers within the meaning of 49 U.S.C. 1301(3) while such flight crew members perform work in whole or in part outside the United States and its territories.

SEC. 343. Notwithstanding any other provision of law, of the funds made available by this Act under Federal Transit Administration, Discretionary Grants, $3,100,000 shall be made available to the County of Kauai, Hawaii, for the payment of operating expenses incurred in connection with Hurricane Iniki, and $1,750,000 shall be made available to construct maintenance facilities for the vehicles used to provide such services: Provided, That these funds shall remain available until expended.

SEC. 344. NEXRAD INSTALLATION.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration (FAA), pursuant to the FAA's participation in the National Implementation Plan for the Modernization and Associated Restructuring of the National Weather Service, shall install nine standard FAA redundant configuration NEXRAD radar, to provide coverage to each of the following areas in Alaska, by the date indicated: Anchorage by June 1995; Sitka by July 1995; King Salmon by July 1995; Middleton Island by August 1995; Fairbanks by September 1995; Nome by October 1995; Bethel by October 1995; McGrath by September 1996; and the Bering Sea near Cold Bay or Sand Point by September 1996.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 1994".

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that, during the Senate consideration of H.R. 2750, Burton Russell, a detailee to the subcommittee from the Department of Transportation, and Eric Marts, a detailee to the subcommittee from the U.S. GAO be granted the privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, we will be soon joined by my colleague from the other side, the ranking member, Senator D'AMATO. He is on his way.

I am going to present, meanwhile, the fiscal year 1994 Transportation appropriations bill to the Senate.

This bill embodies three distinct themes. It is important that we keep them in mind as we review the bill.

First, it continues the changes that were created by Congress in the Intermodal Surface Transportation Efficiency Act of 1991, better known, or perhaps affectionately known, as ISTEA. That legislation codified a new approach to transportation. It is an approach characterized by flexibility, an emphasis on multimodal productive investment, and a recognition that the staggering need to rebuild our infrastructure demands a more cost-effective investment strategy.

Second, it responds to the reality of our needs. Much of our national focus has shifted to the need to create information highways. That is a real need, but so is the need to restore our physical infrastructure. Ideas may move electronically at speeds faster than sound. But people travel on our highways; cross our bridges; commute on subways, buses, trains; and depend on our airports and rail systems to move them and products across the country.

Those physical resources are at the core of our economy. We have neglected them for too long. This bill recognizes that fact and responds to it.

Third, it advances the interest we all have in maximizing the cost-effective expenditure of taxpayer dollars. We have scrubbed every request that we have received. We have challenged the traditional methods of operation. We have tried to end, Mr. President, business as usual. We have responded to the cry, to the urgings, of the public in this country of ours that says: "Be careful, for crying out loud, how you spend our money. If you want to ask us to pay more taxes, if you want us to participate, we ask the Congress, whom we have sent to represent us, to be careful. Try your best to use every dollar effectively."

Mr. President, that is what we are trying to do. Let me give you a few examples.

We have eliminated the practice of earmarking funds for demonstration projects. Demonstration projects are recommended by individual representatives in both the House and the Senate who, in their judgment, see programs that they think are justified and important. We do not argue with their judgment. But, Mr. President, in theory, those projects were designed to demonstrate new technologies. In reality, the one thing they demonstrate is that the system needs to be changed.

Eliminating these demonstration programs means that Federal funds will meet our most pressing national needs, rather than the priorities chosen by a person.

These kinds of programs are often referred to as pork. And everybody knows that we are now not talking about nutrition and meat. We are talking about programs that fill the appetite for good election material. But we are not talking about diet. Things are certainly changing.

Eliminating these demonstrations means that Federal funds, again, will meet our most pressing priorities. We have reduced or eliminated funding for programs and activities which simply cannot be justified in the context of the need to eliminate waste and reduce Federal spending.

This has not been an easy or pleasant task. But, as is said, someone had to do it. It had to be done. We have tried to do it.

If management reforms can increase efficiency, we have mandated them. If activities cannot be justified, we eliminated them. And if costs can be cut, we have tried to do it. Balancing the reforms of ISTEA, meeting our transportation needs, and becoming more efficient is not an easy task. There are cultures, there are habits, there are customs that have been in existence for a number of years. We have tried to change that in this bill.

As a result, I believe we have produced legislation which advances our ability as a nation to meet the multiple needs we face. To meet those needs, to keep our country functioning, we absolutely have to continue to spend money on infrastructure. That is the common opinion. As a matter of fact, if we are compared on a per capita spending on infrastructure among nations, we are 55th among countries. I think that puts us in a tie with relatively primitive countries.

I would like to briefly run through a few of the specific elements of the bill. The subcommittee had a discretionary spending ceiling of $13.434 billion in budget authority and $35.039 billion in outlays.

The bill now before the Senate, as scored by CBO, spends the entire subcommittee allocation in outlays. For that reason any amendment changing outlays in the bill will require offsets.

The President's budget for transportation proposed several major investment increases. Among the called-for increases were increases in the highway obligation ceiling, the mass transit formula grants, and the FAA facilities and equipment account.

The administration's proposal also calls for increased funding for the Coast Guard's capital expense and increases for the Federal Railroad Administration's high speed rail activity. We have been able to make a downpayment on many of these activities.

I want to present a few highlights of the bill before us. First, the Coast Guard, which is part of the Transportation Department. The bill provides $3.65 billion in new budget authority. Funding for the Coast Guard operations will be $27.5 million above the level passed by the House. New funding for Coast Guard acquisitions in combination with reprogrammings will be $54.3 million above the House-passed level and this will help the Coast Guard restore its deteriorating shore facilities and replace aging vessels and aircraft.

In the Federal Highway Administration, I note the bill before us has an obligation ceiling of $18 billion, not including the programs that are exempt from the obligation ceiling which would add another $2.2 billion. This is an increase of $2.7 billion over last year's obligation ceiling. I believe this demonstrates that, while working within a tight funding environment, we will make many of the much-needed investments in our Nation's crumbling roads and bridges and we are going to make every effort to do what we can to relievecongestion and provide an efficient, safer highway system.

This obligation ceiling is distributed according to the prescribed formulas that were contained in the ISTEA legislation, the one over which there was so much labor, so much discussion, so much negotiation, and that President Bush signed into law in 1991 at the end of the year. The increased spending provided by this bill will benefit each and every State.

For Amtrak, our national passenger rail service, the bill contains $351 million for operations, $137 million in mandatory payments, and $209 million for capital grants. The bill also includes funding for improvements to the Northeast corridor, including the electrification of the final segment of the Northeast corridor that goes from New Haven to Boston.

For the Federal Aviation Administration, the bill provides an increase of almost $50 million for operations over the 1993 enacted level, and this includes funding for those places identified as hard-to-staff air traffic controller locations and fully funds the requested levels for safety inspectors, for certification personnel, and civil aviation security staff.

In the facilities and equipment area, the bill provides $2.163 billion. Most of this will go to the modernization and expansion of our national air space system by upgrading our air route traffic control centers, airport towers, and flight service facilities.

In the FAA research program the bill provides $254 million. The research development account that we talked about supports research and development in such areas as automated explosive and sabotage detection systems. In aging aircraft it determines when parts or airplanes have to be replaced with relatively simple technology. That is the mission.

Satellite technology, everybody knows that is being used more and more aggressively, and the use of those systems has to continue.

For the Airport Improvement Grants Program, the bill contains $1.8 billion dollars. That is the same as last year's level, but it is $300 million above the House-passed level.

For the Federal Transit Administration, the bill contains transit operating assistance at $802 million, $668 million for new starts, $760 million for modernization of our older transit systems, and $357 million for discretionary bus purchases. The distribution of section 9, the formula funds in the rail modernization accounts follow the prescribed formulas that were contained in ISTEA.

My proposal has not delineated, has not earmarked, the bus funding. My opening remarks made reference to that. It leaves the distribution of these funds to the discretion of the Transportation Secretary and the professional staff that furnishes him the information with which to make decisions. He is the ultimate decisionmaker. This should help bring some order and some balance in these programs.

There is another point I would like to make, and this refers to something called essential air service. Essential air service is that service which is supplied to the more remote, more isolated communities so they are not cut off from reasonable transportation access. This bill reduces the Essential Air Service Program by slightly more than $5 million. This was not an arbitrary cut. As my colleagues know, Vice President GORE had a proposal to reform this program in his National Performance Review.

I worked with the administration, both Department of Transportation and OMB, to draft an amendment which would address this issue in a slightly different fashion than the Vice President did. The Vice President's proposal would have eliminated subsidies for points that were within 70 miles of a large or medium hub airport or where there was a greater than $200-per-passenger subsidy. That proposal did not take into account the extremely long distances between essential air service points and large or medium hub airports in the West, primarily in States like Montana and South Dakota.

In this bill, essential air service points that are greater than 210 miles from the nearest medium or large hub airport would still receive essential air service commitments, even if the passenger subsidy exceeds $200.

This proposal allows us to save $5 million while still meeting the very legitimate, real needs of most States receiving essential air services.

Mr. President, I want to thank all the members of the subcommittee for their support and forbearance through the process. We received, overall, 810 Senate requests from 84 Senators in highways alone. That was a significant, a substantial, increase from the previous year. That kind of turned on a red alert. It forced us to ask, "Hey, where are we going? What are we telling the American public about our care and the American public about how their money is spent?"

So, Mr. President, it was obvious we could not fund each of those requests. However, we have done the best that we could to accommodate priorities.

I particularly want to thank my colleague from the State of New York, Senator D'AMATO, the ranking member of the Transportation Subcommittee, for his input, his hard work, his commitment to a more efficient and better transportation system. He looks a little different today, Mr. President. I note that there has been a substitution in the first quarter of the game, if I may use the analogy. We are pleased to have the distinguished Senator from Washington, Mr. GORTON, in the Republican chair.

I note that the bill, as scored by the Congressional Budget Office, is right at the 602(b) outlay allocation. So any amendments affecting outlays will have to be accompanied by an offset. If you want to add something, you better be able to take it away, because otherwise there is no room for it.

With that word of caution, I ask the distinguished manager on the other side whether there are any comments that he would like to make.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, I thank the distinguished Senator from New Jersey for his courtesy. I am substituting for his ranking member, Senator D'AMATO, for only a few moments. He does have a statement he would like to make. I am not going to make it for him.

I do notice the Senator from Montana wishes to speak, and I think it might be a good use of time to let him proceed.

Mr. LAUTENBERG. No problem at all. I did not realize when I said "from across the river" that I was talking about the Mississippi and a few hundred rivers maybe between New Jersey and Washington. I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BAUCUS. Mr. President, I want to thank the distinguished chairman of the Transportation Appropriations Subcommittee for his outstanding work on this bill. The fiscal 1994 Transportation appropriations bill sets an obligation limit of $18 billion for highway programs.

I might say that that is close to full funding of the Intermodal Surface Transportation Efficiency Act, otherwise known as ISTEA. With the tremendous infrastructure needs of this country, the chairman's efforts to provide a higher limitation than past years is greatly appreciated.

Having said that, I am here to tell the Senate that as chairman of the Environment and Public Works Committee, the committee will not support any amendments to the bill proposing authorizing language. As chairman of the committee, I will oppose any efforts to include them in this appropriations bill.

I say that because we are moving into a new era, Mr. President, which I think is a good one; namely, making the separation between appropriations and authorizing a little more clear than has been in the past. This is a practice where I reached agreement with other appropriations subcommittee chairmen—Senator MIKULSKI for one, Senator DECONCINI another. I think it is a good practice to follow. I have discussed this with the chairman of the appropriations subcommittee. This has his agreement. In fact, I do not want to put words in his mouth, but I think he is encouraging me as chairman of the authorizing committee to take this stance.

With that, Mr. President, I again want to thank the distinguished chairman of the committee. He has done a terrific job and has dedicated himself assiduously to the bill. I think his efforts show that. I think he has done an excellent job.

Mr. President, I see the distinguished Senator from New York here. I might inform the Senator I wish to speak on another matter. It will take 5 or 6 minutes. I do not want to interrupt the flow.

Mr. LAUTENBERG. Mr. President, I wonder if the Senator will yield the floor for the purpose of permitting Senator D'AMATO to make his statement, and then I will be happy to yield once again so the Chair can recognize the Senator from Montana.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

PRIVILEGE OF THE FLOOR

Mr. D'AMATO. Mr. President, I ask unanimous consent that Kenneth Heist, a legislative fellow on my staff, be granted privilege of the floor during the pendency of H.R. 2750, the transportation appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I rise in support of H.R. 2750, the fiscal year 1994 appropriations bill for the Department of Transportation and Related Agencies.

This bill contains vital funding for the Federal Highway Administration, the U.S. Coast Guard, the Federal Transit Administration, the Federal Aviation Administration, the Federal Railroad Administration, as well as the National Railroad Passenger Corporation [Amtrak], and various other related agencies.

H.R. 2750 contains $14,034,587,000 in new budget authority for fiscal year 1994, including over $600 million in mandatory payments for retirement benefits, interest payments and other required items. We have exhausted our 602(b) allocation of budget authority and outlays in order to fund this year's program. Our bill is $200 million below the President's request. However, we are $669 million above the House-passed bill partially due to the fact that the House's 602(b) allocation was lower—$150 million—than ours.

There are many programs covered by this bill that I have strongly supported over the years. For example, transit formula grants are funded at $2.336 billion with operating aid continued at $802 million—no increase. We have held the line in this program while the House cut transit operating aid by $50 million, a 6-percent cut. Such a cut would have made even more difficult the job faced by hard-pressed transit agencies, who currently are doing more with less as they strive to meet Federal requirements such as handicapped accessibility, and clean air standards. A transit-dependent State like New York, would have lost about $9 million under the House version of our bill.

We have provided a total of $1.75 billion in funds for transit new starts, rail modernization and bus programs, about $78 million more than the funds provided by the House bill. New starts are funded at $668 million, with projects listed in the bill. The rail modernization program contains $760 million which is distributed to states based on formulas contained in the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA]. The bus program contains $357 million, with only $4.8 million earmarked. This is a large departure from fiscal year 1993 when we earmarked all of the bus funds. Our approach contrasts greatly with the House which has earmarked $253 million, or 72 percent, of its total $354 million bus pot. I believe that we should have provided many more Senate initiatives in this program to better protect the Senate's interests when we get to conference with the House.

H.R. 2750 contains over $18 billion in new obligation limit for Federal highway programs, an increase of $2.7 billion over fiscal year 1993. In addition, $2.117 billion is provided for programs exempted from the obligation limit such as: emergency relief, $100 million; minimum allocation, $1.125 billion; bonus obligation, $180 million; ISTEA demo projects, $647 million; and miscellaneous exempt programs, $64 million. Thus the total fiscal year 1994 highway program is over $20 billion. The House bill provides $537 million less for highways than the Senate bill. We have also funded$125 million in previously authorized highway demonstration projects.

Aviation funding of $1.8 billion for airport improvement program [AIP] grants is included, an increase of $300 million over the House bill. Moreover, we have included the necessary funds—about $17 million—to continue the air traffic controller pay demonstration program that has proven a success in retaining qualified, seasoned controllers in hard-to-staff facilities. This means about 950 controllers in the New York metro area will continue to receive pay demo funds, as will controllers in Chicago and other areas of the country.

We have funded the U.S. Coast Guard with a total of $3.65 billion, $79 million below the administration's request. This contrasts with the House bill, which is $89 million lower than the Senate bill, and $169 million below the administration.

Amtrak is funded at $559 million, which includes $351 million for operations and $208 million for capital. This is an increase of $128 million above the House, which had provided only $331 million for operations, current levels, and $100 million for capital, $90 million below current levels. In addition, the Northeast Corridor Improvement Program is funded at $250 million above the House.

An important initiative in this bill is the $107 million provided for the High-Speed Ground Transportation Program. This includes $27.9 million for phase 1 of the magnetic levitation prototype development program authorized by ISTEA, $68 million for new high-speed rail corridors. We are $103 million over the House bill in this area, and $33 million below the President's request.

Mr. President, I urge my colleagues to support passage of H.R. 2750.

I would like to thank all of the staff, the majority and the minority staff, for an outstanding job.

I would like to thank the subcommittee chairman, Senator LAUTENBERG, for his consideration, for his handling of a very difficult bill, a bill where there has been so much in the way of requests that have come on behalf of projects that are absolutely justifiable. But it becomes difficult, if not impossible, when we are dealing with a limited amount of dollars to meet all of the requests and, therefore, hard choices had to be made. The chairman made a hard choice. He said those projects had to be authorized in order to receive funding.

I want to commend him for his stewardship, for his leadership in conjunction with this bill. The bill contains vital funding for the Federal Highway Administration, the U.S. Coast Guard, the Federal Transit Administration, the Federal Aviation Administration, the Federal Railroad Administration, as well as the National Railroad Passenger Corporation, Amtrak, and various other related agencies.

We are talking about the safety and health of our citizens when we talk about many of these agencies: The Coast Guard and their rescue services, their new mandates and challenges that are put to them as relates environmental protection; the FAA in terms of assuring the best and the safest air system in the world, second to none, although it carries more people and has more flights than most of the nations of the world combined—an incredible job—the maintaining of our highway systems, our bridges, to see to it that they meet the minimum standards. All of these things are accomplished in this bill.

Mr. President, there are little known aspects of the bill, the providing of essential air service to the rural communities and hamlets of America that are entitled to have access. These are not easy, but these are essential air services. I might take this opportunity to say that the chairman and others on the subcommittee, as well as the full Appropriations Committee, has done all that it can to see to it that these communities are not cut off from essential air services.

So, Mr. President, for all of these reasons I urge strong support of this bill. There will be, I am certain, a number of amendments. I hope that they are, as the chairman has indicated, within the scope and ability of us to pay for because if they are not, we are simply not going to be able to be supportive of those projects and programs outside the scope of the bill that have not been authorized.

As the chairman has indicated, the bill is within the budget limitations and constraints of our allocation, but we do not have additional dollars to fund programs and projects, regardless of how meritorious they may be, that have not been authorized. I yield the floor.

Mr. LAUTENBERG. Mr. President, I will hold the floor for just a moment and then yield. First of all, let me thank my colleague, the ranking member of the Subcommittee on Transportation, Senator D'AMATO, for his kind remarks. We work well together. We are interested in moving this country along. We are interested in making more efficient use of the transportation dollars that we have available. And we obviously have very common needs in terms of our region, be they railroad, be they transit, be they bus, be they aviation. We work well together. I look forward to continuing to do that.

Mr. President, I have a unanimous-consent request, and that is that the committee amendments be considered and agreed to en bloc except for two: The first is on page 50, line 22 through line 25 and page 51 line 1 through 2. The second is on page 59, line 13 through 21; that they be considered as original text for the purpose of further amendment, and that no points of order be waived thereon.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The committee amendments were agreed to en bloc except committee amendment on page 50, line 22 through line 25, and committee amendment on page 59, line 13 through line 21.

Mr. LAUTENBERG. I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. MATHEWS). The Chair recognizes the Senator from Montana [Mr. BAUCUS].

CHAPTER V OF "SAVE YOUR JOB, SAVE YOUR COUNTRY"

Mr. BAUCUS. Mr. President, last week, on separate days, I outlined various chapters of Ross Perot's book, "Save America, Save Your Jobs" and commented on each chapter. There are several chapters of the book. I have commented now on four chapters. Today, I will take up chapter V of Ross Perot's book. This chapter, chapter V, has two parts. First, a discussion of pro-NAFTA lobbying, and, second, an attempt to rebut the arguments of NAFTA supporters.

First, the first part, a discussion of pro-NAFTA lobbying.

Ross Perot claims, "Washington is a political bazaar where foreign interests can buy virtually everything they need." He says, "Influence over the decisionmaking process in Washington is for sale to the highest bidder." And he says, "Individual Members of Congress will depend on the advice of their aides about how to vote on the ratification of NAFTA."

Then he tells us that Mexico is attempting to buy passage of NAFTA by spending at least $30 million on Washington lobbyists for NAFTA to talk to the trade bureaucracy and congressional aides.

Although his language is a little overdone, I share some of his general concerns about Washington lobbying, and there is something to what his coauthor, Pat Choate, has said on the subject, but here he is off base. If Mexico has really paid about $30 million, Mexico has wasted about $30 million. And that is because Members of Congress will not base their votes on a few talks between lobbyists and staff members. They will vote based on whether they believe NAFTA will be good for America and whether their constituents think it will be good for America.

That is why up to now the opponents of NAFTA have been very effective. They have not spent millions lobbying Washington. Rather, labor unions work on convincing ordinary people and Ross Perot, whatever you think of his book, and however many millions he has spent, has done the same. And if NAFTA supporters believe they will win by lobbying congressional staff and trade bureaucracy and ignoring ordinary Americans, they will learn a nasty lesson.

The second part of the book goes on to about nine arguments that he says pro-NAFTA supporters make. He does not call them arguments. He calls them myths, so I will now list Ross Perot's nine myths, again arguments made by pro-NAFTA supporters but which he calls myths. Chapter V then moves on to this discussion.

The first myth—again, an argument for NAFTA which he calls a myth—NAFTA critics are racists.

While racism is not an accusation to be made lightly, I do not think NAFTA's critics are racists. I have heard a few NAFTA supporters make such an allegation.

Second, NAFTA will create more and better U.S. jobs.

Mr. President, this is no myth. It is a fact. It is true. Whatever you ask of various groups that have studied this question and whether you ask the International Trade Commission, the Institute for International Economics, or virtually every other economist, they will tell you the same thing. NAFTA will create jobs, good jobs, real jobs. Mr. Perot does not believe them, and he says they do not use good enough models.

Well, no model is ever perfect, but the best economists and the best studies unanimously agree NAFTA will create more and better jobs.

Third, companies will relocate with or without NAFTA.

Again, a reason made by pro-NAFTA supporters to vote for NAFTA. He calls it a myth.

Mr. President, again, this is not a myth. It is fact. Perot even admits that many companies moved to Mexico before NAFTA. But he claims that since NAFTA modernizes American investment laws and protects electoral property, then companies will more likely move after NAFTA. That is what he says.

First of all, as I said earlier, investment in Mexico is not a bad thing. Companies need to invest in sales operations, customer servicing, and other fields if they hope to sell anything in Mexico at all. Nobody is going to drive a Taurus from Veracruz all the way up to Detroit, for example, just for a tune-up.

Second, he completely misses the boat on intellectual property. Failure to protect copyrights means a Mexican firm can take a single American video, copy it millions of times and then make it impossible for United States movie studios to export. In Mr. Perot's words, that means sucking American jobs south.

By contrast, fighting piracy, as NAFTA will do, means letting the studio export videocassettes and create jobs here in the United States. It means sucking Mexican jobs that depend on piracy back up to the United States.

NAFTA has some big reasons to stay in America. The side agreements tell companies that Mexico will not let them get away with evading environmental and workplace standards. Most of all, NAFTA will eliminate Mexican barriers to trade. It will make it easier to export to Mexico. That is the bottom line.

Fourth, Mexico's low wages do not matter.

Mr. President, this really just restates myth No. 3. Nobody says wages are irrelevant, but companies that are moving plants from Mexico to the United States know that productivity, transport costs, proximity to markets, and education are even more important. One Connecticut employee for Quality Coil can do the work of 17 Tijuana employees. McIlhenny can fill Tabasco bottles four times as fast in Louisiana as in Monterrey. Ford can build an auto cheaper in Detroit than it can in Mexico City.

Those are all facts, and they are based on examples where American companies have moved from Mexico back to the United States because they could do better in the United States; their productivity is better. It means more profits.

Fifth—again, this is an argument pro-NAFTA supporters make for NAFTA. Ross Perot calls it a myth—Mexicans will buy United States goods.

Of course, they will. Perot, however, says Mexicans are too poor to buy our goods and he points out that real Mexicanwages are lower than they were 10 years ago.

This second point is true as far as it goes. But Mexican wages rose unnaturally high during the 1982 oil crisis. They fell after the oil bust in the mid-1980's. Since 1988, however, Mexico's wages have risen faster than ours. That is one of the reasons why Mexico is now the third-largest buyer of United States exports, importing into Mexico 40 billion dollars'-plus worth of goods. That is 450 dollars' worth of the United States goods per person in Mexico. When NAFTA makes our products even more competitive in Mexico and raises Mexican growth, Mexican citizens will buy still more.

Sixth, NAFTA will create a vast new market.

This is no myth. It is more like a definition. Our market to date is the United States and Canada, about 300 million people. NAFTA will make a big cut in Mexico's tariffs and investment restrictions and minor cuts in ours. After NAFTA, we will have a market of 380 million people. That is a vast new market.

Seventh, rejecting NAFTA will increase illegal immigration.

Again, an obvious fact. NAFTA will create jobs in Mexico. Mr. Perot admits it. In fact, he thinks that is a disaster. But he is wrong about that, of course. Creating jobs in Mexico will help the Mexican economy and will decrease the likelihood of illegal immigration from Mexico to the United States.

But the point is that if you create jobs in Mexico, you do eliminate again that reason to emigrate. If you hurt Mexico's long-term prospects by rejecting NAFTA, you create a big new reason to leave. I think that is pretty simple.

The main point is this. Trade is not a zero sum game. When America exports move to Mexico and Mexico exports move to America, we will help consumers in both countries and create more jobs in both countries.

The more jobs in Mexico, the more Mexican businesses and consumers need to buy from America. Both countries win.

Eighth, rejecting NAFTA will cost jobs.

That is no myth. If the we reject NAFTA, Mexico will look elsewhere for business opportunities. If we give up export opportunities in the United States we lose jobs. Mr. Perot concedes if we say no to NAFTA, we may well cut United States exports to Mexico from $40.5 to $31.5 billion. The drop will cost us 161,000 existing jobs, and we will give up the chance to create an estimated 239,000 more. This is a frank admission that we give up jobs by rejecting NAFTA.

Ninth, rejecting NAFTA is rejecting Salinas.

Perot does not really argue with this. Instead he implicitly concedes it is true but says it is irrelevant—we should base our decision on NAFTA on its effect on the U.S. economy, not its effect on President Salinas or the Institutional Revolutionary Party. And he is right. We should decide on NAFTA based on its effect at home. And if we do, we will approve it, because NAFTA will:

First, raise American exports;

Second, create a net gain of at least 95,000 American jobs;

Third, raise our gross domestic product by $25 billion a year;

Fourth, give our President international credibility; and

Fifth, set a precedent for including the environmental and labor standards in all future trade agreements.

If we look at its effects on America, we will realize that NAFTA is good for America. And we will approve it.

Chapter VI tomorrow.

Mr. President, I yield the floor.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the pending committee amendment be set aside temporarily so that I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1006

(Purpose: To express the sense of the Senate that each motor vehicle department of a State should require every applicant for a driver's license or identification card to establish the applicant's citizenship or residence status)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1006.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . (a). It is the sense of the Senate that, within 12 months following the date of the enactment of this Act, each motor vehicle department of a State, rather than Congress, should establish a program requiring every applicant for an original, duplicate, or renewal driver's license or identification card to produce the documents specified in subdivision (b) sufficient to establish the applicant's citizenship or residence status.

(b) Under such a program, each department would accept any one of the following documents, but no other documents, as proof of the person's citizenship or residence status:

(1) An original or certified copy of a birth certificate issued in the United States.

(2) A currently valid United States passport.

(3) Official immigration documents issued by the United States Immigration and Naturalization Service that either contain the person's alien registration number or provide reasonable evidence of current immigration status.

(c) Under the program, an applicant who declares himself or herself to be a lawful resident in compliance with such program would have that status verified by the Immigration and Naturalization Service of the United States based on documents presented to the department by the applicant. Verification would be either through an automated system utilizing the applicant's alien registration or file number, known as the Systematic Alien Verification for Entitlements or "SAVE" system, or by the department sending a copy of the original document the applicant submits as evidence of his or her immigration status to the Immigration and Naturalization Service for inspection, verification, and return to the department.

(d) Under the program, the department would not issue or renew a driver's license or identification card to any person who does not establish proof that he or she is a citizen or a legal resident of the United States pursuant to subdivision (b).

Mr. REID. Mr. President, in 1991, Mir Amil Kansi, who turned out to be the Central Intelligence Agency sniper, entered the country via Kennedy International Airport. It appears that he was able to get through without even being inspected by the INS officers. Although he could have applied for asylum at JFK, he only applied later in February 1992. On applying for asylum in 1992, Kansi received a work authorization document because asylum hearings are usually delayed for at least a year.

Kansi's work document enabled him to receive a Social Security card and a Virginia driver's license. At this point, Kansi had all the documents he needed or ever needed to return to the INS for further processing. He could have at this point thrown away his work document. The Virginia driver's license enabled Kansi to buy a gun in the State of Virginia, and with this gun, to kill innocent people outside the CIA headquarters.

The driver's license has become a common way for undocumented immigrants to show employers and others that they are here legally when, in fact, they are not here legally.

Mr. President, this is only one problem of what I believe is one of the two or three most serious problems facing our country today; that is, immigration legal and illegal.

Today, we are only going to talk about illegal immigration as it relates to this amendment.

The cost of illegal and legal immigration at all levels of Government this next year will be about $5 billion. It is about $45 billion until the turn of this century.

This figure takes into account the taxes that these immigrants pay. According to the Attorney General of the United States 26 percent of Federal prisoners are noncitizens at a cost of $30,000 per inmate per year.

In 1982, 128,000 immigrants received Social Security benefits. Ten years later, that figure jumped to offer 600,000, an increase of some 370 percent.

In 1986, we graciously, even though I opposed it, granted amnesty to 3.2 million illegal immigrants. After being in this country for 10 years, the average amnesty recipient had a sixth grade education, earned less than $6 per hour and presently qualifies for the earned income tax credit.

Last year alone, INS estimates—I think this is low—3.5 million illegal border crossings occurred in our country. Of these, the INS apprehended only about 1 million.

The INS currently employs 3,800 Border Patrol agents, keeping in mind, Mr. President, how inadequate this is, because last year the United States had over 500 million entries.

I am not going to go into a lot more detail about the problems that are here regarding immigration legal and illegal. There is legislation I have introduced with others that addresses this. I would hope this body would recognize what a serious matter this is and move on with the substantive legislation.

Today, I am asking the Senate to pass this sense-of-the-Senate resolution which I wish were not a sense-of-the-Senate resolution but an amendment to the bill. But, realistically, it would take 1 year to adopt this anyway. We will wait and see what happens around this country and the rest of the States. If, in fact, it does occur, next year we will not have to do anything. But I am putting everyone on notice that if a significant number of States do not adopt the provision that would not allow the issuance of a driver's license unless there is a proof of citizenship, then I am goingto be back again.

I am offering this sense-of-the-Senate amendment that all of our States should require a driver's license applicant to provide proof of citizenship or legal residence in the United States before being issued a driver's license.

New Jersey already requires such proof, and in California, we are told is presently very close to adopting similar legislation.

As I have already indicated, Mr. President, I think all States should take similar action. The proof offered should be an original or certified copy of a birth certificate issued in the United States or a currently valid U.S. passport or official immigration document issued by the Immigration and Naturalization Service that either contained the person's alien registration number or provide reasonable evidence of current immigration status.

This, Mr. President, as I have already indicated is not the entire solution to the immigration problem. In fact, it is a tiny speck of what needs to be done. But it is a step forward if the States were to adopt such programs.

I think that if we would stop and realize how much can be done with a simple driver's license and to think that these are offered at will to illegal immigrants is something that should give us all pause. I would suggest to my colleagues here in the Senate that this amendment should pass.

I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. Mr. President, I appreciate the mission that the distinguished Senator from Nevada is trying to complete here.

We have concerns in terms of exactly how the committees that potentially have jurisdiction will react, and I say this: If the Senator is prepared to have a voice vote, if the rollcall can be vitiated, I would be happy to recommend to my colleague, Senator D'AMATO, that we accept this as a sense-of-the-Senate resolution, with the understanding that if there is a problem with either Commerce or Judiciary, who may have jurisdiction over this, that we respect those objections; and that when the bill is presented for conference, if there has been an objection by either of the authorizing committees, we will not be able to go further with it.

We have had a brief discussion about it, and I think the Senator's concern about using a driver's license as authentication of a permit for a gun, or perhaps other situations that we have not thought about, seems valid to me, especially when you consider the anecdote that he used in his remarks. It does remind one about the potential abuse of a situation that calls for documentation. Many States are tightening up requirements for driver's licenses and I, again, appreciate and commend the Senator from Nevada for his thoughtfulness.

Wherever we can fight deception or crime we want to do it. And we want to know that we are not fostering illegal immigration.

So if the Senator from New York wants to say something, I will be happy to yield.

Mr. D'AMATO. I certainly would not object, Mr. President, to accepting this amendment. I have sympathy for the goals and aims that Senator REID is attempting to accomplish. I certainly think there has been a great deal in the way of abuse in connection with this situation. So I would be supportive.

Mr. REID. Mr. President, I will, of course, withdraw my request for a rollcall vote, and ask unanimous consent that I be allowed to do so.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. REID. Mr. President, I further say to the manager of this bill, the only State of the Union that has a law which says you must have some proof of citizenship before issuing a driver's license is the State of New Jersey. The State of New Jersey should receive all of the applause we can give them. That is a step in the right direction.

I also say to the ranking member of this bill, my friend from the State of New York, there is no one who has spoken on the floor more about the problems that occur as a result of illegal immigration and problems with asylum, and I have listened closely to the statements made by my friend from New York.

I hope that when the two of you go to conference, you will listen very closely to the jurisdictional objections raised to this. This is a sense-of-the-Senate resolution. I think it would send a significant message to the country if the sense-of-the-Senate resolution were in this bill, because it is going to take the States at least a year to do it anyway.

In short, with the record that the State of New Jersey has, which is really the best, because it is the only one, and the record that the Senator from New York has on this subject, I hope that when you do go to conference, you will not let a minor objection to this stop the sense-of-the-Senate resolution from being attached to this bill.

Mr. LAUTENBERG. Mr. President, if I might, we are proud of the fact that New Jersey is on the alert for those who would illegally apply for driver's licenses or benefit programs. We are all aware of the fact that our generosity and our openness has been abused significantly, and while we welcome immigrants, we welcome them here through a process, and we just cannot accept the notion of illegality as being acceptable.

Therefore, again, I salute the Senator from Nevada for his interest in this subject. We do have a potential jurisdictional problem. With his gracious willingness to accept the fact that this is now on the record, that this is a first step, we will be able to go ahead and accept it. Assuming again that my colleague, the ranking member accepts it, then I would urge its adoption.

Mr. D'AMATO. Again, Mr. President, let me say that I think the Senator's intent is a good one. We want to bring about a process that will stop those who enter the country illegally, particularly those who have purposes that are less than acceptable—the terrorists, and those who bring drugs and crime to our shores. We are not talking about the vast majority of people who come here for a better way of life, but those who have abused this country, who come here illegally, and particularly those who have been involved in the kind of activity that we have taken note of recently in New York, with the World Trade Center bombing, and the assassination at CIA headquarters.

I respect that effort, and I think we should move in this manner and, hopefully, we can hold it in conference. I will certainly do everything I can to hold it in conference.

The PRESIDING OFFICER. Is there any further debate?

The question is on agreeing to the amendment.

The amendment (No. 1006) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1007

(Purpose: To delay the effective date of taxation of diesel fuel at manufacturer's level until July 1, 1994)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1007.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 68, between lines 5 and 6, insert the following:

SEC. . (a) Section 13422(e) of the Omnibus Budget Reconciliation Act of 1993 is amended by striking "January 1, 1994" and inserting "July 1, 1994".

(b) Section 13243 of such Act is amended—

(1) by striking "January 1, 1994" each place it appears in subsections (a) and (c) and inserting "July 1, 1994",

(2) by striking "December 31, 1993" in subsection (a)(1) and inserting "June 30, 1994", and

(3) by striking "July 31, 1994" in subsection (c)(3) and inserting "January 31, 1995".

Mr. REID. Mr. President, the intent of this amendment is to correct an inequity for small businesses that is a result of a provision in the Omnibus Budget Reconciliation Act of 1993.

In addition, this amendment will provide the environmental benefits intended in the Clean Air Act to be carried forward in relation to high sulfur diesel fuel emissions.

This amendment would delay the effective date of the modification of the collection of the diesel fuel excise tax, as contained in the Omnibus Reconciliation Act recently signed into law, for 6 months.

This Omnibus Reconciliation Act, referred to as OBRA, requires that the collection point of the excise tax on diesel fuel be moved from the retail level to the terminal rack. As many of us know, the terminal rack is the supplier of the retailer.

In addition, and more applicable to this amendment, the provision provides that if the terminal rack dyes the diesel fuel intended for tax-exempt uses the retailer may purchase that dyed fuel tax free.

Tax-exempt uses include such activities as farming and off-highway business use generally.

If the diesel fuel intended for tax-exempt purposes is not dyed, however, the retailer has to pay that tax and pass the tax on to the end user, who ultimately applies for a tax credit. This could evolve for small business. For one small business person, for example, in southern Nevada, this would mean as much as $400,000 a year that he would have to pay forward, something he did not have to do in the past.

The effective date of this provision is January 1, 1994.

Mr. President, I do not have a complaint with the movement of the collection point for diesel fuel excise taxes from the retail level to the terminal rack. In fact, I applaud that provision because it will ease the collection of that tax for the Internal Revenue Service.

Nor do I have a complaint with the provision that allows tax-exempt dyed fuel to be sold by the terminal rack. It is only fair that fuel intended for tax-exempt purposes not be taxed.

Where I do have a problem is that this provision is not only creating an inequity in the marketplace, it will result in the use of diesel fuel that the Clean Air Act intended to put at a competitive disadvantage because it is costlier to this country's air quality. In effect, the good intentions of the amendment overall will be turned on its head. In fact, more of the dirty diesel fuel will be used instead of less.

Because of the early implementation of this provision, not all terminal racks will be able to install dye injection equipment. For example, as to one operation in southern Nevada, they figured just to order the equipment alone and to get it installed will take well over a year if they could get the equipment when they wanted it.

As a result, some diesel retailers will be forced into buying taxed diesel that is intended for tax-exempt purposes. They pay the tax up front. It is really not fair that they have to, in effect, give the Government a float on the money before the money is refunded.

At the same time, competitors of these retailers will be able to get the dyed fuel from terminal racks that have installed dye injection equipment.

In other words, one retailer will be able to sell tax-exempt diesel to its customer, while another retailer will have to ask its customer to pay the tax and then apply for a tax credit.

Mr. President, I think we all know which diesel will be purchased. And the result will be catastrophic for that retailer that cannot get tax-exempt dyed fuel. In many cases the retailer is a small, family owned business and will not be able to afford this loss in business.

Another issue that needs to be addressed briefly is the one that deals with the environment.

The Clean Air Act required that high sulfur diesel fuel be dyed so that it would be used only for off-road purposes. The emissions from high sulfur fuel are considerably moredetrimental to the air quality of the country.

The implementation of that provision was October 1 of this year, last Friday.

Because of this dying provision in the Clean Air Act, many refiners were moving into low sulfur diesel only.

As a side effect of the diesel fuel modification in OBRA, it is very likely that off-road diesel fuel users will search out the high sulfur diesel fuel.

Mr. President, the Federal Government is sending out a mixed message, and we need some time to straighten this mixed message out because there should be only one message that goes forward.

Supporting this amendment will provide the Internal Revenue Service an additional 6 months to implement this provision in a way that will allow the retailer to buy tax-exempt diesel on an equal footing with its competitor and will keep the use of high sulfur diesel at a minimum as intended by the Clean Air Act.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, this is an amendment to the Reconciliation Act, and we are informed by OMB indirectly that this amendment has a potential cost of $100 million.

As such, this amendment is going to trigger a section 311 Budget Act point of order.

I ask the Senator from Nevada to reconsider this amendment and to discuss his concerns first with the chairmen of the Environment and Public Works Committee and the Finance Committee because otherwise we stand the likelihood that a point of order, as I said, is going to be raised against it.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I could respond to my friend, the manager of this bill, there is no question that this legislation we passed is going to cause great hardship, and at the time it was passed I would bet most of us did not know what it would do to some of the small businesses, the wholesale distributors of motor fuels, throughout the country.

I also recognize that there is a budget consequence with this legislation. Being a member of the Environment and Public Works Committee, as is the manager of this bill, I would be happy, in an effort to have this appropriations bill move along more quickly, to meet with the chairman of that committee and, if necessary, the chairman of the Finance Committee to see if we could come up with maybe a colloquy on the floor that would focus the attention of the Internal Revenue Service to, in effect, see if they can cut some of these businesses a littleslack.

As I indicated, the intent of the bill is appropriate to try to stop using the high sulfur content diesel fuel. But even those people who are willing to put in their own equipment for dying this diesel fuel cannot order the equipment and get it all set up within the time required under this law.

So I will follow the suggestion of the manager of the bill and withdraw the amendment, hoping, prior to this bill's being passed on the floor, we can work out some colloquy to the satisfaction of the chairman and the ranking member that would also satisfy the desires that I have.

The PRESIDING OFFICER. The Senator has the right to withdraw the amendment.

So the amendment (No. 1007) was withdrawn.

Mr. LAUTENBERG. Mr. President, I again express my appreciation not only for the Senator's help in moving this appropriations bill along, but also for his desire to be fair in the administration of the law that was enacted. He has a compelling point when he talks about the inability to get the equipment that is necessary to respond to the law. But I do appreciate his, as usual, cooperative spirit.

This issue will not, obviously, go away, and when the good Senator from Nevada has a chance to review the program further with the committees of jurisdiction, we will be able to take it up again.

At this point, as far as I know, we have no amendments. The Senator from Maine did ask to have an opportunity to speak on another subject.

But, Mr. President, before I relinquish the floor I want to sound the refrain that is often heard here. Time is flying. We are into our new fiscal year. It is 1994 as far as we are concerned, though the new year's bells have not yet rung.

The fact is that we have a lot of work to do, and delays in bringing up any amendments that are of interest are simply an intolerable.

When the two lights go on, we know within the body that that is a quorum call and that silence often reigns. Sometimes the viewers outside get a particular passage from a Mendelssohn concert or something of that nature. But we have work to do here. I ask any Senator who has an amendment to please come forward and let us hear it, let us get it done, and let us get on with the people's business.

With that minilecture, Mr. President, I yield the floor.

Mr. COHEN. I thank the Senator from New Jersey.

Mr. President, I ask unanimous consent I be allowed to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANTISTALKING LAW

Mr. COHEN. Mr. President, it is with a great deal of pleasure that I announce the completion of a study conducted by the National Institute of Justice on a much awaited and much needed model of antistalking law.

Justice Louis Brandeis some years ago once described "the right to be left alone as the most comprehensive of rights and the right most valued by civilized men," to which we, of course, would have to add "valued by civilized women" as well.

Unfortunately, the victims of stalking find it impossible to be left alone, and they feel as if there is no place to turn when they become the prey of stalkers.

While a number of States have enacted antistalking laws, the problem, unfortunately, has not been solved. Unfortunately, many of these statutes are so broad and so vague that they will not pass constitutional scrutiny and others are so narrowly drawn they become largely ineffective.

As a result of the pervasive and widespread problem that exists in this country, I, along with Senator BIDEN, sponsored legislation last year that directed the National Institute of Justice to develop a model antistalking law that the States could look to for assistance.

The need for this type of legislation, I think, is overwhelming. The crime of stalking is insidious, frightening, and, as I indicated before, it is on the rise.

We hear of stalking of celebrities like Rebecca Schaeffer, David Letterman, or even Stephen King, from my hometown of Bangor, ME. They tend to attract much attention and dominate the news reports of stalking. Yet, highly recognizable celebrities make up about 17 percent of the stalking victims nationwide. The majority of stalking victims are ordinary citizens.

Take, for example, the story of Kristin Lardner, who was stalked and then murdered by a former boyfriend in Boston. This tragic story was chronicled by Kristin's father, George Lardner, a veteran reporter for the Washington Post. Kristin, a budding young artist, had tried to keep Michael Cartier away from her. Just 6 weeks before he murdered Kristin, Cartier had left her unconscious in a Boston street after he kicked her repeatedly in the head and legs. After this incident, Kristin sought protection from the courts. A 1-year restraining order was issued in mid-May 1992, ordering Cartier to stay away from Kristin's home and job, and to stop abusing her. Cartier had bragged to Kristin that restraining orders would do no good, and he was absolutely right. In May 1992, Cartier shot Kristin in broad daylight on the street.

Kristin Lardner was an extraordinary young woman who died in what is becoming a disturbingly ordinary way. About 5 percent of women in the general population will be victims of stalking at some time in their lives. Nationally, an estimated 4 million men kill or violently attack women they live with or date and as many as 90 percent of women killed by their husbands or boyfriends were stalked prior to the attack.

Kristin's story and other incidents that have been front page news have helped educate Congress and State legislators that this crime is pervasive and that women who seek protection from this abuse often face a judicial system that has traditionally viewed such violence as domestic disputes. As Kristin's story illustrates, even when protection is sought, there is no guarantee that the abuse will stop.

I have participated in hearings before the Judiciary Committee and corresponded with citizens in my home State of Maine about this horrible problem. The response has been phenomenal. I have been contacted by people from all over the country, victims and families of victims, who tell me their hair-raising experiences. They tell me that stalking is a crime that does not discriminate, it is not gender specific, and it affects people from all walks of life.

Victims call for sound laws to prosecute stalkers. They also point out that while it is important to have antistalking laws in place, it is equally important that these laws are enforceable. What must be prevented are situations where a victim learns that the local police force or prosecutor's office is reluctant to do something, not because they are indifferent to the plight of victims, but because the State antistalking law has deficiencies that render it completely ineffective.

I believe that responsibility for enacting and enforcing antistalking legislation should remain primarily with the States. Since 1990, 48 States have enacted antistalking laws. While their intent is admirable, as they are tested in court, they may not be enforceable. We are limited in predicting who will become a stalker and who will be a victim, but we can prevent victims from being told the State is powerless to help. It was this type of situation that my legislation sought to prevent by directing the National Institute of Justice to draft a carefully researched, sound model upon which State antistalking laws may be patterned.

As the National Institute of Justice study notes, stalking is a unique crime because it involves ordinarily normal behavior to harass and hound a victim. Simple actions such as using the telephone and standing on street corners become tools of crime.

Mr. President, I think we cannot begin to imagine the kind of fear that a mother may have as she sees a stranger stand at the corner of her home or her lot, or watch somebody follow her children to a school and stand there and just wait. It may be a celebrity or someone else, who has a man—or it could be a woman, if the situation is reversed—standing watching her movements, day in and day out, doing nothing but simply standing there waiting for what she believes to be the right moment to attack her.

We had one of our colleagues last year, Senator Kruger, he and his wife were stalked by a former pilot of theirs, a gentleman who had been piloting their aircraft during a time when he ran for the Senate some 4 years previously. That individual continued to harass them with phone calls, as many as 22 or 23 phone calls during the course of an evening, with threats, implied threats, coming up to a door putting an envelope under that door saying, "This is how close I can get to you." Finally, waiting several years before he made the mistake of calling on a telephone, the recording was taped by local and Federal officials, where a threat to really cause physical harm was recorded and he was convicted.

But this is the kind of activity that simply is not tolerable. And while, on the one hand, we have to protect individual's rights and freedoms of expression and travel and movement, we cannot tolerate a situation where one person is allowed to place another individual or family in fear of physical or, indeed, emotional harm.

And so this study, I believe, reflects the best kind of workthat the Government can do.

In this particular case we called upon virtually every Federal agency, State agencies, Government associations, Governor's associations, as well as the ACLU and tried to get a broad spectrum of people involved to make sure we balance the need for the right to have freedom of movement and expression and free speech, along with this most comprehensive of all rights—the need to be left alone.

It is imperative that antistalking legislation prohibit the use of ordinary behavior to terrorize without going too far to improperly restrict the rights of law-abiding citizens to engage in these activities.

Stalking is also unique because it is often a series of acts that escalate into violence. Therefore, it is important to develop State legislation which identifies the various stages of stalking and provides for intervention by law enforcement at a time that sufficiently anticipates its culmination in violence.

Existing State statutes were researched by the National Institute of Justice [NIJ] and broken down section by section to create a model code that incorporates the best elements of each. However, the project went beyond analyzing what was already drafted. The constitutional principles of freedom of expression, due process, and freedom of movement were studied to evaluate the impact antistalking legislation would have on these paramount rights. Various issues such as enhanced penalties, conditions of release, victim notification, and bail issues were also considered in order to produce a well-rounded study. The resulting model code is a product of intense research and extensive analysis of all relative issues pertaining to penal legislation.

In short, the study contains the following recommendations with regard to antistalking legislation:

States should consider establishing a continuum of charges that could be used by law enforcement officials to intervene at various stages of a stalking situation. Less egregious cases could be handled under existing harassment or intimidation statutes. In addition, States may want to consider enacting aggravated harassment or intimidation statutes to be used when a defendant persistently engages in annoying behavior.

States should consider creating a stalking felony to allow law enforcement officials to intervene and address serious, persistent, and obsessive behavior that causes a victim to fear bodily injury or death.

So what they have recommended is a series of graduated penalties, from the more lenient to the more egregious types of behavior which impose such fear on the part of the victims.

The study also makes recommendations regarding sentencing schemes, appropriate pretrial release conditions for accused stalkers, managing stalking cases in the criminal justice system, and additional research which should be undertaken.

The commentary that accompanies the model code highlights the strengths and weaknesses of existing State law. And it is important to make this point, Mr. President. For example, the NIJ report notes that the model code does not list specific types of actions that could be construed as stalking because some courts have ruled that if a statute includes a specific list of prohibited acts, the list is exclusive. Rather, the NIJ suggests the model code prevents stalkers from skirting the law by prohibiting stalkers from engaging in a course of conduct that would cause a reasonable person fear.

The States should not list each and every type of action that could constitute stalking but, rather, pass more broadly defined types of prohibitions that prevent stalkers from engaging in a course of conduct that would place a reasonable person in fear.

I hope the States will look to this language to modify and amend their own statutes. We have found, for example, that States like Florida, or here in the District of Columbia, both of these, the State and District found their antistalking laws were struck down because they were either too broad to survive constitutional analysis or too narrow to be supported.

The language developed by the NIJ is important because it provides one solution to the problems that have been identified with many antistalking laws. It will be a valuable resource for States when amending and improving existing stalking laws like Florida's and the District of Columbia, which both saw their antistalking laws struck down.

The model code development project was carried out by the National Criminal Justice Association under the direction and oversight of an NIJ project monitor. In addition, the National Governor's Association, the National Conference of State Legislatures, the American Bar Association, the Police Executive Research Forum, the American Civil Liberties Union, as well as other various research and special interest groups participated in the deliberations and had the opportunity to debate the merits of antistalking legislation from the point of view of the victim, the prosecutor, the police officer, and the defendant.

I believe the efforts of the NIJ are examples of the Federal Government at its best. The superb law enforcement and legal resources of the Federal Government were not used to produce a hastily drafted Federal law in response to the public's call for action. They were utilized to assist the States, the entities with the primary responsibility for law enforcement, in their efforts to address stalking.

Now that the study is concluded, this report is to be given to State authorities. This is when the difficult task of enacting truly effective State laws begins. I believe the model code will prove to be an effective tool for the States to use in fighting stalking.

I would like to thank the NIJ and the National Criminal Justice Association for all their hard work. I would especially like to thank the Attorney General for her support in seeing this project through to completion. We have taken a significant step in ensuring that one of our most comprehensive of rights will be protected.

I did want to take just a few moments to call to the attention of my colleagues this very important report. It is being distributed as I speak to all the States so they can look at its recommendations and perhaps consider amending their own statutes which are currently on the books. As I have indicated, some 48 States now have antistalking laws. Hopefully this model will allow them to have the peace of mind to know they have laws on the books that are in fact constitutional and enforceable.

I yield the floor.

Mr. D'AMATO. Mr. President, I would take a moment to commend Senator COHEN for his very thoughtful work in this area. This is an area of immense concern. It is unfortunate that it comes to our attention only when we have these shocking tragedies such as the Senator has outlined. I, for one, would like to see if we cannot get our legislature to look at it, and others. It is important, and he and Senator BIDEN should be commended for their work in this area.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, for the past couple of years while I served over in the House of Representatives, when the Department of Transportation bill came to the floor I attempted to get money removed that was being spent to give flying lessons to top executives at the Department of Transportation. I had a running battle with then-Secretary Sam Skinner about this subject. It was not a lot of money, but it was about $60,000 a year spent to give flying lessons to lawyers down at Department of Transportation—the publication editor at the Department of Transportation out taking flying lessons paid for by the American taxpayer. When I asked Secretary Skinner what this was all about, how could he justify that, and incidentally he, too, was the recipient of flying lessons at the taxpayers' expense, he said, "That is easy, at the Department of Transportation we regulate air travel so we want people to be proficient and understand what is going on. Therefore we have some of our lawyers and others taking flying lessons."

I said, "Fair enough. If that is true, since you also regulate bus travel, do you have some of your lawyers out learning how to drive a bus? You regulate truck travel. Name me one management person at the Department of Transportation out learning how to steer an 18 wheeler—just one." Of course there were not any.

This was a perk that ends all perks, to get free flying lessons for lawyers and others at DOT. My understanding is that money is not now in this bill and for that I think SecretaryPeña and others should be complimented.

ALCOHOL AND DRIVING

On another point, I had intended to offer an amendment on this bill and decided not to because it would have been legislating on an appropriations bill. I talked to the chairman about it. But at an appropriate point we should deal with this subject here in the Senate.

There is still, in this country, an opportunity for someone to get behind the wheel of his or her car, put the key in the ignition, one hand on the steering wheel and the other on a fifth of whiskey, and drive down the road drinking and be perfectly legal. In eight States in America you can drink and drive and it is perfectly fine. It ought not happen in this country. We ought to separate alcohol from vehicles. In 8 States, the driver can drink, in 30 States someone else in the car can have a party. We ought to have a national standard in this country that, no matter where you are on vacation, you and your family understand that the car you see at the next intersection has no alcohol in it.

Alcohol and automobiles do not go together and no States should permit them to go together. I intended to offer an amendment to this bill but I will wait a more appropriate time. This is an issue I have worked on for a number of years and do not intend to desist.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The manager of the bill, the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I will shortly relinquish the floor because the Senator from Alaska and others indicated they are interested in speaking.

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2750, the Transportation and related agencies appropriations bill and has found that the bill is right at its 602(b) budget authority allocation and under its 602(b) outlay allocation by $4 million.

I compliment the distinguished manager of the bill, Senator LAUTENBERG, and the distinguished ranking member of the subcommittee, Senator D'AMATO, for all their hard work.

Mr. President, I have a table from the Budget Committee showing the official scoring of the Transportation and related agencies appropriations bill and I ask unanimous consent that it be printed in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 2750, TRANSPORTATION APPROPRIATIONS—SENATE REPORTED BILL

[In millions of dollars]

Bill summary	Budget authority	Outlays
Discretionary total:		
New spending in bill	13,434	12,251
Outlays from prior years appropriations		22,773
Permanent/advance appropriations	0	0
Supplemental	0	11
Subtotal, discretionary spending	13,434	35,035
Mandatory total	589	592
Bill total	14,023	35,627
Senate 602(b) allocation	14,023	35,631
Difference	−(*)	−4
Discretionary totals above (+) or below(−):		
President's request	−220	−121
House-passed bill	670	395
Seate-reported bill		
Senate-passed bill		

Mr. LAUTENBERG. Mr. President, I have a couple of technical amendments. I ask unanimous consent to lay aside the pending committee amendments, which are the pending business I believe—is that correct?

The PRESIDING OFFICER. The Senator is correct. Without objection they will be set aside temporarily.

AMENDMENT NO. 1008

(Purpose: To make technical corrections to the bill)

Mr. LAUTENBERG. Mr. President, I send a technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 1008.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 15, strike "(HIGHWAY TRUST FUND)".

On page 19, line 17, after the comma insert the following: "and Public Law 101–516".

On page 23, line 25, strike "2,485,000" and insert the following: "$1,435,000".

On page 24, line 9, strike "1,357,000" and insert the following: "$2,711,000".

On page 28, line 23, following "1994" insert "and $250,000 is hereby made available for the cost of such loan guarantee commitments".

On page 40, line 15, strike "1004(d)" and insert the following: "10004(d)".

On page 61, line 21, strike "1995" and insert the following: "1997".

AMENDMENT NO. 1009

(Purpose: To strike a provision from the bill)

Mr. LAUTENBERG. I would at the same time send another amendment to the desk, which I ask to be considered concurrently.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the next amendment.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 1009.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 65, strike all beginning on line 9 through the end of line 13.

Mr. LAUTENBERG. Mr. President, this is an amendment that deals with the Coast Guard. It strikes from the bill a provision that affects three supplemental pay programs that affect officers within the U.S. Coast Guard.

The original committee bill proposed to cap such payments based on indices including statistics on officer retention and job assignment choices that called into question the continuing necessity for these programs in time of severe fiscal constraints.

However, in discussions that I have had these last couple of days with the Commandant of the Coast Guard, he has communicated his views to the committee that these pay programs should be continued. They are consistent with other branches of the military and in matters such as these, I am inclined to defer to the Commandant's judgment.

Moreover, the Coast Guard in the interests of accommodating this need has offered an offset within its own budget to accommodate this change.

The Commandant also suggested to me that there might be an opportunity for another offset in DOT generally but that he is taking the responsibility for finding it, and pending that conclusion, then, I want to recommend that this amendment be considered.

Moreover, this amendment thusly strikes the provision regarding supplemental pay in the bill and transfers these savings to a budget category, II(b)(1) for nonpay, cost-of-living adjustments. Even with this change, the Coast Guard will have a $22 million nonpay COLA for fiscal year 1994 as do, again, other service branches.

This amendment has been cleared by the Republican manager. I know of no further debate on this amendment. I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendments.

The amendments (Nos. 1008 and 1009) were agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent to address the Senate for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOMALIA—IT IS TIME TO COME HOME

Mr. McCAIN. Mr. President, the reports from Somalia get worse by the minute. Most recent reports indicate that as many as 12 American servicemen were killed in combat and another 78 wounded in the conflict with the forces of General Aideed. Reports further indicate that there are six Americans missing and that some of them may have been taken prisoner.

One cannot help but see the analogy with our efforts in Lebanon in the early eighties and the terrorist attack that precipitated our withdrawal. The numbers of Americans killed in combat since Operation Restore Hope ended in May has now reached 19—19 American servicemen have been killed in a conflict with no clear connection to U.S. national security interests.

It is time for American forces to come home. I just do not see the sense of our operations in Somalia, and I know a great many Americans feel exactly the same way.

Last week at the United Nations, the President outlined four criteria for U.S. participation in U.N. missions. "Is there a real threat to international peace? Does the mission have clear objectives? Can an end point be identified? And how much will the mission cost?" He has met none of these criteria in Somalia. By the President's own formulation, United States participation in U.N. operations in Somalia is unwise.

The administration's internationalism is simply not practical and to the extent that it involves the lives of U.S. service men and women, it is deadly.

I very much look forward to receiving the report we requested of the administration on United States operations in Somalia. I suggest the administration get it here as quickly as possible so that the Senate can vote on the matter.

Despite the tragedy of recent events in Somalia, there are reports that the administration is prepared to send another 200 troops and heavy armor to Somalia, including 4 M1-A1 tanks and a dozen Bradley fighting vehicles.

This is a reaction decidedly different than President Reagan's 1983 decision to withdraw United States forces from Lebanon following the deaths of 400 marines. That was a difficult decision. It took an admission of failure. But President Reagan's admission of failure prevented the further waste of American lives. The decision to withdraw United States forces from Lebanon, frankly, took much more courage than the current administration's decision to escalate our involvement in Somalia.

UNOSOM II is unrelated to the objectives President Bush worked to establish last December, humanitarian objectives that were widely supported by the American people. That mission ended on May 4, 1993, with its humanitarian objectives met. UNISOM II by contrast has failed. It is time for the administration to admit as much and bring our young men and women home.

Thus far the administration has dealt with its apparent failure through negotiations with Boutros Ghali to refocus our efforts.

To its credit, the administration has recognized that one element of its grandiose vision for Somalia, the decision to go after General Aideed, may have been unwise. If this tragedy is any indication, its negotiations with the United Nations have not been successful. Although the troops killed today are under the operational command of an American, we still seem to be following the policy of Boutros Ghali.

It is difficult to take comfort in the fact that American combat troops are under the military command of an American general, if their political and military objectives are being determined by the United Nations.

Why should the United States have to convince the Secretary-General of the U.N. that the mission of our troops should change? President Clinton is accountable for the lives of American servicemen, not Boutros Ghali. If the President decides to accept the counsel of the American people and withdraw U.S. forces, he should do so, with or without the support of the United Nations.

Mr. D'AMATO. I ask the indulgence of my colleagues for no more than 2 minutes, if I might. Senator DANFORTH has been waiting patiently. Senator MCCAIN has touched on an issue that I think is timely and is appropriate and that is the issue of Somalia.

So, with the Senator's indulgence, I ask unanimous consent to proceed as if in morning business for 2 minutes.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

Mr. D'AMATO. I thank my colleague.

U.S. ROLE IN SOMALIA

Mr. D'AMATO. Madam President, the situation in Somalia has really deteriorated. What are our purposes there? What is the mission of the young men and women who are there from this Nation? We have gone from a mission to provide humanitarian aid—indeed, coming to the rescue of a beleaguered people—to now, where we find ourselves in firefights with people. We find our own soldiers being shot at and killed. We find ourselves taken hostage. We find ourselves in a political situation that would appear to be undefined, without a clearly established goal.

I say that the time has come to an end for us to be there aimlessly. In quest of some warlord. Is that our mission? If that is our goal, then let us state it clearly.

If that is our mission and that is our goal, and we decide to go forth, let us see to it that our men have sufficient firepower and personnel to see to it that this is not permitted to continue.

I hope that before the Defense appropriations bill is acted upon, we take a course of action in which we indicate very clearly we cannot allow the situation to continue.

I thank the Chair. I yield the floor.

Mr. LAUTENBERG. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Madam President, I ask unanimous consent that I may proceed as if in morning business for a period of about 10 or 11 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator is recognized for 11 minutes.

* * *

SENIOR OFFICER ACCOUNTABILITY FOR TAILHOOK

Mr. WARNER. Madam President, 49 years ago next month, in November 1944, I was privileged, at the age of 17, to enlist in the U.S. Navy. As I now serve in the Senate, I often think back on the many benefits that the Navy and indeed the Armed Forces of the United States have given this Senator: a GI bill engineering education following World War II service; a subsequent GI bill legal education following service in the Marines in Korea; and also I had the privilege of serving for 5 years in the Department of the Navy in the positions of Under Secretary and Secretary. To the extent I have had success in life, I owe great credit to the training I received in the military and to the experience of serving with the fine men and women of the armed services over these many years.

Any remarks in the form of a letter that I have just sent to Secretary of Defense Aspin are not to be taken in any way as criticism of the President, to the extent he may or may not be involved in this decision regarding the Chief of Naval Operations and other flag officers, or any of the advisers or the Secretary of Defense, for whom I have great respect, having worked with him some 14 years, and also to the Secretary of the Navy, John Dalton.

I had the opportunity to work with Secretary Dalton on several occasions before and after he took office. I have confidence in him, I have respect for him. What I am about to say in no way is a criticism toward any of these public officials. It is just one Senator drawing on his own knowledge, judgment, and experience over some 49 years, working with men and women of the Armed Forces, and most specifically those serving in the U.S. Navy—the finest navy in the world.

I shall now read my letter:

> DEAR MR. SECRETARY: As you work through the historic and difficult decision process relating to senior officer accountability for Tailhook, I offer these unsolicited thoughts as a Member of the Senate Armed Services Committee, as a former Secretary of the Navy, as a former sailor, and a colleague and working partner of yours for many years.

I met with Secretary Aspin last Wednesday.

> As I told you last Wednesday, I believe that the Senate and especially the Armed Services Committee shares responsibility with the executive branch in certain decisions regarding senior military officer leadership, especially in cases such as these, which involve such a large group of senior officers, including the CNO, and which could have historic dimensions and effect on the Navy as a whole. I therefore urge you to consult with senior members of that Committee before reaching final decisions regarding accountability of senior Naval officers for the unfortunate events at Tailhook.
>
> The validity and the wisdom of the procedures followed and the reasons used as the basis for final decisions in these cases are of vital importance to the future of the Navy, and to the thousands of hard working and dedicated men and women now serving in the Navy and who will serve in the future. The taxpayers of the Nation have made a multimillion dollar investment in the training, expertise, and experience of the senior uniformed leadership of the Department of the Navy. The taxpayers have the right to be assured that decisions involving the future service of these officers are fair to the Nation.
>
> The Senate, acting through the Armed Services Committee, has a constitutional responsibility over the President's nominations for promotion and retirement of senior military officers and the responsibility to provide for the "governance of the Navy."

Likewise, the Armed Services Committee has responsibility over the retirement of senior military officers and the responsibility to provide—I repeat not only the Armed Services Committee but the whole Senate and indeed the Congress under the Constitution—has the responsibility to provide for "the governance of the Navy," a specific direction given by the Founding Fathers in the historic discharge by this body of these men over the years of the U.S. Navy.

While Congress has given civilian Executive Branch officials the legal authority to make certain administrative and judicial decisions unilaterally regarding these senior officers, that "civilian control" works best if it is exercised after the most deliberative thought and after full consultation with those having such responsibility. Your willingness to share all the facts and your thinking about those facts with the Committee prior to making your final decisions could be of great value.

With respect to the procedures to be utilized in making these decisions and the reasons utilized to justify any decisions, I believe three separate components of the problem must be kept in mind.

The first, and perhaps the simplest, component in these cases is the issue of "unlawful command influence" as specifically prohibited by the Uniform Code of Military Justice. This, put simply, are actions by officials superior to those officials in the UCMJ process who must make judicial or quasi-judicial decisions with respect to particular cases or a class of cases that are designed to send, or can be perceived as sending, a signal to those UCMJ officials about what decisions they should, or should not, make in those cases. In taking your actions, whatever they may be, you must guard against saying or doing anything that is designed or can be clearly perceived to send a signal about how UCMJ actions against subordinate officers should be handled-either harshly or leniently.

The second component is the requirement that your actions meet the tests of general fairness and equity. These concepts are the underpinnings of our entire military system of justice and discipline and must be present in any actions taken, administrative or judicial. These concepts, in my opinion, require that comparable acts, or omissions of command responsibility, be "punished" in comparable ways, regardless of rank or position. But this does not mean that every incident of misconduct, or failure to exercise sound command judgement, arising in these cases must be handled in the same identical way or that the punishment be identical—rather it means that the punishment must fit the offense, not the rank of the offender.

Furthermore, although it may be difficult for some to understand, we cannot lose sight of the fact that certain administrative (as opposed to judicial) actions, suchas refusing to allow a senior officer to retire in his highest grade or forcing an officer to retire before the completion of his tour of duty for failure properly to exercise command responsibilities, in fact may have "punitive" results, such as loss of substantial financial resources or great public humiliation or shame. At the same time, it must be recognized that if an officer is convicted by court-martial, even if the sentence is only a minor fine, the officer has a Federal criminal conviction (felony if convicted by a general court-martial), a serious punishment in and of itself. These facts complicate the approach of not determining punishment because of rank, because they appear to be based on rank. But in reality, these facts simply mean that apparently comparable "actions" may not result in comparable "punishments."

The third component is the effect of your actions on the institution of the Navy itself and the people who today are part of that institution:

Our Nation is and has a right to be proud of the over 60,000 Naval officers who perform their duties in an exemplary manner day after day. There is an intangible limit, which should not be crossed, to which this corps of officers can be publicly identified with the misconduct or failings of less that 100. The Nation cannot be allowed to feel that Naval officers, or Naval aviators, as a group are responsible for the actions of a few. Even if unlawful command influence is avoided, and individual "punishments" can be justified as fair and equitable, if the overall result of your actions is perceived by the people of the Nation or by the people in the Navy as either too harsh or too lenient, the Nation and the Navy will suffer.

Will the people in the Nation and the Navy perceive that a few have been "punished" for the actions of many? Will your actions be perceived as punishing many for the actions of a few? Will your decisions be viewed as holding people accountable for actions about which they had no knowledge, a concept difficult to reconcile with fairness? What facts are known today that justify "punishing" these senior officers now that weren't known for the last several months while many of these officers continued to serve in their leadership positions including, with respect to the CNO, serving as the President's Acting Secretary of the Navy? Will your actions be seen as changing the rules after the fact? Will the Naval aviation community be able to recruit and retain the people we need if those now in that community and those who we wish to enter that community end up with a "sour taste in their mouth?"

Again, Mr. Secretary, I will withhold my final opinion on these cases until I have before me all pertinent facts and I've had the opportunity to hear the views of my Senate colleagues with whom I have worked for the past 15 years on military personnel and leadership issues in fulfillment of our constitutional responsibilities for advise and consent and regulation and governance of the armed forces.

Sincerely,

JOHN WARNER,
U.S. Senator.

I yield the floor. I thank my colleagues.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that I might rise to speak as if in morning business for 5 or 6 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

ALASKA'S WOLF PROGRAM

Mr. MURKOWSKI. Madam President, perhaps we in Alaska are a bit paranoid at the attention we continually receive from well-meaning but misinformed groups.

It seems that those groups are at it again in the never ending search for donations, for publicity. We find ourselves in the midst of an effort by the animal rights crowd targeting Alaska's wolf program even though it is far less comprehensive than the one they were shouting about last year.

I think it is fair, Madam President, to recognize that there is room for predator control in this country. Professional biologists will tell you that, indeed, predator control is necessary. It is good game management, and it simply makes sense.

Unfortunately, that rational view does not seem to prevail in the eyes of the animal rights groups that say predator control is totally unacceptable to them.

Well, the reality is that we have to abide by the recommendations of the professionals that have the responsibility for game management, who have spent their lives in study of the appropriate methodology.

Currently, we in Alaska have a plan to eliminate approximately 50 to 100 animals from the range of the delta caribou. The number of caribou has dropped from 11,000 animals to less than 4,000 animals and is still falling. Wolves were not the only cause of the drop, but the low caribou numbers mean they have a real impact. While caribou numbers have dropped, the wolves have doubled, and that is a fact. And since wolf populations increase at twice the rate of caribou, the arithmetic should be obvious even to extremists like Cleveland Amory and his Fund for Animals—the latest to run advertising against the State's plan. This group has tried to make the State look irresponsible, and there is no foundation for that.

The fact is that unless something is done, and done soon, the remaining wolves are simply going to eat the remaining caribou. This has nothing to do with hunting, which was halted completely over 2 years ago, but it has everything to do with the basic nature of wolves and caribou. Even where there is human hunting, wolves are responsible for 65 percent of all adult caribou deaths. And, again, Madam President, let me stress that the specific area in question has been closed to hunting for the last 2 years.

The Fund for Animals says, "Alaska doesn't give a damn about wolves." That is a pretty strange thing to say about a State that—as soon as we came into the Union in 1959—immediately put a stop to the Federal Government's policy of "the only good wolf is a dead wolf." Alaska's policies have so consistently protected wolves that we are now at the highest numbers ever. The Federal program used to pay a bounty on wolves. That is not done anymore.

The Fund for Animals says we use public relations gimmicks to distract people's attention. This comes from a group that wants us to believe the State is about to embark on a mass killing. Talk about gimmicks—that one is a doozy. The State's attempt to save the Delta caribou herd would affect only about 3 percent of the land mass in Alaska, and less than 1½ percent of the wolves.

Finally, they want people to think Alaska's plan somehow violates the Airborne Hunting Act. That is pure nonsense. That act prohibits shooting from aircraft or using airplanes to harass animals, unless it is part of an approved predator control plan, such as this one. In fact, the State is not only refraining from taking full advantage of the act's flexibility, it has also adopted regulations that are even more restrictive, since they apply to all vehicles, and not just aircraft.

To fully explain this issue, I ask unanimous consent to have printed in the RECORD at this point a letter from Alaska's Fish and Game Commissioner, Carl Rosier, to Congressman PETER DEFAZIO of Oregon.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF ALASKA,
DEPARTMENT OF FISH AND GAME,
Juneau, AK, September 27, 1993.

Hon. PETER A. DEFAZIO,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN DEFAZIO: I have just received a copy of a letter to Secretaries Babbitt and Espy which was signed by you and other members of Congress. The letter, and accompanying press release, repeat a number of misstatements of fact contained in an animal rights organization's press release of the same date. These factual errors cause me strong concern and I am sure that, had you been aware of them, your decision to sign the letter may have been influenced.

The letter states that the Alaska Department of Fish and Game is attempting, "to circumvent certain federal regulations." When I became Commissioner, I swore an oath of office which included a pledge to uphold the constitutions of the State of Alaska and the United States and faithfully discharge my duties which include upholding and enforcing fish and wildlife laws for Alaska. I take that oath very seriously. My staff and I uphold and enforce the law, we do not engage in attempts to circumvent it.

The Federal Airborne Hunting Act prohibits shooting or attempting to shoot any animal from an aircraft while airborne or using an airplane to harass any animal. Alaska state law, which is actually more restricting regarding the taking of game (including wolves), prohibits shooting from mechanical vehicles or using such vehicles (including, but not limited to aircraft) for driving, herding, or molesting game. We participate in enforcing both laws statewide.

In most areas of Alaska, bush planes are the only practical means of transportation. Alaska regulations have long permitted the use of aircraft for same day transportation while hunting deer or taking lynx, fox, and coyote under trapping regulations. I want to emphasize, however, the regulations prohibit shooting from airplanes, or using airplanes to drive herd, molest or otherwise be an integral part of taking and we vigorously enforce these prohibitions.

In late June of this year in response to a proposal by trappers, the Alaska Board of Game added wolves to the list of animals that may be taken after flying the same day. We expect the regulation to result in less than 25 additional wolves taken per year statewide.

The letter confuses the same day airborne regulation with the state's ground based wolf control program which is occurring on state land in less than one percent of our state (As an aside, there are no federal funds involved in either and the state is in full compliance with all federal funding requirements and restrictions). The quote from legislative history used in the letter is not relevant to either the same day airborne regulation or the ground based control program on state land.

I believe a relevant quote from the legislative history is, "In addition, it is clearly not intended that aircraft be restricted in any way from use as a means of transportation for hunting, provided no hunting nor harassment takes place from aircraft while airborne as provided in subsection (a)."[1]

The House report on legislative history also makes clear, "Your committee would like to point out that it is not the intent of this legislation to interfere with in any way the right of the States to manage fish and wildlife within their respective boundaries."[2] The Senate report on legislative history also adds, "It is not the purpose of this legislation to infringe upon the traditional responsibility of the States to manage fish and resident wildlife within State boundaries."[3]

The letter requests the suspension of the use of any aircraft for the purposes of the same-day hunting or trapping of any bird, fish, or other animal on federal lands. Since such a suspension would have almost no effect on Alaska's wolves, but would place new federal restrictions on the taking of fish, birds, and animals in every state, the request gives the appearance of being part of a much broader anti-hunting, anti-fishing agenda. The request also appears to be in direct conflict with the legislative intent of the airborne hunting act and an assault upon the traditional responsibilities of all fifty States to manage fish and resident wildlife.

It is obvious that there is a great deal of misinformation circulating outside of Alaska on game management in our state. As an example, in a phone call last week regarding this letter, my Deputy was told that Alaska had brought the situation on itself with such actions as the gunning down of the Hagemeister Island reindeer from helicopters. The removal of the reindeer on Hagemeister Island was a federal action and not a state action.

In every state with significant amounts of federal land, there is a complex relationship between state and federal agencies. The fact that we have occasional disagreements is a reason to work harder to resolved the problems. It is not reason to assault the traditional federal/state relationships and jurisdictions.

In sharp contrast to other states, Alaska has maintained thriving populations of all of our large carnivores. That is very important to us and we manage our fish and wildlife to be sure that situation doesn't change. I ask only that we be judged on what we are actually doing, as opposed to accusations circulated by some groups outside Congress.

I have enclosed information which I hope will clear up some of the confusion. If you have questions please call me at (907) 465-6141. I would welcome the chance to discuss the issue with you. Better yet, if you or your staff could visit Alaska, I would appreciate the opportunity to show you the professional job of management my department is doing in this great state.

Sincerely,

CARL L. ROSIER,
Commissioner.

Mr. MURKOWSKI. Madam President, there are many legitimate wildlife issues. It is too bad they do not have the same fundraising appeal as this one. If they did, Amory's group, and others like them could do good in the world. Instead, they focus on the photogenic and ignore the damage they are doing to the science and wildlife management.

I conclude by referring to three charts, Madam President. Chart No. 1 shows that the Delta caribou had reached their highest population in 1987. That is noted in the pink. But the wolf packs grow as they prey on the species, and also peaked, with results that you can see. Since 1989, the caribou have dropped by more than one-half, while the wolf numbers have simply kept growing. Part of the caribou drop was weather-related, but we have now reached a point where wolf predation severely hampers—indeed, prevents—full recovery.

Chart No. 2 shows that 35 percent of caribou calf mortality is caused by wolves, some 35 percent by bears, and zero by humans. For adult caribou, wolf predation accounts for 65 percent, bear predation for 15 percent, and human hunters only 6 percent.

Chart No. 3. Wolves reproduce at about plus-40 percent a year—twice the rate of caribou. The ugly truth is that once the system gets out of balance, caribou simply cannot recover on their own.

Madam President, this body spends a lot of time talking about the Endangered Species Act and what action we should take to ensure the welfare of the ecosystems around us. In my view, it is obvious that, where we can help nature with practices based on sound biology, we should be willing to do so. This is a case in point.

I thank the Chair and yield the floor.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

Mr. DANFORTH. Madam President, I believe that a unanimous-consent request has been circulated relating to an amendment which I propose to offer and which is at the desk.

The unanimous-consent request is as follows: I ask unanimous consent that there be a time limit of 1 hour for debate on the Danforth amendment, with the time equally divided and controlled in the usual form with no second-degree amendments in order thereto, or to any language which may be stricken; that a vote on or in relation to the

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[1] S. Report 121-92, 1st Session [at 1738] 1971.

[2] H. Report 202-92, 1st Session [at 6] 1971.

[3] S. Report 121-92, 1st Session [at 1936] 1971.

Danforth amendment occur at 5 p.m. today.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Reserving the right to object, if I understood my colleague from Missouri correctly, I have no quarrel with the hour equally divided. But I would not waive the right to either offering a tabling motion and/or a substitute amendment sometime, or a substitute amendment.

I reserve the right to do that within the timeframe outlined, as I understand it. So I would only say to my friend from Missouri, if I understand the statement he just made, there would be an hour equally divided on both sides of the issue. I have no quarrel with that. Then I would be prepared to go to a vote. But I am not prepared at this moment as to what that vote might be on, or that a substitute amendment or something of that nature might be offered. I reserve the right to do that and therefore do not agree to the total proposal just offered by my colleague from Missouri.

The PRESIDING OFFICER. So there is objection to the total proposal and agreement on a part of it?

Mr. LAUTENBERG. Madam President, just to amend one thing that was said. A vote at 5 o'clock has been committed, and I would not feel comfortable with a unanimous-consent agreement that accelerates that time. So if the Senator from Nebraska, regardless of what comes out in terms of the discussion of other amendments, I ask that we not have a vote at the conclusion of an hour of debate. If that works out—and we hope that agreement can be struck between the two Senators, that permits us to get on with the discussion—a very important one. The sides are relatively equally divided. I am talking about the perspective, not the time. But I would hope, too, that the Senator from Missouri would consider leaving an opportunity for amendment or second degree or otherwise to be included.

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. EXON. Will the Senator yield for a question?

Mr. DANFORTH. Madam President, I am happy to yield.

Mr. EXON. Madam President, I would simply, to clarify things, agree with everything that has been said thus far as I understand it by the Senator from Missouri and the subcommittee chairman, the manager of the bill, and I would certainly agree to a vote at any time after both sides have had their chance with an hour equally divided and with the stipulation that I just recited with regard to a possibility—I am not certain but the possibility—of a second-degree or substitute amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending business are the committee amendments.

AMENDMENT NO. 1010

(Purpose: To eliminate appropriations for the Interstate Commerce Commission)

Mr. DANFORTH. Madam President, I call up my amendment as an amendment to the committee amendments.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH] for himself, Mr. BROWN, Mr. CHAFEE, Mr. DOMENICI, Mr. LOTT, Mr. MURKOWSKI, Mr. DOLE, Mr. JEFFORDS, Mr. THURMOND, Mr. SIMPSON, Mrs. HUTCHISON, and Mr. WALLOP, proposes an amendment numbered 1010.

Mr. DANFORTH. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 45, strike line 13 through line 9 on page 46.

Mr. DANFORTH. Madam President, this amendment simply deletes from the bill the funding for the Interstate Commerce Commission. If this amendment is agreed to by the Senate, it would then be my intention, prior to final passage of this bill, to offer an additional amendment which would transfer the functions of the Interstate Commerce Commission to the Department of Transportation. That particular provision is not part of this amendment because it would be subject to a point of order that it was passing substantive legislation on an appropriations bill.

Therefore, because I wanted a clean vote on the simple question of the Interstate Commerce Commission, the form of this amendment is to simply delete the appropriation for the ICC. I do want to point out to the Senate that if the amendment is agreed to the effect of agreeing to the amendment would be that it would be my intention to offer a subsequent amendment simply transferring whatever functions there remain in the Interstate Commerce Commission to the Department of Transportation.

Therefore, this debate is not about the functions of the ICC, the substantive issues relating to regulation of transportation, whether there should be some vestige of regulation for transportation. That is a different debate. That is not something that is now on the floor of the Senate. It is a separate matter.

This debate is simply a question of the existence of the ICC, not the function it performs. The function would be transferred, according to this scheme, to the Department of Transportation. But we believe that for the purpose of both saving money and for the purpose of public safety, it is important to do away with the ICC and to transfer those functions to the Department of Transportation.

Madam President, the Interstate Commerce Commission is a relic of a bygone day in American history. The Interstate Commerce Commission had its origin back in the 19th century and probably had its heyday in the first, say, quarter or maybe third of the 20th century.

The days of the ICC were days of regulation, days when tariffs were filed and rates were regulated and service was regulated in surface transportation. The railroads then were regulated. The trucking industry later on was regulated and subject to the jurisdiction of the ICC.

If you go to the Interstate Commerce Commission today on Constitution Avenue, it is really a breathtaking place. It is somewhat akin in its majesty to, say, the floor of the U.S. Senate. There is a beautiful hearing room at the Interstate Commerce Commission with a magnificent dais and the image that it connotes is the image of a previous era of American history.

One can imagine the railroad barons arriving at Union Station in their private rail cars and being picked up at the station by their liveried chauffeurs and delivered to the majestical hearing room of the ICC to plead their cases for matters that at that time were life and death to the rail industry.

That is not the case anymore. And it has not been the case for more than a decade. In 1980, with the enactment of the Staggers Act, rail transportation was deregulated, and the same year trucking was deregulated and interstate busing a couple years later was deregulated. One industry after another that was regulated by the Interstate Commerce Commission was regulated no more.

Now, when Congress decided to deregulate air transportation, the regulatory body that had jurisdiction over the airlines was the CAB, the Civil Aeronautics Board. And when we deregulated air transportation the CAB was abolished and its functions were transferred to the Department of Transportation. It was a very clean operation. Whatever functions remained for the CAB to perform were transferred to the Department of Transportation.

Unfortunately, the same thing was not done with the ICC. The Interstate Commerce Commission was not abolished with the deregulation of the various industries under its jurisdiction. It continued to exist.

So now we have an anomaly. Now we have a situation where this splendid hearing room is there and five Commissioners of the Interstate Commerce Commission, each paid in excess of $115,000, and the Chairman paid even more than that, five Commissioners of the ICC with very little to do.

Last week I spoke with two of the Commissioners of the ICC. One of them said to me that the case load of the ICC was almost embarrassingly light, and he described to me a situation of showing up in his office for the day and receiving maybe a couple of phone calls during the day. The cases that are before the ICC, such as they are, are almost all pro forma cases. They require very little in the way of decisionmaking. Therefore, the position that the Commissioners stated to me was why not get rid of the agency.

Now, to understand what this amendment is all about, it is interesting to point out what one of the Commissioners, Gregory Walden, has said in public. He has put this in print. He says:

> One is hard pressed to locate a single type of function that is not currently being performed by DOT or other Cabinet departments.

In other words, according to Commissioner Walden and according to the other Commissioner who visited with me as well, Commissioner Philbin, there is not anything that the ICC does that should not or could not be done by a Cabinet level department. And they pointed out to me that $10 million could be saved right off the bat simply by transferring the various functions and the various resources in the Commissioners' own offices and attendant support staff to the Department of Transportation.

Right now there are five Commissioners. They each have their own assistants. They have their own offices. There is an Office of Congressional Affairs, an Office of Human Relations, an Office of Inspector General, an Office of Administrative Service, Systems Development, Library Services and field offices.

And according to these Commissioners all of these functions simply can be melded into the Department of Transportation. Some would argue that there should not be any remaining functions for the ICC. Some would argue that such regulations as now exist are largely the receipt of forms and pro forma rulings. Some would argue that those functions should be abolished. That is not the point of this particular debate.

The point of this debate is, even if we decide that we want to continue these various functions, there is an overlap here and the functions could be accomplished in the Department of Transportation, similar to what was done in the case of airline deregulation.

One question might be: "Well, if we were to abolish these functions and transfer them over to the Department of Transportation, could the Department of Transportation do the job"? And the answer to that is, of course.

If we exclude the grants that it makes, the Department of Transportation has a $12 billion annual budget. The ICC has an annual budget which, when you add the appropriations and the fees, is a little over $50 million.

Of course, the same functions could be transferred to the Department of Transportation. The Department of Transportation has a staff of 68,000 people. The ICC has a staff of 615 people. And if my second amendment is agreed to, those people that are necessary would simply be transferred over to the Department of Transportation. So, of course, the Department of Transportation could simply continue to do the job.

Madam President, all of us, regardless of political party, are concerned about the efficiency of Government. I know the administration is. Vice President GORE has issued his report on reinventing Government. But if we are concerned about governmental efficiency, if we are concerned about reinventing Government, then, clearly, on some occasions, we should be willing to do away with agencies which are now no more than relics of some past historical era.

And that is what this amendment is all about. This amendment is simply a way of getting rid of something every now and then. We ask the American people for more taxes. We tell them that we have problems with the deficit. All right, here is a little agency that we can get rid of. And that is what this amendment is all about.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri still has the floor.

Mr. DANFORTH. Madam President, I would simply like to announce that the cosponsors of this amendment are Senators BROWN, CHAFEE, DOMENICI, LOTT, MURKOWSKI, DOLE, JEFFORDS, THURMOND, SIMPSON, HUTCHISON, and WALLOP.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair.

I want to point out, as I listened to the eloquence of our colleague from Missouri, one day in the not too distant future he will be missed. And in addition to missing his point of view and his ability to articulate the case and his concern about the way we function will be his eloquence in describing situations as he sees them.

By the time he finished with his description of the facility at the ICC, it seemed to me that we were about to demolish a landmark in this country. I am not above doing that, but that facility was built at a time when it had a need and a purpose, and I think it still has, regardless of its many splendid facilities. So we ought to be talking about whether or not the ICC has a function to perform.

The Senator from Missouri suggested that by moving to DOT,we would not affect the assignments or the responsibilities that ICC has but, rather, would simply be shifting it. Perhaps if that were the case, without adding any costs, we might be able to get a little more agreement. But it does not seem to do that.

I think the Senator from Nebraska is going to be saying some words in a few minutes. He has a letter that I would prefer to permit him to review, having to do with the Secretary of Transportation's view of this recommendation.

If I might ask the Senator from Nebraska whether he intends to make some comments about this letter, then I would forego those comments at the moment.

Mr. EXON. If I might answer my friend, I certainly do have the letter that he has just referenced that I requested from the Secretary of Transportation. In addition to that, I have a letter from the White House of a similar vein that I intend to propose in my rebuttal to the amendment offered by the Senator from Missouri.

Mr. LAUTENBERG. I thank the Senator from Nebraska. He has long had an interest in trucking and railroads and transportation services, freight services, in this country, and I would defer to him.

I simply, Madam President, want to voice my objection to this action, not because I have any particular affection for the ICC, but I hear from trucking companies in my State and in the region about the difficulty of having competition available with the small- to medium-sized truckers with the larger companies. If one ever travels the New Jersey Turnpike and sees the volume of traffic that we have there, and the volume of traffic crossing the bridges and tunnels that connect the State of my distinguished ranking member and myself, New York to New Jersey, sees the amount of commerce that is produced and recognizing that competition is a very important factor here, that in the process of licensing and review to make sure that there is a fiscal or financial responsibility attached to petitioning for license, that the ICC has again a valuable service to perform.

Now, we listened carefully to what the distinguished Senator from Missouri said and again he said he was not interested in abolishing the functions so much as abolishing the facility and some of the trimmings that went with it.

I submit to you that if the Secretary of Transportation cannot find a way to accommodate the services without adding staff to this organization, then we have succeeded in accomplishing nothing.

Frankly, there has not been the kind of review that ought to take place when we have an agency that has, I think, such an important role to perform to simply dismiss it.

And so, Madam President, I am going to be one of those who oppose this amendment. I hope that we will be able to muster enough support to say, "Listen, trucking in this country is a critical, critical industry and we want it to function and we want it to function safely." The safety portion is taken care of by the Federal Highway Administration. But the licensing, the fiscal responsibility is a function of the review and audit by the ICC.

And so, Madam President, at this point, I yield the floor.

Mr. EXON. Will the Senator yield?

Mr. LAUTENBERG. Yes.

Mr. EXON. Madam President, I ask for the yeas and nays on the Danforth amendment.

Mr. DANFORTH. Madam President, I do not think the Senator has the floor.

The PRESIDING OFFICER. Is there objection to the Senator requesting the yeas and nays?

Mr. DANFORTH. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey has the floor.

Mr. LAUTENBERG. Madam President, I, at this juncture, have finished with my comments and I yield the floor.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Madam President, in light of Senator EXON's decision to possibly offer a second-degree amendment, I modify my amendment which is at the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment, and the amendment is so modified.

The amendment (No. 1010), as modified, is as follows:

> At the end of the amendment add the following:
>
> "Notwithstanding any other provision of this Act, none of the funds made available by this Act may be expended or obligated for the salaries and expenses at the Interstate Commerce Commission."

Mr. DANFORTH. I yield the floor.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Nebraska.

Mr. EXON. Mr. President, I rise to oppose the Danforth amendment to defund the Interstate Commerce Commission, commonly known as the ICC, and to transfer its responsibilities to the Department of Transportation. Such action would at a minimum be very shortsighted, in the opinion of this Senator; second, it would be ineffectual, and it would be tremendously harmful. This amendment would not create deficit reduction. It would create economic chaos.

This is not a debate about the economic regulation of trucks, trains, or buses. It is about who will administer those regulations. Even those transportation industries which support further deregulation have indicated that, if they are to be regulated, they would prefer the independent forum of the Interstate Commerce Commission to the politically controlled Department of Transportation.

There have been remarks made in this regard today, that what is wrong is transferring an independent agency's decisionmaking process over to the authority of an individual Department under the direct control of the President of the United States and his appointees. It is clear those who may have had some quarrel with the Interstate Commerce Commission at some time in the past clearly believe transportation is absolutely fundamental to the economic well-being of the United States of America, internally and abroad.

The Interstate Commerce Commission has performed their regulatory features for years, although granted it has somewhat less of an emphasis and authority than it had in the past. They still have some regulatory authority. I think, hardly without exception, those who would be governed by this are very fearful indeed of some of the transfers suggested by the Senator from Missouri, afraid of transferring their duties over to the Department of Transportation, an agency under the direct control of the President.

It seems to me these are things that many people do not get into. But it certainly seems to me the movement to strike funding for the Interstate Commerce Commission as advanced by the senior Senator from Missouri would in fact end the Interstate Commerce Commission without taking any action whatsoever about a replacement thereof, other than to say, oh, this can easily be transferred over to the Department of Transportation.

I suggest in all candor there is hardly a regulatory agency of the Federal Government that wisdom has not shown over the years should be out from under the direct control of the administration, whatever that administration is. There is nothing more important, as far as independence is concerned, and the survival of the healthy economy we hope will flourish even more in the future, than any concept of making this transfer or other transfers without study, without hearings—just close down the Interstate Commerce Commission.

I think most would agree the amendment offered by the Senator from Missouri is, in fact, if not technically, misuse of an appropriations bill. It is legislation on an appropriations bill, regardless of how it is disguised and in what form, as amended, it is presented to the Senate.

But I emphasize again the debate today is about who will administer these regulations. Even those transportation industries which support further deregulation have indicated that they, if they are to be regulated, prefer the independent forum of the ICC to the politically controlled Department of Transportation.

At this juncture, I would like to read a list of "Who's Who" in the transportation industry. They are totally opposed to the attempt being made by the Senator from Missouri to eliminate the Interstate Commerce Commission. They are:

> The American Trucking Association; the American Bus Association; the Owner Operators of America; the National Motor Freight Transportation Association; the National Small Shipment Traffic Conference; the Regular Common Carrier Conference; the Transportation Brokers Conference of America; the National Association of Regulatory Utility Commissioners; Consolidated Freightways; the National Coal Association; the United Parcel Service; the National Grain and Feed Association; Edison Electric Institute; Consumers United for Rail Equity; Atchison, Topeka and Santa Fe Railway; Burlington Northern Railroad Company; Consolidated Rail Corporation; CSX Transportation, Inc.; Chicago and Northwestern Transportation Company; the Denver and Rio Grande Western Railroad; the Kansas City Southern Railway; the Norfolk Southern Corporation; the Soo Line Railroad; the Southern Pacific Transportation Company; the American Short Line and Regional Railroads of America; the Southern Transportation League; the Freight Traffic Services; the American Movers Conference; the Greenbrier Development Corporation; the Railway Labor Executives' Association; the Brotherhood of Maintenance of Way Employees; the United Transportation Union; Rails-to-Trails Conservancy.

It seems to me we should listen, and listen very carefully.

What I am most concerned about, frankly, is this is without very much thought and with no legislative hearing, with no real legislative input, with no legislative insight. This is supposed to be a deliberative body. It is often described as the most deliberative body in the world. I am very fearful that, unless all of the Senators understand fully the impact of the amendment offered by the Senator from Missouri, they might be tempted to come to the floor of the U.S. Senate and say, "This is a vote for fiscal responsibility. We are going to eliminate a Federal bureaucracy." Who can be against eliminating the bureaucracy in times like these?

I am fearful many Members of the U.S. Senate who recently have voted for many very expensive programs, including some that go into the billions and tens of billions of dollars of Federal expenditure, after voting for those on the floor of the U.S. Senate, they might feel they could get right with themselves, get right with their constituents, if they vote to eliminate a bureaucracy.

I say to all of my colleagues who might be so tempted, please understand more about what the ill effects of the amendment offered by the Senator from Missouri will be; what they will be on our transportation; and last but far from least, most important, what it would do to the rights of the consumers of the United States of America.

I say again, to simply transfer the authority and responsibilities of the ICC to the executive branch would not produce any significant savings since new employees would have to be found to do the work formerly done by the ICC. What would be lost is the independent forum of the ICC, which has protected the public interest with great distinction since 1887.

Also lost would be the efficiency of a specialized agency which fully understands the industry and the customers it oversees. The ICC is an independent agency which protects, above everything else, the public interest. Let me repeat that. The ICC was founded way back then to protect the public interest. And it still has a role to play in that regard.

In addition to that, the ICC enhances competition, encourages efficiency, and fosters safety in truck, bus, and rail transportation. It is an agency which has reinvented itself into a trim, efficient, and effective agency.

Is the agency perfect? No. Can further improvements be made in the ICC? In my opinion, yes.

But it cannot be denied that the ICC has done a remarkable job of doing more with less. Example: In fiscal year 1979, the Interstate Commerce Commission's budget was $70 million and its average level of employment was over 2,040.

In fiscal year 1992, by comparison, its budget was $41 million and its average employment level was down to 613. At the same time, the number of proceedings before the Commission had substantially increased—had substantially increased, Mr. President—at a time when we are told by some that this agency does not have anything to do.

Customer service has also been maintained. Applications for interstate trucking authority are processed now within 48 hours. Fold this responsibility into the huge Department of Transportation, and this efficiency would be lost.

I have heard my good friend from Missouri bemoan the slow motion of action by the Department of Transportation in dealing with the safety issues and in aviation matters for years and years and years. It was only a few weeks ago, if I remember correctly, that the Senator from Missouri and I were debating whether or not we should go ahead and create a commission to study the difficulties in the aviation industry.

I simply say that by measurement of other agencies, the ICC, with a substantial cut in its budget, with a substantial cut in its staff—and I think more can be done there, very frankly—it seems to me that if we take the action suggested by the Senator from Missouri, we are simply saying to an agency that has cut its budget drastically, that has reduced its employment by over 70 percent in the last 10 years, that this is an agency which has acted responsibly and should be the model for other of our bureaucratic establishments as to what they should do. But, no, if we accept the amendment offered by the Senator from Missouri, we will be killing the goose that laid the golden egg to be hatched out, hopefully, in the rest of the bureaucracy. I think it would be a sad thing, indeed, if we penalized the ICC for doing what we have been demanding that the bureaucracy accomplish.

I have heard my good friend from Missouri moan for a long time about the other agencies. It seems to me that he should realize, above all else, that the Interstate Commerce Commission, as I said before, is dedicated to the legitimate transportation needs addressing—and refereeing, where necessary and where they can under the law—something that occurs that would not be in the interest of the consumer.

I really do not think, and I cannot imagine, how my friend and colleague from the State of Missouri, in whom I have had the greatest of confidence and admiration all these years, except in this instance, can really believe that the Department of Transportation is a place to put this agency. I may change my mind if we had hearings on this in the committees of jurisdiction. I really do not believe, though, that it would be proper, nor is it prudent at this time, to be jumping in and, in effect, legislating on an appropriations bill, regardless of what it is called or how it is framed because, in effect, it would eliminate the ICC and replace it with nothing whatsoever to carry on the important measures that that agency is responsible for.

Secretary Peña, who has done a terrific job in revitalizing the Department of Transportation, has his hands full with the current responsibility of the Department and does not support this amendment.

Let me repeat that. The agency that the Senator from Missouri has indicated should assume the responsibilities of the ICC, if his killer amendment is accepted, says it is not wise. In that regard, I would like to read and incorporate into the RECORD a letter of October 4 from the Secretary of Transportation.

Mr. President, the letter reads:

> DEAR SENATOR EXON: I appreciated your telephone call and would like to take this opportunity to state my views on S. 1248, which I understand may be offered as an amendment to H.R. 2750, the Fiscal Year 1994 appropriations bill for the Department of Transportation and related agencies.
>
> S. 1248, the "Interstate Commerce Efficiency and Safety Improvement Act of 1993," would sunset the Interstate Commerce Commission and transfer its functions, powers, and duties to the DOT on October 1, 1993."

Now past.

> It would also bar any increase in the number of full-time employee positions within the DOT because of such transfers. The Secretary of Transportation would be required to submit to the Congress by March 31, 1994, a report that would include an assessment of the benefits and costs of the transfers, along with recommendations for modifying or eliminating transfer functions that are redundant or do not provide substantial economic and safety benefits.
>
> The Department of Transportation strongly opposes this amendment. Although it is being offered in the name of reinventing and streamlining government and promoting highway safety—goals which we enthusiastically support—we believe to summarily abolish the ICC and transfer its functions, without any measured analysis as to which functions are valuable and which are burdensome and unnecessary, is not the appropriate way to accomplish these goals. The Vice President's National Performance Review did not recommend the elimination of the ICC.
>
> The ICC is an independent forum for adjudicating problems between carriers, between carriers and rail captive shippers, and between carriers and state regulatory bodies in matters of interstate commerce. As its responsibilities have changed since the late 1970's, it has responded by downsizing its resources and carrying out its new mandates. We believe that, as long as the ICC statutory mandates remain, its functions should continue with an independent agency rather than to be absorbed within the DOT.
>
> Contrary to the arguments of the sponsors of S. 1248, there would be no safety benefits as a result of this enactment. The Department took the necessary remedial steps to correct the safety "disconnects" between the ICC's and DOT's motor carrier programs that were identified by the National Transportation Safety Board shortly after the 1992 Vernon, New Jersey bus accident that brought them to the Board's attention. These safety programs are now operating smoothly.
>
> According to the Congressional Budget Office report to Senator Danforth on S. 1248, dated September 21, 1993, the only budgetary impact would be the savings from reducing employment in the DOT by about 600 employees, offset by costs of severance pay. When measured against the devastating impact this level of cut would have on the Department of Transportation employees and functions, these benefits are illusory.
>
> For these reasons, we oppose the amendment. The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report for the consideration of the Congress.

Mr. President, it seems to me, if we need to look at this matter—and we might—then the proper thing to do is to vote down the Danforth amendment as untimely, ill-thought out and proposing legislation on an appropriations bill, therefore, shortcutting the responsibilities of each and every Senator who claims proudly to be a Member o this body.

I simply say, Mr. President, that i the Danforth amendment is defeated then as chairman of the Surface Transportation Subcommittee and in ful concurrence with Senator HOLLING the chairman of the Commerce Committee, with whom I have discusse this, we will be very pleased during th next year to hold hearings on this whole matter of becoming more efficient, if we can, with the development of changes that might be necessary. It might well be that this Senator could be convinced that the ICC should be moved into the Department of Transportation. I suggest that neither I nor other Members of the Senate have at this time the background I think is necessary to reach such a judgment.

We may be able to take some of the other commissions that operate in the executive branch and also fold them in, cutting into something a little bit larger that would still give an independent agency, hopefully, some input over the direct dictates of the Secretary of Transportation or the President of the United States.

Suffice it to say in this regard, Mr. President, when we have a letter that I just read from the Secretary, I think the letter was very well written, I think it was well conceived, and I think it makes a great deal of sense.

In that regard, I would also like to read into the RECORD at this point a letter from Mr. Howard Paster, the assistant to the President of the United States for Legislative Affairs dated October 4, 1993.

DEAR SENATOR EXON: It is my understanding that an amendment may be offered to the transportation appropriations bill that would substantially reduce or eliminate funding for the Interstate Commerce Commission. The administration strongly opposes this amendment.

In the September report of the National Performance Review, the Vice President did not recommend the elimination of the ICC. The Department of Transportation is also opposed to this amendment.

I appreciate your interest in this matter and look forward to working with you on this and other issues in the future.

Sincerely,

HOWARD PASTER,
Assistant to the President for Legislative Affairs.

Mr. President, I also want to mention a very specific concern that I have about the Senator's amendment and its effect on a matter we have worked shoulder to shoulder on in an attempt to resolve. That is the matter of the undercharge legislation with which I know my friend and colleague from Missouri is very familiar. Every one of my colleagues has heard from small and large businesses in their States about the so-called undercharge crisis, a crisis that could penalize businesses in the United States of America, many of them small businesses, a total of millions and millions and billions and billions of dollars.

As a result of the 1990 Supreme Court decision, bankrupt trucking companies have sued thousands of small and large business shippers. Billions of dollars are at stake. This cloud on American business comes from an earlier era when the ICC did not vigorously enforce its rules.

Let me repeat that. This comes from an earlier period when this was not enforced by the ICC in a vigorous fashion. That is not the case today. Had the ICC been operating in the last year, or if I thought it was going to be operating next year in the way it was operated in the last 5 years, I may have joined the Senator from Missouri in this effort. However, I would not have done it on an appropriations measure. There are ways to make changes without making these preemptive strikes, legislating on an appropriations bill, which should send a clear signal to every Member of the Senate that if we allow things like this to happen without hearings, without the background that hearings provide, without hearing from all sides of the issue, including the consumers, we can do great harm when maybe the intention is to do great good.

This cloud, the undercharge issue, on American businesses comes from that earlier era, and certainly I wish to say that in recent times I have found the Interstate Commerce Commission to be very understanding of the issue and very much involved in legislative efforts to correct it. But if this amendment is adopted, it may be a prolog as to what we have not done to protect the public interest.

Varying the function of the ICC and the bureaucracy of the Department of Transportation will almost certainly guarantee a return to lax enforcement and a repeat of another equally disastrous regulatory snafu. My experience has been that the larger the agency—and as the Senator from Missouri correctly identified, there are about 68,000 employees in the Department of Transportation, 600 or less in the ICC and that is going to go down. I simply say that suggesting moving the ICC at this juncture with the undercharge issues and others that are up front would be a serious mistake. Those Members who seek a swift resolution of the undercharge crisis should strongly oppose this amendment. The U.S. Senate has twice unanimously approved legislation to resolve this crisis, with the ICC being the key forum for dispute resolution.

The acting Chairperson, Gail McDonald, and her predecessors have worked closely with the Congress to clean up this mess. Even if legislation is not approved by the full Congress to resolve the undercharge crisis, which I hope it will be, the ICC will still be the key agency to resolve undercharge claims. And if there are Members of the Senate who do not know what undercharge claims are, I suggest they find out about it pronto because they are going to be hearing a great deal about it from the folks back home in the weeks and months to come.

To transfer this authority over to an executive branch department would only cause chaos, confusion, and delay a final resolution of the undercharge crisis.

Mr. President, essentially the same amendment offered by the Senator from Missouri was offered in the House of Representatives, and it was defeated. I have reviewed the floor debate of the House of Representatives and, as I had anticipated, the same arguments that were turned aside in the House of Representatives are being used over here.

The House of Representatives felt that while this should be looked into, legislating on an appropriations bill with this sudden strike to kill an agency without fully recognizing or realizing what that would do to consumers and our transportation industry was more than it could swallow. I also hope it will be more than the Senate can swallow.

When an independent agency does its job, it is often taken for granted. Thanks to good management and successful congressional oversight in recent times, the ICC now works so well that many Members have not heard of this agency or about it until now. This agency has a constituency as large as the Nation. It is hard to find an American who is not served by the work of the Interstate Commerce Commission.

For example, farmers depend on the ICC to assure that rural communities are treated fairly by the railroads. Manufacturers depend on the ICC so that common carriers operate in a nondiscriminatory manner. Seniors depend on the ICC to assure that bus operations are safe and ensured. Young families depend on the ICC to assure that complaints about moving companies receive prompt attention. Last but not least, all small businesses, Mr. President, depend on the ICC to assure that transportation is available at a reasonable rate.

Democrat and Republican administrations come and go. The political twists and turns of the transportation policy change with each administration. The independence—let me emphasize, Mr. President—the independence of the Interstate Commerce Commission has assured that shippers, passengers, and carriers have a fair forum to resolve their disputes and review regulations since 1887. This has been done, Mr. President, out in the open; with no closed hearings. Everyone has a right to come in and complain about something that was done or not done, and it is resolved in the transportation field area at least by the ICC.

The ICC is operating in an efficient and very good manner as of lately, and efforts to eliminate the agency would create phantom savings and real economic disruption for our very vital transportation industry.

I urge my colleagues in the strongest possible terms to oppose this ill-advised amendment.

Mr. President, I would also like to ask at this time to insert in the RECORD 15 key pending cases before the Interstate Commerce Commission which necessarily would be disrupted by this amendment. I think the importance of these measures speaks for itself.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERSTATE COMMERCE COMMISSION KEY PENDING CASES—SEPTEMBER 1993

1. Finance Docket No. 28905 (Sub-No. 22), *CSX Corp.—Control—Chessie System, Inc.* An interpretation of the labor protective conditions applicable to railroad consolidations.

2. Finance Docket No. 30000 (Sub-No. 16), *St. Louis Southwestern Railway Company—Trackage Rights Over Missouri Pacific Railroad Company—Kansas City to St. Louis.* A dispute between the Southern Pacific and the Union Pacific.

3. Finance Docket No. 30186 (Sub-No. 2), *Tongue River Railroad Company—Application.* A major construction project in the Powder River Coal Basin.

4. Finance Docket No. 32133, *Union Pacific Corporation—Control—Chicago and North Western Holdings Corp. and Chicago and North Western Transportation Company.* One major railroad seeks authority to control another.

5. Finance Docket No. 32243, *City of Detroit* v. *Canadian National Railway Company.* A dispute over the construction of an international rail tunnel.

6. Ex Parte No. 346 (Sub-No. 29), *Rail General Exemption Authority—Petition of AAR to Exempt Rail Transportation of 31 Selected Commodity Groups.* A major proceeding to streamline regulation.

7. Ex Parte No. 495, *Bills of Lading.* A rulemaking to maintain but update the standard rail bill of lading.

8. No. 37038, *Bituminous Coal, Hiawatha, UT to Moapa, NV.* A major rate complaint against rail rates on coal.

9. No. 40581, *Georgia Power Company, Southern Company Services, Inc.* v. *Southern Railway Company and Norfolk Southern Corporation.* A coal rate complaint.

10. No. 38302S, *U.S. DOE & DOD* v. *B&O Railroad Co.* A complaint by the U.S. Government about rail rates on spent nuclear fuel.

11. No. 40903, *Degussa Corporation* v. *Southern Pacific Transportation Company, et al.* A complaint that rail rates are unreasonable.

12. No. 40131 (Sub-No. 1), *Ashley Creek Phosphate Co.* v. *Chevron Pipeline Co.* Complaint that a phosphate slurry pipeline's rates are unreasonable.

13. No. 40411, *Farmland Industries, Inc.* v. *Gulf Central Pipeline Company.* Complaint that the rates charged by a pipeline for shipping anyhydrous ammonia are too high.

14. No. 40265, *Georgia-Pacific Corp.—Petition for Declaratory Order—Certain Rates and Practices of Oneida Motor Freight, Inc.* Establishes standards for motor carrier rate reasonableness.

15. Mc-C-30215, *Pennsylvania Public Utility Commission—Petition for Declaratory Order.* The issue is whether the transportation by carrier is a legitimate interstate movement or a subterfuge to avoid intrastate jurisdiction.

Mr. EXON. Mr. President, I would also point out in closing that while it is said and claimed erroneously that the ICC has nothing to do, they have handled over 500 complaints within the last year.

Mr. President, I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, first of all, I would like to start by commending the senior Senator from Nebraska as it relates to key legislation—and I think Senator DANFORTH and others have sponsored bills concerning this incredible undercharge problem. That problem is one that goes into the tens of billions of dollars.

I have to tell you something. If there is any reason, though, for killing this turkey, it is just because of what they have done. The ICC, as a result of their bungling and colossal failure, has contributed to a situation where we are going to lose jobs. Thousands and thousands of small businessmen throughout the country today are being sued. Let me tell you why they are being sued.

Because you have an arcane, old "Jurassic Park" dinosaur trying to regulate modern day transportation systems that have been deregulated. In the old days, you had to file trucking rates with these turkeys. You had to go over and say, "Mr. Commissioner, this is how much we are going to charge"—even though shippers and carriers were negotiating openly and freely. Companies had to file their rates with these turkeys, the ICC. And they did.

Over years, people began to negotiate agreements; this is what competition is all about. They did not file all of their rate changes. Truckers would say, listen, we will haul it for less. Those agreements were not filed.

Let me tell you what takes place now.

Many of these trucking companies are now out of business. So smart lawyers came along, and said, boy, this is an opportunity. The parties agreed to make the shipments and they reduced the prices as opposed to what was formally filed. Nothing was filed. They did not file the changes.

Where was the ICC, when for years, when hundreds and hundreds of thousands of these agreements were made? And the courts have spoken. The Supreme Court has said that under current law this situation is legal. The Court really has said: Congress must enact legislation to change it.

I commend the senior Senator from Nebraska for dealing with this. The Senate has passed legislation that would give relief to the many parties who are harmed by this situation. For about the past 10 years after a trucking company has gone out of business shippers are being surcharged, in some cases millions of dollars, because the rate that they paid was less than the rate that was filed. The bankrupt trucking company, with their lawyers, who now see a chance to make some money, are coming after these shippers.

What do we do? We threaten now tens of thousands of jobs. Tens of thousands of small businesses today are getting hit with lawsuits and charges, unless they pay thousands of dollars to settle these unnecessary claims. This all may have taken place years ago. They face bankruptcy, all because of this old feeble institution with a bunch of political hacks. That is what they have there.

There are few meaningful functions conducted by the ICC. The National Transportation Safety Board does the investigation. These guys do not go out and do anything as it relates to real safety, as it relates to rates. What do they charge? What rates are we talking about? In 1887, 106 years ago, there was a need. We have deregulated in the air, trucks, buses. We do not need them.

Let me tell you what has happened.

Indeed, over the years since 1980 they had a budget that went from $79 to $82 million in 1981, and then we see a steady come-down on that budget and of personnel so it went from 1,900 people down to 613 people for 1992; and a budget of $40 million.

This year, would you believe it, for the first time since 1981, for the first time, we are requesting 640 people—an increase of personnel—and for the first time in the 11 years we go from $40 to $44.9 million, an increase of $5 million.

What is going on? Do we want to save money? Kill the turkey. End it. This is nonsense.

I have too much respect for my colleague not to mention that he has done a great job as it relates to dealing with the problems that these guys created. Now we have a new group on the block. They suddenly are going to come in giving this agency duties and responsibilities. That is silly.

We have a chance to save $40 million-plus. The Secretary of Transportation essentially carries out those functions, and they should be carried out by the Transportation Department. Let us get rid of this.

If we are going to keep faith with the people, this is the way to do it. This is a lot of money. When you have to pay severance pay, that is right. There will be some of these people who have technical abilities et cetera; that the Secretary of Transportation will want to bring into his department. That is fine. That is wonderful. We understand that.

But here is an opportunity to demonstrate that we are not just rhetoric. Here is an opportunity to get rid of a useless appendage that comes from an era that has gone by.

It is pretty embarrassing when you have Commissioners who say: "Listen, I am embarrassed. We do little, if anything."

The kinds of cases they hear are pro forma. They are not worth anything. They could easily be handled in another forum, and they should be.

For that reason, I support and I ask unanimous consent that I be added as an original cosponsor to the amendment of the distinguished Senator from Missouri.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. I urge that my colleagues support the Danforth amendment as modified.

ORDER OF PROCEDURE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to terminate at 5:15, with the time starting at 4:45 equally divided between the Senator from Missouri and the Senator from Nebraska, permitting me just a few minutes of comments and a vote to occur thereupon.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LAUTENBERG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. Mr. President, taking a couple minutes, I want to respond to the comments made by my colleague from New York, with his usual vigor and intensity and declarations of some things, falling short of a conflict, even falling short of butchery, because he described this as a "turkey."

Mr. President, one can argue about whether or not we ought to be looking at the current functions, but one cannot dismiss the past, when for the last 12 years, until this administration, the majority was of our distinguished colleagues' party, from the other side, a majority prevailed, three to two.

If there was inaction, then the record is going to reflect that the inaction that has taken place over the last dozen years may be creating some of these conditions we are now looking at, where bankrupt companies can still generate enough interest within the lawyer community to go after some of these claims. But there are legitimate reasons to see that certificates are issued that reflect financial capabilities, be they trucks, rail, or otherwise licensing requirements, as well as a fair publishing rate that do not, because of their cryptic or arcane nature, inhibit the smaller companies from competing fairly because they do not understand the gibberish that is put up there with rates and the codes, which few can figure out.

So, Mr. President, what we have to ask ourselves is whether this function is worth performing, first; second, whether it is being subsumed into the Department of Transportation; and whether or not the Secretary, who I think has demonstrated unusual seriousness, has a commitment to the job in terms of getting rid of all of the trappings—he has an airplane at his disposal, which has been used twice since he has been Secretary of Transportation. I have seen him with a group of staffers come up commercial to visit the New York region, travel around the country, sitting commercial and doing his work. This is not a person who is willing to fritter away the public's money. So when he says we cannot do it without adding to our budget, I think what we are doing is moving the chess piece from square A to square B.

So I urge—as the Senator from Nebraska, who has been intimately involved with this has suggested—let us have hearings, let us have a review, let us not change a course that was established for a purpose, unless we know that the purpose has not been met.

So I hope we will reject this amendment.

I yield the floor with the time as requested.

Mr. DANFORTH. Mr. President, first, let me compliment my friend from Nebraska for his wonderfully spirited argument on behalf of the Interstate Commerce Commission. It was a great job of defending this agency. I thought that the Senator's characterization of the ICC as the goose that laid the golden egg was particularly fine. I happen to be of the turkey school that was described by the Senator from New York. But I think that to call the ICC the goose that laid the golden egg, if there is a goose and a golden egg in this situation, it was just a wonderful description.

I also think that the argument with respect to the so-called undercharge issue was something worth pointing out. Here is a matter that is of great peril and concern to the shippers of America that was created by a regulatory framework that is now in existence and whose time has passed. But now somehow the argument is that the very agency that created the problem and that administers the problem is the one that will somehow clean the problem up. I do not get it. But the point of this particular amendment is not to change the whole regulatory framework. The point of this amendment is to say that if we have these regulations, simply transfer the function to the Department of Transportation, do not do it in the ICC.

Mr. President, with respect to whether this would save money, this is not legislation on an appropriations bill. This is an amendment to strike money out of an appropriations bill. It is a simple strike-out from an appropriations bill. The Congressional Budget Office tells us how much it will save. This will save up to $45 million a year.

Are we concerned about saving money around here? Are we ever concerned in the Congress of the United States about saving money? Or is the idea just to shove it out the door? If we are interested in saving money, can we not save what the CBO says is $45 million a year by abolishing an agency that is moribund, defunct, does nothing?

Of course, we can save money. People say, well, is there not some fat in the budget? You have asked us to raise taxes on the American people. Can we not cut the fat? Is there not fat somewhere in the budget? Here it is. Here it is at this ancient organization—the ICC—created in the 19th century and reaching its heyday in the age in which tycoons with top hats and gold-knobbed walking sticks and diamond stickpins showed up at the magnificent hearing room of the Interstate Commerce Commission. This is fact.

Let me say a word about safety, because the argument is made that somehow the ICC has something to do with safety. What does it have to do with safety? Its inspectors, such as they are, inspect forms, not equipment, not people. That is done within the Department of Transportation, and the fact of the matter is that the bifurcation of responsibility between the ICC and the Department of Transportation is today a safety hazard so found by the National Transportation Safety Board.

In July 1992, in Vernon, NJ, six people were killed in a bus crash. The bus had been licensed by the ICC. It had never been inspected because of the botched-up relationship that now exists between the ICC and DOT. The National Transportation Safety Board said at that time that 1,098 new passenger bus carriers had been approved by the ICC between 1988 and 1991, and they were not even known by the Department of Transportation.

The Senator from New Jersey says that is a problem that has been cleared up. I hope it has been. But how does that kind of problem even exist? It exists because of the bureaucratic mixup, when there are too many agencies and too many bureaucrats and too many places purporting to do the same thing.

I would just like to say a word about the two Commissioners who came by to see me last week and tell me they did not have anything to do. I mean, that is a slight exaggeration. They say that they can make themselves work up to 30 hours a week. If they proofread everything, go over everything line by line, they can work a 30-hour week. They are paid $115,000-plus each year, and they say that their workload is embarrassingly light.

Mr. President, this is the situation where we have people who are leaning on their shovels. This is a situation where we have Commissioners who get all dressed up every morning and they have no place to go and they have nothing useful to do. This is a situation where we have a magnificent building, populated by people who are underworked.

Why should we permit that, when we are raising taxes on the American people?

Now, finally, I would say that various organizations which support the ICC have been mentioned. Of course, there are people who have a stake in the status quo.

The President has said we should make changes. Of course, there are people who say: Do not change anything; we like the 19th century. We are comfortable in the 19th century.

But there are also groups on the other side: Citizens Against Government Waste—this is the Peter Grace organization—and the National Taxpayers Union both say that this is one of their votes that they will use in calculating their 1994 congressional rating. So there are organizations on the other side that are watching this, and they should be watching it.

I will simply say, in conclusion, Mr. President, that if the Congress of the United States is unable to abolish the Interstate Commerce Commission, there really is not much we can do.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, will the Senator from Nebraska yield 3 minutes?

Mr. EXON. I yield 3 minutes.

Mr. LAUTENBERG. Mr. President, I am sorry this dialog in this debate is taking a very bad, sharp turn, because what I see is politics. I do not see the kind of sincerity that accompanied some of these other debates.

To suddenly drag in the accident in New Jersey where several people were killed, a horrible accident, and accuse the ICC, that has no responsibility for licensing them, I suggest what we are trying to do is get even, not fix things.

This was under Republican domination for 12 years, when there was nothing happening, and nobody complained about it. That is the interesting thing. We did not hear one complaint from the majority in the executive about the inactivity that was taking place.

So, Mr. President, I remind my colleagues here that the National Transportation Safety Board reviewed this accident and found no fault with the ICC system. They did find fault with the Federal Highway Administration for failing to process the information that the ICC was forwarding to them on new carriers applying for operating authority.

This bus company had an insurance certificate that was the responsibility of the ICC. But inspections are not done by the ICC. And to create the false impression here that somehow or other this terrible tragedy talks to the inefficiency of the ICC is absolutely irrelevant, and I am sorry that we are getting into this part of it.

If there is a genuine interest in getting rid of an expense, I salute that interest. But I did not see our friends supporting some of the President's initiatives, and Vice President GORE out there, with a program to review the whole performance of Government.

I hope we will have that kind of outrage when it comes to working on some of those issues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I yield myself 7 minutes.

Mr. President, I have listened very carefully to the Senator from New York and the Senator from Missouri. I must say that the complaints they made about the Interstate Commerce Commission are absolutely true. The complaints they made about the Interstate Commerce Commission are absolutely true; but that was a Commission of yesteryear. That was a Commission that was headed by a lady that had a do-nothing attitude. That was a Commission that indeed, because they did not do anything, allowed the undercharge issue to come home to haunt and maybe bankrupt lots of small business people in the United States today.

The Commission which the Senator from New York and the Senator from Missouri have been talking about is not the Commission of today. As to the members that they talk about who have talked to them about not having anything to do, why do they not resign their jobs and save the taxpayers some money?

I think it is astonishing to hear the former Chairman of the Commission now giving counsel and advice to those who want to kill and eliminate the Commission. Why did he fight to keep his job as Chairman of the Commission? Why was it that Commissioner Walden, who has been talked about here a great deal today—Commissioner Walden is one of the problems on the Commission, not one of those who would solve the problems that confront that Commission, that the Commission is trying to do something about.

Nothing to do? There were 685 contested proceedings a year before the Interstate Commerce Commission. What do they become involved in? They become involved in the railroad industry, with railroad abandonments. They are involved in financial transactions, assisting parties for mergers; sales that have abandonment tied in with them.

With regard to the bus and trucking industries, as to bus service, they try to assure that operating authority of unsafe and uninsured passenger carriers be suspended. Auto driveways: They intercede for the shippers who turn over their automobile to auto driveway carriers. Persistent unscrupulous practices by some carriers cause long transportation delays and at times failure to deliver the cars. The Commission attempts to resolve these problems.

We in the Midwest have gone frequently to the Interstate Commerce Commission when we do not see grain cars available to the railroads to ship the products of American farmers to market. There is hostage freight. With over 50,000 motor carriers, major disagreements about freight charges between carriers and shippers always take place, stalemates occur, and carriers refuse to deliver freight for a variety of reasons. The Commission takes action.

As to household goods, ICC helps shippers of household goods who experience difficulty from carriers during interstate shipments. Complaints range from the costs of the move to the loss or damage of the shippers' valuable property. Insurance: The Federal law requires that motor carriers have certain levels of insurance for the protection of the public, basically bodily injury and property damage. The ICC maintains a system that assures continuous applicability of these policies. When carriers do not maintain sufficient insurance coverage, the ICC forces these rules by administrative and court action.

With minority and female motor carriers listing by Federal, State, and private organizations, shippers have information gleaned from our annual survey in the design and implementation of the programs that address specific needs of women and minorities, owner operators, and to help small, independent truck operators working for regulated carriers to assure fair treatment under the establishment of the ICC rules. The bargaining power of small owners is tenuous, at best, and only the oversight of the ICC makes the whole system workable.

And State assisted: Assists in establishing uniform State regulations and procedure, thereby reducing the paperwork burden of both the States and carriers.

The ICC also provides guidance to the States on a variety of issues and assists in the efficient implementation of new or changed rules.

Nothing to do?

There was nothing for the old ICC to do. But the new ICC, with proper appointments, can carry a very valuable and vital role to the protection of our transportation industry and especially to protect the consumers.

Mr. President, at this time, I ask unanimous consent to have printed in the RECORD a letter from the National Grain and Feed Dealers Association, which I think every agricultural Senator should be interested in, addressed to Senator BYRD, strongly opposing this action, for reasons outlined in the letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL GRAIN AND
FEED ASSOCIATION,
Washington, DC, September 29, 1993.

Hon. ROBERT BYRD,
Chairman, Senate Appropriations Committee, U.S. Senate, Washington, DC.

DEAR SENATOR BYRD: The National Grain and Feed Association (NGFA) has learned that an amendment to the FY94 Transportation Appropriations bill, H.R. 2750, may be offered today in full committee or later on the Senate floor which would delete the appropriations for the Interstate Commerce Commission. We urge you to reject any such amendment.

The Interstate Commerce Commission serves a necessary function in regulating interstate surface transportation including rail transportation. This nation's agricultural production and marketing system is heavily dependent on rail transportation to move grain and grain products to domestic users and export points. While the Staggers Rail Act of 1980 did substantially deregulate certain aspects of rail transportation, Congress also vested the ICC with the responsibility to ensure competitive, efficient and equitable rail transportation for shippers and communities dependent on rail service. Among the ICC's fundamental duties is ensuring that the statutory common carrier obligations of rail companies to all shippers are met.

We are aware of legislation which would transfer the ICC's functions to the U.S. Department of Transportation. As a general policy matter, the NGFA favors efforts to reform government and to make it more efficient by eliminating unnecessary programs. Such efforts, however, should only be implemented after careful study of the impacts. Eliminating funding for the ICC at this time and transferring its functions to the DOT has not been subject to a single congressional hearing. Nor have any steps been implemented to ensure that shippers' rights would be adequately protected—a fundamental issue which should be addressed prior to moving forward. The DOT is engaged primarily in regulating safety matters and is not equipped to handle the economic regulation matters on which the ICC has substantial experience and expertise.

Consequently, we urge you to reject any efforts to delete appropriations for the ICC. Those interested in eliminating the ICC should proceed forward through the authorizing committees where budget saving estimates, competitive concerns, shippers' rights, government efficiency and other factors can be fully considered and debated prior to implementing major changes in surface transportation regulations.

The NGFA is the national nonprofit trade association of more than 1,000 grain, feed and processing firms comprising 5,000 facilities that store, handle, merchandise, mill, process and export more than two-thirds of all U.S. grains and oilseeds utilized in domestic and export markets. NGFA member firms comprise the largest sector of U.S. agribusiness. Founded in 1896, the NGFA's members include country, terminal, and export elevators; feed mills; cash grain and feed merchandisers; commodity futures brokers and commission merchants; processors; millers; and allied industries. The NGFA also consists of 40 affiliated state and regional grain and feed associations whose members include more than 10,000 grain and feed companies nationwide.

Very sincerely,

DAVID C. BARRETT, Jr.,
Counsel for Public Affairs/
National Secretary.

Mr. EXON. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DANFORTH. Mr. President, I am prepared to yield back the remainder of my time, if Senator EXON is, also, and maybe we can proceed to a vote.

Mr. EXON. Mr. President, how much time is remaining on each side, may I ask the Chair?

The PRESIDING OFFICER. The Senator from Nebraska has 6 minutes and 31 seconds; the Senator from Missouri has 8 minutes and 21 seconds.

Mr. EXON. Mr. President, I will need an additional 5 minutes, and I will yield back my time if the Senator from Missouri will do likewise.

Will that be a satisfactory compromise?

Mr. DANFORTH. Would the Senator like to speak now?

Mr. EXON. The Senator from Missouri may go ahead, if he wishes.

I will be glad to lead off.

I ask unanimous consent then that there be 5 minutes remaining, controlled by the same parties of the previous unanimous-consent agreement, and then we will proceed to vote. I may table.

The PRESIDING OFFICER (Mr. CONRAD). Is there objection?

Mr. DANFORTH. I object, Mr. President. We will just have our vote at 5:15.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

If Senators do not choose to yield time, the time will be deducted from each side equally.

Mr. EXON. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, in addition to the other items that I have referenced in this debate regarding the important role that the Interstate Commerce Commission can play if it is sufficiently stacked, the Commission has prepared and sent to many congressional offices informational guidance for constituent assistance for undercharges and rail abandonment matters. It has sent hundreds of undercharge guidebooks to the members of the public. The Office of Public Assistance alone responded to 22,115 inquiries last year from the public regarding Commission practices and policies.

The agency responds to hundreds of congressional correspondence regarding constituent complaints and inquiries each year. The agency conducts approximately 100 formal and informal conferences with parties and conducts numerous local hearings.

The Office of Hearings alone handles over 5,000 telephone calls a year concerning its activities.

In addition, Mr. President, the agency handled over 10,000 complaints, leading to the recovery of nearly $1 million for complainants, including owner-operators of household goods and general merchandise shippers.

Annually, it handles over 160,000 inquiries concerning its regulations and over 16,000 insurance assignments resulting from cancellation of carrier certification of insurance and related documents.

Mr. President, I simply emphasize once again that the period of complaint about the Interstate Commerce Commission goes back to the prior years, under a previous administration or administrations. While I agree they let down terribly and did not do their job, the people that we are going to have there—some of whom we have there right now—are dedicated to be there to carry out the important duties that we still assign them under the law.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, as I understand the argument for retaining the ICC, it is this: There are always more possibilities for vigorous action under a new regime, and, therefore, if we do not think that the ICC is doing enough, maybe a new and more aggressive ICC will do more.

But the point of the Senator from Missouri is that the entire function of the ICC is a thing of the past. I imagine that if you have some real go-getters, they could make the most out of nothing at all. If we had some real regulators and people who were out to harass people, they could really go great guns with very little as a basis for their operation. Even at the ICC, we could probably have more forms sent out, more requests for this and that made.

But I do not think that is what Government should be. I mean, that would really be a perverse way of reinventing Government. That would be underscoring the worst that Government is now: Let us make it even bigger for the sake of making it bigger.

But the fact of the matter is that the function of the ICC is something that is a thing of the past. It went out with deregulation, primarily in 1980. Thirteen years ago, the role of the ICC ceased being a real role. Now it has 615 people basically sitting around receiving forms. The safety role of the ICC is not to inspect; it is to receive forms.

When Congress deregulated the airlines in 1984, we did away with the CAB, and we melded its functions into the Department of Transportation, such as the functions were. That is what we are saying we should do now; that the model should be what was done with the CAB, not to just keep a bunch of people around in a posh office, five Commissioners each drawing $115,000 a year, when they come by your office and say, "We do not know what to do with our time."

Do they answer the phone? That was one of the arguments made, "Hey, they answer the phone." One Commissioner told me he receives two calls a day—$115,000 to answer the two phone calls. It is ridiculous.

This really, Mr. President, has become a ridiculous agency. The ICC is a ridiculous agency. With five Commissioners, it is like a stage setting somewhere. It is like the grand march of "Aida" at the ICC. It is a bunch of people walking across the stage carrying spears, dressed up as commissioners, with nothing to do. Just get across the stage day by day.

What does reinventing Government mean if it does not mean doing away with the ICC? What does efficiency in Government mean if it does not mean getting rid of the ICC? Why should we be spending $50 million a year running this agency with nothing to do? Every function, according to Commissioner Walden, can be done in the executive branch. So shift it to the executive branch, shift it over to the Department of Transportation, just as we did with the CAB back in 1985.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER. The Senator from Missouri has 3 minutes 43 seconds, and the Senator from Nebraska has 3 minutes 41 seconds.

Mr. EXON. Mr. President, I think it is ironic that there seems to be such a great difference of opinion about the need for the ICC.

The Senator form Missouri continues to say it would be a good idea if we simply transfer this over to the Department of Transportation. We did that with the Civil Aeronautics Board. Certainly, the Senator from Missouri cannot be satisfied with the activities of the Civil Aeronautics Board, because he is on the floor time after time after time trying to get something done for one individual airline.

If he thinks the Civil Aeronautics Board has not worked very well, just wait, just wait, Mr. President, to see what would happen to our shippers and our consumers if his latest technique works out.

There has been a great deal of discussion here, Mr. President, with regard to, if I have the argument correctly: "Isn't it about time we start saving some money around here? If we can't cut this, we can't cut anything."

Mr. President, that is my major concern about the upcoming vote.

There are people who are saying, "It is time to save money around here. If we cannot cut this we cannot cut anything." They come to the floor of the U.S. Senate at a recent date and vote for the superconducting super collider, vote for the space station—those are multi-billion-dollar programs—but want to make a great case out of saving $40 million that is vitally necessary to protect our transportation industry.

Yes, I think we can cut some money around here. I think we can make all kinds of speeches belittling the Interstate Commerce Commission. I have heard great mention here today of Commissioner Walden and what Commissioner Walden has or has not done. I think it is somewhat ironic that Gerald Walden should criticize his own Commission. My colleagues should know Mr. Walden has not been confirmed by the U.S. Senate. He serves on the Commission as a result of an 11th-hour recess appointment by President Bush. That appointment has given the Republicans unprecedented control of the Commission, although there is a Democratic President of the United States. Why the Democratic President has not moved on this sooner is beyond my grasp.

Mr. Walden has spoken frequently of his right to remain on the Commission until the end of this session of the Congress by virtue of the recess appointment. The irony is that an individual who would fight so hard for the right to keep his job is fighting just as hard to eliminate the Commission after he leaves. I am always wary of the so-called reformers who believe an agency is good enough to give them a monthly paycheck but not good enough to exist after they leave.

Before this body acts, as this proposal is suggesting, I hope the President will have had an opportunity to make the appointment which he has not. But it does not follow that Mr. Walden is an expert, because he has not been on the ICC long enough.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from New York.

Mr. D'AMATO. Mr. President, let me simply make an observation——

The PRESIDING OFFICER. The Senator will suspend for one moment. The Chair wants to notify the gallery that there can be no expressions, no outbursts, or the gallery will be cleared.

The Senator from New York.

Mr. D'AMATO. Mr. President, I voted against the superconducting super collider. I voted against the space station. And, I dare say, there are some things I voted for that others voted against, and vice versa.

I find it tough to say we should continue business as usual, given the faux pas of the previous administration in the conduct of this agency. I am not going to defend them. However, No. 1, there is no reason to continue this. No. 2, how is it that for the first time in 11 years, instead of the budget request going down, we have the budget request going the other way, from $40 to $44.9 million, approximately a $5 million increase in this turkey of an agency?

If there are those of us who suggest this is nothing more than a hiring hall kind of mentality, and to the winner belong the spoils, that is just the kind of attitude the people say we want changed. We voted for change. We voted to make cuts. If you cannot cut here, then you are not going to cut anyplace. This is the time to do it. The time to do it is now.

I yield the floor.

Mr. PRESSLER. Mr. President, I wish to associate myself with the forthright remarks made by the senior Senator from Nebraska.

Mr. President, it is not often that I find myself in disagreement with the ranking member of the Commerce, Science, and Transportation Committee. However, I strongly oppose his amendment to effectively transfer the duties of the Interstate Commerce Commission [ICC] to the Department of Transportation [DOT]. More specifically, I do not think such a serious policy matter should be achieved via an appropriations bill. In my view, this is not the best way to formulate policy.

As the former ranking member of the Surface Transportation Subcommittee, I am well aware of the ICC's role in providing needed oversight for our interstate transportation system. The ICC's responsibilities encompass a necessary and independent review of checks and balances for the rail, truck, and bus industries. For example, over the years, the ICC has provided critical oversight in rail abandonment cases. Frankly, if it were not for the ICC's involvement in rail abandonment matters, South Dakota may be without rail transportation service today. In addition, the ICC provides a fair means for resolving interstate transportation disputes, such as disagreements between shippers and railroads, or small business owners and trucking companies.

Indeed, the independent role of the ICC should not be taken lightly. I am not implying such a view is taken by the sponsors of the amendment. Obviously, if the merits of the ICC were questionable, the amendment would not be transferring the Commission's duties. Instead, those oversight duties would simply be left to fall by the wayside altogether.

Given the clear fact that the ICC carries out essential and critical oversight responsibilities, we cannot assume that a seemingly simple transfer of ICC duties to the DOT, as directed by this amendment, would provide for continuity of essential oversight. This is particularly doubtful given the fact that Transportation Secretary Federico Pena has voiced his strong opposition to such action.

This proposed duty transfer could have extensive and long-term effects on interstate transportation. Therefore, it should not be permitted without considerable committee deliberation and consideration. While I am not saying that I would support revoking the ICC's independent agency duties or transferring those duties to the DOT even after committee action, I urge the senior Senator from Missouri to withdraw his amendment so that the Commerce Committee can consider and vote on the merits of his proposal before we ask the full Senate to vote on it.

Mr. President, I urge my colleagues to defeat the amendment.

Mr. DORGAN. Mr. President, I am voting to table this amendment because it does not adequately address some critical issues such as rail abandonment and others.

But I want to say that I support either restructuring or abolishing the ICC.

This is an agency that has done a poor job of protecting the public interest, and I think it should be either abolished or fixed. We don't need to have a regulatory agency unless it is going to regulate in the public interest.

We are looking at this issue in the Commerce Committee, and I just want to be sure that no one misinterprets my vote to table. This amendment is not the right way, but I am fully prepared to abolish the ICC if it is done with adequate protections for the public interest.

Mr. DASCHLE. Mr. President, at first blush, the Danforth amendment has superficial appeal; it promises to cut bureaucracy and cut spending, two goals I enthusiastically support. As is so often the case, however, further reflection on the amendment raises disturbing questions about its practical effect.

Specifically, has serious thought been given to whether the ICC is currently performing an important mission, and, if it is, how is that mission going to be executed at DOT if funding to support the mission is eliminated? This question is critical and, for me, it cuts to the heart of the issue.

The ICC was established to provide an independent forum to review the complaints and concerns of commercial shippers, carriers, and passengers. It is the ICC's job to maintain a level playing field for its constituencies.

Democratic and Republican administrations will continue to come and go, undoubtedly leaving in their wake the mark of their respective political philosophies. Without the independent review afforded by the ICC, what guarantee will people have that their concerns will be taken seriously?

In my view, the ICC's mission is an important one that should be preserved outside the Department of Transportation. But even if one were to suspend disbelief and assume that the ICC could maintain its independent status within the Department of Transportation, the question of funding remains. It simply makes no sense to argue, as the author of the amendment appears to do, that the ICC's mission is worthwhile enough to ask the Department of Transportation to carry it out, and, at the same time, argue that the Government should commit zero resources to support that mission.

We cannot have it both ways, and suggesting that we can only adds to the misunderstanding of our fiscal problems that continues to impede their solution.

I have served under three administrations that worked to deregulate outmoded features of the ICC's jurisdiction. But those administrations also recognized the importance of maintaining the ICC's rate-making oversight and ability to help so-called captive shippers. This role is particularly important to rural areas like South Dakota, which are dependent on rail service and whose farmers and small communities may not have the kind of economic resources necessary to challenge the economic power of rail conglomerates.

We have see the need for the forum that the ICC provides when rail lines have attempted to abandon service in South Dakota. While I may not always agree with the decisions of that agency, I have great concern about whether its expertise would be matched by simply moving its jurisdiction to DOT, particularly if we eliminate its funding.

I commend the President and Vice President for initiating a bottom-up review of the Federal bureaucracy. Certainly the ICC should not be immune from that review. In undertaking such a review, however, we must first understand whether an agency like the ICC performs a necessary function. I have seen, at least on a limited basis, a need for the ICC's involvement to resolve rail transportation issues in South Dakota, and, without knowing the details of how that function would be handled by another entity, cannot support this amendment.

The PRESIDING OFFICER. The Senator from Missouri still controls 2½ minutes.

Mr. DANFORTH. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The question is on the amendment.

Mr. EXON. Mr. President, I move to table the amendment of the Senator from Missouri.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Missouri. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. Mr. President, I announce that the Senator from Delaware [Mr. BIDEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Alabama [Mr. HEFLIN], the Senator from Georgia [Mr. NUNN], the Senator from Alabama [Mr. SHELBY], and the Senator from Pennsylvania [Mr. WOFFORD] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Kentucky [Mr. MCCONNELL] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 39, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—52

Akaka
Baucus
Boren
Boxer
Breaux
Bryan
Bumpers
Byrd
Cohen
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatfield
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Murray
Packwood
Pell
Pressler
Pryor
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Specter
Wellstone

NAYS—39

Bennett
Bingaman
Brown
Burns
Campbell
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Faircloth
Feingold
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Jeffords
Kassebaum
Kempthorne
Lott
Mack
McCain
Moynihan
Murkowski
Nickles
Reid
Roth
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NOT VOTING—9

Biden
Bond
Bradley
Durenberger
Heflin
McConnell
Nunn
Shelby
Wofford

So the motion to lay on the table the amendment (No. 1010), as modified, was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, is there a unanimous-consent agreement on future amendments?

The PRESIDING OFFICER. There is no agreement.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. LAUTENBERG. May I respond to the inquiry of the Senator from Arizona. It is the intention to——

Mr. DECONCINI. I will be glad to yield to the Senator providing I do not lose my right to the floor.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. DECONCINI. I yield to the Senator under that understanding.

Mr. LAUTENBERG. If I may, Mr. President, just declare that the intention is, if possible, to finish this bill tonight, or at least finish the amendments that are related thereto, and we would like to continue to work on it. So I hope that alerts those who have amendments to work on getting them up, being considered, and dealt with. It will enable us to proceed to other things. If we can finish this tonight, I think it is in keeping with the majority leader's intention to move legislation along.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. WARNER. Mr. President, will the Senator yield for 1 minute for a question to the managers?

Mr. DECONCINI. I will be glad to yield to the Senator from Virginia with the understanding I do not lose the privilege of the floor.

The PRESIDING OFFICER. The Senator from Arizona has yielded for purposes of a question.

Mr. DECONCINI. One minute to the Senator from Virginia with the understanding that I do not lose the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. Mr. President, I direct the question to the managers. It is the intention of the Senator from Virginia to raise an amendment which can best be characterized as an amendment on minimum allocation. It is in the form of an amendment to strike certain language. I anticipate it will take speaking a minimum of 2 hours, and I am anxious to determine how much time those who wish to associate themselves with the Senator from Virginia would like, and at the appropriate time this evening I will be happy to enter into a time agreement.

But I would like to alert my colleagues, those who are interested in the time, to call my office because we would be better informed as to the parameters of the time agreement.

Mr. LAUTENBERG. Mr. President, in terms of the amendment or the concern of the Senator from Virginia, I understand that he is interested in dealing with a change—he did use the term "minimum allocation," but in the first quarter reporting on that allocation.

Mr. WARNER. Mr. President, the Senator is correct. It is the position of the Senator from Virginia that the committee is very skillfully moving from the traditional area of budgeting for this ISTEA account into control by the committee, and that that will eventually lead to far more discretion reposed in the committee than I think those of us from our State feel there should be.

This is a long, contentious debate, I assure you. And I simply raise the question now to accommodate the managers in the event they seek a time agreement from the Senator from Virginia, so we may be better informed as to how much time he should require for those who wish to speak.

Mr. LAUTENBERG. Mr. President, I then respond to the distinguished Senator by saying that this right now is simply a benchmark, and it does not affect at all the obligation ceiling for that year.

We would, in fairness to our colleague who has the floor, need some time to discuss it. But I hear what the Senator from Virginia has said. We will certainly make time available when he chooses to bring this up and discuss it.

I believe that his concerns would not be of the nature that he sees them, if we have a chance to talk about it. Maybe we can even discuss it privately a little bit while the Senator from Arizona has the floor, and perhaps come to a resolution very quickly.

Mr. WARNER. Mr. President, I thank the managers. I will be happy to cooperate.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

THE WORLD'S UNTENABLE BOSNIA POLICIES

Mr. DECONCINI. Mr. President, A few days ago the Bosnian Parliament decided that it could not accept the peace settlement placed before it. This decision is understandable. While no negotiated settlement for Bosnia's future could be considered just, in light of the aggression and genocide perpetrated by Serb forces, this plan goes too far in rewarding the perpetrators.

Soon after the Bosnian Parliament announced its decision, the shelling of Sarajevo recommenced. This Serb response revealed, yet again, their key negotiating tactic: give us the land we want, or we kill more of you. Still, undoubtedly, a new, amended plan will be sought, as the international community remains wrongly committed to diplomatic negotiations, and pressures the Bosnians to come to terms.

Meanwhile, an issue before us now is a prospective plan's implementation, and whether the United States will contribute its own forces to a peacekeeping operation. U.S. participation, in my view, is essential if the settlement is to be implemented as agreed. Given the way the world has abandoned them, I think we own it to the Bosnians to protect what they have left, and to help them rebuild. However, as many hope the Bosnians do agree to the plan on the table, they predictably balk at the notion of guaranteeing that Bosnia's opponents will implement the plan as agreed.

Mr. President, how can our fellow Bosnian parliamentarians be expected to agree to a plan which rewards their opponents' evils? How can we expect these parliamentarians to agree to a plan which their opponents show not the least sign of honoring? Even worse, how can these parliamentarians agree to a plan when the rest of the world is unwilling to give them credible assurances of assistance in its implementation? We are parliamentarians; how would we vote under such circumstances?

Let me state, as I have stated many times before, that peacekeeping is fraught with incredible dangers, especially since aggressor Serb forces are encouraged by the way they have gotten away with their crimes. Peacekeeping is the potential quagmire about which we should worry, not the peacemaking through air strikes and arming of the Bosnian forces that I have consistently advocated. If and when we debate the prerequisites for American participation in a peacekeeping operation in Bosnia and Herzegovina, I will detail my views on the matter, especially with respect to the mandate and rules of engagement.

In the meantime, however, I want to make one, more general point, which I intend to repeat again and again regardless of how the situation turns out. I want to make it clear that the ones responsible for the dangerous peacekeeping operation we now confront are those who, from the beginning, opposed more decisive action to thwart Serb aggression.

The first time such action really became politically possible was in August 1992, when revelations of Serb-run concentration camps made our Never Again response to the Holocaust echo grimly in our minds. Moreover, the Serb forces were much more vulnerable to air strikes at that time than they are now, and a credible show of force would likely have had sufficient credibility to have caused their retreat.

A subsequent lifting of the arms embargo would have been much easier to implement, and could have precluded any further international escalation if it went that far. But opponents, in this Chamber and elsewhere, trotted out highly skewed or irrelevant historical analyses of centuries-old tribal warefare in the Balkans, Yugoslav resistance to Nazi German occupation, and our own Vietnam experience, ignoring, of course, that violent Balkan disputes have not been resolved by negotiation and good will, and that they, in fact, usually spread.

In my view, because of successful opposition to punitive action early on, peacemaking has become a riskier job over time, even as the need for it has become more critical. U.N. protection forces have been shot at, taken hostage and killed without fear of retaliation, as the job of peacekeeping has been rendered all the more dangerous as well. Because action was not taken sooner, at least 100,000 additional innocent Bosnians have been killed so far.

Many of us may not be disturbed by the death of a few soldiers from other countries' peackeeping efforts in Bosnia and Herzegovina, just as many in Europe and the United States seem indifferent to the death of so many Muslims. In the meantime, however, mediation has produced a peace settlement that will place 50,000 or more foreign troops on the ground as peacekeepers in Bosnia and Herzegovina. Half of these groups will likely be

Americans, placed in between people who feel they can commit any atrocity they want, and people bent on revenging atrocities already committed.

This solution not only contains more risk and less justice. Just look at the cost to the taxpayer. Estimates are as high as $4 billion for the total operation, much of it likely to come from American pockets.

Of course, many of those who have opposed American-led peacemaking in the past are opposing any American-led peackeeping now. They can make a good argument in the latter case. But those who have taken this position have, in effect, said: Let the women be raped, let the innocent be tortured, let the people be killed. And they are now saying, let more be raped, tortured, and killed, and let us deny the survivors any justice or protection as well.

This is insane, Mr. President, insane. To kill people because they are Moslems is a crime. What is it when people are allowed to be killed because they are Moslems?

How can it be that this administration and our allies are not truly frightened for the chilling precedents we are allowing to take hold? Do they not see this as undermining the very foundation upon which a new Europe was to be built? Do they really think the Serbs who have waged a brutal campaign of aggression and genocide with virtual impunity are going to allow a Bosnia Moslem state to exist? America's security rests upon its ability to help shape a new Europe based on a true commitment to democracy.

Our country, Mr. President, is not the world's policemen, but Bosnia and Herzegovina has come to represent something much uglier and more ominous that just another regional conflict. It represents something against which we must take a stand.

I yield the floor.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

MEGALOPOLIS UNBOUND: A REALITY

Mr. PELL. Mr. President, it is with a great sense of satisfaction that I rise today in support of the Transportation appropriations bill for fiscal year 1994, and especially that part of the bill which addresses rail transportation.

I salute the distinguished Senator from New Jersey and chairman of the Subcommittee on Transportation Appropriations, Mr. LAUTENBERG, for his diligence and particularly for his commitment to funding electrification of rail service in that portion of the Northeast corridor between New York and Boston.

And I especially appreciate his recognition of the importance of preserving freight service concurrently with the upgrading of passenger service. Passenger and freight rail transportation are not mutually exclusive. We must ensure that freight rail operations are not disrupted or hampered in the process of electrification. We can little afford improved passenger rail service at the expense of freight operations, which are of immense importance to the economic future of our country.

We have the opportunity now to ensure that the necessary steps are taken to guard against the possible deterioration of the freight system, and we should not hesitate to do so. Passenger rail enhancements should not serve as an impediment to the enhancement of the vital freight network.

In many ways, the electrification of the Northeast corridor and the upgrading of passenger rail service represents a major step toward fulfillment of a personal commitment I made during my first term in the Senate more than 30 years ago.

In those days, the quality of rail passenger service had fallen to abysmally low levels, largely as a consequence of the post-World War II rush to automobile mobility. I was acutely aware of the inadequacy of service, since I frequently depended on the overnight trains between Providence and Washington to meet my Senate schedule.

The railroads referred to the overnight service as sleeper service. I knew from hard experience that it would be more accurate to describe it as waker service. And I always contrasted it in my mind with the far more comfortable and efficient experience I had enjoyed on European railroads.

Against this background I began to evolve a plan for public action which I summarized as follows:

> Simply put, it was that our superbly advanced society, with its great capacity for inventiveness and technological adaptability to human needs, should somehow contrive easier and more efficient ways of transporting people on relatively short intercity trips where distances are too insignificant for economic use of airplanes but too great for regular use of the automobile. The solution, it seemed to me, lay in modernization and improvement of railroad service.

In order to achieve that objective, I knew that some mechanism would have to be devised to promote investment in technological advancement, and my first impulse was to try and do so in the private sector.

With that in mind, I introduced on June 1, 1962, Senate Joint Resolution 194, which simply would have granted the consent of Congress to the negotiation of an interstate compact in the Northeast seaboard region for the purpose of owning, operating, and maintaining railroad passenger service. Its financing was to come from the private sector, but with Government guarantees against default.

While this simple piece of legislation never was enacted, it proved to be the impetus for developments which were far beyond my original concepts. It immediately struck a responsive chord with the press, beginning with the New York Times, and that in turn gave impetus to the political results which were to follow.

Fortunately, I was able to engage the interest of President John F. Kennedy in the concept, in good part because he too, as a New England Congressman and Senator, had shared my first-hand experiences with the inadequacies of the existing rail service.

At his instigation, a modest appropriation was obtained to start the Northeast corridor project in the Department of Commerce, the purpose of which was to conduct a systematic study of the transportation needs between Washington and Boston and to provide a basis for further Government action. At this point, my proposal began to broaden considerably and became institutionalized in the executive branch.

After the untimely death of President Kennedy, I succeeded in drawing the attention of President Johnson to the Northeast corridor project, which, although very modest in scope, focused on an area of the country which was of considerable electoral vote importance. And at his instigation the project moved from paper to three dimensional form.

After pledging his intention in his January 1965 State of the Union Address to seek funding for high speed rail demonstrations between Boston and Washington, President Johnson's administration threw its weight behind the High Speed Ground Transportation Act of 1965, which he signed into law on September 30 of that year.

I recall being immensely pleased when the President, in remarks at the signing ceremony, gave credit to those who had contributed to the passage of the legislation, and added "particularly Senator PELL, who harassed me week after week until he got me to take some action."

The 1965 legislation did in fact lead to demonstration projects which laid the groundwork for the Metroliner service, which continues in the Northeast corridor today. And in a larger sense, it paved the way for the creation of Amtrak in the years that followed.

In 1966, I authored a book entitled "Megalopolis Unbound: The Supercity and the Transportation of Tomorrow," which told in some detail of these developments in the early years of the 1960's. But its main purpose was to show that the transportation problems of the Northeast were indeed national in scope. And I am afraid that my book is still current today since so little has been done to carry out its suggestions.

In fact, I argued, the Northeast megalopolis was only 1 of 21 such megalopolitan areas, spread over some 26

States, which in 1960 accounted for 55 percent of the Nation's total population. And each of them, even then, were beginning to experience auto gridlock and airport saturation, with attendant problems of pollution control and curtailment of personal mobility. The solution, as I saw it then and still see it today, is high-speed ground transportation.

The appropriation bill before us today thus represents for me one more keystone in what I hope will be just the first stage of a national solution. Achievement of high-speed service between Boston and New York on what was formerly known as the New Haven Railroad has long been a major stumbling block. It is a corkscrew section of track which, if all the curves were put together end to end, would spiral through nearly 17 full circles. Now the prospect of electrification, combined with tilt-train technology, makes the achievement of my original objective a reality.

But with that achievement, comes an unforeseen complication which also has national implications, and that is the preservation of railroad freight service that must coexist with high speed passenger service. When I started this crusade in the 1960's, I lamented the fact that passenger service was the stepchild of freight service. Now with the institutionalization of Amtrak and high-speed passenger service, the roles are becoming reversed.

Mr. President, rail transportation—both passenger and freight—offers our country significant economic and environmental benefits that would be lost if there were to be a further shift of traffic from the tracks to our already congested highways. Thus, as we work to improve our country's passenger rail system, we must take necessary steps to prevent the deterioration of our freight operations. Passenger and freight rail operations are not mutually exclusive. Indeed, they have previously coexisted and, with proper coordination and cooperation, can continue to do so and prosper.

With this proper balance in mind, Mr. President, I am certain that we can succeed in making our rail system safer, cleaner to the environment, and more cost-effective.

I raise this issue, Mr. President, not in a hypothetical or theoretical manner, but because this issue is grounded in reality in Rhode Island. I have deep concern that an unintended side effect of the electrification project would impede existing freight operations in Rhode Island. As New England continues to struggle out of a prolonged recession, this side effect could adversely impact our region's current and future economic viability.

Having nurtured the concept of high-speed rail for the past 30 years, this potential conflict causes me great pain. States can little afford improved passenger service at the expense of freight and vice versa.

My distinguished colleague from New Jersey, Senator LAUTENBERG, a champion of rail development, understands this dichotomy and realizes that enhancements to passenger service should not result in the deterioration of freight operations. Also, having been one of the first elected public officials to arrive on the scene of the train collision in Chase, MD, a few years ago, Senator LAUTENBERG correctly and wisely advocates separation of fast moving passenger trains from slower moving commuter and freight trains. I, too, believe we should do this wherever it is possible and cost-effective. That tragic disaster underscores the need for us to make rail service completely safe.

In the case of southern New England, particularly Rhode Island, the plans to electrify the corridor pose numerous operational and structural difficulties to the current freight operations. A solution exists that will accommodate high-speed passenger rail service and freight rail service, while improving safety along the corridor by separating passenger and freight rail. This solution entails the construction of a 22-mile track, 7 miles of which already exists, which would be dedicated to light rail and freight operations.

Amtrak has a statutory obligation to assure that its work along the corridor does not interfere with current freight rail operations. It is my belief, Mr. President, that Amtrak also has a clear obligation to allow for the planning and eventual introduction of modern freight and commuter rail services to the area.

Senator LAUTENBERG is, I believe, committed to a fair and positive resolution of this matter. In fact, he has included language in the accompanying report which, I believe, is a step in the right direction.

I am sure that the report language accompanying this bill was not intended to be completely restrictive in nature. I am sure the report does not intend that the reimbursement required for the necessary planning to accommodate freight operations needs to come wholly from State funds but could be derived from a combination of sources, including other appropriate Federal programs as well as the private sector.

On a personal note and in closing, Mr. President, I want to once again thank my colleague from New Jersey for the leadership and expertise he has exhibited in this area and for helping to shepherd along a vision of mine and a crusade I started more than 30 years ago.

All told, this is a wonderful bill. To me, it is a great satisfaction to see high-speed rail service coming into effect.

I wrote a book on this subject in 1966, and it is absolutely current today because so little has been done since.

So I congratulate the chairman, the Senator from New Jersey, on his work and what he is doing.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I first want to say thank you to our distinguished colleague, Senator PELL, for his longstanding support of rail development. He was, as he noted, one of the pioneers in enhancing and improving passenger service in this country. He has been instrumental in the introduction of high-speed ground transportation. We worked very closely. Despite the fact that the Senator from Rhode Island is not on a particular committee, he has had this abiding interest for a long time.

I share his interest. He preceded me here by a number of years. Certainly no one can challenge the fact that he has had a vision of what high-speed rail might mean, particularly to his sector of the country, my sector of the country where we have so much of the national population. I am fully aware of the situation surrounding the introduction of the electrification to the Northeast corridor. Senator PELL was very helpful as we developed that concept. I, at Senator PELL's request, recently met with Governor Sundlun of Rhode Island to discuss this particular situation, which relates to the movement of freight as well as passenger service. I informed him that I would look into his concerns, which were also brought by Senators PELL and CHAFEE.

As to Senator PELL's question regarding reimbursement for modification of the electrification design plants to include an independent third track in Rhode Island, I endorse his contention that such reimbursement can be made by a combination of appropriate Federal funds—from sources other than Amtrak and the FRA—the State of Rhode Island and private sources. I salute the leadership. They are taking in Rhode Island, with Senator PELL's insistence, and we are happy to work with him on that and look forward to the day that we can zip back up to Rhode Island and come back on high-speed electric trains.

Mr. PELL. I look forward to riding in the train with the Senator from New Jersey.

Mr. LAUTENBERG. Yes. I thank the Chair and yield the floor.

Mr. BUMPERS. Mr. President, I yield to the minority manager of the bill.

Mr. D'AMATO. I thank my friend and colleague from Arkansas. I have an amendment here that I will soon offer, which has been cleared on both sides. It makes available $3,200,000 that previously was not included in the bill as a result of the moneys for 1993 not having been spent. They have now been spent. We learned that in the last 24 hours. Therefore, there is no additional outlay.

I ask unanimous consent that the present business pending be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1011

(Purpose: To allocate $3.2 million in uncommitted Federal Transit Administration discretionary grant funds under the Department of Transportation and related agencies bill for fiscal year 1994 to the RAILTRAN corridor project now that all matching funds have been made available and all prior grants have been expended)

Mr. D'AMATO. Mr. President, I send an amendment to the desk on behalf of Senator HUTCHISON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. D'AMATO], for Mrs. HUTCHISON, proposes an amendment numbered 1011.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 37, strike lines 12 and 13, and insert the following: $3,200,000 shall be for the RAILTRAN Corridor project of Dallas, Texas and Fort Worth, Texas, and $69,300,000 shall be allocated at the discretion of the Secretary.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 1011) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

AMENDMENT NO. 1012

(Purpose: To provide $5,000,000 for Arkansas: Lock and dam No. 4, Pine Bluff)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 1012.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, line 24 add the following after the period: "Of the funds made available pursuant to this heading, $5,000,000 shall be provided for continuing construction of Lock and dam No. 4 located at Pine Bluff, Arkansas.".

Mr. BUMPERS. Mr. President, this is an amendment that I think has been cleared on both sides. It deals with an authorization of bridges over locks and dams. I think this is the seventh year of funding. I appreciate very much the cooperation from the Senators.

Mr. LAUTENBERG. If the Senator will withhold for a few minutes on that request, I think it is something that we can process with facility. I just want to be certain that I understand the statute under which it comes.

Mr. BUMPERS. I ask unanimous consent that the amendment be laid aside until the Senator is satisfied.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. I ask unanimous consent to lay aside the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1013

(Purpose: To provide flexible use of highway dollars for the State of Florida)

Mr. D'AMATO. Mr. President, I send an amendment to the desk on behalf of Senator MACK and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. D'AMATO], for Mr. MACK, proposes an amendment numbered 1013.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. . TRANSFER OF APPORTIONED TITLE 23 FUNDING.

The Secretary of Transportation shall permit the obligation of not to exceed $4,000,000, apportioned under title 23, United States Code, section 104(b)(5)(B) for the State of Florida for operating expenses of the tricounty commuter rail project in the area of Dade, Broward, and Palm Beach Counties, Florida, during each year that Interstate 95 is under reconstruction in such area.

Mr. D'AMATO. This is statutory language required to continue to fund this project, and it has no budgetary impact. This has been cleared on both sides, and there is no objection.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 1013) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. D'AMATO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. D'AMATO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

Mr. D'AMATO. Madam President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1014

Mr. D'AMATO. Madam President, on behalf of Senator BOND, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for Mr. BOND, proposes an amendment numbered 1014.

Mr. D'AMATO. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

Insert where appropriate:

Notwithstanding any other provision of law, of the funds made available by this act under Federal Aviation Administration Grants-in-Aid for Airports, $6,000,000 shall be made available to repair and rebuild airports damaged as a result of the Midwest floods of 1993: *Provided*, That these funds shall remain available until expended.

Mr. D'AMATO. This amendment has been cleared on both sides. There are no fiscal implications. It comes about as a result of the floods in Missouri. It is indeed an emergency for airport flood relief. I hope that we could adopt this amendment.

Mr. LAUTENBERG. We are agreed on that, Madam President, and we ask that the amendment be agreed to.

Mr. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Kentucky has suggested the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Madam President, I have discussed with the two managers of the bill the taking of $6 million off the top of the airport improvement program trust fund. I am sure it goes for a good cause. But the chairman of the committee is not here, and as chairman of the Aviation Subcommittee, we have not had our markup yet. It looks like our moneys are going to be short. Therefore, with the agreement of the managers, I ask unanimous consent this amendment be set aside, and it be brought up tomorrow in the normal course.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I thank the Chair and I thank the managers.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, is there a pending amendment?

The PRESIDING OFFICER. There is no pending amendment before the Senate.

AMENDMENT NO. 1012, AS MODIFIED

Mr. BUMPERS. Madam President, I previously offered an amendment. I now send a modified amendment to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment (No. 1012), as modified, is as follows:

> On page 53, line 8, before the period, add: "$5,000,000 for Lock and dam No. 4 located at Pine Bluff, Arkansas".

Mr. BUMPERS. Madam President, I think after much labor, and running this, this has been agreed to by both parties.

Mr. LAUTENBERG. Madam President, this is the Bumpers amendment that has been authorized under lock and dam legislation. This project has received Appropriations Committee support in the past. Considerable work remains to be done. It is an acceptable amendment. I encourage adoption of the amendment. It is cleared, I believe, by the Republican manager as well.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1012), as modified, was agreed to.

Mr. BUMPERS. Madam President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that the following be the only floor amendments remaining in order to H.R. 2750, the Transportation appropriations bill, and that they be subject to relevant second-degree amendments, if applicable.

The amendments are as follows:

An amendment by Senator WARNER regarding minimum allocation; an amendment by Senators BOXER and FEINSTEIN regarding California; an amendment by Senator BOND regarding flooded airports; an amendment by Senator KASSEBAUM regarding labor issue, section 342; an amendment by Senator JOHNSTON that is technical regarding ISTEA; an amendment by Senator DOLE that is travel related; an amendment by Senator LOTT that is relevant; an amendment by Senator WALLOP that is a sense of the Senate regarding the FAA; an amendment by Senator MCCAIN that isrelevant; an amendment by Senator GLENN that is relevant; an amendment by Senator BRADLEY that is relevant; an amendment by Senator BRADLEY that is relevant; an amendment by Senator METZENBAUM that is relevant; an amendment by Senator METZENBAUM that is relevant; an amendment by Senator RIEGLE that is relevant; an amendment by Senator MURRAY that is relevant; an amendment by Senator LAUTENBERG that is relevant; an amendment by Senator D'AMATO that is relevant; an amendment by Senator HATFIELD that is relevant; an amendment by Senator GRAMM, of Texas, that is relevant; an amendment by Senator BYRD that is relevant; an amendment by Senator MURKOWSKI that is relevant.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Madam President, it has come to my attention that Senator BURNS had asked for an amendment dealing with cargo preference, and inadvertently it was not included in the list. I ask unanimous consent that a place be reserved for Senator BURNS' amendment so that it may be included in those amendments that can be offered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Madam President, I am wondering——

Mr. LAUTENBERG. Does the Senator mind withholding? I reserve the right to object, and do not object and probably will not, but there is a question we have on the Burns amendment.

Mr. D'AMATO. I am not suggesting we accept it, but only that he have an opportunity to offer it.

Mr. LAUTENBERG. Was it on the list earlier?

Mr. D'AMATO. He had given it to me.

Mr. LAUTENBERG. In fairness, because I think I saw it on the list, I would have no objection to including it.

Mr. D'AMATO. I thank my colleague.

I am wondering if the manager of the bill thinks it would be appropriate that we ask for the yeas and nays on final passage at this time.

Mr. LAUTENBERG. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The pending question is the committee amendment on page 50, line 22.

Mr. D'AMATO. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that a Breaux relevant amendment be included in the list, as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. With that, Madam President, I think it covers them all.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIESEL FUELS

Mr. REID. Madam President, a provision in the Omnibus Reconciliation Act of 1993 will require tax-exempt, low sulfur diesel fuel to be dyed at the terminal rack if it is to sold to wholesalers or retailers tax free for off-road uses. The effective date of that provision is January 1, 1994. I ask the Senator from Montana, the distinguished chairman of the Environment and Public Works Committee, if he is aware of the environmental ramifications of that provision.

Mr. BAUCUS. It is my understanding that some terminal racks will not have in place the dye injection equipment necessary to dye the fuel that is intended for off-highway or tax-exempt use. As a result, the users of the tax-exempt fuel may seek out the high sulfur fuel for off-road uses that is now required to be dyed as part of the Clean Air Act. The requirement in the Clean Air Act to dye high sulfur fuel was intended to dissuade the use of this fuel because of its detrimental effect on the air quality of this country. The Clean Air Act will be compromised if the only tax-exempt, off road fuel available is high sulfur diesel.

Mr. REID. That is my understanding as well. In fact, I have learned that even if all of the terminal racks wanted to provide dyed fuel to their off road customers, the physical ability to do so is limited because of the implementation date of this provision. In addition, the fact that some terminal racks in a region of the country will be able to provide dyed, low sulfur fuel to their customers, while some terminals in the same region will not, is going to put some businesses that sell diesel fuel at a distinct competitive disadvantage. In some cases, this competitive disadvantage will put these businesses, some of them small businesses that are family owned, at risk of survival.

With this understanding, would the Chairman agree that the IRS should be astute to these conditions when drafting the regulations relating to the dyed, low-sulfur diesel provisions in OBRA?

Mr. BAUCUS. I agree. The IRS must keep the issues we have discussed here today in mind so the regulations it promulgates do not result in an increased use of high-sulfur fuel and do not put some businesses at a competitive disadvantage.

Mr. REID. I thank the Chairman.

TRANSPORTATION ACCESSIBILITY PROGRAM

Mr. HARKIN. I wonder if I can engage the chairman of the Subcomittee on Transportation Appropriations, my friend from New Jersey, in a colloquy on the transportation accessibility program contained in the transit planning and research portion of the bill.

Mr. LAUTENBERG. I would be pleased to join the Senator from Iowa, a leader in transportation accessibility, in a colloquy.

Mr. HARKIN. I thank the Senator. I note to the Senator from New Jersey that the committee "directs FTA to continue Project ACTION—Accessible Community Transportation In Our Nation—which is administered by the National Easter Seal Society through a cooperative agreement with FTA." I thank the chairman for his leadership in this area, not only with this language but in his support for the project over recent years.

Mr. LAUTENBERG. I appreciate the comments of my friend from Iowa, the author of ADA. I believe that the assistance which Project ACTION provides to communities to help them meet the transportation requirements of ADA is very important.

Mr. HARKIN. I note to the Senator from New Jersey that the technical information and assistance needs of communities for complying with ADA and finding tools and techniques to meet the growing transportation needs of persons with disabilities is increasing every day. Is it the intention of the committee that Project ACTION be continued by FTA at its current level, or perhaps even expanded?

Mr. LAUTENBERG. That is correct. I expect that the new team at FTA, which has shown great sensitivity to these issues, will seek to continue Project ACTION at its current level or possibly expand it.

Mr. HARKIN. I thank my friend for that information and his outstanding leadership in this area.

RECYCLED PAVING MATERIALS PROVISION

Mr. BAUCUS. Madam President, the bill before the Senate includes a 1-year moratorium on the enforcement of section 1038(d) of the Intermodal Surface Transportation Efficiency Act, the recycled paving materials provision. The committee report on the bill also directs the Department of Transportation to undertake several studies related to crumb rubber. The report directs the Department to utilize pavement research funds to conduct "a detailed examination of the cost differential of using rubber in asphalt as well as economic and technical impacts of alternative highway uses of rubber compared to using crumb rubber in asphalt." While these are much needed study directives, the report does not specify a time for completion of this work. In light of the fact that the moratorium provision is for 1 year, am I correct in assuming that the intent of the Senate is for DOT to report back to Congress promptly, and provide as much as it can on crumb rubber and the cost differential of using rubber in asphalt by June 1, 1994, so that we will have the benefit of DOT input before the moratorium is over, even if DOT reports in that time frame only on an interim basis?

Mr. LAUTENBERG. The Senator is correct. I would expect DOT to provide advice to the Congress on those issues in that time frame.

Mr. BAUCUS. I thank the Senator. The costs of crumb rubber pavement compared to conventional asphalt are concerns that have been raised by many State transportation departments, including Montana Department of Transportation. I therefore commend the chairman of the subcommittee for developing a bill and study requirements that will facilitate review of the concerns that have been raised.

SUPPORT FOR A CONTRACT TOWER AT THE ABERDEEN REGIONAL AIRPORT

Mr. DASCHLE. Madam President, I would like to call upon the distinguished chairman of the Transportation Appropriations Subcommittee, Senator LAUTENBERG, to discuss a matter related to the growth of air traffic and the need for additional air traffic control service at the Aberdeen Regional Airport in Aberdeen, SD.

Mr. LAUTENBERG. I would be happy to discuss the matter with the Senator from South Dakota.

Mr. DASCHLE. Madam President, before discussing the Aberdeen Airport, I would like to compliment the Senator from New Jersey for once again doing a masterful job in providing the Senate with an appropriations bill that recognizes the importance of our transportation systems to the health of our economy and fairly balances the competing demands for improved transportation services throughout the United States.

Mr. LAUTENBERG. I thank the Senator for his kind remarks.

Mr. DASCHLE. Madam President, the report accompanying the transportation bill addresses a matter of great importance to me and all pilots in South Dakota who depend on air traffic control service for safe operations around the Aberdeen Regional Airport. Specifically, the report directs the FAA to include the Aberdeen Airport in the FAA's contract tower program.

As the distinguished Chairman is aware, the Aberdeen Regional Airport has experienced a substantial increase in traffic during the past few years. With the recent addition of another regional carrier and two freight carriers, the overall number of flights at the Aberdeen Airport has increased from 40,616 in 1991 to 48,426 flights in 1992. The increase in traffic is expected to continue, especially when the runway at the Aberdeen Airport is extended next year to accommodate larger aircraft.

Currently, there is no tower control service at the Aberdeen Airport, and, like many area pilots, I am concerned that with the dramatic increase in traffic, the overall safety of the Aberdeen airport is in serious jeopardy. The city of Aberdeen has recently committed $100,000 for the construction of the control tower contingent upon Federal assistance, and I am grateful that report directs the FAA to include the Aberdeen Airport in the FAA's contract tower program. Again, I would like to thank the distinguished chairman of the subcommittee for his assistance in this regard.

Mr. LAUTENBERG. I appreciate the Senator's bringing his concerns to my attention. The committee's report addresses the contract tower program at length. I strongly endorse the FAA's contract tower program for level 1 control towers. In that regard, the committee provided $1 million above the FAA's budget request for the program so that additional airports such as Aberdeen can be included in it. The use of contract towers is an example of how we can reduce the costs of Government services and achieve savings over the long run. FAA estimates that the use of a contract control tower saves $200,000 annually because of the flexibility available in scheduling controller working hours around changes in air traffic activity levels.

Mr. DASCHLE. I thank the Senator from New Jersey for his support and attention to this important matter.

TUCSON DIAL-A-RIDE PROJECT

Mr. DECONCINI. Madam President, it is my understanding that the transportation appropriations bill currently before us does not earmark discretionary funds for buses and bus facilities.

Mr. LAUTENBERG. That is correct.

Mr. DECONCINI. It is also my understanding that the transportation appropriations bill approved by the House of Representatives did earmark transit projects and $2.3 million was approved for the city of Tucson.

Mr. LAUTENBERG. That is correct.

Mr. DECONCINI. I would like to bring to the Chairman's attention that under section 3035(bb) of the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA], Congress authorized $8 million for the Tucson Dial-a-Ride project. The project combines on-demand bus service with some innovative technologies to make bus transportation more dependable and convenient in sprawling, low-density neighborhoods. The $2.3 million in the House bill is the final appropriation that will bring Dial-a-Ride to completion. I hope that when the conference committee meets, the final funding for Dial-a-Ride will be approved.

Mr. LAUTENBERG. We will do everything we can to ensure that Dial-a-Ride and other transit projects authorized under ISTEA will receive full funding.

Mr. DECONCINI. I thank the Chairman.

Mr. WALLOP. I would first like to thank my colleagues on the Transportation Appropriations Subcommittee for considering the Wyoming delegation's request regarding the civilian and military needs for an aircraft approach radar at the joint-use Cheyenne, WY, Airport, which is overseen by the Federal Aviation Administration. While the Air Force has responded to the Wyoming delegation's request for a surplus military radar which can be refurbished to meet Cheyenne's increasing safety needs and the FAA's systemwide criteria, while the military has responded to the delegation's request to objectively evaluate the merits for a refurbished radar at Cheyenne, the FAA refuses to consider those planned military and private enplanement increases at joint-use airports which it oversees. It is clear to this Senator that the FAA has had all of the most updated information available from the military and other relevant interests to complete a thoughtful evaluation of the joint-use Cheyenne Airport.

The Federal Aviation Administration should be more flexible and look at the entire taxpayer picture in its recommendations to Congress. I am angry that FAA's cost/benefit evaluators have failed to respond to my calls to encourage that military interests play a key role in the agency's evaluations at joint-use airport facilities. I also personally called Secretary Peña to discuss this problem, and it is apparent to this Senator that the FAA is not interested in even responding to concerns communicated through the Secretary of Transportation. It's absolutely ludicrous and somewhat hypocritical that the FAA is so self-involved—so polarized and unresponsive that simple evaluation adjustments are not made at the FAA staff level. it is upsetting that an agency refuses to respond to objective military information concerning radar installations at joint-use facilities.

While we do not plan to offer a nongermane amendment to this fiscal year 1994 Transportation appropriations bill, Senator SIMPSON and I would like to discuss this problem with our colleague and chairman of the Transportation Appropriations Subcommittee, Senator LAUTENBERG. At the conclusion of our conversation, we plan to offer a sense-of-the-Senate resolution which calls on the Federal Aviation Administration to move away from its self-absorbed bureaucracy and work with other agencies—especially the military—to better utilize limited Federal dollars. The public is calling for Federal agencies to cooperate by using surplus Government property in cost-effective ways. The Wyoming delegation's proposal to install a surplus military radar at Cheyenne is an appropriate extension of that concept.

Mr. SIMPSON. I would add my support for the comments and concerns expressed by my friend and senior colleague from Wyoming, Senator WALLOP. Indeed, there are many extenuating reasons for the FAA to reevaluate the Cheyenne Airport project. I am very concerned and quite puzzled as to how the FAA responds—or does not respond to Wyoming's civilian and military aviation needs. For quite some time, the FAA has had all of the most recent data from all relevant sources in order to make necessary and appropriate adjustments to its cost/benefit analysis procedures for radar installations at civilian/military airports. Yet, the agency has totally failed to hear this plea for Wyoming's aviation needs. The time has come for the FAA to recognize that the airport in Cheyenne needs radar along with the necessary auxiliary equipment and should qualify for FAA assistance. I shall look forward to timely action by the FAA on this issue.

Mr. LAUTENBERG. The Senators are correct concerning FAA's initial response to their request. As the Wyoming delegation knows, the subcommittee forwarded their request to the agency. The FAA responded that the Cheyenne project did not meet its cost/benefit criteria to receive a favorable response.

Mr. WALLOP. Perhaps we agree that Government agencies should look at projections and concerns of other agencies with regard to decisions involving radar installations at airport facilities serving varying constituencies. I respect the Appropriation Committee's decision reflecting the FAA's recommendation involving the Cheyenne Airport. However, I ask for your support in passing our sense-of-the-Senate resolution today. In my view, the FAA is a prime example of an agency which fails to look at the whole picture. It's high time that military and other concerns be solicited and fully utilized in a timely way by the FAA during the agency's radar review processes at joint-use airport facilities. In my view, the Secretary of Transportation should report back to Congress within 60 days on progress made in this regard. I send the resolution to the desk and ask for its immediate consideration.

Mr. LAUTENBERG. FAA is going to be faced with more and more of these types of requests. They should make every effort to be able to respond, especially as additional military installations are downsized. I am prepared to accept the Senators sense-of-the-Senate resolution.

Mr. WALLOP. I thank the Chairman.

THE OLYMPIC PENINSULA

Mrs. MURRAY. Madam President, in August, I spent several days on the Olympic Peninsula in Washington State. The communities there are now coming to grips with severely reduced timber harvest levels, and the need to diversify their economic base. I was impressed by the resilience of the people, and their desire to move on with their lives.

The beauty of the peninsula, the coast, and the Olympic National Park make tourism a natural for this area. One idea that has the potential to promote tourism without disturbing the natural beauty of the area is the construction of a bike path around the Olympic National Park. Cycling tours of the San Juan Islands and the Skagit Valley in Washington State are already very popular, and I am convinced that a bike path on the peninsula would attract many cyclists to this scenic spot. The bike path could be built from recycled materials, consistent with Washington's strong commitment to recycling.

Madam President, I intend to study the feasibility of this project and, if it has real potential, to work with the people of the peninsula to see it become a reality.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. CAMPBELL. Madam President, I rise today to alert my colleagues to the fact that 23 States have been penalized as of October 1, 1993, under the Intermodal Surface Transportation Efficiency Act of 1991, otherwise known as ISTEA. These States were penalized for not enacting mandatory seatbelt and helmet laws by the October 1 deadline. Madam President, I see this not only as a burdensome Federal mandate placed on the backs of State legislatures, but also as erosion of civil liberties and personal freedom.

ISTEA gave States less than 2 years to enact these laws. As some State legislatures only meet for 40 to 180 days, many States were actually only given slightly over 1 year to enact the required laws or face penalties. The penalties in section 1031 of ISTEA will have significant financial impact on any State, causing millions of dollars to be reprogrammed from highway construction to safety programs. Less than 2 years is not sufficient time for State legislatures to deal with an issue that impacts their States by millions of dollars.

I own a motorcycle, that is no secret. Where helmets are required to be worn, I wear them, where they are not, I do not. I make no bones about the fact that my dislike for the Federal mandate requiring States to pass helmet laws is in part inspired by my interest in motorcycling. But, my discomfort also comes from the Feds mandating these kinds of laws before States can receive highway funds, funds that their own citizens have already contributed to. When Congress blackmailed the States regarding highway speed limits, I thought that was wrong. I feel the same way about seatbelt and helmet laws. To me, the issue is not whether these are good laws or not, the issue is Federal mandates versus State authority.

Members who have been following this issue know I am the sponsor of S. 401, which would delay the deadline for complying with the act from October 1, 1993, to October 1, 1995. My good friend from Minnesota, Senator DURENBERGER has introduced S. 295—which would repeal the penalty altogether.

In the meantime, October 1 has come and gone. Currently, 23 States are facing these sanctions, although they do have a brief respite under current law, as the penalties do not actually take place until fiscal year 1995.

If these penalties were to be implemented in fiscal year 1994, I would have offered an amendment to the transportation appropriations bill we are discussing today. As that is not necessary at this time, I wanted to bring this matter to my colleagues' attention and to let it be known that I look forward to working with my colleague, Senator BAUCUS, when he brings a technical corrections bill to the floor of this body. It is through that vehicle that I plan to address this matter.

It is not right for the Federal Government to blackmail States by threatening to cut Federal highway funds if States do not mandate the use of seatbelts and helmets. Whether I support the use of seatbelts and helmets or not, I do not like strong arm tactics being used against the States by the Federal Government.

In closing, Madam President, I want to be clear that the issue is not only the use or nonuse of helmets, but rather Federal mandates. I also think personal freedom is an issue. I am prochoice. I do not think the Federal Government should dictate to the States, or its citizens, on matters of individual liberty.

CHICAGO CENTRAL AREA CIRCULATOR

• Ms. MOSELEY-BRAUN. Madam President, I would like to express my strong support for adequate continued section 3 New Start funding for the city of Chicago's Central Area Circulator project. This light rail transit system, known as the circulator, will serve commuters working in the rapidly expanding downtown area of the great city of Chicago. This area, known as the Loop, is the economic core of Chicago and provides 40 percent of all jobs in the city.

Furthermore, it will also connect many of this city's great development projects in progress. These include Navy Pier, Cityfront Center, McCormick Place, and the Central Station in the city's South Loop district.

Madam President, the great employment, cultural, and business expansion in downtown Chicago requires an expanded transit system to reach into the corners of the city which are not currently being served by existing rail and bus lines. The circulator will help to meet the need for an improved downtown transportation system that will complement existing lines. Its simple goal is to help move people within Central Chicago while decreasing vehicle congestion, and pollution as mandated in the Clean Air Act.

The circulator received a $260 million authorization in ISTEA. It was one of the few projects in ISTEA that received contract authority. Funding for the project will be shared among local, State, and Federal Governments—each providing one-third of its cost. The State and local authorities are fully committed to the project and have already committed to funding two-thirds of the project. While the House allocated $55 million for fiscal year 1994 Federal funding, the Senate Appropriations Committee has recommended only $5 million.

At this time, the circulator's preliminary engineering design has received approval by the Federal Transit Administration and 50 percent of preliminary engineering work has been completed. It is important to note that the planning for this project is on schedule. Furthermore, the requested funding this year will not sit idle—it can be utilized this fiscal year. Delays in bringing this project on-line will only add to delays in the construction process, which in the long run leads to cost overruns. The money provided to date has been prudent and I encourage my colleagues not to delay continuation of Federal funding.

It is projected that the circulator will be fully operational by 1998. Given that this project is well underway, I encourage the conferees of this Transportation bill to take a second look at this outstanding transportation system.

For the past 12 years, the urban areas of our Nation have been greatly neglected. As businesses expand to the greener suburbs, cities have been left to decay. Under the outstanding leadership of Mayor Richard Daley, Chicago's Central Area Circulator is an excellent example of the type of investment in urban infrastructure that is needed to revive our metropolitan areas.•

MORNING BUSINESS

Mr. FORD. Madam President, I now ask unanimous consent that the Senate proceed to morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. KASSEBAUM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. KASSEBAUM. Parliamentary inquiry, Madam President. We are in morning business; is that correct?

The PRESIDING OFFICER. That is correct.

SITUATION IN SOMALIA

Mrs. KASSEBAUM. Madam President, today, on our television sets, we saw a great tragedy unfolding in Somalia, and I think there is not one person in the United States who is not touched by what is happening there and feels for our Armed Forces in Somalia.

Saying that, of course, is a great quandary for us about what to do. Yesterday's events have renewed calls for the United States to withdraw from Somalia. I was in Kansas this morning, as a matter of fact, and many spoke to me about the fact that we have no business there and we should come home. I know a number of Senators have raised this issue in this Chamber, and I share the concern of my colleagues about the deteriorating situation in that country.

But, Madam President, when United States troops entered Somalia in December of last year, hundreds of thousands of people, mostly women and children, had died from starvation. Our brave troops rescued Somalia from total and complete destruction and saved thousands of lives. We should be very proud of that mission.

We went into Somalia with the best of humanitarian motives as well as a sense of responsibility. The United States had used Somalia during the cold war, propping up a brutal and repressive dictator at that time.

The original mission of our troops was narrow and defined: To establish a secure environment for the delivery of humanitarian relief. This has been achieved in 99 percent of the country. But clearly because of General Aideed's brutal attacks, a secure environment does not exist in southern Mogadishu.

Contrary to what many have said, U.S. troops have not strayed from this original mission. While the United Nations has begun efforts to build Somalia as a nation, United States troops have focused solely on maintaining a secure environment.

Once this is achieved, all American forces will depart Somalia, leaving the broader nation-building mission to other U.N. troops.

Yet, yesterday's events in Mogadishu underscore the continuing difficulty of achieving even the narrow mission of security.

Madam President, for this reason, I believe we have reached a turning point in the United States policy in Somalia. Either we commit the resources necessary to fulfill our mission or we withdraw our troops from harm's way.

The attack yesterday on U.S. troops demonstrates that our current troop levels are not sufficient to achieve our ends. I understand from press reports that some 400 additional troops may be sent to Somalia. If we are serious about protecting our young men and women, I seriously doubt so few additional personnel are adequate and if we are serious, I think we ought to consider thousands more, or whatever is necessary to give that protection.

President Clinton must be willing to make a forceful case to the American people about the importance and necessity of this operation.

In addition, we must accelerate the political reconciliation process in Somalia. Efforts to build an interim political authority of Somalis to govern their country are essential. I support initiatives to involve regional powers, particularly President Meles of Ethiopia.

If United States troops stay, Somalia themselves must work to ensure that the U.N. operation succeeds. They must stand up and be counted at this crisis in their country. This is not a war between the United States and Somalia. But it has turned into a brutal attack on the United States by some vary small portion of the Somali people. In my conversations with Somalis and relief groups, I am told that the overwhelming majority of the people in the country strongly support the United Nations. Yet, we only see anti-U.S. and U.N. demonstrations on the streets of Mogadishu.

At the beginning of this operation, U.S. Secretary-General Boutros Boutros-Ghali warned the Somalis: "The international community could just say, 'enough is enough,' and walk away. This is a message the Somali leaders need to understand." In theend, the United States and United Nations can only create the conditions for Somalis themselves to form a new government and retain control of their destiny.

If, on the other hand, the United States decides to remove our troops from Somalia, it is important to understand the consequences.

If the United States troops leave Somalia, the operation will likely collapse and the United States would, in all likelihood, not be able to forge another such effort again anywhere.

American withdrawal would also hand a victory to General Aideed and set a damaging precedent for future operations. Aideed is directly challenging the United States. With each attack on an American, Aideed is hoping to force a U.S. and U.N. withdrawal so that he can regain political and military power.

I, for one, have grave concerns about allowing a renegade thug to kill U.S. forces with impunity.

Madam President, last month the Senate conducted a very healthy debate on Somalia. The amendment approved by the Senate, and since then, the House, calls for a report from President Clinton by October 15 on the United States role in Somalia.

In this report, the President should state his intentions clearly. Are we willing to dedicate the resources necessary to achieve our goals and protect our people? Or is it time to close up shop—saying we did our best—and watch Somalia return to anarchy and starvation?

I think many today would say yes, let us close up shop. I, for one, say we should complete our mission.

I yield the floor.

The PRESIDING OFFICER (Mr. CAMPBELL). Who yields time?

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

I hear the comments of Senator KASSEBAUM, and although this is not why I have risen, I would like to associate myself with those comments.

I think she has hit the nail on the head. I just want her to know that her views do have support on this side of the aisle.

I would hate to see our country turn tail and run. I would like to see us complete our mission. And I think it is extraordinarily important that the President of the United States, come October 15, state very clearly what our national interest is, what our goals are, and what our commitments are going to be to meet both our interests and our goals.

I think she has stated it just as well and as cogently as it can be. I would like to associate myself with her comments.

Mrs. KASSEBAUM. Mr. President, if I may just thank the Senator from California. I very much appreciate her comments. It is a difficult time, I think, for all of us. I particularly value her thoughtful observations.

Mrs. FEINSTEIN. I thank the Senator very much.

THE TRANSPORTATION APPROPRIATIONS BILL

Mrs. FEINSTEIN. Mr. President, I rise to speak on the transportation appropriations bill. I would like to begin by saying thank you to Senator LAUTENBERG, to the members of the committee, and to the staff, who I believe have done an excellent job in a very difficult situation.

I want to point out how critical and how important this bill is to the largest State in the Union. I am sure my colleague, Senator BOXER, would associate herself—I hope she would—with these remarks because transit and highway are extraordinary in California. We must replace highways, to the extent we can, with transit.

So a commitment to public transit as a part of an appropriations bill is a beall and end-all for our State. We can simultaneously boost the economy. Transportation initiatives build infrastructure. And they are win-win in virtually every State of this Union.

This body, I hope, in that bill, will fund four major projects for our State: The Los Angeles metro rail system, which will continue the design and construction of segments two and three of this growing subway and light rail system in a city that needs light rail and subway as much as any, the Bay Area Rapid Transit system, and the San Jose rail system—these extensions are proven systems with a combined daily ridership of 280,000 passengers—a proposal for an Orange County Intermodal Transportation Center which will serve as a major transportation hub in the most congested transit corridor in America, that going out of Los Angeles into Orange County and also into the inland empire.

Here the county of Orange, the city of Anaheim, the Orange County Transportation Authority, have submitted a state-of-the-art intermodal transportation center which will serve the public with the interconnection of express bus, urban rail, airport shuttle, taxi, and park-and-ride systems.

Its location would serve the Anaheim Convention Center, the stadium, Disneyland, as well as the proposed west expansion and resulting business growth expected in the region; the advanced technology stealth bus. This is an example of defense conversion in progress; and the advanced technology transit bus, a model transportation initiative applying technology from the defense industry to domestic needs; also, the regional Sacramento Transit District with funds to support clean burning vehicles. But most important in this bill is a major commitment to begin the funding of high-speed rail in America.

I am hopeful that, working with others on this high-speed rail bill when it comes to us for authorization, the President's fast rail bill will receive quick passage in this Senate. For California, it is extraordinary. It will allow us to upgrade tracks to allow for faster trains. It will strengthen the Federal-State-local partnership in the development of magnetic levitation, known as maglev train technology.

One of the corridors that would become immediately eligible for funding would be the corridor between San Francisco and San Diego through the Central Valley, a rail spine down the center of California. High-speed rail that could connect the northern and southern parts of our State would help commerce, reduce dependency on the private automobile and, most important, it is analyzed to create jobs. This high-speed rail bill, it is estimated, in 5 years could create 41,000 new jobs in our Nation.

In California, the State legislature enacted a joint resolution directing the Governor to establish an intercity high-speed rail commission. The commission will create a plan for an integrated state-of-the-art high-speed ground transportation network by 1995. The voters of California have demonstrated their desire to support this by supporting $2.9 billion for rail bonds in a vote that was cast in 1990. So the match is already guaranteed.

We would expect that if this passes, construction will commence on a Los Angeles-to-San Francisco high-speed ground transportation corridor by the year 2000, with a full statewide system operating by the year 2020.

So I want to say that, for California, this appropriations bill is an extraordinarily important one. I noticed in the newspaper today that, of manufacturing jobs lost in this Nation in the last year, 100,000 of them—more than twice any other State—have taken place in the State of California; 22,100 jobs lost just in 1 month.

So programs like this, which produce infrastructure, also produce jobs—the best jobs, jobs that are blue collar, jobs that can put people back to work, and jobs that can help build a State and enable people to get from their home to their workplace.

So I say "Thank you" to the committee and indicate my support for the bill.

I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

THE SITUATION IN SOMALIA

Mr. SIMON. Mr. President, I am just going to take a few minutes to comment on the situation in Somalia. I regret I was not on the floor when Senator KASSEBAUM spoke. I heard that she was speaking on this issue, and I am sure I agreed with at least 90 percent of what she had to say. I do not think it is amiss to say that she would agree with 90 percent of what I have to say. We all see the pictures and read about the tragedies of the American loss of life and the loss of life of others, and we regret that. But I hope we do not act too hastily here in this body.

We have a leadership role in the world. There is only one leader left in the world, and that is the United States of America. And George Bush made a decision—the right decision—to go in there and prevent the largest massivestarvation in the history of the world in any one country since the Irish famine of the 1840's. We played that role successfully. But we knew, contrary to some statements that were made, that we would have to stay there for a while to bring some stability to the area.

The great threat in the world today is instability. If you were to ask 10 years ago or 5 years ago what was the great threat, we would have said world communism and all of the nuclear weapons. That has changed and now it is instability.

We have to be, of course, for stability. When we ask 30 other nations to join us in Somalia—which we have done—and if then suddenly we say we are just going to pull out, that does not send the right message. And that message, frankly, compounds the problem of Bosnia. It is easy in hindsight—as easy as a Monday morning quarterback—for someone who did not sit in the White House and have to make the decisions. But we made a mistake, frankly, in not moving in with air strikes when the Serbs first started acting as they did in Bosnia. That mistake was made by George Bush. That mistake was made by the new President, Bill Clinton, when he came in. That is history. But it sent the wrong message to the rest of the world in terms of firm U.S. leadership in bringing stability into the world.

We have to stick it out in Somalia. We have to work with other nations. We have about 4,400 troops there. We once had about 30,000. We have about 4,400 out of 28,000 total troops there, and we have to make the very best of the situation until the situation stabilizes there. And the overall situation is stable. There is just one portion of the capital city, about one-fourth of Mogadishu that is controlled by General Aideed.

I believe we are making a mistake in trying to have a military solution for that one-fourth of the city in going after General Aideed. Former President Jimmy Carter has indicated that General Aideed sent him a message that he would be willing to go somewhere and try and negotiate a settlement. I know there are those who do not want to do this.

We may have learned the wrong lesson in World War II where we demolished the enemy. That ordinarily is not the way you make peace. Ordinarily, you make peace as they did 3 weeks ago on the White House lawn, where the two sides—and I am sure both Prime Minister Rabin and Chairman Arafat shook hands with some reluctance on both sides, both seeing the other as somebody who represents a side that has perpetrated both great evils. But you negotiate with someone who has force, and you try and work out political settlements. I think that is what we have to do in Somalia.

It is not easy to say we have to put our troops in some jeopardy, as well as troops of other nations, while we try and bring stability. But if we just pull out precipitously, we just turn it over to the Aideeds. We cannot let the General Aideeds of this world dictate American military policy and American leadership policy.

So, unpleasant as it is, I think it would be a great mistake just to pull out precipitously.

I yield the floor.

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate on October 1, 1993, received a message from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

The nominations received on October 1, 1993, are shown in today's RECORD at the end of the Senate proceedings.

STRENGTHENING AMERICA'S SHIPYARDS—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 47

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on October 1, 1993, during the recess of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the requirements of section 1031 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484), I transmit herewith a report entitled "Strengthening America's Shipyards: A Plan for Competing in the International Market."

The U.S. shipbuilding industry is unsurpassed in building the finest and most complex naval vessels in the world. Now that the Cold War has ended, these shipyards, like many other defense firms, face a new challenge—translating their skills from the military to the commercial market. Individual shipyards already have begun to meet this challenge. The enclosed report describes steps that the Government is taking and will take to assist their efforts. I look forward to working with the Congress and the industry to ensure a successful transition to a competitive industry in a truly competitive marketplace.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 1, 1993.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NORWAY'S COMMERCIAL HARVESTING OF MINKE WHALES—MESSAGE FROM THE PRESIDENT—PM 48

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

On August 5, 1993, the Secretary of Commerce certified that Norway's resumption of commercial harvesting of minke whales has diminished the effectiveness of the International Whaling Commission (IWC). The IWC acted to continue the moratorium on all commercial whaling at its most recent meeting last spring. Despite this action, Norway has recommenced commercial whaling of the Northeastern Atlantic minke, noting that it has lodged an objection to the moratorium. This letter constitutes my report to the Congress pursuant to section 8(b) of the Fishermen's Protective Act of 1967, as amended (Pelly Amendment) (22 U.S.C. 1978(a)).

The United States is deeply opposed to commercial whaling: the United States does not engage in commercial whaling, and the United States does not allow the import of whale meat or whale products. While some native Alaskans engage in narrowly circumscribed subsistence whaling, this is approved by the IWC through a quota for "aboriginal whaling." The United States also firmly supports the proposed whale sanctuary in the Antarctic.

The United States has an equally strong commitment to science-based international solutions to global conservation problems. The United States recognizes that not every country agrees with our position against commercial whaling. The issue at hand is the absence of a credible, agreed management and monitoring regime that would ensure that commercial whaling is kept within a science-based limit.

I believe that Norway's action is serious enough to justify sanctions as authorized by the Pelly Amendment. Therefore, I have directed that a list of potential sanctions, including a list of Norwegian seafood products that could be the subject of import prohibitions, be developed. Because the primary interest of the United States in this matter is protecting the integrity of the IWC and its conservation regime, I believe our objectives can best be achieved by delaying the implementation of sanctions until we have exhausted all good faith efforts to persuade Norway to follow agreed conservation measures. It is my sincere hope that Norway will agree to and comply with such measures so that sanctions become unnecessary.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 4, 1993.*

MESSAGES FROM THE HOUSE

At 2:37 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3116. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as follows:

H.R. 3116. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times, by unanimous consent, and placed on the Calendar:

H.R. 2399. An act to provide for the settlement of land claims of the Catawba Tribe of Indians of the State of South Carolina and the restoration of the Federal trust relationship with the Tribe, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1578. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a draft of proposed legislation to authorize the Secretary to reorganize the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1579. A communication from the President of the United States, transmitting, pursuant to law, a report relative to an amendment to the Department of Transportation Appropriations Act for fiscal year 1994; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 729. A bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes (Rept. No. 103-152).

By Mr. INOUYE, from the Committee on Appropriations, with amendments:

H.R. 3116. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes (Rept. No. 103-153).

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 486. A bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes (Rept. No. 103-154).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KENNEDY (for himself, Mr. PELL, Mrs. KASSEBAUM, and Mr. JEFFORDS):

S. 1513. A bill entitled "Improving America's Schools Act of 1993"; to the Committee on Labor and Human Resources.

By Mr. COVERDELL (for himself, Mr. KEMPTHORNE, and Mrs. HUTCHISON):

S. 1514. A bill entitled the "Guaranteed Deficit Reduction Act of 1993"; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1515. A bill to amend the Central Bering Sea Fisheries Enforcement Act of 1992; to the Committee on Commerce, Science, and Transportation.

By Mr. COVERDELL:

S. 1516. A bill to limit the use of funds for deployment of the Armed Forces of the United States outside the United States under United Nations command; to the Committee on Foreign Relations.

By Mr. GRAHAM (for himself, Mr. MACK, and Mrs. BOXER):

S.J. Res. 139. A joint resolution to designate the third Sunday in November of 1993 as "National Children's Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY:

S. 1513. A bill entitled "Improving America's Schools Act of 1993"; to the Committee on Labor and Human Resources.

THE IMPROVING AMERICA'S SCHOOLS ACT

Mr. KENNEDY. Mr. President, I am pleased to introduce on behalf of the administration the Improving America's School Act, which is the reauthorization of the Elementary and Secondary Education Act. Since 1965, when President Johnson and the Congress launched the war on poverty, it has been clear that the Federal Government has a special obligation to help eliminate the disadvantages that poor children face in education. This legislation is our opportunity to revise that landmark legislation in ways that provide more effective national leadership in achieving better schools for all children.

The administration is proposing the most far-reaching changes since the legislation was first enacted in 1965. These changes will set a new standard for Federal education programs, offer new help to disadvantaged children, and reshape the manner in which the Federal Government supports elementary and secondary education.

Much has been accomplished in the 28-year history of this legislation. Most notably, the dropout rate has been substantially reduced, the gap in achievement between white and minority children has narrowed, school districts have linked to equalize resources among their schools, and large numbers of parents have been drawn into their children's education.

We have learned a great deal about what works or what doesn't, and it is time to act on that knowledge to make this good program better.

The administration's proposal calls for major and far-reaching changes in the Nation's schools to reach the National Education Goals by the year 2000 and to ensure that all children, not just children with advantages, have a realistic opportunity to succeed in their schools. It is a bold step and a direction I fully support.

The Improving America's Schools Act recognizes the need for overhauling and simplifying the existing Federal programs. Its recommendations are well-thought out and impressive. First, and most important, it renews our commitment to the Nation's poorest children by focusing greater resources on students in high-poverty schools. These are the students who have made the least progress and they need help the most.

Before the end of this session, we will lay the groundwork for this measure by taking up the President's Goals 2000 legislation.

The measure we are introducing today builds on Goals 2000 in several ways. It calls for high standards for all children. It realigns ESEA programs with State and local reform efforts. It reduces the excessive redtape of current Federal reporting requirements.

The Improving America's Schools Act gives special attention to teachers by requiring that funds be used for teacher development. The bill also gives greater flexibility to local schools and school districts to use their best judgment about allocating Federal funds, as long as they meet the purposes of the programs. Finally, it rewards success by identifying schools making progress and enabling them to compete for more funds. By contrast, under current law schools that make progress lose Federal funds. Finally, the legislation recognizes that good health is an important part of good education; it encourages schools and health providers to work together, and calls for health screening in schools.

Action on this legislation will be a major domestic policy priority of the next session, second only to health care reform. I look forward to working with all Senators on this measure, and I welcome their suggestions and comments. I ask unanimous consent that a more detailed summary of the bill and the text of the bill itself may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 1513

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Improving America's Schools Act of 1993".

ORGANIZATION OF THE ACT

SEC. 2.—This Act is organized into the following titles:

Title I—Amendments to the Elementary and Secondary Education Act of 1965.

Title II—Amendments to the General Education Provisions Act.

Title III—Amendments to Other Acts.

EFFECTIVE DATES; TRANSITION

SEC. 3. (a) EFFECTIVE DATES.—(1) The provisions of title I of this Act shall take effect July 1, 1995, except that those provisions of title I that apply to programs under title VIII of the Elementary and Secondary Education Act of 1965, as amended by this Act, and to programs that are conducted on a competitive basis, shall be effective with respect to appropriations for use under such programs in fiscal year 1995 and in subsequent fiscal years.

(2) The provisions of title II of this Act shall be effective upon enactment, except that section 250 of such title shall be effective—

(A) July 1, 1995 for non-competitive programs in which funds are allocated in the basis of a formula; and

(B) for programs that are conducted on a competitive basis, with respect to appropriations for use under such programs in fiscal year 1995 and in subsequent fiscal years.

(3)(A) Part A and B of title III of this Act shall take effect July 1, 1995.

(B) Part C of title III of this Act shall take effect on October 1, 1994.

(b) TRANSITION.—Notwithstanding any other provision of law, a recipient of funds under the Elementary and Secondary Education Act of 1965, as in effect prior to amendment by this Act, may use funds available to it under such predecessor authority to carry out necessary and reasonable planning and transition activities in order to ensure a smooth implementation of programs authorized by this Act.

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 101.—The Elementary and Secondary Education Act of 1965 is amended to read as follows:

"SHORT TITLE

"SECTION 1.—This Act may be cited as the 'Elementary and Secondary Education Act of 1965'.

"TABLE OF CONTENTS

"SEC. 2.—The table of contents for this Act is as follows:

"TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS

"Sec. 1001. Declaration of policy and statement of purpose.
"Sec. 1002. Authorization of appropriations.

"PART A—MAKING HIGH-POVERTY SCHOOLS WORK

"Subpart 1—Basic Program Requirements

"Sec. 1111. State plans.
"Sec. 1112. Local educational agency plans.
"Sec. 1113. Eligible school attendance areas.
"Sec. 1114. Schoolwide programs.
"Sec. 1115. Targeted assistance schools.
"Sec. 1116. Parental involvement.
"Sec. 1117. Participation of children enrolled in private schools.
"Sec. 1118. Assessment and school and district improvement.
"Sec. 1119. Fiscal requirements.

"Subpart 2—Allocations

"Sec. 1121. Grants for the outlying areas and the Secretary of the Interior.
"Sec. 1122. Allocations of States.
"Sec. 1123. Basic grants.
"Sec. 1124. Concentration grants.
"Sec. 1125. Special allocation procedures.
"Sec. 1126. Carryover and waiver.

"PART B—EVEN START FAMILY LITERACY PROGRAMS

"Sec. 1201. Statement of purpose.
"Sec. 1202. Program authorized.
"Sec. 1203. State programs.

"Sec. 1204. Uses of funds.
"Sec. 1205. Program elements.
"Sec. 1206. Eligible participants.
"Sec. 1207. Applications.
"Sec. 1208. Award of subgrants.
"Sec. 1209. Evaluation.

"PART C—EDUCATION OF MIGRATORY CHILDREN

"Sec. 1301. Program purpose.
"Sec. 1302. Program authorized.
"Sec. 1303. State allocations.
"Sec. 1304. State applications; services.
"Sec. 1305. Secretarial approval; peer review.
"Sec. 1306. Comprehensive needs assessment and service-delivery plan; authorized activities.
"Sec. 1307. Bypass.
"Sec. 1308. Coordination of migrant education activities.
"Sec. 1309. Definitions.

"PART D—EDUCATION OF NEGLECTED AND DELINQUENT YOUTH

"Sec. 1401. Purpose; program authorized.
"Sec. 1402. Eligibility.
"Sec. 1403. Allocation of funds.
"Sec. 1404. State reallocation of funds.
"Sec. 1405. State plan and State agency applications.
"Sec. 1406. Use of funds.
"Sec. 1407. Institution-wide projects.
"Sec. 1408. Three-year projects.
"Sec. 1409. Program evaluations.
"Sec. 1410. Transition services.
"Sec. 1411. Definitions.

"PART E—FEDERAL EVALUATIONS AND DEMONSTRATIONS

"Sec. 1501. Evaluations.
"Sec. 1502. Demonstrations of innovative practices.

"PART F—GENERAL PROVISIONS

"Sec. 1601. State administration.

"TITLE II—IMPROVING TEACHING AND LEARNING

"PART A—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM

"Sec. 2101. Findings.
"Sec. 2102. Purposes.
"Sec. 2103. Authorization of appropriations; allocation between subparts.

"Subpart 1—Federal Activities

"Sec. 2111. Program authorized.
"Sec. 2112. Authorized activities.

"Subpart 2—State and Local Activities

"Sec. 2121. Program authorized.
"Sec. 2122. Allocation of funds.
"Sec. 2123. Within-State allocations.
"Sec. 2124. Priority for professional development in mathematics and science.
"Sec. 2125. State applications.
"Sec. 2126. State-level activities.
"Sec. 2127. Local education agency applications.
"Sec. 2128. Local cost-sharing.
"Sec. 2129. Local allocation of funds and allowable activities.
"Sec. 2130. Higher education activities.

"Subpart 3—General Provisions

"Sec. 2131. Reporting and accountability.
"Sec. 2132. Definitions.

"PART B—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS

"Sec. 2201. Findings.
"Sec. 2202. Purpose.
"Sec. 2203. Program authorized.
"Sec. 2204. Eligible entities.
"Sec. 2205. Comprehensive regional centers.
"Sec. 2206. Information collection and evaluation.
"Sec. 2207. Transition.
"Sec. 2208. Authorization of appropriation.

"TITLE III—EXPANDING OPPORTUNITIES FOR LEARNING

"PART A—PUTTING TECHNOLOGY TO WORK FOR ALL STUDENTS

"Subpart 1—Research, Development, and Demonstration of Educational Technology

"Sec. 3111. Findings and purposes.
"Sec. 3112. Office of Educational Technology.
"Sec. 3113. National long-range plan.
"Sec. 3114. Federal leadership.
"Sec. 3115. Authorization of appropriations.

"Subpart 2—Star Schools Program

"Sec. 3121. Findings.
"Sec. 3122. Statemen of purpose.
"Sec. 3123. Program authorized.
"Sec. 3124. Eligible entities.
"Sec. 3125. Applications.
"Sec. 3126. Leadership and evaluation activities.
"Sec. 3127. Definitions.

"PART B—FUND FOR THE IMPROVEMENT OF EDUCATION

"Sec. 3201. Fund for the Improvement of Education.

"PART C—JACOB K. JAVITS GIFTED AND TALENTED EDUCATION PROGRAM

"Sec. 3301. Findings and purposes.
"Sec. 3302. Authorized programs.
"Sec. 3303. Program priorities.
"Sec. 3304. National responsibilities.
"Sec. 3305. Authorization of appropriations.
"Sec. 3306. Definitions.

"PART D—CHARTER SCHOOLS

"Sec. 3401. Findings and purposes.
"Sec. 3402. Program authorized.
"Sec. 3403. Applications.
"Sec. 3404. Selection of grantees; waivers.
"Sec. 3405. Uses of funds.
"Sec. 3406. National activities.
"Sec. 3407. Definitions.
"Sec. 3408. Authorization of appropriations.

"PART E—ARTS IN EDUCATION

"Sec. 3501. Support for arts education.

"PART F—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

"Sec. 3601. Inexpensive book distribution program for reading motivation.

"TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

"Sec. 4001. Findings.
"Sec. 4002. Purpose.
"Sec. 4003. Authorization of appropriations.

"PART A—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS

"Sec. 4101. Reservations and allotments.
"Sec. 4102. State Drug and Violence Prevention Coordinating Council.
"Sec. 4103. State applications.
"Sec. 4104. Governor's programs.
"Sec. 4105. State and local educational agency programs.
"Sec. 4106. Local applications.
"Sec. 4107. Local drug and violence prevention programs.
"Sec. 4108. Evaluation and reporting.

"PART B—POSTSECONDARY DRUG AND VIOLENCE PREVENTION PROGRAMS

"Sec. 4201. Grants to institutions of higher education.
"Sec. 4202. National center.

"PART C—NATIONAL PROGRAMS

"Sec. 4301. Federal activities.

"PART D—GENERAL PROVISIONS

"Sec. 4401. Definitions.
"Sec. 4402. Materials.
"Sec. 4403. Prohibited uses of funds.

"TITLE V—PROMOTING EQUITY

"PART A—MAGNET SCHOOLS ASSISTANCE

"Sec. 5101. Findings.
"Sec. 5102. Statement of purpose.
"Sec. 5103. Program authorized.
"Sec. 5104. Definition.
"Sec. 5105. Eligibility.
"Sec. 5106. Applications and requirements.
"Sec. 5107. Priority.
"Sec. 5108. Use of funds.
"Sec. 5109. Prohibitions.
"Sec. 5110. Limitation on payments.
"Sec. 5111. Authorization of appropriations; reservation.

"PART B—EQUALIZATION ASSISTANCE

"Sec. 5201. Technical and other assistance regarding school finance equity.

"PART C—WOMEN'S EDUCATIONAL EQUITY

"Sec. 5301. Findings.
"Sec. 5302. Statement of purposes.
"Sec. 5303. Program authorized.
"Sec. 5304. Applications.
"Sec. 5305. Criteria and priorities.
"Sec. 5306. Report.
"Sec. 5307. Evaluation and dissemination.
"Sec. 5308. Authorization of appropriations.

"TITLE VI—INDIAN EDUCATION

"Sec. 6001. Findings.
"Sec. 6002. Purpose.

"PART A—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

"Sec. 6101. Purpose.
"Sec. 6102. Grants to local educational agencies.
"Sec. 6103. Amount of grants.
"Sec. 6104. Applications.
"Sec. 6105. Authorized services and activities.
"Sec. 6106. Student eligibility forms.
"Sec. 6107. Payments.

"PART B—DISCRETIONARY PROGRAMS TO IMPROVE EDUCATIONAL ACHIEVEMENT OF INDIAN CHILDREN

"Sec. 6201. Grants to Indian-controlled schools.
"Sec. 6202. Demonstration grants.

"PART C—PROFESSIONAL DEVELOPMENT AND ADULT EDUCATION PROGRAMS

"Sec. 6301. Professional development.
"Sec. 6302. Adult education.

"PART D—NATIONAL ACTIVITIES AND GRANTS TO STATES

"Sec. 6401. National activities.
"Sec. 6402. Grants to States.

"PART E—FEDERAL ADMINISTRATION

"Sec. 6501. Office of Indian Education.
"Sec. 6502. National Advisory Council on Indian Education.
"Sec. 6503. Peer review.
"Sec. 6504. Preference for Indian applicants.
"Sec. 6505. Minimum grant criteria.

"PART F—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

"Sec. 6601. Definitions.
"Sec. 6602. Authorizations of appropriations.

TITLE VII—BILINGUAL EDUCATION PROGRAMS

"Sec. 7001. Findings.
"Sec. 7002. Policy; authorization of appropriations.
"Sec. 7003. Definitions.
"Sec. 7004. Indian children in school.

"PART A—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION

"Sec. 7101. Financial assistance for bilingual education.

"PART B—RESEARCH AND EVALUATION

"Sec. 7201. Use of funds.
"Sec. 7202. Research.
"Sec. 7203. Academic excellence awards.
"Sec. 7204. State grant program.
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"TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS

"DECLARATION OF POLICY AND STATEMENT OF PURPOSE

"SEC. 1001. (a) STATEMENT OF POLICY.—The Congress declares it to be the policy of the United States that a high-quality education for all citizens and a fair and equal opportunity to obtain that education—

"(1) are a societal good necessary for creating a vibrant future for our complex and diverse democracy and for meeting the challenge of an internationally competitive economy;

"(2) are a private good because individual opportunity is greatly enhanced by one's being well educated;

"(3) are a moral imperative in our society; simple justice demands that the opportunity to acquire skills and knowledge deemed necessary for basic citizenship and economic opportunity be equally available to all; and

"(4) improve the life of every citizen, because the quality of our individual lives ultimately depends on the quality of the lives of others.

"(b) RECOGNITION OF NEED.—The Congress recognizes that—

"(1) although the achievement gap between disadvantaged children and other children has been reduced by half over the past two decades, a sizeable gap remains, and many segments of our society lack the opportunity to become well educated;

"(2) the most urgent need for educational improvement is in schools with high concentrations of children from low-income families. Achieving the National Education Goals will not be possible without substantial improvement in these schools;

"(3) educational needs are particularly great for low-achieving children in our highest-poverty schools, children with limited English proficiency, children of migrant workers, Indian children, children who are neglected or delinquent, and young children and their parents who are in need of family-literacy services; and

"(4) while title I and other programs funded under this Act have contributed to narrowing the achievement gap between children in high-poverty and low-poverty schools, they need to become even more effective in improving high-poverty schools in order to help enable all children to achieve high standards.

"(c) WHAT HAS BEEN LEARNED.—To enable schools to provide all children a high-quality education, this title builds upon what has been learned:

"(1) All children can master challenging content and complex problem-solving skills; research clearly shows that children, including low-achieving children, can succeed when expectations are high and they are given the opportunity to learn challenging material.

"(2) Piecemeal reform, particularly when not tied to an overall vision of teaching to, and helping all children reach, high standards, does not work.

"(3) Use of low-level tests that are not aligned with schools' curricula fails to provide adequate information about what children know and can do and encourages curricula and instruction that focus on low-level skills measured by those tests.

"(4) Resources are less effective when they serve children through such practices as pull-out programs, instead of ensuring that children have full access to effective regular school programs and receive supplemental help through extended-time activities.

"(5) The disproven theory that children must first learn basic skills before engaging in more complex tasks continues to dominate strategies for classroom instruction, resulting in emphasis on repetitive drill and practice at the expense of content-rich instruction, accelerated curricula, and effective teaching to high standards.

"(6) Intensive and sustained professional development for teachers and other school staff—focused on teaching and learning and on helping children attain high standards—is too often not provided.

"(7) Insufficient attention and resources are directed toward the effective use of technology in schools and the role it can play in professional development and improved teaching and learning.

"(8) All parents can contribute to their children's success by helping at home and becoming partners with teachers so that children can achieve high standards.

"(9) Decentralized decisionmaking is a key ingredient of systemic reform. Schools need the resources, flexibility, and responsibility to design and implement effective strategies for bringing their children to high levels of performance and should accept responsibility to do so.

"(10) Opportunities for students to achieve to high standards can be enhanced through a variety of approaches such as public school choice and charter schools.

"(11) Attention to academics alone cannot ensure that all children will reach high standards. The health and other needs of children that affect learning are frequently unmet, particularly in high-poverty schools, thereby necessitating coordination of services to better meet children's needs.

"(12) Resources provided under this title have not been adequately targeted on the highest-poverty school districts and schools that have children most in need.

"(d) STATEMENT OF PURPOSE.—The purpose of this title is to enable schools to provide opportunities for children served to acquire the knowledge and skills contained in the rigorous State content standards and to meet the challenging State performance standards developed for all children under the Goals 2000: Educate America Act or, in their absence, under this title. This purpose shall be accomplished by—

"(1) ensuring high standards for all children and aligning the efforts of States, local educational agencies, and schools to help children served under this title to reach them;

"(2) providing children an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time so that children served under this title receive at least all the classroom instruction that other children receive;

"(3) promoting schoolwide reform and ensuring access of children—from the earliest grades—to effective instructional strategies and challenging academic content that includes intensive complex thinking and problem-solving experiences;

"(4) significantly upgrading the quality of curricula and instruction by providing staff in participating schools with substantial opportunities for intensive and sustained professional development;

"(5) coordinating services under all parts of this title with each other, with other educational services, and, to the extent feasible, with health and social service programs funded from other sources;

"(6) affording parents meaningful opportunities to participate in the education of their children at home and at school;

"(7) distributing resources, in amounts sufficient to make a difference, to areas where needs are greatest;

"(8) improving accountability, as well as teaching and learning, by using State assessment systems designed to measure how well children are achieving high State standards of performance expected of all children; and

"(9) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 1002. Appropriations are authorized for the following programs and activities under this title:

"(a) Local Educational Agency Grants.—for the purpose of carrying out part A of this title, other than section 1117(e) and sections 1118(b)(1), (b)(2), and (e), there are authorized to be appropriated $7,000,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996 through 2004.

"(b) Even Start.—For the purpose of carrying out part B of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.

"(c) Education of Migratory Children.—For the purpose of carrying out part C of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.

"(d) Education for Neglected or Delinquent Youth.—for the purpose of carrying out part D of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.

"(e) Capital Expenses.—For the purpose of carrying out section 1117(e) of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.

"(f) School Improvement.—For the purpose of carrying out the activities authorized in sections 1118(b)(1), (b)(2), and (e) of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.

"(g) Federal Activities.—(1) For the purpose of carrying out section 1501 of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.

"(2) For the purpose of carrying out section 1502 of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.

"PART A—MAKING HIGH-POVERTY SCHOOLS WORK

"Subpart 1—Basic Program Requirements

"STATE PLANS

"Sec. 1111. (a) Plans Required.—(1) Any State desiring to receive a grant under this part shall submit to the Secretary a plan, developed in consultation with local educational agencies, teachers, administrators, and parents, that—

"(A) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; or

"(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this section.

"(2) A State plan submitted under paragraph (1)(A) may, if necessary, be submitted as an amendment to the State's plan under title III of the Goals 2000: Educate America Act.

"(b) Standards and Assessment Provisions.—(1)(A) Each State plan shall contain a description of the high-quality standards for all children that will be used by the State, its local educational agencies, and its schools to carry out this Act, which shall include—

"(i) challenging content standards in the core academic subjects that—

"(I) specify what all children are expected to know and be able to do; and

"(II) contain coherent and rigorous content; and

"(ii) challenging performance standards that—

"(I) are aligned with the State's content standards;

"(II) describe two levels of high performance—'proficient' and 'advanced'—that determine how well children are mastering the material in the content standards; and

"(III) include a third benchmark below proficient, if necessary, to provide complete information about the progress of the lower-performing children toward achieving to the high 'proficient' and 'advanced' performance standards

"(B) If a State has not adopted challenging content and performance standards in all of its core academic subjects, the State plan shall include content and performance standards for elementary and secondary school children in those core subjects that it has adopted (which must include at least mathematics and reading/language arts), and the State shall add other content and performance standards as it adopts them under a schedule that it shall include in the State plan.

"(2)(A) Each State plan shall include a description, based on assessments described under paragraph (3), of what constitutes adequate yearly progress of—

"(i) any school served under this part toward enabling all children to meet the State's 'proficient' and 'advanced' performance standards; and

"(ii) any local educational agency that receives funds under this part toward enabling all children within its jurisdiction to meet the State's 'proficient' and 'advanced' performance standards.

"(B) Adequate yearly progress shall be defined in a manner that results in continuous and substantial yearly improvement of each school and local educational agency toward the goal of all children meeting the State's challenging 'advanced' performance standards.

"(3) Each State plan shall include a description of the set of high-quality, yearly student assessments that will be used as the primary means of determining the yearly performance of each local educational agency and school served under this part in enabling all children to meet the State's performance standards. These assessments shall—

"(A) be aligned with the State's challenging content and performance standards and provide coherent information about student attainment;

"(B) be used for purposes for which they are valid and reliable and be consistent with relevant, nationally recognized, professional and technical standards of assessment;

"(C) be comprised of multiple, up-to-date measures of student performance;

"(D) include, except under the most extreme conditions, children with disabilities and limited English proficient children who, to the extent practicable, shall be assessed in the language that will afford them the greatest opportunity to demonstrate their proficiency;

"(E) provide individual student scores; and

"(F) provide for disaggregated results for educationally meaningful categories of children, when results for those categories would be reliable.

"(4) If a State has adopted challenging content and performance standards and an aligned set of assessments for all students under title III of the Goals 2000: Educate America Act, the State shall use those standards and assessments, modified, if necessary, to conform with the requirements of paragraphs (1)(A)(ii), (2), and (3).

"(5)(A) If a State does not have challenging content and performance standards that meet the requirements of paragraph (1) or assessments that meet the requirements of paragraph (3), the State may propose to use, for an interim period of up to two years, an alternative statewide set of yearly assessments that the Secretary finds assesses the performance of complex skills and challenging subject matter.

"(B)(i) The Secretary, upon the request of a State and a showing of substantial progress toward meeting the requirements of paragraphs (1) and (3), may extend for one year the use of the alternative assessments described in subparagraph (A).

"(ii) A State that is denied the one-year extension under clause (i) or is granted such an extension but, after one additional year, does not have challenging content and performance standards that meet the requirements of paragraph (1) or assessments that meet the requirements of paragraph (3) shall adopt a set of standards and aligned assessments that are satisfactory to the Secretary, such as those contained in other State plans the Secretary has approved.

"(C) for any year during which a State is using an interim assessment system, the State shall devise a means for identifying schools and local educational agencies in need of improvement under section 1118.

"(c) Other Provisions To Support Teaching and Learning.—Each State plan shall also describe—

"(1) the method the State educational agency will use to implement a system of school support teams under section 1114(c), including provision of necessary professional development for those teams;

"(2) the means by which the State educational agency will work with other agencies and institutions to provide technical assistance to local educational agencies and schools to carry out their responsibilities under this part;

"(3) how the State educational agency will fulfill its district and school improvement responsibilities under section 1118, including the corrective actions it will take under section 1118(d)(6); and

"(4) how the State educational agency will encourage the use of funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114.

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—The Secretary shall—

"(1) establish a peer review process to assist in the review and revision of State plans;

"(2) following an initial peer review, approve a State plan the Secretary determines meets the requirements of subsections (b) and (c); and

"(3)(A) if the Secretary determines that the State plan does not meet the requirements of subsection (b) or (c), immediately notify the State of that determination and the reasons for it.

"(B) The Secretary may withhold funds until he or she determines that the plan meets the requirements.

"(e) DURATION OF THE PLAN.—(1) Each State plan shall—

"(A) remain in effect for the duration of the State' participation under this part; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

"(2) If the State makes significant changes in its plan, such as the adoption of new content and performance standards, new assessments, or a new definition of adequate progress, the State shall submit this information to the Secretary for approval.

"LOCAL EDUCATIONAL AGENCY PLANS

"SEC. 1112. (a) PLANS REQUIRED.—(1) A local educational agency may receive a subject under this part for any fiscal year only if it has on file with the State educational agency a plan, approved by the State educational agency, that—

"(A) is integrated with the local educational agency's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that plan; or

(B) if the local educational agency does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with its other plans under this Act and satisfies the requirements of this section.

"(2) A local educational agency plan submitted under paragraph (1)(A) may, if necessary, be submitted as an amendment to its plan under title III of the Goals 2000: Educate America Act.

"(b) STANDARDS AND ASSESSMENT PROVISIONS.—Each local educational agency plan shall include—

"(A) is integrated with the local educational agency's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that plan; or

"(B) if the local educational agency does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with its other plans under this Act and satisfies the requirements of this section.

"(2) A local educational agency plan submitted under paragraph (1)(A) may, if necessary, be submitted as an amendment to its plan under title III of the Goals 2000: Educate America Act.

"(b) STANDARDS AND ASSESSMENT PROVISIONS.—Each local educational agency plan shall include—

"(1) a description of its challenging content and performance standards, if any, in the core subjects, in addition to the content and performance standards adopted by the State under section 1111, that the local educational agency expects all children to meet; and

"(2) a description of additional high-quantity student assessments, if any, other than those described in the State plan under section 1111, that the local education agency and schools served under this part will use to determine—

"(A) the success of children in schools served under his part in meeting the State's performance standards; and

"(B) what revisions are needed to projects under this part so that such children will meet the State's performance standards.

"(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—(1) To ensure high-quality instruction to enable participating children to meet the State's challenging performance standards expected of all students, each local educational agency plan shall describe a coherent strategy for intensive and sustained professional development for teachers, administrators, and other staff, including district-level staff, that—

"(A) takes into account the needs and activities across and within schools; and

"(B) draws on resources available under this part and from other sources.

"(2) Each local educational agency plan shall describe how the local educational agency will—

"(A) work in consultation with schools as the schools develop their plans pursuant to section 1114 or 1115 and assist schools as they implement those plans to that each school can make adequate yearly progress toward meeting the State's standards;

"(B) support and encourage schoolwide programs; and

"(C) fulfill its school improvement responsibilities under section 1118, including the corrective actions it will take under section 1118(c)(4).

"(3) To address the comprehensive needs of children, each local educational agency plan shall describe how the local educational agency will—

"(A) coordinate and integrate services provided under this part with other educational services, including—

"(i) Even Start, Head Start, and other preschool programs, and school-to-work transition programs; and

"(ii) services for children with limited English proficiency or with disabilities, migratory children served under part C of this title, neglected or delinquent children served under part D of this title, homeless children, and immigrant children in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the children's instructional program;

"(B) coordinate and collaborate, to the extent feasible, with other agencies providing services to children, youth, and families, including, but not limited to, health and social services; and

"(C) establish a procedure to ensure that all children in participating elementary schools in which the percentage of children from low-income families is 50 percent or more receive, at a minimum, two health screenings during the elementary school years at appropriate intervals based on reasonable pediatric standards. Funds under this part may be used to provide such health screenings only if funds from other public or private sources, including, but not limited to, Medicaid; Early Periodic Screening, Diagnosis, and Treatment (EPSDT); private insurance; or other community health resources, are not reasonably available to pay for such screening.

"(4) The local educational agency plan shall also include a description of—

"(A) the poverty criteria that will be used to select school attendance areas under section 1113;

"(B) the multiple criteria that will be used by targeted assistance schools under section 1115 to identify children eligible for services under this part;

"(C) a general description of the nature of the programs to be conducted by its schools under sections 1114 and 1115 and services outside those schools for children living in local institutions for neglected or delinquent children and for eligible homeless children; and

"(D) a description of how the local educational agency will provide services to eligible children attending private elementary and secondary schools in accordance with section 1117, and how timely and meaningful consultation with private school officials regarding such services will occur.

"(d) PLAN DEVELOPMENT AND DURATION.—Each local educational agency plan shall be—

"(1) developed in consultation with teachers and parents of children in schools served under this part; and

"(2) periodically reviewed and revised, as necessary, to reflect changes in the local educational agency's strategies and programs.

"(e) STATE APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the plan will enable schools served under this part to substantially help all children served meet the State's challenging performance standards expected of all children.

"(f) PROGRAM RESPONSIBILITY.—The local educational agency plan shall reflect the shared responsibility of schools and the local educational agency in making decisions required under sections 1114 and 1115.

"ELIGIBLE SCHOOL ATTENDANCE AREAS

"SEC. 1113. (a) GENERAL.—(1)(A)(i) A local educational agency shall use funds received under this part only in school attendance areas with high concentrations of children from low-income families, hereafter in this section referred to as 'eligible school attendance areas'.

"(ii) For the purposes of this part—

"(I) 'school attendance area' means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside; and

"(II) 'eligible school attendance area' means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families in the local educational agency as a whole.

"(B) If funds allocated in accordance with subsection (c) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

"(i) annually rank, without regard to grade spans, its eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent from highest to lowest according to the percentage of children from low-income families; and

"(ii) serve such eligible school attendance areas in rank order.

"(C) If funds remain after serving all eligible school attendance areas under subparagraph (B), a local educational agency shall—

"(i) annually rank its remaining eligible school attendance areas from highest to lowest either by grade span or for the entire local educational agency according to the percentage of children from low-income families; and

“(ii) serve such eligible school attendance areas in rank order either within each grade-span grouping or within the local educational agency as a whole.

“(2) The local educational agency shall use the same measure of low income, which it shall choose on the basis of the best available data and which maybe composite of several indicators, with respect to all school attendance areas in the local educational agency to—

“(A) identify eligible school attendance areas;

“(B) determine the ranking of each area; and

“(C) determine allocations under subsection (c).

“(3) This subsection shall not apply to a local educational agency with a total enrollment of less than 1,000 children.

“(b) Local Educational Agency Discretion.—Notwithstanding subsection (a)(1), a local educational agency may—

“(1) designate as eligible any school attendance area or school in which at least 50 percent of the children are from low-income families;

“(2) use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency; and

“(3)(A) skip an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if—

“(i) the school meets the comparability requirements of section 1119(c);

“(ii) the school is receiving supplemental funds from other State or local sources that are spent according to the requirements of section 1114 or 1115; and

“(iii) the funds expended from those other sources equal or exceed the amount that would be provided under this part.

“(B) Notwithstanding subparagraph (A), the number of children to receive services attending private elementary and secondary schools, and the assistance they receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is skipped under this paragraph.

“(c) Allocations.—(1) A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools, identified under subsection (a) or (b), in rank order, on the basis of the total number of children from low-income families in each area or school.

“(2)(A) Except as provided in subparagraph (B), the per-pupil amount of funds allocated to each school attendance area or school under paragraph (1) shall be at least 80 percent of the per-pupil amount of funds the local educational agency received for that year under sections 1123 and 1124.

“(B) A local educational agency may reduce the amount of funds allocated under subparagraph (A) for a school attendance area or school by the amount of any supplemental State and local funds expended in that school attendance area or school for programs that meet the requirements of section 1114 or 1115.

“(3) A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

“(A) eligible homeless children who do not attend participating schools, including providing educationally related support services to children in shelters, where appropriate; and

“(B) children living in local institutions for neglected or delinquent children.

“SCHOOLWIDE PROGRAMS

“Sec. 1114. (a) Use of Funds for Schoolwide Programs.—(1) A local educational agency may use funds under this part, in combination with other Federal, State, and local funds, to upgrade the entire educational program in an eligible school if, for the initial year of the schoolwide program, the school meets the following criteria:

“(A) For school year 1995–96—

“(i) the school serves an eligible school attendance area in which at least 65 percent of the children are from low-income families; or

“(ii) at least 65 percent of the children enrolled in the school are from such families.

“(B) For school year 1996–97 and thereafter, the percentage requirement in subparagraphs (A)(i) and (ii) shall be 50 percent.

“(2)(A) No schoolwide program school shall be required to identify particular children as eligible to participate or to provide supplemental services to them.

“(B) A schoolwide program school shall use such funds only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children with limited English proficiency.

“(3) A school may use funds received under any noncompetitive, formula-grant program administered by the Secretary, except such a program under the Individuals with Disabilities Education Act, and any discretionary program contained on a list (updated as necessary) issued by the Secretary to support a schoolwide program, notwithstanding any provision of the statute or regulations governing any such program.

“(b) Components of a Schoolwide Program.—(1) A schoolwide program shall include the following components:

“(A) A comprehensive needs assessment of the entire school that is based on information on the performance of children in relation to the State's standards.

“(B) Schoolwide reform strategies that—

“(i) provide opportunities for all children to meet the State's ‘proficient’ and ‘advanced’ performance standards expected of all children;

“(ii) are based on research on effective means of improving the achievement of children;

“(iii) use effective instructional strategies that increase the amount and quality of learning time and help provide an enriched and accelerated curriculum rather than remedial drill and practice;

“(iv) address the needs of all children in the school, but particularly the needs of low-achieving children, children with limited English proficiency, children from migratory families, and children who are members of the target population of any program that is included in the schoolwide program, and how the school will determine if those needs have been met; and

“(v) are consistent with, and are designed to implement, the State and local reform plans, if any, approved under title III of the Goals 2000: Educate America Act.

“(C) Instruction by highly qualified professional staff.

“(D) Intensive and sustained professional development for teachers, principals, and other staff to enable all children in the school to meet the State's performance standards.

“(E) Parental involvement in accordance with section 1116.

“(F) Additionally, in schools serving children beyond grade six, in coordination with funds available from other programs and, as appropriate, drawing on private and public organizations—

“(i) counseling and mentoring services;

“(ii) college and career awareness and preparation, such as college and career guidance, enhancement of employability skills, and job placement services; and

“(iii) services to prepare students for the transition from school to work.

“(2)(A) Any eligible school that desires to operate a schoolwide program shall first develop, in consultation with the local educational agency, a comprehensive plan for reforming the total instructional program in the school that—

“(i) incorporates the components described in paragraph (1);

“(ii) describes how the school will use resources under this part and from other sources to implement those components;

“(iii) includes a list of State and local educational agency programs and other Federal programs under paragraph (a)(3) that will be included in the schoolwide program; and

“(iv) describes how the school will provide individual student assessment results, including an interpretation of those results, to the parents of any child who participates in the assessment required by section 1111(b)(3).

“(B) Plans developed before a State has adopted standards and a set of assessments that meet the criteria in section 1111(b)(1) and (3) shall be based on an analysis of available data on the achievement of students in the school and a review of the school's instructional practices in the context of available research on effective instructional and school improvement practices.

“(C) The comprehensive plan shall be—

“(i) developed over a one-year period, unless—

“(I) the local educational agency, based on the recommendation of the school support team under subsection (c), determines that less time is needed to develop and implement the schoolwide program; and

“(II) the school is operating a schoolwide program at the time this section takes effect, in which case it may continue to operate that program, but shall develop a new plan during the first year to reflect the provisions of this section;

“(ii) developed with the involvement of the community to be served and those individuals who will carry it out, including teachers, principals, other staff, parents, and, if the plan relates to a secondary school, students from the school;

“(iii) reviewed and revised, as necessary, by the school; and

“(iv) available to the local educational agency, parents, and the public. The information contained therein shall be translated, to the extent feasible, into any language that a significant percentage of the parents of participating children in the school speak as their primary language.

“(c) School Support Teams.—(1) Each State educational agency shall establish a system of school support teams to provide information and assistance to each schoolwide program to ensure that schoolwide programs provide the opportunity for all children to meet the State's challenging performance standards.

“(2) Each such team shall be composed of persons, including teachers, knowledgeable about research and practice on teaching and learning, particularly about strategies for improving the educational opportunities for low-achieving children.

“(3) A school support team shall work with each school as it develops its schoolwide program plan, review the merits of each plan, and make recommendations to the school and the local educational agency.

“(4) During the operation of the schoolwide program, a school support team shall—

“(A) periodically review the progress of the school in enabling children in the school to meet the State's performance standards;

“(B) identify problems in the design and operation of the instructional program; and

“(C) make suggestions for improvement to the school and the local educational agency.

“(5) Funds available for State administration and for local educational agencies under this part may be used to pay the costs of the school support teams.

“TARGETED ASSISTANCE SCHOOLS

“Sec. 1115, (a) General.—In all schools selected to participate under section 1113 that are ineligible for a schoolwide program, or that choose not to operate a schoolwide program, a local educational agency may use funds received under this part only for programs that provide services to eligible children identified as having the greatest need for special assistance.

“(b) Eligible Children.—(1)(A) The eligible population for services under this part is—

“(i) those children up to age 21 who are entitled to a free public education through grade 12; and

“(ii) those children who are not yet at a grade level where the local educational agency provides a free public education, yet are of an age at which they can benefit from an organized instructional program provided in a school or other educational setting.

“(B) From the population described in subparagraph (A), eligible children are children identified by the school as failing, or most at risk of failing, to meet the State's challenging performance standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade two shall be selected solely on the basis of such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures.

“(2)(A)(i) Children receiving services to overcome a disability or limited English proficiency are eligible for services under this part on the same basis as other children selected to receive services under this part.

“(ii) Funds received under this part may not be used to provide services that are otherwise required by law to be made available to such children.

“(B) A child who, at any time in the previous two years, received services under the program for neglected and delinquent children under part D of this title (or its predecessor authority) is eligible for services under this part.

“(C) A local educational agency shall use funds received under this part to serve eligible homeless children who attend any school in the local educational agency.

“(c) Components of a Targeted Assistance School Program.—(1) To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students the opportunity to meet the State's challenging performance standards, each targeted assistance program under this section shall—

“(A) use its resources under this part to help participating children meet the challenging performance standards expected for all children;

“(B) be based on research on effective means for improving achievement of children;

“(C) use effective instructional strategies that—

“(i) give primary consideration to providing extended learning time;

“(ii) involve an accelerated, high-quality curriculum, rather than remedial drill and practice; and

“(iii) minimize removing children from the regular classroom for instruction provided under this part;

“(D) be coordinated with and support the regular program in providing an enriched and accelerated curriculum for eligible children;

“(E) provide instruction by highly qualified professional staff;

“(F) provide opportunities for intensive and sustained professional development with resources under this part and from other sources for administrators and for teachers and other school staff who work with participating children in programs under this section or in the regular education programs;

“(G) provide opportunities for parental involvement in accordance with section 1116; and

“(H) include, additionally, in schools serving children beyond grade six, in coordination with funds available from other programs and, as appropriate, drawing on private and public organizations—

“(i) counseling and mentoring;

“(ii) college and career awareness and preparation, such as college and career guidance, enhancement of employability skills, and job placement services; and

“(iii) services to prepare students for the transition from school to work.

“(2)(A) Each school conducting a program under this section shall develop, in consultation with the local educational agency, a plan to assist participating children to meet the State's ‘proficient’ and ‘advanced’ performance standards that describes—

“(i) the selection of children to participate in accordance with subsection (b);

“(ii) the program to be conducted that incorporates the components described in paragraph (1) and how the resources provided under this part will be coordinated with other resources to enable the children served to meet the State's standards;

“(iii) how the school will review, on an ongoing basis, the progress of participating children and revise the program, if necessary, to provide additional assistance to enable such children to meet the State's challenging performance standards;

“(iv) how the school will provide individual student assessment results, including an interpretation of those results, to the parents of any child who participates in the assessment required by section 1111(b)(3); and

“(v) if the school is eligible to operate a schoolwide program under section 1114, why it did not choose to do so.

“(B) Plans developed before a State has adopted standards and a set of assessments that meet the criteria of section 1111(b)(1) and (3) shall be based on an analysis of available data on the achievement of participating children and a review of the school's instructional practices in the context of available research on effective instructional practices.

“(C) Each plan shall be—

“(i) developed with the involvement of the community to be served and those individuals who will carry it out, including teachers, administrators, other staff, parents, and, if the plan relates to a secondary school, students from the school;

“(ii) available to the local educational agency, parents, and the public, and the information contained therein shall be translated, to the extent feasible, into any language that a significant percentage of the parents of participating children in the school speak as their primary language; and

“(iii) reviewed and revised, as necessary, by the school.

“(d) Assignment of Personnel.—To promote the integration of staff supported with funds under this part and children served under this part into the regular school program and overall school planning and improvement efforts, public school personnel we are paid with funds received under this part may—

“(1) assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not benefit participating children so long as the amount of time spent on these duties is the same proportion of total work time as prevails with respect to similar personnel at the same school;

“(2) participate in general professional development and school planning activities; and

“(3) collaboratively teach with regular classroom teachers, so long as their efforts directly benefit participating children.

“PARENTAL INVOLVEMENT

“Sec. 1116. (a) Local Educational Agency Policy.—(1) Each local educational agency that receives funds under this part shall develop jointly with, and make available to, parents of participating children a written parent involvement policy that is incorporated into the local educational agency's plan developed under section 1112, establishes the expectations for parent involvement, and describes how the local educational agency will—

“(A) involve parents in the development of the plan described under section 1112, and the process of school review and improvement described under section 1118;

“(B) provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement;

“(C) build the schools' and parents' capacity for strong parent involvement as described in subsection (e);

“(D) coordinate and integrate parent involvement strategies in this part with those under other programs; and

“(E) ensure that participating schools review their parent involvement activities on an ongoing basis and use the findings of the reviews in designing strategies for school improvement.

“(2) If the local educational agency has a district-level parental involvement policy that applies to all parents, it may amend that policy, if necessary, to meet the requirements of this subsection.

“(b) School Parental Involvement Plan.—(1) Each school served under this part shall jointly develop with, and make available to, parents of participating children a written parent involvement plan that shall be incorporated into the school plan developed under section 1114 or 1115 and shall describe the means for carrying out the requirements of subsections (c) through (f).

“(2) If the school has a parental involvement policy that applies to all parents, it may amend that policy, if necessary, to meet the requirements of this subsection.

"(c) Policy Involvement.—Each school served under this part shall—

"(1) convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain this part, its requirements, and their right to be involved;

"(2) involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the development of the school plan under section 1114 or 1115. If a school has in place a process for involving parents in the planning and design of its programs, the school may use that process, provided that it includes an adequate representation of parents of participating children; and

"(3) provide parents of participating children—

"(A) timely information about programs under this part;

"(B) school performance profiles required under section 1118(a))2);

"(C) opportunities for regular meetings to formulate suggestions, if such parents so desire; and

"(D) timely responses to their recommendations.

"(d) Shared Responsibilities for High Student Performance.—As a component of the school-level parental involvement plan developed under subsection (b), each school served under this part shall jointly develop with parents for all children a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall—

"(1) describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enable the children to meet the State's challenging performance standards, and the ways in which each parent will be responsible for supporting his or her children's learning, including monitoring attendance, homework completion, television watching, and positive use of extracurricular time; and

"(2) address the importance of communication between teachers and parents on an ongoing basis through at least—

"(A) parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as it relates to the individual child's achievement;

"(B) frequent reports to parents on their children's progress; and

"(C) reasonable access to staff and observation of classroom activities.

"(e) Building Capacity for Involvement.—To ensure effective involvement of parents and to support a partnership among the school, parents, and the community to improve student achievement, each school and local educational agency shall—

"(1) provide assistance to participating parents in such areas as understanding the National Education Goals, the State's content and performance standards, State and local assessments, the requirements of this part, and how to monitor their children's progress and work with educators to improve the performance of their children;

"(2) provide materials and training, including necessary literacy training that is not otherwise available from other sources to help parents work with their children to improve their children's achievement;

"(3) educate teachers, principals and other staff in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between home and school; and

"(4) develop appropriate roles for community-based organizations and businesses in parent involvement activities, including providing information about opportunities for them to work with parents and schools.

"(f) Accessibility.—In carrying out the parental involvement requirements of this part, local educational agencies and schools shall, to the extent practicable, provide full opportunities for participation to parents with limited English proficiency or with disabilities, including providing information in a language and form they understand.

"PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS

"Sec. 1117. (a) General Requirement.—(1) To the extent consistent with the number of eligible children identified according to section 1115(b) in a local educational agency who are enrolled in private elementary and secondary schools, a local educational agency shall, after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis, special educational services or other benefits under this part.

"(2) The educational services or other benefits, including materials and equipment, must be secular, neutral, and nonideological.

"(3) Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this part.

"(4) Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.

"(5) The local educational agency may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

"(b) Consultation.—(1) To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials during the design and development of the agency's programs under this part, on issues such as—

"(A) how the children's needs will be identified;

"(B) what services will be offered;

"(C) how and where the services will be provided; and

"(D) how the services will be assessed.

"(2) Consultation shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this part.

"(3) Consultation shall include a discussion of the full range of service delivery mechanisms a local educational agency could use to provide equitable services to eligible private school children including, but not limited to, instruction provided at public school sites, at neutral sites, and in mobile vans, computer-assisted instruction, extended-day services, home tutoring, and instruction provided with take-home computers.

"(c) Public Control of Funds.—(1) The control of funds provided under this part, and title to materials, equipment, and property purchased with those funds, shall be in a public agency, and a public agency shall administer such funds and property.

"(2)(A) The provision of services under this section shall be provided—

"(i) by employees of a public agency; or

"(ii) through contract by such public agency with an individual, association, agency, or organization.

"(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

"(d) Standards for a Bypass.—If a local educational agency is prohibited by law from providing for the participation on an equitable basis of eligible children enrolled in private elementary and secondary schools or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for such participation, as required by this section, the Secretary shall—

"(1) waive the requirements of this section for such local educational agency; and

"(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 9505 and 9506 of this Act.

"(e) Capital Expenses.—(1)(A) From the amount appropriated for this subsection under section 1002(e) for any fiscal year, each State is eligible to receive an amount that bears the same ratio to the amount so appropriated as the number of private school children who received services under this part in the State in the most recent year for which data satisfactory to the Secretary are available bears to the number of such children in all States in that same year.

"(B) The Secretary shall reallocate any amounts allocated under subparagraph (A) that are not used by a State for the purpose of this subsection to other States on the basis of their respective needs, as determined by the Secretary.

"(2)(A) A local educational agency may apply to the State educational agency for payments for capital expenses consistent with this subsection.

"(B) State educational agencies shall distribute such funds to local educational agencies based on the degree of need set forth in their respective applications.

"(3) Any funds appropriated to carry out this subsection shall be used only for capital expenses incurred to provide equitable services for private school children under this section.

"(4) For the purpose of this subsection, the term 'capital expenses' is limited to—

"(A) expenditures for noninstructional goods and services, such as the purchase, lease, or renovation of real and personal property, including, but not limited to, mobile educational units and leasing of neutral sites or spaces;

"(B) insurance and maintenance costs;

"(C) transportation; and

"(D) other comparable goods and services.

"ASSESSMENT AND SCHOOL AND DISTRICT IMPROVEMENT

"Sec. 1118. (a) Local Review.—Each local educational agency receiving funds under this part shall—

"(1) use the State assessments described in the State plan and any additional measures described in the local educational agency's plan to review annually the progress of each school served under this part to determine whether the school is meeting, or making adequate progress as defined in section 1111(b)(2)(A)(i) toward enabling its students to meet, the State's performance standards;

"(2) publicize and disseminate to teachers, parents, students, and the community the results of the annual review under paragraph (1) of all schools served under this part in individual school performance profiles that include disaggregated results as required by section 1111(b)(3)(F); and

"(3) provide the results of the local annual review to schools so that they can continually refine the program of instruction to help all children in those schools meet the State's high performance standards.

"(b) DISTINGUISHED SCHOOLS.—(1) Each State shall designate as a Distinguished School—

"(A) any school served under this part that, for three consecutive years, has exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(i); and

"(B) any school in which virtually all students have met the State's 'advanced' performance standards.

"(2)(A) A State shall use funds available under section 1002(f) to recognize Distinguished Schools, including making monetary awards.

"(B) Funds awarded to a Distinguished School may be used by the school to further its educational program under this part, provide additional incentives for continued success, and reward individuals or groups in the school for past performance.

"(3) A local educational agency may also recognize the success of a Distinguished School by providing additional institutional and individual rewards, such as greater decisionmaking authority at the school building level, increased access to resources or supplemental services such as summer programs that may be used to sustain or increase success, additional professional development opportunities, opportunities to participate in special projects, and individual financial bonuses.

"(4) Schools designated as Distinguished Schools under paragraph (1) may serve as models and provide additional assistance to other schools served under this part that are not making adequate progress.

"(c) SCHOOL IMPROVEMENT.—(1) A local educational agency shall identify for school improvement any school served under this part that—

"(A) has been in program improvement under section 1020 of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as in effect before the effective date of the Improving America's Schools Act of 1993, for at least two consecutive school years prior to that date;

"(B) has not made adequate progress as defined in the State's plan under section 1111(b)(2)(A) for two consecutive school years and if it does not have virtually all students meeting the State's 'advanced' performance standards; or

"(C) has failed to meet the criteria established by the State through its interim procedure under section 1111(b)(5)(C) for two consecutive years.

"(2)(A) Each school identified under paragraph (1) shall—

"(i) in connection with parents, the local educational agency, and, for schoolwide programs, the school support team, revise its school plan under section 1114 or 1115 in ways that have the greatest likelihood of improving the performance of participating children in meeting the State's performance standards; and

"(ii) submit the revised plan to the local educational agency for approval.

"(B) During the first year immediately following identification under paragraph (1), the school shall implement its revised plan.

"(3) For each school identified under paragraph (1), the local educational agency shall provide technical assistance as the school develops and implements its revised plan.

"(4)(A) The local educational agency may take corrective action at any time against a school that has been identified under paragraph (1), but, during the third year following identification under paragraph (1), shall take such action against any school that still fails to make adequate progress.

"(B) Corrective actions are those listed in the local educational agency plan, which may include, but are not limited to, decreasing decisionmaking authority at the school level; making alternative governance arrangements such as the creation of a charter school; reconstituting the school staff; withholding funds; and authorizing students to transfer, including paying transportation costs, to other schools in the local educational agency.

"(5) The State educational agency shall—

"(A) make assistance from Distinguished Educators under subsection (e) available to the schools farthest from meeting the State's standards, if requested by the school or local educational agency; and

"(B) if it determines that a local educational agency failed to carry out its responsibility under paragraphs (3) and (4), take such corrective actions that it deems appropriate.

"(6) Schools that for at least two of the three years following identification under paragraph (1) make adequate progress toward meeting the State's 'proficient' and 'advanced' performance standards no longer need to be identified for school improvement.

"(d) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENTS.—(1) A State educational agency shall—

"(A) annually review the progress of each local educational agency receiving funds under this part to determine whether it is making adequate progress as defined in section 1111(b)(2)(A)(ii) toward meeting the State's performance standards; and

"(B) publicize and disseminate to teachers, parents, students, and the community the results of the State review, including disaggregated results, as required by section 1111(b)(3)(F).

"(2) In the case of a local educational agency that for three consecutive years has exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(ii), the State may make institutional and individual rewards of the kinds described for individual schools in subsection (b)(3).

"(3) A State educational agency shall identify for improvement any local educational agency that—

"(A) for two consecutive years, is not making adequate progress as defined in section 1111(b)(2)(A)(ii) toward meeting the State's performance standards; or

"(B) has filed to meet the criteria established by the State through its interim procedure under section 1111(b)(5)(C) for two consecutive years.

"(4) Each local educational agency identified under paragraph (3) shall, in consultation with schools, parents, and educational experts, revise its district-level plan under section 1112 in ways that have the greatest likelihood of improving the performance of its schools in meeting the State's performance standards.

"(5) For each local educational agency identified under paragraph (3), the State educational agency shall—

"(A) provide technical assistance to better enable the local educational agency to develop and implement its revised plan and work with schools needing improvement; and

"(B) make available to the districts farthest from meeting the State's standards, if requested, assistance from Distinguished Educators under subsection (e).

"(6)(A) The educational agency may take corrective action at any time against a local education agency that has been identified under paragraph (3), but, during the fourth year following identification under paragraph (3), shall take such action against any local educational agency that still fails to make adequate progress.

"(B) Corrective actions are those listed in the local educational agency plan, which may include, but are not limited to, reconstitution of district personnel; appointment by the State educational agency of a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board; removal of particular schools from the jurisdiction of the local educational agency and establishment of alternative arrangements for governing and supervising such schools; the abolition or restructuring of the local educational agency; authorizing students to transfer from one local educational agency to another, including paying the cost of transportation; and the withholding of funds.

"(7) Local educational agencies that for at least two of the three years following identification under paragraph (3) make adequate progress toward meeting the State's standards no longer need to be identified for district improvement.

"(e) DISTINGUISHED EDUCATORS—(1) In order to provide assistance to schools and local educational agencies identified as needing improvement under subsection (c) or (d), each State, using funds available under section 1002(f), shall establish a corps of Distinguished Educators.

"(2) When possible, these Distinguished Educators shall be chosen from schools served under this part that have been especially successful in enabling children to meet or make outstanding progress toward meeting the State's performance standards, such as those schools described in subsection (b).

"(3) Distinguished Educators shall provide, upon request, intensive and sustained assistance to the schools and districts farthest from meeting the State's standards as they revise and implement their plans.

"(4) If the State has devised an alternative approach to providing such intensive and sustained assistance to schools and districts farthest from meeting the State's standards, this approach shall meet the requirements of this subsection subject to the approval of the Secretary part of the State plan.

"(f) STATE ALLOCATIONS FOR SCHOOL IMPROVEMENT.—From the amount appropriated under section 1002(f) for any fiscal year, each State shall be eligible to receive an amount that bears the same ratio to the amount appropriated as the amount allocated to the State under sections 1123 and 1124 bears to the total amount allocated to all States under those sections, except that each State shall receive at least $180,000, or $30,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Marianas, and Palau (until the Compact of Free Association goes into effect).

"FISCAL REQUIREMENTS

"SEC. 1119. (a) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under this part for any fiscal year only if the State educational agency finds that the local educational agency has maintained its fiscal effort in accordance with section 9501 of this Act.

"(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—(1)(A) Except as provided in subparagraph (B), a State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.

"(B) For the purpose of complying with subparagraph (A), a State or local educational agency may exclude supplemental State and local funds expended in any eligible school attendance area or school for programs that meet the requirements of section 1114 or 1115.

"(2) No local educational agency shall be required to provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate its compliance with paragraph (1).

"(c) COMPARABILITY OF SERVICES.—(1)(A) Except as provided in paragraphs (4) and (5), a local educational agency may receive funds under this part only if State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

"(B) If the local educational agency is serving all of its schools under this part, such agency may receive funds under this part only if it will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school.

"(C) A local educational agency may meet the requirements of subparagraphs (A) and (B) on a grade-span by grade-span basis or a school-by-school basis.

"(2)(A) To meet the requirements of paragraph (1), a local educational agency shall demonstrate that—

"(i) expenditures per pupil from State and local funds in each school served under this part are equal to or greater than the average expenditures per pupil in schools not receiving services under this part; or

"(ii) instructional salaries per pupil from State and local funds in each school served under this part are equal to or greater than the average instructional salaries per pupil in schools not receiving services.

"(B) A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

"(3) Each local educational agency shall—

"(A) develop procedures for compliance with this subsection; and

"(B) maintain records that are updated biennially documenting its compliance.

"(4) This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

"(5) For the purpose of determining compliance with paragraph (1), a local educational agency may exclude State and local funds expended for—

"(A) bilingual education for children of limited English proficiency; and

"(B) excess costs of providing services to children with disabilities.

"Subpart 2—Allocations

"GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR

"SEC. 1121. (a) RESERVATION OF FUNDS.—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall reserve a total of up to 0.8 percent to provide assistance to—

"(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (b).

"(b) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—(1) The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

"(A) Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and

"(B) out-of-State Indian children in elementary and secondary schools in local educational agencies under special contracts with the Department of the Interior.

"(2) From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary of Education determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or

"(B) 48 percent of such expenditure in the United States.

"ALLOCATIONS TO STATES

"SEC. 1122. (a) GENERAL.—After reserving funds under section 1121(a), the Secretary shall allocate the remaining funds appropriated under section 1002(a) to States as follows:

"(1) Fifty percent of such funds shall be allocated for basic grants in accordance with section 1123.

"(2) Fifty percent of such funds shall be allocated for concentration grants in accordance with section 1124.

"(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—(1) If the sums available under subsection (a) for any fiscal year are insufficient to pay the full amounts that all counties in States are eligible to receive under sections 1123 and 1124 for such year, the Secretary shall ratably reduce the allocations to such counties, subject to subsections (c) and (d) of this section.

"(2) If additional funds become available for making payments under sections 1123 and 1124 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

"(c) HOLD-HARMLESS AMOUNTS.—Notwithstanding subsection (b), the total amount made available to each county under sections 1123 and 1124 for any fiscal year shall be at least 85 percent of the total amount such county was allocated under such sections (or, for fiscal year 1995, their predecessor authorities) for the preceding fiscal year.

"(d) STATE MINIMUM.—Notwithstanding any other provision of this part, from the total amount available for any fiscal year to carry out sections 1123 and 1124, each State shall be allotted at least the lesser of—

"(1) one quarter of one percent of such amount; or

"(2) the amount it was allotted under such sections (or, for fiscal year 1995, under their predecessor authorities) for the previous year increased or decreased, as the case may be, by the same percentage by which such total amount appropriated for those sections increased or decreased from the previous year.

"(e) DEFINITION.—For the purpose of this section and sections 1123 through 1125, the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"BASIC GRANTS

"SEC. 1123. (a) ELIGIBILITY OF COUNTIES.—A county in a State is eligible for a basic grant under this section for any fiscal year only if the number of children in the county counted under subsection (c)(1)(A) is at least—

"(1) 100; or

"(2) 18 percent of the total number of children aged five through 17 in the county.

"(b) GRANTS FOR COUNTIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—(1) The amount of the grant that a county in a State or that the District of Columbia is eligible to receive under this section for any fiscal year shall be the product of—

"(A) the number of children counted under subsection (c); and

"(B) 40 percent of the average per-pupil expenditure in the State, except that such percentage shall not be less than 32 percent nor more than 48 percent of the average per-pupil expenditure in the United States.

"(2) For each fiscal year, the amount of the grant for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to—

"(A) the number of children counted under subsection (c) for Puerto Rico, multiplied by the product of—

"(B)(i) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(ii) 32 percent of the average per-pupil expenditure in the United States.

"(c) CHILDREN TO BE COUNTED.—

"(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section shall be—

"(A) the total number of children aged five through 17 in a county—

"(i) from families below the poverty level, as determined under paragraph (2)(A);

"(ii) from families above the poverty level, as determined under paragraph (2) (B) and (C); and

"(iii) living in institutions for neglected or delinquent children (other than institutions operated by the United States and those with children counted under part D of this title) or being supported in foster homes with public funds, as determined under paragraph (2)(C); less

"(B) two percent of the total number of children aged five through 17 in the county.

"(2) DETERMINATION OF NUMBER OF CHILDREN.—(A)(i) The Secretary shall determine the number of children described in paragraph (1)(A)(i) on the basis of the most recent satisfactory data available from the Department of Commerce for counties, the District of Columbia, and Puerto Rico.

"(ii) In making such determinations, the Secretary shall use the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census.

“(B)(i) The Secretary shall determine the number of children described in paragraph (1)(A)(ii) on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act.

“(ii) In making such determinations, the Secretary shall use the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, for a family of four, in such form as those criteria have been updated to reflect increases in the Consumer Price Index.

“(C) The Secretary shall determine the number of children described in paragraph (1)(A) (ii) and (iii) on the basis of—

“(i) caseload data for the month of October of the preceding fiscal year, using, in the case of children described in paragraph (1)(A)(ii), the criteria of poverty and the form of such criteria that were determined for the calendar year preceding such month of October; or

“(ii) to the extent that such data are not available to the Secretary by January 1 of the calendar year in which the Secretary's determination is made, on the basis of the most recent reliable data available to the Secretary at the time of such determination.

“(D) For purposes of this subsection, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

“(E) The Secretary of Health and Human Services shall collect and transmit information on the number of children described in paragraph (1)(A)(ii) and the number of foster children described in paragraph (1)(A)(iii) to the Secretary by January 1 of each year.

“(d) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—(1) From funds remaining after the State educational agency reserves any funds under section 1601(c), and except as provided in section 1125(d), a State educational agency shall allocate each county amount determined under subsection (b) among all local educational agencies in the county or counties in which the agencies are located on the basis of—

“(A) the total number of children aged five through 17 in the local educational agency—

“(i) in local institutions for neglected or delinquent children; and

“(ii) from low-income families, as determined under paragraph (2); less

“(B) two percent of the total number of children aged five through 17 in the local educational agency.

“(2) The State educational agency shall determine the number of children from low-income families in local educational agencies—

“(A) based on the best data available on a statewide basis; and

“(B) using the same measure of low income throughout the State.

“(3) The State educational agency shall distribute funds under this section to each local educational agency in proportion to the number of children counted under paragraph (1) in the local educational agency compared to the number of such children in all local educational agencies in the county.

“CONCENTRATION GRANTS

“SEC. 1124. (a) ELIGIBILITY OF COUNTIES.—Except as otherwise provided in this section, a county in a State is eligible for a grant under this section if—

“(1) the number of children counted under section 1123(c)(1)(A) in the county is more than 6,500; or

“(2) the percentage of children counted under such section is greater than 18 percent of the total number of children aged five through 17 in the county.

“(b) GRANTS FOR COUNTIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—(1) The amount of the grant that a county in a State or that the District of Columbia or Puerto Rico is eligible to receive under this section for any fiscal year is the product of—

“(A) the number of children counted under section 1123(c)(1)(A), minus two percent of the total number of children aged five through 17 in the county; and

“(B) the per-pupil amount determined under section 1123(b) for the fiscal year for which the determination is being made for that county.

“(c) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—(1)(A) From funds remaining after the State educational agency reserves any funds under section 1601(c), and except as otherwise provided in this subsection and in section 1125(d), funds allocated to counties under this section shall be allocated by the State educational agency only to those local educational agencies whose school districts lie, in whole or in part, within the county and that are determined by the State educational agency to meet either or the eligibility criteria in subsection (a).

“(B) Such determinations shall be made on the basis of the same poverty data used by the State educational agency under section 1123(d). If the State educational agency does not use census poverty data to determine eligibility, it must equate the poverty measure it uses to the latest available census data in order that eligibility is not affected by differences in sources of poverty data.

“(C) The State educational agency shall distribute funds under this section to each local educational agency that is eligible to receive those funds in proportion to the number of children counted under section 1123(d) in each local educational agency compared to the number of such children in all local educational agencies that are eligible for concentration grants in the county.

“(2)(A) In counties where no local educational agency meets either of the criteria in subsection (a), the State educational agency shall allocate such funds among the local educational agencies within such counties, in whole or in part, based on their respective concentrations and numbers of children counted under section 1123(d).

“(B) Only local educational agencies with concentrations of poverty that exceed the countywide average percentage of children counted under section 1123(d) or the countywide average number of such children may receive any funds on the basis of this paragraph.

“(3) In States that receive the minimum grant under section 1122(d), the State educational agency shall allocate such funds among the local educational agencies in such State either—

“(A) in accordance with paragraphs (1) and (2) of this subsection and section 1125(d); or

“(B) without regard to the counties in which such local educational agencies are located, based on their respective concentrations and numbers of children counted under section 1123(d), except that only those local educational agencies with concentrations of children counted under section 1123(d) that exceed the statewide average percentage of such children or the statewide average number of such children shall receive any funds on the basis of this subparagraph.

“(4) A State educational agency may reserve not more than ten percent of its allocation under this section to make direct payments to local educational agencies that meet either of the criteria in subsection (a), but are in ineligible counties.

“SPECIAL ALLOCATION PROCEDURES

“SEC. 1125. (a) Hold-Harmless Amounts.—The total amount made available to each local educational agency under sections 1123 and 1124 for any fiscal year shall be at least 85 percent of the total amount such agency received under such sections (or, for fiscal year 1995, under their predecessor authorities) for the preceding fiscal year.

“(b) ALLOCATIONS FOR NEGLECTED OR DELINQUENT CHILDREN.—(1) If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected or delinquent children as described in section 1123(c)(1)(A)(ii), the State educational agency shall, if it assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1123 and 1124 that is attributable to such children.

“(2) If the State educational agency does not assume such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

“(c) ALLOCATIONS AMONG LOCAL EDUCATIONAL AGENCIES.—The State educational agency may allocate the amounts of grants under sections 1123 and 1124 between and among the affected local educational agencies when—

“(1) two or more local educational agencies serve, in whole or in part, the same geographical area; or

“(2) a local educational agency provides free public education for children who reside in the school district of another local educational agency.

“(d) ALLOCATIONS WITHOUT REGARD TO COUNTIES.—A State educational agency may allocate funds under sections 1123 and 1124 directly to eligible local educational agencies without regard to counties if the State educational agency can demonstrate to the Secretary's satisfaction that doing so will result in a reasonable allocation of those funds.

“(e) REALLOCATION.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1123 and 1124 is more than such local agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.

“CARRYOVER AND WAIVER

“SEC. 1126. (a) LIMITATION ON CARRYOVER.—Notwithstanding section 412 of the General Education Provisions Act or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.

“(b) WAIVER.—A State educational agency may, once every three years, waive the percentage limitation in subsection (a) if—

“(1) the agency determines that the request of a local educational agency is reasonable and necessary; or

“(2) supplemental appropriations for this subpart become available.

“(c) EXCLUSION.—The percentage limitation under subsection (a) shall not apply to any local educational agency that receives less than $50,000 under this subpart for any fiscal year.

“PART B—EVEN START FAMILY LITERACY PROGRAMS

“Statement of Purpose

“SEC. 1201. It is the purpose of this part to help break the cycle of poverty and illiteracy by improving the educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program, to be referred to as ‘Even Start’, that is implemented through cooperative projects that build on existing community resources to create a new range of services, that promotes achievement of the National Education Goals, and that assists children and adults from low-income families to achieve to challenging State standards.

“PROGRAM AUTHORIZED

“SEC. 1202. (a) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—In each fiscal year, the Secretary shall reserve not more than five percent of the amount appropriated under section 1002(b) of this title for programs, under such terms and conditions as the Secretary shall establish, that are consistent with the purpose of this part, and according to their relative needs, for—

“(1) children of migratory workers;

“(2) the outlying areas; and

“(3) Indian tribes and tribal organizations.

“(b) RESERVATION FOR FEDERAL ACTIVITIES.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than three percent of such amounts or the amount reserved for such purposes in the fiscal year 1994, whichever is greater, for purposes of—

“(1) carrying out the evaluation required by section 1209; and

“(2) providing, through grants or contracts, technical assistance, program improvement, and replication activities.

“(c) STATE ALLOCATION.—(1) After reserving funds under subsections (a) and (b), the Secretary shall allocate the remaining funds appropriated for this part to States, to be used in accordance with section 1203.

“(2) Except as provided in paragraph (3), from the total amount available for allocation to States in any fiscal year, each State shall be eligible to receive a grant under paragraph (1) in an amount that bears the same ratio to such total amount as the amount allocated to that State under section 1122 of this title bears to the total amount allocated under that section to all the States.

“(3) No State shall receive less than $250,000 under paragraph (1) for any fiscal year.

“(d) DEFINITIONS.—For the purpose of this part—

“(1) the term ‘eligible entity’ means a partnership composed of both—

“(A) a local educational agency; and

“(B) a nonprofit community-based organization, public agency, institution of higher education, or other public or private nonprofit organization of demonstrated quality;

“(2) the terms ‘Indian tribe’ and ‘tribal organization’ have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act; and

“(3) the term ‘State’ includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“STATE PROGRAMS

“SEC. 1203. (a) STATE-LEVEL ACTIVITIES.—Each State that receives a grant under section 1202(c)(1) may use not more than five percent of assistance provided under the grant for the cost of—

“(1) administration; and

“(2) providing, through one or more subgrants or contracts, technical assistance for program improvement and replication to eligible entities that receive subgrants under subsection (b).

“(b) SUBGRANTS FOR LOCAL PROGRAMS.—(1) Each State shall use the remainder of its grant to make subgrants to eligible entities to carry out Even Start programs.

“(2) No State shall award a subgrant under paragraph (1) for an amount less than $75,000.

“USES OF FUNDS

“SEC. 1204. (a) IN GENERAL.—In carrying out an Even Start program under this part, a recipient of funds under this part shall use such funds to pay the Federal share of the cost of providing family-centered education programs that involve parents and children in a cooperative effort to help parents become full partners in the education of their children and to assist children in reaching their full potential as learners.

“(b) FEDERAL SHARE LIMITATION.—(1)(A) Except as provided in paragraph (2), the Federal share under this part may not exceed—

“(i) 90 percent of the total cost of the program in the first year that that program receives assistance under this part or its predecessor authority;

“(ii) 80 percent in the second such year;

“(iii) 70 percent in the third such year;

“(iv) 60 percent in the fourth such year; and

“(v) 50 percent in any subsequent such year.

“(B) The remaining cost of a program under this part may be provided in cash or in kind, fairly evaluated, and may be obtained from any source other than funds received under this title.

“(2) The State educational agency may waive, in whole or in part, the cost-sharing requirement of paragraph (1) if an eligible entity—

“(A) demonstrates that it otherwise would not be able to participate in the program under this part; and

“(B) negotiates an agreement with the State educational agency with respect to the amount of the remaining cost to which the waiver would be applicable.

“(3) Federal funds under this part may not be used for the indirect costs of an Even Start program, except that the Secretary may waive this limitation if a recipient of funds reserved under section 1202(a)(3) demonstrates to the Secretary's satisfaction that it otherwise would not be able to participate in the program under this part.

“PROGRAM ELEMENTS

“SEC. 1205. Each Even Start program assisted under this part shall—

“(1) include the identification and recruitment of those families most in need of services provided under this part, as indicated by a low level of income, a low level of adult literacy or English language proficiency of the eligible parent or parents, and other need-related indicators;

“(2) include screening and preparation of parents and children to enable them to participate fully in the activities and services provided under this part, including testing, referral to necessary counselling, other developmental and support services, and related services;

“(3) be designed to accommodate the participants' work and other responsibilities, including the provision of support services, when unavailable from other sources, necessary for their participation, such as—

“(A) scheduling and location of services to allow joint participation by parents and children;

“(B) child care for the period that parents are involved in the program provided under this part; and

“(C) transportation for the purpose of enabling parents and their children to participate in programs authorized by this part;

“(4) include high-quality instructional programs that promote adult literacy, training of parents to support the educational growth of their children, developmentally appropriate early childhood educational services, and preparation of children for success in regular school programs;

“(5) include special training of staff, including child care staff, to develop the skills necessary to work with parents and young children in the full range of instructional services offered through this part;

“(6) provide and monitor integrated instructional services to participating parents and children through home-based programs;

“(7) operate on a year-round basis, including the provision of some program services, either instructional or enrichment, or both, during the summer months;

“(8) be coordinated with—

“(A) programs assisted under other parts of this title and this Act;

“(B) any relevant programs under the Adult Education Act, the Individuals with Disabilities Education Act, and the Job Training Partnership Act; and

“(C) Head Start program, volunteer literacy programs, and other relevant programs; and

“(9) provide for an independent evaluation of the program.

“ELIGIBLE PARTICIPANTS

“SEC. 1206. (a) IN GENERAL.—Except as provided in subsection (b), eligible participants in an Even Start program are—

“(1) a parent or parents—

“(A) who are eligible for participation in an adult basic education program under the Adult Education Act; or

“(B) who are within the State's compulsory school attendance age range, so long as a local educational agency provides (or ensures the availability of) the basic education component required under this part; and

“(2) the child or children, from birth through age seven, of any individual described in paragraph (1).

“(b) ELIGIBILITY FOR CERTAIN OTHER PARTICIPANTS.—(1) Family members other than those described in subsection (a) may participate in program activities and services, when deemed by the program to serve the purpose of this part.

“(2) Any family participating in a program under this part that becomes ineligible for such participation as a result of one or more members of the family becoming ineligible for such participation may continue to participate in the program until all members of the family become ineligible for participation, which—

“(A) in the case of a family in which ineligibility was due to the child or children of such family attaining the age of eight, shall be in two years or when the parent or parents become ineligible due to educational advancement, whichever occurs first; and

“(B) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of such family, shall be when all children in the family attain the age of eight.

“APPLICATIONS

“SEC. 1207. (a) SUBMISSION.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency in such form and containing or accompanied by such information as the State educational agency shall require.

“(b) REQUIRED DOCUMENTATION.—Each application shall include documentation, satisfactory to the State educational agency, that the eligible entity has the qualified personnel needed—

“(1) to develop, administer, and implement an Even Start program under this part; and

“(2) to provide the special training necessary to prepare staff for the program.

“(c) PLAN.—Such application shall also include a plan of operation for the program that is consistent with, and promotes the goals of, the State and local plans, either approved or being developed, under title III of the Goals 2000: Educate America Act or, if those plans are not approved or being developed, with the State and local plans under sections 1111 and 1112 of this Act; and includes—

“(1) a description of the program goals;

“(2) a description of the activities and services that will be provided under the program, including a description of how the program will incorporate the program elements required by section 1205;

“(3) a description of the population to be served and an estimate of the number of participants;

“(4) as appropriate, a description of the applicant's collaborative efforts with institutions of higher education, community-based organizations, the State educational agency, private elementary schools, or other appropriate nonprofit organizations in carrying out the program for which assistance is sought; and

“(5) a statement of the methods that will be used—

“(A) to ensure that the programs will serve those families most in need of the activities and services provided by this part;

“(B) to provide services under this part to individuals with special needs, such as individuals with limited English proficiency and individuals with disabilities; and

“(C) to encourage participants to remain in the program for a time sufficient to meet the program's purpose.

“AWARD OF SUBGRANTS

“SEC. 1208. (a) SELECTION PROCESS.—(1) The State educational agency shall establish a review panel that will approve applications that—

“(A) are most likely to be successful in meeting the purpose of this part, and in effectively implementing the program elements required under section 1205;

“(B) demonstrate that the area to be served by such program has a high percentage or a large number of children and families who are in need of such services as indicated by high levels of poverty, illiteracy, unemployment, limited English proficiency, or other need-related indicators, including a high percentage of children to be served by the program who reside in a school attendance area designated for participation in programs under part A of this title;

“(C) provide services for at least a three-year age range;

“(D) demonstrate the greatest possible cooperation and coordination between a variety of relevant service providers in all phases of the program;

“(E) include cost-effective budgets, given the scope of the application;

“(F) demonstrate the applicant's ability to provide the additional funding required by section 1204(b);

“(G) are representative of urban and rural regions of the State; and

“(H) show the greatest promise for providing models that may be adopted by other local educational agencies.

“(2) The State educational agency shall give priority for subgrants under this subsection to proposals that either—

“(A) target services primarily to families whose children reside in attendance areas of schools eligible for schoolwide programs under part A of this title; or

“(B) are located in areas designated as empowerment zones or enterprise communities.

“(b) REVIEW PANEL.—A review panel shall consist of at least three members, including one early childhood professional, one adult education professional, and one of the following individuals:

“(1) A representative of a parent-child education organization.

“(2) A representative of a community-based literacy organization.

“(3) A member of a local board of education.

“(4) A representative of business and industry with a commitment to education.

“(5) An individual who has been involved in the implementation of programs under this title in the State.

“(c) DURATION.—(1) Subgrants may be awarded for a period not to exceed four years.

“(2) The State educational agency may provide a subgrantee, at the subgrantee's request, a 3- to 6-month start-up period during the first year of the four-year period, which may include staff recruitment and training, and the coordination of services, before requiring full implementation of the program.

“(3)(A) In reviewing any application for subgrant to continue a program for the second, third, or fourth year, the State educational agency shall review the progress being made toward meeting the objectives of the program after the conclusion of the start-up period, if any.

“(B) The State educational agency may refuse to award a subgrant if such agency finds that sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for a hearing.

“(4)(A) An eligible entity that has previously received a subgrant under this part may reapply under the terms of this part for a second project period.

“(B) During the second project period, the Federal share of the subgrant shall not exceed 50 percent in any year.

“EVALUATION

“SEC. 1209. From funds reserved under section 1202(b)(1), the Secretary shall provide for an independent evaluation of programs under this part—

“(1) to determine the performance and effectiveness of programs; and

“(2) to identify effective Even Start projects that can be replicated and used in providing technical assistance to national, State, and local programs.

“PART C—EDUCATION OF MIGRATORY CHILDREN

“PROGRAM PURPOSE

“SEC. 1301. It is the purpose of this part to assist States to—

“(1) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;

“(2) ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner;

“(3) ensure that migratory children have the opportunity to achieve to meet the same challenging State performance standards that all children are expected to meet;

“(4) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit their ability to do well in school, and to prepare these children to make a successful transition to postsecondary education or employment; and

“(5) ensure that migratory children benefit from State and local systemic reforms.

“PROGRAM AUTHORIZED

“SEC. 1302. In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, or combinations of such agencies, to establish or improve, directly or through local operating agencies, programs of education for migratory children in accordance with this part.

“STATE ALLOCATIONS

“SEC. 1303. (a) STATE ALLOCATIONS.—Each State (other than the commonwealth of Puerto Rico) is eligible to receive under this part, for each fiscal year, an amount equal to—

“(1) the sum of the estimated number of migratory children aged three through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged three through 21 who reside in the State part time, as determined in accordance with subsection (e); multiplied by

“(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.

“(b) ALLOCATION TO PUERTO RICO.—For each fiscal year, the amount for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to—

“(1) the number of migratory children in Puerto Rico, determined under subsection (a)(1); multiplied by

“(2) the product of—

“(A) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

“(B) 32 percent of the average per-pupil expenditure in the United States.

“(c) RATABLE REDUCTIONS; REALLOCATIONS.—(1)(A) If, after the Secretary reserves funds under section 1308(c), the amount appropriated to carry out this part for any fiscal year is insufficient to pay in full the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.

“(B) If additional funds become available for making such payments for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary finds would best carry out the purpose of this part.

“(2)(A) The Secretary shall further reduce the amount of any grant to a State under this part for any fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address those needs, that such amount is not needed by the State.

"(B) The Secretary shall reallocate such excess funds to other States whose grants under this part would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.

"(d) CONSORTIUM ARRANGEMENTS.—(1) In the case of any State that receives a grant of $500,000 or less under this section, the Secretary shall consult with the State educational agency to determine whether consortium arrangements with another State or other appropriate entity would result in delivery of services in a more effective and efficient manner.

"(2) Any State, irrespective of the amount of its allocation, may propose a consortium arrangement.

"(3) The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—

"(A) reduce administrative costs or program function costs for State programs; and

"(B) make more funds available for direct services to add substantially to the welfare or educational attainment of children to be served under this part.

"(e) DETERMINING NUMBERS OF ELIGIBLE CHILDREN.—In order to determine the estimated number of migratory children residing in each State for purposes of this section, the Secretary shall—

"(1) use such information as the Secretary finds most accurately reflects the actual number of migratory children; and

"(2) adjust the full-time equivalent number of migratory children who reside in each State to take account of—

"(A) the special needs of those children participating in special programs provided under this part that operate during the summer or other intersession periods; and

"(B) the additional costs of operating such programs.

"STATE APPLICATIONS; SERVICES

"SEC. 1304. (a) APPLICATION REQUIRED.—Any State wishing to receive a grant under this part for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(b) PROGRAM INFORMATION.—Each such application shall include—

"(1) a description of how, in planning, implementing, and evaluating programs and projects under this part, the State and its operating agencies will ensure that the special educational needs of migratory children are identified and addressed through a comprehensive plan for needs assessment and service delivery that meets the requirements of section 1306;

"(2) a description of the steps the State is taking to provide all migratory students with the opportunity to meet the same challenging State performance standards that all children are expected to meet;

"(3) a description of how the State will use its funds to promote interstate and intrastate coordination of services for migratory children, including how, consistent with procedures the Secretary may require, it will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not during the regular school year;

"(4) a description of the State's priorities for the use of funds received under this part, and how they relate to the State's assessment of needs for services in the State;

"(5) a description of how the State will determine the amount of any subgrants it will award to local operating agencies and the amount of funds that these agencies will provide to individual schools, taking into account the requirements of paragraph (1); and

"(6) such budgetary and other information as the Secretary may require.

"(c) ASSURANCES.—Each such application shall also include assurances, satisfactory to the Secretary, that—

"(1) funds received under this part will be used only—

"(A) for programs and projects, including the acquisition of equipment, in accordance with section 1306(b)(1); and

"(B) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families;

"(2) such programs and projects will be carried out in a manner consistent with the objectives of sections 1114, 1115(b) and (d), 1117, and 1119(b) and (c), and part F of this title;

"(3) in the planning and operation of programs and projects at both the State and local operating agency level, there is appropriate consultation with parent advisory councils for programs lasting a school year, and that all such programs and projects are carried out, to the extent feasible, in a manner consistent with section 1116 of this title;

"(4) in planning and carrying out such programs and projects, there has been, and will be, adequate provision for addressing the unmet education needs of preschool migratory children;

"(5) the effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and local educational agencies under part A of this title; and

"(6) the State will assist the Secretary in determining the number of migratory children under section 1303(e), through such procedures as the Secretary may require.

"(d) PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of those funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's challenging performance standards, and whose education has been interrupted during the regular school year;

"(e) CONTINUATION OF SERVICES.—Notwithstanding any other provision of this part—

"(1) a child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term; and

"(2) a child who is no longer a migratory child may continue to receive services for one additional school year, but only if comparable services are not available through other programs.

"SECRETARIAL APPROVAL; PEER REVIEW

"SEC. 1305. (a) SECRETARIAL APPROVAL.—The Secretary shall approve each State application that meets the requirements of this part.

"(b) PEER REVIEW.—The Secretary may review any such application with the assistance and advice of State officials and other individuals with relevant expertise.

"COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES

"SEC. 1306. (a) COMPREHENSIVE PLAN.—Each State that receives a grant under this part shall ensure that the State and its local operating agencies identify and address the special educational needs of migratory children in accordance with a comprehensive State plan that—

"(1)(A) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this subsection that are not already addressed by that State plan; or

"(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this subsection;

"(2) provides that migratory children will have an opportunity to meet the same challenging State performance standards, set out in those plans, that all children are expected to meet;

"(3) specifies measurable program goals and outcomes;

"(4) encompasses the full range of services that are available for migratory children from appropriate local, State and Federal educational programs;

"(5) is the product of joint planning among such local, State, and Federal programs, including those under part A of this title, early childhood programs, and bilingual education programs under title VII of this Act;

"(6) provides for the integration of services available under this part with services provided by such other programs; and

"(7) to the extent feasible, provides for—

"(A) advocacy and outreach activities for migratory children and their families, including informing them of, or helping them gain access to, other education, health, nutrition, and social services;

"(B) professional development programs, including mentoring, for teachers and other program personnel;

"(C) family literacy programs, including those that use models developed under the Even Start program;

"(D) the integration of information technology into educational and related programs; and

"(E) programs to facilitate the transition of high school students to postsecondary education or employment.

"(b) AUTHORIZED ACTIVITIES.—(1) In implementing the comprehensive plan described in subsection (a), each local operating agency shall have the flexibility to determine the activities to be provided with funds made available under this part, provided that—

"(A) before funds provided under this part are used to provide services described in subparagraph (B), those funds shall be used to meet the identified needs of migratory children that—

"(i) result from the effects of their migratory lifestyle, or are needed to permit migratory children to participate effectively in school; and

"(ii) are not addressed by services provided under other programs, including part A of this title; and

"(B) all migratory children who are eligible to receive services under part A of this title shall receive such services with funds provided under this part or under part A of this title.

"(2) This subsection shall not apply to funds under this part that are used for schoolwide programs under section 1114 of this title.

"BYPASS

"SEC. 1307. The Secretary may use all or part of any State's allocation under this part to make arrangements with any public or nonprofit agency to carry out the purpose of this part in such State if the Secretary determines that—

"(1) the State is unable or unwilling to conduct educational programs for migratory children;

"(2) such arrangements would result in more efficient and economic administration of such programs; or

"(3) such arrangements would add substantially to the welfare or educational attainment of such children.

"COORDINATION OF MIGRANT EDUCATION ACTIVITIES

"SEC. 1308. (a) IMPROVEMENT OF COORDINATION.—The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private entities to improve the interstate and intrastate coordination among State and local educational agencies of their educational programs, including the establishment or improvement of programs for credit accrual and exchange, available to migratory students.

"(b) REPORT.—Not later than October 1, 1995, the Secretary shall submit a report to the Congress regarding the effectiveness of methods used by States to transfer migratory students' educational and health records.

"(c) AVAILABILITY OF FUNDS.—For the purpose of carrying out this section, the Secretary shall reserve up to five percent of the amount appropriated for each fiscal year to carry out this part.

"DEFINITIONS

"SEC. 1309. As used in this part, the following terms have the following meanings:

"The term 'local operating agency' means—

"(A) a local educational agency to which a State educational agency makes a subgrant under this part;

"(B) a public or nonprofit private agency with which a State educational agency or the Secretary makes an arrangement to carry out a project under this part; or

"(C) a State educational agency, if the State educational agency operates the State's migrant education program or projects directly.

"(2) The term 'migratory child' means a child who is, or whose parent or spouse is, a migratory agricultural worker (including a migratory dairy worker) or a migratory fisher, and who, in the preceding 24 months, in order to obtain, or accompany such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work—

"(A) has moved from one school district to another; or

"(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district.

"PART D—EDUCATION FOR NEGLECTED AND DELINQUENT YOUTH

"PURPOSE; PROGRAM AUTHORIZED

"SEC. 1401. (a) PURPOSE.—It is the purpose of this part to—

"(1) improve educational services to children in institutions for neglected or delinquent children so that they have the opportunity to meet the same challenging State performance standards that all children in the State will be expected to meet; and

"(2) provide those children the services they need to make a successful transition from institutionalization to further schooling or employment.

"(b) PROGRAM AUTHORIZED.—In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, which shall make subgrants to State agencies to establish or improve programs of education for neglected or delinquent children, in accordance with this part.

"ELIGIBILITY

"SEC. 1402. A State agency is eligible for assistance under this part if it is responsible for providing free public education for children—

"(1) in institutions for neglected or delinquent children;

"(2) attending community-day programs for neglected or delinquent children; or

"(3) in adult correctional institutions.

"ALLOCATION OF FUNDS

"SEC. 1403. (a) SUBGRANTS TO STATE AGENCIES.—Each State agency described in section 1402 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive under this part, for each fiscal year, an amount equal to the product of—

"(1) the number of neglected or delinquent children in institutions or attending programs described in section 1402, who are enrolled for at least 20 hours per week in education programs operated or supported by such agency, which shall—

"(A) be determined by such agency as of a date or dates set by the Secretary; and

"(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs; and

"(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.

"(b) SUBGANTS TO STATE AGENCIES IN PUERTO RICO.—For each fiscal year, the amount of the grant for which a State agency in the Commonwealth of Puerto Rico is eligible under this part shall be equal to—

"(1) the number of children counted under subsection (a)(1) for Puerto Rico; multiplied by the product of—

"(2)(A) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(c) RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.—If the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

"(d) PAYMENTS TO STATE EDUCATIONAL AGENCIES.—(1) The Secretary shall pay to each State educational agency the total amount needed to make subgrants to State agencies in that State, as determined under this section.

"(2) Each State educational agency may retain a portion of such total amount for State administration of, in accordance with section 1601(c) of this title.

"STATE REALLOCATION OF FUNDS

"SEC. 1404. If a State educational agency determines that a State agency does not need the full amount of the subgrant for which it is eligible under this part for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other State agencies that need additional funds to carry out the purpose of this part, in such amounts as the State educational agency shall determine.

"STATE PLAN AND STATE AGENCY APPLICATIONS

"SEC. 1405. (a) STATE PLAN.—(1)(A) Each State educational agency that desires to receive payments under this part shall submit, for approval by the Secretary, a plan for meeting the needs of neglected and delinquent children, which shall be revised and updated as needed, that—

"(i) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; or

"(ii) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this section.

"(B) A State plan submitted under paragraph (1)(A)(i) may, if necessary, be submitted as an amendment to the State's plan under title III of the Goals 2000: Educate America Act.

"(2) Each such plan shall also—

"(A) describe the State-established program goals, objectives, and performance measures that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;

"(B) provide that, to the extent feasible, such children will have the same opportunities to learn as they would have if they were in the schools of local educational agencies in the State; and

"(C) contain assurances that the State educational agency will—

"(i) ensure that programs assisted under this part will be carried out in accordance with the State plan described in this subsection;

"(ii) carry out the evaluation requirements of section 1409 of this part;

"(iii) ensure that its State agencies comply with all applicable statutory and regulatory requirements; and

"(iv) provide such other information as the Secretary may reasonably require.

"(b) SECRETARIAL APPROVAL; PEER REVIEW.—The Secretary shall approve each State plan that meets the requirements of this part.

"(2) The Secretary may review any such plan with the assistance and advice of individuals with relevant expertise.

"(c) STATE AGENCY APPLICANTS.—Any State agency that desires to receive funds to carry out a program under this part shall submit an application to the State educational agency that—

"(1) describes the procedures to be used, consistent with the State plan under part A of this title, to assess the educational needs of the children to be served;

"(2) describes the program, including a budget for the first year of the program, with annual updates to be provided;

"(3) describes how the program will meet the goals and objectives of the State plan under this part;

"(4) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1407 are of high quality;

"(5) describes how the agency will carry out the evaluation requirements of section 1409 and how the results of the most recent evaluation were used to plan and improve the program;

"(6) includes data showing that the agency has maintained fiscal effort as if it were a local educational agency, in accordance with section 9501 of this title;

"(7) describes how the programs will be coordinated with other State and Federal programs administered by the State agency;

"(8) describes how appropriate professional development will be provided to teachers and other instructional and administrative personnel;

"(9) designates an individual in each affected institution to be responsible for issues relating to the transition of children from the institution to locally operated programs.

"USE OF FUNDS

"SEC. 1406. (a) GENERAL.—(1) A State agency shall use funds received under this part only for programs and projects that—

"(A) are consistent with the State plan referred to in section 1405(a); and

"(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to further education or employment.

"(2) Such programs and projects—

"(A) may include the acquisition of equipment;

"(B) shall be designed to support educational services that—

"(i) except for institution-wide projects under section 1407, are provided to children identified by the State agency as failing, or most at risk of failing, to meet the State's challenging performance standards;

"(ii) supplement and improve the quality of the educational services provided to such children by the State agency; and

"(iii) afford those children an opportunity to learn to those challenging State standards;

"(C) shall be carried out in a manner consistent with section 1119(b) and part F of this title; and

"(D) may include the costs of meeting the evaluation requirements of section 1409.

"(b) SUPPLEMENT, NOT SUPPLANT.—A program under this part that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the 'supplement, not supplant' requirement of section 1119(b) of this title without regard to the subject areas in which instruction is given during those hours.

"INSTITUTION-WIDE PROJECTS

"SEC. 1407. (a) PROJECTS AUTHORIZED.—A state agency that provides free public education for children in an institution for neglected or delinquent children (other than an adult correctional institution) or attending a community-day program for such children may use funds received under this part to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

"(1) provides for a comprehensive assessment of the educational needs of all individuals under the age of 21 in the institution or program;

"(2) describes the steps the State agency has taken, or will take, to provide all children under 21 with the opportunity to meet challenging academic and vocational standards in order to improve the likelihood that they will complete high school and find employment after leaving the institution;

"(3) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for secondary school students;

"(4) specifically describes how such funds will be used;

"(5) describes the measures and procedures that will be used to assess student progress;

"(6) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and personnel from the State educational agency; and

"(7) includes an assurance that the State agency has provided for appropriate training to teachers and other instructional and administrative personnel to enable them to carry out the project effectively.

"(b) PROJECTS REQUIRED.—Beginning with school year 1996–1997, a State agency described in subsection (a) shall use funds received under this part only for institution-wide projects described in that subsection, except as described in section 1410.

"THREE-YEAR PROJECTS

"SEC. 1408. If a State agency operates a program under this part in which individual children are likely to participate for more than one year, the State educational agency may approve the State agency's application for a subgrant under this part for a period of up to three years.

"PROGRAM EVALUATIONS

"SEC. 1409. (a) SCOPE OF EVALUATION.—Each state agency that conducts a program under this part shall evaluate the program at least once every three years to determine its impact on the ability of participants to—

"(1) maintain and improve educational achievement;

"(2) accrue school credits that meet State requirements for grade promotion and high school graduation;

"(3) make the transition to a regular program or other education program operated by a local educational agency; and

"(4) complete high school and obtain employment after they leave the institution.

"(b) EVALUATION MEASURES.—In conducting each such evaluation with respect to subsection (a)(1), a State agency shall use multiple and appropriate measures of student progress.

"(c) EVALUATION RESULTS.—Each State agency shall—

"(1) submit those results to the State educational agency; and

"(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children.

"TRANSITION SERVICES

"SEC. 1410. (a) TRANSITION SERVICES.—Each State agency may reserve up to ten percent of the amount it receives under this part for any fiscal year to support projects that facilitate the transition of children from State-operated institutions for neglected and delinquent children into locally operated programs.

"(b) CONDUCT OF PROJECTS.—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

"(c) LIMITATION.—Any funds reserved under subsection (a) shall be used only to provide special educational services, which may include counseling and mentoring, to neglected and delinquent children in schools other than State-operated institutions.

"DEFINITIONS

"SEC. 1411. For the purpose of this part, the following terms have the following meanings:

"(1) The term 'adult correctional institution' means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age.

"(2) The term 'community-day program' means a regular program of instruction provided by a State agency at a community-day school operated specifically for neglected or delinquent children.

"(3) The term 'institution for delinquent children' means a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

"(4) The term 'institution for neglected children' means a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians.

"PART E—FEDERAL EVALUATIONS AND DEMONSTRATIONS

"EVALUATIONS

"SEC. 1501. (a) NATIONAL ASSESSMENT.—(1) The Secretary shall conduct a national assessment of programs under this title, in coordination with the ongoing Chapter 1 Longitudinal Study under subsection (c) of this section, that shall be planned, reviewed, and conducted in consultation with an independent panel of researchers, State practitioners, local practitioners, and other appropriate individuals.

"(2) The assessment shall examine how well schools, local educational agencies, and States—

"(A) are progressing toward the goal of all children served under this title reaching the State's content and performance standards; and

"(B) accomplishing the specific purposes set out in section 1001(d) of this title to achieve this goal, including—

"(i) ensuring high standards for all children and aligning the efforts of States, local educational agencies, and schools to help children reach them;

"(ii) providing children an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time that children receive;

"(iii) promoting schoolwide reform and access of all children to effective instructional strategies and challenging academic content;

"(iv) significantly upgrading the quality of the curriculum and instruction by providing staff in participating schools with substantial opportunities for professional development;

"(v) coordinating services under all parts of this title with each other, with other educational services, including preschool services, and, to the extent feasible, with health and social service programs funded from other sources;

"(vi) affording parents meaningful opportunities to participate in the education of their children at home and at school;

“(vii) distributing resources to areas where needs are greatest;

“(viii) improving accountability, as well as teaching and learning, by making assessments under this title congruent with State assessment systems; and

“(ix) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance.

“(3) Where feasible, the Secretary shall use information gathered by the National Assessment of Educational Progress in carrying out this subsection.

“(4) The Secretary shall submit an interim report summarizing the preliminary findings of the assessment to the President and the appropriate committees of the Congress by December 31, 1997 and a final report by December 31, 2002.

“(b) STUDIES AND DATA COLLECTION.—(1) The Secretary may collect such data, as necessary, at the State, local, and school levels and conduct studies and evaluations, including national studies and evaluations, to assess on an ongoing basis the effectiveness of programs under this title and to report on such effectiveness on a periodic basis.

“(2) At a minimum, the Secretary shall collect trend information on the effect of programs under this title. These data shall complement the data collected and reported under subsections (a) and (c).

“(c) NATIONAL LONGITUDINAL STUDY.—The Secretary shall continue to conduct the longitudinal study of the educational achievement and progress of children served under this title, as authorized under section 1462 of this Act as in effect prior to its amendment by the Improving America's Schools Act of 1993. The Secretary shall report, not later than January 1, 1997, the findings of the study and recommendations for future data collections and reports to the President and the appropriate committees of the Congress.

“(d) DESIGN STUDY ON ESTIMATING STATE CHILD POVERTY COUNTS.—The Secretary shall conduct a study to determine whether a feasible method exists for producing reliable estimates, between decennial census counts, of the number of school-aged children living in poverty by State in each of the 50 States, the District of Columbia, and Puerto Rico, and use such a method, if one exists, to provide Congress with such estimates.

“DEMONSTRATIONS OF INNOVATIVE PRACTICES

“SEC. 1502. (a) DEMONSTRATION PROGRAMS TO IMPROVE ACHIEVEMENT.—(1) From the funds appropriated for any fiscal year under section 1002(g)(2), the Secretary may make grants to State educational agencies, local educational agencies, other public agencies, non-profit organizations, and consortia of those bodies to carry out demonstration projects that show the most promise of enabling children served under this title to meet challenging State standards. Such projects shall include promising strategies such as—

“(A) accelerated curricula, the application of new technologies to improve teaching and learning, extended learning time, and a safe and enriched full-day environment for children to provide them the opportunity to reach high standards;

“(B) integration of education services with each other and with health, family, and other social services, particularly in empowerment zones and enterprise communities;

“(C) effective approaches to whole school reform; and

“(D) programs that have been especially effective with limited English proficient children, migratory children and other highly mobile students, children leaving institutions for neglected or delinquent children and returning to school, and homeless children and youth.

“(2) The Secretary shall evaluate the demonstration projects supported under this title, using rigorous methodological designs and techniques, including control groups and random assignment, to the extent feasible, to produce reliable evidence of effectiveness.

“(b) PARTNERSHIPS.—(1) From funds appropriated under section 1002(g)(2) for any fiscal year, the Secretary may, directly or through grants or contracts, work in partnership with State educational agencies, local educational agencies, other public agencies, and non-profit organizations to disseminate and use the highest quality research and knowledge about effective practices to improve the quality of teaching and learning in schools supported under this title.

“PART F—GENERAL PROVISIONS

“STATE ADMINISTRATION

“SEC. 1601. (a) RULEMAKING.—(1) Each State that receives funds under this title shall—

“(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;

“(B) minimize such roles, regulations, and policies to which their local educational agencies and schools are subject; and

“(C) identify any such rule, regulation, or policy as a State-imposed requirement.

“(2) State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the State's standards.

“(b) COMMITTEE OF PRACTITIONERS.—(1) Each State educational agency shall create a State committee of practitioners to advise the Senate in carrying out its responsibilities under this title.

“(2) Each such committee shall include—

“(A) as a majority of its members, representatives from local educational agencies;

“(B) administrators;

“(C) teachers;

“(D) parents;

“(E) members of local boards of education; and

“(F) representatives of private school children.

“(c) PAYMENT FOR STATE ADMINISTRATION.—Each State may reserve for the proper and efficient performance of its duties under this title the greater of—

“(1) one percent of the funds received under section 1002(a) and (c) through (f); or

“(2) $325,000, or $50,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and Palau (until the Compact of Free Association takes effect).

“TITLE II—IMPROVING TEACHING AND LEARNING

“PART A—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM

“FINDINGS

“SEC. 2101. The Congress finds that—

“(1) reaching National Education Goal Three (all students will demonstrate mastery of challenging subject matter in the core academic subjects) and National Education Goal Four (U.S. students will become first in the world in mathematics and science achievement) requires a comprehensive educational reform strategy that involves parents, schools, government, communities, and other public and private organizations at all levels;

“(2) a crucial component of the strategy for achieving these two goals is ensuring, through sustained and intensive high-quality professional development, that all teachers can provide challenging learning experiences in the core academic subjects for their students;

“(3) the potential positive impact of high-quality professional development is underscored by recent research findings that—

“(A) professional development must be focused on teaching and learning in order to change the opportunities of all students to achieve higher standards;

“(B) effective professional development focuses on discipline-based knowledge and effective subject-specific pedagogical skills, involves teams of teachers and administrators in a school and, through professional networks of teachers and administrators, is interactive and collaborative, motivates by its intrinsic content and relationship to practice, builds on experience and learning-by-doing, and becomes incorporated into the everyday life of the school; and

“(C) professional development can dramatically improve classroom instruction and learning when teachers and administrators are partners in its development and implementation;

“(4) special attention must be given in professional development activities to ensure that education professionals are knowledgeable of, and make use of, strategies for serving populations that historically have lacked access to equal opportunities for advanced learning and career advancement;

“(5) professional development is often a victim of budget reductions in fiscally difficult times;

“(6) there are few incentives or sanctions operating to encourage teachers and administrators to work to prepare themselves to be more effective or to participate in challenging and effective professional development activities; and

“(7) the Federal Government has a vital role in helping to make sustained and intensive high-quality professional development in the core academic subjects become an integral part of the elementary and secondary education system.

“PURPOSES

“SEC. 2102. The purposes of this part are to help ensure that teachers, other staff, and administrators have access to high-quality professional development that is aligned to challenging State content and performance standards and to support the development and implementation of sustained and intensive high-quality professional development activities in the core academic subjects. This program is designed to help ensure that teachers have access to professional development that—

“(1) is tied to challenging State student content and performance standards;

“(2) reflects recent research on teaching and learning;

“(3) includes strong academic content and pedagogical components;

“(4) is of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; and

“(5) is part of the everyday life of the school and creates an orientation toward continuous improvement throughout the school.

“AUTHORIZATION OF APPROPRIATIONS; ALLOCATION BETWEEN SUBPARTS

“SEC. 2103. (a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(b) ALLOCATION BETWEEN SUBPARTS.—Of the funds appropriated to carry out this part for any fiscal year, the Secretary shall use—

"(1) 6 percent to carry out subpart 1; and

"(2) 94 percent to carry out subpart 2.

"Subpart 1—Federal Activities

"PROGRAM AUTHORIZED

"SEC. 2111. (a) The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, local educational agencies, State educational agencies, State agencies for higher education, institutions of higher education, and other public and private agencies, organizations, and institutions to—

"(1) support activities of national significance that will contribute to the development and implementation of high-quality professional development activities in the core academic subject areas; and

"(2) evaluate activities carried out under this subpart and under subpart 2.

"(b) In carrying out this program, the Secretary shall consult and coordinate with the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, and other appropriate Federal agencies and entities.

"AUTHORIZED ACTIVITIES

"SEC. 2112. The Secretary shall use funds available to carry out this subpart for activities that help meet the purposes of this part, such as—

"(1) providing seed money to eligible entities to develop their capacity to offer sustained and intensive high-quality professional development;

"(2) professional development institutes that provide teams of teachers, or teachers and administrators, from individual schools, with professional development that contains strong and integrated disciplinary and pedagogical components;

"(3) encouraging the development of local and national professional networks that provide a forum for interaction among teachers of the core academic subjects and that allow the exchange of information on advances in content and pedagogy;

"(4) supporting the National Board for Professional Teaching Standards;

"(5) the development and dissemination of teaching standards in the core academic subjects;

"(6) the development of exemplary methods of assessing teachers, other staff, and administrators for licensure and certification;

"(7) activities that promote the transferability of licensure and certification of teachers and administrators among State and local jurisdictions;

"(8) the development and testing of incentive strategies for motivating teachers and administrators to help increase their effectiveness through professional development focused on teaching and learning and giving all students the opportunity to learn to challenging State standards;

"(9) the dissemination of information about voluntary national content and performance standards and related models of high-quality professional development;

"(10) the development and maintenance of a national clearinghouse for science, mathematics, and technology education materials and of such other clearinghouses for core academic subjects as the Secretary determines are needed;

"(11) joint activities with other Federal agencies and entities engaged in or supporting similar professional development efforts;

"(12) support for consortia of education agencies and organizations to disseminate information and provide assistance regarding teaching methods and assessment tools that support national or State content standards in mathematics and science; and

"(13) the evaluation of programs under this subpart and under subpart 2.

"Subpart 2—State and Local Activities

"PROGRAM AUTHORIZED

"SEC. 2121. The Secretary is authorized to make grants to State educational agencies for the support of sustained and intensive high-quality professional development activities in the core academic subjects at the State and local levels.

"ALLOCATION OF FUNDS

"SEC. 2122. (a) RESERVATION OF FUNDS.—From the amount made available to carry out this subpart for any fiscal year, the Secretary shall—

"(1) reserve one-half of one percent for the outlying areas, to be distributed among them on the basis of their relative need, as determined by the Secretary in light of the purposes of this part; and

"(2) reserve one quarter of one percent for the Secretary of the Interior for programs under this subpart for professional development activities for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs.

"(b) STATE ALLOTMENTS.—The Secretary shall allocate the remaining amount to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico as follows, except that no State shall receive less than one-half of one percent of such remaining amount:

"(1) 50 percent shall be allocated among such jurisdictions on the basis of their relative populations of individuals aged 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data.

"(2) 50 percent shall be allocated among such jurisdictions in accordance with the relative amounts such jurisdictions received under part A of title I of this Act for the preceding fiscal year.

"(c) REALLOCATION.—If any jurisdiction does not apply for its allotment under subsection (b) for any fiscal year, the Secretary shall reallocate such amount to the remaining jurisdictions in accordance with that subsection.

"WITHIN-STATE ALLOCATIONS

"SEC. 2123. Of the amounts received by any State under this subpart for any fiscal year—

"(1) not more than six percent shall be used for this administrative costs of programs carried out by the State educational agency and the State agency for higher education;

"(2) not more than 7.5 percent may be used for State-level activities, as described in section 2126; and

"(3) of the remaining amount—

"(A) 85 percent shall be distributed to local educational agencies, to be used in accordance with section 2129, as follows:

"(i) 50 percent of such amount shall be distributed in accordance with the relative population of individuals aged 5–17 in each agency.

"(ii) 50 percent of such amount shall be distributed in accordance with the relative amount such agencies received under part A of title I of this Act for the preceding fiscal year; and

"(B) 15 percent shall be used for competitive grants to institutions of higher education as described in section 2130.

"PRIORITY FOR PROFESSIONAL DEVELOPMENT IN MATHEMATICS AND SCIENCE

"SEC. 2124. (a) APPROPRIATION OF LESS THAN $250 MILLION.—In any fiscal year for which the amount appropriated for this part is $250,000,000 or less, each State shall ensure that all funds distributed in accordance with section 2123(3) are used for professional development in mathematics and science.

"(b) APPROPRIATION BETWEEN $250 MILLION AND $500 MILLION.—In any fiscal year for which the amount appropriated for this part is at least $250,000,000, but not more than $500,000,000, each State shall ensure that the amount of funds distributed in accordance with section 2123(3) that is used for professional development in mathematics and science is not less than the amount that bears the same ratio to the total amount of funds so distributed as the sum of $250,000,000 plus 25 percent of the amount of the total appropriation for this part in excess of $250,000,000 bears to the total amount appropriated for this part.

"STATE APPLICATIONS

"SEC. 2125. (a) APPLICATIONS REQUIRED.—Each State educational agency that wishes to receive its allotment under this subpart for any fiscal year shall submit an application to the Secretary at such time and in such form as the Secretary may require.

"(b) PROFESSIONAL DEVELOPMENT PLAN.—(1) Each application under this section shall include a State plan for professional development that—

"(A) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; or

"(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this act and satisfies the requirements of this section.

"(2) A State plan submitted under paragraph (1)(A) may, if necessary, be submitted as an amendment to the State's plan under title III of the Goals 2000: Educate America Act.

"(3) Each such plan shall also—

"(A) be developed in conjunction with the State agency for higher education, institutions of higher education, schools of education, and with the extensive participation of local teachers and administrators and show the role of each in implementation;

"(B) be designed to give teachers and administrators in the State the knowledge and skills to provide all students the opportunity to meet challenging State performance standards;

"(C) include an assessment of State and local needs for professional development specifically related to subparagraph (B);

"(D) describe a strategy for addressing the need for teacher development beginning with recruitment, pre-service, and induction, and continuing throughout the professional teaching career;

"(E) describe specific steps for the reform of State requirements for licensure of teachers and administrators, including certification and recertification, to align them with challenging State content and performance standards;

"(F) describe how the State will work with teachers, administrators, local educational agencies, schools, and institutions of higher education to ensure that they develop the capacity to support sustained and intensive, high-quality professional development programs in the core academic subject areas;

"(G) describe how the State will use technology, including the emerging national information infrastructure, to enhance the professional development of teachers and administrators;

"(H) describe how the State will ensure a strong focus on professional development in mathematics and science;

"(I) describe how the State will provide incentives to teachers and administrators to focus their professional development on preparing themselves to provide instruction consistent with challenging State content and performance standards; and

"(J) set specific outcome performance indicators for professional development.

"(c) ADDITIONAL MATERIAL.—Each State application shall also include—

"(1) a description of how the activities funded under this subpart will be coordinated, as appropriate, with—

"(A) other activities conducted with Federal funds, especially those supported under part A of title I of this Act;

"(B) State and local funds;

"(C) resources from business and industry; and

"(D) funds for other Federal agencies, such as the National Science Foundation, the Departments of Commerce, Energy, and Health and Human Services, the National Endowment for the Arts, and the National Endowment for the Humanities; and

"(2) a description of the activities to be sponsored under the State-level activities and the higher education components of its program under this subpart.

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—(1) The Secretary shall approve the application of a State educational agency if it meets the requirements of this section and holds reasonable promise of achieving the purposes of this part.

"(2) In reviewing applications, the Secretary shall obtain the advice of non-Federal experts on education in the core academic subjects and on teacher education, including teachers and administrators.

"STATE-LEVEL ACTIVITIES

"SEC. 2126. Each State may use funds reserved under section 2123(2) to carry out activities referred to in section 2125(b), such as—

"(1) reviewing and reforming State requirements for teacher and administrator licensure, including certification and recertification, to align these requirements with the State's content standards and ensure that teachers and administrators have the knowledge and skills to help students meet challenging State performance standards;

"(2) developing performance assessments and peer review procedures, as well as other methods, for licensing teachers and administrators;

"(3) providing technical assistance to schools and local educational agencies to help them provide effective professional development in the core academic subjects;

"(4) developing or supporting professional development networks, either within a State or in a regional consortium of States, that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy;

"(5) professional development in the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subject areas;

"(6) providing financial or other incentives for teachers to become certified by the National Board for Professional Teaching Standards;

"(7) designing systems that enable teachers to meet pay ladder professional development requirements by demonstrating content knowledge and pedagogical competence tied to challenging State content and performance standards, rather than by merely completing course credits;

"(8) providing incentives for teachers to be involved in assessment, curriculum development, and technical assistance processes for teachers and students;

"(9) professional development to enable teachers and other school staff to ensure that girls and young women, minorities, limited English proficient students, individuals with disabilities, and the economically disadvantaged have full opportunity to achieve to challenging State performance standards in the core academic subjects by, for example, encouraging girls and young women and minorities to pursue advanced courses in mathematics and science; and

"(10) professional development activities designed to increase the numbers of members of minority and other underrepresented groups in the teaching force in the core subjects.

"LOCAL EDUCATIONAL AGENCY APPLICATIONS

"SEC. 2127. (a) APPLICATIONS REQUIRED.—(1) Each local educational agency that wishes to receive a subgrant under this subpart shall submit an application to the State educational agency at such time as the State educational agency may require, but not less frequently than every third year.

"(2) If the local educational agency has an application approved by the State under title III of the Goals 2000: Educate America Act, the application required by this section shall be a component or (or, if necessary, an addendum to) its Goals 2000 application.

"(b) APPLICATION CONTENTS.—Each application under this section shall include—

"(1) the local educational agency's plan for professional development that has been developed with the extensive participation of teachers and administrators and that—

"(A) is aligned with the State's content and performance standards;

"(B) includes an assessment of local needs for professional development as identified by the local educational agency and school staff;

"(C) describes a strategy, tied to State content and performance standards, for addressing these needs; and

"(D) includes strong academic content and pedagogical components;

"(E) is of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; and

"(F) sets specific outcome performance indicators;

"(2) an assurance that the activities conducted with such agency's funds received under this program will be assessed at least every three years using the outcome performance indicators to determine the effectiveness of those activities;

"(3) a description of how the programs funded under this subpart will be coordinated, as appropriate, with—

"(A) services of institutions of higher education;

"(B) State and local funds;

"(C) resources provided under part A of title I and other parts of this Act;

"(D) resources from business and industry; and

"(E) funds from other Federal agencies, such as the National Science Foundation, the Department of Energy, the Department of Health and Human Services, the National Endowment for the Arts, and the National Endowment for the Humanities; and

"(4) an identification of the sources of funding that will provide the local educational agency's contribution under section 2128.

"LOCAL COST-SHARING

"SEC. 2128. (a) GENERAL.—Each local educational agency shall bear at least 33 percent of the cost of any program carried out under this subpart, but not including the cost of services provided to private school teachers.

"(b) AVAILABLE RESOURCES FOR COST-SHARING.—A local educational agency may meet the requirement of subsection (a) through one or more of the following:

"(1) Cash expenditures from non-Federal sources directed toward professional development activities.

"(2) Released time for teachers participating in professional development funded under this subpart.

"(3) Funds received under one or more of the following programs, so long as they are used for professional development activities consistent with this subpart and the statutes under which those funds were received, and are used to benefit students and teachers in schools that would otherwise have been served with those funds:

"(A) Part A of title I of this Act.

"(B) The Safe and Drug-Free Schools program under title IV of this Act.

"(C) The bilingual education program under title VII of this Act.

"(D) Title III of the Goals 2000: Educate America Act.

"(E) Programs that are related to the purposes of this Act that are administered by other agencies, including, but not limited to, the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, and the Department of Energy.

"LOCAL ALLOCATION OF FUNDS AND ALLOWABLE ACTIVITIES

"SEC. 2129. (a) LOCAL ALLOCATION OF FUNDS.—Each local educational agency that receives funds under this subpart for any fiscal year—

"(1) shall use at least 80 percent of such funds for professional development of teachers and other staff of individual schools in a manner that is determined by such teachers and staff and is consistent with the local educational agency's application under section 2127, any school plan under part A of title I of this Act, and any other plan for professional development carried out with Federal, State, or local funds; and

"(2) may use not more than 20 percent of such funds for district-level professional development activities, which may include the participation of administrators and policymakers.

"(b) AUTHORIZED ACTIVITIES.—Each local educational agency and school that receives funds under this subpart shall use those funds for activities that contribute to the implementation of the local educational agency's professional development plan described in section 2127(b)(1), such as—

"(1) professional development for teams of teachers, administrators, or other staff from individual schools, to support teaching consistent with State or voluntary national content standards and to create a school environment conducive to high achievement in the core subjects;

"(2) support and time for teachers and other school staff to participate in professional development in the core subjects offered through professional associations, universities, and other providers;

"(3) support and time for teachers and other school staff to participate in professional development that goes beyond training and encourages a variety of forms of learning that are related to an educator's regular work, such as group study and consultation with peers and supervisors;

"(4) peer training and mentoring programs, including cross-generational mentoring, in the core academic subjects;

"(5) establishment and maintenance of local professional networks that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy;

"(6) activities that provide follow-up for teachers who have participated in professional development activities that are designed to ensure that the knowledge and skills learned by the teacher are implemented in the classroom;

"(7) preparing teachers to work with parents and families on fostering student achievement in the core academic subjects;

"(8) preparing teachers in the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subject areas;

"(9) establishing policies to permit teachers to meet pay ladder requirements by demonstrating content and pedagogical competence rather than by only meeting course requirements;

"(10) professional development to enable teachers and other school staff to ensure that girls and young women, minorities, limited English proficient students, individuals with disabilities, and the economically disadvantaged have full opportunity to achieve to challenging State performance standards in the core academic subjects;

"(11) professional development activities designed to increase the number of minorities, individuals with disabilities, and other underrepresented groups in the teaching force and to increase the numbers of women and members of other underrepresented groups who are science and mathematics teachers, for example, through career ladder programs that assist educational paraprofessionals to obtain teaching credentials;

"(12) developing incentive strategies for rewarding teachers and administrators collectively in schools that sustain high performance or consistent growth in the number of their students who meet the challenging State performance standards; and

"(13) developing incentive strategies for rewarding schools where a substantial portion of the teachers achieve certification by the National Board for Professional Teaching Standards.

"HIGHER EDUCATION ACTIVITIES

"Sec. 2130. (a) General.—(1) The State agency for higher education, working in conjunction with the State educational agency (if it is a separate agency), shall make grants to, or enter into contracts or cooperative agreements with, institutions of higher education working in conjunction with local educational agencies, for professional development activities in the core academic subject areas that contribute to the State plan for professional development.

"(2) All such awards shall be made on a competitive basis.

"(3) Each project funded under this section shall involve a joint effort of the recipient's school or department of education and the schools or departments in the specific disciplines in which such professional development will be provided.

"(b) Allowable Activities.—A recipient of funds under this section shall use those funds for—

"(1) sustained and intensive high-quality professional development for teams of teachers, or teachers and administrators from individual schools or districts; and

"(2) other sustained and intensive professional development activities related to achievement of the State plan for professional development.

"Subpart 3—General Provisions

"REPORTING AND ACCOUNTABILITY

"Sec. 2131. (a) States.—Each State that receives funds under this part shall submit a report to the Secretary every three years on the State's progress toward the outcome performance indicators identified in its State plan, as well as on the effectiveness of State and local activities under this part.

"(b) Local Educational Agencies.—Each local educational agency that receives funds under this part shall submit a report to the State every three years on its progress toward outcome performance indicators identified in its local plan, as well as on the effectiveness of its activities under this part.

"(c) Federal Evaluation.—The Secretary shall report to the President and Congress on the effectiveness of programs and activities funded under this part.

"DEFINITIONS

"Sec. 2132. As used in this part, the following terms have the following meanings:

"(1) The term 'core academic subjects' means those subjects listed in the State plan under title III of the Goals 2000: Educate America Act or under National Education Goals Three as set out in section 102(3) of such Act.

"(2) The term 'sustained and intensive high-quality professional development' means professional development activities that—

"(A) are tied to challenging State or voluntary national content and performance standards;

"(B) reflect up-to-date research in teaching and learning and include integrated content and pedagogical components;

"(C) are of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom or the administrator's performance on the job; and

"(D) recognize teachers as an important source of knowledge that should inform and help shape professional development.

"(3) The term 'outcome performance indicators' means measures of specific outcomes that the State or local educational agency identifies as assessing progress toward the goal of ensuring that all teachers have the knowledge and skills to assist their students to meet challenging State standards in the core academic subject areas. Examples of such indicators include—

"(A) the degree to which licensure requirements are tied to State standards;

"(B) specific increases in the number of teachers who are certified by the National Board for Professional Teaching Standards;

"(C) specific increases in the number of elementary and secondary teachers with strong content backgrounds in the core academic subjects; and

"(D) specific increases in the number of teachers licensed in each core subject.

"Part B—Support and Assistance for ESEA Programs

"FINDINGS

"Sec. 2201. The Congress finds that—

"(1) high-quality technical assistance can enhance the improvements in teaching and learning achieved through the implementation of programs under this Act;

"(2) comprehensive technical assistance is an essential ingredient of the overall strategy of the 1994 reauthorization of this Act to improve programs and to provide all children opportunities to meet challenging State performance standards;

"(3) States, local educational agencies, and schools serving students with special needs, such as students with limited English proficiency, have great need for comprehensive technical assistance in order to use funds under this Act to provide such students with opportunities to learn to challenging State standards;

"(4) current technical assistance efforts are fragmented and categorical in nature, and thus fail to address adequately the needs of States and local educational agencies for help in integrating into a coherent strategy for improving teaching and learning the various programs under this Act with State and local programs and other education reform efforts;

"(5) too little creative use is made of technology as a means of providing information and assistance in a cost-effective way;

"(6) comprehensive technical assistance can help schools and school systems focus on improving opportunities for all children to reach challenging State performance standards, as they implement programs under this Act;

"(7) comprehensive technical assistance would provide 'one-stop shopping' to help States, local educational agencies, participating colleges and universities, and schools integrate Federal, State, and local education programs in ways that contribute to improving schools and entire school systems; and

"(8) technical assistance in support of programs under this Act should be coordinated with the Department's regional offices, the regional educational laboratories, and other technical assistance efforts supported by the Department.

"PURPOSE

"Sec. 2202. The purpose of this part is to make available to States, local educational agencies, schools, and other recipients of funds under this Act technical assistance in—

"(1) administering and implementing programs authorized by this Act in a manner that is consistent with State and local plans under the Goals 2000: Education America Act; and

"(2) coordinating those programs with other Federal, State, and local education activities, so that all students are provided opportunities to meet challenging State performance standards.

"PROGRAM AUTHORIZED

"Sec. 2203. (a) Comprehensive Regional Centers.—The Secretary is authorized to establish one center in each of the Department's ten regions to provide comprehensive technical assistance to States, local educational agencies, schools, and other recipients of funds under this Act in their administration and implementation of programs authorized by this Act. In allocating resources among the centers, the Secretary shall consider the geographic distribution of students with special needs.

"(b) Technology-Based Technical Assistance.—The Secretary is also authorized to provide a technology-based technical assistance service that will—

"(1) support the administration and implementation of programs authorized by this

Act by providing information, including legal and regulatory information, and technical guidance and information about best practices; and

"(2) be accessible to all States, local educational agencies, schools, and others who are recipients of funds under this Act.

"ELIGIBLE ENTITIES

"SEC. 2204. The Secretary may carry out this part directly or through grants to, or contracts or cooperative agreements with, public or private agencies or organizations or consortia of those agencies and organizations.

"COMPREHENSIVE REGIONAL CENTERS

"SEC. 2205. Each comprehensive regional center established under section 2203(a) shall—

"(1) maintain staff expertise in at least all of the following areas:

"(A) instruction, curriculum improvement, school reform, and other aspects of title I of this Act;

"(B) meeting the needs of children served under this Act, including children in high-poverty areas, migratory children, children with limited English proficiency, neglected or delinquent children, homeless children and youth, Indian children, and children with disabilities;

"(C) professional development for teachers, other school staff, and administrators to help students meet challenging State performance standards;

"(D) bilingual education, including programs that emphasize English and native language proficiency, and promote multicultural understanding;

"(E) safe and drug-free schools;

"(F) educational applications of technology;

"(G) parent involvement and participation;

"(H) the reform of schools and school systems; and

"(I) program evaluation;

"(2) ensure that technical assistance staff have sufficient training, knowledge, and expertise in how to integrate and coordinate programs under this Act with each other, as well as with other Federal, State, and local programs and reforms;

"(3) work collaboratively with the Department's regional offices;

"(4) provide technical assistance using the highest quality and most cost-efficient strategies possible;

"(5) provide information and assistance regarding exemplary and promising practices;

"(6) work collaboratively, and coordinate the services it provides, with the general reform assistance provided by the regional educational laboratories supported by the Office of Educational Research and Improvement; and

"(7) consult with representatives of State educational agencies, local educational agencies, and populations served under this Act.

"INFORMATION COLLECTION AND EVALUATION

"SEC. 2206. The Secretary shall evaluate activities under this part to determine their effectiveness in advancing the purposes of this part, and report to the President and Congress on the effectiveness of such activities.

"TRANSITION

"SEC. 2207. (a) GENERAL.—The Secretary may use funds appropriated for this part for fiscal year 1995 in such manner as the Secretary finds necessary in order to ensure a smooth implementation of this part.

"(b) EXTENSION OF PREVIOUS CENTERS.—In accordance with subsection (a), and notwithstanding any other provisions of law, the Secretary may use such funds for existing contracts and to extend the award of any categorical technical assistance center under this Act that was in operation on the day before enactment of the Improving America's Schools Act of 1993.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 2208. For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"TITLE III—EXPANDING OPPORTUNITIES FOR LEARNING

"PART A—PUTTING TECHNOLOGY TO WORK FOR ALL STUDENTS

"Subpart 1—Research, Development, and Demonstration of Educational Technology

"FINDINGS AND PURPOSES

"SEC. 3111. (a) FINDINGS.—The Congress finds that—

"(1) technology has the potential to assist and support the improvement of teaching and learning in schools and other settings;

"(2) technology can provide students, parents, teachers, and other education professionals with increased access to information, instruction, and educational services in schools and other settings, including homes, libraries, preschool and child-care facilities, and postsecondary institutions;

"(3) technology can produce far greater opportunities for all students to learn to high standards and to promote efficiency and effectiveness in education; and

"(4) the rapidly changing nature of technology requires coordination and flexibility in Federal leadership.

"(b) PURPOSES.—The purposes of this subpart are to promote achievement of the National Education Goals and to increase the opportunity for all students to achieve to challenging State standards by—

"(1) promoting awareness of the potential of technology for improving teaching and learning;

"(2) supporting State and local efforts to increase the effective use of technology for education;

"(3) demonstrating ways in which technology can be used to improve teaching and learning, and to help ensure that all students have an equal opportunity to meet challenging State education standards;

"(4) ensuring the availability of knowledge drawn from research and experience that can form the basis for sound State and local decisions about investment in, and effective uses of, educational technology;

"(5) promoting high-quality professional development opportunities for teachers and administrators on the integration of technology into instruction and administration;

"(6) ensuring that Federal technology-related policies and programs facilitate the use of technology in education; and

"(7) ensuring that, as technological advances are made, the educational uses of these advances are considered and their applications are developed.

"OFFICE OF EDUCATIONAL TECHNOLOGY

"SEC. 3112. There is established in the Department an Office of Educational Technology, which shall be administered by a Director of Educational Technology appointed by the Secretary. The Office of Educational Technology, in consultation with other appropriate agencies, shall provide leadership to the Nation in the use of technology to promote achievement of the National Education Goals and to increase opportunities for all students to achieve to challenging State standards, and shall perform such additional functions as the Secretary may require.

"NATIONAL LONG-RANGE PLAN

"SEC. 3113. (a) IN GENERAL.—The Secretary shall develop and publish by September 30, 1995, and update when appropriate, a national long-range plan to carry out the purposes of this subpart.

"(2) the Secretary shall—

"(A) develop the plan in consultation with other Federal agencies, State and local education practitioners and policy-makers, experts in technology and the educational applications of technology, and providers of technology services and products;

"(B) transmit the plan to the President and to the appropriate committees of the Congress; and

"(C) publish the plan in a form that is readily accessible to the public.

"(b) CONTENTS OF THE PLAN.—The national long-range plan shall describe the Secretary's activities to promote the purposes of this subpart, including—

"(1) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve to challenging State standards, especially through programs administered by the Department;

"(2) joint activities with other Federal agencies, such as the National Endowment for the Humanities, the National Endowment for the Arts, the National Aeronautics and Space Administration, the National Science Foundation, and the Departments of Commerce, Energy, Health and Human Services, and Labor, to promote the use of technology in education, and training and lifelong learning, including plans for the educational uses of a national information infrastructure, and to ensure that the policies and programs of such agencies facilitate the use of technology for educational purposes to the extent feasible;

"(3) how the Secretary will work with educators, State and local educational agencies, and appropriate representatives of the private sector to facilitate the effective use of technology in education;

"(4) how the Secretary will promote—

(A) increased access to the benefits of technology for teaching and learning for schools with high concentrations of children from low-income families;

(B) the use of technology to assist in the implementation of State systemic reform strategies;

(C) the application of technological advances to use in education; and

(D) increased opportunities for the professional development of teachers in the use of new technologies;

"(5) how the Secretary will determine, in consultation with appropriate individuals, organizations, and agencies, the feasibility and desirability of establishing guidelines and protocols to facilitate effective use of technology in education; and

"(6) the Secretary's long-range measurable goals and objectives relating to the purposes of this subpart.

"FEDERAL LEADERSHIP

"SEC. 3114. (a) PROGRAM AUTHORIZED.—(1) In order to provide Federal leadership in promoting the use of technology in education, the Secretary, in consultation with the National Science Foundation, the Department of Commerce, and other appropriate Federal agencies, may carry out activities designed to achieve the purposes of this subpart directly or by awarding grants (pursuant to a peer review process) to, or entering into contracts with, State educational agencies, local educational agencies, institutions of higher education, or other public and private nonprofit or for-profit agencies and organizations.

"(2) For the purpose of carrying out coordinated or joint activities consistent with the purposes of this subpart, the Secretary may accept funds from, and transfer funds to, other Federal agencies.

"(b) USES OF FUNDS.—The Secretary may use funds appropriated under this subpart for activities designed to carry out the purpose of this subpart, and to meet the goals and objectives of the national long-range plan under section 3113, including—

"(1) planning grants to States and local education agencies, to enable such entities to examine and develop strategies for the effective use of technology to help achieve the objectives of the Goals 2000: Educate America Act and the School-to-Work Opportunities Act of 1993;

"(2) development grants to technical assistance providers, to enable them to improve substantially the services they offer to educators on the educational uses of technology, including professional development;

"(3) consulting with representatives of industry, elementary and secondary education, higher education, and appropriate experts in technology and its educational applications in carrying out activities under this subpart;

"(4) research on, and the development of, guidelines and protocols to facilitate efficient and effective use of technology in education;

"(5) research on, and the development of, educational applications of the most advanced and newly emerging technologies;

"(6) the development, demonstration, and evaluation of applications of existing technology in preschool education, elementary and secondary education, training and lifelong learning, and professional development of educational personnel;

"(7) the development and evaluation of software and other products, including television programming, that incorporate advances in technology and help achieve the National Education Goals and challenging State standards;

"(8) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;

"(9) the development of model programs to demonstrate the educational effectiveness of technology in urban and rural areas and economically distressed communities;

"(10) research on, and the evaluation of, the effectiveness and benefits of technology in education;

"(11) conferences on, and dissemination of information about, the uses of technology in education;

"(12) the development of model strategies to promote gender equity concerning access to, and the use of, technology in the classroom; and

"(13) such other activities as the Secretary determines would meet the purposes of this subpart.

"(c) NONFEDERAL SHARE.—(1) Subject to paragraph (2), the Secretary is authorized to require any recipient of a grant or contract under this subpart to share in the cost of its project, which share shall be announced through a notice in the *Federal Register* and may be in the form of cash or in-kind contributions, fairly valued.

"(2) The Secretary may increase the non-Federal share required of such recipient after the first year of the recipient's project, except that such share may not exceed 50 percent at any time during the recipient's project.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 3115. For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"Subpart 2—Star Schools Program

"FINDINGS

"SEC. 3121. The Congress finds that—

"(1) the Star Schools program has helped to encourage the use of distance learning strategies to serve multi-State regions primarily by means of satellite and broadcast television;

"(2) in general, distance learning programs have been used effectively to provide students in small, rural, and isolated schools with courses and instruction, such as science and foreign language instruction, that the local educational agency would not otherwise have been able to provide; and

"(3) distance learning programs could also be used to—

"(A) provide students in all types of schools and local educational agencies with greater access to high-quality instruction in the full range of core academic subjects that would enable them to meet challenging, internationally competitive, educational standards;

"(B) expand professional development opportunities for teachers;

"(C) contribute to achievement of the National Education Goals;

"(D) expand learning opportunities for everyone.

"STATEMENT OF PURPOSE

"SEC. 3122. The purpose of this subpart is to encourage the expansion and use of distance learning programs and technologies to help—

"(1) improve teaching and learning;

"(2) achieve the National Education Goals;

"(3) all students learn to challenging State content standards; and

"(4) increase participation in State and local educational reform.

"PROGRAM AUTHORIZED

"SEC. 3123. (a) STAR SCHOOL AWARDS.—The Secretary is authorized, in accordance with this subpart, to make grants to eligible entities for the Federal share of the cost of providing distance learning programs, including—

"(1) developing, constructing, and acquiring telecommunications facilities and equipment;

"(2) developing and acquiring instructional programming; and

"(3) providing technical assistance regarding the use of such facilities and instructional programming.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(c) LIMITATIONS.—(1) a Grant under this section shall not exceed—

"(A) five years in duration; and

"(B) $10,000,000 in any one fiscal year.

"(2) Not less than 25 percent of the funds available to the Secretary for any fiscal year under this subpart shall be used for the cost of instructional programming.

"(3) Not less than 50 percent of the funds available to the Secretary for any fiscal year under this subpart shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies that are eligible to receive assistance under part A of title I of this Act.

"(d) FEDERAL SHARE.—(1) The Federal share of the cost of projects funded under this section shall not exceed 75 percent for the first and second years of the award, 60 percent for the third and fourth years, and 50 percent for the fifth year.

"(2) The Secretary may reduce or waive the requirement of the non-Federal share under paragraph (1) upon a showing of financial hardship.

"(e) AUTHORITY TO ACCEPT FUNDS FROM OTHER AGENCIES.—The Secretary is authorized to accept funds from other agencies to carry out the purposes of this section, including funds for the purchase of equipment.

"ELIGIBLE ENTITIES

"SEC. 3124. (a) ELIGIBLE ENTITIES.—(a) The Secretary may make a grant under section 3123 to any eligible entity, provided that at least one local educational agency is participating in the proposed project.

"(2) An eligible entity may include—

"(A) a public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent the interests of elementary and secondary schools that are eligible to participate in the program under part A of title I of this Act; or

"(B) any two or more of the following, which will provide a telecommunications network:

"(i) a local educational agency that has a significant number of elementary and secondary schools that are eligible for assistance under part A of title I of this Act, or elementary and secondary schools operated or funded for Indian children by the Department of the Interior eligible under section 1121(b)(1) of this Act;

"(ii) a State educational agency;

"(iii) an institution of higher education or a State higher education agency;

"(iv) a teacher training center or academy that—

"(I) provides teacher pre-service and in-service training; and

"(II) receives Federal financial assistance or has been approved by a State agency;

"(v)(I) a public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved in telecommunications through satellite, cable, telephone, or computer; or

"(II) a public broadcasting entity with such experience; or

"(vi) a public or private elementary or secondary school.

"APPLICATIONS

"SEC. 3125. (a) GENERAL REQUIREMENT.—Each eligible entity that desires to receive a grant under this subpart shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

"(b) STAR SCHOOL AWARDS APPLICATIONS.—Each application for a grant authorized under section 3123 shall—

"(1) describe—

"(A) how the proposed project will assist in achieving the National Education Goals set out in title I of the Goals 2000: Educate America how, how it will assist all students to have an opportunity to learn to challenging State standards, and how it will assist State and local educational reform efforts;

"(B) the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—

"(i) the design, development, construction, and acquisition of district, multidistrict, State, or multistate educational telecommunications networks and technology resource centers;

"(ii) microwave, fiber optics, cable, and satellite transmission equipment, or any combination thereof;

"(iii) reception facilities, satellite time, production facilities, and other telecommunications equipment capable of serving the intended geographic area;

"(iv) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought in using such facilities and equipment, and in integrating programs into the class curriculum; and

"(v) the development of educational and related programming for use on a telecommunications network;

"(C) the types of programming that will be developed to enhance instruction and training, including an assurance that such programming will be designed in consultation with professionals who are exports in the applicable subject matter and grade level;

"(D) how the eligible entity has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible entity will increase the availability of courses of instruction in English, mathematics, science, foreign languages, arts, history, geography, or other disciplines;

"(E) the professional development policies for teachers and other school personnel to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought;

"(F) the manner in which historically underserved students (such as students from low-income families, limited English proficient students, disabled students, or students who have low literacy skills) and their families will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this subpart;

"(G) how existing telecommunications equipment, facilities, and services, where available, will be used;

"(H) the activities or services for which assistance is sought, such as—

"(i) providing facilities, equipment, training services, and technical assistance;

"(ii) making programs accessible to individuals with disabilities through mechanisms such as closed captioning and descriptive video services;

"(iii) linking networks around issues of national importance (such as elections) or to provide information about employment opportunities, job training, or student and other social service programs;

"(iv) sharing curriculum materials between networks;

"(v) providing teacher and student support services;

"(vi) incorporating community resources such as libraries and museums into instructional programs;

"(vii) providing professional development for teachers, including, as appropriate, training to early childhood development and Head Start teachers and staff and vocational education teachers and staff; and

"(viii) providing programs for adults at times other than the regular school day in order to maximize the use of telecommunications facilities and equipment; and

"(I) how the proposed project as a whole will be financed and how arrangements for future financing will be developed before the project expires;

"(2) provide an assurance that a significant portion of any facilities, equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools in local educational agencies that have a high percentage of children counted for the purpose of part A of title I of this Act; and

"(3) provide an assurance that the applicant will provide such information and cooperate in any evaluation that the Secretary may conduct under this subpart.

"(c) PRIORITIES.—The Secretary shall, in approving applications for grants authorized under section 3123, give priority to applications that—

"(1) propose high-quality plans to assist in achieving one or more of the National Education Goals as set out in title I of the Goals 2000: Educate America Act, would provide instruction consistent with State content standards, or would otherwise provide significant and specific assistance to States and local educational agencies undertaking systemic education reform under title III of the Goals 2000: Educate America Act; and

"(2) would serve schools with significant numbers of children counted for the purposes of part A of title I of this Act.

"(d) GEOGRAPHIC DISTRIBUTION.—In approving applications for grants authorized under section 3123, the Secretary shall, to the extent feasible, ensure an equitable geographic distribution of services.

"LEADERSHIP AND EVALUATION ACTIVITIES

"SEC. 3126. (a) SET-ASIDE.—From amounts appropriated under section 3123(b), the Secretary may reserve up to 10 percent for national leadership, evaluation, and peer review activities.

"(b) METHOD OF FUNDING.—The Secretary may fund the activities described in subsection (a) directly or through grants, contracts, and cooperative agreements.

"(c) USES OF FUNDS.—Funds reserved for leadership activities may be used for—

"(A) disseminating information, including lists and descriptions of services available from recipients; and

"(B) other activities designed to enhance the quality of distance learning activities nationwide.

"(2) Funds reserved for evaluation activities shall be used to conduct independent evaluations of the Star Schools program under this subpart and of distance learning in general, including—

"(A) analyses of distance learning efforts, including both Star Schools projects and efforts not funded by the program under this subpart; and

"(B) comparisons of the effects, including student outcomes, of different technologies in distance learning efforts.

"(3) Funds reserved for peer review activities may be used for peer review of both proposals and funded projects.

"DEFINITIONS

"SEC. 3127. For the purpose of this subpart, the following terms have the following meanings:

"(1) The term 'educational institution' means an institution of higher education, a local educational agency, or a State educational agency.

"(2) The term 'instructional programming' means courses of instruction and training courses for elementary and secondary students, teachers, and others, and materials for use in such instruction and training that have been prepared in audio and visual form on tape, disc, film, or live, and presented by means of telecommunications devices.

"(3) The term 'public broadcasting entity' has the same meaning given that term in section 397 of the Communications Act of 1934.

"PART B—FUND FOR THE IMPROVEMENT OF EDUCATION

"FUND FOR THE IMPROVEMENT OF EDUCATION

"SEC. 3201.(a) FUND AUTHORIZED.—From funds appropriated under subsection (d), the Secretary is authorized to support nationally significant programs and projects to improve the quality of education, assist all students to meet challenging standards, and contribute to achievement of the National Education Goals. The Secretary is authorized to carry out such programs and projects directly or through grants to, or contracts with, State and local education agencies, institutions of higher education, and other public and private agencies, organizations, and institutions.

"(b) USES OF FUNDS.—Funds under this section may be used for—

"(A) activities that will promote systemic education reform at the State and local levels, such as—

"(i) research and development related to content and performance standards for student learning; and

"(ii) the development and evaluation of model strategies for assessment of student learning, professional development for teachers and administrators, parent and community involvement, and other aspects of systemic reform;

"(B) demonstrations at the State and local levels that are designed to yield nationally significant results, including approaches to public school choice and school based decision-making;

"(C) joint activities with other agencies to assist the effort to achieve the National Education Goals, including activities related to improving the transition from preschool to school and from school to work, as well as activities related to the integration of education and health and social services;

"(D) activities to promote and evaluate counseling and mentoring for students, including intergenerational mentoring;

"(E) activities to promote comprehensive health education

"(F) activities to promote environmental education;

"(G) activities to assist students to demonstrate competence in foreign languages;

"(H) studies and evaluation of various education reform strategies and innovations being pursued by the Federal Government, States, and local educational agencies;

"(I) the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools; and

"(J) other programs and projects that meet the purposes of this section.

"(2) The Secretary may also use funds under this section to complete the project periods for direct grants or contracts awarded under the provisions of the Elementary and Secondary Education Act of 1965; part B of title III of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, or title III of the Education for Economic Security Act, as these Acts were in effect on the day before enactment of the Improving America's Schools Act of 1993.

"(c) AWARDS.—(1) The Secretary may make awards under this section on the basis of competitions announced by the Secretary and may also support meritorious unsolicited proposals.

"(2) The Secretary shall ensure that projects and activities supported under this section are designed so that their effectiveness is readily ascertainable.

"(3) The Secretary shall use a peer review process in reviewing applications for grants under this section and may use funds appropriated under subsection (d) for this purpose.

"(d) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"PART C—JACOBS K. JAVITS GIFTED AND TALENTED EDUCATION PROGRAM

"FINDINGS AND PURPOSE

"SEC. 3301. (a) FINDINGS.—The Congress finds that—

"(1) all students can learn to high standards;

"(2) all students must develop their talents, realize their potential, and learn to high standards if the United States is to prosper;

"(3) too often, schools fail to challenge students to do their best work, and students who are not challenged will not fully develop their talents, realize their potential, and learn to high standards;

"(4) schools must provide all students with important and challenging subject matter to study and encourage the habits of hard work;

"(5) during the past 20 years, programs for gifted and talented students have served as laboratories for innovative and experimental approaches to teaching and learning;

"(6) many programs developed for gifted and talented students, when used with disadvantaged students, have shown promise in achieving better results than remedial programs;

"(7) the experience and knowledge gained in developing and implementing programs for gifted and talented students can and should be used to develop a rich and challenging curriculum for all students;

"(8) the Federal Government should encourage the adaptation of strategies used in programs for gifted and talented students to help all students develop their talents, realize their potential, and learn to high standards, while also continuing to challenge gifted and talented students; and

"(9) examples of programs and strategies in which students can and have learned to the highest standards will help to demonstrate how all students can learn to high standards.

"(b) PURPOSE.—The purpose of this part is to demonstrate how strategies and programs designed for the education of gifted and talented students can be adapted and used to improve teaching and learning for all students in a school and to help all students in a school develop their talents, realize their potential, and meet challenging performance standards, while not diminishing the curriculum and instruction for students traditionally identified as gifted and talented. Such strategies and programs shall, at a minimum—

"(1) contain important and challenging academic content;

"(2) elicit complex thinking and understanding in students;

"(3) engage students in learning and allow them to progress at their own pace; and

"(4) use performance measures that assess whether students have developed a thorough understanding of the important and challenging subject matter contained in the school curriculum.

"AUTHORIZED PROGRAMS

"SEC. 3302. (a) ESTABLISHMENT OF PROGRAM.—From the sums appropriated under section 3305(a) for any fiscal year that are remaining after the reservation of funds pursuant to section 3305(b), the Secretary shall make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, or other public agencies or private agencies and organizations (including Indian tribes and organizations, as defined by the Indian Self-Determination and Education Assistance Act, and Native Hawaiian organizations) to assist such agencies, schools, institutions, and organizations to carry out the purpose of this part.

"(b) APPLICATION.—Any eligible applicant that wishes to receive funds under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(c) USES OF FUNDS.—(1) A recipient of funds under this part shall use those funds for activities that are designed to meet the purpose of this part. Such activities may include—

"(A) developing, implementing, and expanding new programs that adapt strategies or programs designed for gifted and talented students to serve all students (including gifted and talented students) in a school or in several schools;

"(B) adapting and expanding existing programs for gifted and talented students to serve all students (including gifted and talented students) in a school or in several schools;

"(C) implementing innovative strategies, such as cooperative learning and peer tutoring, for expanding programs that serve gifted and talented students into programs that serve all the students (including gifted and talented students) in a school;

"(D) establishing and operating cooperative programs involving business, industry, and education;

"(E) establishing and operating summer programs; and

"(F) strengthening the capability of State educational agencies and institutions of higher education to provide leadership and assistance to local educational agencies and nonprofit private schools in adapting strategies and programs for educating gifted and talented students to improve education for all students (including gifted and talented students).

"(2) Each project assisted under this part that provides services to students shall, by the end of the period for which assistance is sought (but in no case later than the end of the third year of assistance under this part) serve all the students (including gifted and talented students) in a school.

"(d) NONFEDERAL SHARE.—(1) Subject to paragraph (2), the Secretary is authorized to require any recipient of a grant or contract under this part to share in the cost of its project, which share shall be announced through a notice in the FEDERAL REGISTER and may be in the form of cash or in-kind contributions, fairly valued.

"(2) The Secretary may increase the non-Federal share required of such recipient after the first year of the recipient's project, except that such share may not exceed 50 percent at any time during the recipient's project.

"PROGRAM PRIORITIES

"SEC. 3303. In making awards under this part, the Secretary shall ensure that for each fiscal year at least one-half of the awards made contain a component designed to serve schools in which at least 50 percent of the students in the school are children counted under section 1123(c)(1)(A) (children from low-income families).

"NATIONAL RESPONSIBILITIES

"SEC. 3304. (a) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this part are administered within the Department of Education by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who shall serve as a focal point of national leadership and information on mechanisms to carry out the purpose of this part.

"(b) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary shall—

"(1) use a peer review process in reviewing applications under this part;

"(2) ensure that information on the activities and results of projects funded under this part is disseminated to appropriate State and local agencies and other appropriate organizations, including nonprofit private organizations; and

"(3) evaluate the effectiveness of programs under this part, both in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress by January 1, 1999.

"(c) APPLIED RESEARCH AND DEVELOPMENT.—The Secretary may conduct, in coordination with other appropriate offices of the Department, applied research and development of theories, strategies, and models that further the purpose of this part.

"(d) GRANT AND CONTRACT AUTHORITY.—The Secretary may carry out the activities under subsections (a), (b), and (c) directly or through grants or contracts.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 3305. (a) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(b) RESERVATION.—In order to carry out the purpose of this part, the Secretary may reserve not more than 15 percent of the sum appropriated under subsection (a) for any fiscal year for activities under section 3304(b).

"DEFINITIONS

"SEC. 3306. For the purpose of this part, the following terms have the following meanings:

"(1) The term 'Native Hawaiian' means any individual any of whose ancestors were native prior to 1778 of the area that now comprises the State of Hawaii.

"(2) The term 'Native Hawaiian organization' means any organization recognized by the Governor of the State of Hawaii and primarily serving and representing Native Hawaiians.

"PART D—CHARTER SCHOOLS

"FINDINGS AND PURPOSE

"SEC. 3401. (a) FINDINGS. The Congress finds that—

"(1) enhancement of parent and student choices among public schools can assist in promoting comprehensive educational reform and give more students the opportunity to learn to challenging State academic standards, if sufficiently diverse and high-quality choices, and genuine opportunities to take advantage of them, are available to all students;

"(2) useful examples of such choices can come from States and communities that experiment with methods of offering teachers and other educators, parents, and other members of the public the opportunity to design and implement new public schools;

“(3) the new schools developed through this process should be free to test a variety of educational approaches and should, therefore, be exempted from restrictive rules and regulations if their leadership commits to attaining specific and ambitious educational results for students consistent with challenging State content and performance standards for all students;

“(4) charter schools, as they have been implemented in a few States, can embody the necessary mixture of enhanced choice, exemption from restrictive regulations, and a focus on learning gains; and

“(5) the Federal Government should test, evaluate, and disseminate information on a variety of charter school models in order to help demonstrate the benefits of this promising educational reform.

“(b) PURPOSE. It is the purpose of this part to increase national understanding of the charter schools model by—

“(1) providing financial assistance for the design and initial implementation of charter schools; and

“(2) evaluating the effects of those schools, including their effects on students, staff, and parents.

“PROGRAM AUTHORIZED

“SEC. 3402. (a) GENERAL. The Secretary may make grants to eligible applicants for the design and initial operation of charter schools.

“(b) PROJECT PERIODS. Each such grant shall be for a period of not more than three years, of which the grantee may use—

“(1) no more than 10 months for planning and program design; and

“(2) no more than two years for the initial implementation of the charter school.

“(c) LIMITATION. The Secretary shall not make more than one grant to support a particular charter school.

“APPLICATIONS

“SEC. 3403. (a) APPLICATIONS REQUIRED. Any eligible applicant that desires to receive a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

“(b) SCOPE OF APPLICATION. Each such application may request assistance for a single charter school or for a cluster of schools, which may include a high school and its feeder elementary and middle schools, within a community.

“(c) APPLICATION CONTENTS. Each such application shall include, for each charter school for which assistance is sought—

“(1) a description of the educational program to be implemented by the proposed charter school, including—

“(A) how the program will enable all students to meet challenging State performance standards;

“(B) the grade levels or ages of children to be served; and

“(C) the curriculum and instructional practices to be used;

“(2) a description of how the school will be managed;

“(3) a description of—

“(A) the objectives of the school; and

“(B) the methods by which the school will determine its progress toward achieving those objectives;

“(4) a description of the administrative relationship between the charter school and the local educational agency or State educational agency that will authorize or approve the school's charter and act as the grantee under this part;

“(5) a description of how parents and other members of the community will be involved in the design and implementation of the charter school;

“(6) a description of how the State or local educational agency, as the case may be, will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school is successful;

“(7) a request and justification for waivers of any Federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;

“(8) a description of how the grant funds would be used;

“(9) a description of how grant funds would be used in conjunction with other Federal programs administered by the Secretary;

“(10) a description of how students in the community will be—

“(A) informed about the school; and

“(B) given an equal opportunity to attend the school;

“(11) an assurance that the applicant will annually provide the Secretary such information as the Secretary may require to determine if the charter school is making satisfactory progress toward achieving the objectives described under paragraph (3);

“(12) an assurance that the applicant will cooperate with the Secretary in evaluating the program authorized by this part; and

“(13) such other information and assurances as the Secretary may require.

“(d) STATE EDUCATIONAL AGENCY APPROVAL REQUIRED.—(1) A local educational agency that desires to receive a grant under this part shall obtain the State educational agency's approval of its application before submitting it to the Secretary.

“(2) A State educational agency that approves an application of a local educational agency shall provide the local educational agency, and such local agency shall include in its application to the Secretary, a statement that the State has granted, or will grant, the waivers and exemptions from State requirements described in such local agency's application.

“SELECTION OF GRANTEES; WAIVERS

“SEC. 3404. (a) CRITERIA.—The Secretary shall select projects to be funded on the basis of the quality of the applications, taking into consideration such factors as—

“(1) the quality of the proposed curriculum and instructional practices;

“(2) the degree of flexibility afforded by the State and, if applicable, the local educational agency to the school;

“(3) the extent of community support for the application;

“(4) the ambitiousness of the objectives for the school;

“(5) the quality of the plan for assessing achievement of those objectives; and

“(6) the likelihood that the school will meet those objectives and improve educational results for students.

“(b) PEER REVIEW.—The Secretary shall use a peer review process to review applications for grants under this section.

“(c) DIVERSITY OF PROJECTS.—The Secretary may approve projects in a manner that ensures, to the extent possible, that they—

“(1) are distributed throughout different areas of the Nation, including in urban and rural areas; and

“(2) represent a variety of educational approaches.

“(d) WAIVERS.—The Secretary may waive any statutory or regulatory requirement that the Secretary is responsible for enforcing, except for any such requirement relating to the elements of a charter school described in section 3407(1), if—

“(1) the waiver is requested in an approved application or by a grantee under this part; and

“(2) the Secretary determines that granting such a waiver would promote the purpose of this part.

“USES OF FUNDS

“SEC. 3405. A recipient of a grant under this part may use the grant funds only for—

“(1) post-award planning and design of the educational program, which may include—

“(A) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

“(B) professional development of teachers and other staff who will work in the charter school; and

“(2) initial implementation of the charter school, which may include—

“(A) informing the community about the school;

“(B) acquiring necessary equipment;

“(C) acquiring or developing curriculum materials;

and

“(D) other operational costs that cannot be met from State or local sources.

“NATIONAL ACTIVITIES

“SEC. 3406. The Secretary may reserve up to ten percent of the funds appropriated for this part for any fiscal year for—

“(1) peer review of applications under section 3404(b);

“(2) an evaluation of charter schools, including those assisted under this part; and

“(3) other activities designed to enhance the success of the program authorized by this part, such as bringing grantees together to share ideas and information.

“DEFINITIONS

“SEC. 3407. As used in this part, the following terms have the following meanings:

“(1) the term ‘charter school’ means a school that—

“(A) in accordance with an enabling State statute, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

“(B) is created by a developer as a public school, or is adapted by a developer from an existing public school;

“(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the State or local educational agency applying for a grant on behalf of the school;

“(D) provides a program of elementary or secondary education, or both;

“(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

“(F) does not charge tuition;

“(G) complies with the Age Discrimination Act, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

“(H) admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

"(I) agrees to comply with the same Federal and State audit requirements as do other schools in the State, unless such requirements are specifically waived for the purpose of this program; and

"(J) meets all applicable Federal, State, and local health and safety requirements.

"(2) The term 'developer' means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

"(3) The term 'eligible applicant' means a State educational agency or local educational agency, in partnership with a developer.

AUTHORIZATION OF APPROPRIATIONS

"SEC. 3408. For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"PART E—ARTS IN EDUCATION

"SUPPORT FOR ARTS EDUCATION

"SEC. 3501. (a) FINDINGS.—The Congress finds that—

"(1) the arts are forms of understanding and ways of knowing that are fundamentally important to education;

"(2) the arts are important to excellent education and to effective school reform;

"(3) the most significant contribution of the arts to education reform is the transformation of teaching and learning;

"(4) this transformation is best realized in the context of comprehensive, systemic education reform;

"(5) demonstrated competency in the arts for American students is among the National Education Goals; and

"(6) arts education should be an integral part of the elementary and secondary school curriculum.

"(b) PURPOSE.—The purposes of this part are to—

"(1) support systemic education reform by strengthening arts education as an integral part of the elementary and secondary school curriculum;

"(2) help ensure that all students have the opportunity to learn to challenging standards in the arts; and

"(3) support the national effort to enable all students to demonstrate competence in the arts in accordance with the National Education Goals.

"(c) ELIGIBLE RECIPIENTS.—In order to carry out the purposes of this part, the Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with,—

"(1) State educational agencies;

"(2) local educational agencies;

"(3) institutions of higher education; and

"(4) other public and private agencies, institutions, and organizations.

"(d) AUTHORIZED ACTIVITIES.—Funds under this part may be used for—

"(1) research on arts education;

"(2) the development of, and dissemination of information about, model arts education programs;

"(3) the development of model arts education assessments based on high standards;

"(4) the development and implementation of curriculum frameworks for arts education;

"(5) the development of model preservice and inservice professional development programs for arts educators and other instructional staff;

"(6) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art;

"(7) supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts;

"(8) supporting model projects and programs in the arts for individuals with disabilities through arrangements with the organization, Very Special Arts;

"(9) supporting model projects and programs to integrate arts education into the regular elementary and secondary school curriculum; and

"(10) other activities that further the purposes of this part.

"(e) COORDINATION.—(1) A recipient of funds under this part shall, to the extent possible, coordinate its projects with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts educational associations, libraries, and theaters.

"(2) In carrying out this part, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art.

"(f) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"PART F—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION

"SEC. 3601. (a) AUTHORIZATION.—The Secretary is authorized to enter into a contract with Reading Is Fundamental (RIF) (hereinafter in this section referred to as "the contractor") to support and promote programs, which include the distribution of inexpensive books to students, that motivate children to read.

"(b) REQUIREMENTS OF CONTRACT.—Any contract entered into under subsection (a) shall—

"(1) provide that the contractor will enter into subcontracts with local private nonprofit groups or organizations or with public agencies under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift or loan, to preschool, elementary, and secondary school children;

"(2) provide that funds made available by the Secretary will be used by the contractor only to pay the Federal share of the cost of such programs;

"(3) provide that in selecting subcontractors for initial funding, the contractor will give priority to programs that will serve a substantial number of percentage of children with special needs, such as—

"(A) low-income children, particularly in high-poverty areas;

"(B) children at risk of school failure;

"(C) children with disabilities, including children with serious emotional disturbance;

"(D) foster children;

"(E) homeless children;

"(F) migrant children;

"(G) children without access to libraries;

"(H) institutionalized or incarcerated children; and

"(I) children whose parents are institutionalized or incarcerated;

"(4) provide that the contractor will not provide Federal assistance under this section to any subcontractor for more than five years after the date of enactment of the Improving America's Schools Act of 1993 or the beginning of the subcontractor's program under this section (or its predecessor authority), whichever comes later, except that the contractor may continue to provide such assistance beyond such date if—

"(A) the program qualifies for priority treatment under paragraph (3); and

"(B) the contractor determines that, because of severe economic hardship facing the subcontractor and the local area is serves, the local program will be unable to continue without additional assistance under this section;

"(5) provide that, not later than three years from the date of enactment of the Improving America's Schools Act of 1993, the contractor will cease providing Federal assistance under this section to any subcontractor whose program—

"(A) received such assistance under section 1563 of this Act, as in effect before the date of enactment of the Improving America's Schools Act of 1993; and

"(B) does not qualify for priority treatment under paragraph (3);

"(6) provide that the contractor will provide such technical assistance to subcontractors as may be necessary to carry out the purpose of this section;

"(7) provide that the contractor will annually report to the Secretary the number of, and describe, programs funded under paragraph (3); and

"(8) include such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

"(c) RESTRICTION ON PAYMENTS. The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

"(d) DEFINITION OF 'FEDERAL SHARE'. For the purpose of this section, the term 'Federal share' means the portion of the cost to a subcontractor of purchasing books to be paid with funds made available under this section. The Federal share shall be established by the Secretary, and shall not exceed 75 percent, except for books to be distributed to children of migrant or seasonal farmworkers.

"(e) AUTHORIZATION OF APPROPRIATIONS. For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be needed for each of the fiscal years 1995 through 1999.

"TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

"FINDINGS

"SEC. 4001. The Congress finds as follows:

"(1) National Education Goal Six provides that by the year 2000, all schools in America will be free of drugs and violence and offer a disciplined environment that is conducive to learning.

"(2) The widespread use of alcohol and other drugs among the Nation's secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to their physical and mental well-being, and significantly impedes the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

"(3) Our Nation's schools and communities are increasingly plagued by violence and crime. Approximately three million thefts and violent crimes occur in or near our Nation's schools every year, the equivalent of more than 16,000 incidents per school day. Approximately one of every five high school students now carries a firearm, knife, or club on a regular basis.

"(4) The tragic consequences of violence and the illegal use of alcohol and other drugs by students are felt not only by students and their families, but by their communities and the Nation, which can ill afford to lose their skills, talents, and vitality.

"(5) Alcohol and tobacco (nicotine) are the most widely used drugs among young people today. Both of these drugs can, and do, have adverse consequences for users, their families, communities, schools, and colleges. Drug prevention programs for youth that address only controlled drugs send an erroneous message that alcohol and tobacco do not present significant problems, or that society is willing to overlook their use. To be credible, messages opposing illegal drug use by youth should address all drugs.

"(6) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety and to reduce the demand for and use of drugs throughout the Nation. Schools and local organizations in communities throughout the Nation have a special responsibility to work together to combat the growing epidemic of violence and illegal drug use and should measure the success of their programs against clearly defined goals and objectives.

"(7) Students must take greater responsibility for their own well-being, health, and safety if schools and communities are to achieve their goals of providing a safe, disciplined, and drug-free learning environment.

"PURPOSE

"SEC. 4002. The purpose of this title is to support programs to meet Goal Six of the National Educational Goals by preventing violence in and around schools and by strengthening programs that prevent the illegal use of alcohol and other drugs, involve parents, and are coordinated with related Federal, State, and community efforts and resources, through the provision of Federal assistance to—

"(1) States for grants to local and intermediate educational agencies and consortia to establish, operate, and improve local programs of school drug and violence prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools (including intermediate and junior high schools);

"(2) States for grants to, and contracts with, community-based organizations and other public and private non-profit agencies and organizations for programs of drug and violence prevention, early intervention, rehabilitation referral, and education;

"(3) States for development, training, technical assistance, and coordination activities;

"(4) institutions of higher education to establish, operate, expand, and improve programs of school drug and violence prevention, education, and rehabilitation referral for students enrolled in colleges and universities;

"(5) a national center to provide training and technical assistance to institutions providing postsecondary education in developing and implementing model programs and strategies to prevent violence and illegal drug use by students at such institutions; and

"(6) public and private non-profit organizations to conduct training, demonstrations, research, and evaluation, and to provide supplementary services for the prevention of drug use and violence among students and youth.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 4003. There are authorized to be appropriated—

"(1) for State grants under part A, such sums as may be necessary for each of fiscal years 1995 through 1999;

"(2) for postsecondary programs under part B, such sums as may be necessary for each of fiscal years 1995 through 1999; and

"(3) for national programs under part C, such sums as may be necessary for each of fiscal years 1995 through 1999.

"PART A—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS

"RESERVATIONS AND ALLOTMENTS

"SEC. 4101. (a) RESERVATIONS.—From the amount appropriated for each fiscal year under section 4003(1), the Secretary—

"(1) shall reserve no more than one-half of one percent of such amount for grants under this part to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau), to be allotted in accordance with the Secretary's determination of their respective needs;

"(2) shall reserve no more than one percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth; and

"(3) may reserve no more than $1 million for the national impact evaluation required by section 4108(a).

"(b) STATE ALLOTMENTS.—(1) Except as provided under paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

"(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

"(B) one-half of such remainder according to the ratio between the amount each State received under section 1122 of this Act for the preceding year (or, for fiscal year 1995 only, sections 1005 and 1006 of this Act as in effect on the day before enactment of the Improving America's Schools Act of 1993) and the sum of such amounts received by all the States.

"(2) For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of one percent of the total amount allotted to all the States under this subsection.

"(3) The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within two years of such allotment. Such reallotments may be made on whatever basis the Secretary determines would best serve the purposes of this title.

"(4) For the purpose of this subsection, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"STATE DRUG AND VIOLENCE PREVENTION COORDINATING COUNCIL

"SEC. 4102. (a) ESTABLISHMENT OF COUNCIL.—No State may receive its allotment under section 4101 unless its chief executive officer establishes a State Drug and Violence Prevention Coordinating Council (or designates an existing body to perform the functions of such a Council) to advise him or her and the chief State school officer on the development and implementation of the State's application under section 4103.

"(b) MEMBERSHIP.—(1) The chief executive officer, the chief State school officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, and the head of the State criminal justice planning agency, or their designees, shall be members of the Council.

"(2) the chief executive officer shall also appoint representatives of other appropriate State agencies or offices as members of the Council.

"(c) FUNCTIONS OF COUNCIL.—The Council established or designated under this section shall—

"(1) review and comment on the development of the State's application under section 4103, including the chief executive officer's and State education agency's comprehensive plans under sections 4103(b) and (c);

"(2) disseminate information about drug and violence prevention initiatives within the State, including programs funded under sections 4104 and 4105;

"(3) advise the chief executive officer and the State educational agency on how to coordinate the State's activities under this part with other available resources; and

"(4) advise the chief executive officer and the State educational agency on the planning and implementation of program evaluation activities and make recommendations on how to improve the State's program, including the formulation of measurable goals.

"STATE APPLICATIONS

"SEC. 4103. (a) IN GENERAL.—In order to receive its allotment under section 4101 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

"(1)(A)(i) is integrated into the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that plan; and

"(ii) is submitted, if necessary, as an amendment to the State's plan under title III of the Goals 2000: Educate America Act; or

"(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this section;

"(2) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of on-going State evaluation activities, including data on the prevalence of drug use and violence by youth in schools and communities;

"(3) contains a list of the members, and the interests or organizations they represent, of the State Drug and Violence Prevention Coordinating Council;

"(4) contains a description of the procedures the State educational agency will use to review applications from local educational agencies under section 4106;

"(5) contains an assurance that the State will cooperate with, and assist, the Secretary in conducting a national impact evaluation of programs required by section 4108(a); and

"(6) includes any other information the Secretary may require.

"(b) GOVERNOR'S FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4104(a) by the chief executive officer that includes—

"(1) a statement of the chief executive officer's measurable goals and objectives for drug and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives;

"(2) a description of how the chief executive officer will coordinate his or her activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

"(3) a description of how funds reserved under section 4104(a) will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

"(4) a description of how the chief executive officer will award funds under section 4104(a) and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds; and

"(5) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning.

"(c) STATE EDUCATIONAL AGENCY FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4105(a) by the State educational agency that includes—

"(1) a statement of the State educational agency's measurable goals and objectives for drug and violence prevention and a description of the procedures it will use for assessing and publicly reporting progress toward meeting those goals and objectives;

"(2) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 4107;

"(3) a description of how the State educational agency will use funds it reserves under section 4105(b);

"(4) a description of how the State educational agency will coordinate its activities under this part with the chief executive officer's drug and violence prevention programs under this part and with the prevention efforts of other State agencies; and

"(5) an explanation of the criteria the State educational agency will use to identify which local educational agencies receive supplemental funds under section 4105(d)(2)(A)(ii) and how the supplemental funds will be allocated among those local educational agencies.

"(d) PEER REVIEW.—The Secretary shall use a peer review process in reviewing State applications under this section.

"(e) INTERIM APPLICATION.—Notwithstanding any other provisions of this section, a State may submit for fiscal year 1995 a one-year interim application and plan for the use of funds under this part that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review its application and comprehensive plan otherwise required by this section. A State may not receive a grant under this part for a fiscal year subsequent to fiscal year 1995 unless the Secretary has approved its application and comprehensive plan.

"GOVERNOR'S PROGRAMS

"SEC. 4104. (a) USE OF FUNDS.—(1) An amount equal to 20 percent of the total amount allocated to a State under section 4101 for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

"(2) A chief executive officer may use no more than five percent of the amount reserved under subsection (a)(1) for the administrative costs incurred in carrying out the duties of such officer under this section, including the cost of the State Drug and Violence Prevention Coordinating Council under section 4102(a).

"(b) PROGRAMS AUTHORIZED.—(1) A chief executive officer shall use funds reserved under subsection (a)(1) for grants to or contracts with parent groups, community action and job training agencies, community-based organizations, and other public entities and private nonprofit organizations. Such grants or contracts shall support programs and activities described in subsection (c) for children and youth who are not normally served by State or local educational agencies, for populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runway or homeless children and youth, and dropouts), or both.

"(2) Grants or contracts awarded under this subsection shall be subject to a peer review process.

"(c) AUTHORIZED ACTIVITIES.—Grants and contracts under subsection (b) shall be used for programs and activities such as—

"(1) disseminating information about drug and violence prevention;

"(2) training parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, education, early intervention, counseling, or rehabilitation referral;

"(3) developing and implementing comprehensive, community-based drugs and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training, law enforcement, health, mental health, and other appropriate services;

"(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with those of the State educational agency and its local educational agencies;

"(5) activities to protect students traveling to and from school;

"(6) developing and implementing strategies to prevent illegal gang activity;

"(7) coordinating and conducting community-wide violence and safety assessments and surveys; and

"(8) evaluating programs and activities under this section.

"STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS

SEC. 4105. (a) USE OF FUNDS.—An amount equal to 80 percent of the total amount allocated to a State under section 4101 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section.

"(b) STATE LEVEL PROGRAMS.—(1) A State educational agency shall use no more than 5 percent of the amount reserved under subsection (a) for activities such as—

"(A) training and technical assistance concerning drug and violence prevention for local and intermediate educational agencies, including teachers, administrators, coaches and athletic directors, other educational personnel, parents, students, community leaders, health service providers, local law enforcement officials, and judicial official;

"(B) the development, identification, dissemination and evaluation of the most readily available, accurate, and up-to-date curriculum materials, for consideration by local educational agencies;

"(C) demonstration projects in drug and violence prevention;

"(D) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this part; and

"(E) evaluation activities required by this subpart.

"(2) A State educational agency may carry out activities under this subsection directly, or through grants or contracts.

"(c) STATE ADMINISTRATION.—A State educational agency may use no more than 5 percent of the amount reserved under subsection (a) for the administration costs of carrying out its responsibilities under this part.

"(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—(1) A State educational agency shall distribute not less than 90 percent of the amount reserved under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.

"(2)(A) Of the amount distributed under subsection (d)(1), a State educational agency shall distribute—

"(i) 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private non-profit schools within their boundaries; and

"(ii) 30 percent of such amount to local educational agencies that the State educational agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this part.

"(B)(i) A State educational agency shall distribute funds under subparagraph (A)(ii) to no more than ten percent of its local educational agencies, or five such agencies, whichever is greater.

"(ii) In determining which local educational agencies have the greatest need for additional funds, the State educational agency shall consider factors such as—

"(I) high rates of alcohol or other drug use among youth;

"(II) high rates of victimization of youth by violence and crime;

"(III) high rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

"(IV) the extent of illegal gang activity;

"(V) high rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

"(VI) high rates of referrals of youths to juvenile court; and

"(VII) high rates of expulsions and suspensions of students from schools.

"(e) REALLOCATION OF FUNDS.—If a local educational agency chooses not to apply to receive the amount allocated to it under subsection (d), or if its application under section 4106 is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of the local education agencies determined by the State educational agency under subsection (d)(2)(B) to have the greatest need for additional funds.

"LOCAL APPLICATIONS

"SEC. 4106. (a) IN GENERAL.—(1) In order to be eligible to receive an allocation under section 4105(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.

"(2)(A) A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, appropriate state agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

"(B) In addition to assisting the local educational agency to develop its application under this section, the advisory council established or designated under paragraph (2)(A) shall, on an on-going basis—

"(i) disseminate information about drug and violence prevention programs, projects, and activities conducted with the boundaries of the local educational agency;

"(ii) advise the local educational agency on how best to coordinate its activities under this part with other related programs, projects, and activities and the agencies that administer them; and

"(iii) review program evaluations and other relevant material and make recommendations to the local educational agency on how to improve its drug and violence prevention programs.

"(b) CONTENTS OF APPLICATIONS.—An application under this section shall contain—

"(1) a needs assessment of the current alcohol, tobacco, and other drug problems as well as the violence, safety, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant's drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

"(2) a detailed explanation of the local educational agency's comprehensive plan for drug and violence prevention, which shall include a description of—

"(A) how that plan is consistent with, and promotes the goals in, the State's application under section 4103 and the local educational agency's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, or if the local educational agency does not have such an approved plan and is not developing one, its plan under section 1112 of this Act;

"(B) the local educational agency's measurable goals for drug and violence prevention, and a description of how it will assess and publicly report progress toward attaining these goals;

"(C) if the local educational agency intends to use funds under this part to implement an expanded drug and violence prevention program under section 4107(c), an explanation of how the local educational agency is already meeting the requirements of a basic drug and violence prevention program under section 4107(b), regardless of the source of funds used;

"(D) how the local educational agency will use its regular allocation under section 4105(d)(2)(A)(i) and its supplemental allocation, if any, under section 4105(d)(2)(A)(ii);

"(E) how the local educational agency will coordinate its programs and projects with community-wide efforts to achieve its goals for drug and violence prevention; and

"(F) how the local educational agency will coordinate its programs for projects with other Federal, State, and local programs for drug-abuse prevention, including health programs; and

"(3) such other information and assurances as the State educational agency may reasonably require.

"(c) REVIEW OF APPLICATION.—(1) A State educational agency shall use a peer review process in reviewing local applications under this section.

"(2)(A) In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency's comprehensive plan under subsection (b)(2) and the extent to which it is consistent with, and supports, the State's application under section 4103 and the State's plan under the Goals 2000: Educate America Act, and if the State does not have such a plan, its plan under section 1111 of this Act.

"(B) A State educational agency shall not permit a local educational agency to use funds under this part to implement an expanded drug and violence prevention program under section 4107(c) unless it determines that the local educational agency is already meeting (regardless of the source of funds) the requirements of a basic drug and violence prevention program under section 4107(b).

"(C) A State educational agency may disapprove a local educational agency application under this section is whole or in part and may withhold, limit, or place restrictions on the use of funds allocated to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part or the State's plan under the Goals 2000: Educate America Act, and if the State does not have such a plan, its plan under section 1111 of this Act.

"LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS

"SEC. 4107. (a) USE OF FUNDS.—Except as permitted under subsection (c), a local educational agency shall use funds received under this part to adopt and implement a basis drug and violence prevention program described under subsection (b).

"(b) BASIC PROGRAM.—(1) A basic drug and violence prevention program under this part shall—

"(A) be designed, for all students and employees, to—

"(i) prevent the illegal use, possession, and distribution of alcohol, tobacco, and other drugs;

"(ii) prevent violence and promote school safety; and

"(iii) create a disciplined environment conducive to learning;

"(B) include mandatory standards of conduct for students and employees, which clearly describe the sanctions that will be imposed for violations of the standards and which are distributed to all students, parents, and employees;

"(C) include, with respect to drug prevention—

"(i) age-appropriate, developmentally based education and prevention programs for all students, from the early childhood level through grade 12, that address the legal, social and health consequences of the use of illegal drugs, promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;

"(ii) professional development programs for school personnel who provide the education and prevention programs required by subsection (b)(1)(C)(i);

"(iii) the activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs assessments, goals, and programs under subsection (b)(1)(C)(i); and

"(iv) the distribution of information to all students and employees about resources for drug and alcohol counseling, rehabilitation, and re-entry programs that are available in the community; and

"(D) include, with respect to violence prevention—

"(i) age-appropriate, developmentally based education and prevention programs for all students, from the early childhood level through grade 12, that address the legal, personal, and social consequences of violent and disruptive behavior, including sexual harassment, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence;

"(ii) professional development programs for school personnel who provide the education and prevention programs required by subsection (b)(1)(D)(i);

"(iii) activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs assessment, goals and programs under subsection (b)(1)(D)(i); and

"(iv) the distribution of information to all students and employees about resources for counseling, re-entry, and conflict resolution that are available in the community.

"(2) In implementing its basic drug and violence prevention program under subsection (b) or its expanded program under subsection (c), a local educational agency may use no more than 33 percent of the funds it receives under this part for any fiscal year for—

"(A) minor remodeling to promote security and reduce the risk of violence, such as removing lockers, installing better lights, and upgrading locks; and

"(B) acquiring and installing metal detectors and hiring security personnel.

"(c) EXPANDED PROGRAM.—(1) A local educational agency that demonstrates to the satisfaction of the State educational agency that it has adopted and implemented a basic drug and violence prevention program described under subsection (b) may use funds received under this subpart to supplement its basic program, to carry out one or more of the activities described in paragraph (2), or both.

"(2) A local educational agency described in paragraph (1) may use funds received under this subpart for—

"(A) programs of drug prevention, health education, early intervention, counseling, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and may include—

"(i) the dissemination of information about drug prevention;

"(ii) the training of school personnel, parents, students, law enforcement officials, judicial officials, health service providers, and community leaders in prevention, education, early intervention, counseling, or rehabilitation referral; and

"(iii) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol and other drug use, such as—

"(I) family counseling;

"(II) early intervention activities that prevent family dysfunction, enhance school performance, and boost attachment to school and family; and

"(III) activities, such as community service projects, that are designed to increase students' sense of community;

"(B) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—

"(i) the dissemination of information about school safety and discipline;

"(ii) the training of school personnel, parents, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;

"(iii) the implementation of strategies, such as conflict resolution and peer mediation and the use of mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment; and

"(iv) comprehensive, community-wide strategies to prevent or reduce illegal gang activity;

"(C) the promotion of before- and after-school recreational, instructional, cultural, and artistic programs in supervised community settings; and

"(D) the evaluation of any of the activities authorized by subsection (c).

"EVALUATION AND REPORTING

"Sec. 4108. (a) National Impact Evaluation.—The Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall conduct an independent biennial evaluation of the national impact of programs under this part and submit a report of the findings of such evaluation to the President and the Congress.

"(b) State Report.—(1) By October 1, 1997, and every third year thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

"(A) on the implementation and outcomes of State programs under section 4104 and section 4105(b) and local programs under section 4105(d), as well as an assessment of their effectiveness; and

"(B) on the State's progress toward attaining its goals for drug and violence prevention under sections 4103(b)(1) and (c)(1).

"(2) The report required by this subsection shall be—

"(A) in the form specified by the Secretary;

"(B) based on the State's on-going evaluation activities, and shall include data on the prevalence of drug use and violence by youth in schools and communities; and

"(C) made readily available to the public.

"(c) Local Educational Agency Report.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency whatever information, and at whatever intervals, the State requires to complete the State report required by subsection (b), including information on the prevalence of drug use and violence by youth in the schools and the community. Such information shall be made readily available to the public.

"PART B—POSTSECONDARY DRUG AND VIOLENCE PREVENTION PROGRAMS

"GRANTS TO INSTITUTIONS OF HIGHER EDUCATION

Sec. 4201. (a) In General.—From funds appropriated under section 4003(2), the Secretary is authorized to make grants to, or enter into contracts with, institutions of higher education, or consortia of such institutions, for drug and violence prevention programs under this section. Awards under this section shall support the development, implementation, validation, and dissemination of model programs and strategies to promote the safety of students attending institutions of higher education by preventing violent behavior and the illegal use of alcohol and other drugs by such students.

"(b) Applications.—An institution of higher education, or consortium of such institutions, that desires to receive an award under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The Secretary shall use a peer review process for reviewing applications for funds under this section.

"(c) Equitable Participation.—The Secretary shall make every reasonable effort to ensure the equitable participation of private and public institutions of higher education (including community and junior colleges), institutions of limited enrollment, and institutions in different geographic regions.

"NATIONAL CENTER

"Sec. 4202.—From funds appropriated under section 4003(2), the Secretary is authorized to support, through a grant to, or a contract with, an institution of higher education, a public or private non-profit organization, or a for-profit organization, a national center to provide training and technical assistance to institutions providing postsecondary education, including for-profit institutions, in developing, implementing, evaluating, validating, replicating, and disseminating model programs and strategies to prevent violence and the use of illegal drugs by students at such institutions.

"PART C—NATIONAL PROGRAMS

"FEDERAL ACTIVITIES

"Sec. 4301. (a) Program Authorized.—From funds appropriated under section 4003(3), the Secretary of Education, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels, prekindergarten through postsecondary. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private non-profit organizations and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

"(1) the development and demonstration of innovative strategies for training school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;

"(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention;

"(3) drug and violence prevention research that is coordinated with other Federal agencies and is directed towards improving programs and activities under this title;

"(4) program evaluations that address issues not addressed under section 4108(a);

"(5) direct services to schools and school systems affiliated with especially severe drug and violence problems;

"(6) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

"(7) developing and disseminating drug and violence prevention materials, including model curricula; and

"(8) other activities that meet unmet national needs related to the purposes of this title.

"(b) Peer Review.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

"PART D—GENERAL PROVISIONS

"DEFINITIONS

"Sec. 4401.—For the purposes of this title, the following terms have the following meanings:

"(1) The term 'drug and violence prevention' means—

"(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol and tobacco (nicotine) and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids; and

"(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

"(2) The term 'nonprofit', as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(3) The term 'school-aged population' means the population aged 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

"(4) The term 'school personnel' includes teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

"MATERIALS

"Sec. 4402. (a) 'Wrong and Harmful' Message.—Drug prevention programs supported under this title shall convey a clear and consistent message that the illegal use of alcohol and other drugs is wrong and harmful.

"(b) Curriculum.—The Secretary shall not prescribe the use of specific curricula for programs supported under this title, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

"PROHIBITED USES OF FUNDS

"SEC. 4403.—No funds under this title may be used for—

"(1) construction (except for minor remodeling needed to accomplish the purposes of this title);

"(2) drug treatment or rehabilitation; and

"(3) psychiatric, psychological, or other medical treatment or rehabilitation, other than school-based counseling for students or school personnel who are victims or witnesses of school-related crime.

"TITLE V—PROMOTING EQUITY

"PART A—MAGNET SCHOOLS ASSISTANCE

"FINDINGS

"SEC. 5101.—The Congress finds that—

"(1) magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation in its schools;

"(2) the use of magnet schools has increased dramatically since enactment of this program, with approximately 1.4 million students nationwide now attending such schools, of which more than 60 percent of the students are nonwhite;

"(3) magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts;

"(4) in administering this program, the Federal Government has learned that—

"(A) where magnet programs are implemented for only a portion of a school's student body, special efforts must be made to discourage the isolation of magnet students from other students in the school;

"(B) school districts can maximize their effectiveness in achieving the purposes of this program if they have more flexibility to serve students attending a school who are not enrolled in the magnet school program;

"(C) school districts must be creative in designing magnet schools for students at all academic levels, so that school districts do not skim off only the highest achieving students to attend the magnet schools;

"(D) school districts must seek to enable participation in magnet school programs by students who reside in the neighborhoods where the programs are placed; and

"(E) in order to ensure that magnet schools are sustained after Federal funding ends, the Federal Government must assist school districts to improve their capacity to continue to operate magnet schools at a high level of performance;

"(5) it is in the best interest of the Federal Government to—

"(A) continue its support of school districts implementing court-ordered desegregation plans and school districts seeking to foster meaningful interaction among students of different racial and ethnic backgrounds beginning at the earliest stage of their education;

"(B) ensure that all students have equitable access to quality education that will prepare them to function well in a culturally diverse, technologically-oriented, and highly competitive global community; and

"(C) maximize the ability of school districts to plan, develop, implement and continue new and innovative magnet schools that contribute to State and local systemic reform.

"STATEMENT OF PURPOSE

"SEC. 5102.—The purpose of this part is to assist in the desegregation of school districts by providing financial assistance to eligible local educational agencies for—

"(1) the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students;

"(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging performance State standards;

"(3) the development and design of innovative educational methods and practices; and

"(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

"PROGRAM AUTHORIZED

"SEC. 5103.—The Secretary is authorized, in accordance with this part, to make grants to eligible local educational agencies for use in magnet schools that are part of an approved desegregation plan and that are designed to bring students from different social, economic, ethnic, and racial backgrounds together.

"DEFINITION

"SEC. 5104.—For the purpose of this part, the term "magnet school" means a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

"ELIGIBILITY

"SEC. 5105.—A local educational agency is eligible to receive assistance under this part if it—

"(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official or competent jurisdiction, and that requires the desegregation of minority-group-segregated children or faculty in the elementary and secondary schools of such agency; or

"(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

"APPLICATIONS AND REQUIREMENTS

"SEC. 5106. (a) APPLICATIONS.—An eligible local educational agency desiring to receive assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

"(b) INFORMATION AND ASSURANCES.—An application under this part shall include—

"(1) a description of—

"(A) how assistance made available under this part will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

"(B) the manner and extent to which the magnet school project will increase student achievement in the instructional area or areas offered by the school;

"(C) the manner in which an applicant will continue the magnet school project after assistance under this part is no longer available, including, if applicable, an explanation of whether successful magnet schools established or supported by the applicant with funds under this part have been continued without the use of funds under this part;

"(D) how funds under this part will be used to implement services and activities that are consistent with—

"(i) the State's systemic reform plan, if any, under title III of the Goals 2000: Educate America Act; and

"(ii) the local educational agency's systemic reform plan, if any, under title III of the Goals 2000: Educate America Act; and

"(E) the criteria to be used in selecting students to attend the proposed magnet school projects; and

"(2) assurances that the applicant will—

"(A) use funds under this part for the purposes specified in section 5103;

"(B) employ teachers in the courses of instruction assisted under this part who are certified or licensed by the State to teach the subject matter of the courses of instruction;

"(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

"(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

"(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

"(iii) designing or operating extracurricular activities for students;

"(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

"(E) give students residing in the local attendance area of the proposed magnet school projects equitable consideration for places in those projects.

"(c) SPECIAL RULE.—No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

"PRIORITY

"SEC. 5107.—In approving applications under this part, the Secretary shall give priority to applicants that—

"(1) have the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegregation plan and the projects for which assistance is sought;

"(2) propose to carry out new magnet school projects or significantly revise existing magnet school projects;

"(3) propose to implement innovative educational approaches that are consistent with the State's and the local educational agency's approved systemic reform plans, if any, under title III of the Goals 2000: Educate America Act;

"(4) propose to select students to attend magnet school projects by lottery, rather than through academic examination; and

"(5) propose to draw on comprehensive community plans for educational improvement, school and residential desegregation, and community renewal.

"USE OF FUNDS

"SEC. 5108. (a) USE OF FUNDS.—Grants made under this part may be used by eligible local educational agencies—

"(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

"(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

"(3) for the payment of, or subsidization of the compensation of, elementary and secondary school teachers who are certified or licensed by the State and who are necessary for the conduct of programs in magnet schools; and

"(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

"(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

"(B) further the purposes of this part.

"(b) SPECIAL RULE.—With respect to subsections (a)(2) and (3), such grants may be used by eligible local educational agencies for such activities only if those activities are directly related to improving the students' reading skills or their knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational skills.

"PROHIBITIONS

"SEC. 5109.—Grants under this part may not be used for transportation, or for any activity that does not augment academic improvement.

"LIMITATION ON PAYMENTS

"SEC. 5110. (a) DURATION OF AWARDS.—Awards made under this part shall not exceed four years.

"(b) LIMITATION ON PLANNING FUNDS.—(1) A local educational agency may expend for planning up to 50 percent of the funds received under this part for the first year of the project, 25 percent for the second year of the project, and 10 percent for the third year of the project.

"(2) A local educational agency shall not expend funds under this part for planning after the third year of the project.

"(c) FEDERAL SHARE.—The Federal share of the cost of any project under this part shall not exceed 100 percent for the first and second years of the project, 90 percent for the third year, and 70 percent for the fourth year.

"(d) LIMITAITON ON GRANTS.—No local educational agency shall receive more than $4,000,000 under this part in any one grant cycle.

"(e) AWARD REQUIREMENTS.—To the extent practicable, for any fiscal year, the Secretary shall award grants to local educational agencies under this part no later than June 30 of the applicable fiscal year.

"AUTHORIZATION OF APPROPRIATIONS;
RESERVATION

"SEC. 5111. (a) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—(1) In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds $75,000,000, the Secretary shall, with respect to such excess amount, give priority to grants to local educational agencies that did not receive a grant under this part in the last fiscal year of the funding cycle prior to the fiscal year for which the determination is made.

"(c) EVALUATIONS.—The Secretary may reserve no more than two percent of the funds appropriated under subsection (a) for any fiscal year to carry out evaluations of projects under this part.

"PART B—EQUALIZATION ASSISTANCE

"TECHNICAL AND OTHER ASSISTANCE
REGARDING SCHOOL FINANCE EQUITY

"SEC. 5201. (a) TECHNICAL ASSISTANCE.—(1) The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, State educational agencies and other public and private agencies, institutions, and organizations to provide technical assistance to State and local educational agencies to assist them in achieving a greater degree of equity in the distribution of financial resources for education among local educational agencies in the State.

"(2) ACTIVITIES.—A grant or contract under this section may support technical assistance activities, such as—

"(A) the establishment and operation of a center or centers for the provision of technical assistance to State and local educational agencies;

"(B) the convening of conferences on equalization of resources within local educational agencies, within States, and among States; and

"(C) obtaining advice from experts in the field of school finance equalization.

"(b) RESEARCH.—(1) The Secretary is authorized to carry out applied research and analysis designed to further knowledge and understanding of methods to achieve greater equity in the distribution of financial resources among local educational agencies.

"(2) The Secretary may carry out research under this subsection directly or through grants to, or contracts or cooperative agreements with, any public or private organization.

"(3) In carrying out this section, the Secretary is authorized to—

"(A) support research on the equity of existing State school funding systems;

"(B) train individuals in such research;

"(C) promote the coordination of such research;

"(D) collect and analyze data related to school finance equity in the United States and other nations; and

"(E) report periodically on the progress of States in achieving school finance equity.

"(4) The Secretary shall coordinate activities under this subsection with activities carried out by the Office of Educational Research and Improvement.

"(5) Each State educational agency or local educational agency receiving assistance under this Act shall provide such data and information on school finance as the Secretary may require to carry out the purposes of this section.

"(c) MODELS.—The Secretary is authorized, directly or through grants, contracts, or cooperative agreements, to develop and disseminate models and materials useful to States in planning and implementing revisions of their school finance systems.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"PART C—WOMEN'S EDUCATIONAL EQUITY

"FINDINGS

"SEC. 5301. FINDINGS.—The Congress finds that—

"(1) since the enactment of title IX of the Educational Amendments of 1972, women and girls have made strides in educational achievement and in their ability to avail themselves of educational opportunities.

"(2) because of funding provided under the Women's Educational Equity Act, there are now many more curricula, training and other educational materials concerning educational equity for women and girls available for national dissemination;

"(3) however, significant gender inequities still exist in teaching and learning practices, for example—

"(A) sexual harassment, particularly that experienced by girls, is a significant problem in schools, undermining the ability of schools to provide a safe and equitable learning or workplace environment;

"(B) girls receive significantly less attention from classroom teachers than boys, and girls of color have less interaction with teachers than all other girls;

"(C) educational materials do not sufficiently reflect the experiences, achievements, or concerns of women and, in most cases, are not written by women or persons of color;

"(D) girls do not take as many mathematics and science courses as boys, they lose confidence in their mathematics and science ability as they move through adolescence, there are few women role models in the sciences, and women continue to be concentrated in low-paying, traditionally female jobs that do not require mathematics and science skills; and

"(E) pregnant and parenting teenagers are at high risk for dropping out of school and existing dropout prevention programs do not adequately address this population;

"(4) Federal support should address not only research and development of innovative model curricula and teaching and learning strategies to promote gender equity, but, to the extent feasible, also help schools and local communities implement and institutionalize gender equitable practices;

"(5) Federal assistance for gender equity must be tied to systemic reform, involve collaborative efforts to implement effective gender practices at the local level, and encourage parental participation and

"(6) excellence in education, high educational achievements and standards, and the full participation of women and girls in American society cannot be achieved without educational equity for women and girls.

"STATEMENT OF PURPOSES

"SEC. 5302. The purposes of this part are to—

"(A) promote educational equity for women and girls in the United States and to provide financial assistance to enable educational agencies and institutions to meet the requirements of title IX of the Education Amendments of 1972;

"(B) promote educational equity for women and girls who suffer multiple discrimination, bias, or stereotyping based on gender and on race, ethnic origin, disability, or age; and

"(C) help ensure that all women and girls have equal opportunity to achieve to high educational standards.

"PROGRAM AUTHORIZED

"SEC. 5303. The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, public agencies, private nonprofit agencies, organizations, and institutions, including student and community groups, and individuals, to achieve the purposes of this part by providing support and technical assistance for—

"(1) the implementation of effective gender-equity policies and practices at all educational levels, including—

"(A) assisting educational agencies and institutions to implement policies and practices to comply with title IX of the Education Amendments of 1972, including preventing the sexual harassment of students and employees;

"(B) training for teachers, counselors, administrators, and other school personnel, especially preschool and elementary school personnel, to ensure that gender equity pervades their teaching and learning practices;

"(C) leadership training to allow women and girls to develop professional and marketable skills to compete in the global marketplace, improve self-esteem, and benefit from exposure to positive role models;

"(D) school-to-work transition programs and other programs to increase opportunities for women and girls to enter a technologically demanding workplace and, in particular, to enter highly skilled, high paying careers in which they have been underrepresented;

"(E) enhancing educational and career opportunities for women and girls who suffer multiple forms of discrimination, based on sex and on race, ethnic origin, limited English proficiency, disability, or age; and

"(F) assisting pregnant students and students rearing children to remain in high school, graduate, and prepare their preschool children to start school; and

"(2) research and development designed to advance gender equity nationwide and to help make policies and practices in educational agencies and institutions and local communities gender-equitable, including—

"(A) research and development designed to advance gender equity, including the development of innovative strategies to improve teaching and learning practices;

"(B) the development of high quality and challenging assessment instruments that are free of gender bias;

"(C) the evaluation of curricula, textbooks, and other educational materials to ensure the absence of gender stereotyping and bias;

"(D) the development of instruments and procedures that employ new and innovative strategies to assess whether diverse educational settings are gender equitable;

"(E) the development of new dissemination and replication strategies; and

"(F) updating high quality educational materials previously developed through awards made under this part.

"APPLICATIONS

"SEC. 5304. (a) APPLICATIONS.—(1) A grant may be made, and a contract or cooperative agreement may be entered into, under this part only upon application to the Secretary, at such time, in such form, and containing or accompanied by such information as the Secretary may prescribe.

"(2) Each application shall—

"(A) set forth policies and procedures that will ensure a comprehensive evaluation of the activities carried out under the project, including an evaluation of the practices, policies, and materials used by the applicant and an evaluation or estimate of the continued significance of the work of the project following completion of the award period;

"(B) demonstrate how funds received under this part will be used to promote the attainment of one or more of the National Education Goals set out in title I of the Goals 2000: Educate America Act and support the implementation of State and local plans for systemic reform, if any, approved under title III of such Act;

"(C) demonstrate how the applicant will address perceptions of gender roles based on cultural and linguistic differences or stereotypes;

"(D) describe how funds under this part will be used in a manner that is consistent with and promotes the implementation of State and local programs under the School-to-Work Opportunities Act of 1993;

"(E) for applications for projects under section 5303(1), demonstrate how the applicant will foster partnerships and share resources with State educational agencies, local educational agencies, institutions of higher education, and other recipients of Federal educational funding; and

"(F) for applications for projects under section 5303(1), demonstrate how parental involvement in the project will be encouraged.

"(b) SPECIAL RULE.—In approving applications under this part, the Secretary shall give special consideration to applications—

"(1) submitted by applicants that have not received assistance under this part or under part C of title IX of this Act as in effect prior to October 1, 1988;

"(2) for projects that would contribute significantly to directly improving teaching and learning practices in the local community; and

"(3) for projects that would—

"(A) provide for a comprehensive approach to enhancing gender equity in educational institutions, and agencies; and

"(B) draw on a variety of resources, including local educational agencies, community-based organizations, institutions of higher education, and private organizations.

"(c) LIMITATION.—Nothing in this part shall be construed as prohibiting men and boys from participating in any programs or activities assisted under this part.

"CRITERIA AND PRIORITIES

"SEC. 5305. The Secretary shall establish separate criteria and priorities for awards under sections 5303(1) and (2) of this part to ensure that available funds are used for programs that most effectively will achieve the purposes of this part.

"REPORT

"SEC. 5306. The Secretary shall, by January 1, 1999, submit to the President and the Congress a report on the status of educational equity for girls and women in the Nation.

"EVALUATION AND DISSEMINATION

"SEC. 5307. (a) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate and disseminate materials and programs developed under this part.

"(b) USE OF PROGRAM FUNDS.—The Secretary is authorized to use funds appropriated under section 5308 to gather and disseminate information about emerging issues concerning gender equity and, if necessary, to convene meetings for this purpose.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 5308. For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"TITLE VI—INDIAN EDUCATION

"FINDINGS

"SEC. 6001. The Congress finds that—

"(1) the Federal Government has a special responsibility to ensure that educational programs for all American Indian and Alaska Native children and adults—

"(A) are based on high-quality, internationally competitive content and student performance standards and build on Indian culture and the Indian community; and

"(B) assist local educational agencies, Indian tribes, and others in providing Indian students the opportunity to learn to those standards;

"(2) since enactment of the original Indian Education Act in 1972, Indian parents have become significantly more involved in the planning, development, and implementation of educational programs that affect them and their children, and schools should continue to foster this involvement;

"(3) although the numbers of Indian teachers, administrators, and university professors have increased since 1972, teacher training programs are not recruiting, training, or retraining sufficient numbers of Indian persons as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education;

"(4) the dropout rate for Indian students is unacceptably high; for example, nine percent of Indian students who were 8th graders in 1988 had already dropped out of school by 1990;

"(5) from 1980 to 1990, the percentage of Indian persons living in poverty increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and families; and

"(6) research related specifically to the education of Indian children and adults is very limited, and much of it is poor in quality or focused on limited local or regional issues.

"PURPOSE

"SEC. 6002. It is the purpose of this title to support the efforts of local educational agencies, Indian tribes and organizations, State educational agencies, postsecondary institutions, and other entities to meet the unique educational needs of American Indians and Alaska Natives, so that they can achieve to the same challenging State performance standards expected of all students.

"(2) This title carries out this purpose by authorizing programs of direct assistance for—

"(A) the education of Indian children and adults;

"(B) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

"(C) research, evaluation, data collection, and technical assistance.

"PART A—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

"PURPOSE

"SEC. 6101. It is the purpose of this part to support local educational agencies in their efforts to reform elementary and secondary school programs that serve Indian students, in order to ensure that those programs—

"(1) are based on challenging State content and student performance standards that are used for all students; and

"(2) are designed to assist Indian students meet those standards and assist the Nation in reaching the National Education Goals.

"GRANTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 6102. A local educational agency is eligible for a grant under this part for any fiscal year if the number of Indian children who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

"(1) was at least 20; or

"(2) constituted at least 25 percent of the agency's total enrollment.

"AMOUNT OF GRANTS

"SEC. 6103. (a) AMOUNT OF GRANTS.—(1) The Secretary is authorized to allocate to each local educational agency whose application has been approved under this part an amount equal to the product of—

"(A) the number of Indian children described in section 6102; and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which the agency is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) The Secretary shall reduce the amount of each allocation determined under paragraph (1) in accordance with subsection (e) of this section.

"(b) MINIMUM GRANT AMOUNT.—The Secretary shall not make any grant to a local educational agency if the amount determined under subsection (a) is less than $4,000, except that the Secretary may make a grant to a consortium of local educational agencies, one or more of which does not qualify for such a minimum award, if—

"(1) the total amount so determined for those agencies is at least $4,000;

"(2) those agencies, in the aggregate, meet the eligibility requirement of either section 6102(1) or 6102(2); and

"(3) the Secretary determines that such a grant would be effectively used to carry out the purpose of this part.

"(c) DEFINITION.—For the purpose of this section, the average per-pupil expenditure of a State is determined by dividing—

"(1) the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; by

"(2) the aggregate number of children who were in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

"(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—(1) In addition to the grants determined under subsection (a), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

"(A) the total number of Indian children enrolled in schools that are operated by—

"(i) the Bureau of Indian Affairs; or

"(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act (25 U.S.C. 450f et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.); and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which the school is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) The Secretary shall transfer the amount determined under paragraph (1), reduced as may be necessary under subsection (e), to the Secretary of the Interior in accordance with, and subject to, section 9205 of this Act.

"(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year under section 6602(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

"APPLICATIONS

"SEC. 6104. (a) GENERAL.—Any local educational agency that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(b) COMPREHENSIVE PLAN REQUIRED.—Each such application shall include a comprehensive plan for meeting the needs of Indian children in the local educational agency, including their language and cultural needs, that—

"(1)(A) is consistent with, and promotes the goals in, the State and local plans, either approved or being developed, under title III of the Goals 2000: Educate America Act or, if those plans are not approved or being developed, with the State and local plans under sections 1111 and 1112 of this Act; and

"(B) includes academic content and student performance goals for those children, and benchmarks for attaining them, that are based on the challenging State standards adopted under title III of the Goals 2000: Educate America Act or under title I of this Act for all children;

"(2) explains how Federal, State, and local programs, especially under title I of this Act, will meet the needs of those students;

"(3) demonstrates how funds under this part will be used for activities authorized by section 6106;

"(4) describes the professional development to be provided, as needed, to ensure that—

"(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

"(B) all teachers who will be involved in the project have been properly trained to carry it out; and

"(5) described how the agency—

"(A) will periodically assess the progress of all Indian children in its schools, including those not participating in programs under this part, in meeting the goals described in paragraph (1);

"(B) will provide the results of that assessment to the parent committee described in subsection (c)(8) and to the community served by the agency; and

"(C) in responding to findings of any previous such assessments.

"(c) ASSURANCES.—Each such application shall also include assurances that—

"(1) the local educational agency will use funds received under this part only to supplement the level of funds that, in the absence of such Federal funds, the agency would make available for the education of Indian children, and not to supplant such funds;

"(2) the local educational agency will submit such reports to the Secretary, in such form and containing such information, as the Secretary may require to—

"(A) carry out the Secretary's functions under this part; and

"(B) determine the extent to which funds provided under this part have been effective in improving the educational achievement of Indian students in the local educational agency;

"(3) the program for which assistance is sought will use the best available talents and resources, including persons from the Indian community;

"(4) the local educational agency has developed the program in open consultation with parents of Indian children, teachers, and, where appropriate, secondary school Indian students, including holding public hearings at which these persons have had a full opportunity to understand the program and to offer recommendations on it;

"(5) the local educational agency has developed the program with the participation and written approval of a committee—

"(A) that is composed of, and selected by, parents of Indian children in the local educational agency's schools, teachers, and, where appropriate, secondary school Indian students; and

"(B) of which at least half the members are parents described in subparagraph (A); and

"(6) the parent committee described in paragraph (5) will adopt and abide by reasonable bylaws for the conduct of the activities of the committee.

"(d) STATE EDUCATIONAL AGENCY REVIEW.—(1) Before submitting its application to the Secretary, the local educational agency shall obtain comments on the application from the State educational agency.

"(2) The local educational agency shall send the State educational agency's comments to the Secretary with its application.

"AUTHORIZED SERVICES AND ACTIVITIES

"SEC. 6105. (a) GENERAL REQUIREMENTS. Each local educational agency that receives a grant under this part shall use the grant funds for services and activities, consistent with the purpose of this part, that—

"(1) are designed to carry out its comprehensive plan for Indian students, described in its application under section 6104(b);

"(2) are designed with special regard for the language and cultural needs of those students; and

"(3) supplement and enrich the regular school program.

"(b) PARTICULAR ACTIVITIES.—Such services and activities include, but are not limited to—

"(1) early childhood and family programs that emphasize school readiness;

"(2) enrichment programs that focus on problem-solving and cognitive skills development and that directly support the attainment of challenging State content and student performance standards;

"(3) integrated educational services in combination with other programs meeting similar needs;

"(4) school-to-work transition activities to enable Indian students to participate in programs such as those supported by the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, including tech-prep programs;

"(5) prevention of, and education about, substance abuse; and

"(6) acquisition of equipment, but only if it is essential to meet the purpose of this part.

"(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of this part, a local educational agency may use funds it receives under this part to support a schoolwide program under section 1114 of title I of this Act, in accordance with such section, if the Secretary determines that the local educational agency has made adequate provision for the participation of Indian children, and the involvement of Indian parents, in such project.

"STUDENT ELIGIBILITY FORMS

"SEC. 6106. Each local educational agency that applies for a grant under this part shall maintain in its files a form, prescribed by the Secretary, for each Indian child described in section 6102, which shall contain at least—

"(1) the child's name;

"(2) the name of the Indian tribe or band of Indians in which membership is claimed; and

"(3) the parent's signature.

"PAYMENTS

"SEC. 6107. (a) GENERAL.—The Secretary shall pay each local educational agency with an application approved under this part the amount determined under section 6103, subject to subsections (b) and (c) of this section.

"(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary shall not make a grant under this part for any fiscal year to any local educational agency in a State that has taken into consideration payments under this part (or under subpart 1 of the Indian Education Act of 1988) in determining the eligibility of the local educational agency for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

"(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—(1) The Secretary shall not pay any local educational agency the full amount determined under section 6103 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that the combined fiscal effort of that local agency and the State with respect to the provision of free public education by that local agency for the preceding fiscal year, computed on either a per-student or aggregate expenditure basis, was at least 90 percent of such combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

"(2) If the Secretary determines for any fiscal year that a local educational agency failed to maintain its fiscal effort at the 90 percent level required by paragraph (1), the Secretary shall—

"(A) reduce the amount of the grant that would otherwise be made to the agency under this part in the exact proportion of that agency's failure to maintain its fiscal effort at that level; and

"(B) not use the reduced amount of the agency's expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

"(3)(A) The Secretary may waive the requirement of paragraph (1), for not more than one year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

"(B) The Secretary shall not use the reduced amount of such agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.

"(d) REALLOCATIONS.—The Secretary may reallocate, in the manner the Secretary determines will best carry out the purpose of this part, any amounts that—

"(1) based on estimates by local educational agencies or other information, will not be needed by those agencies to carry out their approved projects under this part; or

"(2) otherwise become available for reallocation under this part.

"PART B—DISCRETIONARY PROGRAMS TO IMPROVE EDUCATIONAL ACHIEVEMENT OF INDIAN CHILDREN

"GRANTS TO INDIAN-CONTROLLED SCHOOLS

"SEC. 6201. (a) PURPOSE. It is the purpose of this section to support Indian-controlled schools by providing assistance to—

"(1) help Indian-controlled schools get started and established; and

"(2) pay for supplemental services that will—

"(A) enable Indian students to meet the same challenging State performance standards that all students will be expected to meet; and

"(B) assist the Nation in reaching the National Education Goals.

"(b) ELIGIBLE APPLICANTS.—Indian tribes and Indian organizations may apply under this section for grants for schools for Indian children.

"(c) PRIORITY.—(1) In making grants under this section, the Secretary shall give priority to applicants that are—

"(A) starting new schools with the approval of the Bureau of Indian Affairs; or

"(B) in the process of gaining control over a school operated by the Bureau of Indian Affairs.

"(2) To qualify for the priority under paragraph (1), an applicant must demonstrate to the Secretary's satisfaction that the school for which assistance is sought will—

"(A) receive funds under the Indian school equalization program established under the Education Amendments of 1978 within three years of the beginning of its proposed project; and

"(B) have been under the control of the applicant for less than three years as of the beginning of its proposed project.

"(d) AUTHORIZED ACTIVITIES.—(1) Recipients of grants under this section shall use grant funds to carry out projects and activities that meet the purpose of this section.

"(2) Such activities include, but are not limited to—

"(A) student assessments;

"(B) curriculum development;

"(C) staff development; and

"(D) community orientation.

"DEMONSTRATION GRANTS

"SEC. 6202. (a) PURPOSE; COORDINATION.—(1) It is the purpose of this section to support projects that are designed to develop, test, and demonstrate the effectiveness of services and programs to improve educational achievement of Indian children.

"(2) The Secretary shall ensure that projects under this section are coordinated with projects under other provisions of this Act.

"(b) ELIGIBLE APPLICANTS.—State educational agencies, local educational agencies, Indian tribes, Indian organizations, and institutions of higher education, including Indian institutions of higher education, may apply for grants under this section.

"(c) AUTHORIZED PROJECTS AND ACTIVITIES.—Recipients of grants under this section shall use the grant funds to carry out projects and activities that meet the purpose of this section, such as—

"(1) instruction to raise the achievement of Indian children in one or more of the core curriculum areas of English, mathematics, science, foreign languages, arts, history, and geography;

"(2) programs designed to reduce the incidence of students dropping out of school and to increase the rate of high school graduation;

"(3) partnership projects between local educational agencies and institutions of higher education that allow high school students to enroll in courses at the postsecondary level to aid them in the transition from high school to postsecondary education;

"(4) partnership projects between schools and local businesses for school-to-work transition programs designed to provide Indian youth with the knowledge and skills they need to make an effective transition from school to a first job in a high-skill, high-wage career;

"(5) family-based preschool programs that emphasize school readiness and parenting skills;

"(6) programs designed to encourage and assist Indian students to work toward, and gain entrance into, institutions of higher education; and

"(7) programs to meet the needs of gifted and talented Indian students.

"(d) APPLICATIONS.—(1) Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(2) Each such application shall contain—

"(A) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the project for which assistance is sought;

"(B) an assurance that the applicant will participate, at the request of the Secretary, in any national evaluation of projects under this section; and

"(C) such other assurances and information as the Secretary may require.

"PART C—PROFESSIONAL DEVELOPMENT AND ADULT EDUCATION PROGRAMS

"PROFESSIONAL DEVELOPMENT

"SEC. 6301. (a) PURPOSE.—The purpose of this section is to increase the number of qualified Indian persons in professions serving Indian people.

"(b) ELIGIBLE APPLICANTS.—Eligible applicants under this section are—

"(1) institutions of higher education, including Indian institutions of higher education;

"(2) State and local educational agencies, in consortium with institutions of higher education; and

"(3) Indian tribes and Indian organizations, in consortium with institutions of higher education.

"(c) AUTHORIZED PROJECTS AND ACTIVITIES.—(1) Each recipient of a grant under this section shall use the grant funds to provide training to Indian persons, consistent with the purpose of this section.

"(2)(A) For teachers, counselors, and other education professionals, such training shall consist of pre-service or inservice professional development.

"(B) For those being trained in other fields, such training shall be in programs that result in graduate degrees.

"(d) ALLOCATION OF FUNDS.—The Secretary shall ensure that at least 50 percent of the sums appropriated to carry out this section for any fiscal year are used for training of educational personnel under subsection (c)(2)(A).

"(e) PROJECT PERIOD.—The project for each project approved under this section shall be up to five years.

"(f) SERVICE OBLIGATION.—The Secretary may, by regulation, require that individuals who receive training under this section perform related work following that training or repay all or part of the cost of the training.

"ADULT EDUCATION

"SEC. 6302. (a) PURPOSE.—The purpose of this section is to improve educational and employment opportunities for Indian adults who lack the level of literacy skills, quantitative skills, and knowledge that they need to enjoy more fully the benefits and responsibilities of effective citizenship and productive employment by supporting projects that—

"(1) provide them sufficient high-quality education to enable them to benefit from job training and retraining programs and to obtain and retain productive employment; and

"(2) enable Indian adults who so desire to continue their education through the high school level and beyond.

"(b) ELIGIBLE APPLICANTS.—Indian tribes, Indian organizations, Indian institutions of higher education, and other public and nonprofit private agencies and organizations may apply for grants under this section.

"(c) PROGRAM REQUIREMENTS.—Each recipient of a grant under this section shall—

"(1) provide adult education, as defined in section 6601(2), to Indian adults in a manner that supplements State funds expended for adult education for Indian adults;

"(2) coordinate its project with other adult education programs, if any, in the same geographic area, including programs funded under the Adult Education Act and programs operated or funded by the Bureau of Indian Affairs; and

"(3) collect, evaluate, and report on data concerning such matters as the Secretary may require, including the number of participants, the effect of the project on the subsequent work experience of participants, the progress of participants in achieving literacy, and the number of participants who pass high school equivalency examinations.

"PART D—NATIONAL ACTIVITIES AND GRANT TO STATES

"NATIONAL ACTIVITIES

"SEC. 6401. (a) AUTHORIZED ACTIVITIES.—From funds appropriated for any fiscal year to carry out this section, the Secretary may—

"(1) conduct research related to effective approaches to the education of Indian children and adults;

"(2) evaluate federally assisted education programs from which Indian children and adults may benefit;

"(3) collect and analyze data on the educational status and needs of Indians; and

"(4) carry out other activities consistent with the purpose of this Act.

"(b) ELIGIBILITY.—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with, Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

"GRANTS TO STATES

"SEC. 6402. (a) PURPOSE.—The purpose of this section is to assist States in implementing comprehensive, Statewide strategies for providing Indian children and adults with greater opportunities to meet challenging State standards.

"(b) ELIGIBILITY.—Each State is eligible for a grant under this section if it has a State plan for education reform in the State that—

"(1) in the Secretary's judgment, effectively provides for the education of Indian children and adults; and

"(2)(A) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; or

"(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act.

"(c) GRANT AMOUNTS.—(1) From funds appropriated to carry out this section, the Secretary shall make a grant to each State educational agency in an eligible State whose application for assistance under this section has been approved.

"(2)(A) The Secretary is authorized to determine the amount of each such grant on the basis of—

"(i) the number of Indian individuals in the State, as determined on the basis of the most recent available data satisfactory to the Secretary;

"(ii) the comprehensiveness and quality of the State's plan;

"(iii) the State's commitment to high-quality education programs for Indian children and adults; and

"(iv) other factors that the Secretary finds appropriate.

"(B) Notwithstanding subparagraph (A), no grant under this section shall be in an amount less than the greater of—

"(i) $50,000; or

"(ii) five percent of the total amount paid to local educational agencies in the State for that fiscal year under part A of this title.

"(d) AUTHORIZED ACTIVITIES.—Each State that receives a grant under this section shall use the grant funds for activities to meet the purpose of this section, including—

"(1) reviewing local educational agency applications under part A of this title;

"(2) collecting data;

"(3) providing technical assistance to local educational agencies;

"(4) measuring the achievement of Indian students against the standards set out in the State's plan described in subsection (b); and

"(5) carrying out other activities and providing other services designed to build the capacity of the State to serve the educational needs of Indian children and adults.

"(e) APPLICATIONS.—Each State that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, including an assurance that the State will submit to the Secretary, every two years, a report on its activities under this section containing such data and other information as the Secretary may require.

"PART E—FEDERAL ADMINISTRATION

"OFFICE OF INDIAN EDUCATION

"SEC. 6501. (a) OFFICE OF INDIAN EDUCATION.—There shall be an Office of Indian Education (hereafter in this section referred to as "the Office") in the Department of Education.

"(b) DIRECTOR.—(1) The Office shall be under the direction of the Director, who shall be appointed by the Secretary and who shall report directly to the Assistant Secretary for Elementary and Secondary Education.

"(2) The Director shall—

"(A) be responsible for administering this title;

"(B) be involved in, and be primarily responsible for, the development of all policies affecting Indian children and adults under programs administered by the Office of Elementary and Secondary Education; and

"(C) coordinate the development of policy and practice for all programs in the Department relating to Indian persons.

"(3) The Director of the Office shall be a member of the career Senior Executive Service.

"(c) INDIAN PREFERENCE IN EMPLOYMENT.—(1) The Secretary shall give a preference to Indian persons in all personnel actions in the Office.

"(2) Such preference shall be implemented in the same fashion as the preference given to any veteran under section 2609 of the Revised Statutes, section 45 of title 25, United States Code.

"NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

"SEC. 6502. (a) MEMBERSHIP.—There shall be a National Advisory Council on Indian Education (hereafter in this section referred to as "the Council"), which shall—

"(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

"(2) represent different geographic areas of the country.

"(b) DUTIES.—The Council shall—

"(1) advise the Secretary on the funding and administration, including the development of regulations and of administrative policies and practices, of any program, including programs under this title, for which the Secretary is responsible and in which Indian children or adults participate or from which they can benefit;

"(2) make recommendations to the Secretary for filling the Director's position whenever a vacancy occurs in that position; and

"(3) submit to the Congress, by June 30 of each year, a report on the activities, which shall include—

"(A) any recommendations it finds appropriate for the improvement of Federal education programs in which Indian children or adults participate, or from which they can benefit; and

"(B) its recommendations with respect to the funding of any such programs.

"PEER REVIEW

"SEC. 6503. In reviewing applications under parts B, C, and D of this title, the Secretary may use a peer review process.

"PREFERENCE FOR INDIAN APPLICANTS

"SEC. 6504. In making grants under parts B and C of this title, the Secretary shall give a preference to Indian tribes, Indian organizations, and Indian institutions of higher education under any program for which they are eligible to apply.

"MINIMUM GRANT CRITERIA

"SEC. 6505. In making grants under parts B and C of this title, the Secretary shall approve only projects that are—

"(1) of sufficient size, scope, and quality to achieve the purpose of the section under which assistance is sought; and

"(2) based on relevant research findings.

"PART F—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

"DEFINITIONS

"SEC. 6601. The following definitions apply to terms as used in this title:

"(1) The term 'adult' means an individual who is either—

"(A) at least 16 years old; or

"(B) beyond the age of compulsory school attendance under State law.

"(2) The term 'adult education' has the meaning given that term in section 312(2) of the Adult Education Act.

"(3) The term 'free public education' means education that is—

"(A) provided at public expense, under public supervision and direction, and without tuition charge; and

"(B) provided as elementary or secondary education in the applicable State or to preschool children.

"(4) The term 'Indian' means an individual who is—

"(A) a member of an Indian tribe or band, as membership is defined by the tribe or bank, including—

"(i) tribes and bands terminated since 1940; and

"(ii) tribes and banks recognized by the State in which they reside;

"(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

"(C) considered by the Secretary of the Interior to be an Indian for any purpose; or

"(D) an Eskimo, Aleut, or other Alaska Native.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 6602. (a) PART A.—For the purpose of carrying out part A of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(b) PARTS B THROUGH D.—For the purpose of carrying out parts, B, C, and D of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(c) PART E.—For the purpose of carrying out part E of this title, including section 6502, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"TITLE VII—BILINGUAL EDUCATION PROGRAMS

"FINDINGS

"SEC. 7001. The Congress finds that—

"(1) there are large and growing numbers of children and youth of limited English proficiency, many of whom have a cultural heritage that differs from that of their English proficient peers;

"(2) limited English proficient children and youth face a number of challenges in receiving an education that will enable them to participate fully in American society, including segregated education programs; disproportionate and improper placement in special education and other special programs due to the use of inappropriate evaluation procedures; the limited English proficiency of their own parents, which hinders the parents' ability to fully participate in the education of their children; a shortage of teachers and educational personnel who are professionally trained and qualified to serve them;

"(3) the Federal government, as exemplified by title VI of the Civil Rights Act of 1964 and section 204(f) of the Equal Education Opportunities Act of 1974, has a special and continuing obligation to ensure that States and local school districts take appropriate action to provide equal educational opportunities to children and youth of limited English proficiency;

"(4) The Federal government also, as exemplified by its efforts under this title, has a special and continuing obligation to assist States and local school districts in developing the capacity to provide programs of instruction that offer limited English proficient children and youth an equal educational opportunity;

"(5) in carrying out its responsibilities with respect to ensuring equal educational opportunity for children and youth of limited English proficiency, the Federal government has learned that—

"(A) large numbers of these children and youth have needs that must be met by a program of instruction designed specifically for them;

"(B) a primary purpose of such programs must be developing the English language skills of such children and youth;

"(C) the use of a child or youth's native language and culture in classroom instruction can promote self-esteem and contribute to academic achievement and learning English by limited English proficient children and youth; benefit English proficient children and youth who also participate in such programs; and develop our national language resources, thus promoting the nation's competitiveness in the global economy;

"(D) parent and community participation in bilingual education programs contributes to programs effectiveness; and

"(E) research, evaluation, and data-collection capabilities in the field or bilingual education need to be strengthened so that educators can better identify and promote those programs, program implementation strategies, and instructional practices that result in effective education; and

"(6) providing the educational services that prepare newly immigrated children and youth for full participation in American society and to achieve challenging State performance standards is a significant problem for a number of local educational agencies. Supplementary Federal assistance can help such agencies meet their responsibilities.

"POLICY; AUTHORIZATION OF APPROPRIATIONS

"SEC. 7002. (a) POLICY.—The Congress declares it to be the policy of the United States, in order to ensure equal educational opportunity for all children and youth and to promote educational excellence, to assist State and local educational agencies to build their capacity to establish, implement, and sustain programs of instruction for children and youth of limited English proficiency that—

"(1) develop their English and, to the extent possible, their native language skills;

"(2) educate such children and youth to meet the same rigorous standards for academic performance expected of all children and youth, including meeting challenging State performance standards in academic areas; and

"(3) develop bilingual skills and multi-cultural understanding.

"(b) AUTHORIZATION OF APPROPRIATIONS.—(1) For the purpose of carrying out this title, except for part D, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(2) For the purpose of carrying out part D of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"DEFINITIONS

"SEC. 7003. (a) DEFINITIONS.—For the purpose of this title:

"(1)(A) The term 'bilingual education program'—

"(i) means a program of instruction designed specifically for children and youth of limited English proficiency at any grade level, including the preschool, elementary, or secondary school levels, that is intended to help them develop proficiency in the English and, to the extent possible, the native language and achieve to high academic standards in all courses of study; and

"(ii) may include activities to assist the parents of such children and youth enrolled in bilingual education programs to participate in the education of their children.

"(B)(i) A bilingual education program may be conducted in English, the native language, or both languages, except that all bilingual education programs must develop proficiency in the English language. The native language may be used in the instructional program to facilitate the acquisition of English; to develop overall linguistic competence; and to develop competence in the academic curriculum.

"(ii) A bilingual education program must, to the extent possible, incorporate the cultural heritage of the children or youth of limited English proficiency served by the program, as well as the cultural heritage of other children in American society.

"(C) Children and youth proficient in English may participate in a bilingual education program so long as the primary purpose of the program is to benefit children and youth of limited English proficiency.

"(2) The term 'children and youth' means individuals aged three through twenty-one.

"(3) The term 'Director' means the Director of the Office of Bilingual Education and Minority Languages Affairs established under section 210 of the Department of Education Organization Act.

"(4) The term .'immigrant children and youth' means individuals who—

"(A) are aged three through twenty-one;

"(B) were not born in any State; and

"(C) have not been attending one or more schools in any one or more States for more than 12 months.

"(5) The terms 'limited English proficiency' and 'limited English proficient', when used with reference to an individual, mean an individual—

"(A) who—

"(i) was not born in the United States or whose native language is a language other than English;

"(ii) comes from an environment where a language other than English is dominant; or

"(iii) is an American Indian or Alaska Native and comes from an environment where a language other than English has had a significant impact on his or her level of English language proficiency; and

"(B) who, by reason thereof, has sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

"(6) The term 'native language', when used with reference to an individual of limited English proficiency, means the language normally used by such individual, or in the case of a child or youth, the language normally used by the parents of the child or youth.

"(7) The term 'other programs for persons of limited English proficiency' means any programs administered by the Secretary that directly involve bilingual education activities serving persons of limited English proficiency.

"INDIAN CHILDREN IN SCHOOL

"SEC. 7004. (a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this title for individuals served by elementary and secondary schools operated predominately for Indian or Alaska Native children and youth, an Indian tribe, a tribally sanctioned educational authority, or an elementary or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency as such term is used in this title, subject to the following qualifications:

"(1) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*), that is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) The term 'tribally sanctioned educational authority' means—

"(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

"(B) any nonprofit institution or organization that is—

"(i) chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee the delivery of educational services to members of that tribe; and

"(ii) approved by the Secretary for the purpose of this section.

"PART A—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION

"FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION

"SEC. 7101. (a) PURPOSE.—The purpose of this part is to assist local educational agencies, through the grants authorized by subsections (b), (c), and (d), to—

"(1) develop and enhance their capacity to provide high-quality instruction to children and youth of limited English proficiency; and

"(2) to help such children and youth—

"(A) develop proficiency in English, and to the extent possible, their native language; and

"(B) meet the same challenging State performance standards expected for all children and youth as required by section 1111(b) of this Act.

"(b) ENHANCEMENT GRANTS.—(1) The Secretary is authorized to make grants to local educational agencies to—

"(A) develop new bilingual education programs;

"(B) enhance or expand existing bilingual education programs to meet new conditions, such as the need to serve additional language groups or different age or grade levels; and

"(C) meet the short-term needs of local educational agencies without bilingual education programs to serve children and youth of limited English proficiency.

"(2) Grants awarded under this subsection shall be for a period of up to two years.

"(c) COMPREHENSIVE SCHOOL GRANTS.—(1) The Secretary is authorized to make grants to local educational agencies for the purpose of implementing school-wide bilingual education programs that serve children and youth of limited English proficiency in schools with significant concentrations of such children and youth.

"(2) Grants awarded under this subsection shall be for a period of up to five years.

"(d) COMPREHENSIVE DISTRICT GRANTS.—(1) The Secretary is authorized to make grants to local educational agencies for the purpose of implementing district-wide bilingual education programs that serve children and youth of limited English proficiency in districts with significant concentrations of such children and youth.

"(2) Grants awarded under this subsection shall be for a period of up to five years.

"(e) USE OF FUNDS.—(1) Recipients may use funds for programs authorized by subsections (b), (c), and (d) for—

"(A) identification and acquisition of curricular materials, educational software, and technologies to advance the education of children and youth of limited English proficiency;

"(B) parent outreach and training activities designed to assist parents to become active participants in the education of their children;

"(C) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to children and youth of limited English proficiency;

"(D) tutorials and academic or career counseling for children and youth of limited English proficiency; and

"(E) such other activities, related to the purposes of this part, as the Secretary may approve.

"(2) Recipients of awards under subsections (c) and (d) may—

"(A) use such funds for pre-service and in-service professional development of staff participating, or preparing to participate, in the program, including those who will not directly participate in the bilingual instructional program, if such activities are directly related to serving children and youth of limited English proficiency and will help accomplish the purposes of this title; and

"(B) during the first 12 months of such a grant, engage exclusively in activities preparatory to the delivery of services, which may include program design, the development of materials and procedures, and activities to involve parents in the educational program and to enable parents and family members to assist in the education of children and youth of limited English proficiency.

"(f) GEOGRAPHIC DISTRIBUTION OF FUNDS.—To the extent possible, the Secretary shall award funds under this section throughout the nation in a manner that reflects the geographic distribution of children and youth of limited English proficiency.

"(g) APPLICATIONS.—(1) Any local educational agency desiring to receive a grant under this section shall submit, through its State educational agency, an application to the Secretary, in such form, at such time, and containing such information and assurances as the Secretary may require.

"(2) Each application shall—

"(A) describe—

"(i) the need for the proposed program, including data on the number of the children and youth of limited English proficiency in the school or district to be served and their characteristics, such as language spoken, dropout rates, proficiency in English and the native language, academic standing in relation to their English proficient peers, and, where applicable, the recency of immigration; and

"(ii) the program to be implemented and how its design—

"(I) relates to the linguistic and academic needs of the children and youth of limited English proficiency to be served; and

"(II) is consistent with, and promotes the goals in, its plan under title III of the Goals 2000: Educate America Act, if such plan exists, and its plan under section 1112 of this Act, particularly as those plans relate to the education of children and youth of limited English proficiency; and

"(B) provide an assurance that the applicant will not reduce the level of State and local funds that it expends for bilingual education programs if it receives an award under this part.

"(3) Each application for a grant under subsections (c) or (d) shall also—

"(A) describe—

"(i) current services the applicant provides to children and youth of limited English proficiency;

"(ii) what services children and youth of limited English proficiency would receive under the grant that they would not otherwise receive;

"(iii) how funds received under this part will be integrated with all other Federal, State, local, and private resources that may be used to service children and youth of limited English proficiency; and

"(iv) specific achievement and school retention goals for the children and youth to be served by the proposed program and how progress toward achieving such goals will be measured; and

"(B) provide assurances that—

"(i) the program funded will—

"(I) serve all (or virtually all) of the children and youth of limited English proficiency in a school participating in a program under subsection (c); or

"(II) serve a significant number of the children and youth of limited English proficiency in the district participating in a program under subsection (d);

"(ii) the program funded will be integrated with the overall educational program; and

"(iii) the application has been developed in consultation with an advisory council, the majority of whose members are parents and other representatives of the children and youth to be served in such programs.

"(h) LIMITATION ON FUNDING.—(1) No more than 25 percent of the total amount of funds that the Secretary awards under subsection (b) for any fiscal year shall be used to fund bilingual education programs that do not use the native language.

"(2) No more than 25 percent of the total amount of funds that the Secretary awards under subsection (c) for any fiscal year shall be used to fund bilingual education programs that do not use the native language.

"(i) STATE REVIEW OF APPLICATIONS UNDER PARTS A.—In order for an eligible applicant to apply for funds under this part, its State educational agency shall review such application for funds and provide the Secretary with timely comments on the need within the State for the proposed program and whether the proposed program is consistent with the State's plan, either approved or being developed, under title III of Goals 2000: Educate America Act, or, if the State does not have an approved plan under title III of Goals 2000: Educate America Act and is not developing such a plan, with the State plan under section 1111 of this Act.

"(j) CAPACITY BUILDING.—(1) Each recipient of a grant under this section shall use its grant in ways that will build its capacity to continue to offer high quality bilingual education programs and services to children and youth of limited English proficiency once Federal assistance is reduced or eliminated.

"(2) In making awards under this part for any fiscal year, the Secretary shall, consistent with the quality of applications and the funds available under this part, increase the amount of funds used to support grants under subsections (c) and (d) over the amount allotted to subsections (c) and (d) in the previous fiscal year.

"(k) CONSORTIA.—A local educational agency that receives a grant under this part may collaborate or form a consortium with one or more local education agencies, institutions of higher education, and non-profit organizations to carry out the approved program.

"(l) SUBGRANTS.—A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a non-profit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

"(m) PARENTAL NOTIFICATION.—(1) Parents of a child or youth of limited English proficiency identified for enrollment in bilingual education programs shall be informed of the—

"(A) benefits and nature of the bilingual educational program and of the instructional alternatives; and

"(B) reasons for the selection of their child as being in need of bilingual education.

"(2)(A) Parents shall also be informed that they have the option of declining enrollment of their children in such programs and shall be given an opportunity to do so if they so choose.

"(B) Local educational agencies are not relieved of any of their obligations under title VI of the Civil Rights Act of 1964 because parents choose not to enroll their children in bilingual education programs.

"(3) Parents must receive, in a manner and form understandable to them, including, if necessary and to the extent feasible, in their native language, the information required by this subsection. At a minimum, parents must receive—

"(A) timely information about projects funded under this part; and

"(B) if the parents of participating children so desire, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.

"(n) PROGRAMS IN PUERTO RICO.—Programs authorized under this section in the Commonwealth of Puerto Rico may, notwithstanding any other provision of this title, include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for children and youth of limited Spanish proficiency.

"PART B—RESEARCH AND EVALUATION

"USE OF FUNDS

"SEC. 7201. The Secretary is authorized to conduct data collection, dissemination, research, and evaluation activities for the purpose of improving bilingual education programs for children and youth of limited English proficiency.

"RESEARCH

"SEC. 7202. (a) AWARDS.—The Secretary may make grants and award contracts and cooperative agreements for research and evaluation activities related to improving and maintaining high quality bilingual educational programs for persons of limited English proficiency.

"(b) CONSULTATION.—The Secretary shall consult with agencies and organizations that are engaged in bilingual education research and practice, or related research, and bilingual education researchers and practitioners to identify areas of study and activities to be funded under this section.

"ACADEMIC EXCELLENCE AWARDS

"SEC. 7203. (a) AWARDS.—The Secretary may make grants to, and enter into contracts and cooperative agreements with, State and local educational agencies, nonprofit organizations, and institutions of higher education to promote the adoption and implementation of bilingual education programs that demonstrate great promise of assisting children and youth of limited English proficiency to meet challenging State standards.

"(b) APPLICATIONS.—(1) An entity desiring to receive an award under this section shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

"(2) The Secretary shall use a peer review process, using effectiveness criteria that the Secretary shall establish, to review applications under this section.

"(c) USE OF FUNDS.—Funds under this section shall be used to enhance the capacity of States and local education agencies to provide high quality academic programs for children and youth of limited English proficiency, which may include—

"(1) completing the development of such programs;

"(2) professional development of staff participating in bilingual education programs;

"(3) sharing strategies and materials; and

"(4) supporting professional networks.

"(d) COORDINATION.—Recipients of funds under this section shall coordinate their activities with those carried out by comprehensive regional centers under section 2205 of this Act.

"STATE GRANT PROGRAM

"SEC. 7204. (a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that its approved plan under title III of Goals 2000: Educate America Act (by amendment, if necessary), if such plan exists, or, if such plan does not exist, its plan under section 1111 of this Act, effectively provides for the education of children and youth of limited English proficiency within the State.

"(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not exceed 10 percent of the total amount awarded to local educational agencies within the State under part A of this title for the previous fiscal year.

"(c) USE OF FUNDS.—(1) A State educational agency may use funds for programs authorized by this section to—

"(A) assist local educational agencies in the State with program design, capacity building, assessment of student performance, and program evaluation;

"(B) operate a bilingual education advisory panel under subsection (d); and

"(C) collect data concerning children and youth of limited English proficiency.

"(2) Recipients of awards under this section shall not restrict the provision of services under this section to federally-funded programs.

"(d) STATE BILINGUAL EDUCATION ADVISORY PANEL.—Each State educational agency that receives funds under this section shall appoint a broad-based bilingual education advisory panel, with substantial representation from persons knowledgeable about the education of limited English proficient students, to develop and recommend to the State educational agency guidelines for reviewing, and providing the Secretary with comments regarding, applications for funds under parts A and C of this title that come from within the State.

"(e) APPLICATIONS.—A State educational agency desiring to receive an award under this section shall submit an application to the Secretary in such form, at such time, containing such information and assurances as the Secretary may require.

"NATIONAL CLEARINGHOUSE FOR BILINGUAL EDUCATION

"SEC. 7205. (a) ESTABLISHMENT.—The Secretary shall establish and support the operation of a National Clearinghouse for Bilingual Education, which shall collect, analyze, synthesize, and disseminate information about bilingual education and related programs.

"(b) FUNCTIONS.—The National Clearinghouse for Bilingual Education shall—

"(1) coordinate its activities with Federal data and information clearinghouses and dissemination networks and systems; and

"(2) develop a data base management and monitoring system for improving the operation and effectiveness of funded programs.

"EVALUATIONS

"SEC. 7206. (a) PROGRAM EVALUATIONS UNDER PART A.—(1) Each recipient of funds under part A of this title shall provide the Secretary with an evaluation, in the form prescribed by the Secretary, of its program every two years.

"(2) Such evaluation shall be used by a grantee—

"(A) for program improvement;

"(B) to further define the local program's goals and objectives; and

"(C) to determine program effectiveness.

"(3) Evaluations shall include—

"(A) student outcome indicators that measure progress toward the performance standards set out in the State's plan, either approved or being developed, under title III of Goals 2000: Educate America Act, or, if the State does not have an approved plan under title III of Goals 2000: Educate America Act and is not developing such a plan, with the State plan approved or being developed under section 1111 of this Act, including data comparing children and youth of limited English proficiency with non-limited English proficient children and youth with regard to school retention, academic achievement, and gains in English (and, where applicable, native language) proficiency;

"(B) program implementation indicators that provide information for informing and improving program management and effectiveness, including data on appropriateness of curriculum in relationship to grade and course requirements, appropriateness of program management, appropriateness of the program's staff professional development, and appropriateness of the language of instruction;

"(C) program context indicators that describe the relationship of the activities funded under the grant to the overall school program and other Federal, State, or local programs serving children and youth of limited English proficiency; and

"(D) such other information as the Secretary may require.

"(b) PROGRAM EVALUATIONS UNDER PART C.—(1) Each recipient of funds under part C of this title shall provide the Secretary with an evaluation of its program every two years.

"(2) Such evaluation shall include data on—

"(A) post-program placement of persons trained;

"(B) how the training relates to the employment of persons served by the program;

"(C) program completion; and

"(D) such other information as the Secretary may require.

"PART C—PROFESSIONAL DEVELOPMENT

"PURPOSE

"SEC. 7301. The purpose of this part is to improve the quality of instruction for children and youth of limited English proficiency—

"(1) through professional development programs designed—

"(A) for persons preparing to provide services for children and youth of limited English proficiency;

"(B) to improve the skills of persons currently providing services to children and youth of limited English proficiency; and

"(C) for other staff in schools serving children and youth of limited English proficiency; and

"(2) by disseminating information on appropriate instructional practices and activities for children and youth of limited English proficiency to other school personnel, including teachers not currently serving such children and youth.

"PROFESSIONAL DEVELOPMENT GRANTS

"SEC. 7302. (a) GRANTS TO INSTRUCTIONS OF HIGHER EDUCATION.—(1) The Secretary is authorized to make grants to institutions of higher education for—

"(A) pre-service and in-service professional development for individuals who are either involved in, or preparing to be involved in, the provision of educational services for children and youth of limited English proficiency; and

"(B) national professional development institutes that assist schools or departments of education in institutions of higher education to improve the quality of professional development programs for personnel serving, preparing to serve, or who may serve, children and youth of limited English proficiency.

"(b) Grants to State and Local Educational Agencies.—The Secretary may make grants to State and local educational agencies for in-service professional development programs that prepare current school personnel to provide effective services to limited English proficient students.

"(c) Use of Funds For Second Language Competence.—Awards under this section may be used to develop a program participant's competence in a second language.

"(d) Applications.—(1) An institution of higher education, or a state or local educational agency desiring to receive an award under this section shall submit, through its State educational agency, an application to the Secretary, in such form, at such time, and containing such information and assurances as the Secretary may require.

"(2) Each application shall contain a description of how the applicant has consulted with, and assessed the needs of, public and private schools serving children and youth of limited English proficiency to determine their need for and the design of the program for which funds are sought.

"(3)(A) An application for a grant under subsection (a) from an applicant who proposes to conduct a masters or doctoral-level program with funds received under this section shall provide an assurance that such program will include, as a part of the program, a training practicum in a local school program serving children and youth of limited English proficiency.

"(B) A recipient of a grant under subsection (a) may waive the requirement of a training practicum for a degree candidate with significant experience in a local school program serving children and youth of limited English proficiency.

"(4) In order for an institution of higher education or a local educational agency to apply for funds under this section, its State educational agency shall review such application for funds and provide the Secretary with timely comments on the need within the State for the proposed program and whether the proposed program is consistent with the State's plan, either approved or being developed, under title III of Goals 2000: Educate America Act, or, if the State does not have an approved plan under title III of Goals 2000: Educate America Act and is not developing such a plan, with the State plan under section 1111 of this Act and section 2125 of this Act.

"FELLOWSHIPS

"Sec. 7303. (a) Academic Fellowships.—The Secretary may award fellowships for masters, doctoral, and post-doctoral study related to instruction of children and youth of limited English proficiency in such areas as teacher training, program administration, research and evaluation, and curriculum development, and for the support of dissertation research related to such study.

"(b) Repayment.—(a) Any person receiving a fellowship under this section shall agree to—

"(A) work in an activity related to the program or in an activity such as those authorized under the program for a period of time equivalent to the period of time during which such person receives assistance under this title; or

"(B) repay such assistance.

"(2) The Secretary shall establish in regulations such terms and conditions for such agreement as he or she deems reasonable and necessary and may waive the requirement of paragraph (1) in extraordinary circumstances.

"STIPENDS

"Sec. 7304. The Secretary shall provide for the payment of such stipends (including allowances for subsistence and other expenses for such persons and their dependents), as the Secretary determines to be appropriate, to persons participating in training programs under this part.

"Part D—Emergency Immigrant Education Program

"PURPOSE

"Sec. 7401. The purpose of this part is to assist eligible State and local educational agencies that experience unexpectedly large increases in their student population due to immigration to—

"(1) provide high-quality instruction to immigrant children and youth; and

"(2) help such children and youth—

"(A) with their transition into American society; and

"(B) meet the same challenging State performance standards expected of all children and youth.

"EMERGENCY IMMIGRANT EDUCATION GRANTS

"Sec. 7402. (a) Grants Authorized.—(1) The Secretary is authorized to make grants to eligible local educational agencies to—

"(A) develop new instructional programs for immigrant children and youth;

"(B) enhance or expand existing instructional programs for immigrant children and youth; and

"(C) meet the short-term needs of local educational agencies without instructional programs for immigrant children and youth.

"(2) Grants awarded under this part shall be for a period of up to two years.

"(b) Eligible Local Educational Agency.—For the purpose of this part, an eligible local educational agency is a local educational agency that has enrolled, in the aggregate, over the current school year and the preceding school year—

"(1) at least 1,000 immigrant children and youth; or

"(2) immigrant children and youth in numbers that represent at least 10 percent of the local educational agency's total enrollment.

"(c) Applications.—(1) Any eligible local educational agency desiring to receive a grant under this part shall submit to the Secretary an application in such form, at such time, and containing such information and assurances as the Secretary may require.

"(2) Each application shall—

"(A) describe—

"(i) the need for the proposed program, including data on the number of the immigrant children and youth in the districts to be served and their characteristics, such as language spoken, dropout rates, proficiency in English and the native language, and academic standing in relation to their English proficient peers; and

"(ii) the program to be implemented and how its design—

"(I) relates to the linguistic and academic needs of the immigrant children and youth to be served; and

"(II) is consistent with, and promotes the goals in, its plan under title III of the Goals 2000: Educate America Act, if such plan exists, and its plan under section 1112 of this Act, particularly as those plans relate to the education of immigrant children and youth; and

"(B) provide an assurance that the applicant will not reduce the level of State and local funds that it expends for instructional programs for immigrant children and youth if it receives an award under this part.

"(d) Use of Funds.—Funds awarded under this part shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

"(A) parent outreach and training activities designed to assist parents to become active participants in the education of their children;

"(B) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

"(C) tutorials and academic or career counseling for immigrant children and youth;

"(D) identification and acquisition of curricular materials, educational software, and technologies to be used in the program; and

"(E) such other activities, related to the purposes of this part, as the Secretary may authorize.

"(e) Consortia.—A local educational agency that receives a grant under this part may collaborate or form a consortium with one or more local education agencies, institutions of higher education, and non-profit organizations to carry out the approved program.

"(f) Subgrants.—A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a non-profit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

"Part E—Administration

"COORDINATION WITH RELATED PROGRAMS

"Sec. 7501. In order to maximize the effectiveness of Federal efforts aimed at serving the educational needs of children and youth of limited English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs administered by the Department of Education, including programs in such areas as teacher training, program content, research, and curriculum.

"REPORT ON BILINGUAL EDUCATION

"Sec. 7502. The Secretary shall, within three years from the date of enactment of the Improving America's Schools Act of 1993, and every third year thereafter, submit to the Congress a report on the condition of bilingual education. The report shall include—

"(1) information on—

"(A) the grants, contracts, and cooperative agreements made pursuant to this title in the preceding three fiscal years;

"(B) the number of individuals benefiting from the programs assisted under this title;

"(C) the evaluation of activities carried out under this title during the preceding three fiscal years and the extent to which each of such activities achieves the policy set forth in section 7002(a);

"(D) an estimate of the number of teachers and other school personnel for bilingual education that will be necessary for the three succeeding fiscal years; and

"(E) the research activities carried out under this title during the preceding three fiscal years and the major findings of research studies; and

"(2) an analysis and synthesis of such data.

"STATE EDUCATIONAL AGENCY RECOMMENDATIONS; PEER REVIEW

"SEC. 7503. (a) STATE EDUCATIONAL AGENCY RECOMMENDATIONS.—In making awards under parts A and C of this title, the Secretary shall take State educational agency recommendations into account.

"(b) PEER REVIEW.—(1) In making awards under parts A, C and D of this title and in making funding decisions for continuation grants under parts A and C of this title, the Secretary may solicit recommendations from peer review panels composed of individuals experienced in aspects of the education of limited English proficient students.

"(2) The Secretary may use up to .2 percent of the total amount of funds appropriated for each fiscal year for programs authorized under this title for peer review.

"PART F—SPECIAL RULE

"SPECIAL RULE

"SEC. 7601. Notwithstanding any other provision of this title, no recipient of a grant under title VII of this Act as in effect prior to the enactment of the Improving America's Schools Act of 1993 shall be eligible for fourth- and fifth-year renewals authorized by section 7021(d)(1)(C) of this title as in effect prior to such enactment.

"TITLE VIII—IMPACT AID

"FINDINGS

"SEC. 8001. The Congress finds that—

"(1) certain activities of the Federal Government place a financial burden on the local educational agencies serving areas where such activities are carried out; and

"(2) it is the shared responsibility of the Federal Government, the States, and local educational agencies to provide for the education of children connected to those activities.

"PURPOSE

"SEC. 8002. In order to fulfill the Federal responsibility to assist with the provision of educational services to federally connected children, and to help them meet challenging State standards, it is the purpose of this title to provide financial assistance to local educational agencies that—

"(1) educate children who reside on Federal property and whose parents are employed on Federal property;

"(2) experience sudden and substantial increases in enrollments because of military realignments; or

"(3) need special assistance with capital expenditures for construction activities because of the enrollments of substantial numbers of children who reside on Indian lands.

"PAYMENTS FOR ELIGIBLE CHILDREN

"SEC. 8003. (a) ELIGIBLE CHILDREN.—For the purpose of computing the amount that a local educational agency is eligible to receive under subsection (b) or (c) of this section for any fiscal year, the Secretary shall determine the number of children who were in average daily attendance in the schools of such agency, and for whom such agency provided free public education, during the preceding school year and who, while in attendance at such schools—

"(1) resided on Federal property with a parent employed on Federal property located, in whole or in part, within the boundaries of the school district of such agency;

"(2) resided on Federal property and had a parent on active duty in the uniformed services (as defined in section 101 of title 37, United States Code); or

"(3) resided on Indian lands, as defined in section 8012(6) of this title.

"(b) BASIC SUPPORT PAYMENTS.—(1) From the amount appropriated under section 8013(a) for any fiscal year, the Secretary is authorized to make payments to local educational agencies with children described in subsection (a).

"(2) The maximum amount that a local educational agency is eligible to receive under this subsection for any fiscal year is—

"(A) the total number of children determined under subsection (a)(1) and (2), plus 1.25 times the number of children determined under subsection (a)(3), for such agency; multiplied by

"(B) the average per-pupil expenditure of local educational agencies in such agency's State for the third preceding fiscal year, as determined by the Secretary; multiplied by

"(C) the local contribution percentage for the third preceding fiscal year, as determined by the Secretary.

"(3) If the amount appropriated under section 8013(a) for any fiscal year is insufficient to pay to each local educational agency the amount determined under paragraph (2), the Secretary shall ratably reduce each such payment.

"(c) SUPPLEMENTAL PAYMENTS FOR CERTAIN CHILDREN WITH DISABILITIES.—(1) From the amount appropriated under section 8013(b) for any fiscal year, the Secretary shall make supplemental payments to local educational agencies that receive basic support payments under subsection (b).

"(2) The maximum amount that a local educational agency is eligible to receive under this subsection for any fiscal year is—

"(A) the number of children with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act, described in paragraphs (2) and (3) of subsection (a), to whom the local educational agency provided a free appropriate public education in accordance with such Act in the preceding school year; multiplied by

"(B) 50 percent of the average per-pupil expenditure determined under subsection (b)(2)(B); multiplied by

"(C) the local contribution percentage determined by the Secretary under subsection (b)(2)(C).

"(3) If the amount appropriated under section 8013(b) for any fiscal year is insufficient to pay to each local educational agency the amount determined under paragraph (2), the Secretary shall ratably reduce each such payment.

"(4) A local educational agency shall use any funds it receives under this subsection to provide a free appropriate public education to children described in paragraph (2), in accordance with part B of the Individuals with Disabilities Education Act.

"(d) HOLD-HARMLESS AMOUNTS.—(1) Notwithstanding any other provision of this section, the total amount that the Secretary shall pay a local educational agency under subsections (b) and (c) of this section—

"(A) for fiscal year 1995, shall not be less than 80 percent of the payment such agency received for fiscal year 1994 under section 3(a) of Public Law 81–874, as in effect for fiscal year 1994;

"(B) for fiscal year 1996, shall not be less than 60 percent of such fiscal year 1994 payment; and

"(C) for fiscal year 1997, shall not be less than 40 percent of such fiscal year 1994 payment.

"(2) If necessary in order to make payments to local educational agencies in accordance with paragraph (1), the Secretary shall reduce payments to other local educational agencies determined under subsection (b).

"POLICIES AND PROCEDURES FOR CHILDREN RESIDING ON INDIAN LANDS

"SEC. 8004. (a) POLICIES AND PROCEDURES REQUIRED.—Any local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8003 of this title shall establish policies and procedures to ensure that—

"(1) such children participate in programs and activities supported by such funds on an equal basis with all other children;

"(2) parents of such children and Indian tribes are afforded an opportunity to present their views on such programs and activities, including an opportunity to make recommendations on the needs of those children and how they may help those children realize the benefits of those programs and activities;

"(3) parents and Indian tribes are consulted and involved in planning and developing such programs and activities;

"(4) relevant applications, evaluations, and program plans are disseminated to the parents and Indian tribes; and

"(5) parents and Indian tribes are afforded an opportunity to present their views on the agency's general educational program.

"(b) RECORDS.—Each such agency shall maintain records demonstrating its compliance with subsection (a).

"(c) WAIVER.—Any such agency is excused from the requirements of subsections (a) and (b) for any year with respect to any Indian tribe from which it has relieved a written statement that the agency need not comply with those subsections because the tribe is satisfied with the agency's provision of educational services to such children.

"(d) TECHNICAL ASSISTANCE AND ENFORCEMENT.—The Secretary shall—

"(1) provide technical assistance to local educational agencies, parents, and Indian tribes to enable them to carry out this section; and

"(2) enforce this section through such actions, which may include the withholding of funds, as the Secretary finds appropriate, after affording the local educational agency, parents, and affected Indian tribes an opportunity to present their views.

"APPLICATIONS FOR PAYMENTS UNDER SECTION 8003

"SEC. 8005. (a) APPLICATIONS REQUIRED.—Any local educational agency wishing to receive a payment under section 8003 of this title shall—

"(1) file an application therefor with the Secretary; and

"(2) provide a copy of its application to the State educational agency.

"(b) APPLICATION CONTENTS.—Each such application shall be submitted in such form and manner, and shall contain such information, as the Secretary may require, including—

"(1) information to determine such agency's eligibility for a payment and the amount of any such payment; and

"(2) where applicable, an assurance that such agency is in compliance with section 8004 of this title, relating to children residing on Indian lands.

"(c) DEADLINE FOR SUBMITTING; APPROVAL.—(1) The Secretary shall establish deadlines for the filing of applications under this section.

"(2) The Secretary shall approve each application submitted under this section that is filed by the deadline established under paragraph (1) and otherwise meets the requirements of this title.

"(3) The Secretary shall approve an application filed up to 60 days after a deadline established under subsection (c) that otherwise meets the requirements of this title, except that, notwithstanding section 8003(d) or any other provision of this title, the Secretary shall reduce the payment based on such late application by ten percent of the amount that would otherwise be paid.

"(4) The Secretary shall not accept or approve any application filed more than 60 days after a deadline established under paragraph (1).

"SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE OF MILITARY DEPENDENTS

"SEC. 8006. (a) ELIGIBILITY.—A local educational agency is eligible for a payment under this section if—

"(1) the number of children in average daily attendance during the current school year is at least ten percent or 100 more than the number of children in average daily attendance in the preceding school year; and

"(2) the number of children in average daily attendance with a parent on active duty (as defined in section 101(18) of title 37, United States Code) in the Armed Forces who are in attendance at such agency because of the assignment of their parent to a new duty station between July 1 and September 30, inclusive, of the current year, as certified by an appropriate local official of the Department of Defense, is at least ten percent or 100 more than the number of children in average daily attendance in the preceding school year.

"(b) APPLICATION.—Any local educational agency that wishes to receive a payment under this section shall file an application therefor with the Secretary by October 15 of the current school year, in such manner and containing such information as the Secretary may prescribe, including information demonstrating that it is eligible for such a payment.

"(c) CHILDREN TO BE COUNTED.—For each eligible local educational agency that applies for a payment under this section, the Secretary shall determine the lesser of—

"(1) the increase in the number of children in average daily attendance from the preceding year; and

"(2) the number of children described in subsection (a)(2).

"(d) PAYMENTS.—The Secretary shall pay each local educational agency with an approved application an amount, not to exceed $200 per eligible child, equal to—

"(1) the amount available to carry out this section, including any funds carried over from prior years, divided by the number of children determined under subsection (c) for all such local educational agencies; multiplied by

"(2) the number of such children determined for that local educational agency.

"CONSTRUCTION

"SEC. 8007. PAYMENTS AUTHORIZED.—From the amount appropriated for each fiscal year under section 8013(d), the Secretary shall make payments to each local educational agency—

"(1) that receives a basic payment under section 8003(b); and

"(2) in which the number of children determined under section 8003(a) who resided on Indian lands constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the preceding school year.

"(b) AMOUNT OF PAYMENTS.—The amount of a payment to each such agency shall be equal to—

"(1) the amount so appropriated under section 8013(d); divided by

"(2) the number of children determined under section 8003(a) for all such agencies, but not including any children attending a school assisted or provided by the Secretary under section 8008 of this title or section 10 of Public Law 81-815, as in effect prior to the repeal of such statute; multiplied by

"(3) the number of such children determined for such agency.

"(c) USE OF FUNDS.—Any local educational agency that receives funds under this section shall use such funds for construction, as defined in section 8012(3) of this title.

"MINIMUM SCHOOL FACILITIES ASSISTED BY THE SECRETARY

"SEC. 8008. (a) CURRENT FACILITIES.—From the amount appropriated for any fiscal year under section 8013(e), the Secretary may continue to provide assistance for school facilities that were supported by the Secretary under section 10 of Public Law 81-815 as in effect prior to the repeal of such statute.

"(b) TRANSFER OF FACILITIES.—(1) The Secretary shall, as soon as practicable, transfer to the appropriate local educational agency or another appropriate entity all the right, title, and interest of the United States in and to each facility provided under section 10 of Public Law 81-815, or under sections 204 or 310 of Public Law 81-874 as in effect on January 1, 1958.

"(2) Any such transfer shall be without charge to such agency or entity and shall be subject to such terms and conditions as the Secretary finds appropriate.

"STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID

"SEC. 8009. (a) GENERAL PROHIBITION ON STATE CONSIDERATION.—Except as provided in subsection (b), no State shall—

"(1) consider payments under this title or under Public Law 81-874 in determining, for any fiscal year—

"(A) the eligibility of any local educational agency for State aid for free public education; or

"(B) the amount of such aid; or

"(2) make such aid available to local educational agencies in a manner that results in less State aid to any local educational agency that is eligible for such payment than it would receive if it were not so eligible.

"(b) STATE EQUALIZATION PLANS.—(1) Notwithstanding subsection (a), a State may reduce State aid to a local educational agency that receives a payment under section 8003(b) of this title or under Public Law 81-874 (other than a payment under section 2 or an increase in payments described in paragraphs (2)(B), (2)(C), (2)(D), or (3)(B)(ii) of section 3(d)) for any fiscal year if the Secretary determines, and certifies under subsection (c)(3)(A), that the State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in the State.

"(2)(A) For purpose of paragraph (1), a program of State aid equalizes expenditures among local educational agencies if, in the second preceding fiscal year, the amount of per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the highest such per-pupil expenditures or revenues did not exceed the amount of such per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the lowest such expenditures or revenues by more than 25 percent.

"(B) In making a determination under this subsection, the Secretary shall—

"(i) disregard local educational agencies with per-pupil expenditures or revenues above the 95th percentile of such expenditures or revenues in the State; and

"(ii) take into account the extent to which a program of State aid reflects the additional cost of providing free public education in particular types of local educational agencies, such as those that are geographically isolated, or to particular types of students, such as children with disabilities.

"(3) Notwithstanding paragraph (2), if the Secretary determines that the State has substantially revised its program of State aid, the Secretary may certify such program for any fiscal year only if—

"(A) the Secretary determines, on the basis of projected data, that the States' program will meet the 25 percent disparity standard described in paragraph (2) in the fiscal year; and

"(B) the State provides an assurance to the Secretary that, if final data do not demonstrate that the State's program met such standard for that year (or that it met such standard with a greater percentage of disparity than anticipated), the State will pay to each affected local educational agency the amount by which it reduced State aid to the local educational agency on the basis of such certification, or a proportionate share thereof, as the case may be.

"(c) PROCEDURES FOR REVIEW OF STATE EQUALIZATION PLANS.—(1)(A) Any State that wishes to consider payments described in subsection (b)(1) in providing State aid to local educational agencies shall submit to the Secretary, not later than 120 days before the beginning of the State's fiscal year, a written notice of its intention to do so.

"(B) Such notice shall be in the form and contain the information the Secretary requires, including evidence that the State has notified each local educational agency in the State of its intention to consider such payments in providing State aid.

"(2) Before making a determination under subsection (b), the Secretary shall afford the State, and local educational agencies in the State, an opportunity to present their views.

"(3)(A) If the Secretary determines that a program of State aid qualifies under subsection (b), the Secretary shall—

"(i) certify the program and so notify the State; and

"(ii) afford an opportunity for a hearing, in accordance with section 8011(a), to any local educational agency adversely affected by such certification.

"(B) If the Secretary determines that a program of States aid not qualify under subsection (b), the Secretary shall—

"(i) so notify the State; and

"(ii) afford an opportunity for a hearing, in accordance with section 8011(a), to the State, and to any local educational agency adversely affected by such determination.

"(d) REDUCTION OF STATE AID.—(1) A State whose program of State aid has been certified by the Secretary under subsection (c)(3)(A) may reduce the amount of such aid provided to a local educational agency that receives a payment described in subsection (b)(1) by any amount up to—

"(A) the amount of such payment; multiplied by

"(B) 100 percent minus the percentage of disparity determined under subsection (b).

"(2) No State may make such reductions before its program of State aid has been certified by the Secretary under subsection (c)(3)(A).

"(e) REMEDIES OF STATE VIOLATIONS.—(1) the Secretary or any aggrieved local educational agency may, without exhausting administrative remedies, bring an action in United States district court against any State that violates subsection (a) or subsection (d)(2) of this section or fails to carry out an assurance provided under subsection (b)(3)(B) of this section.

"(2) A State shall not be immune under the eleventh amendment to the Constitution of the United States from such action.

"(3) The court shall grant such relief, other than monetary damages, as it determines is appropriate, which may include attorney's fees to a prevailing local educational agency.

"FEDERAL ADMINISTRATION

"SEC. 8010. (a) PAYMENTS IN WHOLE DOLLAR AMOUNTS.—The Secretary shall round any payments under this title to the nearest whole dollar amount.

"(b) OTHER AGENCIES.—Each Federal agency administering Federal property on which children reside, and each agency principally responsible for an activity that may occasion assistance under this title, shall, to the maximum extent practicable, comply with requests of the Secretary for information the Secretary may need to carry out this title.

"ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW

"SEC. 8011. (a) ADMINISTRATIVE HEARINGS.—Any local educational agency and any State that is adversely affected by any action of the Secretary under this title shall be entitled to a hearing on such action in the same manner as if such agency were a person under chapter 5 of title 5, U.S. Code.

"(b) JUDICIAL REVIEW OF SECRETARIAL ACTION.—(1) Any local educational agency or any State aggrieved by the Secretary's final decision following an agency proceeding under subsection (a) may, within 60 days after receiving notice of such decision, file with the United States court of appeals for the circuit in which such agency or State is located a petition for review of that action. The clerk of the court shall promptly transmit a copy of the petition to the Secretary. The Secretary shall then file in the court the record of the proceedings on which the Secretary's action was based, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence. The Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have exclusive jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"DEFINITIONS

"SEC. 8012. As used in this title, the following terms have the following meanings:

"(1) ARMED FORCES.—The term 'Armed Forces' means the Army, Navy, Air Force, and Marine Corps.

"(2) AVERAGE PER-PUPIL EXPENDITURE.—The term 'average per-pupil expenditure' means—

"(A) the aggregate current expenditures of all local educational agencies in the State; divided by

"(B) the total number of children in average daily attendance for whom such agencies provided free public education.

"(3) CONSTRUCTION.—The term 'construction' means—

"(A) the preparation of drawings and specifications for school facilities;

"(B) erecting, building, acquiring, altering, remodeling, repairing, or extending school facilities;

"(C) inspecting and supervising the construction of school facilities; and

"(D) debt service for such activities.

"(4) FEDERAL PROPERTY.—(A) Except as otherwise described in paragraphs (B) through (E) of this paragraph, the term 'Federal property' means real property that is not subject to taxation by any State or any political subdivision of a State due to Federal agreement, law, or policy, and that is—

"(i) owned by the United States or leased by the United States from another entity;

"(ii)(I) held in trust by the United States for individual Indians or Indian tribes;

"(II) held by individual Indians or Indian tribes subject to restrictions on alienation imposed by the United States;

"(III) conveyed at any time under the Alaska Native Claims Settlement Act (Public Law 92-203, 43 U.S.C. 1601 et seq.) to Native individual, Native group, or Village or Regional corporation;

"(IV) public land owned by the United States that is designated for the sole use and benefit of individual Indians or Indian tribes;

"(V) used for low-rent housing, as otherwise described in this paragraph, that is located on land described in clauses (I), (II), (III), or (IV) of this subparagraph or on land that met one of those descriptions immediately before its use for such housing;

"(iii) part of a low-rent housing project assisted under the United States Housing Act of 1937; or

"(iv) owned by a foreign government or by an international organization.

"(B) 'Federal property' includes, so long as not subject to taxation by any State or any political subdivision of a State, and whether or not that tax exemption is due to Federal agreement, law, or policy—

"(i) any school providing flight training to members of the Air Force under contract with the Air Force at an airport owned by a State or political subdivision of a State; and

"(ii) real property that is part of a low-rent housing project assisted under—

"(I) section 516 of the Housing Act of 1949, 42 U.S.C. §1486 (domestic farm labor low-rent housing); or

"(II) part B of title III of the Economic Opportunity Act of 1964, formerly 42 U.S.C. 2861 *et seq.* (migrant and other seasonally employed farmworker low-rent housing).

"(C) 'Federal property' includes, whether or not subject to taxation by a State or a political subdivision of a State—

"(i) any non-Federal easement, lease, license, permit, or other such interest in Federal property as otherwise described in this paragraph, but not including any non-Federal fee-simple interest;

"(ii) any improvement on Federal property as otherwise described in this paragraph; and

"(iii) real property that, immediately before its sale or transfer to a non-Federal party, was owned by the United States and otherwise qualified as Federal property described in this paragraph, but only for one year beyond the end of the fiscal year of such sale or transfer.

"(D) Notwithstanding any other provision of this paragraph, 'federal property' does not include—

"(i) any real property under the jurisdiction of the United States Postal Service that is used primarily for the provision of postal services; or

"(ii) pipelines and utility lines.

"(E) Notwithstanding any other provision of this paragraph, 'Federal property' does not include any property on which children reside that is otherwise described in this paragraph if—

"(i) no tax revenues of the State or of any political subdivision of the State may be expended for the free public education of children who reside on that Federal property; or

"(ii) no tax revenues of the State are allocated or available for the free public education of such children.

"(5) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is provided—

"(A) at public expense, under public supervision and direction, and without tuition charge; and

"(B) as elementary or secondary education, as determined under State law, except that, notwithstanding State law, such term—

"(i) includes preschool education; and

"(ii) does not include any education provided beyond grade 12.

"(6) INDIAN LANDS.—The term 'Indian lands' means any Federal property described in paragraph (4)(A)(ii) of this section.

"(7) LOCAL CONTRIBUTION PERCENTAGE.—(A) The term 'Local contribution percentage' means the percentage of current expenditures in the State derived from local and intermediate sources, as reported to and verified by the National Center for Education Statistics.

"(B) Notwithstanding subparagraph (A), the local contribution percentage for Hawaii and for the District of Columbia shall be the local contribution percentage computed for the Nation as a whole.

"(8) LOCAL EDUCATIONAL AGENCY.—(A) The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction and free public education in a county, township, independent school district, or other school district.

"(B) 'Local educational agency' includes any State agency that directly operates and maintains facilities for providing free public education.

"(C) 'Local educational agency' does not include any agency or school authority that the Secretary determines, on a case-by-case basis—

"(i) was constituted or reconstituted primarily for the purpose of receiving assistance under this title or under public Law 81-874 or increasing the amount of such assistance; or

"(ii) is not constituted or reconstituted for legitimate educational purposes.

"(9) SCHOOL FACILITIES. The term 'school facilities' includes classrooms and related facilities, and equipment, machinery, and utilities necessary or appropriate for school purposes.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 8013. (a) BASIC PAYMENTS.—For the purpose of making payments under section 8003(b), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(b) SUPPLEMENTAL PAYMENTS FOR CHILDREN WITH DISABILITIES.—For the purpose of making payments under section 8003(c), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(c) PAYMENTS FOR INCREASES IN MILITARY CHILDREN.—For the purpose of making payments under section 8006, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(d) CONSTRUCTION.—For the purpose of making payments under section 8007, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(e) FACILITIES MAINTENANCE.—For the purpose of carrying out section 8008, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"TITLE IX—GENERAL PROVISIONS

"PART A—DEFINITIONS

"DEFINITIONS

"SEC. 9101. Except as otherwise provided, for the purposes of this Act, the following terms have the following meanings:

"(1)(A) Except as provided otherwise by State law or this paragraph, the term 'average daily attendance' means—

"(i) the aggregate number of days of attendance of all students during a school year; divided by

"(ii) the number of days school is in session during such school year.

"(B) The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership or such other data.

"(C) If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for purposes of this Act—

"(i) consider the child to be in attendance at a school of the agency making such payment; and

"(ii) not consider the child to be in attendance at a school of the agency receiving such payment.

"(D) If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act, the Secretary shall, for the purposes of this Act, consider such child to be in attendance at a school of the agency making such payment.

"(2) The term 'average per-pupil expenditure' means, in the case of a State or of the United States—

"(A) without regard to the source of funds—

"(i) the aggregate current expenditures, during the third preceding fiscal year (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

"(ii) any direct current expenditures by the State for operation of such agencies; divided by

"(B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

"(3) The term 'child' means any person within the age limits for which the applicable State provides free public education.

"(4) The term 'community-based organization' means a private nonprofit organization that—

"(A) is representative of a community or significant segments of a community; and

"(B) provides educational or related services to individuals in the community.

"(5) The term 'consolidated State application' means an application submitted by a State educational agency pursuant to section 9302 of this Act.

"(6) The term 'country' means one of those divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding countries.

"(7) The term 'covered program' means each of the programs authorized by—

"(A) part A of title I of this Act (making high-poverty schools work);

"(B) part C of title I of this Act (education of migratory children);

"(C) part A of title II of this Act (professional development); and

"(D) part A of title IV of this Act (safe and drug-free schools) except section 4104.

"(8) The term 'current expenditures' means expenditures for free public education—

"(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

"(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I and part A of title II of this Act.

"(9) The term 'Department' means the Department of Education.

"(10) The term 'elementary school' means a day or residential school that provides elementary education, as determined under State law.

"(11) The term 'free public education' means education that is provided—

"(A) at public expense, under public supervision and direction, and without tuition charge; and

"(B) as elementary or secondary school education as determined under applicable State law, except that such term does not include any education provided beyond grade 12.

"(12) The term 'institution of higher education' has the meaning given that term in section 1201(a) of the Higher Education Act of 1965.

"(13)(A) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.

"(B) The term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"(14) The term 'outlying area' means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Marina Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau).

"(15) The term 'parent' includes a legal guardian or other person standing in loco parentis.

"(16) The term 'pupil-services personnel' and 'pupil services' means, respectively—

"(A) school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services as part of a comprehensive program to meet student needs; and

"(B) the services provided by such individuals.

"(17) The term 'secondary school' means a day or residential school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12.

"(18) The term 'Secretary' means the Secretary of Education.

"(19) The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

"(20) The term 'State educational agency' means the agency primarily responsible for the State supervision of public elementary and secondary schools.

"APPLICABILITY OF THIS TITLE

"SEC. 9102. Parts B through F of this title do not apply to title VIII of this Act.

"PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

"CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

"SEC. 9201. (a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—(1) A State educational agency may consolidate the amounts specifically made available to it for State administration under one or more of the programs specified under paragraph (2).

"(2) This section applies to title I of this Act and the covered programs specified in sections 9101(7) (C) and (D).

"(b) USE OF FUNDS.—(1) A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

"(2) A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under such programs, such as—

"(A) the coordination of programs specified in subsection (a)(2) with other Federal and non-Federal programs;

"(B) the establishment and operation of peer-review mechanisms under this Act;

"(C) the administration of this title;

"(D) the dissemination of information regarding model programs and practices; and

"(E) technical assistance under programs specified in subsection (a)(2).

"(c) RECORDS.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

"(d) REVIEW.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of such administration.

"(e) UNUSED ADMINISTRATIVE FUNDS.—If a State educational agency does not use all of the funds available to it under this section for administration, it may use such funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

"SINGLE LOCAL EDUCATIONAL AGENCY STATES

"SEC. 9202. A State educational agency that also serves as a local educational agency shall, in its applications or State plans under this Act, describe how it will eliminate duplication in the conduct of administrative functions.

"CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION

"SEC. 9203. (a) GENERAL AUTHORITY.—In accordance with regulations of the Secretary, a local educational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more covered programs for any fiscal year not more than the percentage, determined by its State educational agency, of the total amount available to that local educational agency under those covered programs.

"(b) STATE PROCEDURES.—Within one year from the date of enactment of the Improving America's Schools Act of 1993, a State educational agency shall, in collaboration with local educational agencies in the State, establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) and for establishing limitations on the amount of funds under covered programs that may be used for administration on a consolidated basis.

"(c) CONDITIONS.—A local educational agency that consolidates administrative funds under this section for any fiscal year shall not use any other funds under the programs included in the consolidation for administration for that fiscal year.

"(d) USES OF ADMINISTRATIVE FUNDS.—A local educational agency that consolidates administrative funds under this section may use these consolidated funds for the administration of covered programs and for the purposes described in section 9201(b)(2).

"(e) RECORDS.—A local educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual covered program, to account for costs relating to the administration of covered programs included in the consolidation.

"ADMINISTRATIVE FUNDS STUDY

"SEC. 9204. (a) STUDY.—(1) The Secretary may conduct a study of the use of funds under this Act for the administration, by State and local educational agencies, of covered programs, including the percentage of grant funds used for such purpose in covered programs.

"(2) Based on the results of such study, the Secretary may publish regulations or guidelines regarding the use of funds for administration under those programs, including the use of such funds on a consolidated basis and limitations on the amount of such funds that may be used for administration.

"(b) REPORT.—The Secretary shall submit to the President and the appropriate committees of the Congress a report regarding the study, if any, conducted under this section within 30 days of its completion.

"CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS

"SEC. 9205. (a) GENERAL AUTHORITY.—(1) The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of title VI of this Act, and the education for homeless children and youth program under subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

"(2)(A) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those funds under terms that the Secretary determines best meet the purposes of those programs.

"(B) The agreement shall—

"(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred, the steps to be taken to achieve the National Education Goals, and performance measures to assess program effectiveness, including measurable goals and objectives; and

"(ii) be developed in consultation with Indian tribes.

"(b) ADMINISTRATION.—The Department of the Interior may use up to 1.5 percent of the funds consolidated under this section for its costs related to the administration of the funds transfered under this section.

"SCHOOLWIDE PROGRAMS

"SEC. 9206. In accordance with section 1114 of this Act, a school may use funds received under any noncompetitive, formula-grant program administered by the Secretary, except a program under the Individuals with Disabilities Education Act, and any discretionary program contained on a list (updated as necessary) issued by the Secretary, to support a schoolwide program, notwithstanding any provision of the statute or regulations governing any such program.

"AVAILABILITY OF UNNEEDED PROGRAM FUNDS

"SEC. 9207. WIth the approval of its State educational agency, a local educational agency that determines for any fiscal year that funds under a covered program other than part A of title I of this Act are not needed for the purpose of that covered program may use such funds, not to exceed 5 percent of the total amount of its funds under that covered program, for the purpose of another covered program.

"PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL APPLICATIONS

"PURPOSE

"SEC. 9301. It is the purpose of this part to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery under this Act and enhanced integration of programs under this Act with educational activities carried out with State and local funds.

"OPTIONAL CONSOLIDATED STATE APPLICATION

"SEC. 9302. (a) GENERAL AUTHORITY.—(1) In order to simplify application requirements and reduce burden for State educational agencies under this Act, the Secretary shall, in accordance with subsection (b), establish procedures and criteria under which a State educational agency may submit a consolidated State application meeting the requirements of this section for each of the covered programs in which the State participates.

"(2) A State educational agency may also include in its consolidated application—

"(A) the Even Start program under part B of title I of this Act;

"(B) the education of neglected and deliquent youth program under part D of title I of this Act;

"(C) part A of title II of the Carl D. Perkins Vocational and Applied Technology Education Act; and

"(D) such other programs as the Secretary may designate.

"(3) A State educational agency that submits a consolidated State application under this section shall not be required to submit separate State plans or applications under any of the programs to which its consolidated application under this section applies.

"(b) COLLABORATION.—(1) In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

"(2) Through the collaboration process described in subsection (b), the Secretary shall establish, for each program under the Act to which this section applies, the descriptions information, assurances, and other material required to be included in a consolidated State application.

"GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES

"SEC. 9303. (a) ASSURANCES.—A State educational agency that submits a State plan or application under this Act, whether separately or under section 9302, shall have on file with the Secretary single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

"(1) each such program shall be administered in accordance with all applicable statutes, regulation, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, in a nonprofit private agency, institution, or organization, or in a Indian tribe if the statute authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

"(3) The State will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institution, organizations and other recipients responsible for carrying out each program; and

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

"(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of such programs;

"(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

"(5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

"(6) the State will—

"(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such programs; and

"(B) maintain such records, provide such information to the Secretary, and afford access to the records as the Secretary may find necessary to carry out the Secretary's duties; and

"(7) before the application was submitted to the Secretary, the State has afforded a reasonable opportunity for public comment on the application and has considered such comment.

"(b) GEPA PROVISION.—Section 435 of the General Education Provisions Act does not apply to programs under this Act.

"CONSOLIDATED LOCAL APPLICATIONS

"SEC. 9304. (a) GENERAL AUTHORITY.—A local educational agency receiving funds under more than one covered program may submit applications to the State educational agency under such programs on a consolidated basis.

"(b) REQUIRED CONSOLIDATED APPLICATION.—A State educational agency that has submitted and had approved a consolidated State application under section 9302 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State application to submit consolidated local applications under such programs.

"(c) COLLABORATION.—A State educational agency shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated applications under this section.

"OTHER GENERAL ASSURANCES

"SEC. 9305. (a) ASSURANCES.—Any applicant other than a State educational agency that submits an application under this Act, whether separately or pursuant to section 9304, shall have on file with the State educational agency a single set of assurances, applicable to each program for which an application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the statute authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

"(3) the applicant will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

"(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency or the Secretary or other Federal officials;

"(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to such applicant under each such program;

"(6) the applicant will—

"(A) make reports to the State educational agency and the Secretary as may be necessary to enable such agency and the Secretary to perform their duties under each such program; and

"(B) maintain such records, provide such information, and afford access to the records as the State educational agency or the Secretary may find necessary to carry out the State educational agency's or the Secretary's duties; and

"(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and has considered such comment.

"(b) GEPA PROVISION.—Section 436 of the General Education Provisions Act does not apply to programs under this Act.

"PART D—WAIVERS

"WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS

"SEC. 9401. (a) GENERAL.—(1) Except as provided in subsection (c), the Secretary may waive any requirement of this Act or of the General Education Provisions Act, or of the regulations issued under such Acts, for a State educational agency, Indian tribe, or other agency, organization, or institution that receives funds under a program authorized by this Act from the Department and that requests such a waiver if—

"(A) the Secretary determines that such requirement impedes the ability of the State educational agency or other recipient to achieve more effectively the purposes of this Act; and

"(B) in the case of a waiver proposal submitted by a State educational agency, the State educational agency—

"(i) provides all interested local educational agencies in the State with notice and an opportunity to comment on the proposal; and

"(ii) submits the comments to the Secretary; and

"(C) in the case of a waiver proposal submitted by a local educational agency or other agency, institution, or organization that receives funds under this Act from the State educational agency, such request has been reviewed by the State educational agency and is accompanied by the comments, if any, of such agency.

"(b) WAIVER PERIOD.—(1) A waiver under this section shall be for a period not to exceed three years.

"(2) The Secretary may extend such period if the Secretary determines that—

"(A) the waiver has been effective in enabling the State or affected recipients to carry out the activities for which it was requested and has contributed to improved performance; and

"(B) such extension is in the public interest.

"(c) WAIVERS NOT AUTHORIZED.—The Secretary may not waive, under this section, any statutory or regulatory requirement relating to—

"(1) comparability of services;

"(2) maintenance of effort;

"(3) the equitable participation of students attending private schools;

"(4) parental participation and involvement;

"(5) the distribution of funds to States or to local educational agencies or other recipients of funds under this Act;

"(6) maintenance of records;

"(7) applicable civil rights requirements; or

"(8) the requirements of sections 438 and 439 of the General Education Provisions Act.

"(d) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if the Secretary determines that the performance of the State or other recipient affected by the waiver has been inadequate to justify a continuation of the waiver or if it is no longer necessary to achieve its original purposes.

"PART E—UNIFORM PROVISIONS

"MAINTENANCE OF EFFORT

"SEC. 9501. (a) GENERAL.—A local educational agency may receive funds under a covered program for any fiscal year only if the State educational agency funds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

"(b) REDUCTION IN CASE OF FAILURE TO MEET.—(1) The State educational agency shall reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion to which a local educational agency fails to meet the requirement of subsection (a) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to such local agency).

"(2) No such lesser amount shall be used for computing the effort required under subsection (a) for subsequent years.

"(c) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that such a waiver would be equitable due to—

"(1) exceptional or uncontrollable circumstances such as a natural disaster; or

"(2) a precipitous decline in the financial resources of the local educational agency.

"PROHIBITION REGARDING STATE AID

"SEC. 9502. No State shall take into consideration payments under this Act in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

"PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS

"SEC. 9503. (a) GENERAL REQUIREMENT.—(1) Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in a State educational agency, local educational agency, or intermediate educational agency or consortium receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary and secondary schools in such agency or consortium, such agency or consortium shall, after timely and meaningful consultation with appropriate private school officials, provide such children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits under such program.

"(2) Educational services or other benefits, including materials and equipment, provided under this section, must be secular, neutral, and nonideological.

"(3) Educational services and other benefits provided under this section for such private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in such program.

"(4) Expenditures for educational services and other benefits provided under this section to eligible private school children, their teachers, and other educational personnel serving them shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

"(5) Such agency or consortium may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

"(b) APPLICABILITY.—(1) This section applies to—

"(A) each covered program;

"(B) programs under title VII of this Act; and

"(C) any other program under this Act specified by the Secretary, subject to such conditions as the Secretary may prescribe.

“(2) For the purposes of this section, the term ‘eligible children’ mean children eligible for services under a program described in paragraph (1).

“(c) CONSULTATION.—(1) To ensure timely and meaningful consultation, such agency or consortium shall consult with appropriate private school officials during the design and development of the programs under this Act, on issues such as—

“(A) how the children's needs will be identified;

“(B) what services will be offered;

“(C) how and where the services will be provided; and

“(D) how the services will be assessed.

“(2) Such consultation shall occur before the agency or consortium makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act.

“(3) Such consultation shall include a discussion of the full range of service delivery mechanisms that an agency or consortium could use to provide equitable services to eligible private school children, teachers, and other educational personnel, including, but not limited to—

“(A) instruction provided at public school sites, at neutral sites, or in mobile vans;

“(B) computer-assisted instruction;

“(C) extended-day services;

“(D) home tutoring; and

“(E) take-home computers.

“(d) PUBLIC CONTROL OF FUNDS.—(1) The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with these funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer such funds and property.

“(2)(A) The provision of services under this section shall be provided—

“(i) by employees of a public agency; or

“(ii) through contract by such public agency with an individual, association, agency, or organization.

“(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

“(C) Funds used to provide services under this section shall not be commingled with non-Federal funds.

“STANDARDS FOR BY-PASS

“SEC. 9504. If, by reason of any provision of law, a State, local, or intermediate educational agency or consortium is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary and secondary schools, on an equitable basis, or if the Secretary determines that such agency or consortium has substantially failed or is unwilling to provide for such participation, as required by section 9503, the Secretary shall—

“(1) waive the requirements of that section for such agency or consortium; and

“(2) arrange for the provision of equitable services to such children, teachers, or other educational personnel through arrangements that shall be subject to the requirements of this section and of sections 9503, 9505, and 9506.

“COMPLIANT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN

“SEC. 9505. (a) PROCEDURES FOR COMPLAINTS.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations by an agency or consortium of section 9503 of this Act. Such individual or organization shall submit such complaint to the State educational agency for a written resolution by such agency within a reasonable period of time.

“(b) APPEALS TO THE SECRETARY.—Such resolution may be appealed by an interested party to the Secretary within 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within a reasonable period of time. Such appeal shall be accompanied by a copy of the State educational agency's resolution, and a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve each such appeal within 120 days after receipt of the appeal.

“BY-PASS DETERMINATION PROCESS

“SEC. 9506. (a) REVIEW.—(1)(A) The Secretary shall not take any final action under section 9504 until the agency or consortium affected by such action has had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary to show cause why that action should not be taken.

“(B) Pending final resolution of any investigation or complaint that could result in a determination under this section, the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

“(2)(A) If such affected agency or consortium is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), it may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action.

“(B) A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary.

“(C) The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

“(3)(A) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings.

“(B) Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

“(4)(A) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part.

“(B) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

“(b) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines, in consultation with such agency or consortium and representatives of the affected private school children, teachers, or other educational personnel that there will no longer be any failure or inability on the part of such agency or consortium to meet the applicable requirements of section 9503 or any other provision of this Act.

“(c) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allocation or allocations under this Act.

“(d) PRIOR DETERMINATION.—Any by-pass determination by the Secretary under this Act as in effect on the day before enactment of the Improving America's Schools Act of 1933 shall remain in effect to the extent the Secretary determines that it is consistent with the purpose of this section.

“PROHIBITION AGAINST FUNDS FOR RELIGIOUS WORSHIP OR INSTRUCTION

“SEC. 9507. Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction.

“PART F—OTHER PROVISIONS

“STATE RECOGNITION OF EXEMPLARY PERFORMANCE

“SEC. 9601. (a) GENERAL AUTHORITY.—(1) A State educational agency may implement a program of State recognition awards under one or more covered programs (other than part A of title I of this Act) and part B of title I of this Act.

“(2) Such recognition awards shall be made by the State educational agency to recipients of assistance under this Act in the State that the State educational agency determines have carried out grant-related activities in an exemplary fashion and have demonstrated outstanding performance measured in accordance with this section.

“(3) A State desiring to make monetary awards under this section may reserve a portion of the total amount available for grants within the State under such program for any fiscal year, not to exceed one percent, for the purpose of making recognition awards to qualifying recipients under such programs. In implementing this section, a State may reduce the amount of funds it would otherwise allocate to recipients in accordance with the applicable statute governing such allocation to the extent necessary.

“(b) CONDITIONS.—A State educational agency may make recognition awards under this section if—

“(1) in selecting awardees, it takes into account improvements in performance (rather than comparisons with other schools and school districts), and successful cooperative efforts among teachers, administrators, and other school personnel in achieving educational reform;

“(2) it employs peer review procedures in identifying recipients eligible for awards, the identity of the awardees, and the amount of the awards;

“(3) it determines that the awardee is in compliance with applicable civil rights requirements; and

“(4) it submits to the Secretary a description of the criteria used in making such awards.

“INTERNATIONAL EDUCATION ACTIVITIES

“SEC. 9602. (a) GENERAL AUTHORITY.—In order to enhance education in the United States and to encourage cooperative efforts with foreign governments and international organizations, the Secretary is authorized directly or through grants, contracts, or cooperative agreements to carry out the activities in subsection (b).

"(b) AUTHORIZED ACTIVITIES.—Funds under this section may be used for—

"(1) activities to improve international understanding through the exchange of technical assistance, information, and training opportunities;

"(2) activities to improve our understanding of how educational systems in other countries work in order to better carry out reform efforts;

"(3) joint conferences with foreign countries to focus on specific content areas; and

"(4) other joint efforts designed to foster international collaboration and cooperation in education.

"(c) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.".

TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

PART A—APPLICABILITY OF THE GENERAL EDUCATION PROVISIONS ACT

TITLE; APPLICABILITY; DEFINITIONS

SEC. 211. Section 400 of the General Education Provisions Act (20 U.S.C. 1221 *et seq.*; hereafter in this title referred to as "the Act") is amended to read as follows:

"TITLE; APPLICABILITY; DEFINITIONS

"SEC. 400. (a) This title may be cited as the 'General Education Provisions Act'.

"(b)(1) Except as otherwise provided, this title applies to each applicable program of the Department of Education.

"(2) Except as otherwise provided, this title does not apply to any contract made by the Department of Education.

"(c) As used in this title, the following terms have the following meanings:

"(1) The term 'applicable program' means any program for which the Secretary of the Department has administrative responsibility as provided by law or by delegation of authority pursuant to law. The term includes such program for which the Secretary of the Department has administrative responsibility under the Department of Education Organization Act or under statutes effective after the effective date of that Act.

"(2) The term 'applicable statute' means—

"(A) the Act or the title, part, section, or any other subdivision of an Act, as the case may be, that authorizes the appropriation for an applicable program;

"(B) this title; and

"(C) any other statute that by its terms expressly controls the administration of an applicable program.

"(3) The term 'Department' means the Department of Education.

"(4) The term 'Secretary' means the Secretary of Education.

"(d) Nothing in this title shall be construed to affect the applicability of title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program.".

REPEAL

SEC. 212. Section 400A of the Act is repealed.

PART B—THE DEPARTMENT OF EDUCATION

NEW HEADING FOR PART A

SEC. 221. The heading for Part A of the Act is amended to read as follows: "PART A—FUNCTIONS OF THE DEPARTMENT OF EDUCATION".

GENERAL AUTHORITY OF THE SECRETARY

SEC. 222. Section 408 of the Act is amended to read as follows:

"GENERAL AUTHORITY OF THE SECRETARY

"SEC. 408. The Secretary, in order to carry out functions otherwise vested in him by law or by delegation of authority pursuant to law, and subject to limitations as may be otherwise imposed by law, is authorized to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operation of, and governing the applicable programs administered by, the Department.".

OFFICE OF PRIVATE EDUCATION

SEC. 223. Section 409 of the Act is repealed and a new section 409 is inserted in lieu thereof to read as follows:

"OFFICE OF PRIVATE EDUCATION

"SEC. 409. Subject to section 413 of the Department of Education Organization Act, there is established in the Department an Office of Private Education to ensure the maximum participation of nonpublic school students in all applicable programs for which such children are eligible.".

REPEALS

SEC. 224. Sections 401, 402, 403, 406A, 406B, 406C, and 407 of the Act are repealed.

PART C—APPROPRIATIONS AND EVALUATIONS

AVAILABILITY OF APPROPRIATIONS

SEC. 231. (a) The heading for section 412 of the Act is amended to read as follows: "AVAILABILITY OF APPROPRIATIONS ON ACADEMIC OR SCHOOL-YEAR BASIS; ADDITIONAL PERIOD FOR OBLIGATION OF FUNDS".

(b) Section 412 of the Act is further amended—

(1) in subsection (a)—

(A) by striking out "to educational agencies or institutions"; and

(B) by striking out "expenditure" and inserting in lieu thereof "obligations"; and

(C) by striking out "by the agency or institution concerned" and inserting in lieu thereof "by the recipient";

(2) by amending subsection (b)(1) to read as follows:

"(b)(1)(A) Notwithstanding any other provision of law, unless enacted in express limitation of this subsection, any funds from appropriations to carry out any applicable State formula grant program that are not obligated by a recipient by the end of the fiscal year for which such funds were appropriated shall remain available for obligation by such recipient during the succeeding fiscal year.

"(B) As used in this subsection, the term 'applicable State formula grant program' means an applicable program whose authorizing statute or implementing regulations provide a formula for allocating program funds among eligible States.";

(3) in subsection (b)(2)—

(A) by striking out "applicable program" and inserting in lieu thereof "applicable State formula grant program";

(B) by striking out "and expenditure" and "and expended"; and

(C) in subparagraph (B), by striking out "educational agencies or institutions" and inserting in lieu thereof "recipients"; and

(4) by striking out subsection (c).

CONTINGENT EXTENSION OF PROGRAMS

SEC. 232. Section 414 of the Act is amended to read as follows:

"CONTINGENT EXTENSION OF PROGRAMS

SEC. 414. (a) The authorization of appropriations for, or duration of, an applicable program shall be automatically extended for one additional fiscal year unless Congress, in the regular session that ends prior to the terminal fiscal year of such authorization or duration—

"(1) has passed legislation that becomes law and extends, or has formally rejected legislation that would have extended, the authorization or duration of such program; or

"(2) approves a resolution, by action of either the House of Representatives or the Senate, stating that this section shall not apply to such program.

"(b) The amount authorized to be appropriated for the period of automatic extension of an applicable program under subsection (a) shall be the amount that was authorized to be appropriated for that program during its terminal fiscal year.

"(c) If the Secretary is required, in the terminal fiscal year of an applicable program, to carry out certain acts or make certain determinations that are necessary for the continuation of such program, such acts or determinations shall be required to be carried out or made during the period of automatic extension under subsection (a).".

BIENNIAL EVALUATION REPORT

SEC. 233. Section 417 of the Act is amended to read as follows:

"BIENNIAL EVALUATION REPORT

"SEC. 417. Not later than March 31 of each second year beginning with 1995, the Secretary shall transmit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate an evaluation report on the effectiveness of applicable programs during the two preceding fiscal years in achieving their legislated purposes. Such report shall—

"(1) contain program profiles that include legislative citations, multi-year funding histories, and legislated purposes;

"(2) contain recent evaluation information on the progress being made toward the achievement of program objectives, including listings of program performance indicators, data from performance measurement based on the indicators, and evaluation information on the costs and benefits of the applicable programs being evaluated;

"(3) contain selected significant program activities, such as initiatives for program improvement, regulations, and program monitoring and evaluation;

"(4) list the principal analyses and studies supporting the major conclusions in the report; and

"(5) include available data to indicate the effectiveness of the programs and projects by the race, sex, disability and age of their beneficiaries.".

TECHNICAL AMENDMENTS

SEC. 234. (a) Section 415 of the Act is amended by striking out "Commissioner" and inserting in lieu thereof "Secretary".

(b) Section 420 of the Act is amended—

(1) by striking out "title I of" and all that follows through "Congress)" and inserting in lieu thereof "title VIII of the Elementary and Secondary Education Act of 1965"; and

(2) by striking out "subparagraph (C) of section 3(d)(2) or section 403(1)(C)" and inserting in lieu thereof "sections 8003(c) or residing on property described in section 8012(7)(B)(ii)".

REPEALS

SEC. 235. Sections 411, 413, 416, and 419 of the Act are repealed.

PART D—ADMINISTRATION OF EDUCATION PROGRAMS

JOINT FUNDING OF PROGRAMS

SEC. 241. (a) Section 421A or the Act is amended to read as follows:

"JOINT FUNDING OF PROGRAMS

"SEC. 421A. (a)(1) The Secretary is authorized to enter into arrangements with other

Federal agencies to jointly carry out projects of common interest, to transfer to such agencies funds appropriated under any applicable program, and to receive and use funds from such agencies, for projects of common interest.

"(2) Funds so transferred or received shall be used only in accordance with the statutes authorizing the appropriation of such funds and the statutes appropriating such funds, and shall be made available only to parties eligible to receive such funds under such statutes.

"(3) If the Secretary enters into an agreement under this subsection for the administration of a project, the agency administering the project shall use its procedures to select awardees and to administer the awards, unless the parties to the agreement specify the use of procedures of another agency that is a party to the agreement.

"(4) If the Secretary has entered into an agreement authorized under subsection (a) of this section and the Secretary and the heads of the other agencies participating in the agreement determine that joint funding is necessary to address a special need consistent with the purposes and authorized activities of each program that provides funding, the Secretary and the heads of the other participating agencies may develop a single set of criteria for jointly funded projects and require each applicant for those projects to submit a single application for review by the participating agencies.

"(b) The Secretary may develop the criteria for, and require the submission of, joint applications under two or more applicable programs under which awards are made on a competitive basis, and may jointly review and approve such applications separately from other applications under such programs, when the Secretary determines that such joint awards are necessary to address a special need consistent with the purposes and authorized activities of each such program. Any applicant for such a joint award must meet the eligibility requirements of each such program.".

COLLECTION AND DISSEMINATION OF INFORMATION

SEC. 242. Section 422 of the Act is amended to read as follows:

"COLLECTION AND DISSEMINATION OF INFORMATION

"SEC. 422. The Secretary shall—

"(1) prepare and disseminate to State and local educational agencies and institutions information concerning applicable programs and cooperate with other Federal officials who administer programs affecting education in disseminating information concerning such programs;

"(2) inform the public on federally supported education programs; and

"(3) collect data and information on applicable programs for the purpose of obtaining objective measurements of the effectiveness of such programs in achieving their purposes.".

REVIEW OF APPLICATIONS

SEC. 243. Section 425 of the Act is amended—

(1) in subsection (a)—

(A) by striking out "Commissioner" and inserting in lieu thereof "Secretary";

(B) by striking out "and in the case of the programs provided for in title I of the Elementary and Secondary Education Act of 1965,";

(C) in the third sentence thereof, by inserting a comma after "the hearing"; and

(D) in the fourth sentence thereof—

(i) by striking out the comma after "guidelines"; and

(ii) by inserting a comma after "program";

(2) in subsection (b), by striking out "commissioner" each place it appears and inserting in lieu thereof "Secretary"; and

(3) in subsection (d), by striking out "Commissioner" each time it appears and inserting in lieu thereof "Secretary" and by inserting before the period "or issue such other orders as the Secretary may deem appropriate to achieve such compliance".

USE OF FUNDS WITHHELD

"SEC. 428. (a) At any time that the Secretary makes an allotment or reallotment to any State under any applicable program, the Secretary shall reduce allotment or reallotment by such amount as the Secretary determines it would have been reduced, had the data on which the allotment or reallotment is based excluded all data relating to local educational agencies of the State that, on the date of the Secretary's action, are ineligible to receive the Federal financial assistance involved because of failure to comply with title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, or the Age Discrimination Act of 1975.

"(b) The Secretary may use any funds withheld under subsection (a)—

"(1) to increase the allotments of other local educational agencies within the State, or the allotments of all States, in accordance with the statutes governing the program; or

"(2) for grants to local educational agencies of that State in accordance with section 405 of the Civil Rights Act of 1964, or for any other program administered by the Department that is designed to enhance equity in education or redress discrimination on the basis of race, color, national origin, sex, age, or disability.".

APPLICATIONS

SEC. 245. Section 430 of the Act is amended by striking out "for three fiscal years" and inserting in lieu thereof "for more than one fiscal year".

REGULATIONS

SEC. 246. Section 431 of the Act is repealed.

RECORDS; REDUCTION IN RETENTION REQUIREMENTS

SEC. 247. Section 437 of the Act is amended—

(1) in subsection (a)—

(A) by striking out "grant, subgrant, contract, subcontract, loan, or other arrangement (other than procurement contracts awarded by an administrative head of an educational agency)" and inserting in lieu thereof "grant, subgrant, cooperative agreement, loan or other arrangement";

(B) by inserting "financial or programmatic" immediately before "audit."; and

(C) by striking out the last sentence thereof; and

(2) in subsection (b), by striking out "to any records of a recipient which may be related, or pertinent to, the grants, subgrants, contracts, subcontracts, loans, or other arrangements" and inserting in lieu thereof "to any records currently maintained by a recipient that may be related, or pertinent to, grants, subgrants, cooperative agreements, loans, or other arrangements".

TECHNICAL AMENDMENTS

SEC. 248. (a) The heading for Part C of the Act is amended by striking out "COMMISSIONER OF EDUCATION" and inserting in lieu thereof "SECRETARY".

(b) Section 427 of the Act is amended—

(1) by striking out "Commissioner" and inserting in lieu thereof "Secretary"; and

(2) in the second sentence thereof, by inserting "is made" after "such determination".

(c) Section 430 of the Act is amended by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary".

(d) Section 433 of the Act is amended by striking out "Except for emergency relief" and inserting in lieu thereof "All laborers".

(e)(1) The heading of section 434 of the Act is amended by striking out "EDUCATIONAL".

(2) Section 434 of the Act is amended—

(A) by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary" and

(B) by inserting "(c)" before the last sentence and by deleting "paragraph (3)" in such sentence and inserting in lieu thereof "subsection (b)(3)".

(f) Section 435 of the Act is amended—

(1) by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary"; and

(2) in subsection (a)—

(A) by striking out the comma after "submits a plan"; and

(B) by striking out "(subject, in the case of programs under chapter 1 and chapter 2 of title I of the Elementary and Secondary Education Act of 1965".

(g) Section 436 of the Act is amended—

(1) in subsection (a), by striking out "that local education agency" and inserting in lieu thereof "that local educational agency"; and

(2) in subsection (b)—

(A) in paragraph (2), by inserting a comma after "program";

(B) in paragraph (4), by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary"; and

(C) in paragraph (7), by striking out "handicapped individuals" and inserting in lieu thereof "individuals with disabilities".

(h) Section 438 of the Act is amended—

(1) in subsection (a)(4)(B)(ii), by striking out the period at the end thereof and inserting in lieu thereof a semicolon:

(2) in subsection (b)—

(A) in paragraph (1)(C), by striking out "(iii) an administrative head of an education agency (as defined in section 408(c)), or (iv)" and inserting in lieu thereof "or (iii)";

(B) in paragraph (1)(H), by striking out "1954" and inserting in lieu thereof "1986"; and

(C) in paragraph (3)—

(i) by striking out "(C) an administrative head of an education agency or (D)" and inserting in lieu thereof "or (C)"; and

(ii) by striking out "education program" and inserting in lieu thereof "education programs";

(3) in subsection (d) by inserting a comma after "education";

(4) in subsection (f)—

(A) by striking out "The Secretary, or an administrative head of an education agency," and inserting in lieu thereof "The Secretary";

(B) by striking out "provisions of" after "enforce";

(C) by striking out "according to the provisions of" and inserting in lieu thereof "in accordance with"; and

(D) by striking out "the provisions of" after "with"; and

(5) in subsection (g)—

(A) by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education"; and

(B) by striking out "the provisions of".

REPEALS

SEC. 249. (a) Sections 421, 423, 424, 426, 426A, and 429 of the Act are repealed.

EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES

SEC. 250. The Act is further amended by inserting after section 425 a new section 426 to read as follows:

"EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES

"SEC. 426. (a) The purpose of this section is to assist the Department in implementing its mission to ensure equal access to education and to promote educational excellence throughout the Nation, by ensuring equal opportunities to participate for all eligible students, teachers and other program beneficiaries in any project or activity carry out under an applicable program and promoting their ability to meet high standards.

"(b) The Secretary shall require each applicant for assistance under an applicable program (other than an individual) to develop and describe in its application the steps it proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with such assistance, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age.

"(c) The Secretary may establish criteria and provide technical assistance for meeting the requirements of this section.

"(d) Nothing in this section is intended to alter in any way the rights or responsibilities established under the statutes cited in section 400(d) of this Act.".

PART E—ADVISORY COMMITTEES

REPEAL

SEC. 251. Part D of the Act is repealed.

PART F—ENFORCEMENT

REPEAL OF GRANTBACK PROVISION

SEC. 261. Section 459 of the Act is repealed.

PART G—RELATED AMENDMENTS TO OTHER ACTS

DEPARTMENT OF EDUCATION ORGANIZATION ACT

SEC. 271. The Department of Education Organization Act is amended—

(1) in section 414, by striking out "(a)" and subsection (b).

(2) in section 417, by adding a new subsection (d) to read as follows:

"(d) The Secretary is authorized, with funds expressly appropriated for such purpose, to construct such facilities as may be necessary to carry out functions of the Secretary or the Department and to acquire and dispose of such property.";

(3) in section 421, by inserting "and to accept donations of services" after "personal"; and

(4) by striking out section 427.

HIGHER EDUCATION ACT OF 1965

SEC. 272. Sections 432(d) and 482(c) of the Higher Education Act of 1965 are repealed.

PART H—CONFORMING AMENDMENTS

CONFORMING AMENDMENTS TO OTHER ACTS

SEC. 281. (a) The Rehabilitation Act of 1973 is amended—

(1) by repealing section 9; and

(2) in section 100, by striking out subsection (d).

(b) Section 491(b) of the Higher Education Act of 1965 (20 U.S.C. 1001 *et seq.*) is amended by striking out the last sentence thereof.

TITLE III—AMENDMENT TO OTHER ACTS

PART A—AMENDMENTS TO THE INDIVIDUAL WITH DISABILITIES EDUCATION ACT

ALLOCATIONS UNDER SECTION 611 OF THE IDEA

SEC. 311. (a) Section 611(a) of the Individuals with Disabilities Education Act (hereafter in this title referred to as the "IDEA") is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Except as provided in paragraph (5), the maximum amount of the grant for which a State is eligible under this section for any fiscal year is—

"(A) the sum of—

"(i) the number of children with disabilities in the State, aged 6 through 21, who are receiving special education and related services, as determined under paragraph (3); and

"(ii) the number of such children in the State, aged 3 through five, if the State is eligible for a grant under section 619; multiplied by

"(B) 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States.";

(2) by amending paragraph (2) to read as follows:

"(2) For the purpose of this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico."; and

(3) in paragraph (5)(A)—

(A) in clause (i), by striking out "and the State" and inserting in lieu thereof "or the combined percentage of such children counted by the Secretary for the purpose of making fiscal year 1994 allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, whichever is greater, if the State";

(B) in clause (ii)—

(i) by striking out "and the State" and inserting in lieu thereof "or the combined percentage of such children counted by the Secretary for the purpose of making fiscal year 1994 allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, whichever is greater, if the State"; and

(ii) by striking out the semicolon and "and" at the end thereof and inserting in lieu thereof a period; and

(C) by striking out clause (iii).

(b) Section 611(B) of the IDEA is amended to read as follows:

"(b)(1) Notwithstanding subsections (a) and (g) of this section, no State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the combined amount it received for fiscal year 1994 under—

"(A) this section; and

"(B) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for children with disabilities aged three through 21.

"(2) If, for the fiscal year 1998 or 1999, the number of children determined under subsection (a)(3) for any State is less than the total number of children with disabilities, aged three through 21, counted for that State's fiscal year 1994 grants under section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, the amount determined under paragraph (1) for that State shall be reduced by the same percentage by which the number of those children so declined.".

(c) Section 611(c) of the IDEA is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Of the funds received under subsection (a) by any State for any fiscal year—

"(A) the State may use up to 25 percent in accordance with paragraph (2); and

"(B) except as provided in paragraph (4), the State shall distribute at least 75 percent to local educational agencies and intermediate educational units, in accordance with subsection (d), for use in accordance with priorities established under section 612(3).";

(2) in paragraph (2), by amending subparagraph (A) to read as follows:

"(A) From the funds that any State may use under paragraph (1)(A) for any fiscal year, the State—

"(i) may use five percent of the funds received under this section or $450,000, whichever is greater, for administrative costs related to carrying out sections 612 and 613; and

"(ii) shall use the remainder—

"(I) to provide support services and direct services, subject to subparagraph (B), in accordance with priorities established under section 612(3); and

"(II) for the administrative costs of monitoring and complaint investigation, but only to the extent that such costs exceed the costs of administration incurred during fiscal year 1985.".

(d) Section 611(d) of the IDEA is amended to read as follows:

"(d)(1) From the total amount of funds available for any fiscal year under subsection (c)(1)(B), the State shall provide to each local educational agency or intermediate educational unit an amount that bears the same ratio to such total amount as the number of children, aged 3 through 21, determined under subsection (a)(3) for such agency or unit bears to the total number of such children determined for all such agencies and units that apply for such funds.

"(2)(A) To the extent necessary, the State—

"(i) shall use funds available under subsection (c)(2)(A)(ii) to ensure that each State agency that received fiscal year 1994 funds under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 receives, from the combination of such funds and funds provided under paragraph (1), an amount equal to—

"(I) the number of children, aged 6 through 21, determined under subsection (a)(3) for such agency; multiplied by

"(II) the per-child amount provided under such subpart for fiscal year 1994; and

"(ii) may use such funds to ensure that each local educational agency that received fiscal year 1994 funds under such subpart for children who had transferred from a State-operated or State-supported school or program assisted under such subpart receives, from the combination of such funds and funds provided under paragraph (1), an amount for each such child, aged 3 through 21, determined under subsection (a)(3) for such agency, equal to the per-child amount the agency received under such subpart for fiscal year 1994.

"(B) For the purpose of subparagraph (A), the number of children determined under subsection (a)(3) for any State agency or local educational agency shall not exceed the number of children aged 3 through 21 for whom such agency received funds under such subpart for such fiscal year.".

(e) Section 611(e)(1) of the IDEA is amended to read as follows:

"(1) The jurisdictions to which this subsection applies are Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau).".

(f) Section 611(g) of the IDEA is amended to read as follows:

"(g)(1)(A) If the sums appropriated under subsection (h) for any fiscal year are not sufficient to pay in full the total of the amounts that all States are eligible to receive under subsection (a), each such amount shall be ratably reduced.

"(B) If additional funds become available for making such payments for any fiscal year, such reduced amounts shall be increased on the same basis as they were reduced.

"(C) Any State that receives any such additional funds shall distribute them in accordance with this section, except that any State that has used funds available under subsection (c)(2)(A)(ii) for the purpose described in subsection (d)(2) may—

"(i) deduct, from the amount that it would otherwise be required to make available to local educational agencies and intermediate educational units, the same amounts of such additional funds as it is so used; and

"(ii) use such funds in accordance with subsection (c)(2)(A)(ii).

"(2)(A) In any fiscal year for which payments have been reduced and additional funds have not been made available under paragraph (1) to pay in full the amounts for which all States are eligible under this section, each State educational agency shall fix dates by which each local educational agency or intermediate educational unit shall report to the State agency the amount of funds available to it under this section that it estimates it will expend.

"(B) The State educational agency shall, in accordance with this section, reallocate any funds that it determines will not be used during the period of availability by such local educational agencies and intermediate educational units, and by any such agency or unit to which such funds would be available if it applied for them under this part, to those local educational agencies and intermediate educational units that the State educational agency determines will need, and be able to use, additional funds to carry out approved programs.".

TREATMENT OF CHAPTER 1 STATE AGENCIES

SEC. 312. Part B of the IDEA is further amended by inserting after section 614 the following new section:

"TREATMENT OF CHAPTER 1 STATE AGENCIES

"SEC. 614A. (a) For the purpose of making payments under sections 611 and 619 of this Act, any State agency that received funds for fiscal year 1994 under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 shall be treated as if it were a local educational agency.

"(b) The State educational agency shall ensure that each State agency that operates or supports a program or school for children with disabilities with funds under this part—

"(1) provides each child with a disability in that school or program a free appropriate public education in accordance with this part, including the due process protections of section 615, as if it were a local educational agency; and

"(2) has on file with the State educational agency an application that meets those requirements of section 614 that the Secretary finds appropriate."

"(c) Section 611(c)(4) shall not apply with respect to a State agency that is eligible for a payment under this part by virtue of this section.".

INFANTS AND TODDLERS WITH DISABILITIES

SEC. 313. (a) Section 684(c) of the IDEA is amended—

(1) by redesignating paragraph (2) as paragraph (5); and

(2) by striking out paragraph (1) and inserting in lieu thereof paragraphs (1) through (4) to read as follows:

"(1) Except as provided in paragraphs (3) and (4), from the funds remaining for each fiscal year after the reservation and payments under subsections (a) and (b), the Secretary shall first allot to each State an amount that bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States.

"(2) For fiscal year 1995 only, the Secretary shall allot $34,000,000 of the remaining funds described in paragraph (1) among the States in proportion to their relative numbers of infants and toddlers with disabilities who—

"(A) are counted on December 1, 1994; and

"(B) would have been eligible to be counted under section 1221(c)(1) of the Elementary and Secondary Education Act of 1965 as in effect before the enactment of the Improving America's Schools Act of 1993.

"(3) Except as provided in paragraph (4), no State shall receive an amount under this section for any fiscal year that is less than the greater of—

"(A) one-half of one percent of the remaining amount described in paragraph (1), not including any amounts allotted under paragraph (2); or

"(B) $500,000.

"(4)(A) No State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the combined amount it received for fiscal year 1994 under—

"(i) this part; and

"(ii) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for children with disabilities from birth through age two.

"(B) If, for fiscal year 1998 or 1999, the number of infants and toddlers in any State, as determined under paragraph (1), is less than the number of infants and toddlers so determined for fiscal year 1994, the amount determined under subparagraph (A) for that State shall be reduced by the same percentage by which the number of those infants and toddlers so declined.".

(b) The amendments made by subsection (a) shall take effect beginning with fiscal year 1995.

PART B—AMENDMENTS TO THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT

STATE LITERACY INITIATIVES

SEC. 321. Section 702 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 *et seq.*; hereinafter in this title referred to as "the Act") is amended to read as follows:

"STATE LITERACY INITIATIVES

"SEC. 702. (a) GENERAL AUTHORITY.—(1) The Secretary of Education is authorized to make grants to State educational agencies to enable each such agency to implement, either directly or through contracts and grants, a program of literacy training and academic remediation for adult homeless individuals within the State, which program shall—

"(A) include outreach activities; and

"(B) be coordinated with other agencies or organizations, such as community-based organizations, nonprofit literacy-action organizations, and funding recipients under the Adult Education Act, title II of the Job Training Partnership Act, the Youth Fair Chance program under title IV of the Job Training Partnership Act, the Volunteers in Service to America program under the Domestic Volunteers Service Act, part C of this title, or the Job Opportunity and Basic Skills program under the Social Security Act.

"(2) The Secretary of Education shall, in awarding grants under this section, give special consideration to the estimates submitted in the application submitted under subsection (b) and make such awards in whatever amounts he or she determines would best serve the purposes of this section.

"(b) APPLICATION.—Each State educational agency desiring to receive a grant under this section shall submit to the Secretary of Education an application at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall include an estimate of the number of homeless individuals in the State and the number of such individuals expected to be served.

"(c) AUTHORIZATION OF APPROPRIATIONS.—(1) For the purpose of carrying out the adult literacy and academic remediation programs authorized by this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(d) DEFINITION.—As used in this section, the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau).".

EDUCATION FOR HOMELESS CHILDREN AND YOUTH

SEC. 322. Subtitle B of title VII of the Act is amended to read as follows:

"SUBTITLE B—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

"STATEMENT OF POLICY

"SEC. 721. It is the policy of the Congress that—

"(1) each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth;

"(2) in any State that has a compulsory residency requirement as a component of its compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free, appropriate public education as provided to other children and youth;

"(3) homelessness alone should not be sufficient reason to separate students from the mainstream school environment; and

"(4) homeless children and youth should have access to the education and other services that they need to ensure that they have an opportunity to meet the same challenging State performance standards to which all students are held.

"GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH

"SEC. 722. (a) GENERAL AUTHORITY.—(1) The Secretary is, in accordance with the provisions of this section, authorized to make grants to States to carry out the activities described in subsections (d), (e), (f), and (g).

"(b) APPLICATION.—No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(c) ALLOCATION AND RESERVATIONS.—(1) Subject to paragraph (2) and section 724(c), from the amounts appropriated for each fiscal year pursuant to section 726, the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated in each such year as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State in that year bears to the total amount allocated to all States, except that no State shall receive less than $100,000.

"(2)(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year pursuant to section 726 to be allocated by the Secretary among the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau), according to their respective need, as determined by the Secretary.

"(B)(i) The Secretary is authorized to transfer one percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act, that are consistent with the purposes of this Act.

"(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this part, for the distribution and use of these funds under terms that the Secretary determines best meet the purposes of the covered programs. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives and milestones.

"(3) As used in this subsection, the term 'State' shall not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or Palau.

"(d) MANDATED ACTIVITIES.—Grants under this section shall be used—

"(1) to carry out the policies set forth in section 721 in the State;

to provide activities for, and services to, homeless children, including preschool-aged children, and homeless youth that enable such children and youth to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs;

"(3) to establish or designate an Office of Coordinator of Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f);

"(4) to prepare and carry out the State plan described in subsection (g); and

"(5) to develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youth.

"(e) STATE AND LOCAL GRANTS.—(1)(A) Subject to subparagraph (B), if the amount allotted to the State educational agency for any fiscal year under this subtitle exceeds the amount such agency received for fiscal year 1990 under this subtitle, such agency shall provide grants to local educational agencies for purposes of section 723.

"(B) The State educational agency may reserve not more than the greater of five percent of the amount it receives under this subtitle for any fiscal year, or the amount such agency received under this subtitle for fiscal year 1990, to conduct activities under subsection (f) directly or through grants or contracts.

"(2) If the amount allotted to a State educational agency for any fiscal year under this subtitle is less than the amount such agency received for fiscal year 1990 under this subtitle, such agency, at its discretion, may provide such grants or may conduct activities under subsection (f) directly or through grants or contracts.

"(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

"(1) estimate the number of homeless children and youth in the State and the number of such children and youth served with assistance provided under the grants under this subtitle;

"(2) gather, to the extent possible, reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary and secondary schools, the difficulties in identifying the special needs of such children and youth, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the program under this subtitle in allowing homeless children and youth to enroll in, attend, and succeed in school;

"(3) develop and carry out the State plan described in subsection (g);

"(4) prepare and submit to the Secretary not later than October 1, 1997, and on October 1 of every third year thereafter, a report on the information gathered pursuant to paragraphs (1) and (2) and such additional information as the Secretary may require to carry out his or her responsibilities under this subtitle;

"(5) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth and their families; and

"(6) develop relationships and coordinate with other relevant education, child development, or preschool programs and providers of services to homeless children, homeless families, and runaway and homeless youth (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth), to improve the provision of comprehensive services to homeless children and youth and their families.

"(g) STATE PLAN.—(1) Each State shall submit to the Secretary a plan to provide for the education of homeless children and youth within the State, which plan shall describe how such children and youth are or will be given the opportunity to meet the same challenging State performance standards all students are expected to meet, shall describe the procedures the State educational agency will use to identify such children and youth in the State and to assess their special needs, and shall—

"(A) describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth;

"(B) describe programs for school personnel (including principals, attendance officers, teachers and enrollment personnel), to heighten the awareness of such personnel of the specific needs of runaway and homeless youth;

"(C) describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs;

"(D) describe procedures that ensure that—

"(i) homeless children have equal access to the same public preschool programs as provided to other children; and

"(ii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs;

"(E) address problems set forth in the report provided to the Secretary under subsection (f)(4);

"(F) address other problems with respect to the education of homeless children and youth, including problems caused by—

"(i) transportation issues; and

"(ii) enrollment delays that are caused by—

"(I) immunization requirements;

"(II) residency requirements;

"(III) lack of birth certificates, school records, or other documentation; or

"(IV) guardianship issues;

"(G) demonstrate that the State educational agency and local educational agencies in the State have developed, and will review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in schools in the State; and

"(H) contain an assurance that the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not isolated or stigmatized.

"(2) Each plan adopted under this subsection shall also show how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (9)

"(3)(A) The local educational agency of each homeless child and youth shall, according to the child's or youth's best interest, either—

"(i) continue the child's or youth's education in the school of origin—

"(I) for the remainder of the academic year; or

"(II) in any case in which a family becomes homeless between academic years, for the following academic year; or

"(ii) enroll the child or youth in any school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

"(B) In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall comply with the request made by a parent or guardian regarding school selection unless the local educational agency has a compelling reason for not complying with the request.

"(C) For purposes of this paragraph, the term 'school of origin' means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.

"(D) The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere by the parents.

"(4) Each homeless child or youth shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including—

"(A) transportation services, except as required by paragraph (9);

"(B) educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency;

"(C) programs in vocational education;

"(D) programs for gifted and talented students;

"(E) school meals programs.

"(5) Any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, of each homeless child or youth shall be maintained—

"(A) so that the records are available, in timely fashion, when a child or youth enters a new school district; and

"(B) in a manner consistent with section 438 of the General Education Provisions Act.

"(6) Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate with local social services agencies and other agencies or programs providing services to such children or youth and their families.

"(7)(A) Each local educational agency in which homeless children or youth live or attend school in a State that receives a grant under this subtitle shall designate a homelessness liaison to ensure that—

"(i) homeless children and youth enroll and succeed in the schools of that agency; and

"(ii) homeless families, children, and youth receive educational services for which they are eligible, including preschool programs, and referrals to health care services, dental services, mental health services, and other appropriate services.

"(B) State coordinators and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons.

"(8) Each State educational agency and local educational agency shall review and revise any policies that may act as barriers to the enrollment of homeless children and youth in schools selected in accordance with paragraph (3). In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records, and other documentation, and guardianship. Special attention shall be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school.

"(9) Each plan adopted under this subsection shall—

"(A) demonstrate that transportation, to the extent possible, will be provided at no cost to homeless children and youth attending the school in which they are enrolled; and

"(B) contain procedures for resolving disputes between local educational agencies or within a local educational agency concerning transportation costs for such children and youth.

"LOCAL EDUCATIONAL AGENCY GRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH

"SEC. 723. (a) GENERAL AUTHORITY.—(1) The State educational agency shall, in accordance with section 722(e) and with amounts made available to such agency under section 726, make grants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school homeless children and youth.

"(2) Unless otherwise specified, services under paragraph (1) may be provided through programs on school grounds or at other facilities. Where services are provided through programs on school grounds, such as services may also be made available to children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, except that priority for such services shall be given to homeless children and youth. To the maximum extent practicable, services shall be provided through existing programs and mechanisms that integrate homeless individuals with nonhomeless individuals.

"(3) Services provided under this section shall be designed to expand upon or improve services provided as part of the school's regular academic program.

"(b) APPLICATION.—A local educational agency that desires to receive a grant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require according to guidelines issued by the Secretary. Each such application shall include—

"(1) a description of the services and programs for which assistance is sought and the problems to be addressed through the provision of such services and programs;

"(2) an assurance that the local educational agency's combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combed fiscal effort or aggregate expenditures for the second preceding fiscal year;

"(3) an assurance that the applicant complies with, or will use requested funds to come into compliance with, paragraphs (3) through (9) of section 722(g); and

"(4) description of policies and procedures that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.

"(c) AWARDS.—(1) The State educational agency shall, in accordance with section 722(g) and with amounts made available to such agency under section 726, award grants under this section to local educational agencies submitting an application under subsection (b) on the basis of the need of such agencies.

"(2) In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary, and secondary schools within the area served by the agency, and shall consider the needs of such children and youth and the ability of the agency to meet such needs. Such agency may also consider—

"(A) the extent to which the proposed use of funds would facilitate the enrollment, retention, and educational success of homeless children and youth;

"(B) the extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth, as well as the State plan required by section 722(g);

"(C) the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youth; and

"(D) such other criteria as the agency determines appropriate.

"(3) Grants awarded under this section shall be for terms not to exceed three years.

"(d) AUTHORIZED ACTIVITIES.—(1) A local educational agency may use funds awarded under this section for activities to carry out the purpose of this subtitle, including—

"(A) the provision of tutoring and supplementary educational services that are linked to the achievement of the same challenging standards the State establishes for other children or youth;

"(B) the provision of expedited evaluations of the strengths and needs of homeless children and youth, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational education, and school meals programs);

"(C) professional development and other activities for educators and other school personnel that is designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youth, the rights of such children and youth under this Act, and the specific educational needs of runaway and homeless youth;

"(D) the provision of referral services to homeless children and youth for medical, dental, mental, and other health services;

"(E) the provision of assistance to defray the excess cost of transportation for students pursuant to sections 722(g)(4) or 722(g)(9), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3);

"(F) the provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged children;

"(G) the provision of before- and after-school and summer programs for homeless children and youth in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities;

"(H) where necessary, the payment of fees other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youth in school, including birth certificates, immunization records, academic records, guardianship records, and evaluations for special programs or services;

"(I) the provision of education and training to the parents of homeless children and youth about the rights of, and resources available to, such children and youth;

"(J) the development of coordination between schools and agencies providing services to homeless children and youth;

"(K) the provision of counseling (including violence prevention counseling), social work, and psychological services, and referrals for such services;

"(L) activities to address the particular needs of homeless children and youth that may arise from domestic violence;

"(M) the adaptation of space and purchase of supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection;

"(N) the provision of school supplies to be distributed at shelters or temporary housing facilities; and

"(O) the provision of other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.

"SECRETARIAL RESPONSIBILITIES

"SEC. 724. (a) REVIEW OF PLANS.—In reviewing the State plans submitted by the State educational agencies under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plans adequately address the problems of homeless children and youth relating to access to education and placement as described in such plans.

"(b) TECHNICAL ASSISTANCE.—The Secretary shall provide support and technical assistance to the State educational agencies to assist such agencies to carry out their responsibilities under this subtitle.

"(c) EVALUATION AND DISSEMINATION.—The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

"(d) REPORTS.—The Secretary shall prepare and submit a report to Congress on the programs and activities authorized by this subtitle by December 31, 1997, and every third year thereafter.

"DEFINITIONS

"SEC. 725. For the purpose of this subtitle, the following terms have the following meanings.

"(1) The term 'Secretary' means the Secretary of Education.

"(2) The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 726. For the purpose of carrying out this subtitle, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.".

PART C—REPEAL OF IMPACT AID STATUTES

REPEAL OF IMPACT AID STATUTES

SEC. 331. Public Laws 81–815 and 81–874 are repealed.

SECTION-BY-SECTION ANALYSIS—THE IMPROVING AMERICA'S SCHOOLS ACT OF 1993

Section 2. Organization of the bill. Section 2 of the bill would summarize the bill's organization into three titles: Title I, Amendments to the Elementary and Secondary Education Act of 1965 (ESEA); Title II, Amendments to the General Education Provisions Act; and Title III, Amendment to Other Acts.

Section 3. Effective dates; transition. Section 3 of the bill would provide effective dates for each title of the Act and also provide for a flexible transition to the various programs amended by the Act.

Subsection (a)(1) would establish an effective date of July 1, 1995 for all non-competitive, formula-driven programs under the amended ESEA (such as Part of Title I), other than the Impact Aid program under Title VIII, and provide that the provisions of the amended ESEA applicable to Impact Aid and to discretionary programs (i.e., those conducted on a competitive basis) would be effective with respect to the use of fiscal year 1995 appropriations.

Subsection (a)(2) would provide that the amendments to the General Education Provisions Act (GEPA) contained in Title II of the Act would take effect upon enactment, with the exception of the new section 426 of GEPA ("Equity for Students, Teachers, and Other Program Beneficiaries"), which would take effect on July 1, 1995 for non-competitive programs and with respect to fiscal year 1995 appropriations for programs carried out on a competitive basis.

Subsection (a)(3) would provide that the amendments in Title III of the Act to the Individuals with Disabilities Education Act and the Stewart B. McKinney Homeless Assistance would take effect July 1, 1995, and that the repeal of the Impact Aid statutes by section 331 of the bill would take effect on October 1, 1994.

Subsection (b) would provide that notwithstanding any other provision of law, a recipient of funds under the ESEA, as in effect prior to amendment by the bill, may use funds available to it under that predecessor authority to carry out necessary and reasonable planning and transition activities in order to ensure a smooth implementation of programs authorized by the bill.

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Section 101. Amendments to the Elementary and Secondary Education Act of 1965. Section 101 of the bill would completely restate the Elementary and Secondary Education Act of 1965 (ESEA) as described below.

Section 2. Table of contents. Proposed section 2 of the ESEA would provide a table of contents for the ESEA.

TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS

The bill would return the program to its original name: Title I.

Section 1001. Declaration of policy and statement of purpose. Proposed section 1001 of the ESEA would set forth the statement of policy, need, and purpose and provide the rationale underlying the proposed changes in the law. It would provide a framework for understanding why and how Title I must change to ensure that the children it serves receive a high quality education that will enable them to meet challenging State standards all children are expected to meet.

Subsection (a) would contain the statement of policy that reflects the values embodied in our Nation and the vital role an equal opportunity for a high-quality education has in safeguarding those values.

Subsections (b) and (c) would recognize the need for changes in Title I. Currently, our Nation is not providing the opportunity for many segments of society to receive a high-quality education. The needs of children in high-poverty schools are particularly acute and, research suggests, are growing. The data also suggest that although Title I contributed to equalizing educational opportunities in support of a national focus on basic skills in the 1970's, it is no longer adequately helping to close the gap between disadvantaged children and others and to help provide disadvantaged students with the education they need to live productive lives in the next century.

Research suggests several reasons why. Chapter 1 programs often emphasize low-level basic skills and remedial drill and practice, rather than necessary problem solving skills and challenging and engaging curriculum content. In 70 percent of all Chapter 1 schools, children continue to be taken out of regular classrooms to attend pull-out programs that add little additional learning time and do not improve the quality of teaching and learning in the regular classroom where children in Chapter 1 still spend the bulk of their day. Moreover, Chapter 1 programs have lacked a framework in which to operate—clearly articulated high standards and a set of assessments to determine how well children are meeting these standards. Without such a framework, children served by Chapter 1 have too often been captive to lower expectations and subjected to low-level assessments that drive their instruction. Finally, Chapter 1 has not done enough to promote other conditions that are key to success in the highest-poverty schools. These include intensive and sustained professional development, active parental involvement, adequate concentration of resources in the highest-poverty schools, and strong coordination with other service providers to ensure that the comprehensive needs of children are addressed.

Subsection (d) would set forth the overall purpose of Title I: to enable schools to provide the opportunity for children served under Title I to acquire the knowledge and skills contained in the rigorous State content standards and to meet the challenging State performance standards developed under the Goals 2000: Educate America Act or, in their absence, under this title.

The specific purposes contained in this subsection to achieve this overall purpose include: (1) ensuring high standards for all children and aligning the efforts of States local educational agencies (LEAs), and schools to help children reach them; (2) providing children an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time that children receive; (3) promoting schoolwide reform and access of all children to effective instructional strategies and challenging academic content; (4) significantly upgrading the quality of the curriculum and instruction by providing staff in participating schools with substantial opportunities for intensive and sustained professional development; (5) coordinating services under all parts of Title I with each other, with other educational services, including preschool services, and, to the extent feasible, with health and social service programs funded from other sources; (6) affording parents meaningful opportunities to participate in the education of their children at home and at school; (7) distributing resources to areas where needs are greatest; (8) improving accountability, as well as teaching and learning, by using State assessment systems designed to measure how well children are achieving high State standards of performance expected of all children; and (9) providing greater decision making authority and flexibility to schools in exchange for greater responsibility for student performance.

Section 1002. Authorization of appropriations. Proposed section 1002 of the ESEA would authorize appropriations for the following programs under Title I: the program operated by LEAs under Part A; the Even Start program under Part B; the migrant education program under Part C; the program for neglected or delinquent children under Part D; capital expenses under section 1017(d) of Part A; school improvement under section 1018(b) and (d) of Part A, and Federal activities under sections 1501 and 1502 of Part E. These programs would be authorized for a period of ten years to ensure sufficient time to develop the high standards and assessments Title I requires and to implement an effective system of accountability and improvement.

Part A—Making high-poverty schools work

Subpart 1—Basic Program Requirements

Subpart 2 of the current law would become Subpart 1 and would be fundamentally reorganized. The subpart would begin with the State plan because the new standards and assessments established by the State would be the starting point for the program. The section on schoolwide programs would be moved up to reflect the likely expansion in the number of schoolwide program schools and the primacy of schoolwide reform under the new Part A. Separate sections on the uses of funds and on eligible children would no longer be necessary. Such sections apply only to schools that are not schoolwide programs—now called targeted assistance schools—and would be put in that section. Finally, in place of three separate, conflicting sections in current law on evaluation, State program improvement plans, and local program improvement, the new Subpart 1 would have one section on review and improvement that would be driven by a single set of State assessments.

Section 1111. State plans. Proposed section 1111 of the ESEA would require a State desiring to receive Part A funds to submit a State plan to the Secretary. The plan would describe the high standards and assessments the State would establish or use for all children, as well as how the State would fulfill its additional responsibilities to enable children served by Part A to meet these standards. These roles would be tied to the State's systemic reform efforts, if any, under the Goals 2000: Educate America Act to ensure that the performance expected of children in title I schools is the same as that expected for all children and that Title I becomes a vehicle for systemic reform.

Subsection (b) would contain the specific requirements for standards and assessment. Paragraph (1) provides that, first and foremost, the State plan would contain a description of coherent and challenging content and performance standards for allchildren. Content standards would clearly articulate what all children should know and be expected to do. Performance standards would provide a way for determining whether students are actually learning the challenging content of the content standards. They would be markers to determine how well the students "know" the material in the content standards. The performance standards would include two high levels of performance—proficient and advanced—and a third benchmark below proficient. This formulation would help reconcile the tension between: (1) needing information on the performance of the lowest-achieving students in a school; and (2) not establishing an additional performance level below proficient that could become the de facto expectation for disadvantaged children. This paragraph would allow a State's initial plan to include only standards for mathematics and reading/language arts, if the State has not developed others, and to supplement these with other standards as the State adopts them.

Paragraph (2) would require that the State define what constitutes adequate yearly progress of schools and districts toward meeting the State's "proficient" and "advanced" performance standards. The term "adequate yearly progress" would apply to individual schools and districts rather than to individual students. Students would be assessed to determine whether a school is making such progress toward enabling all children to meet the State's performance standards. To ensure that this definition is not driven by the need to aggregate school level data to the district level, adequate progress would not have to be defined in the same way for schools and districts (although it could be). Any definition, however, would have to conform to the overall goal of continuous and substantial yearly improvement by every school and district toward enabling all children to meet the State's performance standards.

Paragraph (3) would replace all the current testing requirements in Chapter 1 which, evidence suggests, have held back efforts to enrich the curriculum with more challenging material. In their place would be a State-level set of high-quality, yearly student assessments. These assessments would be aligned with the State's content and performance standards, comprised of multiple, up-to-date measures of student performance, and be used as the primary means of determining whether LEAs and schools are, in fact, making adequate yearly progress.

Although the State assessments would be given yearly in each school, they would not need to be given in every grade or every subject; in fact, the expectation is that they would not be. Within the grades that are tested, however, all children would be assessed, rather than a sample, and scores would be provided for individual students so that they care about the assessment and try to demonstrate their actual proficiency. Assessment resultsalso would be disaggregated for those categories of children that are educationally meaningful, such as limited English proficiency, but only when results for those categories would be reliable. These assessments would be the only assessments required under Part A and would provide information both for accountability and to improve teaching and learning. There would no longer be specific Federal reporting requirements.

Paragraph (4) would require a State that has developed standards and assessments under a Goals 2000 plan to use those standards and assessments for Title I, modified, where necessary, to conform to the provisions of this part dealing with performance standards, adequate progress, and assessments.

Paragraph (5) would allow the State to use an interim assessment system while it is developing standards and assessments. This provision recognizes that developing high-quality standards and assessments will take time. The State's interim assessments, however, must still assess performance of complex skills and challenging subject matter; low-level tests of basic skills would no longer suffice. The interim period could, at most, last for three years. If a State still does not have standards and assessments that meet the requirements of this subsection at the end of the interim period granted, it would have to adopt a set of standards and aligned assessments that are satisfactory to the Secretary, such as those contained in other State plans the Secretary has approved.

Subsection (c) would include the State's other responsibilities under Part A, including: (1) establishing a system of school support teams to improve the quality of schoolwide programs; (2) providing technical assistance to LEAs and schools to enable them to carry out their responsibilities under Part A; (3) fulfilling the State's central role in the new accountability scheme for districts and schools; and (4) promoting schoolwide programs and schoolwide reform. These responsibilities emphasize the State's role in supporting the efforts of districts and schools to improve teaching and learning.

Subsection (d) would establish a peer review process at the Federal level to assist in the review and revision of State plans. The process, which would be ongoing, would serve as a source of professional development for those involved, as well as provide input to States to improve their plans.

Subsection (e) would allow a State plan to remain in effect for the duration of the State's participation in Part A. The State, however, would be required to periodically review and revise its plan, as necessary, to reflect programmatic or strategic changes. Significant changes in the State plan, including the adoption of new content and performance standards,new assessments, or a new definition of adequate progress, would have to be submitted to the Secretary for approval.

Section 1112. Local educational agency plans. Proposed section 112 would require each LEA that desires to receive Part A funds to submit a local plan to the State for approval. The requirements for this local plan have been extensively revised from current law.

Subsection (a) would parallel the plan requirements at the State level. It would promote coherent policies and plans at the district level as well as the alignment of Title I with the State and district's systemic reform efforts, if any, under Goals 2000.

Subsection (b) would allow LEAs to supplement State standards and assessments with additional ones, if they wish to do so, while maintaining the State's challenging standards and assessments as the driving force for the system.

Subsection (c) would set out the central responsibilities of the LEA to improve teaching and learning. Three major roles are envisioned, which are contained in paragraphs (1) through (3). First, the LEA must develop a coherent strategy for intensive and sustained professional development that uses Part A resources, as well as other resources, including those received under Title II of the Act; second. The LEA must consult with schools while they develop their plans, provide schools with the technical assistance and support they need to effectively implement their plans, and establish an effective improvement process for schools that are failing. Third, the LEA must work to better address the multiple needs of students in high-poverty schools by coordinating Title I services with other educational services—including those educational services a child may receive before entering school and upon leaving it, and services for disabled, limited English proficient, migrant, immigrant, or homeless children—as well as with health and social services, to the extent feasible. Paragraphs (1) through (3) would effectively recast the role of the LEA in Title I from one that is compliance oriented to quality oriented, from "command and control" to "support and suggest."

Subsection (c)(3)(C) would add another new requirement that would help correct a serious problem: currently, approximately 20 to 35 percent of disadvantaged elementary school children do not receive routine preventive health screenings, resulting in greater health problems that reduce children's capacity to learn effectively. LEAs would be required to establish a procedure for ensuring that all students in schools with a poverty level of 50 percent or greater receive two health screenings during the elementary school years. The LEA would have complete flexibility in meeting this requirement. Screenings need not be done on school premises, during the school day, or by school personnel. Part A funds, however, could be used for the screenings only when no other sources of funds are reasonably available. Moreover, nothing in this provision could be construed to permit the State to reduce medical or other assistance available or to alter eligibility under the Social Security Act within the State. This screening provision would complement, not duplicate, other public and private efforts in this area. It is the Secretary's intent that to ensure compatibility with other screening programs, the screening provided would, at a minimum, have to contain the elements of the Medicaid EPSDT screening, including vision and hearing screening, provided by the State under the Social Security Act (excluding dental screening). Moreover, to the extent practicable, the screening would be provided by the student's regular health care provider.

Paragraph (4) would spell out additional elements the local plan must contain. These include a description of the multiple criteria that would be used by targeted assistance schools to identify eligible children and a general description of the programs in these schools and in schoolwide programs. There would no longer be a requirement for a district-level needs assessment. Although the district would still play an important role in establishing general guidelines and multiple criteria for identifying children to be served, the school would have the ultimate responsibility for selecting children to be served. In addition, only a general description of the Title I programs could be required because each school would be determining the nature of its own program and thus, such programs would vary from school to school. The LEA plan would also include a description of how timely and meaningful consultation between the LEA and private school officials would occur.

Subsection (d) would establish requirements for the plan's development and duration. As under the current law, the plan must be developed with teachers and parents. It would not, however, have to be resubmitted to the State on a three-year cycle, as the current law requires. To promote a different kind of planning, this subsection would instead require the plan be periodically reviewed and revised as necessary. The local plan would be envisioned as a continually evolving document supporting and reflecting the efforts of the LEA to improve its Title I schools and promote systemic reform, rather than a static plan updated under the demand of a deadline.

Subsection (e) would reflect a new standard by which to judge an LEA plan—its promise to make a difference for the children it intends to serve. Compliance with specific requirements would not be enough. A State would only approve a plan that it determines will enable schools served under this part to substantially help all children served to meet the State's challenging performance standards expected of all children.

Subsection (f) would clarify that the LEA and schools would share the responsibility for decisionmaking. Sections 1114 and 1115 would give staff in each school, in consultation with the LEA, the primary responsibility for developing programs under this part so that such programs could better meet the particular needs of the students in the school.

Section 1113. Eligible schools attendance areas. Proposed section 1113 of the ESEA would describe how schools are selected for participation. It contains a number of changes from current law, which over 70 percent of public elementary schools participate in the program, spreading funds too thinly to have significant effect on improving education for children in the highest-poverty schools.

Subsection (a) would require an LEA to use part A funds only in school attendance areas with high concentrations of children from low-income families. It defines an eligible attendance area as one whose percentage of low-income children exceeds the percentage for the LEA as a whole. If there are insufficient funds to serve all eligible school attendance areas, an LEA would be required to rank areas with more than 75 percent poverty without regard to grade span and serve those areas in rank order. Only if sufficient funds remain after serving all areas above 75 percent poverty could the LEA serve areas by grade-span grouping. These new ranking provisions would preclude an LEA from serving lower ranked elementary schools before middle and high schools above 75 percent poor to ensure that the most needy schools are served first.

Subsection (b) would contain three areas of LEA discretion in selecting school attendance areas for participation. First, school attendance areas and schools with at least 50 percent poverty may be served. This poverty percentage has been raised from 25 percent in the current law to 50 percent to reflect two facts: the general poverty rate in the country has increased; and, to determine poverty rates, LEAs generally use free and reduced-price lunch data, a measure that includes children from families earning up to 185 percent of the Federal poverty level. Second, schools in ineligible attendance areas may be served if the percentage of poverty in the school is equal to or greater than the percentage of poverty in a participating school attendance area. Third, an eligible school attendance area or school with a higher percentage of poverty may be skipped if the school is receiving additional State and local funds equal to the Part A funds it would have received, the funds are spent on Title I—like services, and the school meets the comparability requirements contained in section 1119(c).

To better target part A funds on high-poverty schools, this subsection would delete several provisions of current law that permit an LEA to increase the number of schools to be served.These provisions include allowing all schools to be served if the difference in the rate of poverty between the highest and lowest school does not exceed 10 percent; allowing continued service to schools whose poverty rate no longer qualifies them for assistance based on the rank order of all schools; and allowing districts to serve schools on the basis of numbers or percentages of educationally deprived children rather than poverty. All three provisions dilute the effectiveness of Title I in serving the poorest schools.

Subsection (c) would require an LEA to allocate Part A funds to schools based on the number of poor children in each school. The current allocation of Chapter 1 funds to schools on the basis of educational deprivation perversely rewards schools for doing poorly, while penalizing those that succeed. Thirteen percent of principals of Chapter 1 schools reported loss of Chapter 1 funds due to increased achievement of their children. Part A must reward success, not punish it.

This subsection would also require an LEA to allocate a minimum amount per poor child to ensure that the highest-poverty schools receive sufficient funds to meet their needs. The amount per poor child would have to be at least 80 percent of the amount of Part A funds the LEA received for each poor child in the district. This provision would ensure that funds are not spread thinly across all eligible schools. If a State augments Part A funds with State funds, these funds may be counted toward meeting this requirement. Prior to making school allocations, LEAs would reserve funds necessary to provide services to children in neglected or delinquent institutions and eligible homeless children who attend ineligible schools.

Section 1114. Schoolwide programs. Proposed section 1114 would expand the schoolwide program approach and make it easier for schools to operate schoolwide programs. It would do this to place Title I at the center of school reform in high-poverty schools. By allowing schools to integrate their programs, strategies, and resources, Title I would become the catalyst to overhaul and strengthen the entire instructional program children in these schools receive, rather than merely an add-on to the existing program. For children in high poverty schools to meet high standards of performance, their entire instructional program—not just a separate Title I program—must be substantially improved. Schoolwide programs could become the vehicle to do this.

Section 1114, however, would acknowledge that current schoolwide programs are generally not undertaking the kinds of fundamental instructional reforms necessary to improve teaching and learning and would add new provisions to strengthen accountability and improve results. These include requiring a one-year planning period for new schoolwide programs; establishing school support teams; and increasing technical assistance in developing comprehensive school plans.

Subsection (a) would describe which schools could become schoolwide programs and how such schools could use their Title I funds. Like current law, schoolwide programs would not have to target Title I funds on the lowest-achieving children, but could spend their funds to upgrade the entire educational program in the school. Currently schools can become schoolwide programs if their poverty level is 75 percent or greater. This percentage would be lowered to 65 percent in year 1995-96, and 50 percent the subsequent years. This would eventually allow an additional 12,000 schools to become schoolwide programs (for a total of about 20,000 schools). Phasing in the lowering of the schoolwide poverty percentage would enable local districts and schools to build their capacity to develop high-quality programs.

To promote effective, long-term planning, this subsection would allow a school that becomes a schoolwide program to continue to use funds on a schoolwide basis even if it drops below the initial eligibility threshold. This contrasts with current law, which requires a redetermination of schoolwide program status every three years. To increase flexibility and comprehensive reform, the law would allow a schoolwide program to use other Federal funds, as well as State and local funds, to support the schoolwide program.

Subsection (b) would contain the core of the schoolwide program requirements. It includes those components that research suggests are central to any high-functioning school: (1) a comprehensive needs assessment in relation to the State standards; (2) school reform strategies that provide opportunities for all children to meet the State's "proficient" and "advanced" performance standards expected of all children and address the needs of all children in the school, particularly the needs of low-achieving children; (3) instruction by highly qualified professional staff; (4) intensive and sustained professional development; (5) strong parental involvement; (6) counseling, mentoring, and college and career preparation for older students; and (7) a comprehensive plan for using all funds available to the school for schoolwide reform that would enable all children to meet the State's standards.

These components would preclude a schoolwide program from doing no more than reducing class size. Schoolwide reform would become the centerpiece of a schoolwide program, promoting instructional strategies that increase the quality and amount of learning time for all children and involve an accelerated curriculum, rather than remedial drill and practice. If the school is in a Goals 2000 State or district, these strategies would be designed to implement State or local systemic reform plans that have been already approved.

Subsection (b)(2) would give schools the lead in developing their comprehensive plan and determining how they will use their funds, with the LEA playing a supportive role. To ensure stronger planning and meaningful change, however, all schools other than those that are currently schoolwide programs would be required to take one year to develop their plans. Schools that are currently schoolwide programs could continue operating them but would have to develop a new plan during the first year.

This subsection would also support new kinds of planning based on the needs of a school and its students rather than administrative procedures. There would no longer be a requirement that the schoolwide program plan be submitted to the State educational agency (SEA) every three years, as under current law. Likewise, the school would not be required to submit its plan to the LEA on a set cycle. Instead, the school would review and update its plan, as necessary, and make it available to the LEA, parents, and the public (with its information translated into any language that a significant percentage of the parents speak as their primary language.) Accountability requirements for schoolwide programs would no longer differ from those that apply to other schools.

Subsection (c) would add another major mechanism to improve the design and quality of schoolwide programs—a system of school support teams established by the State. These teams, modeled on those that currently exist in some States, would be established by the State to provide information, support, and assistance to schoolwide programs. The primary role of these teams would be school reform, not compliance. Therefore, teams would continue to work with schoolwide programs as they implement their plans.

Section 1115. Targeted assistance schools. Proposed section 1115 of the ESEA would be designed to emphasize what would be common components in all Title I schools—whether schoolwide programs or targeted assistance schools—and that schools that continue to target Part A funds on their lowest-achieving children could not continue to do business as usual.

Subsection (a) would state the general rule for operating targeted assistance schools: they must use funds for programs that provide services to eligible children identified as having the greatest need for special assistance.

Subsection (b) would define eligible children. Eligible children would be those who are failing, or most at risk of failing, to meet the State's challenging performance standards that all children are expected to meet. The LEA would establish multiple, educationally-related objective criteria, but the school could supplement those criteria and decide which children to serve. These requirements would replace requirements in the current law for the LEA to conduct a district-level assessment of educational need and use educationally related objective criteria to identify the educationally deprived children most in need of additional assistance.

This subsection would clarify that children with disabilities or limited English proficiency would now be selected for services on the same basis as other children. No longer would districts have to document that these students' lack of educational progress stems solely from educational deprivation, not their disability or limited English proficiency, a case that has often proved difficult or impossible to make and has resulted in denying services to these children. In addition, it would add a requirement for the LEA to use funds to serve eligible homeless children who do not attend schools served under this part to ensure that this population of children is served.

Like section 1114, subsection (c) is organized around a set of components to enable children served under Part A to meet the State standards. These components would include: effective instructional strategies that give primary consideration to extended learning time and involve an accelerated curriculum; coordination with the regular program; instruction by highly qualified professional staff; intensive professional development, allowable for teachers who work with participating children in programs funded by Part A or in the regular classroom; strong parental involvement; and counseling, mentoring, and career and college preparation for older students.

Findings about the nature of current targeted Chapter 1 programs necessitate these requirements. Seventy percent of regular teachers report that Chapter 1 participants are pulled out of regular instruction for services. Chapter 1 instruction generally adds only an average of about 10 minutes a day of extra instructional time. Extended learning opportunities through before- and after-school programs or summer school are rare (nine percent and 15 percent of programs, respectively). Chapter 1 currently employs about as many aides as teachers, many of whom provide direct instruction. However, over 80 percent of these aides only have a high-school diploma and most have received little training. Professional development opportunities that do exist are often short term and cursory. These types of Title I programs would no longer meet the requirements of the law.

This subsection emphasizes that a targeted assistance program should be designed to assist the school in meeting its responsibility to provide for all students the opportunity to meet the State's challenging performance standards. No targeted assistance program—even one that meets all of the required components of this section—would release the regular school staff from its responsibility for the education of the children served by the program.

Subsection (b)(2) would also require targeted assistance schools to develop a plan. This plan could not simply address how Part A funds would be used, but how such funds would be used in coordination with other funds to assist the children served to meet the State's standards. Targeted assistance schools, like schoolwide programs, would take the lead in developing their plan, with the district playing a supportive role. Plans would have to be made available to the LEA, the public, and parents, as well as reviewed and revised, as necessary, by the school. These requirements again would reinforce planning as an ongoing process in the school.

Subsection (d) would revise the current section of the law on assignment of personnel to expand the involvement of personnel paid by Title I in the overall planning and functioning of the school and the school life of participating children. In addition to assuming limited duties beyond classroom instruction, as they can do under current law, such personnel could participate in general professional development and school planning activities, as well as collaboratively teach with regular classroom teachers if participating children directly benefit.

Section 1116. Parental involvement. Proposed section 1116 of the ESEA would build on the success of the new parental involvement requirements in the 1988 Hawkins-Stafford Amendments. Those amendments played a key role in promoting the involvement of parents of the State, district, and school levels, and providing a policy and practical framework for that involvement. These efforts, however, need to be strengthened. Schools have reached out to parents, but still have far to go in actively engaging them in their children's education. Research has shown that parents want to be more involved, but often do not know how.

To reflect these findings, section 1116 of the law would be changed in two central ways. First, it would establish the role of the school in involving parents and clarify the relationship between the school's role and that of the LEA. This responds to research on the central role of schools in involving parents and the importance of such school-level parent involvement for children's success. Second, section 1116 would divide the parental involvement provisions into three components: (1) policy involvement; (2) shared responsibility for high performance, as embodied in parent-teacher compacts; and (3) building capacity for involvement. These components would recognize the full range of roles that parents can play in their children's education as well as the need for parents and schools to develop a partnership and ongoing dialogue around children's achievement. They would replace the division of the current law ("Goals of Parent Involvement" and "Mechanisms for Parental Involvement"), which contain overlapping requirements and lack guiding themes.

Subsection (a) would require an LEA parental involvement policy. This policy would set the expectation and provide a framework for parental involvement in the district. If the district has a parental involvement policy for all parents, it would only have to amend it to meet the requirements of this section. This would promote involvement of all parents across specific programs.

Subsection (b) would establish the role of schools in parental involvement by providing for a school-level parental involvement plan for any school receiving title I funds. This parental involvement plan would have to be incorporated into the overall school plan and describe how the school will involve parents according to the remaining requirements of this section.

Subsection (c) would be designed to promote the involvement of parents in Title I decisionmaking at the school level. Its requirements for an annual meeting, involvement in decisionmaking, timely information, opportunities for regular meetings, and timely responses to parent recommendations are drawn from current law, although now applied to the school rather than the LEA. In schoolwide programs, these requirements apply to all parents; in targeted assistance schools, they apply to parents of participating children.

Parents must be involved in the development of the school-level plan because it will be more successful if it has the support and input of parents. To ensure that Title I parental involvement reinforces rather than competes with existing parent involvement, a school that has a process for involving parents in planning—such as a process of school based management—could use that process, so long as there is adequate representation of parents of participating children in that process.

Subsection (d) would be designed to promote shared responsibility between parents and schools for high performance of children—a new emphasis for this section. The centerpiece would be a school-parent compact in each Title I school, which would spell out the shared responsibilities of schools and parents as partners in student success and address the importance of ongoing communication between teacher and parent around the achievement of the individual child. The compact would be envisioned as a subpart of the school's parental involvement plan required under subsection (b), which would include, in addition to the compact, the more general parental involvement activities required by this section.

This subsection would retain the current law's requirements for a parent-teacher conference (in elementary schools), frequent reports to parents on their children's progress, reasonable access to staff, and the ability to observe classroom activities. However, the conferences would not be required at least annually, rather than to the extent practicable.

Recognizing the centrality of training to effective parental involvement, subsection (e) would reinforce the training requirements of the current law. These requirements would apply to both districts and schools and include assistance to parents in understanding the State's content and performance standards, the State assessments, and the requirements under Part A. Title I could also fund literacy training for parents if not otherwise available and if necessary to help parents work with their children at home to improve their children's achievement. The section would also make training for teachers a requirement, not a goal, and would establish the role of community-based organizations and businesses in parental involvement activities.

Finally, subsection (f) would require LEAs and schools to recognize the needs of parents with limited English proficiency and with disabilities, and to provide, to the extent practicable, full opportunities for their participation, including information in a language and form they understand.

Section 1117. Participation of children enrolled in private schools. Proposed subsection 1117(a) of the ESEA would require an LEA to provide equitable services to eligible children who attend private schools. This subsection makes clear that an LEA may provide such services, directly or through contracts with public and private agencies, organizations, and institutions.

Subsection (b) would define what constitutes timely and meaningful consultation with private school officials. This definition has been added to the law to make clear that consultation must occur during all phases of the design and implementation of services and before an LEA makes any decision that affects the opportunities of eligible private school children to participate. It requires an LEA to discuss the full range of service delivery mechanisms available to the LEA for providing equitable services to private school children to ensure that a genuine consideration of all possible options occurs.

Subsection (c) would require a public agency to control funds under this part and materials, equipment, and property purchased with these funds to provide equitable services to private school children.

Subsection (d) would require the Secretary to bypass an LEA that is prohibited by law from providing, or has substantially failed or is unwilling to provide, equitable services to private school children. If the Secretary makes such a determination, the Secretary waives the LEA's responsibility for providing equitable services and makes arrangements with a contractor to provide those services. The specific procedures for institutinga bypass have been moved to Title IX of the Act, because they also apply to other programs under the Act.

Subsection (e) would provide funds for capital expenses incurred by an LEA in providing services to private school children. This subsection has been revised in several respects. First, the Secretary would use the most recent data available on the number of private school children being served to allocate funds to States. Using data from the 1984–85 school year, as the current law requires, is no longer appropriate. Second, this subsection would limit use of capital expense funds to current costs of providing equitable services, and preclude reimbursement of expenses incurred since the 1985–86 school year. Reimbursement of past expenditures has been largely accomplished, and funds should now be used to maintain and increase participation of children enrolled in private schools.

Section 1118. Assessment and school and district improvement. The starting point for proposed section 1118 of the ESEA is that, too often, schools and school districts serving low-income families have been allowed to fail their students without any consequences. Research suggests that the program improvement sections of the current law have not substantially changed this fact. There appear to be several reasons. Small Norm Curve Equivalent (NCE) gains measured by low-level tests have become the *de facto* standard for the program improvement system and have resulted in schools frequently entering and leaving program improvement yearly because of random error; the respective roles of the district and the State have been unclear; there was no mechanism to hold districts accountable for their performance; technical assistance was not adequately provided to schools identified as needing improvement; and nothing has really happened to chronically under-performing schools, and schools know this.

Section 1118 would extensively revise the program improvement requirements of current law to attempt to address these problems and establish a meaningful and effective system of accountability and improvement based on the real performance of schools and school districts in meeting clearly defined outcomes. Guiding this section is the belief that rewards and corrective actions based on the degree of success in achieving clearly defined standards would motivate both students and educators to high levels of performance. They would also ensure that when other methods of school improvement fail, the public could hold the district and State accountable.

Subsection (a) would provide for a local annual review of each school served by Part A, using State assessments, to determine whether the school is meeting or making adequate progress toward meeting the State's definition of adequate progress. The purpose of the review, in addition to accountability, would be to provide information each school needs to continually refine the program of instruction to enable children to meet the State's challenging performance standards.

Under subsection (b), any school that, for three consecutive years, exceeds the State's definition of adequate progress or virtually all of whose students meet the State's "advanced" performance standards could be designated by the State as a Distinguished School. Distinguished Schools would be recognized by the State and could receive monetary rewards from their State's Title I funds, perhaps augmented by other funds. Distinguished Schools could also receive institutional and individual rewards from the district, and serve as models and provide additional assistance to other schools. These provisions would recognize those schools that are providing children high-quality education, reward them, and make them available to help other schools meet the State's performance standards.

Under subsection (c), schools that for two consecutive years fail to meet the State's definition of adequate progress (as well as those schools currently in program improvement for two consecutive years when the bill takes effect) would be designated as schools in need of improvement. They would be required, in consultation with parents, the LEA, and, for schoolwide programs, the school support team, to revise their school plan in order to improve the performance of the children in the school.

The LEA would provide technical assistance as the identified school develops and implements its revised plan. If, after two years in school improvement, the school still fails to make adequate progress, the LEA must take corrective actions—such as instituting alternative governance arrangements and authorizing students to transfer to other schools in the LEA—although it could take such actions any time after a school is identified for school improvement. The role of the State in school improvement would be two-fold: to make available to those schools farthest from meeting the State standards, if requested, assistance from Distinguished Educators; and to take appropriate corrective action against LEAs that fail to carry out their school improvement responsibilities. When an identified school makes adequate progress for two out of three years, it would no longer need to be identified for school improvement.

The time for identification and the length of time in identified status would both be extended to two years in order to improve the quality of the data on which schools are identified and allow time for action taken by the schools to have effect. The requirement for technical assistance would also recognize that in the absence of sufficient help and a clear idea of how to improve, many of the lowest-achieving schools may not know how to improve. However, corrective actions would be required after two years of technical assistance (and allowed, where appropriate,even before two years) to ensure that, in situations where there is continued failure to make adequate progress, more aggressive actions are taken so that children in those schools will be given the opportunity to receive a high-quality education.

Subsection (d) would set up a similar track of improvement and accountability for the LEA, in recognition of its vital role in the performance of schools and children. While the LEA would review the progress of schools, the State would review the progress of the district. The SEA would annually review the progress of each LEA to determine whether it is making adequate progress toward meeting the State's definition of adequate progress. Any district that for three consecutive years exceeds the State's definition of adequate progress could be rewarded. Any district that has not made adequate progress for two consecutive years would be identified for improvement.

The SEA would provide identified LEAs with technical assistance. If, however, after three years in LEA improvement, the LEA still fails to make adequate progress, the SEA must institute corrective actions, such as appointing a receiver to administer the district or making changes to the district personnel; it could, however, take such actions any time after an LEA is identified for LEA improvement. Corrective action would be required after three years rather than two years (as would be the case in school improvement) to give an LEA sufficient time to turn around those schools needing improvement before being subject to corrective action itself. When an identified LEA makes adequate progress for at least two of three years, it no longer needs to be identified. The rationale underlying these provisions is the same as underlying the school improvement provisions.

To provide assistance to schools and LEAs farthest from meeting the State standards, subsection (e) would require each State to establish a corps of Distinguished Educators, which would include, where possible, educators from Distinguished Schools. To avoid duplication, however, the State would not have to establish a corps of Distinguished Educators if it has an alternative approach to provide similar types of assistance to these schools and districts. The State would use funds provided in section 1002(f) for these activities.

Section 1119. Fiscal requirements. Proposed section 1119 of the ESEA would contain the fiscal requirements that an LEA must meet to receive Part A funds.

Subsection (a) would apply the maintenance-of-effort requirement in proposed Title IX of the Act to Title I. This requirement has been standardized across all programs in the Act to which it applies.

Subsection (b) would require that Part A funds be used to supplement, and not supplant, funds that would, in the absence of Part A funds, be made available from non-Federal sources. In determining compliance with this requirement, an LEA may exclude supplemental State or local funds if they are spent in any eligible school attendance area for programs that meet the requirements of section 1114 or 1115 of Part A. Such funds would have to be spent on projects that meet the requirements of sections 1114 or 1115 to ensure that they include those components that research suggests are essential to enable children to meet the State's standards. Funds would have to be spent in eligible schools to reinforce the Department's efforts to target funds more effectively on schools with the greatest need.

Subsection (c) would require an LEA to use State and local funds to provide services in Title I schools that are at least comparable to services provided in non-Title I schools. A test for comparability has been added to the law that would require Title I schools to be compared to non-Title I schools on the basis of expenditures per pupil. This comparison may be made by using total expenditures per pupil or instructional salaries per pupil. An LEA would no longer be able to measure comparability in other ways, such as by comparing instructional staff per pupil. This latter measure has not been included because it allows teacher aides in Title I schools to be equated with certified teachers in non-Title I schools, thereby achieving a false comparability. Records documenting comparability would only need to be updated biennially.

An LEA may exclude State and local funds expended for bilingual education and the excess costs of providing services to children with disabilities when measuring comparability. The current exclusion of State compensatory education funds has been deleted, since those funds, to qualify for the exclusion, must be spent in Chapter 1 eligible schools, and no longer require exclusion here. Exclusion for State phase-in programs has also been deleted because the provision is no longer needed.

Subpart 2—Allocations

Subpart 2 has been extensively reorganized to make it more understandable. A major portion of the subpart—describing how the Department would allocate dollars directly to LEAs—has been deleted, because the Department has never had the data needed to make such allocations and does not anticipate having it during the period of authorization of this part. The subsections have been reorganized to present information in a more logical order, placing related material in adjacent paragraphs and reducing the need for cross-referencing.

Several changes have been made in this subpart to target more funds on the highest-poverty districts. Currently, virtually all LEAs receive Chapter 1 funds, and over 70 percent of elementary schools participate. Because funds are widely spread, however, 13 percent of very high-poverty schools—those over 75 percent poor—do not receive Chapter 1 funds, while half of the schools with very low poverty rates—under 10 percent—do. Further, about one-third of low-achieving children in very high-poverty schools are unserved because there are insufficient funds in those schools to serve them.

The revisions would place substantially more funds in high-poverty districts. At the current appropriation level, approximately $500 million would be moved from low-poverty to high-poverty counties.

Section 1121. Grants for the outlying areas and the Secretary of the Interior. Proposed section 1121 of the ESEA would require the Secretary to reserve up to .8 percent of Part A funds for grants to the outlying areas and to the Secretary of the Interior to serve Indian children. Because the reservation would come prior to determining allocations to States, it has been placed first in this subpart. The amount to be reserved, which has been reduced from "up to 1 percent" in current law, was selected because the total number of children in schools for whom the funds are reserved make up approximately .8 percent of the total number of formula children. This would, in effect, count all children in these jurisdictions as if they were poor.

Section 1122. Allocations to States. Proposed section 1122(a) of the ESEA would require the Secretary, after reserving funds under section 1121, to allocate 50 percent of the remaining Part A funds for basic grants and 50 percent for concentration grants. This provision would increase the amount of the appropriation to be distributed to counties and districts that qualify for concentration grants from ten percent under current law to 50 percent, thereby providing for a significant redistribution of funds to the poorest areas, while leaving the basic grant program intact, at a lower funding level, so that less needy districts would continue to receive some funds.

Subsection (b) would provide that, if funds are insufficient to pay counties the full amounts to which they are entitled, payments would be ratably reduced.

Subsection (c) would guarantee a county at least 85 percent of its prior year's allocation of both basic and concentration grants. Under current law, the "hold harmless" provision applies only to basic grants. However, because 50 percent of the funds would be distributed for concentration grants, it is necessary that the "hold harmless" also include these funds to protect counties from severe annual fluctuations in appropriations. In addition, the revised provision also protects counties that no longer qualify for concentration grants from a steep decrease in funding.

Subsection (d) would guarantee small States a minimum allocation. It has been greatly simplified and applies to the combined amount (basic and concentration) that a State receives.

Section 1123. Basic grants. Proposed section 1123(a) of the ESEA would revise the county eligibility criteria for a basic grant by increasing the minimum number of poor children needed to qualify to 100 or 18 percent of the total number of children in the county. The current provision, which qualifies any county with more than 10 poor children, results in very small grants to counties that have very few poor children. Eighteen percent is the approximate rate of poverty for children ages 15–17 in the latest decennial census and is also the percentage threshold eligibility for concentration grants.

Subsection (b) would provide that the amount of a grant a county or the District of Columbia is eligible to receive is the product of the number of children counted under subsection (c) and 40 percent of the average State per-pupil expenditure, except that no county's allocation would be more than 48 percent nor less than 32 percent of the national average per-pupil expenditure. This provision simplifies, but does not substantively alter, the current formula. This provision also contains a special provision for calculating the amount to be granted to Puerto Rico, which has also been reworded for clarity, but not substantively changed.

Subsection (c) would describe the children to be counted for the purpose of making allocations. From the number of formula children counted for each county, the Secretary would subtract two percent of the total number of children aged five through 17 in the county. Because low-poverty counties would lose proportionately more of their low-income child count than would high-poverty counties, funds would be shifted to high-poverty counties—in effect, those above the national poverty level would gain, and those below would lose.

Subsection (d) would describe how States make allocations to LEAs. This subsection would make clear that States may select the best available poverty data to allocate funds to LEAs, but must use a uniform measure throughout the State. This subsection also would make clear that States must reduce the number of low-income children on which an LEA's allocation is based by two percent of the total number of children in the LEA before allocating funds to the LEA.

Section 1124. Concentration grants. Proposed section 1124(a) of the ESEA would revise the county eligibility criteria for concentration grants. Under this subsection, a county must contain at least 6,500 children counted under section 1123(c) or the percentage that such children make up of the total number of children in the county must be greater than 18 percent. The percentage of poverty needed to qualify for a concentration grant has been increased from 15 to 18 percent, which is the approximate national level of poverty for children ages 5–17 in the 1990 census.

Subsection (b) would describe how grants to eligible counties are calculated. For a county that qualifies by having more than 6,500 children counted under section 1123(c), all such children—not just those in excess of 6,500—would be counted for determining allocations. This provision would thus treat a county qualifying under the number criterion in the same manner as one qualifying under the percentage criterion.

Subsection (c) would make clear that LEAs are eligible for concentration grants under the same criteria that apply to counties. In determining which LEAs are eligible for concentration grants, however, a State that uses data other than census data to determine the number of low-income children would be required to equate that number to the number of low-income children under the census. This requirement would ensure that eligibility is not affected by differences in sources of poverty data.

In eligible counties in which no LEAs are eligible, a State may distribute funds to LEAs above the countywide poverty average. Each LEA would receive an amount based on the proportion of children counted under section 1123(c) in the LEA compared to formula children in all LEAs receiving funds. A State that receives a minimum grant may allocate concentration grant funds as do other States or, without regard to county lines, to LEAs above the Statewide poverty average. Finally, a State may reserve up to ten percent of its concentration grant funds for eligible LEAs located in ineligible counties, a situation that occurs when high-poverty LEAs are in counties with low overall poverty rates.

Section 1125. Special allocation procedures. Proposed section 1125 would contain several special allocation procedures applicable to States in making allocations to LEAs under Part A.

Subsection (a) would provide that the combined basic and concentration grant allocation to an LEA may not be less than 85 percent of the amount the LEA received the preceding fiscal year.

Subsection (b) would provide that, if an LEA is unable or unwilling to provide services for local neglected or delinquent (N or D) children for whom it receives a portion of its basic and concentration grant allocation, the State may use that portion of the LEA's allocation to serve the N or D children if it assumes that responsibility, or transfer the funds to an agency that would provide such services.

Subsection (c) would authorize a State to make adjustments in LEAs' allocations when more than one LEA serves the same geographic area or when an LEA serves children who reside in another LEA.

Subsection (d) would allow a State, upon approval of the Secretary, to distribute funds directly to LEAs without regard to county lines. Currently, this practice is allowed only in States in which many LEAs overlap county lines, and those States must use census data in computing LEA allocations. Further, it currently applies only to basic grant funds; concentration grant funds must be distributed to LEAs within the counties to which they are allocated. The revision would allow a State greater flexibility in allocating Part A funds to LEAs to better reflect the distribution of poverty throughout the State.

Section 1126. Carryover and waiver. Proposed section 1126(a) of the ESEA would limit the amount of funds an LEA may carry over from one year to the next to not more than 15 percent of the LEA's allocation of basic and concentration grants.

Subsection (b) would allow a State to waive that restriction once every three years if it is reasonable to do so, or if there has been a supplemental appropriation.

Subsection (c) would exclude an LEA that receives less than $50,000.

Part B—Even Start family literacy programs

Section 1201. Statement of purpose. Proposed section 1201 of the ESEA would set forth the purpose of Part B of Title I. Recognizing the well-documented links between undereducated parents, family poverty, and failure of children in school, Even Start is intended to help break the cycle of poverty and illiteracy by providing family literacy programs to the Nation's low-income families. This purpose would be accomplished by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program that is implemented through cooperative programs that build on existing community resources to create a new range of services. These programs would promote achievement of the National Education Goals and assist children and adults from low-income families to achieve to challenging State standards. This section emphasizes that Even Start integrates the delivery ofservices to the family as a unit, and that the targeted population is low-income families.

Section 1202. Program authorized. Proposed section 1202 of the ESEA would provide the general program authorities for Even Start.

Subsection (a) would require the Secretary, in each fiscal year, to reserve not more than five percent of the amount appropriated under section 1002(b) of Title I, under terms and conditions the Secretary would establish, that are consistent with the purpose of this part, and according to their relative needs, for: (1) children of migratory workers; (2) the outlying areas; and (3) Indian tribes and tribal organizations.

Subsection (b) would authorize the Secretary to reserve not more than three percent of the amount appropriated under section 1002(b), or the amount reserved for such purposes in the fiscal year 1994, whichever is greater, to carry out the evaluation required by section 1209 and to provide, through grants or contracts, technical assistance, program improvement, and replication activities.

Subsection (c) would require the Secretary to allocate the remaining Even Start funds to States, to be used in accordance with section 1203. Funds would be allocated to the States in the same proportion as they are distributed for basic grants and concentration grants under Part A of Title I.

Subsection (d) would define several terms for the purpose of Part B, as follows:

Paragraph (1) would change the definition of "eligible entity". Currently, an LEA or a community-based organization may receive an Even Start grant so long as it applies in collaboration with the other. The bill would revise the definition of "eligible entity" to be a partnership composed of both an LEA and a nonprofit community-based organization, public agency, IHE, or other public or private nonprofit organization of demonstrated quality. This change is intended to improve the linkages between schools and communities by requiring stronger collaboration in the application process and distinguishing that collaboration from the coordination required with other entities during the operation of programs by section 1205(8).

Paragraph (2) would provide that "Indian tribe" and "tribal organization" have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act.

Paragraph (3) would define "State" to include each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

Section 1203. State programs. Proposed section 1203(a) of the ESEA would authorize each State that receives a grant under section 1202(c)(1) to use not more than 5 percent of the assistance provided under the grant for the costs of administration and of providing, through one or more subgrants or contracts, technical assistance for program improvement and replication to eligible entities that receive subgrants under section 1203(b).

Section 1203(b) would require each State to use the remainder of its grant to make subgrants to eligible entities to carry out Even Start programs. However, no State would be authorized to award a subgrant for an amount less than $75,000.

Section 1204. Uses of funds. Proposed section 1204 of the ESEA would describe the permissible uses of Even Start funds.

Subsection (a) would require a recipient of Even Start funds to use those funds to pay the Federal share of the cost of providing family-centered education programs that involve parents and children in a cooperative effort to help parents become full partners in the education of their chidden and to assist children in reaching their full potential as learners.

Subsection (b) would provide that the Federal share of an Even Start program may not exceed 90 percent of the total cost of the program in the first year that the program receives assistance, 80 percent in the second year, 70 percent in the third year, 60 percent in the fourth year, and 50 percent in any subsequent year. The remaining cost could be provided in cash or in kind, fairly evaluated, and could be obtained from any source other than title I funds. This subsection would also provide, however, that the SEA may waive, in whole or in part, this cost-sharing requirement if an eligible entity demonstrates that it otherwise would not be able to participate in the program and negotiates an agreement with the SEA with respect to the amount of the remaining cost to which the waiver would be applicable. Further, Federal Even Start funds could not be used for the indirect costs of an Even Start program, although the Secretary would be allowed to waive this limitation if a recipient of funds reserved for Indian tribes and tribal organizations under section 1202(a)(3) demonstrates to the Secretary's satisfaction that it otherwise would not be able to participate in the program. Several Indian tribal applicants have withdrawn from prior grant competitions because they would not have been able to operate Even Start programs without being allowed to recoup their indirect costs.

Section 1205. Program elements. Proposed section 1205 of the ESEA would require the following elements for Even Start programs:

Paragraph (1) would improve the targeting of services by requiring each Even Start program to include the identification and recruitment of those families most in need of Even Start services, as indicated by a low level of income, a low level of adult literacy or English language proficiency of the eligible parent or parents, and other need-related indicators.

Paragraph (2) would require each Even Start program to include screening and preparation of parents and children to enable them to participate fully in program activities and services, including testing, referral to necessary counselling, other developmental and support services, and related services.

Paragraph (3) would require each Even Start program to be designed to accommodate the participants' work and other responsibilities, including the provision of support services, when unavailable from other sources, necessary for their participation, such as: (1) scheduling and location of services to allow joint participation by parents and children; (2) child care for the period that parents are involved in the program; and (3) transportation for the purpose of enabling parents and their children to participate in Even Start programs.

Paragraph (4) would require each Even Start program to include high-quality instructional programs that promote adult literacy, training of parents to support the educational growth of their children, developmentally appropriate early childhood educational services, and preparation of children for success in regular school programs.

Paragraph (5) would require each Even Start program to include special training of staff, including child care staff, to develop the skills necessary to work with parents and young children in the full range of instructional services offered through this part.

Paragraph (6) would require each Even Start program to provide and monitor integrated instructional services to participating parents and children through home-based programs.

Paragraph (7) would recognize the need for greater continuity of program services and family retention by requiring that each Even Start program operate on a year-round basis, including the provision of some program services, either instructional or enrichment, or both, during the summer months.

Paragraph (8) would require each Even Start program to be coordinated with programs assisted under other parts of Title I; with any relevant programs under the Adult Education Act, the Individuals with Disabilities Education Act, and the Job Training Partnership Act; and with the Head Start program, volunteer literacy programs, and other relevant programs.

Paragraph (9) would require each Even Start program to provide for an independent evaluation of the program in order to provide accurate data on the effectiveness of the program.

Section 1206. Eligible participants. Proposed section 1206(a) of the ESEA would extend eligibility to teen parents, who are among those most in need of Even Start services but who are not currently eligible to participate. This subsection would provide that, except as provided in subsection (b), eligible participants in an Even Start program would be a parent or parents who are eligible for participation in an adult basic education program under the Adult Education Act or who are within the State's compulsory school attendance age range, so long as the LEA provides (or ensures the availability of) the basic education component required by this part; and the child or children, from birth through age seven, of such a parent or parents.

Subsection (b) would improve the ability of the program to focus on families as units, by allowing the inclusion in appropriate activities of family members such as spouses, siblings, and grandparents who do not themselves meet the program eligibility requirements. Further, it would ensure that families would not be abruptly terminated from the program when one member of the family—parent or child—becomes ineligible, but could continue to participate in the program until all members of the family become ineligible for participation. In the case of a family in which ineligibility was due to the child or children of the family attaining the age of eight, continued participation would be allowed until the parent or parents become ineligible due to educational advancement or for two years, whichever occurred first. In the case of the family in which ineligibility was due to the educational advancement of the parent or parents, participation would be allowed until all children in the family attained age eight.

Section 1207. Applications. Proposed section 1207 of the ESEA would set forth application requirements.

Subsection (a) would provide that, in order to be eligible to receive an Even Start subgrant, an eligible entity would have to submit an application to the SEA in such form and containing or accompanied by such information as the SEA requires.

Subsection (b) would require each application to include documentation, satisfactory to the SEA, that the eligible entity has the qualified personnel needed to develop, administer, and implement an Even Start program and to provide the special training necessary to prepare staff for the program.

Subsection (c) would require that the application also be consistent with, and promote the goals of, the State and localplans, either approved or being developed, under Title III of the Goals 2000: Educate America Act or, if those plans are not approved or being developed, with the State and local plans under Part A of Title I and include a plan of operation for the program that includes: (1) a description of the program goals; (2) a description of the activities and services that will be provided under the program, including a description of how the program will incorporate the program elements required by section 1205; (3) a description of the population to be served and an estimate of the number of participants; (4) as appropriate, a description of the applicant's collaborative efforts with institutions of higher education, community-based organizations, the SEA, private elementary schools, or other appropriate nonprofit organizations in carrying out the program for which assistance is sought; and (5) a statement of the methods that will be used to ensure that the program will serve those families most in need of Even Start activities and services; to provide those services to individuals with special needs, such as individuals with limited English proficiency and individuals with disabilities; and to encourage participants to remain in the program for a time sufficient to meet the program's purpose.

Section 1208. Award of Subgrants. Proposed section 1208 would describe the process for the award of subgrants.

Subsection (a) would require the SEA to establish a review panel that will approve applications that meet the requirements of this section. It would strengthen the requirement that the area to be served has a high percentage of children or families most in need of Even Start services by providing that the area must have a high percentage of children who reside in a school attendance area designated for participation in programs under Part A. It would establish a new requirement that programs provide services for children for at least a three-year age range, in order to increase continuity of program services and improve retention of families in the program.

Subsection (a) would also require that applications approved by SEAs by those that are most likely to succeed in meeting the Even Start program purpose and in effectively implementing the program elements described in section 1205; demonstrate the greatest possible cooperation and coordination between a variety of relevant service providers in all phases of the program; include cost-effective budgets, given the scope of the application; demonstrate the applicant's ability to provide the additional funding required by section 1204(b); are representative of urban and rural regions of the State; and show the greatest promise for providing models that may be adopted by other LEAs. Subsection (a) would also improve targeting on low-income families and high-poverty areas by requiring the SEA to give priority to proposals that either target services primarily to families whose children reside in attendance areas of schools eligible for schoolwide programs under Part A of Title I or are located in areas designated as empowerment zones or enterprise communities.

Subsection (b) would increase flexibility in the composition of review panels by providing that each review panel is to consist of at least three members, including one early childhood professional, one adult education professional, and one of the following individuals: (1) a representative of a parent-child education organization; (2) a representative of a community-based literacy organization; (3) a member of a local board of education; (4) a representative of business and industry with a commitment to education; or (5) an individual who has been involved in the implementation of Title I programs in the State.

Subsection (c) would provide that subgrants may be awarded for a period of not more than four years. Recognizing that Even Start programs may need a planning and recruitment period, an SEA would be authorized to provide a subgrantee, at the subgrantee's request, a 3- to 6-month start-up period during the first year of the four-year period, which may include staff recruitment and training, and the coordination of services, before requiring full implementation of the program. In reviewing any application for a subgrant to continue a program for the second, third, or fourth year, the SEA would be required to review the progress being made toward meeting the objectives of the program after the conclusion of the start-up period, if any. The SEA would be authorized to refuse to award a subgrant if it finds that sufficient progress has not been made toward meeting these objectives, but only after affording the applicant notice and an opportunity for a hearing. Finally, subsection (c) would clarify that an eligible entity that has previously received an Even Start subgrant may reapply for a second project period. During the second project period, the Federal share of the subgrant shall not exceed 50 percent in any year.

Section 1209. Evaluation. Proposed section 1209 of the ESEA would require the Secretary to provide for an independent evaluation of Even Start programs to determine their performance and effectiveness and to identify effective Even Start programs that can be replicated and used in providing technical assistance to national, State, and local programs.

Part C—Education of migratory children

Part C of Title I of the ESEA would reauthorize the program for migratory children currently authorized under Subpart 1 of Part D of Chapter 1 of Title I of the Act, as follows:

Section 1301. Program purpose. Proposed section 1301 of the ESEA would state that it is the purpose of Part C to assist States to: (1) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves; (2) ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner; (3) ensure that migratory children have the opportunity to achieve to the same challenging State performance standards that all children are expected to meet; (4) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit their ability to do well in school, and to prepare these children to make a successful transition to postsecondary education or employment; and (5) ensure that migratory children benefit from State and local systemic reforms. This new section would provide a more explicit and detailed statement of program purpose than exists in the current law, which states only that program funds are to be used to meet the "special educational needs of migratory children."

Section 1302. Program authorized. In order to carry out the purpose of Pact C, proposed section 1302 of the ESEA would direct the Secretary to make grants to SEAs, or combinations of such agencies, to establish or improve, directly or through local operating agencies, programs of education for migratory children. This section would restate, more clearly, the current authority to make grants under this program.

Section 1303. State allocations. Proposed section 1303 of the ESEA would describe how program funds are allocated to States and Puerto Rico. Subsections (a) and (b) would restate, in a clearer and less cumbersome manner, the State funding formula from the current law.

Subsection (a) would make each State (other than Puerto Rico) eligible to receive, for each fiscal year, an amount equal to the product of: (1) the sum of the estimated number of migratory children aged three through 21 who reside in the State full time, plus the full-time equivalent of the estimated number of those children who reside in the State part time, as determined in accordance with subsection (e); and (2) 40 percent of the average per-pupil expenditure (APPE) in the State, but not less than 32 percent, or more than 48 percent, of the APPE in the United States.

Subsection (b) would make Puerto Rico eligible for a yearly grant in an amount equal to the number of migratory children in Puerto Rico, multiplied by the product of: (1) the percentage that Puerto Rico's APPE is of the lowest APPE of any other 50 States; and (2) 32 percent of the APPE in the United States.

Subsection (c)(1) would direct the Secretary to reduce each State's allocation if, after the Secretary reserves funds for certain activities under section 1308, the amount appropriated to carry out Part C for any fiscal year is insufficient to pay in full the amounts for which the States are eligible. If additional funds became available, the Secretary would allocate them to States in amounts that the Secretary finds would best carry out the program's purpose. This new paragraph would eliminate the current statutory authority for "off-the-top" funding of the program, which has typically been overridden by appropriations language in recent years, and would, more realistically, authorize ratable reductions when the actual appropriation in a given fiscal year does not equal the amount required by the statutory funding formula.

Subsection (c)(2) would direct the Secretary to further reduce the amount of any grant to a State if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address those needs, that such amount is not needed by the State. The Secretary would reallocate those excess funds, in amounts the Secretary determines are appropriate, to other States whose grants would otherwise be insufficient to provide an appropriate level of services to migratory children. This paragraph would restate and clarify the current statutory authority to reallocate "excess" funds.

Subsection (d)(1) would require the Secretary, in the case of any State whose grant is $500,000 or less, to consult with the SEA to determine if consortium arrangements with another State or other appropriate entity would result in delivery of services in a more effective and efficient manner. Subsection (d)(2) would allow any State, irrespective of the amount of its allocation, to propose a consortium arrangement. Subsection (d)(3) would require the Secretary to approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will both reduce administrative costs or program function costs for State programs and make more funds available for direct services to add substantially to the welfare or educational attainment of the children to be served. While inter-State consortia are permitted under the current statute, this new subsection would encourage the formation of broader types of voluntary consortia (including consortia with "appropriate entities" other than States) in order to enable State programs to operate more efficiently.

Subsection (e) would direct the Secretary, in order to determine the estimated number of migratory children residing in each State, to use whatever information the Secretary finds most accurately reflects the actual number of migratory children. The Secretary would adjust the full-time equivalent number of migratory children who reside in each State to take account ofthe special needs of those children participating in special programs that operate during the summer or other intersession periods, and the additional costs of operating those programs. This subsection would revise the current statutory language by replacing the explicit reference to a "migrant student record transfer system or such other system" with broader language allowing the use of other types of "information" that accurately reflect the number of migratory children. The subsection would revise and clarify the existing statutory language directing the Secretary to establish a summer adjustment to the funding formula, and adds an explicit requirement to include, in this funding formula adjustment, those "other intersession periods" that take place in year-round schools.

Section 1304. State applications; services. Proposed section 1304 of the ESEA would extensively rewrite the current application requirements to: (1) decrease administrative burden by clarifying what program information must be submitted as detailed descriptions, and what can be submitted as simple assurances; (2) establish a new and explicit priority in subsection (d) for services to children whose needs are greatest and whose education has been interrupted in the regular school year; (3) eliminate the current statutory language that gives priority to "currently" over "formerly" migratory children and allows such "formerly" migratory children to be served for up to five years; and (4) eliminate the statutory requirement to continue to use the existing, underlying regulatory definitions of what constitutes an eligible participant.

Subsection (a) would require any State wishing to receive a grant to submit an application to the Secretary at such time and in such manner as the Secretary may require.

Subsection (b) would require that each application include: (1) a description of how, in planning, implementing, and evaluating assisted programs and projects, the State and its operating agencies will ensure that the special educational needs of migratory children are identified and addressed through a comprehensive plan for needs assessment and service delivery that meets the requirements of section 1306; (2) a description of the steps the State is taking to provide all migratory students with the opportunity to meet the same challenging State performance standards that all children are expected to meet; (3) a description of how the State will use its funds to promote interstate and intrastate coordination of services for migratory children, including how, consistent with procedures the Secretary may require, it will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not during the regular school year; (4) a description of the State's priorities for the use of program funds, and how they relate to the State's assessment of the need for services in the State; (5) a description of how the State will determine the amount of any subgrants it will award to local operating agencies and the amount of funds that these agencies will provide to individual schools, taking into account the requirements of paragraph (1); and (6) such budgetary and other information as the Secretary may require.

This new subsection would define those particular items of information that must be submitted in the State application as detailed descriptions, rather than as assurances. In particular, the subsection would require a description of the explicit linkage between the State application and the comprehensive service delivery and needs assessment plan required under section 1306, and the State's plan for Goals 2000. The subsection would also continue the States' responsibility for the timely transfer of school records on migratory children. This language on records transfer responsibility is important, because other proposed changes would eliminate the explicit statutory authority for a migrant student record transfer system.

Subsection (c) would require that each application also include assurances, satisfactory to the Secretary, that: (1) program funds will be used only for programs and projects, including the acquisition of equipment, in accordance with the requirements of section 1306(b)(1) relating to the use of funds, and to coordinate those programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families; (2) those programs and projects will be carried out in a manner consistent with the objectives of certain basic Title I requirements; (3) in the planning and operation of programs and projects at both the State and local operating agency level, there is appropriate consultation with parent advisory councils for programs lasting a school year, and that all programs and projects are carried out in a manner consistent with the Title I parent involvement requirements; (4) in planning and carrying out those programs and projects, there has been, and will be, adequate provision for addressing the unmet education needs of preschool migratory children; (5) the effectiveness of those programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and LEAs under Part A of Title I; and (6) the State will assist the Secretary in determining the number of migratory children under section 1303(e), through such procedures as the Secretary may require.

This new subsection would describe specific assurance that must be submitted in the State's program application, including virtually all the items that are addressed in the current statute. Only the maintenance-of-effort requirement would be eliminated because it has no practical effect in this program inwhich States will continue to have full discretion to determine the size of subgrants. The requirement in the current statute for coordination with several specific programs has been broadened and made into an assurance because coordination responsibilities are more explicitly discussed in section 1306.

Subsection (d) would require each recipient of program funds, in providing services with those funds, to give priority to migratory children who are failing, or most at risk of failing, to meet the State's challenging performance standards and whose education has been interrupted during the regular school year. This new subsection would refocus the program from its current emphasis, which allows services be given to both "currently" and "formerly" migratory children, to one that has a priority on serving those children in greatest need who suffer from educational interruption during the regular school year.

Subsection (e) would provide that, notwithstanding any other provision of Part C, a child who ceases to be a migratory child during a school term remains eligible for services until the end of that term; and that a child who is no longer a migratory child may continue to receive services for one additional school year, but only if comparable services are not available through other programs. This new subsection would provide procedures to permit the continuation of services, for short periods, to children with identified needs even after their program eligibility ends.

Section 1305. Secretarial review. Proposed section 1305(a) of the ESEA would require the Secretary to approve each State application that meets the requirements of Part C.

Subsection (b) would permit the Secretary to review any application with the assistance and advice of State officials and other individuals with relevant expertise. This new subsection is intended to provide the Department with a broader perspective in assessing applications and to enhance inter-State cooperation by giving reviewers information on what different States are doing and on how to improve their applications and programs.

Section 1306. Comprehensive needs assessment and service-delivery plan; authorized activities. Proposed section 1306(a) of the ESEA would require each State that receives a grant under Part C to ensure that the State and its local operating agencies identify and address the special educational needs of migratory children in accordance with a comprehensive State plan that: (1) is integrated with the State's plan, either approved or being developed, under Title III of the Goals 2000: Educate America Act, and satisfies the requirements of subsection (b) that are not already addressed by that State plan or, if the State does not have an approved plan under Title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under the ESEA and satisfies the requirements of this subsection; (2) provides that migratory children will have an opportunity to meet the same challenging State performance standards, set out in those plans, that all children are expected to meet; (3) specifies measurable program goals and outcomes; (4) encompasses the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs; (5) is the product of joint planning among such local, State, and Federal programs, including those under Part A of Title I, early childhood programs, and bilingual education programs under Title VII of the Act; (6) provides for the integration of services available under Part B with services provided by such other programs; and (7) to the extent feasible, provides for advocacy and outreach activities for migratory children and their families, including informing them of, or helping them again access to, other education, health, nutrition, and social services; professional development programs, including mentoring, for teachers and other program personnel; family literacy programs, including those that use models developed under the Even Start program; the integration of information technology into educational and related programs; and programs to facilitate the transition of high school students to postsecondary education or employment.

Subsection (b)(1) would provide that, in implementing the comprehensive plan described in subsection (a), each local operating agency would have the flexibility to determine the activities to be provided with program funds, provided that: (1) before program funds are used to provide compensatory education services authorized under Part A of Title I, those funds must be used to meet the identified needs of migratory children that result from the effects of their migratory lifestyle, or are needed to permit migratory children to participate effectively in school, and are not addressed by services provided under other programs, including Part A of Title I; and (2) all migratory children who are eligible to receive services under Part A must receive those services with funds provided under Part C or under Part A. Section 1306(b) is intended to better focus the program on meeting the unique needs of its population by requiring that program funds first be used to meet the unique needs of migratory children that are not addressed by other programs. At the same time, this provision would provide needed flexibility by allowing program funds that remain unspent after the unique migratory needs have been addressed to be used by the local and State agencies in a coordinated manner with Part A funds.

Subsection (b)(2) would provide that subsection (b) does not apply to program funds that are used for schoolwide programs under section 1114 of Title I. This paragraph would clarify that the requirement to first use program funds to meet unique migratory needs is not applicable when program funds are used in a schoolwide program.

Section 1307. Bypass. Proposed section 1307 of the ESEA would authorize the Secretary to use all or part of any State's allocation to make arrangements with any public or nonprofit agency to carry out the purpose of Part C in the State if the Secretary determines that: (1) the State is unable or unwilling to conduct educational programs for migratory children; (2) those arrangements would result in more efficient and economic administration of those programs; or (3) those arrangements would add substantially to the welfare or educational attainment of those children. This section simply restates, more clearly, the current statutory authority allowing the Secretary to bypass a State government in order to better provide services to migratory children in the State.

Section 1308. Coordination of migrant education activities. Proposed section 1308(a) of the ESEA would permit the Secretary, in consultation with the States, to make grants to, or enter into contracts with, SEAs, LEAs, institutions of higher education, and other public and private entities to improve the interstate and intrastate coordination among SEAs and LEAs of their educational programs, including the establishment or improvement of programs for credit accrual and exchange, available to migratory students. The current statute inhibits the best use of funds for coordination projects since it limits the pool of eligible offerors, and requires funding of a particular project for credit exchange and accrual. In addition, the current statute includes a requirement for State approval that has proved difficult to implement and has created a conflict-of-interest problem, since only SEAs are now eligible to apply for coordination projects. This new subsection eliminates these problems by: (1) allowing coordination projects to be carried out by qualified entities in addition to the SEAs that are currently the only eligible offerors; (2) deleting the current requirement for State approval while continuing to require the Department to consult with States regarding the focus of the coordination projects; and (3) including an authority for, but not requiring, a credit exchange and accrual project. The new subsection also establishes a five-year limit on the length of coordination project awards.

Subsection (b) would require the Secretary to submit a report to the Congress, by October 1, 1995, regarding the effectiveness of methods used by States to transfer migratory students' educational and health records. This new subsection would replace the existing statutory authority for the migrant student record transfer system with a more general requirement that the Department report on States' progress in implementing procedures for the timely transfer of migratory student's records.

Subsection (c) would direct the Secretary to reserve up to five percent of each fiscal year's appropriation for this program to carry out section 1308. While eliminating the reference to a specific dollar amount, this subsection retains the five percent limit on coordination project funding that is in the current statute.

Section 1309. Definitions. Proposed section 1309 of the ESEA would define the terms "local operating agency" and "migratory child", for purposes of Part C.

Paragraph (1) would codify the current regulatory definition of "local operating agency".

Paragraph (2) would define the term "migratory child" to mean a child who is, or whose parent or spouse is, a migratory agricultural worker (including a migratory dairy worker) or a migratory fisher, and who, in the preceding 24 months, in order to obtain, or accompany that parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work: (1) has moved from one school district to another; or (2) in a State that is comprised of a single school district, has moved from one administrative area to another within such district. This new section would redefine program eligibility to better focus services on children who are still migrating or have only recently stopped migrating. In particular, it opens program services to those migratory youth who do not now qualify under the current definition, which restricts services to the migratory children of migratory parents. It also opens program services to those migratory youths who are spouses of migratory workers, since such spouses, even if not themselves migratory workers, will experience the same programs and educational disruptions that are associated with the migratory lifestyle. Finally, by not including as eligible those who migrate within a school district of more than 18,000 square miles, it eliminates a provision that now serves to only benefit a single State.

Part D—Education for neglected and delinquent youth

Part D of Title I of the ESEA would reauthorize the program for neglected and delinquent children currently authorized by Subpart 3 of Part D of Chapter 1 of Title I of the Act.

Section 1401. Purpose; program authorized. Proposed section 1401(a) of the ESEA would state that the purpose of Part D is to: (1) improve educational services to children in institutions for neglected or delinquent children so that they have the opportunity to meet the same challenging State performance standards that all children in the State will be expected to meet; and (2) provide those children the services they need to make a successful transition from institutionalization to further schooling or employment.

Section 1401(b) would direct the Secretary, in order to carry out the purpose set forth in subsection (a), to make grants to SEAs, which would make subgrants to State agencies to establish or improve programs of education for neglected or delinquent children.

Section 1402. Eligibility. Proposed section 1402 of the ESEA would make a State agency eligible for assistance under Part D if it is responsible for providing free public education for children: (1) in institutions for neglected or delinquent children; (2) attending community-day programs for neglected or delinquent children; or (3) in adult correctional institutions.

Section 1403. Allocation of funds. Proposed section 1403 of the ESEA would describe how program funds are to be allocated. Under subsection (a), each State agency described in section 1402 (other than an agency in Puerto Rico) would be eligible to receive under Part D, for any fiscal year, an amount equal to the product of: (1) the number of neglected or delinquent children in institutions or attending programs described in section 1402, who are enrolled for at least 20 hours per week in education programs operated or supported by the eligible agency, which would be determined by the agency as of a date or dates set by the Secretary and be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs; and (2) 40 percent of the average per-pupil expenditure (APPE) in the State, except that the per-pupil amount could not be less than 32 percent, or more than 48 percent, of the APPE in the United States. The 20 hours per week figure is twice the number of hours currently used for the program's child count and would be a significant step towards ensuring that these children receive an amount of instruction equivalent to that provided by LEAs. In addition, the deletion of the current requirement for institutions to maintain average daily attendance records of classes attended by children would reduce the paperwork burden on those institutions and the arithmetical errors made by them in applying for funds.

Subsection (b) would provide that, for each fiscal year, the amount of the grant for which a State agency in Puerto Rico is eligible is equal to the number of children counted under subsection (a)(1) for Puerto Rico, multiplied by the product of: (1) the percentage that the APPE in Puerto Rico is of the lowest APPE of any of the 50 States; and (2) 32 percent of the APPE in the United States.

Subsection (c) would provide that if the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all agencies are eligible, the Secretary shall ratably reduce each of those amounts.

Subsection (d) would direct the Secretary to pay to each SEA the total amount needed to make subgrants to State agencies in that State. In accordance with proposed section 1601(c) of Title I, the SEA could retain up to one percent of this total amount for State administrative costs.

Section 1404. State reallocation of funds. Proposed section 1404 of the ESEA would provide that if an SEA determines that a State agency does not need the full amount of the subgrant for which it is eligible for any fiscal year, the SEA may reallocate the amount that will not be needed to other State agencies that need additional funds to carry out the purpose of this part, in amounts the SEA shall determine. Currently, there is no reallocation authority for this program. As a consequence, any funds that are not obligated by a State agency must be returned to the Government, even though they are needed by other State agencies serving neglected or delinquent children.

Section 1405. State plan and State agency applications. Proposed section 1405(a) of the ESEA would require each SEA that desires to receive payments under Part D to submit, for approval by the Secretary, a plan for meeting the needs of neglected and delinquent children, which shall be revised and updated as needed, that is integrated with the State's plan, either approved or being developed, under Title III of the Goals 2000: Educate America Act, and satisfies the requirements of the section that are not already addressed by that State plan; or if the State does not have an approved plan under Title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under the ESEA and satisfies the requirements of section 1405. Subsection (a) would also require that the State plan for neglected or delinquent youth: (1) describe the State-established program goals, objectives, and performance measures that will be used to assess the effectiveness of the program in improving academic an vocational skills of children in the program; (2) provide that, to the extend feasible, neglected and delinquent children will have the same opportunities to learn as they would have if they were in the schools of LEAs in the State; and (3) contain certain assurances.

Subsection (b) would direct the Secretary to approve each State plan that meets the requirements of Part D and would authorize the Secretary to review these plans with the assistance and advice of individuals with relevant expertise.

Subsection (c) would require any State agency that desires to receive funds to carry out a program under Part D to submit an application to the SEA that: (1) describes the procedures to be used, consistent with the State's plan under Part A, to assess the educational needs of the children to be served; (2) describes the program, including a budget for the first year of the program, with annual updates to be provided; (3) describes how the program will meet the goals and objectives of the State's plan under this part; (4) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1407 are of high quality; (5) describes how the agency will carry out the evaluation requirements of section 1409 and how the results of the most recent evaluation were used to plan and improve the program; (6) includes data showing that the agency has maintained fiscal effort as if it were an LEA in accordance with section 9501 of the Act; (7) describes how the programs will be coordinated with other State and Federal programs administered by the State agency; (8) describes how appropriate professional development will be provided to teachers and other instructional and administrative personnel; and (9) designates an individual in each affected institution to be responsible for issues relating to the transition of children from the State-operated institution to locally operated programs.

Section 1406. Use of funds. Proposed section 1406(a) of the ESEA would allow a State agency to use Part D funds only for programs and projects that are consistent with the State plan referred to in section 1405(a) and concentrate on providing participants with the knowledge and skills needed to make a successful transition to further education or employment. Authorized programs and projects could include the acquisition of equipment; would have to be designed to support educational services that, except for institution-wide projects under section 1407, are provided to children identified by the State agency as failing, or most at risk of failing, to meet the State's challenging performance standards, supplement and improve the quality of educational services provided to neglected or delinquent children by the State agency and afford those children an opportunity to learn to those challenging State standards; would have to be carried out in a manner consistent with the Part A supplement, not supplant provision and the Part F provisions relating to State administration of Title I; and could include the costs of meeting the evaluation requirements of section 1409.

Subsection (b) would provide that a program that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the Title I "supplement, not supplant" requirement without regard to the subject areas in which instruction is given during those hours.

Section 1407. Institution-wide projects. Proposed section 1407(a) of the ESEA would permit a State agency that provides free public education for children in an institution for neglected or delinquent children (other than an adult correctional institution) or attending a community-day program for such children to use Part D funds to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the SEA has approved, a comprehensive plan for that institution or program. Such a plan would: (1) provide for a comprehensive assessment of the educational needs of all individuals under the age of 21 in the institution or program; (2) describe the steps the State agency has taken, or will take, to provide all children under 21 with the opportunity to meet challenging State academic and vocational standards in order to improve the likelihood that they will complete high school and find employment after leaving the institution; (3) describe the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for secondary school students; (4) specifically describe how the funds will be used; (5) describe the measures and procedures that will be used to assess student progress; (6) describe how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and personnel from the SEA; and (7) include an assurance that the State agency has provided for appropriate training to teachers and other instructional and administrative personnel to enable them to carry out the project effectively.

Section 1407(b) would require that, beginning with school year 1996–1997, State agencies use Part D funds only for institution-wide projects (subject to the exception in section 1410, which allows those agencies to use ten percent of their funds for transition services). The institution-wide approach will permit the development and implementation of challenging content for children in these institutions, which would cut across the entire day's educational program. Many programs to this point have merely supplemented the basic educational program, often with one or two hours of drills per day, and have not adequately focused on improving the education of these children in a comprehensive, integrated fashion.

Section 1408. Three-year projects. Proposed section 1408 of the ESEA would permit an SEA to approve a State agency's application for a period of up to three years if the State agency operates a program in which individual children are likely to participate for more than one year.

Section 1409. Program evaluations. Proposed section 1409(a) of the ESEA would require each State agency that conducts a program under Part D to evaluate the program at least once every three years to determine its impact on the ability of participants to: (1) maintain and improve educational achievement; (2) accrue school credits that meet State requirements for grade promotion and high school graduation; (3) make the transition to a regular program or other educationprogram operated by an LEA; and (4) complete high school and obtain employment after they leave the institution. The reference to employment, which is new, is important because many incarcerated youth seek employment, rather than further education, upon their release from the institution.

Subsection (b) would require a State agency, in conducting each evaluation with respect to the educational achievement component described in subsection (a)(1), to use multiple and appropriate measures of student progress. This requirement will improve the quality of assessment since agencies currently assess student performance through a score on a single norm-referenced test.

Subsection (c) would require each State agency to submit the evaluation results to the SEA and to use those results to plan and improve subsequent programs for participating children.

Section 1410. Transition services. Proposed section 1410(a) of the ESEA would permit each State agency to reserve up to ten percent of the amount it receives under Part D for any fiscal year to support projects that facilitate the transition of children from State-operated institutions for neglected and delinquent children into locally operated programs. Among other benefits, this provision would enhance the agency's ability to assess the impact of projects on children who have subsequently left the institution.

Subsection (b) would provide that a project supported under section 1410 could be conducted directly by the State agency, or through a contract or other arrangement with one of more LEAs, other public agencies, or private nonprofit organizations.

Subsection (c) would provide that any funds reserved under subsection (a) could be used only to provide special educational services, which may include counseling and mentoring, to neglected and delinquent children in schools other than State-operated institutions.

Section 1411. Definitions. Proposed section 1411 of the ESEA would define the terms "adult correctional institution", "community-day program", "institution for delinquent children", and "institution for neglected children", as used in Part D.

Part E—Federal evaluations and demonstrations

Section 1501. Evaluations. Proposed section 1501 of the ESEA would authorize a variety of evaluations and studies to determine how well Title I is meeting its purpose and provide information to improve program operation.

Subsection (a) would provide for a national assessment of the Title I program, specifying certain areas to be included and containing dates for completion of the reports to the President and Congress. The areas that would be included are those that are new to, or newly emphasized in, Title I.

Subsection (b) would authorize data collection and studies at State, local and school levels, transferring to the Department responsibilities formerly placed on States and LEAs. Federal data collection would allow sampling procedures to be more easily employed, thereby reducing burden and cost, providing for more uniform data collection and evaluation, and greatly reducing burden on school, district, and State authorities, the must now aggregate data from the school level up to the State level. It would also separate national evaluation from State assessments, freeing States to use their own assessment systems without being bound by national aggregation requirements.

Subsection (c) would require the secretary to continue the current national longitudinal study and provide for a final report.

Subsection (d) would provide for a design study to produce reliable estimates, between decennial censuses, of the number of children in poverty in a State. If successful, this effort could provided more current data on which to make allocations.

Section 1502. Demonstrations of innovative practices. Proposed section 1502 of the ESEA would provide authority for the Secretary to support demonstrations to improve Title I programs.

Subsection (a) would describe a national demonstration program. The new Title I, focusing on high standards, high-quality professional development, schoolwide reform, extended time, and integration of services needs to test new approaches, subjected to rigorous evaluation, and to provide State and local agencies with models that have been proven to be effective. Without these models, it would be difficult to institute major changes that are needed in local programs. The authority would also provide for demonstration of programs for children most difficult to serve—such as migratory children, children in institutions, homeless children, and children with limited English proficiency—for whom models are especially necessary.

Subsection (b) would provide authority for the Secretary, through grants or contracts, to work in partnership with organizations and agencies to disseminate and use information and knowledge about effective Title I practices.

Part F—General provisions

Most of the provisions in Parts E and F of the current law have been deleted. Some provisions, such as the requirement in current section 1439 for a National Migrant Commission and study of the migrant records transfer system, are no longer needed. Other provisions, such as the withholding provision and judicial review in current sections 1433 and 1434, are adequately covered by authority in the General Education Provisions Act and need not be repeated in Title I. Still other provisions, such as procedures for Federal regulation development and the requirement to develop a policy manual, unnecessarily restrict the Secretary's authority to administer Title I programs. Finally, other provisions, such as the list of definitions, would be transferred to Title IX (current Title VIII) of the ESEA because they apply to more programs than just Title I.

Section 1601. State administration. Proposed section 1601, regarding State administration of Title I programs, would provide for State rulemaking, require each State to establish a Committee of Practitioners, and provide payment to States for administration of those programs.

Subsection (a) would permit State rulemaking related to Title I, although it makes clear that regulations should be kept to a minimum. The restrictions in current law, particularly those that restrict State authority in content areas, could conflict with State efforts to develop the content and performance standards required under the State plan and therefore have been deleted. For instance, a State may choose first to develop content and performance standards in science, mathematics, and language arts; in that case, requiring Title I to focus on those areas would be appropriate. This subsection also makes clear that State rulemaking should support systemic reform at the LEA and school level.

Subsection (b) would require each State to establish a committee of practitioners, a majority of whose members must be representatives of LEAs. Rather than focusing on regulations, as is currently required, however, this committee would provide advice to the State in carrying out its responsibilities under Title I, whether regulatory or not.

Subsection (c) would authorize a State to reserve up to one percent of the funds it receives for Title I programs (excluding Even Start) for State administration, with minimum amounts established for small States.

ESEA, TITLE II—IMPROVING TEACHING AND LEARNING

Part A—Eisenhower Professional Development Program

Title II of the ESEA would be amended to include a new Part A relating to professional development for educators. This new part would be comprised of three subparts relating to Federal activities, State and local activities, and general provisions for the part.

Section 2101. Findings. Proposed section 2101(a) of the ESEA would state the congressional findings that: (1) reaching National Education Goal Three (all students will demonstrate mastery of challenging subject matter in the core academic subjects) and National Education Goal Four (U.S. students will become first in the world in mathematics and science achievement) requires a comprehensive educational reform strategy that involves parents, schools, government, communities, and other public and private organizations at all levels; (2) a crucial component of the strategy for achieving these two goals is ensuring, through sustained and intensive high-quality professional development, that all teachers can provide challenging learning experiences in the core academic subjects for their students; (3) the potential positive impact of high-quality professional development is underscored by recent research findings that professional development must be focused on teaching and learning in order to change the opportunities of all students to achieve higher standards; in order to be effective, focuses on discipline-based knowledge and effective subject-specific pedagogical skills, works with teams of teachers and administrators in a school and through professional networks of teachers and administrators, is interactive and collaborative, motivates by its intrinsic content and relationship to practice, builds on experience and learning-by-doing, and becomes incorporated into the everyday life of the school; and professional development can dramatically improve classroom instruction and learning when teachers and administrators are partners in its development and implementation; (4) special attention must also be given in professional development activities to ensuring that education professionals are knowledgeable of, and make of, strategies for serving populations that historically have lacked access to equal opportunities for advanced learning and career advancement; (5) professional development is often victim of budget reductions in fiscally difficult times; (6) there are few incentives or sanctions operating to encourage teachers and administrators to work to prepare themselves to be more effective or to participate in challenging and effective professional development activities; and (7) the Federal Government has a vital role in helping to make sustained and intensive high-quality professional development in the core academic subjects become an integral part of the elementary and secondary education system.

Section 2102. Purposes. Proposed section 2102 of the ESEA would list the purposes of proposed new Part A, which would be to help ensure that teachers, other staff, and administrators have access to high-quality professional development that: (1) is tied to challenging State student content and performance standards; (2) reflects recent research on teaching and learning; (3) includes strong academic content and pedagogical components; (4) is of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; and (5) is part of the everyday life of the school and creates an orientation toward continuous improvement throughout the school.

Section 2103. Authorization of appropriations; allocation between subparts. Proposed section 2103 of the ESEA would authorize to be appropriated such sums as may be necessary to carry out proposed Part A for fiscal years 1995 through 1999, and would allocate the funds appropriated to carry out Part A for any fiscal year so that six percent of the funds are used to carry out Subpart 1, Federal Activities, and 94 percent of the funds are used to carry out Subpart 2, State and Local Activities.

Subpart 1—Federal Activities.

Section 2111. Program authorized. Proposed section 2111(a) of the ESEA would authorize the Secretary to make grants to, and enter into contracts and cooperative agreements with, LEAs, SEAs, State agencies for higher education, institutions of higher education, and other public and private agencies, organizations, and institutions to: (1) support activities of national significance that will contribute to the development and implementation of high-quality professional development activities in the core academic subject areas; and (2) evaluate activities carried out under subparts 1 and 2.

Subsection (b) would require the Secretary, in carrying out this program, to consult and coordinate with the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, and other appropriate Federal agencies and entities.

Section 2112. Authorized activities. Proposed section 2112 of the ESEA would list a number of examples of activities authorized under Subpart 1, including: (1) providing seed money to eligible entities to develop their capacity to offer sustained and intensive high-quality professional development; (2) professional development institutes that provide teams of teachers, or teachers and administrators, from individual schools, with professional development that contains strong and integrated disciplinary and pedagogical components; (3) encouraging the development of local and national professional networks that provide a forum for interaction among teachers of the core academic subjects and that allow the exchange of information on advances in content and pedagogy; (4) supporting the National Board of Professional Teaching Standards; (5) the development and dissemination of teaching standards in the core academic subjects; (6) the development of exemplary methods of assessing teachers, other staff, and administrators for licensure and certification; (7) activities that promote the transferability of licensure and certification of teachers and administrators among State and local jurisdictions; (8) the development and testing of incentive strategies for motivating teachers and administrators to help increase their effectiveness through professional development focused on teaching and learning and giving all students the opportunity to learn to challenging State standards; (9) the dissemination of information about voluntary national content and performance standards and related models of high-quality professional development; (10) the development and maintenance of a national clearinghouse for science, mathematics, and technology education materials and of such other clearing houses for core academic subjects as the Secretary determines are needed; (11) joint activities with other Federal agencies and entities engaged in our supporting similar professional development efforts; (12) support for consortia of education agencies and organizations to disseminate information and provide assistance regarding teaching methods and assessment tools that support national or State content standards in mathematics and science; and (13) the evaluation of programs under this subpart and under Subpart 2.

Subpart 2—State and Local Activities

Section 2121. Program authorized. Proposed section 2121 of the ESEA would authorize the Secretary to make grants to SEAs for the support of sustained and intensive high-quality professional development activities in the core academic subjects at the State and local levels.

Section 2122. Allocation of funds. Proposed section 2122 of the ESEA would describe the allocation formula to be used for funds appropriated for proposed subpart 2 for any fiscal year. First, the Secretary would reserve one half of one percent for the outlying areas, to be distributed among them on the basis of their relative need, as determined by the Secretary in light of the purposes of this part, and would reserve one quarter of one percent for the Secretary of the Interior for programs under this subpart for professional development activities for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs (BIA).

Next, the Secretary would allocate the remaining amount to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico. Half of the remaining amount would be allocated based on each jurisdiction's relative population of individuals aged five through 17 (as determined by the Secretary on the basis of the most recent satisfactory data), and the other half would be allocated according to each jurisdiction's relative funding received under Part A of Title I of the ESEA for the preceding fiscal year. However, no State would receive less than one-half of one percent of the amount remaining after the Secretary reserves the amounts described above for the outlying areas and the BIA. If any jurisdiction does not apply for its allotment under for any fiscal year, the Secretary would reallocate that amount to the remaining jurisdictions according to this formula.

Section 2123. Within-State allocations. Proposed section 2123 of the ESEA would describe the allocation of funds received by any State under Subpart 1 for any fiscal year. A maximum of six percent would be used for the administrative costs of programs carried out by the SEA and the State agency for higher education, and a maximum of 7.5 percent could be used for State-level activities, as described in section 2126. Of the remaining amount, 85 percent would be distributed to LEAs, to be used in accordance with section 2129, and 15 percent would be used for competitive grants to institutions of higher education as described in section 2130. One half of the amount distributed to LEAs would be distributed based on each LEA's relative population of individuals aged five through 17, and the other half would be distributed according to each LEA's relative funding received under Part A of Title I of the ESEA for the preceding fiscal year.

Section 2124. Priority for professional development in mathematics and science. Proposed section 2124 of the ESEA would establish a funding priority for professional development in mathematics and science that would vary, depending on the amount appropriated for Part A in any fiscal year. In any fiscal year for which the amount appropriated for this part of is $250,000,000 or less, each State would be required to ensure that all funds distributed within the State, as described above, to LEAs and to institutions of higher education, are used for professional development in mathematics and science. In any fiscal year for which the amount appropriated is at least $250,000,000, but not more than $500,000,000, each State shall ensure that the amount of funds so distributed that is used for professional development in mathematics and science is not less than the amount that bears the same ratio to the total amount of funds so distributed as the sum of $250,000,000 plus 25 percent of the amount of the total appropriation for this Part in excess of $250,000,000 bears to the total amount appropriated for this Part.

Section 2125. State applications. Proposed section 2125 of the ESEA would require each SEA that wishes to receive its allotment under this subpart for any fiscal year to submit an application to the Secretary at such time and in such form as the Secretary may require.

Subsection (b) would require each SEA applying under section 2125 to include in its application a State plan for professional development that is integrated with the State's plan, either approved or being developed, under Title III of the Goals 2000: Educate America Act, and satisfies the requirements of section 2125 that are not already addressed by that State plan; or, if the State does not have an approved plan under Title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with State plans under the ESEA and satisfies the requirements of this section. A State's professional development plan could, if necessary, be submitted as an amendment to the State's plan under Title III of the Goals 2000: Educate America Act.

The State's professional development plan would also have to: (1) be developed in conjunction with the State agency for higher education, institutions of higher education, schools of education, and with the extensive participation of local teachers and administrators and show the role of each in implementation; (2) be designed to give teachers and administrators in the State the knowledge and skills to provide all students the opportunity to meet challenging State standards; (3) include an assessment of State and local needs for professional development specifically related to the requirement set out in item (2), above; (4) describe a strategy for addressing the need for teacher development beginning with recruitment, pre-service, and induction, and continuing throughout the professional teaching career; (5) describe specific steps for the reform of certification, recertification, and licensure programs; (6) describe how the State will work with teachers, administrators, LEAs, schools, and institutions of higher education to ensure that they develop the capacity to support sustained and intensive, high-quality professional development programs in the core academic subject areas; (7) describe how the State will use technology, including the emerging national information infrastructure, to enhance the professional development of teachers and administrators; (8) describe how the State will ensure a strong focus on professional development in mathematics and science; (9) describe how the State will provide incentives to teachers and administrators to focus their professional development on preparing themselves to provide instruction consistent with challenging State standards; and (10) set specific outcome performance indicators for professional development.

Subsection (c) would require that each SEA also include in its application a description of: (1) how the activities funded under this subpart will be coordinated, as appropriate, with other activities conducted with Federal funds, especially those supported under Part A of Title I of the ESEA; State and local funds; resources from business and industry; and funds from other Federal agencies, such as the National Science Foundation, the Department of Energy, the Department of Health and Human Services, the Department of Commerce, the National Endowment for the Arts, and the National Endowment for the Humanities; and (2) the activities to be sponsored under the State-level activities and the higher education components of its program under Subpart 2.

Subsection (d) would require the Secretary to approve the application of an SEA if it meets the requirements of section 2125 and holds reasonable promise of achieving the purposes of Part A. In reviewing these applications, the Secretary would be required to obtain the advice of non-Federal experts on education in the core academic subjects and on teacher education, including teachers and administrators.

Section 2126. State-level activities. Proposed section 2126 of the ESEA would provide that each State may use funds it reserved for State-level activities under section 2123(2) to carry out activities referred to in section 2125(b), such as: (1) reviewing and reforming State requirements for teacher and administrator licensure, including certification and recertification, to align these requirements with the State's content standards and ensure that teachers and administrators have the knowledge and skills to help students meet challenging State performance standards; (2) developing performance assessments and peer review procedures, as well as other methods, for licensing teachers and administrators; (3) providing technical assistance to schools and LEAs to help them provide effective professional development in the core academic subjects; (4) developing or supporting professional development networks, either within a State or in a regional consortium of States, that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy; (5) professional development in the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subject areas; (6) providing financial or other incentives for teachers to become certified by the National Board for Professional Teaching Standards; (7) designing systems that enable teachers to meet pay ladder professional development requirements by demonstrating content knowledge and pedagogical competence tied by challenging State content and performance standards, rather than by merely completing course credits; (8) providing incentives for teachers to be involved in assessment, curriculum development, and technical assistance processes for teachers and students; (9) professional development to enable teachers and other school staff to ensure that girls and young women, minorities, limited English proficient students, individuals with disabilities, and the economically disadvantaged have full opportunity to achieve to challenging State performance standards in the core academic subjects by, for example, encouraging girls and young women and minorities to pursue advanced courses in mathematics and science; and (10) professional development activities designed to increase the numbers of members of minority and other underrepresented groups in the teaching force in the core subjects.

Section 2127. Local educational agency applications. Proposed section 2127 of the ESEA would require each LEA that wishes to receive a subgrant under this subpart for any fiscal year to submit an application to the Secretary at such time and in such form as the SEA may require, but not less frequently than every third year. However, if the LEA has an application approved by the State under Title III of the Goals 2000: Educate America Act, the application required by this proposed new section would be a component of (or, if necessary, an addendum to) the Goals 2000 application.

Subsection (b) would require each LEA applying under section 2127 to include in its application: (1) the LEA's plan for professional development that has been developed with the extensive participation of teachers and administrators and that is aligned with the State's content and performance standards, includes an assessment of local needs for professional development as identified by the LEA and school staff, describes a strategy, tied to State standards, for addressing those needs, includes strong academic content and pedagogical components, is of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom, and sets specific outcome performance indicators; (2) an assurance that the activities conducted with the funds the LEA receives under this program will be assessed at least every three years using the outcome performance indicators to determine the effectiveness of those activities; (3) a description of how the programs funded under this subpart will be coordinated, as appropriate, with services of institutions of higher education, State and local funds, resources provided under Part A of Title I and other parts of the ESEA, resources from business and industry, and funds from other Federal agencies, such as the National Science Foundation, the Department of Energy, the Department of Health and Human Services, the National Endowment for the Arts, and the National Endowment for the Humanities; and (4) an identification of the sources of funding that will provide the LEA's contribution under section 2128.

Section 2128. Local cost-sharing. Proposed section 2128 of the ESEA would require each LEA to bear at least 33 percent ofthe cost of any program carried out under Subpart 2, excluding the cost of services provided to private school teachers. An LEA could meet this requirement with one or more of the following resources: (1) cash expenditures from non-Federal sources directed toward professional development activities; (2) released time for teachers participating in professional development funded under this subpart; and (3) so long as the funds are used for professional development activities consistent with this subpart and the statutes under which those funds were received, and are used to benefit students and teachers in schools that would otherwise have been served with those funds, funds received under Part A of Title I of the ESEA, under the Safe and Drug-Free Schools program under Title IV of the ESEA, under the bilingual education program under Title VII of the ESEA, under Title III of the Goals 2000: Educate America Act, and under programs that are related to the purposes of the ESEA that are administered by other agencies, including the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, and the Department of Energy.

Section 2129. Local allocation of funds and allowable activities. Proposed section 2129 of the ESEA would describe the local allocation of funds, and activities allowable under this subpart. Each LEA that receives those funds for any fiscal year would be required to use at least 80 percent of such funds for professional development of teachers and other staff of individual schools in manner that is determined by those teachers and staff and is consistent with the LEAs' application under section 2127, and school plan under Part A of Title I of the ESEA, and any other plan for professional development carried out with Federal, State, or local funds. The LEA could use not more than 20 percent of such funds for district-level professional development activities, which may include the participation of administrators and policymakers.

Subsection (b) would require each LEA that receives funds under Subpart 2 also use those funds for activities that contribute to the implementation of the LEA's professional development plan, described in section 2127(b)(1), such as: (1) professional development for teams of teachers, administrators, or other staff from individual schools to support teaching consistent with State or voluntary national content standards and to create a school environment conducive to high achievement in the core subjects; (2) support and time for teachers and other school staff to participate in professional development in the core subjects offered through professional associations, universities, and other providers; (3) support and time for teachers and other school staff to participate in professional development that goes beyond training and encourages a variety of forms of learning that are related to an educator's regular work, such as group study and consultation with peers and supervisors; (4) peer training and mentoring programs, including cross-generational mentoring, in the core academic subjects; (5) establishment and maintenance of local professional networks that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy; (6) activities that provide follow-up for teachers who have participated in professional development activities that are designed to ensure that the knowledge and skills learned by the teacher are implemented in the classroom; (7) preparing teachers to work with parents and families on fostering student achievement in the core academic subjects; (8) preparing teachers in the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subject areas; (9) establishing policies to permit teachers to meet pay ladder requirements by demonstrating content and pedagogical competence rather than by only meeting course requirements; (10) professional development to enable teachers and other school staff to ensure that girls and young women, minorities, limited English proficient students, individuals with disabilities, and the economically disadvantaged have full opportunity to achieve to challenging State performance standards in the core academic subjects; (11) professional development activities designed to increase the numbers of minorities, individuals with disabilities, and other underrepresented groups in the teaching force and to increase the numbers of women and members of other underrepresented groups who are science and mathematics teachers, for example, through career ladder programs that assist educational paraprofessionals to obtain teaching credentials; (12) developing incentive strategies for rewarding teachers and administrators collectively in schools that sustain high performance or consistent growth in the number of their students who meet the challenging State standards; and (13) developing incentive strategies for rewarding schools where a substantial portion of the teachers achieve certification by the National Board for Professional Teaching Standards.

Section 2130. Higher education activities. Proposed section 2130(a) of the ESEA would require the State agency for higher education (working in conjunction with the SEA, if it is a separate agency) to make grants to, or enter into contracts or cooperative agreements with, institutions of higher education working in conjunction with LEAs, for professional development activities in the core academic subject areas that contribute to the State plan for professional development. These grants, contracts, or cooperative agreements would be made on a competitive basis, and each project funded under this new section would involve a joint effort of the recipient's school or department of education and the schools or departments in the specific disciplines in which such professional development will be provided.

Subsection (b) would require a recipient of funds under this section to use those funds for sustained and intensive high-quality professional development for teams of teachers, or teachers and administrators from individual schools or districts, as well as other professional development activities related to achievement of the State plan for professional development.

Subpart 3—General Provisions

Section 2131. Reporting and accountability. Proposed section 2131(a) of the ESEA would require each State that receives funds under Part A to submit a report to the Secretary every three years on the State's progress toward the outcome performance indicators identified in its State plan, as well as on the effectiveness of State and local activities under this part.

Subsection (b) would, in turn, require each LEA that receives Part A funds to submit a report to the State every three years on its progress toward outcome performance indicators identified in its local plan, as well as on the effectiveness of its activities under this part.

Subsection (c) would require the Secretary to report to the President and the Congress on the effectiveness of programs and activities funded under this part.

Section 2132. Definitions. Proposed section 2132 would define "core academic subjects," "sustained and intensive high-quality professional development," and "outcome performance indicators," as these terms are used in Part A.

Part B—Support and assistance for ESEA programs

Part B of Title II of the ESEA would establish a new authority to provide comprehensive technical assistance in order to support programs under the ESEA and to provide a coherent strategy for improving teaching and learning at the State and local levels.

Section 2201. Findings. Proposed section 2201 of the ESEA would set forth the following congressional findings: (1) high-quality technical assistance can enhance the improvements in teaching and learning achieved through implementation of programs under the ESEA; (2) comprehensive technical assistance is an essential ingredient of the overall strategy of the 1994 reauthorization of the ESEA to improve programs and to provide all children opportunities to meet challenging State performance standards; (3) States, LEAs, and schools serving students with special needs, such as students with limited English proficiency, have great need for comprehensive technical assistance in order to use ESEA funds to provide these students with opportunities to learn to challenging State standards; (4) current technical assistance efforts are fragmented and categorical in nature, and thus fail to address adequately the needs of States and LEAs for help in integrating into a coherent strategy for improving teaching and learning the various ESEA programs with State and local programs and other education reform efforts; (5) too little creative use is made of technology as a means of providing information and assistance in a cost-effective way; (6) comprehensive technical assistance can help schools and school systems focus on improving opportunities for all children to reach challenging State performance standards, as they implement ESEA programs; (7) comprehensive technical assistance would provide "one-stop shopping" to help States, LEAs, participating colleges and universities, and schools integrate Federal, State, and local education programs in ways that contribute to improving schools and entire school systems; and (8) technical assistance in support of ESEA programs should be coordinated with the Department's regional offices, the regional educational laboratories, and other technical assistance efforts supported by the Department.

Section 2202. Purpose. Proposed section 2202 of the ESEA would provide that the purpose of this Part would be to make available to States, LEAs, schools, and other recipients of ESEA funds technical assistance in administering and implementing ESEA programs in a manner that is consistent with State and local plans under the Goals 2000: Educate America Act, and in coordinating these programs with other Federal, State, and local education activities, so that all students are provided opportunities to meet challenging State performance standards.

Section 2203. Program authorized. Proposed section 2203 of the ESEA would set forth the program authorities for this Part.

Subsection (a) would authorize the Secretary to establish one center in each of the Department's ten regions to provide comprehensive technical assistance to States, LEAs, schools, and other recipients of funds under the ESEA in their administration and implementation of ESEA programs.

Subsection (b) would authorize the Secretary to establish a technology-based technical assistance service that would support the administration and implementation of ESEA programs by providing information, including legal and regulatory information, and technical guidance and information about best practices. This network would be accessible to all States, LEAs, schools, and others who are recipients of ESEA funds.

Section 2204. Eligible entities. Proposed section 2204 of the ESEA would authorize the Secretary to carry out this Part directly or through grants to, or contracts or cooperativeagreements with, public or private agencies or organizations or consortia of those agencies and organizations.

Section 2205. Comprehensive regional centers. Proposed section 2205 of the ESEA would set forth the required activities of each comprehensive regional center established under proposed section 2203(a), as follows:

Paragraph (1) would require each center to maintain staff expertise in at least: (1) instruction, curriculum improvement, school reform and other aspects of Title I of the ESEA; (2) meeting the needs of children served under the ESEA, including children in high-poverty areas, migratory children, children with limited English proficiency, neglected or delinquent children, homeless children and youth, Indian children, and children with disabilities; (3) professional development for teachers, other school staff, and administrators to help students meet challenging State performance standards; (4) bilingual education, including programs that emphasize English and native language proficiency, and promote multicultural understanding; (5) safe and drug-free schools; (6) educational applications of technology; (7) parent involvement and participation; (8) the reform of schools and school systems; and (9) program evaluation.

Paragraph (2) would require each center to ensure that technical assistance staff have sufficient training, knowledge, and expertise in how to integrate and coordinate programs under the Act with each other, as well as with other Federal, State, and local programs and reforms.

Paragraph (3) would require each center to work collaboratively with the Department's regional offices.

Paragraph (4) would require each center to provide technical assistance using the highest quality and most cost-effective strategies possible.

Paragraph (5) would require each center to provide information and assistance regarding exemplary and promising practices.

Paragraph (6) would require each center to work collaboratively, and coordinate the services it provides, with the general reform assistance provided by the regional educational laboratories supported by the Office of Educational Research and Improvement.

Paragraph (7) would require each center to consult with representatives of SEAs, LEAs, and populations served under the ESEA.

Section 2206. Information and collection.—Proposed section 2206 of the ESEA would require the Secretary to evaluate activities under this Part to determine their effectiveness in advancing the purposes of this Part, and to report to the President and Congress on the effectiveness of these activities.

Section 2207. Transition.—Proposed section 2207 of the ESEA would set forth provisions concerning transitional activities under this Part.

Subsection (a) would authorize the Secretary to use funds appropriated for this Part for fiscal year 1995 in such manner as the Secretary finds necessary in order to ensure a smooth implementation of this Part.

Subsection (b) would allow the Secretary, in accordance with subsection (a), and notwithstanding any other provisions of law, to use these funds for existing contracts and to extend the award of any categorical technical assistance center under the Act that was in operation on the day before enactment of the Improving America's Schools Act of 1993.

Section 2208. Authorization of appropriations.—Proposed section 2208 of the ESEA would authorize the appropriation of such sums as may be needed for each of the fiscal years 1995 through 1999 to carry out this part.

ESEA, TITLE III—EXPANDING OPPORTUNITIES FOR LEARNING

Part A—Putting technology to work for all students

Subpart 1—Research, Development, and Demonstration of Educational Technology

Proposed Subpart 1 of Part A of Title III of the ESEA would establish a new authority within the ESEA that would focus on the uses of educational technology to expand opportunities for learning.

Section 3111. Findings and purposes. Proposed section 3111(a) of the ESEA would set forth congressional findings as follows: (1) technology has the potential to assist and support the improvement of teaching and learning in schools and other settings; (2) technology can provide students, parents, teachers, and other education professionals with increased access to information, instruction, and educational services in schools and other settings; (3) technology can produce far greater opportunities for all students to learn to high standards and to promote efficiency and effectiveness in education; and (4) the rapidly changing nature of technology requires coordination and flexibility in Federal leadership.

Section 3111(b) would state the purposes of this Subpart as promoting achievement of the National Education Goals and increasing the opportunity for all students to achieve to challenging State standards by: (1) promoting awareness of the potential of technology for improving teaching and learning; (2) supporting State and local efforts to increase the effective use of technology for education; (3) demonstrating ways in which technology can be used to improve teaching and learning, and to help ensure that all students have an equal opportunity to meet challenging State education standards; (4) ensuring the availability of knowledge drawn from research and experience that can form the basis for sound State and local decisions about investment in, and effective uses of, educational technology; (5) promoting high-quality professional development opportunities for teachers and administrators on the integration of technology into instruction and administration; (6) ensuring that Federal technology-related policies and programs facilitate the use of technology in education; and (7) ensuring that, as technological advances are made, the educational uses of these advances are considered and their applications are developed.

Section 3112. Office of Educational Technology. Proposed section 3112 of the ESEA would establish within the Department an Office of Educational Technology, which would be administered by a Director of Educational Technology appointed by the Secretary. The Office, in consultation with other appropriate agencies, would provide national leadership in the use of technology to promote achievement of the National Education Goals and to increase opportunities for all students to achieve to challenging State standards, and would perform such additional functions as the Secretary requires.

Section 3113. National long-range plan. Proposed section 3113 of the ESEA would set forth provisions regarding a national long-range plan.

Subsection (a) would require the Secretary to develop and publish by September 30, 1995, and update when appropriate, a national long-range plan to carry out the purposes of this Subpart. The Secretary would be required to develop the plan in consultation with other Federal agencies and a wide variety of practitioners, policy-makers, and experts in field of technology and its educational applications, transmit the plan to the President and Congress, and publish the plan in a format that is readily accessible to the public.

Subsection (b) would require that the national long-range plan describe the Secretary's activities to promote the purposes of this Subpart, including: (1) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve challenging State standards, especially through programs administered by the Department; (2) joint activities with other Federal agencies to promote the use of technology in education and in training and lifelong learning, including plans for the educational uses of a national information infrastructure, and to ensure that these agencies facilitate the use of technology for educational purposes to the extent feasible; (3) how the Secretary will work with educators, SEAs and LEAs, and appropriate private sector representatives to facilitate the effective use of technology in education; (4) how the Secretary will promote increased access to the benefits of technology for teaching and learning for schools with high concentrations of children from low-income families, the use of technology to assist in the implementation of State systemic reform strategies, the application of technological advances to use in education, and increased opportunities for the professional development of teachers in the use of new technologies; (5) how the Secretary will determine, in consultation with appropriate individuals, organizations, and agencies, the feasibility and desirability of establishing guidelines and protocols to facilitate effective use of technology in education; and (6) the Secretary's long-range measurable goals and objectives relating to the purposes of this Subpart.

Section 3114. Federal leadership. Proposed section 3114 of the ESEA would set forth other leadership responsibilities of the Secretary in promoting the use of technology in education.

Subsection (a) would authorize the Secretary, in consultation with the National Science Foundation, the Department of Commerce, and other appropriate Federal agencies, to carry out activities designed to achieve the purposes of this Subpart directly or by awarding grants (pursuant to a peer review process) to, or entering into contracts with SEAs, LEAs, IHEs, or other public and private agencies and organizations. For this purpose, the Secretary would also be authorized to accept funds from, and transfer funds to, other Federal agencies.

Subsection (b) would allow the Secretary to use funds appropriated under this Subpart for activities designed to carry out the purpose of this Subpart, and to meet the goals and objectives of the national long-range plan. These activities would include: (1) planning grants to States and LEAs, to enable them to examine and develop strategies for the effective use of technology to help achieve the objectives of the Goals 2000: Educate America Act and the School-to-Work Opportunities Act of 1993; (2) development grants to technical assistance providers, to enable them to improve substantially the services they offer to educators on the educational uses of technology, including professional development; (3) consultation with representatives of industry, elementary and secondary education, higher education, and appropriate experts in technology and its educational applications in carrying out activities under this Subpart; (4) research on, and the development of, guidelines and protocols to facilitate efficient and effective use of technology in education; (5) research on, and the development of, educational applications of the most advanced and newly emerging technologies; (6) development, demonstration, and evaluation of applications of existing technology in preschool education, elementary and secondary education, training and lifelong learning, and professional development of educational personnel: (7) development and evaluation of software and other products, including television programming, that incorporate advances in technology and help achieve the National Education Goals and challenging State standards; (8) development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning; (9) development of model programs to demonstrate the educational effectiveness of technology in urban and rural areas and economically-distressed communities; (10) research on, and the evaluation of, the effectiveness and benefits of technology in education; (11) conferences on, and dissemination of information about, the uses of technology in education; (12) development of model strategies to promote gender equity concerning access to, and the use of, technology in the classroom; and (13) other activities that the Secretary determines would meet the purposes of this Subpart.

Subsection (c) would authorize the Secretary to require any recipient of a grant or contract under this Subpart to share in the cost of its project, which share would be announced through a notice in the *Federal Register* and could be in the form of cash or in-kind contributions, fairly valued. The Secretary would be authorized to increase the non-Federal share required of the recipient after the first year of the recipient's project, except that such share could not exceed 50 percent at any time during the recipient's project.

Section 3115. Authorization of appropriations. Proposed section 3115 of the ESEA would authorize the appropriation of such sums as may be necessary for each of the fiscal years 1995 through 1999 to carry out the purposes of this Subpart.

Subpart 2—Star Schools Program

Subpart 2 of Part A of Title III of the ESEA would reauthorize the Star Schools program, while moving it to the ESEA from Title IX of the Education for Economic Security Act. Changes in the Stars Schools program would broaden the purpose of the program to promote the use of distance learning strategies to help improve both teaching and learning. Priority would be given to supporting high-quality efforts to use distance learning to assist in achieving the National Education Goals, provide instruction consistent with challenging State content standards, and support State and local reform efforts. The current focus on providing instruction in mathematics, science, and foreign languages would be expanded to include English, history, geography, and the arts.

Whereas the current program supports only partnerships that offer multistate distance learning programs, Subpart 2 would authorize support for projects to serve single school districts, multidistrict regions, and single States. The benefits of distance learning strategies have already been demonstrated on a multistate basis. These changes would allow for experimentation with different models within large urban school districts, substate regions, and single States.

Changes are also proposed in dissemination and evaluation activities under the Star Schools program to allow the Department to provide more leadership in promoting and advancing distance learning.

Section 3121. Findings. Proposed section 3121 of the ESEA would state congressional findings that: (1) the Star Schools program has helped to encourage the use of distance learningstrategies to serve multi-State regions primarily by means of satellite and broadcast television; (2) in general, distance learning programs have been used effectively to provide students in small, rural, and isolated schools with courses and instruction, such as science and foreign language instruction, that the LEA would not otherwise have been able to provide; and (3) distance learning programs could also be used to provide students in all types of schools and LEAs with greater access to high-quality instruction in the full range of core academic subjects that would enable them to meet challenging, internationally competitive, educational standards; expand professional development opportunities for teachers; contribute to achievement of the National Education Goals; and expand learning opportunities for everyone.

Section 3122. Statement of purpose. Proposed section 3122 of the ESEA would provide that it is the purpose of the Star Schools program to encourage the expansion and use of distance learning programs and technologies to help: (1) improve teaching and learning; (2) achieve the National Education Goals; (3) all students learn to challenging State content standards; and (4) increase participation in State and local educational reform.

Section 3123. Program authorized. Proposed section 3123(a) of the ESEA would authorize the Secretary to make grants to eligible entities for the Federal share of the cost of providing distance learning programs, including: (1) developing, constructing, and acquiring telecommunications facilities and equipment; (2) developing and acquiring instructional programming; and (3) providing technical assistance regarding the use of such facilities and instructional programming.

Subsection (b) would authorize the appropriation of such sums as may be necessary for each of the fiscal years 1995 through 1999 to carry out the Star Schools program.

Subsection (c)(1) would limit each grant to maximums of five years in duration and $10,000,000 in any one fiscal year. Subsection (c)92) would require that not less than 25 percent of the funds available to the Secretary for any fiscal year under the Star Schools program be used for the cost of instructional programming. Subsection (c)(3) would require that not less than 50 percent of the funds available to the Secretary for any fiscal year be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for LEAs that are eligible to receive assistance under Part A of Title I of the Act.

Subsection (d)(1) would set the maximum Federal share of the cost of Star Schools projects at 75 percent for the first and second years of the award, 60 percent for the third and fourth years, and 50 percent for the fifth year. Subsection (d)(2) would allow the Secretary to reduce or waive the requirement of a non-Federal share upon a showing of financial hardship.

Subsection (e) would permit the secretary to accept funds from other agencies to carry out the Star Schools program, including funds for the purchase of equipment.

Section 31234. Eligible entities. Proposed section 3124(a) of the ESEA would authorize the Secretary to make a grant under section 3123 to any eligible entity, provided that at least one LEA is participating in the proposed project. An eligible entity could include a public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation would be required to represent the interests of elementary and secondary schools that are eligible to participate in the program under part A of title I of this Act. An eligible entity could also be any two or more of the following, which will provide a telecommunications network: (1) an LEA that has a significant number of elementary and secondary schools that are eligible for assistance under Part A of Title I of the Act, or elementary and secondary schools operated or funded for Indian children by the Department of the Interior eligible under section 1121(b)(1) of the ESEA; (2) an SEA; (3) an IHE or a State higher education agency; (4) a teacher training center or academy that provides teacher pre-service and in-service training, and receives Federal financial assistance or has been approved by a State agency; (5) a public or private entity with experience and expertise in the planning and operation of a telecommunications network (including entities involved in telecommunications through satellite, cable, telephone, or computer), or a public broadcasting entity with such experience; or (6) a public or private elementary or secondary school.

Section 3125. Applications. Proposed section 3125(a) of the ESEA would require each eligible entity that desires to receive a Star Schools grant to submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

Subsection (b) would require that each application describe: (1) how the proposed project will assist in achieving the National Education Goals set out in Title I of the Goals 2000: Educate America Act, how it will assist all students to have an opportunity to learn to challenging State standards, and how it will assist State and local educational reform efforts; (2) the telecommunications facilities and equipment and technical assistance for which assistance is sought; (3) the types of programming that will be developed to enhance instruction and training, including an assurance that such programming will be designed in consultation with professionals who are experts in the applicable subject matter and grade level; (4) how the eligible entity has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible entity will increase the availability of courses of instruction in English, mathematics, science, foreign languages, arts, history, geography, or other disciplines; (5) the professional development policies for teachers and other school personnel to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought; (6) the manner in which historically underserved students (such as students from low-income families, limited English proficient students, disabled students, or students who have low literacy skills) and their families will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under the program; (7) how existing telecommunications equipment, facilities, and resources where available, will be used; (8) the activities or services for which assistance is sought; and (9) how the proposed project as a whole will be financed and how arrangements for future financing will be developed before the project expires.

Subsection (b)(2) would require each application to include an assurance that a significant portion of any facilities, equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools in LEAs that have a high percentage of children counted for the purpose of Part A of Title I of the ESEA. Subsection (b)(3) would require each application to include an assurance that the applicant will provide such information and cooperate in any evaluation that the Secretary may conduct under this Subpart.

Subsection (c) would direct the Secretary, in approving applications under section 3123, to give priority to applications that propose high-quality plans to assist in achieving one or more of the National Education Goals as set out in Title I of the Goals 2000: Educate America Act; provide instruction consistent with State content standards; or otherwise provide significant and specific assistance to States and LEAs undertaking systemic education reform under Title III of the Goals 2000: Educate America Act and will serve schools with significant numbers of children counted for the purposes of Part A of Title I of the ESEA.

Subsection (d) would require the Secretary, in approving applications for Star Schools awards, to ensure an equitable geographic distribution of services to the extent feasible.

Section 3126. Leadership and evaluation activities. Proposed section 3126(a) of the ESEA would permit the Secretary to reserve up to 10 percent of each year's program appropriation for national leadership, evaluation, and peer review activities.

Subsection (b) would authorize the Secretary to fund the activities described in subsection (a) directly or through grants, contracts, and cooperative agreements.

Subsection (c)(1) would provide that funds reserved for leadership activities may be used to disseminate information, including lists and descriptions of services available from recipients, and for other activities designed to enhance the quality of distance learning activities nationwide. Subsection (c)(2) would provide that funds reserved for evaluation activities shall be used to conduct independent evaluations of the Star Schools program and of distance learning in general, including analyses of distance learning efforts, including both Star Schools projects and efforts not funded by this program, and comparisons of the effects, including student outcomes, of different technologies in distance learning efforts. Subsection (c)(3) would provide that funds reserved for peer review activities may be used for peer review of both proposals and funded projects.

Section 3127. Definitions. Proposed section 3127 of the ESEA would define the terms "educational institution", "instructional programming", and "public broadcasting entity", for purposes of this program.

Part B—Fund for the improvement of education

Section 3201. Fund for the Improvement of Education. Proposed section 3201 of the ESEA would authorize the Secretary to support nationally significant programs and projects to improve the quality of education, assist all students to meet challenging standards, and contribute to achievement of the National Education Goals. This section would consolidate in one broad and flexible authority, focused on the National Education Goals, activities that have been supported in the past under a number of separate authorities and would permit the Secretary to fund a variety of activities that would inform or otherwise support efforts throughout the Nation to achieve the Goals. The Secretary would be authorized under section 3201(a) to carry out these programs and projects directly or through grants to, or contracts with, SEAs, LEAs, IHEs, and other public and private agencies, organizations, and institutions.

Section 3201(b) would set forth the purposes for which funds could be used. These purposes include: (1) activities that will promote systemic education reform at the State and local levels, such as research and development related to content and performance standards and the development and evaluation of model strategies for assessment of student learning, professional development for teachers and administrators, parent and community involvement, and other aspects of systemic reform; (2) demonstrations at the State and local levels that are designed to yield nationally significant results, including approaches to public school choice and school-based decision-making; (3) joint activities with other agencies to assist the effort to achieve the National Education Goals, including activities related to improving the transition from preschool to school and from school to work, as well as activities related to the integration of education and health and social services; (4) activities to promote and evaluate counseling and mentoring for students, including intergenerational mentoring; (5) activities to promote comprehensive health education; (6) activities to promote environmental education; (7) activities to assist students to demonstrate competence in foreign languages; (8) studies and evaluations of various education reform strategies and innovation being pursued by the Federal Government, States, and local educational agencies; (9) the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools; and (10) other programs and projects that meet the purposes of this section. The Secretary would also be authorized to use funds to complete the project periods for direct grants and contracts awarded under provisions of the Elementary and Secondary Education Act of 1965, Part B of Title III of the Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (Fund for the Improvement and Reform of Schools and Teaching), or Title III of the Education for Economic Security Act (Partnerships in Education for Mathematics, Science, and Engineering), as in effect prior to enactment of the Improving America's Schools Act of 1993.

Section 3201(c) would authorize the Secretary to support proposals submitted in response to competitions he had announced and to support meritorious unsolicited proposals. The Secretary would be required to ensure that all projects and activities supported under this section are designed so that their effectiveness is readily ascertainable. The Secretary would also be required to use a peer review process for all awards, and would be permitted to use program funds for this purpose.

Section 3201(d) would authorize such sums as may be necessary for each of the fiscal years 1995 through 1999 to carry out this section.

Part C—Jacob K. Javits Gifted and Talented Education Program

The "Jacob K. Javits Gifted and Talented Students Education Act of 1988" (currently Part B of Title IV of the ESEA) has focused on developing the capability of elementary and secondary schools to identify and meet the special educational needs of gifted and talented students. The proposed program would build on the accomplishments under the current Javits program to demonstrate how they can be adapted and expanded into schoolwide strategies for helping all students develop their talents and meet challenging State performance standards.

Section 3301. Findings and purpose. Proposed section 3301 of the ESEA would set forth the findings and purpose of this Part.

Subsection (a) would provide congressional findings as follows: (1) all students can learn to high standards; (2) all students must develop their talents, realize their potential, and learn to high standards if the United States is to prosper; (3) too often, schools fail to challenge students to do their best work, and students who are not challenged will not fully develop their talents, realize their potential, and learn to high standards (4) schools must provide all students with important and challenging subject matter to study and encourage the habits of hard work; (5) during the past 20 years, programs for gifted and talented students have served as laboratories for innovative and experimental approaches to teaching and learning; (6) many programs developed for gifted and talented students, when used with disadvantaged students, have shown promise in achieving better results than remedial programs; (7) the experience and knowledge gained in developing and implementing programs for gifted and talented students can and should be used to develop a rich and challenging curriculum for all students; (8) the Federal Government should encourage the adaptation of strategies used in programs for gifted and talented students to help all students develop their talents, realize their potential, and learn to high standards, while also continuing to challenge gifted and talented students; and (9) examples of programs and strategies in which students can and have learned to the highest standards will help to demonstrate how all students can learn to high standards.

Subsection (b) would provide that the purpose of this Part would be to demonstrate how strategies and programs designed for the education of gifted and talented students can be adapted and used to improve teaching and learning for all students in a school and to help all students in a school develop their talents, realize their potential, and meet challenging performance standards, while not diminishing the curriculum and instruction for students traditionally identified as gifted and talented. These strategies and programs would be required to, at a minimum, contain important and challenging academic content, elicit complex thinking and understanding in students, engage students in learning and allow them to progress as their own pace, and use performance measures that assess whether students have developed a thorough understanding of the important and challenging subject matter contained in the school curriculum.

Section 3302. Authorized programs. Proposed section 3302 of the ESEA would require the Secretary, from the sums appropriated under section 3305(a) for any fiscal year that are remaining after the reservation of funds under section 3305(b), to make grants to, or enter into contracts with, SEAs, LEAs, IHEs, or other public agencies or private agencies and organizations (including Indian tribes and organizations, as defined by the Indian Self-Determination and Education Assistance Act, and Native Hawaiian organizations) to assist these agencies, schools, institutions, and organizations to carry out the purpose of this Part.

Subsection (b) would provide that any eligible applicant that wishes to receive funds under this Part would be required to submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

Subsection (c) would require a recipient of funds under this Part to use those funds for activities that are designed to meet the purpose of this Part. These activities could include: (1) developing, implementing, and expanding new programs that adapt strategies or programs designed for gifted and talented students to serve all students (including gifted and talented students) in a school or in several schools; (2) adapting and expanding existing programs for gifted and talented students to serve all students (including gifted and talented students) in a school or in several schools; (3) implementing innovative strategies, such as cooperative learning and peer tutoring, for expanding programs that serve gifted and talented students into programs that serve all students (including gifted and talented students) in a school; (4) establishing and operating cooperative programs involving business, industry, and education; (5) establishing and operating summer programs; and (6) strengthening the capability of SEAs and IHEs to provide leadership and assistance to LEAs and nonprofit private schools in adapting strategies and programs for educating gifted and talented students to improve education for all students (including gifted and talented students).

In addition, subsection (c) would require that each project providing services to students that is assisted under this Part must serve all of the students in a school by the end of the period for which assistance is sought, but in no case later than the end of the third year of assistance under this Part. This would provide a transition period to shift the focus from programs dedicated under current law to gifted and talented students to programs involving the entire school.

Subsection (d) would authorize the Secretary to require any recipient of a grant or contract under this Part to share in the cost of its project, which share would be announced through a notice in the FEDERAL REGISTER and could be in the form of cash or in-kind contributions, fairly valued. The Secretary would also be allowed to increase the non-Federal share required of a recipient after the first year of the recipient's project, except that the share could not exceed 50 percent at any time during the recipient's project.

Section 3303. Program priorities. Proposed section 3303 of the ESEA would require the Secretary, in making awards under this Part, to ensure that for each fiscal year at least one-half of the awards made contain a component designed to serve schools in which at least 50 percent of the students in the school are children counted under section 1123(c)(1)(A) of the ESEA, which describes children from low-income families.

Section 3304. National responsibilities. Proposed section 3304 of the ESEA would set forth responsibilities at the national level.

Subsection (a) would require the Secretary to ensure that the programs under this Part would be administered within the Department of Education by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who would serve as a focal point of national leadership and information on mechanisms to carry out the purpose of this Part.

Subsection (b) would require the Secretary to: (1) use a peer review process in reviewing applications under this Part; (2) ensure that information on the activities and results of projects funded under this Part is disseminated to appropriate State and local agencies and other appropriate organizations, including nonprofit private organizations; and (3) evaluate the effectiveness of programs under this Part, both in terms of the impact on students traditionally served in gifted and talented programs and on other students, and submit the results of the evaluation to Congress by January 1, 1999.

Subsection (c) would authorize the Secretary to conduct, in coordination with other offices of the Department, applied research and development on theories, strategies, and models that further the purpose of this Part. These proposed research, development, and evaluation authorities would maintain activities similar to the National Research and Development Center, mandated under section 4104(c) of current law, which would be discontinued.

Subsection (d) would allow the Secretary to carry out the activities under subsections (a), (b), and (c) directly or through grants or contracts.

Section 3305. Authorization of appropriations. Proposed section 3305 of the ESEA would authorize to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999, to carry out the purpose of this Part. This section would also allow the Secretary may reserve not more than 15 percent of the Part's appropriation each fiscal year for national responsibilities provided under section 3304(b).

Section 3306. Definitions. Proposed section 3306 of the ESEA would define "Native Hawaiian," and "Native Hawaiian organization," as these terms would be used in this Part.

Part D—Charter Schools

Proposed Part D of Title III of the ESEA would authorize a new program to provide assistance for the design and initial operation of charter schools, as follows:

Section 3401. Findings and purpose. Proposed section 3401 of the ESEA would set out the findings and purpose for Part D.

Subsection (a) would state the congressional findings that: (1) enhancement of parent and student choices among public schools can assist in promoting comprehensive educational reform and give more students the opportunity to learn to challenging State academic standards, if sufficiently diverse and high-quality choices, and genuine opportunities to take advantage of them, are available to all students; (2) useful examples of such choices can come from States and communities that experiment with methods of offering teachers and other educators, parents, and other members of the public the opportunity to design and implement new public schools; (3) the new schools developed through this process should be free to test a variety of educational approaches and should, therefore, be exempted from restrictive rules and regulations if their leadership commits to attaining specific and ambitious educational results for students consistent with challenging State content and performance standards for all students; (4) charter schools, as they have been implemented in a few States, can embody the necessary mixture of enhanced choice, exemption from restrictive regulations, and a focus on learning gains; and (5) the Federal Government should test, evaluate, and disseminate information on a variety of charter school models in order to help demonstrate the benefits of this promising educational reform.

Subsection (b) would provide that it is the purpose of Part D to increase national understanding of the charter schools model by: (1) providing financial assistance for the design and initial implementation of charter schools; and (2) evaluating the effects of those schools, including their effects on students, staff, and parents.

Section 3402. Program authorized. Proposed section 3402 of the ESEA would provide the general authority for the charter schools program.

Subsection (a) would authorize the Secretary to make grants to eligible applicants for the design and initial operation of charter schools.

Subsection (b) would establish a maximum grant period of three years, of which the grantee could use no more than 18 months for planning and program design, and no more than two years for the initial implementation of the charter school.

Subsection (c) would prohibit the Secretary from making more than one grant to support a particular charter school.

Section 3403. Applications. Proposed section 3403 of the ESEA would govern the submission of applications for grants under Part D.

Subsection (a) would require any eligible applicant that desires to receive a grant to submit an application to the Secretary at such time and in such manner as the Secretary may require.

Subsection (b) would permit each application to request assistance for a single charter school or for a cluster of schools, which may include a high school and its feeder elementary and middle schools, within a community.

Subsection (c) would require each application to include, for each charter school for which assistance is sought: (1) a description of the educational program to be implemented by the proposed charter school, including how the program will enable all students to meet challenging State performance standards, the grade levels or ages of children to be served, and the curriculum and instructional practices to be used; (2) a description of how the school will be managed; (3) a description of the objectives of the school and the methods by which the school will determine its progress toward achieving those objectives; (4) a description of the administrative relationship between the charter school and the LEA or SEA that will authorize or approve the school's charter and act as the grantee; (5) a description of how parents and other members of the community will be involved in the design and implementation of the charter school; (6) a description of how the SEA or LEA, as the case may be, will provide for continued operation of the school once the Federal grant has expired, if the SEA or LEA determines that the school is successful; (7) a request and justification for waivers of any Federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school; (8) a description of how the grant funds would be used; (9) a description of how grant funds would be used in conjunction with other Federal programs administered by the Secretary; (10) a description of how students in the community will be informed about the school and given an equal opportunity to attend it; (11) an assurance that the applicant will annually provide the Secretary such information as the Secretary may require to determine if the charter school is making satisfactory progress toward achieving its objectives described under paragraph (3); (12) an assurance that the applicant will cooperate with the Secretary in evaluating the Part D program; and (13) such other information and assurances as the Secretary may require.

Subsection (d)(1) would require an LEA that desires to receive a grant under this part to obtain the SEA's approval of its application before submitting it to the Secretary. Subsection (d)(2) would require an SEA that approves an application of an LEA to provide the LEA, and would require the LEA to include in its application to the Secretary, a statement that the State has granted, or will grant, the waivers and exemptions from State requirements described in the LEA's application.

Section 3404. Selection of grantees; waivers. Proposed section 3404 of the ESEA would govern the selection of grantees and the granting of waivers.

Subsection (a) would require the Secretary to select projects to be funded on the basis of the quality of the applications, taking into consideration such factors as: (1) the quality of the proposed curriculum and instructional practices; (2) the degree of flexibility afforded by the State and, if applicable, the LEA to the school; (3) the extent of community support for the application; (4) the ambitiousness of the objectives for the school; (5) the quality of the plan for assessing achievement of those objectives; and (6) the likelihood that the school will meet those objectives and improve educational results for students.

Subsection (b) would require the Secretary to use a peer review process to review applications for grants under this section.

Subsection (c) would permit the Secretary to approve projects in a manner that ensures, to the extent possible, that they are distributed throughout different areas of the Nation, including in urban and rural areas, and represent a variety of educational approaches.

Subsection (d) would allow the Secretary to waive any statutory or regulatory requirement that the Secretary is responsible for enforcing, except for any requirement relating to the elements of a charter school described in section 3407(1), if the waiver is requested in an approved application or by a grantee and the Secretary determines that granting such a waiver would promote the purpose of the program.

Section 3405. Uses of funds. Proposed section 3405 of the ESEA would authorize a recipient of a grant under Part D to use the grant funds only for post-award planning and design of the educational program and initial implementation of the charter school. Planning and design could include: (1) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and (2) professional development of teachers and other staff who will work in the charter school. Initial implementation of the charter school could include: (1) informing the community about the school; (2) acquiring necessary equipment; (3) acquiring or developing curriculum materials; and (4) other operational costs that cannot be met from State or local sources.

Section 3406. National activities. Proposed section 3406 of the ESEA would permit the Secretary to reserve up to ten percent of the funds appropriated for Part D for any fiscal year for: (1) peer review of applications under section 3404(b); (2) an evaluation of charter schools, including those assisted under Part D; and (3) other activities designed to enhance the success of the Part D program, such as bringing grantees together to share ideas and information.

Section 3407. Definitions. Proposed section 3407 would define certain terms used in Part D, as follows:

Paragraph (1) would define the term "charter school" to mean a school that: (1) in accordance with an enabling State statute, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this definition of "charter school"; (2) is created by a developer (a term defined below) as a public school, or is adapted by a developer from an existing public school; (3) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the SEA or LEA applying for a grant on behalf of the school; (4) provides a program of elementary or secondary education, or both; (5) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution; (6) does not charge tuition; (7) complies with the Age Discrimination Act, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and Part B of theIndividuals with Disabilities Education Act; (8) admits students on the basis of a lottery, if more students apply for admission than can be accommodated; (9) agrees to comply with the same Federal and State audit requirements as do other schools in the State, unless such requirements are specifically waived for the purpose of this program; and (10) meets all applicable Federal, State, and local health and safety requirements.

Paragraph (2) would define the term "developer" to mean an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

Paragraph (3) would define the term "eligible applicant" to mean an SEA or LEA, in partnership with a developer.

Section 3408. Authorization of appropriations. Proposed section 3408 of the ESEA would authorize the appropriation of such sums as may be necessary for each of the fiscal years 1995 through 1999 to carry out Part D.

Part E—Arts in education

A new Part E, supporting arts in education, would be added to proposed Title III of the ESEA, and such sums as may be necessary for each of the fiscal years 1995 through 1999 would be authorized to be appropriated in order to carry out the purposes of this proposed new Part.

Section 3501. Support for Arts Education. Proposed section 3501(a) of the ESEA would state the congressional finds that: (1) the arts are forms of understanding and ways of knowing that are fundamentally important to education; the arts are important to excellent education and to effective school reform; the most significant contribution of the arts to education reform is the transformation of teaching and learning; this transformation is best realized in the context of comprehensive, systemic education reform; demonstrated competency in the arts for American students is among the National Education Goals; and arts education should be an integral part of the elementary and secondary school curriculum.

Section 3501(b) would list the purposes of the new Part E as being: (1) to support systemic education reform by strengthening arts education as an integral part of the elementary and secondary school curriculum; (2) to help ensure that all students have the opportunity to learn to challenging standards in the arts; and (3) to support the national effort to enable all students to demonstrate competence in the arts in accordance with the National Education Goals.

SEAs, LEAs, IHEs, and other public and private agencies, institutions, and organizations would be eligible to receive grants from, or enter into contracts or cooperative agreements with, the Secretary under Part E. Eligible recipients could use funds under this Part for: (1) research on arts education; (2) the development of, and dissemination of information about, model arts education programs; (3) the development of model arts education assessments based on high standards; (4) the development and implementation of curriculum frameworks for arts education; (5) the development of model preservice and inservice professional development programs for arts educators and other instructional staff; (6) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art; (7) supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts; (8) supporting model projects and programs in the arts for individuals with disabilities through arrangements with the organization, Very Special Arts; (9) supporting model projects and programs to integrate arts education into the regular elementary and secondary school curriculum; and (10) other activities that further the purposes of Part E.

Recipients would be required, to the extent possible, to coordinate their projects with appropriate activities of public and private cultural agencies, institutions, and organization, including museums, arts education associations, libraries, and theaters. The Secretary would also be required to coordinate his activities in carrying out this Part with the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art.

Part F—Inexpensive Book Distribution Program

Section 3601. Inexpensive book distribution program for reading motivation. Section 3601 of the ESEA would reauthority the Inexpensive Book Distribution Program currently authorized by section 1563 of the Act.

Subsection (a) would authorize the Secretary to enter into a contract with Reading is Fundamental (RIF) (the contractor) to support and promote programs, which include the distribution of inexpensive books to students, that motivate children to read.

Subsection (b) would prescribe certain provision that would have to be in any contract under subsection (a), as follows:

Paragraph (1) would require the contract to provide that the contractor will enter into subcontracts with local private nonprofit groups or organizations or with public agencies under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift or loan, to preschool, elementary, and secondary school children.

Paragraph (2) would require the contract to provide that funds made available by the Secretary will be used by the contractor only to pay the Federal share of the cost of such programs.

Paragraph (3) would require the contract to provide that in selecting subcontractors for initial funding, the contractor will give priority to programs that will serve a substantial number or percentage of children with special needs, such as low-income children, particularly in high-poverty areas; children at risk of school failure; children with disabilities, including children with serious emotional disturbance; foster children; homeless children; migrant children; children without access to libraries; institutionalized or incarcerated children; and children whose parents are institutionalized or incarcerated.

Paragraph (4) would require the contract to provide that the contractor will not provide Federal assistance under this section to any subcontractor for more than five years after the date of enactment of the bill or the beginning of the subcontractor's program under this section (or current section 1563 of the Act) whichever comes later, except that the contractor may continue to provide such assistance beyond that date if the program qualifies for priority treatment under paragraph (3) and the contractor determines that, because of severe economic hardship facing the subcontractor and the local area it serves, the local program will be unable to continue without additional assistance under this section.

Paragraph (5) would require the contract to provide that, not later than three years after the bill's enactment, the contractor will cease providing Federal assistance under this section to any subcontractor whose program received assistance under current section 1563 of the Act and does not qualify for priority treatment under paragraph (3).

Paraagraph (6) would require the contract to provide that the contractor will provide such technical assistance to subcontractors as may be necessary to carry out the purpose of this section.

Paragraph (7) would require the contract to provide that the contractor will annually report to the Secretary the number of, and describe, programs funded under paragraph (3).

Paragraph (8) would require the contract to include such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of assisted programs.

Subsection (c) would prohibit the Secretary from paying the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by those publishers or distributors for book purchases made under similar circumstances in the absence of Federal assistance.

Subsection (d) would define the term "Federal share", for the purpose of this section, as the portion of the cost to a subcontractor of purchasing books to be paid with funds made available under this section. The Federal share would be established by the Secretary, but could not exceed 75 percent, except for books to be distributed to children of migrant or seasonal farmworkers.

Subsection (e) would authorize the appropriation of such sums as may be needed for each of the fiscal years 1995 through 1999 to carry out section 3601.

ESEA, TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

Proposed Title IV of the ESEA would reauthorize, simplify, and expand the Drug-Free Schools and Communities Act of 1986, which is Title V of the current ESEA. Current law focuses exclusively on the prevention of illegal drug use, while proposed Title IV would widen the scope of the program to include the prevention of violence and the establishment in our schools of a disciplined environment that is conducive to learning, in support of National Education Goal Six.

Section 4001. Findings. Proposed section 4001 of the ESEA would set forth congressional findings as follows: (1) National Education Goal Six provides that by the year 2000, all schools in America will be free of drugs and violence and offer a disciplined environment that is conducive to learning; (2) the widespread use of alcohol and other drugs among the Nation's secondary school students, and increasingly by elementary students as well, constitutes a grave threat to their physical and mental well-being, and significantly impedes the learning process; (3) our Nation's schools and communities are increasingly plagued with crime; (4) the tragic consequences of violence and the illegal use of alcohol and other drugs by students are felt not only by students and their families, but by their communities and the Nation; (5) alcohol and tobacco (nicotine) are the most widely used drugs among young people today, and both of these drugs can, and do, have adverse consequences for users, their families, communities, schools, and colleges; (6) drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety and to reduce the demand for and use of drugs throughout the Nation; and (7) students must take greater responsibility for their own well-being, health, and safety if schools and communities are to achieve their goals of providing a safe, disciplined, and drug-free learning environment.

Section 4002. Purpose. Proposed section 4002 of the ESEA would set forth the purpose of Title IV as supporting programs to meet National Education Goal Six by preventing violence in and around schools and by strengthening programs that prevent the illegal use of alcohol and other drugs, involve parents, and are coordinated with related Federal, State, and community efforts and resources.

Section 4003. Authorization of appropriations. Proposed section 4003 of the ESEA would authorize such sums as may be necessary for each of the fiscal years 1995 through 1999 for Part A (State grants), Part B (postsecondary programs), and Part C (National programs), respectively.

Part A—State grants for drug and violence prevention programs

Section 4101. Reservations and allotments. Proposed section 4101(a) of the ESEA would provide for the reservation of funds for drug and violence prevention programs under Part A for the Insular Areas (no more than one-half of one percent of the amount appropriated) and for such programs for Indian youth (no more than one percent of the amount appropriated and carried out by the Secretary of the Interior). The reservation of funds for Native Hawaiians in current law would be eliminated because this population is served through the State and local formula grant program. Section 4101(a) would also authorize the Secretary to reserve each fiscal year no more than $1 million from the amount appropriated for Part A to conduct the national impact evaluation required by section 4108(a).

Section 4101(b) of the Act would provide for much simplified State allotments of funds appropriated for State programs under Part A. From one half of the remainder of each year's appropriation for Part A—the amount remaining after the various reservations of funds under subsection (a)—the Secretary would allocate to each State an amount based on the ratio between that State's school-aged population and the school-aged population in all the States, and from the remaining one-half of each year's appropriation for Part A, the Secretary would allocate to each State an amount based on the ratio between the amount that State received under section 1122 of the ESEA for the preceding fiscal year and the sum of such amounts received by all the States (or, for fiscal year 1995, sections 1005 and 1006 of the Act prior to its amendment by the Improving America's Schools Act of 1993.) However, no State could be allotted an amount for Part A that is less than one-half of one percent of the total amount allotted to all the States for that fiscal year. In addition, the Secretary would be authorized to reallot any amount of a State's allotment that he or she determines that State will be unable to use within two years, and such reallotments would be based on whatever basis the Secretary determines best serves the purposes of Title IV.

Section 4102. State drug and violence prevention coordinating council. Proposed section 4102 of the ESEA would require the chief executive officer of each State that receives an allotment under Part A to establish a State Drug and Violence Prevention Coordinating Council (or designate an existing body to perform the functions of such a council), to advise him or her and the chief State school officer on the development and implementation of the State's application under section 4103. Current law does not require a State-level drug and violence prevention coordinating council. This provision has been added to promote the development of comprehensive drug and violence programs that draw on the resources and expertise of a variety of individuals engaged in related efforts. The membership of the Council would have to include the chief executive officer, the chief State school officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, and the head of the State criminal justice planning agency, or their respective designees. The chief executive officer would also be required to appoint representatives of other appropriate State agencies or offices as members of the Council.

The functions of the Council would be to: (1) review and comment on the development of the State's application under section 4103; (2) disseminate information about drug and violence prevention programs funded under Part A; (3) advise the chief executive officer and the SEA on how to coordinate their respective programs under Part A with other available resources; and (4) advise the chief executive officer and the SEA on the planning and implementation of evaluation activities as well as make recommendations on how to improve the State's program.

Section 4103. State applications. Proposed section 4103 of the ESEA contains the requirements for State applications for Part A funds.

Section 4103(a) would provide that in order to receive its allotment for any fiscal year, the State must submit to the Secretary (at such time as the Secretary may require) an application that is integrated into the

State's plan, either approved or being developed, under Title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that plan, and is submitted, if necessary, as an amendment to the State's plan, or, if the State does not have an approved plan under Title III of that Act and is not developing one, is integrated with other State plans under this Act and satisfies the requirements of this section. The application would also be required to: (1) contain the results of the State's needs assessment for drug and violence prevention programs; (2) contain a list of the members, and their representational interests, on the State Drug and Violence Prevention Coordinating Council; (3) describe the procedures the SEA will use to review local applications under section 4106; (4) contain an assurance that the State will cooperate with, and assist, the Secretary in conducting the national impact evaluation; and (5) contain such other information as the Secretary may require.

Section 4103(b) would contain State application requirements specifically applicable to programs administered by the chief executive officer. With respect to funds reserved under section 4104(a) of the Act for use by the chief executive officer, the State application must contain: (1) a statement of that officer's measurable goals and objectives for drug and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward those goals and objectives; (2) a description of how that officer will coordinate his or her activities with the SEA and the efforts of other State agencies and organizations; (3) a description of how that officer's funds will not be used so as to duplicate the efforts of the SEA and local educational agencies, and how those funds will be used to serve populations not normally served by the SEA, such as school dropouts and youth in detention centers; (4) a description of how the chief executive officer will award funds and monitor, and provide technical assistance with respect to, their use; and (5) describe how funds will be used to support community-wide comprehensive drug and violence prevention planning.

Section 4103(c) would contain State application requirements specifically applicable to programs administered by the SEA. With respect to funds reserved under section 4105(a) of the Act for use by the SEA, the State application must contain: (1) a statement of the SEA's measurable goals and objectives for drug and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward those goals and objectives; (2) a plan for monitoring the drug and violence prevention programs conducted by LEAs under this Part and for providing technical assistance to them; (3) a description of how the SEA will use funds reserved for its own use under section 4105(b); (4) a description of how the SEA will coordinate its activities under Part A with programs of the chief executive officer under the same Part as well as the prevention efforts of other State agencies; (5) an explanation of the criteria the SEA will use to identify which LEAs receive supplemental funding under proposed section 4105(d)(2)(A)(ii) and how the supplemental funds will be allocated among those LEAs.

Section 4103(d) would require the Secretary to use a peer review process in reviewing State applications. Section 4104(e) would authorize States, for fiscal year 1995 only, to submit a one-year interim application and plan. The purpose of such an interim application and plan would be to afford the State the opportunity to fully develop and review its application, particularly with respect to violence prevention programs. The interim application and plan would contain information specified by the Secretary in regulations.

Section 4104. Governor's programs. Proposed section 4104 of the ESEA would authorize the chief executive officer of the State to carry out drug and violence prevention programs. Current law requires chief executive officers to reserve funds for specific populations, programs, and activities, such as high-risk youth, DARE programs, and replication activities. These reservations have been deleted in order to give chief executive officers the flexibility they need to address the needs of their particular State.

Section 4104(a) would provide that 20 percent of the State's grant under Part A for each year shall be used by the chief executive officer for such programs and that of that amount no more than five percent may be used for the administrative costs of that officer, including the cost of the State Drug and Violence Prevention Coordinating Council.

Section 4104(b) would authorize the chief executive officer to use his or her funds for grants to, or contracts with, parent groups, community action and job training agencies, community-based organizations, and other public entities and private non-profit organizations. Such awards would be used for programs and activities for children and youth who are not normally served by State or LEAs, for populations that need special services or additional resources, or both.

Section 4104(c) would list the programs and activities that chief executive officers may support. These include: (1) disseminating information about drug and violence prevention; (2) training parents, law enforcement officials, judicial officials, social and health service providers and community leaders about drug and violence prevention, education, early intervention, counseling, or rehabilitation referral; (3) comprehensive community-based drug and violence prevention programs that link community resources with schools and integrate services; (4) drug and violence prevention activities that coordinate the efforts of State agencies with those of the SEA and its LEAs; (5) activities to protect students traveling to and from school; (6) strategies to prevent illegal gang activity; (7) community-wide violence and safety assessments survey; and (8) evaluating programs and activities under this section.

Section 4105. State and local educational agency programs. Proposed section 4105 of the Act would authorize drug and violence prevention programs carried out by the SEA and its LEAs with Part A funds. Section 4105(a) would provide that 80 percent of the State's Part A grant for any fiscal year shall be used by the SEA for drug and violence prevention programs.

Section 4105(b) would provide that of the funds reserved under section 4105(a), no more than five percent may be used for State-level programs such as: (1) training and technical assistance for local and intermediate educational agencies, including teachers, administrators, coaches and athletic directors, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials; (2) the development, identification, dissemination and evaluation of curriculum materials for consideration by LEAs; (3) demonstration projects in drug and violence prevention; (4) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs; and (5) evaluation activities. An SEA would be authorized to carry out its activities directly, or through grants and contracts.

Section 4105(c) would require an SEA to use no more than five percent of the amount reserved under section 4105(a) for the administrative costs of the SEA under this Part.

Section 4105(d) would require States to distribute not less than 90 percent of the amount reserved under section 4105(a) for each fiscal year to LEAs. Seventy percent of the amount distributed would be allocated among LEAs based on their relative enrollments in public and private non-profit schools within their boundaries and 30 percent would be distributed only to those LEAs the SEA determines have the greatest need for additional funds, not to exceed ten percent of the LEAs in the State, or five such agencies, whichever is greater. In determining which LEAs have the greatest need for additional funds, the SEA must consider factors such as: (1) high rates of alcohol or other drug use among youth; (2) high rates of victimization of youth by violence and crime; (3) high rates of arrests and convictions of youth for violent or drug- or alcohol-related crime; (4) the extent of illegal gang activity; (5) high rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs; (6) high rates of referrals of youths to juvenile court; and (7) high rates of expulsions and suspensions of students from schools. Current law does not require States to target funds to LEAs with the greatest needs. This bill recognizes that some LEAs have greater drug and violence problems than others.

Section 4105(e) would provide that if an LEA does not apply for the amount allotted to it under section 4105(d), or if its application under section 4106 is disapproved by the State educational agency, the SEA shall reallocate that amount to one or more other LEAs that the SEA determines have the greatest need for additional funds..

Section 4106. Local applications. Proposed section 4106 of the ESEA would set forth application requirements for LEAs; such applications would be submitted to the SEA for approval, at such time as that agency requires, and would be amended, as necessary, to reflect changes in the LEA's program. An LEA would develop its application in consultation with a local or substate regional advisory council that represents a broad spectrum of persons and groups with expertise in drug and violence prevention. In addition to assisting the LEA to develop its application, the advisory council would also, on an on-going basis, (1) disseminate information about drug and violence prevention programs within the boundaries of the LEA; (2) advise the LEA on how best to coordinate its activities under this Part with related programs; and (3) review program evaluations and otherrelevant materials and make recommendations to the LEA on how to improve its drug and violence prevention programs.

Local applications under this section would be required to contain: (1) a needs assessment of the current alcohol, tobacco, and other drug problems as well as the violence, safety, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant's program) that is based on on-going local assessment or evaluation activities; (2) a detailed explanation of the LEA's comprehensive plan for drug and violence prevention; and (3) such other information and assurances as the SEA may reasonably require. As part of the explanation of its comprehensive plan, the LEA would be required to explain: (1) how that plan is consistent with, and promotes the goals of, the State application under section 4103 and the LEA's plan under Title III of the Goals 2000: Educate America Act, and if the LEA does not have such a plan, with its application under section 1112; (2) the LEA's measurable goals for drug and violence prevention (never required before) and a description of how it will assess and publicly report its progress; (3) and an explanation of how that agency is already meeting the requirements of a basic drug and violence prevention program, under section 4107(b) of the Act, if it intends to use funds under this Part to implement an expanded drug and violence prevention program under section 4107(c); (4) how the LEA will use its regular allocation under section 4105(d)(2)(A)(i) and its supplemental allocation, if any, under section 4105(d)(2)(a)(ii); (5) how the LEA will coordinate its programs and projects with community-wide efforts to achieve its goals for drug and violence prevention; and (6) how the LEA will coordinate its programs and projects with other Federal, State and local programs for drug-abuse prevention, including health programs.

Section 4106(c) would require an SEA to use a peer review process in reviewing local applications and, in determining whether to evaluate such an application, to consider the quality of the LEA's comprehensive plan under section 4106(b)(2) and the extent to which that plan in consistent with, and supports the State's application under this Part and the State's improvement plan under the Goals 2000: Educate America Act (and if the State does not have such a plan, its plan under section 1111 of the Act). An SEA could not permit an LEA to use funds under this Part to implement an expanded drug and violence program under section 4107(c) unless it determines that the LEA is already meeting (regardless of the source of funds) the requirements of a basic drug and violence prevention program under section 4107(b). Finally, an SEA would be authorized to disapprove an LEA's application in whole or in part and to withhold, limit, or place restrictions on its use of funds in a manner the SEA determines will best promote the purposes of this Part or the State's plan under the Goals 2000: Educate America Act, and, if the State does not have such a plan, its plan under section 1111 of the ESEA.

Section 4107. Local drug and violence prevention programs. Proposed section 4107 of the Act would govern the use of funds under Part A by LEAs. These agencies would be required to use funds under this Part to adopt and implement a basic drug and violence prevention program unless the SEA permits it to use such funds to carry out are expanded drug and violence program under section 4107(c). LEAs, as well as SEAs, would no longer be required, as under current law, to certify that they have adopted and implemented prevention programs for students and employees. The certification requirement has been deleted because it has served its purpose.

Section 4107(b) would include the requirements of a basic drug and violence program. Such programs would be designed, for all students and employees, to: (1) prevent the illegal use, possession, and distribution of alcohol, tobacco, and other drugs; (2) prevent violence and promote school safety; and (3) create a disciplined environment conducive to learning. Basic programs would include mandatory standards of conduct for students and employees that describe the sanctions for violations of the standards and that are distributed to all students, parents, and employees. Basic programs would also include, with respect to drug prevention: (1) age-appropriate, developmentally based education programs for all students; (2) professional development programs for school personnel who provide such programs; (3) activities to promote the involvement of parents and coordination with community groups and agencies; and (4) the distribution of information to all students and employees about resources for drug and alcohol counseling, rehabilitation, and re-entry programs. With respect to violence prevention, basic programs would also include: (1) age-appropriate, developmentally based education and prevention programs for all students; (2) professional development programs for school personnel who provide such programs; (3) activities to promote the involvement of parents and coordination with community groups and agencies; and (4) the distribution of information to all students and employees about resources for counseling, re-entry, and conflict resolution. In implementing its basic drug and violence prevention program or its expanded program under subsection (c), an LEA would be permitted to use no more than 33 percent of the funds it receives under this Part for any fiscal year for minor remodeling to promote security and reduce the risk of violence and acquiring and installing metal detectors and hiring security personnel.

Section 4107(c) would authorize an LEA that demonstrates to the satisfaction of its SEA that it has adopted and implemented a basic drug and violence program that satisfies the requirements of subsection (b) to use its funds under this Part to supplementits basic program, to carry out one or more elements of an expanded drug and violence prevention program, or both. Authorized elements of an expanded program would include, with respect to drug prevention, programs of drug prevention, health education, early intervention, counseling, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and may include: (1) the dissemination of information; (2) the training of school personnel, parents, law enforcement and judicial officials, and health service providers and community leaders; and (3) the implementation of strategies to combat illegal alcohol and other drug use, including the integration of services from a variety of providers, family counseling, early intervention activities, and activities (such as community service projects) that are designed to increase students' sense of community. With respect to violence prevention for school-aged youth, section 4107(c) would authorize programs that emphasize students' sense of community including: (1) the dissemination of information; (2) the training of school personnel, parents, law enforcement and judicial officials, and community leaders; (3) the implementation of strategies, such as conflict resolution and peer mediation and mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment; and (4) comprehensive community-wide strategies to prevent illegal gang activity. Expanded programs could also include the promotion of before- and after-school recreational, institutional, cultural, and artistic programs in supervised community settings and the evaluation of activities authorized by section 4107(c).

Section 4108. Evaluation and reporting. Proposed section 4108 of the ESEA would require the Secretary, in consultation with the Secretary of Health and Human Services, the Director of National Drug Control Policy, and the Attorney General, to conduct an independent biennial evaluation of the national impact of programs under Part A and submit a report of the findings to the President and Congress. Section 4108 would also require the chief executive officer of a State (in cooperation with an SEA) to submit a report to the Secretary, by October 1, 1997, and every third year thereafter, on the implementation and outcomes of State and local programs under this Part, along with an assessment of their effectiveness, as well as the State's progress towards attaining, its goals for drug and violence prevention. The report would have to be in the form specified by the Secretary and based on the State's on-going evaluation activities; the report would also include data on the prevalence of drug use and violence by youth and would be made readily available to the public. Finally, section 4108 of the Act would also require LEAs receiving funds under Part A to submit to the SEA whatever information, and at whatever intervals, the State requires to complete the State report, including information on the prevalence of drug use and violence by youth in the schools and community.

Part B—Postsecondary drug and violence prevention programs

Section 4201. Postsecondary drug and violence prevention programs. Proposed section 4201 of the ESEA would authorize the Secretary to make grants to, or enter into contracts with, IHEs, or consortia of such institutions, for drug and violence prevention programs under this section. Such awards would be used for the development, implementation, validation, and dissemination of model programs and strategies to promote the safety of students attending institutions of higher education by preventing violent behavior and illegal use of alcohol and other drugs. In making awards under this section, the Secretary would be required to make every reasonable effort to ensure the equitable participation of public and private institutions of higher education (including community and junior colleges), institutions of limited enrollment, and institutions in different geographic regions.

Section 4202. National center. Proposed section 4202 of the ESA would authorize the Secretary to support, through a grant to, or a contract with, an IHE, a public or private non-profit organization, or a for-profit organization, a national center to provide training and technical assistance to postsecondary institutions in developing, implementing, evaluating, replicating, and dissemination model programs to prevent violence and the use of illegal drugs by students at such institutions. Current law does not provide for such a center.

Part C—National programs

Section 4301. Federal activities. Proposed secton 4301 of the Act would authorize the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, to carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students of all educational levels, prekindergarten through postsecondary. The Secretary would be authorized to carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private non-profit organizations and individuals, or through agreements with other Federal agencies. Such programs could include: (1) the development and demonstration of, innovative strategies for training school personnel, parents, and members of the community; (2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention; (3) research that is coordinated with other Federal agencies and that is directed to improving programs under this Title; (4) program evaluations that address issues not addressed under section 4108(a); (5) direct services to schools and school systems affected with especially severe drug and violence problems; (7) developing and disseminating drug and violence prevention materials; including model curricula; and (8) other activities that meet national needs related to drug and violence prevention. The Secretary would use a peer review process in reviewing applications under this section.

Current law does not provide the Secretary with the flexibility needed to address the most pressing needs in the field of drug and violence prevention. For example, current law does not authorize research and demonstration activities related to school-based prevention programs.

Part D—General provisions

Section 4401. Definitions. Proposed section 4401 of the ESEA would define certain terms used in this Title. "Drug and violence prevention" would mean: (1) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol and tobacco (nicotine) and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids; and (2) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others. The term "school personnel" would include teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who perform services for the school on a contractual basis.

Section 4402. Materials. Proposed section 4402 of the ESEA would require that drug prevention programs under this Title must convey a clear and consistent message that the illegal use of alcohol and other drugs is wrong and harmful. Section 4402 would also prohibit the Secretary from prescribing the use of specific curricula for programs under this Title, but would permit him or her to evaluate the effectiveness of curricula and other strategies.

Section 4403. Prohibited use of funds. Proposed section 4403 of the ESEA would prohibit the use of funds under this Title for: (1) construction; (2) drug treatment or rehabilitation; and (3) psychiatric, psychological, or other medical treatment or rehabilitation, other than school-based counseling for students or school personnel who are victims or witnesses of school-related crime.

ESEA, TITLE V—PROMOTING EQUITY

Part A—Magnet schools assistance

Part A of Title V of the ESEA would reauthorize and revise the program for Magnet Schools Assistance currently authorized by Title III, Part A of the Act. The proposed changes would strengthen the program's purpose as a desegregation technique and encourage the use of the program's innovations and improvements in education quality as models for broader education reform efforts.

Section 5101. Findings. Proposed section 5101 of the ESEA would set forth the findings for the magnet schools program. Findings have been included to summarize the accomplishments and improvement needs of the program and to highlight the objectives of the proposed changes to the program.

Section 5102. Statement of purpose. Proposed section 5102 of the ESEA would revise the current purposes to make explicit that the purpose of magnet schools is to assist desegregation of school districts. Section 5102 would also link program objectives to systemic education reform and to developing and designing new, improved educational methods and practices.

Section 5102 would state that the purpose of this program is to assist in the desegregation of school districts by providing financial assistance to eligible local educational agencies for: (1) the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial portions of minority students; (2) the development and implementation of magnet school projects that will assist LEAs in achieving systemic reforms and providing all students the opportunity to meet challenging State performance standards; (3) the development and design of innovative educational methods and practices; and (4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

Section 5103. Program authorized. Proposed section 5103 of the ESEA would provide that the Secretary is authorized to make grants to eligible LEAs for use in magnet schools that are part of an approved desegregation plan and that are designed to bring students from different social, economic, ethnic, and racial backgrounds together.

Section 5104. Definition. Proposed section 5104 of the ESEA, retaining current law, would define the term "magnet school" to mean a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

Section 5105. Eligibility. Proposed section 5105 of the ESEA, retaining current law, would make an LEA eligible for assistance under this program if it: (1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and that requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency; or (2) without having been required to do so, has adopted and is implementing, or will if assistance is made available to it under this part, adopt and implement a plan that has been approved by the Secretary as adequate under Title IV of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in such schools.

Section 5106. Applications and requirements. Proposed section 5106 of the ESEA, while retaining important current requirements, would also try to ensure that the program furthers systemic education reform, improves the access of minority and less high-achieving students to the programs, and results in desegregated learning environments for students.

Section 5106(a) would require that an eligible LEA desiring assistance submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

Section 5106(b) would require that an application include a description of how assistance made available will be used to promote desegregation, including: (1) how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds; (2) the manner and extent to which the magnet school will increase student achievement in the instructional area or areas offered by the school; (3) the manner in which an applicant will continue the magnet school project after assistance under this Part is no longer available, including, if applicable, an explanation of whether successful magnet schools established or supported by the applicant with funds under this Part have been continued without the use of funds under this Part; (4) how funds will be used to implement services and activities that are consistent with the State's systemic reform plan, if any, under Title III of the Goals 2000: Educate America Act and the LEA's systemic reform plan, if any, under that Title; and (5) the criteria to be used in selecting students to attend the proposed magnet school projects. The application would also include certain assurances, including that the applicant will give students residing in the local attendance area of the proposed magnet school projects equitable consideration for places in those projects.

Section 5106(c) would provide that no application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the anti-discrimination assurances contained in the application will be met.

Section 5107. Priority. Proposed section 5107 of the ESEA would eliminate several current priorities that do not help determine the quality and likely success of projects proposed for funding and would add additional priorities that promote educational innovation, equitable access for students, and consistency with systemic education reform.

Section 5107 would require the Secretary to give priority in approving applications to applicants that: (1) have the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegregation plan and the projects for which assistance is sought; (2) propose to carry out new magnet school projects or significantly revise existing magnet school projects; (3) propose to implement innovative educational approaches that are consistent with the State's and the LEA's approved systemic reform plans, if any, under Title III of the Goals 2000: Educate America Act; (4) propose to select students to attend magnet school projects by lottery, rather than through academic examination; and (5) propose to draw on comprehensive community plans for educational improvements, school and residential desegregation, and community renewal.

Section 5108. Use of funds. Proposed section 5108 of the ESEA, while retaining important current uses of funds, would allow funds to be used for instructional activities designed to make available the magnet project's special curriculum to students who are not in the program but enrolled in the school.

Section 5108(a) would authorize funds to be used for: (1) planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools; (2) the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools; (3) the payment of or subsidization of the compensation of elementary and secondary schools teachers who are certified or licensed by the State and who are necessary for the conduct of programs in magnet schools; and (4) with respect to a magnet school program offered to less than the entire student population of a school, instructional activities that are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program.

Section 5108(b) would provide that funds may be used by eligible LEAs for the acquisition of books, materials, and equipment, or the payment of teachers only if those activities are directly related to improving students' reading skills or their knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational skills.

Section 5109. Prohibitions. Proposed section 5109 of the ESEA would state that grants under this Part may not be used for transportation or for any activity that does not augment academic improvement. This revision of current law would not prohibit the use of funds for consultants. Thus, LEAs could hire consultants for the design and development of new programs and other appropriate activities, such as evaluation, that are necessary for implementation of the project.

Section 5110. Limitation on Payments. Proposed section 5110 of the ESEA would describe the limitations on payments, including a new provision on cost sharing. This section would eliminate several unneeded limitations on the Secretary's grant making authority that are contained in current law.

Section 5110(a) would state that awards made under this Part shall not exceed four years.

Section 5110(b) would provide that an LEA may expend for planning up to 50 percent of the funds received under this part for the first year of the project, 25 percent for the second year of the project, and 10 percent for the third year of the project. An LEA is prohibited from expending funds under this Part for planning thereafter.

Section 5110(c) would state that the Federal share of the cost of any project under this Part shall not exceed 100 percent for the first and second years of the project, 90 percent for the third year, and 70 percent for the fourth year.

Section 5110(d) would state that no local educational agency shall receive more than $4,000,000 under this part in any one grant cycle.

Section 5110(e) would state that to the extent practicable, for any fiscal year, the Secretary shall award grants to LEAs under this Part no later than June 30 of the applicable fiscal year.

Section 5111. Authorizations of appropriations; reservations. Proposed section 5111(a) of the ESEA would authorize appropriations of such sums as may be necessary for each of the fiscal years 1995 through 1999 to carry out this Part.

Subsection (b) would provide that in any fiscal year for which the amount appropriated exceeds $75,000,000, the Secretary shall, with respect to such excess amount, give priority to grants to LEAs that did not receive a grant under this Part in the last fiscal year of funding cycle prior to the fiscal year for which the determination is made.

Subsection (c) would authorize the Secretary to reserve no more than two percent of the funds appropriated under subsection (a) for any fiscal year to carry out evaluations of projects under this Part.

Part B—Equalization assistance

Part B of Title V of the ESEA would provide for equalization assistance.

Section 5201. Technical and other assistance regarding school finance equity. Proposed section 5201 of the ESEA would authorize the Secretary to provide technical and other assistance regarding school finance equity. Section 5201(a)(1) would authorize the Secretary to make grants to, and enter into contracts and cooperative agreements with, SEAs and other public and private agencies, institutions, and organizations to provide technical assistance to SEAs and LEAs agencies to assist them in achieving a greater degree of equity in the distribution of financial resources for education among LEAs in the State.

Section 5201(a)(2) would provide that a grant or contract under this section may support technical assistance activities, such as the establishment and operation of a center or centers for the provision of technical assistance to SEAs and LEAs; the convening of conferences on equalization of resources within LEAs, within States, and among States; and obtaining advice from experts in the field of school finance equalization.

Section 5201(b) would authorize the Secretary to carry out applied research and analysis designed to further knowledge and understanding of methods to achieve greater equity in the distribution of financial resources among LEAs.

Section 5201(b) would also authorize the Secretary to carry out such research directly or through grants to, or contracts or cooperative agreements with, any public or private organization. In carrying out this section, the Secretary would be authorized to support research on the equity of existing State school funding systems; train individuals in such research; promote the coordination of such research; collect and analyze data related to school finance equity in the United States and other nations; and report periodically on the progress of States in achieving school finance equity. The Secretary would be required tocoordinate activities under this subsection with activities carried out by the Office of Educational Research and Improvement. An SEA or LEA receiving assistance under the ESEA would be required to provide such data and information on school finance as the Secretary may require to carry out the purposes of section 5201.

Section 5201(c) would authorize the Secretary, directly or through grants, contracts, or cooperative agreements, to develop and disseminate models and materials useful to States in planning and implementing revisions of their school finance systems.

Section 5201(d) would authorize the appropriation of such sums as may be necessary for each of the fiscal years 1995 through 1999.

Part C—Women's educational equity

The Women's Educational Equity Act program (WEEA) has helped educators research, create, and obtain materials on gender-equitable teaching practices. In general, WEEA funds have been focused more on producing and disseminating such materials than on providing the training and support needed to establish these practices at the local level. In the current proposal, the scope of the Women's Educational Equity Program would be expanded to allow the Secretary to support demonstration programs as well as local implementation projects. Broadening the Secretary's discretion to fund many types of programs and projects will maximize the effect of the program.

Section 5301. Findings. Proposed section 5301 of the ESEA would set forth the findings for the Women's Educational Equity program. Additional findings have been added to identify continuing barriers to educational equity for women and girls.

Section 5302. Statement of purposes. Proposed section 5302 of the ESEA would set forth as the purposes of the Women's Educational Equity program: (1) promoting educational equity for women and girls in the United States and the provision of financial assistance to enable educational agencies and institutions to meet the requirements of Title IX of the Education Amendments of 1972; (2) promoting educational equity for women and girls who suffer multiple discrimination, bias, or stereotyping based on gender and on race, ethnic origin, disability, or age; and (3) helping to ensure that all women and girls have equal opportunity to achieve to high educational standards.

Section 5303. Program authorized. Proposed section 5303 of the ESEA has been modified in response to the Department's assessment, based on a review of funded projects and feedback from WEEA grantees, interest groups, and the WEEA publishing center, that in addition to the continued development of model curricula and teacher training programs supported under the present program, program funds should be authorized to help schools and local communities implement and institutionalize gender equitable practices.

Section 5303 would authorize the Secretary to make grants to, and enter into contracts and cooperative agreements with, public agencies, private nonprofit agencies, organizations, and institutions and individuals to provide support and technical assistance for the implementation of effective gender-equity policies and practices at all educational levels and for research and development designed to advance gender equity nationwide and to help make policies and practices in educational agencies and institutions and local communities gender-equitable. The implementation of effective gender-equity policies and practices at all educational levels would include: (1) assisting educational agencies and institutions to implement policies and practices to comply with Title IX of the Education Amendments of 1972, including preventing the sexual harassment of students and employees; (2) training for teachers, counselors, administrators, and other school personnel, especially preschool and elementary school personnel, to ensure that gender equity pervades their teaching and learning practices; (3) leadership training to allow women and girls to develop professional and marketable skills to compete in the global marketplace, improve self-esteem, and benefit from exposure to positive role models; (4) school-to-work transition programs and other programs to increase opportunities for women and girls to enter a technologically demanding workplace and, in particular, to enter highly skilled, high paying careers in which they have been underrepresented; (5) enhancing educational and career opportunities for women and girls who suffer multiple forms of discrimination, based on sex and on race, ethnic origin, limited English proficiency, disability, or age; and (6) assisting pregnant students and students rearing children to remain in high school, graduate, and prepare their preschool children to start school. Authorized research and development activities would include: (1) research and development designed to advance gender equity, including the development of innovative strategies to improve teaching and learning practices; (2) the development of high quality and challenging assessment instruments that are free of gender bias; (3) the evaluation of curricula, textbooks, and other educational materials to ensure the absence of gender stereotyping and bias; (4) the development of instruments and procedures that employ new and innovative strategies to assess whether diverse educational settings are gender equitable; (5) the development of new dissemination and replication strategies; and (6) updating high quality educational materials previously developed through awards made under this Part.

Section 5304. Applications. Proposed section 5304(a) of the ESEA has been modified to ensure that every project supported under this Part is subject to a comprehensive evaluation of the materials, practices, and policies used by the applicant and of the potential for continued significance of the work of the program following completion of the award period. In addition, the section has been modified to ensure that program funds will be used to support other important initiatives such as implementation of State and local plans for systemic reform, school-to-work, and parental involvement initiatives.

Section 5304(a) would require that awards be made and entered into only upon application to the Secretary. Each application would be required to: (1) set forth policies and procedures that ensure a comprehensive evaluation of the activities carried out under the project; (2) demonstrate how funds received under this part will be used to promote the attainment of one or more of the National Education Goals and support the implementation of State and local plans for systemic reform, if any, approved under Title III of the Goals 2000: Educate America Act; (3) demonstrate how the applicant will address perceptions of gender roles based on cultural and linguistic differences or stereotypes; (4) describe how funds under this part will be used in a manner that is consistent with and promotes the implementation of State and local programs under the School-To-Work Opportunities Act of 1993; and (5) for applications for projects that would provide support and technical assistance for the implementation of effective gender-equity policies and practices at all educational levels, demonstrate how the applicant will foster partnerships and share resources with SEAs, LEAs, institutions of higher education, and other recipients of Federal educational funding, and demonstrate how parental involvement in the project will be encouraged.

Section 5304(b) has been modified to ensure that special consideration is given to projects that support collaborative approaches to gender equity and learning practices. The current requirement that special consideration be given to projects based on geographic distribution has been deleted so that a significant amount of program funds support those projects that best demonstrate promise of achieving the programs goals regardless of location.

Section 5304(b) would require the Secretary, in approving applications under this part, to give special consideration to applications: (1) submitted by applicants that have not received assistance under this part or under Part C of Title IX of this Act as in effect prior to October 1, 1988; (2) for projects that would contribute significantly to directly improving teaching and learning practices in the local community; and (3) for projects that would provide for a comprehensive approach to enhancing gender equity in educational institutions and agencies, and drawon a variety of resources, including LEAs, community-based organizations, IHEs, and private organizations.

Section 5304(c) would require that nothing in this Part be construed as prohibiting men and boys from participating in any programs or activities assisted under this Part.

Section 5305. Criteria and priorities. Proposed section 5305 of the ESEA would require the Secretary to establish separate criteria and priorities for awards made under section 5303 to ensure that available funds are used for programs that most effectively will achieve the purposes of this part. The Secretary intends to consult with the Assistant Secretary for Civil Rights in performing this function in order that the criteria and priorities reflect emerging issues of gender equity.

Section 5306. Report. Proposed section 5306 of the ESEA would require the Secretary to submit, by January 1, 1999, to the President and the Congress a report on the status of educational equity for girls and women in the Nation.

Section 5307. Evaluation and dissemination. Proposed section 5307 of the ESEA would: (1) require the Secretary to evaluate and disseminate materials and programs developed under this part; and (2) authorize the Secretary to use funds appropriated under section 5308 to gather and disseminate information about emerging issues concerning gender equity and, if necessary, to convene meetings for this purpose.

Section 5308. Authorization of appropriations. Proposed section 5308 of the ESEA would authorize such sums as may be necessary for each of the fiscal years 1995 through 1999 to be appropriated to carry out this Part.

ESEA, TITLE VI—INDIAN EDUCATION

Section 6001. Findings. Proposed section 6001 of the ESEA would state congressional findings for Title VI that: (1) the Federal Government has a special responsibility to ensure that educational programs for all American Indian and Alaska Native children and adults are based on high-quality, internationally competitive content and student performance standards and build on Indian culture and the Indian community; assist LEAs, Indian tribes, and others in providing Indian students the opportunity to learn to those standards; (2) since enactment of the original Indian Education Act in 1972, Indian parents have become significantly more involved in the planning, development, and implementation of educational programs that affect them and their children, and schools should continue to foster this involvement; (3) although the numbers of Indian teachers, administrators, and university professors have increased since 1972, teacher training programs are not recruiting, training, or retraining sufficient numbers of Indian persons as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education; (4) the dropout rate for Indian students is unacceptably high; for example, nine percent of Indian students who were 8th graders in 1988 had already dropped out of school by 1990; (5) from 1980 to 1990, the percentage of Indian persons living in poverty increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and families; and (6) research related specifically to the education of Indian children and adults is very limited, and much of it is poor in quality or focused on limited local or regional issues.

Section 6002. Purpose. Proposed section 6002 of the ESEA would provide that the purpose of Title VI is to support the efforts of LEAs, Indian tribes and organizations, SEAs postsecondary institutions, and other entities to meet the unique educational needs of American Indians and Alaska Natives, so that they can achieve to the same challenging State performance standards expected of all students. Title VI would carry out this purpose by authorizing programs of direct assistance for the education of Indian children and adults; the training of Indian persons as educators and counselors, and in other professions serving Indian people; and research, evaluation, data collection, and technical assistance.

Part A—Formula grants to local educational agencies

Section 6101. Purpose. Proposed section 6101 of the ESEA would provide that the purpose of Part A of Title VI is to support LEAs in their efforts to reform elementary and secondaryschool programs that serve Indian students, in order to ensure that those programs are based on challenging State content and student performance standards that are used for all students; and are designed to assist Indian students meet those standards and assist the Nation in reaching the National Education Goals.

Section 6102. Grants to local educational agencies. Proposed section 6102 of the ESEA would provide that an LEA is eligible for a grant under Part A for any fiscal year if the number of Indian children who were enrolled in the schools of the LEA, and to whom the LEA provided free public education, during the preceding fiscal year was at least 20 or constituted at least 25 percent of the LEA's total enrollment. Current law provides that an LEA must have at least ten Indian students or that Indian students constitute at least half its enrollment in order for the LEA to be eligible. Raising the minimum number of students to establish an LEA's eligibility will result in a more effective program.

Section 6103. Amount of grants. Proposed section 6103 of the ESEA would describe how Part A grant amounts are determined. Under subsection (a)(1), the Secretary would be authorized to allocate to each LEA whose application has been approved an amount equal to the product of: (1) the number of Indian children described in section 6102; and (2) the greater of the average per-pupil expenditure of the State in which the agency is located or 80 percent of the average per-pupil expenditure (APPE) in the United States. Subsection (a)(2) would direct the Secretary to reduce the amount of each allocation determined under paragraph (1) in accordance with subsection (e), which would provide for the ratable reduction of allocation in the case of insufficient appropriations.

Subsection (b) would direct the Secretary not to make any grant to an LEA if the amount it would receive is less than $4,000. The Secretary could, however, make a grant to a consortium of LEAs, one or more of which does not qualify for the minimum award, if the total amount that they would receive is at least $4,000; in the aggregate, they meet the eligibility requirement of either section 6102(1) or 6102(2); and the Secretary determines that a grant to the consortium would be effectively used to carry out the purpose of this part. Current law does not establish a minimum amount that an LEA must qualify for. This amendment will help ensure that sufficient funds are provided to each project to make it effective, while allowing for consortium arrangements between and among LEAs that do not individually qualify for a grant.

Subsection (c) would describe how a State's average per-pupil expenditure is determined for the purpose of this section

Subsection (d) would provide for Part A payments in support of school operated or supported by the Bureau of Indian Affairs (BIA). In addition to the grants to LEAs described above, the Secretary would allocate to the Secretary of the Interior an amount determined by multiplying the total number of Indian children enrolled in schools that are operated or supported (under certain statutes) by the BIA by the greater of the APPE of the State in which the school is located or 80 percent of the APPE in the United States, the same formulation used to compute grants to LEAs.

Subsection (d)(2) would direct the Secretary to transfer the amount so determined, ratably reduced as necessary in light of available funds, to the Secretary of the Interior in accordance with, and subject to, section 9204 of the Act. Section 9204 would provide for the consolidated transfer to, and use of funds by, the Secretary of the Interior under certain programs administered by the Department of Education.

Subsection (e) would provide that if the sums appropriated for any fiscal year under section 6602(a) are insufficient to pay in full the amounts determined for LEAs under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts are to be ratably reduced.

Section 6104. Applications. Proposed section 6104(a) of the ESEA would require any LEA that desires to receive a Part A grant to submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

Subsection (b) would require each application to include a comprehensive plan for meeting the needs of Indian children in the LEA, including their language and cultural needs, that: (1) is consistent with, and promotes the goals in, the State and local plans, either approved or being developed, under Title III of the Goals 2000: Educate America Act or, if those plans are not approved or being developed, with the State and local plans under Part A of Title I of the ESEA; and includes academic content and student performance goals for those children, and benchmarks for attaining them, that are based on the challenging State or local standards adopted under Title III of the Goals 2000: Educate America Act or under Title I of the ESEA for all children; (2) explains how Federal, State, and local programs, especially under Title I of the ESEA, will meet the needs of those students; (3) demonstrates how Part A funds will be used for activities authorized by section 6106; (4) describes the professional development to be provided, as needed, to ensure that teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and that all teachers who will be involved in the project have been properly trained to carry it out; and (5) describes how the agency will periodically assess the progress of all Indian children in its schools, including those not participating in Part A programs, in meeting the goals described in paragraph (1); will provide the results of that assessment to the parent committee described in subsection (c)(8) and to the community served by the agency; and is responding to findings of any previous such assessments. These application requirements, which are more comprehensive than those in current law, will provide more guidance to applicants and will promote comprehensive planning by LEAs to meet the needs of Indian children.

Subsection (c) would require each application also to include assurances that: (1) the LEA will use Part A funds only to supplement the level of funds that, in the absence of those Federal funds, the LEA would make available for the education of Indian children, and not to supplant those non-Federal funds; (2) the LEA will submit reports to the Secretary, in the form and containing the information, the Secretary may require to carry out the Secretary's Part A functions and to determine the extent to which Part A funds have been effective in improving the educational achievement of Indian students in the LEA; (3) the program for which assistance is sought will use the best available talents and resources, including persons from the Indian community; (4) the LEA has developed the program in open consultation with parents of Indian children, teachers, and, where appropriate, secondary school Indian students, including holding public hearings at which these persons have had a full opportunity to understand the program and to offer recommendations on it; (5) the LEA has developed the program with the participation and written approval of a committee that is composed of, and selected by, parents of Indian children in the LEA's schools, teachers, and, where appropriate, secondary school Indian students, and of which at least half the members are parents; and (6) the parent committee will adopt and abide by reasonable bylaws for the conduct of its activities.

Subsection (d) would require the LEA to obtain the SEA's comments on its application before submitting its application to the Secretary, and to send the SEA's comments to the Secretary with its application.

Section 6105. Authorized services and activities. Proposed section 6105(a) of the ESEA would require each LEA that receives a Part A grant to use the grant funds for services and activities, consistent with the purpose of Part A, that: (1) are designed to carry out its comprehensive plan for Indian students, described in its application; (2) are designed with special regard for the language and cultural needs of those students; and (3) supplement the regular school program.

Subsection (b) would provide that permissible services and activities include, but are not limited to: (1) early childhood and family programs that emphasize school readiness; (2) enrichment programs that focus on problem-solving and cognitive skills development and that directly support that attainment of challenging State content and student performance standards; (3) integrated educational services in combination with other programs meeting similar needs; (4) school-to-work transition activities to enable Indian students to participate in programs such as those supported by the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, including tech-prep programs; (5) prevention of, and education about, substance abuse; and (6) acquisition of equipment, but only if it is essential to meet the purpose of Part A.

Subsection (c) would provide that, notwithstanding any other Part A provision, an LEA may use Part A funds to support a schoolwide program under section 1114 of Title I of the Act, in accordance with that section, if the Secretary determines that the LEA has made adequate provision for the participation of Indian children, and the involvement of Indian parents, in the schoolwide program. Current law does not provide this flexibility, which other provisions of the bill would extend to other programs under the ESEA.

Section 6106. Student eligibility forms. Proposed section 6106 of the ESEA would require each LEA that applies for a Part A grant to maintain in its files a form, prescribed by the Secretary, for each Indian child described in section 6102. The form must contain at least the child's name, the name of the Indian tribe or bank of Indians in which membership is claimed, and the parent's signature.

Section 6107. Payments. Proposed section 6107(a) of the ESEA would direct the Secretary to pay each LEA with an approved application the amount determined under section 6103, subject to subsections (b) and (c) of this section.

Subsection (b) would bar the Secretary from making a grant to any LEA in a State that has taken into consideration payments under this part (or under subpart 1 of the Indian Education Act of 1988) in determining the eligibility of the LEA for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

Subsection (c)(1) would bar the Secretary from paying any LEA the full amount determined under section 6103 for any fiscal year unless the SEA notifies the Secretary, and the Secretary determines, that the combined fiscal effort of the LEA and the State with respect to the provision of free public education by the LEA for the preceding fiscal year, computed on either a per-student or aggregate expenditure basis, was at least 90 percentof the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

Subsection (c)(2) would provide that if the Secretary determines for any fiscal year that an LEA failed to maintain its fiscal effort at the 90 percent level required by paragraph (1), the Secretary shall reduce the amount of the grant that would otherwise be made to the LEA in the exact proportion of that agency's failure to maintain its fiscal effort at that level; and not use the reduced amount of the LEA's expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

Subsection (3) would allow the Secretary to waive the requirement of paragraph (1), for not more than one year at a time, if the Secretary determines that the failure to comply with that requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the LEA's financial resources. The Secretary could not use the reduced amount of the LEA's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but would use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.

Subsection (d) would permit the Secretary to reallocate, in the manner the Secretary determines will best carry out the purpose of Part A, any amounts that, based on estimates by LEAs or other information, will not be needed by those LEAs to carry out their approved Part A projects or that otherwise become available for reallocation.

Part B—Discretionary programs to improve educational achievement of Indian children

Section 6201. Grants to Indian-controlled schools. Proposed section 6201(a) of the ESEA would state that the purpose of section 6201 is to support Indian-controlled schools by providing assistance to: (1) help Indian-controlled schools get started and established; and (2) pay for supplemental services that will enable Indian students to meet the same challenging State performance standards that all students will be expected to meet and assist the Nation in reaching the National Education Goals.

Subsection (b) would permit Indian tribes and Indian organizations to apply under this section for grants for schools for Indian children.

Subsection (c) would direct the Secretary, in making grants under section 6201, to give priority to applicants that are starting new schools with the approval of the Bureau of Indian Affairs or are in the process of gaining control over a school operated by the BIA. To qualify for this priority, an applicant would have to demonstrate to the Secretary's satisfaction that the school for which assistance is sought will receive funds under the Indian school equalization program established under the Education Amendments of 1978 within three years of the beginning of its proposed project, and have been under the control of the applicant for less than three years as of the beginning of its proposed project.

Subsection (d) would require recipients of grants under this section to use grant funds to carry out projects and activities that meet the purpose of this section, such as student assessments, curriculum development, staff development, and community orientation.

Section 6202. Demonstration grants. Proposed section 6202(a)(1) of the ESEA would state that the purpose of this section is to support projects that are designed to develop, test, and demonstrate the effectiveness of services and programs to improve educational achievement of Indian children. Current law authorizes several types of discretionary grants, but, in practice, there is very little difference among them. Section 6202(a) streamlines the current system by combining these various categories into one authority, and emphasizes the demonstration nature of authorized projects.

Subsection (a)(2) would require the Secretary to ensure that demonstration projects under section 6202 are coordinated with related projects under other ESEA provisions.

Subsection (b) would permit SEAs, LEAs, Indian tribes, Indian organizations, and institutions of higher education, including Indian institutions of higher education, to apply for grants under this section.

Subsection (c) would require recipients of grants under this section to use the grant funds to carry out projects and activities that meet the purpose of this section, such as: (1) instruction to raise the achievement of Indian children in one or more of the core curriculum areas of English, mathematics, science, foreign languages, arts, history, and geography; (2) programs designed to reduce the incidence of students dropping out of school and to increase the rate of high school graduation; (3) partnership projects between LEAs and institutions of higher education that allow high school students to enroll in courses at the postsecondary level to aid them in the transition from high school to postsecondary education; (4) partnership projects between schools and local businesses forschool-to-work transition programs designed to provide Indian youth with the knowledge and skills they need to make an effective transition from school to a first job in a high-skill, high-wage career; (5) family-based preschool programs that emphasize school readiness and parenting skills; (6) programs designed to encourage and assist Indian students to work toward, and gain entrance into, institutions of higher education; and (7) programs to meet the needs of gifted and talented Indian students.

Subsection (d) would require an eligible entity that desires to receive a grant under this section to submit an application to the Secretary at such time and in such manner as the Secretary may require. The application would have to contain a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the project for which assistance is sought; an assurance that the applicant will participate, at the request of the Secretary, in any national evaluation of projects under this section; and such other assurances and information as the Secretary may require.

Part C—Professional development and adult education programs

Section 6301. Professional development. Proposed section 6301(a) of the ESEA would state that the propose of this section is to increase the number of qualified Indian persons in professions serving Indian people.

Subsection (b) would authorize applications from institutions of higher education, including Indian institutions of higher education; SEAs and LEAs, in consortium with institutions of higher education; and Indian tribes and Indian organizations, in consortium with institutions of higher education.

Subsection (c) would require each recipient of a grant under this section to use the grant funds to provide training to Indian persons, consistent with the purpose of this section. For teachers, counselors, and other education professionals, this training must consist of pre-service or in-service professional development. For those being trained in other fields, this training must be in programs that result in graduate degrees.

Subsection (d) would direct the Secretary to ensure that at least 50 percent of the funds appropriated to carry out this section for any fiscal year are used for training of educational personnel

Subsection (e) would authorize project periods under this section of up to five years.

Subsection (f) would permit the Secretary, by regulation, to require that individuals who receive training under this section perform related work following that training or repay all or part of the cost of the training.

Under the current fellowship program, individuals apply directly to the Secretary for awards. Under section 6301, the Secretary would, instead, support the professional development of individuals through grants to institutions, tribes, and Indian organizations that would select fellowship recipients.

Section 6302. Adult education. Proposed section 6302(a) would state that the purpose of this section is to improve educational and employment opportunities for Indian adults who lack the level of literacy skills, quantitative skills, and knowledge that they need to enjoy more fully the benefits and responsibilities of effective citizenship and productive employment by supporting projects that provide them sufficient high-quality education to enable them to benefit from job training and retraining programs and to obtain and retain productive employment; and to enable Indian adults who so desire to continue their education through the high school level and beyond.

Subsection (b) would permit Indian tribes, Indian organizations, Indian institutions of higher education, and other public and nonprofit private agencies and organizations to apply for grants under this section.

Subsection (c) would require each recipient of a grant under this section to provide adult education, as defined in section 6601(2), to Indian adults in a manner that supplements State funds expended for adult education for Indian adults; coordinate its project with other adult education programs, if any, in the same geographic area, including programs funded under the Adult Education Act and programs operated or funded by the Bureau of Indian Affairs; and collect, evaluate, and report on data concerning such matters as the Secretary may require, including the number of participants, the effect of the project on the subsequent work experience of participants, the progress of participants in achieving literacy, and the number of participants who pass high school equivalency examinations.

Part D—National Activities and Grants to States

Section 6401. National activities. Proposed section 6401(a) would authorize the Secretary to: (1) conduct research related to effective approaches to the education of Indian children and adults; (2) evaluate federally assisted education programs from which Indian children and adults may benefit; (3) collect and analyze data on the educational status and needs of Indians; and (4) carry out other activities consistent with the purpose of Title VI.

Subsection (b) would authorize the Secretary to carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with, Indian tribes, Indian organizations, SEAs, LEAs, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

Section 6402. Grants to States. Proposed section 6402(a) of the ESEA would state that the purpose of this section is to assist States in implementing comprehensive, Statewide strategies for providing Indian children and adults with greater opportunities to meet challenging State standards.

Subsection (b) would make a State eligible for a grant under this section if it has a State plan for systemic education reform in the State that, in the Secretary's judgment: (1) effectively provides for the education of Indian children and adults; and (2) is integrated with the State's plan, either approved or being developed, under Title III of the Goals 2000: Educate America Act, and satisfies the requirements of section 6402 that are not already addressed by that State plan; or if the State does not have an approved plan under Title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under the ESEA.

Subsection (c) would direct the Secretary to make a grant to each SEA in an eligible State whose application for assistance has been approved. The Secretary would be authorized to determine the amount of each State's grant on the basis of the number of Indian individuals in the State, as determined on the basis of the most recent available data satisfactory to the Secretary; the comprehensiveness and quality of the State's plan; the State's commitment to high-quality education programs for Indian children and adults; and other factors that the Secretary finds appropriate. Each State would receive at least $50,000 or five percent of the total amount paid to LEAs in the State for that fiscal year under Part A, whichever amount is greater.

Subsection (d) would require each State that receives a grant under this section to use the grant funds for activities to meet the purpose of this section, including: (1) reviewing LEA applications under Part A; (2) collecting data; (3) providing technical assistance to LEAs; (4) measuring the achievement of Indian students against the standards set out in the State's plan described in subsection (b); and (5) carrying out other activities and providing other services designed to build the capacity of the State to serve the educational needs of Indian children and adults.

Subsection (e) would require a State that desires to receive a grant under this section to submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, including an assurance that the State will submit to the Secretary, every two years, a report on its activities under this section containing such data and other information as the Secretary may require.

Current law does not provide for any State involvement in the Indian education program to be reauthorized as Title VI of the ESEA. Section 6402 would strengthen the role and responsibility of States in providing high-quality education for Indian students by requiring SEAs to review LEA applications for formula grants under Part A, and by providing funding under this section for various State-level activities directly related to the education of Indian children and adults.

Part E—Federal administration

Section 6501. Office of Indian Education. Proposed section 6501(a) of the ESEA would require that there be an Office of Indian Education (the Office) in the Department of Education.

Subsection (b) would provide that the Office shall be under the direction of a Director, who shall be appointed by the Secretary and who shall report directly to the Assistant Secretary for Elementary and Secondary Education. The Director would be responsible for administering the Indian Education Act; be involved in, and be primarily responsible for, the development of all policies affecting Indian children and adults under programs administered by the Office of Elementary and Secondary Education; and coordinate the development of policy and practice for all programs in the Department relating to Indian persons. The Director of the Office would also have to be a member of the career Senior Executive Service.

Subsection (c) would require the Secretary to give a preference to Indian persons in all personnel actions in the Office. This preference would be implemented in the same fashion as section 2609 of the Revised Statutes in section 45 of Title 25 of the U.S. Code.

Section 6502. National Advisory Council on Indian Education. Proposed section 6502(a) of the ESEA would continue the requirement that there be a National Advisory Council on Indian Education (the Council), consisting of 15 Indian members appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations, and representing different geographic areas of the country.

Subsection (b) would direct the Council to: (1) advise the Secretary on the funding and administration, including the development of regulations and of administrative policies and practices, of any program, including programs under the Indian Education Act, for which the Secretary is responsible and in which Indian children or adults participate or from which they can benefit; (2) make recommendations to the Secretary for filling the Director's position whenever a vacancy occurs in that position; and (3) submit to the Congress, by June 30 of each year, a report on its activities, including any recommendations it finds appropriate for the improvement of Federal education programs in which Indian children or adults participate, of from which they can benefit, and its recommendations on the funding of any of those programs.

Section 6503. Peer review. Proposed section 6503 of the ESEA would permit the Secretary to use a peer review process to review applications under Parts B, C, and D of Title VI.

Section 6504. Preference for Indian applicants Proposed section 6506 of the ESEA would require the Secretary to give a preference to Indian tribes, Indian organizations, and Indian institutions of higher education under any program under Parts B and C for which they are eligible to apply.

Section 6505. Minimum grant criteria. Proposed section 6505 of the ESEA would require that the Secretary, in making grants under Parts B and C, approve only projects that are of sufficient size, scope, and quality to achieve the purpose of the section under which assistance is sought, and are based on relevant research findings.

Part F—Definitions; authorizations of appropriations

Section 6601. Definitions. Proposed section 6601 of the ESEA would define "adult", "adult education", "free public education", and "Indian", as used in Title VI.

Section 6602. Authorizations of appropriations. Proposed section 6602(a) of the ESEA would authorize the appropriation of such sums as may be necessary to carry out the various parts of Title VI for each of the fiscal years 1995 through 1999.

ESEA, TITLE VII—BILINGUAL EDUCATION PROGRAMS

Title VII of the ESEA would reauthorize the bilingual education programs currently authorized in Title VII of the ESEA. While a number of the current requirements of the program have been retained, the proposed new Title VII would make significant changes, including: (1) providing a new comprehensive definition of "bilingual education program" to replace the six separate program definitions in the current law; (2) correspondingly, revising the often confusing structure and funding arrangements for those separate programs, in order to be more equitable and efficient; (3) emphasizing the goal of helping limited English proficient students to develop proficiency both in English and, to the extent possible, their native language; (4) requiring program coordination and consistency with State plans under Goals 2000: Educate America Act or with other appropriate State plans; (5) emphasizing the need for limited English proficient students to achieve the same challenging State standards as those required for all students; (6) revising the SEA grant program to encourage SEAs to take a more substantive role in building LEAs' capacity to operate bilingual education programs; and (7) revising the emergency immigrant education program to provide more help at the local level and greater coordination with bilingual education.

Section 7001. Proposed section 7001 of the ESEA would set forth the finds of the bilingual and emergency immigrant education programs. The findings under the current law have been revised to summarize the accomplishments and improvement needs of the programs, and to highlight the proposed changes to the programs.

Section 7002. Policy; authorization of appropriations. Proposed section 7002(a) of the ESEA would state that it is the policy of the United States to assist SEAs and LEAs to: (1) build their capacity to provide programs of instruction for limited English proficient children and youth that develop their English and, to the extent possible, their native language skills; (2) educate them to meet the same rigorous standards for academic performance expected of all children and youth, including meeting challenging State performance standards in academic areas; and (3) develop bilingual and multi-cultural understanding.

Section 7002(b) would authorize, for the purpose of carrying out this Title except for Part D, such sums as may be necessary for each of the fiscal years 1995 through 1999. It would also authorize, for the purpose of carrying out Part D, such sums as may be necessary for each of the fiscal years 1995 through 1999.

Section 7003. Definitions. Section 7003 would provide definitions for the following terms:

A "bilingual education program" would be defined to mean a program of instruction designed specifically for limited English proficient children and youth that helps them develop proficiency in English and, to the extent possible, the native language, and achieve to high academic standards. Such a program may be conducted in English, or both languages, except that all bilingual education programs must develop proficiency in the English language. Native language use in such a program can be for the purpose of facilitating the acquisition of English, and developing overall linguistic competence, as well as competence in the academic curriculum. Such a program may also include activities designed to help the parents of limited English proficient children and youth participate in the education of their children. Finally, English proficient children and youth may participate so long as the program's primary purpose is to benefit limited English proficient children and youth.

"Children and youth" would be defined to mean individuals age three through twenty.

"Director" would be defined to mean the Director of the Office of Bilingual Education and Minority Language Affairs.

"Immigrant children and youth" would be defined to mean individuals who are age three through twenty-one, were not born in any State, and have not been attending one or more schools in any one or more States for more than 12 months.

"Limited English proficiency" and "limited English proficient" would be defined to mean an individual who: (1) was not born in the United States or whose native language is other than English; (2) comes from an environment where a language other than English is dominant; or (3) is an American Indian or Alaska Native and comes from an environment where a language other than English has had a significant impact on his or her level of English language proficiency, and by reason thereof, has sufficient difficulty reading, writing, or understanding the English language to deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English.

"Native language" would be defined to mean the language normally used by a limited English proficient individual or, in the case of a child or youth, the language normally used by the parents of the child or youth.

"Other programs for persons of limited English proficiency" would be defined to mean any programs administered by the Secretary of Education that directly involve bilingual education activities serving limited English proficient persons.

Section 7004. Indian children in school. Proposed section 7004 of the ESEA would state that elementary and secondary schools operated predominantly for Indian or Alaska native children or youth, an Indian tribe, a tribally sanctioned education authority, or an elementary and secondary school operated or funded by the Bureau of Indian Affairs would be considered to be an LEA for the purpose of this title. This section would also define the terms "Indian tribe" and "tribally sanctioned authority".

Part A—Financial Assistance for Bilingual Education.

Section 7101. Financial assistance for bilingual education. Proposed section 7101 of the ESEA would set out the types of grant awards available to LEAs to support programs of bilingual education and other related requirements, as described below.

Section 7101(a) would state that the purpose of Part A is to authorize grants to assist LEAs to develop and enhance their capacity to provide high-quality instruction to limited English proficient children and youth and to help such children and youth develop proficiency in English, and to the extent possible, their native language, and to meet the same challenging State performance standards expected for all children and youth as required by section 1111(b) of the ESEA.

Section 7101(b) would authorize the Secretary to award Enhancement Grants, for a period of up to two years, to LEAs for the following purposes: (1) developing new bilingual education programs; (2) enhancing or expanding existing programs to meet new conditions, such as the need to serve additional language groups or different age or grade levels; and (3) meeting the short term need of LEAs without bilingual education programs to serve the needs of limited English proficient children and youth.

Section 7101(c) would authorize the Secretary to make Comprehensive School Grants, for a period of up to five years, to LEAs for the purpose of implementing school-wide bilingual education programs that would serve limited English proficient children and youth in schools with significant concentrations of such children and youth.

Section 7101(d) would authorize the Secretary to make Comprehensive District Grants, for a period of up to five years, to LEAs for the purpose of implementing district-wide bilingual education programs that serve limited English proficient children and youth in districts with significant concentrations of such children and youth.

Section 7101(e)(1) would authorize recipients to use funds awarded under subsections (b), (c), and (d) for:

(1) identification and acquisition of curricular materials, educational software, and technologies to advance the education of limited English proficient children and youth; (2) parent outreach and training activities; (3) salaries of personnel, including teacher aides; (4) tutorials and academic or career counseling; and (5) other activities approved by the Secretary.

Section 7101(e)(2) would authorize recipients under subsections (c) and (d), in addition to the allowable activities described in subsection (e)(1), to use funds for: (1) preservice and in-service professional development of staff participating, or preparing to participate in the program, including those not directly participating in the bilingual instruction program, if such activities will help accomplish the purpose of this title; and (2) during the first 12 months of such a grant, engage exclusively in activities preparatory to the delivery of services, including program design, materials and procedures development, and activities to involve parents in the education program and to enable them and other family members to assist in the education of limited English proficient children and youth.

Section 7101(f) would require the Secretary, to the extent feasible, to make awards under section 7101 in a manner that reflects the geographic distribution of limited English proficient children and youth throughout the Nation.

Section 7101(g) would require an LEA desiring to receive a grant under this section to submit, through its SEA, an application to the Secretary. Subsection (g)(2) would require all applications under this section to describe: (1) the need for the proposed program, including data on the number of limited English proficient children and youth in the school or district to be served and their characteristics; and (2) the program to be implemented and how its design relates to the linguistic and academic needs of the limited English proficient children and youth to be served, and is consistent with and promotes the goals in its plan under Title III of the Goals 2000: Educate America Act, if such plan exists, and its plan under section 1112 of the ESEA, particularly as those plans relate to the education of limited English proficient children and youth. Subsection (g)(2) would also require that an applicant provide an assurance that the level of State and local funds expended on bilingual education will not be reduced if it receives an award.

Section 7101(g)(3) would require an applicant for a grant under subsections (c) and (d), in addition to meeting the requirements noted above, to also describe: (1) the current services it provides to limited English proficient children and youth; (2) the services that limited English proficient children and youth would receive under the grant that they are not now receiving; (3) how funds received under subsections (c) and (d) would be integrated with all other Federal, State, local, and private resources; and (4) specific achievement and school retention goals for the children and youth to be served by the proposed program and how progress toward achieving those goals will be measured. Subsection (g)(3) would also require an applicant for grants under subsections (c) and (d), in addition to providing the assurances noted above, to assure that: (1) the program funded under a Comprehensive School Grant will serve all (or virtually all) of the limited English proficient children and youth in the participating school, or, that the program funded under a Comprehensive District Grant will serve a significant number of the limited English proficient children and youth in the participating district; (2) the program funded will be integrated with the overall education program; and (3) the application has been developed in consultation with an advisory council, the majority of whose members are parents and other representatives of the children and youth to be served by this program.

Section 7101(h) would prohibit more than 25 percent of the total amount of funds that the Secretary awards under subsection (b) for any fiscal year to be used to fund bilingual education programs that do not use the negative language, and would more than 25 percent of the total amount of funds that the Secretary awards under subsection (c) for any fiscal year from being used to fund bilingual education programs that do not use the native language.

Section 7101(i) would require, in order for an eligible applicant to apply for funds under this part, its SEA to review such application for funds and provide the Secretary with timely comments on the need within the State for the proposed program and whether the proposed program is consistent with the State's plan, either approved or being developed, under Title III of the Goals 2000: Educate America Act, or, if the State does not have an approved plan under Title III of the Goals 2000: Educate America Act and is not developing such a plan, with the State plan under section 1111 of the ESEA.

Section 7101(j) would require each recipient of a grant under section 7101 to use its grant in ways that will build its capacity to continue to offer high quality bilingual education programs and services to limited English proficient children and youth once Federal assistance is reduced or eliminated. Section 7101(j) would require the Secretary, in making awards under this part for any fiscal year and consistent with the quality of applications and the amount of funds available under this part, to increase the amount of funds used to support grants under subsections (c) and (d) over the amount allotted to subsections (c) and (d) and in previous fiscal year.

Section 7101(k) would authorize an LEA that receives a grant under this section to collaborate or form a consortium with one or more LEAs, IHEs, and non-profit organizations to carry out the approved program.

Section 7101(l) would authorize an LEA that receives a grant under this section, with the approval of the Secretary, to make a subgrant to, or enter into a contract with, an institution of higher education, a non-profit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

Section 7101(m) would require that parents of limited English proficient children and youth identified for enrollment in bilingual education programs shall be informed by their school district of the benefits and nature of bilingual education and of instructional alternatives and the reasons for the selection of their child as being in need of bilingual education. This subsection also provides that parents must be informed that they have the option of declining enrollment of their child in bilingual education. A decision by a parent to decline enrollment in bilingual education would not, however, relieve an LEA of its obligations under Title VI of the Civil Rights Act of 1964. Parents would have to receive, in a manner and form understandable to them, including, if necessary and to the extent feasible, in their native language, the information required by this subsection. At a minimum, parents would have to receive: (1) timely information about projects funded under this Part; and (2) if the parents of participating children so desire, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.

Section 7101(n) would provide that programs authorized under section 7101 in the Commonwealth of Puerto Rico may include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for children and youth of limited Spanish proficiency.

Part B—Research and Evaluation

Section 7201. Use of funds. Proposed section 7201 of the ESEA would state that the Secretary is authorized to conduct data collection, dissemination, research, and evaluation activities for the purpose of improving bilingual education programs for limited English proficient children and youth.

Section 7202. Research. Proposed section 7202(a) of the ESEA would authorize the Secretary to make grants and award contracts and cooperative agreements for research and evaluation activities related to improving and maintaining high quality of bilingual education programs. Section 7202(b) would require the Secretary to consult with agencies and organizations engaged in bilingual education research and practice, or related research, to identify areas of study to be funded under this section.

Section 7203. Academic excellence awards. Proposed Section 7203(a) of the ESEA would authorize the Secretary to make grants to, and enter into contracts and cooperative agreements with, LEAs, non-profit organizations, and IHEs to promote the adoption and implementation of bilingual education programs that demonstrate great promise of assisting children and youth of limited English proficiency to meet challenging State standards.

Section 7203(b) would require an entity desiring an award under this section to submit an application to the Secretary. The Secretary, in reviewing these applications, would be required to use a peer review process that applies effectiveness criteria prescribed by the Secretary.

Section 7203(c) would require funds under this section to be used to enhance the capacity of States and local education agencies to provide high quality academic programs for children and youth of limited English proficiency, which may include completing the development of such programs, professional development of staff participating in bilingual education programs, sharing strategies and materials, and supporting professional networks.

Section 7203(d) would require recipients of funds under this section to coordinate their activities with those carried out by the comprehensive regional centers under section 2205 of the ESEA.

Section 7204. State grant program. Proposed section 7204(a) of the ESEA would authorize the Secretary to make an award to an SEA that demonstrates, to the satisfaction of the Secretary, that its approved plan under Title III of Goals 2000: Educate America Act (by amendment, if necessary), if such plan exists, or, if such plan does not exist, its plan under section 1111 of the ESEA, effectively provides for the education of children and youth of limited English proficiency within the State.

Section 7204(b) would limit the amount paid to an SEA under subsection (a) to an amount not to exceed 10 percent of the total amount awarded to LEAs in the State under Part A of this Title for the previous fiscal year, if the State submits to the Secretary a plan that: (1) is integrated with the State's plan, either approved or being developed, under Title III of Goals 2000: Educate America Act, and satisfies (by amendment, if necessary) the requirements of this section that are not already addressed by that State plan; or (2) if the State does not have an approved plan under Title III of Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under the ESEA.

Section 7204(c) would authorize an SEA to use program funds to: (1) assist LEAs in the State with program design, capacity building, assessment of student performance, and program evaluation; (2) operate a bilingual education advisory panel; and (3) collect data concerning limited English proficient children and youth. This subsection would also prohibit recipients of awards under this section from restricting the provision of services under this section to Federally-funded programs.

Section 7204(d) would require each SEA receiving funds under this section to appoint a broad-based bilingual education advisory panel to develop and recommend to the SEA guidelines for reviewing, and providing the Secretary with comments regarding, applications from within the State for funds under Parts A and C of this Title.

Section 7204(e) would require an SEA desiring to receive an award under this section to submit an application to the Secretary.

Section 7205. National Clearinghouse for Bilingual Education. Proposed section 7205 of the ESEA would require the Secretary to establish and support the operation of a National Clearinghouse for Bilingual Education, which shall collect, analyze, synthesize, and disseminate information about bilingual education. The National Clearinghouse for Bilingual Education would be required to: (1) coordinate its activities with other Federal data and information clearing houses and dissemination networks and systems; and (2) develop a data base management and monitoring system for improving the operation and effectiveness of funded programs.

Section 7206. Evaluations. Proposed section 7206(a) of the ESEA would require each recipient of funds under Part A to provide the Secretary, every two years, with an evaluation, in the form prescribed by Secretary, of its program. Such evaluation would have to be used by the grantee for program improvement, to further define the local program's goals and objectives, and to determine program effectiveness. Section 7206(a) would also require such evaluations to include: (1) student outcome indicators that measure progress toward the performance standards set out in the State's plan, either approved or being developed, under Title III of Goals 2000: Educate America Act, or, if the State does not have an approved plan under Title III of Goals 2000: Educate America Act and is not developing such a plan, with the State plan approved or being developed under section 1111 of the ESEA; (2) program implementation indicators that provide information for informing and improving program management and effectiveness; (3) program context indicators that describe the relationship of the activities funded under the grant to the overall school program and other Federal, State, or local programs serving limited English proficient children and youth; and (4) other information required by the Secretary.

Section 7206(b) would require each recipient of funds under Part C to provide the Secretary with an evaluation of its program, every two years, that includes data on post-placement of persons trained, how the training relates to the employment of persons served by the program, program completion, and other information required by the Secretary.

Part C—Professional development

Section 7301. Purpose. Proposed section 7301 of the ESEA would state that the purpose of Part C is to improve the quality of instruction for limited English proficient children and youth in two ways. First, through professional development programs designed: (1) for persons preparing to serve limited English proficient children and youth; (2) to improve the skills of persons currently serving limited English proficient children and youth; and (3) for other staff in schools serving limited English proficient children and youth. Second, by disseminating information on appropriate instructional practices and activities for limited English proficient children and youth to other school personnel, including teachers not currently serving such children and youth.

Section 7302. Professional development grants. Proposed section 7302(a) of the ESEA would authorize the Secretary to make grants to IHEs for: (1) pre-service and in-service professional development for individuals who either are involved in, or preparing to be involved in, the education of limited English proficient children and youth; and (2) national professional development institutes that assist schools or departments of education in institutions of higher education to improve the quality of professional development programs for personnel serving, preparing to serve, or who may serve, limited English proficient children and youth.

Section 7302(b) would authorize the Secretary to make grants to SEAs and LEAs for in-service professional development programs that prepare current school personnel to provide effective services to limited English proficient students.

Section 7302(c) would authorize awards under section 7302 to be used to develop a program participant's competence in a second language.

Section 7302(d) would require an IHE, LEA, or SEA desiring an award under this section to submit, through its SEA, an application. Each application would have to contain a description of how the applicant has consulted with, and assessed the needs of, public and private schools serving limited English proficient children and youth to determine their need for and the design of the program for which the funds are sought. Each application for a grant under this section from an applicant who proposes to conduct a masters or doctoral level program with funds received under this section would be required to provide an assurance that such a program will include, as a part of the program, a training practicum in a local school program serving limited English proficient children and youth. The practicum requirement could be waived by a grantee if the degree candidate has significant experience in a local school program serving limited English proficient children and youth. Also, section 7302(d)(4) would require, in order for an eligible applicant to apply for funds under this part, its SEA to review such application for funds and provide the Secretary with timely comments on the need within the State for the proposed program and whether the proposed program is consistent with the State's plan, either approved or being developed, under Title III of the Goals 2000: Educate America Act, or, if the State does not have an approved plan under Title III of the Goals 2000: Educate America Act and is not developing such a plan, with the State plan under section 1111 of the ESEA and section 2125 of this Act.

Section 7303. Fellowships. Proposed section 7303(a) of the ESEA would authorize the Secretary to award fellowships for masters, doctoral, and post-doctoral study related to instruction of limited English proficient children and youth in such areas as teacher training, program administration, research, evaluation, and curriculum development, and for the support of related dissertation research.

Section 7303(b) would require any person receiving a fellowship under this section to agree to work in an activity related to the program, or in an activity such as those authorized under the program, for a period of time equivalent to the period of time during which such person received assistance under this section, or to repay that assistance. Section 7303(b) would also require the Secretary to establish, in regulations, the terms and conditions for granting a waiver of this requirement in extraordinary circumstances.

Section 7304. Stipends. Proposed section 7304 of the ESEA would require the Secretary to provide for the payment of stipends, that the Secretary considers appropriate, to persons participating in training programs under this Part.

Part D—Emergency Immigrant Education Program

Section 7401. Purpose. Proposed section 7401 of the ESEA would state that the purpose of Part D is to assist eligible State and local educational agencies that experience unexpectedly large increases in their student population due to immigration to: (1) provide high-quality instruction to immigrant children and youth; and, (2) help such children and youth with their transition into American society, and meet the same challenging State performance standards expected of all children and youth.

Section 7402. Emergency immigrant education grants. Proposed section 7402(a) of the ESEA would authorize the Secretary to make grants, for a period of up to two years, to eligible local educational agencies to: (1) develop new instructional programs for immigrant children and youth; (2) enhance or expand existing instructional programs for immigrant children and youth; and (3) meet the short-term needs of local educational agencies without instructional programs for immigrant children and youth.

Section 7402(b) would state that, for the purpose of this Part, an eligible local educational agency is a local educational agency that has enrolled, in the aggregate, over the current school year and the preceding school year at least 1000 immigrant children and youth, or immigrant children and youth in numbers that represent at least 10 percent of the local educational agency's total enrollment.

Section 7402(c) would require an eligible local educational agency desiring to receive a grant under this Part to submit an application to the Secretary. Each application would be required to describe: (1) the need for the proposed program, including data on the number of the immigrant children and youth in the districts to be served and their characteristics, such as language spoken, dropout rates, proficiency in English and the native language, and academic standing in relation to their English proficient peers; and (2) the program to be implemented and how its design relates to the linguistic and academic needs of the immigrant children and youth to be served, and is consistent with, and promotes the goals in, its plan under Title III of Goals 2000: Educate America Act, if such plan exists, and its plan under section 1112 of the ESEA. Each application would also have to provide an assurance that the applicant will not reduce the level of State and local funds that it expends for instructional programs for immigrant children and youth if it receives an award under this Part.

Section 7402(d) would require funds awarded under this Part to be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include: (1) parent outreach and training activities designed to assist parents to become active participants in the education of their children; (2) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth; (3) tutorials and academic or career counseling for immigrant children and youth; (4) identification and acquisition of curricular materials, educational software, and technologies to be used in the program; and (5) such other related activities that the Secretary may authorize.

Section 7402(e) would authorize an LEA that receives a grant under this Part to collaborate or form a consortium with one or more LEAs, IHEs, and non-profit organizations to carry out the approved program.

Section 7402(f) would authorize an LEA that receives a grant under this Part, with the approval of the Secretary, to make a subgrant to, or enter into a contract with, an IHE, a non-profit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

Part E—Administration

Section 7501. Coordination with related programs. Proposed section 7501 of the ESEA would state that, to maximize the effectiveness of Federal efforts to serve the educational needs of limited English proficient children and youth, the Secretary shall coordinate and ensure close cooperation with other programs administered by the Department of Education.

Section 7502. Report on bilingual education. Proposed section 7502 of the ESEA would require the Secretary, within three years of the date of enactment of the Improving America's Schools Act of 1993, and every third year thereafter, to submit to the Congress a report on the condition of bilingual education, including certain specified information.

Section 7503. State educational agency recommendations; peer review. Proposed section 7503(a) of the ESEA would require the Secretary, in making awards under Parts A and C of this Title, to take SEA recommendations into account.

Section 7503(b) would authorize the Secretary, in making funding decisions under Parts A, C, and D of this Title and continuation grants under Part A and C of this Title, to solicit recommendations from peer review panels composed of individuals experienced in aspects of the education of limited English proficient and immigrant students. Section 7503(b) would also authorize the Secretary to use up to .2 percent of the funds appropriated for each fiscal year for programs authorized under Title VII for peer review.

Part F—Special rule

Section 7601. Special rule. Section 7601 would state that, notwithstanding any other provision of Title VII, no recipient of a grant under Title VII of this Act as in effect prior to the enactment of the Improving America's Schools Act of 1993, shall be eligible for fourth- and fifth-year renewals authorized by section 7021(d)(1)(C) of this Title as in effect prior to such enactment.

ESEA, TITLE VIII—IMPACT AID

Proposed Title VIII of the ESEA would amend and replace, in its entirety, the Act of September 30, 1950 (Public Law 81–874, "the Act"), which authorizes maintenance and operations assistance to LEAs serving federally connected children or affected by various Federal activities. A complete restatement of the Impact Aid statute is appropriate because the current Act is needlessly complex, contains numerous obsolete provisions, and authorizes certain types of financial assistance that are no longer warranted. The bill would substantially simplify the Impact Aid statute, while retaining its basic features and structure.

Other provisions of the bill would repeal P.L. 81–874 and the other Impact Aid statute, P.L. 81–815, which authorizes various construction assistance to LEAs affected by Federal activities. Certain features of that statute would be retained in the new Title VIII of the ESEA.

Finally, Title VIII would not include authority like that in current section 6 of P.L. 81–874, which authorizes the Secretary to make arrangements for the education of children residing on Federal property when State and local funds cannot be spent for this purpose or no LEA is able to provide a suitable free public education. For several years, section 6 has been administered by the Department of Defense (DOD), rather than the Department of Education, and DOD will submit separate legislation to continue its authority in this area.

Section 8001. Findings. Proposed section 8001 of the ESEA would state the congressional findings that: (1) certain activities of the Federal Government place a financial burden on the LEAs serving areas where such activities are carried out; and (2) it is the shared responsibility of the Federal Government, the States, and LEAs to provide for the education of children connected to those activities. These findings clarify and otherwise improve on language in section 1(a) of the current Act.

Section 8002. Purpose. Proposed section 8002 of the ESEA would state that, in order to fulfill the Federal responsibility to assist with the provision of educational services to federally connected children, and to help them meet challenging State standards, it is the purpose of Title VIII to provide financial assistance to LEAs that: (1) educate children who reside on Federal property and whose parents are employed on Federal property; (2) experience sudden and substantial increases in enrollments because of military realignments; or (3) need assistance with capital expenditures for construction activities because of the enrollments of substantial numbers of children who reside on Indian lands.

This statement of purpose replaces language in section 1(a) (1) through (4) of the current Act and reflects such significant features of the bill as the termination of payments under current section 2 (Federal property) and section 3(b) (children who either live on Federal property or whose parents work on Federal property, but not both); new authority to make payments for substantially increased enrollments caused by consolidation of military bases; and the replacement of the school construction program under Public Law 81–815 with a new program for the support of construction activities in Title VIII.

Section 8003. Payments for eligible children. Proposed section 8003(a) of the ESEA would describe the federally connected children on behalf of whom the Secretary would make payments to LEAs. For each fiscal year, the Secretary would determine the number of children who were in average daily attendance (ADA) in the schools of those LEAs, and for whom those LEAs provided free public education, during the preceding school year and who, while in attendance at those schools: (1) resided on Federal property with a parent employed on Federal property located, in whole or in part, within the boundaries of the school district of such agency; (2)

resided on Federal property and had a parent on active duty in the uniformed services (defined in section 101 of Title 37, United States Code, to include each of the Armed Forces, the National Oceanic and Atmospheric Administration, and the Public Health Service); or (3) resided on Indian lands, as defined in section 8012(6) of Title VIII.

The revised Impact Aid statute would not authorize payments to LEAs on behalf of children who either reside on, or whose parents are employed on, Federal property, but not both; or who have a parent on active duty in the military, but do not reside on Federal property. These so-called "b" children are not a significant burden to the districts that educate them. Section 8003(a) (current section 3(a)) would also exclude from eligibility children whose parents cross LEA lines to work on Federal property elsewhere in the same State. The presence of these children has no greater adverse impact on the local tax base than the employment of a child's parent on private property outside the LEA, and does not warrant Federal assistance.

Subsection (a) would base the count of federally connected children, from which an LEA's payment is computed, on the ADA of those children in the year preceding the year for which the Secretary makes the payment. The Act currently bases the child count on the current fiscal year. This change will enhance LEA planning and will enable the Secretary to make full payments to LEAs earlier in the school year than is possible under the current Act. Conforming language would be included in other provisions of Title VIII.

Subsection (b) would establish a formula for determining the amount of Impact Aid funds for which each LEA would be eligible. This simplified formula would be a major improvement over the extremely complex approach, involving special payment provisions for numerous categories of children and LEAs, in the current Act.

Under subsection (b)(2), the amount for which an LEA would be eligible would be determined by multiplying the following three figures: (1) the total number of federally connected children determined under subsection (a) for the LEA, with each child residing on Indian lands counted as 1.25 children; (2) the average per-pupil expenditure (APPE) of LEAs in the State for the third preceding fiscal year; and (3) the local contribution percentage for the third preceding fiscal year. The Secretary would determine the APPE and the local contribution percentage in accordance with the definitions of those terms in sections 8012(2) and 8012(7), respectively. The additional weight attached to children residing on Indian lands, which is comparable to the treatment of these children under the current Act, recognizes the generally high costs incurred by, and the scarce fiscal resources available to, LEAs serving those children.

Section 8003 would not retain the current LEA eligibility threshold of 400 federally connected children or three percent of the LEA's ADA. This will allow any LEA with federally connected children (i.e., "a" children) to receive a payment, and will ensure that the many LEAs that currently rely on a combination of "a" and "b" children to meet that threshold will continue to be compensated for their "a" children.

Subsection (b)(3) would direct the Secretary to ratably reduce the annual payment to each LEA if the amount appropriated for those payments is insufficient to pay each LEA the full amount for which it is eligible. This would be a significant simplification of the current statutory scheme for adjustments to payments in cases of insufficient appropriations.

Subsection (c) would authorize supplemental payments to those LEAs whose federally connected children include children with disabilities who either have a parent on active duty in the uniformed services or reside on Indian lands. In addition to counting these children for the purpose of making basic payments under section 8003(b), paragraphs (1) and (2) of section 8003(c) would direct the Secretary to make supplemental payments to these LEAs using the same formula as used for basic payments, but counting only those children with disabilities, disregarding the extra weighting for children residing on Indian lands, and using a factor of 50, rather than 100, percent of average per-pupil expenditure. Funds for these supplemental payments would be separately appropriated under section 8013(b). Paragraph (3) would direct the Secretary to ratably reduce the annual payment to each LEA if the amount appropriated for those payments is insufficient to pay each LEA the full amount for which it is eligible. Paragraph (4) would require an LEA to use any supplemental funds it receives under this subsection to provide a free appropriate public education to children with disabilities described above, in accordance with Part B of the Individuals with Disabilities Education Act. This requirement is taken from section 5(f) of the current Act.

Subsection (d) would provide for an equitable transition to the new statute for those LEAs that remain eligible for payments, but whose payments would sharply decrease under the new payment provisions. Subsection (d)(1) would afford some protection to such an LEA by guaranteeing it a combined basic and supplemental payment for fiscal year 1995 that is at least 80 percent of the amount it received for "a" children for fiscal year 1994 under Public Law 81–874. This percentage would decrease to 60 percent for fiscal year 1996 and to 40 percent for fiscal year 1997. Subsection (d)(2) would direct the Secretary to reduce basic payments to other LEAs, if necessary in order to pay these "hold-harmless" amounts.

Section 8004. Policies and procedures for children residing on Indian lands. Proposed section 8004(a) of the ESEA would require any LEA that claims children residing on Indian lands for the purpose of receiving funds under section 8003 of the Act to establish policies and procedures to ensure that: (1) those children participate in programs and activities supported by such funds on an equal basis with all other children; (2) parents of those children and Indian tribes are afforded an opportunity to present their views on those programs and activities, including an opportunity to make recommendations on the needs of those children and how they may help those children realize the benefits of those programs and activities; (3) parents and Indian tribes are consulted and involved in planning and developing such programs and activities; (4) relevant applications, evaluations, and program plans are disseminated to the parents and Indian tribes; and (5) parents and Indian tribes are afforded an opportunity to present their views on the agency's general educational program. The requirement to establish these policies and procedures is very similar to the requirements of current section 5(b)(3)(A) and (B) of the Act.

Subsection (b) would require each such agency to maintain records demonstrating its compliance with subsection (a).

Subsection (c) would excuse any such agency from the requirements of subsections (a) and (b) for any year with respect to any Indian tribe from which it has received a written statement that the agency need not comply with those subsections because the tribe is satisfied with the agency's provision of educational services to those children.

Subsection (d)(1) would require the Secretary to provide technical assistance to LEAs, parents, and Indian tribes to enable them to carry out section 8004. Subsection (d)(2) would direct the Secretary to enforce section 8004 through whatever actions, which could include the withholding of funds, the Secretary finds appropriate, after providing the LEA, parents, and affected Indian tribes an opportunity to present their views. This flexible approach would replace the excessively detailed and prescriptive requirements described in section (5)(b)(3)(C) through (E) of the current Act.

Section 8005. Applications for payments under section 8003. Section 8005 of the ESEA would establish requirements for filing and acting on applications for payments under section 8003 that are very similar to the provisions in section 5(a) of the current Act.

Subsection (a) would require any LEA wishing to receive a payment under section 8003 to file an application with the Secretary and provide a copy of its application to the SEA.

Subsection (b) would require that each such application be submitted in such form and manner, and contain such information, as the Secretary may require, including information to determine the LEA's eligibility for a payment and the amount of any such payment; and, where applicable, an assurance that the LEA is in compliance with section 8004 of the Act, relating to children residing on Indian lands.

Subsection (c)(1) would require the Secretary to establish deadlines for the filing of applications under this section. Subsection (c)(2) would require the Secretary to approve each application that is filed by the applicable deadline and that otherwise meets the requirements of the Act. Subsection (c)(3) would require the Secretary to approve an application, filed up to 60 days after a deadline, that otherwise meets the requirements of Title VIII, except that, notwithstanding any other provision of Title VIII (including the "hold harmless" language in section 8003(d)), the Secretary would reduce the payment based on a late application by ten percent of the amount that would otherwise be paid. Finally, subsection (c)(4) would bar the Secretary from accepting or approving any application filed more than 60 days after a deadline established under paragraph (1).

Section 8006. Sudden and substantial increases in attendance of military dependents. Proposed section 8006 of the ESEA would create a new authority to help relieve the burden on LEAs caused by the consolidation of military bases. Funds to carry out this section would be separately authorized by section 8013(c).

Under subsection (a), an LEA would be eligible for a payment under section 8006 if it has experienced both: (1) an increase in average daily attendance (ADA) of at least ten percent or 100 students over the previous year; and (2) an increase of at least ten percent or 100 students in ADA of military dependents resulting from the assignment of their parent to a new duty station between July 1 and September 30 of the current year, as certified by an appropriate local official, such as a base commander, of the Department of Defense.

Subsection (b) would require any LEA that wishes to receive a payment under this section to file an application with the Secretary by October 15 of the current school year, in such manner and containing such information as the Secretary may prescribe, including information demonstrating that the LEA is eligible for such a payment.

Subsection (c) would base each eligible LEA's payment on whichever increase in ADA from the previous to the current year is smaller: the increase for all students, as described in subsection (a)(1), or the increase in military dependents, as described in subsection (a)(2).

Under subsection (d), the Secretary would determine the amount of eligible LEAs' payments under section 8006 by allocating available funds among them in accordance with their respective ADA increases determined under subsection (c). The funds available would include any funds that were available to, but not used by, the Secretary under this section for previous years. The maximum payment for any fiscal year, however, could not be more than $200 for each eligible child included in the ADA increase.

Section 8007. Capital construction. Proposed section 8007 of the ESEA would create a new authority, replacing Public Law 81–815, to help meet the school construction costs of LEAs in which children who reside on Indian lands constitute at least half the student enrollment. Unlike the current system, eligible LEAs would not need to apply for funding for a specific project or compete with other LEAs for assistance. Funds for this purpose would be separately authorized by section 8013(d) of the Act.

Under subsection (a), an LEA would be eligible for construction assistance if it receives a basic payment under section 8003(b) and if children residing on Indian lands (as determined under section 8003(a)) constituted at least 50 percent of the LEA's ADA during the preceding school year.

Under subsection (b), each eligible LEA would receive a proportionate share of the appropriations available for that fiscal year, based solely on its number of federally connected children. In order to avoid duplicate funding, however, the Secretary would disregard any children attending a school that is provided or assisted by the Secretary under current section 10 of Public Law 81–815 or section 8008 of the new Title VIII (discussed below).

Subsection (c) would require an LEA that receives funds under section 8007 to use those funds for construction activities. The term "construction" would be defined by section 8012(3) to mean: (1) the preparation of drawings and specifications for school facilities; (2) erecting, building, acquiring, altering, remodeling, repairing, or extending school facilities; (3) inspecting and supervising the construction of school facilities; and (4) debt service for any of these activities.

Section 8008. Minimum school facilities assisted by the Secretary. Proposed section 8008(a) of the ESEA would authorize the Secretary to continue to provide assistance for school facilities provided by the Secretary under section 10 of Public Law 81–815 as currently in effect. (Section 10 of P.L. 81–815 directs the Secretary to make arrangements for constructing or otherwise providing school facilities for children who reside on Federal property if legal or other reasons prevent the LEA from spending State or local funds on the education of federally connected children.) Funds for this purpose would be separately authorized by section 8013(e).

Subsection (b) would direct the Secretary, as soon as practicable, to transfer to the LEA or another appropriate entity all the right, title, and interest of the United States in and to each facility provided under section 10 of Public Law 81–815, or under sections 204 or 310 of Public Law 81–874 as in effect on January 1, 1958. Any such transfer would be without charge to the LEA or other entity and would be subject to such terms and conditions as the Secretary finds appropriate.

Section 8009. State consideration of payments in providing State aid. Proposed section 8009 of the ESEA would govern the relationship of Impact Aid payments to State programs of aid to education, and would replace current section 5(d) of the Act with a more rational and understandable approach.

Subsection (a)(1) would prohibit a State from considering Impact Aid payments in determining, for any fiscal year, the eligibility of any LEA for State aid for free public education or the amount of that aid. Subsection (a)(2) would prohibit a State from making such aid available to LEAs in a manner that results in less State aid to any LEA that is eligible for such a payment that it would receive if it were not eligible.

Subsection (b) would provide a limited exception to the prohibition in subsection (a). Subsection (b)(1) would allow a State to reduce State aid to an LEA that receives a basic payment under section 8003(b) for any fiscal year if the Secretary determines, and certifies under this section, that the State has in effect a program of State aid that equalizes expenditures for free public education among LEAs in the State.

Subsection (b)(2) would provide that a program of State aid equalizes expenditures among LEAs if, in the second preceding fiscal year, the amount of per-pupil expenditures made by, or per-pupil revenues available to, the LEA in the State with the highest such per-pupil expenditures or revenues did not exceed the amount of such per-pupil expenditures made by, or per-pupil revenues available to, the LEA in the State with the lowest such expenditures or revenues by more than 25 percent. In determining whether a State's program falls within the acceptable 25 percent disparity, the Secretary would disregard LEAs with per-pupil expenditures or revenues above the 95th percentile, and would take into account the extent to which the program of State aid reflects the additional cost of providing free public education in particular types of LEAs, such as those that are geographically isolated, or to particular types of students, such as children with disabilities.

If the Secretary determines that the State has substantially revised its program of State aid, subsection (b)(3) would allow the Secretary to certify the program for any fiscal year only if: (1) the Secretary determines, on the basis of projected data, that the State's program will meet the 25 percent disparity standard described in subsection (c)(2) in that fiscal year; and (2) the State provides an assurance to the Secretary that, if final data do not demonstrate that the State's program met that standard for that year, the State will pay to each affected LEA the amount by which it reduced State aid to the LEA on the basis of that certification.

Subsection (c) would establish the procedures for Secretarial review of State equalization plans. Subsection (c)(1) would require any State that wishes to consider payments under section 8003(b) in providing State aid to LEAs to submit to the Secretary, not later than 120 days before the beginning of the State's fiscal year, a written notice of its intention to do so. This notice would have to be in the form and contain the information the Secretary requires, including evidence that the State has notified each LEA in the State of its intention to consider those payments in providing State aid. Subsection (c)(2) would require the Secretary to afford the State, and LEAs in the State, an opportunity to present their views before determining whether the State's plan meets the 25 percent disparity standard of subsection (b).

If the Secretary determines that a program of State aid qualifies under that standard, subsection (c)(3) would direct the Secretary to certify the program and so notify the State, and afford an opportunity for a hearing to any LEA adversely affected by the certification. If the Secretary determines that the State aid program does not qualify, the Secretary would notify the State and afford an opportunity for a hearing to the State and to any LEA adversely affected by that determination.

Subsection (d)(1) would permit a State whose program of State aid has been certified by the Secretary to reduce the amount of State aid provided to an LEA that receives a payment under section 8003(b). The reduction could be taken in proportion to the degree to which the State aid program is equalized. For example, if the disparity between LEAs in the State, as determined under subsection (b), is 15 percent, the State could reduce the State aid payment to an Impact Aid LEA by 85 percent (100 minus 15) of the Impact Aid payment. In no case, however, could a State make such reductions before its program of State aid has been certified by the Secretary.

Subsection (e)(1) would authorize the Secretary or any aggrieved LEA, without exhausting administrative remedies, to bring an action in United States district court against any State that engages in conduct prohibited by section 8009 or fails to carry out an assurance that it will reimburse LEAs whose State aid payments it reduced in expectation that a substantially revised State aid program would meet section 8009's maximum disparity standard. Subsection (e)(2) would provide that a State would not be immune under the 11th Amendment to the Constitution of the United States from such action. Subsection (e)(3) would direct the court to grant such relief, other than monetary damages, as it determines is appropriate, which could include attorney's fees to a prevailing LEA.

Section 8010. Federal administration. Proposed section 8010(a) of the ESEA would retain the requirement of the first sentence of current section 5(b)(1) of the Act that the Secretary round any Impact Aid payments to the nearest whole dollar amount.

Subsection (b) would retain the requirement of current section 402(b) of the Act that each Federal agency administering Federal property on which children reside, and each agency principally responsible for an activity that may Impact Aid assistance, comply, to the maximum extent practicable, with requests of the Secretary for information the Secretary may need to carry out the Impact Aid program.

Section 8011. Administrative hearings and judicial review. Proposed section 8011 of the ESEA would provide for administrative hearings and judicial review of the Secretary's actions under Title VIII.

Subsection (a), which is similar to section 5(g) of the current Act, would require the Secretary to provide an administrative hearing, in accordance with the Administrative

Procedure Act (APS) to any LEA or State that is adversely affected by any action of the Secretary under Title VIII. This entails a hearing on the record before an administrative law judge.

Subsection (b) would change current law by providing for direct judicial review of the Secretary's final decisions in the U.S. Courts of Appeals, rather than in the district courts, as under current law. This change will make the Impact Aid review procedures consistent with those procedures under other Federal programs of elementary and secondary education and under Part E of the General Education Provisions Act.

Subsection (b)(1) would authorize any LEA or any State aggrieved by the Secretary's final decision following an agency proceeding under subsection (a) to file a petition for review of that action with the United States court of appeals for the circuit in which the agency or State is located, within 60 days after receiving notice of the decision. The clerk of the court would be required promptly to transmit a copy of the petition to the Secretary. The Secretary would be directed to then file in the court the record of the proceedings on which the Secretary's action was based, as provided in section 2112 of Title 28, United States Code.

Under subsection (b)(2), the findings of fact by the Secretary, if supported by substantial evidence, would be conclusive, but the court, for good cause shown, could remand the case to the Secretary to take further evidence. The Secretary could thereupon make new or modified findings of fact and could modify his or her previous action, and would file in the court the record of the further proceedings. Any new or modified findings of fact would likewise be conclusive if supported by substantial evidence.

Subsection (b)(3) would give the court exclusive jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court would be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of Title 28, United States Code.

Section 8012. Definition. Proposed section 8012 of the ESEA would define the following terms as used in the Act: "Armed Forces", "average per-pupil expenditure", "construction", "Federal property", "free public education", "Indian lands", "local contribution percentage", "local educational agency", and "school facilities". In general, these definitions are taken from section 3(d)(3)(D)(ii) and 403 of the current Act and from section 15 of Public Law 81-815.

Section 8013. Authorization of appropriations. Proposed section 8013 of the ESEA would authorize the appropriation of such sums as may be necessary to carry out the various provisions of Title VIII for each of the fiscal years 1995 through 1999.

Subsection (a) would authorize appropriations for basic payments under section 8003(b).

Subsection (b) would authorize appropriations for supplemental payments, under section 8003(c), for children with disabilities.

Subsection (c) would authorize appropriations for payments, under section 8006, for substantial increases in average daily attendance due to the enrollment of children of military personnel.

Subsection (d) would authorize appropriations for payments, under section 8007, for construction.

Subsection (e) would authorize appropriations to assist school facilities under section 8008.

ESEA TITLE IX—GENERAL PROVISIONS

Part A—Definitions

Section 9101. Definitions. Proposed section 9101 of the ESEA would set forth the general definitions of the ESEA. Among the more important terms defined are "average daily attendance", "average per-pupil expenditure", "covered program", and "current expenditures".

Section 9102. Applicability of this Title. Proposed section 9102 of the ESEA would provide that Parts B through F of this title would not apply to Title VIII of the ESEA, concerning impact aid.

Part B—Flexibility in the use of administrative and other funds

Section 9201. Consolidation of State administrative funds for elementary and secondary education programs. Proposed section 9201(a) of the ESEA would authorize an SEA to consolidate the amounts specifically made available to it for State administration under one or more of the programs in Title I of the ESEA and those specified in sections 9101(7)(C) (professional development) and (D) (safe and drug-free schools) of the ESEA. The purpose of this provision is to provide States with greater flexibility in the use of administrative funds, to achieve burden reduction, and to encourage coordinated State administration under the ESEA.

Section 9201(b) would require an SEA to use these consolidated State administration funds for the administration of the programs included in the consolidation. This section would also permit an SEA to use these consolidated State administration funds for administrative activities designed to enhance the effective and coordinated use of funds under such programs, such as: (1) the coordination of programs specified in section 9201(a) with other Federal and non-Federal programs and activities, including State reform efforts; (2) the establishment and operation of peer-review mechanisms under the ESEA; (3) the administration of activities under this title; (4) the dissemination of information regarding model programs and practices; and (5) technical assistance.

Section 9201(c) would relieve SEAs that consolidate administrative funds under this section from keeping separate records, by individual program, to account for costs relating to the administration of these programs.

Section 9201(d) would authorize the Secretary to periodically review the performance of SEAs in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of such administration.

Section 9201(e) would authorize the SEA to use unused consolidated administration funds as program funds under a covered program during the applicable period of availability.

Section 9202. Single local education agency States. Proposed section 9202 of the ESEA would require a State that is a single LEA to describe, in its applications or State plans submitted to the Secretary under the ESEA, how it will eliminate duplication in the conduct of administrative functions.

Section 9203. Consolidation of funds for local administration. Proposed section 9203(a) of the ESEA would authorize an LEA to consolidate and use for the administration of one or more covered programs for any fiscal year not more than the percentage, determined by its SEA, of the total amount available to that LEA under those programs.

Section 9203(b) would require an SEA, within one year of enactment of the Improving America's Schools Act of 1993 and in collaboration with LEAs in the State, to establish procedures for responding to requests from LEAs to consolidate administrative funds under this section and for establishing limitations on the amount of funds under one or more covered programs that may be used for administration on a consolidated basis.

Section 9203(c) would prohibit LEAs that consolidate administrative funds under this section for any fiscal year from using any other funds under the program included in the consolidation for administration for that fiscal year.

Section 9203(d) would allow an LEA that consolidates administrative funds under this section to use these funds for the administration of covered programs and for the purposes described in section 9201(b)(2).

Section 9203(e) would free LEAs that consolidate administrative funds under this section from keeping separate records, by individual program, to account for costs relating to the administration of covered programs included in the consolidation.

This section, as well as section 9204, is designed to provide greater flexibility to local agencies in the use of administrative funds and to reduce recordkeeping burdens, thereby permitting local officials to spend more time on education-related activities. These sections are also designed to direct more funds to instructional services by establishing or encouraging the use of appropriate limitations on local administrative expenses.

Section 9204. Administrative funds study. Proposed section 9204(a) of the ESEA would authorize the Secretary to conduct a study of the use of funds under the Act by SEAs and LEAs for the administration of covered programs, including the percentage of grant funds used for this purpose in covered programs. This section also would allow the Secretary, based on the results of such study, to publish regulations or guidelines regarding the use of funds for local administration under those programs, including the use of such funds on a consolidated basis and limitations on the amount of such funds that may be used for administration.

Section 9204(b) would require the Secretary to submit to the President and the appropriate committees of the Congress a report regarding the study, if any, conducted under the section within 30 days of its completion.

Section 9205. Consolidated set-aside for Department of the Interior funds. Proposed section 9205 of the ESEA would require the Secretary to transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under Part A of Title VI of the ESEA, and the education for homeless children and youth program under Subtitle B of Title VII of the Stewart B. McKinney Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs. This section would require the Secretary and the Secretary of the Interior to enter into an agreement, consistent with the requirements of the programs specified, for the distribution and use of those funds under terms that the Secretary determines best meet the purposes of the covered programs. This agreement, which would be developed in consultation with Indian tribes, would contain the plans of the Secretary of the Interior for the use of the amount transferred, the steps to be taken to achieve the National Education Goals, and performance measures to assess program effectiveness, including measurable goals and objectives.

Section 9205(b) would authorize the Department of the Interior to use up to 1.5 percent of the funds consolidated under this section for its costs related to the administration of funds transfered under this section.

Section 9206. Schoolwide programs. Proposed section 9206 of the ESEA parallels section 1114 of the ESEA and would allow a school, in accordance with that section, to use funds received under any noncompetitive, formula-grant program administered by the Secretary, except a program under the Individuals with Disabilities Education Act, and any discretionary program contained on a list (updated as necessary) issued by the Secretary, to support a schoolwide program, notwithstanding any provision of the statute or regulations governing any such program.

Section 9207. Availability of unneeded program funds. Proposed section 9207 of the ESEA would allow an LEA, with the approval of its SEA, to use funds under a covered program (other than part A of Title I of the ESEA) that are not needed for the purposes of that program (not to exceed five percent of the total amount of its funds under that covered program) for the purposes of another covered program.

Part C—Coordination of programs; consolidated State and local applications

Section 9301. Purpose. Proposed section 9301 of the ESEA would state that the purpose of this Part is to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery under the ESEA and enhanced integration of ESEA programs with educational activities carried out with State and local funds.

Section 9302. Optional consolidated State application. Proposed section 9302 of the ESEA would authorize an SEA to submit a consolidated application for covered program funds. The section would require the Secretary to, in accordance with subsection (b), establish procedures and criteria under which an SEA may submit a consolidated State application meeting the requirements of this section for each of the covered programs in which the State participates. An SEA would be authorized to include in its consolidated application the Even Start program under Part B of Title I of the ESEA, the education of neglected and delinquent youth program under Part D of that Title I, programs under Part A of Title II of the Carl D. Perkins Vocational and Applied Technology Education Act, and other programs that the Secretary may designate. This section would relieve an SEA that submits a consolidated State application from having to submit separate State plans or applications under any of the programs to which its consolidated application under this section applies.

Section 9302(b) would require the Secretary, in establishing criteria and procedures under this section, to collaborate with SEAs and, as appropriate, with other State agencies, LEAs, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers. This section would also require the Secretary to establish, through this collaborative process and for each program to which section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State application.

Section 9303. General applicability of SEA assurances. Proposed section 9303 of the ESEA would provide for uniform assurances to be submitted by SEAs. This section is designed to simplify the assurances that an SEA would be required to submit, to provide for a one-time submission of these assurances, and to provide a consistent set of basis legal obligations that would apply to all SEAs with respect to ESEA assistance.

Under this section, an SEA that submits a State plan or application under the ESEA, whether separately or pursuant to section 9302 (consolidated application), would be required to have on file with the Secretary a single set of assurances, applicable to each program for which the plan or application is submitted. This set of assurances would provide that: (1) the program will be administered in accordance with all applicable statutes, regulations, program plans, and applications; (2) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency (or in a nonprofit private agency, institution, or organization, or Indian tribe, if the statute authorizing the program provides for assistance to these entities) and the public agency (or other entity) will administer these funds and property to the extent required by the authorizing statutes; (3) the State will adopt and use proper methods of administering each program, including the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program, correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation, and adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of the programs; (4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials; (5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each program; (6) the State will make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each program and maintain such records, provide such information to the Secretary, and afford access to the records as the Secretary may find necessary to carry out the Secretary's duties; and (7) before the application was submitted to the Secretary, the State has afforded a reasonable opportunity for public comment on the application and has considered such comment.

Section 9303(b) would provide that section 435 of the General Education Provisions Act (GEPA) does not apply to programs under the ESEA.

Section 9304. Consolidated local applications. Proposed section 9304 of the ESEA would provide for consolidated local applications. Under section 9304(a), and LEA receiving funds under more than one covered program would be authorized to submit applications to the SEA under such programs on a consolidated basis.

Under section 9304(b), an SEA that has submitted and had approved a consolidated State application under section 9302 would be authorized to require LEAs in the State receiving funds under more than one program included in the consolidated State application to submit local applications under such programs on a consolidated basis.

Section 9304(c) would require an SEA to collaborate with LEAs in the State in establishing procedures for the submission of the consolidated applications under this section.

Section 9305. Other general assurances. Under proposed section 9305 of the ESEA, any applicant other than an SEA that submits an application under the ESEA, whether separately or pursuant to section 9304 (consolidated applications), would be required to have on file with the Secretary a single set of assurances, applicable to each program for which the plan or application is submitted. This set of assurances would provide that: (1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications; (2) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency (or in a nonprofit private agency, institution, or organization, or an Indian tribe, if the statute authorizing the program provides for assistance to these entities) and the public agency (or other entity) will administer these funds and property to the extent required by the authorizing statutes; (3) the applicant will adopt and use proper methods of administering each program, including the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program and the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; (4) the applicant will cooperate in carrying out any evaluation of each program conducted by or for the SEA or Secretary or other Federal officials; (5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the applicant under each such program; (6) the applicant will make reports to the SEA and the Secretary as may be necessary to enable the SEA and the Secretary to perform their duties under each such program and maintain such records, provide such information, and afford access to the records as the SEA or the Secretary may find necessary to carry out the Secretary's or the SEA's duties; and (7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and has considered such comment.

Section 9305(b) would provide that section 436 of GEPA does not apply to programs under the ESEA.

Part D—Waivers

Section 9401. Waivers of statutory and regulatory requirements. Proposed section 9401(a) of the ESEA would authorize the Secretary, except as provided in subsection (c), to waive any requirement of the ESEA or of GEPA, or of the regulations issued under these Acts, for an SEA, Indian tribe or other agency, organization, or institution that receives funds under an ESEA program and that requests such a waiver. In order to grant a waiver, the Secretary would be required to determine that such requirement impeded the ability of the SEA, or other recipient to achieve more effectively the purposes of the ESEA. In addition, in the case of a waiver proposal submitted by an SEA, the SEA would be required to provide all interested LEAs in the State with notice and an opportunity to comment on the proposal and to submit the comments to the Secretary. In the case of a waiver proposal submitted by an LEA or other agency, institution, or organization that receives ESEA funds from the SEA, the request must be reviewed by the SEA and be accompanied by the SEA's comments, if any.

Section 9401(b) would provide that a waiver under this section would remain in effect for a period not to exceed three years. The Secretary would be authorized to extend the period upon a determination that the waiver had been effective in enabling the State or affected recipients to carry out the activities for which the waiver was requested and had contributed to improved performance, and that the extension was in the public interest.

Under section 9401(c), the Secretary would not be authorized to waive any statutory or regulatory requirement relating to: (1) comparability of services; (2) maintenance of effort; (3) the equitable participation of students attending private schools; (4) parental participation and involvement; (5) the distribution of funds to States, LEAs, or other recipients of funds under the ESEA; (6) maintenance of records; (7) applicable civil rights requirements; or (8) the requirements of sections 438 and 439 of GEPA.

Under section 9401(d), the Secretary would terminate a waiver if the Secretary determined that the performance of the State or other recipient affected by the waiver had been inadequate to justify a continuation of the waiver or if it was no longer necessary to achieve its original purposes.

Part E—Uniform provisions

Section 9501. Maintenance of effort. Proposed section 9501 of the ESEA would provide a uniform maintenance of effort provision for the Act. Under section 9501(a), an LEA would be authorized to receive funds under a covered program for any fiscal year only if the SEA found that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

Under section 9501(b), the SEA would be required to reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion to which an LEA failed to meet the requirement of section 9501(a) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the local agency). No such lesser amount could be used for computing the effort required under section 9501(a) for subsequent years.

Section 9501(c) would authorize the Secretary to waive the requirements of this section if the Secretary determined that a waiver would be equitable due to: (1) exceptional or uncontrollable circumstances such as a natural disaster; or (2) a precipitous decline in the financial resources of the LEA.

Section 9502. Prohibition regarding State aid. Proposed section 9502 of the ESEA would provide that no State shall take into consideration payments under ESEA in determining the eligibility of any LEA in that State for State aid, or the amount of State aid, with respect to free public education of children.

Section 9503. Participation by private school children and teachers. Proposed section 9503(a) of the ESEA would require an SEA, LEA, or intermediate educational agency (or consortium), except as otherwise provided in the ESEA, to, after timely and meaningful consultation with appropriate private school officials, provide private school children, their teachers or other educational personnel on an equitable basis, special educational services or other benefits of the program. This requirement would be applicable to the extent consistent with the number of eligible children in an SEA, LEA, or intermediate educational agency (or consortium) receiving financial assistance under an ESEA program, who are enrolled in private elementary and secondary schools in such agency or consortium.

In addition, section 9503(a) would require that the educational services or other benefits, including materials and equipment, be secular, neutral, and nonideological. Further, this subsection would require that educational services and other benefits under this section for such private school children, teachers and other educational personnel be equitable in comparison to services and other benefits for public school children and teachers participating in such program. Expenditures for educational services and other benefits to eligible private school children, their teachers and other educational personnel serving them would be required to be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children. Finally, this subsection would authorize the LEA to provide such services directly or through contracts with public and private agencies, organizations, and institutions.

Section 9503(b) would provide that this section applies to each covered program, programs under Title VII of the ESEA, and any other ESEA program as specified by the Secretary, subject to such conditions as the Secretary may prescribe. This subsection would also provide that, for the purposes of this section, the term "eligible children" mean children eligible for services under a program described in this subsection.

Section 9503(c) would require consultation. To ensure timely and meaningful consultation, this subsection would require each agency or consortium to consult with appropriate private school officials during the design and development of ESEA programs, on issues such as how the children's needs will be identified, what services will be offered, how and where the services will be provided, and how the services will be assessed. This subsection would also require that consultation occur before the agency or consortium makes any decision that affects the opportunities of eligible private school children, teachers and other educational personnel to participate in ESEA programs. Further, consultation would be required to include a discussion of the full range of service delivery mechanisms that an agency or consortium could use to provide equitable services to eligible private school children teachers and other educational personnel, including, but not limited to, public school sites, neutral sites, mobile vans, computer-assisted instruction, extended-day services, home tutoring, and take-home computers.

Section 9503(d) would provide for public control of funds. It would require that the control of ESEA funds, and title to materials, equipment, and property purchased with these funds, be in a public agency for the uses and purposes provided in the Act, and a public agency would be required to administer such funds and property. In addition, the provision of services under this section would have to be provided by employees of a public agency or through contract by such public agency with an individual, association, agency, or organization; in the provision of such services, such employee, person, association, agency, or organization must be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency. Funds provided under this section would be prohibited from being commingled with State or local funds.

Section 9504. Standards for by-pass. Proposed section 9504 of the ESEA would provide that if, by reason of any provision of law, an SEA, LEA, or intermediate educational agency or consortium is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary and secondary schools on an equitable basis, or if the Secretary determines that the agency or consortium has substantially failed or is unwilling to provide for this participation, the Secretary shall waive the requirements of section 9503 for the agency or consortium, and arrange for the provision of equitable services to such children, teachers or other educational personnel through arrangements that shall be subject to the requirements of this section and sections 9503, 9505, and 9506.

Section 9505. Complaint process for participation of private school children. Proposed section 9505 of the ESEA would require the Secretary to develop and implement written procedures for receiving, investigating, and resolving complaint from parents, teachers, or other concerned individuals and organizations concerning violations by an agency or consortium of this section. The individual or organization would be required to submit their complaint to the SEA for a written resolution by such agency within a reasonable period of time. The resolution could be appealed by an interested party to the Secretary within 30 days after the SEA resolves the complaint or fails to resolve to complaint within a reasonable period of time. The appeal would be accompanied by a copy of the SEA's resolution, and a complete statement of why the resolution is not consistent with this Act. The Secretary would be required to investigate and resolve each such appeal within 120 days after receipt of the appeal.

Section 9506. By-pass determination process. Proposed section 9506(a) of the ESEA would provide that the Secretary shall not take any final action under section 9504 until the agency or consortium affected by such action has had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary to show cause why that action should not be taken. Pending final resolution of any investigation or complaint that could result in a determination under this section, the Secretary would be authorized to withhold from the allocation of the affected SEA or LEA the amount estimated by the Secretary to be necessary to pay the cost of those services. Affected agencies or consortia that are dissatisfied with the Secretary's final action would be authorized to file, within 60 days, a petition for review with the appropriate United States Court of Appeals and would also provide procedural details for the review.

Section 9506(b) would provide that any determination by the Secretary under this section shall continue in effect until the Secretary determines, in consultation with such agency or consortium and representatives of the affected private school children, teachers, or other educational personnel that there will no longer be any failure or inability on the part of the SEA or LEA to meet the applicable requirements of section 9503 or any other provision of the ESEA.

Section 9506(c) would provide that when the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of these services, including the administrative costs of arranging for the services, from the appropriate allocation or allocations under the ESEA.

Finally, section 9506(d) would provide that any bypass determination by the Secretary under the ESEA as in effect prior to enactment of the Improving America's Schools Act of 1993 shall remain in effect to the extent the Secretary determines that it is consistent with the purpose of this section.

Section 9507. Prohibition against funds for religious worship or instruction. Proposed section 9607 of the ESEA would provide that nothing contained in the ESEA shall be construed to authorize the making of any payment under the ESEA for religious worship or instruction.

Part F—Other provisions

Section 9601. State recognition of exemplary performance. Proposed section 9601 of the ESEA would provide for State recognition or exemplary performance. Under section 9601(a), an SEA would be authorized, after consultation with LEAs in the State, to implement a program of State recognition awards under one or more ESEA programs other than Part A of Title I of the Act. The SEA would be required to make these recognition awards only to LEAs and schools in the State participating in such programs that the SEA determined had carried out grant-related activities in an exemplary fashion and had demonstrated outstanding performance measured in accordance with this section. These awards could take the form of monetary or non-monetary awards, as determined by the SEA. A State desiring to make monetary awards would be authorized to reserve a portion of the total amount available for grants within the State under such program for any fiscal year, not to exceed one percent, for the purpose of making recognition awards to qualifying recipients under such programs. In implementing this section, a State would be authorized to reduce the amount of funds it would otherwise allocate to recipients in accordance with the applicable statute governing such allocation to the extent necessary.

Section 9601(b) would provide that an SEA would be authorized to make these awards only if: (1) in selecting awardees, it took into account improvements in performance (rather than comparisons with other schools and school districts) and successful cooperative efforts among teachers, administrators, and other school personnel in achieving educational reform; (2) it employed peer review procedures in identifying schools and LEAs eligible for awards, the identity of the awardees, and the amount of the awards; (3) it determined that the awardee was in compliance with applicable civil rights requirements; and (4) it submitted to the Secretary a description of the criteria used in making such awards.

Section 9602. International education activities. Proposed section 9602 of the ESEA would provide that in order to enhance education in the United States and to encourage cooperative efforts with foreign governments and international organizations, the Secretary is authorized to carry out the activities under this section directly or through grants to, or contracts or cooperative agreements with, SEAs, LEAs, IHEs, and other public and private agencies, institutions, and organizations.

This section would authorize funds to be used for: (1) activities to improve international understanding through the exchange of technical assistance, information, and training opportunities; (2) activities to improve our understanding of how educational systems in other countries work in order to better carry out reform efforts; (3) joint conferences with foreign countries to focus on specific content areas; and (4) other joint efforts designed to foster international collaboration and cooperation in education.

Section 9602(c) would provide that, to carry out the purposes of this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

Part A—Applicability of the General Education Provisions Act

Section 211. Title; applicability; definitions. Section 211 of the bill would amend section 400 of the General Education Provisions Act (20 U.S.C. 1221 *et seq.*; hereafter referred to as "GEPA" or "the Act"), which describes the Act's applicability, defines certain terms used in the Act, and authorizes appropriations for carrying out the Act. Section 211 of the bill would revise section 400 of the Act in its entirety of take account of the Department of Education Organization Act (20 U.S.C. 3401 *et seq.*; DEOA), and generally to clarify the applicability of GEPA.

Section 400(b)(1) of GEPA would provide that, except as otherwise provided, the Act would apply to each applicable program of the Department of Education. Section 400(b)(2) would provide that except as provided otherwise, the Act does not apply to contracts made by the Department. The general application of GEPA to contracts is unnecessary because the Department's contracts are governed by the comprehensive government-wide provisions of Title 41 of the United States Code and by the Federal Acquisition Regulation in Title 48 of the Code of Federal Regulations. Those provisions of the Act that expressly refer to contracts, such as section 426(c), relating to the development of curricula or instructional materials, would, of course, continue to apply to contracts.

Section 400(c)(1) of GEPA would expand the definition of "applicable program" to include any program for which the Secretary or the Department of Education has administrative responsibility as provided by law or delegation of authority pursuant to law. The Act would apply to programs, such as those under the Rehabilitation Act of 1973, that were not previously subject to the Act but that were transferred to the Department under the DEOA. This amendment would also make it clear that GEPA applies to programs administered by the Department that were authorized by statutes that took effect after the effective date of the DEOA (May 4, 1980). This change is necessary to provide consistent treatment of programs with respect to such administrative and substantive matters as recordkeeping by grantees, the period during which recipients may obligate funds under State formula grant programs, and the confidentiality of student records.

Section 400(c)(2) would retain the definition of "applicable statute" currently set out in section 400(c)(1)(B) of the Act, but it would not retain the exclusion in current section 400(c)(3) of the Act that the term "applicable statute" does not include any appropriations Act. As currently defined,the term "applicable statute" is used only in section 414 of the Act, relating to the contingent extension of programs, and section 421 of the bill would drop the term from the section as unwarranted.

Section 400(c)(3) and (4) would define "Department" and "Secretary", respectively, to mean the Department and Secretary of Education, in conformance with the DEOA.

Section 400(d) of GEPA would provide that nothing in the Act shall be construed to affect the applicability of nondiscrimination statutes to any applicable program. Current section 400(c)(2) of the Act refers only to Title VI of the Civil Rights of 1964. The broader language included in the bill would make it clear that the Act also does not affect the applicability of other nondiscrimination statutes. The applicability of those statutes is governed by their respective terms.

Section 212. Repeal. Section 212 of the bill would repeal section 400A of the Act. Section 400A includes a variety of provisions designed to eliminate unnecessary paperwork and to improve the collection of information relating to Federal education programs. Among other things, section 400A establishes the Federal Education Data Acquisition Council (FEDAC) to advise and assist the Secretary with respect to the improvement, development, and coordination of Federal education information and data acquisition activities. Section 400A is no longer needed because the same purposes are achieved by the Office of Management and Budget under the Paperwork Reduction Act of 1980 and because the FEDAC was abolished in May, 1987, pursuant to notice under section 448(b) of the Act.

Part B—The Department of Education

Section 221. New heading for Part A. Section 221 of the bill would amend the heading of Part A of the Act to conform with the DEOA by referring to the Department of Education.

Section 222. General authority of the Secretary. Section 222 of the bill would amend section 408 of the Act by striking out everything but the rulemaking authority in subsection (a), since those provisions have been superseded by various provisions of the DEOA.

Section 223. Office of Private Education. Section 223 of the bill would, in effect, repeal all of section 403 of the Act except for current section 403(d)(1), which establishes an Office of Nonpublic Education. That language would be moved to amended section 409 for a more logical placement. The other provisions of section 403 have been superseded by section 102 of the DEOA.

The current text of section 409, which requires the publication of an education impact statement to determine whether the information required to be transmitted under any proposed regulation affecting IHEs is already being gathered or is otherwise available, would be repealed because the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), provides sufficient safeguards against the imposition of burdensome requirements.

Section 224. Repeals. Section 224 of the bill would repeal sections 401, 402, 403, 406A, 406B (as redesignated by section 401(a) of Public Law 99–159), 406c (as added by section 401(2) of Public Law 99–159), and 407 of the Act. Sections 401 and 402 relate to the organizational structure of the former Education Division in the Department of Health, Education, and Welfare and are obsolete in light of the DEOA.

Section 406A requires each State to submit, to the Secretary within 90 days of the end of the fiscal year, a report on the uses of federal funds. Section 406A also requires the Secretary to submit an analysis of this report to the House Committee on Education and Labor and the Senate Committee on Labor and Human Resources. This provision has been deleted as burdensome for the States and the reporting requirement has been consolidated into a biennial report as provided in Section 233 of this bill.

Section 406B authorized fiscal year 1981 appropriations for the Pre-College Science Teacher Training Program and the Minority Institutions Science Improvement Program (MISIP). Section 406C authorized fiscal year 1985 and 1986 appropriations for MISIP. The teacher training program was consolidated into the Chapter 2 block grant program by the Education Consolidation and Improvement Act of 1981 (ECIA) (20 U.S.C. 3801, note).

The MISIP program is now authorized by Part B of Title X of the Higher Education Act of 1965 (HEA) (20 U.S.C. 1001 *et seq.*).

Section 407, entitled "Rules for Education Officers", is also largely obsolete because of the DEOA. The Ethics in Government Act of 1978, as amended (5 U.S.C. App. 4), achieves the same purposes as the remainder of section 407 (regarding conflicts of interest), rendering it unnecessary, as well.

Part C—Appropriations and evaluations

Section 231. Availability of appropriations. Section 231 of the bill would amend section 412 of the Act, which permits appropriations under applicable programs to be made available to educational agencies or institutions on an academic or school year basis, and which allows those agencies and institutions to obligate those funds until the end of the fiscal year after the year for which they were appropriated.

Section 231(a) of the bill would amend the heading of section 412 of the Act to reflect the fact that section 412(b) authorizes the additional period for recipients to obligate funds.

Section 231(b)(1) of the bill would amend section 412(a) of the Act, which authorizes funds to be made available on an academic or school year basis, to apply to all recipients, including vocational rehabilitation agencies, rather than to only "educational agencies or institutions".

Sections 231(b) (2) and (3) would revise section 412(b) of the Act to make it clear that the authority to obligate funds for an additional fiscal year applies only to State formula grant programs, defined as programs whose authorizing statutes or implementing regulations provide a formula for allocating program funds among States. This is consistent with the Department's interpretation of section 412 since its enactment in 1970. The period during which funds may be obligated by a recipient of an award under a "discretionary" program is set forth in the award document, in accordance with applicable Comptroller General decisions. Section 231(b)(4) of the bill would strike out section 412(c) as obsolete.

Section 232. Contingent extension of programs. Section 232 of the bill would clarify the one year contingent extension of programs authorized under section 414 of the Act and would repeal the provision authorizing a two-year contingent extension. The substance of the one-year contingent extension provision in section 414 would be unchanged; merely clarifying and structural amendments are proposed. The two-year contingent extension as currently drafted is ambiguous, unnecessary, and has never been used. A one-year "grace period" after a program's statutorily-mandated expiration of authority should provide sufficient leeway in the reauthorization process to avoid any unintended lapses in program authority and to avoid any adverse consequences to program participants. In addition, by dropping a reference to the term "applicable statute" in the provision of section 414 governing the carrying out of certain acts or the making of certain determinations during the terminal year of a program, the bill would make clear that acts or determinations required by appropriations acts, as well as by other statutes, are to be carried out or made during the period of extension. The Act currently excludes appropriations statutes from the definition of "applicable statute" an exclusion that is illogical in the context of section 414.

Section 233. Biennial evaluation report. Section 233 of the bill would clarify and streamline section 417(a) of the Act, which authorizes the Secretary to submit an Annual Evaluation Report (AER) to Congress. The proposed amendments would require this report to be submitted on a biennial basis and clarify or eliminate certain reporting requirements. Experience with the current AER has demonstrated, that little, if any, useful data exist for the current section 417(a)(C) requirement of identifying which sectors of the public bear the cost of a particular program.

Experience with the current AER has also shown that certain types of information required under the current section 417 are not appropriate because of the inherent nature and timing of the AER. The current section 417(a) requirement to include information relating to "compliance with provisions of law requiring the maintenance of non-Federal expenditures for the purposes of such applicable programs" mixes compliance information (the availability of which is limited to a very few programs and the accuracy and comprehensiveness of which cannot be assessed in the course of preparing the AER) with evaluation information, which results in a confusing and inappropriate combination of markedly different types of information. Additionally, the bill would delete all requirements relating to recommendations (e.g., for legislation or corrective action), because the transmittal of the AER occurs at approximately the same time as the annual submission of the President's budget and accompanying legislation. Recommendations in the AER, because they relate to the past year, are thus very confusing when compared to the prospective recommendations contained in the budget submission. In the interest of clarity, recommendations would best be confined to the budget and legislative processes and deleted from the AER.

Section 234. Technical amendments. Section 234(a) of the bill would make a technical amendment to section 415 of the Act by replacing "Commissioner" with "Secretary" to reflect the DEOA. Section 234(b) of the bill would make conforming amendments to section 420 of GEPA consistent with putting impact aid authorities in proposed Title VIII of the ESEA.

Section 235. Repeals. Section 235 of the bill would repeal section 411, relating to advance funding, section 413, relating to the availability of appropriations, section 416, relating to program planning and evaluation, as well as the authorization of appropriations under 400(d), and section 419, relating to evaluation by the Comptroller General.

Section 411 duplicates authority of Congress to provide advance funding under statutes authorizing individual programs. Section 413 duplicates language routinely included in appropriations acts and has caused uncertainty over whether there may be a rescission of funds appropriated under applicable programs. Repeal of section 413 would make it clear that statutes generally governing appropriations and rescissions would apply to applicable programs. Section 416 duplicates the appropriations authority in section 428 of the DEOA. Section 419, which allows the General Accounting Office (GAO) to evaluate, review, and audit the Department, is a duplication of the Comptroller General's general authority to audit, review, and evaluate the education programs of the Department.

Part D—Administration of education programs

Section 241. Joint funding of programs. Section 241 of the bill would amend section 421A of the Act, relating to the delegation of functions, the use of the services and facilities of public or nonprofit agencies or institutions, and the consolidation of programs. Section 241 would repeal section 421A(a) and (b) of the Act, relating to the delegation of functions and the use of outside agencies, respectively, since those provisions have been superseded by sections 412, 415, and 419 of the DEOA. Section 421A(c) is also repealed and a new section 421A is placed in lieu thereof.

The new section 421A would provide express authority for the Secretary to enter into arrangements with other Federal agencies jointly to carry out particular projects of common interest, and to transfer program funds to other Federal agencies, and to receive funds from those agencies, for this purpose. Section 421A(a) would further provide that any funds so transferred or received by the Secretary may be used only for activities authorized by, and made available only to parties eligible under, the statutes authorizing the appropriation of, and appropriating, those funds. New section 421A(a) is needed because provisions on which the Secretary has relied in the past are not as clear as is desirable, or, as in the case of the Joint Funding Simplification Act, have expired.

The bill would authorize the Secretary to require applicants under two or more programs under which awards are made on a competitive basis to submit applications jointly for each program, and to review and approve those joint applications separately from other applications, when the Secretary determines that joint awards are needed to address a special need consistent with the purposes and authorized activities of each affected program. This provision is necessary to provide the Secretary sufficient flexibility to address special problems that encompass the purposes and authorized activities of two or more discretionary programs. Another new provision would similarly allow the Secretary to require applicants to submit applications under discretionary programs that achieve the same purposes but that are administered by other Federal agencies.

Section 242. Collection and dissemination of information. Section 242 of the bill would repeal section 422 of the Act, relating to the annual report (sections 422(a)(4) and (b)), and the related contracting provision in section 422(c), as unnecessary duplication of the annual report provisions in section 426 of the DEOA.

The proposed bill would require the Secretary to prepare and disseminate information to State and local educational agencies and institutions concerning applicable programs; inform the public on federally supported education programs; and collect data and information on applicable programs to ascertain the effectiveness of such programs in achieving their purposes.

Section 243. Review of applications. Section 243 of the bill would amend section 425 of the Act by making technical changes in subsections (a), (b), and (d).

Section 244. Use of funds withheld. Section 244 of the bill would expand the Secretary's authority under section 428 of the Act to withhold Federal funds from a State because of an LEA's failure to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) to include failure to comply with Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*), the Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq.*), and section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794). This amendment would not affect the variety of enforcement mechanisms, including withholding, already available to the Secretary under those statutes. Section 244 of the bill would also broaden the types of programs the withheld funds may be used for, so that grants to the LEAs of the State from which funds were withheld could be used for any of the Department's programs that redress discrimination on the basis of race, color, national origin, sex, age, or disability. This expansion provides a greater flexibility to channel funds into the types of equity programs most needed by the various LEAs and recognizes the need for a broad spectrum of tools to employ in enforcing the four major civil rights statutes administered by the Department. Section 428 would also be amended to provide that the Secretary could reallot withheld funds to other LEAs in the same State, or to all States, in accordance with the program's governing statute.

Section 245. Applications. Section 245 of the bill would amend section 430 of the Act by allowing applications for assistance to remain in effect for more than one year. This provision allows greater flexibility by requiring applications to be updated as necessary rather than updated by a mandated three year cycle.

Section 246. Regulations. Section 246 of the bill would repeal section 431 of the Act, relating to regulations. By doing so, the Department would be subject to the same rulemaking processes as other federal agencies under 5 U.S.C. 552 and 553.

Section 247. Records; reduction in retention requirements. Section 247 of the bill would amend section 437(a) of the Act, relating to program records maintained by recipients, by removing a provision requiring recipients to retain those records for five years after the completion of the activity for which the Federal program funds were used. This provision of the bill would thus subject recipients to the same record retention period used throughout the Government (currently three years) and would relieve recipients of the burden of retaining records for a longer period except when otherwise required to do so. Programs that are not currently considered "applicable programs" under the Act are now subject to this three-year record retention provision, as set out at 34 CFR 74.21 and 74.22. As set out in these regulatory provisions, the record retention period begins (with some exceptions) with the filing of the grantee's final expenditure report, and if any litigation, claim, negotiation, audit or other action is begun within that three-year period, the records would have to be retained until the completion of that action and resolution of all issues arising from it. Thus, the Department's ability to monitor its programs effectively for waste, fraud, and abuse would not be jeopardized by this amendment—requiring the commencement of an action within three years of the filing of a final expenditure report is not unreasonable—and grantees would be relieved of the burden of needlessly retaining records for an additional two years.

Section 247 of the bill would also amend section 437(b) of the Act so that it does not apply to contracts, and to ensure that the Secretary shall continue to have access to relevant records maintained by a recipient that are no longer subject to a records retention requirement. Provisions governing contracts are set out in Title 41 of the U.S. Code and Title 48 of the Code of Federal Regulations. While this section of the bill would revise the records retention requirements for applicable programs, this amendment to section 437(b) of the Act is intended to make clear that the modification of that requirement is not intended to deny the Secretary access to records that the recipient chooses to maintain beyond the mandatory period.

Section 248. Technical amendments. Section 248 of the bill would make a number of technical and conforming amendments to the heading for Part C of the Act and to sections 427, 430, 433–436, and 438 of the Act that are necessary for conformity within the DEOA and with the repeal of most of the provisions of section 403 of the Act as proposed in section 224 of the bill.

Section 249. Repeals. Section 249 of the bill would repeal sections 421, 423, 424, 426, 426A and 429 of the Act. Section 421, relating to the applicability of Part C of the Act duplicates section 400 of the Act and is confusing and unnecessary. Repealing section 421 would make Part C applicable to the same extent as is the Act generally. Section 423, which authorizes the Catalog of Federal Education Assistance Programs, duplicates the education portion of the Catalog of Federal Domestic Assistance published by the Office of Management and Budget. Section 424, which authorizes the publication of an annual compilation of innovative projects assisted by the Department, is obsolete because all of the programs referred to in the section have been consolidated into block grant programs.

Section 426 authorizes the Secretary to provide various forms of technical assistance and duplicates the Secretary's authority under section 422(a) of the DEOA. A new section 426, relating to educational equity, would be added to GEPA by section 250 of the bill. Section 426A authorized equalization assistance and expired at the end of fiscal year 1984. Section 429 of the ESEA is repealed as a duplication of the Secretary's broad authority to provide information in connection with the Secretary's responsibility for the supervision and direction of the Department under section 201 of the DEOA.

Section 250. Equity for students, teachers, and other program beneficiaries. Section 250 of the bill would add a new section 426 to the Act directing the Secretary to require each applicant for assistance under an applicable program to develop and describe in its application the steps it proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with Federal assistance, by addressing the special needs of students, teachers, and other program beneficiaries, in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability and age. The Secretary would be authorized to provide technical assistance for meeting this requirement. The section would not alter any of the rights or responsibilities established under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination.

Part E—Advisory committees

Section 251. Repeal. Section 251 of the bill would repeal Part D of the Act relating to advisory committees. Advisory committees are provided for in the Federal Advisory Committee Act and additional legislation in GEPA reduces flexibility in the administration of council activities.

Part F—Enforcement

Section 261. Repeal of grantback provision. Section 261 of the bill would repeal the grantback provision in section 459 of the Act.

Part G—Related amendments to other acts

Section 271. Department of Education Organization Act. Section 271 of the bill would make conforming amendments to the DEOA by striking out subsection (b) of section 414; by adding to section 417 a new subsection (d) authorizing the Secretary, with funds expressly appropriated for such purpose, to construct such facilities as may be necessary to carry out the functions of the Secretary or the Department and to acquire and dispose of such property; by amending section 421 to allow the Secretary to accept the donations of services for the purpose of aiding or facilitating the work of the Department; and by striking out section 427 as unnecessary.

Section 272. Higher Education Act of 1965. Section 272 of the bill would repeal sections 432(d) and 482(c) of the Higher Education Act of 1965 (HEA).

Section 432(d) of the HEA, which relates to authority for the Secretary to delegate certain Federal Family Education Loan program functions to regional offices of the Department, is already covered under the DEOA.

Section 272 of the bill would amend the Master Calendar provisions of the HEA by eliminating subsection (c), which currently delays the effective date of certain regulations published on or after December 1 to the second award year beginning after that date. This provision is an inappropriate intrusion on the administrative functions of the Department in the delivery of student financial assistance. The unreasonably long delay of the effective date of regulations would, in certain circumstances, delay the implementation of program improvements, constrain regulatory procedures, minimize opportunities for public comment, and severely limit the Secretary's ability to respond effectively to unforeseen administrative problems requiring prompt regulatory guidance.

Part H—Conforming amendments and effective date

Section 281. Conforming amendments to other Acts. Section 281 of the bill would make various conforming amendments to other laws as follows:

Section 281(a) of the bill would repeal sections 9 and 100(d) of the Rehabilitation Act of 1973, as amended, which duplicate provisions of the Act that would be made applicable to programs under the Rehabilitation Act by the amendments to section 400 of the Act proposed in section 101 of the bill. Section 9 of the Rehabilitation Act, relating to audits and recordkeeping, is duplicated by section 437 of the Act. Section 100(d) of the Rehabilitation Act, which provides for the contingent extension of the Title I Basic State Grant program, duplicates section 414 of the Act.

Section 281(b) of the bill would amend the HEA to repeal the termination, in section 491(b), of the Secretary's authority to abolish advisory councils, which would conform to repeal of Part D of the Act proposed in section 251 of the bill.

TITLE III—AMENDMENTS TO OTHER ACTS

Part A—Amendments to the Individuals With Disabilities Education Act

Part A of Title III of the bill would amend Parts B and H of the Individuals with Disabilities Education Act (IDEA) to effectively merge the current program under Subpart 2 of Part D of Chapter 1 of Title I of the Act into the IDEA. Continuation of the separate and duplicative Chapter 1 program is not warranted.

Section 311. Allocations under section 611 of the IDEA. Section 311 of the bill would amend section 611 of the Individuals with Disabilities Education Act (IDEA), which governs the allocation of funds to States under Part B of that Act, as follows:

Subsection (a). Subsection (a)(1) would restate, by shortening, section 611(a) of the IDEA, which establishes the maximum amount for which each State is eligible for each fiscal year, without substantive change. As is currently the case, each State would be eligible to receive an amount equal to: (1) the number of children with disabilities in the State aged six through 21, who are receiving special education and related services, plus the number of those children aged three through five if the State is eligible for a preschool grant under section 619 of the IDEA; multiplied by (2) 40 percent of the average per-pupil expenditure (APPE) in public elementary and secondary schools in the United States. However, the revised section 611(a) would no longer contain numerous provisions, such as those setting lower APPE percentages for fiscal years 1978–1982 and guaranteeing each State an annual grant at least as large as it received for fiscal year 1977, that are obsolete by their terms or in practice.

Subsection (a)(2) would similarly clarify the definition of "State" in section 611(a)(2) of the IDEA by affirmatively stating which jurisdictions (the 50 States, the District of Columbia, and Puerto Rico) are included, rather than listing each of the several outlying areas, which are excluded for purposes of the State funding formula. The outlying areas are separately funded under section 611(e) of the IDEA, discussed below.

Subsection (a)(3) would amend section 611(a)(5)(A) of the IDEA, which allows a State to count no more than 12 percent of the State's children aged five through 17 (or three through 17 if the State serves that broader age range) for purposes of receiving funds appropriated under Part B. To help protect States against the loss of funds resulting from the elimination of the Chapter 1 program for children with disabilities (the "Chapter 1 program"), the bill would provide an alternative "cap" equal to the combined percentage of children counted, for fiscal year 1994, under section 611 and under the Chapter 1 program. For example, if, for fiscal year 1994, a State counted 11 percent of all the children in the State under section 611 and another three percent of all the children in the State under the Chapter 1 program, it could hereafter count 14 (11 plus 3), rather than 12, percent of its children under section 611. A State that had a combined fiscal year 1994 percentage below 12 percent could still, of course, count children up to 12 percent in future years. In addition, the prohibition against counting the same child under both section 611 and under the Chapter 1 program would be deleted as unnecessary, in light of the discontinuation of the chapter 1 program.

Subsection (b). Subsection (b) would replace section 611(b) of the IDEA, which applied only to fiscal year 1978, with a new "hold harmless" provision that, like the revised section 611(a), would protect States against the loss of funds from the elimination of the Chapter 1 program. As amended, section 611(b) would guarantee each State an annual grant under section 611 that is at least as large as the combined amount it received for fiscal year 1994 under section 611 and the Chapter 1 program for children aged three through 21. If a State's child count for fiscal year 1998 or 1999 falls below its fiscal year 1994 child count, the guaranteed amount would be proportionately reduced.

Subsection (c). Subsection (c) would streamline, and generally improve the readability of, section 611(c) of the IDEA, which governs the within-State distribution and use of each State's section 611 grant, without substantive change.

Subsection (d). Subsection (d) would amend and expand section 611(d) of the IDEA, which requires each State to make *pro rata* subgrants to LEAs based on their respective numbers of children with disabilities aged three through 21. First, the bill would redesignate current subsection (d) as subsection (d)(1) and improve its readability.

Second, the bill would add, as section 611(d)(2)(A)(i), a requirement that each State use the 20 percent of its total grant that, under section 611(c)(2)(A)(i), it may use for certain services and administrative costs, to ensure that each State agency that received fiscal year 1994 funds under the Chapter 1 program receives, under section 611, at least the same amount it received for fiscal year 1994 for each child aged six through 21 it serves, by making up any difference between the amount a State agency receives per child from the funds distributed to LEAs and the share it received for fiscal year 1994 under the Chapter 1 program.

Third, new section 611(c)(2)(A)(ii) would permit a State to use its 20 percent set-aside to ensure a similar per-child amount for LEAs that had received fiscal year 1994 Chapter 1 payments for children who had transferred to those LEAs from State-operated or State-supported schools or programs in accordance with the Chapter 1 payment authority (current section 1221(d)(2) of the ESEA) that is designed to foster those transfers.

Finally, new section 611(d)(2)(B) would limit the scope of the two "hold harmless" provisions described above to the number of children aged three through 21 for whom the State agency or LEA received Chapter 1 funds for fiscal year 1994.

Together, these new provisions will ensure that each of these agencies is adequately protected from the loss of funds that would otherwise result from the elimination of the Chapter 1 program.

Subsection (e). Subsection (e) would amend section 611(c)(1) of the IDEA, which identifies the outlying areas that are eligible for assistance under section 611, by deleting references to the Federated States of Micronesia and the Republic of the Marshall Islands, consistent with provisions of the bill relating to other programs. These Freely Associated States are now sovereign foreign nations, whose relations with the United States are governed by their respective Compacts of Free Association, pursuant to which they receive various forms of financial and other assistance from the U.S. Government. It is inappropriate to provide financial assistance to them under domestic education programs.

Subsection (f). Subsection (f) would amend section 611(g) of the IDEA, which describes the procedures to be followed when available funds are insufficient to pay each State the full amount for which it is eligible under section 611(a), to improve its readability. It would also add, as section 611(g)(1)(C), authority for a State that has used its 20 percent set-aside to provide funds to State agencies and LEAs that received Chapter 1 funds for fiscal year 1994 to recoup those funds from any additional funds that may become available after the initial appropriation has been distributed. This provisions will afford relief to those States that, under new section 611(c)(2)(A)(i) and (ii), were required or chose to provide "hold harmless" funds to State agencies and LEAs that previously received Chapter 1 funds.

Section 312. Treatment of Chapter 1 State agencies. Section 312 of the bill would add a new section 614A to Part B of the IDEA to provide for funding, under both section 611 and under the preschool program under section 619 of the IDEA, to State agencies that received fiscal year 1994 funds under the Chapter 1 program, as follows:

IDEA, section 614A. Proposed section 614A(a) of the IDEA would require that, for the purpose of making payments under sections 611 and 619, a State agency that received fiscal year 1994 funds for three through 21 year-olds under the Chapter 1 program be treated as if it were an LEA.

Section 614A(b) would require an SEA to ensure that each State agency that operates or supports a program or school for children with disabilities that receives Part B funds: (1) provides each child with a disability in that school or program a free appropriate public education in accordance with Part B, including the due process protections of section 615, as if it were an LEA; and (2) has on file with the SEA an application that meets the LEA application requirements of section 614 that the Secretary finds appropriate. The Secretary would implement this latter requirement through regulations that recognize the difference between LEAs and State agencies and between the programs they operate. It may not be appropriate, for example, to require State agencies to comply with the "excess cost" limitation of section 614(a)(2)(B)(i) or the comparability requirement of section 614(a)(2)(C), just as the SEA is not now subject to all the requirements that apply to all LEAs when the SEA is providing direct services to children with disabilities.

Section 614A(c) would further accommodate the special circumstances of State agencies serving children with disabilities by exempting them from section 611(c)(4)(A) of the IDEA, which: (1) prohibits subgrants to LEAs unless they are eligible for at least $7,500; and (2) requires LEAs to submit applications that fully comply with section 614. As noted above, the Secretary will determine which requirements of section 614 are appropriate for State agency applications.

Section 313. Infants and toddlers with disabilities. Section 313(a) of the bill would amend section 684(c)(1) of the IDEA, which governs the annual allotment of funds to States under the program for infants and toddlers with disabilities authorized by Part H of the IDEA. Section 313(a)(1) would redesignate section 684(c)(2), which defines "infants", "toddlers", and "State", as section 684(c)(5).

Section 313(a)(2) would retain the elements of the current formula in section 684(c)(1), under which Part H funds are allotted to States on the basis of their relative populations of all children, from birth through age 2; and which guarantees each State at least one-half of one percent of the amount available for all States, or $500,000, whichever is greater. The new section 684(c)(4) would also guarantee that each State's Part H allotment would be at least as great as the combined amount the State received for fiscal year 1994 under Part H and for infants and toddlers with disabilities under the Chapter 1 program. If the number of infants and toddlers in a particular State used todetermine its fiscal year 1998 or 1999 allocation is less than its fiscal year 1994 number, the guaranteed amount would be proportionately reduced. This "hold harmless" provision is another method by which the bill protects States against the loss of revenues from the merger of the Chapter 1 program and the IDEA program.

Finally, new section 684(c)(2) would provide that, for fiscal year 1995 only, after setting aside funds for the Department of the Interior and the outlying areas, the Secretary would allot the first $34 million of the Part

H appropriation among the States on the basis of the actual number of infants and toddlers being served on the normal December 1 count date who could have been counted under the Chapter 1 program and who, therefore, would be served at no cost to their parents. This will promote a smooth transition to the full merger of the Chapter 1 program and IDEA programs by ensuring that a portion of Part H funds, comparable to the amount now allocated to States for infants and toddlers under the Chapter 1 program, is distributed, in the first year of the merger, in the same way as Chapter 1 funds are now distributed, while the remaining funds would be distributed in accordance with the present Part H formula. Funds for subsequent fiscal years will, of course, be distributed in accordance with whatever method is prescribed by the upcoming reauthorization of the Part H program.

Section 313(b) of the bill would provide that the revised Part H State allocation formula would take effect beginning with fiscal year 1995.

Part B—Amendments to the Stewart B. McKinney Homeless Assistance Act

Title III, Part B of the bill would amend Title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 *et seq.*; "the McKinney Act") concerning the education of homeless adults, children, and youth as follows:

Section 321. State literacy initiatives. Section 321 of the bill would amend section 702 of the McKinney Act which provides for a State literacy initiative for homeless adults. Proposed section 702 of the McKinney Act would authorize the Secretary to award grants to SEAs to enable them to implement, either directly or through contracts and grants, a program of literacy training and academic remediation for homeless adults. The program would be required to include outreach activities and to be coordinated with other agencies or organizations, such as community-based organizations, nonprofit literacy-action organizations, and funding recipients under the Adult Education Act, Title II of the Job Training Partnership Act, the Youth Fair Chance Program under Title IV of the Job Training Partnership Act, the Volunteers in Service to America program under the Domestic Volunteers Service Act, Part C of this Title, or the Job Opportunity and Basic Skills program under the Social Security Act.

Each SEA desiring to receive a grant would be required to submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require. Each application would be required to include an estimate of the number of homeless individuals in the State and the number expected to be served. In awarding these grants, the Secretary would be required to give special consideration to these estimates and to make awards in whatever amount he or she determines would best serve the purposes of this program.

Finally, section 702 would authorize to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999 to carry out the program. As used in this section, the term "State" would mean each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau).

Section 322. Education for homeless children and youth. Section 322 of the bill would amend in its entirety Subtitle B of Title VII of the McKinney Act, concerning education programs for homeless children and youth.

Proposed section 721 of the McKinney Act would provide that it is the policy of the Congress that: (1) each SEA shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth; (2) in any State that has a compulsory residency requirement as a component of its compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free, appropriate public education as provided to other children and youth; (3) homelessness alone should not be sufficient reason to separate students from the mainstream school environment; and (4) homeless children and youth should have access to the education and other services that they need to ensure that they have an opportunity to meet the same challenging State performance standards to which all students are held. Thus, these policies would clarify that homeless children should have equal access to public preschool education, a policy that is unclear in current law, and would emphasize that homeless children and youth would be expected to meet the same challenging performance standards as their peers, consistent with the strategy of the Goals 2000: Educate America Act.

Proposed section 722 of the McKinney Act would authorize the Secretary to award grants to States for the education of homeless children and youth. Subsection (b) of this section would provide that a State could not receive a grant unless the SEA submitted an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

Subsection (c) of this section would authorize the Secretary, subject to the reservation provisions described below and section 724(c), to allot to each State for each fiscal year an amount that bears the same ratio to the amount appropriated as the amount allocated under section 1122 of the ESEA to the State in that year bears to the total amount allocated to all States, except that no State would receive less than $100,000. This increase from the current State minimum grant of $50,000 would ensure that all States have sufficient funding to make local grants in addition to carrying out the mandated State-level functions.

This subsection would also authorize the Secretary to reserve one-tenth of one percent of the amount appropriated for each fiscal year for this program to be allocated among the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the Compact of Free Association with Palau takes effect), according to their respective need, as determined by the Secretary. A one-time hold-harmless provision for the territories that is now obsolete, would be deleted. Consistent with this reservation, the term "State" would not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or Palau, for purposes of this subsection.

Finally, the Secretary would be authorized to transfer one percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act, that are consistent with the purposes of the McKinney Act. This would replace a provision in current law that authorizes a set-aside for the Bureau of Indian Affairs.

Subsection (d) of this section would require that grants under this section be used to: (1) carry out in the State the policies set forth in section 721 of the McKinney Act; (2) provide activities for, and services to, homeless children, including preschool-aged children, and homeless youth that enable these children and youth to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs; (3) establish or designate an Office of Coordinator of Education of Homeless Children and Youth in the State Educational Agency; (4) prepare and carry out the State plan; and (5) to develop and implement professional development programs for school personnel to heighten awareness of specific problems in the education of homeless children and youth.

Subsection (e) of this section would require that an SEA provide grants to LEAs for purposes of section 723 if the amount allotted to the SEA for any fiscal year under this subtitle exceeded the amount the SEA received for this subtitle for fiscal year 1990. The SEA would be allowed to reserve not more than the greater of five percent of the amount it received under this subtitle for any fiscal year, or the amount it received under this subtitle for fiscal year 1990, to conduct activities under proposed section 722(f), directly or through grants or contracts. If the amount allotted to an SEA under this subtitle for any fiscal year was less than the amount the SEA received under this subtitle for fiscal year 1990, the SEA would be allowed, at its discretion, to provide grants to LEAs or conduct activities under subsection (f) directly or through grants or contracts. These provisions would clarify but not substantially alter the provisions in section 722(c)(6) of current law.

Subsection (f) of this section would set forth the responsibilities of the Coordinator of Education of Homeless Children and Youth established in each State. Among these responsibilities, which are similar to those in current law, would be the requirement to estimate the number of homeless children and youth in the State and the number of these children and youth served with assistance provided under the grants under this program. Under current law, States are required to prepare and send to the Secretary a biennial count of their homeless children and youth, and the Secretary is required to aggregate the date to compile a national estimate. However, this aggregated data does not produce reliable information at the national level, since the methodology used in each State varies. Therefore, this proposed provision would require States to prepare an estimate, rather than an actual count, and to use the estimate for conducting State and local activities, rather than for aggregation at the national level.

Subsection (f) would also require the coordinator to gather, to the extent possible, reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary and secondary schools, the difficulties in identifying the special needs of these children and youth, any progress made by the SEA and LEAs in the State in addressing these problems and difficulties, and the success ofthe program under this subtitle in allowing homeless children and youth to enroll in, attend, and succeed in school. The coordinator would be required to prepare and submit to the Secretary, not later than October 1, 1997, and on October 1 of every third year thereafter, a report based on this information and on additional information the Secretary may require to carry out his or her responsibilities under this program.

Finally, the coordinator would be required to: (1) develop and carry out the State plan; (2) facilitate coordination between the SEA, the State social services agency, and other agencies providing services to homeless children and youth and their families; and (3) develop relationships and coordinate with other relevant education, child development, or preschool programs and providers of services to homeless children, homeless families, and runaway and homeless youth (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth), to improve the provision of comprehensive services to homeless children and youth and their families.

Subsection (g) of this section would require the State to submit to the Secretary a plan to provide for the education of homeless children and youth within the State. The State plan would be required to describe how these children and youth are or will be given an opportunity to meet the same challenging State performance standards all students are expected to meet (consistent with the provisions of the Goals 2000: Educate America Act) and to describe the procedures the SEA will use to identify these children and youth in the State and to assess their special needs. The State plan would be required to describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth.

Subsection (g) would also require the State plan to describe procedures that ensure that: (1) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs; (2) homeless children have equal access to the same public preschool programs as provided to other children; and (3) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs. The State plan would be required to contain an assurance that the SEA and LEAs in the State will adopt policies and practices to ensure that homeless children and youth are not isolated or stigmatized. Further, the State plan would be required to: (1) describe programs for school personnel (including principals, attendance officers, teachers and enrollment personnel), to heighten the awareness of these personnel of the specific needs of runaway and homeless youth; and (2) demonstrate that the SEA and LEAs in the State have developed, and will review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in schools in the State. Finally, the State plan would be required to address problems set forth in the coordinator's report to the Secretary, and other problems with respect to the education of homeless children and youth, including problems caused by transportation issues, as well as enrollment delays that are caused by immunization requirements, residency requirements, lack of birth certificates, school records, or other documentation, guardianship issues.

Each State plan would also be required to show how the State will ensure that its LEAs will comply with seven mandated activities, as follows:

First, the LEA of each homeless child and youth would be required to continue the child's or youth's education in the school of origin for the remainder of the academic year (or, in any case in which a family becomes homeless between academic years, for the following academic year), or enroll the child or youth in any school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend, according to the child's or youth's best interest. In determining the best interests of the child or youth, the LEA would be required to comply with the request made by a parent or guardian regarding school selection unless the LEA had a compelling reason for not complying with the request. Many States already comply with this proposed requirement, which recognizes the primacy of parents in making this determination. For purposes of this provision, the term "school of origin" would mean the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled. The choice regarding placement would be made regardless of whether the child or youth lived with his or her homeless parents or had been temporarily placed elsewhere by the parents.

Second, each homeless child or youth would be required to be provided services comparable to services offered to other students in the selected school, including: (1) transportation services (subject to the requirement to provide transportation described below); (2) educational services for which the child or youth meets the eligibility criteria, such as services provided under Title I of the ESEA or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency; (3) programs in vocational education and programs for gifted and talented students; and (4) school meals programs. The proposed change from the current emphasis on "compensatory educational programs for the disadvantaged" to services underTitle I of the ESEA emphasizes a focus on high standards rather than remediation.

Third, any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, of each homeless children or youth would be required to be maintained so that the records are available, in a timely fashion, when a child or youth enters a new school district. These records would also have to be maintained in a manner that is consistent with section 438 of the General Education Provisions Act, concerning the protection of privacy of education records.

Fourth, each LEA serving homeless children and youth that receives assistance under this program would be required to coordinate with local social services agencies and other agencies or programs providing services to such children or youth and their families.

Fifth, each LEA in which homeless children or youth live or attend school in a State that receives a grant under this program would be required to designate a homelessness liaison to ensure that homeless children and youth enroll and succeed in the schools of LEA and homeless families, children, and youth receive educational services for which they are eligible, including preschool programs, and referrals to health care services, dental services, mental health services, and other appropriate services. State coordinators and LEAs would be required to inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons. This amendment to current law, which requires only LEAs with subgrants to designate a liaison, would help to ensure that all homeless children and youth have equal access to the services to which they are entitled.

Sixth, each SEA and LEA would be required to review and revise any policies that may act as barriers to the enrollment of homeless children and youth in their selected schools. In reviewing and revising these policies, consideration would have to be given to issues concerning transportation, immunization, residency, birth certificates, school records, and other documentation, and guardianship. Special attention would also have to be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school.

Seventh, each State plan would be required to demonstrate that transportation, to the extent possible, will be provided at no cost to homeless children and youth attending the school in which they are enrolled, and to contain procedures for resolving disputes between LEAs or within an LEA concerning transportation costs for these children and youth. This new requirement is intended to stress the importance of transportation, which is the biggest obstacle to enrollment and attendance in school, and to encourage States and local education agencies to give priority to transportation issues.

Proposed section 723 of the McKinney Act would require the SEA, in accordance with section 722(e), to make grants to LEAs for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youth. Services under these grants could generally be provided through programs on school grounds or at other facilities. This section would delete the word "nonsectarian" in reference to the location of the provisions of services funded under current law, since this restriction has made it impermissible to provide services on church-owned property. The amendment would allow program services on church property where constitutionally permissible.

Where services are provided through programs on school grounds, these services could also be made available to children and youth who are determined by the LEA to be at risk of failing in, or dropping out of, schools, except that priority for these services must be given to homeless children and youth. To the extent practicable, services would be required to be provided through existing programs and mechanisms that integrate homeless individuals with nonhomeless individuals. In addition, these services would be required to be designed to expand upon or improve services provided as part of the school's regular program.

Subsection (b) of this section would provide that an LEA that desires to receive a grant under this section must submit an application to the SEA at such time, in such manner, and containing or accompanied by such information as the SEA may reasonably require according to guidelines issued by the Secretary. The application would be required to describe the services and programs for which assistance is sought and the problems to be addressed through the provisions of these services and programs, as well as the policies and procedures that the LEA would implement to ensure that activities carried out by the LEA would not isolate or stigmatize homeless children and youth. The application would also be required to include assurances that the applicant complies with, or would use requested funds to come into compliance with, the State plan requirements in sections 722(g)(3) through 722(g)(9), that the applicant has maintained its fiscal effort.

Subsection (c) of this section would require the SEA, in accordance with the funding provisions of section 722(g), to award grants under this section to applicant LEAs on the basis of their need. In determining need, the SEA could consider the number of homeless children and youth enrolled in preschool, elementary, and secondary schools within the area served by the LEA, and would be required to consider the needs of these children and youth and the LEA's ability to meet these needs. The SEA could also consider: (1) the extent to which the proposed use of funds would facilitate the enrollment, retention, and educational success of homeless children and youth; (2) the extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth, as well as the State plan; (3) the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youth; and (4) other criteria that the SEA determines to be appropriate.

Finally, subsection (c) would provide that grants awarded under this section would be for terms not to exceed three years, rather than two years as under current law. This change gives more flexibility to States in the awarding of subgrants and is more consistent with terms of other Department of Education subgrant programs.

Subsection (d) of this section would authorize an LEA to use funds awarded under this section for activities to carry out the purpose of this program. This subsection would delete both a reference in current law to "primary" and "related" activities and the requirement for a percentage of the funds to be spent on each type of activity. This change would eliminate confusion and unnecessary limitation on State and local efforts to meet the unique needs of homeless children and youth in different locations.

These authorized activities would include the provision of: (1) tutoring and supplementary educational services that are linked to the achievement of the same challenging standards the State establishes for other children or youth; (2) expedited evaluations of the strengths and needs of homeless children and youth, including needs and eligibility for programs and services such as educational programs for gifted and talented students, children with disabilities, and students with limited English proficiency, services provided under Title I of the ESEA or similar State or local programs, programs in vocational education, and school meals programs; (3) referral services to homeless children and youth for medical, dental, mental, and other health services; (4) assistance to defray the excess cost of transportation for students under sections 722(g)(4) or 722(g)(9), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend their selected school; (5) developmentally appropriate early childhood education programs (not otherwise provided through Federal, State, or local funding) for preschool-aged children; (6) before-and-after-school and summer programs for homeless children and youth in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities; (7) education and training to the parents of homeless children and youth about the rights of, and resources available to, these children and youth; (8) counseling (including violence prevention counseling), social work, and psychological services, and referrals for these services; (9) school supplies to be distributed at shelters or temporary housing facilities; and (10) other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.

In addition to the authorized activities noted above, the LEA could offer professional development and other activities for educators and other school personnel that is designed to heighten their understanding and sensitivity to the needs of homeless children and youth, the rights of these children and youth under the McKinney Act, and the specific educational needs of runaway and homeless youth. Where necessary, the LEA could pay fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youth in school, including birth certificates, immunization records, academic records, guardianship records, and evaluations for special programs or services. The LEA could also develop coordination between schools and agencies providing services to homeless children and youth, could undertake activities to address the particular needs of homeless children and youth that may arise from domestic violence, and could adapt space and purchase supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection.

Proposed section 724 of the McKinney Act would set forth the Secretary's responsibilities under this program. This section would delete the obsolete study and data collection mandates in current law, but would retain provisions regarding monitoring, evaluation, technical assistance, and dissemination. Thus, the Secretary would be required to provide support and technical assistance to SEAs to assist them in carrying out their responsibilities under this program, and to conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students. The Secretary would be authorized to use funds appropriated under section 726 to conduct evaluation and dissemination activities. Further, in reviewing the State plans submitted by the SEAs, the Secretary would have to use a peer review process and evaluate whether State laws, policies, and practices described in such plans adequately address the problems of homeless children and youth relating to access to education and placement as described in these plans.

Finally, the Secretary would be required to prepare and submit a report to Congress on the activities authorized by this program by December 31, 1997, and every third year thereafter, rather than an annual report as required under current law.

Proposed section 725 of the McKinney Act would define the term "Secretary" to mean the Secretary of Education and the term "State" to mean each of the 50 States, the District of Columbia and the Commonwealth of Puerto Rico.

Proposed section 726 of the McKinney Act would authorize an appropriation of such sums as may be necessary for each of the fiscal years 1995 through 1999 to carry out this program.

Part C—Repeal of impact aid statutes

Section 331. Repeal of Impact Aid statutes. Section 331 of the bill would repeal Public Laws 81–815 and 81–874, the Impact Aid statutes. Statutory authority for the Impact Aid program would be transferred to Title VIII of the ESEA, as provided for by section 101 of the bill and discussed more fully under that proposed title, above. Public Laws 81–815 and 81–874 would no longer be needed.

Mr. PELL. Mr. President, I am both enthusiastic and proud to be an original cosponsor of the Improving America's Schools Act of 1993.

President Clinton has been in office less than 9 months. Yet, in that short period of time, the Department of Education, under the exceptionally able leadership of Secretary Richard Riley, has developed a thoughtful, comprehensive initiative for reauthorization of the Elementary and Secondary Education Act. It is a proposal that merits our careful consideration.

The administration's bill is, without doubt, landmark legislation. It seeks to augment and spur the education reform movement already underway in State after State, community after community, and school after school throughout America. It is based on the premise that an education of opportunity and excellence is something that should not be a dream, but a reality for every American schoolchild.

The proposals for a new title I program are the cornerstone of this legislation, as well they should be. The current chapter 1 program is our most important Federal elementary and secondary education program. The administration's title I initiative not only maintains but strengthens that commitment.

The Federal contribution is a meager, and to my mind most inadequate, 6 percent. The chapter 1 program, however, represents almost two-thirds of all the money—Federal, State, and local—that is spent on basic skills instruction for children from families who are less well off. To them, it is not just another education program, it is the critical education program at the Federal level.

Tragically, chapter 1 is seriously underfunded. Less than half of all eligible recipients participate in this program today. While I would like to see this situation changed and Federal spending on general education doubled, I am afraid that goalremains, most unfortunately, beyond our reach for the immediate future. That harsh reality, however, should not deter us from getting the biggest bang for our buck, from making sure that our limited resources are used in a most effective manner and have a concentrated and beneficial impact on those children most in need. The administration's proposal does just that.

On many, many occasions I have said that America, in order to lead the world, must have a world class work force, and that a world class work force depends upon a world class education. To me, that means tough education standards, and education programs that live up to those standards. The administration's initiative is consistent with that objective. It puts the teeth of the Federal education dollar squarely behind the education reform movement already taking place throughout our land. It supports reform where it is taking place; it pushes reform where it is just beginning; it anticipates and expects reform where it should be occurring. But it does all that while recognizing that the primary responsibility for education in America rests not in Washington, but in the States and localities.

Of equal importance, the administration's proposals remain true to the original objective and purpose of the Elementary and Secondary Education Act of 1965. I was an original cosponsor of that legislation, and never have I looked back with anything but pride upon the small role I played in helping enact that legislation. It recognized that there were areas of our Nation where poverty literally robbed our children of educational opportunity and advancement. It recognized that the Federal Government had an important role to play in helping change that situation.

Today, almost 30 years after passage of the 1965 act, the situation we set out to alleviate remains all too prevalent in community after community across our land. In our most urban areas and in our most isolated rural areas, poverty is notjust an occasional occurrence. It is the dominating fact of life for millions upon millions of American citizens. It continues to subject children to the conditions we set out to eradicate almost three decades ago.

The clear message of widespread need and limited resources is that we must target our funds better, craft our programs more carefully, and work hard to ensure that funding is adequate to the task at hand. The administration's proposal targets funds to the areas of our Nation that need our help the most, and seeks to ensure that the programs and the funds will be of sufficient size and scope for those areas to pursue effective courses of action.

Better targeting of limited resources means, of course, that some areas will get additional funds, and some will receive less or even none at all. Yet, if we are to enhance educational opportunity and advancement where it is most needed, most arduous to achieve, and most important to accomplish, we cannot avoid the difficult decisions that are required of us. The administration has made those difficult decisions in formulating the proposals in this legislation. My own opinion is that we ought to back them up.

That does not mean that we will not have differences. We will. But they should be differences that come within the context of what the administration has set out to accomplish. To my mind, it is critical that we not violate the focus and thrust of the administration's initiative. That will be my own personal yardstick as we consider this legislation.

Crafting a formula that will be acceptable to the Members of this body will, I anticipate, be one of our most difficult undertakings. We have faced similar and equally difficult tasks in previous authorizations, and we have reached an accommodation that may not have satisfied everyone, but at least gained their acceptance. That is a goal we should seek in this reauthorization as well. The formula proposed by the administration will be changed, but changes should come in fine tuning the formula and should not strike at its heart.

Also, as we proceed with reauthorization, we cannot neglect the fact that full participation in our society—in the workplace, the grocery store, and at home—depends upon the mastery of basic skills. Every American must be able to read, write, and compute. It is truly a tragedy that as Secretary Riley has noted, 90 million adults do not have the literacy skills they need to function in our increasingly complex world. Thus, as we look at the education proposals advanced by the administration, we simply cannot ignore the basics. This is something I consider of paramount importance as we move ahead.

It is without question that a high-quality education depends upon a high-quality teacher. Little can be accomplished in the classroom without a good, knowledgeable, and enthusiastic teacher. The Eisenhower Math and Science Program, legislation which I authored as part of the Education for Economic Security Act, has been very successful. It is time, however, to build upon those accomplishments and to extend them to other disciplines, such as English, history, civics and government, and the arts. I strongly support the administration's proposal in this area.

There are many other areas in which we must act as well. Reauthorization and strengthening proven programs such as drug-free schools, innovation in education, magnet schools, gifted and talented education, and civics and government instruction is critical. The reasons these programs exist are evident; the services they are providing are important. Clearly, the school must be a safe place in which to learn. Innovative education programs should not be the exclusive province of wealthier school districts, and the magnet schools program provides a wonderful wayof invigorating education in some of the most disadvantaged school districts in the Nation. Gifted students should be pushed to excel, and should not be held back because of the lack of challenging education programs. And, all students should have the chance to develop critical thinking skills concerning the underpinnings of the democratic society in which they live.

I am very impressed with the administration's new arts education proposal. In the Labor and Human Resources Committee, we recently held the confirmation hearing on Jane Alexander, the President's nominee to head the arts endowment. Her testimony was one of the most moving statements I have heard during my tenure in the Senate. It was clear and compelling evidence of the importance of elocution, of theater, and of the arts to the education of our children. This is not a time for us to retreat in the arts and humanities; quite the contrary, it is time that we moved to bring them to more and more children.

We must also ensure that our children come to school ready to learn. They must be healthy and free of disease if they are to learn to the best of their ability. I have long supported the idea of providing comprehensive health services linked to the school setting, and believe we should give this concept very careful consideration.

As we reauthorize bilingual education, we cannot forget that the primary language of trade, commerce, and discourse in America is English. Our efforts in bilingual education must continue to foster the learning of English in the swiftest and most effective manner possible.

I appreciate the administration's impact aid proposals, but personally believe it is time that we looked at impact aid in new ways. To a local education agency, the presence of a military installation often means additional education expenses the community must bear. Aid to cover those expenses should not be the responsibility of the Department of Education, but of the very Department that bears the responsibility for the facility. I would hope, therefore, that we would take a close look at both the framework and the funding provisions of the Impact Aid Program as we proceed with reauthorization.

Mr. President, reauthorization of the Elementary and Secondary Education Act is a truly massive undertaking, but one of very critical importance. The education of our children is one of the most important and lasting legacies we leave the world. Well over a century ago, Disraeli, the English statesman, said that "the future of our nation depends upon the education of our children." Surely, what Disraeli said of England in the 19th century is just as true of America as we move toward the 21st century. If we are to be a strong and secure nation, we must have a strong and secure system of education. Without the latter, we most certainly risk the former. Let us be willing, therefore, to make the difficult, tough decisions that will bring an education of excellence to all children in all parts of America. For surely, no undertaking is more worthy of our labors.

Mr. JEFFORDS. Mr. President, I join Senators KENNEDY, PELL, and KASSEBAUM in introducing—on behalf of the administration—the proposal for reauthorizing the Elementary and Secondary Education Act of 1965 [ESEA].

ESEA, arguably the most far-reaching Federal education act, provides assistance to almost every school district in this Nation. The largest program, chapter 1, provides assistance to 5½ million disadvantaged students. Begun in 1965, it has a long legacy of providing children with supplemental education assistance.

Each of the last reauthorizations have made changes to fine tune chapter 1, alter formulas for aid distribution and add new categorical programs. This reauthorization will be no different. The administration's proposal for reauthorization provides Congress with a blueprint for this year's reexamination of the bill. While there will be considerable disagreement over a number of aspects, particularly the change in the formula, there are a number of changes worthy of support.

The administration's proposal builds upon work already embarked upon by States. It calls for all students to be taught high standards, greater State flexibility, new measures of assessment, increased parental involvement, a new emphasis on professional development, and better integration of services.

The proposal is thoughtful, it has a clear vision and represents a needed shift away from the status quo to an overall improvement in education services for all students. While the committee has a great deal of work ahead of it, I believe the administration has provided a bill that will be a sound foundation from which to begin our debate.

By Mr. COVERDELL (for himself, Mr. KEMPTHORNE, and Mrs. HUTCHISON):

S. 1514. A bill entitled the "Guaranteed Deficit Reduction Act of 1993."

DEFICIT REDUCTION LEGISLATION

• Mr. COVERDELL. Mr. President, today, Senator KEMPTHORNE and I are introducing a bill to ensure that amendments designed to cut spending will actually result in deficit reduction. This legislation was introduced in the House of Representatives last week by Congressman MIKE CRAPO and has already attracted over 70 cosponsors from both parties.

Like Congressman CRAPO and other new Members, I have grown increasingly frustrated by the appropriations process. Even when an amendment to eliminate funding for a program passes both Chambers, overall spending does not have to decrease by one penny. Under the current rules, that funding can simply be reallocated by the conference committee for other purposes.

This bill establishes a mechanism that requires a corresponding reduction in the discretionary spending cap and related appropriations subcommittees' allocations whenever spending cut amendments are enacted. If an appropriations bill is cut on the House floor, and if the Senate concurs, real deficit reduction will be achieved.

The American people have sent a clear message to Washington: Cut Government spending. This bill is a needed step toward achieving that goal, and I hope my colleagues will join us in this effort to make our cuts count.•

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1515. A bill to amend the Central Bering Sea Fisheries Enforcement Act of 1992; to the Committee on Commerce, Science, and Transportation.

CENTRAL BERING SEA FISHERIES ENFORCEMENT ACT AMENDMENTS ACT

• Mr. MURKOWSKI. Mr. President, I rise today to introduce a bill to amend the Central Bering Sea Fisheries Enforcement Act of 1992, so as to prohibit U.S. citizens from fishing in the international waters of the Sea of Okhotsk. I am very pleased to be joined in this effort by my colleague, the senior Senator from Alaska.

The central part of the Sea of Okhotsk contains a small area of international waters more than 200 miles from the mainland of the Russian Federation, and therefore out of the Federation's fisheries jurisdiction.

This area, known colloquially as the Peanut Hole, is thus very similar to the international waters of the Bering Sea, called the Doughnut Hole, from which U.S. fishermen were banned by the Central Bering Sea Fisheries Enforcement Act.

To explain our interest in the Sea of Okhotsk, it is first necessary to briefly relate the history of the Doughnut Hole. This area was for many years subject to intense fishing by a number of nations, including Japan, Korea, Poland, and the People's Republic of China. Fisheries researchers found, however, that the Doughnut Hole populations of Alaska pollock, the primary target fish, did not originate from a discrete—and replenishable—stock. Instead, they came from fish that spawned within the exclusive economic zones of the United States and the Russian Federation.

With that knowledge, the United States and Russia worked cooperatively to seek an international agreement to bring the unregulated fisheries in this area under control. While we were successful in gaining the fishing nations agreement to a temporary moratorium, we are still seeking a permanent solution.

The Peanut Hole is very similar in nature to the Doughnut Hole. In fact, many of the fishing vessels leaving the Doughnut Hole under the moratorium have simply transferred their effort to the Peanut Hole, where their activity is having a disastrous effect on the pollock stocks of the Sea of Okhotsk.

Mr. President, last April President Clinton and President Yeltsin agreed, at the Vancouver summit, to "develop bilateral fisheries cooperation in the Bering Sea, the North Pacific, and the Sea of Okhotsk for the purpose of preservation and reproduction of living marine resources, and of monitoring the ecosystem of the North Pacific Ocean."

The bill I am introducing today is a tangible sign of our continuing interest in cooperation with the Russian Federation, and of our commitment to the welfare of the world's ocean resources. I urge my colleagues' support for it, and look forward to rapid action.

Finally, I ask unanimous consent that the full text of this bill be reproduced in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Sea of Okhotsk Fisheries Enforcement Act of 1993.".

SEC. 2. FISHING PROHIBITION.

The Central Bering Sea Fisheries Enforcement Act of 1992 (Title III of Pub.L. 102–582, 16 U.S.C. 1823 note) is amended—

(1) in section 302, by inserting the words "and the Central Sea of Okhotsk" after "Central Bering Sea";

(2) in section 306, by renumbering paragraphs (2) through (6) as paragraphs (3) through (7) respectively; and

(3) in section 306, by inserting the following new paragraph:

"(2) CENTRAL SEA OF OKHOTSK.—The term 'Central Sea of Okhotsk' means the central Sea of Okhotsk area which is more than two hundred nautical miles seaward to the baselines from which the breadth of the territorial sea of the Russian Federation is measured.".•

• Mr. STEVENS. Mr. President, I urge the prompt passage of this bill to prohibit U.S. fishing vessels from fishing in an area of international waters known as the Peanut Hole. The high seas area completely encircled by the Russian exclusive economic zone in the Sea of Okhotsk. Like the Central Bering Sea Doughnut Hole, for which we passed legislation to prevent overfishing last year, the Peanut Hole has become an area in great danger of being negatively impacted by overfishing.

This bill would amend the Central Bering Sea Fisheries Enforcement Act of 1992 to prohibit U.S. nationals and vessels from fishing in the Peanut Hole as well as the Doughnut Hole—unless there is an international fishery agreement to which the United States and

Russia are parties. Our Russian neighbors are very concerned about this problem. This legislation will help alleviate those concerns and will further strengthen the cooperation between our two countries on an international fishery agreement for the Central Bering Sea Doughnut Hole.●

By Mr. GRAHAM (for himself, Mr. MACK, and Mrs. BOXER):

S.J. Res. 139. A joint resolution to designate the third Sunday in November of 1993 as "National Children's Day"; to the Committee on the Judiciary.

NATIONAL CHILDREN'S DAY

Mr. GRAHAM. Mr. President, I rise today to introduce legislation to celebrate the children of our Nation by establishing National Children's Day on Sunday, November 21, 1993.

Children's Day will enable us to pay tribute to children and to focus on issues that are so important to their health, development, and education. Many children today face crises of grave proportions, especially as they enter adolescent years. It is of particular concern that over 5 million children go hungry at some point each month, and that there has been a 60-percent increase in the number of children needing foster care in the last 10 years. It is also appropriate that adults in the United States have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years.

There are times when Congress can enact simple measures that ensure that the needs of our Nation's children are being recognized. It's the least we can do to celebrate the contributions children make in each of our lives and to all of America.

I urged my colleagues to join me in cosponsorship of National Children's Day.

ADDITIONAL COSPONSORS

S. 401

At the request of Mr. CAMPBELL, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 401, a bill to amend title 23, United States Code, to delay the effective date for penalties for States that do not have in effect safety belt and motorcycle helmet safety programs, and for other purposes.

S. 421

At the request of Mr. DASCHLE, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 421, a bill to amend title XVIII of the Social Security Act to provide coverage under such title for certain chiropractic services authorized to be performed under State law, and for other purposes.

S. 639

At the request of Mr. DECONCINI, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 639, a bill to make unlawful the possession of certain assault weapons, to establish a Federal penalty for drive-by shootings, and for other purposes.

S. 653

At the request of Mr. METZENBAUM, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 653, a bill to prohibit the transfer or possession of semiautomatic assault weapons, and for other purposes.

S. 774

At the request of Mr. WOFFORD, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 774, a bill to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, extend such Commission, establish a national Service Day to promote community service, and for other purposes.

S. 915

At the request of Mr. BAUCUS, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 915, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1040

At the request of Mr. BINGAMAN, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1040, a bill to support systemic improvement of education and the development of a technologically literate citizenry and internationally competitive work force by establishing a comprehensive system through which appropriate technology-enhanced curriculum, instruction, and administrative support resources and services, that support the National Education Goals and any national education standards that may be developed, are provided to schools throughout the United States.

S. 1087

At the request of Mr. KOHL, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 1087, a bill to amend title 18, United States Code, to prohibit the possession of a handgun or ammunition by, or the private transfer of a handgun or ammunition to, a juvenile.

S. 1248

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of S. 1248, a bill to transfer to the Secretary of Transportation the functions of the Interstate Commerce Commission.

At the request of Mr. THURMOND, his name was added as a cosponsor of S. 1248, supra.

S. 1345

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1345, a bill to provide land-grant status for tribally controlled community colleges, tribally controlled postsecondary vocational institutions, the Institute of American Indian and Alaska Native Culture and Arts Development, Southwest Indian Polytechnic Institute, and Haskell Indian Junior College, and for other purposes.

S. 1361

At the request of Mr. SIMON, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1361, a bill to establish a national framework for the development of School-to-Work Opportunities systems in all States, and for other purposes.

At the request of Mr. BINGAMAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1361, supra.

S. 1427

At the request of Mr. HOLLINGS, his name was added as a cosponsor of S. 1427, a bill to provide the necessary authority to manage the activities in Antarctica of United States scientific research expeditions and United States tourists, and to regulate the taking of Antarctic marine living resources, and for other purposes.

S. 1432

At the request of Mr. HOLLINGS, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Washington [Mr. GORTON], the Senator from Maryland [Mr. SARBANES], the Senator from Alaska [Mr. STEVENS], the Senator from Mississippi [Mr. LOTT], the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 1432, a bill to amend the Merchant Marine Act, of 1936, to establish a National Commission to Ensure a Strong and Competitive United States Maritime Industry.

S. 1437

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1437, a bill to amend section 1562 of title 38, United States Code, to increase the rate of pension for persons on the Medal of Honor roll.

SENATE JOINT RESOLUTION 137

At the request of Mr. LEAHY, the names of the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Louisiana [Mr. JOHNSTON], the Senator from New York [Mr. MOYNIHAN], the Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. BOND], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 137, a joint resolution designating October 16, 1993, and October 16, 1994, each as "World Food Day."

SENATE CONCURRENT RESOLUTION 20

At the request of Mr. LIEBERMAN, the name of the Senator from Wisconsin

[Mr. FEINGOLD] was added as a cosponsor of Senate Concurrent Resolution 20, a concurrent resolution relative to Taiwan's Membership in the United Nations.

SENATE RESOLUTION 70

At the request of Mr. BRADLEY, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Senate Resolution 70, a resolution expressing the sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child.

AMENDMENTS SUBMITTED

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS ACT OF 1994

REID AMENDMENTS NOS. 1006–1007

Mr. REID proposed amendments to the bill (H.R. 2750) making appropriations for the department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes, as follows:

AMENDMENT NO. 1006

At the appropriate place, insert the following:

SEC. . (a) It is the sense of the Senate that, within 12 months following the date of the enactment of this Act, each motor vehicle department of a State, rather than Congress, should establish a program requiring every applicant for an original, duplicate, or renewal driver's license or identification card to produce the documents specified in subdivision (b) sufficient to establish the applicant's citizenship or residence status.

(b) Under such a program, each department would accept any one of the following documents, but no other documents, as proof of the person's citizenship or residence status:

(1) an original or certified copy of a birth certificate issued in the United States.

(2) A currently valid United States passport.

(3) Official immigration documents issued by the United States Immigration and Naturalization Service that either contain the person's alien registration number or provide reasonable evidence of current immigration status.

(c) Under the program, an applicant who declares himself or herself to be a lawful resident in compliance with such program would have that status verified by the Immigration and Naturalization Service of the United States based on documents presented to the department by the applicant. Verification would be either through an automated system utilizing the applicant's alien registration or file number, known as the Systematic Alien Verification for Entitlements or "SAVE" system, or by the department sending a copy of the original document the applicant submits as evidence of his or her immigration status to the Immigration and Naturalization Service for inspection, verification, and return to the department.

(d) Under the program, the department would not issue or renew a driver's license or identification card to any person who does not establish proof that he or she is a citizen or a legal resident of the United States pursuant to subdivision (b).

AMENDMENT NO. 1007

On page 68, between lines 5 and 6, insert the following:

SEC. . (a) Section 13242(e) of the Omnibus Budget Reconciliation Act of 1993 is amended by striking "January 1, 1994" and inserting "July 1, 1994".

(b) Section 13243 of such Act is amended—

(1) by striking "January 1, 1994" each place it appears in subsections (a) and (c) and inserting "July 1, 1994",

(2) by striking "December 31, 1993" in subsection (a)(1) and inserting "June 30, 1994", and

(3) by striking "July 31, 1994" in subsection (c)(3) and inserting "January 31, 1995".

LAUTENBERG AMENDMENT NO. 1008

Mr. LAUTENBERG proposed an amendment to the bill (H.R. 2750), supra, as follows:

On page 19, line 15, strike "(HIGHWAY TRUST FUND)".

On page 19, line 17, after the comma insert the following: "and Public Law 101–516".

On page 23, line 25, strike "2,485,000" and insert the following: "1,435,000".

On page 24, line 9, strike "1,357,000" and insert the following: "$2,711,000".

On page 28, line 23, following '"1994" insert: "and $250,000 is hereby made available for the cost of such loan guarantee commitments".

On page 40, line 15, strike "1004(d)" and insert the following: "10004(d)".

On page 61, line 21, strike "1995" and insert the following: "1997".

LAUTENBERG AMENDMENT NO. 1009

Mr. LAUTENBERG proposed an amendment to the bill H.R. 2750, supra, as follows:

On page 65, strike all beginning on line 9 through the end of line 13.

DANFORTH (AND OTHERS) AMENDMENT NO. 1010

Mr. DANFORTH (for himself, Mr. BROWN, Mr. CHAFEE, Mr. DOMENICI, Mr. LOTT, Mr. MURKOWSKI, Mr. DOLE, Mr. JEFFORDS, Mr. THURMOND, Mr. SIMPSON, Mrs. HUTCHISON, Mr. WALLOP, and Mr. D'AMATO) proposed an amendment to the bill (H.R. 2750), supra, as follows:

On page 45, strike line 13 through line 9 on page 46.

HUTCHISON AMENDMENT NO. 1011

Mr. D'AMATO (for Mrs. HUTCHISON) proposed an amendment to the bill (H.R. 2750), supra, as follows:

On page 37, strike lines 12 and 13, and insert the following: $3,200,000 shall be for the RAILTRAN Corridor project of Dallas, Texas, and Fort Worth, Texas, and $69,300,000 shall be allocated at the discretion of the Secretary.

BUMPERS AMENDMENT NO. 1012

Mr. BUMPERS proposed an amendment to the bill (H.R. 2750), supra, as follows:

On page 17, line 24, add the following after the period: "Of the funds made available pursuant to this heading, $5,000,000 shall be provided for continuing construction of Lock and dam No. 4 located at Pine Bluff, Arkansas.".

MACK AMENDMENT NO. 1013

Mr. D'AMATO (for Mr. MACK) proposed an amendment to the bill (H.R. 2750), supra, as follows:

SEC. . TRANSFER OF APPORTIONED TITLE 23 FUNDING.

The Secretary of Transportation shall permit the obligation of not to exceed $4,000,000, apportioned under title 23, United States Code, section 104(b)(5)(B) for the State of Florida for operating expenses of the tricounty commuter rail project in the area of Dade, Broward, and Palm Beach Counties, Florida, during each year that Interstate 95 is under reconstruction in such area.

BOND AMENDMENT NO. 1014

Mr. D'AMATO (for Mr. BOND) proposed an amendment to the bill (H.R. 2750), supra, as follows:

Insert where appropriate:

Notwithstanding any other provision of law, of the funds made available by this Act under Federal Aviation Administration, Grants-in-Aid for Airports, $6,000,000 shall be made available to repair and rebuild airports damaged as a result of the Midwest floods of 1993: *Provided*, That these funds shall remain available until expended.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Monday, October 4, 1993, at 5:15 p.m. in closed session, to receive a briefing by the Joint Chiefs of Staff on Somalia.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A MOST MEMORABLE OCTOBER 1, 1993

• Mr. GRAHAM. Mr. President, I rise today to call your attention to last Friday, October 1, 1993, marking the 50th anniversary of the Danish operation that saved nearly all of that country's Jews from the Nazi death camps. During a visit to Holocaust museum in Washington last week, I was overcome with emotion at the magnitude of this historic event. The tragic Holocaust period has taught us that men and women of good conscience cannot be silent in the face of injustice, and this event captured that spirit.

While other countries accommodated the genocide of their Jewish citizens, Denmark stood resolute in the face of adversity. When the Germans approached the Danes about introducing the yellow badge, a means of identifying Jews, King Christian said: "If the Jews are forced to wear the yellow star, I and my whole family shall wear it as a badge of honor."

In spite of expected Danish resistance, the Nazis scheduled Jewish deportations for the night of October 1, the day before Rosh Hashanah, the Jewish New Year. However, the Danes discovered the plan and alerted the Jewish community before the Nazis could act. The Danes quickly established an underground network to shuttle the Jews to neutral Sweden. At tremendous personal risk, residents in the coastal towns of Snekkersten and Elsinore harbored the refugees in private homes, farms, inns, hotels, and garages while fishermen were organized to deliver them to safety. In hundreds of crossings over a period of a few days, the small boats delivered almost all of the Jews to the Swedish coast. The rescue operation proved so successful that no Danish Jews were sent to death camps.

The world must never forget the heinous events of the Holocaust, nor the valiant Danish people who refused to acquiesce to its deadly immorality.•

FUNDING FOR THE SUPERCONDUCTING SUPER COLLIDER

• Mr. DURENBERGER. Mr. President, I rise to explain my support for the amendment offered by our colleague from Arkansas to eliminate funding for the superconducting super collider [SSC]. I have supported SSC—until last year. Public support for basic scientific research is the hallmark of a great nation.

In expressing my opposition to the SSC, I have not lost the vision of the future nor have I turned a deaf ear to the present accomplishments or the future potential of the SSC. You may have read of some of these accomplishments and of those that are hoped to follow in the future. They bear repeating.

The immensity of the project alone stimulates the imagination. This sophisticated atom smasher is designed to reveal new horizons as to the origin of matter and to provide many practical and commercial applications.

The low temperatures designed to be attained by the cryogenic features of the SSC may hold promise in the field of super computers where heat reduction is essential to faster, more efficient machines. It has been suggested that the same cryogenic technology might also be applied to the building of giant airplanes and magnetically levitated trains. The extremely sensitive control system needed for the highly complex SSC technology might be used to control smart automobiles on our highways or in automated manufacturing. In the field of medicine, special plastics that may be sterilized without the use of environmentally detrimental chemicals have been developed and have important applications in the manufacture of medical devices. Proton and ion beams can be focused with such accuracy that they can destroy tumors without damaging healthy tissue. Advanced diagnostic imagery technology has important potential for aiding in the discovery of new cures. Plans are already underway to build an onsight proton therapy clinic for cancer treatment.

As to environmental applications, accelerator spectrometry can be used to study soil erosion, ground water problems, and the disposal of nuclear waste. Accelerator particle beams can be applied to date documents and to analyze rock formations for hydrocarbons and oil deposits.

As to the present, we are told that already electrical equipment has been designed, tested, and manufactured that is more conductive and uses electricity more efficiently. A recent newspaper account, noted that the cost of conducting wire had fallen significantly and that further reductions were expected.

The SSC has many good features that hold potential for the future.

A vote to discontinue funding for the SSC is not a vote against scientific discovery, as some might suggest. It is a vote for national prudence. At a time when everything we want is important to someone, we must decide what is essential.

A number of smaller scientific research projects, such as the base DOE High Energy Physics Program and the university programs, may be reduced in funding or not funded at all, because of the money being spent on SSC. A vote to discontinue funding for the SSC is a vote to fund smaller scientific projects that may yield more results.

Let me tell you how I determined that the SSC is not essential.

The history of the SSC is the same old story of many Government projects. The costs have escalated dramatically. The mission has become more fuzzy. The completion date keeps being put off further and further into the future. Yet we are asked to continue to support this project as an act of faith.

Originally, the Reagan administration estimated that this project would be completed over an 8- or 9-year period. It is now projected that the SSC will not be completed until 2002. And it is questionable that this new target date is realistic.

In 1985, when the project was started, we were told that it—that the SSC would cost $4.4 billion. In 1987, 2 years later, Congress was then told that the cost to completion would not exceed $5.3 billion.

Again in 1988, we were told that the cost of the project has slightly increased that it would now cost $5.9 billion. In 1991, we were told that the cost of the project had escalated and that the SSC would now cost $8.25 billion in inflated or as spent dollars. Congress is now told that construction of the SSC will cost $11 or $13 billion, according to whose figures you believe. We can only expect this trend to continue.

It is no wonder that the present cost estimate has little credibility, if the past history of this project is any criterion. The present cost estimate is almost three times the original price tag and there is no guarantee that even the $13 billion figure will hold up, if the SSC is funded for another year.

To confirm, what is quite apparent from the almost yearly change in cost and schedule, the General Accounting Office [GAO], in prepared testimony before the House Committee on Science, Space, and Technology, in May of this year, reported that the SSC was "over budget and behind schedule." And for the most of the present life of the project, neither the Department of Energy [DOE] nor its prime contractor have had a fully implemented cost and schedule system to manage the project.

In addition to GAO, DOE's own inspector general, in a presently unpublished document, reported tentative findings that revealed unreasonable costs that were unchallenged and cost growth that the Department failed to address. The same draft audit report also found a significant number of expenditures that were unnecessary and excessive.

To make this project more palatable, we were told the SSC was a prime candidate for cost-sharing with other interested countries since high energy physics has been a fertile field for international cooperation. And the Department has been actively pursuing, without success, international participants willing to share of significant portion of the construction costs.

To date, there has been no major foreign contribution to the SSC. In fact, in January of this year the Department had to admit that foreign contributions would probably not exceed $400 million—much less the $1.7 billion as originally predicted. As evidence of the lack of interest by other countries in helping to fund this project, at the end of fiscal year 1992, DOE had received only about $15 million in foreign contributions.

Escalating costs, poor management, a failure to meet project milestones on schedule and lack of foreign funding would have bankrupted most commercial projects by now. But the SSC continues to survive spending more and more of the taxpayers money. It is estimated that the SSC will cost the taxpayers of Minnesota $232 million to complete, and this is probably a very conservative estimate. I ask that my colleagues consider the cost of the SSC to their own States and to the Nation as a whole.

Mr. President, we simply cannot afford the SSC. It would be important to have. We have many essential priorities right now, especially deficit reduction. The Federal deficit is $4 trillion and escalating dramatically. The budget deficit is estimated to be close to $260 billion this year.

I simply must exercise a judgment that I did last year.

Mr. President, I would urge my colleagues to carefully consider the serious budget impact of continuing the SSC, and vote for the Bumpers amendment which will bring an end to this wasteful appropriation.●

THE 60TH ANNIVERSARY OF UKRAINIAN WEEKLY

● Mr. DeCONCINI. Mr. President, on October 6, the Ukrainian Weekly, which is published by the Ukrainian National Association, will celebrate its 60th anniversary. This English-language newspaper began publishing in 1933, a year infamous for the devastation of Stalin's forcible famine in Ukraine. The Ukrainian Weekly provided news about the famine—something that was truly necessary, as there was tragically little coverage of the famine at that time. Its important work has continued since then.

Throughout the last 60 years, the Ukrainian Weekly has provided an extremely valuable service in bringing to the attention of the Ukrainian-American community and other interested Americans news concerning Ukraine, as well as about the Ukrainian-American community. It has been, and continues to be, an important resource to the U.S. Congress. Since its inception, the Ukrainian Weekly has provided solid information together with insightful commentary on the struggle of the people of Ukraine for their human rights and national dignity. In so doing, it has played a vital role in advancing the cause of Ukraine's independence.

The Ukrainian Weekly also serves as an important channel for informing the Ukrainian-American community about congressional actions affecting Ukraine, thus building support for various initiatives in the Congress. This was helpful for example, in the passage of legislation I introduced in the Senate on United States recognition of Ukrainian independence and on the Millennium of Christianity in Kievan Rus'. The Ukrainian Weekly has also been helpful by familiarizing its readership with other efforts of the Helsinki Commission [CSCE], in which I serve as chairman, including the Commission's work in the past on issues such as the Ukraine churches and individual Ukrainian political prisoners, and on its more recent reports and initiatives dealing with Ukraine.

The Ukrainian Weekly continues to provide breaking news and analysis of developments in independent Ukraine, chronicling the ongoing historical efforts to rebuild Ukraine following the devastating experience of Soviet domination. Under the able leadership of editor-in-chief Roma Hadzewycz, and with detailed coverage from Kiev by associate editor Marta Kolomayets, the entire staff of the Ukrainian Weekly is to be commended for their dedication and commitment in putting out a first-rate newspaper. I congratulate the Ukrainian Weekly on its 60th anniversary and express my best wishes for its continued success.●

SUPERCONDUCTING SUPER COLLIDER

● Mrs. HUTCHISON. Mr. President, last Wednesday, I spoke to my colleagues here on the Senate floor about the most important science project ever undertaken—the superconducting super collider [SSC].

In voting to save the SSC, we in the Senate determine that our generation would not simply live for today, but that we would reach for a better future for generations to come.

At the time of my remarks, time constraints permitted me to share only a few excerpts from the letters of students at Red Oak High School. I want to commend all the students, who wrote me, for participating in the debate on this vital issue before the Congress and the Nation. Mr. President, I wish for all 12 of the student letters to be entered into the RECORD as if read.

I want to especially thank Joyce Fender, the students' biology/physical science teacher, who challenged them to make their voices heard. The students, their parents, and the entire Red Oak community should be proud of the contribution these students made to the SSC debate, and of the tremendous start they have toward full adult participation in our society, and in our democracy.

The letters follow:

AUGUST 27, 1993.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Washington, DC.

DEAR SENATOR HUTCHISON: Building the Superconducting Super Collider is heading America in the right direction. It has come to my attention, though, that some of the senators wish to cancel funding for this vital project. I believe that is a mistake if America intends to remain in the forefront of technology, science, education and medical advance.

Please support the Superconducting Super Collider and keep America's future alive and well.

Sincerely,

ANDREW B. EDMONDSON.
AARON WILKERSON.

Hon. KAY BAILY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: We are writing to you about the debate of whether the Super Conducting Super Collider should be funded or not. We have read many reports, statistics, and articles concerning the SSC, and have come to the conclusion that it should not be funded. We realize our country is always in a technological race with the entire world, and realize how important it is for our country to stay on top of world issues. Would it not better benefit mankind if we would take that one billion dollars and use it for medical research or, use the money for the deficit. We do not see how particle science has taken precedence over such important issues. How is particle science in any way beneficiary to our society other than just for the sake of knowledge? When hearing important issues to our country we hear cures for Cancer, Heart disease, A.I.D.S, and the deficit.

Never have we heard particle science as one of the top priorities in our nation. We know you are trying to bring money and jobs to Texas but, why not set up a research center for Cancer, Heart disease, or A.I.D.S. in Texas? We can not see paying all this money when our country is in such heavy debt. We want to close by saying that we thank you for your time, patience, and concern for our country. May God guide and bless you in your decisions.

Sincerely,

JENIFER HUMBERT.
ANGELA NUNÊZ.
LUCINDA MONTGOMERY.

Hon. PHIL GRAMM,
370 Russell Building,
Washington, DC.

DEAR SENATOR: I am a student in Red Oak High School. Our physical science teacher asked us to write our senator on why we think the SSC should or shouldn't be funded. In my opinion, I think this project could wait a couple years. After all, this six billion dollars could feed the Somalians or pay some of the national debt. I've heard this will keep the U.S. ahead of all the other countries; well we are the last super power so we really are ahead of all the other countries. I believe in one way we could pay for the SSC is get back some of the money we loan to other countries.

Sincerely,

STEPHEN SPROUSE.
JOE ALCOT.

RED OAK, TX,
August 31, 1993.

DEAR SENATOR HUTCHISON: My name is Zachary Nix and I am a student at Red Oak High School. I am writing you in regard to the SSC. I believe strongly that it should be funded.

The reason I feel it should be funded is because I think we should take a chance in seeing if it works. Nobody knows what advances it could bring and no one will ever know if it is not funded.

In conclusion, I feel that it will bring answers to questions that we never thought could be answered and bring many advances in the future.

ZACHARY NIX.

RED OAK, TX,
September 2, 1993.

Senator KAY BAILEY HUTCHISON,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR KAY BAILEY HUTCHISON: The SSC has many advantages for our society today and our future generation. Two of the SSC's advantages are that it will create more jobs and will improve our medical technology.

One of the most important reasons why we should build the SSC is that it will create more jobs for our society. As you know many Texans have been layed off or lost their jobs this year, causing many Texas families to break-up and other to seek help from the government through policies like welfare and the Salvation Army. So if you allow the SSC to continue, it will create more jobs and decrease the homeless.

Another reason why we should build the SSC is to improve our medical technology. The SSC will provide new medicine and cures for many diseases. This will cause an enormous effect across Texas and America. The SSC might cure some diseases like Aids, Cancer, and some kinds of leukemia. These diseases have been known to claim lives each year.

In conclusion the SSC will improve our society. "We believe that in life there are no problems, only solutions", and the SSC is one of them.

From:

JOHN WORDLAW.
BOBBY HODGE.
MICHELLE GIBSON.

RED OAK, TX,
August 25, 1993.

Hon. KAY BAILEY HUTCHISON,
Washington, DC.

DEAR KAY BAILEY HUTCHISON: This letter is concerning the Superconducting Super Collider in Ellis County. Our group and classmates think that you should keep funding the SSC in Ellis County because, "science is the future of America." If you stop funding the SSC the world might come to a halt. We might now know enough about medicine and/or science to keep the world alive. Please take this letter into consideration for lives and the world around us.

Sincerely,

AUDRA MERCER.
KRISTY GRMELA.
LACY VENT.

DEAR MRS. HUTCHISON: Hello. My name is Kristina Armstrong and my partner's name is Adam McDonald. We are in the ninth grade and are from Red Oak High School. We are doing a class assignment for Biology and that assignment is to write you a letter stating to you our opinion on the funding of the Superconducting Super Collider project.

We have done a rather large amount of research over this project and we feel that the funding for the Super Collider should be continued. The reason we feel this way is because of the simple fact that you and I are both aware of all of the people being put out of their jobs and money that has been put into this operation. We feel that the money that could have been used for other things is going to be wasted and if it was decided to begin the project then we feel that it should be finished.

We do realize the money situation that everyone is in but we have discussed a few options that could be taken. One is not to discontinue the funding but to slow the process down. Another option is that you could rest the process for a little while but then start it back up.

In our opinion the funding should not be cut for the simple fact of all of the people being put out of their jobs and all of the money going to waste.

Thank you for taking the time to read and possibly consider the options we have listed. Whatever the decision, we hope it is the best for you and our community.

Thank you,

KRISTINA ARMSTRONG.
ADAM MCDONALD.

HONORABLE SENATOR HUTCHISON: My classmate and I are writing to you about our views on the Superconducting Super Collider. It has come to our attention that the Super Collider is on the verge of being shut down.

We think that by shutting down the super collider thousands of hard working people will be out of jobs, which would cause the unemployment rate to increase drastically. Just as importantly, it would be a waste of tax payers money if the SSC was allowed to be shut down.

We are taking this opportunity to urge you to do everything within your political influence to keep the Super Collider functioning. Please help us keep Texas one of the leading states in America.

Respectfully,

SAMANTHA BUTLER.
JENNIFER HENSON.

DEAR SENATORS HUTCHISON & GRAMM: I am totally for the SSC. I think it could benefit this country in a number of ways. These ways are:

1. It could tell us more about organisms and the way they work.
2. It's useful in medicine.
3. It can help us come up with a lot of different kinds of technology, plus many other things.

Personally, I think you're doing an extravagant job. Keep it up.

Sincerely,

JOSEPH SKUPIEN.

AUGUST 27, 1993.

DEAR SENATOR: The future of the Superconducting Super Collider is in your hands. It is very important to this community and to the world that the project continues to move forward.

Area job growth is on the uprise in Dallas and would rapidly decline if the Superconducting Super Collider is not funded. The closing of the project would be an additional 4,000 plus workers to the unemployment roll.

A lot of money has been wasted on the SSC project and it would not be economical for the Senate to drop the project this far into it. What would happen to the funds already wasted? I vote that the Senate funds the project and we press forward with the project.

Sincerely,

PHILLIP MCINTYRE,
Concerned Student.

RED OAK, TX,
August 25, 1993.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: In recent years many advances have been made in science and technology. They have been costly ones, but undoubtedly contributed to the advanced society of modern day America. The Superconducting Super Collider is one of these.

In the times of Isaac Newton modern technology was unimaginable. Things as common as a toaster or walkman radio would send him screaming into the night. Things to be in the twenty-third century will leave us spellbound and awed. How are we to know if the SSC will or will not contribute to future technology? The SSC could be the stepping stone for the future way of life.

As you know the American economy is far from perfect. The unemployment rate is steadily growing and there are only a few ways to improve it. The SSC can do this. Construction, research, and upkeep will all take workers to complete. These create jobs that contribute to the Texas economy. Already, the SSC has provided hundreds of jobs.

In the last one hundred years, thousands upon thousands of innovations have been invented because of technology research. The SSC could bring thousands more.

Yours Truly,

JORDAM JOLLY.
LAURA LASSITER.
ORALIA DIAZ.

DEAR KAY BAILEY HUTCHISON: This is a letter about the Superconducting Super Collider. Our biology class is doing a project on the SSC. In this letter we were asked to state our opinions so we will gladly do so. We think that you should tell Bill Clinton to fund the SSC because America will be greatly benefited by it. For instance, the x-ray that determined the structure of the Aids Virus was learned from high energy physics. The SSC will provide about 7000 jobs for the Dallas-Forth Worth area. These are just some of the ways high energy physics and imagine what we will have when the SSC is finished.

Sincerely,

JEREMY POWERS.
MICHAEL WILSFORD.•

VIOLENT CRIME PREVENTION ACT OF 1993

• Mr. DORGAN. Mr. President, America's criminal justice system today simply is not working. To see why, just consider the case of Larry Martin Demery and Daniel Andre Green.

In March 1991, Mr. Green was sentenced to 6 years in prison after he assaulted another boy with an ax. Barely 2 years later, thanks to good-time credits and parole, the 19-year-old was free again.

Mr. Demery, meanwhile, had a similar history. Last December, he was indicted for clubbing a 61-year-old store clerk with a cinder block while robbing a market. Yet 8 months after his indictment Mr. Demery was still free on bond, despite an extensive criminal history, and even though he did not bother to show up for a court hearing.

Green and Demery were on the loose, when they should have been in jail. Then, last August, they were arrested for the brutal slaying of Michael Jordan's father.

Or consider the case of Patsy Jones. Earlier this month, she was arrested and is being held for shooting a 33-year-old German tourist as he and his pregnant wife left the Miami airport on a belated honeymoon. Just 2 weeks before this arrest, Jones had been arrested for felony robbery and weapons charges. These charges were reduced to a misdemeanor charge of theft, and Jones was released from jail. While she was in jail, she had written to the judge who accepted her plea bargain, stating "I promise to uphold myself * * * I just need another chance in the world." Well Jones got her chance, and less than a week later she is accused of murdering an innocent victim with a sawed-off .30-30 carbine rifle.

Finally, Henry "Little Man" James provides another example of how far afield our criminal justice system has deviated from the reality of crime in our community. James was convicted of shooting Patricia Lexie as she and her husband drove on the Anacostia freeway in Washington. James had no vendetta against Lexie, in fact, he did not even know her. The reason for this murder? James was out joy-riding with friends, and stated to other passengers in the car that he felt like killing someone. He took a gun from his waistband, rolled down the window, and fired a single shot into a passing car, killing Lexie. At the time James killed Lexie, he was free on $1,000 bond after being charged and arraigned in another shooting. In fact, he had a long arrest record including a third assault with intent to kill, and two drug charges. James should not have been loose in the community, but as with Larry Martin Demery, Daniel Andre Green, and Patsy Jones, he was legally free.

These cases are exceptional only because of their notoriety. In other respects it is repeated almost daily. On the average day last year, in cities and town across America, there were some 67 murders and 292 rapes. Per capita, the United States has 10 times the number of homicides of Japan or France, 13 times the number of homicides of England, and 5 times the number of homicides of Canada.

Sixty percent of the inmates in our prisons today have been in prison before. And thousands of violent offenders get out of prison early, only to cause more destruction and mayhem. In fact, nationally, the average sentence imposed for all criminal offenses is 65 months, but the actual time spent behind bars is only 22 months.

This is not a question of retribution. Nor is it to ignore the deep social problems that feed a culture of crime. The very first duty of government is to enable people to feel safe on the streets and in their homes—and that goes for the residents of the poorest inner-city neighborhoods as well as the most prosperous suburbs.

Unless we do that much, moreover, we do not have a chance at addressing what are called the "underlying social problems." Kids cannot concentrate in school when there are bullets flying through the schoolyard and when they feel they have to pack heat themselves just for protection.

The fact is, people who commit crimes in this country know how to play the system. They know that they will serve, on average, only about 1 year for every 3 years of their sentence. This includes white-collar criminals as well as murderers and rapists. They know the prisons are crowded and that the system wants to move them out as soon as possible to make room for someone else.

At the same time, the public—the potential victims of crime—do not know how this system works. In many States judges have to run for election, and yet the voters do not have the most basic facts regarding the records of those judges in sentencing criminals. There is a lack of accountability throughout the whole criminal justice system, and the direct result is the stories that appear in newspapers virtually every day across the land. A convicted felon, out on the streets, has done it again.

We have to change this revolving door system, and we can. That is why I am introducing legislation today that will keep violent offenders in jail. I propose that we impose a few tough measures to restore security to America's streets and communities.

GOOD TIME CREDITS

First, my legislation eliminates good time credits for violent and repeat offenders in the Federal prison system, and makes Federal funding for criminal justice programs available only to States that severely limit their good time and parole laws for hardcore criminals.

Currently Federal prisoners, by statute, can get 54 days of good time credit for every year they are in prison. This makes no sense. If a defendant is found guilty of a violent crime, he or she should be sentenced to—and serve—the prison term they deserve. I understand the theoretical purpose of good time credits—that is, to encourage good behavior. But in reality almost every prisoner receives these credits regardless of behavior, and the rehabilitative effects are negligible. I believe if a person decides to commit a violent crime, he or she should serve the full sentence.

Unlike the Federal system, the States use a variety of devices to shorten a convict's prison term. In addition to good time credit, these include parole, furloughs, and emergency powers to relieve prison overcrowding. Some States, such as Florida and Minnesota, actually adjust the length of incarceration depending on how crowded the prisons are.

Though the various State systems are different, the basic problem is the same. Convicts should serve the full sentence imposed by the court, but that is not happening. My bill makes any Federal funding for criminal justice programs contingent on a State eliminating early release for at least the most serious criminals and repeat offenders.

There is no question that eliminating early release for State and Federal prisoners will be expensive. However, the cost of not incarcerating these violent individuals is much higher. While it costs the Federal prison system an average of $20,803 to keep one convict in prison for 1 year, the National Institute of Justice has found that the typical career criminal— turned loose in society—will engage in crimes costing 17 times the price of imprisonment. According to a Rand Corp. survey of 2,190 professional criminals, a career criminal commits over 200 crimes a year. Two hundred crimes a year. And each costs society an average of $2,300. Put another way, the cost of letting criminals out of prison costs almost half a million dollars more than keeping them in prison. Thus, society will save money—as well as lives—by keeping hard core criminals locked up for their full terms. It will also send the message to society: If you commit the crime, you will do the time. In the final analysis, I believe this is the best deterrent we can have.

BOOT CAMPS AND MINIMUM SECURITY PRISONS ON MILITARY BASES

Second, my bill provides funding to turn closed military bases into both boot camp prisons for nonviolent youth offenders, and minimum security prisons. This will save money, and free up existing prison space for more hardcore and violent prisoners. Currently only 49 percent of the criminals in prison are there for violent crimes. A substantial number of the remaining 51 percent could be housed in refitted military bases. Because the vast majority of crimes are State offenses, and criminals are sentenced to State correctional agencies, my bill provides that 80 percent of the space in both the boot camps and minimum security prisons will be reserved for State prisoners.

Boot camp prisons—often called shock incarceration programs—require offenders to serve their prison term in a quasi-military setting, similar to basic training. Boot camps are designed to straighten out young offenders through hard work, military training, and structured routine. I am in favor of using this approach rather than locking up young nonviolent offenders with hardened criminals. However, I also recognize that without some form of followup, any progress that was made in these boot camps can be easily lost. For this reason my bill mandates that the State correctional agencies conduct a followup program to help these offenders.

My bill also includes funding to convert unused military bases into minimum security prisons. For a number of reasons this proposal makes sense. With the end of the cold war, the Federal Government has a great deal of unneeded military space, which provides an existing infrastructure for minimum security prisons. The cost of refitting these bases is dramatically less than building an entirely new prison. Last year, for example, State and Federal agencies spent an average of $35,889 per bed for new minimum security prisons. But at Tyndall Air Force Base in Florida, a dormitory and administration building were converted into a 120-bed prison facility at a cost of only $265 per bed. Finally, refitting bases to prisons has proven successful. Currently, there are 23 Federal prisons operating on deactivated bases or former military property.

Even though the cost of refitting military bases to boot camps and minimum security prisons is considerably less than building new prisons, it is still expensive. However, as I have already mentioned, the cost of not locking up hardened criminals is much higher. Of the 90,000 murders this country witnessed over the last 4 years, many were committed by repeat offenders. In fact, 94 percent of the prisoners in this country have a previous sentence of incarceration or probation, and 30 percent have been convicted of a violent crime.

While the national average sentence for murder is 17 years, the average time a murderer spends behind bars is only 7 years. We could have prevented many of these deaths if we had just kept the criminals in prison. Therefore, I propose that we allocate $150 million for the boot camps, and $700 million for turning old bases into minimum security prisons.

JUDGES' SENTENCING REPORTS

The third element of my crime package provides for a report on the sentencing practices of Federal and State criminal law judges. The public should be able to know how their judges are sentencing criminals.

My bill directs the Attorney General to provide an annual report on the sentencing practices of Federal judges. Although Federal sentencing guidelines place limitations on judges' discretion, they still have a great deal of sentencing leeway. I think the public should be aware of these sentences. On the State level, my bill mandates that all Federal funding for criminal justice programs be contingent on the State providing an annual sentencing report for judges who preside over criminal cases.

These reports will include several factors that will indicate the sentencing practices of particular judges. First, they will include a listing of every defendant, and the offenses for which he or she was convicted. Second, the report will list the range of punishment available to the judge when imposing sentence. This will include what sentences are established under State or Federal legislation, and any mandatory minimum sentences that must be imposed by the court. Finally, the report will include a listing of any particular factors which caused a judge to increase or decrease a convict's sentence.

The purpose of these reports is to make this important information available to the public. In both the State and Federal arena, there is abundant information regarding the actions of the executive and legislative branches. Yet, the general public is in the dark on the actions of the judiciary. They do not know if a particular judge imposes long or short sentences, or if a judge typically hands down lengthy sentences, but with much of the criminal's actual prison time suspended. This type of a report will go a long way toward educating the public about how the judiciary deals with crime in our Nation.

A VICTIM'S RIGHT TO TESTIFY AT SENTENCING AND PAROLE HEARINGS

The most tragic element of violent crime is the anguish of innocent victims and their families. Too often, the judicial process focuses solely on the defendant, and forgets the people who actually suffer from the crime. I believe that once a defendant has been found guilty, judges should impose a sentence that takes into consideration the affect the crime had on the victim. For the same reason, parole boards should hear from victims when considering the release of convicted criminals. I want to make sure that judges and parole boards have this reality check when considering an appropriate sentence for a criminal.

To this end, my bill expands Federal criminal law to allow Federal courts to hear testimony from a victim or members of a victim's family concerning the impact of a crime. Currently, Federal law allows courts only to consider a presentence report written by a probation officer when imposing sentence. This type of a report does not enable the court to personally assess realistically how the crime affected the victim. Allowing the victim to testify at a sentencing hearing will bring into focus the reason why the criminal must be punished—retribution for the pain and anguish inflicted on an innocent victim.

My bill also mandates that Federal funding for criminal justice activities be contingent on a State allowing a victim to testify at sentencing and parole hearings. Currently, all 50 States and the District of Columbia allow for some form of victim impact statements, but only 35 allow the victim to actually testify in person. Thirty one States allow victim impact statements at parole hearings, but only 18 allow oral statements. I think that every judge and parole board should have this first-hand information before making a decision.

Some will argue that allowing a victim to testify before a sentencing court or parole board would be inflammatory. A single violent crime can destroy a victim's life. To not include this type of information is to deny why a criminal is being sentenced. The Supreme Court agrees. In Payne versus Tennessee, they found that the admission of victim impact statements did not violate the Constitution. A victim's testimony is only considered after a defendant has been found guilty, and therefore does not affect a finding of guilt or innocence. A victim's oral statement simply guarantees that his or her interest in the imposition of a just penalty is considered along with the criminal's claims.

Mr. President, the fundamental issue facing the criminal justice system today is a lack of accountability. From drug dealers to murderers, many criminals believe they can break the law and get away with it, and even if they are caught, they will receive paltry sentences from a judicial process whose bark is worse than its bite. Unfortunately, this jaundiced view of crime and punishment is too often accurate.

By forcing criminals to serve their full sentence, allowing victims to testify at sentencing and parole hearings, and making the public aware of the sentencing practices of judges, my bill attempts to restore some parity between the crime committed and the sentence imposed. These reforms will reinforce the first duty of the government. To protect its citizens from criminals.•

EIGHTIETH BIRTHDAY CONGRATULATIONS

• Mr. LEVIN. Mr. President, this weekend, Frank Cutolo, the father of my legislative director, Chuck Cutolo, will be celebrating his 80th birthday. I want to extend to him my congratulations not only for a life well-lived but also for a life that has traced some of the most noteworthy events of this century.

Frank Cutolo was born in Brooklyn, NY, in 1913, of parents who had immigrated from Italy. As a boy, he heard Gov. Al Smith use the new medium of radio, or, as Smith called it in his uniquely New York accent, the "rahdio." He also witnessed the celebration of one of America's new worldwide heros when he marched—and played the bugle—with the Boy Scouts in Charles Lindbergh's tickertape parade after Lindbergh's solo flight across the Atlantic.

Beginning in 1937, and for the next 20 years, Frank Cutolo was a member of the New York City Fire Department, retiring with the rank of lieutenant. Even I have some experience with his service in the fire department because Chuck still brings his father's fire helmet into meetings we have with visiting firefighters from Michigan. They marvel at the courage it must have taken to go into burning building with equipment that was state-of-the-art in the 1940's and 1950's but is far less sophisticated than the equipment available today.

After retiring from the fire department, Frank Cutolo went into the homebuilding business in Nassau County, NY. Sociologists have written volumes about the post-war rise of the suburbs and their impact on the America we know today. Frank Cutolo actually helped to build those suburbs. At the same time, he saw the ending of one era and the beginning of another when he took his family to see the final game that the New York Giants played in the Polo Grounds before the team moved to San Francisco.

Now in his second retirement, Frank Cutolo lives in East Williston, NY, not far from where he and his wife, Fran, raised their family of Chuck and Tom, who is a psychologist in Cleveland. He has shown his resilience by successfully undergoing open heart surgery within only the past few months.

Frank Cutolo has seen this country move from iceboxes to microwave ovens and from horse drawn carriages to space shuttles. In 1939, as a young man, he marveled at the vision of the future at the New York World's Fair, and he has now lived to see that future become today's reality. I again offer him my congratulations for achieving this milestone after living a vigorous life during these most exciting of times.●

ORDER OF BUSINESS

Mr. FORD. Mr. President, let me preface my remarks that all my motions have the approval of the Republican leader.

RURAL ELECTRIFICATION LOAN RESTRUCTURING ACT OF 1993

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3123, the Rural Electrification Loan Restructuring Act of 1993, just received from the House, that the bill be deemed read three times, passed and the motion to reconsider laid upon the table; and that any statements relating thereto appear in the RECORD at the appropriate place and as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 3123) was deemed read three times and passed.

MEASURE PLACED ON THE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that H.R. 2399, the Catawba Indian Tribe of South Carolina Land Claims Settlement Act, just received from the House, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 4—"SENATORS OF THE U.S.: A HISTORICAL BIBLIOGRAPHY"

SENATE CONCURRENT RESOLUTION 5—"GUIDE TO RESEARCH COLLECTIONS OF FORMER U.S. SENATORS"

SENATE CONCURRENT RESOLUTION 6—"SENATE ELECTION, EXPULSION AND CENSURE CASES"

3

Mr. FORD. Mr. President, I ask unanimous consent that it be in order for the Chair to lay before the Senate, en bloc, messages from the House on the following concurrent resolutions: Senate Concurrent Resolution 4 authorizing the printing of "Senators of the U.S.: A historical bibliography;" Senate Concurrent Resolution 5 authorizing the printing of "Guide to Research Collections of Former U.S. Senators;" and Senate Concurrent Resolution 6 authorizing the printing of "Senate Election, Expulsion and Censure Cases"; that once the messages are before the body, the Senate concur, en bloc, in the amendments of the House and that the motions to reconsider be laid upon the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, OCTOBER 5, 1993

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Tuesday, October 5, that following the prayer, the Journal of proceedings be deemed approved to date; the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of H.R. 2750, the Department of Transportation appropriations bill; that upon resuming the bill, Senator WARNER be recognized to offer an amendment relating to the minimum allocation; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m., in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. FORD. Mr. President, I ask unanimous consent that the previous agreement on Transportation appropriations bill be modified to add an amendment by Senator PRYOR regarding essential air service and a relevant amendment for Senator D'AMATO.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 7:11 p.m., recessed until Tuesday, October 5, 1993, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate during the recess of the Senate on October 1, 1993, under authority of the order of the Senate of January 5, 1993:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DIANE B. FRANKEL, OF CALIFORNIA, TO BE DIRECTOR OF THE INSTITUTE OF MUSEUM SERVICES, VICE SUSANNAH SIMPSON KENT, RESIGNED.

DEPARTMENT OF DEFENSE

HENRY ALLEN HOLMES, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE JAMES R. LOCHER, III, RESIGNED.

DEPARTMENT OF STATE

THEODORE E. RUSSELL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SLOVAK REPUBLIC.

OFFICE OF THE NUCLEAR WASTE NEGOTIATOR

RICHARD H. STALLINGS, OF IDAHO, TO BE NUCLEAR WASTE NEGOTIATOR, VICE DAVID H. LEROY, RESIGNED.

DEPARTMENT OF JUSTICE

GERALD MANN STERN, OF CALIFORNIA, TO BE SPECIAL COUNSEL, FINANCIAL INSTITUTIONS FRAUD UNIT, DEPARTMENT OF JUSTICE, VICE IRA H. RAPHAELSON, RESIGNED.

Executive nominations received by the Senate October 4, 1993:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HAROLD VARMUS, OF CALIFORNIA, TO BE DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH, VICE BERNADINE P. HEALY.

DEPARTMENT OF LABOR

CHARLES C. MASTEN, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF LABOR, VICE JULIAN W. DE LA ROSA, RESIGNED.

DEPARTMENT OF STATE

MADELEINE KORBEL ALBRIGHT, OF THE DISTRICT OF COLUMBIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 48TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

EDWARD S. WALKER, JR., OF MARYLAND, TO BE AN ALTERNATIVE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 40TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

VICTOR MARRERO, OF NEW YORK, TO BE AN ALTERNATIVE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 48TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

KARL FREDERICK INDERFURTH, OF NORTH CAROLINA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 48TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

SAM GEJDENSON, U.S. REPRESENTATIVE FROM THE STATE OF CONNECTICUT, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 48TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

WILLIAM F. GOODLING, U.S. REPRESENTATIVE FROM THE STATE OF PENNSYLVANIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 48TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

GEN. GEORGE A. JOULWAN, 093-32-3990, U.S. ARMY.

IN THE COAST GUARD

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF LIEUTENANT COMMANDER IN THE COAST GUARD:

JON D. ALLEN
KEITH P. STEINHOUSE
JOHN W. KOSTER
MARK A. VAZQUEZ
CHRISTOPHER B. CARTER
FRANK W. POLK, JR.
JOHN W. KWIETNIAK, JR.
KENNETH A. RAMSDELL
LEONARD W. ALLEN, III
ROBERT F. KELLY
JOSEPH R. SHERMAN
DONN S. OLMSTED, JR.
JAMES J. DRISCOLL
STEVEN E. MOREHOUSE
ROBERT B. BIRTHISEL
JOHN M. FELKER
PATRICK G. GERRITY
STEVEN M. HANEWICH
SCOTT J. FERGUSON
BRUCE P. DALCHER
THOMAS D. GREGORY
BRUCE A. MCINTOSH
MICHAEL D. HARGADON
KIM B. SULLIVAN
THOMAS M. SPARKS
KEITH D. HERCHENRODER
JEFFREY S. RUVOLO
PHILIP J. MCGAUGHEY, JR.
CHRISTOPHER J. OLIN
BRIAN J. MCCARTHY
RUSSELL L. HARRIS
RONALD J. LOGDAHL
EVAN R. MCDOUGAL
ALDA L. SIEBRANDS
PARTIC MERRIGAN
DAVID B. SPRACKLEN
WILLIAM E. MCCOLLUM, JR.
RUSSEL E. PICUS
WILLIAM E. PATTERSON
MARK S. FRETWELL
LORNE W. THOMAS, III
BROOK A. DOTY
JOHN M. GUILD
JAMES M. MICHALOWSKI
KEVIN L. PETERSON
PAUL M. GUGG
MOLLY K. RIORDAN
JOHN J. LABRIER
THOMAS W. FLYNN
THOMAS D. MARQUETTE
DONALD J. DARCY
JOHN D. DURHAM
JOHN H. PABICH
DAVID C. EBENHOEH
ROBERT J. DULD
JOE B. MCCOLLUM
DAVID J. MCDERMOTT
JAMES S. LODGE
LAWRENCE P. DEMARCHI
JOSEPH R. JOHNSON
THOMAS J. WALKER
RAYMOND F. MASSEY, JR.
DALE L. HUTCHISON
GENE W. HALL
TERRENCE J. PROKES
JONATHAN F. TRUMBLE
THOMAS F. TABRAH
DAVID M. POULSEN
MICHAEL L. BEDARD
BRUCE C. JONES
STEVEN J. DANIELCZYK
NEIL L. NICKERSON
MATTHEW J. SISSON
THOMAS D. HARRISON
LEHAN S. CRANE
ERIC A. WASHBURN
KIP M. WALTON
LAURA H. GUTH
THOMAS N. MCBETH
JAMES C. BASHELOR
ROBIN R. STARRETT
SAM M. NEILL
MICHAEL S. KAZEK
JOHN B. MCDERMOTT
ROBERT P. SHEAVES
DAY M. BOSWELL
PAUL W. SCHULTE
JOSEPH E. WAHLIG
THOMAS W. JONES
PHILIP E. ROSS
RAYMOND J. PERRY
SUSAN B. WOODRUFF
DONALD J. ROSE
ERIC A. CHAMBERLIN
MATTHEW R. BARRE
DANIEL A. RONAN
BRUCE D. BAFFER
MICHAEL J. ANDRES
GORDON K. WEEKS, JR.
JONATHAN H. NICHERSON
WILLIAM J. RALL
TIMOTHY A. CHERRY
BRIAN M. JUDGE
PATRICK J. DWYER
ANNE T. EWALT
GERALD D. DEAN
PETER B. WEDDINGTON
COREY D. CHAMNESS
JOHN E. TOMKO
WILLIAM G. BALSINGER
STEVEN G. SAWHILL
CHRISTOPHER J. STICKNEY
GEORGE J. STEPHANOS
SUZANNE E. ENGLEBERT
DONALD R. TRINER
STEVEN D. POULIN
PATRICK W. BRENNAN
THOMAS P. MARIAN
CARL J. UCHYTIL
MICHAEL H. ANDERSON
JOHN M. CUSHING
MARK S. CARMEL
CHRISTOPHER J. HALL
GARY C. RASICOT
MICHAEL P. GERMINARIO
ROBERT E. SMITH
MICHAEL D. EMERSON
PAUL S. RATTE
MARTIN C. OARD
WILLIAM J. QUIGLEY
JOHN F. KOEPPEN
JEFFREY S. SCHNEIDER
CHRIS G. KMIECIK
DAVID M. FUKA
CHRISTOPHER G. HONSE
STEPHEN G. NURRE
BRUCE E. HERRING
JOHN E. CAMERON
WILLIAM L. HUCKE
MICHAEL C. HUSAK
MICHAEL A. GIGLIO
DANIEL V. SVENSSON
BRIAN J. MERRILL
PHILIP E. MUIR
AARON C. DAVENPORT
PATRICIA L. MOUNTCASTLE
CARL T. ALAM
THOMAS C. PEDAGNO
BRIAN J. MUSSELMAN
KEVIN J. RUSSELL
JOHN R. BINGAMAN
MARK A. SWANSON
DENNIS M. BECKER
JEFFREY E. OGDEN
MICHAEL A. SPOTTO
THOMAS S. BARONE
ELIZABETH K. DANAHER
JAMES T. MOORE
ERIC P. BROWN
CARI B. THOMAS
STEVEN M. STANCLIFF
JAMES E. MCCAFFREY
ALFRED C. FOLSOM
STEPHEN P. RAUSCH
VANN J. YOUNG
JAMES G. MAZZONNA
KEVIN D. HARKINS
CRAIG A. GILBERT
RUSSELL D. CONATSER
DONALD W. CUTRELL
SCOTT A. BUSCHMAN
GUSTAV R. WULFKUHLE
THEODORE F. HARROP
ANTHONY WIEST
THOMAS C. WIGGANS

THE FOLLOWING RESERVE OFFICERS OF THE UNITED STATES COAST GUARD FOR PROMOTION TO THE GRADE OF LIEUTENANT COMMANDER IN THE COAST GUARD RESERVE:

JOSEPH A. DERIE, II
JOHN B. GATELY
ROBERT M. DEAN, IV

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. ELEANOR W. BAILEY, 238-02-5538, 6/1/93
MAJ. DOUGLAS E. CALLAGHAN, 321-44-1980, 6/10/93
MAJ. SCOTT A. HAMMOND, 293-54-1613, 6/11/93
MAJ. LYLE F. LONCOSTY, 532-48-6542, 6/5/93
MAJ. ROSS A. MILES, 564-76-5999, 6/24/93
MAJ. MARK G. SCHWEIZER, 449-94-2105, 6/24/93
MAJ. DAVID G. SEAMAN, 328-44-1636, 6/5/93
MAJ. STANLEY D. SHORE, 510-52-6188, 6/3/93
MAJ. LAWRENCE W. J. SMITH, 283-50-8155, 6/12/93
MAJ. RICHARD A. ZATORSKI, 566-08-5019, 6/11/93

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

MAJ. WILLIAMS G. CROWE, 499-52-1798, 6/5/93
MAJ. CHRISTOPHER E. KERNAN, 290-44-9805, 6/5/93
MAJ. JEFFREY S. LAWSON, 563-88-5332, 6/1/93
MAJ. LENARD T. ORMSBY, 505-72-5711, 6/18/93
MAJ. PHILLIP W. WOOD, 417-72-1659, 6/1/93

BIOMEDICAL SERVICES CORPS

To be lieutenant colonel

MAJ. JAMES D. COLGAIN, 212-64-3063, 5/22/93

MEDICAL CORPS

To be lieutenant colonel

MAJ. HAROLD J. BRUNINGA, 064-38-5534, 6/5/93
MAJ. STEPHEN R. PETERS, 399-52-6681, 6/13/93
MAJ. MARK J. RICHMAN, 559-60-1602, 5/1/93
MAJ. DALE J. TROMBLEY, II, 259-76-3414, 6/5/93

NURSE CORPS

To be lieutenant colonel

MAJ. NORMAN C. HENDRICKSON, 470-62-7931, 6/19/93

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

MEDICAL SERVICE CORPS

To be lieutenant colonel

RICHARD S. PARK, 8802

MEDICAL CORPS

To be major

REED R. LAMBERT, 7323
DANIEL G. PENON, 5009
ROBERT F. TYREE, 9582

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICER INDICATED BY AN ASTERISK IS ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

MEDICAL SERVICE CORPS

To be colonel

ABODEELY, ROBERT E., 526-60-4952
ALLEN, TIMOTHY P., 261-76-3206
BARKO, WILLIAM F., 365-52-3019
BLUM, DANIEL E., 138-44-5019
BLUM, GEORGE J., 547-82-0960
BOLTON, JAMES C., 404-72-9983
BRYANT, GORDON V., 262-92-8762
CANELLA, JAMES J., 497-52-4311
CHAMBERS, WILLIAM R., 410-86-7463
CHAPMAN, RUFUS B., 250-82-1685
CHERRY, ROBERT N., 382-48-2893
DAVIS, CHARLES H., 419-66-0489
DEAN, HENRY D., 429-88-9857
DRIGGERS, DONALD P., 261-84-4613
FINE, DARWIN E., 520-50-6554
FOLEY, BRIAN P., 057-40-6696
HAMMERBACHER, LARRY, 493-52-7419
HECKERT, ROBERT J., 255-84-4995
HIATT, JOEL T., 505-56-5598
JOHNSON, WILLIAM B., 485-52-6427
KEITH, RAYMOND T., 139-42-2974
KREMENAK, KENNETH J., 585-14-7421
LINDSAY, GAYLORD C., 455-82-5367
MASCHEK, RANDALL P., 325-46-8743
MERVIS, STUART A., 267-96-7513
MORAN, ERROL L., 439-70-9251
MURPHY, EDGAR B., 242-80-9518
NOLAN, DAVID L., 250-80-4214
OPIO, ROGER M., 439-70-3417
RANDOL, DOYLE E., 579-66-5922
ROMO, MICHAEL W., 267-90-9982
SLY, LEONARD J., 225-74-9686
SMITH, MICHAEL L., 513-52-6526
WALTON, IRA F., 437-72-5096
ZURCHER, JOHN W., 564-72-6152

ARMY MEDICAL SPECIALIST CORPS

To be colonel

BRANDENBURG, JOE W., 402-72-8483
HOBSON, KAREN P., 204-38-7023

VETERINARY CORPS

To be colonel

FINNEGAN, NIALL B., 024-38-2197
FOURNIER, JOHN S., 268-50-2474
HICKS, ROBERT G., 248-80-7495
TROTTER, RONALD W., 503-64-2699

ARMY NURSE CORPS

To be colonel

ANDERSON, FRANCES D., 405-76-5376
BERLIN, EILEEN K., 339-44-5220
BESTER, WILLIAM T., 476-60-1712
BRINK, DOROTHY A., 195-40-7640
BROWN, JANET R., 228-60-6845
BUZONAS, PATRICIA M., 173-44-2854
CALL, CATHERINE A., 167-42-7685
CHUDY, JEANNE H., 084-44-8995
DAVIS, MARY C., 231-68-1301
DICKEY, MARY B., 137-40-7415
GELSTHORPE, JOANNE, 387-44-3957
GURNEY, CYNTHIA A., 354-46-6744
JOHNSON, JACQUELINE, 079-40-3653
LAVALLEE, STEPHANY, 001-42-3661
MAESTAS, GAIL M., 517-62-4834
MALONEY, PATSY L., 263-04-0617
POLLOCK, GALE S., 154-48-1175
RENAUD, MICHELLE T., 040-46-5816
SCHAEBERLE, DONALD, 172-40-6710
SCHEELE, HARRIET L., 068-44-3514
SCHERB, BARBARA J., 468-70-3189
SCHOFER, GLEN A., 129-32-5833
STAGGERS, NANCY L., 521-78-9811
*STEINMETZ, MARYANN, 003-34-1590
TAYLOR, RUSSELL W., 548-76-1347
TOMINEY, THERESA M., 394-46-5253
WEST, IRIS J., 261-84-0047
WILLIAMS, JULIA B., 461-88-6501

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10 UNITED STATES CODE:

MEDICAL SERVICE CORPS

To be lieutenant colonel

*ADAMS, GEORGE L., 239-90-9678
ALLEN, REX, 257-92-8369
ANDERSON, GEORGE W., 220-54-3862
APEL, LAURENCE W., 053-44-8059
BALES, JOEL D., 408-94-8547
BARRETT, WILLIAM JR., 106-44-7555
BAXTER, SHEILA R., 230-80-5724
BEAUDOIN, DENNIS R., 206-46-0667
BECK, WILLIAM G., 453-93-4928
BIGGERSTAFF, DOUGLA, 071-46-0877
BODLIEN, JOHN M., 241-76-0682
BRANNEN, STEPHEN J., 507-52-5728
BROWN, DALE R., 552-82-5849
BRUNE, DAVID R., 492-62-3493
*CHAMBERS, JOHN R., 570-02-8112
CHAPMAN, NANCY G., 057-46-6090
CONDRA, GARY A., 414-96-5369
*CRAWFORD, GEORGE A., 249-84-6881
CROOK, KENNETH R., 326-46-7365
CROUCH, GARY L., 446-48-8494
DALEY, MICHAEL D., 528-64-8967
DAVIS, CYNTHYA J., 264-37-3782
DEMBECK, THOMAS J., 379-58-6127
DESIMONE, DAVID J., 210-42-6583
DUFFEY, DENNIS J., 081-50-4749
FELTON, THEODORE J., 480-62-4419
FERREL, PAUL A., 495-58-9682
FERRER, ANGEL R., 583-54-2634
FIPPS, DONALD R., 551-94-2933
FRANCIS, RAY W., 346-44-1494
FRANCO, SAMUEL D., 189-42-8556
FRANKLIN, TONY R., 419-78-9364
FREEMAN, WILLIAM C., 314-62-5801
FUZY, JAMES A., 317-62-6228
GAINES, KENNETH R., 231-76-9879
GAROT, KENNETH, 547-70-2416
GIAMBONE, ALFRED V., 088-48-5638
GORDON, TIMOTHY D., 560-96-2817
HALVORSON, JAMES A., 502-68-9729
HAYNIE, JOHN A., 257-84-5786
HENCHAL, ERIK A., 007-54-1317
HIGHTOWER, JOSEPH C., 247-08-8333
HOLLIDAY, JAMES A., 336-42-1214
HORNING, LEONARD B., 293-56-6069
HUDDLESTON, DAVID A., 316-62-4301
JACKSON, JAMES N., 113-36-1003
JACOBS, AARON J., 318-42-5659
JANSEN, JOHN C., 121-44-1341
JOHNSON, LAWRENCE M., 345-48-2184
*KELSEY, CHARLES T., 503-60-3391
KENDALL, HOWARD M., 478-60-3583
KENNEDY, MICHAEL H., 237-02-5556
KNAPP, BRIAN E., 085-48-8394
KNEISEL, FORREST W., 563-78-9787
KRAFT, ALLEN J., 387-56-6731
KRIKORIAN, DEBRA J., 585-34-4437
LANDRY, ROBERT J., 046-40-8673
LEWIS, GLENN E., 434-76-0332
MADSEN, ELLIS J., 572-70-4913
MARTINEZ, TED A., 576-66-5273
MATYNIAK, NORBERT P., 434-86-5193
MCGIBONY, CHARLES M., 265-27-3808
*MCMAUGHAN, JAMES K., 458-96-4293
MEADOWS, CLAUDE V., 228-64-1439

MICHAELS, PAUL G., 221-40-6179
MILLS, DOUGLAS E., 073-46-9722
MOORE, MARK D., 464-94-3914
MORRIS, MARTIN D., 527-02-6589
NABARRETE, KENT S., 576-62-3854
POSTMA, ANY M., 576-70-0591
POSTMA, JOEL T., 531-60-4622
*RABIN, JEFFREY C., 570-94-4161
RABREN, DOUGLAS H., 418-74-5001
RANDOLPH, GASTON M., 249-08-2435
RICHARDS, STEVEN C., 564-66-5457
*SADLON, GARY L., 183-46-9053
SCHROEDER, DUDLEY J., 507-54-2489
SEAL, LAWTON A., 437-72-9500
SILL, DAVID S., 517-64-2144
STANLEY, DAVID L., 239-76-7061
*STRICKMAN, DANIEL A., 570-84-6262
TURNER, STEPHEN J., 553-68-4312
VAUSE, NANCY L., 451-06-4468
*VOETSCH, JOHN A., 194-42-9507
WATTS, JOHN T., 504-60-3773
WELLS, ALEXANDER S., 223-80-5066
WILLIAMS, THOMAS V., 482-56-4496

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

BROWN, JAMES R., 246-82-1950
*FEELY, PATRICK D., 457-58-5017
HALLE, JOHN S., 545-90-5484
HOEDEBECKE, SALLY S., 467-11-2277
*KELLER, JIMMIE E., 242-72-5758
KURTZ, THOMAS W., 398-50-2522
*MILLER, JAMES L., 422-60-0862
RICE, VALERIE J., 227-76-8301
SCOVILLE, CHARLES R., 298-42-4360
SINNOTT, MELISSA W., 003-46-9625
TEFFT, ROBIN J., 101-46-9778
THORNTONVOGEL, MARY, 408-78-8856
*UNDERWOOD, FRANK B., 486-62-0217

VETERINARY CORPS

To be lieutenant colonel

BLAGG, JAMES A., 225-88-4172
DAVIS, KELLY J., 415-88-7304
*ESTEP, JAMES E., 280-44-4377
LEVINS, RANDALE H., 449-80-5116
*LIPSCOMB, THOMAS P., 439-88-1491
*PARRISH, JOHN H., 416-64-1824
PIXLEY, CHARLES E., 363-52-2588
*POWELL, NATHANIEL J., 253-90-7782
*RAGLAND, DANNY R., 432-98-5039
RECORD, JEFFREY W., 409-94-0803
WEIR, ROBERT D., 070-36-2521
WOODARD, CLAUDE L., 512-50-0933

ARMY NURSE CORPS

To be lieutenant colonel

BARUM, CAROLANN, 288-56-7622
BESS, JAMES V., 567-80-3034
*BOHANNAN, STEVEN W., 499-56-7247
*BONNEFIL, CATHERINE, 293-44-8968
BOYETTE, HAWARD L., 417-76-5420
*BROOKS, MARILYN H., 416-74-8756
BUZZELLI, MICHAEL J., 474-54-1982
CAMPBELL, LANCE C., 057-40-1785
COSTORENO, SOCORRO., 459-82-4677
*CHAPMAN, DONNA M., 034-40-2845
CHING, DOUGLAS E., 575-56-7677
CLAY, PATRICIA A., 129-42-6177
*DAILEY, JEAN M., 503-64-7987
*DERUVO, SHARON S., 297-50-8470
ELLER, BARBARA F., 474-66-9323
*FEIL, DEBRAH K., 463-08-4336
FERGUSON, JOELLEN, 483-70-9172
*FLORY, JOELLEN S., 374-52-2598
*FORESTELL, FRANCINE, 472-68-9577
*FREE, LARRY R., 420-60-3446
GILBERT, MARGARET A., 461-06-6230
*GILMORE, CAROL S., 179-38-4579
GILREATH, ELLIAH J., 265-82-7707
GOODWIN, BARBARA A., 226-86-0977
GRAYROZIER, YOLANDA, 225-86-2032
HAMPTON, FRED R., 337-40-7182
HANKE, JAMES A., 407-62-5139
*HARDEN, HOWARD C., 516-68-6374
*HARDIN, JUDITH J., 521-78-5385
HEIN, LINDA D., 273-44-3811
HERMAN, DEBBIE W., 242-96-8384
*HOWELL, GERTA A., 152-34-4936
*HUGHES, DEBORAH A., 327-42-9066
*JOHNSON, MONA, 545-88-7975
KELSCH, STEVEN P., 536-56-1108
*KEYES, TOM N., 463-86-6104
KOKOSZKA, EDWARD A., 392-54-0303
KUYKENDALL, DEBORAH, 418-64-8478
*LAZARUS, RUSSELL L., 264-17-7309
LEPPERT, LOUIS A., 407-60-2924
LINTON, HYACINTH V., 117-48-3722
LOZANO, SARAH N., 522-82-2141
LUDWING, SALLY B., 377-48-2209
MCANALLEN, KATHLEEN, 181-38-7222
MILFORD, ELIZABETH, 171-46-8805
MITHCHELL, EVELENIA, 587-34-1817
MULHALL, DEBRA L., 250-08-7901
NELSON, ROSEMARY, 152-46-7610
PAGE, NINA W., 044-54-4861
PETERS, KATHARINE B., 526-06-6458
PHILLIPS, MARILYN E., 215-48-9210
PRINCE, PHYLANNE C., 587-94-7731
*RISOLI, LAURA J., 061-40-2713
*RUIZ, ROGER G., 449-84-3384
SHANAHAN, SUSAN S., 226-84-3196
SIMMONS, EDDIE J., 238-96-2591
SKIDMORE, MARK V., 365-66-6365
TURNER, JIMMIE C., 239-64-4983
*TYRELLSMITH, JANIS, 096-44-6295
VANDERBILT, LUDIE M., 427-98-3738
*VARES, VALERIE C., 576-58-4174
WALIZER, ELAINE M., 290-54-4648
*WARNER, DEBORAH D., 225-84-9678
WASHINGTON, JOHN E., 230-68-6597
WEIDENBACH, BRADLEY, 518-62-7664
WESLEY, HEIDI L., 216-68-9629
WILSON, KRISTIN T., 219-64-7835
WISNESKI, DIANA, 412-88-8141
*YOUNG, HARRY M., 227-78-3779

EXTENSIONS OF REMARKS

THE TRANSFORMATION OF HEALTH CARE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1993

Mr. BROWN of California. Mr. Speaker, I rise today to bring to the attention of my colleagues an outstanding paper written by Dr. A. Douglas Will who is the medical director of Loma Linda University Medical Center. The Loma Linda University School of Medicine, located in Redlands, CA, is at the cutting edge of the revolution in health care. The center has developed a highly successful integrated system in medical information management, which utilizes a magic card for each patient containing complete records and medical information, such as President Clinton is advocating.

I recently had the honor of visiting with Dr. Will in my district office in Colton, CA. I thoroughly enjoyed the opportunity to meet with a man so dedicated to the continual improvement of health care and requested a copy of any articles he had written. He sent the following paper entitled, "The Transformation of Health Care," which he used as a handout in a course in medical informatics taught for the Association of American Medical Colleges. It is an excellent paper, describing with clarity and insight the need to improve quality in all aspects of medical care. I urge my colleagues to carefully consider these ideas, which are in accordance with my own, as a meaningful contribution to the health care debate.

THE TRANSFORMATION OF HEALTH CARE

(By A. Douglas Will, M.D., M.P.H.)

Academic medical centers today are facing a major threat to their survival and they are poorly prepared to succeed in a fiercely competitive health care marketplace. Faculty practice plans face an eroding patient base, the disappearance of the fee-for-service patient, increased channeling of patients to other providers, constantly declining contractual rates for managed care, increasing requirements for regulation and utilization review, and declining compensation for faculty. At the same time, medical schools must respond to the shift to outpatient care and create an effective but affordable educational environment for students and residents in the ambulatory setting. More generalist physicians must be trained and they must be empowered to render broader and higher quality care. Costs are high and margins are low. To succeed, medical schools must lower practice overhead, raise their rate of collections, and expand their patient base through more effective service.

The road to cost containment in health care today is the journey to quality. It is frequently said that American's receive the highest quality health care in the world. Today many high quality physicians, nurses and others work hard to deliver health care. Quality is defined by the M.D. degrees, the board certification and the credentials of physicians and other health care professionals. However, those high quality people work in a system that is straining under a burden of grossly inefficient operating procedures. From a global economic and operational perspective, poor procedures breed poor quality. Working harder is not enough. Working smarter is an absolute necessity. One of the principal causes of high cost today is poor quality. Poor quality pervades a health care system that pays little attention to its processes, is ignorant about its costs, drowns in inefficiency and waste, and does little to measure the effectiveness of its product. Quality in health care should be redefined with the definition that works in every other service industry. Quality is giving people what they want and what they need. The American public should demand and receive higher quality care at a lower price.

In 1903 the Kitty Hawk flew. Within a few years the Red Baron was engaged in spectacular dog fights in the skies over Europe. Today, scientific, economic, technological, social, political and legal forces are converging to form a powerful stimulus for change in health care. The collision of those forces will have an effect that will be as far reaching as the advent of powered flight and as important in its economic and social impact as both World Wars. In 1991, health care jumped a full percentage point, the sharpest one-year increase in three decades. If today's rate of growth continues, health care is projected to reach $16 trillion dollars by 2030, or one-third of the nation's economic output. At the same time 37 million Americans are living today without health insurance coverage.

Most discussions of health care reform today focus on payment reform. The American health care system has within it a broad spectrum of models for payment, ranging from indemnity insurance to various forms of managed care and globally budgeted care such as the Veterans Administration system. The method of payment is an extremely powerful determinant of behavior and cost. However, no matter which payment method is adopted or which third partywrites the check, inefficient and ineffective processes involved in the provision of care result in billions of dollars in wasted resources. Whether paid by an employer or by taxes, the cost of health care is always paid for by the people. Effective reform of health care must have the goal of providing people with higher quality care that costs less no matter how the provider is paid. What is needed is a paradigm shift that fundamentally changes not only the way health care is paid for but also the way it is delivered.

Health care is an information based service industry. Higher quality care can be achieved at reduced cost through effective use of modern information management. Unnecessary and redundant test ordering can be involved. Waste and fraud from erroneous claims submission can be eliminated. Lower administrative and management overhead can be achieved. Appropriate resource utilization can be achieved by guiding physicians to contextually sensitive knowledge about diseases and their treatment. Physicians can be given direct access to information about plan authorization requirements and restrictions before they expend resources. Pharmaceutical usage can be monitored and managed through controlled formularies. Appropriate resource utilization can be facilitated by providing cost information on laboratory tests and medications to physicians so that they can discuss these factors with their patients and both can make informed decisions about the medical necessity of costly testing and treatment. Patients can be educated about their disease and take greater responsibility for maintaining their health.

During the time that health care costs have skyrocketed, the cost of computing has constantly fallen. Early computers filled a large room with vacuum tubes, wires and ducts and cost a fortune. Today one with much greater power can sit in the palm of your hand and costs a few hundred dollars. The same processes that led to improved performance for lower costs in computing can be applied to health care, leading to ever increasing quality for ever decreasing cost. In a recent article in the Los Angeles Times, Ross Arnett, Director of Office of National Health Statistics was quoted as having said that, unlike many other areas of the economy, medical spending is very labor-intensive and "doesn't lend itself to the kind of things you gain efficiency from, like robotics." We agree that medical spending is very labor-intensive. We disagree that it does not lend itself to efficiency.

The improved performance and reduced cost in computing has been achieved by getting inside and changing the intrinsic operations of the system, not by simply changing the purchase order. In general, systems fail at their connections. The improvement in computing is a result of constantly improving the connections between components by placing them on a single, integrated chip. We believe that the greatest potential for improvement in health care lies in improving the connections between physicians, other health care workers, and patients while redefining their roles and responsibilities and changing and streamlining the processes by which health care is delivered.

Health care is a service industry that is intensely dependent on information. Physicians are knowledge workers. Physicians drive most health care costs through the power of their pens. Do they have the information they need to optimize resource utilization and minimize expenditures while maximizing patient benefit? The best way to influence physician behavior and directly impact cost is by providing them with contextually sensitive information in time toimpact decisions and improve outcomes. To be successful today, physicians must abandon 19th century industrial aged technologies that they continue to use for maintaining patient's medical records and adopt information tools that place contextually sensitive information at their finger tips.

The first objective when faced with a patient with a problem is to identify the problem and do what's right. The sheer volume of medical facts today have vastly outstripped the power of the human mind to recall them

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

all. The explosion of medical knowledge has been one of the major forces driving specialization leading to highly fractionated care. Correct medicine is cost effective medicine but knowing what's right is not easy. To do the right thing, physicians must have immediate access to text books and the medical literature. Access to knowledge removes uncertainty and empowers generalist physicians to render a broader range of care.

Physicians need to do the right thing, the right way. If pilots flew airplanes the way physicians practice medicine, they would simply get in the cockpit, fire up the engines, and take off. Pilots follow a checklist to ensure accuracy, reliability, and thoroughness. Physicians do not. Doing the right thing the right way can best be achieved by developing and following protocols and practice guidelines. Given thousands of diseases, and hundreds of protocols, no one can remember them all. Protocols and practice guidelines must be available to physicians with the click of a button at the time that they make management decisions.

The right thing needs to be done, the right way, on time. How can the health care system be efficient when so much time is spent waiting, rescheduling, and waiting again? Schedules can be optimized so that services can be rendered in a timely way. Today, physicians communicate with one another using an antiquated transcription and mail system that frequently leaves patients waiting for consultation reports, laboratory results, and X-rays that are "in the mail."

The right thing has to be done, the right way, on time, the first time. It has been estimated that up to 100 billion dollars is expended annually on paperwork alone. Coding and billing are frequently done three to four times before they are done correctly. Blue Shield of California has estimated that up to 15% of the time coding is done incorrectly. In one recent study of physicians treating cancer, one half day a week was spent by the physicians and 18 hours a week was spent by their staff seeking reimbursement for denied claims. No one benefits from this waste of resources. We need to do the right thing, the right way, on time, the first time, every time. The economic burden of malpractice totals billions of dollars. Every day avoidable errors are made by overlooking abnormal laboratory results, prescribing medications contraindicated by drug interactions or failing to recognize the significance of historical or physical examination findings noted by other physicians, frequently because their records are unavailable or illegible. These errors could be avoided by providing physicians with rapid, reliable access to the information they need, when they need it, wherever they need it.

The rate of growth of health care spending is out of control. As the population ages and as the unprecedented economic impact of AIDS and other diseases unfolds, the costs can be expected to spiral upwards. To cope with these pressures, we must measure the effectiveness of our diagnostic and treatment approaches. Although more than 350,000 prostatectomies areperformed annually in the United States at a cost of roughly 4 billion dollars, fewer than 400 patients have ever been followed systematically to study the benefit of the operation. Outcome analysis must become a part of the daily practice of medicine. Effective outcome analysis requires the use of standardized nomenclature and the use of protocols and practice guidelines.

Two-thirds of all visits to doctors end with the patient walking out with a prescription. Alternative methods of bringing closure to a patient's visit must be promoted. Patients need to be empowered to take more responsibility for maintaining and regaining their health by being better informed through clearer instructions from their physicians because of access to helpful educational materials. They should take ownership of their own medical record. After all, who else should be more interested in what it says? It has been shown that patients can be effectively engaged in deciding the treatment they receive and their involvement improves outcomes while lowering expenditures. Patient satisfaction should be maximized by efficient, well organized, and personalized care. Patients should have confidence that they have received the best care possible, delivered in a reliable, consistent, accurate and thorough manner.

Many approaches to health care reform involve rationing and are like carpet bombing from 30,000 feet. They don't see the dead and wounded. What is needed is a smart bomb that eliminates waste and fraud, permitting access to affordable health care to all Americans. The technology required to create such an infrastructure is mature, economical and available today. A great deal of the economic burden can be stripped from today's health care system while achieving an overall improvement in clinical outcomes and perceived value to the nation. Peter Drucker has said that "the best way to predict the future is to create it". We believe that it can be assembled out of components we already have sitting on the shelf.

There are two broad approaches to containing health care costs. The first is global budgeting. In global budgeting, an overall cap is placed on total health care expenditures. Global budgeting may be used alone or in combination with the second strategy known as micromanagement. In micromanagement, physician's behavior is regulated through controls such as utilization review, formulary control, and pre-authorization requirements. To be highly effective in influencing physician behavior it is necessary to employ both of these methods for control. The method by which this can be accomplished is to provide contextual information to physicians to influence and concurrently track resource utilization.

At Loma Linda University School of Medicine, we have developed an integrated medical administrative and clinical management software system which provides data collection, communication, and access for key information needed in the delivery of health care. It is highly personalized and includes a picture of the patient so that a physician or nurse can easily recall the patient during telephone calls. The program is so powerful that the picture is captured and linked to the chart by simply clicking a button. Multiple tests and appointments can be scheduled in a coordinated manner to optimize the use of time. Coding, billing, and accounting functions are streamlined and automated. Administrative reports are available real-time.

The system provides the fundamental tools required by physicians to create a patient's medical record. These tools are very powerful, intuitive, and easy to use. They include a highlysophisticated interface that allows physicians to build a description of the patient's problem and physical findings by simply clicking buttons. Sketches of physical findings can be made using a built in draw function. Physicians can dictate directly into the computer for transcription or they can record voice messages to be played later by other members of the healthcare team. A full featured word processor permits direct keyboard entry of observations. The patient can be photographed or videotaped. Data entered by any of these methods is integrated into the patient's medical record. This information becomes immediately available to all other members of the health care team with the required security clearance to care for the patient.

Because the system creates a computerized record, the complete health history of the patient can be carried by the patient on an optical card the size of a credit card. In addition to text, this optical card can store X-rays, sound, photographs, and video-clips. An inventory of every problem for which the patient has sought medical care is maintained by linking all physician notes related to the problem. All prescriptions are recorded and the patient's entire medication history is immediately accessible including a description of any adverse drug reactions. All previous visits by the patient to a physician anywhere are listed chronologically and can be recalled instantaneously.

The system provides immediate access to an enormous wealth of knowledge. Since knowledge can be accessed from within a patient's medical record, it is contexual and can be tailored to a particular problem experienced by a patient. In addition to detailed information about diseases and drugs, the system fully supports the use of protocols. The potential for immediate access to thousands of specialized protocols makes it possible to develop and implement national practice guidelines and make them available to physicians at the time that they make treatment decisions. The use of standardized diagnostic and therapeutic protocols makes outcomes research a practical reality. Outcomes research is essential to achieve sustainable quality improvement and makes it possible to constantly fine tune resource utilization to minimize cost.

The system gives the physician an intelligent window on the world of information. The window filters the information, presenting important details like the cost of drugs and tests at the time that they are ordered. It links every resource used; to the physician ordering the resource utilization; to the diagnosis for which the tests or treatments are ordered; to the documentation supporting the need to expend resources. As a result, utilization review can be done in the background using inferences to screen for medical practices that vary from the usual. Concurrent review by peers is greatly facilitated because chart review from a remote site is immediately possible. A fully functional electronic mail system is integrated with the medical record system, providing a method for physicians to communicate with one another and receive medical alerts and other messages.

Because the system uses a highly distributed database it can be used by a single physician or scaled up to a national level—today! It does not require a national high speed data network to be implemented, but once an infrastructure like NREN is in place it will improve performance even more dramatically. The system was built using inexpensive and mature technologies and was designed to take full advantage of constantly improving hardware performance over the next decade. The system is extensible and creates the environment for continual growth with constantly expanding functionality and performance.

Because the system integrates and automates so many clerical functions, it significantly reduces the burgeoning overhead costs of a rapidly growing health care labor force. Because it is simple to operate, the skill level required by personnel is lowered, reducing dependence on highly skilled and highly paid individuals. This factor operates across the health care employment spectrum. Fewer people are enabled to deliver more care. Generalist physicians are empowered to deliver broader and more comprehensive services reducing the need for specialized care. Patients are empowered to become actively involved and participate more fully in the health care equation. Knowledge about health, wellness and disease prevention can be made available to them in their homes or offices. People can take ownership of their own medical records and become responsible for their own health.

TRIBUTE TO THE 90TH ANNIVERSARY OF SAN BERNARDINO AERIE 506

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1993

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of the Fraternal Order of Eagles in San Bernardino, CA. The Eagle's will be celebrating the 90th birthday of Aerie 506 on October 9.

It would be difficult to describe all of the fantastic work that the Eagle's have done for San Bernardino and California's Inland Empire. During July of this year, the Eagles held a Law Enforcement and Parademics Day picnic to show their appreciation to those heroic individuals who risk their own lives in the name of public safety. Highlighted that day was the work of the San Bernardino, Colton, and Rialto Police Departments; the San Bernardino, Highland Rialto, Colton, and Loma Fire Departments and Paramedics; and the San Bernardino County and Highland Sheriff's Office and the California Highway Patrol. And how important is the San Bernardino Aerie 506? Over $9,000 was raised in July to assist these agencies purchase necessary equipment they could not otherwise afford.

In 1992, the men and women associated with San Bernardino Aerie raised and donated over $36,000 to nearly 50 worthy organizations, charities, and hospitals throughout the Inland Empire. In reviewing the number of groups, and the diversity of organizations that Aerie 506 assists, it is quite apparent that the Eagles more than live up to their motto of "People helping people."

Mr. Speaker, I ask that you join me, our colleagues, and the many people and organizations who have benefitted from the work of the San Bernardino Fraternal Order of Eagles in honoring this remarkable group of men and women. The contributions of Aerie 506 have touched the lives of many people in California's Inland Empire. It is indeed fitting that the House of Representative recognize the Eagles for 90 years of selfless contributions to our community.

TRIBUTE TO NANCY K. TIBERIO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the memory of a very special constituent of mine, Dr. Nancy Katherine Tiberio, whose extraordinary achievements and contributions to our community by the early age of 32 remain unsurpassed.

Nearly 1 year ago today, Dr. Nancy Tiberio passed away after a long and brave battle with cancer. Because of Nancy's exceptional background I wish to place permanently in the CONGRESSIONAL RECORD this tribute to the contribution she made to her community, to her State, and to our country. Nancy Tiberio represented what could only be described as one of America's outstanding young people and it is important that her fine example be acknowledged and expressed in today's tribute.

Mr. Speaker, and Members of the House, let me take this opportunity to describe some of Nancy's achievements and special qualities. Nancy was born on March 14, 1960 in Youngstown, OH. She was raised in the 17th District by her parents, Frank C. Tiberio and Norma June Hall Tiberio. She attended Boardman High School where she graduated as the only student with a perfect 4.0 grade point average and of course the highest of honors. As a sophomore, Nancy competed against seniors in academic contests where she won first place awards in both chemistry and Latin. After graduation in 1978 she attended Georgetown University in Washington, DC, where she completed her course-work in biology in 1982. After completing her studies at Georgetown, Nancy went on to attend medical school at Case Western Reserve University where she earned her M.D. in 1990.

Nancy's father Dr. Frank C. Tiberio graduated from Case-Western Reserve—formerly Western Reserve University—approximately 30 years before Nancy. Dr. Frank Tiberio, a former WWII POW still actively practices medicine in Youngstown and continues to be a key member of our community.

Nancy's decision to attend medical school represented a crossroads in her career. This is because her love and talent for art and dance was equally as strong as her passion for science and medicine. You see, not only was Nancy a dedicated student of science but she was also dedicated to the art of dance. Nancy Tiberio was the principal dancer of the Ballet Western Reserve when she was in her teens. This young lady's commitment to achievement began at the age of 5 when her training in ballet commenced. She performed in the group's annual Christmas season production of "The Nutcracker" and its spring and fall shows in the Youngstown area. Even while studying at Georgetown University she maintained her dancing skills by performing regularly with the Georgetown University Dance Theater. Not surprisingly, Nancy choreographed her own routines.

Nancy Tiberio could have easily become a professional ballerina but her desire to help people is what became the key element in her choice to become a physician over a professional dancer. This was demonstrated by the amount of time Nancy volunteered at the Free Clinic of Greater Cleveland located on Euclid Avenue while working on her residency in the field of internal medicine. Nancy's father confided in me that she exhibited a compelling reverence for all life including animals and even tiny insects. In fact, the practice of adopting stray animals as a child was a trait she never seemed to grow out of. In recognition of Nancy's extraordinary reverence for life and her love for medicine and people, her friends have established the "Nancy K. Tiberio, M.D. Endowment Fund" at the Case-Western Reserve University School of Medicine. The money will be used to help medical students who are interested in the speciality of internal medicine.

It is rare that people have so many talents that they must choose between them. As it turns out, not only did Nancy excel in medicine and dance but she also was an accomplished pianist and artist, winning awards for her pencil sketches and water color paintings. It is apparent that Nancy possessed the very special gift to pursue many varied interests to the fullest. The key however is that she was able to enjoy each interest not so much for selfish reasons but for the benefit of other people, typically those less fortunate than herself.

Nancy's dedication, persistence, imagination, diversification, courage and most of all her caring, collectively exemplify what each and every one of us as Americans should strive for. Her memory demands that these traits be recognized and admired. She represented the American ideal of excellence in every respect and for this I pay her this greatly deserved tribute.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 5, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 6

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine proposals to reorganize the Department of Agriculture.
SD-138

10:00 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

10:30 a.m.
Labor and Human Resources
To continue hearings on the Administration's proposed Health Security Act, to establish comprehensive health care for every American.
SD-430

2:00 p.m.
Conferees
On H.R. 2520, making appropriations for fiscal year 1994 for the Department of the Interior and related agencies.
S-128, Capitol

OCTOBER 7

10:00 a.m.
Small Business
Urban and Minority-Owned Business Development Subcommittee
To hold hearings on fostering minority enterprise development.
SR-428A

2:30 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, Conservation, Forestry and General Legislation Subcommittee
To hold hearings on the implementation of American agricultural research priorities.
SR-332

OCTOBER 13

10:00 a.m.
Veterans' Affairs
To hold hearings to examine the role of the Department of Veterans Affairs under the Administration's proposal to reform the nation's health care system.
SR-418

OCTOBER 14

3:00 p.m.
Foreign Relations
To hold hearings on the nominations of Leslie M. Alexander, of Florida, to be Ambassador to Mauritius, and to serve concurrently as Ambassador to the Federal and Islamic Republic of the Comoros, Robert Gordon Houdek, of Illinois, to be Ambassador to Eritrea, and David P. Rawson, of Michigan, to be Ambassador to the Republic of Rwanda.
SD-419

OCTOBER 19

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on the use of intelligent vehicle highway systems for commercial vehicles.
SR-253

OCTOBER 20

9:30 a.m.
Indian Affairs
To hold oversight hearings on issues relating to Indian self-governance.
SR-485

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings to examine violence in television programs, focusing on S. 1383, to prohibit the distribution to the public of violent video programming during hours when children are reasonably likely to comprise a substantial portion of the audience, S. 973, to require the Federal Communications Commission to evaluate and publicly report on the violence contained in television programs, and S. 943, to protect children from the physical and mental harm resulting from violence contained in television programs.
SR-253

OCTOBER 21

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 447, to facilitate the development of Federal policies with respect to those territories under the jurisdiction of the Secretary of the Interior.
SD-366

Environment and Public Works
Clean Air and Nuclear Regulation Subcommittee
To hold hearings on the implementation of the acid rain provisions of the Clean Air Act Amendments of 1990.
SD-406

2:00 p.m.
Veterans' Affairs
Business meeting, to consider pending calendar business.
SR-418

2:30 p.m.
Veterans' Affairs
To hold hearings to review research on the health effects of agent orange and other herbicides used in Vietnam.
SR-418

OCTOBER 28

9:30 a.m.
Indian Affairs
To hold oversight hearings on issues relating to Indian child abuse.
SR-485

NOVEMBER 3

9:30 a.m.
Indian Affairs
To hold hearings on S. 720, to clean up open dumps on Indian lands.
SR-485

SENATE—*Tuesday, October 5, 1993*

(Legislative day of Monday, September 27, 1993)

The Senate met at 9:30 a.m., on the expiration of recess, and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *hope thou in God* * * *.—Psalm 42:5.

Almighty God, Lord of history and Ruler of the nations, we pray for the President and the Congress. The tremendous pressure of domestic affairs—the economy, health care, violence and crime—are compounded by international crises which demand attention: Bosnia, Somalia, and now the explosion in Russia, cannot be ignored. In their fallibility, leadership needs to look to God.

The words of President Washington when he called the Nation to a Day of Thanksgiving in 1789 are relevant: "It is the duty of all nations to acknowledge the Providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favor."

May the leadership of our Nation look to divine providence for guidance and wisdom.

We pray in His name who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 5, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MATHEWS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 2750, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2750) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

D'Amato (for Bond) amendment No. 1014, to make funds available to repair and rebuild airports damaged as a result of the Midwest floods of 1993.

The ACTING PRESIDENT pro tempore. The Senator from Virginia [Mr. WARNER] is recognized to offer an amendment.

Mr. WARNER. Mr. President, parliamentary inquiry. Is it necessary for the Senator from Virginia to ask that the pending business be laid aside?

The ACTING PRESIDENT pro tempore. I am informed that it is not necessary.

Mr. WARNER. I thank the distinguished Presiding Officer.

Mr. President, I am prepared to go forth with the amendment. For the moment, I see the absence of the managers of the bill. Accordingly, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, we are ready to resume debate on the transportation appropriations bill for 1994. I put an inquiry to the Chair to make sure we have a prescription for where we start here.

I assume we are now open to amendment, as we were when we concluded business last night?

The ACTING PRESIDENT pro tempore. The Senator is correct. Amendment No. 1014 has temporarily been laid aside so the Senator from Virginia may offer an amendment.

The Senator from Virginia is recognized.

AMENDMENT NO. 1015

(Purpose: To strike reference to minimum allocations under title 23, United States Code)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 1015.

On page 54, line 14, beginning with "under", strike out all through "Code" on line 15.

Mr. WARNER. Mr. President, I would like to begin my discussion of this amendment by referring my colleagues to the CONGRESSIONAL RECORD dated August 5, 1992, page S11533. At that time the Senate was considering this same basic subject, ISTEA, and actions by the Appropriations Committee which parallel in many respects the actions taken by the subcommittee on appropriations which are the subject of the pending bill.

I would like to read from that RECORD because this frames precisely the argument by the Senator from Virginia. It was covered by the Senate over a year ago.

At that time, the Senator from Missouri [Mr. BOND] offered the amendment. He started as follows:

> Mr. President, I thank the chairman and the ranking member. The amendment I have sent to the desk is on behalf of myself. * * *

And he listed others, including the Senator from Virginia.

> Our amendment, Mr. President, would simply return the minimum allocation under the highway program to the current law. For the first time since the program's creation, the committee bill places it under the so-called obligations ceiling, thereby restricting the funding available to the minimum obligation States.

That is precisely parallel in every respect to what has been done by the committee in the current bill. The Senator from Virginia is doing the same thing, asking the Senate to return ISTEA to the exemption from the obligation ceiling.

This bill places that account under the ceiling, although for only 3 months, whereas last year it was for a full year. But this raises two fundamental questions which I will address in my remarks momentarily.

Question No. 1, why was it done? Time and time again the Senate has battled this issue. It is the famous donor versus donee State issue.

Why, why must it be done again, when last year, although the Bond

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

amendment received only 45 votes—and I will ask unanimous consent to have printed in the RECORD following my remarks certain documentation with respect to Senate action on that matter last year.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. Why must we revisit once again here today a parallel action, albeit only for 3 months? The system is working. States are planning, doing their highway work. Why? Why? Why?

As near as I can determine, it was the judgment of, primarily, the distinguished ranking member, the Senator from New Jersey, and others, of a need to take highway funds and put them into general accounts for mass transportation. But he can best speak for himself. That is the first point I will raise.

Point No. 2 is, if the Senate allows this to continue—and I must say, we only had 45 votes last year. They can, under the rules, raise a point of order requiring 60 votes. In all probability, that will defeat the amendment of the Senator from Virginia. But if I am defeated in this effort, then it establishes a precedent, a precedent for future action in future years by this same subcommittee on appropriations.

I say to my colleagues from the donor States, let us not let that happen. Last year the Bond amendment failed, achieving only 45 votes. But those Senators who supported Senator BOND wrote a letter dated August 5, 1992, to the Honorable FRANK R. LAUTENBERG, and signed it. The letter said as follows:

> As you head into conference on the DOT appropriations bill, we would like to inform you that we will be forced to discuss at great length—

That is a euphemism for filibuster—

> any conference report that does not remove the minimum allocation from under the obligation ceiling and fully fund the program.
>
> We understand the constraints which your subcommittee faces; however, we believe fulfilling the commitments made in the Intermodal Surface Transportation Efficiency Act of 1991 require that this action be taken.

Mr. President, I am happy to inform the Senate that the conference committee did strike the very language parallel in form to the language I am seeking to strike today. We, for 1 more year, operated under what is referred to as current law. The Senator from Virginia intends to lead the same effort if this amendment fails today.

Mr. President, I ask unanimous consent the letter of August 5, 1992, be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. WARNER. Mr. President, I rise again to bring to the Senate's attention yet another attempt by the Appropriations Committee to change the minimum allocation program.

I alert all my colleagues from the donor States to pay careful attention to this debate and the importance of this amendment. If donor States do not defeat this attack on the minimum allocation program, the future of this program to guarantee that each State receives a 90-percent return of their highway dollars is in jeopardy. I point out it is in jeopardy.

The opposition to my amendment will be able to clearly show in all probability we might not lose money. Donor States will reach the 90-percent return. But we will have established a principle allowing the subcommittee on appropriations and then the full Committee on Appropriations to have a precedent established that this account was brought from current law under the obligation ceiling, and that could be repeated again next year, for perhaps a longer time, and the year after. That is what we are fighting for: Principle; principle. Let that one word "principle" guide colleagues today as they determine their vote.

Once again, this debate is concerned with providing fairness and equity to the donor States. The donor States number less, as we all well know, than donee States. That is why this battle has gone on year after year. After extensive debate during the consideration of the Intermodal Surface Transportation Efficiency Act of 1991, and again in 1993 on the transportation appropriations bill, I regret the Appropriations Committee again proposes to make legislative changes.

I would like to add here, I was a member of the conference on the ISTEA bill because of my service, that I take pride in, on the committee of this body that has overall jurisdiction. So I have some knowledge, corporate knowledge, of how these attempts have been made through the years. That is why I urge my colleagues today to join with me to put an end to this thing. Let us once and for all let the donee/donor States live with this law, which was so carefully debated in past years, and not make a change in law.

The Environment and Public Works Committee has overview of this and the ISTEA. Regrettably, we do not have the votes on that committee. This is the only forum—right here on the floor—where we have been able to maintain some equity and fairness for the donor States.

The amendment I offer today simply would strike from the bill the limitations on obligating minimum allocation funds for the first quarter of the fiscal year. The amendment simply would return the treatment of this program to current law—leave it as it is—as authorized by the ISTEA.

Mr. President, I recognize that the managers of the bill will soon assert that this amendment will have a significant impact on funding highway programs in this fiscal year. I respectfully dispute that and will address it once it is raised.

This amendment does not provide any additional funding for the Minimum Allocation Program. The amendment spends the same amount of money on the Minimum Allocation Program as the committee bill. The chairman, however, may indicate that supporting my amendment would result in the loss of highway funds for every State. I submit, however, that any offset for removing the restrictions on the Minimum Allocation Program should not be charged to other highway programs.

It is clear that the restrictions on minimum allocation gave the committee additional obligation authority to provide substantial increases for Amtrak operating expenses, the Intelligent Vehicle Highway System Program, new subway and light rail projects, and high-speed rail. That is where the funds have gone. So when you hear from your Governors and from those cabinet officers in your respective States who are responsible for the highway programs, they will tell you, they will confirm that this is where the money has gone, and it is up to each of you to determine whether or not that is in your State's best interest, this shifting of funds or the potential ability—that is the principle—the potential ability of the Appropriations Committee in years hence to shift those funds from roads to mass transit programs.

Mr. President, I support these mass transit programs, as we all do, but we should have a voice—every Member of this Chamber—with respect to his or her State as to the priority of the highway versus the mass transit funds. By maintaining the current law, the voice is retained by the individual Members and the individual States, but if this precedent is established, then much of that discretion leaves us individually and collectively and flows to the Appropriations Committee.

I do not believe, however, that those States that are already disadvantaged because of an egregious—and it is—and antiquated formula used to allocate highway dollars should bear the added burden imposed by the committee's limitation.

Let me be clear once again, the only effect of the Warner amendment is to remove the committee's restrictions on donor States using these funds in the first quarter of the fiscal year. The opposition may claim that the committee's restrictions on the Minimum Allocation Program will have no impact on our States because historically States have not obligated large amounts from this program in the first quarter. But I say respectfully in response to this argument, I ask the chairman that if States traditionally obligate less in the first 3 months of the fiscal year than the $302 million cap provided in the bill, what is the real intention? What is the real intention? If in reality the amendment has virtually no impact on donor States, why is this provision needed at all? If there is no intention by the Appropriations Committee to change the minimum allocation statute to begin to bring this program under the obligation ceiling, why is this provision needed in the committee bill?

Mr. President, Senators representing donor States should be concerned about this provision, and they must ensure that the Minimum Allocation Program remains an unrestricted program for our States.

To understand the reason for this amendment today, it is important to recall why the minimum allocation issue is so critical to donor States. It is simply an issue of fairness and equity. During the extensive Senate debate and the contentious conference, of which I was a member, on ISTEA in 1991, the Congress recognized the percentage of highway funds returned to all States should be 90 percent. That is the floor.

The Congress also continued in ISTEA the statutory exemption—that is the key thing—exemption from minimum allocation, which provides that it would be outside of the obligation ceiling. This exemption is necessary because of the specific purposes of the program to reduce the inequity in the apportionment formulas between donor and donee States.

To ensure that all States receive a minimum of 90 percent, the Federal Highway Administration must be allowed to provide whatever funding is needed to bring States up to the minimum level. Minimum allocation has been the only guarantee since 1982 to give States a reasonable expectation of the percentage of return they will receive annually from the highway trust fund.

This program is essential to enable States to plan—that is the key, to plan. It takes a lot of planning, years in advance in most cases in our States, to do these highway programs. How can you plan if this is removed from under the ceiling?

So, Mr. President, I yield the floor, and I am anxious to hear the response of the managers and others to this amendment.

EXHIBIT 1

[Rollcall Vote No. 170 Leg.]

YEAS—39

Bentsen, Bond, Boren, Bumpers, Chafee, Coats, Cochran, Cranston, Danforth, DeConcini, Dole, Durenberger, Ford, Fowler, Glenn, Graham, Gramm, Heflin, Kassebaum, Kasten, Kohl, Levin, Lott, Lugar, Mack, McCain, McConnell, Metzenbaum, Nickles, Nunn, Packwood, Pryor, Riegle, Robb, Sanford, Sasser, Seymour, Shelby, Warner.

NAYS—57

Adams, Akaka, Baucus, Biden, Bingaman, Bradley, Breaux, Brown, Bryan, Burns, Byrd, Cohen, Conrad, Craig, D'Amato, Daschle, Dixon, Dodd, Domenici, Exon, Garn, Gorton, Grassley, Harkin, Hatfield, Hollings, Inouye, Jeffords, Johnston, Kennedy, Kerrey, Kerry, Lautenberg, Leahy, Lieberman, Mikulski, Mitchell, Moynihan, Murkowski, Pell, Pressler, Reid, Rockefeller, Roth, Rudman, Sarbanes, Simon, Simpson, Smith, Specter, Stevens, Symms, Thurmond, Wallop, Wellstone, Wirth, Wofford.

NOT VOTING—4

Burdick, Gore, Hatch, Helms.

So the amendment (No. 2884) was rejected.

EXHIBIT 2

U.S. SENATE,
Washington, DC, August 5, 1992.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR FRANK: As you head into Conference on the DOT Appropriations bill, we would like to inform you that we will be forced to discuss at great length any conference report that does not remove the minimum allocation from under the obligation ceiling and fully fund the program.

We understand the constraints which your subcommittee faces, however, we believe fulfilling the commitments made in the Intermodal Surface Transportation Efficiency Act of 1991 require that this action be taken.

Sincerely yours,

Bob Graham, David L. Boren, Don Nickles, John Warner, Howard M. Metzenbaum, David Pryor, Carl Levin, Larry E. Craig, Strom Thurmond, Connie Mack, Warren B. Rudman, Chuck Robb, Sam Nunn, Trent Lott, Dennis DeConcini, Alan Cranston, Wyche Fowler, Mitch McConnell, Bob Packwood, Dale Bumpers, Don Riegle, Herb Kohl, Jesse Helms.

Fritz Hollings, Alan J. Dixon, Kit Bond, Phil Gramm, Dan Coats, Conrad Burns, Pete V. Domenici, Richard G. Lugar, Jack Danforth, Steve Symms, Hank Brown, John Seymour, Malcolm Wallop, Al Simpson, Wendell Ford, John Glenn, Thad Cochran, Lloyd Bentsen, Bob Kasten, John McCain, Richard Shelby, Howell Heflin.

Mr. LAUTENBERG addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I heard very clearly the distinguished Senator's concerns, and the message is a little complicated. But I would like to start off by dealing with one question that the Senator raises. We have had lots of debate here about the minimum allocation; that which is returned to States based on the gasoline taxes they submit and the equity of those formulas.

This is a debate that has rung through these halls time and time again. I want to assure the Senator that there is no decline, no reduction in the minimum allocation that his State or other States get. That is established. The formula, the structure that the Senator makes reference to on the quarterly obligation, relates to the cash-flow problem.

I point out, as I have in private to the Senator, that if we proceed to strike the limitation on the first quarter distribution, we are looking at an increase in cost of some $30 to $35 million, and we would have to try to then reduce the obligation of the Federal highway ceiling by $190 million to accommodate that cash-flow outlay.

Senator WARNER's amendment would strike section 310(D)(1) of the bill. This section, as presently constructed, places a first-quarter obligation ceiling on programs. It is similar to legislation that has been carried in the transportation bill in the past, last year in particular. I refer the Senator to subsection (B) of section 310, which imposes, as he is aware, the first-quarter obligation ceiling on the regular Federal Aid to Highways Program.

The section in question, subsection (D), imposes that ceiling on the rest of the Federal Aid to Highways Program, including the Minimum Allocation Program. It does not reduce the annual minimum allocation commitment.

All Senators, particularly the Senator from Virginia, have always made us aware of the need to be responsive to their States' needs and to be fair and equitable in distributions that we have. We try to maintain that position.

We do share a committee together, the Environment Committee, and the Senator correctly points out that we worked very hard, he in particular, I as well, on establishing the ISTEA bill which substantially changed the structure of our transportation activities in the country. It also at that point raised the minimum allocation from 85 to 90 percent.

So I wish to assure the Senator from Virginia this is not an overall obligation ceiling on the minimum allocation program. It is simply a benchmark, a first quarter control, and is exactly the same as the first quarter control that is imposed on the regular Federal Aid Highway Program. The Senator ought not to be concerned that this committee is trying to make any inroads on the minimum allocation. There is no subterfuge, no fancy footwork to in any way reduce the minimum allocation.

More important than that, though, I tell the Senator that the Federal Highway Administration estimates that his amendment removing the first quarter obligation control will increase the outlays associated with this bill by $30 million to $35 million.

Now, if Senator WARNER's amendment is accepted, I will at final passage, in conformance with the Senate rules that require the bill to remain within its 602(b) allocation, have to offer an amendment reducing the Federal aid highway's obligation ceiling by $190 million. That is the only way we can conform to the change the Senator is proposing.

I do not want to do that. We have all worked very, very hard to eke out, to squeeze out every drop of resource that we can get, and it is not an easy task, neither is it intended nor is it arbitrary in any way. The obligation ceiling presently in this bill is at a historic high—$18.02 billion. But if Senator WARNER persists and the amendment is adopted—and we hope that that will not be the case—I will have to counter the increased outlays associated with his amendment.

I hope the Senator will withdraw the amendment. I assure him that it is not my intention to restrict the minimum allocation obligation to restrict States' use of those presently or to impose an overall cap on the program. I believe that imposing this first quarter obligation ceiling is within my jurisdiction since it is the Appropriations Committee which is charged with the outlays not only for the minimum allocation program but for ISTEA demos, emergency relief program, the regular Federal Aid Highway Program.

The Senator pointed out that some of these funds might be alternatively used for other programs, and in fact they are distributed over a whole array of programs over a wide number of transactions affecting transportation development in the country and over every State in the country. The Senator's State, Virginia, is a recipient of some very hard work to provide money for WMATA, which its citizens use to come to work and to travel back and forth. That is squeezed almost like blood out of a stone. It is very tough.

Now, if the Senator would have us reduce that so we can go ahead and distribute this money earlier than the formula calls for, well, then perhaps an appropriate amendment will be due if his amendment succeeds. And I look to him to take the lead on that and cut WMATA's allocation by $190 million. That will wipe them out.

Mr. President, the mission here is not to pull tricks, no sleight of hand. It is designed like any business that operates with a plan must work, and that is what is the cash flow for the year? What are your outlays going to be? When do you expect them to happen? So you can plan. I know that is an unusual characteristic around here, planning. It is not a foreign word. It is part of our vocabulary. It does not seem to be part of the act.

But that is the way this program developed. This has nothing to do with the request made by the Senator from Missouri [Mr. BOND]. That was a minimum allocation discussion.

As far as I know, we are not revisiting that.

I oppose, in case it is not apparent, Senator WARNER's amendment. If this amendment is offered on the basis of the experiences of the past, I assure the Senator he has nothing to fear in this 1994 bill. I hope he withdraws the amendment. If not, I will have to oppose him, ask for the yeas and nays on the amendment, raise a budget point of order because under the rules any increase in outlays has to be accompanied by offsets. If I fail to defeat the amendment, then I will have to offer the amendment that I described reducing the Federal aid highway obligation by $190 million.

I yield the floor.

The PRESIDING OFFICER (Mr. DORGAN). The Chair recognizes the Senator from Virginia.

Mr. WARNER. Mr. President, to assist our colleagues following this debate—and, indeed, my good friend, the Senator from New Jersey, has expressed the complication of what is taking place here, and I agree—I would like to see if we can focus on two questions.

The Senator is correct. You will have to make an amendment if I were to prevail to add just those funds. But I think in fairness you should tell our colleagues that you could reduce other accounts. You do not have to go to the highway account if you have to restore some funds. You could do it in other ways. As a matter of fact, you could go to those pockets, those deep pockets into which you put the added money by virtue of the bill as it is drawn today, primarily in the Northeast corridor.

I take judicial notice of the fact that my two good friends, the managers of the bill, have some affiliation with the Northeast corridor. I mean no disrespect to them at all. If I were in their position, I think I would do the same thing. But you have the discretion, I say to the Senator, to go into the highways.

I say to you, you have the discretion, if my amendment were to prevail, to get it anywhere within your bill. So I pose the question: Am I not correct?

Mr. LAUTENBERG. Did I miss the question of the Senator?

Mr. WARNER. Well, I had attempted to phrase it, but I will rephrase it.

Mr. LAUTENBERG. I missed the last sentence, Mr. President.

Mr. WARNER. That is all right, Mr. President.

Mr. LAUTENBERG. I missed the last sentence. If the Senator would repeat it. I had all the sentences before that. I have them permanently locked.

Mr. WARNER. The question is simply this. I concede that if the Warner amendment carries, you will have to make adjustments——

Mr. LAUTENBERG. Right.

Mr. WARNER. Dollarwise in the amounts obligation and outlays as stated to the Senate.

Mr. LAUTENBERG. Right.

Mr. WARNER. But you seem to indicate to the Senate you could only go to one pocket, basically highway funds, to get those dollars for adjustment. I say to you, Do you not have full discretion to go to any number of pockets, including those deep pockets which have been so generously filled by my colleagues from the Northeast corridor affecting mass transit and other areas?

Mr. LAUTENBERG. I remind the Senator I heard that portion of his comments.

Mr. WARNER. Well, the question is, Do you not have complete discretion to go to a variety of pockets?

Mr. LAUTENBERG. The committee has discretion. The subcommittee has a review process, a development process, as the good Senator knows, where we review all of the transportation obligations that this country is trying to fill.

We are as delinquent as could be in things like commuter service, transit service. This is not to say that our highways are right. If the Senator maybe would like to raise the gas tax by a buck a gallon we could do these jobs, fix those. Would the Senator propose something——

Mr. WARNER. Mr. President, the Senator answered my question when he said yes. The committee has the discretion. That is all I wanted to point out to the Senate.

Mr. LAUTENBERG. Mr. President, I do have the floor, I think. If not, I ask for the floor.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. LAUTENBERG. I heard him yield.

Mr. WARNER. Mr. President, the colloquy on my first question has been completed. The Senator answered it. Yes. This action gives the discretion to the distinguished chairman and ranking member of the subcommittee to make recommendations to their subcommittee and then to the full committee of appropriations. That answers my question.

But I come back for the second question. Let us narrowly focus this debate. Why must we do this? Why must we establish a principle for the first 3 months of bringing it under the obligation ceiling? Why must we do that?

Mr. LAUTENBERG. Mr. President, just so that we are clear, I thought that the Senator from Virginia had asked to raise a question. I do not want to get stuck in a parliamentary debate here. I am happy to answer it. But when the Senator says that after one word answer, yes, that he is satisfied, then I would submit the Senator is not familiar with the programs that we have.

We have an obligation under ISTEA to do as much as we can to take care of the transportation needs of the country. It includes relieving congestion. It includes making sure Amtrak goes through Virginia. They are looking at high-speed rail. We are looking at their commuter service based on service from WAMTA which I described. They get almost $200 million a year. Sure. There are other programs that we can take things from. Perhaps the Senator would like to recommend we slice the Coast Guard by a couple hundred million dollars. That sounds like a place that we might want to reach.

I am being facetious, obviously, because there are many, many valuable services that are performed under the transportation bill. We have an obligation to review them fairly.

I frankly must tell you that I do not understand what this fuss is about because in fact there is no loss of funds under the minimum allocation. This is a change in distribution. This is a lot of money that lies dormant in accounts that have been obligated and not yet spent. I am not talking particularly about Virginia because I do not know otherwise. I would be happy to discuss that.

But the fact is we have tried to be fair and balanced. This has been a very contentious issue. In ISTEA we sat down and revolutionized transportation policy in this country. We said for a State like Virginia, perhaps, or another State, if they choose to use all of their highway money one way, that is their prerogative.

If they choose to use some of it for transportation, for transit needs, that is their prerogative. We tried for the first time to have a degree of flexibility in the way funds were used.

The good Senator, the distinguished Senator from Virginia, makes reference to the fact that we feed the Northeast corridor. Mr. President, the Northeast corridor does include New Jersey; it includes New York; it includes Connecticut; it includes Massachusetts; it includes Rhode Island. It includes about a third of the population of the country.

Is the Senator from Virginia saying that no matter how many people use this facility, no matter how many people travel through it, the fact is that we ought not to upgrade the safety, we ought not to make it more efficient, we ought not to deal with the problems? The Senator has been on Amtrak. He knows what that equipment looks like. Most of the passenger load is in that area. We do not ask the passengers whether they come from New Jersey or New York. It is available. It is part of a national asset.

So, yes, we do have prerogatives. We do have options. We do have choices. So has every other subcommittee in appropriations. That is the nature of things. We made a tough decision. We scrubbed these numbers until they were whistle clean. And we came up with $2.7 billion more for highways this year than we did last year.

And the Senator from Virginia's constituents as a result will benefit from improved highway facilities.

The Senator is absolutely right. So it is simply a question of whether or not after all the arduous effort that has gone on before, that he would change the formula and have us reallocate, redistribute, the $190 million it will take to accommodate this.

I hope not. I think that we bared this situation fairly thoroughly. I do not know whether other Senators intend to speak. We are not—Mr. President, I want to make it clear—we are not for any who are listening or paying attention to the discussion, any of the other Senators, we are not putting minimum allocation under the obligation ceiling. We are only putting a first quarter control on spending, cash flow.

The minimum allocation program is exempt from an obligation ceiling for the year. Virginia will be able to obligate all of the $72 million it receives under the MA program, minimum allocation program.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, narrowly focusing the argument, the position of the Senator from Virginia and the purpose of the amendment is to maintain the current law which has been in existence since 1982, leaving this program outside the obligation ceiling. I say most respectfully, the Senator from New Jersey, the manager, the chairman of this subcommittee, by virtue of this 90-day provision it has the effect of bringing under the ceiling. It is as simple as that. That is the debate. And it is an effort to bridge the minimum allocation program in a de facto manner under the discretion of the appropriations committee contrary to what we have had for years since 1982.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina [Mr. THURMOND].

Mr. THURMOND. Mr. President, I rise today to support the amendment offered by the distinguished Senator from Virginia, Senator WARNER.

I am pleased to be a cosponsor of this amendment which would remove the restrictions on the use of minimum allocation funds.

Mr. President, I would like to express great concern about the unfair treatment of donor States in this appropriations bill. Historically, donor States have paid far more in taxes than they have received in transportation construction. In fiscal year 1992, South Carolina received only 80 cents, I repeat, 80 cents from every dollar that our citizens paid into the highway trust fund.

Mr. President, the changes to the minimum allocation funding in this appropriations measure is not only unfair, it is also a direct attempt to circumvent the provision debated and agreed to in ISTEA, which is the Intermodal Surface Transportation Efficiency Act. The minimum allocation program ensures that donor States receive not less than a 90-percent rate of return on the tax payments made to the highway trust fund. The minimum allocation program is essential in maintaining some level of funding equity among the States.

This bill limits first quarter obligations for the minimum allocation fund to 15 percent of the total amount available to States. Mr. President, this would cause a $2.5 million reduction in funding that would otherwise be available to the South Carolina Department of Transportation in the first quarter of the next fiscal year. While I realize that the committee bill does not reduce the total amount appropriated under this program, I do recognize it as another penalty against donor States. South Carolina ranked last in Federal gas tax returns in 1992. We should not be further penalized by temporarily withholding any of this funding.

Mr. President, donor States have made sacrifices since the inception of the Federal Interstate Highway System in order to create an efficient National Highway System. I believe that we have fulfilled this mission and it is not time for donor States to be able to improve their own road networks. I strongly oppose any attempts to make changes to the minimum allocation program.

Mr. WARNER. Mr. President, I thank my colleague, and I ask unanimous consent that the following Senators be made original cosponsors of the pending amendment: Senators THURMOND, GRAHAM of Florida, COATS, LUGAR, BOREN, HOLLINGS, HELMS, and FAIRCLOTH.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I would like to read at this time from page S11541 of the CONGRESSIONAL RECORD of August 5, 1992, when the Bond amendment—which I feel is similar in concept and parallel in objective—was voted on by the Senate.

> Those Senators supporting the Bond amendment were as follows: Senator BENTSEN, Senator BOND, Senator BOREN, Senator BUMPERS, Senator CHAFEE, Senator COATS, Senator COCHRAN, Senator CRANSTON, Senator DANFORTH, Senator DECONCINI, Senator DOLE, Senator DURENBERGER, Senator FORD, Senator FOWLER, Senator GLENN, Senator GRAHAM, Senator GRAMM, Senator HEFLIN, Senator KASSEBAUM, Senator KASTEN, Senator KOHL, Senator LEVIN, Senator LOTT, Senator LUGAR, Senator MACK, Senator MCCAIN, Senator MCCONNELL, Senator METZENBAUM, Senator NICKLES, Senator NUNN, Senator PACKWOOD, Senator PRYOR, Senator RIEGLE, Senator ROBB, Senator SANFORD, Senator SASSER, Senator SEYMOUR, Senator SHELBY, and the Senator from Virginia, Senator WARNER.

As I stated earlier, a supplement letter was signed by this basic group, together with five other Senators, whose names I will add momentarily to the list of those that have supported the action in 1992.

Mr. President, I further ask unanimous consent that Senator DANFORTH be listed as a cosponsor to the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I would like to point out, if I may, to our good friend from South Carolina, that this does not change the overall ceiling on the minimum allocation; that whatever South Carolina was going to get, they will get. Though it is fair to the Senator from Virginia to confirm the fact that the first-quarter distribution is going to be at a slower pace.

That is true for all States. There is no one being singled out. There is no discrimination in place, or intended. The fact is that this process was developed to permit us to deal with as many requirements as we had for transportation. That means all transportation programs. Obviously, highways dwarfs all other programs by virtue of the sums of money that are allocated to highways. There is no attempt to make adjustments between one or to favor one type of transportation mode over another.

This country needs a balanced transportation network. Some may agree a little more about transit; some insist that highways are a better way to go. We tried in ISTEA—and, again, the good Senator from Virginia was there—to strike a balance and to provide the flexibility that I talked about moments earlier. The minimum allocation adjustments were made. They were increased at that time from 85 to 90 percent. That is the way they stand. A debate about that is, I guess, always in order. But this is an appropriations bill. What we are doing is we are meeting the obligation ceiling as laid out by formulas in conjunction with the Federal Highway Administration.

South Carolina, Virginia, and New Jersey will get their full highway obligation commitment. South Carolina will get $4.6 million this year. It is a minimum allocation figure. That is what South Carolina is going to get.

Virginia is going to get the $72.3 million that it was allotted under the formula. There is no reduction in the minimum allocation for the year. If one takes the first quarter, it does not meet the timetable that one might associate with the minimum allocation. But when the year is over, everybody will have had an obligation that meets their—there is no cap on the obligation ceiling; it is a minimum allocation.

So that is where we stand, Mr. President. My colleague, the ranking member, looks as if he has something to say, and I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I think it is important to understand that nobody wants to attempt to say what States can or cannot draw down. We are in a fiscal bind. As a result of this control—it is a device by which to control cash flow—every State will get every single penny that it is entitled to. We do not reduce any, but for the first quarter we ask you to stay within this limit. If you stay within that limit, it gives us the ability to manage our flow under the allocation formulas, under that which we are given in our budget, to provide an additional $188 million.

Let me tell you what takes place if the amendment of the Senator from Virginia is agreed to. We would have to go back and cut 188 million dollars' worth of programs. Is that what you want to do? If you want to, that is what we will do. If we want to argue about States rights, we have no argument with that. But this is a practical fact, a practical impact. The impact is that we will reduce programs—highway programs, essential programs—by $188 million.

The period of time we talk about, as a practical matter—and I heard the Senator from Virginia give reference to this, and he is absolutely right—is during the period of time when we are not obligating in spending those moneys, in any event. So if we were really impeding States, et cetera—you say you should not be doing this. They can let the contracts out. They know with certainty that they are going to get every single penny.

The fact of the matter is that you do not generally begin to use those moneys until after the first quarter of the fiscal year, in any event.

So what we are doing here is arguing something that sounds like really somehow we have a detrimental impact on States and we should not be doing it when, indeed, in managing the cash flow we provide $188 million more to States that they otherwise would not get for transportation needs.

I do not want to go back to the drawing board and figure out whose $188 million is going to be lost, because I want to tell you something. Everybody has projects that are necessary, that are deserving, and we do not have sufficient funds to fund it all. There are bridges that are necessary.

You see us battling, pushing, shoving to find out where does the money come from, and we just do not have it all.

So if the Senator is successful in this amendment, the principle that says this is the States' money, they can draw down upon it at any time, we say look for the first quarter only 15 percent, he carries the day, and we lose $188 million in necessary brick and mortar in infrastructure, bridges, roads, and highways. I think that would be a shame.

For that reason, I will be opposing the Senator's amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank my colleague for his comments.

Mr. President, the Senator from Virginia does not wish in any way to be dilatory at this point in time on this amendment. There are a number of Senators who have joined as cosponsors. There are a number of Senators who had taken a part in the debate in 1992 on an issue which I believe is parallel in almost every respect to the one raised by the pending amendment of the Senator from Virginia.

So I just simply say I urge those colleagues who wish to address this issue to do so and do so in a timely manner, because I would be happy to ask for the yeas and nays at the appropriate point here and proceed to allow the Senate to make a determination as to what its will is on this amendment.

I have just received a communication that Senator KOHL desires to be an original cosponsor, and I ask unanimous consent that he be so listed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I also wish to advise my colleagues that the Secretary of Transportation of Virginia, Mr. Milliken, has communicated with secretaries of transportation in the donor States. That communication essentially follows the lines of the debate that the Senator from Virginia has framed this morning. But he has put them all on alert that, in his judgment, as a seasoned administrator of a State highway program and one who has worked in this area for much of his lifetime, this provision currently in this bill is precedent setting and the provision will allow the Appropriations Committee, if it is adopted by the Senate, to control the minimum allocation account in the years to come. It is simple as that.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, let me make another point here.

Why should we have any controls? Why do we not throw out the whole kit and caboodle?

The distinguished friend and great friend and Senator from Virginia points to this one program. It is $2.117 billion, and that is a lot of money. We are trying to get cash management here, cash flow.

But the basic highway program also has a control and that is $18 billion, $18 billion, and we have a control. We say you cannot spend more than 25 percent. The reason we do that again is that you simply could not—first of all, your budget outlays would be such that we would have to reduce the overall highway program by billions of dollars. If we did not have a cash flow, we would actually lose tremendous amounts of money.

Here we are attempting to set a formula so that in the fullness of time every State will actually benefit, including Virginia, as a result of this. Otherwise, what we are going to have is a reduction across the board of $188 million out of the $2 billion, roughly, that this amendment addresses.

So it is not that we have singled out these States, the donor States. We have not. There is a control system whereby we say the first quarter there is a cash control for the rest of the States and the rest of the programs called the basic highway program. That is infrastructure, maintenance, bridges, surface transportation, and the Federal Land Highway Program. They all flow under the same and similar kind of restriction that says they can only spend 25 percent of their money during the first quarter.

Absent that, it would cost us, in terms of the total amount of money we are able to allocate for road and highway construction, probably close to $1 billion we would lose. Does that make sense? I do not think so, just in the name of saying we are going to give States more independence to operate this.

I am for States rights, but again this is management of moneys which we have a responsibility to see that we leverage and get the most for our taxpayers. I think that is where we are.

So it is a rather simple matter, and I would hope that we do not becloud it with this issue that somehow we are taking money and straining the use of dollars to a State when they are going to get every single penny under the formula, every penny.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I just wanted to respond to one reference the Senator from Virginia makes repeatedly, and that is to use the debate in 1992 as a point of reference to point out that this is an extension of the same argument and, therefore, we have an unresolved problem. I point out with all due respect that debate was not about this subject. That debate had to do with whether or not the minimum allocation was, in essence, fair or unfair.

I point out that there was extended debate. The side that I was on prevailed in that debate. But when we went to conference, we made adjustments to try to accommodate the donor States.

That had little to do with whether or not there is a cash distribution or obligation resource distribution one quarter to the next.

The Senator from New York pointed out we are talking about 15 percent in this first quarter. Sure, everyone knows that 15 percent is not one-fourth of 100, but it was designed to give us the maximum flexibility to extend the spare resources that we have to cover as many situations as we can. Some have faster spendout programs; some are slower. Highways are relatively slow unless they are maintenance and rehab funds.

So, I think, Mr. President, it is fair to say that we have a bill here that is already overdue, that we can hang on to for extended periods if we would like to.

If there is an issue, and every Senator has a right to disagree with the conclusions that the committee came to, then I think, Mr. President, in fairness we ought to move to try to resolve it. If there is a vote going to be called for, then we ought to try to move it. If not, then this debate will simply linger on.

We have heard the arguments. They do not get better; they often get louder, and it does not bring any light; it brings heat.

I hope that we will be able to resolve this issue one way or the other.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I repeat my willingness to cooperate with the managers of this bill and to expedite the work of the Senate.

It is not the intention of the Senator from Virginia to bring this matter continuously up and be dilatory. So I alert those colleagues who may wish to speak to this matter from the perspective of the Senator from Virginia to come to the floor as soon as convenient. Otherwise, I will simply ask for the yeas and nays, and we will proceed with a vote.

I point out that this provision which the Senate Subcommittee on Appropriations has placed in their bill is not in the House bill and will be a conference item.

So, while we may not muster the votes today to support the position of the Senator from Virginia, I would suggest that a strong vote in support of my amendment would make this a more credible conference item, and that in a manner similar to the manner in which we handled the 1992 debate, namely, banded together and indicated a willingness to speak at length on the conference bill is a course of action we are likely to take.

The distinguished manager of the bill from New Jersey pointed out that accommodations were made following the 1992 debate. That accommodation is plain and simple. The provision was stricken in conference from the bill. You might call that accommodation. I say it was clearly a reaction by the conferees to the minority here in the Senate from the donor States that made their case very clear.

Mr. President, at this time I wish to add to the list of Senators who support this. I read from page S11541 of the CONGRESSIONAL RECORD of August 5, 1992, those 39 Senators who supported the Bond amendment. Then when the letter went forward the Senator from Alaska [Mr. MURKOWSKI]; the Senator from Montana [Mr. BURNS]; the Senator from Idaho [Mr. CRAIG]; the Senator from Wyoming [Mr. WALLOP]; and Senator DIXON joined bringing that number up to 44. That was the total number of Senators who signed the letter. Of course, that letter is in the RECORD.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I know I should not be surprised to be debating the minimum allocation requirement again. But I am disappointed that this committee is again attempting to restrict highway funds designated through the highway trust fund for donor States.

The issue of minimum allocation is extremely important to donor States. These are the States who have for many years been making large contributions into the highway trust fund but have not been receiving adequate return for these taxes.

Mr. President, it really is an issue of fundamental fairness. The highway trust fund was established in 1956 as a way to fund the Interstate Highway System. However, its original purpose is virtually complete since almost all of the Interstate Highway System is now open to traffic. But States like Indiana continue to pay taxes into the trust fund without receiving an adequate return.

In 1982 it was recognized that there were essential inequities in the highway trust formulas. It was decided that these donor States should receive, at a minimum, 85 percent back after the disbursements under the highway trust fund formula were made. Although still inadequate, this was an attempt to increase the number of the dollars going back to donor States.

Just 2 years ago, when considering the reauthorization of the Intermodal Surface Transportation Efficiency Act, the donor States fought hard to completely overhaul the highway trust fund formulas. In my opinion, these are outdated and unfair. We lost this battle.

But after many months of heated discussions and lengthy debate, it was agreed at the end that donor States would receive an increase in their minimum allocation to 90 percent. This was a deal which was agreed to and voted on in 1991.

But once again, the framers of the appropriations bill have violated the spirit of this agreement by seeking to limit the funds available to minimum allocation States. We saw it happen last year when they moved to put the minimum allocation funds under the budget ceiling, thus reducing the amounts promised to donor States. And we are seeing it again now as they try to limit the funds donor States can access.

Mr. President, this move demonstrates that the committee does not intend to honor the commitment made.

The Senator from Virginia's amendment would restore the commitment made to donor States by removing any restriction. His amendment is about fairness and honoring deals. I urge my colleagues to vote in support of his amendment.

Mr. KOHL. Mr. President, I want to join my colleague Senator WARNER in expressing my objections to the portion of the fiscal year 1994 Transportation appropriations bill which reneges on the agreements made with donor States such as mine.

Two years ago, when the Senate debated the Intermodal Surface Transportation Efficiency Act [ISTEA], one of the most hotly contested issues was funding equity among States. At that time, I joined with my colleagues in opposing any continuation of transportation funding allocations that did not treat States equitably. In recognition of the these concerns, ISTEA reaffirmed the commitment made to donor States through the Minimum Allocation Program [MAP] of the Surface Transportation Assistance Act [STAA] of 1982. This program compensates States that pay more into the highway trust fund than they receive in highway grants. The importance of restoring equity in transportation funding was so integral to the STAA and ISTEA, that these laws clearly exempted the MAP from the obligation ceiling. This promise was absolutely necessary to assure that the equity achieved for donor States would not eroded through the appropriations process.

Last year's transportation appropriation bill ultimately kept the important promises made to donor States. In spite of the fact that the Senate fiscal year 1993 Transportation appropriations bill included the MAP under the obligation ceiling, the conference report ultimately excluded the MAP from the obligation ceiling.

Mr. President, this year's Senate Transportation appropriation bill once again attempts to renege on the promise made to donor States. But unlike last year, this year's bill attempts to whittle away at the guarantee made to donor States in a much more subtle manner. Instead of simply placing the MAP under the obligation ceiling as last year's bill did, this year's bill starts to place unauthorized funding restrictions on the MAP program, by limiting the funds allowed to be obligated under the Minimum Allocation Program in the first quarter of fiscal year 1994 to 15 percent of the total fiscal year 1994 appropriation for that program.

This requirement is in direct conflict with the promise made to donor States through the Minimum Allocation Program of ISTEA. This requirement sets the dangerous precedent of placing additional funding restrictions on a program which has been explicitly exempted from these restrictions by current law.

I believe it is fair to say that many of the donor State Senators would never have supported passage of the ISTEA bill if they had not been guaranteed that the MAP program would be insulated from erosion through the appropriation process. To go back on that agreement, as this appropriations bill does, is to reopen that debate, and in my opinion, it is irresponsible. I urge my colleagues to vote in favor of the Warner amendment.

Mr. FAIRCLOTH. Mr. President, I stand to speak in favor of Senator WARNER's amendment, of which I am a cosponsor, to strike language amending ISTEA. The bill before us, as currently written, is unacceptable to North Carolina, Virginia, and the other so-called donor States.

I was not here during the debate over the Transportation bill in 1992, but I was North Carolina Highway Commissioner for 8 years in the 1960's, and I know what it is like to be a donor State. It is not an enviable position to be in. North Carolinians do not like paying taxes any more than anyone else in the country—and they sure do not like getting back less than they paid in.

But from what I see, a lot of progress was made in ISTEA to bring some common sense and equity to the highway program. Prior to ISTEA, North Carolina was getting back about 75 cents to the dollar of Federal gas tax receipts. Now we are getting about 87.5 cents, not the 90 percent we are supposed to be getting, but a good deal better than things were a few years ago.

Now, after all this progress has been made, we see in the bill before us a small provision—some say inconsequential—which restricts the amount a State can spend of its minimum allocation to 15 percent in the first fiscal quarter.

"No big deal," we are told, "Your State will still get its money." Well, as a former highway commissioner, I can tell you it is a big deal.

After States like North Carolina fought long and hard to get back a reasonable portion of their contributions to the Federal highway fund, we are not going to take lightly any tinkering around with the manner by which we get our fair share.

Mr. President, as I said, I was not here when we last debated the minimum allocation issue. But it seems to me that the whole point of that debate was to provide donor States like North Carolina with a certain amount, one they could count on, in exchange for their willingness to foot the bill for States on the receiving end.

By restricting the amount a State can spend of its fair share, I think the Senate reneges on that agreement. If it is not a big deal, then let us just vote in favor of the Warner amendment and be done with the issue. Now is not the time to tinker with ICE-TEA, and now is not the time to encroach on the rights of donor States to receive their fair share in an appropriate and timely manner.

Mr. President, I ask unanimous consent that a letter from Secretary Sam Hunt, of the North Carolina Department of Transportation, be inserted into the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF NORTH CAROLINA,
DEPARTMENT OF TRANSPORTATION,
Raleigh, NC, October 4, 1993.

Hon. LAUCH FAIRCLOTH,
Hart Senate Office Building,
Washington, DC.

DEAR LAUCH: As you know, the "donor" states have worked together for several years to protect our interests in the federal transportation appropriation process. An important part of that work may be threatened.

The Senate Transportation Appropriations bill amends the Intermodal Surface Transportation Efficiency Act (ISTEA) to restrict the amount of Minimum Allocation funds that can be spent in the first quarter. While this may not have a short term practical effect on our programming, it could set a dangerous precedent toward bringing the entire Minimum Allocation program under the obligation ceiling.

Minimum Allocation funds currently are outside the obligation ceiling, and bringing them under the ceiling would reduce the amount the donor states would receive, compounding further the disparity between donor and donee states. While the above bill does not specifically move the Minimum Allocation funds under the ceiling, it could be a step in that direction.

I am told that Senator Warner and others may propose an amendment to strike the bill language referencing section 157 of title 23, which would alter the MA program. I would urge you to support any effort to retain the full effectiveness and intent of the Minimum Allocation Program.

I appreciate your help and support. If you have questions or require additional information, please call Ms. Hannah Byron in North Carolina's Washington Office.

With warmest personal regards,

Sincerely,

SAM HUNT.

Mr. FEINGOLD. Mr. President, I am voting with the Senator from Virginia [Mr. WARNER] on his motion to waive the Budget Act so that his amendment to strike the provisions inserted into the appropriations bill which alter the statutory guarantee that highway trust fund States receive at least 90 percent of their contribution can be considered on the merits because I oppose the action taken by the Appropriations Committee in this regard. Wisconsin is, of course, a donor State and sends more highway tax money to Washington than it receives back from the highway fund.

I am very disappointed that the Senator from Virginia did not include in his amendment an offset so that a budget waiver would not have been required. However, all of the parties in this debate have made it clear that if the amendment of the Senator from Virginia prevails, an amendment would immediately be offered to reduce other accounts in the bill to bring it below the budget ceiling. With that understanding, I support the motion to waive the Budget Act with regard to the Warner amendment because I believe his amendment is clearly correct on the merits and I want to send as strong a signal to the conferees that this inequity should be corrected in conference.

Mr. LAUTENBERG. Mr. President, we have had a good airing of the amendment from the Senator from Virginia. I believe that this would cause us to change the structure of the bill.

Therefore, Mr. President, I raise the point of order under section 602(c) of the Budget Act, as amended, that the amendment provides outlays that are in excess of the subcommittee's 602(b) allocation under the fiscal year 1994 concurrent resolution on the budget and is not in order.

Mr. President, we await the decision of the Chair.

The PRESIDING OFFICER. The Senator has made a point of order. The Chair is prepared to rule.

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I move to waive the Budget Act with respect to this amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I ask the Senator from Virginia [Mr. ROBB], be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I wish to inform my colleagues that the Senator from Virginia feels he has expressed in the course of this debate, some 1½-plus hours, all the points I wish to raise. It would not be my intention to appeal the order of the chair. Therefore, this vote now framed will be the vote that would be dispositive of this issue.

Mr. President, the leadership has communicated with the floor and has indicated it would be most convenient for the Senate as a whole, I think, to vote at 11:15. Am I correct on that?

Mr. LAUTENBERG. That is correct. We ask unanimous consent to do that.

Mr. WARNER. Therefore I advise the managers the Senator from Virginia would have no objection should they seek to lay this amendment aside and proceed to other business with that understanding, and therefore I ask unanimous consent the Senator from Virginia may have a vote on the point of order at the hour of 11:15.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask I be allowed to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi is recognized for 5 minutes.

SOMALIA

Mr. LOTT. Mr. President, the United States is a country with a great heritage of supporting floundering democracies, and a heart which reaches out to people in need. In December of last year, President Bush, acting out of compassion for the tens of thousands of starving people, sent America on a mission to Somalia. It was a mission of peace and it was a mission of compassion.

That mission has been carried forward by the present administration. It is also a mission that has been completed. With its completion the time has come for the United States to leave Somalia. We should not continue to mortgage the lives of Americans for a country with no government and a people who refuse to assume responsibility for their own destiny.

Under no circumstances should the United States remain in Somalia, only to place more American lives at risk. The newly emerging policy toward Somalia is a growing monster which is out of control and is now eating our own. Our policy no longer seeks to end the starvation and hunger which struck thousands, perhaps millions, over the last 2 years in Somalia. No longer do we simply pursue a cessation of fighting in order to allow the free flow of food. We are now trying to create a peace, where no peace exists. We are also learning you cannot make peace when armed bandits and two-bit hoods are intent on disrupting the peace.

President Clinton's policy toward Somalia is based on the United Nations Security Council resolution 814, which is very different from our original mission to stop the starvation and allow food convoys to reach the Somali people. The Clinton policy as it now appears seeks to recreate a country, a country which has no civil authority, no national economy, and no functioning government.

Our ambassador to the United Nations has suggested we must now raise Somalia from a failed state into an emerging democracy.

My question is, Why? Why is that our role, our responsibility? Is it in our national security interest to do that?

While the administration's goal may be laudable, why is it our responsibility—our responsibility—to restore peace and a government to Somalia? Where is our national interest which compels the United States to create this U.N. notion of Utopia? Why must the United States squander our national treasure of America's best men and women to create peace in a land where peace is not wanted? It is not America's responsibility. We have no national security interests at stake.

Now is the time for the United States to leave.

As I am sure with most Members of the Senate, I have been receiving lots of calls from back home asking, What are we doing? I talked this morning to the mother of two young Marines. She is saying my young sons are not over there yet but they may have to go. Why? What is our goal? What is our responsibility there?

American military forces are ill suited for this mission. Our forces are designed, equipped, trained and maintained to fight and to win in combat. If you give our forces a military objective they will meet that objective. But they are not trained to pacify unruly mobs. Americans have no desire to see their men and women degraded, killed, and defiled by lawless reprobates who drag the bodies of Americans through the streets to be kicked and spat upon.

The American people will not stand for this. We have met our mission. The time has come to leave Somalia. I see no U.S. security interest which requires the United States to remain. If the President believes such a national security interest exists and requires our presence, he needs to explain it to the American people, needs to come to the Congress, tell us what the goals are, let us debate it. I believe we will follow the Commander in Chief's lead. But right now the situation is totally intolerable.

Beyond the issue of Somalia, we need to examine the underlying assumptions guiding the administration and all of us, frankly, to the conclusion that we must remain in Somalia. The Clinton administration appears dedicated to sending the U.S. military into dangerous seas of multinational peacekeeping in an effort to elevate the status of the United Nations into a guardian arbiter of the new world order.

Key to this new vision of the world is creation of a new world army whose singular purpose is to enforce the whims of the arcane United Nations Security Council. The administration's effort to create a new vision for the U.S. military is embodied, I fear, in a new Presidential directive, called PDD-13. Under PDD-13, the United States becomes the trainer and bill payer of an effort to create a military command structure for the Secretary General of the United Nations. That, too, I believe, is unacceptable.

Only 2 weeks ago the Senate extensively debated the merits of placing U.S. military forces under the command and control of the United Nations.

While lively and animated, the debate did not resolve the proper role for U.S. military in the United Nations. It would be nice if the Congress had the luxury of time to debate this issue in the calm, deliberative Halls of the U.S. Senate. Unfortunately, the events in Somalia over the last 10 days have forced this issue. Now is the time for the Congress and the Nation to examine this policy, in conjunction with the Clinton administration, of whether or not, and under what conditions, we would ever allow U.S. forces to be totally under U.N. command.

MORTON HALPERIN'S ROLE

The Clinton administration's pointman on crafting the U.S. military role in this new world, is Dr. Morton Halperin, the nominee for the position of the Assistant Secretary of Defense for Peacekeeping and Democracy. Mr. Halperin is widely recognized to be the architect of PDD–13. Mr. Halperin is awaiting confirmation and I propose that Mr. Halperin become the calayst which begins the debate regarding the Clinton effort to multinationalize the U.S. military. We must examine Mr. Halperin's role in drafting PDD–13. What are his views regarding this Somalia experiment which is now costing American lives on a daily basis?

The administration's incremental effort in Somalia requires that we debate the administration's policy now. Yesterday, the Clinton administration announced that 7 more helicopters, 4 M–1 tanks, 14 Bradley fighting vehicles, 2 AC–130 gunships, and 250 more people will be going to Somalia. Yet, the administration continues their commitment to placing U.S. troops under U.N. command, continues to follow the same rules of engagement and continues to place U.S. lives at risk. If the President remains committed to staying in Somalia, we must dramatically increase our United States presence. Nothing short of total occupation by U.S. forces—under U.S. command—is acceptable. My preference is that the United States leave Somalia.

Mr. President, I will just conclude with this. We have already spent well over $1 billion—I understand perhaps over $1.5 billion—in Somalia. Over 20 Americans have been killed and hundreds have been wounded. The famine in Somalia has essentially been eradicated. This year's harvest is adequate to feed the country. Our humanitarian mission in Somalia is complete. Our mission has been accomplished. We should declare victory and get out. Remaining in Somalia only will cost more U.S. lives, squander U.S. power, and commit the United States to an unending quagmire from which we cannot easily withdraw. This is an unacceptable situation, Mr. President.

I yield the floor.

(Disturbance in the visitors' galleries.)

The PRESIDING OFFICER. The Chair advises the galleries that it is not permissible for the galleries to express approval or disapproval for what is going on in the Senate.

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. BOXER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Kentucky [Mr. McCONNELL] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 35, nays 63, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—35

Bennett
Bond
Boren
Chafee
Coats
Coverdell
Danforth
DeConcini
Dole
Durenberger
Faircloth
Feingold
Ford
Glenn
Graham
Gramm
Hatch
Helms
Hollings
Hutchison
Kohl
Levin
Lugar
Mathews
McCain
Metzenbaum
Nickles
Nunn
Riegle
Robb
Sasser
Shelby
Thurmond
Wallop
Warner

NAYS—63

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Cochran
Cohen
Conrad
Craig
D'Amato
Daschle
Dodd
Domenici
Dorgan
Exon
Feinstein
Gorton
Grassley
Gregg
Harkin
Hatfield
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Lieberman
Lott
Mack
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Packwood
Pell
Pressler
Pryor
Reid
Rockefeller
Roth
Sarbanes
Simon
Simpson
Smith
Specter
Stevens
Wellstone
Wofford

NOT VOTING—2

Heflin
McConnell

The PRESIDING OFFICER. On this vote the yeas are 35, the nays are 63. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The adoption and enactment into law of the pending Warner amendment would provide for budget outlays at least $30 million in excess of the appropriate allocation of such outlays reported under subsection 602(b) of the Congressional Budget Act of 1974 for the Subcommittee on Transportation and the Related Agencies in connection with the concurrent resolution on the budget for fiscal year 1994, in violation of sections 602(c) and 302(f) of the Congressional Budget Act.

Therefore, the point of order is well taken and the amendment falls.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

SOMALIA

Mr. LEAHY. Madam President, I have listened over the last 12 weeks to the words of the distinguished Senator from West Virginia [Senator BYRD], regarding Somalia. I must admit I have taken his remarks home, and I have listened to them on the floor. We sit virtually next to each other on the floor, and I have listened to him speak on this subject. I have read what he said afterward, even to the extent of taking some of his remarks back to my home in Vermont where I could read them outside the beltway.

I told the distinguished Senator from West Virginia that had his original resolution on Somalia gone forward, I intended to vote for it. There was a compromise on the then-agreed-upon resolution that was passed. And I agreed with the Senator from West Virginia and the distinguished majority leader, the minority leader, and everybody else involved who put the compromise together, under the conditions at that time. But I also listened yesterday when Senator BYRD was speaking, and I went back this morning, and dug out some comments I made on December 1. That is December 1, 1992,

I spoke then of the troops going into Somalia. I said that U.S. forces were part of the U.N.-mandated military operation and they were going to be replaced as soon as possible by a U.N. peacekeeping force. I said some U.S. forces might be part of that U.N. force, but I expected most of the U.S. forces to be withdrawn as soon as their humanitarian mission was done.

Last December, I said there was a clear and attainable strategy for these forces. We were going in with overwhelming power to secure ports and airfields, to secure safety of the food distribution operation.

I said they were not going in to fight the warlords or pacify the entire country. Let me repeat that. Last December, I said it was not our purpose to fight the warlords or pacify the entire country, but to end the famine.

I also said I believed that the United Nations must also be responsible for providing leadership in developing a political solution to the anarchy that would simply reappear the moment the troops left.

Last December, I urged the President to press the United Nations to accept that responsibility as soon as possible.

Then, Madam President, in my remarks a year ago, I said I was very concerned that we not go in there without knowing how we are going to get out. Somalia must not be allowed to become another Lebanon where our Marines met with disaster.

I supported the original goal of United States intervention, to feed the starving Somali people, to stop the killing. At the time, though, I was deeply troubled about what would happen after the famine was ended. I called at that time for a U.N. peacekeeping force, with them taking over the peacekeeping responsibility as soon as the humanitarian part had ended.

Unfortunately, I do not think the United Nations has carried out its peacekeeping and peacemaking duties as well as we had hoped. In fact, it has failed to achieve vital goals such as restoration of minimal government services. This has forced a very sizable U.S. force to remain much longer than anybody in the Congress or anybody in the American public expected them to.

The U.N. role still remains unclear. Unfortunately, the mission of the U.S. forces also remains unclear, and deaths of Americans are rising.

Somalia is becoming an intolerable and totally unacceptable situation. With the humanitarian mission completed, and no agreement on a new mission, I cannot support U.S. troops being in a situation of hostilities without an authorization of Congress.

This is the position I took in April 1975, as the most junior Member of the United States Senate, regarding Vietnam. I said it in actions in Beirut and in the Persian Gulf, that American troops, except in an absolute emergency situation, should not be put in a situation of long-term hostilities without a very clear Presidential declaration of why they are there, what their goals are, and then with a congressional resolution backing that mission.

This is what we did in the Persian Gulf war. I think that the fact that there was so much Congressional support after that resolution, far more support than there was before, reflected the fact that the Congress and the American people had debated it and voted on it.

Now, if the administration can present a clear mission for the United States forces as part of a realistic, well-defined U.N. policy for restoring government in Somalia, let them do that and let us vote on it. But absent such a clear statement of the mission of the U.S. forces, without a well-defined exit strategy when we can say they accomplished their job and can come home, I cannot vote for such an authorization. It is not fair to our troops. It is contrary to the warmaking powers of the Congress.

Madam President, there is one thing we must learn and we must understand, especially as we stand here as the one superpower of the world, if we are going to use the warmaking powers of this country, that our Constitution is very clear how that shall be done.

The President has a major defining role as Commander in Chief, and I would not in any way suggest that that role be taken from any President. But the Constitution also gives a very clear role to the Senate and the House of Representatives.

In Somalia neither of those roles have been carried out. It started out as a humanitarian mission, and it has turned into something completely different. It is very possible we may have a defining statement of why we are there, what our goals are, and what will cause us to leave. But as of this moment we do not have that.

We must have it, and then we must vote on it. We must stand up and be willing to vote on it. We must be willing to state our position on it and be willing to face the American people.

I do not know what that vote will be. I do not know what the administration statement might be. But without it, American troops must come back out of Somalia. It is as clear as that. If American troops are going to stay in Somalia under these kinds of hostilities, then there has to be a vote of Congress saying that we understand their purposes, we agree with their purposes, and we vote for them to stay there.

I want to see that kind of debate. I want us to hear the justification provided by the President for retaining U.S. troops. I want to hear a clear explanation of what the U.N.'s role will be, because frankly I have not been impressed with the United Nations. I have not been impressed with the way they have carried out their role. I have not been impressed with their definition of the role. I have not been impressed with their actions.

But I also feel a responsibility as a U.S. Senator to the men and women we send in harm's way. Every member of the Armed Forces knows that when he or she takes that commission, when they are sworn in, that they may be placed in harm's way. They know it and I admire them for doing it.

I remember the great pride I felt on graduation day at Parris Island watching my own youngest son when he completed his training with the U.S. Marine Corps. We all know, every parent, every brother, every sister knows, every member of the family who takes that oath, that they may well be placed in harm's way. But every one of those men and women in our Armed Forces also should know if they are going to be placed in harm's way it is going to be with a clear definition of why they are there, a clear definition of America's goal for being there and that the Congress will uphold the Constitution by voting for it.

Thank you very much, Madam President.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I ask unanimous consent that my remarks may follow the remarks of my distinguished colleague from Vermont.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Madam President, I, like every single American, was grievously pained to the heart as we saw those pictures yesterday and as we learned of the loss of our brave service persons serving in Somalia.

Madam President, I have voted for the measure brought forth by our distinguished senior colleague, the Senator from West Virginia [Mr. BYRD], that calls for an orderly process of consideration, first, by the President in his role as Commander in Chief, and then by the Congress in its role under the Constitution, a role equally important to that of the President in terms of our ability to declare or not to declare war or otherwise through appropriations support the actions of a President when those actions involve the life and limb of service persons in combat. It is an orderly process.

I listened very carefully to my colleague's remarks. I believe that I understood him to say very clearly—and I join with him on that—that we, the Senate of the United States, and hopefully the Congress as a whole, want to support our President.

The role of the Commander in Chief is a burdensome one. It is a lonely one. I assure you, without factually knowing it, but I assure you that no one had a heavier heart last night on seeing those pictures of American service persons brutally dragged through the streets of Mogadishu, Somalia, by those bands of ungrateful, undisciplined individuals. No one suffered more than our President.

And I have had the privilege, as have other Members of this Chamber, of working with our President on foreign policy issues, be it Bosnia or Somalia. But we must stand with our President, his National Security Adviser, and his Secretary of State. I urge my colleagues to look at the transcript of the interview of the Secretary of State last night on the MacNeil-Lehrer show in which he explicitly stated the goal of the President and the goals of this Nation with respect to Somalia.

But we have to work with our President. Nothing we can do in this Chamber or by the Congress of the United States can ever be viewed or construed as a cut and run policy, no matter how difficult that may be politically or otherwise for the individual Members of the Congress. Our credibility in handling our role in Somalia will determine our credibility in handling other situations in which we, as the leader of the free world, invite other nations to come in with their troops and coalition forces to resolve these unpredictable problems as they arise throughout the world. That is what we must stand for—credibility.

I think our President, to date, has handled this situation as best he can. His principal advisers have carefully come before this body. They came before the Senate Armed Services Committee yesterday and briefed us on Somalia; a tragic story. And there will be some questions about the military tactics employed which might have resulted in the tragic loss of life and limb that we experienced as a nation yesterday.

But bottom line: The Congress must work with our President. Our President is doing his level best. Nothing we do can ever be construed as cut and run or it will destroy our credibility to form coalitions to deal with comparable situations in the future.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I wish to respond very briefly.

The Senator from Virginia knows I have, in my capacity as chairman of the Foreign Operations Subcommittee, stood with Presidents, both Republican and Democrat, on major foreign policy issues and have helped them carry out major foreign policy issues, as indeed he has. In fact, he and I worked very closely together on a number of those matters.

I want to support our President no matter what party he may belong to on a foreign policy issue.

When we speak of standing with the President, Madam President, I will stand first with the Constitution of the United States, and I will stand with that Constitution which requires us to exercise our warmaking powers. Now that may well mean that we are standing side by side with the President of the United States and that we vote for the same thing that he wants, and that may well be.

But, first and foremost, the President of the United States has to stand with the Constitution, as we have to stand with the Constitution. That is really what makes this the powerful Nation that we are.

That is all I am saying—that we are going to have a goal there. Let us define it and let us vote on it.

I am not asking to cut and run. I am not asking to stay. I am just saying, let us have our goal defined clearly and then let us vote for it.

The stand that I have always taken before is I will always try to support and help Presidents on foreign policy issues as the leader of our country. But I will stand first and foremost with the Constitution of the United States before I will any President of any party.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. If I may might reply to my distinguished friend. We ought to stand with the Constitution. We stand at that desk and take the oath of office, when we are privileged to become U.S. Senators, to support the Constitution.

But I ask my friend: Historically, when was the last time the Congress of the United States declared war? We are talking about the war clause of the Constitution. This body has abdicated its responsibility time after time when Presidents have called our troops into action and in harm's way.

We get all confused with this War Powers Act. Several of us here, including the distinguished Senator from West Virginia, the Senator from Maine, the Republican leader, the Senator from Georgia, and I have had tried on several occasions to get the attention of this Chamber to clarify that ambiguous piece of law. So let us be cautious.

I am not sure that when the Senator from Vermont refers to the constitutional powers to declare war if he is suggesting that be done in this instance. Because I believe that Presidents have worked within the spirit of the War Powers Act and Congress has not seen fit to declare war for some period of time. My recollection is World War II.

Mr. LEAHY. Madam President, if the Senator will yield, my statement is precisely what my statement was.

I made a clear reference to the debate and resolution that was passed by the House and the Senate at the time of the Persian Gulf war. I believe that that is the absolute minimum we can do here in this case.

I have taken this position consistently. I did in April 1975, on the debate in the Armed Services Committee, as a member, regarding continued authorization for the war in Vietnam. I did in Beirut. I have in Grenada. I have been a consistent voice in support of Congress exercising its right and responsibility to vote on whether American Armed Forces should be committed to hostilities. I have said that we ought at least, at the very least, to take the same steps that we did in the Persian Gulf war.

As the distinguished Senator from Virginia knows, he and I were on opposite sides of that vote. But, as the distinguished Senator from Virginia knows, there were a number of major issues that the President had to have resolved in his favor after that vote that could have been only resolved because of strong bipartisan coalition that I helped put together as chairman of the Foreign Operations Subcommittee. And I gave my cooperation. And I did it because, even though that vote had gone opposite to my position, that was the clear vote of the Congress on that issue and, therefore, I felt that once the Congress had spoken we could all move forward together.

That is what I want here. I want us to understand why we are there. I may well support exactly the positions of the President are. But he ought to state them very clearly, and we should debate them on the floor of this body.

Mr. WARNER. Madam President, in reply to my distinguished friend, he might remember that it was the Senator from Virginia, it was his bill that was the subject of that debate. I was the author, together with others, of the bill. But I was the principal sponsor of the bill to authorize use of force by then President Bush in the gulf war, and we won by a bare margin of five votes.

Madam President, let me make my position clear.

Mr. President, I have continued over the past several months to be supportive of the administration's policy in Somalia. However, I have become increasingly concerned as we expanded our objectives there at the same time we were decreasing our combat forces.

Yesterday's events and the briefing presented by the Joint Staff to the Armed Services Committee stunned both me and other Senators. It was difficult for me to believe that we had committed some of the most elite troops we have to such an operation in the middle of territory we knew to be controlled by Aideed forces with no way to reinforce them or come to their assistance. We were dependent on a U.N. multilateral force to come to the assistance of our beleagured Rangers. The U.N. force took 7 hours to respond. In the meantime, our forces paid the price in casualties.

It is unclear whether this operation was conducted under U.N. or U.S command—or who was directly responsible for ensuring that a reaction force was prepared to assist the U.S. forces. Regardless of who was in command of this operation, I believe we must make it clear that in the future, U.S. forces will operate only under U.S. commanders, and we will know who should be held responsible.

Now we are witness to pictures and accounts of United States prisoners being paraded on television and the bodies of United States soldiers being mutilated and dragged down the streets of Mogadishu while Somalis cheered and participated in the mutilation—Somalis that we sent our young sons and daughters halfway around the world to rescue from starvation.

Mr. President, these reports and pictures fill me anger and revulsion. I have not heard of any case where any Somalis tried to assist or support our troops in this action. Maybe there were some. I hope so.

I do not believe these atrocities should go unpunished. The attack on our forces and the behavior of Aideed's forces toward our casualties and detainees is unforgivable and I hope we will punish Aideed's forces accordingly. In addition, there should be no misunderstanding on Aideed's part that further maltreatment of U.S. detainees will not be tolerated.

Mr. President, it is now time for the Congress to involve itself in this matter. The briefing received yesterday, by the Armed Services Committee was shocking in several aspects.

The first, I have already mentioned—the lack of a reaction force that was capable of assisting our Ranger forces committed to an operation to capture some of Aideed's lieutenants. We found ourselves dependent on U.N. forces who were neither trained nor equipped to conduct the relief operation. In short, Mr. President, we committed forces to combat in a situation where we did not have the capacity to reinforce or rescue them. It is clear that we do not have adequate United States forces in Somalia to carry out the expanded missions and objectives we have now taken on and it is clear to me that our troops are at great risk when we depend on U.N. forces for such assistance and support.

The second aspect of the briefing that stunned and surprised me was the extent to which the situation in Mogadishu has deteriorated since we withdrew most of the United States combat forces. In January, we had 25,000 troops in Somalia and our mission was to ensure that humanitarian relief could be accomplished. I still believe that was a worthy mission which we achieved.

Now, we have about 5,000 troops in Somalia, about half of which are involved in logistical support but we have apparently expanded our missions to include nation-building, reconciliation and warlord-hunting.

It became shockingly clear to me during a briefing by the Joint Staff yesterday, that we are not in control at all in Mogadishu. That is another reason I was so shocked when I discovered we were conducting operations in this hostile territory without adequate reaction forces that could reinforce or assist them. It is my strong conviction that we should put enough force in the area to control it—or stop exposing our troops to the danger of operating in these areas—or get out altogether.

The administration announced yesterday that it would reinforce our troops in Somalia. Essentially, they will send 4 M1 tanks, 14 Bradley fighting vehicles, another 250 Rangers, 2 AC-130 gunships and helicopters to replace those that have been damaged or destroyed. In my view, especially after looking at that map presented by the Joint Staff yesterday, we are only proceeding down a path of incrementalism. We are committing insufficient forces and we will pay in blood again. I thought we had learned the advantages of using overwhelming, decisive force in these situations.

Last, Mr. President, I am not sure why the objectives in Somalia were expanded. What are our national vital interests? Why should young Americans die now in Somalia? It is high time the Congress seek answers to these questions.

In summary, Mr. President, my thoughts now are that if we determine there are vital national interests that justify putting the lives of young Americans at risk, then the President should put enough force on the ground and in the air to get the job done. When we have cleaned up the dissident forces in Mogadishu, the United States, working with the United Nations, should determine what else needs to be done and whether it is in our interests for our military forces to participate.

The reinforcements announced by the administration thus far can only be characterized as timid and only enough to get us into more trouble. Four tanks and 14 Bradley's are not going to change the situation in Mogadishu very much. There is no doubt in my mind that if this is all we do now, we will be faced with decisions of increased escalation further down the road.

Mr. President, again we find ourselves in a quagmire—where our original, good intentions have led us into trouble and our young sons and daughters are asked to pay the price. I believe that President Clinton did not intend that our humanitarian efforts would lead to this. I know that President Bush did not. But here we are. The Congress must now begin the national debate on this issue and must decide if it is in our national interest to remain in Somalia and if so, to be prepared to support sufficient force to prevail and protect our forces. If not, we must find a way to remove our forces in a manner that will permit us to continue to lead on issues of national interest to the United States.

Finally, Mr. President, while the Congress is debating and deciding these issues, it will be necessary for American forces to continue to be deployed in Somalia. But I believe the American people have the right to demand that we protect those forces. As I said earlier, I do not believe that the reinforcements that the President announced on Monday are sufficient to ensure that our forces can protect themselves while performing the missions they are presently assigned. I therefore call upon the President to immediately send substantial reinforcement to Somalia to provide the United States with the forces necessary to ensure that we can carry out our assigned missions with the least possible threat to our military personnel. This action should not be viewed as an escalation of United States activity or mission in Somalia—rather it is the minimum necessary action to permit our forces in Somalia to operate safely while the Congress, working with the President, reaches agreement about our long-term role in Somalia.

At the same time, the Congress must immediately begin the debate abut our long-term role in Somalia. If the Congress, working with the President, determines that it is not in our national interest to continue to have military forces present in Somalia, we must also work with the President to plan and execute an orderly and credible withdrawal of our forces from that theater. If the Congress, working with the President, determines that it is in our national interest for United States forces to be responsible for the internal political and security affairs of Somalia, as they are now being asked to do, then we, the Congress and the President, must clearly explain this to the American people and must commit adequate military force and national resources to accomplish our national objectives and to protect those young men and women we ask to carry out those objectives.

These decisions, whatever they may be, will be of major importance to the future role of the United States in this new world in which we live. We must make these decisions in recognition of their importance—they cannot be made in a single day. But at the same time, we cannot delay these decisions for months. A report is due from the President on October 15. I hope we will give the President time to provide us with this report and to make recommendations about our long-term role in Somalia. But we must then decide these issues—they can wait no longer. We owe it to the American Armed Forces and we owe it to the American people.

And I judge that the objective of the distinguished Senator from West Virginia, his resolution, which this Senator supported, is to do much the same thing as we did in that gulf operation when this Chamber, together with the other body, did step up and address specifically the gulf issue and go on record as supporting our President.

It might be construed as a de facto declaration of war under the war powers of the Constitution accorded to this body. I remember that very well, and I wholeheartedly support a similar course of action.

The point I wish to make today is we should stand fast with our President as he works through his responsibilities to inform this body of his intentions and then we act in a similar manner. Unfortunately, last night, newscasts sort of featured several who stood up and said, "It is time now, today, yesterday, to get out."

No matter how much I would like to see our forces extracted, I want to make sure they extract them in a manner that clearly indicates honor of service for those who made the sacrifices and this country provides that exit strategy in a manner that is fully understood and maintains the credibility of this Nation as a future partner in securing peace elsewhere in the world.

Mr. LEAHY. Madam President, the Senator from Virginia and I are saying the same thing. I simply am asking for another resolution as we had in the Persian Gulf war. I am not one who asked that we today turn around and leave. I have not done that.

What I have stated elsewhere is what I have stated on the floor of the Senate today: If we are going to have American men and women in harm's way carrying out U.S. policy, then let us be very clear what that policy is and let us debate and vote on a resolution similar to the one the Senator from Virginia and others put forward at the time of the Persian Gulf war. Let us vote on it because I can assure you, Madam President, as the only remaining superpower in the world, we are going to be called upon to do this sort of thing over and over again.

I could give a long list of other trouble spots that could cry out as much as Somalia did. They may not be on the evening news every night as Somalia was a year ago. Maybe that is why we do not respond to it. But there are other areas in just as much critical need. If we are going to start moving around, either as a policeman of the world or responding because of a humanitarian need, we ought to make clear what our goals are when our service people are put in harm's way and what our exit strategy is and what the support is among the American people, as reflected in the kind of congressional resolution that the Senator from Virginia and others talked about.

That is all I want. But I think we have gone so far beyond our original purpose in going into Somalia, and the U.N. mandate has become so murky that it is time to have that debate. I understand that the administration itself welcomes such a debate, and I understand there will be such a debate. I want to make it very clear what I said last December and what I say today. I have tried to be consistent all the way through. We will have that debate and then we will decide whether we stay there. I think we owe that to our military people who are there. These are extremely brave Americans. They are there because they have taken an oath to protect and defend this country. They have been directed to go there, and they are doing that.

They also ought to know that we understand what the purposes are and that we support those purposes. That is all I have said. Nothing more, nothing less. But I think that the Senator from West Virginia has clearly spoken to the conscience of this body in saying we have to go forward to vote on it one way or the other, and I agree with the Senator from West Virginia, and I join with him in that call.

Mr. WARNER. Madam President, to conclude this, I hope the remarks of the Senator does not give rise to an inference that that debate has not already started. It has started. It started weeks ago when the National Security Adviser to the President, Mr. Lake, laid down in a very explicit and clear speech the fundamental framework that this Nation should follow as we pursue our own security interests and those of our allies and friends around the world.

Subsequent to that was a speech by the President of the United States to the United Nations and his remarks made thereafter. Again, the President, in a most explicit way, laying down that framework which should guide the decisionmakers in this Nation henceforth in situations where men and women of the Armed Forces are put at risk and in situations where our security interests may be at risk.

So the debate has started and it has started quite properly under the leadership of the Commander in Chief.

I yield the floor.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Madam President, I ask unanimous consent that the committee amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1016

(Purpose: To express the sense of the Senate)

Mr. BRADLEY. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY] proposes an amendment numbered 1016.

Mr. BRADLEY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . (a) Congress finds that:

(1) The Federal Aviation Administration is in the process of testing alternatives to the microwave landing system, which might prove more cost effective and capable of supporting category I, II, and III landings.

(2) Proceeding with full scale production of the microwave landing system, without seriously considering alternatives, could result in a waste of Government resources.

(b) It is the sense of the Senate that Congress should not fund full production of the microwave landing system in the future until the Federal Aviation Administration determines whether other alternatives to the current system can meet its needs in a more cost effective manner.

Mr. BRADLEY. Madam President, this is an amendment that says before we fund fully the microwave landing system we have to have a strong recommendation from the FAA to do so.

Madam President, I rise to introduce a sense-of-the-Senate resolution concerning the Federal Aviation Administration's program to develop an alternative to the current instrument landing system [ILS]. I believe this resolution could help us avoid wasting a lot of the taxpayers' money in the future. It promotes the very important principle, stressed by me and others on this floor, that Government should not spend where spending is not necessary.

The ILS, the current precision landing system used in the United States, has existed for 50 years. While it has served this country well, it became evident a long time ago that it should be replaced by a more advanced system.

During the 1970's, the FAA embarked upon a major program to replace the ILS. It chose as its successor the microwave landing system [MLS], a ground-based precision landing system which was thought to provide aircraft with multiple approach paths to a runway. The FAA began developing the program in 1978.

Because of early stage development problems, the FAA restructured the entire MLS program in 1990. Congress, in turn, directed the FAA to evaluate the benefits of the MLS before proceeding with a full production contract for the system. In March 1992, the FAA reported to Congress that the MLS would provide economic and operational benefits. Since then, it has indicated its desire to proceed with full scale procurement of the MLS at an expected cost, according to the GAO, of at least $2.6 billion by 2008. This $2.6 billion figure does not include the cost of new lighting systems, which would add another $260 million to $1.1 billion to the overall cost.

Given the fiscal crisis facing this country, I do not think it is wise to proceed with an expensive project like the MLS without first determining where and if it is necessary. If we can ensure passenger safety without building completely new systems, I believe we should do so.

Technology has changed since the FAA initially embarked upon its plan to replace the ILS with the MLS, making it possible that the MLS might not be the most cost-effective replacement of the current system. The most compromising alternative to the MLS, the global positioning system [GPS], has been developed by the Department of Defense at a cost of $10 billion. The FAA is currently testing civil aviation applications of this satellite-based precision landing system to see if it could serve as a viable alternative to the MLS. I do not know enough about the competing systems to determine which one would be the most appropriate replacement for the ILS. But I do believe that it is worth exploring less costly alternatives to the MLS before going to full production.

The GAO has cited several technical advantages to the GPS. It has also predicted that the cost to the FAA of making the GPS useful for civil aviation would be considerably lower than the amount necessary to develop, procure, and install the MLS. In addition, the GAO has stated that the cost of the avionics equipment needed by users of the GPS would be almost half that paid by the users of MLS.

Recognizing the fact that a more cost-effective alternative to the ILS might be possible, the GAO in a November 1992 report found that the FAA's decision to replace the ILS with the MLS was premature. In that same report, the GAO recommended that the FAA support the development of alternatives to the MLS so that by the mid-1990's it could have a meaningful basis for comparing the system's capabilities, benefits, and costs.

To prevent the FAA from going forward with a potentially wasteful and duplicative project, this amendment expresses the sense of the Senate that the FAA should not proceed to full production of the MLS until it determines whether other alternatives to the current system can meet it needs in a more cost-effective manner. If passed, it would put the FAA on notice that it should explore other less costly alternatives to the MLS before making such a large capital investment. In my opinion, we should not go forward with a new precision landing system if an existing one can be enhanced to meet our needs at a fraction of the cost.

I understand that a lot of hurdles must be cleared before the GPS can become a viable alternative to the MLS. More testing will have to be done by the FAA to make sure that the satellite-based technology will be able to work safely and effectively.

There are also political concerns. The FAA agreed with the ICAO to go to the MLS by 1998, and some foreign countries have expressed concern about the FAA going forward with a navigation system which was developed by the Defense Department. However, if these obstacles can be overcome, the potential savings for the taxpayers could be significant. If you want to make a statement for prudence and fiscal responsibility, I urge you to support this amendment.

Mr. LAUTENBERG. I thank my colleague, the Senator from New Jersey, for his amendment, and would be happy to accept it. Like him, I believe it puts the FAA on notice that it will have to seriously consider alternatives to the MLS before moving forward full production. In testimony before Congress, officials from the FAA have said that the agency will have enough information at its disposal by the end of 1995 to decide whether it would be necessary to go forward with full-scale production of the MLS. This amendment provides an even greater incentive for the agency to do so.

Mr. BRADLEY. I thank the Senator for accepting my amendment and I thank him for his leadership on this important bill.

Mr. DORGAN. Madam President, during the recent debate on the energy and water appropriations bill, I did not have an opportunity to comment here on the amendment by Mr. BRADLEY. So, at this time I wish to voice my opposition to this apparently well-intended, but poorly targeted, amendment to cut the funding provided for investigations, construction, and operations of water-related projects for the Bureau of Reclamation and Corps of Engineers.

I recognize appropriations for the Corps of Engineers were increased this year. However, I must note that the increases are largely to fund the very projects that the author of this amendment has authorized in his own subcommittee. In addition, the devastating flooding in the Upper Mississippi and Missouri River basins this year means substantial added costs for corps operations in fiscal year 1994.

In particular, however, I question the need to single out the Bureau of Reclamation construction program for further cuts for next year.

The Bureau's construction spending has been cut sharply in recent years. It was $668 million just 2 years ago, and the Senate committee has proposed $461 million for next year. In fact, that $461 million represents an additional cut of $10 million from the 1993 level. If we are looking for areas of excessive Federal spending, I don't believe the Bureau's construction fund is a fair candidate at this juncture.

Also, I wish to thank the chairman and his committee for the $35 million appropriation to continue progress on rural and municipal water improvements for the Garrison diversion project. That project in North Dakota, as many in this body know, is long, long past a reasonable completion date and we should finally provide the funds and the congressional directives to complete it for the benefit of North Dakota residents.

I also appreciate the funding the committee has provided for study of flood control improvements along the Red River of the North at Grand Forks, ND. The Grand Forks community has been repeatedly threatened by flooding over the years, and I am pleased we can start the process toward better long-term flood protection for that community.

Mr. LAUTENBERG. Madam President, I think that my colleague from New Jersey has an excellent point to make here. Technology is changing rapidly. It is improving.

I support his sense-of-the Senate resolution.

Mr. D'AMATO. Madam President, I join in supporting this resolution.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

So the amendment (No. 1016) was agreed to.

Mr. BRADLEY. Madam President, I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. BRYAN). Who seeks recognition?

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1011, AS MODIFIED

Mr. D'AMATO. Mr. President, I ask unanimous consent that Amendment No. 1011, by Mrs. Hutchison, agreed to yesterday, be modified by language which I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

On page 37, line 12, strike "72,500,000" and insert the following: "$3,200,000 shall be for the RAILTRAN Corridor project of Dallas, Texas and Fort Worth, Texas, and $69,300,000".

Mr. D'AMATO. Mr. President, this is a modification of an amendment accepted yesterday. There are no budget implications. It is just corrective language. It has been cleared by the majority.

Mr. LAUTENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent to proceed out of order for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

TARGETED REFORM OF HEALTH CARE

Mr. COCHRAN. Mr. President, I bring to the attention of the Senate an outstanding article that was written for the Christian Science Monitor recently by our colleague from Georgia, Senator COVERDELL. The subject is "Target Health-Care Reform."

In the article, Senator COVERDELL very accurately observes that the comprehensive proposal for reform that the Clinton administration has suggested to the Congress may be too much to digest and too much to pay for all at one time. He suggests instead trying to identify the most serious problems we have in health care service delivery and costs and put our emphasis on dealing with those problems in an incremental and targeted fashion rather than the all-encompassing and way-too-expensive approach that many are suggesting the Clinton administration plan will be.

I ask unanimous consent, Mr. President, after complimenting the distinguished Senator for this outstanding article, that a copy of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TARGET HEALTH-CARE REFORM

(By Paul Coverdell)

I commend President Clinton for bringing the issue of health-care reform to the forefront of public debate. But his speech last Wednesday night to Congress only marks the beginning of what must be a long and protracted review of his plan.

At the core of this review is the issue of how much we want the federal government to dictate every aspect of health care in the United States. In the final analysis, a health-care reform plan for this country must envision the government as a partner to the public, not as a manager. The very aspects of our nation's health care in need of repair are those currently managed by the federal government, namely Medicaid and Medicare.

The Clinton administration envisions a powerful federal entity that will coordinate with state planning boards on the delivery of health care in the given state. Employees will receive their health care through a payment, or tax on their companies that will be mandated. The revenues will flow to these state boards, which will decide what kind of coverage is adequate and will determine who the providers will be.

Whether it is a wage-based premium, payroll tax or any other form of tax, saddling employers with the cost is the surest way to lose jobs, slow the economy, and fail to solve the need to reform the health-care system. The National Federation of Independent Business and the National Restaurant Associates estimate job losses under the Clinton plan would range from between 1 million and 3 million jobs over five years.

There is, however, an alternative to a government run plan: an option that seeks to implement "targeted reform" to preserve the best elements of our existing system while working incrementally at areas needing reform. Under this plan, I believe we must:

Ensure portability and greater access to health care.

Make the users—the patients—more involved and accountable for their medical coverage.

Work toward medical malpractice and tort reform.

Engage in administrative reform.

Alter the antitrust provisions so that high-tech equipment and services can be shared among institutions.

Review those people in my state of Georgia—and throughout the nation—who are uninsured so that we can gain a true understanding of who they are and whether they are denied access to health care.

I also believe that the public supports his targeted approach to reforming our health-care system.

On a national level, according to a CNN/USAToday/Gallup poll taken in May, more than 81 percent of the respondents are satisfied with their health insurance.

In Georgia, 88 percent of the citizens currently are insured, while 11 percent are not.

And when Georgians are asked whether they are willing to make certain changes in the current system to control health-care costs and provide health-insurance coverage for uninsured people, the results are telling: Only 32 percent are willing to limit their freedom to choose their doctor or hospital, while 66 percent are not; only 29 percent are willing to pay a larger share of health-care costs out of their own pockets, while 66 percent are not willing; and 71 percent are unwilling to pay more in federal income taxes, while 25 percent are.

If we put our minds to the true problems that exist in the health-care delivery system, we can strengthen what works, fix what is broken, and retain the superior quality of care this nation has come to expect. This is what the public wants, not another government-run program. The public is right.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 1017

(Purpose: To express the sense of the Senate)

Mr. D'AMATO. Mr. President, I send to the desk a sense-of-the-Senate amendment that was discussed yesterday in this Chamber. A colloquy was held between Senators WALLOP, SIMPSON, and LAUTENBERG. It concerns radar installations at military and civilian joint-use airports.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for Mr. WALLOP, for himself, and Mr. SIMPSON, proposes an amendment numbered 1017.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . It is the sense of the Senate that the Secretary of Transportation should take such action as may be necessary to revise the Department of Transportation's cost/benefit analyses process to fully take projected military enplanement and cost savings figures into consideration with regard to radar installations at joint-use civilian/military airports. It is further the sense of the Senate that the Secretary of Transportation shall require the Federal Aviation Administration to reevaluate the radar needs at the Cheyenne, Wyoming Airport, and enter into an immediate dialogue with officials of the Wyoming Air Guard, F.E. Warren Air Force Base, and Cheyenne area leaders in the phase II radar installation reevaluation of the Federal Aviation Administration and adjust cost/benefit determinations based to some appropriate degree on already provided military figures and concerns and other enplanement projections in the region. The Senate further believes that the Secretary of Transportation should report the results of this reevaluation concerning the Cheyenne Airport's and Southeast Wyoming's aircraft radar needs to Congress within 60 days following the date of the enactment of this Act and explain how military figures and concerns will be appropriately solicited and fully utilized in future radar decisions involving joint-use airport facilities.

Mr. D'AMATO. Mr. President, this amendment has been cleared, as I have indicated, by both sides. I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment is agreed to.

The amendment (No. 1017) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. LAUTENBERG. Mr. President, I have a unanimous-consent request that at 2:15 when we reconvene Senator BURNS be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. GRAHAM], is recognized.

HIGH-SPEED GROUND TRANSPORTATION

Mr. GRAHAM. Mr. President, I am very pleased this afternoon to offer my comments in support of an important provision within this appropriations bill. That is the provision relating to high-speed ground transportation.

Through the leadership of Senator LAUTENBERG, Senator D'AMATO, and the other members of the committee, the Senate will, I hope, shortly approve funding for fiscal year 1994 of over $107 million for high-speed rail, including $27.9 million for research and development of magnetic levitation transportation.

Mr. President, as the Senator from and former Governor of a State which has shown great interest in high-speed rail, I know that you are aware of the worldwide demand for these technologies. In recent weeks, the South Korean Government has selected the French TGV system for its high-speed rail service from Seoul to Pusan. The Government expects 80 million passengers a year will utilize this high-speed rail service in Korea when it is fully developed.

The Taiwanese Government is planning a high-speed train system to increase the traveling efficiency of its citizens.

The European Community recently announced its commitment of over $112 billion to expand Europe's intricate system of supertrains.

I am pleased to report, Mr. President, that closer to home the State of Florida is completing plans to issue a request for proposals in early 1994 to provide high-speed service connecting Miami, Orlando, and Tampa.

Yet, Mr. President, a generation has passed since Japan's bullet train began service, and a decade since Europe began high-speed train service. And we in the United States still do not have a high-speed rail system operating in any of our communities.

Why is this the case? Primarily, it is because high-speed rail is missing the one factor which has been essential to the successful deployment of every other mode of transportation in U.S. history; that is, substantial governmental support and partnership.

Throughout our history, Government has been instrumental in spawning the development of everything from the canal system in the early part of the 19th century to rail systems in the middle and latter part of the 19th century, to constructing the interstate system, to building all of that infrastructure necessary for commercial and general aviation ensuring the navigability of our ports and waterways.

In other words, Mr. President, the Government has been an essential partner in every other major expansion of America's mobility.

Senator LAUTENBERG and his colleagues on the Appropriations Committee know well the level of continued Federal support given to each of these modes of transportation, for it is the members of that committee who are charged with distributing limited funds among those modes each fiscal year.

Mr. President, our investments in highways, in aviation, in marine, and conventional rail transportation are good ones because they contribute greatly to the mobility and the productivity of Americans.

But no matter how much money we spend on existing modes of transportation, we simply cannot meet the needs of the next century with the options available to us.

Let us look at some of the prospects. Following current traffic growth patterns, it would require 22 lanes of interstate highway in each direction, 44 lanes in total, to safely handle the traffic between Miami and Tampa estimated for the year 2015.

Similarly, we are running out of airspace at many of our major airports in the United States, meaning there is a finite limit on the number of passengers who can travel our urban hubs.

The committee report on this appropriations bill aptly recognizes that Federal investment in high-speed rail systems, while "clearly an expensive undertaking * * * will be paltry when compared to the costs of expanded airport capacity or highway congestion mitigation efforts."

Given the number and scale of high-speed projects currently anticipated in the United States, $107 million is a paltry sum indeed, but it is a critical demonstration of the Federal Government's commitment to making these projects come to fruition.

Mr. President, it is also a critical component of our overall economic strategy. We are now concerned with the word "conversion." How does America convert from a previous economy with a heavy component of military expenditures to an economy which will be more civilian in its characteristics? I believe it is exactly through investments in new technologies such as high-speed rail transportation that we will be beginning to develop the technologies that will create the jobs that will create the economic prosperity for the next generation of Americans. In much the same way as our investment in the interstate system helped to provide the foundation for prosperity at the end of the 20th century, an investment today in high-speed rail will facilitate a prosperous America into the 21st century.

So, Mr. President, I wish to commend Senator LAUTENBERG and the Appropriations Committee members for their work on behalf of the high-speed ground transportation. I hope and anticipate that the Senate conferees will stand firm on their position on this issue as we negotiate a final transportation appropriations bill.

Thank you, Mr. President.

Mr. LAUTENBERG. Mr. President, I want to commend the Senator from Florida [Mr. GRAHAM], for his leadership on this issue. Certainly we share a common view on what ought to be happening with high-speed rail in this country. We at times look like a Third World state, particularly when it comes to rail service. We have not made the investment in the past. As a consequence, what we do is kind of limp along continuing to stretch the life of the equipment and the system beyond, frankly, its ability to withstand the use and the punishment that it normally takes.

So I commend the Senator for his interest. He helped drive the attitude toward high-speed rail to the point where it is. We intend to fight very hard to maintain the kind of funding and the kind of impetus that has been encouraged by the Senator from Florida. I thank him for his comments and his interest.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. The Chair would note that under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CAMPBELL].

Mr. THURMOND. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO GENERAL POWELL UPON HIS RETIREMENT FROM ACTIVE DUTY

Mr. THURMOND. Mr. President, in my time in uniform and in the 39 years in the Senate, I have seen many top military leaders come and go, but seldom have I witnessed the equal of Gen. Colin Powell, the Chairman of the Joint Chiefs of Staff. As all of my colleagues know, the general retired last week after 35 years of distinguished service, in both peace and war, to our great Nation.

Mr. President, today I also remember another outstanding leader, Gen. George C. Marshall. When General Marshall became Army Chief of Staff 2 years before Pearl Harbor, the U.S. Army consisted of four poorly equipped, understrength divisions. But by the end of World War II, there were over 12 million Americans in uniform. It was a remarkable achievement to take such a small peacetime army and mold it into the most powerful military force the world had ever seen. General Powell's task has been the reverse of General Marshall's, and in many ways much more difficult. Following the collapse of the Soviet Union and the remarkable victory in the gulf war—due in large part to his leadership—he oversaw the rapid down-sizing of our forces, while at the same time maintaining morale and combat readiness to cope with a still dangerous world. This is perhaps the greatest challenge an American soldier has ever faced, and it is an immense tribute to this distinguished American that the process has progressed so well.

Mr. President, General Powell's rise to the highest military leadership position in the Nation is a reflection of the American dream. His parents were Jamaican immigrants and he grew up in the buroughs of New York. He graduated, not from West Point, which has been the traditional school for those who reach flag rank, but from City College of New York and was commissioned through the ROTC Program. His military career took him from the plains of Europe, where he faced the might of the Warsaw Pact, to the jungles of Vietnam, and then finally to the inner sanctum of the White House. At each step along his climb to the heights of power, he has excelled and set the standards of leadership and professionalism. Yet as he rose in rank, he never forgot the heart and soul of our military, the sailors, soldiers, airmen, and marines. His pride in our military is obvious and he best expressed that pride in a statement before the Armed Services Committee:

> I do not need to tell the members of this committee how truly great these men and women are, because you have seen our troops at work around the world—in Panama, in the Persian Gulf, in Somalia, and in the skies over Bosnia. You have also seen them help rebuild communities devastated by hurricanes in south Florida and Hawaii. You know they still stand watch in Korea, in Europe, in the Persian Gulf, and on the seven seas. Their presence in these and other areas continues to reassure our friends and give pause to our potential enemies.

Mr. President, unlike the old soldier of song and legend, General Powell will not fade away upon leaving the Army; he is too great a national asset. I predict that, like George Marshall and Dwight Eisenhower, we will see him in another position of national leadership someday soon.

No tribute to General Powell is complete without giving credit to his wife, Alma, who has been his companion and confidant for the past 31 years. She is a wonderful example of the military spouse and deserves great credit for her dedication to her husband and our Nation. I wish both the General and Mrs. Powell a well deserved rest, and success in whatever endeavor they will undertake in the coming years.

Mr. President, last Thursday, September 30, 1993, I had the pleasure of attending the magnificent retirement ceremony arranged by Secretary of Defense Aspin at Fort Myer, VA, in honor of General Powell's retirement. The ceremony, which was attended by George Bush, Vice President Quayle, many of the former Secretaries of Defense, and former Chairmen of the Joint Chiefs of Staff, was a lofty tribute to the retiring Chairman of the Joint Chiefs of Staff. The ceremony was capped by glowing remarks in tribute to General Powell by both President Clinton and the able Secretary of Defense, Les Aspin.

I ask unanimous consent that their remarks, as well as General Powell's closing remarks, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY SECRETARY OF DEFENSE LES ASPIN, PRESIDENT BILL CLINTON, AND GEN. COLIN POWELL AT THE RETIREMENT CEREMONY FOR GENERAL POWELL, FORT MYER, VA, SEPTEMBER 30, 1993

Sec. ASPIN: (Applause.) Mr. President, members of Congress, members and friends of the Powell family, and other distinguished guests, ladies and gentlemen, thank you for joining us here today to honor and to say farewell to Colin Powell. Today General Powell, chairman of the Joint Chiefs of Staff, planner of the great American victory in Operation Desert Storm, former national security adviser to the president, will retire from the United States Army.

There are so many things to be said about Colin Powell. He is the youngest chairman of the Joint Chiefs, he is the first African-American on the Joint Chiefs. He is the first ROTC graduate to be chairman of the Joint Chiefs, and he's the first chairman of the Joint Chiefs to appear as a full-sized cardboard cut-out on the sidewalks of Washington for tourists to have their picture taken with.

But I believe above all that Colin Powell will be remembered for permanently changing how we view the office of the chairman of the Joint Chiefs of Staff. In 1986, Congress passed something called the Goldwater-Nichols Act. It strengthened the hand of the warfighting commanders, it gave the chairman of the Joint Chiefs of Staff new and bigger responsibilities. It made the chairman the principal military adviser of the civilian leadership, and it gave the chairman a joint staff commensurate with his new responsibilities.

Three years later, the law came fully into effect, and Colin was appointed the chairman. What happened was that a combination of a change in the law and the appearance on the scene of an extraordinary individual, Colin Powell, have changed forever the way we will look at and judge the chairman of the Joint Chiefs.

Colin came into office with a breadth of national security experience, a depth of judgment, and a reservoir of talent that I believe are unprecedented in the aggregate. He put his enormous talents to work with the new tools offered by Goldwater-Nichols. The combination of talent and opportunity elevated the chairmanship to an entirely new plane. The job of the chairman will never be the same.

And what a job he has done—military leader, statesman, wise adviser. And even beyond these rules, Colin has worked with great success to strengthen the bond between the American people and their armed forces. It is a bond that we all share. President Clinton has spoken to it. He has noted our armed forces are, as he put it, "the shining bottle of our American values of dedication, responsibility, and a willingness to sacrifice for the common good." He has said that there is no greater honor in office than being the commander-in-chief of the finest armed forces the country has ever known, and the finest armed forces the world has ever seen.

Ladies and gentlemen, it is an honor and a privilege for me to introduce our commander-in-chief, the president of the United States.

President CLINTON: Thank you very much. Secretary Aspin, President and Mrs. Bush, General and Mrs. Powell, distinguished members of Congress, distinguished leaders of United States military forces, my fellow Americans. Today a grateful nation observes the end of a distinguished career and celebrates 35 years of service and victory, a victory for the United States military that gave young Colin Powell a chance to learn and to grow and to lead; a victory for the military and political leaders who continued to elevate him based on their complete confidence and sure respect; a victory for a nation well served; and in a larger sense, a victory for the American dream, for the principle that in our nation, people can rise as far as their talent, their capacity, their dreams and their discipline will carry them.

A long time ago, Thomas Jefferson wrote, "The Creator has not thought proper to mark those in the forehead who are of stuff to make good generals." The Creator has not thought proper to mark them by the color of their skin or the station of their birth or the place they were born. Thank God for the United States that that is so.

From my first meeting with Colin Powell before I became president, I knew that one thing I would never have to worry about was having a strong and wise, a forthright and honest chairman of the Joint Chiefs of Staff. His knowledge and judgment were a source of constant support. The fact that he enjoyed the respect of all of his troops, from the people first entering the service to his colleagues on the Joint Chiefs of Staff. His remarkable balance of prudence and courage, and his unfailing sense of humor have been there through the difficult times of now two presidencies. And he clearly has the warrior spirit and the judgment to know when it should be applied in the nation's behalf.

General Powell has been a rock of stability in our nation's military during a time of profound change. He has understood more clearly than virtually any other American the enormous resource that the young men and women in our uniform have been for our nation. He has been determined to give them the security that knowledge and skills and capacity bring so that together they could take the changes that we have seen in the last few years.

As the secretary has noted, he was the first chairman to begin his tenure under the Goldwater-Nichols Act, and he has clearly set a standard by which all future chairs of the Joint Chiefs of Staff will be judged. During his term, the Cold War ended. We began to grapple with the consequences of that, mostly good and some bad. We have seen world-changing events force us to reexamine our missions, our force structures and our commands.

We have also seen a leader in Colin Powell who has not only responded to those great challenges but one who could be trusted to feel in his heart the awesome responsibility for the lives and livelihood, for the present and future of every man and woman who wore the uniform of the United States of America.

So today, General Powell, I speak for all of them who thank you for guiding and protecting their lives even as you advanced the cause of freedom around the world. I speak for their families who entrusted you with their sons and daughters. I speak for the young children who sent their mothers and fathers under your command in the Gulf, in Somalia and elsewhere. For all them, I say you did well by them, as you did well by America.

We take great pride in what you have done for your country. You have exemplified the military ethic in serving in whatever mission and in getting the job done. When we marched around the field today, I was glad to hear the long litany of Colin Powell's career to remind us that, in the spotlight and far away from the spotlight, as a young soldier and a not so young soldier, he was always first and foremost a good soldier, a role model for those in our military, and now a role model for all young Americans, someone we can appreciate for having done a job day in and day out, year in and year out, with ferocious dedication.

In recognition of your legacy and service, of your courage and accomplishment, today, General Powell, I was honored to present you with the Presidential Medal of Freedom with distinction. I want to tell all those here in attendance that this was the second medal of freedom you have received, the first from President Bush in 1991, and today you became only the second American citizen in the history of the republic to be the recipient of the two medals of freedom.

I want to thank you too, sir, for your advice and counsel in the work I had to do in selecting your successor. It was a job I think many people were afraid to even contemplate, for you are truly a hard act to follow. I know you share my opinion that we could not have done better than General Shalikashvili.

I also want to say a special word of appreciation to Mrs. Powell for her inspiration and her support, her good-humored endurance of all the times when you could have been either with her, your daughters or your automobiles and had instead to be at the White House with me or someone else importuning on your time. I thank her and I thank your family for their sacrifices in your public services.

When you proposed and married Alma Johnson and moved with her to Birmingham, Alabama and, before the year, were already sent off as a young captain to serve in Vietnam, that year was 1962. In that same year, General Douglas MacArthur gave his famous farewell speech at West Point. He spoke the following words of praise to all those who serve in our military. I repeat them today because they apply especially well to you. MacArthur said, in reference to the American soldier, "I regarded him as one of the world's noblest figures, not only as one of the finest military characters but also as one of the most stainless."

In closing, General Powell, I am reminded of the words of another young, valiant warrior spoken when, like you, he was finishing one journey and beginning a second. John Bunyan wrote in "Pilgrim's Progress" of the warrior Valiant at the end of his life as he prepared to present himself to the Almighty, "My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get them. My marks and scars I carry with me to be a witness for me to Him who shall be my Rewarder."

General Powell, your reward is a grateful nation and a bright future. Your reward is a stronger nation, safer and better today for your sword, your courage and your skill. From the bottom of my heart, on behalf of every man and woman, every boy and girl in this great country, I thank you and wish you Godspeed.

Gen. POWELL. President and Mrs. Clinton, Vice President and Mrs. Gore, President and Mrs. Bush, Vice President and Mrs. Quayle, justices of the Supreme Court, Secretary Aspin and members of the Cabinet, service secretaries, members of the Diplomatic Corps, my fellow chiefs of defense who have traveled from afar to be here, my dear friend Field Marshal Vincent, the chairman of the Military Committee of NATO, my fellow members of the JCS and the commanders-in-chief of the Armed Forces of the United States who are here today, distinguished guests, members of my beloved family, friends old and new—but all treasured—men and women of the Armed Forces of the United States represented so magnificently by the Joint Forces Honor Guard before you, I express my sincere thanks to each and every one of you for being here to share my final day in uniform.

The Army has officially advised me that, for record purposes, I have served 35 years, three months, 21 days, and as we say in the infantry, a wake-up. I loved every single day of it. And it's hard to leave. It is made easier by your presence.

Mr. President, Secretary Aspin, I thank you for your very, very kind words and your presence here today, as well as the great honor you do to me, Mr. President, by awarding me the Medal of Freedom with Distinction. I also thank you both and Vice President Gore for the support and the openness that you have shown to me and to my colleagues on the Joint Chiefs of Staff over the past eight months. During those eight months, we've dealt with some very, very difficult issues. But, Mr. President, as you once said to me, if the issues were easy, if the problems were so quick to receive a solution, they would have been solved earlier by somebody else.

Mr. President, you and Secretary Aspin have pledged yourselves to keeping our armed forces strong and of the highest quality. I can't tell you how much that means to each and every one of us in uniform, to know that we have that kind of support, that kind of dedication, that kind of commitment from our commander-in-chief. On behalf of all of the members of the Armed Forces of the United States, I thank you for that pledge. And I can pledge back to you on behalf of each and every one of these wonderful young men and women that they will never, never let you down when it becomes necessary for you to call on them.

President and Mrs. Bush and Vice President and Mrs. Quayle, let me also say that it means a great deal to Alma and to me to have you here today. You have been our dear friends over the years, and you have been treasured friends and supporters of our armed forces. Your presence here today with President Clinton and Vice President Gore speaks volumes about the nature of our political system and its relationship to the military. And I thank you both very, very much for being with us.

There are too many distinguished guests here to recognize them all, but let me welcome especially my dear friend, Secretary of Defense Cheney and Secretary Weinberger, who had such an important influence on my life over the last 10 years. I also want to recognize my predecessors as chairman. Admiral Crowe is here and General Jones, General Vessey and Admiral Tom Moorer. I also recognize all the former members of the JCS and former commanders of our unified and specified commands.

As the president and secretary noted, much has happened over the past four years. I need not catalogue for this audience the events attendant to the demise of the Cold War and the beginning of a new era in world history. We have seen war and we have seen peace. We have seen suffering, and we have seen the promise of democracy. We have seen hope mixed with danger and uncertainty. We have seen the path open to a better world.

Under you, Mr. President, America will lead the way to that better world. The aspiring nations of the world trust the United States. They need the United States. They need our political leadership. The need our economic strength. They need our value system as a model to learn from. They need our military strength, and they need our military commitment to help keep order and to help prevent aggression. America's armed forces will have a busy future; busier than in the predictable garrison days of the Cold War.

As we sit here on this gorgeous fall afternoon at this historic post, elsewhere American aviators are patrolling over the Persian Gulf, American infantrymen are in danger in Mogadishu dealing with a difficult challenge, the kind of challenge that is, perhaps, very, very typical of what we will be seeing more of in the future. Americans are flying desperately-needed supplies into Bosnia. Other GIs are preparing for the possibility, the hopeful possibility of implementing a peace agreement in Bosnia. Our Navy patrols the Adriatic Sea and the Red Sea and the Persian Gulf. Our Marines provide a reassuring presence in troubled regions of the world. The Army stands watch in Korea and Europe. Our Coast Guard goes after the drug enemy infiltrating our country.

And at the heart of each of these services is the young American boy or girl, perhaps only 19 years old, a volunteer, well-trained, proud, selflessly serving a nation wherever that nation and whenever that nation calls upon it to go and to serve. They carry on a tradition of over 200 years of service and sacrifice. They go into harm's way to protect us and to provide for the common defense. They are the best and the very brightest of America's youth.

And the greatest of all honors I have had was the honor of being one of them and of being their senior representative over the past four years. They have succeeded in every mission and by their performance have bonded once again with the American people in a way we have not seen for decades. I thank each and every one of them for their service to country.

For me, today is a day of memories and a day of thanks. And for the last several days memories have been flooding in, and I've been having difficulty sorting them all out. Some are very, very vivid, some are vague. They aren't entirely coherent to me except perhaps in the deepest recesses of my mind's eye. The memories come to me in so many different ways. I remember vividly the day that my father—many, many years ago, for the first time—put me on a bus in New York City and saw me off to Fort Bragg, North Carolina, my first military experience. I remember fondly my ROTC days at CCNY. I remember cold nights in Korea and Germany with a sergeant coming along to offer me a hot cup of coffee. I remember miserably hot and terrifying days in Vietnam. I remember the warmth and pleasance of family reunions between assignments, or coming home from overseas.

I remember meeting Alma for the first time. I remember the memory of the births of each of our three wonderful, perfect children, and the birth of a treasured grandson. I remember the thrill of moving from post to post, the excitement of working in the White House during historic times, the exhilaration of Operation Desert Storm. The faces of old friends, and former commanders, and fellow soldiers, and family members have been marching by in a steady cadence for the last several days. I especially see the faces of comrades—comrades-in-arms who gave their lives in service to this country. I see the faces of those who trained me, those who disciplined me, those who inspired me, those who served with me, those who cared for me and loved me over these past 35 years.

Many of you are here today, and I can't possibly thank you all. You know who you are, and I need not name all of the hundreds present. These events and people have given me a great life and have given me a great career. I have never wanted to be anything but a soldier, and my dream has been fulfilled for almost four decades.

I find myself on this beautiful afternoon a most fortunate, fortunate man. And by my side for most of that time has been Alma. For over 31 years I have distilled from our life together one lesson that I will pass on to any young person contemplating marriage. Marry high. Marry high. And with Alma I hit the heights. She raised three wonderful children. Over those 31 years we moved to 22 different houses, but she made sure we never changed homes. She shared every dark moment. She has been my partner and my supporting pillar over all those years. She has been a perfect Army wife, inspiring others and representing the nation so well around the world. Without her love and caring, I cannot imagine what my life would be like.

So, Alma, darling, on this, your day, too, I thank you. I thank you from the bottom of my heart for sharing this journey. I will never be able to fully express my gratitude, so let must just say thank you, darling.

For the three Powell kids, and for the last five years joined by a wonderful daughter-in-law, let me just say that you have brought me incredible joy and pride, and I thank you so much. You are all hereby relieved of further duty as the general's kids. You no longer need to call me sir, you no longer need to stand at attention when I speak to you—(laughter)—you no longer need to refer to me behind my back as the Great Santini. I also promise to be a bigger patsy for you in the future than I've been in the past. You are treasures.

I also must say thank you to my remarkable extended family who have come from around the country to be here today—from Birmingham, from New York, from California, from Canada, from all over. My sister, Marilyn, is here, and is now the matriarch, and she represents all of those first and second generations present who descend from an incredible group of Jamaicians who came to this country in the 1920s, seeing and seeking opportunities that existed only here. As one news article once put it, "it was a darn good thing for Colin Powell that Luther and Ariel (sp) Powell got on in Kingston ended up in America and not somewhere else." I wish all of you here had known Luther and Ariel Powell, two remarkable people who are still with me and every member of my family every day. They are here today on this field as surely as I am, and I love them very much and I thank them very much.

I thank my office family, Nancy and Kenny (sp), and Grog (sp) and Otis and all the others who have been indispensable over the last several years.

I especially must thank Admiral Dave Jeremiah, my vice chairman, for his outstanding friendship and support.

I thank my JCS colleagues. We have been a remarkable team of six officers who have worked as brothers in arms to do our very, very best for the nation, and I'm proud of each and every one of them and the leadership that they have provided to the services and to the support that they have given to me.

I thank the brilliant Joint Staff.

And I thank all of my friends who are here today from Kelly Street and my White House fellow days, from CCNY, from Germany.

I thank a couple of special, special friends who know who they are, who call me every day to make sure that I'm all right.

I also share with the president in congratulating General John Shalikashvili. He will be a brilliant chairman. He will be absolutely splendid in the job. He and Joanie (sp) are a great military team.

For a moment, with your permission, I wish to stop being the ecumenical chairman and just for a moment I want to return to my beloved Army. The Army has been my home. The Army has been my life. The Army has been my profession. The Army has been my love for all these many years. The Army has invested in me. It has taken chances on me. It has cared for me. When my career over the years took rather bizarre political turns that should have been fatal, great Army leaders such as General John Wickam and General Carl Vuono always let me know that I could come home, that I had a place to go to in the Army.

I am where I am today because the Army takes care of its own. I was allowed to rise based on performance. The Army took in a young black kid from ROTC in the South Bronx and brought him to this point. The Army allowed me to climb on the shoulders of the Buffalo Soldiers and other African Americans who had blazed a trail for 300 years of American history. And I hope the day will come soon when all parts of our society do for young minorities what the Army and the other armed services have been doing for young men and women of all color over the years.

And, finally, I want to thank the American people and the nation for the privilege of serving. I love this country with all my heart and with all my soul. It is a love without limit. I have a bottomless faith in the goodness of this land, in the goodness of its people. I am proud to be an American. I am so proud to have been an American soldier. And so, on this, my last hour in uniform, my heart is filled with gratitude, with love and with thanks for the blessings of family, the blessing of friends, and, above all, the blessing, the unique blessing, of being a citizen of this nation which God has blessed and which we are all very, very proud to call America.

Thank you all for being here today. Goodbye and God bless you.

Mr. THURMOND. I yield the floor.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order the Senate will now resume consideration of H.R. 2750 and the amendment thereto. The pending question is the committee amendment on page 50, line 22.

Mr. LAUTENBERG. Mr. President, is it not the matter of order that the Senator from Montana is now recognized?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Montana, Mr. BURNS, is recognized.

Mr. BURNS. Mr. President, Mr. PRESSLER, the Senator from South Dakota, has a subject that is nongermane to the subject at hand that will take less than 2 minutes. I would not object to that but that is up to the call of the managers.

Mr. LAUTENBERG. Mr. President, if I may respond to the Senator's inquiry, I would not object, but I would also ask if we can that we stay with this bill. We have so much work today. We have a chance to complete it, and I think we ought to do that.

I certainly cannot object. The Senator has the time to give.

Mr. PRESSLER. I thank my colleague.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

UNITED STATES TROOPS IN SOMALIA

Mr. PRESSLER. Mr. President, I wish to speak very briefly on our troops in Somalia. I believe we should withdraw our troops from Somali. I opposed sending them there on this floor.

We do not have a defined mission for our troops in Somalia. I speak as a Vietnam veteran. I believe we should withdraw our troops lock, stock, and barrel from Somalia and should do it very quickly.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Mr. President, I rise to offer an amendment. I guess I would have to ask unanimous consent that the committee amendment be laid aside for the purpose of consideration of another amendment. Is that in order?

The PRESIDING OFFICER. The Senator is correct.

Is there objection?

Without objection, it is so ordered.

Mr. BURNS. Mr. President, I rise to offer an amendment to H.R. 2750, the Department of Transportation appropriations bill for fiscal year 1994, regarding cargo preference and United States grain shipments to Russia through west coast port facilities.

As most of us know, $56 million for exports of United States wheat was included in the agriculture assistance package for Russia. Of that amount, $44 million will come under the food for progress [FFP] credit sales. These sales will be subject to cargo preference laws.

Cargo preference dictates that a particular percentage of a shipment of goods under certain Federal programs must be transported on U.S. flagged vessels. Far too often this lack of competition leads to extremely high transportation costs, which in turn directly undercuts the amount of goods, like wheat, which can be sent. Ultimately, this takes money directly out of the pockets of wheat producers in places in the Northwest such as Montana.

Some figures indicate that American-flagged shippers are charging three times more than foreign shippers to move goods. Put simply, we could sell a lot more wheat if shipping prices weren't hiked up by our own Government. Cargo preference is thus acting as a limit on Montana's ability to export.

Those of us from the Pacific Northwest have an even greater problem. There simply is not enough U.S.-flagged ships on the west coast to move our goods.

I received a letter from Secretary of Agriculture Espy, which I ask unanimous consent to print in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BURNS. Mr. President, he states in that letter: "* * * because there is a scarcity of U.S.-flag ships on the west coast, the cargo preference law works against products being exported through Pacific Northwest."

Mr. President, over 95 percent of Montana's wheat is moved through Pacific Northwest ports. That is our access point to the world. With the Secretary of Agriculture agreeing that there is a scarcity of U.S.-flagged ships, the sale of Montana's wheat is being effectively precluded.

My amendment addresses this inequity in a fair manner. It simply says that if the Secretaries of Transportation and Agriculture determine that there is an insufficient amount of U.S.-flagged ships, the cargo preference laws may be waived.

The opponents of this amendment will argue that the current cargo preference laws provide adequate protection in situations such as these. I say that simply is not the case. The law does not specify coasts or ports when allocating cargo preference. So we end up with a result that if a U.S. flag vessel is sitting in port in Baltimore then Montana grain cannot be waived for shipment out of Portland.

That is just not right, Mr. President. The result is that thousands of Montana grain producers are effectively shut out of a valuable export market.

As an old football referee for 20 years I see how this issue affects our producers. Our producers are willing to compete, but this is not a matter of leveling the playing field. Mr. President, it is a matter of being locked clear out of the stadium. We cannot even bring the ball on the field.

I ask my colleagues, where is the fairness in that?

Mr. President, our producers want to be able to sell a little bit of wheat. This amendment, with all kinds of safeguards allows them onto the field.

EXHIBIT 1

DEPARTMENT OF AGRICULTURE,
Washington, DC, September 14, 1993.

Hon. CONRAD BURNS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CONRAD: Thank you for your letter, cosigned by several of your colleagues, regarding the agricultural assistance package for Russia announced at the Vancouver Summit.

We appreciate your analysis of the feasibility and benefits of exporting U.S. wheat from the Pacific Northwest in connection with this package. As you know, the assistance package includes $56 million for exports of U.S. wheat, including $44 million to be made available under Food for Progress (FFP) credit sales, and $12 million as FFP donations.

Wheat exports under FFP credit sales will be implemented under operational procedures established under Title I of the Agricultural Trade Development and Assistance Act of 1954, Public Law 83-480 (P.L. 480). This means that the buyer will award commodity and freight contracts on the basis of lowest landed cost, that is, the lowest price combination of commodity and freight per metric ton of commodity delivered to Russia. In order to comply with cargo preference requirements and promote the widest possible competition, the buyer is required to review commodity and freight offers from all coastal ranges, including the Pacific Northwest. However, because there is a scarcity of U.S. flag ships on the West Coast, the cargo preference law works against products being exported through the Pacific Northwest.

Wheat exports under FFP donations will be handled similarly, except that the Russians will pay the full cost of freight, and the commodity contracts will be awarded by the Department of Agriculture, either on the basis of lowest landed cost or on the basis of lowest price per metric ton, f.o.b.

We will convey your views on the agricultural assistance package to Russian officials. They should be pleased to learn of your interest in strengthening trade ties between Russia and the Pacific Northwest. A similar response has been sent to your colleagues.

Sincerely,

MIKE ESPY,
Secretary.

AMENDMENT NO. 1018

(Purpose: To exclude certain shipments of grain to Russia from the cargo preference requirements)

Mr. BURNS. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for himself, Mr. DORGAN, Mr. CONRAD, and Mr. BROWN, proposes an amendment numbered 1018.

Mr. BURNS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 68, between lines 5 and 6, insert the following new section:

SEC. . CARGO PREFERENCE.

(a) INAPPLICABILITY OF CARGO.—For fiscal year 1994, the cargo preference requirements of section 901 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241), and the Act of March 26, 1934 (48 Stat. 500, chapter 90; 46 U.S.C. App. 1241-1), shall not apply in the case of shipments of grain to Russia from Pacific Northwest ports under the Food For Progress program announced at the Vancouver Summit on April 4, 1993, if the Secretary of Transportation, in consultation with the Secretary of Agriculture, determines that there is an insufficient number of privately owned United States-flag commercial vessels available to transport such grain.

(b) DEFINITION.—The term "Pacific Northwest" means the region defined by section 1(b) of Public Law 88-552 (16 U.S.C. 837(b)), except that for the purposes of this section, the term includes the entire State of Montana.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. LAUTENBERG].

Mr. LAUTENBERG. Mr. President, I thank the Senator from Montana for the expeditious presentation of his amendment.

I ask, since the Senator from Colorado also has a point of view to be expressed here, whether or not the proponent of the amendment would be willing to accept at this juncture a time agreement. I have assurance from the Senator from Colorado that his needs are fairly short in time and if we could get a half-hour equally divided on that.

Mr. BURNS. I have no objection to that.

Mr. LAUTENBERG. I, therefore, ask unanimous consent that we have one-half hour on this amendment with the remaining time divided.

Mr. BREAUX. Mr. President, reserving the right to object, and I do so for the purpose of asking a question. Are we talking about the Burns amendment or any amendment to the Burns amendment?

Mr. BURNS. I have no second-degree amendment.

Mr. BREAUX. With that understanding, I have no objection.

Mr. D'AMATO. Wait a minute.

Mr. BROWN. Mr. President, reserving the right to object.

Mr. D'AMATO. I just wanted to preserve Senator BROWN's right to offer an amendment, as I understand, because he has just given me a copy of it.

So I think, in answer to Senator BREAUX's question, that would be a half-hour equally divided including second-degree amendments.

Mr. BROWN. Mr. President, reserving the right to object.

Mr. LAUTENBERG. I would have an objection, therefore, and would withdraw my consent request unless the Senator from Montana could be specific about what he sees happening after we discuss the current amendment.

Mr. BURNS. Mr. President, I advise the floor manager that I have no objection to a time limit and allowing a second-degree amendment.

The PRESIDING OFFICER. Does the Senator from New Jersey renew his request?

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that 30 minutes for the Burns amendment be available, with the time equally divided to include an opportunity within that timeframe for a second-degree amendment by Senator BROWN from Colorado, with the time running concurrently for both the first-degree and the second-degree amendments.

Mr. PRYOR. Mr. President, reserving the right to object, and I will not object, does the 30-minute time allocation allow 15 minutes on a side?

Mr. LAUTENBERG. It allows 15 minutes on each side.

Mr. PRYOR. Equally divided.

Mr. LAUTENBERG. Yes; 15 minutes on each side.

Mr. BREAUX. Reserving the right to object, does the unanimous-consent request also indicate that there will be no other second-degree amendments to the original amendment?

Mr. LAUTENBERG. That is my understanding.

I address that inquiry to the Senator from Montana.

Mr. BURNS. That would be correct.

Mr. LAUTENBERG. I amend my unanimous-consent request to be very clear that the Brown second-degree amendment will be the only other amendment offered on the Burns amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Louisiana [Mr. BREAUX] is recognized.

Mr. BREAUX. It is my understanding the chairman controls time, is that correct?

Mr. LAUTENBERG. Senator BROWN will have to offer his second-degree amendment at this time, as well, and we will be able to have the debate then.

Mr. President, we will have the debate on both amendments at the same time with, again, 15 minutes to each side, including the BROWN amendment on the side that the Senator from Montana controls.

The PRESIDING OFFICER. Who yields time on the amendment?

Mr. LAUTENBERG. Are we clear, Mr. President? I am afraid there is some confusion here. Let me just note the absence of a quorum.

The PRESIDING OFFICER. The Senator suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be permitted to restate the unanimous-consent request so that the fog disappears here as we review it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that 30 minutes be reserved, equally divided between Senator BURNS and Senator BREAUX, to include with the Burns amendment a second-degree amendment by Senator BROWN, and the time to run concurrently; and that Senator BROWN, in order to expedite the process, offer his amendment so it can be reviewed before the debate begins on the second-degree amendment and therefore we would be prepared, if necessary, to conclude the debate on the Burns amendment with no other amendments in order and then whatever decisions are made on votes or otherwise to take place at that time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, the Burns amendment under consideration by the Senate gives the Secretaries of Agriculture and Transportation, in their activities pursuant to the Russian aid package, the authority to exempt Pacific Northwest grain shipments from the cargo preference provisions of the Public Law 480 Food for Peace Program. I plan to vote against this amendment, but would like to elaborate on my reasons for doing so.

My colleagues know that this is a contentious issue which is perennially laid before the Senate. Each year we are presented with myriad arguments for and against continuation of the cargo preference program and asked to make a false choice between our friends in agriculture and our friends in the maritime industry. I say false choice because each Member of this body knows the importance of both agriculture and maritime to the well being of the U.S. economy.

My past support for the cargo preference system, as part of the Food for Peace Program, has been based on my belief that overall the program benefits both agriculture and maritime while accomplishing the central mission of providing food to areas of need. Cargo preference has been the object of consistent challenges since it was conceived in 1985 through negotiations between both agriculture and maritime groups. Since 1985, I have voted to maintain this essentially privately resolved issue.

As we approach the 10-year anniversary of the cargo preference agreement, I believe it would be reasonable to review its effectiveness. Many arguments have been raised in the past 2 days questioning the effectiveness of the program. In recent years, the Pacific Northwest has seen very few Public Law 480 shipments leave our ports. Some of my friends in agriculture point to this as evidence that cargo preference, while it may serve agriculture and maritime in some areas, serves neither in the Pacific Northwest. My friends in maritime indicate that a number of other factors, not cargo preference, are the cause of the lack of grain shipments from the Northwest.

The issue cargo preference effectiveness was recently highlighted for those of us from the Northwest in a letter form Agriculture Secretary Mike Espy. Secretary Espy's letter was in response to a Northwest delegation letter which urged the Secretary work to include a significant amount of Northwest wheat in the Russian aid package then being negotiated. Secretary Espy's response indicated that, due to the "scarcity of U.S.-flag ships on the west coast, the cargo preference law works against products being exported through the Pacific Northwest."

I ask that the September 14, 1993, letter from Secretary Espy and a Northwest delegation letter dated June 24, 1993, be entered in the RECORD at the conclusion of my remarks.

(See exhibit 2.)

This letter has again raised the argument that flaws in USDA's administration of the cargo preference system are to blame for shortcomings in the program. It is also reasonable that geographic concerns and customer preferences or practices also have a large impact on the impact of the program.

My purpose in sharing this with my colleagues today is to invite all participants in this program to revisit this issue, explore ways to make it work as effectively and fairly as possible and bring to the floor a consensus as they did in 1985. This should include ways that USDA can improve its leadership on and administration of the cargo preference program.

So I stand here today as a longtime supporter of the current cargo preference system to say that I am concerned about the continued operation of this program. I strongly encourage the various groups involved to sit down again and work out the issues related to cargo preference so that we can avoid these yearly challenges brought before the Senate.

This is a program that is intended to benefit all parties connected to it, particularly the needy countries involved.

If the only way to fulfill that intent is to alter the current program, then that is what we must do. I am convinced, as I was in 1985, that the best way for that to occur is through a consensus of the groups involved. Thus, I will vote against the Burns amendment.

DEPARTMENT OF AGRICULTURE,
Washington, DC, September 14, 1993.

Hon MARK O. HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR MARK: Thank you for your letter, cosigned by several of your colleagues, regarding the agricultural assistance package for Russia announced at the Vancouver Summit.

We appreciate your analysis of the feasibility and benefits of exporting U.S. wheat from the Pacific Northwest in connection with this package. As you know, the assistance package includes $56 million for exports of U.S. wheat, including $44 million to be made available under Food for Progress (FFP) credit sales, and $12 million as FFP donations.

Wheat exports under FFP credit sales will be implemented under operational procedures established under Title I of the Agricultural Trade Development and Assistance Act of 1954, Public Law 83-480 (P.L. 480). This means that the buyer will award commodity and freight contracts on the basis of lowest landed cost, that is, the lowest price combination of commodity and freight per metric ton of commodity delivered to Russia. In order to comply with cargo preference requirements and promote the widest possible competition, the buyer is required to review commodity and freight offers from all coastal ranges, including the Pacific Northwest. However, because there is a scarcity of U.S. flag ships on the West Coast, the cargo preference laws works against products being exported through the Pacific Northwest.

Wheat exports under FFP donations will be handled similarly, except that the Russians will pay the full cost of freight, and the commodity contracts will be awarded by the Department of Agriculture, either on the basis of lowest landed costs or on the basis of lowest price per metric ton, f.o.b.

We will convey your views on the agricultural assistance package to Russian officials. They should be pleased to learn of your interest in strengthening trade ties between Russia and the Pacific Northwest. A similar response has been sent to your colleagues.

Sincerely,

MIKE ESPY,
Secretary.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 24, 1993.

Hon. MIKE ESPY,
Secretary of Agriculture, Administration Building, Washington, DC.

DEAR MR. SECRETARY: The food aid program announced at the Vancouver, B.C. Summit presents U.S. agriculture with the invaluable opportunity to build new trade relationships with Russia. This program has the potential to open the door for growth and increased stability of the agriculture-based economies of rural America.

The Pacific Northwest exports about one third of all wheat exported from the United States and about 90 percent of the wheat sales from the Pacific Northwest are cash or short term credit sales (compared to 50 percent from other regions). We believe that this positive contribution of the Pacific Northwest to the balance of trade and the Northwest's share of wheat exports should be acknowledged with participation in this Russian food aid program. We ask that you work with Russian officials to encourage them to take a significant amount of the $56 million in wheat from the Pacific Northwest. This would be facilitated by encouraging the Russians to designate the Russian Far East as their import destination for a portion of the wheat.

The Pacific Northwest is ideally suited to provide a portion of the wheat for this and future programs. Russia is a bread wheat purchaser, primarily of hard red winter and hard red spring wheat. Roughly one-half of the wheat shipped from the lower Columbia River is red wheat. Service from the Pacific Northwest to the Russian Far East, using consecutive voyage charters, will result in lower shipping costs due to shorter distances.

We also believe there is a potential long term benefit. This program could stimulate the development of a relationship with a growing market in the Russian Far East in which the Northwest, and thereby, the United States, will gain competitive position versus suppliers from other Pacific rim nations.

Your assistance is greatly appreciated.

Sincerely,

Thomas S. Foley, Mark O. Hatfield, Bob Packwood, Kirk Kempthorne, Patty Murray, Slade Gorton, Mike Kreidler, Al Swift, Bob Smith, Norm Dicks, Jim McDermott, Pat Williams, Peter DeFazio, Conrad Burns, Larry E. Craig, Max Baucus, Ron Wyden, Jolene Unsoeld, Jay Inslee, Mike Kopetski, Larry LaRocco, Michael D. Crapo, Jennifer Dunn, Maria Cantwell, Elizabeth Furse.

Mr. BURNS. Mr. President, controlling the time on this side, I yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado [Mr. BROWN] is recognized.

AMENDMENT NO. 1019 TO AMENDMENT NO. 1018

(Purpose: To limit the cost of cargo preference)

Mr. BROWN. Mr. President, I rise to offer an amendment to the Burns amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 1019 to amendment numbered 1018.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

SEC. . LIMITATION ON COST OF CARGO PREFERENCE.

Notwithstanding any other provision of law, no Federal agency shall contract for the transportation of goods with any carrier whose rates are more than 100 percent above the average competitive world market shipping rate, as determined by the Secretary of Commerce.

Mr. BROWN. Mr. President, this is a very straightforward amendment. What it does is simply put an upper limit on the cargo preference provision. It says that cargo preference provisions may not result in a rate that is more than 100 percent higher than the competitive world market shipping rate applicable.

This is an amendment that is not new to this Chamber. It was extensively debated earlier this year. In a record vote, this amendment, on a similar measure, was approved. It is not precisely the same vote, but the issue, I believe, is exactly the same.

Mr. President, the case for this is to simply say there ought to be an upper limit on how expensive cargo preference gets. We are not debating cargo preference. This body has indicated its approval of cargo preference in the past. While I do not agree with that, I do not attempt to raise that issue.

What we are responding to is the fact that at this time the taxpayer is simply ripped off and the amount charged for cargo preference in some areas becomes absolutely a scandal.

Recently, some bids on the Russian food exports reached five times world commercial competitive cargo rates; five times what the competitors were willing to pay.

Not so long ago, in an analysis, it was shown that in the last few years in shipments of grain to Africa that the Journal of Commerce reported that grain shipments had exceeded the actual cost of the grain. Unbelievable. The transportation cost more than the whole amount of the grain. The grain that was shipped to Africa in that year cost $447.5 million and the cost of transportation and storage totaled $488.1 million.

Mr. President, this issue is quite clear: Should there be an upper limit on how much the taxpayers are stuck with in transporting grains under the cargo preference rules? This amendment simply suggests it ought to be limited to 100 percent more than what competitive rates are.

I must say, I think it is scandalous and outrageous to demand that we pay double the world competitive rates to ship grain. But the fact is, taxpayers have been stuck for 3, 4, and 4½ times as much as the world competitive rate. So this simply puts a limit to the greed that is involved.

I think it is a prudent, reasonable measure that probably is far too generous in the limit it allows, but there ought to be some point at which this body says enough is enough. That is what this amendment does. We voted on it earlier in this year.

Mr. President, I reserve the remainder of my time.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I yield myself 5 minutes.

Most times we offer legislation in amendments that are aimed at solving problems. In this case, I fear that we have legislation that, in fact, is looking for a problem to solve and the problem does not exist. If you take a look at what has happened in the Russian grain sale—because that is what we are talking about—it is clear that the law is working.

Twenty-seven ships have been chartered to take the grain under the Russian grain agreement that was entered into at Vancouver. Do you know how many ships are being used that are American-flag ships out of the 27 ships? Three. Twenty-four of the twenty-seven ships that have been selected are foreign-flag vessels; foreign owned, foreign registered, foreign-flag ships.

The reason that they have selected 24 of 27 ships to carry American grain and ship it to Russia in a foreign ship is because the current law works. The current law clearly says that we will give a preference to U.S.-flag ships when we send American grain if there are American-flag ships that are available, No. 1; and, No. 2, they have to be available at rates that are fair and reasonable. That is the determination that has to be reached on each selection of ships carrying American grain.

The law is working because in this sale to the Soviet Union, the Department of Transportation has said that American ships, by and large, are not available at rates that are fair and rates that are reasonable. Therefore, only 3 of the 27 ships that are being used are, in fact, American-bottom ships.

We have agricultural programs that help American farmers, which I strongly support. We have target price programs; we have deficiency programs; we have loans; we have disaster payments—heaven help us when we have to use them—all designed to help the American farmer do a better job at farming.

We have one small, measly program left to help the American merchant marine, and that is to say: At least use American ships when we send American grain overseas. I do not think it sends a particularly good message when grain arrives in foreign vessels and the United States of America has to say, we cannot even find a ship to send it in and we are going to charter some Liberian vessel or some Bahamian vessel or some other flag vessel to send our grain to your country.

The program works. You cannot charter an American vessel unless the rates are fair and reasonable and the ships are available in a timely fashion. That is the current law. We do not need to change it. We certainly do not need to change it while this administration is currently involved in negotiations at all agencies with the President to come up with an American maritime program that is going to be good for the American shipbuilding industry and for the American shipowners, as well as the sailors who are on these ships.

Let us not legislate when there is not a problem. There are enough other problems we need to be directing our attention to. Let us say we are going to do something for the American industry as long as it is fair and reasonable. That is the law.

This amendment should be defeated or should be tabled, which I think the chairman will move to do at the appropriate time.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado [Mr. BROWN].

Mr. BROWN. Mr. President, I simply note this amendment does not end the Cargo Preference Program. I wish it did. I wish it could. I think it is a waste of money. This does not end it. It simply limits the greed to let them only charge double, so they cannot get away with charging more than double the going commercial rate.

Mr. President, we voted on this in June. So it has been just a few months since we had a vote on a similar measure. Rather than ask for the yeas and nays at this point, I ask if my dear friend from Louisiana will request a record vote on this measure.

Mr. BREAUX. Mr. President, I will respond to my colleague by saying anything that assures the defeat of the amendment, I am certainly willing to accept, either by voice vote or recorded vote.

Mr. BROWN. Mr. President, inasmuch as it appears that there is not agreement on this, perhaps it is appropriate to go ahead with a record vote then.

I request the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRASSLEY. Mr. President, the Journal of Commerce on September 16, 1993, reported that U.S.-flag companies continue to submit bids over four times the world market rate. These bids were submitted for food aid shipments to Russia.

I remind my colleagues that it was food aid to Russia, and the outrageous bids well over four times the world rate, that led to the Senate to go on record earlier this year stating that taxpayers should not be gouged by rates more than twice the world rate.

The continued gouging of American taxpayers, notwithstanding the position of the U.S. Senate, demonstrates the arrogance and political smugness of the U.S.-flag merchant marine.

It also continues to demonstrate the uselessness of the Maritime Administration's regulation of rates under its so-called fair and reasonable rate schedule.

Mr. President, I am submitting for the RECORD the article to which I referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Only Three U.S. Carriers Bid To Haul Food Aid

(By Stephanie Nall)

WASHINGTON.—After the maritime industry won a high-profile battle this spring for the right to carry 75% of food aid shipments to Russia, only three U.S.-flag ships have entered the bidding—leaving about 88% of the cargo for foreign-flag ships.

Russia and the U.S. Department of Agriculture last week sought bids to purchase corn and soybean meal and to ship the commodities as part of a much-publicized $700 million loan aid package granted earlier this year.

Coastal Carriers Corp. submitted bids last week of $89.95 a ton for two 32,000-ton U.S.-flag container barge units to carry corn from a U.S. Gulf port to the Russian port of Novorosisk.

That was about four times the rates foreign-flag carriers sought for the same shipments.

But the Department of Transportation's Maritime Administration ruled the rates fair and reasonable after the Department of Agriculture asked for a ruling.

The third bid—submitted by Liberty Shipping Group Ltd.—was for 48,000 tons at $49.53 a ton. All three of the U.S.-vessel bids were accepted but the remainder of the 772,000 tons of corn will be carried on foreign-flag vessels at rates of $21.95 to $23.98 a ton.

Another U.S.-flag line submitted three bids ranging from $99 to $104 a ton, but withdrew them to accept a bid to carry other government cargo.

Had it not been withdrawn, the USDA would have accepted it as well, an official said. No U.S.-flag ships will be used to ship 120,000 tons of soymeal already purchased. The first requests for bids covered about one-third of the total loan deal.

This situation has left no one happy—U.S.-flag carriers feel that the USDA and the Russian government have manipulated the process and kept them from participating fully; and farm-state interests are unhappy at the prices of the U.S.-flag bids.

Indeed, both sides see in the process a failure to follow out congressional instructions and a situation that will provide fodder for further controversy and debate.

In June, the Senate passed a nonbinding resolution to limit U.S.-flag rates on shipments to Russia to no more than double the world market level.

That resolution was stripped before the appropriations bill was signed into law, but some senators are upset that Marad officials aren't using world competition as a yardstick in determining whether a rate is fair or reasonable.

"These recent U.S.-flag bids of four times the market rate demonstrate two things," Sen. Chuck Grassley, R-Iowa, said Wednesday.

"It underscores the continued arrogance and political smugness of the U.S.-flag merchant marine. . . . It provides clear evidence just how useless Marad's fair and reasonable rate regulation is. Even the "Buy America' laws protect American taxpayers by allowing foreign products and services to be purchased if U.S. bids are 6% over the foreign bids," Sen. Grassley said.

Sen. Paul Sarbanes, D-Md., has said he will attempt to expand cargo-preference laws to cover cash transfer payments as part of the foreign aid bill.

Sen. Grassley said the Sarbanes amendment will provide him with a good opportunity to point out the latest bids to his colleagues and perhaps to try again to limit cargo-preference payments.

Carrier interests point to statements made at a House oversight hearing this summer on U.S. rates and the costs and delays to U.S. vessels in Russian ports.

They point to statements by House members that USDA officials should twist diplomatic arms in Russia to reduce unloading times for U.S. vessels.

"I'm amused that it's taken the guys at Agriculture all this time to negotiate terms with the Russians and we end up with contract terms that stipulate 'custom of the port,'" said Thomas L. Mills, a Washington attorney who represents Liberty Shipping.

"That means whatever they want to do in the ports, however long it takes to unload, the U.S. owner still has to assume the risk."

Mr. Mills said the reason his client's bid was so much lower is because the vessel is more efficient.

"Liberty vessels are the newest and most efficient in the trade and the rates reflect that," he said. "We should build more of them but no one can get money to build them because USDA won't shift and give us long-term contracts."

He said most U.S.-flag bulk carriers are busy with other shipments right now and that the Russian tenders were structured in such a way as to preclude much participation.

"The curious thing is that the contracts required loading within 10 days," Mr. Mills said. "That is very, very unusual. Usually, loading is a month or two out."

Even though rates submitted by U.S. carriers are higher than the $75-a-ton cap imposed earlier this year by the USDA, U.S. taxpayers probably will end up with a smaller overall bill.

That's because the U.S. government agreed to pay the difference between higher U.S. shipping costs and world rates.

The Clinton administration estimated $100 million, based on a differential of $40 a ton. But the U.S. government expected U.S.-flag vessels to carry 75% of all shipments. With U.S. ships hauling less volume, that amount should decrease.

Mr. BROWN. Mr. President, I think the amendment is quite straightforward and clear. Unless there are further questions, I will simply reserve the remainder of my time.

Mr. BURNS. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Montana has 10 minutes 46 seconds. The Senator from Louisiana has 11 minutes 10 seconds.

Mr. BURNS. Mr. President, I yield myself 3 minutes just to answer the criticism of this particular piece of legislation or amendment on this bill.

The Senator from Louisiana makes a good point: Who determines what is fair on the rate? Is that one ship in one port, saying we will haul it for one price, and the availability of a flag ship in a port in the United States; in other words, that ship could be not only in his home State of Louisiana where they load a lot of grain, but it could be in Charlotte, or somewhere else, and our grain, of which 93 percent of it moves to the west coast, we cannot ship to Charlotte or to Louisiana. Now we could, at an increased rate, either by rail or by barge or a combination of the two.

A nickel a bushel at a certain time in the year means a lot of money to a producer in Montana. It also means a lot of money to the Treasury of the United States because of targets and deficiency prices.

What I am trying to do is bring some balance to this so that we all have a shared cost of delivering this Food for Peace or Food for Progress, especially under the law of Public Law 480. So I think it has to be a shared thing and not one person being on the short end of the stick and the others operating with little or no risk at all.

That is the purpose of this amendment. I can understand that no industry in America has a greater champion than my friend from Louisiana. But I think this is a question of out-and-out American fairness.

Mr. President, I reserve the remainder of my time.

Mr. BREAUX. I yield to the distinguished ranking member and also the Senator from Mississippi. I yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. D'AMATO. Mr. President, I would just like to make an observation. The amendment of my good friend from Montana seems to me to be misdirected when it attempts to say that certain ports in the Northwest should be used. The fact of the matter is, that would substantially drive up the cost.

I do not understand why we would want to get into that situation. When we look at the Russian grain shipments, the Russians are calling for and asking for deliveries on their ports at the Black Sea and the Baltic Sea ports. Those are shipments that, obviously, necessarily would then take place from the U.S. east and gulf coast ports. So it is not a question of improving the delivery, of enhancing anyone's capabilities but, indeed, that will drive up the cost if we were to adopt that amendment.

For that reason, I would have to be in opposition.

Mr. BREAUX. How much time do I have?

The PRESIDING OFFICER. The Senator from Louisiana has 9 minutes 55 seconds.

Mr. BREAUX. I yield 2 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. COCHRAN], is recognized.

Mr. COCHRAN. I thank the distinguished Senator from Louisiana for yielding time to me.

For background information, Senators might want to know that in 1985, when we were debating the farm bill, we crafted a compromise on cargo preference that attempted to establish among the various port ranges, the various regions of the United States, a fair and equitable arrangement so that no one port range would be preferred over any other as a matter of law; that we would compete on the basis of efficiency, on lowest landed cost, so that purchasers and administrators of the program could decide from which ports grain and other commodities would be shipped, and they could decide which would be the most efficient and economical.

The fact is this amendment does not have anything to do with cargo preference as such. It has to do with port preference. It is an attempt to legislate an exception to that accommodation that was reached by hard-fought compromise and negotiation and eventual compromise almost 10 years ago.

I truly hope the Senate will be very cautious as it considers this amendment to make a change in the current arrangement.

The reason, as very accurately stated by the Senator from New York, that the Russian grain shipments are being made from the East and the gulf coast ports is that it is more economical for the Russian purchasers and recipients of this grain because they want the cargoes delivered to the Baltic ports and to the Black Sea ports, not to Vladivostok.

I hope the Senate will reject the amendment.

Mr. BREAUX. Mr. President, I think the arguments have been made. As I said earlier, this is legislation that is looking to solve a problem that does not exist. Only 19 percent of the grain cargo that is being shipped to Russia is going on United States-flag ships; 81 percent is going on foreign-flag vessels. The program is working. As the Senator from Mississippi pointed out I think very clearly, this is an argument about which port we are going to use.

I think we should table the amendment and the underlying amendment. At the appropriate time, I on behalf of the chairman or the chairman will take the necessary action with regard to tabling the amendment.

Let me just point out that we have tried to be as fair as anybody can possibly be with the allocation of where cargo goes. The problem with the Russian grain shipments from the Pacific Northwest is that it is not convenient or reasonable for the Russians to have it come from a Northwest port.

Now, in some cases, it will be more attractive to ship from the Northwest depending on the destination of the cargo. In some cases it is more attractive to ship it from the gulf; in some cases it is more attractive to ship it from the east coast, but that is not something we can solve with this amendment that is being offered today.

I would merely point out further that under the existing law when we talk about a cargo preference for U.S. vessels, the law says right now, very clearly, that this allocation of U.S. preference should be done in a way to ensure a fair and reasonable participation of U.S.-flag vessels in such cargoes by geographical areas.

So there is a conscious effort under the law to make sure that geographical areas are treated fairly when determining from where the cargo is going to be shipped. But as long as we have the existing law that says we are going to use U.S.-flag vessels if the rates are fair and reasonable I think everybody is protected: the American farmer is protected, the American shippers are helped, American seamen aided, American jobs are retained. The program is working; it is not broken; do not try to fix it because I am afraid we are just going to end up messing it up.

I am happy to yield to the Senator from Maryland, Mr. SARBANES.

The PRESIDING OFFICER. The Senator from Maryland, Mr. SARBANES, is recognized.

Mr. SARBANES. Mr. President, I rise in very strong support of the position stated by my distinguished colleague from Louisiana. This is not a new issue in this Chamber, although it is presented in a somewhat different form today. The very able Senator from Mississippi pointed out the current arrangement was very hard fought and I think represented an effort to balance all of the competing interests that are involved.

I think the program has worked well. This amendment, of course, would begin its erosion, its undercutting. I very much hope—I gather a tabling motion will be coming—when the tabling motion is proposed it carry in this body.

I do want to point out on the broader issue, other nations use cargo preference just on the basic question before us. The Russians, in fact, when they negotiated the deal required that a certain amount of it travel in Russian bottoms, and countries that maintain a maritime capability have been using one or another form of cargo preference. A lot of them are very shrewd in how they do it, but it is one of the ways they sustain and maintain a maritime capacity, something we have been losing in this country and something I believe we need to address.

That is a broader issue than this amendment, but this amendment would erode some of the little effort we are now undertaking in order to maintain such a capacity. I hope the amendment is defeated.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized, Mr. BURNS.

Mr. BURNS. Mr. President, again I want to balance this on fairness. If there is an American-flag ship sitting in Baltimore or Charlotte, then that is good enough for cargo preference if we have none sitting in Portland.

Now, granted, most of the grain going to Russia goes through the Black Sea and to those ports, but there is also a little bit of demand through Vladivostok.

Now, it may not be big, but I say to my colleagues, if we cannot get to that market through the Northwest ports, then we never will from the east coast or the gulf ports. We are just wanting to ship a little bit of grain out of Portland and to waive into a new market. We do not know how big that market would be or the reception in the U.S.S.R.

This is a surgical approach. In other words, the Department of Transportation has to OK it and also the Department of Agriculture has to OK it. This is not broad reaching, just to do away with cargo preference as it exists now. Nobody probably supports this more than our own merchant marine force.

But this is in fairness to open up a new market, because for my producers in Montana, of course, as you know, it is the same old argument with agriculture; you sell wholesale and you buy retail and you pay the freight both ways. If you are at the end of the line, you feel you get beat up a little bit because we are even captive shippers when it comes to railroads. And our natural ports, 93 percent is Portland or Vancouver or Seattle.

So what little could be moved into that third or fourth Russian port we are denied because we would have an American-flag ship sitting in the port of Baltimore, MD, and we have no ground access to ship our grain here. If we did, with the cost, we just could not afford that. We know that the cost comes off of the producer. That is where the cost is. It does not come off the consumer or the other end of the line. It comes off the people who grow the grain.

So what we are asking is just a little bit of fairness to open up a little bit of a market in Russia to allocate this new wheat. It has to be wheat only. It can be no other grain. This is probably the most surgical piece of language that we would have offered to the body. I would ask my colleagues especially in agriculture to support this amendment.

I yield the floor and reserve the remainder of my time.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Chair informs the Senator from New York he needs to get the time from the manager, the Senator from Louisiana.

Mr. BREAUX. I yield the Senator from New York 1 minute.

Mr. D'AMATO. Mr. President, at this time, unless there is objection, I would move to table the second-degree amendment of the Senator from Colorado.

Mr. LAUTENBERG. Will the Senator hold for just a minute?

Mr. BREAUX. Mr. President, parliamentary inquiry. If a motion to table the Burns amendment is made, does that motion also take with it the Brown amendment if in fact the motion to table is carried?

The PRESIDING OFFICER. The Senator is correct.

Mr. BREAUX. Mr. President, I think with the limited time we have left, does the Senator from Montana yield his time?

Mr. BURNS. I want clarification of what the Senator from Louisiana is trying to do.

Mr. BREAUX. The Senator from Louisiana is against the Burns amendment and also against the amendment of the Senator from Colorado [Mr. BROWN].

Mr. BURNS. I would like a vote on the Brown amendment, second degree on Brown, and also a vote on my original amendment.

Mr. BREAUX. The Senator from Louisiana intends to join with the chairman of the subcommittee in moving to table the Burns amendment.

I just conclude my remarks by saying the law already covers the situation that the amendments are set to address. I do not think we need to do that.

I yield the remainder of my time to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank my friend from Louisiana. I think he very clearly stated the objection. We are offering a solution for a problem that does not exist. Ships are not available. We would like to deal with this, see what the sentiment of the Senate is. I, therefore, move to table the Burns amendment.

Mr. BROWN. Mr. President, will the Senator withhold?

The PRESIDING OFFICER (Mr. FEINGOLD). The motion is not in order at this time. The Senator from Montana controls 5 minutes. At the conclusion of that time, the motion to table would be in order.

Mr. BURNS. Mr. President, I yield to my friend from Colorado.

Mr. BROWN. Mr. President, I understand the floor manager's interest in expediting the procedure. I can well understand the interest of my friend from Louisiana. If he would let us vote separately on the Brown amendment at this juncture, I will simply offer it later on. So we are not going to save any time by dealing with it together.

My hope is that the managers of the bill might be willing to allow us separate votes on the second-degree amendment and the underlying amendment. If they will, then we can come back and offer the Brown amendment separately. I think we could expedite the procedure by going with separate motions on the amendments.

The PRESIDING OFFICER. The Senator from Montana has 4 minutes.

Mr. BREAUX. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Louisiana has 1 minute left.

Mr. BURNS. I ask my friend from Louisiana: Would it be acceptable—or the manager of the bill—would that be acceptable as suggested by the Senator from Colorado?

Mr. LAUTENBERG. Mr. President, if the Senator from Louisiana would yield me the remainder of his time——

Mr. BREAUX. I yield.

Mr. LAUTENBERG. I thank the Senator from Louisiana.

Very simply put, Mr. President, the Senator from Colorado, as everyone knows, has the right to bring up his amendment at the appropriate place.

At this moment, I move to table the Burns amendment which carries with it, as the Parliamentarian stated, the Brown amendment. The vote will decide whether or not we continue reviewing the amendment. With all time yielded——

Mr. BURNS. Mr. President, I would then move to table the Brown amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The Senator from Montana has 3 minutes 40 seconds.

Mr. BROWN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Montana has the remaining time. He is the only one in a position to do that.

Mr. BURNS. Mr. President, are we in a quorum?

The PRESIDING OFFICER. We are not.

Mr. BURNS. Mr. President, I yield 1 minute to my friend from Colorado.

Mr. BROWN. Mr. President, in light of the reluctance of the opponents of my second-degree amendment to allow a vote on it, I will at this time withdraw the amendment.

The PRESIDING OFFICER. Is there objection?

Is there an objection?

Mr. BREAUX. Reserving the right to object.

Mr. BURNS. Mr. President, with that, I ask the Parliamentarian, can he withdraw his amendment?

Mr. BREAUX. Parliamentary inquiry?

The PRESIDING OFFICER. He would need unanimous consent because the yeas and nays have been ordered.

Mr. BROWN. Mr. President, I ask unanimous consent that I be allowed to vitiate the yeas and nays.

Mr. BREAUX. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Montana has 1 minute 50 seconds.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BROWN. Reserving the right to object. Who would be recognized when we come out of the quorum call?

The PRESIDING OFFICER. The Senator may either object or not object.

Mr. BROWN. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue calling the roll.

The legislative clerk continued calling the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business, at the conclusion of which I will suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL PROCUREMENT POLICY

Mr. BAUCUS. Mr. President, very soon President Clinton is expected to sign an Executive order requiring the Government to buy recycled paper. I urge the President to use this opportunity to strengthen our procurement policy and resist calls to backslide.

Last year, we Americans threw out almost 200 million tons of municipal trash—almost triple the amount of waste that we threw out in 1960.

There is now a widespread agreement that we need to deal with waste differently—away from generation and disposal and toward prevention and recycling.

We need the right incentives to reduce the amount of waste we create. What we do create, we should reuse and recycle as much as possible.

One key to this new environmental ethic is recycling, and more than 5,000 cities across the country have responded by setting up recycling programs. Rather than throwing out all of their trash, people are now separating their paper, bottles, and cans so that they can be recycled. All told, more than 70 million Americans are doing their part. But if recycling is going to survive, others—including the Federal Government—must do their part.

If we are going to profit from the efforts of these 70 million Americans, there must be a demand for the recyclables they are collecting. Just as in any functioning market, supply and demand must be roughly equal.

To date, however, most efforts have focused on collection. So there is an oversupply of many recyclables relative to the demand. If we really want recycling to survive, there must be greater demand for what is being collected. That is where the Federal Government comes in.

Many people agree that one of the most important ways to stimulate demand for recycled goods is for the Government to use its purchasing power. Through its procurement policies, the Federal Government can set an example and help send a message that recycling is an important and valuable activity.

Because the Government is such a major consumer of products that can be made with recycled material—we use 2 percent of all printing and writing paper in the United States—increasing procurement of these products will help recycling.

On Earth day, President Clinton recognized that the Government should lead by example—by promoting recycling. He promised an Executive order requiring that the Federal Government buy more recycled paper. I share his commitment to increasing our Nation's recycling rates and urge the President to be bold.

I realize that recently some paper companies are pushing the President in the other direction. They would like to see our procurement guidelines weakened. They have gone so far as to recommend that we buy recycled paper that contains 90 percent virgin fiber. That is 40 percent more virgin fiber than current procurement policy.

Clearly, that is not progress. It is not the type of leadership that is needed. It is backsliding. What is worse, it is a slap in the face to those 70 million Americans who are already doing their part to promote recycling. A bait and switch maneuver that results in using more virgin materials would betray the work of these millions of Americans trying to do their part by separating their trash and urging our country to adopt the policy of using more recyclables.

One final point so that everybody understands what the Federal procurement policy is and is not. It is not a mandate. It does not any way require any paper mill to make recycled paper, unless it chooses to do so. Paper mills would be entirely free to sell unrecyclable paper to the remaining 98 percent white paper market. In fact, procurement policy is perhaps the purest form of letting the market work.

McDonald's, for example, used the procurement policy to turn its golden arches green. They asked all of their suppliers to cut the overall waste by 15 percent by December 1991. And their suppliers responded by reducing the packaging content of corrugated boxes, sandwich wrap, and containers.

The Federal Government should do no less. That means telling our suppliers what type of recycled paper we want to buy. That is really the goal of the procurement policy—to give companies that supply Government with paper and other goods a reason and an incentive to use more recycled materials in their products.

Again, I urge President Clinton to hang tough and sign a recycling Executive order that provides strong leadership and the type of incentives needed for recycling to prosper.

I yield back the remainder of my time.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that we be permitted to enter a tabling motion on the Brown amendment and have a 15-minute rollcall vote thereupon to be followed, without any intervening business, by a 10-minute vote on a tabling motion on the Burns amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, for Senator D'AMATO and myself, I move to table the Brown amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to lay on the table the amendment of the Senator from Colorado.

Mr. LAUTENBERG. Mr. President, I move to table the Burns amendment, and ask at the same time for the yeas and nays on the tabling motion as well.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 1019

The PRESIDING OFFICER. The question then occurs on the motion to table amendment No. 1019 offered by the Senator from Colorado. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Kentucky [Mr. MCCONNELL] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—50

Akaka
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Byrd
Cochran
Cohen
D'Amato
Daschle
DeConcini
Dodd
Feingold
Feinstein
Ford
Gorton
Graham
Hatfield
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lott
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Murray
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Specter
Stevens
Wallop
Wofford

NAYS—49

Baucus
Bennett
Bond
Boren
Brown
Bumpers
Burns
Campbell
Chafee
Coats
Conrad
Coverdell
Craig
Danforth
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Glenn
Gramm
Grassley
Gregg
Harkin
Hatch
Helms
Hutchison
Jeffords
Kassebaum
Kempthorne
Kerrey
Kohl
Lugar
Mack
Mathews
McCain
Moseley-Braun
Nickles
Nunn
Pressler
Pryor
Roth
Simon
Simpson
Smith
Thurmond
Warner
Wellstone

NOT VOTING—1

McConnell

So the motion to lay on the table the amendment (No. 1019) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1018

The PRESIDING OFFICER. The question now is on agreeing to the motion to lay on the table amendment No. 1018, offered by the Senator from Montana. The yeas and nays have been ordered. This will be a 10-minute rollcall vote.

The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Kentucky [Mr. MCCONNELL] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—69

Akaka
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cochran
Cohen
Coverdell
D'Amato
Daschle
DeConcini
Dodd
Domenici
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Harkin
Hatfield
Heflin
Hollings
Hutchison
Inouye
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lott
Mack
Mathews
McCain
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Warner
Wofford

NAYS—30

Baucus
Bennett
Bond
Brown
Burns
Coats
Conrad
Craig
Danforth
Dole
Dorgan
Durenberger
Faircloth
Grassley
Gregg
Hatch
Helms
Jeffords
Kassebaum
Kempthorne
Kohl
Lugar
Nickles
Pressler
Roth
Simpson
Smith
Thurmond
Wallop
Wellstone

NOT VOTING—1

McConnell

So the motion to lay on the table the amendment (No. 1018) was agreed to.

(Later the following occurred.)

Mr. LIEBERMAN. Mr. President, on rollcall vote No. 305 I was present and voted aye. The official record has me listed as absent. Therefore I ask unanimous consent the official record be corrected to accurately reflect my vote which will in no way change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair and yield the floor.

(The foregoing tally has been changed to reflect the above order.)

Mr. BREAUX. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

ORDER FOR RECESS UNTIL 5 P.M.

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate now stand in recess until the hour of 5 p.m.

Mr. D'AMATO. I am wondering if the distinguished acting leader could let us put in one amendment that we have agreed to.

Mr. FORD. Fine. Mr. President, I ask unanimous consent that as soon as the amendment is agreed to the Senate stand in recess then until 5 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York.

AMENDMENT NO. 1020

(Purpose: To provide for a review of certain actions of the Federal Aviation Administration regarding the closing of certain flight service stations in the State of Alaska)

Mr. D'AMATO. Mr. President, on behalf of Senator MURKOWSKI and Senator STEVENS, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. If there is no objection, the committee amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. D'AMATO], for Mr. MURKOWSKI for himself and Mr. STEVENS, proposes an amendment numbered 1020.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . None of the funds appropriated by this Act shall be available for use for closing or otherwise reducing the services of any flight service station in the State of Alaska in operation on the date of the enactment of this Act, until after the expiration of the 90-day period following the date that the Secretary of Transportation has reported to Congress regarding the effects on safety of the flight service station closing and reduction in services plan being carried out by the Federal Aviation Administration in the State of Alaska on the date immediately preceding the date of the enactment of this Act. Such report shall be submitted no later than 90 days after enactment of this Act.

Mr. D'AMATO. This amendment has no budget implications. It has been agreed to. The majority has no objection.

Mr. MURKOWSKI. Mr. President, I offer an amendment that states that no funds can be further expended for closing or reducing services of any Alaska flight service station until 90 days after the Secretary of Transportation provides a report to the Congress regarding the safety of the flight service modernization plan.

I am offering this amendment because of the major concern over safety due to the unpredictable weather in Alaska.

Weather is not a subject of small talk in Alaska, it's a serious topic of conversation.

The National Flight Service Modernization Program was approved and funded by Congress in 1980 and an Auxiliary plan was submitted to Congress in 1991.

The Alaska plan consolidates 26 flight service stations into 3 automated facilities in Fairbanks, Kenai, and Juneau.

The Auxiliary plan reopens 14 stations on a reduced hour or seasonal basis.

At present, Yakutat, Farewell, Big Delta, Bettles, Cordova, King Salmon, and Anchorage are closed. Barrow has reduced hours of operation and McGrath will be open on a seasonal basis.

All of my colleagues who have been to Alaska know that we don't have an extensive road system. Airplane travel is a necessity, not a luxury.

Phil Boyer, President of the Aircraft Owners and Pilots Association, was recently in Alaska. In the October issue of AOPAPILOT, he stated that light airplanes are the only means of year-round transportation for 70 percent of Alaskan communities.

I do not mean to criticize the FAA and all of those who worked with them to consolidate services without compromising safety. I believe they are doing their best.

However, during the August recess, I had a barrage of comments from pilots all over Alaska expressing their concerns that station closures and reduced station hours will compromise safety by not providing up-to-date weather information.

AOPA president, Phil Boyer also expressed that and some other basic safety concerns in his article which I ask unanimous consent be printed in the RECORD.

Therefore, I believe we need some reassurance on this plan.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ONE SIZE DOESN'T FIT ALL

(By Phil Boyer)

One Saturday this past August, I reached a landmark in my 25 years of general aviation flying. I landed at Ketchikan, in the southeast portion of Alaska, thus completing a personal record of having landed in all 50 states.

For the next six days, we logged more than 20 hours of flight time in a state that truly understands the value of general aviation. Accompanying me were Steve Brown, AOPA's senior vice president of Government and Technical Affairs; Ray Costello, AOPA's regional representative for the Pacific Northwest and Alaska; Marc Cook, senior editor of AOPA Pilot; and Tom Wardleigh, chairman of the board of the Alaska Aviation Safety Foundation. The AASF is a critical partner to AOPA all through the year.

Alaskans often feel neglected when it comes to recognition and understanding from those of us in the Lower 48.

Light airplanes are essential in Alaska. They are the only means of year-round transportation for approximately 70 percent of the state's communities. Alaska has eight times as many pilots and 15 times as many aircraft on a per-capita basis as the rest of the United States. Merrill Field in Anchorage is one of the busiest general aviation airports in the nation, logging more than 300,000 takeoffs and landings each year. Nearby Lake Hood is the world's largest and busiest seaplane base, accommodating as many as 800 floatplane operations on a summer day. The airplane is the only convenient way to reach many native villages. In recent years, tourism has given birth to a growing air taxi industry that flies single- and even twin-engine floatplanes to deliver and pick up sportsmen at remote lakes and mountains.

Our tour included stops at the major population centers of Juneau (the state capital), Anchorage, and Fairbanks. Here we held evening AOPA Pilot Town Meetings—listening sessions—to better understand the concerns of our 4,000 AOPA members (nearly half the certified pilots) in Alaska. And from small fishing villages like Cordova to tourism centers like Ketchikan, we met and spoke with pilots—on the ramp, at lunch, in hangars, wherever we were. Kotzebue, Dillingham, Nome, Sitka, and Iliamna no longer are just places on a chart or map; they now represent faces and opinions to attach to the problems unique to Alaska.

The major concern of today's Alaskan bush pilot is as it always has been: the weather. Micro-climates develop in mountain passes used by air transportation, and without the ability to quickly receive the most current information about these conditions, pilots and their passengers can find themselves in a lot of trouble in a very short time. Contrary to the image of the renegade Alaskan bush pilot, everyone I met there seemed to be passionate about following the rules, and they were proud of it.

The move to automated flight service stations (AFSSs) has left a void in certain regions compared to weather information and communications that existed in the past. The FSS modernization plan called for consolidating 26 FSSs in Alaska into three automated facilities: Juneau, Fairbanks, and Kenai. In later 1991, largely through AOPA efforts in Congress, the auxiliary FSS (XFSS) concept was adopted. Alaska was granted 14 XFSSs and six supplemental weather facilities in addition to the three AFSSs. That plan is being implemented but not without pain. At Cordova, we visited a closed FSS that now operates as a supplemental station. Here, in the nearly abandoned FSS building, we met a contract employee whose only duty is to make local weather observations on the hour and transmit them to the FAA computer system. Even though most of the previously used FSS equipment remains in the building, the observer uses a low-wattage hand-held transceiver to radio local weather observations and current field conditions to pilots. No walk-in briefings were available, no one could pass along pilot reports, and no one was there to open or close flight plans. Despite the technology of the AFSS system, the contract observer's only response to requests for typical FSS services is to point to the telephone and have pilots call one of the three AFSSs.

That's another problem: Long delays using the 800/WX-BRIEF number were reported by the pilots we talked to. It sounded as though I was listening to complaints heard in the Lower 48 during the mid-1980s transition to the AFSS system. You would think the FAA could get it right by now.

Also, the FAA admitted to problems with remote radio frequencies—a serious situation because remotes are supposed to be the solution to the flight-plan filing and closing situation in the absence of an FSS. Pilots complained to us that the remotes were not working correctly and that contract couldn't be made, often because flights are made at low altitudes. One pilot was so frustrated, he recorded his inability to communicate. He handed me the audio cassette at one of the town meetings as evidence. Picture a pilot returning to an uncontrolled, non-FSS-equipped airport in the winter and at night. He attempts to use the remote frequency to close his flight plan but to no avail. After landing, he goes to an outside telephone in minus-40-degree weather and calls the AFSS but is placed on a long hold. Eventually, he just gives up and goes home to await a call from the FAA, which is trying to determine the aircraft's whereabouts before beginning search and rescue. This is not an unusual scenario, we were told.

FAA enforcement of rules designed for our Lower 48 airports need modification for Alaska. Wire security fences are required around a village airstrip with one commuter flight a day—yet hundreds of general aviation flights need ramp access for vital mail and cargo shipments. We also heard lots of familiar-sounding complaints about U.S. Customs.

AOPA will continue to be involved in helping Alaskan pilots with Alaskan problems. If

> anyone ever wondered whether air transportation by light airplane is alive and well, just set foot in Alaska. It's obvious no explanation of the words general aviation is needed there. The bureaucrats in Washington, D.C., must realize that legislation and regulations that seem right for the Lower 48 don't necessarily make sense in the unique and rugged aviation environment we found in Alaska. One size doesn't fit all.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

So the amendment (No. 1020) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS UNTIL 5 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 5 p.m.

Thereupon, at 4:05 p.m., the Senate recessed until 5 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Ms. MIKULSKI).

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending business before the Senate is the Transportation appropriations bill, H.R. 2750. The Senate is deliberating the first committee amendment.

Mr. BAUCUS. Madam President, I ask unanimous consent that I be allowed to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Montana may proceed.

CHAPTER VI OF "SAVE YOUR JOB, SAVE YOUR COUNTRY"

Mr. BAUCUS. Madam President, I rise to discuss chapter VI of Ross Perot's book: "What Is in NAFTA?"

On its first page, he says:

> Only a few Members of Congress have read NAFTA. Most Members of Congress are learning about NAFTA from lobbyists, special interests, or the short summaries of the trade agreement prepared by the special interests and the Governments of the United States, Canada, and Mexico.

Senators can judge for themselves whether that describes their approach. But chapter VI shows that Perot himself has a lot of reading left to do. In part 1 of NAFTA, which he describes in his book—this chapter—the three countries lay out their obligations to one another. That is the basic provision of NAFTA. Mr. Perot claims this section lets Mexico and Canada challenge some United States laws. That might be a problem if it were not already true. Perot himself cites examples.

Example: In 1986, Mexico challenged our Marine Mammal Protection Act, and in 1990, Canada went after our excise tax on alcohol.

In both cases, the challenges came under existing trade agreements. Mexico's challenge was under the GATT, not under a trade agreement, just under the GATT. Canada's was under the United States-Canada Free-Trade Agreement. So NAFTA opens no U.S. law to challenge that is not already open to challenge under present agreements.

In fact, beyond that, NAFTA includes procedural protections that make it harder to challenge U.S. environmental standards under NAFTA than under other previous trade agreements.

Part 2: Trade in goods. Part 2 of NAFTA covers trade in goods. Perot has many complaints about it. But most boil down to saying that while NAFTA makes things better, it does not make them perfect. He is letting perfection be the enemy of the good. Let us look at a few of his complaints.

For example, autos. This is a familiar issue by now, and Perot says that under NAFTA, we Americans eliminate our tariff immediately and Mexico eliminates theirs slowly. That is true. On the other hand, our auto tariff is only 2 percent. The Mexican auto tariff—that is, on our cars going to Mexico—is 20 percent, 10 times higher than ours. Would Mr. Perot prefer that Mexico's tariff stay in place, as it will if we reject NAFTA?

On energy, Perot says Mexico did not abolish its constitutional ban on foreign ownership of oil resources. He is right. But he admits that NAFTA opens the Mexican's oil monopoly, PEMEX, to United States contract bids and allows United States firms to export natural gas to Mexico. According to the Washington Post, that will create—not take away—but create 8,000 jobs in the United States just on that one provision where Mexico agrees to open up PEMEX.

On agriculture, Perot notes that NAFTA requires Mexico to accept international standards of food inspection. He thereby implies that NAFTA is no good unless Mexico agrees to meet all the standards the United States has set for it under our domestic law.

Mexican agricultural exports must already meet all U.S. domestic inspection requirements. Mexico must continue to meet these American standards under NAFTA and must ensure that its domestic requirements meet international standards. That means NAFTA makes us as Americans better off.

Further, as I have noted, NAFTA actually has safeguards to protect U.S. environmental laws from challenges, and it explicitly recognizes—and this is a key point—the right of State and local governments to set environmental standards that are higher than national levels, a provision no other trade agreement has ever contained.

Part 3 of NAFTA deals with technical barriers to trade; that is, making sure standards in nonagricultural industries do not unduly limit trade.

Perot says:

> While the goal should be to raise Mexico's standards, which are lower than those of the United States, NAFTA uses international standards as the foundation for setting standards in the future.

In most cases, the differences between our standards and Mexico's are simply differences, as they have no basic effect on our health and safety. Neither is higher nor lower. To cite a hypothetical example, it is not better to drive on the right side of the road than on the left, but it is better for everyone to drive on the same side of the road. Just as driving on the same side of the road promotes safety, harmonizing technical standards —that is, making sure Mexicans can use American tools to fix Mexican-built machines and so on—promotes trade.

Thus, it is good that NAFTA helps create mutually acceptable technical standards. It will increase our trade opportunities, with the appropriate protections for U.S. environmental and safety standards, which NAFTA does provide. It is good for everybody.

Part 4 of NAFTA covers Government procurement. Here Perot concedes that the major change required by part 4 is to open parts of PEMEX, the Mexican oil monopoly, to American contract bids. This is a very big change. These NAFTA changes would give us new access to a $6 billion market of energy procurement. That is a big chunk of the Mexican economy and a big gain for American workers.

Part 5 of NAFTA addresses investment and services. On banking and insurance, Perot admits that both U.S. banking and insurance industries will benefit from NAFTA. He says so in the book. In fact, he says:

> In one of NAFTA's most beneficial provisions, Mexico opens its insurance market to United States and Canadian companies. Today, only 20 percent of Mexico's cars are insured and less than 8 percent of Mexico's homes have household insurance. U.S. insurance companies, to no one's surprise, are among NAFTA's biggest supporters.

Madam President, it is all true and it means economic growth for America.

Next is NAFTA's effect on professionals, like doctors and lawyers, and this charge may be the silliest in his whole book. To quote Perot:

> NAFTA commits the United States to ensure that licensing of professionals is based on competence to provide the service and does not constitute a disguised trade barrier.

That sounds pretty reasonable because it is reasonable. It applies to Mexico as well as the United States. It is a win for America, but Perot apparently is afraid it will cause a flood of low-wage Mexican doctors and lawyers to come to the United States. He claims it will endanger 15 million jobs. I, for one, am not worried.

Part 6 of NAFTA covers protection of intellectual property goods like creative works, trademarks, and inventions. Perot says that the intellectual property rights section of NAFTA aims "to improve Mexico's laws until they are strong and as rigidly enforced as those of the United States and Canada." Continuing: "Mexico agrees to abide by the provisions of the international agreements under intellectual property."

That sums it up. He is right. Ross Perot got it right. We got what we wanted on intellectual property, and that means American software authors, movie studios, writers, and inventors can export more to Mexico without worrying about piracy.

Part 7 deals with dispute settlement and NAFTA's proposed threat to the rights of U.S. citizens. In brief, the dispute settlement mechanism is no different from those we accept under the free trade agreement with Canada and under the GATT, and there is no threat to our basic American rights. But let us look at his charges.

The main charge on our rights, he says, is that NAFTA takes away the constitutional right of American citizens to seek redress in the U.S. courts if they are harmed by several types of international economic crimes, such as dumping.

He is wrong to say we lose our legal rights, but it is true that NAFTA would make the antidumping decisions subject to dispute settlement. That is routine. It is modeled on the free trade agreement we have with Canada.

Perot, as you would expect, says it will not work and the dispute settlement decisions will always go the wrong way; that is, against the United States. His main evidence in this claim is on page 95 that when the Bush administration selected 25 potential panelists for the United States-Canada dispute settlement panel, 14 of them were either registered foreign agents or partners in law firms that serve as lawyer/lobbyists for foreign countries.

Well, there are problems with the dispute settlement mechanism, but we can fix them without scrapping the NAFTA. For example, we can require that no American nominated to one of these panels can have worked as a foreign agent. We can fix that in the implementing language.

The problems were created by the agreement on free trade with Canada; NAFTA's mechanism simply copies the Canadian free-trade mechanism. The NAFTA is a chance to solve the problems that exist, as I said, through implementing legislation.

Perot goes on to claim, by the way, that our nominees to these panels are secret and the Senate does not know who they are. Not true. They are not secret. We do know who they are. I have gone through the Canadian Free-Trade Agreement nominee list myself and Perot obviously has done the same.

NAFTA'S MISSING PARTS

The chapter concludes, that is, chapter VI, by saying that the environment and labor are NAFTA's missing parts. But, of course, this section in his book was written before the signing of the two side agreements, one on labor and the other environment. I think when people who are rightly concerned about those issues review the side agreements, they will feel much better about NAFTA. The side agreements provide protection for the environment and labor rights far beyond any of those in any other trade agreement.

Madam President, stay tuned tomorrow for chapter VII.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, I ask unanimous consent to speak for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EVENTS IN SOMALIA

Mr. SIMON. Madam President, I have just been handed a statement by CARE relative to the United States presence in Somalia. I ask unanimous consent to insert that into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CARE,
Atlanta, GA, September 28, 1993.

POSITION ON RECENT EVENTS IN SOMALIA

INTRODUCTION

Events in the beleaguered African nation of Somalia have, once again, come to the forefront of world attention. Officials for CARE, the world's largest private relief and development organization, are concerned about these events which overshadow many of the gains Somalis have made since last year's crisis.

1. CARE deplores the resumption of violence in Somalia and the loss of life among Somalis, United States troops, United Nations peacekeepers and humanitarian aid workers.

2. We believe a continued United Nations peacekeeping presence is needed in Somalia. A United Nations pull-out at this crucial stage in Somalia's rehabilitation could cause the country to revert to the tragic conditions of last year's brutal civil war and famine.

3. CARE feels that the United States must continue to play an active role in the international community's efforts in Somalia. While starvation is no longer a problem, humanitarian concerns, such as economic and social stability, are still threatened.

4. We support putting humanitarian considerations rather than military operations in the forefront of the United Nations efforts in Somalia. CARE encourages all parties in Somalia and UNOSOM to continue a dialogue aimed at finding political and economic solutions for the country. Somalia must take responsibility for solving their own problems and must be allowed to actively participate in all aspects of the rebuilding of the country and its institutions.

5. We are concerned that the United Nations in Somalia is currently perceived as primarily engaged in military activities. This is making it difficult for us and other humanitarian organizations to function effectively on behalf of those we are there to help. CARE believes the U.N. must focus more on facilitating a dialogue between the warring factions.

6. CARE emphasizes that events outside the capital of Mogadishu are encouraging. The humanitarian work of NGOs and the United Nations has had considerable impact. The harvest in rural areas, such as Baidoa, has been successful. Northern Somalia is relatively stable. In Somaliland, local clans have signed a peace agreement and elected an interim president.

7. CARE is proud of its work on behalf of Somalia's poor. With the continued support of a concerned global public, we can help the people of Somalia rebuild their lives. It would be helpful if the media presented a balanced view of Somalia; not just Mogadishu, but country as a whole.

Mr. SIMON. Madam President, CARE—and I think this is the position of all the humanitarian groups—believes it would be a mistake for the United States just to pull out. What they do say, however, in a seven-point statement—let me just read two paragraphs—is this:

> We support putting humanitarian considerations rather than military operations in the forefront of the United Nations effort in Somalia.

We have been obsessed, frankly, with trying to get General Aideed. That is not the way we are going to bring about a rational stability to the situation in Somalia.

CARE goes on to say:

> We are concerned that the United Nations in Somalia is currently perceived as primarily engaged in military activities.

I think that is the weakness of where we are right now. I think we ought to be looking for political solutions. It is no secret that General Aideed has communicated to former President Carter that he is willing to sit down and negotiate and work this thing out. He controls one-fourth of the city of Mogadishu. The rest of Somalia is relatively stable. My strong belief is it would be a great mistake for us just to precipitously pull out, because I do believe there should be a different direction for our activities there.

Madam President, I yield the floor.

Madam President, I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mrs. FEINSTEIN. I thank the Chair.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

Mrs. FEINSTEIN. I rise to speak to an amendment which has not yet been offered. My colleague, Senator BOXER, will be presenting the amendment. In essence, what this amendment will provide is $315 million as derived from the highway trust fund to be made available and remain available until expended.

The purpose of this amendment, Madam President, is to provide the necessary funding for the long delayed reconstruction of the Cypress Freeway in Oakland, CA which was destroyed in the Loma Prieta earthquake.

As many will remember, this freeway, the top part of it, the top lanes, came crashing down into the lanes underneath and just pancaked automobiles, killing almost three dozen people in the process. The destruction was a tragedy, but the lack of progress in rebuilding it has also caused an adverse impact on the entire San Francisco Bay area.

This freeway was a major link in the Oakland-East Bay Freeway System. It was a major commuter route and it was heavily used by the Port of Oakland and other areas in the East Bay.

In 1989, this Congress passed legislation that appropriated $1 billion from the highway trust fund to cover emergency costs associated with the damage of the Loma Prieta earthquake and Hurricane Hugo. One billion dollars is a lot of money, and at the time it was the best estimate of the cost of the damage. The actual costs were difficult to estimate, but since then the actual costs, of course, have shown that more funds are necessary.

This is a Federal highway, Interstate 880, the maintenance of which is the responsibility of the Federal Government. It has always been the policy of the Federal Government to repair Federal roads damaged in disasters. In 1989 this Congress made a commitment to rebuild the freeway, and so today my colleague, Senator BOXER, and I are asking the Senate to fulfill that commitment. Currently, $863.7 million is obligated for construction of this project. The rest of the contracts for this project are expected to be obligated by early next year.

The $315 million included in this amendment would provide the necessary funds to obligate the rest of the contracts. The total Federal share for this project is expected to be $800 million, $550 million for construction and $240 million for the purchase of the new rights-of-way. The new freeway will no longer be the stacked freeway and because of this change the project required the purchase of additional rights-of-way.

The city of Oakland and the State of California have worked closely to assure minimal impact from the new alignment and have achieved a workable plan. And now it is time to move forward.

Additionally, Oakland has almost 11 percent unemployment. For 4 years traffic that will travel on this freeway has been routed into city streets. These are containers coming from the Port of Oakland, they are trucking vehicles, they are buses, and they are automobiles.

There is a real need to close the loop on the issue of the Cypress Freeway. The President was in California. He made a statement that he was committed to rebuild this project.

The question before this body is should it be done on an emergency basis as there is precedent for so doing and pick up our obligations? This freeway came down as a product of an earthquake. It is necessary to rebuild it.

Madam President, I would like to have printed in the RECORD in support of this, letters from the Port of Oakland, the Oakland Chamber of Commerce, and from Congressman RON DELLUMS of the House of Representatives.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PORT OF OAKLAND,
October 5, 1993.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: The Port of Oakland supports and appreciates your efforts to secure $315 million in emergency funding in the Senate Transportation Appropriations bill for the reconstruction of the Cypress Freeway, which was destroyed in the 1989 Loma Prieta Earthquake.

The Port of Oakland is situated at the hub of transportation in Northern California for water, air, rail and freeway routes. The ability of export cargo to easily reach the Port is a cornerstone of our growth. We supported the immediate rebuild of this vital transportation artery, but understood and supported the extensive negotiations with land owners and residents for the optimum routing. We participated in the design and functional off ramps to route traffic away from populated areas and to centralize cargo traffic.

It will be four years this month that the Port and the region will have been without this critical connection. The alternative routes are increasingly overburdened.

The Port of Oakland is the fourth largest containerport in the U.S., and 19th in the world. Over 90% of the containerized cargo moving under the Golden Gate is handled at Oakland. We are strategically situated between the bustling Pacific Rim and the industrial areas of America. The four year continued disruption of the transportation arteries leading to the Port has definitely had a negative impact on the ability of the Port to provide world class service.

The Cypress Freeway needs to be reconstructed now. The emergency funds necessary to accomplish this vital link should be secured in the Senate Transportation Appropriations bill now being considered.

We strongly support your efforts to end this four year delay with the negative impacts for the Port, the City of Oakland, and the region.

Sincerely,

CHARLES R. ROBERTS,
Executive Director.

OAKLAND CHAMBER OF COMMERCE,
October 5, 1993.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR DIANNE FEINSTEIN: As you know, four years ago this month the San Francisco Bay Area was racked by the powerful Loma Prieta Earthquake. People died and property was destroyed in this temblor felt from Watsonville to Oakland. In fact, Oakland is where most of the earthquake's victims were killed in the collapse of the I-880 Cypress Freeway.

Shortly after the victims were recovered from the collapsed freeway, the remnants were demolished and trucked away. Traffic from this very busy freeway was diverted, and congestion swelled. Commercial traffic to and from the Port of Oakland and other local commercial districts slowed to a crawl. Commuters have lost countless precious hours fighting heavier traffic on fewer lanes. And yet work to replace this crucial freeway has not begun.

Oakland and the East Bay need for this project to start, and start now. The City of Oakland and the State of California have done their part. In an unprecedented level of cooperation between these two jurisdictions, community concerns such as freeway location, hiring practices and construction mitigation have been discussed and agreed upon. All we are waiting for now is for the federal government to help replace this vital federal freeway.

Oakland is dealing with many problems resulting from the earthquake and the Oakland hills fire. We are now confronted by a sluggish economy, inadequate for the Port of Oakland and base closures. Our unemployment rate is 10.8%. If we aren't in a state of economic emergency now, we surely never want to be in one. Development of efficient transportation infrastructure is imperative to our economic recovery. The Cypress Freeway Replacement Project is just exactly that. We cannot wait any longer. We need to start today. We appreciate your efforts to help us with this very important issue to Oakland's future.

Sincerely,

MARY C. WARREN,
Chairperson.
Rear Adm. ROBERT L. TONEY,
USN (Ret.), President and CEO.

HOUSE OF REPRESENTATIVES,
October 5, 1993.

Senator DIANNE FEINSTEIN,
U.S. Senate.

DEAR SENATOR FEINSTEIN: I write regarding the emergency funding request for California to replace the Cypress Freeway destroyed by the 1989 Loma Prieta earthquake.

I am delighted to learn that the President has approved an amendment to the FY 1994 appropriations request for the Department of Transportation that would provide an additional $315 million to repair highway damage resulting from the 1989 earthquake.

The original emergency appropriation of $1 billion was used to remove debris, repair numerous bridges in the San Francisco area, including the Oakland Bay Bridge, and rebuild essential roads. It was not sufficient to rebuild and repair the earthquake damage done to the Cypress link of the highway system.

This request is consistent with the practice of fully restoring Federal-aid highway facilities damaged in disasters. The President has designated the rebuilding proposal as an emergency requirement pursuant to the Budget Enforcement Act.

The collapse of this essential part of the freeway killed dozens of motorists and I know that the images of the rescue operations and the misery of the survivors are burned in our memory.

As you know, the Cypress Freeway was a critical link in the Bay Area freeway system, and its absence has created incredible traffic snarls on the replacement roads. Cypress was a double-stacked Interstate Highway that went through Oakland, California, the heart of my Congressional district. The reconstructed Cypress Freeway has been designed to provide the same functional capacity as the pre-earthquake roadway and will be placed in a new location.

We are proud that our community, by working cooperatively at every level of government and neighborhood, has arrived at a working agreement.

The San Francisco Bay Area is a vital part of these United States. The Cypress Freeway plays a critical part in the transportation scheme of this region. I ask for your strong support for the rebuilding of this last piece of that system.

Sincerely,

RONALD V. DELLUMS,
Member of Congress.

Mrs. FEINSTEIN. Madam President, I would also like to have printed in the RECORD a letter in today's Oakland Tribune which points out that Oakland has worked out a major contracting of this freeway which would provide the ability of construction firms to hire minority business firms, racial minorities, women and local workers.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Oakland Tribune, Oct. 5, 1993]

BIG BUCKS PROMISED FOR CYPRESS

(By Edward N. Albro and Craig Stacts)

The effort to rebuild the Cypress Freeway got a huge boost Monday when President Clinton announced he will ask Congress for an extra $315 million, much of it to help West Oakland businesses displaced by the construction.

The announcement surprised and thrilled city officials, who had thought they would be lucky to get $2.5 million in extra Cypress funding.

"We're delighted," said City Council member Natalie Bayton (West Oakland) who sat in the audience as Clinton made his announcement. "I had to be a lot calmer than I felt."

Much of the money will be spent not on construction, which is expected to begin in January, but on moving businesses in the West Oakland neighborhood. It also will be used to train local people to work on the freeway and other construction projects, Bayton said.

"A lot of the businesses in that Cypress Freeway area are threatened because of the increased cost of relocation (during construction)," Mayor Elihu Harris said. "This help really is important not only to the rebuilding process, but to the continuation of the stability of the community after the freeway is rebuilt."

Bayton said that $1.2 billion has already been allocated for reconstruction of the Cypress and related freeway improvements. Construction of the Cypress Structure itself will cost about $695 million.

The new Cypress funding was the biggest piece of a $655-million package of new spending in California that Clinton announced after a speech to the convention of the AFL–CIO.

"This request clears the way for Congress to allocate the money California needs and in my view is entitled to restore this vital link to the East Bay," Clinton said. "This is the kind of thing we need to be focusing on. You can't rebuild unless you have the materials to rebuild."

Also included among Clinton's announcements were a $240 million science research project at Stanford University and $100 million in housing subsidies for poor, elderly and disabled Californians.

Bayton stressed that the economic effect of the extra $315 million in Oakland will depend on whether Oakland businesses and workers are hired for the project.

"If no Oakland people are hired to work on it, then it means the whole ball of wax would just pass through Oakland," she said. But if Oakland residents get many of the jobs, "it will be like a $700 million shot in the arm for the Oakland economy."

In an attempt to ensure that local workers and minority businesses reap some benefits from the Cypress rebuilding, city officials want to select a team by November to review the performance of construction firms in meeting Caltrans' goals for hiring minority business firms, racial minorities, women and local workers.

The city's agreement with Caltrans calls for so-called "disadvantaged business enterprises" to get 35 percent of the work and Oakland residents, minority workers and women to perform 45 percent of the construction work, on a craft-by-craft basis.

Mrs. FEINSTEIN. Madam President, the belief is that if we can move this forward that in a severely depressed area—I might remind this Senate that you approved base closure recommendations which close every military base in that immediate area, the Oakland Naval Shipyard, and so forth.

So this is really an important project that could be helpful in putting people to work in moving cargo, in the commute. It is an authorized project. I am hopeful that we can fund it on an emergency basis to at least allow the $315 million of the $800 million obligation to move ahead.

I thank you, Madam President. I thank the chairman of the Transportation Committee.

I yield the floor.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Madam President, I ask unanimous consent to proceed as if in morning business at this point to respond to some of the issues raised on the NAFTA question for about 20 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. RIEGLE. I thank the Chair.

EVENTS IN SOMALIA AND RUSSIA

Mr. RIEGLE. Madam President, first of all, let me say at the outset, I just attended a briefing with many colleagues down in a secure room on the issue of events in Somalia, and also in Russia.

With respect to the situation in Somalia, I just want to express a personal view based on my observation and my thoughts as I went through this briefing process over the last hour or so.

I think whenever the United States is engaged militarily overseas there are several tests that have to be applied as to the wisdom of doing that. I think a central test is the question of whether any of us would be prepared to send our own son or daughter into that conflict situation, because if we are not prepared to answer yes we are prepared to send our own son or daughter, then I do not think we ought to send anybody else's son or daughter into that situation. We are all familiar with the events of the last several days and the last few weeks with respect to the not only killing of American forces in Somalia but now at least one individual who we have seen on videotape who has been taken prisoner, and I gather there may be others as well.

I also gather that there are those who have been killed with their remains having not been recovered by our forces. I cannot say that for a fact because I do not know if we know precisely all of the facts. But that is the picture that we see at the moment.

When I try to listen and understand what the mission is for the United States to remain there in this kind of a condition, I am having a very hard time understanding that or making sense out of it. Back at the beginning, the mission was of a different sort. It was to go out and combat the famine in Somalia, the widespread starvation of hundreds of thousands of people, and children particularly, and that problem was dealt with. We are told by and large that problem has been addressed, and that the famine and starvation is ended and crops are growing. So that original purpose has now been met.

So my thought is having listened to what was said and having evaluated what information we have, I think that we cannot settle a civil war over there between these competing factions that are called clans in this area. I do not think that should be our goal, quite frankly.

I think our goal now should be to protect our people, to secure the release of prisoners of war that have been taken over in that situation and certainly secure the remains of any American service persons who have been killed if we have not already been able to do that. But to stay on in that situation, in that kind of absolutely primitive civil war situation, and put Americans at risk I think is not justified. So I hope that at the earliest practical time we could bring those forces out of there.

I know some will say, well, you cannot do that because we do not know who else is going to do this, that, or the other. It is a big world out there. We are 4 percent of the world's population. I do not think we can inject ourselves into these civil war situations in remote places like Somalia and try to dictate the terms and conditions. We can do it. But we are going to do that at great risk to our own people. And I frankly am not prepared to see the young men and women of Michigan committed to this kind of a situation where I do not think they are adequately able to be protected and where the mission I think is very unclear as to what will justify that kind of very serious commitment of American effort to ask our people to be there in the line of fire.

NAFTA

Mr. RIEGLE. Madam President, I want to now respond briefly to the remarks of Senator BAUCUS of Montana, who spoke earlier on behalf of NAFTA, the free-trade agreement with Mexico.

I think the NAFTA free-trade agreement with Mexico is one of the worst ideas to come down the track. It is a terribly flawed document with side agreements that do not in any way deal with those problems.

I want to read into the RECORD now an article that appeared in Business Week magazine just within the last 2 weeks, dated September 20, 1993. It is a very important piece under the heading Economic Viewpoint by a writer, a distinguished national economist, Robert Kuttner. This is what he said:

> To oppose the North American Free Trade Agreement (NAFTA) is to be labeled protectionist, jingoist, apologist for declining U.S. industries, as well as callously indifferent to Mexico's poverty. I am none of these. Rather, my case against NAFTA is Keynesian.
>
> Keynesian economics holds that total purchasing power (aggregate demand) needs to roughly balance the economy's capacity to produce; otherwise, supply exceeds demand and productive potential goes unfulfilled. To have a fiscal and monetary policy, not to mention a labor policy, you need a government. But North America is neither a country nor a government. The U.S., Canada, and Mexico have radically different laws, living standards, and notions of what is minimally decent. But pretending we are one country, we risk the country with the lowest wages and the fewest labor rights and environmental protections getting the jobs.
>
> The good free-trader replies that by embracing open trade, we stimulate efficiency and thereby improve those very conditions. But the recent golden age of growth was the post-World War II boom—when trade was encumbered by relatively high tariffs and regulatory barriers that sheltered national economic-development strategies. There was growing global commerce, but it was far from free trade. The advanced nations all had wages that rose with productivity, completing the Keynesian virtuous circle. Japan and Korea, the growth leaders, were among the most highly protected. Mexico, with state-owned and heavily regulated industries, enjoyed annual growth rates in excess of 5%, despite—or perhaps because of—economic nationalism.
>
> When Mexico abandoned its economic nationalism in the early 1980s, it was not because the policy had failed or because Mexican leaders had suddenly seen the light. It was because excessive foreign borrowing based on mistaken projections of oil prices—and crushingly high interest costs imposed by Paul A. Volcker's Federal Reserve Board—suddenly gave the U.S. leverage to demand that Mexico's leaders become converts to free-market policies.
>
> In the 1980s, Mexico real wages fell by over 30%. As interest rates have come down, Mexico has begun to recover, but real income is still well below its 1980 level. Against this history, NAFTA was devised as a reward for Mexico's forced conversion to the economic theories of the Reagan-Bush era. As repentant free-marketers, the Mexicans would enjoy preferential access to the U.S. market.
>
> I offer this revisionist history not to commend protectionism but to suggest that the case for free trade is exaggerated. Extreme protectionism is surely bad. When every nation protects, as in the 1930s, the world economy contracts. But far more important than perfectly free trade is whether nations and the world system are pursuing high-growth, full-employment policies.
>
> Defenders of NAFTA also claim that the gains of freer trade will be roughly symmetrical. As a poor, low-skill country, Mexico will attract low-skill jobs, leaving better ones to materialize here. But as University of California at Berkeley researcher Harley Shaiken has shown, there is a huge divergence between Mexico's rising skills and lagging wages. It is precisely this disparity that makes relocation there so attractive. As skilled jobs in the auto and electronics industries move south, there is no pressure to raise Mexican wages because of its massive unemployment. And as long as Mexico's wages lag behind its productivity, the purchasing power necessary to import goods from the U.S.—and hence to provide offsetting U.S. jobs—will lag, too. The current boom in exports of U.S. capital goods to Mexico is likely to be short-lived as Mexico diversifies its suppliers.
>
> Henry Ford's insight was Keynesian: It's smart to pay employees enough to enable them to buy the products they make. But Mexico's auto workers, though nearly as productive as their U.S. counterparts, are paid under $2 an hour and cannot afford to buy the cars they build. As wages lag behind output, supply outstrips demand. And as Mexico becomes an adjunct of the U.S. economy, the low-wage drag on Mexico's prosperity becomes a drag on our own.
>
> To date, there is one useful byproduct of the NAFTA debate. Last month, when the proposed side agreement on labor standards was shown to House Majority Leader and NAFTA critic Richard A. Gephardt (D-Mo.), he dismissed it as window dressing. After hasty consultations, Mexican President Carlos Salinas de Gortari offered a new concession: Mexican wages would begin rising in proportion to Mexican productivity. This unenforceable promise introduces a Keynesian test into the trade debate.
>
> If we truly wish to improve living standards in Mexico, it is not smart to throw away our own. Rather, we might gradually liberalize U.S.-Mexico trade if Mexican wages and conditions rise with productivity. Please note that this Keynesian case against NAFTA is rather different from that of Ross Perot, who is no Keynesian.

Let me conclude by saying those are the words out of Business Week of the noted national economist, Robert Kuttner.

The key issue I heard the other day is if we go into this free-trade agreement with Mexico, in effect, we are going to be expanding the American labor force by 60 million new workers. These are 60 million new Mexican workers, who work for one-seventh to one-ninth of what a worker here in the United States, on average, works for. If you think about it, you think about the widespread unemployment across this country, and of the unemployment in California—very high with the shutting down of defense industries, and corporations all across America getting rid of people. General Motors is doing it, IBM is doing it, and virtually every company one can read about is downsizing and removing people from the payroll, who then go out and have a very hard time finding jobs.

The free-trade agreement with Mexico will bring into this new free-trade market with us 60 million new Mexican workers, all wanting to work, and working for maybe $1.75 an hour, maybe $1 an hour. By the way, the minimum wage there is 58 cents an hour. On average, workers down there earn about $2.35 an hour, if you take all workers together.

So if we want to introduce another 60 million workers into our work force, we are going to have a great big increase in unemployment here in the United States. Our people need these jobs. So it is not just a question of not closing factories in Michigan and moving them to Mexico. There has already been too much of that. We want to stop that. When I saw, the other day, that story that was recycled about General Motors—the largest corporation in our country, a company I work hard to try to help in terms of employment base and the policies affected by Government decision—they announced that somewhere between 50,000 and 100,000 workers were going to lose their jobs here in the United States over a period of time.

There was no announcement about any GM workers in Mexico losing their jobs, because the shrinkage in the work force is not taking place in the GM operations in Mexico. In fact, I suspect that those are going to grow. The shrinkage of jobs is occurring here in the United States where our people live and need work, if they are to have an income to support their families and to be able to try to provide the economic strength of the country that we need.

So this NAFTA agreement is a job killer. It is going to kill jobs in this country. And we cannot afford to have that happen. It is very easy for somebody out of the line of fire, who is maybe up in a lofty position as an editorial writer or a college professor, or even as an elected official somewhere who does not have to deal head-on in terms of their job with this kind of third-world economic competition from a Mexican worker. But to those people in our society who do have to face that competition, there is no way in the world they can compete economically with the worker in Mexico that is being paid only one-seventh to one-ninth what the worker here is being paid.

When I visited a radiator hose plant in Michigan the other day, the entire work force was being laid off, and the plant was being closed and the operation being moved to Mexico. Most of the workers were women. Most were single-parent heads of households. I was on the public sidewalk, and I sent a message that I hoped they could come and talk to me at the shift change. They were told in the plant that if they did come out to talk to me on the sidewalk—a United States Senator—they ran the risk of not being able to work the last 2 weeks at the job before the plant was closed and their jobs sent to Mexico. There was that kind of intimidation used. Many came out to see me anyway. These women were being paid $6.75 an hour, trying to support families on those kinds of wages. Those jobs now have all gone to Mexico. That is what this agreement is about.

The NAFTA is a jobs program for Mexico—plain and simple. It is a jobs program for Mexico. We need a jobs program for America. We need a jobs program for America now. We cannot say to our workers here, who have lost their jobs and are highly skilled and trained and have excellent work records, or are young college graduates coming out or coming out of work training programs and say: I am sorry, we do not have jobs for you, but we are going to go into a free market arrangement with Mexico, and we are going to allow a lot of the jobs in the United States to be placed in Mexico so that Mexican workers can have those jobs. We cannot say that to our country. That is self-defeating.

This is why no other advanced nation has ever gone into a free trade agreement with a Third World Nation where the differentials are as vast as this. It never happened before. Why do you suppose it never happened? It is because it does not make any sense. When the European common market was put together, Turkey wanted to join in, just as Mexico wants to join with us. But because the economic differentials were so vast, the environmental standards, the workplace standards, and the way the courts worked, and other things, Turkey was turned away. They are not part of the European common market because the differentials were too vast.

They are that vast right now with respect to ourselves and Mexico.

So make no mistake about it. If we go into the NAFTA agreement, we are expanding the U.S. labor force by 60 million new workers. They happen to be Mexican workers desperate for work, working at a tiny fraction—and they will continue to work at a tiny fraction—of what our workers are able to earn and survive and live on in terms of America today. This is what is grinding down the working class in America.

I know the Senator from Montana was ridiculing the Ross Perot book. It is an important book to read. It has a lot of important content in it.

One of the points made in that book was this: Suppose we tried this experiment. Suppose we took just the State of California for the next 5 years. We took the State of California, and we allowed the State of California to lower the wage standards down to the wage levels of Mexico and to lower the environmental standards down to the environmental standards and enforcement of those environmental standards in Mexico, and we allowed California to lower the work standards down to what they are in Mexico.

Let us say we kept that in place for 5 years. What would happen to all the jobs in our country today? Many of those jobs would pack up and leave Michigan, New Jersey, Indiana, and Maryland, and they would go to California because of those enormous differentials. That is where the jobs would be after 5 years. They would all be out there because of enormous economic gains that can be made, particularly by the people that control the capital flows.

That is why this is essentially a Wall Street deal from start to finish, and it is Wall Street versus Main Street. It is a fight we have seen at other times. But this is sort of the ultimate expression of it in terms of sort of wrecking the job base here in the United States, and doing it in order to make billions of dollars in private profits.

Just as those jobs would move to California if California had much lower economic standards, they are going to move exactly the same way to Mexico, as they already have.

I have lost tens of thousands of jobs out of the State of Michigan; tens of thousands of jobs that we need right now. I have qualified, capable people in Michigan who need that work, who need the income to support their families, and they cannot find work because their work has been moved to Mexico.

And this NAFTA will speed that up and accelerate it beyond anything anybody has ever seen. In fact, if a company in a given industry goes down to Mexico to take advantage of those wage differentials, it will widen out the operating margin and boost the price of its stock. Take what happened to the other firms in that industry. The pension manager of Wall Street and elsewhere is going to come to the other company and say: "Wait a minute. Your competitor just moved their plant facility down to Mexico, and they are now paying much lower wages. They widened out the profit margins and their stock is now selling at a higher price than it was before. Your stock is not because you are paying the higher American wage. I will tell you right now, unless you close down the American plant and move down to Mexico, we are going to get rid of you as the CEO of our company."

The CEO will say: "Wait. Don't blame me. I didn't want to go to Mexico. I didn't want to close the American plant. But I have the pension management people telling me if I did not, I would lose my job. So I had no choice. It is not my fault."

We are all a victim of circumstances. We are all going to be a victim of circumstances if this NAFTA passes. This is the ultimate outrage of trickle-down economics, and that is to continue the strip-mining of the job base of America in order to move those jobs down to a low-cost production center in Mexico.

By the way, do not assume that the jobs down there are all low-end jobs with respect to talent, effort, and productivity. In fact, a large part of our electronics industry and a large part of our automobile industry have already moved down to Mexico. There is sophisticated work being done down there.

Finally, people talk about all the exports we send to Mexico. We are not sending many exports to Mexico in cold point of fact. Over half of what we send makes a U-turn. We send some things down there. They are processed in a certain way. They turn right around and come back to the United States.

Even in that traffic, when you ask yourself the wisdom of that kind of move, if I am in Michigan, and I am going to send work, say, from Flint, my hometown, somewhere south, I am a lot better off if I am sending that work down to Pontiac, which is 20 or 30 miles away, and getting it processed and bringing it back to Flint. That keeps workers in Michigan employed. Why am I better off if I ship something from Flint not down to Pontiac, still in Michigan, but all the way down to Mexico, to have some work done on, say, an auto part down in Mexico, have the value added down there, have the Mexican worker employed only in turn to have the component part come back up to the United States?

What have I done? I have not gained a job. It may look like it in the numbers. I shifted something to Mexico because I shipped the end product down there to have some work done on it. But the cold point of fact is that they have actually shipped the job down there. That is what has happened.

The guy or woman who had the job in Pontiac, who could have done that subassembly, is now somebody down in Juarez or Tijuana or some other place in Mexico.

I want the Mexican people to do well. I do not want to be misunderstood about this. This is not a xenophobic argument. But we better stand up for workers of this country. Why are we here if it is not to look after the job base of the United States of America?

I am convinced our most important asset in this country is our private-sector job base, and it is in trouble. We need to strengthen it and we cannot afford wholesale shipping of American jobs going to Mexico in the name of private profit.

That is what is involved here. I thought those facts ought to be on the RECORD, juxtaposed with those of the Senator from Montana.

I yield back the remainder of my time.

The PRESIDING OFFICER. The galleries will be reminded, the rules of the Senate are there are to be no expressions from the galleries.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from California.

AMENDMENT NO. 1021

Mrs. BOXER. Madam President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

> The Senator from California [Mrs. BOXER] for herself and Mrs. FEINSTEIN, proposes an amendment numbered 1021.

Mrs. BOXER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the appropriate place under the heading Federal-aid Highways, insert the following:
>
> "For an additional amount for emergency relief resulting from the Loma Prieta earthquake of October 17, 1989, as authorized by 23 U.S.C. 125, $315,000,000, to be derived from the highway trust fund and to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as mended."

The PRESIDING OFFICER. If the Senator from California will withhold, without objection, the committee amendment will be set aside.

The pending amendment is now the one offered by the Senator from California.

Mrs. BOXER. I think the President and I would like to say that this amendment that is currently before us is being submitted by myself and Senator DIANNE FEINSTEIN.

On October 17, 1989, northern California suffered a devasting earthquake. Because it occurred shortly before the World Series was set to start at Candlestick Park in San Francisco, all America saw the results of that earthquake.

One of the lasting pictures of that earthquake is the collapse of the Cypress Freeway, part of Interstate 880, a Federal facility. The collapse resulted in the deaths of 42 people.

Today Senator FEINSTEIN and I and the Clinton administration are asking that the last construction award be made so that Interstate 880 can be rebuilt. The administration is asking us for $315 million and the State will provide a match of about 10 percent.

Madam President, I ask unanimous consent to print in the RECORD the letter from President Bill Clinton asking for these funds as well as a letter from OMB Director Leon Panetta also asking these funds be made available.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, October 4, 1993.

The PRESIDENT OF THE SENATE.

SIR: I ask Congress to consider an amendment to the FY 1994 appropriations request for the Department of Transportation. This request would provide additional funds to repair highway damage resulting from the Loma Prieta Earthquake in California.

I designate the $315,000,000 requested as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The details of this request are set forth in the enclosed letter from the Director of the Office of Management and Budget. I concur with the Director's comments and observations.

Sincerely,

WILLIAM J. CLINTON.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 4, 1993.

The PRESIDENT,
The White House.

Submitted for your consideration is an amendment to the FY 1994 appropriations request for the Department of Transportation.

This request would provide $315 million for the Emergency Relief program to repair highway damage resulting from the Loma Prieta, California Earthquake of 1989. This increase would allow work to continue on the replacement of the Cypress Freeway, which was destroyed during the earthquake. The original emergency appropriation to repair and replace highway damage was not adequate to complete repairs. The request is consistent with the practice of fully restoring Federal-aid highway facilities damaged in disasters.

I recommend that you designate the $315 million request as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

I have carefully reviewed this proposal and am satisfied that it is necessary at this time. Therefore, I join the Secretary of Transportation in recommending that this proposal be transmitted to the Congress.

Sincerely,

LEON E. PANETTA,
Director.

Mrs. BOXER. Madam President, two-thirds of the deaths from the Loma Prieta earthquake came from the collapse of the Cypress Freeway. This major commuter artery carried nearly 150,000 cars a day, linking up with the region's most heavily traveled corridor over the San Francisco Bay Bridge.

The bay area is a transportation hub with the convergence of two major ports, two international airports and four interstate highways. The collapsed Cypress Freeway segment of the Interstate System is a missing link that affects not only the local communities but commerce and industry across the country. Traffic now clogs local surface streets. Traffic is doubling up on Interstates 980 and 580, requiring higher maintenance on those Federal-aid highways. And, some freight destined for the Port of Oakland is being routed elsewhere because of the difficulty in reaching the port. This reconstruction project is a true emergency repair.

And I think the Congress acted very wisely, Madam President, after that earthquake when it said that the Federal Government could spend whatever sums would be necessary to fix this important interstate freeway. We now have the State and local agreement on this project. The new alignment will provide better access to the Port of Oakland as well as to a new regional postal center.

I understand that Senator FEINSTEIN put in the RECORD a letter from Congressman RON DELLUMS which lays out the history and emergency nature of this program. The letter says, in part:

> The original emergency appropriation of $1 billion was used to remove debris, repair numerous bridges in the San Francisco area, including the Oakland Bay Bridge, and rebuild essential roads. It was not sufficient to rebuild and repair the earthquake damage done to the Cypress link of the highway system.

And he goes on to point out what a critical link in the bay area freeway system the Cypress is.

Some will question why at this date should this project be considered emergency relief. It is emergency relief and here is why:

First, when Congress approved initial emergency relief from the highway trust fund to cover emergency costs associated with the damage of the Loma Prieta earthquake and Hurricane Hugo, it approved language in what is now Public Law 101–130 at section 108(e) that states and "such other amounts will be made available subsequently as required." That obligation is before us today.

Because of the size of the project, it will involve several construction contracts. Two major construction projects were recently obligated. An additional $315 million is needed to pay for the balance of the awards which are expected in this fiscal year. The State will match 8.5 percent of the cost to complete the Cypress Freeway.

I must remind the Senate that at the time the initial emergency funding was approved, there were no reliable cost estimates available, given the sheer magnitude of the damage.

And, again, in their wisdom, both the Senate and the House left the door open so that we could meet our Federal obligations. Forty-two people died because that freeway collapsed. It must be rebuilt. It is a Federal facility. It is an emergency.

I know there are those who are going to argue about this matter, and I expect a robust debate. But I think we need to be clear: This is an emergency.

Finally, the Office of Management and Budget has reviewed and recommended funding for this project as an emergency requirement. And anyone who knows our OMB Director Leon Panetta knows that he would not make this declaration lightly.

OMB Director Leon Panetta, in a letter to the President said:

> The original emergency appropriation to repair and replace highway damage was not adequate to complete repairs. The request is consistent with the practice of fully restoring Federal-aid highway facilities damaged in disasters. I recommend that you designate the $315 million request as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. I have carefully reviewed this proposal and am satisfied that it is necessary at this time.

The President notified the President of the Senate of the request for an emergency appropriation by letter on Monday, October 4. Again, that letter was submitted into the RECORD.

The urgent need is here. The obligation to make this Federal facility whole is upon us. Therefore, on behalf of the Federal Highway Administration, Senator FEINSTEIN and I are offering an amendment to provide the $315 million needed to complete this emergency relief project. The amendment is consistent with the practice of fully restoring Federal-aid highway facilities damaged in disasters, and I ask for its approval.

Madam President, I thank you and I thank the chairman of the committee.

I want to say to my colleagues, I hope they have listened to some of this, because this is an obligation that we owe the people of California because, truly, this was a terrible emergency. We are almost completed with this project. The project was built in such a way as to withstand a future earthquake. The job needs to be done.

Again, I thank the chairman of the subcommittee for this time.

Madam President, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from New Jersey, the chairman of the subcommittee.

Mr. LAUTENBERG. Madam President, we have heard the excellent presentation by the distinguished Senator from California and our colleague earlier about the need that they have to get this damage repaired that has lingered a long time. I believe that we are going to be discussing it in full tomorrow.

But for now, I ask unanimous consent—since that is the pending business, the amendment has been laid down—that we put the amendment aside to take up some other comments.

So I ask unanimous consent that we put the pending business aside, Madam President.

Mrs. BOXER. Reserving the right to object, so I might ask a question of the chairman.

Mr. LAUTENBERG. Certainly.

Mrs. BOXER. Madam President, I ask the chairman, is it his intention to bring this up as one of the first orders of business in the morning or at a particular time certain so that I can be prepared?

Mr. LAUTENBERG. I would like to do that as soon as we resolve what time the Senate will begin in the morning. I would like to continue with this discussion.

I ask our colleagues, if they have any amendments, to get them to the floor so we can deal with them. There is an urgency now to concluding the discussion on this bill. We have transit funds, transportation funds—highway, aviation, and rail—that have to be dealt with. To have these funds appropriated on a continuing resolution is not the way to do business.

So if anyone has amendments, I tell them and their staffs, please, tomorrow morning, we would like to start with the amendment of the distinguished Senator from California, but at some point in time, when that amendment is disposed of, hopefully favorably, we will go on to other business and try, with the help of the leadership on both sides, to wrap this bill up sometime in the morning tomorrow.

So we will start at whatever hour is deemed appropriate for opening the Senate with the Senator's amendment. For now, again, I would like to move on to some other things.

Mrs. BOXER. I thank the Senator. I will be here at whatever hour the chairman and the ranking minority member ask me to be here.

The PRESIDING OFFICER. Since there is no objection, the Senator's unanimous-consent request is agreed to.

Mr. LAUTENBERG. Thank you, Madam President.

I was reminded by the distinguished Member of the U.S. Senate, the President pro tempore, that if any references are made to "the Chair," he prefers they be made to the chairman or to the chairperson or the chairwoman, because he said the chair is merely a piece of wood decorated with some other material.

Madam President, I thank you for your response to my unanimous-consent request.

SAFFORD BRIDGE AND LAUGHLIN-BULLHEAD AIRPORT

Mr. DECONCINI. Madam President, I would ask if the manager of the bill, Chairman LAUTENBERG, if he would entertain a colloquy concerning two items of report language which were left out of the committee report.

Mr. LAUTENBERG. Madam President, I would be very pleased to do so for my good friend and distinguished colleague from Arizona.

Mr. DECONCINI. As the chairman knows, I have twice requested $10 million for renovation funding for the Safford Gila River Bridge. The Safford Bridge is the lifeline of agriculture and mining in southeastern Arizona. This bridge serves as the only heavy transport access route to the currently expanding mining, industrial, and residential developments north of the Gila River. As the county's annualized unemployment exceeds 10.5 percent and proposed mining operations expansion represents the most likely, if not the only, means for economic redevelopment, Federal assistance is vital to this struggling community.

Madam President, I would ask that during the conference committee, or at the appropriate time, that the Safford Bridge be added to the list of priority bridges for discretionary bridge funding.

Mr. LAUTENBERG. If the Safford Bridge meets the criteria established for bridges to receive discretionary funds, then I would be happy to support the Senator's request that the Federal Highway Administration give serious consideration to the application from Arizona for bridge funds.

Mr. DECONCINI. Madam President, I say to the chairman that the second request omitted from the committee report concerned high priority designation of the Laughlin-Bullhead City Airport for Airport Improvement Program [AIP] funding. This airport is located on the border of my home State of Arizona and the State of Nevada and serves one of the fastest growing resort, recreation, and residential communities in the Southwest. This project involves widening and lengthening of runway 34R and other construction activity necessary to accommodate larger, fixed schedule commercial operations. Also, I would note for the chairman that our friend and colleague from Nevada, Senator REID, is very supportive of this request.

I would ask that during the conference committee, or at the appropriate time, that the Laughlin-Bullhead City Airport be added to the list of high priority airports within established criteria and within obligation levels.

Mr. LAUTENBERG. I would say to my good friends and colleagues on the committee from Arizona and Nevada that I would be happy to do so and thank Senator DECONCINI again for his understanding concerning the omission of the items from the committee report.

Mr. DECONCINI. I thank the chairman.

TRI-STATE PACIFIC COAST SCENIC BYWAY

Mrs. MURRAY. Madam President, I would like to engage the floor manager of this bill in a colloquy regarding the Tri-State Pacific Coast Scenic Byway. As the chairman knows, the House report on this bill directs the Secretary of Transportation to give priority to this highway under the Scenic Byway Program. Although the Senate report does not contain comparable language, does the chairman acknowledge the importance of this scenic byway to the Pacific Northwest, especially in light of the economic effect of the reduced timber harvest in communities through which this scenic byway passes?

Mr. LAUTENBERG. I agree with the Senator from Washington that the Tri-State Pacific Coast Scenic Byway is an important highway project that deserves strong consideration by the U.S. Department of Transportation for further funding under the Scenic Byway Program.

Mrs. MURRAY. I thank the chairman for his remarks. This scenic byway has received $8,285,000 in Federal funds over the past 4 years. The States of Washington, Oregon, and California have provided the appropriate matching funds for these Federal contributions.

Mr. HATFIELD. If the Senator would yield, I join in endorsing the Tri-State Pacific Coast Scenic Byway. The reduced timber harvest levels in the Pacific Northwest has given heightened importance to this byway, which would enhance the tourism industry in the very regions most affected by the reduction in the timber cut.

Mr. GORTON. I, too, want to join my fellow Senators from Washington and Oregon in endorsing continued Federal assistance for the Tri-State Pacific Coast Scenic Byway. It represents an excellent example of the economic benefits that can be generated by modest Federal contributions from the Scenic Highway Program.

Mrs. MURRAY. I thank all the Senators for their remarks and yield the floor.

HIGH-SPEED RAIL CORRIDORS

Mrs. MURRAY. Madam President, I am extremely pleased that this legislation provides Federal funding for the implementation of high-speed rail corridors. With the unbearable traffic gridlock in this Nation, high-speed rail has become the mode of choice for many State transportation planners and a focus of the U.S. Department of Transportation.

As the chairman is aware, the rail corridor from Vancouver, British Columbia, through Seattle and down to Eugene, OR has already been designated as one of the Nation's high-speed rail corridors. Both Washington and Oregon have now embarked on a long-term program to bring future high-speed service to the Northwest corridor. To accomplish this, the State governments, Amtrak, and the private sector have begun to work in partnership. Just this year, Washington and Oregon have appropriated over $50 million in order to implement high-speed service. In the next few months, they are planning to lease high-speed rail equipment to inaugurate a daily run between Seattle and Portland. Given the excitement throughout the country generated by the X2000 tilt train, this Seattle-Portland run will keep the excitement for high-speed rail going. More than this, it will soon allow business people to travel among these cities without using a car or plane.

As Washington and Oregon make these substantial commitments to high-speed rail, it is essential that the Federal Government play a significant role in this partnership. I urge the Federal Government to become an active partner in high-speed rail transportation in the Northwest.

Mr. HATFIELD. If the Senator would yield, I join in endorsing the Northwest high-speed rail corridor. Washington and Oregon have worked hard on this program and I am in full support of their efforts. I also urge strong Federal participation.

Mr. GORTON. I would also like to voice my support for this undertaking.

Mr. LAUTENBERG. I am very encouraged by the fact that Washington and Oregon have brought all these parties together in order to achieve high-speed rail service. I am pleased to hear that they are leasing high-speed equipment to run between Seattle and Portland. The role of the Federal Government is to help upgrade infrastructure to accommodate high-speed trains. I believe that these two States are excellent candidates for this Federal funding.

AMTRAK

Mr. BIDEN. Madam President, I want to thank my good friend, the distinguished Senator from New Jersey, for his efforts on behalf of our country's passenger rail system. Every year, we face the difficult problem of providing adequate funding to keep the Amtrak system a safe, reliable, and competitive component of our transportation system.

As my friend knows well, I have a very personal stake in the reliable operation of the Amtrak system. I depend almost daily on the system to connect my residence in Delaware with my work in Washington. In addition, for nearly 100 years Delaware has been the home of essential maintenance facilities for the rail operations on our country's east coast.

Last year, the funding level originally appropriated for Amtrak proved seriously inadequate. Long before the fiscal year was over we were threatened with the layoff of maintenance workers in those Delaware maintenance facilities. These maintenance workers are a key link in not only keeping reliable locomotives and coaches in service, but in assuring the essential safety of the passenger rail system.

Only through last-ditch reprogramming and supplemental appropriations a few months ago did we avoid service disruptions and layoffs of Amtrak personnel.

Madam President, a recent GAO report stresses that adequate funding for major overhauls is essential to maintaining the high safety standards we expect of Amtrak service.

But, Madam President, it was major overhaul facilities that were threatened with work reduction and layoffs when last year's operating budget of $331 million proved inadequate.

The maintenance workers in my State have a hard-earned reputation for efficient, reliable work. They deserve the funding support to keep them on the job and to keep the Amtrak fleet rolling safely. Our country's rail passengers deserve and expect no less.

We can predict shortfalls like last year's, and similar threats to safety, operations, and job security, if the Amtrak appropriation for fiscal year 1994 were limited to last year's inadequate levels.

But, fortunately, Madam President, the distinguished floor manager of this bill and his subcommittee have shown the leadership we need on this issue by providing more adequate levels of funding for Amtrak's operating and capital accounts.

Madam President, I have personally received confirmation from Secretary Peña that the administration supports the more adequate subcommittee funding levels for Amtrak. This confirmation from the administration should provide solid ground for our conferees to stick with the Senate numbers for Amtrak when they meet with their counterparts from the House.

Again, I want to express my appreciation for the leadership my friend from New Jersey has shown on this issue. I ask that the letter from Secretary Peña supporting the funding levels of the subcommittee be inserted in the RECORD following my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF TRANSPORTATION,
Washington, DC, October 5, 1993.
Hon. JOSEPH R. BIDEN, Jr.,
U.S. Senate, Washington, DC.

DEAR SENATOR BIDEN: Thank you for writing me to ask for clarification of the Department of Transportation's position on fiscal year 1994 funding for Amtrak, currently under deliberation in the Congress.

The Department supports the level of funding approved by the Senate Appropriations Committee in H.R. 2750—that is, $351 million for operating assistance and $208.580 million for capital assistance. In addition, we continue to support the $137 million for mandatory payments to railroad retirement and unemployment funds.

While these amounts for operating and capital assistance are higher than the levels submitted in the President's budget request, they reflect the financial difficulties Amtrak has experienced in the past year. The recession and the floods of the Midwest have caused Amtrak's ridership and revenue to fall short of projections.

You are correct to note that the Administration was seeking an additional $188 million for Amtrak in the President's economic stimulus package earlier this year. As we know, that package failed to pass Congress. A subsequent fiscal year 1993 supplemental appropriation of $45 million for Amtrak helped Amtrak avoid further reductions in its already downsized overhaul and maintenance operations. However, the continuing malaise in Amtrak's revenue picture again threatens those operations, not to mention Amtrak's ability to adequately replace aging equipment with new, more efficient and reliable equipment.

Even with the amounts of funding for Amtrak in the Senate Appropriations mark of H.R. 2750, Amtrak still must shoulder some management actions and reductions in service to thrice-weekly on several poorly performing routes. We at DOT believe, however, that these levels of funding will allow Amtrak to offer safe service to the traveling public.

Thank you again for soliciting the Department of Transportation's clarification of this matter.

Sincerely,

FEDERICO PEÑA.

TIRE RECYCLING

Mr. CHAFEE. Madam President, section 325 of the Transportation appropriations bill now before the Senate suspends for 1 year enforcement of a program that was established under the Intermodal Surface Transportation Efficiency Act of 1990. Under this program States are to use recycled materials including crumb rubber from scrap tires in a small portion of the highway construction projects built with Federal assistance each year.

Scrap tires are a serious environmental problem in the United States. Each year we discard approximately 250 million used tires. With the advent of the radial tire design, passenger car tires can no longer be retreaded or ground up and used to make new tires. So they are piling up in tire dumps all across the nation. Today, between 2 billion and 3 billion tires are located in tire piles around the country.

These tire dumps are breeding grounds for disease carrying mosquitos and rodents. They are also often the location of toxic fires that cloud the skies and pollute our streams and ground water resources. Just 2 weeks age we experienced another serious tire fire. This one occurred at a tire pile containing more than 1 million tires locate at Inwood in Berkeley County, WV.

The fire was apparently started by an arsonist in the early morning hours of September 14. It burned for 3 days and took 50 fire departments employing 200 firemen to control. Volunteer firemen from Virginia, Maryland, Pennsylvania, and New Jersey were called in to help fight the blaze. Luckily no one suffered any acute, serious injuries, but the cloud of toxic smoke could be seen from 30 miles away and the runoff from the firefighting efforts threatened streams and ground water supplies in the area. The State of West Virginia has now begun the expensive process of cleaning up the site.

Madam President, I would ask unanimous consent that an article entitled "Hundreds Battle Huge Fire That Darkens Berkeley," from the September 15 edition of the Martinsburg Journal be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HUNDREDS BATTLE HUGE FIRE THAT DARKENS BERKELEY

(By Rodney A. White)

INWOOD.—Two-and-a-half acres of tires at a huge tire pile in southern Berkeley County erupted in flames early Tuesday morning belching an umbrella of sun-obscuring black smoke into the sky, canceling classes and closing roads.

Hundreds of emergency workers and firefighters from West Virginia, Virginia, Pennsylvania, Maryland, and New Jersey fought the burning tire pile for about 21 hours before getting it under control. It had nearly been extinguished late Tuesday night.

No one was injured in the fire. The fire was believed set about 3:40 a.m. in a corner of the former Associated Tires Distributors Inc., said South Berkeley Fire Chief Ed Keesecker.

About 2½ acres of the 10-acre tire pile began burning early Tuesday morning and continued to burn throughout the day. A column of smoke rose about 300 feet above the burning tires before the wind pushed it north nearly parallel with Interstate 81.

Many roads were closed around the site to allow access to emergency crews and trucks delivering water to the fire crews. The closing of the roads caused schools and some businesses in the area to shut down for the day.

For years, local citizens and officials have expressed their concerns and their fears that the tire pile would go up in flames and cause a major environmental and safety hazard for the county. Those fears were realized Tuesday morning.

A handful of firefighters and equipment remained at the scene overnight to watch the remaining hot spots.

This morning, the long process of mopping up begins. It will be days before the mopping up and cleaning up process will be complete, Keesecker said.

But by nightfall, it was clear the end was in sight.

Martinsburg Fire Chief Doug Fellers said he had never seen so many men and so much equipment at one fire. "I've seen trucks I've never heard of before," he said.

But what pleased him and others most was the fact everyone "was working in unison. I've never seen anything like this," he said.

The fire was contained to the southermost 2½ acres of the 10-acre pile of some 1.2 million tires.

Throughout the day, sirens screamed as firefighters from dozens of companies rushed to the scene in tanker trucks. At one point, it was feared the firefighters would consume more water than was available from Mill Creek and the Berkeley Public Service District.

A realignment of resources, along with some creative use of equipment, stabilized the supply problem.

Firefighters were anxious to find any good signs and during the day, they did occur. One of the earliest—and best—was the change in the color of smoke. As it became less black and more gray, Keesecker said that meant "we're containing it."

But from time to time, the column did turn blacker as the fire seemed to regain momentum. Each time, firefighters battled back.

It was impossible to catalog the acts of bravery. Heavy equipment operators from private companies, the 167th Air National Guard and the state Division of Highways braved the flames and toxic smoke to make roads and widen the fire breaks. As a result, a 40-foot-wide path separated the burning pile from the unaffected areas.

Volunteer firefighters in teams of four and six equipped with air masks fought a holding action from inside the perimeter. To avoid exhaustion, the teams would fight the fire for only 20 to 30 minutes at a time.

To make sure traffic moved through the area, sheriff's deputies and others guided vehicles past the entrance and discouraged sightseers. One of the northbound lanes of Interstate 81 was closed to permit firetrucks to reach the fire from the west side of the property.

Gov. Gaston Caperton said he directed the state Division of Environmental Protection to expedite the process of cleaning up the tire pile.

Echoing Caperton, David Callaghan, director of the DEP, said the state would quicken the pace to take legal control of the property. The pile was the creation of now-defunct Associated Tire Distributors Inc.

He also said he would try to find state funds to help cover the costs of fighting the blaze. He said he would find out if it would be possible for the state to provide some security at the site. All this depends on whether Attorney General Darrell McGraw will permit some creative uses of state funds, Callaghan said.

Only last Thursday, representatives from 11 potential bidders on the Inwood pile cleanup toured the site. The state was going to open bids on the project on Nov. 19, Callaghan said they would see if they could "expedite that."

He said up until July, the state didn't have the authority to clean up the site, let alone the funds. It moved as quickly as it could, he said.

Assistant State Fire Marshal Eddie Robinson called it "of suspicious origin." Firefighters said they believed the blaze was deliberately set.

Keesecker said at about 1:10 a.m. Tuesday, the county's central dispatch office was called from a phone in Arden, reporting a fire at the Texaco Station on Greenhouse Road. A search of the area revealed nothing.

Concerned about the suspicious nature of the call, Keesecker said he drove up the mile-long dirt road to the tire pile at about 2 a.m. He saw where some vehicle had "spun out" and scattered gravel, but no other suspicious signs.

At 3 a.m., after most of the volunteers had gone home, they were called out again by central dispatch. This time there were visible signs of fire at the tire pile.

Deputy South Berkeley Chief Bruce Chrisman was the first at the scene and could see the flames leaping into the air. He and another fireman scorched their hands as they lifted and pulled away the main entrance gate to the pile.

Ironically, less than two weeks ago, South Berkeley Fire Department conducted a firefighting drill at the scene.

As firefighters poured into the scene, the call went out for more tankers. First volunteers from across Berkeley and then Jefferson and Morgan counties responded. Then the call went out to volunteers from Maryland and Virginia, and eventually, Pennsylvania and New Jersey.

No one kept count of the volunteers arriving at the scene, but at one point there were more than 200 present.

Backing up the firefighters was the Salvation Army which distributed soft drinks and water and all kinds of sandwiches. Domino's gave stacks of free pizza and the local McDonald's franchise distributed dozens of free lunches and large drinks.

Dave Shipley, assistant chief of South Berkeley, said the fire was hot "and very smoky. It's sloppy and its muddy back there. In some places, the mud is 2 feet thick."

South Berkeley Firefighter Scott Humphrey said walking into the areas where the fire is hottest, "is like walking into a room with no windows."

Fireman Bruce Davis, his face speckled by the water and soot, rested under the tree and recounted his battles with the blaze "that won't go out."

The overall strategy at that point was "surround and drown" but the fire was proving to be waterproof, Davis said "We've been fighting a losing battle (because) the fuel load is so great."

The 14-year-veteran said he wasn't afraid of the fire—"you can't be afraid. You have to respect fire."

At one point early in the day, Keesecker and the other leaders contemplated using foam to extinguish the blaze. The Air Guard was prepared to offer its foam, but they had a limited supply. It was clear the fire would have to be beaten down even more before any foam could be used.

Foam, according to Capt. Curtis Keller, a Berkeley County sheriff's deputy, can actually smother the flame. Water can't. "But it's not effective to use it with the wind blowing," he said.

In addition to rendering the foam unuseable, it could also cause the fire to leap over the fire line established by the firefighters.

At 11 a.m., during another strategy session, it was decided not to use the foam, opting instead to use somewhat less water—firefighters were pouring nearly 7,000 gallons of water or more a minute on the fire.

Most important, they would ask the heavy equipment operators—again—for help.

Fighting a tire pile fire is much like fighting fires in hay bales, explained Keller. The hottest part of the fire is at the core, and the only way to get at the core is to break it apart.

Terry Markle, owner of Markle's Excavating, said a volunteer asked him to move up some heavy equipment as he dried to wipe off the soot from his face. "I didn't know it was going to be like this," he said.

At about 1 p.m., two bulldozers equipped with scoops and a third with a blade lined up at the entrance. They charged into the smoldering remains of the old, smoldering trailer rigs and pushed them aside. Then they charged through the chain-link fence in an effort to widen the entrance and give themselves some room to work.

At one point, Martinsburg Chief Fellers exclaimed, "They are brave men!"

At any given moment, the fire would erupt from the pile. Firefighters from atop Martinsburg's hook-and-ladder truck, would blast the blaze with water blowing out their hoses at a rate of 1,200 gallons per minute.

Like the firefighters, the bulldozer operators worked in teams, each only staying near the fire as long as could be done safely.

Moving against the face of the burning pile, they removed a 10- to 12-foot section, exposing a blackened core and another hot spot. As new hot spots were revealed, they were hit by another stream of water.

As the day wore, Eddie Keesecker smiled. "I think we're getting it now," he said.

By 7 p.m., Keesecker grinned. He could see an end to the fight.

Keesecker and Keller said it would take days, not hours to put out the fire. He was concerned about how long the volunteers could withstand the pace, and for that matter, how long the equipment would hold out.

Fellers had no doubt about either. They would stand up "because they have to."

Tire pile fires create three things—carbon black, which blows away, tons of steel cable, and gallon of coal black oil byproducts. It is the latter that caused local DEP officials the most concern.

Each gallon of water that was not heated into steam carried on its surface black dropplets of gunk. Early, a dike was hastily constructed along the south face of the tire pile, and that caught most of the contaminated water.

But as the heavy equipment operators began the process of peeling back the pile, more oil contaminated water flowed away from the pile, and threatened to flood an adjacent field with pollution.

DEP Environmental Inspector Kevin Lilly said he believes they were able to capture most of the oil and so relatively little got onto the field. But it won't be known for a long time if any ground water supplies would be affected by the pollution, he said. He did say they were able to guide the runoff away from some nearby sinkholes.

The sludge that does settle on the fields can be cleaned up later, he said.

Berkeley County Sanitarian Jim Burkhart said the water from Dove Spring, which is about two miles away, would be the first to reveal whether there had been any contamination.

The long-feared fire was expected to cause considerable economic and social dislocation. But Keesecker and Keller said only three nearby schools, Musselman Middle and High School and Inwood Elementary, had been closed. No evacuations had been initiated.

Chet Amick, manager of the Knouse Food Plant in Inwood, said he had shut down operations at the plant to help the public service district conserve water. Amick along with other local business owners and managers for years had quietly urged the state to address this problem-in-waiting.

Amick wasn't critical of the state Tuesday, saying he believed they were doing all they could to help. But he said he believed that this fire also was Callaghan's "worst nightmare."

Fred Gold Butler, who owns Wright Motors, said he was thankful that the firefighters were so adept in containing the fire as quickly as they did. "We thought this could happen. It was an environmental disaster before, now it is a very big problem," he said.

In an effort to make better use of their limited water supplies, they called on Jefferson County farmer Lyle "Cam" Tabb to bring his agriculture pumps. These pumps could pull water away from the ponds and permit the trucks to use it again. The sludge carried by the water would stay on the surface and would not be blown back onto the fire.

Callaghan, who arrived shortly after noon in a state-owned helicopter, said "You have to understand, we had no legal authority to spend any money (on this problem) until July 1."

That authority wasn't granted by the Legislature until this year, he said. The money for the removal of the tires is to come from the state's landfill closure fund. "It is our top priority," he said.

He acknowledged there is some ambiguity as to who actually owns the property. The Old National Bank has paid the back property taxes on the property, but he said they do not have the deed. That is still held by the owner, who lives on the west coast.

If necessary, he said the state will condemn the property to take title, but he said he thinks that given the fire, that won't be necessary.

Getting rid of this pile, or the one in Grant County, which is 10 times as large, isn't going to be easy, he said. "If they had been of any great value," he said, "we wouldn't be here."

Mr. CHAFEE. Unfortunately the fire in Berkeley County, WV, is not a unique event. Ten years ago a fire at Winchester, VA, burned for 9 months costing the community $1.7 million to extinguish. That site is now on the Superfund National Priorities List. EPA reports that there are about 100 major tire fires across the country each year.

Three billion scrap tires stored in piles, some containing millions of tires, with the quantity growing by more than 200 million tires per year is a serious solid waste program that needs attention. We found a way to make a small contribution to the solution of the problem by enacting the crumb rubber asphalt program as part of the 1991 in the Surface Transportation law.

For many years some States, principally California and Arizona, have been experimenting with the use of recycled tire rubber as a binder in asphalt pavement. A variety of asphalt mixes and processes have been tried over a wide range of road uses and climatic conditions. It works. There is even evidence that asphalt pavement may perform better than conventional pavement in some applications.

As we prepared the Intermodal Surface Transportation Efficiency Act, we saw an opportunity in the highway program to solve an environmental problem caused by highway users. Used tires are generated by people driving on the roads we build with Federal funds. If those same roads could be built with asphalt composed of recycled tires, the Federal highway program could make a contribution to solving one of the major environmental problems that it creates.

There were naysayers. We were told that asphalt containing rubber would not perform well, that it might cause health or environmental problems, or that it cannot be recycled into new roads as most asphalt is today.

We addressed those concerns head on in ISTEA. The statute gives the Secretary of Transportation authority to set aside the tire recycling requirement, if asphalt containing rubber does not perform to specifications, if it causes any health or environmental problem or if it cannot be recycled. We asked DOT and EPA to do studies on these questions. The studies are done. There is no evidence to support any of these claims. If there was any evidence, I am sure the Secretary of Transportation would have used his authority to set aside the requirement.

The real issue is cost. Asphalt containing recycled tire rubber costs more than conventional asphalt. There are several reasons for the higher cost. First, some of the rubber pavement processes have been under patent which has increased the cost. Those patents have now expired. Second, most projects done to date have been experimental with the asphalt mixed in small batches. That undoubtedly increases the cost. As we use more of this material that factor will be overcome.

Third, rubber pavement costs more because it is necessary to grind the tires to crumb rubber to get usable material. This factor will always mean that asphalt containing recycled tire rubber will cost more than conventional pavement. Is it reasonable to incur this increased cost in our highway program? That is the real question.

Whole scrap tires cannot be disposed. They cannot be sent to city and county landfills, because they cannot be compacted like other solid waste. If you try to landfill whole scrap tires with other garbage, the integrity of the landfill is destroyed and health and environmental problems are bound to occur. Before a tire can be thrown away it must be shredded into small pieces that can be compacted and buried. Whether we put this shredded material in a dump as a solid waste or we put it in our highways as a recycled material, the Nation must still bear the cost of shredding the scrap tires. And every day we delay means that more communities like Berkeley County, WV, will have to bear the cost of fighting tire fires and cleaning up afterwards.

Highway users create this solid waste problem. At some point we must bear the cost of shredding these tires, if we are to rid ourselves of the tire piles. It is in my view entirely reasonable to ask highway users to bear at least part of the cost to solve this problem by recycling scrap tires into asphalt.

I know that some Members of the Senate want to look at options that would give the States flexibility to use shredded tire material in other highway applications. I would note that section 1038 of ISTEA already provides some of that flexibility. Up to 5 percent of the rubber pavement requirement may be met by using other recycled materials in asphalt or in other parts of highway projects. The Secretary of Transportation was required to do a study on these other options. DOT has not carried out its responsibilities under this part of the act.

We should consider other uses for recycled tires. The National Asphalt Pavement Association has published a report indicating that shredded tire material may be cheaper than some conventional materials now used in other aspects of highway construction. If that is the case, we ought to move swiftly to utilize the recycled material. Perhaps we can go well beyond the goal for tire recycling that was established in ISTEA by looking at these other uses.

In regard to the specific provision now pending before the Senate, I would note that it sets aside section 1038(d) of ISTEA. This subsection establishes sanctions for States failing to use asphalt containing recycled tire rubber. It is unlikely that any State would face a sanction for 1994 in any event, since the requirements for that year can be met by recycling conventional asphalt into new highway projects. No State should have any difficulty meeting the 1994 requirement with the so-called RAP or recycled asphalt pavement option.

Madam President, I know that many Members have heard about this provision of ISTEA from their transportation departments and from people who supply conventional asphalt pavement for road projects. I want my colleagues to know that there is also a long list of interested groups on the other side, including the solid waste officials of State and local government, who support the tire recycling provisions of the surface transportation statute. Madam President, I ask that five letters reflecting this support be printed at the conclusion of my remarks today.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN PUBLIC WORKS ASSOCIATION,
Washington, DC, July 27, 1993.

Hon. MAX S. BAUCUS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BAUCUS: If let stand, actions taken by the House of Representatives will "scrap" an important component of the Intermodal Surface Transportation Efficiency Act (ISTEA)—the scrap tire rubber recycling requirements of Section 1038(d), Public Law 102-204.

The Transportation Appropriations Bill for FY 1994 denies the use of funds for implementing, administering or enforcing the provisions of Section 1038 which was designed to foster improved, cost effective pavements that recycled discarded tires. The benefits of Section 1038 go beyond improved highways. A major, costly, solid waste problem—scrap tires—would be reduced by estimates of two hundred million scrap tires by 1998.

Resource recovery is a mounting concern of the American Public Works Association (APWA). Our policy, representing the objectives of 27,000 members, states: "The APWA supports the principle of providing economic incentives to . . . increase the demand and stabilize the market for recycled materials. It supports efforts to develop an enlightened public attitude toward the recovery and utilization of resources from solid wastes . . ." This policy was first formalized in 1973.

In 1989, APWA adopted the following policy position: "The APWA recommends that public agencies routinely consider the purchase of materials manufactured in whole or in part from recycled waste; specify recycled materials in requests for proposal; and otherwise modify their purchasing procedures to give preference to suppliers that are able to provide products at a comparable cost and of acceptable quality derived, in part, from recycled municipal solid waste."

Most recently (1992) the Association stated: "The APWA recognizes that appropriate fiscal policies and funding mechanisms must be developed at the federal, state and local levels to promote effective recycling."

Within our membership, there is far reaching support for the scrap tire provisions of ISTEA. The savings to local governments in costly and increasingly harder to acquire landfill space can be considerable; likewise in collection and hauling. Section 1308 is both environmentally and fiscally responsible. We urge the Senate to restore funding. Please let me know if I can provide further assistance.

Sincerely,

CHARLES A. BYRLEY,
Director, Washington Office.

THE NORTHEAST RECYCLING COUNCIL,
Brattleboro, VT, July 13, 1993.

Hon. JOSEPH LIEBERMAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LIEBERMAN: On June 22, 1993 the United States House of Representatives' Committee on Appropriations reported H.R. 2490 to the full House. The bill makes appropriations for the Department of Transportation and related agencies for FY 1994. Section 330 of H.R. 2490 states that none of the funds made available may be used to implement, administer, or enforce the provisions of section 1038(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).

Section 1038(d) of ISTEA requires states to meet minimum utilization requirements for asphalt paving containing recycled rubber in federally-funded road paving projects. This provision would create a substantial market for the millions of scrap tires discarded annually in the northeast. According to an impact assessment of section 1038(d) of ISTEA conducted by the Northeast Recycling Council (NERC), when fully implemented in 1997, federally-funded road paving projects could consume an estimated 30 percent of all scrap tires generated annually in the northeast (see enclosure for information on state-specific estimates).

The full House is scheduled to vote on the appropriations bill on July 19. We are concerned that if section 330 remains in H.R. 2490 it will jeopardize development of a major new market for scrap tires in the northeast.

Thank you for the opportunity to bring this matter to your attention.

Denise Lord, Director, Office of Planning, Maine Waste Management Agency, Chair, NERC; Jeffrey Lissack, Director, Recycling Market Development, Massachusetts Department of Environmental Protection, Vice chair, NERC; Andrea Cohen, Chief, Recycling & Resource Conservation, Vermont Division of Solid Waste Management; William Colden, Chief, Bureau of Waste Reduction & Recycling, New York Department of Environmental Conservation; Will Ferretti, Director, Office of Recycling Market Development, New York Department of Economic Development; Janet Keller, Director, Office of Environmental Coordination; Rhode Island Department of Environmental Management; Keith Kerns, Chief, Division of Waste Management, Pennsylvania Department of Environmental Resources; Janet Matthews, Director, New York Legislative Commission on Solid Waste Management; Guy Watson, Bureau Chief, Division of Solid Waste Management, New Jersey Department of Environmental Protection.

U.S. PUBLIC INTEREST
RESEARCH GROUP,
Washington, DC, July 23, 1993.

DEAR SENATOR: We, the undersigned organizations, urge you to oppose special interest efforts to weaken existing federal law with respect to the recycling of used tires.

Currently, billions of tires are stockpiled across the U.S. and three hundred million more are discarded every year. These discarded tires represent a public health hazard and a waste of precious natural resources.

Recognizing the problem, Congress enacted Section 1038 of the Intermodal Surface Transportation Efficiency Act (ISTEA). This section of ISTEA requires that a very small amount of used tire material be blended into asphalt used in road construction that is financed by the federal government. Use of tires in this fashion has been certified as providing performance at least equal to paving material made from non-recycled material and to be of no threat to public health and safety.

A major lobbying effort has been initiated to undermine this provision that would reverse the progress already achieved by this provision.

According to the National Association of Counties, used tires represent one of the biggest solid waste problems facing the country. Not only do they serve as a very visible blight to the urban and rural landscape, they provide habitat for rodents, snakes, and insects. Tires are extremely flammable and tire fires emit large amounts of acid gases, heavy metals, and toxic organics including dioxin into the atmosphere. Tires are derived from petrochemical sources and exact a significant price for production.

We urge your leadership to prevent weakening of this modest provision. As a nation, we need to move forward, not backward, as our nation's recycling rate is already the lowest of any industrialized nation in the world.

Sincerely,

Susan Birmingham, United States Public Interest Research Group; Richard Denison, Ph.D, Environmental Defense Fund; Eleanor Lewis, Center for the Study of Responsive Law; Robert Collins, Clean Water Action; Heide Halik, Sierra Club; Marchant Wentworth, Izaak Walton League; Lisa Collaton, Environmental Action.

SURFACE TRANSPORTATION
POLICY PROJECT,
Washington, DC, September 9, 1993.

Hon. JOHN CHAFEE,
U.S. Senate, Washington, DC.

DEAR SENATOR CHAFEE: The members of the Surface Transportation Policy project (STPP) oppose the provision in the House Transportation Appropriations bill, H.R. 2490 (now H.R. 2750), which prohibits the use of federal funds to implement Section 1038(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). STPP continues to urge Congress not to change ISTEA. ISTEA made important changes to many of the "business as usual" practices and needs to be nurtured, not inhibited.

Section 1038 Use of Recycled Paving Material was put in ISTEA to improve the quality and lifecycle of roads, and to address the growing problem of used tires which for some states is a leading solid waste problem. Section 1038(d) Use of Asphalt Pavement Containing Recycled Rubber, the provision for which the House Appropriations bill prohibits funding, involves USDOT certification and oversight.

The American Associations of State Highway Transportation Officials (AASHTO) and the National Asphalt Pavement Association (NAPA) have asserted that rubberized asphalt is too costly, causes worker health problems and has performance problems. The majority of evidence suggests otherwise.

Rubberized asphalt is currently cost competitive and the price will continue to come down. California, Arizona and Florida use rubberized asphalt with no "in-place, upfront" costs and gain net savings from greater durability. The European Community saves pavement costs with greater durability and economies of scale. In the AASHTO and NAPA cost estimates, they fail to take into consideration the disposal cost of tires, which is estimated to be greater than one dollar for each disposed tire. Additionally, AASHTO failed to incorporate the recent availability of previously patented manufacturing processes which have reduced costs by 45 percent. Millions of dollars are not being invested in this manufacturing process. Furthermore, as larger projects replace the current small experimental projects, economies of scale and greater competition will continue to drive the cost down.

NAPA asserts that workers' health may be at stake. However, USEPA and USDOT were required to investigate this issue, and the result of an 18-month review showed no evidence of worker health problems. The review was conducted by seven independent laboratories. Additionally, the European Community has used rubberized asphalt for over 25 years without worker health problems.

The real health problems are associated with the two to three billion waste tires. Landfills with used tires are a breeding ground for mosquitoes and rodents. Additionally, dumping grounds for used tires catch on fire releasing toxins in the air. Furthermore, used tires can leach other pollutants from oil and gas on the surface of the tire and from zinc in the steel belts.

Performance is quickly becoming a non-issue. Europe has successfully used rubberized asphalt for over 25 year. In fact, it was the European success which prompted USDOT to pursue greater use of rubberized asphalt. In 1991, FHWA, AASHTO, NAPA, the Strategic Highway Research Program at USDOT, the Transportation Research Board and the Asphalt Institute reported that rubberized asphalt performed at least as well as conventional asphalt cement. California, Arizona and Florida currently have successful rubberized asphalt programs. And in June of this year, USDOT and USEPA reported to Congress that evidence to date concludes that there are no significant performance, emissions or recyclability problems with rubberized asphalt.

Section 1038 addresses multiple problems by using recycled tires for improved asphalt. We currently stockpile 200–300 million used tires a year. Two to three billion tires already litter the nation, causing major solid waste problems for many states. Additionally, full implementation of the rubberized asphalt provision will add as many as 2,000 to 3,000 jobs to the economy. And rubberized asphalt adds to the elasticity and water resistance of asphalt which reduces cracking and aging, thereby directly increasing asphalt's quality and durability.

The prohibition by the House Transportation Appropriations Subcommittee on implementation of Section 1038(d) Use of Asphalt Pavement Containing Recycled Rubber may lead to a delay in implementation of Section 1038. States will remain obligated to follow the statutory deadlines, but FHWA will not be able to oversee state implementation or provide technical assistance. Furthermore, a prohibition on federal oversight and assistance sends the wrong message to those states which hope to avoid the initial minimum content requirement. USDOT must take an active role to ensure that states are on target with their timelines.

Additionally, we are concerned that an amendment may be offered to the Senate Transportation Appropriations bill on the Senate floor. Specifically, we oppose any amendment which allows the use of reclaimed asphalt pavement (RAP) as a substitute material for recycled rubber. The use of RAP materials already exceed the initial minimum content requirements for recycled rubber. Current FHWA state implementation guidelines for use of other recycled materials, that is RAP, result in no net increase in the use of rubberized asphalt. If RAP is allowed as a substitute, states will be able to avoid the initial minimum content requirements for rubberized asphalt. Such an amendment will delay and thwart the intention of ISTEA's Section 1038. STPP supports the use of reclaimed asphalt, but not if it is used as a way to avoid implementation of Section 1038.

ISTEA calls for new directions in transportation policy on many fronts. New directions usually have their growing pains, but this does not mean the statutes should be delayed or ignored. USDOT has an important role to play in shepherding these new changes like the use of rubberized asphalt. We urge you to oppose the House Appropriations provision which deletes funding for Section 1038(d). We further urge you to oppose any amendment which would allow RAP materials, as defined in the FHWA guidelines, as a substitute for rubberized asphalt. Rubberized asphalt is good for the environment, good for our roads and good for the economy.

Thank you for protecting the important new policy directions in ISTEA. We appreciate your cooperation and hope to work closely with you on this important issue.

Sincerely,

HANK DITTMAR,
Executive Director.

STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY,
Trenton, NJ, August 25, 1993.

Hon. FRANK LAUTENBERG,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing to request your assistance in averting efforts by certain organizations and agencies around the country to undermine and overturn Section 1038(d) of the Intermodal Surface Transportation Efficiency Act (ISTEA). Section 1038(d) requires states to utilize recycled rubber in asphalt pavement that are part of federally funded road paving projects beginning in 1994. The New Jersey Department of Environmental Protection and Energy (DEPE) opposes any efforts that would serve to weaken the intent of this important legislation.

Developing new end-markets for recyclable materials such as scrap tires is essential to the success of recycling in New Jersey and the United States. Section 1038(d) represents a sound strategy that would create a substantial market for the millions of scrap tires discarded annually.

Opponents of Section 1038(d) have raised questions about the emissions released from asphalt pavements containing recycled rubber in terms of worker health and safety and about the recyclability of these pavements. Both of these concerns, however, have proven to be unfounded. A June 18, 1993 report prepared for Congress by the United States Environmental Protection Agency (EPA) indicates that there is no significant difference in emissions between conventional asphalt pavements and those concerning recycled rubber. In regard to the recyclability of such pavements, an August 1992 report (see attached) prepared by the New Jersey Department of Transportation (NJDOT) concluded that "from a materials point of view asphalt pavements containing ground tire rubber can be recycled successfully."

New Jersey has made the commitment to utilize this recycled rubber material in road surfaces. We are asking for your continued support to ensure that the nation's commitment, as expressed in ISTEA, remains as strong.

Please feel free to contact me if you wish to discuss further. Thank you for your consideration in this matter.

Sincerely,

JEANNE M. FOX,
Acting Commissioner.

CLARIFYING ESSENTIAL AIR SERVICE SUBSIDY ELIGIBILITY

Mr. COATS. Madam President, I would like to take just a moment to attempt to clarify with the distinguished subcommittee chairman, essential air service subsidy eligibility.

Mr. LAUTENBERG. Madam President, I would be happy to answer the Senator's question.

Mr. COATS. I thank the chairman. It is my hope that when determining eligibility for essential air service subsidies the Department of Transportation will be bound by bill language and not by report language. In doing so, the Department shall not be bound by the list of cities listed as ineligible for essential air service subsidies in the accompanying report, but will be free to make their own determination.

Mr. LAUTENBERG. Yes, it is the intention of the committee that the Department of Transportation will be bound by bill language only and not bound by the list of cities determined to be ineligible in the accompanying report.

Mr. COATS. I thank the chairman. Furthermore, I want to clarify the ineligibility of communities for essential air service subsidy funds "that are located fewer than seventy highway miles from the nearest large or medium hub airport." This language follows the rulemaking by the Department of Transportation on December 22, 1989, as published in the Federal Register; volume 54, No. 245, 14 CFR part 398. That same rule also states that when determining the distance from an EAS community to an alternative service airport the final rule "measures the distance from the EAS community's city center to the alternative service airport itself."

Specifically, I want to clarify that it is the intention of the committee that determinations made by the Department of Transportation with regards to the reference of "fewer than seventy miles" follow the rulemaking as referenced above.

Mr. LAUTENBERG. The Senator is correct. The intent of the committee was to follow the Department of Transportation rulemaking as cited above—that cities ineligible for essential air service subsidy funds will be fewer than 70 miles to the nearest large or medium hub airport as measured from the EAS communities city center to the alternative airport itself.

Mr. COATS. Madam President, I thank the chairman for his clarification.

Mr. WELLSTONE. Madam President, I would like to engage the distinguished floor manager in a brief colloquy regarding an important project which I believe deserves support. By 1995 public transit systems must comply with strict attainment requirements of the Clean Air Act Amendments of 1990. I know that the committee, in supporting the goals of the Clean Air Act amendments, is interested in reputable technology and research projects which can assist the transit industry in meeting the clean air requirements.

One such project, the variable valved timed engine, is currently being developed in Minnesota and will be ultimately demonstrated by the local transit authority in Rock Island, IL. This authority also serves Davenport, IA. The development of this new engine technology could result in substantial increases in fuel efficiency, saving many millions of dollars in operating costs. It is anticipated that the fuel efficiency gains achieved will also apply to alternative fuels. This project could have national implications for the public transit industry by helping it to meet the pending Clean Air Act requirements in a cost-effective manner.

I am aware of the severe fiscal constraints under which the Transportation Appropriations Subcommittee worked this year, and I want to commend the distinguished chairman of that subcommittee on his hard work on this important legislation.

Madam President, I know that I speak for my colleagues, Senators SIMON and MOSELEY-BRAUN from Illinois, when I ask that the committee join me in urging the Federal Transit Administration in giving this important project every consideration when it allocates section 6 and/or section 3 discretionary funds.

Mr. LAUTENBERG. I thank my colleague from Minnesota, Senator WELLSTONE, for his acknowledgment of the severe funding constraints under which we were working this year. I agree with the Senator that the subcommittee is very interested in assisting, where appropriate, local public transit systems in the development of worthwhile technology and research that will help them meet the clean air requirements. The variable valved timed engine technology appears to have promise as an engine which potentially utilizes multiple fuels while meeting clean air standards without exorbitant equipment conversion costs. On behalf of the subcommittee, I would, therefore, urge the Administrator of the Federal Transit Administration to give this project every consideration during the allocation of fiscal year 1994 section 6 and/or section 3 discretionary funds.

Mr. WELLSTONE. Madam President, I thank the chairman for his assistance. I am grateful for his continued support of this vital project.

VETERANS MEMORIAL OVERPASS

Mr. DECONCINI. Madam President, I would ask if the manager of the bill, chairman LAUTENBERG, if he would entertain a colloquy concerning the Veterans Memorial Overpass.

Mr. LAUTENBERG. Madam President, I would be very pleased to do so for my good friend and distinguished colleague from Arizona.

Mr. DECONCINI. Madam President, the Veterans Memorial Overpass [VMO] is on Palo Verde Road in Pima County, just west of Davis Monthan Air Force Base [DMAFB]. The VMO suffers from serious structural problems. VMO is overstressed and deteriorated, the superstructure has experienced movement, and its bridge girders have actually experienced delamination. The FHWA has listed the VMO as a priority 2 structure, the highest priority that does not require immediate closure of the overpass.

Madam President, Pima County officials say it will cost approximately $17 million to reconstruct the VMO. Under existing statutes, State and/or local authorities must cover 20 percent of the $17 million, or $3.4 million. The balance, or $13.6 million, is the Federal share. The State of Arizona and Pima County officials agree the project is of the highest priority and have committed to provide the local share.

Together with Representative ED PASTOR, I succeeded in securing authorization of the VMO as a demonstration project under the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA]. Later that year with your assistance, Mr. Chairman, I also secured $2.4 million in planning and design funding appropriations in the Department of Transportation and related agencies appropriations bill for fiscal year 1992. The balance, $11.2 million, is the remaining total Federal contribution.

Madam President, I would ask my good friend and colleague from New Jersey, Chairman LAUTENBERG, what type of assurance do we have that Federal Highway Administration will complete funding for VMO and other ISTEA-authorized demonstration projects, and fully fund such projects in a timely manner without specifically earmarking of funding for such projects?

Mr. LAUTENBERG. I would say to my good friend from Arizona that I have every reason to expect timely funding of all the ISTEA authorized highway projects, including this important project for Pima County and Davis-Monthan Air Force Base. I would add that this is exactly why the ranking member, Senator D'AMATO and I have steadfastly held the line on the earmarking of funds so that the Federal Highway Administration would have sufficient funds to fund all the highway projects duly authorized under ISTEA.

Mr. DECONCINI. I thank the chairman and once again extend my deepest appreciation to him for all that he has done over the years to assist this Senator and the State of Arizona. As for the pending measure, I further applaud the steadfastness of his conviction and his adroit leadership on this very difficult appropriations bill.

ESSENTIAL AIR SERVICE PROGRAM

Mr. PRESSLER. Mr. President, I wish to comment briefly on an extremely important Federal transportation program for small cities and towns, the Essential Air Service Program [EAS].

As ranking member of the Senate Aviation Subcommittee, I want to commend the Senate appropriators for recognizing the necessity of EAS. I particularly want to commend the chairman and ranking member of the Appropriations Transportation Subcommittee for their leadership in allocating needed funding for EAS in the fiscal year 1994 Transportation appropriations bill. As they well know, the very future of the EAS Program is at stake. The House of Representatives failed to provide funding for EAS. A number of my Senate colleagues and I urged the Senate appropriators to come through for the EAS, and they did, Their efforts will ensure air service transportation can continue for many of our Nation's more remote communities.

Mr. President, the EAS program is absolutely critical for rural States like South Dakota. Without EAS, I fear most communities in my State would be without any air service. I was pleased that the President's National Airline Commission extended their full support for EAS, as well as the development of additional policies which would encourage service to small communities.

Unfortunately, while industry experts embraced EAS, the Vice President's National Performance Review recommended in its reinventing Government report to drastically cut EAS. The report concluded that "the program is unneeded." The report alleged that EAS was simply the product of a congressional practice to "grant affected groups special privileges" in efforts to pass controversial legislation. The report's conclusions on EAS are very misguided. In my view, assisting communities in maintaining quality air service is hardly a special privilege. Small community air service is a necessity.

I am aware the subcommittee chairman has included language to somewhat reform EAS. This reform is based on the National Performance Review recommendations. While I would prefer that this provision be addressed and considered first by the Aviation Subcommittee and the full Commerce Committee before being considered by the full Senate, I understand and support the subcommittee chairman's efforts to ensure that EAS subsidies are available to the communities in most need of assistance. However, the potential impact of the EAS reforms in this bill are unclear at best. That is why I have urged the chairman of the Aviation Subcommittee to schedule hearings to consider reform initiatives for the EAS Program. It is my hope that Congress will take a thorough review of EAS during this Congress. I consider hearings by the appropriate committee and subcommittee to be a vital medium to any reform agenda.

Again, Mr. President, I commend the appropriators for their efforts to ensure adequate air service transportation to less populated communities. I urge them to uphold the EAS funding provisions during conference consideration.

Mr. LAUTENBERG. Madam President, I will defer to my distinguished colleague, the ranking member, if he wants to have any debate or discussion about the pending amendment. If not, I would like to continue with a few remarks of my own on a different subject.

Mr. D'AMATO. Madam President, I would like to reserve 5 minutes, as if in morning business, so if the Senator wants to go ahead, that would be fine.

Mr. LAUTENBERG. Madam President, in respect and deference to my colleague, I will take about 5 or 6 minutes and then relinquish the floor.

SOMALIA

Mr. LAUTENBERG. Madam President, we just came from a review of the situation in Somalia. No one in this country can help having their emotions stirred and their hearts torn by the sight of an American soldier's body being dragged about the streets by a bunch of gleeful people, feeling that in that process that they are trashing all of that which the United States stands for.

Madam President, I need not remind anybody in this forum about what it is that we were doing there in the first place. We went to provide a humanitarian service, because we were anguished and pained by the sights of those starving children, malnourished people too weak to walk, people too weak to take care of themselves, people too weak to clean themselves, dying by the dozens every moment.

So Uncle Sam stuck out his chest and said: "We are going to do the right thing. We are going to go over there and make sure those people have something to eat, so they can live and take care of their personal needs and their families." And it was, in my view, mission accomplished.

The food was delivered, medicine was delivered, our troops responded effectively, bravely—as they always do. "Give us the assignment."

I heard a young man today on television. I believe his rank was sergeant. He said he was not anxious to go. His unit had been ordered shipped out. He did not understand what the mission was, but that he was more than willing to do the service that he had committed for. And he, too, had to have seen the pictures of the young American's body being dragged through the streets. So he had to be thinking about himself, how he might feel as a hostage in this group of uncivilized people, who do not, in many cases, have the same understanding of what this is about that we do.

We want to help. We were there with a mission to be responsive to our role as, frankly, the moral superpower of the world. We are the only Nation that takes on that responsibility willingly. Maybe in this case a little too willingly.

The mission has been extended far beyond that which was originally carved out and understood, at least by this Senator, and I think many others as well. We went there to be of help, not to sacrifice our youngsters. We went there to try to feed and nourish people, not to trade the lives of our young people for it.

This evokes all kinds of recollections about what Vietnam looked like. There we had a different mission. It was an ideological mission. This one, perhaps, had ideology as its spur initially. But it was very clear that we, as a people, could not stand the pain of watching the pictures day after day, television, newspapers, magazines, of children who were nothing but bones, with flies all over their faces, diseased and hungry, picking up scraps out of the dirt. And we wanted to be of help. That is Uncle Sam at his best.

What did we wind up doing? Pursuing a clan leader? Getting involved in what amounts to some kind of a civil insurrection with people who are on the side of this renegade, this rogue leader? That is not America's place. Because if we do it there, in my view we have an obligation to do it in lots of places.

We are walking on eggs trying to avoid being dragged into the Yugoslavian-Bosnian situation. Frankly, there I think we ought to be sending weapons. I think we ought to give those people a chance to fight back. I think back to the years of the Holocaust. When I was a young soldier during World War II in Europe and saw what was taking place—the difference between survival and death may have been a sidearm. It may have been a pistol. It may have been some kind of a weapon. We did not even help out by bombing the tracks to the extermination centers. It could have been an easy mission. But we learned, I hope, from that period, and now in my view ought to be doing something to help the Bosnians survive.

But in Somalia we are supposedly in charge. Obviously our friends at the United Nations and other places around the world do not agree with us.

But we ought to take a look in the mirror. We ought to be able to look into the faces of the families whose kids have died or who may die there. I had a discussion with my good friend from Michigan a little bit earlier. We both agreed the ultimate test of whether you think we ought to fight or not is whether you can look your own son or daughter in the face, and as you look into their eyes make a decision about whether or not you are willing to have your kid commit to risking his or her life or limb in that kind of situation. I for one tell you right now, I have a 25-year-old boy, I would not send him.

I was 18 when I enlisted in the Army. It was a different time and a different war. But I do use that as a test, and I voted that way once before. I said to my son, "You know, if I vote to commit us to war, I want you to go to serve your country."

I could not and would not ask him to do that—to chase Aideed and risk his life? Oh, no. Therefore I do not want to send other people's sons or daughters and put them at risk. We did what we had to. The rest has to be up to them, whoever the them is. It is not up to us.

So we just had a briefing. We are not revealing any secrets. But it was not a very satisfying experience when all of us, or most of us, are searching for where the mission says, "Put your kids on the line."

I do not see it. I hope in very short order we will have some understanding as to what we are doing, or else come home. That is the message that ought to go out. I yield the floor.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from New York.

Mr. D'AMATO. Madam President, I ask I may be permitted to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOMALIA

Mr. D'AMATO. Madam President, I, along with most Americans, supported the humanitarian efforts in Somalia. We all knew bringing food to starving people was the right thing to do. And it still is.

But our role there has been changed significantly, and it has changed for the worse. We have allowed U.N. commanders to involve our troops in military activities far different from those outlined in the original mission. Neither the American people nor the Congress share a desire to get further involved in increasingly hostile military operations in Somalia with no clear mission and no clear end in sight.

I have some very real problems when we have U.N. commanders ordering our soldiers into hostile situations. I have to ask why is it that it took hours, 7 hours, to come to the rescue of 90 Rangers who were trapped on an ill-defined mission? Did they think seizing a former taxicab driver who is Aideed's military adviser or foreign affairs adviser was going to end this? Is that the level to which we have fallen?

We have foreigners now commanding U.N. troops—our soldiers. What is the mission? What is the purpose? What is the goal? Imagine, being pinned down for 7 hours while a rescue party is a half a mile away. It took them 7 hours to get organized, to get in there and suppress the firefight that was going on, and to save those young U.S. soldiers who were trapped. The loss of lives, the humiliation, the degradation they have suffered: For what reason? Food? Humanitarian effort? Relief? Yes. This kind of nonsense? No.

I do not want a bunch of dummies at the United Nations telling our young soldiers where they should be going, what their mission should be. And, if that is tough language—too bad. I do not think the American people want a bunch of dummies at the United Nations, assigning our troops to God knows what kind of mission. It is wrong. That is not why we went there.

Some people may say let us go in and wipe them out. Who are we going to wipe out? Thousands and thousands of Somalis? Are we going to kill innocent women and children? How do you think that is going to look? What is our goal? Reestablish a government? What government? Are we going to bring the various clans together? Who, us? We cannot get ourselves together but we are going to go over there and get them all together. Wonderful—what a goal.

Secretary Christopher, wake up. It does not look like you really understand what is happening. We do not have sufficient forces there. We simply do not. And we certainly do not have command and control over our own troops. Let us get that established.

Let us tell the American people precisely what is our goal. There should not be one more American life placed in harm's way until we know exactly what the goals are and the Congress has an opportunity to either approve or disapprove them.

This is not a partisan issue. This is an issue of doing what is right, and right now we are not doing what is right.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

AN AMERICAN PLAN

Mr. DOLE. Madam President, I listened with great interest to the statements by both the Senator from New Jersey and the Senator from New York. I certainly share one view that they have expressed, and that is about our interest as opposed to the United Nations interest.

When we commit young men and women to combat, which is essentially what is happening in Somalia, we ought to make the decision, it ought to be under our control and it ought to be very clearly under our control and it ought to be in our interest.

On the other hand, since we told the President of the United States, in a resolution we passed, that he should report to us by October 15, which is a week from Friday, and since the resolution also indicated that Congress had to approve any action or continued action or continued presence by November 15, we should abide by that resolution.

It seems to me the President is in a very difficult position here. We will have a full debate. We should have a full debate. One message that is clear in the phone calls I am receiving is, of course, to protect the American forces that are there and to define a mission. This is not any longer humanitarian aid. The mission changed sometime in June, we were told today at a briefing. It went from humanitarian aid to nation-building. We never committed Americans to nation-building in Somalia or any other country that I am aware of.

I think it is clear to say from the meeting we had earlier with—I do not know how many Members were there—45, 50 Senators and half the House of Representatives, that the administration is going to be under great pressure to bring the actions in Somalia to a close. It is up to the administration to give us a plan—a plan—not a U.N. plan, an American plan, that will stress American interests because I do think if we just say, "OK, we are out of there," and everybody packs up and goes home, we place American hostages in danger, of course. We also, I think, would jeopardize anything else we might be involved in from this time for the next 5 or 10 years.

It is a big, big decision. It seems to me that if the President will tell us precisely what the plan is, how do we get out, when do we get out, how do we protect American forces, then I think the Congress, in a bipartisan way, will support that effort.

I will be happy to yield to the Senator from Maine.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

SOMALIA

Mr. COHEN. Madam President, I would like to associate myself with both the remarks by the Senator from New York and also the minority leader.

What was somewhat distressing to learn during the briefing that occurred this afternoon was that apparently very little consideration has been given to the kind of contingencies that can and do arise in these types of operations.

The notion that our soldiers would be coming under attack, to be pinned down under hostile gunfire was clearly foreseeable, if not foreseen, by our military leaders and planners. It is somewhat frustrating to learn that the plans, if they exist, are still in the debating stage.

What was more distressing is that the administration was coming to a large group of men and women from both Houses of the Congress to gain some notion of what our thoughts are, what our recommendation might be. I admit, this is something of a catch-22 for the administration. On the one hand, if they do not come to the Congress, they are criticized, and if they do come, they are criticized.

I think what we were looking for was not to have the administration officials—the Secretary of Defense and the Secretary of State—come to us and say, "What do you think? What do you think we should do?" But rather it was, I think, imperative that they come to us with a range of options clearly spelled out from 1 to 10, if that is how many options there are, seek our judgment on that range of options, and see if there was a consensus on what the administration might seek to implement.

Perhaps they will do that. Perhaps they will go back to the Pentagon and the State Department and put together a list and a range of options, No. 1, to send a signal to Mr. Aideed and his followers that they best not harm any hostage or hostages that they currently might have or else they run the risk of great retribution. And the nature of that retribution should be spelled out in very clear terms. It is significant that the administration come back to Congress with a range of options that they would like to pursue and consult with the leadership of the Senate, the leadership of the House and then, if necessary, with the full House and Senate.

There was something else that came up during the course of the briefing that I want to discuss in general terms. There is somehow the hint that there may be just a touch of partisanship involved in the statements emanating from the Senate and from the House; that namely: "It was President Bush who got us into this mess and now we are dumping it in the lap of President Clinton." That would be an unfortunate thing to do to this new President.

First, let me say that all of us are concerned about the fate of the men and women who have been sent to that region. No one I am aware of—no one—has any interest in trying to take advantage of this situation to embarrass President Clinton. Many of us are trying our level best to support him, not only on international issues but domestic issues. So the notion or the hint or the implication that there might be some people who wish to exploit this great crisis for political advantage, I think, does a great disservice to the Members of this Senate.

I think that there will be a bipartisan resolution. We know, for example, the chairman of the Senate Appropriations Committee has very strong feelings about this, about how long we should be there, and how quickly we should remove our forces. The Senator from New York has expressed his own sense of outrage about the current situation. There are people on both sides of the aisle who have similar opinions and share similar discontents.

It brings into question exactly how we are going to work with the United Nations in the future. On the one hand, the United States has a great deal at stake in terms of credibility. Once we agree to commit forces to a region for peacekeeping—and here again we get caught up in words—we move from peacekeeping to peacemaking, and that is very close to warmaking because we are putting our men and women in the face of hostile fire where they can and have been killed and wounded seriously.

Before we ever do that—and this will be a lesson to all of us again—before any President commits U.S. forces, be it as part of a U.N.-peacekeeping force or going it alone, the President of the United States must come to the U.S. Congress.

I do not want to begin a debate at this hour of the evening over the War Powers Act, whether it is constitutional or not. Every President in office has dismissed the War Powers Act as being unconstitutional and have vowed to ignore it. I say they do so at their peril because whether or not it is ever ruled to be constitutional or not, no President can face the prospect of putting men and women in uniform into a combat situation where they are likely to suffer either death or serious injury without having the overwhelming weight of public opinion, popular support, and congressional support behind that President. Anyone who would run the risk of putting our people in jeopardy and not have our support clearly stated by a vote on the House and Senate floors, I think, will find that once the bullets start to fly and the bombs start to explode and people start dying, that the men and women who serve in either body of Congress will be in full flight in the other direction, not supporting the President but running precisely the opposite way.

That is why it is important that the President have us on record in advance.

Now, it has been suggested that we have voted in the past to support this particular mission. I would like to clarify for the RECORD this Senator's perspective as to what we did.

The fact is President Bush agreed to commit forces on a peacekeeping basis to that region. I think he did that before he had congressional consent. Forces were sent there, and then they came to Congress and we passed a resolution in support of providing humanitarian relief for the starving Somalian people. And most of us would go on record today as saying that was and remains a noble and worthwhile goal.

What we did not go on record in favor of is expanding that mission to either help build that nation's infrastructure, political infrastructure, call it nation building, or putting in place the kind of political institutions that allow a people to govern themselves. That is something quite different than what we voted on.

I think as the mission has changed, so has the support in both bodies of Congress.

Madam President, I think we are looking forward to a debate as early as tomorrow, possibly going on until Thursday, and it will be a debate which will be spirited. My own view is that whenever you commit forces, you should do so with overwhelming numbers. You should engage strong and big, and if you cannot engage big and strong, do not engage at all. That ought to be the message to any nation or group of people who would seek to oppose the effort to provide humanitarian assistance if we decide to go in.

We see a situation now where the mission has been expanded but the forces have been reduced, and our people are put at a great disadvantage. We are left with the options as spelled out by my colleague from New York. We can go in with massive force and indeed crush Mr. Aideed. To do so is going to require killing lots of people. There will be massive bloodshed in that effort, most of it on the other side, but I suspect that even American soldiers will suffer mortal wounds as well.

The question is are we prepared to do that. Are the American people prepared to go on record as saying yes, we are going to go in and we are going to suppress that opposition. We are going to put enough force in there to make sure that no one ever drags an American soldier or serviceman through the streets, be it of Mogadishu or any other place.

So we have a lot at stake in terms of reputation. We have a lot at stake in terms of our credibility for this mission and for future missions. What we have to resolve is: First, what is our goal. That has not been clearly defined by this administration. Second, it has to be clearly spelled out as to whether we have sufficient intelligence that would warrant us concluding that if we remove Mr. Aideed and a number of his top officials, that will be sufficient to suppress the opposition, to suppress the fighting, to allow the continuation of the delivery of humanitarian goods and services.

Then we have to determine whether or not we have the kind of forces under our command as opposed to U.N. command. And I must say that this is something we should debate at length tomorrow and the next day. Exactly who is in charge. I have heard a number of reports that components of this U.N. peacekeeping or peacemaking force have decided unilaterally after being given a command to go into a certain area to refuse to do so, have simply said we have a better idea. We do not like this particular directive. Therefore, we are disobeying it. Now, if that is the kind of U.N. peacekeeping force that our soldiers in combat are partaking in then we have a bigger problem than any of us have been aware of to date.

Madam President, I hope that a number of questions that were raised today during the course of the briefing with the Secretary of Defense and Secretary of State were helpful to them. I think the Secretaries detected the level of anger that exists in the Congress, and we are of course reflecting the anger, dissent and contention that exists throughout the country right now.

We also have to take into account that there are long-term and larger implications for whatever action we decide to take. If we were to decide tomorrow to pass a resolution cutting off all assistance as of a date sooner than November 15, that certainly has consequences for us long term. If we fail to take action and fail to develop the kinds of strategies that we believe are necessary, that, too, will have long-term implications for us.

I hope, Madam President, that the debate which will begin tomorrow and carry on into Thursday will be instructive to the administration, to the American people, and most certainly to those forces now under Mr. Aideed's command and control who will hear a message that they cannot be allowed to continue to engage in the activities of dragging Americans through the streets of Mogadishu without punitive measures being taken against them—serious, substantial measures.

I thank my colleague from New York for raising the issue. I think that the administration has a heavy burden to come before us right now and explain exactly what its goals are, how it intends to carry them out, what forces we intend to deploy to carry out those goals and whether or not we are prepared to inflict serious casualties upon the people in Mogadishu in order to achieve them.

These are just a few of the questions that have to be asked and hopefully answered in the next several days.

I thank the Chair.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

VIOLATIONS OF THE C–17 CONTRACT

Mr. GRASSLEY. Madam President, I wish to speak for just 3 or 4 minutes, leapfrog ahead one day and one bill, to an amendment that I am going to bring up on the defense appropriations bill when that bill is up. I might say since Senator D'AMATO is in this Chamber, he is a cosponsor of my amendment.

Our amendment, if adopted, would be in a sense a law to enforce a law because a law that should be followed by the Department of Defense is not being followed, and that is according to charges that the inspector general has made about section 2307 being violated on the C–17 contracts.

It seems to me, Madam President, we need to remind our bureaucracy when law is not being followed, particularly if the inspector general of the department says it is not being followed, and that is what my amendment deals with, to reenergize that law.

Section 2307 specifies that progress payments must be equal in value to the work performed and the work performed must meet the quality standards established in that contract. This law was supposed to bring some measure of discipline to defense contracting.

A careful study of the inspector general's report on the C–17 issued January 14 of this year convinced me and others of the need to enforce this law more aggressively. Law must be followed. The inspector general's report is all about illegal or improper progress payments to the C–17 contractor, McDonnell Douglas. The very same problems persist yet today in addition to what was reported in January this year.

C–17 aircraft delivered to date do not meet important contract specifications like aircraft range and cargo carrying capacity, nor has the C–17 demonstrated the ability to carry cargo into short 3,000-foot runways as required by contract.

And how does the Air Force plan to solve the problem? Well, the answer to that is the usual way: Critical specifications will be lowered again even though McDonnell Douglas has been paid top dollar to meet the more stringent specifications. Under the law, C–17 aircraft are supposed to meet contract specifications.

I know what you are saying. Common sense ought to dictate that that be the case. I say so as well. But common sense is not ruling in this instance. The law is not being followed. The specifications are not supposed to meet the airplane, but that is what is going on. And of course this makes a mockery of defense contracting.

This is in a sense a rubber baseline. The specifications are constantly adjusted to match up with product performance. Our amendment would draw a line in the sand. The product must meet contract specifications, whatever they be. If the fiscal year 1994 C–17 aircraft are on schedule, within cost, and meet contract specifications, then the money would flow as planned under our amendment. If the fiscal year 1994 C–17 aircraft were behind schedule or failed to meet quality standards as set in this contract, then there would be a problem, as there should be.

Payments would be withheld or reduced according to the seriousness of the deficiency.

The purpose of the amendment is very simple. I would like to send a clear signal that the Air Force simply obey the law in making progress payments on C–17 contracts.

That is it, Madam President; just simply that. Why do I come to the floor today? Because I want to alert my colleagues that this amendment is being proposed, and to ask my colleagues to study our proposals before reaching a final decision.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

A NEW APPROACH IS REQUIRED IN SOMALIA

Mr. PELL. Madam Speaker, I am deeply saddened by the heavy losses of life that our Armed Forces suffered in Somalia on Sunday. I am also concerned about the circumstances and military tactics that led to this tragedy. I have supported the U.N. operation in Somalia, and I support United States participation in it, particularly since we provide only about one-sixth of the forces. I do not, however, believe it is wise for U.S. forces to be involved in offensive operations against Aideed's forces. That is what led to the tragedy on Sunday.

Having said that, I would like to point out that our options in Somalia are not limited to pulling out or continuing to be pummelled by Aideed's forces. There is a third option, and I believe we should try it.

This alternative involves concentrating on the consolidation and expansion of the successes already achieved everywhere in Somalia except for the small area of south Mogadishu controlled by Aideed. Throughout the rest of Somalia, the United Nations is making great strides in putting together local governments and in recruiting and training police forces. We should concentrate on those activities instead of engaging in high-risk attacks on Aideed and his forces. It should be enough that Aideed is isolated in south Mogadishu. Moreover, Aideed would be largely irrelevant once political authority would be restored and strengthened in the rest of the country.

In the meantime, U.S. forces should be in a defensive posture against any attempt by Aideed to break out of south Mogadishu, but we should not be seeking him out. The risks should be run by Aideed, not by us. It is important that the United Nations and the United States not depart precipitously from Somalia. For if we do not stay long enough to ensure that some form of Somali Government authority is restored, we will almost surely witness a rebirth of the terrorism and mass starvation that brought us to Somalia in the first place.

Madam Speaker, in the Defense Department authorization bill there is a provision requiring the administration to provide a comprehensive report to the Congress by October 15 on United States participation in the United Nations peacekeeping operation in Somalia. In this connection, I have invited Secretary of State Christopher to testify before the Foreign Relations Committee on October 19. It would be wrong, in my view, to preempt Secretary Christopher's testimony by enacting legislation this week to cut off funding for United States forces in Somalia.

I am as upset as any Member of this body about the casualties we have suffered in Somalia. We must change how we operate in Somalia; otherwise our forces will needlessly suffer more casualties. But let us give the administration a chance to change course rather than forcing the administration to cut and run. Let us work together with the administration to craft a viable alternative to the present search and destroy policy. Above all, let us not abandon a noble humanitarian cause which caused us to come there in the first place.

I yield the floor.

MORNING BUSINESS

Mr. LAUTENBERG. Madam President, I ask unanimous consent that there be a period for morning business for up to 6 minutes, with Senators permitted to speak therein for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOMALIA

Mr. FEINGOLD. Madam President, yesterday, as I read about the latest killings of the American soldiers in Somalia, I was enraged and sickened. When I heard about the death of 25-year-old Dan Busch, an Army sergeant from Baraboo, WI, and the wounding of John Seipel, a 22-year-old soldier from Mondovi, WI, I felt what others in the past month must have experienced: that the hostilities in Somalia have now struck too close to home.

Over the past several months we have watched the United States mission in Somalia evolve from providing emergency humanitarian relief, to stabilizing the situation, to trying to capture a warlord, and now, to institution- and nation-building. What we thought was originally a noble mission to deliver food now appears to be a misguided attempt to deliver democracy. Whatever that means, or whatever that is, it has proven questionable at best whether we can fulfill a mission of democratization and nation-building in Somalia. I have seen no evidence that we are even welcome to try. Furthermore, I would even question whether it is appropriate for military troops—rather than civilian personnel—to carry out such goals.

In any case, Madam President, the situation has deteriorated. Our troops are suffering increasing violence, and there are no clear objectives for U.S. forces.

I know this issue has been discussed by this body, and that we passed a resolution in the DOD authorization bill earlier this month, urging the administration to submit a statement of mission by October 15. While I am pleased that Congress has taken measures to gain control of this situation—of a major U.S. troop deployment—it has been my position that the troops should not have been there past 90 days after President Bush first sent American soldiers there in December without a congressional resolution of approval. The issue of the War Powers Act, Mr. President, is a quintessential post-cold-war issue, and it will become more and more important as calls for U.S. intervention will increase. In February, I declined to cosponsor the Senate resolution which was introduced and passed in 1 day because I thought the resolution was too vague in terms of the United States mission and duration of our commitment in Somalia. It was also because of the War Powers Act, because of a lack of congressional approval for this specific mission, that I, with six of my colleagues, voted against that resolution in the DOD bill. It turns out, I believe, that the original resolution, which mandated a withdrawal of U.S. troops within 30 days unless continuation was authorized by a specific act of Congress, was probably the correct position.

I join several of my colleagues who have spoken today to say that we should leave Somalia now: we should not increase the American troop level or increase our involvement. Our continued presence risks not only more American lives but also the possibility that the worldwide broadcasting of the mistreatment of U.S. prisoners will so inflame our national pride that it will be increasingly difficult to leave.

We should get out now, Madam President, before we are in so deeply that we cannot get out at all.

GRANT AWARDED TO NCCNHR

Mr. PRYOR. Madam President, as chairman of the Senate Special Committee on Aging, I am pleased to announce that the Administration on Aging has awarded a 4-year grant to the National Citizens' Coalition for Nursing Home Reform for the operation of the National Long-Term Care Ombudsman Resource Center. The center, which was established under the 1992 amendments to the Older Americans Act [OAA], establishes a permanent support system for State nursing home ombudsmen programs, enabling them to develop effective advocacy for persons in long-term care facilities. Since 1975, these programs, supported by local counterparts with hundreds of trained volunteers, have labored to build high quality support systems for individual residents and their families.

The National Citizens' Coalition for Nursing Home Reform [NCCNHR], a Washington DC-based consumer organization made up of over 300 member groups and nearly 1,000 individual members, has operated for almost 20 years as the premier source of information on issues—legal, medical, social, and ethical—affecting the quality of care and life of nursing home residents. NCCNHR's work to protect the rights of residents has received repeated recognition from State and local ombudsman programs, regulators, the aging network, family and friends of nursing home residents, as well as from residents themselves. It was through NCCNHR's leadership that an effective coalition of national organizations was developed. Called the Campaign for Quality Care, it successfully promoted the passage of the 1987 nursing home reform law. Since that time, NCCNHR has continued its leadership role to ensure that the law's mandates for quality care will be implemented and the standards enforced.

The center will provide technical assistance, consultation, training and information dissemination to meet the needs of State and local ombudsmen in fulfilling the new program requirements enacted in the 1992 OAA amendments. The National Association of State Units on Aging will assist NCCNHR in meeting the Center's objectives, which were developed in conjunction with the National Association of State Long Term Care Ombudsman Programs. The Senate Special Committee on Aging has supported the long term care ombudsman program since its inception, and has worked closely with the staff at NCCNHR on every significant piece of nursing home legislation throughout that time.

This official acknowledgement of the role that NCCNHR has played and continues to play in the development of strong long term care ombudsman programs across the country underscores the renewed commitment of this administration to guarantee an effective voice for health care consumers. The ombudsman program is the operating prototype which is increasingly used as the model for protecting the rights of all health care consumers.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Madam President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician, or an editor or a commentator declare that Reagan ran up the Federal debt, or that Bush ran it up, bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending, which Congress has failed miserably to do for half a century.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,407,769,734,324.50 as of the close of business on Monday, October 4. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,160.27.

RESTRUCTURING CERTAIN RURAL ELECTRIC ADMINISTRATION LOAN PROGRAMS

Mr. WOFFORD. Madam President, I wish to engage in a colloquy with my distinguished colleague, Senator LEAHY, chairman of the Senate Agriculture Committee.

As I understand H.R. 3123, as amended, it authorizes the Administrator, at his discretion, to make insured electric loans to an applicant if the Administrator determines the applicant has experienced a severe hardship. These severe hardship loans will be made at an interest rate of 5 percent per annum. Appropriations for the cost of the loans are authorized to support $125,000,000 for these severe hardship loans that meet certain criteria, including low per capita and household income and very high electric rates.

Mr. LEAHY. The Senator is correct.

Mr. WOFFORD. Potential applicants in States like Pennsylvania face a severe hardship because they serve low income areas and have rates more than 20 percent higher than a neighboring electric utility. This kind of rate disparity with a contiguous electric utility can occur because a rural electric cooperative serving a rural, economically depressed area, borders another utility whose fringes are rural, but whose overall territory is suburban and economically healthy. However, some rural electric cooperatives facing severe hardship, like many of those in Pennsylvania, cannot pass the rate disparity test to qualify for a normal hardship loan because the rate charged by urban electric utilities drive up the State average. This means that these rural electric cooperatives often do not have rates more than 20 percent higher than the State average, even though their rates are as much as 85 percent higher than a neighboring electric utility.

My question is this: Does the Senator agree that rural electric cooperatives facing this kind of severe hardship should be considered for severe hardship loans under this Act?

Mr. LEAHY. Yes Rural electric cooperatives experiencing the kind of difficulty the Senator described should be considered for severe hardship loans under this act.

Mr. WOFFORD. I thank my distinguished colleague from Vermont for his leadership in reforming the Rural Electric Administration and I yield the floor.

DEATH OF EDWARD FARLEY BURKE

Mr. PELL. Madam President, it is with deep sadness and a great sense of sorrow that I rise today in memory of Edward Farley Burke, a highly respected citizen of Rhode Island, who passed away last Friday, one day before what would have been his 65th birthday.

I have known, worked closely with, and admired Ed throughout my political career. Ed was an extremely able attorney who possessed superb analytical skills and that unique ability to grasp and solve complex issues. He was also a committed public servant who served our State and Nation nobly.

Born and raised in Providence, Ed received both his undergraduate and law degrees from Harvard. He worked in a series of public service jobs where he became known for his considerable abilities. He was also a retired colonel from the U.S. Air Force, where he served as a legal officer.

Among his many interests and accomplishments, Ed and I shared a similar vision of establishing high-speed ground transportation along the Northeast corridor. In fact, he served as vice chairman of the Northeast Corridor Initiative, a private, nonprofit organization dedicated to the electrification of the corridor from Washington, DC to Portland, ME.

Having served 12 years as chairman of the Rhode Island Public Utilities Commission, Ed knew firsthand of the energy concerns of our region. That problem was brought closer to home with the oil embargo of the early 1970's. Ed, always a visionary, successfully negotiated with Canada to bring Quebec hydroelectric power to the Northeast, thus reducing our region's dependency on imported oil.

Madam President, all told, Ed was a superb individual with too numerous accomplishments and affiliations for me to recite. Above all, he was a true friend. It is worth noting that Ed was also a staunch Democrat, beginning with his days at Harvard where he was vice president of Students for Truman Club. He later worked in the presidential campaigns of Adlai Stevenson, Hubert Humphrey, and more recently TOM HARKIN and President Clinton.

Madam President, we in Rhode Island will certainly miss Ed for his intelligence and gentle demeanor. We will also sorely miss someone of his caliber and integrity. I wish to pass along my sincere condolences to his wife, Phyllis, their children, and their 6 grandchildren.

Madam President, I ask unanimous consent that an obituary which appeared in the Providence Journal on Saturday appear at the conclusion of my remarks.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

EDWARD F. BURKE DIES; EX-CHAIRMAN OF PUC, LAWYER, ENERGY ACTIVIST

(By Thomas J. Morgan)

PROVIDENCE.—Edward Farley Burke, a longtime Democratic activist and former chairman of the state Public Utilities Commission, died at home yesterday, one day before what would have been his 65th birthday.

He was the husband of Phyllis (Moran) Burke, and lived on Lyndhurst Avenue.

Mr. Burke had been ailing for some time after a kidney transplant a year ago, according to former Gov. J. Joseph Garrahy, a business associate in Mr. Burke's Canadian Connection Ltd. of Providence, an energy and trade consulting concern.

"I'd known Ed maybe 30, 35 years," said Garrahy, who appointed him as chairman of the PUC in 1977, "back to when he was an assistant to (former Mayor Walter) Reynolds. He had a long and distinguished career."

He was born in Providence, the son of the late Dr. Edward F. and Agnes (Farley) Burke. He was a 1946 graduate of Classical High School and a 1950 graduate of Harvard. He obtained a law degree from Harvard Law School in 1953.

He was a lifelong fan and supporter of the Atlanta Braves from the days when the team played in Boston. In a 1988 interview he recalled attending games at Braves Field Boston in 1935 at the age of 7. "Everybody else on the block was rooting for the Red Sox," he said, "I showed in later life the same tendency—Hubert Humphrey, etc. Lost causes are second cousins, I guess. The Braves were lovable, they were crazy."

When the attendance at Braves games began fading, Mr. Burke, then a student at Harvard Law School, became president of a Save the Braves Committee. When he heard the news in 1953 that the Braves were moving to Milwaukee, he said, "I don't think I wept at that point, but I sure as hell did later."

Mr. Burke was a former chief legal counsel to the state Department of Corrections, assistant city solicitor of Providence from 1959 to 1961, administrative assistant to Mayor Reynolds from 1961 to 1965, special counsel to the attorney general 1965–67, chief legal counsel to the Department of Social Welfare in 1969–70, and chief legal counsel to the Department of Mental Health, Retardation and Hospitals in 1970–72.

He was a retired colonel in the Air Force Reserve, where he served as a legal officer.

Mr. Burke became involved early in Democratic politics. In 1948, he became vice president of the Harvard Students for Truman Club, and served on the executive committee of the Harvard Liberal Union. He was active in Adlai Stevenson's presidential campaigns in 1952 and 1956, and managed Hubert Humphrey's campaigns in Rhode Island in 1968 and 1972. He made an unsuccessful primary run for mayor in 1964.

Mr. Burke was co-chairman in 1976 of the Rhode Island Chapter of Lawyers for Carter. But he divorced himself from election campaigns from the time he became PUC chairman in 1977, until he left the post in 1988.

In 1992, he became a member of the National Executive Committee of Americans for Harkin, and when Tom Harkin withdrew from the presidential campaign, he supported Bill Clinton.

Charged by Garrahy with developing new energy sources to wean Rhode Island away from its dependence on OPEC oil after the 1974 Arab oil embargo, Mr. Burke negotiated contracts to obtain Canadian gas, hydroelectric power and electricity from other sources.

He was a founding member in 1979 of the Northeast International Committee on Energy, and in 1981 of the Governors Power Planning Committee of New England. He was the proxy for Garrahy and Gov. Edward D. DiPrete when they were unable to attend sessions of the Governors Power Planning Committee or of the Eastern Canadian Premiers/New England Governors Committee.

As a result of his work, New England now obtains 10 percent of its energy needs from hydroelectric, nuclear and coal-generating sources.

Mr. Burke was a member and a past president of the National Association of Regulatory Utilities Commissioners.

When he left office, he formed Canadian Connection, of which Garrahy is a former president. For the past two years he was vice chairman of the nonprofit Northeast Corridor Initiative, which supports electrification and other improvements in the Northeast Rail Corridor from Washington to Portland, Maine.

Besides his wife he leaves two sons, Edward Francis Burke of Wayland, Mass., and David William Burke of Providence; two daughters, Elizabeth Burke Bryant of East Greenwich and Melissa A. Burke, a law school student in San Francisco, and six grandchildren.

The funeral will be held Tuesday at 9 a.m. from the J.F. Skeffington Chapel, 925 Chalkstone Ave., with a concelebrated Mass of Christian Burial at St. Pius Church, Eaton Street, at 10:30. Burial will be in St. Ann Cemetery, Cranston.

DEATH OF HAROLD GERKE

Mr. BAUCUS. Madam President, just over 1 month ago, the State of Montana lost one of its leading citizens, Harold Gerke of Billings. With Harold's passing, I also lost a friend and mentor.

Every community needs someone like Harold Gerke. He was a good man. But, beyond that, Harold was a leader, a doer, somebody who knew the value of public service.

Rising to the rank of speaker, Harold served with distinction for 16 years in the Montana House of Representatives. As a young legislator from Missoula, Harold was my speaker. He was always the source of wise counsel and encouragement. Thanks to Harold's leadership, I believe Montana is a better place today.

Harold was also a bit of a pioneer in Montana politics. As the Billings Gazette noted: "Early in his career, Gerke's political success was a rarity: A Democrat elected in Yellowstone County." I believe Harold helped blaze the way to two-party politics in Yellowstone County.

Yet, despite Harold's accomplishments at the State Capitol in Helena, his heart was always in Billings. He served three terms as a city alderman and was eventually appointed mayor.

Outside of public office, over the years, Harold served as director of the Billings Housing Authority, as chairman of the Montana Horse Racing Board, and as a member of the local mental health center board. In short, if there was an important and good cause in the city of Billings, you could bet that Harold would be there lending his support.

Harold leaves behind his wife of 62 years, Vera, along with a son; four grandchildren; and two great grandchildren. They should all be proud of his legacy of service to the city of Billings and the State of Montana.

I yield the floor.

CONTINUED SUPPORT FOR DEMOCRATIC REFORM IN RUSSIA

Mr. PELL. Madam President, events in Moscow during the last several days have been among the most dramatic since Russia embarked on its journey toward democracy and economic reform several years ago.

It is indeed regrettable that the proreformers' latest victory was marked by both violence and bloodshed. However, I do note that the military, under President Yeltsin's authority, seems to have used the least amount of force necessary to turn back the antidemocracy forces and to restore order in Moscow.

Two weeks ago, when President Yeltsin disbanded the Parliament and announced that new parliamentary elections would be held in December, I said it was important to remember that it is not Yeltsin the individual—no matter how much we may like and respect him—that we are endorsing. Rather, we are embracing what he is trying to achieve, namely the building of democratic and free market institutions.

The referendum that was held in Russia last spring gave President Yeltsin a clear mandate to hold new parliamentary elections. The Parliament, a vestige of Russia's Soviet past, obstructed this democratic process from the start. In recent days, some members of that now defunct body took extreme and provocative measures to prevent Russians from choosing their future through the ballot box.

President Yeltsin's actions of the last few days appear designed to ensure that the Russian people will have that right. I am pleased to learn that the December parliamentary elections are on track; and electoral law is being formulated and President Yeltsin has said that the elections would be free, fair, and open to anyone wishing to run. Presidential elections are scheduled for June.

I am concerned to learn, however, that President Yeltsin has issued a decree banning the activities of certain organizations, and suspending the publication of eight newspapers. Just as President Yeltsin has recognized that the Russian people deserve the chance to choose their future free of intimidation, I believe that he must recognize that they deserve the opportunity to be exposed to a wide range of views, particularly during the election process.

I am confident that the Clinton administration will continue to help President Yeltsin to focus on the end goal: Free and fair elections. I commend the administration for its coolheaded response to the crisis in Moscow. Not only did it strike the right chord in demonstrating U.S. support for the democratic process, but it continues to do a marvelous job of consulting with the Congress on this issue. State Department officials took care to inform and consult with Members throughout the crisis, and later today, Secretary Christopher is scheduled to brief the Congress on the full course of events in Moscow. I look forward to hearing from the Secretary on this matter.

We must continue to show the reformers in Russia that we are with them. In the coming days and weeks, I believe we should place a high priority on helping Russia with its election process. While we must not take sides or get involved in partisan politics, there is much that we can do to encourage and support Russia to create the appropriate conditions for a free, fair, and open election process.

We have made it clear that we support President Yeltsin's recent actions because his objective is to bring democracy to Russia. The Congress recently appropriated $2.5 billion in assistance to promote economic and political reform in Russia and the other New Independent States. We would do well to target some of those funds to promote a free and fair election process. Our goal is to help consolidate democracy in Russia, and I believe we should back up our words with actions.

MULTIPLE-USE PRACTICES ON FEDERAL LANDS ARE VITAL TO WESTERN ECONOMIES

Mr. PRESSLER. Madam President, during the August recess, I held a Senate Small Business Committee field hearing in Rapid City, SD. The purpose of the hearing was to learn how small businesses are impacted by multiple-use and wilderness policies. To say the least, I was overwhelmed by the Black Hills community's strong response and turnout for this hearing. Nearly 200 concerned South Dakotans were in attendance on a holiday weekend morning. Citizens from surrounding States attended as well. The committee also received many comments during the week the hearing record was kept open.

The hearing reaffirmed a very disturbing fact: Opponents of multiple-use practices on Federal lands in the Black Hills and elsewhere are mounting a frontal assault on existing uses of Federal lands and the concept of multiple-use itself. How Federal lands are used and maintained would greatly affect the livelihoods of thousands of citizens, and the existence of thousands of small businesses throughout the West. The economic survivability of many western communities, large and small, are at stake. The following statement by Mr. Frank Davis, director of the Division of Forestry, South Dakota Department of Agriculture, best states the important issues at stake in the Black Hills:

> Virtually every acre of the Black Hills National Forest needs some form of management to keep it in a vigorous, healthy, aesthetically pleasing, and productive condition. The forest plan should recognize this, and it should be reflected in the size of the timber program.

Madam President, Federal land use is a complex subject. There are many issues to be considered. Ranching, timbering, tourism, recreation, mining, and manufacturing are impacted directly by Federal land use decisions. Other businesses that service the industries I just listed are affected indirectly. If a balance among competing interests is not reached, and the use of Federal lands is severely curtailed, or restricted entirely, the results could be disastrous. Mayor Drue Vitter of Hill City, speaking on behalf of the mayors of the Black Hills, said it best at the hearing:

> Good management of the forest by the Forest Service, sustain a good cut for the industry, groom the forest well, keep it healthy, and we will have a healthy economy. Don't let anybody sway you into thinking that total wilderness will save anything. It will only wreck our economy in western South Dakota.

Mayor Vitter is right. Indeed, his statement can be applied not just in South Dakota but throughout the West. Absent responsible multiple-use plans, many rural communities would disappear, thousands of Americans would lose their jobs, families would be disrupted, and the condition of Federal lands would be placed in jeopardy.

This last point—the management of Federal lands—is the centerpiece, the hub of multiple-use strategies. Sound stewardship and range management practices represent the foundation needed to protect Federal lands and ensure that they are maintained for future generations. Multiple-use practices by the ranchers themselves greatly enhance the condition of Federal lands. Keep in mind that many generations of ranch families have made a living, raised their families, and maintained these lands for future generations. The sustainability of their livelihoods was linked to the substainability of the land. They are the true environmentalists.

To tell these ranchers, these true environmentalists, to get off public lands and leave the management to the Government is not the way to go. The fiscal and environmental costs involved would be excessive. The hands-on stewardship that ranchers devote to the land would not be found in any Government agency. The ranchers are a vital partner of the successful planning and implementation of multiple-use policies.

Am I suggesting the Federal Government leave the ranchers and others alone to manage the land? Of course not. I agree that there are some who abuse public lands. I agree that abuse of Federal lands is a problem. If Government worked in concert with responsible users of the land, needless abuse can be corrected. However, forcing ranchers, miners, loggers, and other responsible users off all Federal land, and then locking the land up and throwing away the key is not the answer. Unmanaged lands would leave us with a Pandora's box of problems that would be devastating to the wildlife and their habitats on federal lands. Yes, overuse leads to abuse. However, unmanaged nonuse leads to abuse as well—negligent abuse.

This leads me to the other side of the equation: preservation. For the benefits of multiple-use practices to be assured, environmental and preservation considerations must be part of the multiple-use package. Preservation does not always mean putting land out of reach of human contact. Preservation requires active, regular human monitoring and management. The Black Hills is a perfect example. The issue is not always use versus nonuse of Federal lands. The issue is striking the proper balance among competing concerns which guarantee the economic viability and environmental sustainability of Federal lands. It is not an easy task.

Multiple-use policies in the Black Hills include programs to enhance their beauty and preservation. Proper forest management prevents forest fires. Watershed requires management too. Without these programs, the Black Hills could be vulnerable to irreversible damage caused by fire or floods. The Black Hills is a beautiful, majestic region because it is well-preserved and well-managed.

What has alarmed me is the direction being taken by some fringe elements to shut out the public entirely from Federal lands. Balances can be struck, but human concerns must be considered and weighed before decisions are made. Caution must be taken so that the scale is not tipped too heavily to one side. Currently there are two wilderness areas in South Dakota. One in the Black Hills National Forest and the other in the Badlands. These areas have maintained the natural beauty of the Black Hills, enhanced the ecosystem, and improved the health of the forest. As a result, we now have a healthy thriving forest in the Black Hills. Most people feel there is enough wilderness in South Dakota. However, environmental extremists are asking that 10 more areas, 6 in the Black Hills, totaling 131,200 acres be named as wilderness areas. Again, the issue is striking the proper balance. On that standard, the extremists' proposal would tip the scales too far.

Madam President, many decisions on multiple-use policies have yet to be made. A forthcoming decision would determine whether or not the Black Hills National Forest could continue to sustain a vital timber industry. I am speaking of the proposed forest management plan revision soon to be announced for the Black Hills National Forest. A successful revision plan would be one that builds on current management practices. Anything less will not do. I have taken an active role in this to assure that South Dakota's timber industry would survive under any new plan.

Last week, the Senate adopted an amendment, which I cosponsored, to delay for 1 year the implementation of the administration's proposed 1994 rangeland reform plan. This was a necessary step. The stakes are huge. The livelihoods of thousands of American families are at risk. Changes in existing practices must receive full public review. Action by Congress will be necessary. More hearings will be needed. The people must be heard from.

Madam President, I will continue working with South Dakotans who are stewards of the Federal lands in South Dakota to determine how these lands should be cared for in the future. The input of these citizens is vital if sound public policy is to be achieved. The answers will be found among those Americans who have cared for the land over the years. Their future and their children's future depends on continuing multiple-use practices on our Federal lands.

Mr. President, I ask unanimous consent that three newspaper articles be included in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Rapid City Journal, Sept. 5, 1993]

PRESSLER RIPS ENVIRONMENTAL EXTREMISTS

(By Dick Rebbeck)

Timber sale appeals and wilderness set-asides took a sound thrashing Saturday in Rapid City at a Senate hearing on "public land use impact on small business" in the Black Hills.

Sen. Larry Pressler, R—S.D., opened the Senate Small Business Committee hearing with a charge that the Sierra Club and "environmental extremists" create havoc in the timber industry with so-called frivolous appeals to forest management decisions.

And that, he said, undercuts the area's whole economic base.

Following the morning-long session, Pressler also told reporters he was "very dubious" about proposals to designate many thousands of acres of Black Hills National Forest as unlogged wilderness.

Instead, he advocated retaining public lands in multiple-use—logging, grazing, watershed, recreation, mining—management.

Thirteen witnesses spoke before a crowd of some 200 to summarize their written testimony filed with the Senate committee.

South Dakota State Forester Frank Davis said he opposed adding to the amount of designated wilderness in the Black Hills.

The entire national forest needs management, which includes logging, to remain healthy, vigorous and productive, he said.

Stan Silva of the forest supervisor's office at Custer said three areas totalling 16,500 acres were under study as possible wilderness. If Congress adds these areas to the federal wilderness system, the amount of Black Hills National Forest timber available to logging would decrease by 5 percent.

Silva also said options considered for revision of the 10-year forest plan would variously limit timber harvest to 40 million to 100 million board feet.

Hill City Mayor Drue Vitter followed that up with a call to maintain timber harvest at 100 million to 120 million board feet a year to sustain the region's economy.

Reducing the cut even to 80 million board feet could drive mills out of business and cost the Black Hills some 800 jobs, Vitter said.

Dave Meredith of McLaughlin Sawmill at Spearfish said reducing national forest logging from 118 million to 85 million board feet would put 25 companies with 1,700 employees "at risk."

For the Sierra Club, Brian Brademeyer said increasing wilderness, while reducing timber harvest, would increase tourism.

But Don Perdue said if his Rapid City furniture plant quit business for lack of wood products, he'd hope "environmentalists" would explain to his $10-an-hour employees why they'd be better off working for minimum wage in the tourism industry.

[From the Argus Leader, Sept. 8, 1993]

TIMBER LAND APPEALS TRIVIAL, PRESSLER SAYS

RAPID CITY.—Sen. Larry Pressler, R—S.D., criticized "environmental extremists" over the Labor Day weekend for creating havoc in the timber industry with so-called frivolous appeals of forest management decisions.

Pressler also told reporters he was "very dubious" about proposals to designate many thousands of acres of Black Hills National Forest as unlogged wilderness.

Instead, the Senator said public lands should be retained in multiple-use management for logging, grazing, watershed and recreation.

Pressler was in Rapid City to hold a Senate hearing on the impact of public land use on small business.

[From the Lawrence County Centennial, Sept. 8, 1993]

ANTI-WILDERNESS FEELINGS DOMINATE HEARING

(By Shane L. Mott)

Opposition against any further wilderness designation in the Black Hills was a major emphasis common among those testifying during a Sept. 4 U.S. Senate Field Hearing on the effect of federal land use upon small business held in Rapid City.

The hearing was part of a Labor Day weekend tour of several sites around South Dakota by Sen. Pressler.

We're all environmentalists," said Sen. Larry Pressler, R, referring to testifying during the hearing.

The hearing was divided into four parts: prefacing remarks by Pressler, government witnesses, industry witnesses and environmental witnesses.

With over 150 people present, it was one of the largest groups ever to attend a Congressional meeting in this area.

Pressler differentiated between everyone who cares about the environment and the extreme environmentalists, naming the Sierra Club as an example of extremism.

The late Governor George Mickelson and Governor Walter D. Miller both have strongly advocated multiple-use in the Black Hills.

"Within South Dakota, 63 percent of federal lands are owned by the U.S. Forest Service. Many small businesses are affected by how the over three million acres of federal land is used," said Pressler.

"The Black Hills timber industry contributed $76 million to the area economy last year. The forest service plan will greatly affect the timber industry positively or negatively for the next ten years.

"The issue of timber sales needs to be resolved. The Sierra Club's irresponsible filing of appeals to every timber sale needs to be eliminated," said Pressler.

Representatives of the timber industry and environmental groups agreed the bonding and costs involved in timber sales are hurting small businesses.

When Pressler challenged the "frivolous appeals" made by the Sierra Club, Brian Brademeyer of the Sierra Club, responded the appeals weren't frivolous. "Appeals wouldn't be made if the Forest Service obeyed the law in relation to the appeals," said Brademeyer.

Quoting from documents in 1875, Frank Davis, Director of the South Dakota Division of Forestry said, "Fire damage and open spaces are common . . . scarcely an old tree could be found . . . rarely is a tree greater than eight inches thick."

"The Black Hills Forest is in better condition now than it was in 1875. Every part of the Black Hills has been logged, mined, grazed and used by man. There is no true wilderness in the Black Hills," Davis said.

Davis set the theme followed by all government, timber and tourist representatives. "The forest will be destroyed if additional wilderness areas are approved," he said.

Tom Troxel of the Black Hills Multiple-Use Coalition agreed.

"Not only is the forest healthier, but the wildlife population is also healthier and it must be remembered that people are also part of the ecosystem," Troxel said.

Timber and tourist industry representatives agreed with Troxel and Davis.

"After 120 years of settlement and civilization, there is no person more than 2.5 miles from a road," said Bill Honerkamp of the Black Hills Badlands and Lakes Association.

It was pointed out that trucks and other modern fire fighting equipment can't be used to fight fires in areas designated as wilderness.

"Grazing public lands helps reduce the amount of dead vegetation. This reduction helps reduce the danger of fire," said Larry Nelson, president of the South Dakota Lands Council.

"Wilderness designations lock people out. It is discriminating against the disabled," said Hill City Mayor Drue Vitter.

"The majority of the 4 million annual visitors from outside South Dakota wouldn't be able to enjoy areas they now have access to. The designation of additional wilderness areas would harm the recreational/tourist industry," said Honerkamp.

"The designation of wilderness would eliminate some grazing lands and five percent of current timber harvests," said Nelson and Stanley Sylva, Resource Staff Officer for the Black Hills National Forest.

"In essence, a wilderness designation eliminates ecological diversity," Nelson said.

Nelson warned that if grazing fees rise substantially and livestock are locked out of public lands the only option left for ranchers would be to subdivide their property.

"Approximately 22,000 animals are grazed in the Black Hills by 251 operators and most graze no more than 150 animals," said Nelson and Sylva.

Brademeyer countered that the Sierra Club has proposed the wilderness areas because it would help promote the environment, tourism and film making industry.

Despite Brademeyer's claim, legally, most filming would be prohibited in wilderness areas.

Brademeyer said, "More wilderness areas need to be designated because 95 percent of wilderness designations are west of the Dakotas and only one acre per square mile of South Dakota is designated wilderness."

In response to a question by Pressler, Brademeyer said, "The Sierra Club bases its nine wilderness proposals solely on the criteria that no roads were in the area."

Joseph Satrom from the Nature Conservancy's South Dakota-North Dakota office said, "The organization's goal is to preserve and protect endangered plants and animals. While it is thought some endangered plants and animals exist in the Black Hills, there is no scientific data to prove it."

"Until such time the scientific data is available, the Nature Conservancy isn't actively seeking land in the Black Hills. The biggest danger to the Black Hills is development by out-of-state companies," Satrom said.

Agreeing with industry witnesses, Satrom said, "A sustainable environment means a sustainable economy."

The new forest plan is due out this winter. The forest plan will focus upon water yield, roadless areas, exploration and production of minerals and timber production.

"The new plan will reduce timber harvests from the current 120 million board feet down to between 40-100 million board feet," says Sylva.

"The reduction in timber has already closed mills and put people out of work. If timber production falls below 80 million board feet, one mill will be lost. If it falls below 60 million, two mills will be lost leaving only the large national companies," Vitter said.

"Federal law says the first priority of the national forests is to maintain a sustainable yield of timber," Vitter added.

"The timber industry believes a sustainable yield is around 120 million board feet a year." said Dave Meredith, owner of McLaughlin timber Mill, Spearfish.

"The Black Hills National Forest provides $4.1 million in payments to the state and counties and provides 2,100 jobs," Sylva said.

A reduction in timber sales means less money to schools and local government and less money means higher taxes on lower paying jobs," Vitter said.

"A sustainable supply of timber protected from attack is necessary for a health industry," Meredith said.

Don Perdue, president of Perdue Inc., a Rapid City furniture company, agreed.

"The cost of timber has risen 43 percent since August 1992. The rise has forced our company to absorb extra costs and raise our prices in a highly competitive market. The lack of supply, due to timber sale appeals, has forced my company to shut down several times already," Perdue said.

"When a shut-down occurs, 200 people are put out of work. These are $10 an hour plus benefits jobs. We have a $25 million a year business with a $5.4 million payroll," he said.

THE SOMALI OPERATION

Mr. THURMOND. Madam President, when we first sent Americans into Somalia, I had serious misgivings about the operation. Knowing it is much easier to get into a situation than to get out of it, I was especially concerned about the lack of a long-term plan to end the operation and bring our people home. The Somalia operation was a humanitarian act, and flowed from the fundamental decency and compassion of the American people. Even so, I worried that it would turn ugly once we decided to disarm Somali warlords. In a country torn by violence and anarchy, I feared that escalating the mission would surely put American lives at risk—and for no purpose that served America's vital interests.

I was not alone in these concerns. Many of my colleagues shared the same views. Yet in the first days of our presence there, I was proud of my country, and of the men and women of our Armed Forces. I am even more proud of their fortitude and courage in the present trying circumstances.

Few nations in the world could have—or would have—done what the United States did, strictly out of compassionate concern for our suffering fellow beings. Without doubt our intervention saved the lives of thousands who would have died of starvation and disease. Our soldiers and marines acted with compassion, and showed restraint and self-discipline. Their military professionalism was all the more remarkable considering how difficult and ambiguous the situation was in those early days of the Somali mission. It was not war. It was not police work. It fell somewhere in a gray area that military personnel are not specifically trained to handle.

But today, Madam President, I am outraged by our losses in Somalia and the treatment of our dead. I am appalled at how the situation in Somalia has deteriorated. The administration may feel the need to put the best face on what has happened, but the deaths of 12 United States soldiers who died Sunday night speak more loudly than all the platitudes about U.N. peacekeeping and nation-building.

To date we have lost 23 killed in action, 143 wounded, at least 1 American taken prisoner, and the bodies of our dead desecrated by the very people we went to save. This tragedy leaves me unspeakably sad and angry. I grieve for the families of our killed and wounded.

Madam Speaker, the Somalia mission has steadily sucked us into a situation that now offers no good options. Americans are dying in an ill-defined mission that bears no clear relation to the national interest. I agree that this is intolerable, and must not continue. We all want to get out of this quagmire. Yet we do not know how, for no matter how ill-advised it was to get engaged in a Somali tribal war; now that Aideed and his thugs have killed Americans, it is in our national interest to punish them. In other words, what is at stake is not just Somalia. It was a wilderness of savagery and squalor before we arrived, and unfortunately, it may revert to the same state when we leave. Frankly, I do not think we have the power to prevent it. What happens there is no longer the main issue, as far as I am concerned.

What is at stake is U.S. credibility and prestige, but not just for their own sake. Credibility and prestige are not abstractions, but are indispensable components of national power. They are essential to convince potential adversaries of our will and resolve. In other words, Madam President, what is at stake is America's ability to operate freely around the world, both now and in the future. Loss of U.S. credibility will only invite thugs and warlords to try their hand at killing Americans—perhaps in a time and place where our vital interests are at stake. We simply cannot allow the world to see us shamefully kicked out of Somalia by Aideed and his gang of cutthroats.

Consequently, Madam President, while we cannot allow the tragedy in Somalia to continue, I regretfully conclude we cannot simply pull out precipitously. We must find a solution that will allow us to withdraw as soon as possible, but with U.S. credibility and international prestige intact. It is past time for the Congress to come to grips with this sorry spectacle and force the administration to find a way out of the quagmire—before Somalia becomes the pattern for future United States missions with the United Nations.

Certain things must happen in order for the United States to begin a quick but orderly and honorable withdrawal. First, we must redefine the Somalia mission. Let us forget nation-building or importing Western-style democracy into such a place. Frankly, the prerequisites for self-government do not exist in Somalia. The administration's goal of agreements among the clans and some kind of grand national council are naive and unrealistic. This is a formula for a long-term commitment, and can probably never produce a viable central government in any case.

The mission must be redefined in military terms—to secure Mogadishu and guarantee protection for our forces so that they can withdraw without harassment, in a time of our own choosing. Above all, we must eliminate the confusion that inevitably comes from operating under the aegis of the United Nations. Once our Rangers were surrounded and attacked Sunday night, it took over 7 hours to organize and dispatch a rescue force from among the various U.N. troops in the city. Our troops must be allowed to operate as a unified, cohesive American combat force, making full use of their proven skill, training, and equipment. They must not be artificially hobbled by the mistaken idea that the problem of Aideed and his thugs is a matter of law enforcement. The high casualties we suffered in the Sunday night battle resulted from a misguided attempt to arrest Aideed's lieutenants. Why arrest them, Mr. President? Once arrested, in what venue and under whose law are they to be tried, and how are they to be punished if convicted?

Once the mission is redefined, Mr. President, we must decide on a sound strategy and operational plan to carry it out quickly. That also means we may have to temporarily increase our military power to levels sufficient to protect our forces as they are withdrawn; for as all military men know, a withdrawal under fire is the most difficult of maneuvers. We may need to redeploy a carrier group in the Red Sea for adequate air support. I do know this, Madam President. The reinforcements proposed by the Pentagon—one reinforced company with a handful of tanks and Bradley fighting vehicles, seven helicopters, and two AC–130 gunships are hardly enough. The problem is not just that this response is feeble, but that it is tailored to fit into the existing flawed, muddled situation. In fact, it has all the earmarks of the incrementalism and half-hearted approach that led to the debacle in Vietnam.

Madam President, I conclude by expressing some sympathy with my colleagues who want to pull out instantly. Had we known that our generosity and compassion would lead to this tragedy, we might have avoided it. But foresight was lacking in this instance. Regrettably, statecraft must be based on our best judgment at the time. Now I believe we have to exercise some vision and foresight. I do not advocate that we linger in Somalia, incurring more casualties to enact the vague Utopian notions of the United Nations. I do ask that we make fundamental changes in the way we are operating, so that we can extricate ourselves quickly and surely, and in a way that keeps the Nation's credibility—and thus our deterrence to future aggressors—intact. Otherwise, we may find we will have to pay a higher price than we are now paying in the streets of Mogadishu, and in a place that does involve the Nation's vital interests.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 United States Code 1928a–1928d, as amended, appoints the following Senators as members of the Senate delegation to the North Atlantic Assembly fall meeting during the first session of the 103d Congress, to be held in Copenhagen, Denmark, October 7–11, 1993: The Senator from Hawaii [Mr. AKAKA], the Senator from Colorado [Mr. CAMPBELL], the Senator from Mississippi [Mr. COCHRAN], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Utah [Mr. BENNETT].

EXECUTIVE SESSION

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination reported today by the committee on Armed Services; and that the Senate proceed to its immediate consideration: Gen. John M. Shalikashvili, to be Chairman of the Joint Chiefs of Staff; I further ask unanimous consent that the nominee be confirmed, and that any statements appear in the RECORD as if read; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the immediate consideration of the nomination?

There being no objection, the Senate proceeded to the immediate consideration of the nomination.

The nomination was considered and confirmed as follows:

THE JOINT CHIEFS OF STAFF

Gen. John M. Shalikashvili to be Chairman of the Joint Chiefs of Staff.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

FEDERAL TRADE COMMISSION ACT AMENDMENTS OF 1993

Mr. LAUTENBERG. Madam President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2243, an act to amend the Federal Trade Commission Act to extend the authorization of appropriations in such act, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 2243) entitled "An Act to amend the Federal Trade Commission Act to extend the authorization of appropriations in such Act, and for other purposes," and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LAUTENBERG. Madam President, I move that the Senate insist on its amendment, agree to the request for conference, and that the Chair be authorized to appoint conferees.

The motion was agreed to, and the Presiding Officer appointed Mr. HOLLINGS, Mr. FORD, Mr. BRYAN, Mr. DANFORTH, and Mr. GORTON conferees on the part of the Senate.

CATAWBA INDIAN TRIBE OF SOUTH CAROLINA LAND CLAIMS SETTLEMENT ACT OF 1993

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the Senate proceed to immediate consideration of calendar No. 223, H.R. 2399, the Catawba Indian Tribe of South Carolina Land Claims Settlement Act.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2399) to provide for the settlement of land claims of the Catawba Tribe of Indians in the State of South Carolina and the restoration of the Federal trust relationship with the Tribe, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1022

Mr. LAUTENBERG. Madam President, I send an amendment to the desk on behalf of Senator INOUYE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for Mr. INOUYE, proposes an amendment numbered 1022.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the text of the bill designated as subsection (b) of section 4, strike the word "entitled" each place it appears and insert in each such place the word "eligible".

Amend the text of the bill designated as subsection (c) of section 15 to read as follows:

(c) LAWS AND REGULATIONS OF THE UNITED STATES.—The provisions of any Federal law enacted after the date of enactment of this Act, for the benefit of Indians, Indian nations, tribes, or bands of Indians, which would affect or preempt the application of the laws of the State to lands owned by or held in trust for Indians, or Indian nations, tribes, or bands of Indians, as provided in this Act and the South Carolina State Implementing Act, shall not apply within the State of South Carolina, unless such provision of such subsequently enacted Federal law is specifically made applicable within the State of South Carolina.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

So the amendment (No. 1022) was agreed to.

Mr. LAUTENBERG. Madam President, I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 2399), as amended, was passed.

Mr. LAUTENBERG. Madam President, I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE ACT OF 1978

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 2685, a bill to extend the Federal Physicians Comparability Allowance Act of 1978, and that the Senate then proceed to its immediate consideration; that the bill be deemed read the third time, passed, and the motion to reconsider laid upon the table; that any statements relating to this measure appear in the RECORD at the appropriate place as if given.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2685) was deemed read the third time, and passed.

ARMS CONTROL OBSERVER GROUP

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 149, submitted earlier today by Senators MITCHELL and DOLE, regarding the Senate observer group; that the resolution be agreed to; that the motion to reconsider be laid upon the table; and that any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 149) was agreed to, as follows:

S. RES. 149

Resolved, That (a) the provisions of Senate Resolution 105 of the One Hundred First Congress (agreed to April 13, 1989) (as extended by Senate Resolution 358 of the One Hundred First Congress (agreed to October 28, 1990), and further extended by Senate Resolution 365 of the One Hundred Second Congress (agreed to October 8, 1992)), shall remain in effect until December 31, 1994.

(b) Section 2(b) of Senate Resolution 105 of the One Hundred First Congress is amended—

(1) in paragraph (1)—

(A) by inserting "or more" after "one" each place it appears; and

(B) by striking "staff member" each place it appears and inserting in lieu thereof "staff members";

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3), (4) and (5) as paragraphs (2), (3) and (4), respectively; and

(4) in paragraph (2) (as redesignated), by striking "or secretary" each place it appears.

(c) Section 2(c) of Senate Resolution 105 of the One Hundred First Congress is amended by striking the first sentence and inserting in lieu thereof the following: "The majority leader and minority leader may each designate one or more staff members to be responsible to the respective leaders.".

(d) Section 3 of Senate Resolution 105 of the One Hundred First Congress is amended—

(1) in subsection (a)—

(A) by striking "$600,000" and inserting in lieu thereof "$380,000"; and

(B) by striking the period at the end thereof and inserting a comma and the following: "except that not more than $100,000 shall be available for each administrative cochairman and the cochairman's staff, and not more than $60,000 shall be available for each cochairman of the group who is not an administrative cochairman and the cochairman's staff"; and

(2) in subsection (b), by striking "$300,000" and inserting in lieu thereof "200,000".

(e) This resolution, and the amendments made by this resolution, shall be deemed to have become effective as of March 30, 1993.

Mr. MITCHELL. Madam President, this resolution extends the authority of the Senate Arms Control Observer Group as authorized by Senate Resolution 105 of the One Hundred First Congress (as previously extended by Senate Resolution 365 of the One Hundred Second Congress) to the end of this Congress.

This proposed resolution also makes certain cost-cutting modifications in the measure establishing this group. The number of staff and support personnel authorized to assist the group has been reduced consistent with general efforts to decrease legislative branch spending. These adjustments have been made, however, in a manner that will continue to allow the group to effectively execute its duties.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were held before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1580. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report on the Exchange Stabilization Fund for fiscal year 1992; to the Committee on Banking, Housing, and Urban Affairs.

EC-1581. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the relative cost of shipbuilding for calendar year 1992; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services, with an amendment:

S. 1301. An original bill to authorize appropriations for fiscal year 1994 for intelligence activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 103–155).

By Mr. BAUCUS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 978. A bill to establish programs to promote environmental technology, and for other purposes (Rept. No. 103–156).

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 134. A resolution urging the Government of Kuwait to compensate United States citizens and their families for financial losses incurred as a result of their evacuation during the Iraqi invasion of Kuwait.

S. Con. Res. 31. A concurrent resolution concerning the emancipation of the Iranian Baha'i community.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Carol Bellamy, of New York, to be Director of the Peace Corps; Tobi Trister Gati, of New York, to be an Assistant Secretary of State;

Roger R. Gamble, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Suriname.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Roger R. Gamble.

Contributions, amount, date and donee:

1. Self, $25.00, December, 1991, RNC; $25.00, December, 1990, RNC; $25.00, March 1990, RNC.

2. Spouse, None.

3. Children and spouses, names, Peter and Kelly Hartshorn; Steven and Rosa Gamble; Scott and Leonor Gamble; Marc Gamble, none.

4. Parents, names, Avis Gamble, Ronald Gamble (deceased), none.

5. Grandparents, names, Newton and Ethel Key (deceased).

6. Brothers and spouses, names, Richard and Hilda Gamble, none.

William Dale Montgomery, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bulgaria.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: William Dale Montgomery.

Post: Bulgaria.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, Lynne Germain Montgomery, none.

3. Children and spouses, names, Alexander Edward Montgomery, Amelia Sarah Montgomery, Katarine Germain Montgomery, none.

4. Parents, names, William E. and Blondell C. Montgomery, none.

5. Grandparents, names, William and Bess Markus Close, Guy and Blanche Barrett Montgomery, deceased.

6. Brothers and spouses, NA.

7. Sisters and spouses, names, Mary and Dennis King, none. Cynthia and Bergir Wernerfeldt. My sister, Cynthia, tells me that both she and her husband have contributed over the years to the Democratic Party. She declined to specify the amounts.

Richard A. Boucher, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Richard A. Boucher.

Post: Republic of Cyprus.

Contributions, amount, date and donee:

1. Self, $75, January 1989, Democratic Party, $35, September 1989, Democratic National Committee.

2. Spouse, Carolyn L. Brehm, $240 per year, 1990, 1991, 1992, 1993, General Motors Civic Involvement Program, $100, October 1992, Hoosiers for Jill Long.

3. Children and spouses, Madeleine Brehm Boucher, age 5, Peter Brehm Boucher, age 2, none.

4. Parents, Melville J. and Ellen Boucher, $55, 1989, Democrats/NY Democrats, $105, 1990, Democrats/NY Democrats, $15, 1990, Bernie Sanders for Congress, $90, 1991, Democrats/NY Democrats, $25, 1991, Abrams for Senate, $220, 1992, Democrats/NY Democrats, $35, 1992, Abrams for Senate, $75, 1992, Bernie Sanders for Congress, $10, 1993, Clinton/Gore Transition, $35, 1993, Democratic National Committee, $25, 1993, Moynihan Reelection Committee, and $37, 1993, Democratic Senatorial Campaign Committee.

5. Grandparents, Hiram A. Boucher, Rosa Stokes (Boucher), Hermann Kaufmann, Ella Barth (Kaufmann), deceased.

6. Brother and Spouse, Douglas and Charlotte Boucher, $50, July 1990, Harkin for Senate, $250, October 1990, Bernie Sanders for Congress, $500, September 1991, Bernie Sanders for Congress, and $100, December 1991, Tom Harkin for President.

7. Sister, Anita Boucher, $10, 1990, Paul Wellstone for Senate, $20, 1990, Bernie Sanders for Congress, and $20, 1992, Democratic Campaign Committee.

Peter F. Romero, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ecuador.

Nominee: Peter F. Romero.

Post: Ambassador, United States Embassy, Quito, Ecuador.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Peter F. Romero, none.

2. Spouse: Ruth F. Espey-Romero, none.

3. Children and spouses names: Alexander Baden Romero, age 9, none.

4. Parents names: Peter Reyes, none; Catherine Tobin, none.

5. Grandparents names: Edward Nevers, Julia Nevers (both deceased).

6. Brothers and spouses names: None.

7. Sisters and spouses names: Julia Lacaba, none.

Parker W. Borg, of Minnesota, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland.

Nominee: Parker W. Borg.

Post: Ambassador; Iceland.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: $100, March 7, 1992, Tsongas Committee, $100, October 26, 1992, Hoagland for Congress.

2. Spouse: none.

3. Children and spouses names: All under 10 years of age.

4. Parents names: Betty W. Borg, none; Lloyd E. Borg (deceased, May 1982).

5. Grandparents names: All deceased for more than ten years.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Merrily Borg Babcock, Leslie Anne Borg, (both divorced more than ten years), none.

Alan John Blinken, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

Nominee: Alan John Blinken.

Post: Ambassador; Belgium.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Alan John Blinken, $10,000, July 1992, DNC; $1,000, July 1992, Friends of Bob Carr; $500, January 1992, Owens for Senate; $1,000, May 1992, Clinton for President; $500, June 1992, Kerry Committee; $1,000, October 1991, Committee for Tim Wirth; $1,000, December 1991, Liz Holtzman for Senate; $1,500, September 1991, DNC; $10,000, December 1991, DNC; $1,000, April 1990, Bill Bradley for U.S. Senate; $500, January 1990, Eisendrath Campaign Committee; $500, February 1990, Sloane for Senate Committee; $1,000, June 1990, Friends of Al Gore, Jr. (Primary); $1,000, June 1990, Friends of Al Gore, Jr. (General); $250, October 1990, Women's Campaign Fund; $1,000, June 1989, Andrew Stein for Congress; $500, February 1989, Coelho for Congress; $1,000, August 1989, Re-Elect Congressman Schumer. 1993, none.

2. Spouse: Melinda Blinken, $1,000, October 1988, People for John Heinz Committee; $1,000, July 1988, Al Gore for President Committee; $1,000, January 1990, Re-Elect Congressman Chuck Schumer; $1,000, April 1990, Bill Bradley for U.S. Senate, 1990; $200, June 1990, Reed for Congress; $1,000, June 1992, Susan Molinari for Congress; $500, May 1992, Barbara Boxer for U.S. Senate; $1,000, May 1992, Clinton for President; $1,000, September 1992, Abrams, 1992; $250, October 1992, Kerry for President; $500, July 1992, Lynn Yaekel for Senate.

3. Children and spouses names: Jonathan Blinken, spouse, Linda Blinken, none; Wendy Boyd-Smith, spouse, Tim Boyd-Smith, none; David Blinken, spouse, Sally Blinken, $200, 1992, Ferraro for Senate; $50, 1992, Carol Mosely Braun for Senate; Carol Ann Emquies, spouse, Moise Emquies, $250, January 1993, Hollywood Women's Pol. Comm.; $250, February 1992, $200, May 1992, Barbara Boxer for U.S. Senate; $500, February 1991, $250, July 1991, $250, January 1992, $250, August 1992, $325, November 1989, $208, October 1989, $250, January 1990, $250, August 1990, Hollywood Women's Pol. Comm.

4. Parents names: Maurice H. Blinken, deceased; Ethel Blinkin, none.

Grandparents names: Mier Blinken, Anna Blinken, deceased; Kate Horowitz, Morris Horowitz, deceased.

6. Brother and spouse names: Robert and Allison Blinken, $10,000, September 15, 1992, DNC Victory Fund; $2,000, July 6, 1992, DNC Victory Fund; $5,000, October 15, 1990, Alan Blinken, 1990. Donald and Vera Blinken, 1990. $250, March 1990, DNC; $1,000 March 1990, Moynihan Committee; $2,000, October 1991, Moynihan Committee; $5,000, May 1992, DNC; $2,000, July 1992, DNC; $1,000, September 1992, DNC; $1,000, September, 1991, Clinton for President; $5,788, August 1992, DNC; $1,000, April 1993, Democratic Senate Campaign; $1,000, April 1993, Democratic Senate Campaign; $1,000, May 1993, Dick Swett for Congress; $500, June 1992, Abrams, 1992; $250, September 1992, Citizens for Downey; $500, September 1992, Citizens for Downey; $100, May 1992, Braun for Senate; $250, February 1990, Bill Green for Congress; $250, September 1992, NYS Democratic Committee. Vera Blinken, $1,000, January 1992, Clinton for President; $3,000, September 1992, DNC; $1,000, March 1990, Moynihan Committee; $1,000, April 1993, Democratic Senate Committee; 1991, none.

7. Sisters and spouses names: None.

Swanee Grace Hunt, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria.

Nominee: Swanee Grace Hunt.

Post: United States Ambassador to Austria.

The following is a list of all members of my immediate family and their spouse. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Swanee G. Hunt; $2,000, 06/21/89, Buie Seawell for Senate; $1,000, 08/29/89, Colorado Democratic Party; $1,000, 10/09/89, Dick Bond for Congress; $2,000, 11/30/89, Citizens for Romer; $4,000, 01/21/90, Gail Schoettler Campaign; $1,000, 02/12/90, Coloradans for David Skaggs; $2,000, 04/10/90, Josie Heath for US Senate; $1,000, 05/16/90, Young Working for Georgia; $5,000, 07/11/90, Rex Moran-Committee to Restructure Public Education; $1,000, 07/30/90, Pat Hodapp for State Representative; $1,000, 08/01/90, Committee to Elect Daphne Greenwood; $5,000, 08/30/90, Democratic Senate Campaign Committee; $2,000, 09/24/90, Josie Heath for US Senate; $4,000, 09/27/90, Colorado Democratic Party Coordinated Campaign; $1,000, 10/26/90, Re-elect Gail Schoettler Treasurer; $1,000, 10/26/90, Committee to Elect Daphne Greenwood; $1,000, 05/20/91, Committee for Tim Wirth; $10,000, 07/03/91, Citizens for a Healthy Colorado; $1,000, 08/31/91, Re-elect David Skaggs; $1,000, 02/06/92, Clinton for President; $1,000, 02/06/92, National Women's Political Caucus; $1,000, 02/06/92, Majority Council (Emily's List); $1,000, 03/19/92, National Women's Political Caucus;

$1,000, 03/19/1992, Elect Daphne Greenwood; $1,000, 03/19/1992, Friends of Tom Redder; $2,000, 04/05/1992, Colorado Democratic Women's PAC; $1,000, 04/16/1992, Josie Heath for US Senate; $2,000, 06/12/1992, Children's First Campaign; $1,000, 07/09/1992, Colorado Democratic Party; $250,000, 08/12/1992, DNC Victory Fund—Non Federal Account; $1,000, 08/25/1992, Friends of Tom Redder Inc; $1,000, 12/15/1992, Majority Council (Emily's List); $1,000, 12/15/1992, Emily's List; $1,000, 03/25/1993, Bob Krueger for Senate; $5,000, 05/13/1993, Fair Share Health;

2. Spouse: Charles A. Ansbacher, $1,000, 05/03/1990, State of Colorado/House Committee for Arts; $1,000, 09/19/1990, John Miller Reelection campaign; $2,500, 05/03/1991, Norm Early for Mayor, Inc; $1,000, 08/31/1991, Reelect David Skaggs; $1,000, 05/05/1992, Dick Lamm for Senate; $5,000, 09/21/1992, DNC Victory Fund '92;

3. Children and Spouses: Henry Lloyd Ansbacher, none; Lillian Helen Hunt-Meeks, none; Theodore Patrick Ansbacher-Hunt, none;

4. Parents: Ruth Ray Hunt, $1,000, 03/27/1989, Steve Bartlett for Congress; $1,000, 04/28/1989, Kent Hance for US Senate (primary); $1,000, 04/28/1989, Kent Hance for US Senate (general); $1,000, 08/90, Steve Bartlett for Congress; $1,000, 09/20/1990, The President's Club; $1,000,, 03/11/1991, Steve Bartlett for Congress; $1,000, 03/18/1991, Sam Johnson for Congress (primary); $1,000, 05/10/1991, Sam Johnson for Congress (general); $1,000, 10/29/1991, Bush/Quayle '92; $5,000, 12/26/1991, Hunt Oil Company PAC; $7,500, 09/28/1992, The Presidential Trust; $1,000, 05/11/1993, Kay Hutchison for Senate; Haroldson Lafayette Hunt, Jr. (deceased);

6. Brothers and Spouses: Ray L. Hunt, $1,000, March 17, 1989, Steve Bartlett for Congress; $1,000, April 13, 1989, Craig Thomas for Congress; $1,000, April 28, 1989, Kent Hance for US Senate; $1,000, May 17, 1989, Martin Frost for Congress; $1,000, September 5, 1989, Senator Bennett Johnston Campaign; $1,000, October 10, 1989, Cohen for Senator; $1,000, November 29, 1989, Sanford for Senate; $1,000, August 16, 1990, Steve Bartlett for Congress; $1,000, September 18, 1990, The President's Club; $1,000, October 18, 1990, Mary Meade Campaign; $1,000, March 11, 1991, Steve Bartlett for Congress; $1,000, March 13, 1991, Sam Johnson for Congress (primary); $1,000, May 8, 1991, Sam Johnson for Congress (general); $1,000, August 13, 1991, Martin Frost for Congress (primary); $1,000, August 18, 1991, Martin Frost for Congress (general); $1,000, October 29, 1991, Bush/Quayle 1992; $5,000, December 23, 1991, Hunt Oil Company PAC; $1,000, January 16, 1992, Friends of Dick Lugar; $5,000, May 22, 1992, Texas Victory 1992 Committee; $5,000, August 20, 1992, The Presidential Trust; $7,500, September 28, 1992, The Presidential Trust; $1,000, May 6, 1993, Kay Hutchison for Senate; Nancy A. Hunt, $1,000, March 17, 1989, Steve Bartlett for Congress; $1,000, April 13, 1989, Craig Thomas for Congress; $,1000, April 28, 1989, Kent Hance for US Senate (primary); $1,000, April 28, 1989, Kent Hance for US Senate (general); $1,000, May 17, 1989, Martin Frost for Congress (primary); $1,000, May 17, 1989, Martin Frost for Congress (general); $1,000, September 9, 1990, Steve Bartlett for Congress; $1,000, March 11, 1991, Sam Johnson for Congress (primary); $1,000, May 1, 1991, Steve Bartlett for Congress; $1,000, May 7, 1991, Sam Johnson for Congress (general); $1,000, August 13, 1991, Martin Frost for Congress (primary); $1,000, August 13, 1991, Martin Frost for Congress (general); $1,000 unknown Bush/Quayle '92 $5,000 December 23, 1991 Hunt Oil Company PAC; $5,000 May 22, 1992, Texas Victory '92 Committee; $1,000 May 5, 1993, Kay Hutchison for Senate;

7. Sisters and Spouses: June Hunt, $1,000, May 11, 1993, Kay Hutchison for Senate; Helen Hunt, $1,000, January 10, 1989, Friends of Ruth Messinger; $1,000 May 25, 1989, Committee to Re-elect L. Holtzman; $1,000 June 21, 1989 Committee to Elect K. Hutchinson; $2,000 October 17, 1989, Campaign of L. Holtzman; $1,000 October 25, 1989, Committee for David Dinkins; $1,000 November 5, 1990, Friends of Ruth Messinger; $1,000 November 9, 1990, Women's Campaign Fund; $1,500 June 30, 1991, Committee to Re-elect Wilma Mankiller; $1,000 August 8, 1991, Women's Campaign Fund $1,000 October 18, 1991, Boxer for Senate; $1,000 September 19, 1991, African National Congress; $1,000 February 28, 1992, Lynn Yeakel for Senate; $1,000 July 30, 1992, Carolyn Maloney for U.S. Congress; $2,000 October 1, 1992, Colorado Democratic Party; $2,100 October 1, 1992, Elmily's List; $1,000 December 9, 1992, Friends of Ruth Messinger; $1,000 January 28, 1993, Kay Bailey Hutchison for Senate Committee (general); $6,000 April 14, 1993, The Committee for David Dinkins; $1,000 May 21, 1993, Kay Bailey Hutchison for Senate Committee (primary); Helen Hunt and Harville Hendrix, $1,000, February 11, 1990, Carolyn Maloney in '89; $1,000, March 16, 1990, Ann Richards Committee; $1,000 August 13, 1990, Josie Heath for U.S. Senate; $1,000 August 17, 1990, Child Care Action Campaign; $10,000 October 1, 1992, Democratic National Conventions Victory '92;

Thomas Michael Tolliver Niles, of Kentucky, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Greece.

Nominee: Thomas Michael Tolliver Niles.

Post: Ambassador to Greece.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Thomas M.T. Niles, none;
2. Spouse: Carroll E. Niles, $250, August 1992, Clinton/Gore Campaign;
3. Children and spouses: John Thomas Niles, none; Mary Chapman Niles, none;
4. Parents: Father, deceased; mother, Rena L. Niles, none;
5. Grandparents: Mr. and Mrs. John Niles, deceased; Mr. and Mrs. A.I. Lipetz, deceased;
6. Brother: John Edward Niles, none;
7. No other siblings.

Edward Joseph Perkins, of Oregon, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

Nominee: Edward Joseph Perkins.

Post. Australia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee;

1. Self: Edward J. Perkins, none;
2. Spouse: Lucy Liu Perkins, none;
3. Children and Spouses; Katherine Karla Shih-tzu Perkins & Spouse, Jeffrey Kovar, none; Sarah Elisabeth Shih-yin Perkins, none;
4. Parents, mother; Tiny Estelle Holmes, none; Father: Edward Perkins, Sr., deceased;
5. Grandparents: deceased;
6. Brothers and Spouses: Andrew Perkins, none;
7. Sisters and Spouses: Joyce Perkins, Gloria Perkins, none.

Thomas A. Loftus, of Wisconsin, to be Ambassasdor Extraordinary and Plenipotentiary of the United States of America to Norway.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowlege, the information contained in this report is complete and accurate.

Nominee: Thomas A. Loftus.

Post: Ambassador to Norway.

Contributions, amount, date, and donee:

1. Self, $25, April 1993, Dem. National Committee, $25, October 1992, Ada Deer for Congress, and $100, July 1992, Josie Heath for U.S. Senate.

Friends of Tom Loftus (campaign committee) $500, January 1992, Ferraro for U.S. Senate, $450, August 1992, Friends of Fred Kessler (House candidate), $15, September 1992, Feingold Committee (U.S. Senate).

2. Spouse; Barbara C. Loftus, none.
3. Children, Alec and Karl, none.
4. Parents, Father Adolph O. Loftus, none.

Mother, Margaret E. Loftus, $50, January 1993, Presidential Transition Planning, $25, January 1993, Presidential Transition Planning, $500, March 1992, Clinton for President, $25, March 1993, Checota for U.S. Senate, $35, August 1990, $10, September 1989, $100, February 1990, $20 May 1990, Keep Kastenmeier in Congress, $50, October 1989, Citizens for Dave Obey, $15, March 1989, Friends of Tony Earl—U.S. Senate, and $150, September 1990, Dem. Party of Wisconsin.

5. Grandparents, deceased.
6. Brothers and spouses, none.
7. Sisters and spouses, Sister, Geraldine Wagner, $25, April 1989, $15, June 1989, $15, October 1988, Keep Kastenmeier in Congress, $25, September 1992, Victory in Wisconsin (Clinton/Gore).

Sister, Shirley Wolfgram, Spouse, Merlin Wolfgram, none.

Sister, Wendy Loftus, Spouse, Jens Stub, none.

William Lacy Swing, of North Carolina, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Swing, William Lacy.

Post: Haiti.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses, names Brian (son), Nicole (wife), none.
4. Parents, names (all deceased).
5. Grandparents, names (all deceased).
6. Brothers and spouses, names James (brother), Arlene (spouse), ($400–$500 annually to Republican National Committee over each preceding year).

7. Sisters and spouses, names, Anna (sister Lawrence (spouse), none.

Richard W. Teare, of Ohio, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Solomon Islands and Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

The following is a list of all members of my immediate family and their spouses I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Richard Wallace Teare.

Post: Ambassador to Papua New Guinea and concurrently to Solomon Islands and to the Republic of Vanuatu.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, Jeanie W. Teare, December 30, 1989, Democratic Congressional Campaign Committee, $25, Democratic Senatorial Campaign Committee, $20, October 6, 1990, Harvey Gantt for Senate Campaign Committee, $25, December 31, 1990, Democratic Congressional Campaign Committee, $25, Democratic Senatorial Campaign Committee, $20.

Also January 20, 1992, Democratic Senatorial Campaign Committee, $25, Democratic Congressional Campaign Committee, $25, December 31, 1992, John Glenn for Senate Committee, $50, Democratic National Committee, Federal Account, $25, March 25, 1993, Democratic Congressional Campaign Committee, $25, Democratic Senatorial Campaign Committee, $25.

3. Children: Elizabeth B. Teare, none.

Catherine S. Teare (single), September 26, 1990, Harvey Gantt for U.S. Senate, $20, October 13, 1990, Harvey Gantt for U.S. Senate, $30, December 3, 1991, Boxer for U.S. Senate, $20, April 12, 1992, Barbara Boxer, $5, May 21, 1992, Boxer for Senate, $30.

Margaret G. Teare, none.

4. Parents, Wallace G. Teare, father, deceased.

Dorothy S. Teare, mother, April 9, 1989, Voinovich for Governor, $100, June 8, 1989, Cain for State Representative, $20, October 12, 1989, Democratic Senatorial Campaign Cmte, $50, March 13, 1990, Committee to Reelect, Madeline Cain, $15, March 23, 1990, The Kerry Committee, $25, June 9, 1990, Mikulski for Senate, $25, and October 17, 1990, The Kerry Committee, $25.

Also March 1, 1991, The Kerry Committee, $15, March 8, 1991, Democratic National Committee, $55, March 9, 1991, The Kerry Committee, $15, May 20, 1991, Democratic Congr'l Campaign Cmte, $25, July 5, 1991, Ferraro for U.S. Senate, $25, July 30, 1991, Democratic Senatorial Campaign Cmte, $25, September 27, 1991, Ferraro for U.S. Senate, $10, November 8, 1991, Democratic Senatorial Campaign Cmte, $25.

Also January 2, 1992, Committee for Cuomo, $25, February 27, 1992, Committee to Re-elect Madeline Cain, $25, March 27, 1992, Emily's List, $100, April 27, 1992, Committee to Re-elect Jane Campbell, $25, June 15, 1992, Clinton for President, $50, June 20, 1992, Braun for Senate, $100, July 1, 1992, Lynn Yeakel for U.S. Senate, $100, August 12, 1992, Ferraro for U.S. Senate, $25, September 2, 1992, Ferraro for U.S. Senate, $25, October 14, 1992, Democratic Senatorial Campaign Cmte, $25, October 20, 1992, Democratic Senatorial Campaign Cmte, $25, November 9, 1992, Democratic Senatorial Campaign Cmte, $25, and December 2, 1992, Ferraro for U.S. Senate, $25.

5. Grandparents, names, George W. and Florence G. Teare, deceased, Carl W. and Minnie H. Schaefer, deceased.

6. Brothers and spouses, names, none.

7. Sisters and spouses, names, Virginia T. Katz, sister, Albert M. Katz, spouse, none.

Daniel L. Spiegel, of Virginia, to be the Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Daniel L. Spiegel

Post: Representative of the United States to the European Office of the United Nations, with rank of Ambassador.

Contributions, amount, date, and donee:

1. Daniel Spiegel, $1,000, February 1989, Kerry Committee, $300, May 1989, Larry Smith for Congress ('90), $500, June 1989, Hamilton for Congress, $500, July 1989, Citizens for Harkin, $1,000, November 1989, Friends of Senator Carl Levin, $3,902, February 1990, Akin, Gump, Strauss, Hauer & Feld Civic Action Committee, $1,000, March 1990, Kerry Committee, and $300, May 1990, Larry Smith for Congress ('90).

Also $200, May 1990, Tierney for Congress, $500, October 1990, Citizens for Harkin, $1,000, May 1991, Levine Campaign Committee, $250, June 1991, Leahy for US Senator Committee, $3,829, June 1991, Akin, Gump, Strauss, Hauer & Feld Civic Action Committee, $250, August 1991, Americans for Harkin, $500, October 1991, Humphrey for Senate Campaign Committee Inc., $500, November 1991, Leahy for US Senator Committee.

Also $500, November 1991, Citizens for Senator Wofford, $1,299, February 1992, Akin, Gump, Strauss, Hauer & Feld Civic Action Committee, $1,228, March 1992, Akin, Gump, Strauss, Hauer & Feld Civic Action Committee, $1,000, April 1992, Clinton for President Committee, $1,228, May 1992, Akin, Gump, Strauss, Hauer & Feld Civic Action Committee, $250, June 1992, Carol Moseley-Braun for U.S. Senate, $500, October 1992, Leahy for U.S. Senator Committee and $250, May 1993, Leahy for U.S. Senator Committee.

2. Spouse, Marianne Spiegel $500, October 1990, Kerry Committee, $250, August 1991, Americans for Harkin and, $250, January 1992, National Abortion Rights Action League Political Action Committee (NARAL–PAC).

3. Children and spouses, names, Anna Spiegel (age 9), none.

4. Parents, names Anna (deceased), and William Spiegel, none.

5. Grandparents, names, deceased.

6. Brothers and spouses, names, none.

7. Sisters and spouses, names, Judy and Jim Rogers, none.

Theresa Anne Tull, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brunei Darussalam.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Tull, Theresa Anne.

Post: Ambassador to Brunei.

Contributions, amount, date, and donee:

1. Self, None.

2. Spouse, N/A.

3. Children and spouses, names, N/A.

4. Parents, names John J. Tull, Anna Paull Tull, deceased.

5. Grandparents names, Ira and Minnie Tull, Charles and Elizabeth Paull, decease.

6. Brothers and spouses, John J. Tull, $25.00 1989, 1990, 1992, 1993, Democratic Sen. Campaign Committee $55.00 1991, $15.00 1991, $120.00 1992, $20.00 Democratic National Committee.

Betty Bradshaw Tull, none Democratic Cong. Campaign Committee.

Robert Tull, $50.00, annually, National Republican Party, $50.00, annually, Washington State Republican Party, $100.00, 1992, Jack Metcalf's 2nd Congressional District Race $50.00 1992 Slade Gorton Senate Race and $25.00, 1993, Slade Gorton Campaign Fund.

Nancy Gilmore Tull, None.

Thomas J. Tull, $100.00, 1990, Camden County Democratic Committee (New Jersey).

Marie Walsh Tull, none.

Charles J. Tull, $35.00, 1989, 1990, 1991, 1992, 1993, Indiana Democratic Party $35.00 1990, $50.00, 1992, Congressman Tim Roemer's Campaign.

Mildred Banker Tull, none.

7. Sisters and spouses, names Elizabeth Waldis, John Waldis, none, Hazel McLane, Robert McLane, deceased.

By Mr. NUNN, from the Committee on Armed Services:

Nora Slatkin, of Maryland, to be an Assistant Secretary of the Navy.

The following-named officer, under the provision of title 10, United States Code, section 152, for appointment as Chairman of the Joint Chiefs of Staff and reappointment to the grade of general while serving in that position:

To be Chairman of the Joint Chiefs of Staff

To be general

Gen. John M. Shalikashvili, 331–30–8495, U.S. Army.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HOLLINGS (for himself, Mr. PELL, Mr. KERRY, and Mr. STEVENS):

S. 1517. A bill to establish a marine biotechnology program within the National Sea Grant College Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HELMS:

S. 1518. A bill to suspend temporarily the duty on Diquat Dibromide; to the Committee on Finance.

S. 1519. A bill to suspend temporarily the duty on lambdacyhalothrin; to the Committee on Finance.

By Mr. DANFORTH (for himself and Mr. BOND):

S. 1520. A bill to authorize the establishment of a center for the conservation and interpretation of Ozark culture and heritage at the Ozark National Scenic Riverways, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG:

S.J. Res. 140. A joint resolution to designate December 7, 1993, as "National Pearl Harbor Remembrance Day"; to the Committee on the Judiciary.

By Mr. SARBANES (for himself, Mr. BRYAN, Mr. MCCAIN, and Mr. ROTH):

S.J. Res. 141. A joint resolution designating October 29, 1993, as "National Firefighters Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SIMON:

S. Res. 148. A resolution expressing the sense of the Senate that the United Nations should be encouraged to permit representatives of Taiwan to participate fully in its activities, and for other purposes; to the Committee on Foreign Relations.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 149. A resolution extending the provisions of Senate Resolution 105 of the One Hundred First Congress, relating to the Senate Arms Control Observer Group, and for other purposes; considered and agreed to.

By Mr. PELL (for himself and Mr. MOYNIHAN):

S. Con. Res. 47. A concurrent resolution to recognize the International Rescue Committee for its great humanitarian endeavors; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself, Mr. PELL, Mr. KERRY, and Mr. STEVENS):

S. 1517. A bill to establish a marine biotechnology program within the National Sea Grant College Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MARINE BIOTECHNOLOGY INVESTMENT ACT OF 1993

• Mr. HOLLINGS. Mr. President, today I am pleased to join with several of my colleagues in introducing legislation that addresses an issue of growing national significance, the Marine Biotechnology Investment Act of 1993. Biotechnology, a technique in which living material is used to make or modify products, is a rapidly expanding industry around the world. It is expected to have profound effects on health care, agriculture, energy, and environmental management. In the United States, the importance of biotechnology to the national economy is growing, as diverse new industrial application are found. Sales of U.S. biotechnology products approached $4 billion in 1991. By the turn of the century, those sales are expected to grow to $50 billion annually.

A Federal biotechnology research initiative was established in 1992 to coordinate Federal research efforts and to maintain U.S. competitiveness in this growing sector of the global economy. In recent years, the interagency program has been funded at a level of about $4 billion annually, primarily to support health-related research. one area which has received minimal Federal support or investment is marine biotechnology. In 1992, a report by the Federal Coordinating Council for Science, Engineering, and Technology [FCCSET] estimated that marine research claimed only $44 million of the entire U.S. research budget for biotechnology.

In fact, a recent FCCSET report acknowledges that limited public funding may cause U.S. marine scientists to fall behind their global competitors. The report states:

> The oceans of the world represent a vast source of new foods, pharmaceuticals, minerals, and energy. But little attention has been directed at the biotechnological potential of the oceans' rich array of diverse organisms. This oversight is serious since oceanic organisms harbor a major portion of the Earth's genetic resources. Equally serious is the failure to adequately capitalize on the oceans to meet the growing needs for natural resources by expending populations and economies.

The report goes on to contrast minimal U.S. funding levels with the substantial marine biotechnology investments made by other nations, particularly Germany and Japan. Both nations recently have established major new centers based on the premise that marine biotechnology is one of the greatest remaining technological and industrial frontiers. Among the opportunities which it may offer are to: Restore and protect marine ecosystems; monitor human health and treat disease; increase food supplies through aquaculture; enhance seafood safety and quality; provide new types and sources of industrial materials and processes; and understand biological and geochemical processes in the world ocean.

This bill would require the President's Science Adviser, through FCCSET, to develop a 10-year national marine biotechnology strategy for the establishment and implementation of a comprehensive Federal research and development effort. It would authorize appropriations through fiscal year 1997 to strengthen the marine biotechnology program in our Nation's primary civilian ocean research agency, the National Oceanic and Atmospheric Administration [NOAA].

The NOAA program would be comprised of three elements: First, a grant program established by this legislation under the National Sea Grant College Program; second, partnerships with academic institutions to develop applications for improving marine resource management; and third, marine forensics, biotoxins, and microbiological research. Annual spending authorizations of $32 million are proposed for fiscal years 1994 and 1995, of which $20 million would be authorized to support sea grant efforts. The authorized level for fiscal years 1996 and 1997 would be $35 million, of which $25 million would be designated to fund sea grant. The bill also would amend the National Sea Grant College Program Act establishing a marine biotechnology review panel to make grant decisions that are competitively based on scientific, technical, educational, and commercial merit.

Finally, a complex environmental concern, the release of genetically engineered organisms, is addressed. The legislation calls for stronger Federal oversight and for the National Academy of Sciences to complete a study of environmental problems associated with accidental or intentional releases into the marine environment. NOAA would be prohibited from conducting or awarding grants for activities that could involve such releases, without approval under applicable law or a determination of no significant environmental risk.

Mr. President, marine biotechnology offers the promise of unlocking the secrets of the cell, enabling us to use marine resources in developing new products and processes. Marine biotechnology also could give us tools to manage marine resources more wisely and effectively. I cannot overemphasize the potential economic, social, and environmental benefits to be gained by this Nation from an organized focus on marine biotechnology. Through development of Government-university-industry partnerships, the Marine Biotechnology Investment Act should provide that organization and focus.•

• Mr. PELL. Mr. President, I am delighted to join with the distinguished chairman of the Commerce Committee [Mr. HOLLINGS] in introducing legislation to promote marine biotechnology through the National Sea Grant College Program.

I also want to commend the junior Senator from Massachusetts [Mr. KERRY] for his leadership in holding hearings by the Commerce Committee which have helped to refine this legislation.

Our legislation represents an extraordinary opportunity for the United States to capitalize on an emerging growth field in which its leadership is being challenged by determined international competition.

Marine biotechnology, which uses molecular and cellular techniques to develop new products from marine organisms, has shown the ability to create new materials, improved aquaculture and seafood products, better techniques for environmental remediation, and new pharmaceuticals from the sea.

This field has the proven capacity not only to revolutionize our use of marine resources, but also to improve our ability to manage those resources, which are becoming increasingly scarce.

We cannot afford to lose yet another promising new technology to our international competitors, whose governments are subsidizing efforts to bring to market the advances in marine biotechnology pioneered in the United States.

It is particularly appropriate that our marine biotechnology initiative be established in the National Sea Grant College Program.

I introduced the Sea Grant Act in 1966 and, I am proud to say, this small program has amassed an extraordinary record of scientific accomplishment and economic benefit over more than two decades.

I know of few programs anywhere that have the demonstrated economic impact of the Sea Grant Program—a proven return of more than 20 times the amount of the Federal investment, despite declining resources over more than a decade.

In addition, because sea grant is a matching funds program, it is also a highly leveraged Federal investment in which nearly half of the total program cost is derived from State and local governments, university funds, and support from private citizens.

Sea grant has the necessary balance of applied science to stimulate new advancements in marine biotechnology, education programs to train the skilled work force that is needed, and outreach through the Sea Grant Marine Advisory Service to transfer promising new technologies to the private sector.

The single largest interagency research effort underway in the United States today is in the field of biotechnology, at well over $4 billion per year. Yet only 1 percent of this amount is available for research in the promising new field of marine biotechnology, and that amount has remained flat for the past 3 years.

We need this marine biotechnology bill to help promote and keep up with the explosive growth that has occurred in biotechnology in general. This growing field represents the kind of high-wage, high-technology, and high-skill initiative that is needed to revitalize the U.S. economy, while creating new jobs nationwide.

We need to respond to the priorities of the new administration in developing new partnerships between industry and Government, and preparing our economy to compete in the 21st century.

Our legislation will use the many existing benefits of the Sea Grant Program, and will not require the creation of new administrative mechanisms to support further advancements in marine biotechnology.

Sea grant has led the U.S. effort in marine biotechnology, and has both the experience and the infrastructure to foster the growth of this field as quickly as possible.

I believe that our legislation is precisely what is needed to ensure that the United States remains at the forefront of this promising new frontier.•

• Mr. KERRY. Mr. President, as the vice chairman of the Senate's National Ocean Policy Study of the Commerce Committee, I am pleased to cosponsor the Marine Biotechnology Investment Act of 1993 which the distinguished chairman of the Commerce Committee, Senator HOLLINGS, is introducing today.

The purpose of the Marine Biotechnology Investment Act of 1993 is to establish a coordinated national program of research, development, and private sector partnerships. This act will allow us to capitalize on our position as a world leader to create jobs, stimulate economic growth, and keep us competitive in developing 21st century technology. The field of marine biotechnology is an emerging growth industry which has the capacity to revolutionize our use and management of marine and aquatic resources through molecular and cellular techniques. Marine biotechnology is simply the application of basic research in marine biology for the benefit of humankind. The results of marine biotechnology include useful products, especially a variety of foods and medicines, and new technologies for better management of the environment. However, once again this Nation faces a situation in which we have led the world in the development of a promising new technology, only to see our international competitors move quickly to capitalize on advances pioneered here in the United States.

The Director of the Office of Science and Technology Policy, through the Federal Coordinating Council on Science, Engineering, and Technology, is authorized to develop a national marine biotechnology strategy which will establish the goals and priorities for a coordinated Federal effort. This strategy will identify and set forth the role of relevant Federal agencies and departments, most notably within the National Oceanic and Atmospheric Administration, but inclusive of all other relevant agencies; it will describe specific programs and activities within these agencies necessary to achieve the goals of the marine biotechnology strategy; and it will establish funding requirements.

The strategy also will provide for coordinated Federal oversight of marine biotechnology activities—including the release of genetically altered organisms—and will establish safety guidelines and performance standards to assess and minimize environmental risks associated with those activities. I am very concerned about the release of organisms which may have an adverse impact on the ecosystem; this bill further addresses my concern by requiring the Director to commission a study by the National Academy of Sciences to fully assess risks associated with the release of organisms involved in marine biological research as well as to identify and recommend regulations, guidelines, performance standards, and procedures.

Marine biotechnology is interdisciplinary, linking the sciences of aquaculture, marine veterinary medicine, and marine ecology with disciplines that are only partially marine. Because it reaches across disciplines, marine biotechnology is dependent on the transfer of information among overlapping fields. In order to tap some of the best minds in these various disciplines to spur the development of marine biotechnology, the National Sea Grant College Program, renowned for its capabilities in technology transfer, research, and education, will play a leading role in this effort. The bill addresses my interest in ensuring balance within the marine biotechnology program by establishing a marine biotechnology review panel, composed of experts in a variety of relevant scientific fields, to ensure a fair playing field for all proposals in the awarding of grants and contracts.

At the hearing I chaired on marine biotechnology this past June, we explored the role marine biotechnology needs to play in our economy. I believe that marine biotechnology is an area of great importance and promise for U.S. science and technology. In my State of Massachusetts, the marine biotechnology industry already has established a strong presence and is a very significant industry with great potential. If the United States is going to remain competitive in the global marketplace, we need to play to our strengths and support new technologies.

In the last decade, interest in marine biotechnology has intensified in countries around the world. Marine biotechnology is a line of research that holds clear promise for helping to solve real world problems. While marine biotechnology has been described as an emerging field, humankind has been using the sea and its organisms since ancient times—as a source of food, fertilizer, and unique products. We simply cannot afford to lose yet another promising new technology to our foreign competitors. If we as a nation are to meet the growing needs of our country, if we are to take advantage of the bounty the oceans offer, if we are to protect the viability of our coastal environments, we must commit ourselves to a national program that will build on our current scientific achievements and develop national expertise for the future.

Again, I compliment the distinguished chairman of the Commerce Committee and his staff for their work in preparing this bill, and for his leadership on this issue. I look forward to working closely with Senator HOLLINGS and the other cosponsors to achieve passage of this important legislation.●

By Mr. LAUTENBERG:

S.J. Res. 140. A joint resolution to designate December 7, 1993, as "National Pearl Harbor Remembrance Day"; to the Committee on the Judiciary.

NATIONAL PEARL HARBOR REMEMBRANCE DAY

Mr. LAUTENBERG. Mr. President, today I rise to introduce a resolution designating December 7, 1993, as "National Pearl Harbor Remembrance Day." This will mark the 52d anniversary of the attack on Pearl Harbor.

On December 7, 1941, the United States was victim to an unprovoked attack by the Japanese Imperial Navy and Air Force. Although negotiations were being held in Washington by Japanese and American diplomats, the Japanese deliberately and secretly planned the attack for that Sunday morning. No war warning was issued and the Pacific fleet never suspected that an attack force was en route.

On the "date that will live in infamy," Pearl Harbor was surrounded by a dense cloud cover. Suddenly, about 360 Japanese planes broke through the clouds and raided the island. The Japanese bombarded American military installations and Army aircraft located at Hickam and Wheeler Fields. Then the Japanese units attacked the battleships moored at Ford Island.

Concentrating mainly on planes and ships, the Japanese did little damage to the submarine base and repair facilities. Fortunately, all of the American aircraft carriers stationed at Pearl Harbor were on missions away from the base. However, the Pacific fleet lost eight battleships, three light cruisers, three destroyers, and four vessels within 2 hours.

The American military bravely fought back to defend their base. Heroism was displayed by the sailors, the soldiers, the flyers, and the gunners as they manned their stations under the most severe conditions. However, all of the service people were caught off guard, many were even sleeping. The resistance of the Americans was not strong enough to fight off the large and prepared Japanese attacking force.

When the surprise and unprovoked attack ended, the Japanese left 2,403 Americans dead and 1,178 wounded. Innocent civilian lives accounted for some of the loss. Additionally, the attack crippled American air defense and undermined our position in the Pacific.

That Sunday morning, more than Hawaii was attacked; our Nation's isolationism was broken. This was the first time in U.S. history that we had been attacked first. Americans were indignant and wanted to avenge the lives that the Japanese had taken. The country became unified and stood behind the President as he signed a declaration of war at 4:10 p.m., Monday, December 8, 1941.

The service people and civilians who were there during the attack deserve a day of remembrance. This resolution requests the President to issue a proclamation asking the people of the United States to observe this solemn occasion with appropriate ceremonies, and to remain eternally vigilant in protecting our Nation from future aggression.

As "Remember Pearl Harbor" was the rallying cry during World War II, we must remember all of those who lost their lives during the tragedy, and commit ourselves to never being caught unprepared again.

I want to commend all the New Jersey members of the Pearl Harbor Survivors Association for their active and strong support of this resolution. The 10,000 member national organization is fortunate to have Lee Goldfarb as its president. Mr. Goldfarb has spent many years assuring that Pearl Harbor will not be forgotten. I thank him and his association for not letting anyone forget the events that occurred for 2 hours at Pearl Harbor 52 years ago.

I ask unanimous consent that a copy of the joint resolution be printed in the RECORD, and I urge my colleagues to support this joint resolution.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 140

Whereas on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii;

Whereas more than 2,000 citizens of the United States were killed and more than 1,000 citizens of the United States were wounded in the attack on Pearl Harbor;

Whereas the attack on Pearl Harbor marked the entry of the United States into World War II;

Whereas, the veterans of World War II and all other people of the United States commemorate December 7 in remembrance of the attack on Pearl Harbor; and

Whereas commemoration of the attack on Pearl Harbor will instill in all people of the United States a greater understanding and appreciation of the selfless sacrifice of the individuals who served in the Armed Forces of the United States during World War II: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That December 7, 1993, is designated as "National Pearl Harbor Remembrance Day". The President is authorized and requested—

(1) to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities; and

(2) to urge all Federal agencies and interested organizations, groups, and individuals, to fly the flag of the United States at half staff on December 7, 1993, in honor of the individuals who died as a result of their service at Pearl Harbor.

By Mr. SARBANES (for himself, Mr. BRYAN, Mr. McCAIN, and Mr. ROTH):

S.J. Res. 141. A joint resolution designating October 29, 1993, as "National Firefighters Day"; to the Committee on the Judiciary.

NATIONAL FIREFIGHTERS DAY

● Mr. SARBANES. Mr. President, today I am introducing a Joint Resolution to designate October 29, 1993, as "National Firefighters Day."

As a cochairman of the Congressional Fire Service Caucus and a longtime supporter of our Nation's fire service, I am honored to sponsor this resolution that sets aside one day to thank firefighters for their dedication and service to all of us.

Twenty-four hours a day, 365 days each year, firefighters are on standby—ready to come to our aid. These well-trained men and women are our first line of defense against fire and a host of other natural disasters. And while each of us hopes that we will never need their assistance, we take comfort in knowing that they are there.

In an age when so many bemoan the lack of role models for our youth, I suggest that we need to look only to the nearest firehall for heroes who day-to-day put their lives on the line in selfless service to others. Mr. President, all of the volunteer and career firefighters around our country truly deserve a day of recognition.

An identical resolution was introduced in the House last week by the distinguished chairman of the caucus, Representative HOYER from Maryland. Mr. President, I am very pleased that the bipartisan Senate leadership of the caucus is joining me today in introducing this important measure in the Senate. I commend Senator BRYAN, Senator McCAIN, and Senator ROTH for their demonstrated concern for the fire service and I urge all of my colleagues to join us in sponsoring this joint resolution.●

ADDITIONAL COSPONSORS

S. 67

At the request of Mrs. KASSEBAUM, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 67, a bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.

S. 295

At the request of Mr. DURENBERGER, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 295, a bill to amend title 23, United States Code, to remove the penalties for States that do not have in effect safety belt and motorcycle helmet traffic safety programs, and for other purposes.

S. 353

At the request of Mr. STEVENS, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 353, a bill to provide Alaska Native Corporations, through an election process, standing to contest the disallowance of certain tax losses by the Internal Revenue Service if the purchasers of the losses agree; and to offset any associated revenue losses by increasing the interest rate on certain related tax deficiencies.

S. 359

At the request of Mr. DeCONCINI, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 377

At the request of Mr. GRAMM, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 377, a bill to require a balanced Federal budget by fiscal year 2000 and each year thereafter, to protect Social Security, to provide for zero-based budgeting and decennial sunsetting, to impose spending caps on the growth of entitlements during fiscal years 1994 through 2000, and to enforce those requirements through a budget process involving the President and Congress and sequestration.

S. 496

At the request of Mr. SIMON, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 496, a bill to amend chapter 44 of title 18, United States Code, to strengthen Federal standards for licensing firearms dealers and heighten reporting requirements, and for other purposes.

S. 515

At the request of Mr. PRYOR, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 515, a bill to amend title XVIII of the Social Security Act to provide for a limitation on use of claim sampling to deny claims or recover overpayments under medicare.

S. 774

At the request of Mr. WOFFORD, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 774, a bill to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, extend such Commission, establish a national Service Day to promote community service, and for other purposes.

S. 784

At the request of Mr. HATCH, the name of the Senator from Pennsylvania [Mr. WOFFORD] was withdrawn as a cosponsor of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 990

At the request of Mr. BREAUX, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 990, a bill to promote fair trade for the United States shipbuilding and repair industry.

S. 1128

At the request of Mr. AKAKA, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 1128, a bill to amend title 38, United States Code, to permit the burial in cemeteries of the National Cemetery System of certain deceased reservists.

S. 1288

At the request of Mr. AKAKA, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Washington [Mrs. MURRAY], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 1288, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes.

S. 1361

At the request of Mr. SIMON, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1361, a bill to establish a national framework for the development of School-to-Work Opportunities systems in all States, and for other purposes.

S. 1432

At the request of Mr. HOLLINGS, the names of the Senator from Washington [Mrs. MURRAY], the Senator from California [Mrs. BOXER], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 1432, a bill to amend the Merchant Marine Act, 1936, to establish a National Commission to Ensure a Strong and Competitive United States Maritime Industry.

S. 1443

At the request of Mr. EXON, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1443, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on luxury passenger vehicles.

S. 1458

At the request of Mrs. KASSEBAUM, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1458, a bill to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

SENATE JOINT RESOLUTION 91

At the request of Mr. SPECTER, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 91, a joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 122

At the request of Mr. LAUTENBERG, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Arizona [Mr. DeCONCINI], the Senator from Maryland [Mr. SARBANES], the Senator from Utah [Mr. HATCH], the Senator from Ohio [Mr. GLENN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Maryland [Ms. MIKULSKI], the Senator from Georgia [Mr. NUNN], the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. SASSER], the Senator from South Carolina [Mr. THURMOND], the Senator from Michigan [Mr. LEVIN], the Senator from Alabama [Mr. SHELBY], the Senator from Washington [Mr. GORTON], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Missouri [Mr. DANFORTH], the Senator from North Dakota [Mr. CONRAD], the Senator from New Mexico [Mr. DOMENICI], the Senator from Missouri [Mr. BOND], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from New Jersey [Mr. BRADLEY], the Senator from North Dakota [Mr. DORGAN], the Senator from Kansas [Mr. DOLE], the Senator from Maine [Mr. MITCHELL], the Senator from California [Mrs. FEINSTEIN], the Senator from Massachusetts [Mr. KERRY], the Senator from Utah [Mr. BENNETT], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 122, a joint resolution designating December 1993 as "National Drunk and Drugged Driving Prevention Month."

SENATE JOINT RESOLUTION 135

At the request of Mr. SIMON, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Wisconsin [Mr. KOHL], the Senator from California [Mrs. BOXER], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of Senate Joint Resolution 135, a joint resolution designating the week beginning October 25, 1993, as "World Population Awareness Day."

SENATE JOINT RESOLUTION 136

At the request of Mr. SIMON, the names of the Senator from New York [Mr. D'AMATO] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 136, a joint resolution to designate the month of July 1994 as "Lewis and Clark Month."

SENATE RESOLUTION 128

At the request of Mr. LAUTENBERG, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Resolution 128, a resolution expressing the sense of the Senate regarding the protection to be accorded United States copyright-based industries under agreements entered into pursuant to the Uruguay round of trade negotiations.

AMENDMENT NO. 1011

At the request of Mrs. HUTCHISON the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of amendment No. 1011 proposed to H.R. 2750, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

SENATE CONCURRENT RESOLUTION 47—RELATIVE TO THE INTERNATIONAL RESCUE COMMITTEE

Mr. PELL (for himself and Mr. MOYNIHAN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 47

Whereas the International Rescue Committee, which this year is marking the 60th anniversary of its founding, is a beacon of hope for the world's refugees, displaced by war, civil insurrection, ethnic conflict, political and religious persecution and famine;

Whereas in crisis after crisis—in Europe, Central America, Africa, and Asia—the field staff of the International Rescue Committee is often the first relief support on site to ease the suffering of refugees by stabilizing health conditions with critically needed sanitation, health care, and medical assistance;

Whereas the programs of the International Rescue Committee are also concerned with improving the quality of life for refugees by preparing them for a productive future through educating children and building new skills among adults;

Whereas often and whenever possible, programs implemented by the International Rescue Committee are ultimately turned over to the refugees themselves after they have been well trained by International Rescue Committee staff and volunteers;

Whereas the International Rescue Committee was founded in 1933 as a non-sectarian response to the increasing horrors of Nazi Germany;

Whereas as the need for humanitarian assistance expanded, so has the International Rescue Committee's commitment to refugees;

Whereas throughout the world, from Bosnia to Somalia, from Cambodia to El Salvador, the International Rescue Committee continues to aid refugees with Medical assistance, shelter, food, and skills-training;

Whereas the International Rescue Committee also helps in repatriation or settlement to assist refugees in starting their life anew;

Whereas in its 60 years of service, the International Rescue Committee has not only provided for victims of brutality and for those suffering from natural disasters with services essential for survival and the means to rebuild their lives, but also has given them reason to have renewed optimism in the compassion and goodwill of their fellow human beings; and

Whereas October 15, 1993, the 60th anniversary of the founding of the International Rescue Committee, is an appropriate day on which to give recognition to the International Rescue Committee for its great humanitarian endeavors: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That on the occasion of the 60th anniversary of the founding of the International Rescue Committee, the Congress hereby recognizes the International Rescue Committee for its great humanitarian endeavors.

• Mr. PELL. Mr. President, today the distinguished senior Senator from New York and I are submitting a concurrent resolution proclaiming October 15, 1993, as a day of recognition for the International Rescue Committee for its great humanitarian endeavors.

I would like to take a moment to recount for my colleagues this organization's inspiring history. Let me add at the outset that I am not an unbiased observer. I worked for the IRC in Vienna during the Hungarian refugee crisis in 1956. I have been a vice president of the IRC and continue to serve on its board of directors.

The IRC was founded in 1933, at the urging of Albert Einstein, in response to the rising threat of Nazism to the safety of its opponents in Germany. The IRC's initial purpose was to raise America's consciousness, solicit funds, and assist in the escape of anti-Nazis and Jews in imminent danger. Throughout the war, IRC continued its mission and was instrumental in aiding the escape of thousands in danger, including leading intellectuals and artists such as Marc Chagall and Max Ernst and novelist Heinrich Mann.

After the war, the IRC continued and expanded its work. The IRC and its volunteers have provided assistance in many of the world's trouble spots, in Africa, Europe, Central and South America, and Asia. Often this assistance has been provided at great personal risk. I ask unanimous consent that a more detailed history of the IRC appear immediately following my remarks in the RECORD.

As we approach October 15, I think it is fitting that the Congress act to recognize an organization that has given so much to the world.•

• Mr. MOYNIHAN. Mr. President, the International Rescue Committee [IRC] is celebrating 60 years of providing humanitarian relief to refugees. I am proud to be a co-sponsor of Senator PELL'S resolution to commemorate this event.

There are estimated to be a staggering 18 million refugees in the world today. Ethnic conflicts, long suppressed by the cold war have now been rekindled creating a steady flow of refugees in places like Bosnia, Armenia, Sudan, and now Georgia. Natural disasters and other armed conflicts make no small contribution to the pool of displaced persons.

The IRC has worked diligently over the last 60 years to provide relief to those who have been forced from their homes. It works not only to provide for the immediate needs of refugees by providing food, shelter, and medicine, but the IRC also seeks to provide for the long-term well being of refugees through education and worker training and by employing refugees.

The IRC is a frugal organization and a testament to their commitment to providing for refugees concentrates the bulk of its resources on the refugees. In 1991 Money magazine named IRC the best managed large U.S. charity, with 94.9 percent of its annual budget spent directly on assisting refugees.

The collapse of empires has historically been followed by periods of turmoil as the world readjusts to the power vacuum created by its sudden disintegration. Unfortunately, the need for organizations such as the IRC may well continue to grow. Being forced to leave ones home is a terribly devastating and traumatic experience and those who endure such hardship have my deepest sympathy. I would hope that those who are unfortunate enough to become refugees, do have the fortune of finding the IRC at the end of their long journey. IRC is a beacon of hope and testimony to the fact that human nature is not irredeemably savage.•

SENATE RESOLUTION 148—RELATIVE TO TAIWAN

Mr. SIMON submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 148

Whereas the United States has had a long history of friendship with the government of the Republic of China, more widely known as Taiwan;

Whereas Taiwan has the largest foreign reserves of any nation and a strong, vibrant economy, and now has the 20th largest gross national product in the world;

Whereas Taiwan has dramatically improved its record on human rights and now routinely holds free and fair elections in a multiparty political system;

Whereas agencies of the United States Government or the United Nations' working with Taiwan does not prevent or imperil a possible voluntary union between the People's Republic of China and Taiwan any more than recognizing separate governments in the former West Germany and the former East Germany prevented the voluntary reunification of Germany;

Whereas Taiwan has much to contribute to the work and funding of the United Nations;

Whereas governments of other nations that maintain diplomatic relations with the People's Republic of China, such as France and Norway, have also had ministerial-level exchanges with Taipei; and

Whereas it is in the interest of the United States and the United Nations to maintain good relations with a government and an economy as significant as that on Taiwan: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President, acting through the United States Permanent Representative to the United Nations, should encourage the United Nations to permit representatives of Taiwan to participate fully in the activities of the United Nations and its specialized agencies; and

(2) Cabinet-level exchanges between Taiwan and the United States should take place in the interests of both nations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

SENATE RESOLUTION 149—RELATIVE TO THE SENATE ARMS CONTROL OBSERVER GROUP RESOLUTION

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 149

Resolved, That (a) the provisions of Senate Resolution 105 of the One Hundred First Congress (agreed to April 13, 1989) (as extended by Senate Resolution 358 of the One Hundred First Congress (agreed to October 28, 1990), and further extended by Senate Resolution 365 of the One Hundred Second Congress (agreed to October 8, 1992)), shall remain in effect until December 31, 1994.

(b) Section 2(b) of Senate Resolution 105 of the One Hundred First Congress is amended—

(1) in paragraph (1)—

(A) by inserting "or more" after "one" each place it appears; and

(B) by striking "staff member" each place it appears and inserting in lieu thereof "staff members";

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3), (4) and (5) as paragraphs (2), (3) and (4), respectively; and

(4) in paragraph (2) (as redesignated), by striking "or secretary" each place it appears.

(c) Section 2(c) of Senate Resolution 105 of the One Hundred First Congress is amended by striking the first sentence and inserting in lieu thereof the following: "The Majority Leader and Minority Leader may each designate one or more staff members to be responsible to the respective Leaders.".

(d) Section 3 of the Senate Resolution 105 of the One Hundred First Congress is amended—

(1) in subsection (a)—

(A) by striking "$600,000" and inserting in lieu thereof "$380,000"; and

(B) by striking the period at the end thereof and inserting a comma and the following: "except that not more than $100,000 shall be available for each Administrative Cochairman and the Cochairman's staff, and not more than $60,000 shall be available for each Cochairman of the Group who is not an Administrative Cochairman and the Cochairman's staff."; and

(2) in subsection (b), by striking "$300,000" and inserting in lieu thereof "$200,000".

(e) This resolution, and the amendments made by this resolution, shall be deemed to have become effective as of March 30, 1993.

AMENDMENTS SUBMITTED

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

WARNER (AND OTHERS) AMENDMENT NO. 1015

Mr. WARNER (for himself, Mr. THURMOND, Mr. GRAHAM, Mr. COATS, Mr. LUGAR, Mr. BOREN, Mr. HOLLINGS, Mr. HELMS, Mr. FAIRCLOTH, Mr. DANFORTH, Mr. KOHL, and Mr. ROBB) proposed an amendment to the bill (H.R. 2750) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes, as follows:

On page 54, line 14, beginning with "under", strike out all through "Code" on line 15.

BRADLEY AMENDMENT NO. 1016

Mr. BRADLEY proposed an amendment to the bill (H.R. 2750), supra, as follows:

At the appropriate place in the bill insert the following:

SEC. . (a) Congress finds that.

(1) The Federal Aviation Administration is in the process of testing alernatives to the microwave landing system, which might prove more cost effective and capable of supporting category I, II, and III landings.

(2) Proceeding with full scale production of the microwave landing system, without seriously considering alternatives, could result in a waste of Government resources.

(b) It is the sense of the Senate that Congress should not fund full production of the microwave landing system in the future until the Federal Aviation Administration determines whether other alternatives to the current system can meet its needs in a more cost effective manner.

WALLOP (AND SIMPSON) AMENDMENT NO. 1017

Mr. D'AMATO (for Mr. WALLOP, for himself and Mr. SIMPSON) proposed an amendment to the bill (H.R. 2750), supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . It is the same of the Senate that the Secretary of Transportation should take such action as may be necessary to revise the Department of Transportation's cost/benefit analyses process to fully take projected military enplanement and cost savings figures into consideration with regard to radar installations at joint-use civilian/military airports. It is further the sense of the Senate that the Secretary of Transportation shall require the Federal Aviation Administration to reevaluate the radar needs at the Cheyenne, Wyoming Airport, and enter into an immediate dialogue with officials of the Wyoming Air Guard, F.E. Warren Air Force Base, and Cheyenne area leaders in the phase II radar installation reevaluation of the Federal Aviation Administration and adjust cost/benefit determinations based to some appropriate degree on already provided military figures and concerns and other enplanement projections in the region. The Senate further believes that the Secretary of Transportation should report the results of this reevaluation concerning the Cheyenne Airport's and Southeast Wyoming's aircraft radar needs to Congress within 60 days following the date of the enactment of this Act and explain how military figures and concerns with appropriately solicited and fully utilized in future radar decisions involving joint-use airport facilities.

BURNS (AND OTHERS) AMENDMENT NO. 1018

Mr. BURNS (for himself, Mr. DORGAN, Mr. CONRAD, and Mr. BROWN) proposed an amendment to the bill (H.R. 2750), supra, as follows:

On page 68, between lines 5 and 6, insert the following new section:

SEC. . CARGO PREFERENCE.

(a) INAPPLICABILITY OF CARGO.—For fiscal year 1994, the cargo preference requirements of section 901 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241), and the Act of March 26, 1934 (48 Stat. 500, chapter 90; 46 U.S.C. App. 1241-1), shall not apply in the case of shipments of grain to Russia from Pacific Northwest ports under the Food For Progress program announced at the Vancouver Summit on April 4, 1993, if the Secretary of Transportation, in consultation with the Secretary of Agriculture, determines that there is an insufficient number of privately owned United States-flag commercial vessels available to transport such grain.

(b) DEFINITION.—The term "Pacific Northwest" means the region defined by section 1(b) of Public Law 88-552 (16 U.S.C. 837(b)), except that for the purposes of this section, the term includes the entire State of Montana.

BROWN AMENDMENT NO. 1019

Mr. BROWN proposed an amendment to amendment No. 1018 proposed by Mr. BURNS to the bill (H.R. 2750), supra; as follows:

At the end of the amendment, add the following:

SEC. . LIMITATION ON COST OF CARGO PREFERENCE.

Notwithstanding any other provision of law, no Federal agency shall contract for the transportation of goods with any carrier whose rates are more than 100 percent above the average competitive world market shipping rate, as determined by the Secretary of Commerce.

MURKOWSKI (AND STEVENS) AMENDMENT NO. 1020

Mr. D'AMATO (for Mr. MURKOWSKI, for himself and Mr. STEVENS) proposed an amendment to the bill (H.R. 2750), supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . None of the funds appropriated by this Act shall be available for use for closing or otherwise reducing the services of any flight service station in the State of Alaska in operation on the date of the enactment of this Act, until after the expiration of the 90-day period following the date that the Secretary of Transportation has reported to Congress regarding the effects on safety of the flight service station closing and reduction in services plan being carried out by the Federal Aviation Administration in the State of Alaska on the date immediately preceding the date of the enactment of this Act. Such report shall be submitted no later than 90 days after enactment of this Act.

BOXER (AND FEINSTEIN) AMENDMENT NO. 1021

Mrs. BOXER (for herself and Mrs. FEINSTEIN) proposed an amendment to the bill (H.R. 2750), supra; as follows:

At the appropriate place under the heading Federal-aid Highways, insert the following:

"For an additional amount for emergency relief resulting from the Loma Prieta earthquake of October 17, 1989, as authorized by 23

U.S.C. 125, $315,000,000, to be derived from the highway trust fund and to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

CATAWBA INDIAN TRIBE OF SOUTH CAROLINA LAND CLAIMS SETTLEMENT ACT OF 1993

INOUYE AMENDMENT NO. 1022

Mr. LAUTENBERG (for Mr. INOUYE) proposed an amendment to the bill (H.R. 2399) to provide for the settlement of land claims of the Catawba Tribe of Indians in the State of South Carolina and the restoration of the Federal trust relationship with the tribe, and for other purposes; as follows:

In the text of the bill designated as subsection (b) of section 4, strike the word "entitled" each place it appears and insert in each such place the word "eligible".

Amend the text of the bill designated as subsection (c) of section 15 to read as follows:

(c) LAWS AND REGULATIONS OF THE UNITED STATES.—The provisions of any Federal law enacted after the date of enactment of this Act, for the benefit of Indians, Indian nations, tribes, or bands of Indians, which would affect or preempt the application of the laws of the State to lands owned by or held in trust for Indians, or Indian nations, tribes, or bands of Indians, as provided in this Act and the South Carolina State Implementing Act, shall not apply within the State of South Carolina, unless such provision of such subsequently enacted Federal law is specifically made applicable within the State of South Carolina.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., October 5, 1993, to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, October 5, beginning at 9:30 a.m., to conduct a business meeting to consider H.R. 2824, to modify the project for flood control, James River Basin, Richmond, VA, and to consider the nominations of—

Robert Perciasepe, nominated by the President to be Assistant Administrator for the Office of Water, Environmental Protection Agency.

Lynn R. Goldman, nominated by the President to be Assistant Administrator for the Office of Prevention, Pesticides and Toxic Substances, Environmental Protection Agency.

Elliot P. Laws, nominated by the President to be Assistant Administrator for the Office of Solid Waste and Emergency Response, Environmental Protection Agency.

Jean C. Nelson, nominated by the President to be General Counsel, Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, October 5, 1993, at 10 a.m. to hold a hearing on Bosnian peace negotiations and during the course of the hearing to hold a brief business meeting to vote on pending nominations and noncontroversial resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, October 5, 1993, at 4:30 p.m. to hold a closed hearing on the status of Bosnian peace negotiations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the "Health Security Act of 1993: Views of Health Care Providers," during the session of the Senate on Tuesday, October 5, 1993, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PATENTS, COPYRIGHTS AND TRADEMARKS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Patents, Copyrights, and Trademarks be authorized to meet during the session of the Senate on Tuesday, October 4, 1993, at 10 a.m. to hold a hearing on S. 1346, the Copyrights Royalty Tribunal Reform Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Tuesday, October 5, 1993, at 10 a.m. to conduct a hearing on nationwide banking and branching and insurance activities of national banks.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HATE CRIMES

• Mr. SIMON. Mr. President, today I wish to address the growing number of racially motivated incidents in this country. In 1990, I sponsored the Hate Crimes Statistics Act, which mandated the Attorney General to gather hate crime statistics and identify trends to help us better predict and combat racially motivated crimes. Last year, I mentioned that I would monitor incidents of hate crime and report about them in the Senate RECORD.

A particularly disturbing incident occurred in our local area just last week. Swastikas were spray-painted on mailboxes, newspaper stands, walls and telephone booths in several areas in the District. Swastikas were found on newsstands outside the Justice Department, the Christian Science Monitor, and the Holocaust Museum. Last Friday morning, George Washington University students and staff members noticed a number of swastikas and commuters noticed some at the Farragut West Metro stop.

These are not isolated incidents. Hate crimes are increasing in number throughout the country. We live in a country today where there are students afraid to wear yarmulkes in public out of fear for their safety. The Anti-Defamation League reports that traditional racist groups like the Ku Klux Klan and the White Aryan Resistance are recruiting teenagers to boost their memberships.

Mr. President, we cannot allow these incidents to go unnoticed. Not only must we be aware of the prevalence of these incidents, but we need to work together to rid this country of hatred. A great America must be a tolerant and understanding America. We have to learn to care about one another more, and when we do, the twisted minds that want us to hate one another will find few takers. Let us follow the example set by the Aspen Hill community residents who responded in a positive fashion to a racial attack on two of its residents last year. The evening following the attack, community residents marched in protest at the site, carrying signs which said "Love thy neighbor no matter what color," "Stop hating," and "We the people." Mr. President, let us continue to uphold this neighborhood's message of unity and peace and let us hope their message will permeate throughout our country.•

JOE AGREDANO AND THE AZATLAN BOXING GYM

● Mr. DECONCINI. Mr. President, I rise today to share with the Senate the achievements of a man who is working to show the young people of Tucson, AZ, an alternative to gang membership and the violence and crime associated with it. Joe Agredano has been training young people in the sport of boxing for over 16 years. In addition to having produced three national champions, Joe has coached numerous State, regional, and Golden Glove champions. Joe was invited by the United States Olympic Committee to serve as head coach of the United States Olympic team for its meeting against the Russian team in a tournament held on March 26, 1993. Forty-four of these meets have been held since 1969, of which the United States team had beaten the Russian team only 7 times. In light of this history, Joe's achievement is all the more outstanding. His team defeated the Russian team in 11 out of 12 bouts.

Even more worthy of respect are the contributions Joe has made to the community of Tucson and to its young people. For 15 years now, the Azatlan Boxing Gym has been the site of an important transformation for the young people to whom Joe has reached. Training in this corrugated steel hut with no cooling system, hard concrete floors, dim lighting, and stale air has not been easy, but Joe and the young people he works with have persevered. He has not only given these young people the identity and sense of belonging that gang membership normally provides, but he has imparted to them both the desire to formulate and achieve goals and the discipline that will last a lifetime.

Mr. President, I would like to commend the efforts of Joe Agredano in providing the young people of Tucson an alternative to gang membership. In teaching these young people the value of wielding boxing gloves rather than weapons, he has blessed the community by inculcating in its youth the discipline and the desire for achievement necessary to become tomorrow's leaders.●

SCHOOL UNIFORMS

● Mr. SIMON. Mr. President, I want to bring to the attention of my colleagues an article that appeared recently in the New York Times. The author, Mark Mathabane, points out the many problems that are caused in American schools by a preoccupation with clothing. Too often, students are judged by what they can afford to wear.

I have long felt that school uniforms are a wise approach to addressing these problems. While I do not suggest that the Federal Government get involved in this issue, it does seem to be an appropriate approach for school officials.

I ask that the article "Appearances Are Destructive," by Mark Mathabane, New York Times, August 26, 1993, be printed in the RECORD.

The article follows:

APPEARANCES ARE DESTRUCTIVE

(By Mark Mathabane)

KERNERSVILLE, NC.—As public schools reopen for the new year, strategies to curb school violence will once again be hotly debated. Installing metal detectors and hiring security guards will help, but the experience of my two sisters makes a compelling case for greater use of dress codes as a way to protect students and promote learning.

Shortly after my sisters arrived here from South Africa I enrolled them at the local public school. I had great expectations for their educational experience. Compared with black schools under apartheid, American schools are Shangri-Las, with modern textbooks, school buses, computers, libraries, lunch programs and dedicated teachers.

But despite these benefits, which students in many parts of the world only dream about, my sisters' efforts at learning were almost derailed. They were constantly taunted for their homely outfits. A couple of times they came home in tears. In South Africa students were required to wear uniforms, so my sisters had never been preoccupied with clothes and jewelry.

They became so distraught that they insisted of transferring to different schools, despite my reassurances that there was nothing wrong with them because of what they wore.

I have visited enough public schools around the country to know that my sisters' experiences are not unique. In schools in many areas, Nike, Calvin Klein, Adidas, Reebok and Gucci are more familiar names to students than Zora Neale Hurston, Shakespeare and Faulkner. Many students seem to pay more attention to what's on their bodies than in their minds.

Teachers have shared their frustrations with me at being unable to teach those students willing to learn because classes are frequently disrupted by other students ogling themselves in mirrors, painting their fingernails, combing their hair, shining their gigantic shoes or comparing designer labels on jackets, caps and jewelry.

The fiercest competition among students is often not over academic achievements, but over who dresses most expensively. And many students now measure parental love by how willing their mothers and fathers are to pamper them with money for the latest fads in clothes, sneakers and jewelry.

Those parents without the money to waste on such meretricious extravagances are considered uncaring and cruel. They often watch in dismay and helplessness as their children become involved with gangs and peddle drugs to raise the money.

When students are asked why they attach so much importance to clothing, they frequently reply that it's the cool thing to do, that it gives them status and earns them respect. And clothes are also used to send sexual messages, with girls thinking that the only things that make them attractive to boys are skimpy dresses and gaudy looks, rather than intelligence and academic excellence.

The argument by civil libertarians that dress codes infringe on freedom of expression is misleading. We observe dress codes in nearly every aspect of our lives without any diminution of our freedoms—as demonstrated by flight attendants, bus drivers, postal employees, high school bands, military personnel, sports teams, Girl and Boy Scouts, employees of fast-food chains, restaurants and hotels.

In many countries where students outperform their American counterparts academically, school dress codes are observed as part of creating the proper learning environment. Their students tend to be neater, less disruptive in class and more disciplined, mainly because their minds are focused more on learning and less on materialism.

It's time Americans realize that the benefits of safe and effective schools far outweigh any perceived curtailment of freedom of expression brought on by dress codes.●

DIETARY SUPPLEMENT HEALTH AND EDUCATION ACT

● Mr. EXON. Mr. President, recently I joined the Senator from Utah [Mr. HATCH] as a cosponsor of S. 784, the Dietary Supplement Health and Education Act of 1993.

I joined as a cosponsor for a number of reasons. First and foremost is the fact that millions of Americans rely on dietery supplements and I believe that access to safe and effective supplements should continue.

I also believe, as we explore options for improving our health care system, that we ought to take every reasonable step to encourage preventative health care. In some cases, dietary supplements may contribute to this effort and provide a cost-effective alternative.

Unfortunately, the dietary supplements marketplace is often very confusing and it is difficult for consumers to find consistent, objective information. Some supplement makers are responsible, while others take considerable liberties with claims made about their products. Moreover, enforcement of current law has led to a variety of charges and countercharges involving the FDA.

I am hopeful that the Senate Committee on Labor and Human Resources will take a close look at S. 784 for changes that remove some of this confusion. My ultimate support for S. 784, or any related legislation, rests on such improvements.●

THE BRADLEY AMENDMENT TO REDUCE THE FUNDING LEVELS OF THE BUREAU OF RECLAMATION AND THE ARMY CORPS OF ENGINEERS

● Mr. MCCAIN. Mr. President, last week during consideration of the energy and water appropriations bill an amendment was offered by Senator BRADLEY to reduce funding for the Bureau of Reclamation and the Army Corps of Engineers by 6.5 percent, to the President's request. I would like to offer a brief explanation of my vote in favor of this amendment.

Let me begin by saying that my vote does not indicate my support or opposition to any specific program. I voted in favor of this amendment because I am concerned about runaway Federal spending and a $4 trillion debt that is facing our Nation.

I do not always agree with the President, but when I recognize an effort on his part to control spending, as he has here—then we have an obligation to support him. We must cut spending. We have a perfect opportunity to do so.

All of us have made speeches about cutting spending and our desire to ensure fiscal responsibility. Yet each year we continue to pass appropriation bills which do not cut spending. In this instance, accounts for these agencies have been increased by the committee above the request made by the President. I believe we should support the President's request and cut the additional funds.

The amendment would simply reduce the amount of the appropriation and allow the conferees to determine specifically where the cuts would come from. I supported the amendment with the understanding that the conferees would apply these cuts fairly throughout the program and not target specific projects unduly.

I realize that the bill contains funding for programs within my own State. Nevertheless, if we are sincere in our efforts to reduce the deficit we must realize that cuts will eventually affect us all. While this amendment did not pass, I assure my colleagues that I will continue my efforts to reduce Federal spending where appropriate.•

ORDER OF BUSINESS

Mr. LAUTENBERG. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. LAUTENBERG. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Wednesday, October 6; that following the prayer, the Journal of the proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of H.R. 2750, the Department of Transportation appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LAUTENBERG. Madam President, I ask unanimous consent that when the Senate resumes the debate on H.R. 2750, amendment No. 1021, the amendment by Senator BOXER, from California, be the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. LAUTENBERG. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:45 p.m., recessed until Wednesday, October 6, 1993, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 5, 1993:

DEPARTMENT OF STATE

ROBERT S. GELBARD, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL NARCOTICS MATTERS, VICE MELVYN LEVITSKY, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

FRANK ALMAGUER, OF VIRGINIA
JANET C. BALLANTYNE, OF CALIFORNIA
JOHN F. HICKS, OF FLORIDA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

MARGARET I. BONNER, OF TEXAS
LESLIE A. DEAN, OF CALIFORNIA
PHILIP-MICHAEL GARY, OF WASHINGTON
NORMA JEAN PARKER, OF NEW YORK
MARIO PITA, OF FLORIDA
BONNIE A. POUNDS, OF FLORIDA
WILLIAM S. RHODES, OF VIRGINIA
GEORGE A. WACHTENHEIM, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

L. MARCIA BERNBAUM, OF FLORIDA
DONALD W. BOYD, JR., OF FLORIDA
LISA CHILES, OF THE DISTRICT OF COLUMBIA
TONY L. CULLY, OF FLORIDA
PHILIPPE L. DARCY, OF CALIFORNIA
ROSE MARIE DEPP, OF MARYLAND
ALAN V. GETSON, OF VIRGINIA
DAVID E. MUTCHLER, OF MARYLAND
GERALD L. NELL, OF PENNSYLVANIA
WILLARD J. PEARSON, JR., OF CALIFORNIA
KENNETH R. RIKARD, OF MISSOURI
JOEL SCHLESINGER, OF MARYLAND
GORDON H. WEST, OF VIRGINIA
FREDERICK A. WILL, OF DELAWARE
FRANK J. YOUNG, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JAMES R. DEMPSEY, OF NEW HAMPSHIRE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

CURTIS WARREN KAMMAN, OF THE DISTRICT OF COLUMBIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

LESLIE M. ALEXANDER, OF FLORIDA
JOHNNIE CARSON, OF ILLINOIS
WILLIAM HARRISON COURTNEY, OF WEST VIRGINIA
PETER S. FLYNN, OF MASSACHUSETTS
OLIVER PASTRANO GARZA, OF TEXAS
RONALD D. GODARD, OF TEXAS
ANNE M. HACKETT, OF CALIFORNIA
MARK G. HAMBLEY, OF CALIFORNIA
DONNA J. HAMILTON, OF VIRGINIA
DONNA JEAN HRINAK, OF PENNSYLVANIA
DENNIS COLEMAN JETT, OF NEW MEXICO
STEVEN D. JOHNSON, M.D., OF GEORGIA
HARRY E. JONES, OF VIRGINIA
MELINDA L. KIMBLE, OF ARIZONA
JAMES A. LAROCCO, OF MICHIGAN
JAMES F. MACK, OF VIRGINIA
MARSHALL FLETCHER MCCALLIE, OF TENNESSEE
RICHARD A. MORFORD, OF VIRGINIA
LARRY C. NAPPER, OF TEXAS
J. MICHAEL O'BRIEN, OF PENNSYLVANIA
DONALD K. STEINBERG, OF CALIFORNIA
CAROL K. STOCKER, OF ILLINOIS
JENNIFER CLAUDETTE WARD, OF THE DISTRICT OF COLUMBIA
MOLLY K. WILLIAMSON, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT, AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

GARY ROY ALEXANDER, OF CALIFORNIA
OLLIE PALMER ANDERSON, JR., OF MARYLAND
MICHAEL R. ARIETTI, OF CONNECTICUT
MARSHALL F. ATKINS, OF FLORIDA
SHIRLEY ELIZABETH BARNES, OF NEW YORK
DAVID C. BENNETT, OF CALIFORNIA
PEGGY BLACKFORD, OF NEW JERSEY
CLIFFORD GEORGE BOND, OF NEW JERSEY
ANNA ANDERSON LEHEL BORG, OF THE DISTRICT OF COLUMBIA
JULEE A. BRAND, OF NEVADA
WILLIAM J. BRENCICK, OF MISSOURI
RALPH EDWIN BRESLER, OF VIRGINIA
SHAUN M. BYRNES, OF CALIFORNIA
GERALDEEN G. CHESTER, OF CALIFORNIA
GWEN C. CLARE, OF CONNECTICUT
JOHN R. DAWSON, OF NEW YORK
RICHARD W. ERDMAN, OF MARYLAND
JOHN SEABURY FORD, OF OHIO
W. DOUGLAS FRANK, OF MARYLAND
CONSTANCE J. FREEMAN, OF MARYLAND
DANIEL FRIED, OF CALIFORNIA
PATRICIA LASBURY HALL, OF CALIFORNIA
ERNESTINE S. HECK, OF OREGON
KEVIN F. HERBERT, OF NEW YORK
PAUL W. HILBURN, JR., OF VIRGINIA
FRANKLIN HUDDLE, JR., OF CALIFORNIA
MARIE T. HUHTALA, OF CALIFORNIA
CAMERON R. HUME, OF CONNECTICUT
MARILYN F. JACKSON, OF TEXAS
TERESA CHIN JONES, OF VIRGINIA
JIMMY J. KOLKER, OF SOUTH DAKOTA
SHELDON I. KREBS, OF WASHINGTON
JAMES B. LANE, JR., OF OHIO
GEORGE C. LANNON, OF TEXAS
DAVID C. LITT, OF FLORIDA
EILEEN ANNE MALLOY, OF CONNECTICUT
NANCY M. MASON, OF THE DISTRICT OF COLUMBIA
EDMUND F. MCWILLIAMS, JR., OF VIRGINIA
SHARON K. MERCURIO, OF CALIFORNIA
DAVID RICHARD MORAN, OF VIRGINIA
ROBERT B. NOLAN, OF VIRGINIA
JOHN MALCOLM ORDWAY, OF CALIFORNIA
BARBRO A. OWENS, OF CALIFORNIA
MILDRED ANNE PATTERSON, OF VIRGINIA
MARY C. PENDLETON, OF KENTUCKY
KATHERINE H. PETERSON, OF CALIFORNIA
WILLIAM PINCKNEY POPE, OF VIRGINIA
JOYCE B. RABENS, OF CALIFORNIA
ELIZABETH RASPOLIC, OF TEXAS
NEIL EDWARD SILVER, OF VIRGINIA
STEPHANIE A. SMITH, OF FLORIDA
ROBERT J. SMOLIK, OF CALIFORNIA
GARY S. USREY, OF VIRGINIA
HOWARD C. WIENER, III, OF VIRGINIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MICHAEL WADE BECKNER, OF VIRGINIA
RICHARD A. BIENIA, M.D., OF VIRGINIA
DAVID P. BORTER, OF VIRGINIA
JOE H. CHADDIC, OF VIRGINIA
RICHARD M. GANNON, OF VIRGINIA
DOUGLAS PAUL HOBSON, M.D., OF VIRGINIA
JEROME M. LAFLEUR, OF LOUISIANA
KENNETH S. MCGUIRE, OF VIRGINIA
JANET ELAINE MULES, M.D., OF WASHINGTON
BRUCE T. MULLER, M.D., OF MICHIGAN
ROBERT LEROY RETKA, OF MARYLAND
GARY DAVIS SCHATZ, OF OHIO
JOHN D. SLIGH, OF FLORIDA
BRIAN R. STICKNEY, OF VIRGINIA
WALLACE RAY WILLIAMS, OF WASHINGTON
THOMAS W. YUN, M.D., OF VIRGINIA

CONFIRMATION

Executive nomination confirmed by the Senate October 5, 1993:

DEPARTMENT OF DEFENSE

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 152, FOR APPOINTMENT AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND REAPPOINTMENT TO THE GRADE OF GENERAL WHILE SERVING IN THAT POSITION:

To be Chairman of the Joint Chiefs of Staff

To be general

GEN. JOHN M. SHALIKASHVILI, 331-30-8495, U.S. ARMY.

HOUSE OF REPRESENTATIVES—*Tuesday, October 5, 1993*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 5, 1993.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Reverend Leslie Klingensmith, Westminster Presbyterian Church, Alexandria, VA, offered the following prayer:

Most Holy and Almighty God, we ask that You be with the leaders of our Nation as they make decisions that affect our future. We thank You for the freedoms that we have as Americans, and we ask You to help all Americans and all people remember their responsibilities to one another. Help our country's leaders to work together to bring about peace and justice. Although we as individuals and as a nation all too often forget You and Your will for the world, we thank You for never forgetting us and for the unending mercy that You have shown us.

We pray on this glorious day in the name of Your Son and our Redeemer, Jesus Christ. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be given by the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3123. An act to improve the electric and telephone loan programs carried out under the Rural Electrification Act of 1936, and for other purposes.

The message also announced that the Senate had passed without amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2445. An act making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes, and

H.R. 2446. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2445) entitled "An act making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSTON, Mr. BYRD, Mr. HOLLINGS, Mr. SASSER, Mr. DECONCINI, Mr. REID, Mr. KERREY, Mr. HATFIELD, Mr. COCHRAN, Mr. DOMENICI, Mr. NICKLES, Mr. GORTON, and Mr. MCCONNELL, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2446) entitled "An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SASSER, Mr. INOUYE, Mr. REID, Mr. KOHL, Mr. BYRD, Mr. GORTON, Mr. STEVENS, Mr. MCCONNELL, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to the resolution (S. Con. Res. 4) entitled "Concurrent resolution to authorize printing of 'Senators of the United States: A Historical Bibliography,' as prepared by the Office of the Secretary of the Senate."

The message also announced that the Senate agrees to the amendments of the House to the resolution (S. Con. Res. 5) entitled "Concurrent resolution to authorize printing of 'Guide to Research Collections of Former United States Senators' as prepared by the Office of the Secretary of the Senate."

The message also announced that the Senate agrees to the amendments of the House to the resolution (S. Con. Res. 6) entitled "Concurrent resolution to authorize printing of 'Senate Election, Expulsion, and Censure Cases,' as prepared by the Office of the Secretary of the Senate."

PERMISSION TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE CONFERENCE REPORT ON H.R. 2518, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight, October 5, 1993, to file a conference report on the bill (H.R. 2518) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

Mr. Speaker, this request has been cleared with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I would like to make a parliamentary inquiry under my reservation.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The gentleman will state the parliamentary inquiry.

Mr. BURTON of Indiana. I would like to inquire under my reservation: In the event that unanimous consent is not granted, will this have to be sent back to the Committee on Rules?

The SPEAKER pro tempore. This is just a request to file. It would not have to be sent back.

Mr. BURTON of Indiana. So it would not have to go back to the Rules Committee.

The SPEAKER pro tempore. It would not go back to the Committee on Rules.

Mr. BURTON of Indiana. Mr. Speaker, further reserving the right to object, let me just say that any time I can send additional work back to the Rules Committee because of the procedures that they have followed in sending closed rules to this floor week after week, in violation of minority rights, I will do so.

However, since this does not have to go back to the Rules Committee, I withdraw my reservation of objection.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

SITUATION IN SOMALIA: LET US DECLARE VICTORY AND SAFELY WITHDRAW

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, in July I introduced a resolution calling for withdrawal of our troops from Somalia. I introduced that resolution 3½ months ago because our mission had become clouded in Somalia and our role was undefined.

What do we say, Mr. Speaker, to the families of the 12 dead servicemen? What do we say to the families of the four servicemen who were killed a couple of weeks ago? What do we say to the Americans who have lost their lives? How do you explain why they died in Somalia?

We went to Somalia back 9 months ago for the right reasons: to feed people, to help people. We as an American people can be proud of what we did in Somalia. We can be proud of the people we helped and the lives we saved.

But today, Mr. Speaker, we should declare victory because we did what was right in Somalia and we should pull out as quickly as we can safely withdraw.

REPUBLICAN LEADERS STAND BEHIND PRESIDENT CLINTON ON SOMALIA

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, in the wake of the tragedy and the deaths in the recent 48 hours in Somalia, the Republican leadership, while understanding and maintaining that we must debate the Somalia issue, long-range policy issue, stands strongly behind President Clinton in what must now be his two major goals; one, to bring the perpetrators to justice; second, to secure the safety of the American troops remaining in Somalia.

DEFICIT REDUCTION LOCK BOX

(Mr. BREWSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BREWSTER. Mr. Speaker, last Friday, October 1, 1993, was New Year's Day, so to speak. It was New Year's Day of the new fiscal year. And, like all New Year's, I propose to the Congress to make a New Year's resolution: Lock away all spending cuts for deficit reduction.

There is a growing frustration among Members that cuts we make in the appropriations bills are not real cuts. The money we think we cut from programs is later spent when an appropriations bill goes to conference. In fact, often times, the overall spending in a conference report is actually higher than the House- or Senate-passed bill.

Mr. Speaker, this is a ridiculous practice, and it must be stopped.

This New Year's Day of the fiscal year, my colleagues, CHARLES SCHUMER, CHET EDWARDS, JANE HARMAN, and I introduced a bill called the deficit reduction lock box. That bill will guarantee that the deficit will be reduced when Congress approves spending cuts. The lock box is an air tight budget measure that ends the game of phantom spending cuts.

Mr. Speaker, I request the support of the Members of this House for the deficit reduction lock box.

WITHDRAW UNITED STATES TROOPS FROM SOMALIA NOW

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, the President had better get his foreign policy act together before Somalia becomes another Vietnam.

Last December, I warned that failure of our new Commander in Chief to stick to the original mission of humanitarian aid for Somalia would inevitably lead to the United States getting bogged down in a prolonged and deadly operation.

Now, 10 months later, American GI's are dying in a bloodbath and the President is sending more GI's to Somalia this very day.

Why, Mr. Speaker? Why let the Somalis drag more dead GI's by ropes through the streets of Mogadishu, kicking and spitting on them? Why let the Somalis take more American hostages?

What, pray tell, is our national interest in escalating United States military involvement in Somalia?

Mr. Speaker, to expand our mission in Somalia and commit more troops is the height of foreign policy folly.

I urge my colleagues to join me as a cosponsor of House Resolution 239, which calls for the President to withdraw all United States Armed Forces from Somalia immediately.

THE WACO TRAGEDY

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, as chairman of the Ways and Means Subcommittee on Oversight, our committee conducted the first hearing that reviewed the operations of the Bureau of Alcohol, Tobacco and Firearms in the ill-fated Waco incident. In that hearing, I asked Director Higgins repeatedly why his agency would proceed with their raid when they knew the element of surprise had been lost. Despite my repeated query, Mr. Higgins, apparently under direction from his Treasury Department superiors, continued to evade the question, repeatedly exhorting our committee to wait for the results of the internal investigation.

The results are now in and, unfortunately, they confirm our worst fears: The ATF knew they had lost the element of surprise but went in anyway, with the disastrous consequences with which we are all too familiar.

When the goal of a particular operation ceases to be the suppression of crime and the detention of the perpetrators, and when it becomes getting good publicity and exciting video, we have gone seriously astray. I cannot say with certainty that the people in charge in Waco were merely "playing to the media," but it is clear to me that this had a huge influence on their actions.

We have had a tremendous explosion of syndicated television shows that track law enforcement officers on actual busts of criminals. Hollywood has realized that there is a large audience for these kinds of gritty, sensational shows, and many law enforcement groups have realized that their exposure on these shows leads to good publicity and, often, bigger budgets.

The downside to this is that we may now be seeing a few groups who have in the glare of the spotlights lost sight of their real mission. I suspect that that is what happened in Waco.

Mr. Speaker, I sincerely hope that the members of the news media, the producers of these shows, the law enforcement community, we politicians who oversee much of this process and the citizens who ultimately suffer from this will all take a hard look at ourselves and consider the role we may be playing, unwittingly or not, in perpetuating this tragic practice. If nothing else, let the memory of those innocent children in Waco spur us to do at least this much.

□ 1210

ENOUGH IS ENOUGH IN SOMALIA

(Mr. WELDON asked and was given permission to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, enough is enough. Twelve more Americans dead, hundreds of Americans, including one of my constituents injured, six American POW's. Downed airmen paraded through the streets of Mogadishu, while their tormenters kick them and chant anti-American slogans.

As I have said on this floor repeatedly, let us get out of Somalia today, not in 6 months or a year. Our troops should not be used to fulfill the grand delusions of U.N. bureaucrats. We are bogged down in an urban guerrilla nightmare.

Just last week in a resolution that I labeled a CYA sham, this House requested that the President tell us what our mission is by October 15, 10 months after we went in.

Mr. Speaker, and my colleagues, if we do not have a clear mission after 10 months, another 2 weeks will not matter.

So today, I am introducing a resolution to get all our forces out and bring our troops home from Somalia by November 15. I am also initiating a discharge petition to bring this bill to the floor immediately.

Mr. Speaker, enough is enough. We have done our part. We have fed the starving masses. We have stopped starvation and saved thousands of lives. It is time to bring our troops home.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to inform our guests that they cannot participate in this debate by applauding or even making any comments, so we ask for your indulgence and your respect for the House.

THE QUAGMIRE OF SOMALIA

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, it is a truism to say that you can get out of a quagmire by getting further and deeper into it. That is exactly what it appears will happen if we deploy further troops to Somalia. We are in a quagmire, and we will not get out of that quagmire by getting further and deeper into it.

Starting this summer in July, I have been speaking from this well, from this floor, urging the President to get our troops home. The original mission in Somalia has been accomplished and it was done laudably and honorably and done very well. That mission of feeding the starving people of Somalia is behind us.

The next mission, which I must remind everyone is being directed by the United Nations, not by U.S. commanders, but by U.N. commanders, it was the United Nations that sent the U.S. troops into battle yesterday that claimed 12 lives and injured 78, left our forces undefended for 6 hours, is nation-building and government-creating. That mission is a quagmire.

Mr. Speaker, the quicker we can get our people home, the better.

TIME TO BRING TROOPS HOME FROM SOMALIA

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, I am deeply concerned about President Clinton's decision to send hundreds of additional United States troops to Somalia.

Yesterday, I, along with millions of Americans, watched the results of our current policy in the horrible images being broadcast from that country.

At least 12 U.S. soldiers are dead and 78 are wounded from this past weekend's fighting.

The bodies of American soldiers killed in action were being literally dragged through the streets by cheering Somalis.

And CWO Michael Durant, a New Hampshire native and a neighbor of mine from Berlin, NH, was being interviewed by his Somali captors about the mortality of his mission.

The events of the last few days should encourage the President not to place any more Americans unnecessarily in harm's way. We have not clearly defined our objectives or our mission, and we should not escalate this conflict.

Our original humanitarian goal to feed the starving people was legitimate. To now insist on continuing an ineffective U.N. police action makes no sense at all.

As far as I am concerned, Mr. Speaker, the humanitarian mission in Somalia is over. It is time for us to bring our troops home.

BREAST CANCER AWARENESS IS THEME OF OCTOBER PROMOTION

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, I rise today to join the efforts promoting breast cancer awareness during October and comment on this issue as an element of health care reform.

By now, most of us should know that 182,000 American women will be diagnosed with breast cancer this year and over 40,000 women will be fatally affected. Although many women survive the cancer, they may still suffer long-term physical and emotional pain.

One component of health care reform which enjoys bipartisan support is preventive care. Preventive services not only save lives, but also reduce health care spending. While breast cancer may not be fully prevented, it can be detected early enough, through regular screening mammography, to be effectively treated. Early detection can further help minimize the physical and emotional impact of the cancer.

As the Congress embarks on health care reform, I urge all of my colleagues to give special attention to breast cancer and the advances made in detecting and treating this disease. Despite what method of reform you may support, please remember that screening mammography fulfills both reform goals—saving health care dollars, and more importantly, saving lives.

1993 YOUTH HEALTH REPORT CARD REVEALS ALARMINGLY POOR GRADES

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISH. Mr. Speaker, yesterday was Child Health Day 1993. The American Health Foundation of Valhalla, NY, organized a number of events to commemorate it, including the release of the 1993 Youth Health Report Card.

The overall grade on that report card is an alarming C−. Out of a total of 64 categories of health indicators, F's were given in 4, D's in 18, C's in 32, B's in 6, and A's in only 4. Performance is particularly weak in the areas of teen pregnancies, prenatal care, child abuse, blood lead levels in children, cases of syphilis and AIDS, and intentional injuries by suicide, homicide, and firearms in those aged 10 to 19 years old.

These grades are unacceptable. While reform of our national health care system should be a step in the right direction toward improving these scores, our approach to solving this problem must be multifaceted. As Dr. Ernst Wynder, president of the American Health Foundation, pointed out, poverty, neglect, abuse, family disintegration, education failure, violence, and crime are all pieces of the child health puzzle.

I urge all of my colleagues to join this year's recipients of the Child Health Day Award, Senator TOM HARKIN and Marian Wright Edelman, president of the Children's Defense Fund, in the search for innovative and comprehensive solutions to this pressing problem.

GO, ATLANTA BRAVES

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise today, not to speak about a crisis on foreign soil, or NAFTA, or even health care.

I rise today to speak about Justice, David Justice, and the rest of America's team, the Atlanta Braves. This great team from the great city of Atlanta, with the leadership of Bobby Cox and Terry Pendleton: with Nixon and Blauser setting the table; with the power of Gant, McGriff, and Justice; and with baseball's best pitching staff. This great team has inspired Atlanta to believe that by working hard and working together anything is possible.

Tomorrow, tomorrow, tomorrow, the best team in baseball will travel to the city of brotherly love. I say to my friends in Philadelphia, the gentleman from Pennsylvania [Mr. BLACKWELL], the gentleman from Pennsylvania [Mr. FOGLIETTA] and my other Philadelphia colleagues—get ready. The Braves do not come seeking love, but victory. And they will prevail.

Today I rise to cheer a team that came from 10 games back, that won 104 games, that won the National League West—the Atlanta Braves.

Go Braves, go Braves, go Braves.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would thank the gentleman for not putting on the cap or doing any chopping.

INTRODUCTION OF CHILDREN'S EDUCATION OPPORTUNITY ACT

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, today I am introducing the second in a series of welfare reform initiatives. This is the Children's Education Opportunity Act, often referred to as learnfare.

This legislation, which has been introduced in the Senate by Senator DON NICKLES, permits each State to implement incentives for school attendance. Specifically, a State would be permitted to withhold a portion of welfare funds if school age children in a welfare dependent family are not attending school.

Education is critical if poor children are going to have a brighter future.

This legislation is consistent with my philosophy that the States should be given much more control over the administration and design of welfare programs. My own State of Michigan, under the leadership of Gov. John Engler, has been at the forefront of welfare reform.

This learnfare proposal follows my introduction in August of comprehensive public housing rent reform. My rent reform legislation restructures Federal rent formulas to encourage and reward residents who work.

Reform of our Nation's welfare system is critical. I ask my colleagues to cosponsor both learnfare and rent reform.

CANCEL HALLOWEEN THIS YEAR

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I think we could probably cancel Halloween this year, because there is no horror show that could equal those awful photographs coming out of Somalia this weekend.

I was one of the people who hated going in because I said it is so easy to go in and so hard to come out, but we do know that we have done a great job delivering food in the rural area.

We also know that there is no way we can do nationbuilding with tanks. Even if the United Nations wants us to do nationbuilding with tanks, it will not work.

□ 1220

I think the time has come to say that we have done what we went to do, and we must come home, and I hope we learned a tremendous lesson, that we do not get called into the former Yugoslavia, or other places, under the idea that we can just run in and run out.

BRING OUR TROOPS HOME FROM SOMALIA NOW

(Mr. DUNCAN asked and was given permission to address the House for 1 minute.)

Mr. DUNCAN. Mr. Speaker, we need to get out of Somalia immediately. We do not need any studies. We do not need any reassessments. We do not need any delays. We need to bring our troops home now.

Instead, Mr. Speaker, the President is increasing our presence there. This is a bad mistake. There is no threat to our national security there. There is no vital U.S. interest there.

I certainly feel sorry for those who are suffering, but apparently the Somalian people do not want us there.

In 1963, Mr. Speaker, President Kennedy said:

> We must face the fact that the U.S. is neither omnipotent, nor omniscient, that we are only 6 percent of the world's population, that we cannot impose our will upon the other 94 percent, that we cannot right every wrong or reverse each adversity, and that, therefore, there cannot be an American solution to every world problem.

Mr. Speaker, we do not have either the financial resources or the manpower to solve the problems in Somalia. We should get our troops out of there now, and the sooner the better.

OCTOBER IS NATIONAL BREAST CANCER AWARENESS MONTH

(Ms. SHEPHERD asked and was given permission to address the House for 1 minute.)

Ms. SHEPHERD. Mr. Speaker, we are all too familiar with the tragedy of breast cancer as we are with the sluggish track record of Federal breast cancer research and education efforts. Despite this past neglect, we are beginning to see many signs of hope.

At the University of Utah federally funded researchers under the leadership of Dr. Ray White have isolated the genes that, when damaged, are responsible for the growth of life-threatening tumors. Now with additional funds from the Jon M. Huntsman family, University of Utah researchers will be able to bring the fruits of their labor directly into clinics to help women fight breast cancer and win.

Still, we have a long way to go. One in nine women in the United States are diagnosed with breast cancer. Too often they avoid or do not have access to the routine checkups that identify the disease before it has the power to kill. Designating October 1993 "National Breast Cancer Awareness Month" is important. It helps women across the country take responsibility for their health and their future. I commend my colleagues for making breast cancer a national priority in October, and urge them to continue to make it a priority throughout the year.

GET OUR TROOPS OUT OF SOMALIA

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, the Clinton administration has advocated control of our troops in Somalia to the United Nations, and they are in harm's way. Mr. Speaker, we should have learned from the Vietnam war that fighting in foreign lands without a clear mission, without a clear plan and without public approval is a bad idea. I hope that President Clinton understands this very simple lesson. If he does, he will pull American troops out of Somalia.

Let us make it clear. We all support our troops wherever they are deployed around the world, but, Mr. Speaker, the mission was to define a mission, accomplish a mission, and get out. We did that in the Gulf war, and we did it in Panama. Our clear plan was to feed the starving. That we have done. Now we must get out.

Mr. Speaker, the President needs to change his doctrine. He has been traveling around this country advocating new, and expensive and expansive new social programs, and he needs to come back to Washington, spend some time on foreign policy and get our troops out of Somalia.

SAY NO TO NAFTA

(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, as the House this week considers another extension of emergency unemployment benefits to American workers, it raises for me the fear that if this Congress passes NAFTA, future votes on unemployment benefits will become more frequent. Thousands and thousands of American jobs have already been lost to Mexico. Compound those losses with a weak economy, defense conversion, worker retraining, and the growth of the working poor, it becomes clear that Americans and the American economy will be further harmed by NAFTA.

Just yesterday the Census Bureau reported that the number of Americans living in poverty rose for the 3rd consecutive year, while median income remained stagnant. With this sobering statistic in mind, we must evaluate NAFTA guided by one principle—will it provide a great benefit to our people? Let us look at this issue. The pro-NAFTA forces argue that increased exports will create jobs on top of jobs. I have my doubts. The facts say that many of those exports are materials going into United States owned factories in Mexico that will in turn ship a finished product back to the United States although these United States supplies sent to Mexico are classified as exports, where are the benefits? I question whether new American jobs will be created under this scenario. It is all an illusion.

The bottom line is many of us were elected on the promise of jobs and putting people first. It is about time we honored that promise without smoke and mirrors. Just say no to NAFTA.

NEW REVELATIONS IN THE RON BROWN AFFAIR

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, there have been some new revelations in the Ron Brown affair. I think most of my colleagues know that Ron Brown is the Secretary of Commerce and he has been accused of wrongdoing. He has been accused that he may have taken $700,000 in payoffs from the Vietnamese Government in order to use his influence to normalize relations with that government even though we have not had a full accounting of our POW/MIA's.

Now, tonight, when we have special orders, I am going to go through the entire chronology of events that took place in this debacle, or this alleged debacle, with these new revelations. I think the President should have a complete investigation of the Ron Brown affair. It should not be swept under the rug, and I hope all of my colleagues who are concerned about this, both Democrat and Republican, will be watching special orders tonight.

APPOINT MAJORITY OF CONFEREES WHO OPPOSE COLLIDER

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, the House of Representatives will have the opportunity in the next few days to save American Taxpayers well over $8 billion by terminating the superconducting super collider.

Earlier this year, 280 Members of the House voted against further spending on the SSC. The cost of this project has already tripled, and it is less than 20 percent complete. Overwhelming majorities on both sides of the political aisle in the House have said enough is enough, it's time to pull the plug on the SSC.

This week the House will decide whether to stand behind that overwhelming vote. The Speaker will appoint conferees for the energy and water appropriations bill. Over 120 members have signed a letter to the Speaker asking that he appoint a majority of limited conferees for this question who supported the position of the House.

While this would be a break from the tradition that only the Appropriations Subcommittee members serve on the conference, I believe it is time to reform a process that makes it too difficult to cut projects that Congress has said it doesn't want.

House rule 10, clause 6(f) states that the Speaker "shall appoint no less than a majority of members who * * * supported the House position" and "include the principal proponents of the major provisions of the bill."

Mr. Speaker, I hope you do so.

OUT OF SOMALIA NOW

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, what is going on in Somalia? Why are we still there? Why are American troops getting killed for no apparent reason?

When we first went in under President Bush, we had a clearly defined mission: Feed the starving.

Now, this humanitarian mission has turned into a quagmire.

We try to chase down a Somali warlord because a U.N. Commander says we must. We turn the Somali people against us, and American troops get killed. This is complete nonsense.

Mr. Speaker, when is the President going to act with decisiveness, and pull our soldiers out of there?

I realize the President wanted to concentrate on the economy like a laserbeam. But by ignoring foreign affairs, and by failing to define our mission in Somalia, the President has far too often put our troops in harms way.

Mr. Speaker, it is time for the President to exert some real leadership and get our troops out of Somalia.

□ 1230

YOUTH HEALTH REPORT CARD

(Mr. CLEMENT asked and was given permission to address the House for 1 minute.)

Mr. CLEMENT. Mr. Speaker, yesterday the American Health Foundation issued the 1993 Youth Health Report Card. The report card compares children's health indicators from 1980, 1985, and 1990 and sets goals for the year 1995. While some areas showed slight improvements over the 12 year period, the overall health of U.S. children scored only a C-minus.

The report card indicated that large numbers of children, 40 to 60 percent, are not completely immunized. Child abuse and neglect is still a huge problem and getting worse. In addition, many children are subjected to poor nutrition, substance abuse and lack of physical activity, all of which leads to numerous diseases and conditions.

We can do better, Mr. Speaker. We must do better. No issue is more important than the health and well-being of our children.

If we fail to be involved in improving our children's health, the costs down the road will be enormous in terms of their future well being and expenditures associated in addressing their health needs. The neglect of our children affects all of us.

As a result, I have introduced the children's health care resolution which expresses the sense of Congress that any health care reform include the special needs of children, emphasize preventative care, and address the uninsured status of many children.

This is an important issue. Cosponsor the children's health care resolution.

UNITED STATES INVOLVEMENT IN SOMALIA

(Mr. CAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMP. Mr. Speaker, like all Americans, I have grave concern for the safety of United States forces—the men and women of our military in Somalia.

The original mission of United States Armed Forces in Somalia was to provide humanitarian assistance, not to become involved in a war. The administration has not defined the compelling national interest to justify a continued American presence in Somalia. The commitment to put American men and women in harm's way is a far different and greater commitment than providing humanitarian assistance.

Mr. Speaker, 20 Americans have been killed to date in Somalia. Before more Americans are killed in the streets of Mogadishu, it is time for them to come home.

While this has been a United Nations' operation, men and women of the United States military have shouldered most of the responsibilities. The United States can't build a nation for the people of Somalia.

Mr. Speaker, U.S. troops have been in Somalia since Christmas 1992. They have made a considerable effort to get food and medicine to the people who need it. It is now up to the people of Somalia. Bring our troops home—now.

SOMALIA

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, what has happened with our mission in Somalia? It seems to me in the last few months it has become horribly muddled. The original goal, which I though I understood, was to open routes and feed starving people.

Well, we have fed the people now. Why are we still there? Is it so we can hunt a fugitive warlord? Is it to create a new police state? What is it going to take to get Clinton to bring our troops home? Will it take more dead Americans being dragged through the streets of Somalia? Will that do it?

We should not risk the lives of even one more American soldier. We have had enough of this.

Mr. Speaker, that is why I am introducing legislation that would insist on bringing our troops home by cutting off the funding for this operation. We need our troops out of there. We need them out of there now, and if Clinton will not do it, we must.

SOMALIA

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, can we trust this administration? Let us look at Somalia. We have been waiting for 10 months for a plan. Where is the focus? Is it U.N. control, is it nation building, or is it just to put U.S. lives at risk?

It tore me up as a POW from Vietnam to see that POW tortured the way he was. And he was tortured, you could see it. And it tore me up to see those bodies dragged down the streets with ropes around their hands. How do we know they were dead when those guys caught them? We do not.

The Department of Defense says now we can fix everything with four tanks. It is a total lack of focus. The totals for America are 23 dead, 75 wounded, 5 missing, and at least 1 captured.

Now, let us switch to the year 1961, the place Vietnam, the second year of that involvement. The totals were 11 dead and 3 wounded. Look where we went.

Mr. Speaker, is this the beginning of a repeat performance? We need U.S. leadership. Let us get out of Somalia or get a plan.

MORE FATALITIES IN SOMALIA

(Mr. KLUG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLUG. Mr. Speaker, one of my families back in Wisconsin got the phone call Sunday night. Their son had been killed in an attack on a United States helicopter in Somalia.

Why, Mr. Speaker? What is the mission of the United States military in Somalia?

I supported the original humanitarian relief mission, but I do no support the idea that we should be the beat cop for the United Nations, chasing a two-bit punk from village to marketplace all across the country.

Listen to this. In the last year we have spent $1.5 billion on the military mission but only $167 million on the relief mission. We have accomplished the defined humanitarian mission. A year later we do not have a defined military mission.

Bring our soldiers home, Mr. President. I do not want another phone call to another one of my families in Wisconsin.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair would tell Members that they cannot address the President of the United States directly. They should address the Chair, and that message will be delivered to the President.

THE MISSION IN SOMALIA

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, we have been in Somalia almost 8 months longer than we originally were told we were going to be. The reason was because we listened to the interventionists and the adventurists in the Congress.

We had a vote here on May 25 before this Congress which set a date certain for us to get out. We in this Congress have the power within our hands to move out of Somalia, and we have got to use that power.

The Republican leadership came into the well here this morning and said, "Oh, we are with the President in Somalia." Where is the Republican leadership? We do not find them anywhere. The leadership is here speaking out this morning. Those are the people we are following.

Look at the Secretary of State. He says we have got to stabilize the country in Somalia before we get out, as though that were possible. The chairman of the Foreign Affairs Committee says we cannot leave because it would harm United States and United Nations credibility. The President says we are putting in more troops, but we are not expanding the conflict. Yes, we believe that. Right.

It is about time we listened to the American people. Enough is enough. No more American prisoners; no more dead soldiers being dragged through the streets of Mogadishu; no more bodies being displayed and mutilated.

Mr. Speaker, the time is now. We are going to leave.

RECOGNIZING OCTOBER AS BREAST CANCER AWARENESS MONTH

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, during this month of October, millions of women will be reminded to take care of their health and their lives. This month is National Breast Cancer Awareness Month.

A decade ago, I discovered I had breast cancer, a disease for which there was no cure. Ten years later there still is no cure and breast cancer continues to frighten women and men of all ages. In 1993, 182,000 women and 1,000 men will have to come to terms with this devastating disease.

It is the responsibility of this Congress and every Member to get the word out to citizens about preventive measures and early detection of breast cancer. This month and next, I will be hosting Breast Cancer Public Education Fairs in my own State of Nevada designed to educate women on breast self-examination and mammography, as well as the status of legislation in the Halls of Congress.

I encourage all of my colleagues to reach out to the women, men, and families in their districts on this important issue. I truly believe we can save lives if we all work together.

TIME TO WITHDRAW FORCES FROM SOMALIA

(Mr. ALLARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLARD. Mr. Speaker, I rise today to add my voice to the many who question the continued involvement of United States forces in Somalia. Mr. Speaker we have gone far beyond the point of diminishing returns on this policy. It is time to say enough is enough. Yesterday newscasts placed the number of U.S. casualties at 16. We cannot continue to ask our soldiers to stay in Somalia with these risks and an undefined mission without a clear timetable for final withdrawal. The brave soldiers we sent to Somalia have for the most part met our humanitarian goals. Our American forces have made a heroic effort in the face of a constantly changing mission. I will admit that I had strong doubts about sending our troops to Somalia in the first place with an unclear mission. But I wonder * * * if in advance of this mission everyone had known our U.S. forces would be reduced to chasing a dangerous rebel warlord through the streets of Mogadishu * * * if the mission would have been supported. The bottom line is this—our troops have done their job and their safety should be our first concern. It is time to get them out—before it is too late.

□ 1240

LEAVE SOMALIA MISSION TO UNITED NATIONS

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, I rise today with a heavy heart over yesterday's events in Somalia.

In June, I sent a letter to the President asking him to remove our troops since our humanitarian goals had changed to disarming Mogadishu.

Now, our goal is to establish democratic institutions in a nation that has never known true democracy.

We are caught in an open-ended, poorly defined mission in Somalia for which there is no public mandate. We only have to go back to Vietnam to see the pitfalls of such a strategy.

If Vietnam taught us anything, it is that getting involved in another nation's internal troubles is dangerous. It is worse when the intervention is ill-defined and unappreciated.

The solution is not to send even more troops. It is to recover the hostages, get out, and leave the mission to the United Nations.

Finally, I say to my colleagues, we can no longer stand by while Americans are being taken hostage, killed, and their bodies mutilated. It is time to assert our own authority.

Chief Warrant Officer Durant, our prayers are with you, along with the families of the dead and wounded. They are also with the troops who are on their way to Somalia, and their families. Let us hope it will be a short trip.

SOMALIAN CRIMES MUST NOT GO UNPUNISHED

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, earlier this year, I was one of the first Members of the Congress to call for the withdrawal of American troops from Somalia.

Recently, this House and the Congress expressed its will relating to the Somalia issue. I can even temporarily accept the weak compromise that I personally view as unsatisfactory.

What I cannot accept is the wanton and savage murder of 12 more Americans. Americans sent to maintain peace.

What this Congress cannot accept is the brutal killing and acts of armed aggression against U.S. peacekeeping forces.

Our Nation sought peace. The armed Somalis have declared war. We went to save their dying children, now they parade the slain bodies of our youth.

No American leader or civilized nation should rest until these and other savage murders are punished. Even if United States forces leave Somalia, the world must know that these acts of murder and war will be avenged.

We urge the President and Secretary of Defense to take what ever means, force, or actions necessary to bring these international murderers to justice.

These crimes must not go unpunished.

GET UNITED STATES TROOPS OUT OF SOMALIA

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, last week the House responded to the Gephardt-Gilman resolution calling on the President to report to Congress by October 15 on his policy goals in Somalia—and to seek congressional authorization by November 15 for continued deployment of United States forces there.

Tragically, new United States casualties in Somalia sharply underscore the futility of our Somalia military operations. We cannot afford to wait any longer for the President to explain why our forces are being sent to bleed and die in Somalia.

Nor can we afford to wait a month beyond that to vote on this critical issue. Today I am calling on the President to send up his report promptly—so that the Congress can act as soon thereafter as possible to pull our forces out of the sinkhole that Somalia has become and let us get them out now.

OPEN RULE NEEDED ON HEALTH CARE REFORM

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, President Clinton wants openness and bipartisan cooperation on health care reform. I share the President's wishes.

That's why I am introducing legislation today to express the sense of the House that health care reform should be brought to the floor under an open rule.

The American people want an open and forthright debate. They do not want to see health care reform crafted in secret in the dead of the night.

But a fresh breeze is blowing, Mr. Speaker. With the passage of the bill to make discharge petitions open to public scrutiny, the Congress has begun to change the way business is done in Washington.

Now we have another chance for change. My bill will ensure that every Member of the Congress will be able to amend whatever health care bill is brought before this body. I already have over 60 bipartisan original cosponsors.

The American people want choices. They do not want to be coerced into accepting health reform which denies our citizens the right to obtain their current health plan without being taxed for this privilege. This Congress needs open and fair debate.

I urge my colleagues to cosponsor the Baker resolution for an open rule on health care reform.

TIME TO BRING AMERICANS HOME FROM SOMALIA

(Mr. BUNNING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUNNING. Mr. Speaker, last winter, the President sent United States troops under United States command to Somalia to help save the country from famine and starvation.

Getting food and supplies through to the people that needed it. That was our goal.

Our troops did the job. That job is done. Our troops should come home.

We did not send them there to become a permanent U.N. force under U.N. command.

We did not send them there to participate in a U.N. experiment in nation building—whatever that means.

Our men and women are in grave danger over there. This isn't just fun and games. Today, there are reports of U.S. troops being captured and being held hostage by a warlord and his thugs. Several days ago, a soldier from Fort Campbell, KY, was shot down and captured.

Our job is done—but our people are still standing in harm's way for no good reason that I can see.

Mr. Speaker, it is time to bring them all home.

SOMALIANS UNGRATEFUL FOR AMERICAN HELP

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, King Lear knew nothing about ingratitude. He should have been watching television this weekend, to see the ugly spectacle of American troops killed, their bodies being dragged through the streets of Somalia by children; a people ungrateful for the fact that we sent our young men and women there to feed them and to protect them from poverty.

If ever there was an ugly picture of ingratitude carried to its extreme, it is the pictures we saw on television this weekend. It is time to bring those troops home and to understand that this kind of ingratitude ought not be rewarded with any continued United States presence in Somalia.

TRIBUTE TO THE HONORABLE ROBERT H. MICHEL

(Mr. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRANE. Mr. Speaker, I am sure I speak for all Members of the House of Representatives when I say it was with great regret that I learned of the decision of our good friend and colleague, House Republican leader, BOB MICHEL, not to run for reelection in 1994.

BOB certainly deserves the right to step down and take it easy after almost 40 years of fighting for his fellow citizens in this Chamber. But the Nation, the citizens of the 18th Illinois Congressional District, and this House of Representatives will suffer the loss of BOB MICHEL.

Against the advice of many of his friends, he dropped out of night law school to run in 1956 for the seat being vacated by the man he was serving as administrative assistant, Harold Velde. It was the seat once held by another outstanding Illinois legislator, Everett McKinley Dirksen. And for the 4 years I taught at Bradley University in Peoria, "Uncle BOB" was my congressman.

As a combat infantryman, he fought for his country in World War II, seeing combat in France, Belgium, and Germany. In one of this country's greatest wartime struggles—the Battle of the Bulge—he was cut down by German machinegun bullets. Besides being awarded the Purple Heart, he also earned the Bronze Star and four battle stars.

BOB succeeded another Illinois Member, Leslie Arends, in 1975 as House minority whip, and 6 years later his Republican colleagues elected him as House minority leader, a post he still holds.

Just as he had fought for his country on the bloody field of war, he fought for his Nation on the sometimes stormy floor of the House. Those of a different political persuasion will tell you they disagreed with BOB on countless arguments before this body, but none will deny BOB MICHEL is an outstanding leader and Member—a good man—a man of his word.

We look forward to another year of work under the leadership of BOB MICHEL. We certainly do not look forward to the day he steps down and leaves the Chamber a lesser body by his departure.

ADVANCED SOLID ROCKET MOTOR

(Mr. HANSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, as a Member of this body for the past 13 years, I have never witnessed a sorrier example of congressional waste and pork-barrel spending than on the Advanced Solid Rocket Motor [ASRM] Program.

This body has voted several times over the past 2 years to kill the ASRM by overwhelming margins, yet somehow, the ASRM, always manages to survive—courtesy of the joint appropriations conference.

It is turning out to be a farce. The House voted, overwhelmingly last July in favor of an amendment by the gentleman from Wisconsin [Mr. KLUG]—379 voted in favor of termination. Only 43 supported retaining ASRM.

Yet, somehow, last Friday, the conferees felt compelled to ignore the will of the House and to continue funding ASRM to the tune of $157.5 million. This is an outrage.

If this body does not have enough courage to kill the ASRM, a blatant pork-barrel program, we can never hope to put a dent in the Federal debt.

The point remains—there is no reason to build an expensive and redundant rocket motor. The existing boosters are working just fine.

It is clear, Mr. Speaker, we must send the conferees back to do the job we asked them to—I urge my colleagues to support a motion to recommit when the VA/HUD conference report comes before the House. Let us drive a stake through the heart of the ASRM once and for all.

□ 1250

DON'T VIETNAMIZE SOMALIA

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the calls in the last 36 hours to my office have been overwhelming: People are understandably upset about the horror in Somalia and concerned that the White House does not know what's going on. The response from the administration to the death of U.S. soldiers has been unacceptable. The sickening images of our young men's bodies dragged through the streets and the haunting face of an American held hostage have been riveting and distressing. The danger that this administration will Vietnamize Somalia is very real. Our troops have no clear mission; the chain of command is blurred; the rules of engagement are unclear. Now Americans are dying and being taken captive. Sending another handful of troops and a few pieces of military machinery to that troubled region only provides more targets for the warlords and violence-mongers. It is time to bring all Americans home from our humanitarian mission to Somalia. It is not time to risk another Vietnam.

RETIREMENT OF MINORITY LEADER BOB MICHEL

(Mr. MCCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCCOLLUM. Mr. Speaker, yesterday the U.S. House of Representatives learned that one of its great Members will be departing at the end of this Congress.

The retirement of BOB MICHEL will mean the loss of a great voice who has often been a source of strength and true leadership in the many challenging times that this Nation has faced since he came to the Congress in 1956.

For more than 37 years BOB has provided his Illinois constituency with solid representation in the House of Representatives and since 1981 he has kept the House Republicans working together for the good of the Nation and the good of the party as our Republican leader.

His candor, his decency, and his willingness to work with Members on both sides of the aisle are recognized by both Democrats and Republicans and when he steps down he will be missed. Fortunately for the next 14 very crucial months, BOB MICHEL will still be our Republican leader.

Mr. Speaker, I look forward to working with him during his remaining tenure for the betterment of our Nation and the good of our country.

THE PRESIDENT'S HEALTH REFORM PLAN

(Mr. LAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAZIO. Mr. Speaker, the White House has announced that it underestimated, by $16 billion, the costs of subsidizing small businesses who, under the President's health reform plan, will be required to provide health insurance for those employees who are not fired because of this new mandate.

The health sector comprises fully one-seventh of our total economy—$900 billion each year—and this one component of the President's reform proposal is now estimated to cost $421 billion over the first 5 years.

Mr. Speaker, we must be honest with our constituents. As we work to craft a compromise reform plan, it is only fair and reasonable to ask three fundamental questions: How much will reform cost; how will it be financed; and who will pay? Unfortunately, we are still waiting for the answers to these questions from the President.

In the case of mandates to businesses, it is also fair to ask whether in the fevor to provide health security, we don't take away job security.

Mr. Speaker, my constituents know the truth in the old adage, "There's no such thing as a free lunch."

TAKE MATTERS IN SOMALIA INTO OUR OWN HANDS, THEN GET OUT

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I would first like to express my sympathies to the families of the American troops who have been killed, wounded, and captured in Somalia. All Americans share your loss and are grateful for the service of your sons.

In spite of my reservations over this situation, I have tried to give President Clinton, like President Bush before him, a fair opportunity to handle this situation. I have become increasingly unsettled, however, by the mounting casualties that have occurred as this mission changed from one of humanitarian relief led by the United States to nation-building led by the United Nations. Clearly, this mission has gone astray with terrible consequences.

I believe that President Clinton must present Congress immediately with a plan for settling matters with Mr. Aideed, obtaining the release of all Americans held against their will in Somalia and withdrawing our troops from an entanglement that is not in our vital national interest.

Throughout this operation, I have felt it important not to politicize this operation. We should not play partisan games with American lives. However, from the debate last week, it is clear that Democrats and Republicans share the same concerns of the American people over this situation. Americans are dying in Somalia while they have no clear battle plan, direction, or long-term strategy.

It is apparent we need to relearn painful lessons of sending our troops abroad only when it in the clear national interest, and providing them with clear objectives and overwhelming force to accomplish their missions. It is a matter we will deal with again and again in the post-cold-war world.

UNITED STATES FOR THE UNITED STATES NOT THE UNITED NATIONS

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, the distinguished chairman of the other body's Appropriations Committee recently stated what many Americans have been thinking * * *. "I do not see in front of this chamber the U.N. Flag," he said. "I have never saluted the U.N. flag. I salute Old Glory, the American flag."

Mr. Speaker, why are we still in Somalia? Is it to chase down a two-bit Somali war lord? Is it to follow the lead of a U.N. commander who has no idea of what he is doing? Is it to ensure that every single Somalian citizen curses the United States?

When we first went over there, we had a clear mission, to feed the hungry. That mission has been accomplished. Now it is time to get out. We have all seen the gruesome photos of the murdered American soldier. Why was he killed and why does he have to die?

If the President cannot come up with a good answer to these questions, and I do not think he can, he needs to pull our troops out of this faraway country. We have done our duty. Now we must get out.

APPOINTMENT OF AN INDEPENDENT COUNSEL

(Mr. GEKAS asked and was given permission to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, there are allegations of wrongdoing swirling around the President's Cabinet and allegations of wrongdoing as to the White House itself in the Travelgate situation. In previous administrations, there would be a hue and cry immediately for the appointment of an independent counsel to look into allegations of wrongdoing wherever it may have appeared to grow. But we do not have an independent counsel statute in front of us now.

Yet, we have passed it out of the Committee on the Judiciary. It is itself hovering around someplace in the Capitol. The House leadership has not seen fit to bring it up for a debate before the House.

We need an independent counsel, one that would have the right to look into the wrongdoing of Members of Congress as well as members of the Cabinet or people in the staff at the White House. We ask the House leadership to act immediately to bring the matter to the House for debate.

SOMALIA

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, sending more American soldiers to Somalia is absolutely insane. Somalia is not worth one American life.

This is not just President Clinton who is making this mistake. This is not President Clinton or a partisan issue. This is also part of President Bush's cockamamie idea about a new world order.

We should not be sending our troops all over the world. And if we do have to send them, because it is in the interest of the United States, they should be under American command. We should never send our boys to risk their lives and be under the command of the United Nations or any other foreigners who do not care about them and can see the bodies of our troops being dragged through the dust of some African village and not care as much as we do.

It is time to bring these people home. They have put their lives on the line for us.

Let us applaud our military. It was well-meaning, but it was not a good thing to keep them there after those people got fed in the first place.

APPOINTMENT OF CONFEREES ON H.R. 2446, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1994

Mr. HEFNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2446) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

□ 1300

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from North Carolina?

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, this is like the previous issue I raised. This would not be sent, Mr. Speaker, to the Committee on Rules if I objected, is that correct?

The SPEAKER pro tempore. The Chair would advise the Member that it would not necessarily go to the Committee on Rules, since the Appropriations Committee has authorized a motion to that effect.

Mr. BURTON of Indiana. Further reserving the right to object, let me just say that the Committee on Rules of this House continues to send restrictive and closed rules to this body which eliminates the possibility of the minority to express itself in the form of amendments trying to correct legislation that we think is in error, so any time I can send something back to the

Committee on Rules so they will have to do additional work, I would like to do so.

Mr. Speaker, in this particular case, since it will not involve going back to the Committee on Rules, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

The Chair hears none, and without objection, appoints the following conferees: Mr. HEFNER, Mr. FOGLIETTA, Mrs. MEEK, MESSRS. DICKS, DIXON, FAZIO, HOYER, COLEMAN, and NATCHER, Mrs. VUCANOVICH, Mr. CALLAHAN, Mrs. BENTLEY, Mr. HOBSON, and Mr. MCDADE.

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 5, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, October 4, 1993 at 3:35 p.m. and said to contain a message from the President wherein he reports under section 8 (b) of the Fishermen's Protective Act (Pelly Amendment) that he has directed the development of a list of potential sanctions against Norway.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk.

POTENTIAL SANCTIONS AGAINST NORWEGIAN IMPORTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–146)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Foreign Affairs and the Committee on Merchant Marine and Fisheries and ordered to be printed:

To the Congress of the United States:

On August 5, 1993, the Secretary of Commerce certified that Norway's resumption of commercial harvesting of minke whales has diminished the effectiveness of the International Whaling Commission (IWC). The IWC acted to continue the moratorium on all commercial whaling at its most recent meeting last spring. Despite this action, Norway has recommenced commercial whaling of the Northeastern Atlantic minke, noting that it has lodged an objection to the moratorium. This letter constitutes my report to the Congress pursuant to section 8(b) of the Fishermen's Protective Act of 1967, as amended (Pelly Amendment) (22 U.S.C. 1978(a)).

The United States is deeply opposed to commercial whaling: the United States does not engage in commercial whaling, and the United States does not allow the import of whale meat or whale products. While some native Alaskans engage in narrowly circumscribed subsistence whaling, this is approved by the IWC through a quota for "aboriginal whaling." The United States also firmly supports the proposed whale sanctuary in the Antarctic.

The United States has an equally strong commitment to science-based international solutions to global conservation problems. The United States recognizes that not every country agrees with our position against commercial whaling. The issue at hand is the absence of a credible, agreed management and monitoring regime that would ensure that commercial whaling is kept within a science-based limit.

I believe that Norway's action is serious enough to justify sanctions as authorized by the Pelly amendment. Therefore, I have directed that a list of potential sanctions, including a list of Norwegian seafood products that could be the subject of import prohibitions, be developed. Because the primary interest of the United States in this matter is protecting the integrity of the IWC and its conservation regime, I believe our objectives can best be achieved by delaying the implementation of sanctions until we have exhausted all good faith efforts to persuade Norway to follow agreed conservation measures. It is my sincere hope that Norway will agree to and comply with such measures so that sanctions become unnecessary.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *October 4, 1993.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on both motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of legislative business today.

GOVERNMENT SECURITIES REFORM ACT OF 1993

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 618) to extend and revise rulemaking authority with respect to government securities under the Federal securities laws, and for other purposes, as amended.

The Clerk read as follows:

H.R. 618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Securities Reform Act of 1993".

TITLE I—AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934

SEC. 101. EXTENSION OF GOVERNMENT SECURITIES RULEMAKING AUTHORITY.

Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5) is amended by striking subsection (g).

SEC. 102. TRANSACTION RECORDS.

(a) AMENDMENT.—Section 15C(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(d)) is amended by adding at the end thereof the following new paragraph:

"(3) GOVERNMENT SECURITIES TRADE RECONSTRUCTION.—

"(A) FURNISHING RECORDS.—Every government securities broker and government securities dealer shall furnish to the Commission on request such records of government securities transactions, including records of the date and time of execution of trades, as the Commission may require to reconstruct trading in the course of a particular inquiry or investigation being conducted by the Commission. In requiring information pursuant to this paragraph, the Commission shall specify the information required, the period for which it is required, the time and date on which the information must be furnished, and whether the information is to be furnished directly to the Commission, to the Federal Reserve Bank of New York, or to an appropriate regulatory agency or self-regulatory organization with responsibility for examining the government securities broker or government securities dealer. The Commission may require that such information be furnished in machine readable form notwithstanding any limitation in subparagraph (B).

"(B) LIMITATION; CONSTRUCTION.—The Commission shall not utilize its authority under this paragraph to develop regular reporting requirements, except that the Commission may require information to be furnished under this paragraph as frequently as necessary for particular inquiries or investigations. This paragraph shall not be construed as requiring, or as authorizing the Commission to require, any government securities broker or government securities dealer to obtain or maintain any information for purposes of this paragraph which is not otherwise maintained by such broker or dealer in accordance with any other provision of law or usual and customary business practice. The Commission shall, where feasible, avoid requiring any information to be furnished under this paragraph that the Commission may obtain from the Federal Reserve Bank of New York.

"(C) PROCEDURES FOR REQUIRING INFORMATION.—At the time the Commission requests any information pursuant to subparagraph (A) with respect to any government securities broker or government securities dealer for which the Commission is not the appropriate regulatory agency, the Commission shall notify the appropriate regulatory agency for such government securities broker or government securities dealer and, upon request, furnish to the appropriate regulatory agency any information supplied to the Commission.

"(D) CONSULTATION.—Within 90 days after the date of the enactment of this paragraph,

and annually thereafter, or upon the request of any other appropriate regulatory agency, the Commission shall consult with the other appropriate regulatory agencies to determine the availability of records that may be required to be furnished under this paragraph and, for those records available directly from the other appropriate regulatory agencies, to develop a procedure for furnishing such records expeditiously upon the Commission's request.

“(E) EXCLUSION FOR EXAMINATION REPORTS.—Nothing in this paragraph shall be construed so as to permit the Commission to require any government securities broker or government securities dealer to obtain, maintain, or furnish any examination report of any appropriate regulatory agency other than the Commission or any supervisory recommendations or analysis contained in any such examination report.

“(F) AUTHORITY TO LIMIT DISCLOSURE OF INFORMATION.—Notwithstanding any other provision of law, the Commission and the appropriate regulatory agencies shall not be compelled to disclose any information required or obtained under this paragraph. Nothing in this paragraph shall authorize the Commission or any appropriate regulatory agency to withhold information from Congress, or prevent the Commission or any appropriate regulatory agency from complying with a request for information from any other Federal department or agency requesting information for purposes within the scope of its jurisdiction, or from complying with an order of a court of the United States in an action brought by the United States, the Commission, or the appropriate regulatory agency. For purposes of section 552 of title 5, United States Code, this subparagraph shall be considered a statute described in subsection (b)(3)(B) of such section 552.”.

(b) CONFORMING AMENDMENTS.—(1) Section 15C(a)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(a)(4)) is amended by inserting “, other than subsection (d)(3),” after “subsection (a), (b), or (d) of this section”.

(2) Section 15C(f)(2) of such Act is amended—

(A) in the first sentence, by inserting “, other than subsection (d)(3)”, after “threatened violation of the provisions of this section”; and

(B) in the second sentence, by inserting “(except subsection (d)(3))” after “other than this section”.

SEC. 103. LARGE POSITION REPORTING.

Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5) is amended—

(1) by redesignating subsection (f) as subsection (h); and

(2) by inserting after subsection (e) the following new subsection:

“(f) LARGE POSITION REPORTING.—

“(1) REPORTING REQUIREMENTS.—The Secretary may adopt rules to require specified persons holding, maintaining, or controlling large positions in to-be-issued or recently issued Treasury securities to file such reports regarding such positions as the Secretary determines to be necessary or appropriate for the purpose of monitoring the impact in the Treasury securities market of concentrations of positions in Treasury securities and for the purpose of otherwise assisting the Commission in the enforcement of this title. Reports required under this subsection shall be filed with the Federal Reserve Bank of New York, acting as agent for the Secretary, and shall be provided by that Federal Reserve Bank to the Commission on a timely basis.

“(2) RECORDKEEPING REQUIREMENTS.—Rules under this subsection may require persons holding, maintaining, or controlling large positions in Treasury securities to make and keep for prescribed periods such records as the Secretary determines are necessary or appropriate to ensure that such persons can comply with reporting requirements under this subsection.

“(3) AGGREGATION RULES.—Rules under this subsection—

“(A) may prescribe the manner in which positions and accounts shall be aggregated for the purpose of this subsection, including aggregation on the basis of common ownership or control; and

“(B) may define which persons (individually or as a group) hold, maintain, or control large positions.

“(4) DEFINITIONAL AUTHORITY; DETERMINATION OF REPORTING THRESHOLD.—

“(A) In prescribing rules under this subsection, the Secretary may, consistent with the purpose of this subsection, define terms used in this subsection that are not otherwise defined in section 3 of this title.

“(B) Rules under this subsection shall specify—

“(i) the minimum size of positions subject to reporting under this subsection, taking into account the purposes of this subsection and the potential for price distortions or other anomalies resulting from large positions;

“(ii) the types of positions (which may include financing arrangements) to be reported;

“(iii) the securities to be covered; and

“(iv) the form and manner in which reports shall be transmitted, which may include transmission in machine readable form.

“(5) LIMITATION ON DISCLOSURE OF INFORMATION.—Notwithstanding any other provision of law, the Secretary and the Commission shall not be compelled to disclose any information required to be kept or reported under this subsection. Nothing in this subsection shall authorize the Secretary or the Commission to withhold information from Congress, or prevent the Secretary or the Commission from complying with a request for information from any other Federal department or agency requesting information for purposes within the scope of its jurisdiction, or from complying with an order of a court of the United States in an action brought by the United States, the Secretary, or the Commission. For purposes of section 552 of title 5, United States Code, this paragraph shall be considered a statute described in subsection (b)(3)(B) of such section 552.”.

SEC. 104. AUTHORITY OF THE COMMISSION TO REGULATE TRANSACTIONS IN EXEMPTED SECURITIES.

(a) PREVENTION OF FRAUDULENT AND MANIPULATIVE ACTS AND PRACTICES.—Section 15(c)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)(2)) is amended—

(1) by inserting “(A)” after “(2)”;

(2) by striking “fictitious quotation, and no municipal securities dealer” and inserting the following:

“fictitious quotation.

“(B) No municipal securities dealer”;

(3) by striking “fictitious quotation. The Commission shall” and inserting the following:

“fictitious quotation.

“(C) No government securities broker or government securities dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or induce or attempt to induce the purchase or sale of, any government security in connection with which such government securities broker or government securities dealer engages in any fraudulent, deceptive, or manipulative act or practice, or makes any fictitious quotation.

“(D) The Commission shall”; and

(4) by inserting at the end thereof the following:

“(E) The Commission shall, prior to adopting any rule or regulation under subparagraph (C), consult with and consider the views of the Secretary of the Treasury and each appropriate regulatory agency. If the Secretary of the Treasury or any appropriate regulatory agency comments in writing on a proposed rule or regulation of the Commission under such subparagraph (C) that has been published for comment, the Commission shall respond in writing to such written comment before adopting the proposed rule.”.

(b) FRAUDULENT AND MANIPULATIVE DEVICES AND CONTRIVANCES.—Section 15(c)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)(1)) is amended—

(1) by inserting “(A)” after “(c)(1)”;

(2) by striking “contrivance, and no municipal securities dealer” and inserting the following:

“contrivance.

“(B) No municipal securities dealer”;

(3) by striking “contrivance. The Commission shall” and inserting the following:

“contrivance.

“(C) No government securities broker or government securities dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any government security by means of any manipulative, deceptive, or other fraudulent device or contrivance.

“(D) The Commission shall”; and

(4) by inserting at the end thereof the following:

“(E) The Commission shall, prior to adopting any rule or regulation under subparagraph (C), consult with and consider the views of the Secretary of the Treasury and each appropriate regulatory agency. If the Secretary of the Treasury or any appropriate regulatory agency comments in writing on a proposed rule or regulation of the Commission under such subparagraph (C) that has been published for comment, the Commission shall respond in writing to such written comment before adopting the proposed rule.”.

SEC. 105. BROKER/DEALER SUPERVISION RESPONSIBILITIES.

Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5) is amended by inserting after subsection (f) (as added by section 103 of this Act) the following new subsection:

“(g) POLICIES AND PROCEDURES TO PREVENT AND DETECT VIOLATIONS.—Every government securities broker and government securities dealer shall establish, maintain, and enforce written policies and procedures reasonably designed, taking into consideration the nature of such person's business, to prevent and detect in connection with the purchase or sale of government securities, insofar as practicable, fraud and manipulation in violation of this title and the rules and regulations thereunder and violations of such other provisions of this title and the rules and regulations thereunder as the appropriate regulatory agency for such government securities broker or government securities dealer shall designate by rule.”.

SEC. 106. SALES PRACTICE RULEMAKING AUTHORITY.

(a) RULES FOR FINANCIAL INSTITUTIONS.—Section 15C(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(b)) is amended—

(1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

“(3) SALES PRACTICE RULES.—(A) With respect to any financial institution that has filed notice as a government securities broker or government securities dealer or that is required to file notice under subsection (a)(1)(B) of this section, the appropriate regulatory agency for such government securities broker or government securities dealer may issue such rules with respect to transactions in government securities as may be necessary to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade.

"(B) Each appropriate regulatory agency shall consult with the other appropriate regulatory agencies for the purpose of ensuring the consistency of the rules prescribed by such agencies under this paragraph. The appropriate regulatory agencies shall consult with and consider the views of the Secretary and the Commission with respect to the impact of such rules on the operations of the market for government securities, consistency with analogous rules of self-regulatory organizations, and the enforcement and administration of such rules. The consultation required by this paragraph shall be conducted prior to the appropriate regulatory agency adopting a rule under this paragraph, unless the appropriate regulatory agency determines that an emergency exists requiring expeditious and summary action and publishes its reasons therefor. If the Secretary or the Commission comments in writing to the appropriate regulatory agency on a proposed rule that has been published for comment, the appropriate regulatory agency shall respond in writing to such written comment before adopting the rule.".

(b) RULES BY REGISTERED SECURITIES ASSOCIATIONS.—

(1) REMOVAL OF LIMITATIONS ON AUTHORITY.—(A) Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) is amended—

(i) by striking subsections (f)(1) and (f)(2); and

(ii) by redesignating subsection (f)(3) as subsection (f).

(B) Section 15A(g) of such Act is amended—

(i) by striking "exempted securities" in paragraph (3)(D) and inserting "municipal securities";

(ii) by striking paragraph (4); and

(iii) by redesignating paragraph (5) as paragraph (4).

(2) OVERSIGHT OF REGISTERED SECURITIES ASSOCIATIONS.—Section 19 of the Securities Exchange Act of 1934 (15 U.S.C. 78s) is amended—

(A) in subsection (b), by adding at the end thereof the following new paragraph:

"(5) The Commission shall consult with and consider the views of the Secretary of the Treasury prior to approving a proposed rule change filed by a registered securities association that primarily concerns conduct related to transactions in government securities, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor. If the Secretary comments in writing to the Commission on such proposed rule change that has been published for comment, the Commission shall respond in writing to such written comment before approving the proposed rule change.";

(B) in subsection (c), by adding at the end thereof the following new paragraph:

"(5) Before adopting a rule to amend a rule of a registered securities association that primarily concerns conduct related to transactions in government securities, the Commission shall consult with and consider the views of the Secretary, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor. If the Secretary comments in writing to the Commission on such proposed rule change that has been published for comment, the Commission shall respond in writing to such written comment before approving the proposed rule change.".

(3) CONFORMING AMENDMENT.—

(A) Section 3(a)(12)(B)(ii) of such Act (15 U.S.C. 78c(a)(12)(B)(ii)) is amended by striking "15, 15A (other than subsection (g)(3)), and 17A" and inserting "15 and 17A".

(B) Section 15(b)(7) of such Act (15 U.S.C. 78o(b)(7)) is amended by inserting "or government securities broker or government securities dealer registered (or required to register) under section 15C(a)(1)(A)" after "No registered broker or dealer".

SEC. 107. MARKET INFORMATION.

Section 23(b)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78w) is amended—

(1) by striking subparagraphs (C), (D), and (H);

(2) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (C), (D), and (E), respectively;

(3) by redesignating subparagraphs (I), (J), and (K) as subparagraphs (F), (G), and (H), respectively;

(4) by striking "and" at the end of such redesignated subparagraph (G);

(5) by striking the period at the end of such redesignated subparagraph (H) and inserting "; and"; and

(6) by inserting after such redesignated subparagraph (H) the following new subparagraph:

"(I) the steps that have been taken and the progress that has been made in promoting the timely public dissemination and availability for analytical purposes (on a fair, reasonable, and nondiscriminatory basis) of information concerning government securities transactions and quotations, and its recommendations, if any, for legislation to assure timely dissemination of (i) information on transactions in regularly traded government securities sufficient to permit the determination of the prevailing market price for such securities, and (ii) reports of the highest published bids and lowest published offers for government securities (including the size at which persons are willing to trade with respect to such bids and offers).".

SEC. 108. STUDY OF REGULATORY SYSTEM FOR GOVERNMENT SECURITIES.

(a) JOINT STUDY.—The Secretary of the Treasury, the Securities and Exchange Commission, and the Board of Governors of the Federal Reserve System shall—

(1) evaluate the effectiveness of any rules promulgated or amended after October 1, 1991, pursuant to section 15C of the Securities Exchange Act of 1934 or any amendment made by this title, and any national securities association rule changes applicable principally to government securities transactions approved after October 1, 1991, in carrying out the purposes of such Act;

(2) evaluate the effectiveness of surveillance and enforcement with respect to government securities, and the impact on such surveillance and enforcement of defects in any available audit trails with respect to transactions in such securities; and

(3) submit to the Congress, not later than March 31, 1998, any recommendations they may consider appropriate concerning—

(A) the regulation of government securities brokers and government securities dealers,

(B) the dissemination of information concerning quotations for and transactions in government securities,

(C) the prevention of sales practice abuses in connection with transactions in government securities, and

(D) such other matters as they consider appropriate.

(b) GAO STUDY.—The Comptroller General shall—

(1) conduct a study of the effectiveness of regulation of government securities brokers and government securities dealers pursuant to section 15C of the Securities Exchange Act of 1934 and the effectiveness of the amendments made by this title; and

(2) submit to the Congress, not later than March 31, 1997, the Comptroller General's recommendations for change, if any, or such other recommendations as the Comptroller General considers appropriate.

(c) TREASURY STUDY.—The Secretary of the Treasury, in consultation with the Securities and Exchange Commission, shall—

(1) conduct a study of—

(A) the identity and nature of the business of government securities brokers and government securities dealers that are registered with the Securities and Exchange Commission under section 15C of the Securities Exchange Act of 1934; and

(B) the continuing need for, and regulatory and financial consequences of, a separate regulatory system for such government securities brokers and government securities dealers; and

(2) submit to the Congress, not later than 18 months after the date of enactment of this Act, the Secretary's recommendations for change, if any, or such other recommendations as the Secretary considers appropriate.

SEC. 109. TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO DEFINITIONS.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in paragraph (34)(G) (relating to the definition of appropriate regulatory agency), by amending clauses (ii), (iii), and (iv) to read as follows:

"(ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a foreign bank, an uninsured State branch or State agency of a foreign bank, a commercial lending company owned or controlled by a foreign bank (as such terms are used in the International Banking Act of 1978), or a corporation organized or having an agreement with the Board of Governors of the Federal Reserve System pursuant to section 25 or section 25A of the Federal Reserve Act;

"(iii) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System or a Federal savings bank) or an insured State branch of a foreign bank (as such terms are used in the International Banking Act of 1978);

"(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation;";

(2) by amending paragraph (46) (relating to the definition of financial institution) to read as follows:

"(46) The term 'financial institution' means—

"(A) a bank (as defined in paragraph (6) of this subsection);

"(B) a foreign bank (as such term is used in the International Banking Act of 1978); and

"(C) a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation."; and

(3) by redesignating paragraph (51) (as added by section 204 of the International Securities Enforcement Cooperation Act of 1990) as paragraph (52).

(b) EFFECTIVE DATE OF BROKER/DEALER REGISTRATION.—

(1) GOVERNMENT SECURITIES BROKERS AND DEALERS.—Section 15C(a)(2)(ii) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(a)(2)(ii)) is amended by inserting before "The Commission may extend" the following: "The order granting registration shall not be effective until such government securities broker or government securities dealer has become a member of a national securities exchange registered under section 6 of this title, or a securities association registered under section 15A of this title, unless the Commission has exempted such government securities broker or government securities dealer, by rule or order, from such membership.".

(2) OTHER BROKERS AND DEALERS.—Section 15(b)(1)(B) of such Act (15 U.S.C. 78o(b)(1)(B)) is amended by inserting before "The Commission

may extend" the following: "The order granting registration shall not be effective until such broker or dealer has become a member of a registered securities association, or until such broker or dealer has become a member of a national securities exchange if such broker or dealer effects transactions solely on that exchange, unless the Commission has exempted such broker or dealer, by rule or order, from such membership.".

(c) Information Sharing.—Section 15C(d)(2) of such Act is amended to read as follows:

"(2) Information received by an appropriate regulatory agency, the Secretary, or the Commission from or with respect to any government securities broker, government securities dealer, any person associated with a government securities broker or government securities dealer, or any other person subject to this section or rules promulgated thereunder, may be made available by the Secretary or the recipient agency to the Commission, the Secretary, the Department of Justice, the Commodity Futures Trading Commission, any appropriate regulatory agency, any self-regulatory organization, or any Federal Reserve Bank.".

SEC. 110. OFFERINGS OF CERTAIN GOVERNMENT SECURITIES.

Section 15(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)) is amended by adding at the end the following new paragraph:

"(7) In connection with any bid for or purchase of a government security related to an offering of government securities by or on behalf of an issuer, no government securities broker, government securities dealer, or bidder for or purchaser of securities in such offering shall knowingly or willfully make any false or misleading written statement or omit any fact necessary to make any written statement made not misleading.".

SEC. 111. RULE OF CONSTRUCTION.

(a) In General.—No provision of, or amendment made by, this title may be construed—

(1) to govern the initial issuance of any public debt obligation, or

(2) to grant any authority to (or extend any authority of) the Securities and Exchange Commission, any appropriate regulatory agency, or a self-regulatory organization—

(A) to prescribe any procedure, term, or condition of such initial issuance,

(B) to promulgate any rule or regulation governing such initial issuance, or

(C) to otherwise regulate in any manner such initial issuance.

(b) Exception.—Subsection (a) of this section shall not apply to the amendment made by section 110 of this Act.

(c) Public Debt Obligation.—For purposes of this section, the term "public debt obligation" means an obligation subject to the public debt limit established in section 3101 of title 31, United States Code.

TITLE II—REPORTS ON PUBLIC DEBT

SEC. 201. ANNUAL REPORT ON PUBLIC DEBT.

(a) General Rule.—Subchapter II of chapter 31 of title 31, United States Code, is amended by adding at the end thereof the following new section:

"§3130. Annual public debt report

"(a) General Rule.—On or before June 1 of each calendar year after 1993, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on—

"(1) the Treasury's public debt activities, and

"(2) the operations of the Federal Financing Bank.

"(b) Required Information on Public Debt Activities.—Each report submitted under subsection (a) shall include the following information:

"(1) A table showing the following information with respect to the total public debt:

"(A) The past levels of such debt and the projected levels of such debt as of the close of the current fiscal year and as of the close of the next 5 fiscal years under the most recent current services baseline projection of the executive branch.

"(B) The past debt to GDP ratios and the projected debt to GDP ratios as of the close of the current fiscal year and as of the close of the next 5 fiscal years under such most recent current services baseline projection.

"(2) A table showing the following information with respect to the net public debt:

"(A) The past levels of such debt and the projected levels of such debt as of the close of the current fiscal year and as of the close of the next 5 fiscal years under the most recent current services baseline projection of the executive branch.

"(B) The past debt to GDP ratios and the projected debt to GDP ratios as of the close of the current fiscal year and as of the close of the next 5 fiscal years under such most recent current services baseline projection.

"(C) The interest cost on such debt for prior fiscal years and the projected interest cost on such debt for the current fiscal year and for the next 5 fiscal years under such most recent current services baseline projection.

"(D) The interest cost to outlay ratios for prior fiscal years and the projected interest cost to outlay ratios for the current fiscal year and for the next 5 fiscal years under such most recent current services baseline projection.

"(3) A table showing the maturity distribution of the net public debt as of the time the report is submitted and for prior years, and an explanation of the overall financing strategy used in determining the distribution of maturities when issuing public debt obligations.

"(4) A table showing the following information as of the time the report is submitted and for prior years:

"(A) A description of the various categories of the holders of public debt obligations.

"(B) The portions of the total public debt held by each of such categories.

"(5) A table showing the relationship of federally assisted borrowing to total Federal borrowing as of the time the report is submitted and for prior years.

"(6) A table showing the annual principal and interest payments which would be required to amortize in equal annual payments the level (as of the time the report is submitted) of the net public debt over the longest remaining term to maturity of any obligation which is a part of such debt.

"(c) Required Information on Federal Financing Bank.—Each report submitted under subsection (a) shall include (but not be limited to) information on the financial operations of the Federal Financing Bank, including loan payments and prepayments, and on the levels and categories of the lending activities of the Federal Financing Bank, for the current fiscal year and for prior fiscal years.

"(d) Recommendations.—The Secretary of the Treasury may include in any report submitted under subsection (a) such recommendations to improve the issuance and sale of public debt obligations (and with respect to other matters) as he may deem advisable.

"(e) Definitions.—For purposes of this section—

"(1) Current fiscal year.—The term 'current fiscal year' means the fiscal year ending in the calendar year in which the report is submitted.

"(2) Total public debt.—The term 'total public debt' means the total amount of the obligations subject to the public debt limit established in section 3101 of this title.

"(3) Net public debt.—The term 'net public debt' means the portion of the total public debt which is held by the public.

"(4) Debt to GDP ratio.—The term 'debt to GDP ratio' means the percentage obtained by dividing the level of the total public debt or net public debt, as the case may be, by the gross domestic product.

"(5) Interest cost to outlay ratio.—The term 'interest cost to outlay ratio' means, with respect to any fiscal year, the percentage obtained by dividing the interest cost for such fiscal year on the net public debt by the total amount of Federal outlays for such fiscal year."

(b) Clerical Amendment.—The analysis for subchapter II of chapter 31 of title 31, United States Code, is amended by adding at the end thereof the following new item:

"3130. Annual public debt report."

SEC. 202. TREASURY AUCTION REFORMS.

(a) Ability to Submit Computer Tenders in Treasury Auctions.—By the end of 1995, any bidder shall be permitted to submit a computer-generated tender to any automated auction system established by the Secretary of the Treasury for the sale upon issuance of securities issued by the Secretary if the bidder—

(1) meets the minimum creditworthiness standard established by the Secretary; and

(2) agrees to comply with regulations and procedures applicable to the automated system and the sale upon issuance of securities issued by the Secretary.

(b) Prohibition on Favored Players.—

(1) In general.—No government securities broker or government securities dealer may receive any advantage, favorable treatment, or other benefit, in connection with the purchase upon issuance of securities issued by the Secretary of the Treasury, which is not generally available to other government securities brokers or government securities dealers under the regulations governing the sale upon issuance of securities issued by the Secretary of the Treasury.

(2) Exception.—

(A) In general.—The Secretary of the Treasury may grant an exception to the application of paragraph (1) if—

(i) the Secretary determines that any advantage, favorable treatment, or other benefit referred to in such paragraph is necessary and appropriate and in the public interest; and

(ii) the grant of the exception is designed to minimize any anticompetitive effect.

(B) Annual report.—The Secretary of the Treasury shall submit an annual report to the Congress describing any exception granted by the Secretary under subparagraph (A) during the year covered by the report and the basis upon which the exception was granted.

(c) Meetings of Treasury Borrowing Advisory Committee.—

(1) Open meetings.—

(A) In general.—Except as provided in subparagraph (B), any meeting of the Treasury Borrowing Advisory Committee of the Public Securities Association (hereafter in this subsection referred to as the "advisory committee"), or any successor to the advisory committee, shall be open to the public.

(B) Exception.—Subparagraph (A) shall not apply with respect to any part of any meeting of the advisory committee in which the advisory committee—

(i) discusses and debates the issues presented to the advisory committee by the Secretary of the Treasury; or

(ii) makes recommendations to the Secretary.

(2) Minutes of each meeting.—The detailed minutes required to be maintained under section 10(c) of the Federal Advisory Committee Act for any meeting by the advisory committee shall be made available to the public within 3 business days of the date of the meeting.

(3) PROHIBITION ON RECEIPT OF GRATUITIES OR EXPENSES BY ANY OFFICER OR EMPLOYEE OF THE BOARD OR DEPARTMENT.—In connection with any meeting of the advisory committee, no officer or employee of the Department of the Treasury, the Board of Governors of the Federal Reserve System, or any Federal reserve bank may accept any gratuity, consideration, expense of any sort, or any other thing of value from any advisory committee described in subsection (c), any member of such committee, or any other person.

(4) PROHIBITION ON OUTSIDE DISCUSSIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), a member of the advisory committee may not discuss any part of any discussion, debate, or recommendation at a meeting of the advisory committee which occurs while such meeting is closed to the public (in accordance with paragraph (1)(B)) with, or disclose the contents of such discussion, debate, or recommendation to, anyone other than—

(i) another member of the advisory committee who is present at the meeting; or

(ii) an officer or employee of the Department of the Treasury.

(B) APPLICABLE PERIOD OF PROHIBITION.—The prohibition contained in subparagraph (A) on discussions and disclosures of any discussion, debate, or recommendation at a meeting of the advisory committee shall cease to apply—

(i) with respect to any discussion, debate, or recommendation which relates to the securities to be auctioned in a midquarter refunding by the Secretary of the Treasury, at the time the Secretary makes a public announcement of the refunding; and

(ii) with respect to any other discussion, debate, or recommendation at the meeting, at the time the Secretary releases the minutes of the meeting in accordance with paragraph (2).

(C) REMOVAL FROM ADVISORY COMMITTEE FOR VIOLATIONS OF THIS PARAGRAPH.—In addition to any penalty or enforcement action to which a person who violates a provision of this paragraph may be subject under any other provision of law, the Secretary of the Treasury shall—

(i) remove a member of the advisory committee who violates a provision of this paragraph from the advisory committee and permanently bar such person from serving as a member of the advisory committee; and

(ii) prohibit any director, officer, or employee of the firm of which the member referred to in clause (i) is a director, officer, or employee (at the time the member is removed from the advisory committee) from serving as a member of the advisory committee at any time during the 10-year period beginning on the date of such removal.

(d) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—The Secretary of the Treasury shall submit an annual report to the Congress containing the following information with respect to material violations or suspected material violations of regulations of the Secretary relating to auctions and other offerings of securities upon the issuance of such securities by the Secretary:

(A) The number of inquiries begun by the Secretary during the year covered by the report regarding such material violations or suspected material violations by any participant in the auction system or any director, officer, or employee of any such participant and the number of inquiries regarding any such violations or suspected violations which remained open at the end of such year.

(B) A brief description of the nature of the violations.

(C) A brief description of any action taken by the Secretary during such year with respect to any such violation, including any referrals made to the Attorney General, the Securities and Exchange Commission, any other law enforcement agency, and any Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act).

(2) DELAY IN DISCLOSURE OF INFORMATION IN CERTAIN CASES.—The Secretary of the Treasury shall not be required to include in a report under paragraph (1) any information the disclosure of which could jeopardize an investigation by an agency described in paragraph (1)(C) for so long as such disclosure could jeopardize the investigation.

SEC. 203. REPORT ON TREASURY MODIFICATIONS TO AUCTION PROCESS.

The Secretary of the Treasury shall report to the Congress concerning significant modifications to the auction process for issuing United States Treasury obligations at the time such changes are implemented.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House is taking up consideration of legislation aimed at reforming regulations of the Government securities market. All investors and taxpayers have a stake in the regulation of the most important financial market that we have, the $4.5 trillion market for the U.S. Government's debt. This market provides the fuel for the Nation's fiscal engine, establishes a benchmark for interest rates throughout the global economy, and is used by the Federal Reserve to carry out monetary policy.

The Government securities market is also vitally important to a wide range of investors, including State and local governments, pension funds, mutual funds, securities firms, insurance companies, banks, and individual investors.

Two years ago, shocking revelations of wrongdoing by Salomon Brothers in connection with several Treasury auctions dramatically underscored the consequences of relying on an antiquated system of clubby informal regulation to guide this important market. Subsequent SEC investigations revealed a wide range of violations of the Federal securities laws, including the submission of false bids at nine separate Treasury auctions, failures to supervise, fictitious tax trades, and numerous books and records violations. Under the terms of the settlement reached by the SEC and Salomon Brothers, the firm agreed to pay fines and forfeitures totaling $290 million, and to establish a claims fund to compensate those damaged by its actions. This represents the third largest monetary penalty in history ever levied for violations of Federal securities laws, and is exceeded in size only by the fines and penalties levied against Drexel Burnham and Michael Milken for their illegal activities.

The most disturbing possibility raised by Salomon Brothers scandal was the possibility that sophisticated and unscrupulous operators might be able to manipulate the market for the U.S. Government's securities by effectively cornering the market for a particular Treasury issue, generating a short squeeze, and profiting from the artificially inflated prices that would result. Such a development, if left unchecked, would have a most devastating effect on the public's confidence in the fairness and integrity of the Government securities market.

Unfortunately, the shocking revelations of wrongdoing by Salomon Brothers were not an isolated incident. They were soon followed by disclosures that 98 securities firms and banks were culpable for inflating customer orders and maintaining false books in connection with sales of the securities of various Government-sponsored enterprises. These firms reached a settlement with regulators that involved monetary penalties approximating $100,000 per firm and an agreement to cease further violations.

These abuses, in turn, were followed by reports of abuses associated with noncompetitive bidding for Treasury securities, evidence of prearranged trades aimed at generating fictitious tax losses, and revelations that convicted swindler Steven Wymer used the Government market as the vehicle for carrying out a series of ripoffs of nearly 100 local and State governments. Today, Government investigations into these areas, as well as broad-ranging investigations into other instances of possible market manipulation or antitrust violations, are continuing.

I believe that Salomon Brothers and related scandals have amply demonstrated the need for comprehensive reforms in the regulation of the Government securities market. That is why in January of this year I joined with the gentleman from Michigan [Mr. DINGELL], the gentleman from Texas [Mr. FIELDS], the gentleman from Oregon [Mr. WYDEN], the gentleman from Oklahoma [Mr. SYNAR], the gentleman from Tennessee [Mr. COOPER], and the gentleman from California [Mr. MOORHEAD] in introducing H.R. 618, the Government Securities Reform Act of 1993. This broad legislative reform package we believe gets at the heart of the problems which have been identified in the marketplace.

Mr. Speaker, I will return briefly to outlining the details in the legislation, but I would like to note that we were able to successfully bring to closure the product which we bring to the floor here today only by the cooperation between Democrats and Republicans on our committee, and similarly, cooperation between the Committee on Ways and Means, among the Committee on Ways and Means, the Committee on Banking, Finance and Urban Affairs, and the Committee on Energy and

Commerce, in producing this fine product. I want to compliment all involved in the process.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, the Committee on Energy and Commerce, with the cooperation of the Committee on Ways and Means and the Committee on Banking, brings before the House important legislation to enhance the integrity and efficiency of the market in U.S. Government securities. I strongly urge passage of this bill.

The Secretary of the Treasury is authorized under chapter 31 of title 31, United States Code, to issue Treasury securities and to prescribe terms and conditions for their issuance and sale. The Secretary may issue bonds under 31 U.S.C. 3102, notes under 31 U.S.C. 3103, and certificates of indebtedness and Treasury bills under 31 U.S.C. 3104. Under 31 U.S.C. 3121, the Secretary may prescribe the form of such securities and the terms and conditions for the issuance and sale of the securities. Treasury auction rules are issued under this authority.

Compliance and enforcement responsibility for the auction rules rests with the Treasury. The Treasury may bar or suspend a firm from auctions, and the Treasury reserves the right to reject bids in auctions. However, securities fraud is the enforcement responsibility of the SEC and the Justice Department.

Congress passed the Government Securities Act of 1986—the GSA—to close then-existing gaps in the regulation of market participants that had been highlighted by the failure of certain previously unregulated Government securities dealers, involving substantial losses for investors and, in some cases, fraudulent activity in the market for repurchase agreements.

Prior to the enactment of the GSA, some Government securities brokers and dealers were not registered with or regulated by any Federal Government agency. The GSA required this group of brokers and dealers to register with the SEC. In addition, the GSA granted the Treasury limited rulemaking authority over all Government securities brokers and dealers, including financial institutions engaged in this business. Under the GSA, the Treasury has promulgated regulations concerning financial responsibility, protection of investor securities and funds, recordkeeping, reporting, and auditing of Government securities brokers and dealers. The Treasury also was given responsibility for the development of regulations related to the custody of Government securities held by depository institutions. The GSA required the SEC and the Federal Reserve Board to promulgate rules establishing the procedures and forms to be used by Government securities brokers and dealers for the registration and notice process.

In promulgating the regulations, the Treasury was required to consult with the SEC and the Federal Reserve Board. As a result of these consultations and the Treasury's analysis, most of the SEC regulations—for example, customer protection, recordkeeping, reports, and audits—that applied to registered brokers and dealers were, with limited exceptions, adopted for firms registered pursuant to the GSA. Enforcement authority for these rules rests with the SEC and the SRO's or with financial institution regulators, depending on the entity.

Treasury's rulemaking authority under the GSA expired on October 1, 1991. Before both Houses of Congress had voted to renew that authority, Salomon Brothers admitted various violations involving fraudulent Treasury auctions bids and market squeezes, and improprieties involving 98 bank and broker-dealer selling group members in GSE securities were disclosed, triggering intense scrutiny of the market for Government securities.

Against this backdrop, the Treasury, SEC, and the Federal Reserve issued a "Joint Report on the Government Securities Market" in January 1992 that outlined a number of administrative and regulatory changes voluntarily undertaken by the agencies to improve the fairness and efficiency of the market. The Joint Report also made certain legislative recommendations that are embodied in H.R. 618.

Title I of H.R. 618 includes the legislation reported by the Committee on Energy and Commerce. This legislation amends the Securities and Exchange Act of 1934—Exchange Act—to provide the SEC, Treasury, and appropriate regulatory agencies—as defined in Section 3(a)(34)(G) of the Exchange Act—with expanded authority to monitor the Government securities market, detect and prosecute fraudulent or manipulative activities, permit all registered securities associations or appropriate regulatory agencies to establish and enforce sales practice regulations in this market, and monitor the public availability of market information. In addition, the legislation requires Government securities brokers and dealers to develop and enforce internal controls aimed at preventing and detecting fraud and manipulation in connection with the purchase or sale of Government securities. It also would permanently reauthorize the Treasury's rulemaking authority under Section 15C of the Exchange Act.

Title II includes amendments to title 31, United States Code agreed to between the Committee on Ways and Means, Treasury, and the Banking Committee with respect to: First, annual reports to Ways and Means on the Treasury's public debt activities; second, reports to Congress on significant changes in the auction process; and third, modest Treasury auction and Treasury Borrowing Advisory Committee reforms.

I am inserting in the RECORD following my remarks the exchange of letters between our committees.

The administration supports House passage of this bill. I urge the support of my colleagues.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 23, 1993.
Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR JOHN: During the 102nd Congress, on June 24, 1992, the Committee on Ways and Means approved an amendment which we asked to have included in H.R. 3927, the Government Securities Reform Act, a bill which had been ordered reported by your Committee.

That amendment would have made it an explicit violation of the law to make false or misleading written statements to an issuer of Government securities in connection with the primary issuance of such securities, and would have required certain reports by Treasury concerning its public debt operations and changes in the Treasury debt auction process.

It is my understanding that H.R. 618, recently ordered reported by your Committee, represents the successor legislation to H.R. 3927 for the 103rd Congress. The amendment approved previously by the Committee on Ways and Means continues to be relevant to H.R. 618. It is also my understanding that you may ask to place H.R. 618 on the suspension calendar when it is reported from your Committee. I would respectfully request that the amendment approved by the Committee on Ways and Means and the provisions of your bills be merged, and that the new bill be placed on the suspension calendar.

I look forward to working with you on these and other matters of mutual interest.

Sincerely,
DAN ROSTENKOWSKI,
Chairman.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 30, 1993.
Hon. DAN ROSTENKOWSKI,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR DAN: I am writing with reference to your letter of September 13, 1993 to me concerning H.R. 618, the Government Securities Reform Act of 1993.

I want to thank your Committee for your great courtesy and cooperation in working with us to facilitate the processing of this legislation through the development of a friendly amendment. The fair and efficient operation of the U.S. government securities market is of great global import. This market must absorb efficiently the enormous amounts of Treasury securities made necessary by the massive borrowing requirements of the U.S. Government. This market must also serve the needs of the Federal Reserve in conducting open market operations, the Federal Reserve's most important monetary policy tool.

The liquidity and pricing efficiency of the market provide incalculable benefits to other financial markets in the United States and worldwide by providing a continuous benchmark for interest rates on dollar-denominated instruments across the maturity spectrum. I appreciate your recognition of these matters and therefore the need to move forward expeditiously on this legislation. Pursuant to our agreement, H.R. 618 has been scheduled for consideration on the suspension calendar on Tuesday, October 5, 1993.

In closing, I look forward to working with you and your Committee in achieving prompt enactment of H.R. 618, and in assuring the continued integrity and efficiency of the U.S. government securities market.

Sincerely,
JOHN D. DINGELL,
Chairman.

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, DC, September 27, 1993.
Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR MR. CHAIRMAN: This is with reference to H.R. 618, the Government Securities Reform Act of 1993, ordered reported by your Committee on September 21, 1993.

H.R. 618 contains various amendments to the Government Securities Act of 1986. Generally, the Secretary of the Treasury is given rulemaking authority and the financial institutions regulatory agencies are given enforcement authority under the Government Securities Act for government securities brokers and government securities dealers that are financial institutions (as defined in section 3(a)(46) of the Securities Exchange Act). The amendments to the Government Securities Act contained in H.R. 618 make some changes to this general scheme.

Under Section 3 of H.R. 618, the Securities and Exchange Commission (the "Commission") may obtain records of government securities transactions directly from financial institutions as the Commission may require to reconstruct trading in the course of a particular surveillance inquiry or enforcement investigation being conducted by the Commission. As stated in your Committee report, we have agreed that requests of records from financial institutions must be authorized by the full Commission, the director of any division of the Commission, or the head of any regional office of the Commission. Section 3 also requires the Commission to consult with the financial institutions regulatory agencies regarding the availability of records that may be required to be furnished on an annual basis or upon request, as well as to notify the regulatory agencies whenever the Commission requests records from a government securities broker or dealer that is a financial institution.

The Commission's rulemaking authority under Sections 15(c) (1) and (2) of the Exchange Act is extended to all government securities brokers and dealers by Section 5 of H.R. 618. The Commission currently has such authority with respect to municipal securities brokers and dealers that are financial institutions. The Commission's new rulemaking authority extends to insured depository institutions in this particular instances because of the importance of having uniform antimanipulation and antifraud rules that apply to all government securities brokers and dealers. However, in recognition of the regulatory and enforcement authority of the financial institutions regulators over government securities brokers and dealers that are financial institutions, the Committee report reflects our intention that the Commission must consult with and respond in writing to any written comments of such regulators and the Secretary of the Treasury when promulgating antifraud and antimanipulation rules.

Under clause (1)(d)(1) of Rule X of the Rules of the U.S. House of Representatives, the Committee on Banking, Finance and Urban Affairs has jurisdiction over banks and banking, including the government securities activities of banks. Pursuant to extensive discussions with your Committee with regard to the provisions of H.R. 618 that fall within this Committee's jurisdiction, and in the interests of expediting consideration of this bill by the House, the Banking Committee will not request a sequential referral of H.R. 618. This action is taken without any prejudice to this Committee's jurisdiction, or its intent to request that Banking Committee Members be named as conferees on the legislation.

I appreciate the cooperative and thoughtful spirit in which you have worked with the Committee on Banking, Finance and Urban Affairs on the legislative and report language of H.R. 618. I look forward to continuing to work with your Committee in that same spirit.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 4, 1993.
Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance and Urban Affairs, Washington, DC.

DEAR HENRY: I am writing with reference to your letter of September 27, 1993 to me concerning H.R. 618, the Government Securities Reform Act of 1993. H.R. 618 represents the response of this Committee to scandals in the government securities market that have threatened to shake public confidence in the fairness and integrity of that market.

As you know, the Committee on Ways and Means has legislative jurisdiction over the bonded debt of the United States pursuant to clause 1(v)(5), Rule X of the Rules of the U.S. House of Representatives, which authority includes jurisdiction over the issuance of Federal debt obligations and the process by which such obligations are issued by the Treasury. The Committee on Energy and Commerce has legislative jurisdiction over securities and exchanges, including the secondary trading market in U.S. government securities, pursuant to clause 1(h)(13), Rule X of the Rules of the U.S. House of Representatives. Under that authority, this Committee wrote the Government Securities Act of 1986 (GSA), Public Law No. 99-571.[1]

I want to thank your Committee for working with us to facilitate the processing of H.R. 618 through the development of a friendly amendment. The fair and efficient operation of the U.S. govenment securities market is of great global import. This market must absorb efficiently the enormous amounts of Treasury securities made necessary by the massive borrowing requirements of the U.S. Government. This market must also serve the needs of the Federal Reserve in conducting open market operations, the Federal Reserve's most important monetary policy tool.

The liquidity and pricing efficiency of the market provide incalculable benefits to other financial markets in the United States and worldwide by providing a continuous benchmark for interest rates on dollar-denominated instruments across the maturity spectrum. While I am unable under the Rules to agree with your broad assertion of legislative jurisdiction over the government securities activities of banks, I appreciate your Committee's strong interest in the integrity and efficiency of this market as a result of your jurisdiction over banks and Federal monetary policy pursuant to clause 1(d)(1), Rule X of the Rules of the U.S. House of Representatives, and I pledge my continuing cooperation on these and other matters of mutual interest. Pursuant to our agreement, H.R. 618 has been scheduled for consideration on the suspension calendar on Tuesday, October 5, 1993.

Sincerely,

JOHN D. DINGELL,
Chairman.

Mr. FIELDS of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 618, the Government Securities Reform Act of 1993. Mr. Speaker, I want to compliment our chairman on his work in bringing this bill to the floor.

The purpose of the Government securities market is to finance the national debt at the lowest possible cost. Public confidence in the integrity of the market is essential. It was to help preserve that confidence that Congress enacted the Government Securities Act of 1986, and for the same reason we act today.

The GSA established a Federal system for regulating the Government securities market, including previously unregulated brokers and dealers, in order to protect investors and to ensure the maintenance of a fair, honest, and liquid market.

In that bill, the Department of the Treasury was instructed to adopt rules to prevent fraudulent and manipulative acts and practices. Its efforts have been successful for the most part. Treasury's rulemaking authority, however, sunset on October 1, 1991.

I believe it is incumbent upon Congress to remedy the situation in which the Treasury Department is without authority to regulate its own marketplace. Our legislation does this by reauthorizing the Treasury Department to adopt rules as necessary.

In 1987, Treasury, the Federal Reserve, and the GAO examined the Government securities market and concluded that brokers and dealers should make more quotation information available. Increasing the amount of information available to the public makes financial markets more efficient without any risk to their safety.

In testimony at our hearings during both the 102d and 103d Congresses, many witnesses agreed that additional disclosure would help. They urged us, however, to allow private industry to lead the development of market information systems. Our committee agreed, and H.R. 618 preserves the incentives for the industry itself to promote modernization and innovation.

The 1986 act did not give Treasury authority to enact sales practice rules. It also restricted the NASD from applying its already existing sales practices rules to its member Government securities dealers. Over the 7 years of operation of the Government Securities Act, it has become apparent that the removal of restrictions on sales practice regulation would be in the interest of investors. This too is accomplished in H.R. 618.

I believe that the Government has a role to play in ensuring that this critically important marketplace is not disrupted by the frauds and scandals it has endured during the last 3 years. I want to commend committee Chairman DINGELL, Chairman MARKEY of the Finance Subcommittee, and the full committee ranking Republican CARLOS MOORHEAD for their work in fashioning an appropriate response to the need to update the oversight regulations of this important market. I urge my colleagues to vote for this legislation.

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[1] Congress passed the GSA to close then-existing gaps in the regulation of market participants that had been highlighted by the failure of certain previously unregulated government securities dealers, involving losses for investors and, in some cases, fraudulent activity in the market for repurchase agreements. Brokers and dealers (including financial institutions) in the secondary market for government securities are regulated under the authority of the GSA.

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Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. GONZALEZ], chairman of the full Committee on Banking, Finance and Urban Affairs, with whom the Committee on Energy and Commerce and the Committee on Ways and Means worked very closely over the last several months in crafting legislation.

Mr. GONZALEZ. Mr. Speaker, I am pleased to speak in favor of this legislation. I regret, however, that unnecessary jurisdictional maneuvering last year has delayed passage of this bill for over a year. Our cooperation this year demonstrates what can be accomplished when committees learn to respect each others concerns.

However, H.R. 618 contains several important long term reforms to the Government securities auction process. These reforms will break the stranglehold of the primary dealer cartel, and bring equitable bidding to the Government securities auction process. By ending the preferential treatment of big investment houses, these provisions will increase competition and lower the cost of financing the Government's debt.

The first provision guarantees that any bidder who meets a minimum creditworthiness standard will be eligible to participate in the new automated auction system. Currently, only the primary dealers are allowed to participate in the new automated system. This gives them an unfair competitive advantage.

The second provision prohibits the Treasury Department from giving an auction bidder any advantage, favorable treatment, or other benefit. Only reasonable and necessary exceptions in the public interest would be allowed. The favored treatment historically given to the primary dealers for no valid reason would be stopped once and for all.

Third, the activities of the secretive Treasury Advisory Borrowing Committee will be pried open to the public.

The part having to do with the Federal Reserve Board, which is critical, is a part which we generated in legislation last year and it forms an integral part of this legislation.

Generally, all meetings are open, except for those where the committee deliberates and reports to the Treasury. The minutes of these meetings must be available to the public within 3 business days. Also, committee members are strictly prohibited from divulging the contents of the committee's discussions. A person violating this provision will be permanently banned from the committee and the firm the person was associated with would also be banned from the committee for 10 years.

In addition, I have received assurances from the Chairman of the Securities and Exchange Commission that committee members who violated this prohibition would be subject to liability under insider trading laws. I insert into the RECORD at this point a letter I have received from Chairman Arthur Levitt on this point.

The letter referred to is as follows:

SECURITIES AND EXCHANGE COMMISSION,
Washington, DC, October 4, 1993.

Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance and Urban Affairs, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I understand that you have requested a description of the prohibitions against insider trading under the federal securities laws, including the extent to which those prohibitions might apply to a member of the Treasury Borrowing Advisory Committee (the "committee") who disclosed nonpublic matters discussed at committee meetings, or engaged in securities trading based on matters learned at such meetings.

The law of insider trading has been developed through judicial and SEC decisions construing the general antifraud provisions of the federal securities laws, primarily Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder. These provisions cover trading in "any" securities including government securities and options, but they do not cover futures trading.[1] The provisions are applicable to bids or purchases in the auction and trading in the secondary market, which includes the "when issued" trading market, as well as trading after the auction.

Under this body of law, "insider trading" refers generally to the act of purchasing or selling a security, in breach of a fiduciary duty or other relationship of trust and confidence, while in possession of material, nonpublic information relating to that security. The law prohibits such trading by corporate officers and directors and other persons having a relationship of trust and confidence with the issuer or its shareholders. The law also prohibits trading by persons who "misappropriate" (i.e., obtain or convert in breach of a duty) material, nonpublic information from sources other than the issuer. Finally, the law prohibits such persons from "tipping" (i.e., wrongfully communicating the material, nonpublic information) to other persons, and the "tippees" of such persons are also prohibited from trading or tipping.

Depending on the circumstances, a committee member who engaged in improper conduct could potentially incur insider trading liability under either a "misappropriation theory" analysis or a tipping analysis. If a committee member purchased or sold securities while in possession of material, nonpublic information that he or she learned at such meetings, liability could result under the theory that the member's trading constituted the "misappropriation" of such information.

One critical issue in such a case would be whether the committee member was subject to the type of duty arising from a relationship of trust and confidence that is required to establish liability under the law. In general, if information is communicated in a context where it is agreed or understood between the parties that the information is confidential, the courts will find the requisite duty of trust and confidence. A relevant factor in such an analysis would be the nature and scope of any procedures instituted by the Treasury Department with respect to a committee member's obligation to maintain the confidentiality of committee meetings. Although there have not been any insider trading cases involving committee members, the courts have held in similar contexts that employees (including government employees) or other types of advisers (e.g., investment bankers, lawyers) owe the type of duty of confidentiality sufficient to create liability under the misappropriation theory. As noted above, however, this description assumes that the relevant trading involves securities, as opposed to futures.

Alternatively, even if a committee member did not personally engage in securities trading, he or she could be liable under a "tipping" analysis. Liability under this theory could result if the member improperly disclosed the information to another person who engaged in securities trading. As a general matter, an individual who communicates nonpublic information in breach of a duty is liable only if he does so knowingly or recklessly.

All of the foregoing analysis assumes that the information learned by the committee member was "material" with respect to an investment decision that a reasonable investor might make in connection with such securities.

Sincerely,

ARTHUR LEVITT,
Chairman.

I have also received assurances from the Treasury Department that it will improve the diversity of the committee membership to reflect more accurately the array of participants in the Government securities market, including greater participation by minorities and women. The Treasury Department will ensure that at least one-fourth of the committee's membership turns over every 2 years, with a complete turnover every 8 years.

Finally, the Secretary must report to Congress every year on violations and suspected violations of the auction rules. The Treasury will continue its practice of referring all such violations to the SEC or Justice Department for further investigation or prosecution.

The balance of the bill contains various amendments to the Government Securities Act designed to promote stronger regulation and enforcement. The Banking Committee has worked with the Energy and Commerce Committee to ensure that the bank regulators remain the primary regulatory and enforcement authority for Government securities brokers and dealers that are depository institutions. That is those institutions that have the taxpayer guarantee of their depositors.

I insert in the RECORD at this point my letter to Chairman DINGELL outlining the agreement reached between our committees with respect to title I of the bill.

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[1] Section 214 of PL-546 amends Section 9 of the Commodity Exchange Act to prohibit (1) certain commodity exchange and futures association officials or employees in violation of CFTC rules from trading on the basis of non-public information obtained through special access related to the performance of their official duties and (2) any person from trading on the basis of non-public information which the person knows was obtained from such official or employee in violation of such prohibition.

The letter referred to is as follows:

COMMITTEE ON BANKING, FINANCE
AND URBAN AFFAIRS,
Washington, DC September 27, 1993.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce,
Washington, DC.

DEAR MR. CHAIRMAN: This is with reference to H.R. 618, the Government Securities Reform Act of 1993, ordered reported by your Committee on September 21, 1993.

H.R. 618 contains various amendments to the Government Securities Act of 1986. Generally, the Secretary of the Treasury is given rulemaking authority and the financial institutions regulatory agencies are given enforcement authority under the Government Securities Act for government securities brokers and government securities dealers that are financial institutions (as defined in section 3(a)(46) of the Securities Exchange Act). The amendments to the Government Securities Act contained in H.R. 618 make some changes to this general scheme.

Under section 3 of H.R. 618, the Securities and Exchange Commission (the "Commission") may obtain records of government securities transactions directly from financial institutions as the Commission may require to reconstruct trading in the course of a particular surveillance inquiry or enforcement investigation being conducted by the Commission. As stated in your Committee report we have agreed that requests of records from financial institutions must be authorized by the full Commission, the director of any division of the Commission, or the head of any regional office of the Commission. Section 3 also requires the Commission to consult with the financial institutions regulatory agencies regarding the availability of records that may be required to be furnished on an annual basis or upon request, as well as to notify the regulatory agencies whenever the Commission requests records from a government securities broker or dealer that is a financial institution.

The Commission's rulemaking authority under Sections 15(c) (1) and (2) of the Exchange Act is extended to all government securities brokers and dealers by Section 5 of H.R. 618. The Commission currently has such authority with respect to municipal securities brokers and dealers that are financial institutions. The Commission's new rulemaking authority extends to insured depository institutions in this particular instance because of the importance of having uniform antimanipulation and antifraud rules that apply to all government securities brokers and dealers. However, in recognition of the regulatory and enforcement authority of the financial institutions regulators over government securities brokers and dealers that are financial institutions, the Committee report reflects our intention that the Commission must consult with and respond in writing to any written comments of such regulators and the Secretary of the Treasury when promulgating antifraud and antimanipulation rules.

Under clause (1)(d)(1) of Rule X of the Rules of the U.S. House of Representatives, the Committee on Banking, Finance and Urban Affairs has jurisdiction over banks and banking, including the government securities activities of banks. Pursuant to extensive discussions with your Committee with regard to the provisions of H.R. 618 that fall within this Committee's jurisdiction, and in the interests of expediting consideration of this bill by the House, the Banking Committee will not request a sequential referral of H.R. 618. This action is taken without any prejudice to this Committee's jurisdiction, or its intent to request that Banking Committee Members be named as conferees on the legislation.

I appreciate the cooperative and thoughtful spirit in which you have worked with the Committee on Banking, Finance and Urban Affairs on the legislative and report language of H.R. 618. I look forward to continuing to work with your Committee in that same spirit.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

The Salomon Brothers scandal will always illustrate the propensity of Wall Street to cross the line in an insatiable attempt to beat the system. The auction reforms contained in this bill are one more step to combat those who would abuse the market. I urge all Members to support passage of the bill.

Mr. FIELDS of Texas. Mr. Speaker, for purposes of control, I yield the balance of my time to the gentleman from California [Mr. MOORHEAD], the distinguished ranking member on the full committee.

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). Without objection, the gentleman from California will control the remainder of the time of the gentleman from Texas.

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 618, the Government Securities Reform Act.

In response to the failure of a number of unregulated Government securities dealers between 1975 and 1985, Congress passed the Government Securities Act of 1986. For the last 3 years our committee has been working on legislation that will update the 1986 act. This legislation will change regulation in order to address problems that have become apparent in the markets since the 1986 act was passed.

When enacted into law, H.R. 618 will prevent the type of scandal we saw when Paul Mozer, a single individual, showed us that it was indeed possible to manipulate a Treasury auction.

After enactment of this bill, dealers in Government-sponsored enterprise securities will be guilty of fraud if they puff up statements of buying interest. This was once a common practice because, by saying they had more buyers than they actually did, firms got a greater share of securities to sell. H.R. 618 will put a stop to this practice.

Similarly, the authority delegated to the Department of the Treasury by this legislation will work against cherry-picking schemes and the manipulation of noncompetitive bidding practices.

For these reasons, I support this legislation. Congress took action in 1986. It must take action in 1993 and, indeed, it must continue to take action whenever necessary, to ensure a fair and reliable Government securities market.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Speaker, I rise in support of this legislation and urge its passage. I am glad to hear the remarks of my colleague, the gentleman from Massachusetts [Mr. MARKEY], as well as the gentleman from Texas [Mr. GONZALEZ], chairman of the Committee on Banking, Finance and Urban Affairs.

Mr. Speaker, I rise today in strong support of H.R. 618, the Government Securities Reform Act of 1993. This legislation represents an important and appropriate legislative response to the misconduct which occurred in 1991 in the primary market for Federal Government securities.

In August 1991, the Congress and the public were shocked to learn that employees at the highest levels of Salomon Brothers, one of our country's largest brokerage houses, had violated Treasury Department rules governing the issuance of Government securities. These repeated violations involved the sale of tens of billions in Government securities in an attempt to corner and squeeze the market in certain issues of Treasury debt. Such actions, left unpunished, would undermine the integrity of the entire Government securities market and threaten the issuance of the bonded debt of the United States.

Since first hearing these shocking allegations of misconduct in the Government securities market, the Oversight Subcommittee of the Committee on Ways and Means has worked diligently to ensure that the Government securities market continues to operate fairly and efficiently. The subcommittee held hearings on September 26, 1991, to receive testimony from Salomon Brothers, the administration, and other concerned market participants. The subcommittee's investigation revealed significant shortcomings in the manner in which Treasury securities were marketed.

On February 3, 1992, the subcommittee held additional hearings to review the administrative and legislative recommendations of the administration. On March 12, 1992, on a bipartisan basis, the subcommittee issued a report to the full Committee on Ways and Means containing several recommendations for reforming the Government securities market.

After earlier voting to approve this report, the Committee on Ways and Means marked up and approved the legislative provisions that are contained in the legislation now before the House of Representatives.

With respect to the primary market for Government securities, H.R. 618 would make it an explicit violation of Federal law to knowingly or willfully make any false or misleading written statement in connection with the issuance of any public debt obligation. Such violations would be subject to criminal and civil penalties. This provision reflects the intent of the committee that such violations in the Government securities market should be subject to the same standard that is now applied to other securities under the antifraud and antimanipulation provisions of the Securities and Exchange Act.

Title II of H.R. 618 would also require the Secretary of the Treasury to make an annual report to the Committees on Ways and Means and the Senate Finance Committee on the Treasury's public debt activities and the operations of the Federal Financing Bank. In addition, the Secretary of the Treasury would be required to report to Congress on any reforms to the current system for issuing public debt obligations.

Mr. Speaker, these reforms, which have been developed on a bipartisan basis and which have been supported by the administration, represent a measured and meaningful response to the market manipulations uncovered in 1991. This legislation reflects the work and concerns not only of the members of the Committee on Ways and Means, but of those who serve on the committee on Energy and Commerce and the Committee on Banking and Urban Affairs. This legislation is the result of long and intense review. It provides meaningful protection for all parties to the Government securities market. Therefore, at this time, I urge its favorable consideration by all the Members of the House.

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Mr. MOORHEAD. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. I thank the gentleman for yielding this time to me.

Mr. Speaker, this is a very thoughtful bill. It is not majestic in scope, but it is a good, solid step in the right direction.

When money is at issue, there is always the potential for corruption. In a free enterprise system, the best antidote to corruption is competition and public knowledge of what is happening.

This bill enhances competition and gives equal access to automated bidding to a lot of smaller parties who have been shut out of the automated bidding process for Treasury auctions. It also prohibits favored players, that is, giving certain participants advantage over other players, which has been the circumstance in too many instances in the past. It also improves public knowledge and increases transparency, by making it clear that meetings of the Treasury Advisory Borrowing Committee will be made public, at least the relevant information of what takes place in those meetings, on a fairly timely basis, 3 business days.

I personally think this is a positive step. It is a noncontroversial bill, in terms of the controversy. I would, however, as the ranking member of the Committee on Banking, Finance and Urban Affairs, like to tip my hat particularly to my chairman, the gentleman from Texas [Mr. GONZALEZ], who worked diligently on this, and also to express my personal appreciation to the Committee on Energy and Commerce for taking into consideration the Banking Committee's views and also for moving forth in areas that I think are quite progressive and quite reasonable.

Mr. Speaker, I urge adoption of the bill.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume, and that will not be long at all.

Mr. Speaker, I want to outline what is in the legislation itself.

First, it permanently extends the rulemaking authorities granted to Treasury under the Government Securities Act of 1986.

Second, it requires all Government securities brokers and dealers to furnish to the Securities and Exchange Commission upon request records of transactions in Government securities needed to reconstruct trading for surveillance or enforcement purposes.

Third, it authorizes Treasury to adopt rules requiring reporting by holders of large positions in Treasury securities in order to enhance market surveillance and enforcement efforts.

Fourth, it requires all Government securities brokers and dealers to establish and enforce strong internal controls aimed at preventing wrongdoing by their officers or employees.

Fifth, it empowers the National Association of Securities Dealers and the appropriate regulatory agencies for financial institutions to develop and enforce sales practices and other rules of fair practice for Government securities brokers and dealers.

Sixth, it makes it an explicit violation of the securities laws for any person to make false or misleading statements in connection with any bid for or purchase of a Government security.

Seventh, it supplements the SEC's basic antifraud authorities over this market by empowering it to prescribe prophylactic antifraud and antimanipulation rules for the Government securities market.

Eighth, it directs the SEC to continuously monitor the nature and adequacy of public access to market quotation and transaction information.

Ninth, it mandates joint interagency, Treasury and GAO studies of the regulatory system for Government securities, and

Tenth, it requires certain reports by Treasury concerning its public debt obligations and changes in the Treasury debt auction process, which have been worked out in cooperation, again, with the Committee on Ways and Means and the Committee on Banking, Finance and Urban Affairs. Both of those committees, through the gentleman from Texas [Mr. PICKLE] and the gentleman from Texas [Mr. GONZALEZ], have publicly stated here in this debate this afternoon their committees' approval of these provisions.

This 10-point program for reform in the marketplace response to the troubles which were identified as the Salomon Bros. scandal and began to be made public 2 and 3 years ago.

H.R. 618 represents a truly bipartisan reform package that is targeted at the specific abuses and problem areas that were uncovered by the Subcommittee on Telecommunications and Finance during its 3-year investigation of the Government securities market.

I would like to also express my appreciation to the gentleman from Michigan [Mr. DINGELL], chairman of the full committee, and Consuela Washington of the full committee staff for their hard work and efforts and insight in the final passage of this legislation; to the distinguished ranking minority member of the subcommittee, the gentleman from Texas [Mr. FIELDS] and to the ranking minority member of the full committee, the gentleman from California [Mr. MOORHEAD], along with their staffs, Steve Blumenthal and Peter Rich, for their leadership and cooperation in crafting this important legislation.

I also want to express my special thanks to Treasury Undersecretary Frank Newman and his staff for their work in helping to craft this legislation, as well as to the Chairman of the Securities and Exchange Commission, Arthur Levitt, Commissioner Mary Schapiro, and to the staff of the SEC which helped so ably to bring this product to the floor today.

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Their hard work, their technical support was invaluable in helping to bridge the differences that have previously separated the various parties interested in this legislation.

As well I want to thank our legislative counsel, Steve Pope, Mr. Howard Homooff who worked on the subcommittee staff for several years and no longer works for the Congress, but gave invaluable service.

And in conclusion as well, to the Committee on Ways and Means and to the Committee on Banking. We had some difficulties initially. We have worked them out. The legislation is clearly and palpably in the public interest. Working with the minority on each and every issue at each stage of the development of the legislation, we present to the House today, we believe, a 10-point program that will make it highly unlikely that we will see a recurrence of the types of activities which the Salomon Bros. and 98 other firms were able to engage in the latter part of the eighties and the early part of this decade.

Mr. Speaker, in conclusion I would like to thank Jeff Duncan from my staff as well for all his hard work and dedication which he brought to this legislation. Without it, this legislation would not be possible.

Mr. BILIRAKIS. Mr. Speaker, the National Organ Transplant Act of 1984 established the organ procurement and transplantation network to develop a national patient selection system and ensure equitable access to organs. When Congress created the National Organ Transplant Act, it emphasized the need for a national list based on the medical need of the transplant patient.

Unfortunately, the United Network for Organ Sharing [UNOS] made a decision to change that policy. Instead of providing transplants to those in dire medical need, the current organ allocation system is based on geographic location, not the medical status of the patient.

During both the subcommittee and full committee markup sessions, I withdrew amendments due to apparent lack of support that would have required that the medical status of the patient and the viability of the organ be the primary factors considered when making organ allocation decisions. Many committee members believed that before a national list could be developed, the feasibility of creating such a list based on the medical need of the patient must be examined in great detail.

In response to my concerns, this bill requires that a study be conducted on the "feasibility, fairness, and enforceability of allocating organs in the United States based solely upon the clinical need of the patient involved and the viability of the organ involved, with no consideration given to the geographic area in which the transplant is to be performed or the geographic area in which the donation of the organ is made."

While the legislation before us today does not directly address my concerns, I believe it is a step in the right direction. I have been pleased by the willingness of Health and Environment Subcommittee Chairman HENRY WAXMAN and Energy and Commerce Committee Chairman JOHN DINGELL to consider these issues and work with me in reaching a compromise on this matter.

While I am encouraged by the committee's sensitivity to my concerns, I still continue to be troubled by current policy for transplants which only considers the geographic location of the patient and not his or her medical status.

I am hopeful that once the study is complete, my concerns on organ allocation will be addressed through the regulations which the legislation requires the Health and Human Services Secretary to issue within 1 year of the enactment of this legislation.

Mr. YOUNG of Florida. Mr. Speaker, I rise in support of H.R. 2659, the Organ and Bone Marrow Transplantation Amendments of 1993, which reauthorizes the National Marrow Donor Program through fiscal year 1996.

I want to commend my colleague from California, Mr. WAXMAN, the chairman of the Health Subcommittee, and my colleague from Virginia, Mr. BLILEY, the ranking Republican, for their work on this legislation and their special attention to the many medical, scientific, and ethical questions that surround this program which is saving lives every day throughout our Nation and the world.

Consideration of this legislation in the House could not come at a more appropriate time, as the national marrow donor registry has just exceeded the 1 million donor mark, a remarkable achievement for a program that is just beginning its seventh year. The chairman, Mr. WAXMAN, may recall a hearing by his subcommittee a number of years ago when some medical experts predicted we would never be able to recruit more than 50,000 donors.

It is with great pride that we proved them wrong and, in fact, now have in place a national registry which grows by 20,000 to 30,000 donors every month.

There are many, many heroes who have contributed so much to the success of our program. They include my colleagues, Mr. WAXMAN and Mr. BLILEY, the members of the Energy and Commerce Committee who are now authorizing its operations for the third time, my colleagues on the Appropriations Committee, who continue to support my requests for funding of the registry's operations and for donor recruitment, education, and typing activities, and to every Member of this House who has supported this program here in Congress and back home in their congressional districts. In fact, more than 60 of my colleagues have even taken the quick and simple blood test that is required to become listed in the national registry.

Earlier this year, the chairman, Mr. WAXMAN, and his subcommittee held an extensive hearing on the National Marrow Donor Program. During that hearing, we heard many of the complex issues that surround this program and, after a good discussion, a number of positive changes have been made to improve upon the process of matching patients with donors to save lives.

I want to thank the committee for being sensitive to many of the issues surrounding donor confidentiality which we discussed with them and which protect the integrity of the program and its 1 million volunteer donors.

My colleagues will note that this legislation makes one major change to the program and that is the shift in oversight responsibilities from the National Heart, Lung and Blood Institute [NHLBI], to the Health Resources and Services Administration. Dr. Claude Lenfant, the Director of NHLBI, has devoted an extraordinary amount of his personal time on this program, for which he is to be commended. We will miss our daily working relationship with the National Institutes of Health on this program but look forward to establishing a new working relationship with HRSA, which I am sure will likewise become a stalwart champion of the program.

One of the matters which we have discussed at great length over the years, and in the committee's hearing earlier this year, is the ongoing need to increase minority representation in the national registry. As many of my colleagues know, race and ethnic background are a major factor in determining the genetic signature which is used to identify matched donors.

That is why it is so important that we continue our efforts to increase the number of minority donors to improve the chances of finding matched donors for minority patients.

The national registry was activated in 1987 and it took only a few months for us to realize that minority recruitment was not keeping pace with the general population. That is why I decided in 1990 to ask my colleagues on the Appropriations Committee to earmark specific funds for minority recruitment and testing. That year Congress approved $1.5 million for this effort, and with those funds we recruited 25,000 volunteers from minority communities; 25,000 donors may not sound like a lot until you consider that prior to those Federal funds being made available we had only recruited 16,000 minority donors in the program's first 3 years.

In fiscal year 1992, I was able to double to $3 million the amount specifically made available for minority recruitment. With those funds we added another 44,700 volunteers to the registry.

In the current year, we have increased the funding set aside for minority recruitment to $4.2 million and we expect to recruit another 70,000 donors by the end of this year. Some of these funds are being used to undertake an 11 city drive targeted specifically at African-Americans. I had the opportunity to kick off the drive in the Tampa Bay area of Florida and it is my understanding that a number of our colleagues will be joining in similar programs later this year in their home districts.

It is with such confidence that this program will succeed in energizing our communities that I convinced my colleagues on the Appropriations Committee to add an additional $3 million to the 1994 Defense appropriations bill specifically for minority recruitment. it is estimated that with the $7.7 million this would make available—compared to the $8.7 million we have made available over the past 3 years—we can add 131,000 minority donors to our rolls in the next year alone. This is a major goal when you compare this to the total of 154,000 minority donors that are in the registry today. But it is one that together we can achieve.

Mr. Speaker, in closing I want to thank every Member of the House for their support of the National Marrow Donor Program. The legislation before us reaffirms the fact that it truly has been a modern medical miracle which has brought the gift of hope and life to so many people throughout our Nation and the world. There is no greater cause and my colleagues can join me in strongly supporting this legislation to continue our work to save lives.

Mr. PICKETT. Mr. Speaker, I rise today to express my grave concern regarding the current system of organ procurement and allocation for transplantation in this country.

I must begin by commending Chairman WAXMAN's Subcommittee on Health and the Environment as well as the full Committee on Energy and Commerce for the fine work they have done on H.R. 2659, the Organ and Bone Marrow Transplantation Amendments of 1993, and in investigating and responding to some of the problems of allocating organs for transplant.

Transplant candidates in the United States currently face widely disparate waiting times for organs depending upon their geographic location, because national policy gives priority to distribution within the locality where the organ was donated, regardless of whether patients elsewhere have a greater medical need. The result is a situation where various localities have an overconcentration of patients from around the country yet a relative undersupply of organs. For example, in the Organ Procurement Organization [OPO] serving my district, the number of patients waiting for a heart transplant at any given time is 160 percent of a full year's local heart supply. Throughout the entire country, however, the number of patients waiting for transplant is only 120 percent of a full year's supply. Patients awaiting transplants cluster near the Nation's leading transplant centers, many believing that these institutions, by virtue of their reputations, can afford them a better chance of survival. While the patients may be concentrated around these centers, the organs may not.

The disparity of supply and demand harms patients who have traveled to the regional and national transplant centers by restricting their access to organs to the limited local supply. It also harms local patients by forcing them to compete with an inflated candidate population for access to limited local resources. At the same time, other areas of the country have a relative oversupply of organs and routinely transplant patients of lower medical and equitable priority than persons on the waiting list in my district.

In the May 17, 1993, issue of American Hospital Association News, Dr. Oscar Bronsther, a transplant physician and associate professor of surgery at the University of Pittsburgh Hospital, expressed that the regionalization of the allocation and procurement system has led to longer waits for transplant candidates and a doubling of the patient-mortality rate at his hospital.

According to a General Accounting Office [GAO] report released to the House Energy and Commerce Committee in April 1993, 10,000 people died waiting for organ transplants between 1988 and 1992. During that same 5-year period, the annual number of people waiting for transplants rose by 66 percent, while the number of organ donors grew by only 13 percent.

As long as this country continues to procure and allocate organs for transplantation using the current geographical-based system, which inaccurately assumes that supply and demand ratios in different parts of this country are comparable, patients will continue to die waiting for organs to be donated in their local areas. To keep pace with the national flow of patients seeking transplants, we need a regional or national allocation system based on medical and equitable criteria and unfettered by arbitrary "local" boundaries that restrict the national flow of organs.

The Committee on Energy and Commerce, in section 9 of H.R. 2659, the Organ and Bone Marrow Transplantation Amendments of 1993, requires the Secretary of Health and Human Services to conduct a study of the feasibility, fairness, and enforceability of allocating solid organs to patients based solely on the clinical need of the patient involved and the viability of the organ involved.

I would hope that if the opportunity presents itself during the conference with our colleagues in the Senate, that we seize the chance to require not just study, but also implementation, of some form of regional or national allocation system.

As one example of such an allocation system, I call to the attention of my colleagues a proposal prepared by the two transplant centers in my district, Sentara Norfolk General Hospital and Children's Hospital of the King's Daughters, which I enter into the RECORD at this time. This proposal, currently being considered by the United Network for Organ Sharing, illustrates how a workable regional or national allocation system for transplantable organs might operate.

ALLOCATION OF HEARTS FOR TRANSPLANT: ARTIFICIAL BOTTLENECKS ON THE DISTRIBUTION OF HEARTS AND A PROPOSAL FOR REDUCING NATIONAL DISPARITIES IN WAITING TIMES

August 19, 1993

(Sentara Norfolk General Hospital,
Children's Hospital of The King's Daughters)

(Abstract: Heart transplant patients throughout the United States face widely disparate waiting times depending upon their geographic location. This paper contends that such disparities are inequitable and are a result of the current national policy of giving priority to distribution within the locality where the organ was donated, regardless of whether patients elsewhere have a greater medical need. We propose an alternative policy to allocate organs nationwide first on the basis of medical need, second on the basis of waiting time, and third on the basis of logistics and cost considerations. The proposed policy would ensure that the patients with the greatest medical need receive priority for hearts regardless of where they are located. Nationwide allocation as proposed in this paper would reduce the current disparities in waiting times among medically similar patients, and, where possible, would save money by reducing transportation costs.)

Sentara Norfolk General Hospital and Children's Hospital of The King's Daughters (the "Eastern Virginia Hospitals") operate a joint adult and pediatric transplantation program in eastern Virginia. The Eastern Virginia Hospitals submit this position paper regarding the effects on heart transplant patients of the arbitrary constraints on distribution imposed by current national policy giving local distribution precedence over medical need. Of particular concern to the Eastern Virginia Hospitals is the interaction between local procurement and distribution of hearts and the national movement of patients seeking transplants. These differing geographic sources of the supply of and demand for transplantable hearts create a situation whereby various localities have an overconcentration of patients from around the country yet a relative undersupply of organs obtained primarily from the local area. The disparity of supply and demand in these localities harms patients who have traveled to the regional and national transplant centers by restricting their access to organs to the limited local supply available, and harms local patients by forcing them to compete with a much larger group for access to limited local resources. To remedy this problem the Eastern Virginia Hospitals propose a nationwide allocation system based on medical and equitable criteria and unfettered by arbitrary "local" boundaries that restrict the national flow of organs.

CURRENT HEART ALLOCATION IS LOCAL FIRST, NATIONAL LAST, REGARDLESS OF NEED

The National Organ Transplant Act, 42 U.S.C. §273, *et seq.*, passed in 1984 and amended several times since then, directs the Department of Health and Human Services to contract with a third party to establish a national computer network to facilitate organ procurement, sharing, and equitable distribution.[1] The contractor selected for this task is the United Network for Organ Sharing (UNOS), which maintains a computer-based national waiting list to match patients with available organs. UNOS also establishes policies for hospitals, organ procurement organizations (OPOs), and transplant centers, to ensure that organs are effectively and safely obtained and then allocated according to medical and equitable criteria. While these policies do not themselves have the force of law, an organization's failure to comply with UNOS policies could render that organization ineligible for various Medicare reimbursements. *See* 42 U.S.C. §1320b–8. As a practical matter, members of the transplant community treat UNOS policies as mandatory. This paper focuses on UNOS allocation policies as they relate to heart transplants.

One of the central features of the UNOS policies regarding heart procurement and allocation is their dependence on a local-regional-national priority system. UNOS Policy 3.7. Hearts are distributed first within the local OPOs where they are donated. There are 69 different OPOs throughout the country, each with arbitrarily drawn service areas covering anywhere from a portion of a single metropolitan area to an entire state to a multi-state area. Within an OPO hearts are offered initially to patients who are in urgent medical need of a transplant (Status I patients) and then to patients whose conditions, although less urgent, still require transplantation for long-term survival (Status II patients). Within a given medical Status, priority is given to the patient who has been on the waiting list the longest.[2] An available heart will be offered to patients outside the OPO only if there are no suitable local recipients of any medical status. Such unused hearts are offered first to patients within 500 miles of the organ, then to patients within 1000 miles, and finally to patients anywhere in the country.

In contrast to the numerous rules regulating distribution of hearts, heart transplant patients are free to seek a transplant at any transplant center that will accept them. Individual patients often travel far from their homes to go to a preferred transplant center, or one with more lenient medical criteria for accepting transplant candidates.[3] Regardless of where patients come from, however, they will be listed on the local OPO waiting list for the transplant center where they will be treated. OPO demand for transplants thus is determined by the redistribution of patients from around the country rather than by the needs of the local population alone.

ALLOCATION METHODS MUST BE JUDGED ACCORDING TO UTILITY AND FAIRNESS

Scarce resources such as hearts for transplant can be allocated to patients in a variety of ways. Hearts can be distributed randomly, given out first come-first served, given to the patients who most urgently need the hearts, given to the patients who can benefit most from the hearts, or distributed pursuant to combinations of these methods. When evaluating any particular allocation method, however, two broad concerns must always be considered: utility and fairness.

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[1] Footnotes at end of articles.

Utility as an evaluation criterion encompasses both the medical and social value of a given allocation method. Medical value is often thought of in terms of saving or prolonging a patient's life, or improving the quality of a patient's life.[4] In situations of scarcity where it is impossible to save the lives of all patients, the medical utility of an allocation method will be judged according to its ability to maximize either the number of lives saved, or the length of time added to the lives of those saved, or increase in the quality of life for those receiving transplants. When evaluating medical utility, it is important to articulate clearly the nature of the medical gains (deaths prevented in the short term vs. prolongation of lives over the long-term) be articulated clearly. Where different aspects of utility must be compared, the question becomes social or political rather than medical.

In addition to medical utility, an allocation system must also be judged according to its overall costs and benefits to society. Considerations include the relative cost of different allocation methods (such costs are often borne by the government through Medicare and Medicaid payments), economic gains to the government and society from the improved health of transplant recipients, relative incentives or disincentives to organ donation by the public in general, and the opportunity costs of spending scarce financial resources or transplants as opposed to some other worthy cause. A final aspect of utility is the susceptibility of any allocation scheme of effective implementation. No matter how beneficial a method is in theory, the method may be distorted or circumvented when applied in the real world, thus undermining any hoped-for advantages. All benefits therefore must be discounted by the relative difficulty of obtaining perfect implementation of the theoretical allocation method.

The other major area of evaluation is the equity or fairness of an allocation method. Unfortunately, there are many different views of what is equitable. One view is that in a situation of scarcity fairness is achieved best by strictly maximizing medical utility. Another view is that certain issues of fairness take precedence over strict adherence to medical utility. For example, open discrimination on the basis of race, wealth, or gender is unlikely to be acceptable from a fairness perspective, regardless of any utility gains such a system might have. Even starting from the assumption that maximization of medical utility is the primary—though not absolute—goal of an allocation system, there is still ample room for equitable considerations to influence how we structure that system. Because medicine cannot predict with certainty how long patients will live either before or after a transplant, or how much their health will improve, the transplant community is regularly faced with choosing between patients who, for practical purposes, are equivalent from a medical utility perspective. At a minimum, considerations of fairness must be available as tie-breakers in such circumstances.

Equitable concerns such as improving access to transplants for poor or minority patients therefore must be considered, and, if serious inequities are present, have the potential to take precedence over strictly medical concerns. Issues arising under the rubric of fairness include, but are not limited to, concerns over equal opportunity for all patients to receive a transplant, the notion of first come-first served, concerns over the right of local communities to utilize local resources, and concern over freedom of choice for patients with regard to where and from whom they will receive their medical treatment. Many of these concerns may not impact a comparative evaluation of two particular allocation methods, but all of these concerns must at least be considered in order to gain consensus for any allocation method.

CURRENT ALLOCATION POLICY IS MEDICALLY AND EQUITABLY UNSOUND

The present heart allocation system is objectionable because it fails adequately to coordinate the supply of hearts with the demand for heart transplants. The supply of hearts to any given OPO is primarily local, based on the deaths and organ donations of the local population. Demand for hearts within an OPO, however, can include both local and national patients. OPOs with national centers experience a relative over-demand for hearts while OPOs without national centers experience a relative under-demand. The variations in demand are not matched by variations in supply, however, because present policy allows localities to have priority for all locally procured hearts regardless of medical need, thus erecting a barrier to national redistribution of scare hearts. Fluctuating demand and static supply creates serious imbalances in the "market" for hearts.

This very phenomenon is occurring in the OPO serving central and eastern Virginia. Two of the transplant centers in central Virginia treat patients from all over the country, thus creating a great burden on local supplies of hearts. In fact, many of the national patients are intentionally transferred by the Veterans Administration from around the country to the VA transplant center in Richmond. A similar situation exists in Utah, where the VA also has a national heart transplant center. Numerous out-of-area patients are brought in for transplant, but the local supply of hearts remains constant, thus leading to difficulties in meeting the expanded demand for transplants.

The overconcentration of demand in OPOs containing national and regional transplant centers adversely affects the utility and fairness of the current allocation system. First, medical utility is hurt because a seriously ill Status I patient in an overburdened OPO will be forced to wait an extended time for transplant, even though an underburdened OPO simultaneously is transplanting a suitable heart into a Status II patient. For example, transplant centers in Florida regularly transplant Status II patients even though Status I patients in Virginia who could use the same hearts languish and die on the local waiting list. Such a result contravenes the present medical consensus that we should transplant first the patients most in need.[5] Fairness is also undermined by the current supply/demand imbalances in that medically equivalent patients regularly face widely divergent waiting times, depending upon their geographic location. Patients in overburdened OPOs wait longer and die more frequently even as available hearts are transplanted into patients who are no different from a medical perspective and who have been waiting a shorter period of time.[6]

In the past, the waiting times experienced by patients in overburdened OPOs were ameliorated by the supply of national hearts allocated through the UNOS national list. Because national hearts are allocated on the basis of waiting time, and because patients in overburdened OPOs tend to have longer waiting times than the national average, national hearts would eventually flow to patients in such OPOs, thus alleviating some of the burden. This safety valve, however, is quickly closing. UNOS policy—or at least its long-held practice—has been to encourage the consolidation of OPOs and sharing arrangements between neighboring OPOs. *See UNOS Policy 3.7.3* (procedure for inter-OPO sharing agreements). Consolidation and inter-OPO sharing has not led to any demonstrable efficiencies in organ procurement, but these procedures have increased the area in which an organ may be detained before being offered nationally. These practices have also made it more likely that the "local" waiting lists will absorb a greater percentage of available organs.[7] Fewer hearts are therefore sent on for national distribution. In addition to OPO consolidation and sharing, the overall growth in demand for transplants also swells local waiting lists, thus absorbing more hearts at the local level and causing geography to play a greater role than medical necessity in overall heart allocation. Due to these factors, the UNOS national list no longer is an effective means of redistributing hearts to where they are needed most.

The present allocation system fails to direct hearts to the patients most in need, and fails to allocate organs fairly based on waiting time rather than on geographic happenstance. As the former safety valve of the national list ceases to function, the disutility and unfairness of the present system will continue to grow. Only a system that rejects arbitrary geographic barriers to allocation can hope to satisfy the twin goals of utility and fairness.

NATIONWIDE ALLOCATION PROVIDES GREATER UTILITY AND FAIRNESS

To correct the local imbalances in supply and demand created by the present allocation system, the Eastern Virginia Hospitals propose the following alternative that would allocate hearts nationwide first on the basis of medical criteria, and then on the basis of waiting times grouped according to standard deviation from the national average waiting times for medically similar patients. A final criterion would address logistical issues; saving resources without sacrificing medical utility or fairness.

A. Description of Allocation Model

The proposed allocation model represents a move away from OPO-specific waiting lists and acceptance of a single national list for each donated heart. All heart transplant patients throughout the country would register with UNOS just as they do now. Each time a heart is donated anywhere in the country, a national list will be generated based on identical blood type, acceptable weight range, and maximum distance the recipient center is willing to travel to recover a heart. Patients on this national list will be prioritized according to present definitions for Status I (urgent need) and Status II (less urgent need) patients. Under all circumstances a Status I patient on the list will receive priority over a Status II patient on the list.

Within Status level, patients will be categorized based upon waiting-time categories defined by standard deviations from the national average waiting time of all similar patients transplanted in the previous 30 days. These waiting-time categories will be as follows:

A =3 0-day running average (TDRA) + 2 standard deviations (SDs)[8]

B = TDRA + 1 SD to TDRA + 2 SDs
C = TDRA to TDRA + 1 SD
D = TDRA - 1 SD to TDRA
E = TDRA - 2 SDs to TDRA - 1 SD
F = TDRA - 2 SDs

Waiting time for Status I patients will be calculated based only on time within Status I, as currently proposed by UNOS. Status II waiting time will include time spent in either Status I or II. Organs would be allocated first to Status IA patients, then IB, IC, etc. After all Status I patients on a given list had been transplanted, organs would then be allocated to Status IIA patients, then IIB, IIC, etc. Priority thus goes to the sickest patients who have been waiting the longest.

If there is more than one patient within a subcategory of the national list, priority will go to the patient awaiting transplant at the center closest to the donated organ.

B. Benefits of the Proposed Model

The proposed model is superior to the present allocation system in several respects. First medical utility is better served through national allocation because there is virtually no instance where an available heart will go to a Status II patient when it could have gone to a Status I patient. Whereas now the most important factors in allocation are the locations of the patient and donor, the new proposal would make medical need and waiting time the most important allocation factors. For each and every organ recovered, a national list of medically appropriate candidates would be generated, and the patient at the top of that list would receive the organ.[9] Location of recipient and donor becomes the lowest priority in the determination of allocation after blood type, weight and waiting time. Furthermore, by correctly determining the standard deviation range, the waiting time variation among all similar patients nationally would be 1–2 weeks. This would make transplants far more predictable and thus make it easier to prepare the patients and ensure their readiness for the upcoming operation.

Medical utility is further served under the proposed model by improving the ability to match patients with sensitivity to multiple antigens. Such patients are very difficult to match with an appropriate organ, and often die on the waiting list. Under the proposed model, highly sensitive patients could be exposed to as large a donor pool as logistically possible, and if their waiting times deviated significantly from the average, they would soon find themselves alone in a waiting-time category and thus would receive top priority for virtually any suitable organ in the country. By having access to such a large donor pool, the odds of finding a match for even highly sensitive patients are vastly improved.

Second, fairness is better served by the proposed system as a result of grouping patients according to standard deviations from the national average. Patients within the same medical Status who have waited longer than their peers will receive priority regardless of where they or any donors are located. This outcome promotes a notion of equity that, where all other things are roughly equal, patients should be treated on a first come-first served basis. The proposed model views this from a national perspective insofar as the support for organ transplantation is primarily a result of federal programs, and therefore all citizens throughout the country should have equal rights and benefits under such programs. The proposed system will move waiting times for all patients closer to the national average thereby creating a system where everybody bears equally the burdens of an organ shortage or benefits equally from improvements in donation rates.[10]

One issue that should be noted is that many localities feel they have a vested right in the organs donated in their area and procured by their OPO. While there is no doubt that local communities have historically favored local charities and sought to benefit those in their own back yard first, this approach is inappropriate in the area of organ allocation. Organ donations have long been viewed as an act of national charity to be given to those persons in greatest need, regardless of where they are located. The federal involvement in the area of organ transplants further demonstrates the national, rather than local, character of transplantation. In this context, organs should not be treated as a species of local property, but as donations to a national cause that were meant to be distributed fairly to all. Even though the proposed model takes a national view, however, it does not abandon localities. In fact, in many ways, the new model would help localities by assuring them access to a national supply of organs based on the genuine needs of patients. Local hospitals in currently overburdened OPOs would no longer have to compete for limited resources with large national programs in their backyards, but would instead have access to national organs on an equal basis with any other hospital in the country.

One potential cost to this system is that organs will likely be transported greater distances than under the present system. Some additional travel is the likely result of any system designed to send the organ to where it is needed most. Concomitant increases in cost would be in the service of medical need and fairness. The proposed allocation model, however, contains a substantial safeguard to assure that added transportation is not undertaken frivolously. For patients in the same Status with comparable waiting times, distance from the heart is a valid factor in determining where to send the heart. For example, if the national waiting list for a donated heart contained to Status IC patients—whose waiting times likely would differ by a week or less—the available heart would be offered to the patient closer to the donation site, thus reducing transportation costs. No heart would be flown across the country merely due to a minor difference between patients otherwise medically equivalent. Using proximity in close cases also serves medical utility in that, where reasonable, it minimizes the amount of time a donated heart spends outside the body. As the national variation in waiting times was reduced, it would become easier to direct organs to a nearby patient without sacrificing medical utility or fairness. A patient who had been passed over based upon distance probably would not have to wait long for the next heart to become available, but if that patient did continue to wait, he would soon move up to the next waiting category, thus gaining priority for the next heart regardless of whether patients in a lower waiting category were closer to the donation.

Even were transportation costs to increase somewhat under the proposed allocation model, greater attention to medical criteria and waiting time likely would decrease total costs related to transplantation by decreasing the hospital expenses that accrue while a Status I patient is waiting. (Status II patients either wait at home or require less expensive hospital care.) The proposed model would reduce the aggregate waiting time of Status I patients by ensuring that Status I patients receive nationwide priority over Status II patients. Reducing the wait of a Status I patient by several days will save far more than any added transportation expense for a long-distance heart. Furthermore, this savings will become more significant under a revamped health care system. Third-party payers for medical care increasingly are encouraging large groups of patients to contract with one or more medical centers for tertiary care. As this aspect of managed competition spreads, patients will be referred in greater numbers to cost-effective centers. Without a national allocation system, any cost benefits from high-volume centers will be lost on excessive in-hospital waiting times.

CONCLUSION

Current UNOS policy rests on the inaccurate notion that supply and demand ratios in different parts of the country are roughly comparable and, therefore, patients in different areas have comparable opportunities for obtaining needed organs. Any incidental variations in the local supply/demand profiles are theoretically solved through the national list. The consolidation of OPOs and the expansion of inter-OPO sharing arrangements has imposed a barrier to such market adjustments, however, ensuring that local surpluses never make it to national patients. Coupled with the uneven distribution of large regional and national transplant centers that draw patients from around the country into single local areas, the entire distribution scheme breaks down; organs stay close to home, patients travel around the country, and OPOs with regional or national transplant centers are faced with demand that far outstrips supply.

This is precisely the situation that now exists in the OPO serving central and eastern Virginia and in many other OPOs around the country. Until such time as UNOS or HHS overhauls the national organ distribution system to adequately supply regional and national transplant centers, patients will continue to suffer and die due to relative local shortages of hearts. A long-term solution should look to reconciling the schizophrenic nature of the present local-regional-national system, and to providing a mechanism whereby transplant patients throughout the country have an equal opportunity to receive a heart, regardless of where they are to receive their transplant. The alternative proposed by this paper would provide such equal opportunity and would make medical, rather than geographic, criteria the primary force behind organ allocation. Although this proposal is designed specifically for hearts, the general principle applies equally to all other transplantable organs and should be considered for those organs as well.

FOOTNOTES

[1] The National Organ Transplant Act requires "equitable distribution of organs." 42 U.S.C. §273(b)(1)(E) (1991), *see also* 42 U.S.C. §273(b)(3)(E) (an organ procurement organization shall have "a system to allocate donated organs equitably among transplant patients according to established medical criteria").

[2] Waiting time is currently calculated from the time a patient first registers with the UNOS national list, regardless of the patient's initial Status or any subsequent change in Status. UNOS has recently offered for public comment a policy that would credit only time spent in Status I as waiting time for Status I patients.

[3] Some patients, such as those in the VA hospital system, are not given a choice, but instead are required to relocate to one of a few VA regional transplant centers. *SEE VHA Directive 10–93–028*, Attachment C, March 11, 1993. The VA's intentional concentration of national patients in a few OPOs exacerbates the supply/demand imbalance that results from the individual movements of private patients.

[4] Quality of life is used here in a strictly medical sense: freedom from pain, improved physical ability to go about daily activities without tiring rapidly, etc. No judgment is made regarding the use to which patients will ultimately put their improved health.

For medical utility purpose, freedom from pain and improved physical ability count equally for either prince or pauper.

[5] Some doctors have occasionally suggested that transplanting healthier patients will improve overall success rates. While such claims certainly warrant consideration, current policy declares urgency of need be the primary medical criterion for sorting patients. At this time there seems to be insufficient data to challenge that criterion, and the Eastern Virginia Hospitals will accept the medical standard of urgency when proposing an alternative model.

[6] One measure of the consequences of the supply and demand imbalance is the ratio of patients who die while waiting for a transplant to patients who actually receive a transplant. The higher the ratio the greater the imbalance between supply and demand, and the greater the percentage of transplant candidates who are dying due to lack of available organs. For example, in 1992, then national ratio of deaths-while-waiting to transplants for hearts was 0.35:1, while this statistic was 1:1 for the VA transplant center in Richmond, Virginia and 0.72:1 for the Eastern Virginia hospitals. Patients seeking transplants in the OPO covering central and eastern Virginia are thus significantly worse off than the average patient throughout the country.

[7] A larger waiting list is more diverse, and therefore more likely to contain a compatible recipient for any given heart. These improved odds resulting from OPO consolidation hold true even though the ratio of the hearts procured to patients waiting remains constant.

[8] The temporal boundaries of the subcategories are subject to change based upon the eventual size of the groupings and the size of the standard deviations from average waiting time. After this model has operated for a while, standard deviations from average waiting time would decrease as patient waiting time became more uniform. Ideally, each sub-category would include only patients whose waiting times differed by a week or less.

[9] Certain patients who are otherwise medically eligible for an organ may not make it onto the waiting list if they are too far from the donor organ to make it medically reasonable to transport the organ. Hearts can remain outside of the body only for approximately four hours, making long-distance transportation difficult or impossible. Even when it is possible to transport a heart over relatively long distances, transplant surgeons may prefer to wait for a closer heart in order to minimize the time the heart spends outside the body. In any event, the proposed model leaves the individualized medical balancing of an increased donor pool versus a potentially "fresher" heart up to the transplant team and its patient.

[10] One initial step the Federal Government could take to reduce the inequities of the current allocation system would be to forbid its agencies such as the VA from transferring people from their home OPO to a different OPO when there is an available transplant center in the home OPO. By preventing the active concentration of patients in a few chosen OPOs, the government would eliminate a factor contributing significantly to the current imbalance in local supply and demand. Such a move would have the added benefit of helping veterans who are awaiting transplant. More often than not, the VA takes a veteran out of an OPO with reasonably adequate supplies of organs, and transfers the patient to an OPO facing a critical undersupply of organs. This severely damages that veteran's chances of receiving a transplant before dying.

Mr. MARKEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 618, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. MARKEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 422) to amend the Securities Exchange Act of 1934 to ensure the efficient and fair operation of the government securities market, in order to protect investors and facilitate government borrowing at the lowest possible cost to taxpayers, and to prevent false and misleading statements in connection with offerings of government securities, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Securities Act Amendments of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the liquid and efficient operation of the government securities market is essential to facilitate government borrowing at the lowest possible cost to taxpayers;

(2) the fair and honest treatment of investors will strengthen the integrity and liquidity of the government securities market;

(3) rules promulgated by the Secretary of the Treasury pursuant to the Government Securities Act of 1986 have worked well to protect investors from unregulated dealers and maintain the efficiency of the government securities market; and

(4) extending the authority of the Secretary and providing new authority will ensure the continued strength of the government securities market.

SEC. 3. EXTENSION OF TREASURY RULEMAKING AUTHORITY.

Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 780–5) is amended by striking subsection (g).

SEC. 4. SALES PRACTICE RULEMAKING AUTHORITY.

(A) RULES FOR FINANCIAL INSTITUTIONS.—Section 15C(b) of the Securities Exchange Act of 1934 (15 U.S.C. 780–5(b)) is amended—

(1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3)(A) With respect to any financial institution that has filed notice as a government securities broker or government secufities dealer or that is required to file notice under subsection (a)(1)(B), the appropriate regulatory agency for such government securities broker or government securities dealer may issue such rules and regulations with respect to transactions in government securities as may be necessary to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, if the Secretary has not determined that the rule or regulation, if implemented would, or as applied does—

"(i) adversely affect the liquidity or efficiency of the market for government securities; or

"(ii) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section.

"(B) The appropriate regulatory agency shall consult with and consider the views of the Secretary prior to approving or amending a rule or regulation under this paragraph, except where the appropriate regulatory agency determines that an emergency exists requiring expeditious and summary action and publishes its reasons therefor. If the Secretary comments in writing to the appropriate regulatory agency on a proposed rule or regulation that has been published for comment, the appropriate regulatory agency shall respond in writing to such written comment before approving the proposed rule or regulation.

"(C) In promulgating rules under this section, the appropriate regulatory agency shall consider the sufficiency and appropriateness of then existing laws and rules applicable to government securities brokers, government securities dealers, and persons associated with government securities brokers and government securities dealers.".

(b) RULES BY REGISTERED SECURITIES ASSOCIATIONS.—Section 15A(f)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(f)(2)) is amended—

(1) by striking "and" at the end of subparagraph (E); and

(2) by striking the period at the end of subparagraph (F) and inserting ", and (G) with respect to transactions in government securities, to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade.".

(c) OVERSIGHT OF REGISTERED SECURITIES ASSOCIATIONS.—Section 19 of the Securities Exchange Act of 1934 (15 U.S.C. 78s) is amended—

(1) in subsection (b), by adding at the end the following new paragraphs:

"(5) The Commission shall consult with and consider the views of the Secretary of the Treasury prior to approving a proposed rule filed by a registered securities association pursuant to section 15A(f)(2)(G), except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor. If the Secretary of the Treasury comments in writing to the Commission on a proposed rule that has been published for comment, the Commission shall respond in writing to such written comment before approving the proposed rule. The Commission may approve a rule under this paragraph if the Secretary of the Treasury has not determined that the rule, if implemented, would, or as applied does—

"(A) adversely affect the liquidity or efficiency of the market for government securities; or

"(B) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section.

"(6) In approving rules filed by a registered securities association pursuant to section 15A(f)(2)(G), the Commission shall consider the sufficiency and appropriateness of then existing laws and rules applicable to government securities brokers, government securities dealers, and persons associated with government securities brokers and government securities dealers."; and

(2) in subsection (c), by adding at the end the following new paragraph:

"(5) With respect to rules adopted pursuant to section 15A(f)(2)(G), the Commission shall consult with and consider the views of the Secretary of the Treasury before abrogating, adding to, and deleting from such rules, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor.".

SEC. 5. DISCLOSURE BY GOVERNMENT SECURITIES BROKERS AND GOVERNMENT SECURITIES DEALERS WHOSE ACCOUNTS ARE NOT INSURED BY THE SECURITIES INVESTOR PROTECTION CORPORATION.

Section 15C(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(a)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) No government securities broker or government securities dealer that is not a member of the Securities Investor Protection Corporation shall effect any transaction in any security in contravention of such rules as the Commission shall prescribe pursuant to this subsection to assure that its customers receive complete, accurate, and timely disclosure of the inapplicability of Securities Investor Protection Corporation coverage to their accounts.".

SEC. 6. TECHNICAL AMENDMENT.

Section 15C(d)(2) of the Securities Exchange Act of 1934 (15 u.S.C. 78o–5(d)(2)) is amended to read as follows:

"(2) Information received by any appropriate regulatory agency or the Secretary from or with respect to any government securities broker or government securities dealer or with respect to any person associated with a government securities broker or a government securities dealer may be made available by the Secretary or the recipient agency to the Commission, the Secretary, any appropriate regulatory agency, any self-regulatory organization, or any Federal Reserve bank.".

SEC. 7. AMENDMENTS TO DEFINITIONS.

Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in paragraph (34)(G), by amending clauses (ii), (iii), and (iv) to read as follows:

"(ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a foreign bank, and uninsured State branch or State agency of a foreign bank, a commercial lending company owned or controlled by a foreign bank (as such terms are used in the International Banking Act of 1978), or a corporation organized or having an agreement with the Board of Governors of the Federal Reserve System pursuant to section 25 or section 25(a) of the Federal Reserve Act;

"(iii) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System or a Federal savings bank) or an insured State branch of a foreign bank (as such terms are used in the International Banking Act of 1978);

"(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation;"; and

(2) by amending paragraph (46) to read as follows:

"(46) The term 'financial institution' means—

"(A) a bank (as defined in paragraph (6));

"(B) a foreign bank (as such term is used in the International Banking Act of 1978); and

"(C) a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation.".

SEC. 8. STUDY RELATING TO GOVERNMENT SECURITIES INFORMATION.

(a) In General.—The Secretary of the Treasury, the Securities and Exchange Commission, and the Board of Governors of the Federal Reserve System shall monitor and evaluate the effectiveness of private sector efforts to disseminate government securities price and volume information, and determine whether such efforts—

(1) assure the prompt, accurate, reliable, and fair reporting, collection, processing, distribution, and publication of information with respect to quotations and transactions in government securities and the fairness and usefulness of the form and content of such information;

(2) assure that all government securities information processors may, for purposes of distribution and publication, obtain on fair and reasonable terms such information with respect to quotations for and transactions in government securities as is reported, collected, processed, or prepared for distribution or publication by any processor of such information (including self-regulatory organizations) acting in an exclusive capacity; and

(3) assure that all government securities brokers, government securities dealers, government securities information processors, and other appropriate persons may obtain on terms which are not unreasonably discriminatory such information with respect to quotations for and transactions in government securities as is published or distributed.

(b) Report.—A report describing any findings made under this section and any recommendations for legislation shall be submitted to Congress not later than 18 months after the date of enactment of this Act.

SEC. 9. OFFERINGS OF GOVERNMENT SECURITIES.

Section 15(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)) is amended by adding at the end the following new paragraph:

"(7) In connection with any bid for or purchase of government security related to an offering of government securities by or on behalf of an issuer, no government securities broker, government securities dealer, or bidder for or purchaser of securities in such offering shall knowingly or willfully make any false or misleading written statement or omit any fact necessary to make any written statement made not misleading.".

MOTION OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Markey moves to strike out all after the enacting clause of the Senate bill, S. 422, and to insert in lieu thereof the provisions of H.R. 681, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to extend and revise rulemaking authority with respect to Government securities under the Federal securities laws, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 618) was laid on the table.

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and indicate therein extraneous material, on S. 422, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ORGAN AND BONE MARROW TRANSPLANTATION AMENDMENTS OF 1993

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2659) to amend the Public Health Service Act to revise and extend programs relating to the transplantation of organs and of bone marrow, as amended.

The Clerk read as follows:

H.R. 2659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Organ and Bone Marrow Transplantation Amendments of 1993".

SEC. 2. ORGAN PROCUREMENT ORGANIZATIONS.

(a) In General.—Section 371(a) of the Public Health Service Act (42 U.S.C. 273(a)) is amended—

(1) by striking paragraphs (2) and (3); and

(2) by inserting after paragraph (1) the following paragraph:

"(2)(A) The Secretary may make grants to, and enter into contracts with, qualified organ procurement organizations described in subsection (b) and other public or nonprofit private entities for the purpose of—

"(i) planning and conducting programs to provide information and education to the public on the need for organ donations; and

"(ii) training individuals in requesting such donations.

"(B) In making awards of grants and contracts under subparagraph (A), the Secretary shall give priority to carrying out the purpose described in such subparagraph with respect to minority populations.".

(b) Requirements Regarding Qualified Organ Procurement Organizations.—Section 371(b) of the Public Health Service Act (42 U.S.C. 273(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "organization for which grants may be made under subsection (a) is" and inserting "organization described in this subsection is"; and

(ii) by striking "paragraph (2)" and inserting "paragraph (3)";

(B) in subparagraph (E), by moving the subparagraph 2 ems to the left; and

(C) in subparagraph (G)—

(i) in the matter preceding clause (i), by striking "has a board of directors or an advisory board which" and inserting the following: "has a board of directors (or an advisory board, in the case of a hospital-based organization) which"; and

(ii) in clause (i)(II), by striking "members" and all that follows and inserting the following: "individuals who have received a transplant of an organ, individuals who are part of the family of an individual who has donated an organ,

and individuals who have been medically referred to receive a transplant of an organ (or individuals who are part of the family of individuals who have been so referred), which individuals shall in the aggregate constitute not less than ⅓ of the membership of the board and which members shall, to the extent practicable, be residents of the service area involved,"; and

(2) in paragraph (3)—

(A) in subparagraph (A), by amending the subparagraph to read as follows:

"(A)(i) With respect to each hospital or other entity in its service area that has facilities for organ donations, the organization shall have an effective agreement with the entity under which the entity identifies potential organ donors and notifies the organization, subject to clause (ii).

"(ii) The Secretary may waive the requirement of clause (i) to the extent determined by the Secretary to be necessary to promote organ donation and the equitable allocation of organs.";

(B)(i) in the matter preceding subparagraph (A), by striking "shall—" and inserting "shall comply with the following:";

(ii) in each of subparagraphs (B) through (K), by inserting "The organization shall" before the first word of the subparagraph;

(iii) in each of subparagraphs (B) through (I), by striking the comma at the end and inserting a period; and

(iv) in subparagraph (J), by striking ", and" and inserting a period;

(C) in subparagraph (E)—

(i) by inserting "(i)" after the subparagraph designation; and

(ii) by adding at the end the following clauses:

"(ii) The organization shall, subject to clause (iii), ensure that the system under clause (i) allocates each type of organ on the basis of a single list, maintained exclusively by the organization, of individuals who have been medically referred to a transplant center in the service area of the organization in order to receive a transplant of the type of organ with respect to which the list is maintained, and who are citizens or permanent resident aliens of the United States.

"(iii) Upon the request of the organization, the Secretary may, with respect to the service area of the organization, waive the requirement of clause (ii) regarding a single list if the Secretary determines that the waiver is necessary to ensure the equitable allocation of organs of the type involved and maximize the opportunities for successful outcomes of transplants of such organs."; and

(D) in subparagraph (H), by striking "participate" and all that follows through "372" and inserting the following: "be a member of, and abide by the rules and requirements of, the Organ Procurement and Transplantation Network established under section 372".

SEC. 3. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

Section 372(b) of the Public Health Service Act (42 U.S.C. 274(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and" after the comma at the end; and

(B) by striking subparagraph (B) and inserting the following subparagraphs:

"(B) have a board of directors composed of not more than 32 members, whose membership includes—

"(i) representatives of organ procurement organizations, transplant centers, and voluntary health associations; and

"(ii) individuals who have received a transplant of an organ, individuals who are part of the family of an individual who has donated an organ, and individuals who have been medically referred to receive a transplant of an organ (or individuals who are part of the family of individuals who have been so referred), which individuals shall in the aggregate constitute not less than ⅓ of the membership of the board; and

"(C) establish, through such board of directors, an executive committee and other committees, the chairs of which shall be selected to ensure continuity of leadership for the board."; and

(2) in paragraph (2)—

(A) by striking "shall—" in the matter preceding subparagraph (A) and all that follows through the end of clause (i) of such subparagraph and inserting the following: "shall—

"(A) establish (in one location or through regional centers)—

"(i) with respect to each type of organ—

"(I) a national list of individuals who have been medically referred to receive a transplant of the type of organ with respect to which the list is maintained and who are citizens or permanent resident aliens of the United States (which list shall include the names of all individuals included on lists in effect under section 371(b)(3)(E)), and

"(II) a national list of individuals who have been so referred and who are in the United States but are not such citizens or such aliens, and"; and

(B)(i) in subparagraph (J), by striking "and" after the comma at the end;

(ii) in subparagraph (K), by striking the period at the end and inserting a comma;

(iii) in subparagraph (L), by striking the period at the end and inserting a comma; and

(iv) by adding at the end the following subparagraphs:

"(M) establish the condition that, with respect to the type of organ involved, the list under subclause (II) of subparagraph (A)(i) may be considered in allocating an organ only if no individual on the list under subclause (I) of such subparagraph is a medically appropriate recipient for the organ,

"(N) submit to the Secretary for review and approval any change in the amount of fees imposed by the Network for the registration of individuals on the lists maintained under subparagraph (A)(i) (which change is deemed to be approved if the Secretary does not provide otherwise before the expiration of the 30-day period beginning on the date on which the change is submitted to the Secretary),

"(O) make available to the Secretary such information, books, and records regarding the Network as the Secretary may require, and

"(P) meet such criteria regarding compliance with this part as the Secretary may establish.".

SEC. 4. NATIONAL BONE MARROW DONOR REGISTRY.

(a) In General.—

(1) Transfer of Program.—Section 379(a) of the Public Health Service Act (42 U.S.C. 274k(a)) is amended in the first sentence by inserting after "Secretary" the following: ", acting through the Administrator of the Health Resources and Services Administration,".

(2) Transitional and Savings Provisions.—

(A) With respect to amounts made available under appropriations Acts for the purpose of carrying out the program transferred pursuant to paragraph (1) from the National Institutes of Health, the transfer of the program may not be construed as affecting the availability of such amounts for such purpose.

(B) The Secretary shall ensure that, for fiscal 1994, the number of employees of the Department of Health and Human Services who are engaged in carrying out the program transferred by paragraph (1) is not less than the number of employees who were so engaged on June 28, 1993.

(b) Patient Advocacy; Recruitment of Donors.—Section 379 of the Public Health Service Act (42 U.S.C. 274k) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "establish" and all that follows and inserting the following: "establish a program for patient advocacy in accordance with subsection (j);"; and

(B) in paragraph (5), by striking "recruit" and all that follows and inserting the following: "establish a program for the recruitment of bone marrow donors in accordance with subsection (k);";

(2) by striking subsection (j); and

(3) by inserting after subsection (i) the following subsections:

"(j) Patient Advocacy.—For purposes of subsection (b)(2), a program for patient advocacy is established in accordance with this subsection if—

"(1) the program is headed by a director;

"(2) with respect to the procurement of bone marrow, the program provides that the Director is to serve as an advocate on behalf of—

"(A) individuals who are registered with the Registry to become a recipient of a transplant from a biologically unrelated donor;

"(B) the families of such individuals; and

"(C) the physicians involved;

"(3) the program provides case management services for such individuals, families, and physicians; and

"(4) the program meets such other criteria as the Secretary may establish.

"(k) Recruitment of Donors.—For purposes of subsection (b)(5), a program for the recruitment of bone marrow donors is established in accordance with this subsection if—

"(1) in recruiting an individual to enroll in the Registry, and in each subsequent stage of the process of recruitment, the program provides to the individual information regarding the possibility that, if it is determined that it is medically inappropriate for the individual to be a donor for the patient involved, a sibling of the individual may nevertheless be a medically appropriate donor for the patient;

"(2) in the case of an individual who is enrolled with the Registry, the program provides for annual (or more frequent) informational mailings to each such individual, which mailings concern the status of the activities of the Registry;

"(3) the program provides for the training of counselors to meet individually with individuals who are so enrolled and who, pursuant to the Registry, have been requested to undergo confirmatory testing pursuant to a search for bone marrow for a particular patient;

"(4) in the case of an individual described in paragraph (3), the program provides to the individual a general description of the medical condition of the patient involved and an assessment of the possibility that the individual is a medically appropriate donor for the patient; and

"(5) the program meets such other criteria as the Secretary may establish.".

SEC. 5. STUDY BY GENERAL ACCOUNTING OFFICE.

(a) In General.—Section 379A(a) of the Public Health Service Act (42 U.S.C. 274l(a)) is amended by striking "conduct" in the matter preceding paragraph (1) and all that follows and inserting the following: "conduct a study for the purpose of—

"(1) assessing the extent to which the program carried out under section 379 maintains the confidentiality of the identity of individuals who are enrolled with the Registry;

"(2) assessing the extent to which such individuals cooperate with the Registry when the Registry requests the individuals to undergo supplemental testing regarding the donation of bone marrow;

"(3) assessing, in the case of such individuals who have been determined to be medically appropriate donors of bone marrow for the patients involved, the extent to which such individuals are willing to make a donation of bone marrow;

"(4) assessing the extent to which activities carried out pursuant to section 379(k) provide information to the individuals involved that is sufficient for the individuals to make informed decisions regarding the donation of bone marrow;

"(5) assessing the extent to which the case management services provided under section 379(j)(3) are effective in assisting patients in receiving the transplants involved;

"(6) developing recommendations on improving the program of the Registry, including proposals to increase the number of transplants with successful outcomes while maintaining the confidentiality of the identity of the individuals authorizing the donations of bone marrow;

"(7) assessing the extent to which efforts to recruit minority individuals to enroll in the Registry have been successful;

"(8) assessing, in the case of minority individuals who have been medically referred to receive a transplant of bone marrow, the measures that should be implemented to ensure that the Registry provides for such individuals a probability of locating a biologically unrelated, medically appropriate donor that is reasonably equivalent to the probability that exists with respect to Caucasian individuals who have been so referred; and

"(9) assessing the extent to which the fees imposed by transplant centers with respect to the search for a donor of bone marrow, when considered in light of the fees imposed by the Registry, constitute a significant obstacle to individuals in obtaining a transplant of bone marrow.".

(b) DATE CERTAIN FOR SUBMISSION OF REPORT.—Section 379A(b) of the Public Health Service Act (42 U.S.C. 274l(b)) is amended by striking "1 year" and all that follows through "this part" and inserting the following: "2 years after the date of the enactment of the Organ and Bone Marrow Transplantation Amendments of 1993".

SEC. 6. TRANSFER OF PROGRAMS; MISCELLANEOUS CONFORMING AMENDMENTS.

(a) IN GENERAL.—The Public Health Service Act (42 U.S.C. 201 et seq.), as amended by the preceding provisions of this Act, is amended—

(1) by striking title XVIII;

(2)(A) by transferring sections 371 through 377 from the current placement of such sections;

(B) by redesignating such sections as sections 1801 through 1807, respectively;

(C) by inserting such sections, in the appropriate sequence, after title XVII; and

(D) by inserting before section 1801 (as so redesignated) the following:

"TITLE XVIII—TRANSPLANTATION OF ORGANS AND OF BONE MARROW

"PART A—ORGAN TRANSPLANTATION";

(3)(A) by striking section 378;

(B) by transferring sections 379 and 379A from the current placement of such sections;

(C) by redesignating such sections as sections 1811 and 1813, respectively;

(D) by inserting such sections, in the appropriate sequence, at the end of title XVIII (as so designated); and

(E) by inserting before section 1811 (as so redesignated) the following:

"PART B—NATIONAL BONE MARROW DONOR REGISTRY";

and

(4) in title III (as amended by section 2008(i)(2)(B) of Public Law 103–43)—

(A) by striking the part designations and headings for each of parts H and I; and

(B) by redesignating parts J through N as parts H through L, respectively.

(b) CROSS-REFERENCES; OTHER CONFORMING AMENDMENTS.—Title XVIII of the Public Health Service Act, as added by subsection (a) of this section, is amended—

(1) in section 1801(b)(3)—

(A) in subparagraph (C), by striking "section 372(b)(2)(E)" and inserting "section 1802(b)(2)(E)"; and

(B) in subparagraph (H), by striking "section 372" and inserting "section 1802";

(2) in section 1802(b)(2)(A)(i)(I), by striking "section 371(b)(3)(E)" and inserting "section 1801(b)(3)(E)";

(3) in section 1803, by striking "section 376" and inserting "section 1806";

(4) in section 1804—

(A) in subsection (a), by striking "section 372 or 373" and inserting "section 1802 or 1803";

(B) in subsection (b)—

(i) in paragraph (1), by striking "section 371(a)(1)" and inserting "section 1801(a)(1)";

(ii) by striking paragraph (2);

(iii) by redesignating paragraph (3) as paragraph (2); and

(iv) in paragraph (2) (as so redesignated), by striking "section 371(a)(3)" and inserting "section 1801(a)(2)";

(C) in subsection (c), by striking "section 371 or 373" each place such term appears and inserting "section 1801 or 1803"; and

(D) in subsection (d)—

(i) in paragraph (2), by striking "section 373" and inserting "section 1803"; and

(ii) by adding at the end the following paragraph:

"(3) The term 'citizens or permanent resident aliens of the United States' means individuals who are citizens or nationals of the United States, or who are aliens lawfully admitted for permanent residence in the United States (or otherwise permanently residing in the United States under color of law).";

(5) in section 1807, by striking "sec." and all that follows through "The Comptroller General" in subsection (a) and inserting the following:

"STUDY BY GENERAL ACCOUNTING OFFICE

"SEC. 1807. (a) IN GENERAL.—The Comptroller General";

(6) in section 1805(3), by striking "section 372" and inserting "section 1802";

(7) in section 1811, by striking "**SEC.**" and all that follows through "The Secretary" in the first sentence in subsection (a) and inserting the following:

"NATIONAL REGISTRY

"SEC. 1811. (a) ESTABLISHMENT.—The Secretary"; and

(8) in section 1813—

(A) by striking "**SEC.**" and all that follows through "The Comptroller General" in subsection (a) and inserting the following:

"STUDY BY GENERAL ACCOUNTING OFFICE

"SEC. 1813. (a) IN GENERAL.—The Comptroller General"; and

(B) in subsection (a)—

(i) in paragraph (1), by striking "section 379" and inserting "section 1811";

(ii) in paragraph (4), by striking "section 379(k)" and inserting "section 1811(k)"; and

(iii) in paragraph (5), by striking "section 379(j)(3)" and inserting "section 1811(j)(3)".

SEC. 7. INFORMATION, EDUCATION, AND TRAINING REGARDING TRANSPLANTATION OF BONE MARROW.

Part B of title XVIII of the Public Health Service Act, as added by section 6(a) of this Act, is amended by inserting after section 1811 the following section:

"INFORMATION, EDUCATION, AND TRAINING

"SEC. 1812. (a) IN GENERAL.—The Secretary may make grants to, and enter into contracts with, public or nonprofit private entities for the purpose of—

"(1) planning and conducting programs to provide information and education to the public on the need for donations of bone marrow; and

"(2) training individuals in requesting such donations.

"(b) PRIORITIES IN MAKING GRANTS.—In making awards of grants and contracts under subsection (a), the Secretary shall give priority to carrying out the purpose described in such subsection with respect to minority populations.".

SEC. 8. AUTHORIZATION OF APPROPRIATIONS FOR NEW TITLE XVIII.

Title XVIII of the Public Health Service Act, as added by section 6(a) of this Act, is amended by adding at the end the following part:

"PART C—GENERAL PROVISIONS

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1821. For the purpose of carrying out this title (other than section 1801(a)(1)), there are authorized to be appropriated $20,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 9. STUDY REGARDING SYSTEM FOR ALLOCATION OF ORGANS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall conduct a study for the purpose of determining the feasibility, fairness, and enforceability of allocating organs in the United States based solely upon the clinical need of the patient involved and the viability of the organ involved, with no consideration given to the geographic area in which the transplant is to be performed or the geographic area in which the donation of the organ is made.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made in the study required in subsection (a) and the actions taken by the Secretary to implement changes consistent with the findings.

SEC. 10. ISSUANCE OF REGULATIONS.

(a) ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.—

(1) IN GENERAL.—

(A) Not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall issue a proposed rule to establish regulations for criteria under part A of title XVIII of the Public Health Service Act (as added by section 6(a) of this Act).

(B) Not later than the expiration of the 1-year period beginning on the date of the enactment of this Act, the Secretary shall issue a final rule to establish the regulations described in subparagraph (A).

(2) CONSIDERATION OF CERTAIN BYLAWS AND POLICIES.—In developing regulations under paragraph (1), the Secretary shall consider the bylaws and policies of the United Network for Organ Sharing (established by contract under section 1802 of the Public Health Service Act, as redesignated by section 6(a) of this Act), as contained in the document entitled "Bylaws and Policies of the United Network for Organ Sharing".

(3) FAILURE TO ISSUE REGULATIONS BY DATE CERTAIN.—If the Secretary fails to issue a final rule under subparagraph (B) of paragraph (1) before the expiration of the period specified in such subparagraph—

(A) the proposed rule issued under subparagraph (A) of such paragraph is upon such expiration deemed to be the final rule under subparagraph (B) of such paragraph (and shall remain in effect until the Secretary issues a final rule under such subparagraph); or

(B) if no such proposed rule is issued before such expiration, the bylaws and policies specified in paragraph (2) and in effect upon such expiration are deemed to be the final rule under *paragraph (1)(B) (and shall remain in effect until the Secretary issues a final rule under such paragraph).*

(b) NATIONAL BONE MARROW DONOR REGISTRY.—

(1) IN GENERAL.—

(A) Not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, the Secretary shall issue a proposed rule to establish regulations for standards, criteria, and procedures under part B of title XVIII of the Public Health Service Act (as added by section 6(a) of this Act).

(B) Not later than the expiration of the 1-year period beginning the date of the enactment of this Act, the Secretary shall issue a final rule to establish the regulations described in subparagraph (A).

(2) CONSIDERATION OF CERTAIN BYLAWS AND POLICIES.—In developing regulations under paragraph (1), the Secretary shall consider the bylaws and policies of the entity that operates the National Bone Marrow Donor Registry pursuant to a contract under section 1811 of the Public Health Service Act (as redesignated by section 6(a) of this Act).

(3) FAILURE TO ISSUE REGULATIONS BY DATE CERTAIN.—If the Secretary fails to issue a final rule under subparagraph (B) of paragraph (1) before the expiration of the period specified in such subparagraph—

(A) the proposed rule issued under subparagraph (A) of such paragraph is upon such expiration deemed to be the final rule under subparagraph (B) of such paragraph (and shall remain in effect until the Secretary issues a final rule under such subparagraph); or

(B) if no such proposed rule is issued before such expiration, the bylaws and policies specified in paragraph (2) and in effect upon such expiration are deemed to be the final rule under paragraph (1)(B) (and shall remain in effect until the Secretary issues a final rule under such paragraph).

SEC. 11. EFFECTIVE DATES.

(a) IN GENERAL.—The amendments described in this Act are made upon the date of the enactment of this Act. Except as provided in subsection (b), such amendments take effect October 1, 1993, or upon the date of the enactment of this Act, whichever occurs later.

(b) QUALIFIED ORGAN PROCUREMENT ORGANIZATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by section 2 take effect January 1, 1994. Before such date, section 371 of the Public Health Service Act, as in effect on the day before the date of the enactment of this Act, continues to be in effect.

(2) ADDITIONAL PROVISION.—The amendment made by section 2(b)(2)(A) (relating to effective agreements with entities with facilities for organ donations) takes effect upon the expiration of the 180-day period beginning on the date on which a final rule takes effect under section 10(a). Before such amendment takes effect under the preceding sentence, section 371(b)(3)(A) of the Public Health Service Act, as in effect on the day before the date of the enactment of this Act, continues to be in effect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes, and the gentleman from Virginia [Mr. BLILEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material on H.R. 2659, the bill now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

The principal purpose of H.R. 2659 is to extend for 3 fiscal years the authorization of appropriations for the National Organ Transplant Act. That act provides statutory authority for the national procedures governing organ procurement, allocation and transplantation. Passage of this legislation is necessary to assure continuation of the national systems that facilitate the procurement and distribution of solid organs and bone marrow for transplantation. Authorized for fiscal year 1994 is $20 million.

Mr. Speaker, passage of the National Organ Transplant Act was a response to miraculous advances in medical technology. With the development of breakthrough immunosuppressive drugs, the life saving effectiveness of transplantation for patients with fatal heart, lung and liver disease dramatically improved. Kidney transplants also became more successful as new drugs improved the quality of life for thousands of patients with chronic kidney disease.

The National Organ Transplant Act provides the framework for a sound and equitable national policy on organ transplantation. Unfortunately, in recent years the gap between available donors and patients needing transplants has widened. Scientific and surgical advances have expanded the number of diseases that can be treated with transplantation. Today, almost 30,000 Americans are waiting for an organ transplant. Many will die because of the shortage of solid organs and bone marrow.

Tragically, efforts to encourage organ donation have not kept pace with demand. The number of organ donors has remained essentially flat. As the gap has widened, concerns over the equity and effectiveness of transplantation policies have increased.

A major goal of this reauthorization is to develop more successful means of promoting organ donation and reduce the gap between transplant patients and the supply of organs. To do this effectively, the legislation addresses public concerns about the fairness of the allocation process by which scarce, lifesaving organs are made available to patients in need.

For example, the legislation endorses a recommendation of the General Accounting Office and requires that most, if not all organ procurement organizations end the practice of maintaining separate, transplant center specific, patient waiting lists. The legislation also places restrictions on the transplantation of foreign nationals when U.S. citizens are waiting for a transplant. U.S. citizens and permanent residents will be given priority in the allocation process. The bill also requires the Secretary to consider a proposal that organs be allocated on the basis of patient need and organ viability rather than the geographic location in which the organ is procured.

Mr. Speaker, to expand the availability of organs for donation, the public must be confident that the system for allocating organs is fair and equitable. It is also critical that the needs of patients take precedence over the needs of individual transplant centers. These two principles are embodied in the reauthorization.

The legislation also includes a number of necessary reforms to the system for recruiting bone marrow donors and facilitating transplants. The legislation requires that patients be afforded access to case management services and that potential donors are provided more complete information about the donation process. In addition, the bill provides high priority for additional donor recruitment activities, particularly among minority communities. These initiatives will go far to increase the number of bone marrow transplants that are performed each year.

Finally, the legislation requires that the Secretary of Health and Human Services issue regulations to provide a legal foundation for the policies and procedures that control the solid organ and bone marrow procurement and transplantation systems. The Department's inability to issue final regulations has reflected an institutional abdication of responsibility to assure that donation and transplantation policies are effective, fair, and enforceable. Under the legislation the Secretary is directed to issue proposed regulations within 90 days and to finalize those regulations within 1 year.

I want to acknowledge the invaluable assistance of the full committee chairman, Mr. DINGELL, and the subcommittee's ranking minority member, Mr. BLILEY. Each was instrumental in the drafting of the bill and was personally committed to strengthening the Nation's organ transplantation system.

Mr. Speaker, passage of this reauthorization will help give renewed hope to the thousands of patients for whom organ and bone marrow donation is truly the gift of life.

Mr. Speaker, I urge support for the legislation.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am a strong supporter of both the National Organ Transplant Program and the National Bone Marrow Donor Program. To date, the Bone Marrow Program has facilitated 1,766 unrelated transplants. In 1992, 16,475 individuals received solid organ transplants as a result of the Organ Transplant Program. Twenty years ago such progress in the science of transplantation and in the quality of life of transplant patients would have been unthinkable.

However, it is clear that the pace of science has exceeded the awareness of the American people about the importance of organ donation, and particularly bone marrow donation. To date, there are more than 30,000 potential transplant patients waiting for solid organs and currently, the chances of finding a matched bone marrow donor and having a transplant are about 40 percent for nonminorities and 15 percent for African-Americans. It is essential that we make every effort to increase the number of donors.

I am a very strong supporter of the Bone Marrow Program. We should remember that this program has proven to be a great success because of the principles of volunteerism and altruism. I was very concerned about some provisions in the bill reported out of subcommittee that I felt could have led potential donors to feel inappropriately pressured into continuing their participation in the program. I am pleased that the full committee adopted the en bloc amendments I worked out with the chairman of the Health Subcommittee to address these concerns.

I also had some serious concerns about a number of changes the bill made to the Solid Organ Program which I felt could interfere with the practical operations of the program including the requirements for the single OPO wide organ list, the single OPO designation for hospitals, the board structure and the ability of the organ procurement and transplantation network to provide services to their members. Again, the en block amendment adopted by the full committee does address these concerns. While many of these changes do not go as far as I would have liked, they definitely improve the bill.

I would also like to express my appreciation to the chairman in not rushing to the floor with this bill. The compromise amendment was agreed to at the last minute and I wanted to ensure that both Members and the transplant community had sufficient time to review the legislation. This has permitted us to bring to the floor a bipartisan, noncontroversial bill.

□ 1340

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, we have no requests for time at the moment, but I will continue to reserve my time.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MOORHEAD], the ranking minority member of the full Committee on Energy and Commerce.

Mr. MOORHEAD. Mr. Speaker, I rise in support of H.R. 2659. Organ and bone marrow transplants have become one of the many medical miracles of this century. Since the original Organ Transplant Act was enacted in 1984, we have seen even more advances due to the development of breakthrough drugs and the growing effectiveness of transplants for patients afflicted with fatal heart, lung, and liver diseases.

This bill provides a simple renewal of existing authorities for both the Solid Organ Program and the National Bone Marrow Transplantation Program. The bill also requires that the Secretary issue regulations establishing enforceable procedures for the procurement, allocation, and transplantation of solid organs and bone marrow. In addition, the bill requires that each hospital may only have an agreement with one organ procurement organization. This provision was of particular concern to me because it could have unnecessarily disrupted longstanding relationships that have proven highly beneficial to transplant patients. I am pleased that a waiver provision was included in the bill. The Secretary is authorized to grant waivers if she determines that the waiver is necessary to promote organ donation and to ensure the equitable allocation of organs.

I urge my colleagues to join me in supporting this bill.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in support of H.R. 2657, the Organ and Bone Marrow Transplantation Amendments, and I would like to commend the chairman of the Subcommittee on Health and the Environment, the gentleman from California [Mr. WAXMAN], and the ranking minority member, the gentleman from Virginia [Mr. BLILEY], for their support of this measure.

H.R. 2659 reauthorizes the National Organ Transplant Act through fiscal year 1996. Additionally, this measure also improves the act by expanding the National Marrow Donor Program to enhance minority-donor recruitment, and establishes a system of advocacy for bone marrow transplant patients.

Some of my colleagues may know, I have a constituent who is in desperate need of a bone marrow transplant. Jay Feinberg is a 25-year-old, who has been desperately searching for a compatible bone marrow donor since 1991.

Jay was diagnosed with chronic myelogenous leukemia in June 1991. The only potential cure for this dreadful disease is a bone marrow transplant and without such a transplant, Jay will die because chemotherapy does not alter the natural cause of this disease.

Mr. Speaker, an estimated 82,600 American children and adults are stricken each year with leukemia, aplastic anemia or other fatal blood diseases. For many, the only hope for survival is a bone marrow transplant. Nearly 70 percent cannot find a suitable transplant match within their own families. These patients need to find unrelated donors—people who have offered to give the living gift of life to a specific patient in need. As the pool of potential marrow donors increases, so do the odds of a match for the thousands of patients in need. The chance that a patient will find a matching, unrelated donor in the general population is somewhere between one in a hundred and one in a million.

Jay has continued to run blood drives and his family has tested over 35,000 people. Although a donor has not yet been found for Jay, his family continues to find donors for others.

Mr. Speaker, I urge my colleagues to educate their constituents on the importance and ease of becoming a marrow donor and giving the living gift of life.

The requirements to be a marrow donor are relatively simple. To be a marrow donor, you must be between the ages of 18 and 55 and be in good health. All it takes is 10 minutes and two tablespoons of blood to join the National Marrow Donor Program registry. Those interested in becoming donors should call the National Marrow Donor Program at 1-800-654-1247.

Accordingly, Mr. Speaker, I support H.R. 2659, and urge all of my colleagues to vote in favor of this legislation which enhances the Organ and Bone Marrow Transplant Donor Programs.

Mr. BLILEY. Mr. Speaker, I want to thank the chairman of the subcommittee, the gentleman from California [Mr. WAXMAN]. I want to thank our staffs, his staff, mine, and the staff of the chairman of the full committee, for working together to smooth the rough edges on this bill and to make a good product that we can all be proud of and support.

Mr. Speaker, I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman from Virginia [Mr. BLILEY] for his cooperation in this legislation and for the work that our staffs have done to prepare this bill for today as a bill that all of us can join in supporting. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 2659, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1350

COUNTRY MUSIC MONTH

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 102) to designate the months of October 1993 and October 1994 as "County Music Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). Is there objection to the request of the gentlewoman from Virginia?

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I will not object, but I simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 102

Whereas country music derives its roots from the folk songs of our Nation's workers, captures the spirit of our religious hymns, reflects the sorrow and joy of our traditional ballads, and echoes the drive and soulfulness of rhythm and blues;

Whereas country music has played an integral part in our Nation's history, accompanying the growth of our Nation and reflecting the ethnic and cultural diversity of our people;

Whereas country music embodies a spirit of the American people and the deep and genuine feelings individuals experience throughout life;

Whereas the distinctively American refrains of country music have been performed for audiences throughout the world, striking a chord deep within the hearts and souls of fans everywhere; and

Whereas October 1993 and October 1994 mark, respectively, the twenty-ninth and thirtieth annual observances of Country Music Month: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the months of October 1993 and October 1994 are designated as "Country Music Month", and that the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such months with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

CONGRESSIONAL ACTION URGED TO WITHDRAW TROOPS FROM SOMALIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON. Mr. Speaker, I rise today for a brief period of time to talk about the outrageous situation in Somalia and the need for this body to do something more than the sham resolution we passed last week in terms of our feelings on what action we should take to bring our troops back home.

I would invite our colleagues also who are in their offices to realize that following the 5-minute special orders today, our colleague, the gentleman from New York [Mr. SOLOMON] will be doing a 1-hour special order, and he has invited many of us to get involved in this debate so that we can focus attention on the need for America to take action to bring our troops home.

Mr. Speaker, when President Bush first decided we were going to send our troops to Somalia, as a member of the Armed Services Committee I had reservations, reservations about committing so many troops 7,800 miles away to a mission that I was not quite sure was the responsibility of the military. But I supported him because the original mission was to secure the port, secure the airstrips, and secure the feeding centers so that people could be fed and so that the relief planes could get in and out of Somalia. And we did that. I was over in Somalia, in both Mogadishu and Baidoa, in January and February of this year, and I saw the success that our troops had had in accomplishing their missions. In fact, they did it with a great deal of pride and completeness in terms of feeding the people of Somalia.

In fact, Mr. Speaker, as we all know, for the past 8 months there have been no photographs on TV of starving people in Somalia because the American troops did their job. The problem is, Mr. Speaker, that the current administration does not know what the mission of our troops is at the current time. So for the last 8 months, since January of this year, our troops have gotten involved in a whole new operation, from going house to house and arresting people to trying to get involved in the internal conflict and the civil war that is going on inside that country.

That was not the original purpose for which we sent our troops to Somalia, and it has gotten us in a great amount of trouble, and which, as we saw this past weekend, caused 12 of our Americans to be added to the casualty list.

We have spent $2 billion in Somalia. We tell the workers in America that we have no money to extend unemployment benefits, but we spent $2 billion in going over to a country and staying there well beyond the need to stay in terms of accomplishing our objectives. And this administration and its chief spokesman on Somalia operations, Mr. Shinn, has said he could see us keeping troops in Somalia through 1994 and 1995.

It is time, Mr. Speaker, for this body to take some decisive action. We had a CYA sham vote on the defense bill last week which allowed Members to cover their butts and say that we want the President to report back to us in 2 weeks on what our missions are. If we have been there 10 months and do not know what our missions are in Somalia, then 2 weeks is not going to give us those missions. It was a sham vote and just an attempt to allow Members to have some cover.

I stood up here with our colleague, the gentleman from Arizona [Mr. STUMP], and we called the vote what it was, a sham, and we at that point in time said we should be voting on an amendment to bring our troops home now. We were not given that opportunity because of the rules of this House.

Over this past weekend one of my constituents, Michael Carroll, was injured. He was shot in the shoulder in trying to go in when those two helicopters were down. He lies right now in a hospital in Germany. His parents talked to him yesterday, and let me tell the Members what Michael said to his parents, Mr. Speaker. He said he understood the reason we were there initially, but he cannot understand why the Army is not allowed to do their job right, why, when there were thousands and thousands of troops there, no one attacked them, but now that we have cut all but 4,000 to 5,000 troops, they are under constant attack. He does not understand it as someone we have asked to go to Somalia to protect what he thinks are our national interests.

Mr. Speaker, this President and this administration have got to take decisive action. We have got to get back our hostages, use whatever force is necessary, and commit whatever amount of troops it requires to get them back first of all, and then we have got to bring our troops home immediately, not 6 months from now, not in 1994 or 1995, not in January or December, but immediately, and bring those POW's as well as our troops back home to America.

This job should be handled by the Organization of African Nations or by the United Nations, not by America. We have spent too much of our taxpayers' money, we have committed too many lives, and we have seen too much blood already shed in a situation that is not in our national interest.

Mr. Speaker, I implore our colleagues to come down and sign a discharge petition to force legislation to the floor for an up-or-down vote on bringing our troops home immediately, getting our hostages back, bringing the troops home, and stopping this craziness that is going on in committing our troops to a country that does not want them in the middle of a civil war which just sees more and more American blood being shed.

Mr. Speaker, I am submitting for inclusion in the RECORD the report of my constituent, Michael Carroll. I wish him well in the hospital, as I do all those families and all those military personnel who have been injured or killed in the line of duty in that country, and I would implore our President to take some leadership as Commander in Chief and bring our troops back home.

MICHAEL CARROLL INJURED IN SOMALIA, OCTOBER 3, 1993

Michael K. Carroll, E-4 was shot in the shoulder on Sunday, October 3, 1993, at 7:10 a.m. in Mogadishu, Somalia. He is a resident of Drexel Hill, PA. and his parents, Michael and Stephanie, live at 853 Gainsboro Road.

Michael Carroll was part of a team that was trying to secure the two crashed helicopters that were down in Mogadishu, and he and his company came under heavy fire. Michael received gunshots to the shoulder and was evacuated to Langstock Military Hospital Base. He is still there as of October 5.

He is part of the 10th Mountain Division, 214th Infantry Battalion, C-Company, out of Fort Drum.

According to his parents the bottom line was that Michael understood the reason why he was there, but he can't understand why the Army is not allowed to do their job right. For example, when there were thousands and thousands of troops there, no one attacked them. Now that the troop levels are very low, they're under constant attack. If they are there, they should be able to do the job right. If not, they should be sent home.

□ 1400

GREATER OVERSIGHT OF HMO'S IS WARRANTED

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). Under a previous order of the House, the gentleman from California [Mr. STARK], is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, last month, the House District of Columbia Committee held a hearing on the proposed sale of Group Health Association [GHA] to Humana. It is not the role of Congress to grant approval or disapproval of the sale. But as the President's health proposal will speed the trend toward super HMO's and other large managed care plans, and as the sale impacts over 130,000 GHA members in the Washington area, a hearing was warranted. The focus of the hearing was how we can ensure that the HMO's and other plans in which we enroll are financially sound and will provide us with high quality care.

I thought some important points were made at the hearing, points relevant to the GHA-Humana buyout and to HMO's at large.

First, with the growth of HMO's, regulator must shift from a focus on the problems of overutilization to those of underutilization. Dr. Linda Peeno, who formerly served as medical director of an HMO in Kentucky and who also performed medical reviews for Humana, identified why we must worry about underutilization by HMO's. When she began her work, her job was explained very clearly: "We take in a premium; we use about 10 to 15 to run the business, and we try to keep as much as possible of the rest. Your job is to help us do that."

Doctors and nurses are increasingly employed by insurers as medical reviewers, as was Dr. Peeno, and often paid more than $200,000 a year to do the job. But what we need are doctors in HMO's who are not afraid to stand up for patients. I plan to introduce legislation that would ensure that a physician or nurse is not fired by a health plan for advocating on behalf of their patients.

Second, State regulation of HMO's, at best, focuses on their financial solvency. Few pay attention to quality. The District of Columbia, until the morning of the hearing, lacked any regulatory authority over HMO's as insurers. The District's move to monitor HMO financial solvency is absolutely necessary. In the hearing, it was reported that 178 HMO failures occurred nationally in the 1980 to 1990 period; this is out of a maximum number of HMO's in any 1 year of 633. But while financial solvency must be ensured, consideration to issues of quality must also be heightened.

Third, the Federal Government has a system to respond to complaints about HMO quality. But, the Federal regulatory authority over HMO's is less defined than it should be and the Health Care Financing Administration [HCFA] lags in implementing the authority it has. It is time for HCFA to get on with issuing the necessary regulations. Congress needs to grant additional authority to HCFA to suspend enrollments in HMO's which have recurring quality problems.

Fourth, until governments do a better job ensuring HMO quality, we shouldn't weaken malpractice laws that try to protect abused patients. In her testimony, Dr. Peeno described two cases where patients were clearly hurt, but she identified a more insidious problem: "using my medical expertise for the financial benefit of the organization, often at great harm to patients." This may not be true in every managed care company, but to the extent it exists we must develop means to eliminate it.

But even making all the changes that the September 14 hearing suggested, I worry about the ability of regulators and consumer groups to protect against substandard care in an increasingly price-competitive world. An additional remedy might be found in legislation I recently introduced. This legislation would require Members of Congress to enroll in the least costly health plan serving their place of residence. If the health insurance plan is good enough for a Member of Congress, then I will have greater confidence that it will be good enough for our constituents.

MEXICAN GOVERNMENT REFUSES TO EXTRADITE CITIZENS TO AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SHAW] is recognized for 5 minutes.

Mr. SHAW. Mr. Speaker, I rise today to discuss a matter that disturbs me greatly and that would outrage Americans all across this country if they only knew this sad and senseless story.

In the middle of the night just over a year ago, on September 14, 1992, a man broke into a home in southern California, abducted a helpless 4-year-old girl—an innocent child, violently attacked and sexually assaulted her in ways that are not fit to describe in this Chamber, then wrapped her in a blanket and left her for dead, tied to a tree. I know this because I have read the police report and spoken with the little girl's family.

Thank God, Mr. Speaker, this small child survived, and her parents are caring for her the best way they know how, but the dreadful odyssey this family has suffered during the last year is far from over.

Following this heinous crime the only suspect in this case, 29-year-old Serapio Zuniga Rios, fled to his native Mexico. The child's family, however, like any decent family, wanted justice.

Through great personal expense the family located Mr. Rios and began efforts through the extradition treaty between the United States and Mexico to have him returned to the United States and tried in Riverside County, CA, where the crime occurred. I am sure that at the time they believed that authorities would be eager to help. They found otherwise.

You see, Mr. Speaker, the Mexican Government does not extradite its nationals to the United States for crimes committed on American soil, no matter how gross, willful, or malicious—even though we have an extradition treaty with that country. We have learned that there are hundreds of Mexican nationals accused of committing vicious criminal acts in this country who, with good reason, have absolutely no worry about standing trial here. You pick the crime—it doesn't matter. We can't get them.

Is this because our Government responds likewise in these cases? No, not at all. We routinely send American citizens to Mexico for crimes committed there and will, no doubt, continue to do so.

Mr. Speaker, I along with my colleagues GEORGE BROWN and KEN CALVERT, wrote to President Salinas in July, asking for his help and the cooperation of the Mexican Government in extraditing Mr. Rios. In a letter dated September 22 we received a reply from the Mexican Ambassador. In short, the Mexican Government will not extradite Mr. Rios. I offer a copy of that letter, as well as our earlier correspondence, for inclusion in the RECORD.

Mr. Speaker, we have reached a critical period in the development of commercial relations between the United States and Mexico. NAFTA would only increase severalfold the traffic of people and goods across the border between our two countries. But how can we enter into such a sweeping agreement as NAFTA without confidence that Mexico will have respect for the enforcement of United States law—at least for crimes committed here on our soil? Personally, I have not yet been convinced that we can.

The legal enforcement of trade agreements cannot and should not be divorced from the mutual enforcement of criminal law. It is a matter of simple human rights for the citizens of the United States.

The debate over NAFTA and the extradition treaty discussions now in progress present a prime opportunity to make real progress in pursuit of justice in the Riverside County, CA, case and, at the same time, achieve badly needed, lasting improvements in extradition policies between Mexico and the United States.

Mr. Speaker, I do not understand and cannot accept the manner in which the Rios case has been handled by Mexican authorities to date. It calls into question the honor and good faith in the broad spectrum of relations between our two countries. More specifically, it is unacceptable for the United States-Mexico extradition treaty to be interpreted as a one-way street in which the United States extradites our nationals to stand trial in Mexico, but the Government of Mexico refuses to reciprocate.

Finally, let me once again strongly urge the Mexican Government to reconsider its decision and extradite Serapio Zuniga Rios to stand trial for the heinous crime he is accused of having committed last year in Riverside County, CA. Our citizens and this small child's family deserve it.

CONGRESS OF THE UNITED STATES,
Washington, DC, July 22, 1993.

Hon. CARLOS SALINAS DE GORTARI,
President, Republic of the United Mexican States, Mexico City, Mexico.

DEAR PRESIDENT SALINAS: In many ways, your government has come to represent a new age in the politics and development of our hemisphere. We also believe that your efforts to broaden and improve relations between our two countries hopefully presages a new era of cooperation and mutual respect that will benefit the peoples of both nations, and we commend your leadership.

In that vein, we wish to bring to your attention a matter of the utmost concern to us, in the hope that your government will help us achieve a resolution satisfactory to all concerned.

In the early morning hours of September 14, 1992, a man broke into a family home in Riverside County, California. That intruder kidnapped a 4-year-old girl and then raped and sodomized her at a nearby work site. After that attack, this little girl was completely enwrapped in a blanket, tied to a tree, and left to die. It was a miracle that she survived this brutal assault.

The prime suspect in this crime is a 29-year-old Mexican national, Serapio Zuniga Rios, who was in the U.S. legally at that time on a green card. He is suspected of having fled across the border into Mexico immediately after the crime occurred. We have knowledge of his current whereabouts inside Mexico.

Pursuant to the terms of the U.S.-Mexico Extradition Treaty now in effect, the U.S. Government last month formally requested the extradition of this suspect for whom a felony warrant has been issued in Riverside County, California.

Our purpose in writing is to request in the strongest terms possible that your government take immediate action to have this suspect placed in custody by the appropriate Mexican law enforcement authorities and extradited forthwith to stand trial in the U.S.

We view this situation as an opportunity for our two countries to work together in an area of concern that has, in the past, been fraught with problems for both of our governments. But as you know, new bilateral discussions on extradition and related matters have begun. Since we recognize problems have arisen under the terms of the existing U.S.-Mexico Extradition Treaty, we strongly urge you to assist us in this pending case, thus setting the stage for resolution of broader extradition policy concerns.

Certainly, both of our governments should be responsive to the needs of the other in important matters such as this. Your help in this extradition case would also be greatly appreciated by the family of the 4-year old victim, the people of California and the rest of the United States, as well as members of Congress and other U.S. Government officials.

We thank you for your assistance and look forward to hearing from you.

Sincerely yours,

CLAY SHAW,
Member of Congress.
GEORGE E. BROWN, Jr.,
Member of Congress.
KEN CALVERT,
Member of Congress.

EMBAJADA DE MEXICO,
Washington, DC, September 22, 1993.

Hon. E. CLAY SHAW, Jr.,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. SHAW, Jr.: I refer to your letter of July 22, 1993, concerning Mr. Serapio Zúñiga Ríos, who is believed to have raped a four year old girl in the United States of America.

In the regard, I wish to point out that this subject was discussed by Secretaries Christopher and Solana, and Attorneys General Reno and Carpizo during the last Mexico-U.S. Binational Meeting. At that time, the Government of Mexico restated to the U.S. Government that Mr. Zúñiga will undergo criminal proceedings in Mexico. To that end, U.S. authorities have collaborated with Mexico by providing with the information they have on the case. Moreover, on the basis of the information provided by U.S. authorities, the competent Judge for criminal matters in Mexico has already issued a warrant of arrest against Mr. Zúñiga Ríos, and the Mexican Office of the Attorney General has assigned a special task group of the Federal Judicial Police to locate and arrest Mr. Zúñiga, who is apparently in Mexico.

I deeply appreciate your interest in this matter, and I hope that this information will be satisfactory and useful for you.

Should you have any additional questions, please do not hesitate to contact me.

Sincerely,

JORGE MONTAÑO,
Ambassador.

DESIGNATING OCTOBER 1993 AND 1994 AS COUNTRY MUSIC MONTH

The SPEAKER pro tempore (Mr. TANNER). Under a previous order of the House, the gentleman from Tennessee [Mr. CLEMENT] is recognized for 5 minutes.

Mr. CLEMENT. Mr. Speaker, I am proud to rise in support of the resolution designating October 1993 and 1994, as "Country Music Month."

I would, in particular, like to thank the Post Office and Civil Service Committee for bringing this resolution to the floor today. And I thank the majority of my colleagues who joined in cosponsoring the House resolution.

As the representative of Music City, U.S.A., I can attest to the importance of country music to the lives of our fellow citizens. Music, as you know, plays an invaluable role. Not only does it celebrate the wide range of human emotions, but it also reflects the changing values of our Nation and her people through its lyrics and musical style itself.

Country music is a blend of several musical styles and, in itself, is unique to America. As the joint resolution says, country music derives its roots from the folk songs of our country's workers, captures the spirit of our religious hymns, reflects the sorrow and joy of our traditional ballads, and echoes the drive and soulfulness of rhythm and blues.

Country music has accompanied the growth of our Nation and reflects the ethnic and cultural diversity of our people. Its current popularity is due, no doubt, to the fact that country music embodies a spirit of America and the deep and genuine feelings each of us experiences throughout our lives. Country music commemorates working life and strikes a responsive chord deep within the hearts and souls of its fans.

Country music remains rooted in the individual concerns of the common people. As my friend, Johnny Cash, once wrote "country music is the one voice that the working man has to express himself to the world." Thus, it is perhaps clear why country music is so popular in these difficult economic times.

Mr. Speaker, October 1993 and October 1994 mark respectively the 29th and 30th anniversary celebrations of country music. I am honored to be the sponsor of House Joint Resolution 106, and, again, I thank my colleagues for their support and I thank the committee for bringing the country music resolution to the floor.

CHRONOLOGY OF EVENTS CONCERNING SECRETARY OF COMMERCE RON BROWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I hope all of my colleagues are paying attention to this special order tonight, because it bears on a very important issue involving a Cabinet officer of the Clinton administration, Mr. Ron Brown, the Secretary of Commerce.

There has been over the past week, and especially this weekend, a lot of news reports about Mr. Brown's activities. I watched a number of political talk shows this weekend.

□ 1410

There were a lot of gaps in the discussions about what went on during the events that took place, possibly, between Mr. Brown, Mr. Hao, and Mr. Binh Ly. So what I would like to do during this special order, for anyone who cares to pay attention, but particularly my colleagues, I would like to go through the chronology of events as laid out to me by Mr. Binh Ly, who was the gentleman who was involved in this series of events, this debacle, if you want to call it that.

I spent 2½ hours with him in my office last week, and we tape recorded his entire testimony. I gave that tape to many members of the media as well as a paper chronology of the events that took place.

In addition to the chronology of events, which I am going to go through, which take probably 15 or 20 minutes, I also have some additional information that came out this weekend regarding Mr. Brown and some things that have taken place. Bear in mind, this is a discussion between Mr. Binh Ly and myself, and it makes allegations about Mr. Brown, Secretary of Commerce Brown, that have not yet been verified but surely need investigating.

July 1992, Binh Ly, a naturalized American from South Vietnam, met with Mr. Hao through a family introduction. Mr. Hao, I will explain in a few minutes, used to be an official in the South Vietnamese Government.

After their meeting, Mr. Hao formed a corporation called the Vietnam Development Corp., and he asked Mr. Binh Ly's assistance in raising money and working with him in getting a prospectus, if you will, involving the United States and Vietnam and negotiating an end to their hostility toward one another and normalizing relations with Vietnam. That was the purpose of the Vietnam Development Corp., to start developing things in Vietnam that will get the country back on its feet.

Following the Presidential election of November 3, a package was sent on November 13 by Federal Express to Ron Brown from Mr. Hao's home by Mr. Binh Ly. Mr. Binh Ly took this package, this prospectus, if you will. He sent this to Mr. Ron Brown from Mr. Hao's home.

On November 23, about 20 days later, Mr. Hao called Binh Ly for a meeting. Hao explained that Secretary Brown had chartered a private jet, which he said cost $8,000, and he flew down to Florida to meet with Mr. Hao.

Mr. Hao, Mr. Binh Ly, a gentleman named Xay Le and a gentleman named Tan Nguyen then flew to Vietnam. Tan Nguyen had been the principal assistant to Mr. Hao when Mr. Hao was the Deputy Prime Minister of the Republic of South Vietnam. Xay Le is a Houston businessman with connections with Mr. Hao.

Hao at that time showed Mr. Binh Ly Ron Brown's business card and said he had talked with him. While in Vietnam, from November 30 to December 19, 1992, the Prime Minister of Vietnam called from Hanoi to talk to Hao. I believe they were at that time in Saigon or what is now called Ho Chi Minh City. But the Prime Minister of Vietnam called from Hanoi to talk to Mr. Hao. The delegation also met with the Chairman of the People's Committee, the Communist People's Committee, while they were there in Ho Chi Minh City.

They were there for 2 weeks. The group then flew to Hanoi at Hanoi government expense and stayed in the government guesthouse. The delegation had a 3-hour meeting with the Prime Minister of Vietnam and his chief of staff. Mr. Hao then asked for and received a private meeting with the Prime Minister of Vietnam.

Hao then told Binh Ly, immediately after the meeting with the Prime Minister, that the deal was done, the deal was done, and Brown, Secretary Brown, was in.

Mr. Hao asked Binh Ly to draft a letter to Brown for the Prime Minister to sign. He then wanted a letter of understanding signed by the Prime Minister to Brown so Brown would know that this was a legitimate offer or was an offer coming straight from the Government of Vietnam.

Binh Ly edited the letter and he changed it into English.

The letter said, in part, to Brown, please sit down and arrange the details of the road map between the United States and Vietnam.

The following day, Mr. Hao met with the Chairman of the Communist Party of Vietnam, Du Muoi. The delegation saw the signed letter from Vo Kiet, the Prime Minister of Vietnam, to Brown. Hao also faxed a letter to Marc Ashton from Saigon.

Now, this letter that was faxed to Marc Ashton was faxed by Binh Ly. And Binh Ly, when he tried to fax it, he said Mr. Ashton picked up the phone. And he talked to Mr. Ashton briefly, and then Mr. Ashton put the phone down and the faxed letter went through.

The letter said that things were going well. They had had a successful trip and, when they got back, they were going to go to Washington to meet with Mr. Brown.

Binh Ly then took a separate flight, because they had differing things they wanted to do on their way back from Vietnam. And Binh Ly went through Taipei, I believe, and he came back to the United States another way on a different plane.

Mr. Hao then, when they got back to the United States, met with Binh Ly and told him that he had been to Washington, DC. Mr. Hao said that he had hand-carried the letter from Prime Minister Kiet to Secretary Brown. Brown was to respond and then Hao would return to Vietnam hand-carrying a letter back to the Prime Minister.

Brown had promised to lift the Vietnam trade embargo and then to establish most-favored-nation status. There were six other items in the letter as well.

I want all my colleagues to get this. Secretary Brown, it is alleged, then sent a letter back to the Prime Minister of Vietnam saying that we were going to lift, he would work to lift the trade embargo and then to establish most-favored-nation status to Vietnam, and there were six other items in the letter as well.

Hao described the deal as $700,000 to Brown from the Vietnamese Government, plus a concession on oil and gas reserves.

I want to tell my colleagues that I believe that the oil and gas reserves in Vietnam are the third largest in the world. So when a lot of these commentators and others say, "Well, $700,000, why would Brown do that? He is a very wealthy man in his own right."

We are not talking about $700,000. We are probably talking about hundreds of millions of dollars and maybe even billions of dollars. Because if he got royalties on oil and gas reserves from Vietnam, we are talking about money that you can hardly imagine.

In addition to that, Brown was to receive a percentage of or equity in all new business from companies from the United States that went to Vietnam to do business through Brown's entree.

Now, later on, we will find out that Brown was supposed to have agreed to bring about 150 new American businesses to Vietnam. There is another large amount of money, maybe another few hundred million dollars that could have been acquired because 150 major corporations going to Vietnam and him getting a percentage was a lot of money.

The $700,000 was to be placed in an offshore account through close friends, possibly in the name of Marc Ashton or Lillian Madsen, who is the sister of Ashton's wife, or Mr. Hao.

On December 28, Binh Ly confronted Hao during a face-to-face meeting over the ethics of continuing to work with Brown, when he had been nominated for Secretary of Commerce.

☐ 1420

Hao told Binh Ly that he should follow his leadership and be patient, that he was a young man and he had a lot to learn, and that Hao would groom Binh Ly as a new leader in the new Vietnam. Hao said he believed that he himself, Hao, if all this worked out, could win future elections and become Prime Minister of Vietnam himself.

Hao called Binh Ly on approximately December 30, to help pack a gift for the mayor of Saigon. Hao told him he had gotten the letter from Brown that afternoon. The next morning Hao left for Vietnam, but Binh was not asked to go on the trip. The reason Binh Ly felt he was not asked to go on the trip was because he had raised some objections to dealing with Brown, since he was now about to become Secretary of Commerce, and because of that they thought they might have a little problem with him down the road, they might not be able to trust him, so they did not ask him to go on this trip.

Binh Ly consulted with a friend and mentor. Here Binh Ly is concerned about this. He sees deep water, he told me, and because of that he and his wife got in the car while Mr. Hao went to Vietnam and they drove to Louisiana, I believe. There he met with Mr. Howard Crawford, who is kind of like a father image to Binh Ly. He told him the whole story. He told him how he got involved and everything.

Mr. Crawford recommended that Binh Ly remove himself from the group, but also, to listen to Hao when he returned to Vietnam. He suggested that the group could be subject to criminal charges if Brown stayed in the partnership.

When Binh Ly returned from Louisiana or from Lafayette, Louisiana, there were several messages on his answering machine from a very worried Mr. Hao. On January 21, Mr. Hao met with Binh Ly. He threw a bank account statement on Hao's breakfast table, saying that the account had been opened in the Banque Indosuez in Singapore. One of Hao's partners in Bangladesh, a Mr. Uyen Quang Le, is the senior vice president for the Banque Indosuez and an ex-governor of the Central Bank of Vietnam. He is the senior vice president of Banque Indosuez in Bangladesh.

He said that he had opened the account, Mr. Hao said this gentleman had opened the account in Singapore. There was to be $1 million put into the account, with $700,000 for Secretary Brown and $300,000 for the Vietnam Development Corp.

Hao then told Binh, Binh Ly, that he would be appointed as head of the energy group in Vietnam, working with the Vietnamese Government and possibly the 150 United States companies that Brown was to introduce to Vietnam. Hao told Binh that Binh and his family would have to then move to Washington, DC, because they were going to be opening an office there for the Vietnam Development Corp.

On February 3, Binh wrote a resignation letter to Mr. Hao. In the letter he said that Hao had breached their terms of agreement, and what he said he meant by that was that there would be no dishonesty or any collusion or anything that would smack of dishonesty in the negotiations for normalizing relations with Vietnam.

On February 14, Ly's brother-in-law said that Hao had demanded through him that Binh attend a meeting with him the next day. Hao and Binh met and Hao asked Binh to keep everything quiet, to keep his mouth shut, and asked how much money he wanted in cash. Hao said that if Binh kept his mouth shut he would pay him right now. Binh Ly said that was not the issue. He kept saying that over and over again. He said Mr. Hao got pretty upset, and said, "How much do you want? How much do you want? How much do you want?"

The meeting ended, and Binh Ly decided that it was time to contact the media, because he was concerned about possibly his safety, because Mr. Hao was so upset. So he contacted the Miami Herald, and the Miami Herald interviewed Binh Ly for an hour on February 18, On February 24, after the story ran in the paper, the FBI contacted Binh Ly. He was interviewed for 2 hours, and they asked him to take a lie detector test or polygraph test.

On February 25 they gave him a 6-hour, very comprehensive lie detector test. The next day the FBI contacted Bihn Ly and said that he passed with flying colors. I want all my colleagues to remember that. Binh Ly took a 6-hour lie detector test, going into all this, and he passed it with flying colors.

On March 14 Binh Ly or Binh Ly's brother-in-law said that the Miami Herald had called Mr. Hao on the phone to ask him about the story, and to try to get some answers. The message was relayed from Mr. Hao to Binh Ly through his brother-in-law to stop what he was doing with the press, because the Government of Vietnam would regard Binh Ly as an enemy. It was a threat.

He said, "If you keep this up, the Government of Vietnam is going to consider you an enemy, and you might be in real jeopardy."

The FBI suggested after the meeting on February 24 that Binh Ly try to work again with Mr. Hao. Binh Ly agreed. They tried to tap several phone conversations between Binh Ly and Mr. Hao. Mr. Hao by this time, since it was in the papers, was very concerned, and he would not say anything on the telephone, so the effort to try to get Mr. Hao to admit anything on the phone was fruitless.

On April 23 the FBI asked Binh Ly to return his beeper. Mr. Ly was very concerned. "Why do you want me to return the beeper," because they had given him a beeper so they could stay in touch with him about the case.

The FBI said they wanted the beeper back because their section was the victim of budget cuts. Mr. Ly could not understand that, because the beeper only cost about $10 a month. He said he looked at the FBI guy and said, "You are taking my beeper back, you want to break off contact with me, because you have budget cuts?" And the FBI guy kind of winked and shook his head and said, "Well, it is budget cuts." The FBI thanked him for his help and asked Binh Ly what he would do next. Binh Ly said that he was going to go to the press.

I would like to say to my colleagues, and I am making no allegations, except that Janet Reno was confirmed as the Attorney General of the United States, I believe, in March, early March, and a little over a month later the FBI decided to take the beeper back and eliminate the investigation that was involving Mr. Ly.

Nothing happened for about 3 or 4 months. Then there was a news story in one of the magazines, and my colleagues will have to forgive me, I cannot think of which magazine it was, but it went into great detail on this. Three weeks after the magazine article a grand jury was empaneled in Miami, and the grand jury investigation is going on as we speak.

Mr. Binh Ly has not yet been called by the grand jury. We wonder why he has not been called, because his testimony it seems to me is extremely relevant to the possible prosecution, if they feel prosecution is necessary, of Mr. Brown.

I want to go into just a few more things that have happened in the past few days, but before I do that I want to go into the chronology of things that I think are very relevant. Remember that on February 25 Binh Ly took a 6-hour polygraph test, lie detector test, and he passed it with flying colors. Remember that Binh Ly said that Mr. Hao met three times with Ron Brown to seek his help in lifting the trade embargo against Vietnam. Secretary Brown denied ever meeting with Mr. Hao, denied ever knowing Mr. Hao, through a press secretary down at the Commerce Department. He said he didn't know Mr. Hao, had never had any meetings with him.

Then the gentleman at the Department, the Commerce Department, Mr. Desler, said, "I may have misinterpreted the Secretary, in what the Secretary told me in explaining that he had never met with Mr. Hao," because later on the attorney for Mr. Brown said that yes, Mr. Brown had met with Mr. Hao, not once, not twice, but three times. After his press secretary denied all this, the attorney for Mr. Brown then admitted that he did know Mr. Hao and had met with him three times.

The last time he met with Mr. Hao was at the Department of Commerce. They had dinner and then they went over to the Department of Commerce to talk. Mr. Brown alleges that his meetings were social. He denied meeting this gentleman three times, then he admits meeting the man three times. Now he is saying they were just social meetings.

Binh Ly made the statement that he and Mr. Hao traveled to Vietnam in December and met with Prime Minister Vo Van Kiet. Binh Ly drafted a letter from the Prime Minister to Ron Brown asking him to prepare a road map for better relations between the United States Government and Vietnam. The Vietnam Government has denied that it sought help from Ron Brown or offered him money. However, on October 1, ABC News reported that the FBI has obtained two fax notes from Mr. Hao to a high-level government official in Vietnam describing his meetings with Ron Brown in November and December as very positive. I don't know why he would have said that in these letters, after having been to Vietnam, twice, this was before the second time he went back to Vietnam, but after having been there, and saying they were very positive meetings.

Mr. Ly stated on January 21 that Mr. Hao met with Binh Ly and showed him a bank statement from Banque Indosuez in Singapore. He said $700,000 was to be deposited into an account for Mr. Brown or somebody, and another $300,000 to set up their office here in Washington.

☐ 1430

On October 2 the New York Times reported that Federal investigators, and this is very important for our colleagues, Federal investigators have uncovered evidence that the Vietnamese Government was preparing to establish a special bank account in Singapore. The evidence is in the form of the transfer of undisclosed sums of money between East Asian banks to some bank in Singapore.

These allegations are so important and so severe that there needs to be a complete and thorough investigation by the Congress of the United States. Many of my colleagues have said well, wait a minute, you have a grand jury investigation going on right now down in Miami; why are you suggesting we do something while that grand jury investigation is going on. The grand jury investigation deals with whether or not a Cabinet official, Mr. Brown, did something corrupt for which he should be indicted and brought to justice through a trial. But the Clinton administration has taken two steps to normalize relations with Vietnam, once in July and once in September. And those steps to normalize relations create a cloud over this administration that needs to be cleared up. And the only way we can clear up that is by the Congress of the United States conducting an investigation to find out if a Cabinet official used his influence to normalize relations with Vietnam when we still have not had a full accounting of the 2,200 POW-MIA's that are over there.

We have said continually that we would never normalize relations with Vietnam until we had a full accounting of all of those POW-MIA's, and yet in July and September steps were taken to normalize relations with Vietnam by withdrawing our opposition to our allies giving loans to Vietnam so that they could get themselves in a position where financially they could request IMF and World Bank loans.

Then in September the Clinton administration approved a program where American businesses can go over there, and if World Bank loans are forthcoming, they can bid for that business and start doing business in Vietnam and the communist Vietnamese Government.

Ron Brown said in testimony before our committee last week, and I asked him directly, he told me that he has never discussed with Mr. Hao or the administration normalizing relations with Vietnam during this period, and he has never discussed with his top Commerce Department officials normalizing relations with Vietnam. And yet we found out that in June, when the National Security Council met to talk about Vietnam, it was at the principal level, which is the highest Cabinet level, either the Cabinet official or their designees are supposed to be in those meetings, that normalization of Vietnam was discussed very thoroughly. And I have been led to believe that in those meetings the Commerce Department, Mr. Brown's Commerce Department took the lead in pushing for normalization of relations.

Now if that is true, and if Mr. Brown or one of his chief lieutenants that has discussed this with Mr. Brown was at those meetings, and led the fight to normalize relations with Vietnam, then if that is true Mr. Brown misled the Congress last week when he appeared before our committee.

All of these things must be investigated. This is very, very important not just for the 2,200 families of the POW's and MIA's, but to this government as a whole. I say to my colleagues we need either to have a special prosecutor, or an independent counsel law passed so that we can have an independent counsel, or we need to have a complete investigation by the Congress, or possibly two of the three. That is, having a special prosecutor and an investigation.

I have written letters to the President of the United States asking for a lot of answers. We will be writing another letter to him asking for more information, a letter of inquiry. We will be writing a letter to Mr. Brown asking for in-depth information about these transactions and allegations. And if we do not receive a response from them within 10 days or 2 weeks, then I will be filing a resolution of inquiry with the Congress, which I believe will be referred to the Committee on Government Operations, which should be the committee of jurisdiction. And we will urge them to have a complete investigation, to bring all of this to light. This is extremely important. Every day new revelations come forth, and we as a Congress representing the people of this country need to get to the bottom of this.

If Mr. Brown is innocent, then he should be exonerated, and be able to go on about his business, conducting his office over there at the Department of Commerce. But if he is guilty, then he needs to be removed from office and brought to justice. And if he used his influence to normalize relations with Vietnam at a time when we have had no full accounting of the POWs and MIAs, then by golly, this administration should stop the negotiations with Vietnam immediately. And we have already written a letter to the President asking him to stop these negotiations with Vietnam right now, until all of this is cleared up.

But we should cut off relations with Vietnam until we get that full accounting on the POW's and MIA's, No. 1; and No. 2, until the entire issue has been eliminated by the administration and by this Congress.

This is very serious. And my colleagues on the other side, many of them have said to me, "Oh, DAN, this is a witch hunt." I want to tell them that we had other witch hunts in the past. We had Watergate, we had Irangate, we had what else, we had two or three other things, and I never heard any of them objecting to that. These are very serious allegations, and the man who made the charges, Mr. Binh Ly, passed a 6-hour lie detector test. And the FBI was so convinced that they gave him a beeper, and they conducted a very thorough investigation, and even tapped Mr. Hao's phone.

We need to get to the bottom of things. We can trace a lot of these things if we have the ability to, if we get a subpoena from the Congress of the United States. We can find out, for instance, if Mr. Brown chartered that plane for $8,000 to fly down to Florida, which he said, or initially his spokesman said he did not do. We can find out through Federal Express if that package of information was sent up to Mr. Brown from Mr. Hao's home early on. And we can get a lot of other things like telephone records. We can find out if Mr. Brown received phone calls for Mr. Hao at the Commerce Department, or before, and we can find out through phone records over at the Commerce Department if Mr. Brown was contacting Mr. Hao. There are a ton of things we can find out if we get the authority through subpoena, and through investigation in this Congress.

I submit to my colleagues we need to get to the bottom of this.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, first of all I just want to commend the gentleman from Indiana for taking this special order to bring out these facts.

You know, the American people, and a large number of the American people have felt for years that there has been a cover-up over the whole Vietnam POW-MIA issue. There are still, as the gentleman said, over 2,000 American servicemen who are unaccounted for. That means that there are 2,000 families who do not have the peace of mind of knowing what happened to those young men and women who have served this country so valiantly.

I can recall having taken a CODEL there 7 years ago in which we met with the Foreign Minister at that time in Vietnam in which he finally, for the first time 7 years ago, said that there was a possibility that alive American POW's and MIA's could possibly be in their country, not under the official control of the Federal Government, but perhaps back in the caves, or with local gendarmes, as he used the term, but not under their control. And even to this day there has still not been a total cooperation.

We have word now that even during the Korean war American soldiers were sent into Russia and Siberia. We know that they were sent from Vietnam into the Soviet Union. We need to have that accounting.

There should be absolutely no normal relations with that country until there is full cooperation.

Again, this whole thing with Mr. Brown just tends to lead to that assumption that there was some kind of a cover-up all along in this Government, and that should not be. So if Mr. Brown is innocent, then by all means let him prove it. If he is not, let us get to the bottom of this thing.

I really admire the gentleman for taking this special order and bringing this to the attention of this Congress, and I thank the gentleman.

Mr. BURTON of Indiana. I thank the gentleman for his contribution.

Let me just end up by saying that this is not the end of this. This is just the beginning. A number of us, myself included, are going to do every single thing in our power to force this issue until we get these answers.

There is a lot at stake here, the credibility of our Government is at stake, and the credibility of Mr. Brown is at stake, the families and loved ones of the POW's and MIA's are at stake, and we cannot leave these things unanswered. So we need to do a number of things in this Congress, and I urge my colleagues to join with me in asking for a full accounting on all of these issues to get to the bottom of it.

With that, Mr. Speaker, I yield back the balance of my time.

□ 1440

THE SITUATION IN SOMALIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 60 minutes.

Mr. SOLOMON. I thank the Speaker.

Mr. Speaker, yesterday I spoke at length on the situation that is taking place in Somalia. I am going to do the same thing today because there are so many unanswered questions concerning this situation which is taking the lives of American soldiers today.

I am taking this special order to express my concern again, my profound concern, about the ongoing situation in that place called Somalia. The events of the past 72 hours have taken a fearsome toll: 12 American lives have been taken, 12 dead; 78 seriously wounded; and perhaps as many as 8 being held hostage in a place called Mogadishu.

Mr. Speaker, this carnage, this madness must stop. The so-called rebuilding of Somalia is not worth the price of one American life, much less the carnival of death that has been displayed on our television screens, such a despicable situation.

When American troops were first sent to Somalia 10 months ago, their mission was supposed to be humanitarian in nature and it was supposed to be short term in duration. Few Americans had any quarrel with such a proposition because we are a nation that cares about people, particularly starving people. Indeed, our troops performed their intended mission with professionalism and with skill, as they did in Desert Storm under a different kind of mission. They should have come home, mission accomplished, when that mission was completed. And it was completed.

Now they are confronted with an altogether different situation, an altogether different mission. Our troops have been thrust into a primitive and hostile environment and are now being expected to come up with the solutions to Somalia's problems, solutions which the diplomats and politicians around the world have failed to produce.

Mr. Speaker, call it nation-building, call it stabilizing the situation, call it anything you like; this new mission has nothing to do with the training that our forces have received, the equipment at their disposal, or the reasons for which they were sent there in the first place.

Mr. Speaker, if anyone in the United Nations or the Clinton administration can offer an explanation as to how our troops are supposed to perform this new mission, I would certainly like to hear about it. And I would especially like to hear how any operation can be conducted under a United Nations command and control structure which is so inept that a contingent of our forces, our American forces, could be pinned down for a full 7 hours the other day before reinforcements were ever sent in. That is unheard of.

The plain fact is, Mr. Speaker and colleagues, that there is nothing in Somalia to rebuild or to reestablish in the first place. This is a country which scarcely fits any plausible definition of a viable nation-state, even in the best of times. Somalia has been a basket case ever since its independence was declared back in 1960. There is nothing there for our troops to rebuild. The Somalis are essentially a nomadic people, and their fighters can disappear into the shifting sands in the wink of an eye.

Mr. Speaker, the Gannett papers in my district expressed this dilemma very well in an editorial just this morning. To quote them:

> A humanitarian United Nations mission to help starving Somalis is quickly turning into an undeclared war with American casualties.

The mission has changed, which makes the original U.S. policy no policy at all. President Clinton must avoid dragging the United States deeper and deeper into a war for an uncertain and possibly unachievable mission.

Mr. Speaker, I would like to make just one final observation. Suggestions have been made in some quarters that a United States pullout from Somalia would endanger future U.N. peacekeeping efforts. I would simply respond by saying that this debacle in Somalia is a perfect example of how misguided idealism can distort our policies and our understanding of our own national interest. The only time that American troops should be used anywhere in the world is when there is a compelling national United States of America interest.

Furthermore, the United Nations must also show some sense of discrimination and proportion.

The United States simply cannot be a party to a process that elevates each and every civil war between tin-pot dictators into a full-blown international crisis that requires our country and our troops to act as referee.

Mr. Speaker and Members of this House, the time has come to do two things: We must go into Somalia with everything we have, full-blast, to get our hostages, all eight of them, and any dead besides, out of there. And then we have to get our troops out of Somalia and we have to keep them out. This misguided, deadly adventure in Somalia has got to stop, and it must stop today.

Mr. Speaker, in about 1 hour, those Members who want to, are going to be meeting, with Secretary of Defense Les Aspin and Secretary of State Warren Christopher. I just hope and pray that they are going to be able to say to us what I have just said to you, that the administration is going to bring those troops home. They have no business being in Somalia. American foreign policy under all modern Presidents, going all the way back to Franklin Delano Roosevelt, Harry Truman, Dwight Eisenhower, John F. Kennedy, Ronald Reagan and all the rest, has been to support the sovereignty and the boundaries of sovereign, democratic nations. Ladies and gentlemen, this is not protecting the sovereign boundaries of a democracy or a nation; this is nothing but anarchy and chaos, and we should not be there. Hopefully, Warren Christopher and Les Aspin will be able to give the American families who have servicemen serving in the Armed Forces today the answers we want to hear, to confirm the overwhelming thought that we should not be in Somalia in the first place.

Mr. Speaker, I appreciate the House taking the time to hear me talk about this issue, and hopefully we will not have to keep doing this day by day.

□ 1450

Mr. Speaker, I would continue my special order and yield to the gentleman from Louisiana [Mr. LIVINGSTON], a very respected member of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, who has been very much involved in the foreign affairs of our country for so many years.

Mr. LIVINGSTON. Mr. Speaker, I thank my friend for yielding to me. I congratulate him on taking this special order.

I have to say, Mr. Speaker, that I am very concerned about our Somali policy.

I was concerned about it when we first agreed to go in there, but we had a clear and concise motivation. We were sending our troops in to stop the starvation, and we did so. We accomplished that feat in a matter of 3 or 4 weeks.

I went over there to Somalia in January. Our young marines and our young soldiers were doing an outstanding job of maintaining security, maintaining peace so that the private volunteer organizations could get around the country and feed the starving people of Somalia.

We have maintained that peace, but in the process, in the last couple months, we have all of a sudden found ourselves engaged in a partisan war. We were not being partisan at the outset. We were intermediaries. We were neutral.

Now it seems that we are not only partisan, but that we are in the process of killing citizens of Somalia and they are in the process of killing young men in American uniforms. That process has to stop.

I regret very strongly that we were not able to complete the task and pull out peacefully. I thought we should have been out of Somalia in the spring, but we were not. Now it has come to havoc.

I believe strongly that we should get our prisoners back this weekend, but then we should declare victory over hunger and get every last American troop out of Somalia.

It is not in the American interest, it is not in the interest of the United States for us to remain any longer than it is necessary to get our troops out and get our prisoners back.

So whether General Aideed is found or not, it seems to me that if he is ultimately captured, there will be other warlords to take his place.

Somalia does not have a single infrastructure of government in place. If we are there truly to nationbuild, we will be there for the rest of our natural lives.

Unfortunately, for too many of our young soldiers and marines, that time limit is bad because they will be killed in action.

It is not in our interest to stay there. It is not in our interest to send 40,000 troops under the auspices of the United Nations to Bosnia. It is not in our interest to send 600 young soldiers under the auspices of the United Nations to Haiti. We have to act in our own national interest. We have to act in the interests of the free world. Those interests are not being threatened in any one of those three places, Somalia, Bosnia, or Haiti.

We should not deploy American lives there. We should not risk American soldiers. We should not risk American marines any longer than is absolutely necessary to pull out every last troop from Somalia. Come back home and then make sure that we do not risk lives unnecessarily, except in the national interest.

Mr. Speaker, I thank my friend for yielding to me.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for those cogent remarks.

I might add that this is not any kind of a partisan attack. Yesterday on this floor during a special order that I conducted on the same subject, the gentleman from Missouri [Mr. SKELTON], a very valuable member of the Armed Services Committee and the chairman of the Subcommittee on Personnel talked about the very serious problems we have now with severe cuts in our military budget. The gentleman from Louisiana knows because he serves on the Appropriations Committee that makes the appropriations for the defense of our Nation. He talked about the fact that we cannot be involved in civil wars all over the world with the kind of defense budget we have today. We have to be able to maintain a readiness against situations that could occur in a place called Russia. I recall being with the gentleman in Moscow not too many months ago when we met with this criminal Vice President of Russia, Mr. Rutskoi. He pointed to a map on the wall and he said, "That is my vision of Russia." It took in all of Central and Eastern Europe, and God knows what else. We have to be prepared to defend against such things.

Mr. LIVINGSTON. Mr. Speaker, if the gentleman will yield just for one more comment, in the last 5 years we have cut roughly half a million people in uniform out of the armed services of the United States. In the last year alone we have cut $15 billion out of our defense budget, and yet we currently have 73,000 troops scattered all around the world under 17 difference peacekeeping missions. We currently have about 4,000 or 5,000 people in Somalia. We are planning on putting 30,000 people in Bosnia. We have 300 in Macedonia. We are talking about 600 in Haiti to restore a fellow who was elected in a democratic fashion, but who is quoted as saying that he favors necklacing such as they did in South

Africa where they put tires over people's heads and fill them up with gasoline and light them on fire. We are going to put 600 of our soldiers in there to secure that man in power? Thank you, no.

That is not in the national interest of the United States. We should not be doing this to our young men and women in uniform.

Frankly, I hope that the President goes back and re-reads his speech to the United Nations in which he stated very clearly the criteria and conditions under which we should be deploying troops. Those conditions do not apply to Somalia. They do not apply to Bosnia. They do not apply to Haiti and we should not be having troops there.

Mr. WELDON. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from Pennsylvania.

Mr. WELDON. Mr. Speaker, on that one point, when my colleague and good friend and I were over in Somalia earlier this year in the winter, in January or February, one of the things we heard repeatedly from the troops were that many of these young men had been away from their families three of the last four holiday seasons because of commitments we had made on their behalf either in Desert Storm or in exercises around the world and in Somalia.

We do not realize when we make the level of cuts that this President is proposing what it does to ordinary human beings, and yet this President in cutting back so much on defense wants to send them all over the place for these excursions where we lose more lives and keep them away from their families and ultimately cause morale to go down and readiness to go down.

Mr. LIVINGSTON. Mr. Speaker, if the gentleman will yield further, by making the cuts we force these young men and women in uniform to be deployed more frequently constantly and in more places around the world on a more frequent basis.

Even in January with the cuts that went on in the Bush administration, we saw people flying 7 days a week, flying C–130's, the pilots and the air crews, 13- to 15-hour days without a break for a month at a time.

The young Marines and sailors who had been deployed were already at sea for 6 months and they were unlikely to get back for another 2 or 3 months, even though it is our stated naval policy to not keep people at sea for longer than 6 months.

You cannot cut, cut, cut on the one hand, and expect these youngsters who are absolutely wonderful to go out and represent our interests all over the world with greater and greater frequency and be deployed in more increasingly hazardous situations that are not in our national interest, without suffering some adverse fallback. We are suffering it today. We have lost some of the prime of our youth, and I think it has got to stop.

Mr. SOLOMON. Mr. Speaker, the gentleman from Louisiana as well as the gentleman from Pennsylvania [Mr. WELDON] makes a terribly important point.

You know, you have to go back to look at Desert Storm. The reason that we had so very few losses of life during that situation was because we had the best trained, the best equipped, the most highly motivated troops we have ever had in this country.

Go back to 12 years before that, go back to 1979 when American hostages were being held in a place called Iran. To get those hostages out, the Army had to cannibalize about 15 helicopter gunships in order to get 5 that would work, and 3 of those failed. Then the two went in and the mission failed and we never did bring those hostages home under those conditions. That is what we are going back to, back to the days when American families who had their main breadwinner in the service were on food stamps all over this world, whether they were in Germany or in South Korea, wherever they were. In the 1970's, we lost all the good qualified technical people out of the military, both officers and noncommissioned officers.

We are headed back that way again. The time will come if we continue in this direction when our troops will be equipped the same way they were back in the seventies, and we will suffer terrible losses if we ever have to get these troops back into a place called Bosnia, which never will work. Adolf Hitler put 42 divisions in the Balkans, into Yugoslavia, and they failed miserably.

☐ 1500

They got knocked off 1, and 5, and 10 at a time by snipers. That is what is going to happen to American troops, whether it is 25,000 or 250,000.

Let me yield to a former member of the Committee on Foreign Affairs and a gentleman who now serves with me on the Committee on Rules, the gentleman from Florida [Mr. GOSS].

Mr. GOSS. I say to the gentleman, thank you very much. I thank the gentleman from Glens Falls, my ranking member on the Rules Committee.

Mr. Speaker, as the gentleman knows, I have got to go to a Committee on Rules meeting very shortly, but I welcome this opportunity to address this issue which the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from New York [Mr. SOLOMON] have already addressed so eloquently, along with many others today in the 1-minutes.

I picked up the paper today, the Washington paper, and the headline on it is: Rebellion Against Yeltsin Collapses After Army Shells Russian Parliament.

Mr. Speaker, that should be the headline of the century. That is about the equivalent of the unthinkable, of tanks being down on the Mall shelling the U.S. Capitol, in Russian history. That is a tremendously dramatic event, the Bolshevik Revolution replayed in our time, as it were.

But that is not the headline, Mr. Speaker. If my colleagues unfold the paper, the top headline is: Somalia Battle Killed 12 Americans, Wounded 78.

When did we declare war on Somalia? Was the U.S. Congress advised? How did we get into this all of a sudden, that the Washington paper's main headline, after the event of the century in Russia, is that we have a battle where we have a loss of life in a place called Somalia? What precisely is going on? Is the White House telling us? Is the White House telling America what the rules of engagement are? What our purposes are? What we are trying to accomplish?

I read in this story that the distinguished Secretary of State says in the face of these kinds of attacks it is time for Americans to be steady in our response and not to talk about getting out.

The people of this country are talking about getting out of Somalia; wake up, the word is out, we are talking about it.

Supposedly we are going to say it is still a secure environment is obtained. Now is that going to be the same policy we have had in Haiti, we are going to have in Haiti, for these 8,600 troops that the gentleman from Louisiana [Mr. LIVINGSTON] talks about? I do not know what the rules of engagement for Haiti are going to be, but, if we stay in Haiti until we have a stable environment, and it has been 200 years since we have had a stable environment, since the founding of the country, it will probably be another 200 years. I am not sure that is a good criterion to commit out trooops overseas.

Was it not the President of the United States that just last week suggested to us that the U.N. needs to know when to say no?

Now Americans are beginning to say, "Yes, the U.N. needs to know when to say no, and we need to know when to say no to subcontracting our troops to the U.N."

I do not think there is a single person who wants to see American armed service personnel responding to an officer corps that is not just as well trained and just as well versed in the military arts as the American officer corps, and I think that is a concern we all have to worry about.

But behind it all, the most troubling thing, even after one has said all of that, comes down to the lesson that General Powell, and my colleagues all remember General Powell; he only retired a few days ago. He said, "Don't commit a few troops. Commit enough troops to do the job."

And what is our response so far? Sending a few hundred more with a few pieces of military equipment into a situation where they do not have the manpower, the firepower or the air power, to control the situation, extract our people and conduct a successful military event without unnecessary risk to our Armed Forces personnel.

That is the mistake. We are making the very mistake that Colin Powell advised us against, and he has only been gone a very short time. One would think that our memories would be a little bit better than that.

The final point I would like to make, if the gentleman would yield for just a second more, that bothers me on this is that I am not sure the American people are comfortable in thinking that the White House knows what is going on or just how they are responding to it right now. I think that this is a debate we should have here, but as the gentleman of this Chamber, the gentlewoman of this Chamber, know, we tried to have this debate here. We have tried to have the voice of Congress speak on this subject, and we have been shut off, as those of us on the Committee on Rules very well know. We have had a weak substitute out there, but the basic, hardcore debate about getting out of Somalia now has been shut off, and that debate needs to be turned on.

Mr. SOLOMON. Mr. Speaker, I certainly appreciate the learned gentleman's remarks, and let me at this time yield to really one of the outstanding Members of this House from Wisconsin. I served with him on the Committee on Foreign Affairs for many years. He is still there as one of the senior ranking members and one of the most knowledgeable Members of this House, the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON], my friend, for yielding, and I thank him for taking this special order.

I want to say that I am very proud of the people that spoke here this afternoon. I do not think we have heard more eloquent debate on this floor ever than we have heard today because I think it has been heartfelt, this morning in the speeches and also this afternoon, and I think people are opening up their hearts to this problem because they can see that it is going to create more and more pain for our country in the future.

I say to the gentleman from New York [Mr. SOLOMON], a little while ago you had mentioned, and I appreciate your demeanor, you had mentioned that this is really a bipartisan issue. I don't quite see it that way, if you forgive me for saying that, although I respect your opinion very much. The reason I say that is this, is that when you look at all the evidence, the people speaking out against our policy in Somalia are all Republicans. I don't see any of the Democrats.

Mr. Speaker, when I see who wants to stay in Somalia, I talk with all of our Republicans. I did not find a single Republican today that said he wants to stay in Somalia, not a single one.

But yet the President wants to stay. The President said that we are going to put more troops into Somalia, and we are not going to widen the effort.

Secretary of State Christopher stated that no one should even think about getting out of Somalia. He is Democrat.

Secretary of our Committee on Foreign Affairs, the gentleman from Indiana [Mr. HAMILTON], said it would be a serious mistake to pack up and come home because it would harm U.S. and U.N. credibility. Now he is a Democrat.

We have Secretary Aspin say that we have to stay. Now he is a Democrat.

Mr. Speaker, all these people right down the line who want to stay are all Democrats. I have been going around this Chamber today. As my colleagues know, I did not find a single Republican that said he wanted to stay.

Therefore, Mr. Speaker, my conclusion is that the Democrats want to stay in Somalia, and the Republicans are saying, "Hey, we have done enough, we have done our share, it's time to come out." Every one of the Republicans that I talked to say the same thing.

Mr. Speaker, the United States cannot be the 911 for every trouble spot in the world. It is unfair to our soldiers, it is unfair to our troops, unfair to our taxpayers.

As my colleagues know, last night I had a chance to see the movie "Gettysburg," and my colleagues here today probably had a chance to go down and see it, too. It is an interesting metaphor for what is going on in our country today. As General Lee knew, once you commit yourself, it is almost impossible to get out of a situation, and so on the first day, when General Meade came to Gettysburg and engaged the Union Army, after that they were locked in. They could not retreat.

As my colleagues know, that is the same thing that happens in Bosnia, that is going to happen if we allow troops in Bosnia. We already have troops in Macedonia. It happened in Somalia.

I remember when we put our troops into Somalia in December. I called the White House, and I asked, "When are we going to get out of Somalia?"

Do my colleagues know what they told me?

"We are going to be out by Inauguration Day"; that is, January 20.

Well, January 20 came and went, and I went down to the White House after the new administration came in, and I said, "When are we going to leave Somalia?"

They said, "By the springtime we will be gone."

What happened in the springtime? In the springtime we had a resolution on this floor saying that we are going to be in Somalia for a year, but, if my colleagues read the fine print, it was a year or longer.

Mr. Speaker, if we Republicans do not take the initiative, we are going to be in Somalia at the turn of the century, and we are going to lose hundreds and hundreds of soldiers, and it is not fair to them. The Americans do not realize today that we had 4,000 troops in Somalia. Today we have got 5,700, and they are some of our elite troops, and the President wants to put more troops into Somalia. This is a real quagmire, and we have got to have the stamina and the courage to say no. Somebody has got to speak up for the American people.

And that is where the gentleman from New York [Mr. SOLOMON], he and some of our other friends that spoke here this afternoon, have to come in. We have got to take the leadership. If the President does not speak for the American people, if the Secretary of State, the Secretary of Defense do not, then we, in this Congress, have the obligation to speak up for our people because, after all, they put their trust and confidence in us, and that is why I say to my colleagues, "I'm proud of you gentleman for taking this special order today because, if no one else does it, then, by golly, we are going to do it. We have got to do that for our people. We owe it to the people who put their trust and confidence in us."

I thank the gentleman from New York [Mr. SOLOMON] for having yielded to me on this very, very crucial issue, and I hope, when the President and the administration come down here, and they ask us to put troops into Bosnia, I hope this is a real object lesson for us.

☐ 1510

Because they always say that is the one thing we learn from history, is that we never learn from history. Let us for once say we are going to learn a historical lesson.

Barbara Tuchman, in her great book, "Guns of August," which is really a classic of how the world slipped into World War I, and I know all of you have read it, there is an interesting example where the British General says to the French General Foch, "How many troops do you want, General?" And the French General said, "Just send me one. And after you send me one, you will send me all you have got."

That is something we have to remember when we debate these issues here on the floor of Congress.

Mr. SOLOMON. Mr. Speaker, I commend the gentleman from Wisconsin [Mr. ROTH] on that statement, because that statement needs to be heard all over this Chamber. The American people need to let the President know exactly what the gentleman has just said.

As a matter of fact, we just got the cost of maintaining our troops in Somalia. In this short period of time, it has cost us over $1 billion. That money comes out of the readiness of this Nation. If we were to put 25,000 troops into Bosnia, it would cost 50 times that much in a short period of time. Just think what that would do to the readiness of our defense posture, to the operations and maintenance of our regular forces.

Mr. Speaker, let me yield to a very distinguished member of the Committee on Foreign Affairs whom I served with for many years, the gentleman from New York [Mr. GILMAN], now the ranking member on that committee.

Mr. GILMAN. Mr. Speaker, I thank my good friend and distinguished colleague from New York, Mr. SOLOMON, for arranging for this special order to enable the House to address this most critical issue—the United States role in Somalia.

Listening to my colleagues earlier today, it has become apparent that the time has come for the Congress to take matters in hand and end our military involvement in Somalia.

On December 8, 1992, President Bush began deploying United States military forces in Somalia to help bring food to hundreds of thousands who faced death from starvation.

President Bush acted in response to a U.N. Security Council resolution to establish as "soon as possible a secure environment for humanitarian relief operations" there.

President Bush emphasized that United States forces would be withdrawn from Somalia—and replaced by a new U.N. peacekeeping operation—as soon as that secure environment was established.

In May, the U.N. Security Council, with support from the Clinton administration, changed the rules while we in Congress weren't looking.

There was an evolution in our role in Somalia.

The U.N. Security Council turned the humanitarian mission of feeding hungry people to a political mission of building a nation in a land whose people consider themselves not citizens of Somalia, but members of a particular clan or subclan.

In assuming the leading military position, the United States has truly been handed a mission impossible. This has become more and more evident as the number and intensity of armed clashes has grown—to the tragedy we have witnessed these past few days.

But the Clinton administration has yet to tell the American people why their sons and daughters are being sent into what has become a maelstrom of violence.

Last July, I submitted an amendment to the fiscal 1994 Defense authorization bill to cut off all funding for military operations in Somalia by December 31, 1993.

When it became evident that the Rules Committee would not act on that amendment, I joined with the distinguished gentleman from Missouri, the majority leader, Mr. GEPHARDT, in a resolution that calls on the President to report on Somalia to Congress by October 15, and to request and receive congressional authorization by November 15 for continued deployment of United States forces there.

Mr. Speaker, today I called on the President urging him to send up his policy statement as soon as possible. We can't afford to wait any longer for that report—and yet another month to vote.

We must act quickly, before the lives of any more brave young American service men and women are snuffed out in Somalia.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for his remarks. The gentleman is a very valuable Republican leader on the Committee on Foreign Affairs.

At this time let me yield to another valuable Member of this House, a member of the Committee on Armed Services, the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Speaker, I thank the gentleman for yielding, and compliment him for calling this special order on this most important topic.

Clearly the debate over our policy in Somalia is overdue. This debate should have occurred a long time ago. It is elemental that in a plan for a military campaign, the first thing that is accomplished is the development of the goals, and then the plan to achieve those goals, very specific goals, including when you know you have won, when you know it is time to pull out, to leave.

Unfortunately, the administration had apparently not developed with sufficient specificity the goal, the plan, and, therefore, a timetable for the United States to extricate its forces from that region. As a result, the facts have now changed. Unfortunately, we cannot any more simply call for the immediate withdrawal of our troops, because we now have American casualties and, as important, apparently American POW's.

Obviously our first priority must be to gain the release of those POW's. In addition to that, the administration may now want to have a goal of securing the end of the Aideed regime, the people who are causing all of the trouble there. I do not know whether that is the administration's goal or not. If it is, it cannot be achieved by merely sending another 200 troops and a couple of tanks to that region. Obviously more is required than that.

We have to have this debate in order to determine what specifically our goals are. Now that we have achieved a situation of stability, where people can be fed, is there something more that needs to be done? Is it law and order? Is it the establishment of a predicate for the evolution of a democratic regime and a free market in that country? Is it, beyond that, the capture of Aideed and the establishment and maintaining of peace?

If so, is this to be achieved with U.N. forces and U.S. forces under the U.N. command? I think not. I hope not.

These are all questions that have to be answered, and answered now. That is why the Congress is appropriately debating this, and I again compliment the gentleman from New York [Mr. SOLOMON] for calling this special order so that we can continue to debate it.

Mr. Speaker, I would just offer these quick thoughts for the benefit of the Congress and the President. Our options are now more limited than they were just a few days ago, because now we have some necessary military objectives which did not exist before, namely, how to deal with the American POW's. We have got to get that issue behind us. That may take much more military force than we contemplated originally.

But we also have to identify when we have achieved success. As soon as we have achieved that, it is not necessarily a specific date, but the achievement of a goal. And when we have achieved that, we have got to have our forces home.

It is very clear, based upon the calls to my office just today, that my constituents want us to get out of Somalia. They are very much in approval of the idea we would help those people from a humanitarian point of view. Beyond that, they do not believe we should be there. And I think these casualties and POW's demonstrate the wisdom of my constituents' views.

Goal one, let us set that set of goals; two, the specific plans; three, a specific delineation of when we know we have achieved our objective so that we can get our troops out of Somalia. I hope that that can be accomplished just as soon as humanly possible.

Mr. Speaker, with that, let me again express my appreciation to the gentleman from New York [Mr. SOLOMON] for engaging in this very important debate.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman from Arizona [Mr. KYL] for his contribution. Again, the gentleman is one of the most knowledgeable Members of this House, particularly on national defense issues.

Mr. Speaker, let me yield to another member of the Committee on Armed Services, the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Speaker, I thank my colleague for yielding. I want to thank the gentleman for taking out this special order on the whole situation in Somalia.

Mr. Speaker, I want to begin with a quote, because it ties in with our discussion of what this administration's intent is in terms of being involved in Somalia.

We have heard a lot of rhetoric coming out of the White House and the leadership in this body on what our real time limit should be. Many of us on the Republican side have repeatedly said we should come out immediately.

The gentleman from Louisiana [Mr. LIVINGSTON], who was here earlier, and I, when we came back from Somalia in January, said we should come out within the first quarter of this year, because we had accomplished our mission. There were votes on this floor in the spring where we supported our leader, the gentleman from New York [Mr. GILMAN], in trying to bring the troops home immediately. Not 3 months from now, not 6 months from now, not years from now, but immediately.

☐ 1520

We lost that vote. Once again, the leadership and the White House were on the side of keeping our troops there longer.

Let me give you a quote from August 15, 1993. This quote is from David Shinn, who was the United States Special Coordinator for Somalia. This is what he said. He is speaking of getting out in 1994 or 1995. This is the chief spokesman for the Clinton administration on Somalia saying that he sees us involved in Somalia through 1995.

I would submit to you, Mr. Speaker, this is absolutely unacceptable. It is outrageous, and it is not what the American people want to see occurring here.

As was mentioned earlier today, we had a full and open debate on whether or not to use force in Desert Storm. It was probably this body's finest hour. We have had no such debate on our presence in Somalia, as we have redefined the mission. In fact, we do not even know what the mission is today.

What outraged me so much was the vote we had last Wednesday on the Defense authorization bill, when many of us tried to have a straight up or down vote on whether or not to bring the troops home immediately. The Rules Committee and the leadership of this body would not let us have that up or down vote so they forced us to vote on what I called a sham amendment, a sham resolution that said that by October 15, the President has to give us our mission.

We have been there for 10 months. We have had 24 troops killed. But it is going to take him until October 15 to define for this body what our mission is in Somalia and, by October 15, to report back to us on whether or not he wants to continue our forces there and to what time period.

This is outrageous. This is not what the American people want. This is not what we want, and it is in violation of everything this country stands for.

It was earlier this year, when Ambassador Robert Oakley and Brigadier General Tony Zinni, who were both involved as junior officers during the Vietnam era, they were doing separate interviews on the Somalia situation, yet their quotes were very similar. They said three basic and simple things in terms of advice to us in avoiding another Vietnam.

They said, go in quickly, avoid entanglements with one side or the other, and get out.

We have not followed that advice. We are entangled. We now have POW's. We have troops being fired upon on a daily basis, and we cannot see the light at the end of the tunnel. That is why we have to bring our troops home.

Let me read a quotation from a letter that I had faxed to me from a family in my district, Michael and Stephanie Carroll. This letter will be hand-delivered by me tomorrow to the White House, when I go over for another ceremony. I want to read one paragraph of this letter, because it is very important. I think it sums up the frustration of the American people.

"We supported the successful humanitarian relief effort provided by maybe 10 times the American troops strength in December than by what are currently in Mogadishu. As a proud father and former serviceman with the 82d Airborne, I can say with much pride how much I appreciate the effort and courage of the American troops in Somalia today. However, it is my feeling, after speaking with Michael," their son, "and I stress this is my personal feeling, that the military of the United States should do one of two things—withdraw all American troops from Somalia or supply adequate reinforcements to complete the mission so the American troops and people can continue to hold their heads high with pride and respect."

Their son was ambushed and shot in the shoulder, had his shoulder torn apart, and is in a hospital in Germany right now, when he was trying to stabilize the situation when the two helicopters were shot down. These parents feel as the American people and many of us in this Congress feel. We have lost our mission.

The President had the White House lawn ceremony where he paraded down the green pasture of the White House with the troops behind him and he said, we are back home again. Welcome home, America. But he forgot to tell the American people, we left 4,000 and now 5,700 troops behind. This past weekend 12 of them were brutally murdered and massacred.

It is time that this President stopped worrying about the cameras and what looks good walking down the White House lawn and start worrying about the young men and women who are serving in Somalia. It is time that he bring them back home. And if he will not do that, then we have to do it legislatively.

Many of us tried to do it on the floor of the House last week, and the Rules Committee and the leadership would not let us have an up or down vote. Why? because they knew they would be embarrassed. Democrats as well as Republicans would have voted to cut off all funding for the Somalia operation, so the leadership of this body said, do not authorize that type of an amendment on the House floor.

I want to ask my colleagues to do something very simple. H.R. 239 was introduced by the gentleman from Florida [Mr. MICA] on August 4 of this year. It is a very simple resolution. It says, bring the troops home.

I have asked the Clerk of the House today to prepare a discharge petition to force this bill on the House floor for a vote within 7 legislative days. I am asking all of our colleagues, those that are on the floor tonight, those that are back in their offices and those that might be watching any other place inside the beltway, to come down to this well today, tomorrow, and Thursday and sign the discharge petition for H. Res. 239.

If this President will not face up to reality, if the leadership of this body will not face up to reality, then we have an obligation to take care of those troops who are currently in harm's way.

We have got to bring out our POW's. We have got to bring all of our troops back home to America.

I would urge all our colleagues to join with us in that effort, and I thank the gentleman for yielding to me.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TANNER). The Chair would like to remind Members that it is not in order to direct remarks in debate to persons viewing the proceedings in the galleries or on television or even to other Members who, not being present in the Chamber, might be viewing the proceedings on television. All remarks should be addressed to the Chair.

Mr. SOLOMON. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank the gentleman for yielding, and I make my remarks to the Chair.

I would like to compliment the previous speaker for the excellent statement he made, because had this Congress joined the previous speaker and myself in that May 25 vote, our soldiers would be home today. And they would not be coming home in body bags or be prisoners of war in Somalia. They would be here in this country today.

What concerns me, Mr. Speaker, is that we have a President who wants to stay there. And, Mr. Speaker, we have a Secretary of State who wants to stay there. We have a Secretary of Defense who wants to stay there. We have a chairman of the Foreign Affairs Committee, all Democrats, who wants to stay there.

But every Republican I have talked to wants to bring our soldiers home.

Mr. Speaker, that is precisely why we have to have this special order, because the American people are asking us to act for them, if their leadership does not. So we have to speak for the American people. That is why I want to thank the previous speaker and all the speakers we had here this afternoon and the gentleman from New York [Mr. SOLOMON] for taking this special order. I think it is important to point out that the people who want to stay there are the Democrats. The people who want to come home are the Republicans.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Wisconsin.

We also have another outstanding Member of this House, the gentlewoman from Maryland [Mrs. BENTLEY].

Mr. Speaker, I yield to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman from New York for yielding to me and also for taking this special order on a very, very vital subject.

I want to associate myself with the remarks of the gentleman from Pennsylvania [Mr. WELDON] and to point out to the gentleman from New York [Mr. SOLOMON] and others that my office has been inundated in the last 24 hours, in particular, with calls from constituents who are absolutely irate that our men are being abused as they are in Somalia. And they are saying, come home. We have no business being over there.

I think what we need to do is maybe review these things a little bit. I know it has been done in this special order already, but I am going to do it once more, because I have a couple of comments I want to put on the end.

In December, President Bush deployed more than 20,000 troops in Somalia to restore order and disperse food. The House approved U.S. participating in May, but the Senate left the resolution in limbo.

Since May, Republicans have been trying to get our troops out. As many people who could be fed have been fed.

The situation has degenerated into a civil war.

I have voted constantly to remove our troops.

The situation reminds me of Vietnam. In 1961, the United States sent 275 observers. Eventually, we had to send troops to protect our observers. Finally, we were in war—without knowing why nor knowing how to extricate ourselves.

I think the so-called Powell Doctrine sums up the Republican position—don't go anywhere unless one, it is in the national interest, two, there are defined objectives, and three, there is a definitive exit strategy.

The current United States strategy in Somalia fails on all three points.

This is simply a situation of knowing when to say "when." We have done what we could do to ease the suffering in Somalia. I would venture to say that the continued presence of American troops will only add to the suffering of these people.

Last week—as has happened several times before, the House Democrat leadership stopped an up-and-down vote on American participation in Somalia.

What started as an American peacekeeping mission is rapidly becoming a Democrat leadership war. We should bring our troops home now, and let the Somalis fight their own civil war.

□ 1530

We should let all countries everywhere fight their own civil war, without risking the lives of Americans.

Mr. SOLOMON. I thank the gentlewoman from Maryland. As always, she is right on the mark, and I have a great deal of respect for her.

Mr. Speaker, in bringing this special order to a close, let me just point out that the humanitarian mission of our military in Somalia was accomplished weeks and months ago. Troops should have come home weeks and months ago. Now look at what has happened: 12 dead, 8 missing or held prisoner, and maybe even more; 78 seriously wounded, and maybe even more.

That situation is going to get worse and worse and worse, because there is no visible enemy there to fight. This is not fighting a country that has been invaded. This is not really even a civil war, as I alluded to before. It is nothing but anarchy and chaos in a country that does not even have a government. We have no business being there.

Mr. Speaker, the gentleman from Pennsylvania [Mr. WELDON] mentioned that we had a resolution on this floor which was offered in the form of a motion to recommit, which would have required the President to come to this Congress and state the United States' interest and goals that will be served by continuing our troops in this place called Somalia. That motion to recommit was voted down.

I have to say, there were about 20 good Democrats who voted "yes" with about 175 Republicans. But there were about 240 Democrats who voted against that very reasonable resolution. If it had passed, these deaths may not have happened. Mr. Speaker, there is no United States interest and no United States goal in keeping our troops in Somalia today.

That is why I urge all Members to attend the 4 o'clock meeting in SC–5 over on the Senate side, where Secretary of Defense Aspin and Secretary of State Christopher are going to speak to Members and give us reasons. Good reasons are not going to be there.

I ask all Members to go to that meeting and speak up on behalf of the constituents they represent, because they know that the public overwhelmingly rejects our troops being kept in Somalia today. Please go to the meeting, please tell the President to bring these troops home. That is real humanitarianism.

RECESS

The SPEAKER pro tempore. The House will stand in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1634

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BONIOR) at 4 o'clock and 34 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2491, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1994

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 103–274) on the resolution (H. Res. 268) waiving points of order against the conference report to accompany the bill (H.R. 2491) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and officers for the fiscal year ending September 30, 1994, and for other purposes, which was referred to the House Calendar and order to be printed.

NOTIFICATION OF MEMBERS REGARDING CONSIDERATION OF H.R. 1804, GOALS 2000: EDUCATE AMERICA ACT

(Mr. DERRICK asked and was given permission to address the House for 1 minute.)

Mr. DERRICK. Mr. Speaker, this is to notify members of the House of the Rules Committee's plans regarding H.R. 1804, Goals 2000: Educate America Act. The committee is planning to meet the week of October 11, 1993 to take testimony and grant a rule on the bill. In order to assure timely consideration of the bill on the floor, the Rules Committee is considering a rule that may limit the offering of amendments.

Any Member who is contemplating an amendment to H.R. 1804 should submit to the Rules Committee in H–312 in the Capitol, 55 copies of the amendment and a brief explanation of the amendment no later than 12 noon on Tuesday, October 12, 1993.

The Rules Committee is expected to make in order the text of H.R. 3210 as original text for the purposes of amendment. This text, in addition to a number of necessary technical and conforming changes, incorporates changes requested by the administration into the Goals 2000 bill that was reported from the Committee on Education and Labor. Therefore, all amendments should be drafted to that text. It is my understanding that this substitute will be available from the document room tomorrow. Members should instruct legislative counsel to draft their amendments to conform to the text of H.R. 3210.

We appreciate the cooperation of all Members in this effort to be fair and orderly in granting a rule for H.R. 1804.

CONFERENCE REPORT ON H.R. 2518

Mr. NATCHER submitted the following conference report and statement on the bill (H.R. 2518) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1994, and for other purposes:

Conference Report (H. Rept. 103–275)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2518) "making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes," having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 21, 26, 31, 39, 67, 71, 72, 109, 116, 118, 121, 125, 126, 127, 134, and 135.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 8, 9, 10, 12, 14, 16, 17, 18, 19, 20, 22, 30, 50, 52, 61, 63, 73, 78, 82, 87, 90, 101, 112, 113, 114, 115, 119, and 122, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$4,615,801,000*; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$64,218,000*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$85,576,000*; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$5,579,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,122,000*; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,926,381,000*; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,051,132,000*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$331,915,000*; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$128,701,000*; and the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$21,677,000*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$119,981,000*; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$233,605,000*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$111,039,000*; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,750,000*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$69,917,000*; and the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$135,409,000*; and the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,189,960,000*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,189,960,000*; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$300,000,000*; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$4,237,050,000*; and the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$871,282,000*; and the Senate agree to the same.

Amendment numbered 66:

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$63,590,000*; and the Senate agree to the same.

Amendment numbered 75:

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$6,924,497,000*; and the Senate agree to the same.

Amendment numbered 76:

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$6,896,052,000*; and the Senate agree to the same.

Amendment numbered 77:

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$5,642,000,000*; and the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$41,434,000*; and the Senate agree to the same.

Amendment numbered 80:

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$91,373,000*; and the Senate agree to the same.

Amendment numbered 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$305,193,000*; and the Senate agree to the same.

Amendment numbered 83:

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$798,208,000*; and the Senate agree to the same.

Amendment numbered 84:

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$613,445,000*; and the Senate agree to the same.

Amendment numbered 85:

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$123,129,000*; and the Senate agree to the same.

Amendment numbered 86:

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$33,437,000*; and the Senate agree to the same.

Amendment numbered 88:

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,376,659,000*; and the Senate agree to the same.

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,050,603,000*; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$250,998,000*; and the Senate agree to the same.

Amendment numbered 93:

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$240,155,000*; and the Senate agree to the same.

Amendment numbered 94:

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$36,431,000*; and the Senate agree to the same.

Amendment numbered 95:

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$38,992,000*; and the Senate agree to the same.

Amendment numbered 96:

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,108,702,000*; and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,149,686,000*; and the Senate agree to the same.

Amendment numbered 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$339,257,000*; and the Senate agree to the same.

Amendment numbered 99:

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$253,152,000*; and the Senate agree to the same.

Amendment numbered 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$116,878,000*; and the Senate agree to the same.

Amendment numbered 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,296,936,000*; and the Senate agree to the same.

Amendment numbered 103:

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$78,435,000*; and the Senate agree to the same.

Amendment numbered 105:

That the House recede from its disagreement to the amendment of the Senate Numbered 105, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,481,183,000*; and the Senate agree to the same.

Amendment numbered 106:

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$38,077,000*; and the Senate agree to the same.

Amendment numbered 107:

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$23,455,000*; and the Senate agree to the same.

Amendment numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$8,020,160,000*; and the Senate agree to the same.

Amendment numbered 128:

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *$205,097,000*.

And the Senate agree to the same.

Amendment numbered 130:

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,690,000*; and the Senate agree to the same.

Amendment numbered 131:

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$8,657,000*; and the Senate agree to the same.

Amendment numbered 132:

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 507. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 6, 11, 15, 23, 24, 25, 28, 29, 34, 41, 45, 48, 49, 51, 53, 54, 56, 57, 58, 59, 60, 65, 68, 69, 70, 74, 92, 104, 108, 111, 117, 120, 123, 124, 129, and 133.

WILLIAM H. NATCHER,
NEAL SMITH,
DAVID R. OBEY,
LOUIS STOKES,
STENY H. HOYER,

NANCY PELOSI,
NITA M. LOWEY,
JOSÉ E. SERRANO,
ROSA L. DELAURO,
JOHN EDWARD PORTER,
BILL YOUNG,
HELEN DELICH BENTLEY,
HENRY BONILLA,
JOSEPH M. MCDADE,
Managers on the Part of the House.

TOM HARKIN,
ROBERT C. BYRD,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
DALE BUMPERS,
HARRY REID,
HERB KOHL,
PATTY MURRAY,
ARLEN SPECTER,
MARK O. HATFIELD,
TED STEVENS,
THAD COCHRAN,
SLADE GORTON,
CONNIE MACK,
CHRISTOPHER S. BOND,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2518) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies, for the fiscal year ending September 30, 1994, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

Amendment No. 1: Appropriates $4,615,801,000 instead of $4,943,181,000 as proposed by the House and $4,588,536,000 as proposed by the Senate.

The conference agreement includes $4,234,000 to continue the Samoan, Pacific Islander and Asian American employment and training initiative, including $3,234,000 to be allocated to the State of Hawaii, $2,970,000 for labor market information and $1,500,000 for microenterprise grants under title IV of JTPA. The conferees agree that the $12,537,000 provided for the McKinney homeless program includes $7,482,000 for the Employment and Training Administration and $5,055,000 for the Assistant Secretary for Veterans Employment and Training.

Amendment No. 2: Earmarks $64,218,000 for Native American job training instead of $61,871,000 as proposed by the House and $65,000,000 as proposed by the Senate.

Amendment No. 3: Earmarks $85,576,000 for migrants and seasonal farmworkers instead of $78,303,000 as proposed by the House and $88,000,000 as proposed by the Senate. The conferees are agreed that the farmworker housing program should be continued in its current form, with the understanding that grants may be awarded on a competitive basis; the agreement includes $3,000,000 for this program.

Amendment No. 4: Earmarks $5,579,000 for all activities conducted by and through the National Occupational Information Coordinating Committee instead of $5,357,000 as proposed by the House and $5,800,000 as proposed by the Senate.

Amendment No. 5: Earmarks $3,861,000 for rural concentrated employment programs as proposed by the Senate instead of $3,831,000 as proposed by the House.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the first sum named in said amendment, insert: *$206,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides an additional $206,000,000 for the summer youth employment program for the summer of 1994, instead of $300,000,000 as proposed by the House and $178,000,000 as proposed by the Senate. The agreement also provides for a separate appropriation of $50,000,000 for the school-to-work program to be available for obligation for the period October 1, 1993 through June 30, 1995.

With the amount appropriated in this bill for summer youth employment for program year 1993, it is the intent of the conferees to ensure that the Department of Labor has sufficient funds to maintain the program year 1992 participant level of 655,000 youths.

Amendment No. 7: Appropriates $1,122,000 for the National Center for the Workplace instead of $744,000 as proposed by the House and $1,500,000 as proposed by the Senate.

Amendment No. 8: Inserts separate appropriation of $750,000 for the Women in Apprenticeship and Nontraditional Occupations Act as proposed by the Senate. The House bill did not include a separate appropriation for this.

Amendment No. 9: Deletes language proposed by the House providing that certain summer youth employment funds shall be available for obligation for the period October 1, 1993 through June 30, 1994. This matter has been addressed under amendment number 6. Also deletes language proposed by the House that would have provided that funds are to be available for the period beginning October 1, 1993 to carry out the women in Apprenticeship and Nontraditional Occupations Act. This matter has been addressed under amendment number 8.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Amendment No. 10: Appropriate $77,042,000 as proposed by the Senate instead of $69,542,000 as proposed by the House.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$3,376,617,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $9,140,000 for unemployment insurance automation grants and $9,000,000 for employment service automation grants.

Amendment No. 12: Earmarks $74,986,000 for activities under the Wagner-Peyser Act as proposed by the Senate instead of $67,486,000 as proposed by the House.

Amendment No. 13: Inserts unemployment workload threshold level of 3.28 million proposed by the House instead of 3.437 million as proposed by the Senate.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 14: Appropriates $64,058,000 as proposed by the Senate instead of $64,408,000 as proposed by the House.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert: *: Provided, That the Secretary of Labor is authorized to accept, retain and spend in the name of the Department of Labor all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992)*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Inserts language proposed by the Senate that would authorize the Secretary of Labor to accept and spend funds received as a result of a consent judgment in U.S. District Court for the Northern Mariana Islands. Deletes language proposed by the Senate expressing the sense of the Congress that Members of Congress should participate on an equal basis with all other Americans in the health care system that results from health care reform legislation.

BLACK LUNG DISABILITY TRUST FUND

Amendment No. 16: Appropriates $1,002,175,000 as proposed by the Senate instead of $1,001,575,000 as proposed by the House.

Amendment No. 17: Earmarks $29,529,000 for transfer to the salaries and expenses account as proposed by the Senate instead of $28,929,000 as proposed by the House. The increase over the House bill is for the financing of an additional 39 FTE's to prevent the closings of the black lung field offices.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 18: Appropriates $297,244,000 as proposed by the Senate instead of $294,640,000 as proposed by the House. The conference agreement includes $31,112,000 for the onsite consultation program.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 19: Appropriates $195,002,000 as proposed by the Senate instead of $193,858,000 as proposed by the House.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Amendment No. 20: Appropriates $282,018,000 as proposed by the Senate instead of $281,768,000 as proposed by the House. The conference agreement includes $250,000 for continuation of the BLS publication of the aircraft manufacturers employment cost index; this funding is provided for one additional year of publication, with the intent that the industry and interested Federal agencies cooperate in seeking any funding for subsequent fiscal years.

Amendment No. 21: Makes available $51,927,000 from the Unemployment Trust Fund as proposed by the House instead of $51,227,000 as proposed by the Senate.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

Amendment No. 22: Appropriates $143,127,000 as proposed by the Senate instead of $142,242,000 as proposed by the House.

WORKING CAPITAL FUND

Amendment No. 23: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

For expenses necessary during the fiscal year ending September 30, 1994, and each fiscal year thereafter, for the maintenance and operation of a comprehensive program of centralized services which the Secretary of Labor may prescribe and deem appropriate and advantageous to provide on a reimbursable basis under the provisions of the Economy Act (subject to prior notice to OMB) in the national office and field: *Provided*, That such fund shall be reimbursed in advance from funds available to agencies, bureaus, and offices for which such centralized services are performed at rates which will return in full cost of operations including services obtained through cooperative administrative services units under the Economy Act, including reserves for accrued annual leave, worker's compensation, depreciation of capitalized equipment, and amortization of ADP software and systems (either acquired or donated): *Provided further*, That funds received for services rendered to any entity or person for use of Departmental facilities, including associated utilities and security services, shall be credited to and merged with this fund.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes the Senate language with regard to the Working Capital Fund amended to make it permanent in nature.

GENERAL PROVISIONS

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 102. None of the funds in the Employees' Compensation Fund under 5 U.S.C. 8147 shall be expended for payment of compensation, benefits, and expenses to any individual convicted of a violation of 18 U.S.C. 1920, or of any felony fraud related to the application for or receipt of benefits under subchapters I or III of chapter 81 of title 5, United States Code.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes language prohibiting the payment of benefits under the Federal Employees' Compensation Act to any individual who has been convicted of defrauding the program.

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which prohibits the Secretary of Labor from implementing, during fiscal year 1994 only, certain Davis-Bacon "helper" regulations and certain proposed regulations concerning apprenticeship in the construction industry. The conferees have taken this action on a one-time basis and are agreed that any further action on this matter should be taken by the authorizing committees of jurisdiction.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

Amendment No. 26: Deletes a legal citation proposed by the Senate.

Amendment No. 27: Appropriates $2,926,381,000 instead of $2,833,588,000 as proposed by the House and $2,954,341,000 as proposed by the Senate.

Within the total provided for the health care for the homeless program, the conferees have included $3,250,000 to provide school-based primary health care services to homeless and at-risk youth.

The conferees support the continued efforts to establish a Statewide health care system and health scholarship program for Native Hawaiians. Of the funds made available, $450,000 is intended for the administration of Papa Ola Lokahi, and $700,000 is for the Native Hawaiian Health Care Scholarship Program to support a wide variety of health care disciplines, particularly nurse practitioners. The remaining funds are to be utilized for the operation of the five island health care systems.

The conferees intend that $1,500,000 of the funds made available under the Pacific Basin initiative be allocated to the Medical Officer Training Program.

If any funds are available under the Area Health Education Centers program to initiate any new core centers, the conferees encourage the agency to give consideration, among other factors, to applicants in States that demonstrate a strong financial commitment to Area Health Education Centers.

The conferees do not intend to require the Health Resources and Services Administration to revise its procedures for allocating fiscal year 1994 lending authority in the Health Education Assistance Loan Program.

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which establishes a limitation on funds that may be used for the health centers malpractice claims fund.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $3,000,000 for administrative costs rather than $2,500,000 as proposed by the House.

VACCINE INJURY COMPENSATION

Amendment No. 30: Appropriates $110,000,000 as proposed by the Senate instead of $80,000,000 as proposed by the House.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

Amendment No. 31: Deletes a legal citation proposed by the Senate.

Amendment No. 32: Appropriates $2,051,132,000 instead of $1,910,182,000 as proposed by the House and $2,088,781,000 as proposed by the Senate.

The conference agreement includes sufficient funds to support the full cost of the Tuskegee reimbursement program within the sexually transmitted diseases grants and infertility programs.

The conferees commend the Centers for Disease Control and Prevention (CDC) for undertaking a comprehensive review of their HIV prevention activities and for initiating a process for community-level planning. Within the funds provided for HIV prevention programs, the conferees intend that the CDC have the flexibility to respond to the changing nature of the HIV epidemic by implementing administrative reforms. Meanwhile, the CDC is encouraged to continue the direct funding of community-based organizations until such time as comprehensive reforms are in place and evaluated.

The conference agreement includes $116,769,000 for tuberculosis control activities rather than $120,269,000 as proposed by the House and $106,269,000 as proposed by the Senate.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

The conferees encourage the Institute to provide grants to meet the important equipment and instrumentation needs in cancer research, with a particular emphasis on those emerging institutions of excellence so recognized with cancer center planning grant awards. The conferees believe it is of critical importance to provide for the unique needs of emerging institutions of excellence to enable them to attract the quality researchers necessary to build a highly competitive research institution.

The conferees intend that the Director of the Institute have the discretion in reviewing cancer research facilities construction needs to address excellent and outstanding projects with the funds provided in fiscal year 1994.

The conferees encourage the Institute to permit citizens of the State of Hawaii, and particularly Native Hawaiians, to participate in Federally-supported clinical trials.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

The conferees are encouraged by the progress that the Institute has made with respect to both sickle cell disease and bone marrow transplantation. The conferees encourage the Institute to continue to capitalize on the research opportunities it has created in these areas, including, for example, applying the new approaches of gene therapy and bone marrow transplants to curing sickle cell disease.

The conferees are pleased that the Director is moving ahead with the establishment of the National Center for Sleep Disorders Research and encourages support for the full range of Center activities.

NATIONAL INSTITUTE OF MENTAL HEALTH

The conferees remain concerned about suicide, particularly among youths, and are supportive of the suicide centers. The conferees strongly encourage the Institute to continue its commitment to basic and epidemiological research on potential causes and risk factors for suicide, as well as interventions to prevent suicide and suicidal behavior.

NATIONAL CENTER FOR RESEARCH RESOURCES

Amendment No. 33: Appropriates $331,915,000 instead of $328,915,000 as proposed by the House and $332,915,000 as proposed by the Senate.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$7,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement identifies $7,000,000 for construction of extramural facilities instead of $8,000,000 as proposed by the Senate. The House had no comparable provision. In accordance with the National Institutes of Health Revitalization Act of 1993, the conferees expect twenty-five percent of the extramural facilities construction funds appropriated to be awarded to institutions of emerging excellence.

NATIONAL CENTER FOR HUMAN GENOME RESEARCH

Amendment No. 35: Appropriates $128,701,000 instead of $119,030,000 as proposed by the House and $131,925,000 as proposed by the Senate.

JOHN E. FOGARTY INTERNATIONAL CENTER

Amendment No. 36: Appropriates $21,677,000 instead of $22,240,000 as proposed by the House and $19,988,000 as proposed by the Senate.

NATIONAL LIBRARY OF MEDICINE

Amendment No. 37: Appropriates $119,981,000 instead of $118,481,000 as proposed by the House and $120,481,000 as proposed by the Senate.

OFFICE OF THE DIRECTOR

(Including Transfer of Funds)

Amendment No. 38: Appropriates $233,605,000 instead of $224,746,000 as proposed by the House and $241,225,000 as proposed by the Senate.

Amendment No. 39: Deletes language proposed by the Senate earmarking $15,000,000 for a director's discretionary fund and directing that $12,000,000 of this amount be allocated for Decade of the Brain activities.

The conference agreement includes $7,500,000 for a director's discretionary fund instead of $15,000,000 as proposed by the Senate. The House bill did not include funds for this purpose. The amount agreed to will permit the Director to respond quickly to problems which emerge during the fiscal year without having to transfer funds from other priorities. The conferees note that the Office of the Director appropriation is unique within the National Institutes of Health in permitting full funding of the cost of scientific projects through the use of multiyear awards. The conferees expect the Director to use this authority for any initiatives which are undertaken within the discretionary fund. None of these funds are to be used to initiate projects requiring additional funding in future years without the formal approval of the House and Senate Committees on Appropriations through the normal reprogramming process. The conferees believe that the portion of this amount which should be allocated to Decade of the Brain activities should be determined by the Director after considering the full range of scientific needs at the National Institutes of Health. Accordingly, the conferees have not specified a funding level for Decade of the Brain activities.

The conference agreement also includes $3,505,000 for the Office of Alternative Medicine and $11,138,000 for the Office of Research on Women's Health.

The conferees are concerned about serious charges of racial discrimination and sexual harassment at the National Institutes of Health. The problem should be addressed and resolved. The conferees instruct the Secretary to submit progress reports on the resolution of this problem to the House and Senate committees semiannually with an initial report due not later than January 31, 1994.

BUILDINGS AND FACILITIES

Amendment No. 40: Appropriates $111,039,000 instead of $114,385,000 as proposed by the House and $101,000,000 as proposed by the Senate.

The conference agreement includes $27,500,000 to continue construction of the consolidated office building.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

Amendment No. 41: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$2,125,178,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 42: Limits the amount available for obligation pursuant to section 571 of the Public Health Service Act to $3,750,000 instead of $4,000,000 as proposed by the House and $3,000,000 as proposed by the Senate.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Amendment No. 43: Appropriates $69,917,000 instead of $68,758,000 as proposed by the House and $71,167,000 as proposed by the Senate.

The conferees direct the Department to allocate $70,000 to the General Services Administration to conduct an environmental assessment of the East Plaza of the Hubert Humphrey Building to determine the feasibility of that site for the National Museum of Health and Medicine.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

Amendment No. 44: Appropriates $135,409,000 instead of $129,051,000 as proposed by the House and $139,305,000 as proposed by the Senate.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

Amendment No. 45: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing a $26,600,000,000 advance fiscal year 1995 Medicaid appropriation.

PROGRAM MANAGEMENT

Amendment No. 46: Makes available from trust funds $2,189,960,000 instead of $2,172,598,000 as proposed by the House and $2,192,414,000 as proposed by the Senate.

Amendment No. 47: Earmarks $2,189,960,000 instead of $2,172,598,000 as proposed by the House and $2,192,414,000 as proposed by the Senate.

SOCIAL SECURITY ADMINISTRATION

SPECIAL BENEFITS FOR DISABLED COAL MINERS

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides an advance appropriation of $190,000,000 for the first quarter of fiscal year 1995 for black lung benefit payments as proposed by the Senate. The House bill did not provide an advance appropriation for this purpose.

SUPPLEMENTAL SECURITY INCOME PROGRAM

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$20,183,775,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The bill includes $20,183,775,000 for supplemental security income instead of $20,181,775,000 as proposed by the House and $20,172,775,000 as proposed by the Senate.

The conference agreement provides $6,000,000 that was included in the Senate bill for SSI outreach demonstration projects. The House bill did not provide funding for this purpose. The conferees have also provided $41,000,000 to reimburse the trust funds for the SSI program share of the automation initiative funded in the limitation on administrative expenses account. The House bill included $45,000,000 for this purpose, and the Senate bill included $30,000,000.

Amendment No. 50: Provides that indefinite budget authority can be used to fund supplemental security income benefit payments after June 15 as proposed by the Senate, instead of after July 31 as proposed by the House.

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides an advance appropriation of $6,770,000,000 for the first quarter of fiscal year 1995 for supplemental security income benefit payments as proposed by the Senate. The House bill did not provide an advance appropriation for this purpose.

LIMITATION ON ADMINISTRATIVE EXPENSES

Amendment No. 52: Provides a limitation on administrative expenses of $4,876,085,000 as proposed by the Senate, instead of $4,874,285,000 as proposed by the House.

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides authority to fund work related to the Coal Industry Retiree Health Benefit Act of 1992 from the Limitation on Administrative Expenses account as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 54: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert: *: Provided, That reimbursement to the Trust Funds under this heading for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 shall be made, with interest, not later than September 30, 1996: Provided further, That not more than $1,800,000 is available until September 30, 1995 for the expenses necessary for the Commission on the Social Security "Notch" Issue, established by section 635 of Public Law 102–393 as amended*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes language proposed by the Senate requiring that the trust funds be reimbursed with interest for work related to the Coal Industry Retiree Health Benefit Act of 1992, and which earmarks $1,800,000 for the Commission on the Social Security "Notch" Issue to remain available until September 30, 1995. The conferees have deleted language proposed by the Senate which limited the amount of Medicare trust funds which could be used for administrative expenses. The House bill included no similar provision.

Amendment No. 55: Appropriates $300,000,000 for an automation initiative instead of $330,000,000 as proposed by the House and $220,000,000 as proposed by the Senate.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

Amendment No. 56: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides an advance appropriation of $4,200,000,000 for the first quarter of fiscal year 1995 for family support payments to States payments as proposed by the Senate. The House bill did not provide an advance appropriation for this purpose.

LOW INCOME HOME ENERGY ASSISTANCE

Amendment No. 57: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,475,000,000 to be available for obligation in the period October 1, 1994 through June 30, 1995.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, an additional $600,000,000: Provided, That all of the funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes an advance appropriation of $1,475,000,000 for low income home energy assistance for the program year 1994–1995, and does not include borrowing authority to reimburse prior year costs. The Senate bill included an advance appropriation of $1,507,408,000, of which $100,000,000 could be used for FY 1994 costs. The House bill did not contain an advance appropriation for this program. The conferees recommend that $25,000,000 be used for the leveraging incentive fund in program year 1993–1994, and that $35,000,000 be used for this purpose in program year 1994–1995.

The conference agreement also includes language proposed by the Senate which provides an additional $600,000,000 which shall be available only upon submission to Congress of a formal budget request designating the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985. These funds are intended to be made available to meet emergencies which may be national, regional, or local in scope. The conferees therefore urge the Administration to make sufficient LIHEAP emergency funds available to meet the needs of flood victims in the Midwest States, without requiring a nationwide, formula distribution.

COMMUNITY SERVICES BLOCK GRANT

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$464,224,000, of which $42,940,000 shall be for carrying out section 681(a) of the Community Services Block Grant Act, including $12,000,000 which shall be for carrying out the National Youth Sports Program: Provided, That payments from such amount to the grantee and subgrantee administering the National Youth Sports Program may not exceed the aggregate amount contributed in cash or in kind by the grantee and subgrantee: Provided further, that amounts in excess of $9,400,000 of such amount may not be made available to the grantee and subgrantees administering the National Youth Sports Program unless the grantee agrees to provide contributions in cash over and above the preceding year's cash contribution to such program in an amount that equals 29 percent of such excess amount*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $464,224,000 for Community Services Block Grant programs instead of $447,643,000 as proposed by the House and $472,649,000 as proposed by the Senate. The conference agreement includes language proposed by the Senate which earmarks $12,000,000 for the National Youth Sports Program and requires the grantee to provide a cash match of 29% of the amount in excess of $9,400,000. The House bill did not include a matching provision.

The conferees expect the Department of Health and Human Services to promulgate new regulations delineating increased matching requirements for the youth sports program, as well as to require a competitive process, for one or more awards. Promotional activities for this program shall include acknowledgement of the federal funding provided through the Department of Health and Human Services.

The conference agreement deletes language proposed by the Senate which reduced funding for consultant services for agencies funded in the bill by 3.52 percent from the level proposed in the President's Budget. The House bill contained no similar provision.

PAYMENTS TO STATES FOR CHILD CARE ASSISTANCE

Amendment No. 59: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes funding for the child care and development block grant program available for obligation under the same terms and conditions applicable in the prior fiscal year. The House bill contained no similar provision.

SOCIAL SERVICES BLOCK GRANT

Amendment No. 60: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $2,800,000,000 for the ongoing social services block grant under title XX of the Social Security Act and appropriates an additional $1,000,000,000, to remain available until expended, for the newly-authorized activities under title XX related to public investments in qualified empowerment zones and enterprise communities. The House bill included $2,800,000,000 for the ongoing title XX program.

CHILDREN AND FAMILIES SERVICES PROGRAMS

Amendment No. 61: Inserts a legal citation for the Commission on Child and Family Welfare as proposed by the Senate. The conferees are concerned about the increasing number of commissions that have an extended life. It is not the intention of the conferees to fund this Commission beyond fiscal year 1995.

Amendment No. 62: Appropriates $4,237,050,000 instead of $4,169,806,000 as proposed by the House and $4,296,796,000 as proposed by the Senate.

FAMILY SUPPORT AND PRESERVATION

Amendment No. 63: Appropriates $60,000,000 for family support and preservation as proposed by the Senate. The House bill did not include funding for this new program, which was authorized in the Omnibus Reconciliation Act of 1993 after passage of the House appropriations bill.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

Amendment No. 64: Appropriates $871,282,000 instead of $841,875,000 as proposed by the House and $881,863,000 as proposed by the Senate.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

Amendment No. 65: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$94,431,000*

The managers on the part of the Senate will move to concur in the amendment to the House to the amendment of the Senate.

The conference agreement includes $500,000 to continue the HHS human services transportation initiative.

The conferees are aware that a significant amount of activity is occurring within the Department concerning programs related to domestic violence. The conferees request the Department to prepare and submit a report prior to next year's appropriations hearings outlining the amount of money being spent on this subject and explaining the operations of the various programs and the degree to which they are coordinated.

OFFICE OF INSPECTOR GENERAL

Amendment No. 66: Appropriates $63,590,000 instead of $62,379,000 as proposed by the House and $64,800,000 as proposed by the Senate.

GENERAL PROVISIONS

Amendment No. 67: Restores House language stricken by the Senate providing the funds for administrative costs for each Public Health Service agency funded in this Act shall not exceed the amount requested in the President's budget.

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *1911(d) and section 1503*

The managers on the part of the Senate will move to concur in the amendment to the House to the amendment of the Senate.

The conference agreement restores a legal citation stricken by the Senate pertaining to automatic taps in authorizing legislation.

The conferees direct the National Cancer Institute and the National Institute of Environmental Health Sciences to become more aggressive in the pursuit of research into the role environmental factors play in contributing to elevated rates of breast cancer such as have been observed in Nassau and Suffolk counties, in the State of New York, and in other counties throughout the United States. In prohibiting funding for section 1911(d) of P.L. 103–43, it is not the intention of the conferees to prohibit the conduct of the study described in section 1911(a) through 1911(c). The conferees strongly encourage such research into the role of environmental factors and note that the National Cancer Institute retains the discretion to use funds appropriated under this Act to carry out the study so described.

Amendment No. 69: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert: *SEC. 207. For the purpose of carrying out subparts II and III of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.) for fiscal year 1994, the Secretary of Health and Human Services shall obligate $7,532,065 from the amounts made available pursuant to section 1935(b) of that Act for fiscal year 1994 to those States and Indian tribes or tribal organizations for which the amounts specified in the award statement issued by the Substance Abuse and Mental Health Services Administration under those subparts on November 2, 1992, was greater than the amount specified in the award statement issued on August 6, 1993, in the amounts equal to those differentials.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Inserts language proposed by the Senate that requires the Secretary to obligate $7,532,065 from funds available for the Substance Abuse Block Grant program to compensate certain States for reductions in their fourth quarter allocations for the block grant in fiscal year 1993. The original allocations were based on faulty data. The language has been modified to delete references to individual States. The conferees stress that this one-time action is only being taken to correct an error by the Department in the original allocation of funds to the States. This action will have no impact on State allocations under the block grant in fiscal year 1994.

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate pertaining to funding limits for peer review organizations in the Medicare program.

Amendment No. 71: Deletes language proposed by the Senate pertaining to disproportionate share hospital payments in the Medicaid program.

Amendment No. 72: Deletes without prejudice Senate language which would have prohibited payment of Social Security disability benefits to individuals who are confined to mental institutions because of a "not guilty by reason of insanity" court judgment. The conferees believe this issue should be addressed by the authorizing committees.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

Amendment No. 73: Inserts technical provision added by the Senate indicating that this appropriation account includes authority to transfer funds.

Amendment No. 74: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *For carrying out education reform activities authorized in law including activities authorized by the Carl D. Perkins Vocational and Applied Technology Education Act, $155,000,000, of which $5,000,000, under section 402 of the Perkins Act, shall be used by the Secretary for activities, including peer review of applications, related to school-to-work transition, and $45,000,000 shall be used under section 420A of the Perkins Act for State grants and subgrants to initiate activities in States and localities related to school-to-work transition: Provided, That $105,000,000 of the funds provided shall be for carrying out activities authorized by the Goals 2000: Educate America Act, or similar legislation, if enacted into law by April 1, 1994, of which $5,000,000 shall be used for "State Planning for Improving Student Achievement Through Integration of Technology Into the Curriculum"; and that if such legislation is not enacted by that date, the $105,000,000 shall be transferred to "Student Financial Assistance" to be used to alleviate the funding shortfall in the Pell Grant program under subpart 1 of part A of title IV of the Higher Education Act of 1965, as amended: Provided further, That funds appropriated in this account shall become available on July 1, 1994 and remain available through September 30, 1995.*

The managers on the part of the Senate will move to concur in the amendment of the Senate.

The conference agreement includes $50,000,000 for school-to-work initiatives as proposed by the Senate instead of $33,750,000 as proposed by the House.

The conference agreement also provides a contingent appropriation of $105,000,000 to implement the Goals 2000: Educate America legislation currently being considered by the House and the Senate. This amount includes $5,000,000 for new initiatives to integrate technology into school curricula, if authorized. The agreement provides that if the Goals 2000 legislation is not enacted by April 1, 1994 that the funds provided will be applied to the shortfall in the Pell Grant program as proposed by the Senate. This appropriation is provided on a forward funded basis similar to other education accounts.

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

Amendment No. 75: Appropriates $6,924,497,000 for compensatory education for the disadvantaged programs instead of $6,871,147,000 as proposed by the House and $6,971,620,000 as proposed by the Senate.

Amendment No. 76: Provides that $6,896,052,000 become available on a forward funded basis instead of $6,844,682,000 as proposed by the House and $6,943,175,000 as proposed by the Senate.

Amendment No. 77: Earmarks $5,642,000,000 for basic grants instead of $5,597,000,000 as proposed by the House and $5,687,000,000 as proposed by the Senate.

Amendment No. 78: Deletes language included by the House but stricken by the Senate. The conference agreement follows the basic statute which provides for a setaside of basis grant funds for grants to the Pacific Outlying Areas.

Amendment No. 79: Earmarks $41,434,000 for capital expenses instead of $39,734,000 as proposed by the House and $42,000,000 as proposed by the Senate.

Amendment No. 80: Earmarks $91,373,000 for the Even Start program instead of $89,123,000 as proposed by the House and $92,123,000 as proposed by the Senate.

Amendment No. 81: Earmarks $305,193,000 for migrant education programs instead of $302,773,000 as proposed by the House and $306,000,000 as proposed by the Senate.

Amendment No. 82: Earmarks $4,960,000 for rural technical assistance as proposed by the Senate instead of $2,980,000 as proposed by the House.

IMPACT AID

Amendment No. 83: Appropriates $798,208,000 for Impact Aid activities instead of $813,074,000 as proposed by the House and $748,368,000 as proposed by the Senate.

Amendment No. 84: Earmarks $613,445,000 for 3(a) payments instead of $630,000,000 as proposed by the House and $563,780,000 as proposed by the Senate.

Amendment No. 85: Earmarks $123,129,000 for 3(b) payments instead of $123,629,000 as proposed by the House and $121,629,000 as proposed by the Senate.

Amendment No. 86: Earmarks $33,437,000 for 3(d)(2)(B) payments instead of $29,462,000 as proposed by the House and $34,762,000 as proposed by the Senate.

Amendment No. 87: Deletes earmark for 3(e) payments included by the House but stricken by the Senate. The conference agreement includes no funding for this activity.

SCHOOL IMPROVEMENT PROGRAMS

Amendment No. 88: Appropriates $1,376,659,000 for school improvement activities instead of $1,339,178,000 as proposed by the House and $1,393,893,000 as proposed by the Senate.

Amendment No. 89: Provides that $1,050,603,000 of these funds be available on a forward funded basis instead of $1,014,709,000 as proposed by the House and $1,065,101,000 as proposed by the Senate.

Amendment No. 90: Earmarks $25,196,000 for chapter 2 national programs as proposed by the Senate instead of $24,925,000 as proposed by the House.

Amendment No. 91: Earmarks $250,998,000 for State grants for mathematics and science education instead of $246,016,000 as proposed by the House and $252,658,000 as proposed by the Senate.

Amendment No. 92: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert: *Provided further, That of the amount provided, $20,000,000 shall be used for Department of Education activities authorized under the Safe Schools Act, or similar legislation, if such legislation is enacted by April 1, 1994, except that if such legislation is not enacted by that date, this amount shall be transferred to "Student Financial Assistance" to be used to alleviate the funding shortfall in the Pell Grant program under subpart 1 of part A of title IV of the Higher Education Act of 1965, as amended.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $20,000,000 for a new safe schools initiative if enacted into law by April 1, 1994 instead of $32,838,000 as proposed by the Senate. The House bill did not include funds for this purpose. The conferees are agreed that this amount should be available on a forward funded basis similar to other elementary and secondary education programs. The conference agreement provides that if the necessary authorizing legislation is not enacted by April 1, 1994, that these funds will be transferred to "Student Financial Assistance" for the Pell Grant shortfall.

The conferees intend that all of the funds provided for the Ellender fellowships program be used for student fellowships and that the Close Up Foundation provide a Federal dollar match no less than the amount matched in FY 1993. The conferees further intended that the Close Up Foundation match Federal dollars on at least a one to two basis in 1995.

The conferees intend that the funding provided for Education for Native Hawaiians be distributed as follows:

Special Education Program	$1,000,000

Family Based Education Centers	5,000,000
Gifted and Talented Program	1,000,000
Model Curriculum Implementation Project	50,000
Higher Education Program	800,000

Further, given that a priority recommendation of the Native Hawaiian Education Summit was the establishment of cultural learning centers, a minimum of $374,000 shall be for the planning and development of at least two cultural learning centers.

BILINGUAL AND IMMIGRANT EDUCATION

Amendment No. 93: Appropriates $240,155,000 for bilingual and immigrant education instead of $242,789,000 as proposed by the House and $232,251,000 as proposed by the Senate.

Amendment No. 94: Earmarks $36,431,000 for training programs instead of $36,672,000 as proposed by the House and $35,708,000 as proposed by the Senate.

Amendment No. 95: Earmarks $38,992,000 for immigrant education programs instead of $40,000,000 as proposed by the House and $35,968,000 as proposed by the Senate.

SPECIAL EDUCATION

Amendment No. 96: Appropriates $3,108,702,000 for special education instead of $3,039,442,000 as proposed by the House and $3,134,734,000 as proposed by the Senate.

Amendment No. 97: Earmarks $2,149,686,000 for Part B grants to States instead of $2,108,218,000 as proposed by the House and $2,163,508,000 as proposed by the Senate.

Amendment No. 98: Earmarks $339,257,000 for preschool grants instead of $325,773,000 as proposed by the House and $343,751,000 as proposed by the Senate.

Amendment No. 99: Earmarks $253,152,000 for Part H grants for infants and families instead of $243,769,000 as proposed by the House and $256,280,000 as proposed by the Senate.

Amendment No. 100: Earmarks $116,878,000 for the Chapter 1 handicapped program instead of $113,755,000 as proposed by the House and $120,000,000 as proposed by the Senate.

REHABILITATION SERVICES AND DISABILITY RESEARCH

Amendment No. 101: Includes the citation for the Technology-Related Assistance for Individuals with Disabilities Act as proposed by the Senate. The House bill included a similar citation.

Amendment No. 102: Appropriates $2,296,936,000 for rehabilitation services and disability research instead of $2,251,028,000 as proposed by the House and $2,316,913,000 as proposed by the Senate.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

GALLAUDET UNIVERSITY

Amendment No. 103: Appropriates $78,435,000 for Gallaudet University instead of $77,435,000 as proposed by the House and $79,435,000 as proposed by the Senate.

Amendment No. 104: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $1,000,000 to remain available until expended for construction instead of $2,000,000 as proposed by the Senate. The House bill did not include funds for this purpose.

VOCATIONAL AND ADULT EDUCATION

Amendment No. 105: Appropriates $1,481,183,000 for vocational and adult education instead of $1,474,243,000 as proposed by the House and $1,483,433,000 as proposed by the Senate.

Amendment No. 106: Earmarks $38,077,000 for vocational education research and demonstration activities instead of $31,327,000 as proposed by the House and $40,327,000 as proposed by the Senate.

Amendment No. 107: Earmarks $23,455,000 for vocational education demonstrations instead of $16,705,000 as proposed by the House and $25,705,000 as proposed by the Senate.

Amendment No. 108: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert: , *including $3,000,000 for model community education and employment centers*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement modifies language inserted by the Senate to require that $3,000,000 of funds for vocational education be earmarked to demonstrate the model community education and employment centers concept. The Senate bill earmarked $5,000,000 for this purpose. The House bill included no similar provision.

STUDENT FINANCIAL ASSISTANCE

Amendment No. 109: Deletes citation proposed by the Senate.

Amendment No. 110: Appropriates $8,020,160,000 for student financial assistance instead of $8,120,366,000 as proposed by the House and $8,004,293,000 as proposed by the Senate.

Amendment No. 111: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$2,300: Provided further, That notwithstanding section 401(g) of the Act, as amended, if the Secretary determines, prior to publication of the payment schedule for award year 1994–1995, that the $6,303,566,000 included within this appropriation for Pell Grant awards for award year 1994–1995 is insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement sets the maximum Pell Grant Award for the 1994–1995 academic year at $2,300 as proposed by the Senate instead of $2,250 as proposed by the House. The conference agreement also includes language requested by the Department of Education requiring the Secretary to reduce awards if the appropriation is inadequate to fully fund Pell awards with the $2,300 maximum. Both the Department and the conferees believe that the amount agreed to in conference for the Pell program is adequate to finance the agreed upon maximum. The additional language authorizing adjustment is not expected to be used but has been included to meet scorekeeping requirements under the Budget Enforcement Act.

The conferees have agreed to provide $584,407,000 for Federal Supplemental Educational Opportunity Grants, $616,508,000 for the Federal Work-Study program, and $72,429,000 for State Student Incentive Grants. These are the same levels provided in the Senate bill and the same levels appropriated in fiscal year 1993. The conference agreement also includes $21,250,000 for the second year of the new State Postsecondary Review Program, instead of $25,000,000 as proposed by the House and $10,000,000 as proposed by the Senate.

GUARANTEED STUDENT LOANS PROGRAM ACCOUNT

NATIONAL COMMISSIONS

Amendment No. 112: Deletes language included by the House but stricken by the Senate. The conference agreement deletes the rescission of Fiscal Year 1993 funds proposed by the House. This rescission would have eliminated all funds for two new commissions authorized by the Higher Education Amendments of 1992. The conference action leaves in place $992,000 each for the National Commission on the Cost of Higher Education and the National Commission on Independent Higher Education.

FEDERAL DIRECT STUDENT LOAN PROGRAM ACCOUNT

Amendment No. 113: Inserts the word "Student" into the appropriate heading as proposed by the Senate.

Amendment No. 114: Modifies the legislative citation for the Federal Direct Student Loan Program Account as proposed by the Senate.

HIGHER EDUCATION

Amendment No. 115: Modifies legislative citation as proposed by the Senate.

Amendment No. 116: Restores legislative citation included by the House but stricken by the Senate. This citation relates to studies of the training needs in the civilian airline industry. The conferees are agreed that $700,000 is included for this study under the Fund for the Improvement of Postsecondary Education.

Amendment No. 117: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$893,688,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $893,688,000 for higher education instead of $889,855,000 as proposed by the House and $882,974,000 as proposed by the Senate.

Amendment No. 118: Deletes without prejudice legislative language proposed by the Senate. This language would have made a technical amendment to the Higher Education Act related to the Robert Byrd Scholarships program. The conferees understand that this issue is currently being addressed by the authorizing committee. The conference agreement includes sufficient funds to support the cost of this technical change.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

Amendment No. 119: Provided for a limitation of $357,000,000 on the volume of loan guarantees issued in Fiscal Year 1994 as proposed by the Senate. The House bill provided for $178,500,000 of guarantees.

EDUCATION RESEARCH, STATISTICS AND IMPROVEMENT

Amendment No. 120: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which clarifies that funding for this account is available for activities under legislative citations other than section 405 and 406 of the General Education Provisions Act. These citations are expected to be modified by new legislation during Fiscal year 1994.

Amendment No. 121: Restores the citation for Blue Ribbon Schools stricken by the Senate.

Amendment No. 122: Deletes the citation for educational partnership grants as proposed by the Senate.

Amendment No. 123: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$292,592,000: Provided, That $31,000,000 shall be for research centers, including funds to extend the existing award for a research center on the education of disadvantaged students for up to one year; $38,032,000 shall be for regional laboratories, including $9,508,000 for rural initiatives; $32,500,000 shall be for activities under the Fund for Innovation in Education; $4,463,000 shall be for civic education activities under section 4609; $5,396,000 shall be for Grants for Schools and Teachers under subpart 1 and $3,687,000 shall be for Family School Partnerships under subpart 2 of part B of title III of Public Law 100–297; $16,072,000 shall be for national programs under section 2012, including not less than $5,472,000 for the National Clearinghouse for Science and Mathematics under section 2012(d); and $13,871,000 shall be for regional consortia under subpart 2 of part A of title II; $25,944,000 shall be for star schools, of which $4,000,000 shall be awarded competitively for a demonstration of a statewide, two-way interactive fiber optic telecommunications network, carrying voice, video, and data transmissions, and housing a point of presence in every county; and $3,212,000 shall be for the National Writing Project*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

LIBRARIES

Amendment No. 124: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$146,309,000 of which $17,972,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended, and $4,960,000 shall be for section 222 and $2,802,000 shall be for section 223 of the Higher Education Act, of which $2,500,000 shall be for demonstration of on-line and dial-in access to a statewide, multitype library bibliographic data base through a statewide fiber optic network housing a point of presence in every county, connecting library services in every municipality, to be awarded competitively*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $2,500,000 for a demonstration of high technology library bibliographic databases. The conference agreement provides that these funds are to be awarded competitively.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

Amendment No. 125: Appropriates $352,008,000 for departmental management as proposed by the House instead of $291,921,000 as proposed by the Senate.

The conferees are concerned the Department continues to ignore the provisions in the Higher Education Act regarding the appointment of a liaison for community and junior colleges. To date, no action has been taken regarding this appointment. The conferees urge the Secretary to comply with the law, including all of the qualifications for the appointee outlined in the Act, and fill the position on an expedited basis.

The conferees concur in concerns expressed in the House report about the Department's peer review of grant applications, and have provided additional resources and flexibility to promote needed improvement of the process. The conferees strongly encourage the Department to return to the practice of requiring three readers for competitive grant proposals, at least two of whom should come from outside the Department and have some expertise in the field in which the grant is to be made. The conferees are particularly concerned about the quality of the review process used to select awardees under the Student Support Services program under TRIO.

GENERAL PROVISIONS

Amendment No. 126: Deletes without prejudice Senate language which expressed the sense of the Congress concerning specific funding levels for education in future years.

Amendment No. 127: Deletes without prejudice Senate language which expressed the sense of the Congress that a specific procedure for considering proposals to consolidate or eliminate education programs be established as recommended in the National Performance Review. This matter is currently being reviewed by the Department and proposals are expected in the near future.

TITLE IV—RELATED AGENCIES

ACTION

OPERATING EXPENSES

Amendment No. 128: Appropriates $205,097,000 instead of $201,526,000 as proposed by the House and $206,287,000 as proposed by the Senate.

The conference agreement deletes the House language that earmarked funds for the VISTA program and the Senate language which reduced funding for consultant services for agencies funded in the bill by 5.025 percent.

CORPORATION FOR PUBLIC BROADCASTING

Amendment No. 129: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$312,000,000, of which $7,000,000 shall be for Ready to Learn activities consistent with the purposes outlined in P.L. 102–545.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree that $7,000,000 be set aside for Ready to Learn activities prior to allocating funds under the Public Telecommunications Act of 1992, P.L. 102–356.

The Corporation for Public Broadcasting shall consult with the Department of Education to assure that the Department's school readiness and curriculum goals are integrated into the programming and accompanying materials promulgated in accordance with P.L. 102–245, the Ready to Learn Act.

It is the understanding of the conferees that the Corporation shall award contracts, cooperative agreements, or grants to eligible entities defined in Public Law 102–545, sections 4702(b)(1) and 4702(b)(2).

NATIONAL COUNCIL ON DISABILITY

Amendment No. 130: Appropriates $1,690,000 for National Council on Disability instead of $1,590,000 as proposed by the House and $1,791,000 as proposed by the Senate.

NATIONAL MEDIATION BOARD

Amendment No. 131: Appropriates $8,657,000 for National Mediation Board instead of $8,506,000 as proposed by the House and $8,807,000 as proposed by the Senate.

TITLE V—GENERAL PROVISIONS

Amendment No. 132: Restores section 507 as proposed by the House and stricken by the Senate providing that funds expended under this Act shall be expended in accordance with the Buy American Act. Deletes other language proposed by the House and stricken by the Senate concerning the purchase of American-made products.

(Rescission)

Amendment No. 133: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the section number named in said amendment, insert: *508*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement inserts language proposed by the Senate that provides for a cost-of-living adjustment for black lung benefit payments in January, 1994; the agreement also includes a rescission of $225,000,000, as proposed by the Senate, from funds appropriated for the Community Investment Program in Public Law 102–368. The House bill included no similar provisions.

Amendment No. 134: Deletes language proposed by the Senate expressing the sense of the Senate that the Department of Justice should investigate whether any Federal civil rights laws were violated as a result of the murder of Yankel Rosenbaum on August 19, 1991 and the ensuing riots in Crown Heights.

TITLE VI—NONSMOKING POLICY

Amendment No. 135: Deletes title VI of the bill proposed by the Senate that would have required the Administrator of the Environmental Protection Agency to issue within 180 days of enactment guidelines for instituting and enforcing a nonsmoking policy at each indoor facility where children's services are provided and required any person who provides children's services to establish and enforce a nonsmoking policy that meets or exceeds certain requirements.

	FY 1993 Comparable	FY 1994 Budget Request	House Bill	Senate Bill	Conference	Conference vs FY93 Comparable
SUMMARY						
Title I - Department of Labor:						
Federal Funds	12,270,516,000	12,872,261,000	10,972,157,000	10,859,651,000	10,914,538,000	-1,355,978,000
Trust Funds	(3,462,511,000)	(3,690,914,000)	(3,692,212,000)	(3,662,424,000)	(3,701,352,000)	(+238,841,000)
Title II - Department of Health and Human Services:						
Federal Funds	210,931,782,000	215,624,206,000	175,032,320,000	215,968,067,000	215,802,937,000	+4,871,155,000
Current year	(172,736,374,000)	(176,459,426,000)	(175,032,320,000)	(176,700,659,000)	(176,567,937,000)	(+3,831,563,000)
1995 advance	(38,195,408,000)	(39,164,780,000)	---	(39,267,408,000)	(39,235,000,000)	(+1,039,592,000)
Trust Funds	(7,049,992,000)	(8,374,324,000)	(7,774,421,000)	(7,686,037,000)	(7,763,583,000)	(+713,591,000)
Title III - Department of Education:						
Federal Funds	28,087,420,000	30,921,629,000	28,627,320,000	28,755,410,000	28,765,192,000	+677,772,000
Title IV - Related Agencies:						
Federal Funds	1,064,129,000	1,053,017,000	1,047,414,000	1,080,037,000	1,070,596,000	+6,467,000
Current year	(771,489,000)	(760,377,000)	(754,774,000)	(760,037,000)	(758,596,000)	(-12,893,000)
1996 advance	(292,640,000)	(292,640,000)	(292,640,000)	(320,000,000)	(312,000,000)	(+19,360,000)
Trust Funds	(111,062,000)	(109,589,000)	(109,514,000)	(109,514,000)	(109,514,000)	(-1,548,000)
Weed and Seed (P.L. 102-360) (rescission)	225,000,000	---	---	-225,000,000	-225,000,000	-450,000,000
Bill-wide consultant savings	---	---	---	-10,000,000	---	---
Total, all titles:						
Federal Funds	252,578,847,000	260,471,113,000	215,679,211,000	256,428,165,000	256,328,263,000	+3,749,416,000
Current year	(214,090,799,000)	(221,013,693,000)	(215,386,571,000)	(216,840,757,000)	(216,781,263,000)	(+2,690,464,000)
1995 advance	(38,195,408,000)	(39,164,780,000)	---	(39,267,408,000)	(39,235,000,000)	(+1,039,592,000)
1996 advance	(292,640,000)	(292,640,000)	(292,640,000)	(320,000,000)	(312,000,000)	(+19,360,000)
Trust Funds	(10,623,565,000)	(12,174,827,000)	(11,576,147,000)	(11,457,975,000)	(11,574,449,000)	(+950,884,000)
TITLE I - DEPARTMENT OF LABOR						
EMPLOYMENT AND TRAINING ADMINISTRATION						
PROGRAM ADMINISTRATION						
Job training programs	22,890,000	25,451,000	23,229,000	23,229,000	23,229,000	+339,000
Trust funds	(2,192,000)	(2,244,000)	(2,244,000)	(2,244,000)	(2,244,000)	(+52,000)
Employment security	457,000	1,970,000	1,582,000	1,582,000	1,582,000	+1,125,000
Trust funds	(13,624,000)	(15,117,000)	(15,117,000)	(15,117,000)	(15,117,000)	(+1,493,000)
Financial and administrative management	14,635,000	19,769,000	19,115,000	19,115,000	19,115,000	+4,480,000
Trust funds	(10,095,000)	(8,232,000)	(8,232,000)	(8,232,000)	(8,232,000)	(-1,863,000)
Executive direction and administration	4,817,000	6,361,000	6,100,000	6,100,000	6,100,000	+1,283,000
Trust funds	(4,240,000)	(1,424,000)	(1,424,000)	(1,424,000)	(1,424,000)	(-2,816,000)
Regional operations	15,934,000	27,539,000	25,184,000	25,184,000	25,184,000	+9,250,000
Trust funds	(25,205,000)	(19,638,000)	(19,638,000)	(19,638,000)	(19,638,000)	(-5,567,000)
Apprenticeship services	16,874,000	17,196,000	17,196,000	17,196,000	17,196,000	+322,000
Total, Program Administration	130,963,000	144,941,000	139,061,000	139,061,000	139,061,000	+8,098,000
Federal funds	75,607,000	98,286,000	92,406,000	92,406,000	92,406,000	+16,799,000
Trust funds	(55,356,000)	(46,655,000)	(46,655,000)	(46,655,000)	(46,655,000)	(-8,701,000)
TRAINING AND EMPLOYMENT SERVICES						
Grants to States:						
Adult training	1,015,021,000	1,030,021,000	988,021,000	988,021,000	988,021,000	-27,000,000
Youth training	676,682,000	686,682,000	658,682,000	658,682,000	658,682,000	-18,000,000
Summer youth employment and training program	840,674,000	1,688,782,000	988,782,000	853,782,000	888,282,000	+47,608,000
Dislocated worker assistance	566,646,000	1,921,006,000	1,118,000,000	1,118,000,000	1,118,000,000	+551,354,000
Flood relief supplemental	54,600,000	---	---	---	---	-54,600,000
Federally administered programs:						
Native Americans	61,871,000	61,871,000	61,871,000	65,000,000	64,218,000	+2,347,000
Migrants and seasonal farmworkers	78,303,000	78,303,000	78,303,000	88,000,000	85,576,000	+7,273,000
School-to-work	---	135,000,000	33,750,000	50,000,000	50,000,000	+50,000,000
Job Corps:						
Operations	891,532,000	913,913,000	913,913,000	913,913,000	913,913,000	+22,381,000
Construction and renovation	74,543,000	239,756,000	126,556,000	126,556,000	126,556,000	+52,013,000
Subtotal, Job Corps	966,075,000	1,153,669,000	1,040,469,000	1,040,469,000	1,040,469,000	+74,394,000
Youth Fair Chance	50,000,000	25,000,000	25,000,000	---	25,000,000	-25,000,000
Veterans' employment	8,957,000	8,957,000	8,957,000	8,957,000	8,957,000	---
National activities:						
Pilots and demonstrations	35,080,000	35,080,000	35,080,000	37,080,000	36,580,000	+1,500,000
Research, demonstration and evaluation	8,301,000	8,301,000	12,301,000	12,301,000	12,301,000	+4,000,000
Other	20,521,000	20,521,000	20,521,000	23,550,000	23,021,000	+2,500,000
Subtotal, National activities	63,902,000	63,902,000	67,902,000	72,931,000	71,902,000	+8,000,000
Subtotal, Federal activities	1,229,108,000	1,526,702,000	1,316,252,000	1,325,357,000	1,346,122,000	+117,014,000
Total, Job Training Partnership Act	4,382,731,000	6,853,193,000	5,069,737,000	4,943,842,000	4,999,107,000	+616,376,000

	FY 1993 Comparable	FY 1994 Budget Request	House Bill	Senate Bill	Conference	Conference vs FY93 Comparable
Job training for the homeless:						
Regular program	7,482,000	7,482,000	7,482,000	7,482,000	7,482,000	---
Veterans program	5,055,000	5,055,000	5,055,000	5,055,000	5,055,000	---
Glass Ceiling Commission	744,000	744,000	744,000	744,000	744,000	---
National Center for the Workplace	744,000	744,000	744,000	1,500,000	1,122,000	+378,000
Total, Training and Employment Services	4,396,756,000	6,867,218,000	5,083,762,000	4,958,623,000	5,013,510,000	+616,754,000
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS						
National contracts	308,926,000	328,472,000	320,190,000	320,190,000	320,190,000	+11,264,000
State grants	87,134,000	92,646,000	90,310,000	90,310,000	90,310,000	+3,176,000
Total	396,060,000	421,118,000	410,500,000	410,500,000	410,500,000	+14,440,000
FEDERAL UNEMPLOYMENT AND ALLOWANCES						
Trade adjustment	211,000,000	189,900,000	189,900,000	189,900,000	189,900,000	-21,100,000
Other activities	250,000	100,000	100,000	100,000	100,000	-150,000
Total	211,250,000	190,000,000	190,000,000	190,000,000	190,000,000	-21,250,000
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS						
Unemployment Compensation (Trust Funds):						
State Operations	(1,629,783,000)	(1,715,906,000)	(1,715,906,000)	(1,715,906,000)	(1,715,906,000)	(+86,123,000)
State integrity activities	(327,356,000)	(356,928,000)	(356,928,000)	(356,928,000)	(356,928,000)	(+29,572,000)
National Activities	(8,741,000)	(16,295,000)	(16,295,000)	(34,575,000)	(25,435,000)	(+16,694,000)
Contingency	(299,912,000)	(347,272,000)	(347,272,000)	(347,272,000)	(347,272,000)	(+47,360,000)
Contingency bill language (OMB estimate)	(114,300,000)	(70,500,000)	(70,500,000)	(70,500,000)	(70,500,000)	(-43,800,000)
Portion treated as budget authority	---	(39,770,000)	(39,770,000)	---	(39,770,000)	(+39,770,000)
Subtotal, Unemployment Compensation(trust funds)	(2,265,792,000)	(2,476,171,000)	(2,476,171,000)	(2,454,681,000)	(2,485,311,000)	(+219,519,000)
Employment Service:						
Allotments to States:						
Federal funds	21,555,000	24,986,000	24,986,000	24,986,000	24,986,000	+3,431,000
Trust funds	(789,405,000)	(807,870,000)	(807,870,000)	(807,870,000)	(807,870,000)	(+18,465,000)
Subtotal	810,960,000	832,856,000	832,856,000	832,856,000	832,856,000	+21,896,000
National Activities:						
Federal funds	2,002,000	2,056,000	2,056,000	2,056,000	2,056,000	+54,000
Trust funds	(66,754,000)	(68,556,000)	(68,556,000)	(60,556,000)	(68,556,000)	(+1,802,000)
Targeted jobs tax credit	(14,880,000)	(15,282,000)	(14,880,000)	(15,282,000)	(14,880,000)	---
One-stop Career Centers	---	150,000,000	42,500,000	50,000,000	50,000,000	+50,000,000
Subtotal, Employment Service	894,596,000	1,068,750,000	960,848,000	960,750,000	968,348,000	+73,752,000
Federal funds	23,557,000	177,042,000	69,542,000	77,042,000	77,042,000	+53,485,000
Trust funds	(871,039,000)	(891,708,000)	(891,306,000)	(883,708,000)	(891,306,000)	(+20,267,000)
Total, State Unemployment	3,160,388,000	3,544,921,000	3,437,019,000	3,415,431,000	3,453,659,000	+293,271,000
Federal Funds	23,557,000	177,042,000	69,542,000	77,042,000	77,042,000	+53,485,000
Trust Funds	(3,136,831,000)	(3,367,879,000)	(3,367,477,000)	(3,338,389,000)	(3,376,617,000)	(+239,786,000)
ADVANCES TO UNEMPLOYMENT TRUST FUND AND OTHER FUNDS	4,665,000,000	2,556,000,000	2,556,000,000	2,556,000,000	2,556,000,000	-2,109,000,000
Total, Employment & Training Administration	12,960,417,000	13,724,198,000	11,816,342,000	11,669,615,000	11,762,730,000	-1,197,687,000
Federal funds	9,768,230,000	10,309,664,000	8,402,210,000	8,284,571,000	8,339,458,000	-1,428,772,000
Trust funds	(3,192,187,000)	(3,414,534,000)	(3,414,132,000)	(3,385,044,000)	(3,423,272,000)	(+231,085,000)
LABOR - MANAGEMENT STANDARDS						
SALARIES AND EXPENSES						
Labor-management relations service	1,339,000	1,370,000	1,370,000	1,370,000	1,370,000	+31,000
Labor-management standards enforcement	26,010,000	25,939,000	25,939,000	25,939,000	25,939,000	-71,000
Total, LMS	27,349,000	27,309,000	27,309,000	27,309,000	27,309,000	-40,000
PENSION AND WELFARE BENEFITS ADMINISTRATION						
SALARIES AND EXPENSES						
Enforcement and compliance	48,888,000	48,977,000	49,630,000	49,280,000	49,280,000	+392,000
Policy, regulation and public service	11,357,000	11,303,000	11,303,000	11,303,000	11,303,000	-54,000
Executive direction	3,592,000	3,475,000	3,475,000	3,475,000	3,475,000	-117,000
Total, PWBA	63,837,000	63,755,000	64,408,000	64,058,000	64,058,000	+221,000
PENSION BENEFIT GUARANTY CORPORATION						
Program Administration subject to limitation (Trust Funds)	(33,533,000)	(34,194,000)	(34,194,000)	(34,194,000)	(34,194,000)	(+661,000)
Services related to terminations not subject to limitations (non-add) 1/	(99,039,000)	(101,487,000)	(101,487,000)	(101,487,000)	(101,487,000)	(+2,448,000)
Total, PBGC	(132,572,000)	(135,681,000)	(135,681,000)	(135,681,000)	(135,681,000)	(+3,109,000)

	FY 1993 Comparable	FY 1994 Budget Request	House Bill	Senate Bill	Conference	Conference vs FY93 Comparable
EMPLOYMENT STANDARDS ADMINISTRATION						
SALARIES AND EXPENSES						
Enforcement of wage and hour standards	94,957,000	95,157,000	97,379,000	97,379,000	97,379,000	+2,422,000
Federal contractor EEO standards enforcement	55,695,000	55,398,000	56,443,000	56,443,000	56,443,000	+748,000
Federal programs for workers' compensation	70,336,000	71,923,000	71,923,000	71,923,000	71,923,000	+1,587,000
Trust funds	(991,000)	(989,000)	(989,000)	(989,000)	(989,000)	(-2,000)
Executive direction and support services	11,466,000	11,431,000	11,431,000	11,431,000	11,431,000	-35,000
Total, salaries and expenses	233,445,000	234,898,000	238,165,000	238,165,000	238,165,000	+4,720,000
Federal funds	232,454,000	233,909,000	237,176,000	237,176,000	237,176,000	+4,722,000
Trust funds	(991,000)	(989,000)	(989,000)	(989,000)	(989,000)	(-2,000)
SPECIAL BENEFITS						
Federal employees compensation benefits	286,000,000	275,000,000	275,000,000	275,000,000	275,000,000	-11,000,000
Longshore and harbor workers' benefits	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	---
Total, Special Benefits	290,000,000	279,000,000	279,000,000	279,000,000	279,000,000	-11,000,000
BLACK LUNG DISABILITY TRUST FUND						
Benefit payments and interest on advances	888,251,000	947,967,000	947,967,000	947,967,000	947,967,000	+59,716,000
Employment Standards Admin., salaries & expenses	29,726,000	28,929,000	28,929,000	29,529,000	29,529,000	-197,000
Departmental Management, salaries and expenses	25,698,000	24,384,000	24,384,000	24,384,000	24,384,000	-1,314,000
Departmental Management, inspector general	352,000	295,000	295,000	295,000	295,000	-57,000
Subtotal, Black Lung Disablty. Trust Fund, apprn	944,027,000	1,001,575,000	1,001,575,000	1,002,175,000	1,002,175,000	+58,148,000
Treasury administrative costs (indefinite)	756,000	756,000	756,000	756,000	756,000	---
Total, Black Lung Disability Trust Fund	944,783,000	1,002,331,000	1,002,331,000	1,002,931,000	1,002,931,000	+58,148,000
Total, Employment Standards Administration	1,468,228,000	1,516,229,000	1,519,496,000	1,520,096,000	1,520,096,000	+51,868,000
Federal funds	1,467,237,000	1,515,240,000	1,518,507,000	1,519,107,000	1,519,107,000	+51,870,000
Trust funds	(991,000)	(989,000)	(989,000)	(989,000)	(989,000)	(-2,000)
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION						
SALARIES AND EXPENSES						
Safety and health standards	8,008,000	8,647,000	8,647,000	8,647,000	8,647,000	+639,000
Enforcement:						
Federal Enforcement	134,689,000	137,518,000	137,518,000	138,122,000	138,122,000	+3,433,000
State programs	67,285,000	68,630,000	68,630,000	68,630,000	68,630,000	+1,345,000
Technical Support	17,377,000	17,946,000	17,946,000	17,946,000	17,946,000	+569,000
Compliance Assistance	40,957,000	41,859,000	42,009,000	44,009,000	44,009,000	+3,052,000
Safety and health statistics	12,820,000	12,795,000	12,795,000	12,795,000	12,795,000	-25,000
Executive direction and administration	7,114,000	7,095,000	7,095,000	7,095,000	7,095,000	-19,000
Total, OSHA	288,250,000	294,490,000	294,640,000	297,244,000	297,244,000	+8,994,000
MINE SAFETY AND HEALTH ADMINISTRATION						
SALARIES AND EXPENSES						
Enforcement:						
Coal	100,331,000	101,416,000	102,723,000	103,377,000	103,377,000	+3,046,000
Metal/nonmetal	39,259,000	40,399,000	41,052,000	41,542,000	41,542,000	+2,283,000
Standards development	1,398,000	1,378,000	1,378,000	1,378,000	1,378,000	-20,000
Assessments	2,497,000	3,802,000	3,802,000	3,802,000	3,802,000	+1,305,000
Educational policy and development	13,359,000	14,475,000	14,475,000	14,475,000	14,475,000	+1,116,000
Technical support	21,683,000	21,977,000	21,977,000	21,977,000	21,977,000	+294,000
Program administration	12,970,000	8,451,000	8,451,000	8,451,000	8,451,000	-4,519,000
Total, Mine Safety and Health Administration	191,497,000	191,898,000	193,858,000	195,002,000	195,002,000	+3,505,000
BUREAU OF LABOR STATISTICS						
SALARIES AND EXPENSES						
Employment and Unemployment Statistics	84,934,000	85,150,000	86,470,000	86,470,000	86,470,000	+1,536,000
Labor Market Information (Trust Funds)	(48,907,000)	(50,227,000)	(51,927,000)	(51,227,000)	(51,927,000)	(+3,020,000)
Prices and cost of living	89,345,000	93,144,000	93,144,000	93,144,000	93,144,000	+3,799,000
Compensation and working conditions	64,305,000	64,211,000	64,211,000	64,461,000	64,461,000	+156,000
Productivity and technology	6,721,000	6,986,000	6,986,000	6,986,000	6,986,000	+265,000
Economic growth and employment projections	4,082,000	4,193,000	4,193,000	4,193,000	4,193,000	+111,000

1/ Increase in non-limitation funds per 11/6/92 reapportionment.

	FY 1993 Comparable	FY 1994 Budget Request	House Bill	Senate Bill	Conference	Conference vs FY93 Comparable
Executive direction and staff services	25,605,000	26,764,000	26,764,000	26,764,000	26,764,000	+1,159,000
Total, Bureau of Labor Statistics	323,899,000	330,675,000	333,695,000	333,245,000	333,945,000	+10,046,000
Federal Funds	274,992,000	280,448,000	281,768,000	282,018,000	282,018,000	+7,026,000
Trust Funds	(48,907,000)	(50,227,000)	(51,927,000)	(51,227,000)	(51,927,000)	(+3,020,000)
DEPARTMENTAL MANAGEMENT						
SALARIES AND EXPENSES						
Executive direction	20,676,000	19,751,000	19,751,000	19,751,000	19,751,000	-925,000
Legal services	58,485,000	59,096,000	59,096,000	59,446,000	59,446,000	+961,000
Trust funds	(326,000)	(332,000)	(332,000)	(332,000)	(332,000)	(+6,000)
International labor affairs	7,590,000	7,572,000	7,572,000	7,942,000	7,942,000	+352,000
Administration and management	15,069,000	14,911,000	14,911,000	14,911,000	14,911,000	-158,000
Adjudication	16,638,000	19,369,000	19,369,000	19,369,000	19,369,000	+2,731,000
Promoting employment of people with disabilities	4,312,000	4,320,000	4,320,000	4,320,000	4,320,000	+8,000
Women's Bureau	7,757,000	7,605,000	7,605,000	7,770,000	7,770,000	+13,000
Civil Rights Activities	4,922,000	4,906,000	4,906,000	4,906,000	4,906,000	-16,000
Chief Financial Officer	6,691,000	4,712,000	4,712,000	4,712,000	4,712,000	-1,979,000
Total, Salaries and expenses	142,466,000	142,574,000	142,574,000	143,459,000	143,459,000	+993,000
Federal funds	142,140,000	142,242,000	142,242,000	143,127,000	143,127,000	+987,000
Trust funds	(326,000)	(332,000)	(332,000)	(332,000)	(332,000)	(+6,000)
VETERANS EMPLOYMENT AND TRAINING						
State Administration:						
Disabled Veterans Outreach Program	(82,004,000)	(84,218,000)	(84,218,000)	(84,218,000)	(84,218,000)	(+2,214,000)
Local Veterans Employment Program	(76,111,000)	(78,166,000)	(78,166,000)	(78,166,000)	(78,166,000)	(+2,055,000)
Subtotal, State Administration	(158,115,000)	(162,384,000)	(162,384,000)	(162,384,000)	(162,384,000)	(+4,269,000)
Federal Administration	(21,309,000)	(21,339,000)	(21,339,000)	(21,339,000)	(21,339,000)	(+30,000)
National Veterans Training Institute	(2,848,000)	(2,925,000)	(2,925,000)	(2,925,000)	(2,925,000)	(+77,000)
Total, Trust Funds	(182,272,000)	(186,648,000)	(186,648,000)	(186,648,000)	(186,648,000)	(+4,376,000)
OFFICE OF THE INSPECTOR GENERAL						
Audit:						
Federal funds	20,285,000	19,436,000	19,436,000	19,436,000	19,436,000	-849,000
Trust funds	(3,954,000)	(3,990,000)	(3,990,000)	(3,990,000)	(3,990,000)	(+36,000)
Investigation:						
Federal funds	8,426,000	8,945,000	8,945,000	8,945,000	8,945,000	+519,000
Trust funds	(341,000)	---	---	---	---	(-341,000)
Office of Labor Racketeering	11,632,000	11,690,000	11,690,000	11,690,000	11,690,000	+58,000
Executive Direction and Management	6,641,000	7,144,000	7,144,000	7,144,000	7,144,000	+503,000
Total, Office of the Inspector General	51,279,000	51,205,000	51,205,000	51,205,000	51,205,000	-74,000
Federal funds	46,984,000	47,215,000	47,215,000	47,215,000	47,215,000	+231,000
Trust funds	(4,295,000)	(3,990,000)	(3,990,000)	(3,990,000)	(3,990,000)	(-305,000)
Total, Departmental Management	376,017,000	380,427,000	380,427,000	381,312,000	381,312,000	+5,295,000
Federal funds	189,124,000	189,457,000	189,457,000	190,342,000	190,342,000	+1,218,000
Trust funds	(186,893,000)	(190,970,000)	(190,970,000)	(190,970,000)	(190,970,000)	(+4,077,000)
Total, Labor Department 1/	15,733,027,000	16,563,175,000	14,664,369,000	14,522,075,000	14,615,890,000	-1,117,137,000
Federal funds	12,270,516,000	12,872,261,000	10,972,157,000	10,859,651,000	10,914,538,000	-1,355,978,000
Trust funds	(3,462,511,000)	(3,690,914,000)	(3,692,212,000)	(3,662,424,000)	(3,701,352,000)	(+238,841,000)
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES						
HEALTH RESOURCES AND SERVICES ADMINISTRATION						
HEALTH RESOURCES AND SERVICES						
Health Care Delivery and Assistance:						
Community health centers	558,808,000	617,308,000	584,600,000	610,000,000	603,650,000	+44,842,000
Migrant health centers	57,306,000	63,806,000	59,000,000	59,000,000	59,000,000	+1,694,000
Black lung clinics	3,968,000	3,968,000	3,968,000	4,200,000	4,142,000	+174,000
Health care for the homeless	58,014,000	57,960,000	64,014,000	60,000,000	63,011,000	+4,997,000
National Health Service Corps:						
Field placements	42,720,000	44,720,000	44,720,000	46,720,000	44,720,000	+2,000,000
Recruitment	75,939,000	93,939,000	80,000,000	82,000,000	82,000,000	+6,061,000
Subtotal, Natl Health Service Corps	118,659,000	138,659,000	124,720,000	128,720,000	126,720,000	+8,061,000
Grants to communities for scholarships	478,000	478,000	478,000	478,000	478,000	---
Public housing health service grants	8,923,000	8,916,000	8,923,000	8,923,000	8,923,000	---
Hansen's disease services	18,623,000	18,487,000	18,487,000	21,500,000	20,747,000	+2,124,000
Payment to Hawaii, treatment of Hansen's Disease	2,976,000	2,976,000	2,976,000	2,976,000	2,976,000	---

1/ Includes Federal and Trust funds.

	FY 1993 Comparable	FY 1994 Budget Request	House Bill	Senate Bill	Conference	Conference vs FY93 Comparable
Native Hawaiian health care	3,589,000	3,586,000	3,586,000	4,586,000	4,336,000	+747,000
Pacific Basin initiative	2,556,000	873,000	873,000	3,000,000	2,468,000	-88,000
Alzheimers demonstration grants	4,959,000	4,933,000	4,959,000	4,959,000	4,959,000	---
Total, Health Care Delivery & Assistance	838,859,000	921,950,000	876,584,000	908,342,000	901,410,000	+62,551,000
Maternal and child health:						
Maternal & child health block grant	664,534,000	704,534,000	664,534,000	694,534,000	687,034,000	+22,500,000
Healthy start	79,325,000	100,325,000	90,000,000	100,000,000	97,500,000	+18,175,000
Emergency medical services for children	4,810,000	4,808,000	7,500,000	7,500,000	7,500,000	+2,690,000
Total, Maternal and child health	748,669,000	809,667,000	762,034,000	802,034,000	792,034,000	+43,365,000
Health Professions:						
Exceptional financial need scholarships	10,433,000	10,428,000	10,433,000	10,433,000	10,433,000	---
Centers of excellence	23,481,000	23,442,000	23,481,000	23,481,000	23,481,000	---
Disadvantaged assistance	31,202,000	37,702,000	31,202,000	31,202,000	31,202,000	---
HPSL recapitalization	7,925,000	7,923,000	7,925,000	7,925,000	7,925,000	---
Scholarships for disadvantaged students	17,102,000	17,088,000	17,102,000	17,102,000	17,102,000	---
Faculty loan repayment	1,053,000	1,045,000	1,053,000	1,053,000	1,053,000	---
Public health and preventive medicine	7,265,000	10,692,000	7,265,000	8,000,000	7,816,000	+551,000
Health administration traineeships / projects	1,494,000	995,000	995,000	995,000	995,000	-499,000
Family medicine training / departments	38,194,000	47,194,000	47,194,000	47,194,000	47,194,000	+9,000,000
General dentistry residencies	3,730,000	2,483,000	3,730,000	3,730,000	3,730,000	---
General internal medicine and pediatrics	16,847,000	20,080,000	16,847,000	16,847,000	16,847,000	---
Physician assistants	4,916,000	8,867,000	4,916,000	7,100,000	6,554,000	+1,638,000
Primary care loan program	---	5,000,000	---	---	---	---
Allied health special projects	3,467,000	2,305,000	3,467,000	3,467,000	3,467,000	---
Area health education centers	19,812,000	13,177,000	19,812,000	23,000,000	22,203,000	+2,391,000
Border health training centers	2,836,000	---	2,836,000	2,836,000	2,836,000	---
Geriatric training and education centers	10,013,000	6,661,000	6,661,000	10,013,000	9,175,000	-838,000
Interdisciplinary traineeships	4,017,000	---	---	4,017,000	4,017,000	---
Health professions data system	643,000	3,643,000	643,000	643,000	643,000	---
Research on health professions issues	1,123,000	2,623,000	1,123,000	1,123,000	1,123,000	---
Podiatric medicine	615,000	---	---	615,000	615,000	---
Chiropractic demonstration grants	---	---	---	1,000,000	750,000	+750,000
Nurse training:						
Advanced nurse education	12,253,000	8,158,000	12,000,000	12,253,000	12,253,000	---
Nurse practitioners / nurse midwives	15,443,000	19,583,000	15,443,000	17,443,000	16,943,000	+1,500,000
Special projects	10,401,000	10,500,000	10,401,000	10,401,000	10,401,000	---
Professional nurse traineeships	13,973,000	19,623,000	13,973,000	15,973,000	15,473,000	+1,500,000
Nurse disadvantaged assistance	3,693,000	5,193,000	3,693,000	3,693,000	3,693,000	---
Nurse anesthetists	2,724,000	1,813,000	2,724,000	2,724,000	2,724,000	---
School nurse initiative	---	4,000,000	---	---	---	---
Loan repayment for shortage area service	2,044,000	2,043,000	2,044,000	2,044,000	2,044,000	---
Subtotal, Nurse training	60,531,000	70,913,000	60,278,000	64,531,000	63,531,000	+3,000,000
Total, Health professions	266,699,000	292,261,000	266,963,000	286,307,000	282,692,000	+15,993,000
Resources development:						
Organ transplantation	2,767,000	2,652,000	2,652,000	2,652,000	2,652,000	-115,000
Health teaching facilities interest subsidies	415,000	415,000	415,000	415,000	415,000	---
Trauma care	4,368,000	4,349,000	4,349,000	5,000,000	4,837,000	+469,000
Total, Resources Development	7,550,000	7,416,000	7,416,000	8,067,000	7,904,000	+354,000
Acquired Immune Deficiency Syndrome (AIDS):						
Education and training centers	16,435,000	16,435,000	16,435,000	16,435,000	16,435,000	---
Pediatric demonstrations	20,897,000	20,897,000	---	---	---	-20,897,000
Ryan White AIDS Programs:						
Emergency assistance	184,757,000	336,457,000	318,000,000	328,000,000	325,500,000	+140,743,000
Comprehensive care programs	115,288,000	233,988,000	183,897,000	183,897,000	183,897,000	+68,609,000
Early intervention program	47,968,000	81,568,000	47,968,000	47,968,000	47,968,000	---
Title IV	---	6,000,000	22,000,000	22,000,000	22,000,000	+22,000,000
Subtotal, Ryan White AIDS programs	348,013,000	658,013,000	571,865,000	581,865,000	579,365,000	+231,352,000
AIDS dental services	---	---	7,000,000	7,000,000	7,000,000	+7,000,000
Subtotal, AIDS	385,345,000	695,345,000	595,300,000	605,300,000	602,800,000	+217,455,000

	FY 1993 Comparable	FY 1994 Budget Request	House Bill	Senate Bill	Conference	Conference vs FY93 Comparable
Family planning	173,418,000	208,418,000	173,418,000	183,418,000	180,918,000	+7,500,000
Rural health research	4,176,000	4,176,000	4,176,000	11,176,000	9,426,000	+5,250,000
Rural outreach grants	24,779,000	24,779,000	24,779,000	26,779,000	26,279,000	+1,500,000
Buildings and facilities	982,000	942,000	942,000	942,000	942,000	-40,000
National practitioner data bank	6,000,000	7,500,000	7,500,000	7,500,000	7,500,000	+1,500,000
User fees	-6,000,000	-7,500,000	-7,500,000	-7,500,000	-7,500,000	-1,500,000
Program management	121,487,000	121,976,000	121,976,000	121,976,000	121,976,000	+489,000
Total, Health resources and services	2,571,964,000	3,086,930,000	2,833,588,000	2,954,341,000	2,926,381,000	+354,417,000
MEDICAL FACILITIES GUARANTEE AND LOAN FUND:						
Interest subsidy program	10,900,000	9,000,000	9,000,000	9,000,000	9,000,000	-1,900,000
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):						
New loan subsidies	22,202,000	23,512,000	23,512,000	23,512,000	23,512,000	+1,310,000
Liquidating account (non-add)	(47,631,000)	(64,878,000)	(64,878,000)	(64,878,000)	(64,878,000)	(+17,247,000)
HEAL loan limitation (non-add)	(340,000,000)	(375,000,000)	(375,000,000)	(375,000,000)	(375,000,000)	(+35,000,000)
Program management	2,946,000	2,946,000	2,946,000	2,946,000	2,946,000	---
Total, HEAL	25,148,000	26,458,000	26,458,000	26,458,000	26,458,000	+1,310,000
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:						
Post - FY88 claims (trust fund)	54,740,000	84,180,000	84,180,000	84,180,000	84,180,000	+29,440,000
HRSA administration (trust fund)	2,500,000	2,500,000	2,500,000	3,000,000	3,000,000	+500,000
Subtotal, Vaccine injury compensation trust fund	57,240,000	86,680,000	86,680,000	87,180,000	87,180,000	+29,940,000
VACCINE INJURY COMPENSATION:						
Pre - FY89 claims (appropriation)	110,000,000	80,000,000	80,000,000	110,000,000	110,000,000	---
Total, Vaccine injury	167,240,000	166,680,000	166,680,000	197,180,000	197,180,000	+29,940,000
Total, Health Resources & Services Admin	2,775,252,000	3,289,068,000	3,035,726,000	3,186,979,000	3,159,019,000	+383,767,000
CENTERS FOR DISEASE CONTROL						
DISEASE CONTROL, RESEARCH AND TRAINING						
Preventive Health Services Block Grant	148,743,000	148,743,000	148,743,000	160,000,000	157,186,000	+8,443,000
Prevention centers	5,456,000	5,456,000	5,456,000	7,500,000	6,989,000	+1,533,000
Sexually transmitted diseases:						
Grants	78,042,000	78,042,000	78,042,000	80,000,000	79,511,000	+1,469,000
Infertility program	---	14,000,000	5,000,000	10,000,000	8,750,000	+8,750,000
Direct operations	11,510,000	11,510,000	11,510,000	11,510,000	11,510,000	---
Subtotal, Sexually transmitted diseases	89,552,000	103,552,000	94,552,000	101,510,000	99,771,000	+10,219,000
Immunization:						
Grants	287,820,000	557,620,000	377,000,000	482,000,000	455,750,000	+167,930,000
Direct operations	50,868,000	107,568,000	70,000,000	70,000,000	70,000,000	+19,132,000
Adverse events reporting	2,393,000	2,393,000	2,393,000	2,393,000	2,393,000	---
Subtotal, Immunization programs	341,081,000	667,581,000	449,393,000	554,393,000	528,143,000	+187,062,000
Infectious disease	40,282,000	40,282,000	40,282,000	50,282,000	47,782,000	+7,500,000
Tuberculosis:						
Grants	73,566,000	123,566,000	115,000,000	101,000,000	111,500,000	+37,934,000
Program operations	5,269,000	5,269,000	5,269,000	5,269,000	5,269,000	---
Subtotal, Tuberculosis	78,835,000	128,835,000	120,269,000	106,269,000	116,769,000	+37,934,000
Acquired Immune Deficiency Syndrome (AIDS)	498,253,000	543,253,000	543,253,000	543,253,000	543,253,000	+45,000,000
Chronic and environmental disease prevention	70,117,000	92,117,000	108,017,000	128,000,000	123,004,000	+52,887,000
Lead poisoning prevention	29,683,000	29,683,000	34,683,000	34,683,000	34,683,000	+5,000,000
Breast and cervical cancer screening	71,303,000	85,303,000	72,303,000	80,000,000	78,076,000	+6,773,000
Injury control	31,808,000	41,808,000	31,808,000	41,808,000	39,308,000	+7,500,000
Occupational Safety and Health (NIOSH):						
Research	101,252,000	111,252,000	104,000,000	119,252,000	115,439,000	+14,187,000
Training	11,092,000	11,092,000	12,592,000	13,000,000	12,898,000	+1,806,000
Subtotal, NIOSH	112,344,000	122,344,000	116,592,000	132,252,000	128,337,000	+15,993,000
Epidemic services	73,520,000	73,520,000	73,520,000	73,520,000	73,520,000	---
National Center for Health Statistics:						
Program operations	48,605,000	56,605,000	48,605,000	52,605,000	51,605,000	+3,000,000
Program support	2,927,000	2,927,000	2,927,000	2,927,000	2,927,000	---
1% evaluation funds (non-add)	(28,873,000)	(28,873,000)	(28,873,000)	(28,873,000)	(28,873,000)	---
Subtotal, health statistics	51,532,000	59,532,000	51,532,000	55,532,000	54,532,000	+3,000,000
Buildings and facilities	16,648,000	16,648,000	16,648,000	16,648,000	16,648,000	---
Program management	3,388,000	3,131,000	3,131,000	3,131,000	3,131,000	-257,000
Total, Disease Control	1,662,545,000	2,161,788,000	1,910,182,000	2,088,781,000	2,051,132,000	+388,587,000

	FY 1993 Comparable	FY 1994 Budget Request	House Bill	Senate Bill	Conference	Conference vs FY93 Comparable
NATIONAL INSTITUTES OF HEALTH (INCLUDES AIDS)						
National Cancer Institute	1,978,341,000	2,041,324,000	2,082,267,000	2,082,267,000	2,082,267,000	+103,926,000
Forward funding (FY95 - FY97)	---	100,798,000	---	---	---	---
National Heart, Lung, and Blood Institute	1,214,715,000	1,198,402,000	1,277,880,000	1,277,880,000	1,277,880,000	+63,165,000
National Institute of Dental Research	161,141,000	163,009,000	169,520,000	169,520,000	169,520,000	+8,379,000
National Institute of Diabetes and Digestive and Kidney Diseases	680,660,000	671,284,000	716,054,000	716,054,000	716,054,000	+35,394,000
Forward funding (FY95 - FY97)	---	5,851,000	---	---	---	---
National Institute of Neurological Disorders and Stroke	599,477,000	590,065,000	630,650,000	630,650,000	630,650,000	+31,173,000
National Institute of Allergy and Infectious Diseases	984,210,000	1,065,583,000	1,065,583,000	1,065,583,000	1,065,583,000	+81,373,000
National Institute of General Medical Sciences	832,235,000	825,897,000	875,511,000	875,511,000	875,511,000	+43,276,000
Forward funding (FY95 - FY97)	---	7,167,000	---	---	---	---
National Institute of Child Health and Human Development	527,752,000	539,464,000	555,195,000	555,195,000	555,195,000	+27,443,000
Forward funding (FY95 - FY97)	---	2,893,000	---	---	---	---
National Eye Institute	275,913,000	272,201,000	290,260,000	290,260,000	290,260,000	+14,347,000
National Institute of Environmental Health Sciences	251,187,000	253,356,000	264,249,000	264,249,000	264,249,000	+13,062,000
Forward funding (FY95 - FY97)	---	7,950,000	---	---	---	---
National Institute on Aging	399,528,000	392,615,000	420,303,000	420,303,000	420,303,000	+20,775,000
Forward funding (FY95 - FY97)	---	1,541,000	---	---	---	---
National Institute of Arthritis and Musculoskeletal and Skin Diseases	212,243,000	210,382,000	223,280,000	223,280,000	223,280,000	+11,037,000
National Institute on Deafness and Other Communication Disorders	154,775,000	153,088,000	162,823,000	162,823,000	162,823,000	+8,048,000
National Institute of Nursing Research	48,496,000	48,975,000	51,018,000	51,018,000	51,018,000	+2,522,000
National Institute on Alcohol Abuse and Alcoholism	176,442,000	173,615,000	185,617,000	185,617,000	185,617,000	+9,175,000
National Institute on Drug Abuse	404,183,000	407,098,000	425,201,000	425,201,000	425,201,000	+21,018,000
National Institute of Mental Health	583,122,000	576,015,000	613,444,000	613,444,000	613,444,000	+30,322,000
National Center for Research Resources	312,657,000	324,625,000	328,915,000	332,915,000	331,915,000	+19,258,000
Forward funding (FY95 - FY97)	---	3,262,000	---	---	---	---
National Center for Human Genome Research	106,134,000	131,925,000	119,030,000	131,925,000	128,701,000	+22,567,000
Forward funding (FY95 - FY97)	---	2,624,000	---	---	---	---
John E. Fogarty International Center	19,715,000	19,988,000	22,240,000	19,988,000	21,677,000	+1,962,000
National Library of Medicine	103,613,000	133,349,000	118,481,000	120,481,000	119,981,000	+16,368,000
Office of the Director	190,334,000	234,907,000	224,746,000	241,225,000	233,605,000	+43,271,000
Buildings and facilities	108,731,000	108,731,000	114,385,000	101,000,000	111,039,000	+2,308,000
Total N.I.H.	10,325,604,000	10,667,984,000	10,936,652,000	10,956,389,000	10,955,773,000	+630,169,000
Current year, FY 1994	(10,325,604,000)	(10,535,898,000)	(10,936,652,000)	(10,956,389,000)	(10,955,773,000)	(+630,169,000)
Forward funding (FY95 - FY97)	---	(132,086,000)	---	---	---	---
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION						
Center for Mental Health Services:						
Mental Health Block Grant	277,919,000	277,919,000	267,919,000	277,919,000	277,919,000	---
Children's mental health	4,903,000	4,903,000	40,000,000	15,000,000	35,000,000	+30,097,000
Clinical training	2,956,000	2,956,000	---	2,956,000	2,500,000	-456,000
AIDS training	2,987,000	2,987,000	2,943,000	2,987,000	2,943,000	-44,000
Community support demonstrations	24,402,000	24,402,000	24,402,000	24,402,000	24,402,000	---
Grants to States for the homeless (PATH)	29,462,000	29,462,000	29,462,000	29,462,000	29,462,000	---
Homeless services demonstrations	21,419,000	21,419,000	21,419,000	21,419,000	21,419,000	---
Protection and advocacy	20,832,000	20,832,000	20,832,000	22,332,000	21,957,000	+1,125,000
AIDS demonstrations	---	---	2,000,000	---	1,500,000	+1,500,000
Subtotal, mental health	384,880,000	384,880,000	408,977,000	396,477,000	417,102,000	+32,222,000
Center for Substance Abuse Treatment:						
Substance abuse block grant	1,107,899,000	1,130,509,000	1,096,899,000	1,190,509,000	1,167,107,000	+59,208,000
Transfer from forfeiture fund (non-add)	---	---	---	(10,000,000)	(10,000,000)	(+10,000,000)
Treatment grants to crisis areas	34,848,000	34,848,000	34,848,000	34,848,000	34,848,000	---
Treatment improvement demos:						
Pregnant/post partum women and children	43,638,000	49,228,000	49,228,000	49,228,000	49,228,000	+5,590,000
Transfer from forfeiture fund (non-add)	(5,000,000)	---	---	(5,000,000)	(5,000,000)	---
Campus program	18,395,000	9,395,000	9,395,000	9,395,000	9,395,000	-9,000,000
Criminal justice program	32,990,000	32,990,000	32,990,000	33,990,000	33,990,000	+1,000,000
Critical populations	44,681,000	44,681,000	44,681,000	43,681,000	43,681,000	-1,000,000

	FY 1993 Comparable	FY 1994 Budget Request	House Bill	Senate Bill	Conference	Conference vs FY93 Comparable
Comprehensive community treatment program	16,573,000	26,773,000	27,773,000	26,773,000	27,523,000	+10,950,000
Transfer from forfeiture fund (non-add)	(4,700,000)	---	---	---	---	(-4,700,000)
Training	5,429,000	5,429,000	5,429,000	5,429,000	5,429,000	---
AIDS demonstration & training: Training	2,812,000	2,812,000	2,812,000	2,812,000	2,812,000	---
Linkage	7,809,000	7,809,000	7,809,000	7,809,000	7,809,000	---
Outreach	10,535,000	10,535,000	10,535,000	10,535,000	10,535,000	---
Treatment capacity expansion program	---	88,872,000	22,072,000	---	10,000,000	+10,000,000
Transfer from forfeiture fund (non-add)	(15,300,000)	---	---	(10,000,000)	---	(-15,300,000)
Subtotal, Substance Abuse Treatment	1,325,609,000	1,443,881,000	1,344,471,000	1,415,009,000	1,402,357,000	+76,748,000
Center for Substance Abuse Prevention: Prevention demonstrations: High risk youth	56,295,000	69,295,000	61,295,000	65,295,000	63,295,000	+7,000,000
Pregnant women & infants	50,212,000	43,440,000	43,440,000	43,440,000	43,440,000	-6,772,000
Other programs	18,483,000	18,483,000	17,483,000	17,483,000	17,483,000	-1,000,000
Community partnership	96,040,000	116,741,000	104,741,000	104,741,000	104,741,000	+8,701,000
Transfer from forfeiture fund (non-add)	(8,701,000)	---	---	(10,000,000)	(10,000,000)	(+1,299,000)
Training	14,512,000	14,512,000	14,512,000	14,512,000	14,512,000	---
Subtotal, Substance Abuse Prevention	235,542,000	262,471,000	241,471,000	245,471,000	243,471,000	+7,929,000
Buildings and facilities	952,000	952,000	952,000	952,000	952,000	---
Program management	57,820,000	61,296,000	61,296,000	61,296,000	61,296,000	+3,476,000
Total, Substance Abuse & Mental Health	2,004,803,000	2,153,480,000	2,057,167,000	2,119,205,000	2,125,178,000	+120,375,000
ASSISTANT SECRETARY FOR HEALTH						
OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH						
Population affairs: Adolescent family life	7,598,000	7,591,000	7,591,000	7,000,000	7,000,000	-598,000
Health Initiatives: Office of Disease Prevention and Health Promotion	4,778,000	4,771,000	4,771,000	4,771,000	4,771,000	-7,000
Physical fitness and sports	1,453,000	1,453,000	1,453,000	1,453,000	1,453,000	---
Minority health	20,398,000	25,398,000	20,398,000	20,398,000	20,398,000	---
National vaccine program	2,737,000	8,737,000	2,737,000	2,737,000	2,737,000	---
Office of research integrity	---	6,000,000	4,000,000	4,000,000	4,000,000	+4,000,000
Office of women's health	---	1,000,000	1,000,000	1,000,000	1,000,000	+1,000,000
Emergency preparedness	---	3,000,000	1,500,000	2,500,000	2,250,000	+2,250,000
Health care reform data analysis	---	5,000,000	3,000,000	3,000,000	3,000,000	+3,000,000
Health Service Management	21,379,000	21,379,000	19,379,000	21,379,000	20,379,000	-1,000,000
National AIDS program office	2,936,000	2,929,000	2,929,000	2,929,000	2,929,000	-7,000
Total, OASH	61,279,000	87,258,000	68,758,000	71,167,000	69,917,000	+8,638,000
PUBLIC HEALTH EMERGENCY FUND						
Public health emergency fund	6,000,000	---	---	---	---	-6,000,000
Flood relief supplemental	75,000,000	---	---	---	---	-75,000,000
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS						
Retirement payments	109,462,000	119,660,000	119,660,000	119,660,000	119,660,000	+10,198,000
Survivors benefits	6,835,000	7,856,000	7,856,000	7,856,000	7,856,000	+1,021,000
Dependent's medical care	21,565,000	22,665,000	22,665,000	22,665,000	22,665,000	+1,100,000
Military Services Credits	2,900,000	2,879,000	2,879,000	2,879,000	2,879,000	-21,000
Total, Retirement pay and medical benefits	140,762,000	153,060,000	153,060,000	153,060,000	153,060,000	+12,298,000
AGENCY FOR HEALTH CARE POLICY AND RESEARCH						
Health services research: Research	29,121,000	45,042,000	43,121,000	48,042,000	46,812,000	+17,691,000
Trust funds	(994,000)	(994,000)	(994,000)	(994,000)	(994,000)	---
AIDS	9,624,000	11,700,000	10,624,000	10,624,000	10,624,000	+1,000,000
1% evaluation funding (non-add)	(13,204,000)	(13,204,000)	(13,204,000)	(13,204,000)	(13,204,000)	---
Subtotal including trust funds & 1% funds	(52,943,000)	(70,940,000)	(67,943,000)	(72,864,000)	(71,634,000)	(+18,691,000)
Medical treatment effectiveness: Federal funds	67,875,000	79,872,000	72,875,000	78,208,000	75,542,000	+7,667,000
Trust funds	(4,792,000)	(4,792,000)	(4,792,000)	(4,792,000)	(4,792,000)	---
Subtotal, Medical treatment effectiveness	(72,667,000)	(84,664,000)	(77,667,000)	(83,000,000)	(80,334,000)	(+7,667,000)
Program support	2,431,000	2,431,000	2,431,000	2,431,000	2,431,000	---
Total, Health Care Policy and Research: Federal Funds	109,051,000	139,045,000	129,051,000	139,305,000	135,409,000	+26,358,000
Trust funds	(5,786,000)	(5,786,000)	(5,786,000)	(5,786,000)	(5,786,000)	---

	FY 1993 Comparable	FY 1994 Budget Request	House Bill	Senate Bill	Conference	Conference vs FY93 Comparable
Total, 1% evaluation funding (non-add)	(13,204,000)	(13,204,000)	(13,204,000)	(13,204,000)	(13,204,000)	---
Total, Health Care Policy & Research (non-add)	(128,041,000)	(158,035,000)	(148,041,000)	(158,295,000)	(154,399,000)	(+26,358,000)
Total, Public Health Service:						
Federal Funds	17,160,296,000	18,651,683,000	18,290,596,000	18,714,886,000	18,649,488,000	+1,489,192,000
Trust funds	(5,786,000)	(5,786,000)	(5,786,000)	(5,786,000)	(5,786,000)	---
HEALTH CARE FINANCING ADMINISTRATION						
GRANTS TO STATES FOR MEDICAID						
Medicaid current law benefits	79,697,500,000	85,733,613,000	85,733,613,000	85,733,613,000	85,733,613,000	+6,036,113,000
State and local administration	2,898,150,000	3,343,800,000	3,343,800,000	3,343,800,000	3,343,800,000	+445,650,000
Subtotal, Medicaid program level, FY 1994	82,595,650,000	89,077,413,000	89,077,413,000	89,077,413,000	89,077,413,000	+6,481,763,000
Less funds advanced in prior year	-17,100,000,000	-24,600,000,000	-24,600,000,000	-24,600,000,000	-24,600,000,000	-7,500,000,000
Total, request, FY 1994	65,495,650,000	64,477,413,000	64,477,413,000	64,477,413,000	64,477,413,000	-1,018,237,000
New advance, 1st quarter, FY 1995	24,600,000,000	26,600,000,000	---	26,600,000,000	26,600,000,000	+2,000,000,000
PAYMENTS TO HEALTH CARE TRUST FUNDS						
Supplemental medical insurance	45,478,000,000	45,097,000,000	45,097,000,000	45,097,000,000	45,097,000,000	-381,000,000
Hospital insurance for the uninsured	328,000,000	458,000,000	458,000,000	458,000,000	458,000,000	+130,000,000
Federal uninsured payment	39,000,000	48,000,000	48,000,000	48,000,000	48,000,000	+9,000,000
Program management	117,862,000	128,440,000	128,440,000	128,440,000	128,440,000	+10,578,000
Total, Payment to Trust Funds, current law	45,962,862,000	45,731,440,000	45,731,440,000	45,731,440,000	45,731,440,000	-231,422,000
PROGRAM MANAGEMENT						
Research, demonstration, and evaluation:						
Regular program, trust funds	(35,951,000)	(36,000,000)	(41,000,000)	(44,000,000)	(43,250,000)	(+7,299,000)
Counseling program	(9,920,000)	(9,920,000)	(9,920,000)	(9,920,000)	(9,920,000)	---
Rural hospital transition demonstrations, trust funds	(22,816,000)	(10,000,000)	(16,000,000)	(22,816,000)	(21,112,000)	(-1,704,000)
Essential access community hospitals, trust funds.	---	(11,000,000)	---	(10,000,000)	(10,000,000)	(+10,000,000)
New rural health grants	---	(1,700,000)	(1,700,000)	(1,700,000)	(1,700,000)	(+1,700,000)
Subtotal, research, demonstration, & evaluation.	(68,687,000)	(68,620,000)	(68,620,000)	(88,436,000)	(85,982,000)	(+17,295,000)
Medicare Contractors (Trust Funds)	(1,600,362,000)	(1,615,300,000)	(1,615,300,000)	(1,615,300,000)	(1,615,300,000)	(+14,938,000)
State Survey and Certification:						
Medicare certification, trust funds	(148,009,000)	(145,800,000)	(145,800,000)	(145,800,000)	(145,800,000)	(-2,209,000)
Federal Administration:						
Trust funds	(333,693,000)	(347,903,000)	(343,000,000)	(343,000,000)	(343,000,000)	(+9,307,000)
Less current law user fees	(-122,000)	(-122,000)	(-122,000)	(-122,000)	(-122,000)	---
Subtotal, Federal Administration	(333,571,000)	(347,781,000)	(342,878,000)	(342,878,000)	(342,878,000)	(+9,307,000)
Total, Program management	(2,150,629,000)	(2,177,501,000)	(2,172,598,000)	(2,192,414,000)	(2,189,960,000)	(+39,331,000)
HMO LOAN AND LOAN GUARANTEE FUND	13,800,000	---	---	---	---	-13,800,000
Total, Health Care Financing Administration:						
Federal funds	136,072,312,000	136,808,853,000	110,208,853,000	136,808,853,000	136,808,853,000	+736,541,000
Current year, FY 1994	(111,472,312,000)	(110,208,853,000)	(110,208,853,000)	(110,208,853,000)	(110,208,853,000)	(-1,263,459,000)
New advance, 1st quarter, FY 1995	(24,600,000,000)	(26,600,000,000)	---	(26,600,000,000)	(26,600,000,000)	(+2,000,000,000)
Trust funds	(2,150,629,000)	(2,177,501,000)	(2,172,598,000)	(2,192,414,000)	(2,189,960,000)	(+39,331,000)
SOCIAL SECURITY ADMINISTRATION						
PAYMENTS TO SOCIAL SECURITY TRUST FUNDS	45,242,000	28,178,000	28,178,000	28,178,000	28,178,000	-17,064,000
SPECIAL BENEFITS FOR DISABLED COAL MINERS						
Benefit payments	800,437,000	766,000,000	766,000,000	766,000,000	766,000,000	-34,437,000
Administration	4,951,000	5,181,000	5,181,000	5,181,000	5,181,000	+230,000
Subtotal, Black Lung, FY 1994 program level	805,388,000	771,181,000	771,181,000	771,181,000	771,181,000	-34,207,000
Less funds advanced in prior year	-198,000,000	-196,000,000	-196,000,000	-196,000,000	-196,000,000	+2,000,000
Total, Black Lung, current request, FY 1994	607,388,000	575,181,000	575,181,000	575,181,000	575,181,000	-32,207,000
New advance, 1st quarter, FY 1995	196,000,000	190,000,000	---	190,000,000	190,000,000	-6,000,000
SUPPLEMENTAL SECURITY INCOME						
Federal benefit payments	21,810,096,000	25,478,000,000	25,478,000,000	25,478,000,000	25,478,000,000	+3,667,904,000
Beneficiary services	47,600,000	51,600,000	51,600,000	51,600,000	51,600,000	+4,000,000
Research demonstration	12,625,000	6,700,000	6,700,000	12,700,000	12,700,000	+75,000
Administration	1,476,450,000	1,690,475,000	1,690,475,000	1,690,475,000	1,690,475,000	+214,025,000
Investment proposals:						
Automation investment initiative	---	45,000,000	45,000,000	30,000,000	41,000,000	+41,000,000
Disability investment initiative	---	60,000,000	60,000,000	60,000,000	60,000,000	+60,000,000
Subtotal, SSI FY 1994 program level	23,346,771,000	27,331,775,000	27,331,775,000	27,322,775,000	27,333,775,000	+3,987,004,000

	FY 1993 Comparable	FY 1994 Budget Request	House Bill	Senate Bill	Conference	Conference vs FY93 Comparable
Less funds advanced in prior year	-5,240,000,000	-7,150,000,000	-7,150,000,000	-7,150,000,000	-7,150,000,000	-1,910,000,000
Total, SSI, current request, FY 1994	18,106,771,000	20,181,775,000	20,181,775,000	20,172,775,000	20,183,775,000	+2,077,004,000
New advance, 1st quarter, FY 1995	7,150,000,000	6,770,000,000	---	6,770,000,000	6,770,000,000	-380,000,000
LIMITATION ON ADMINISTRATIVE EXPENSES (Trust Funds)	(4,028,125,000)	(5,376,887,000)	(4,781,887,000)	(4,871,887,000)	(4,751,887,000)	(+723,762,000)
Notch Commission	---	---	---	(1,800,000)	(1,800,000)	(+1,800,000)
Portion treated as budget authority	(696,576,000)	(742,398,000)	(742,398,000)	(542,398,000)	(742,398,000)	(+45,822,000)
Subtotal, LAE operating level	(4,724,701,000)	(6,119,285,000)	(5,524,285,000)	(5,416,085,000)	(5,496,085,000)	(+771,384,000)
(Contingency reserve)	(98,400,000)	---	---	---	---	(-98,400,000)
Subtotal, LAE	(4,823,101,000)	(6,119,285,000)	(5,524,285,000)	(5,416,085,000)	(5,496,085,000)	(+672,984,000)
Total, Social Security Administration: Federal funds	26,105,401,000	27,745,134,000	20,785,134,000	27,736,134,000	27,747,134,000	+1,641,733,000
Current year FY 1994	(18,759,401,000)	(20,785,134,000)	(20,785,134,000)	(20,776,134,000)	(20,787,134,000)	(+2,027,733,000)
New advances, 1st quarter FY 1995	(7,346,000,000)	(6,960,000,000)	---	(6,960,000,000)	(6,960,000,000)	(-386,000,000)
Trust funds	(4,823,101,000)	(6,119,285,000)	(5,524,285,000)	(5,416,085,000)	(5,496,085,000)	(+672,984,000)
ADMINISTRATION FOR CHILDREN AND FAMILIES						
FAMILY SUPPORT PAYMENTS TO STATES						
Aid to Families with Dependent Children (AFDC)	12,443,069,000	12,662,000,000	12,662,000,000	12,662,000,000	12,662,000,000	+218,931,000
Quality control liabilities	---	-68,856,000	-68,856,000	-68,856,000	-68,856,000	-68,856,000
Payments to territories	15,532,000	15,532,000	15,532,000	15,532,000	15,532,000	---
Emergency assistance	102,000,000	149,000,000	149,000,000	149,000,000	149,000,000	+47,000,000
Repatriation	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	---
State and local welfare administration	1,411,000,000	1,504,000,000	1,504,000,000	1,504,000,000	1,504,000,000	+93,000,000
Work activities child care	395,000,000	450,000,000	450,000,000	450,000,000	450,000,000	+55,000,000
Transitional child care	84,000,000	95,000,000	95,000,000	95,000,000	95,000,000	+11,000,000
At risk child care	377,761,000	300,000,000	300,000,000	300,000,000	300,000,000	-77,761,000
Subtotal, Welfare payments	14,829,362,000	15,107,676,000	15,107,676,000	15,107,676,000	15,107,676,000	+278,314,000
Child Support Enforcement: State and local administration	1,559,000,000	1,746,000,000	1,746,000,000	1,746,000,000	1,746,000,000	+187,000,000
Federal incentive payments	379,000,000	415,000,000	415,000,000	415,000,000	415,000,000	+36,000,000
Less federal share collections	-1,160,000,000	-1,265,000,000	-1,265,000,000	-1,265,000,000	-1,265,000,000	-105,000,000
Subtotal, Child support	778,000,000	896,000,000	896,000,000	896,000,000	896,000,000	+118,000,000
Surplus budget authority	87,710,000	-87,710,000	-87,710,000	-87,710,000	-87,710,000	-175,420,000
Total, Payments, FY94 program level	15,695,072,000	15,915,966,000	15,915,966,000	15,915,966,000	15,915,966,000	+220,894,000
Less funds advanced in previous years	-4,000,000,000	-4,000,000,000	-4,000,000,000	-4,000,000,000	-4,000,000,000	---
Total, Payments, current request, FY 1994	11,695,072,000	11,915,966,000	11,915,966,000	11,915,966,000	11,915,966,000	+220,894,000
New advance, 1st quarter, FY 1995	4,000,000,000	4,200,000,000	---	4,200,000,000	4,200,000,000	+200,000,000
PAYMENTS TO STATES FOR AFDC WORK PROGRAMS	1,000,000,000	1,100,000,000	1,100,000,000	1,100,000,000	1,100,000,000	+100,000,000
LOW INCOME HOME ENERGY ASSISTANCE						
Regular program	663,812,000	70,000,000	---	---	---	-663,812,000
Additional appropriation 9/30	682,218,000	---	---	---	---	-682,218,000
Emergency allocation 1/	(600,000,000)	---	---	(600,000,000)	(600,000,000)	---
Advance from prior year (non-add)	---	(1,437,408,000)	(1,437,408,000)	(1,437,408,000)	(1,437,408,000)	(+1,437,408,000)
FY 1994 program level (non-add)	(1,346,030,000)	(1,507,408,000)	(1,437,408,000)	(1,437,408,000)	(1,437,408,000)	(+91,378,000)
Advance funding (FY 1995)	1,437,408,000	1,404,780,000	---	1,507,408,000	1,475,000,000	+37,592,000
REFUGEE AND ENTRANT ASSISTANCE						
Transitional and medical services	245,611,000	284,382,000	264,330,000	264,330,000	264,330,000	+18,519,000
Social services	80,802,000	80,802,000	80,802,000	80,802,000	80,802,000	---
Preventive health	5,471,000	5,471,000	5,471,000	5,471,000	5,471,000	---
Targeted assistance	49,397,000	49,397,000	49,397,000	49,397,000	49,397,000	---
Total, Refugee and entrant assistance	381,481,000	420,052,000	400,000,000	400,000,000	400,000,000	+18,519,000

1/ For FY 1994 - Available only upon submission of a formal budget request designating the need for funds as an emergency as defined by the BEA.

	FY 1993 Comparable	FY 1994 Budget Request	House Bill	Senate Bill	Conference	Conference vs FY93 Comparable
STATE LEGALIZATION IMPACT ASSISTANCE GRANTS 1/						
Current year	-812,000,000	---	---	---	---	+812,000,000
Advance funding	812,000,000	---	---	---	---	-812,000,000

	FY 1993 Comparable	FY 1994 Budget Request	House Bill	Senate Bill	Conference	Conference vs FY93 Comparable
COMMUNITY SERVICES BLOCK GRANT						
Grants to States for Community Services	372,000,000	372,000,000	372,000,000	390,000,000	385,500,000	+13,500,000
Homeless services grants	19,840,000	19,840,000	19,840,000	19,840,000	19,840,000	---
Discretionary funds:						
Community economic development	20,733,000	20,733,000	20,733,000	23,733,000	22,233,000	+1,500,000
Rural housing	4,960,000	4,960,000	4,960,000	5,960,000	5,460,000	+500,000
Farmworker assistance	2,947,000	2,947,000	2,947,000	2,947,000	2,947,000	---
National youth sports	9,424,000	9,424,000	12,000,000	12,000,000	12,000,000	+2,576,000
Technical assistance	219,000	219,000	219,000	1,225,000	300,000	+81,000
Subtotal, discretionary funds	38,283,000	38,283,000	40,859,000	45,865,000	42,940,000	+4,657,000
Demonstration Partnerships	3,804,000	3,804,000	8,000,000	8,000,000	8,000,000	+4,196,000
Community Food and Nutrition	6,944,000	6,944,000	6,944,000	8,944,000	7,944,000	+1,000,000
Total, Community services	440,871,000	440,871,000	447,643,000	472,649,000	464,224,000	+23,353,000
GRANTS TO STATES FOR CHILD CARE						
Block grants to States	892,711,000	932,711,000	892,711,000	892,711,000	892,711,000	---
(Base program)	(892,711,000)	(892,711,000)	(892,711,000)	(892,711,000)	(892,711,000)	---
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	2,800,000,000	2,800,000,000	2,800,000,000	3,800,000,000	3,800,000,000	+1,000,000,000
CHILDREN AND FAMILIES SERVICES PROGRAMS						
Programs for Children, Youth, and Families:						
Head start	2,776,285,000	4,150,245,000	3,276,285,000	3,376,285,000	3,326,285,000	+550,000,000
Comprehensive child development centers	46,790,000	46,790,000	46,790,000	46,790,000	46,790,000	---
Child development associate scholarships	1,372,000	1,372,000	1,372,000	1,372,000	1,372,000	---
Runaway and homeless youth	35,110,000	35,110,000	36,110,000	36,110,000	36,110,000	+1,000,000
Runaway youth - transitional living	11,785,000	11,785,000	12,200,000	12,200,000	12,200,000	+415,000
Runaway youth activities - drugs	14,603,000	14,603,000	14,603,000	14,603,000	14,603,000	---
Youth gang substance abuse	10,647,000	10,647,000	10,647,000	10,647,000	10,647,000	---
Child abuse state grants	20,354,000	20,354,000	20,354,000	25,354,000	22,854,000	+2,500,000
Child abuse discretionary activities	15,927,000	15,927,000	15,927,000	15,927,000	15,927,000	---
Child abuse challenge grants	5,270,000	5,270,000	5,270,000	5,270,000	5,270,000	---
ABCAN	300,000	300,000	300,000	300,000	300,000	---
Temporary childcare/crisis nurseries	11,942,000	11,942,000	11,942,000	11,942,000	11,942,000	---
Abandoned infants assistance	13,563,000	13,563,000	13,563,000	15,563,000	14,563,000	+1,000,000
Dependent care planning and development	12,939,000	12,939,000	12,939,000	12,939,000	12,939,000	---
Emergency protection grants - substance abuse	19,039,000	19,039,000	19,039,000	19,039,000	19,039,000	---
Child welfare services	294,624,000	294,624,000	294,624,000	294,624,000	294,624,000	---
Child welfare training	4,441,000	4,441,000	4,441,000	4,441,000	4,441,000	---
Child welfare research	6,467,000	6,467,000	6,467,000	6,467,000	6,467,000	---
Adoption opportunities	12,163,000	12,163,000	12,163,000	12,163,000	12,163,000	---
Family violence	24,679,000	24,679,000	24,679,000	28,679,000	27,679,000	+3,000,000
Social services research	13,828,000	15,954,000	13,828,000	13,828,000	13,828,000	---
Family support centers	6,875,000	6,874,000	6,874,000	7,874,000	7,374,000	+499,000
Family resource centers	4,910,000	4,910,000	5,910,000	5,910,000	5,910,000	+1,000,000
Developmental disabilities program:						
State grants	67,372,000	67,372,000	67,372,000	70,000,000	69,343,000	+1,971,000
Protection and advocacy	22,506,000	22,506,000	22,506,000	25,000,000	23,753,000	+1,247,000
Developmental disabilities special projects	3,034,000	3,034,000	3,034,000	4,534,000	3,784,000	+750,000
Developmental disabilities university affiliated programs	16,125,000	16,125,000	16,125,000	19,000,000	18,281,000	+2,156,000
Subtotal, Developmental disabilities	109,037,000	109,037,000	109,037,000	118,534,000	115,161,000	+6,124,000
Native American Programs	34,507,000	34,507,000	34,507,000	40,000,000	38,627,000	+4,120,000
Program direction	150,935,000	167,935,000	159,935,000	159,935,000	159,935,000	+9,000,000
Total, Children and Families Services Programs	3,658,392,000	5,051,477,000	4,169,806,000	4,296,796,000	4,237,050,000	+578,658,000
FAMILY SUPPORT AND PRESERVATION	---	60,000,000	---	60,000,000	60,000,000	+60,000,000
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE						
Foster care	2,610,050,000	2,605,500,000	2,605,500,000	2,605,500,000	2,605,500,000	-4,550,000
Adoption assistance	243,964,000	317,400,000	317,400,000	317,400,000	317,400,000	+73,436,000

1/ FY92 bill delayed availability of $1,137,672,216 from FY92 to FY93.

	FY 1993 Comparable	FY 1994 Budget Request	House Bill	Senate Bill	Conference	Conference vs FY93 Comparable
Independent living	70,000,000	70,000,000	70,000,000	70,000,000	70,000,000	---
Total, Payments to States	2,924,014,000	2,992,900,000	2,992,900,000	2,992,900,000	2,992,900,000	+68,886,000
Total, Administration for Children and Families	30,575,979,000	31,388,757,000	24,719,026,000	31,638,430,000	31,537,851,000	+961,872,000
Current year	(24,326,571,000)	(25,783,977,000)	(24,719,026,000)	(25,931,022,000)	(25,862,851,000)	(+1,536,280,000)
FY 1995	(6,249,408,000)	(5,604,780,000)	---	(5,707,408,000)	(5,675,000,000)	(-574,408,000)
ADMINISTRATION ON AGING						
AGING SERVICES PROGRAMS						
Grants to States:						
Supportive services and centers	296,844,000	296,844,000	296,844,000	310,000,000	306,711,000	+9,867,000
Ombudsman services	3,870,000	3,870,000	4,370,000	4,370,000	4,370,000	+500,000
Prevention of elder abuse	4,348,000	4,348,000	4,648,000	4,648,000	4,648,000	+300,000
Pension counseling	---	---	2,000,000	2,000,000	2,000,000	+2,000,000
Preventive health	16,864,000	16,864,000	16,864,000	17,200,000	17,032,000	+168,000
Nutrition:						
Congregate meals	363,235,000	363,235,000	363,235,000	380,000,000	375,809,000	+12,574,000
Home-delivered meals	89,659,000	89,659,000	89,659,000	95,000,000	93,665,000	+4,006,000
Frail elderly in-home services	7,075,000	7,075,000	7,075,000	7,075,000	7,075,000	---
Grants to Indians	15,110,000	15,110,000	15,110,000	17,500,000	16,902,000	+1,792,000
Aging research, training and special projects	25,693,000	25,830,000	25,830,000	25,830,000	25,830,000	+137,000
Federal Council on Aging	178,000	177,000	177,000	177,000	177,000	-1,000
White House Conference on Aging	---	---	---	2,000,000	1,000,000	+1,000,000
Program administration	15,800,000	16,063,000	16,063,000	16,063,000	16,063,000	+263,000
Total, Administration on Aging	838,676,000	839,075,000	841,875,000	881,863,000	871,282,000	+32,606,000
OFFICE OF THE SECRETARY						
GENERAL DEPARTMENTAL MANAGEMENT:						
Federal funds	90,384,000	94,149,000	94,149,000	92,793,000	94,431,000	+4,047,000
Trust funds	(22,038,000)	(22,975,000)	(22,975,000)	(22,975,000)	(22,975,000)	(+937,000)
Portion treated as budget authority	(7,947,000)	(8,286,000)	(8,286,000)	(8,286,000)	(8,286,000)	(+339,000)
Total, General Departmental Management:						
Federal funds	90,384,000	94,149,000	94,149,000	92,793,000	94,431,000	+4,047,000
Trust funds	(29,985,000)	(31,261,000)	(31,261,000)	(31,261,000)	(31,261,000)	(+1,276,000)
Total	(120,369,000)	(125,410,000)	(125,410,000)	(124,054,000)	(125,692,000)	(+5,323,000)
OFFICE OF THE INSPECTOR GENERAL:						
Federal funds	62,379,000	62,379,000	62,379,000	64,800,000	63,590,000	+1,211,000
Trust funds	(16,020,000)	(16,020,000)	(16,020,000)	(16,020,000)	(16,020,000)	---
Portion treated as budget authority	(20,597,000)	(20,597,000)	(20,597,000)	(20,597,000)	(20,597,000)	---
Total, Office of the Inspector General:						
Federal funds	62,379,000	62,379,000	62,379,000	64,800,000	63,590,000	+1,211,000
Trust funds	(36,617,000)	(36,617,000)	(36,617,000)	(36,617,000)	(36,617,000)	---
Total	(98,996,000)	(98,996,000)	(98,996,000)	(101,417,000)	(100,207,000)	(+1,211,000)
OFFICE FOR CIVIL RIGHTS:						
Federal funds	18,308,000	18,308,000	18,308,000	18,308,000	18,308,000	---
Trust funds	(97,000)	(97,000)	(97,000)	(97,000)	(97,000)	---
Portion treated as budget authority	(3,777,000)	(3,777,000)	(3,777,000)	(3,777,000)	(3,777,000)	---
Total, Office for Civil Rights:						
Federal funds	18,308,000	18,308,000	18,308,000	18,308,000	18,308,000	---
Trust funds	(3,874,000)	(3,874,000)	(3,874,000)	(3,874,000)	(3,874,000)	---
Total	(22,182,000)	(22,182,000)	(22,182,000)	(22,182,000)	(22,182,000)	---
POLICY RESEARCH	8,047,000	15,868,000	12,000,000	12,000,000	12,000,000	+3,953,000
Total, Office of the Secretary:						
Federal funds	179,118,000	190,704,000	186,836,000	187,901,000	188,329,000	+9,211,000
Trust funds	(70,476,000)	(71,752,000)	(71,752,000)	(71,752,000)	(71,752,000)	(+1,276,000)
Total	(249,594,000)	(262,456,000)	(258,588,000)	(259,653,000)	(260,081,000)	(+10,487,000)
Total, Department of Health and Human Services:						
Federal Funds	210,931,782,000	215,624,206,000	175,032,320,000	215,968,067,000	215,802,937,000	+4,871,155,000
Current year FY 1994	(172,736,374,000)	(176,459,426,000)	(175,032,320,000)	(176,700,659,000)	(176,567,937,000)	(+3,831,563,000)
FY 1995	(38,195,408,000)	(39,164,780,000)	---	(39,267,408,000)	(39,235,000,000)	(+1,039,592,000)
Trust funds	(7,049,992,000)	(8,374,324,000)	(7,774,421,000)	(7,686,037,000)	(7,763,583,000)	(+713,591,000)
TITLE III - DEPARTMENT OF EDUCATION						
EDUCATION REFORM						
Goals 2000: Educate America Act (proposed legislation)	---	420,000,000	100,000,000	116,000,000	105,000,000	+105,000,000
Technology (non-add)	---	---	---	(5,000,000)	(5,000,000)	(+5,000,000)
School-to-work initiative	---	135,000,000	33,750,000	50,000,000	50,000,000	+50,000,000

	FY 1993 Comparable	FY 1994 Budget Request	House Bill	Senate Bill	Conference	Conference vs FY93 Comparable
Urban-rural initiative	---	15,000,000	---	---	---	---
Teacher professional development	---	15,000,000	---	---	---	---
Total	---	585,000,000	133,750,000	166,000,000	155,000,000	+155,000,000
COMPENSATORY EDUCATION FOR THE DISADVANTAGED						
Grants for the disadvantaged (Chapter 1):						
Grants to local educational agencies:						
Basic grants	5,449,925,000	5,800,000,000	5,597,000,000	5,687,000,000	5,642,000,000	+192,075,000
Concentration grants	675,998,000	700,000,000	694,000,000	694,000,000	694,000,000	+18,002,000
Subtotal, grants to LEA's	6,125,923,000	6,500,000,000	6,291,000,000	6,381,000,000	6,336,000,000	+210,077,000
Capital expenses for private school children	39,734,000	39,734,000	39,734,000	42,000,000	41,434,000	+1,700,000
Even start	89,123,000	110,000,000	89,123,000	92,123,000	91,373,000	+2,250,000
State agency programs:						
Migrant	302,773,000	310,948,000	302,773,000	306,000,000	305,193,000	+2,420,000
Neglected and delinquent	35,407,000	36,363,000	35,407,000	35,407,000	35,407,000	---
State administration	60,712,000	60,712,000	60,712,000	60,712,000	60,712,000	---
State program improvement grants	25,933,000	25,933,000	25,933,000	25,933,000	25,933,000	---
Evaluation and technical assistance 1/	14,036,000	13,100,000	13,100,000	13,100,000	13,100,000	-936,000
Rural technical assistance centers 1/	4,960,000	2,980,000	2,980,000	4,960,000	4,960,000	---
Total, Chapter 1	6,698,601,000	7,099,770,000	6,860,762,000	6,961,235,000	6,914,112,000	+215,511,000
Migrant education:						
High school equivalency program 1/	8,161,000	8,161,000	8,161,000	8,161,000	8,161,000	---
College assistance migrant program 1/	2,224,000	2,224,000	2,224,000	2,224,000	2,224,000	---
Subtotal, migrant education	10,385,000	10,385,000	10,385,000	10,385,000	10,385,000	---
Total, Compensatory education programs	6,708,986,000	7,110,155,000	6,871,147,000	6,971,620,000	6,924,497,000	+215,511,000
Subtotal, forward funded	(6,679,605,000)	(7,083,690,000)	(6,844,682,000)	(6,943,175,000)	(6,896,052,000)	(+216,447,000)
1/ Current funded.						
IMPACT AID						
Maintenance and operations:						
Payments for ''a'' children:						
Regular payments	567,080,000	600,000,000	630,000,000	563,780,000	613,445,000	+46,365,000
3(d)(2)(B) districts	17,677,000	16,000,000	17,677,000	20,857,000	20,062,000	+2,385,000
Subtotal	584,757,000	616,000,000	647,677,000	584,637,000	633,507,000	+48,750,000
Payments for ''b'' children:						
Regular payments	123,629,000	61,800,000	123,629,000	121,629,000	123,129,000	-500,000
3(d)(2)(B) districts	11,785,000	---	11,785,000	13,905,000	13,375,000	+1,590,000
Subtotal	135,414,000	61,800,000	135,414,000	135,534,000	136,504,000	+1,090,000
Payments for Federal property (Section 2)	16,293,000	8,000,000	16,293,000	16,293,000	16,293,000	---
Payments related to decreased activity (Sec. 3e)	1,786,000	---	1,786,000	---	---	-1,786,000
Subtotal	738,250,000	685,800,000	801,170,000	736,464,000	786,304,000	+48,054,000
Construction	11,904,000	3,000,000	11,904,000	11,904,000	11,904,000	---
Flood relief supplemental	70,000,000	---	---	---	---	-70,000,000
Total, Impact aid	820,154,000	688,800,000	813,074,000	748,368,000	798,208,000	-21,946,000
SCHOOL IMPROVEMENT PROGRAMS 1/						
Educational improvement (Chapter 2):						
State and local programs:						
State block grants 2/	435,488,000	415,488,000	369,500,000	369,500,000	369,500,000	-65,988,000
National programs:						
Inexpensive book distribution (RIF)	10,029,000	10,029,000	10,029,000	10,300,000	10,300,000	+271,000
Arts in education	6,944,000	6,944,000	8,944,000	8,944,000	8,944,000	+2,000,000
Law - related education	5,952,000	3,000,000	5,952,000	5,952,000	5,952,000	---
Subtotal, National programs	22,925,000	19,973,000	24,925,000	25,196,000	25,196,000	+2,271,000
Total, Chapter 2	458,413,000	435,461,000	394,425,000	394,696,000	394,696,000	-63,717,000
Drug-free and Safe schools:						
State grants 2/	498,565,000	498,565,000	369,500,000	369,500,000	369,500,000	-129,065,000
School personnel training	13,614,000	13,614,000	13,614,000	13,614,000	13,614,000	---
National programs	61,496,000	61,496,000	59,496,000	59,496,000	59,496,000	-2,000,000
Emergency grants	24,552,000	24,552,000	24,552,000	24,552,000	24,552,000	---
Safe schools initiative (proposed leg.) 1/ 2/	---	75,000,000	---	32,838,000	20,000,000	+20,000,000
Subtotal, Drug-free schools	598,227,000	673,227,000	467,162,000	500,000,000	487,162,000	-111,065,000

1/ House bill considered Safe Schools request under Education Reform account.

2/ Forward funded.

	FY 1993 Comparable	FY 1994 Budget Request	House Bill	Senate Bill	Conference	Conference vs FY93 Comparable
Strengthening teaching and administration:						
Eisenhower mathematics and science education State grants 1/	246,016,000	252,658,000	246,016,000	252,658,000	250,998,000	+4,982,000
Christa McAuliffe fellowships	1,964,000	2,104,000	1,964,000	1,964,000	1,964,000	---
Other school improvement programs:						
Magnet schools assistance	107,985,000	107,985,000	107,985,000	107,985,000	107,985,000	---
Education for homeless children & youth 1/	24,800,000	25,470,000	25,470,000	25,470,000	25,470,000	+670,000
Women's educational equity	1,984,000	1,984,000	1,984,000	1,984,000	1,984,000	---
Training and advisory services (Civil Rights IV-A)	21,606,000	21,606,000	21,606,000	21,606,000	21,606,000	---
Dropout prevention demonstrations	37,530,000	37,730,000	42,230,000	37,730,000	37,730,000	+200,000
General assistance to the Virgin Islands	2,455,000	1,227,000	1,227,000	1,227,000	1,227,000	-1,228,000
Ellender fellowships/Close up 1/	4,223,000	---	4,223,000	4,223,000	4,223,000	---
Follow through	8,478,000	8,478,000	8,478,000	8,478,000	8,478,000	---
Education for native Hawaiians	6,448,000	---	6,448,000	10,000,000	8,224,000	+1,776,000
Foreign languages assistance 1/	10,912,000	---	---	10,912,000	10,912,000	---
Training in early childhood education and violence counseling (HEA V-F)	4,960,000	4,960,000	9,960,000	14,960,000	14,000,000	+9,040,000
Subtotal, other school improvement programs	231,381,000	209,440,000	229,611,000	244,575,000	241,839,000	+10,458,000
Total, School improvement programs	1,536,001,000	1,572,890,000	1,339,178,000	1,393,893,000	1,376,659,000	-159,342,000
Subtotal, forward funded	(1,220,004,000)	(1,267,181,000)	(1,014,709,000)	(1,065,101,000)	(1,050,603,000)	(-169,401,000)
BILINGUAL AND IMMIGRANT EDUCATION						
Bilingual education:						
Bilingual programs	149,696,000	153,738,000	153,738,000	149,696,000	152,728,000	+3,032,000
Support services	10,879,000	12,379,000	12,379,000	10,879,000	12,004,000	+1,125,000
Training grants	35,708,000	36,672,000	36,672,000	35,708,000	36,431,000	+723,000
Immigrant education	29,462,000	29,462,000	40,000,000	35,968,000	38,992,000	+9,530,000
Total	225,745,000	232,251,000	242,789,000	232,251,000	240,155,000	+14,410,000
SPECIAL EDUCATION						
State grants:						
Grants to States part ''b''	2,052,728,000	2,163,708,000	2,108,218,000	2,163,508,000	2,149,686,000	+96,958,000
Chapter 1 handicapped program	126,394,000	113,755,000	113,755,000	120,000,000	116,878,000	-9,516,000
Preschool grants	325,773,000	343,751,000	325,773,000	343,751,000	339,257,000	+13,484,000
Grants for infants and families	213,280,000	256,280,000	243,769,000	256,280,000	253,152,000	+39,872,000
Subtotal, State grants	2,718,175,000	2,877,494,000	2,791,515,000	2,883,539,000	2,858,973,000	+140,798,000
Special purpose funds:						
Deaf-blindness	12,832,000	12,832,000	12,832,000	12,832,000	12,832,000	---
Serious emotional disturbance	4,147,000	4,147,000	4,147,000	4,147,000	4,147,000	---
Severe disabilities	9,330,000	9,330,000	9,330,000	9,330,000	9,330,000	---
Early childhood education	25,167,000	25,167,000	25,167,000	25,167,000	25,167,000	---
Secondary and transitional services	21,966,000	21,966,000	21,966,000	21,966,000	21,966,000	---
Postsecondary education	8,839,000	8,839,000	8,839,000	8,839,000	8,839,000	---
Innovation and development	20,635,000	20,635,000	20,635,000	20,635,000	20,635,000	---
Media and captioning services	17,892,000	17,892,000	18,392,000	18,892,000	18,642,000	+750,000
Technology applications	10,862,000	10,862,000	10,862,000	10,862,000	10,862,000	---
Special studies	3,855,000	3,855,000	3,855,000	3,855,000	3,855,000	---
Personnel development	90,122,000	90,122,000	90,122,000	92,555,000	91,339,000	+1,217,000
Parent training	12,400,000	12,400,000	12,400,000	12,735,000	12,735,000	+335,000
Clearinghouses	2,162,000	2,162,000	2,162,000	2,162,000	2,162,000	---
Regional resource centers	7,218,000	7,218,000	7,218,000	7,218,000	7,218,000	---
Subtotal, Special purpose funds	247,427,000	247,427,000	247,927,000	251,195,000	249,729,000	+2,302,000
Total, Special education	2,965,602,000	3,124,921,000	3,039,442,000	3,134,734,000	3,108,702,000	+143,100,000
REHABILITATION SERVICES AND DISABILITY RESEARCH						
Vocational rehabilitation State grants:						
Grants to States	1,879,679,000	1,939,828,000	1,939,828,000	1,989,828,000	1,974,145,000	+94,466,000
Supported employment State grants	32,273,000	33,144,000	33,144,000	35,000,000	34,536,000	+2,263,000
Client assistance	9,296,000	9,547,000	9,547,000	9,547,000	9,547,000	+251,000
Subtotal, State grants	1,921,248,000	1,982,519,000	1,982,519,000	2,034,375,000	2,018,228,000	+96,980,000
Special purpose funds:						
Special demonstration programs	19,942,000	19,942,000	19,942,000	19,942,000	19,942,000	---
Supported employment projects	10,616,000	10,616,000	10,616,000	10,616,000	10,616,000	---
Recreational programs	2,596,000	2,596,000	2,596,000	2,596,000	2,596,000	---

1/ Forward funded.

	FY 1993 Comparable	FY 1994 Budget Request	House Bill	Senate Bill	Conference	Conference vs FY93 Comparable
Migratory workers	1,171,000	1,171,000	1,171,000	1,171,000	1,171,000	---
Projects with industry	21,571,000	21,571,000	21,571,000	22,571,000	22,071,000	+500,000
Helen Keller National Center	6,564,000	6,741,000	6,741,000	6,741,000	6,741,000	+177,000
Independent living:						
State grants	15,376,000	15,791,000	15,791,000	18,553,000	18,003,000	+2,627,000
Centers	31,446,000	34,446,000	34,446,000	37,943,000	36,818,000	+5,372,000
Services for older blind	6,944,000	6,944,000	6,944,000	8,379,000	8,131,000	+1,187,000
Subtotal, Independent living	53,766,000	57,181,000	57,181,000	64,875,000	62,952,000	+9,186,000
Protection and advocacy	2,480,000	2,480,000	2,480,000	6,000,000	5,500,000	+3,020,000
Training	39,629,000	39,629,000	39,629,000	39,629,000	39,629,000	---
National Institute on Disability & Rehabilitation Research	67,238,000	67,238,000	67,238,000	69,053,000	68,146,000	+908,000
Technology assistance	34,068,000	37,744,000	37,744,000	37,744,000	37,744,000	+3,676,000
Evaluation	1,810,000	1,600,000	1,600,000	1,600,000	1,600,000	-210,000
Subtotal, Special purpose funds	261,451,000	268,509,000	268,509,000	282,538,000	278,708,000	+17,257,000
Total, Rehabilitation services	2,182,699,000	2,251,028,000	2,251,028,000	2,316,913,000	2,296,936,000	+114,237,000
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES						
AMERICAN PRINTING HOUSE FOR THE BLIND	6,298,000	6,463,000	6,463,000	6,463,000	6,463,000	+165,000
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF:						
Operations	40,026,000	41,307,000	41,307,000	41,307,000	41,307,000	+1,281,000
Endowment grant	336,000	336,000	336,000	336,000	336,000	---
Construction	351,000	193,000	193,000	193,000	193,000	-158,000
Subtotal	40,713,000	41,836,000	41,836,000	41,836,000	41,836,000	+1,123,000
GALLAUDET UNIVERSITY:						
University programs	51,056,000	52,715,000	52,715,000	52,715,000	52,715,000	+1,659,000
Precollege programs	23,096,000	23,720,000	23,720,000	23,720,000	23,720,000	+624,000
Endowment grant	982,000	1,000,000	1,000,000	1,000,000	1,000,000	+18,000
Construction	2,455,000	---	---	2,000,000	1,000,000	-1,455,000
Subtotal	77,589,000	77,435,000	77,435,000	79,435,000	78,435,000	+846,000
Total, Special institutions for persons with disabilities	124,600,000	125,734,000	125,734,000	127,734,000	126,734,000	+2,134,000
VOCATIONAL AND ADULT EDUCATION						
Vocational education:						
Basic State grants	972,750,000	972,750,000	972,750,000	972,750,000	972,750,000	---
Community - based organizations	11,785,000	11,785,000	11,785,000	11,785,000	11,785,000	---
Consumer and homemaking education	34,720,000	---	34,720,000	34,720,000	34,720,000	---
Tech-Prep education	104,123,000	104,123,000	104,123,000	104,123,000	104,123,000	---
Tribally controlled postsecondary vocational institutions 1/	2,946,000	2,946,000	2,946,000	2,946,000	2,946,000	---
State councils	8,928,000	8,928,000	8,928,000	8,928,000	8,928,000	---
National programs:						
Research	9,662,000	9,662,000	9,662,000	9,662,000	9,662,000	---
Demonstrations	16,705,000	16,705,000	16,705,000	25,705,000	23,455,000	+6,750,000
Data systems (NOICC/SOICC)	4,960,000	4,960,000	4,960,000	4,960,000	4,960,000	---
Subtotal, national programs	31,327,000	31,327,000	31,327,000	40,327,000	38,077,000	+6,750,000
Bilingual vocational training	2,946,000	---	2,946,000	2,946,000	2,946,000	---
Subtotal, Vocational education	1,169,525,000	1,131,859,000	1,169,525,000	1,178,525,000	1,176,275,000	+6,750,000
Adult education:						
State Programs	254,624,000	261,500,000	254,624,000	254,624,000	254,624,000	---
National programs	8,837,000	9,250,000	8,837,000	8,837,000	8,837,000	---
Literacy training for homeless adults	9,584,000	10,000,000	9,584,000	9,584,000	9,584,000	---
Workplace literacy partnerships	18,906,000	22,000,000	18,906,000	18,906,000	18,906,000	---
State literacy resource centers	7,857,000	7,857,000	7,857,000	7,857,000	7,857,000	---
Literacy programs for prisoners	4,910,000	5,100,000	4,910,000	5,100,000	5,100,000	+190,000
Subtotal, adult education	304,718,000	315,707,000	304,718,000	304,908,000	304,908,000	+190,000
Total, Vocational and adult education	1,474,243,000	1,447,566,000	1,474,243,000	1,483,433,000	1,481,183,000	+6,940,000

1/ Current funded

	FY 1993 Comparable	FY 1994 Budget Request	House Bill	Senate Bill	Conference	Conference vs FY93 Comparable
STUDENT FINANCIAL ASSISTANCE						
Federal Pell Grants: Regular program	5,757,568,000	6,303,566,000	6,303,566,000	6,303,566,000	6,303,566,000	+545,998,000
Flood relief supplemental	30,000,000	---	---	---	---	-30,000,000
Federal Pell Grants: Funding for shortfall	671,237,000	2,023,730,000	415,000,000	185,296,000	250,000,000	-421,237,000
Subtotal, Pell Grants	6,458,805,000	8,327,296,000	6,718,566,000	6,488,862,000	6,553,566,000	+94,761,000
Federal Supplemental educational opportunity grants	583,407,000	499,892,000	555,000,000	583,407,000	583,407,000	---
Federal Work-study	616,508,000	526,941,000	586,000,000	616,508,000	616,508,000	---
Federal Perkins loans:						
Capital contributions	165,780,000	144,037,000	158,000,000	[illegible]	158,000,000	-7,780,000
Loan cancellations	14,880,000	15,000,000	15,000,000	15,000,000	15,000,000	+120,000
Subtotal, Federal Perkins loans	180,660,000	159,037,000	173,000,000	173,000,000	173,000,000	-7,660,000
State student incentive grants	72,429,000	---	62,800,000	72,429,000	72,429,000	---
State postsecondary review program	5,300,000	25,000,000	25,000,000	10,000,000	21,250,000	+15,950,000
Student financial assistance administration	---	---	---	60,087,000	---	---
Total, Student financial assistance	7,917,109,000	9,538,166,000	8,120,366,000	8,004,293,000	8,020,160,000	+103,051,000
FEDERAL FAMILY EDUCATION LOANS PROGRAM						
(EXISTING GUARANTEED STUDENT LOANS PROGRAM)						
Federal education loans:						
New loan subsidies (indefinite)	2,182,721,000	2,086,350,000	2,086,350,000	2,086,350,000	2,086,350,000	-96,371,000
Mandatory admin expenses (indefinite)	41,828,000	92,340,000	92,340,000	92,340,000	92,340,000	+50,512,000
Federal administration	60,487,000	72,466,000	72,466,000	72,466,000	72,466,000	+11,979,000
Total	2,285,036,000	2,251,156,000	2,251,156,000	2,251,156,000	2,251,156,000	-33,880,000
FEDERAL DIRECT LOAN DEMONSTRATION PROGRAM (HEA IV-D)						
Direct loan subsidies: New loans (sec. 451)	---	22,179,000	22,179,000	22,179,000	22,179,000	+22,179,000
HIGHER EDUCATION						
Aid for institutional development:						
Strengthening institutions	86,257,000	88,586,000	88,586,000	88,586,000	88,586,000	+2,329,000
Strengthening historically black colleges & univ.	98,208,000	100,860,000	100,860,000	100,860,000	100,860,000	+2,652,000
Strengthening historically black grad institutions	11,501,000	11,812,000	17,312,000	11,501,000	15,859,000	+4,358,000
Endowment challenge grants:						
Endowment grants	5,525,000	5,674,000	5,674,000	5,674,000	5,674,000	+149,000
HBCU set-aside	1,841,000	1,891,000	1,891,000	1,891,000	1,891,000	+50,000
Subtotal, Institutional development	203,332,000	208,823,000	214,323,000	208,512,000	212,870,000	+9,538,000
Program development:						
Fund for the Improvement of Postsecondary Educ.	15,872,000	17,872,000	15,872,000	17,872,000	17,372,000	+1,500,000
Dwight D. Eisenhower leadership program	3,472,000	---	---	4,000,000	4,000,000	+528,000
Minority teacher recruitment	2,480,000	2,547,000	2,480,000	2,480,000	2,480,000	---
Minority science improvement	5,892,000	5,892,000	5,892,000	5,892,000	5,892,000	---
Innovative projects for community service	1,436,000	2,872,000	1,436,000	1,436,000	1,436,000	---
Student Literacy and Mentoring Corps	5,270,000	1,000,000	1,000,000	---	---	-5,270,000
International educ & foreign language studies:						
Domestic programs	49,283,000	48,301,000	51,283,000	51,283,000	52,283,000	+3,000,000
Overseas programs	5,843,000	5,843,000	5,843,000	5,843,000	5,843,000	---
Institute for International Public Policy	---	4,000,000	1,000,000	---	1,000,000	+1,000,000
Subtotal, International education	55,126,000	58,144,000	58,126,000	57,126,000	59,126,000	+4,000,000
Cooperative education	13,749,000	---	13,749,000	13,749,000	13,749,000	---
Law school clinical experience	9,920,000	9,920,000	14,920,000	14,920,000	14,920,000	+5,000,000
Urban community service	9,424,000	9,424,000	9,424,000	11,000,000	10,606,000	+1,182,000
Subtotal, Program development	122,641,000	107,671,000	122,899,000	128,475,000	129,581,000	+6,940,000
Construction:						
Interest subsidy grants, prior year construction	18,689,000	18,029,000	18,029,000	18,029,000	18,029,000	-660,000
Special grants:						
Assistance to Guam	397,000	---	397,000	397,000	397,000	---
Robert A. Taft Institute	319,000	---	---	---	---	-319,000
Mary C. McLeod Bethune Memorial Fine Arts Center	---	12,500,000	---	---	---	---
Subtotal, Special grants	716,000	12,500,000	397,000	397,000	397,000	-319,000
Federal TRIO programs	388,048,000	398,525,000	418,525,000	418,525,000	418,525,000	+30,477,000
Scholarships:						
Byrd honors scholarships	9,470,000	18,940,000	18,940,000	19,294,000	19,294,000	+9,824,000
National science scholars	4,464,000	6,048,000	4,464,000	4,464,000	4,464,000	---
National Academy of Science, Space and Technology	2,161,000	---	---	---	---	-2,161,000
Douglas teacher scholarships	14,731,000	15,379,000	14,731,000	14,731,000	14,731,000	---

	FY 1993 Comparable	FY 1994 Budget Request	House Bill	Senate Bill	Conference	Conference vs FY93 Comparable
Early Intervention Scholarships	---	---	2,500,000	---	1,875,000	+1,875,000
Teacher Opportunity Corps	---	---	2,500,000	---	1,875,000	+1,875,000
Subtotal, Scholarships	30,826,000	40,367,000	43,135,000	38,489,000	42,239,000	+11,413,000
Graduate fellowships:						
Women & minority participation in grad education	5,846,000	6,004,000	5,846,000	5,846,000	5,846,000	---
Harris graduate fellowships	20,427,000	21,796,000	20,427,000	20,427,000	20,427,000	---
Javits fellowships	7,857,000	8,664,000	7,857,000	7,857,000	7,857,000	---
Graduate assistance in areas of national need	27,498,000	35,623,000	27,498,000	27,498,000	27,498,000	---
Faculty development fellowships	---	8,500,000	4,000,000	2,000,000	3,500,000	+3,500,000
Subtotal, Graduate fellowships	61,628,000	80,587,000	65,628,000	63,628,000	65,128,000	+3,500,000
School, college & university partnerships	3,928,000	3,928,000	3,928,000	3,928,000	3,928,000	---
Legal training for the disadvantaged (CLEO)	2,991,000	2,991,000	2,991,000	2,991,000	2,991,000	---
Total, Higher education	832,799,000	873,421,000	889,855,000	882,974,000	893,688,000	+60,889,000
HOWARD UNIVERSITY						
Academic program	150,764,000	154,835,000	154,835,000	154,835,000	154,835,000	+4,071,000
Endowment program	3,351,000	3,441,000	3,441,000	3,441,000	3,441,000	+90,000
Research	4,533,000	4,655,000	4,655,000	4,655,000	4,655,000	+122,000
Howard University Hospital	28,973,000	29,755,000	29,755,000	29,755,000	29,755,000	+782,000
Construction:						
Regular grants	5,300,000	---	---	---	---	-5,300,000
Matching program	1,084,000	---	---	---	---	-1,084,000
Total, Howard University	194,005,000	192,686,000	192,686,000	192,686,000	192,686,000	-1,319,000
COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM:						
Loan subsidies	2,973,000	---	---	---	---	-2,973,000
Federal administration	727,000	730,000	730,000	730,000	730,000	+3,000
Loan limitation (non-add)	(29,465,000)	---	---	---	---	(-29,465,000)
Total, College Housing Program	3,700,000	730,000	730,000	730,000	730,000	-2,970,000
HISTORICALLY BLACK COLLEGE & UNIVERSITY CAPITAL FINANCING PROGRAM						
Federal insurance limitation (non-add)	---	(375,000,000)	(187,500,000)	(375,000,000)	(375,000,000)	(+375,000,000)
Letter of credit limitation (non-add)	---	(357,000,000)	(178,500,000)	(357,000,000)	(357,000,000)	(+357,000,000)
Federal administration	---	200,000	200,000	200,000	200,000	+200,000
Total	---	200,000	200,000	200,000	200,000	+200,000
EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT						
Research and statistics:						
Research	73,984,000	90,750,000	73,984,000	78,000,000	78,000,000	+4,016,000
Statistics	48,588,000	60,000,000	48,588,000	48,588,000	48,588,000	---
Assessment, regular program	29,262,000	65,000,000	29,262,000	29,262,000	29,262,000	---
Subtotal, Research and statistics	151,834,000	215,750,000	151,834,000	155,850,000	155,850,000	+4,016,000
Fund for Innovation in Education	28,008,000	40,000,000	28,008,000	40,000,000	32,500,000	+4,492,000
Civics Education	---	---	---	4,463,000	4,463,000	+4,463,000
Fund for the Improvement and Reform of Schools and Teaching:						
Grants for schools and teachers	5,396,000	5,396,000	5,396,000	5,396,000	5,396,000	---
Family-school partnerships	3,687,000	3,687,000	3,687,000	3,687,000	3,687,000	---
Eisenhower mathematics & science educ national program	15,872,000	15,872,000	15,872,000	16,072,000	16,072,000	+200,000
Eisenhower math-science regional consortia	13,590,000	12,741,000	12,741,000	15,000,000	13,871,000	+281,000
National Diffusion Network	14,582,000	14,582,000	14,582,000	14,582,000	14,582,000	---
Blue ribbon schools	879,000	903,000	879,000	---	879,000	---
Javits gifted and talented students education	9,607,000	9,607,000	9,607,000	9,607,000	9,607,000	---
Star schools	22,777,000	27,000,000	22,777,000	27,000,000	25,944,000	+3,167,000
Educational partnerships	4,136,000	2,120,000	2,120,000	---	---	-4,136,000
Territorial teacher training	1,737,000	---	1,737,000	1,737,000	1,737,000	---
National writing project	3,212,000	---	3,212,000	3,212,000	3,212,000	---
National Board for Professional Teaching Standards	4,792,000	4,921,000	4,792,000	4,792,000	4,792,000	---
Total, ERSI	280,109,000	352,579,000	277,244,000	301,398,000	292,592,000	+12,483,000

	FY 1993 Comparable	FY 1994 Budget Request	House Bill	Senate Bill	Conference	Conference vs FY93 Comparable
LIBRARIES						
Public libraries:						
Services	83,227,000	95,000,000	83,227,000	83,227,000	83,227,000	---
Construction	16,584,000	---	16,584,000	19,000,000	17,792,000	+1,208,000
Interlibrary cooperation	19,749,000	19,749,000	19,749,000	19,749,000	19,749,000	---
Foreign language materials (Title V-LSCA)	968,000	---	---	---	---	-968,000
Library literacy programs	8,098,000	---	8,098,000	8,098,000	8,098,000	---
College library technology	3,873,000	---	3,873,000	3,873,000	3,873,000	---
Library education and training	4,960,000	---	4,960,000	4,960,000	4,960,000	---
Research and demonstrations	2,802,000	---	2,802,000	2,802,000	2,802,000	---
Research libraries	5,808,000	---	5,808,000	5,808,000	5,808,000	---
Total, Libraries	146,069,000	114,749,000	145,101,000	147,517,000	146,309,000	+240,000
DEPARTMENTAL MANAGEMENT						
PROGRAM ADMINISTRATION	304,899,000	352,008,000	352,008,000	291,921,000	352,008,000	+47,109,000
OFFICE FOR CIVIL RIGHTS, SALARIES AND EXPENSES	56,402,000	56,570,000	56,570,000	56,570,000	56,570,000	+168,000
OFFICE OF THE INSPECTOR GENERAL, SALARIES AND EXPENSES	29,262,000	28,840,000	28,840,000	28,840,000	28,840,000	-422,000
Total, Departmental management	390,563,000	437,418,000	437,418,000	377,331,000	437,418,000	+46,855,000
Total, Department of Education	28,087,420,000	30,921,629,000	28,627,320,000	28,755,410,000	28,765,192,000	+677,772,000
TITLE IV - RELATED AGENCIES						
Action (Domestic Programs):						
Volunteers in Service to America:						
VISTA operations	34,667,000	36,236,000	34,667,000	36,367,000	35,942,000	+1,275,000
VISTA Literacy Corps	5,009,000	5,303,000	5,009,000	5,009,000	5,009,000	---
University year for VISTA	958,000	1,000,000	958,000	958,000	958,000	---
Subtotal	40,634,000	42,539,000	40,634,000	42,334,000	41,909,000	+1,275,000
Special Volunteer Programs:						
Drug programs	982,000	1,000,000	982,000	982,000	982,000	---
Older Americans Volunteer Programs:						
Foster Grandparents Program	64,804,000	66,301,000	64,804,000	66,554,000	66,117,000	+1,313,000
Senior Companion Program	29,548,000	29,848,000	29,548,000	29,848,000	29,773,000	+225,000
Retired Senior Volunteer Program	33,686,000	34,831,000	33,686,000	34,686,000	34,436,000	+750,000
Subtotal, Older Volunteers	128,038,000	130,980,000	128,038,000	131,088,000	130,326,000	+2,288,000
Inspector General	936,000	947,000	936,000	947,000	944,000	+8,000
Program Support	30,936,000	31,272,000	30,936,000	30,936,000	30,936,000	---
Total, Action	201,526,000	206,738,000	201,526,000	206,287,000	205,097,000	+3,571,000
Corporation for Public Broadcasting: FY96 (current request) 1/	292,640,000	292,640,000	292,640,000	320,000,000	312,000,000	+19,360,000
Federal Mediation and Conciliation Service	29,953,000	30,241,000	30,241,000	30,241,000	30,241,000	+288,000
Federal Mine Safety and Health Review Commission	5,726,000	5,842,000	5,842,000	5,842,000	5,842,000	+116,000
National Commission on Acquired Immune Deficiency Syndrome	1,736,000	---	---	---	---	-1,736,000
National Commission on Independent Higher Education	992,000	---	---	---	---	-992,000
National Commission on Libraries and Information Science	889,000	904,000	904,000	904,000	904,000	+15,000
White House Conference on Library and Information Services	397,000	---	---	---	---	-397,000
National Commission on Responsibilities for Financing Postsecondary Education	206,000	---	---	---	---	-206,000
National Commission on the Cost of Higher Education	992,000	---	---	---	---	-992,000
National Commission to Prevent Infant Mortality	446,000	460,000	---	---	---	-446,000
National Council on Disability	1,541,000	1,733,000	1,590,000	1,791,000	1,690,000	+149,000
National Labor Relations Board	169,807,000	171,274,000	171,274,000	171,274,000	171,274,000	+1,467,000
National Mediation Board	7,807,000	8,006,000	8,506,000	8,807,000	8,657,000	+850,000
Occupational Safety and Health Review Commission	7,112,000	7,262,000	7,362,000	7,362,000	7,362,000	+250,000
Physician Payment Review Commission (trust funds)	(4,415,000)	(4,171,000)	(4,171,000)	(4,171,000)	(4,171,000)	(-244,000)
Prospective Payment Assessment Commission (trust funds)	(4,383,000)	(4,575,000)	(4,500,000)	(4,500,000)	(4,500,000)	(+117,000)
Railroad Retirement Board:						
Dual benefits payments account	294,030,000	277,000,000	277,000,000	277,000,000	277,000,000	-17,030,000
Less income tax receipts on dual benefits	-22,000,000	-20,000,000	-20,000,000	-20,000,000	-20,000,000	+2,000,000
Subtotal, dual benefits	272,030,000	257,000,000	257,000,000	257,000,000	257,000,000	-15,030,000

1/ FY 1993 approp. adv. in FY91 is $318,636,000.
FY 1994 approp. adv. in FY92 is $275,000,000.
FY 1995 approp. adv. in FY93 is $292,640,000.

	FY 1993 Comparable	FY 1994 Budget Request	House Bill	Senate Bill	Conference	Conference vs FY93 Comparable
Federal payment to the Railroad Retirement Account	100,000	300,000	300,000	300,000	300,000	+200,000
Limitation on administration: (Retirement)	(74,544,000)	(73,791,000)	(73,791,000)	(73,791,000)	(73,791,000)	(-753,000)
(Unemployment)	(17,185,000)	(17,010,000)	(17,010,000)	(17,010,000)	(17,010,000)	(-175,000)
Subtotal, administration	(91,729,000)	(90,801,000)	(90,801,000)	(90,801,000)	(90,801,000)	(-928,000)
(Special Management Improvement Fund)	(3,690,000)	(3,300,000)	(3,300,000)	(3,300,000)	(3,300,000)	(-390,000)
Total, limitation on administration	(95,419,000)	(94,101,000)	(94,101,000)	(94,101,000)	(94,101,000)	(-1,318,000)
(Inspector General)	(6,845,000)	(6,742,000)	(6,742,000)	(6,742,000)	(6,742,000)	(-103,000)
Soldiers' and Airmen's Home (trust fund limitation): Operation and maintenance	42,117,000	43,448,000	43,139,000	43,139,000	43,139,000	+1,022,000
Capital outlay	5,952,000	4,930,000	4,930,000	4,930,000	4,930,000	-1,022,000
Total	48,069,000	48,378,000	48,069,000	48,069,000	48,069,000	---
United States Institute of Peace	10,912,000	10,912,000	10,912,000	10,912,000	10,912,000	---
United States Naval Home (trust fund limitation): Operation and maintenance	10,775,000	10,841,000	10,775,000	10,775,000	10,775,000	---
Capital program	473,000	486,000	473,000	473,000	473,000	---
Total	11,248,000	11,327,000	11,248,000	11,248,000	11,248,000	---
Total, Title IV, Related Agencies: Federal Funds (all years)	1,064,129,000	1,053,017,000	1,047,414,000	1,080,037,000	1,070,596,000	+6,467,000
Current year, FY 1994	(771,489,000)	(760,377,000)	(754,774,000)	(760,037,000)	(758,596,000)	(-12,893,000)
FY 1996	(292,640,000)	(292,640,000)	(292,640,000)	(320,000,000)	(312,000,000)	(+19,360,000)
Trust funds	(111,062,000)	(109,589,000)	(109,514,000)	(109,514,000)	(109,514,000)	(-1,548,000)
SUMMARY						
Title I - Department of Labor: Federal Funds	12,270,516,000	12,872,261,000	10,972,157,000	10,859,651,000	10,914,538,000	-1,355,978,000
Trust Funds	(3,462,511,000)	(3,690,914,000)	(3,692,212,000)	(3,662,424,000)	(3,701,352,000)	(+238,841,000)
Title II - Department of Health and Human Services: Federal Funds	210,931,782,000	215,624,206,000	175,032,320,000	215,968,067,000	215,802,937,000	+4,871,155,000
Current year	(172,736,374,000)	(176,459,426,000)	(175,032,320,000)	(176,700,659,000)	(176,567,937,000)	(+3,831,563,000)
1995 advance	(38,195,408,000)	(39,164,780,000)	---	(39,267,408,000)	(39,235,000,000)	(+1,039,592,000)
Trust Funds	(7,049,992,000)	(8,374,324,000)	(7,774,421,000)	(7,686,037,000)	(7,763,583,000)	(+713,591,000)
Title III - Department of Education: Federal Funds	28,087,420,000	30,921,629,000	28,627,320,000	28,755,410,000	28,765,192,000	+677,772,000
Title IV - Related Agencies: Federal Funds	1,064,129,000	1,053,017,000	1,047,414,000	1,080,037,000	1,070,596,000	+6,467,000
Current year	(771,489,000)	(760,377,000)	(754,774,000)	(760,037,000)	(758,596,000)	(-12,893,000)
1996 advance	(292,640,000)	(292,640,000)	(292,640,000)	(320,000,000)	(312,000,000)	(+19,360,000)
Trust Funds	(111,062,000)	(109,589,000)	(109,514,000)	(109,514,000)	(109,514,000)	(-1,548,000)
Weed and Seed (P.L. 102-360) (rescission)	225,000,000	---	---	-225,000,000	-225,000,000	-450,000,000
Bill-wide consultant savings	---	---	---	-10,000,000	---	---
Total, all titles: Federal Funds	252,578,847,000	260,471,113,000	215,679,211,000	256,428,165,000	256,328,263,000	+3,749,416,000
Current year	(214,090,799,000)	(221,013,693,000)	(215,386,571,000)	(216,840,757,000)	(216,781,263,000)	(+2,690,464,000)
1995 advance	(38,195,408,000)	(39,164,780,000)	---	(39,267,408,000)	(39,235,000,000)	(+1,039,592,000)
1996 advance	(292,640,000)	(292,640,000)	(292,640,000)	(320,000,000)	(312,000,000)	(+19,360,000)
Trust Funds	(10,623,565,000)	(12,174,827,000)	(11,576,147,000)	(11,457,975,000)	(11,574,449,000)	(+950,884,000)

WILLIAM H. NATCHER,
NEAL SMITH,
DAVID R. OBEY,
LOUIS STOKES,
STENY H. HOYER,
NANCY PELOSI,
NITA M. LOWEY,
JOSÉ E. SERRANO,
ROSA L. DELAURO,
JOHN EDWARD PORTER,
BILL YOUNG,
HELEN DELICH BENTLEY,
HENRY BONILLA,
JOSEPH M. MCDADE,
Managers on the Part of the House.

TOM HARKIN,
ROBERT C. BYRD,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
DALE BUMPERS,
HARRY REID,
HERB KOHL,
PATTY MURRAY,
ARLEN SPECTER,
MARK O. HATFIELD,
TED STEVENS,
THAD COCHRAN,
SLADE GORTON,
CONNIE MACK,
CHRISTOPHER S. BOND,
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SHAW) to revise and extend their remarks and include extraneous materials:)

Mr. WELDON, for 5 minutes, today.

Mr. SHAW, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

Mr. RAMSTAD, for 60 minutes, today.

Mr. GILMAN, for 5 minutes, today.

(The following Members (at the request of Ms. BYRNE) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes each day, on October 5, 6, 7, 12, 13, 14, and 15.

Mr. STARK, for 5 minutes, today.

Mrs. MINK, for 60 minutes each day, on October 25, 26, and 29.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material.)

Mr. CLEMENT, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SHAW) and to include extraneous matter:)

Mr. BAKER of California.
Mrs. VUCANOVICH.
Mr. DUNCAN.
Mr. COLLINS of Georgia.
Mr. LIGHTFOOT.

(The following Members (at the request of Ms. BYRNE) and to include extraneous matter:)

Mrs. MALONEY in three instances.
Mr. LAROCCO.
Mr. OLVER.
Mr. NATCHER.
Mr. STARK.
Mr. MATSUI.
Mr. BEILENSON.
Ms. SLAUGHTER.
Mr. MILLER of California.
Mr. STOKES.

(The following Members (at the request of Mr. SOLOMON) and to include extraneous matter:)

Mr. GILLMOR.
Mr. KIM.
Mr. HEFLEY.
Mr. OBERSTAR.
Mr. HASTINGS.
Mr. WHEAT.
Mr. GALLEGLY.
Mr. NADLER.
Mr. ENGEL.
Mr. BLACKWELL in two instances.
Mr. WATT.
Mr. LAFALCE.
Mr. CLYBURN.
Mr. LIGHTFOOT.
Mr. BOEHNER.
Mr. STUPAK.
Mr. OWENS.
Mr. STOKES.

ADJOURNMENT

Mr. DERRICK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 36 minutes p.m.) the House adjourned until tomorrow, Wednesday, October 6, 1993, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1968. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Turkey for defense articles and services (Transmital No. 94-02), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1969. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting information concerning the unauthorized transfer of U.S.-origin munitions items, pursuant to 22 U.S.C. 2314(d); to the Committee on Foreign Affairs.

1970. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 93-39 concerning assistance to Jordan, pursuant to 22 U.S.C. 2364(a)(1); to the Committee on Foreign Affairs.

1971. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in August 1993, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 268. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2491) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-274). Referred to the House Calendar.

Mr. NATCHER: Committee of conference. Conference report on H.R. 2518. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-275). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KILDEE (for himself and Mr. FORD of Michigan):

H.R. 3210. A bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes; to the Committee on Education and Labor.

By Mr. PICKLE (for himself, Mr. ARCHER, Mr. PAYNE of Virginia, Mr. JOHNSON of Connecticut, and Mr. JEFFERSON):

H.R. 3211. A bill to amend the Internal Revenue Code of 1986 to provide for a temporary delay in the requirement to pay certain premiums under the Coal Industry Retiree Health Benefit Act of 1992; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. HEFLEY:

H.R. 3212. A bill to require the withdrawal of United States Armed Forces from Somalia; to the Committee on Foreign Affairs.

By Mr. HEFLEY (for himself, Mr. PASTOR, Mr. KYL, Mr. SCHAEFER, Mr. SKEEN, and Mr. DOOLITTLE):

H.R. 3213. A bill to amend the Federal Water Pollution Control Act to provide for the use of biological monitoring and whole effluent toxicity tests in connection with publicly owned treatment works, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. KNOLLENBERG:

H.R. 3214. A bill to amend title IV of the Social Security Act to enhance educational opportunity, increases school attendance, and promote self-sufficiency among welfare recipients; jointly, to the committees on Ways and Means and Energy and Commerce.

By Mr. MURPHY:

H.R. 3215. A bill to amend title I of the employee Retirement Income Security Act of 1974 to clarify remedies against unauthorized termination or reduction of benefits under group health plans provided upon retirement; to the Committee on Education and Labor.

By Mr. STUPAK:

H.R. 3216. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to control the diversion of certain chemicals used in the illicit production of controlled substances such as methcathinine and methamphetamine, and for other purposes; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. CLAY (by request):

H.R. 3218. A bill to amend title 5, United States Code, to eliminate narrow restrictions on employee training; to provide a temporary voluntary separation incentive; and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. OWENS:

H.R. 3219. A bill to amend the National Environmental Policy Act of 1969 to clarify the application of that act to extraterritorial actions of the Federal Government; to the Committee on Merchant Marine and Fisheries.

By Mr. TRAFICANT:

H.R. 3220. A bill to amend the Public Health Service Act with respect to increasing the number of health professionals who practice in the United States in a field of primary health care; to the Committee on Energy and Commerce.

By Mr. LANTOS:

H. Con. Res. 158. Concurrent resolution recognizing the International Rescue Committee, on the occasion of the 60th anniversary of the founding, for its great humanitarian endeavors; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII;

Mrs. FOWLER introduced a bill (H.R. 3217) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Libby Rose*; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 81: Mr. HOBSON.

H.R. 125: Mr. RUSH, Mr. SANDERS, and Mr. SHAYS.

H.R. 127: Mr. CARR.

H.R. 133: Mr. ANDREWS of New Jersey, Mrs. MORELLA, and Mr. YATES.

H.R. 135: Mr. RUSH.

H.R. 298: Mr. JEFFERSON.

H.R. 323: Mr. GINGRICH, Mrs. MEYERS of Kansas, Mr. GRAMS, Mr. COX, and Mr. MANN.

H.R. 439: Mr. ROYCE and Mr. FRANKS of New Jersey.

H.R. 595: Ms. MARGOLIES-MEZVINSKY.

H.R. 602: Mr. QUINN.

H.R. 715: Mr. ROYCE.

H.R. 796: Mr. DOOLEY and Mr. LEWIS of Georgia.

H.R. 830: Mr. PETERSON of Florida, Ms. MOLINARI, Mr. DIAZ-BALART, Mr. FRANKS of Connecticut, Mr. HERGER, Mr. MICHEL, Mr. ROGERS, Mr. PAYNE of Virginia, and Mr. WHEAT.

H.R. 972: Mr. MANTON.

H.R. 1095: Ms. NORTON.

H.R. 1153: Mr. STARK and Mr. ROYCE.

H.R. 1155: Mr. YATES.

H.R. 1304: Mr. MCNULTY.

H.R. 1354: Mrs. UNSOELD, Mr. WASHINGTON, Mrs. THURMAN, Mrs. MINK, Mrs. CLAYTON, Ms. MARGOLIES-MEZVINSKY, and Mr. STUDDS.

H.R. 1552: Mr. COPPERSMITH.

H.R. 1604: Mr. GORDON.

H.R. 1608: Mr. BARLOW, Mr. BROWDER, Mr. CANADY, Ms. CANTWELL, Mr. COMBEST, Mr. JACOBS, Ms. ROS-LEHTINEN, Mr. ROYCE, Mr. SCHIFF, Mr. SOLOMON, and Mr. WATT.

H.R. 1627: Mr. MILLER of Florida and Mrs. FOWLER.

H.R. 1796: Mr. TORKILDSEN, Mr. BILIRAKIS, Mr. SCHUMER, Mr. BUNNING, Mr. SAXTON, Mr. COLEMAN, Mr. STUMP, Mr. PASTOR, and Mr. TORRICELLI.

H.R. 1797: Mr. SANDERS.

H.R. 1799: Mr. SANDERS.

H.R. 1818: Ms. SHEPHERD.

H.R. 1945: Mr. LAROCCO, Mr. MCNULTY, Mr. DEAL, Mr. MANN, Mr. MCHUGH, Mr. PRICE of North Carolina, Ms. SHEPHERD, Mr. SOLOMON, Mr. SKELTON, Mr. LAUGHLIN, Mr. BACCHUS of Florida, Mr. HUTTO, Mr. HOLDEN, Mr. MOORHEAD, Mr. KINGSTON, Mr. HINCHEY, Mr. MICA, MR. BROWDER, Mr. HAYES, and Ms. MOLINARI.

H.R. 2076: Mr. TORRES and Mr. WYNN.

H.R. 2121: Mr. BAKER of Louisiana, Mr. ORTIZ, Ms. VUCANOVICH, Mr. WALSH, Mr. WYNN, Mrs. THURMAN, Ms. LONG, Mr. BISHOP, and Mr. BROWN of Ohio.

H.R. 2142: Mr. WYNN.

H.R. 2144: Mr. DELLUMS.

H.R. 2241: Mr. THOMPSON.

H.R. 2417: Mr. BARLOW and Mr. MINGE.

H.R. 2612: Mr. ROYCE.

H.R. 2626: Mr. DELLUMS, Mr. KLEIN, and Mr. SABO.

H.R. 2660: Mr. FRANK of Massachusetts, Mr. JOHNSON of South Dakota, Mr. HINCHEY, and Ms. FURSE.

H.R. 2671: Mr. LIGHTFOOT.

H.R. 2676: Mr. WATT.

H.R. 2710: Mr. SANDERS.

H.R. 2728: Mr. MILLER of California, Mr. FROST, Ms. WOOSLEY, Mrs. UNSOELD, Mr. RANGEL, Mr. MARTINEZ, Mr. BAESLER, and Mr. STRICKLAND.

H.R. 2831: Mr. TORRES and Ms. PELOSI.

H.R. 2884: Mr. RUSH.

H.R. 2921: Mr. RICHARDSON.

H.R. 2923: Mr. MARTINEZ and Mr. DEAL.

H.R. 2936: Mr. DORNAN, Mr. LAFALCE, Mr. LIGHTFOOT, Mr. BAKER of Louisiana, and Mr. CANADY.

H.R. 2938: Mr. DORNAN, Mr. LAFALCE, Mr. LIGHTFOOT, Mr. BAKER of Louisiana, and Mr. CANADY.

H.R. 2962: Ms. PELOSI, Mr. TORRES, and Mr. UNDERWOOD.

H.R. 2980: Mr. CLAY, Mr. MOLLOHAN, Mr. BERMAN, and Ms. KAPTUR.

H.R. 2982: Mr. ENGEL.

H.R. 2987: Mr. ENGEL.

H.R. 3005: Mr. BOEHNER, Mr. PACKARD, Mr. ZELIFF, and Mr. ROYCE.

H.R. 3006: Mr. WYNN.

H.R. 3030: Mr. SAM JOHNSON, Mr. PAXON, Mr. DOOLITTLE, Mr. COX, and Mr. CANADY.

H.R. 3038: Mrs. MEYERS of Kansas.

H.R. 3041: Mrs. LLOYD.

H.R. 3076: Mr. JACOBS, Mr. JOHNSON of South Dakota, and Mr. FALEOMAVAEGA.

H.R. 3080: Mr. BLUTE, Mr. FISH, Mr. KLUG, Mr. BATEMAN, Mr. LIVINGSTON, Mr. YOUNG of Florida, Mr. HANSEN, Mr. CALLAHAN, and Mr. GOODLATTE.

H.R. 3109: Mr. FILNER, Ms. KAPTUR, Mr. MILLER of California, Mr. SARPALIUS, Mr. TOWNS, and Mr. WILSON.

H.R. 3158: Ms. KAPTUR.

H.J. Res. 106: Mr. SMITH of New Jersey.

H.J. Res. 133: Mr. SANDERS.

H.J. Res. 191: Mr. WYNN.

H.J. Res. 197. Mr. FORD of Michigan, Mr. SWETT, Mr. SYNAR, Mrs. MINK, Mr. CLEMENT, Mrs. VUCANOVICH, Mr. RAHALL, Mr. LEWIS of California, Mrs. MEYERS of Kansas, Mr. SKEEN, Mr. MARKEY, Mr. LEVIN, Mr. OBERSTAR, Mr. TANNER, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. FORD of Tennessee, Mr. INHOFE, Mr. LEACH, Ms. LAMBERT, Mr. SANDERS, and Mr. KASICH.

H.J. Res. 206: Mr. DUNCAN, Mr. FRANKS of Connecticut, and Mr. VISCLOSKY.

H.J. Res. 234: Mr. ROMERO-BARCELO, Mr. FAWELL, Mr. BACCHUS of Florida, Mr. KENNEDY, Mr. MCNULTY, Mr. PORTMAN, Mr. PACKARD, Ms. LOWEY, Mr. MATSUI, Mr. BROWN of Ohio, Mr. FALEOMAVAEGA, Mr. LEVIN, Mr. CASTLE, and Mrs. FOWLER.

H.J. Res. 246: Mr. BARRETT OF WISCONSIN, Mr. BONIOR, Mr. CARDIN, Mr. COSTELLO, Mr. FALEOMAVAEGA, Mr. FISH, Mr. FRANK of Massachusetts, Mr. HUGHES, Mr. LANTOS, Mr. MCDADE, Mr. MEEHAN, Mr. MENENDEZ, Ms. MOLINARI, Mr. MONTGOMERY, Mr. MORAN, Mr. MURPHY, Mr. MURTHA, Mr. NADLER, Mr. PALLONE, Mr. RAHALL, Mr. SANDERS, Mr. SAWYER, Mr. SCHUMER, Mr. SHAYS, Mr. STOKES, Mr. TORKILDSEN, Mr. TRAFICANT, Ms. VELAZQUEZ, and Mr. VENTO.

H.J. Res. 262: Mr. LAUGHLIN, Mr. BOEHLERT, Mr. TAUZIN, and Mr. BONIOR.

H.J. Res. 266: Mr. KREIDLER, Mr. BLILEY, Ms. BYRNE, and Mr. HILLIARD.

H. Con. Res. 126: Mr. CLAY, Ms. BYRNE, Mr. STOKES, Mr. LEVIN, and Ms. FURSE.

H. Con. Res. 135: Mrs. UNSOELD, Ms. FURSE, Ms. CANTWELL, Mr. GUNDERSON, Mr. KLUG, Mr. BATEMAN, Mr. TORKILDSEN, Mr. TAYLOR of North Carolina, Mr. COBLE, Mr. HUTTO, Mr. PALLONE, Mr. WELDON, Mr. RAVENEL, Mr. HUGHES, Mr. LANCASTER, Mr. DIAZ-BALART, Mr. LAUGHLIN, Mrs. FOWLER, Mr. GENE GREEN of Texas, Mr. TAUZIN, Mr. HAMBURG, Mr. INHOFE, Mr. ORTIZ, Mr. CUNNINGHAM, and Mr. LIPINSKI.

H. Con. Res. 140: Ms. MARGOLIES-MEZVINSKY.

H. Con. Res. 153: Mr. ROYCE.

H. Res. 54: Mr. ROYCE.

H. Res. 122: Mr. ENGEL, Mr. GILMAN, and Mr. ROYCE.

H. Res. 234: Mr. BONIOR, Mr. HORN, Mr. INGLIS of South Carolina, Mr. FRANK of Massachusetts, Mr. CANADY, Ms. ESHOO, Mr. GUTIERREZ, Ms. WOOLSEY, Mr. CONYERS, and Mr. KIM.

EXTENSIONS OF REMARKS

NATIONAL 4-H WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. NATCHER. Mr. Speaker, it is an honor to join with the members and leaders of 4–H this year as they celebrate National 4–H Week on October 3–10. This year's continuing theme is "4–H: The Difference We Make." By educating through a wide variety of programs, reaching out to youth at risk and providing opportunities for leadership experience, 4–H not only makes a difference in the lives of participating youth, it also enables them to make a difference in the lives of others.

4–H membership is made up of many different youth across the Nation. Over 5.6 million young people participated in one or more 4–H youth development programs in 1992. While many of those involved are from rural areas, 52.6 percent of those participating during the past year lived in larger towns and cities. Minorities now constitute 25 percent of 4–H participants, an increase of 6 percent over the past year.

My home State of Kentucky involved 207,808 youth in 7,934 clubs, special interest groups and school enrichment units. Kentucky ranked second among all of the States in special interest groups, having 1,852 of these groups. Kentucky also had 3,929 4–H Clubs during the past year and this is the fourth highest number of any State in the Nation.

It is no wonder that so many enroll in 4–H when you consider the many opportunities to learn through this program. Each member of 4–H enrolls in one or more organized projects each year. Nationally, the five most popular project areas this past year were animals and poultry, food and nutrition, natural resources, individual and family resources and mechanical sciences. Many of these projects focus on creating strong families, improving communication skills and helping young people become good community leaders.

4–H continues its efforts to make a difference in the lives of young people who are most vulnerable because of poverty, lack of parental and community support and negative peer pressure. The youth at risk outreach provides high-quality school age child care and opportunities for scientific, technological, and reading literacy. Issues that place young people at a higher risk are addressed through programs such as the Youth Employability Program, Staying at Home Alone, Being All You Can Be, and Talking With Your Kids About Alcohol.

None of these 4–H programs would be possible without the efforts of volunteer leaders. In 1992, 545,017 adult volunteer leaders, as well as many teen leaders, assisted in implementing 4–H youth development programs. In the State of Kentucky, there were 27,550 different 4–H leaders. Sixteen percent of these leaders were teens helping others and gaining valuable leadership skills for life.

In the Second Congressional District of Kentucky, which I represent, there were 3,882 volunteer adult and teen 4–H leaders. Many of these leaders represented their extension areas at State and national levels and many were recognized as area champions.

Christa Turner of Nelson County is the immediate past State secretary. Linda Jeffiers of Spencer County is the secretary/treasurer and also serves on the Executive Committee of Friends of Kentucky 4–H. Bill Corum of Meade County is also on the Friends of Kentucky 4–H Executive Committee and Romanza Johnson of Warren County serves on the board of directors. Fay Crumbacker of Spencer County is vice president of the State 4–H Leaders Council and Diane Cowles of Warren County is the secretary of his council. Both also serve on the executive committee. Linda Jeffiers of Spencer County and Margie Brookshire of Breckinridge County represent their respective extension areas on the State 4–H Leaders Council. Melanie Lyons Watson of Barren County serves on the board of the growing 4–H Alumni Association and Mike Caldwell of Nelson County is the president-elect for the Kentucky Association of Extension 4–H Agents.

Margie Brookshire represents her area on a national level by serving on the National Extension Advisory Committee.

Many young people from Kentucky's Second Congressional District have gained leadership experience by representing their extension areas on the State 4–H Teen Council. Jeri Fields of Warren County, Bethany Edwards of Metcalfe County, Kathy Reding of Nelson County, Kevin Propes of Larue County, Tanya Pickering of Meade County, and Julie Bischoff and Mindy Rickard of Bullitt County all serve on this council.

Adult Feltner Leadership Recognition Program Area Champions this past year were Rita Coomer of Barren County, representing the Mammoth Cave area and Fay Crumbacker of Bullitt County, representing the Louisville area. Kathy Reding of Nelson County, representing the Lincoln Trail area, was the teen champion.

There were 33,990 youth involved in 1,325 clubs in the Second Congressional District of Kentucky and at this time, I would like to recognize some of these young people for their achievements in 4–H.

State champions for project records were: Jessica Gentry of Nelson County for agriculture, Olivia Morgan of Daviess County for arts and crafts, Penny Pearson of Warren County for career exploration, Joni Payne of Marion County for dairy cattle, and Jeri Fields of Warren County for clothing. Jeri Fields was also the State champion for fashion revue in the coordinates category.

Communications day State champions were: Justin Morgan of Daviess County for junior agricultural sciences, Rebecca Jones of Warren County for junior animal sciences, Tanya Pickering of Meade County for senior creative crafts and Kelly Hoskins of Daviess County for senior general.

There were also many 4–H winners at the Kentucky State Fair this year and they are as follows: Barren County—Stephen Gardner, Carrie Harlow, and Cassie Martin; Breckinridge County—Sarah Parr, Mindy Wilson, Stacey Edge, Lindsey Harper, Adam Hobbs, and Tyler Howell; Casey County—Carlotta Baldock, Michael King, Joshua Whitis, Kristy Smith, and Jennifer Smith; Daviess County—Billie Layman, Holly Stemle, Jenny Taylor, Wesley Chancellor, and Erika Jones; Grayson County—Trevor Saltsman, Joshua Woodrum, and Jon Young; Hancock County—Ben McCarty and Zachary McCarty; Green County—Sean Desimone, Shane Desimone, Adam Scott, Daniel Trowbridge, 22 rifle team (12–14 years) and BB team (9–11 years); Hardin County—Trina Hurt, Amanda Ramer, Stacy Campiglia, Lindsey Cottrell, Jay Doyle, Chris Druin, Missy Sadler, Glendale Children's Home, Philip Cochran, John Poskin, Jo Ann Middleton, and Michael Rider; Hart County—Tiffany Wright, Brian England, Mandy Hatcher, Joe Ben Atwell, and Bradley Atwell; Larue County—Amy Vincent, Matt Rock, Beth Matthews, Jason Detre, Justin R. Thomas, Patrick Durham, Andy Holbert, and Laura Beth Dennis; Marion County—Emily Nally, Susan Cartwright, Daniel Johnson, and Amanda Lee; Meade County—Tanya Pickering, Andrew Benham, Chad Pickering, Elizabeth Hardesty, Tara Pike, Matthew Gleitz, Stephen Hale, Krystal Staples, and Katie Staples; Metcalfe County—Mike Harris, Kevin Branstetter, and Amber Branstetter; Nelson County—Tommy Zabenco, David Urekew, Daniel Urekew, Brian Raisor, Lucas Raisor, J.D. Gentry, Jessica Gentry, Mark Lundy, Donna Lundy, Jacob Miller, Marcus Monroe, Tony Jury, Seth Miracle, Nelson County archery bare bow team (12–14 years) and the Nelson County air pistol team (12–14 years); Spencer County—Heather Herndon and Michael Ulery; Warren County—Will Meng, James Neal Chaney, and Jesica Chancey; Washington County—Anne Nicole Davis, Leigh Ann Campbell, and Joseph Tapp.

I would like to commend all of those involved with 4–H programs in the Second Congressional District of Kentucky and throughout the United States for their many accomplishments. All down through the years, 4–H has stood for education, community service, and leadership and because of this, 4–H really does make a difference.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO PASTOR HERMAN N. THOMPSON

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. BLACKWELL. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to pay tribute to one of Philadelphia's most beloved clergymen. On Sunday October 10, Pastor Herman N. Thompson will be honored at a banquet celebrating his 30 years of service to the Lord Jesus Christ. To commemorate this most special occasion, I would like to take a moment to reflect on the remarkable career of this outstanding individual.

As the senior pastor of the Garden of Prayer Church of God in Christ in the great city of Philadelphia, Reverend Thompson has led his congregation with the greatest sense of dedication and commitment to the good works of the Lord Jesus Christ. Reverend Thompson has always fought for the betterment of the Philadelphia community, and has proven himself an excellent advocate and fighter for the urgent needs that constantly face our area.

Mr. Speaker, throughout his career, Reverend Thompson has also been a major asset to many organizations in our community. Through his constant dedication and boundless energy, Reverend Thompson has certainly provided a great many Philadelphians with new opportunities, and restored hope and faith.

I would like to ask my colleagues to rise and join me in paying our greatest tributes to my dear friend, Rev. Herman N. Thompson. I would also like to extend our warmest appreciation to Reverend Thompson's beloved family. On behalf of the entire U.S. Congress, I would like to offer my greatest thanks and appreciation to Pastor Herman N. Thompson. May God continue to bless and smile on this truly great man, so that he may continue to preside over our spiritual community for 30 more years. Thank you Mr. Speaker.

CONGRATULATIONS TO HUNTER COLLEGE'S PUBLIC SERVICE SCHOLAR PROGRAM ON A DECADE OF SUCCESS IN SERVICE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mrs. MALONEY. Mr. Speaker, I rise this afternoon to bring to the attention of my colleagues a superb public service program that should be considered as a model for the Nation. I am speaking of the Public Service Scholar Program of Hunter College, located in New York City. The program will celebrate its 10th anniversary tomorrow.

This program was created in 1982 by the president of Hunter College at the time—Donna Shalala, who now serves the entire Nation as the Secretary of Health and Human Services. The program was designed to give undergraduate students an opportunity for meaningful participation in public service through internships in government agencies, legislative offices or nonprofit organizations.

In order to participate, students must have a solid academic background and a demonstrated enthusiasm for the policy area. Once accepted, the public service scholars must adhere to a strenuous academic and professional schedule, devoting a minimum of 20 hours a week to the internship and participating in intensive seminar courses at the college.

Since its inception, 230 scholars have successfully completed the program. According to a recent alumni survey, over 58 percent have worked or are currently working in public service.

Before I was elected to Congress, I served for 10 years as a member of the New York City Council. During that time, I had the good fortune to have several public service scholars work in my office. I was consistently impressed with their accomplishments. For example, a public service scholar was responsible for drafting legislation for the first joint Mayoral-City Council Commission on Child Care; another scholar conducted the first comprehensive survey of gender balance on the appointive boards and commissions of New York City, the results of which gained citywide press attention and led to the introduction of gender-balance legislation.

As a city council member and now as a Member of Congress, I have had extensive experience with many internship programs involving the finest universities in the Nation. I can honestly say that the caliber of the public service scholars has been magnificent.

While the public service scholars deserve all the credit for their accomplishments, I believe that much of the success of this program lies with its director, Elaine Walsh and her deputy Kimberly Floyd. I have rarely seen two more dedicated and devoted people in any line of work. The continuing success of the program is due in large part to their able leadership.

Again, I commend this program to the attention of my colleagues and urge other universities and colleges to follow its success. Ten years truly is only the beginning.

TRIBUTE TO DAVID W. PARKHURST

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mrs. VUCANOVICH. Mr. Speaker, it is with much sadness I must report the recent passing of a constituent of mine, Mr. David W. Parkhurst, of Carson City. A prospector and mining consultant, Dave was the voice of the small miner in Nevada and the West. Dave was a long-time member and president of the Nevada Miners and Prospectors Association. He lobbied the State legislature on issues critical to the survival of individual miners and prospectors. Dave wrote monthly for the widely read California Mining Journal and also penned an informative column in the Nevada Mining Association's bulletin styled "Parkhurst's Nuggets."

Through these articles Dave became a well-known correspondent and spokesman for small mining entities. He reported to his readers the workings of the Congress to reform the mining laws applicable to the public lands. Dave encouraged them to become engaged in the ongoing debate that threatens to force the individual prospector and mom and pop miners from our Western public lands in their search for minerals that society wants. Few knew better than Dave Parkhurst the role the "small miner and prospector" have played in discovering and evaluating mineral deposits later worked by larger corporate miners.

It is with some irony, Mr. Speaker, that Dave's sudden passing occurred but a few weeks after mining claimants on the Western public lands were called upon to pay holding fees for the first time, in lieu of performing labor on their claims to develop the deposits. Dave had been a vigorous proponent of small miner relief from this new tax burden, and indeed some exemption language was enacted by Congress, albeit not nearly as wide-reaching as he had sought. Well, Dave knew better than Congress that the Federal budget deficit cannot be balanced on the backs of public lands users. He foresaw the abandonment of a tremendous number of mining claims because of the tax, and he has been proven correct. Only, one-fourth of mining claims that were of record only a few years ago remain in good standing today.

Mr. Speaker, we will miss Dave in Nevada. He fought the good fight against those who wish to see the public lands put off-limits to extractive industries. Dave Parkhurst's legacy will be the words he has left us to ponder as we debate the proper stewardship policies for the public lands, I, for one, have heard you Dave. I will be steadfast in my efforts to ensure a place for miners and prospectors on our public lands.

TRIBUTE TO THOMAS EDISON MUSEUM

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to take this opportunity to pay tribute to the Thomas Edison Birthplace Museum in Milan, OH. America's greatest inventor was born in this northern Ohio town in 1847.

Built in 1841 by Edison's father, Thomas lived there until age 7. The two-story home was repurchased by Mr. Edison's sister in 1890 and later purchased by the inventor himself. A cousin lived there until 1947, when Mr. Edison's wife converted it into a museum. Today it stands as a national historic landmark.

Recently, a $2 million fund raising drive was inaugurated to bolster the endowment that provides money for the preservation of the museum. This is necessary to keep the museum open to the public. Without the immediate generosity of corporations and individuals, this treasured piece of history could be lost.

Mr. Speaker, it would be a shame if the birthplace of the man who holds more patents than anyone in history, was forced to close its doors. Now more than ever, schoolchildren and their parents need the opportunity to learn about one of America's true heroes. I ask my colleagues to join me in supporting this monument to our national heritage.

HONORING JUSTICE THURGOOD MARSHALL

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. CLYBURN. Mr. Speaker, Justice Thurgood Marshall was a man who, for many years, took us on a journey of courage into every sector of this Nation.

One of the stopoffs in his journey was a small, rural school district in South Carolina. It was a place where the separate and unequal public education system had reached an intolerable level. Justice Marshall, then an attorney for the NAACP, came to Scotts Branch School in Clarendon County in 1950. His courage ignited a flame in people such as the Reverend J.A. Delaine, Henry Briggs, and attorney, Harold Boulware, and a hundred other families who risked their safety and security to join Thurgood Marshall in resisting the system.

The South Carolina lawsuit was named Briggs versus Elliot and it was joined with the Topeka, Kansas case, Brown versus Board of Education and others to become a landmark Supreme Court case. We all know the outcome of the 1954 decision, and we know the enormous impact it has had on virtually every aspect of American life.

i join you today with great joy in recognizing what the life and accomplishments of Thurgood Marshall have meant to all of us. I'm, not certain that I—and many of my colleagues—would even be here today were it not for him.

It's particularly fitting that his name be linked to the values of a lawful society in America. He once said, "Lawlessness is lawlessness. Anarchy is anarchy. Neither race nor color nor frustration is an excuse for either lawlessness or anarchy." this tribute and others to come will help to carry out his beliefs. It is for us here today in many ways to carry out the dreams and wishes of people such as Thurgood Marshall.

Clarendon County is in South Carolina's Sixth Congressional District, the district I am proud to represent in this House of Representatives. Scotts Branch School is still in operation, and still—for the most part—segregated. The surrounding countryside is still in an area of economic hardship.

The lives and the community touched by Thurgood Marshall four decades ago in this small South Carolina setting are still in need of our serious attention. The hope he gave us must not be extinguished. The descendants of those people whom he joined in a journey of courage must realize that the journey is still underway. They must know that there are those willing and able to continue the journey and to take up the challenge Thurgood Marshall has left to us.

TRIBUTE TO LOUIS RICHARDSON

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. BLACKWELL. Mr. Speaker, I rise today to pay tribute to one of Philadelphia's finest citizens. As the world renowned Bethany Baptist Church of Philadelphia prepares to honor Mr. Louis Richardson as their "Man of the Year," I would like to take a moment to reflect on this outstanding individual and his remarkable dedication to our community.

As the cochairman of the Men of Bethany Fellowship, Mr. Richardson has been a tremendous leader at the church, assembling 150 men and 100 young men to strengthen the spiritual, secular, and intellectual awareness of the entire congregation. The fellowship has been a powerful force in our community, strengthening the moral fiber of our neighborhoods, and leading the way for a general improvement in the overall quality of life for all of the citizens of Philadelphia.

Mr. Speaker, God has truly blessed Mr. Richardson with the power to bring out the very best in his fellow man. Day or night, those that know Louis Richardson are well aware of the fact that he is always available to do the Lord's work. He is truly a man who can be trusted and counted on to fulfill his duty. From his chairmanship of the Bethany Capital Funds Committee, Mr. Richardson demonstrated his remarkable comprehension of the area of finance, saving the church more than $400,000 on a recent mortgage restructuring program. He was also instrumental in the recent renovation of Bethany's sanctuary, providing constant guidance and supervision during this glorious and intense process.

Furthermore Mr. Speaker, Louis Richardson has been a tremendous advocate for the city of Philadelphia. It is rare to meet a man who is so dedicated to his native city, and it is truly seldom that we find a man who actively works so diligently for the betterment of our city each and every day. From bringing church groups into Philadelphia, to fighting for improvements in our schools and neighborhoods, Mr. Richardson certainly exemplifies that Philadelphia is in fact "The City of Brotherly Love."

Mr. Speaker, I ask my colleagues to rise and join me in paying tribute to Mr. Louis Richardson. On behalf of the entire U.S. Congress, I wish to extend our heartfelt thanks and appreciation. May God continue to bless this truly outstanding man. Thank you Mr. Speaker.

JAMES MALLON: A BEACON IN BROOKLYN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important event which will take place on October 7, 1993, in my district. This event will be the 20th anniversary of Northside Senior Citizens, Inc., an organization which has done so much to serve the elderly of the Williamsburg/Greenpoint/Northside neighborhoods of Brooklyn.

Over the past two decades, the Northside Senior Citizens Center has provided support to thousands of seniors in our community. These innovative and effective programs include a highly successful seniors employment program and a homebound services program. The Northside Senior Citizens Center's work has touched many lives.

It is entirely appropriate that the center is taking the opportunity on October 7 to honor its founder and executive director, James F. Mallon. Mr. Mallon has served the Northside Senior Citizens Center with unstinting dedication since its creation back in 1973. His leadership and vision have made our community a better place.

Therefore, as this auspicious date approaches, I ask my colleagues to join me in saluting Mr. Mallon's 20 years of tremendous service to the Northside Senior Citizens Center as well as to the northern neighborhoods of the great borough of Brooklyn.

HONORING JONES, DAY, REAVIS, AND POGUE ON THE OCCASION OF THEIR 100TH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. GILLMOR. Mr. Speaker, it give me great pleasure to take this opportunity to pay tribute to the Cleveland based international law firm of Jones, Day, Reavis, and Pogue, on the anniversary of its 100th year of client service.

On March 1, 1893, a partnership was formed by two eminent Cleveland lawyers, Judge Edwin J. Blandin and William Lowe Rice. In this partnership, a respected litigator and former common pleas judge, joined forces with a young lawyer who was emerging as one of Cleveland's leading corporate counselors and businessmen.

From the ranks of this 19th century partnership emerged leaders who would guide the firm into the modern era. In 1911, the firm engaged the services of a new associate, Thomas H. Jones. In time, Tom Jones would become managing partner. One of his first steps to strengthen the organization was to place the firm's litigation practice under the leadership of Luther Day, one of the greatest trial lawyers in Ohio history. Together they created an international law firm with 1,000 lawyers in 20 offices.

As Jones, Day marks its 100th year of service, we commemorate the past and celebrate the future. A new generation of lawyers continues the exemplary record the firm has set in the legal profession.

Mr. Speaker, I ask my colleagues to join me in congratulating the employees of Jones, Day for their past achievements and encouraging them to continue to hold themselves to the high standards of integrity that clients in Ohio and throughout the world have come to expect.

A SPECIAL SALUTE TO ROBERT P. MADISON—SBA NATIONAL 8(A) GRADUATE OF THE YEAR

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. STOKES. Mr. Speaker, I am pleased to rise today to salute a resident of my congressional district, Mr. Robert P. Madison, who serves as chairman and chief executive officer of Robert P. Madison International, Inc. Mr. Madison recently received notification that he has been selected as the Small Business Administration's [SBA] "National 8(A) Graduate of the Year." His architectural and engineering firm which he founded in 1954 is one of the Nation's top ranked.

This week our Nation observes Minority Enterprise Development Week. The observance provides an opportunity to acknowledge the many outstanding achievements of minority businesses throughout the Nation. One of the highlights of the Minority Enterprise Development Week is a special White House presentation ceremony for outstanding business leaders. Mr. Madison is scheduled to meet with President Clinton at that time to receive his 8(A) Graduate of the Year Award.

Mr. Speaker, I can personally state that Robert P. Madison is more than deserving of this special recognition. As he prepares for the upcoming White House ceremony, I am proud to rise to salute him on this special occasion. I want to use this opportunity to share with my colleagues and the Nation some information on this exceptional individual.

Robert P. Madison received his bachelor's degree in architecture from Western Reserve University and his master's degree in architecture from Harvard University. His education also included a Fulbright fellowship at L'Eclole des Beaux Arts in Paris, France. In 1954, Madison opened offices in Cleveland, OH. His business was the first minority-owned firm established in the State of Ohio, and only the 10th in the United States.

Today, Robert P. Madison International, Inc. is a multimillion dollar company with branch offices located in Indiana, Michigan, Illinois, Wisconsin, Pennsylvania, and Georgia. It has also worked on projects in conjunction with the governments of Trinidad and Tobago, Jamaica, the Bahamas, and Nigeria. The firm has developed an international staff of professionals in architecture, engineering, and planning.

Mr. Speaker, Robert Madison is an exceptional businessman. As the chairman and chief executive officer of Madison International, Inc., he sets performance standards of professional excellence for the company and assumes personal responsibility for seeing that they are met. He brings to the position of chairman and chief executive officer mature judgment and a world-view perspective based on more than 40 years' experience.

Robert P. Madison is the recipient of many honors and awards. He is listed in Who's Who in the World and Who's Who in America. His memberships include the American Institute of Architects, the Architects Society of Ohio, and the College of Fellows of the American Institute of Architects. Robert P. Madison International, Inc., has also been awarded the Alumnus Award from Howard University for "Significant Achievement in the Field of Architecture," as well as the university's "Distinguished Firm Award."

Mr. Speaker, I am pleased to join Robert Madison's colleagues, friends, and associates in saluting him on this important occasion. He is a close personal friend who is certainly deserving of the SBA award. I applaud his selection and wish him much continued success.

DOMESTIC CHEMICAL DIVERSION CONTROL ACT OF 1993

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. STUPAK. Mr. Speaker, today I am introducing legislation, the Domestic Chemical Diversion Control Act of 1993, to help end illicit sales of ephedrine and related chemicals that are being used to manufacture the drug methcathinone, or cat, which is reaching epidemic proportions in Michigan's upper peninsula.

Methcathinone, or cat, is proliferating in northern Michigan and has recently penetrated Wisconsin, Illinois, and Indiana. Cat is a potent stimulant that is easily made in a laboratory garage, basement, or apartment. Cat is highly addictive. The chunky, off-white powder somewhat resembles crack cocaine in appearance and potency. Made in crude laboratories from easily obtained ingredients such as drain cleaner and epsom salts, it can be inhaled, smoked or watered down, and injected.

Many cat addicts smoke marijuana or drink excessive amounts of alcohol to ease the nervous jerks and paranoia associated with chronic abuse. Addicts often go on binges of continuous cat use for up to eight days, never sleeping, and eating very little, if at all. To avoid the terrible pains of crashing off the drug, addicts smoke increasing amounts of marijuana and consume excessive amounts of alcohol to the point of unconsciousness.

A key ingredient in making cat is ephedrine, which can be obtained over the counter in tablet form. Pharmaceutical products containing ephedrine are being purchased in large quantities and utilized in the clandestine labs that make cat. While bulk ephedrine is regulated under the Chemical Diversion and Trafficking Act [CDTA], tableted ephedrine products are exempt from CDTA regulations.

The Domestic Chemical Control Act, which I am introducing today, was developed by the Drug Enforcement Agency [DEA] as a result of its experience in implementing the Chemical Diversion and Trafficking Act [CDTA]. The CDTA demonstrated the effectiveness of chemical control as a law enforcement tool.; However, their are two critical weaknesses in the CDTA which must be remedied if we are to address the problems associated with the proliferation of cat and other chemicals manufactured in domestic clandestine labs since the CDTA was implemented.

The major emphasis of chemical control is prevention. The goal of this legislation is to prevent clandestine laboratory operators from obtaining the chemicals they need to manufacture illegal drugs. This proposal will greatly strengthen DEA's prevention program by taking two important steps.

First, the legislative would modify the so-called legal drug exemption of the CDTA. The exemption precludes the application of any of the regulatory control measures of the CDTA to a listed chemical which is contained in a drug product approved under the Food, Drug, and Cosmetic Act. For example, ephedrine is the primary precursor being used in the illicit production of methamphetamine and methcathinone in this country. Ephedrine powder is a listed chemical fully subject to the CDTA. However, ephedrine tablets are exempt from the CDTA since they are an approved drug product. As a consequence, when the CDTA was implemented, clandestine laboratory operators began purchasing 25 mg tablets by the millions to escape the scrutiny being applied to sales of ephedrine powder. In fact, the first seizure of a clandestine laboratory using ephedrine 25 mg tablets occurred only 26 days after the CDTA was implemented.

The proposal removes ephedrine products from the exemption and grants DEA the authority to remove the exemption from any other drug products which are diverted to use in the illicit production of controlled drugs. As a consequence, after the legislation is enacted, ephedrine tablets will be subject to all of the controls of the CDTA and DEA will be able to respond through the rulemaking process if the laboratory operators switch to another legal product in place of the ephedrine tablets.

The second major element of the proposal would establish a registration system for distributors, importers, and exporters of those listed chemicals which are diverted within the United States. This registration system is precisely patterned after the system which has been successfully applied to legitimate controlled substances for over 20 years. It will enable DEA to prevent a firm from distributing these covered chemicals if it can be shown that registration of the firm is contrary to the public interest. This will provide DEA an effective means for dealing with firms which participate in the diversion of listed chemicals. Currently, the only remedy is criminal prosecution which requires that it be proven that the firm distributed the chemicals knowing that they would be used to illegally produce a drug. This is a very difficult burden of proof to satisfy and because of this, DEA has been severely hampered in its ability to effectively deal with the firms which are the sources for diverted listed chemicals.

Mr. Speaker, this is desperately needed legislation to help stop a burgeoning drug crisis in Michigan's upper peninsula. I hope we can move quickly to make these much needed refinements to our chemical control law.

AIR FORCE MAJ. GEN. BILLY G. McCOY RETIRES

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mrs. VUCANOVICH. Mr. Speaker, today I honor a man who has given 30 years of his life in service to his country. As Maj. Gen. Billy G. McCoy retires from the Air Force, I would like to relate just some of his accomplishments.

I met the general in 1989 when he took command of the Tactical Fighter Weapons Center at Nellis AFB in my district, the largest and busiest base in the Tactical Air Command. He was the last Center commander to command the 445th tactical Group responsible for development of the F117A Stealth fighter. Shortly thereafter, the F117A's were the lead attach force in the opening salvos of the gulf war.

His accomplishments at Nellis included transforming the joint Red Flag training exercises into Desert Flag, thereby providing specialized training in desert warfare which served as well in the gulf. He also integrated adversary tactics training into Red Flag; and he negotiated the development and opening of the Nellis Federal Prison Camp, saving substantial funds and providing useful work for inmates.

The general is a command pilot with more than 2,800 flying hours in the A–10, F–4, F–15 and F–104 aircraft. His military awards and decorations include the Defense Superior Service Medal, the Legion of Merit, the Distinguished Flying Cross and the Vietnam Service Medal with three service stars. McCoy flew 223 missions as an F–4E flight commander in Vietnam.

General McCoy is a native of Texarkana, TX, and was graduated from Texas A&M University in 1963. He completed a master's in business at Auburn University in 1975. He was commissioned as a second lieutenant through the Air Force Reserve Officer Training Corps Program in August 1963.

During his career, General McCoy was assigned to NATO in Vicenza, Italy and the Royal Air Force Station, Bentwaters, England. He commanded the 31st Tactical Fighter Wing at Homestead AFB and the 1st Tactical Fighter Wing at Langley in Virginia. He then became commander of Tactical Air Command's 832d Air Division at Luke AFB in Arizona; and in 1987 became deputy chief of staff for operations of NATO's Second Allied Tactical Air Force, Rheindahlen, West Germany.

His last assignment, before retirement in August, was command of the 37th Training Wing at Lackland AFB in Texas.

I take great pleasure in saluting Maj Gen. Billy G. McCoy for an excellent record of service and accomplishment. I wish he and his wife Linda the joys of retirement and the satisfying memories of a job well done.

THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 [NEPA]

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. OWENS. Mr. Speaker, perhaps the greatest failure of democracy is that those who are the most affected by our environmental decisions—the unborn generations—are not present to have their voices counted. That is why today I have introduced legislation that would strengthen U.S. leadership in international efforts to improve the quality of the global environment. The legislation would achieve this goal by extending the reach of the National Environmental Policy Act of 1969 [NEPA] to Federal extraterritorial actions and domestic actions having extraterritorial impact.

For more than 20 years, NEPA has been the centerpiece of U.S. environmental law, making environmental protection the mandate of all Federal agencies. NEPA requires agencies to assess the environmental impacts of proposed actions and to examine possible alternative actions. If an agency action has the potential to significantly affect the quality of the human environment, then an agency must prepare an environmental impact statement [EIS]. If an agency action will not significantly affect the quality of the human environment, then an agency need only prepare an environmental assessment.

NEPA's strength lies in its democratization of Federal administrative law. NEPA mandates public and interagency involvement. It thereby empowers citizens with the information they need to meaningfully contribute to the environmental decisionmaking process.

The Federal courts have diligently enforced NEPA, enjoining agency actions when they were unsupported by documentation as to their environmental effects. In this fashion, the courts have helped to carry out NEPA's mandate of informed decisionmaking.

However, the courts have been reluctant to interpret NEPA's reach to extend to actions taken beyond the territorial boundaries of the United States, despite NEPA's explicit concern with the global environment. This bill would make clear Congress' intent to apply NEPA not only to domestic actions, but also to extraterritorial actions and domestic actions having extraterritorial impact.

Specifically, actions covered by NEPA would include the President's submission to Congress of implementing legislation for trade agreements. This is sound environmental policy. Bilateral and multilateral trade agreements inevitably have environmental consequences which must be thoroughly examined prior to their approval.

As it has been preparing to submit implementing legislation for the North American Free-Trade Agreement [NAFTA], the Clinton administration has refused to prepare an environmental impact statement. As a result, Public Citizen, the Sierra Club, and Friends of the Earth filed suit. On September 24, 1993, the U.S. Court of Appeals for the District of Columbia Circuit ruled that an environmental impact statement is not required for NAFTA.

The court pointed out that NEPA does not create a private right of action, forcing plaintiffs to rest their claims for judicial review of Federal agency decisions not to prepare an EIS on the Administrative Procedure Act [APA]. The APA permits judicial review only of final agency action. The court reasoned that the President is not an agency within the meaning of the APA, and that final action had not been taken since the implementing legislation had yet to be introduced in Congress. Therefore, the court concluded that judicial review was not available.

Based on the court's holding, even once the President submits the implementing legislation to Congress, the court would still be unable to review the President's decision not to prepare an EIS because plaintiffs would only have standing to sue under the APA, and the President is not an agency. Therefore, NEPA can be avoided by the executive branch every time that the President has final constitutional or statutory responsibility for the final step necessary for the agency action directly to affect the parties. Public Citizen versus Office of the U.S. Trade Representative, No. 93–5212, slip op. at 7 (D.C. Cir. Sept. 24, 1993).

This is an unfortunate and unintended result which can be corrected by my legislation. The bill would grant individuals a private right of action under NEPA to sue the President or his executive office for appropriate relief when an environmental impact statement is not submitted pursuant to implementing legislation for a trade agreement.

The involvement of the President in negotiating a trade agreement should not relieve the Office of the U.S. Trade Representative [USTR] of its obligations under NEPA. Moreover, applying NEPA to trade agreements would not interfere with the executive branch's ability to carry out its constitutionally assigned functions. USTR would make EIS preparation an integral part of its negotiating process, just as other agencies have done with international agreements.

It is possible that only some of NAFTA's provisions would be environmentally harmful. But without the preparation of an objective EIS, the American public and Congress lack the information necessary to make an informed decision as to whether NAFTA's economic benefits outweigh its environmental costs.

This is not an attempt to de-rail NAFTA. If this bill is passed, the President would be free to submit implementing legislation to Congress. However, he also would have to prepare an EIS. Thus far, the administration has merely asserted that NAFTA would be environmentally beneficial. This legislation provides the United States with the opportunity to be a world leader on the environment. It would set the standard for global environmental responsibility among trading partners. If we can be a military superpower, we are certainly capable of becoming an environmental superpower. We just need the will to do it, and passage of this legislation would prove that we have the will.

AMERICANS FOR SCHOOL CHOICE

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. BOEHNER. Mr. Speaker, on October 7, 1993, a new group will kick off—a group devoted to revitalizing American schools. Americans for School Choice seek to give all parents the freedom to choose the schools for their children and to give all schools the right to be locally run and free of bureaucratic control. All who are concerned with our children's future should agree with and want to see these objectives achieved.

Americans for School Choice is the latest sign that the school choice movement is catching on throughout the Nation. Whether it's east Harlem or Wisconsin, parents are standing up for their right to send their child to the school of their choice. According to a 1992 Gallup Poll, school choice is favored by 70 percent of all Americans, 78 percent of parents with children in school, 86 percent of blacks and 84 percent of Hispanics. There are also school choice initiatives in California, Michigan, Georgia, and Jersey City, NJ.

Leaders from across America have signed onto this organization. Its board of directors includes: Lamar Alexander, former Secretary of Education and Governor of Tennessee; William Bennett, former Secretary of Education; Polly Williams, State representative from Wisconsin; William Weld, Governor of Massachusetts; Tommy Thompson, Governor of Wisconsin; John Engler, Governor of Michigan; and Brett Schundler, mayor of Jersey City, NJ. I am proud to announce that I too have agreed to serve on this board, along with Representative DICK ARMEY (R–TX) and Senator CONNIE MACK (R–FL).

Americans for School Choice is needed now more than ever. It will be unlike any group that has come before. With an emphasis on action, it will go into the trenches across the country pushing school choice initiatives. It promises to be a dynamic group devoted to making things happen so our schools are improved.

Currently, the only parents who can choose the school for their children are those who can afford private schools, such as Bill and Hillary Rodham-Clinton who are able to send their daughter to a private school. This lack of choice grants the public schools a virtual monopoly which forces parents to keep their children in schools which are not providing an adequate education.

School choice would put funds in the hands of parents, who would be empowered to decide where to send their children. This power will make true consumers out of parents and force schools to compete for students. This competition will force public schools to improve or risk losing students.

America already has choice among our universities, and it is this competition which has made our higher education system the envy of the world. Just like universities, elementary and secondary schools should be forced to compete, improve, and specialize in order to attract students.

We must remember the stakes involved in sticking with the status quo. America's schools are nearly incapable of preparing our children to compete in the global economy of the 21st century. While the United States spends more per student than any other industrialized country, we have some of the lowest test scores. This correlation must change or this country will be left unable to compete. School choice will go a long way in improving our schools, raising our children's test scores, and preparing this Nation for the next century.

I am encouraged by Americans for School Choice and would urge my colleagues to support their group. We all need to work to ensure that America's schools are improved and all parents have the right to send their child to the school of their choice.

NICHOLAS POLONSKI HONORED AS COMMUNITY LEADER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues the achievements of an important member of the Brooklyn community, Mr. Nicholas Polonski, chairperson of the Northside Community Development Council.

Nicholas Polonski has spent the better part of 25 years serving his community. A family man, Mr. Polonski and his wife Teri have passed along their belief in community service to their daughter Rosemarie and her husband John McDonald, and to their grandchildren Steven, John, and Michael.

Mr. Polonski served in the Armed Forces with tremendous distinction and had a highly successful career as a confidential investigator in the New York City Department of Sanitation. Currently, along with his position on the Northside Community Development Council, he is semi-retired and works for Shea Stadium in the security division. Mr. Polonski has also been a longtime sponsor of the Northside Senior Citizen Center, improving the lives of countless seniors in the Northside neighborhood of Brooklyn.

Mr. Polonski's lifetime of service to his country and his community is an inspiration to us all. That's why I would like my colleagues to join me in paying tribute to Mr. Polonski by acknowledging him as "Honorary Mayor of the Northside."

DISASTER IN INDIA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. HASTINGS. Mr. Speaker, I would like to extend my condolences to the Government and people of India after last weeks' horrific earthquake in the state of Maharashtra. Because I represent an area in south Florida that was devastated by Hurricane Andrew, I can empathize with the survivors and the relief officials who now face the daunting task of providing shelter for the victims while they rebuild the local infrastructure.

The degree of destruction illustrates once again how much more work we have to do in bringing all of the nations of the world up to the building standards which would prevent mass destruction from occurring after a natural disaster. And I encourage our own Government to assist India in providing whatever advice or assistance she may be needing in the near future while she struggles to shelter, feed, and clothe her citizens.

MISSOURI STATE SENATOR RONNIE DEPASCO—COLUMBIAN OF THE YEAR

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. WHEAT. Mr. Speaker, I am honored to rise today to pay a special tribute to Missouri State Senator Ronnie DePasco on being named this month as "Columbian of the Year" by the American Sons and Daughters of Columbus.

A lifelong resident of Northeast Kansas City, Senator DePasco has worked hard to make our community and our State a better place to live and work. For nearly 20 years—first as a State representative and now as a State senator—he has devoted his public service career to improving the lives of countless hard-working Missourians and their families.

Mr. Speaker, I am proud to call Senator DePasco a colleague and a friend. I enjoyed working side-by-side with Ronnie when we served together in the Missouri State House of Representatives. Today, I remain honored to work together with Ronnie to respond to the needs of our area and our State.

Naming Senator DePasco as "Columbian of the Year" is a much deserved and well-earned tribute to an exemplary public servant. His commitment and dedication to community and family are of the highest order. I extend my congratulations to Ronnie for receiving this award.

TRIBUTE TO YIM FUTT LEE OCTOBER 5, 1993

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. NADLER. Mr. Speaker, today I rise to pay tribute to Mr. Yim Futt Lee, from my Congressional District of Brooklyn, as the 1993 recipient of the Peter J. Salmon Award for National Blind Worker of the Year. This prestigious award is given annually by the National Industries for the Blind, a nonprofit organization dedicated to the employment and personal empowerment of people who are blind.

Yim Lee personified all that this award represents to people who are blind and who aspire to earn an independent living for themselves and their families through meaningful employment. Mr. Lee, as a young man in Burma, supported his wife Ngo Yee Lee and their children through his work as a carpenter, tailor and watchmaker. He later became a chef on a cruise ship which mainly served consulates and staff from the United Nations. In this profession he quickly became widely recognized and decided to come to America in 1980 to pursue a career as a restaurant chef.

While in America, at the age of 37, however, Mr. Lee lost his eyesight due to an allergic reaction to prescribed medication to treat eye ulcers. With the help of the Jewish Guild for the Blind where Mr. Lee was taught to redevelop his mobility, independent living, and job skills, Mr. Lee redirected his talent to the tailoring profession.

Mr. Lee soon became so proficient that he was able to gain employment with the Lighthouse Industries in Long Island City as a sewing machine operator. He has worked there for 6 years now, and has developed a number of personal hobbies including exercise, weightlifting, and others sports. Mr. Lee should also be commended for his leadership in the community. He has been involved in a number of social, and educational development activities for others with visual impairments.

Every summer Mr. Lee and his family participate in programs at Visions Camp for the Blind, where people who are visually impaired interact through recreational activities and supportive programs. Mr. Lee is also active in organizing monthly meetings for the visually impaired in Chinatown where participants discuss political, legal, job accessibility and public education issues.

Mr. Lee is an inspiration to all people and especially to those with visual impairments. This month Mr. Lee will be officially honored at the Annual Conference of National Industries for the Blind and the General Council of Workshops for the Blind. He is certainly due this prestigious award and recognition. Please join me in applauding Mr. Lee for his courage, leadership and perserverance in meeting these difficult challenges, living his life to the fullest, and helping others do the same.

CRAWFORD MEMORIAL METHODIST CHURCH

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. ENGEL. Mr. Speaker, I wish to take this opportunity to recognize the 141st anniversary of the Crawford Memorial United Methodist Church, which is being celebrated this week by residents of my district.

Since the early 1900's, the Crawford Church has been at its present location in Wakefield, and currently has a congregation of more than 450 members. The community has always found it as a place to turn to for inspiration and support. The church sponsors a Boy Scout troop, operates a senior citizen food program and runs other activities. These are just some examples of how the church touches the lives of people on a daily basis.

I congratulate the Crawford Memorial United Methodist Church for all its good works over the years and wish the congregation and clergy many more years of success.

STEPHEN HIGGINS—A DEBT OF GRATITUDE

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. LIGHTFOOT. Mr. Speaker, I would like to take a moment to recognize the achievements of an individual who has been through trying circumstances in the past few months, and who deserves our thanks and recognition upon his retirement from public service: Stephen E. Higgins, the Director the Bureau of Alcohol, Tobacco and Firearms since 1983.

Steve Higgins is a dedicated, honorable man who has served his country well. Unfortunately, he has been placed between a rock and a hard place since last spring by the events surrounding the Waco tragedy. However, Mr. Higgins has had a long and distinguished career of public service which should not be overshadowed by recent events.

Steve began his career in public service with the Bureau of alcohol, tobacco and Firearms in 1961 in Omaha, NE, less than 60 miles from my hometown. He has served in virtually every operational function within the Bureau, from regional director of the Midwest Region in Chicago, to being appointed Director of the Bureau in March of 1983 by President Ronald Reagan.

He has been a three-time recipient of the Meritorious Executive Award, a Presidential honor granted for the first time in 1980. And in 1988, he was presented the Distinguished Executive Rank Award by the President, the highest award available in the senior executive service. President Reagan cited Director Higgins as a front-line commander in the fight against armed career criminals and armed drug traffickers, and for pioneering the use of firearms laws against drug cartels, much as other "G-Men" once used the tax laws against Al Capone.

Stephen Higgins is a man who deserves our thanks for his devotion to making our country safer, and for maintaining integrity and honor in the face of all the worst that could befall him professionally. There have been many times in the past few months when I did not envy the position he was in, but his dedication to his principles, his country and his employees never wavered and neither did my respect for him. He has served with honor.

Thank you, Steve. We wish you the best.

TRIBUTE TO AFLAC AND DAN AMOS

HON. MICHAEL A. "MAC" COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to pay tribute to the thousands of men and women from Georgia's Third District who have made AFLAC Inc., the most financially sound health insurance company in our Nation for the second consecutive year.

To determine rankings, Financial World magazine analyzed 1992 year end data supplied by the National Association of Insurance Commissioners covering several categories. As was the case last year, AFLAC ranked first in financial strength and ability to pay claims. The company continues to be the world's leading supplemental insurance company, insuring 35 million people worldwide.

AFLAC maintains its headquarters in Columbus, GA, where it was founded by the late John Amos. Today under the leadership of his nephew, Dan Amos, AFLAC continues to set the standard by which all other insurers are measured.

DAN PELLEGRINI SALUTED

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. MILLER of California. Since 1981, Daniel L. Pellegrini has served the citizens cf Martinez, Pacheco, Vine Hill, Port Costa, Clyde, and northern portions of Concord as their representative on the board of directors of the Contra Costa Water District. Dan is an old friend who comes from a distinguished fourth-generation California family whose roots have been firmly established in both the city of Martinez and in the county of Contra Costa as community leaders. During Director Pellegrini's tenure, his expertise as a maintenance superintendent for the Contra Costa County Public Works Department brought understanding and insight of both operations and maintenance issues before the Contra Costa Water District board of directors.

During his 12 years of service on the board of directors of the Contra Costa Water District, Dan Pellegrini has been dedicated to providing the highest quality water for his constituents and all 400,000 people who rely on the Contra Costa Water District. The 100,000 acre-foot Los Vaqueros project, which is designed to significantly improve water quality and system reliability, has advanced toward reality in large part because of Director Pellegrini's dedication to ensuring that the project stayed on track and its purpose kept in the public eye. Under Dan's leadership, the water committee of the board of supervisors was created to assist in the success of the Los Vaqueros Reservoir project.

Dan Pellegrini has been a leader on the Contra Costa County Water Task Force working with local and State leaders on water issues. He has been dedicated to the preservation of rivers and wildlife as the chairperson of the Contra Costa County Board of Supervisors' Fish and Wildlife Committee. Director Pellegrini is widely known for his stand against the Peripheral Canal or any other man-made conduit that could potentially degrade the water quality of the San Francisco Bay and delta's fragile ecosystem.

Dan and I went to school together and played high school sports together. He and his family are as much a part of the history of my hometown, Martinez, as any family there. I salute Dan for his years of service to our community and I look forward to his continued success.

TRIBUTE TO THE MILLE LACS BAND'S NAY-AH-SHING SCHOOLS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. OBERSTAR. Mr. Speaker, I would like to commend to my colleagues two editorials which describe a significant event that occurred in my district last week, the grand opening of the Mille Lacs Band's Nay-Ah-Shing Schools. The Mille Lacs Band of Ojibwe built these schools on its reservation with revenues from its tribal casino—without any Federal or State tax money. This is the first time in history that an Indian tribe has financed its own schools, not to mention their new water tower, clinic, waste-water treatment plant, roads, and housing, without any Federal assistance. I believe the opening of these schools demonstrates that Indian gaming is finally allowing tribes to provide for their own people what has eluded them for generations: a chance for self-sustaining economic development.

[From the St. Paul Pioneer Press, Sept. 20, 1993]

TWO SCHOOLS FEATURING TRIBAL HERITAGE A TESTAMENT TO GAMBLING BONANZA

(By Gary Dawson)

When 270 Ojibway children walked into two new school buildings on the Mille Lacs Reservation earlier this month, it was the fulfillment of a longtime tribal dream.

The opening of Nay Ah Shing primary and secondary schools, built for $6 million, has been part of the Mille Lacs band's goal of rebuilding its cultural fabric by having its youth rediscover their heritage. Preschool to 12th grade students will be taught the Ojibway language, maple sugaring, ricing, drumming, hunting and fishing along with traditional academic subjects.

How did it happen? Who paid the bill?

Gamblers, that's who.

No state or federal tax dollars were spent on the construction. The costs were paid by profits from the band's Grand Casinos at Mille Lacs and Hinckley.

The schools were built in nine months. Had the tribe relied on traditional education funding resources from the federal government, it would have taken five years because of red tape and bureaucracy. It marked the first time that a U.S. tribe has relied entirely on gaming proceeds to build a school, according to the National Indian Gaming Association.

These schools are just part of the band's comprehensive community restoration program—financed entirely with gaming revenues. The nearly completed construction includes a clinic, housing, roads, water and sewer improvements, a ceremonial building and two community centers.

State led casino race. Minnesotans love to gamble, but there's another simple explanation for the success of Indian gambling here. The state's 11 Indian tribes are shooting for $500 million in gambling revenues this year based on wagering that is expected to exceed $3 billion.

Of the first dozen casinos opened in the nation under a 1988 federal law opening up tribal casino gaming, Minnesota had nine. State officials moved rapidly to negotiate operating agreements with the tribes.

Tribal leaders have had a history of good relations with Minnesota state government, particularly with their allies in the DFL Party. The tribes have contributed heavily to legislative campaigns. With former DFL Gov. Rudy Perpich in office and a DFL-controlled Legislature, the tribes had little difficulty obtaining required state cooperation to get their casinos up and running. Construction and expansion have continued under Gov. Arne Carlson.

There are now 17 casinos. Five were built last year. Another opened this year. Many have doubled their original gaming capacity.

There's a downside: The rush to the gold and domination of legalized gambling in Minnesota by Indian tribes has not come without problems. Other forms of legalized gambling are feeling the pressure of the casinos.

Pari-mutuel horse racing is dead. Charitable gambling profits have declined for three straight years and are expected to slide again this year. Testimony before the Legislature has indicated casino gaming is becoming the most addictive form of gambling in the state. State compulsive gambling officials in the next two years want to quadruple the $1.4 million Minnesota spent in its last budget on treatment of compulsive gamblers and preventive education.

Surveys of a half-dozen treatment centers have indicated more than half the patients have committed crimes to support their gambling habits, including cheating their employers and friends and robbing banks. Some 60,000 Minnesotans are estimated to have a gambling problem.

The tribes as a whole contribute relatively small amounts to compulsive gambling programs, although they are considering a state request to contribute more.

Despite the problems, a look at the Mille Lacs success story should ease some of the guilt Minnesotans feel about leaving too much at the gaming tables and slots of the band's Grand Casinos.

[From the Star Tribune, Sept. 16, 1993]

AN INVESTMENT IN AN OJIBWE FUTURE, AND PAST

What a wonderful investment the people of the Mille Lacs Band of Ojibwe have made in themselves, their children and their culture. Today, 10 miles north of Onamia, they will gather to celebrate the two new schools of Nay Ah Shing, a comprehensive learning center that will serve young Ojibwe from infancy through Grade 12.

The schools were designed not only to educate young Ojibwe in the academic requirements of the dominant culture, but to immerse them in the language and culture of the Ojibwe. Nay Ah Shing will invite its students to explore, to express and to celebrate a heritage known only in fragments to many Ojibwe of their parents' generation.

Reinforcing that mission of cultural strength is the independent effort by which the Ojibwe created these schools. No federal or state funds were involved: construction was financed with $6 million in proceeds from the band's two gambling casinos. Numerous tribes are doing good works with gambling revenues, but few efforts deserve more unqualified applause than the Ojibwe investment in education—an investment designed specifically to meet the needs of Ojibwe children.

Gambling is still a scourge; that won't ever change. In a better world, the Mille Lacs Bank wouldn't need to rely on it to build schools. But in a better world the Ojibwe of Mille Lacs also wouldn't have been reduced from a self-sufficient community of hunters and gathers in 1800 to a dependent, impoverished, reservation-bound group that had dwindled to just 284 members a century later. Today there are 2,600 Mille Lacs Band members living on and off the reservations. Thanks to casinos at Mille Lacs and Hinckley, they enjoy almost full employment. Moreover, the Nay Ah Shing schools are merely one part of a gambling-financed rebuilding effort that includes health facilities, ceremonial buildings, community centers and other elements of reservation infrastructure.

Good planning and wise investment are required to translate the newfound, and perhaps temporary, wealth of gambling into permanent prosperity. But prosperity quickly turns hollow if it isn't grounded in a strong sense of cultural identity and clear spiritual values. At Nay Ah Shing schools, the Mille Lacs Ojibwe are building the base for a future that everyone can hope is both prosperous and fulfilling.

THE 1993 QUESTIONNAIRE RESULTS

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. BEILENSON. Mr. Speaker, I want to take this opportunity to share with my colleagues the results of the annual questionnaire I sent in June to the residents of the district I represent. I find these questionnaires enormously valuable in learning how the people I represent feel about the issues we are considering in Washington, and I thought my colleagues would be interested in the reactions of my constituents to this important debate.

Over 20,000 people responded to the 1993 survey, which in a departure from most of my previous surveys, dealt with only one topic, the federal budget. The survey concentrated on questions regarding federal spending and taxes because President Clinton's proposed economic plan was dominating debate in Washington through the spring and summer.

Part I of the survey gave respondents the opportunity to indicate whether they favored cutting, spending about the same amount, or increasing spending for nearly all Federal programs. A sizable majority of respondents favored cutting arts and humanities, 62 percent; Congress, 87 percent; Defense, 66 percent; farm support programs, 73 percent; foreign economic aid, 74 percent; foreign military aid, 87 percent; welfare, 65 percent; and the White House, 85 percent. By smaller majorities, respondents favored cutting civil service and military retirement 56 percent; and home-buying assistance for the middle class, 54 percent. Interestingly, the border patrol was the only program that received support from a majority—62 percent—for more spending.

Part II of the survey asked respondents whether they supported six of President Clinton's most controversial deficit-reduction proposals. The results of the survey showed strong agreement with several key elements of President Clinton's program—69 percent of the respondents supported the income tax increase imposed on taxable income above $140,000.

Strong majorities also supported cutting back the tax deduction for business meals and entertainment, 77 percent; cutting defense spending by 14 percent—64 percent—and freezing Federal workers' pay, 83 percent.

Even the President's original, and very controversial, energy tax—which was reduced to a 4.3-cents gas tax after the survey was sent out—was supported by almost half—48 percent—of the respondents.

On the remaining proposal, 60 percent of the respondents opposed raising from 50 percent to 85 percent the amount of Social Security benefits that are taxable for recipients above certain income levels.

The complete results of the survey follow:

Questionnaire Results: Part I—How Would You Cut Federal Spending?

From a list of nearly all the programs financed by the Federal Government, you were asked to indicate whether you favor (1) cutting funding; (2) spending about the same amount; or (3) increasing funding. Here are the results:

[In percent]

Program/spending area	Cut	Same	Increase
1. Social Security	20	67	13
2. Defense	66	27	7
3. Medicare (health insurance for elderly and disabled)	17	66	17
4. Medicaid (health insurance for poor, and nursing home care)	26	58	16
5. Civil service and military retirement	56	41	3
6. Welfare, food stamps and public housing	65	30	5
7. Unemployment compensation	33	60	7
8. Veterans' benefits	20	71	9
9. All other domestic programs:			
a. Health research	19	53	28
b. Family planning assistance	46	36	18
c. College financial aid	37	41	22
d. Head Start	32	46	22
e. Home-buying assistance for middle-income families	54	35	11
f. Highway construction	20	56	24
g. Mass transit	27	41	32
h. National parks, forests, and wildlife refuges	18	56	26
i. Environmental protection and toxic waste clean-up	23	45	32
j. Energy conservation, research and development	26	46	28
k. Space programs (NASA)	50	37	13
l. Assistance to State and local law enforcement agencies	17	48	35
m. War on drugs	30	38	32
n. Border Patrol	10	28	62
o. Transportation safety (air traffic control, highway safety)	13	68	19
p. Food and drug safety	19	64	17
q. Federal courts and prisons	19	56	25
r. Arts and Humanities	62	31	7
s. Farm support programs	73	24	3
t. Congress	87	13	0
u. The White House	85	15	0
10. Foreign Aid:			
a. Foreign economic aid	74	23	3
b. Foreign military aid	87	12	1

Questionnaire Results: Part II—How Would You Vote on President Clinton's Deficit-Reduction Proposals?

You were asked whether you supported the following six spending cuts and tax increases, which were the most controversial of President Clinton's deficit-reduction proposals. Below are the results, along with a brief explanation of the status of each one:

(1) Do you support cutting defense spending by 14 percent over the next five years? Yes: 64 percent. No: 36 percent.

Congress has given preliminary approval to cutting defense spending at the rate proposed by the President, which would save $111 billion over the next five years. Legislation making specific defense cuts for the coming year—the first of five annual bills implementing these cuts—will be considered by Congress this fall.

(2) Do you support freezing federal pay next year and providing less-than-full cost-of-living raises in the following three years? Yes: 83 percent. No: 17 percent.

This pay freeze, which would save $25 billion over the next five years, was included in the version of the budget bill passed by the House of Representatives. The Senate, however, eliminated this provision, and it was omitted from the final legislation. President Clinton intends to try to win congressional approval of the pay freeze this fall when funding bills for federal departments are finalized.

(3) Do you support the income tax increases for high-income taxpayers President Clinton has proposed? Yes: 69 percent. No: 31 percent.

Congress included the President's income tax proposals, which will raise $115 billion in revenues over the next five years, in the budget bill. The top marginal rate was raised from 31 percent to 36 percent for taxable income above $140,000 ($115,000 for individuals); a 10 percent surtax was imposed on taxable income over $250,000; and the alternative minimum tax was raised to ensure that high-income taxpayers with many deductions pay some taxes.

Only 1.2 percent of American taxpayers will pay higher income taxes under these provisions.

(4) Do you support reducing from 80 percent to 50 percent the proportion of the cost of business meals and entertainment that is tax deductible? Yes: 77 percent. No: 23 percent.

This provision was included in the budget bill; it will contribute $15 billion to reducing the deficit over the next five years.

(5) Do you support raising from 50 percent to 85 percent the amount of Social Security benefits that are taxable for recipients above certain income levels? Yes: 40 percent. No: 60 percent.

As part of the budget bill, Congress approved raising the percentage of Social Security benefits that are taxable from 50 percent to 85 percent, but raised the income thresholds at which the higher rates become effective.

President Clinton's proposal would have increased the taxable proportion of benefits for couples earning more than $32,000 and singles earning more than $25,000—the income thresholds at which 50 percent of Social Security benefits were already subject to tax. Congress raised the thresholds for taxing the additional 35 percent of benefits to $44,000 for couples and $34,000 for singles. The original proposal, which would have raised $32 billion over five years, would have affected one out of five Social Security recipients. The enacted provision, which will raise $25 billion over five years, will affect just one out of eight.

(6) Do you support establishing a broad-based energy tax? Yes: 48 percent. No: 52 percent.

The proposed energy tax was more controversial in Congress than any other provision in the budget bill. After much negotiation, Congress settled on a 4.3¢ per gallon gasoline tax increase, which will raise $23 billion over five years—about one-third the amount of revenue that the President's original proposal to tax all forms of energy would have raised.

The gasoline tax is the only tax increase in the bill which will affect most people; it will cost the average family in California less than $1 a week.

A MIDDLE EAST PEACE: HOPE AND COMMITMENT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Ms. SLAUGHTER. Mr. Speaker, 2 weeks ago at the White House, Israeli Foreign Minister Shimon Peres and PLO leader Mahmoud Abbas signed the Declaration of Principles for establishing Palestinian self-rule. The world witnessed a remarkable and nearly miraculous event.

As Johanna McGeary wrote recently in Time magazine, statesmen may believe they can "alter the forces of history and cool the passions of humanity with their bold leadership or clever diplomacy, and on occasion they do." But more often, she points out:

> * * * true change can come only from the volition of peoples involved. For reasons that can be explained by hardheaded circumstance—though not fully understood—men wake up one morning exhausted by their enmity and replace it with more rational considerations * * * that finally count the cost of hatred too high. From that point, peace is possible.

It is long past time for our long-standing ally to finally have a chance to live in peace. As President Rabin said at that historic moment: "Enough of blood and tears. Enough."

Another striking piece of symbolism at that splendid ceremony was the presence of young Israelis and young Palestinians, seated together in the front row. They heard President Clinton speak of the brave gamble their leaders have now taken so that the future can be better than the past. Those children, as well as all of us, are ready for the quiet miracle of a normal life.

There was much to savor in that shining celebration of new hope. Now Americans must help guarantee this journey's success with our moral, political and financial support. But we cannot carry that financial burden alone.

In 1979 the United States singlehandedly financed the cost of carrying out the Camp David accords. According to Howard Rosen of the Institute of International Economics, that one-time cost was "around $5 to $6 billion." Now, as Rosen says, financing is needed to foster regional economic development of the entire Middle East for a long time to come.

Mr. Rosen puts these longer-term costs at a minimum of $20 billion—in addition to the emergency aid needed to reverse the deep economic slide in the West Bank and Gaza. The World Bank's estimate of that cost is at least $3 billion over the next 8 years, and in the view of Hobart Rowan of the Washington Post, is probably an underestimate.

Last Friday's announcement that the European Community, Japan, and Scandinavia will join Israel and the United States in pledging $2 billion in aid for the West Bank and Gaza, including an unexpected $100 million from Saudi Arabia, is good news indeed. This is an early down payment on what will be an enormous financial burden before Palestinian self-rule and the lasting peace it should foster are realized.

It is critical and essential to share the burden, and I think all of us here know we must step up to meet this responsibility. We cannot fail those children or retreat from our responsibility to help shape a better life for them in an area that for far too long has known nothing but suffering and death.

L'Chaim, Mr. Speaker, To life.

HEALTH CARE QUESTIONS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. DUNCAN. Mr. Speaker, I would like to share with my fellow Members, and other readers of the CONGRESSIONAL RECORD, an editorial written by David Hunter that recently appeared in the Knoxville News-Sentinel.

As Congress begins to focus its attention on the critical issue of health care reform, I believe that Mr. Hunter's piece raises a number of important questions about the President's proposal that we cannot afford to ignore. I hope that all those who read it will consider his arguments as carefully as I have.

HEALTH-CARE QUESTIONS

(By David Hunter)

Now that President Clinton has explained Hillary Clinton's proposed health insurance plan, I have more questions than ever.

Hopefully, our elected representatives in Congress will address important questions and issues before it is too late. From personal experience, I know that there are great gaping holes in the American health care system—particularly as it relates to the elderly. But I see no reason to make things worse by going off half-cocked.

I am not satisfied with the figures presented by Hillary Clinton's committee on the number of uninsured. Statistics are so easy to manipulate. For instance, how many people are not insured because coverage isn't available and how many because they don't want to pay the premiums?

A friend of mine who is an executive in the hotel industry tells me that his company offers an outstanding insurance program, based on salary levels. Maids and busboys get exactly the same coverage as executives but pay only a proportional amount.

Noticing how few hourly employees ever signed up for the program, my friend began to question them as to why they didn't want good insurance at a low rate.

He was informed that insurance premiums were deemed a waste of money because the hospital emergency rooms have to treat anyone who walks in, and the public health clinic takes care of other needs for the indigent.

Is a person who rejects coverage really indigent? I think not. Should responsible people pay for the irresponsible?

It has been said that the road to hell is paved with good intentions. I fear that Bill and Hillary Clinton's rush to tamper with American health care may one day be pointed out as a prime example of the truth of that proverb, if someone doesn't soon apply the brakes.

No humane person is going to come out in favor of Americans doing without medical treatment, but thinking people need to look past the emotional smoke screen and discuss specifics. I am particularly worried about mandatory participation by people who already have insurance.

In the best of all possible worlds; every person would do what work he could and would receive everything he needed in return. Sounds familiar doesn't it? In recent history, the philosophy was called Marxism, but the Marxist governments went out of business because the philosophy runs contrary to human nature.

The human race (whether it pleases us or not) thrives and prospers under the motivation of self-advancement and grinds to a halt under government-imposed altruism. There are no free meals.

Neither will there ever be free health benefits. The same law-abiding, hard-working people who pay everything else in America will pay for the new plan.

What happens, though, when society gets to the point where the productive people are paying so much that they decide to get out of the game? We don't have to guess.

Just look at any number of failed socialist experiments—New Zealand, Denmark and England—all trying to return to a free economy. When a government robs the people of incentive to better themselves, collapse is just ahead.

I don't mind if my doctor drives a Mercedes or a BMW, just as long as he drives it to the office so I can find him when I need him.

TRIBUTE TO GEORGE GORDON

HON. WILLIAM P. BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. BAKER of California. Mr. Speaker, I rise today in recognition of an outstanding Californian, George R. Gordon, for his years of dedicated service to education in Contra Costa County.

Mr. George Gordon has served his community actively as the community college governing board's first president in 1949, and as a continuous member of the board for over 25 years.

In the field of education, George Gordon has been a member of the Contra Costa County School Boards Association, California School Boards Association, and Board of Regents and Trustees of St. Mary's College. Gordon was also an instructor of civics, social science, and physical education in Longfellow and Roosevelt Junior High Schools in Richmond, CA.

While teaching during the day, Mr. Gordon attended the Oakland College of Law at night. He was admitted to the bar in 1938.

Mr. Gordon's service to the community also has appeared in many other forms. After serving in Europe during WWII, he served as a member of the Martinez Kiwanis Club, Richmond Elks Lodge, Martinez Chamber of Commerce, Veterans of Foreign Wars, the Concord Century Club, and the Contra Costa Taxpayers Association.

On October 8, 1993, George Gordon will be honored by the Emeritus college of Diablo Valley College. The event is to be hosted by senator John Nejedly, myself, and a long list of area elected officials.

Mr. Speaker, at this time I ask that my colleagues join me in saluting Mr. George Gordon for his outstanding achievements and contributions to Contra Costa County.

BRING OUR TROOPS HOME

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. KIM. Mr. Speaker, yesterday's attack on Americans in Mogadishu clearly signals that it's time for us to bring our troops home—right now.

When we first dispatched our forces last year, we had three distinct objectives: First, secure a safe food distribution system, second, provide an opportunity for intra-Somalia political reconciliation, and, third, turn over operations to United Nations. We achieved all three objectives last January.

We have tried to be the good Samaritan and help the Somalis. We should be proud of going this extra mile. But, we cannot help those who do not want to help themselves. Sadly, it appears that an increasing majority of Somalis don't want our help. As Somalia is not an important American national security interest, we should listen to them and get out, before one more American life is needlessly lost.

THE PUBLICLY OWNED TREATMENT WORKS BIOMONITORING USE ACT

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. HEFLEY. Mr. Speaker, today I, along with my colleague from Arizona [Mr. PASTOR] and four other House Members, have introduced legislation to restore what we believe was the original intent of the Clean Water Act with respect to publicly owned treatment works and biological monitoring.

The 1987 amendments to the Clean Water Act provided that where numerical criteria are not available for controlling toxicity in the Nation's waters, States are to adopt criteria based on biological monitoring—also known as biomonitoring or whole effluent testing—or assessment methods consistent with information published by the Environmental Protection Agency. The act did not mandate the EPA to establish enforceable biomonitoring limits in discharge permits which authorize civil fines and penalties for a single biomonitoring test failure.

But in 1990, the EPA issued regulations which indicated in the preamble that a single biomonitoring test failure can subject publicly owned treatment works to administrative and civil penalties of up to $25,000 per day per violation. Under one interpretation, this means a single test failure could result in a fine of almost $2.3 million where the EPA and the State require biomonitoring on a monthly or quarterly basis. That result is based on the assumption that the permittee was in violation each day of the 30- to 90-day testing period contained in his permit.

There are a number of reasons why this approach to POTW toxicity control is flawed. POTW's are not designed to control toxics and have limited control over what is discharged to them. The interaction of complex influent to treatment plants, which may result in toxicity, cannot be anticipated in advance of a test failure, and even then its control may be problematic. Further, household products and plumbing can cause toxicity, yet a POTW's authority over such sources is limited at best. Experience has shown that municipal pretreatment programs are the most effective way of controlling toxicity, but they are no guarantee that toxicity will not appear in POTW effluent.

Scientific studies indicate that test variability, interlaboratory variability and the potential for false test results render the test inappropriate as a basis for enforcement proceedings. In addition, a serious question exists relative to the correlation between such end-of-the-pipe test measurements and instream impacts. But most importantly, EPA scientists who developed the technical protocols for conducting biomonitoring tests have said that such tests were never designed for compliance and enforcement use. The agency's technical personnel have acknowledged the potential variability in such test results, as well as the fact that one test does not tell the POTW anything about the nature of source of the toxicity. Repeated tests are a prerequisite to toxicity identification and reduction.

The EPA's approach operates as a disincentive for POTW's to conduct these repeated tests. Sewage treatment plant owners and operators should be encouraged to test as often as they can within the EPA or State-prescribed frequency. But under the EPA's approach, each test in an accelerated program would subject POTW's to possible fine and penalty liability. This creates an understandable reluctance on the part of the POTW's to engage in an investigatory process. In other words, we are penalizing municipalities for doing what we hoped they would do in the first place.

As an Agency, the EPA has stated a desire it retain prosecutorial discretion by making such test failures the potential subject of civil prosecution. But such a policy can lead to abuse and uneven nationwide enforcement in order to meet acknowledged Agency enforcement goals and staff performance objectives, and it may be undermined by threatened or actual third-party suits. POTW's cannot be asked to place reliance on the future good faith of regulating entities.

This bill, the Publicly Owned Treatment Works Biomonitoring Use Act would accomplish two things. First, it would clarify congressional intent by expressly removing any authority under the Clean Water Act to use a single, biomonitoring test failure by a POTW as the basis for determining a violation of the act and seeking fines and penalties. Naturally, the States would remain free to adopt more stringent standards of their own.

Second, our bill would recognize that the Environmental Protection Agency or State agencies acting under Federal law could include enforceable compliance schedules or other restrictions in discharge permits if toxicity appears in sewage treatment plant effluent. Failure to follow such compliance schedules, which could include testing, detection, and identification of the source of the toxicity, would subject the POTW to enforcement action and penalties as provided by law. That is to say, the POTW would be required, in a timely manner, to investigate, locate, and mediate, to the extent technically achievable, and pursuant to prescribed performance objectives established by the EPA or the State, any recurrent toxicity which appeared in the effluent or face the prospect of enforcement proceedings.

Mr. Speaker, in my view, the approach taken in this bill is fair and technically sound. Further, it would encourage sewage treatment utilities throughout the country to cast their nets widely and frequently to control toxicity through the use of biomonitoring. I commend this bill to my colleagues' review and urge that the appropriate committee undertake its consideration as soon as possible.

TRIBUTE TO VOLUNTEERS OF THE CALIFORNIA YOUTH AUTHORITY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. MATSUI. Mr. Speaker, I rise today to salute the outstanding volunteers who have contributed their time and energy to the California Youth Authority. On Thursday, October 21, 1993, some 28 volunteers will gather at the Governor's Council Room in the State Capitol in Sacramento to receive recognition for their work in the juvenile justice system.

The California Youth Authority is responsible for over 8,300 young men and women in 11 institutions and two camps and supervises an additional 6,044 young people released to the community on parole. In these times of diminishing budgetary resources, the valuable service of volunteers must be recognized. More than 4,000 Californians work as volunteers to provide services to youth housed in our institutions. Community volunteers have historically enhanced existing programs in the California Youth Authority and are utilized in all the institutions throughout the State.

These dedicated volunteers form a valuable link with the community and supplement the services provided by departmental programs. They provide on-the-job training for potential employees, do public relations work in the communities, enhance tutoring, provide recreational supervision, assist chaplains and counselors, and act as foster grandparents to incarcerated youth.

I would like to take this opportunity to list the honorees and their awards: Nicanor Isse, M.D., State Volunteer Award; Lt. William Wittman, Law Enforcement Officer of the Year; Neidra Volz, Celebrity Award; Scott Hoeninghaus, Special Recognition Award; Brigitte Wright, Literacy Award; Josephine Morris, Ministry Award; Michael Jerome Bush, Probation Officer of the Year; George Taylor, Longevity Award; Laurell A. Schweneker, Community Services Award; Dr. Michael Schumacher and Lester W. Wasko, Honorary Mention Awards; Chuck Lambert, Lay Banyai, Charlotte Wood and Art Beaulieu, Volunteer Recognition Awards; Victoria Rodriguez, Marla Kingkade, Michael Lorilla, Jonas Aquino, Julie Green, Armando Valenzuela, Marilynn Boyko, Kathy Webb, Charles Kendall, Carlos Lartundo, Connie Rodriguez, Bruce Bryan and Betty Howison, Volunteer Appreciation Awards.

Mr. Speaker, it is with great pleasure that I rise to recognize these outstanding community servants for their unyielding commitment to the youth of California. I ask my colleagues to join me in congratulating them and wishing each of them continued success in all of their future endeavors.

THE THREAT OF ACCIDENTAL NEEDLESTICKS IS REAL

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. STARK. Mr. Speaker, it was an unusual television routine—not comic shtick but a shocking stick. A nationally televised accidental needlestick demonstrates why safer needle products must be incorporated into the workplace.

In a demonstration designed to explain the virtues of receiving a flu shot, "Home" show host Sarah Purcell was stuck with a needle that moments before was used on cohost Gary Collins. The double use of the needle was unintentional—but potentially lethal. Collins left in the middle of the show to undergo blood tests to determine his HIV and hepatitis status.

During the live broadcast, Collins sat in a chair while a physician injected him with the flu vaccine. Collins left the chair and Purcell sat down. After preparing the arm of Purcell, the physician administering the vaccine accidentally used the same needle on Purcell. In explaining how a mistake like this could happen, "the glare of the lights and [the doctor's] first time on TV" were the explanations given.

Test results have so far determined that Collins is free from HIV and hepatitis infection. A second test in 3 months, and a final test in 6 months, will confirm or reverse this determination. In the meantime, Purcell can only hope that if an infection is found, it wasn't transmitted to her.

While a needlestick on national television is not a common occurrence, needlesticks unfortunately are. Last year alone, health care workers suffered nearly 1 million accidental needlesticks. If the glare of television studio lights can distract a health care provider, it isn't hard to imagine what effect the rush of an emergency room might have. While working to save the life of a trauma victim, nurses and doctors expose themselves to great risks. At least one of these risks can be eliminated by replacing existing needle products with those proven to be safer.

Congressman RANGEL and I introduced legislation last March to require the Food and Drug Administration to develop performance standards for needle-bearing devices. If the needle product used on the set had a sheath that immediately covered the tip of the needle, or prevented reuse completely, this accident would not have happened. If similar products were available in every emergency room, hospital ward, and community clinic, the risks taken every day by front-line health care workers would be greatly reduced.

The Nation has the opportunity to view how easy and frightening a needlestick can be. It is time to make this current all-too-real threat fiction. It is time to give our health care professionals the tools to do so.

SALUTE TO WILLIAMS COLLEGE

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. OLVER. Mr. Speaker, I rise today to honor Williams College, a 4-year liberal arts college located in the northwest corner of the First Congressional District of Massachusetts in the "village beautiful" known as Williamstown. In 1993 Williams College has been celebrating its bicentennial and on October 9, 1993 the college will host more than 30 delegates from other colleges and universities at its fall convocation.

Founded by Colonel Ephraim Williams, the college has a long list of distinguished alumni, including President James Garfield, class of 1856. Williams is also notable for its many firsts. The world's first society of alumni was formed in Williamstown in 1821, and in 1835 Williams became the first American college to sponsor a scientific expedition. The first intercollegiate baseball game was played by Williams against Amherst College in 1859, and the first graduating class in America to wear caps and gowns at commencement was the Williams class of 1887.

The foundation of Williams College's strong reputation, however, has been for many years its faculty and its mode of instruction. Mark Hopkins, professor at Williams from 1830 to 1887 and its president from 1836 to 1872, is widely considered the originator of this tradition. Hopkins best articulated his philosophy of teaching in his inaugural address at the college in 1836 when he said:

> We are to regard the mind, not as a piece of iron to be laid upon the anvil and hammered into any shape, nor as a block of marble in which we are to find the statue by removing the rubbish, nor as a receptacle into which knowledge may be poured; but as a flame that is to be fed, as an active being that must be strengthened to think and to feel—and to dare, to do, and to suffer.

I suspect that Williams' success as one of the most respected institutions of higher learning in this country is due to the fact that through its history, the college has been guided by Hopkins' philosophy. I salute the accomplishments of its first 200 years and wish all Williams faculty, staff, students, and alumni best wishes as the college embarks on another century of educating future leaders.

NAFTA

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1993

Mr. LAROCCO. Mr. Speaker, the National Federation of Independent Business, a small business advocacy group celebrating 50 years of involvement in issues important to the fastest growing segment of the American economy, recently surveyed its membership on their views about the North American Free Trade Agreement.

NFIB found its members deeply divided: 45 percent opposed, 38 percent in favor, and 17 percent undecided. I would not be surprised if a poll of Members of Congress were to show about the same numbers, although we will not have the luxury of remaining undecided.

In an effort to provide NFIB members with more information on NAFTA, the federation published contrasting views last month for its members. I had the privilege of writing the article opposing approval of the NAFTA agreement in its current form, and I would like to insert it in today's CONGRESSIONAL RECORD in the hope that it may assist other Members of Congress as they decide whether this NAFTA agreement is the best we can do for America.

NAFTA AGREEMENT

(By Representative Larry LaRocco)

NAFTA presents Congress with a difficult choice this fall: whether to agree with President Clinton's attempts to fix the trade agreement negotiated by the previous administration, or to send the plan back to the drawing board for renegotiation.

As a free-trader, I voted for "fast track" to allow the negotiation process to move forward, but I cannot support this trade agreement. This NAFTA is fatally flawed and irreparable.

NAFTA is intended to eliminate tariffs and other trade barriers between Canada, Mexico and the U.S. It promises a vast free trade zone on the North American continent, but it delivers something else. In some instances, it permits the establishment of new tariffs (wheat for example), rather than reducing existing barriers. Farmers involved in sugar, citrus, livestock and specialty fruits and vegetables will be particularly vulnerable to import surges.

NAFTA threatens both federal and state environmental laws. The maquilladora program has already severely damaged the environment along the U.S.-Mexican border. NAFTA will invite more of the same. Last month, a federal judge acknowledged the far reaching impact NAFTA could have on the U.S. environment.

NAFTA will cost American jobs, perhaps as many as 500,000. Even the proponents admit that jobs in some sectors like autos, steel, textiles and apparel will be lost to Mexico, not only in manufacturing but also in small businesses. The reason is no secret. Mexico's minimum wage amounts to 58 cents an hour, and NAFTA will do little to improve Mexican purchasing power for U.S. goods and services.

NAFTA's "side agreements" attempt to address disparities between Mexican, Canadian and U.S. labor and environmental laws by establishing supra-national panels to resolve disputes. These adjudication panels, composed of officials from all three countries, will be highly politicized, bureaucratic, and ultimately unworkable.

NAFTA may be good business for the handful of families who control the bulk of the Mexican economy, but does it make sense for America's small business? As a former businessman, I question its value to Main Street, and I suggest a fresh start by the Clinton administration.

In sum, this NAFTA is beyond repair. Congress should say "No!" The president should renegotiate.

HOUSE OF REPRESENTATIVES—*Wednesday, October 6, 1993*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Our hearts are grateful, O God, that whatever our need or whatever the human situation, Your spirit of love and peace is with us this day and every day. We labor for righteousness in life, but it does not seem enough; we work for justice and we fall short; we seek to understand those who differ from us, and we miss the mark.

We pray especially for those who suffer because of the conflicts of our time and that Your grace will be sufficient for them in their need.

Gracious God, from whom comes every good thing, lift us from our weaknesses and grant us new hope that we will be the people You would have us be and do those good works that honor You and serve people everywhere. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Hampshire [Mr. SWETT] come forward and lead the House in the Pledge of Allegiance?

Mr. SWETT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2685. An act to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2399. An act to provide for the settlement of land claims of the Catawba Tribe of Indians in the State of South Carolina and the restoration of the Federal trust relationship with the tribe, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2243) "An act to amend the Federal Trade Commission Act to extend the authorization of appropriations in such act, and for other purposes" disagreed to by the House and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLINGS, Mr. FORD, Mr. BRYAN, Mr. DANFORTH, and Mr. GORTON, to be the conferees on the part of the Senate.

The message also announced that pursuant to sections 1928a–1928d, as amended, the Chair, on behalf of the Vice President, appoints Mr. AKAKA, Mr. CAMPBELL, Mr. COCHRAN, Mr. SPECTER, and Mr. BENNETT, as members of the Senate delegation to the North Atlantic Assembly fall meeting during the 1st session of the 103d Congress, to be held in Copenhagen, Denmark, October 7–11, 1993.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that it will receive requests for 35 1-minute statements from each side of the House.

TRIBUTE TO HON. "BOB" MICHEL

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I want to begin by congratulating BOB MICHEL on a remarkable legislative career that has spanned almost 4 decades. His leadership, compassion, and good humor are going to be sorely missed on both sides of the political aisle. I know that I speak for many of my Democratic colleagues in saying thank you for a very distinguished service in the House of Representatives. You, BOB MICHEL, are a credit to this institution and to your country.

TRIBUTE TO THE LATE JAMES MARTIN

Mr. Speaker, on a more somber note, I want to pay tribute to James Martin, a young St. Louis Army private who lost his life serving in Mogadishu. We grieve for all of the American families who have lost loved ones in Somalia. James Martin and the other brave American soldiers have not died in vain. Mass starvation ended and hundreds of thousands of lives have literally been saved as a result of their service.

Our first priority is the protection of American troops that remain in Somalia and the safety of those currently being held hostage by the warlord Aideed. The United States holds Aideed and his followers responsible for the proper treatment and safe return of our soldiers.

In light of the events of the last days, the administration is undergoing an extensive review of our policy. I expect the President to deliver a swift response outlining where we go from here. I urge Members to hold back from precipitous calls for dramatic action before hearing from President Clinton.

We all very much want American troops to come home as soon as possible. But we also want to protect the very real gains that have been made in ending mass starvation in Somalia.

THOSE FABULOUS PHILS OF THE NATIONAL LEAGUE EAST

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, tonight begins the final feast of the fabulous Phils of the National League East.

Make no mistake, they'll devour the Braves.
Those Atlanta chops will become Philly waves.
After all, we've got Dykstra, Dutch, Inky, and Kruk.
When they hit, its like lightning has struck.
Hollins, Duncan, Stocker, and Wes.
Then there's poor Atlanta, what a mess.
Mulholland, Schilling, Rivera and Greene,
Never a rotation so ferocious and mean.
Eisenreich, Jackson, Mickey Morandini.
Those poor Braves will have to hide in their teepee.
Fregosi, Giles, and Lee have worked magic
Poor Atlanta, poor Braves, death will be tragic
And we've got the weapon for the most difficult pitch.
The madman, the Wild Thing, miraculous Mitch.
When he steps to the mound throwing blistering balls,
The chop-chop Braves finally admit they're just squaws.
Phillies in six, then World Series thrills.
The team of destiny, those fabulous Phils!

LINKING HEALTH CARE REFORM AND GUN VIOLENCE

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, violence in America is a national tragedy and is now a global embarrassment.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

During his address on health care reform, President Clinton spoke one sentence that should make this whole Nation stand up and take notice of the violence tearing across this country. He said:

> The outrageous costs of violence in this country stem in large measure from the fact that this is the only country in the world where teenagers can roam the streets at random, with semiautomatic weapons and be better armed than the police.

Too many Americans know the human costs of gun violence. All too often the victims are innocent men and women, and yes, even children.

There are medical costs of gun violence, and those costs are staggering for the health care industry and our economy. Estimates are that each year firearm injuries cause $14.4 billion in lifetime medical costs. Public funding sources pay about 85 percent of these firearm injury costs, because most gunshot victims are uninsured.

Health care reform and gun control legislation are undeniably linked. Reducing gun violence will help reduce health care costs.

Mr. Speaker, the violence will not be stopped by continuing to patch up victims in hospital emergency rooms. It is time for the Congress to take the first steps toward reducing the easy availability to weapons by passing the Brady bill and banning military-style assault weapons. This country cannot afford to wait much longer.

SOMALIA: WHY ARE WE STILL THERE?

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, day after day the Clinton administration tries to convince the American people that troop withdrawal from Somalia is close at hand. However, events of the last few days indicate something different. American soldiers are fighting and dying under U.N. command on an unclear and ill-defined mission.

During his campaign, Mr. Clinton assured the public that he would be decisive on foreign affairs decisions that could possibly lead to United States military involvement in situations such as Somalia.

The current White House policy has waffled, though, on the important issues, and we have no idea where it is leading us, on such important issues as withdrawal, and when, on the commitment of new troops, how many, building nations or not building nations. Again, much like the other campaign promises, the reality has not corresponded with the rhetoric.

Our mission in Somalia was very clear; we were there on a humanitarian aid mission.

Mr. Speaker, the famine has been conquered, why are we still there? Mr. Speaker, I ask the President to be decisive and bring our troops home safely and immediately.

AMERICANS EXPECT AN AFFORDABLE NATIONAL HEALTH CARE PROGRAM

(Mr. MINGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINGE. Mr. Speaker, 2 weeks ago in this room President Clinton issued a powerful challenge to Congress to join him in solving the health care crisis. A recent LA Times poll shows that a majority of Americans believe adopting the President's reforms looks better than letting the health care system continue to evolve on its own.

The President identified six key concepts that he wants included in any health care reform: security, simplicity, savings, choice of physicians, quality, and responsibility. But crafting a national plan will not be an easy task. While most Americans wish for an extensive program, budgetary constraints are an important reality.

The impact of the health care plan on small businesses does concern me, but I believe that we can keep that impact to an affordable level.

Mr. Speaker, the American people are tired of partisan quibbling; they want results. I am optimistic that we can put aside partisan differences. We must design and implement an affordable national health care program. The American people expect no less.

ANOTHER VIETNAM?

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, according to the Washington Post today, the attack on American troops in Somalia reminds many experts of Vietnam. It's an apt comparison.

In fact, the American Ranger company caught in the Somali crossfire suffered 70 percent casualties, a figure that officers compared to the Ia Drang Valley battle in Vietnam.

There is another similarity. We have no clearly defined plan of action in Somalia. American troops are simply targets for discontented Somalis.

President Clinton wants to send more troops to Somalia, but I have to ask this question: If we do not have a plan, why do we want to send more troops to this faraway country?

What national interest is served by having Americans boys killed in Somalia?

Mr. Speaker, the President is old enough to know how the Nation reacted to the Vietnam war. He should know that, without a clearly defined mission, the American people do not want to put our soldiers in danger's way. I urge the President to develop a plan to get our troops out of Somalia, and to do it now.

THE CLINTON NEW DEAL

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, according to a Washington Post story, several top Democrats see health care reform as a chance to make history. In fact, according to the article, "It is their chance * * * to complete the New Deal."

Complete the New Deal? Make History? These are grandiose plans that the White House has made. But I must wonder if this is what the American people really want.

Do the people want a radical expansion of the Government to take over health care for every American? The Clinton plan will certainly do that. Do we really want a huge State-Federal bureaucracy which will decide what benefits each American will receive from their insurance? The Clinton plan will do that. Do the people really want to change their health care plans, pay more in taxes, receive less choice, and encounter more bureaucracy? The Clinton plan will also do that.

Mr. Speaker, there is another way to achieve that. There is a bipartisan way that we can come together. Let us fix what is broken. Let us get on with it.

A SPECIAL DAY OF PRAYER

(Mr. SWETT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SWETT. Mr. Speaker, I want to express deep concern for my constituent, CWO Michael Durant and I urge my colleagues and the American public to join me in praying for his safe return from captivity in Mogadishu.

Michael Durant from Berlin, NH, has dedicated his life to serving our country. He has served in the Army for over 14 years and has sacrificed much so that others, including the people of Somalia, may live in peace and freedom. Now Michael's security and freedom have been taken from him. I am deeply concerned for Michael's safety and the safety of all of our soldiers in Somalia. President Clinton is currently reevaluating our role in Somalia, and we all must urge him to bring our troops home as soon as it is safe to do so, including those held hostage. I look forward to reviewing the President's goals for our troops in Somalia as soon as possible.

Mr. Speaker, I ask that we make this a special day of prayer on behalf of Michael Durant and the other soldiers who have done so much for thousands of starving children and that we honor and remember them through our prayers.

CLINTON DOCTRINE IN SOMALIA MUDDLED AT BEST

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, President Clinton's laser beam on the economy has blown a hole in our Nation's foreign policy. The Clinton doctrine in Somalia is muddled at best.

Our mission has expanded, but our force has contracted. As we downsize our military, the administration embroils us in more conflict. Our military is now expected to chase down a Somali warlord, build a nation, and establish a brand new democracy in that strife-torn land, when what we intended to do initially was no more than feed the starving. Well, the feeding stations have been closed since August and our troops are still there.

In April, Republicans passed a resolution recommending the immediate withdraw of our troops from this operation. Instead, the President chose to stay, with no clearly defined mission.

We must urge the President to exhibit leadership, to come up with a plan to get our troops out of Somalia. If we had acted timely, these American families would not be grieving for their loved ones today.

AMERICA HAS BECOME THE NEIGHBORHOOD CRIME WATCH

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, it is not enough that America is the SWAT team for the world. We all know that. America has now become the neighborhood crime watch, too.

Just think about, Somalia, Tokyo, Frankfurt. What is next, Soviet Georgia, Bosnia?

Can we fathom the thought that we may have to go in and become the neighborhood crime watch in Moscow? I think this is a little out of hand.

Now, if our major goal is to provide a safe environment, I can support that, all over the world after we have a safe environment in Miami, in Cleveland, in Chicago, in New York, in Youngstown, OH, for our own people.

I say let us apply this formula to America. Then let us consider it for everybody else.

APPOINT A SPECIAL PROSECUTOR

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, Janet Reno, our tough Attorney General, says that she will not appoint a special prosecutor to investigate charges that our Secretary of Commerce Brown was offered a bribe and then lied about it.

Yes, because the independent counsel statute has lapsed, this administration is not required to appoint an independent investigator into charges of corruption at high levels, but there is nothing that prevents this administration from making such an appointment if it chooses to do so.

The American people ought to know this time about choosing not to investigate these charges with an independent counsel.

The allegations into Secretary Brown are serious. There are questions that deserve answers.

Was a $700,000 bribe offered to Secretary Brown, offered to facilitate the lifting of a trade embargo against Vietnam? Did the Secretary suggest that such a payment be made to a hidden bank account in Singapore?

Mr. Speaker, these questions deserve to be answered. We need a special counsel or an investigation right here in the Congress.

IN SUPPORT OF H.R. 3137, HEALTH INFORMATION MODERNIZATION AND SECURITY ACT

(Mr. SAWYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAWYER. Mr. Speaker, I am pleased to join with my Ohio colleague, Congressman DAVE HOBSON, in a bipartisan effort to set up an information network that will simplify our health care system.

Our bill would create an information base that contains up-to-date, accurate, and uniform data. That means that Americans will not have to fill out piles of forms every time they visit a new doctor or go to the hospital, and doctors will not have to spend valuable time filling out papers when they ought to be treating patients.

Americans, even more importantly, want a system they can trust. They want to be sure that their health care records will be used to provide their own personal and private treatment. That is why our legislation calls for stiff penalties for violating the privacy and confidentiality of a patient's record, easy access to health records that contain accurate and uniform information, and a system that we can trust, good information and personal privacy. Those are the essential elements of any new health care system. It is what Americans want and is what Americans deserve.

□ 1020

WE HAVE ACHIEVED OUR GOALS—BRING THE TROOPS HOME

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Speaker, American lives are being lost in Somalia because of indecision and a lack of United States policy.

The President needs to decide and decide today to bring U.S. troops back.

Our men and women there have achieved the goals of the humanitarian aid. They met the mission set out by then President Bush with the full consultation of then President-elect Clinton.

Do not let them languish now, engaged in a mission of nation building in a nation which does not seem to want a central government.

Suppose Aideed is removed. In that vacuum, another warlord would only take his place.

What is the achievable goal? Right now it should be to get out of Somalia with all our soldiers, including the ones that have been taken prisoners, without further American lives lost for the lack of a clear policy.

Our fighting men and women should not be the victims of an administration whose foreign policy is watch and wait.

OUR NATIONAL PRIDE IS AT STAKE IN SOMALIA AND WE NEED ANSWERS

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, our policy in Somalia is indeed troubling and confusing to Members of Congress and to the American people. There is a growing gap between what the United Nations wants to do and what the United States wants to do between our military objectives and our political objectives. We have much at stake here in our national pride and in our foreign policy.

When Madeleine Albright, the U.S. Ambassador to the United Nations, says that the United Nations, quote, wants political reconciliation of that long-suffering country, in part through the establishment of basic civic institutions such as a functioning judiciary and police, unquote, that is not why we sent troops over there.

However, Mr. Speaker, President Clinton is asking the right questions. In his speech to the United Nations he said we must answer these questions:

Is there a real threat to international peace?

Does the proposed mission have clear objectives?

Can an end point be identified?

How much will this cost?

The Congress and the American people need these answers.

INQUIRING MINDS WANT TO KNOW

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, yesterday this Congress was stunned, and so were the American people, to find that the administration did not have the vaguest idea of what to do in Somalia. The briefing yesterday was, in one word, "appalling." This is the administration who, without any congressional approval, put 300 American soldiers into Macedonia, next to that bloodbath in Bosnia. The American people have the right to know with our troops in Macedonia: First, what is their mission; second, is there a good chance for success; third, when will we disengage; and fourth, does this mission have the support of the American people?

To quote a liberal tabloid, Mr. Speaker, "Inquiring minds want to know." If the administration cannot answer these questions satisfactorily and now, then let us remove our troops from Macedonia today, before they suffer casualties, and then we are told by the administration we cannot extricate ourselves without losing prestige. This is serious business.

Mr. Speaker, before the body bags start coming home from that part of the world, we want to know what the adventurists in this administration are up to.

RAYMON ROEBUCK, AN INSTITUTION WITHIN AN INSTITUTION

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, Raymon Roebuck, who has managed the House Democratic Cloakroom lunch counter for many years, is retiring after 30 years of service as a faithful House employee. Those of us who know Raymon from his post in the Democratic Cloakroom are aware of his steadfast devotion to this institution and the attention and kindness he extends to those around him.

Raymon has become an institution within an institution in his 30 years of service—following in the footsteps of his sister, Virginia, and her husband, Clinton. Known for his dependability and unique ability to keep many a Member nourished with some of the finest cuisine a snack bar of its size can offer. And I can tell you there is nowhere in Washington, DC that you find a better tuna fish salad sandwich than offered by Raymon.

Raymon is a kind and generous soul. If a young page needed a bite to eat and was short on cash—Raymon was there to help out. If you needed something a little special, Raymon has been there for many years to take care of you.

Raymon is a good listener—and a superb observer. If you needed someone to talk to—go talk to Raymon. Want an honest opinion about an issue? Consult with Raymon. Want to get the inside line on a particular team? Raymon's your man. His knowledge about sports is legendary.

In his 30 years in the Cloakroom, Raymon has seen and heard a wealth of history and—for that matter—a ton of secrets. If he wished to write the next "Insiders Guide to the U.S. House of Representatives," it would probably make the best seller list. But Raymon does not come from the infamous school of kiss and tell. He has the integrity and political acumen to know that there are matters within this institution better left unsaid, better left to the heart and soul.

I would like to join my colleagues in the House in wishing Raymon the best with his future. We want you to remain our friend and not be a stranger to us. And if Raymon decides to open a lunch stand anywhere in Washington, I have no doubt that many Members in this House will beat a path to his door.

Good luck, Raymon. We all love you.

ABSOLUTE POWER

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, yesterday, former House Sergeant at Arms Jack Russ pled guilty to three felonies, including stealing money from the House bank. Last week, two former Members of Congress were sentenced for felonies committed while they were in the House.

In the next several weeks, the Justice Department is expected to indict another Member of this body.

What links all of these sad cases?

Mr. Speaker, every one of these Members is a Democrat.

Mr. Speaker, the House has proved Lord Acton's famous dictum. Absolute power does corrupt absolutely.

For 40 years, the Democrat majority has run every committee, made every Federal funding decision, and dominated every institution in this House. It was a Democrat majority who ran the House bank, who ran the House restaurant, and who ran the House Post Office.

What ever happened to the Joint Committee on the Organization of the Congress? It has been stalled by the Democrat majority. What about real campaign reform? Again, stalled by the Democrat majority.

Mr. Speaker, for 40 years we have had one-party control, and it has not been healthy for this institution, and it has not been healthy for our great country.

CHEZ RAMON

(Mr. STOKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STOKES. Mr. Speaker, I join with the gentleman from Michigan [Mr. DINGELL] and my colleagues today to pay tribute to Raymon Roebuck, one of the House's most dedicated employees. "Chez Ramon," as many of us fondly refer to him, has decided to retire after 30 years of loyal service.

It is no wonder that his knees are no longer as sturdy as they once were given the fact that he always stood for long hours serving food to the Members at the cloakroom snack bar.

As one of the Members whom Raymon would always find a little more tuna when he didn't have any more, I am going to miss him. More than that, I am going to miss his friendliness and our conversations. I am also going to miss having Raymon to go and find out what time we are really going to get out of session and how many votes we will have.

Mr. Speaker, along with Members who have come and gone in this institution are a host of pages over the years who revere Raymon. He has a host of young people all over America whom he befriended, counseled, and protected while they were pages.

I wish Raymon well in his retirement which will be utilized to further his work in his church and the enjoyment of his family.

The snack bar will never be quite the same without Ray, but each of us are left with a lot of great memories and favorite stories.

□ 1030

YOUNG, SINGLE, AND SUPERHEALTHY

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, the President is talking a lot about health care. Even though he still has not finished adding up the cost, we're still supposed to believe it will cost us less. While he can't say how much it will cost, he can say who will pay for it.

The President has said it would be the "young, single, and superhealthy" who would pay the most for his plan—in spite of the fact that they will be using it least. However, this short-run inequity is to be balanced out later in their lives when they are middle aged and will win big after health costs have gone down. Right. In other words, the check is in the mail, young folks.

This belief that the young, single, and superhealthy should pay more says a lot about the thinking underlying this plan. There is absolutely no economic logic behind it. These people will pay more not because they use more or because they can more afford it. They will pay more simply because the Government says they should.

The President may have added a new rule to live by. Never eat at a place called Mom's, never play cards with a man named Doc, and never expect something for nothing from someone named Bill.

SUPERFUND ASSESSMENTS THREATEN FINANCIAL RUIN FOR SMALL BUSINESSES

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute.)

Mr. SARPALIUS. Mr. Speaker, I serve as chairman of the subcommittee on small business that deals with trade, environmental issues, and rural development. We have just completed a series of hearings relating to the Superfund, which is a nightmare that the Government created several years ago.

it will cost this Government and small businesses over a trillion dollars to clean up over 2,000 Superfund sites over the next several years.

We heard within our committee several horror stories relating to Superfund sites and how this affects small businesses. One example was a small businessman who came before our committee and showed us two pint jars of glue which had his business's name on that glue. It cost him over $80,000 in attorney fees to settle for $22,000 of the cost to help contribute toward the cleaning up of that site. For 2 pints of glue, it cost one small business $102,000.

Mr. Speaker, we cannot afford to bankrupt the small businesses across this country.

ARMY RANGER FROM NEW JERSEY ADDED TO DEATH TOLL IN SOMALIA

(Mr. GALLO asked and was given permission to address the House for 1 minute.)

Mr. GALLO. Mr. Speaker, Jamie Smith of Long Valley, NJ, a proud Army Ranger, gave his life Sunday in Somalia in the service of his country.

His death is a tragic loss to our Nation and a cruel blow to his family, friends, and comrades.

I spoke this morning with his father—himself a retired Army Ranger and disabled veteran of the Vietnam war.

What do you say to a father who has suffered such a terrible loss, and is bearing it so bravely?

Jamie Smith, like his comrades, did not question the decisions that brought him to Somalia. He saw his duty and he did it—proudly, effectively, with honor.

Like him, Mr. Speaker, we must also do our duty. Duty demands that we call on the President to bring our troops home—and do it now.

Our mission is done. Nothing is served by waiting any longer.

Bring them home.

THE RETIREMENT OF MICHAEL JORDAN

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute.)

Mrs. COLLINS of Illinois. Mr. Speaker, today Michael Jordan is expected to announce his retirement from the NBA, and I would like to take a moment to pay tribute to this remarkable young man who has brought so much excitement and good will to the city of Chicago and its residents, as well as to people across the Nation and the world.

We all know that Michael Jordan's basketball feats were nothing less than amazing, and it is likely that the magic he performed on the Chicago Stadium court and on courts everywhere will never be outdone. Michael's entrance into the NBA in 1984 energized the league and brought thousands of fans back to the game of professional basketball after many years. As we all know, he lifted the Chicago Bulls from their rather lack-luster past to their current status as the NBA dynasty of the 1990's.

Mr. Speaker, the basketball euphoria that has gripped Chicago and the Nation will continue to live on indefinitely, and we can thank Michael Jordan for that wonderful gift. But we also must thank Michael for much more than the performances so often repeated on the nightly sports highlight clips.

Michael's positive influence upon and involvement with the young children on Chicago's West Side and elsewhere through the Michael Jordan Foundation and his many other activities continue to foster hope and achievement in these youngsters. The bright, smiling faces that greeted Michael Jordan outside the Chicago Stadium before every game are likely to remember that hard work, drive, dedication, and a loving family are what it takes to succeed in any endeavor—and those youngsters that want to be like Mike will understand that they can and will if they follow his lead.

DONNA SHALALA OFFERS NO CLUE TO FINANCING OF CLINTON'S HEALTH PLAN

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, the Washington Post has a story today that should give everyone concern about the President's health plan.

The Post reports on the testimony yesterday before two House committees by Donna Shalala, the Secretary of Health and Human Services. The story says that Ms. Shalala "repeatedly said major financing elements were 'under review'." The Post reports that Ms. Shalala "angered several Members by failing to explain the subsidies * * *"

The article says that Ms. Shalala "seemed perturbed at times by the questions." The story reports on Ms. Shalala's inability to answer Members questions or to provide details.

It says one Democratic Member "likened the administration's cost reduction proposals to cold fusion—a great idea that has not been proven to work."

Well, if the chief Cabinet officer in charge of health cannot explain this health plan, or how it will be financed, or how it will work, what does that tell us?

Newsweek called the plan "Clinton's Trillion Dollar Cure." Yet no one seems to know yet exactly how much this plan will cost or what its impact on our economy will be.

It is beginning to look as though the cost will be staggering and the impact both on the economy and our health care system will be devastating.

PROTECTION OF FORCES PARAMOUNT IN DISENGAGEMENT FROM SOMALIA

(Mr. REED asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REED. Mr. Speaker, the American people are shocked over the death of their Rangers in Somalia, and they grieve them. It is particularly a bitter pill for someone like myself who had the privilege of commanding American paratroopers and qualifying as a Ranger.

But we owe these brave young Americans something more than impassioned speeches. We owe them clear thinking. The goal ahead of us should be clear—disengagement. But the question of how and when must be answered with one paramount concern in mind, the protection of our forces in Somalia.

Mr. Speaker, today the White House and the Pentagon are undertaking that review. I urge them to move swiftly, to move surely, and to be sure that what they do will protect our forces while they are disengaging from that conflict.

UNITED NATIONS GOALS SERVED BY OUR OVEREXTENDED STAY IN SOMALIA

(Mr. ROGERS asked and was given permission to address the House for 1 minute.)

Mr. ROGERS. Mr. Speaker, we went to Somalia with a very specific mission, and that was to provide humanitarian assistance to save the lives of children. There was no vital U.S. interests involved then or now.

The United States has accomplished that mission. Everyone admits to that. Then why are we still there under these very dangerous circumstances? Because the United Nations expanded the mission in Somalia, not with our consent.

That mission now is not to just feed the hungry; it is to disarm the public, it is to nation-build, as they say, and the United States meekly under this administration went along. Now we are paying the price, the consequences of this administration's not focusing on why we are still there. Our losses in Somalia are the fruit of allowing United States servicemen to be used for United Nations purposes and subservient to inept U.N. bureaucrats.

The United Nations now has us involved in 17 such operations around the world, and there are another 14 of them pending.

Mr. Speaker, let us come home from Somalia, and let us heed the lessons from Somalia. We should not put our professional and expert American servicemen under the command of inept, untrained foreign commanders in operations where there are no vital U.S. interests at stake.

NO PLACE FOR PARTISAN POLITICS IN SOMALIA DEBATE

(Mr. WASHINGTON asked and was given permission to address the House for 1 minute.)

Mr. WASHINGTON. Mr. Speaker, I have not spoken much on 1-minutes during this term. I thought it was a proper thing to let some fresh views and fresh minds of the 103d class come and speak. But I sat in my office and I could not believe my ears.

I have been in elected politics for 21 years, and in listening yesterday and today, I found there were new ways to understand how people elected to public office can take the tragedy of what happened in Somalia and try to turn it to political advantage, advantage for themselves. I do not understand that.

Let us set the record straight. There should not be any partisan sniping over the death of young men who serve this country in uniform.

□ 1040

Let us not forget that it was President Bush who put us in Somalia to begin with. And where were these people who were quiet as church mice then? They were being what they were, good, quiet church mice. They did not raise any criticism about whether we had any interest at stake or anything like that. They marched over the cliff and followed President Bush to send the soldiers over there.

But now that President Bush is no longer in office, they are singing a different tune. If he was still in office, they would be church mice today, like they were in the Persian Gulf.

It seems to me that anyone, Democrat or Republican, who would try to make political hay out of this tragedy would pick the pennies from a dead man's eyes.

WHITE HOUSE MUST GET ITS ACT TOGETHER ON SOMALIA

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, it is time to start pulling our troops out of Somalia, and start putting some sense back into the White House.

After listening to Secretary's Christopher and Aspin yesterday, it is clear the administration has no real goal or no real plan, for our continued presence in Somalia.

Well, it is not worth having American soldiers give their lives just to save face, for the Clinton administration.

We were right in getting into Somalia for humanitarian reasons, but that mission has been accomplished, and it is now time to get out.

Mr. Speaker, if the Clinton administration cannot figure out what to do in Somalia—it terrifies me to think of how they would handle a real crisis—such as a possible bloody civil war in Russia.

Never before in history has there been a full scale civil war in the midst of nuclear power.

If that ever happened in Russia, this Nation would face the most critical foreign policy challenge in human history.

From what I have seen from the Clinton administration's handling of Somalia, I have real fears about their readiness to handle such a crisis.

It is time to get out of Somalia. It is also time for the White House to get its act together. Produce a plan that should have been detailed months ago.

The world today is too dangerous, and the stakes are too high.

TRIBUTE TO RAYMON ROEBUCK

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, this House has often come under a lot of attack, and you see the public debate that goes on here back and forth. What you do not see are the people often who run this place. And that is why I want to say how sad I am today to see Raymon Roebuck leaving, but also to thank him for all he has done.

Raymon has in many ways run the Cloakroom for many years. What every new page and every new Member learns on the first day they get here, is when you want it straight, when you want the real information about what is happening, first go to your leadership offices. And then, after you hear that, go talk to Raymon, because then you will find out what is really occurring.

My first memory of that was asking every leadership office what time we were going to be getting out on a crucial night. This was 6 months into my first term. I heard everything from 9, to 8, to 10 o'clock at night.

I went to Raymon and he said, "6 o'clock," Mr. WISE." I said, "Ray, everyone else has told me differently. How can you say that?" He said, "Because the Speaker has a dinner that night."

He was absolutely correct. We were out at 6. And it has been that way for the years that I have had the privilege of being here.

Mr. Speaker, I just want to thank Ray and the people like Ray who make this institution what it is, for all you have done, for Members, pages, and all of us in this body. Thank you.

INVESTIGATION REQUIRED IN ADMINISTRATION ROLE IN SOMALIA

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, I attended a briefing yesterday on Somalia of House and Senate Members led by Secretaries Aspin and Christopher, and I was furious when I left. Never have I heard a more confused, disjointed, vague defense of American foreign policy in my professional career.

Today we see the specter of the President and his team huddling at the White House to determine what is our policy and what is our mission.

We accomplished our mission, to get relief to the people of Somalia. It is now time to leave.

Now there are reports that our military leaders on the ground in Somalia asked for tanks and APC's over a month ago. Secretary Aspin denied that request. Those tanks would have saved that American ranger company on Sunday.

Mr. Speaker, if these reports prove true, Secretary Aspin should tender his resignation.

TRIBUTE TO BOB MICHEL AND RAYMON ROEBUCK

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, this House of Representatives is an institution, but it is also a family. This week we mark the departure of two members of the family.

This family is made up of people who have great and visible positions, and those who have less visible and smaller positions, but we are all part of that family.

My colleague, BOB MICHEL, the minority leader of the House of Representatives, has announced his retirement. I am sorry to see him go. We are on opposite sides of the aisle, we have disagreed many times, but he has always been a gentleman. And, most importantly, BOB MICHEL has been a voice of reason and moderation in an institution which is becoming increasingly shrill, increasingly partisan, and increasingly destined for gridlock. We need his wise counsel. We have needed it over the years. And I am looking forward to working with him for the year and a half that he will remain as minority leader.

Another friend of ours, another part of the family, Raymon Roebuck, who has served this Democratic cloakroom for over 30 years, has also announced his retirement.

Raymon Roebuck is an example of the kind of man who makes the House of Representatives the great institution which it is. He has dutifully come to work, day in, day out, serving this institution and its Members.

He has done more than a good job. He has become a great and close friend to so many of us, and we wish him, too, the very best in his retirement.

PRESIDENT URGED TO WITHDRAW TROOPS FROM SOMALIA

(Mr. KIM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIM. Mr. Speaker, I urge President Clinton to withdraw American forces from Somalia.

I could not be more outraged at the atrocities committed against American troops. We went to Somalia to relieve suffering—to feed a starving people. They needed our help,—and we gave it to them.

The original mission has been accomplished. Yet, American troops are still there. I would like to know why and so would the people in my district.

How many more times must we witness the bodies of our own soldiers being dragged through Somalia's streets and being the center of barbaric celebrations and cheering? How many more American soldiers have to die before the mission is defined.

The people in my district want answers, they want to know what the mission is, and why this is such a pressing national security concern. And most of all, they want to know when their sons and daughters are coming home.

Mr. Speaker, I urge President Clinton to answer these questions.

SUPPORT CONFERENCE REPORT ON VA, HUD, AND INDEPENDENT AGENCIES APPROPRIATION ACT

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, later this morning the House will take up the conference report on H.R. 2491, the VA, HUD, and Independent Agencies Appropriation Act. This act contains the funding for many of the programs that fall within the jurisdiction of the Committee on Space, Science and Technology, including NASA, the National Science Foundations, and the research activities of the EPA.

Needless to say, the staff of this committee and members of this committee have been scrutinizing the bill with a great deal of interest and concern.

Mr. Speaker, I rise this morning to compliment the chairman on the bill which he will bring before us. As is the case with most legislation, it is not perfect, but it does represent a substantial improvement over past years and a very substantial improvement over the language which originally was contained in the report in the other body.

We look particularly at efforts to put legislation and earmarks into these bills. We will continue to do so. This bill is a good bill from that standpoint, and I urge the Members to support it.

GENEVA ACCORDS MUST APPLY TO PEACEKEEPING FORCES

(Ms. SNOWE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SNOWE. Mr. Speaker, millions of us watched in horror and disgust the images on television of the bodies of our soldiers being dragged through the streets of Mogadishu by ruthless Somalis. We saw the images of an American army helicopter pilot being held captive by Somali gunmen. Other U.S. soldiers are missing, including Sergeant Thomas Field, a 25-year-old Army Ranger from my district in Lisbon, ME.

Yet, it has been reported that U.S. and U.N. officials have pointedly declined to assert the rights of Warrant Officer Durant and possibly other captured soldiers under the Geneva Convention relative to the treatment of prisoners of war.

This is outrageous. Apparently the international peacekeeping bureaucrats believe that by invoking the Geneva Convention, the United States would somehow be legitimizing General Aideed as a lawful combatant.

Mr. Speaker, I do not care how the international relation bureaucrats want to characterize General Aideed. But I do care about the welfare of our soldiers held captive by Somali gunmen. By refusing to give our soldiers the full protection of the legal safeguards under the Geneva Convention accords, we are actually increasing their likelihood of being harmed by their captors.

Therefore, today I am introducing a resolution calling upon the President to ensure that prior to committing any U.S. forces as part of peacekeeping forces, that they will have the full protection of the Geneva accords.

□ 1050

SOMALIA

(Mr. MACHTLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACHTLEY. Mr. Speaker, Somalia is a unique opportunity for the Clinton administration to express its U.S. foreign policy/military engagement rules in a Third World conflict. We should not be isolationist. I supported our role in Desert Storm. I supported the humanitarian mission in Somalia, but that mission has been completed.

When we are going to put our troops on any foreign soil, we should, in fact, follow three military principles.

First, we should have a clear mission statement, and we should have an end point in which we will disengage our military. This has not happened in Somalia, as yesterday's briefing by the Secretary proved.

Second, we should have an overwhelming military force to guarantee success with minimum casualties. That has not happened in Somalia. In fact, we are incrementally trying to increase our forces.

Third, we must have a force which is commanded by a U.S. military commander. The United Nations force in Somalia in fact tried somehow to improve on what had been a United States success story, having military commanders control military forces. We must have that.

I believe that it was Claude Wist, a military theorist, who said, never reinforce failure.

Today we need a disengagement plan that safely guarantees our troops out of Somalia.

MORE ON SOMALIA

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, President Clinton's policy in Somalia is certainly not the Bush policy in Somalia. The Bush administration went in there for humanitarian purposes. The Clinton administration policy, as closely as we can figure out, is for nation building.

Every one of us, the President, Members of Congress, must indeed be held accountable for our actions. We have a duty to get out of Somalia and to get out of there quickly, in my judgment. I spoke out against going in there in the first place. I voted against going in there in the first place, because we have no vital interest in Somalia.

Now what do we find? Our troops are in combat. I call upon the President to invoke the War Powers Act. It is the law of the land.

If the President does not invoke the War Powers Act, I call upon the Congress to see to it that we can take action. It is the law of the land, and it is an impeachable offense for any President to violate the law.

Get out of Somalia now.

GREAT NATIONS DO NOT CUT AND RUN

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORN. Mr. Speaker, 45 years ago, Senator Arthur Vandenberg, leader of the Republican internationalists, talked to Democratic President Harry Truman. He said, "Harry, we want to be in on the takeoffs, not just the crash landings." That conversation set the tone for the bipartisan foreign policy which had largely guided this Nation for going on a half century.

Yesterday, the Secretary of State and the Secretary of Defense met with several hundred of us from both Chambers. They did listen. We were in on the takeoff. The specifics will come.

We succeeded in Somalia in our humanitarian mission. In the process, Americans have been killed, wounded, and degraded before the television cameras which spread those scenes around the world.

Great nations do not cut and run when their soldiers have been killed, wounded, and degraded. This great Nation should use massive force to bring the warload Aideed and his henchmen to justice. Then we can withdraw from Somalia.

GATT

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker the Journal of Commerce reports that the present draft of the GATT agreement, will gut our antidumping laws by—restricting the right-to-file a petition and, limit the scope of products subject to duty orders. It allows foreign producers to circumvent antidumping orders by shifting production to a third country.

The U.S. semiconductor industry also charges that proposed GATT settlement provisions would undermine section 301 of the 1974 Trade Act.

If that is not enough, the GATT draft in the intellectual property rights section will allow foreign governments to force U.S. companies to transfer their technology as long as they receive adequate compensation. Mr. Speaker, we are talking about the real assets of U.S. business.

For 200-plus years of this Republic, no foreign government could demand to take the real property of any American—adequate compensation or not—without getting through our national defenses, using armed force.

What in the world are we doing to our constitutional rights under the phony banner of free trade?

UNITED STATES TROOPS IN SOMALIA

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, December 4, 1992, President Bush sent troops to Somalia to secure food lines and feed the hungry and end the violence there.

In January, January 15, the warring factions of Somalia signed a pact to disarm. In April, April 26, the United States Marines handed Somalia over to the UN peacekeeping forces and declared, to some degree, mission accomplished. The folks were fed.

Three times since then, President Clinton has escalated by sending more American troops to Somalia. As recently as Monday, 200 soldiers from Fort Stewart, GA, in my district that I represent, learned they would be going to Somalia.

I can promise my colleagues that the soldiers from the 24th Infrantry will do well. They are trained; they are capable. They have a great devotion to duty. I hope that they kick Aideed's read end, and I hope they do it soon. But aside from that, I am sure they are asking the same question my colleagues and I are right now, as they look at the picture of Chief Warrant Officer Durant in the paper and see his haggard and worried look.

They are saying, why are we there? How long will it last? What is at peril?

Mr. President, we owe the American people the answers to these questions.

A SERIOUS SITUATION IN THE HORN OF AFRICA

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, we have a very serious situation in the Horn of Africa. Many Americans and rightfully so, ask, why are we still in Somalia.

Congress and the American people committed to a humanitarian mission, and that mission was long-ago accomplished. In recognition of that factor, the House Republican conference called on President Clinton to withdraw our forces from Somalia on the first of April of this year. Somehow, however, we have slipped into a police action under the control of the United Nations with no clearly defined mission.

This is not what we signed up for. There are now American soldiers who are dead. There are now prisoners of war, and now we must confront the realities that we face in that region.

The thug Aideed did not go from war lord to guerrilla leader overnight unassisted. Aideed has been helped by Sudan and Iran. There are terrorist training camps in Sudan that have helped Aideed's people, and there have been meetings in Sudan as recently as June of this year, gaining support from the Iranian and the Sudanese intelligence and military experts.

It is not an accident so many helicopters have been shot down since we went to Somalia for the right reasons but stayed for no reason at all, and the wrong reason.

We must now address this problem, but we must do it correctly and with a clearly defined mission.

UNITED STATES INVOLVEMENT IN SOMALIA

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, I rise today to express my extreme concern for what I see as an escalation of United States involvement in Somalia. In the wake of mounting United States casualties, President Clinton has called for an increased military presence in Somalia without clearly defining the purpose of continued United States involvement.

Mr. Speaker, it appears that the mission of the United States in Somalia has evolved into something that was never intended when the peacekeeping force arrived 10 months ago. Somewhere along the way, the Clinton administration changed the intent of operations in Somalia from a humanitarian hunger relief program to an offensive mission aimed at capturing or disabling Somali warlords to establishing a government of our liking. Consequently, American troops are constantly at risk and, most unfortunately, some have indeed made the ultimate sacrifice.

It is inconceivable to me how we can continue military operations in a foreign country without a specific goal, without clear cut rules of engagement, and without plans for eventually ceasing operations.

Mr. Speaker, the original goals have been met. Those who have served have served nobly. But, now it is time to get American military personnel out of Somalia.

□ 1100

URGING BIPARTISAN COOPERATION TO RESOLVE SOMALIA ISSUE

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, I rise to talk to my colleagues on both sides of the aisle. This is not a Democratic issue. Somalia is not a Democratic issue, Somalia is not a Republican issue. It is not President Bush's problem, it is not President Clinton's problem, it is all of our problem. What are we going to do?

I would say to my colleagues, if people choose to use this for partisan purposes, it will only delay and make us less able to get out of this thorny thicket.

My personal view agrees with many on both sides. I think we ought to secure the release of the hostages and then get our troops home. I think after the hostages are secured, the only planes, transport planes, that ought to be flying are those taking our troops back. However, we have to work together with our President in a bipartisan way to make this happen in as fair and as reasonable a way as possible.

MAKING IN ORDER ON TOMORROW OR ANY DAY THEREAFTER CONSIDERATION OF CONFERENCE REPORT, AMENDMENTS IN DISAGREEMENT, AND MOTIONS TO DISPOSE OF AMENDMENTS IN DISAGREEMENT ON H.R. 2518, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that notwithstanding the provisions of clause 2 of rule XXVIII, that it be in order at any time on Thursday, October 7, 1993, or any day thereafter, to consider the conference report, amendments in disagreement, and motions to dispose of amendments in disagreement, to the bill H.R. 2518, making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies for the fiscal year ending September 30, 1994, and for other purposes, and that the conference report, amendments in disagreement, and motions printed in the joint explanatory statement of the committee of conference to dispose of amendments in disagreement be considered as read when called up for consideration.

The SPEAKER pro tempore (Mr. MINGE). Is there objection to the request of the gentleman from Kentucky?

Mr. BURTON of Indiana. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from Indiana is recognized on his reservation of objection.

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Speaker, I have a parliamentary inquiry under my reservation of objection.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BURTON of Indiana. Mr. Speaker, this, as I understand it, is waiving the 3-day rule. If we object, this will have to go to the Committee on Rules in order for them to bring it down before the 3 days; is that correct?

The SPEAKER pro tempore. The Chair would state that that is one option.

Mr. NATCHER. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to my colleague, the gentleman from Kentucky.

Mr. NATCHER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would say to the gentleman that we have no intention of going to the Committee on Rules for a rule on this conference report. I know the gentleman from Indiana will be interested to know that since 1979, we have never asked for a rule on this bill. We will not go to the Committee on Rules and ask for a rule. Waiving the 3-day availability rule is the only request we make.

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I have reserved the right to object on all of these simply because the Committee on Rules continues to violate minority rights in this House. They bring rules down to the floor that are very restrictive, so that the minority cannot propose amendments.

I have great admiration and respect for the gentleman from Kentucky [Mr. NATCHER], and I do not like to object to these kinds of things. The only reason I am considering objecting is because I would like to send it to the Committee on Rules and make them do more work. I would like to keep them up there until about 3 o'clock in the morning every night, but since the gentleman from Kentucky says there is a historical precedent for not sending this to the Committee on Rules, and because I have such high respect for him, I will not object, but the Committee on Rules ought to bring fair rules to this floor.

Mr. NATCHER. Mr. Speaker, I thank the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

BRING OUR TROOPS HOME

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I agree with everything the gentleman just said. Twenty-three young Americans have been killed, 70 wounded, 8 are missing. We have talked about this since April, bring our troops home, before any of them were killed. Nothing has been done.

Yesterday, we had a meeting with Secretary of Defense Aspin and Secretary of State Warren Christopher. All I can tell the Members is that there were about 350 Members of the House and Senate that were there. I believe everybody in that meeting felt like we were watching jello being made. They had no plan. They had no coherent policy.

They were asking Members of Congress what we thought they should do. Imagine that, the executive branch of Government in a situation like that, asking 330 Members of Congress in a meeting like that what they should do.

The fact of the matter is, young men and women of this country should not be put in harm's way when we have no coherent policy. As the gentleman from California [Mr. DORNAN] just said, send massive forces in, get our troops out of there, the ones that are being held captive, level part of that country, and bring our troops home.

TRIBUTE TO RAYMON ROEBUCK

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSTENKOWSKI. Mr. Speaker, one of the ironies of life is that the people who are most essential to keeping our lives organized are often the people who are least known. They seldom get credit for their heroic work in creating a comfortable environment for the rest of us.

Today I would like to break this tradition by recognizing the work Raymon Roebuck has done so well for so many years when it comes to the care and feeding of the Democratic Members. Our quick backroom lunches will not be the same without him.

He is always there—often well before we are—preparing the food that has kept many a legislative battle from turning nasty when the partisans were attacked by hunger pangs. He enforced some order with his rules—relish before mustard for those of us who eat hot dogs.

With Raymon's retirement the ambiance of the House will change, and all of his friends here will miss him.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2491, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1994

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 268 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 268

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report and amendments reported from conference in disagreement on the bill (H.R. 2491) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report, amendments in disagreement, and motions printed in the joint explanatory statement of the committee of conference to dispose of amendments in disagreement shall be considered as read.

The SPEAKER pro tempore. The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, I yield the customary 30 minutes, for the purpose of debate only, to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 268 provides for the consideration of the conference report on H.R. 2491, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994.

The rule waives all points of order against the conference report and against its consideration.

The rule further provides that the conference report, amendments in disagreement, and motions printed in the joint explanatory statement to dispose of amendments in disagreement shall be considered as read when called for consideration.

Mr. Speaker, the conference report on H.R. 2491, the bill for which the committee has recommended this rule, provides $87.6 billion for veterans health, environmental protection, housing assistance, and space programs. As we are already into the 1994 fiscal year, I ask my colleagues to support the rule so that we may proceed with consideration of the merits of this legislation.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from New York [Ms. SLAUGHTER] has ably explained the provisions of the rule. This rule waives all points of order against the conference report to accompany H.R. 2491, making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies.

□ 1110

Mr. Speaker, the gentlewoman from New York has ably described the provisions of the rule. This rule waives all points of order against the conference report to accompany H.R. 2491, making appropriations for the Department of Veterans Affairs, the Department of Housing and Urban Development and other independent agencies. The rule also makes provisions to dispose of amendments in disagreement.

During consideration of this rule in the Rules Committee yesterday, concerns were raised over the waivers contained in this rule. Motions were offered in the Committee on Rules to strike the blanket waivers and to strike the 3-day layover waiver, but they failed on a party-line basis.

Of particular concern to some Members is the funding for the advanced solid rocket motor project. Although the House voted overwhelmingly to eliminate funding for the ASRM, the conferees provided $157.5 million for this program. The United States has begun negotiations with the Russians regarding space exploration.

The funding contained in the conference report for the ASRM will preserve the program as an available option if NASA determines that it is the most cost-effective booster system needed to efficiently launch elements of the space station to a higher orbit.

On behalf of Aerojet, a subcontractor in my congressional district with principal responsibility for development of the advanced solid rocket motor, I strongly support continuation of this project.

Mr. Speaker, I am sympathetic to the concerns of my colleagues over some of the provisions of this conference report. But I have the utmost respect and confidence in Chairman LOU STOKES and JERRY LEWIS, the ranking Republican, and the other members of conference on this appropriations bill, and I know they did their best in negotiating the final provisions of this measure. I have expressed my opposition to these blanket waivers numerous times, but I support this rule.

Mr. Speaker, I yield 5 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman yielding this time to me.

Mr. Speaker, we must defeat this rule. It is protecting a blatant pork barrel program—the advanced solid rocket motor [ASRM], which this body has voted overwhelmingly in the past 2 years, to terminate.

We have to send a strong a clear message that the majority of Members on this floor will not continue to be ignored by the appropriations conference, which is intent on keeping this program alive, year after year.

Last June 29, 379 Members of this body voted to terminate the ASRM. Only 43 Members voted to keep ASRM going. That is overwhelming by anyone's standard.

So why did the conference agree to add $124.9 million in new 1994 money for ASRM? Plus $32.6 million for continued construction of redundant ASRM facilities? There is no valid scientific or technical reason.

Did you also know, Mr. Speaker, that NASA will have to reprogram about $155 million from existing 1993 programs just to bring the ASRM up to the $280 million request?

That means that a lot of university research programs could be decimated now—just to fund a redundant rocket motor—jobs program.

Now, the conference report would lead many to believe that they are simply providing NASA the flexibility to use ASRM, should NASA determine that it is now needed to place the new redesigned space station in a higher inclination orbit.

The GAO has reported that ASRM is not necessary. Good government groups, such as Citizens against Government Waste, and the National Taxpayer's Union have urged ASRM's termination.

Environmental groups have condemned ASRM's effect on the humid Mississippi environment and ecosystem.

ASRM is grossly overbudget. It started out as a $1.5 billion program. It is now over $4 billion, and it continues to grow. ASRM will continue to gobble up hundreds of millions in the future—possibly from housing and veterans programs—unless we kill it now.

Did you also know, Mr. Speaker, that NASA has admitted—as recently as in this week's space news that it would require a minimum of $425 million in fiscal year 1994 just to keep the ASRM on its already broken schedule; $280 million will be wasted entirely, by NASA's own admission, even if the conference report is approved, the ASRM will not be ready in time for the last remaining use for which it was designed.

It is a boondoggle—an embarrassment. The U.S. industrial base already has vast overcapacity in missile and rocket making—why in the world are we spending $4 billion in hard-earned taxpayer money to add to that overcapacity? It makes no sense.

The facilities at Yellow Creek, MI, have problems with seepage in the casting pits—which will also create safety problems. There has also been documented problems which, to my knowledge, have not been corrected, involving the ASRM's new continuous casting method—they have had the solid propellant cure in the feeder lines. The list of problems goes on and on.

ASRM is a paper missile. It will not be ready, in any event, until after the year 2000.

The existing redesigned solid rocket motor [RSRM] has performed flawlessly on 26 shuttle missions.

Now please listen to this in answer to the question of going into higher orbit: The new aluminum-lithium external tank, along with minor modifications to the RSRM nozzles will provide an additional 8,000 pounds of lift—it will—of lift needed for higher-inclination orbit. And I have been reassured of that by the designers who made the redesigned motors. So why do we need two? This, I might add, is at far less cost.

Mr. Speaker, enough is enough. The time has come to just say no. The public is tired of pork-barrel as usual. Can we not ever succeed in killing any wasteful program around here? This one is so obvious. If we cannot kill ASRM, what can we kill?

We cannot go along with this rule. It protects ASRM against points of order, and the rule should also have guaranteed a motion to recommit with instructions, based on the overwhelming vote in the House. Keep in mind, 379 of us voted against this.

Defeat the rule. Let us get a more fair rule that allows the vast majority in the House to attack the ASRM, to send the bill back to conference and have them complete the job that we sent them there to do.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from Utah [Ms. SHEPHERD].

Ms. SHEPHERD. I thank the gentlewoman for yielding this time to me.

Mr. Speaker, I rise today to urge my colleagues to vote against the rule on the VA-HUD-independent agencies bill. On June 24, the House voted 379 to 43 to totally terminate funding for the advanced solid rocket motor [ASRM]. However, for the second year in a row, the conference committee has blatantly disregarded the clear will of the House by providing $157.5 million for ASRM and allowing NASA to cannibalize other important space projects to fund this boondoggle.

When we voted to terminate ASRM, we voted to cut Government waste and reduce the deficit. If you want to make your vote count, please support the motion to recommit on the VA-HUD-independent agencies appropriations conference report. I hope I can count on your support in this effort to stand up for fiscal sanity.

Stop worthless pork. Make your vote count. Vote for the motion to recommit and kill ASRM once and for all.

□ 1120

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, this rule should be voted down. This bill and the rule that it is coming up under I think can best be titled, "Old Pork Barrel Projects Never Die. They Just Come Back In Appropriation Bills."

On June 29, which was less than 4 months ago, the House adopted an amendment which I sponsored which de-authorized the advanced solid rocket motor. The vote on that amendment was 379 yeas to 43 nays.

I would ask the 379 who supported my amendment to be consistent in their votes today by voting down this rule, and if the rule should pass, by voting down this conference report, because this is our last shot to kill the ASRM completely.

Why should the ASRM be killed? We have heard from the two Representatives from Utah, the gentlewoman from Utah [Ms. SHEPHERD] and the gentleman from Utah [Mr. HANSEN] why it should be killed, but let me give another reason why it should be killed.

Even if the ASRM is funded at the level contained in this appropriation bill, it will not be done on time to get the space station up to the higher elevation orbit that is being proposed. That is right. Spending all this money will give us a rocket that will be there too late.

According to NASA, the revised space station, space station *Alpha*, will be completed and functional by the year 2003.

Also, according to NASA, in their budget submissions earlier this year and in the testimony of NASA Administrator Golden before the space subcommittee, the ASRM will not be ready until the year 2003.

That is right, Mr. Speaker. We have a proposal here to fund a rocket to send up the space station that will not be ready until after the space station is up.

Now, if that is contorted reasoning and contorted logic, which it is, then we should reject this bill and the parliamentary procedure that is used to protect the space station and the ASRM rocket from points of order, send this back to the Appropriations conference committee for a rework job and bring it out here next week so that the business of NASA and the Veterans' Administration and HUD can go on unencumbered by one more pork barrel project that just will not die, but comes back in an appropriations bill.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans Affairs.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentlewoman from New York for giving me this time.

Mr. Speaker, I rise in support of the rule and also of the conference agreement.

I would like to point out, as chairman of the Veterans' Affairs Committee, under this conference the veterans' programs are well funded and I am concerned that it is dangerous to vote against the rule and against the conference report because you endanger this funding for these programs. You send them back to the conference committees, and we just do not know what will happen when you turn down this conference report.

Sure, there are some things in here that Members will object to, but overall I am mainly interested in the veterans' funding, it is well done for the veterans.

Speaking about terminating the ASRM that my two friends from Utah have gotten up here and spoken about, as I understand it, Mr. Speaker, to terminate that project is really left up to NASA. If NASA decided to continue to build this new engine, they would have to come back and ask for another $160 million, so I would think we would be careful on account of the ASRM that we defeat this rule and defeat the conference report, because basically the ASRM is left up to NASA.

Mr. Speaker, I certainly rise in strong support of the rule and of the conference report.

Mr. Speaker, I rise in support of the rule and the conference agreement on H.R. 2491, and I want to commend the distinguished gentleman from Ohio [Mr. STOKES] and the distinguished gentleman from California [Mr. LEWIS], chairman and ranking minority member of the subcommittee, for their work on this bill, especially as it relates to veterans programs.

I also want to again thank my very good friend and colleague, the distinguished chairman of the full committee, Mr. NATCHER, and the very able ranking minority member of the committee, Mr. MCDADE, for always watching out for our veterans.

The conference agreement provides almost $36 billion for programs administered by the Department of Veterans Affairs—an increase of more than $800 million over last year's level.

The agreement includes $15.6 billion for VA medical care, $100 million more than the amount contained in the House-passed bill. The VA will need these extra funds, and more, to provide locality pay increases which will be paid to certain VA employees in accordance with existing law. The proposal to delay the implementation of locality pay was not agreed to in the reconciliation bill adopted earlier this year. So these funds will provide some relief to VA in this area.

The conference report also includes $252 million for VA medical and prosthetic research, $20 million more than last year's level and $46 million more than recommended by the administration. I want to again express my appreciation to Chairman STOKES for honoring my request that the House correct a major deficiency in the President's otherwise good budget. I think we all expect a better funding level for medical and prosthetic research in the President's fiscal year 1995 budget which is currently being negotiated with the Office of Management and Budget.

In the amounts provided for construction of VA facilities, the conference agreement includes $4 million in design funds for a much-needed clinical addition at the San Juan VAMC in Puerto Rico. The Resident Commissioner, Mr. ROMERO-BARCELÓ, came to me early in the session asking that our committee authorize funds for this purpose. He was very persistent in pursuing funds for this project and reminded us that the project had been given a very high priority by the VA. I appreciate the subcommittee's willingness to provide design funds for this project, and I expect the Secretary to include funds for construction in the VA's 1995 budget request.

I also want to thank the Honorable BARBARA MIKULSKI and the Senate conferees for their cooperation in arriving at a very good conference agreement for our Nation's veterans.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, a number of us who have opposed the ASRM for the last several years are frankly a little bit puzzled by exactly what is going on in the conference committee, because if you follow the history of the ASRM legislation, it has been clear that both last year and this year overwhelmingly the Members of the House of Representatives wanted to see the program killed. When it gets to the conference committee, it suddenly seems to amazingly and incredibly survive.

Let me give you a sense of the chronology.

Last July, the gentleman from Utah [Mr. OWENS] offered an amendment to kill this program. It passed the House overwhelmingly by a vote of 249 to 159. Both a majority of Democrats and a majority of Republicans supported the Owens amendment to terminate the ASRM.

Although the House cut ASRM funding, and this was last year, down to $100 million and the Senate cut funding down to $50 million, during the conference of the VA/HUD and independent agencies appropriations, and this is a point the gentleman from Mississippi [Mr. MONTGOMERY] should note, money was siphoned from veterans' housing projects in order to fund the ASRM at $360 million.

So last year everybody wanted it killed and it survived, and now this year after extensive hearings the authorizing committee, thanks to the fine work of the gentleman from Indiana [Mr. ROEMER] and the gentleman from Wisconsin [Mr. SENSENBRENNER] voted to kill ASRM for an overwhelming majority during markup.

This June 1 offered an amendment to kill ASRM and it passed the House by a bipartisan majority of 379 to 43.

Once again this year the conferees for VA/HUD adopted the Senate language which funds ASRM at $124.9 million.

Now, where were the conferees from the House on this issue? Listen to what the language of the conferees says:

> The conferees regret that the full request for the ASRM program could not be accommodated.

Not only do they not want to kill it, they are disappointed that we cannot fund it at the complete level.

Now, the gentleman from Wisconsin [Mr. SENSENBRENNER], the gentleman from Utah [Mr. HANSEN], and the gentlewoman from Utah [Ms. SHEPHERD] have made the point repeatedly, but let me emphasize several more points.

We all wanted to kill it for a number of reasons.

First of all, it is over budget. According to NASA, costs for the program have risen $650 million this year. Total costs for the program are now estimated at $3.7 billion more than double the original projections.

ASRM is behind schedule. The original estimate was 1995. Now it is 2002. Just like the original budget, the original time requested has doubled.

It is unnecessary. Better alternatives to ASRM already exist, and NASA officials themselves have admitted that it is one of the things that they are not deeply wedded to, and in fact likely is not even necessary for the redefined space shuttle mission.

It is dangerous for the environment. Each ground test of ASRM will generate 100 tons of hydrogen gas. If mixed with rain, it could produce acid rain.

Finally, it is now being sold to us in the conference committee on the suggestion that it will help further partnership with the Russian space program. Given the instability of the Russian economy and our own budget problems, I suggest nothing could be further from the truth.

Mr. Speaker, I urge all my colleagues who voted to kill the program to once again to vote to kill it and send it back to committee.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Speaker, it is with reluctance that I rise today to ask this body to reject the rule provided to us for debate on this bill.

I attempt to support rules whenever possible, but in this instance it appears that rejecting the rule is the only approach we have to actually put forward the clear intention of this body to eliminate funding for the ASRM.

I am amazed at the ingenuity that the conference committee and the other body has always found in bringing this back to life. If it is not a pork barrel project, it will come back to us as a foreign aid project for Russia.

I am not going to repeat all the reasons why this thing needs to be killed. Three hundred seventy-nine of us already know, because we have voted to kill it. If that is not an overwhelming indication of the desire of this body to eliminate this funding, I do not know what is.

□ 1130

How many times do we have to kill this program before it is dead? I suspect we are going to be voting every year on an annual basis to kill ASRM, even after the space station is up in orbit. It is clear that in fact the current producer of the booster rocket can and is willing to provide a rocket with the necessary thrust to put the space station into orbit at the necessary degree. It is clear that this is unneeded, that this is unwise, and so I would just urge my colleagues to think about it as they come over here. This is our last chance this year to kill the ASRM. If we do not do it now, we are not going to do it.

Mr. Speaker, I would urge the Committee on Rules, if, in fact, we are able to send this rule back, to turn around and send us a rule to the floor that would allow us a recommittal motion with instruction to eliminate funding for the ASRM. I urge my colleagues to defeat this rule and vote for recommittal with instructions.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON], the ranking member of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Tennessee [Mr. QUILLEN] for yielding this time to me. I will not take but a few minutes.

Mr. Speaker, I do have some concerns about the rule itself, but I want mainly to call attention to the fact that there is an amendment in disagreement from this conference report which provides that the Selective System be funded at 80 percent of the current cost. At the appropriate time this afternoon I will be offering a motion to recede and concur to the Senate amendment to appropriate $25 million to keep the Selective Service System alive. I will not go into details about it now. I will just say, my colleagues, that today, more than ever, we depend on the all voluntary military. These are people we can be so proud of. They are a real cross-section of America.

The Selective Service System also maintains the list of military recruiters who are denied, more and more every day, by certain school boards and school systems around the country from obtaining the names of eligible young men to recruit for our military. We really need the all voluntary military today and the Selective Service System helps us to maintain it.

An amendment I offered to preserve the Selective Service System failed by one vote, excluding the Delegate votes, and I would certainly appreciate it if we could turn that around and at least preserve the program. Look at what is going on in Russia, at what is going on in Somalia. These are terrible, terrible situations, and we cannot afford to be unprepared. The Selective Service System is a part of that preparedness, so I hope that my colleagues would support me later on.

HOUSE OF REPRESENTATIVES,
Washington, DC, October 5, 1993.

Hon. JOHN JOSEPH MOAKLEY,
Chairman, Committee on Rules, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you may know, over the last several years, we have repeatedly raised concerns about the practice of including Senate-added legislative provisions in conference reports on appropriations bills. In that regard, we have appreciated your assistance and consideration of the positions of the authorizing committees. To further resolve those concerns, we offered an amendment to the House Rules which was adopted by the Democratic Caucus and included in the Rules of the House for the 103d Congress. Under clause (2)(b)(2) of Rule XXVII, the Chairman of an authorizing committee with jurisdiction over the legislative matter reported in technical disagreement now has the right to offer a preferential motion to insist on disagreement. We believe that this amendment will help to restore the prerogatives of the House and significantly reduce the number of legislative provisions in appropriations bills. As the House begins to consider the first set of appropriations conference reports under the amended rule, we and other Chairmen of the authorizing committees plan to monitor the reports carefully for any inclusion of legislative language.

The purpose of this letter is to request that the Committee on Rules not grant any waivers of points of order against clause 2(c) of Rule XXI (prohibiting legislation in an appropriations bill) and clause 2 of Rule XX (prohibiting House conferees from agreeing to Senate amendments which would violate clause 2 of Rule XXI) for any appropriations conference report. We believe that any Senate amendments proposing to add legislative language should follow regular order and be brought back to the House for a separate vote on technical disagreement. Providing blanket waivers of points of order, or providing waivers to permit the conference report to contain legislative language, would substantially infringe on the prerogatives of the authorizing committees and vitiate the effect of the amendment to the House Rules adopted by the Caucus and the House early this session.

We appreciate your consideration of this request.

Sincerely,

JOHN D. DINGELL,
GEORGE E. BROWN, Jr.,
GEORGE MILLER,
NORMAN Y. MINETA,
Members of Congress.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Mississippi [Mr. MONTGOMERY], the distinguished chairman of the Committee on Veterans' Affairs.

Mr. MONTGOMERY. I am signing a letter with the gentleman supporting the Selective Service System. As I understand it, it will come up if the rule is adopted and if the conference report is accepted, which I hope it will be. Then this will be amendment in disagreement on Selective Service System, and we are not talking about a lot of money, but these young men have signed up, 98 percent of them, in the last 5 to 10 years, have gone to the post office, filled out the card and say, If you need me, I'm ready.

So, Mr. Speaker, the system is working well. Why change it? It does not cost a lot of money. We all know the world is in turmoil now. It just does not make a lot of sense to do away with the Selective Service System at this time, and I appreciate the gentleman from New York [Mr. SOLOMON] yielding to me.

Mr. SOLOMON. Mr. Speaker, I really appreciate the comments of the gentleman from Mississippi [Mr. MONTGOMERY]. I know he is so sincere in pointing out that there is a bipartisan effort to maintain the Selective Service System during these critical times.

As my colleagues know, Colin Powell strongly spoke out on behalf of it. SAM NUNN did. Senator BYRD did. A lot of good men and women on both sides of the aisle have spoken out. These people, who have the expertise, are saying that we need this system. We really ought to preserve it, and I thank the gentleman for his support. I would also thank the chairman emeritus of the Committee on Rules, the gentleman from Tennessee [Mr. QUILLEN], for having yielded me this time.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentlewoman from Virginia [Ms. BYRNE].

Ms. BYRNE. Mr. Speaker, I rise today in support of the motion to defeat the rule for H.R. 2491. My concerns over this bill rise over a provision that was included in the final conference report but was not included in the House or Senate version.

To the dismay of several of my colleagues and myself, the conferees have eliminated a vital function to the space station program. By removing funding for the oversight and integration functions for space station *Freedom*, we will be scattering the corporate memory of this program at a time when it is most crucial.

Without this corporate memory, all the lessons learned, all the mistakes that should not be repeated all the successes that this program has had will be tossed to the wind, leaving a program without a sense of mission, without a clear direction, and—most importantly—without an oversight mechanism to endure that they do not make the same mistakes twice.

When this program had major cost overruns a year ago, who was it who discovered them and reported them? The integration facility. We should ask ourselves, why on Earth should we get rid of this cost-saving oversight body at the same time we are cutting NASA's budget?

NASA has proven time and again that, left to their own devices, cost overruns, inefficiency and waste is the rule, not the exception. Getting rid of the integration facility will be another major step toward more budgetary problems. Functions like this cannot be bought at the corner Seven-Eleven.

It has never been more important than now to make sure that NASA has integration functions in its program. Lately, NASA has looked a lot more like the Keystone Cops in space, running around chasing something that they cannot define or how to get it. Without any direction to the space station program, NASA is drifting out in space like their Mars Observer.

I am finding it hard to believe that we did not learn anything from the *Challenger* disaster or that our memory is so short that we would forget the tragedy by leaving NASA to its own devices.

I would ask all Members of Congress; If they are committed to a space program that is efficient, lives within its budget, sticks to deadlines, and builds a space station that works, how can we take away the one aspect of the program which has made sure NASA meets these goals? I share the desire to cut costs, but we should not cut corners.

I urge a "no" vote on the rule.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge the membership of this body to vote for this rule. I know how important this measure is to my district, but I say this not on a selfish basis but because I think it is right to do so. Second, I have great respect for the chairman of the committee and the ranking member, and I know they would not bring anything to the floor unless it is a good measure.

Therefore, Mr. Speaker, I urge support of the rule.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, we face two very important questions on our upcoming votes here this afternoon. One is on the advanced solid rocket motor. The other is on the institutional integrity of what the House of Representatives wants and what they vote on.

The first question on the advanced solid rocket motor:

Here is a project, an individual project where I offered an amendment in committee, where we defeated ASRM. We killed it in committee because it would not be completed until after its objective would be required, and it was going on 100 percent cost overrun.

□ 1140

This is not a project that is needed from a scientific perspective, nor can taxpayers afford it, because it is hugely overburdened with inefficiencies.

The second question becomes one of institutional integrity. It has been mentioned that we voted 379 to 43 to kill this project. We should vote on a motion to recommit to send this back to conference and make sure that the conferees kill ASRAM once and for all.

Now, on the institutional question, we make decisions on the House floor, and we take projects like ASRAM out, we cut Commerce, Justice, and State by $581 million, we send that over to the Senate, and it comes back fully restored and increased. We do the same thing with the Office of Science and Technology, and that comes back to our body.

We must have the commitment on our side to not just vote against a project but follow through on motions to recommit and final passage to make sure that these inefficient projects, these unscientific projects, do not stay in these legislative bodies.

Finally, Mr. Speaker, what happens if this stays in? They have instructed us in the VA-HUD conference report that they funded ASRAM at $124 million. Now, if this passes, if we maintain ASRAM in here, an additional $300 or $400 million will come out of the existing budget. So it is just like the space station's taking money away from this account; now ASRAM will be taking money away from this account. Money will be taken from very good, worthwhile projects for a project that does not deserve to continue to be funded in this House.

Mr. Speaker, I strongly urge my colleagues, from an individual project perspective and from an institutional perspective of our integrity, to kill this project once and for all.

Ms. SLAUGHTER. Mr. Speaker, for the purposes of debate only, I yield 3 minutes to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Speaker, I thank the gentlewoman from New York for yielding time to me.

Mr. Speaker, I rise in support of the conference report on H.R. 2491, the VA-HUD-Independent Agencies appropriations bill.

The conference report includes funding for a number of agencies under the jurisdiction of the Committee on Science, Space, and Technology, including the National Aeronautics and Space Administration [NASA], the National Science Foundation [NSF], the Environmental Protection Agency [EPA], and the Office of Science and Technology Policy [OSTP]. I would like to touch briefly on several matters in the report which deal with these agencies.

First, with respect to the NSF, I wish to express my appreciation to Chairman STOKES for ensuring that the conference report is free of directive language regarding that agency's role and mission. As the gentleman from Ohio is aware, the Senate report accompanying H.R. 2491 attempted to effect a fundamental change in NSF's role, from support of basic research in science and engineering toward a strong focus on short-term, applied research. Both the scientific community and a number of Members of Congress, including myself, raised strong objections to the Senate report language, which seemed to be based on a faulty interpretation of the findings of several recent blue-ribbon panels and which was clearly inconsistent with the statutory authority for NSF's activities, specified by the NSF Act of 1950.

While the Senate report did raise several valid points concerning the changing role of science and technology in society, it did so in a venue—unamendable report language—which clearly excluded the input of nearly all of the 535 Members of Congress. If Congress is to debate and amend the basic function of an agency as important as the NSF, it must do so through the regular order of hearings, markups, and floor consideration of the Organic Act. In fact, the Science Committee is engaged in that very process. Today our Science Subcommittee is marking up a reauthorization for the agency which deals with many of the questions raised by the Senate report. I applaud the efforts of Mr. STOKES in ensuring that the Senate language was not carried over into the conference report, thereby protecting regular order in this matter. I can assure him and his Senate counterparts that our committee will do all that it can to raise these matters through the appropriate procedures.

Also regarding NSF, I am pleased that the conference report provides for a significant increase for the NSF's academic research facilities modernization program. This competitive, merit-based program was established by the NSF Authorization Act of 1988. Its goal is to address the serious deterioration in academic research facilities, which threatens to impair the ability of universities to perform leading edge research in some fields of science and engineering. Although the NSF facilities program has been authorized at $250 million per year for the past 2 years, the appropriations level has never before exceeded $40 million.

The appropriation of $100 million provided by the conference report is an important step in expanding the program so that it is more in proportion to the scale of the problem. If other agencies begin to develop similar merit-based programs along with the NSF, we should see a serious diminution in the pressures which have led in recent years to the explosion of pork-barrel projects for universities, many of whom have no other outlet available for their legitimate needs. I congratulate Chairman STOKES and his fellow conferees for recognizing the importance of making this investment in the Nation's academic research infrastructure.

With respect to NASA, I would like to commend the gentleman and the subcommittee on the overall treatment of the space program in this conference report. Although I firmly believe that the Nation would be better served by a greater commitment to civilian research in general, and to the space program in particular, I recognize the constraints under which this bill was developed. I do have some concerns about the process by which the space station will be reviewed early next year, but I will raise these concerns separately through a colloquy with the chairman.

Finally, I do want to point out that this bill represents a radical departure from a disturbing pattern that I have been concerned about over the past several years. That is, there is a drastic reduction in this bill in the number of earmarks and unauthorized projects. I want to encourage my colleagues to continue to resist this temptation as we face increasingly stringent budgets in the future.

In recent years, this conference report has become increasingly popular for academic pork. In the fiscal year 1992 appropriation there were 67 earmarks for $151 million. In the fiscal year 1993 appropriation there were 60 earmarks for more than $176 million.

According to my initial review of this bill, we find a handful of earmarks—perhaps four, perhaps fewer—worth less than $10 million. We will continue to work with the agencies under our committee's jurisdiction to ensure that this remains the case.

I want to laud the conferees involved in bringing this report back to the House, but particularly the wise and very able chairman of our VA-HUD panel, for their willingness to refrain from earmarking. Mr. STOKES' leadership on this issue, and the cooperation he has built with his counterpart in the other body, are to be commended.

Ms. SLAUGHTER. Mr. Speaker, for the purposes of debate only, I yield my remaining time to the gentleman from Ohio [Mr. STOKES].

The SPEAKER pro tempore (Mr. MINGE). The gentlewoman from New York [Ms. SLAUGHTER] has 12 minutes remaining, and the gentleman from Ohio [Mr. STOKES] is recognized for up to the maximum time remaining.

Mr. STOKES. Mr. Speaker, I thank the distinguished gentlewoman for yielding time to me.

Mr. Speaker, I would like to take this time just to try to clarify a couple of points with respect to the ASRAM.

Several Members who have spoken this morning appear to be confused about ASRAM and about the action taken by our subcommittee in the conference. We have heard some figures thrown around here, also, that are not accurate.

First, let me say that we have not continued ASRAM. I want to repeat that. We have not by our action continued ASRAM, and I want to make it clear that with the amount of money that we have in this appropriation bill, which is $124.9 million in the space flight account and $32.5 million in the construction and facilities account, ASRAM will be terminated. The only way that ASRAM will be built or will go forward is if NASA believes it is absolutely essential to have the additional 12,000 pounds of shuttle lift capability in order to get to the Russian orbit of 51.6 degrees. This has been occasioned by the new agreement made by our administration with the Russians since the bill left the House, and we had to try to take that into consideration when we were meeting in the conference.

But it is just that simple. Otherwise ASRAM is dead. So I want to make sure that all Members here today understand that to vote for any motion to defeat the rule or any motion to recommit this bill to conference could upset the very delicate compromise we have come to on the space station program, on the housing programs, on our environmental programs, and on the veterans' programs.

Last, Mr. Speaker, I want to make this very clear because one point that I think is being missed is the fact that the $124.9 million that we have in the space flight account for ASRAM is not sufficient even for termination. NASA has estimated the termination cost to be higher than that number, and they would probably have to come back to us in any case with a reprogramming to add money to ASRAM in order to terminate the program.

Mr. LEWIS of California. Mr. Speaker, will my chairman yield to me?

Mr. STOKES. I am delighted to yield to the distinguished minority member of the subcommittee.

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague's yielding, and on this point I think my chairman knows that I went to the Rules Committee with some reservations about not having a totally open rule. But on this point the chairman is making, it is very significant for the Members to know that the conference is concerned about ASRAM, they were concerned about the vote here on the floor, and they reflected that in their dialogue, and that is that this program is being terminated by our conference effort. As we have gone about that, the only reason we have left a crack open is because of the reality that we are in negotiations and discussions with the Russians regarding what attitude we may be flying the space station, and indeed if we do need a heavy booster, there are a number of ways of solving that problem potentially.

☐ 1150

But this is one that is very significantly down the technology line. So I just rise to express my appreciation for my colleague's explanation, and support his position.

Mr. STOKES. Mr. Speaker, reclaiming my time, I thank the gentleman.

Mr. BROWN of California. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I am pleased to yield to the distinguished chairman of the Committee on Science, Space, and Technology.

Mr. BROWN of California. Mr. Speaker, I would like to merely confirm what the distinguished chairman and ranking member have said. We are at the present time at a stage where we do not know what the future of the space program is going to be and the space station as it involves our cooperation with the Russians, which is where the key rub is right at this time. If we should decide to move into a 58 or 61 degree orbit, instead of the orbit we have been flying, we lose the capability to orbit payload into orbit, and we will need the extra boost capability reflected by either the advanced solid rocket motor or an enhanced and lighter weight tank. Both of these options are in discussion at the present time. But we will not know for 2 or 3 months what the arrangements are with the Russians. The gentleman knows in the bill he has fenced off $1 billion, which is aimed at being withheld until we know where we are going.

Mr. Speaker, I happen to agree with the gentleman on the basic problem of where we ought to be going, and I look forward to his continued cooperation on that matter. I compliment the gentleman for the way he has handled the ASRM situation here.

Mr. STOKES. Mr. Speaker, reclaiming my time, I thank the distinguished chairman. I would just say further, before closing, that it is our intention to continue working closely with the chairman of the Committee on Space, Science, and Technology, and the members of his committee, as we try to cooperate with the administration in terms of the recent developments as they relate to the American-Russian component that is now taking place with reference to the space station. These are circumstances which have come up since the bill left the House, and we try to take into consideration what the House would want to do in light of this new and unusual circumstance.

Mr. Speaker, I hope that we pass the rule.

Mr. WHITTEN. Mr. Speaker, I rise in strong support of the rule on the conference report as well as our NASA program at Yellow Creek, MS.

I once again point out that NASA sought a government-owned, contractor-operated facility for the production of the solid rocket motors after the *Challenger* accident in order to improve management ability as well as to increase state-of-the-art facility.

This agreement provides for the construction of portions of the existing solid rocket motor at this new facility. In addition, the conference report allows NASA to make the determination as to whether these needs are still necessary for the future of our manned space program in order to meet any international commitments we may enter into.

Again, I point out the ASRM was initiated on a recommendation of the Presidential Commission and NASA to provide our space program with a motor that will:

First, improve shuttle safety;

Second, improve shuttle reliability;

Third, increase shuttle payload by 30 percent; and

Fourth, give NASA more control of the program by providing a government-owned, contractor-operated facility.

I strongly urge approval of the rule and the conference report.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MINGE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 123, nays 305, not voting 5, as follows:

[Roll No. 482]

YEAS—123

Ackerman
Applegate
Bacchus (FL)
Beilenson
Berman
Bevill
Bishop
Bonior
Boucher
Brooks
Browder
Brown (CA)
Brown (OH)
Callahan
Carr
Clay
Clyburn
Coleman
Condit
Coyne
Cramer
Darden
de la Garza
DeLauro
Derrick
Dingell
Dixon
Durbin
Edwards (CA)
Farr
Fazio
Filner
Flake
Foglietta
Frank (MA)
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Hall (OH)
Hall (TX)
Hayes
Hefner
Hilliard
Hochbrueckner
Hoke
Houghton
Hoyer
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kopetski
Laughlin
Leach
Lewis (GA)
Lightfoot
Lloyd
Lowey
Martinez
Matsui
Mazzoli
McCloskey
McNulty
Meek
Menendez
Mineta
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Natcher
Obey
Ortiz
Owens
Pallone
Parker
Pastor
Peterson (FL)
Pickett
Pickle
Price (NC)
Quillen
Rahall
Rangel
Richardson
Rogers
Rose
Rostenkowski
Rowland
Sabo
Sarpalius
Sawyer
Schumer
Scott
Serrano
Skaggs
Slaughter
Smith (IA)
Stokes
Sundquist
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Torres
Torricelli
Traficant
Unsoeld
Valentine
Visclosky
Waxman
Wheat
Whitten
Wilson
Yates

NAYS—305

Abercrombie
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bentley
Bereuter
Bilbray
Bilirakis
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Brewster
Brown (FL)
Bryant
Bunning
Burton
Buyer
Byrne

Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clayton
Clement
Clinger
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Coppersmith
Costello
Cox
Crane
Crapo
Cunningham
Danner
Deal
DeFazio
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Fingerhut
Fish
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hefley
Herger
Hinchey
Hoagland
Hobson
Hoekstra
Holden
Horn
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
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Roemer
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Santorum
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Taylor (NC)
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Young (AK)
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NOT VOTING—5

Engel
Hastings
Mfume
Pomeroy
Portman

□ 1216

Messrs. KASICH, YOUNG of Alaska, BAESLER, LEWIS of California, STARK, BEREUTER, and VOLKMER, Ms. WATERS, Messrs. LANCASTER, HUTTO, and SISISKY, Ms. WOOLSEY, Mr. WYNN, and Mr. WISE changed their vote from "yea" to "nay."

Mr. SARPALIUS, Ms. UNSOELD, Mr. WILSON, and Mr. FARR of California changed their vote from "nay" to "yea."

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, unfortunately, today, during consideration of the rule waiving points of order against the conference report accompanying the VA, HUD, and independent agencies appropriations bill, I was unavoidably detained at a meeting at the White House. Consequently, I missed rollcall vote No. 482. Had I been here, I would have voted "no" on the rule.

LEGISLATIVE PROGRAM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I rise to inquire of the Chair, on behalf of the Members who are a little confused right now about what the schedule is immediately following this, and what it might be for the remainder of the day.

Mr. Speaker, I would propound that question to the Democratic leadership, if they could just tell us what now is going to take place.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to my very good friend, the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, it is my understanding that in light of recent events, we now will go to the national biological survey bill as soon as we get ready to do that. I believe that will be the rule on that piece of legislation. The gentleman from Ohio [Mr. HALL] is ready to proceed on that.

Then there may well be, subsequent to that, motions to go to conference on appropriation bills.

Mr. SOLOMON. On appropriation bills?

Mr. HOYER. Appropriation bills, yes, sir.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman for enlightening the Members.

ADVISING A RETURN TO CONFERENCE ON CONFERENCE REPORT ON VA-HUD-EDUCATION AND RELATED AGENCIES

(Mr. ROEMER asked and was given permission to address the House for 1 minute.)

Mr. ROEMER. Mr. Speaker, in light of that vote on the VA-HUD bill on the legislation and the overwhelming support of this body to speak against the advanced solid rocket motor, I understand there are a few options for the committee to pursue. One would be to go to the Committee on Rules and pursue a new rule to address the advanced solid rocket motor issue. The other might be to go back to conference.

I would hope that we would go back to conference and expeditiously deal with that, so we can get the bill before this committee.

PERMISSION TO INCLUDE 1-MINUTE SPEECH

Mr. ROSTENKOWSKI. Mr. Speaker, during the 1-minutes, I was unable to attend to participate in the 1-minutes paying tribute to an employee who is retiring.

I ask unanimous consent that I be allowed to insert a statement at that point in the RECORD.

The SPEAKER pro tempore (Mr. MINGE). Is there objection to the request of the gentleman from Illinois?

There was no objection.

NATIONAL BIOLOGICAL SURVEY ACT OF 1993

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 262 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 262

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1845) to establish the Biological Survey in the Department of the Interior. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 302(f), 308(a), or 401(b) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour, with thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, and fifteen minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the committee amendments now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution. Each section of the amendment in the nature of a substitute shall be considered as read. Points of order against the amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1220

The SPEAKER pro tempore (Mr. MINGE). The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield the customary 30 minutes, for purposes of debate only, to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time that is yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 262 is an open rule providing for the consideration of H.R. 1845, the National Biological Survey Act of 1993. The rule provides for 1 hour of general debate. It was the committee's intention to allocate 1 hour and 15 minutes of general debate time with 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, and 15 minutes to be equally divided and controlled by the Committee on Science, Space, and Technology. However, due to a drafting error, an additional 15 minutes was inadvertently omitted in the rule.

Mr. Speaker, I ask unanimous consent to extend the debate time on this bill by 15 minutes. This is necessary to correct a drafting error made in the rule we are considering.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GOSS. Mr. Speaker, reserving the right to object, may I ask the gentleman to explain precisely what this does do, what his request accomplishes. It is not my intention, Mr. Speaker, to object. I will probably withdraw my reservation. I just believe that the body needs to hear a further explanation, because I am not sure we have the full attention of the body.

Mr. HALL of Ohio. Mr. Speaker, if the gentleman will yield, what we did in the Rules Committee is we allocated 1 hour and 15 minutes, 1 hour and 15 minutes of general debate which would be 30 minutes to be equally divided and controlled by the Committee on Merchant Marine and Fisheries between the chairman and the ranking minority member, 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, and 15 minutes to be equally divided and controlled by the Committee on Science, Space, and Technology. Apparently, what happened in the drafting of the rule is it only specified 1 hour. So what I am asking for is unanimous consent to allow 1 hour and 15 minutes.

Mr. GOSS. Mr. Speaker, I thank the gentleman for his very clear and lucid explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HALL of Ohio. Mr. Speaker, the rule makes in order the amendment in the nature of a substitute printed in the report to accompany the rule as an original bill for the purpose of amendment under the 5-minute rule. Each section of the substitute shall be considered as read.

Under the rule, points of order against the substitute for failure to comply with clause 5(a) of rule XXI prohibiting appropriations in a legislative bill are waived. This is a fairly technical waiver, Mr. Speaker, which is necessary because of provisions allowing the Department of the Interior to accept certain contributions, including cash or in-kind donations. Points of order against consideration of the bill for failure to comply with sections 401(b), 302(f), and 308(a) of the Congressional Budget Act of 1974 are also waived. These too are technical waivers, having to do with the consideration of the bill because of a provision designating the office of the Director as an executive level 5 position. Compromise language on this provision has been reached by all concerned parties from the Committees on Merchant Marine and Fisheries, Natural Resources, and Science, Space, and Technology, and is included in the amendment in the nature of a substitute. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, this bill addresses an important void in our current system—the availability of the best and most objective scientific information in one central location. This bill establishes a National Biological Survey [NBS] within the Department of the Interior. Currently, biological research, information, and analysis are dispersed and fragmented among eight different Bureaus in the Department. This bill consolidates them by transferring existing programs and staff from agencies including the U.S. Fish and Wildlife Service, the National Park Service, and the Bureau of Land Management. The resulting NBS will gather and analyze the most objective biological information necessary to manage our Nation's natural resources.

This open rule was passed out of the Rules Committee in a voice vote and I urge my colleagues to support it.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank my dear friend, the gentleman from Sanibel, FL, for more than adequately filling in for the void that my absence provided here.

Mr. Speaker, this rule will go down in the record as an open rule, but it is not a fair rule. I have in my hand the rule that was handed out in the Rules Committee Tuesday of last week. In the summary section, a fair open rule would consist of just one line, and it would read "open rule." This rule summary has eight paragraphs, four of which waive points of order against Budget Act violations and the prohibition against appropriating in a legislative bill.

This rule is especially unfair because it does not make in order two amendments by a Member of the majority, the gentleman from Louisiana [Mr. TAUZIN]. The amendments would provide protection to private property owners whose land values would decline as a result of a biological survey.

When the ranking member of the Rules Committee [Mr. SOLOMON] offered a motion to make these amendments in order because they need a germaneness waiver, he was criticized for wanting to give the Tauzin amendments the same treatment afforded to the bill.

It is the Democrats on the Rules Committee that want to have it both ways, Mr. Speaker. If we are going to waive points of order against the bill, it is only fair that we grant waivers to the amendments. In fact, the Rules Committee on Tuesday of last week reported out six rules and every one of them waived points of order.

We were also told that the authorizers have some sympathy for private property owners, and this problem would be addressed in legislation to reauthorize the Endangered Species Act or the Clean Water Act.

That was the exact same excuse we were given on the issue of lender environmental liability. Last year, my lender liability amendment to the housing bill was not made in order because, I was told, it would be addressed as part of RCRA reform. Mr. Speaker, we are still waiting for the RCRA legislation, and nobody seriously believes that endangered species or clean water legislation will make it though Congress this year.

What this rule proves is that the procedural gimmicks used by the Rules Committee to undermine deliberation and accountability are not aimed solely at the minority. They are aimed at anyone who has a difference of opinion with the Democrat leadership.

Mr. Speaker, in theory, a national biological survey makes sense. In practice, the legislation made in order by this rule creates another regulatory agency that will pursue rigid environmental concerns at the expense of economics and property rights.

The Tauzin amendments, as well as the amendment by the gentleman from North Carolina [Mr. TAYLOR], which is made in order by this rule, will provide balance to the survey mission.

At a minimum, we should allow the House to work its will on the property rights issue. For this reason, Mr. Speaker, I urge my colleagues to vote against this rule.

Mr. Speaker, I include for the RECORD statistical information on open versus restrictive rules coming out of our Rules Committee, as follows:

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	35	10	29	25	71

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Sept. 29, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103d Cong.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 218, July 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994–95	NA	NA	
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I reserve the balance of my time.

□ 1230

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HAMBURG].

Mr. HAMBURG. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise today in support of the rule on H.R. 1845, the National Biological Survey, a rule which quite appropriately, does not waive points of order. It is essential to allow points of order to be raised on issues such as germaneness, particularly since I understand certain non germane amendments pertaining to takings of private property will be offered today.

I would like nevertheless to take this opportunity to speak briefly to my colleagues, particularly my freshman colleagues, about the dangers of "takings" legislation.

"Takings" legislation poses a threat to many private property owners and ordinary citizens. Government could become so overburdened that it would be unable to act; unable to protect the ordinary citizen's public interest in wildlife and health and safety regulations; unable to protect individual property owner who could be harmed by the actions others.

"Takings" legislation requires the establishment of huge, costly governmental regimes to oversee enforcement. Fiscal implications are staggering. I would like to submit for the RECORD a statement by Republican State Representative Tony Grampsas, a fiscal conservative who helped lead the fight against "takings" legislation in Colorado. He argued that:

The idea that landowners can demand government compensation for their losses because of perceived limitations imposes by enforcement of reasonable regulations—and that this constitutes a "taking"—is not only constitutionally illogical but potentially of greater cost to the public good in terms of negative fiscal impact.

Finally, "takings" legislation is unworkable. Whether a "taking" has occurred cannot be determined by general legislation or evaluated in the abstract. The U.S. Supreme Court has used common sense when it has held that "takings" cases must be decided on factors particular to each situation—such as the regulation's economic effect on the individual property owner, the owner's particular expectations, and the intrusiveness of the specific regulation.

I ask that my colleagues take these points into consideration in the event that any future takings legislation reaches the House floor.

Colorado Republican's Fiscal Objections to "Takings" Bills

(State Representative Tony Grampsas, Chairman, Appropriations Committee, Colorado House of Representatives)

State Rep. Tony Grampsas, a native of Evergreen, Colorado, was first elected to the Colorado House of Representatives in 1984. Rep. Grampsas currently serves as chairman of the House Appropriations Committee. He has served as chairman and vice-chairman of the Colorado Joint Budget Committee and as co-chairman of the Ad Hoc Committee on the Environment. He will serve again as chairman of the Joint Budget Committee beginning in January 1994.

Rep. Grampsas also acts as Director of National Affairs at Coors Brewery.

Rep. Grampsas is a member of the Republican Party. His views on fiscal issues are conservative. This year, he voted to kill a "takings" bill in his Appropriations Committee because of its negative fiscal aspects.

Attached is a statement by Rep. Grampsas discussing his opposition to "takings" legislation.

Statement by State Representative Tony Grampsas

As has been mentioned earlier this year in National Wildlife Federation publications, there are powerful special interests, under guise of protecting private property rights, that support bills which gut health, safety, pollution control and other necessary regulation.

I was a co-founder of the Colorado General Assembly's Ad Hoc Committee on the Environment in 1991, so I understand all these implications and how serious they can be if allowed to happen unchecked and without the necessary balance.

But there is another, very important factor surrounding the entire issue of the so-called "takings" legislation—the fiscal aspect. My understanding in this regard also is keen because I have served as chairman and vice chairman of the Colorado Joint Budget Committee and I am chairman of the legislature's House Appropriations Committee, which in this year's regular session killed the Colorado version of the takings bill.

Basically, the bill we considered—and which I voted with the majority on the committee to kill by a 7-3 margin—was too extreme; there were unfair provisions throughout, yet what really made the difference in my mind were the fiscal portions.

The bill purported to provide criteria to which any Colorado state agency would have been required to adhere when implementing or enforcing actions that would have constitutional-taking implications of private property. The other, more-emotional issues aside, the costs involved simply did not justify the measure advancing any further.

By creating the Colorado Private Property Protection Act, in addition to doing just exactly the opposite (not protecting private property rights), the bill would have created a new, unneeded bureaucracy. The attorney general would have had to either designate an assistant attorney general or (worse, from a budgetary standpoint) hire a new one specifically to oversee enforcement aspects of the act.

Further compounding the situation after the original bill was introduced, the first committee which heard the legislation, House State Affairs, referred it out to our Appropriations Committee after amending the bill. One of the amendments would have added an appropriation, effective July 1, 1993, out of the Highway Users' Trust Fund for $354,273 and an added bureaucracy of 10 full-time employees. Yet another amendment would have added two full-time equivalents at a cost of $106,229, for a total of 12 new bureaucrats at a cost to Colorado's taxpayers approaching half a million dollars—for something that was completely unjustified.

Along with all this would have been costs for personal services estimated at $101,229 and operating costs of $5,000. Anyone familiar with government bureaucracies, however, knows that these figures merely represent initial surface estimates and don't consider the "bloat" factor that accompanies such additional financial burdens on taxpayers. No doubt that a considerable amount of additional research, analysis and added legal proceedings would have resulted.

This was deemed unacceptable—by me and by my six colleagues on the Appropriations Committee who joined with me in rejecting the bill—at a time when Colorado, like most other states, is facing tough budget decisions. Unlike some other states, though, we have a constitutional requirement for a balanced budget, to which we have managed to adhere.

I am merely addressing the fiscal issue of takings legislation that seems to be running rampant in legislatures all over America. That alone is enough evidence for me to reject such bills.

But of the dozen or so other states that joined Colorado this year in rejecting takings bills, each had varied reasons for killing those bills

As detailed clearly by the NWF in the recent past, these include:

Preventing corporate interests from injuring property rights of ordinary citizens.

Keeping some industries that are irresponsible about pollution and clean-up from putting neighboring private owners; property values at risk.

Stopping the unnecessary addition of constitutional language to state and federal constitutions that already protect private property rights.

Stemming the tide of unnecessary diversion of scarce resources.

Putting a halt to intimidation by agencies, from whose funds court takings judgments would have to be paid.

Finally, there is the two-pronged issue of what exactly constitutes "just compensation" and whether a "taking" has occurred. In the Colorado takings bill that we killed, too much was left to the imagination, as we envisioned lawyers and accountants finding a new way to make money at the public's expense.

State legislatures like Colorado's are not alone in opposing the takings movement and all its hidden implications. It is well documented that the National Governors' Association opposes such legislation, having approved a resolution last year that took a stance against takings bills, recognizing that courts are the appropriate venue to decide proper outcomes.

The idea that landowners can demand government compensation for their losses because of perceived limitations imposed by enforcement of reasonable regulations—and that this constitutes a "taking"—is not only constitutionally illogical but potentially of greater cost to the public good in terms of negative fiscal impact.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. I thank the gentleman for yielding this time to me.

Mr. Speaker, I have been a member of the Committee on Merchant Marine and Fisheries since I arrived in Congress and have supported many bills to improve the management and protection of our biological resources. I support efforts to properly manage and protect wetlands, endangered and threatened species, forest, fisheries, grass lands, prairies, and other types of natural habitats. However, in recent years I have witnessed, as a member of the Merchant Marine Committee, a trend of increasing Federal Government control of private property and private resources in the name of environmental protection. Some of these measures go far beyond what is required to accomplish the laudable goal of biological resource protection. As a result many property owners in our country now fear what may occur when our Federal Government begins counting and cataloging all the plant and animal species that exist on their property and how this information might be used. They are concerned that the information might be used to prevent landowners and resource owners from using their own property.

I want to support a bill to create a national biological survey. However, if we do not include certain safeguards in the bill, there are many of our citizens who are going to be afraid to allow the survey on their property. My amendments will provide necessary safeguards that will give those property owners assurance that the survey will conduct its business without violating the civil and constitutional rights of landowners.

One argument that has been made against my amendments is that they do not belong in this bill, but should be addressed in the context of the endangered species debate. However, the data, information and research developed by the survey will not be used just for the purposes of the Endangered Species Act. This data will be used for many of our natural resource management programs, including wetlands regulation—75 percent of which are privately owned—forest management decisions—such as timber leasing—Bureau of Land Management decisions—which affects grazing and ranching—wildlife refuge management, leasing for oil and gas exploration and production, fisheries management, and other such resource management programs. This survey will find itself involved in providing research and data collection to support many types of management decisions and therefore it is important that the survey be given authority and directives broad enough that it can study means by which humans and other biological resources can coexist.

When we originally adopted the Endangered Species Act, we did not provide for consideration of economic impacts in the decisions made under the act. As a result, we have a law that does not contain the flexibility to provide protections for species, while seeking to protect jobs and economic security as we have seen in the Pacific Northwest and many other areas of the country.

One of my amendments would simply add language to the national biological survey bill that would require the survey to include research that considers human impacts. Much of the work of the survey will be done in conjunction with a particular proposed or ongoing management action by the Government. As I said, this could be a wetlands decision, a grazing decision, a fisheries protection decision, or many other types of decisions. Under my amendment when the survey conducts research to support these management decisions, they would also collect information on how these management actions might impact human needs. They would also conduct research on alternative management actions that focus on reconciling conflicts and bringing together the goals of protecting species and habitat without these major economic dislocations brought on by unwillingness to look at human impacts.

If this type of requirement is not included within the authorization of this Agency, they will conduct their research with blinders on, unable or unwilling to consider the human impacts of their recommendations and their conclusions because such research is beyond their authorized mission.

Another amendment which I wish to offer would set up a new remedy to compensate landowners when the use of the research conducted by the survey results in the substantial loss of value of their property. On two separate occasions, Secretary of the Interior, Bruce Babbitt, has stated that the land and water conservation fund should be used to compensate landowners who are deprived of their property due to overreaching Government action. I quote from Mr. Babbitt's testimony on April 1, 1993, before the Committee on Merchant Marine and Fisheries.

> And in those cases where the economic use of the property has been effectively taken, what we ought to do is use the land and water conservation fund to purchase the property.

On July 15, Mr. Babbitt reiterated that position.

I agree with Mr. Babbitt. For that reason I wish to offer this amendment. Let me make it clear that my amendment does not define or create a "takings" statute. The amendment does not define a takings and will not set a precedent or affect ongoing litigation over the issue of what is a "taking" under the fifth amendment. It simply sets up a procedure that authorizes the use of the land and water conservation fund where there is a substantial reduction in a property's value caused by a decision based on NBS data made under the Endangered Species Act or section 404 of the Clean Water Act, which regulates wetlands. My amendment would allow the Secretary some flexibility to offer payment of compensation either in cash or by way of a land exchange.

Our Government needs to win back the trust of its people. Adoption of these amendments will help to bring back that trust.

Mr. DREIER. Mr. Speaker, I yield an additional minute to the gentleman from Louisiana [Mr. TAUZIN] and ask the gentleman if he will yield to me.

Mr. TAUZIN. I yield to the gentleman from California.

Mr. DREIER. I thank the gentleman for yielding.

Mr. Speaker, I simply would like to congratulate my friend, the gentleman from Louisiana [Mr. TAUZIN] for his fine efforts in behalf of those who are concerned about property rights. I would also like to say that our concern with this rule is the fact that we provide opportunities for nongermane items to proceed without waivers in the bill itself.

I say that I believe it is not an even-handed treatment of my friend from Louisiana to prevent him from having the same rights that the bill has, and that is the reason that I am pleased, and I assume he is joining with us in opposition to the rule for that reason.

Mr. TAUZIN. I certainly am. And I may have to vote against this bill if we do not get a chance to perfect it. The big concern I have is we are going to lose the faith of the American people in these environmental issues if we do not begin respecting individual property rights in the middle of it.

The amendments we want to offer—I think—are going to be ruled nongermane. Now, imagine that, humans are going to be ruled nongermane in a biological survey; how ridiculous.

Mr. DREIER. Mr. Speaker, I thank my friend for his very helpful contribution.

Mr. Speaker, I yield 1 minute to our diligent member of the Committee on Rules who, as I said earlier, Mr. Speaker, more than adequately filled in in the void that my absence provided, my friend, the gentleman from Sanibel, FL [Mr. GOSS].

Mr. GOSS. I thank the gentleman for yielding this time to me.

Mr. Speaker, all members of the Committee on Rules are diligent, but I appreciate the gentleman's kind remarks.

I want to associate myself with the remarks of the gentleman from California [Mr. DREIER] and the gentleman from Louisiana [Mr. TAUZIN]. This is the essential debate that is going on in our environmental questions these years that we are trying to address. And that is the confrontation between private property rights and the appropriate compensation thereto and the public benefit as expressed by the proper stewardship of the environment. We should be having that debate. There is no reason not to have the debate. The reason that this is only a 2-year extension that really does not get us anywhere or that this is not the time to debate, is not a good answer. It does not satisfy the people out there who are concerned.

□ 1240

By not having the debate, we are merely creating more suspicion that there is something afoot here.

We all know that the credibility of this institution and the Government as a whole in terms of trust is down in the single digits at this point. The way to resolve some of that and get people's confidence and credibility back is to have a good open debate.

I do not know how it will come out, but we will profit by having a good debate.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MILLER], the chairman of the Committee on Natural Resources.

Mr. MILLER of California. Mr. Speaker, I want to commend the Rules Committee and ask my colleagues to support this rule.

I think it is very clear that the debate is now being moved by those who apparently think an open rule is not enough, they want a rule that allows nongermane subjects to be discussed on the floor, which essentially puts yourself into the position of the Senate, where every vehicle becomes the means by which you can discuss any and every issue before American society. That is an interesting process, but that has led to paralysis in the Senate on almost all the legislation that they have considered over the last 10 years.

In fact, nobody wants to be held to the accountability of the Senate process.

This rule, as allowed by the Rules Committee, provides for an open discussion of all the subject matter before us within the purview of this legislation. What it does not allow you to do is to raise subjects that are not germane to this.

There will be the debate that everybody is itching to have here on the impact of the Endangered Species Act and the impact of clean water and wetlands legislation. That is all on the agenda of this Congress.

Mr. DREIER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Speaker, I want to respond to my friend and say that he is absolutely right. He is one of the strong proponents of the open rule process, as I am.

We are not asking that we go further than an open rule. What we are saying is, treat the amendments that are being proposed by our friend, the gentleman from Louisiana, the same way the bill is being treated. It is unfair for us to see appropriating in a legislative bill.

I think that my friend needs to recognize that we are going beyond simply an open rule on this issue.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to my friend, the gentleman from Martinez, CA.

Mr. MILLER of California. Mr. Speaker, I think again there is in fact a distinction that the Rules Committee must draw. You draw it all the time, and that is the question of legislation and amendments that are offered within the committee. The committee makes those determinations and the rights and prerogatives of the committee are protected; but to be able to come out on the floor and not have the rule of germaneness prevail is simply to open this to discussion on each and every subject on each and every appropriations bill.

I mean, you could do this on the banking bill, the endangered species, or most anything else.

Mr. DREIER. Appropriations in an authorizing bill is really not, I believe, the most responsible way to treat this.

Mr. MILLER of California. Since we have started talking over one another, we will both retire at this time.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, the Rules Committee did waive the rules of this House for those of you who want to make appropriations in an authorizing bill. It waived it for some who want to make changes in this bill, but it will not waive it to some of us who want to see other legitimate issues debated and changes made in the bill.

Mr. MILLER of California. They waived that after it was considered in the committee.

Mr. TAUZIN. The point I am making and the point I believe the gentleman from California [Mr. DREIER] was making is that the Rules Committee has not given us an evenhanded proposal here. While it is an open rule, it has waived the rules for some, some of you who want to make appropriations under this bill. It has not waived it for the rest of us who want to get a debate on whether humans deserve to be considered in a biological survey, on whether or not the land and water conservation fund ought to be used as a resource base to compensate landowners affected by this survey.

Mr. MILLER of California. It allows all that debate to take place. It just does not allow the legislation to be amended.

Mr. TAUZIN. I believe, Mr. Speaker, that when the Rules Committee says to some that we are going to waive the rules for you and not waive it for others and insist on the rules of the House when our amendments are offered, I think it denies the House the open debate it ought to have. That is why I think the rule ought to go down.

Mr. DREIER. Mr. Speaker, if I could reclaim my time, my friend, the gentleman from Louisiana, is absolutely correct on this.

I would like to point to the distinguished committee chairman a couple of items that are here in the rule.

First of all, as my friend knows, this waives the Budget Act.

My friend, I know, is also aware that line 14 here on page 2 says:

> In lieu of the committee amendments now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution.

Basically, your committee has not even considered one of the items that is going to be made in order under this, so it seems to me that this is really not the best way to approach and treat one of the very hard-working members of the committee on this issue.

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, I thank the gentleman for further yielding to me.

I would like to report to the House that a remarkable thing happened between the time this bill left the Rules Committee and it got to the House. The Rules Committee changed the bill. It is not just the Biological Survey anymore. It is not just about plants and animals. They have now added ecosystems as one of the things they are going to survey. That means land and water on your property.

Mr. DREIER. So Mr. Speaker, when my friend, the gentleman from Martinez, CA, was talking about the committee, he was talking about the Rules Committee.

Mr. TAUZIN. The Rules Committee has added language that was not considered in the committee.

Mr. MILLER of California. Mr. Speaker, if the gentleman will yield, John Wayne said not to use that term, friend, too loosely.

However, Mr. Speaker, who has the time? I forget. I got confused here.

The SPEAKER pro tempore (Mr. SWIFT). The gentleman from California [Mr. DREIER] has the time.

Mr. DREIER. Mr. Speaker, I am not going to yield to my friend, the gentleman from Martinez, CA, but I am happy to yield to my friend who is a hard-working member of the Committee on Merchant Marine and Fisheries, the gentleman from Louisiana [Mr. TAUZIN].

Mr. MILLER of California. Friends? This is not going to work anymore.

Mr. DREIER. It is a tough choice that has to be made.

Mr. TAUZIN. Mr. Speaker, if the gentleman will yield further, it is a substantive bill made in order by the Rules Committee. It changes the bill that was reported by the committees of this House, the authorizing committees. It has now made ecosystems one of the things we are going to survey in this Biological Survey. Humans will not be considered, but ecosystems now will.

It seems to me that the rules are being structured in a way that does not give us a real full debate of something extremely critical to every landowner in America. That is unfair. We ought to have a fairhanded treatment under the rules. We ought to defeat this rule.

The SPEAKER pro tempore (Mr. SWIFT). The Chair will remind Members that under the rules of the House Members should not characterize the other body or its rules.

Mr. DREIER. Mr. Speaker, I urge a "no" vote on this rule. The fascinating exchange that took place between a couple of my friends here demonstrates that this House should not be treating Members differently than they are treating the committee itself. This waives the Budget Act, and I urge a "no" vote.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just say in defense of the Rules Committee, this is about as open a rule as you can have. In the Rules Committee, what we are talking about is amendments that we waived which are very, very technical amendments that had agreement on both sides in all the committees of jurisdiction. This was a compromise that was worked out.

What they are asking for in this open rule are two amendments that are very substantive, that are not germane to the bill. You cannot get any more open than this rule. I would urge a "yes" vote for the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TAUZIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 238, nays 188, not voting 7, as follows:

[Roll No. 483]

YEAS—238

Abercrombie
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NAYS—188

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Condit
Cox
Cramer
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
Kasich
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
Kyl
Laughlin
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Machtley
Manzullo
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Parker
Paxon
Penny
Petri
Pombo
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Santorum
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—7

Ackerman
Hall (TX)
Hastings
Holden
LaFalce
Pomeroy
Rahall

☐ 1308

Mrs. LLOYD changed her vote from "yea" to "nay."

Mr. PAYNE of New Jersey changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SWIFT). Pursuant to House Resolution 262 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1845.

☐ 1308

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1845) to establish the Biological Survey in the Department of the Interior, with Mrs. MINK in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 15 minutes, the gentleman from Texas [Mr. FIELDS] will be recognized for 15 minutes, the gentleman from California [Mr. MILLER] will be recognized for 15 minutes, the gentleman from Alaska [Mr. YOUNG] will be recognized for 15 minutes, the gentleman from California [Mr. BROWN] will be recognized for 7½ minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

☐ 1310

Mr. STUDDS. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, Secretary Babbitt, the Secretary of the Interior, frequently employs the metaphor of a "train wreck" to describe the calamity that results when we ignore the effects of our actions on the environment. We all are familiar with a train wreck or two. From the ancient forests of the Pacific Northwest to the Everglades in south Florida, we are losing a decades-long war of attrition against the environment.

The Secretary understands the power and the necessity of science as the cornerstone for responsible natural resources policy. The National Biological Survey—or NBS—is his proposal to organize the Department to produce timely and credible science. It is a very simple and very good idea that deserves our support.

H.R. 1845 establishes the National Biological Survey and gives the Secretary discretion to shape, expand, and redeploy the scientific assets of the Interior Department into the new NBS.

Establishment of the Survey is the Secretary's highest priority. He made this clear when Chairman VENTO and I held a joint subcommittee hearing on this bill. Not only did he appear personally to support the bill, but he endured nearly 3 hours of questions. And on September 14, he repeated this marathon performance at a Science Committee hearing. The Secretary has given us assurance that the NBS will adhere completely to State and Tribal laws regarding property rights and privacy. He has indicated his full support for rigorous scientific peer review. We have built these promises into H.R. 1845.

During debate on this bill, I am sure that much will be said about private property rights. These are certainly important issues but I would say simply that there is no way that property interests can be harmed or even affected by the orderly collection of biological information. And that is what this bill is about.

Madam Chairman, when it comes to our Nation's biology, we are functionally illiterate. We know virtually nothing about our wealth of biological resources. What they are. Where they are. How they are changing. What makes them prosper. How they fit together into those mystical things we call ecosystems. Madam Chairman, H.R. 1845 attacks the Nation's biological illiteracy by establishing a National Biological Survey. It is the beginning of a long campaign. It deserves our wholehearted support.

Madam Chairman, I reserve the balance of my time.

Mr. FIELDS of Texas. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, H.R. 1845 would establish a National Biological Survey [NBS] in the Department of the Interior for the purpose of gathering, analyzing, and disseminating information on plant and animal species in this country.

The original goal of the NBS, as envisioned by this administration, was simply to have one Federal agency charged with the collection of this data. I would add a second equally important goal to have accurate, comprehensive biological information that helps us make wise management decisions for our Nation's natural resources. In view of the number of environmental laws that rely on this data, ensuring its accuracy is critical. I am told that the Survey would improve the quality, productivity, and timeliness of research. I have also been assured that consolidation of this function in one agency would reduce its cost and better serve the public.

While the stated goals of the Survey are admirable, I am troubled by a number of the bill's provisions. The bill's sponsors have assured us that the Survey would only collect and analyze data. The sponsors say the Survey personnel would not be involved in policy decisions. This may be the purpose of the Survey as we envision it today, however, I am deeply concerned with the potential for abuse in the future.

This apprehension arises from the fact that numerous Federal statutes would be impacted by this Survey. Let me just give you one example, the Endangered Species Act. The decision to list a species as endangered or threatened and to designate critical habitat is required to be based on the best scientific and commercial data available. Therefore, information collected by the Survey would be used by the Fish and Wildlife Service in listing a species. This listing triggers a number of provisions in the Endangered Species Act that could have serious repercussions for private property owners. For example, when an endangered species is found on someone's land, the use of that property can be severely restricted or outright prohibited. The best way to keep from trampling these rights is to make sure that when the bees and bunnies are counted, they're counted correctly by people who know what they're doing.

This leads me to another aspect of the bill that concerns me, inadequate peer review of data. Since the Survey's primary job will be to collect and analyze biological information, it is imperative that the best science available be used. Sadly, I have seen cases of Federal agencies hiring scientists who are considered experts in a certain field to review their own data and to make management decisions based on their own science. That practice is clearly unacceptable.

If data from the NBS are to be used for resource management decisions, such as whether to list a species as endangered, then the science must be indisputable. The only realistic way of ensuring sound biological data is through legitimate peer review conducted by independent and impartial scientists.

Perhaps the most troubling aspect of this bill relates to private property rights. The bill that was ordered reported by the Committee on Merchant Marine and Fisheries included a bipartisan compromise that would have protected the rights of private property owners. That provision was very simple. NBS employees or their outside agents engaged in cataloging species would have been required to get written permission before entering private property. Afterward, the information gathered by the NBS would have been available to the private property owner if requested.

Unfortunately, the bill we are considering today contains a watered-down version of this provision. An amendment to restore the original Merchant Marine language of the bill will be offered by the gentleman from North Carolina [Mr. TAYLOR]. I intend to support the Taylor amendment and welcome the opportunity to debate it at great length later today.

The issues of good science, peer review, and particularly, private property rights are not limited to the Biological Survey. The discussions on these topics today will give us a preview of what is to come when the endangered species and wetlands bills reach the floor of this House early next year.

Madam Chairman, this is legislation that can sound very good and very innocent to the uninformed. But I beg my colleagues not to be uninformed of the true intent of this legislation, as it regards private property rights. All one has to do is to read and understand the statements of the proponents of this legislation to understand what the true intent is.

Secretary Bruce Babbitt said, "While the United States Geological Survey was designed to help us 'win the West,' the National Biological Survey, in many ways, is designed to help save the West."

Or if Members look at the statement of Dr. Thomas Lovejoy, who is the Science Adviser to the Secretary, member of the National Biological Survey steering committee. I quote what Dr. Lovejoy said.

He said, the National Biological Survey will "map the whole Nation for all biology and determine development for the whole country and regulate it all because that is our obligation as set forth in the Endangered Species Act."

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I have to say, Madam Chairman, I am concerned when I see someone in this capacity say they want to determine development for the whole country and they want to regulate all development.

One last statement excerpted from testimony by John Sawhill, president of the Nature Conservancy. He said, "The inventory should be capable of mapping biodiversity at a scale sufficiently detailed to be useful in land use decisions."

So again, I implore my colleagues to understand what the true intent of this legislation is, and how that intent interlocks and interrelates to other Federal statutes.

Madam Chairman, I reserve the balance of my time.

Mr. STUDDS. Madam Chairman, I yield 1 minute and 15 seconds to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Madam Chairman, I rise in strong support of H.R. 1845, the National Biological Survey Act of 1993. I believe that the biological survey is an idea whose time has come. This bill has come under attack for no good reason. H.R. 1845 is not the massive threat to private property rights that the critics have made it out to be. The National Biological Survey will not function as a regulatory or management agency. It simply organizes scientists already employed in different divisions within the Department of the Interior into one group charged with conducting an inventory of this Nation's biological resources. It would put an end to turf wars between bureaus in the Department. The act would serve to integrate data collected by States, local governments, private and nonprofit organizations, and other Federal agencies. If the Department is armed with an improved, more complete data base we can better avoid the train wrecks that cause so much disruption and divisiveness.

In my district in New Jersey, we would like to find out where piping plovers nest along the Jersey shore. We would like to find out how many snapping turtles dwell within the depths of

Dismal Swamp in central New Jersey, and how many ospreys fly over it. We would like to find out if we are losing shellfish habitat in the coastal wetlands of my home State. And we need to have an agency that can coordinate all of this information nationwide so that more informed decisions can be made with regard to our Nation's biological resources and so that crises can be avoided. This is what the National Biological Survey would accomplish.

Mr. STUDDS. Madam Chairman, I would inquire of the Chair how much time we have remaining.

The CHAIRMAN (Mrs. MINK). The gentleman from Massachusetts [Mr. STUDDS] has 11 minutes remaining, and the gentleman from Texas [Mr. FIELDS] has 8 minutes remaining.

Mr. FIELDS of Texas. Madam Chairman, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Madam Chairman, I rise today in support of the National Biological Survey Act. The passage of this act will pave the way for a comprehensive evaluation of the state of our national biological heritage.

In order to manage such resources as clean water and clean air, we need to operate at an ecosystem level which transcends existing boundaries. We must begin to understand ecosystems and the biological components of these ecosystems, to the best of our ability.

The survey will help the scientific community to compile and collect biological information and integrate and streamline current Federal programs. This saves money.

As Secretary Babbitt said, the Survey should become no more controversial than the U.S. Geological Survey has become in over 100 years of research.

When we make decisions based on indifferent information without knowing the big picture, the end result, in all likelihood, is bad decisions. This Survey has far-reaching implications which will facilitate more informed decisionmaking in the future, without regard to managing growth, preserving wetlands, and protecting threatened and endangered species.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. GILCHREST] has expired.

(By unanimous consent, Mr. GILCHREST was allowed to proceed for 30 additional seconds.)

Mr. GILCHREST. Madam Chairman, it is important for this survey to be taken, for us to finally, at last, as people on this planet, as part of the ecosystem, understand how we impact the ecosystem and how the ecosystem impacts us. It is time we understand, for the future, the nature of nature.

Mr. STUDDS. Madam Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Madam Chairman, I rise today in strong support of H.R. 1845, the National Biological Survey Act.

Madam Chairwoman, there will always be competing demands for our natural resources, and these conflicts can worsen as our Nation strives to remain competitive while preserving our resources.

Nowhere is this struggle more apparent than the Pacific Northwest, where economic and environmental interests have collided in a disastrous "trainwreck."

Although the endangered Species Act was designed to prevent such conflicts, we have fallen behind in implementing the act.

Oftentimes the act is played out in the courts only after the "trainwreck" has occurred, wasting both time and money.

A comprehensive biological inventory of the entire Nation, would give us the tools and the information to understand and protect our ecosystems better—before it is too late.

By consolidating the biological research operations now being conducted by 10 different agencies, this bill would also take steps to unravel bureaucratic tangles that plague our efforts to resolve conflicts between our environmental and economic concerns.

This is good science and sound legislation.

For these reasons, I wholeheartedly support this legislation and thank the gentleman from Massachusetts [Mr. STUDDS], our esteemed chairman, for all of his hard work on this bill.

Madam Chairman, I would like to salute our President and our Secretary of the Interior for the work they have put in on this.

Mr. STUDDS. Madam Chairman, I yield 1½ minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Madam Chairman, as a member of the Merchant Marine and Fisheries Committee, I rise in support of H.R. 1845, the National Biological Survey Act. This legislation will lay a firm foundation for our knowledge of natural resources. Good science can only begin with good data collection, and the National Biological Survey will get us on the right track.

Think of it this way: Imagine trying to determine how a program could best serve the residents of a State without knowing how many people live in it, or trying to most effectively use our funds to alleviate poverty without knowing how many people are in poverty. Without the information provided by the census, we could not make informed decisions. Likewise, we need the information from the biological survey to help us make good decisions about the environmental challenges facing our Nation.

There are untold benefits for all Americans that begin with this bill. For example, the key to curing many diseases may lie in our plants and other biological resources. We will not know how many exist, what conditions they thrive in, or how to manage them without an accurate accounting of their existence. The legislation begins us toward better understanding of our environment, so that we can make better decisions.

To all those who are concerned about this legislation infringing on their private property rights, let me just reiterate that H.R. 1845 does not give the National Biological Survey any management or regulatory powers. State and tribal laws pertaining to private property rights are ensured and specifically protected.

I want to compliment Chairman STUDDS and the Merchant Marine Committee for their hard work on this legislation, and I urge my colleagues to support H.R. 1845.

Mr. FIELDS of Texas. Madam Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. HERGER].

Mr. HERGER. Madam Chairman, I rise in strong opposition to H.R. 1845, the Biological Survey Act.

This legislation represents another attack on rural America. It establishes one more bureaucratic layer within the Department of Interior subject to manipulation by the extreme environmental movement. The National Biological Survey does nothing more than further restrict private property rights and diminish the value of lands for families that depend on natural resources for their existence.

This bill is yet another nail in the coffin for family farmers, ranchers, and timber communities. It would empower Federal bureaucrats to trespass on private property without permission in a further effort to lock up the land.

The bill's drafters further showed their hostility to private property rights by failing to provide for compensation of property owners whose land is devalued as a result of this survey. Indeed, the survey is not even directed to consider the impacts of its work on the economic climate within a community.

Madam Chairman, the biological survey authorized in this bill will further erode our most basic constitutional rights, and will ruin the lives of thousands of law abiding citizens. It is time for Congress to reverse this policy of locking up our lands without considering the human consequences. I urge a no vote.

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Mr. STUDDS. Madam Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. FIELDS of Texas. Madam Chairman, I yield 1 minute to the gentleman from Louisiana.

The CHAIRMAN. The gentleman from Louisiana [Mr. TAUZIN] is recognized for 3 minutes.

Mr. TAUZIN. Madam Chairman, I thank the chairman of the committee and the ranking member for yielding me this time.

Madam Chairman, I rise, as I will continue to rise this afternoon, in an effort to improve this bill. It can and should be improved in some very important aspects.

Let me describe some of the amendments we will offer this afternoon, and I hope Members will consider them as reasonable and responsive amendments to this bill to make it work better, to make it more acceptable to the affected landowners and citizens of this country who will be touched by this survey.

One of the amendments we will offer will deal with the provision of the bill that allows for volunteers to come on your private property. The problem with volunteers doing the survey is that this is a Government survey of the biological resources of this country. If volunteers with a special interest in mind can come upon your private property to conduct this survey, I suspect it may just not be the kind of objective survey that all of us want to see.

We will offer a second amendment if that one fails, to make sure that the landowner at least knows who these volunteers are, who they work for, if they do not work for the Government, and make sure he gives his or her consent to these individuals coming upon his or her private property before those individuals actually enter and begin conducting surveys on private property.

We will offer another amendment to make sure that when the data is collected on your private property that the Secretary has to inform you about what they found, and has to give you an adequate chance to appeal, if you will, to contest that information if you think it is false. Consider the fact that volunteers may be on your property, in fact, gathering information. They may have an interest at stake in saying that something is on your property. It may not be there. If you do not have a right to appeal, if some process is not established to give the private landowner a chance to go to the Secretary and say, wait a minute, that is just not so, that is not the condition of my property, then we are not adequately protecting people in America as this survey is conducted.

We will offer another amendment dealing with a change that was made in the bill when it left our committees. This is a substitute bill in the place of the bill that came out of the bill that came out of the Committee on Natural Resources and the Committee on Merchant Marine and Fisheries. What the substitute bill does is to change one word, and it changes the word "inhabiting" to the word "and," so that the bill defines biological resources as not the animals and plants living in ecosystems, but it now becomes the ecosystems themselves. It is a broad extension of the Biological Survey that I do not think was intended by either of the two committees.

Finally, I will offer two other amendments which I understand we are going to get a ruling on, and I may not have a chance to let Members vote on. I wish I could. One will be an amendment to ask that humans be taken into account when this survey is done. Now what could be more germane than a consideration of humans when we consider the biological life on this planet, in this country. But that, I understand, may be ruled nongermane, but we will try to offer it nevertheless.

Finally, we will offer the amendment I suggested to Members that Bruce Babbitt suggested to us in committee, to make the land and water conservation fund available to compensate landowners when, in fact, their land is taken as a result of this survey and subsequent management decisions of the Government. That amendment, too, may be considered nongermane, but we will give Members a chance to look at it at least. And they will see it again sometime in the future.

Mr. STUDDS. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. HAMBURG].

Mr. HAMBURG. Madam Chairman, I rise today in support of H.R. 1845, legislation to establish a National Biological Survey.

The National Biological Survey will establish a consolidated and comprehensive inventory of our Nation's living resources, eliminating wasteful repetition in research and promoting the more efficient and coordinated approach necessary to streamline our Government.

The National Biological Survey is a commitment to the need for gathering high-quality biological information over a long period of time, enabling the identification of important trends. As we learn more and more about the dynamics of interdependence in living systems, the significance of extensive long-term studies for true understanding is increasingly apparent. For the many species and ecosystems already in decline today, the importance of gaining as much knowledge as possible before they are irretrievably lost cannot be disputed.

Comprehensive and accurate data collected by the survey could allow early detection of species declines, preventing emergency-room measures necessary under the Endangered Species Act when a species has declined to the point of extinction. Early identification of environmental degradation allows for more flexibility, more options for conservation, without significant economic dislocation.

A relevant case in point is the imminent petition to list coho salmon throughout its range in the lower 48 States. According to the Pacific Rivers Council, the monitoring of wild coho populations and habitat by both Federal and State agencies has been grossly inadequate. Adequate prior knowledge of the declining state of coho populations could have allowed resource managers to more effectively manage watersheds on an ecosystem basis to prevent or slow the decline. Now, $100 million per year from recreational and commercial coho fisheries has been lost to the already bruised and bleeding economy of the pacific Northwest.

It's time to recognize that the true wealth of our Nation is its magnificent and diverse living resources. Any less than a complete commitment to thorough understanding and knowledge of this vast reservoir is an abrogation of our responsibility to ourselves, our children, and the generations of the future.

Mr. FIELDS of Texas. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, I just want to elaborate on a statement that was made just a moment ago by my friend, the gentleman from Louisiana (Mr. TAUZIN).

As this legislation is currently written, representatives of the Government, or volunteers, can go on private property without written permission, subject only to the applicable State law of the jurisdiction in which the data is to be collected. So under the terms of this legislation, section 3(a) allows the use of volunteers to conduct the duties of the survey.

What this means, very simply, is that in all likelihood we will have representatives of the Sierra Club, the Audubon Society, the Friends of the Earth, Greenpeace, Friends of Animals, and Earth First trampling on private property all over this country. And this is why there needs to be some certainty, and why the amendment of the gentleman from Louisiana is so important. It points out a strategic flaw in this particular piece of legislation.

If anyone needs any other proof, let me come back to the statement of Dr. Thomas Lovejoy. I want everyone to know the words of the science adviser to the Secretary, a member of the National Biological Survey Steering Committee. His words say it all and his words are:

> The National Biological Survey will map the whole Nation for all biology and determine development for the whole country and regulate it all because that is our obligation as set forth in the Endangered Species Act.

If anyone wants to know what the real threat, what the real intent of this legislation is, it is spelled out in this particular statement by Dr. Lovejoy.

Mr. STUDDS. Madam Chairman, may I inquire how much time is remaining on this side?

The CHAIRMAN. The gentleman from Massachusetts (Mr. STUDDS) has 4 minutes remaining.

Mr. STUDDS. Madam Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from California (Mr. MILLER) is recognized for 15 minutes.

Mr. MILLER of California. Madam Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Madam Chairman, I rise in strong support of the National Biological Survey. Really I think this is a visionary effort to try to develop a data base on which our decisions and laws that are already in force and effect can go forth.

I think that the disagreements, many of the disagreements that we have encountered really result from the fact that after actions have been taken, or not taken as the case may be, we find that we did not have the proper data base, and that really is what this measure does in terms of biological resources, and needed information.

We have to move out of the mindsets of the past and look to the 21st century and the types of problems that we are facing with regard to the natural resources of this great land.

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Frankly, those resources, I think, as Americans, as stewards, as people, mostly immigrants who have come to this country, the sons and daughters of immigrants, we have a special responsibility to retain what is special about our natural heritage and do it in an intelligent and thoughtful way. We try to do that through land classification nationally, through a myriad of State and local laws that deal with that resource. And I think if we can get better information that would be available to everyone, that would certainly be in our best interest and improve our ability to make decisions.

Today on the floor and throughout the debate, I guess, we are going to see others who are going to try to anneal to this, attach to this particular goal, of establishing a data base, all the specific problems that are being encountered with the Clean Water Act, the Endangered Species Act, the designations of parks, with changes in land values, flood control, wetland-type issues.

That points out, I think, the fact that there are so many conflicts and the need for better information. The thing is that most of these efforts are being talked about today, they want to visit all of these problems upon the objective gathering of information. It is simply inappropriate, misleading.

I think some of this hysteria which I have seen evidenced even here on the floor today is the type of scare tactics being thrown out here about special environmental groups, conservation groups coming on your land and taking or getting information, they are really misleading and a disservice to the true purpose of what this bill is about.

The fact of the matter is that the property rights of individuals is guarded by local, State, and even Federal laws today, and that remains in effect. This legislation does not change that. In fact, I think most property owners would be happy to have the information available to them, and it would be available in terms of the ecosystems.

We know, for instance, that the lot lines and the section lines and the boundary lines of this country do not apply to some of the ecosystems that exist. Obtaining that information in an orderly way, in a legal way, with property rights protected as they are today and will be tomorrow with this particular legislation, is appropriate.

The fact is we do not have to overburden and drown the purpose of this particular legislation in a sea of confusion and fear in order to accomplish that particular purpose.

I hope that we will reject those amendments today and move forward with a sound data base for science and decision makers who are interested in making positive and intelligent decisions.

Mr. Chairman, I rise in strong support of H.R. 1845, which establishes the National Biological Survey [NBS] within the Department of the Interior. This bill has been the subject of open and thorough hearings and markups, and the hard work of members on the Merchant Marine, Natural Resources, and Science Committees has produced the present legislation—a well-crafted bill which provides for a comprehensive scientific research program in the Department of the Interior. This bill improves the Department's research capabilities, and its ability to effectively manage the Nation's resources under its care, without instituting a costly and cumbersome new bureaucracy or compromising the existing programs in the various Interior agencies.

H.R. 1845 was introduced on April 22, 1993, by Chairman STUDDS of the Committee on Merchant Marine and Fisheries, and a joint hearing of the Subcommittee on National Parks, Forests and Public Lands, which I chair, and the Merchant Marine Subcommittee on Environment and Natural Resources was held on July 15, 1993. While the bill had not been referred to the National Parks, Forests and Public Lands Subcommittee at that time, we worked closely with Chairman STUDDS to ensure that the Natural Resources Committee, which has jurisdiction over a substantial portion of the programs to be included in the NBS, would be involved in the consideration of H.R. 1845.

The bill has since been marked up by both the Committee on Merchant Marine and Fisheries and the Committee on Natural Resources, and a hearing has been held by the Committee on Science, Space, and Technology. A substitute developed by the three committees is the text of the bill we are considering today.

H.R. 1845, as introduced, was a very basic proposal that lacked specifics on the organizational structure and responsibilities of this new Agency. As amended, the bill would combine substantial portions of the biological research and survey activities of the eight Bureaus which currently maintain independent biological research activities into a new Bureau. The purpose of the newly created National Biological Survey [NBS] would be to gather, analyze, and disseminate the biological information necessary for the wise stewardship of the Nation's natural resources, and to foster understanding of biological systems and the benefits they provide to society.

The NBS will integrate and focus the Department's biological research program, provide a basis for clearer priority-setting by departmental managers, develop an anticipatory, proactive biological science program and provide for the generation of timely, objective scientific information essential for decision making within the Department. The NBS will also undertake a coordinate inventory and monitoring program to assess the overall status of plants and animals and trends in their abundance, health, and distribution, producing a baseline from which to compare changes in ecosystems and from which to assist in making management decisions.

A Director, appointed by the President and confirmed by the Senate, under the supervision of the Assistant Secretary for Fish, Wildlife and Parks, would oversee the functions of the NBS with the input of both a NBS policy board consisting of the Directors of other Bureaus within the Department and other senior Department officials and a NBS science council consisting of representatives of other public and private entities.

The Interior appropriations bill, already approved by the House, provides funding for this new program. However, this authorizing legislation is needed to provide the specifics of this plan. Certainly, such reorganization will and should result in savings, efficiency, and the delivery of more timely and accurate information to the Bureaus that use and need such scientific information. Today we need a significant amount of biological science. Tomorrow we will need much more, and the biological sciences are changing from filed labs to sophisticated repositories that must properly interface with the field.

As chairman of the Subcommittee on National Parks, Forests and Public Lands, I am particularly interested in the effect of this new initiative on existing research mandates, especially those for the National Park Service and the Bureau of Land Management. Scientific research is inextricably related to resource management. The lack of a comprehensive and effective scientific research program, particularly in the National Park Service, has sometimes resulted in inadequate or harmful management of irreplaceable resources. The consolidation of a scientific research program departmentwide should not further dissociate the research from its application to resource management on the ground. We must assure the development of an integrated and more productive science and research effort which provides clearer focus and greater opportunities for the Department's overall scientific program yet remains responsive to the research needs of the individual Bureaus.

The need for an improved scientific research program in the National Parks has been well documented in the last several years, most recently in a National Academy of Sciences report released in August of 1992 which decried the lack of a distinct science program in the National Park Service and called for "immediate and aggressive attention" to the development of an appropriate program. I do not believe the establishment of a National Biological Survey negates the need for an improved research program in the National Park Service, and I intend to pursue, in cooperation with the Department, separate legislation providing a specific science and research mandate for the National Park Service which has been under consideration for the past few years.

However, the goal and structure of a new improved, coordinated, and comprehensive scientific research program in the Department of the Interior has never been more critical than it is today. The threats to our resources have become increasingly severe and their management has become increasingly complicated. The Department of the Interior and most land managers expend too little on appropriate scientific research. Objective, thorough research is needed to identify the resources, to understand their dynamics and to assess the effects of specific threats so that appropriate management decisions can be made and implemented.

I believe this bill, as amended, provides for the most efficient and effective department-wide science program possible, a program which relies not only on a major reorganization of existing Department personnel and budgets, but on coordination with other Federal Agencies and on the development of regulations to ensure that managers of the resources under the Department's jurisdiction are not further disengaged from the research process.

I support the Secretary's focus on good science and his desire to develop a comprehensive and coordinated program to provide that most objective and up-to-date information and guidance, and I urge my colleagues' support for this bill.

Mr. YOUNG of Alaska. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise with mixed emotions about the National Biological Survey. At first, it sounded good. Let's get all information about our Nation's biological resources we can, so we aren't arguing over science when issues arise about spotted owls, woodpeckers, snail darters or delta smelts. Interior Secretary Babbitt said the bill was designed to "get good information so we can avoid trainwrecks." As time has passed, however, it has become clear to me that while avoiding trainwrecks is something all of us can support, many who support this legislation think that the only way to avoid trainwrecks is to make sure we don't ever get the chance to lay the tracks in the first place.

To do so, these supporters are willing to trample private property rights by allowing Government bureaucrats and employees of fundraising groups to snoop around on private farms, fields, and property around the country without letting the landowners know.

The original bill from the Department even wanted to exempt this agency from the Freedom of Information Act. That means that taxpayers would pay Federal goons to come on their land without their knowledge to get information about their property that the landowner could not get access to later. If the Sierra Club, Greenpeace or Earth First wants to get into the act, this bill lets them do the Government's work. This information might be used to stop the farmer from farming, or the landowner from selling, or spawn a whole host of Government intrusions into private property.

Just listen to what Secretary Babbitt's own science advisor, Thomas Lovejoy, says about the NBS:

> The NBS will map the whole Nation for all biology and determine development for the whole country and regulate it all because that is our obligation as set forth in the Endangered Species Act.

According to Secretary Babbitt's own science advisor, this is a bill that will be used to implement national land use planning.

Madam Chairman, that's not what I signed up for when I took my oath of office. Alaskans do not want to pay taxes so that the Government and their agents in Sierra Club could roam at will on their property to find the means to deny them the full use of that property. Neither do Alaskans pay property taxes on land the Government is going to be able to tell them how to use.

So the question is, what happened to this good idea? There's nothing wrong with knowing what we've got, right? Well, maybe it is the changes the bill has undergone. Maybe it is that people don't trust their Government, and for good reason. Maybe it is because while the words used to describe the NBS sound good, the actions of supporters say something different. And the actions surrounding this bill have spoken loudly about the supporters' intentions. For example, the Merchant Marine Committee has private property rights protected in their bill. But for some reason, the Department of the Interior lobbied the Natural Resources Committee to drop the language. What does that tell us? Mr. TAYLOR will offer his amendment today to correct this rip-off of private property rights, and I intend to support it. How about the actions of the Department in setting up the NBS? Here we are today on the floor debating whether to establish the agency, and the House didn't include funding for the NBS in next year's appropriation bill, but you can call 208-3733 in Washington and they answer the phone, "National Biological Survey". Why are we bothering? With Dr. Lovejoy chomping at the bit to map the whole country to determine development through regulation, it is pretty clear the Department doesn't think it needs our legislation.

They have even put together a list of those bureaucrats they are going to staff the NBS with when it gets rolling. One of these is Dr. Dave Graber, who was quoted in the L.A. Times in 1989 as saying:

> I know social scientists who remind me that people are part of nature, but it isn't true. Until such time as Homo sapiens should decide to rejoin nature, some of us can only hope for the right virus to come along.

Madam Chairman, this is a case of a good bill gone bad. The public relations has been good, but there's a lot hidden. Without amendments to protect private property rights, restrict the scope of the NBS, and make it consistent with Secretary Babbitt's public statements about its intent, the bill is a travesty.

Madam Chairman, may I suggest to my colleagues and those people who have the privilege of access to this floor that we look at what has happened to us in 6 months: The largest socialist tax bill ever passed by this Congress, taking away from those people that have worked hard, and giving it to those who have not; a health program offered to this body and this Nation that decreases health care, does not increase health care, that increases the taxes and diminishes the great health system we have; and today we are working on a bill that is a taking of the lands, of the private rights of individuals.

This is an agenda that raised its head in 1935 under Franklin Delano Roosevelt; this is the socialist agenda to make sure that Big Brother, big Government controls all and everyone. This is a turning of the page backward on our future, depriving individuals of their rights and of the future, of their own abilities upon which they can achieve on their own. This is part of the agenda, the socialist agenda, the controlling of the money and the wealth, the controlling of the individual health care, and now the controlling of the land and the resources.

Let us not fool ourselves. This is bad legislation. It should be defeated, and at least we should adopt those amendments that are going to be offered. If they are not accepted, then let us defeat a bad piece of legislation.

Mr. YOUNG of Alaska. Madam Chairman, I reserve the balance of my time.

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Mr. MILLER of California. Madam Chairman, I yield myself 5 minutes.

Madam Chairman, I hope that the House will support this legislation and turn down those amendments that would harm this legislation. Let us understand where this legislation comes from.

We have just completed over 12 years when this Government did not discharge its obligations under the various environmental acts, and as a result of that we have run into crisis after crisis in every region of this country with respect to endangered species and wetlands policies, as they affect one another. We see local governments strapped as they seek to define and develop their areas because they cannot confront these issues. We see economic development projects held in abeyance as we try to gather the evidence, when the evidence would have been readily available had we complied with the law.

What Secretary Babbitt has given us here is an opportunity with the National Biological Survey to end those crises, to get out ahead of the issues so that we can start to pool the information, so that we can make comprehensive and rational decisions about our environmental concerns and our economic development concerns in this Nation.

We just spent a decade extracting from every developer in California 1 acre, one-half acre, 3 acres of wetlands to mitigate something they were doing on their land. As we go back now and look at those wetlands, most of them have deteriorated. Most of them are not serving the purpose. Had we known more about the needs and the nature of the wetlands and the species that were imperiled, maybe we could have dealt with off-site mitigation and created wetlands of great significance, but that was not done because we did not know that.

Do we want to continue through the next generation with the same ignorance, the same gridlock, the same lack of productivity that we have had over the last 12 years? Each and every one of you that has endangered species in your districts knows the answer is no.

This is an opportunity to try to get ahead of that problem. This is to bring together the most preeminent scientists that we have, bring them together for common purposes of sharing that information.

Everybody understands because it is very clear in the bill that while we will gather the information with respect to ecosystems, with respect to the environment, with respect to species, the National Biological Survey will not set binding policy, nor will it as an institution be charged with making land management decisions. It will simply be an agency that develops, standardizes, and maps comprehensive information currently collected by separate agencies and very often filed away because one agency is not talking to the other.

We cannot continue that. It is far too expensive for the Nation. It is far too expensive for our economic system and it does not serve our environmental concerns the way it should.

We need this kind of coordination and we need this information, and we need to have the analysis of this information. That is what the National Biological Survey does. It does that and no more. It imperils no one's property. It takes no one's property or their property interest. It respects all State and tribal laws with the right to entry. It requires that you get consent before you do that. That is what the three committees that hammered this out decided would work.

I would hope that you would respect their judgment so that we can get on with the purposes and the goals of the National Biological Survey.

Some of the speakers today have said that this is going to unleash the Federal Government to use volunteers to go on to private land. It will not, not without permission.

I find that the same people who support programs that allow volunteers to go on to private land, and now they are opposed to it. Many of you have helped raise money. You have attended dinners for Ducks Unlimited, for California wildfowl. Two of the largest hunting organizations in the Nation, what do they do? They help the Federal Government go out and audit lands and develop wetlands and develop plans and recoveries to work with farmers. Without those volunteers, we could never afford the land acquisition program. We could never afford some of the solutions that the volunteer sector has brought to the Federal Government as a way of helping people manage their land that is consistent with hunting and fishing and sustainable wildlife.

So let us not pretend that this is all new or this is suddenly evil, because in fact many of my colleagues, a majority of this body, have supported those efforts with their time, with their money, and with the support of those organizations, and the organizations go on and on. Many of you are members of those organizations.

So let us not pretend that this is some kind of household raid on people's properties. The bill specifically states that you must have consent.

This is an effort, Madam Chairman, to solve a problem on a comprehensive basis. The decision to use this information in terms of the management of the land anywhere in this country is an entirely different decision and that will be addressed at that time, whether it is in the Endangered Species Act or wetlands legislation, or the Clean Water Act or any other piece of legislation that comes along.

Mr. YOUNG of Alaska. Madam Chairman, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Madam Chairman, I rise in opposition to the bill. I rise in disagreement with my chairman who painted a vision of us knowing everything that needs to be done at the Federal Government and doing it there. I think that is my basic problem.

Let me just list several reasons why I am in disagreement.

No. 1, I am not sure why we are going through this debate. Secretary Babbitt has already created this agency. He said he would not do it until after the appropriations for this bill was through. It is already done. He did it on his own initiative. I think that is the wrong direction to take.

No. 2, I am a little concerned when the Secretary says that this NBS in many ways is designed to help and save the West. Let me tell you, we cannot take much more help. After we have been through grazing fees and grazing regulations, Bureau of Reclamation water fees, the moratorium on oil and gas exploration, timber reduction, the wetlands, the wool program, endangered species, we cannot take any more help from the Federal Government and stay alive economically.

No. 3, there is great reference in this bill to ecosystems and biological diversity, but no explanation or definition of what that is. I have no idea whether that means a watershed, whether that means it runs from the Yellowstone Park to the Big Horn Mountains.

No. 4, centralization. Certainly in Vice President GORE's plan to change the role of Government, he says to decentralize decisions, do some decentralizing. This is absolutely the opposite of that. It puts all these resource people together into one.

I have to tell you as point No. 4, and I have observed this a lot, we are going to have the scientists doing the land management. We have land managers who are organized to manage these lands in terms of the economy, in terms of politics, in terms of the ecology, environment, all these things. We are going to have them managed by scientists who have nothing on their minds except the single purpose of the Biological Survey. Evidence of that is the wolf breeder reduction thing in Yellowstone Park. The only people who have been for pushing that are the scientists. It has been on their agenda.

Finally, the idea that private property will not be affected, it is private property in all these things and they are all affected.

Mr. LaROCCO. Madam Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Madam Chairman, I thank the distinguished gentleman for yielding this time to me.

Madam Chairman, I rise in support of H.R. 1845, the National Biological Survey Act.

H.R. 1845 creates a new bureau within the Interior Department that will be responsible for carrying out all of the Department's biological research, monitoring, and inventorying functions. Currently, these functions are performed by eight different bureaus each with its own regulatory agenda.

Madam Chairman, I cannot impress upon this body enough how important it is to separate regulation from research. We need to base our policymaking on good, unadulterated science, not on politics or regulatory expediency.

I believe that the bodies within the Department of the Interior—the Fish and Wildlife Service, the National Park Service and others—have done a fairly good job of collecting data on our biological resources over the years. But sometimes that data is colored by the narrow concerns of a particular service or bureau. Not necessarily in a deliberate, conscious manner, but rather, because their regulatory mission acts like blinders to shut out information that is not pertinent to the regulatory function. In a sense, the current system is akin to letting the fox guard the chicken coop. It is time for that system to change.

Another problem with the current system is one of duplication. There are eight entities in the Department right now conducting basic biological research and data collection. While this arrangement has served us adequately, clearly it is not the most efficient way to conduct the business of research. Too often, there is needless duplication of effort, as well as unnecessary bureaucracy which makes it difficult for public and private landowners to acquire the information they need. Merging the research functions of the Interior Department will save time and effort for all of us.

Creating a National Biological Survey will also improve the quality of our biological data by ensuring that research will be conducted on an ecosystem level. We make laws to govern a Nation or individual States, but nature transcends such boundaries. While we may wish to go on making law on a State-by-State basis, we need to catalog and evaluate biological data on an ecosystem level so that we will at least be able to make informed decisions about how to manage our natural resources. Hopefully, by making decisions based on more complete and accurate information, we can avoid the types of conflicts between economy and ecology that we are now experiencing.

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Madam Chairman, I want to commend Secretary Babbitt for proposing this particular initiative. I know it is one of his top priorities. I also want to commend the distinguished chairman of the Committee on Merchant Marine and Fisheries, on which I serve, as well as the chairman, and others, of the Committee on Natural Resources for their efforts in moving this legislation ahead. It is a good bill.

Madam Chairman, I listened to the debate today and wondered whether we are debating the same bill I am familiar with. There is such excessive rhetoric.

I urge my colleagues to support this. It is a good bill with or without the amendments that are being offered to it.

Mr. YOUNG of Alaska. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Madam Chairman, I am very concerned about this act, and, just to illustrate what we are dealing with here, I hope all the Members, especially those from other than the Western States who already know there is a problem, will take a look at this.

Here we got a map of the United States. By the way, we have got species, ranges, base and recovery plans representing 24 percent of the species listed on July 8, 1992. Here we have the overlay for birds. This is 24 percent, and my colleagues can see the impact that we are going to have across the United States, and this is just to indicate what is going to happen when we get this biological survey going. Here is what we know so far about the birds that would be protected, and then we are going to go over here to the reptiles and the amphibians, and we add to it, and we will add to that the mammals. Look what large sections of the country we get here, and then we will add to that the invertebrates, and lastly: fish.

Madam Chairman, we can see that most of the United States is covered by this.

I say to my colleagues, "If you like what's happened under the Endangered Species Act, if you liked what's happened under the wetlands policy, you are going to love the National Biological Survey because it's coming your way."

Maybe this is what we need, Madam Chairman, for the country because finally the whole country will wake up and realize what is happening to private property rights.

This thing is a nightmare. These various organizations that have been pushing for more regulatory controls are salivating to get this because they know what it will mean. It will mean governmental control of private property.

When these amendments come up, we have got to support them to try to put some constraints on this, but I think this map clearly illustrates what this means for private property owners throughout the United States.

Mr. HAYES. Madam Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Louisiana.

The CHAIRMAN. The time of the gentleman from California [Mr. DOOLITTLE] has expired.

Mr. YOUNG of Alaska. I yield 15 seconds to the gentleman from California [Mr. DOOLITTLE] for a question from my good friend.

Mr. HAYES. Madam Chairman, does the gentleman's map include plants which are also covered?

Mr. DOOLITTLE. We also have plants.

Mr. HAYES. In other words, that would be an additional overlay; would it not?

Mr. DOOLITTLE. It would be.

Mr. HAYES. I thank the gentleman from California.

Mr. FIELDS of Texas. Madam Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Madam Chairman, I rise in support of H.R. 1845.

Ignorance is not bliss, and this is an attempt to solve that problem. Billions of dollars are expended every year on environmental regulations and litigation which are based on politics and emotion rather than on knowledge and science. It is time we began to rely more on science to determine the status of our ecosystems and the resources they support and, at the same time, avoid the economic train wrecks which the current system continues to perpetuate year in and year out.

Despite the arguments of today regarding private property rights and other issues, such as the issues raised by the gentleman who just spoke, the majority of requests for biological surveys all across our country came from private entities who want to determine the biological status of property before making an investment, which could prove economically devastating later on when real knowledge comes out. The need to have science merged with the responsibilities of management and regulation is a change that is long overdue. That is what this bill does, and so I urge my colleagues to support this bill, and I believe the trend toward science and away from politics will lead to the environmental and economic health and stability of our country.

Mr. LAROCCO. Madam Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Madam Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Madam Chairman, I rise in opposition to H.R. 1845, and I think that the bill has some points in it. I think the people behind it truly believe the things that they think that it is going to accomplish, and their heart is in the right place, but, as somebody else alluded to, Madam Chairman, you cannot let your heart do the thinking.

One thing I wanted to mention on the first page of the bill that we have not talked about is that on this is that this also calls for the cataloging of natural resources which would include gold, silver, and oil, and any kind of ore. I say to my colleagues, "So, I guess if you were an oil company, you wanted to know what a competitor was up to, you could just grab their biological survey and find out how much oil they have, and on Mr. DOOLITTLE's map here I think that would pretty well black out the whole page."

Now on page 2 we are told this bill will streamline government. This bill will make things easier. On page 2 it says that this group will work with

Federal, State and local agencies, and private organizations, and anyone else who is concerned with collecting data, distribution, on health, status and trends of the Nation's biological resources.

That is not streamlining. That is more bureaucracy. That is more government. That is going to lead to more jurisdictional battles, not less battles.

Finally let me say this:

We are talking about private property rights will not be violated, there will not be any problems of folks who are pushing this bill on a site, and yet, if one were to look at the committee report on page 12, it was brought out in committee that last year the National Park Service alone had over 2,800 private property violations, and these are folks that you want to say, oh, there is no problem; 2,800; that means, as the report says, they failed to follow their own procedures and contact private property owners.

My colleagues, this is not inviting the Government onto our property. They do not need an invitation. They are going to come. They are going to say what one has and what one does not have, and I say to my colleagues, "They will never get out of our hair."

Vote "no."

Mr. YOUNG of Alaska. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I would like to make one comment about everybody saying this is going to be done by the Government, and we are not going to take your rights away from you, and we are going to protect. We just want to know a little more.

I say to my colleagues, "My God, if you believe this Government, we are in bad shape."

Alaska was told the same thing that the gentleman from California [Mr. MILLER] talked about down in the well, told the same thing: "Don't worry about it. Your mining claims are going to be protected. Glacier nickel mine will be protected in Glacier Bay. You will have your rights. They took it away from us through the agencies. We have a highway that the State claims, that goes from Mount Denali, the park, Denali Park, and I have had people arrested by the Park Service because it is their highway."

This Government, as that map shows, this is the turning page of the nationalization, of the socialization, of the private and public lands of this great Nation of ours, and I do not care how much frosting one puts on this National Biology Survey. That is not what it is. This cake is rotten. It is a piece of legislation that will live to haunt every private land holder in the United States.

I say to my colleagues, "You will have people coming onto your land, you will have to be told how you can develop it, if you can develop it, and let's remind ourselves that government has never made a nickel in its whole life. Every acre of land that has been taken out of production makes you no money."

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We talk about developing this great Nation and jobs for our people. That is nonsense, until you develop the resources we have.

Look at the Clinton program. We are going to train people for jobs. What jobs? We are not manufacturing anything. We are not drilling any oil wells. We are not mining any minerals. We are not cutting any trees, because of woodpeckers and owls.

What is this Nation doing? What is this Congress doing? Every time we come to the floor with a bill that comes out of that Committee on Natural Resources, it takes away jobs from our American people. It does not create any new jobs, unless they are Government jobs.

My god, let us stop this nonsense. Let us make this Nation great again.

Mr. BROWN of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the Committee on Science, Space, and Technology has a long history of addressing the issues contained in H.R. 1845, the National Biological Survey Act of 1993. The committee introduced and reported legislation in both the 101st and the 102d Congresses addressing very similar issues to those contained in H.R. 1845.

As chairman of the Science Committee, I have long believed that comprehensive and high quality scientific research and analysis must be the foundation for informed and timely decisionmaking about the Nation's environment including our biological resources. Therefore, I was pleased when the President, in his Earth Day address, directed the Department of the Interior to create a National Biological Survey that would aid in protecting our biological resources and help advance the search for new products that can be developed by our Nation's agricultural and biotechnology industries. I congratulate Secretary Babbitt on his efforts to establish a National Biological Survey.

Although the Science Committee was unable to report a bill before expiration of our short sequential referral, we did hold a hearing on H.R. 1845, as reported by the Merchant Marine and Fisheries Committee. I have been very pleased with the cooperative nature with which Mr. STUDDS and Mr. MILLER and their staffs have worked with me and my staff to craft the amendment in the nature of a substitute which is now before us.

I believe the amendment has strengthened the language on peer review and addresses my earlier concerns about the validity and reliability of the research conducted and the data to be collected by the survey. The creation of a National Biological Survey Science Advisory Council addresses not only my concerns about the independence of the science to be conducted but also the coordination of research on biological resources by Federal agencies, as well as State and local agencies, private organizations, research institutions, and other entities.

Therefore, I would like to express my strong support for the establishment of the National Biological Survey. This activity is critical to developing the scientifically sound information base required to make responsible policy decisions with respect to protecting the Nation's environment and ensuring that future generations can enjoy and benefit from our natural resources.

Madam Chairman, I would like to correct one of the many misconceptions that Members may have about this bill. This bill will not unleash a plague of scientists on the land collecting all sorts of trivial and unimportant information. The level of research effort and data collection on the Nation's biological resources is not significantly increased. The goal of the bill is simply to reduce duplication of effort, enhance coordination, and improve efficiency, quality, and productivity. The establishment of the Survey is entirely consistent with the recent recommendations of the Vice President regarding reinventing Government.

I wish to commend my colleagues Mr. STUDDS and Mr. MILLER for their efforts on H.R. 1845 and look forward to working with them in the future on issues concerning scientific research.

I urge all Members to support passage of H.R. 1845.

Madam Chairman, I reserve the balance of my time.

Mr. WALKER. Madam Chairman, I yield myself 3 minutes.

Madam Chairman, our consideration today of H.R. 1845 will highlight several concerns Members have regarding the scope and operation of the proposed National Biological Survey.

No one will argue that having more information about our biological resources is a bad or dangerous goal. What is at issue is whether the Department of Interior has given careful thought to establishing safeguards to ensure sound peer review of the data collected; and, whether Interior can manage the NBS in a manner which will not infringe on property rights.

With a nod to another science project under the jurisdiction of the Science Committee, I wonder whether the National Biological Survey—a kind of supercollecting supersurvey—will succeed in avoiding the natural resource conflicts Secretary Babbitt hopes it will. Since the Department of Interior has stewardship responsibility over 30 percent of the lands in the United States, it is hard to believe the NBS will not be used to manage and regulate these—and other—properties in the United States.

During his testimony on Capitol Hill, Secretary Babbitt admitted that an ecosystem is difficult to define. One of the witnesses before the Science Committee suggested that defining ecosystems depends frequently on the discipline of the scientist making the definition. Peer review becomes difficult if peers cannot agree, particularly if areas of so-called ecosystems are defined in different ways—each definition having a comparatively legitimate defense—based on soils, geology, plant and animal populations or hydrologic features. Defining ecosystems, as the NBS is supposed to do, is not neat and tidy. Expecting to resolve conflicts through the NBS is probably wishful thinking.

The National Academy of Sciences just-released report on the creation of the biological survey can give us, as well as Secretary Babbitt, little consolation that what we are considering today will be the prescription for avoiding conflicts Secretary Babbitt hopes it will be. The National Academy study should send all of us back to our respective committees to rethink what we are doing. How peer review and data coordination with other Federal agencies is conducted and databases created and managed are big questions, both logistically and budgetarily, that are just not adequately addressed in this bill.

Many of our citizens do not trust the Department of Interior, or for that matter, any Government agency, to respect their property rights. Given the Interior Inspector General's recent report on the conduct of the National Natural Landmark Program, this distrust does have some foundation. There are numerous examples of bad science, poor public relations and dramatic overreactions inflicted on our citizens by the Government. Few of those who have been on the receiving end of the Government's harassment ever thought this is the way they would experience their tax dollars at work.

We have many serious questions to consider during debate on H.R. 1845, and since Secretary Babbitt has indicated that he will create the NBS with or without this bill, I suggest that we must rigorously exercise our oversight responsibilities over the next year to ensure that what was designed to avoid environmental train wrecks does not become a runaway train itself.

Mr. BROWN of California. Madam Chairman, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. VALENTINE], the chairman of the Subcommittee on Technology, Environment and Aviation.

Mr. VALENTINE. Madam Chairman, I thank the gentleman for yielding time to me.

I rise in support of the National Biology Survey Act of 1993. The subcommittee I chair, along with the subcommittee chaired by Mr. HAYES from Louisiana, held an informative hearing on the NBS with Secretary Babbitt last month. I appreciate the graciousness of the chairman of the Merchant Marine Committee, Mr. STUDDS, and the chairman of the Natural Resources Committee, Mr. MILLER, in working with our committee to perfect this bill before it came to the floor. I believe that by working together the three committees have laid before the House a good bill.

It is my personal opinion that a National Biological Survey can serve two important functions. The NBS will coordinate the scattered Federal biological research, information, and analysis.

More importantly, the NBS will give the Federal Government an independent, nonregulatory source of information about the Nation's living natural resources that will be uncompromised by management concerns.

H.R. 1845 will help to ensure that management and policy decisions, required under existing public law, are based on credible science. I have my own small tract of land on which I try to attract wildlife to view and help preserve. The information that the Survey gathers will be useful to those, such as myself, who are making long-term land management decisions.

My initial concern with this legislation was that it could lead, however unintentionally, to a taking of individual citizens' land. And this is acceptable only if the Government devises a fair and equitable solution to ensure just compensation for these lands or interests therein as required by the fifth amendment's takings clause.

But after listening to the testimony at our hearing, I believe that the takings issue is better debated when we discuss the reauthorization of the Endangered Species Act.

Madam Chairman, I urge all my colleagues to support H.R. 1845.

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Mr. WALKER. Madam Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR of North Carolina. Madam Chairman, I thank the gentleman for yielding time to me.

When I was preparing to come back after the weekend, one of my constituents asked me what I was going to be doing this week. One of the things I mentioned to him, I was planning to prepare an amendment that would require his written consent before the Federal Government could come onto his land and conduct a survey or their agents could conduct a survey.

He was incredulous. He thought that we had solved that problem 200 years ago with the Bill of Rights. He thought that his property was his and that he had the right now to determine who could come on it and take surveys.

If he committed a crime, he recognized that they could go into court and get a court order or a warrant that would allow them to come onto his land. But most American people cannot conceive of the idea of the Federal Government running roughshod over an individual property owner's property without his written consent. That is lacking from this bill.

I am going to offer an amendment in a few moments that would require that written consent and hope to try to cure that. But it is inconceivable by the American people that that right is not in this legislation or here now.

Mr. TAUZIN. Madam Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Madam Chairman, I commend the gentleman for his amendment, and I will support it.

I remind the gentleman that the bill also allows volunteers, not nongovernment people, simply volunteers, not subject to American law or ethics or anything else, to enter one's property without that written consent. I think that is incredible, but it is in the bill.

Mr. TAYLOR of North Carolina. Madam Chairman, the gentleman is correct. And I think it is going to take a great army of volunteers to carry out the purpose of this bill. And I think there will be all sorts of folks volunteering to go on land without consent, unless we amend this legislation.

Mr. BROWN of California. Madam Chairman, I yield myself the balance of my time.

I would like to conclude my portion of this debate by just reaffirming my support for this legislation. I am at a loss to really understand the thrust of the opponents' arguments, because this bill, to the best of my knowledge, does not give any authority to the Department of Interior which it does not already have.

Second, it intends to perform the function that it already has in a more cost-effective way and one which will provide for a greater return to the voters.

With regard to the problem of going onto private property, this bill merely asserts that those employees or volunteers who go on private property must do so in accordance with State law. To do anything else would establish two systems of law with regard to access to private property by public employees and, in my opinion, would confuse the situation more than anything else.

If the opponents are not satisfied with the protection offered by State law in its access to private property by public employees, then I would suggest that they do their best to change the State laws so as to achieve the ends which they are seeking.

Madam Chairman, I yield back the balance of my time.

Mr. WALKER. Madam Chairman, I yield the balance of my time to the gentleman from California [Mr. POMBO].

The CHAIRMAN. The gentleman from California [Mr. POMBO] is recognized for 2½ minutes.

Mr. POMBO. Madam Chairman, I just wanted to take the opportunity to rise at this point in opposition to the National Biological Survey.

I think all of us gathered together would love to have more science and better information on what is out there and what is on our property and how it affects us. But quite frankly, I think that this is fiscally irresponsible. I think it is physically impossible to do.

According to the opening statement of the chairman of the Committee on Merchant Marine and Fisheries, reading directly out of it, "The survey has an exquisitely simple yet awesome mission: cataloging everything that walks, crawls, swims, or flies around this country."

I think that that is physically impossible to do.

I would like to ask a question, if I may, to the gentleman from Pennsylvania [Mr. WALKER]. Being the ranking member on the Committee on Science, Space, and Technology, what is the gentleman's position? Does the gentleman feel that this is physically possible to do this or financially possible to do this?

Mr. WALKER. Madam Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Madam Chairman, it seems to me that it is a project at least as big as the human genome project that has taken massive numbers of researchers, massive amounts of supercomputer capacity in order to do. It is valuable research, and it is research that ultimately will affect human health. But we are talking about something here that sounds like they are going to do a census, for instance, of all the ants in the country. What are we going to do? Send out schoolchildren to count the ants on the sidewalk on the way home, or are we going to have Boy Scouts and Girl Scouts out doing spider surveys?

We really are in a position here, if we are talking about everything that crawls, of just absolutely massive numbers that I do not see how we put that together into any kind of meaningful data base.

Mr. POMBO. Madam Chairman, does the gentleman feel that it would be selectively enforced, the same way that many of our environmental laws are selectively enforced today to affect land-use planning?

Mr. WALKER. Madam Chairman, if the gentleman will continue to yield, I see some real danger here.

The gentleman from California [Mr. BROWN] talked about the whole business of private property. I think our concern has to be here, what about people standing just off of private property who see, for instance, something that is flying on private property that they regard as endangered? Does that mean then that under other laws we can then lock off that private property from any further development or from any further use? This does raise questions about exactly what the rights of the property owners are going to be, once we start this kind of survey.

I think that takes it a step further than we have ever gone on some of these kinds of science projects.

Mr. FIELDS of Texas. Madam Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Texas [Mr. FIELDS] is recognized for 1 minute.

Mr. FIELDS of Texas. Madam Chairman, it has been interesting. Members have come up to me and to the gentleman from Alaska [Mr. YOUNG] and to the gentleman from Pennsylvania [Mr. WALKER] and said, "I can't believe that we are debating a piece of legislation like this."

It is important for every Member to understand what this legislation means and for every staff member to make sure that their Member understands what this means, because ultimately, each of us will be responding to private property owners.

These private property owners may be in an urban setting. They may be farmers. They may be ranchers. But they are going to come to us, first of all, when someone comes upon their property and, second, when they are denied the beneficial use of that property because of a governmental decision.

When Congress affects, denies, or, in this case, confiscates property, it is going to be us, as individual Members, who are going to have to respond to those constituents.

Mr. STUDDS. Madam Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Massachusetts [Mr. STUDDS] is recognized for 4 minutes.

Mr. STUDDS. Madam Chairman, I yield to the gentleman from Texas [Mr. DE LA GARZA] for the purpose of a colloquy.

Mr. DE LA GARZA. Madam Chairman, I thank the distinguished gentleman for yielding to me.

I would like to engage my friend, the chairman of the Merchant Marine and Fisheries Committee, in a colloquy regarding the intent of this bill.

Although this legislation recognizes that the U.S. Forest Service and the Department of Agriculture have a role to play in the implementation of the National Biological Survey Act, I believe some provisions are unclear. The House Committee on Agriculture has concerns that this legislation could impact the work and budget of the USDA. The committee would have grave concerns if the bill negatively impacts or draws financial resources away from the U.S. Forest Service in its implementation of forest management activities or the development of the administration's ecosystems management goals. I would also like clarification that this bill does not allow the Secretary of Interior to unilaterally direct the activities of the U.S. Forest Service and that the measure requires consultation and agreement with the Secretary of Agriculture on Survey activities affecting national forest lands or personnel.

Mr. STUDDS. Madam Chairman, it is not the intent or mandate of this legislation to affect the budget or operation of Forest Service activities without prior consultation and agreement with the Secretary of Agriculture.

Mr. DE LA GARZA. Madam Chairman, I thank the chairman of the committee for engaging me in this colloquy and I appreciate his clarification on this matter of great importance to the members of the Agriculture Committee.

Mr. STUDDS. Madam Chairman, I would ask how much time I have remaining.

The CHAIRMAN. The gentleman from Massachusetts [Mr. STUDDS] has 2 minutes remaining.

Mr. STUDDS. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, let me just say briefly, if I may, that this has been an interesting debate. There has been a great deal more smoke than fire in it.

This is a very simple bill. Members have addressed their remarks frequently to questions of takings of private property, to wetlands regulations, to recovery plans under the Endangered Species Act. I heard reference a moment ago, I thought, to confiscation of property.

All of those are interesting and important questions, Madam Chairman, but they have nothing whatsoever to do with this bill, and this bill has nothing whatsoever to do with them. This bill involves the collection of scientific data. It is important, it is simple, and it should be passed.

Mr. THOMAS of California. Madam Chairman, I rise today in opposition to H.R. 1845, the National Biological Survey Act of 1993. This legislation, admittedly, has a noble purpose: To provide a comprehensive survey of the biological life of this Nation, on the order of the existing U.S. Geological Survey. The goal of this undertaking, the supporters of this bill claim, is to enhance our understanding of the number of species that live in this country as well as the relative health of each of those species. Armed with this information, the sponsors claim that we will be able to protect species on a proactive basis, before they are threatened or endangered. In this way, they conclude, we will avoid the train wrecks that currently characterize the implementation of the Endangered Species Act.

Frankly, along with many of my constituents, I am skeptical. We have all seen how the Endangered Species Act, another law with a noble purpose, has been used as a weapon to attack the rights of private property owners and prohibit them from making use of their property. The train wrecks referred to by the sponsors of H.R. 1845 occur on an almost daily basis within my district and throughout the State of California. Farmers cannot plow their fields, water districts cannot upgrade their systems, developers must spend time and money consulting—often unsuccessfully—with Federal agencies to ensure that their plans do not result in takes of a protected species, and State transportation officials are forced to stop construction of roads and highways when species establish themselves on a construction site.

Will the National Biological Survey solve these problems? I would like to think so, but I believe it will make things worse. The survey will be based on science, its supporters argue, and how can one argue with science? The truth is, the data gathered by the survey will be of no use without analysis and interpretation, and it is this analysis and interpretation that is of concern to me. How often do reasonable persons, working independently on the same data, reach exactly the same results?

Obviously, when presented with the information gathered by the survey, environmentalists will assert that it bolsters their claims that there are thousands of species and hundreds of ecosystems in this country that are in imminent danger of being wiped out unless immediate action is taken. Greater restrictions on the use of private property will be proposed and many more private citizens will find that they cannot disturb their land in any way because it is habitat for one or more species.

I cannot support this continued assault on the rights of private property owners. If society makes the determination that a species needs protection and private property values are diminished as a result of this decision, society should be prepared to bear the burden of this diminished value and compensate those individuals who have suffered a loss. Thecurrent legal structure providing protection to species does not do this. Before we undertake a survey of the Nation's biological life and discover more species that are in danger of disappearing, we should make sure that society pays the costs of protecting these species, rather than shifting the burden onto the backs of private property owners.

Every day brings to light another horror story involving the implementation of the Endangered Species Act. As a result, many Members expressed a desire to significantly revise this law. It is interesting to me that, just as it appeared that the pendulum was swinging in favor of rational approaches to species protection, the rules of the game are being changed.

For years, we have relied on the Endangered Species Act, which takes a species-by-species approach to the problem. However, once a number of Members listened to the protests of their constituents and began calling for reasonable reform of this law, we are suddenly told that we need to use a multispecies approach, protecting ecosystems rather than individual species. When I am sitting at the table, I find it more than a little suspicious when the rules of the game are changed after the hand has been dealt.

It is obvious that the current system of protecting species needs to be reformed. However, the sponsors of this legislation and those who are unwilling to revise the Endangered Species Act are not asking the right question. The question to the American taxpayer should not be phrased, Do you support preserving species?, but Are you willing to bear the cost of preserving species? If society, as a whole, benefits from the preservation of species, society should pay the costs associated with their conservation. The sponsors of the National Biological Survey Act claim that it will help to reduce the costs associated with the preservation of species. That is a goal I share, but I believe we should also ensure that these costs are borne by the proper party: society. Until the rights of private property owners are given adequate protection, I cannot support this legislation.

Mrs. MORELLA. Madam Chairman, I rise in support of the National Biological Survey Act which will streamline Federal research by combining eight separate Department of the Interior bureaus into one agency. This agency will consolidate the activities for biological research and information.

This legislation will perform many of the functions that were included in H.R. 730, a bill I introduced in February of this year.

The NBS must comply with applicable State and tribal laws regarding private property rights and privacy, which I know is a great concern to some of my colleagues. NBS will have no regulatory authority and cannot be used to take private property. NBS will help us to know what biological resources we have so that, with better long range planning, we can prevent the spotted owl crisis of the Pacific Northwest.

The NBS begins to fulfill the United States' commitment as a signatory to the convention on biological diversity. By surveying and monitoring our own biological resources, the United States leads by example. We are getting our own house in order before encouraging less developed countries to conduct biological inventories and to conserve their biological resources.

Madam Chairman, the NBS is preventive medicine. It will give us a picture of our biological diversity and alert us to potential problems before they develop. I urge a "yes" vote for the National Biological Survey.

Mr. STUDDS. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in House Report 103–262 shall be considered by sections as an original bill for the purpose of amendment, and each section is considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 1845

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Biological Survey Act of 1993".

The CHAIRMAN. Are there any amendments to section 1? If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The Department of the Interior needs a coordinated and comprehensive source of information about the nation's biological resources in order to address national, regional, and local natural resource conflicts and to avoid future natural resource problems.

(2) Research, information, and analysis are critical to the management of biological and natural resources on an ecosystem basis.

(3) In recent years, the need for broader and more timely biological information has been readily apparent in the numerous controversies and potential economic dislocations surrounding natural resource management.

(4) Presently, biological research, information, and analysis are dispersed and fragmented among different bureaus in the Department of the Interior.

(b) PURPOSE.—It is the purpose of this Act to establish a National Biological Survey to provide a national focus for research, inventorying, and monitoring of America's biological resources on an ecosystem basis.

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. NATIONAL BIOLOGICAL SURVEY.

(a) ESTABLISHMENT.—There is established in the Department of the Interior an office which shall be known as the National Biological Survey.

(b) DIRECTOR.—

(1) IN GENERAL.—The Survey shall be under the supervision of the Director of the National Biological Survey, who shall—

(A) be appointed by the President, by and with the advice and consent of the Senate, from among individuals having expertise in the biological sciences; and

(B) be compensated, subject to appropriation, at the rate provided for level V of the Executive Schedule.

(2) FUNCTIONS.—The Director, under the supervision of the Assistant Secretary and to the extent practicable in cooperation with other Federal, State, and local agencies, Tribal governments, private organizations, and other entities, shall perform the following functions:

(A) Conduct research on biological resources, including plants, fish, wildlife, and their habitat.

(B) Monitor methods by which ecosystems are managed.

(C) Collect and analyze data and information to determine and inventory the distribution, abundance, health, and status and trends of biological resources.

(D) Develop methods for the consistent and systematic collection and analysis of data on ecosystems and their components.

(E) Disseminate information to resource managers, scientists, and the public.

(F) Provide technical assistance with the the Department of the Interior and to other Federal agencies, States, Tribal governments, private organizations, and other entities with respect to research, inventory, and monitoring of biological resources.

(G) Establish, in cooperation with other Federal, State, and local agencies, Tribal governments, private organizations, and other entities, a network to assist in collecting and maintaining data concerning the distribution, abundance, health, and status and trends of the Nation's biological resources.

(H) After the date that is 90 days after the date of the enactment of this Act, or such earlier date as may be specified by the Secretary, perform functions under the National Wetlands Inventory Project that were performed before the date of the enactment of this Act by the United States Fish and Wildlife Service under section 401 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3931), except that this subparagraph shall not be considered to authorize the Director to perform any such function that is completed before that date of enactment.

(c) POWERS.—

(1) IN GENERAL.—In addition to such powers as may be delegated to the Director by the Secretary, and as necessary to carry out the functions enumerated in subsection (b)(2), the Director shall have the authority to—

(A) enter into contracts and cooperative agreements with, and provide grants to, any appropriate Federal, State, and local agencies, Tribal governments, private organizations, and other entities;

(B) accept lands, buildings, equipment, and other contributions of real or personal property, either in cash or in-kind, from public or private sources;

(C) carry out projects in cooperation with other Federal, State, and local agencies, Tribal governments, private organizations, and other entities; and

(D) accept the services of individuals.

(2) ACCEPTANCE OF SERVICES.—Services accepted under paragraph (1)(D) shall be subject to the same authorities and restrictions as are applicable to services accepted by the Secretary under the first section and sections 2 and 3 of the Volunteers in the Park Act (16 U.S.C. 18g–18j).

(d) PEER REVIEW.—The Director shall provide for a scientific peer review process to ensure the validity and reliability of the research conducted and the data collected in carrying out the functions enumerated in subsection (b)(2).

AMENDMENT OFFERED BY MR. TAUZIN

Mr. TAUZIN. Madam Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. TAUZIN: In section 3(c)—

(1) strike paragraph (2); and

(2) in paragraph (1)—

(A) strike "(1) IN GENERAL.—";

(B) in subparagraph (B) insert "and" after the semicolon at the end;

(C) in subparagraph (C) strike "; and" and insert a period;

(D) strike subparagraph (D); and

(E) redesignate subparagraphs (A), (B), and (C) in order as paragraphs (1), (2), and (3).

Mr. TAUZIN (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Madam Chairman, this amendment would delete from the bill the provision that allows the Secretary to accept the services of volunteers to perform the duties to be carried out by the National Biological Survey. The Biological Survey has been described to our committee as a research and data-gathering organization that will provide solid scientific data to support the many natural resource management decisions which our Government makes. It is essential that this data-gathering and research function be conducted by individuals who are well-trained, experienced professionals, and whose performance, and this is very important, will be subject to evaluation and control by the Department of the Interior.

Although the bill states that volunteers are subject to the Volunteers in the Park Act, that act contains no requirements that these individuals be trained or that they be educated, or, and this is very important, subject to the ethical rules of this Government, or under the control of the Department of the Interior.

The act authorizes the use of volunteers to provide interpretive and visitor services to our parks. Those duties performed by the Park Service volunteers are very different in nature and certainly do not require the kind of expertise that will be required to undertake a comprehensive national biological survey.

In addition, there are no safeguards in the act to ensure that these volunteers do not cause damage or harm to property being surveyed. There are no ethical standards to prevent conflicts of interest or self-enrichment by these individuals. Most private land owners who allow the survey to enter the property for the purpose of conducting this survey will assume that the members of the team are in fact U.S. Government employees.

An employee of the U.S. Government is subject to many laws, to many rules, to ethical requirements that would not be applicable to these private citizen volunteers. In fact, Madam Chairman, when we rise from the Committee of the Whole, I will offer into the RECORD several documents, one of which is a letter from Mr. Eugene Hester, who is now designated head of this Biological Survey, who was writing a letter in regard to work being done by an employee of the State of Maine, with reference to the National Landmarks Program.

In that case, this employee of the State of Maine was entering upon private property, and Mr. Hester was informing individuals that he was in fact not subject to the Federal laws, because he was not a Federal employee.

Later on, Senator MITCHELL appeared at a hearing on this very subject matter in Maine, and was quoted in his statement as saying, "The draft revisions allow persons other than National Park Service personnel a role in the nomination and designation process" of landmarks. "It was the misuse of that authority in Maine which enabled the NPS to maintain it was not violating Federal regulations and the property rights of land owners because the alleged offenders were State, not NPS employees. Given the past abuse, I see no reason to allow the NPS to delegate this authority in the future. The draft revisions should be amended to prohibit the use of persons other than NPS personnel for any purpose pertaining to the nomination and designation process" of landmarks.

Mr. MITCHELL was referring to abuse by volunteers in designation of natural landmarks, because those volunteers were not subject to Federal laws, ethical and otherwise. That is the problem if we do not delete this provision from the bill.

The information generated by this survey will be used for many important natural resource management decisions that will have very significant economic and legal consequences. This work should be conducted by persons with expertise and proper training. Among the important natural resource programs which will use the scientific data generated by the survey are the Endangered Species Act of 1973, the Natural Environmental Policy Act of 1970, the Department of Agriculture Organic Act of 1962, the 1990 farm bill, the Soil Conservation and Domestic Allotment Act, the Clean Water Act Amendments of 1987, including the Wetlands 404 Program, the Taylor Grazing Act of 1934, the Federal Land Management Act of 1976, the Coastal Barriers Act of 1982, the Wild and Scenic Rivers Act of 1968, and the Natural Park Organic Act of 1916.

It will also be used in support of fisheries management decisions and decisions involving the leasing of Outer Continental Shelf oil and gas development programs.

This research is simply too important to allow it to be handled by potentially untrained, untested, potentially prejudiced individuals who will not be required to be accountable for the quality of their work performed. This section ought to be deleted.

Mr. FIELDS of Texas. Madam Chairman, I rise in support of the amendment. We are prepared to accept the gentleman's amendment, if others are willing to do so, also.

Obviously, they are not. If I could ask the gentleman from Louisiana [Mr. TAUZIN] a question, as I understand, one of the real purposes of this act is to create accurate, comprehensive biological information that will help us make wise management decisions for our Nation's natural resources, but as the gentleman pointed out, and it is my understanding that there is no requirement that these volunteers be trained. Therefore, there is no real quality control, either in the gathering of the data or in the process of gathering the data.

Mr. TAUZIN. Madam Chairman, would the gentleman yield?

Mr. FIELDS of Texas. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Madam Chairman, in fact, they may be trained for other specific purposes. They may be hired guns for an organization that wants to acquire their property, so they go onto their property as volunteers under this survey, they go out and do some work that leads to a decision later on that they cannot use their property.

Mr. FIELDS of Texas. Madam Chairman, let me reclaim my time, because I know this is going to sound like a silly question, but I think the answer is that what I am about to say is absolutely correct. It is hard to believe that an interest group could actually be one of the volunteers, that we could have the Sierra Club, we could have the Audubon Society, Friends of the Earth, Greenpeace, PETA, Friends of Animals, Earth First, any of these organizations could actually qualify as volunteers to go out and collect data, even though those organizations might have an interest.

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Mr. TAUZIN. If the gentleman will yield, in fact those organizations will probably be the ones to sign these cooperative agreements for the survey. They will probably be the ones supplying these volunteers. It is precisely these very self-interested individuals who are going to be the volunteers under this program if we allow this to go forward.

Mr. FIELDS of Texas. Madam Chairman, I am going to reclaim my time. I appreciate my friend answering these questions, and it is compelling that every Member understand what the gentleman just said, that more than likely you are going to have self-interested groups coming in as volunteers. And in essence we are creating an environmental gestapo that will go on people's private property, groups that have specific interests.

This does not make sense, and again, people on this side of the aisle are coming up to me and saying surely that is not the interpretation or what this piece of legislation actually means. And I am sad to report that that is exactly what it does mean. And I appreciate the gentleman confirming my worst fears.

Mr. MILLER of California. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, we have just witnessed one of the more paranoid amendments that has been offered on the floor of the House and reactionary arguments that are almost unbelievable. The very same gentlemen who support and have offered the amendment in fact support legislation and have voted on legislation and approved it in their committee that allows grants to be made through Woods Hole or the Scripps Institute where graduate students are used as volunteers. People from the Chevron Corp. are used as volunteers in marine engineering and wetlands programs. The State of Louisiana we see has an ad by Chevron, "People do." Their employees go out and collect data for the Fish and Wildlife Service, for various Federal agencies in my district. Dow Chemical, Dupont, maintain wetlands, maintain benchmark studies. Their employees build and they monitor them. They turn the information over to the Fish and Wildlife Service, because we have problems in our district with wetlands and with endangered species. Hundreds of volunteers in my district, the citizens of my district go out and work with different agencies to gather information, not to make scientific judgments, not to make professional determinations.

Ducks Unlimited is working with farmers and ranchers and rice growers to gather information because we think that we may have come up with a way that we can use water to grow rice, turn the water back into the streams to save the fish and to mitigate an endangered species problem, and at the same time preserve the Pacific flyway. That is a combination of State, Fish and Wildlife and their volunteers, environmental organizations and their volunteers, ranchers and farmers in the State of California, and Federal agencies because we are now monitoring and collecting data. The farmer and the rancher is there every day to monitor and to collect the data, and to hand it over to the Fish and Wildlife Service. We are creating wetlands all through the northern part of our State, and it is being done with private money, people who have put up millions of dollars, and they are turning that information over. The Fish and Wildlife Foundation, and many of the Members here are familiar with it and have supported their authorization and their appropriation, leverage that with the use of volunteers and organizations, both corporate and environmental, to collect data.

They did the studies in California. One of my constituents put up over $1 million. But the studies would never have been completed without volunteers.

We just passed the youth service bill. We just witnessed an administration that had a thousand points of light. We celebrate voluntarism; we do not call them the gestapo. We do not call volunteers here from the gestapo. We say thank you for giving your time.

There is nothing in this bill that lets an untrained individual make a professional, scientific decision, should that decision have to be made. And the gentlemen from the Merchant Marine and Fisheries Committee know this better than anyone else, because you know how we need and work in cooperative efforts between the employees of our corporations, who give their time, who happen to be members of the Sierra Club, or Ducks Unlimited, or California Water Fowl.

Why? Because they want to preserve this. They want to know about this so they can hunt, so they can fish. The bass organizations, do Members want to prevent them from collecting the information so we can preserve the bass fisheries in Arkansas, in the Ozarks, in Louisiana and California, some of the great bass fisheries of the world? I do not think this is what you want to do. You have some other agenda here, and you are trying to scare people about volunteers.

This is not about this legislation, and it is not about volunteers, because today we could not run our National Park Service without volunteers. We could not run the Fish and Wildlife Service without volunteers. We could not run a good portion of what this Federal Government does, and that is why we say thank you, and we celebrate them.

I cannot believe that this amendment is being offered by people who understand it. We see every day American citizens, American corporations telling us what they do. One of my largest constituents, Chevron Corp., runs ads that say, "People do." You know what that means. That means that their employees, along with some corporate donations, are out in the environment digging out how we can preserve and protect portions of the environment, because they know they are in the business of extracting minerals, and oil, and gas from the environment, and they feel that that is a tradeoff. Those employees are volunteering their time.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Madam Chairman, they are giving their time. We could not afford to hire each and every person to do this.

Ladies and gentlemen, I do not know what is going on around this legislation with all of these scare tactics. This legislation prevents you from entering on to the land of another without their consent. And this legislation does not allow a gestapo to go out and to work on behalf of environmental protection or information gathering or developing the basis on which we can make informed decisions. And we all know how proud we are of our constituents when they engage in that effort. You can read the 1-minutes, and you can read the special orders. We praise people in this country for volunteering.

This is not about turning the program over to the Sierra Club, or to Greenpeace. No, it is about people who are concerned about the environment, participating with the Federal agencies and the State agencies and the local agencies who need them, right shoulder to shoulder alongside the employees of Dow, and Dupont, and Chevron, and Shell, and Exxon, all my constituents, all of whom are out in the San Francisco Bay delta trying to head off the endangered species problem of the delta smelt, trying to create wetlands, trying to create mitigation, trying to create different flows to protect the fish and wildlife. Volunteers, American citizens, not members of the gestapo.

Mr. BURTON of Indiana. Madam Chairman, I move to strike the last word.

Let me just say, before yielding to my colleague from Texas, that I think a lot of people in America are concerned about my legislation that deals with their property rights. Many people, farmers, business people in my district feel like that regulation is just completely out of control, and any attempt to expand those regulations to impinge upon their rights further drives them nuts.

So, I think that we all ought to be a little wary of what is going on around here, and be very skeptical. I think if we are not, I do not mean to say we should be paranoid, but we should be very concerned with that.

Mr. FIELDS of Texas. Madam Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Madam Chairman, I appreciate the gentleman yielding. Just a moment ago, scare tactics was referred to.

Madam Chairman, I am legitimately frightened or scared as to what this particular piece of legislation will lead to.

The gentleman earlier focused on volunteers. I am for volunteers. Volunteers have been the backbone of this country. But the volunteers that he referred to were volunteers involved in focused efforts, volunteers who were there on a voluntary and consensual basis. They were permitted, they were welcomed. And unfortunately, because of some groups in this country, certain volunteers are no longer welcome.

Private property owners in Texas are not going to say thank you to the Audubon Society and the Sierra Club, and some of these other groups if they come on their property trying to collect data, and not necessarily in a professional way, with an agenda. People are not going to say thank you for that.

If Members want to really ask me why am I scared, I come back for the third reading of the statement by Dr. Thomas Lovejoy, the Science Adviser to the Secretary, a member of the National Biological Survey Steering Committee, who said the National Biological Survey will "map the whole Nation for all biology and determine development of the whole country and regulate it all because that is our obligation as set forth in the Endangered Species Act."

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Now, if you have got property owners in your district—which all 435 Members of us have—you should be concerned about statements like this when people say that this is the intent of this particular piece of legislation. It is not a scare tactic. I have genuine and actual fear.

I appreciate the gentleman yielding.

Mr. TAUZIN. Madam Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Louisiana.

Mr. TAUZIN. I thank the gentleman for yielding.

Madam Chairman, I think it is important to point out there is a vast world of difference between someone who volunteers to go do a task in public service, and somebody who volunteers to pose as a Federal official. We used to have a law saying it was illegal to impersonate a Federal official. Imagine volunteers who serve as policemen, imaging volunteers who serve as judges in this country without expertise or special training or subject to ethical laws of the Federal Government and other rules and regulations.

We are talking about people who will pose as Federal officials and enter your private property. That is not the nature and spirit of voluntarism that was defended on this floor.

Yes, you are right, there is some scare, there is some fear in this Chamber; there ought to be. There is a fear in America that Government goes too far sometimes. This is a case of going too far with these so-called volunteers who may have a very special mission, a very partial agenda, a very special interest when they enter your property without permission right now until we amend the bill.

They enter your property to pose as a Federal official. To do what? Scientific gathering. They are not just going in there to make a count. They are going to find out what you have. You have to have a pretty good basis to know what 4,000 species of plants may exist on someone's property. These volunteers are going in to do a very specialized job that only a Federal official ought to do if we are going to have an objective survey. This is not the spirit of voluntarism we are opposed to. We are opposed to people impersonating public officials doing a public official's job when that person should be subject to the laws and ethical responsibilities of Federal officials in this country.

That is what is wrong, and that is what is wrong with this so-called volunteer provision in the bill, and that is why it ought to get deleted.

Mr. BURTON of Indiana. I thank the gentleman for his comments, and I yield back the balance of my time.

Mr. STUDDS. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I come from a part of the country where winters are very long, although not as long as the gentleman from Alaska's. We sometimes get into inflated rhetoric in midwinter and we have exaggerated fears. But I must say to my friend from Texas and my friend from Louisiana, I would like to just plead with everybody here: We have a long way to go, we should cool our rhetorical jets collectively, all of us, the language here, and save our heavy rhetorical ammunition and armaments for heavy subjects.

At the moment, to say that one is frightened about what this legislation could lead to, step back for a moment. If this legislation is enacted and if what we seek to accomplish is successfully accomplished, what it will lead to is good science, period. And it would seem to me we should all want good science, whatever our policy views may be on the wisdom, or lack of wisdom, of how we are managing wetlands or how we are planning to do something with respect to endangered species or whatever. I would think that, given all the political diversity in this Chamber and all the points of view that we individually bring to bear upon the subjects before us, that the one thing, the one thing we all share in common is the desire for the best possible scientific data on which to make the decisions that Government at all levels must make, and that industry must make, and that private citizens must make.

Now let me observe that if we adopt this amendment and eliminate the ability of the survey to accept volunteer services, first of all we will significantly increase the cost because we will not be able to utilize volunteer services. And if we cannot employ volunteer scientists and others, we will have to hire more people and that is a lot more expensive.

This amendment would prohibit the use on a volunteer basis of private citizens, members of these two gentleman who are standing, of one of their favorite constituencies, Ducks Unlimited, and of a major source of much scientific research in this country, a.k.a. slave labor, that is, graduate students.

If we are going to forbid this agency to utilize the expertise of the Nation's corps of graduate students on a volunteer basis, we are going to cut off one of our own arms.

Furthermore, it seems to me, and I think the gentleman from California made this point, that is hardly the spirit of the day. Once again we are trying to challenge Americans to respond on a voluntary basis.

We have just enacted a new National Service Program. I hope it works. But I must say to people regardless, regardless of how you feel about major policy questions and about major statutes, we will have on the floor of this House later in this Congress the Endangered Species Act, we will have the Clean Water Act and attendant wetland provisions, but at the moment we do not have them. They are not here. It will not do us any good to fire volleys at them. They are not in the Chamber, they are not on the floor, they are not on the table, they are not before us.

All we seek to do is to get the best possible scientific data available for people, public and private, at every level, who have the very difficult decisions to make. And those decisions are rendered infinitely more difficult if they have to be made in the face of inadequate or incomplete data.

Mr. TAUZIN. Madam Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Louisiana.

Mr. TAUZIN. I thank the gentleman for yielding.

Madam Chairman, I think it is important to point out that we share something here, we share a quest for good scientific outcome. We do not differ on that.

What we differ on is whether we start with good science. Our complaint is that the volunteers, nonscience volunteers with a special agenda, with a partial view, are going to be part and parcel of the basis by which the survey is conducted; we start with bad science. You start with bad science, you end up with bad science; garbage in, garbage out.

Mr. STUDDS. Reclaiming my time, it is still early fall and the gentleman does not frighten me, and I hope fervently he does not frighten anybody else.

Madam Chairman, I yield back the balance of my time.

Mr. DOOLEY. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I think Chairman STUDDS stated what the objective of all of us is, and that is to ensure that we have the best science available. In deference to the comments of the gentleman from Louisiana, Congressman TAUZIN, what we are concerned with is that the legislation currently being presented does not have the adequate peer review that can assure that the work that is going to be conducted by the volunteers, some of the organizations that can be contracted with by the director of the National Biological Survey, will have the opportunity to withstand a peer review to ensure that it is in fact going to have the best science possible.

That is precisely why the amendment I will be offering later is to ensure that we put in a mechanism that ensures that whoever is gathering this information is going to have the opportunity to be sure it is based on the best science possible. But certainly, as the legislation is currently drafted, I think the concerns of the gentleman from Louisiana [Mr. TAUZIN] are merited and that we do not have the protections to ensure that the workers who volunteer, from some of these groups, are going to be coming from a point of advocacy, whether that is based on the best science possible.

Mr. HAYES. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, taking the well-put admonition of the chairman of the Committee on Merchant Marine and Fisheries, let us do look at it in terms of cold, deliberative science, and let us do that with the separation of what this bill accomplishes.

First, as long as we are talking about a chronology of cataloguing or the means of gathering information, we are dealing with one effect of science; in other words, are we going to take up, pick up rocks and stones and birds and plants, take them over to the laboratory and say, "What is this stuff I found on the land?" Or are we going to hope that a delineation is going to be made on site? The science begins on site.

All the gentleman from Louisiana [Mr. TAUZIN] is saying is that a scientist should begin with science. I would humbly say that interested parties are not objective scientists.

Within the group of volunteers will be people who can—what?—who can name 4,000 plants. How many people do you know in America who can name 4,000 plants? And yet that may be the scope of the Endangered Species Act if some amendments which are going to be offered later would come to fruition.

How many true experts are there on the delineation of a wetland, where scientists themselves disagree with each other on the Delineation Manuals of 1987, 1989, and 1991? Were the 1991 manual rejected, so what happened when we catalogue on the one manual which has been rejected later? Do we go back and catalogue again?

These are all real questions involving real science. The problem is what we are talking about today is not a scientific debate. It is a policy debate. The only hidden agenda here is that the tool of science becomes a means to do national land use. That is where the greatest differences of all have to occur.

What we are saying is that, instead of merely analyzing for the scientific impact of what is present, we are going to have Fish and Wildlife—which is used by the gentleman from California—an agency that is heavily criticized in a report from the accounting arm of the Federal Government last December as having ties to volunteer and nonprofit organizations by which they made tens of millions of dollars at taxpayers' expense.

□ 1500

So how about this as a modest request to the gentlemen who are the chairmen of the two subcommittees and the committees of jurisdiction. How about no volunteers that are members of an organization that has a lobbying arm as registered lobbyists or employs lobbyists in the Federal Government?

How about no volunteers who are members of an organization that receives special tax benefits from the Federal Government lower than the corporate rate, and in many cases none at all?

How about no volunteers who are associated with an organization that personally profits off of holding land and later selling it to the Federal Government, because since it is an open rule, if the gentleman would accept that amendment, I bet the gentleman from Louisiana would amend it to do so, and if the gentleman will not, maybe my friend should be paranoid.

Mr. EMERSON. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the amendment.

Madam Chairman, the gentleman from Massachusetts has made a very appealing argument here invoking the great American spirit of voluntarism. He tells us that the thrust of the language of this bill is most innocent.

Now, I suggest that the left wing forces in this country who are behind this legislation have a very, very different agenda than the Saturday afternoon volunteers who are out interested in promoting more and better habitat for waterfowl and a very different agenda from the private property owners in this country.

Under the terms of this bill, section 3 allows the use of volunteers to conduct the duties and responsibilities of the survey. What this means, Madam Chairman, is that you will have in all likelihood representatives of the Sierra Club, the Audubon Society, Friends of the Earth, Greenpeace, Friends of Animals, Earth First, trampling on private property all over this country.

This is why we need some certainty on who is going to perform the Survey work. Thus, we do have a very real need for the Tauzin amendment.

I do not think it is happenstance that we have this bill and this language before us. The organizations that I mentioned in my remarks here constitute what is known as the League of Conservation Voters. They are an organization that has virtually taken over the Department of the Interior under this administration, so I think it is only logical that the legislation which they are promoting would be before the House of Representatives, which of course has a left-wing majority which is usually responsive to the bidding of the League of Conservation voters.

I have long maintained that this House could never pass a omnibus wilderness bill, because if we had an omnibus wilderness bill, everybody would have a little, and therefore very few Members would be in favor of it, and this is sort of in the nature of an omnibus wilderness bill.

Madam Chairman and my colleagues, let me call to your attention that every single congressional district in this country has a lot of private property in it. You cannot escape this the way you can escape taking a stand on most wilderness bills. Every congressional district has a lot of private property that is going to be subject to the whims of the "Eco Police," which I suggest will follow if this bill is enacted.

Madam Chairman, I urge a strong vote for the Tauzin amendment and against this insidious piece of legislation.

Mr. LEHMAN. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I am going to vote for the Tauzin amendment. I am not totally opposed to the purposes of the bill before us. I think it is certainly laudable, and in the best of all worlds it would be extremely beneficial to have a complete documentation of the wildlife species in the United States; however, if this process is going to work, it is going to have to be credible and it is going to have to have the confidence of the people who are being asked to surrender some of their rights and, potentially, some of the things they might be able to do in the future in order to make it work. Without the Tauzin amendment, that is simply not going to be the case.

If we are going to allow those who represent groups that take one side in this overall debate to be a party to the survey itself, we have already started out in a situation where one side is going to have serious misgivings about what the results of it might be.

Now, this is not paranoia. Let me give you a recent example from the real world, where on a similar survey conducted pursuant to another act, something very strange happened.

Recently in my district and in the district of the gentleman from California [Mr. DOOLEY], the gentleman from Wyoming [Mr. THOMAS], and the gentleman from California [Mr. CONDIT], in those districts the Bureau of Reclamation began conducting studies of privately owned habitat under the Endangered Species Act. They went out and told landowners that they wanted to come on to their property to do these studies. Then they told those landowners that in the event they did not give them access to their property, and I quote from the letter to those landowners:

> Uncultivated parcels will likely be labeled as habitat if absence of species cannot be confirmed by inspection.

In other words, if you do not let us on to your property, we are going to assume that the species exist on the property, absent scientific evidence to that end.

So you have a situation now under this legislation where this act will be used to allow volunteers perhaps from organizations that have a stake in the outcome of this to be able to get on to the property and the event the farmer has some paranoia, from the chairman of our committee, about allowing that to exist, he is going to wonder about whether or not that prejudges the results of the survey in the determination of whether or not those species exist on the property.

The only way to have confidence in the outcome of this legislation, the only way to be sure that it is going to do the job it is intended to do is to support the Tauzin amendment.

Mr. CONDIT. Madam Chairman, I move to strike the requisite number of words.

If I may, I would like to enter into a discussion with my colleague, the maker of the amendment, just for my clarification.

I do not see in here anywhere where there are qualifications for these volunteers. Is it the gentleman's understanding that there are qualifications, or does the gentleman have information on that, may I ask the gentleman from Louisiana [Mr. TAUZIN]?

Mr. TAUZIN. Madam Chairman, will the gentleman yield?

Mr. CONDIT. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Madam Chairman, I thank my friend from California for yielding to me.

The bill provides that these volunteers are subject to the Volunteers in Parks Act, and I have a copy of that act. If I may read it for a second, it indicates:

> The Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to recruit, train, and accept without regard to the civil service classification laws, rules, or regulations the services of individuals without compensation as volunteers for or in aid of interpretive functions——

That is what they do, they interpret the wildlife area to visitors——

> or other visitor services or activities in and related to areas administered by the Secretary through the National Park Service. In accepting such services of individuals or volunteers, the Secretary shall not permit the use of volunteers in hazardous duty or law enforcement work or in policymaking processes, or to displace any employee: *Provided*, That the services of individuals whom the Secretary determines are skilled in performing hazardous activities may be accepted.

So that there are no requirements for special training, for educational skills. In fact, the act goes on further to say that if the volunteer is not deemed a Federal employee, shall not be subject to provisions of the law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, employment compensation, Federal benefits, it does say they are subject to the tort claim provisions of title 28, that they are Federal employees for that purpose, and it does say that they are Federal employees for the purpose of damage claims to their personal property or losses they incur in the service; but it is rather unclear on questions of what happens if they damage your own property when they enter it.

Mr. CONDIT. Does the gentleman have information, and maybe this question is irrelevant because we are talking about health care, but what happens if one of the volunteers gets hurt, whether on the property, is there any reference to that?

Mr. TAUZIN. I think under the act I just referred to, that volunteer could claim against the U.S. Government for all his losses, so that if we are talking about saving money, these volunteers become Federal employees under the provisions of that reference and have a right of claiming against the Government for damages through the loss of their personal property incidental to their volunteer service. I assume that includes damages to their physical person.

Mr. CONDIT. So we have no qualifications defined in the bill? We pick up as the Federal Government any kind of liability for any claims against the property owner or the owner makes against the volunteer and any health costs if they fall out of a tree or fall in the ditch or what have you, we pick up the costs?

□ 1510

Mr. TAUZIN. That is what it reads like to me. It looks like we have a problem that the volunteers become Federal employees for these tort claims or these claims against the Government, not as a Federal employee for services rendered in their volunteer duties.

But the main complaint I have, if the gentleman will read that section carefully, is that we are talking about volunteers in the Park Service who generally do interpretive work. We are not talking about people who go do scientific work and, in the case of these park volunteers, they are not required to have any skills or training, so we are taking essentially park volunteers and turning them into scientist volunteers to enter property and to do this scientific work.

Madam Chairman, it just does not fit, and it should not fit.

Mr. CONDIT. Well, is there any restriction in the bill, as well, that would keep the property owners themselves from being a volunteer?

Mr. TAUZIN. The only restriction is that one can be a volunteer if one is part and parcel of these agreements. I assume the Department can determine whether one can volunteer by simply saying, "We are going to allow you to, or not," under an agreement.

My point is that the property owners could well be excluded. The Department can determine who is going to be volunteers and who will not be, and it can be, if the gentleman will, very specific in who they will allow to be volunteers under the program.

It is simply not a well crafted section, it is open to incredible abuse, and I cite again, if we are talking about paranoia, is the gentleman going to say Senator MITCHELL is paranoid when he said we ought not allow volunteers to do national landmark work because of the abuses in Maine? The documents I submitted for the RECORD?

It is not paranoia. The fact is volunteers who were not trained to do work ought not to be allowed to become public officials subject to Federal claims laws when they are on one's private property doing things that they are not qualified to do and not trained to do.

Mr. VENTO. Madam Chairman, I rise in opposition to the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

Madam Chairman, I can hardly believe the leading of the witness in the last demonstration of fanciful tales. I mean I must give my colleague from Louisiana an A for creativity in terms of dreaming up nonexistent problems with regard to property, property rights, but I do not think it is very helpful in terms of the debate. I was talking about my friend from Louisiana [Mr. TAUZIN], not the gentleman from Louisiana [Mr. HAYES], but I appreciate his observation, and I will point out this briefly, that under this all State law, national law, with regard to property rights are preserved, and of course that, I think, is very important in terms of whether the gentlemen on the floor feel that they ought to rewrite the various State tort laws in the parishes of Louisiana or the counties of Minnesota I think is another matter. I suggest that this does neither, not at this point, and that this particular proposition does neither.

But the purpose of this amendment deals with the use of volunteers. Today so often, I think, appropriately we look to voluntarism to augment and to assist in terms of in a collaborative and a cooperative way to enable our national agencies and entities to, in fact, carry out the purposes of public policy. In fact, this year we have worked, I think done good work, in terms of providing a program of national service to, in fact, enable the National Government to provide the opportunity for people to volunteer. I think the past President was on the mark with the points of light program in terms of honoring volunteerism and individuals who are so involved.

Now I have been in our Nation's parks, Fish and Wildlife Service areas, the BLM, and forest areas, for the past years in Congress. I have had the privilege of chairing committees of responsibility on that matter, and I can report to my colleagues the quality of the people that are volunteering are, in fact, many are scientists. Many of them teach at our colleges and universities. They are available to work in the summer in these areas for a short period of time. It is the appropriate use for such volunteers on a seasonal basis that I think greatly amplifies the ability of those land management agencies to have the expertise that is necessary, and I think it is a great hallmark of our Nation that such individuals are willing to come forth to do such work. Very often volunteers run our campgrounds, and they do it simply for the basis of having a site to camp and do various administrative tasks. It is because of severe cutbacks that have occurred with land management agencies in the 1980's that, in fact, they have spurred on the volunteer programs to augment their mission. Almost every land management agency has a major effort to enlist volunteers.

For instance, Madam Chairman, volunteers are largely responsible for the maintenance and construction of trails in the Park Service and in the Forest Service. Many older Americans that have retired now end up volunteering for the Forest Service in these regions. So, to suggest that somehow they represent a special case where we are going to have conservationists, or other types of groups that have some other agenda, then gathering scientific information, I think, to say the least, is not helpful and, I think, is not a proper interpretation of the proposed law we are considering. The fact is that these volunteer efforts need to be encouraged. They need to be facilitated. They certainly do not need to be abolished as the amendment proposes.

Mr. TAUZIN. Madam Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Madam Chairman, I thank my colleague, the gentleman from Minnesota, for yielding.

It is important to point out that the gentleman is talking about volunteers on public lands, and, if this law was only applied to public lands or volunteers were allowed to participate on public land, then I would have no objection. It is the volunteers operating on private property——

Mr. VENTO. No, I understand the purpose. The purpose is to undercut to make this a difference without a distinction in terms of the volunteer going out, having the mandate to gather information. I ask the gentleman, "Why would you bar a biologist, or a population ecologist, or a fisheries biologist who happened to teach at Louisiana State University or one of the other fine institutions in the gentleman's State from going out if he is, under the supervision and aegis of the Fish and Wildlife Service, from going out and collecting data?" The public land stops here at this highway line, and they cannot go across it even in the same riparian, stream basin because they are a volunteer?

Why would the gentleman do that? I do not understand.

Mr. TAUZIN. This gentleman would not object——

Mr. VENTO. Well, the gentleman is offering an amendment that does that. The gentleman is wrong.

Mr. TAUZIN. The gentleman does not object to good scientists volunteering. This gentleman objects to the fact that anybody can sign one of these corroborative agreements. The gentleman's organization——

Mr. VENTO. I think that presumes that the Park Service, the Fish and Wildlife Service, would let anybody come in and volunteer. I do not think that that is the qualification that they have. They screen these people. They do not suggest that anyone who comes in off the street is going to be able to walk on private land. They are under the aegis, and control and supervision of the agency, as directed.

Mr. TAUZIN. If the gentleman and others would accept amendments to make sure that these persons were qualified and trained, I would have no objection. If they were limited to public lands, I would have no objection. But as it is currently written, it can be anyone——

Mr. VENTO. The gentleman is combining the issues in terms of limiting the public land manager, and training and so forth. We have to have some authority or some responsibility and confidence in the Secretary. Has the gentleman got a list of the people that are volunteering today that are causing some sort of problems in the public lands that are incompetent, that have done something wrong? The gentleman has no facts he is presenting on the floor today. He is just resorting to an emotional appeal to defeat the purpose of this bill and to defeat voluntarism in this country.

I suggest a "no" vote on the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

Mr. WALKER. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I would suggest to the gentleman from Minnesota [Mr. VENTO] we have determined that there is at least one place where volunteers are not welcomed on public lands. That is in the Congress. We have said in the Congress that we are not going to allow volunteers in congressional offices. As a matter of fact, when one seeks to have volunteers in congressional offices, one is told that that is a violation of the ethics policy, it is a violation of House administration rules, it is a violation of everything else. I mean I can suggest at least some public land where volunteers are not welcomed. That is right here in the Congress of the United States. I do not know exactly why, but we thought that that is a good idea.

But I want to refer to the point that the gentleman from Massachusetts made earlier. He said that what we are attempting to do is get scientifically valid information out of this, and, as a member of the Committee on Science, Space, and Technology, I think that that is what we ought to try to achieve, is scientifically valid information, if, in fact, we are going to do this kind of survey.

I am a little concerned, however, how we are going to obtain that scientifically valid information. I got hold of a copy of the volunteers in the parks program that evidently is the regulations by which we are going to govern these volunteers. Now, when I look down through this program, it appears to me, for instance, there are no age proscriptions whatsoever in the program. Now does that mean, and I would ask the gentleman from Louisiana, does that mean that, for instance, Cub Scout troops could be recruited as volunteers to gather the information for this scientifically valid research program?

Mr. TAUZIN. Madam Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Madam Chairman, my understanding of the section in front of the gentleman is there are no requirements of age. Anyone can become a volunteer at any age under any agreement with the Interior Department including youngsters, 10, 12, 15 years of age.

Mr. WALKER. That is certainly the way I read it. I mean I do not see any restrictions here at all.

It appears to me as though one could go out, hire a bunch of Cub Scouts to gather spiders in jars and call that scientifically valid information that is going to be used in this survey.

□ 1520

I would suggest that that is not the way you conduct science. I am a little concerned that we are suggesting that we have a scientifically valid program that ends up being something where the science is suspect and where it costs a lot of money for suspect science.

Mr. HAYES. Madam Chairman, will the gentleman yield?

Mr. WALKER. I will be happy to yield to the gentleman from Louisiana.

Mr. HAYES. Madam Chairman, considering the gentleman's background on science and technology, surely the gentleman from Pennsylvania [Mr. WALKER] is aware that if we go to the best graduate school in America and its Department of Geology and take 20 students from any class to the same watershed area and have them draw and graph the watershed, we will get 20 different drafts. Now, that is fine, if there is no consequence. But what happens to a landowner who would be in one thought process and not in another, all of them eminently qualified, far above our Cub Scouts and Boy Scouts? What the consequence of that is, is you end up under a delineation manual as a wetland, even though you tried no activity on your property, your land values collapse, and all because at least, at least, you had a dishonest scientific difference there. Much less the total incapacity of people who do not have that level of expertise, to begin to name 4,000 or 5,000 plants and begin to deal with three different delineation manuals of soil types, plant types, hydrology of soil.

This is incredible, that we are even discussing this in terms of volunteers.

Mr. WALKER. Madam Chairman, I thank the gentleman. I wonder if the gentleman from Massachusetts [Mr. STUDDS] could tell us what his interpretation of this particular section is? Would it be the interpretation of the gentleman from Massachusetts that in fact Cub Scout troops could be used as the volunteers in these programs, for gathering this information?

Mr. STUDDS. Madam Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Madam Chairman, I do not think I have ever encountered a Secretary of the Interior, not even some of the remarkable immediate predecessors of the current one, who have contemplated such a thing.

Mr. WALKER. Madam Chairman, I am asking the gentleman from Massachusetts [Mr. STUDDS] whether or not under the law, whether this would be possible?

Mr. STUDDS. Madam Chairman, I suppose all things are—no, I take that back. I do not want to get too philosophical here.

Let me state to the gentleman, an earlier speaker, agreeing with him on this amendment, suggested that we need to tighten the provisions for peer review.

We are going to accept that gentleman's amendment, if he behaves himself. I think it is wise. I suspect the gentleman joins in that. But sound science with good peer review ought to alleviate anybody's fears here.

Mr. WALKER. Madam Chairman, reclaiming my time, would the gentleman be willing to accept an amendment that says at least you have to be age 18, so at least you have had a high school science course, before you go out and volunteer for these programs?

Mr. STUDDS. Madam Chairman, if the gentleman will yield further, I am not a scientist, and I am not qualified to answer these questions. But I would suspect that there are some high school students who could probably be quite helpful. I suspect there are some college students who would be singularly unhelpful. I am not sure that age is the criteria.

Mr. WALKER. Madam Chairman, would the gentleman accept 12 years old then? At some point here, it seems to me that we do need some assurance that the people who are doing this work are in fact doing scientifically valid work.

Mr. STUDDS. Madam Chairman, if the gentleman will yield further, let me assume the gentleman from Pennsylvania [Mr. WALKER] is serious.

Mr. WALKER. I am serious.

Mr. STUDDS. I grant the gentleman that. The language which the amendment before us seeks to strike authorizes the Secretary to accept the services of individuals.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(At the request of Mr. STUDDS and by unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Madam Chairman, would the gentleman's concerns be addressed if that read "accept the services of qualified and appropriately trained individuals"?

Mr. WALKER. Madam Chairman, reclaiming my time, I think that would be very helpful, so that we are assured that the people were in fact qualified to gather scientific data and were trained scientifically. I think that would be a very useful addition to the language, to assure that somehow the individuals we have here are not simply people who may be of very good intentions, but not be capable of understanding what the scientific analysis is they are supposed to be doing.

Mr. TAUZIN. Madam Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Madam Chairman, I think it would be helpful to know whether or not those qualifications are going to be set by regulation, or are they just going to be subjective qualifications determined by the Interior Secretary. If he wants to say Boy Scouts are qualified, he can do so under that language.

We need to be very careful about what is happening here. We are talking about people impersonating Federal officials on your land. I am not nearly as concerned about the age of that individual as the fact that he may come with an agenda of his own. He may come with a very specific objective in mind, and you are not even entitled to know he is not a representative of the Federal Government, that he is a volunteer.

Mr. WALKER. Madam Chairman, reclaiming my time, I think the gentleman makes a valid point. It is a slightly different point from that one that I was raising. The one I am raising is at least somewhat addressed by what the gentleman proposes here, and I think that would be helpful.

But the way the language is now in the law, we are in a position of accepting volunteer services from, as I say, very well-intentioned groups at times, but they may be people that have absolutely no ability whatsoever to provide us with good scientific information.

Mr. STUDDS. Madam Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Massachusetts.

Mr. STUDDS. Madam Chairman, in the event that the amendment were either to be withdrawn or to be rejected, I would be happy to offer the amendment to add the language I just mentioned to the gentleman.

Mr. WALKER. Madam Chairman, I thank the gentleman. I think that would be helpful.

Mr. FIELDS of Texas. Madam Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Texas.

Mr. FIELDS of Texas. Madam Chairman, just one quick point. It is really a reiteration of a point made by the gentleman from Louisiana [Mr. HAYES] earlier.

Madam Chairman, we are talking about science. It seems to me that if someone is going to go to collect data, that person needs to be a scientist, if we are going to rely on that data in making very difficult policy decisions.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. WALKER. Madam Chairman, if I understand what the gentleman from Massachusetts [Mr. STUDDS] is proposing, and it seems to me we would have to probably back that up by some kind of regulation, if I understand it, he is saying that the person is qualified and is properly trained.

Madam Chairman, those two words, it seems to me, say that they had better have some fairly astute scientific training in order to get to the detailed level of information that we are asking for in this bill. These are not simple determinations to make, as the gentleman from Louisiana [Mr. HAYES] pointed out a minute ago.

So when we are talking about qualified, appropriately trained individuals, we are talking about people with more sophistication than a morning session teaching them how to count ants.

Mr. TAUZIN. Madam Chairman, if the gentleman will yield further, I should caution the gentleman, that simply saying they should be qualified and trained does not answer the whole problem. You may have someone awfully well-qualified—awfully well-qualified—getting a subsidy from the Federal Government, who makes some profit off of the decisions that are going to flow from this thing, entering onto your property with a specific objective in mind. Be concerned about that, please.

Mr. WALKER. Madam Chairman, I am going to support the gentleman's amendment for exactly that reason. The gentleman makes a valid point. But I do think if in fact that amendment were not to pass, then it seems to me what we want to do is at least assure that the people who are doing this work are qualified and properly trained. We will work out just exactly what that means, I assume, along the way.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAUZIN. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 217, noes 212, not voting 9, as follows:

[Roll No. 484]

AYES—217

Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Brewster
Brooks
Browder
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chapman
Clinger
Clyburn
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
de la Garza
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hilliard
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hutchinson
Hutto
Hyde
Inhofe
Istook
Jefferson
Johnson, Sam
Kaptur
Kasich
Kim
King
Kingston
Klink
Knollenberg
Kolbe
Kyl
Lambert
Laughlin
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Penny
Peterson (MN)
Petri
Pickett
Pombo
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Roukema
Rowland
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Torkildsen
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—212

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Baesler
Barca
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Carr
Castle
Clay
Clayton
Clement
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Darden
de Lugo (VI)
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Farr
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hefner
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoyer
Hughes
Inglis
Inslee
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klug
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
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Lewis (GA)
Long
Lowey
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Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
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Mfume
Miller (CA)
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Natcher
Neal (MA)
Neal (NC)
Norton (DC)
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Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickle
Porter
Price (NC)
Rahall
Ramstad
Rangel
Ravenel
Reed
Reynolds
Richardson
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Skaggs
Slattery
Slaughter
Smith (NJ)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Thompson
Thurman
Torres
Torricelli
Towns
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—9

Blackwell
Derrick
Faleomavaega (AS)
Frost
Hastings
Hunter
Michel
Pomeroy
Romero-Barceló (PR)

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Ms. CANTWELL, Messrs. DeFAZIO, STRICKLAND, ENGEL, HEFNER, INGLIS, of South Carolina, and HOBSON, Mrs. JOHNSON of Connecticut, and Messrs. DARDEN, JOHNSON of Georgia, and GLICKMAN changed their vote from "aye" to "no."

Messrs. COLLINS of Georgia, BROOKS, LAZIO, LEWIS of Florida, SKELTON, and BARTLETT of Maryland changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DOOLEY

Mr. DOOLEY. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOOLEY: After the period at the end of section 3(d) of the amendment in the nature of a substitute insert the following:

Such a process shall provide for (1) review by independent referees appointed by the Director from among individuals recommended by the National Academy of Sciences, and (2) consideration of other data or information that is submitted to the Director and is relevant to the validity and reliability of the research conducted the data collected in carrying out the functions enumerated in subsection (b)(2).

Mr. DOOLEY. Madam Chairman, my amendment was drafted with one intent in mind: To provide a mechanism that ensures that the science produced by the National Biological Survey is the very best science available.

We all have great expectations for the National Biological Survey. Secretary Babbitt has predicted that the information and findings that will be provided by the survey will give the regulating agencies more flexibility in addressing the many critically important natural resource decisions facing our Nation. But in order for these expectations to be realized, we must have confidence in the validity of the survey's findings and the soundness of its science. Peer review is a way of providing this confidence.

The bill before us today contains a provision requiring the director to provide a scientific peer review process. While I see this as a significant improvement over the original bill, I believe this language is inadequate. I fear that it will not provide the independent, outside-the-agency review I and others are looking for.

My amendment would simply identify two important elements that must be part of the review process: That the review be conducted by independent scientists and that it take in all the available data that are relevant to the validity of the research in question. I believe these two elements are essential for the survey to gain the status of impartiality and scientific objectivity we all expect of it. They are also elements that are missing from the research practices now in place in the various government agencies.

Many of my colleagues in the Natural Resources Committee agreed that the bill should include a more specific peer review process. An amendment similar to the one I am offering today received strong support during the Natural Resources Committee markup of H.R. 1845.

I have redrafted the amendment in an attempt to address the concerns that were raised at that markup. Chief among those concerns was that a very prescriptive peer review process could inject politics and advocacy into what is meant to be a scientific process. This was never my intention. The modified amendment gives more leeway to the Director to establish a process that fits the basic requirements. I believe these requirements actually have the effect of reducing the potential for advocacy and politics to play a role in the process.

Specifically, my amendment requires that the NBS Director select independent referees from among individuals recommended by the National Academy of Sciences. A review by independent referees is essential to keep Government research from becoming self-serving and isolated from the real world. Obviously, the review should be conducted by referees who have no stake in the outcome and are not connected to the original work—and in most cases, that means scientists outside the agency. The National Academy of Sciences, which has access to a nearly unlimited list of scientists and has a proven record for impartiality and integrity, is capable of recommending these reviewers.

Many of the research projects that will be undertaken by the NBS will actually be contracted out to any number of organizations, some of which may in fact be advocacy groups. It may be true that many of these groups have extensive resources and proven scientific abilities. But if the NBS is going to put its stamp of approval on this research—as well as its own research—there is clearly an even greater obligation to check the work of these groups.

The second part of my amendment allows for the inclusion in the review process of all information that is relevant to the validity and reliability of the research in question. One of the main reasons that people have lost confidence in our current system of environmental protection is the sense that Government is no longer working with us but rather against us. This feeling is only intensified when agencies cling to their accepted scientific truths and refuse to even consider outside data. With the NBS, we have an opportunity to change the character of Government research, and making sure that people outside the Government are able to contribute valid information to the review process should be a major part of that change.

My amendment leaves it to the Director to decide the specifics on how this outside information is made available to the review panel. The scientists will be free to give as much, or as little, credence to the outside information as they see fit. However, I would expect the Director to establish a process for giving public notice whenever a certain piece of research or conclusion is intended to be reviewed. Without this, few people will have the ability to offer whatever information they may have, and will again be left out of the process. Also, the outside information that is made available to the reviewers should not be limited to what the Director has solicited.

Madam Chairman, I believe this amendment would make the bill a better and more complete charter for the NBS. I urge the adoption of the amendment.

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Mr. STUDDS. Madam Chairman, will the gentleman yield?

Mr. DOOLEY. I yield to the chairman of the committee, the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. I thank the gentleman for yielding.

I would like to say to the gentleman, it is clear it is the intention of Secretary Babbitt that there be the strictest possible scientific peer review, and as far as I can see, the gentleman's amendment is in that spirit, and we are happy to accept it.

Mr. DOOLEY. I thank the gentleman from Massachusetts.

Mr. FIELDS of Texas. Madam Chairman, will the gentleman yield?

Mr. DOOLEY. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. I thank the gentleman for yielding.

Madam Chairman, as I understand, the language that the gentleman from California has offered concerning peer review would ensure the validity and reliability of research conducted by the Biological Survey to be reviewed by independent referrees appointed by the National Academy of Sciences, and if that is a correct understanding, then this side of the aisle has no objection to the gentleman's amendment and would be glad to accept it.

Mr. DOOLEY. I say to the gentleman from Texas, that is our intent, and we thank the gentleman for accepting the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. DOOLEY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PORTER

Mr. PORTER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PORTER: In section 3(b)(2), add at the end the following:

(I) Cooperate, as appropriate, with the United States Fish and Wildlife Service, the National Park Service, and other Federal agencies to help provide technical and scientific assistance to other countries which seek to perform biological research monitoring and inventory to manage biological diversity for the purpose of meeting their obligations under the Convention on Biological Diversity and other international agreements.

Mr. PORTER (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PORTER. Madam Chair, my amendment would allow the Director of the National Biological Survey to provide technical assistance and training to other countries who wish to carry out similar inventories of their biological diversity. The National Biological Survey would perform these activities in cooperation with the Fish and Wildlife Service, the National Park Service, and other Federal agencies.

Madam Chair, Secretary Babbitt supports this amendment and both the Natural Resources Committee and the Merchant Marine and Fisheries Committee reported bills that included language regarding the international functions of the Survey's Director. Apparently this language was left out of the version of the bill that we are considering today by sheer accident. Therefore, this amendment should really be considered as a technical amendment.

Madam Chair, on June 4, the United States joined over 160 nations in signing the international Convention on Biological Diversity. When we signed the convention, we made a commitment to take action to catalog and conserve our Nation's biological diversity as part of a global effort to conserve biodiversity.

The National Biological Survey is certainly a first step in the right direction. We need to know what biological treasures we have before we can take adequate measures to protect them. And, as Secretary Babbitt has pointed out, having this information will help us avoid endangered species train wrecks like the devastating one that the country has witnessed in the Pacific Northwest over the northern spotted owl.

But I am concerned, Madam Chair, that the National Biological Survey Act, which we are considering today, does not have a provision to allow the director of the Survey to perform simple international activities such as sharing technical and scientific information and training leaders from other countries. The Survey should be able if it wishes to share its methodologies and technologies for tracking and surveying biodiversity with other countries who could learn a great deal from our experiences. Some of these countries contain many times more biodiversity than the United States and are losing species at a much faster rate than we are here at home.

In the long run, the type of international cooperation that the Director of the Biological Survey could provide is in our own self-interest—for if we have learned anything about the environment in the past decade, it is that environmental problems do not respect national borders. Biodiversity loss, whether in Madagascar, Brazil, or Papua, New Guinea, ultimately affects the entire planet.

As a matter of fact, Madam Chair, the Biodiversity Convention urges countries to engage in this type of scientific and technical cooperation with other countries, and with developing countries in particular. I realize that some of my colleagues opposed the U.S. signing of the Biodiversity Convention. But now that we have committed ourselves to that agreement, I would like to point out to my colleagues the value of ensuring that other countries are living up to the commitments made in that agreement. If we are devoting our scarce resources to comply with the Biodiversity Convention, then we must ensure that other countries are also living up to their end of the agreement. In my mind, it would be very shortsighted to inhibit the Director of the National Biological Survey from carrying out activities that would help us assess where other countries are in terms of fulfilling their obligations under the Biodiversity Convention.

I urge my colleagues to support this amendment.

Mr. STUDDS. Madam Chairman, will the gentleman yield?

Mr. PORTER. I yield to the chairman of the subcommittee, the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. I thank the gentleman for yielding.

Madam Chairman, I want to not only accept but to enthusiastically support the gentleman's amendment. The United States is strongly committed to biological diversity internationally. The survey is ideally suited to do this task. The gentleman is right on, and we are happy to support the amendment.

Mr. FIELDS of Texas. Madam Chairman, would the gentleman yield?

Mr. PORTER. I yield to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS of Texas. I thank the gentleman for yielding.

Madam Chairman, as I understand, the language is permissive and creates discretion and is not mandatory. With that understanding, there is no objection on this side of the aisle and we are happy to accept to the gentleman's amendment.

Mr. PORTER. The gentleman from Texas is correct, and I thank the gentleman for his acceptance of the amendment.

Mrs. MORELLA. Madam Chairman, I rise to speak in support of the Porter amendment. Mr. PORTER and I participated in the Earth summit in June 1992, and we have both sponsored legislation to conserve biological resources.

There is a certain urgency to identifying and conserving our resources. Biological resources are being reduced throughout the world. The tropical forests of Puerto Rico and Hawaii are rich in rare plants and animals, but they are disappearing at an alarming rate. The loss of unique plants and animals, however, is occurring in all habitats and in many other places.

I support Mr. PORTER's amendment that the United States cooperate with the other nations of the world which are also trying to inventory their resources and meet their international obligations under the Convention on Biological Diversity. I urge my colleagues to vote "yes" on the Porter amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. PORTER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HAYES

Mr. HAYES. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAYES: In section 3(c)—

(1) in paragraph (1)(B) insert "subject to paragraph (3)," before "accept"; and

(2) add at the end the following:

(3) LIMITATION ON ACCEPTANCE OF LANDS, BUILDINGS, AND OTHER REAL PROPERTY.—The Director may not accept real property under paragraph (1)(B) except—

(A) buildings;

(B) land on which is located a building accepted under that paragraph; and

(C) land adjoining land described in subparagraph (B) of this paragraph, that is necessary for functions of the Survey to be conducted in a building accepted under paragraph (1)(B).

Mr. STUDDS (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HAYES. Madam Chairman, I believe this amendment is something that can be accepted by the chairman of the appropriate subcommittee.

Madam Chairman, when he testified before the Committee on Science, Space, and Technology in mid-September, Interior Secretary Babbitt stated, emphatically, that the NBS would not engage in managing land in any manner. This amendment seeks to prevent the NBS from being encumbered with real property that it is, by design, incapable of managing.

Clearly, buildings, and land on which buildings are located, are a necessity if the NBS is to carry out its prescribed functions, as are computers and other research related equipment. Additional acreage may also be required by the Survey, in order to carry out research related to the work with which it is charged. It makes sense for this proposed agency to accept any and all donations that will increase and promote its ability to carry out its job.

Excess land, however, if accepted by the NBS Director, would add responsibility and expense that would be better shouldered by agencies specifically charged with managing public lands.

Therefore, this amendment would prevent the Survey from taking on burdens that it is not properly equipped to handle and would serve to consolidate land management within agencies charged with this mission. This would prevent duplication of effort across agency lines and conserve our scarce tax dollars, while preserving our environment.

Mr. STUDDS. Madam Chairman, will the gentleman yield?

Mr. HAYES. I certainly yield to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. I thank the gentleman for yielding.

Madam Chairman, we are happy to support this amendment.

Mr. FIELDS of Texas. Madam Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. I thank the gentleman for yielding.

Madam Chairman, could the gentleman from Louisiana give us a brief explanation of what this amendment does?

Mr. HAYES. Yes.

Madam Chairman, there was a wording in the bill that talked about what the Secretary may do in connection with the Survey, the acceptance of things, one of which was an acceptance of land and whether one could accept buildings. It came to our attention that because of grammar it led to a kind of bizzare sort of curiosity as to why in the world you would be accepting buildings. We then realized it might be in a contract with a university where it might be housed. And we simply went through and rewrote the section, as I understand it, in conformance with the wishes of the Secretary, but made it grammatically such that you did not have the possibility of accepting cash, money, and buildings for no apparent reason tied to the Survey.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. HAYES].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to section 3?

If not, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. NATIONAL BIOLOGICAL SURVEY POLICY BOARD.

(a) ESTABLISHMENT.—There is established a National Biological Survey Policy Board to advise the Director on appropriate biological science priorities and to offer guidance to the Director as to how biological science relates to the various missions of the Department of the Interior and as to how the Director and the other bureaus within the Department of the Interior can avoid duplication of activities.

(b) MEMBERS.—The Policy Board shall consist of—

(1) the head of each agency in the Department of the Interior that has a need for biological research or survey activities; and

(2) such other senior officials as may be appointed by the Secretary from other agencies within the Department.

(c) COCHAIRPERSONS.—The Policy Board shall have 2 cochairpersons, consisting of—

(1) the Director of the United States Fish and Wildlife Service; and

(2) another member of the Policy Board who is designated as cochairperson by the Secretary.

The CHAIRMAN. Are there amendments to section 4?

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AMENDMENTS OFFERED BY MR. HAYES

Mr. HAYES. Madam Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. HAYES:

Strike section 4 and redesignate the subsequent sections accordingly:

In section 9 (as so redesignated) strike "5(a), and 8," and insert "4(a), and 7,".

Mr. HAYES. Madam Chairman, I will be very brief on this. It is almost amazing to be standing here doing this, in light of reinventing government.

We had a scene from the White House where we had stacks and stacks of paper that was redundant. Then we had a reinventing manual that is very good, with over 800 suggestions on how to improve, one of which was consolidation of boards and commissions; and yet under section 4 of this act we have what is nothing short of a bizarre survey policy with that board, because the board is made up under section (b) (1) and (2) only of the head of agencies in the Department and only of senior officials who may be appointed by the Secretary from other agencies within the Department.

In other words, we have a Secretary of the Interior who has a board made up only of his employees, answerable directly to him with no outside parties.

Now, if he has an office and a telephone, he ought to be able to get those folks to come over there anytime he wishes without creating another superfluous board, without having another instrumentality or agency or bureaucracy.

So I would end the argument simply by saying that if you believe the Federal Government needs to create additional boards to the point where those boards should be made up only of people already working for the person that they can be discharged by, then vote against this amendment.

If you think enough is enough, that it is harder to kill things while they are done, vote for it and hope that Secretary Babbitt can have enough clout with his own employees to have them show up for a meeting in his own office if he chooses to do so.

Mr. STUDDS. Madam Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Madam Chairman, I have to say to the gentleman that when I first read the draft of the bill submitted to us by the Secretary of the Interior, I asked precisely the question the gentleman asks, both explicitly and implicitly by offering this amendment, and although we were told that it was important to the Secretary to formally establish such a policy board in the bill, and although I am an ardent supporter both of this Secretary individually and of this bill and of this idea, I must confess I cannot for the life of me, in the spirit of reinventing Government, see why this section which the gentleman proposes to strike adds anything whatsoever to what the Secretary can normally do if he wishes to do so at any given hour of any given day.

Does the gentleman agree with me?

Mr. HAYES. Yes; and I would also like to say that in the hearings in our combination Subcommittee on Investigations and Oversight of the Committee on Science, Space, and Technology, the Secretary was very forthcoming. I am sorry I did not raise this question with him to have a more explicit answer. That was due to the fact that I had not seen this provision at the time.

I would simply say that if the Secretary needs our help in doing a function that is more expansive than is my reading of this section, then I would probably be most supportive; but without that and in the lapse of that information being provided, I cannot imagine how I can half-heartedly talk about reinventing Government and establish a Board of Employees of one Secretary.

Mr. STUDDS. Madam Chairman, if the gentleman will yield further, I hope that it will not be considered apostasy or hearsay or worse on my part, but as I say, it will be a long day before I can figure out and defend the necessity for formally designating such a body.

It is my understanding that the Secretary can do this on his own.

Mr. HAYES. It is my understanding that is absolutely correct.

Mr. STUDDS. And as the gentleman points out, these are all people who so far as I know work for him and with him.

Frankly, I do not think it is necessary, and unless the minority is prepared to insist on establishing yet another Government board, we are prepared to accept this amendment, assuming of course, that it brings the support of the gentleman from Texas.

Mr. FIELDS of Texas. Madam Chairman, if the gentleman will yield, we will accept the amendment of the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES. Madam Chairman, I appreciate that, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Louisiana [Mr. HAYES].

The amendments were agreed to.

Mr. LEHMAN. Madam Chairman, I ask unanimous consent to return to section 3 for the purpose of taking up an amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENTS OFFERED BY MR. LEHMAN

Mr. LEHMAN. Madam Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc, and that they be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the amendments is as follows:

Amendments offered by Mr. LEHMAN:

(e) ENSURING INTEGRITY OF SURVEY FUNCTIONS.—A person who is an officer, employee, or agent of the Survey may not in that capacity—

(1) perform any function of the Survey on land in which any officer, employee, or agent of the Survey owns any interest; or

(2) conduct any activity for or on behalf of any private person.

At the end of section 3, add the following:

(e) MAINTENANCE OF RESEARCH OF LOCAL IMPORTANCE.—The Director shall seek to ensure, to the greatest extent practicable, the continued performance of research of significant local importance that is being conducted by any individual, in their capacity as a Federal employee, on the day before the date the individual becomes employed by the Survey (including such research conducted on the day before an individual became employed by the National Biological Survey established by the Secretary before the enactment of this Act).

Mr. LEHMAN. Madam Chairman, these two amendments are very simple. The first brings this act into conformity with language already in the United States Geological Service preventing any conflicts of interest on the part of those who conduct these land surveys and specifies that they cannot have any interest in the land on which they are conducting the survey.

The other amendment requires that the Director shall seek to insure that ongoing scientific studies at the present time not be jeopardized by the reallocation of resources within the Department to comply with this act.

I understand that about 1,400 scientists may be shifted over into this. There are many important studies being conducted now in many of our districts, and I would like to see those continue and not be unduly hampered by this.

Mr. STUDDS. Madam Chairman, will the gentleman yield?

Mr. LEHMAN. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Madam Chairman, I thank the gentleman for his contribution. We think this makes sense and we are delighted to accept the amendments.

Mr. FIELDS of Texas. Madam Chairman, will the gentleman yield?

Mr. LEHMAN. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Madam Chairman, as I understand, both of these amendments basically deal with conflict of interest and trying to clarify the situations here involved.

Mr. LEHMAN. That is correct.

Mr. FIELDS of Texas. Madam Chairman, I thank the gentleman.

Mr. LEHMAN. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. LEHMAN].

The amendments were agreed to.

The CHAIRMAN. Are there further amendments to section 4?

If not, the Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. NATIONAL BIOLOGICAL SURVEY SCIENCE ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is established a National Biological Survey Science Advisory Council to advise the Director on structuring appropriate collaborative relationships for research, inventorying and monitoring of biological resources and on scientific peer review procedures to ensure the validity and reliability of the research conducted and the data collected by the Survey. Section 14(a)(2) of the Federal Advisory Committee Act (15 U.S.C. App.) shall not apply to the National Biological Survey Science Advisory Council.

(b) MEMBERSHIP.—The Council shall consist of not more than 15 members appointed by the Secretary from among individuals who are qualified based on scientific education and experience and who are representatives of executive departments, including—

(1) the Office of Science and Technology Policy;

(2) the Department of the Interior;

(3) the Environmental Protection Agency;

(4) the National Science Foundation;

(5) the National Oceanic and Atmospheric Administration;

(6) the Department of Agriculture;

(7) the Department of Defense; and

(8) State and local agencies, Tribal governments, private organizations, research institutions, and other entities.

(c) COMPENSATION.—An individual may not receive compensation from the United States by reason of their services on the Council.

The CHAIRMAN. Are there further amendments to section 5?

If not, the Clerk will designate section 6.

The text of section 6 is as follows:

SEC. 6. SURVEY ACTIVITIES ON PRIVATE AND OTHER NON-FEDERAL LANDS.

(a) COMPLIANCE WITH STATE AND TRIBAL GOVERNMENT LAWS.—The Survey shall comply with applicable State and Tribal government laws, including laws relating to private property rights and privacy.

(b) SURVEY POLICY ON ACCESS TO PRIVATE AND NON-FEDERAL LANDS.—

(1) IN GENERAL.—Within 6 months after the date of the enactment of this Act, the Director shall develop a policy for the Survey to follow in order to help ensure and record compliance with subsection (a).

(2) CONSENT AND NOTICE REQUIREMENTS.—The policy developed under paragraph (1) shall require that before entering non-Federal real property for the purpose of collecting information regarding the property, the Survey shall—

(A) obtain such consent for that entry as is required under State and Tribal government laws;

(B) after obtaining such consent, provide notice of that entry to the person from whom consent was obtained under subparagraph (A); and

(C) notify the person from whom consent is required under subparagraph (A) that any raw data collected from the property shall be made available to such person or the owner by the Director at no cost, if requested by such person or the owner.

(3) PROVISION TO CONGRESS.—The Director shall provide the policy developed under paragraph (1) to the appropriate committees of the House of Representatives and the Senate.

(c) SURVEY DEFINED.—In this section, the term "Survey" includes any person that is an officer, employee, or agent of the Survey, including any such person acting pursuant to a contract or cooperative agreement with or any grant from the Survey.

AMENDMENT OFFERED BY MR. HAYES

Mr. HAYES. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAYES: In section 6 insert after subsection (b) the following (and redesignate the subsequent section accordingly):

(c) LIMITATION ON AUTHORITY TO CONDUCT ACTIVITIES ON PRIVATE LAND.—The Survey may not conduct on privately-owned land any activity to be performed on privately-owned land and Federal land, unless—

(1) the Survey has conducted the activity on all Federal lands on which the activity is to be conducted; or

(2) the owner of the land authorizes the Survey to conduct the activity.

Mr. HAYES. Madam Chairman, the importance of this amendment can be very easily explained. We have talked about science as if it were pure, and we found that system is not entirely free from consequences.

Before I came to the House of Representatives, they had different committees that dealt with tax law in banking. When they put the two together without realizing the consequences, that only cost about $500 billion to Americans.

What has happened today is that we have well-intentioned and well-meaning committees who are dealing with scientific surveys to give a data base, which by the way is something that could be very beneficial in the future, but what happens is that data base automatically triggers unintended consequences, because if it is a delineation of wetlands under the Clean Water Act, section 404, it means whatever was delineated has a consequence that dramatically impacts downward the value of that property.

The State of North Carolina, for example, takes wetlands properties at about $50 an acre for their property assessments, nonwetlands at $1,000 an acre.

Now, under the current system, the only way to be delineated is if you want to do something. If you are Donald Trump and you want to build a hotel, then you have got to go through city, county, State, and Federal regulations to be building anywhere near a wetlands; but suppose instead you are the vast majority who are doing nothing in an area delineated without an activity on your part. That means that if you have got this property mortgaged to a bank in order to put your kids through school, without having any activity initiated by you, it can be re-classified through the gathering of on-site information and your collateral impacted.

Let us take a little tougher case that also will happen. Suppose you serve on the Board of Directors of a major corporation that has large land holdings in the United States, that you are about to do an issuance of additional securities, are you required under your disclosure statement to say the survey has been on your property and the potential of an endangered species that is threatened should be listed in the stock offering, because years from now when the survey is finished it might impact dramatically the property if you attempt to use it, or if you hold a mortgage on that property when you do secure these offerings, are you bound to determine for the public that, yes, we have a problem on this property, and by the way, the bank may well call the loan.

I am talking about all these unintended consequences because it is not unintended that they will occur. It is unintended in our planning for them.

□ 1620

Madam Chairman, for that reason I have done an amendment that simply says this:

"Begin the data base with Federal property first. If you take a look at the Mississippi River, and look westward, almost everything that is west of that Mississippi River is owned by the Federal Government. Why don't we find out what plants are on it? Why don't we find out what animals are on it? Why don't we find out what data base is there for what is well over 80 percent of that land west of the Mississippi before going on properties that are privately held? And if you want to know how to check the landowner, Madam Chairman, it's simple. If the landowner attempts to do something on private property, you have a litany of regulations, as well anyone can attest to. They are not going to be free from regulatory concerns. In fact, they've got an abundance of regulations now."

So, if we take the data of surveying Federal lands first, and if we take the data as mentioned by a speaker in the well earlier who said, "Most of the instances of seeking information is someone seeking to do something," then we ought to keep all these folks, these volunteers, and everybody else, busy without having to hit private property that is seeking no permit to do anything, but which will be put in great danger for adverse economic impact.

And one more thing. I forgot to mention the cost of what we are doing. The administration has asked not to go forward with the mapping of coastal wetlands because it would require over 14 million maps and over $500 million. So, what is our bill for this whole deal, and should that bill be borne by taxpayers who have no idea of a plant, an animal, or a configuration of property that could end up collapsing the means that they had to obtain money to stay in business during the last decade of an economic downturn? I think it is reasonable to have the Federal Government not only meet its own standards, but apply its own standards to itself first, and then deal with cases where individuals seek to do something. If we continue with Government policy to say that either volunteers or bureaucrats are going onto private property because we have a priority of sticking our bureaucratic noses in your business, the answer is going to continue to be the resounding 24-percent support that the Congress currently holds, which I suggest is inordinately high, if they only knew more facts.

Mr. STUDDS. Madam Chairman, I move to strike the last word.

As we read the amendment, it is not inconsistent with what we think we are doing anyway, so we have no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. HAYES].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TAYLOR OF NORTH CAROLINA

Mr. TAYLOR of North Carolina. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of North Carolina:

Strike section 6, and insert:

SEC. 6. SURVEY ACTIVITIES ON PRIVATE AND OTHER NON-FEDERAL LANDS.

(a) COMPLIANCE WITH STATE LAWS.—The Survey shall comply with applicable State and Tribal government laws, including laws relating to private property rights and privacy.

(b) CONSENT AND NOTICE REQUIREMENTS.—

(1) IN GENERAL.—The Survey shall not enter non-federal real property for the purpose of collecting information regarding the property, unless the owner of the property has—

(A) consented in writing to that entry;

(B) after providing that consent, been provided notice of that entry; and

(C) been notified that any raw data collected from the property must be made available at no cost, if requested by the land owner.

(2) LIMITATION.—Paragraph (1) does not prohibit entry of property for the purpose of obtaining consent or providing notice as required by that paragraph.

(c) REPORT TO CONGRESS.—On January 1, 1995, and January 1, 1996, and biennially thereafter, the secretary shall provide a report to the Committee on Merchant Marine and Fisheries in the House of Representatives and the Committee on Environment and Public Works in the Senate. The report shall identify all activities of the Survey on non-federal lands and shall certify compliance with subsection (b)(1).

(d) SURVEY POLICY ON ACCESS TO PRIVATE AND NON-FEDERAL LANDS.—Within six months of enactment, the Director shall develop a policy for Survey employees and agents to follow in order to help ensure compliance with subsection (b)(1). The Director shall provide this policy to the Committee on Merchant Marine and Fisheries in the House of Representatives and the Committee on Environment and Public Works in the Senate.

(e) SURVEY DEFINED.—In this section, the term "Survey" includes any person that is an officer, employee, or agent of the Survey, including any such person acting pursuant to a contract or cooperative agreement with or any grant from the Survey.

Mr. TAYLOR of North Carolina (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. TAYLOR of North Carolina. Madam Chairman, this amendment to the National Biological Survey is a needed amendment. I mentioned earlier in the main debate that people that I talked to wondered why we did not have the rights in this country for private property owners' permission to be needed before Federal agents, or Federal employees or volunteers, could come to their property. That is not the case. We find that their property rights have been violated in the past.

As my colleagues know, many people thought that that question was solved 200 years ago when we fought a revolution and established a Constitution and a Bill of Rights, and that is not true. We need to sit back and put ourselves in the position of those Framers. They did not create a Constitution and a Bill of Rights to protect the people of this country from England. They had just won a war with England. They could not see far enough ahead to think of other enemies that we fought over the years. They created the Bill of Rights, the Constitution, to protect the people of this country from the onerous hand of Government and what Government would do to the individual. They had seen it happen in Europe. They left to come to a new land, and for the last 200 years, they have watched it happen in Europe, and the thing that has distinguished us from many of those other countries is the fact that we recognize people's rights and, most essentially, the right to private property.

Madam Chairman, in the Soviet Union today, the great debate, in fact, the real argument over the Parliament that has been moved as abolishing the old ways and coming back and recognizing free enterprise principles, and one of the most basic of those free enterprise principles, is the right to property. It will be the salvation for the old

Soviet Union, the new Russia, and the Republics if the new constitution embodies those rights, not just in writing, but in principle.

We should be the protectors of the people's rights. I have heard it said on many occasions, Madam Chairman, that the courts can look after the rights, that we can have legislation such as before us today without having any written notice being given to property owners before the Government comes onto their property, without letting them go with you when that property is examined or without telling them what you found, and yet we should be the basic protectors of those rights. The courts cannot protect people in this area.

In the Lucas case in South Carolina, where a propertyowner objected to the taking of his property and took it to the Supreme Court, he won, and he won compensation, but he spent $500,000 in attorney's fees before he had that victory, and he had to spend that money without knowing whether or not he would have a victory. How many small landowners, how many small families, how many small business people, can afford that kind of contest with the tax-paid lawyers of the U.S. Government before they determine whether or not their rights will be protected?

We ought to be the champion, we ought to be the protector, not just in the word in the Constitution, but in every act we ought to bend over backwards to see that the people's rights, and especially the right to property, is protected.

Now this amendment is needed, and it has been supported by a number of organizations:

The American Farm Bureau, which considers this a major vote, will be publishing the rollcall vote, and the National Cattleman's Association, the National Association of Home Builders, the National Association of Manufacturers, the U.S. Chamber of Commerce, the NFIB, the National Federation of Independent Businesses, has considered it a key vote.

So, Madam Chairman, it is not just one Member of Congress who thinks that this is vitally important to the American people, but this amendment is important in many, many ways.

And then we find that the question of whether or not we are paranoid in saying that there is any real risk to the propertyowner, and that has been brought up and asked earlier today in the debate, but, if we look at the national parks program called the National Natural Landmarks Program, it was cited by the Interior Department's inspector general of infringing on property rights over 2,800 times. Twenty-eight hundred private propertyowners had their rights infringed upon by a program that was not very much different from the National Biological Survey that we are talking about today. In fact, the inspector general recommended that documentation be used in the future; in other words, written permission to ensure that the landowners were contacted prior to their lands being evaluated.

Now the big difference in the bill and the amendment that I am offering in the bill that is before us is that we require written permission to the propertyowner to be coming before entry into that propertyowner's property and before this survey can be conducted.

Mrs. VUCANOVICH. Madam Chairman, I rise in strong support of the amendment offered by the gentleman from North Carolina [Mr. TAYLOR] and cosponsored by the gentleman from California [Mr. CONDIT] and the gentleman from California [Mr. POMBO].

This amendment enjoys broad bipartisan support, because the idea that private property ought to be respected is so very basic to our Nation's culture.

Now, I know Secretary Babbitt is urging defeat of this provision to require written permission from a private landowner before going onto one's property to perform the biological surveys intended under this bill. The Secretary implies he will require his troops to receive permission for entry through rulemaking or other guidance written at the new agency. After all, the model for the NBS is supposed to be the U.S. Geological Survey, and they do not have to seek written permission to perform geologic field studies on private land, do they?

Well, my colleagues, to that I say, why isn't the USGS so bound? I am prepared to offer an obviously non-germane amendment to H.R. 1845 to require the USGS to likewise obtain written permission for private land entry for field work and to make its raw data available to the landowner whence it was collected. If that is the major argument for why the Taylor amendment should be defeated, then we have a sorry state of affairs in this government.

So, why hasn't there been a groundswell of support to bind the USGS to a Taylor-like provision? I will admit that I know of no Nevadans who have complained that Federal geologists were on their land without permission. My understanding is these men and women have been courteous to a fault, pun intended, always asking, at least orally, before hammering away at private outcrops. Of course, in my State and district only 13 percent of the land is privately owned, so there is little opportunity for trampling private property rights.

But, let us not kid ourselves. The USGS is not the Government's endangered species police—but an NBS is or will be. I know of no authority in the USGS charter akin to the mandate handed this new agency. The Geological Survey scrupulously avoids policy calls, not wanting to taint its reputation. And it has been successful at maintaining scientific credibility.

Let me give an example, Madam Chairman. The 100th Congress asked the USGS to study the potential for disruption of thermal features at Yellowstone by the pumping of a private well a few miles north of the park's boundary. A thorough study was done, and like many, a totally negative result could not be scientifically proven. The USGS did prove that no discernible impact upon Yellowstone's thermal features was possible if the well were pumped at less than a specific rate.

What a tremendous hue and cry was heard from the environmental community saying the USGS had failed to listen to the Park Service arguments—an agency with a policy stake in the outcome of the study. Of course they did not, to have done otherwise would have tarnished the science.

Madam Chairman, perhaps I am off the track, somewhat, of explaining my support for this amendment, but I wanted to point my concern over the scope of the proposed NBS, in general. It is disingenuous of supporters of this new agency to suggest it will be the biological equivalent to the esteemed USGS, at least not as it appears to me in H.R. 1845. Some Members who stand here today opposing weakening amendments are the very same Members who condemned the Yellowstone geothermal study because the science was too isolated from policy concerns of the Park Service. I fully expect NBS scientists to be caught in a similar science versus policy trap, but I doubt the ability of the new agency to maintain scientific objectivity.

Madam Chairman, one way to help achieve thoughtful balance is to require permission from landowners before entry for field studies, and then to let the landowner have the raw data gathered from her land. All this will do is make the agents of the NBS have to explain themselves, and their mission, before counting species on a person's property.

Am I attempting to censor activities of the NBS? You bet I am. If NBS scientists cannot make credible arguments for their data-gathering needs to the very people who own the land they seek to survey, they ought not to have access to that land—pure and simple. On the other hand, if after proper notification a landowner is persuaded of the worth of the survey and grants permission, then the NBS may go ahead and enter the property. What could be fairer, Madam Chairman?

I urge my colleagues to support the Taylor-Condit-Pombo amendment.

□ 1630

Mr. LAROCCO. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in strong opposition to this amendment. Let me offer a novel idea into this debate: States rights. I know it is a touchy subject, but a lot of us will pound the table about States rights and say, "By golly, we can't let the Federal Government trespass and run over us and steamroll our States rights."

Well, this amendment does just that. In the bill it says that the National Biological Survey must comply with States rights. I know it is a novel idea, but I think we ought to stand here and support States rights.

Now, if we just took this National Biological Survey bill away, would the people who are supporting this amendment come before this body and say, "I have got a great idea. I think the Federal Government, we in Congress, should run over the States and tell them what they can do on privacy issues and private States rights issues"?

I talked to the attorney general's office in Idaho today. They like the language in the bill. They think that the Taylor amendment runs all over Idaho. I think it probably runs all over Idaho, and it runs all over North Carolina, and about 48 other States in this country. I think we ought to defeat this.

Now, I know it makes great headlines if we come out and just trash the Federal Government. But in this case, this legislation was carefully drafted so that States rights were protected. And if States like Idaho want to have stronger privacy laws, stronger laws against trespass, if they want to have written consent, if they want to give the power to the landowner instead of the lessee, I think Idaho ought to be able to do that. I think it makes a lot of sense.

But here we are in this hysteria about private property rights, when Members from the West have carefully drafted this legislation. I have participated in the drafting of this legislation, and I am satisfied that it protects the private landowners in Idaho. I am convinced that the State is protected. I am convinced that we do not need this amendment. I am also convinced that people are looking for headlines and just playing to special interests that want to defeat this bill.

Madam Chairman, I think, in the strongest possible words, we must defeat this amendment. The Taylor amendment requires a National Biological Survey to provide notice of actual entry upon private property to the person who gave consent. We must not undercut State laws. That is the bottom line. If we do that, we are undercutting State law, we are undercutting the rights of tribal private property law. And what we are doing, furthermore, is that we are establishing in this era of reinventing government, we are putting together a new Federal trespassing bureaucracy. Instead of reducing government, what we are doing is we are increasing government, and we are creating a new bureaucracy.

Madam Chairman, I think I misspoke a minute ago in saying that the Taylor amendment requires the National Biological Survey to provide notice of actual entry. The bill does that. What the bill does is it requires the National Biological Survey to comply with present State and tribal property and privacy right laws. It requires the Survey to obtain consent, as required under State and tribal law, before entering any nonfederal lands. It requires the National Biological Survey to provide notice of actual entry upon private property to the person who gave consent. And it provides that raw data collected by the National Biological Survey will be available to the person who gave consent for entry, or the property owner, if requested.

That satisfies the States, it satisfies me out West, and I urge defeat of this amendment.

Mr. HANSEN. Madam Chairman, I move to strike the requisite number of words.

Mr. TAYLOR of North Carolina. Madam Chairman, will the gentleman yield?

Mr. HANSEN. I yield to my friend from North Carolina.

Mr. TAYLOR of North Carolina. Madam Chairman, I am touched by the concern of the gentleman for States rights, and we appreciate the support of any rights in this Congress we can get.

This question has come before us. When the Committee on Merchant Marine and Fisheries voted unanimously to support this bill, many of us had considered the gentleman's question. And since that time we have made inquiries.

For instance, the organization that represents the State Departments of Agriculture, the commissioners, secretaries, and directors of agriculture in all 50 States, made this statement:

> The Taylor-Condit-Pombo amendment does not in any way undermine State and tribal property rights in your State. Subsection 6(a) of the amendment specifically requires compliance with State and tribal laws. The amendment simply protects the private property rights of the landowner.

As is said here, we are not abolishing any of the State laws. We are adding to that with the notification to the private property owners.

From the chief of the Eastern Band of the Cherokee, one of the largest bands in the country, I have a letter stating they support my amendment 100 percent. They say that they insist that the Federal Government should have written approval from the tribal council before it comes onto their property for any type of survey, and then they relate a horror story or two about the Interior Department.

□ 1640

Now, what I am saying to Members is, we are not, as the gentleman suggests, abolishing rights. We are, in fact, expanding those rights.

Finally, let me say that a gentleman on our committee, the chairman, the gentleman from Massachusetts [Mr. STUDDS] stated, in his testimony at the time, in commenting about our amendment at the time, and I am quoting:

> The gentleman——

Referring to me—

> clarifies this issue with, I think, some very common sense provisions. It is a change that I think the administration can support, that we support. It resolves concerns that anybody may have had on this matter, and I think it gets us off to a good start in regard to those who are concerned about private property rights.

I could not add to that.

Madam Chairman, I thank the gentleman from Utah for yielding to me.

Mr. HANSEN. Madam Chairman, I appreciate the gentleman clarifying that particular issue. I rise in support of the Taylor amendment and urge my colleagues to support its passage.

In my State of Utah, the Federal Government owns over two-thirds of the land and that Federal presence affects the lives of property owners every day. In many cases in the West, a rancher may be an island in the midst of a sea of Federal ownership. In times past Uncle Sam was a pretty good neighbor. This is no longer true. With today's mass of laws and regulations, Uncle Sam is the worst kind of neighbor. Having the BLM or the Forest Service as a neighbor makes everything more difficult, more cumbersome and many times more unpredictable. Property owners in the West are continually experiencing restrictions, encroachments and overall hassles of attempting to cooperate with the Federal Government.

Perhaps we're a bit paranoid but the truth is that there are a lot of people in the West who simply don't trust the Federal Government. What is even worse is that they are losing their faith in the concept of private property rights. The bundle of rights we traditionally associate with property rights is getting smaller and smaller. The Endangered Species Act, the Wetland Act, and all the rest have significantly reduced the rights of property owners. Horror stories of Federal Government leveraging property owners into willing sellers are far too numerous. Overzealous Federal land managers must be held in check and the Taylor amendment will help deter Federal employees from encroaching on property rights.

The Taylor amendment simply requires that employees or agents of the National Biological Survey obtain written permission before entering on someone's land. This simple requirement establishes everyone's rights and privileges, leaving little room for debate whether or not permission was granted.

Madam Chairman, I commend Mr. TAYLOR, Mr. POMBO, and Mr. CONDIT for offering this amendment and I urge its passage.

Mr. THOMAS of Wyoming. Madam Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Wyoming.

Mr. THOMAS of Wyoming. Madam Chairman, I simply want to endorse what the gentleman from Utah has said. It is certainly time that this Congress take some action to protect personal property rights. That is what this country was built on.

Mr. VENTO. Madam Chairman, I move to strike the requisite number of words, and I rise in opposition to the Taylor amendment.

It is not necessary. In fact, it is contradictory to, as was pointed out by my colleague, the gentleman from Idaho [Mr. LAROCCO], it is contradictory to the basic provisions of State and local law and other national law.

The bill under consideration requires any employee or agent of the Survey to comply with current State and tribal laws relating to private property and trespass. These individuals must obtain consent as required under State and tribal laws, provide notice of entry to the property and make available the data collected by the survey to the property owner.

This is really picking up a lot of the language, and I think addressing the concern adequately.

The amendment is simply unnecessary and intrusive. Current law prohibits trespass, and the Secretary has assured Members that employees assigned to the National Biological Survey will respect all constitutional and statutory provisions.

The provisions of this amendment, in fact, break new ground with regard to property law and raise questions about the authority of States to enforce private property rights.

Will the provisions of this amendment be the only laws applicable to the Survey's activities on private lands? Does this, in fulfilling this, release them and supersede and superimpose itself over the State and local laws addressing private property rights? Will these provisions supersede current State and tribal law requirements? Existing law ensures compliance with property rights. The Director of the Biological Survey should not be allowed to develop new property rights policy.

The intentions of the sponsors of this amendment may be good, but the results, of course, are going to be based on the legal language that we have before us. I submit to Members, they ought to look at the language that is before us, that is being offered to the bill.

They want consent in writing, when entry occurs, from the owner. But the owner may not be the tenant on that land. So even in that particular instance, we completely circumvent, I think, the person on the property. That may not be the intention but that is the affect.

After providing consent, of course, then you have to provide notice of such entry, when you are going to enter. Of course, that, I think, is reasonable, and that is picked up in terms of complying with State and tribal law. You have to be notified, of course, that the data is provided.

So I think this amendment is not about property rights. This amendment is about putting hurdles in front of the National Biological Survey.

This is not about science. This amendment is about political science and bringing politics into this, to the extent that we can hamper, frustrate, and undercut and undermine the ability of the National Biological Survey to do its work as intended.

If Members are interested in property rights, if they are interested in upholding State and individual rights, they have the Constitution. They have the State laws. They have the local laws. We do not need new national laws coming out of the Department of the Interior addressing individual consent and rights to go on private land. We already have that in the State. We already have that in the Constitution.

This is simply an amendment to harass those individuals that are trying to carry out the job of the proposed National Biological Survey.

We complain around here about the inefficiency of the National Government and about the agents and the land managers of the National Government. Then we tie them up with redtape like this that makes it impossible for them to be efficient.

I say to the sponsors of this, I think that they are frustrating the effort. What are they, afraid of the scientific information? Are they afraid of the science and the data gathering that is going to occur so that we can make intelligent decisions? I think we ought to eliminate the political science from this debate and get on with the substance of what is necessary here in terms of developing data and information base and quit trying to frustrate the efforts of someone trying to develop a scientific data base like the Secretary of the Interior.

I urge the Members to vote no on this amendment.

Mr. DOOLITTLE. Madam Chairman, I move to strike the requisite number of words.

Harass? Excuse me. Is my eye hurting your elbow?

Madam Chairman, this is truly remarkable, the debate that we see going on here.

Many of my colleagues may be familiar with an article in the Reader's Digest, September 1993. Excellent, I commend it to them.

When a law goes haywire, are the needs of rats and lizards more important than the needs of people?

That is the issue here. We need to be cognizant of what all is bound up in this National Biological Survey. And the amendment, which the gentlemen are offering in order to try and get written consent of the property owner, yes, the owner, not just the tenant, since a Biological Survey was conducted that finds an endangered species may well destroy the complete value of one's property.

We do not think a tenant ought to be the sole permission required. We think the owner ought to be consulted, since the value of that property may be completely eliminated.

I would like to just point out a couple of things that have been said here.

One is by Dr. Thomas Lovejoy. The National Biological Survey will "map the whole Nation for all biology and determine development for the whole country and regulate it all because that is our obligation as set forth in the Endangered Species Act."

Let us look at what the present Secretary of the Interior, Mr. Babbitt, had to say. Of course, in his past life he was head of the Planning and Conservation League.

> The Endangered Species Act is an extraordinary piece of legislation, because it allows the Federal Government to preserve, maintain and foster the recovery of endangered species wherever they occur, without regard to geography, location, or land ownership. Here is a law of great reach and power and yet we do not have the scientific capability to get ahead of it.

Madam Chairman, that is what the National Biological Survey is all about. We are going to help Secretary Babbitt and his friends get ahead of it.

□ 1650

This is so we can find more endangered species, so we can regulate more private property. It is absolutely outrageous.

This article details the story of Michael Roe, age 46, and his family, three children, living in a little one-room house, one-bedroom house, and have since 1991. They finally saved up enough money in rural Riverside County to go and get a building permit to expand this house.

Guess what. The county clerk says, "I am so sorry," and she pulled out a map, "but this property is located in a study area of the kangaroo rat. Of course, since that is an endangered species, you may not develop your property."

Mr. Roe was shocked. They informed him what his alternatives were. He could hire a biologist, and that would have cost him $5,000. Of course, if the biologist found one Stephen's kangaroo rat no bigger than a person's hand, that would mean he could not do the addition unless he raised about $40,000 to buy property, some other piece of property, for the rat to inhabit.

Madam Chairman, that is not an outlandish example. This article is full of examples from around the country as to what is really going on.

The amendment of the gentleman from North Carolina, Mr. TAYLOR, and the two gentlemen from California, Mr. POMBO and Mr. CONDIT, the three who are involved in this, are trying to make sure that the owner of the property ought to have to give his or her permission before the Federal Government or their volunteers enter onto that property and make these kinds of determinations that could significantly destroy the value.

I strongly urge the Members' "aye" vote. I just want to point out, look at all the acts here that are influenced, that are affected by this National Biological Survey. It is not just the Endangered Species Act. It is the National Environmental Policy Act of 1970, the Department of Agriculture Organic Act of 1982, the 1990 farm bill, the Clean Water Act Amendments of 1987, the National Forest and Management Act of 1976.

The whole country has heard about what happened to the Pacific Northwest and northern California with the spotted owl. This is going to happen across the whole country, and it is going to be accelerated by the passage of this National Biological Survey. Vote "aye" on this amendment.

Mr. STUDDS. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, if the gentleman would like to put that quote up by Mr. Lovejoy, I would like to address it for a moment. I was very worried about that. I have seen it all over the Republican side of the aisle.

A few days ago or weeks ago, at a hearing of the Committee on Science, Space, and Technology, a distinguished Republican member of the committee asked Secretary Babbitt about that very quote, as would I have, had I seen it before today. Since it has been so prominently displayed around here, I think, in fairness to the truth and to the Secretary, one ought to know what we feel about that, since Mr. Lovejoy does not now nor has he ever worked for the National Biological Survey, or the Department of the Interior. He was on the advisory committee at the time.

The gentleman from California [Mr. CALVERT] asked Mr. Babbitt. He said, "* * * this type of comment certainly causes some concern. Would you like to comment on that?"

The Secretary's answer, and I am reading from the transcript of the hearing:

> Certainly, I have the greatest respect and admiration for Tom Lovejoy. I proceed then to disavow those remarks as not reflecting the policy of the Interior Department. I think those remarks kind of skip, you know, an enormous amount of territory. And if I could relate it to your experience in California, land use planning is not a national function, it is not an Interior Department function, it is not a Federal function. In my judgment, it should not be.
>
> In most cases, it is not even a State function. It is uniquely a local function. And to the extent that any quotations or comments imply otherwise, I simply disavow them.

So at least that ought to be able to remove from our minds, if not from the Chamber, that quote. It is not relevant and it is not the policy or belief of either the Secretary of the Interior or of any sensible person.

If I may say something to my friend, the gentleman from North Carolina, who is a valued new member of our committee, I am a little bit surprised that the gentleman is pursuing this amendment. If I were he, I would simply have declared victory and put out a statement, because most of the gentleman's original amendment as offered in the committee is in the bill before us, as the gentleman, I think, knows.

The compromise which is now our original text for the purpose of amendment includes all the major elements of the gentleman's amendment which was in the bill reported by the Committee on Merchant Marine and Fisheries, with one exception. It has most of what the gentleman asks.

It requires compliance with State law. It requires the consent and notice of entry. It requires for the provision of data collected at no cost, and it requires the publication of survey policy and private land access, including recordkeeping provisions.

The only significant element of the gentleman's amendment which is now missing is the uniform Federal requirement for written notice of entry. That is the only part of the gentleman's amendment that did not survive in the text that is now before us, so the gentleman is largely victorious, to begin with.

Let me point out to the gentleman that his amendment starts out by saying, "The survey shall comply with applicable State and tribal government laws." The gentleman then goes on in his amendment to override the aforementioned State and tribal government laws uniformly, and put in their place a uniform Federal law.

As was pointed out earlier, one does not, it seems to me, have to be an ardent advocate of State's rights to appreciate the fact that this is a very complicated situation. The gentleman quite rightly pointed out that all of us in the committee supported his amendment when we first saw it.

Then we did something which is not always characteristic of all of us, we thought about it, and we read it, and we realized that in some States, written consent is required, and in some States it is not; that in most States the rights of a tenant are protected, and that an owner does not have the right to grant access, notwithstanding the views of a tenant who is occupying the piece of property. This is an infinitely more complicated question than some Members who have spoken here may suggest.

I think that not only did we, and I think correctly, accept the gist and the spirit, I believe, and most of the substance of the gentleman's amendment, but the only part we have omitted is the part which ought to give every Member serious cause. We cannot, it seems to me, with wisdom override the property laws and the complex property laws of all 50 States with a uniform Federal requirement which may, among other things, jeopardize the rights of lessees and of tenants.

I would plead with Members to understand that the spirit of what was sought by the gentleman from North Carolina has been respected, is in the text before us, and what is now offered really will complicate and make things much more difficult.

Mr. BARTLETT of Maryland. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, let me just read what I am told the amendment says. That is that the amendment would direct survey employees to comply with State laws relating to privacy and private property, require written permission from the landowner to enter his property, and to allow landowners free access to data obtained on their property.

In thinking about this amendment and trying to put it in context, I thought back to that observation of Thomas Jefferson, that "the government which governs best is the government which governs least."

Then I thought back to that first great Republican, Thomas Jefferson, a Democrat, who said that, "Government should only do for its people what they cannot do for themselves."

Then, to try to ascertain what these gentlemen had in mind, I went back to a very small but very important document, the Constitution, to see what the Constitution says. All of the powers that are delegated to the Congress are contained here on less than those two small pages. It is section 8 of article I.

It says, and I will summarize them, "The Congress shall have power to lay and collect taxes," we do that; "to borrow money," and we do that in spades; "to regulate commerce with foreign nations * * * to establish a uniform rule of naturalization and uniform laws on the subject of bankruptcies * * * to coin money * * * and fix the standard of weights and measures; to provide for the punishment of counterfeiting * * * to establish post offices and post roads; to promote the progress of science" and the arts by establishing patents and copyrights; "to constitute tribunals inferior to the Supreme Court; to define and punish piracies and felonies * * * to declare war * * * to raise and support armies * * * to provide and maintain a navy; to make rules for the Government and regulation of the land and naval forces; to provide for calling forth the militia * * * to provide for organizing, arming, and disciplining the militia * * * to exercise exclusive Legislation" over the seat of government, talking about the District; "to make all Laws which shall be necessary and proper for carrying out the foregoing." That is all that is there.

Then I turned back to that part of our Constitution about 4 years after it was enacted, when they came back and wanted to make very sure that we understood what they meant. Let me read, and I will read the salient parts of the 10th amendment, "The powers not delegated to the United States by the Constitution are reserved to the States respectively, or to the people."

☐ 1700

So, for what the Federal Government can do we need to go back to this Constitution.

I will tell Members I have some real problems finding there authorization for this National Biological Survey. But if we put that argument aside, it is crystal clear that the Constitution requires, begs, demands the kinds of safeguards that are set forth in this amendment.

Property rights, individual rights are being more and more invaded and devastated by an ever larger and larger Federal Government which steps Congress by Congress and year by year beyond the clear bounds of this Constitution. Let us start a march in the right direction. Vote "aye" on this amendment.

Mr. TAUZIN. Madam Chairman, I move to strike the requisite number of words, and I rise in support of the Taylor amendment.

Madam Chairman, let me beg to differ with the chairman of our committee. The difference between the bill before us and the Taylor amendment is not written notice that entry has occurred. The difference between the bill and the Taylor amendment is a requirement that written consent be obtained before the entry. That is the difference.

That is not overriding State property laws. That is not an overriding of any laws of any of our States at all. All it is is a regulation of the Federal employees who are going to come on lands, and it says that before you go on private property you must get the written consent of the owner.

Let me suggest something that perhaps the authors of the bill have not thought about. It is in the interest of the Federal Government to get that written consent. It is for the protection of the Federal employee when he enters private property that he has the written consent of the owner. I want Members to imagine an unscrupulous owner who might give a verbal consent, and then all of a sudden call the sheriff to come out and arrest that nasty old Federal employee on their property without written consent. Members can imagine some rather nasty confrontations if the Federal employee is not protected in his right to be on that property and to conduct his survey, and he ought to do it with written consent. And there is nothing wrong and everything right about us saying, as a matter of Federal law, that a Federal officer should obtain that written consent before entering private property.

This is indeed a very sacred issue. People have talked about us getting all exercised about it. This is a constitutional right we are talking about, this is a sacred principle that separates our form of government and our form of enterprise from other forms of government and enterprise all over the world, many of which have collapsed in front of our eyes. One of the sacred principles of a free-enterprise system is the right to own private property and to be secure in that private property from the entry of the Federal Government.

Now if the Federal Government cannot at least agree that before it enters my property to do this survey that I sign a consent for them to come on board, then something is wrong with this bill, and we ought to be paranoid about what it is all about. When the authors of this bill refused to accept the amendment, I really got worried, I really got worried, because this amendment strikes to the very heart of the balance we have been talking about between protecting the environment of the country, and yet protecting individuals in their constitutional and civil liberties.

If we are to have that balance, let us at least have this written consent. If we are to protect Federal employees who work for all of us in this country by making sure when they enter private property they do so as authorized individuals, we ought to require that they have written consent.

If this amendment should fail, I should hope that Bruce Babbitt, our Secretary of the Interior, would require every Federal official who goes on private property to get a written consent before he goes on, with or without this amendment. But we certainly ought to adopt it. This is rather sacred territory, as sacred as the environment is to all of us, and it should be. Private property rights ought to be sacred too. This is the balance we fight for. This is the rights of individuals in America with the rights of plants and animals beside us. This is the coexisting we talk about. Written consent to protect private property rights ought to be the hallmark, the foundation of this survey. Without it, something is wrong. Without it, something is desperately missing. Without it, some Federal official is going to get in trouble, not just a private landowner.

I urge Members to adopt this amendment. It is central to making a good bill out of this survey.

Mr. CALVERT. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the Taylor amendment.

One of the most basic rights of an American is the right to own property—and to enjoy the benefits of that property.

In fact, an early draft of the Declaration of Independence referred to the rights of life, liberty, and the ownership of property.

The Taylor amendment is designed to protect this most basic right.

The National Biological Survey is yet another new agency in the reinvented, streamlined Clinton Federal Government.

It is an agency which is charged with inventorying and monitoring all plant and animal life in the United States—a job which should keep more than just a few people on the Federal payroll very busy for a long time to come.

Yes, it is true, while Secretary Babbitt insists that the NBS will only be performing inventory and monitoring work, evidence indicates otherwise. Consider this comment by Secretary Babbitt's science adviser:

> The National Biological Survey will map the whole nation for all biology and determine development for the whole country and regulate it all because that is our obligation as set forth in the Endangered Species Act.

If one didn't know better, one might think he was reading a document from the archives of the former Soviet Union.

Madam Chairman, the Taylor amendment protects both the interest of private property owners and the Government by creating a written record of the agreement to enter onto private property.

I believe that it is both a reasonable and necessary amendment, and urge its adoption.

Mr. STENHOLM. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in strong support of the Taylor amendment, which simply attempts to protect the interests of private landowners from overzealous harassment from environmental concerns.

I thought the gentleman from Louisiana [Mr. TAUZIN] made a very salient point a moment ago concerning employees. I have never known a Federal employee in my district that did not wish to get permission before they entered onto private property rights. In fact, I am having requests from those same employees to strengthen the private property rights laws so that in fact they can regain the confidence of the people that they work with, the farmers and the ranchers in my district.

Others have lost that confidence, and this amendment attempts to bring that confidence back in a very real way. I am sure that most Members of this body, at least those who represent rural districts, know of many horror stories, stories of well-intentioned laws to protect the environment having an extremely adverse impact on their constituents, whether it be private-property owners or whether it be the towns and communities that are affected by the laws that we have passed in this body.

Representing a rural agriculture-based district, I know all too well the impact that environmental laws and associated litigation have on the economy and the people. Let me be clear though: Collecting information on and preserving the environment is, without a doubt, a worthwhile goal. However, pitting the interest and needs of people against the interests of endangered species is not good policy.

I am very disappointed that the Tauzin amendment which would have simply allowed consideration of adverse economic impact regarding the subject we talked about today is not in order. Also, the idea of compensation for the taking of private property should be under consideration in this very discussion we are having today, but it is not.

The Taylor amendment is simply an attempt to put a little common sense back into what has become a very contentious issue. Opponents of this amendment contend that State and tribal trespassing laws provide adequate protection for property owners. Unfortunately, this is not accurate, and that is why this amendment is needed, to ensure that landowners, not tenants, have adequate prior notice of the National Biological Survey's entry onto their property, and can be afforded an opportunity to accompany NBS employees and its designees. Protecting and monitoring the environment can be accomplished without undermining private property rights.

Let me just briefly read the amendment.

> The Survey shall not enter non-Federal real property for the purpose of collecting information regarding the property unless the owner of the property has consented in writing to that entry, * * *

And then B and C the chairman acknowledges are already in the bill. I always get a little suspicious when someone says why are we doing this; it is already in the bill. If it is a good idea, and the Taylor amendment is an excellent idea, we cannot state it often enough in writing so that everyone interpreting this law will clearly understand what the will of the Congress was this time as we vote concerning individual private-property rights.

I urge my colleagues to support the Taylor amendment so that we can do both, protect the environment and individual property rights.

Mr. BONILLA. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the Taylor amendment. We are not talking about States rights. We are talking about a basic individual property right. We are talking about an American value that dates back to the beginning of our country. It is a right to buy property, whether it is an eighth of an acre or a million acres, and to do with it as you wish. It is your right to invite those who you want to be on your land, or to keep people that you do not want off your property.

□ 1710

Anyone who has ever visited with a farmer or rancher understands that they were the pioneers of environmentalism in this country.

You know as well as I do that they are not concerned about preserving the land to pass on the legacy of working their property on to their sons and daughters.

So it is something they are very concerned about. Anyone who thinks that farmers and ranchers are adverse to environmentalism in this country is dead wrong. They are the real environmentalists and are more interested than anyone else in this country in preserving the environment of this country. Let these true environmentalists use their judgment. Don't impose the agenda of activists who would destroy their freedom and way of life.

This amendment protects the freedom of farmers and ranchers to continue to say, "Stay off our land," vote for freedom and real environmentalism—vote for the Taylor amendment.

Madam Chairman, I yield back the balance of my time.

Mr. CONDIT. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in strong support of the amendment I am offering with my colleagues, Mr. TAYLOR and Mr. POMBO.

In just the past 2 years, regulatory takings of property by Federal agencies have become a matter of substantial concern to Congress. Eleven separate bills were introduced during the 102d Congress, while eight bills have been introduced during this Congress. The reasons for these Congressional responses are obvious.

Government policies intended to protect the environment have interfered with the constitutional rights of private landowners. In 1990 alone, 53,000 pages of Federal Government regulations were issued on the use of private property. It is not hard to imagine that these regulations have placed severe limitations on private property use. In addition to limiting property use, Federal regulations have reduced land values while creating economic uncertainty and hardships for property owners.

If enacted, this important amendment would reduce the risk to property owners that are willing to help avoid these problems if they are included in the solutions. It is a simple mechanism which will cause Federal agencies to receive written consent from the landowner to enter onto his or her property. This important amendment, which was unanimously approved by the House Merchant Marine and Fisheries Committee, and serve as an effective tool in the application of the National Biological Survey and may make it more efficient since it will require Federal agencies to better understand the result of their actions. We have come to a turning point in environmental regulatory policy. Regulators must not be allowed to turn capable stewardship into a liability by removing or infringing on landowners constitutional rights.

Again, I would like to encourage your support for this important amendment in the effort to secure the rights of individuals and not allow regulators to intrude on landowners capable stewardship of his or her land.

Madam Chairman, I encourage and call upon my colleagues to support this amendment.

Mr. POMBO. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I would just like to for a minute kind of bring us back into focus about what we are talking about with this amendment. It is a very simple amendment. Granted, I thank the chairman of the committee for accepting much of the language which was included in the amendment as it was originally brought up, but it is a very simple amendment. It asks for consent in writing before entry.

After providing that consent, you have to let the landowner know when you are going in. You have to allow the landowner to have that information.

It is a very simple amendment, it is not controversial.

I received several faxes in my office since we started this discussion, one from the California Farm Bureau supporting this; one from the National Association of State Departments of Agriculture, saying that this in no way conflicts which State private property laws or trespass laws; another from the National Inholders Association, which states that it will merely provide the additional protection to private landowners of requiring written permission from the landowner before an agent or employee of the National Biological Survey enters private property. It in no way preempts State laws.

Now, it has been brought up earlier during the debate in the conversation over this about what we are afraid of, why are we bringing this up, why are we insisting on written permission?

Well, I would like to bring out another fax that I got from one of my constituents which just came to my office. It deals with two employees of the California Fish and Game. This is their field notes after going out and trying to obtain information. It says:

> We entered Granite Construction Co. headquarters immediately E of the bridge that

crosses the Sespe River to gain access to the superb, but dry riparian habitat that we found on 30 June. The boss, Chris somebody or another, told us there was an insurance problem with our presence there and besides he had hired some guy from Santa Barbara to look for Bell's Vireo 2 or 3 years ago who had not found birds but certified that the habitat was suitable. I assume this reference was to Paul Lehman. Granite Construction is planning a massive rock mining project in the entire river bed from Santa Paula to the green bridge (hwy 23 at Fillmore). Currently the project is in the EIR process. We were denied access unless we had insurance and since we had chose not to identify ourselves as Cal F&G employees we left. We decided to enter the same area from the South side of the river.

So, in effect, what they are saying is, "We could not obtain permission from the landowner, because of a problem with liability insurance. So we solved that problem by going around to the back of the ranch and entering the property by crossing the river."

So what are we afraid of? We are afraid that the National Biological Survey and its employees are going to do exactly that, they will find a way to get around the local laws; they will find a way to enter the property.

If we require written permission of the employees of the Federal Government, then we can have something that we can go back on those employees and say, "Did you receive written permission before you entered that property?"

These are basic private property rights, not something way out. This is basic, noncontroversial.

NATIONAL INHOLDERS ASSOCIATION (NIA) MULTIPLE-USE LAND ALLIANCE (MULTA), NATIONAL HEADQUARTERS,
Battle Ground, WA, October 6, 1993.
Hon. Mr. RICHARD POMBO,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE POMBO, the argument advanced by Representatives George Miller, George Brown, and Gerry Studds in their undated "Dear Colleague" letter that the Taylor-Condit-Pombo amendment will somehow "undermine private property rights" is so ludicrous that I can only question the sincerity of those gentlemen.

Agents and employees of the National Biological Survey must abide by State and local laws regardless of whether the Taylor-Condit-Pombo amendment becomes law. The Taylor-Condit-Pombo amendment will merely provide the additional protection to private landowners of requiring written permission from the landowner before an agent or employee of the National B. S. enters private property. It in no way pre-empts State law.

The Taylor-Condit-Pombo amendment is necessary for several good reasons. The Department of the Interior has a terrible record of violating and disregarding the civil rights of private property owners. State laws on trespass vary a great deal from State to State and in many States are difficult to enforce. Requiring written consent will draw a clear line for agents and employees of the Survey and landowners alike. This will greatly help to reduce misunderstandings, disputes, and legal violations. Written consent to enter private land is far superior to oral consent because it cannot descend to the level of a shouting match in which the landowner claims, "No, I didn't say you could survey my property" and the NBS's agent or employee claims, "Yes you did". Because the NBS will be able to produce written permission when challenged by landowners, we foresee that this provision will avoid a great number of lawsuits.

Requiring written consent to enter private land is also necessary because many of the NBS's site surveyors will not be Federal employees, but members of co-operating groups such as the Nature Conservancy, the Sierra Club, and the Wilderness Society. These private individuals cannot be expected to have the same level of skill and experience in following complex governmental regulations as do Federal employees. These private individuals need a simple, bright-line test for whether they are respecting the property and privacy rights of private property owners. We believe that requiring written permission is sufficiently clear and simple to provide adequate protection to the civil rights of private property owners.

Yours sincerely,

MYRON EBELL,
Washington Representative.

NATIONAL ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE,
Washington, DC, October 6, 1993.

DEAR REPRESENTATIVE: During floor debate today of H.R. 1845, the authorization of the National Biological Survey, Representatives Charles Taylor, Gary Condit and Richard Pombo will offer an extremely important amendment to protect private property rights. The National Association of State Departments of Agriculture (NASDA) strongly supports the amendment. NASDA is the nonprofit association of state public officials representing the Commissioners, Secretaries and Directors of Agriculture in the fifty states and four territories.

The Taylor-Condit-Pombo amendment does NOT in any way undermine State and Tribal property rights in your state. Subsection 6(a) of the amendment specifically requires compliance with State and Tribal laws. The amendment simply protects the private property rights of the landowner.

NASDA respectfully requests that you protect the private property rights of your constituents and vote for the Taylor-Condit-Pombo amendment. The amendment protects landowners and, in the opinion of the state agricultural officials, does not impact State and Tribal property rights law—it only enhances landowner protection.

Sincerely,

MARK C. NESTLEN,
Manager, Legislative and Regulatory Affairs.

CALIFORNIA FARM BUREAU FEDERATION,
Sacramento, CA, October 6, 1993.
Hon. RICHARD POMBO,
U.S. House of Representatives,
Washington, DC.

DEAR RICHARD: The California Farm Bureau Federation supports the proposed Taylor amendment to H.R. 1845 (National Biological Survey). We encourage the reinstatement of this amendment to protect the property rights of our state's landowners.

The amendment proposed by Taylor requires that any agency personnel conducting a biological survey must first obtain specific written permission to enter private property and that all data collected will be available to the landowner at no cost. This amendment was approved unanimously in the Merchant Marine and Fisheries Committee but was then weakened by amendments.

The California Farm Bureau supports this amendment and we encourage you as a representative of California to encourage the passage of this and any other amendments that protect private property rights.

Sincerely,

BOB L. VICE,
President.

Mr. LAUGHLIN. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in strong support of the Taylor amendment. I find it disturbing that here we are only trying to ask for written permission to go into one's property. There is not a person in this room who would give any thought to going into a person's house or apartment without permission. There are several basic reasons why we ought to have written permission to go on one's property.

When I was growing up in my area of Texas, we called the enemy in this country the IRS and the Communists. Well, because of so much action, they, the enemy now has become, very tragically, in my opinion, the EPA and the Fish and Wildlife, who, in many, many instances are trying to do what is good for America and good for our people, but when landowners are constantly getting barraged in the way they are, they want to know who is on their property. That is only a matter of decency, Madam Chairman, because in some places there are unsafe conditions on the property.

☐ 1720

I know of no landowner that would not give a warning to dangerous conditions on the property. I think it is only right that if we are going to stand here in this country and say to a landowner, "You need to pay taxes and you need to obey the laws of this country," why should it be such a big thing to ask that we require our Federal employees to get written permission to go on the property.

The last point I would make, Madam Chairman, is one of safety for our own Federal employees. Very tragically last year a landowner in my State, indeed in the district that I represent, shot with a shotgun a Federal employee who was on his property, and we do not need that happening either to the employee or to the landowner who did not know who was on his property.

So Madam Chairman, I think it is a very sound amendment and I urge support for the amendment.

Mr. GILCHREST. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in overwhelming support for most of the amendment of the gentleman from North Carolina [Mr. TAYLOR]. The part of the Taylor amendment that I support I will read in part that is already contained in the bill, and that is:

> Consent and notice requirement. The policy developed under paragraph (1) shall require that before entering non-Federal real

> property for the purpose of collecting information regarding the property, the survey shall obtain such consent for that entry as is required under state and tribal government law.

It goes on to list some other things for which I have strong support.

What I want to do is explain to the gentleman from North Carolina [Mr. TAYLOR] those reservations I have on his amendment. Then maybe after my 5 minutes, the gentleman from North Carolina [Mr. TAYLOR] can talk to me and alley some of those fears.

But basically, No. 1, written consent—well, consent on the part of all States is already there for someone to enter someone's private property, and many States already have written consent. Those States that do not have written consent under certain circumstances are unique to that State and are applicable to that State and are good for that State, and for this Federal Government to uniformly ignore the various unique circumstances in the different States I think is unconscionable.

The amendment of the gentleman from North Carolina [Mr. TAYLOR] adds more paperwork. The amendment of the gentleman from North Carolina [Mr. TAYLOR] is more intrusive in a number of people's lives in my district. Property rights are protected in this bill.

This amendment as far as I am concerned is not needed because what is addressed in the bill adequately provides what is fundamental to freedom in the United States and those rights which are fundamental are private property rights.

The last reservation I have about the bill is this amendment actually violates the rights of some people in my district. My district is rural. There are many farms in my district and many of those farms are owned by people from Columbia, South America, or Germany, or Japan or various other countries outside of the United States where the owners reside, and many of my constituents have farmed that land for as long as 40 years. It is their home. It is their towns. It is their sheep, their hogs, their chickens, and to ignore those tenants because they have lived there, but do not actually hold the title or the deed to that property, I think violates their rights or ignores them at the very least.

Now, if the property owner or the farmer owns that land, then that owner is notified, but I have many tenants on many farms who are due a certain amount of respect.

I want to make a couple of other comments to Members who have talked about this survey being unneeded in the first place, and that is ask the private property owner in many parts of this country why he cannot drink his water. Ask many private property owners around this country why they cannot swim because the beaches are polluted, the lakes are polluted or the rivers are polluted.

Ask the people in Baltimore Harbor why they cannot eat the oysters that you dredge out of Baltimore Harbor, or Boston Harbor.

Ask the landowner who is environmentally inclined, who is a good steward of the land why that person who was not a good steward of the land polluted his land and it came down and ruined his land or his drinking water or his farm. Landowners must be protected from pollution caused by irresponsible landowners.

In a survey such as this, we should not be afraid of this survey. This survey is going to give us an idea of what is there, of how important the wetlands are or the ground water is, or in my region why the Chesapeake Bay is productive and the economy is good if the government is clean.

This survey is going to give us a sense of those things.

So I say to the gentleman from North Carolina [Mr. TAYLOR], I overwhelmingly support most of his amendment and the part of the amendment that I support is already contained in the bill.

Mr. CUNNINGHAM. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, it is with all due respect that my colleague who represents the area of Centreville on which I hunt and fish and has many, many farmers in his district, the gentleman from Maryland [Mr. GILCHREST] is wrong on this particular issue.

I would also like to thank the chairman of the Committee on Merchant Marine and Fisheries, the gentleman from Massachusetts [Mr. STUDDS]. We hosted an Environmental and Endangered Species Conference up in Sacramento, CA. There the chairman made the statement when he looked out in the audience and saw individuals with Earth First buttons on, he also saw people there with People First buttons on. He made the statement that it was his goal to bring both of those buttons together where each individual could wear both buttons, both for Earth and for people.

Unfortunately, quite often in doing that it is like trying to bring a Persian and Siamese cat together, that you often get scratched in doing that.

I look at history and especially the history of the State of California where several cases have been brought up that private property abuses have taken place. In California we are not talking about 1 or 10 or 100, we are talking about hundreds of thousands of abuses by environmental groups on private property. Whether you want to build a highway, a water storage area, if you want to develop your own property, the agenda of some of the environmental groups has not been in the best interests of private property or private owners.

A written account to be obtained to enter property is different than entering that property and then coming back and saying, This is why I entered your property.

I know in the case of my own ranch that if someone entered my property, and there are wells on that property, if someone fell through that well, and there are certain areas on my ranch that I have no doubt you are going to get snake bit that I would want to notify those folks of those dangers, because if something happens to them I am liable as a private resident and before they would enter that property, I think it would be in the best interests of those people to tell them the things that could happen.

The gentlewoman from Nevada came up and made a statement that most of her State is controlled by the Federal Government. Very few, I think it was 13 percent is owned by private citizens.

In California, we have such things as the California desert bill which is coming up, which is again an attempt by the Federal Government to control the lives of individuals and take over their property.

It is not unreasonable to ask that before someone comes on to your property that they have written permission. Think about if you had a home and the same thing, before someone walked into your house I think you would want written permission before that person enters. It is no different than property or land that you own to do this.

This does not preempt State laws. It is well reasoned, and I would ask my colleagues to support the Taylor-Pombo-Condit amendment.

I would also send kudos to my friend, the gentleman from Louisiana [Mr. TAUZIN]. My cousin, Jerry Cunningham, in Centreville, actually Morgan City, LA, would be very proud of him on this issue.

Mr. STUDDS. Madam Chairman, I move to strike the requisite number of words.

I wonder if we could informally get some indication of how many Members still wish to be heard on this amendment.

Mr. FIELDS of Texas. Madam Chairman, if the gentleman will yield, as I understand we have these remaining speakers: myself, and Messrs. EMERSON, ROBERTS, HERGER, YOUNG of Alaska, CRAPO, and WALKER.

Mr. STUDDS. In that case, I think we could accommodate everybody if I ask unanimous consent that all debate on this amendment and all amendments thereto terminate at 6 o'clock.

Mr. FIELDS of Texas. Madam Chairman, if the gentleman will yield further, I would ask that the numbers I have just mentioned get the 5 minutes, and that would put us right at 6 o'clock.

Mr. STUDDS. Madam Chairman, would the gentleman be willing to give us unanimous consent that that would be it? We will accommodate, as I understand it, all Members who wish to be heard.

Mr. FIELDS of Texas. If I could repeat the names, they are: Messrs. FIELDS of Texas, EMERSON, ROBERTS, HERGER, YOUNG of Alaska, CRAPO, and WALKER.

☐ 1730

Mr. STUDDS. That is seven.

The CHAIRMAN. Is there objection to the request that all debate cease at 6 o'clock with the time divided equally among those who are standing to be recognized?

There was no objection.

The CHAIRMAN. Without objection, the time for debate will close at 6 o'clock, with those named to be recognized for time equally divided, between now and 6 o'clock.

The Chair recognizes the gentleman from Kansas [Mr. ROBERTS] for 4 minutes.

Mr. ROBERTS. Madam Chairman, I want to thank the gentleman from North Carolina [Mr. TAYLOR] for his leadership in sponsoring this amendment, and, in listening to the debate on this issue, I am once again reminded of the story of the knock on the door, and the person says, "Hello, Mr. Farmer, Mr. Rancher, I'm from Washington, I'm here to survey your farm, and I'm here to help you."

Madam Chairman, I urge my colleagues' support of the Taylor amendment. It is not going to win, as the distinguished chairman of the full committee and the distinguished chairman of the Environmental Subcommittee have pointed out. It is not going to win the battle on property rights. However, it is a very important step in the appropriate direction before we address this issue in other environmental statutes that have a bearing on the environment and one that will assure our constituents that we are really looking out for their rights in each and every possible case.

Now I had hoped that we could approach this amendment and this whole issue, not as adversaries, but as partners. I worked with the distinguished chairman some years ago in working out a compromise in conducting a proper inventory of endangered species, and we were concerned with the application of insecticides and fungicides and pesticides, and I would hope we could do the same.

Basically what this amendment addresses is this, and it is very simple:

Farmers and ranchers have a right to know who is on their land and what type of information is being gathered by a government representative.

Now the gentleman from Maryland [Mr. GILCHREST] has indicated in a lengthy colloquy of questions to the author of the amendment that he agrees with the amendment, that he has some problems with unique intrusion, that on the Eastern Shore we have a lot of foreign ownership in regard to farm tenants. I would suggest to the gentleman from Maryland why that might be a unique intrusion. Simply use the fax, and the tenant could fax the requirement to the property owner, and we could get it back and sign it because that is a very small portion of the concern that I think we have in regard to property rights.

In August I went to each of my 66 counties in the big First District of Kansas. It took me 5,000 miles and 3½ weeks, and the No. 1 concern on people's minds in the business community and farmers and ranchers, was that this business of mandates being passed along by the Federal Government, unfunded mandates, that that must stop, and a mandate to survey the private property of a farmer rancher which could be a threat to those property values should only occur with the express written consent of the property owner. That is what this is about. Why are we upset?

I have a list of 15 requirements that the farmer already has to go through at the ASCS office or SCS office: The voluntary conservation plan, the conservation compliance plan, the conservation reserve program plan, the agricultural conservation program plan, the water quality incentives project plan, the Watershed Protection and Flood Prevention Act land treatment in regard to watershed plan, the Great Plains conservation program plan, the wetlands reserve program plan, the water bank program plan, integrated farm management program plan, the Colorado River salinity control program plan, the wetlands restoration mitigation plan, the rural clean water program plan, rural abandoned mine program plan, and the stewardship incentive program plan.

We are planned out of agriculture.

They say, "What on earth do you do passing all these Federal regulations and redtape, saddling us with more things that have questionable cost-benefit ratios?"

And so the very least we can do, it seems to me, is to pass this amendment to give that individual property owner the right to determine whether or not somebody comes on his property.

I say to the gentleman, "Thank you, Mr. TAYLOR. Thank you very much on behalf of my farmers and ranchers, and let's support the amendment."

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. HERGER] for 4 minutes.

Mr. HERGER. Madam Chairman, I rise in strong support of the amendment offered by the gentleman from North Carolina [Mr. TAYLOR] to H.R. 1845. This amendment was unanimously approved in the Committee on Merchant Marine and Fisheries but was later stricken in the bill. I find that amazing, since the amendment's intent is simply to ensure that this survey is conducted in accord with our basic constitutional rights. it simply protects private landholders. It would ensure that the National Biological Survey and those working for it would comply with State laws relating to privacy and private landholders. It would ensure that the National Biological Survey and those working for it would comply with State laws relating to privacy and private property. What's wrong with that?

It would also require written permission from the landowner for the NBS to enter private property to conduct their work. Again I ask, "Why shouldn't the survey takers obtain the landowner's permission before they enter their farm or ranch?"

Finally, the amendment allows the landowner free access to the data obtained on his property. If a survey is taken on someone's land, is it not reasonable that the property owner be given access to the information that is developed?

This commonsense amendment holds Federal employees to a strict standard in order to avoid disputes and to foster an environment of trust between NBS employees and the public. Is it not worth our while to take this step to avoid creating an adversarial relationship between landowners and those who are conducting this survey?

These provisions are vital both to protect property and private rights.

Written consent will actually encourage a spirit of cooperation between landowners and the NBS. Without this cooperation, the NBS cannot possibly adequately survey the biological resources on 70 percent of the United States that is not federally owned, unless they adopt draconian measures which are at odds with normal practices in a democratic society.

Madam Chairman, without amendments like the one offered by the gentleman from North Carolina, this bill will target family farmers, ranchers, and timber communities for economic ruin. Those of us who represent areas in northern California and the Pacific Northwest whose communities have already been devastated by the spotted owl controversy know full well the destructive impact that another bureaucratic office in Washington can have on the economic vitality of our region. Without this amendment, H.R. 1845 will further erode property rights and impoverish rural communities.

Later on today or tomorrow, we will be considering another extension of unemployment benefits. We would need to extend these benefits indefinitely if we continue passing legislation that freezes out economic activity in our rural communities. There will be no jobs in places like northern California if the Federal Government continues locking up more and more of our land

and continues to disregard the basic rights of property owners to the productive use of their land.

I urge my colleagues to show their support for the basic constitutional right to own private property by supporting this amendment.

□ 1740

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Madam Chairman, of course this bill is about property rights. I rise today in strong support of the Taylor amendment and in strong opposition to this next major Federal infringement on private property rights, the bill before us.

According to this insidious measure, the Department of Interior will set up a new Government bureaucracy that will count and monitor every species of plant and animal nationwide. In other words, we are going to do a census on bugs and ants.

The thrust of this legislation sounds more like a science fiction novel, and I am indeed deeply troubled that today this body is moving to make this farfetched notion a reality.

This National Biological Survey is nothing more than an attack on the principles of the fifth amendment of the U.S. Constitution, and it is everything that a radical preservationist could ask for. The purpose of this Survey goes far beyond counting plants and animals. It could easily prove to be a private property owner's worst nightmare. Ultimately a National Biological Survey will lead to the establishment of a militant eco-Gestapo force, with little regard for the constitutional protections of private property ownership.

Soon the day could come when a Government bureaucrat steps on a farmer's lands and shuts down his farming operation; or, worse, seizes private property in the name of environmental protection. Perhaps some farmers have an endangered bug in their corn or their cotton fields, or their livestock may be grazing on a hillside where a so-called endangered plant might be harmed.

To many in southern Missouri who have dealt with agencies of Government, particularly in wetlands determinations, this is already—already—a familiar and frustrating occurrence. These things about which you may think I am a little paranoid do occur. That word "paranoid" has been used here a lot today, and I am here to tell you that a little paranoia is justified. It is healthy.

A National Biological Survey potentially will cost taxpayers millions, enhance yet another unrestrained Federal bureaucracy, and give radical environmentalist elitists greater control over private property and what you can, or cannot, do with it.

The last thing this Nation's taxpaying property owners need is the Federal Government snooping around your backyard, particularly when it already has its hands so deeply into your pockets. It is high time Federal bureaucrats and out-of-touch Government realize that it is private property rights that have become the endangered species.

Madam Chairman, I ask this body to reject further Federal intrusion on the lives of everyday taxpayers. The Taylor amendment, and I want to commend the gentleman from North Carolina [Mr. TAYLOR] for offering this amendment, will help turn back this nonsense. It will help to protect our fifth amendment guarantees, and I urge its adoption.

Mr. CRAPO. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I appreciate the opportunity to stand in support of this amendment. As a cochairman of the Republican task force on private property rights with the gentleman from California [Mr. POMBO], we are looking across this country at the impact of Federal actions, Federal statutes, and Federal regulations on private property owners throughout the country.

I congratulate the gentleman from North Carolina [Mr. TAYLOR], the gentleman from California [Mr. CONDIT], and the gentleman from California [Mr. POMBO], for bringing this amendment on this particular piece of legislation, to raise once again this issue, as it should be raised again, and again, and again, each time that the Federal Government seeks to take action, as is so frequently done, that will impact the rights of private property owners.

Why is there such a stir about this request? The amendment would require that the Federal Government obtain permission from private property owners to go on their property and notify them when it goes on their property.

It is surprising to me, the stir against it. In fact, I am holding in my hand a form that the Department of Interior currently uses, which is one that allows them to obtain permission and consent to go on private property for purposes when the Bureau of Land Management needs to do so. It is a practice that the Federal Government is aware of, that departments of the Federal Government are now participating in, and it is entirely reasonable and appropriate.

As has already been said here, we have a constitutional protection in this country for the right to own private property, and we must be diligent to protect it. There are statute after statute which now are coming down the line which are piece by piece whittling away against that private property right. It is happening at the State level, and, in the State from which I have come, we have fought for the last 3 or 4 years to get legislative protection of private property rights, as agencies and legislatures continue to move forward in putting the Government more and more into the lives of individuals.

This is a commonsense amendment. It will protect against intrusions on private property rights and simply require the Federal Government to ask permission when it goes onto the land of private property owners.

Madam Chairman, I encourage the support of this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Madam Chairman, there is little I can add to what has already been said in favor of this amendment. This is an issue about private rights, public rights, and the rights of the private landholder.

Madam Chairman, it is ironic to me that in the Committee on Merchant Marine and Fisheries that the Taylor amendment passed unanimously. I said at that time I was inclined to support the legislation, until it came to my committee, the Committee on Natural Resources. Somewhere, somehow, some people were encouraged to change a fairly decent piece of legislation to what we have before us today.

Now, I think I know where those ideas came from. I would like to quote an individual that works for the Department of Interior.

> Note that we strongly recommend against the adoption of regulations that would permit landowner objection to thwart the evaluation process, to dedesignate established landmarks * * *, or to force the destruction of site-specific file information. A site's significance is a characteristic of the land unrelated to everchanging patterns of ownership. As "the Nation's principal conservation agency," the Department of Interior should remain unconstrained in its ability to determine and report on the significance of natural areas throughout the nation.

This is from George Frampton, writing as president of the Wilderness Society. He is now the Assistant Secretary for Fish, Wildlife, and Parks. These are the people that want to implement this legislation.

Madam Chairman, I have also heard that there are those that say, "Well, don't worry. We won't do it. We won't hurt private landowners. We won't go on their property." But there is an audit report here on the U.S. Department of Interior by the Office of the Inspector General, a final report dated December 5, 1991. I will cite one instance.

> The Park Service may have violated the property rights of over 2,800 private landowners because the evaluation, nomination, and designation process may not have been conducted with the landowners' knowledge and consent.

Madam Chairman, that is happening today, right now.

The crux of this issue is to protect the landowner's rights to his privacy. We have adopted some amendments today that will help this to occur, and I commend those authors for offering their amendments.

But this is the crux of this total bill. If you want this to work, then you have to adopt the Taylor amendment. You have to have the Taylor amendment.

Madam Chairman, I told my chairman that if we do not appear and in actual fact protect the private landholder's rights, this bill will never become law. We have heard a lecture on the Constitution and we have heard people talk about private rights and why anybody would object to this amendment. I do not know. Some people say it is not necessary, we do not need it. If you do not need it, adopt it. Accept it. Because it does give the feeling to those people that have private land that they are being protected.

☐ 1750

Madam Chairman, I think it is vitally important that we adopt the Taylor amendment. I commend him for offering this amendment. If we do not adopt the amendment, we have neglected our constitutional duties.

I can remember standing down in this well, taking the oath of office to uphold the Constitution of America. In that Constitution is to protect the private rights of individuals and their lands that they own.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS of Texas. Madam Chairman, I rise in strong and enthusiastic support of the Taylor amendment to the National Biological Survey Act of 1993.

The protection of private property is one of our Nation's most fundamental and inalienable constitutional rights. It is a sacred right our forefathers fought to defend and today we can vote to ensure that this right is not trampled.

The Taylor amendment is neither a new nor is it a radical idea. In fact, it was adopted unanimously by the Merchant Marine and Fisheries Committee during our consideration of this legislation.

The purpose of this amendment is clear and it is very simple. It would only require that agents of the National Biological Survey obtain written permission from the property owner before they enter the private property and that they provide landowners access to the data obtained on their property. That is not an onerous requirement, and I want to repeat it so that all Members understand what this amendment does. It requires that agents of the National Biological Survey obtain written permission from the property owner before they enter that private property and then that they provide landowners access to the data obtained on their property. Again, that is not an onerous requirement.

We have heard arguments that written notification is burdensome, unnecessary, and that it preempts State law. Those arguments are absolutely wrong.

What this amendment does, however, is to hold Federal workers to a consistent and nationwide standard. State and trespass laws vary throughout the country. By adopting the Taylor amendment, we ensure that property owner rights are not overlooked.

Let me use some examples of why this is important.

In 1988, Mrs. Katherine Espy of Texas received a letter from the U.S. Fish and Wildlife Service indicating that the little aguja pondweed had been found on her ranch. Mrs. Espy did not pay much attention to this letter until the species was added to the endangered species list.

Madam Chairman, this weed can only be differentiated from other nearly identical pondweeds by a botanist using a microscope. The information used to list this plant came from only three observations in the mid-1980's.

The first observation was by a professional botanist who recommended against listing the plant. The second observation was made by a graduate student who had misidentified a similar plant as a little aguja while trespassing on Mrs. Espy's private property. And the third observation was made by an undergraduate who alone recommended listing. Mrs. Espy sorrowfully advises other landowners to be very selective about anyone you let on your property, especially Government agencies.

Madam Chairman, we have had a lengthy debate today. I hope we have demonstrated to the Congress and to my colleagues that even when the Committee on Merchant Marine and Fisheries disagrees, we do not have to be disagreeable. But it is important to focus in on what this amendment really does. And what it does is provide protection to the landowners, the people who make up our constituencies across America.

I think this amendment is important. I, too, want to congratulate the gentleman for offering this amendment today. It is an important amendment, and I urge my colleagues to vote in support of the Taylor amendment.

Mr. McCANDLESS. Madam Chairman, I rise in strong support of the gentleman's amendment. The effect of this amendment would be to restore some measure of confidence among the citizens of our country, to send a message that they still matter. That their rights are not secondary to the agenda of a faceless Government bureaucracy. That the Government will have to ask permission to conduct research on their land, and make that information available to them. This is not too much to ask, and it is a great deal more respect than individuals are now afforded under the Endangered Species Act.

I must say, Madam Chairman, that while I wholeheartedly support this amendment, I am skeptical as to the need and purpose of a National Biological Survey at this time.

It is clear to those of us who represent rural areas and wide-open spaces that the Endangered Species Act has run amok. It is difficult for me, and many of my constituents to understand the need for a NBS, when the legislative tool upon which it is to be based, the ESA, is in dire need of service. Perhaps the argument should be made that we ought to reauthorize the ESA before expanding the environmental bureaucracy with an NBS.

Recognizing that this is unlikely to occur, I would like to briefly share with my colleagues a few reasons why this amendment is absolutely necessary to a NBS. In the Anza Valley region of my district 1 day last year, a Native American constituent of mine was in the process of disking and planting a field to oats. This field is located on his reservation, and has been under continuous cultivation for over 30 years.

On that day, officials from the Fish & Wildlife Service entered his property without permission and ordered him to stop cultivation. His offense? Potentially destroying habitat of the Stephens' kangaroo rat. I should point out also that his property was not within any proposed habitat area, of which there are several in the region. Yet he has been unable to cultivate his crop, and has not received any compensation.

Further west, in the Winchester Canyon area, there lives a fine family whose home and 5-acre lot had the misfortune to be included, without their knowledge, in a study area for the very same K-rat. As a result of this inclusion, the value of their home and property has been devalued considerably, well below a fair market appraisal. In effect, their land has been condemned. Who wants to buy land which cannot be improved in any way? Now, they are in dire financial straits, with no recourse.

I know that many of my colleagues can tell similar stories, with equally depressing endings. My purpose here is to stress that if we are going to create an NBS, then we should damn well make sure that we do not do so at the expense of those whom we represent. We cannot exclude people from this process, and we cannot take them and their lives for granted. This has happened for too long, and it needs to stop. We can take a big step toward improving the situation by passing this amendment. I urge my colleagues to support the Taylor amendment.

Mrs. BENTLEY. Madam Chairman, the Taylor amendment is important to maintain the balance between the rights of property owners and the need for the Government to learn more about the different species which inhabit our country.

I have listened to the debate and have heard several people claim that this amendment usurps States rights. I believe this is a tortured reading of the amendment.

Section A states the survey shall comply with all applicable State laws.

That seems simple enough to me. However, the argument has been put forward that section B, by requiring written consent, establishes a Federal right of entry to private property.

However, Mr. TAUZIN correctly stated that this is a requirement on the Federal worker to obtain written permission. This is a mandate on the Government—not the private property owner.

Further, it has been suggested that this measure compromises the rights of tenants. I must point out—if a tenant allows entry and the property diminishes in value, his or her rights may not have been compromised—but there can be no question the property owner has been affected.

Before any dimunition of value is allowed, the property owner must have the right to be brought into the process.

Without the Taylor amendment, property owners are becoming a vanishing breed without any rights.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. TAYLOR].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of North Carolina. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 309, noes 115, not voting 14, as follows:

[Roll No. 485]

AYES—309

Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Carr
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fawell
Fazio
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Geren
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kyl
Lambert
Lancaster
Lantos
Laughlin
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Machtley
Manzullo
Margolies-Mezvinsky
Martinez
Mazzoli
McCandless
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Menendez
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Natcher
Neal (NC)
Nussle
Oberstar
Obey
Ortiz
Orton
Packard
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Scott
Sensenbrenner
Sharp
Shaw
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Traficant
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—115

Abercrombie
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Becerra
Beilenson
Berman
Blackwell
Bonior
Brown (CA)
Cardin
Clay
Clayton
Collins (IL)
Coppersmith
Coyne
de Lugo (VI)
DeLauro
Dellums
Deutsch
Dingell
Dixon
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Farr
Fields (LA)
Filner
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gonzalez
Gutierrez
Hamburg
Harman
Hastings
Hinchey
Hoagland
Jefferson
Johnston
Kennedy
Kennelly
Klein
Kreidler
LaFalce
LaRocco
Levin
Lewis (GA)
Lowey
Maloney
Mann
Manton
Markey
Matsui
McDermott
Meehan
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley
Moran
Morella
Murphy
Nadler
Neal (MA)
Norton (DC)
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Rahall
Rangel
Reed
Reynolds
Richardson
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Schumer
Serrano
Shays
Shepherd
Skaggs
Stark
Stokes
Studds
Synar
Torres
Towns
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Woolsey

NOT VOTING—14

Ackerman
Borski
Conyers
de la Garza
Derrick
Faleomavaega (AS)
Flake
McCloskey
McCurdy
Oxley
Pomeroy
Romero-Barcelo (PR)
Torricelli
Yates

□ 1814

Mrs. KENNELLY, and Messrs. SHAYS, MANTON, and SCHUMER changed their vote from "aye" to "no."

Mr. LAZIO changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. PALLONE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. MORAN] having assumed the chair, Mr. BAESLER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1845) to establish the Biological Survey in the Department of the Interior, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. POMEROY. Mr. Speaker, I was necessarily absent due to a death in the family. I was attending the funeral of my father-in-law, Ward Kirby.

Had I been present during today's session, I would have voted as follows:

On rollcall vote 482, I would have voted "no."

On rollcall vote 483, I would have voted "yes."

On rollcall vote 484, I would have voted "yes."

On rollcall vote 485, I would have voted "yes."

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2739, AIRPORT AND AIRWAY IMPROVEMENT ACT AUTHORIZATION, FISCAL YEARS 1994, 1995, AND 1996

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-277) on the resolution (H. Res. 269) providing for consideration of the bill (H.R. 2739) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

AMENDING DEFINITION OF RURAL COMMUNITY FOR ELIGIBILITY FOR ECONOMIC RECOVERY FUNDS

Mr. VOLKMER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1508) to amend the definition of a rural community for eligibility for economic recovery funds, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. ROBERTS. Mr. Speaker, reserving the right to object, under my reservation of objection I am delighted to yield to the distinguished gentleman from Missouri [Mr. VOLKMER] to explain the bill.

Mr. VOLKMER. Mr. Speaker, if the gentleman will yield, S. 1508 addresses a technical problem that has arisen with the implementation of the 1990 farm bill provision to assist national forest-dependent rural communities.

The 1990 program was developed by our distinguished former colleague from the State of Washington, Sid Morrison, who served as the ranking minority Member on the Forests Subcommittee at that time. The program was designed to assist rural communities located in or near national forests—and economically dependent on forest resources—by aiding in the diversification of their economic bases.

The Pacific Northwest region has been hard-hit by the changes that are taking place in forest management practices, and this program is needed to help communities in the region make the transition from forest product-based industries.

President Clinton has sought to utilize this program in his plan to improve the management of the Northwest's national forests. Unfortunately, the definition of the term "rural community" in the 1990 act has proven to be overly restrictive and many areas that are deserving of aid would be ineligible. For example, unincorporated communities would not be able to receive aid under the program, despite their reliance on forest products.

To correct this problem, Senators HATFIELD and MURRAY introduced S. 1508, to broaden the definition of "rural community". Similar legislation has been introduced in the House by Representatives PETER DEFAZIO, BOB SMITH, and JAY INSLEE. The Agriculture Committee has no objection to this technical change in the act, and so we seek the approval of the House of S. 1508.

Mr. ROBERTS. Mr. Speaker, the minority concurs entirely with the remarks of the distinguished subcommittee chairman.

Mr. DE LA GARZA. Mr. Speaker, S. 1508 amends the definition of the term "rural community" for the purpose of determining eligibility for economic recovery funds under the National Forest-Dependent Rural Communities Economic Diversification Act of 1990. The bill is identical to H.R. 3172, which was introduced by Congressmen DEFAZIO and SMITH of Oregon and Congressman INSLEE of Washington.

During consideration of the 1990 farm bill, one of our distinguished former colleagues and Agriculture Committee members, Representative Sid Morrison, included language to assist national forest dependent communities located in or near our national forests. President Clinton has elected to use this authority in his forest plan for the Pacific Northwest to channel funds to timber dependent communities in Oregon, Washington, and North Carolina.

Unfortunately, as the process of determining community eligibility has unfolded, it has become clear that many of the communities Congress intended to help are not eligible because they are unincorporated or located in a county with a large town or city.

S. 1508 expands the definition of rural communities so that these communities will be eligible for funds. This bill will not guarantee them money but simply make them eligible to apply.

I urge my colleagues to support passage of this legislation.

Mr. ROBERTS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2374(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6612(3)) is amended to read as follows:

"(3) The term 'rural community' means—

"(A) any town, township, municipality, or other similar unit of general purpose local government, or any area represented by a not-for-profit corporation or institution organized under State or Federal law to promote broad based corporation or institution organized under State or Federal law to promote broad based economic development, or unit of general purpose local government, as approved by the Secretary, that has a population of not more than 10,000 individuals, is located within a county in which at least 15 percent of the total primary and secondary labor and proprietor income is derived from forestry, wood products, and forest-related industries such as recreation, forage production, and tourism and that is located within the boundary, or within 100 miles of the boundary, of a national forest; or

"(B) any county that is not contained within a Metropolitan Statistical Area as defined by the United States Office of Management and Budget, in which at least 15 percent of total primary and secondary labor and proprietor income is derived from forestry, wood products, and forest-related industries such as recreation, forage production, and tourism and that is located within the boundary, or within 100 miles of the boundary, of a national forest.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VOLKMER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1508, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CORRECTING ENROLLMENT OF H.R. 3123, RURAL ELECTRIFICATION LOAN RESTRUCTURING ACT OF 1993

Mr. VOLKMER. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 160) to correct the enrollment of H.R. 3123, and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. ROBERTS. Mr. Speaker, reserving the right to object, I shall not object, but under my reservation I yield to the distinguished chairman of the subcommittee, the gentleman from Missouri [Mr. VOLKMER] to explain the nature of the bill.

Mr. VOLKMER. Mr. Speaker, if the gentleman will yield, the resolution is again technical in nature. It would change the word "urban" to "urbanized" in the sections of the bill pertaining to special hardship electric loans where there are extremely high rates. The change would conform the bill to the amendment offered by the gentleman from Kansas [Mr. ROBERTS] during the Agriculture Committee's markup of the legislation. Making the correction will ensure that the special hardship loan can be made by the Rural Electrification Administration to electric cooperatives serving remote communities in Alaska and other States.

Mr. ROBERTS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 160

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 3123, to improve the electric and telephone loan programs carried out under the Rural Electrification Act of 1936, and for other purposes, the Clerk of the House shall make the following correction:

On page 4, line 16, of the House engrossed bill, strike "urban" and insert "urbanized".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 1820

HOMELESS AND COMMUNITY DEVELOPMENT ACT OF 1993

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2517) to establish certain programs and demonstrations to assist States and communities in efforts to relieve homelessness, assist local community development organizations, and provide affordable rental housing for low-income families, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "HUD Demonstration Act of 1993".

SEC. 2. INNOVATIVE HOMELESS INITIATIVES DEMONSTRATION PROGRAM.

(a) PURPOSE.—The purpose of this section is to enable the Secretary of Housing and Urban Development (hereafter in this Act referred to as the "Secretary"), through cooperative efforts in partnership with other levels of government and the private sector, including nonprofit organizations, foundations, and communities, to demonstrate methods of undertaking comprehensive strategies for assisting homeless individuals and families (including homeless individuals who have AIDS or who are infected with HIV), through a variety of activities, including the coordination of efforts and the filling of gaps in available services and resources. In carrying out the demonstration, the Secretary shall—

(1) provide comprehensive homeless demonstration grants under subsection (c); and

(2) provide innovative project funding under subsection (d).

(b) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) HOMELESS INDIVIDUAL.—The term "homeless individual" has the meaning given such term in section 103 of the Stewart B. McKinney Homeless Assistance Act.

(2) HOMELESS FAMILY.—The term "homeless family" means a group of one or more related individuals who are homeless individuals.

(3) INCORPORATED DEFINITIONS.—The terms "State", "metropolitan city", "urban county", "unit of general local government", and "Indian tribe" have the meanings given such terms in section 102(a) of the Housing and Community Development Act of 1974.

(4) JURISDICTION.—The term "jurisdiction" means a State, metropolitan city, urban county, unit of general local government (including units in rural areas), or Indian tribe.

(5) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means an organization—

(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(B) that, in the case of a private nonprofit organization, has a voluntary board;

(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

(D) that practices nondiscrimination in the provision of assistance.

(6) VERY LOW-INCOME FAMILIES.—The term "very low-income families" has the meaning given such term in section 3 of the United States Housing Act of 1937.

(c) COMPREHENSIVE HOMELESS INITIATIVE.—

(1) DESIGNATION.—The Secretary shall designate such jurisdictions as the Secretary may determine for comprehensive homeless initiative funding under this subsection.

(2) AUTHORITY.—The Secretary may provide assistance under this subsection to—

(A) jurisdictions designated under paragraph (1) (or entities or instrumentalities established under the authority of such jurisdictions); or

(B) nonprofit organizations operating within such jurisdictions,

to establish comprehensive homeless initiatives to carry out the purpose of this section.

(3) CRITERIA.—The Secretary shall establish criteria for designating jurisdictions under paragraph (1), which shall include—

(A) the extent of homelessness in the jurisdiction;

(B) the extent to which the existing public and private systems for homelessness prevention, outreach, assessment, shelter, services, transitional services, transitional housing, and permanent housing available within the jurisdiction would benefit from additional resources to achieve a comprehensive approach to meeting the needs of individuals and families who are homeless or who are very low-income and at risk of homelessness;

(C) the demonstrated willingness and capacity of the jurisdiction to work cooperatively with the Department of Housing and Urban Development (hereafter in this Act referred to as the "Department"), nonprofit organizations, foundations, other private entities, and the community to design and implement an initiative to achieve the purposes of this subsection;

(D) the demonstrated willingness of non-governmental organizations to commit financial and other resources to a comprehensive homeless initiative in the jurisdiction;

(E) the commitment of the jurisdiction to make necessary changes in policy and procedure to provide sufficient flexibility and resources as necessary to implement and sustain the initiative;

(F) national geographic diversity in the designation of jurisdiction; and

(G) such other factors as the Secretary determines to be appropriate.

(4) CONSULTATION.—Prior to designating jurisdictions under paragraph (1), the Secretary shall consult with the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding such designations.

(5) COMPREHENSIVE STRATEGY.—Recipients of assistance under this subsection shall, in cooperation with the Secretary, other governmental entities, nonprofit organizations, foundations, other private entities, and the community, develop a comprehensive plan that—

(A) sets forth a realistic and feasible strategy that contains specific projects and activities to carry out the purpose of this section;

(B) demonstrates the willingness of the appropriate government and private entities and other parties to participate cooperatively in this plan;

(C) specifies the projects and activities to be funded under this subsection;

(D) provides an estimate of the cost of implementing the initiative funded under this subsection;

(E) enumerates amounts to be made available to fund the comprehensive homeless initiative by participating governmental entities, nonprofit organizations, foundations, and the community, as appropriate, and requests funds from the Secretary pursuant to this subsection; and

(F) provides such other information as the Secretary determines to be appropriate.

(6) DESIGNATION.—The designation referred to in paragraph (1) and assistance provided under paragraph (2) shall be made on a noncompetitive basis.

(d) INNOVATIVE PROJECT FUNDING.—

(1) AUTHORITY.—The Secretary is authorized to provide assistance under this subsection to jurisdictions and nonprofit organizations operating within such jurisdictions to establish innovative programs to carry out the purpose of this section.

(2) APPLICATIONS.—Applications for assistance under this subsection shall be in such form, and shall include such information, as the Secretary shall determine. Each application shall include—

(A) a description of the extent of homelessness in the jurisdiction;

(B) an explanation of the extent to which the existing systems, both public and private, for homelessness prevention, outreach, assessment, shelter, services, transitional services, transitional housing, and permanent housing available within the jurisdiction would benefit from additional resources to achieve a comprehensive approach to meeting the needs of individuals and families who are homeless, or who are very low-income and at risk of homelessness;

(C) a description of the projects and activities for which the applicant is requesting funding under this subsection and the amounts requested;

(D) the demonstrated willingness and capacity of the jurisdiction to work cooperatively with the Department, nonprofit organizations, foundations, other private entities, and the community, to the extent feasible, to design and implement an initiative to achieve the purposes of this subsection;

(E) a statement of commitment from the jurisdiction to make necessary changes in policy and procedure to provide sufficient flexibility and resources as necessary to implement and sustain the program; and

(F) such other information as the Secretary determines to be appropriate.

(3) CRITERIA.—The Secretary shall establish selection criteria for awarding assistance under this subsection, which shall include—

(A) the extent to which the program described in the application achieves the purpose of this section;

(B) the extent to which the applicant demonstrates the capacity to implement a program that achieves the purpose of this section;

(C) the extent to which the program described in the application is innovative and may be replicated or may serve as a model for implementation in other jurisdictions;

(D) diversity by geography and community type; and

(E) such other criteria as the Secretary determines to be appropriate.

(e) REPORTS.—

(1) RECIPIENTS OF FUNDS.—Each recipient of funds under subsections (c) and (d) shall submit to the Secretary a report or series of reports, in a form and at a time specified by the Secretary. Each report shall—

(A) describe the use of funds made available under this section; and

(B) include a description and an analysis of the programs and projects funded, the innovative approaches taken, and the level of cooperation among participating parties.

(2) INTERIM HUD REPORT.—The Secretary shall submit to the Congress, in conjunction with the 1995 legislative recommendations of the Department, a report describing the results of the demonstration program funded under this section to date. The report shall contain a summary and analysis of all information contained in any reports received by the Secretary pursuant to

paragraph (1) and shall contain recommendations for future action.

(3) FINAL HUD REPORT.—Not later than 3 months after all recipient reports have been submitted under paragraph (1), the Secretary shall submit to the Congress a final report. The Secretary's final report shall contain a summary and analysis of all information contained in the reports received by the Secretary pursuant to paragraph (1) and shall contain recommendations for future action.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for fiscal year 1994 to carry out this section. Of the amounts appropriated pursuant to this subsection, not less than 25 percent shall be used to carry out innovative project funding under subsection (d). All funds shall remain available until expended.

(g) REPEAL.—This section shall be repealed effective on October 1, 1994.

SEC. 3. MOVING TO OPPORTUNITIES.

Section 152(e) of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note) is amended in the first sentence by striking "$52,100,000" and inserting "$165,000,000".

SEC. 4. CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING.

(a) IN GENERAL.—The Secretary is authorized to provide assistance through the National Community Development Initiative to develop the capacity and ability of community development corporations and community housing development organizations to undertake community development and affordable housing projects and programs.

(b) FORM OF ASSISTANCE.—Assistance under this section may be used for—

(1) training, education, support, and advice to enhance the technical and administrative capabilities of community development corporations and community housing development organizations;

(2) loans, grants, or predevelopment assistance to community development corporations and community housing development organizations to carry out community development and affordable housing activities that benefit low-income families; and

(3) such other activities as may be determined by the National Community Development Initiative in consultation with the Secretary.

(c) MATCHING REQUIREMENT.—Assistance provided under this section shall be matched from private sources in an amount equal to 3 times the amount made available under this section.

(d) IMPLEMENTATION.—The Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this section. The notice shall take effect upon issuance.

(e) AUTHORIZATION.—There are authorized to be appropriated $25,000,000 for fiscal year 1994 to carry out this section.

SEC. 5. AUTHORIZATION FOR COMMUNITY HOUSING PARTNERSHIPS AND SUPPORT FOR STATE AND LOCAL HOUSING STRATEGIES.

Section 205 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 12724) is amended—

(1) in paragraph (1), by striking "$14,000,000 for fiscal year 1994" and inserting "$25,000,000 for fiscal year 1994"; and

(2) in paragraph (2), by striking "$11,000,000 for fiscal year 1994" and inserting "$22,000,000 for fiscal year 1994".

SEC. 6. SECTION 8 COMMUNITY INVESTMENT DEMONSTRATION PROGRAM.

(a) DEMONSTRATION PROGRAM.—The Secretary shall carry out a demonstration program to attract pension fund investment in affordable housing through the use of project-based rental assistance under section 8 of the United States Housing Act of 1937.

(b) FUNDING REQUIREMENTS.—In carrying out this section, the Secretary shall ensure that not less than 50 percent of the funds appropriated for the demonstration program each year are used in conjunction with the disposition of either—

(1) multifamily properties owned by the Department; or

(2) multifamily properties securing mortgages held by the Department.

(c) CONTRACT TERMS.—

(1) IN GENERAL.—Project-based assistance under this section shall be provided pursuant to a contract entered into by the Secretary and the owner of the eligible housing that—

(A) provides assistance for a term of not less than 60 months and not greater than 180 months; and

(B) provides for contract rents, to be determined by the Secretary, which shall not exceed contract rents permitted under section 8 of the United States Housing Act of 1937, taking into consideration any costs for the construction, rehabilitation, or acquisition of the housing.

(2) AMENDMENT TO SECTION 203.—Section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11) is amended by adding at the end the following new subsection:

"(l) Project-based assistance in connection with the disposition of a multifamily housing project may be provided for a contract term of less than 15 years if such assistance is provided—

"(1) under a contract authorized under section 6 of the HUD Demonstration Act of 1993; and

"(2) pursuant to a disposition plan under this section for a project that is determined by the Secretary to be otherwise in compliance with this section.".

(d) LIMITATION.—(1) The Secretary may not provide (or make a commitment to provide) more than 50 percent of the funding for housing financed by any single pension fund, except that this limitation shall not apply if the Secretary, after the end of the 6-month period beginning on the date notice is issued under subsection (e)—

(A) determines that—

(i) there are no expressions of interest that are likely to result in approvable applications in the reasonably foreseeable future; or

(ii) any such expressions of interest are not likely to use all funding under this section; and

(B) so informs the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) If the Secretary determines that there are expressions of interest referred to in paragraph (1)(A)(ii), the Secretary may reserve funding sufficient in the Secretary's determination to fund such applications and may use any remaining funding for other pension funds in accordance with this section.

(e) IMPLEMENTATION.—The Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this section. The notice shall take effect upon issuance.

(f) APPLICABILITY OF ERISA.—Notwithstanding section 514(d) of the Employee Retirement Income Security Act of 1974, nothing in this section shall be construed to authorize any action or failure to act that would constitute a violation of such Act.

(g) REPORT.—Not later than 3 months after the last day of each fiscal year, the Secretary shall submit to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report summarizing the activities carried out under this section during that fiscal year.

(h) ESTABLISHMENT OF STANDARDS.—Mortgages secured by housing assisted under this demonstration shall meet such standards regarding financing and securitization as the Secretary may establish.

(i) GAO STUDY.—The Comptroller General of the United States shall conduct a study evaluating the demonstration authorized under this section and shall report its findings to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than 3 months after the conclusion of the demonstration.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $100,000,000 for fiscal year 1994 to carry out this section.

(k) TERMINATION DATE.—The Secretary shall not enter into any new commitment to provide assistance under this section after September 30, 1998.

SEC. 7. NATIONAL COMMISSION ON MANUFACTURED HOUSING.

(a) EXTENSION OF COMMISSION.—Section 943(g) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625; 104 Stat. 4415) is amended by striking "on October 1, 1993" and inserting "on October 1, 1994".

(b) FINAL REPORT.—Section 943(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625; 104 Stat. 4414) is amended by striking "9 months after the Commission is established pursuant to subsection (b)" and inserting "August 1, 1994".

(c) INTERIM REPORT.—Section 943(d) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625; 104 Stat. 4414) is amended—

(1) by redesignating paragraph (2) (as amended by subsection (b) of this section) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) INTERIM REPORT.—Not later than March 1, 1994, the Commission shall submit an interim report to the Secretary and the Congress. The report shall describe the activities of the Commission under paragraph (1) and shall contain any information specified in such paragraph that is available to the Commission and any evaluations and recommendations specified in such paragraph that may be made by the Commission, at such time.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 943(f) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625; 104 Stat. 4415) is amended by inserting after the first sentence the following new sentence: "There are authorized to be appropriated for fiscal year 1994 such sums as may be necessary to carry out this section.".

SEC. 8. RECIPROCITY IN APPROVAL OF HOUSING SUBDIVISIONS AMONG FEDERAL AGENCIES.

(a) EXTENSION OF AUTHORITY.—Section 535(b) of the Housing Act of 1949 (42 U.S.C. 1490o(b)) is amended by striking "June 15, 1993" and inserting "September 30, 1994".

(b) RETROACTIVITY.—An administrative approval of a housing subdivision made after June 15, 1993, and before the date of the enactment of this Act is approved and shall be considered to have been lawfully made, but only if otherwise made in accordance with the provisions of section 535(b) of the Housing Act of 1949.

SEC. 9. FHA INSURANCE AUTHORITY.

Section 531(b) of the National Housing Act (12 U.S.C. 1735f–9(b)) is amended by striking "$65,905,824,960" and inserting "$110,165,000,000".

SEC. 10. GNMA GUARANTEE AUTHORITY.

Section 306(g)(2) of the National Housing Act (12 U.S.C. 1721(g)(2)) is amended by striking

"$88,000,000,000" and inserting "$107,700,000,000".

SEC. 11. ADMINISTRATION OF SECTION 8 PROGRAM.

(a) ADMINISTRATIVE FEE.—Notwithstanding the second sentence of section 8(q)(1) of the United States Housing Act of 1937, other applicable law, or any implementing regulations and related requirements, the fee for the ongoing costs of administering the certificate and housing voucher programs under subsections (b) and (o) of section 8 of such Act during fiscal year 1994 shall be—

(1) not less than a fee calculated in accordance with the fair market rents for Federal fiscal year 1993; or

(2) not more than—

(A) a fee calculated in accordance with section 8(q) of such Act, except that such fee shall not be in excess of 3.5 percent above the fee calculated in accordance with paragraph (1); or

(B) to the extent approved in an appropriation Act, a fee calculated in accordance with such section 8(q).

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study assessing the costs incurred by public housing agencies in administering the voucher and certificate programs under subsections (b) and (o) of section 8 of the United States Housing Act of 1937.

(2) SPECIFIC REQUIREMENTS.—The study conducted under this subsection shall—

(A) take into account variances in costs attributable to the geographic area, the tenant population, and the number of units covered by a public housing agency; and

(B) include an analysis of the costs associated with Federal mandates, such as the family self-sufficiency program, and such other factors that the Secretary determines to be appropriate.

(3) SUBMISSION TO CONGRESS.—The Secretary shall submit to the Congress a report containing the results of the study conducted under this subsection in conjunction with the Department of Housing and Urban Development's 1994 legislative recommendations.

SEC. 12. AMENDMENTS TO PUBLIC LAW 102–389.

(a) EXTENSION OF TIME.—Subject to appropriations made in advance in an appropriations Act, title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993 (Public Law 102–389), is amended under the heading "Administrative Provisions" in the second undesignated paragraph by striking "October 1, 1993" and inserting "October 1, 1994".

(b) PROJECT-BASED ASSISTANCE.—Title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993 (Public Law 102-389), is amended under the heading "Administrative Provisions" in the ninth undesignated paragraph by inserting "(which may be project-based assistance)" after "36 units".

Amend the title so as to read: "An Act to enable the Secretary of Housing and Urban Development to demonstrate innovative strategies for assisting homeless individuals, to develop the capacity of community development corporations and community housing development organizations to undertake community development and affordable housing projects and programs, to encourage pension fund investment in affordable housing, and for other purposes.".

Mrs. ROUKEMA (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. MORAN). Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Texas?

Mrs. ROUKEMA. Mr. Speaker, reserving the right to object, and I will not object, I rise in support of H.R. 2517, the Housing Demonstration Act of 1993, in order to give the chairman of the committee an opportunity to explain the provisions of this legislation.

Mr. GONZALEZ. Mr. Speaker, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the chairman, the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. I thank the gentlewoman for yielding to me.

Mr. Speaker, H.R. 2517, as passed by the Senate, is a bipartisan bill that is a compilation of legislation previously passed by the House under suspension of the rules, with several Senate changes and additions.

The legislation previously passed by the House included in this bill is H.R. 2517, the Homeless and Community Development Amendments of 1993, and H.R. 2531, the Housing Programs Extension Act of 1993—which both passed on June 28, 1993—and H.R. 2668, the Community Investment Demonstration Act of 1993—which passed on August 2, 1993.

The legislation before us today is substantially similar, and maintains the principal purposes and goals of the legislation previously passed by the House. The primary difference is that H.R. 2517, as amended by the Senate, takes a more streamlined approach in establishing the programs created by the legislation.

This legislation establishes four HUD requested initiatives which address important housing issues affecting this Nation's poor—homelessness; housing choice and mobility; capacity building for community development corporations or community housing development organizations; and pension fund investment in affordable housing projects.

In addition, the legislation extends the existence of several worthwhile housing programs, and provides a critically needed extension of commitment authority for the Federal Housing Administration [FHA] insurance program, and the Government National Mortgage Association [GNMA] mortgage-backed securities program.

Finally, the Senate added several provisions that were not included in the House bills. These are essentially technical amendments to projects previously included in the VA-HUD fiscal year 1993 appropriations bill, and a freeze on administrative fees paid to public housing authorities for administering the section 8 voucher and certificate programs.

In sum, I believe that this legislation is a much needed beginning to the substantial work that must be done to address this Nation's low income housing and community development needs. It is my hope that we can pass this legislation quickly so that we may send it to the President, and start work on these important matters.

I offer for the RECORD, H.R. 2517, as amended by the Senate, a more extensive statement on the bill, a short summary, and a section-by-section summary.

SECTION-BY-SECTION SUMMARY, H.R. 2517, AS AMENDED, HUD DEMONSTRATION ACT OF 1993 AS PASSED BY THE SENATE, SEPTEMBER 23, 1993

SEC. 1. SHORT TITLE

Provides that this Act may be cited as the "HUD Demonstration Act of 1993."

SEC. 2. INNOVATIVE HOMELESS INITIATIVES DEMONSTRATION PROGRAM

Sec. 2(a) Purpose: Provides that this section is to enable HUD, through cooperative efforts in partnership with other levels of government and the private sector, including nonprofit organizations, foundations, and communities, to demonstrate methods of undertaking comprehensive strategies for assisting homeless individuals and families (including homeless individuals who have AIDs or who are infected with HIV), through a variety of activities, including the coordination of efforts and the filling of gaps in available services and resources. Provides that in carrying out the demonstration program, HUD is to: 1) provide comprehensive homeless demonstration grants; 2) innovative project funding.

Sec. 2(b) Definitions: Defines, for purposes of this section, homeless individual, homeless family, jurisdiction, nonprofit organization, and very low-income families. Incorporates definitions from section 102(a) of the Housing and Community Development Act of 1974, for State, metropolitan city, urban county, unit of general local government, and Indian tribe.

Sec. 2(c) Comprehensive homeless initiative

Sec. 2(c)(1) Designation: Provides for HUD designation of jurisdictions to receive comprehensive homeless initiative funding.

Sec. 2(c)(2) Authority: Provides that HUD may provide assistance to establish comprehensive homeless initiatives to designated jurisdictions (or entities or instrumentalities established under the authority of such jurisdiction), or nonprofit organizations operating within such jurisdictions.

Sec. 2(c)(3) Criteria: Requires HUD to establish criteria for designating jurisdictions, which are to include: 1) the extent of homelessness in the jursidcition; 2) the extent to which the existing public and private systems of homelessness prevention, outreach, assessment, shelter, services, transitional services, transitional housing and permanent housing available within the jurisdiction would benefit from additional resources to achieve a comprehensive approach to meeting the needs of individuals and families who are homeless or who are very low-income and at risk of homelessness; 3) the demonstrated willingness and capacity of the jurisdictions, to work cooperatively with HUD, nonprofit organizations, foundations, other private entities, and the community to design and implement an initiative; 4) the demonstrated willingness of nongovernmental organizations to commit financial and other resources to a comprehensive homeless initiative in the jurisdiction; 5) the commitment of the jurisdiction to make necessary changes in policy and procedure to provide sufficient flexibility and resources as necessary to implement and sustain the initiative; 6) national geographic diversity in the designation of jurisdictions; and 7) such other factors as the Secretary determines is appropriate.

Sec. 2(c)(4) Consultation: Requires consultation with House and Senate Banking Committees prior to designation of jurisdictions.

Sec. 2(c)(5) Comprehensive strategy: Requires recipients of assistance, in cooperation with HUD, other governmental entities, non-profit organizations, foundations, other private entities and the community, to develop a comprehensive plan that: 1) sets forth a realistic and feasible strategy that contains specific projects and activities to carry out this section; 2) demonstrates the willingness of the appropriate government and private entities and other parties to participate cooperatively in this plan; 3) specifies the projects and activities to be funded; 4) provides an estimate of the cost of implementing the initiative funded; 5) enumerates amounts to be made available to fund the initiative by participating governmental entities, nonprofit organizations, foundations, and the community, and requests funds from HUD; and 6) provides such other information as HUD deems appropriate.

Sec. 2(c)(6) Designations: Provides that the designation of jurisdictions is to be made on a non-competitive basis.

Sec. 2(d) Innovative project funding:

Sec. 2(d)(1) Authority: Authorizes HUD to provide assistance to States, metropolitan cities, urban counties, units of general local government (including rural areas), Indian tribes, and nonprofit organizations to establish innovative programs to carryout this section.

Sec. 2(d)(2) Applications: Requires applications for assistance to be in such form and include such information as HUD determines. Requires each application to include: 1) a description of the extent of homelessness in the jurisdiction; 20 an explanation of the extent homelessness in the jurisdiction; 2) an explanation of the extent to which the existing systems, both public and private, for homelessness prevention, outreach, assessment, shelter, services, transitional services, transitional housing, and permanent housing available within the jurisdiction would benefit from additional resources to achieve a comprehensive approach to meeting the needs of individuals and families who are homeless, or very low-income and at risk of homelessness; 3) a description of the projects and activities for which the applicant is requesting funding; 4) the demonstrated willingness and capacity of the jurisdiction to work cooperatively with HUD, nonprofit organizations, foundations, other private entities, and the community, to the extent feasible, to design and implement the initiative; 5) a statement of commitment from the jurisdiction to make necessary changes in policy and procedure to provide sufficient flexibility and resources as necessary to implement and sustain the program; and 6) such other information as HUD determines to be appropriate.

Sec. 2(d)(3) Criteria: Requires HUD to establish selection criteria for awarding assistance which shall include: 1) the extent to which the program described in the application achieves the purpose of the section; 2) the extent to which the applicant demonstrates the capacity to implement a program that achieves the purpose of this section; 3) the extent to which the program described in the application is innovative and may be replicated or may serve as a model for implementation in other jurisdictions; 4) diversity by geography and community type; and 5) such other criteria as HUD determines to be appropriate.

Sec. 2(e) Reports:

Sec. 2(e)(1) Recipient of funds: Requires each recipient of funds to submit to HUD a report or series of reports, in a form and at a time specified by HUD. Requires each report to: 1) describe the use of funds made available under this section; and 2) include a description and analysis of the programs and projects funded, the innovative approaches taken, and the level of cooperation among participating parties.

Sec. 2(e)(2) Interim HUD report: Requires HUD to submit to Congress, in conjunction with HUD's 1995 legislative recommendations, a report describing the results of the demonstration program to date. Requires the report to contain a summary and analysis of all information contained in any reports received by HUD from funding recipients, and recommendations for future action.

Sec. 2(e)(3) Final HUD report: Requires HUD to submit a final report to Congress not later than 3 months after all recipient reports have been submitted. Requires the final report to contain a summary and analysis of all information contained in the reports from recipients, and recommendations for future action.

Sec. 2(f) Authorization of appropriations: Authorizes to be appropriated $200 million for FY 1994 to carry out the program. Provides that of the amounts appropriated, not less than 25 percent shall be used to carry out innovative project funding as provided for under this section.

Sec. 2(g) Repeal: Provides that this section is to be repealed effective October 1, 1994.

SEC. 3. MOVING TO OPPORTUNITIES

Amends Section 152(e) of the Housing and Community Development Act of 1992, to increase the authorization for appropriations from $52.1 million to $165 million for the Moving to Opportunity for Fair Housing demonstration program for FY 1994.

SEC. 4. CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING

Sec. 4(a) In general: Authorizes HUD to provide assistance through the National Community Development Initiative (NCDI) to develop the capacity and ability of community development corporations (CDCs) and community housing development organizations (CHDOs) to undertake community development and affordable housing projects and programs.

Sec. 4(b) Forms of assistance: Provides that forms of assistance may include (1) training, education, support, and advice to enhance the technical and administrative capabilities of CDCs and CHDOs; (2) loans, grants, or predevelopment assistance to CDCs and CHDOs to carry out community development and affordable housing activities that benefit low income families; and (3) any other activity as determined by HUD and NCDI.

Sec. 4(c) Matching requirement: Requires that assistance provided is to be matched from private sources in an amount equal to 3 times the amount made available under the section.

Sec. 4(d) Implementation: Requires HUD to establish by notice such requirements as may be necessary to carry out the provisions of this section. Requires for notice to take effect upon issuance.

Sec. 4(e) Authorization: Authorizes to be appropriated $25 million for FY 1994 to carry out this section.

SEC. 5. AUTHORIZATION FOR COMMUNITY HOUSING PARTNERSHIPS AND SUPPORT FOR STATE AND LOCAL HOUSING STRATEGIES

Amends section 205 of the Cranston-Gonzalez National Affordable Housing Act to increase amounts authorized for FY 1994: 1) from $14 million to $25 million for the housing education and organizational support grants under the HOME program; and 2) from $11 million to $22 million for state and local strategies grants.

SEC. 6. SECTION 8 COMMUNITY INVESTMENT DEMONSTRATION PROGRAM

Sec. 6(a) Demonstration program: Requires HUD to carry out a demonstration program to attract pension fund investment in affordable housing through the use of project-based rental assistance under section 8 of the United States Housing Act of 1937.

Sec. 6(b) Funding requirements: Requires HUD in carrying out this program to ensure that not less than 50 percent of the funds appropriated for the demonstration program each year are used in conjunction with either the disposition of: (1) multifamily properties owned by HUD; or (2) multifamily properties securing mortgages held by HUD.

Sec. 6(c) Contract terms: Provides that project-based assistance under the program is to be provided pursuant to a contract entered into by HUD and the owner of the eligible housing that: (1) provides assistance for a term of not less than 60 months and not greater than 180 months; and (2) provides for contract rents, to be determined by HUD, which shall not exceed contract rents permitted under section 8 of the United States Housing Act of 1937, taking into consideration any costs for the construction, rehabilitation, or acquisition of housing.

Amends section 203 of the Housing and Community Development Amendments of 1978 to provide that project-based assistance in connection with the disposition of a multifamily housing project may be provided for a contract term of less than 15 years if such assistance is provided: (1) under a contract authorized under the Section 8 Community Investment Demonstration Program; and (2) pursuant to a disposition plan under section 203 for a project that is determined by the Secretary to be otherwise in compliance with section 203.

Sec. 6(d) Limitation: Provides that HUD may not provide or make commitment to provide more than 50 percent of the funding for housing financed by any single pension fund. Provides that this limitation does not apply if HUD, 6-month after notice implementing the program is issued: (1) determines that there are no expressions of interest that are likely to result in approvable applications in the reasonably foreseeable future, or that any such expressions of interest are not likely to use all funding under this section; and (2) so informs the Senate and House Banking Committees. Provides that if HUD determines that there are expressions of interest that are not likely to use all funding under this section, HUD may reserve funding sufficient in HUD's determination to fund such applications, and may use any remaining funding for other pension funds in accordance with this section.

Sec. 6(e) Implementation: Provides that HUD shall by notice establish such requirements as may be necessary to carry out the program, which is to take effect upon issuance.

Sec. 6(f) Applicability of ERISA: Provides that nothing in this section is to be construed to authorize any action or failure to act, that would constitute a violation of the Employee Retirement Income Security Act of 1974, notwithstanding section 514(d) of that Act.

Sec. 6(g) Report: Requires HUD, not later than three months after the end of the fiscal year, to annually submit to the House and Senate Banking Committees, a report summarizing the activities carried out in the program during that fiscal year.

Sec. 6(h) Establishment of standards: Requires that mortgages secured by housing assisted under this demonstration are to meet such standards regarding financing and securitization as HUD may establish.

Sec. 6(i) GAO study: Requires the GAO to conduct a study evaluating the program, and report its findings to the House and Senate Banking Committees not later than three months after the conclusion of the program.

Sec. 6(j) Authorization of appropriations: Authorizes to be appropriated $100 million for FY 1994 to carry out this section.

Sec. 6(k) Termination date: Provides that HUD cannot enter into any new commitment to provide assistance under this section after September 30, 1998.

SEC. 7. NATIONAL COMMISSION ON MANUFACTURED HOUSING

Sec. 7(a) Extension of Commission: Amends Section 943(g) of the Cranston-Gonzalez National Affordable Housing Act, by extending the termination date for the National Commission on Manufactured Housing (National Commission) from October 1, 1993, to October 1, 1994.

Sec. 7(b) Final report: Amends Section 943(d) of the Cranston-Gonzalez National Affordable Housing Act to extend the date for issuance of the National Commission's final report from "9 months after the Commission is established" to August 1, 1994.

Sec. 7(c) Interim report: Amends Section 943(d) of the Cranston-Gonzalez National Affordable Housing Act to require the National Commission to submit an interim report, by March 1, 1994, to the Secretary of Housing and Urban Development and Congress, describing the activities of the National Commission, and containing available information, evaluations and recommendations of the National Commission.

Sec. 7(d) Authorization of appropriations: Amends Section 943(f) of the Cranston-Gonzalez National Affordable Housing Act, by authorizing to be appropriated for the National Commission, for FY 1994, such sums as may be necessary.

SEC. 8. RECIPROCITY IN APPROVAL OF HOUSING SUBDIVISIONS AMONG FEDERAL AGENCIES

Sec. 8(a) Extension of authority: Amends Section 535(b) of the Housing Act of 1949 to extend from June 15, 1993, to September 30, 1994, the requirement that the Secretary of the Department of Housing and Urban Development consider the issuance by the Secretary of Veterans Affairs of a certificate of reasonable value on one or more properties in a housing subdivision to be an administrative approval for the entire subdivision.

Sec. 8(b) Retroactivity: Provides that any administrative approval of any subdivision made after June 15, 1993, and but before enactment of this Act, is to be considered approved and lawfully made, provided it is in accordance with the other provisions of Section 535(b) of the Housing Act of 1949.

SEC. 9. FHA INSURANCE AUTHORITY

Amends Section 531(b) of the National Housing Act to increase the limit on the FY 1993 aggregate mortgage insurance authority of the Federal Housing Administration (FHA) from $65,905,824,960 to $110,165,000,000.

SEC. 10. GNMA GUARANTEE AUTHORITY

Amends Section 306(g)(2) of the National Housing Act to increase the limit on the FY 1993 aggregate mortgage-backed guarantee authority of the Government National Mortgage Association (GNMA) from $88,000,000,000 to $107,700,000,000.

SEC. 11. ADMINISTRATION OF SECTION 8 PROGRAM

Sec. 11(a) Administrative fee: Provides that, notwithstanding existing law and regulations, the fee for the ongoing costs of administering the certificate and voucher programs during FY 1994 under sections 8(b) and 8(o) of the United States Housing Act of 1937, shall be not less than a fee calculated in accordance with the fair market rents for FY 1993, or not more than: 1) a fee calculated in accordance with section 8(q) of the United States Housing Act of 1937, but not in excess of 3.5 percent above the fee calculated in accordance with the fair market rents for FY 1993; or 2) to the extent approved in an appropriation Act, a fee calculated in accordance with section 8(q).

Sec. 11(b) Study: Requires HUD to conduct a study assessing the costs incurred by public housing agencies in administering the voucher and certificate programs under sections 8(b) and 8(o) of the 1937 Housing Act. Requires the study to: 1) take into account variances in costs attributable to the geographic area, the tenant population, and the number of units covered by a public housing agency; and 2) include an analysis of the costs associated with Federal mandates, such as the family self-sufficiency program, and such other factors determined by HUD. Requires HUD to submit a report to Congress containing the results of the study in conjunction with HUD's 1994 legislative recommendations.

SEC. 12. AMENDMENTS TO PUBLIC LAW 102–389, DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1993

Sec. 12(a) Extension of time: Amends title II of Public Law 102–389 to extend the deadline for a HODAG project commencement from October 1, 1993 to October 1, 1994, and makes such extension subject to appropriations made in advance in an appropriations Act.

Sec. 12(b) Project based assistance: Amends title II of Public Law 102–389 to provide that section 8 units provided to a specifically authorized project may be project based.

Mrs. ROUKEMA. Mr. Speaker, further reserving the right to object, I rise in support of this legislation.

Mr. Speaker, H.R. 2517 is the same legislation which overwhelmingly passed the House on the suspension calendar just before the August recess.

This legislation authorizes four initiatives requested by the Secretary of HUD.

The first provision authorizes a new innovative homeless demonstration program which is intended to explore new and comprehensive ways to address our growing homeless problem.

The second provision authorizes and additional 3,000 section 8 certificates for the Moving to Opportunities Demonstration Program first requested by the Bush administration last year.

The third provision authorizes an additional $25 million for the national community development initiative which seeks to identify, train, and provide technical assistance to nonprofit organizations interested in providing affordable housing.

The final provision authorizes a demonstration of how HUD can offer housing assistance to encourage pension funds to invest in affordable housing projects.

Now, in addition to these programs, the bill does extend several programs authorized by this Congress but due to expire. These include:

The extension for 18 months of the National Commission on Manufactured Housing.

An extension to September 30, 1994, a cooperative agreement between the Department of HUD and the Veterans' Administration which requires the Department of HUD to consider the VA's certificate of reasonable value on one or more properties in a housing subdivision.

Approval of an increase in the commitment authority of the FHA to insure mortgages in fiscal year 1993 and an increase in the commitment authority of Ginnie Mae to guarantee mortgage backed securities.

In conclusion, Mr. Speaker, I want to acknowledge the cooperation of Chairman STOKES and ranking member LEWIS of the HUD–VA Appropriation Subcommittee. Their willingness to recognize the wishes of the authorization committee to move these initiatives through the proper legislative process is greatly appreciated.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2517, the bill just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNUAL REPORT OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES, FOR FISCAL YEAR 1992—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs:

To the Congress of the United States:

In accordance with the requirements of section 809 of the Housing and Community Development Act of 1974, as amended (12 U.S.C. 1701j-2(j)), I transmit herewith the 16th annual report of the National Institute of Building Sciences for fiscal year 1992.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 6, 1993.*

ANNUAL REPORT OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS AND THE NATIONAL HOUSING PARTNERSHIP FOR THE FISCAL YEAR ENDING DECEMBER 31, 1992—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs:

To the Congress of the United States:

I transmit herewith the twenty-fourth annual report of the National Corporation for Housing Partnerships and the National Housing Partnership for the fiscal year ending December 31, 1992, as required by section 3938(a)(1) of title 42 of the United States Code.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 6, 1993.*

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on House Administration:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, October 1, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, H-204, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House, that an employee of the Committee on House Administration has been served with a subpoena issued by the U.S. District Court for the District of Columbia.

After consultation with the General Counsel, I will make the determinations required by the Rule.

With my very best wishes,

Sincerely,

CHARLIE ROSE,
Chairman.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON WAYS AND MEANS

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Ways and Means:

HOUSE OF REPRESENTATIVES,
Washington, DC., September 29, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, H-209, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to rule L of the Rules of the House that a staff member of the Joint Committee on Taxation has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House

Sincerely,

DAN ROSTENKOWSKI.

FOREIGN POLICY IS BIPARTISAN

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, as we approach decisions on United States policy in Somalia, let us remember the following:

First, foreign policy is bipartisan. Let us stop the partisan carping. President Clinton is continuing a policy that was started by President Bush. Our original involvement in Somalia was a sound one.

Second, let us join in grieving together for the deaths of American soldiers and those whose lives have been in peril.

Third, let us remember that there is only one Secretary of State and one Secretary of Defense, not 535.

Let us keep our powder dry on the policy. Let us see what the policy is. A policy will be developed soon that defines our objectives, that states our goals and that deals with the issues that we are discussing.

Mr. Speaker, like many Members of the House, I am concerned about our involvement in Somalia. let us not be precipitous and let us not go down once again in partisan carping.

Mr. Speaker, today we mourn the tragic loss of life in Mogadishu and to extend, as do all of my colleagues, my sympathy to the families who have lost loved ones. I hope it is comforting for them to know that their loved ones did not die in vain.

Mass starvation in Somalia has ended and hundreds of thousands of lives have been saved. Last April I visited our troops in Somalia and came away with a deep respect for their commitment to their mission. They were proud to stop the starvation.

In light of the recent events, the President is reviewing our policy in Somalia and we expect a quick response from him outlining where we go from here.

In the meantime, I urge all of my colleagues to refrain from lowering the level of debate to partisan bickering. We owe it to the soldiers, to their families, and to the American people to have a thoughtful, bipartisan debate on this issue without the rhetoric of partisanship.

We all want our troops to come home as soon as possible but we also want to protect the gains we have made in Somalia.

Mr. Speaker, let us rise to this challenge as have so many of our soldiers.

URGING WITHDRAWAL OF AMERICAN TROOPS FROM SOMALIA

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, I want to put in the RECORD the six points that then-Secretary of Defense Cap Weinberger said should be followed before American men and women are committed in combat or near a combat area. That speech was November 28, 1984. The words ring as valid as they did then.

I want to put into the RECORD the House Republican Policy Committee statement that was drafted yesterday. It is excellent. Also, I want to repeat my own words in this well 8 days ago when we were discussing that weak Somalia resolution. Listen to my words in this well a week ago Tuesday:

> Here is something very sad, Mr. Speaker—Mr. Chairman. Two Pakistani men are MIA. Can you imagine, if these were American boys, how upset Members of this Chamber and the U.S. Senate should be? Missing in action. Does that mean men in some dirty little garage off a Mogadishu alley are being tortured to death, or does it mean they are already dead, and their bodies have been dumped down a well, or are rotting behind some blown-up building in Mogadishu?

Four days later, that nightmare comes true. One of our American Black Hawk helicopter men had a handcuff on one wrist. Nobody puts handcuffs on a dead body. They were tortured to death. Now, get 5,000 men in there and get these Americans back and then get out.

Mr. Speaker, specifically, I believe the six tests for committing combat forces, as outlined by former Secretary of Defense Caspar Weinberger in a November 28, 1984 speech, must be our guide. Secretary Weinberger said that the following tests should be used to determine whether or not U.S. troops should be sent into combat:

First. Is the situation vital to U.S. or allied national interests?

Second. Have all other options already been considered or used?

Third. Is there a clear commitment, including allocated resources, to achieving victory?

Fourth. Are there clearly defined political and military objectives?

Fifth. Will our commitment of forces change if our objectives change?

Sixth. Will the American people and Congress support the action?

STATEMENT OF REPUBLICAN POLICY ON U.S. ARMED FORCES IN SOMALIA, ADOPTED APRIL 1, 1993

U.S. military forces in Somalia have fulfilled the mission given them by President Bush. Republicans therefore call on President Clinton to bring our troops home.

The United States has a proud tradition of providing international humanitarian assistance to those truly in need. Somalia is a case in point. In the early 1980's, and again in the early 1990's, the American people and the U.S. Government responded to famine in Somalia by bringing in massive quantities of food and medical assistance.

In the last several months, as anarchy gripped that country and famine again loomed on the horizon, President Bush sent U.S. Armed Forces to Somalia to restore order and permit food to reach the people. He made a commitment to withdraw our troops when the mission was completed and return the operation to the U.N. This process was begun before he left office. The mission has been accomplished, but our troops remain, and it appears President Clinton has no intention of bringing them home. Instead, U.N. bureaucrats who want to keep the United States in Somalia will decide their fate.

Republicans commend our Armed Forces for restoring order to Somalia and for helping to alleviate human suffering in that country. However, we have several deep concerns. Without appropriate congressional consultation, President Clinton has committed thousands of U.S. military personnel to a U.N. peacekeeping operation commanded by a foreign national for an indefinite period of time. Our men and women in uniform will provide both the fighting teeth and the logistical tail for this open-ended operation.

Republicans believe U.S. Armed Forces should always remain under U.S. command. They should not be loaned to international organizations to conduct operations with ambiguously defined objectives.

Furthermore, costs to the U.S. taxpayer continue to mount. In addition to the $800 million in costs already incurred by the U.S., President Clinton has just committed the taxpayers to another half billion dollars.

The United States is the world's only superpower, but this does not mean we are omnipotent, nor that our obligations are universal. Republicans believe that President Bush's commitment to pull our forces out of Somalia should be fulfilled.

TRANSFER OF SPECIAL ORDER TIME FROM MR. BURTON OF INDIANA TO MR. DORNAN

Mr. DORNAN. Madam Speaker, I ask unanimous consent to vitiate the special order granted earlier today to the gentleman from California [Mr. DORNAN], and that Mr. Dornan may be permitted to take the 60-minute special order for today granted to the gentleman from Indiana [Mr. BURTON].

The SPEAKER pro tempore (Ms. CANTWELL). Is there objection to the request of the gentleman from California?

There was no objection.

□ 1830

AMERICAN JOBS TO MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, this evening I would like to talk a bit about the auto executives who visited the White House yesterday and who really stands to benefit from the proposed North American Free-Trade Agreement, now more familiarly known as NAFTA. There is no question that the executives who were at the White House yesterday and their corporate shareholders will benefit. But what about the larger questions of benefits to our Nation as a whole, to our workers and to the communities in which our companies are located?

Yesterday administration officials welcomed automobile executives and suppliers to the White House for a special briefing about this proposed trade treaty. The industry representatives were all members of the Joint Automotive Supplier Governmental Action Council. They met with the Vice President, with the Secretary of the Treasury, and with the White House's top gun, Bill Daley, who is trying to line up votes in this Chamber to pass this flawed agreement.

In fact, many, if not most, of these companies that were there yesterday are the very ones that have already moved manufacturing out of our country to the maquiladora operations along the border just south of the United States.

In fact, economist Steve Beckman estimates that the maquiladora industry now includes over 100,000 transportation and automotive jobs, over 60,000 of them direct moves from this country into Mexico.

For the RECORD this evening, I would like to include an Office of Technology Assessment study that also documents that employment in these auto parts factories in Mexico has grown by over 120,000 jobs in the last 11 years, while our own jobs in this country in the very same industry were losing over 154,000 jobs, and we know who those workers were, because they reside in our communities.

I would also like to include for the RECORD this evening an article that was in Automotive News just recently, "Mexico's Wages Beckon To U.S. Suppliers."

Why do we have this tremendous movement of jobs south of our border?

As this article says:

> Mexican parts workers typically earn $1 or $2 an hour, versus $10 to $15 an hour for the same work in the United States and Canada.

The article provides a very excellent listing of some of the very companies that sat over at the White House yesterday.

Let us take a closer look at some of them.

The Dana Corp., headquartered in my own district, manufactures electronics in Tijuana and employs thousands in Mexico City. Fifteen years ago I could have said they employed 5,000 factory workers in my district. They now employ none. Have those jobs just disappeared by magic?

Rockwell Corp. has manufacturing facilities in Tijuana, where wheel rims are made, and subsidiaries in Tecate and Juarez making electronic components.

United Technologies employs over 5,000 people in Chihuahua and Juarez making wire harnesses and die details. United Technologies closed wire harness production lines in Lafayette, IN, Wabash, IN, and Reading, MI.

The Eaton Corp. employs 800 people in their Matamoros facility making wire harnesses and switches, but they closed production near my district in Fremont, OH.

ITT has operations with over 500 employees in Saltillo and Matamoros making wire harnesses.

In fact, the big three, Ford, General Motors, and Chrysler, all have multiple suppliers providing parts made in maquiladora's area in northern Mexico that should be made right here in the United States.

Ford suppliers employed over 5,000 people in 10 subsidiaries in Chihuahua, Juarez, Queretaro, and Nuevo Laredo.

The Chrysler Corp. suppliers employ over 6,600 people in Juarez and Nogales, making wire harnesses, trim, seat covers and wiring, and all of that production comes back here to the United States.

General Motors has a total of 29 suppliers plants employing over 25,000 persons, and let me tell you, we would love to have those jobs in northern Ohio.

Now, let us remember, all of these facilities produce auto parts that can be made here in the United States now, but come back into the United States from Mexico for assembly in cars made here in our country. Mexican plants and workers replace United States parts manufacturing facilities, and Mexican workers have replaced thousands and thousands of middle-class workers here in the United States.

When do we say enough is enough?

Last week General Motors announced, for those who did not see it, that it intends to reduce its U.S. work force by another 50,000 people, moving down from a level of 250,000 to 200,000 people in this country. It is no accident that General Motors is now the largest private employer in the nation of Mexico, and that production comes back here to the United States.

The auto industry argues that NAFTA will open the Mexican market and allow them to export more United States-made vehicles into that market. Maybe that will be true for a couple of years, meeting pent-up demand for models that have not been available there. But let us look at the plans for medium-term development of the Mexican auto industry.

The proposed NAFTA plan already has prompted VW and Nissan to double production capacity in Mexico. Nissan is building a $1 billion new assembly plant at Aguascaliente to export Sentras.

The prospect of NAFTA lured Mercedes Benz to Mexico.

In fact, writing in the JAMA Forum, auto industry analysts identified new realities in the North American industry:

> The Mexican automobile industry of the 1990's is targeted to assemble and manufacture the smaller cars in the fleet to produce

> between one to two million cars by the end of the decade, and to export the bulk of these units to the U.S. and Canada, some to Japan and a few to Europe and elsewhere in Latin America.

The same article predicts:

> Only high performance engines, power transmission and the newest sophisticated computer technologies housed within the cars will be imported from the parent American and Japanese firms.

He is advising United States parts manufacturers to get ready for just-in-time delivery in Mexico, and that means moving to Mexico.

Mr. Speaker, just in time the American people have seen the danger in NAFTA. It is time to recognize that we were sent here to defend the interests of American communities and workers, not just multinational corporations. NAFTA would give multinational corporations the security they need to move more investment, more production, and more jobs to Mexico. NAFTA is a terrible deal for U.S. workers and the jobs they depend on. It is a terrible deal for our communities. It is just the time to defeat NAFTA and move our hemisphere into a 21st century that means free trade and free enterprise for the nations that are functioning democracies.

Madam Speaker, I will continue my remarks tomorrow evening, but want to say that it is important that we defeat NAFTA in order to defend the jobs of this country and provide for a better way of life on our continent.

Madame Speaker, I include the article from Automotive News of October 4, 1993, as follows:

[From Automotive News, Oct. 4, 1993]

MEXICO'S WAGES BECKON TO U.S. SUPPLIERS

(By Lindsay Chappell)

Phil Gardner set up shop once in Mexico. For a time, that was plenty.

Gardner, the president of Findlay Industries of Findlay, Ohio, shut his seat cover plant in frustration two years ago. For him, the venture in Chihuahua showed the folly of American managers trying to run a Mexican plant.

High turnover meant constant training. Workers resisted attempts to be trained in more than one area, he says. Production quality had to be inspected and re-inspected constantly. The company's efforts to promote line workers into management was foiled by what Gardner calls a caste system: workers in the upper ranks wouldn't talk to those who'd risen from below.

Outside the plant, there was the wine-and-dine ritual for border officials to ensure that shipments made it safely across the border.

Welcome to life as an auto supplier in Mexico.

While much of the rhetoric paints the North American Free Trade Agreement as an invitation to a low-wage Mexican fiesta, doing business in Mexico is not always a piece of cake.

U.S. suppliers know. About 110 U.S. and Canadian companies are making parts in Mexico today, according to Elm International Inc., a data firm in East Lansing, Mich.

Those supplier companies first came down to serve their OEM customers, usually as minority partner with a Mexican firm.

Interest perked again as Ford Motor Co., Chrysler Corp. and General Motors adopted aggressive Mexican strategies in the early 1980s.

Independent U.S. suppliers and the Big 3's captive supplier units rushed into *maquiladora* operations during the decade, taking advantage of the tariff-free re-export program that had been used only sparingly since the 1960s.

Today, like the phantom voices of the sirens, Mexico continues to beckon U.S. and Canadian business.

And Findlay Industries is coming back.

The company has just given a green light to build a headliner plant near Volkswagen's plant in Puebla.

And it will operate differently this time.

Findlay is going in with a guaranteed contract. The company will use Mexican managers. And the headliners will stay in Mexico. They won't be shipped back to the United States.

SAVINGS AND COSTS

For U.S. suppliers such as Findlay, Mexico holds the lure of a booming market and more growth.

The country's five automakers want suppliers to set up shop in Mexico to supply just-in-time delivery. In many cases, U.S. suppliers provide better quality. And if they export, Mexican manufacturers earn export credits to comply with Mexico's balance-of-trade rules.

And yes, suppliers like the low wages.

Mexico also has the allure of cheaper labor. Mexican parts workers typically earn $1 or $2 an hour, vs. $10 to $15 an hour for the same work in the United States and Canada.

But a move to Mexico is loaded with other questions.

As NAFTA inches forward, partsmakers are wondering whether they can snare enough business to support a plant. They wonder whether they can amass and train a world-class Mexican work force. Will U.S. managers be willing to relocate to modest factory border towns? Should suppliers set up a plant on their own or create a joint venture? and if so, with whom?

And, just how will they deal with Mexican raw materials that are often considered inferior in quality?

"Our concern is sourcing the materials we'd need," says a U.S. stamping company executive who, like many who are contemplating Mexico, prefers not to be identified.

"The sheet metal and bar stock down there is simply unacceptable. Which means we would have to ship down material from the Midwest, and then ship the product back again."

In truth, suppliers vow that they will continue to go to Mexico whether NAFTA passes or not. And they'll go mostly to serve the carmakers who plan to invest there with or without NAFTA.

ROUGH BEGINNINGS

Superior Industries recently announced plans to open a $30-million wheel plant in Chihuahua. Weyburn-Bartel Inc. just began building an $11 million camshaft factory in Saltillo.

"Long term, I'm sure it all will work, but it isn't going to be a bed of roses," warns Robert Christopher, president of Chicago-based Globe Industries, who says his interior-trim company is studying Mexican opportunities. "We have some trepidation about it. Before we do anything, I want to see a pro-forma that says we can reach a level of business to sustain an investment."

Low volumes complicate the rosy picture. Suppliers confide that their automaker customers are urging them to set up shop near Mexican assembly plants. But in all of Mexico there are only nine auto factories, and they are spread out over a territory that would stretch from Detroit to Jacksonville, Fla. It's tough to have one parts plant meet the just-in-time delivery demands of two customers. But relying on just one customer can be risky.

Concerns over low volume recently prompted Tenneco Automotive to delay plans to build a Monroe Division strut and shock plant in Queretaro.

"Our OE customer wants us to be there," explained Tenneco spokesman Paul Johnson. "If we had our preference we wouldn't do it. We can make shocks 15 percent cheaper in the United States."

"The OE customers are interested now in having more local content," he adds, referring to Mexico's balance-of-trade requirements. "But under NAFTA, it will all be local content—even when it comes from the Unites States. We could make it here."

For American companies under price pressures from competitors in Japan, Taiwan, the Philippines and Korea, Mexico may seem like an obvious solution. But many balk at the idea of moving jobs.

"My clients aren't sure about Mexico," reports Donna Parolini, an automotive strategic-planning consultant in Grand Rapids, Mich. "In some cases, they need to be there. But they ask me, 'What about the loss of jobs here? What about the communities where we operate?' They won't go unless there's some way to replace the jobs they take there."

The labor issue has weighed heavily over the entire NAFTA debate. The proposal's loudest opposition has come from the UAW, who suspects the treaty will open the door to run-away manufacturing jobs.

In some cases, the promise of cheap labor is debatable. Tenneco estimates that labor accounts for only about 10 percent of its total production costs. "There's no advantage for us to move anything there," Tenneco's Johnson says.

Besides that, Mexico's low wages are complicated by other costs, such as allowances for food and clothing and high rates of turnover and absenteeism, claims Findlay Industries's Phil Gardner.

LOOKING FOR PARTNERS

Some of those mulling over the future believe the key to entering Mexico will be finding a Mexican-based partner to handle such day-to-day affairs. Over the past decade, many of the 400 Japanese suppliers who have entered the U.S. market opted for the same course. A partner who knows the local language, people, customs and regulations can help allow the other partner to concentrate on product and sales issues.

"A partner is critical," agrees a business-development executive with a U.S. drivetrain-components producer. "We're talking to different people down there now. You can't just go down there without some form of local support."

But unlike the U.S. firms who helped Japanese suppliers enter this country, Mexican-national firms will have less to bring to the table. U.S. firms gave their Japanese partners entree into Big 3 sales in exchange for entree into Japanese transplant automakers. U.S. firms don't have a problem with access to the Mexican industry—where Ford, Chrysler and GM comprise three of Mexico's five automakers.

Japanese and U.S. joint-venture partners also strengthened each other through technology sharing. But Mexican suppliers lag far behind in technology.

"We have to realize that we're not talking about the same kind of industrialized environment that we have in the United States, or in Japan or Europe," notes Globe's Christopher. "In the end, I think that things aren't going to happen quite as fast in Mexico as many people believe."

MEXICAN PLANTS OF TOP OEM SUPPLIERS TO NORTH AMERICA

Company	Number of Mexican plants and key locations	Products	Major customers
Dana Corp.	(43) Mexico City, Tlalnepantla, Celaya, Naucalpan	axles, brakes, clutches, gaskets, drive shafts, oil seals, pistons, transmission.	Mexican OEMs, exports.
GM Automotive Components Group	(42) Ciudad Juarez, Chihuahua, Nuevo Laredo, Nuevo Leon, Zacatecas, Matamoros, Coahuila, Sinaloa.	power signals distribution systems, switches, sensors, brake systems, facias, body & seating trim.	GM NAO.
United Technologies Automotive	(22) Ciudad Juarez, Chihuahua, Matamoros, Monterrey	wiring systems, imput control motors	GM, Ford, Chrysler.
Allied Signal Automotive	(9) Ciudad Juarez, Ciudad Acuna, Agua Prieta, Tlaxcala, Monterrey, Mexicali.	turbochargers, safety restraints, heavy-truck brake parts.	
Johnson Controls Inc.	(8) Naucalpan, Cuautitlan, Lerma, Tlaxcala, Ciudad Juarez.	seating frames, components, interior trim	Ford, Chrysler, Mercedes, Volkswagen, Nissan, Dina.
Hoechst Celanese Automotive	(8) Ocotlan, Queretaro, Toluca, Cangrejera, Celaya, Cosoleacaque, Lerma.	interior trim components, tires, hoses, coatings, paints, bumpers.	Mexican OEMs.
Ford Automotive Components Group	(5) Queretaro, Juarez, Chihuahua, Apodaca	heaters, A/C hoses, radiators, auto glass, electric modules, plastic trim.	Ford.
TRW Inc.	(5) Chihuahua, Reynosa	airbags, seat belts, electric switches	Chrylser, GM, Ford, Honda, Mazda.
AFL	(5) Ciudad Acuna	wire harnesses	Mexican OEMs, exports.
Eaton Corp.	(4) Matamoros, Toluca, Mexico City	axles, electric controls	Mexican OEMs.
Lear Seating Corp.	(4) Hermosillo, Mexico City, Saltillo, Tlahuac	seating systems	
Federal-Mogul Corp.	(4) Ciudad Juarez, Mexico City, Puebla	oil seals, engine & ball bearings	Mexican OEMs.
The Gates Rubber Co.	(3) Puelnzpantla, Altacomoco, Toluca	rubber belts & hoses	
Cummins Engine Co. Inc.	(3) San Luis Potosi, Senora, Ciudad,	crankshaft & engine components, electric systems & components, remanufactured engines & components.	Mexican OEMs & exports.
Kelsey-Hayes Group	(3) Chihuahua, Mexico City	Aluminum & steel wheels, brakes	Mexican OEMs & exports.
American Yazaki Corp.	(3) Chihuahua, Nuevo Leon	electrical distribution systems, electrical modules & components.	
Delco Electronics Corp.	(2) Matamoros, Reynosa	sound systems, anti-theft, ABS & climate controls	
Rockwell Int'l. Corp.	(2) Monterrey, Derona	heavy-duty truck components	
ITT Automotive	(2) Matamoros	electrical systems, switches, door hinges	
PPG Industries Inc.	(2) Mexico City, Hermosillo	coatings, finishes	Mexican OEMs.
Goodyear Tire & Rubber Co.	(2) Mexico City, San Luis Potosi	hoses, belts, tires	
3M Automotive	(2) Mexico City, San Luis Potosi		
Arvin Industries Inc.	(2) Queretaro, Mexico City	tire values, exhaust systems	Mexican OEMs.
Douglas & Lomason Co.	(2) Ciudad Acuna, Saltillo	seat covers	GM, Ford, Chrysler.
Valeo Inc.	(2) San Luis Potosi, Laredo	electronic materials, engine cooling systems	
DuPont Automotive	(1) Tlanepantla	OEM finishes & refinishes	Mexican OEMs.
Magna Int'l. Inc.	(1) Puebla	metal stampings	Volkswagen.
Robert Bosch Corp.	(1) Ciudad Juarez	ABS motors, ECUs for engine control systems, airbag trigger units.	GM, Chrysler, Ford, Japanese transplants.
The Woodbridge Group	(1) Mexico City	urethane form seat cushions	Mexican OEMs.
Tenneco Automotive	(1) Queretaro	mufflers	Mexican OEMs.
Libbey-Owens-Ford Co.	(1) Mexicali	windshields, taillamps, headlamps	Mexican OEMs.
Motorola Inc.	(1) Gaudalajara	semi-conductors	
Freudenberg-NOK	(1) Cuautla	seals, gaskets, brake parts, O-rings	GM, Ford, Chrysler, Volkswagen, Mercedes-Benz, Perkins.
Borg-Warner Corp.	(1) Jalisco	timing chains, tensioners, cam shaft sprockets	
Superior Industries Informational Inc.	(1) Tijuana	polishing	Mexican OEMs.

Source: Automotive News survey of top 50 OEM suppliers to North America. Plant count includes joint ventures and affiliations via equity stakes in Mexican firms.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. COLLINS] is recognized for 5 minutes.

[Mr. COLLINS of Georgia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

INTRODUCTION OF LEGISLATION TO RESTORE BUSINESS MEAL AND ENTERTAINMENT DEDUCTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. JEFFERSON] is recognized for 5 minutes.

Mr. JEFFERSON. Madam Speaker, this spring I gave my support and my vote to the administration's economic recovery program because I believed it was a good first step along the long road to fiscal solvency for our Nation, and I continue to believe that. The economic package did contain, however, a provision that I feel is inconsistent with the overall goal of economic recovery. This provision reduced the meals and entertainment deduction from 80 percent to 50 percent. Today, therefore, I am introducing legislation that would restore the business meal and entertainment deduction to 80 percent. I am joined by 42 of my colleagues from every region of the country who share my concern with the action taken on this issue during the recent budget reconciliation debate.

All of us, regardless of where our districts are located, have an interest in seeking this restoration. What district does not have restaurants and theaters? What district doesn't depend on travel and tourism dollars to contribute to the local economy? What district doesn't have constituents who drive trucks for a living and salespeople who travel during the work week—all of whom rely on travel and/or business meals to do their jobs.

REDUCTION FROM 100 TO 80 PERCENT

Reductions in the deductibility of business meals and entertainment translates into a regressive tax on business people and job losses for those they employ. It is a punitive measure that penalizes different classes of business people. As a result of the initial lowering of the business meal deduction in the Tax Reform Act of 1986 from 100 percent to 80 percent, truck drivers, who are mandated by law to rest in between long drives, can only deduct part of their meals; salespeople who eat on the road and who depend on the meal as a business necessity have cut down on their entertainment; the food service industry, which is the largest retail employer in the country, hired 700,000 fewer people; the live performing arts industry, which already operates on negligible profit margins, closed 25 theaters; the hotel industry, which has restaurants located in many of its establishments, cut $1 billion in payroll in 1 year alone.

Back in 1986, this reduction from 100 to 80 percent was blithely passed over by those who supported it with the argument that the industries affected could absorb the reduction without serious dislocations. We hear more of the same argument now. Well, they were wrong then and they are wrong now.

JOBS

Every region of the country, especially the major urban centers, will experience job losses as a result of the most recent action on this issue. Who will employ the actors, ushers, musicians, and ticket takers who no longer have a theater to employ them? Will the truck drivers lose their jobs? Will the small salesperson skip a business luncheon with a client and instead try to sell over the phone or through an office appointment, losing the edge to a larger competitor who will take that client to a quite restaurant and have his or her undivided attention? And what about all the restaurant employees—the busboys, dishwashers, line cooks, and waiters—which of them will lose their jobs because of a decrease in business?

These are all decisions that business people will have to make now that the business meal and entertainment deduction has been reduced further to 50 percent. You can say that they will find other places to cut, that people will continue to do business the same way they always have. But the evidence puts that conclusion in doubt. Studies show that businesses must change their spending habits once they reach a certain threshold, here called the bottom line. Mr. Speaker, in the case of the business meal deduction, 50 percent takes them over that threshold.

RESTAURANTS

The food service industry stands to lose over 165,000 jobs nationwide as a result of the reduction of the deduction to 50 percent. Some of the employees in our largest cities, however, will be the biggest losers. People working in Chicago will spend an estimated $1.3 billion on business meals this year. The city alone will take in over $128 million in tax revenues as a result of its food and beverage tax. Next year, however, it is estimated that $130 million will be lost in business meals because of the newly lowered deduction. Additionally, the city will lose $12.6 million in tax revenue and about 5,700 people will lose their jobs. In a city with a 7.1 percent unemployment figure, this change in the tax law will have a devastating effect.

Similar results will affect a number of other major urban centers. New Yorkers will spend about $2.7 billion in business meals this year and the city coffers will take in $255 million in tax revenues as a result. It is estimated that business will spend $269 million less on meals and cost the city 11,000 jobs and $22 million in tax revenues. With an unemployment rate of 12.1 percent, the City of New York can hardly afford any provision that will add to the numbers of unemployed.

In Los Angeles, business people will spend on average $1.2 billion this year on marketing meals, and the city will take in $175 million in taxes as a result. The restaurant industry will realize a loss of about $239 million in sales, which will translate into a tax loss of $17.3 million for the city and a loss of over 10,000 jobs in the industry. The January unemployment figure for the city of Los Angeles was 10.4 percent. This city, given its recent history and the economic peril throughout the entire State of California, cannot absorb this kind of job loss without potentially disastrous consequences.

Another California city, San Francisco, will have a business meal industry of $1.2 billion in 1993. The city will receive about $90 million in tax revenues as a result. With the lowered deduction, roughly $122 million less will be spent on business meals and the city will lose about $8.9 million in tax revenue. This translates into a loss of 5,400 jobs.

I thank you, Madam Speaker. There is much more to say on this subject about my city, New Orleans, which will experience the same sort of job loss and it is all over America.

☐ 1840

BELIEVE IT OR NOT, TROOPS HEADED TO HAITI TODAY

The SPEAKER pro tempore (Ms. CANTWELL). Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Madam Speaker, we are at a point here that it is almost in the category of "Ripley's Believe It Or Not." As the administration struggles with our peacekeeping operations in Somalia, and the terrible scenes, the gruesome scenes, that have disgusted our country and caused outrage across the world, we have another event unfolding today in Haiti. At the very time when the President of the United States has asked the United Nations to just say no to expanding some of its operations and the people of our country are asking the President to just say no to committing American troops to a foreign officer corps in dangerous and unpredictable situations overseas, we have 600-plus American troops headed off again to an area where we do not understand the purpose, we do not understand the rules of engagement, we do not understand the exit plans. We have a chain of command that involves the United Nations, and we are definitely putting our men and women in harm's way.

Many do not know right now that we have got more than 73,000 Americans participating in 17 U.N. operations around this world. That is an extraordinary number of men and women serving the world's purpose and the U.S. purpose.

Not all of them are at risk, to be sure, Madam Speaker, but in terms of dangerous places I would suggest that Haiti is noteworthy.

Haiti is, of course, in America's backyard. It is a nation I know well. It is somewhat near my district, and I know many Haitians, many decent folk. I have to tell my colleagues, however, that in 200 years of history Haiti has not had a peaceful time. There have been very few peaceful solutions in Haiti.

Today I happened to pick up the New York Times, a piece, just a few instances. I will quote from the New York Times.

Port-au-Prince:

> In the latest blow to efforts to make a peaceful transition to democracy, about 30 heavily armed civilians hunting for the Mayor of the capital broke up a political meeting at a hotel today with bursts of automatic weapons fire. * * *

United Nations observers and journalists were chased away in a fusillade.

Remember that word "fusillade"? That means somebody was shooting at them. It was unclear if anybody was injured in the attack. "I don't think the international community has the means to provide security here," said the mayor of Port-au-Prince. The stations, the radio stations,

> * * * were occupied by armed police auxiliaries who until today prevented information Ministry officials from taking control. Diplomats say the auxiliaries, known here as attaches, are responsible for a violent campaign in recent weeks aimed at derailing Father Aristide's scheduled return on Oct. 30.

In other words, Madam Speaker, the media are under control of the people who want to create trouble and instability.

Mr. Malval, the interim leader, as "he traveled between stations, was accompanied by a speeding convoy of foreign diplomats and heavily armed police and soldiers."

Does this sound like a place where we are not going to have shooting?

We have another story. The leading civil rights/human rights campaigner in the country, Jean Claude Bajeux, attacked by a commando squad in his house. He was not there. They killed some domestic workers who were there.

Installing people in the court system,

> Raoul Céras, commander of Haiti's Army, was cheered by 150 anti-Government protesters as he attended the opening of the Haitian Supreme Court's fall session, which was presided over by a judge who was recently removed from the bench by Mr. Malval's Government.

At another court opening session taking place nearby attachés dragged, and those are the police auxiliaries, remember, the new Ton-Tons Macoutes—attachés dragged an administrative court judge from his chambers and threatened him at gunpoint in the street to see it their way, et cetera, et cetera.

Father Aristide's scheduled return on the 30th of October is a great hope for Haiti. I hope it works out well, but I can tell my colleagues right now that there are not many who are confident that it is going to be peaceful. So, if we are going to send our troops, and 25 Americans flew in today, 210 more are boarding tomorrow from Roosevelt Roads in Puerto Rico and sailing, and they will be arriving Sunday, and 600 more are coming thereafter, a 600-member U.N. force on all, large majority Americans. What are we there for? Hopefully we are there to help build peace.

☐ 1850

Now, that is a wonderful mission. And it has been 200 years that we have not been able to do that. Nor have the Haitians.

It is very clear that in this effort of trying to build peace, there are some real similarities with what is going on in Somalia.

Lt. Col. Joseph Michel Francois, head of the national police, has declared his opposition to the U.N. plan. He is the guy that commands the people that have the guns, and he does not want our forces there. He is one of Haiti's most powerful people. He is, in fact, sort of like a warlord. Where have we heard that word "warlord" recently? It is the same type of thing.

Now, we are going to have our troops there for nation-building. I do not know exactly what the rules of engagement are going to be. Are our troops going to have sidearms? Are they going to be allowed to shoot back if somebody shoots at them? What are they going to do if they see a necklacing going on in Haiti? Do they stand by idly? Do they intervene? If so, with how much force?

These questions need to be answered before we put our people at risk. So far the only thing I know for sure is we are repainting our military equipment going in from green to white. I would point out that white makes a whole lot better target than camouflage green. We have learned that, sadly, in Somalia, as well as at great personal cost to Americans.

So let us ask this question of the administration: Could you look your son or daughter in the eye and say, "This is why you are going to Haiti?" There is no answer. Why are you being asked to put your life in harm's way?

I could not answer my son or daughter. If I get a constituent who is a parent who has a son or daughter who is dispatched to Haiti, I do not know how I am going to answer those people. And I am going to ask the administration for that answer before we send any more troops there. It is a fair, fair question.

General Powell, who I think everybody will agree is one of the great Chairmen of the Joint Chiefs of Staff in our recent history, in fact, of our total history, has said do not do the job with half measures. If you are going to do the job, do it all the way.

We failed to understand that in Somalia. We are repeating the mistake there. I hope there is no further damage to the lives or well-being of our troops.

Madam Speaker, let us not make the same mistake in Haiti, please.

The SPEAKER pro tempore (Ms. CANTWELL). Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

[Mr. COYNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

ON SOMALIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LAZIO] is recognized for 5 minutes.

Mr. LAZIO. Madam Speaker, yesterday, my office received more than 100 calls on the tragic situation in Somalia. Many of my constituents were so distraught they had trouble getting their words out. Nevertheless, their message was unmistakable—absent any coherent explanation as to why American troops are still in Somalia, what we are doing there, and how long they will stay. They want us out.

Madam Speaker, our original mission in Somalia was well defined and articulated by President Bush. This mission has been completed. And it was completed—successfully. We helped to restore order—the vast majority of Somalia is now free of armed conflict—and we helped to alleviate the terrible human suffering. The process of withdrawal from Somalia, consistent with our originally stated humanitarian mission, had begun before Mr. Bush left office. Instead of continuing the orderly withdrawal, the Clinton administration has escalated, and is escalating, our involvement, and it has done so without clearly defining a new or expanded mission. Now, the President is faced with explaining to the American people why American troops remain in Somalia.

I think I know the answer under the present circumstances. We are, I believe, engaged in an exercise of nation-building, albeit in a hostile environment. This may be a noble and honorable goal, but it is not in our strategic national interest. And many would ask, justifiably, why Somalia and not Liberia, Cambodia, Bosnia, or Soviet Georgia, all places where civil strife has resulted in bloodshed and the emergence of warlords? If our new national role is to be the policeman for all civil insurrections throughout the world, the President has failed to articulate this policy and to achieve a national consensus on it.

Unfortunately, the national debate on the changed situation in Somalia has been conducted without input from the executive branch. The role of the United States has yet to be articulated by the President in any coherent way. Nor are our troops equipped, prepared, or trained for this mission. In lieu of much-needed Presidential leadership, we find American troops in a quagmire all too reminiscent of another American tragedy—Vietnam.

Some will say that, as a matter of national pride, we simply cannot retire from Somalia. To that I answer that if we had withdrawn from Vietnam in 1962, over 50,000 young Americans would have been spared. Will the capture or demise of General Aideed end the bloodshed, or will another tyrant or group emerge that will only require additional escalation?

Madam Speaker, this is not a Johnnie-come-lately position on my part or on the part of so many of my colleagues. Six months ago, on April 1, the House Republican Policy Committee issued a forceful policy statement that made many of these same points and specifically urged that our forces be pulled out of Somalia in a safe and orderly manner. We have paid too high a price for failing to heed this advice.

In the wake of the unfolding, ongoing, and reprehensible tragedy in Somalia, the American people are understandably distraught. This is reflected in the outpouring of outrage from my colleagues in both the House and the Senate. This outpouring is not a form of piling on against the President. It comes from both Democrats and Republicans and a reflection of our constitutional role as elected representatives. It is time for the President to listen. It is time for the President to lead.

MENTAL ILLNESS AWARENESS WEEK, OCTOBER 3–9, 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY. Madam Speaker, today I rise to commemorate Mental Illness Awareness Week. This marks the 10th consecutive year that the Congress has designated a week in October as Mental Illness Awareness Week. The goal of this resolution is to help educate the American public about mental illness and to dispel the myths and stigma associated with this type of disease.

Mental illness afflicts some 40 million Americans each year. Twenty-eight percent of the U.S. population suffers from some form of mental or addictive disorders. In each of our congressional districts, this translates into over 160,000 real people whose lives are affected by mental illness. Approximately one-third of the homeless persons in this country are mentally ill. Major depression and manic-depressive disorders affect 1 out of every 10 Americans.

Mental illness affects not only individuals but society as well. Direct treatment costs and indirect costs from lost productivity associated with mental illness, means billions of dollars lost to our economy each year. This makes research on mental disorders an absolute necessity. I am proud to have worked hard with my colleagues on the Appropriations Committee to ensure that the National Institute of Mental Health has the financial support that it needs. In the Health and Human Services budget for the year 1994, we approved $613 million for NIMH—a 5.2-percent increase over the 1993 fiscal year—and $2.1 billion for the Substance Abuse and Mental Health Services—a 6-percent increase over the 1993 fiscal year.

Public fear, discrimination, and misunderstanding must be overcome if we are able to help the mentally ill lead productive lives. As Congress begins examination of the administration's and others' national health care reform proposals, we must recognize that in fact, with proper treatment, the vast majority of those who confront mental illness during their lives can move on to be fully productive, self-sufficient participants in our society. I ask my colleagues to join me and recognize that myth, ignorance, and stigma should not be allowed to limit care of the mentally ill.

In closing, I would like to extend special thanks to my colleague and good friend, Congressman RON WYDEN, for introducing this important resolution and for the leadership he has shown in behalf of effective and sensible policies to respond to mental illness. Thanks should also go to Mr. Jay Cutler and the American Psychiatric Association, and to the National Alliance for the Mentally Ill for their ongoing advocacy in this area.

TAX CHANGES UNFAIR TO BUSINESS PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 5 minutes.

Mr. ABERCROMBIE. Madam Speaker, I would like to continue the discussion begun by my good friend and colleague from New Orleans [Mr. JEFFERSON].

In the city of New Orleans where he resides, businessmen and women and conventioneers are expected to spend $320 million on business meals and entertainment this year, generating $32 million in sales tax revenue for State and local coffers. The New Orleans Chamber of Commerce has predicted that in that city, the 50 percent deduction will translate into 1,600 lost jobs. That will produce a loss of $18 million for the New Orleans economy. That is an extraordinarily big hit for a city government that is barely getting by.

City governments all across the Nation are experiencing the same dilemma.

Theaters have been mentioned. The theater industry, an integral part of many major urban centers, stands to lose as well. New York's Broadway theaters are entirely dependent on ticket sales for their livelihood. Forty-nine percent of those attending any Broadway show are from out of town, our constituents. Twenty percent of the tickets are sold for business entertainment purposes. The lower entertainment deduction will translate into a weekly loss of 6 percent of ticket sales, at a minimum. This may not seem like a lot, but a 6-percent loss in an industry with an inherently small margin of profit would be enough to close a large number of Broadway shows, impacting, again, adversely on New York City, and impacting even worse on those shows that are traveling the country.

With regard to the transportation industry, the lower deduction is very unfair to medium and long haul trucking companies and their drivers. We always have the vision given to us, Madam Speaker, of the luxury sky box owners and the three martini lunch. But the person who is using the business meal deduction, in the instance of medium- and long-haul trucking companies, is involved in legitimate and unavoidable business meal expenses. This is not something that is done by choice.

Many drivers must eat all of their meals away from home for more than 200 days a year. These meals are usually eaten at truck stops and other modest establishments along the highways and byways all across this country. These meals are clearly ordinary and necessary business expenses, and are anything but lavish and frivolous. The drivers either are reimbursed for those meals at the Federal per diem rate, or make use of the business meal deduction.

Denying 50 percent of that modest and unavoidable expense is inequitable tax policy. Must the truckdriver now eat every other meal, skipping breakfast to makeup for the increase in price he experiences, because he can only deduct 50 percent of the cost of a meal?

In 1996, the city of Atlanta has the honor of hosting the Summer Olympics. That will result in millions of people who will spend billions of dollars before, during, and after this spectacular event, all over the United States. Atlanta alone expects to welcome millions of foreign tourists, many of whose travel will be a legitimate business expense and who will market their products by means of business meals and various forms of entertainment, all of which will be 100 percent, not 50 percent, but 100 percent deducible in their countries of origin.

☐ 1900

Here we talk about competing economically with the rest of the world, and we are cutting our own throats. And we are doing it voluntarily.

Americans looking to conduct business in Atlanta will thus be placed at a competitive disadvantage of no small measure.

Over 46 million visitors arrive in the United States every year and add an estimated $72 billion to our national and local economies.

Travel and tourism is providing what surplus we are able to generate in our economy. Yet we are attacking it here at home. Travel and tourism is the third largest retail industry in the country, with a payroll in excess of $83 billion. We are attacking it.

This industry provides hundreds of thousands of jobs for those who traditionally have a difficult time facing economic dislocation: women, minorities, teenagers. The glass ceiling has long since been broken in the travel and tourism industry. We take people and we give them jobs. We see to it that they are able to work and provide for their families. Yet we are attacking it.

Clearly, Madam Speaker, the issue is not as it was originally presented, about taking away one more unnecessary privilege of the rich, corporate "fat cats." That is the mythology that is presented to us.

The issue is about jobs. This is a jobs issue, and this issue is going to be taken up in the Committee on Ways and Means in this Congress as a jobs issue, and we are going to be judged on it as a jobs issue.

It is about the future of our cities. It is about the future of our cross-country truck drivers. It is about the future of the economy of this country, the real job generator, travel, and tourism.

The largest impact of this provision is against the ordinary person who is making use of the business meal and entertainment deductions as a legitimate adjunct of business activity. We are desperately looking for ways to revitalize our cities that have severe budget restraints. This is one of the ways to do it.

We sincerely ask for the support of all of our colleagues in restoring the business meal and entertainment deduction rate to its proper size, 100 percent.

CRITICISM OF SOMALIA EFFORTS—THE HISTORY OF UNITED STATES INVOLVEMENT

The SPEAKER pro tempore (Ms. CANTWELL). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Madam Speaker, I rise today in order to place in the RECORD a release that I formulated and gave out on December 14, 1992, last December.

I am going to read:

> The expeditionary force to Somalia mandated by President Bush after the election is once again presented to the American people in a false and deceptive manner.
>
> At no time has there been prior consultation with the Congress, or with President-elect Clinton, who blithely endorsed the adventure, just as he did before the election when President Bush was considering, once again, substantial military intervention in Iraq.
>
> In view of the absence of any questioning voices, in or out of the Congress, and the President-elect's propensity to rubber stamp every action, whether intended or not, it is imperative that the American people know the truth.
>
> First, this military expedition is the result of the failure of the Reagan-Bush cynical "policy" toward Africa generally and Somalia specifically. Are the American people

aware that the Reagan-Bush regimes in the 1980's gave Somalia's brutal and corrupt tyrant President Siad Barre more than $750 million in economic and military assistance? If our soldiers are shot at, it will be with those arms Reagan and Bush gave them.

For at least the past four years, it had become obvious Barre's days were numbered. Congressional voices were raised to stop that aid. But who comes to the rescue but none other than our braggart millionaire ex-General H. Norman Schwarzkopf. As the head of the United States General Command, he appeared on February 8, 1990, before the U.S. Senate Committee on Appropriations and said, "* * * [continued aid to Somalia is necessary] allows us to maintain valuable contacts, counter-balances the growing relationship between Somalia and Libya and helps Somalia to maintain its political and territorial integrity."

By January, 1991, as Schwarzkopf was heading the American expeditionary forces onto the sands of Araby, Somalia had exploded and disintegrated, and Siad Barre fled for his life. Then, earlier this year as the presidential election heated up, the United Nations Security Council addressed Somalia and was preparing a strong resolution. But the United States Representatives watered it down out of fear the United States would have to foot the bill for a peacekeeping operation.

The hypocrisy of the United States was described by Africa Watch, a respected world organization, in a February 1992 report as follows: "The United States managed to find hundreds of millions of dollars for Siad Barre and helped to lay the groundwork for the country's destruction today."

So, here we are again, like the Bourbon kings of old "who learned nothing and forgot nothing." As in Lebanon ten years ago in 1982, when Marines were given an undefined peacekeeping role to play which lack of definition led to the deaths of over 240 of their number, I ask again, "what is the military mission of our military in Somalia?" Even General Colin Powell seems quite mixed up when he states that the purpose of our military is "to send a message to some of those tribal chiefs."

It is not about aid or helping starving people, a "message to the tribal chiefs."

But, as I said in 1982, in the case of Lebanon, the Marines are not ambassadors or politicians. They are warriors. They cannot be neutral, therefore, not peacekeepers, if they intervene in favor of or against one tribal chief or another, any more than they were in Lebanon. They are not peacekeepers.

The United States is now, as a consequence, involved and engaged in one of the most sensitive spots, astride the Horn of Africa, where Islamic fundamentalist, Israeli, Iranian, and Arab intrigues, ambitions and, ultimately, armies will collide.

That was December 14, 1992, not now, as a latter-day strategist.

OPERATION: NO NAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN. Madam Speaker, my colleague, the gentleman from California [Mr. CUNNINGHAM] is being called off to do righteous battle on "Crossfire." I would like to yield to him first for his thoughts as a naval combatant, one of our only two aces from the Vietnam war, and who survived a shootdown in the waters off Vietnam so he knows what rescues are all about and what it is like to have Rangers repelling into a combat scene. Greater love than this has no man.

Madam Speaker, I yield to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Madam Speaker, I thank both my colleagues from California. What I would like to talk about, quickly, is the Somalia issue, as the gentleman from Texas [Mr. GONZALEZ] spoke before me.

My calls and letters and faxes are running 99 percent as far as "Let's get out of Somalia." The other 1 percent basically want to level the city. And I have had no one, not a single call that says, "We need to stay in Somalia."

I do not know what, Madam Speaker, your reactions were when you saw our servicemen dragged through the streets. My first reaction was one of anger, which I imagine yours was.

The second one was, let us meet that with force. But I know, commonly, that when we think with anger on our minds, we think about force, that sometimes our ideals are clouded. I think we need to take a look at, first, what was our original mission.

It was one of humanitarism, to help the people in Somalia that were hungry.

□ 1910

Do we destroy that good will by staying there and killing innocent men and women? Because right now we have about 5,000 troops there. Do we put 100,000 in? What do we do with 100,000? Do we kill the same people that we went there to support, or if we do, why are we really there, and what kind of mission will we have?

There is a proverb that says, "Those without vision will perish." I think this is the case. If we talk about human rights, I would like to look at India, look at the Sudan, which is far worse than Ethiopia, and then, yes, Bosnia, and even Haiti.

In Desert Storm the mission was clear. We had our goals. We met them. Then we got out. We did not get rid of Saddam Hussein, which was probably one of the mistakes, but we had a clear mission and fought for that.

Recently on the Committee on Armed Services we went up on a bottom-up review. Even the authors that prepared the bottom-up review to see what our forces should be in the future when we cut down things, AL GORE in a statement in "In Betterment of Government" made a statement that the bottom-up review was based on the President's $127 billion cut, not what we needed in the armed services, but what we should cut to the $127 billion above the $50 billion we already cut.

Every defense dollar we are taking a look at in the committee, we had to fight off the liberals from taking every social program and environmental program and tying up the dollars we had left in defense.

The President said his No. 1 issue is readiness, but yet even the director of the bottom-up review said that is not possible under the current plan. Yet, we asked our men and women to serve in Bosnia and we asked them to fight. We cut defense $127 billion.

The same people that turned their backs on us in Desert Storm are asking us to stay in Somalia. Then they also want to get us involved in Bosnia. We need to stay out of those things.

What do we need to do? First of all, Sir Thomas More in the book "A Man for All Seasons," as he was on his way up to the guillotine, to the chopping block, he noticed that the scaffolding was rickety. He said to the lieutenant that escorted him up, "Sir, the scaffolding is weak. I pray thee, see me up safely." He said, "However, for my return, I will have to shift for myself." I think this administration is asking our men and women to go to Somalia and then shift for themselves.

I look not only at Desert Storm, but I see how our hands were tied to Vietnam. The same individuals, the Kennedys, the Johnsons, that put us into Vietnam, and then did not support our troops. And you say "How, Duke?" They tied our hands. I remember things like Operation Proud Deep, and protective reaction strikes, and mining the harbors, and how we were prevented from doing our job. All I ask, Madam Speaker, is that the President take a clear view at what our mission really is, pull us out of Somalia, let Africa deal with its situation, let the United Nations take back over where they deserve to, take our troops out of there, and get us home safely.

I would like to thank the gentleman from California [Mr. DORNAN] for allowing me to speak on the issue.

Mr. DORNAN. Madam Speaker, on the gentleman's way to the TV station, I may disagree with some of the things he has just said, because I am in a state of flux over what we do here. I do not want to be driven out of there and watch people starve to death because of terrorists, but I want the gentleman to join me in special orders here later.

The amazing things is, our Government has no policy, none, none.

Mr. CUNNINGHAM. Will the gentleman yield?

Mr. DORNAN. I yield to the gentleman from California.

Mr. CUNNINGHAM. Madam Speaker, I would like to make one point. My first reaction was anger, too. One thing

I left out in my statement, the very first thing we ought to do when we withdraw is to make sure our POW's and MIA's are out of there, and we do not do another Vietnam.

Mr. DORNAN. Sir, from you, that is a given.

Mr. CUNNINGHAM. Second, if we go in and strike, I think those POW's will probably die. It has been mentioned, "Let us take their folks." We do not kill prisoners, and that is not a card for us to play. I think we need to look at the safety of those POW's, MIA's, and to get our rear end out of Somalia.

Mr. DORNAN. I thank the gentleman. Another gentleman from California, DUNCAN HUNTER, is going to join us. One thing I want to touch on before the gentleman leaves, and he can hear this as he is leaving. You and I, Mr. HUNTER, and Mr. CUNNINGHAM, three Californians, join with a Texan, Mr. JOHNSON, with 25 combat missions in Korea, 50-some in Vietnam, 7 years POW, SAM JOHNSON, when we took his call sign we sort of called ourselves Tiger Flight. What we were warning America in October, and all through September, was when you elect a draft dodger, a triple draft dodger, as the Commander in Chief, you have crippled yourself for definitive decisions.

One of the men who has died this weekend is from Riverside, CA. His mother has already said to the press, "I have to give my only son under a President who dodged the draft? Something is wrong here." But that is water under the bridge now.

However, this man is going to be confronted, as was L.B.J, with a policy, and he had better conduct himself correctly, instead of jogging around in little silk lavender purple jogging trunks, as he did yesterday after the men were killed, this was Monday, slit up the side so high that it disappeared under this sweatshirt. That is not the way to react when he should have been on his way back to his situation room in the White House instantly.

If he is coming over to this Congress tomorrow to ask for consultation, he had better be all ears, and cut himself off from the draft dodgers and flower children that he has put in some key positions at State, and he had better listen to some of the veterans in this House on what to do in Somalia, and then he had better bite the bullet and make a tough decision.

Mr. CUNNINGHAM. Will the gentleman yield?

Mr. DORNAN. I yield to the gentleman.

Mr. CUNNINGHAM. I would agree with the gentleman as far as he needs to listen to the veterans. I would like to put the past behind the past, and support the President if he will take those people out of Somalia and press on with the issue. That is, the primary thing is to get us out of Somalia, keep us out of Bosnia, keep us out of Haiti and bring our men and women home, and then get a balanced budget amendment.

Mr. DORNAN. I thank the gentleman. It may not be that easy.

First of all, I want to point out something, since we are living under a rule from two Speakers ago that has the six cameras in this House, paid for by tax dollars, panning the House as though Mr. HUNTER and I are here all alone in a cave of winds, talking to one another. One million two hundred thousand of our fellow Americans Madam Speaker, are listening to my words and will listen to DUNCAN's words tonight, and they are hungry for some leadership out of this briar patch, this quagmire, that has developed in Somalia.

One million two hundred thousand people. Please do not stop me in an airport or call my office tomorrow and say, "What you said was fascinating, I agreed or disagreed, but it is too bad that nobody was there to listen to you." A lot of Members have their TVs on in their offices.

DUNCAN, I now want to do two things in our colloquy. First, I want to read the list of the dead. I want people to appreciate, and I am not going to just call them handsome and strong Americans. These are beautiful human beings in the prime of life. I want their names in the RECORD.

Then I am going to read six points that Cap Weinberger put down, and let us call them the Weinberger commandments, of when we should put our men, and now women, in harm's way. Then, because the gentleman served in Vietnam, after the 173d Airborne Brigade left An Khe, the gentleman was short 6 months then, so he stayed on and joined the 75th Rangers, so that unit took 70-percent casualties.

People over this weekend that go to see the movie Gettysburg, there was hardly a regiment there that took 70-percent casualties, except those in Pickett's charge. This has decimated one of the top trained units in the U.S. military, of any branch, our 75th Rangers, the first buys to hit the airfield at Granada under then-Colonel Taylor, who I understand is retired, and I hope he will call me to give me some views on what happened to his former unit.

Here are the names of those killed. Remember, we have 10 missing, of which one is Durant, accounted for as not a detainee, as Delarbey says, our spokeswoman at the Pentagon, but as a prisoner, a hostage, not a detainee. That is what they called my best friend, Dave Hrdlicka, lost in Laos May 18, 1965.

For 4 years, under Averell Harriman, they called him a detainee, under hostile power. These are not detained, as if at a tea party. They are being beaten, tortured, and they are hostages and prisoners of a war lord, so these are going to be eight names, and maybe, God forbid, added to this list if we do not rescue these people.

Here are the 12 acknowledged killed, and the gentleman and I are going to go visit in the hospital tomorrow or the next day, if we can get to the hospital where they are; we will go visit some of the Rangers who have already come home on hospital planes.

Here are the dead, 12 killed on Sunday, October 3d:

CWO Donald L. Briley, 33, North Little Rock, AR.

S. Sgt. Danied D. Busch, 25, Portage, WS;

Cpl. James M. Cavaco, 26, Forestdale, MA;

Sfc. Earl R. Fillmore, Jr., 28, Blairsville, PA;

Sgt. James C. Joyce, what a name, James Joyce, great poet-author, 24, Plano, TX.

☐ 1920

Pfc. Richard W. Kowalewski, Jr.—I wonder what his dad is doing tonight—20, Crucible, PA. Pfc. James H. Martin, Jr., 23, Collinsville, IL. M. Sgt. Timothy L. Martin, 38, senior guy in the prime of life, Aurora, IN. Specialist Dominick N. Pilla, 21, Vineland, NJ. Sgt. Lorenzo M. Ruiz, 26, El Paso, TX. Sp. James E. Smith, 21, Long Valley, NJ. And like our captured CWO Michael Durant, a chief warrant officer, probably another Black Hawk pilot, CWO Clifton P. Wolcott, 36, Hopkinsville, KY.

Now I just found out minutes ago that our positions were overrun. I am going to quote from the Washington Post here in a minute, DUNCAN, that the area was littered with American bodies. They had one trussed up in a wheelbarrow pushing it around. We have seen the man dragged around. God forbid we should ever put women into combat in these positions. Suppose that it was Michele Durant?

But since you served in the 75th, and they were decimated now, give me your thoughts. And I might take a little fine-tuning disagreement with DUKE, because I am still thinking through the policy, which is more than they seem to be doing down at the head shed down on Pennsylvania Avenue.

Mr. HUNTER. I served a couple of months in the 75th Rangers in Vietnam when the great 173d Airborne came home, and became part of the 101st at Fort Campbell. And as a guy who did not do anything special in Vietnam but showed up, the 75th was and is a great organization.

The first thing that struck me, BOB, when I read the Washington Post this morning, that I think has struck all Americans who have read the story, is that part of what happened to our people, the inability to have armored units to respond to a call to extricate a force that is under fire, which is what happened, our force got pinned down, they called for help and we could not get help to them because we did not have any armored units. Those armored units had been requested. They had been requested by Central Command and by the commander on the ground in Somalia.

The request was denied, according to the Washington Post. And this is what brought back memories of Vietnam, and L.B.J. deciding every day what targets could be and what targets could not be hit politically. The request was denied. And I am going to quote the Post. According to an official who is one of our DOD officials, Secretary Aspin refused the request for armored units because he, one, got conflicting advice. And my first thought about that is when a commander on the ground asks for something, give it to him.

Mr. DORNAN. Have you got a direct quote?

Mr. HUNTER. I have the quote from the official. The official says that Secretary Aspin got conflicting advice. There is nobody in Washington, DC, who can understand the situation on the ground like the commander who is there. And the great thing about the Bush administration was they gave discretion to their commanders on the ground. They let them run the operations, and they did not try to micromanage them.

So that was the first thing, and that brought back visions of the failed helicopter rescue when Jimmy Carter was trying to run that from the White House, do what was right politically, not do too much, do a little bit. So he got conflicting advice.

Second, he saw no great sense of urgency. You know, in the Washington world where you wait for the next day for a markup, or you wait 2 days later for a meeting, or another week for a briefing, you can never appreciate that time is of the essence on the ground in a military situation. And when somebody asks for something, when a field commander asks for something, give it to him. That is the only way you can hold him accountable if he makes a mistake, is if he is given the equipment and the resources that he needs when he needs them.

So second, the second great Washington stamp of failure on a military operation is there was no great sense of urgency. And I remember that Abraham Lincoln, I think, requested or said one time of one of his generals, of General McClellan, he said, "General, you have a case of the slows." We had a case of the slows in Washington, DC, when this request was made.

And the last thing, that I think is the worst of all, the worst indictment on our system and on this administration is that they feared, the Department of Defense feared a congressional backlash. They feared criticism from the House of Representatives, from the Senate, or from some Members who maybe would say this is an escalation to give a field commander what he needs.

So a few days later, they made a judgment that we are sending a pathetic little patrol of something like four tanks to Somalia to respond to the degrading activities that occurred to these enormous number of casualties that we took. Apparently with all of the words that have been written about mistakes that were made in Vietnam, about politicians second-guessing commanders in the field, we repeated that scenario just a few days ago.

Now we have two things I think that the American people have to understand about this. There are two issues here.

The first issue is long range on our policy, do we stay in Somalia?

The Republican conference has had a policy since April 1 of pulling out of Somalia since we had fed the people. We went in to beat this famine and to save millions of lives. We did that. We did not overestimate what we could do when we went in. We did not say that we were going to bring a democracy to an area that has been politically unstable since the beginning of its nationhood. We said we were going to feed the people, and we did, and saved millions of lives. After that we were going to get out.

We now are in Somalia, according to the Clinton administration, or this message that we get from them, this lack of a plan, but nonetheless there are statements that were articulated yesterday, because we are going to provide the military shield to allow the United Nations to change this nation into a democracy. That is a bridge too far for the United States. That means that the United States is prepared to lose Americans, and we will lose Americans, more Americans over the long haul if we provide this shield for the United Nations.

So this is a change in mission. And I think that the change in mission is not justified. We have accomplished the mission we first set out on, and we should withdraw.

Now, the second issue is should we react to the killings of several days ago in a way that it appears that we are willing to leave any time Americans are killed or captured, we are willing to leave the scene of the battle and get out, and receive loud and clear the message that is sent to us by terrorists like those of Mr. Aideed's force. And my answer to that is "no."

I think that it is wrong to pop up as soon as those killings took place and immediately give what must have been, which must have been looked on by General Aideed with approval. That is, American Congressmen shouting to immediately get out as soon as the body was dragged through the street. I think the message that that sends is that it worked, we have got Congress in an uproar and let us drag another body through the street. We have a cause and effect here. We are getting a reaction, and we should not allow that to happen.

Mr. DORNAN. DUNCAN, this was all predicted in the intelligence community on September 27. I have not yet seen this report, but on September 28, as I said in my special order today, I took the floor and said 8 days ago the following words: "Now here is something that is very sad. Two Pakistani soldiers are missing in action. Can you imagine if these were American men, how upset Members in this Chamber and the U.S. Senate should be?" This is 8 days ago I said this. "Missing in action. Does that mean soldiers in some dirty little garage off some Mogadishu alley being tortured to death, or does it mean they are already dead and their bodies have been dumped down a well, or are rotting behind some blown-up building in Mogadishu?"

You see, I did not anticipate, because I have never seen this in this life, except for Desert I when the Iranians held up some of our eight marines, cut their fingers off to get at their Annapolis Academy rings, or their Marine enlisted soldier rings. I have never seen bodies desecrated like this. So I did not anticipate that 5 days after I made that statement this nightmare comes true.

Now at this point let me read Cap Weinberger's six commandments.

☐ 1930

I may revise these and put a "thou shalt" in front of them. I will move No. 6 up to No. 2 because that would be a logical move. These are not written in stone.

So here is "Cap" Weinberger's speech of November 8, 1984. I had just won an election, making a comeback to this House after being 2 years gerrymandered out of here.

Mr. HUNTER. What a great victory that was.

Mr. DORNAN. It was. No. 1, is the situation vital to United States or allied national interests?

Now we have this new expression in the disorderly new world order about humanitarian health, and I am a bleeding-heart conservative when it comes to feeding starving little babies anywhere in the world. But if we are going to redefine United States or allied national interests to take into account gross calamities, earthquakes, major floods, avalanches, mass famine and plague, but in hostile environments where the people we are trying to help have one-half of 1 percent of the good people who are so-called warlords that are really just thugs, outlaws, and murderers, they are shooting at the men trying to feed their own cousins. If we have a situation like that we have to analyze it.

No. 2, have all other options already been considered or used? Other African nations, Egypt, Egypt wants to help. I understand we are telling them "Butt out, we will take care of this." Egypt, a country that has one border away—Egypt, Sudan, Ethiopia and here is the Horn of Africa in Somalia—what is that all about? It is like telling the Taiwanese they cannot fight in Vietnam, telling the Koreans we only want two of your divisions, the White Horse, which was near you and the Tiger Division, and no NVA or Viet Cong ever played around with Korean divisions, ready to fight their South Korean fight on Vietnamese soil; we only wanted two divisions. What was that, in retrospect?

Point 3: Is there a clear commitment including allocated resources to achieving victory? Allocated resources like the buildup of Desert Shield to a 42-day, 5-hour land war and a 4-day land war, 100-hour land war. We allocated proper resources and had a goal, victory, driving Saddam Hussein out of Kuwait. We should have had more of a victory, but I guess our allies did not want to see us arrest the mini-Hitler of Baghdad.

No. 4: Are there clearly defined political and military objectives? Maybe we now have to put the word "humanitarian" in there. But are they clearly defined?

Not since Mr. Clinton marched across the Ellipse, the South Lawn of the White House with 24 marines in combat fatigues—not dress uniforms, which is always the uniform of the day when you go to meet the Commander in Chief or go to the White House. He said, "Dress in your cammies, boys. I need you as supernumeraries, as extras for my call that we won Operation Restore Hope." This is 5 months ago yesterday. And then "We are out of there." Then we went under the United Nations and there is not even an operational name for it. If they want one I suggest "Operation No Hope" or "Operation No Policy."

So I say No. 4 again: Thou shalt not put men and women in harm's way unless there is a clearly defined political and military objective.

No. 5: Will our commitment of forces change if our objectives change? When the objective is changed on the march to make the South Lawn safe for next year's Easter egg roll, as Rush Limbaugh says, once that took place with a three-star general born in Scotland serving as a three-star general Robert Johnson has to play as an extra with his stern face next to Clinton feeling very uncomfortable; and after those 24 marines, some of them women, performed for him on the South Lawn, did our objectives change? Obviously they did. We are now flying under the powder-blue flag, the robin's-egg-blue flag of the United Nations or under foreign commanders who could not even extricate our forces when they were being chopped up.

Mr. HUNTER. If I may interrupt there, when we debated on the House floor the issue of whether American troops should be under United Nations commanders, the side that was for having Americans troops basically working under the United Nations commander said, "Listen, the combat leaders will still be Americans. That means American fighting forces will still be under the leadership of American commanders. You are going to have American platoon leaders, company commanders, et cetera for the combat forces."

What they did not say, however, was that the reserve forces, those forces that must have the ability to go in and extricate a force that is in trouble such as the Ranger unit that was pinned down, are just as important as the combat force.

Having that reserve to go in and pull you out is just as important as having a good active-duty fighting force right there with you as you go to the spearhead.

What happened was the United Nations was not capable of producing or providing backup for these American units. This is like having a police officer or two police officers in a police car getting pinned down and radioing back to the police headquarters for help and finding out that you have got some bureaucrat back there who is not capable of driving a car and getting to where you are.

Mr. DORNAN. We have a couple of interns here from Denmark; they do not even know the streets but they are coming to get you in a rental car that they have. They will get your cops out. That is how bad it is.

Mr. HUNTER. Let me say one other thing. It is still fairly clear that if, in fact, Secretary Aspin turned down the American field commander's requests for armor that a lot of the fault for this fiasco lies with our own Pentagon, once again becoming the Vietnam's-era studier of politics, concerned about the House of Representatives, concerned about the Senate, concerned about politics, but unconcerned about having a sense of urgency, not feeling time is of the essence and receiving conflicting advice in Washington, DC, inside this big freeway that runs around us that encircles us that we call inside the beltway.

How many times did L.B.J. get conflicting advice when he had American field commanders in Vietnam saying, "This is what we should do"?

Mr. DORNAN. In today's paper it says that Clinton is upset with his staff, very disappointed are the words used. Very disappointed? It says because there is no consensus among his staff.

So what is it the flower children, the draft dodgers, the conscientious objectors, against some of the good appointments he has made like Madeleine Albright or the head of the FBI or the Director of the CIA? Because he has reached out broadly. I am afraid those with a clear vision of what a policy is are the ones that are in the minority in this administration.

Here is Les Aspin's commandment——

Mr. HUNTER. Is that Cap Weinberger's?

Mr. DORNAN. Yes. What did I say, Les Aspin? Well, these should be on Les Aspin's wall.

Here is Cap Weinberger's last or sixth commandment: "Will the American people and Congress support the action?"

This Congress will support something based on humanitarian feeding of hundreds of thousands of starving people if it is under American command and we have massive force in there to stop outlaws who by the way, under Aideed, have raided food caravans to let their own cousins starve to death out in the countryside so that they can traffic it in on the black market in Mogadishu which, by the way, is in the southern central part of Somalia. This is a huge country stretching from Lake Michigan to New Orleans if you overlaid it on the United States. Because we broke them up—I am going to read them real fast, and off the top of my head I am going to change them into commandments:

Thou shalt not put Americans in harm's way unless the situation is vital to United States or allied national interests.

No. 2: Thou shalt have exhausted or considered or used all other options already.

No. 3: Thou shalt not put Americans in harm's way unless there is a clear commitment including proper allocated resources driving toward victory.

No. 4: Thou shalt not put Americans in harm's way unless there are clearly defined political and military objectives.

No. 5: Thou shalt not have a commitment of U.S. forces if our objectives change without a change of forces.

No. 6: Thou shalt not enter combat and conflict and put Americans in harm's way unless the American people and their Congress support the action. Those ought to be on Les Aspin's wall.

Let me describe to you what I have been able to put together, because there is something disastrous happening here.

I came here and was sworn in January 4, 1977. I have never ever been able to get a briefing from top military people. I am getting senior around here. I am on the Committee on Armed Services, I am on the Intelligence Committee. Nobody will brief us.

Let me describe the briefing yesterday because I was not there—was the gentleman from California?

Mr. HUNTER. Yes, I was.

Mr. DORNAN. I heard there were more Congressmen there and Senators there than at the last 10 State of the Unions.

□ 1940

That is what the Capitol Hill Police tell us. They are saying 500.

Mr. HUNTER. There were more Members and less answers.

Mr. DORNAN. Hardly any answers, and I had a senior Florida Democratic chairman describe it as pitiful to me. He said it was pitiful. This was the Secretary of State?

I think of Thomas Jefferson when I think of our first Secretary of State. This was the Secretary of Defense and they had no policy. They were there floundering. They only took a few questions. It was an hour and 20 minutes, and then the thing broke up.

Today I have got the announcement here where I am supposed to go to a Somali briefing at 4:30 in the Armed Services room today, canceled.

I asked to talk with some of the special force generals, brigadiers, that I traveled all the way to the Khyber Pass, Paskistan, Turkey, Oman, Israel, France, and back here, flying on their special forces unmarked white bread airplane and I cannot reach any of these people.

And here I look at the paper today and it says the 100 elite U.S. infantrymen who tried to beard a Somali warlord in his den last Sunday suffered 70 percent casualties, a figure compared by sickened officers yesterday to a 1965 massacre in Vietnam's Ia Drang Valley. So badly pinned down were the Americans in Mogadishu, they could not even evacuate their wounded ranger commander, Lt. Col. Danny McKnight for 9 hours. The ill-fated mission seemed to epitomize the challenges of U.N. peace operations in a disorderly new world order, an uncertain chain of command, disparities in language and skills among contributing national forces and political reach that for months has exceeded its military grasp.

McKnight and Maj. Gen. Thomas M. Montgomery—he will go before these House committees eventually I guess—the senior American commander in Somali did not anticipate the need for armored vehicles in the hastily launched U.S. operation to snatch the high command of warlord Mohamed Farah Aideed, but when they asked for armored vehicles a few weeks ago and according to today's Washington Post, a liberal paper, said that Aspin got conflicting advice and "no great sense of urgency and feared congressional backlash."

Now, let me tell you what I have been able to figure out has happened.

First of all, unknown to this Chamber, two helicopters were destroyed last seek on the airport, the main international airport, because they had been mortaring the U.N. compound, the University of Mogadishu where we had our extra built-up Embassy people, and they have been mortaring the port for about 10 days now.

Aideed has upped the ante. You know, we can listen to a lot of things around the world. We have known that his goal for 2 weeks has been to capture an American diplomat or high-ranking American. He does not understand to us the highest rank in the world is a master sergeant or chief warrant officer. So he not only fulfilled his dream of 10 days ago, he has got maybe eight bodies to mutilate.

This guy, this pig is in hog heaven.

Now it says on the front page that he is surrounding himself with eight captured Americans. They are in the room next to him or at his side in various conditions of wounds and torture and he is not going to let them out of his sight until he drives us out of the country.

Then I have a report that he may be doing this with Iranian training in Sudanese guerrilla camps.

Terrorism is what we are faced with here interrupting our humanitarian efforts.

Mr. HUNTER. Let me respond to that, if the gentleman will yield.

One thing that we should do is destroy Mr. Aideed and his forces. We should be making strikes. We should not be making strikes with soft bodies in cities, going from door to door and doing those types of things, but we should before we leave Somalia destroy Mr. Aideed and his forces. If we have to bring overpowering, overwhelming military firepower on Mr. Aideed, then we should do that.

Mr. DORNAN. DUNCAN, you went to war in Hueys. You told me they dumped you on a field once and you dropped into 8-foot high elephant grass.

Helicopters are magnificent, but in urban guerrilla warfare, listen to this, it says we have lost four Blackhawks. No, we lost two at the airport. We lost one on September 23, three crewmen killed, which means one lived. Guess what? I just heard he died in the hospital last week. That is why General Montgomery needed armored vehicles, because neither the rescue helicopters or the 5-ton trucks that the United States has its quick reaction force in could successfully get through the fire to rescue these people. He had previously understood that, that he needed thick-skinned vehicles like tanks, Bradley fighting vehicles. He made the request for tanks and fighting vehicles. That request was endorsed by the U.S. Central Command. It was turned down by Les Aspin, at least according to a staff member. I think Les can speak for himself here. He has been our Armed Services chairman. He is our friend. We respect him, but if he turned this down because he feared a congressional backlash—turning down a field commander's request for what he needs to protect his people because of politics in Washington—then he should have come to the Armed Services Committee and had a closed session with us.

Listen to this about our modern Blackhawks, which are far stronger in armament, hard-landing capability and door guns and everything.

By the way, I asked the Army how much these cost. They said $6½ million.

I said, "Baloney. Get me an M"—M means special forces, not the first letter of anything—"Get me an MH-60 replacement cost."

Do you know what they are saying? Nine and a half million dollars. Let us try 10, 10½, or 11.

We lost two at the airport a week ago. We lost the one September 23. Now it appears all four crewmen have died.

And now get this, and I am not getting into the Intelligence Committee for briefings. I am not getting it from the Pentagon. I asked if I could drive to the Pentagon this morning and go in there and talk to my friends. They said no.

I asked JOHN McCAIN, a 6½-year POW, a former senior Navy captain, head of Navy liaison on the Senate side. He said, "I have never confronted this in all my years on the Hill. I can't get a decent briefing."

Here is what I want to know. Helicopter four went down a block and a half north of the Olympic Hotel in daylight, with four men on board. A few minutes, I cannot find out hours or minutes later, a second helicopter goes down a block south of the Olympic Hotel in the middle of Mogadishu in daylight.

Then another helicopter hovers over the second crash site. I choke up when I think about this. Two rangers, guys that can pop off 300 pushups in a couple minutes, two rangers were repelled down from a hovering Blackhawk helicopter to the crash site to save their buddies, and they never have been heard from since.

Now, I never heard of repelling two men into a hot combat situation.

Were there 10 on board and the commander had to make a gut-wrenching call and say, "We're taking hits. We're going to go in. We're out of here," and they never could get back because of this concentrated 23 millimeter fire from the ground weapons that Aideed is getting from the Sudan or from Iran. They had to leave these guys. That is four on the helicopter north of the hotel, four south and two guys repelling down, 10 MIA's and 78 men and 12 dead bodies scattered all over the real estate in the streets all around this hotel and supposedly the mission was a success.

Initially we got 19 of Aideed's thugs and killers out of the hotel that he now wants to trade. Ten men missing.

Take Michael Durant. Thank God it is not Michele Durant, and the two bodies with all their orifaces gouged with a 10-foot pole.

I went to sleep last night. I never met anybody on the Hill who has seen this. I did not dream this. Two laughing thugs had M-16's, I remember the handle on the top of one, inserted into the rectum of one of the bodies of our heroes, twisting and looking at the camera and laughing. That is what I went to bed looking at. I am not over a 10-foot pole inserted in the mouth of one of those two crewmen.

Now reading all this stuff, I do not know if these are crewmen from those two crash sites or whether they are the two rangers. They were grabbing bodies off the street.

God bless the Malaysian troop carrier with one dead who tried to get to us and were hit with a rocket grenade.

Do you know something I learned today? It was not in any papers. They blew up another Humvee. Way on the other side of town down by the port, they blew up a Humvee with a terrorist automatic setoff detonated explosive device.

Did those four, five, or six guys in the Humvee die? We do not know, because that was all subsumed in the loss of 12 dead and 78 wounded.

In other words, it is a nightmare, and they are not briefing the Congress who pays for all this and recruits these people and they have no policy and the Commander-in-Chief is jogging in San Francisco in his slick up the sides silk girlie-girlie jogging pants showing us those beautiful white doughboy thighs of his.

What the hell is going on in my country as we re-live Vietnam?

The Commander of Special Forces, Brig. Gen. William Tegney went with me from the Khyber Pass through Israel and Jordan back through France. He broke off before France and Turkey. He gave me a book on that airplane, their Special Forces C-135 to read: "We Were Soldiers Then and Young."

It is about this very same ambush where we inserted a battalion of Custer's 7th Calvary, 82nd Airborne—excuse me, 1st Air Cav into the center of two Vietnamese regimes and within 20 minutes we had a lost platoon. We had three platoon leader lieutenants killed. I remember particularly about Henry Herrick whose dying words were, "I'm glad that I'm giving my life for my country." He was from Leguna, CA, state astronomy professor, UCLA.

□ 1950

I could not put that book down that General Tegney gave me, T-e-g-n-e-y, and guess what? I cannot get a phone call through, and he is the brigadier commander of all special forces that was sent to calm down in Panama. No, something stinking is going on here. Here is a Desert Storm veteran on the floor. The gentleman from California [Mr. DREIER] came on first. I say to the gentleman from Indiana [Mr. BUYER], "Let me take DAVE first."

OK; Major, he is deferring to you, one of our only two Desert Storm veterans, and unfortunately they cancel votes on one another. Democrat cancels your vote, which I prefer.

I say to the gentleman, "STEVE, have you been trying to analyze this as an Army major, only recently off active duty to come to Congress? What is your take on why we can't get a decent briefing?"

Mr. BUYER. Well, I cannot answer on why we cannot get a decent briefing, but what I can say is that there is a tremendous—there are two philosophical differences here in Washington of the use of the U.S. military. There is one philosophical belief that we should only use the U.S. military force to protect national security interests, and they should be vital to the United States. That is a tremendous philosophical belief.

On the other hand, Madam Speaker, there is another philosophical belief, and that is, if you use U.S. forces, Army forces, for humanitarian reasons, then it is OK. If you use them under the umbrella as a humanitarian, it is OK. Now, it is very new, and it is evolving here because what you have is, if they put the word "peace" before it, it kind of makes it OK. That is why we call, if we take our combat troops and we call them peacekeepers, peacemakers, and the U.N. now calls them peace enhancers, that it must be OK because we are doing it under the cloak of the umbrella of a humanitarian cause.

And what really concerns me is we call Somalia a humanitarian cause, that we have those who would not support something like Operation Desert Storm to protect United States vital interests; they will vote against that, but they will support a cause for humanitarian reasons because it is OK to use U.S. troops then. We can use those U.S. troops because, you see, they are humanitarians, they are not soldiers——

Mr. DORNAN. Exactly.

Mr. BUYER. And when the United Nations recently came up with a new term now called peace enhancement, that one really got me because what that means is you take a U.S. soldier, and you take his M-16, and you point it at the gentleman who is about to kill you, and he is pointing that weapon at him to enhance that person's ability to seek peace. When he drops his AK-47, and you walk over there, you take the AK-47 from him, the soldier then becomes a peacemaker. When he secures the environment, he becomes a peacekeeper. When his mission is complete, he goes home as a humanitarian, not as a war hero, because what is happening right now is those in the 1960's that said, "Make love, not war," are now in control of the administration, and they now, their philosophy is, "Never change," and they——

Mr. DORNAN. Right.

Mr. BUYER. Only say now, "Let's make peace, not war."

So, if they use U.S. troops for humanitarian causes and reasons, then it is OK under that philosophy. But what makes it so very different for the soldiers mentioned to understand is that how do you turn to the families, how do you turn to the widows, the mothers, the fathers, and say that your son's or daughter's life was given. It was OK because it was for humanitarian cause.

Madam Speaker, that goes to the very root of what motivates a soldier on the battlefield. He has to understand that his cause is genuine, that it is real, that when he took his oath to play his life on the line for this country that it is going to mean something, and when he is in foreign soil and that meaning is no longer there, the motivation is absent, and when you take American soldiers, and you call them peacekeepers, place them, whether it is Somalia or about to be Yugoslavia, and you change their status, you declare an enemy like we did in Somalia, as Aideed. We lose the status of neutrality, and our U.S. soldiers become targets, and that is exactly what happened.

Mr. DORNAN. But the U.N. did that to us.

Mr. BUYER. If we cannot get our foreign policy right in Somalia, we have no business sending 25,000 troops into Yugoslavia.

Mr. DORNAN. Absolutely.

Mr. HUNTER. Will the gentleman yield?

Mr. DORNAN. Go ahead, DUNCAN.

Mr. HUNTER. I think——

Mr. DORNAN. Excuse me 1 second.

STEVE, in case you have to go, wait 1 second, DUNCAN.

STEVE, will you join DUNCAN and I, and maybe DAVID will come, if we can find out why these rangers are in the hospital, that we have got a Korean Arab peacetime fighter pilot, Vietnam vet, Desert Storm vet, and go and tell these guys how much we appreciate what they are trying to do.

Mr. BUYER. We sure do.

Mr. DORNAN. We will probably learn more than any solace we bring to them.

Go ahead, DUNCAN.

Mr. HUNTER. Madam Speaker, if the gentleman would yield, as my colleagues know, we were talking before you came here about what happened with the request by the commanding general, the commanding American general, in Somalia who realized that he needed—that he was vulnerable, and that he needed M-1 tanks and Bradley fighting vehicles, made the request through central command. It was approved at central command and was turned down by Secretary of Defense Les Aspin according to an aide for these three reasons: Because, A, he got conflicting advice; somebody said they did not need it, and, two, he saw no great sense of urgency, and, three, he feared a congressional backlash.

And, as my colleagues know, we just went through—I hate to bring in the gay debate on homosexuals in the military, but we just went through this exercise last week. The administration was very concerned about the politics of this. When they had a firestorm after, it was first initiated by President Clinton that we should allow homosexuals in the military. The only people he never listened to were the young men and women who serve in the military who overwhelmingly said, "Don't do this to us." He never said that, and his political advisers never said that. So, they were very sensitive, but they were sensitive to the wrong people. They were sensitive to politicians in Washington, DC and political forces. They were not sensitive to their troops.

When the ground commander in Somalia says, "I need tanks to survive," Secretary Aspin was very sensitive, but he was not sensitive to the survival of his troops in Somalia. He was sensitive to political forces.

And we like Les Aspin. He was our chairman of the Armed Services Committee. He is a friend. I think he is a friend of both the gentlemen. But he listened to exactly the wrong forces in this situation.

Mr. BUYER. The call, you said, in order to get that from the Secretary of Defense, the call that bothers me a lot from a soldier's eye, is when you have 90 rangers pinned down for 7 hours, and they have to call New York, the United Nations, to get support. What is that?

So, when we are crying, we are saying, "Don't take U.S. troops and put them under foreign command," and they have difficulties getting the Malaysians to respond, if we had a U.S. commander, we have immediate rapid response.

Mr. HUNTER. Remember we went over that, STEVE, and remember how the other side attempted to assuage our fears and said, "Don't worry. These are all under U.S. command." But what they did not say was there may not be any response for us so that, if you analogize it to a situation where you have two cops who get pinned down, and they call back to headquarters to get some backup, and there is no backup there because you only have secretaries and administrators, then you have a great danger, and that is the other dimension of this danger of having an integrated U.S./U.N. command structure.

Mr. BUYER. Well, let us not lose sight of one thing, what I heard a lot from today. It is, "Geez, this is something that George Bush started," and that really concerned me when I heard that today.

Mr. DORNAN. Up at the media yesterday Senator KERRY——

Mr. BUYER. I recall when the mission, when I got the first briefing, it said our mission is very tight. It is to provide, to secure the environment to provide, relief supplies to the Somalis. Boom. I was over in the office when I caught you and said about how the troops came home, the President and all. That is fine; I understand that.

But what happened was an evolution——

Mr. HUNTER. And George Bush——

Mr. BUYER. The United Nations and the foreign policy that did not match or the United States did not set out their own, and what is really difficult here is, instead of bringing our troops home, they should have been turned over to the United Nations, DUNCAN. They allowed an evolution of a foreign policy to move it into creating the economic and political stabilities of the region, for example, called nation building. U.S. troops are not to be in Somalia for nation building.

Mr. DORNAN. Of course not.

Mr. BUYER. That is President Clinton's foreign policy.

Mr. HUNTER. The gentleman is absolutely right. The losses of our troops are not justified by this nation building.

Besides that, it is a bridge too far. Somalia has been unstable since it was a nation. It has been extraordinarily divisive. It does not lend itself to nation building, and this President is downsizing defense by $127 billion. He would have trouble building Rhode Island. He is not going to build nations. We are barely going to be able to defend American interests.

In fact, Madam Speaker, all of the strategic interests that we have and the mutual defense treaties that we have are going to—it is going to be very difficult to support those with the forces that this President is going to allow the military to have.

The gentleman is absolutely right.

Mr. DORNAN. I spoke to Chief Warrant Officer Michael Durant's home this evening before I started this special order in Clarksville, TN.

☐ 2000

The family is being protected by one of his buddies, a captain from the unit. And he thanked me for calling. He knew who I was, of course, because of Rush Limbaugh. And I said, "Look, I want to speak about Mike on the House floor, because I think, although this may in a peculiar, circuitous way serve Aideed's purpose, to make our prisoners famous, it is also an insurance policy for Durant and the others, if they are alive."

For all of the people who are watching, two Army officers and this old Air Force officer discussed different operational considerations, and since you watched all of this equipment we are discussing perform magnificently in Desert Storm, let me just explain briefly, this son of an Army, three Purple Heart awardee, from World War I, why, as an airman, I think helicopters are absolutely pathetic for urban guerrilla warfare.

Listen to this. This is from the Washington Times.

Four—I repeat, that should be five—UH-60 Black Hawks in all have now been shot down.

Well, they shot up two at the airport. Four have been shot down. One crashed over by the port, a hard landing. I cannot get a briefing. Did it go on its side and tear up the rotor blades? Did it screw up the transmission? Is it junk? They will not tell me. It may be six, it may be five.

It says they have been shot down, and many others struck by fire. Pentagon planners say they are still unsure how the craft went down.

By the way, the first one went down at 4:15 in the afternoon.

Among the possibilities are heavy machine guns, 23-millimeter anti-aircraft fire, and rocket-propelled grenades. But one said the Somalis "have discovered that the helicopters are vulnerable."

That is what they discovered at the Ha Giang Valley November 14, 1965, with the 1st AirCav.

"When a Black Hawk is going 100 knots or more at treetop level, it is pretty hard to hit," said one officer. "But when it stops to hover so that Rangers can," it says fly down ropes and repel, "it is not hard to hit. You don't need to shoot the fuselage. You can just shoot at the blades." Which are reinforced on the Black Hawk over your vintage Hueys, but they go down easily. And it appears that is what happened, because we do not have M-1 tanks or M-2 Bradleys to move up the street.

Listen to this narrative. Do you know what happened at 4:15 when the helicopter went down? The remaining Rangers moved quickly to the residential crash site north of the hotel to establish a security perimeter. Other Rangers left the scene by road with the 20 prisoners seized from the Olympic Hotel.

Somali forces then moved in and surrounded the Rangers, taking them under fire.

This is what Maj. David Stockwell says. "I will grant you that in this international U.N. military, we do not have the same command and control; the unity of command is a lot looser, so sometimes it takes some persuading," Stockwell said. But he added, "The Malaysians performed magnificently."

Yes, one of them died in an armored personnel carrier, 20 years old, was blown up.

Whatever the cause, it is clear that as many as 4½ hours passed between the initial American request for assistance and the departure of the Malaysian armor, with a different level of training, with Malaysian crews and gunners, but American infantrymen inside.

Well, out of the 12 deaths, some of our Americans must have been killed in a Malaysian vehicle.

They left the airport at 11:30. Now it is the dead of night. The reinforcements reached the Rangers 2 hours later.

There were plenty of possible explanations for the delay. The U.N. Malaysian and Pakistani forces lack night vision equipment, which was also asked of Aspin. I understand it was turned down. And they lack any experience fighting at night at all. And unlike the quick reaction force, they were not on standby alert for rapid deployment. Language barriers and inexperience also came into play.

Listen to this final paragraph. In the 9 hours the Rangers fought alone against Somali grenade and heavy machine gun fire, their commander, Major General Montgomery, could do little more for his men than drop them food, water, and ammunition from the air.

"It was the worst we'd ever seen," said Maj. David Stockwell.

Mr. DREIER. Will the gentleman yield?

Mr. DORNAN. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding. I am always honored, surrounded by these military leaders. I am one who has made no bones about it. I did not serve in the military.

Mr. DORNAN. You are the son of a marine; that is good enough for me.

Mr. DREIER. My father was a drill instructor in the Marine Corps, as I have been reminded on many occasions. But I asked my friend to yield so that I could simply share the response that I have gotten on this issue.

The other night at about midnight I telephoned the answering machine at my office out in California. And when I did that, there were about 14 calls that came in. And I have never heard such outrage from the people whom I represent, and I felt it too, as we all did, when they saw on television that body being dragged by the hooligans through the streets.

It seems to me that when we think about what has happened to the United States of America, when we have gotten to the point where people who are supposed to be the beneficiaries of U.S. taxpayer assistance are treating Americans in this way, it is time for us clearly to reassess exactly what our goals are and what our priorities are. And I appreciate the fact that these people are so heavily involved in it.

Mr. DORNAN. The gentleman from California [Mr. DREIER] has a tremendously important special order coming up on NAFTA with our colleague from the other side, the gentleman from Arizona [Mr. COPPERSMITH].

I would say to the gentleman from California [Mr. HUNTER], let us do this tomorrow night. Hopefully I will be able to find out something from the Intelligence Committee. I am going to put in the RECORD at this point the May 13, that is 8 days after the President secured the South Lawn with those 24 supernumerary hero Marines. That is when a Moroccan soldier was shot and killed by robbers in the town of Dusa Mareb.

June 5, 1 month after the scene on the South Lawn with the President, Somali gunmen mount ambushes, under Aideed, on Pakistani troops, killing 24. They gutted some of them, cut them open, eviscerated their bodies, danced on their bodies. We should have known this would happen to us. It is amazing that it took all of June, July, August, and all of September, 4 months, and a Sunday, before it happened to us.

Then on June 13, 20 Somali civilians were killed in a crowd of anti-U.N. demonstrators. They used children as human shields.

On the 17th, the U.N. orders Mohamed Farah Aideed's arrest for the June 5 murder of the Pakistani troops. That is when the whole thing changed.

On the anniversary of Watergate, June 17, it changes.

June 28, Somali gunmen killed two Pakistani soldiers along that big October 21st road that runs north of town.

July 2, Italian troops ambushed near the spaghetti factory. Three Italians are killed.

July 7, some six Somali civilian U.N. employees were murdered, apparently because they were helping the U.N. forces.

July 12, Cobra helicopters launched a daylight raid, with Congress' permission, against an Aideed deputy. The mobs slaughter four CNN journalists, cut them to pieces right on the spot. That was July 12.

August 8, American military convoy ambushed near the U.N. fortress in downtown Mogadishu, near the university. Four U.S. soldiers are killed when their Humvee is blown up. Just think, that is August 8; 2 months ago.

September 5, Somalis ambush Nigerian contingent. They took a prisoner and they still have that poor, helpless Nigerian. Seven other Nigerians and two Pakistanis are wounded.

September 9, one Pakistani soldier was killed and four U.N. soldiers torn up.

September 15, two Italian soldiers shot dead by sniper fire while jogging at the port. I never even heard of that. Two Italians cut down by snipers jogging? And they are down in what they consider the safe port area?

September 21, three Pakistanis incinerated when their armored car is blown up in an ambush; an automatic terrorist device set it off.

Three U.S. servicemen killed September 25. I said September 23 earlier. Let me correct that. And two wounded, when Somali gunmen shoot down a Black Hawk helicopter. One of those men just died, so that is four dead and one wounded. He lingered in the hospital, suffering. I hope he is back here with his family at his side.

September 30, Pakistani officer dies of wounds suffered in a Mogadishu ambush several days before. When they die days later, it does not make the news. It does not even make the wire services.

Sunday, a Belgian soldier, killed by a bullet fired by a Somali gunman, an Aideed gunman, 13 miles north of the Port of Mogadishu. Twelve U.S. troops killed and 78 wounded in battle as Somali gunmen shoot down two American helicopters and a third crashlanded at the port. Other U.N. casualties reported.

Yesterday a Malaysian peacekeeper killed and nine injured when they went to the aid of the Rangers.

What do I mean, yesterday? Look at this death toll.

I am just going to close here with John, one of the Evangelists. "Greater love than this no man has, that he give up his life for his fellow man."

Nobody has died in vain, yet, given the unbelievable tens of thousands of these beautiful little black babies on the edge of death that we have saved.

We have got to have a name for this operation. It has got to be under American total command and control. I said this morning we have to put in 5,000 people, if it takes that, to bring law and order to this place. Then we can talk about leaving. But I disagree with my conservative colleagues that said let these terrorists drive us out of the country, our tail between our legs, and laugh to the world that we have got a draft dodger for a President, and did not the world know that this thug-gunman could whip us good?

No, we have got to think this through. And I welcome Mr. Clinton coming up here for advice tomorrow. I have got plenty.

□ 2010

THE NORTH AMERICAN FREE-TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

Mr. DREIER. Madam Speaker, first I would like to congratulate my distinguished colleague from Indiana and my two colleagues from California for the diligence that they have put into the last special order that they have just made on what obviously is a very challenging and difficult issue for all of us.

As I said, seeing that body dragged through the streets of Mogadishu was something that was extraordinarily disturbing to any American citizen.

Let me say that it is now 10 minutes after 8. I know that many eyes are focused on the Phillies and the Braves at this point, as the playoffs proceed, but I am happy to be joined by at least two of my colleagues on the other side of the aisle to talk about what truly is a bipartisan issue. And I am referring to the North American Free-Trade Agreement.

In just a very few weeks, in fact, shortly before Thanksgiving, based on the projected schedule that is before us, we will be voting on the North American Free-Trade Agreement in this House.

I would like to say that I truly believe the North American Free-Trade Agreement is the best job creation vehicle that we could possibly have. Why? Because it is geared towards reducing trade barriers so that we can enhance the one segment of the U.S. economy which has experienced growth over the past several years, and that is the area of exports.

It is our goal to do everything that we can to create jobs right here in the United States. There are many people who have argued that with the implementation of a North American Free-Trade Agreement, we will see the flight of United States jobs from the United States to Mexico.

I am the first of acknowledge that many United States jobs have fled to Mexico today. Madam Speaker, they have fled to Mexico for a number of reasons, but interestingly enough, if you look at the figures, the argument which we so often hear, United States businesses want to go to Mexico to take advantage of extraordinarily cheap labor, it really is greatly exaggerated.

The reason I say that, Madam Speaker, is that if you look at the figures, of the United States-owned businesses which open up facilities in Mexico, 70 percent of the business that they do is simply selling to the Mexican consumer. Why is it that United States businesses move from the United States to Mexico so that they can produce products in Mexico and sell them to the Mexican consumer? It is very simple. The tariff barriers that exist between the United States and Mexico are so high on our goods going into Mexico that the only way a business can cost effectively take advantage of the 88 million consumers in Mexico is to open up operations there.

Now, when we implement the North American Free-Trade Agreement, reducing that average tariff barrier, which is 10 percent—it is much higher in other areas, the computer industry, for example, which has a 20 percent tariff—as that barrier moves to zero, the incentive for U.S. businesses to move to Mexico, to do as they do today, take advantage of the presence that they would have in Mexico to sell to Mexican consumers, will not be necessary.

Madam Speaker, with that I am happy to yield to my friend, the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Madam Speaker, I thank the gentleman for yielding and for being fair and allowing some of us smart-thinking, anti-NAFTA Members of the House to speak.

Mr. DREIER. I have always had very high regard for my friend's intelligence, with the exception of this issue.

Mr. HUNTER. Madam Speaker, let me just ask my friend a question.

He just said the reason the companies move, many of them move to Mexico, is so they can serve the Mexican market. They could not do that otherwise.

We had a major story in the Washington Post today about the defense contractors who are moving to Mexico. And interestingly, the defense contractors, who are building high, not low stuff, but high stuff in Mexico, in Tijuana, just south of my district, the defense contractors, who are moving to Mexico are not selling to Mexicans. They are shipping back to the good old U.S. taxpayer who pays their cost.

Does the gentleman have a reason for their moving to Mexico?

Mr. DREIER. Obviously, what I said was, of the United States businesses that move to Mexico, 70 percent of the business that they do is selling to the Mexican consumers. I did not say in every instance.

But I would respond to my friend by saying, will implementation of a North American Free-Trade Agreement have an effect one way or another on the decision that is made? Will the defeat of the North American Free-Trade Agreement, basically maintaining the status quo, what we have today, prevent those businesses in the defense industry from moving to Mexico?

Mr. HUNTER. My answer to the gentleman is, no. It will not prevent them from moving to Mexico, because we need legislation to keep them from moving to Mexico.

In my estimation, a defense industry that is supported by American taxpayers should support taxpayers.

Mr. DREIER. That is a perfect argument now for perpetuating NAFTA. I agree that we should not have U.S. defense contractors operating in countries throughout the world and proceeding with this kind of work. It seems to me that what we should be doing is, we should be enhancing opportunities for businesses that are here in the United States to have a chance to export into Mexico.

Mr. HUNTER. Let me answer my friend as to what this really shows, the fact that high-tech defense companies are moving to Mexico.

It shows that Mexican workers, with good training and with good equipment, are capable of doing high-tech jobs.

Let me just address, maybe not the gentleman's material, Mr. Clinton, President Clinton's material that has come over to my office and, presumably, every office on the Hill. His material says, and I am paraphrasing, are we going to lose high-tech jobs? Are we going to lose valuable jobs? The answer is no. We are not going to lose valuable jobs, because Mexican workers are not as productive as Americans workers.

My point is that when they are well-trained, and they are well-trained now, with 200,000 vocational graduates a year, and when they have good equipment, they are as productive as American workers. And they will work. The average worker in Tijuana, just south of my district, works about 4 hours to be able to buy 1 pound of meat. They will work for about $1.50 to $2.38 an hour, fully loaded wages.

Mr. DREIER. Madam Speaker, if I could respond, I would simply say, congratulations. I look forward to having the Mexican worker as productive as the American worker.

But the fact of the matter is, the decision that was made by General Motors and the United Auto Workers compact, that they had to move the Chevy Cavalier plant from Mexico back to Michigan, was done for one very simple and basic reason: a determination that the United States auto worker was far more productive than the auto worker in Mexico and the fact that the United States business and the auto industry will be able to have a chance, under the North American Free-Trade Agreement, to export into Mexico.

I would like to say to my friend, I want to continue this exchange. We have two Members on the other side of the aisle who have been waiting patiently.

Mr. HUNTER. Madam Speaker, let me just shoot down what the gentleman said about automobiles and production moving back to this country. Let me shoot it right down.

The big three automakers have got $4 billion in planned expansion in Mexico. Mexico's own prognostication of auto production is moving up from 250,000 units made in Mexico, like the Ford Hermosillo plant, exported back to America, 250,000 units a year to 700,000 units a year by the year 2000. They are not doing that because they think they can make them cheaper in the United States.

Mr. DREIER. Madam Speaker, I thank the gentleman for his contribution. I would respond by saying that the industry has acknowledged that we will see a sixtyfold increase in the first year in export of United States-manufactured automobiles to Mexico. And the gentleman is right, the raw number may not be as high. But there have been estimates that have been provided by Bill Hoagland, Executive Vice President of General Motors, that we will see increases that will go well beyond that sixtyfold increase in the years to come. So it needs to be recognized that while I hope that the Mexican worker does at some point become as productive as the American worker so that we can have that even flow of trade, it seems to me that we have to come to the realization that the American worker today is still far more productive. And implementation of the North American Free-Trade Agreement is going to create jobs right here in the United States of America.

☐ 2020

With that, I am very happy to yield to my friend, the gentleman from Phoenix [Mr. COPPERSMITH].

Mr. COPPERSMITH. Madam Speaker, the gentleman caught me by surprise. I thank my friend from Claremont, because he is looking right at his friend from San Diego County.

I wanted to follow up, Madam Speaker, specifically with respect to automobiles. Currently right now I think, as the gentleman knows, the effect of United States tariffs on automobiles manufactured in Mexico to be imported into the United States is 2.2 percent. It is essentially a negligible tariff. That is one reason why Mexicans have been so successful in exporting automobiles to the United States.

On the other hand, the Mexican tariff on United States automobiles currently is 20 percent. I think that is a specific example that goes to what the gentleman started out with in his speech. We all know that actually what NAFTA really requires is much more of the Mexican Government than it is of the United States. Mexico's tariff, the average tariff on an American product is 10 percent, whereas the average American tariff on products coming in from Mexico is 4 percent. It is 2½ times more expensive for an American manufacturer or producer to export to Mexico than it is for a Mexican plant to export into the United States.

As the gentleman points out, that is just the aggregate. Because in specific industries, the difference between the Mexican tariff and the United States tariff is higher than the aggregate, 2.5 times higher. Automobiles is just one example where it is almost 8 to 10 times higher. Chemicals, the Mexican tariff is 20 percent effective, whereas the United States tariff is 4 percent. That is a 5 to 1 ratio.

Another one is industrial machining, where it is a 14 to 1 ratio. Those, I think, go to address the argument that right now the Mexican market is really in far more ways closed to United States exports than the American market is to Mexican exports.

Mr. DREIER. If I could give my friend one direct example on this issue that I have mentioned before, I talked with a California business operation about 2 weeks ago, and as I mentioned in my remarks, the tariff on United States-manufactured computers, to be exported to Mexico, is 20 percent. It is obviously very high, and has led many in the computer industry to locate their operations in Mexico, again so that they can take advantage of the consumer market that is there.

What has been said by the chief executive officer of IBM is that with passage of the North American Free-Trade Agreement, that in the first year you cut in half that 20 percent tariff, and then move thereafter down to ultimately a zero tariff, they will be able to keep their operations here in the United States, incidentally, based in my State of California.

If NAFTA is defeated they have stated they will have no choice but to move from the United States, close down their operations, and locate in Mexico.

Mr. COPPERSMITH. Will the gentleman yield?

Mr. DREIER. I am happy to yield to the gentleman from Arizona.

Mr. COPPERSMITH. The current tariff situation really yields the worst of both worlds for the United States with respect to the Mexican tariffs. That is a perfect situation that the computer plant could locate in Mexico to serve the Mexican consumer market, and still essentially export from Mexico to the United States, because the American tariff is so low.

We have the worst of both worlds, because the Mexican situation encourages the jobs to move there, because that is the only way to have access to both markets. To have access to the American market, you can locate in either country right now.

It makes no sense for us to continue a policy and to have the Mexicans continue their protective policy that actually encourages jobs to move south, where they can service both economies rather than stay where they are and service both economies.

Mr. DREIER. Absolutely. My friend is right on target in his remarks. It seems to me what we need to realize is that in the first 2 years, we have projected that 200,000 jobs will be created right here in the United States. Why? Because we will have enhanced opportunity to overcome what on average, as my friend says, is a 2½ times disparity, preventing us from being able to send United States-manufactured goods into Mexico.

One of the things that has enraged me in this debate, and I am happy to say that my friends are on the other side of the aisle, and this is very clearly a bipartisan issue, there is strong bipartisan support, as I have said.

President Bush initiated this agreement a year ago last August, and we now have President Clinton very strongly supporting it. I know that this morning he met with a number of our colleagues, and I have been told by our colleagues on both sides of the aisle that some of those Members who were at the White House, who have been undecided, were extremely impressed with the arguments that were made by President Clinton in support of the North American Free-Trade Agreement.

It seems to me that as we look at this issue of wages, we have an argument here which I claim is really fear versus facts. One of the things that was said by the distinguished majority leader, and I am not going to ask my friends to join in any kind of criticism of the majority leader, because we all have a high regard for him on this, but I know that at least my friend, the gentleman from Selah, and the gentleman from Phoenix at this point believe that the majority leader is wrong in his opposition to the North American Free-Trade Agreement.

Mr. COPPERSMITH. If the gentleman will yield, I do not know if he had an opportunity to hear or read the majority leader's remarks at the Center for National Policy dinner. I think he spoke specifically to NAFTA as one issue, where I think both proponents and opponents have been far too willing to debate personalities rather than the facts.

Mr. DREIER. Absolutely.

Mr. COPPERSMITH. And I think that I know my colleague from Claremont is here trying to argue from the agreed-upon facts. We are not making personal attacks on proponents or opponents. The issue is, I think, what we honestly feel is in the best interests of the country.

Mr. DREIER. I would like to say to my friend from Phoenix that the reason I brought up the majority leaders's name is, I would like to specifically respond to some remarks he made in the speech to which my friend referred, as we look at this argument over wage rates and productivity.

In his remarks, what he said was,

> Mexican wages are kept artificially low because of the actions and inactions of the government, and they have kept these wages low to help their economy grow.

If their wages don't rise, the downward pressure on our wages will continue.

He goes on to say,

> Official data from the Mexican Government tell the story best. Since 1980, real hourly compensation has fallen by 32 percent in Mexico, while manufacturing productivity has increased by more than 30 percent. Economists tell us that wages should roughly track productivity increases. Yet Mexican workers are producing more and getting less.

The only reason I brought up the majority leader is that the statement that he made in that speech is patently incorrect. Let me talk for just a moment about why that is incorrect. We have these people who are opponents of NAFTA using 1980 as the baseline.

If we go back and look at what fueled that tremendous surge that took place in wage rates in the late 1970's and early 1980's, it had to do with the oil price shock, coupled with, and we will recall at that time, there was a tremendous flow of unwise foreign lending that came from throughout the world into Mexico. That led wage rates to artificially shoot up during that period of time.

What we have to look at is what happened as a byproduct of that.

If we look at the fact that the oil bubble burst and there was a cutoff of most of those foreign loans, wage rates at that point began to get back to the realistic level, and during the early 1980's, and I have told this story many times, in 1981 I went to my first meeting of the United States-Mexico Interparliamentary Conference. We went to Mexico and met President Jose Lopez Portillo. Shortly after our meeting he announced that he was preparing and he proceeded with nationalizing the banking system of Mexico.

We all know, if you couple the oil crisis with unwise foreign lending, and then the socialistic policies which included nationalizing the banking system in the early 1980's, that created tremendous economic problems in that country. Actually, if we look at wage rates, real Mexican wages, they turned around under the Presidency of President Salinas, beginning in 1987. In fact, productivity has risen, along with wage rates, every single year since 1987.

What happened during that period of time? Privatization took place. We saw the Salinas government, which still has problems, I am the first to acknowledge it, but we saw the Salinas government move toward a greater market-oriented system, and frankly, more political pluralism.

They also have moved more firmly in the direction of trade-oriented policies, which we have seen by way of their policies which they are pursuing today, that being also support of the North American Free-Trade Agreement.

□ 2030

And Madam Speaker, what I would like to do is just briefly mention I had a chart that I was going to use here. But I was told by our floor people that my staff came over here unbeknownst to me this morning and took it out. So I will not have it here this evening. But what I will do, since I do not have the chart here, it is over in one of the office buildings probably and one of our distinguished colleagues who is supporting NAFTA is probably using it this moment before a group, what I would like to do is briefly compare wages versus productivity and look at 1988 to 1992. I would like to go through these figures, since I do not have my chart.

Mr. HUNTER. If the gentleman will yield, he asked me to stick around, and I will, if he is going to let me speak.

Mr. DREIER. I will let my friend speak, and I am happy to yield to my friend.

Mr. HUNTER. I thank the gentleman.

Mr. DREIER. I fear him leaving the floor without having an opportunity.

Mr. HUNTER. I thank my dear friend from Claremont. I appreciate that. Let me just say the gentleman has not said that the majority leader was wrong, because the majority leader said between 1980, and he did use the figure of 1980 and 1992, at least when I heard him speak, there has been a decoupling of productivity and wage increases. And in fact, since 1980, between 1980 and 1992, real wages did go down.

And there were cataclysmic events, and I think that makes a little point to me. And the point is to me that cataclysmic events can occur, and it is not a great justification for NAFTA to say that wild and crazy things happen and, therefore, wages went up or down. Who is to say that it will not happen again in the future.

Mr. DREIER. The point was made, the summary was that there was a dramatic increase in productivity and that wage rates were kept artificially low by the Government. And it seems to me we have to realize, and people have not talked about this recently, that President Salinas has made it clear that the wage rate is going to be tied to productivity.

When my friend says could this happen in the future, well, quite frankly, we all know that Latin America is on the road to greater political pluralism, free markets and open trade. My friend and I during the decade of the 1980's spent a great deal of time in El Salvador and Nicaragua, countries which were struggling trying to claw their way from totalitarianism. And what we found is that those countries who have merged toward market-oriented policies today are desperately seeking passage of the North American Free-Trade Agreement. Why? Because they know that it is going to benefit the consumers and the workers in their countries, as it benefits the United States.

It seems to me I would like to point, if I could, to wage rates versus productivity. And since we have seen this privatization proceed, we have seen productivity go up along with the wage rates. In 1989 wage rates went up 8.9 percent while productivity increased by 4.1 percent. In 1990 wage rates went up 3.2 percent while productivity went up 4.3 percent. In 1991, wage rates went up 4.8 percent while productivity increased by 5.6 percent. In 1992 wage rates went up 9.8 percent, while productivity increased by 5.9 percent.

What we need to realize here is that over that period of time there has been a 26.2-percent increase in wage rates while productivity has increased by 23.1 percent. That is what has happened in the new Mexico which has taken place under these new policies.

I am not going to stand here as an apologist for PRI government policies in 1992 or 1981. But I will stand here and say that we must acknowledge, and I know that my friend would acknowledge the fact that under President Salinas dramatic changes have taken place. And we need to reward that by bringing on the North American Free-Trade Agreement so that we can expand those opportunities throughout our hemisphere.

Mr. HUNTER. I would ask the gentleman what are the wage rates today, in 1992? What is the average manufacturing rate today that has gone up so dramatically? What is it in dollars and cents?

Mr. DREIER. The average manufacturing wage is $2.35.

Mr. HUNTER. That means——

Mr. DREIER. Not 58 cents an hour as many, including some of your friends, have been arguing for a long period of time.

Mr. HUNTER. That is $2.35 as compared to about $15 in the United States. And that means by the year 2035 they will have reached parity with American wages, if the increase continues.

Mr. DREIER. Now wait just a second. I would like to ask my friend the following question: Does he believe in a free market system? Does my friend believe in the free market system? I am happy to yield to him to respond to that question. Do you believe in the free market system?

Mr. HUNTER. I believe that the free market system works where it is unhindered by governments that are undemocratic.

Mr. DREIER. So in other words, my friend is a believer in the free market system.

Will my friend acknowledge that there has been a greater degree of political pluralism that has expanded in Mexico, and that the opposition party, the PAN Party, has won governorships, and mayorships against the controlling PRI Party?

Mr. HUNTER. If the gentleman will let me answer the question, I am going to answer it.

Mr. DREIER. I am happy to yield to my friend.

Mr. HUNTER. My answer is this: The Salinas government has made gains. But if the gentleman is saying the Salinas government through the PRI, the controlling party's labor arm, which is the CTM, has not oppressed wages and kept wages down to some degree through government control, then either he is being naive or he has got a bad memory, because they are in fact controlling wages.

Mr. DREIER. I would ask my friend if he is aware of the legislation that passed which directly ties wage rates to productivity? That has obviously been put into place.

Mr. HUNTER. Harley Shaiken, who is a University of California professor from San Diego, has pointed out the disruption from productivity and wage rates.

Mr. DREIER of California. I know Harley Shaiken.

The SPEAKER pro tempore (Ms. CANTWELL). The gentleman from California [Mr. DREIER] controls the time.

Mr. DREIER. At this point I would like to yield to some of my other friends on the other side of the aisle. My friend and I have had a wonderful exchange, and I do not think that he could complain for 1 second that I have prevented him from having an opportunity to participate. And I hope that he will stay and interject further.

I would like to yield to my friend from Selah, or yield to my friend from Phoenix.

Mr. COPPERSMITH. I want to point out that the reason why the gentleman's charts were removed by his staff and taken home, as has been shown by going through all of the numbers with respect to wages and productivity, is that allowing Mr. DREIER a chart is much like gilding the lily.

Mr. DREIER. I thank my friend for his contribution.

I would like to yield to my friend from Selah at this point.

Mr. INSLEE. Madam Speaker, this debate has been illuminating, and it has been illuminating in ways that I did not expect. While we have been debating a NAFTA Treaty, I have been mystified at the critics of NAFTA. I have been mystified at the critics who suggest that a treaty that reduces a Mexican tariff by 10 percent down to zero, giving us an additional 10-percent vantage in our trade relationship with Mexico, could be bad for this country, when we only give up a 4- or a 4½-percent tariff on our side of the border.

And I have been mystified at how anyone can say when our trading partner gives up a 10-foot wall that is keeping our exports out of Mexico, keeping our jobs from being created in this country, how an agreement that knocks down that 10-foot wall, when in exchange all we do is bring down a 4½-foot wall——

Mr. DREIER. I know my friend must have a great chart with a 10-foot wall and a 4½-foot wall. Has your staff taken your charts too?

Mr. INSLEE. But how they can argue and believe, and I believe that they are sincere in their beliefs, but how they can believe in changing the rules of the game it is a disadvantage. We have to understand what NAFTA is about, which is a changing of the rules of the game. And what rules have they changed? How can they believe that we would come out on the short end of the stick? We are on the short end of the stick now. We have this 10-foot wall, but they only have a 4-foot wall.

But tonight I have figured it out, because what I have figured out is that critics of NAFTA have made one mistake, and that is that they confuse the status quo with the world after NAFTA. I have seen in this Chamber sincere, intelligent, well-minded people come to us and argue but our jobs are going to Mexico, which is happening without NAFTA, and but the environment of Mexico is poor, which is happening without NAFTA. They have confused the status quo with what we believe will occur after NAFTA goes into effect.

Let me make just one analogy if I can about what this means.

Mr. DREIER. My friend is right in the point that he would make, and has nailed it right on the head. Implementation of the North American Free-Trade Agreement is a way to counter those many problems that have developed over the past several years.

Mr. INSLEE. Let me suggest why that has occurred. I would liken this to basketball. We are in a basketball game, and we are talking about the rules of that game, and right now we are talking about the rules of trade. This is sort of like in our relationship with Mexico that the Mexican basketball game in Mexico, and the situation right now is that the hoop we have to shoot at is 10-feet high. It happens to relate to a 10-percent tariff. And now what is the hoop that the Mexicans only have to go to to get to our market? It is a 4½-foot basket, a 4½-foot basket.

If I came to the gentleman and said do you think we will be better off in our relationship with Mexico if in fact we equalize the height of our baskets, would the gentleman come to argue no? Let me make a suggestion why the gentleman would suggest and think honestly that we will be in a poorer position with NAFTA. It is that the gentleman comes and argues but look, the Mexicans are scoring on us now. They are getting into our market now. Our jobs are going south now. Well that is true, they are getting into our markets, they are penetrating that 4-percent barrier. They hit that 4-percent basket, and their environment standards are poor, and they are scoring.

□ 2040

They are scoring, but they are going to score a lot less when we equalize the heights of our baskets. And the fact that you come before us in all good faith and say that certain factories have gone to Mexico belies the point that at times they will score but they will score a lot less with equalized baskets.

Mr. DREIER. Madam Speaker, I am happy to yield to my friend, the gentleman from San Diego.

Mr. HUNTER. I thank the gentleman for yielding.

What the gentleman has brought up is the thing that is brought up by the pro-NAFTA forces on a regular basis.

If we have got roughly a 4-percent tariff barrier and they have got a 10-percent barrier, tariff barrier, why is that not good enough to knock both of those down flat? It looks like they are giving up more than we are giving up.

The answer is that NAFTA is a business deal. If you look at this from a business point of view, here is what one question might be from a guy sitting around the table deciding whether you are going to make this business deal: Okay, ours is 4 percent, theirs is 10 percent; what kind of buying power is on the other side of that wall?

Mr. DREIER. If I could reclaim my time, I respond to my friend by pointing to the fact that we have seen a dramatic increase in the buying power of the Mexican citizenry. In fact, if you look at the fact that in 1987 we had a trade deficit with Mexico that was nearly $6 billion and last year we had a trade surplus of $5.4 billion, and that obviously is growing.

Now, the purchasing power of the Mexican citizenry has been greatly underestimated by the opponents of the North American Free Trade Agreement.

Mr. HUNTER. How much is it?

Mr. DREIER. We have seen the rate of growth of the economy in Mexico has been roughly double the rate of growth here in the United States. And we need——

Mr. HUNTER. What is the buying power of Mexico?

Mr. DREIER. My friend talks about the buying power of Mexico. Let us look at the history of this.

Mr. HUNTER. Will the gentleman let me finish my answer?

The SPEAKER pro tempore (Ms. CANTWELL). The gentleman from California [Mr. DREIER] controls the time.

Mr. HUNTER. Well, let me finish my answer and then he can take it apart.

Mr. DREIER. Is my friend asking me to yield?

Mr. HUNTER. My dear friend did not let me finish my answer to the gentleman.

Mr. DREIER. So my friend is asking me to yield?

Mr. HUNTER. Yes.

Mr. DREIER. Okay, I am happy to yield to my friend.

Mr. HUNTER. I thank my friend for yielding.

To finish up with my answer: The question is what kind of buying power is on the other side of the Wall? For example, if you had a nation with no buying power whatsoever but lots of working and productive power, the ability to make products and sell them to you, but they did not have the dollars to purchase what you make, then it still might be—it might not be a good deal even though they might be pulling down 50-percent tariff barriers, because there are not enough purchasers on the other side of the wall.

Mr. DREIER. But we know that there are purchasers on the other side of the wall. That is something we have to recognize.

Mr. HUNTER. Now, the figures that I have seen—and I want Mr. DREIER to address these if it is necessary—the figures that I have seen is that the average per capita income in Mexico is $2,500 a year and that Haubauer and

Schott, the two pro-NAFTA economists who support the deal, say that that figure is not likely to rise soon except for reevaluations of the value of the peso. $2,500 a year versus about 8 times that on the American side. So, while the walls are smaller, the buying power, the consumer power is much smaller also on the Mexican side. That is my answer.

Mr. DREIER. I yield to my friend.

Mr. INSLEE. Well, the gentleman's point, first off let me tell you what the statistics are because this gives me a great opportunity to blow up one of the balloons of the anti-NAFTA critics. One of the balloons of the anti-NAFTA critics is that Mexico is composed of tiny little Lilliputians that have no economic power. Let me tell you how powerful they are. They are powerful enough that they buy more from the people who work in my district than the Japanese.

Mr. HUNTER. That may not be saying a lot.

Mr. INSLEE. The Japanese are buying $385 per capita, the Mexicans buy from the people who work in my district $450 per capita, more than the Germans, more than the Italians, more than the French. They are growing.

I will say one more thing and then I will yield to the gentleman from California [Mr. DREIER]. Whatever their buying power is, whatever their shooting percentage is on the basketball team on the other side, no matter how tall or short they are, we will be in a better position vis-a-vis them when those rules of the game change. Maybe you believe they are very short, but they are a threat. And if we do not get our rules in shape so that we will be even with them, they will continue to eat our lunch because that is what is happening now.

Mr. DREIER. My friend has made a very good point which needs to be underscored. Those who argue against the North American Free Trade Agreement that we are going to be voting on in the next few weeks love to say, "I support the concept of reducing trade barriers; I support the idea of a NAFTA, but not this one." I know this one from San Diego does not.

Mr. HUNTER. This gentleman does not.

Mr. DREIER. But when I got off the freeway a week ago last Friday at Los Angeles Airport, got onto the freeway and got off at la Cienaca, there was a great big sign at the corner of Stocker and La Cienaca that said, "Not This NAFTA." One is to infer from that that we want to bring about a trade agreement, but not this one. The fact of the matter is it is this NAFTA or we maintain the status quo—and it gets even worse.

I know my friend from San Diego is regularly concerned about the fact that we failed to gain access to the Japanese market. We see so many Japanese products come into the United States, and the real argument that we hear over and over and over again is that the Japanese will not let us sell United States-manufactured goods there. What we must do, Madam Speaker, is recognize that that problem that exists with Japan—and we all know it is still there and that is why I am pushing my United States Japan free trade agreement—but that argument which exists there is nonexistent when it comes to Mexico because we are bringing their tariff barrier that they have against us down to zero. So I respond by saying to those who say, "We want a free trade agreement, we want a NAFTA, but not this one," I say, "Bring about a North American Free Trade Agreement that will see this coalition that opposes NAFTA today come together and unite, let us see Jesse Jackson, Pat Buchanan, Jerry Brown and Ross Perot sit down and negotiate together an agreement that will be acceptable to this Congress. It "ain't" going to happen, Madam Speaker. And we need to realize that our one chance to reduce those barriers is going to be right here in just a few weeks.

Madam Speaker, I yield to my friend.

Mr. COPPERSMITH. I think the gentleman raises a valid point, if you try to imagine a North American Free-Trade Agreement drafted together by those opponents, it is hard to even imagine what language it will be written in. I would be happy to yield back at that point, but I think the gentleman is exactly right. Part of, I think, the fear of NAFTA has to do with the sense that the world economy is a zero-sum game. I think there is an exaggerated anxiety here because there is a sense that the only way the United States can gain is if some other country loses, and, if some other country gains, it must be because the United States loses.

History has shown that time and time again that is not the case.

Now, it is a difficult case to make because I think people feel that somehow there is only as much wealth in the world as there is and it is somehow a fixed number. It takes a great deal of thought as to work through and see if you have a trade agreement that perhaps Mexico gains but that the United States gains as well and that you can have a whole created that is greater and you can have a win-win situation, that it is not just one or the other.

Mr. DREIER. Since we have underscored that this is in fact a bipartisan effort, I might as well say on the floor here as I have said before many times: John F. Kennedy was right when he said a rising tide lifts all ships.

This is clearly a win-win situation for both sides. So what we have to recognize is the zero-sum game is a very important point here.

We are going to see winners on both sides of the border, including Canada, and winners throughout.

My great fear, as we look at—my friend talked about the historic pattern—over the past half-century, every time the United States has embarked on any kind of an agreement that has reduced trade barriers, it has benefited this country. And if we in this House of Representatives, where the key vote is going to take place on November 22, we will be in a position where we will say to those negotiators at the Uruguay round of the General Agreement on Tariff and Trade talks going on, those who are trying to reduce barriers throughout the world, that the United States cannot be trusted as they embark on negotiations, we will be taking a retrograde step, turning our back on 50 years of history which has benefited this country every time we have reduced barriers.

I yield further to my friend.

Mr. COPPERSMITH. I would like to quote from an article by Craig Stock, and the point of the article is that NAFTA is a win-win proposition for the United States and Canada.

Mr. Stock writes:

> Historically, the removal of barriers to the flow of trade has spurred economic growth for all parties involved. The historical record suggests that failure awaits any nation that tries to help its economy by hurting its trading partners for shutting its borders to the flow of goods and services and capital.

□ 2050

I think those who believe that the world economy is a zero-sum game, that increased trade cannot benefit countries on both sides of the border when trade barriers are removed are turning a blind eye to history, both from the growth that has come from reducing barriers as well as the tremendous harm, the great depression, for example, that has followed countries trying to protect their own economies by beggaring their neighbors, and it turns out to beggar them all.

Mr. DREIER. Madam Speaker, at this point I yield to my friend, the gentleman from San Diego, for one very important reason. Among the four of us who are on the floor, Madam Speaker, he is the only one who has left the Chamber and I can only assume that he has come back to report to our colleagues what the score of the Phillies-Braves game is. Could my friend report that to us?

Mr. HUNTER. Actually, I am going to have to disappoint my friend. I just came back for more debate. I have not seen that game yet.

If the gentleman will continue to yield, I am hoping that John Kruk, first baseman that San Diego sold, one of the greatest hitters in baseball history, has gotten, I hope that he has gotten at least three or four hits tonight, because he is a great, great player.

Mr. DREIER. Madam Speaker, I am happy to yield further to my friend, the gentleman from Phoenix, AZ.

Mr. INSLEE. Not knowing what the score of the game is.

Mr. DREIER. Madam Speaker, if my friend will permit, I just have been informed by one of my very dear friends, Tony, who has told me that the score is 1-0, the Phillies, in the bottom of the second inning.

Mr. INSLEE. The Phillies in the lead?

Mr. DREIER. Yes.

Mr. INSLEE. Well, let me make a suggestion. Before we knew what the score was, we have just been alerted to the score, but let us all ask the question, having not known what the score of the game was, if we knew that in the first inning the umps came out and said that the right field fence of the Phillies will be half as far out as the right field fence of Atlanta and the same for center field and the same for left field, it really does not matter about the relative talent of the two teams. The Phillies would have a distinct advantage and Leo Durocher, Yogi Berra, and us should choose to have the same distance in the same inning, in the same game out to that fence.

Mr. DREIER. So we are seeking the ubiquitous level playing field.

Madam Speaker, I am happy to yield further to my friend, the gentleman from California.

Mr. HUNTER. Madam Speaker, I thank the gentleman for yielding to me. Let me just reply to my friend.

That would be an appropriate analogy; however, if you added this provision, that when one team hit a ball over the fence, let us say it was formerly the 10-percent trade barrier, instead of getting one run for a home run, they only got one-eighth of a run or one-tenth of a run because there was not a very big market on the other side of the fence, whereas when the other team hit one over the fence when they were at bat, they got a complete run, then you would still have an uneven playing field.

If you are sitting in a boardroom making a decision as to whether or not this is a good deal, because this is a business deal, it is a business deal and I think that people have different ideas on business deals, whether they are going to be good deals or bad deals. I think it is a bad deal.

When you are sitting in that boardroom saying is NAFTA a good deal and one guy says, "Hey, wait a minute. We're taking down 10 percent here, it's only 4 percent for us. Don't we get the best deal?"

The real question is what is on the other side of the wall?

Mr. DREIER. What is on the other side of the wall, I say to my friend, is an expanded market which today we do not have access to. Under this agreement it will be yes, a business deal, a business deal which is going to be creating jobs right here in the United States, 200,000 jobs within the first 2 years.

I have never understood why my friend who represents California, the largest State in the Union which has undergone these defense and aerospace cuts over the past several years, and it is terrible what has happened to our State. We have a 9-percent unemployment rate, nearly 10 percent in my county of Los Angeles, and the only segment of our economy in California which has grown has been in the area of exports, exports to Mexico today, and even with that 10-foot wall, exports into the Pacific rim. That is the reason we need to work to bring down those barriers.

Madam Speaker, I am happy to yield further to my friend from Phoenix.

Mr. COPPERSMITH. I would like to add some statistics to that.

Mr. HUNTER. I hoped the gentleman had some statistics to my friend, because he has mentioned none, but he has made some great slogans.

Mr. COPPERSMITH. Let me follow up with the numbers as far as what lies behind the wall.

I am happy that my friend from Claremont is controlling the time.

In 1987 when the Salinas government embarked upon the program of reform of the economy, there was some significant lowering of Mexican tariffs, which however are still quite high compared to United States tariffs; but in 1987 our exports to Mexico totaled $16 billion.

In 1992, our exports to Mexico had increased to $40.6 billion. That is an increase in exporting to this market from $16 to $40.6 billion.

That is a situation we have right now with relatively high tariffs in Mexico, so if you are worried about what lies behind the fence, how big that market is, keep in mind this is a market that has grown from $16 to $40.6 billion, almost $41 billion in exports in the space of 5 years. Those are the numbers that are behind the statistics the gentleman quoted earlier, that in 1987 we ran a $5 billion trade deficit with Mexico. That has turned into a $5.4 billion surplus in 1992.

Now, of that $40.6 billion worth of exports, $30.9 billion were consumed in Mexico, half by families, half by businesses; so that is what is behind that wall right now, almost a $41 billion market. It is a market that as the gentleman pointed out is growing rapidly and increasing in size.

Right now even with the relatively high tariffs, 2.5 times as high as the average U.S. tariff, we are still able to export $40.6. The number has increased rapidly. It will continue to do so.

I think somebody sitting in that boardroom trying to decide if this is a good business deal or not would look at those numbers, the size of those numbers and the fact that increased exports, that growth in exports was responsible for the growth of 400,000 American jobs in that period of time.

Mr. DREIER. Madam Speaker, let me just add to what my friend has said. He is right on target when he points to the fact that that market has grown and will continue to grow. It has grown for two basic reasons.

We have seen a slight reduction in the tariff barrier, and obviously under NAFTA it will ultimately get to a zero tariff.

But the second reason is the item that I referred to earlier. If we look at the latter part of the last decade, the last half of the last decade, these moves toward privatization and free markets have played a key role in enhancing the economic standard of the people in Mexico.

As I said earlier, the other countries in Latin America have with few exceptions moved toward greater political pluralism and freer markets. As we do that, to stand here and say that we are going to penalize those countries who have now followed the lead that we have provided through the 1980's as we were fighting the cold war and other challenges that existed during that decade of the eighties would be I believe disingenuous at best because we would be saying to them, "Move toward a free market, but when it comes to creating a level playing field that will create opportunities for us to export with you, we are the ones who are going to stand here, the Gringoes to the north, and say nada."

I am not going to be any part of anything like that.

Mr. HUNTER. Madam Speaker, will the gentleman yield?

Mr. DREIER. I am happy to yield to my friend from San Diego.

Mr. HUNTER. Madam Speaker, I thank my friend for yielding, because it gives us an opportunity to talk about statistics, and I hope the gentleman will give me a minute to comment on the figure that the gentleman just raised, the almost $41 billion in exports that is cited day after day by the pro-NAFTA Members of the House who take this on in debate and in special orders and in commentary during the day.

Forty billion dollars in exports to Mexico, and I know the gentleman is looking at his figures, is totally false and totally misleading, not because of bad motivation on the part of the gentleman, but because of the way those exports, so-called exports are comprised, and please allow me to explain.

Mr. DREIER. I am happy to further yield.

Mr. HUNTER. I thank the gentleman for yielding further.

We have twin plants in Mexico, many of them on my side of the border or just below my part of the border in Tijuana, many of them in Juarez south of El Paso. Twin plants are plants in Mexico that take American components, add value, whether they put the two components or more components together or maybe put a third component in that is made in Mexico and ship them back to the American market from whence the components came, with a value added.

Now, let me explain what that means, and I thank the gentleman for giving me the time. If I take this podium that I am talking from right now, make it in Washington, DC, with American workers, and let us say it costs $100, I put it on a bus and ship it to Tijuana to be varnished and sanded, and that is $10.

I sent a letter to Mickey Kantor, the United States Trade Representative, and I said, "Mr. Ambassador, how do you count for purposes of adding your exports together, how do you count an American component made in America for ultimate sale to Americans, can't be sold in Mexico under the law if it is a twin-plant product, if it is sent to Tijuana, added to and brought back?"

The answer that came from Mr. Roe, his assistant, who said, "Allow me to answer for the Ambassador."

He said, "Yes. Your $100 component when it crosses the line going into Tijuana we count as a $100 export to Mexico. When the $10 is added to it and it is shipped back, we call that a $110 export from Mexico to the United States.

□ 2100

Now, under Mexican statistics, that is 34.7 percent; that is, roughly one-third of your $41 billion are components made in America to be sold to America, Americans, and they make a U-turn at the twin plants and come back to us. That, and I know the gentleman is now searching his material, believe me. I have got the letter. I am going to give it to you. That is not a true export. That concept gives smoke and mirrors a bad name.

Mr. DREIER. If I can reclaim my time, I thank my friend for his contribution, and I would say that, if you look at the situation in Mexico, it seems to me that we have to realize that there still has been dramatic economic growth which has taken place there——

Mr. HUNTER. Did the gentleman concede my point?

Mr. DREIER. And my friend from Phoenix would like to respond.

Mr. COPPERSMITH. I thank my friend, the gentleman from California [Mr. DREIER], for yielding me the time. I think my colleague, the gentleman from California [Mr. HUNTER], was mistaking my itchiness to reply for shifting through my papers. I have got the information I need right here. I am just squirming to try and get the time back from the gentleman who controls it.

I think that, first of all, there are two ways to answer that. There is the boring way with statistics, and of course I will do that first because that is my true nature.

The impression has been created that so much of what we are exporting to Mexico is used at the maquiladora plants, at the twin plants, at the assembly plants. I already mentioned that of the $40.6 billion, approximately somewhere between $8.7 and $9 billion of that deals with components shipped to the twin plants, to the maquiladoras. The U.S. international——

Mr. HUNTER. According to Mexican statistics——

Mr. COPPERSMITH. The U.S. international——

Mr. DREIER. I am happy to further yield to my friend from Phoenix.

Mr. COPPERSMITH. Have calculated that United States exports of input in those production sharing arrangements comprise an estimated 22 percent of all United States exports to Mexico in 1992. That says two things. That says the great majority of exports were not destined for twin plants. They were destined for the Mexican market. The second is that the percentage that is going to those production sharing arrangements was down, in 1987 was 32 percent. The percentage is declining, so an estimated 83 percent of the growth in United States exports to Mexico in the last 5 years was for use in Mexico, not for reexport back into the United States, and that is from the United States International Trade Commission.

The second point I would like to make is the statistics, calculating the statistics that way, works both ways. I mean keep in mind that even if you were counting that value that high, even though it is ultimately reexported back into the United States after the maquiladora plant, that increases both countries' statistics, and we are still running a $5.4 billion trade surplus with Mexico.

I think the facts actually show that the great percentage of what we are exporting to Mexico is for consumption there. It is not for the twin plants, and however those numbers are calculated, that represents a small—a significant, but still the relatively smaller portion, of our exports and a percentage that is declining.

Mr. HUNTER. If the gentleman would yield just for a second, I would just ask my friend, and I think we have got a good discussion going here, and I thank the gentleman for yielding, but would you agree that for purposes of this debate we should extract the American-made components that are U-turned and come back to the American market, we should subtract that from that approximately $40 billion figure, ascertaining what it is we should subtract it, and I might say to my friend that the Mexican department of commerce statistics say that the maquiladora components exported from the United States to Mexico, maquiladora components, is, in 1992, 34.7 percent, and I have got the certified copy that I will be happy to send them.

But whatever the number is, does the gentleman agree that that should be subtracted from the $40 billion figure?

Mr. COPPERSMITH. Madam Speaker, if the gentleman will yield to me, I think that would deny reality because that is clearly part of the border and part of the cross-border trade at this point.

But I would also like to make the point that harks back to something my friend from Washington said earlier, that so many opponents of NAFTA are citing things that are really today's problems, and, coming from a border State, as actually everyone in the Chamber tonight does, including the SPEAKER, coming from a border State, I think it is the status quo that needs to be changed.

Right now opponents of NAFTA talk about job loss, they talk about environmental problems, they talk about immigration pressures and population shifts at the border. That is all the status quo. That is the current situation. One thing NAFTA does do is effectively require Mexico to fade out the maquiladora system.

I come from a State that has, perhaps, benefited somewhat from the maquiladora system in certain aspects, but all and all I think it is a bad deal for Arizona, and it is probably not that great a deal for California as well. It is too intensive at the border, it has created those environmental problems that we keep talking about, it has created tremendous population problems and pressures, and I think, if you are concerned about those problems, the way to address them is not to defeat NAFTA. That enshrines the status quo. The way to deal with those problems and the way to deal with the question of how you count goods that move back and forth across the border to be assembled and resold is by changing the way the economies of the two countries relate to each other, and that is through the NAFTA.

Mr. DREIER. That is the natural question which has to be raised. I was saying earlier that most of those, with the exception, of course, of my friend from San Diego who opposed this NAFTA, argue that we must have another free-trade agreement, and they say they support free trade. The fact of the matter is that we will end up with the status quo, and I think it is very sad that my friend from San Diego wants to maintain the status quo. He has what he now acknowledges to me is a protectionist bent, and he admits to being a protectionist. He did to me on the floor today as we were discussing——

Mr. HUNTER. If the gentleman would yield, and I thank the gentleman for yielding, incidentally I thank my friend for giving me this time to respond and my friends who also share border districts——

Mr. DREIER. I hope my friend will acknowledge that I used some facts.

Mr. HUNTER. And my friend gave you his facts, and I did not mean to say him, simply sloganeering. That was mean. But let me just say to my friend that I have got some alternatives, and one alternative that I think we should do, and I would be—this comes from talking to a lot of business people who are contemplating flight to Mexico, NAFTA or no NAFTA, because of overregulation in this country, because of a lack of an investment-friendly climate——

Mr. DREIER. Well, I would ask my friend does he believe that there are United States businesses that are looking forward to the implementation of NAFTA so that they can automatically shift their operations to Mexico?

Mr. HUNTER. Let me just answer, and I will be happy to tell the gentleman. My answer is: Let's create an investment-friendly climate in the United States. Let's give capital gains tax breaks, accelerated depreciation——

Mr. DREIER. Well, my friend knows, and I know he has discussed these items, and I have formed, and I think my friend has joined, the zero capital gains tax caucus which obviously would create opportunities, and what that will do is it will allow us to produce even more that can be exported into Mexico. I do not believe that maintaining these kinds of protectionist barriers is in any way beneficial.

We have about 3 minutes left, and I know that my friend from Selah would like to make a contribution at this point, and, if I could just yield to him, if I have any time I would be happy to yield to my friend from San Diego.

Mr. HUNTER. I want one more shot at the gentleman.

Mr. INSLEE. Well, I appreciate it because again this is illuminating to me, and what I learned many times in this Chamber is we spent hours and hours and hours debating issues that do not matter, and the gentleman may be right on some of these statistics. I am sure a lot of them are arguable. But these are arguments that, even though they are right, they do not matter, and let me tell my colleagues what I mean by that.

We can argue about the right way to figure the batting average of the Philadelphia team. There are lots of ways to figure that. Should you count errors? Should you count triples? There are lots of ways to figure the batting averages of the respective teams. However there is no way to argue that, regardless how you figure out how to calculate our exports, regardless of how you figure out how to calculate a batting average, that if you insist on the status quo of Mexico having a fence that is only half as far out as us, we are going to lose more games. It is a simple fact of baseball, and it is a simple fact of economics.

So, Madam Speaker, let me entreat us not to argue how much the exports are. All I know is, if they are $1, they were $1 in 1987, and they are $5 now. Maybe they are at $5 billion, and they are $40 billion. All we know is they have got better after we have knocked down, so far, about 10 feet off that wall, and they are going to continue to get better when we take that wall down to zero where it belongs.

Mr. DREIER. Madam Speaker, I want to thank all of my friends who have participated in this.

I will yield 10 seconds to my friend to respond, and then I would like to close this.

Mr. HUNTER. Madam Speaker, I say to the gentleman, "Thank you, and thank you for this special order," and let me just respond to my friend.

This is a business deal and trading for a baseball player is a business deal. The gentleman would be pretty upset if you traded for a .350 hitter and you found out that the reason that he had .350 was because they counted all the walks as hits. That is what I am saying with respect to this $41 billion in export statistics. We ought to work off the right statistics.

Mr. DREIER. We are talking all about sports, and I know my friends are going to want to switch to the game now, and probably most of those watching could care less about the series if they are watching us.

But let me just say, Madam Speaker, the fact of the matter is this is a win/win situation unlike the baseball game where we will see either the Phillies or the Braves win the game. We will, with implementation of a North American Free-Trade Agreement, see tremendous job opportunities and export opportunities created on both sides of the border, and with that I yield back the balance of my time.

□ 2110

FURTHER DEBATE ON NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 15 minutes.

Mr. HUNTER. Madam Speaker, I have appreciated this exchange with my three friends on NAFTA. I think it has been carried on in the tradition of the House of a good lively exchange with lots of facts and statistics cited on both sides. I just wanted to finish up with a couple of statistics that I think are important, because they are the underpinnings of this debate. I will give plenty of my time to my colleagues to respond.

I mentioned a few minutes ago that the fact that some of the statistics, 34.7 percent of the exports to Mexico, according to the Mexican Department of Commerce, are maquiladora components that basically make a U-turn ride, coming from an American manufacturer. They go across the border a few miles to Tijuana or Juarez. They are added to or put together with Mexican value-added, and shipped back to the same people who made them and sold to them, and are called exports.

That probably does not do the debate justice, because they are not true exports. If you subtract them from the $40 billion figure, then you have about a $26 billion figure.

I just wanted to take a few minutes and add to what I consider to be another phony component to this $40 billion figure, that I think in fairness should also be subtracted.

When Briggs & Stratton announced the other day they were leaving the United States and moving south to Juarez, they announced that some 240 employees would be laid off and that they needed to be in Juarez. I think the representative of the company said something to the effect that you cannot pay 15 bucks an hour to people and make a profit on these engines, and this is necessary.

When Briggs & Stratton goes south, if they take a truck loaded with, say, $2 million worth of machine tools from the factory that they are closing in the United States, and they drive that across the border, according to the information that we have received from the Department of Commerce to date, and unlike Mr. Kantor's letter on the U-turn exports, we do not have the written letter yet, but according to their information, when that truck, representing the factory equipment of a collapsed, closed, American plant that laid off 247 Americans crosses the Mexican border, President Clinton and Mickey Kantor will count the $2 million worth of equipment that is going south as a job-creating export in Mexico.

Now, how will that be translated into jobs, into a jobs figure for this debate?

The Department of Commerce and the U.S. Trade Representative will take that $2 million figure and they will apply a certain number of jobs to that export figure. They will do that on the basis that for every $1 billion in export, theoretically about 20,000 jobs are supported.

So President Clinton will be in the incredible position, and is on a daily basis, if you look at his statistics, and so is Mickey Kantor, of counting when American trucks carry equipment from closed American factories where the workers have been fired south into Mexico, of counting that equipment as a job creating export from the United States.

Second, when a company like Smith Corona closes its factory in the United States, as it did, and fires 850 employees and goes to Mexico to continue its production for sale in the United States, but employing Mexican workers, not American workers, and it leaves 2,000 jobs in the supplier community in America that used to supply components for the typewriters still in America, but it receives those components, continues to receive the components from the American suppliers, but the American suppliers no longer send them to the Smith Corona factory in America, they send them to the Smith Corona factory in Mexico, President Clinton will say that those components that are sent by the 2,000 workers, making components in America for Smith Corona, to be shipped back to the United States, are now jobs that are linked to exports, and therefore the exodus of Smith Corona to Mexico created, presto, 2,000 jobs.

My point is this: We have a debate here in which there are two sides, strongly armed with facts, figures, notions, philosophies, et cetera. We should work from the same sheet of paper. The sheet of paper with respect to exports has been badly skewed, I think. I think it is grossly unfair and misleading to Americans to say that that $40 billion figure, which includes U-turn exports and exports of equipment from companies that have closed in America moving out, and has called those transfers, export-related jobs, is misleading and does the debate a disservice.

I would be happy to yield to my friend.

Mr. COPPERSMITH. I thank the gentleman for yielding, and assure him that my colleague [Mr. DREIER] and I will not use as much time on his special order as he used on ours.

I would like to make a couple of comments to the statement that you made. I mean, the first is, as far as the statistics, I think the point is to compare, as you say, apples to apples and oranges to oranges, the United States statistics indicate that currently exports to maquiladoras, to the twin plants, amount to 22 percent of what we export to Mexico, down from 32 percent 5 years ago.

I think you are quoting the Mexican statistics. It is not hard to believe that the Mexican Government might compute these statistics differently than the United States Government does. But I think in that case the point would be to compare the 1987 Mexican Government statistics with the 1992 Government statistics. Because I think you will see that the trend is clearly downward. That exports back and forth to the maquiladoras are becoming a smaller and smaller proportion of what we export to Mexico.

Eighty-three percent of the growth in exports from the United States to Mexico over the past 5 years is not for the twin plants, but is for consumption in Mexico.

The second point in the gentleman's statement that causes me to rise is the gentleman referred to the experience of Briggs & Stratton. And you referred to Smith Corona. Those are things that happened under the status quo. Those are plant movements and exports that happened under the current relationship between the two countries. Defeating NAFTA does nothing to bring those plants back. In fact, defeating NAFTA does very little to change the incentives that caused those plants to move in the first place. Because, in fact, defeating NAFTA may increase the incentives for those plants to move, because moving to Mexico means you can access both the United States and the Mexican markets, whereas remaining in the United States presents a barrier to the Mexican market.

I am gratified, though, that the gentleman from California has mentioned these problems, because I think the solution is not to try and fight change, not to try and preserve the status quo, that is already slipping through our fingers, but I think the solution is instead to prepare for the change that is coming. I hope that the gentleman's concern over the workers that have been displaced because of these changes will cause him to support some initiatives for retraining, for job development, and so on, so that the people who are displaced, if what is happening now continues, will be able to become and remain productive members of our society.

Mr. HUNTER. I would be happy to respond to the gentleman. The reason I cited the Mexican commerce statistics that 34 percent of these so-called exports of the $40 billion are U-turn exports is precisely because I saw President Clinton's briefing book that the gentleman has obviously quoted that says it is only 22 percent. So I went right to the source. I went to the Mexican Government. And the Mexican Government's commerce statistics are 34.7 percent.

Now, ever if it is 22 percent, let us acknowledge that and let us take that off that $40 billion. If it is 33 percent, if you want to split the difference, let us take it off.

I will tell you why it is important. It is important that you strip away these phony statistics, these U-turn exports, and do not call them job creating exports, and it is important that you strip away this capital equipment when you close down an American factory and you move the used equipment to Mexico and President Clinton calls that a job-creating export.

□ 2120

It is important you take those phony statistics away, because those statistics are being used by pro-NAFTA people to scare Americans.

Mr. DREIER. Fear happens to be really on the side of the opponents of NAFTA. I think that a point needs to be made that, yes, U.S. businesses have in fact moved.

Mr. HUNTER. Madam Speaker, the point that I am making is that if you use those statistics, that $40 billion is being used by people to say, 700,000 jobs depend on exports. And that is not true.

According to Prof. Harley Shakin of the University of California, when you strip off the phony figures, you have 330,000 jobs dependent on exports.

Madam Speaker, I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER. Madam Speaker, the point that I was trying to make is one that I stated earlier.

Of the United States businesses which have located in Mexico, we must remember that 70 percent of the business that they do is to access that consumer market, which they cannot today, without that incredibly high burden. I refer to the 20-percent tariff on computers, which, obviously, there are growing demands in Mexico for the utilization of computer technology, which is developed right here in the United States. And it seems to me that we need to realize that with that overwhelming percentage of business done by United States-owned operations in Mexico, in the Mexican consumer market, they have had no choice but to make those kinds of moves so that they can gain access to that market.

Mr. HUNTER. Let me respond to my friend. In fact, the maquiladoras, in which Mexico claims 34.7 percent of our exports are shipped, cannot ship to the Mexican market. By law, they have to U-turn it back to the United States.

Mr. DREIER. What happens to the maquiladora process under the NAFTA agreement? What is going to happen to the maquiladora process when we implement NAFTA and zero out the tariff barrier?

Mr. HUNTER. If my friend will let me finish, Briggs & Stratton made a statement. When they are moving south, they are not expanding an engine market for Briggs & Stratton engines in Mexico. Their spokesman said, "I can't afford to pay $15 an hour to Americans to make those engines. That is why I'm moving."

The Ford plant in Hermosillo that makes approximately 160,000 Fords with Mexican workers, high-quality, highly productive workers at $2.38 an hour, shipped every one of their Fords back to the United States.

Mr. DREIER. I would say that we need to realize that several people who have written about this issue are absolutely correct. If we do believe in the free market process, there is no way in the world that we in the United States can justify paying $16 an hour for items that are produced at a wage rate of $3 an hour. And if you really believe in markets, you realize that a parity is going to be struck there. That is the ultimate goal. That is what is going to happen, because we are clearly going to see benefits on both sides of the border.

Mr. HUNTER. Madam Speaker, I yield to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. It is clear from what my friend, the gentleman from California [Mr. DREIER] is saying, the market says that American wages should go down to be harmonized with Mexican wages. That is exactly the problem.

The problem with NAFTA is not just American jobs going to Mexico, as the gentleman from California [Mr. HUNTER] has so articulately said. It is also American wages being harmonized down, a favorite phrase of Mr. Kantor in front of my committee last week, a favorite phrase of the EPA Administrator, a favorite phrase of former President Bush and President Clinton, harmonize wages down, harmonize environmental safeguards down, harmonize labor safeguards down so that we have lower wages.

Mr. DREIER. Our goal is to increase all of them.

Mr. BROWN of Ohio. I do not want to see our wages and our benefits go down toward Mexico's. I want to see theirs go up. That means that we do not need this NAFTA. It means we renegotiate something that will help bring Mexican wages up, something that will help bring the environmental standards up.

Mr. DREIER. We look forward to that agreement.

Mr. HUNTER. Madam Speaker, let me yield to the gentleman from Arizona [Mr. COPPERSMITH], who has been waiting to get a word in edgewise here.

Mr. COPPERSMITH. I am scared to stick my head in at this point, but I just want to make some comments in response to my friend from Ohio.

I think that expressing concern for the workers of Mexico and hoping that their standard of living rises while opposing the NAFTA is really contradictory. I think that is blessing them with kindness that they do not need.

What they need is an increase in growth in their market, and that is how you get the win-win situation that the gentleman from California [Mr. DREIER] and I were referring to.

Mr. HUNTER. Madam Speaker, reclaiming my time, and briefly to comment on this, this is why NAFTA is a bad business deal. This is why NAFTA does not work.

Mexican workers are highly productive. The experiments of the Big Three made in Mexico show that. They can do technical stuff. They can do it with high quality, and they will do it for a low wage and are doing it for a low wage.

NAFTA can never work if $2,500-a-year workers never see their wages rise much above $2,500 a year.

The leading economists, who are pro-NAFTA, do not predict any major rise in these wages from $2,500 a year. Because of that, the American worker is left with the worst of all worlds. He has a gentleman, a counterpart south of the border, who is quite competent, with good equipment, good schooling, and good middle-level management to take his job. But that person south of the border cannot by his products.

A good deal is getting something for that which you are giving. Republicans are for good deals. This is not a good deal.

CLOSING THOUGHTS

(Mr. COPPERSMITH asked and was given permission to address the House for 1 minute.)

Mr. COPPERSMITH. Madam Speaker, it seems clear to me that we will not resolve the issue tonight, though we have tried mightily.

Why do we not just continue the debate another night, because I know from the look on the Speaker's face that while she will be glad to preside over this Chamber as long as it is required, I think maybe we all should retire and continue the debate again tomorrow.

Mr. HUNTER. Madam Speaker, will the gentleman yield?

Mr. COPPERSMITH. I yield to the gentleman from California.

Mr. HUNTER. Madam Speaker, I think the gentleman has made a wise recommendation. I think that it is important for us to see exactly where the Phillies and the Braves are.

I thank all the gentlemen for participating.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. POMEROY (at the request of Mr. GEPHARDT) for today on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. DORNAN, for 60 minutes, today.

(The following Members (at the request of Mr. DORNAN) to revise and extend their remarks and include extraneous material:)

Mr. ROBERTS, for 60 minutes, on October 27.

Mr. COLLINS of Georgia, for 5 minutes, today.

Mr. HORN, for 60 minutes, on October 12 and 19.

Mr. GOSS, for 5 minutes, today.

Mr. LAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. JEFFERSON) to revise and extend their remarks and include extraneous material:)

Mr. JEFFERSON, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mrs. LOWEY, for 5 minutes, today.

Mr. ABERCROMBIE, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. MENENDEZ, for 60 minutes each day, on October 6 and 7.

Mr. DERRICK, for 60 minutes, on October 12.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HUNTER, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DORNAN) and to include extraneous matter:)

Mr. GALLEGLY in two instances.
Mr. FIELDS.
Mr. COLLINS of Georgia in three instances.
Mr. PORTER.
Mr. GOODLING in two instances.
Mr. GILLMOR.
Mr. SOLOMON.
Ms. SNOWE.
Mr. GINGRICH.
Mr. KYL.

(The following Members (at the request of Mr. JEFFERSON) and to include extraneous matter:)

Mr. TORRICELLI in three instances.
Mr. INSLEE.
Mr. HOYER.
Mr. KANJORSKI.
Mr. REED.
Mr. HAMILTON.
Mr. DIXON.
Ms. ESHOO in two instances.
Mr. ACKERMAN.
Mr. MAZZOLI.
Mr. BARCA.
Miss COLLINS of Michigan.
Mr. PARKER.
Mrs. KENNELLY.
Mr. BROWN of Ohio.
Mr. TOWNS in two instances.
Mr. OBERSTAR.
Mr. MENENDEZ.
Mr. SANDERS.
Mr. BRWESTER.
Mr. ANDREWS of Texas.
Mr. STARK.
Mr. COYNE.
Mr. SERRANO.
Mr. BECERRA.
Ms. WOOLSEY.
Ms. KAPTUR in two instances.
Mr. LIPINSKI.
Mr. TRAFICANT in five instances.

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mr. FILNER.
Mr. LEWIS of Georgia.
Mr. PORTMAN.
Mr. CLAYTON.
Mr. CONYERS.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1487. An act entitled the "Middle East Peace Facilitation Act of 1993"; to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 102. Joint resolution to designate the months of October 1993 and October 1994 as "Country Music Month."

ADJOURNMENT

Mr. COPPERSMITH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Thursday, October 7, 1993, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1972. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Perishable Agricultural Commodities Act to increase the statutory ceilings on license fees; to the Committee on Agriculture.

1973. A letter from the Interim CEO, Resolution Trust Corporation, transmitting the 1993 semiannual progress report of investigations of professional conduct, pursuant to Public Law 101–647, section 2540 (104 Stat. 4885); to the Committee on Banking, Finance and Urban Affairs.

1974. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–115, "Illegal Dumping Enforcement Temporary Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1975. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–108, "Administration of Medication by Public School Employees Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1976. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–114, "Prevention of Child Neglect Temporary Amendment Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1977. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–112, "Cable Television Communications Act of 1981 Temporary Amendment Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1978. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–113, "Unemployment Compensation Public School Employees Temporary Amendment Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1979. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–109, "Child Abuse and Neglect Prevention Children's Trust Fund Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1980. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–110, "Children's Island Development Plan Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1981. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–111, "Lease of the Employment Services Building Site Temporary Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1982. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the fiscal year 1992 annual report on Activities of the Commission, pursuant to 42 U.S.C. 2000e-4(e); to the Committee on Education and Labor.

1983. A letter from the Inspector General, Department of Energy, transmitting the Department's annual audit on the use of the Environmental Protection Agency's [EPA] Superfund moneys for fiscal year 1992; to the Committee on Energy and Commerce.

1984. A letter from the Inspector General, Environmental Protection Agency, transmitting the annual report of the inspector general's work in the Agency's Superfund program for fiscal 1992; to the Committee on Energy and Commerce.

1985. A letter from the Secretary of Energy; transmitting a proposal for a demonstration project on new and innovative communications equipment and services for utilities; to the Committee on Energy and Commerce.

1986. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 93–41: Determination to Authorize the Transfer of Economic Support Fund to the Peacekeeping Operations Fund to Support Regional Peacekeeping for Liberia, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

1987. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 93–40: Transfer of $424,000 in fiscal year 1993 foreign military financing funds to the economic support fund account for assistance to the Government of Mexico, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

1988. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the Agency for International Development intends to allocate $493,000 from the Economic Support Fund [ESF] to the Department of Defense to fund critical humanitarian and civic action programs in Haiti, pursuant to section 632(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1989. A letter from the Comptroller General, General Accounting Office, transmitting the results of the audit of the Pension Benefit Guaranty Corporation's 1992 and 1991 financial statements, pursuant to 31 U.S.C. 9106(a); to the Committee on Government Operations.

1990. A letter from the Assistant Attorney General, Department of Justice, transmitting notification of a new standard for openness for Federal agencies in the implementation of the Freedom of Information Act; to the Committee on Government Operations.

1991. A letter from the Senior Vice President, Federal Intermediate Credit Bank of Jackson, transmitting the annual pension plan report for the plan year ending December 31, 1993, for the farm credit retirement plan, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1992. A letter from the Deputy Administrator, General Service Administration, transmitting a building project survey for Brownsville, TX, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1993. A letter from the Secretary, Department of Energy, transmitting the 5-year program plan for improving the integration of basic energy research programs with other energy programs within the Department, pursuant to Public Law 102–486, section 2205 (106 Stat. 3091); jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

1994. A letter from the Comptroller, Department of Defense, transmitting the quarterly report on program activities to facilitate weapons destruction and nonproliferation in the former Soviet Union, during the quarter from April 1, 1993, through June 30, 1993, pursuant to Public Law 102–396, section 9110(a) (106 Stat. 1928); jointly, to the Committees on Foreign Affairs and Appropriations.

1995. A letter from the Comptroller General of the United States, transmitting an interim report on the GAO review of the White House travel office, pursuant to Public Law 103–50, section 805 (107 Stat. 261); jointly, to the Committees on Government Operations and Appropriations.

1996. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting a draft of proposed legislation to amend title VI, section 601, of the Intelligence Authorization Act, fiscal year 1989, Public Law 100–453, as amended; jointly, to the Committees on Intelligence (Permanent Select) and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1012. A bill to establish a congressional commemorative medal for organ donors and their families; with an amendment (Rept. 103–276, Pt. 1). Ordered to be printed.

Mr. MOAKLEY: Committee on Rules. House Resolution 269. Resolution providing for consideration of the bill (H.R. 2739) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes (Rept. 103–277). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HAMILTON:

H.R. 3221. A bill to provide for the adjudication of certain claims against the Government of Iraq; to the Committee on Foreign Affairs.

By Mr. COOPER (for himself, Mr. ANDREWS of Texas, Mr. GRANDY, Mr. KLUG, Mr. STENHOLM, Mrs. JOHNSON of Connecticut, Mr. PAYNE of Virginia, Mr. GUNDERSON, Mr. PETERSON of Florida, Mr. HOBSON, Mr. CARR, Mr. HOUGHTON, Mr. MCCURDY, Mr. QUILLEN, Mr. BARCIA of Michigan, Mr. BOEHLERT, Mr. BROWDER, Mr. CLEMENT, Mr. CLINGER, Mr. DOOLEY, Mr. EDWARDS of Texas, Mr. EMERSON, Mrs. FOWLER, Mr. GILCHREST, Mr. GORDON, Mr. GOSS, Mr. HAYES, Mr. HORN, Mr. HUGHES, Mr. HUTTO, Mr. LAUGHLIN, Mrs. LLOYD, Ms. LONG, Mr. MCHALE, Mr. MCMILLAN, Mr. MACHTLEY, Mr. MILLER of Florida, Mr. MONTGOMERY, Mr. MORAN, Mr. NEAL of North Carolina, Mr. NUSSLE, Mr. ORTON, Mr. PARKER, Mr. PETRI, Mr. PORTER, Mr. SHAYS, Ms. SNOWE, Mr. TANNER, and Mr. TAUZIN):

H.R. 3222. A bill to contain health care costs and improve access to health care through accountable health plans and managed competition, and for other purposes; jointly, to the Committees on Energy and Commerce, Ways and Means, Education and Labor, and the Judiciary.

By Mr. BECERRA (for himself and Mr. NADLER):

H.R. 3223. A bill to amend the Immigration and Nationality Act to establish fair and expedited procedures for adjudicating political asylum claims and to prevent fraud and abuse in the asylum process; to the Committee on the Judiciary.

By Mr. GALLEGLY:

H.R. 3224. A bill to direct the Forest Service to replace the modular airborne fire fighting system, and for other purposes; jointly, to the Committees on Natural Resources and Agriculture.

By Mr. JOHNSTON of Florida (for himself, Mr. PAYNE of New Jersey, Mr. HAMILTON, Mr. MFUME, Mr. DELLUMS, Mr. BISHOP, Mr. BLACKWELL, Ms. BROWN of Florida, Mrs. CLAYTON, Mr. CLYBURN, Miss COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DIXON, Mr. FIELDS of Louisiana, Mr. FORD of Tennessee, Mr. FRANKS of Connecticut, Mr. HASTINGS, Mr. HILLIARD, Ms. NORTON, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mrs. MEEK, Mr. OWENS, Mr. RANGEL, Mr. RUSH, MR. SCOTT, Mr. STOKES, Mr. THOMPSON, Mr. TOWNS, Mr. TUCKER, Ms. WATERS, Mr. WATT, Mr. WHEAT, Mr. WYNN, Mr. GEJDENSON, Mr. ACKERMAN, Mr. EDWARDS of California, Mr. ENGEL, Mr. TORRICELLI, Mr. BURTON of Indiana, and Mr. ROYCE):

H.R. 3225. A bill to support the transition to nonracial democracy in South Africa; jointly, to the Committees on Foreign Affairs, Banking, Finance and Urban Affairs, Ways and Means, and Public Works and Transportation.

By Mr. FOGLIETTA:

H.R. 3226. A bill to prohibit an individual or entity providing services under any Federal health program from refusing to provide services under such a program to an individual on the grounds that the individual has been a plaintiff in a medical malpractice liability action; jointly, to the Committees on Energy and Commerce, Ways and Means, Post Office and Civil Service, Veterans' Affairs, Armed Services, and Natural Resources.

By Mr. JEFFERSON (for himself, Mr. ABERCROMBIE, Mrs. MALONEY, Ms. PELOSI, Mr. LIGHTFOOT, Mr. MANTON, Mr. BILBRAY, Mr. NADLER, Mr. SHAW, Mr. LEWIS of Georgia, Mr. BREWSTER, Mr. TAUZIN, Mr. BAKER of Louisiana, Mr. BLUTE, Mr. TORKILDSEN, Mr. ZELIFF, Mr. CRANE, Mr. SUNDQUIST, Mrs. VUCANOVICH, Mr. FIELDS of Louisiana, Mr. ZIMMER, Mr. HALL of Ohio, Mr. ANDREWS of New Jersey, Mr. ROTH, Mr. CLEMENT, Mr. FILNER, Mr. HAYES, Mr. DUNCAN, Mr. MACHTLEY, Mr. MCCRERY, Mr. LIVINGSTON, Mr. REYNOLDS, Mr. RANGEL, Mr. PAYNE of New Jersey, Mrs. MINK, Mrs. COLLINS of Illinois, Mr. FLAKE, Miss COLLINS of Michigan, Mr. KOPETSKI, Mr. HILLIARD, Mr. DE LUGO, Mr. MATSUI, and Mr. OBERSTAR):

H.R. 3227. A bill to repeal the reduction in the deductible portion of business meals and entertainment made by the Revenue Reconciliation Act of 1993; to the Committee on Ways and Means.

By Mr. JOHNSTON of Florida (for himself, Mr. BACCHUS of Florida, Mr. GIBBONS, Mr. PETERSON of Florida, Ms. ROS-LEHTINEN, Mr. DIAZ-BALART, Mr. CHAPMAN, Mr. MANTON, Mrs. MEEK, Mr. ACKERMAN, Mr. OWENS, Mr. STARK, Ms. VELAZQUEZ, Mr. MENENDEZ, Mr. HASTINGS, Mr. HINCHEY, Mr. DELLUMS, Mr. GOSS, Ms. PELOSI, Mr. FILNER, Mr. MILLER of California, Mr. LEWIS of Florida, Mr. PAYNE of New Jersey, Ms. BROWN of Florida, Mr. MARTINEZ, and Mr. MILLER of Florida):

H.R. 3228. A bill to amend the Elementary and Secondary Education Act of 1965 to provide services to immigrant children; to the Committee on Education and Labor.

By Mr. SERRANO (for himself, Mr. BECERRA, Ms. ROYBAL-ALLARD, Mr. PASTOR, Mr. DE LA GARZA, Mr. DE LUGO, Mr. ORTIZ, Mr. RICHARDSON, Mr. TORRES, Ms. ROS-LEHTINEN, Mr. DIAZ-BALART, Mr. GUTIERREZ, Mr. MENENDEZ, Mr. ROMERO-BARCELÓ, Mr. TEJEDA, Ms. VELÁZQUEZ, Mr. UNDERWOOD, Mr. GENE GREEN of Texas, Mr. MILLER of California, and Ms. ENGLISH of Arizona):

H.R. 3229. A bill to amend the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Mr. SERRANO (for himself, Mr. RICHARDSON, Mr. GUTIERREZ, Ms. ROYBAL-ALLARD, Mr. PASTOR, Mr. TORRES, Mr. BACERRA, Ms. VELÁZQUEZ, Mr. ROMERO-BARCELÓ, Mr. DE LUGO, Mr. ORTIZ, Mr. MENENDEZ, Mr. DIAZ-BALART, and Mr. UNDERWOOD):

H.R. 3230. A bill to amend the Public Health Service Act with respect to the health of individuals who are members of racial or ethnic minority groups; to the Committee on Energy and Commerce.

By Mr. TUCKER (for himself, Ms. ROYBAL-ALLARD, Ms. WATERS, Mr. HORN, Mr. BECERRA, and Ms. HARMAN):

H.R. 3231. A bill to amend the Internal Revenue Code of 1986 to permit tax-exempt financing of certain transportation facilities; to the Committee on Ways and Means.

By Mr. VOLKMER:

H.R. 3232. A bill to amend the Internal Revenue Code of 1986 to provide individuals receiving State or local governmental pensions an exclusion equivalent to that received by Social Security recipients; to the Committee on Ways and Means.

By Mr. WILSON:

H.R. 3233. A bill to require the Secretary of Agriculture to take such actions as may be necessary to control the infestation of southern pine beetles currently ravaging wilderness areas in the State of Texas; jointly, to the Committees on Natural Resources and Agriculture.

By Ms. WOOLSEY (for herself, Mr. BROWN of California, Mr. TUCKER, Mr. STARK, Mr. FILNER, Mr. TORRES, Mr. GIBBONS, Mr. SANDERS, Mr. NEAL of Massachusetts, Mr. DICKS, Ms. FURSE, Ms. ROYBAL-ALLARD, Mr. EDWARDS of California, Mr. BECERRA, Mr. WAXMAN, Mr. BERMAN, Mr. FAZIO, Mr. FARR, Mr. BEILENSON, Ms. PELOSI, Mr. CONYERS, Mr. BISHOP, and Mr. WYNN):

H.R. 3234. A bill to provide a comprehensive program of adjustment assistance to workers displaced as a result of any program, project, or activity carried out under Federal law; jointly, to the Committees on Ways and Means, Education and Labor, and Energy and Commerce.

By Mr. VOLKMER:

H.J. Res. 273. Joint resolution proposing an amendment to the Constitution relating to Federal budget procedures; to the Committee on the Judiciary.

By Mr. MYERS of Indiana:

H.J. Res. 274. Joint resolution to authorize the President to issue a proclamation designating October, 1993, as "National Spina Bifida Prevention Month"; to the Committee on Post Office and Civil Service.

By Ms. SNOWE (for herself and Mr. GILMAN):

H. Con. Res. 159. Concurrent resolution concerning the identification of U.S. military personnel involved in United Nations and other multinational peacekeeping operations for the purposes of the Geneva Convention; to the Committee on Foreign Affairs.

By Mr. VOLKMER (for himself, Mr. DE LA GARZA, and Mr. ROBERTS):

H. Con. Res. 160. Concurrent resolution to correct the enrollment of H.R. 3123; considered and agreed to.

By Mr. BAKER of California (for himself, Mr. ARCHER, Mr. ARMEY, Mr. BACHUS of Alabama, Mr. BALLENGER, Mr. BARTON of Texas, Mr. BEREUTER, Mr. BILIRAKIS, Mr. BLUTE, Mr. BOEHNER, Mr. BONILLA, Mr. BUNNING, Mr. BURTON of Indiana, Mr. CANADY, Mr. CLINGER, Mr. COBLE, Mr. COMBEST, Mr. COX, Mr. CRANE, Mr. CUNNINGHAM, Mr. DELAY, Mr. DOOLITTLE, Mr. DORNAN, Mr. DREIER, Ms. DUNN, Mr. EWING, Mr. FIELDS of Texas, Mrs. FOWLER, Mr. FRANKS of New Jersey, Mr. GALLEGLY, Mr. GILMAN, Mr. GINGRICH, Mr. GOSS, Mr. HANSEN, Mr. HEFLEY, Mr. HERGER, Mr. HOKE, Mr. HUFFINGTON, Mr. HUNTER, Mr. HUTCHINSON, Mr. HYDE, Mr. INGLIS of South Carolina, Mr. INHOFE, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. KIM, Mr. KNOLLENBERG, Mr. LIGHTFOOT, Mr. MANZULLO, Mr. MCCOLLUM, Mr. MCKEON, Mr. MCINNIS, Mrs. MEYERS of Kansas, Mr. MOORHEAD, Mr. PACKARD, Mr. POMBO, Ms. PRYCE of Ohio, Mr. RAMSTAD, Mr. RAVENEL, Mr. ROHRABACHER, Mr. ROYCE, Mr. SAXTON, Mr. SCHIFF, Mr. SENSENBRENNER, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SOLOMON, Mr. STEARNS, Mr. STUMP, Mr. TALENT, Mr. TORKILDSEN, Mr.

TRAFICANT, Mr. UPTON, Mrs. VUCANOVICH, Mr. WALKER, Mr. WELDON, Mr. WOLF, Mr. ZELIFF, and Mr. ZIMMER):

H. Res. 270. Resolution expressing the sense of the House of Representatives that any comprehensive health care reform legislation should be considered on the floor of the House of Representatives under an open rule that authorizes any Representative to offer one or more amendments; to the Committee on Rules.

By Mr. WELDON (for himself, Mr. BROWN of Ohio, and Mr. MICA):

H. Res. 271. Resolution urging the President to initiate the immediate orderly withdrawal of United States Armed Forces from Somalia, to ensure the safe return of all members of the Armed Forces being held prisoner by Somali warlords, and recover the remains of members of the Armed Forces killed in Somalia; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

247. By the SPEAKER: Memorial of the House of Representatives of the State of Michigan, relative to ozone; to the Committee on Energy and Commerce.

248. Also, memorial of the Legislature of the State of Mississippi, relative to taxes; to the Committee on the Judiciary.

249. Also, memorial of the House of Representatives of the State of Michigan, relative to medical care savings accounts; jointly, to the Committees on Energy and Commerce and Education and Labor.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. BILBRAY, Mr. CALVERT, Ms. ENGLISH of Arizona, Mr. GORDON, Mr. HAMBURG, Mr. LEVY, Mr. MARTINEZ, Mr. QUINN, Mr. RAHALL, Mr. REYNOLDS, and Mr. UNDERWOOD.

H.R. 65: Mr. WYNN.

H.R. 300: Mr. CHAPMAN, Mr. BARLOW, and Mr. REYNOLDS.

H.R. 302: Mr. FOGLIETTA, Mr. CANADY, and Mr. FALEOMAVAEGA.

H.R. 303: Mr. WYNN.

H.R. 304: Mr. SANGMEISTER and Mr. BARRETT of Wisconsin.

H.R. 325: Mr. STUMP, Mr. KIM, Mr. BROWN of California, Mr. HEFNER, and Mr. COOPER.

H.R. 326: Mr. TRAFICANT, Mr. FOGLIETTA, Mr. BARLOW, Mr. DURBIN, Mr. BROWN of California, and Ms. DELAURO.

H.R. 466: Mr. BARCIA of Michigan and Mr. SARPALIUS.

H.R. 467: Ms. BYRNE and Mr. LIPINSKI.

H.R. 585: Mr. SHAYS.

H.R. 672: Mr. NEAL of Massachusetts and Mr. HOKE.

H.R. 723: Mr. FRANKS of New Jersey.

H.R. 737: Mr. LEWIS of Georgia.

H.R. 789: Mr. DINGELL.

H.R. 799: Mr. TAYLOR of North Carolina.

H.R. 911: Mr. BLUTE and Mr. MANTON.

H.R. 967: Mr. SOLOMON, Mr. JACOBS, Mr. BLUTE, and Mr. TALENT.

H.R. 1034: Mr. ENGEL, Mr. FAWELL, and Mr. GILLMOR.

H.R. 1046: Mr. FROST.

H.R. 1078: Mr. BARTLETT of Maryland and Mr. LEVY.

H.R. 1079: Mr. DEAL and Mr. SKEEN.

H.R. 1080: Ms. HARMAN, Mr. DEAL, and Mr. SKEEN.

H.R. 1081: Mr. DEAL.

H.R. 1083: Mr. DEAL.

H.R. 1089: Mr. ROYCE.

H.R. 1146: Mr. QUINN.

H.R. 1151: Mr. BILBRAY, Ms. HARMAN, Mr. OLVER, Mr. ROSE, and Ms. SHEPHERD.

H.R. 1164: Mr. BOEHLERT.

H.R. 1182: Mr. FINGERHUT.

H.R. 1191: Mr. DEAL and Mr. SKEEN.

H.R. 1279: Mr. PALLONE, Mrs. MEYERS of Kansas, Mr. COPPERSMITH, Ms. SNOWE, Mr. LEVY, Mr. WILSON, and Mr. LANTOS.

H.R. 1281: Mr. BARLOW.

H.R. 1349: Mr. ZIMMER.

H.R. 1423: Mrs. LOWEY, Mrs. THURMAN, Mr. BARRETT of Wisconsin, Mr. KILDEE, Mr. MORAN, Mr. MARTINEZ, Mr. MCKEON, Mr. COX, and Mr. PETRI.

H.R. 1431: Mr. SMITH of New Jersey and Mr. MANTON.

H.R. 1496: Mrs. ROUKEMA, Mr. SAM JOHNSON, and Mr. ROYCE.

H.R. 1551: Mr. EVERETT and Mr. HOUGHTON.

H.R. 1683: Mr. QUILLEN.

H.R. 1707: Mr. KYL and Mr. BACCHUS of Florida.

H.R. 1709: Mr. ROYCE, Ms. KAPTUR, Mr. GILMAN, Mr. EWING, Mr. SHARP, Ms. DUNN, Mr. LEVY, Mr. GUTIERREZ, Mr. FAWELL, Mr. CALVERT, Mr. DE LA GARZA, Mr. ANDREWS of New Jersey, Mr. GEJDENSON, Mr. HASTINGS, Mr. TAYLOR of Mississippi, Mr. QUILLEN, Ms. BYRNE, Mr. MONTGOMERY, Mr. JOHNSON of Georgia, and Mr. WASHINGTON.

H.R. 1738: Mr. GREENWOOD.

H.R. 1831: Mr. SHAYS.

H.R. 1886: Mr. JOHNSTON of Florida.

H.R. 1887: Mr. FAWELL.

H.R. 1922: Mr. MACHTLEY.

H.R. 1974: Mrs. FOWLER and Mr. HOBSON.

H.R. 1981: Mr. HINCHEY, Mrs. MEYERS of Kansas, Mr. EDWARDS of Texas, Mr. ANDREWS of New Jersey, Mr. LEWIS of Georgia, Mr. TAYLOR of Mississippi, Mr. WHITTEN, and Mrs. LLOYD.

H.R. 2135: Mr. ROWLAND.

H.R. 2292: Mr. VALENTINE and Mr. SCHUMER.

H.R. 2340: Mr. SANDERS, Mr. FRANK of Massachusetts, and Mr. TORKILDSEN.

H.R. 2407: Ms. BYRNE.

H.R. 2415: Mrs. MEYERS of Kansas.

H.R. 2424: Mr. UNDERWOOD.

H.R. 2467: Mr. BREWSTER, Mr. COMBEST, Mr. DELLUMS, Mr. DOOLEY, Mr. FISH, Mr. LAUGHLIN, Mr. LEHMAN, Mrs. MALONEY, Mr. PENNY, Mr. RICHARDSON, Ms. SHEPHERD, Mr. STUDDS, Mr. TUCKER, and Mrs. THURMAN.

H.R. 2479: Ms. VELAZQUEZ, Mr. FOGLIETTA, Mr. ACKERMAN, Mr. TUCKER, Mr. VENTO, Mr. WYNN, Mr. RUSH, and Mr. BERMAN.

H.R. 2622: Mr. CANADY.

H.R. 2641: Mr. POSHARD, Ms. WOOLSEY, Mr. VENTO, Mr. QUILLEN, Mr. DEAL, Ms. FURSE, Mr. SABO, and Mr. BORSKI.

H.R. 2708: Mr. KLUG, Mr. MINGE, Mr. JOHNSON of South Dakota, Mr. BEREUTER, Mr. HOUGHTON, Mr. HUTCHINSON, Mr. EWING, Mr. HOEKSTRA, and Mr. NUSSLE.

H.R. 2735: Ms. FURSE.

H.R. 2787: Mr. BERMAN.

H.R. 2814: Mr. BLUTE.

H.R. 2837: Mr. HALL of Texas.

H.R. 2864: Mr. POSHARD, Mr. SANDERS, Ms. FURSE, and Mr. JOHNSTON of Florida.

H.R. 2886: Mr. GINGRICH, Mr. HOUGHTON, Mr. KYL, Mr. REYNOLDS, Mr. COMBEST, Mr. SAM JOHNSON of Texas, Mr. COPPERSMITH, Mr. LEWIS of Florida, Mr. BATEMAN, Mr. FINGERHUT, and Ms. ENGLISH of Arizona.

H.R. 2919: Mr. WAXMAN and Mr. SANDERS.

H.R. 2921: Mr. MONTGOMERY.

H.R. 2927: Mr. NUSSLE, Mr. LIGHTFOOT, Mr. JOHNSON of South Dakota, Mr. BAKER of California, and Mr. UPTON.

H.R. 2933: Mr. FILNER, Mr. HINCHEY, Ms. NORTON, and Mr. GUTIERREZ.

H.R. 2950: Mr. GRANDY and Mr. VOLKMER.

H.R. 2975: Mr. HYDE.

H.R. 2989: Mr. UPTON.

H.R. 3012: Mr. LIGHTFOOT.

H.R. 3021: Mr. PETE GEREN of Texas, Mr. MCCANDLESS, and Mrs. MEYERS of Kansas.

H.R. 3023: Mr. MACHTLEY, Mr. FILNER, Ms. KAPTUR, Mr. KILDEE, Mrs. SCHROEDER, Mr. SAXTON, Mrs. VUCANOVICH, and Mrs. MINK.

H.R. 3027: Mr. COX.

H.R. 3030: Mr. FIELDS of Texas.

H.R. 3039: Mr. MCCOLLUM, Mr. TEJEDA, Mr. MONTGOMERY, and Mr. HAYES.

H.R. 3041: Mr. KANJORSKI.

H.R. 3086: Mr. ZIMMER, Mr. SMITH of Michigan, Mr. KINGSTON, Mr. KLUG, and Mr. PORTER.

H.R. 3088: Mr. FRANK of Massachusetts, Mr. BARRETT of Wisconsin, Mr. BILBRAY, Mr. FINGERHUT, Mr. DELLUMS, and Mr. LEVY.

H.R. 3098: Mr. LIPINSKI, Mr. JEFFERSON, and Mr. GOSS.

H.R. 3122: Mr. KING, Mr. MCHUGH, Mr. MACHTLEY, Mr. DE LA GARZA, Mr. GINGRICH, and Mr. LEVY.

H.R. 3125: Mr. MCKEON and Mr. SCHIFF.

H.R. 3145: Mr. PORTER, Mr. CRANE, Mr. FRANKS of Connecticut, Mr. SANTORUM, Mr. LEWIS of Florida, Mr. FAWELL, Mr. TAYLOR of North Carolina, Mr. FINGERHUT, Mr. ROYCE, Mr. GUNDERSON, Mr. DREIER, Mr. PAXON, Mr. BARTLETT of Maryland, and Mr. CLEMENT.

H.R. 3171: Mr. BROWN of California.

H.R. 3182: Mr. DIAZ-BALART.

H.R. 3184: Mr. MANN, Mr. YATES, Ms. BYRNE, and Mr. LIPINSKI.

H.R. 3203: Mr. BEILENSON and Mr. FROST.

H.R. 3211: Mr. CAMP.

H.J. Res. 79: Mr. BARRETT of Wisconsin, Mr. GILMAN, and Mr. GLICKMAN.

H.J. Res. 103: Mr. LAROCCO, Mr. LIPINSKI, Mr. ANDREWS of New Jersey, Mr. HOYER, Ms. KAPTUR, Mr. FROST, Mr. SHARP, Mr. TRAFICANT, Mr. LANTOS, Ms. LAMBERT, Mr. DEUTSCH, and Ms. DANNER.

H.J. Res. 113: Mr. BISHOP and Mr. TANNER.

H.J. Res. 129: Mr. DEAL and Mr. SKEEN.

H.J. Res. 175: Mr. HINCHEY, Ms. NORTON, Mr. REED, Mr. GLICKMAN, Mr. KLECZKA, Mr. LAROCCO, Mr. LEACH, Mr. MCCOLLUM, Mr. MONTGOMERY, Mr. MURPHY, Mr. PAYNE of New Jersey, Mr. MANTON, Mr. SERRANO, Mr. OWENS, Mr. LEVIN, Mr. FRANK of Massachusetts, Mr. BORSKI, Mr. BLUTE, and Mr. NEAL of Massachusetts.

H.J. Res. 194: Mr. QUINN.

H.J. Res. 212: Mr. JOHNSTON of Florida, Mr. LIGHTFOOT, Mr. SARPALIUS, Mr. MCHUGH, Mr. YOUNG of Alaska, Ms. MARGOLIES-MEZVINSKY, Mr. HORN, Mr. WYNN, and Ms. MCKINNEY.

H.J. Res. 218: Mr. BAESLER, Mr. BEVILL, Mr. COPPERSMITH, Mr. DEAL, Mr. EWING, Mr. FAZIO, Mr. FROST, Mr. GENE GREEN of Texas, Mr. HANSEN, Mr. HEFNER, Mr. HILLIARD, Mr. HINCHEY, Mr. JACOBS, Mr. KLINK, Mr. KOPETSKI, Mr. LAZIO, Mr. LEVY, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. MCCOLLUM, Mr. MCDERMOTT, Mr. MOAKLEY, Mrs. MORELLA, Mr. MONTGOMERY, Mr. MURTHA, Mr. MURPHY, Mr. NEAL of Massachusetts, Mr. OWENS, Mr. POSHARD, Mr. QUILLEN, Mr. RAVENEL, Mr. REYNOLDS, Mr. ROMERO-BARCELO, Ms. ROS-LEHTINEN, Mr. SPENCE, Mr. SWETT, and Mr. WHEAT.

H.J. Res. 226: Mr. TRAFICANT, Mr. PRICE of North Carolina, Mr. BORSKI, Mr. CALLAHAN, Mr. CLYBURN, Mr. CONYERS, Ms. DANNER, Mr. SISISKY, Mr. GUTIERREZ, Mr. DINGELL, Mr.

PARKER, Mr. LAFALCE, Mr. DEUTSCH, Mr. YOUNG of Florida, Mr. HASTINGS, Mr. JOHNSON of South Dakota, Mr. GUNDERSON, Mr. LIVINGSTON, Mr. GENE GREEN of Texas, Ms. MARGOLIES-MEZVINSKY, Mr. FIELDS of Louisiana, Mr. MURTHA, Mr. MACHTLEY, Mr. WYNN, Mr. GLICKMAN, Mr. SABO, Mr. QUINN, Mr. FALEOMAVAEGA, Mrs. THURMAN, Mr. WAXMAN, and Mr. MCINNIS.

H.J. Res. 234: Mr. BILBRAY, Mr. KOPETSKI, Mr. BROWN of California, Mr. BILIRAKIS, Mr. BATEMAN, Mr. DUNCAN, Mr. MANTON, Mr. PAYNE of Virginia, and Mr. PAYNE of New Jersey.

H.J. Res. 254: Mr. ZELIFF, Mr. ROYCE, and Mr. MENENDEZ.

H.J. Res. 257: Mr. CLEMENT, Mr. OLVER, Mr. SUNDQUIST, Mr. ROYCE, Mr. LEACH, Mr. LEVIN, Mr. SKEEN, Mr. SARPALIUS, and Ms. BYRNE.

H. Con. Res. 51: Mr. ROYCE.

H. Con. Res. 59: Mr. TOWNS and Ms. FURSE.

H. Con. Res. 91: Mr. PETE GEREN of Texas, Mr. MOAKLEY, Ms. DELAURO, Mr. MURTHA, Mr. ANDREWS of New Jersey, Mr. BARCIA of Michigan, Mr. BORSKI, Mr. BEVILL, Mr. SARPALIUS, Mr. CLEMENT, Mr. LAUGHLIN, Mr. FLAKE, Mr. HUGHES, Mr. FAZIO, Mr. SHARP, and Mr. TOWNS.

H. Con. Res. 107: Mr. HANCOCK, Mrs. FOWLER, Ms. PELOSI, Mr. WALSH, and Mr. WYDEN.

H. Con. Res. 110: Mr. PAXON and Mr. GALLO.

H. Con. Res. 122: Mr. GUNDERSON, Mr. ENGEL, Mr. PALLONE, Mr. SOLOMON, Ms. HARMAN, Mr. WELDON, Mrs. MORELLA, and Mr. SUNDQUIST.

H. Con. Res. 140: Mr. BERMAN.

H. Con. Res. 156: Mr. DICKEY, Mr. COPPERSMITH, Mr. WELDON, Mr. PENNY, Mr. FRANK of Massachusetts, Mr. BRYANT, Mr. WALSH, Mr. MINGE, Mr. PAYNE of Virginia, Ms. PELOSI, Mr. HOAGLAND, Mrs. THURMAN, Mr. COOPER, and Mr. FROST.

H. Res. 38: Ms. BYRNE.

H. Res. 227: Mr. FINGERHUT.

H. Res. 239: Mr. BAKER of California, Mr. FIELDS of Texas, Mr. MAZZOLI, Mr. ROYCE, and Mr. CRAPO.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2739

By Mr. LIGHTFOOT:

—At the end of title II of the bill add the following:

SEC. 212. CHILD RESTRAINT SYSTEMS ON COMMERCIAL AIRCRAFT.

(a) IN GENERAL.—Section 601 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1421) is amended by adding at the end the following new subsection:

"(g) CHILD RESTRAINT SYSTEMS.—Not later than 90 days after the date of the enactment of this subsection the Secretary shall issue regulations requiring the use of child safety restraint systems approved by the Secretary on any aircraft operated by an air carrier in providing interstate air transportation, intrastate transportation, or overseas air transportation. Such regulations shall establish age or weight limits for children who are to use such systems.".

(b) CONFORMING AMENDMENT.—The table of contents contained in the first section of such Act is amended by inserting at the end of the matter relating to section 601 the following new item:

"(g) Child restraint systems.".

SENATE—*Wednesday, October 6, 1993*

(Legislative day of Monday, September 27, 1993)

The Senate met at 9:30 a.m., on the expiration of recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Let us observe a moment of silence in prayer for Joseph Belvedere, restaurant manager, who had double bypass surgery yesterday.

Ask, and it shall be given you; seek, and ye shall find; knock, and it shall be opened unto you: For every one that asketh receiveth; and he that seeketh findeth; and to him that knocketh it shall be opened.—Matthew 7:7–8.

Gracious God our Father, Jesus was very precise in His invitation to prayer. Midst all their struggle with imponderable issues, lay upon the hearts of the Senators the need to pray. Busy as they are, help them to find time, to take time, to make time for a few minutes of prayer each day.

We are reminded of the poetic words, "More things are wrought by prayer than this world dreams of." Though prayer does not absolve us from responsibility, it can help us be more efficient. And we have God's assurance that He hears and answers.

In the name of Him Who prayed, "* * * not my will, but thine, be done." (Luke 22:42). Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 6, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 2750, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2750) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) D'Amato (for Bond) amendment No. 1014, to make funds available to repair and rebuild airports damaged as a result of the Midwest floods of 1993.

(2) Boxer/Feinstein amendment No. 1021, to provide additional emergency relief resulting from the Loma Prieta Earthquake.

The ACTING PRESIDENT pro tempore. The pending question is the Boxer amendment numbered 1021.

Mr. PRESSLER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from South Dakota.

Mr. PRESSLER. Mr. President, I ask unanimous consent to speak for 5 minutes as if in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HUMAN RIGHTS IN KOSOVA

Mr. PRESSLER. Mr. President, I have been concerned about human rights in Kosova. The United States has sent troops to Macedonia. In so doing, the United Nations and the United States have drawn an imaginary line, sort of giving approval to Serbian control of Kosova.

I know the whole situation regarding the former Yugoslavia is very complex. But this issue of the Albanian group in Kosova has been overlooked by many in the whole Yugoslavian conflict. Kosova has been quieter or not in the news as much as certain other parts of the former Yugoslavia. But if a disturbance occurs in Kosova, it could very well bring several other countries into that war, including Greece, Turkey, and others.

So I think it is of great importance that we watch very closely what happens in Kosova, one of the autonomous regions within the former Yugoslavia.

Yesterday, in the Foreign Relations Committee, I asked the Assistant Secretary of State what the United States policy was regarding Kosova. I received a somewhat mixed answer. I have asked for more details in terms of what our policy will be.

But the problem is that we have drawn sort of an imaginary line by putting troops into Macedonia. By virtue of that, there is a signal that that is the line beyond which the Serbs cannot go. There is a signal that perhaps there is an acceptance in the West that Kosova will belong to Serbia. That is not my interpretation and it should not be our policy.

I hope we get a very clear policy definition from this administration that we do not accept Kosova being under Serbia.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I ask unanimous consent to proceed as in morning business. I would like to make a brief statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRAGEDY IN SOMALIA

Mr. D'AMATO. Mr. President, I along with, I think, many of the Members of Congress, have made our observations about the tragedy that is taking place—and I say tragedy—in Somalia: The death of 12 soldiers; the wounding of 70-plus; the fact that there are some who may be missing, 8 unaccounted for; we know at least 1 who has been taken hostage; the fact that bodies have been desecrated in a savage manner—these things are very disquieting; the fact that these Rangers were pinned down for 9 hours before help finally got to those many wounded, and 12 dead.

We can second-guess how we got to this position, what should have been done. But I have to tell you and share with you publicly that this morning I read an account that the U.S. general in charge asked for tanks to be sent, heavy armor to be sent to deal with the problems of protecting his troops and giving him the firepower necessary.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The request by the American commander for those tanks, reportedly, was disapproved by the Secretary of Defense, Mr. Aspin.

I have to tell you I believe in civilian control of the military. Indisputably, undeniably it has been one of the great strengths of this democracy, of our Nation, that the military command absolutely is subservient and must take its orders from the civilian Government. That is as it should be.

Having said that, there is a proper relationship that must not be breached, and we should not have civilians determining what kind of gun or weapon will be used to defend a position. And in this situation, to have the Secretary of Defense denying—denying—military hardware that a commander on the field feels is necessary to protect his troops, is unconscionable, and to suggest that the Congress of the United States, that there would have been a backlash if we had sent tanks there is nonsense. I did not know that we were going to place our young men in a position and then deny them help because we were afraid there might be a backlash from the public or from the Congress. How dare we send young men into a confrontation, or a possible confrontation, and not see that they are adequately supplied.

If that report is accurate—and I have every reason to believe that it is—then shame on us. I think the Secretary owes us an explanation as to why he denied tanks that a commander asked for that conceivably could have saved the situation and conceivably would have lessened the loss of life and the wounding and the damage that took place. When we attempted to reach the outfit that was pinned down, they had to suspend for a number of hours because we did not have the armored personnel carriers or the vehicles to get us through the fire of the enemy.

I have to tell you, this is not something that instills confidence in the American people or in this Senator in what we are doing in Somalia.

I am going to take this opportunity to also touch on another subject. Before we find ourselves again involved in a situation where we set up some noble name—we are now nation-building. What the heck do they mean by nation-building? Who are we to determine how a nation is going to be built? Do we really think that we are the magic people who are going to rebuild a nation? It is one thing to give aid to people who are starving, give them food—we understand that—make it possible for food to get there. But nation-building?

Now we have something new: Peacekeepers. It sounds nice: peacekeepers. But if you have under the name of peacekeepers a situation that exposes tens of thousands of U.S. service personnel to a hostile environment, I do not call that peacekeeping. I have to tell you, it is a nice name, but this Senate is going to be opposed to sending any troops into an area where we have belligerent parties on each side that have far superior firepower than we do. And to send 25,000 soldiers as peacekeepers into Bosnia is absolute madness. Maybe this terrible tragedy that took place in Somalia has a silver lining to the extent that it opens our eyes up to what we may be getting into as it relates to Bosnia.

I do not think we should be compelled because of inaction of the past administration as it relates to Bosnia, in allowing that situation to get well beyond control where we have no impact and could have none without risking tremendous casualties. The fact of the matter is that we had better discuss very clearly what sending 25,000 troops abroad in a hostile environment means. I suggest it would be replicating what is taking place in Somalia today. I am talking about what took place this past week.

The fact of the matter is 25,000 is almost insignificant in that hostile terrain, in that hostile area where we have hundreds of thousands of people who are under arms at the present time. I would be very, very, very skeptical of going forward or permitting that to take place.

So, Mr. President, I feel we had better get this out on the table now. I do not want to see a repeat of what is taking place in Somalia, even under the laudatory purposes of calling someone peacekeepers.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EXON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

Mr. EXON. Madam President, would the Chair kindly advise the Senator from Nebraska as to the pending matter before the Senate.

The PRESIDING OFFICER. The pending amendment is by Senators BOXER and FEINSTEIN.

Mr. EXON. I see that a quorum call was in effect. I would like 5 minutes to discuss the Somalia situation. If the managers of the bill would agree, I ask unanimous consent for 5 minutes to proceed as in morning business, with regard to some remarks that I think are appropriate on Somalia.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska is recognized.

THE SITUATION IN SOMALIA

Mr. EXON. Madam President, there is a very wrenching concern facing America today. I attended a meeting of House and Senate Members with the Secretary of Defense yesterday. The Secretary of Defense was accompanied by the Secretary of State. I have to say that this was somewhat of a rancorous meeting, where frustration and doubts—many of them very sincere—were raised.

I suggest that while I think all of us at this time are concerned about how America is going to extricate itself from the very serious situation that faces our troops, and any of our troops there who are now captive—prisoners of war, hostages, call them what you will—let us not forget them in our consideration as to what we do.

I recognize and realize that with the horrors that we have seen there now, and indeed including the briefings that I have had as a member of the Armed Services Committee, I am very much concerned, if not somewhat frightened, about the prospects that face our forces there right now.

There is a great deal of talk today about cutting and running. Some people say that would be the courageous thing to do under the circumstances. That certainly is something that I think should be listed as an option. Before we rush to judgment on this matter, I think we better first recognize, as I think all Americans would agree, that before we cut and run, we should make sure that we are not abandoning one or more prisoners of war, captives, hostages, call them what you will. We have a responsibility to them as well.

Madam President, I simply say that I hope this is a time when we would not rush to knee-jerk reactions. I hope that we can recognize and realize that the Senate has already passed legislation that requires the President of the United States to report back to us within 9 days as to what his plans are.

As one Senator who is very much concerned about the situation there, who believes that our troops there at the present time are in more peril, I think, than most people realize, I am worried about the chain of command; I am worried about the ineffectiveness of our forces, regardless of command, to come to a more prompt relief of our rangers, rather than a 7-hour delay. These are all very legitimate concerns.

However, I really believe that it is time for all of us to sit down and talk and think very cautiously and very carefully about any abrupt action, however well-intentioned, by the House and Senate, venting their frustrations about the serious situation we find ourselves in there.

As an example, we hear that the President may be sending additional troops and additional equipment. I hope that any additional troops or equipment sent in there can be justified on the grounds that it is protecting the troops that we already have there, which I think is a major concern of many of us today.

So I simply say that while extricating ourselves from the situation that is of paramount importance, I do hope that we can approach this with some caution, with some understanding that we had better know where we are going and what we are going to do. The way we take and extricate ourselves from that situation is one that should be given careful consideration. I, frankly, am looking forward to a situation where the President of the United States, within 9 days or sooner, will send his message to the U.S. Senate, as we have requested, about some kind of a timetable that we can work on to extricate ourselves from that situation.

I simply say that precipitous action on our part, without knowing the pros and cons, the pluses and minuses, is something we might look back on and regret as we look back on the situation that I am afraid is going to be with us for some time. I am pleading for a little bit of understanding, a little more discussion, a little more time for the President and the command authorities of the United States in working with the United Nations to try and work our way out of this in a quick fashion, but in a fashion that would not make us look back with regrets on some precipitous action that we might take in a matter of hours that might in the future be looked back on as not one of the finer moments of the U.S. Senate.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The minority leader, the Senator from Kansas, is recognized.

Mr. DOLE. Madam President, first let me say I think the Senator from Nebraska makes a great deal of sense.

It is not a time for panic. I think we need to come to a resolution over what is happening in Somalia, but we should not do it in any way that would either now or later impact on the integrity and the honor of American forces.

So I hope that we will give the President the time we said we would give him. We passed a resolution saying to report by October 15. That is a week from Friday. That is not very far.

I do think there are a number of questions the Senator from Nebraska has pointed out that should be raised and should be answered, but I think the underlying concern of the American people is whether or not we are in charge or the United Nations is in charge.

I am waiting for the American plan, the President's plan, not Boutros Boutros-Ghali's plan. He may have a different view of America or our interest in Somalia than we have. I know he is an outstanding person. I have no quarrel with that. But this is an American problem. It is American lives, American dollars, American blood, one American POW or more, and I think that means that it should be our decision and our plan.

If the President or the Secretary of Defense and the Secretary of State, the command structure, are prepared to give us a plan, I think they will find fair treatment in the Congress on both sides of the aisle.

NAFTA

Mr. DOLE. Madam President, we are entering a decisive phase for the North American Free-Trade Agreement. In less than 1 month, the President expects to submit to Congress legislation to implement NAFTA, which is the North American Free-Trade Agreement. This trade agreement is going to pass because it is good for the United States. People are beginning to recognize this.

North American Free-Trade Agreement opponents went several laps before we even finished lacing up our shoes. Now that has changed. A lot of change is happening, and we are now finding, in polls taken—in fact, last Friday, the L.A. Times' poll showed 42 percent of Americans who closely follow the issue favor the North American Free-Trade Agreement, with 37 percent opposed. But it is changing, and the change is in the right direction. Once the American people get the facts, it makes a difference.

We are all entitled to our views, but we are not entitled to our facts. Whether it is Ross Perot or someone else, they are not entitled to their facts. The facts are the facts, and the facts are that this agreement is good for us and good for American workers. I think, as we continue to spell out the pluses in the North American Free-Trade Agreement, the support is going to continue to rise because people are beginning to see that the so-called jobs flight argument against NAFTA is a red herring and a fraud.

As the Washington Post noted earlier this week, look at what happens when an auto manufacturer like BMW has to choose a location for a major new plant. They did not choose Mexico. BMW never chose Mexico. All the arguments opponents make would apply. Why did they not choose Mexico, with all the cheaper labor? They chose South Carolina.

Mercedes-Benz also needed a new plant. Where will that new plant and those jobs be located? Not in Mexico. They will be in Alabama.

So all the reasons all these people say everything is going to move to Mexico has just been disputed, rather, I think, successfully, by facts—not by someone's statement, not by some biased opponent of the North American Free-Trade Agreement.

The reason they are located in the United States is that the United States workers are among the most productive, highly skilled in the world. U.S. transportation is first class, and access to technology and supplies is assured.

NAFTA does not undermine the reasons for choosing the United States. It reinforces the reasons people come to the United States. NAFTA brings down barriers to our products, and it also eliminates incentives for some companies to locate in Mexico in the first place. Those companies and those jobs will come back to the United States.

Let us not forget one basic fact. Again, it is a fact; it is not BOB DOLE's fact or someone else's fact, or someone's view. It is a fact we have 700,000 jobs in America where we are, in effect, creating products we sell to Mexico. It is 700,000 jobs. Under NAFTA, that number is going to approach 1 million within 2 years. Since 1986, we have gone from a $5.7 billion trade deficit with Mexico to a $5.6 billion trade surplus.

Look at Japan. There is a high-wage country. People say wages in Mexico are not high enough; that is why we cannot deal with Mexico. We have about a $60 billion trade deficit with Japan, where the average hourly wage is around $14 or $15 per hour.

For all the reasons I hope to explain on a daily basis on the Senate floor, I hope we can consider NAFTA and pass NAFTA before Thanksgiving. We are not going to be exporting jobs to Mexico. We will just be exporting—exporting goods, exporting things that we make in the United States, exporting farm product. It is going to mean more jobs, and more jobs, and more jobs.

Yes, for Mexico, as their economy is going to get better. As it gets better, they are going to buy more from the United States. That means more jobs, and more jobs for people who live in the United States of America.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, before the distinguished Republican leader leaves the floor, may I just compliment him on his remarks this morning, and suggest in his presence here that if we have been, in the last 5 years, exporting more American goods and services to Mexico than ever before, thus creating jobs here, I wonder if he would share his logic as to what happens if we take down the trade barriers.

Americans must understand that right now there is an inhibition for American products to go to Mexico because they have tariffs that are, in most cases, three to five times higher than ours. So our businesses are penalized.

If we take those down, I ask my friend, Senator DOLE, what does he think would happen? Which is, in essence, what we are going to do with the trade agreement—take those tariffs down over time. What does he think would happen?

Mr. DOLE. Madam President, I think the conclusion is obvious. We are going to trade more and export more. Right now, there is a little wall down there. It is a Mexican wall, not our wall. Our tariffs are very low. All this wringing of hands, how terrible it is going to be, that it means job flight and all that, they tell us in Detroit—and I was in Detroit a couple weeks ago—that in the first year after the agreement is reached, we were going to sell 1 billion dollars' worth of automobiles in Mexico. That is 12,000 to 15,000 new jobs right there.

You have to keep in mind that Mexico is not as big as the European economy—not much smaller; only 86 million people. But it is our third largest trading partner. Every time we spend a dollar in Mexico exporting goods, 70 cents comes to the United States. It is going to get better as the Mexican economy improves.

In my view, this should be, I guess—with Michael Jordan retiring—a slamdunk, this agreement; but it is not.

Mr. DOMENICI. I think the Senator is right. I think when the American people understand all we can do is increase the things we sell to that country, thus creating jobs, they are going to be on our side.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1021

Mr. DOMENICI. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. What is the business before the Senate?

The PRESIDING OFFICER. The pending question is the Feinstein-Boxer amendment, amendment No. 1021.

Mr. DOMENICI. Madam President, I will not speak long, but I want to address the amendment just briefly, and I am not managing this bill for the Republicans; Senator D'AMATO is. Obviously, Senator DOLE is concerned about this amendment, and a number of people on our side of the aisle are. Let me try to explain why.

First, in all deference to our two colleagues from California, led by Senator BOXER, who is here, I have worked with Senator BOXER for many years. She was on the Budget Committee in the House when I was working on our budgets here. But I do believe this amendment raises more questions than it answers.

Monday, on the morning that the Transportation appropriations bill was scheduled to be considered by the Senate, the administration sent up an—I do not want to say alleged; if they want to call it an emergency, they can—but they sent up a so-called emergency request to be offered as an amendment. This proposal calls for the appropriation of $315 million to be used in the reconstruction of a highway damaged in the 1989 California earthquake known as Loma Prieta.

The President has declared this $315 million dollars to be an emergency spending, and that is pursuant to the 1990 budget agreement. This earthquake occurred in 1989. In 1990, we created within the budget process a way that we could spend money in excess of our budgets without paying for it if it is an emergency. So if it is an emergency, you spend the money, and the deficit goes up because you are not required to pay for it as you would if you were going to add something that was not an emergency over and above the budget. That would be subject to a point of order. This will not be, if it is an emergency. We will just spend $315 million, adding directly that much to the deficit of the United States.

Now, the President can declare an emergency and ask Congress to concur that it is. But frankly, it was pretty well defined in the 1990 agreement what an emergency was and is; and I have very great doubts, based on the facts as I understand them, that this is an emergency contemplated by that 1990 agreement. Certainly, as I attempt to review it, I have serious difficulty on the facts as to whether we should pay this $315 million.

Now, frankly, that just leads me to the conclusion that we ought not do it on this bill. Frankly, it has waited a long time already.

In fact, I think the facts in that part of California, included citizens there saying you should not build it where it was but move it elsewhere, which I understand costs $200 million. And I understand that not by way of any hearing. I do not know if there has ever been any hearing on this issue. But I think Senator FEINSTEIN, who is now here on the floor, indicated in a statement yesterday that it costs $200 million for a new right-of-way alone.

Now, a new right-of-way means that we are not going to build this freeway like it was where it was, but somewhere else. Now, maybe that is the right thing to do. But I am not sure that is an emergency, when you move it from one place to another. It may just be what people want in the area.

Is that an emergency? If they want to build a freeway in a totally different direction and say we are not going to rebuild the one that was broken up by the earthquake, is the added cost for that an emergency? I am not saying today that it is not, but what I am saying is, these facts were known for a year and a half. That is my understanding. If I am wrong on the facts, whatever the distinguished Senators from California say with reference to when it was found out and what it is for, I am willing to listen to.

But it does not change the fact that you should not declare it an emergency when you have had facts and the evolution of this problem for a year and a half about an earthquake that occurred in 1989, with estimates of its reconstruction costs occurring not last week but a long time ago, and then take an appropriations bill and add one piece of a disaster and say, "Here, this is an emergency."

Frankly, if this is an emergency, it is the thought of the Senator from New Mexico that there are going to be other additions to the various disasters we have had. Why do we not wait and have hearings on them and pool them and declare an emergency for a number of them after we know precisely what we are doing?

The mere fact that this President sends a letter up saying it is an emergency does not necessarily mean that, without understanding precisely why, we ought to rubberstamp that.

And I might say that there are many wondering why we should pay for this—that it is not an emergency; that a substantial portion of it is not even an emergency under the 1990 act—because citizens wanted to change its route. And I understand that has been stated here, although part of the new costs might be because you need different engineering. Those things ought to come out in due course. This is serious.

While it is important that we do things like this and we help where we can, you know, we do pass budgets with caps, saying you cannot spend any more than this without taking a consequence.

Incidentally, Madam President, if you exceed the legal cap, the consequence is that you pay for it, you pay for that program that exceeded the cap.

How do you do it? Arbitrarily, the OMB Director—the Office of Management and Budget Director—by law, cuts all the programs of a similar type by an amount necessary to get that expenditure back down, not an inconsequential part of our attempt to keep the deficit under control; a pretty significant philosophy, theory, and reality check for everybody.

So, I believe that we understand this to be the case. We appropriated $2.8 billion for relief of this earthquake. One billion dollars of that was to the Federal Highway Administration. We did that some time ago, as we should have. Now we have a request for $315 million for added costs to the freeway and its reconstruction needs.

Now, as I understand it, the community there was instrumental in winning a relocation question. And, as I indicated, Senator FEINSTEIN yesterday said that the $200 million for the right-of-way was part of that cost that we are being asked to defray here today.

So, Madam President, from this Senator's standpoint, I do not like the way we are appropriating or budgeting for national emergencies. I think we ought to have a rather substantial portion of the moneys each year set aside for emergencies, even if we use some average of the last 4 or 5 years. It ought to be a rather large amount, so we do not have to exceed our budgetary caps every time a disaster comes along by finding it an emergency. We do not have to find it an emergency if we have the money to pay for it. It is just we do not have the money to pay for it, and we find an emergency and borrow.

Having said that, just so everyone will know, this becomes a rather big part of the American deficit, not just the $315 million. Since that 1990 budget agreement, domestic emergency spending has totaled about $14.3 billion. About $12.2 billion of that is already spent. Thus, we have added to our agreed-upon deficit that amount of new expenditures.

And, again, I am not trying to put this $315 million out of any proportion. But what I am saying is, these little bits kind of add up, such that we are exceeding our caps by almost $13 billion and we have done that by seeking emergency designations. So it becomes a rather significant experience in the budgetary prospects and processes of this country.

Again, I clearly recommend this amendment not be offered in this way; that it be pooled, and that in due course, if it and others are to be declared emergencies before we leave this year, before we adjourn, that it be done in an urgent supplemental appropriations bill of sorts that pools more of them and has some time for looking at them, having hearings on them and the like.

There are other Members on this side, and I would say quite a few, who are very concerned about using the emergency designation under these circumstances. This Senator, as best he can, suggested it ought not be offered here or that we ought to find a way to pay for it if it is going to be done here. And if it is truly an emergency when scrutinized, and we want to make decisions that facts like these do yield an emergency for spending, then we ought to do it with a little more thoughtfulness, a little more investigation. Because these are not normal facts regarding an emergency, nor was it just found out 2 or 3 days ago and thus brought to the floor as an emergency on this bill.

I thank the Chair and yield the floor.

Mrs. BOXER. Will the Senator be willing to yield to me, because I would very much appreciate asking him a question.

Mr. DOMENICI. Sure. I will be pleased to.

Mrs. BOXER. If the Senator just has a few minutes? If I can make a few comments and then get to my question, will he be willing to stay for about 5 minutes?

Mr. DOMENICI. I had not planned to, but I will.

Mrs. BOXER. Thank you very much, I say to my friend.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, first of all I really want to compliment my friend from New Mexico, who is certainly one of the leading experts on budget matters, for his comments and for the tone of his comments which I really take to heart. The Senator is raising legitimate questions that he has, yet he is leaving the door open. He is basically saying: Prove it to us, that this is an emergency. So I would like, before asking the Senator a question, to just go through briefly a couple of facts.

In October of 1989, northern California suffered a very severe earthquake. As the Senator probably remembers, it was the day of the World Series, so all of America saw the impact of that Loma Prieta earthquake on the San Francisco Bay area.

I have here a picture. It is not easily seen, but it is a picture of the Interstate 880, the Cypress link which, if the Senator might remember, collapsed. It was a double-decker freeway and the upper level collapsed; 42 people were killed. Very soon thereafter we had an emergency declaration which the entire Congress went along with. It was very timely. It was under President George Bush's leadership that we got that emergency designation.

The New York Times caption says, "Old structures fell, skyscrapers just swayed," and it is the picture of the freeway collapsing.

At that time we knew it was our obligation, the Federal Government's obligation, to move in and rebuild the Federal structure.

I want to make just a couple of points to the good Senator. This is a critical phase in the rebuilding of this structure, as Congressman RON DELLUMS pointed out in his letter that I put into the RECORD:

> The $315 million is the appropriation currently being sought. This is expected to cover the remaining needs to complete the Cypress project. There may be additional funding required for remaining work to be done in the city of San Francisco—the Embarcadero project and the terminal separation structure. The $315 million would probably complete most of the Cypress repairs.

I know the Senator raises questions, "Why did you not build it exactly the way it was before it went down? It might have been less expensive." I want to make this point clear to the Senator. He may be right. Maybe we will hold hearings to bring in the engineers. But there was consensus that in an area that is prone to earthquakes you do not want to rebuild a double-decker freeway. What you want to do is not have that double-decker situation where you can have a collapse of one level on another. So the decision was then that we will make a broader freeway. And when you made that broader freeway you realized you were splitting a community in half and you have to buy up so many businesses and homes, it was too expensive.

So they said OK, let us keep it in the same place and tunnel it. So then they took the estimates to tunnel it compared to moving it, and they found out it was $35 million more to tunnel it in the same area.

So I say to my good friend, this is not an easy rebuild situation. It took a long time for the environmental impact statement under Federal law—2 years. If the wheels of Government moved quicker I would not find myself in this situation, nor would Senator FEINSTEIN. We would have finished this.

This is a complicated situation when a Federal freeway collapses and I hope to God we never again face it anywhere, in New Mexico, in New York, in Illinois, in San Francisco, in Los Angeles. It is brutal. I hope we are not going to punish a community because it took that long a time to get everything done so we can rebuild this thing in a way that is safe and sound and we are never going to face this again.

So my question to the good Senator is this. If we were to hold some hearings, if we were to bring in the experts, if the Senator was satisfied that this is—as this Senator says it is—the final phase, would the Senator be open to going along with the spirit of Public Law 101-130 that we passed at the time that said, "Such other amounts that will be made available as required?"

In other words, the door was left open because we knew we might not know exactly what it would cost. I ask the Senator that question.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Let me say to my colleague Senator BOXER, first, interestingly enough I looked at the picture. I walked over there to see it because my mind's eye has a Giant baseball game occurring on that evening. Is that right?

Mrs. BOXER. It was the World Series. It happened to be, as I remember it, Oakland versus San Francisco at Candlestick Park.

Mr. DOMENICI. That is right.

Mrs. BOXER. The whole country saw that whole night. This particular freeway has a lot of significance for this Senator because my husband had gone over that freeway about 20 minutes before it collapsed.

Mr. DOMENICI. I also remember, in all deference to a great sportscaster—I do not want to belittle his long reputation—but that night made him a hero—that was Al Michaels Night— from the standpoint of the broadcasting industry. Everybody found out he was a very versatile reporter, as I recall. People thought he had that marvelous voice and he was good at reporting baseball games. It turned out he told the whole world about an earthquake. Then we saw this happening. But it was not until the next morning they found all those cars where the freeway had fallen down on them. So I recall it all. I am not standing here today saying there was not a great disaster and the U.S. Government should not do its share.

What concerns me is that this emergency designation—maybe not yours—but, the emergency clause, is the one way to avoid budget discipline. You might even recall—I do not want to bring up old wounds—but the President's whole stimulus package was brought before the Senate under that same provision. It was said we do not have to pay for it either. My recollection is it was $16 billion over time—is that a fair rough guess? If it would have passed there would have been the same little clause that gets the Senator's amendment in the door. And all of that money would have been spent by our Government without regard to the previous caps.

So it is not just something that I raise because it is $315 million and a California issue. We are going to be beset with this for the next 4 years. There is now another series of caps which we sold the American people as budget discipline. And we also said they are just as binding as they were in 1990. We also said if you exceed them you get an across-the-board cut on everything. So it is somebody's responsibility to look down here and say, "Wait a minute, we have to be very sure we are doing the right thing for all the people."

We could pay for that out of my colleague's allocation. That would not necessarily be fair. Or we could, say, pay for it by cutting other things. That is what the Senator would like to do and that would be perhaps most consistent with her sense of fairness.

On the other hand, to answer the Senator's question, if she were asking, if we had time for hearings and we had a chance to look at this, would the Senator from New Mexico keep an open mind on this being a disaster that we ought to pay for and use that escape clause? The answer is unequivocally "Yes." If the Senator is trying to do that in this bill by suggesting we do not have to put dollar numbers in but rather "such sums," frankly, I think that would almost be worse. So I really would not support that, because that would mean not only $315 million, but perhaps $500 million or $600 or $700 million? We ought not do that, and I hope that answers the Senator's question.

Mrs. BOXER. It is very helpful. I will say this amendment does cite a specific number. We do not leave the door open. I was merely quoting from Public Law 101–130 which was passed and signed by President Bush that only related to these natural disasters and not the same one that the stimulus package would have been under, which is a different clause. That is a painful wound. The last thing I want to do is debate that issue.

But this clearly came from President Bush's disaster relief bill, which we all voted for and he signed. Understanding that we did not know exactly what each project would cost to rebuild, the door was left open with that.

I say to the Senator, I am going to carefully think about what he has stated. I am going to talk it over with Senator FEINSTEIN. I am going to talk it over with the chairman of the subcommittee, Senator LAUTENBERG, and with Senator D'AMATO. After giving it some due consideration, I may go along with your idea, but at this point, I want to think it over a little longer and check with my colleagues.

Mr. DOMENICI. Madam President, might I speak for a moment without Senator BOXER losing her right to the floor?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, let me say, that language, as I now understand, was the declaration of an emergency. But I believe it would be commonly understood in the Senate that when you put the flesh on that general statement, "this much and such sums," that you really are not declaring an emergency for anything other than the sums you appropriate then. And if there are more specific funds, you have to declare them an emergency again. Otherwise, every time we did that, there would be a total open-ended situation with reference to how much we would be willing to use the emergency clause for.

So as I understand it better, I would give you my interpretation that you still are going to have to get the actual $315 million appropriated, and if you do not pay for it, it is going to be an emergency, as you are proceeding now. I am willing to work with you. I hope we do not put it on this bill.

Mrs. BOXER. I thank the Senator very much. Just in concluding my remarks before the Senator goes off to his many obligations, I will say, this is a little bit reminiscent of perhaps a patient hurting his back and needing three treatments for the back and suddenly the insurance company says at the end of the second one, "Sorry, we are not going to pay for the third one."

This is the next and perhaps final payment of rebuilding Interstate 880. I will work with the Senator and will be back to the Senator to let him know how I will proceed.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Madam President, having listened carefully to Senator DOMENICI's concerns, and having followed the presentation of my colleague and friend from California, Senator BOXER, I join in urging her to pursue the possibility of an alternative course. I believe that it will result in a fuller appreciation of the damage, of the cause for this emergency being put forth in the manner in which it will encourage total support. I think we can do it quickly through a supplemental appropriation. It may be there are other Members who are concerned with other emergencies that have taken place. In concert, working together, plus hopefully, with the help of the administration and OMB, we may be able to resolve this. And, we can do it in a manner that really does the business of the people in a way in which we can all be proud, without being counterproductive in saying, "Well, why now? How come on this routine appropriations bill? How come at the last second?" et cetera. All those are questions that people legitimately have raised.

I urge my colleague and friend to pursue that course, and I can tell her that I know not only would Senator DOMENICI be supportive, but I certainly would be supportive of that kind of effort. Let us have that hearing, not to poke holes, but rather to have a full explanation, like the one you just put forth about the delay: Why it is that the administration requested $315 million in emergency aid at this time. We need to know that it is not simply a visit by the President to California that produced an emergency request for funds. I believe you do have a good case to put forth in a manner in which we can get a speedy resolution. Not to delay, but rather to encourage, that we go forward in a spirit of cooperation, therefore, I urge the Senator to consider that approach.

Mrs. BOXER. Madam President, I would like to say to my friend from New York, I greatly appreciate the spirit of his remarks. I know that we are going to be able to make a very clear-cut case for this. When he says "the business of the people," he is right. A lot of businesses are relying on us in California to rebuild this freeway. We have a horrible situation with 150,000 cars a day that are now going on to other freeways, frankly, putting a tremendous overload and burden on them. Our business at the Port of Oakland is suffering. Business is crying to get this done.

I look forward to being able to present a case. I was going to do it in the context of this debate, but hearing the concerns of my colleagues, I am going to pursue an alternative route.

At this time, I think the best course for me to take is to consult with my colleagues and make a decision shortly thereafter.

I ask the Senator this question: When does he foresee a supplemental appropriation coming to the Senate floor?

Mr. D'AMATO. I think that we can come up with some kind of a timeframe within the course of our deliberations. We, of course, must speak to the chairman of the Appropriations Committee, Senator BYRD, as well as to Senator HATFIELD, to get their advice and counsel. Certainly, I think it could be a matter that can be quickly accomplished. I do not want to conjecture and say a week or weeks, but I certainly do not think we are talking about next year.

Mrs. BOXER. So more than likely, without holding the Senator to this, it would hopefully be before the end of the fiscal year?

Mr. D'AMATO. Certainly before the end of the next fiscal year. But I think it can be done before we go out of session.

Mrs. FEINSTEIN. Will the Senator yield for a moment?

Mrs. BOXER. I will.

Mrs. FEINSTEIN. I have just been conferring with the chairman of the Appropriations Committee and the administration. I wonder if we might have a quorum call and be able to confer for a moment. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, because the chairman of the Appropriations Committee is on the floor, I wanted to have an opportunity to thank him for helping us with this problem. Both he and I have spoken with Mr. Panetta. I believe what is going to be worked out is that the measure will come through as part of a supplemental appropriations. Senators DOMENICI and D'AMATO have been most gracious.

I want to thank the chairman of the Appropriations Committee very much for his willingness to be helpful and his cooperation. I think we have a matter straightened out with the sense of timing that will be much more constructive to producing a positive outcome.

I want to thank my colleague, Senator BOXER, very much.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia, the President pro tempore, is recognized.

Mr. BYRD. Mr. President, I congratulate the two Senators from California. They are looking out for their people, looking out for the interests of their State. I am very sympathetic with their need.

The timing of this matter has created some problems, with the hearings and the markup on the bill having proceeded to the point now that the bill is about to pass the Senate. I have talked with Mr. Panetta and suggested to him that if the need is absolutely there for moneys, additional moneys this year, I suggested that another supplemental be started in the other body providing for this emergency.

He said that he would check it out. And he called me back, and said that the supplemental in the early part of next year could be acted upon in sufficient time to actually meet the need of the situation in California.

I discussed this with the two Senators, as has Mr. Panetta, I believe, by now. And it has been agreed that the matter be brought up in a supplemental.

I want to assure the two Senators from California that I will do everything I possibly can to be helpful, and I am sure the chairman of the subcommittee will be likewise. I just think that the timing is so important at this point that it will be better for us to wait until the supplemental.

I thank the Senators from California for their understanding, for their cooperation. And I appreciate the fact that they discussed this with me and the fact that they want to do what is best for their State and for all concerned at this point. They certainly will have my support as we move into a supplemental. I will do all that I can to expedite the action on that bill and to help them in every way.

I thank them.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. LAUTENBERG] is recognized.

Mr. LAUTENBERG. Mr. President, as we review the discussions that have taken place on this matter, I do want to say that I as the chairman of the subcommittee tried very hard to enable the Senators from California to present their case because I view what they have presented and the information we have gotten generally, staff to staff, as well as having a case that really is deserving of the kind of attention that it has been getting.

I worked very closely—when Senator BOXER introduced this legislation last night we were obviously aware of the fact that there was going to be some question about whether or not we could pass it. So I just want to assure the Senators from California that I, who have the responsibility for moving this legislation through appropriations, have a very sympathetic ear. We will try, if it is deemed necessary, to hold or to have hearings available. I understand the ranking member made some commitment or some suggestion as to that. But I as chairman will have a word to say in the process.

I am glad that Senators from California took my recommendation and discussed their ideas with the chairman of the Appropriations Committee and other people in leadership so that we could resolve this as amicably as we can despite the disappointments. I know that is considerable. But I want to assure the Senators from California that I will again be as helpful as I can be if a supplemental is proposed. I know that a commitment was made by the administration. Thusly, we know that that was a very serious commitment. We want to be able to help the process of that promise.

So I commend the Senators from California for their diligence and for their ever-vigilant review of things that affect their State, affect the transportation. They come to me frequently, as you can imagine. We have discussions about their needs.

It is kind of the opposite of New Jersey where we have the most densely populated State in the country and we have to kind of guard every inch. They have the same congestion problems, the same traffic, and the same transportation problems. So we have a kinship, and I enjoy working with both Senators from California. I look forward to trying to do so to get this very important matter done at the earliest opportunity.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I am awaiting a conversation with the majority leader, and then I will withdraw my amendment. He has asked that I hold off until he has a chance to discuss with both Senator FEINSTEIN and myself what the commitments are here.

I want to say in behalf of myself and Senator FEINSTEIN, who spoke eloquently for herself, how appreciative we are to the Senators from both sides of the aisle for their understanding.

I do not think anyone will forget the scene of that collapsed Cypress Freeway, that interstate freeway that killed 42 people. I do not think anyone in the Senate is going to walk away from the responsibility of finishing that rebuilding effort.

I was prepared, as was my good colleague, Senator FEINSTEIN, to put forward the merits of our case, which we feel are absolutely solid. But it is very clear that process here is intervening in that, and we feel the good will of the Senators on both sides of the aisle—Senator DOMENICI, Senator D'AMATO, Senator DOLE, and certainly on our side, Senator BYRD, Senator LAUTENBERG, and Senator MITCHELL.

So we feel very confident today that this freeway will be rebuilt. Before I withdraw that amendment, I just ask the chairman, Senator LAUTENBERG, if he would not object, or if Senator D'AMATO would not object to laying my amendment aside for the moment so they can continue on with the pressing business they have, I make that unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, does the manager want me to offer my amendment?

Mr. LAUTENBERG. Yes.

Mr. DOLE. I say to the manager, I think there is my amendment and maybe one other, which I understand may be acceptable. Then I think we would be ready for the vote.

Mr. LAUTENBERG. If the Republican leader will yield, I think there are two others. But we are now at a point where we can move this along and conclude the debate, get a vote and get this transportation bill on track.

Mr. DOLE. Mr. President, the managers might be able to finish this bill within the hour. I admonish my colleagues, if you have amendments, let us try to accommodate the managers. They have been here waiting most of the morning. If there are any Republican amendments, let us come to the floor. We are not encouraging any more, but if there are some, bring them in.

AMENDMENT NO. 1023

(Purpose: To appropriate funds for the payment of legal expenses of certain former employees of the White House Travel Office)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself and Mr. BOND, proposes an amendment numbered 1023.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, insert between lines 11 and 12 the following:

For the necessary legal expenses of the 5 former employees of the White House Travel Office who were placed on paid administrative leave during calendar year 1993, $150,000 to be made available to the Office of the General Counsel: *Provided*, That such funds shall be deposited in a Fund established by the General Counsel: *Provided further*, That the General Counsel shall disburse a portion of such funds to any such employee—

(1) after submission of a valid claim for reimbursement of necessary legal expenses incurred as a result of an investigation conducted by the Federal Bureau of Investigation of the operations of the White House Travel Office during calendar year 1993; and

(2) upon notification or finding by the Department of Justice that such employee is not a subject of such investigation.

On page 3, line 14, strike out "$1,538,000" and insert in lieu thereof "$1,388,000".

Mr. DOLE. Mr. President, the White House tried gamely to ground the so-called Travelgate affair when it prepared its own management review last July. But, in the final analysis, this internal report offered few answers and raised even more troubling questions—questions about conflicts of interest, and about the political manipulation of the FBI and perhaps the IRS.

The exhaust fumes from Travelgate linger even today.

Since July, calls for congressional hearings have gone unheeded. Deputy Attorney General Philip Heymann has flatly rejected my request for the appointment of a special counsel. And the General Accounting Office, which was directed by Congress to initiate its own Travelgate investigation, has issued an interim report that is short on findings and long on the bureaucratic obstacles encountered by GAO investigator.

Perhaps coverup is too strong a word, but it appears that both the White House and the Justice Department are giving the GAO something close to the stiff-arm treatment.

REMEMBER THE VICTIMS OF TRAVELGATE

But, for a moment, let us forget about coverups and culprits, and remember the real-life victims of Travelgate.

The victims of Travelgate are the five travel office employees who woke up one May morning only to hear their good reputations smeared on national television by an incompetent White House staff. After the slanderous TV attack, the employees were summarily fired from their jobs, accused of gross mismanagement, and told they were the subject of an FBI criminal investigation.

As it turned out, the only ones guilty of gross mismanagement were the White House staffers themselves, who tried to hide their own misconduct by pinning the blame on the very people whose livelihoods they were jeopardizing.

Five of the travel office employees have since been placed on paid administrative leave. They are in the process of being reassigned to other jobs in the Federal Government. And they have been told by the Justice Department that they are no longer the subject of an FBI investigation at this time. Their good names have been restored.

The story, unfortunately, does not end here. Like most Americans who have had the discomforting experience of being targeted by the FBI, the travel office employees immediately sought legal help and as most of us know, hiring a good lawyer can be expensive.

News reports indicate that each of the five travel office employees has incurred a legal bill of $30,000 or more, for a combined total bill of approximately $150,000. This $30,000 bill is nearly half of each employee's annual salary.

News reports also indicate that White House Chief of Staff Mack McLarty had considered paying the legal bills from a Justice Department fund for litigation-related settlements, but declined to do so when he learned that certain legal requirements had not been met.

Now, this amendment can never make the travel office employees completely whole nor should we expect them ever to forget the unforgettable Travelgate experience.

But, by appropriating $150,000 for a Travelgate legal defense fund, this amendment would relieve some of the financial burden imposed on the employees and their families.

The fund would be administered by the Office of the General Counsel in the Department of Transportation. Payment would only be made for necessary legal expenses and upon presentation by each of the five employees of a valid claim for reimbursement. Payment to each employee would also be contingent on notification by the Justice Department that the employee is no longer a subject of an investigation.

As an offset, the amendment reduces by $150,000 the appropriation for the Transportation Department's Office of Public Affairs.

This amendment will not clean the Travelgate slate entirely. But it is a small gesture of goodwill to those five American citizens who have experienced Government at its very worst and indeed most frightening.

Mr. President, I ask unanimous consent that an editorial that appeared in Monday's edition of the Washington Times be inserted in the RECORD immediately after my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 4, 1993]

FOOTING THE LEGAL BILL FOR TRAVELGATE

The scandal of the White House travel office will not, despite the Clinton administration's best efforts, stay put under the rug. The latest eruption occurred Sept. 17, when White House Chief of Staff Thomas F. "Mack" McLarty refused a request from Rep. Frank Wolf to pay $150,000 in legal bills incurred by five of the office employees who were summarily fired in May.

To refresh our memories as to the circumstances of that firing: Bill Clinton's cousin, Catherine Cornelius, and his friend Harry Thomason, got together last spring to reorganize the office. Miss Cornelius, who had her eye on the directorship of the office for herself, went to work in the office and "overheard" conversations that led her to believe its employees were living beyond their means. Mr. Thomason, who has a financial interest in an aviation consulting company and lots of friends in the travel charter business, was hearing complaints from them that they couldn't get a financial foot in the travel office door. The two took their suspicions and complaints to Mr. McLarty's staff, who called in an outside accounting firm and the FBI. When evidence was supposedly found of gross mismanagement of office funds, all seven veteran travel employees were ordered out of the office, with only hours' notice.

The extreme fishiness of Ms. Cornelius' and Mr. Thomason's role, the rather premature involvement—at the behest of the White House—of the FBI, the release of unsubstantiated accusations against the travel office staff, and its summary firing aroused a flurry of demands for an investigation. So Mr. McLarty, with the aid of Office of Management and Budget director Leon Panetta, conducted one. The subsequent report laid the whole mess at the door of overzealousness, ineptitude and "insensitivity" in the White House. The director of the travel office and his deputy retired from government service and remain targets of an FBI investigation—though after four months, charges have yet to be filed. The other five, who had no financial responsibility in the office, quickly had their status upgraded from "dismissed" to "on paid administrative leave." Last week, all were offered new jobs in the government—though not in the travel office.

In the meantime, though, all five had hired lawyers to protect themselves from the White House slanders against them, and to ensure that those new jobs would indeed be forthcoming. Their legal bills, $30,000 apiece, amount to more than half a year's salary for each of them. In his letter to Mr. McLarty, Rep. Wolf, a Northern Virginia Republican, asked "How can mid-level federal employees afford such fees? Why should federal employees who have been found to have done nothing wrong be subject to such financial and emotional havoc?"

Mr. McLarty's response: "We believe that we have worked painstakingly to find appropriate positions for each of these five employees and that we have tried very hard to be responsive to their interests and concerns. We wish that this matter had been handled differently, but we do believe we have made diligent efforts since that time to be fair and reasonable." Though he had considered paying the bills from a Justice Department fund for "litigation-related settlements," it turned out, he said, that the "program has certain specific requirements that have not been satisfied here." In other words, tough luck.

Mr. McLarty ought to try a little harder to find a way to help these people, whose present difficulties stem entirely from the high-handed arrogance of his own staff—not to mention the sleazy behavior of his boss' friend and relative. If no government money is available, he might consider passing the hat among the president's cabinet—all people of considerable means. Perhaps even Harry Thomason, who has never blushed to boast of his own financial standing, could be induced to cough up a few bucks to redress the injury his machinations did these "mid-level federal employees."

Mr. LAUTENBERG. Mr. President, we can accept the Senator's amendment.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

So the amendment (No. 1023) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1014

Mr. D'AMATO. Mr. President, I believe an amendment on behalf of Senator BOND has been laid aside.

The PRESIDING OFFICER. The Senator is correct.

Mr. D'AMATO. Mr. President, at this time, I ask unanimous consent that that amendment be taken up and that it be withdrawn.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 1014) was withdrawn.

Mr. BOND. Mr. President, due to the terrible flood conditions in the Midwest this summer, 15 airports in Missouri have suffered damage currently estimated at nearly $14 million. Another wave of flooding over the past 2 weeks has put several of these airports under standing water again, meaning that the cost of repairing the damage will likely escalate.

Mr. President, I heard from airport directors of aviation and from Missouri State officials about the problems and expense associated with the damage. With one exception, each of the 15 airports was under 10 to 20 feet of water for a period of weeks. Six of the eleven St. Louis area airports were flooded and four of these six are designated by the Federal Aviation Administration as reliever airports for St. Louis-Lambert International. The Spirit of St. Louis Airport is the second busiest airport in the four State region of Iowa, Kansas, Nebraska, and Missouri—second only to Lambert. I was told that in the St. Louis region, over 1,100 aircraft were forced to be relocated raising significant safety issues to both ground and air operations. Significant damage was also sustained at Rosecrans Airport in St. Joseph which is home to an Air National Guard unit, the Jefferson City Memorial Airport in my State's capitol, Perryville Municipal, and other important facilities.

Unfortunately, the emergency supplemental flood relief bill agreed to by Congress in August provided no special funding for flood-damaged airports. As the President knows, special money was provided for roads and bridges and rail and levees, but not for airports. Further, FEMA will not pay for damage that is eligible for FAA funding such as runways, taxiways, and lighting systems. This situation left airports and the State of Missouri in the position of having to absorb $4.8 million in damages—beyond what the State will finance already. Mr. President, it is simply unfair that this situation developed in the first place and critical that it be corrected to restore the air operations in Missouri that are critical to the economic health of the region.

Consequently, I have proposed an amendment with Senator DANFORTH to the fiscal year 1994 Transportation appropriations bill to earmark $6 million of Airport Improvement Program dollars for the purpose of repairing and rebuilding airports damaged by the flood. I want to thank the chairman of the subcommittee and the ranking member for their cooperation and support in attempting to remedy this situation in the bill. While everyone has agreed that the situation urgently needs correcting, jurisdictional questions were raised with respect to our amendment. I understand the Senate Commerce Committee will soon be reauthorizing the Airport Improvement Program and I urge the committee to review provisions of law as they relate to disasters to ensure that FAA has the necessary money, authority, and flexibility to respond quickly and fully.

In the meantime, I have been contacted by Joe Del Valzo, the Acting Deputy Administrator of FAA. In that conversation, Mr. Del Valzo gave me a personal commitment that FAA will move swiftly to provide the $4.8 million in FAA eligible damage and gave me further assurances that FAA will be there should additional damage be eligible for FAA assistance. He assured me that Missouri will not be left holding the bag or forced to reprogram their existing AIP block grant money. In other words, Missouri will not be forced to take money away from some airports to pay for damage incurred at other airports. Therefore, flood-damaged airports can receive the Federal assistance they deserve without compromising the ongoing program to ensure safety, to maintain capacity, and to develop additional capacity where necessary.

Based on this commitment, I am pleased to announce that this matter will be swiftly, adequately, and appropriately addressed by the FAA, and therefore, I will not pursue the amendment offered by myself and Senator DANFORTH.

AMENDMENT NO. 1024

(Purpose: To initiate new State-supported train service)

Mr. D'AMATO. Mr. President, I send an amendment to the desk on behalf of Senator LOTT, and others, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. D'AMATO], for Mr. LOTT, for himself, Mr. COCHRAN, Mr. BREAUX, Mr. JOHNSTON, Mr. SHELBY, and Mr. GORTON, proposes an amendment numbered 1024.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . If any State or local interest, within one year following the date of the enactment of this Act, can demonstrate to the satisfaction of the National Railroad Passenger Corporation that such State or local interest can cover any potential operating losses, including the cost of equipment depreciation, or that the National Railroad

Passenger Corporation will not incur or absorb any part of operational losses, including the cost of equipment depreciation, due to the initiation of new State-supported service, the Corporation shall initiate such new service provided that the corporation determines equipment is available to initiate such service.

Mr. D'AMATO. This amendment would apply to new Amtrak services, provided they can cover various costs of operations and equipment depreciation, as well as there being equipment available. There will be no financial impact, and it has indeed received bipartisan support. A number of Senators, whose names I believe are included on the amendment, are also supportive.

Mr. LAUTENBERG. Mr. President, the committee has typically taken a firm position throughout the entire process to reject all attempts to oppose any additional operating losses on Amtrak.

We have had several requests from Senators in many regions to initiate new train service that will add to Amtrak's operating loss. We have rejected them all.

As the committee report makes clear, Amtrak's deteriorating revenues have led to dire consequences to railroad service around the Nation.

Even though the committee recommendation provides $20 million more than the budget request for Amtrak operation, the amount provided is a freeze at the 1993 level. And even at this level of funding, Amtrak has made clear that it will be required to impose service reductions in 19 States across the country, and many of those States have Senators in this room.

I have a letter from the President of Amtrak insisting that we turn down all amendments that will add to the operating loss of the railroad.

I ask unanimous consent that the letter that I received from Mr. Claytor be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL RAILROAD
PASSENGER CORPORATION,
Washington, DC, September 29, 1993.

Hon. FRANK R. LAUTENBERG,
Chairman, Subcommittee on Transportation and Related Agencies Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your efforts to provide Amtrak with the best possible funding level. I appreciate your strong support for rail passenger service.

I recognize that you have done everything you possibly can to provide $351 million for Amtrak operations. There is no question that the mechanism for scoring outlays for Amtrak operating funds makes it much more difficult to improve on what you have already done.

As you know, even at the $351 million level, Amtrak is preparing to reduce service on a number of routes throughout the national system. Also, I have asked every function within Amtrak to reduce their operating costs for a total additional savings of over $20 million. Therefore, I would urge you to resist any amendment that would require Amtrak to operate more service than we are able to do at the proposed $351 million funding level.

We want to be able to operate the safest and most efficient rail passenger system that we possibly can, and I know you understand that we cannot do that if Congress attempts to impose costs on Amtrak that are not realistic.

Again, thank you for your strong support.

Sincerely,

W. GRAHAM CLAYTOR, Jr.,
President.

Mr. LAUTENBERG. However, the Lott amendment takes a different approach to initiating new Amtrak service. The Lott amendment requires that the affected States and local communities demonstrate that Amtrak will encounter absolutely no operating losses in initiating new services, or the States and localities will be required to finance all such operating losses, including the depreciation costs of Amtrak's equipment.

Moreover, the Lott amendment will allow for the initiation of new service only in those instances that Amtrak confirms that equipment is already available for the initiation of such service.

In summary, Mr. President, the Lott amendment allows new service when it is absolutely at no net cost to Amtrak, and as such I am prepared to accept the amendment.

Mr. GORTON. Mr. President, I am pleased to cosponsor the amendment offered by my distinguished colleague, Senator LOTT.

The committee has included a provision in this bill which prohibits the initiation of State-supported Amtrak service for fiscal year 1994. This provision could effectively bring much-needed Amtrak projects, such as the Seattle to Vancouver, BC, route, to a screeching halt.

This amendment takes a reasonable approach to addressing the committee's concern that Amtrak would be footing the bill for the operating losses a new route may incur initiation, while at the same time, allowing projects, such as the one in the Pacific Northwest, to stay on the fast track to implementation. Under this amendment, States must guarantee that they will underwrite any operating losses the route may incur, or demonstrate that the new route will not incur operating losses. Should they meet this requirement, they will be able to initiate the new service.

We are holding onto an optimistic estimate of being able to initiate Seattle to Vancouver, BC, service next summer. Without this amendment, we will be forced to wait until Congress considers this program again for 1995. The transportation alternatives available to northwesterners are few, and yet the need for them is acute. As we move forward with our rail projects, we must have the ability to initiate service at the earliest possible date. This amendment will give us the authority to do so.

I encourage my colleagues to support this reasonable amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, without objection, the amendment is agreed to.

So, the amendment (No. 1024) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1025

(Purpose: To make a technical correction concerning the route of a high priority corridor of the National Highway System.)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk on behalf of Senator JOHNSTON and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for Mr. JOHNSTON, proposes an amendment numbered 1025.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 68, between lines 5 and 6, insert the following new section:

SEC. 345. Paragraph (18) of section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2032) is amended to read as follows:

"(18) Corridor from Indianapolis, Indiana, through Evansville, Indiana, and Memphis, Tennessee, traversing Arkansas and Louisiana, to Houston, Texas.".

Mr. LAUTENBERG. Mr. President, this is a technical amendment. It has been reviewed with my colleague, the ranking member of the subcommittee, and unless he has a statement I would urge the adoption of the amendment.

Mr. JOHNSTON. Mr. President, this amendment is designed to clarify language presently contained in section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA]. Under the present language of ISTEA, questions have been raised within my home State of Louisiana as to what potential routes for the proposed extension of Interstate 69 Indianapolis, IN, to Houston, TX, and beyond to the United States-Mexico border, may be considered. In an effort to clear up these questions, the Federal Highway Administration has held numerous talks with the Louisiana State Department of Transportation and Development and has stated in writing that all feasible routes for I–69 within Louisiana, as in all other affected States, will be considered equally. Nevertheless, questions persist.

Therefore, I am submitting this amendment in an effort to clear up these enduring questions. The clarifying language in my amendment does not change any outcome or previous directive under section 1105(c) of ISTEA. Moreover, this amendment does not require the allocation of any funding for this proposed project nor does it have any effect whatsoever on the bill's 602(b) allocation. What is does do is to clearly and unequivocally state that all feasible routes within Louisiana, as determined by the Federal Highway Administration in coordination with the Louisiana Department of Transportation and Development, will be equally considered for the proposed extension of Interstate 69.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, without objection, the amendment is agreed to.

So, the amendment (No. 1025) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 50, LINE 22 THROUGH LINE 25 AND THE COMMITTEE AMENDMENT ON PAGE 59, LINE 13 THROUGH LINE 21

Mr. LAUTENBERG. Mr. President, I know of no further debate on the two remaining committee amendments, and I urge their adoption.

The PRESIDING OFFICER. Without objection, if there is no further debate the two remaining committee amendments are agreed to.

So, the committee amendment on page 50, line 22 through line 25, and the committee amendment on page 59, line 13 through line 21 were agreed to.

Mr. DOLE. Mr. President, I understand the Senate Appropriations Committee did not include any earmarks for buses and bus facilities in the Transportation appropriations bill. The House of Representatives, however, earmarked over half of the entire amount allocated to this account. I hope that when the bill is in conference, the conference committee either eliminates all earmarks or divides the earmarks fairly between the Senate and the House.

If the conference does decide to earmark specific projects in conference, I would like the Members to give special consideration to two projects. The first is $10.75 million for the Topeka Metropolitan Transit Authority to purchase 30 handicapped accessible buses, $7.5 million; to build a covered downtown transfer center, $2.5 million; and to provide modifications to the bus garage, $750,000. These funds are urgently needed by Topeka to enable the city to conform to the Americans With Disabilities Act.

The second funding request is $4.5 million for Corpus Christi, TX. The project is funded in the House report, and I urge the Senate conferees to support it in conference. A portion of the funds would be used to purchase nine experimental low-floor buses that would provide accessibility to the handicapped at a more modest cost than current bus designs. Chance Coach in Wichita, KS, will design and build these buses.

Mr. LAUTENBERG. I appreciate the Senator bringing these projects to my attention. As he knows, as we stated in the report, we believe that the Federal Transit Administration should give high priority consideration to those transit properties that need discretionary bus funds to meet Federal requirements imposed by the Clean Air Act and the Americans With Disabilities Act.

Mr. D'AMATO. I agree with the Republican leader that should the conference committee on this bill report back earmarks in the transit discretionary bus program that important Senate projects, like those in Kansas, should be included. As we know, the House earmarked over 70 percent of this program and the Senate version included only one earmark for Hawaii. Many States have important bus projects that deserve consideration in our report. New York, for example, needs more clean burning alternative-fueled buses. I have requested funds to provide about 46 alternative-fueled buses for Nassau County, and I intend to push for these funds in conference. I am in agreement with the views expressed by Senator DOLE and other colleagues who have urged this committee to fund Senate bus projects on an equal footing with House bus projects.

Mr. SIMPSON. I would thank my colleagues on the Transportation Appropriations Subcommitee for their consideration of a particular need of ours in Wyoming—the Sweetwater County Transportation System—and our request for support in creating a commuter bus line.

As I expressed to the ranking member and the chairman of the subcommittee in a letter this past summer, my fine Wyoming constituents in Sweetwater County must travel greater distances than most other people on a daily basis to get to and from work.

This Wyoming community's efforts to obtain a bus system have persisted for many years. I stand in strong support of their tireless work. I understand and support the committee's efforts to reduce earmarking funds except in the most urgent circumstances, such as the tragedy resulting from the hurricane in Hawaii.

I would ask the ranking member, however, what process he would suggest we pursue to ensure that this very worthy commuter project is addressed by this legislation? It was my understanding that this is exactly the type of project for which these discretionary, section 3 grant Federal funds are allotted.

The U.S. Department of Transportation, the Transportation Committee, and the Wyoming State Department of Transportation were all under the impression that these funds could be allocated through the earmarking process. I would inquire of my colleague if there is a manner to address this matter in the conference committee, and if he believes the committee would work to help us meet the funding needs of this project?

Mr. D'AMATO. I thank my colleague. I will work closely with Chairman LAUTENBERG during the conference process to assure that the Senate's needs for bus projects, such as the one mentioned by my colleague from Wyoming, are appropriately addressed.

ADVANCED LANDING SYSTEM

Mr. HATFIELD. Mr. President, I would like to engage the chairman of the subcommittee in a colloquy concerning the advanced landing system.

As the chairman is aware, last year the subcommittee included language in its report directing the Federal Aviation Administration [FAA] to work with the Defense Department to provide assistance that would support the commercial viability of the advanced landing system. This innovative new technology is a low-cost landing system designed to improve the safety and utilization of aircraft in all-weather conditions at airports and heliports. It was the topic of outside witness testimony received by the subcommittee earlier in the year.

Is it the chairman's understanding that the intent of the subcommittee was to continue to direct the FAA to monitor the work being undertaken by the Defense Department with regard to the advanced landing system?

Mr. LAUTENBERG. The Senator is correct.

Mr. HATFIELD. Further, is it the chairman's intent to pursue the inclusion of language similar to that contained in last year's report when he meets with the House in conference?

Mr. LAUTENBERG. The Senator is correct. The subcommittee will take this matter up in conference with the other body.

Mr. HATFIELD. I thank the chairman for his assistance in this matter.

FUNDING FOR STATE ROAD 153

Mr. DECONCINI. Mr. President, I would ask if the manager of the bill, Chairman LAUTENBERG, if he would entertain a colloquy concerning the State Road 153.

Mr. LAUTENBERG. Mr. President, I would be very pleased to do so for my good friend and distinguished colleague from Arizona.

Mr. DECONCINI. I wrote to Chairman LAUTENBERG in July of this year requesting funding for a very important multimodal project benefiting the passengers and air cargo users of Sky Harbor International, the country's 14th busiest airport. The appropriation for the construction of State Road 153 provides an efficient connection between Sky Harbor Boulevard, the airport arterial road, and the East Papago, Hohokam, and Maricopa Freeways serving east Phoenix and the cities in the east valley.

When the city approached me with its request, city officials indicated that the State and the city would be contributing $15 million in related construction projects. The Federal funding requested was for a bridge across the Salt River on the Hohokam Expressway between University Drive and Sky Harbor Boulevard and part of the roadway at both ends of the bridge. I requested a fiscal year 1992 appropriation for $19.6 million for the project.

Thanks to your assistance, the committee provided $5 million for the project for fiscal year 1992 and was very helpful again last year by providing another $6 million for fiscal year 1993. My fiscal year 1994 request asked that $8 million be provided to complete the funding package for the project.

I ask the chairman to provide the city with a final funding allocation for fiscal year 1994. When we first approached the committee in 1991, I understood that it would be best to spread the funding for the project over several years. I recognize as a member of the Appropriations Committee that there is some risk associated with counting on annual appropriations. However, the committee has been most helpful in this regard and I ask that my final request for this project be included in your bill.

Mr. LAUTENBERG. My good friend knows that I understand the importance of this project to the city of Phoenix and other cities served by the freeway system to the east of Sky Harbor International Airport. I understand that the money for this project has not been spent on the project and the rationale for delaying the overall construction bid. In these times of scare funds and budget reductions, I am obligated to make sure that available dollars are spent on the projects with the highest need. How soon will the project start construction?

Mr. DECONCINI. The city has acted wisely in my judgment by waiting to actually start construction of this project. First, the city had begun to look at the realignment of the roadway about the time that we first appropriated money for the project because of the possibility of making more land available for a new aircraft maintenance facility east of one of the runways. The realignment was made and the city has paid all of the associated costs with the redesign. Finally, the project will be bid in early 1994 and benefit from the total be bid at one time rather than a piecemeal fashion. Moreover, the city has avoided the risk over exceeding its obligational authority which is statutory prohibited.

I recognize the chairman's interest in making sure that money be spent where it has the most impact. I assure him that the project will be consistent with that approach. Incidentally, Phoenix was selected in early September as one of two winners of the Bertelsmann Foundation Award for the best run city in the world. Bertelsmann AG is the second largest media organization in the world behind Time Warner Inc., and makes the award annually for "innovative approaches * * * that helps shape and further develop democratic societies." I know that our investment is in good hands in Phoenix.

I would ask that should the conferees consider items which have previously received appropriations, but are not currently authorized, I would hope that my good friend would give every consideration to the funding of this most important project for the city of Phoenix.

Mr. LAUTENBERG. I assure the Senator from Arizona that I will give every consideration to the request for $8 million for State Road 153.

Mr. DECONCINI. I thank the Chairman.

MICHIGAN PROJECTS

Mr. RIEGLE. I would like to engage the distinguished chairman of the Transportation Appropriations Subcommittee in a colloquy about a number of projects in my State of Michigan.

Mr. LAUTENBERG. I would be pleased to participate in a colloquy with my colleague from Michigan.

Mr. RIEGLE. As the chairman knows, recent Transportation appropriations bills have included funding for a number of discretionary projects, including four important projects in Michigan. The Michigan projects are the M–59 corridor, upgrading the road around Detroit's Metro Airport, building Bristol Road as part of the effort to rehabilitate Bishop Airport in Flint, and upgrading Walton Boulevard. These are from between one-half to three-quarters completed; in fact, construction is underway and causing traffic delays in some cases. Most could be completed with 1 more year of funding. Unfortunately, none of them has received funding in this bill. And while the State of Michigan has included them in their plan, State resources are inadequate to fund them because Michigan is a donor State under ISTEA.

As the distinguished chairman knows, my preference would be to offer an amendment to this legislation to provide funding to allow these projects to be continued as they meet important needs in their communities.

Mr. LAUTENBERG. As my colleague from Michigan knows, this committee has supported these projects in previous fiscal years. As my colleague from Michigan knows, I would like to be able to accommodate his request. However, our 602(b) allocation was extremely tight this year and did not allow us to fund some projects we had previously supported unless they were specifically authorized to receive general funds including those cited by the Senator from Michigan.

Mr. RIEGLE. Would the chairman be willing to consider supporting restoration of funds for these projects in conference? As the chairman knows, Michigan is a donor State under ISTEA and these appropriations are very important to completing these ongoing projects.

Mr. LAUTENBERG. I appreciate the Senator's concern about this. As difficult as the parameters are in this situation, I will do what I can for the Senator.

Mr. RIEGLE. I understand that it is not easy to be an Appropriations subcommittee chairman and I appreciate the chairman's willingness to discuss these important projects with me.

AMERICAN AUTOMOBILE LABELING ACT

Mr. MCCONNELL. Mr. President, I rise today to express my concerns about a rulemaking currently under way by the National Highway Traffic Safety Administration [NHTSA] which would require auto manufacturers to affix on the window of new cars a label with information about the origin of a car's parts and equipment. The law which mandates that NHTSA undertake such a rulemaking—the American Automotive Labeling Act [AALA]—was attached to the fiscal year 1993 Department of Transportation appropriations bill in the closing days of last Congress.

What is becoming readily apparent, Mr. President, is that in our haste to rush something through Congress at the last minute—ostensibly designed to help consumers—we have saddled NHTSA with the job of creating a consumer information label that will confuse and mislead the car buying public.

Mr. President, let me say that I fully support disclosure of accurate and meaningful information for use by consumers in making purchase decisions. But it appears that the information on the window sticker developed by NHTSA will misinform consumers about the origin of a car's parts and components.

For example, the method for determining the origin of a car's parts is so outrageously convoluted that NHTSA's own analysis of the act indicates that the same car with identical parts could have a United States-Canadian content as high as 53 percent or as low as 11 percent. Grossly misleading information of this nature will make the label near meaningless.

Next, the act defines "carline" so that the United States-Canadian parts content of cars produced in the United States apparently must be averaged with similar models produced in foreign countries. This will serve to understate the U.S. content of cars produced in America and overstate U.S. content in cars produced abroad. Not only will this confuse and mislead the car buyer, but it will dilute the labor performed by hard working Americans here at home.

Mr. President, it is my understanding that NHTSA will shortly be issuing a notice of proposed rulemaking. We need to follow this rulemaking closely to ensure that NHTSA promulgates a regulation with information that is accurate, understandable, and meaningful to consumers. If not, the Senate should revisit this issue and develop something that does provide the American car buyer with the best information possible.

CONCERNS REGARDING THE AMERICAN AUTOMOBILE LABELING ACT

Mr. MATHEWS. Mr. President, I rise in support of the concerns expressed by my colleague from Kentucky, Mr. MCCONNELL. When my fellow Tennesseans walk into a car dealership to purchase a car, I expect them to be given meaningful information to help them decide which car is the best one to meet their needs. Some will want to know if a car was built by their neighbors down the road in Smyrna or Springfield, TN, or up north at Georgetown, KY. Others may want to know how much of their car comes from Canada, Mexico, Japan, or the United States. These are valid questions, and if the U.S. Government is going to require that manufacturers make this kind of information available, then we should also require that the information be fair and accurately presented in a way that is useful to the American public.

Right now, as my colleague stated, NHTSA is trying to finalize its proposed rules for the legislation so hastily passed last year. I have my doubts about whether NHTSA can accomplish the mission presented it by this body last year. From what I have heard, it seems as if the law that was passed may have contained too many twists and turns in the required process for any information it mandates to be useful to the American public.

When the proposed rule comes out, as it is expected to do any day now, I plan to see whether it in fact does provide the kind of information that consumers can trust. If it does not, and if the reason it does not is because of the underlying law, then I would hope that this body would revisit this issue before the law's mandate comes into force next year.

EXTRATERRITORIAL JURISDICTION OF THE RAILWAY LABOR ACT

Mrs. KASSEBAUM. Mr. President, I would like to highlight a provision that has been included in the Department of Transportation appropriations bill that frankly has not received the scrutiny that it deserves.

Section 342 of the bill extends our Federal labor laws to U.S. licensed air carriers that operate overseas. Under this provision, flight crew members, including foreign nationals based overseas, would be covered by U.S. labor laws.

For example, Japanese pilots based in Tokyo flying on a United States carrier from Tokyo to Kyoto would be covered by United States labor law, even though the flight would never touch United States soil. They would simultaneously be covered by Japanese labor law and possibly represented by a separate Japanese labor union.

In the past, Federal courts have concluded that Congress did not intend our Federal labor laws to apply overseas. The extraterritorial application of the Railway Labor Act, which applies to airlines, raises many concerns.

The provision legislates on an appropriations bill. The Labor Committee has jurisdiction over the Railway Labor Act, and yet this provision was never considered by the Labor Committee. The appropriations committee bypassed the Labor Committee.

This is precisely the type of legislating that the American people are tired of seeing us do here in Washington, DC. We make major changes in the law by inserting a paragraph in a spending bill without any hearings in the relevant committee.

At the very least, we should have hearings on the international legal implications that this amendment might have. For instance, will financially strapped U.S. carriers be denied landing rights overseas if foreign nationals must be covered by American labor laws?

Has the State Department been advised of this proposal? It is my understanding that they have not consulted. We should be very careful about acting in areas of international law without seriously considering the potential consequences for our relations with other countries.

As a matter of policy, should our labor laws apply overseas? If the matter were reversed—for example, foreign flagged carriers operated in the United States—would we allow U.S. flight crews to be covered by foreign labor laws? What if we extended this principle to the auto industry? How would we feel if Japan extended their labor laws to allow Japanese unions to represent Honda employees working in Marysville, OH?

How long does this extension of our Federal labor laws apply? The appropriations bill applies for 1 year. Would this provision also expire after 1 year?

Mr. President, these are just a few of the questions that remain unanswered regarding section 342 of the DOT appropriations bill. We should be very careful about extending U.S. laws to cover overseas airline operations, especially when our carriers are in such a precarious financial situation.

I will not raise a point of order on this matter. However, in my view, we have not adequately examined the potential impact of the provision, in large part because the relevant committee was not afforded the opportunity to review it in the normal course of the legislative process. This is a substantial change in the law and I would urge the conferees to remove this provision from the bill.

HIGH-SPEED RAIL

Mr. EXON. Mr. President, as the chairman of the Senate Surface Transportation Subcommittee, I want to express my support for the high-speed rail, Amtrak, and local freight assistance provisions of the Senate Transportation appropriations bill.

This appropriations bill marks another landmark in the long journey to restore the viability of American passenger rail service. It moves the Nation one step closer to an advanced and enlightened rail policy. For years Federal expenditures on highways and airports were viewed as investments and Federal expenditures on rail were degraded as subsidies. Rail transportation can solve many of the transportation problems which face our Nation. It is clean, energy efficient, environmentally friendly, safe, and essential to our Nation's economy. The rail measures in this bill represent a true investment in the Nation's economic efficiency and environmental quality.

Significant challenges still remain. This legislation does not fully fund the Amtrak reauthorization bill which I introduced in the Senate and which this body unanimously passed last year. Even with the appropriations recommended by the Appropriations Committee, Amtrak has announced that cutbacks in service are necessary. Amtrak faces a difficult catch 22. It cannot attain profitability without investment and investment in the past has been withheld because of lack of profitability. There is no doubt that in recent years rail travel has become increasingly popular. Sleeper cars on Amrak are booked weeks and months in advance. Potentially profitable new service is blocked because of a lack of equipment and total capacity is reaching a critical stage. New engines and cars are desperately needed. Growth and profitability will not be possible unless new capital investment are made in modern equipment and station facilities.

When investments are made, ridership increases along with profitability. The best example of this is in the Senate's own back yard. The inspired renovation of Washington's Union Station has led to a 25 percent increase in ridership, the revitalization of a once dead corner of the Nation's Capital and the creation of jobs and economic opportunity for hundreds. The return on this Federal investment is manyfold. There are perhaps, a dozen potential Union

Stations across the Nation. Rail facility improvements should be a key part of the Nation's urban development strategy.

Similarly, when sleek new high-speed rail equipment was tested in the Washington-New York corridor, public response was terrific. When there is modern equipment, riders flock to the comfort of rail travel. Pollution and congestion created by other modes of transportation continue to make Amtrak and high-speed rail a smart investment for the future. But without investment, Amtrak will be stuck in neutral with continued operating losses.

As a proud sponsor of the President's high-speed rail initiative, I am especially pleased that the Appropriations Committee made a significant investment in high-speed rail. I have been working with freight railroads, passengers, workers and the new administration to craft an authorization bill which can win bipartisan Commerce Committee approval. I am pleased to report that we are making good progress and the President's bill should be reported from the full Senate Commerce Committee in the very near future. When that bill comes to the floor, I will discuss the merits and economic promise of high-speed rail in more detail. Suffice it to say that the Senate Appropriations Committee has done an excellent job to keep this important initiative on the track.

Mr. President, I also want to express my support for the funding of the Local Rail Freight Assistance Program. I urged the committee to fund this program because rail service to small rural communities continues to be endangered. The Local Rail Freight Assistance Program is a way to help States assure that the necessary investment are made in rural rail transportation. The need for this program is underlined by the recent devastating floods through the Midwest. Local rail freight assistance will be critical to the effort to rebuild.

In a matter unrelated to surface transportation, I want to mention my support and appreciation for funding of the essential air service [EAS]. As author of the current EAS authorization bill, I sought funding for this program because it is critical to Nebraska communities which depend on the EAS Program for transportation and economic development.

Mr. President, in conclusion, I am pleased to support the appropriations bill and applaud the chairman for his thoughtful leadership.

Mr. LAUTENBERG. Mr. President, section 325 of the Transportation appropriations bill prohibits the use of funds to implement section 1038(d) of Public Law 102-240. Section 1038(d) of ISTEA requires that every State, beginning October 1, 1993, devote an increasing percentage of its Federal funds for asphalt highways to a new technology incorporating the use of recycled rubber in asphalt pavement. When fully implemented in 1997, this provision would require 20 percent of federally funded asphalt highways to incorporate this rubber asphalt technology.

My State department of transportation has taken the lead on aggressively pursuing the development and marketing of new recycling applications to help address solid waste concerns. This work is being carried out through a strong program of formal research studies and investigations by a Recycled Materials Task Force. The task force is comprised of representatives from all operating units within the New Jersey Department of Transportation, as well as liaison representatives from the Department of Environmental Protection, the Federal Highway Administration and a construction industry trade association. In addition to pursuing technical advances to increase the use of recycled materials, the committee has engaged in a number of less traditional, marketing activities to advance the use of recycled materials. Those include the use of an incentive program for use of glassphalt and organization of a statewide conference on recycling.

Knowing of the New Jersey Department of Transportation's active role in recycling, I was concerned to learn that NJDOT Commissioner Thomas M. Downs had reservations over the immediate implementation of section 1038 of ISTEA and on the specific hot asphalt mix requirements of section 1038. I also understand that Commissioner Downs agrees on the 1-year moratorium on the implementation schedule to clarify issues like health, safety, economic impact, and materials compatibility.

Congress originally enacted this provision of ISTEA in furtherance of a worthy goal, which I wholeheartedly support: Finding ways to recycle and dispose of scrap tires. Congress concluded that State highway authorities should bear some of the responsibility for disposing of the millions of scrap tires generated by the traffic that moves along our national highway systems. This makes great sense. Scrap tires are a national problem, and the State highway authorities should be part of the solution. Moreover, we can and should solve this problem through creative recycling measures. The use of rubber asphalt technology is promising and we should encourage its development.

Unfortunately, Congress, in its excitement over the possibilities for rubber asphalt, paid inadequate attention to the implications of such a far-reaching Federal mandate. Although this rubber asphalt technology has been used experimentally for a number of years, Congress must address issues of cost, health, and environmental effects, performance quality and recyclability of the asphalt. These important questions remain unresolved.

The law required that the Department of Transportation, in conjunction with EPA, examine these issues. The report of that study provided no resolution. As Secretary Peña wrote in this transmittal letter:

> [As] the report makes clear, this material has not been tested long enough over a broad enough range of conditions for the Department of Transportation to conclude, at this time, that it is an acceptable additive to asphalt.

A few pioneering States have had some success experimenting with rubber asphalt; yet, even those States most familiar with the process are still conducting tests to determine its merits. The American Association of State Highway and Transportation Authorities, which represents the people who will have to implement this mandate, have strongly urged that Congress amend the law.

The conclusions that must be drawn is that further congressional review is warranted. The 1 year moratorium created in this bill will provide an opportunity for Congress to assess the program and enact appropriate modifications if necessary.

Numerous outstanding issues must be addressed. First, as strong supporters of recycling will agree, we need to know whether rubber asphalt itself is recyclable. Conventional asphalt, which is 100 percent recyclable, is a recycling success story. Although many States preparing for the impending mandate are conducting tests and studies on rubber modified asphalt, we lack evidence to date whether it is similarly recyclable. One of the four biggest users of asphalt—California—testified 4 months ago that it was "concerned about the lack of completed research on * * * whether asphalt pavement containing recycled rubber can themselves be recycled." It would be unfortunate if, in the name of recycling tires, Congress inadvertently created a new waste problem.

Congress also needs to better understand the costs of this mandate and should consider the benefits of encouraging competing recycling alternatives. Such a market-based approach may conserve precious highway funds. The most recent cost information—based on 1993 bids for road constructions—shows that rubber asphalt is 67 percent more expensive than conventional asphalt. Secretary Peña has estimated that the cost of full implementation of the mandate may be between $200 million and $1 billion. It is possible that these higher construction costs could be offset by greater durability. Today, however, there is no consensus among transportation engineers whether rubber modified asphalt is worse than, as good as, or better than conventional asphalt. We need an answer to this fundamental question prior to imposing these costs on already financially strained State highway departments. I ask unanimous consent that a letter from Secretary Peña to Congress transmitting a report on this issue to Congress be inserted in the RECORD. This letter outlines DOT's reservations over the cost and other aspects of this program.

Finally, we must resolve questions concerning the effect of using this technology on the health and well-being of workers and the environment.

Congress should take advantage of the 1-year moratorium proposed by the legislation to get the answers to these critical questions and to modify the program if the answers so dictate. Although I hope and expect that 1 year will suffice, the moratorium can be extended if it does not. In light of the financial and environmental concerns that plague our times, we cannot afford to ignore these questions.

I hope, and expect, that after these questions are answered, rubber modified asphalt can play an important role in improving environmental quality and rebuilding our Nation's infrastructure. To rush forward now, however, in the absence of adequate information, would be irresponsible.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, DC, June 23, 1993.

Hon. ALBERT GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: The report, "The Use of Recycled Paving Material," submitted today under separate cover by Administrator Browner and me in accordance with the requirements of Section 1038 of the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102–240, raises concerns that I believe need to be brought into sharp focus.

As you will recall, Section 1038 directed that the Environmental Protection Agency study "the threat to human health and the environment associated with the production and use of asphalt pavement containing recycled rubber," that the Department of Transportation study "the performance of the asphalt pavement containing recycled rubber under various climate and use conditions," and that the two agencies jointly study "the degree to which asphalt pavements containing recycled rubber can be recycled."

The problem of scrap tire disposal is a serious one, and it is important to address it. However, as the report makes clear, this material has not been tested long enough over a broad enough range of conditions for the Department of Transportation to conclude, at this time, that it is an acceptable additive to asphalt. A Congressional mandate to use a specific material for road surfacing before that material has been tested thoroughly is unusual, if not altogether unprecedented. With the limited experience available, the most we can determine is that it has not been shown to be unacceptable as an asphalt additive. Further testing is continuing and, with additional experience, the Department will be able to make a more definitive determination as it reviews the results of these tests over time and in diverse applications. The Department, of course, will advise Congress of these results when they become available. Similarly, the Department will continue to consider other possible uses for scrap tires that are more environmentally sound and enhance our infrastructure.

Although the long-term cost implications, especially assuming a larger supply, are unclear, the report points out that the current cost of asphalt pavement containing crumb rubber is between 20 percent and 100 percent higher than the cost of using asphalt without this additive. This could result in costs of between $50 million and $250 million in 1994, between $100 million and $500 million in 1995, between $150 million and $750 million in 1996, and between $200 million and $1 billion in 1997, for states and localities to comply with this mandate. Whatever the ultimate added cost proves to be, it will be substantial. Whether this is a cost-effective mandated use of Federal, State, and local highway funds, in view of both the limited available road resurfacing monies and the need for solutions to the rubber tire recycling problem, is a matter for continuing consideration.

Sincerely,

FEDERICO PEÑA.

AMENDMENT NO. 1021

The PRESIDING OFFICER. The Chair will advise the pending amendment is now the Boxer amendment No. 1021.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I would like to address the Senate for 5 minutes, as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIOLENT CRIME

Mr. DORGAN. Mr. President, about a week ago, in Bismarck, ND, in the parking lot of a motel, a 60-year-old woman was apparently abducted by two people from Pennsylvania, who allegedly killed someone in Pennsylvania and who were fleeing west.

We do not yet this morning know the fate of the North Dakota woman who was abducted in Bismarck. It does not sound good. Her credit cards allegedly have been used in Montana and Nevada.

I point this out to say that violent crime and this kind of behavior by violent criminals is not limited to the inner cities of America. So far this year, in this city, our Nation's capital city, we have had 350 murders and 4,800 robberies. In this country, we will have about 27,000 murders this year. So we are in the middle of an epidemic of violent crime.

My point is, it is not just in the inner cities. It affects all of the rest of the country. It affected a woman in Bismarck, ND, a week ago Sunday, standing in the parking lot of a motel, where two people, who allegedly killed a man in Pennsylvania, were fleeing and abducted this woman. I pray that this story turns out better than many we read about, but I do not know.

I simply describe that to say that I have introduced legislation last week—and I hope my colleagues would take a look at it—dealing with one aspect of crime.

There are 100 reasons that people commit crimes—troubled childhoods, child abuse, dysfunctional families, poverty. I understand all of that, and we ought to deal with all of it. We ought to work and address all of those issues. But while we do that, we ought to take violent criminals off the street and keep them off the street.

In almost every major crime in this country, I defy you to look at the newspaper, not pull out one and find where, in almost every instance, the person that committed the violent crime is someone we know.

This is not someone we do not know. It is someone we know who has been in the criminal justice system, who has been arrested before, in a violent crime before, and put in jail before, only to be let out again.

It is time for us to understand that those who commit repeated violent acts need to be put away and they need to stay away.

Now, how do you do that?

I have introduced legislation with four pieces. One, we do not have room to put these people away. We have people in this city on early release walking the streets who are violent criminals.

We have a million people in jail in this country. Roughly 51 percent of them are in jail for nonviolent acts. It seems to me you could take a lot of them out of the prison system and put them in converted bases—we are going to close 100 military bases—convert them into prison camps of some type and take nonviolent prisoners out of prisons and put them in a camp and detain them there. Incarcerate only the violent prisoners for violent crimes, tens of thousands of them. Put violent criminals in there for their sentence and have them serve there.

There are three things we ought to do with respect to this.

One, every judge in this country, at the end of the year, who presided over criminal trials, ought to have a sentencing practice report, so we at least understand what the judges are doing with respect to sentencing practices. We are in the dark. Nobody knows.

No. 2, for violent criminals, there ought not be good time. You get a sentence, you go to prison, you serve the sentence.

We have the most perverse incentives in the world. In fact, in my home

State, for a while they were giving double good time credit. Perversely, those who are the most violent criminals and served the longest sentences get the most good time credit. That means the largest amount of credit to get out early.

We ought to eliminate good time credit for violent criminals. Put them in jail and keep them in jail for their entire term.

And, third, at every hearing—sentencing hearing and parole hearing—victims and the victims' family have a right to be heard.

The minister, the priest, the neighbor, the mother of the accused, they are all there talking about what a wonderful person he or she is.

What about the victims, or the victims' families, to talk about what that violent crime did to them? Is that not a part of the sentencing? Should it not routinely be a part of a parole hearing. In many parts of the country it is. But in many parts of the country it is not.

If we would give victims the opportunity to be present in parole hearings and sentencing hearings, if we would eliminate good time for violent offenders, if we would better understand sentencing practices by the judiciary, and if we would open up prisons, then we would have done a couple of things. We would find a place to put violent criminals. We would put them there and we would keep them there.

And, yes, let us look for all the reasons we have this epidemic and address them. But, as we do that, let us protect innocent people.

The woman in Bismarck, ND, who was abducted last week; 4-year-old Launice Smith, who was killed, shot in the head at a playground two Saturdays ago in this town; Michael Jordan's father; every single one of them by people we know, by people who committed violent crimes before, were in the criminal justice system, put in jail and let back out in order to once again commit another violent act.

It is time to protect the innocent people in this country, even as we search for reasons for these crimes.

The bill I have introduced, with these four steps, I think moves in the direction of saying: Let us find a place to put violent criminals, let us put them there, and let us keep them there.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DORGAN). Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

Mrs. BOXER. Mr. President, I intend to withdraw the pending amendment, but before I ask unanimous consent to do so, I want to make a couple of comments, both on the subject of my amendment and the subject of this bill that is pending before us.

I wish to thank the subcommittee chairman, the good Senator from New Jersey, [Mr. LAUTENBERG], for his incredible assistance in including in this transportation bill extraordinary help for California to meet our critical transportation needs. As the chairman knows, California is hurting and, as our President has said many times, with California being 14 percent of the GNP of this Nation, the whole Nation is looking to California to pull out of its recession, pull out of its trouble. To do that, we really need to fund programs that make sense for the country.

When I went to the Senator from New Jersey, I knew he had to make some very tough choices. He leads the fight here for fiscal responsibility. I had to prove my case. And he listened. Within this bill are rail and mass transit and technology development programs that will help California meet its air quality needs, safety needs, and economic productivity goals.

The Senate Transportation appropriations bill affords California needed transportation improvements that will boost the State's economy, worker productivity, and air quality.

I am particularly pleased that the committee provided funding higher than the House level for critical commuter rail projects in both Los Angeles and the San Francisco Bay area.

The $190 million appropriated for Los Angeles Metro line extensions will provide more than 100,000 construction jobs and provide urgent relief for our traffic-clogged arteries of Los Angeles. I am particularly pleased to see the lines extended to communities, such as East Los Angeles, that have long supported public transit.

The $44.82 million appropriated to bay area projects is welcome news. Although the figure is not as high as we would prefer, the committee ably demonstrated that the Federal commitment to mass transit in the bay area will not ebb. The BART airport extension and the Santa Clara Light Rail Program link to the Silicon Valley have won a tremendous victory.

The bill provides $25 million for the Orange County intermodal center and transitway project, including HOV lanes, park-'n'-ride bus lots and rail intermodal center with direct access to Interstate 5.

California will receive up to $1.5 billion for highways from the highway trust fund.

The committee pointed out the need and substantial support required for protecting the Golden Gate and Bay bridges from earthquakes. The report urges the Department of Transportation to work with Caltrans, the bridge district, and the MTC to develop funding options for retrofitting these facilities in a timely manner.

There is $91.3 million for the intelligent vehicle highway systems. The smart corridor project along the Santa Monica Freeway in Los Angeles is part of this program. The Pathfinder Program has shown that current traffic condition information could be successfully transmitted to drivers through on-board systems. This system has cut travel time by 18 percent and signal delays by 44 percent. San Diego will be receiving $10 million for an IVHS project.

There is $107 million for the administration's high-speed rail initiative. Funding would further the program of high-speed rail transportation. Funding would be available for track improvements along the designated San Diego to Sacramento rail corridor.

And there is $27.9 million for the Maglev Train Prototype Development Program, another technology that will benefit California.

I would like to highlight one particular program the Senator from New Jersey was very helpful with. It is really a cutting edge program. It is a real example of what we need to do to move from a military-based economy to a civilian-based economy.

When I was campaigning for the U.S. Senate a long time ago—it seems like forever ago—I made the comment, "If you could build a bomber, you could build a bus." The implication was that the technology we have used to build a tremendous military could be used to help us meet our civilian needs. Sure enough, there is funding, $95 million in research and planning funds to the Federal Transit Administration that can be used to fund exciting new transit projects. One of these is the clean fuel, advanced technology transit bus—and I have to tell my colleagues that this bus, being developed by Northrop and other defense and transportation companies is called the Stealth bus because it uses the same skill and experience used to develop the technology that was used in the Stealth bomber, making it very light weight.

People say, is that a bus you will not be able to see? No, you will be able to see it. But the bottom line is we are using the technology that helped us win the cold war to make us competitive, to move our people and our products and our goods and our services.

So I want to just take this moment to thank the Senator for his leadership. I am extremely appreciative of it, as is California. Frankly, when the Nation knows of this bill I think the whole Nation will be appreciative to him for his leadership.

On the subject of my amendment, my amendment was going to ask that there be an emergency designation so funds could be unleashed to complete the rebuilding of the Interstate 880 Cypress Freeway structure that collapsed during the 1989 earthquake. I am convinced I could have made a very compelling case, along with my colleague from California, that this funding is necessary at this time and that this funding is absolutely deserving of that designation. After all, no one could possibly say that an earthquake is not a disaster.

But we heard from members on the other side of the aisle that they had objection to the process. They asked the Senator from California, [Mrs. FEINSTEIN, and myself if we would be willing to work with them. The Senator from New Jersey, trying to be a mediator, went between the two sides. We discussed this with the OMB Director, with the White House, and I just had a meeting with the majority leader. I personally spoke with Senator DOLE about this. I spoke with Senator D'AMATO about this, and Senator DOMENICI. I think they have every intention of working with us to make sure that we fulfill our commitment to the people of Oakland, the people of California. Because in fact this was a Federal structure that collapsed and the new design is necessary because we could not replace that double-decker freeway with another double-decker freeway because we do not want to see that collapse again. It killed 42 people. So it required a different design, and I think we will be able to make that case.

In my meeting with the majority leader, he added his voice of support for us. He says that he is going to work with us and with the Senator from New Jersey so that we can make our case, so that there is not anyone in this Chamber—Republican or Democrat—who will have any doubt in their minds that this is, in fact, a needed expenditure and one which falls under the emergency designation.

So we are going to work with our colleagues, and we are going to work toward a supplemental appropriation. We heard the chairman of the Appropriations Committee indicate he would help us. We have Members on both sides who have indicated they will work with us.

So, again, I want to thank Senator LAUTENBERG, from New Jersey, for his help and leadership.

At this time, I ask unanimous consent that my amendment be withdrawn.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

So the amendment (No. 1021) was withdrawn.

Mr. LAUTENBERG. Mr. President, I want to extend my thanks to our distinguished colleague from California, Senator BOXER, for her diligence, her hard work, and her fine representation that she makes, not just for her State but for the whole of the U.S. Senate.

I would have to say, this was a sea change in the U.S. Senate with the beginning of the present term. We were gratified by a change that took place in which the female population of the Senate went from two to seven Members. I have noticed some significant changes.

First of all, there is a viewpoint that perhaps once in a while it would not get bypassed but did not get quite as much attention, about the issues that affect the majority population of our country, the female population, whether it be in the areas of health or job equity or fairness, generally.

We tried, but without the special input of the female Members of the U.S. Senate, it was not quite as easy to make the points as articulately as has happened since the arrival of the women in the U.S. Senate. I would expect that that population within the Senate will continue to grow and add not only to the luster of the body, but the process by which we work, because they are very serious people; they get things done. And we saw evidence over these last couple days, as we tried to move the transportation bill forward to answer the needs of the country.

There is not a State that does not have needs or place value on transportation, whether it be aviation or highway or transit or buses. And everybody is interested in high-speed rail. But when it comes to being not only a rooter but an organizer on behalf of the State of California, Senator BOXER has distinguished herself.

With the decision to withdraw the amendment—and I know it is difficult; as a matter of fact, I think it could be described as even painful. Because no one knows better than she and Senator FEINSTEIN in this body what kind of trauma, what kind of difficulty that terrible natural catastrophe foisted upon the State of California.

The roads and the rail systems that crisscross that area have to be in good working shape. We have to continue to do the repair that is called for on this—is it called a thruway or freeway?

Mrs. BOXER. Cypress structure of Interstate 880.

Mr. LAUTENBERG. Mr. President, we are pledged, my distinguished colleague from New York and I, to try to help resolve this problem.

This State needs help. It is really a peculiar anomaly because California always looked like a land of prosperity. It was the land of sunshine. As a matter of fact, it was the land where lots of residents of my State, and I know the State of Senator D'AMATO, would make their home. People ran to California because of not only the natural beauty but the pleasant character of life, as it was, out there.

Now they have the dubious distinction of, if not the highest rate of unemployment in the country, certainly among the highest, because this was a State which produced very well for its country. They had defense industries galore. We needed the products they made. They had exploration in technology to the latest extent, and I know, because having come from the computer business and having my old company before I came here, with offices in Los Angeles, San Francisco, Palo Alto, and San Diego, I know how rich the opportunity was out there and how much talent also existed in the State of California.

So they need to be able to function and they need the jobs, and they need to return as much as possible to a normal condition —I am talking about the economic condition—and no one sees it more vividly than does the Senator from California, who is on the floor at the moment.

So we want to help, and you have our pledge to be of help. The President is committed to it. He announced that very publicly, very decisively, on a visit he recently had to California, to try and get the repairs that are necessary as a result of the earthquake.

So I thank the Senator for her kind words. The fact is that she does add a dimension of civility, as well as intelligence and ability, to this body, for which we thank her and look forward to a continuation of the dialog in the future.

I yield the floor.

The PRESIDING OFFICER. Are there further amendments to the bill?

Mr. LAUTENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, there are some errors in the print that were found in the Senate Committee Report 103-150 to accompany H.R. 2750.

I send these to the desk to correct the record as it exists.

The PRESIDING OFFICER. Without objection, it is so ordered.

The corrections are as follows:

On page 90 of the report, under "Navigation and Landing Aids Improvements", the following designation was omitted: "Location: Kearney, Nebraska; equipment type: glideslope and middle marker."

On page 104 of the report, the reference to Carroll County Airport should read "MD" (in Maryland), rather than "MN" (in Minnesota).

Mr. LAUTENBERG. Mr. President, I have a letter from Citizens Against Government Waste addressed to me related to the Coast Guard allocation, and a letter from the Secretary of

Transportation giving their thanks for the work that was done on the subcommittee. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, DC, October 4, 1993.
Hon. FRANK R. LAUTENBERG,
Chairman, Subcommittee on Transportation and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Administration, I would like to thank you and your subcommittee for including in the Fiscal Year 1994 Transportation Appropriations bill two key provisions that will help ensure effective use of scarce transportation funds.

As reported by your subcommittee and the full committee for floor action, H.R. 2750 contains limitations on funding that will direct Essential Air Service support to the communities that really need it—those located 70 miles or more from alternative air service at a hub airport and those where the per-passenger subsidy has not grown simply too high to justify ($200 or more per one-way trip).

The subcommittee and full committee are also to be congratulated for their restraint in not earmarking the Section 3 transit discretionary bus grants. Such action, unprecedented in recent times, will ensure that the bus funds go quickly to projects that are ready to go and that will address a backlog of bus needs.

We appreciate your subcommittee's resolve to ensure that our transportation dollars are stretched just as far as possible. Thank you again.

Sincerely,

FEDERICO PEÑA.

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
Washington, DC, October 1, 1993.
Hon. FRANK LAUTENBERG,
Chairman, Subcommittee on Transportation, Committee on Appropriations, Washington, DC.

DEAR SENATOR: On behalf of the 550,000 members of the Council for Citizens Against Government Waste (CCAGW), I am writing to commend you for your efforts to eliminate unrequested, unauthorized and wasteful pork-barrel projects normally found in the Transportation Appropriations bill. The special interests who gorge themselves at the public trough will not doubt attempt to undercut your work.

I understand that unauthorized highway and bus projects were not included in the marked up bill, the Coast Guard Commandant's fleet of executive jets was eliminated, and the Coast Guard's Washington Air Station was closed. Also eliminated were 20 Department of Transportation headquarters vehicles, five Federal Aviation Administration aircraft, the Secretary of Transportation's private dining room, and the Washington Office of the St. Lawrence Seaway Development Corporation. We strongly support these initiatives.

CCAGW applauds, as a good first step, the adoption of a modified National Performance Review recommendation eliminating Essential Air Service Program subsidies to airports that are less than 70 miles from large or medium size hub airports. The bill also limits subsidies at airports between 70 and 210 miles from a large or medium sized hub to $200 per passenger. Program subsidies at the five airports over 210 miles away from a large or medium sized hub airport will not change.

The Transportation Appropriations bill includes some of the "change" taxpayers requested last November. Only your solid commitment to the American taxpayer allowed you to overcome Congress's bias towards continued spending. We look forward to working with you and supporting your continued efforts to make government more efficient and less costly.

Sincerely,

TOM SCHATZ,
President.

Mr. LAUTENBERG. We are now cleared to go to third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Georgia [Mr. COVERDELL] is absent due to a death in the family.

The result was announced—yeas 90, nays 9, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—90

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—9

Boren
Burns
Faircloth
Gregg
Helms
Kohl
Roth
Smith
Wallop

NOT VOTING—1

Coverdell

So the bill (H.R. 2750), as amended, was passed.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I move that the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two bodies, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. LAUTENBERG, Mr. BYRD, Mr. HARKIN, Mr. SASSER, Ms. MIKULSKI, Mr. D'AMATO, Mr. DOMENICI, Mr. HATFIELD, and Mr. SPECTER conferees on the part of the Senate.

Mr. LAUTENBERG. Mr. President, I express my thanks to my colleagues, because in this particular bill we had a radical change from the past practice. It was not easy for the Members to reconcile a change in process that was as significant as this was. But we are on the way, I believe, to doing what is being asked of us in terms of reinventing Government, in terms of streamlining things, in terms of making certain that the taxpayers' contributions to the functioning of Government are as well spent as they can be. I think we have enhanced that process, Mr. President.

As a result of the cooperation of my colleague from New York, Senator D'AMATO, we were able to turn out a bill, despite some points of contention which we worked through in the Chamber here. I think we did it with reasonable dispatch. It took longer than we hoped, but less time than it might have been.

I particularly extend my thanks to the staff that worked so hard and diligently in a very short period of time, because this bill did not linger at all between its trip from the House to the Senate, and everybody knows that appropriations bills originate there. I want to express my appreciation to Pat McCann, our senior staffer; Peter Rogoff; Anne Miano, for her very good job. I also acknowledge the contributions of Joyce Rose, and Dorothy Pastis, and three detailees, Mr. Burt Russell, who is on leave from the Department of Transportation, Mr. Eric Marts from the General Accounting Office, and Ken Heist from the Department of Defense. I also recognize the contributions of Russell Houston of my personal office.

I yield the floor.

Mr. MITCHELL. Mr. President, I commend the distinguished Senator from New Jersey, the chairman of the subcommittee and manager of the bill, and the distinguished Senator from New York, the ranking member, for their diligence in gaining the Senate's approval of this legislation by an overwhelming margin and for the skill and perseverance with which they managed the bill through to that successful conclusion.

Mr. President, the remaining appropriations bill is the Department of Defense appropriations bill. That was reported by the full committee on Monday, and under the Senate's rules, it is not in order to be brought before the Senate unless there is a unanimous consent prior to tomorrow. I am advised that we have not obtained that consent. Therefore, we will not be in a position to proceed to that bill until tomorrow at the earliest.

I will, therefore, announce—and I have already discussed this briefly with the distinguished Republican leader and other Senators involved—what the schedule will be, and the Republican leader and I have agreed to meet. He had a prior engagement, and as soon as that is completed, we are going to meet, and I will have an announcement to make with respect to the schedule for the remainder of the day and the week.

The Senate will not be in session on Friday, Monday or Tuesday, based upon a prior announcement with respect to the Columbus Day weekend.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I now ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, with no other Senator seeking recognition for the purpose of addressing the Senate, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin is recognized for 10 minutes.

THE NEED FOR LONG-TERM CARE REFORM

Mr. FEINGOLD. Mr. President, I rise today to comment on one aspect of the health care debate—the need for long-term care reform. I spent a great deal of the past 10 years working on long-term care issues and developing long-term care programs in Wisconsin. Over the next several weeks, I will be speaking on the floor about long-term care reform and will comment on different pieces of the long-term care reform provisions of the President's health care plan.

As chair of the Wisconsin Senate Aging Committee for 10 years, it was my privilege to participate in developing some of this country's most significant, cutting-edge health care reform. The long-term care programs developed in Wisconsin have been the basis for work done not only in other States, but in other countries. I was pleased to hear First Lady Hillary Rodham Clinton's comments about Wisconsin's long-term care programs, and it is easy to see the influence our State has had in the long-term care provisions of the President's health care plan.

Mr. President, in the coming weeks I will be looking at some of the specific provisions of the President's long-term care proposal and offering comments on those specific provisions.

Today, however, I congratulate President Clinton for including a significant long-term care reform provision in his overall health care reform plan.

The President has proposed an expanded home- and community-based long-term care benefit for any individual needing help with three or more activities of daily living, or who has a severe cognitive or mental impairment or mental retardation, or, for children under the age of 6, who are dependent on technology and otherwise require hospital or institutional care. Under this plan the States administer this new long-term care program and will have the flexibility to design their own community-based program according to their own needs.

Most importantly, the President's proposal also includes provision for consumer-oriented and consumer-directed services, and I think would be the basis for the kind of reform we most need.

Mr. President, our country is facing a health care crisis. Although there is disagreement on the specifics of reform, with over 35 million Americans lacking health care coverage and the cost of care exploding, the need for comprehensive acute care reform is widely acknowledged.

Prior to the release of the President's plan, there had been many health care reform proposals, but few of them recognized that including a meaningful long-term care reform provision was essential to achieving the goals of health care reform.

Though long-term care benefits have been included in some health care reform plans, none of the proposals prior to the President's plan offered the fundamental reform that is needed. This is a serious mistake. The demographic imperatives of health care dictate that if we are ever to get health care costs under control, we must include long-term care reform in the health care reform package.

The elderly are the fastest growing segment of our population, and those over age 85—individuals most in need of long-term care—are the fastest growing segment of the elderly.

The over 85 population will triple in size between 1980 and 2030, and will be nearly seven times larger in 2050 than in 1980.

At the same time, the working base of the country—those people whose tax dollars are supporting the growing population needing Government-financed long-term care services, and whose earnings help support family members needing long-term care—is shrinking relative to the population of long-term care consumers.

In 1900, there were about 7 elderly individuals for every 100 people of working age. As of 1990, the ratio was about 20 elderly for every 100, by 2020 the ratio will be 29 per 100, and after that it will rise to 38 per 100 by 2030.

Failure to reform our current long-term care system will mean a growing population of long-term care consumers served by a dwindling set of costly alternatives, and supported by a relatively shrinking population of workers and taxpayers.

Mr. President, in addition to facing a growing population in need of long-term care services, long-term care reform is essential if we are to control health care costs and begin to address the deficit. I know that is one of the many hopes the President has for his health care plan to make a significant contribution to deficit reduction.

Other than interest on the Federal debt and Social Security, the two Federal health care programs, Medicare and Medicaid, are the only areas of spending in our entire Federal budget where we are devoting a larger portion of our national wealth than we were 30 years ago. Those two health care programs are among the central areas of spending that we must attack if we are to make any significant headway on the Federal deficit.

Long-term care already represents 40 percent of our total health care expenditures; two-thirds of our Medicaid budget. And we can expect those numbers to grow.

At the same time, efforts to contain the cost of acute care services will be in vain unless we reform our long-term care system of the same time.

We have already seen how the health care system is adept at shifting costs. When Federal or State policymakers try to clamp down in one area, utilization will jump in another area and therefore, no real savings will be achieved.

A good example of this happening was when the Federal Government changed several aspects of Medicare reimbursements. Patients were discharged from hospitals quicker and sicker than they had been before with a resulting increase in utilization in other areas, including long-term care services such as nursing homes.

Trying to contain costs in the acute care system alone would be like squeezing only one side of a balloon.

Long-term care not only makes up an increasingly significant share of Federal health care expenditures, but failure to reform our long-term care system as we reform the rest of health care invites the balloon effect—cost shifting from our acute care system to our long-term care system, and no net savings in dollars that is so desperately needed for deficit reduction.

We will be unable to achieve the critical goal of deficit reduction unless we can contain our growing health care costs, and we will be unable to do that unless long-term care is in the overall health care reform package.

Mr. President, long-term care reform is also the key to changing our health care philosophy, moving away from our current regulation-intensive, regulator- and provider-friendly system to one which responds to the individual needs and preferences of consumers of health care.

We are fortunate in Wisconsin to have seen how a consumer-friendly long-term care program can work. The Wisconsin Community Options Program, known as COP, has become one of the preeminent long-term care programs in the country.

COP has demonstrated two important things: First, it showed that one could establish a long-term care program that is flexible and able to respond to individual consumer needs and preferences; second, it showed that such a program could be a cost effective alternative to institutionalized care. It apparently has saved us in Wisconsin over $100 million in just 10 years.

The underlying principles of COP should be applied to our entire health care system, and including COP-based long-term care reform in the health care reform bill could lay the groundwork for changing our entire health care system.

Once COP-based long-term care programs are established, consumers will realize that they need not accept a system that dictates to them by limiting their health care choices.

An example outside of Wisconsin that I have had a chance to visit is the On Lok Program in San Francisco which has already shown what can be done at a local level by exceptionally energetic and creative people. Along with the PACE Replication projects around the country, they are demonstrating what is possible in the way of consumer-responsive comprehensive health care. And I was happy to see that the President's plan acknowledges the importance of developing these integrated acute and long-term care systems at the same time.

Mr. President, the Community Options Program and on lok point the direction in which health care can and should evolve, locally based programs that dovetail COP and on lok principles.

By establishing consumer-oriented principles in the health care package, we can take the first step in that direction. We have with the President's plan a unique opportunity to shape a long-term health care component of a comprehensive health care reform initiative in a manner that will be both cost-effective and responsive to the needs of millions and millions of Americans.

So, Mr. President, I look forward to playing a very active role in the whole health care debate as I am sure we all do and in particular in bringing up on this floor at every opportunity I get the importance of including long-term care reform as a part of the health care reform package.

Thank you.

I yield the floor.

The PRESIDING OFFICER. Does the Senator from Wisconsin suggest the absence of a quorum?

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

The Senator from Michigan, [Mr. RIEGLE].

Mr. RIEGLE. Mr. President, I ask unanimous consent to proceed for 10 minutes as in morning business to discuss the NAFTA issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

NAFTA

Mr. RIEGLE. Mr. President, I have today in front of me a copy of today's Washington Post business section. The center story in the center of the page is about the loss of American jobs to Mexico which is now taking place and which is likely to get much worse if this NAFTA agreement should be passed. I want to read from the article and then comment briefly on it.

Let me now ask unanimous consent that at the end of my remarks the full text of this article be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RIEGLE. The headline on the article is "A High-Tech, Low-Wage Lure." Then the subheadline is, "Hughes's Move to Mexico Illustrates a Thorny NAFTA Issue." Here is the text, dateline Tijuana, Mexico:

> When former Hughes Aircraft Co. project manager William Lewis was assigned the task in 1988 of defending a company decision to transfer high-technology U.S. defense work from Newport Beach, Calif., to a Hughes plant here in Mexico, he was suspicious.
>
> "I had to live the lie," Lewis said in a telephone interview, referring to claims that jobs wouldn't be lost. "I knew that somewhere down the line, people would lose their jobs because of this."
>
> What Lewis didn't anticipate was that his job would be among them.
>
> He was one of several hundred laid-off Hughes employees who are confronting the harsh reality that their skilled jobs are just as vulnerable to competition from Mexico's low-cost labor force as are the assembly line jobs of U.S. auto workers or other blue-collar employees. They are finding that not even government contract work supported by taxpayer dollars, is immune to the lure of cost efficiency offered here in Mexico.
>
> As Mexico joins the Clinton administration in the battle for U.S. congressional approval of the proposed North American Free Trade Agreement (NAFTA), it is finding that cheap labor and cost efficiency—two of this country's strongest economic selling points—are turning into political hand grenades in the NAFTA debate.
>
> Labor groups and other critics say that the United States, having already lost thousands of manufacturing jobs to Mexico, would be foolish to ratify an accord that could encourage even more U.S. companies to move south.
>
> Proponents argue that NAFTA will open up Mexico's market for the first time to a host of U.S. products and services, thus expanding employment north of the border.

That is, meaning the United States.

> In addition, the agreement's defenders say the pact will help the United States to compete better against other world trading blocs, also stimulating U.S. employment.
>
> Hughes's experience illustrates some of the economic pressures central to the debate over NAFTA.
>
> Lewis and other former Hughes employees said that only a few years ago, the U.S. defense industry had seemed immune to the southbound trend of lower technology industries. The precision work performed by defense contractors was regarded as too sensitive to delegate to workers in a developing country such as Mexico.
>
> But all that changed in April 1989. That's when the Air Force broke new ground by authorizing Hughes's missile systems group to transfer some production of microcircuits—for missiles, jet fighters and other defense-related products—to a maquiladora plant in Tijuana.
>
> Maquiladora facilities are foreign-owned factories, based in Mexico, that make goods strictly for export. Hundreds of U.S. companies have used maquiladoras to lower their labor costs by shifting jobs south, and NAFTA's critics say the pact would open the door for more job losses.
>
> "We recognize this move [to Tijuana] improves your competitiveness and ultimately benefits the government," wrote Air Force contracting officer Robert C. Smith in an April 1989 letter to Hughes.
>
> Now, high-tech companies such as Hughes are finding that with proper training and supervision, Mexican workers are just as capable as their U.S. counterparts in manufacturing the complex microchips that go into aerospace and defense products. And the savings is significant in an industry where labor makes up 30 percent to 50 percent of production costs.
>
> Ron E. Shaver, operations manager for Hughes's microelectronic circuits division, said the cost savings in Mexico are critical to Hughes's remaining competitive—and preserving some related jobs in the United States.
>
> "Yes, we are taking work from the United States, but we wouldn't have the business at all if we didn't have the plant here," Shaver said. "If we can save five jobs [in the United States] by having this operation here, blending work [with U.S. plants] and holding onto

a contract, then we're saving jobs. If we lose the contract, more jobs are lost."

The starting wage in Tijuana for line operators—the people manning the microscopes and chip assembly lines—is 20 Mexican pesos per day, or about $6.40, according to plant manager Jose L. Gaitan.

I am just going to digress from the article to say that I want everybody to be clear what the worker earns in this plant is $6.40 a day. That is according to the plant manager, Jose Guitan.

A more highly trained technical has a starting wage of 35 pesos per day, or less than $1.50 per hour. By comparison, a newly hired technical at the Newport Beach plant earns about $17 per hour, a former Hughes technician said.

Inside dust-free production rooms here at Hughes's Circuitos Binacionales de Tijuana maquiladora, Mexicans from nearby dirt-poor neighborhoods don smocks and surgical masks each day to operate $100,000 machines. They produce and test tiny microcircuits whose construction is so intricate that microscopes are required to examine wiring one-eight the thickness of a human hair.

According to former Hughes employees and government documents, the finished microchips are sent back to the United States, where at least some are assembled inside weapons such as the Air Force's advanced medium-range air-to-air missile, or AM-RAAM.

Until 1989, AMRAAM microcircuits were produced almost exclusively at Hughes's Newport Beach plant. But Hughes officials said that as federal defense spending dropped with the end of the Cold War, the company begin seeking ways to cutting production costs to remain competitive.

"The government placed upon us the necessary to get into competitive bidding. [The move to Tijuana] was a sure-fire way of containing costs and maintaining competitiveness," Lewis said. A "direct cause and effect," he said, was that 300 to 400 employees were laid off in Newport Beach.

Hughes spokesman William Herrman said instead that layoffs at Newport Beach were part of an across-the-board "downsizing" plan, and even jobs at the Tijuana plant have been slashed from a 1988 high of 225 employees to the current level of 120 workers. Worldwide, Hughes has dropped from a high of 83,000 employees in the mid-1980s—when roughly 80 percent of its contracts were defense-related—to around 57,000 now.

Former Hughes employees, including some who support NAFTA, argued that the Air Force's acceptance of Hughes's move to Tijuana sent the wrong signal to defense contractors that U.S. jobs should be regarded as expendable.

"I don't begrudge the Mexicans who want to work," said Robert Dingman, a former Hughes technician who helped manage the expansion of the Tijuana plant. "But how can [Hughes and the government] justify using U.S. tax dollars to take away American jobs?"

That is the end of the article. That really underscores the issue. We are seeing the job base of the United States strip-mined steadily as these jobs are moved out of the United States down to Mexico.

This illustration has to do with defense-related production. These were jobs lost in southern California which had moved across the Mexican border and now are located in Mexico. So, in effect, it has become a jobs program for Mexico.

I think we need a jobs program for America. We ought not to be shrinking our job base in order to move these jobs down to Mexico. That will be greatly accelerated under this NAFTA agreement.

The reason for that is the NAFTA agreement provides a lot of very attractive investment guarantees for companies to go down there and take advantage of this very low cost labor, and also the fact that the workers down there are quite productive. In fact, over 300,000 young Mexican workers are now training each year to be engineers so that the production down there is ever more sophisticated and, of course, the issue then comes back to us: Well, what happens if a plant here closes and people are put out of work and the plant is moved to Mexico and Mexican workers are employed? What happens to the workers here who are without a job and oftentimes without any means of supporting their families or paying for health care expenses or any of the other necessities of life that every person and family needs?

That is the problem. But the fact that the Washington Post is featuring that today on the front page of its business section illustrates that it is already happening. It is happening. And if you, in effect, give a flashing green light that says it is OK, "Let's do more of this"—and that is what passing NAFTA would do—it would be a flashing green light to all the rest of the companies in America that it is fine for them to close their operations here in the United States, shut down American jobs and move that work down to Mexico and give that work to a Mexican worker who will work for maybe one-seventh as much, or one-ninth as much as the American worker who is losing their job.

Finally, I think it is essential that we do everything we can to strengthen the private sector job base in America. I think it is our single most important strategic move that we must make.

I am helping lead the fight for health care reform and feel strongly that the President's idea in that area is one we must pursue. But even to afford to make the health reform changes or to improve education or to improve our pension system or to fight crime, we have to have a robust economic system, we have to have more jobs, more jobs in America and have the economic strength and the incomes with which to do all these other things.

Right now we have a crime epidemic in the country. A lot of it has to do with the fact that we have a growing underclass of people who cannot find work. We see the middle class shrinking as people with even two workers in the family, a husband and wife, are out trying to make a living; people are still sliding backward; many people are only able to find part-time work. In fact, in our employment figures, if a person works as little as 1 hour a week, they are counted as employed. When you see that employment figure, that hides, masks the fact that many of those people are not working full time. Many of them, of course, are not working full time and do not have benefits to speak of—no health care, things of that kind.

So we have a very serious job problem in America and it relates to our crime problem. The more poverty we have, and we have more people on poverty and food stamps right now than we ever had in our history—people need work to provide a focus to their lives, give meaning to their lives and allow them to express their own dignity through just the value of work, the purpose and the mission of work.

But more than that, in addition to that, people need the income, people need to be able to earn a living, a decent living, to provide for themselves and their families, to see to it they can provide health care and educational opportunities for their children and job training opportunities for their children and hopefully buy homes—not just be renters all their lives—and sometime along the way be able to put enough money on the side for retirement so people can have decent retirement in their retirement years.

It is absolutely essential we nourish, enrich, and strengthen and preserve the American job base. NAFTA does exactly the reverse. It ships our jobs to Mexico.

NAFTA is essentially a process of strip mining the job base of America and shipping those jobs to Mexico to take advantage of the low labor rates, the high productivity, as this article points out, and also the absence of meaningful environmental standards and environmental enforcement. That is what has caused the rush down there, why that will greatly accelerate if NAFTA were to pass.

Also, if the Mexicans devalue their currency, as almost every economist thinks they will after a NAFTA agreement, you will see a huge trade deficit open up. So we will not only be losing the jobs, but we will have a situation where we have a serious trade deficit on our hands just back and forth between ourselves and Mexico.

We need to defeat NAFTA, go back to the drawing board, draft a new agreement, and I hope that will be the will of the Congress. I thank the Chair.

EXHIBIT 1

[From the Washington Post, Oct. 6, 1993]

A HIGH-TECH, LOW-WAGE LURE

(By Tod Robberson)

TIJUANA, MEXICO.—When former Hughes Aircraft Co. project manager William Lewis was assigned the task in 1988 of defending a company decision to transfer high-technology U.S. defense work from Newport Beach Calif., to a Hughes plant here in Mexico, he was suspicious.

"I had to live the lie," Lewis said in a telephone interview, referring to claims that jobs wouldn't be lost. "I knew that somewhere down the line, people would lose their jobs because of this."

What Lewis didn't anticipate was that his job would be among them.

He was one of several hundred laid-off Hughes employees who are confronting the harsh reality that their skilled jobs are just as vulnerable to competition from Mexico's low-cost labor force as are the assembly line jobs of U.S. auto workers or other blue-collar employees. They are finding that not even government contract work, supported by taxpayer dollars, is immune to the lure of cost efficiency offered here in Mexico.

As Mexico joins the Clinton administration in the battle for U.S. congressional approval of the proposed North American Free Trade Agreement (NAFTA), it is finding that cheap labor and cost efficiency—two of this country's strongest economic selling points—are turning into political hand grenades in the NAFTA debate.

Labor groups and other critics say that the United States, having already lost thousands of manufacturing jobs to Mexico, would be foolish to ratify an accord that could encourage even more U.S. companies to move south.

Proponents argue that NAFTA will open up Mexico's market for the first time to a host of U.S. products and services, thus expanding employment north of the border. In addition, the agreement's defenders say the pact will help the United States to compete better against other world trading blocs, also stimulating U.S. employment.

Hughes's experience illustrates some of the economic pressures central to the debate over NAFTA.

Lewis and other former Hughes employees said that only a few years ago, the U.S. defense industry had seemed immune to the southbound trend of lower technology industries. The precision work performed by defense contractors was regarded as too sensitive to delegate to workers in a developing country such as Mexico.

But all that changed in April 1989. That's when the Air Force broke new ground by authorizing Hughes's missile systems group to transfer some production of microcircuits—for missiles, jet fighters and other defense-related products—to a maquiladora plant in Tijuana.

Maquiladora facilities are foreign-owned factories, based in Mexico, that make goods strictly for export. Hundreds of U.S. companies have used maquiladoras to lower their labor costs by shifting jobs south, and NAFTA's critics say the pact would open the door for more job losses.

"We recognize this move [to Tijuana] improves your competitiveness and ultimately benefits the government," wrote Air Force contracting officer Robert C. Smith in an April 1989 letter to Hughes.

Now, high-tech companies such as Hughes are finding that with proper training and supervision, Mexican workers are just as capable as their U.S. counterparts in manufacturing the complex microchips that go into aerospace and defense products. And the savings is significant in an industry where labor makes up 30 percent to 50 percent of production costs.

Ron E. Shaver, operations manager for Hughes's microelectronic circuits division, said the cost savings in Mexico are critical to Hughes's remaining competitive—and preserving some related jobs in the United States.

"Yes, we are taking work from the United States, but we wouldn't have the business at all if we didn't have the plant here," Shaver said. "If we can save five jobs [in the United States] by having this operation here, blending work [with U.S. plants] and holding onto a contract, then we're saving jobs. If we lose the contract, more jobs are lost."

The starting wage in Tijuana for line operators—the people manning the microscopes and chip assembly lines—is 20 Mexican pesos per day, or about $6.40, according to plant manager Jose L. Gaitan. A more highly trained technican has a starting wage of 35 pesos per day, or less than $1.50 per hour. By comparison, a newly hired technician at the Newport Beach plant earns about $17 per hour, a former Hughes technician said.

Inside dust-free production rooms here at Hughes's Circuitos Bianacionales de Tijuana maquiladora, Mexicans from nearby dirt-poor neighborhoods don smocks and surgical masks each day to operate $100,000 machines. They produce and test tiny microcircuits whose construction is so intricate that microscopes are required to examine wiring one-eighth the thickness of a human hair.

According to former Hughes employees and government documents, the finished microchips are sent back to the United States, where at least some are assembled inside weapons such as the Air Force's advanced medium-range air-to-air missile, or AMRAAM.

Until 1989, AMRAAM microcircuits were produced almost exclusively at Hughes's Newport Beach plant. But Hughes officials said that as federal defense spending dropped with the end of the Cold War, the company began seeking ways of cutting production costs to remain competitive.

"The government placed upon us the necessity to get into competitive bidding. [The move to Tijuana] was a sure-fire way of containing costs and maintaining competitiveness," Lewis said. A "direct cause and effect," he said, was that 300 to 400 employees were laid off in Newport Beach.

Hughes spokesman William Herrman said instead that layoffs at Newport Beach were part of an across-the-board "downsizing" plan, and even jobs at the Tijuana plant have been slashed from a 1988 high of 225 employees to the current level of 120 workers. Worldwide, Hughes has dropped from a high of 83,000 employees in the mid-1980s—when roughly 80 percent of its contracts were defense-related—to around 57,000 now.

Former Hughes employees, including some who support NAFTA, argued that the Air Force's acceptance of Hughes's move to Tijuana sent the wrong signal to defense contractors that U.S. jobs should be regarded as expendable.

"I don't begrudge the Mexicans who want to work," said Robert Dingman, a former Hughes technician who helped manage the expansion of the Tijuana plant. "But how can [Hughes and the government] justify using U.S. tax dollars to take away American jobs?

Mr. RIEGLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

The PRESIDING OFFICER. We are in morning business.

SOMALIA

Mr. LEVIN. Mr. President, the loss of American lives in Somalia has caused an understandable call for the United States to immediately withdraw. When I see the chilling pictures and hear what has happened to our troops, in my heart I have the same reaction. But we have to act with our heads, not just with our hearts. And my head says that we cannot blow hot and cold on our security commitments just because of the latest terrible television images. And my head also says that if we pull out our troops precipitously, the United States would be cutting and running from far more than Somalia.

We did not enter Somalia precipitously. People were starving there for months before we acted, and we organized an international response. We went to prevent a tragedy—mass starvation resulting from chaos and anarchy. Food was being used as a political weapon by lawless gangs and warlords. The United States led an effort to halt that tragedy, and many nations of the world joined us.

Then the goal got blurred. Our purpose got fuzzy. We need clarity and a plan for removal of our troops soon. That is why the Senate and House both passed a resolution asking the President for a report on the policy objectives by October 15 and asking him to seek authorization from Congress by November 15.

Now many are saying that the humanitarian crisis is over, that the Somali want us out of their country and U.S. soldiers are dying for no purpose. I do not buy it. I do not believe that the citizens of Somalia really want anarchy and starvation, and I believe that there is a purpose, a continuing purpose to create a secure environment so that there is no return to the chaos, the anarchy, and the starvation that brought us there in the beginning. Our goal as stated in those same House and Senate resolutions must also be to seek the prompt transfer of responsibility for the operation away from a reliance on the American Quick Reaction Force.

Now, what would be the implications if we pull out precipitously? Because that is the issue. It is not whether we remove our troops; it is under what circumstances we remove our troops. Are we going to remove our troops precipitously or are we going to remove them in good order with a plan? What would be the implications if we precipitously removed our troops?

First, with Americans captive in Mogadishu and with Aideed still fighting for control of that city, precipitously pulling out now would show that the whole world is hostage to a small gang with small arms.

Aideed is basically trying to run the United Nations out of Somalia, and if the world knuckles under to him, then it basically gives up on a humanitarian mission that brought it to Mogadishu and Somalia. It would send out an unmistakable signal that one factional warlord can win against the entire world.

We would also do something else—and we would rue the day we ever did it—we would vindicate the targeting of Americans specifically and we would encourage potential adversaries to target American troops as the easiest way to get America to lose its sense of purpose.

We would also send a discouraging signal to our own troops if we pull out precipitously. The men and women of our Armed Forces need to know that when we send them into harm's way, it is for a purpose and that we will back them and give them the tools they need to do the job. A precipitous withdrawal would injure the morale of the very men and women to whom we should be giving our full support, the men and women who are wearing the uniform of the United States of America.

The international credibility of the United States to stick to its commitments and to succeed in its purpose would also be undermined if we were to precipitously pull out of Somalia, and in the longer term, if we do that, we may threaten any ability for the United States to forge effective coalitions in response to aggression, whether through NATO, through ad hoc coalitions like we did in the gulf war, or through the United Nations.

The world finally has a chance to act together after the cold war, and Somalia is one of the first places we are trying to do that. We must not be the country which fractures that effort.

What would our reaction be if the Pakistanis, who have also taken casualties in Mogadishu, decided to pack up and go home? How would we respond to the unraveling of a coalition that left us holding the bag? How can we prevail upon other nations to contribute to peacekeeping, as we inevitably must, both where the United States has a presence and in areas where we chose not to, if we do not make a reasonable effort to stand by commitments we have freely made?

We should not be in every coalition, but we need coalitions to be created and we need coalitions to work. What will we do the next time we need to face down a terrorist state that threatens the world with nuclear or chemical weapons? How are we going to convince other nations to join us then if we shrink from commitments into which we have freely entered?

We must leave Somalia, but we must leave in a way that avoids another tragedy on the ground and a larger crisis in the crucial effort to create a secure world after the cold war.

Yes, we must leave Somalia but as part of a plan where other nations, including African nations, contribute the resources and the people to leave a secure environment for food distribution in Somalia.

Gen. Colin Powell said it best less than a month ago when he said he thinks

> We should stay there for the foreseeable future to continue to play our part in the U.N. effort. And it will be very unwise for us to suddenly pull our troops out. It would be devastating to our hopes for the new world order.

And then in his retirement speech at the National Press Club, General Powell said:

> In the case of places like Somalia where the mission was nice and clear cut when we went, but it's becoming a little more difficult now, we will have to continue our calculus of political objectives * * * and sort them out.

Then he added:

> But because things get difficult, you don't cut and run. You work the problem and try to find a correct solution.

Our first priority, Mr. President, of course, is to protect our troops while they are there and to give them the force they need to perform the mission they have been assigned. And it is urgent for the President to define that mission more clearly for our troops, for the American people, and for the world.

And again, this Senate and the House have asked for that clarity. We voted almost unanimously on September 9 to urge the President to narrow the policy objectives in Somalia and to report to the American people by October 15 on a timetable for United States troop removal and transfer of peacekeeping functions to other countries.

The House of Representatives has asked for the same thing, and now the casualties of American soldiers in Mogadishu demand that clarification of policy more urgently than any speech in Congress can.

President Clinton and his advisers are developing those plans, and the President has that responsibility to articulate how we are going to help protect humanitarian assistance, the process that we have begun so that our efforts are not wasted by a precipitous withdrawal which returns Somalia to the same state of anarchy which brought us there originally.

We need articulated answers to several questions: What are we doing immediately to give our troops the force they need to carry out their mission and to protect themselves? What are we doing to recover Americans currently held by Somalia?

What preparations are we making to retaliate if they are harmed? What are we doing to focus the efforts of the U.N. mission and to narrow the role that U.S. forces are playing? How will that participation be terminated in a way that does not contribute to the recurrence of chaos, anarchy, and starvation?

For the most part, the Somalia operation has been a success. Despite violence in parts of Mogadishu, most of the country, including Kismayu, remains peaceful. In most parts of Somalia, the U.N. mission is achieving its goals: Food distribution has been reestablished, the basic building blocks of civil society are being reintroduced, including local governance, communications systems, and police forces.

A precipitous withdrawal would do more than leave Mogadishu to the warlords and the gangs and to a return to chaos and starvation.

Another tragedy that would result would be a giant retreat on the road to developing new structures for assuring peace in our world in the wake of the cold war.

In a sense, it is unfair to make Somalia a test of our ability to act in concert with other nations, to enforce peace in a war-ravaged corner of the world far from our shores. But there will be much tougher tests ahead.

This is a historic effort. It is peace enforcement. The founders of the United Nations knew this capability was needed 48 years ago when they wrote the U.N. Charter and included this authority in chapter VII. But the cold war made it impossible to implement chapter VII peace enforcement. The veto and the threat of a veto from the Soviet Union was always present. Now the Security Council, with our leadership and our vote, has decided, at least in Somalia, to authorize a peace enforcement mission.

We cannot shrink back in isolationism, and we cannot afford, nor should we try, to be engaged in every crisis around the world. If we want to be leader of the world, but not be the world's policeman, than we have to take the responsibility to assist in the creation of multinational police forces.

If the United States does not lead our allies to create multinational enforcement mechanisms the post cold war order could turn into terrible disorder. We must not squander this chance for security, the way the League of Nations was squandered.

Will there be costs? Yes. U.S. participation in multinational peace enforcement operations will require funding and troops and other resources. But investments in a solid system of preventive diplomacy, in multinational peacekeeping and peace enforcement, are investments we cannot afford not to make—they will save us resources in the long run.

What we definitely cannot afford, is to allow regional conflicts to go unrestrained, to spread, to engulf larger regions. Because then, as our direct economic and military interests become more and more affected, the United States will be drawn into conflict on even less favorable terms, with even higher costs to American lives and to our budget.

We cannot escape because we are oceans away. The United States learned in two world wars that we cannot pull back. If we are not involved early, we often get pulled in late, with greater losses than if we had acted at the outset.

That is one of the costs of not acting, or of pulling out too soon. Gen. John Shalikashvili, the new Chairman of the Joint Chiefs of Staff, highlighted this concept in his confirmation hearing before the Senate Armed Services Committee. The cost of not acting to create peace can be very high in terms of lives, he said, and very expensive in terms of the disruption to security and the resources we might need to stem much larger conflicts if the small ones are allowed to grow.

The United States has a special responsibility, if we want to be world leaders, to help make these operations work.

Mr. Kofi Annan, the head of all U.N. peacekeeping operations, said it best:

> For an operation like this to succeed, you need unity of command, acceptance by all the contingents that orders will come from the force commander.

This operation in Somalia has shown the importance of having clear command and control, interoperability between troops of many nations, similar training and complementary capabilities, and clearly understood rules of engagement.

But most important: The mission must be clear to everyone and the command structure must be obeyed. Much of the danger in Somalia comes from the fact that the United Nations is engaged in peace enforcement under chapter VII for the first time. That is never easy, and it carries some risk. But it is risk worth taking in order to build a working system of international security in the wake of the cold war's end.

If the United Nations is going to take on multinational peace enforcement, it needs to organize better and create the modern capabilities that military operations require to be successful, and the United States needs to participate. We have the best-trained, best-equipped forces in the world. We have the excellent experience of NATO, where coordination in command and execution has been practiced and honed for years.

If the community of nations proves unwilling to enforce international law, then our tough-worded resolutions become engraved invitations for aggressors, dictators, and terrorists to wreak havoc with the international order. Weakness and lack of resolve on our part will invite the violation of borders, ethnic cleansing, enforced starvation, political bombings, and worst of all, the greatest nightmare of all, proliferation of weapons of mass destruction.

I believe the President understands the opportunity the world has before it. He spoke of it at the United Nations last month—not just the opportunities but the challenges of making multinational peace enforcement work. I believe the American people understand that at times the world needs to stand together with force when necessary. Not everywhere. Not always. But where security interests or overriding humanitarian interests compel action.

Somalia represents a serious test of the world's will and our will. On the one hand, we cannot and should not withdraw forces precipitously. But on the other hand, we cannot and will not accept an open-ended commitment, a gradual escalation or an aimless effort. The American people will not support that, and I will not support that.

Despite the discouraging events in Somalia and elsewhere, there are reasons to be optimistic: The cold war is over, which should permit the U.N. Security Council to function. The American people know that while there is a dangerous world out there, isolationism won't work. They sense the world is too small for us to remain isolated for long, even if we wanted to.

The American people sense that the world needs to act to avoid conflagrations by stopping small brush fires before they spread, and that effective, organized multinational enforcement is one way to do this. Every nation will retain the right not to participate. Forces must be freely offered by many nations for a multinational force to be effective.

The real question is, Will the United States help provide the leadership we are capable of to make international peace enforcement work? If we are not willing to do so, then we had better resign ourselves to the consequences—wider wars and greater losses later because of our failure to learn history's lesson: that the world must stand together at critical junctures.

Mr. President, the status quo in Somalia is not acceptable, but we cannot afford to fail in Somalia, either—the larger stakes for our security and the world's are too great. With the end of the cold war, we have been given an opportunity we never thought we would have. We must take that challenge and learn to do it right.

We should act on the opportunities that we have to create the possibility of a new world order and not squander those opportunities by a precipitous cutting and running in Somalia, even with all the difficulties that it presents and with all the heartache that it causes to each of us and to our constituents.

I thank the Chair. I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. I thank the Chair.

(The remarks of Mr. SHELBY pertaining to the introduction of S. 1521 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Who seeks recognition?

The Chair recognizes the Senator from Texas [Mrs. HUTCHISON].

UNITED STATES PRESENCE IN SOMALIA

Mrs. HUTCHISON. Mr. President, I believe that the President of the United States should have wide latitude to represent the United States in foreign policy and Congress should be careful not to undermine our President's authority in that area. That is why I supported Senator BYRD's compromise resolution on September 9, not cutting funds for our mission in Somalia, but asking the President to report to Congress on our mission there and to seek the authorization of Congress if United States participation were to continue after November 15.

The Senate sent a strong signal to the President September 9 that it had grave reservations about our presence in Somalia, but it respected his position and sought to give him a chance to formulate a policy.

Events this week have heightened the apprehension of the American people. I supported our original mission, which was humanitarian in nature and limited in scope. I can no longer support a continued United States presence in Somalia because the nature of the mission is now unrealistic and because the scope of our mission is now limitless.

Mr. President, the prestige of our Nation should never be committed in a cavalier manner. We can never escape the fact that once U.S. military power is committed to an enterprise, there are only two basic options left to conclude the endeavor.

The first option is escalation, and by this I do not mean the incremental escalation that was such a resounding failure in Vietnam. I mean an overwhelming escalation that subjects our adversary to a level of violence that makes it unacceptable for him to pursue his objectives. Desert Storm was an example of such a use of military force. Our operations in Somalia are not sufficient to meet this test.

The second option available to us as a Nation is withdrawal. We experienced humiliation when we were forced to withdraw from Beirut in 1983 following the attack on our marine barracks. But, since we were not prepared to escalate, withdrawal was our best option.

So let us look briefly at these two options today and the costs to our Nation. Before we examine the courses of action available to us, let us look at how we arrived at our current dilemma.

Unfortunately, we have allowed ourselves to be drawn into an expansion of a limited humanitarian mission which has become a broad U.N. mission to try to build a democratic nation where none exists. For a democratic country to flourish, there are certain institutions that must exist or be created, and they must be sustainable. These institutions include, but are not limited to, a free press, an independent judiciary, the rule of law, and free and unfettered elections. None of these institutions are present in Somalia today, nor are they visible on the horizon.

Mr. President, we have traded the ideal of plurality at the ballot box for Somali citizens for the reality of burial plots for American soldiers. As a Nation, we are now faced with a choice between the two options, escalation or withdrawal.

Can we pacify Mogadishu? Clearly, yes. But are we as a Nation willing to impose the level of violence and destruction on the rebels in Somalia that we would be necessary to accomplish our objective with minimal United States casualties? I believe the answer to that question is no, especially when we must take into account the fact that our adversary makes a practice of using women and children as human shields when firing on Americans.

Mr. President, it is no small feat for a superpower to accept setback on the world stage, but a step backward is sometimes the wisest course. I believe that withdrawal is now the more prudent option.

The President of the United States has the paramount role in the conduct of our foreign policy, and I support him in that role. The President does, however, have a responsibility to consult with the Congress on matters of shared jurisdiction between the legislative and executive branches. Implicit in the Congress' constitutionally mandated authority to provide for the common defense is the responsibility for the President to consult with the Congress concerning the use of such forces even when not seeking a formal declaration of war.

Mr. President, I hope President Clinton will present a plan for withdrawal. I do not believe the American people see the mission for escalation. I do believe the American people want our Government to protect the Americans who are now there. I do believe the American people want the United Nations to make every diplomatic effort to help bring peace to the warring factions in Somalia. But, I do not believe they are willing to put American troops between those warring factions to be humiliated and tortured in the process.

I just want to end by saying to the President: President Clinton, give us a plan for an honorable withdrawal, and you will have bipartisan support.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Alaska is recognized.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I would like to make a brief statement about a constituent of mine who was wounded in the conflict in Somalia.

The PRESIDING OFFICER. The Senator may speak for up to 10 minutes.

Mr. MURKOWSKI. Mr. President, it is not my intention to speak at any length.

TRAINED AS A WARRIOR, NOT A HUMANITARIAN

Mr. MURKOWSKI. Mr. President, yesterday, I had an opportunity to talk to Terry Maddox, the father of a young man from Eagle River, AK, outside of Anchorage, who was wounded in one of the initial conflicts, a firefight, that occurred in Somalia. I would like to share with you the comments of that father.

He said, "My son was trained as a warrior"—as a warrior, Mr. President—"not trained as a humanitarian in the sense of maintaining a peacekeeping force."

This young man, John Maddox, was unable to respond in relationship to the training that he had as a warrior, because he was fearful of harming innocent civilians, children, and others that were in this concentrated area where the attack occurred.

As a consequence, he bears bullet wounds and the potential loss of hearing. He is fortunate. He was not captured. He was evacuated to Germany.

But I think it bears reflecting on the lack of direction that we currently see coming from our President, from our Secretary of State, and from our Secretary of Defense.

Those of us who were in the briefing yesterday, I think came away with the conclusion that, clearly, we do not have a policy of where we are going and what we are going to do. We all agree that an objective has been met. That objective was to have a presence over there—some 24,000 troops—to address a tremendous humanitarian need; that is, the starvation of the people of Somalia. And we achieved that purpose, as evidenced by the fact that we had reduced our strength to about 4,000 from the 24,000. But, even more vividly, we had closed the food-giving stations, which were some 20 in number, closed the last one. So we had achieved that humanitarian objective.

Now, without any consultation with Members of Congress, the administration has now focused, either consciously or unconsciously, on another objective, and that is to establish some political stability.

So we have gone from a humanitarian objective to a political objective very, very easily. And now we find ourselves in a terrible dilemma of whether we simply walk away or whether we reorganize and restructure and put in a force significant enough to, basically, annihilate those who are in opposition to us.

The competency of our leaders is somewhat in question in this regard.

We have had comments from those in our Joint Chiefs of Staff. When asked what our policy in Somalia was, we heard a response: "It is somewhat muddled."

Well, the young man who was willing to sacrifice his life, and the father, and the families of the men and women in the service, deserve more. They deserve to have the assurance from our leaders as to what our policy is, what our objectives are, so that we can get on with the commitments that we must make, as opposed to the gridlock that we find ourselves in at this time.

So, I know that you share with me the compassion and the sensitivity of this young man's parents. Of course, the good news is that this young man will survive. But this young man will hold you, Mr. President, and me, and the rest of our colleagues responsible for enunciating what our policy is, because that is our obligation—to communicate to our appointed leaders and our elected President. And I think we best get on with that responsibility.

I thank the Chair and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,407,913,021,123.68 as of the close of business yesterday, October 5. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share just happens to be $17,160.83. And each person owing the $17,160.83 can thank the U.S. Congress for running up that debt.

SOMALIA

Mr. HELMS. Mr. President, nearly 11 months have passed since U.S. military personnel landed in Somalia for the clearly stated purpose of alleviating suffering among so many of the pitiful people of that country. Constant and repeated scenes of starving Somalian people tugged at the hearts of most of us, and the United States properly proceeded to deliver humanitarian aid to them.

That was the origin of our involvement in Somalia.

I had no objection to that. As a matter of fact, I approved of it, and said so at the time, just so long as we limited our involvement to humanitarian purposes. I said that over and over again on this floor and elsewhere, which does not make a prophet out of me, but I have some feeling of comfort that at least I understood what the potential could be in the wrong hands.

How things have changed, Mr. President, for the worst. On television this week, the American people have seen the bodies of two U.S. soldiers dragged through the streets of Mogadishu by a screaming, cheering crowd of Somali men and women.

They have seen video footage of a young American soldier, hurt and bleeding, taken hostage and held against his will.

A week ago, following the shooting down of a U.S. helicopter, there was the horrifying footage of Somalis brandishing pieces of burned flesh which they triumphantly boasted were the remains of an American serviceman.

The question, Mr. President, is: Are these the people our Government sent our young men and women to Somalia to save from starvation just 11 months ago? To call this a mission of "humanitarian intervention" is a tragic mischaracterization.

On December 4 of last year, President Bush emphasized to the Members of this Senate that the intervention in Somalia would be limited, assuring—and I quote the President, Mr. Bush—"Our mission has a limited objective, to open the supply routes, to get the food moving, and to prepare the way for a U.N. peacekeeping force to keep it moving. This operation is not open ended."

Well, look at it today.

Mr. President, on May 4 of this year, the United States officially turned over the operation to the United Nations, and that brings up another question that a lot of us in the Senate had questions about or doubts about. That was the placing of American servicemen under the command of foreign commanders. I never envisioned, and certainly I never approved, letting anybody with the United Nations be in charge of the lives of American servicemen. I do not think many Americans would have agreed to that in any event.

But instead of keeping the food moving as we were promised by President Bush—and he made that promise in good faith—the United Nations, led by Secretary General Boutros-Ghali, set as its objective something called nation building. Mr. President, I submit that building a nation is indeed an open-ended commitment, and that is not what we were told last December when we made the decision. So everything logical has been turned on its head, and now we have dead boys coming home in body bags.

But wait. There is more. The objectives continue to change. On Monday, after the American people learned that at least—at least—12 American soldiers had been killed and five U.S. helicopters had been shot down in a single battle, Secretary of State Warren Christopher said that the United States would not leave Somalia until a "secure environment" had been established. By whose authority did he make that statement?

Forgive me, Mr. President, but has the U.S. Constitution been rewritten while nobody was looking? Does the Secretary of State, or for that matter, President Clinton or any other President, now presume to have the authority to declare war? That is what we are talking about.

Mr. President, the families of our soldiers must not be forced to wait until a secure environment is established. They must not be forced to wait until husbands and brothers and fathers appear on the television screens as hostages or casualties dragged through the streets of a far-off land.

A few months ago, as I recall, after 23 Pakistani soldiers were ambushed and killed in Somalia, the distinguished Congressman BEN GILMAN and I joined in writing a letter to Secretary Christopher inquiring whether, in Secretary Christopher's opinion, the United States was involved in hostilities in Somalia. We received a response from Mr. Christopher assuring us that the United States was not engaged in hostilities and was not involved in "sustained military action." Maybe so. But I wonder, Mr. President, how many more American servicemen will come home in body bags before we are engaged in "hostilities." By the way, how does the State Department define the word "sustained"?

All of which means that I support the able Senator from West Virginia—who, by the way, was born in North Carolina—Senator ROBERT C. BYRD, and others in efforts to bring an end to this tragic situation. The United States did its best to deliver aid and assistance to the victims of chaos in Somalia as promised by George Bush last December. But now we find ourselves involved there in a brutal war, in an urban environment, with the hands of our young soldiers tied behind their backs, under the command of a cumbersome United Nations bureaucracy, and fighting Somalia because we tried to extend helping hands to the starving people of that far-off land.

Mr. President, the United States has no constitutional authority, as I see it, to sacrifice U.S. soldiers to Boutros-Ghali's vision of multilateral peacemaking. Again, I share the view of Senator BYRD that the time to get out is now. We can take care of that criminal warlord over there. We have the means to do it and the capacity to do it. But it ought to be done by the United Nations. I do not want to play in any more U.N. games. I do not want any more of our people under the thumb of any U.N. commander—none.

As a matter of fact, while we are at it, it is high time we reviewed the War Powers Act, which, in the judgment of this Senator, should never have been passed in the first place. The sole constitutional authority to declare war rests, according to our Founding Fathers, right here in the Congress of the United States, and not on Pennsylvania Avenue. I voted against the War Powers Act. If it were to come up again today, I would vote against it. I have never regretted my opposition to it.

Mr. President, I thank the Chair and I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, parliamentary inquiry. What is the pending business?

The PRESIDING OFFICER. The Senate is in morning business. Senators are authorized to speak for up to 10 minutes each.

"SAVE YOUR JOB, SAVE YOUR COUNTRY"—CHAPTER VII

Mr. BAUCUS. Madam President, today I take up the last chapter of Ross Perot's book, "Save Your Job, Save Your Country." This chapter is entitled, "How to Make NAFTA Work," and in it Perot lists 10 principles of trade he thinks are important with Mexico.

First, make it part of a long-term trade strategy; negotiate with integrity; do not violate national sovereignty; uphold the legal rights of Americans; increase jobs and wages for American workers; increase jobs and wages for Mexican workers; do not make Mexico an export platform into the United States; protect the health and safety of all parties; protect the environment; enforce the agreement.

Those are Mr. Perot's principles for a good long-term trade agreement. Few would argue with any of these recommendations. Our NAFTA negotiators have accomplished every single one of them. NAFTA is part of a long-term trade strategy to open markets abroad, and NAFTA does protect our national sovereignty and our legal rights as Americans. It further protects the environment, and it means jobs and good wages for American and Mexican workers. Canadians, too, by the way, will benefit from NAFTA.

Rejecting NAFTA, by contrast, would work against most of these recommendations. That is, rejecting

NAFTA would work against most of Perot's recommendations. It would cost jobs here and in Mexico. It would do nothing for worker health and safety—a major problem today before NAFTA. It would allow the environment to keep getting worse in Mexico—a problem that is now occurring without NAFTA.

But rejecting NAFTA would meet one of Perot's recommendations. It would be a long-term trade strategy—a very long-term trade strategy. It would be a strategy of protectionism, high tariffs, injury to consumers, and a retreat from competition.

Mr. Perot is quite open about this. He calls in this chapter for a so-called social tariff on Mexican products to make up for the difference between American and Mexican wages. Well, Mexican wages average about one-seventh of our American wages. The social tariff would thus have to be about 85 percent to achieve its goal—20 times as high as our present American tariff on Mexican goods.

And Mr. Perot advocates such a tariff not just for Mexico, but for every developing country. Obviously, this would not just violate the GATT, the General Agreement on Tariff and Trade—which most of the world agrees with to set basic trade principles—but this would destroy the GATT, since we as Americans would be breaking our commitments to at least 60 of the 110 GATT members.

It would also destroy American export industries and manufacturing, agriculture and services, because developing countries are the world's fastest growing market for American products, and they would respond, I believe, in much the same way. They might themselves impose social tariffs on American goods to make up the productivity differential between their countries and America.

I might add, that is exactly why their wages are about one-fifth to one-seventh of the United States, and why American productivity is 5 to 7 times greater than in Mexico. That is essentially why wages are at this low level, because productivity is one-fifth to one-seventh of that in the United States. These countries might just retaliate against us without all the fancy theory.

So in the end, Mr. Perot is not satisfied with stopping the free-trade agreement. His goal is to set off a tide of protectionism around the world, making the old Smoot-Hawley tariffs we had years ago pale in comparison.

Americans can choose for themselves if that is the long-term strategy they want. Those of us who do not want a return to the Smoot-Hawley tariff policy must evaluate NAFTA on different grounds. We must ask ourselves whether NAFTA would make America better off than it is today. And I think the honest answer to that is "yes."

Take American business. NAFTA opens an export market—a market to sell American products—of 88 million people to the American manufacturers of goods and services. High-technology companies, auto workers, steel, capital goods, and more will all benefit. Last January, the International Trade Commission found that NAFTA will raise exports of American products by at least 16 percent or more in autos and auto parts, computers and electronics, and other products. Bearings, machine tools, steel mills, pharmaceuticals, industrial machinery, chemicals, and others—the International Trade Commission found that exports in those categories will increase 6 to 15 percent when NAFTA passes.

Yesterday, the Commerce Department provided further proof. The Commerce Department found that if NAFTA passes, the American automobile industry will raise exports of American automobiles to Mexico by a full $2 billion in 1994 alone; $1 billion in trucks, $1 billion for cars—15,000 new jobs next year. If you think those jobs might be in Mexico, you might ask why GM has already decided to make the 1995 Chevrolet Cavalier in Lansing, MI, not in Mexico.

The consensus of all reputable studies is that NAFTA will create a net gain of at least 95,000 new jobs in America. It will strengthen the trends which have raised American exports to Mexico from $12.4 billion in 1987 up to $40.6 billion last year, and converted a $1 billion trade deficit we used to have with Mexico now to $5.4 billion trade surplus. And it would permanently raise American gross domestic product—that is jobs, more jobs.

Then take agriculture. NAFTA—to quote Mr. Perot himself—will allow Americans to export an unlimited quantity of feed grain to Mexico. It will remove tariffs of 15 percent on cattle, 20 percent on fresh beef, and 25 percent on frozen beef. It will allow us to solve our problem with Canada's unfair pricing and subsidy policies. Overall, it will mean an increase of $2 to $2.5 billion in American agricultural products.

Third, the environment. The environmental side agreement is a landmark in the history of American trade agreements. Nothing like this has ever been included in any other trade agreement. It sets a very high standard for further environmental protection. It sets a permanent precedent for making environmental protection a top priority in trade negotiations, which has never been done before. It allows us to use trade sanctions to retaliate when governments will not enforce their environmental laws.

The NAFTA is good environmental policy. And, I might add, it looks even better when you compare it with the status quo—that is, without NAFTA. Because without NAFTA, the Maquiladora Program will continue to grow. That is, NAFTA repeals the Maquiladora Program. Without NAFTA, the Maquiladora Program will not only continue, it will continue to grow. We will stand by and watch, just as we do today, while 24 million gallons of industrial sludge and 55 million gallons of sewage pour out of Juarez into the Rio Grande every day. Rejecting NAFTA will do nothing to solve those problems. And that is why the vast majority of American environmentalists support the NAFTA.

Then look at labor policy. NAFTA, for the first time, links labor standards with trade. The labor side agreement may not be as sweeping as the environmental agreement. And I wish that some of those who criticize it today had fought for a tougher labor agreement last spring.

But it is still a step forward. It allows us to use trade sanctions to deny NAFTA benefits to companies that use child labor, evade the minimum wage or will not keep their employees safe and healthy on the job.

A TWO-WAY FREE-TRADE AGREEMENT

Finally, look at NAFTA in a larger economic sense. Remember, today, our tariff on Mexican goods averages 4 percent; and 30 percent of all Mexican goods enter the United States duty-free under the generalized system of preferences or the Maquiladora Program.

On the other hand, Mexico's tariff on our goods averages 10 percent, 2½ times ours. Mexico has many other barriers to trade, including quotas, investment restrictions, and unnecessary inspection requirements. By eliminating them, we will turn today's one-way free-trade agreement into a two-way free-trade agreement.

That is today our barriers are virtually nonexistent. We are virtually an open book, an open market. They can ship products, invest in America. NAFTA will correct that. It will say OK, Mexico, you have to do the same thing; you have to open up; you have to lower your trade barrier; you have to open up, convert the present one-way trade agreement in Mexico's favor to a two-way free-trade agreement in both's favor.

When we looked at last year's text, many of us demanded a better agreement. We got it. President Clinton has given us a NAFTA that will be good for America. Success on this issue is crucial for him—at home and abroad. Now it is time for us to stand with our President, for growth, for environmental protection, for farmers, and for jobs.

PEROT'S ROLE IN AMERICAN POLITICS

This concludes my speeches on Ross Perot's book. I will admit, I have been pretty hard on Mr. Perot during the series. And to be fair to him, I will say that his influence on American politics has not always been this difficult. He did something good for America by making the budget deficit a top priority in the 1992 Presidential campaign.

He helped make both the Republican and Democratic campaigns more serious and more specific. In the long run, he pushed us toward the tough deficit agreement we adopted last July.

The country owes him many thanks for that. But in his campaign against the NAFTA, he has gone too far. His book distorts most of the facts, leaves out a lot of others, and invents a few more. It relies on half-truths, misrepresentations and appeals to fear. It is simply outrageous.

I thank the Senate for its patience while I have made these speeches. I welcome an honest, spirited debate on the NAFTA. And I believe that when we have that debate, NAFTA will pass.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

CANCER

Mr. MACK. Madam President, this past Monday, Senator FEINSTEIN and I cochaired the inaugural meeting of the Senate Cancer Coalition, which we formed to learn more about cancer and, at the same time, heighten awareness.

In commemoration of National Breast Cancer Awareness Month, we gathered together some of America's foremost breast cancer researchers, educators, advocates, survivors, and experts involved in strategic planning to eradicate this disease, which affects one in nine women by age 85.

I would like to take this opportunity to share with my colleagues a few highlights of this hearing.

MAMMOGRAPHY STANDARDS

Witness after witness expressed great concern over the provision of the Clinton health care plan which will change America's screening mammography guidelines.

Current guidelines recommend that women age 40 to 49 have a mammogram every 1 to 2 years. Women age 50 and older should have a mammogram yearly.

Under the Clinton plan, mammograms for women age 40 to 49 are covered only if a physician, not the woman herself, determines she needs one. And if she chooses to have a mammogram, she is faced with a big copayment. The Clinton plan also changes the guidelines to provide a mammogram every other year for women age 50 and older.

Practically all of the experts agreed this approach was a huge step backward in our efforts to educate women about the importance of early detection.

When my wife was diagnosed with breast cancer, we made the decisions about her health care and we do not want a bureaucracy to make decisions about when and where my family gets health care.

Clearly, this will be a topic for discussion as we go about reforming our health care delivery system.

RESEARCH

We are making substantial progress in genetic research. Scientists have identified a genetic cause of cancer through DNA research. Now, they are taking the next step by developing an antibody to the cancerous genes which, scientists believe, can actually be targeted to kill only the malignant cells.

In yet another area of genetic research, scientists are very close to discovering the individual gene which causes breast cancer cells to spread. They believe it is the NM-23 gene. If this is, in fact, the gene, and if scientists can develop an antibody, then we may actually be able to stop cancer cells from spreading once they are in the breast tissue.

We are very close to making significant breakthroughs—maybe the kind of breakthroughs which could have saved my brother Michael's life, who died of melanoma in 1979. Under a Government-controlled health care system with price controls, I fear that the capital for research and development will be squeezed out of the system.

EDUCATION AND PREVENTION

It has been 10 months since President Clinton took office and yet no action has been taken on the national mammography standards legislation signed into law last year. Why has not Secretary Shalala appointed the advisory board to develop these standards? Too many women are depending upon this law to be implemented to warrant such delays. I call on Secretary Shalala to move forward—now.

We all know that educating Americans about the importance of early detection will save lives. And, while we are making progress, three populations continue to be at high risk—the working poor, people who live in poor innercity neighborhoods, and those in rural areas.

As the Congress works to reform our beleaguered health care delivery system, we must ensure that these at-risk populations are included in the system.

It is only through education that we can help people overcome the fear of getting cancer. We must accomplish this goal because with cancer, fear kills. What I am referring to is the fear that keeps people from getting a mammogram, a PSA for prostate cancer detection or a simple doctor's office visit, and we can only overcome that fear, in fact, with education.

STRATEGIC PLANNING

The President's Special Commission on Breast Cancer will soon present its recommendations for a national strategic plan to eradicate breast cancer.

For more than 11 months, the Commission has heard testimony from more than 190 witnesses from around the world.

Once this important report is issued, the President and the Congress must act quickly and decisively.

The other message which came through at Monday's hearings was one of urgency and hope.

One in nine women will develop breast cancer this year. More than 46,000 will die.

While we have a better understanding of the cause of breast cancer, scientific advances must continue.

While we have a tool to detect breast cancer early, technological advances must continue.

While we are doing a better job of reaching more women, efforts to reach the uneducated and impoverished must continue.

Finally, while America has made a significant effort to eradicate breast cancer, our resolve to conquer this horrible disease must continue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Madam President, before I begin, let me tip my hat to the Senator from Florida.

Somehow or another this country's effort on breast cancer has been unsatisfactory. Its recognition of it as a virtual tyrannical threat to women has not yielded anything in a political way that is deserving of the disease, it would seem.

I would hope that Senator MACK's hopes are fulfilled, and I hope somehow or another, as we talk about national health, the plan that has been presented to us can be changed in a way satisfactory to allow America: First, to continue research; and second, women and citizens of every stripe get the health care of their choosing at the time and the nature which they choose it.

I see no signs of that in the plan that has been laid down, at least as it was described.

So, I thank the Senator from Florida.

NO FURTHER BUSINESS IN SOMALIA

Mr. WALLOP. Madam President, we have no further business in Somalia. If we had a business—and I doubted we did—when we went, that has long been satisfied. If our business was, as it was vaguely described, to deliver food, we did, and should have left when that problem had been resolved.

But problems happen. When great nations make moves about which they have no permanent plan and no measurement against which they or the subjects of those nations can determine, then those nations begin to risk losing the one thing they have more important than anything else, and that is their sovereignty and credibility.

Madam President, when we went to Somalia, there was not laid down any sort of pattern by which the American people, the American military, or anybody else could judge when we were finished and could go home. I warned at the time that Americans must understand that we are going to have that happen again and again and again unless there is a definition of the commitment to the troops.

What happened was predictable. As soon as the original task had been fulfilled—if that was what the original task was—to deliver food, others besides the United States began to change the role and the mission of our military. It was not done by the President of the United States. It was not done by the Secretary of Defense. It was not done by the Secretary of State.

That mission and that role has been changing, and it changed four times in the briefing yesterday afternoon. If any Member of Congress, in either House, in either party, could have come away from that briefing we had yesterday with the foggiest notion of what the United States was about, I would love to speak to them and I would publicly apologize on the floor if I can be convinced that any of us heard a set purpose.

Madam President, avoiding humiliation is not a reason for young men and women of this country to be sent to war and to be sacrificed and dragged through the streets, humiliating their bodies.

Madam President, finding a way for future section 7, as the Secretary described it, affairs for the United Nations—I assume by that he means a sort of peacekeeping role. It is not the obligation of the young men and women in our Armed Forces to make the United Nations credible or to make their future operations predictable.

Now the humiliation of which he spoke comes from having no policy, not from leaving when things are finally done.

What are we doing there? The Secretary said we have to provide some stability. After all, he told us, Somalia has not been stable for 3 years.

Well, for the information of the Secretary, Somalia has not been stable since the time of Christ. The most recent attempt at imposing stability in Somalia was Kitchener, the last cavalry charge in which Winston Churchill took part. It was not stable then. The British could not do it. Nobody has done it since then, and we are not about to do it with too few troops with no mission.

Madam President, it seems that some of us ought to ask why the Somali are not fighting the Somali; why they seem to be less worried about warlords than we do.

It also seems somewhat humiliating to be able to have the press talk to General Aideed and our military not be able to find him. This Nation will continue to lose its footing when it submits the control of its Armed Forces to the United Nations.

This Nation is about to do something which the young men and women in military uniform do not deserve to have happen to them. The longer they stay—mark my words—some television network will take pictures of some young soldier, marine, or somebody reacting to a moment's perceived threat, in which women and children end up being dead on the streets. Those will be the images that will replace the image of the dead young American being dragged naked through the streets of Mogadishu.

We are risking the reputation of people who do not deserve to be put into that position. They are too well trained; they are too brave; they are the best that we have ever had and we are putting them into a situation where—mark my words—some in the world are going to start complaining about the barbarity of American troops. They do not deserve to be exposed to that.

Some have said that we have to stay now because of the—in the wordsmithing of the administration's representatives yesterday—"detainees."

These are prisoners of war. These are hostages. They are not detainees. A detainee sounds like a damnable common criminal, and they are not. They have not been over there breaking laws. They have been trying to serve a nation whose policy they do not know, and neither do their commanders.

Madam President, word has come back to us that Members trying to talk to the families of those who have been killed or "detained"—what an ugly word to use. And when we asked how many were "detained," they said, "A handful." This Nation does not even know how many, or is unwilling to say.

But when some Members have tried to talk to the families of the dead or the "detained," they have been told that the military has told those families that they are not to talk to Members of Congress in either House. What kind of a country does that? What kind of a country does not believe that the representatives, elected by the people, have the right to talk and try to counsel, console, see if there is assistance that can be made?

Madam President, we have no further business in Somalia. We may well have—and I am perfectly willing to accept—gone there to provide humanitarian aid, and certainly we did.

But the job of American men and women in service is to secure America's national interest. They are not international police under the command of foreigners. They are not nation-builders in a country, in a continent that does not know democracy. They are not the tools of the United Nations to be used as Boutros Boutros-Ghali or others' wish. Their job is not to protect the administration from national humiliation.

If we stay longer, Madam President, we will see more hostages. If we stay longer, we will see more mutilations and the deaths of civilian women and children. This is a poisonous prescription.

Let us, by all means, seek to rescue the hostages—call them what they are—but let us provide them with no more excuses to mutilate American bodies on the streets of Mogadishu.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROTH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROFESSIONAL BOXING

Mr. ROTH. Madam President, I rise to note sadly, but not surprisingly, yet another black mark in the checkered history of professional boxing in this country. On September 10, 1993, boxing fans in record numbers turned out and tuned in to witness one of the biggest fights in recent years—former U.S. Olympic champion Pernell Whitaker, the underdog, going up against unbeaten Julio Cesar Chavez. Experts claimed the bout would decide who is the best pound-for-pound boxer in the world today.

Whitaker put on a remarkable performance and was believed by most observers to have pulled off a major upset. Unfortunately, even more remarkable was the fact that two judges scored the fight to be a draw.

While judging a boxing match is a subjective exercise, the system by which boxing is regulated in this country should not be. After investigating professional boxing for the last year and one-half, I can report that the only consistent aspect of the current boxing regulatory system is its total ineffectiveness.

For me, the problems in the Whitaker-Chavez fight have a familiar ring—one might say it is like deja vu all over again. This fight bears a striking similarity to the fight between Delawarean Dave Tiberi and James Toney, which gave rise to the Permanent Subcommittee on Investigations, of which I am the ranking member, launching its investigation of professional boxing. As a followup to that investigation, I directed my staff to investigate the Whitaker-Chavez fight.

We found that in both fights, State regulators abdicated control to private sanctioning organizations, accountable to no one but themselves. In both fights, out-of-State or out-of-country judges erroneously applied the rules resulting in unfair decisions. And in both cases, State regulators appeared incapable of effectively investigating wrongdoing.

Let me just provide a couple of examples. In the Whitaker-Chavez fight, the private sanctioning organization—the World Boxing Council—was allowed to impose its rules, rather than have the fight judged according to Texas rules. In an interview with staff, José Sulaiman, the president of the WBC, said he advised all parties, including State regulators, that WBC rules governed the fight. Sulaiman said State regulators raised no objections.

When contacted by staff, State regulators confirmed that the fight was judged according to WBC rules, even though there was no written waiver of Texas rules, which is required by Texas law.

But even under WBC rules, a judge may only deduct a penalty point from a boxer's score when instructed to do so by the referee. Yet, following the fight, Mickey Vann, a British judge who scored the fight a draw, was quoted in the London Daily Star saying he deducted a point from Whitaker in the sixth round for a low blow despite receiving no such instructions from the referee. That point would have given Whitaker the victory.

The British reporter expressed absolute certainty about the accuracy of Vann's quote. According to the Washington Post, Vann told Texas officials that he did not even speak to any reporters after the fight. But in an interview with my staff, Vann acknowledged speaking with this British reporter following the fight. Vann said he could not recall exactly what he said to the reporter, but Vann claimed that, since he did not deduct a point, he would not have told the reporter that he did deduct a point.

Vann further undermined his credibility when he told our staff that he believed that a judge has the authority to deduct a point even without the referee's instructions—a view clearly contrary to the rules of both the State of Texas and the WBC.

Until we take the necessary steps to put in place an effective regulatory system, I fear we will continue to witness repetitions of travesties in the outcome of professional boxing matches. And while in cases like this the major harm is done to the sport's credibility, in other cases, it is the boxer's safety that is at risk.

Our investigation revealed that the current regulatory system is no better at protecting a boxer's health and safety than it is in protecting the sport from unfairness.

That is why, in July, I introduced S. 1189, the Professional Boxing Corporation Act of 1993. This legislation will create a self-funding Government corporation to work with State regulators to develop and enforce uniform minimum standards for all professional boxing matches in the United States. For the first time in the 30-year history of boxing reform legislation, Republicans and Democrats in both the Senate and the House have agreed on a consensus bill that has been introduced in both bodies.

Most boxers never make it to the limelight of a world title fight. They slug away, anonymously, day-after-day, in dreary gyms across this country, chasing a dream. If the system cannot protect the world champions like Whitaker, what chance do most boxers have? I urge my colleagues to answer the bell and join with me to pass this legislation.

I ask unanimous consent that several articles regarding the Whitaker-Chavez fight be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 3, 1993]

BOXING REFEREES: HAVE CONNECTIONS, WILL TRAVEL

(By Bill Brubaker)

Mickey Vann owns a two-man company in Leeds, England, that delivers trash barrels to businesses and residences, then picks them up when they are filled. The son of a retired circus performer and grandson of a freak show promoter, Vann spends much of his day in a 10-ton truck, hauling trash to the local dump.

"It's bloody awful work," Vann says.

But Vann has a side job that's more appealing. Every month or two he boards a jumbo jet for an all-expenses-paid trip to Asia, Africa or America, where he referees and judges championship fights for the World Boxing Council, one of four organizations that sanction world title bouts.

"It's lovely work," Vann says.

Vann, 49, is one of perhaps 100 ring officials who has won a starring role on the world boxing stage. Friday, he refereed a WBC championship bout in Cardiff, Wales, where Lennox Lewis retained his heavyweight title with a seventh-round technical knockout of Frank Bruno.

"There's only one person in 10 million who travels—and gets looked after—the way I do," Vann says.

But now Vann is at the center of a controversy that has focused worldwide attention on the integrity and competence of boxing judges and referees and on the process by which they are selected to work at championship fights.

"Now I'm in the middle of a bloody mess," Vann says.

On the evening of Sept. 10 in San Antonio's Alamodome, Vann was one of two judges who awarded a questionable draw to Mexico's undefeated Julio Cesar Chavez in his quest to win the WBC welterweight title from Pernell Whitaker of Norfolk. The draw outraged many ringside observers who saw Whitaker as the clear winner.

Whitaker's co-manager, Lou Duva, charged that the Mexico City-based WBC and its Mexican president, Jose Sulaiman, had selected judges for the fight who would protect Chavez, Mexico's No. 1 sports hero. Sulaiman is an acknowledged friend of Chavez and of Chavez's promoter, Don King.

Sulaiman said he recommended certain judges, including Vann, to Texas boxing officials but exerted no influence over their scoring. "I've done nothing wrong," Sulaiman said last week. He added, however, that he thought Whitaker won the fight.

A former boxer who traveled with circuses as a child, Vann said he judged the fight fairly and with no outside interference. Vann and a Swiss judge, Franz Marti, called it a 115-115 draw. A third judge, Jack Woodruff of Dallas, had it 115-113 for Whitaker. The majority ruled.

The verdict, announced to 60,000 Alamodome fans and a pay-per-view audience of 1 million, was widely denounced in the U.S. media. "ROBBED!" shrieked the cover of Sports Illustrated.

"It's ludicrous! People are saying Don King and Sulaiman fixed the judges," King said in a phone interview last week, his voice rising. "But if you were going to fix the judges, why would you fix the judges to have a draw? You'd go for a win!" Now King was screaming. "If you're going to get caught, you might as well get caught winning!"

In some ways, the Chavez-Whitaker fight illustrates why boxing is the most chaotic of professional sports—and the most difficult to regulate. In how many other sports does a representative of an athlete help select the referee, then pay his fees and expenses, as boxing promoters are directed to do by their world sanctioning bodies?

Vann received $2,300 from Chavez's promoter—King—to judge the fight in San Antonio, and he was scheduled to receive about $3,000 from Lewis's promoter, Dan Duva (Lou's son), for refereeing Friday's WBC heavyweight title fight. The fees are set by the WBC.

Ironically, while the Duvas bitterly criticized Vann's judging in Chavez-Whitaker, they raised no objection to his refereeing Lewis-Bruno. Bruno's camp asked Sulaiman to appoint another ref. Sulaiman refused.

"So I can't be that bad of a ring official, can I?" Vann said. "Refereeing a heavyweight championship is the pinnacle for a referee, isn't it?"

The Chavez-Whitaker furor might have disappeared quickly, as many boxing controversies do, if Vann hadn't granted a postfight interview to a London writer.

Vann was quoted in the London Daily Star as saying he had taken a point away from Whitaker for a sixth-round low blow—a point that ultimately would have given Whitaker a victory instead of a draw.

As boxing fans know, a judge cannot deduct points for low blows unless he is instructed to do so by a referee. And at that fight, referee Joe Cortez gave no such instructions.

When the interview was published, Whitaker's camp filed an official complaint with the Texas Boxing Commission, asking that Whitaker be declared the winner.

Texas officials say Vann has told them he didn't deduct a point from Whitaker for a low blow and didn't speak to any reporters after the fight.

But Vann told The Washington Post last week he had spoken to the London writer. "But I didn't tell the writer I'd deducted a point," Vann said. "The writer misinterpreted me, I think. I don't know. To be honest, it's history. I don't bloody remember."

Now the U.S. Senate has stepped into the ring, announcing that as part of its ongoing investigation of boxing, it will look into Chavez-Whitaker and a controversial draw awarded the same night to WBC super featherweight champion Azumah Nelson.

Although his fight with James Leija of Texas was exceptionally close, Nelson retained his title when a judge from Ghana—Nelson's Home country—scored the bout solidly in his favor. The WBC had appointed the judge even though he had been suspended briefly from the 1992 Olympics for not being able to operate a scoring keypad.

"We didn't know about that Olympic problem," Sulaiman said last week from Tokyo, where he was attending a boxing convention. "He was an inappropriate choice. I accept responsibility."

Since early last year the Senate's Permanent Subcommittee on Investigations has interviewed 130 boxing insiders, from doctors and promoters to fighters and referees. The probe has linked boxers and managers to organized crime figures and questioned the neutrality of judges and referees, some of whom accept gifts from promoters.

In July, Sen. William Roth (R–Del.) introduced legislation that would create a self-funding government corporation to develop and enforce minimum standards at U.S. boxing matches.

"Professional boxing is ripe for corruption and unfair judgments," Roth said after the San Antonio fights, "and these situations will continue to occur until the sport is cleaned up."

No one has suggested that the officials who worked Chavez-Whitaker were offered any bribes. What Whitaker's camp suggests is that the judges felt pressure to please Sulaiman—who decides which fights they'll be working—by giving Chavez the benefit of every doubt.

"Fights should not be judged by people who owe allegiance to anyone or who care so much about future appointments," said Pat English, the Duvas' lawyer. "In this particular fight there was heavy pressure on any WBC judge to vote for Chavez by virtue of Mr. Sulaiman's acknowledged closeness to Chavez."

Vann chuckled. "You've got to love boxing to take all the rubbish that you sometimes have to take," he said by phone from his rubbish clearance company. "Maybe the Duvas would like to hire me to take away all the bloody rubbish they've been talking."

Ring officials come from all walks of life: There is Lawrence Cole the insurance agent. Terry Smith the district attorney. Harry Gibbs the retired dock worker. Richard Steele the casino pit boss.

What they share is an evident passion for boxing—many were fighters—and willingness to travel the world, stay in luxury hotels and receive fees ranging from $1,000 to $8,000 per bout.

Like many ring officials, Vann began his career judging low-level club fights. "Now I've done 20-odd championships in 18 countries," he said. "It's nice. I go into my local boozers or whatever you want to call them—you know, the pubs—and people say, 'Oh, I saw you on the telly.' You know, that's lovely. That's a bonus for me."

But from London to Capitol Hill the Chavez-Whitaker fight has raised questions about how judges and referees are selected to work at world championship bouts.

"The big problem in boxing is: Who is running these fights?" said Dan Rinzel, the lawyer who is leading the Senate investigation. "Is it the state commissions or is it the sanctioning bodies? Who picks the judges and referees?"

The sanctioning bodies generally attempt to choose the ring officials for title fights. Often, to give an appearance of neutrality, they select officials from countries other than the contestants'. Other times, they select one judge from each fighter's country.

Outside the United States, the WBC's recommendations often are accepted without question. But in this country, state commissions, which are charged by law with regulating boxing, usually insist on having a say.

"We are not dictated to by anybody," said Rick Valdes, Texas's boxing coordinator. "No sanctioning body can usurp the Texas law."

For the Chavez-Whitaker fight, however, two of the three judges—England's Vann and Switzerland's Marti—were chosen from recommendations made by the WBC.

"At my request, the WBC sent me a list with 11 judges' names," Valdes said. "I added eight or nine names to the list after speaking to a lot of people around the country."

Who did Valdes consult?

"Aficionados," he said.

Such as?

"They were aficionados. People who keep tabs on officials," Valdes said, "That's all I'll tell you."

Valdes, in two recent interviews, declined to discuss what experience, if any, he had in the sport before becoming Texas's boxing director last year. "I'm just going to leave that one open," he said. "Keep going to the next question."

After conferring with these "aficionados," Valdes gave the Whitaker and Chavez camps names of five prospective judges. (The two sides already had agreed on Cortez, of Las Vegas, as referee.)

"I gave each side the opportunity to strike one name from the list, so we'd be left with three," Valdes said. Whitaker's side scratched a Puerto Rican judge. Chavez's camp didn't strike any names.

"Don King indicated to me he was spokesman for Mr. Chavez," Valdes said. "Mr. King said whatever we decided was fine with him as long as it was okay with the WRC president, Mr. Sulaiman."

From the four remaining names, Valdes selected Vann and Marti—two of the WRC's recommendations—and Woodruff, 64, a Dallas private investigator who would be working his first world title fight.

"We have a policy in which we try to put one Texas judge in every title fight," Valdes explained.

After learning that an American was on the judging panel, Sulaiman told Valdes that, in fairness to Chavez, a Mexican should be appointed.

Valdes rejected Sulaiman's demand. "My position is: We do not look at ethnic backgrounds when we're selecting judges," he said.

"Not allowing a Mexican judge was an act of discrimination against Latin American people," Sulaiman said.

Chavez was the overwhelming favorite of the Alamodome crowd, which was dominated by Mexicans and Mexican Americans. But the crowd frequently was silenced by Whitaker.

Sulaiman collected the judges' scorecards after each round—a role some ringside observers felt was inappropriate for the WBC president, given his friendship with Chavez.

"But this is my job!" Sulaiman said over the phone from Tokyo. "This is my organization!"

When the scorecards were tallied, only Woodruff had voted in favor of Whitaker. Vann and Marti had it even. The three judges had agreed on only five of 12 rounds.

"I've never seen a fight where the judges scored with more diversity," said English, the Duvas' lawyer. "They're supposed to be seeing the same fight."

Sulaiman said he supported the judges' decision. "But if you forced me against the wall and put a gun on me and said, 'You tell me who won,' I'd say Whitaker," he added.

King said Chavez was the clear winner. But he proposed adopting overtime rounds at future title fights so that draws can be eliminated.

"To me, especially when it's a title fight, I don't like to score any round even," Woodruff said. "To me, somebody has the edge. So that's the way I saw this fight. Like I told Jose Sulaiman after the fight—I said, 'Jose, I'm sorry your boy lost.'"

Marti could not be contacted for this story. Vann said his judging was not influenced by Sulaiman or the promise of another title fight. "To be honest, I don't think I'll be invited back to judge in the States anytime soon," he said. "That's all right. There are a lot more countries in the world than the United States."

As a circus child Vann said he learned the show must go on. His father is Hal Denver, once billed as the world's greatest knifethrower. His late grandfather was Tom Norman, a freak show owner.

"Have you heard of the Elephant Man over there?" Vann said, referring to Joseph Merrick, the 19th century Englishman whose disfiguring disease forced him into carnival sideshows. "Well, my grandfather was the showman they depicted in the film, 'The Elephant Man,' as the con merchant who mistreated Merrick."

Vann fell silent for a moment, then continued, as if further explanation was needed.

"I prefer to believe what other old-time showmen have said about my grandfather: that he treated Merrick very well," Vann said. "Merrick wasn't exploited. He was paid. And he was shown."

Now, almost a century later, Vann seems proud to be continuing his family's showbiz tradition.

"In boxing, just like my granddad's business, people give you a lot of crap sometimes," he said. "Like in my pub the last few weeks, they've been ribbing me, saying, 'Oh, here's bloody controversial Mickey Vann again!'"

Vann chuckled. "But that's bloody all right because that's boxing, isn't it? And besides * * *" Vann lowered his voice, as if he was ready to share a secret. "I'd rather be a Mr. Controversial than a Mr. Nobody."

[From the Washington Post, Oct. 3, 1993]

TOKENS OF APPRECIATION BEG QUESTION OF ETHICS

(By Bill Brubaker)

The organizations that sanction world title fights have rules that forbid ring officials from accepting gifts from boxers and their representatives. But the rules often are ignored.

"A prominent referee has told me that in the Far East promoters take boxing officials on shopping trips," said Dan Rinzel, a lawyer who is overseeing the U.S. Senate's investigation of boxing.

"I've heard from credible people stories of rampant abuses in the Orient where money, clothes and women are offered by promoters," said Jimmy Binns, lawyer for the World Boxing Association.

"In Japan I once received a camera," said Mickey Vann, a British judge and referee. "I was referee for that fight and the judges received cameras too."

Ring officials are among the least regulated people in boxing, as Rinzel discovered in his December 1992 interview with the referee, whom he declined to name.

As if to justify his acceptance of gifts, "the referee told me he always makes sure that all the officials involved in the fight are going on the shopping trip before he goes himself," Rinzel said. "And he said the promoters only buy them small gifts, nothing like televisions or VCRs."

The referee's comments should not surprise people in the boxing business, where promoters have long sought to curry favor from judges and referees.

As a perk for ring officials from foreign countries, U.S. promoters usually do not deduct federal income taxes from their paychecks, according to industry sources.

"In general, they're all subject to 30 percent withholding," said a source familiar with one promoter's operation. "But it's never done by a promoter. They don't want to 'inconvenience' the judges and referees."

"It's a touchy issue," said Dino Duva, vice president of Main Events Inc., a boxing promotions company. "Technically, yes, you're supposed to withhold taxes."

Dino Duva said ring officials often attempt to squeeze little—sometimes not so little—extras out of his company.

"They've come up to me before a fight trying to get reimbursed for a first class airplane ticket from say, South America," he said. "It's a difficult situation, arguing with one of the judges who will be judging your fighter's fight. It sounds crazy but you have to worry about them getting even with you, you know what I'm saying?"

At championship fights, promoters are required by sanctioning bodies to pay ring officials' fees and expenses.

"Is it a conflict of interest? No, I don't think so," said Jose Sulaiman, World Boxing Council president.

Don King disagrees, and last week the promoter said he'll no longer pay ring officials with his company's checks. "It just looks bad," he said. * * * From now on we're going to cut one check to the sanctioning body or the state commission, and then they'll pay them."

Vann said there's nothing wrong with accepting a small gift from a promoter if the fight's supervisor is informed.

"Usually the referee and judges receive the same gift," Vann said. "In Italy once we all received a small statue of a wolf and two children. We told our supervisor and everything was fine."

[From the New York Post, Oct. 6, 1993]

Don King Facing One-Two Punch

(By Jack Newfield)

Boxing promoter Don King is facing federal indictment for fraud and tax evasion, The Post has learned.

A Manhattan-based team of FBI and IRS agents believes it already has banked enough evidence to obtain an indictment against the flamboyant promoter—but it has expanded its probe because two former King business associates have become cooperating witnesses, according to well-placed sources.

U.S. Attorney Mary Jo White's office has asked King to provide a handwriting sample under oath to determine if documents crucial to the investigation contain his signature or forgeries, the sources said.

Prosecutors also have told King to hire new lawyers because his attorneys have become subjects of the expanding probe and it would be a conflict of interest for them to continue representing him.

Aides to King said he was in New York yesterday and would return messages to The Post. He did not.

The King probe, begun 15 months ago, has picked up steam in recent weeks, sources said.

They noted that several witnesses have already testified before a Manhattan grand jury hearing evidence in the case.

Sources said one element of the fraud case against King involves phony insurance claims and padded bills King allegedly submitted to Lloyd's of London, the prestigious but financially troubled 305-year-old British insurance syndicate.

Investigators are examining nearly $1 million in claims submitted to Lloyd's for two 1991 fights that were not held on their scheduled dates.

King was paid for claims on both fights.

One Lloyd's-insured bout, between Mike Tyson and Alex Stewart, was postponed from September to December.

King filed a $400,000 insurance claim with Lloyd's and was paid—but most of the expenses claimed were padded, according to sources close to the probe.

Lloyd's also insured a King-promoted bout between Julio Cesar Chavez and Harold Brazier that was postponed and never rescheduled.

King's $600,000 Chavez-Brazier insurance claim is believed to have included bogus travel and publicity expenses, sources close to the probe told The Post.

Executives of Lloyd's have been cooperating with federal investigators, providing copies of contracts, memos, faxes and invoices.

The IRS, which has assigned four agents to the King investigation, also has developed substantial evidence that King helped several boxing champions evade U.S. taxes, and that Don King Productions has filed false withholdings statements with the federal government.

King was prosecuted for tax evasion in 1985. He was acquitted, but the vice president of his company, Constance Harper, was convicted and sentenced to prison.

Sources said one of the new insider witnesses against King is Duke Durden, 57, who served King's company as an officer and consultant until the two had a falling-out when Durden tried to become Chavez's promoter.

Sources said Durden is providing information about King's dealings with the World Boxing Council and other boxing organizations that sanction championship bouts.

The ongoing investigation began when Joseph Maffia, the former chief financial officer of King's company, submitted a series of sworn affidavits in civil suits against King.

Maffia then became a cooperating witness against King, bringing his encyclopedia knowledge of King's finances to the government.

In his affidavits, Maffia alleged that:

"Oftentimes fighters were required to pay Carl King [Don's stepson] a 50 percent managerial share" of a boxer's pay, although the rules clearly state that managers can take only a 33 percent share.

"False declarations were filed with the Nevada State Athletic Commission" by King on the amounts paid to his fighters.

King improperly siphoned more than $3 million out of Tyson's accounts and used the funds to pay salaries to King's children; pay for his own maid service; refurbish his office; gain promotional control of other boxers, and pay legal fees incurred by Don King Productions.

King deducted $100,000 from Tyson's share of his fight with Razor Ruddock as a WBC "sanction fee" even though it was not a championship fight and no sanction fee was necessary.

Last summer King filed a complaint against Maffia with the New York State Board of Regents challenging his former comptroller's license as an accountant.

Maffia was exonerated of any wrongdoing.

The federal grand jury has heard from several King employees who contend that any insurance fraud was committed by Maffia on his own, not by King.

But after investigating that possibility, including a probe of Maffia's finances and compensation, the feds are now convinced King is their proper target.

[From the New York Post, Oct. 6, 1993]

"Puppet" Makes Off With Scorecards From Hotly Disputed Bout

(By Colin Miner and Jack Newfield)

Scorecards from a hotly disputed championship bout have been hijacked to Mexico by the president of the World Boxing Council—who refuses to turn them over to Senate investigators, The Post has learned.

WBC president Jose Sulaiman—long described as a puppet of flamboyant promoter Don King—took the three scorecards from the Sept. 10 Pernell Whitaker-Julio Cesar Chavez bout to his Mexico City headquarters.

For the last three weeks he has steadfastly refused to allow anyone to see them—including probers from the Senate's permanent subcommittee on investigations.

Frustrated by Sulaiman, three senators who are sponsoring legislation to clean up boxing plan to make impassioned floor speeches condemning Sulaiman and the mysterious circumstances surrounding the bout in San Antonio.

Every ringside reporter—including those from Mexico, where Chavez is a national idol—overwhelmingly scored the 12-round fight in favor of Whitaker. Yet the fight ended in a draw, which protected Chavez's unbeaten status and marketability in King's stable.

A Post investigation of the fight has uncovered the following evidence that Whitaker may have been cheated of his victory:

At a secretive meeting held hours before the fight in Sulaiman's suite, the WBC president instructed the judges to reward aggressiveness—guidance that favored Chavez rather than Whitaker, the faster, more-elusive fighter.

Photocopies of the official scorecards, obtained by The Post, show British judge Mickey Vann's score for the controversial sixth round was suspiciously placed in a different column than the 11 other rounds.

Sulaiman fueled these suspicions by collecting the scorecards at the end of each round—and had total control of the cards before the decision was announced.

After the fight, Vann told three British writers he had deducted a single, critical point from Whitaker in the sixth round for a low blow, depriving Whitaker of victory.

But under WBC and Texas boxing rules, only the referee is authorized to penalize a fighter—and he did not do so.

Also, after the bout, the lone judge who voted for Whitaker felt so guilty about it that he apologized to Sulaiman for his scoring, sources said.

The Texas Boxing Commission, which is expected to close its investigation Friday, refused to accept testimony or evidence from Whitaker's lawyer.

Other evidence uncovered by The Post revealed a web of conflicts of interest and business relationships involving King, the judges and the WBC itself:

Only days before the fight, Vann became Sulaiman's handpicked choice as referee for Britain's biggest fight in a generation—last Friday's championship bout between Lennox Lewis and Frank Bruno.

The assignment meant money, prestige and potential commercial endorsements for Vann.

King directly paid the Whitaker-Chavez judges' expenses and salaries, including their first-class airfare to and from Texas, lavish $750-a-night suites and room-service bills totaling more than $24,000 during a five-day stay.

The flamboyant promoter also paid for Sulaiman's $1,000-a-night hotel suite as well as his expenses.

King and Sulaiman did not return repeated phone calls seeking comment.

An examination of this one fight—witnessed by a million viewers who paid $30 each for the pay-per-view telecast—provides a window into a sleazy underbelly of professional boxing.

It also marks the second time many believe Whitaker has been robbed by WBC judges under Sulaiman's control.

Whitaker's only loss before his match-up with Chavez was a controversial 1988 lightweight title decision to Jose Luis Ramirez.

Events in the latest bout began unfolding in early September.

On Sept. 4, six days before the fight, Sulaiman contacted Vann in England and told the London sanitation worker—from a family of carnival barkers—that he, Vann, would referee the prestigious Lewis-Bruno bout.

The following day, Vann and the two other judges, Franz Marti of Switzerland and Texan Jack Woodruff, arrived in San Antonio.

Awaiting them were luxurious suites at the Marriott River Center Hotel, which adjoins a shopping mall where they apparently shopped at King's expense.

Hotel employees told The Post how they were kept hopping filling the judges' room-service orders.

Incredibly, this incestuous financial arrangement between promoter and judges is not prohibited by WBC rules.

In fact, the opposite is true. This conflict of interest is mandated Section 10 of the WBC constitution, which states:

"The promoter must pay room and board, transportation and necessary expenses of the officials appointed to a world title bout."

With fight time less than 24 hours away, Sulaiman hosted a WBC meeting between judges and representatives of the fighters at which the universally accepted "rules of engagement" were agreed upon.

But the next day, just six hours before fight time, Sulaiman hosted an unsanctioned second meeting in his suite.

Sources at the meeting said Sulaiman told the judges the unofficial WBC policy is to favor aggressiveness—which would help Chavez, the relentless, forward-moving fighter.

Conspicuously absent from this session were officials from the Texas Boxing Commission, who in theory were regulating the fight.

One member of Texas panel told The post, "This was a WBC fight by WBC rules."

He defended the absence of his agency's representatives at the meeting, saying their sole role was to serve as "impartial observers."

At 11 p.m. New York time, the two champions entered the ring.

While many of the rounds were obviously won by Whitaker, the sixth became the most controversial when Whitaker hit Chavez below the belt.

Referee Joe Cortez—the only person with authority to order a point deduction for a flagrant foul—warned Whitaker about the low blow, but did not order a point penalty.

The following day, three widely respected British boxing writers quoted Vann as saying he deducted the penalty point because of "an appallingly low blow . . .

"The referee did not issue an official warning . . . but I took it away from him anyway," Vann told the writers.

Confronted with the WBC rule book Vann denied deducting the points and said he had been misquoted by the British journalists.

The three writers, Ken Gorman, James Lawton and Hugh McAlvaney, have provided Whitaker's lawyers with sworn affidavits detailing what Vann told them.

But the Texas commission said it won't look at the documents before closing its probe on Friday.

PROMOTERS ADD PUNCH TO JUDGING SCANDAL

(By Tim Kawakami)

Charges flew, complaints were set to be filed, and the boxing world continued to convulse Tuesday in the wake of the controversial Pernell Whitaker-Julio Cesar Chavez majority-decision draw last Friday.

In a conference call with reporters, Whitaker's promoter, Dan Duva, said he will file a formal protest with the Texas Department of Licensing and Regulation, which oversees boxing in the state. The fight was held in the San Antonio Alamo dome.

At issue are quotes attributed to one of the judges. Mickey Vann, to the effect that he deducted a point from Whitaker in the sixth round for a low blow.

Although the referee, Joe Cortez, allowed Chavez about 30 seconds to recover from the blow, he ruled that it had been unintentional and that no point should be deducted.

According to Texas, World Boxing Council and universally understood boxing rules, only the referee can decide whether a point must be deducted for a penalty.

Vann, a referee in England, gave the round to Chavez, 10–9.

"I . . . deducted a point from Whitaker for an appallingly low blow in the sixth round," the London Daily Express quoted Vann as saying after the fight.

Vann, speaking by telephone from England on Tuesday, told the Associated Press that he had done nothing of the kind.

"I deducted no points on any round and I told no one that I deducted a point," he said.

Because Vann was one of two judges who scored the fight a draw—the other scored it for Whitaker—one point added to Whitaker's total on Vann's card would have given Whitaker a majority decision and set Chavez to his first non-reversed defeat in 88 fights.

A spokesman for the Texas commission said there would be no action taken until an official complaint was filed. Duva has been sent a form to file, though Tuesday afternoon he said he had not yet received it.

Meanwhile, Las Vegas promoter Bob Arum, who was not associated with the fight, fired his own salvo at Don King, who promoted Friday's fight and also is Chavez's promoter, and the WBC, which oversaw the bout.

Calling King's relationship with the WBC and its president, Jose Sulaman, a "criminal conspiracy" and a "cancer which has plagued the sport," Arum said he and Duva would soon be joining forces to try to weaken the influence of the WBC and King.

"There's no doubt in my mind that [the Chavez-Whitaker draw] is a continuation of what's been going on for over 10 years," Arum said.

Arum said he will ask the Nevada Boxing Commission, one of the most powerful in the country, to refuse to sanction WBC fights unless the WBC has nothing to do with the choosing of judges or anything else involving specific fights.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I want to congratulate Senator ROTH for his leadership and hard work on this important issue. He has looked extensively into the problems in the professional boxing industry. He has been personally involved and has been a true leader. Senator ROTH's legislation, in my view, goes a long way toward curing the ills of a sport that the famous author, Damon Runyon, described as the red light district of sports.

Damon Runyon offered that opinion back in the 1920's. Unfortunately, professional boxing still suffers from extensive connections to organized crime, exploitative financial agreements, and inadequate health and safety measures, which, in my view and, more importantly, in the view of the experts, puts the health of boxers at great risk.

Madam President, just a few weeks ago, a fight took place in San Antonio that was viewed by many and purported to be one of the greatest fights in the last 10 or 20 years between two of the most outstanding boxers in boxing. I am referring to Pernell Whitaker and Julio Cesar Chavez. Mr. Chavez was an undefeated Mexican boxer and one who is outstanding in many respects. I believe Julio Cesar Chavez had an 87 and 0 record. Pernell Whitaker, I believe, had one loss, and they were billed as, pound-for-pound, the two greatest fighters in the world.

Unfortunately, what transpired was aptly described on the cover of Sports Illustrated, which showed a picture of the two boxers with the word "Robbed" underneath in large letters.

Madam President, the draw decision reached in the Whitaker-Chavez bout was a terrible decision which deprived an outstanding fighter of his just rewards, which are not monetary in nature, but being recognized unequivocally as a champion. There are so many aspects of that fight that reveal much of the illness in the professional boxing industry. I would like to just mention a few, according to today's New York Post:

> At a secretive meeting held hours before the fight in Sulaiman's suite—

Jose Sulaiman, I might add, is the president of the so-called World Boxing Council—

> The WBC president instructed the judges to reward aggressiveness—guidance that favored Chavez rather than Whitaker, a faster and more elusive fighter.
>
> Photocopies of the official scorecards * * * show British judge Mickey Vann's score for the controversial sixth round was suspiciously placed in a different column * * *
>
> After the fight, Vann told three British writers he had deducted a single, critical point from Whitaker in the sixth round for a low blow, depriving Whitaker of victory.
>
> But under WBC and Texas boxing rules, only the referee is authorized to penalize a fighter—and he did not do so.
>
> Also, after the bout, the lone judge who voted for Whitaker felt so guilty about it that he apologized to Sulaiman for his scoring.
>
> The Texas Boxing Commission, which is expected to close its investigation without a corrective judgment, refused to accept testimony or evidence from Whitaker's lawyer.

It goes on and on. Don King, who has close ties to Sulaiman, directly paid the Whitaker-Chavez judges' expenses and salaries, including their first-class airfare to and from Texas, lavish $750-a-night suites, and room service bills totaling more than $24,000 during their stay.

The problem in boxing, Madam President, is that it is crooked and corrupt. One of the reasons why I mention the Chavez-Whitaker fight is because millions of Americans spent tens of millions of dollars on Pay-Per-View television in the belief that they were seeing a legitimate match. In fact, they did not.

In my view criminal conduct, improper financial arrangements, inadequate safety precautions, and weak regulatory oversight continue to undermine professional boxing at virtually every turn. The Whitaker-Chavez fiasco is merely the latest incident and, unfortunately, there will be many more.

Madam President, there has also been much evidence before the Senate's Permanent Subcommittee on Investigations concerning the intrusive and disturbing involvement of organized crime in professional boxing. Furthermore, and perhaps most tragically, evidence that the health of so many young men is being jeopardized and in some cases destroyed.

I received a letter from a long-time Arizona boxing trainer who said that he knew of fighters who had been knocked out five times in 6 weeks, all in different cities. Some boxers even fight under different names.

That cannot continue. We have an obligation to protect the health and safety of our citizens, especially young boxers. Each one of those people who go from city to city and are knocked out and endanger their health—many times permanently—are manipulated by unsavory and unethical promoters, managers, and others who are involved in the boxing business.

Madam President, I believe that Senator ROTH's legislation is a good place to start. I am not convinced it is the only answer. I know that Senator ROTH and I, as well as Senator DORGAN, and others who have been involved in this issue, would be willing to negotiate what is the best approach. But anyone who believes that there is not a serious problem in boxing today has not observed what is happening.

I wish to emphasize again the top priority as far as I am concerned, and that is the health of these young men. They generally come from the lowest economic strata of our society because to them boxing is the only way out. And these young men are largely uneducated and unsophisticated. They are manipulated by unscrupulous people who usually end up taking all the money, and then leave the boxer in broken health at a very early age, and as destitute as when they came into the business.

Madam President, I think it is fairly well known in this body that I am not one who believes in the role of big government. I am not one who believes government should regulate much of American life. But I believe the corruption in boxing, which has existed for so long, clearly cries out for some kind of responsible oversight and protection for these young men who are, in my view, in the most dangerous of sports.

I thank Senator ROTH again for his leadership on this effort, and also my friend from North Dakota, Senator DORGAN.

Madam President, I yield the floor.

Mr. DORGAN. Madam President, I am pleased to join my two Republican colleagues and others who have cosponsored legislation on the sport of professional boxing to establish a boxing commission. I do not want to create big government apparatuses to try to deal with boxing. However, we must do something because this sport is corrupt and it is using and abusing the lives of young American athletes who participate.

In 1983, we had a young fellow in North Dakota who was a good boxer. Because we do not get a lot of press on North Dakota athletes he was not invited to the boxing competition for the U.S. Olympics. He was a terrific young boxer, but he was not invited. So I asked if he would be able to have an opportunity to go to the regional trials. They said yes, and so he went to the regional trials and won. He went to the national trials and won. He went to the Olympics, fighting for the United States as a middleweight and fought all the way to the championship bout, and lost a split decision. In fact, he is still the light heavyweight champion of the world. But from my understanding of the boxing world through him and others, I have learned how unfair some of the decisions are and how corrupt in many ways the sport is.

Senator ROTH will remember when we had a fellow under the Witness Protection Act come before the Government Affairs Committee. I believe his name was Sammy "the Bull" Gravano. He came before the committee under the Witness Protection Act because he is the fellow who witnessed against John Gotti and helped put John Gotti in jail.

He told a story about controlling a heavyweight fighter that he wanted to set up a match for. But in order to make this match a decent one he had to have his fighter ranked in the top 10.

Mr. Gravano flew off to Las Vegas and met one of the sanctioning bodies and said he would like to get his boxer ranked. Well, he was told for about $10,000 he would get him ranked No. 8. And then he explained that he was really there as a lieutenant of John Gotti's. He was told, "for John Gotti it would be $5,000," a cut rate.

He was just describing matter of factly the way he saw boxing. The fight he was trying to arrange did not come off, but I think it was Senator ROTH who asked him: What if your fighter, who was going to take a dive, had been in that fight and had accidentally knocked the other guy out? His answer was pretty interesting. He said, "Given my reputation, my guy would have picked him up and held him to the end of the round."

They are talking about the mob influence in boxing. I am not here today to talk about the Chavez-Whitaker fight. I have watched a lot of boxing matches, but I did not watch that one. However, I did see the Sports Illustrated issue that covered this match. The front cover said "Robbed."

I have no idea whether that was the case or not. But I do know that this sport is corrupt. I also know this sport has a lot of wonderful young athletes, and those young athletes are used and abused in that sport. It is one of the few endeavors in professional athletics in which the athlete at the end of his career has nothing. There is no health care. There is no retirement. There is nothing. Most of them earn very little because they are simply the opponent for 50 bucks or 100 bucks to get knocked out in a club fight.

But even those who earn some significant money often find at the end of their career that others have frittered that money away and so they did not get what they were owed. But in the end there is nothing left. They had a wonderful athletic career, and they end up with nothing but medical troubles and other problems.

What the Senator from Delaware and I and others have worked on is a bill that says let us have a commission that is self-funded by boxing activities through a small tax on the gate receipts. This legislation will establish a boxing czar so that we do not have a kid getting knocked out in New Jersey one night and fighting in St. Louis the next night.

This legislation will provide a national registry of those who are professional boxers and standardize their records. It will establish standard medical procedures by which fights are sanctioned so that safety for these young boxers is at least assured in every State.

When I was in the House of Representatives, I worked on this for 6 or 8 years with Congressman RICHARDSON, Congressman PAT WILLIAMS of Montana, and others. I am happy to work on the same issue in the Senate. I might also commend the leadership of Senator ROTH who I think has taken a very active and aggressive role and has really helped this come together in a bipartisan piece of legislation. This bill does not say build a bigger Government. Rather, it says let us stop the corruption in boxing, establish a commission, have the fights produce the revenue to pay for the commission to protect the rights and the interests and the long-term health of young athletes who are some of the best athletes in our country.

I am pleased to come over today to weigh in on this—I hope we can move this legislation. I hope boxers someday will be protected by this kind of legislation and they will owe an expression of gratitude to Senator ROTH and others who have worked on this legislation.

Madam President, I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I have been listening with interest to my colleagues on a subject I had not had full awareness of. I think that is a very remarkable and appropriate thing they are suggesting. My father was a semiprofessional boxer, and I never did go into that line of work. I did not seem to have the physiological structure to whale that way at my altitude. I failed to get into that. I would not have wanted to get into it. I had no desire to get into it.

SOMALIA

Mr. SIMPSON. Madam President, I wish to speak about the ongoing events in Somalia. If the majority leader wishes to proceed at any point, I trust he will please notify me and I shall conclude my remarks with gusto.

But it is a serious thing and a grotesque and terrible thing, this gruesome footage shown to us in America on our own television. Grotesque acts committed, of course, by the man himself, Aideed.

We should not have waited until this happened for Congress to begin to finally insist on a clearer definition of our mission in Somalia. Not everyone in this Chamber has waited too long, but collectively we have.

The distinguished President pro tempore, Senator BYRD, has been down here for weeks decrying the shifting focus of our activities in Somalia, activities originally authorized by this Congress for humanitarian ends, and he has been speaking with power.

Yesterday I went to the briefing concerning Somalia, and it was a very muddled and meandering thing. I am not speaking in a partisan way. I am not speaking in a harsh way about Secretary Aspin. He had a difficult, difficult duty, and I think he thought perhaps he would be dealing with 20 or 30 of us. But he was instead facing 200 to 300 of our colleagues. That would unnerve any of us. All of them were loaded for bear.

I thought he handled it as best he could in that situation. But there was certainly a lack of focused presentation of the mission, of what it is we are doing.

I have always been of the belief that we should not give aid and comfort to our enemies by undercutting our Commander in Chief, the President, in time of crisis. Certainly I agree with our President, with our Secretary of State, and Secretary of Defense, that we do not want to convey a message to terrorists around the world that all they need to do is pick off a few American soldiers, capture them, drag them through the streets in a crude and appalling exercise, and that then we will withdraw.

That would make the use of American power and the threat of using American power totally hollow.

But I think we also have an obligation to the men and women who put their lives at risk in these missions to ensure that they are endangered only in the direct service of a very clearly defined and attainable national interest. What is the mission?

I believe we need to make very clear that the status quo in Somalia is unacceptable to the United States Congress. We will have to figure out quickly what we are going to do, do it, and then come home, if that is what we are to do.

I say let the record show that I fervently believe that what we should not do is to be in the business of trying to construct a unified nation out of the fragmentation of Somali society. I think one of our colleagues yesterday, Senator MIKULSKI, said it best; it would require a thorough anthropological study to decide how we would ever reconstruct that society. It was fragmented by tribal warfare, difficulty, and lack of centralization long before we came there.

In my mind, I think in the minds of most of us, it is an unattainable goal—this construction or reconstruction of a unified nation from this terrible lack of structure that is there now.

That was not the mission conceived by the U.S. Congress when we assented to sending troops there. In any case, it is not something that can be achieved through our military presence.

There are many perils associated with any plans for immediate withdrawal from Somalia, most notably what might happen to those Americans yet captive and missing. Our colleague from Arizona who spent 5½ years of his life in prison captive is saying things that are important for us to listen to.

So we need to ask ourselves, are we really at war with Aideed? We say that we do not like to be assassins of foreign leaders. We say that. Yet we send 1,200 of our crack troops to track that leader. If we are going to do that, then he ought to be subject to the full force and wrath of American power. If we are not going to do that, then our soldiers ought not to be subjected to endangerment from him.

I can only draw an analogy. It seems to me a few years ago we had a rather prattling, posturing dictator on the scene, Qadhafi of Libya. We put a 2,000-pound bomb in his window at 2 a.m. one morning. It came from hundreds of miles away through various forms of vehicular traffic. It seemed to get his attention. I have not heard a lot out of him since we did that.

You either deal with these people that way, or come home. You either use the full force of this country and the equipment to do it, or you do not endanger American lives.

This man is not ranging through a whole countryside. He is not even ranging through a whole city. He is in south Mogadishu. We generally know right where he is. Deal with it. Neutralize him. If you do not want to do that, then come home.

But what we cannot afford to do is what we have been doing. I can assure my colleagues that if we continue to linger in Somalia, we will only see more of the killing and mistreatment and torture of Americans that we are now witnessing.

Let me close by saying I am willing to support our President, our Commander in Chief, if we have a policy either for decisive, potent, and powerful military action, without quarter, without reservation—or obviously for us instead to withdraw from Somalia.

What I cannot continue to support is the continuing endangerment of Americans in the service of a policy that remains absolutely mysterious and totally muddled.

I thank the Chair. I thank the majority leader. I yield the floor.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The PRESIDING OFFICER. Under the order of September 14, 1993, the Senate having received the message from the House H.R. 2401, the House version of the National Defense Authorization Act for Fiscal Year 1994, the Senate will now proceed to its immediate consideration, and all after the enacting clause is stricken; and the text of S. 1298, as amended, is substituted in lieu thereof. The bill is considered read a third time and passed; the title of S. 1298 is substituted for the title of H.R. 2401. The Senate insists on its amendments to the bill and the title, and requests a conference with the House on the disagreeing votes of the two Houses; and the Chair is authorized to appoint conferees.

So the bill (H.R. 2401), as amended, was passed.

The language of S. 1298, which passed the Senate on September 14, 1993, appears in the RECORD of September 15, 1993, at page S11773.

The PRESIDING OFFICER (Mr. ROBB) appointed Mr. NUNN, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. GLENN, Mr. SHELBY, Mr. BYRD, Mr. GRAHAM, Mr. ROBB, Mr. LIEBERMAN, Mr. BRYAN, Mr. THURMOND, Mr. WARNER, Mr. COHEN, Mr. MCCAIN, Mr. LOTT, Mr. COATS, Mr. SMITH, Mr. KEMPTHORNE, Mr. FAIRCLOTH, and Mrs. HUTCHISON, conferees on the part of the Senate.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RETIREMENT OF SENATOR DON RIEGLE

Mr. SIMPSON. Mr. President, I have been reflecting on the action of my friend, DON RIEGLE, who has announced that he will not seek reelection at the end of his present term. Several of our colleagues have done that now—on both sides of the aisle. I met DON RIEGLE many years ago when he was in Congress—as a Republican, if I can use that term. I think he would disclaim all memory of that original contact. I have watched him over the years, and I have watched him handle the good times and the tough times—adversity and triumph, like every one of us in this body; we have all been through the fires. None of us have escaped. Few in life get the fires like we do who are in the public eye.

I must say I have come to enjoy him very much. We do not exactly vote alike. In fact, our voting records are rather diverse, and I suspect they will continue to be so. I have reviewed some of the debates and speeches I have been involved in on the Senate floor in which I was involved with Senator RIEGLE, or mentioned his name, when he was engaged in debate with me. We have certainly had some exciting times here.

He is a heavy hitter, and he believes in the old adage that "politics is a contact sport." He is a true disciple of an ultimate political truth—"an attack unanswered is an attack believed." Nay, "an attack unanswered is an attack agreed to." He is a scrapper. I watched him come to the floor during the political year 1992 and punch some good, hard shots into President George Bush's abdomen or Dan Quayle's, our Vice President. Then I would head to the floor and put on a proper defense. I remember those times. We have, on this floor, debated our respective views for these past 14 years. I have always felt as if I was a pretty loyal soldier, here in the trenches, defending President George Bush's policies, as well as President Ronald Reagan's. I can tell you there was no more effective or dogged opponent of not only the economic policies, but almost every policy of Ronald Reagan and George Bush, than was the senior Senator from Michigan. He would put us through our paces—in spades.

Being in the arena with an adversary as tough as DON RIEGLE, a Senator who can in every measure "give as well as he gets," has been a great treat, and a bit of excitement for me I mean that. I like the fray, and he relishes it.

I can remember on several occasions when he would join with others of the other faith on this floor in singles or pairs or most often troikas to rip the Bush administration. They had the time and a willingness to stay on the floor and critique the administration, and then critique the administration again, and then critique the administration one more time.

I always thoroughly and pungently disagreed with their analysis and criticisms, but I admit that in the vernacular of "inside the beltway Washington," their speeches resonated out there, and they were very effective. So whether you are on one side or the other—you build respect for those who are scrappers.

I want to also pay tribute to DON RIEGLE as a very effective legislator. His work with the banking reform legislation 2 years ago was a job superbly done. He has served here in Congress since 1966. At the end of his term, he will have been here 28 years, and that is a very long time to be in this glass fishbowl, especially when it is the only kind of fishbowl with sharks in it. And to have a fishbowl with sharks in it—which is Washington, DC—is something to behold. On many occasions he and I have talked of public life and the shots we take. We pretty well bring a lot of that on ourselves. But the impact upon our spouses and children is incalculable.

He would talk to me about his wife, Lori, and you may recall that she suffered a miscarriage during a time when the great engines of the media drained down upon his head. People forget those things. That is a curious part of Washington, DC. There is a great deal of compassion and caring, unless you are in the crosshairs of the media, and then nobody thinks of your family and friends as they try to punch your lights out.

There is much more to my friend DON RIEGLE than his legislative acumen. He is a likeable man in many ways, and I have come to enjoy his friendship. His gracious wife, Lori, is a special woman. All of us who have families—especially those with young families, I am sure were very moved when on September 28, he referred to himself as an absentee father to his two youngest daughters, ages 8 and 20 months. I know those two lovely little ladies. They are very special and fragile people. Although I do not have young children anymore—I can understand fully his decision. All of us truly cherish this honorable opportunity of service in the U.S. Senate. However, all of us know that it comes at a substantial price to our families and to our loved ones, who do not quite understand it like we do.

So I understand his decision thoroughly, and I could rather sense it coming. I wish DON the best in his desire to spend more time with his family, and I wish him well in his future endeavors. He will be here until his final day with the energy, spirit, and with the rambunctiousness he has shown throughout his legislative career. He will continue to take on the issues with power and verve and passion—pure passion. I always said to him, "I would hate to see you giving a speech at a union hall. I bet that is quite an exercise. I bet you get them all worked up. I can just see little flecks of saliva in the corners of your mouth, and they are probably throwing chairs before you are finished with them." He said to that, with the smile which we all know and his head cocked, "Yeah, I can do that, and I love to do that." And I believe it. I would not want to be there to see it, but I believe it.

He will continue in every way to be a major player in a variety of issues that confront America during these times: Health care, banking legislation, and NAFTA. I do not agree with him on NAFTA one whit but I am sure that he will be a formidable opponent.

Based on our past records on most issues of the day, I suspect that he and I will continue to be in some disagreement. But as we all know too well—anyone who intends to have a legislative disagreement with Senator DON RIEGLE of Michigan had best be very well prepared—because he will be and this is going to be a truism until his very last day here. I enjoy working with him.

I shall continue to enjoy his friendship. Ann and I wish he and Lori well. I know that he will continue to give full measure—just as he has done throughout his entire political life.

We will be agreeable with each other even though we disagree. I wish him well and have enjoyed working with him.

EXECUTIVE SESSION

Mr. MITCHELL. Mr. President, on Friday, July 30, 1993, the Senate approved a unanimous-consent request providing the majority leader with the authority to proceed at any time to the nomination of Walter Dellinger to be an Assistant Attorney General following consultation with the minority leader.

I have consulted with the minority leader, as well as with others involved in the matter, and I now ask unanimous consent that the Senate go into executive session to consider the nomination pursuant to that authority.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF WALTER DELLINGER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL

The legislative clerk read the nomination of Walter Dellinger, of North Carolina, to be an Assistant Attorney General.

SCHEDULE

Mr. MITCHELL. Mr. President, earlier today, I reported to the Senate on the status of the legislative schedule for the next several days and advised that I would return later during the day for a further report, and I am now so doing.

Following that earlier report, I had several discussions with the distinguished Republican leader, with the chairman and ranking member of the Defense Appropriations Committee, with several Senators interested in that bill on possible amendments to the defense appropriations bill.

Under the rules of the Senate, it is not possible to proceed to the defense appropriations bill other than by unanimous consent until 3:17 p.m. tomorrow. That is to say, if any one Senator objects, we cannot proceed to that bill.

I first attempted to gain consent to proceed to the bill with no other conditions and was unable to gain consent for that. I then attempted to get consent to proceed to the bill by identifying certain amendments and limiting discussion and debate and voting to those amendments and was unable to do so. We then attempted to gain consent by identifying certain amendments not to be considered and were unable to do that.

A substantial number of Senators, for a variety of different reasons, objected to bringing that bill up at this time under any one of those alternatives, and it became apparent to me that it is simply not possible to begin consideration of the Defense appropriations bill so long as unanimous consent is required for that purpose, because we are just not going to get consent to that from all Senators.

One of the matters which concerns many Senators, and indeed ultimately concerns all Senators and all the American people, is the situation in Somalia. I believe strongly that the Senate should—and I am confident the Senate will—have a thorough and searching debate on United States deployments in Somalia, on our policy there, and that the Senate will vote on what our policy should be in Somalia.

This afternoon, just a short time ago, the President announced at the White House that he is asking the joint and bipartisan congressional leadership, House and Senate, Democrat and Republican, to come to the White House tomorrow for a meeting for the purpose of discussing United States policy in Somalia, and the President stated, in making that announcement, that he intended to report to the American people thereafter.

Some weeks ago, on September 9, to be precise, the Senate voted by a margin of 90 to 7 in favor of a sense-of-the-Senate resolution which called upon the President to consult closely with Congress regarding United States policy with respect to Somalia, and to submit a report to the Congress by October 15 of this year with respect to our deployment in Somalia, including a description of the mission, command arrangements, size, functions, location, and anticipated duration in Somalia of those forces.

October 15 is, of course, a week from this coming Friday. And although the sense-of-the-Senate resolution does not have the force of law because the legislation to which it was attached has not yet cleared both the House and the Senate, and indeed I believe the conference has not begun on the legislation, it is my understanding that, although not legally required to do so, it is the President's intention to comply with the spirit of the request and to submit the report as requested in that sense-of-the-Senate resolution.

I am further advised that it is the President's hope to be able to submit the report even earlier than the anticipated date of October 15. The sense-of-the-Senate resolution says by October 15 and, therefore, leaves open the possibility of the report being submitted earlier if completed, and I hope that to be the case.

It is clear, then, that we cannot get to the Defense appropriations bill until late tomorrow, at the earliest, and we are scheduled to begin, by prior arrangement, the Columbus Day recess tomorrow evening. Therefore, I made the decision to proceed to the pending matter, the nomination, which has been the subject of some prior discussion here in the Senate.

It is my expectation that we will debate this nomination, and I have been advised by colleagues on the other side that there is objection to the nomination and that it will be necessary to file a motion to terminate debate; otherwise, there will be a filibuster that will prevent a vote from occurring on the nomination. I expect that, if necessary, of course, we will have to do that.

It is my hope that we do not have to do that, but I have been advised that we will be required to do so. Therefore, we are prepared to do so, if necessary. In that event, if filed before midnight tonight, the vote on the cloture motion would ripen 1 hour after the Senate returns to session a week from today.

So I expect that we will have a cloture vote on the morning of next Wednesday. As soon as the nomination is disposed of, in whatever form that occurs, then it is my intention to proceed to the Defense appropriations bill.

By then, it will not be necessary to obtain unanimous consent, since the 2-day period following the reporting of the bill will have passed, and we can proceed to the bill at that time. Then it will be open for whatever amendments Senators wish to offer, including amendments relating to Somalia. By then or shortly thereafter, if not before, I hope we will have either received the President's report before we go to the bill or receive it shortly thereafter, on Somalia. That, I believe, will serve as an appropriate basis for that debate which, as I said earlier, I believe will be an important debate, and must and should occur.

It had been my hope that we could proceed to the Defense appropriations bill this week and complete some of the matters pending on it, some of the other matters that are likely to be offered in the nature of amendments; but, as I said at the outset of these comments, that proved not to be possible because of a variety of objections by Senators.

So, Mr. President, that describes the situation in which we are now operating. We are going to be on this nomination, then, today and this evening and tomorrow. I hope we can get a vote on it but, as I said, I have been advised that will not be possible, that it will be filibustered and, therefore, we will have to file a cloture motion.

If that is what occurs, then the cloture vote would occur on the morning of next Wednesday and then, after we dispose of this nomination, we would proceed to the Defense appropriations bill, and I expect there will be debate and votes on that bill, as well.

Mr. President, I yield to my friend and colleague, the distinguished Republican leader, for any comments he might have on the subject, or any suggestions he might have on it.

The PRESIDING OFFICER. The Chair recognizes the Republican leader, Senator DOLE.

Mr. DOLE. Mr. President, first of all, I note we have done an especially good job on appropriations, generally. We finished all but one, and we might have gotten that done by tomorrow night, but there are a number of amendments, I think, that require considerable debate.

I think probably in this case, we should accommodate the President. The report will be up here maybe before next Friday. This is a very serious matter. Different Members on each side of the aisle have different views on what we should do in Somalia, and when we should do it, and how we should do it.

So it seems to me that this procedure should satisfy the concerns that many of our colleagues have. There will be a debate. The debate will be next Wednesday, and not today and not tomorrow. Many Members who have spoken on the floor have expressed their views today, and they will be able to do that, I assume, later today, and maybe sometime tomorrow.

My view is the majority leader proceed, as he should, and we will be back to him in the next couple of hours. There may be able to be a vote today or tomorrow on the nomination.

Mr. MITCHELL. I thank my colleague for his comments.

Mr. President, I yield to the distinguished chairman of the committee, if he wishes to proceed.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware [Mr. BIDEN].

Mr. BIDEN. Mr. President, before we begin the discussion and debate relative to Walter Dellinger, two of our colleagues have sought recognition on unrelated matters.

With the concurrence of the Senator from North Carolina, I am prepared to yield now as much time as the Senator from Massachusetts may need, and the Senator from Washington as well, to dispose of matters they wish to speak to unrelated to this issue.

At the conclusion of that time, I will then come back and make the case I believe should be made for Walter Dellinger's nomination and will begin the debate, if that is appropriate.

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts [Mr. KERRY].

Mr. KERRY. Mr. President, I am not clear on the parliamentary situation, but I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, the Senator is recognized as if in morning business.

WHAT'S NAFTA GOT TO DO WITH IT? THE ECONOMIC SECURITY SUBTEXT TO THE NAFTA DEBATE

Mr. KERRY. Mr. President, not a day goes by now without significant change in our economy.

And not a day goes by when the opponents and the proponents of NAFTA do not seize on the story as evidence for their cause.

To paraphrase a line from Tina Turner, when it comes to the sea change underway in America today, what's NAFTA got to do with it?

The answer, Mr. President, is, much less than we are led to believe.

Opponents claim the treaty will cause our jobs to go south and cheap goods will come flooding back in, sending more jobs back south.

But the fact is, many jobs are going south now, unimpeded and unregulated by the environmental and labor law controls that NAFTA would impose for the first time between our two countries.

And as for those cheap goods, the tariff barriers in place today are mostly Mexican, not American. Their tariffs are 2½ times larger than ours, on average. It's our goods that are prevented from going there, not the other way around. But you would never know that from all the anti-NAFTA rhetoric.

The proponents of NAFTA will tell you something like 200,000 net new jobs will be created in the United States by the year 1996. No new job is to be sneered at, but 200,000 jobs is approximately what the U.S. economy created in one fairly mediocre month, July of this year, in the middle of a so-called jobless recovery.

Let's put this job promise in perspective. Two weeks ago an article in the New York Times estimated that electronic bar code readers alone—the devices that so fascinated George Bush last year—bar code readers alone have eliminated 400,000 jobs in America.

So, what's NAFTA got to do with it, indeed.

It strikes me that in reality, the debate over NAFTA is not a debate about who's right and who's wrong. It's a debate about the future—about placing a bet on the future, on how the Mexicans will act, and how we will act.

The NAFTA opponents believe that the bet is too risky, because the Mexicans will not live up to their agreements. But the truth is NAFTA is not risky because of what the Mexicans will do—it's risky because of what we are failing to do for ourselves right now. It is a risk augmented by our failure to enunciate and aggressively pursue a national policy for the creation and retention of high-skill, high-wage jobs and preparation of our current and future workers to perform well in those jobs.

And in the absence of a clear, unmistakable, and forceful national strategy to create those jobs and move our workers into them, NAFTA might very well be doomed, a scapegoat for the much larger frustration in our country over our failure to deal with the massive changes underway in the economy, changes which are pushing up to 70 percent of our work force down the ladder of opportunity—changes which promise to claim more workers if we do not take action.

In many ways, we are witnessing the most rapid change in the workplace in this country since the postwar era began. For a majority of working Americans, the changes are utterly at odds with the expectations they nurtured growing up.

Millions of Americans grew up feeling they had a kind of implied contract with their country, a contract for the American dream. If you applied yourself, got an education, went to work, and worked hard, then you had a reasonable shot at an income, a home, time for family, and a graceful retirement.

Today, those comfortable assumptions have been shattered by the realization that no job is safe, no future assured. And many Americans simply feel betrayed.

To this day I'm not sure that official Washington fully comprehends what has happened to working America in the last 20 years, a period when the incomes of the majority declined in real terms.

In the decade following 1953, the typical male worker, head of his household, aged 40 to 50, saw his real income grow 36 percent. The 40-something workers from 1963 to 1973 saw their incomes grow 25 percent. The 40-something workers from 1973 to 1983 saw their incomes decline, by 14 percent, and reliable estimates indicate that the period of 1983 to 1993 will show a similar decline.

From 1969 to 1989 average weekly earnings in this country declined from $387 to $335. No wonder then, that millions of women entered the work force, not simply because the opportunity opened for the first time. They had no choice. More and more families needed two incomes to support a family, where one had once been enough.

It began to be insufficient to have two incomes in the family. By 1989 the number of people working at more than one job hit a record high. And then even this was not enough to maintain living standards. Family income growth simply slowed down. Between 1979 and 1989 it grew more slowly than at any period since World War II. In 1989 the median family income was only $1,528 greater than it had been 10 years earlier. In prior decades real family income would increase by that same amount every 22 months. When the recession began in 1989, the average family's inflation-adjusted income fell 4.4 percent, a $1,640 drop, or more than the entire gain from the eighties.

Younger people now make less money at the beginning of their careers, and can expect their incomes to grow more slowly than their parents'. Families headed by persons aged 25 to 34 in 1989 had incomes $1,715 less than their counterparts did 10 years earlier, in 1979. Evidence continues to suggest that persons born after 1945 simply will not achieve the same incomes in middle-age that their parents achieved.

Thus, Mr. President, it is a treadmill world for millions of Americans. They work hard, they spend less time with their families, but their incomes don't go up. The more their incomes stagnate, the more they work. The more they work, the more they leave the kids alone, and the more they need child care. The more they need child care, the more they need to work.

Why are we surprised at the statistics on the hours children spend in front of the television; about illiteracy rates; about teenage crime and pregnancy? All the adults are working and too many kids are raising themselves.

Of course, there is another story to be found in the numbers. Not everyone is suffering from a declining income. Those at the top of the income scale are seeing their incomes increase, and as a result income inequality in this Nation is growing dramatically. Overall, the 30 percent of our people at the top of the income scale have secured more and more, while the bottom 70 percent have been losing. The richest 1 percent saw their incomes grow 62 percent during the 1980's, capturing a full 53 percent of the total income growth among all families in the entire economy. This represents a dramatic reversal of what had been a post-war trend toward equality in this country. It also means that the less well-off in our society—the same Americans who lost out in the Reagan tax revolution—are the ones being hurt by changes in the economy.

You might say that we long ago left the world of Ward and June Clever. We have entered the world of Roseanne and Dan, and the yuppies from "L.A. Law" working downtown.

Many, many commentators have explained how the assumptions from that long-ago world will cripple us if we do not have the courage to look at today's economy with a clear eye.

Back then, we were the only economic superpower. American companies had virtually no competition and, since they produced almost entirely in the United States, their workers felt no particular threat from workers abroad. This was the era when "Made in Japan" meant something was cheap—not good, just cheap.

Throughout the 1950's and 1960's productivity was rising rapidly throughout the American economy, so that people could expect over time to work less, but earn more.

Back then, free trade for America meant more markets for America, not competition. We maintained the Bretton Woods rules, the GATT, and other treaty obligations not only to buttress the free world against communism, and not only out of the goodness of our hearts; we enforced a basic level of stability in the world because a stable world meant open markets for us, and we made the products people most wanted to buy.

Back then, large corporations and large unions set the pace for middle-class prosperity. Remember it was Henry Ford, no fan of unions, who created the mass production line to turn out cars cheaply—cheaply enough so that his own workers could buy them. When he finally capitulated to the United Auto Workers, he gave his workers the largest settlement of the Big Three.

In those days, Fortune 500 companies controlled well over 50 percent of our total economy, and employed three-quarters of our manufacturing work force. If the New Deal built the floor for personal security in America, the corporate economy put up the middle-class safety net, with pension plans and health insurance.

In those days, American families lived on one man's paycheck, from one job that lasted with one company for an entire lifetime.

If you were laid off, you were laid off for the duration, and you were called back when business picked up.

No more.

And two key words summarize the difference: globalization and technology. Each one feeds the other. Each one confronts American employers with a choice: Can I beat the competition by making a stand in America with my own workers, or must I beat the competition by going abroad? Will my workers join the ranks of the 70 percent falling behind, or will they join the ranks of the 30 percent—or fewer—who will get ahead?

The dynamics of this are familiar to anybody who works. Technology, particularly computer technology, makes it possible to move production anywhere in the world. Technology makes it possible for formerly large corporations to make do with drastically fewer people at home. Remember those bar-code readers.

Increasingly freer trade amongst nations means that competition comes from low-wage workers in developing countries, or from high-skilled, highly productive workers in the industrialized countries. The choice is a stark one: Either a nation must secure more technology and become more productive or it must underbid all others for labor and other costs. Most countries understand that this is a choice they have to make.

I submit to you, Mr. President, that this is a choice which we are not making, and the consequence is that the choice is being made for us—toward low costs, leading to the unprecedented wave of downsizing underway in our economy.

Two weeks ago an American Management Association survey reported that nearly half of the companies polled had reduced their work forces in the last year. A quarter reported that they will do so again in the coming year, some for the second or third time in 5 years, and experience shows that the number of companies that eventually downsize is twice the number that predict they will.

Workers who are downsized in today's environment are not out for the duration. They are out for good, and their ability to climb back into the economy is utterly dependent on the match between their skills and the needs of the small and midsized companies which now represent the pivot point for American economic success. Central to this division is skills: those that have them win, those that do not have them lose.

Workers with high skills can reap the rewards of the new technology, which is higher productivity. Higher productivity is not only the basis of increased pay, it is the ticket of admission to world markets, hence to growth, hence to new jobs and higher pay.

Recently Princeton economist Alan Krueger showed that workers who used computers on the job earned a 10- to 15-percent higher wage rate than otherwise similar workers. On the basis of this study, Microsoft Corp., the software giant, ran advertisements in Time magazine and elsewhere declaring "we make it easier to get a 15-percent raise."

On the other hand, there is a growing disadvantage to not being well educated and flexibly skilled. Workers with lower skills find that technology either eliminates their jobs or moves them overseas. It is this disadvantage that lower skilled workers face in the new global, high-technology economy that explains why they are faring increasingly poorly in terms of wages and incomes. It is these lower skilled workers who are having the rug pulled out from under them. And it is no wonder they are scared by NAFTA.

Now, I do not come to this issue as some latter-day luddite, ready to smash bar code scanners in the supermarket and wall off our borders from foreign imports.

I believe that the change we are witnessing—whether we like it or not—is inevitable. What is not inevitable is our passivity, and our inability to make change work for, instead of against, American workers.

In the past few months I have visited any number of companies in my home State of Massachusetts that have made technology work for them and their workers. Through aggressive R&D, advanced manufacturing technology, and continuous worker training and involvement, they have maintained and often increased manufacturing jobs in Massachusetts, a State where manufacturing is supposedly dead and buried. These include the Bose Corp., a major player in the Japanese hi-fi and automotive parts market, thanks to its constant innovation; and Modicon Corp., which brought jobs back from Asia when it radically upgraded technology and workplace organization. In my State, you simply cannot create new manufacturing jobs with a low-skill, low-wage strategy. You must go the high-technology, high-skill route, and you must export.

The question is, Are we going to learn from the Boses and the Modicons?

Other nations, notably Japan and Germany, have structured their entire economies around the goal of employing their citizens in well-paying jobs. This is the goal toward which government, industry, and individuals work together.

This happened in part because they were poor in natural resources and had small home markets. And so in order to become industrialized nations they were forced to export. At an early stage, therefore, international competition became their obsession. And economic considerations often dominated foreign and security policy. They were not afraid—in part as a result of cultural differences—of an economic model where big business and big government worked together to promote long-term job creation.

But in this country, Mr. President, we are still lacking a strategy that sends out an unmistakable signal to every American that the highest priority of the American Government and American industry is ensuring that Americans have the ability to get good jobs—maybe not one job for their entire lives, but one or a series of jobs that will support their families for the entirety of their careers.

This strategy needs to address the insecurity that people feel for their economic future and in order to do so it must recognize the centrality of education and training—two priorities on which President Clinton rightly focused during the campaign.

In 1949, we spent 9 percent of our Federal budget on education. We now spend less than 3 percent. An estimated 83 million Americans have inadequate reading skills and the United States is the only major industrialized nation in the world with no formal system or structure to facilitate the school-to-work transition. Federal support for vocational education has declined approximately 30 percent in real dollars over the last decade. Meanwhile, such competitors as Germany spend dramatically more on training the best educated and now the highest-paid workers in the world. American students attend school for 180 days per year while Japanese children go to school for 243 days and German children for 240 days. This means that our children attend school for 25 percent less time each year than their future competitors.

This is unacceptable. There is no question that our priorities have become skewed. The space station will cost us $2 billion this year, while the Federal Government will spend only $630 million on primary and secondary education. Over 80 percent of prison inmates are dropouts, and they each cost us between $15,000 and $30,000 per year to incarcerate. This situation is totally unacceptable.

We should be prepared to use any mechanism necessary to find more money to invest in our one true asset—our people. We can find this money in pork-barrel projects; in entitlement programs; we can reexamine the issue of the gas tax—surely Americans would be willing to pay a few more pennies a gallon to educate our children for the global competition they will face. There are many other places we can look for the resources—if we are serious and committed to the objective.

We need to begin by quickly funneling more money into our education budget. I strongly support Senator JEFFORD's suggestion that we add money to education spending in increments of 1 percent of the Federal budget until it accounts for 10 percent in the year 2004. I also agree with Senator SIMON and Senator DODD that we must abandon property tax supported education which leads to inequities among school systems.

Next, we need to quickly put in place the School-to-Work Program on which the President and Senator KENNEDY have been working. And we must not be shy about fully funding these, either. This is no place to be penny wise and pound foolish.

We must quickly enact the Worker Adjustment Program that Secretary Reich has been drafting—and I believe that we should attach it to the NAFTA as part of the implementing legislation to ensure that full help is available for all workers who need it. In addition to streamlining our disparate adjustment programs, this plan would make unemployment insurance flexible so that workers could use it as income support while they retrain—a need that did not exist when the UI system was designed to buttress workers who were temporarily laid off. It will also put the Federal Government in the business of smoothing out the labor market's information flows—so that displaced workers can find out where jobs are, what kinds of skills they require, and how they can obtain them.

And I believe, Mr. President, that we should go beyond the administration's current proposals and create an Incumbent Worker Training Program. During the campaign, President Clinton discussed encouraging companies to train their workers and I feel that we must return to that concept. We cannot wait to do this until our companies lose the global competition and our workers are downsized out of their jobs. We must help them retain the jobs they have by ensuring that they are the most technically adept in the world.

But it is not enough, Mr. President, to say "if we train them, the jobs will come." Because the jobs may not come. A recent 2-year study of the American system of capital investment by researchers at the Harvard Business School raises the question of whether U.S. companies are sufficiently focused on the long-term to be competitive and to create high-wage jobs.

The report points out that leading American firms in many industries are outinvested by their Japanese counterparts; that the R&D portfolios of American firms include a smaller share of long-term projects than those of European and Japanese firms and that American firms invest at a lower rate than both Japanese and German firms in intangible assets—such as human resource development. The report relays the fact that American CEO's believe that their firms have shorter investment horizons than their international competitors. As a result, they sometimes confuse cutting back and downsizing with a solution—restructuring may give a short-term lift to a company's stock but unless the savings are invested in productive assets, it will not help the company compete better with its German rivals over the long run.

This would explain why the Bose Co., which I mentioned a few moments ago, feels the need to remain proudly privately held in order to continue investing in R&D and its workers without pressure from Wall Street? Surely something needs to be changed if our capital system forces companies to take a short-term view when their international competitors are resolutely focused on the long-term.

In order to encourage U.S. companies to invest in their long-term growth, we must make permanent the R&D tax credit; we must put in place a full capital gains tax cut for long-term investments; we must make available support for the Department of Commerce's Advanced Technology Program as well as its manufacturing extension programs; and we must take the lead in communicating that both the private sector and the public sector should make people the center of any industrial policy.

There is plenty of evidence that the Mexicans have learned the lesson from Germany and Japan that a national strategy focused on creating high-wage jobs is a necessity in the new global economy. An influential Business Week article pointed out months ago that Mexico has no intention of settling for millions of low-wage jobs supporting high-wage jobs in the United States.

President Carlos Salinas' dream is the creation of millions of high-wage jobs in Mexico. As I mentioned earlier, the real thing for us to be wary of, if NAFTA passes, is not that Mexico will welch on the deal, and not even that it will comply with a vengeance. What must concern us is that we will fall short.

After all, it is President Salinas who declared 6 years ago that he would slay hyperinflation, drastically reduce debt, and liberate job creation in Mexico. That's exactly what he did.

It is our political system which declared that it would eradicate the Federal deficit, and create millions of well-paid jobs to replace those that went abroad in one long "morning for America." Need I say more?

So, Mr. President, when it comes to trade with Mexico, we have met the enemy, and it is us.

Millions of Americans understand this in their bones. They understand our stake in following the path of high-skill, high-wage jobs, and in electing Bill Clinton last year they expressed their belief that Government must play a role.

But when it comes to NAFTA, Mr. President, a treaty that even proponents concede will create some short-term job loss, the debate has become a game of "who do you trust?"

And the people are not in a trusting mood.

We have yet to see the implementing legislation or to have an inkling of how much money will be found to pay for cleaning up the border or providing training for workers. We have yet to see if we will invest in the American worker before we increase his vulnerability.

With so much of the NAFTA package left to be seen, to, at this time, call the package a resounding success or a resounding failure seems somewhat premature.

We should use NAFTA as the wake-up call to attend to the real agenda of this Nation. We should do what President Clinton called on us to do in his campaign, put people first.

My urgent plea to the President, and to the leaders of my own party is that we go back to the people, back to the same dialog from last year's campaign about putting people first, and that we resolve to enact a clear and effective strategy for ensuring each American the means to find a job paying a livable wage throughout his or her lifetime, no matter how the international economy may buffet us.

I would like to thank the distinguished Senator from North Carolina for permitting me to make this lengthy statement.

I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from North Carolina.

THE NOMINATION OF WALTER DELLINGER TO BE AN ASSISTANT ATTORNEY GENERAL

Mr. HELMS. This has been agreed to on both sides. I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the U.S. Senate will soon begin a debate on the nomination of Walter Dellinger to be an Assistant Attorney General. Clearly the administration considers it important that he be confirmed. Clearly, the two Senators from North Carolina believe it important that he not be confirmed.

The consequence of this difference of opinion is that this body is unlikely to debate any other issue until at least Wednesday of next week.

Mr. President, the U.S. Senate should not now be debating this nomination. We should be debating as thoughtfully as possible, legislation dealing with the situation of the United States forces in Somalia.

UNITED STATES PRESENCE IN SOMALIA

Mr. GORTON. Until just a few hours ago, most Senators expected that we would now be debating the defense appropriations bill. And it was clear from Senators that one of the first amendments to that bill would relate to the American presence in Somalia.

That was the appropriate subject matter for the U.S. Senate. It is a matter of deep concern to the American people, and it is literally a life-and-death matter to the American men and women in uniform who are serving in that country.

We are now delayed in taking up that Department of Defense authorization bill, however, by the fact that leadership wishes to allow President Clinton to come up at long last with some rationale for the American presence in that unhappy country, to come up with some measure that will save the President, the Secretary of Defense, and the administration from embarrassment.

These are perhaps worthy goals, secondary as though they may be. But they are clearly, in my mind, not worth the life of a single additional American serviceperson, man or woman, officer or enlisted.

It is a bitter disappointment to many of my colleagues and me that we have now deferred debate on this matter of extreme urgency for at least an additional week.

Mr. President, last Friday the Washington Post columnist, Charles Krauthammer, wrote a column from which I wish to quote a single paragraph:

> Last march, I—

That is to say, Charles Krauthammer—

> —suggested that our policy of halfhearted half measures in Somalia and Bosnia would leave us with a choice between the embarrassment of retreat or the disaster of deepening involvement, and that given these choices, the better choice was retreat. Both courses would end in failure, but retreat would leave fewer dead Americans behind.

Had Mr. Krauthammer's counsel of last March been heeded by the President of the United States, we would have been embarrassed, but there would have been close to two dozen living American servicemen who are dead today, and dozens and dozens of injured and wounded Americans, together with what the administration is pleased to call detainees—the phrase "prisoners of war" or the word "hostages" apparently being too unpleasant to face—at home, living in safety.

Earlier this afternoon, the distinguished majority leader mentioned that on September 9, this body voted 90 to 7 for an innocuous resolution pleading with, but not requiring, the President of the United States to come up with a rationale for our presence in Somalia by the 15th of this month, and expressing the hope that he would ask for authority to keep our troops there by November 15 of this year.

I am both pleased and regretful to say that I was one of the seven Senators who voted against that resolution.

In opposing that resolution, on September 9, I said: "Between now and November 15, Mr. President, there will be more American men and women killed in Somalia while we engage in this debate, and there will be more gunships shooting at more Somalis during the course of that period of time, and that is why I am not satisfied that we are taking decisive enough action tonight to deal with the very real problem that we have."

In that period of time, from September 9 until October 6, almost a month, no serious attempt has been made by the administration to come up with the rationale or the justification for our presence in Somalia and to submit it to this body.

The administration, now in a panic, has informed the leadership that it thinks it can do so by the 15th of October, and perhaps it might be able to come up with it before next Wednesday, when we apparently will go to a debate on the Defense appropriations bill.

Mr. President, that is not good enough. There is no American interest in Somalia. The purposes for which we are there are vague and dubious. The means which we are utilizing to pacify Somalia and the city of Mogadishu are clearly insufficient to attain those goals. And our troops are under the disastrous command of the U.N. officers, who, among other things, left American troops in great danger, literally, for hours while they apparently debated on who should attempt the rescue and how that rescue should take place.

Mr. President, the President of the United States has had since January 20 to come up with a rationale for the American presence in Somalia, once the feeding mission has been completed, and he has not done so. He has had since January 20 to ask Congress for an authorization—as President Bush did in the gulf—to commit our forces to that unhappy country in a dangerous fashion. And now the majority leader—supported in part, I regret to say, by the Republican leader—has asked for another week to allow the President to come up with this justification; though I heard no promise on their part that the President would submit to the Congress a formal authorization for that presence.

Mr. President, this is not a time for us as Senators to go along in order to get along. It is time to leave. The Secretary of Defense, in an appalling presentation to the Members of the Senate yesterday, spoke of the necessity for him and his staff to internalize the terrible situation with which we were faced in Mogadishu. Mr. President, I propose that we give the Secretary of Defense plenty of time to internalize these lessons after our troops are out of danger and are out of Somalia.

It is time to leave Somalia. It is time to leave now. The additional week, which the administration has been granted by the leadership of this Senate, to defer debate on this issue may, if we are extremely fortunate, not cost the lives of any additional men and women in American uniform. But if the recent past is any guide, more American men and women will lose their lives in order that the President of the United States be given another week in order to save face.

Mr. President, Somalia is not worth it. The former President of the United States, George Bush, took a dramatically different course of action in connection with the war in the gulf. We responded to external aggression by one sovereign nation against another. We did so with a specific stated goal, readily understood by all Americans. We utilized means sufficient to reach that goal in a relatively short period of time and at a relatively low cost in life. And we determined when we had won, and we left—perhaps a little bit too early, but better too early than too late.

Not one of those situations applies here. We are not only not dealing with aggression on the part of one sovereign nation against another, but with a situation that is no worse than it is in at least half a dozen other places in the world that are less well-covered by CNN and by other television stations. We have never stated a precise goal which would meet the approval of a majority of the American people, and we clearly have not devoted sufficient forces to meet the shifting goals of the United Nations.

Finally, of course, we have left command of our troops, our strategic goals, to a mixed United Nations command which, I can say, does not have the remotest idea of what it is doing.

We are in a disaster, Mr. President. If we had retreated earlier, we would have left fewer dead Americans behind. It is time to retreat now and leave no more dead Americans behind and to learn the lesson that American power should be used only where we have a clear stake in a conflict, a clear goal to be achieved, the clear means to reach that goal, and the potential of clear support on the part of the American people.

As none of those exist in Somalia today, it is time to leave. And for this body, it is time to debate this issue and not the nomination of an Assistant Attorney General.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent to be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOMALIA

Mr. KEMPTHORNE. Mr. President, today I spoke to a seasoned, tough soldier, who is in a military hospital in Germany. This tough soldier is 19 years old, and he is in this military hospital as a result of the firefight he was involved with in Somalia. He discussed with me the firefight that he was engaged in, and he pointed out to me that one of the vehicles that contained foreign troops hit a landmine. The vehicle was disabled, and those foreign troops were in need of assistance. But he said no fight ensued—no fight ensued—until the Americans arrived.

And he said that he has been to Somalia twice now on assignment. The first time was for humanitarian purposes, but now it is to go and be involved in these fire fights. He said things have dramatically changed to the point now that it is the American troops that are the targets so that these clans are intent upon killing Americans.

He also said, Mr. President, that these other countries that are there under the U.N. banner are not defending American troops.

Mr. President, the mission is accomplished in Somalia. The humanitarian aid has been delivered to those who were starving. The mission is not nation building, which is what now is being foisted upon the American people. The United States has no interest in the civil war in Somalia and as this young soldier told me, if the Somalis are now healthy enough to be fighting us, then it is absolutely time that we go home.

Mr. President, I also attended the briefing yesterday that was conducted by the administration officials, and I will tell you that that briefing was absolutely appalling. It was painfully clear that there is no clear plan of this administration with regard to Somalia, and there is certainly no contingency plans for the events that are taking place in Somalia.

From Vietnam, we learned valuable lessons. We learned that you need to clearly define the objective before you commit your troops. We learned that you need to know how to accomplish that objective. And then we learned that once that objective has been accomplished, you have the plan to withdraw those troops. Every lesson that we learned from Vietnam is being ignored in this engagement in Somalia.

Mr. President, it is time for our troops to come home. I would give this directive to the military leadership and that is that they are to use whatever means they determine necessary to secure the release of American POW's in Somalia, because to leave them behind would be to issue a death sentence to those Americans, and that is absolutely unacceptable.

I am thankful, Mr. President, that today my conversation with that 19-year-old soldier was a conversation with a survivor and it was not a conversation consoling grieving parents because they had lost a son. Thank God this young man will be all right.

But, Mr. President, the longer we leave United States troops in Somalia under U.N. command, the longer we leave United States troops in unjustified danger. I owe my allegiance to the United States, not to the United Nations. It is time for the Senate of the United States to get on with the debate, to get on with the vote, and to get the American troops home.

Thank you, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSED U.N. RESOLUTION ON LANDMINES

Mr. LEAHY. Mr. President, I want to bring to the Senate's attention a resolution that the Clinton administration is proposing for adoption by the U.N. General Assembly. Last week I was informed by our Deputy Ambassador to the United Nations, Karl Inderfurth, about this resolution, which deals with the enormous problem of landmines.

The resolution, after describing the horrendous toll in civilian casualties from landmines all over the world, notes that several countries have imposed unilateral bans on the export, transfer or purchase of antipersonnel landmines. It also expresses support for the French Government's call for a conference in the United Nations to amend and strengthen the Landmine Protocol.

Mr. President, just 2 weeks ago the Senate voted 100–0 to extend the U.S. moratorium on exports of antipersonnel landmines for an additional 3 years. This proposed U.N. resolution is an extremely welcome step by the administration. It will build on our unilateral moratorium by urging other countries to follow the U.S. example and join in an international moratorium on exports of antipersonnel landmines. It should receive the strong support of industrialized and developing countries alike.

I believe these weapons are inherently inhumane. No matter how sophisticated, they do not discriminate between combatants and noncombatants, old or young. But I am under no illusions that an outright ban will occur anytime soon. Our immediate goal should be to bring together the countries that manufacture and export landmines to negotiate the broadest possible limits on their manufacture, export, and use.

Mr. President, people everywhere want to stop the maiming and killing of innocent civilians, many of them children, from landmines. As the recent vote on our moratorium showed, the administration has the unanimous support of the U.S. Senate to use its moral authority and leadership to stop this mayhem. This U.N. resolution which the United States will offer is a very welcome step toward that goal, and I commend the administration for its initiative.

I ask unanimous consent that the text of the proposed resolution be printed in the CONGRESSIONAL RECORD.

There being no objection, the resolution ordered to be printed in the RECORD, as follows:

The General Assembly,

Noting that there are roughly 85 million uncleared mines throughout the world, particularly in rural areas,

Expressing deep concern that mines kill or maim at least 150 people each week, mostly unarmed civilians; obstruct economic development; and have other severe social, political, and economic effects, which include inhibiting the repatriation of refugees and the return of internally displaced persons,

Applauding the efforts of those states which have advanced international demining initiatives, including the assistance of states to the Secretary General's effort to gather information on the location of uncleared mines,

Recalling Resolution 47/56 urging states which have not done so to become parties to the 1980 Convention on Certain Conventional Weapons and noting with satisfaction that an increasing number of states have signed, ratified, accepted, or acceded to the Convention,

Welcoming the initiative taken by the Government of France to begin consideration of convening a conference to amend Protocol II to the Convention concerning the use of mines and other explosive devices,

Noting with satisfaction that several states have imposed unilateral bans on the export, transfer, or purchase of antipersonnel and mines and related devices,

1. Calls upon all states to offer assistance in demining, particularly in areas of developing states, and in the Secretary General's effort to gather information;

2. Urges states party to the 1980 Convention on Certain Conventional Weapons to give sympathetic consideration to proposals for a conference to consider measures to improve the protection of civilians and the enforcement of Protocol II;

3. Further calls upon all states to agree to a moratorium on the export of antipersonnel mines that pose grave dangers to civilian populations and urges states to take active measures to implement the prohibition of such transfers; and

4. Requests the Secretary General to prepare a report concerning progress on these initiatives at the 49th General Assembly under this agenda item.

MEETING OF PACIFIC ISLAND NATION LEADERS TO DISCUSS IMPROVED TRADE AND ECONOMIC RELATIONS WITH THE UNITED STATES

Mr. HATCH. Mr. President, I am pleased to bring to the attention of the Senate an impending meeting this week between officials of the United States Government's trade agencies and leaders from 13 Pacific island nations, including the Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, Niue, Papua New Guinea, Republic of the Marshall Islands, Solomon Islands, Tonga, Tuvalu, Vanuatu, and Western Samoa.

This will be a landmark meeting heralding the first major effort to solidify trade and economic ties. The meeting is the legacy of an agreement made between these states and President Bush in Honolulu on October 27, 1990, to form a Joint Commercial Commission.

The JCC, as it's now called, fulfills, in part, an earlier commitment made by the parties to cooperate in a broad range of the region's political, economic, and cultural relations. The JCC will focus on, if I may read from the original agreement: "The development of mutually beneficial commercial and economic relations between the Pacific island nations and the United States of America."

Mr. President, the importance of this meeting cannot be emphasized enough. The Pacific island nations have signaled their earnest determination to pull themselves up by their own bootstraps. They are asking for a fair shot at the immense U.S. trade market. Of special importance to me is the emphasis the island nations are placing on trade with private companies.

I might add, Mr. President, that critical to their effort is the East-West Center of Honolulu. This distinguished institution, operating under a Federal charter since 1960, may very well prove to be the linchpin by which the early stages of this cooperation succeeds or fails.

I say this because the center, which by its own charter exists to foster cultural and technical cooperation between East and West, is serving in a capacity that would be managed by a U.S. Department of Commerce trade office if it weren't for our austere budget. I pay special tribute to East-West Center's president, Dr. Michel Oksenberg, who has never relented in supporting this effort. I have been able to rely repeatedly on the resources of his institution to pave each step of the way toward our mutual goal, even though his own institution, too, operates within tight fiscal parameters.

We are trying to correct that. More specifically, we seek to organize a JCC secretariat at the East-West Center. Besides Senator INOUYE, the junior Senator from Hawaii, Senator AKAKA, and the distinguished Delegate to Congress from American Samoa, Representative ENI FALEOMAVAEGA, join with us in promoting this important undertaking.

Mr. President, I also want to acknowledge the role of the Clinton administration and Hawaii Gov. John Waihee in making this week's meeting a reality.

Finally, Mr. President, I am pleased to list the names of our most distinguished and honorable guests from the Pacific island nations who will attend this week's meetings.

From the Cook Islands: Hon. Sir Geoffrey Henry, KBE, Prime Minister; Dr. James Gosselin, Legal Adviser; and Mr. Henry Puna, Secretary of Trade, Labour and Commerce.

From the Federated States of Micronesia: Mr. Epel Ilon, Assistant Secretary for American and European Affairs.

From Fiji: Mr. Jioji Kotobalavu, Permanent Secretary, Prime Minister's Office; Mrs. G. Rup, Acting Permanent Secretary, Commerce, Industry and Tourism; Mr. Josaia Maivusaroko, Chief, Trade, Aid and Regional Affairs; and the Right Honorable Isoa Gavidi, CEO, Fiji Trade and Investment Board.

From Kiribati: Mr. Nabuti Mwenwenikaraw, International Trade Officer, Ministry of Foreign Affairs and Trade.

From Nauru: Hon. Kinza Clodumar, Minister for Finance.

From Niue: Hon. Sani Lakatani, Minister for Finance; Mr. John Rex-Woods, Premier's Deputy.

From Papua New Guinea: Mr. Veali Vagi, Director, Americas, Europe and Middle East.

From the Solomon Islands: Hon. Andrew Nori, Minister for Finance.

From Tonga: Hon. Baron Vaea, Prime Minister; Mr. S.T. Taumoepeau-Tupou, Secretary for Foreign Affairs; Mr. Sioeli Matoto, Deputy Secretary, Labour, Commerce and Industries; Mr. Busby S. Kautoke, Deputy Secretary, Prime Minister's Office.

From Tuvalu: Hon. Bikenibeu Paeniu, Prime Minister; Mr. Feleti P. Teo, Attorney General.

From Vanuatu: Mr. Jean Ravou-Akii, Adviser, Permanent Mission of Vanuatu.

From Western Samoa: Mr. Falani Chan Tung, Secretary of Trade, Commerce and Industry.

From the Forum Secretariat: Mr. Dennis Miller, Director, Trade and Investments.

HONORING MORGAN HARDIMAN

Mr. D'AMATO. Mr. President, I rise today to remember, and to honor, Morgan Hardiman, a long-time staffer of mine who passed away last weekend. No one who knew Morgan will forget his quick wit, his dedication to his work, or his willingness to help others. I extend my most heartfelt and deepest condolences to his family and to the many friends he has left behind. He is survived by his parents, John J. and Marian C. Hardiman, sisters, Marijean and Kathleen, and a brother, Jerome. We are all better for having known him.

I will miss Morgan for his invaluable work on crime and drug issues, but more importantly, I will miss him as a close and dear friend. Last November, when I was reelected, Morgan was the first one to greet me when I came into the room to accept my reelection.

Morgan was a native New Yorker, who graduated from Regis High School in New York City, in 1968. He is a 1972 alumnus of Boston College, with a degree in history. Morgan then earned his law degree, graduating in 1976 from New York University School of Law, thereafter becoming a member of the New York Bar.

Morgan joined my staff in January 1983, and handled crime and drug issues with great success, traveling and seeing, firsthand, the awful effects of illegal drug use, and the terrible crime associated with this scourge. Until just before his final illness, Morgan remained dedicated to his work. From Mengele to Noriega, he sought justice and he committed himself to making the world a better place, Morgan always fought for what was right.

Mr. President, as a tribute, I ask unanimous consent that the following memories of Morgan from his colleagues on my staff be included in the RECORD at the end of my remarks.

There being no objection, the memories were ordered to be printed in the RECORD, as follows:

I will remember Morgan most for his sense of humor. My staff colleagues may remember him for his many accomplishments, for his fine work on the Drug Caucus, for his keen intellect, for his inspiring work ethic, and for his high level of professionalism. But to me, Morgan was someone whom I looked forward to seeing and hearing from every day I came to work. On his face, he wore a perpetual expression of amused all-knowingness, and exuded a dry wittiness that made us all realize the folly inherent in so many of the tasks we undertook, and the lighter side of so many of the frustrations we confronted.

He helped make my job fun, and I will miss him dearly.—ROBERT P. GABRIEL.

Morgan, your smile will never leave us.—PHIL BECHTEL.

I consider myself lucky to have known Morgan. He was wiser than his years. Don't worry, we'll keep fighting the bad guys.—GREGG RICKMAN.

Morgan P. Hardiman was a quiet hero. He was a colleague and a friend. His quick wit, energy, acerbic sense of humor, and sensitivity were all qualities that earned him his colleagues' respect and genuine, abiding affection. I miss him, and I know that I miss him more as it fully hits home that he is really gone.

He was a good attorney, a quick legislative drafter, a person with sound judgment and a level head. He was a people person, working well with people from all walks of life. He was not famous, never seeking, as so many do, the media spotlight. But he deserves to be remembered, both for what he did and who he was.

Morgan worked hard, giving fully of his time and energy. He turned out the office lights on weekends and after midnight many, many times. He organized hearings, drafted statements, traveled with Senator D'AMATO and with other staffers, wrote bills and amendments, negotiated statute language, report language, and funding levels.

He left his mark on major pieces of legislation, the Anti-Drug Abuse Acts of 1986 and 1988. The drug kingpin death penalty provisions, the only death penalty provision in Federal law that currently passes constitutional muster, was his assignment.

Like all good staffers, these achievements will never be associated with his name on the public record, except perhaps for this brief mention in his memory. But the people who worked with him in these efforts know that he made a remarkable contribution to his country.

In the 10 short years he spent as a colleague of mine on Senator D'Amato's staff, he did more for America than most people do in a long and full lifetime. He was a shining star in our part of the sky.

We were all remarkably fortunate to have known him. He did so much, and was such a good person doing it. His selfless professionalism, his integrity, and his personal commitment will stand as enduring examples to us all of how to do this wonderful, exasperating, frustrating, and occasionally glorious work we are briefly privileged to do for the American people.

Morgan, I salute you, I miss you—go with God.—MICHAEL R. HATHAWAY.

Mere words are not adequate to describe the loss of Morgan. Over the many years that we have been friends, he taught me many practical things about life, such as: don't take yourself too seriously—nobody else does; take time to enjoy the little things, like the smile of a child or the touch of a friend, truly gifts to be cherished. Morgan gave me the courage to accomplish things that I felt were too formidable for me to face. He encouraged me to take risks that would help my family. He was right, the spirit can often take on what the body cannot. The test of friendship is assistance in adversity, and unconditional assistance at that. Morgan so often pointed out to me that life catches up with us and teaches us to love and forgive each other. On his last evening, his message to me was clear—please enjoy your journey in this life.

I will miss you, my friend.—MARGARET SOBEY.

There are no words adequate enough to say goodbye to Morgan Patrick Hardiman. He was more than a co-worker, he was my friend. I love Morgan. He is a beautiful person. Morgan is a very rare gift, a hero. He is gone, his possessions have been taken away, but once a person has entered deeply into one's heart, he will remain there forever. Morgan has entered deeply into my heart and life. Morgan Patrick Hardiman will not be forgotten.—TORI ANN KOLINSKI.

After I had become a Legislative Assistant, I went to Morgan for some advice about an issue before the Senate with which I knew he'd had some experience. Because I was still fairly new at the job, I wanted to know every angle about this particular bill, just in case it would be voted upon. Asking him about a nit-picking detail concerning the bill, Morgan said to me, "Will it come up?" I answered that I really didn't think so, but in the event that it did, I wanted to be ready. Expecting wise, insightful direction on the bill, I got a different response. He said, "You know, life is too short to worry about what *may* come up." He broke into a wry grin and said nothing else. That was Morgan.—PETER PHIPPS.

Like so many who worked with him, I will always remember Morgan as a good friend—someone who, while immensely dedicated to his work, was always there to render an editorial opinion, provide a humorous diversion, or discuss the day's headlines. Morgan knew that family and personal relationships were ultimately more important than the political issue of the day. His wisdom, humor, and special character will remain forever with those who knew him. I'm glad to have been one of the lucky ones who did.—SCOTT AMRHEIN.

Over ten years ago, Morgan and I joined Senator D'Amato's staff as Legislative Assistants. It seems like just yesterday. Morgan sat back near the windows, my place was over the partition from his. I always will recall the many late evenings in the office working together with Morgan to answer mountains of mail to the Senator. "Read me another letter, Morgan," I would call over the partition. Since Morgan was the Senator's expert on crime and drug issues, his share of the mail was always interesting. In his unique way, Morgan would read aloud, with feeling, from a stack of letters sent by as diverse a pool of humanity as only New York can claim. My sides would hurt from laughing at some of his observations about life. His musings over the mail revealed his lively wit, imagination, kindness and good sense. I miss my friend, Morgan.—ANNE MIANO.

My first impression of Morgan Hardiman is indicative of my lasting memories of him. Sometime in 1984, shortly after coming to work for Senator D'Amato in Washington, I took a long cab ride from some downtown event back to the office with Morgan. In a wide-ranging conversation, I found him to be intense and committed to the issues he obviously cared deeply about. Yet, he was also whimsical, and, with an incisive wit, recalled fondly his own chance circumstances which brought him from law school into the Senator's employ. That is what I will remember most—intensity and wit.—FRANK COLEMAN.

THOUGHTS OF CLAUDIA BREGGIA AS INTERPRETED BY JOE KOLINSKI

Though I knew Morgan for many years, it was only in the last few years that I came to truly appreciate the beautiful person that he is. His wisdom, his humor and that wry little mischievous smile were always appreciated and they will certainly be missed. He was colleague, co-conspirator and confidant. This place hasn't been, and shall never be the same without him.

EXECUTIVE SESSION

DEPARTMENT OF JUSTICE

NOMINATION OF WALTER DELLINGER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL

The Senate continued with the consideration of the nomination.

Mr. HELMS. Mr. President, I agree with the Senators who have commented that we ought not to be discussing the nomination of Walter Dellinger this afternoon; we ought to be talking about what is going on with our troops in a faraway land—a place where they really should not be under the existing circumstances. But the nomination of Mr. Dellinger is the pending business, and it is going to be the subject of the pending business for a great while because this is a nomination that should never have been made and it should never have been forced upon the agenda of the Senate.

Mr. President, this is not about a nomination; it is about whether the powers and rights bequeathed to this institution—the U.S. Senate—by our Founding Fathers, should survive.

I know Senators may have varying opinions about Mr. Dellinger's philosophy, and my guess is that his philosophy is out of step with a majority of Americans, and certainly with a majority of North Carolinians. But that is not the point. The point is if this nominee is confirmed by the Senate, two fundamental principles of the Senate will be permanently undermined: Specifically, one, the advice-and-consent powers of the U.S. Senate regarding Presidential appointments under article II, section 2 of the Constitution; and two, the protection of the rights of the majority and the rights of the minority, even a minority of one or two.

Mr. President, that is what makes the Senate different from every other legislative body in the history of the world. Never before has there been a legislative body where one Member will forever have the right to speak his piece and to take his stand.

Now about this nomination. From the very start, this nomination has proceeded with a flagrant disregard for both the time-honored role of the Senate and the rights of individual Senators—rights that have been known and accepted for decades.

Let me mention, parenthetically, a personal note: When I was elected to the Senate in 1972 and was sworn in right there in the well of the Senate on January 3, 1973, that was the second time I came to Washington. I have sometimes said the second time I came against my wishes, which is not exactly true.

I came to the Senate the first time in 1951, as administrative assistant to a United States Senator from North Carolina, a distinguished American. I agreed to come and stay with him as his administrative assistant for 1 year, but that 1 year stretched into 18 months, and then about 2 years. He died in office of a heart attack.

Then the Governor of North Carolina called me and persuaded me to stay on, as he put it, "with whomever I appoint to succeed Senator Smith." I agreed to do that for a few months, and I did.

I never anticipated running for the Senate, let alone being elected, but my two stays with, or in the Senate have led me to have an affection, a respect, and a love for this body historically and in terms of its meaning in a way I never imagined.

This is a unique body. This body is being tested on this nomination by the administration and by the nominee himself. They are thumbing their noses at the tradition and meaning of the U.S. Senate.

They want to see how far they can go. And with this nomination, Republicans will say, I believe, that the administration and Mr. Dellinger, the nominee, have gone too far. And I am going to explain that.

Lawyers are fond of saying, "Here is the bill of particulars." I am not a lawyer, but I am going to say it anyhow.

Mr. President, here is the bill of particulars: Traditional consultation on this nomination was nonexistent. It did not happen. It was deliberately bypassed. The blue slips filed by the two Senators from North Carolina were totally, intentionally ignored by the chairman of the Senate Judiciary Committee.

Now, the chairman is a good friend of mine. We came to the Senate the same day. I like him. But he was wrong on this one.

And during the course of our trying to find out certain things, which the Senate is entitled to know, I filed a number of written questions with the committee and asked the committee to submit them to the nominee. Some of the responses the nominee gave are contradicted absolutely by reliable and credible public published sources.

I am not going to use the word I am tempted to use, but he just did not tell the truth. And that did not do him any good with me. If a nominee cannot tell the truth, I do not think he ought to be in the office, and that includes U.S. Senators.

The administration, meanwhile, impatient with the pace by which the Senate has considered this nomination—or, to put it another way, the way that this nomination has been held up, which the administration did not like—the administration quietly took the unprecedented step of installing the nominee in the job in an acting capacity.

Well, Senator FAIRCLOTH and his associates asked the Justice Department to explain this unprecedented appointment.

Do you know what the Justice Department official said to Senator FAIRCLOTH? He said, "We were tired of waiting for the Senate to confirm him, so we just went ahead and appointed him."

See what I mean—thumbing its nose at the U.S. Senate.

On top of that, the Justice Department flat out refused to make public documents dealing with this nominee and with this appointment. To date, it has been impossible to obtain from the Department of Justice copies of Mr. Dellinger's appointment papers. We have been forced to file a freedom of information request.

However, at the very same time the Justice Department is stonewalling on Senator FAIRCLOTH's and my request for information regarding the Dellinger appointment, President Clinton and Attorney General Reno have announced what the administration claims is "a new standard for openness in the implementation of the Freedom of Information Act." Ha, ha, ha. Anybody who believes that, I want to sell them some swamp land down in eastern North Carolina.

It was President Clinton early this month—I think it was the 4th of October—who pronounced that "Openness in Government is essential to accountability. * * *"

But I guess he said to himself that this includes everything except the Walter Dellinger nomination. We are not going to reveal anything about that. We are not going to be open about that nomination.

I do not think the administration is going to be open about any other matter which it does not want the American people to know about.

I think this is the coverup administration. I am tempted to bring in Somalia on that, and the plea of the commanders in the field for tanks to protect those American servicemen. It was covered up. You can look at the Wall Street Journal and others who dug it up and revealed it.

But that is what I am talking about. This business of openness is political claptrap. They do not intend to be open about anything that might cause the slightest embarrassment to them or anybody in the administration.

Now I think it is important to have President Clinton's statement of October 4 available in the RECORD. So I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. I thank the Chair.

Mr. President, Senator BIDEN said he would be back at 5:15. He had a little consultation down at the White House with Mr. Clinton.

But I hope JOE BIDEN—the JOE BIDEN I came to the Senate with, along with Senator NUNN of Georgia, and some others—I hope JOE BIDEN will acknowledge that I would feel just as strongly about all of this if the shoe were on the other foot. As a matter of fact, I have been highly critical of some Republican administrations about things of this general nature.

If we were in the majority—we, meaning the Republicans—and a Republican President sent up a nominee from Delaware whom JOE BIDEN strongly opposed and his rights were trampled on, Mr. President, as the rights of LAUCH FAIRCLOTH and me have been trampled on, I would be on my hind legs hollering about that, too. I would protect Senator BIDEN's rights. I would go as far as I could, and I have done it many a time.

But here we go, torpedoed from every direction because they wanted this nomination, despite the opposition of both North Carolina Senators.

Mr. President, I make this pledge with Senator BIDEN and any other Senator: That I will respond just as strongly if and when this sort of thing occurs to him or them in the future, any other Democrat, because it is wrong and it goes to the heart of what the U.S. Senate is supposed to be all about.

What we have with this nomination is an example of exactly what our Founding Fathers anticipated might happen if they did not spell it out in the Constitution of the United States. They were afraid—and they said so on countless occasions—they feared the tyranny of the majority in a democratic system. And well they should. That is why they created the Senate—so that the rights of the minority would be protected and a check imposed upon the powers of the President. That is what we are talking about—a tripartite system and the separation of powers.

Well, on this nomination, we have a commingling: "Get the nomination through. Trample on the rights of LAUCH FAIRCLOTH and Jesse Helms. We don't like them, anyhow."

So that is what this nomination is all about, whether the rights and prerogatives of the Senate as set forth by our Founding Fathers will survive. And at a later time, I am going to share with Senators many, many specifics—it will take hours upon hours upon hours—by which the traditional rules of the Senate and rights of the minority have been trampled in connection with this nomination and by the administration that nominated him.

But, for now, my wish is to impress upon Senators that when they come to this floor to vote on a cloture motion next Wednesday, I trust they will keep in mind that they are not voting on Mr. Dellinger's philosophy. They are not voting on whether he is a nice guy they happen to like. They will be voting on the Senate and if the Senate's traditional role in our Federal system of government will be protected.

Mr. President, the distinguished Senator from Georgia [Mr. NUNN], for whom I have the greatest affection, has indicated to me he wishes to make a statement. I should like to yield to him with the permission of Senator FAIRCLOTH because I view with great interest and respect anything the Senator from Georgia says.

So I yield the floor.

EXHIBIT 1

THE WHITE HOUSE,
Washington, October 4, 1993.

Memorandum: For heads of departments and agencies.

Subject: The Freedom of Information Act.

I am writing to call your attention to a subject that is of great importance to the American public and to all Federal departments and agencies—the administration of the Freedom of Information Act, as amended (the "Act"). The Act is a vital part of the participatory system of government. I am committed to enhancing its effectiveness in my Administration.

For more than a quarter century now, the Freedom of Information Act has played a unique role in strengthening our democratic form of government. The statute was enacted based upon the fundamental principle that an informed citizenry is essential to the democratic process and that the more the American people know about their government the better they will be governed. Openness in government is essential to accountability and the Act has become an integral part of that process.

The Freedom of Information Act, moreover, has been one of the primary means by which members of the public inform themselves about their government. As Vice President Gore made clear in the National Performance Review, the American people are the Federal Government's customers. Federal departments and agencies should handle requests for information in a customer-friendly manner. The use of the Act by ordinary citizens is not complicated, nor should it be. The existence of unnecessary bureaucratic hurdles has no place in its implementation.

I therefore call upon all Federal departments and agencies to renew their commitment to the Freedom of Information Act, to its underlying principles of government openness, and to its sound administration. This is an appropriate time for all agencies to take a fresh look at their administration of the Act, to reduce backlogs of Freedom of Information Act requests, and to conform agency practice to the new litigation guidance issued by the Attorney General, which is attached.

Further, I remind agencies that our commitment to openness requires more than merely responding to requests from the public. Each agency has a responsibility to distribute information on its own initiative, and to enhance public access through the use of electronic information systems. Taking these steps will ensure compliance with both the letter and spirit of the Act.

WILLIAM J. CLINTON.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I ask unanimous consent to proceed as in morning business for as much time as may be required.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I thank my friends from North Carolina, Senators HELMS and FAIRCLOTH, for their courtesy in yielding to me for remarks on Somalia. While I have been here, I have heard a brief explanation of the Senator from North Carolina about this nomination. I am also very interested in that. I certainly want to follow that debate with a great deal of attention.

SOMALIA

Mr. NUNN. Mr. President, I rise today to address our challenge in Somalia. Like all Americans, I am deeply saddened by the recent loss of American lives in that country, and angered and repulsed, as I believe almost every American is, by the television footage of dead Americans being dragged through the streets of Mogadishu. Most Americans are outraged that our soldiers who went to Somalia on a purely humanitarian mission have now become targets of attacks and even desecrations of dead Americans.

We must not, however, permit our anger and disgust to dictate rash or unsound policy that will come back to haunt us and other fighting Americans who are risking their lives.

A crescendo of voices is now demanding an immediate—immediate—withdrawal of our forces from Somalia. Others say we should stay the course in that country, even if it means deploying a much larger U.S. force there.

In my view, the first thing we must do is keep our wits about us in this discussion. We expect our troops in Somalia to remain calm and collected and courageous under fire, and we owe them nothing less than equal composure back here in Washington as we decide what to do next in Somalia. We need a careful and a reasoned consideration of the situation, including an immediate but thoughtful reassessment from the Clinton administration, and, as Senator BYRD has said many times on the floor of the Senate, we need a full consultation and debate within the Congress.

CNN, which is headquartered in my home State of Georgia, is rightfully regarded by many as the greatest electronic broadcast organization in the world. I am very proud of CNN under the leadership of Ted Turner and Tom Johnson. I believe, however, that both of them and their staffs and journalists would agree that we should not and must not permit CNN or any other news organization inadvertently to dictate, simply by virtue of the television images it provides of events overseas, when and where we are going to deploy U.S. forces overseas, or when we should withdraw those forces.

In my view, daily graphic and heart-rending television footage of starving Somali contributed significantly to the Bush administration's decision to intervene last December in Somalia. Today, footage of dead and captured Americans is fueling calls for an abrupt and immediate pullout.

So television is having a very powerful effect. And sometimes that is very much for the good. But all of us making decisions of this nature have to back away from the immediate emotion and think about what is in the interests of the United States over the long haul.

We must do all that is necessary to protect our troops in Somalia and to ensure the safe return of those who have been captured. We also have broader concerns. We have troops who are in harm's way in other places far different from Somalia. We must not send a signal that encourages adversaries to attack our American troops elsewhere and invite in television cameras in the hopes of forcing us to leave other places in the world.

In the name of protecting our military forces in Somalia, we must not jeopardize our other military forces elsewhere—in Europe, in Macedonia, in the Persian Gulf, in Korea, in Central America, and many other places around the world.

There are essentially three options now being discussed.

The first is what I would call the status quo plus. This option would involve continuing our present operations with a modest increase in our forces in Somalia.

The second option would be to immediately withdraw our forces without any conditions.

The third option would be to heavily reinforce our deployments in Somalia, with the aim of militarily crushing Aideed and his forces and providing the foundation for disarmament and nation building in Somalia.

I will comment on each of these options briefly this afternoon.

The first option would simply extend a status quo that, from my perspective, is unacceptable. We have been drawn into playing Aideed's game of urban guerrilla warfare with insufficient force to prevail. Adding modest reinforcements will help protect our troops already there, and to the extent those reinforcements are required for that limited purpose, I support them. But modest reinforcements are not likely to deprive Aideed's forces of the tactical initiative they have enjoyed in southern Mogadishu.

The second option is an immediate departure, and I have already spoken of that. How we leave Somalia can affect the security of our other forces deployed overseas and the willingness of other nations to participate with the United States in other U.N. operations or in other operations that are not United Nations, but that the operations have required or invited—or we have invited—multilateral participation.

The third option of heavy reinforcement promises a wider war in a country where we have no economic interest and no security interest and at a time when we have shrinking military power which may again be called upon to protect primary security interests in Europe, Northeast Asia, and the Persian Gulf. The ultimate mistake in foreign policy today would be to become so entangled in a nation where we have no strategic interest and no economic interest that we lose sight of events in other places such as Russia which have potentially profound consequences for our future national security.

The fundamental flaw of the United Nations position in Somalia is the large disparity between political ends and military means. The recently expanded United Nations objective in Somalia is disarmament and nation building that in a country where, in the short term at least, political stability is probably inherently unachievable, given the clan-based organization of Somali society.

The irony, of course, is that when we entered Somalia last December with much larger military forces than we have there today, we did so in pursuit of a simple and very narrow political objective—ending starvation. Today, the United Nations is pursuing a vastly expanded political agenda in the wake of the withdrawal of most United States military forces initially deployed to Somalia. I believe the United Nations made a fundamental mistake in expanding its mission, in expanding its political goals and its military goals in Somalia at a time when the means to fulfill that mission were being withdrawn.

I believe there is a fourth option that should be considered. I offer this option for consideration of the administration, our military leaders, and also those of us in the Senate who are debating this issue. That option will be comprised of an immediate change in tactics, a narrowing of the military mission, and a carefully constituted exit strategy. Specifically, I propose four different measures.

First, the United Nations needs to alter its approach to the tactical situation on the ground. Whatever the United Nations may decide on this matter, however, U.S. forces should cease urban police operations aimed at capturing Aideed and his henchmen. There are simply not enough of the right kind of military forces on the ground for us to continue such missions, and the urban guerrilla warfare environment plays directly into Aideed's strengths. We saw that vividly over the weekend.

The United Nations should instead concentrate on the security of its own forces, as well as protecting key facilities which are essential to humanitarian needs. This means, as the administration has announced, reinforcing our own forces with appropriate amounts of heavy armor.

Mr. President, I support measures that are required to protect our existing troops that are in Somalia. I do not support escalation.

Second, we need to redefine the essential role of the United Nations in Somalia or, at a very minimum, the role of U.S. forces there. The United Nations must determine the minimal level of security throughout Somalia, most of which is peaceful, to complete the original limited humanitarian mission. We should also consider ignoring Aideed. Yes, ignoring him by bypassing southern Mogadishu and isolating the bulk of Aideed's forces in that area. We should deprive Aideed of the targets whose destruction makes him a hero with his own people, and we should let him bear the responsibility for interrupting relief supplies to his own people.

The United Nations should defend only those essential areas of Mogadishu that are defensible from secure positions and required for broad humanitarian purposes, such as the airport and such as the port facilities.

The United States quick reaction force, which is now in effect serving as the United Nations' cutting edge, in effect a police force, in attempts to capture Aideed and his henchmen, should return to its original mission of serving as a contingency backup for emergency relief of other U.N. forces if they come under attack.

Third step: I believe we must define an exit strategy for our U.S. forces. Mr. President, I believe whether or not the United Nations changes its present declared mission in Somalia, the United States should put the United Nations on notice that it must immediately commence plans to deploy forces from other nations to replace the United States forces in that country. We have already done much more than our fair share of the military work in Somalia, and the time has come for other nations to take our place. All of this should be carried out over a reasonable frame of time.

Our goal, as I view it, is to exit in a way and in a manner that gives the United Nations and our allies an opportunity to preserve the integrity of the original narrow humanitarian mission in Somalia. I think that goal is a clear and limited goal.

Finally, Mr. President, I believe the United Nations must consider the redefinition of its overall mission in Somalia. Feeding the hungry is one thing. Disarming the clans and building a nation state from scratch is quite another. And the case of Somalia, as I view it, is probably a mission impossible. If the United Nations insists on sticking to this very broad mission, the U.S. should, of course, lend a hand economically and politically, but not militarily. Our role is too important in areas of the world that are significant to United States military interests, security interests, and economic interests to allow our military effectiveness to be dissipated in places where we have no economic and no security interests.

Violence and political instability have been endemic to the Horn of Africa for centuries, and the United Nations has recently, as I view it, bitten off far more than it can chew.

(Mrs. FEINSTEIN assumed the chair.)

Mr. NUNN. Madam President, to summarize, at this juncture of our predicament in Somalia, we must change our military tactics. We must redefine the essential military mission to complete our original humanitarian mission. We must craft a sound exit strategy for the United States forces, and we must urge at least the United Nations to reassess its present overall mission and strategy in Somalia.

I thank the Chair and, again, I thank my colleagues for their courtesy in yielding time.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Madam President, I have been listening with great interest to my friend and colleague from Georgia and the excellent speech that he just gave regarding the situation in Somalia, which we are all very much concerned about. It is a voice of reason; it is a voice of understanding; it is a voice of strength, and a stellar voice for action to extricate ourselves from the difficult situation that we face there now, as this Senator addressed earlier today.

Thanks again to my chairman of the Armed Services Committee for his forthright stand and not only being for something, but spelling out what I suggest to be a reasonable proposal that would lead us to the proposition of removing our troops from that troubled area in a reasonable manner and still not abandoning the prisoners of war, the captives, the hostages—call them what you will—who are now being held by the Aideed forces.

I congratulate, once again, my friend and colleague from Georgia.

Mr. NUNN. I thank my friend from Nebraska.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, might I inquire of the Senator, was he seeking—I want to pose a question to the chairman of the committee before he leaves the floor.

Mr. FAIRCLOTH. I will be glad to yield to the Senator for the purpose of a question.

Mr. WARNER. I will accept the Senator's gracious yielding for a moment.

Madam President, the question I have for our distinguished chairman is that earlier today we discussed the advisability of having a hearing in the Senate Armed Services Committee, and the chairman indicated he would take that under consideration. I think it is important that our committee develop a framework of issues and, to the extent we can gain answers in response to those issues, we can better, I think, help the Senate in its eventual deliberation of these issues.

These questions, Madam President, occur to me. I am just wondering if the Senator thinks these questions would be appropriate for our committee to consider in its forthcoming deliberation:

First, what were the command and control arrangements for the mission in which the United States sustained its very heavy and tragic casualties? Were our forces under U.N. or U.S. command?

Second, who was actually responsible for ensuring that a reaction force was prepared and ready to respond if the operating forces required reinforcement and rescue?

Third, was our intelligence capability adequate for the military mission undertaken?

Fourth, why were not more attack helicopters available to suppress the antiaircraft fire that shot down our utility helicopters, provide support and suppressive fire for the surrounded Ranger elements, and support the movement of the reaction forces, who were unable to reach the surrounded American forces?

Fifth, to what extent were our troops, individually and collectively, advised to what I perceive as a change in mission in Somalia? Were they advised of the greater personal and unit risks that would likely accompany such a change in mission?

And sixth, did the U.S. commander in the field previously request tanks and armored vehicles be added to this force? How was this request considered, what recommendations or decisions were made, and what was the involvement of the Chairman or other members of the Joint Chiefs in this chain as that request was forwarded to the Department of Defense?

I must, Madam President, tell my distinguished chairman that I posed many of those questions yesterday to the Joint Staff and was unable to get responses. Today I met with the Under Secretary of Defense for Policy for the purpose of trying to gain information, and he suggested, since he did not have all the information, that these questions be more appropriately addressed to witnesses appearing before the committee at a hearing, and particularly to Joint Staff witnesses.

Mr. NUNN. I thank the Senator from Virginia. I will answer very briefly.

I think all of his questions are very thoughtful, all very appropriate. I think we need to get that information, and the administration itself needs to think through that information after it has fully gathered the information. It would help both the administration and our committee as well as the Congress.

Second, I will say to my friend from Virginia, on hearings in our committee—we have had hearings, as he knows. We have probably had seven or eight hearings on Somalia over the period of time. We had our most recent hearing yesterday afternoon, or I guess it was day before yesterday afternoon, Monday afternoon—I think we need to have other hearings next week, and I will certainly be working with the Senator toward that end.

Mr. WARNER. Madam President, I thank the distinguished chairman, and, if agreeable, I would like just to proceed for a minute or two.

Madam President, yesterday, I addressed the Senate with respect to my views regarding the actions taken by our President on Somalia.

Madam President, it seems to me that in the days to follow, when the administration returns with a plan of action and advises the Congress, hopefully we can in a well-informed and objective manner address this issue. Each of us must stand up and be counted pursuant to whatever measures may be brought up to vote on this issue. These are the thoughts that cross this Senator's mind as to why I indicated yesterday that I support the President in his course of action of devising a plan for the disengagement, the eventual disengagement, of our forces in Somalia.

First, we must do so in a manner that fully protects our troops currently in Somalia. Our troops have done an outstanding job in saving lives and preventing starvation in Somalia.

Second, such a plan must fully protect those U.S. soldiers who are presumed to have been captured by Somali forces. As long as even one American is held prisoner, we must take whatever action is necessary to protect that single American.

Third, the United States must be viewed as standing by all Americans serving in civilian and military posts throughout the world whose safety is at risk from some terrorist or dictator or other individual who might threaten our people abroad.

I would like to repeat that. Whatever actions we take in Somalia have ramifications far beyond Somalia. They will affect our persons serving abroad in literally thousands of different posts and areas of the world where there is risk to themselves and to their families. If we were, by virtue of our disengagement plan in Somalia, to send some signal to some person that the United States does not stand by its people, we could well be putting those individuals serving abroad at greater risk.

Fourth, the United States must be viewed after this disengagement as a credible working partner in peacekeeping and, if necessary, peacemaking actions in future contingencies that most certainly will occur. Our credibility, as I said yesterday, is on the line. The operation in Somalia will be examined in looking at future multilateral peacekeeping and peacemaking operations. We should keep in mind, as we plan our disengagement from Somalia, that our actions will affect the 24 other Nations who—at our invitation—agreed to join UNOSOM II.

Furthermore, it is my belief that while Congress is considering this issue and while we are working with the President—and I hope we do work in a very conscientious way consulting first and then taking specific actions in the Senate Chamber by virtue of votes—to devise this disengagement plan, our forces in Somalia should be reinforced so as to ensure that they may protect themselves from dangerous situations similar to those faced this past weekend.

Madam President, I am certain that no American, with the exception of the immediate families and loved ones of those lost and those not fully accounted for, no one grieved more deeply than our President, and it is for that reason this Senator wishes to stand with him as he goes through this difficult deliberation. It is my hope that we can, as a bipartisan institution, the Congress of the United States, support our President in a plan which he will present to the Senate.

I yield the floor.

Mr. EXON and Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. FAIRCLOTH. I yield to the Senator from Nebraska.

Mr. EXON. I thank the Senator very much for the courtesy——

The PRESIDING OFFICER. One moment, please. The Chair recognized the Senator from Delaware, who had asked to be recognized.

Is the time controlled?

Mr. FAIRCLOTH. Madam President, did I not have the floor?

Madam President, I had the floor as I understand it, and I did yield to the Senator from Virginia, and I had offered to yield very briefly to the Senator from Nebraska, and then I would like to get on with what I have to say.

Mr. BIDEN. Madam President, I withdraw my request for recognition.

Mr. EXON. I thank my friend.

The PRESIDING OFFICER. Who seeks recognition?

Mr. EXON. I believe the Senator has yielded to me.

Mr. FAIRCLOTH. I have yielded the floor.

The PRESIDING OFFICER. Is there objection? There being none, the Senator from Nebraska is recognized.

Mr. EXON. I thank my friend for his courtesy.

Madam President, I will be very brief; there are other matters to come before the Senate.

I just wanted to compliment once again another great friend and colleague of mine, this time the Senator from Virginia, JOHN WARNER. JOHN WARNER and this Senator came to the Senate at the same time, and we have sat side by side on the Armed Services Committee for the past 14, going on 15 years.

I wish to call particular attention to the remarks just made by the Senator from Virginia, the interesting questions that he phrased to the chairman of the Armed Services Committee, and then the remarks that he has just made with regard to thoughtful—not hasty but thoughtful—actions that fall as part of the important responsibilities we all have in this body.

Once again, my friend JOHN WARNER, the Senator from Virginia, has exhibited what I consider the utmost caution, restraint, and yet action to extricate ourselves from Somalia in an orderly fashion, and I hope that all listened to the words I referenced earlier by the chairman of the committee and by Senator WARNER, who speaks with great experience on this matter, not only as a 15-year member of the Armed Services Committee but also as a former Secretary of the Navy, and that kind of expertise is what the Senate, and hopefully the House of Representatives and some Members therein, will be listening to very carefully as we continue to tread these very troublesome and I say dangerous waters, on land and in sea, in the area of Somalia.

I thank my friend from Virginia once again for his thoughtfulness, and I thank my friend from North Carolina for yielding.

Mr. WARNER. Madam President, if I may just seek recognition——

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. For the purpose of expressing appreciation to my long-time friend and colleague, indeed, we came to the Senate together.

My colleague is a veteran of World War II. There are few of us left. And he brings to this Chamber an extensive background and knowledge with respect to national security matters. He has been a valuable participant in all the deliberations for these 15 years in our committee. I thank my good friend for his reference to my remarks because the Senator and I recognize that what we do in Somalia is going to be looked at carefully in developing plans for future peacekeeping actions, and that is why it has to be done properly so that it will hold up as a credible contribution by our country. This will be important for future operations when again we are called upon to participate, and in all probability we may have to lead, to put together the coalition to perform that mission.

Yesterday, the Secretary of State and the Secretary of Defense came over to the capitol to consult with both bodies of the Congress, and they made the best effort they could, given some unusual circumstances. They received the strong and frank views of Members of Congress as the administration moves toward finalizing its new plan for Somalia.

But we must bear in mind that this action, this disengagement, coupled with what we have done—we have done a great deal to save lives in that nation—will affect future peacekeeping operations. Those other nations, some 23 to 25 that have joined the United States are specifically there at the invitation of the United States' leadership. It took leadership to launch this humanitarian effort. They will be affected by any United States decision to disengage from Somalia and the way in which we do it.

But once that mission changed from a strictly humanitarian mission, as the chairman indicated, as my colleague from Nebraska indicated, then I think it was incumbent upon the President, as well as this body, to have taken certain steps to recognize a change in mission and take such appropriate actions as we felt were necessary.

I thank my colleague. I thank the Chair. I thank my distinguished friend from North Carolina.

Mr. BYRD. Madam President, may I say to my friend from North Carolina—the State where I was born, and whose motto is "To be, rather than to seem,"—Walter Dellinger, I do not know. I do not know him. But if he is against a constitutional amendment on the balanced budget, I am with him on that. Lord spare me to be around and to still have good lung capacity when that matter comes up.

Robert C. Byrd will have a good bit to say about a constitutional amendment on the balanced budget. We never want to make the kind of mistake that future generations will hold us responsible for. And it will be a sad day for the Senate indeed when a constitutional amendment on a balanced budget passes this Senate. It will not pass with my vote, and I will do what I can to enlighten my good friend from North Carolina, for whom I have a great deal of respect. I do not think he is past the age of learning, and I will do what I can to edify him on this subject.

SOMALIA

Mr. BYRD. Madam President, I have sought recognition, first of all, to commend Senator SAM NUNN on the address that he made a few minutes ago on the subject of Somalia. His are thoughtful remarks, and I appreciate the fact that he took the floor today to elaborate on our policy in Somalia, where it went wrong and, as I understand what he was saying, where the United Nation's policy has gone wrong. So I congratulate him.

Madam President, this is what I wanted. I wanted to see a debate in the Congress on our participation in Somalia. For a good many weeks and months, not much was being said on Capitol Hill about our policy vis-a-vis Somalia, and I do not think I have heard very many people, even in the Congress, remind the listening audience, remind the executive branch, and remind our colleagues in the legislative branch that the Constitution is still alive and well; and that in that Constitution, article I, section 8, Congress is given the power "To raise and support Armies." I know that Article II says that the President is Commander in Chief, but article I, section 8, says that the Congress—Congress—shall have the power "To raise and support Armies."

There has to be an army around for the Commander in Chief to command. But the Congress has the power to provide moneys to "raise and support armies," and to "provide and maintain" navies, may I say to my good friend, the former illustrious, distinguished Secretary of the Navy, the distinguished Senator from Virginia [Mr. WARNER]. And then in section 9 of article I of the Constitution—and for all those who advocate the line-item veto, let them hear—it says that "No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law."

Who makes the law? Congress. Who says so? The Constitution. Where? In section one of article I.

So that is why I say to my colleagues, why have we been so silent? I called up an amendment a few weeks ago on this very subject. Congress has a responsibility to debate this matter, and the responsibility to act. We have men and women in Somalia. I do not propose that we shirk our responsibility, and I am glad to see other Senators now rising to talk about this issue. I do not expect everyone to agree with me, but let Congress be heard.

Here are just a couple of the headlines that disturbed me earlier. On June 17, headline: "U.S. Plans Wider Role in U.N. Peacekeeping; Administration Drafting New Criteria."

> The Clinton administration is drafting a new set of criteria for U.S. involvement in U.N. peacekeeping operations that would provide for a much wider role for U.S. military personnel, according to senior defense and diplomatic officials. Under the proposed criteria, the officials said, U.S. forces could help plan, train and participate in U.N. peacekeeping activities when justified by general U.S. interests, not just when the United States could make a unique military contribution.

We need to debate this. How does our participation in Somalia comport with this phrase "participate in U.N. peacekeeping activities when justified by general U.S. interest?"

Here was another news story. This was dated August 28. Congress was not in session. Headline: "Aspin Lists U.S. Goals in Somalia." "Troop Pullout Hinges On Three Conditions; No Timetable Is Set."

> Defense Secretary Les Aspin said yesterday that U.S. combat troops will stay in Somalia until calm has returned to its capital, "real progress" has been made in disarming rival clans and "credible police forces" are up and running in major cities.
>
> In a speech here, Aspin offered the most specific explanation yet of the Clinton administration's decision to step up military operations against fugitive warlord Mohamed Farah Aideed, whose forces have been waging war on U.S. and other foreign troops in the capital of Mogadishu.
>
> He avoided any discussion of a withdrawal timetable, emphasizing that the decision to bring home the troops would depend on their effectiveness in achieving the goals he described.
>
> "When these three conditions are met * * * then I believe the U.S. quick-reaction force can come back," Aspin said in describing what he termed an "endgame" of U.S. involvement in Somalia.

Mr. President, I have great respect for the Secretary of Defense. He is a former member of the other body. But we must not forget that Congress did not buy into that set of criteria.

And so I became a little concerned when I read that the Secretary of Defense, as reported in this story, emphasized that the decision to bring home the troops would depend on their effectiveness in achieving the goals he described.

Now, the American people ought to have some say in this matter through their elected representatives. I had never heard of those criteria before I read them in this news report.

So just one thing after another led me to wonder what is happening. Are leaders in the executive branch ceding authority to the United Nations to commit American military forces into battle? Have they forgotten the people on Jenkins Hill? That is where Congress is located.

I have been making a series of speeches on the Romans. Montesquieu thought it was a good idea. So I thought it was a good idea to study Roman history. Our Founders were familiar with Polybius and Livius and Tacitus and Plutarch. I thought that I, too, ought to get acquainted with them.

Where the Roman Republic went down was when the Roman Senate surrendered its power to check the executive. It gave up the power of the purse. And when it did that, it gave up its power to check the executive.

That is why I say to my dear Republican friends who are always blowing the horns and shouting from the housetops that we ought to give a line-item veto or we ought to give enhanced rescission powers to the President—I do not propose to give away Congress' real check on the executive. I said that when we had a Republican Executive, and I say it when we have a Democratic Executive.

But more to the immediate subject. I am not here to slam dunk the President. I am not out to hurt this President. But I recognize what my duty is under that oath that I swore when I stood up at that desk six times and raised my hand to the God in whom all too many no longer repose their trust. I swore to support and defend the Constitution, and that is why I say we—not Robert C. Byrd, but the Congress—ought to have a say in the expenditure of flesh and blood in Somalia, and is going to have a say.

I say again, I am not out to slam dunk the President. I like the President. I will support him when I can and support him strongly when I feel strongly, as I have on some occasions.

But this is not directed at the President, and I do not say these things disparagingly of the Secretary of Defense. I do think the executive branch, under any administration, may need a little reminder now and then, and I think our colleagues in the Congress also may need a little reminder.

Now, I have said we ought to get out. I still think we ought to get out. But we now have an American hostage there. If we had gotten out of Somalia when the Senate first had my amendment up, we might not have that American serviceman as a hostage there now. That is the problem. We stay there, and we lose another, we lose another, and more hostages. Retaliation plays upon retaliation, and we get in deeper and deeper and deeper.

I was here in this body when the cry was, we had to send in advisers into Vietnam. So we sent in advisers. Then we had to send in military forces to protect the advisers. And then we had to send in more troops to protect those troops who were there to protect the advisers, and before it was over, we had 500,000 men in Vietnam.

So, retaliation feeds upon retaliation. We retaliate, and then the Somalis retaliate.

We went into Somalia to save lives, and now we are there killing people. Our troops who have been sent there did not ask to go there. Troops who are sent into hostile situations, through no choice of their own, have a right to protect themselves, and when they protect themselves, they kill Somalis, and then the Somalis retaliate, and it goes on and on and on.

We hear it said, "We just cannot walk out now. We have to back up the Commander in Chief. We have to back up our commitment there."

That is the point. Congress was not included in the takeoff, when the mission changed. Coming up and advising—"consulting"—consulting the leadership is not enough. I have respect for our leaders. But that is not what the Constitution says.

When American fighting men and women are sent into hostile situations, which might be ongoing for quite some time, there ought to be some action taken by the Congress to support or not to support the continued presence of American troops.

But, in Somalia, we seem to be getting in a little deeper and then a little deeper. First, we had 28,000 men. We performed the original mission and performed it well. And we turned it over to the United Nations. The United Nations can be a useful organization and has been upon occasions. But we must never cede authority, to the United Nations, to commit American military forces into battle situations.

My good friend from Virginia uses the phraseology "cutting and running." Well, I was the last one that ran out of Vietnam. I supported President Johnson to the end. And that is what we are going to see again, I am afraid, if we continue down this slippery slope.

I saw the crowds as they began to gather in the streets all over this country protesting Vietnam. And they brought a President down. He did not run for reelection.

And so, I have, on more than one occasion, offered what I thought was good advice to President Clinton and urged him that it would be best for him if he has the Congress on board so that, whatever happens, Congress will share the responsibility with him. He will not have to walk that dark road alone. I have suggested that with regard to Bosnia.

I did that because I thought it was in the best interest of our country and in the best interest of the President, too.

I say to my good friend from Virginia, I have lived 76 years come next month; I have never cut and run yet, not that I might not have to someday. But I have the credibility of this country at heart as much as anybody.

I do not fall out with anyone who disagrees with me on this. But let it not be misunderstood by those viewers who are watching through those television cameras, that anybody here is advocating "cutting and running." Congress just ought to be cut in on the deal before the United States invests blood and dollars into the firestorm of foreign wars.

Such participation does not come free, not free of blood, which is the most sacred, and not free of money, either.

The distinguished Senator from North Carolina was just talking about the budget deficit.

How much are we spending on United States military action in Somalia? I was told a month ago that we were spending about $44 million a month in Somalia in this operation. Now, that adds up after awhile.

And so I say that my President, as I have said before, he has to lay it out. What are our plans? What are our exit plans? What are our standards for success in a mission? What is this mission? And then, let us all decide.

Among the questions I would ask is:

What is the military situation in Mogadishu now? We hear conflicting reports. I get letters from people who have sons there and whose sons write letters to their fathers and mothers that do not exactly comport with what we are told about the situation.

Will Aideed's success in attacking U.S. forces make American and U.N. troops more vulnerable to further attacks? Does the addition of a mechanized infantry company with an armored platoon go far enough in ensuring the safety of United States and U.N. forces in Mogadishu?

What remains of the political reconciliation mission in Somalia? Congress has never bought onto that.

Can we achieve any military solution without a political solution? And if there is no political reconciliation, is not a large military presence needed for an indefinite period? Perhaps for years?

What is Aideed's political situation as a result of Sunday's attack? Stronger or weaker? What is his military situation?

It is my understanding that several hours were required before a multinational force could be assembled and dispatched to rescue the American forces that were pinned down protecting the helicopter that was shot down. Why did it take so long? What kind of command and control situation are our troops operating under there?

Given the rising tide of sentiment both here in the Congress and across the United States for a swift finish to this unfortunate situation, what are the plans for an exit strategy? What is a reasonable period of time to accomplish a withdrawal of all United States forces from Somalia, and a turnover of humanitarian functions for U.N. execution?

Now, we hear it said, "Well, if we leave, if we pull out, that means we will have to go back in next summer to get food to starving Somalis."

Well, this can go on ad infinitum? That theory will hold us there from now until kingdom come. Because, if we pull out 5 years from now, in the 6th year, presumably, if there is a drought, the same thing will happen all over again.

We did our job. We brought food to starving Somalis. But if we go along with the idea, "Well, if we pull out now, it will just mean that they will be back in the streets next year," that formula will keep us there forever.

Madam President, I called the President this morning and requested of the President that he try to send up the report required in the amendment, which was adopted by the Senate recently, "by October 15," prior to that date, if possible.

I said, "Mr. President, we will have the defense appropriations bill before the Senate, and that is the vehicle for some action regarding Somalia. And there is a perception that I am going to offer an amendment." And I said, "I am going to offer an amendment." I also said, "Even if I did not, other Senators would, because they have told me so. And I would hope that you could submit the report to the Congress prior to the 15th."

He said that he thought it was a good idea, and he would try to do that. I suggested that if he could send it up as early as Monday, even though Congress will not be in session, there will be someone in my office who can accept it.

I said, "I think we would all be better served if we had your report in front of us. Let us take a look at it. I may not agree with it. Others may; I may not. But at least we would have your counsel, your proposal, your plan, your report available for our study."

I thought that was a pretty good idea, and the President thought so, too. He indicated, as I say, that he would try to get it up Monday; and if he could not get it up Monday, he would let me know today. And he may still let me know that he cannot do it.

This bill is going to be around until we have an opportunity to act. It would seem to me that we would all be well advised, ourselves and the administration, to have that report and have it in time that we might consider it as we draw up amendments.

This bill is not going to leave the station without some action. I am only 1 of 100, and whatever action is taken may not be action that I will support. But it will be the Senate that will have acted on something.

I do this to help the President. He is the Commander in Chief. "Uneasy is the head that wears the crown." I am glad I am not the President of the United States. I want to do the right thing for the people, and for the country. We will have time to discuss this subject further next week.

But I hope the President will understand that his family is not alone in praying for him at night. I told President Bush at the beginning of the war in the Persian Gulf: "I pray for you."

I fervently believe in this institution and in the Constitution. I would perhaps vote to amend some parts of the Constitution. But, I do not propose to amend any provision therein that weakens the legislative branch. If Congress did not have that power over the purse, what President need be concerned about the legislative branch?

Someone said, "Well, would you go for a freestanding resolution?"

I said, "No." It may get out of the Senate. It may never get out of the other body. If it goes downtown, it can be vetoed, and that will be the end of it. But if a President vetoes this Defense appropriation bill, that is something else.

I have referred to my good friend from Virginia, Mr. WARNER. I have a great fondness for him. He knows that. I serve on the Armed Services Committee with him and with Senator NUNN, who is one of the best chairmen that I have seen in Congress during the 35 years that I have served in the Senate, and the 6 years I served in the House: 41 years. I respect him greatly. But I want to be very clear that the Senator from West Virginia is not advocating "cutting and running."

Congress did not buy onto the current mission, whatever it is. I still do not know what it is. The original mission was carried out successfully months ago. Congress did not buy onto a wholly different mission.

Mr. WARNER. Madam President, will the Senator yield so I could pose a question?

Mr. BYRD. Yes. I will just keep the floor long enough to try to answer the Senator's question because I am keeping the Senator from Delaware from speaking.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I went back just now and checked the record. Our distinguished colleague from West Virginia, as we say in the military, sounded general quarters on this issue of Somalia very carefully during the deliberation of the authorization bill of the armed services. That debate was initiated on the 7th of September, almost a month ago.

The Senator from West Virginia came to this Chamber and brought to our attention the very points that he raises today, that this mission that was once tacitly approved by this body had been changed, and it was time that we stood up to be counted.

So great credit is owed our distinguished chairman of the Appropriations Committee, my good friend. I tell my good friend and the Senate, the President has called a meeting for 9 o'clock tomorrow morning, to which he has invited the leadership of the Senate. Furthermore, the President has announced today that it is time, as he said, "It is essential that we conclude our mission in Somalia." That is very clear. That is why I want to support him and I am sure the Senator from West Virginia and others want to support him.

Mr. BYRD. I do. But I want to know what our mission is.

Mr. WARNER, Yes.

Mr. BYRD, I may not support the new mission. It depends on a lot of things before I vote "aye." I may or may not vote "aye." But I think Congress needs to be in on the takeoff as well as on the landing, where war is concerned. Congress has to pay the bill.

Mr. WARNER. Yes. Mr. President, I agree. I think it would be helpful at this point in the RECORD if I read exactly what the President said today.

> It is essential that we conclude our mission in Somalia, but that we do it with firmness and steadiness of purpose. * * * We are anxious to conclude our role there honorably, but we do not want to see a reversion to the absolute chaos and the terrible misery that existed before.

It is my hope that in a bipartisan way we can stay the course with the President if he brings forth a credible report on Somalia in response to the amendment of the Senator from West Virginia on the armed services bill. Hopefully, the President will file this report earlier than required so that the Armed Services Committee on which the distinguished Senator from West Virginia and I serve can make some evaluation for the Senate as a whole on the President's report so that the ensuing debate will be one on which Senators will be well informed—far better informed than before because of the initiatives and the call to general quarters by the distinguished Senator from West Virginia.

I commend you.

Mr. BYRD. Mr. President, may I make this parting comment? I do not know what is meant by the word "chaos." I do not know what the full import of the statement is. But Congress needs to think more than twice if the idea is that we stay there until "chaos" ends. Let us practice here in our own Capital if we want to disarm warlords, if we want to restore order out of chaos. And all of this talk to the effect that, "We will destroy our credibility if we pull out now"—I say we should not have let ourselves get involved in the current mess. We do not have any reason for being in Somalia, now that we have fulfilled our mission there. We had a good reason to begin with, I think. Now, an American has been taken hostage, and we have to consider that. But I do not go along with the suggestion that if we pull out of Somalia now, we will never have any credibility anywhere else.

Let the Commander in Chief put our men and women where our strategic interests are involved, and you will see how much credibility this Congress has. I did not support the Persian Gulf at the time. Neither did Gen. Colin Powell, as I remember. But once the decision was made to go to war, I and all other Senators supported the effort. We will do that again, where America's strategic interests are involved. Our credibility will not be exploded if we take our troops out of Somalia, because our strategic interests are not involved there.

We will have plenty of time to debate this matter next week. I thank my friend from Virginia for his fine contributions, not only in this instance but always. I always listen when he speaks. And I apologize to my friend, the distinguished Senator from Delaware.

Mr. WARNER. Mr. President, I wish to thank my distinguished colleague for his thoughtful remarks. It is always a privilege for this Senator to engage in colloquy with him, particularly when it relates to matters of national security and the Constitution.

Mr. BYRD. I thank my friend.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware [MR. BIDEN], is recognized.

Mr. BYRD. Mr. President, will the Senator yield for one request? I said earlier I was going to ask consent that these two articles be included in the RECORD. I also would like to include an article that appeared in the New York Times of September 30 titled "Somalia, Through a Glass Darkly." It is an article by George F. Kennan. I urge Senators to read this article by George Kennan. I make that request.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Op-Ed Sept. 30, 1993]

SOMALIA, THROUGH A GLASS DARKLY

(By George F. Kennan)

PRINCETON, NJ.—

(The following is an item, dated Dec. 9, 1992, in my personal diary, which I have kept intermittently for most of my life. I have left it unedited, exactly as then written.)

When I woke up this morning, I found the television screen showing live pictures of the Marines going ashore, in the grey dawn of another African day, in Somalia. It is clear that with a very large part of the American public, but particularly with that part of the public that speak or writes on public affairs, and—not last—with the political establishment, there is general support for this venture.

There was no proper public discussion, not even a Congressional discussion, of this undertaking before the President, only a few days ago, announced his intention to launch it. It would be idle for me or for anyone else to come out publicly at this point with a questioning of the wisdom of this intervention. The action is already in progress.

Anything that might be said in criticism of its rationale would have no practical effect in any case, and, to the extent that it attracted any public attention, would be received as something tending to demoralize the forces now in action by sowing doubt as to the worthiness of the effort in which they are now involved. I see, therefore, no advantage to be gained by trying to say anything publicly about what is going on.

On the other hand, I regard this move as a dreadful error of American policy; and I think that in justice to myself I should set down at this point, if only for the diary, my reasons for this view.

The purpose of this exercise is, we are told, to take charge of the channels of transportation and to assure the movement of food to certain aggregations of starving people. The reasons why we must do this are, in the official and widely accepted view, that the people are starving; that this is outrageous and intolerable; but that food cannot be brought to them in adequate amounts because the supply lines by which it would have to be delivered are subject to harassment on the part of armed bands and individuals along the way, as a result of which much of the food is plundered and lost before it can reach its destination. How many of these congregations of starving people there are, and where they are situated, seems not to have been clearly explained; perhaps our people do not even know.

Why, then, is our action undesirable? First, because it treats only a limited and short-term aspect of what is really a much wider and deeper problem. The idea seems to be that when we have made possible the original delivery to the collection points of the food that has already been shipped or is being shipped to Somalia, our forces will be withdrawn, and the United Nations, using other forces, will assure the further supplying of these people.

This last seems to me highly uncertain, and even doubtful. The situation we are trying to correct has its roots in the fact that the people of Somalia are wholly unable to govern themselves and that the entire territory is simply without a government. The starvation that we are seeing on television is partly the result of drought (or so we are told), partly of overpopulation, and partly of the chaotic conditions flowing from the absence of any governmental authority.

What we are doing holds out no hope of coming to terms with any of those situations. If we are to withdraw at any early date (and the President has spoken about the possibility of withdrawal before the end of January), these determining conditions will remain exactly as they were before. The marauding bands and individuals will resume their activity, and in the absence of any strong foreign military force there will be no stopping them.

Beyond that, the problem of starvation is one that reaches much farther than the aggregations of people we have seen on television. As one of the nurses pointed out, these wretched people are among the more fortunate, as is shown by the fact that they were able to walk to the places where they are collected. There are presumably, further afield, even greater numbers of people who never showed up there because they were too weak to walk at all. They, of course, are not touched by our actions.

The fact is that this dreadful situation cannot possibly be put to rights other than by the establishment of a governing power for the entire territory, and a very ruthless, determined one at that. It could not be a democratic one, because the very prerequisites for a democratic political system do not exist among the people in question. Our action holds no promise of correcting this situation.

The upshot of all this is that what we are undertaking will assure at best a temporary relief for those people who are gathered together in the camps, and probably a relief that will not be completed before our own departure, unless we propose to keep our forces there for many months, if not years, in the future.

Secondly, this is an immensely expensive effort. What we are pouring into it must run, in the monetary sense, into hundreds of millions, if not billions, of dollars. This comes at a time when our country is very deeply indebted and where it is not even able to meet its own budget without further borrowing. This entire costly venture is then, like so many other things we are doing, to be paid for by our children—the coming generation. Meanwhile, there are many needs at home, particularly in the condition of our cities and of the physical infrastructure of our society, which are not being met, ostensibly for lack of money.

All this being the case, one is moved to inquire into the inspiration and rationale of this enterprise.

On Mr. Bush's part, one must assume that the reasons lay largely in his memories of the political success of the move into the Persian Gulf, and in the hope that another venture of this nature would arouse a similar public enthusiasm, permitting him to leave his Presidential office with a certain halo of glory as a military leader using our forces to correct deplorable situations outside our country. The action, taking during the interregnum between two administrations, obviously saddles his successor with the task of completing it, albeit without responsibility for its origin.

The dispatch of American armed forces to a seat of operations in a place far from our own shores, and this for what is actually a major police action in another country and in a situation where no defensive American interest is involved—this, obviously, is something that the Founding Fathers of this country never envisaged or would ever have approved. If this is in the American tradition, then it is a very recent tradition, and one quite out of accord with the general assumptions that have governed American public life for most of the last 200 years.

I have already pointed to the absence of any prior discussion in Congress of this undertaking. This raises the question, Why, then, so suddenly and without any preparation in public or political opinion? If the President thought it wise to use our armed forces for this purpose, why did he not say so weeks or months ago and lay the question squarely before Congress and public opinion? The answer is obvious: the paralysis of government that has existed for the last six months—before and after the election. This is in itself significant.

But an even more significant question is that of the reason for the general acceptance by Congress and the public about what is being done. There can be no question that the reason for this acceptance lies primarily with the exposure of the Somalia situation by the American media, above all, television. The reaction would have been unthinkable without this exposure. The reaction was an emotional one, occasioned by the sight of the suffering of the starving people in question.

That this should be felt as adequate reason for our military action does credit, no doubt, to the idealism of the American people and to their ready sympathy for people suffering in another part of the world. But this is another part of the world. But this is an emotional reaction, not a thoughtful or deliberate one. It is one which was not under any deliberate and thoughtful control—one that was not really under our control at all.

But if American policy from here on out, particularly policy involving the uses of our armed forces abroad, is to be controlled by popular emotional-impulses, and particularly ones provoked by the commercial television industry, then there is no place—not only for myself, but for what have traditionally been regarded as the responsible deliberative organs of our government, in both executive and legislative branches.

[From the Washington Post, Aug. 28, 1993]

ASPIN LISTS UNITED STATES GOALS IN SOMALIA

(By John Lancaster)

Defense Secretary Les Aspin said yesterday that U.S. combat troops will stay in Somalia until calm has returned to its capital, "real progress" has been made in disarming rival clans and "credible police forces" are up and running in major cities.

In a speech here, Aspin offered the most specific explanation yet of the Clinton administration's decision to step up military operations against fugitive warlord Mohamed Farah Aideed, whose forces have been waging war on U.S. and other foreign troops in the capital of Mogadishu.

He avoided any discussion of a withdrawal timetable, emphasizing that the decision to bring home the troops would depend on their effectiveness in achieving the goals he described.

"When these three conditions are met . . . then I believe the U.S. quick-reaction force can come back," Aspin said in describing what he termed the "endgame" of U.S. involvement in Somalia.

This week, the administration dispatched 400 Army Rangers to augment the 1,400 infantry soldiers and 3,100 logistics troops in Mogadishu, prompting criticism that U.S. policymakers had embarked on a path toward deeper involvement in Somalia's rational violence without presenting a clear rationale.

Aspin sought to answer that criticism yesterday, saying the United States has little choice but to go after Aideed and his militia in south Mogadishu. Pentagon officials privately acknowledged that the Ranger team includes a covert element that will try to capture Aideed.

"The danger now is that unless we return security to south Mogadishu, political chaos will follow any U.N. withdrawal," Aspin said. Other warlords would follow Aideed's example. Fighting between the warlords would ensue. And that, of course, is what brought the famine to massive proportions in the first place.

"The danger we're dealing with here is that the situation will return to what existed before the United Nations sent in its troops."

The emphasis on quelling Aideed's militia demonstrates how U.S. policy in Somalia has shifted from its original goal. When U.S. troops landed in Somalia last December, their purpose was to secure food deliveries and U.S. military commanders worked studiously to avoid taking sides in Somalia's factional rivalries.

Aspin emphasized yesterday that the U.S. mission remains limited. He defined it in terms of restoring security rather than rebuilding the country's shattered economy and political system. That broader task, he said, was the responsibility of the United Nations, which assumed control of the peacekeeping mission from the United States in May.

To that end, Aspin called on the international community to contribute more troops to the U.N. peacekeeping force in Somalia, which remains 5,000 troops short of its goal of 28,000. His comments reflected anxiety at the Pentagon that some key partners in the international coalition, including France and Belgium, may withdraw before others have arrived to take their place, making it even harder for U.S. troops to leave.

Among other things, Aspin called on the United Nations to step up efforts to map a detailed plan for Somalia's recovery, enlist the help of other African countries to aid the recovery and resume the process of political reconciliation among rival clan factions.

Beyond their immediate goal of restoring order in Somalia, administration officials see the mission there as an important precedent for future U.N. peace-keeping efforts in other fractured countries such as Bosnia-Herzegovina.

Earlier this month, following the deaths of four U.S. servicemen in Mogadishu, State Department officials said American troops in Somalia would come home next year. But Aspin offered no predictions yesterday.

First, Aspin said, U.S. combat troops must restore a semblance of calm to south Mogadishu; second, "we must make real progress towards taking the heavy weapons out of the hands of the warlords," and third, "there must be credible police forces in at least the major population centers."

Aspin said the withdrawal of the logistics troops also would depend on restoration of security. "We can reduce U.S. logistics troops when the security situation in south Mogadishu permits large-scale hiring of civilian contract employees to provide the support functions," Aspin said.

Aspin characterized the mission so far as generally a success, emphasizing that despite the violence in south Mogadishu, calm has returned to most of Somalia and with it the first good harvest in several years.

"There is much more to what is happening in Somalia than the story of the military conflict in Mogadishu," Aspin told his audience at the Center for Strategic and International Studies. "On food, we have done very, very well. There are still pockets of hunger, but reports we receive from Mogadishu say that there is more than enough food to feed the Somali people."

[From the Washington Post, June 17, 1993]

U.S. PLANS WIDER ROLE IN U.N. PEACE KEEPING

(By R. Jeffrey Smith and Julia Preston)

The Clinton administration is drafting a new set of criteria for U.S. involvement in U.N. peacekeeping operations that would provide for a much wider role for U.S. military personnel, according to senior defense and diplomatic officials.

Under the proposed criteria, the officials said, U.S. forces could help plan, train and participate in U.N. peace-keeping activities when justified by general U.S. interests, not just when the United States could make a unique military contribution.

The administration's plan also calls for a substantial beefing up of the peace-keeping staff at U.N. headquarters in New York. U.S. forces, in turn, would be more inclined to accept greater U.N. authority over the peace-keeping operations that involve them, the officials said.

The aim of the plan is partly to demonstrate a U.S. commitment to using military force in concert with other nations rather than unilaterally, an approach dubbed "assertive multilateralism" by Madeleine K. Albright, U.S. ambassador to the United Nations. It is also meant to strengthen the ability of the United Nations to conduct military operations successfully in strife-torn areas, the officials said.

The plan represents what one official termed an "evolutionary rather than revolutionary" shift from existing policy. Officials said one factor that has helped block a significant U.S. military role in such U.N. peace-keeping operations as Cambodia, Lebanon, Kashmir and Cyprus is a requirement that U.S. forces be able to make a unique military contribution.

Under the proposed criteria, articulated in classified drafts of a White House policy review document known as PRD–13, the United States could take part if such action would catalyze involvement by other nations or more generally advance U.S. interests, the officials said. The degree of involvement could be determined by such factors as the intensity of public support and the risk of any U.S. commitment becoming open-ended.

Officials said PRD–13 has not yet been presented to President Clinton, but general agreement has been reached on these points among senior officials at the State Department, Defense Department and Joint Chiefs of Staff. Albright outlined some of the proposed new features in a speech last Friday to the Council on Foreign Relations in New York, saying that the administration had decided "the time has come to commit the political, intellectual and financial capital that U.N. peace keeping and our security deserve."

The plan would constitute an official U.S. endorsement of many of the ambitious ideas suggested last year by U.N. Secretary General Boutros Boutros-Ghali in his report on the U.N.'s role in the post-Cold War era, entitled "Agenda for Peace." Although the U.S. plan has not yet been presented in detail to the U.N. leadership, top U.N. peace-keeping officials aware of the plan's general outline said in interviews they welcomed Washington's shift.

"There is a definite change of mood and [a] willingness from the United States to be partners," said Kofi Annan, U.N. undersecretary general for peace-keeping operations. "As U.N. operations become ever more complex and cumbersome to manage, U.S. participation becomes ever more important."

U.N. officials acknowledged they sorely need the kind of political and logistical boost the United States is offering. U.N. peace-keeping operations are growing exponentially, straining the infrastructure, experience and planning capabilities at U.N. headquarters. By the end of this month, the United Nations will have about 90,000 troops in 13 operations around the world. Yet the entire force depends upon a staff of 35 military advisers and about 40 civilians in New York.

"If I had to choose a single word to evoke the problems of U.N. peace-keeping, it would be 'improvisation,'" Albright said. "A kind of programmed amateurism shows up across the board," including what she described as "the near total absence" of contingency planning, "hastily recruited, ill-equipped and often unprepared troops and civilian staff," the absence of centralized military command and control and "the lack of a durable financial basis for starting and sustaining peace-keeping operations."

These and other problems have made U.S. military leaders reluctant to commit U.S. forces to peace-keeping operations, particularly under U.N. command, officials said.

The former head of U.N. forces in Sarajevo, Canadian Maj. Gen. Lewis MacKenzie, vividly described the insufficient staff problem last year. "Do not get into trouble as a commander in the field after 5 p.m. New York time, or Saturday and Sunday," he said. "There is no one to answer the phone."

Currently, only the three biggest operations—in Somalia, Cambodia and the former Yugoslav republics—have officers stationed in the U.N. situation room around the clock. The U.S. plan calls for a reorganization of the U.N. peace-keeping staff, including the creation with U.S. help of a military operations headquarters modeled after the Pentagon's 24-hour command center.

Administration officials also have agreed to work out arrangements for sharing some U.S. intelligence information with the staff of such a center, substantially bolstering its ability to run distant, complex military operations. Later this month, for example, the United States is to help install a joint defense intelligence information system (JDIIS) in the U.N. situation room to enhance its ability to handle such information.

"This is a very tricky business," said Canadian Brig. Gen. Maurice Baril, the top U.N. military adviser for peace-keeping. "You can't expect an organization that is already overworked to come up all of a sudden with a perfect new system. But at the same time we have to develop from within the heart of the United Nations."

Officials said that in the course of the administration's review of its policy toward U.N. peace-keeping, U.S. military leaders have dropped their traditional insistence that U.S. forces be kept under U.S. command. The Joint Chiefs of Staff agreed to take a case-by-case approach and place U.S. troops under U.N. or allied command whenever they find the particular arrangements acceptable, officials said.

Recent models for the policy shift, the officials said, include the deployment of roughly 25,000 U.S. troops to Somalia and the planned deployment of 300 U.S. infantrymen to Macedonia to prevent the Balkans, conflict from spreading there.

Part of the proposed policy directive also stipulates some of the conditions under which the United States would endorse, though not necessarily participate in, U.N. peace-keeping operations. These include: humanitarian needs such as those caused by civil strife or natural disasters; threats to democratically elected governments; a high risk that local strife could expand into regional conflict; and threats to international security.

Albright said that the United States intends to support U.N. efforts to create a central peace-keeping budget to pay for such operations, including an enlarged contingency fund and a ready pool of military equipment. She also said the administration favors the "creation of a cadre of highly qualified budget experts" to audit peace-keeping expenditures.

Mr. BIDEN. Mr. President, before I turn to the business before the Senate, which is Walter Dellinger's nomination, let me also compliment the distinguished chairman of the Appropriations Committee for reminding the Senate, once again, and the Congress, of its responsibility relative to the commission of U.S. forces into combat without the consent of the Congress.

I might also add, because we will have plenty of time to debate this, there were some of us on the Foreign Relations Committee when President Bush detailed these forces to Somalia in the first instance, and we said that it did not seem to be a particularly wise undertaking, and was it explicitly and precisely and only for a multilateral effort to feed starving individuals; was that the mission? We were assured it was.

And third, again, before I turn to Walter Dellinger, which is the business that I am here for, I remind my colleagues that President Clinton inherited 24,000 American troops in Somalia. He has been attempting to draw down those forces. There are fewer than 5,000 American forces in Somalia now.

He is in a bit of a catch-22 situation: The further down he draws the forces, the more vulnerable they become; the more vulnerable they become, the more the call for them to retaliate; the more the call for them to retaliate, the more likely for them to become hostages; the more hostages, the more—and it goes on and on.

This is a conundrum that the President finds himself in. I wish him luck. The reason why I was late coming back up here, and we have done this—and I thank my colleague from North Carolina, Senator HELMS, for being kind enough to begin the debate on Walter

Dellinger in my absence. Usually the person pushing the nomination stands up and makes the case first. I mean this sincerely. I was unable to be here because I was with the President in the Oval Office on this issue, in part, as well as another issue. So I thank him for his courtesy.

But I can assure the Senator, he—and he need not have my assurance—the Senator from West Virginia, clearly has the President's attention, and I know he need not have me tell him that. I, too, thank him for, again, reminding us of the constitutional requirement imposed upon the President by the Constitution via this body and the House.

Mr. BYRD. Mr. President, I thank my distinguished colleague for his kind reference, for his studious and diligent attention to all the variations of the day and for his remarkable performance always, not only in the speeches he makes on the floor, but by his presiding over his great Committee on the Judiciary, of which I was once a member.

Mr. BIDEN. I thank the chairman, Mr. President. I hold him partially responsible for me being the chairman of the Judiciary Committee. As one of my colleagues said to me, "Be careful what you wish for, Joe, you may get it."

It was through the efforts of this Senator, who was then the majority leader of the U.S. Senate, a member of the Steering Committee, who I was foolish enough to ask would he put me on the Judiciary Committee. He acceded to my request and did that for which I will never fully forgive him, because he did not warn me about confirmation hearings for the Supreme Court, and I was unaware of what the responsibility might ultimately entail. But I thank him for his comments.

Mr. BYRD. Mr. President, that was one of the smartest things I ever did.

Mr. BIDEN. I thank the chairman.

NOMINATION OF WALTER DELLINGER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL

The Senate continued with the consideration of the nomination.

Mr. FAIRCLOTH. Mr. President, certainly we are dealing tonight with the exciting and dramatic issue of the situation in Somalia. That is where the interest is. But the subject which I wish to address, also long range, could have a dramatic influence upon the direction our country takes and the way we handle appointments and the Senate's role in them.

When I asked the people of North Carolina for their vote, I promised to work for and support a balanced budget, common sense ideals that the people of that State believe in.

I oppose the nomination of Walter Dellinger to the powerful office of legal counsel in the Department of Justice because his views on the Constitution are on the extreme liberal side from anyone's, especially those people of North Carolina, the vast majority of them.

Mr. Dellinger has argued against a balanced budget amendment to the Constitution, something that 71 percent of the people, in a nationwide survey, want.

Mr. President, we are a country with a Congress that spends us into debt at the rate of roughly $1 billion a day. It is this type of out-of-control Federal spending that has put our Nation on the fast track to a fiscal crisis. It just makes common sense that we cannot spend our way into prosperity. No individual, company, or governmental entity ever has before, and neither will the United States of America.

If we could spend ourselves into prosperity, we would have long since been in the economic promised land. The balanced budget amendment is the only thing that possibly can restrain the spending frenzy that prevails in the Congress today. And we sit here and watch it on a daily basis. It is a spending frenzy.

Mr. Dellinger opposes the balanced budget amendment, and even went so far as to refer to one Senator, Senator DECONCINI's amendment, as sleazy not because of the way it was written or any of that, but for the very simple reason that Mr. Dellinger, in his all-seeing wisdom, did not agree with it.

Mr. Dellinger is very much a part of the Washington establishment. He has been in and out for many years. He served as an academic adviser to the congressional leadership that put this country on the path to a fiscal disaster.

Mr. President, Walter Dellinger even complains about James Madison's amendment to the Constitution when it was ratified last year. That amendment says that Congress cannot raise their pay until after the next election which would give people and voters the chance to speak on the issue.

It goes without saying that most voters are not very keen on giving their elected officials pay raises, especially when those same elected officials have run up a $4 trillion debt.

Likewise, most elected officials would think twice before giving themselves a pay raise immediately before an election. Most of us that ran promised not to support pay raises.

Mr. Dellinger, again in the great wisdom he brings, had the audacity to question the wisdom of James Madison's amendment.

Mr. President, prior to coming to the Senate this past January, I spent my life in the private sector as a businessman and as a farmer. I met a payroll every Friday for 45 years, and we are going to meet one this Friday. So I have some experience with setting a budget and living within that budget.

Anyone who has kept a family budget knows what I am talking about; there is a great difference between a family budget and the budget of the Federal Government. It is not just the number of zeros to the right. A family simply cannot spend money it does not have.

It may sound simple, but that is not the way it works with the Federal Government. The budget of the Federal Government is based on how much we want to spend, and then we borrow whatever amount it takes to cover what we want to spend. And we borrow it all into infinity with no prospect of ever paying it back. We have been borrowing and borrowing so that we can continue the spending, and we have simply spent ourselves to the brink of an economic catastrophe.

Our country is in a very similar position to a family that has run up a huge debt on credit cards, but continues to spend and add to that debt at $1,000 a month in new charges, knowing full well they cannot pay it back. They decide to have a family meeting, and with great deliberation and gravity they agree to cut back. They are really going to make a sacrifice. Instead of going in debt at $1,000 a month, they are only going to go in debt at $900 a month. They are making a real sacrifice. But this is so hard on the family, until they decide to delay for 4 years before they start this terrible sacrifice.

This is about the position this country is in. We have not even addressed the issue of whether we are going to pay the debt, or how.

That is the reason we have the $4 trillion debt. It is slowly grinding us into a crisis. We have gnashed our teeth and we have talked and met about spending, but few if any substantial cuts have been made in spending.

And President Clinton, once again, totes out the same failed policies of tax and spend—only this time he brought in a retroactive tax. Congress has balanced the budget one time in 32 years—one time in 32 years only—and in 28 out of those 32 years we had a tax increase, and practically always with the named purpose of reducing the deficit on the debt.

The American people ought to ask themselves and their representatives the following question: What makes anyone think that the 29th tax increase will do any better job of reducing the deficit than the 28th that went before?

I think the lesson of the 1990 deficit reduction tax increase is that the only way clearly to reduce the deficit and reduce the debt is to cut spending. And the only way we are going to do that is with a balanced budget amendment—something that a vast majority of the American people believe in, which Mr. Walter Dellinger does not. A balanced budget amendment to the Constitution is the only way we are going to force the Congress to get its house in order.

And we do not need a man sitting at the President's right hand who is opposed to this from one end and who has called every attempt to put it in effect sleazy or incompetent.

Mr. President, I sincerely hope that Walter Dellinger will not be confirmed, and that we will have the time necessary to give all Senators a chance to learn just how much out of touch with mainstream America an ordinary citizen Walter Dellinger really is.

I yield the floor.

Mr. BIDEN. Mr. President, I apologize to my colleagues for my raspy voice, but to all of your benefits, I have this voice which means I will not speak overly long today and I will make my comments relative to Walter Dellinger brief and because we will have an opportunity to continue to debate this tonight and, I expect, tomorrow.

I rise tonight in support of the nomination of Professor Walter Dellinger of Duke University School of Law, to be Assistant Attorney General in the Office of Legal Counsel at the Department of Justice. The Judiciary Committee unanimously approved Professor Dellinger's nomination on July 22—unanimously approved. Since that time, I have been working with my colleagues on the other side of the aisle to bring this nomination to a vote. Unfortunately, I have not succeeded very well, and I have not gotten, to this date, very much cooperation on getting this to a vote.

But I strongly urge my colleagues tonight to support the nomination of Walter Dellinger without any further delay. Professor Dellinger has devoted his professional career to thinking, writing, and teaching about our Constitution. His scholarship has distinguished him as one of the leading constitutional experts in the United States. Regardless of what one thinks of his views, I do not think you will find an individual schooled in the law who will tell you Walter Dellinger is not one of a dozen of the most prominent constitutional scholars in America.

As such, I believe he could not be better suited for the post within the Justice Department to which he is nominated. The Assistant Attorney General for the Office of Legal Counsel has been described by some as the Attorney General's lawyer. It is a fancy phrase: The Assistant Attorney General for the Office of Legal Counsel. Distilled and translated, very simply it means this is the Nation's leading lawyer's lawyer. That is what this position is designed to do: Give counsel to the Attorney General.

He or she, the Assistant Attorney General for the Office of Legal Counsel, is called upon to advise the Attorney General on whether policy changes that are proposed accord with the Constitution and the laws of the United States.

More broadly, the Office of Legal Counsel, or OLC, as it is referred to, serves as general counsel for the entire Department of Justice and, in effect, as outside counsel to other executive agencies. In each instance, OLC opines on the legality of proposed executive action. So not just within the Justice Department. If the FTC or if the Defense Department or if the State Department—whomever—wishes to engage in a proposed executive action, it is not at all unusual for the OLC to give a legal opinion as to its constitutionality and whether it falls within the bounds of our laws and statutes.

For these reasons, the Assistant Attorney General of OLC must bring to the office a real commitment to scholarship and a higher regard for the Constitution. The occupant of the office should jealously guard the integrity of the department so that Americans may know that the Department of Justice truly seeks justice for all Americans and lives within the law itself.

I am fortunate to have had the opportunity to work with Professor Dellinger prior to his nomination, which may be, in part, part of the difficulties with his nomination. In all my dealings with him, Professor Dellinger has shown himself to be open-minded, intellectually rigorous and committed to the law and the Constitution as a matter of principle above ideology.

The Judiciary Committee hearings on Professor Dellinger's nomination reinforced my belief that he is, indeed, a person of unquestionable integrity and character. Moreover, the depth of his knowledge and experience in thinking about and teaching constitutional law will serve him well in the Office of Legal Counsel and, I might add, serve the Nation well.

At the hearing before the Judiciary Committee, Professor Dellinger testified about his commitment to the OLC's tradition of legal excellence and his determination to offer the best legal advice possible, as he put it. And he put it this way:

> It is the obligation of the office to give the President detached, objective advice, even if what turns out to be the best legal answer is not what the President was hoping to hear.

I was delighted to hear Professor Dellinger's testimony in this regard. I think it is critical that the Office of Legal Counsel deliver accurate and objective legal advice to the President, to the Attorney General, and to the entire executive branch, because, as the Presiding Officer knows, it has not been infrequent in our joint tenure in the Congress and in Government where occasionally the Executive Office has set off on larks that were not fully, did not fully comport with the law or the Constitution.

In my tenure in the Senate, I have seen a whole lot more Attorneys General than I have Presidents, and there has been reason for that. So the Office of Legal Counsel is one of those offices that the leading lawyers and scholars in America seek to participate. And administration after administration seeks leading scholars and lawyers, lawyers' lawyers to be in that position.

OLC is not a policymaking office. I respect my two colleagues from North Carolina and their disagreements with Mr. Dellinger on a number of specific issues including the balanced budget. But OLC is not a policy office. It is not that function.

Mr. President, as I indicated, OLC is not a policymaking office. Professor Dellinger understands that OLC's job is to assist the policymakers to make sure that the policy they are proposing is within the law and within the Constitution. In addition to understanding that the Office of Legal Counsel must offer independent advice, Professor Dellinger knows that the law is the starting and ending point in determining what advice he should render.

We in the Senate who have the constitutional responsibility of giving informed and reasoned judgment as to the suitability of nominees to the courts and executive branch are rightly concerned about the methodology these nominees will employ once they are confirmed.

Professor Dellinger has a long and, in my view, a distinguished record of advocacy in his legal scholarship before the courts and frequently in testimony before the Congress. Because Professor Dellinger is one of the country's leading constitutional teachers and thinkers, we in the Congress have repeatedly called upon him, not just in the Judiciary Committee but in other committees, and in the House of Representatives, and other distinguished colleagues like the conservative legal scholar, Philip Kurland of the University of Chicago, the liberal legal scholar as characterized by some, Laurence Tribe at Harvard University, and a whole range of others we could mention. We seek their wisdom, their advice, and their input, and their scholarship. And Professor Dellinger is one of those leading scholars and thinkers we in the Congress, in both Houses, have called on from time to time to offer opinions on a variety of issues of public concern.

I myself have looked to Professor Dellinger on several occasions to assist me in deliberations about matters of grave importance to our country and our Constitution. He willingly provided the assistance that I requested, earning over the years my deep respect and admiration.

While his thinking on some of the most controversial issues of the last decade or so has helped me develop my own views, some of which I have agreed and disagreed with him on, I am confident that Professor Dellinger's personal views are not of great relevance, as a matter of fact are not of any relevance, to his new job at OLC. It is not a policymaking job.

As he testified under my questioning about his written record and constitutional testimony on issues of religious freedom and the separation of church and state, he said:

> "The position to which I am nominated, the Office of Legal Counsel, is one where if any question arises the proper reference is not my own views or my own writings but the Supreme Court of the United States is what is deciding. Our obligation will be to look to what the law is and has been articulated by the courts, and I would inform those who work with me that the best place to look for law is not an encyclopedic article on school prayer or, indeed, in any of my testimony but to the decision of the United States Supreme Court.

Now, if he were being nominated for the Supreme Court, it would be very appropriate to be concerned about what his views were because as a Supreme Court Justice he can change Supreme Court decisions by his vote, or potentially change them by his vote. But in the Office of Legal Counsel he is bound not to look to his own opinions or JOE BIDEN's opinions or anybody's opinions other than the Supreme Court of the United States of America, the law of the land. Even if he disagrees with that, he is bound to tell the Attorney General that the law requires the following.

Again, I emphasize, because my friends have raised it—and legitimately so—a number of times, his views on everything from school prayer to balanced budget amendments are of no relevance to the functioning of this office.

This testimony of Professor Dellinger, which I quoted earlier, I think illustrates his determination to run the OLC in as nonpartisan and as independent a manner as possible, free from political pressures and independent of his personal views. A man of indisputable intellect and uprightness of character, Professor Dellinger offers himself for public service.

Mr. President, I personally am delighted to support his nomination, and I am going to urge my colleagues as quickly as they can to move on confirming Professor Dellinger.

Now, my colleagues from North Carolina raised several points in addition to what I have spoken to, and with their indulgence I will try to speak to two of those points tonight relatively briefly because they warrant a response in my view.

First of all, to my distinguished friend from North Carolina, Senator HELMS—he and I came to this body the same year, the same time, and we have occasionally been together and often been opposed on issues, but we have had a good relationship and dealt squarely with one another for over 20 years. He has a view different, I know, than my view and I think different than what has been the traditional view of the Senate relative to what we refer to in Senate jargon as blue slips.

Now, let me address the use of the committee blue slip. And for all of those who are listening, the blue slip is a name that has been given to the practice in the past, not just the past decade but decades, of the Senate Judiciary Committee, when someone is sent up as a nominee, to send notice to the Senator from the State from whence that individual comes—and it used to be in the form of a blue slip—to say what do you think of this person?

That is the blue slip we are talking about. It is not like the pink slip; you get fired. It is a blue slip. It goes back, I suspect—although I do not literally know whether it was still colored blue or was originally colored blue, but it was originally colored blue, I think.

So I say that for people who might wonder in listening to us on C-SPAN what the devil is the blue slip. That is what we are talking about.

The blue slip, I want to address the committee's blue slip in the course of Mr. Dellinger's nomination to be Assistant Attorney General of the Office of Legal Counsel. And I will try to take it by the numbers and chronologically. I solicited—and I do this all the time as chairman of the committee. The committee is interested in the views of home State senators on Presidential nominations to positions in the Justice Department.

The Presiding Officer is from Colorado. If there are nominees from Colorado to be Assistant Attorney General or to be Attorney General of the United States of America, we, as a matter of courtesy in the committee, automatically contact both the Senators, the Presiding Officer, and his colleague from Colorado, and say we want to know what you think about this person. But over the years the meaning of that inquiry has taken on life forms that do not bear much resemblance to reality.

So, as a matter of practice as chairman, I solicit, and the committee is in fact interested, in the views of home State Senators on the President's nominees to positions in the Justice Department. Unlike nominations to the Federal bench, where, if there were someone from the district court from North Carolina, or the circuit court, which is slightly different because it does not encompass just North Carolina, but unlike nominees from the Federal bench, the committee does not consider a negative blue slip; that is, when the Senator brings it back and says I do not like Joe Bloke, I am not for him. That is what I mean by negative blue slip. They do not support the nominee. Unlike nominations for the Federal bench, the Judiciary Committee does not consider, and has not considered, a negative blue slip on a Department of Justice nominee to be a significant factor against the nominee for a position in the Department.

This is committee policy, and it is not a change from past practice. As acknowledged by Senator THURMOND, the most senior Republican in the U.S. Senate and the most senior member of the Judiciary Committee having served there longer than anyone—the distinguished Senator from South Carolina who served previously as chairman of the Judiciary Committee through most of the 1980's said the following:

> The extension of the blue slip policy to the Department of Justice officials would "be extending it further than it has ever been extended before."

He said that in the Judiciary Committee on July 15, 1993—this July.

Consultation with home State Senators during the nomination process is based on a long-held practice and theory, and the theory goes like this: That the Senators who represent the State where a nominee will sit, actually go back and sit and serve, should have an input in the nomination process.

Logically, that theory does not apply and has not applied to national level Justice Department nominees who will not be serving in the home State of the Senator.

If we extended this rationale—I might add parenthetically that a home State Senator could withhold support and veto any nominee. Well, let us assume there was a Secretary of State nominated from the State of Delaware, and I did not like her or him, and I said, I do not want her, I do not want him, I do not want her to be Secretary of State. I do not think anybody in this body would seriously contend that I as, one Senator, merely because the nominee comes from the State of Delaware, hails from Delaware, should be able to be stopped by me from serving as the Secretary of State of the United States of America, I do not think anybody would think that. I do not think anybody would think if a Supreme Court nominee came from my State, and I did not like the nominee, that I would have a veto power, that I would be able to say to the Judiciary Committee, do not even consider this nominee. You are trampling on my prerogatives as an individual Senator. You cannot even consider it, cannot even vote on it. "I veto that nominee."

If you think about the extension of this practice, that is being suggested be the practice, think what it would mean. No President could nominate anyone for public office serving in Washington, DC, who the Senator from that State did not like. I do not mean personally dislike, disagreed with. I do not know anywhere in the Constitution where it said in the advice-and-consent clause that we should build into Senate practices the ability of a single Senator to deny consideration even of a Presidential nominee.

Another reason why this practice used to exist, does exist still, and in the past as it relates to district court judges, was giving greater weight on previous occasions than is now given, was because of another underlying thesis; that is, that in 1815, or 1850, or 1890, or 1910, the President of the United States of America nominating someone from my State was not as likely to know as much about how that person was viewed by the lawyers and judges in my State as I would be. That is an underlying reason for it.

We take very seriously the recommendations of Senators relative to the appointment to the bench of someone from their own State. Because you, the Presiding Officer from Colorado, are likely to know 100 times more lawyers in Colorado than the President does. You are likely to know 20 times as many professors, and 50 times as many community leaders. So we want your opinion. It is important because they have worked day-to-day with that individual as to whether or not they would be able to fulfill the function of going back to that State and sitting there as a judge.

But that theory begins to loosen very rapidly when you are talking about whether or not someone who is a professor at a law school who takes on a position in Washington, DC, at a national level in the Justice Department should not only be able to be vetoed, but even slowed up by a Senator by virtue of the fact he or she works in the State of the Senator or is born in that State.

Further, consistent with the President's prerogative to choose those he wishes for his Cabinet agencies, I think it is inappropriate to allow a veto by home State Senators of such positions, a view shared by the distinguished Senator from South Carolina, a former chairman of the Judiciary Committee and Republican, Senator THURMOND, and the vast majority, I think the total majority, of the United States Senate Judiciary Committee.

A home State Senator still may vote against a nominee. He may, within his rights or her rights, filibuster a nominee. I respect both of those. But even in the instance of a negative blue slip, if the nominee is otherwise qualified, the committee will proceed with the nomination. No Senator gives up his or her personal right to use the rules of the Senate to try to stop that nominee. We respect that. It is time honored and it will be practiced and continued in practice. I respect it. But I want to make it clear. The practice that I have outlined relative to the blue slips is consistent with the procedures employed by other Senate committees reviewing Executive nominations for nationwide positions.

How could the rationale hold in the Judiciary Committee, for example, to say that an Assistant Attorney General or Deputy Attorney General, Assistant Attorney General of the U.S. Justice Department, would be able to be negatively blue slipped by a Senator from the home State and not say that same practice should exist within the Defense Department, within the Justice Department, within the Commerce Department, within the Office of Management and Budget? Anywhere. But I ask my colleagues, is there any other committee in the U.S. Senate where the mere reference by a home State Senator that he or she does not like the nominee that would lead one in a commonsense view to suggest that that committee should not consider that nominee?

It would be an illogical extension of a courtesy that has been afforded historically by the Judiciary Committee to Senators from the home States of the nominees because we do value their opinion.

We ask this not to be gratuitous; we ask it because we know the Senators from North Carolina know the nominees from their State. We want to hear what they have to say. I do not imagine that the Senator from North Carolina believes he should be given a veto power over nominees from his State who are selected by the President to serve in the Department of Labor, the Department of Transportation, the Department of Defense, or the Department of State.

Certainly, the Department of Justice nominees are no different and, quite frankly, given that President Clinton won the election, those choices are his choices, and it is the choice of the Senators to support or oppose the nominee—but not to have one Senator tell the President he cannot even nominate that person and get a vote.

The Judiciary Committee, because of the tradition of sending blue slips on Judicial nominees, sends blue slips on Department of Justice nominees as a courtesy to notify home State Senators that the nomination has been received. This practice will continue, because I personally am interested in soliciting my colleagues' views on those nominees, just as we did in this case.

Let me say what happened in this case. Attached to Senator HELMS' blue slip—the notice we sent—was a press release by Senator FAIRCLOTH. It was attached to what we got back. This is totally appropriate. It was by Senator FAIRCLOTH expressing his reasons for opposing the nominee. Senator HELMS indicated that he opposed the nomination for the reasons stated by Senator FAIRCLOTH. And the senior Senator from North Carolina did not give any indication to this Senator or the committee, to the best of my knowledge, that he had other concerns than those expressed by Senator FAIRCLOTH, which were expressed in the press release attached and given to the committee.

More than 1 month after Senator HELMS returned his blue slip to the committee, we sent out public notices announcing our intention to hold a hearing on Walter Dellinger's nomination 1 week after that. So we got the blue slip—

Mr. HELMS. If the Senator will yield, that simply is not accurate. You may have sent them out, but they dropped them in the trash can somewhere, because I never received one and Senator FAIRCLOTH never got one.

Mr. BIDEN. Obviously, if I am wrong, and I believe I am not, I will stand corrected; but we will, before this is over, get you evidence of the fact that we did send them. I am not doubting your word that you did not get it, but I hope you are not doubting my word that there was notice.

The committee publicly noticed Walter Dellinger's hearing on June 15, 1993, in the CONGRESSIONAL RECORD for June 16, 1993, at page E1534. It is noted that the Judiciary Committee planned to hold a hearing on Professor Dellinger's nomination at 10:30 a.m.

Mr. HELMS. If the Senator will yield. Like the Senator from Delaware, I do not read every word in the CONGRESSIONAL RECORD. I would have thought that maybe I would have had the courtesy of a notice from the Judiciary Committee. We can get into the facts of this case, and I intend to do it this evening.

Mr. BIDEN. I understand the point of the Senator, and let me say that he is at least partially right. Let me explain what I mean by that. If the Senator is saying did I personally send him a note from the Judiciary Committee directly, a month after he sent in the blue slip, saying in another week we are going to have a hearing, the answer to that question is no, I did not personally, nor did the official committee, send specifically to the Senator from North Carolina, or specifically to his junior colleague, a notification. We did what we always do, what is the practice and has been the practice of the committee. We noticed in the CONGRESSIONAL RECORD, and that is why we have competent, paid staff to read the CONGRESSIONAL RECORD.

I hope the Senator does not waste time reading. I sure hope my staff reads it, because that is the vehicle through which we notify people of what is happening on the committee as a whole.

So the Senator is correct that I did not send it to him personally. But I want him to understand that it was no slight; it was not something I did not do to him; it is something that is not the committee's practice. We officially notice it in the CONGRESSIONAL RECORD; that is the vehicle.

Again, more than a month after the Senator from North Carolina indicated his opposition to the nomination—I have been informed by staff to clarify or add another point, which is that we call Senators if they are going to have a nominee from their home State only for the purpose of asking them if they wish to come and introduce the nominee. We extend the courtesy of asking if you wish to come and introduce the nominee from your State.

It was very clear that both of the Senators from North Carolina had no desire to introduce the nominee. And so if, for example, one of the Senators had sent in a positive blue slip and one a negative blue slip, we would pick up the phone and call the Senator who sent in the positive blue slip and say: Senator So and So, we are—as noticed in the CONGRESSIONAL RECORD—going to hold the nomination hearing in committee on June 17. Do you wish to come with the nominee to introduce him or her? And if you do, we will try to accommodate your schedule. What is the best time for you to do that?

But the reason we do not do that with a negative blue slip, it is obvious that the Senator does not want to come and introduce the nominee. And we offer the opportunity to introduce not for the purpose of notifying the Senator of that particular day, because you assume he will be notified through the CONGRESSIONAL RECORD; we do it for the purpose of trying to accommodate his or her particular schedule, because many times they come back and say: Gee, Joe; I am conducting a hearing on such and such, and I cannot do it at 10. Can I start my hearing and get over to you at 10:45, and can you get me on then to introduce him?

That is the reason we do it. Maybe we should do what other committees do, as I understand the practice generally, and not spend any time notifying everybody about these things. But that has not been our practice.

So, again, the chronology: The nomination gets sent up to the Judiciary Committee. We send blue slips, and that is traditional, out of courtesy to both of the Senators from the home State. Both of the Senators from the home State send back a negative blue slip and say, "We do not like the nominee; we are not for him." And one of the Senators attaches his reasons for being opposed to the nominee, and the other Senator says, in effect, "I associate myself with the comments of my junior colleague."

A month passes, and we were not just doing nothing during that month. We were following up leads, accusations, positive comments, and we were investigating, minority and majority, Republican and Democratic investigators, on the core staff. We were investigating the nominee, as we do every nominee requiring the advice and consent of the Senate before our committee.

If the Senator from North Carolina, the senior Senator, had given the committee any indication that he had any additional thoughts he wished to share about the nominee, we would have accepted those thoughts gladly. By no possible standard was this nomination rushed through the committee. Members of the Senate, the press, and the public had notice of the hearings.

In addition, the home State Senators were specifically notified by blue slips that the committee was considering the nomination. In addition, at the request of the Senator from North Carolina, the committee's vote on Professor Dellinger's nomination was delayed a week after we set the date to vote.

The Senator said to me: "Do not rush it. I have additional questions I would like to submit in writing."

So as a courtesy I said, OK, even though the vote was unanimous in the committee a week later. I said: "Fine. You submit the questions."

My staff picked up the phone, called the nominee, and said: "It is important you answer these questions. A senior United States Senator wants the answer." And they told the staff down there very bluntly: "We do not care whether you think the questions are relevant or irrelevant. Answer them." And they answered the questions.

We delayed the vote a week. So we had the hearing and then the process of the committee. After the hearing, after a certain time passed, we set it up on what is called the Executive Calendar to vote on it in the committee. The day we noticed the vote on this and we put out a calendar, we distributed it, we said the executive committee is going to bring it up, and here is the agenda, click, click, click, and we listed in writing—I think it was 2 days in advance—and the minority was given—that meaning the Republicans in this case—and the majority, we delayed that 1 week even though we could have voted on it then.

Now, on two separate occasions the senior Senator from North Carolina submitted numerous questions to the nominee, and based on my reading of it, all of those questions have been answered, maybe not to the satisfaction, maybe not the right answer from the perspective of the senior Senator, but the nominee answered the questions.

If the Senator from North Carolina or any Senator wants to oppose the nomination, they are well within their right to vote "no". As a matter of fact, they are within their right to filibuster. But we have delayed, in my view, long enough. The President is entitled to a vote on this nominee.

One other point I would raise. I personally spoke on at least three occasions in detail with the junior Senator from North Carolina, who is the one who submitted his explicit reasons for being opposed to the nominee, and as is normally the practice, the junior Senator did nothing inappropriate, but he would raise with me—he would say: "Joe, I heard the following rumor about the nominee."

We hear that on every nominee.

I said, "Let me check it out." I would go back to the investigating staff and say, "This is a rumor that has been heard. Follow up on it."

I would then go back to the junior Senator from North Carolina and say, "The rumor you said that Dellinger killed Robin on July 7 and Charlie Smith saw it, we went back and interviewed Charlie Smith, and we tried to find Cock Robin's body. We went to see who did what, and they turned out to be specious."

The Senator from North Carolina was not offering them as proof, but he was entitled and required to pass on to us things that reflected negatively on the character if they were true, and they turned out not to be true.

Then I said to the junior Senator from North Carolina, "The investigative staff, majority and minority, Republican and Democrat, is available to you to brief you on the detail of the investigation."

To the best of my knowledge, every single solitary question relating to the conduct, the character, and the performance of this nominee in his capacity as a student, as a lawyer, as a professor, as an adviser, as a father, as a husband, as a citizen, every single solitary rumor, allegation, even hint of anything wrong called to our attention or uncovered by minority or majority staff was looked into.

Let me make it clear when I say minority and majority. The good Senator from Utah and I do not share the same philosophy. He is the ranking member. His investigators are not card-carrying liberal Democrats. They are first-rate professionals and investigators, as I believe mine are, and I can say with honesty I am not even sure how mine are registered. Maybe I should check. But all kidding aside, these are first-class investigators, and this is done in a bipartisan way.

Again I say, only because the only one to speak to me about specific concerns about this nominee was the junior Senator, and the junior Senator will tell Senators on the record, and I am sure the senior Senator would not doubt it, I extended every courtesy. Every single thing he asked me about I took time with him. I sat with him. I followed up on it, every single thing. And, again, I want to make it clear the junior Senator was in no way attempting to malign the character of, say anything bad about, do anything that was untoward relative to the nominee. But if the junior Senator heard from the——

Mr. HELMS. Mr. President, if the Senator will yield, what did he say the junior Senator from North Carolina did not do? The Senator's voice is raspy.

Mr. BIDEN. I am sorry. I beg pardon. The junior Senator from North Carolina never did anything untoward, never did anything unfair, never attempted to malign the character of the nominee. I want to make that clear when I say he would pass on to me rumors and/or concerns that were expressed to him, which is appropriate. So I do not want anybody leaving here thinking that the junior Senator came to the Senator from Delaware stirring up rumors about the nominee.

Mr. HELMS. What is the Senator saying?

Mr. BIDEN. What I am saying——

Mr. HELMS. I hope the Senator gets through so I can answer some of these incorrect statements that he made.

Mr. BIDEN. Let me make it clear to the Senator. I was making the point that the senior Senator from North Carolina never once said anything to me——

Mr. HELMS. Nor the Senator from Delaware to me.

Mr. BIDEN. No. I know. I understand that. So I am not in any way impugning. The point is I am not impugning anyone's integrity, but I am pointing out to the Senator what I did.

Mr. HELMS. Mr. President, I ask the Senator if he would look at me so I can understand. The Senator's voice is about gone.

Mr. BIDEN. What I am pointing out to the Senator is when his colleague came to me, in addition to his written concerns, he expressed additional concerns.

Mr. HELMS. Right.

Mr. BIDEN. Every concern he expressed to me about the competence of the nominee to serve, I, along with the minority and majority investigating staff, followed up on it. Not one single thing that he raised with me did we not assiduously follow up, not one single thing that he raised, because we are not mindreaders. I do not know why the Senator is opposed beyond the reason stated. I am not a mindreader. Everything he raised we not only investigated, but we made available the investigative team of the committee, Republican and Democrat, to the junior Senator from North Carolina to satisfy him as to what we did and did not do in investigating this nominee. That is the only point I made.

Mr. HELMS. What I said did not matter?

Mr. BIDEN. No. The Senator's blue slip mattered a great deal. We assumed from the Senator's blue slip, his reasons for opposition were precisely the same as the junior Senator from North Carolina, because when the senior Senator from North Carolina sent me the blue slip, I say to my good friend, he attached his junior colleague's reasons.

Mr. HELMS. You bet. I agree with him.

Mr. BIDEN. So I did not feel the need. Let me put it this way. If Senator ROTH from Delaware sent the Senator a series of questions and then I said, "By the way I have the same questions," would the Senator feel obliged to come and talk to both of us or answer Senator ROTH, who sent the question?

Mr. HELMS. Mr. President, I hope the Senator would feel obliged to talk to both Senators.

Mr. BIDEN. If the Senator feels in any way disrespect in my not speaking to him, I want him to know I assumed what I think is appropriate to assume, that the junior Senator from North Carolina had taken on this job, that the junior Senator from North Carolina had taken on the job of dealing with this nomination. That is literally what I thought. I think that is literally what the minority staff thought as well on the committee.

So that is the reason that until the Senator came to me the day or two before we were going to vote in the committee and said, "Joe, I really wish you would not vote now; I am not ready. I have more questions." Does the Senator recall that?

Mr. HELMS. I certainly do.

Mr. BIDEN. Does the Senator remember what I said? I said: "Fine, JESSE. If you do not want to vote now, submit your questions. We will get him to answer those, too."

Mr. HELMS. Which he never did.

Mr. BIDEN. Pardon?

Mr. HELMS. Which he never did.

(Mrs. MURRAY assumed the chair.)

Mr. BIDEN. Well, he answered questions. Whether he answered to the Senator's satisfaction I am not the one to be the judge. The Senator from North Carolina is to be the judge of that, as he obviously is.

The point I am making is as it related to the blue slip. The U.S. Senate Judiciary Committee extended to the Senators from South Carolina——

Mr. FORD. North Carolina.

Mr. BIDEN. I am so used to dealing with the Senator from South Carolina on the committee. I apologize for the slip—the Senators from North Carolina, every courtesy and every privilege that we have accorded every single U.S. Senator as long as I have been on the committee and, to the best of my knowledge, as long as anyone has been on that committee. That is the only point I wish to make.

And on the last point raised in the opening statements by my colleagues from North Carolina, they indicated—I believe the distinguished senior Senator indicated—that there has been, at a minimum, a lack of due diligence and concern for the Senate's prerogatives by the President and the Attorney General making Walter Dellinger the Acting—the Acting—Director of the Office of Legal Counsel.

Let me speak to that point briefly.

Statutory law provides that all functions of the officers and employees of the Department of Justice—all functions—are vested in the Attorney General. She, in turn, and I quote the statute here may "authorize the performance of any other officer, employee, or agency of the Department of Justice of any function of the Attorney General."

Thus, a person can become an Acting Assistant Attorney General in either of two ways: Under the first method, whomever is the ranking deputy in the office becomes the acting head of that office. Under the second method, the Attorney General may designate any other official of the department, in this case Attorney General Reno's order designating Walter Dellinger as the acting head of the Office of Legal Counsel meets both tests.

Professor Dellinger became Acting Assistant Attorney General on August 11. Prior to that time, he was already employed by the Justice Department as the highest ranking Deputy Assistant Attorney General in the Office of Legal Counsel.

So he was not requiring Senate confirmation. OK. So here you have the guy who is, in fact, already in the Office of Legal Counsel as the ranking assistant, or the Ranking Deputy Assistant Attorney General. The statute, I remind you, says that one of the ways you can become the acting head of that department is if you are a deputy at the time it is vacant.

Thus, under the first test, which by itself is sufficient to justify Professor Dellinger's service as Acting Assistant Attorney General, he satisfies the requirements of the statute.

Moreover, Attorney General Reno issued an order designating him as Acting Assistant Attorney General. She was authorized to do that under the statute, because she may designate "any official in the Department of Justice" to head a vacant office in the Department of Justice. "Any official in the Justice Department." He was in the Justice Department. And she may designate anyone in the department to head a vacant office.

I would point out to my colleague that what Attorney General Reno has done in this case is the same thing that has been done in past administrations. At least three previous Assistant Attorneys General were named to that position prior to confirmation. In fact, the most recent of these was when former Attorney General William Barr, the last Republican Attorney General, named Timothy Flanigan Acting Assistant Attorney General for the Office of Legal Counsel in 1991.

Let me say that again now. Former Attorney General, Republican Attorney General in the Bush administration, Mr. Barr, took a fellow who was already in the Justice Department named Flanigan and he said, "Prior to the Senate acting on your confirmation, I need this office filled. I am appointing you under the statute, which I have the authority as Attorney General to do, Acting Assistant Attorney General for the Office of Legal Counsel," the exact same office we are talking about.

Mr. HELMS. There is going to be such a gap between all the material the

Senator is stating, which is inaccurate or irrelevant.

Mr. President, I ask the Senator: Was there any controversy about Barr?

Mr. BIDEN. There was no controversy about that appointment. There was a lot of controversy about Barr.

Mr. HELMS. That is the point.

Is it not a fact that they first hired Dellinger as a consultant, is that not correct?

Mr. BIDEN. Yes, they did.

Mr. HELMS. Moved him up to Deputy Attorney General, and then they put him in this place.

You are reading the statute. I am going to read the Constitution of the United States, if I ever get the floor again.

Mr. BIDEN. Let me point out to the Senator, it was a unanimous vote, including all Republicans in the committee, for Walter Dellinger. So this does not appear to be too controversial, either.

Mr. HELMS. Well, it certainly was known to everybody except the Senator from Delaware.

Mr. BIDEN. No, what was known to me, Madam President, was the Senator from North Carolina did not like the nominee.

Mr. HELMS. If the Senator would yield, sure you had a love-in on that hearing and they did not know everything about Walter Dellinger. They did not know about the freshman Senator from North Carolina who had been here only 3 or 4 months. And, of course, it is easy to say, "Step aside, boy. You do not know enough about the way the Senate operates."

But I have been here as long the Senator has and I know something about how it operates. And if I get the floor——

The PRESIDING OFFICER. The Chair will remind Senators to direct their remarks to the Chair.

Mr. HELMS. Pardon me?

The PRESIDING OFFICER. The Chair will remind Senators to direct their remarks to the Chair.

Mr. HELMS. I believe you have a cold, too, Madam President.

What did you say?

The PRESIDING OFFICER. The Chair will remind Senators to direct their remarks to the Chair.

Mr. HELMS. Well, I will suggest that you remind both of us to do that.

The PRESIDING OFFICER. I will do that.

Mr. HELMS. Thank you very much, ma'am.

Now, where were we?

Mr. BIDEN. I think the Senator was telling me he has been here as long as I have, and I think that is where we were. The Senator from North Carolina was pointing out to me that he knows his way around this body, which I have never doubted. I think he was about to make the point that, notwithstanding the fact all the Republicans on the committee listened to the testimony and voted for him, they did not know as much as he knew.

Mr. HELMS. I say to the Senator, Madam President, that he may count the votes of the Republican Senators on the Judiciary Committee when the vote occurs tomorrow, if it occurs, on the cloture motion, and we will see if they know more today than they knew then.

Mr. BIDEN. Madam President, I really do understand what this is all about. I really do understand and respect the Senator from North Carolina. I really do understand and respect the fact that he has been, and continues to be, a powerful force on this floor and among his Republican colleagues.

I just ask him to understand, when he or his staff may impute motivation to me, that it was not unreasonable for the Senator from Delaware, when the entirety of the Republican members, the entire delegation of Republicans on the Judiciary Committee—not the most liberal group of people; many sharing the same philosophic views of my friend from North Carolina. No one I know has ever accused Senator HATCH, or Senator GRASSLEY, or Senator BROWN, or Senator THURMOND of being reactionary liberals. I have never heard that accusation.

So all I am suggesting, Madam President, is it was not inappropriate for the Senator from Delaware, when we called for a vote, after over a month's investigation of this nominee, after over a number of repeated questions having been submitted and answered, after a hearing, after it being clear to every one of the members of that committee that the two Senators from North Carolina opposed the nominee, that, notwithstanding their knowledge of that, and with all due respect to both the Senators from North Carolina, the committee, Republicans as well as Democrats, voted, notwithstanding that knowledge, for the nominee.

Therefore, I would respectfully suggest it is not inappropriate for the Senator from Delaware to draw from that—let me be very clear. We passed this out by unanimous consent, that is a unanimous vote, in the committee. There were Republicans that were there. I am checking right now to find out precisely, in making up a quorum, how many were actually there.

But it is irrelevant. Every single U.S. Senator on that committee knew on that day we were voting on Walter Dellinger.

Every single member of that committee, Democrat and Republican, knew that the Senator from North Carolina opposed the nomination of Walter Dellinger. Every single U.S. Senator and every staff member of every Senator on that committee knew that both the Senators from North Carolina had handed in blue slips. Every single solitary member of the U.S. Judiciary Committee knows that they can interpose an objection and demand a vote and/or keep us from voting, merely by asking the Chair that they wish not to proceed. Everyone knows that.

So, whether or not everyone stood and said yes or no on a vote, it can at a minimum be said this nomination did not pass out of the committee absent the knowledge, absent the consent of the Republicans, after the Republican as well as Democratic investigators, hired by the committee, looking at the FBI file and everything else in this man's background, had reached the conclusion that he was fit to serve in this office.

Now, again, I do not want to make more of this or less of it. It comes down to a very simple proposition. Again, I respect it. The Senator from North Carolina, the senior as well as the junior Senator, do not feel this man is an appropriate nominee for the office. I respect that. But let us talk about this for what it is. And it is appropriate what it is. And that is, this particular nominee has views that have not only in this instance but for two decades diverged and openly diverged in the State of North Carolina from the Senator from North Carolina, the senior Senator, and to a lesser extent from the junior Senator who, as he points out, has not held public office until recently. He was a businessman for a number of decades.

I respect that. I would not be real happy. I remember there was a fellow from Delaware whose roots were in Delaware, a man—I had great respect for his intellect and totally disagreed with his views on the issue of civil rights—who was asked to be the head of the Civil Rights Division: Bradford Reynolds. He comes from an old and distinguished family in Delaware; a very distinguished family. The Senator from Delaware disagreed fully, as the Senator from North Carolina fully agreed with his views. I did everything I could to try to stop him from being the nominee.

Mr. HELMS. If the Senator will yield for an observation, he sounded like a great guy to me.

Mr. BIDEN. He was. You loved him. I respected him, but I disagreed with him.

Mr. HELMS. If the Senator will yield, I never heard of Walter Dellinger until this came up.

Mr. BIDEN. Senator, I do not doubt you because you have never broken your word to me. I accept that. But everyone else in North Carolina heard about him because they were mad as hell about Bork. Remember all that stuff about the Bork nomination? You sure heard about him after the fact.

Mr. HELMS. If the Senator will yield, you are sure going to hear a lot about it.

Mr. BIDEN. I know I am. But again, let us call this what it is. This has nothing to do with blue slips. It has not a darned thing to do with whether or not there was an inappropriate interim appointment made here. This has to do with a straight up philosophical, at least philosophical—I do not know of any more—disagreement with the nominee by the two Senators from North Carolina.

This is a man who is well known nationally. This is a man who is one of the most prominent legal scholars in America. Therefore he is going to have a number of people who have strong views about him.

Bradford Reynolds was a brilliant fellow, incredibly well educated, a man of absolute total integrity, who drove half of this body up a wall. They went crazy. He drove the civil rights community to distraction. He was viewed, in an ideological sense, as Public Enemy No. 1. That is what this is about. I do not disagree with the Senator for being against this fellow.

But, again, I am going to yield the floor now to hear from the Senator from North Carolina, and let us get down to cases. The cases are not about blue slips. The cases are not about this man's integrity. The cases are not about this man's character. The cases are not about an inappropriate interim appointment. The case is: This is a man who was one of the dozen leading constitutional scholars in America who has a point of view on most every constitutional issue at issue with my friend from North Carolina—as I do, I might add. And he does with me.

But let me remind my friend from North Carolina and this body that this nominee is not being nominated to be a judge. He is not. I think he would be an incredibly good judge. He is not being nominated to be on the Supreme Court. I think he could serve admirably on the Supreme Court. He is not being nominated to be Attorney General, which post I think he could fill as well.

He is being nominated for a nonpolicy position. When he takes his oath of office he is required to say what he believes the Supreme Court has ruled to be the law of the land. That is what he is required to tell the departments of the executive branch when they ask him: Can we do the following? Can we initiate the following policy? He is required to say yes or no. Not because it is good or bad policy, but yes or no because it is legal or illegal, constitutional or unconstitutional.

So I suggest respectfully that the fundamental reasons for opposition to this nominee by my two friends from North Carolina are inappropriately directed at this office. Wait until he is nominated for the Supreme Court. Wait until he is nominated for Attorney General. Wait until he is nominated to be a Circuit Court of Appeals judge. It is appropriate there.

I do not mean inappropriate in an ethical sense. It is more appropriate in a legal sense there. Because if you are a Supreme Court Justice you can change Supreme Court rulings. If you are Attorney General you have much more swack.

This is a fellow who is going to fill an office, the Office of Legal Counsel. He is the lawyer's lawyer, required to give the Attorney General, the President, under the traditions and explicit requirements of the office, the best answers he can as to what the state of the law is at the moment he is asked. Not what the law should be. Not what he would like it to be. Not what it could be. But what it is.

I thank my friend from North Carolina for his indulgence. I realize we have gotten this a little backwards. Usually I would start and make this case and then he would reply. I thank him for the indulgence when I was down at the White House and I hope I am going to be able to respond. I will attempt to respond to any inquiry he has.

I will now yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, I think I have spoken about 12 or 15 minutes since this nomination became the pending business. Out of comity for our fellow Senators, I yielded to the Senator from Massachusetts, whom I believe spoke for about 50 minutes. Then there was a series of people who wanted to come to the floor and discuss Somalia. I am not complaining about that. They have accommodated me in the past and I am glad that I could accommodate them today. I will be glad to accommodate them again in future.

Now, having said that, I hardly know where to begin in respectfully refuting so many of the things that the distinguished Senator from Delaware has stated for the RECORD.

He is very adroit about making a statement, which itself is not accurate, but it has a flavor of being accepted as a historical fact. For example, he mentioned Brad Reynolds. I knew Brad Reynolds well. I was pulling the Senator's leg about that, of course. But he made a big thing about the Bush administration doing the same thing that Janet Reno has done in the case of this nominee. Not at all.

I would ask the distinguished Senator from Delaware, did the Bush administration or the Reagan administration appoint Brad Reynolds acting over your objections before his confirmation? Of course not. So what you said is not relevant, but you are so persuasive, I will say to the Senator from Delaware, that it glides by like a ship in the night and people listening will say, "Well, gee, that makes sense," when, in fact, it does not make sense because it is not relevant to anything.

Let me straighten out one thing about this blue slip business. I think, Madam President, that I predate any Senator in this body in terms of having been connected with the Senate. I came to Washington the first time in 1951 as administrative assistant to Senator Willis Smith, who was a prominent member of the Senate Judiciary Committee at the time.

Back in those days, we did not have enormous staffs, as we have today. We had five or six and, therefore, even though I am not a lawyer—and I brag about that frequently—I represented Senator Willis Smith as his staffman with the Judiciary Committee and I know how the blue slip worked then. It covered the judges, it covered the Attorney General, it covered anybody who is under the jurisdiction of the Senate Judiciary Committee.

I checked with the former chairman of the Senate Judiciary Committee, Mr. THURMOND, who has been referred to several times tonight, and he tells me that never—never—when he was chairman was a blue slip ignored, whether for a judge or a Justice Department official. How does that square with all of the rhetoric we have heard here tonight?

Senator THURMOND added, when blue slips were returned in the negative for a Justice Department official—not a judge—but for an official of the Justice Department, the administration first tried to work out the problems with the Senator who had submitted a blue slip.

The Senator was offered the opportunity to appear at the hearing. LAUCH FAIRCLOTH was not offered any such opportunity. I was certainly not offered any such opportunity. We did not even know about the hearing. Maybe I should have read every word in every edition of the CONGRESSIONAL RECORD, but I did not, and LAUCH FAIRCLOTH did not know about the hearing until it was over. There was not one opposing witness to this nominee.

I would have thought at a minimum that the chairman of the Senate Judiciary Committee would have called the former chief counsel of the Judiciary Committee and asked him a few questions about this nominee. Oh, no, it was a love-in, and sure the Republicans got confused about it, but they are not saying the same thing today despite what the chairman says about what they believed at the time of the vote.

Dellinger was reported out by a voice vote. I guess I have used the voice vote to say the vote was unanimous. But the truth of the matter is, that in every committee in this Senate, Senators run back and forth like jackrabbits trying to cover two or three committees at the same time. So a lot of Senators simply do not know what is going on.

I have the pleasure of serving with the Senator from Delaware on the Foreign Relations Committee, and because of his responsibilities on the Judiciary Committee, he has to miss a lot of meetings. I know he comes in and says, "What's this all about?" He is at the mercy of whatever Senator gives him the news about what the matter is all about.

So I am not criticizing him, but I am simply saying that during the next week, 2 weeks, or 3 weeks that we discuss this nomination, there are going to be a lot of things that will go into the RECORD. In the end, the Senate may get cloture. But as of now, I do not think you are going to get it.

Mr. BIDEN. Will the Senator yield for a question?

Mr. HELMS. Yes, I will be glad to.

Mr. BIDEN. Madam President, I think the Senator vastly underestimates his prowess.

Mr. HELMS. I do not have any.

Mr. BIDEN. He vastly underestimates the influence of the Senator from North Carolina.

Does the Senator from North Carolina actually believe that there was any Republican on that committee at the time of the vote who was unaware of the opposition of the Senator from North Carolina? I know for a fact you buttonholed with me there at least three members of the committee to tell your opposition. Is there any Senator who you believe did not know you personally opposed the nominee, do you think?

Mr. HELMS. Madam President, I will be glad to answer the question in the only way that I could possibly answer it. How in the world am I supposed to know what any Senator is thinking about anything?

Mr. BIDEN. If I can ask the Senator——

Mr. HELMS. So I do not know the answer.

Mr. BIDEN. If I can ask the Senator, if I am not mistaken, I was standing with the Senator when he spoke to the ranking member and standing with the Senator when he spoke, if I am not mistaken, to the Senator from South Carolina and made it clear you were opposed to the nominee. Is it not reasonable to infer from you telling them that they would know you were opposed?

Mr. HELMS. The Senator would have to give me the date and the place and the time and what was said. I do not remember.

Mr. BIDEN. It is not—I remember.

Mr. HELMS. The Senator is nitpicking.

As I was saying, going back to 1951, 1952 and 1953, part of 1953, when I was staff on the Judiciary Committee for Senator Smith of North Carolina, every courtesy was extended, and I will tell you this much, Madam President, that if blue slips had come from both Senators from any State about any nominee, they would not have been ignored. At a minimum, they would have been—no, I will not even say "at a minimum"; that nominee would have had it. That is the way the Senate operated in those days, and that has been the tradition.

I am aware and I will develop the subject of the close relationship of the chairman with Mr. Dellinger, and some of the things they worked on. I am going to quote from credible publications and statements from people who are credible. But we will get into that a little later on.

Professor Dellinger came in, as I say, as a consultant at the State Department. He was not a sitting deputy at the time of his nomination, and it appears he was made a Deputy Assistant Attorney General for the sole purpose of elevating him to Acting Assistant Attorney General before the Senate could work its will. You see, the August recess came into play. Mr. Flanigan, the gentleman cited previously by the Senator from Delaware, was a sitting Deputy Assistant Attorney General at the time of his nomination and when he was made an Acting Assistant Attorney General.

Senator BIDEN, my good friend—and he is my good friend, we came here the same day. We stood there in the well and held up our hands and became Senators at the same instant. He was reading the statute on this business.

I am going to read the Constitution. Article II, section 2, talks about the President:

> He shall have Power, by and with the Advice and Consent of the Senate——

With the Advice and Consent of the Senate——

> to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate——

It does not say he should try to appoint——

> he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for. * * *

That is what the Constitution says. It does not say that you can slide somebody into a position because you happen to like him, because he has connections up here on Capitol Hill, or because he has certain views.

It says the Senate shall be required to give advice and consent. But, Mr. Dellinger has been installed in his position without our advice and consent.

Now back to the blue slip. Senator THURMOND, I was talking about him awhile ago. When he was chairman, he called on these Senators filing negative blue slips before ever scheduling hearings. He offered a dissenting Senator or Senators a chance to testify. And the point is he tried to work it out in advance. He even invited Senators to sit in at markup sessions.

Now, the point I say again is that this nomination, the Dellinger nomination, has been handled differently. And I think we should be careful that we do not cross the Rubicon by permitting this sort of inattention to blue slips to become a matter of policy.

Mr. BIDEN. Will the Senator yield for a comment on that point?

Mr. HELMS. Sure. Yes.

Mr. BIDEN. Madam President, let me make it clear what I did personally and the committee did, and why it is totally consistent with previous practice.

If you notice, the Senator from South Carolina [Mr. THURMOND] did not say to the Senator from North Carolina that a negative blue slip meant a veto. It meant the following, according to the Senator from South Carolina and the Senator from Delaware. It is taken seriously. We make inquires of the Senator who puts in the blue slip. We answer questions as to why they are opposed. We try to work it out. And we move.

Now, what happened was the Senator from North Carolina [Mr. FAIRCLOTH] took the lead on this. He is the only one who gave us specific reasons why he was opposed. I personally sat on this floor; I personally sat on the couch back there behind the Chamber; my staff personally was available, repeatedly, with the Senator, Senator FAIRCLOTH, who had enunciated his objections, unlike the senior Senator, and I answered every one of his questions.

He knew full well that he was fully invited, prepared, and welcome to come and testify before the committee. Nobody can suggest, I believe in good faith, that they believe they would have been denied the opportunity to testify.

The Senator from Delaware has been here 21 years and I do have a reputation, some good, some bad, but never to deny a colleague the courtesy to testify before my committee. And the Senator—again I wish to make it clear. I assumed, and I think it is clear, in good faith, that since the only Senator, the only Senator who spoke to me and articulated his reasons for objection was Senator FAIRCLOTH, that it was reasonable for me to deal with the only Senator who directed any question to the Senator from Delaware.

Mr. HELMS. Madam President, who has the floor?

Mr. BIDEN. And further—I am sorry.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. BIDEN. I though you yielded, but I will be happy to—I just want to make it clear, your junior colleague was fully aware he had a right to testify. I spent a lot of time talking in detail with him.

Mr. HELMS. Senator FAIRCLOTH can speak for himself tomorrow. He had a family situation that he needed to look after this evening, and he asked me to cover.

Senator FAIRCLOTH did originate the blue slip, but he did at the same time contact me. He sent me a copy of his blue slip and his statement. I read it, and I began to inquire, making some telephone calls into North Carolina, because I do not recall hearing about Walter Dellinger.

There are so many of these people in some of the universities in North Carolina, political science type and political activists in the universities, whose criticisms I have become accustomed to, I do not worry about them. They have tried to beat me for 20 years, and they have not yet.

But I found out a little bit about Walter Dellinger, and I decided that I would join Senator FAIRCLOTH in his blue slip. And since Senator FAIRCLOTH'S specifications for his blue slip were identical to what I would have put down if I had typed my own version, I just said I agree with Senator FAIRCLOTH. I did then and I do now.

I wish Senator FAIRCLOTH were able to be here tonight, but he will be here tomorrow. And he will be glad to answer the questions you pose and respond to your comments.

Now, the blue slip that I submitted says, "To Senator BIDEN, Chairman, Judiciary Committee."

Then it has a blank for "I approve." Then it has a blank for "I oppose." I put an "X" in the box next to "I oppose" and added the word "strongly"—underlined—"for the reasons stated so eloquently by my colleague, Senator FAIRCLOTH, in his May 7 statement, copy of which is attached."

I do not believe I dated it, but that does not matter. This is a photostat of the blue slip that I submitted.

Madam President, maybe the blue slip system ought to be a thing of the past. I do not feel that it should. I feel that it is based on one of the fundamental principles of the U.S. Senate, the protection of the rights of a minority, even a minority of one Senator. The distinguished Senator from West Virginia was talking about that very same thing, the prerogatives of the Congress and the Senate.

Somewhere along the line, I read the chairman's letter, Mr. BIDEN'S letter, of June 6, 1989, to President Bush in which he described his interpretation of the rules governing the blue slip. Here is what Senator BIDEN said to President Bush:

> I am writing today to apprise you of the blue slip policy I recently announced which will be followed by the Judiciary Committee for all nominations from this point forward. At the Judiciary Committee's business meeting on May 18—

This was 1989. And this is Senator BIDEN'S letter to President Bush.

> At the Judiciary Committee's business meeting on May 18, I articulated the blue slip policy that the committee will follow under my chairmanship. The return of a negative blue slip will be a significant factor to be weighed by the committee in its evaluation of a judicial nominee, but it will not preclude consideration of that nominee unless the administration has not consulted with both home State Senators prior to submitting the nomination to the Senate.

Let me say parenthetically that I never heard anything from the administration, and neither did LAUCH FAIRCLOTH.

Now, this was Senator BIDEN explaining to the President of the United States, the then-President of the United States, how we were going to run things. Then Senator BIDEN says:

> If such good faith consultation has not taken place, the Judiciary Committee will treat the return of a negative blue slip by a home State Senator as dispositive and the nominee will not be considered.

I believe I understand the English language as the chairman was using it on that occasion.

Madam President, Chairman BIDEN sent blue slips to both Senators from North Carolina, Mr. FAIRCLOTH and myself, soliciting our opinion regarding the nomination of Walter Dellinger of North Carolina shortly after the nomination was received in the Senate.

As has already been said, both Senator FAIRCLOTH and I returned the blue slips in the negative. Despite this, despite what he told the President of the United States, the chairman of the Judiciary Committee proceeded with this nomination.

And I say again, Mr. President, that neither LAUCH FAIRCLOTH nor JESSE HELMS was given even the courtesy of notice of the committee's hearings on the nomination. Maybe we ought to pore over the CONGRESSIONAL RECORD every morning, fine print and all, and we should have seen it. But I will tell you one thing. When I was the chairman of a committee, a major committee, I did not treat members of the committee that way nor any other Senator.

We were discussing this issue the other evening in the cloakroom. A Senator asked a pretty good question. He said, "If the chairman was going to ignore your blue slips, why did he send them to you and Senator FAIRCLOTH in the first place?" That is the point I am making now after the fact. You know, you can explain it away. But it is not a good explanation.

Another Senator said, "If they sent you a blue slip, they ought to stand by it." I am tempted to identify that Senator, but I do not think I should. But in any case, he is right. The committee should have stood by the blue slips, and the chairman should have stood by his letter of July 6, 1989.

I will not have been surprised if the chairman says now that the letter referred only to judges. But that is not what the letter said. Nowhere in the letter, and nowhere can I find in the transcript of the Judiciary Committee's meeting of May 18, is it specified that this policy will apply only to judges. It is not there.

I ask unanimous consent that Chairman BIDEN's letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. HELMS. In fact, the first paragraph of the chairman's letter to President Bush says: "I am writing today to apprise you of the blue slip policy which will be followed by the Judiciary Committee for all the nominations from this point forward."

It is pretty direct and pretty clear. It does not say anything like, well, I like Senator FAIRCLOTH's blue slip better than I like Senator HELMS'. It says "all nominations." He did not say only judgeship nominations. He did not even say all judgeship nominations. Rather, he said all nominations considered by the Judiciary Committee.

If you do not believe it, Mr. President, read the text of his letter in tomorrow's CONGRESSIONAL RECORD. It does not say "all nominations except those with which Republican Senators have a problem." I will read a little bit more of the chairman's letter. The Senator from Delaware said: "I have long emphasized the meaningful consultation which, in my view, is part of the advice component of the Senate's advise-and-consent responsibility under the Constitution."

I absolutely agree with that statement.

Then Senator BIDEN said: "I believe that the nominations process will function more effectively if consultation is taken seriously."

Boy, he really took this consultation seriously. In the case of Walter Dellinger, Madam President, there was no consultation. We did not even know a hearing had been scheduled. But this nomination was sent up by the President—or the administration; I do not think Clinton knew anything about it. It was sent up with no consultation whatsoever from the administration.

I do not know of any Republican Senator who has been consulted by the White House regarding any judicial nominee from his or her State, whether it be a judgeship, a U.S. attorney, or a Justice Department nominee. Certainly this Senator has not been consulted.

Before this incident, I cannot recall having ever filed a blue slip against a nominee. I have been here close to 21 years. I do not recall ever not being consulted on a prior nomination from my State. Even when Jimmy Carter was President, there was consultation. And as a result there was a great deal of cooperation.

But now the blue slips have been filed—as two have been in this case. I submit that Senator FAIRCLOTH's blue slip and mine should be honored. They certainly should not have been ignored, which is absolutely clearly the case here.

It was, and still is my hope that judicial nominations may continue to be handled with the same kind of senatorial comity and courtesy with which nominations have previously been handled in this body, at least since the early 1950's. But that has not been the case with the nomination of Walter Dellinger.

Now, Mr. President, back to this business of appointing Mr. Dellinger in an acting capacity, Acting Assistant Attorney General. The Justice Department did this very quietly, like a problem kitty-cat going across a room, making no noise at all. It happened just days after the Senate failed to take up and confirm his nomination prior to departing for the August recess. Do you remember that?

When asked by an aide to Senator FAIRCLOTH about why the Department undertook this high-handed action, do you know what the Justice Department official told Senator FAIRCLOTH? The official said, well, we were tired of waiting for the Senate to confirm him, so we just went ahead and appointed him.

There is just one small problem. It violated the Constitution. So much for article II, section 2 of the U.S. Constitution, which I just read into the RECORD a few minutes ago.

When asked by Senator FAIRCLOTH's staff, the Congressional Research Service replied that to their knowledge there is no precedent whatsoever for appointing Mr. Dellinger as acting under the circumstances existing here.

But just to make sure, and independent of Senator FAIRCLOTH, I asked some of my staff people to contact former Justice Department officials who served during the previous administration. One of these officials, one who in fact was appointed as acting before being confirmed, reassured us that what the Justice Department has done in the Dellinger case is a first.

Nobody knows of it ever having been done before under those circumstances. He told us that the Bush Justice Department made certain officials acting prior to confirmation, but the situation was almost opposite of the Dellinger case.

First: In no case did this happen with a nominee who was controversial.

Second: The Justice Department called around to all interested Senators, first, to get clearance for making the acting post appointment.

Third: Even with these precautions, the Justice Department made the appointment full well knowing of the possibility that its action would garner opposition from Senators when the nomination was brought to the floor.

But in no case—not one—could this official or any other official, or the Congressional Research Service, identify even one instance where, as in the case with Mr. Dellinger:

First: The nomination was controversial;

Two: Efforts by the department to obtain confirmation prior to the appointment failed;

Third: In response to the nomination running into trouble in the Senate, the department went ahead and installed the nominee on the job anyhow in an acting capacity saying, "We were tired of waiting for the Senate to confirm him, so we just went ahead and appointed him."

Bosh ad nauseam. I think that is what the distinguished Senator from West Virginia was talking about in a general sort of way this evening, when he said repeatedly and eloquently that the Constitution of the United States comes first.

So, in any case, the action with respect to Mr. Dellinger is unprecedented. And never before has any administration undertaken such a blatant affront to the advise and consent powers of the Senate.

On top of this, the Department refuses to share with Senator FAIRCLOTH and me the details of how this came about. Their officials very abruptly said, in effect, that it is none of your business. They will not tell us how long this appointment is for, nor will they give us copies of the appointment papers. We are going to seek these by the way, through the Freedom of Information Act.

I do not know what Walter Dellinger is doing in the Justice Department, but neither does the American public. Maybe the chairman of the Judiciary Committee knows.

The Washington Post reported last month, on September 23, that the Justice Department's office of legal counsel reversed a Bush administration policy supported overwhelmingly—that is to say the Bush administration policy was supported overwhelmingly—by both Houses of Congress, calling for the death penalty for drug kingpins.

I am going to ask in a minute if the chairman wants to tell me what role Mr. Dellinger played in putting our Government on the side of those opposing death penalties for drug kingpins. But I will first read a little bit of a story in the September 23 edition of the Washington Post. Headline: "Death Penalty For Drug Kingpins Dropped From Crime Bill."

> At the request of Attorney General Janet Reno, congressional Democrats have dropped controversial provisions from a broad anticrime bill that would impose the death penalty on drug kingpins and add stiff mandatory minimum sentences for drug and gun offenses. Reflecting popular sentiment to crack down on drugs and gun violence, those measures had been overwhelmingly approved by both Chambers in the past and were included in a House-Senate conference report that failed in the waning days of the last Congress.
>
> The Justice Department of Legal Counsel, reversing a position taken under the Bush administration, challenged the constitutionality of the drug kingpin measure. The office cited a 1977 Supreme Court decision, Coker v. Georgia, that struck down the death penalty for the crime of rape, where no murder occurred.

I ask unanimous consent that this entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 23, 1993]

DEATH PENALTY FOR DRUG 'KINGPINS' DROPPED FROM CRIME BILL

(By Michael Isikoff)

At the request of Attorney General Janet Reno, congressional Democrats have dropped controversial provisions from a broad anticrime bill that would impose the death penalty on drug "kingpins" and add stiff mandatory minimum sentences for drug and gun offenses.

Reflecting popular sentiment to crack down on drugs and gun violence, those measures had been overwhelmingly approved by both chambers in the past and were included in a House-Senate conference report that failed in the waning days of the last Congress.

But the Justice Department's Office of Legal Counsel, reversing a position taken under the Bush administration, challenged the constitutionality of the drug kingpin measures. The office cited a 1977 Supreme Court decision, Coker v. Georgia, that struck down the death penalty for the crime of rape when no murder had occurred.

Among the most hotly debated of all death penalty proposals, the drug kingpin measure would have permitted the head of a large-scale drug organization to be executed merely for drug trafficking activities even without proof the individual caused any deaths.

"The department was concerned that imposing the death penalty in cases where no life has been taken was inconsistent with Supreme Court decisions," said department spokesman Carl Stern.

Stern said the department's new position was purely a result of "legal analysis" and did not reflect Reno's oft-stated personal opposition to capital punishment. The department did not object to about 50 other death penalty provisions in the bill.

But congressional aides said the department's request appeared to be part of a last-minute attempt by Reno to influence the shape of an administration-backed crime bill that has been put together largely without her input.

New versions of the measure are slated to be introduced today by House Judiciary Committee Chairman Jack Brooks (D-Tex.) and Senate Judiciary Committee Chairman Joseph R. Biden Jr. (D-Del.).

The Justice Department also asked—and Brooks and Biden agreed—to drop about a dozen provisions that would impose new mandatory minimum sentences, mostly for repeat offenders and those who use guns in the commission of a drug or violent offense.

Congressional aides described the department's request as limited while Reno completes a broader study on the effects of mandatory minimum sentences now on the books.

But Rep. Bill McCollum (R-Fla.), a sponsor of the drug kingpin proposal, described the department's requests as part of a larger administration "retreat" in the drug war. "I don't have any idea why the Justice Department would take this kind of liberal position," he said.

Challenging the department's reasoning on drug kingpins, he said: "If you sell enough drugs, you're going to kill not only one person, but many of them."

"There is plenty of constitutional" basis for imposing the death penalty in those circumstances, he said.

Mr. HELMS. Does the chairman want to comment on Dellinger's role in that?

Mr. BIDEN. I will be happy to comment on about 10 things the Senator mentioned, if he would like. I would be delighted to. Otherwise, I will wait until the Senator is finished. Whatever suits the Senator.

Mr. HELMS. Do you not want to comment on Mr. Dellinger's role in ending our Government's efforts to obtain the death penalty for drug kingpins?

Mr. BIDEN. Sure, I will comment on that as well.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MATHEWS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, let me summarize, and then I will let my friend from Delaware resume. This may be a case of the "Three Blind Men of Indostan." They all felt the elephant and described the elephant. One of them felt the tail and said, "it is a snake." One fellow felt the side and said, "it feels like a big wall." You know the story.

In any case, I certainly bear no animus toward the Senator from Delaware because of our disagreement on this. We have disagreed before on things, and we have agreed on things. I enjoy agreeing with him more than I enjoy disagreeing with him. But let me summarize at this point what I have said. Tomorrow will be another day, and I will have more to say then.

But the point is, on this nomination, there was no consultation, contrary to the chairman's letters to the President. The chairman solicited the opinions of LAUCH FAIRCLOTH and JESSE HELMS with blue slips, and when we turned them in, they were ignored. The opponents of the nominee received no notice of the hearings. They had come and gone like a ship passing in the night. The nominee refused to answer questions asked of him by this Senator. The chairman said he is satisfied with the answers. Small wonder. He and Mr. Dellinger have worked closely together in a context which I will discuss at a later time in some detail.

The Justice Department overrode Senate prerogatives by appointing Dellinger as "acting" in violation of the Constitution of the United States.

Finally, the Justice Department refuses to make public the documents by which it made this appointment, as well as other relative documents.

With that, I rest my case for this evening, but I will be prepared tomorrow morning to resume with additional information.

I yield the floor.

Mr. BIDEN. Mr. President, I thank the colleague from North Carolina. Let me speak to a couple of points he raised, and again I do apologize to my colleagues for my raspy voice.

My letter to the President of the United States, then-President Bush—as a matter of fact, this was to the Attorney General—it was to the Attorney General that would be—that was quoted and put in the RECORD by my friend from North Carolina, where I say:

> DEAR GENERAL THORNBURGH: As you know, Senate procedures provides for the sending of a "blue slip" to each Senator in the State in which a person has been nominated to be a Federal judge. There have been occasions, albeit quite infrequent, when home State Senators have returned a "negative" blue slip to express their opposition to the nomination. I am writing today to apprise you of the blue slip policy I recently announced, which will be followed by the Judiciary Committee for all nominations from this point forward.

When I wrote that letter it followed on a number of oral conversations that we had with the Justice Department, and I was referring to judges and judges only.

But I do not ask my friend from North Carolina to take my word for it or to assume that my imprecision instead of saying all judges it would have been more precise to say district court judges, which is what I was referring to.

I will just read the return letter from the Justice Department to my letter.

> DEAR MR. CHAIRMAN: In your June 6, 1989, letter to the Attorney General you set forth the Judiciary Committee's blue-slip policy regarding judicial nominees.
>
> Notwithstanding the fact that the Senator from North Carolina, understandably, on reading it on its face would assume I meant all nominees, the Justice Department knew exactly what I meant. I knew what I meant. There was no disagreement between the Bush administration and me. To the best of my knowledge the Bush administration did not submit a run by the names of nominees for Justice Department positions to Senators from those States.

And I read it again, and I ask unanimous consent that the response to my letter put in the RECORD by the Senator from North Carolina from Carol T. Crawford, Assistant Attorney General, writing on behalf of the Attorney General of the United States in response to my June 6, 1989, letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> DEPARTMENT OF JUSTICE,
> OFFICE OF LEGISLATIVE AFFAIRS,
> *Washington, DC, August 31, 1989.*
>
> Hon. JOSEPH R. BIDEN, Jr.,
> *Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.*
>
> DEAR MR. CHAIRMAN: In your June 6, 1989, letter to the Attorney General you set forth the Judiciary Committee's blue-slip policy regarding judicial nominees. You stated that the return of a negative blue slip would be a "significant factor" considered in a decision to conduct hearings on the nominee but would not "preclude consideration of that nominee unless the Administration has not consulted with both home state Senators prior to submitting the nomination to the Senate."
>
> The Administration believes that nominees submitted to the Senate are entitled to receive full consideration by the Senate consistent with the "advice and consent" clause of the Constitution. The Administration welcomes your decision not to preclude a hearing based on the return of a negative blue slip, as such a policy would bestow a veto power on any individual committee member opposing the nominee, a privilege certainly not intended or implied in the "advice and consent" clause.
>
> Although the Constitution does not envision any prenomination role for the Senate, as a matter of comity, the Justice Department plans to consult with the Senators from each district court nominee's home state, before the nomination is submitted to the Senate, in order to accord the Senators from that state an opportunity to express their opinions toward the nominee.
>
> I look forward to our continuing close cooperation and expeditious handling of judicial nominees.
>
> Sincerely,
> CAROL T. CRAWFORD,
> *Assistant Attorney General.*

Mr. BIDEN. Mr. President, let me emphasize again the Attorney General of the United States, the Justice Department, the Bush administration, had no misunderstanding what I was referring to—no misunderstanding, as they point out, " * * * you set out forth the Judiciary Committee's blue-chip policy regarding judicial nominees." We had talked to them on the telephone about it. I had talked to the Attorney General about it. We talked to the Assistant Attorney General about it, and so on.

So I hope at least my assertion that when I said "all" I was referring to district court judicial nominees will be taken as I offer it as my word. I was only talking about judges. If I misunderstood it, so did the correspondent to whom I sent the letter, the Attorney General of the United States of America and the Assistant Attorney General writing for the Attorney General in response to that very letter where I used the word "all," because if you keep in mind, if you read the rest of my letter, which I will not bother to read now, I was talking about advice and consent, and it is the best way to move on.

The only contentious advice and consent methods and seeking advice, written about in the press, legal scholarship, debated among interest groups and on the floor was the advice and consent relative to judicial nominations because we had just come off some fairly contentious nominations and the Senator from Delaware had written articles, hopefully of a scholarly nature, delivered speeches on what the original intent of the Founding Fathers was relative to the advice and consent clause.

So it was in the context of judges, not nominees for other executive positions.

Let me make a second point. I ask the following rhetorical question: Does any Senator in here believe that a single Senator, or even two Senators, or even five Senators, by virtue of the fact they represent the State from which a nominee hails that they should be able to veto out of hand any nomination of the President of the United States for any executive office?

I would respectively suggest that is preposterous. And my friend from North Carolina pointed out referencing the most knowledgeable Member in the Senate in my tenure here on Senate practice and procedure, and one of the two most knowledgeable Members of the Senate, the other being Senator Ervin, since I served here, the distinguished senior Senator from West Virginia [Mr. BYRD] talking about the war powers clause relative to Somalia.

My good friend from North Carolina in this one instance I think he doth elevate individual Senators to the status in the Constitution that no one ever intended. He does confuse the right of a single Senator with the right of the U.S. Senate.

Nowhere in the Constitution does it say or imply that a single U.S. Senator should be able to by virtue of his residence or her residence, or domicile, decide that the President of the United States would be denied a nominee that he or she wished for an executive position, for if they wanted to do that why did they go through this whole malarkey about requiring the advice and consent, about two-thirds? All they would have to put in was an article of the Constitution advice and consent clause in its place: If any Member of the U.S. Senate from the home State of the nominee decides they are not fit to serve in an executive office that person cannot serve. That would be real easy.

Why go through the advice and consent piece? It is preposterous, outrageous, conjured up, silly argument that must generate from the bowels of some midnight discussions of some freshman law students who are there as interns for the distinguished staff. That is the only way it could come up. No one with a brain could think of that as being what the members of our Founding Fathers considered.

So I just ask a rhetorical question: Does anybody think that the Constitution of the United States of America empowers each individual Senator to say who should be Secretary of State, who should be the Attorney General? Who should be whatever? Does anybody think that?

That is the argument you have heard for the last 20 minutes.

I have always admired the ingenuity of my friend from North Carolina, but this one really does plumb the limits, not the depths, the limits of imaginative debate. I mean it really does.

But I am fascinated—I had tickets for the Phillies' game and watching them begin to start to march to the World Series. I would much rather be debating this subject, whether or not a single Senator is empowered to act as a single Senator as the whole in the name of the whole of the U.S. Senate to tell people to tell the President.

Let us assume that my friend means, "No, no, Joe. You misunderstood. What I really was saying was"—and he will; I am sure the Senator will clarify this. "What I was really saying to you, Senator, is that is only for Justice Department nominees."

Oh, I got it now. If that is the argument—I am not sure that is the argument, but let us assume it is—that is very novel. Is there a place in the Constitution that says of all nominations the President can make to the executive branch the first among all equals and the single most important ones are Assistant Attorneys General?

Maybe it does say that. I would like to ask my friend, when he comes back, or anyone on the other side, to show me anyplace in the Constitution that says, implies, infers that.

Now, I am sure the Attorney General would like to know that, by implication, my friend from North Carolina believes the single most important body, the single most important executive agency, making others pale by comparison, is the Justice Department.

Well, the Attorney General would feel good about that. Because what would happen now is, when they line up the Cabinet officers at the State of the Union Address, they should not give the first seat to the Secretary of State. They should say, "No, protocol demands the Attorney General be the first one, because, obviously, the Attorney General and the Justice Department is different than any other department. Everybody knows that."

I assume that is the argument.

Now, I wonder—and I ask this, I know he is not here, he cannot be here, but I am sure he will read the RECORD or staff will convey this is to my friend from North Carolina—I wonder, when he was chairman of the Agriculture Committee, whether or not, for every nominee that required confirmation before that committee, he sent a blue slip to the Senators from those States asking whether or not John Doe could be Assistant Secretary of Agriculture.

You know, sometimes my mom, God bless her—and I hope she is not watching, because she is going to wonder why I am here instead of at the game—my mom says, "Sometimes, you know, we can move from ridiculous to the sublime very quickly, Joey."

Well, I think Joey just witnessed us moving from the ridiculous to the sublime.

To suggest that a single Senator, merely by virtue of having lived in a State and representing a State from which a nominee hails, can, all by himself or herself, by virtue of the power vested in me as an individual Senator, bring the Cabinet of a President to a screeching halt because from whence I come it is a constitutional birthright allowing me to tell a President who can be in the Cabinet, I call that sublime. I mean, really it is. Everybody even has to smile at it. I mean, nobody takes that seriously, for Lord's sake.

Now the other thing is, I remember one time—since I know we are not going to get the vote, I am going to entertain myself, at least for a moment here.

I remember Dennis Healey, former Chancellor of the Exchequer of Great Britain with Hubert Humphrey and Jacob Javits and Clifford Case. I was privileged to be in that group of senior Senators in a foreign policy meeting in England, where, after a long day's meeting on American foreign policy and NATO, Dennis Healey, who was a brilliant fellow and a great, great speaker, was kidding with his very close friend, Hubert Humphrey. And he stood up and he said the following. He made a toast, with an English accent I would not dare to try to copy because I could not, because it always carries such weight with the way they speak.

He stood up and he said, "Well, let me say to you, Hubert, what Winston Churchill said after having been made Prime Minister of England. He had only been Prime Minister for a matter of months and, to his great surprise and chagrin, one of the back benchers in his own party, a young Tory MP, stood up in debate one night in the House of Commons"—which, as my distinguished friend from South Dakota knows, meets in the evening—stood up and out of the blue and excoriated, according to Dennis Healey, excoriated Winston Churchill.

Winston Churchill was dumbfounded. And he turned, I am not sure, across the aisle or where, but I believe he said to Clement Attlee, but I am not sure that is true, but I think that is what he said. Churchill turned to Clement Attlee and said, "Clement, I do not know why the Tory says that of me. I never did a favor for him."

My mom puts it a different way: "You know, sometimes, Joey, when you make the extra effort to be nice to people, they take advantage of it."

Maybe the Judiciary Committee should do what every other committee does, to the best of my knowledge, and say, "Mr. President, send us the nominees and we will act on them," and let any Senator who wants to say anything they want.

But we have extended the courtesy—a courtesy—a courtesy to invite Senators to give us their opinion.

The mere fact we invite Senators—my friend from North Carolina was asked a rhetorical question. He said he was speaking to a colleague of ours the other night, who remains nameless, who said, "Well, if Biden,"—I do not know if he said "Biden"—but, "If the committee was not going to honor your blue slip, why did they even ask you?"

And the answer is—I can answer it for him—to be courteous. That is why.

But I think what we should do is suggest we do not ask anymore, like other committees. I do not know of any other committee that sends blue slips for nominees for executive positions. I know in the Foreign Relations Committee, we do not. The Senator is ranking member of the Foreign Relations Committee. If he becomes chairman, I doubt very much he is going to send, for the ambassadorial nominees and/or Assistant Secretary positions, letters to all the Senators, blue slips. He may.

I am not on the Agriculture Committee. I do not know whether they do it in the Agriculture Committee. I would be interested to know. I do not think they do it in the Defense Committee. I do not think they do it in the Commerce Committee.

I do not think they do it anywhere in the world, except on my committee. Because we are courteous. It is a tradition. That is the answer to my friend whose name we do not know who said to the Senator from North Carolina, if they sent you the blue slip, why? Why would they not honor it?

My mom was right. Maybe you should not be polite like that. People take advantage of that politeness. Maybe we should be like everybody else.

For where does it say in the Constitution of the United States of America that officials of the Justice Department are so much more important than officials of every other executive agency, that we must check with the home State Senator to get their OK before we can even consider the nomination?

Now I do value the friendship of my friend from North Carolina. I do recognize his prowess and his power.

I do understand there have been powerful women and men who have served in this body. But I respectfully suggest, none has risen to the stature, none has the inherent power, none has the acquired aura that would put them in a position to be able to veto an administration's nominee for an executive position.

I know of no woman or man of that stature. I have never met one. I have never met one before who has asserted that individual Senators should be given that stature.

I cannot believe the American public thinks, as high-bound as this place is, that we should now set a rule in motion, in addition to a rule that I respect, cloture, filibusters—they think that is bizarre to begin with—I cannot fathom them now saying they are further disintegrating to the point that they are going to say, 100 individual Members of the Senate can decide, by virtue of nothing other than "I do not like the fella," that a person cannot serve in the administration.

That is a newfound power. Because no matter how my distinguished friend, who is one of the most skillful debaters in the U.S. Senate, a man who all of us get up to debate with some trepidation, because he knows the rules better than anybody, except possibly one, and probably as well, he cannot really believe that. He cannot believe that.

And if he does, I am here to inform him that, in this Senator's opinion, I doubt whether there is even one-tenth of 1 percent of the American public and even one one-millionth of the legal scholarship of America who believes that was intended by the Constitution. Or that, even if it was not intended, it should be the policy of the U.S. Senate.

We cannot even get the trains running on time, and now we are going to adopt a rule from this point on that if it is from my State, I am President?

Maybe we should call ourselves the President from Delaware, and the President from North Carolina, and the President from Kentucky, and the President from California. Scrap the name Senator, because it gets confusing. If we are going to have Presidential powers, let us take on some of the trappings. We all ought to get cars. I do not have a limo. Presidents have limos. Maybe we could do things like that.

The point I am making is, this is preposterous; innovative, amusing, inventive, beguiling, but preposterous.

So I hope that anybody who thinks that a single Senator of the U.S. Senate, by virtue of the State from which they hail, can veto anyone to serve in an administration, would tomorrow come forward and go on record and say that is their position, so everyone in their State can know just how streamlined we are making this body, one they already think works with great precision and great alacrity. They think we really move along, anyway.

There is no intellectual rationale for that position. There is no political rationale for that position. There is no constitutional rationale for that position. And there is no precedent for that position. I was going to say—but I will not say it. But there is none. So I hope we kind of put that one to bed. OK?

The third point my friend raised was the point about consultation. It is true that I do believe, and I have told this President as well, that I think the President—not the President personally, but the administration—should consult with Senators when they are nominating a judicial nominee from that Senator's State, for two reasons: One, out of courtesy; and, two, that Senator may have important information relative to that nominee and relative to that nominee's position and reputation within the community that the President should know about.

I also believe that I and the entire committee should consult with the person voicing an objection. That is a reasonable thing. But just as the letter that was read relative to Senator THURMOND's view of how this blue slip thing works, I believe that is all it does. It does not allow for, even on a judicial nominee, for a single Senator to have a veto power. It is taken very seriously.

The Senator from South Carolina, writing to the Senator from Delaware on May 16, 1989—and this is the same general timeframe all this discussion about consultation was going on. My letter to the Attorney General was in June, and my response from them is in July. But this is the same general timeframe, because a lot was going on, remember, then, debating about consulting about nominees in the Court. I will read one paragraph from the Senator's letter; the then chairman, previous chairman of the Judiciary Committee.

> The Judiciary Committee has in fact moved forward on nominations over Senators' objections. This did occur on several occasions while I was chairman of the committee. The following examples demonstrate that a Senator's blue slip objection was certainly considered. However, it did not necessarily defeat the nominee.

Let us go to the part about consultation. I do sincerely apologize to the Senator from North Carolina [Mr. HELMS] if I in any way unintentionally affronted him or, from his perspective, violated any Senatorial prerogative or courtesy. But let me put this down in a way that is very basic and very simple, and remind everyone, the Senator from North Carolina, Senator HELMS' reference to the blue slip, that he handed it—he read it; maybe I have it right here. No, I do not have it.

But he says, accurately, in the response to me, asking his view, he said: I checked the box, saying he opposed the nominee. And then underlined that he strongly opposed—here it is. He said, and I quote:

> I oppose strongly for the reasons stated so eloquently by my colleague, Senator FAIRCLOTH, on his May 7 statement, copy of which is attached.

I have served with my friend, Senator HELMS, for a long time. There is not a Member in this body who believes that if Senator HELMS feels strongly about an issue himself, he will not raise it with you. I have never known him not to, if he had a problem with the Senator from Delaware. I remember nominees during the last administration, nominees from North Carolina that President Bush sent up, that Senator HELMS had a keen interest in. He never hesitated—nor should he ever; he is always welcome—he never hesitated to properly buttonhole the Senator from Delaware, to send me handwritten notes, to stop me in the hall, to get me on the floor and grab my lapel—never once to, in Russell Long fashion, put his arm around me, as I do him, and say, "Joe." He made clear explicitly his keen interest.

I would respectfully suggest to my colleagues, it is not unreasonable for the Senator from Delaware to read from this blue slip that the Senator, the senior Senator, was handing the ball on this one to the junior Senator. So I went to the junior Senator personally, as he will testify to tomorrow, because he is an honorable man. And I put my arm around him. And I said, "All right, Senator; what is the problem? Is there anything else you want to tell me?"

And he did. He said, "Joe, I have heard thus, and so. And if it is true, I cannot be for this man. We should not be for him."

I said, "Fine, what else have you heard?"

The next day, he came back: "I heard something else. I spoke to so-and-so in my home State," and he named the person, a very respected individual, who said they believe Walter Dellinger had done thus and so.

And I said, "Fine." And I went to my staff, and I went to the Republican staff, and I said, "Here is the problem. Let us investigate it."

And we went by telephone, and I do not know what other means, to North Carolina. And we followed up on all of this.

Then I came back to the Senator from North Carolina, whom I thought had been handed the ball. Because, as I said, never before in my 21 years, when the Senator from North Carolina has wanted to get the attention of the Senator from Delaware on any issue, has he been reluctant to say, "Joe, can we talk?" And I think it is fair to say never have I not spoken with him and attempted—and been cordial with him and attempted to cooperate with the Senator.

So on this one, I went back after this investigation to the Senator from North Carolina, whom I thought had been given the ball on this one.

Maybe it is because Senator ROTH and I are of different parties, but that is how we work on Delaware issues: Senator ROTH, making sure he is dealing with the insurance interests on the Banking Committee; my job is to make sure Bennett Johnston and the Democrats did not take out money for the bridges in Delaware. Then it was his job to do so-and-so. That is how we work around here. We all know that.

So I went back to the Senator, the junior Senator, and I said, "Here is what we found out. And here is the name of the woman on my staff who heads this operation. I will have her to your office this minute, if you want her, with any detail you want. You can look at the file. Anything else you want to tell us? Anything at all?"

The Senator, I think, availed himself of the information we had.

We then asked, "Is there anything more, Senator?"

It was not as a slight to my senior colleague that I did not go to him. Quite frankly, I assumed it would be redundant because up to this point, we had heard nary a word from the distinguished senior Senator, other than the blue slip, which says, "Me, too."

So this notion of not extending the courtesy, not consulting with—maybe my friend, my senior colleague, from his perspective, believes that I should have been duplicating all of this with him, notwithstanding the fact he never once spoke to me about this, as the junior Senator had repeatedly.

So then the only time I remember speaking to the senior Senator, again, as is his practice, as most Members are around here, because the one thing is, I think most who have been here this long are fairly commendable to one another. He came to me and said, "JOE, I hear you are going to vote on this nomination in the committee. I don't want you to do that. I have more questions. JOE, don't push this thing, OK?" I am paraphrasing, but that is the essence of what he said to me.

I said, "Why?" He said, "I have more questions." And as is my custom, and my colleagues, I think, will tell you in private conversation I tend to be blunt with them, I said something to the effect, "JESSE, are you just going to filibuster this anyway?" and he said, "No; I want to ask questions," which he did, by the way, some legitimate questions, some not so relevant, in my view, but questions. He is entitled to ask what he wants.

He said, "I want to ask more questions." I said, "OK." But let us assume I never had that conversation. I find I often pay for the sins or omissions of my Republican colleagues. Is it unreasonable, I ask my colleagues, to think—is it unreasonable for the Senator from Delaware to assume that of—how many Republican Members are there on the Judiciary Committee? Are there eight?—that none of the eight members of the Judiciary Committee, knowing of Senator HELMS' objection, would inform Senator HELMS that we were going to have a hearing?

Now, I ask you: It may have been an omission on my part, but I throw myself on the mercy of the Senate. Is it not reasonable for me to assume that either his colleague in his neighboring State, Senator THURMOND, or his colleague, his ideological colleague and my good friend, Senator HATCH, or Senator GRASSLEY, with whom he works on the Agriculture Committee, or Senator BROWN, or any number of Republican Senators would not have said, "By the way, JESS, BIDEN is trying to steamroll one by you here"—is that reasonable? Is that a reasonable hypothesis? Because, if you listen to what my distinguished friend seeking every legitimate argument he can make on this issue is weaving here, the implication is the Senator from Delaware did not invite, essentially tried to sneak by—not his word, mine—sneak by this nominee in the dead of night without any notice, where were those eight Republican Senators?

I mean, I can assure you one thing, if Senator BYRD had passed in a negative blue slip to the Senate Judiciary Committee and I was in the minority as the ranking member, and the majority, the chairman of the committee, then Senator THURMOND, decided to move forward on Senator BYRD's nominee, and I thought Senator BYRD did not know about it, I can promise you I and nine other Democrats would have been tripping over one another to get to BYRD to notify him that the person he opposed was about to have their hearing.

I might add, I realize the Senator—I do not read the CONGRESSIONAL RECORD very often—I realize I do not expect the senior Senator from North Carolina to read it very often, but I want to point out to you what was going on here. There were newspaper articles debating the fact, discussing the fact that the Senators from North Carolina were opposed to this nominee. So I respectfully suggest that there was no attempt in any way by anyone's reasonable reading of the facts to slide one by the Senators from North Carolina.

Two closing points with regard to how controversial this nomination was. I realize that by definition there are certain Senators on this floor, if they say something is controversial, it is, per se, controversial, even though 99 other Members may not have any controversy at the time because they have made clear by force of their intellect and dint of their character that, if they do not want something to happen, everyone is going to take notice on this floor.

There are several powerful Senators like that on this floor. Senator HELMS is one, Senator BYRD—a whole range—Senator DOLE. Everyone takes it seriously, because if they say they feel strongly—Senator BYRD said he wanted to make it real clear, the balanced budget amendment "ain't" going to happen while he is here.

Now, if a new Senator, any Senator stood up and said that, most of us would go, "Yeah, OK, we understand that." But when Senator BYRD stands up and says that, there is not a single Member of this body who does not say, "Oh, we've got a problem."

I say to my friend from North Carolina, when he stands up and says, "I've got a problem," nobody here says he probably does not mean it. We all understand.

But I might add, that is not, I think, a legitimate definition of controversy. That is demonstration of power and respect, but not controversy, because controversy means that a bunch of us have a problem. That is when there is controversy, as I view it. And "a bunch of us," to use the slang, on the Judiciary Committee had no controversy. Nobody had any controversy. Nobody on the Judiciary Committee came to me and said, "I'm against this guy, don't put him through. I want no part of it. I'm going to fight you on it." Nobody.

I admit, though—and I mean this sincerely—I never took lightly the fact that the Senator from North Carolina said he had a problem. As a matter of fact, one of my colleagues asked me, "Do you think it's going to be trouble?" I said, "I guarantee you it's trouble. I guarantee it. He does not say it lightly. I guarantee you this is trouble."

"Is anybody else with him?" is the next question I had. I said, "It doesn't matter. It doesn't matter whether anybody else is with him. It's trouble."

I say that with great respect. I really mean that, and you know I mean that.

So if you can get rid of all the red herrings, as those of us who admit to being lawyers say, the red herrings that there was no consultation, that they were not invited to testify before the committee, I cannot fathom anyone in this body believing that if they came to the chairman, the Senator from Delaware, and asked whether they could testify before my committee, that there would be any prospect that they would be denied that by the Senator.

As a matter of fact, I am one of the Chairs, when people have asked even though they are not on the committee, can I come and sit as an ad hoc member of the committee and do everything but vote, I have accommodated that, whereas most other committees do not do that. Some do; most do not.

So I would put the reputation of the Senator from Delaware for collegiality and concern for the schedules and interest of his colleagues up there with the best of them.

So, to sum up, as my friend when he summed up: No. 1, there was consultation; No. 2, there was no attempt to slide by anything; for to slide by, it would have had to slide by eight Republican members of the committee, all of whom I believe—I cannot say with certainty, but I would be dumbfounded if they did not know that the distinguished Senator from North Carolina opposed this nominee.

They might not have known that expressly he opposed it. They might not have known what position he had taken on this but he opposed it.

And I would respectfully suggest that the new theory put forward as a case of first instance although truly imaginative—I teach a course in constitutional law at law school. I would give an A to whomever came up with the theory that the Constitution authorizes a single Senator by virtue of his or her objection to prevent a President from filling a Cabinet and sub-Cabinet post in his administration.

The reason I would, it is imaginative. It is truly imaginative. And for that I would give it credit. But it is substanceless. It lacks substance. It is a theory, if we ever in fact adopted, that would bring this place to a screeching halt because I would be prepared, if you were willing to stay, to match my friend Senator METZENBAUM against my friend Senator HELMS in seeing to it, if this were a Republican administration, if this had been a rule, President Bush and President Reagan would have about one-third of their cabinet filled for the entire 12-year period or for certain there would be no one from Ohio ever serving in the administration.

I guess that is how it would have been dealt with because what would happen is if that rule applied, think what a President would do. He would sit down and say, "I want the following 10 people. But, geez, I can't pick anybody from North Carolina. Old Helms, he's there. I can't pick anybody from Utah. Hatch is there. I can't pick anybody—where can I find a State where there is two Democrats so I can be assured that one of them will not, without cause"—there is no requirement of cause here, by the way. The Senator rightfully argues that there is no need to say there is cause to stop them. The argument is a single Senator says for the following reasons I do not like this nominee. That could be it.

So we would have ultimate form of shopping. You could be assured that if there was a Democratic President there would be no one serving in his or her cabinet that required Senate approval that came from a State that had two Republican Senators, or for that matter one Republican Senator, because I assume this theory would work regardless of whether there was a Democratic senior Senator or a Republican senior Senator. So everyone would be in this cabinet—there would be no one from the State of Pennsylvania, no one from the State of Delaware, no one from the State of New York, no one from the State of North Carolina, no one from Connecticut would be filled up. Massachusetts would have a lot of people in the administration. They have two Democratic Senators. Ohio would do well this time around. Illinois would do well. Utah, good bye. Arizona, Texas.

It would be fascinating, would it not, absolutely fascinating.

But again, I compliment my colleague and the staff on their ingenuity, but that is as good as it gets, ingenious.

And the other point that I would make is that—well, the hour is late. I would like to yield. I will make the remaining points tomorrow. But again, it is always a pleasure to debate my friend from North Carolina, and I now would yield to him if he wishes the floor, and I will not seek the floor again unless there is something truly ingenious that comes out of this short exchange.

I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Senator BIDEN makes serving in the Senate enjoyable because I enjoyed the exhortations that just creep into the rhetoric from thin air. For example, I believe I heard him say that I claimed a single Senator should have the power to kill a nomination.

Well, I had not said any such thing. And I am going to talk about that in just a minute.

And I did not say, I did not imply that I oppose Dellinger because Senator FAIRCLOTH did then and still does. I made my own independent study of information. As I have said four or five times, I never heard of Walter Dellinger until this nomination surfaced. And then I began to investigate and I found all that rattling you hear is skeletons in his closet.

I did say that I opposed him strongly because of the reasons stated in Senator FAIRCLOTH's statement. I did not think there was any point in spending a lot of time repeating what Senator FAIRCLOTH had said because he said it so eloquently and I said he said it eloquently.

But I have to ask—I hate to do this. The Senator made much of his point that no Senator should be able to kill a nomination, no one Senator. I have never suggested that a Senator should. And as I have said, this is the first time in nearly 21 years that I have ever returned a blue slip. Throughout Jimmy Carter's administration, I was consulted in advance. On one occasion, one nominee was withdrawn. But I have never, never returned a blue slip. But I returned this one because it needed to be returned, and I am going to develop that tomorrow a little bit.

Now, I agree and I have agreed that, as the Senator from Delaware says, no Senator should have the power to kill a nomination.

Now I will ask staff to flip the chart here as I ask the Senator from Delaware what about the 86 nominees referred to his committee which were never confirmed in the last Congress, almost all of which he never even held a hearing on.

And I hope the television camera will focus on this chart listing the 86 nominations killed by the Judiciary Committee. Here is one from Alabama; no hearing was ever conducted by the chairman. The nominee waited 7 months. One from Arkansas; another one, no hearing. All of these, no hearings were ever scheduled by the chairman, so the nominations were killed.

Now, as I understand it, it was the chairman of the Senate Judiciary Committee who killed all of these 86 nominations. Now, boy, that is what you call power. And I remember, Mr. President, one nominee in particular. I was told here on the Senate floor—and I was told here on the Senate floor, "It's going to happen."—I am not going to say who told me that.

But I will flip the charts, or have a staff person flip them for me so the distinguished chairman can see all of the unconfirmed judicial nominees.

Flip another one. Here is Missouri, Nebraska, Nevada, New York, North Carolina, Ohio, Oklahoma.

Flip another one. Now, these were nominees who were killed by one Senator. They did not even have a hearing. Maybe the staff did not tell the chairman about it. But some of us felt very strongly about the way the nominees were ignored or treated. And, yes, I talked to Senator BIDEN about it and I thought up to the last minute we were going to have a new member of the 4th Circuit Court of Appeals from North Carolina.

Now, I do not mind taking the blame for anything of which I am guilty. Since the Senator from Delaware brought up the chairmanship of the Agriculture Committee, I will say that yes, I had a policy. It was to check or have the ranking member check with the Members and the Senators from the States from which nominees came. We did that without fail. And I remember one time we found out that there was enough to cause a question and we sent the nomination back. We did not have the blue slip. But we did check before proceeding, and worked out any problems.

If the Senator wants to complain about the blue slip policy, I believe it started along about 1913. I am not sure about that. But, the Senator ought to announce tomorrow morning we do not like this blue slip and we are going to stop it. I would understand that.

But the Chairman sent me the blue slip, and it is the first and only blue slip I have ever returned. So do not suggest implicitly or explicitly that I am demanding the right to kill a nomination. I am using the rules and traditions of the Senate that are applicable in this case, and that is all I am doing. So I am willing to shut down this dog and pony show for tonight after the Senator has at me one more time.

But we can have at each other tomorrow morning just as well.

Mr. BIDEN. I realize the hour is late, Mr. President. I never want to have at the Senator. I want to have with the Senator. I think if tomorrow there were a cartoon in the paper referring to the Senator from North Carolina as someone who might be considered a Darth Vader of nominees, I think——

Mr. HELMS. Pardon me?

Mr. BIDEN. Let me say it another way. I think if the Senator—everyone on the Foreign Relations Committee knows—there are numerous nominees the Senator has made clear over the years that I have served with him, that he is not inclined to support; and he has gotten the previous State Department, Republican or Democrat, he has been equal in his treatment of the State Department.

Mr. HELMS. The Senator is bipartisan.

Mr. BIDEN. I will acknowledge that and very thoroughly. I will respond in more detail tomorrow because the hour is late.

But with regard to the charts, I would point out in our letter in the RECORD tomorrow that as chairman of the Senate Judiciary Committee, more nominees have passed out when I was chairman of the committee, Republican nominees, than any other time I think in the history of the committee.

I did not do what my Republican friends did when Jimmy Carter was President. I did not do what many of my colleagues wished me to do. And I did not do what the distinguished Senator from South Carolina did, and the distinguished leader from Tennessee, Senator Baker did. I did not the year that the race was under way, and that Bill Clinton was at least in some of our minds likely to defeat the incumbent President; I did not do what Howard Baker did; I did not do what the Republicans uniformly stood and did when Jimmy Carter was President.

They announced very forthrightly, and I respect them for it—they announced that they, the Republicans, would not allow any new nominee after June 1, blanket, just made a statement. After, I think, June 15—June anyway—in June, that because of the upcoming election and the likelihood of President Reagan winning, the Republicans just flatly announced: No more, no more nominees.

The Senator from Delaware not only did not do that. As of the last day of the Senate, I was able to work with the White House and convince my colleagues to add I believe an additional 22 nominees. I did not have to do a single one, not a single one.

I might also point out—we will get that chart tomorrow—to the Senator that what happened was the Bush administration not unlike this administration making a similar mistake, spent, wasted, well over 2 years in sending up nominees.

It was not until the second or the third quarter of the last year of the administration that they sent up batches of 40 and 50 at a shot. Having warned them—I will enter all of this in the RECORD for the Senator—having warned them as chairman, beginning as early as the previous fall, please send me your nominees because we are never going to be able to get them done.

Because I might point out, I went to that administration at this end and said, authorize us to have more investigators. We do not have enough investigators to do this. They said, no. The Republicans on the Judiciary Committee along with the Democrats on the Judiciary Committee the previous November said we will consider no more judicial nominees because you refused to give us access to the FBI files; unprecedented.

So we wasted 4 months, I believe, at least 3, November, December, most of January, into February. We did not act on any nominee because the committee, Republicans and Democrats, said, we will consider none of the nominees because, Mr. President, you are changing the rules of the game. You are saying, because you, I assume because he thought I was going to get political gain in the aftermath of the Anita Hill-Clarence Thomas debacle, they said, we are not going to give you access to information.

Mr. HELMS. Would the Senator yield?

Mr. BIDEN. I am happy to.

Mr. HELMS. I do not mean to be impertinent. But is the Senator suggesting that I even knew any activities of any other Republican?

Mr. BIDEN. No. I am not talking about the Senator. I am responding to the comment.

Mr. HELMS. As this chart shows, here is a nominee referred to the Judiciary Committee on November 20, 1991. Here is one referred in June 1992. Another in November 1991—they were all sitting in the committee for a long time.

Mr. BIDEN. I understand that. I am saying I will submit all of them in the RECORD to answer all of them. I was making the generic point. If the Senator wants to stay, we can go into more detail on it.

The point I am making is the reason some of the nominees did not get through is because they were extremely controversial. The reason many others did not get through is because they were submitted late in the game. I went down and sat with the President of the United States and then sat with the Chief of Staff of the White House. I said, all these nominees you have here we cannot do them all. Who do you want done?

Mr. HELMS. Will the Senator yield?

Mr. BIDEN. Yes.

Mr. HELMS. Is the Senator saying I blue slipped some of these people?

Mr. BIDEN. No.

Mr. HELMS. How did you know they were controversial?

Mr. BIDEN. Because everyone said there were at least a half-dozen occasions, if they come up, there is going to be extended debate on the Senate floor. And Senators not from the States from which they came—Senators from States from which they did not hail were the ones who made clear where they were and how long they were going to debate, just like the Senator from North Carolina is doing now. The same thing. It is appropriate. It is not inappropriate.

I would just point out, at least notwithstanding that, nobody—and I did not allow anybody on the committee to do what the Senator—not the Senator, the Republican Party—officially did in the Senate in Jimmy Carter's last year. They said no more nominees, Mr. President, period. I will get the statements. I will put it in the RECORD.

Mr. HELMS. If the Senator will yield to me, let my say once more, and I am growing weary of saying it. I never had a minute's problem with the Carter administration's handling on nominations.

Mr. BIDEN. I am not suggesting that the Senator did.

Mr. HELMS. The Senator from Delaware said Republicans. I had no part in that. I do not know what the Senator is talking about. I never blue slipped anybody in my life before now.

Mr. BIDEN. If the Senator will yield, this has nothing to do with blue slips. What I am responding to now is the Senator asserting that all of the judicial nominees he listed on the board were stopped by blue slips. Is that his point?

Mr. HELMS. No.

Mr. BIDEN. I did not think so.

Mr. HELMS. I am saying the Senator from Delaware is talking about one man stopping it. The chairman during all of this time had inordinate power, I say to my friend.

Mr. BIDEN. Mr. President, if the Senator believes I have that much power, I respectfully suggest he yield to me now because he cannot win.

I yield the floor.

Mr. HELMS. I yield the floor. I hope we can go home.

Mr. BIDEN. I am prepared to do that. I look to the acting leader.

Mr. HELMS. Mr. President, I suggest the absence to a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. FORD. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 288, the nomination of Walter Dellinger to be an Assistant Attorney General:

Harlan Mathews, Russell D. Feingold, Tom Daschle, Harry Reid, Dianne Feinstein, Barbara Boxer, John Glenn, Patty Murray, David Pryor, Jim Sasser, Wendell Ford, Harris Wofford, Max Baucus, Paul Wellstone, Edward M. Kennedy, Daniel K. Akaka, Joe Biden.

CLOTURE MOTION

Mr. FORD. Mr. President, I send a cloture motion to the desk and ask unanimous consent that, notwithstanding the provisions of rule XXII, the vote on this cloture motion occur at 3 p.m. Thursday, October 7, with the mandatory live quorum waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 288, the nomination of Walter Dellinger to be an Assistant Attorney General:

Harlan Mathews, Russell D. Feingold, Tom Daschle, Harry Reid, Dianne Feinstein, Barbara Boxer, John Glenn, Patty Murray, David Pryor, Jim Sasser, Wendell Ford, Harris Wofford, Max Baucus, Paul Wellstone, Edward M. Kennedy, Daniel K. Akaka, Joe Biden.

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of the following nominees and that they be placed on the calendar: Madeleine K. Albright, William F. Goodling, Sam Gejdenson, Edward S. Walker, Jr., Karl F. Inderfurth and Victor Marrero.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

REPORT OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR FISCAL YEAR 1992—MESSAGE FROM THE PRESIDENT—PM 49

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

In accordance with the requirements of section 809 of the Housing and Community Development Act of 1974, as amended (12 U.S.C. 1701j–2(j)), I transmit herewith the 16th annual report of the National Institute of Building Sciences for fiscal year 1992.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 6, 1993.*

REPORT OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS AND THE NATIONAL HOUSING PARTNERSHIP FOR FISCAL YEAR 1992—MESSAGE FROM THE PRESIDENT—PM 50

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I transmit herewith the twenty-fourth annual report of the National Corporation for Housing Partnerships and the National Housing Partnership for the fiscal year ending December 31, 1992, as required by section 3938(a)(1) of title 42 of the United States Code.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 6, 1993.*

MESSAGE FROM THE HOUSE

At 12:22 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2446) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes, and agrees to a conference with the Senate; and appoints Mr. HEFNER, Mr. FOGLIETTA, Mrs. MEEK, Mr. DICKS, Mr. DIXON, Mr. FAZIO, Mr. HOYER, Mr. COLEMAN, Mr. NATCHER, Mrs. VUCANOVICH, Mr. CALLAHAN, Mrs. BENTLEY, Mr. HOBSON, and Mr. MCDADE as the managers of the conference on the part of the House.

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 102. Joint resolution to designate the months of October 1993 and October 1994 as "Country Music Month."

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 102. Joint resolution to designate the months of October 1993 and October 1994 as "Country Music Month."

At 4 p.m., a message from the House of Representatives, delivered by Mr. Hays, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2401. An act to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

H.R. 2659. An act to amend the Public Health Service Act to revise and extend programs relating to the transplantation of organs and of bone marrow.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 422. An act to amend the Securities Exchange Act of 1934 to ensure the efficient and fair operation of the government securities market, in order to protect investors and facilitate government borrowing at the lowest possible cost to taxpayers, and to prevent false and misleading statements in connection with offerings of government securities.

MEASURES REFERRED

The following measure was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2659. An act to amend the Public Health Service Act to revise and extend programs relating to the transplantation of organs and of bone marrow; to the Committee on Labor and Human Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1582. A communication from the Director of Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, report on the production and exchange of cartographic products and services; to the Committee on Energy and Natural Resources.

EC-1583. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Heavy Duty Transport Technology Program Plan 1994–1998"; to the Committee on Energy and Natural Resources.

EC-1584. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on a plan for improving the integration of Department of Energy basic energy research with other departmental energy programs; to the Committee on Energy and Natural Resources.

EC-1585. A communication from the Acting Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting, a notice relative to a bill (H.R. 2445) entitled "Energy and Water Development Appropriations Act, 1994"; to the Committee on Appropriations.

EC-1586. A communication from the Principal Deputy Comptroller, Comptroller of the Department of Defense, transmitting, pursuant to law, the report on program activities to facilitate weapons destruction and nonproliferation in the Former Soviet Union for the period April 1, 1993 through June 30, 1993; to the Committee on Armed Services.

EC-1587. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on public housing agency use of the Section 8 project-based component of the Rental Certificate Program; to the Committee on Banking, Housing and Urban Affairs.

EC-1588. A communication from the Interim Chief Executive Officer of the Resolution Trust Corporation and the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, a report of the unaudited financial statements for the period December 3, 1992 through June 30, 1993; to the Committee on Banking, Housing and Urban Affairs.

EC-1589. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to amend the Perishable Agricultural Commodities Act to raise the statutory ceiling on license fees; to the Committee on Agriculture, Nutrition and Forestry.

EC-1590. A communication from the Deputy Administrator, General Services Administration, transmitting, pursuant to law, a report of a building project survey for Jacksonville, Florida; to the Committee on Environment and Public Works.

EC-1591. A communication from the Deputy Administrator, General Services Administration, transmitting, pursuant to law, a report of a building project survey for Brownsville, Texas; to the Committee on Environment and Public Works.

EC-1592. A communication from the Inspector General, Department of Energy, transmitting, pursuant to law, a report entitled "Superfund Costs Claimed by the Department of Energy Under Interagency Agreements with EPA—Fiscal Year 1992"; to the Committee on Environment and Public Works.

EC-1593. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on the assessment of needs for publicly owned wastewater treatment facilities, correction of combined sewer overflows, and management of storm water and nonpoint source pollution in the United States; to the Committee on Environment and Public Works.

EC-1594. A communication from the Inspector General, Environmental Protection Agency, transmitting, pursuant to law, a report on the Superfund program for fiscal year 1992; to the Committee on Environmental and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 773. A bill to require the Administrator of the Environmental Protection Agency to establish a program to encourage voluntary environmental cleanup of facilities to foster their economic redevelopment, and for other purposes (Rept. No. 103–157).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science and Transportation:

David J. Barram, of California, to be Deputy Secretary of Commerce.

Diane Blair, of Arkansas, to be a member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 1998.

Reed E. Hundt, of Maryland, to be a member of the Federal Communications Commission for a term of 5 years from July 1, 1993.

Steven O. Palmer, of Michigan, to be an Assistant Secretary of Transportation.

Frank Eugene Kruesi, of Illinois, to be an Assistant Secretary of Transportation.

James E. Hall, of Tennessee, to be a member of the National Transportation Safety Board for the term expiring December 31, 1997.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HOLLINGS. Mr. President, for the Committee on Commerce, Science, and Transportation, I also report favorably three nomination lists in the Coast Guard, which were printed in full in the CONGRESSIONAL RECORDS of September 7 and 14 and October 4, 1993, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. There being no objection, it is so ordered.

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Anne H. Lewis, of Maryland, to be an Assistant Secretary of Labor.

Katharine G. Abraham, of Iowa, to be Commissioner of Labor Statistics, U.S. Department of Labor, for a term of 4 years.

Hulett Hall Askew, of Georgia, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1995.

Laveeda Morgan Battle, of Alabama, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1995.

John G. Brooks, of Massachusetts, to be member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1995.

Nancy Hardin Rogers, of Ohio, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1995.

Douglas S. Eakeley, of New Jersey, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1996.

F. William McCalpin, of Missouri, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1996.

Maria Luisa Mercado, of Texas, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1996.

Thomas F. Smegal, Jr., of California, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1996

John T. Broderick, Jr., of New Hampshire, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1996.

Ernestine P. Watlington, of Pennsylvania, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1996.

Edna Fairbanks-Williams, of Vermont, to be a member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1995.

Neal F. Lane, of Oklahoma, to be Director of the National Science Foundation for a term of 6 years.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SHELBY (for himself, Mr. GORTON, Mr. MATHEWS, Mr. PACKWOOD, Mr. COCHRAN, and Mr. HEFLIN):

S. 1521. A bill to reauthorize and amend the Endangered Species Act of 1973 to improve and protect the integrity of the programs of such Act for the conservation of threatened and endangered species, to ensure balanced consideration of all impacts of decisions implementing such Act, to provide for equitable treatment of non-Federal persons and Federal agencies under such Act, to encourage non-Federal persons to contribute voluntarily to species conservation, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. CAMPBELL, Mr. INOUYE, and Ms. MOSELEY-BRAUN):

S. 1522. A bill to direct the United States Sentencing Commission to promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for hate crimes; to the Committee on the Judiciary

By Mr. KENNEDY (for himself, Mrs. KASSEBAUM, Mr. DODD, Mr. SIMON, and Mr. WOFFORD):

S. 1523. A bill to reauthorize certain programs under the Stewart B. McKinney Homeless Assistance Act, and for other purposes; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY (for himself, Mr. GORTON, Mr. MATHEWS, Mr. PACKWOOD, Mr. COCHRAN, and Mr. HEFLIN):

S. 1521. A bill to reauthorize and amend the Endangered Species Act of 1973 to improve and protect the integrity of the programs of such act for the conservation of threatened and endangered species, to ensure balanced consideration of all impacts of decisions implementing such act, to provide for equitable treatment of non-Federal persons and Federal agencies under such act, to encourage non-Federal persons to contribute voluntarily to species conservation, and for other purposes; to the Committee on Environment and Public Works.

THE ENDANGERED SPECIES ACT PROCEDURAL REFORM AMENDMENTS OF 1993

Mr. SHELBY. Mr. President, I am pleased to be here today with Senator GORTON to introduce the Endangered Species Act procedural reform amendments.

This bill that we are going to introduce in a few minutes would reauthorize the Endangered Species Act while making many long overdue changes in the statute itself.

This legislation, Mr. President, is the culmination of over a year of work to put together comprehensive legislation that maintains strong species preservation while bringing new balance and clarity to the Endangered Species Act.

Most importantly, the bill addresses the legitimate concerns of States in every region of the country, whether they are characterized by a preponderance of either public or private lands.

With respect to balance, Mr. President, the procedural reform amendments would make several needed changes in the ESA. Currently, as you well know, the Endangered Species Act treats private landowners far differently from public agencies. This legislation would create a consultation process for private individuals similar to that process that is now available to Federal agencies. At present, there is no set process where private citizens can even find out if they are in violation of the Endangered Species Act.

In addition, the bill will create a workable exemption process for individuals when a given action would not jeopardize an entire species or when an individual complies with an alternative plan that is offered by the Secretary of the Interior.

Mr. President, such a mechanism is absolutely necessary because while thousands of incidental take permits have been granted to Federal agencies, less than 20 such exemptions have been provided for private landowners in the past 20 years of the Endangered Species Act's existence.

In addition, the entire cost of the compliance with the ESA falls on private individuals. At present, there is no recourse for private property owners to gain compensation for diminished value when they are affected by Endangered Species Act.

In addition, the entire cost of creating a habitat conservation plan and any accompanying legal expenses must be borne by the private citizen. The procedural reform amendments provide for compensation for substantially diminished property value and for part of the cost of complying with the conservation plan itself.

Mr. President, this feature of the bill is of critical importance because it asks the Congress to recognize and affirm the constitutional right to compensation for property loss. Far too much regulatory law, including the Endangered Species Act, fails to account for the trampling of private property rights and places a hidden tax of billions of dollars per year on citizens of this country.

These compensation provisions would establish a precedent for Congress to account for the impact of regulatory law on private property owners.

With respect to the listing process and the designation of critical habitat, this legislation that we are introducing today would make several significant moderating changes.

First, the bill creates a mandatory exclusion of areas from critical habitat designation in cases when economic impact outweighs the benefits of habitat declaration.

Second, the bill allows the judicial review of petitions to list species. At present, only decisions not to list are subject to challenge. All three of these provisions provide fairness and flexibility that the current law lacks.

With respect to focus, Mr. President, the legislation makes several important changes in the act.

First, it establishes a priority for species listing that begins with a single species genus. At present, we have seen the proliferation of listing proposals based on what is commonly called the splitter approach to species listed. As a result, local populations that may be in decline are being listed as distinct species regardless of the overall status of the entire species in other areas.

In my State of Alabama alone, there are now 375 listed or candidate species because of species splitting.

Second, the bill will establish a workable recovery process for viable recovery plans. At present, the Endangered Species Act is an open ended and unfocused act with respect to the procedures for species recovery. A workable recovery process will provide a clear goal and direction for recovery of each listed species.

Finally, Mr. President, the bill tightens the take provision that I alluded to. The definition of "take" is more narrowly defined so as to get away from the present and I believe absurdly broad interpretation of take to mean any modification of habitat.

Mr. President, the Endangered Species Act is 20 years old and in dire need of restructuring. The changes that I outlined above are moderate and sensible. They simply ask that we make the ESA work for humans as well as other species.

While some extremists may brand this bill as an attempt to gut the Endangered Species Act, this legislation in reality does nothing to harm the ability of the act to preserve species. Rather, Mr. President, these amendments only bring the calculation of human economic needs and sensible enforcement into play with respect to an inflexible and outdated statute.

If the goal of the Endangered Species Act is species preservation, as I think it should be, then I see no reasonable objection to these amendments. If, however, one sees the Endangered Species Act as a vehicle to impede economic development, deprive people of property and to strip human dignity, then they will surely object to this type of legislation.

I would note to my colleagues that this debate will only continue to grow in importance. As more and more species are listed and greater numbers of jobs and livelihoods are lost because of the inflexibility of the present law, the cry will continue to grow from citizens in every region of the country for human dignity to be given equal weight to species preservation under Federal law.

The northern spotted owl is only the tip of the iceberg. For every spotted owl, there is an Alabama sturgeon or California gnatcatcher waiting to deprive Americans of their jobs or property. This is not a Republican or Democratic issue. I believe that the Endangered Species Act is an act that knows no geographical boundaries or political identifications.

In this spirit I urge my colleagues to join us in this important endeavor.

Mr. President, I ask unanimous consent that Senator GORTON, Senator MATHEWS, Senator PACKWOOD, Senator HEFLIN, and Senator COCHRAN be listed as original cosponsors of this legislation.

Mr. GORTON. Mr. President, I am proud to appear here today with my distinguished friend and colleague, Senator RICHARD SHELBY, in introducing the Endangered Species Act Procedural Reform Amendments of 1993.

This act must be made to work better for both the troubled species it is designed to save and, certainly as important, it must work better for the people whose lives are impacted by what the Government does in the name of the environment. We can and must have a Federal law which is designed to prevent the wholesale extinction of species of plants and animals. We cannot, however, justify and ratify the economic devastation and dislocation of American families and communities in the name of the environment, without any attempt to balance competing goods and costs.

The amendments to the Endangered Species Act in this bill will provide a balanced approach to making the ESA work for all of God's creatures by putting human values back into the equation. While the procedural changes included in this bill will affect such things as the listing of species, critical habitat designation and the consultation processes, these amendments not gut the ESA, as many environmental lobbyists will try to claim. These same environmentalists are trying to escape serious debate about reauthorizing the ESA even as the economic dislocation caused by the act is starting to cause a groundswell of support for the kind of changes embodied in this bill.

The environmentalists and many in Congress claim that we incorrectly frame this debate as one of economics—a jobs versus the species of the month conflict. Environmentalists are now claiming that it is "12 years of neglect" that has created such draconian ESA requirements. And, they claim, if we take an ecosystems approach to saving species, the ESA can be made to work more effectively. Perhaps it will, but only at the expense of the devastation of more people and communities. In fact, to some in Congress the President's Pacific Northwest forest conference plan is an indication of ecosystems management that is a better method of enforcing the ESA.

To the contrary, the President's forest plan represents everything that is wrong with the ESA. The President's plan was developed with only perfunctory consultation with those people most directly impacted and with the sole goal of determining what was necessary to recover the species irrespective of the economic and social impacts.

The administration publicly admitted that it could do no more for the Northwest's timber communities because of the Endangered Species Act. The administration believes that the ESA requires it to reduce timber harvests in the Northwest so dramatically that thousands more people will be thrown out of work on top of the thousands already out of work. The communities in which these people live, work, and pray will be sentenced to die because of a decision by our Federal Government that the assured survival of the spotted owl must be given precedence over human lives and communities.

Look at the communities of people who were first overlooked and destroyed in the wake of the President's plan. These two tables, Mr. President, show that since 1989, the year that marks the beginning of the spotted owl-related timber supply problems, more than 3,000 people have lost their jobs in Washington State alone in sawmills and plywood/panel/veneer producing manufacturing. In the entire Pacific Northwest, this figure is more than 16,000 people.

Perhaps even more dramatic is this picture, a map of the State of Washington alone. Each star on this map represents a mill in which there are real, hard-working Americans, in communities like Grays Harbor, Forks, Hoquiam, Aberdeen, White Swan, Stevenson, Morton, Goldendale, and Longview. The stars represent people like Larry Mason and Ken Corey and the people they employed. The stars and the numbers I have outlined represent only losses of jobs in mills which have entirely closed down, Mr. President. They do not include dramatic job losses in mills which are operating at 75 percent or 50 percent or 25 percent of their previous capacity. Nor do these figures include the three, four or five other jobs that are supported by these high-paying manufacturing jobs.

For example, these figures miss people like Jim Gold, Barb Mossman, and Bob Lloyd, who harvested the timber or got the timber to the mills. These figures also missed people like Keith Steele and his employees. Keith owns a couple of small department stores in timber-dependent communities and has suffered a 20-percent drop in business, a drop he attributes to the spotted owl.

How can the environmental community and those who do their will in Congress claim that the problems of the ESA should not be framed as a jobs versus species conflict? Can you tell a displaced timber worker or pulp and paper mill worker or someone whose job was dependent on a timber industry worker that he or she would be better off under the Clinton ecosystems approach? I do not think you can honestly say that, and that is why I am here today. Clearly, the ESA is broken, and it must be fixed.

Let me touch briefly on some of the important changes that our bill will make in the Endangered Species Act. Under the ESA, as amended by this bill, biology will remain the sole basis upon which threatened or endangered status is determined for a species. The only significant change these amendments make to the listing process is to require a blind peer review of the data used in listing if requested by any member of the public.

For example, "NBC News" just did an extended piece which calls into question both the scientific determinations that there are few remaining owls and that the owls only breed in old growth. Given the economically disastrous impact on the Northwest and the new data, I think that no one can reasonably oppose making sure that the science that goes into a listing is the best science available.

Next, our bill adds an entirely new section to the Endangered Species Act relating to the development and implementation of recovery plans for species that are listed as endangered or threatened. This section of the bill requires the Federal Government to do three things after listing:

First, a biological assessment which considers the significance of the species, its geographic ranges and the practicality of recovery of the species.

Second, assess the social and economic impacts of listing in the attendant conservation measures which may be required.

Third, assess the intergovernmental impacts on local laws and regulations.

This section of the bill also requires the development of a wide range of alternatives. These options must range from no Federal action to intensive Federal management of the species and/or its habitat. Under this section, the Government is required fully to explain the option it chooses, report the status of the species to Congress every 2 years, and thoroughly review these plans every 5 years. Adding new sections to a portion of Federal law is not gutting it by any stretch of the imagination.

Some of the most important changes that our bill will make in the Endangered Species Act will require that non-Federal agencies and private individuals bear burdens under the act no more onerous than those imposed on Federal agencies. Currently, non-Federal agencies and private individuals do not have a right to the consultation process set out in the ESA. Only Federal agencies can use the consultation process to deal with problems arising after listing of a species. Our bill modifies the ESA to provide access to the consultation process for non-Federal agencies and for private individuals. This new consultation process requires the Federal Government to complete the consultation within 90 days. If no jeopardy is found or if an individual is willing to accept a reasonable alternative to the action for which he requested consultation, the agency must issue an incidental take permit.

Our ESA amendments will add a new section to protect individuals whose private property is significantly reduced in value because of the ESA. This section requires the Federal Government to pay those individuals whose property is diminished in value by actions of a Federal agency under the ESA or by result of processing an incidental take permit, the fair value of the loss imposed by those governmental actions.

This provision is especially important to the families whose lives are being destroyed by the ESA—and it will undoubtedly draw screams from some environmentalists. I hope that those who dare oppose this provision will take time to reflect on their own lives, their own finances, and their own senses of security. I hope that they will try to understand the trauma of having the bottom ripped out of a family's financial security. It is utter cruelty for Government actions to destroy completely everything from a family's income to its lifetime investment. This reasonable provision will only ease the economic blows dealt to people whose lives are impacted by the ESA.

In my view, there is no more fundamental right in the Constitution than that embodied in the fifth amendment protections against the taking of private property without just compensation. Our amendments ensure that the rights embodied in the Constitution are also respected in the implementation of the Endangered Species Act.

Finally, our bill amends the ESA to provide a mechanism to enter into the kinds of agreements that those championing the ecosystem approach should applaud. Here our bill gives the Government the ability to enter into cooperative management agreements with States, local governments and willing private parties that control critical habitat affected by the ESA. The CMA's envisioned in our amendments to the ESA must: First, promote the conservation of the species; and second, provide for a public comment period on a CMA. After approval, the bill suspends the listing, critical habitat, recovery planning, and consultation requirements for activities by a party to a CMA.

I look forward to working with Senators SHELBY, PACKWOOD, MATHEWS, HEFLIN, and COCHRAN on this cause. I hope to see many more Senators join us in this fight. Many communities and lives depend on our fixing the ESA. For these people as well as for the species the ESA is designed to protect, it is a fight we must win.

Mr. President, I ask unanimous consent that replicates of the charts and map which I pointed to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 1.—OREGON/WASHINGTON/IDAHO/CALIFORNIA MILL CLOSURES

	Sawmills			Plywood/panel/veneer			Combined sawmill and panel	
	Number of mills	Production (million board feet)	Number of employees	Number of mills	Production (million square feet ⅜ basis)	Number of employees	Number of mills	Number of employees
1993	13	355	748	[1]8	362	762	21	1,510
1992	22	912	2,128	[1]15	1,403	2,720	37	4,848
1991	34	1,273	2,619	[2]14	833	1,230	48	3,849
1990	31	1,142	2,162	21	2,223	1,919	52	4,081
1989	18	959	1,643	6	878	880	24	2,523
Total	118	4,461	9,300	64	5,699	7,511	182	16,811

[1] Includes two pulp mills.
[2] Includes one pulp mill.

Source: PFE & Associates, Eugene, OR.

TABLE 2.—WASHINGTON MILL CLOSURES

	Sawmills			Plywood/panel/veneer			Combined sawmill and panel	
	Number of mills	Production (million board feet)	Number of employees	Number of mills	Production (million square feet 3/8 basis)	Number of employees	Number of mills	Number of employees
1993	1	2	6	1	35	25	2	31
1992	3	42	109	[1]5	246	1,310	8	1,419
1991	13	186	511	5	187	208	18	719
1990	8	116	270	2	204	95	10	365
1989	7	455	547	2	286	179	9	627
Total	32	791	1,353	15	957	1,808	47	3,161

[1] Includes one pulp mill.

Source: PFE & Associates, Eugene, OR.

Year	Type	Company	County	City	Production	Employment
1993	S	Beaver Lumber	Clallam	Beaver	2	6
1993	VE	West Veneer	Lewis	Randle	35	25
1992	PL	Custom Plywood Inc	Skagit	Anacortes	40	100
1992	PU	ITT Rayonier	Grays Harbor	Hoquiam	310	600
1992	S	Jeld-Wen/White Swan Forest Products	Yakima	White Swan	40	100
1992	S	M. J. Lumber Company	Clallam	Sequim	1	5
1992	PL	Puget Sound Plywood	Pierce	Tocam	92	150
1992	S	Raymong II. Sartwell Portable Sawmill	Grays Harbor	Hoquiam	1	4
1992	PL	Stevenson Co-Ply, Inc	Skamania	Stevenson	114	175
1992	PU	Weyerhaeuser	Snohomish	Everett	385	285
1991	S	Auburn Sawmill	King	Auburn	1	0
1991	S	Bergeron Lumber and Hardwood	Clark	Vancouver	1	3
1991	S	Carey and Sons	Clallam	Port Angeles	3	28
1991	VE	Dahlstrom Lumber	Grays Harbor	Hoquiam	40	20
1991	S	Far West Lumber Co. Inc	Skagit	Mount Vernon	1	0
1991	S	ITT Rayonier	Grays Harbor	Hoquiam	34	100
1991	S	Loth Lumber	Snohomish	Gold Bar	22	120
1991	S	Master Halco Inc	Jefferson	Port Townsend	4	21

Year	Type	Company	County	City	Production	Employment
1991	VE	Prime Veneer	Mason	Shelton	10	30
1991	S	Shukson Lumber Mfg. Inc	Snohomkish	Stanwood	6	10
1991	S	Spokane Lumber Co	Okanogan	Tonasket	84	170
1991	S	Ted Butcher Inc	Clallam	Sequim	2	5
1991	S	Thomas Kreger	do	Port Angeles	1	2
1991	VE	WTD/Morton Forest Products	Lewis	Morton	65	30
1991	S	WTC/Pacific Hardwoods	Grays Harbor	Hoquiam	9	20
1991	S	Westcap Forest Products Inc	Clallam	Port Angeles	18	32
1991	PL	Wid/Graham Plywood Co	Pierce	Graham	72	120
1991	VE	Wilkins, Kaiser & Olsen, Inc	Skamania	Carson	0	8
1990	VE	Agnew Lumber	Lewis	Centralia	160	70
1990	S	Brazier Forest Ind., Inc./Arlington	Snohomish	Arlington	14	43
1990	S	Charles E. Dagnon	Okanogan	Okanogan	1	2
1990	S	Husby Farm and Mill	Snohomish	Arlington	1	5
1990	S	Mason Lumber Products	Clallam	Beaver	4	20
1990	S	Quinalt Shingle & Lumber	Grays Harbor	Amanda Park	4	15
1990	S	W.I. Forest Products, L.P	Chelan	Peshaslin	35	130
1990	VE	WID/Cle Elum Lake	Kittilas	Ronald	44	25
1990	S	WID/Valley Wood Products	Stevens	Valley	50	40
1990	S	Waterman Mill Co	Island	Langley	7	15
1989	S	Biose Cascade	Klickilat	Goldendale	25	65
1989	S	Mt. Adams Timber Products	do	Bingen	16	25
1989	S	Preston Capac	King	Preston	10	12
1989	S	WTD/Olympia Forest Products	Thurston	Olympia	24	40
1989	S	WTD/Orient Timber	Ferry	Orient	20	35
1990	PL	Weyerhaeuser	King	Snoqualmie Falls	85	100
1989	S	do	Cowlitz	Longview	200	180
1989	S	do	King	Snoqualmie Falls	150	100
1989	VE	do	Cowlitz	Longview	200	70

Mr. PACKWOOD. Mr. President, I am pleased to join with my colleagues today in introducing the Endangered Species Act Procedural Reform Amendments of 1993.

The Endangered Species Act in its current form is an Act gone awry and is wreaking havoc on our communities, particularly in the Pacific Northwest, but increasingly nationwide.

In the Northwest alone, since the spotted owl was listed as threatened in 1990, millions of acres of Federal timberland and thousands of private acres have been set aside for owls. Estimates of the number of jobs that will be lost as a result of this action range anywhere from 35,000 to 150,000.

Little did we know when we passed the Endangered Species Act back in 1973, the direction it would take and how it would be used as a tool by environmentalists to shut down entire regions. The Endangered Species Act is today being applied in a manner far beyond what any of us envisioned when we wrote it 20 years ago. It was originally conceived as a law to ensure the survival of species threatened with, or in danger of, extinction because of individual actions such as roads, sewer systems, dams, and other such projects, on a site-specific species-specific basis. Today the Endangered Species Act is being applied across entire States, across entire regions. The result is that it now affects millions upon millions of acres of publicly and privately owned land, tens of thousands of human beings, and hundreds of rural communities.

According to Edward C. Wilson, a renowned entomologist at Harvard, there may be something on the order of 100 million species, of which only 1.4 million have been named. How many billions of dollars are we willing to spend attempting to save fungi, insects, and bacteria we've never heard of, and for which there may be little or no chance of recovery in any case. The Federal Government has already spent hundreds of millions of dollars and, according to the U.S. Department of the Interior, will have to spend billions more for the recovery of currently listed and candidate species. Additional indirect costs imposed on American citizens already potentially reach into the billions.

Mr. President, for years we considered the needs of humans as though nothing else mattered. Now, under the Endangered Species Act, we are attempting to consider the needs of fish, wildlife, and plants as though nothing else matters. Both policies are shortsighted and flawed. We need a process to protect plants and animals which recognizes legitimate human needs. The present Endangered Species Act does not achieve this balance.

That is why today I am joining with my colleagues in introducing legislation to bring balance to the Endangered Species Act. This legislation will require not only that economic and social impacts of designating critical habitat be considered, but also impacts from listing the species. The bill requires, rather than allows, the Secretaries of Interior and Commerce to exclude areas from critical habitat based on the balancing of costs and benefits to society.

Mr. President, I support the original intent of the Endangered Species Act. It is not our goal with this legislation to abandon our national commitment to the protection of endangered species. However, we believe the act can, and should, do a better job of balancing jobs and economic opportunity with species protection.

All we are asking is that the Endangered Species Act be amended so that the decision to protect a species is a balanced decision, not one based solely on science, to the exclusion of all other factors. This bill achieves the balance we are seeking. It contains several key components that I consider essential to any bill to amend and reauthorize the Endangered Species Act. Those components are:

First, ensuring scientific integrity in the listing, critical habitat designation, and consultation process.

Second, requiring that a range of recovery options be analyzed, giving priority to those measures that impose the least cost to the economy and employment.

Third, requiring the recovery team to assess both economic and social impacts in its recovery planning options.

Fourth, requiring compensation for property owners denied use and value of their land.

While this bill is not a perfect bill, it will begin the debate which is long overdue. I believe this legislation is the best vehicle for bringing balance to the Federal listing and protection process.

Our bill is supported by a wide coalition of grassroots groups which rely upon natural resources. The coalition counts among its members miners, ranchers, timberland owners, farmers, manufacturers, and the fisheries industry, as well as organized labor. Through this coalition, the other side of the protection argument is finally being heard.

Mr. President, the time is ripe to enact meaningful reform, and I urge my colleagues to work with us in the months ahead to make the necessary changes which will permit the consideration of economic factors and ensure that humans are once again included in the equation.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. CAMPBELL, Mr. INOUYE, and Ms. MOSELEY-BRAUN):

S. 1522. A bill to direct the United States Sentencing Commission to promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than three offense levels for hate crimes; to the Committee on the Judiciary.

HATE CRIMES SENTENCING ENHANCEMENT ACT OF 1993

Mrs. FEINSTEIN. Mr. President, I am pleased today to introduce the Hate

Crimes Sentencing Act of 1993 on behalf of myself and Senators BOXER, CAMPBELL, INOUYE, and MOSELEY-BRAUN.

I am also pleased to join with my colleagues to speak today about an issue that concerns us all greatly—the rise in crimes of hate and prejudice around this country. In fact, in Los Angeles County alone, the level of hate crimes rose 11 percent in 1992, and hit an all-time high—736 incidents, including 3 murders.

Within a square mile in Sacramento, there have been four racially motivated firebombings in the past 10 weeks—and two have occurred in just the last week. Just yesterday, the home of Chinese-American Councilman James Yee in Sacramento was firebombed with a molotov cocktail.

Just this past Saturday, at 1:45 in the morning, someone deliberately threw a molotov cocktail through the front door of the Japanese-American Citizens League office in Sacramento, burning it to the ground.

Earlier this summer, the Sacramento chapter of the NAACP and a synagogue were firebombed. After Saturday night's firebombing of the Japanese-American Citizens League, an anonymous caller representing the Aryan Liberation Front said, "Anyone who shows support for the JACL will be shot."

Last New Year's Day in Tampa, FL, two white men set an African-American man on fire with the intent to kill him—a crime none of us can condone. Thirty-two-year-old Christopher Wilson was taken to a field, doused with gasoline, and set on fire. All the while, the two men verbally assaulted Wilson with racial slurs. Just recently, those two men were convicted and now face possible life imprisonment.

This past August in Concord, just outside San Francisco, a 25-year-old Japanese exchange student was found shot to death near a Bay Area Rapid Transit system station. At the time of the slaying it was thought that the motive for the shooting was robbery—however, the victim was found with his money still in his wallet.

In another case, disaster was averted when Federal agents and Los Angeles police officers uncovered plots by white supremacists to assassinate Rodney King and prominent African-American and Jewish city leaders, and to blow up the First African Methodist Episcopal Church in Los Angeles.

According to the FBI, racial bias motivated 7 out of 10 hate crime offenses reported in 1991. Of those bias crimes, 36 percent were directed against African-Americans.

In addition, the Klanwatch project of the Southern Poverty Law Center found that the number of white supremacist hate groups increased by 27 percent, from 273 to 346 in 1991.

The National Gay and Lesbian Task Force reported a 31-percent increase in antigay and lesbian violence between 1990 and 1991 in five major cities: Boston, Chicago, Minneapolis/St. Paul, New York, and San Francisco.

The Anti-Defamation League's 1991 national survey of anti-Semitic attacks showed 1,879 incidents of vandalism, harassment, or violence, an increase of 11 percent over 1990 totals.

More than ever, I believe the Federal Government needs to help deter these violent assaults by severely punishing their perpetrators.

The legislation we are introducing today—which recently passed by a voice vote in the House of Representatives and is patterned after State legislation unanimously upheld by the Supreme Court in June—will substantially increase the penalties now available for hate crimes under Federal sentencing guidelines.

The Hate Crimes Sentencing Enhancement Act of 1993 will:

Define a hate crime as any crime in which the defendant intentionally selects a victim or property as the object of a crime because of an individual's actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation;

Requires the U.S. Sentencing Commission to promote new sentencing guidelines, or amend existing ones, for hate crimes; and

Requires the Federal Sentencing Commission to increase the penalty for hate crimes by at least three offense levels over the present sentencing guidelines.

In general, the act is expected to keep hate crime offenders behind bars one-third longer.

Crimes based on hate and intolerance have no place in our society. Someone who selects a victim of a crime based on bigotry and hatred, should be subject to the stiffest penalties. Increasing the penalties for such criminals is both reasonable and necessary to deter further attacks based on hate and prejudice.

I look forward to working closely with Senator BIDEN, the majority leader, and the other sponsors of this legislation to bring the Hate Crimes Sentencing Enhancement Act to the Senate floor as quickly as possible.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hate Crimes Sentencing Enhancement Act of 1993".

SEC. 2. DIRECTION TO UNITED STATES SENTENCING COMMISSION.

(a) DEFINITION.—In this Act, "hate crime" means a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of any person.

(b) SENTENCING ENHANCEMENT.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for offenses that the finder of fact at trial determines beyond a reasonable doubt are hate crimes. In carrying out this section, the United States Sentencing Commission shall ensure that there is reasonable consistency with other guidelines, avoid duplicative punishments for substantially the same offense, and take into account any mitigating circumstances that might justify exceptions.

Mr. CAMPBELL. Mr. President, I am cosponsoring legislation today that I believe will go a long way in punishing criminals convicted of hate crimes—acts committed against individuals solely because of their race, religion, gender, or sexual orientation.

Mr. President, as you're well aware, there has been a disturbing increase in hate crimes over the past few years. Just a few months ago, two offices of the NAACP were bombed. Nationwide, the incidence of hate crimes has increased dramatically. In fact, a hate crime occurs in the United States every 14 minutes according to a recently released study conducted jointly by a Stanford Law School visiting scholar and the Center for the Study of Ethnic and Racial Violence. The study indicates that there were 8,303 hate crimes reported to law enforcement agencies in 1992. A conservative estimate of the total number of hate crimes is 37,000 nationwide. This number is far in excess of previously reported figures on hate crimes. The study examined bias crimes based on race, national origin, sexual orientation, and religion. Assaults appear to be five times as prevalent in hate crimes, than in crime overall. Assault and intimidation are the most common type of offense. The report also documents at least 19 bias homicides so far in 1993, many committed by skinheads.

Because these are developments with national implications, it's clear to me that it is time to act. The Hate Crimes Sentencing Act of 1993 would direct the U.S. Sentencing Commission to draft sentencing guidelines or amend existing guidelines to provide sentencing enhancements of not less than three offense levels for hate crimes. Currently, approximately 20 States have laws that increase sentences for underlying crimes when bias is proven. Almost two dozen States have similar statutes making bias crimes a distinct chargeable offense. Federal legislation that enhances penalties for bias crimes has been pending for the past two congressional sessions.

Hate crimes are not separate, distinct offenses, but traditional crimes motivated by the offender's bias. These acts of domestic terrorism strike at the essence of the American ideals of diversity and individuality, and the impact is felt not just by the specific target of the criminal act, but by all members of that group. Any one of us can be the victim of a crime motivated by hatred or bigotry. But more important, all of us suffer and are outraged when a hate crime is committed in our community.

Not more than a decade ago in many Western and Midwestern States, restaurants once prominently displayed signs that read "No Dogs or Indians Allowed." It is still common in some States to see bumper stickers that say "Save a Walleye Salmon, Spear an Indian."

Those visual expressions have led to hate crimes directed at American Indians, particularly those individuals living near towns that border reservations. As we all know, hate crimes are not limited to a specific group of people or a particular region of the country. For example, in the State of Colorado, hate crimes have flourished:

Denver man gets 75-year term for attacks on Japanese students;

Gay and Lesbian Community Service Center of Colorado complaints up 275 percent;

University of Denver—anti-Semitic graffiti, July 22, 1992;

Twenty anti-Semitic incidents in 1992, in Colorado, up from 17 in 1991; and,

In Colorado Springs man is shot to death during a fight involving Latinos and African-Americans; in Fort Collins a black male is struck by assailants making racial slurs and three alleged skinheads attack minority college students.

The U.S. Supreme Court ruled unanimously on June 11, 1993, in the case Wisconsin versus Mitchell, that these sentencing enhancements are constitutional.

In a concise, strongly worded opinion, authored by Chief Justice William Rehnquist, the Supreme Court held bias crime laws were valid for three main reasons:

First, while the Government cannot punish a person's abstract beliefs, it can punish a vast array of depraved motives for crimes, including selecting a crime victim based on race, religion, gender, or sexual orientation.

Second, the Court found that rather than punishing thought, bias crime laws properly address the greater individual and societal harm caused by these offenses. Reports from the National Institute Against Prejudice and Violence, the Center for Democratic Renewal, Northeastern University, Stanford Law School, the University of California, the Southern Poverty Law Center Klanwatch, and the Anti-Defamation League were cited in briefs submitted in the case. These studies led the Court to conclude that bias crimes are more likely to provoke retaliatory crimes, inflict distinct emotional harms on their victims and incite community unrest.

Last, the Court upheld bias crime penalty enhancement laws because they do not prevent people from expressing their views or punish expression. The Court drew a clear line that allows authorities to specifically target threats, assaults, and property damage when they are motivated by prejudice. Nonthreatening bigoted expression in and of itself remains off limits to criminal prosecution.

We, as Americans, have a stake in developing an effective response to such violent bigotry. As President Clinton stated in 1992:

> I would support hate crimes legislation to enhance the penalty for those kinds of offenses. I think it's important in this climate to make that kind of statement and I support it strongly.

We can no longer stand back and allow such crimes to be committed without trying to do something to both deter these acts and punish those who commit them.

These crimes demand a priority response because of their special impact on both the victim and the victim's community. Failure to address this unique type of crime could cause an isolated incident to explode into widespread tension within the local community and throughout the Nation.

It's important to remember that the damage done by hate crimes cannot be measured solely in terms of physical injury or monetary compensation. We simply cannot tolerate such hatred and prejudice, nor can we take the risk of having this hatred infiltrate our communities nationwide. I am hopeful that many of my colleagues will feel the same way that I do and will join me by cosponsoring this important piece of legislation.

By Mr. KENNEDY (for himself, Mrs. KASSEBAUM, Mr. DODD, Mr. SIMON, and Mr. WOFFORD):

S. 1523. A bill to reauthorize certain programs under the Stewart B. McKinney Homeless Assistance Act, and for other purposes; to the Commission on Labor and Human Resources.

STEWART B. MC KINNEY HOMELESS ASSISTANCE REAUTHORIZATION ACT OF 1993

Mr. KENNEDY. Mr. President, today, on behalf of Senators KASSEBAUM, DODD, SIMON, WOFFORD, and myself, I am introducing legislation to reauthorize certain Stewart B. McKinney Homeless Assistance Act programs. These programs, which expire this year, will be authorized for 1 year in order to put them on the same time line with the rest of the McKinney programs. Next year we will have the opportunity to conduct a thorough review of all the McKinney programs as part of the reauthorization process.

The original Stewart B. McKinney Homeless Assistance Act, enacted in 1987, was the first comprehensive legislation designed to stem the tide of homelessness. The legislation we are introducing is the first step in the renewal of our commitment to the homeless. President Clinton has led the way in calling for additional initiatives. He has directed the Interagency Council on the Homeless to develop a coordinated Federal plan, due in February 1994, to break the cycle of homelessness. This 1-year continuation of expiring programs will give us the opportunity to review the McKinney programs as a whole next year, and to incorporate the President's recommendations and other up-to-date information.

The legislation we are introducing today will reauthorize for 1 year the primary health services for homeless children, community demonstration projects, adult education assistance to homeless persons, education for homeless children and youth, job training for the homeless, emergency community services for the homeless, and family support centers. These programs are essential to facilitate the transition from homelessness to self-sufficiency, and to provide the training and support necessary to enable the homeless to rebuild their lives.

Support for the homeless is a priority we cannot ignore. This legislation lays the groundwork for a more comprehensive reform next year, and I urge the Senate to enact it.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1523

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stewart B. McKinney Homeless Assistance Reauthorization Act of 1993".

SEC. 2. PRIMARY HEALTH SERVICES FOR HOMELESS CHILDREN.

Section 340(s)(8) of the Public Health Service Act (42 U.S.C. 256(s)(8)) is amended by striking "1993" and inserting "1994".

SEC. 3. COMMUNITY DEMONSTRATION PROJECTS.

Section 612(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 290aa-3 note) is amended by striking "1993" and inserting "1994".

SEC. 4. ADULT EDUCATION ASSISTANCE TO HOMELESS PERSONS.

Section 702(c)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421(c)(1)) is amended by striking "and 1993" and inserting "through 1994".

SEC. 5. EDUCATION FOR HOMELESS CHILDREN AND YOUTH.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 722(g)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11422(g)(1)) is amended by striking "and 1993" and inserting "through 1994".

(b) LOCAL EDUCATIONAL AGENCY GRANTS.—Section 723(b) of such Act (42 U.S.C. 11433(b)) is amended—

(1) by inserting after the subsection heading the following: "Authorized activities may include—";

(2) by striking paragraph (1);

(3) in paragraph (2)—

(A) by striking "(2)" and all that follows in the matter preceding subparagraph (A); and

(B) by redesignating subparagraphs (A) through (O) as paragraphs (1) through (15), respectively; and

(4) by realigning the margins of paragraphs (1) through (15) (as redesignated by paragraph (3)(B)) so as to align with paragraph (3) of subsection (a).

SEC. 6. JOB TRAINING FOR THE HOMELESS.

Section 739(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11449(a)) is amended by inserting after paragraph (3), the following new paragraph:

"(4) Such sums as may be necessary for fiscal year 1994.".

SEC. 7. EMERGENCY COMMUNITY SERVICES FOR THE HOMELESS.

Section 754 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11464) is amended by striking "and 1993" and inserting "1993 and 1994".

SEC. 8. FAMILY SUPPORT CENTERS.

Section 779 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11489) is amended by striking "fiscal year 1993" and inserting "each of the fiscal years 1993 and 1994".

Mrs. KASSEBAUM. Mr. President, I join with Senator KENNEDY to introduce legislation reauthorizing seven of the Stewart B. McKinney Act homeless programs. This legislation is meant to pave the way for a comprehensive reauthorization of all of the McKinney Act programs next year.

Currently, the Federal Government provides over $1 billion a year in homeless-specific support programs. Through nearly 40 different programs—many authorized through the McKinney Act—the homeless are provided shelter, job training, education, health care, and many other support services. And yet, our national homeless problem continues. A comprehensive review of these programs by Congress and the administration is needed.

As a result of an Executive order signed by President Clinton, the administration is currently reviewing the homeless-specific activities carried out through 17 different Federal agencies. With the help of the administration findings, I plan to work with Senator KENNEDY and the chairmen of the other relevant Senate committees to construct a comprehensive and thorough reauthorization of all Federal homeless programs next year.

A comprehensive review of the nearly 40 different programs should help prevent duplication of program efforts. In addition, through such a review, I hope to authorize only those programs which have proven effectiveness. I look forward to working with my colleagues to develop solutions for our Nation's growing homeless problem.

ADDITIONAL COSPONSORS

S. 414

At the request of Mr. METZENBAUM, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 414, a bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun.

S. 421

At the request of Mr. DASCHLE, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 421, a bill to amend title XVIII of the Social Security Act to provide coverage under such title for certain chiropractic services authorized to be performed under State law, and for other purposes.

S. 515

At the request of Mr. PRYOR, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 515, a bill to amend title XVIII of the Social Security Act to provide for a limitation on use of claim sampling to deny claims or recover overpayments under Medicare.

S. 653

At the request of Mr. METZENBAUM, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 653, a bill to prohibit the transfer or possession of semiautomatic assault weapons, and for other purposes.

S. 732

At the request of Mr. KENNEDY, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of S. 732, a bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

S. 784

At the request of Mr. HATCH, the names of the Senator from Tennessee [Mr. SASSER] and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 969

At the request of Mr. THURMOND, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 969, a bill to amend title 10, United States Code, to establish the U.S. Army Reserve Command as a permanent major command of the Army, to designate the Chief of Army Reserve as commander of the U.S. Army Reserve Command, and for other purposes.

S. 1030

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 1030, a bill to amend chapter 17 of title 38, United States Code, to improve the Department of Veterans' Affairs program of sexual trauma counseling for veterans and to improve certain Department of Veterans' Affairs programs for women veterans.

S. 1118

At the request of Mr. HATFIELD, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 1118, a bill to establish an additional national education goal relating to parental participation in both the formal and informal education of their children, and for other purposes.

S. 1353

At the request of Mrs. BOXER, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1353, a bill to amend title 23, United States Code, to permit the use of funds under the Highway Bridge Replacement and Rehabilitation Program for seismic retrofit of bridges, and for other purposes.

S. 1432

At the request of Mr. HOLLINGS, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 1432, a bill to amend the Merchant Marine Act, 1936, to establish a National Commission to Ensure a Strong and Competitive United States Maritime Industry.

S. 1443

At the request of Mr. EXON, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1443, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on luxury passenger vehicles.

S. 1458

At the request of Mrs. KASSEBAUM, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 1458, a bill to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

SENATE JOINT RESOLUTION 105

At the request of Mr. INOUYE, the names of the Senator from Nevada [Mr. REID] and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of Senate Joint Resolution 105, a joint resolution designating both September 29, 1993, and September 28, 1994, as "National Barrier Awareness Day."

SENATE JOINT RESOLUTION 122

At the request of Mr. LAUTENBERG, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Nebraska [Mr. EXON], the Senator from Illinois [Mr. SIMON], the Senator from Alabama [Mr. HEFLIN], the Senator from Wyoming [Mr. SIMPSON], the Senator from Indiana [Mr. LUGAR], the Senator from Texas [Mr. GRAMM], the Senator from New York [Mr. MOYNIHAN], the Senator from Virginia [Mr. ROBB], the Senator from Tennessee [Mr. MATHEWS], the Senator from Montana [Mr. BAUCUS], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of Senate Joint Resolution 122, a joint resolution designating

December 1993 as "National Drunk and Drugged Driving Prevention Month."

SENATE JOINT RESOLUTION 131

At the request of Mr. BRADLEY, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Montana [Mr. BAUCUS], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Oklahoma [Mr. BOREN], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Tennessee [Mr. MATHEWS], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Maine [Mr. MITCHELL], the Senator from Georgia [Mr. NUNN], the Senator from Rhode Island [Mr. PELL], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Maryland [Mr. SARBANES], the Senator from Tennessee [Mr. SASSER], the Senator from Alabama [Mr. SHELBY], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from New York [Mr. MOYNIHAN], the Senator from Arkansas [Mr. PRYOR], the Senator from Illinois [Mr. SIMON], the Senator from Ohio [Mr. GLENN], the Senator from California [Mrs. FEINSTEIN], the Senator from Delaware [Mr. BIDEN], the Senator from North Dakota [Mr. CONRAD], the Senator from Nebraska [Mr. EXON], the Senator from Nevada [Mr. REID], the Senator from Oregon [Mr. HATFIELD], the Senator from Georgia [Mr. COVERDELL], the Senator from Mississippi [Mr. LOTT], the Senator from Mississippi [Mr. COCHRAN], the Senator from South Carolina [Mr. THURMOND], the Senator from Wyoming [Mr. SIMPSON], the Senator from Maine [Mr. COHEN], the Senator from Delaware [Mr. ROTH], the Senator from Oregon [Mr. PACKWOOD], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Alaska [Mr. STEVENS], the Senator from New York [Mr. D'AMATO], the Senator from Iowa [Mr. GRASSLEY], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Montana [Mr. BURNS], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Washington [Mr. GORTON], the Senator from Utah [Mr. HATCH], the Senator from New Hampshire [Mr. GREGG], the Senator from North Carolina [Mr. HELMS], and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Joint Resolution 131, a joint resolution designating the week beginning November 14, 1993, and the week beginning November 13, 1994, each as "Geography Awareness Week."

SENATE JOINT RESOLUTION 134

At the request of Mr. BIDEN, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Alabama [Mr. HEFLIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 134, a joint resolution to designate October 19, 1993, as "National Mammography Day."

SENATE RESOLUTION 70

At the request of Mr. BRADLEY, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Resolution 70, a resolution expressing the sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child.

SENATE RESOLUTION 128

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Resolution 128, a resolution expressing the sense of the Senate regarding the protection to be accorded United States copyright-based industries under agreements entered into pursuant to the Uruguay round of trade negotiations.

AMENDMENTS SUBMITTED

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

DOLE (AND BOND) AMENDMENT NO. 1023

Mr. DOLE (for himself and Mr. BOND) proposed an amendment to the bill (H.R. 2750) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes, as follows:

On page 2, insert between lines 11 and 12 the following:

For the necessary legal expenses of the 5 former employees of the White House Travel Office who were placed on paid administrative leave during calendar year 1993, $150,000 to be made available to the Office of the General Counsel: *Provided*, That such funds shall be deposited in a Fund established by the General Counsel: *Provided further*, That the General Counsel shall disburse a portion of such funds to any such employee—

(1) after submission of a valid claim for reimbursement of necessary legal expenses incurred as a result of an investigation conducted by the Federal Bureau of Investigation of the operations of the White House Travel Office during calendar year 1993; and

(2) upon notification of finding by the Department of Justice that such employee is not a subject of such investigation.

On page 3, line 14, strike out "$1,538,000" and insert in lieu thereof "$1,388,000".

LOTT (AND OTHERS) AMENDMENT NO. 1024

Mr. D'AMATO (for Mr. LOTT for himself, Mr. COCHRAN, Mr. BREAUX, Mr. JOHNSTON, Mr. SHELBY, and Mr. GORTON) proposed an amendment to the bill H.R. 2750, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . If any State or local interest, within one year following the date of the enactment of this Act, can demonstrate to the satisfaction of the National Railroad Passenger Corporation that such State or local interest can cover any potential operating losses including the cost of equipment depreciation, or that the National Railroad Passenger Corporation will not incur or absorb any part of operational losses including the cost of equipment depreciation due to the initiation of new State-supported service, the Corporation shall initiate such new service provided that the corporation determines equipment is available to initiate such service.

JOHNSTON AMENDMENT NO. 1025

Mr. LAUTENBERG (for Mr. JOHNSTON) proposed an amendment to the bill H.R. 2750, supra, as follows:

On page 68, between lines 5 and 6, insert the following new section:

SEC. 345. Paragraph (18) of section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2032) is amended to read as follows:

"(18) Corridor from Indianapolis, Indiana, through Evansville, Indiana, and Memphis, Tennessee, traversing Arkansas and Louisiana, to Houston, Texas.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, October 6, 1993, at 9:30 a.m. in SD-138 on proposals to reorganize the Department of Agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Prevention and the Health Security Act: Investment in Good Health, during the session of the Senate on Wednesday, October 6, 1993, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to hear testimony on the subject of the causes of rising health care costs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an executive session to consider S. 1224, the Multiethnic Placement Act, and the nominations of Katharine Abraham to be Commissioner of Labor Statistics; Neal F. Lane to be Director of the National Science Foundation; Anne H. Lewis to be Assistant Secretary for Public Affairs at the Department of Labor; and the Legal Services Corporation Board, consisting of Hulett Askew; Laveeda Morgan Battle; John T. Broderick; John G. Brooks; Douglas S. Eakeley; Edna Fairbanks-Williams; William F. McCalpin; Maria Luisa Mercado; Nancy Hardin Rogers; Thomas F. Smegal; and Ernestine P. Watlington, during the session of the Senate on Wednesday, October 6, at 9:45 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

GERMAN-AMERICAN DAY

• Mr. RIEGLE. Mr. President, I rise today in celebration of German-American Day which recognizes and honors the historical and cultural contributions of German-Americans to our society. Not only am I honored to commemorate this day because I am a proud member of the 300-year-old German-American community, but as the sponsor of the legislation which designated this day, October 6, 1993, as German-American Day, I am also pleased to observe this important event.

German immigrants were among the first groups to settle this great land when they arrived in the town they named Germantown, in Pennsylvania in the 1680's. Since then, German-Americans have participated in all walks of American life and have been crucial in defining the accomplishments and spirit of the United States. American citizens of German ancestry now number over 50 million and continue to be active contributors to America's prosperity and culture. In fact, many of the items we encounter daily and consider uniquely American, such as apple pie and hot dogs would not exist without the influence of German cuisine. The baseball great, "Babe" Ruth, was a German-American as was Levi Strauss, the inventor of blue jeans.

The strong bond of friendship between the United States and Germany has been bolstered by our common heritage. Germany is a proud ally of the United States, aiding in the defense and promotion of democracy and freedom around the world. Germany's prominent role in NATO and its leadership in the European Community puts it at the forefront of European affairs, offering a promise of a more stable and better integrated Europe of the future. Its powerful economy and participation in GATT and the G–7 group of nations demonstrates Germany's work toward opening world markets which will bear economic fruits on a global scale.

This day should also stand as a celebration of the reunification of Germany. When communism drove a wedge through Germany and the rest of Europe, it also tore at German-Americans' hearts. Now that the era of totalitarian rule has been pushed aside, we can celebrate the liberation of the East German people and their reunification with their western brothers and sisters. Much attention has been attracted recently to the economic difficulties which unification has produced. But regardless of the current economic pinch, Germany has taken great steps to transform East Germany's centralized economy into a free one. By the end of this year, Germany will have completed the privatization of most of the East's state run economy—a task which many Eastern European countries have hardly even begun.

Today, we honor German-American Day and celebrate the invaluable contributions which this unique community has made over the years. German-Americans add important cultural and intellectual diversity to America's social fabric, helping to make the United States a strong and vibrant country. Besides lending its diversifying strength to our ranks, German-Americans have helped in establishing the work ethic which rewards initiative and hard work. Our shared heritage and commitment to democratic principles ensures an expansion of the friendship between the United States and Germany and a more prosperous promise for the future.•

HONORING STEPH DUTTON

• Mr. GORTON. Mr. President, on Sunday, October 3, 1993, Steph Dutton, a native of Everett, WA, will have completed a 1,600-mile journey which has taken him from Victoria, BC, to Baja, CA. Traveling by kayak, Mr. Dutton has spent over 50 days battling wind, rain, and the coastal waters to reach his final destination and fulfill a lifelong dream.

What is so remarkable about Steph Dutton is more over 10 years ago, Steph lost one of his legs when he was struck by an oncoming car while helping a car accident victim. Rather than let his disability limit him, Steph Dutton chose to live his life helping others, raising public awareness about the abilities of persons with disabilities and always challenging himself.

Through his strong will, belief in himself, and his ability to overcome insurmountable odds, Mr. Dutton has fought the rapids of the Pacific Ocean and prevailed. When he landed in Baja Sunday, he was greeted by family, friends, and admirers who have supported and cheered him throughout his journey. I am honored to have the opportunity to send my congratulations to Mr. Dutton on his special day.

Mr. President, Steph Dutton is truly a remarkable individual whose courage and determination serve as a role model for people of all ages. I commend all that he has accomplished and wish him well in his future endeavors.•

FEDERAL GRAIN INSPECTION SERVICE

• Mr. KERREY. Mr. President, on September 29 the Senate approved, by voice vote and without debate, the bill S. 1490, legislation extending the authority of the Federal Grain Inspection Service [FGIS] and making several changes in the Grain Standards Act, the statute governing FGIS operations. I want to express my support for S. 1490 as approved, and I want to commend the Senator from South Dakota, Senator DASCHLE, for his efforts to find agreement on some of the more difficult issues relating to the reauthorization of the Federal Grain Inspection Service [FGIS].

Probably the most contentious issue we faced during this reauthorization process was the question of whether to allow the continued use of water as a dust suppressant. A number of witnesses testified at the subcommittee's recent hearing that the practice should be banned altogether because, in their view, it could not be properly regulated to prevent abuse.

In light of some of the abuses that have occurred, and given some of the very crude technology that was originally employed to add water to grain, I must say that I was tempted to reach that conclusion myself—despite strong evidence that water is effective in controlling the dust that has fueled numerous fatal grain elevator explosions.

What caused me to conclude that water could be used responsibly, Mr. President, was the development of new technology that allows water to be applied as a fine mist or a fog. These new generation nozzles have the added virtue of being much less susceptible to tampering or fraudulent use.

Nevertheless, it is clear that the economic incentive to misuse water remains a powerful one—even if we attempt to ban water use altogether. As one grain industry official testified at our hearing, the addition of water sufficient to increase by 1 percent the moisture content of a typical shipload of soybeans bound for export can add $50,000 to the pockets of the exporter. That is a huge incentive to beat any ban or restriction that the Federal Government may try to impose.

For this reason, Mr. President, I support the limited use of water only if the practice is accompanied by enforcement measures sufficient to minimize the potential for abuse. That is why I worked with the chairman of the subcommittee to ensure that S. 1490 provides for the use of water only under a permit process administered by FGIS. It would be my expectation that, under such a permit system, a permit would be required for each grain facility that used water, and that permits would be granted only if FGIS concluded that the technology and other measures employed at the facility provided reasonable assurances that the water would be used in a responsible manner to control grain dust.

It would also be my expectation, Mr. President, that FGIs would provide those grain facilities currently using water a reasonable transition period that would allow the continued, responsible use of water until those facilities had the opportunity to obtain permits under the system to be established by FGIS.

As the chairman of the subcommittee, the Senator from South Dakota, knows the permit requirement alone was not sufficient to win my support for allowing water use in grain elevators. My continued reservations about the practice stemmed from the testimony by FGIS officials before the subcommittee that their agency did not have the resources essential to enforcing restrictions in the 10,000 or so elevators across the United States.

Because of my concern about the Government's ability to enforce any restrictions that may be imposed, I prepared and I am pleased that the chairman of the subcommittee agreed to accept two additional provisions intended to strengthen the agency's enforcement of the bill's water restrictions.

The first of these provisions would substantially increase the monetary penalty for misuse of water—including the use of water without a permit. Under my amendment, the penalty for such a violation could be up to $50,000—two-and-one-half-times the penalty provided under the bill for any other violation of the Grain Standards Act.

The second provision goes to the heart of the concern raised by FGIS officials—that they do not have the resources to enforce water restrictions. My amendment would provide FGIS specific authority to impose fees on permit holders for the enforcement costs incurred by FGIS. The additional revenue is intended to provide the agency with the resources that it needs to monitor and otherwise oversee the proper use of water under the act.

Again, I appreciate the cooperation of Senator DASCHLE in pushing us to a prompt consensus on this legislation, and I pledge my support in seeing that this bill becomes law in the very near future.

Let me also say, Mr. President, that I hope to see the FGIS move forward on the issue of allowing official agencies to perform services, such as the inspection of value-added commodities, under the Agricultural Marketing Act. I have communicated with FGIS officials on this point, and they have informed me that they intend to go ahead under the Agricultural Marketing Act to contract out for such services in areas where such work cannot be readily performed by FGIS personnel. I, for one, intend to follow closely FGIS's continued progress on this issue.•

REGARDING JASON SILVA

• Mr. McCAIN. Mr. President, we have a very special young man visiting the U.S. Capitol today. His name is Jason Silva. Jason is a 10-year-old from Phoenix, AZ, who is putting up a very brave fight against Hodgkins disease. Jason's wish has been to come and visit the Capitol, and with the generous help of many individuals, we were able to make Jason's dream come true. I would like the U.S. Senate to extend a warm welcome to Jason and his parents Linda and Protacio Silva. It is a great honor to have Jason visiting us today.

Without the more than generous help of many people this trip would not have been possible. I would like the Senate to take note and extend a special thank you to all those who made Jasons's dream come true. Thank you again for your generosity and compassion.

Mr. President, I know Jason will have a wonderful day at the U.S. Capitol. I am thrilled to have him as our special guest today, and I wish Jason and his parents the very best. Jason will leave the Capitol with many new friends.•

DON SHANK: A HEART AS BIG AS SUPERIOR

• Mr. DURENBERGER. Mr. President, well over a century ago the Frenchman Alexis de Toqueville proclaimed a lasting truth about our country. He said that the greatness of America comes from the goodness of its people. Duluth is a great city and Minnesota is a great State because of the goodness of people like Don Shank. Don is being honored by his friends and neighbors this evening in Duluth, and I wanted to take this floor to say a few words about him.

Don grew up in Biwabik, on Minnesota's great Iron Range. His dad operated a logging camp and owned a 26-mile railroad to transport logs, principally to the iron ore mines, that would be used to shore up the walls inside the mines. It was the connection with the railroad together with the lore of the Arrowhead region that shaped Don's life. His first job, as an engine foreman for the Duluth Missabe & Iron Range Railway, began a career for 41 years for that railroad, including 17 years as vice president and general manager. He has been the founder and president of the Lake Superior Transportation Museum, a must-see for all visitors to Minnesota's north shore.

His love for the ancient peoples and the cultural history of the Arrowhead—from Duluth to Lake Eshquagama to Grand Portage, that earned him national honors from the American Association of State and Local History.

Don is probably one of the smartest and the best educated and the best looking guy I ever met, and he has a heart as deep and rich and beautiful as Lake Superior itself.

His amazing vision, which sees finished projects before they have even begun, comes from that heart. His boundless energy, which infects and inspires everyone around him, comes from that heart. His encouragement, which values and builds up each life he touches, comes from that heart.

The best definition of leadership I've ever found is this one from Lord Montgomery: "Leadership is the capacity and the will to rally men and women to a common purpose, and character which inspires confidence." Nobody I know fits that definition on all points—capacity, will, purpose, character, and confidence—better than Don Shank.

I want to express my love and admiration to Don and my thanks—today on behalf of all the good you have done for all of us, and for tomorrow for the way your good works and spirit will nourish future generations who know you only as a memory.

We are all so much richer because he has shared so abundantly from the wealth and goodness of his heart.•

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Thursday, October 7; that following the prayer, the Journal of the proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that the Senate then return to executive session to resume consideration of the Dellinger nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. FORD. Mr. President, on behalf of the majority leader, I wish to inform all Senators—and I hope that this message gets to them—that rollcall votes, including procedural votes, are possible at any time tomorrow, from the time the Senate convenes at 9 a.m. until the close of business.

So, Mr. President, let me reiterate the fact, if I may, that the majority leader asked me to inform all Senators that rollcall votes, including procedural votes, are possible at any time tomorrow from the time the Senate convenes at 9 a.m. until the close of business tomorrow.

RECESS UNTIL THURSDAY, OCTOBER 7, 1993, AT 9 A.M.

Mr. FORD. Mr. President, if no Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess under the previous order until 9 a.m., Thursday, October 7.

There being no objection, the Senate, at 10:04 p.m., recessed until Thursday, October 7, 1993, at 9 a.m.

EXTENSIONS OF REMARKS

HEALTH CARE REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, October 6, 1993, into the CONGRESSIONAL RECORD:

HEALTH CARE REFORM

Hoosiers talk to me as much about health care as any other issue. They understand reforming our health care system will affect their lives. The health care reform package recently outlined by President Clinton would entail sweeping changes for medical care in this country, and it would be the largest government social undertaking since the passage of Social Security. The President repeatedly has emphasized his belief in the importance of reforming the health care system. The fate of Clinton's proposal will define his presidency.

The American public agrees the current health care system needs to be reformed. Medical costs are rising two to three times faster than inflation, prescription drugs are unaffordable for many people, numerous Americans are not receiving necessary preventive care, over 37 million Americans lack health insurance, and millions more fear losing their health care coverage. With the strong support for comprehensive health care reform, prospects for serious reform are bright.

PRESIDENT'S PRINCIPLES

The President's recent speech to Congress sets the agenda for health care reform. It may be the most significant speech of his presidency. He outlined six principles which should guide consideration of health care reform. One, security: a standard package of comprehensive medical care should be available to all Americans. Two, simplicity: the health care system must be simpler for patients and those who deliver care. Three, savings: money should be saved by reducing paperwork and bureaucracy, and cutting down on fraud and waste within the health care system. Four, choice: Americans should be able to choose their own health care plan, their own doctor, and their own hospital. Five, quality: the high quality of the American health care system must be preserved, even enhanced. Six, responsibility: individuals and enterprises must be a part of the solution, and, for example, take responsibility for actions which drive up the cost of health care, from violence to poor eating habits.

Congress has begun a series of extensive hearings concerning the President's and other health care reform proposals. Many questions about Clinton's health care proposal remain unanswered; and several parts of it are the subject of sharp debate. Even so, broad areas of consensus about health care reform have emerged, and Congress likely will vote on a major reform package sometime next year.

AREAS OF CONSENSUS

The areas of consensus are several: First, Americans believe the health care system is in a crisis and needs reform. Second, everyone should be allowed to use the doctor or hospital of their choice. Third, reform eventually should result in universal coverage for all Americans. Fourth, insurance companies should not be allowed to deny coverage to people with health problems, so everyone can get and keep insurance. Fifth, malpractice laws should be overhauled to reduce insurance costs and limit defensive medicine. Sixth, health care plans should require electronic billing and the creation of a single claims form to streamline bureaucracy and reduce paperwork. Finally, businesses and individuals should be encouraged to form pools of health alliances to increase their market clout when purchasing medical insurance.

QUESTIONS

But, of course, any proposal of this scope and complexity raises many questions, among them:

Can costs be contained?

The proposal rests on assumed savings from cost control. They key question is whether these assumptions are accurate or improbable. The principal mechanism for achieving cost control in the President's proposal is to control future increases in insurance premiums if the health care industry cannot limit medical inflation to roughly the same rate as inflation overall. Some argue that previous government price controls have not worked, and such price restrictions could force providers to skimp on care to meet price reductions. Others, however, believe government controls are the only way to curb rapidly rising medical costs.

How much choice will Americans have?

While everyone agrees Americans should be able to choose their own medical provider, some proposals would encourage individuals to join a specific coverage plan, which requires patients to use doctors and hospitals affiliated with the plan, or pay higher "fees for service" to see the provider they prefer.

Will health alliances work?

Alliances, in which large pools of consumers use their purchasing power in the market to buy less expensive medical care, may reduce health care costs initially. There is no consensus, however, that future increases in medical costs would not soon return to rates two or three times higher than overall inflation. This concept of alliances is untested on a national level.

How should everyone be covered?

The Clinton proposal would mandate employers to provide a portion of their employees' health insurance. Other proposals would mandate that individuals purchase coverage, providing tax rebates or special savings accounts to help them buy health care on their own.

Can we afford expanded care?

President Clinton argues the efficiencies of his proposal would provide enough savings to pay for universal coverage and new kinds of benefits such as prescription drug coverage or long-term care for older persons. Others doubt sufficient savings can be wrung from the current health care system to provide such extensive coverage, and a broad tax increase or some limitations on medical coverage would be necessary.

Will it be simpler?

President Clinton would reduce paperwork and consumer confusion by requiring a single claims form and providing an identical medical benefits package for all Americans. Others believe the President's proposal will create an additional level of government bureaucracy which attempts to regulate health care.

CONCLUSION

President Clinton's broad principles for the health care system are on the right track. He has proposed a solid, daring package to comprehensively overhaul the health care system. His proposal is the starting point for debate on reform, but it is, and should be, negotiable. Anyone who wants to criticize the President's proposal is going to have to come up with serious alternatives. Congress now faces the difficult challenge of writing a package that enjoys widespread support among the American public. It will be a long, arduous and exciting task. Its chances for success may be greater if the proposal is introduced more gradually. I look forward to talking with Hoosiers about health care reform, and hearing their suggestions for ways to improve the final proposal.

CONGRATULATIONS TO ANTHONY SCARDINO, JR.

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to Anthony Scardino, Jr. as the Italian American Social Club honors him at their 12th annual Columbus Day Ball for being chosen as the grand marshal for their Columbus Day parade on October 10, 1993.

For many in New Jersey, the name Tony Scardino has come to be synonymous with a tradition of community service, dedication, and love of the Hackensack Meadowlands Commission. Anthony Scardino's appointment as executive director of the HMDC in 1981, has only enhanced his service to the State of New Jersey.

Long a contributing and vital member of our State, Tony is a member of the board of directors of the Meadowlands Chamber of Commerce; first vice chairman of the Hackensack Medical Center board of governors; chairman of Felician College council of regents; vice president of the Bergen County 200 club; and chairman of the HMC Foundation finance committee. He also served as a trustee on the Lyndhurst Board of Education; mayor of the township of Lyndhurst; and as a member of the N.J. Senate representing the 36th District. Tony has received the Humanitarian Award by Panorama Italo-USA; has been named Man of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the Year by the Hackensack chapter of UNICO; and as Most Outstanding Public Official by the Meadowlands Regional Chamber of Commerce for his dedication and service to the community. As executive director of the HMDC, Tony has initiated many economic development, solid waste management and environmental protection programs to fulfill the plans of framers of the State of New Jersey's Hackensack Meadowlands Development Reclamation Development Act.

Tony and his wife, Madelyn, have five children; Michael, Anthony, Anny, David and Daniel and two grandchildren; Michael and David. He and his family are parishioners of St. Michael's R.C. Church in Lyndhurst.

He is truly one of the special few who make a difference in society. Tony is a man of the utmost integrity who sincerely cares about his neighbors, his community, and his country. Mr. Speaker, I am proud to join in paying tribute to Anthony Scardino, Jr. as a colleague and a friend, as he continues to provide invaluable service to his community and truly makes a difference in society. I extend my best wishes to him on this most special occasion.

LOURDES COLLEGE CELEBRATES ITS 35TH ANNIVERSARY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Ms. KAPTUR. Mr. Speaker, this month Lourdes College, located in Sylvania, OH, will celebrate its 35th anniversary. Through its remarkable history, Lourdes College has made its mark on our community by providing a strong liberal arts education to hundreds of northwest Ohioans.

Beginning in 1943 as an extension campus of the College of St. Theresa based in Winona, MN, Lourdes College was founded in 1958. Originally established to educate sisters of the Franciscan community, Lourdes College opened its doors to lay women in 1969 and lay men in 1975. It offers bachelor degrees in 10 areas of study, associate degrees in 14 areas, and certificate programs in 5 areas. Lourdes College has made the dream of a higher education a reality for thousands of citizens in our community.

On behalf of all the men and women who have enjoyed the pursuit of learning at this fine institution, I congratulate the administration and faculty at Lourdes College and wish them many more years of successful service to northwest Ohio.

MODERNIZING OUR FOREST FIREFIGHTING CAPABILITIES

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. GALLEGLY. Mr. Speaker, I rise today to inform my colleagues of an urgent need to modernize our Nation's ability to fight forest fires.

Since the early seventies, the U.S. Forest Service has had at its disposal an invaluable tool to fight forest fires that have threatened to burn out of control. In most cases, private contractors are used effectively by the U.S. Government in this role. Quite often, however, these situations become uncontrollable blazes that threaten to destroy our natural resources, private and public property and, most distressingly, human and animal life. In these cases, it is necessary to call in the Modular Airborne Fire Fighting System [MAFFS].

MAFFS units are owned by the Forest Service and operated by the Air National Guard in what has proven to be a sound partnership. These units are loaded on C–130 air transports to deliver large amounts of aerial retardant in a timely and accurate fashion. These units have been so effective that they also have been made available to the States and have been used extensively in California, for instance.

The extended service of the MAFFS has taken a toll. Long years of use have increased the work involved to maintain the units and unanticipated breakdowns have become a serious problem, compromising the mission. In addition, the units no longer meet the Forest Service's own standards for commercial air tankers used to fight forest fires.

I am introducing legislation today to direct the Forest Service to replace these units with modern equivalents. Mr. Speaker, we must take this action now to maintain and improve our capacity to fight the most dangerous forest fires.

The Forest Service agrees with the need to make this change. My legislation includes a provision to pay for the modernization by selling off the archaic helium reserve that is currently managed by the Bureau of Mines. From these savings, approximately $15 million will be used to buy the new units. The balance of the savings will be used to reduce the national debt.

This increased firefighting capability would be a prudent investment which would save hundreds of millions of dollars because of private and public property that is rescued from destruction.

As we move into this year's fire season, we have already had to ask brave men and women to put their lives in danger. And, there is every indication that this will be a record year for forest fires because of the dramatic increase in undergrowth associated with increased rainfall. We owe it to our firefighters, and the general public, to protect them with modern, reliable equipment before it is too late.

Mr. Speaker, I have attached a copy of my legislation, which I ask be included with my statement at this point.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPLACEMENT OF MODULAR AIRBORNE FIRE FIGHTING SYSTEM.

The Secretary of Agriculture, acting through the Chief of the Forest Service, shall acquire, with funds made available under section 2, 12 units to replace the Modular Airborne Fire Fighting System. Each unit shall—

(1) be designed for roll-on, roll-off use with C–130 aircraft without modification of the aircraft; and

(2) meet the criteria established by the Interagency Airtanker Board for airtankers used by the Forest Service to fight forest fires.

SEC. 2. SALE OF HELIUM RESERVE TO PAY FOR ACQUISITION OF MODULAR AIRBORNE FIRE FIGHTING SYSTEM.

(a) REPEAL.—The Helium Act (50 U.S.C. 161 et seq.) is repealed.

(b) SALE OF PROPERTY.—The Secretary of the Interior shall sell or otherwise dispose of, at the best possible terms available to the United States, all facilities, equipment, and other real or personal property, or rights thereto, held by the United States in connection with activities carried out under the Helium Act, unless such facilities, equipment, or other real or personal property, or rights thereto, are required for other Federal purposes.

(c) SALE OF HELIUM RESERVE.—The Secretary of the Interior shall sell or otherwise dispose of, at the best possible terms available to the United States, all helium reserves held by the United States other than amounts required for the specific immediate needs of the Federal Government. Such sale shall be conducted in a manner consistent with the orderly conduct of commercial helium markets.

(d) USE OF PROCEEDS FROM SALES.—All funds received pursuant to subsections (b) and (c), and all amounts remaining in the helium production fund established under section 6(f) of the Helium Act, shall be considered full repayment of loans made under section 12 of the Helium Act. Such funds shall be transferred to the Secretary of Agriculture for the acquisition of the units to replace the Modular Airborne Fire Fighting System under section 1. Any funds not used for such acquisition shall be applied solely to the retirement of outstanding United States Government debt, and may not be obligated or expended for any other purpose, notwithstanding any other provision of law that does not specifically reference this section.

WHY I OPPOSE NAFTA

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. SANDERS. Mr. Speaker, while the North American Free-Trade Agreement [NAFTA] will be a disaster for American and Mexican farmers, the environment and the American taxpayer, I want to focus my attention today on what NAFTA will do to American workers.

The working people of America are currently facing the worst economic crisis since the Great Depression. Real wages have declined by 20 percent since 1973; the distribution of wealth is more uneven than at any time since the 1920's, with the richest 1 percent owning more wealth than the bottom 90 percent; and extremely frightening for the future, most of the new employment being created consists of low wage, part time and temporary jobs with minimal benefits. It is my view that the passage of NAFTA will accelerate all of these negative economic trends, and will benefit primarily the ruling elites of the United States, Mexico, and Canada at the expense of the vast majority of the workers of all three countries.

Why is it that virtually every multinational corporation in America supports this agreement, and are putting millions of dollars into a campaign to see it passed? Why is it that the Mexican Government, dominated by 30 super-rich families who own 50 percent of Mexico's wealth and control 60 percent of their gross national product, are putting an unprecedented $40 million into a pro-NAFTA lobbying effort? The answer is obvious. If NAFTA passes, corporate profits will soar because it will be even easier than now for American companies to flee to Mexico and hire workers there for starvation wages.

The essence of NAFTA is that American workers will be forced to compete against desperate and impoverished Mexican workers who earn a minimum wage of 58 cents an hour, and an average manufacturing wage of $2.35 an hour. Already, some 2,000 American companies—AT&T, Ford, General Motors, Zenith, Digital, et cetera—have thrown hundreds of thousands of American workers out on the streets as they headed south for starvation labor. Under NAFTA, when all trade barriers are removed and it will be even easier to sell Mexican manufactured products back to the United States, the exodus of American jobs will only accelerate.

Some apologists for NAFTA argue that as more and more American manufacturing goes to Mexico, the standard of living for Mexican workers will rise and our 90 million Mexican neighbors will be in a better position to purchase value added products from the United States—creating good paying jobs here. The theory sounds great. The reality is otherwise.

Despite the creation of 96,000 new jobs in Mexico over the last 12 years by American corporations, the real wages of Mexican workers have declined by 25 percent since 1979, and the gap between Mexican and American workers is far greater today than it was 25 years ago. In the Maquiladora area, a specially designed "free trade zone" for American corporations, average hourly wages are 98 cents an hour, 42 percent lower than in the rest of Mexico. A General Motors subsidiary there pays 61 cents an hour, while a Zenith plant is far more generous—paying almost $1 per hour. Workers who are employed there by American companies live in wood shacks with dirt floors, without running water, electricity or the most minimal amenities. Women are giving birth to deformed children because of the rampant toxic pollution. These workers, lucky enough to feed their hungry children, are not about to buy "value added" American products.

Defenders of NAFTA, who concede that there will be substantial job loss in America because of the agreement, suggest that the jobs lost will be unskilled, low-wage jobs. This is nonsense. The new factories that are being built in Mexico by American companies are high-technology, state-of-the-art plants, which are producing some of highest quality products in the world with skilled Mexican workers. Mexico, which exported 1.3 million automotive engines last year, now leads the world in that category. Studies have indicted that Mexican manufacturing workers have now reached 80 percent of the productivity level of American workers—while earning 15 percent of the income. An extremely attractive equation for thousands of American companies who want to increase their profits.

Wages have declined in Mexico, despite the growth of high-technology jobs, because of the low wage policy established and enforced by the undemocratic and corrupt government of President Carlos Salinas—the leader of the authoritarian PRI Party. The PRI has been in complete control of the Government since 1929, never having lost an election. Workers in Mexico today are not allowed to organize free trade unions, state and federal elections are rigged, the media is heavily controlled by the Government, and dissidents have been jailed and killed. How do you have a free trade agreement with a country that is not free?

NAFTA must be defeated. The goal of American economic policy must be to raise wages in our country, not lower them. American corporations must reinvest in America, and not exploit desperate Third World workers.

TRIBUTE TO ASHLEY DENISE BONE

HON. BILL K. BREWSTER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. BREWSTER. Mr. Speaker, I rise today to pay tribute to Ms. Ashley Denise Bone from Broken Bow, OK. Ms. Bone recently won the Veterans of Foreign Wars "Voice of Democracy" scriptwriting contest for Oklahoma. She is a bright, young student from my district, and I share with you her winning script:

MY VOICE IN AMERICA'S FUTURE

(By Ashley Bone)

"Teacher, can you help me?" I look across the room to see my slowest student as he pleads for my assistance. Rather than answering him with the same disgusted sigh he is so accustomed to receiving, I smile. This is an opportunity that might never pass my way again. As a teacher, every day is an opportunity, holding endless possibilities for a brighter future for both my students and myself. I must reach out and take hold of these opportunities as they make their way through my classroom, molding them into upstanding American citizens; successful adults who will look back on their early education and say, "I will always remember the time my first-grade teacher said to me . . ." My eyes search a sea of eager faces, resting on Tommy's helpless one, and I kneel beside him. "Come, Tommy," I say. "Let's work it together."

In today's society, some teachers fail to realize that they hold the very future of our Nation in their hands. A single word or action can make an impact on that future. It is my goal to make certain that each of these words and actions positively influence their recipient. In reviewing the early years of his education, Tony Award winning playwright Mark Medoff writes, "It is not the actual teaching of a subject I recall, but surprisingly one thing—a moment, some words hurled forth, a single seminal idea. I forget the name of my first-grade teacher, but one memory will remain forever in my mind: she teaches my left from right. I am left-handed. 'Many first-grade teachers,' she whispers into my six-year-old ear, 'force left-handed children to become right-handed, so they can be like everybody else.' She isn't going to do that to me. This teacher will always live in my memory for that one remarkable gesture." This thought stays with me, and it has become my goal to make the words I say be words that my students will covet for years to come; words that will guide them through their everyday lives and make them stronger. I want to make a difference in the lives of my students by being someone they can pattern their lives after.

My graduating class has chosen as their motto this saying: "God, grant me the serenity to accept the things I cannot change, courage to change the things I can, and the wisdom to know the difference." As I prepare to be a teacher, this has also become my own daily prayer. I ask God to help me accept the fact that there will be those who will refuse my help, for inner strength to help those who so desperately need me, and for his guidance to understand the difference, so that I might not turn anyone from him. In keeping with my daily prayer, these words by George Bernard Shaw often come to mind: "You see things that are and ask, Why? But I see things that never were and ask, Why not?" As I look out over a nation of children living in poverty, I envision promising young adults rising above their misfortune, determined to make better lives for themselves and their families. I see children who, with proper incentive, can become great leaders of our nation, and I feel it is my duty to give them this incentive. Why, you ask? Why not?

With the constant evolution of a cold and impersonal society, it seems to me that we must have someone to teach our children the values and virtues that have been lost somewhere along the way. That is where I hope to come in. Making a difference in the lives of children, and teaching them to in turn make a difference in the world around them. That will be my voice in America's future.

IN MEMORY OF AN AMERICAN HERO: JAMES H. DOOLITTLE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. PORTER. Mr. Speaker, the word "hero" has become so devalued in current usage that it is easy to forget what it really means. But recently, at age 96, a man passed from our midst who was a real American hero: retired Gen. James H. Doolittle.

Jimmy Doolittle inspired an entire generation of Americans 4 short months after Pearl Harbor, when he led a squadron of B–25's on a bombing run over Tokyo and five other Japanese cities. This attack by "Doolittle's Raiders," while of minimal strategic significance, sparked American morale during the dark and early days of World War II. It was also a remarkable feat of aviation, since Jimmy Doolittle's raiders had only recently mastered the difficult task of getting a large and fully loaded B–25 into the air from a short takeoff run on the deck of an aircraft carrier.

After this historic raid, virtually all the crew members had to abandon their planes, bailing out over mainland China or the Soviet Far East. Some were drowned or killed, and of the eight who landed in Japanese-held China and were imprisoned, three were executed and a fourth died in prison. Ultimately, Doolittle and

68 others were able to make their way back to U.S. forces, and 38 of these courageous men remain alive to this day.

Prior to his wartime heroism, Jimmy Doolittle established an unmatched series of aviation records in the 1920's and 1930's as an Army pilot and later as an employee of the Shell Oil Co. These included cross-country records set during the 1920's which stood for many, many years.

In recognition of his outstanding service to our country, President Reagan promoted Doolittle to four-star general in 1985, and President Bush subsequently awarded him the Presidential Medal of Freedom in 1989, calling him "the master of the calculated risk."

Perhaps the most eloquent and straightforward tribute to Jimmy Doolittle was paid to him by his former secretary, Mary Gill Rice, who had a lifetime friendship with him. She said he was a wonderful man, "the kind of person we can't afford to lose in this country."

His loss is indeed a great one for our Nation, and Jimmy Doolittle's extraordinary courage and leadership will not be forgotten. All Americans' thoughts and prayers go out to his entire family as we remember this great American hero.

RECOGNITION OF OCTOBER AS ARTS AND HUMANITIES MONTH

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. MENENDEZ. Mr. Speaker, I rise today to join President Clinton in designating October as arts and humanities month. The creations of artists and the words of humanists express the visions, hopes, and expectations of our people and of our Nation. It is through them that we express the diversity, values, and culture which embrace this great Nation.

I commend the work and vision of the artists, writers, actors, singers, musicians, sculptors, dancers, and others involved with the arts and humanities in the 13th district of New Jersey. Their work enhances the district and exposes the richness of our cultural and historical heritage while simultaneously addressing social and political issues which are confronting our State and our Nation.

The unique spectrum of activities that comprise the arts and humanities render universal enjoyment. Art provides a medium for the expression of emotions, impressions and beliefs about both our civic and human experiences.

The humanities contribute to our understanding of history and society. Through them we achieve greater comprehension of ourselves, our community, our country, and our world.

Today, as our districts and our Nation become increasingly diverse, the arts and the humanities serve a dual role. They are vehicles for greater understanding of our differences, as well as, a means of recognition of our similarities.

Mr. Speaker, I am confident that my colleagues and the citizens of New Jersey will join in celebrating October as arts and humanities month and in recognizing the importance of the arts and humanities to promote and enhance our understanding of one another and of our history and culture.

CONGRATULATIONS TO WEST HUDSON HOSPITAL ON ITS 80TH ANNIVERSARY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to West Hudson Hospital of Kearny, NJ as it celebrates its 80th anniversary.

West Hudson Hospital was founded in 1913 as the Stumpf Memorial Hospital, named after the donor of the hospital's site on Bergen Street. In 1923 the name was changed to West Hudson Hospital.

West Hudson has now become a major economic force in the area. With nearly 600 employees the hospital is the second largest employer in the town it serves. West Hudson Hospital is a prototypical New Jersey community hospital, larger than those in the rest of the country, but more limited in its range of services. It has 214 beds, of which 168 are licensed for acute care and 46 for long-term care.

West Hudson is a community hospital with a community mission of care-giving for the towns of West Hudson and their immediate neighbors in southwest Bergen County and is a unique area isolated from the rest of Hudson by the Meadowlands. The hospital is committed to help maintain and improve the health and quality of life of those who live and work in the West Hudson area. Their care is always accessible, clinically effective, cost efficient, reassuringly personal, and available to all regardless of ability to pay for services.

The hospital has continued to steadily grow, new additions were added in 1951, 1960, and 1982. The hospital has recently been allowed to proceed with an important new project—permission was given to build a 330-car parking garage which will make the hospital more readily accessible to visitors and patients.

Mr. Speaker, I am proud to join in paying tribute to the West Hudson Hospital as it celebrates its 80th anniversary. I extend my best wishes to the hospital staff at West Hudson on the occasion of their celebrating an 80th anniversary.

COL. FRANK B. ALLEN, A LEADER AND A PATRIOT

HON. MICHAEL A. "MAC" COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. COLLINS of Georgia. Mr. Speaker, I rise this morning to honor Col. Frank B. Allen, commander of the U.S. Army garrison at Fort McPherson, GA. I honor Colonel Allen on October 6 which is the occasion of his 55th birthday. Colonel Allen plans to retire this year after 35 years of distinguished service in the U.S. Army, and his leadership will certainly be missed.

Colonel Allen's career is one that has been dedicated to service to his country and leadership to the soldiers under his command. He entered the U.S. Army in 1958 and was assigned to the 1st battle group, 26th Infantry. This was the beginning of an outstanding military career. Allen was commissioned as an officer in 1963. He has a top echelon military education which includes airborne school, Army basic flight school, rotary, wing school, command and general college and the U.S. Army War College. He also holds a bachelor of science from Troy State University, and a master's in business administration from Webster University.

As commander of Fort McPherson, Colonel Allen is also the commanding officer for two additional installations, Fort Gillem, GA and Fort Buchanan, PR. This is a great responsibility. Combined, these 3 installations host 1,700 personnel and budgets that total over $82 million. Colonel Allen's direction and leadership of these installations has been outstanding. Ever focused on the improvement of his community, Colonel Allen has directed numerous installation improvements such as grounds beautification projects and upgrades in medical facilities. Throughout his tenure he maintained a commitment to improving the quality of life for soldiers under his command.

I first worked with Colonel Allen earlier this year during the Base Closure and Realignment Commission's hearings on Fort McPherson and Fort Gillem. I was impressed by his ability to clearly communicate the mission and importance of these installations to the BRAC commissioners. His defense of Fort McPherson and Fort Gillem stressed the many important events have taken place at those installations. These include the fact that, approximately half of the troops involved in Operations Desert Storm and Desert Shield were deployed from those installations. Also, prompt assistance was directed from these installations to South Carolina after Hurricane Hugo and to Florida after Hurricane Andrew. No doubt, Colonel Allen's strong support for these installations and his explanations of their importance to this Nation has a lot to do with the Base Closure Commission's decision to maintain full operations at Fort McPherson and Fort Gillem.

Colonel Allen's work for Forts McPherson, Gillem, and Buchanan are only a small part of his outstanding career. His awards and decorations include 2 Legions of Merits, 3 Bronze Star Medals, 3 Army Meritorious Service Medals, the Defense Meritorious Service Medal, the Army Commendation Medal and 13 Air Medals. He was also awarded the Expert Infantryman Badge, is airborne qualified and is a master Army aviator.

I congratulate him on his dedicated service to this country. He will be missed as he retires from service, but his contributions and example of patriotic leadership will not be forgotten.

OCTOBER IS ESCROW MONTH

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. GALLEGLY. Mr. Speaker, I rise today to inform my colleagues that October is escrow month.

The Ventura County Escrow Association, in conjunction with the California Escrow Association, annually designates October as escrow month to bring about public awareness of the vital role that the Nation's escrow professionals perform.

Members of the Ventura County Escrow Association perform an invaluable service in helping the public buy and sell homes and businesses. Since 1958, the association has been dedicated to the continuing education and elevation of the escrow profession through adherence to its code of ethics.

The California Escrow Association has been dedicated to the same goals since 1924, and now has more than 3,200 members in 32 regional associations around the State.

Mr. Speaker, I ask my colleagues to join me in honoring the professionals of the Ventura County Escrow Association for their outstanding contributions to the people of Ventura County, and in designating October as escrow month.

IN HONOR OF ANTHONY P. MEIER, RECIPIENT OF THE YMCA'S 1993 RED TRIANGLE AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Ms. ESHOO. Mr. Speaker, I take this opportunity to recognize Anthony P. Meier, the recipient of the California Mid-Peninsula YMCA's 1993 Red Triangle Award. The Red Triangle Award is presented annually to an individual whose volunteer service to the YMCA has been clearly distinguished by length of time, a minimum of 10 years, devotion, significant participation, and accomplishment. Anthony Meier has been selected to receive this reward because of his unswerving commitment to the YMCA and other community organizations for over a decade.

Mr. Meier joined the YMCA Board of Directors in 1982 and has continued to be actively involved in major YMCA projects such as the El Camino Branch Capital Fund, resource development, leadership development and, most recently, the Palo Alto Branch capital campaign.

After participating on many committees, he served as vice chair of the board of directors from 1984 through 1989. He chaired the resource development committee from 1987 through 1990 and the major gifts division of the annual sustaining campaign in 1984. He has remained a consistent campaigner in YMCA fund raising efforts. Upon retiring from the board of directors, he achieved YMCA senior director status.

Mr. Meier's extraordinary service to the community deserves our recognition. He is a model citizen whose service to the YMCA and other community organizations is immeasurable. I urge my colleagues to join me in saluting Anthony Meier for his inspiring achievements which have strengthened our community and our country.

TRIBUTE TO CUMBERLAND DIAGNOSTIC AND TREATMENT CENTER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. TOWNS. Mr. Speaker, I rise today to acknowledge the 50th birthday of the Cumberland Diagnostic and Treatment Center in Brooklyn, NY. Founded in 1953, the facility has provided quality health care services to the Fort Greene community in Brooklyn. In 1983 it became a freestanding neighborhood family care center. And in 1991 the center renewed its emphasis on community-based comprehensive primary and preventive health care services by becoming a diagnostic and treatment center handling a patient load of 121,000 persons annually.

The center has been instrumental in providing essential services to its patients and in making profound inroads regarding the reduction of infant mortality rates. Additionally, holistic and preventive treatment have become standard operating procedure for the center.

Medical technology and policy innovation have been used to provide a range of maternal and child health care services related to nutrition, drug education, breast feeding and pre-natal classes. The facility has developed programs that perform vital services to homeless and chemically dependent women with children.

The array of services provided by Cumberland include HIV treatment, ophthalmology, podiatry, urology, gastroenterology, cardiology, neurology, pediatrics, et cetera. The center also provides quality pharmacy services 6 days a week.

In these critical times when many Americans become alarmed at the prospect of not receiving affordable and quality health care; I am proud to point to an institution that is committed to serving the community of Brooklyn. I am pleased and proud to recognize the 50th birthday of the Cumberland Diagnostic and Treatment Center.

IN RECOGNITION OF THE CONTRIBUTIONS OF ROSELYN K. HOBSON

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. DIXON. Mr. Speaker, I rise in recognition of the outstanding volunteer service of Roselyn K. Hobson who is being honored on Saturday, October 9, 1993, by the Mid-Eastern Tennis Association for her years of community service and commitment to advancing adult league and junior tennis.

Rose, a native of Charleston, WV, was born on August 3, 1950. She came to Washington, DC, on July 22, 1972, and began her career at the Federal Bureau of Investigation [FBI]. She has held positions of increasing responsibility at the FBI, and is currently a supervisory security specialist.

Rose purchased her first tennis racquet from Kmart for $5 and began playing tennis in 1980. She volunteered to help with security at the men's professional tournament in Washington, DC, in 1982. However, her interest in perfecting the game of tennis really started when a friend, Cynthia Davis, invited her to a professional tennis tournament in 1983. She watched the matches that day until midnight, and decided to volunteer as an usher for the Virginia Slims Tournament the next year. In 1984, Rose joined the adult tennis league sponsored by Michelob Light and the U.S. Tennis Association [USTA], which won the Mid-Atlantic Tennis Association [MATA] section champanionship. Rose and her 3.5 women's team competed in the national champanionship in Las Vegas, NV. She has received numerous first place trophies for her participation in tennis tournaments throughout the area.

In 1985, Rose assisted with the American Tennis Association's [ATA] Junior Tournament at Haines Point. In 1990, she was the site director for the juniors tournament. From 1986 to 1990 she was the captain of the 4.0 women's team that was sponsored by Volvo and USTA. She has played No. 1 doubles for her team that represented Washington, DC, in the sectional competition from 1989 to 1993.

In 1991, Rose worked with the executive director of the Safe Passages Foundation in planning a fundraiser for the organization in the Washington Metropolitan Area. For the past 8 years, Rose has been the volunteer chairperson for the professional men's, Washington Tennis Classic and women's, Virginia Slims and Women's Challenge tournaments. She is responsible for recruiting and organizing volunteers for these two tournaments.

Today, Rose is one of the most active volunteers in MATA and USTA. She continues to play a leadership role by encouraging youth and adults of all ages to become involved in tennis. She plays league tennis, sits on several local and regional committees, is a league coordinator.

From the middle of May until the beginning of August, Rose can be found at East Potomac Park each Saturday from 7:45 a.m. until 5:30 p.m., and each Sunday from 10 a.m. until 1 p.m. overseeing the activities of the USTA adult league tennis. Due to Rose's patience, persistence, dedication, and her commitment as a coordinator, the Washington area's USTA league has grown substantially and reaches a broad cross sector of the community. In recognition for her skills and her participation in the USTA Program, MATA named Rose Coordinator of the Year for 2 years—1990 and 1992.

Rose is a member of the board of directors of MATA and cochair for the adult and senior council. She is also a member of the USTA National Committee for Adult Leagues and Subcommittee for Mixed Doubles. This committee is responsible for reviewing the rules and regulations, policies, and procedures for running the adult and senior leagues in the USTA. She holds lifetime membership to the ATA and USTA. Since 1984, she has been a member of the Anacostia Tennis Association and currently serves as vice president. Since 1988, she has served as president of the Women's Competitive Tennis Club [WCTC], the oldest all women's tennis club in the area. In 1991, she was elected president of the Washington Tennis Association, and has served as secretary and vice president of that organization. On numerous occasions, she has served as tournament director for both the WCTC Adult Open and WCTC Junior Open, and director for the Nat Reeder Tournament. She is active on the Mount Vernon Health and Racquet Club policymaking board.

Over the years, Rose has been involved in many civic and community service activities outside of the tennis arena. She taught Sunday school and was in charge of Girls in Action for girls between 8 to 15 years of age. She supervised arts and crafts and taught Bible study classes for girls 2 years of age. From 1978 to 1981, she worked with the Teen Club—a club that worked with youth from 13 to 18 years of age—at the Oakcrest Community Center. The Teen Club participated in a number of civic and cultural activities, including singing Christmas carols at nursing homes, preparing food baskets, and coordinating professional night. During professional night, an accomplished individual came to advise the youth on career opportunities, and a buddy system was instituted between the youth and the professional. Rose also coached the girls' softball team. Rose's volunteer spirit goes even further. She donates one pint of blood every 8 weeks to Children's Hospital and has given eight gallons of blood.

Mr. Speaker, please join me, Rose's two daughters—Melissa, 23 years old, and Alicia, 16 years old, officers of Mid Eastern Tennis Association, tennis friends, and other associates in honoring the outstanding accomplishments and achievements of Rose.

TRIBUTE TO HARRY J. THOMPSON

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. GILLMOR. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing Harry J. Thompson, Jr. of Marblehead, OH for his ongoing commitment to the political system and to the people of northwest Ohio.

Harry Thompson is a self-made man whose life story embodies the American spirit. At the age of 17, Harry started working as a laborer for the Republic Steel Corp. in Cleveland. Before his retirement 32 years later, Harry rose to the position of plant manager of a 20,000-employee facility.

Harry's personal success in the business field is eclipsed only by his belief in the political process and his commitment to public service.

Harry Thompson has served in numerous capacities in his local community, including three terms as president of the Peninsula chamber of commerce, 11 years as a member of the Marblehead village council including 8 years as president pro tempore and 8 years as a member of the Ottawa County board of elections.

Harry Thompson also serves as central committee chairman of the Ottawa County Republican Party and as the fifth district committeeman on the Ohio Republican State Central Committee.

Mr. Speaker, we have often heard that America works because of the unselfish contributions of her citizens. I know that Ohio is a much better place to live because of the dedication and countless hours of service of Harry J. Thompson, Jr.

I ask my colleagues to join me in paying tribute to Harry Thompson's record of personal accomplishments, his enthusiasm for the political process and his on-going and tireless commitment to public service.

CONGRATULATIONS TO MARTINI & ROSSI ASTI SPUMANTE

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to Martini & Rossi Asti Spumante as they sponsor National Dessert Day on October 14, 1993.

National Dessert Day has actively recruited the U.S. Pastry Team to create the world's most sinful dessert. The proceeds from this event will benefit the James Beard Foundation, which was established to preserve the art of American cuisine. As October is considered by Martini & Rossi as National Dessert Month what better way to celebrate than to consider October 14—National Dessert Day.

Martini & Rossi has hosted National Dessert Day for the benefit of the James Beard House for 2 years running. As the second annual festivities kick off they will have invited New York City's leading restaurants to participate in preparing desserts, so as all in attendance will be able to feast on the tastes and in the process indulge in the consumption of numerous calories.

Mr. Speaker, I am proud to join in paying tribute to Martini & Rossi as they hold their 2d annual National Dessert Day festivities. I am sure Martini & Rossi will continue to provide invaluable service to the dessert consuming community and truly make a difference in society. I extend my best wishes to Martini & Rossi on this most special occasion.

SOMALIA

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mrs. KENNELLY. Mr. Speaker, last week this House passed a resolution calling for a presidential report on United States involvement in Somalia, and calling for congressional authorization for troop deployments beyond November 15. I believe this was the right approach last week—and remains the right approach this week.

We are all deeply saddened by the deaths of Americans in Somalia. We are angered by the slow response to their calls for backup. We are disgusted and infuriated by the hostage-taking.

But recognizing all those tremendously important points, let us not forget what is at stake here. American troops and American hostages are at risk; we would not serve them well with a too-hasty withdrawal. It is true the American mission has been obscured. That lack of clarity must be addressed, so that the American people and nations around the world understand precisely what our involvement is.

With so much at stake, we must avoid the pitfalls: magnifying Aideed beyond his importance, contributing to the deaths of Somali civilians, appearing to panic.

We are in a crisis that demands our best thinking and planning. Reasoned and deliberate action will serve our troops, our Nation, and our interests best.

KENDAL AT OBERLIN

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. BROWN of Ohio. Mr. Speaker, I rise before you today to mark the beginning of a new area in Oberlin, OH. On October 6, 1993, Kendal at Oberlin, Ohio's newest continuing care retirement community is celebrating a milestone with the completion of construction.

The Kendal Corp. is a not-for-profit, charitable organization who's mission is to serve older people by meeting their social, physical, and spiritual needs.

Kendal communities seek to enhance the quality of life and independence of residents and to provide high quality health care so that each resident may realize his or her full potential. Recognizing that Kendal communities must be good places to work if they are to be good places to live, the Kendal Corp. is also committed to providing a high quality work experience for employees.

The Kendal Corp. fulfills its charitable purpose in many ways, including financial assistance funds for residents, educational opportunities for employees, and service to the wider community through a variety of outreach programs.

Kendal's Untie the Elderly Program, for example, has made a significant impact nationally in reducing the use of physical restraints in the care of the elderly in nursing facilities.

Mr. Speaker, it is with great pride that I ask you and my fellow Members of Congress to join me in recognizing Kendal at Oberlin. As they hold their ribbon cutting on October 6, I commend them for the service they provide to so many older people, and wish them much future success.

EQUAL ACCESS TO EDUCATION ACT OF 1993

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. SERRANO. Mr. Speaker, as chairman of the congressional Hispanic caucus, I rise to announce introduction of the Equal Access to Education Act of 1993.

This important legislation would overhaul Federal elementary and secondary education programs so that they better meet the needs of Latinos, language minorities and all American children. It symbolizes a serious and thoughtful attempt to address the most pressing issue facing the Hispanic community—education.

Last Wednesday, the Hispanic caucus released new Census Bureau figures projecting the Hispanic community to become the Nation's largest minority group in the year 2010. If the projection included Puerto Rico, as I believe it should, Hispanics would become second in number to whites as early as 2005. Over two-thirds of the increase in the Hispanic community would come from natural increase.

Unfortunately, the current educational system in this country is poorly prepared to educate the rapidly growing and very young Hispanic community. Today, over half of all Hispanics over the age of 25 lack a high school degree. No other segment of the population is as poorly served by our current educational system as the Hispanic community.

The implication is staggering. The Hispanic community will be contributing more people to the U.S. population than anyone else, but is left unprepared for the challenges of the next century because of a failing educational system. Educational policy at all levels of government must change. It must change for the good of the Hispanic community and it must change for the good of the Nation.

The Equal Access to Education Act of 1993 is an attempt by the Congressional Hispanic caucus to reform educational policy at the Federal level. It would help to ensure that our schools are helping not hindering, Hispanics and other poor children that need a decent education.

One focus of the bill will be to address the needs of one of the most vulnerable portions of the Hispanic community: those children that do not claim English as their first language. All too often Hispanics and other language minority children are placed in isolated, dead-end educational tracks.

They are not tested. They are not taught properly. And their teachers are rarely bilingual or Hispanic or well-trained. With one exception, they are not permitted to participate in general educational programs, including the Federal Chapter 1 Program.

That one exception is special education. Sadly, because so many schools are so ill-equipped to address the needs of language minority students, bright language minority kids are frequently placed in special education classes with little to learn.

Our bill would help to change all that. Language minority children would become eligible for the Chapter 1 Program which, at $7 billion, is the single largest Federal K through 12 educational program. Language minority and all children would be tested with better and fairer assessment tools so that teachers and schools could be held accountable for their progress.

A significant portion of Chapter 1 funds would be reserved to train teachers in the latest and most effective teaching techniques. Teachers with significant numbers of language minority students would be required to receive training on how to teach and understand language minority students.

Last, the bill would refocus the current formula for distributing Chapter 1 funds toward poor urban and rural areas and communities with concentrations of language minority students. While we understand that the formula will be the subject of a very spirited debate during this Congress, the caucus believes it is important to focus scarce Federal resources on those areas with the greatest need.

Besides reforming the Chapter 1 Program, the Equal Access to Education Act of 1993 would overhaul title VII, also known as the Bilingual Education Act. My colleague and Chair of the Hispanic caucus task force on education and employment, Congressman XAVIER BECERRA, will discuss these and other aspects of the bill in a statement to follow. Taken together, our proposals for Chapter 1 and title VII would be the biggest reform of Federal bilingual education policy in 25 years.

Speaking for the other members of the caucus, I must deeply thank Congressman BECERRA for his leadership on this important issue.

I urge all Members of the House to support this important legislation.

RECOGNITION OF 50 YEARS OF MINISTERIAL SERVICE BY DR. ROY JEFFRIES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. TOWNS. Mr. Speaker, it is my pleasure to salute the ministerial achievements and contributions of Fritz Elihu Roy Jeffries who graduated from the West Indies College in Mandeville, Jamaica. He was ordained to the Advent Clergy in Kingston, Jamaica. Dr. Jeffries migrated to the United States where he pastored at the City Tabernacle for 13 years. He currently serves as the pastor of the Philadelphia Church of Universal Brotherhood. In 1972, he earned his doctoral degree from the College of Divine Metaphysics in Indiana.

Dr. Jeffries believes in and tries to embody the Gospel of Jesus Christ. His urban ministry reflects the depth of his commitment to service and excellence. Many in his ministry have distinguished themselves in education, law, politics, and business. Dr. Jeffries believes that the church should be an extension of the community. Church programs include food supplies provided to the needy, and an AIDS health fair under the sponsorship of Interfair Medical Center. Through the church, the spirits of worshipers are nourished through yearly vacation bible school where breakfast and lunch are served at no charge. This service is performed by church members who volunteer their vacation time to run it. These are a few of the visionary and practical initiatives that have flowered under the direction of Pastor Jeffries.

I am honored to introduce Dr. Jeffries to my colleagues, and to acknowledge his 50 years of ministerial service.

INTRODUCTION OF HISPANIC CAUCUS' EQUAL ACCESS TO EDUCATION ACT OF 1993

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. BECERRA. Mr. Speaker, 1993 marks the 25th anniversary of the Federal Bilingual Education Act, title VII of the Elementary and Secondary Education Act. My predecessor in Congress and the founder of the congressional Hispanic caucus, the Honorable Edward Roybal, together with Senator Ralph Yarborough of Texas, designed the 1968 Bilingual Education Act to assist the Nation's schools in meeting the educational needs of children who come from non-English-language background homes.

Ed Roybal and Ralph Yarborough hoped that the provision of linguistically intelligible and culturally relevant instruction would help to stem the massive student dropout rate among Hispanic, Native American, and other non-English-language background students. Twenty-five years of experience shows that their hopes were on target.

The bilingual education programs established with title VII support, though too few in number, have helped hundreds of thousands of language-minority students to learn English while they are mastering the academic content taught in school, to graduate from high school, and to complete college. Thanks to title VII, local bilingual education programs have been developed in virtually all world languages plus many that are indigenous to the United States.

The congressional Hispanic caucus bill builds upon the experience of the last 25 years. The caucus bill strengthens the Bilingual Education Act by tying it to the high national voluntary standards envisioned in the administration's goals 2000 proposal. At the same time, the caucus bill expands title VII's scope to support the broad-scale educational reform efforts which are essential to achievement of the national educational goals.

The Congressional Hispanic caucus bill continues title VII as a three-part competitive grant program to develop the capacity or infrastructure of American education to better serve limited-English-proficient students and their families.

Part A provides grants for the development or improvement of local education programs.

Part B strengthens the existing network of research, technical assistance, and bilingual education program support activities.

Part C authorizes training programs for teachers and other educational personnel on how to provide quality education to limited-English-proficient [LEP] students and their families.

I would like to highlight a few of the improvements in bilingual education that the congressional Hispanic caucus bill will bring about.

With respect to local bilingual education programs:

The caucus bill stresses the achievement of high academic standards, and gives preference to instructional programs which are designed to produce students who are fully proficient in English and a second language.

The congressional Hispanic caucus bill emphasizes the development of bilingual education programs for preschool and secondary school students.

The caucus legislation leverages systemic education reform by authorizing whole-school and systemwide bilingual education program grants as well as smaller grants to initiate new programs within schools or to enhance existing bilingual education programs.

The congressional Hispanic caucus bill taps the native language resources available in community-based and tribally sanctioned nonprofit organizations to develop preschool bilingual education programs and supplementary programs which augment the instruction provided by local educational agencies.

The caucus legislation consistently focuses on three key elements for successful bilingual education programs: Improvement of instructional programs, curricula, and materials; professional development of all educational personnel; and implementation of family education programs.

The caucus bill requires the coordination of all Federal, State, and local resources available in a school or local educational agency.

The congressional Hispanic caucus legislation continues to provide up to a quarter of all part A grant moneys for special alternative instructional programs which do not provide native language instruction; these programs are particularly helpful for schools which enroll LEP students who have different native languages.

The caucus bill emphasizes the application of technology to the instruction of limited-English-proficient students and their families.

The congressional Hispanic caucus bill strengthens the existing network of support services provided to local schools under part B of the Bilingual Education Act. The caucus bill focuses research on the improvement of instruction, and maintains the current national network of technical assistance providers who provide critical site-specific support to more than 1,000 title VII programs.

The congressional Hispanic caucus bill expands the part C training programs authorized under current law by:

Authorizing new grants for schools of education to reform teacher training programs by incorporating courses on the instruction of LEP students in their core curriculum, and establishing new grants for career ladder programs which enable bilingual education paraprofessionals to become fully certified teachers.

Because of the profound demographic changes which have occurred throughout the Nation during the last 2½ decades, the need for bilingual education is even more critical today than it was when the Federal Bilingual Education Act was signed into law. The congressional Hispanic caucus bill responds to these demographic changes and to the challenge of dramatically improving the educational performance of American children.

TRIBUTE TO THE VICTIMS OF THE FAMINE IN UKRAINE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. TRAFICANT. Mr. Speaker, I rise in honor of the victims of the 1933 famine in Ukraine. The famine, which killed more than 7 million people 60 years ago, had a powerful impact on the Ukrainian community in my 17th Congressional District in Ohio.

To commemorate the tragic event, Saint Vladimir's Ukrainian Orthodox Cathedral in my district erected the famine monument on their parish grounds. On October 31, 1993, a formal dedication and blessing will be observed at the cathedral. I commend His Grace Archbishop Anthony and the Most Reverend Bishop Robert for their role in bringing attention to this devastating event in Ukraine history.

Mr. Speaker, I join the citizens of my district in commemorating the 60th anniversary of the famine in Ukraine, and in saluting the individuals who have worked so hard to keep the memory of the perished from fading.

IN HONOR OF THE LIFETIME ACHIEVEMENTS OF ASSOCIATE JUSTICE MICHAEL A. MUSMANNO

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. COYNE. Mr. Speaker, I am pleased today to pay tribute to the memory of Pennsylvania Supreme Court Associate Justice Michael A. Musmanno.

On Monday, October 11, 1993, the Historical Society of Western Pennsylvania, at the direction of the Pennsylvania General Assembly, will place an official State historical marker honoring Justice Musmanno at the Musmanno homestead in Stowe Township. This event has been organized in association with the Pittsburgh Columbus Day Parade and Festival Committee.

As the U.S. Congressman representing the 14th Congressional District of Pennsylvania, which includes Stowe Township, I want to take this time to inform the House of the outstanding achievements of Associate Justice Michael A. Musmanno. I also want to extend my greetings to the Musmanno family and commend State Representative Fred Trello and everyone else who has taken part in this effort to honor the accomplishments of Justice Musmanno.

Associate Justice Michael A. Musmanno was a man who dedicated his life to serving his community, his State, his country, and the world. He fought in defense of fellow Americans and the cause of freedom as a captain in the U.S. Army during World War I and served as an admiral in the U.S. Navy during World War II. Justice Musmanno served two terms in the Pennsylvania House of Representatives and was an Associate Justice of the Pennsylvania Supreme Court for 18 years. His years on the highest court of the Commonwealth ensured that Associate Justice Musmanno would become known as one of our Nation's most distinguished jurists.

Justice Musmanno worked diligently to promote respect for the law and human rights. At the recommendation of President Harry S. Truman, Justice Musmanno served as a presiding justice at the International War Crimes Tribunal II at Nuremberg, and was also appointed by President Truman to serve as presiding officer of the European War Refugee Commission. Justice Musmanno was also appointed by President John F. Kennedy to represent the United States on the International Tribunal.

Justice Musmanno was proud of this country and he was also proud of his heritage as an Italian-American. He wrote several books on a range of subjects, including a history of the discovery of America by Christopher Columbus. It should be noted that Justice Musmanno passed away on Columbus Day in 1968 when he was to have been honored by his friends and neighbors by being named grand marshall for Pittsburgh's Columbus Day parade. Justice Musmanno is buried in Arlington National Cemetery.

Mr. Speaker, it is a fitting tribute to the memory of Justice Musmanno that the Commonwealth of Pennsylvania and Historical Society of Western Pennsylvania should place an official historical marker at the Musmanno homestead.

TRIBUTE TO ALEXANDER DRABIK

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Ms. KAPTUR. Mr. Speaker, I am here on behalf of the residents of northwest Ohio to honor the tragic passing of one of our Nation's great heroes, Mr. Alexander Drabik. His remarkable story is one of utmost bravery and sacrifice that preserved the freedoms the citizens of our Nation enjoy today.

On March 10, 1945, during World War II, Sergeant Drabik, at great personal danger to himself and with great heroism, became the first American soldier to cross the Rhine River bridge at Ramagen into hostile German territory. By capturing that bridge and breaking down German defenses beyond it, Sergeant Drabik's surprise maneuver was instrumental in assuring the Allies' victory in Europe. Capture of the bridge at Ramagen essentially shut down the German defenses and many believe this feat was the turning point of the war on the western front. For his bravery, Alexander Drabik was awarded our Nation's second highest medal of valor, the Distinguished Service Cross.

In his community of Toledo, OH, the village of Holland, OH, and our Nation, Alexander Drabik will forever be remembered in history as a magnificent patriot and true hero. We join in expressing our sympathies to his daughter, Rita Wilson; sister, Carrie Kachel; two grandchildren; and many friends in northwest Ohio and around the Nation. As we remember and celebrate his life, we are reminded that America is the freest Nation on Earth because of individuals like Sgt. Alexander Drabik who risked his life so we might all be free.

INTRODUCTION OF THE MINORITY HEALTH OPPORTUNITY ENHANCEMENT (M-HOPE) ACT OF 1993

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. SERRANO. Mr. Speaker, as chairman of the congressional Hispanic caucus [CHC], I rise to announce the introduction of the "Minority Health Opportunity Enhancement Act of 1993," known as the M–HOPE Act.

The M–HOPE Act improves several programs within the U.S. Department of Health and Human Services [DHHS] to better meet the needs of Hispanics and other language minority communities.

Allow me first to state that this legislation does not attempt to broadly reform the U.S. health care system. It is not intended in any way to compete with the administration's health care reform plan. Instead, the M–HOPE Act compliments the Clinton administration's or any other effort to reform our Nation's health care system by targeting existing DHHS programs.

Let me also clarify that the Hispanic caucus has adopted a set of comprehensive health care reform principles. Based on these principles the caucus has released an initial statement on the administration health care plan. We are continuing to work with the administration to assure that their plan would also embody the principles endorsed by the caucus.

Having said that, I believe the introduction of the M–HOPE Act is historic. It marks the first time the caucus has developed legislation to strengthen and enhance community-based health care capacity, minority health professional education, and research on minority health.

There is a clear need to increase and enhance the health opportunities of Hispanic Americans.

Hispanics have poor health status. Hispanics are twice as likely to be diagnosed as suffering from diabetes as the general population and their incidence of tuberculosis is twice as high. Furthermore, while Hispanics represent 9 percent of the total U.S. population, they account for 16 percent of all AIDS cases.

Hispanics lack access to timely and adequate health care. Hispanics are the group most likely to be uninsured. One-third of Hispanics lack health insurance coverage and Hispanic children are uninsured at twice the rate of other children. Hispanics do not receive proper screening or preventive care since they often lack a regular source of medical care.

In addition, a host of cultural and nonfinancial factors affect the appropriateness and availability of health care services for Hispanics. Many inner-city and rural Hispanic communities lack the infrastructure and health care delivery system to meet local demand. Furthermore, there is an insufficient supply and distribution of health care workers in Hispanic communities.

The M–HOPE Act takes a serious look at existing programs at the U.S. Department of Health and Human Services [DHHS] and reviews their responsiveness to the health needs of Hispanics.

Our findings were deeply troubling.

First, we found that two of the four criteria used in designating medically underserved areas exclude Hispanics. The 65-and-over factor works against Hispanics since we are a young population. Also, the criteria places high emphasis on infant mortality. Yet, although Hispanic communities experience poor health status, this factor fails to consider Hispanic health needs. The M–HOPE Act attempts to remedy this inequity by including factors that more suitably measure health status and medical underservice, such as insurance and morbidity rates.

Second, although Hispanics are grossly underrepresented in the health professions, Hispanic participation is very poor in key programs that focus on increasing minority health professionals. The M–HOPE Act addresses this inequity by encouraging certain programs to more equitably allocate resources and services among all groups served. It also includes an outreach and peer review process to ensure that such efforts are inclusive and target all racial and ethnic groups.

Third, data are critical in setting public health priorities. Yet, basic data on Hispanic health are nonexistent or seriously lacking. The M–HOPE Act strengthens existing initiatives within the National Center for Health Statistics and the Agency for Health Care Policy and Research to increase research on ethnic minorities.

Lastly, the bill focuses attention on the lack of linguistically and culturally appropriate services for limited-English-proficient populations. The M–HOPE Act builds on existing efforts by the community and migrant health centers to reduce language and cultural barriers to care. In addition, the bill directs the Secretary of DHHS to issue regulations establishing limited-English proficiency as a barrier to health care access.

Let me be clear. The M–HOPE Act sends a strong message to the Department of Health and Human Services that it must do a better job in serving the health needs of Hispanics and other language minorities. Many DHHS initiatives should be more attentive to integrating the Hispanic community, with greater Hispanic involvement within the administrative offices and at the drafting stages.

Hispanics, however, are poorly represented within the DHHS labor force. Regrettably, only 5 percent of employed at DHHS are Hispanic. Hispanics have little input in shaping DHHS's policy priorities. Of the top level DHHS manager and policy positions, 2.7 percent were Hispanic. According to the latest figures from DHHS, similar dismal staffing patterns exist within all agencies, including the Public Health Service.

It is difficult to comprehend these low levels at a time when Hispanics are a growing presence in the U.S. population. Hispanics represent 1 out of every 11 persons in the U.S. Including the U.S. citizens who reside in Puerto Rico, Hispanics are projected to be the largest ethnic minority by the year 2005. In just 7 years, Hispanic children will be the largest minority group under the age 18.

Of course, the caucus recognizes that these and other problems in serving Hispanic communities at DHHS did not appear overnight. Secretary Shalala has demonstrated an early interest in listening to our serious concerns about how things have been done in the past. It is my hope that she would embrace our proposal and use it as a blueprint for improving the service of Hispanics by DHHS programs.

Speaking for the other members of the caucus, I must acknowledge the work and commitment of Representatives BILL RICHARDSON and LUIS GUTIERREZ on this important issue.

I urge all the Members of the House to support this important legislation.

IN HONOR OF THE 150TH ANNIVERSARY OF B'NAI B'RITH

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents in recognizing the 150th anniversary of B'nai B'rith, a most unique and effective organization emphasizing compassion and dedication to human rights and self-betterment. Founded in 1843, it now exists as an international organization representing and addressing the concerns of Jews the world over. Their activities have taken them to Argentina, the Soviet Union, Ethiopia, Israel, and 51 other nations as they attempt to address issues of concern to Jewish life.

In addressing these concerns, B'nai B'rith has established a most formidable record. It created the first free employment bureau and manual training schools in our country as well as orphanages and homes for the aged. Today, B'nai B'rith administers one of the largest private networks of nonsectarian, affordable-rent apartment housing projects for the elderly. Such programs as the B'nai B'rith Youth Organization have provided young Jewish boys and girls with leadership that not only creates recreational activities, but also establishes strong social commitment. The Hillel chapters that exist on hundreds of college campuses serve as an ongoing force for spiritual support as well as social needs.

As B'nai B'rith celebrates its 150th anniversary, I call upon all my colleagues in the House of Representatives to join in recognizing what B'nai B'rith has created and ask in extending our best wishes and support as B'nai B'rith moves toward its 200th anniversary.

HELP PARENTS AVOID "HONOR" SCAMS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. STARK. Mr. Speaker, tomorrow I will be sending the following Dear Colleague to all the Members of the House.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC.

HELP PARENTS AVOID "HONOR" SCAMS

DEAR COLLEAGUE: We are all familiar with some of the various groups which bring high school students to Washington D.C. to learn about the federal government and the lawmaking process. What many of us do not realize, however, is that some of these groups use slick marketing and organizational arrangements to make a healthy profit off these students and their parents.

For example, the Congressional Youth Leadership Council (CYLC), a non-profit institution, grossed more than $6.3 million in 1991. In its direct mailings, the CYLC leads parents to believe that their child is one of "fewer than two percent of all secondary school students nationwide [who are] eligible to participate. "However, CYLC recruits students by mail through a mailing list vendor, not GPAs. Several newspapers have reported that at least two D-average students and one expelled gang member are among those so "honored."

Senator Metzenbaum examined the CYLC and found a disturbing and dishonorable money-making arrangement. Although the CYLC charges a substantial fee for tuition and expenses, visiting students stay in four person dormitory rooms and participate in many free activities like visiting the floor of the House. CYLC does not provide scholarships to low income youths and charges extra for some disability services like deaf interpreters. 98 percent of CYLC's revenue last year came from these "tuition" fees.

Two years after CYLC started in 1985, the two founders of CYLC started Capital Resources, a for-profit management and marketing company which they own and operate. Capital Resources last year receive over 90 percent of each student's fee as well as a monthly, $7,000 management fee charged to CYLC. The National Charities Information Bureau called this arrangement "a clear conflict of interest" and questions whether the CYLC is "really a charity or merely a promotional device."

I have introduced legislation which requires these programs to disclose the following important information to parents before accepting payment: The method of solicitation and selection of participants, the per-student costs for food, lodging, transportation, and administrative expenses, the relationship to any other business entity providing these services, and any enticements offered to teachers who refer students to these programs.

The bill would also make clear that these programs may not discriminate against students based on race, disability, or low-income.

I hope that you will join this bipartisan effort to provide parents the information they need to evaluate these "honor" programs. Please contact Brent Chism in my office (5-5065) to cosponsor H.R. 3109.

Sincerely,

PETE STARK,
Member of Congress.

TRIBUTE TO THE OHIO STATE HIGHWAY PATROL

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. TRAFICANT. Mr. Speaker, I rise in honor of the Ohio State Highway Patrol for their efforts on behalf of the citizens in not only my 17th Congressional District, but in the entire State of Ohio.

Mr. Speaker, this year the patrol celebrates 60 years of keeping our highways safe. As a former sheriff in Ohio, I can assure you this is no easy task. Ohio is the seventh most populated State in the country and serves as the hub for both the trucking industry and travelers. Drunk driving, drug smuggling, and heavy traffic that accompany a widely populated state make for a dangerous work environment for the men and women of the patrol. Yet their commitment to the community is unwavering, and the longevity of the patrol is evidence of this.

Mr. Speaker, I join the citizens of my district in congratulating all the officers for a job well done. I especially would like to congratulate Lt. R.W. Markowski, the commander of the Lisbon Post, for his leadership and guidance. Lieutenant Markowski and his fellow officers should be proud of their accomplishments. I wish them the best of luck as they continue to work to maintain safe highways for all Ohioans.

INTRODUCTION OF NEW "TOUGH BUT FAIR" ASYLUM LEGISLATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. BECERRA. Mr. Speaker, groups such as the American Immigration Lawyers Association, the American Council for Nationalities Service, the Lutheran Immigration and Refugee Service, and the U.S. Catholic Conference have raised serious concerns with previous legislation introduced to reform the political asylum process put forth by the administration and others. The legislation Congressman NADLER and I are introducing represents a separate tough but fair approach to reforming our political asylum laws.

Unfortunately, the media coverage and public discourse on the issue of political asylum during the past several months has unfairly portrayed all asylum seekers as potential terrorists and under-the-table laborers. One might also think that our airports and beaches were being invaded. This is simply not the case. Political asylum seekers come to the United States because they fear for their life in their home country. Furthermore, the vast majority of people who apply for asylum do it affirmatively; that is, they seek asylum not because they have been stopped at the airport or on our beaches, rather they walk uncompelled into an INS office and request asylum.

Congressman NADLER and I share the goal of preserving the fairness and the humanitarian nature of protecting people from persecution while streamlining and preventing abuse of our system. Our legislation increases the penalties for smuggling people into the United States and penalizes people who knowingly help others file fraudulent asylum cases.

The standard of proof adopted by the administration's expedited exclusion bill would result in a process that returns people to countries of persecution if they cannot show a credible fear of persecution, a very high standard for an abbreviated review process. Our legislation proposes the standard promulgated by the United Nations High Commissioner for Refugees—a standard that the United States helped to develop—of returning people who have frivolous claims. When a grievant's rights are severely curtailed and their time to prepare a case is drastically condensed, basic principles of fairness demand a reasonable standard of proof.

As for any right of appeal, the administration suggests a review by a second asylum officer of the initial asylum officer's decision. Finally, the administration proposes an empty habeas corpus process that asks only whether the person is an alien and whether the person was ordered excluded—judicial review which guarantees no review. In addition, the administration takes away the Federal courts' authority by eliminating class action lawsuits.

Our legislation proposes reviewing the decision of the asylum officer by an administrative law judge and allows for true habeas corpus appeal.

Overall, the legislation we are introducing today provides for a quick and reliable weeding out of those cases that are unfounded—the drug dealer, the smuggler of human cargo, the terrorist. Those who have no claim will be deported quickly. We provide for a review of the decision of the asylum officer by an asylum immigration judge, and we allow for the nonfrivolous cases to be heard on the merits by a judge.

Providing asylum to people fleeing persecution is one of the cornerstones of our democracy and system of justice. We need only remember the many pilgrims who fled Europe because of religious persecution.

Changing our asylum system must not result in returning people to rape, torture, imprisonment, or death. Congressman NADLER and I are committed to the reform of our asylum laws without endangering the bona fide asylum seeker. The alternative we present here today preserves judicial review and fairness, and ultimately will save the lives of legitimate asylum seekers.

IN HONOR OF THE LIFETIME ACHIEVEMENTS OF ASSOCIATE JUSTICE MICHAEL A. MUSMANNO

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. COYNE. Mr. Speaker, I am pleased today to pay tribute to the memory of Pennsylvania Supreme Court Associate Justice Michael A. Musmanno.

On Monday, October 11, 1993, the Historical Society of Western Pennsylvania, at the direction of the Pennsylvania General Assembly, will place an official State historical marker honoring Justice Musmanno at the Musmanno homestead in Stowe Township. This event has been organized in association with the Pittsburgh Columbus Day Parade and Festival Committee.

As the U.S. Congressman representing the 14th Congressional District of Pennsylvania, which includes Stowe Township, I want to take this time to inform the House of the outstanding achievements of Associate Justice Michael A. Musmanno. I also want to extend my greetings to the Musmanno family and commend State Representative Fred Trello and everyone else who has taken part in this effort to honor the accomplishments of Justice Musmanno.

Associate Justice Michael A. Musmanno was a man who dedicated his life to serving his community, his State, his country, and the world. He fought in defense of fellow Americans and the cause of freedom as a captain in the U.S. Army during World War I and served as an admiral in the U.S. Navy during World War II. Justice Musmanno served two terms in the Pennsylvania House of Representatives and was an associate justice of the Pennsylvania Supreme Court for 18 years. His years on the highest court of the Commonwealth ensured that Associate Justice Musmanno would become known as one of our Nation's most distinguished jurists.

Justice Musmanno worked diligently to promote respect for the law and human rights. At the recommendation of President Harry S. Truman, Justice Musmanno served as a presiding justice at the International War Crimes Tribunal II at Nuremberg, and was also appointed by President Truman to serve as presiding officer of the European War Refugee Commission. Justice Musmanno was also appointed by President John F. Kennedy to represent the United States on the International Tribunal.

Justice Musmanno was proud of this country and he was also proud of his heritage as an Italian-American. He wrote several books on a range of subjects, including a history of the discovery of America by Christopher Columbus. It should be noted that Justice Musmanno passed away on Columbus Day in 1968 when he was to have been honored by his friends and neighbors by being named grand marshall for Pittsburgh's Columbus Day parade. Justice Musmanno is buried in Arlington National Cemetery.

Mr. Speaker, it is a fitting tribute to the memory of Justice Musmanno that the Commonwealth of Pennsylvania and the Historical Society of Western Pennsylvania should place an official historical marker at the Musmanno homestead.

TRIBUTE TO PAT NIXON

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. GOODLING. Mr. Speaker, through bold, selfless deeds, Pat Nixon was a pillar of strength for all women. As a daughter, sister, wife, mother, and First Lady, Pat chose actions, not words, to show that women could be both compassionate and independent, and still be empowered with equal rights.

As a child, Pat not only took care of her sick father and two older brothers after her mother had passed away, but also worked to put her siblings through college, sacrificing her educational pursuits. She later had to work her way through the University of Southern California, graduating cum laude.

Her service to others continued as she pursued a teaching career at a California high school. It was at this time when she met her husband while acting in a local theater production. Dick's first date prediction came true when, on June 21, 1940, she married the politically ambitious lawyer.

Pat's lifestyle as a politician's wife characterized her subtle approach to aiding others. In 1957, she was named the Nation's Ideal Housewife by the Homemaker's Forum. In 1957, 1968, 1969, 1970, and 1971 she was named among the most admired women according to George Gallup Polls. For the 28 years that Dick was in politics, she was known as the quintessential candidates wife, proving to be a pillar of strength for her husbands political ambitions.

When she became First Lady in 1969, Pat was able to expand upon the traditional roles of Presidents' wives while maintaining their philanthropic traditions. She became the first First Lady to visit a combat zone when she toured Vietnam in 1968, and the first to perform chief of state duties by traveling to West Africa alone in 1972 representing the President at the inauguration of the President of Liberia. In 1971, Pat was decorated with the grand cross of the Order of the Sun for her relief work at the time of the massive earthquake in Peru. Overall, Pat became the most traveled of all First Ladies by visiting 83 countries, including Moscow during the historic SALT negotiations.

During her tenure at the White House, Pat also became the most visible spokesperson of women's rights in general, and specifically for the equal rights amendment. She prided herself on welcoming as many women's associations to the White House as possible. Pat was also very interested in educational issues, community self-help, and volunteer work.

In all, Pat Nixon left an indelible mark on the White House, women, and on the Nation. Her caring devotion for her family coupled with her actions to fully empower women is to be lauded. These deeds were accomplished not by loud rhetoric, but by her self-effacing dedication and uncompromising passion. Pat will truly be missed, but her legacy of strength through action, not words, shall not be forgotten.

HIGHLAND BEACH

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. LEWIS of Georgia. Mr. Speaker, there are many old black towns throughout our country—Mound Bayou, MI, Eatonville, FL, Nicodemus, KS. But, one stands alone: Highland Beach, MD.

Highland Beach was founded as a resort town in 1893 by Frederick Douglas and his son, Charles Douglas. They literally stumbled upon it when the proprietors of neighboring Bay Ridge resort turned them away because they were black.

When they left Bay Ridge, they walked across Black Walnut Creek where a black family, the Brashears, offered them hospitality. The Douglases fell in love with the area and Charles bought a 44-acre tract of waterfront land. That was 100 years ago; and that was the birth of Highland Beach.

Douglas divided up the tract and sold lots to his friends and family. His father purchased a lot and began to build a cottage with a second floor balcony from which he could look out over the Chesapeake Bay to the Eastern Shore, where he was born a slave. The elder Douglas died, however, before the building was complete. The cottage, which Frederick Douglas named Twin Oaks, still stands.

D.C. Municipal Court Judge Robert Therrell, his wife, educator and civil rights activist, Mary Church Therrell, Dr. Charles Drew, poet Paul Lawrence Dunbar—all bought lots at Highland Beach.

In 1902, Baltimore caterer, George Bowen, built a nine-bedroom cottage to take in guests. Regular guests at the Bowen Cottage included actor Paul Robeson, author Langston Hughes, educator Booker T. Washington, novelist Charles Chestnutt, Congressman George White, and many other prominent African-Americans.

Highland Beach is the only separately incorporated town in Anne Arundel County, other than the State Capitol, Annapolis. With only six streets, it is the smallest town in the State. There are about 60 homes at the Beach, most of which have passed down from generation to generation.

For years, blacks flocked to Highland Beach to swim, fish, boat, crab, lie on the beach, and spend time with friends and family. The children would gather at the pavilion on the beach to play bingo. Occasionally, the pavilion would play host to dances for teenaged residents and their chaperons.

The bridge and pinochle parties at the beach were infamous. And, according to some of the young beachers at the time, so were the summer lessons taught by teachers there on vacation.

Then, other resorts opened up. African-Americans were not limited by Jim Crow. They vacationed elsewhere. Highland Beach didn't seem necessary anymore—to some. That was the late 1970's and early 1980's.

While they have been all over the world, the residents of Highland Beach will tell you, "There is no place like home." Today, Highland Beach is revitalized. Turn-of-the-century cottages are being restored. The old beachers are back with their children and grandchildren. The yards are cluttered with bicycles, fishing poles, and crab baskets. People stroll along the beach at daybreak. They get together on the pier to watch the sun go down. They still play cards.

Highland Beach—born out of rejection and developed by African-Americans, not even a generation out of slavery and with very limited resources, as a retreat from racism—has survived unscathed. It is still the vibrant summer resort it was 100 years ago.

As part of its centennial celebration, this week, residents of Highland Beach will gather for dinner at the Bay Ridge Resort, the place that gave birth to Highland Beach. They will walk across Black Walnut Creek, just like the Douglases did 100 years ago.

THE TIME HAS ARRIVED FOR BIPARTISAN HEALTH CARE REFORM

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. ANDREWS of Texas. Mr. Speaker, too often Washington policymaking works like this: Everybody brings something to the table, it is all hammered together, then the odd-looking result is heralded as a consensus.

As we have seen in the past, this type of approach either ends up making the problem worse, or creates a whole new series of problems. With health care reform, the stakes are too high and the window of opportunity too brief for patchwork reforms.

That is why so many of the most thoughtful Democratic and Republican Members of Congress have introduced a comprehensive health reform bill. Our plan sticks to the principles of managed competition that a few of us articulated 2 years ago, and from which the administration and Republican plans drew heavily. Now, the plan draws together both Republicans and Democrats in an approach that gives Americans security, savings, simplicity, choice, quality, and responsibility—the six principles outlined by President Clinton.

We start with the idea that consumers should be responsible for how much they want to spend on health care. We reject the idea that the Government can do a better job than the people on this key issue. Yet we realize that consumers today have little power in the face of insurance companies, hospitals, and physicians. The Managed Competition Act will shift the balance of power to consumers by using the Government to rewrite the rules of providing health care coverage.

The new rules will be plain and simple. Health care plans must take care of everyone's health needs with the same benefits and report their results. We must be able to make choices based on how well health plans take care of us and how much it costs.

The Managed Competition Act achieves savings by ending the Federal tax subsidy to those people who choose the most expensive health plan. It would be far better for the Tax Code to subsidize only up to the cost of the least expensive plan.

Finally, everyone will have the security of knowing that health insurance will always be there. No insurance company could drop someone when they got sick or deny coverage due to preexisting conditions. Individuals will also have the responsibility to maintain continuous health care coverage.

Americans should not suffer the insecurity of being unable to afford health care coverage. Today, Medicaid covers only half the poor. Our approach guarantees coverage for all the poor and the working poor. Those who choose to remain uninsured risk paying costly health bills if they have a serious illness.

Health care reform will become a reality because it has bipartisan support. The Managed Competition Act will shape the debate in Congress because it is at the center of that debate.

RESOLUTION CONCERNING THE IDENTIFICATION OF U.S. MILITARY PERSONNEL INVOLVED IN U.N. PEACEKEEPING OPERATIONS FOR THE PURPOSES OF THE GENEVA CONVENTION

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Ms. SNOWE. Mr. Speaker, we were all shocked by the graphic scenes of brutality against American military personnel perpetrated by forces loyal to Somali warlord Mohamed Farah Aideed. Suddenly, the American people are faced with increased numbers of American casualties, missing in action and prisoners of war while the United States continues to support a U.N. exercise in nationbuilding.

I have introduced a resolution that would ensure the full protection of the 1949 Geneva Convention relative to the treatment of prisoners of war for all American military personnel held captive in Somalia or in other countries where they may be called upon to support U.N. peacekeeping operations.

Statements made on Monday, October 4, by the United Nations and the State Department underscore how poorly thought out the Somali operation has been. On Tuesday, the United Nations and the United States State Department went out of their way to emphasize that American prisoners of war in Somalia were not entitled to the full protections of the 1949 Geneva Convention relative to the treatment of prisoners of war. The Geneva Convention lays down strict standards for the ensuring of the humane and decent treatment of POW's, including a provision on using POW's as human shields and the right to prosecute those who violate the convention.

Lawyers at the United Nations and the State Department may find it worthwhile to spend time debating interpretations of exactly when hostilities are of an international nature, or whether or not Aideed is a renegade criminal or a legal combatant. The American people, and we as their elected representatives, should be appalled that the Untied States Government has failed to demand that the protections of the Geneva Convention be applied to our troops in Somalia. How can the United States even consider joining other U.N. peacekeeping operations if the State Department and the United Nations will not ensure even this minimal protection for American soldiers?

My resolution expresses concerns about the assignment of U.S. military forces to United Nations peacekeeping operations, and it calls upon the President to ensure that the full protection of the Geneva Convention will be afforded to U.S. military personnel before their deployment overseas.

I ask for your help in defending American servicemen and women who may be placed in harms way to support U.N. peacekeeping operations.

CITIZENSHIP FOR THE 21ST CENTURY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. GINGRICH. Mr. Speaker, I would like to recognize Ms. Nibal Petro, an outstanding young individual who has dedicated herself to bringing her peers a better understanding of their own country and the world. Ms. Petro has recently been named as the outreach director of Break Away, a service oriented college program designed to provide students with the opportunity to serve their community during their college vacations. The mission of Break Away is to promote service on the local, regional, national and international levels through vacation programs which expose students to different perspectives on American and international cultures. The goal of the program is to heighten social awareness, and advocate life long social action.

This program and Ms. Petro represent the best in America—civic-minded individuals taking action to serve communities around the Nation and the world. Further, this student managed organization exemplifies the power of individual initiative.

Moreover, I believe that the alternative educational programs such as Break Away, which provide students with an opportunity to learn from real life experiences outside of the traditional classroom, are central to a formal education.

I ask my colleagues to join me in congratulating both Ms. Petro and Break Away for their pursuit to provide the college students of America with a unique opportunity to serve.

150TH ANNIVERSARY OF TOWN OF SOMERS

HON. PETER W. BARCA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. BARCA of Wisconsin. Mr. Speaker, I rise today to publicly acknowledge and offer commendation to the town of Somers, which this year is celebrating its 150th anniversary. The town of Somers, originally named the town of Pike, was settled in 1843 and has for 150 years been one of the many smaller communities that help make this Nation strong.

The town of Somers with a population of 7,859 and covering an area of 28 square miles has grown both in population and economic impact with citizens who continue to embody true American values.

In many respects Somers embodies the best of what Thomas Jefferson envisioned with an America composed of small rural towns where people are involved in their towns, churches, and community organizations to improve the quality of life for all of its citizens.

The town of Somers strongly embraces the idea of community service and volunteer spirit. Somers' volunteer fire and rescue departments, with 101 on-call volunteers, are the direct results of this philosophy. Veterans, church and civic organizations have helped develop civic, environmental, and youth projects.

Mr. Speaker, I grew up in the town of Somers and have represented this town for nearly 9 years in the State legislature and now in Congress. It is truly my hometown. In a time when the strength of American towns and citizens is more important that ever I want to congratulate the citizens and leaders of the town of Somers and its citizens for 150 prosperous years and wish it continued success.

TRIBUTE TO RAYMOND ROEBUCK

HON. BARBARA-ROSE COLLINS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Miss COLLINS of Michigan. Mr. Speaker, today I rise and join my colleagues in paying tribute to a friend and mainstay of this institution, Mr. Raymond Roebuck.

Mr. Roebuck has befriended and sustained hundreds of Members of Congress during his 30 years here in the House of Representatives and as the supervisor of the House Democratic Cloakroom snack bar. All of us have had early mornings and late nights in the House and Raymond has been a beacon of friendliness and a true support of this institution. He is a person who is critical to the smooth functioning of the House, but a person who never seeks the limelight.

Raymond is not only an institution in and of himself, he comes from a long line of family members who have worked here for us. Remarkably, Raymond took over the position from his sister, Virginia, and her husband, Clinton. He truly exemplifies the loyal, dedicated, and able employee who makes it possible for us to do our work here.

Not only do I count Raymond as a dedicated employee of the Congress, I count him as a valued friend. We will miss him and the House will miss an outstanding employee.

EDWARD F. BURKE—TIRELESS RHODE ISLAND PUBLIC SERVANT

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. REED. Mr. Speaker, I rise today in the memory of Ed Burke, who recently passed away at his home in Providence, RI. Ed was a tireless and fearless public servant, defender of important causes, and long-time champion of Democratic ideals.

His involvement in public life began as a young man when he directed the organization of his fellow Harvard students on behalf of Harry Truman's election campaign. In later years, Ed Burke was instrumental in the Rhode Island campaigns of three other Democratic champions for justice, Adlai Stevenson, Hubert Humphrey, and Jimmy Carter.

In addition to working for some of the giants of 20th century Democratic national politics, Ed served Rhode Island in a number of important positions of responsibility. Over the years, Ed used his legal expertise in service to the Rhode Island Department of Corrections, the city of Providence, the Rhode Island attorney general's office, the Rhode Island Department of Social Welfare, and the Rhode Island Department of Mental Health, Retardation and Hospitals.

Ed made his greatest positive impact on the lives of all Rhode Islanders when he served as chairman of the Rhode Island Public Utilities Commission [PUC] from 1977 to 1988. As head of the PUC, Ed guided Rhode Island through the difficult, energy starved 1970's and rapid growth of the 1980's. During this time, Ed worked hard to reduce Rhode Island's reliance on imported oil as its primary source of energy and prepare Rhode Island and the region for the energy demands of the next century.

After his retirement from the PUC, Ed used his skills working in the private sector to provide low-cost power for Rhode Island and New England energy users. Ed also used these years to embark on a truly visionary effort to promote high-speed rail transportation within the Northeast rail corridor. His leadership in this area of policy formation will be truly missed by all of us.

I like to think that public servants can best honor the public trust by working as hard as they can every day. Above all else, Ed Burke met this test. In both the public sector and private sector, he was tireless and relentless when it came to putting in a good days work. Even when his health was slipping away, Ed was not content to settle back and take it easy. Ed Burke pushed hard for what he believed in and he never wavered from trying to accomplish the difficult tests he set for himself throughout his entire life.

I know that Ed's lifetime of accomplishment serves as some small comfort to his wife Phyllis, his sons David and Ed, his daughters Elizabeth and Melissa and all his grandchildren as they say goodbye to him today in Rhode Island.

TRIBUTE TO REVEREND ROBERT L.T. SMITH

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. PARKER. Mr. Speaker, I rise today to honor the man and to mourn the passing of a great civil rights leader, the late Rev. Robert L.T. Smith of Jackson, MS, who died October 1, 1993.

Reverend Smith pastored the Oak Grove Missionary Baptist Church in Hinds County for more than 50 years. During segregation, he motivated and organized other church leaders within the Baptist Convention to join nonviolent protests before local authorities, and he encouraged voter registration.

Reverend Smith was an active supporter of the NAACP, and he provided bail money for students of Tougaloo College who were arrested for demonstrating when seeking their civil rights.

In 1960, he became the first black congressional candidate from Mississippi since the Reconstruction, which led to the founding of the Mississippi Freedom Democratic Party. His activism resulted in African Americans winning political office and entering the local and national broadcasting industry.

In 1955, Reverend Smith was instrumental in founding the State Mutual Federal Savings and Loan Association, the first minority-owned institution of its kind in Mississippi since Reconstruction. He served on the board for many years and served as director, officer and interim manager.

He was a charter member of Mississippi Action for Progress, the second largest community-based Head Start program in Mississippi, and he served as a board member from 1967 to 1991. The program served thousands of disadvantaged youngsters and brought thousands of dollars to the State.

He was listed in Newsweek's "100 Most Influential Blacks in the U.S." In 1985, the Mississippi legislature honored Reverend Smith in a resolution for outstanding civic leadership.

He received an honorary doctor of letters degree from Tougaloo College in 1980. Kappa Alpha Psi, Omega Psi Psi and Phi Beta Sigma named him Man of the Year. In 1987, Reverend Smith was inducted into Omicron Delta Kappa by the University of Mississippi. On July 1, 1991, he was honored by College Hill M.B. Church.

Reverend Smith peaceably battled destroyers of constitutional rights and liberties and the freedoms this great country was founded upon. This civil rights pioneer respected the law and fought for justice, and he raised the consciousness of countless Mississippians, both black and white.

Dr. Martin Luther King Jr. once said that nonviolence is a powerful and just weapon, cutting without wounding and ennobling the man who wields it. Reverend Smith wielded the sword that heals.

Mr. Speaker, at this time, I ask that my colleagues join me in paying tribute to the late Rev. Robert L.T. Smith. He will be greatly missed by his family, friends, admirers, followers, and leaders.

TRIBUTE TO IRENE POLING

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to a fine woman from Niles, OH in my 17th Congressional District. Irene Poling has shown true devotion and loyalty to her church, Trinity Lutheran.

In March 1947, Irene joined Trinity Lutheran. The following year she became a Sunday School helper. In 1950, Irene assumed the role of a Sunday School teacher. Over the next 20 years she taught hundreds of children each Sunday without fail. When the need for a secretary-treasurer arose in 1971, Irene filled that spot and has been competently taking care of those duties ever since. She has been involved with WELCA and Alter Guild, two church service organizations. Now after 46 years of serving the church in some capacity, she is going to step down and enjoy some free time.

Mr. Speaker, I want to commend Irene Poling for all of her work with Trinity Lutheran Church in Niles. I want to wish her all the best in whatever she decides to do. May God bless her.

JOHN CONYNGHAM III HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to an outstanding community leader from my district, and a personal friend, Mr. John Conyngham, III. Jack will be honored at a testimonial on October 6, 1993.

The Conyngham family has a long and distinguished history in northeastern Pennsylvania, and Jack has lived up to his family's tradition of service to his community.

Although a graduate of Yale University, Jack has been at the forefront in supporting the Wilkes-Barre Campus of Penn State University. He spearheaded the first capital campaign in 1965 to enable the University to move to its present, larger location—the former Conyngham family estate in Lehman, PA. Jack's dedication to Penn State continued into the second campaign during which he helped to raise $1.5 million to build the Center for Technology Building. A laboratory in the Center is named for the Conyngham family.

In 1991, Jack was named an honorary Alumnus of Penn State and this year a scholarship was named in his honor.

Although Jack's love for Penn State is well documented within the community, he is also known as a successful businessman and dynamic community leader. He helped to develop his business, Eastern Penn Supply Co., into a multimillion dollar enterprise. He also oversees another family business, Hillside Farms in Shavertown. He serves on the advisory board of a local bank, is chairman of the board of Pennsylvania Miller Insurance Co., and has served on the board of Wyoming Seminary for more than 25 years. He has been active in numerous community organizations, including the United Way and the Kirby Center.

In addition, he and his wife, Lou, are kept busy as the parents of four children and the doting grandparents of four.

Mr. Speaker, I am pleased to have this opportunity to recognize Jack Conyngham today for his dedication to our area. His commitment to education through his work on behalf of both Wyoming Seminary and Penn State is truly appreciated by our community. It is truly fitting that Jack be honored for his work with this testimonial. I congratulate him for his many achievements.

A SALUTE FOR CAUSE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. HOYER. Mr. Speaker, I rise today to pay tribute, as earlier this month, we conducted our traditional observance of Labor Day, our annual recognition of the working men and women of America. Now that the Congress has reconvened, I did not want any more time to pass without extending a particular salute to an organization headquartered in Prince Georges County, part of my Fifth Congressional District of Maryland.

The organization is CAUSE, the Mechanical Contractors and Unions Seal of Excellence, whose offices are located in Lanham, MD. CAUSE is the Washington area's cooperative organization of union mechanical contractors, the two labor unions who represent the contractors' employees, Steamfitters Local Union 602 and Plumbers Local Union 5, and the contractors' regional association, the Mechanical Contractors D.C. Association.

CAUSE has helped to solidify and advance an already enviable record in labor-management relations in the Washington area's mechanical contracting industry. Relations in this metropolitan region have been outstanding for the past century. It is a record of labor-management harmony unmatched anywhere else in the United States.

CAUSE's objective is to continue this cooperation and even strengthen it. When this happens, everyone wins—the consumers of Metropolitan Washington, the contractors who are employers, and their employees, the skilled craftsmen who make up the membership of the steamfitter and plumber unions.

Mr. Speaker, union and management work through CAUSE as partners to promote even better labor relations, which in turn produces a better job, delivered on time and within budget, always with a strong commitment to excellence and productivity.

Representatives of management and the two labor unions signed a memorandum of understanding in 1984 pledging to: Eliminate strikes, lockouts, or any other kind of work stoppages; work together to produce the best quality installation for the money; avoid overtime except when necessary for productivity; prohibit all unnecessary and inefficient work practices; and avoid work disputes through preassignment conferences, with any difference being resolved before the project starts.

From this labor-management cooperation have come specific results. For example, the number of manhours worked by craftsmen in the mechanical contracting industry in the Washington area show an increase in the period from 1984, the year CAUSE was established, through 1992 despite the national recession.

Mr. Speaker, all of us have just returned from special Labor Day ceremonies in our States and congressional districts. I am both pleased and proud to add this Labor Day recognition to CAUSE in my own district and to the men and women of the mechanical contracting industry, Steamfitters Local Union 602 and Plumbers Local Union 5, who have made CAUSE the success story that it is.

All of us who live and work in Metropolitan Washington are better off because of this success. For this reason, I know you will join me in this special salute.

TRIBUTE TO ANGELA MACEY

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. INSLEE. Mr. Speaker, I rise today to pay tribute to a high school student from Wenatchee, WA, in my congressional district.

Angela Macey is a winner in the "Voice of Democracy" broadcast scriptwriting contest, sponsored by the Veterans of Foreign Wars of the United States; 136,000 secondary school students participated in the contest, and Ms. Macey is among the top 15 scholarship winners. The contest theme this year was "My Voice in America's Future." Yes; it is true that the youth of today may have a difficult and more complicated life than we had, but after reading Angela's script, I feel that with more young people like Angela, America will have a bright future.

I insert the text of Angela Macey's script into the CONGRESSIONAL RECORD.

MY VOICE IN AMERICA'S FUTURE

(By Angela Macey)

Picture yourself at a great musical; the musical called the American Experience. In place of the orchestra warming up, we see the Articles of Confederation, signifying an eminent beginning. The music starts—it is the Constitution—setting the beat for the entire performance. The curtain draws, and we see people of every color and background appear on stage, all with a distinct role; all singing the same song; the Song of America.

It is a musical filled with emotion. There is much triumph at scenes such as the westward expansion, the granting of women's suffrage, and even putting a person on the moon. There is much tragedy during the scenes of our people; fighting bitter wars, movements like that of the Ku Klux Klan, and the harsh 30's depression. However, the musical plays on, and the people keep singing songs of new hope, of opportunity; they keep singing the Songs of America.

And now, the time has come; my cue has been called. My voice is warmed up. It is my entrance. I am nervous, indeed, but my part is key to the success of the production and I must go on. I must go out onto the stage of many triumphs and tragedies and sing my song with the cast—the Song of America's Future.

It would be easy now to be silent and push to the back of the stage; it would be simple to cower among the many voices singing this song, thinking my voice will certainly be drown out. But to truly be a part of this musical, I cannot cower. I must raise my voice into the harmony of those singing with me. We must all sing our parts, everyone of us.

What does this mean? How can I make sure my voice is heard? Then I remember that the music of our Constitution was made specifically not to drown us out, and by making my presence on stage known by understanding what's going on, voicing my opinion, and voting, I will never be lost in the chorusline.

And now it is time for my lines. It is vital that all of us play the right part because of where we are in the story—a scene with the setting of a country ill with AIDS, poor on the streets, and yet still filled with the Song of America, at the fall of Communism, at the hope of a stronger tomorrow; at the prospect of a more harmonious song of opportunity.

So what are my lines? They are those of a social worker on the streets; the voice of a doctor in a public clinic; the molding words of a teacher in a classroom; the works of a new philosopher; the sound of honest work that proclaims the Song of America's Future.

These voices must pronounce solidly that the past is gone and now, by learning from that past, we can sing our way into a new act with the hope of the next generation being able to play their own parts, without the restraints of injustice, poverty, sickness, and the destruction of our earth. Certainly they will have the drama of struggles of their own, but I can help make sure that these problems are not just hand-me-downs from my generation. I can do this by singing my part in the song of America's Future.

Yes, eventually all of us on stage will exit, including me. But the part I play and the voice I proclaim will set the scene—the scene for America's future.

So when asked what that voice is, I am certain I know. It is the voice of the best I have to offer, and I will sing it with pride.

DARE HOUSE: MORE THAN JUST A CONSTRUCTION PROJECT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. OBERSTAR. Mr. Speaker, according to the Book of Genesis, God created the world in 6 days. The residents of Elk River, MN, a city in my district, performed a similar feat, but on a more human scale: they constructed a 3-bedroom house in the same amount of time.

Built by volunteers and with donated materials, the finished home was put up for sale, the proceeds earmarked for the Drug Abuse Resistance Education [DARE] Program.

It was my privilege to tour the project during its construction. Mr. Speaker, while I have seen many such volunteer projects elsewhere in my district and around the country, this certainly is the finest example of volunteerism. It reflects the noblist tradition of Americans offering of their talents and financial and physical resources to help others in need.

The completion of DARE House stands as a monument to the civic pride and sense of community service of the people of Elk River. I sincerely hope it will serve as an inspiration for other communities to do as much.

The complete story of this inspiring accomplishment is chronicled in the following article by Don Heinzman, editor of the Elk River Star News.

I commend it to my colleagues.

IT WAS A D.A.R.E.ING WEEK!!!

(By Don Heinzman)

A gleaming three bedroom, two-story house built in six days, is for sale for $145,000 at 19334 Dodge St. in Elk River.

It was built on a foundation of volunteerism, called by 8th District Congressman James Oberstar, "The finest community project I've ever seen in America."

Over 300 volunteers and companies donated materials and volunteered their skills during a remarkable week that brought state and national attention to Elk River.

When the home is sold, well over $100,000 will be given to the Elk River Police Department to finance an officer to teach the Drug Abuse Resistance Education [D.A.R.E] program in seventh grade in district 728.

That officer will be Bryan Vita.

Linda Frederickson, a co-chair of the project, announced Sunday night that $8,558.26 in cash was available—$3,808 from adopting D.A.R.E ducks and floating them down the Mississippi River.

Another $4,750 came from various companies, churches and organizations.

"We still need approximately $15,000 to cover all the expenses for the house building," she told Elk River Police Chief Zerwas Sunday night.

NO BUYERS

While there are reports of potential buyers, as of Monday the house had not been sold.

Mel Beaudry of Century 21 White Dover Realty is coordinating representatives of local realty companies who plan to give all real estate fees to the D.A.R.E. program.

The buyer also will find all fees connected with the mortgage waived by the Bank of Elk River and the First National Bank of Elk River, who each also contributed $1,000 to the project.

The buyer also will find the house furnished by Furniture and Things. Jeff Hickman, representing the company, said he will be willing to negotiate a good price for the furniture when the house is purchased. Some of those proceeds will go to D.A.R.E.

AHEAD OF SCHEDULE

From the start Aug. 16, the building of the home was either on or ahead of schedule.

Dan Rochel, president of Hearthstone Builders, Inc., who coordinated the project, kept juggling materials, workers and shortages to complete the home in six days. It normally takes 60 days to build a house.

Looking back, he said that after seeing the framing progress the first day, "I knew we had a shot. By Tuesday, I knew it could be done."

SOME CHALLENGES

On Tuesday when a shortage of roofers developed, Rochel called Bill Christian of Christian Builders, "who got on the phone and shook some people loose."

Thursday when there was a shortage of siders, Rochel called Robert Ruprecht of R.J.R. Homes for help. They called on Elk River Exteriors who was working for them, and had them go to the house.

Clint Corrow of Corrow Lawn and Irrigation, who was in charge of getting materials, time and time again called on companies and asked for more.

When more concrete was needed AME Ready Mix agreed to donate another 17.25 yards more, worth another $1,200. The company contributed $3,500 of concrete.

Fricke and Sons Sod of Rogers, who originally had agreed to donate 500 yards of sod, was asked to give 840 yards to cover the entire lot. They donated the 840.

Plaisted Cos., who already had donated sand and black dirt came up with another $2,500 worth of fill and $600 of decorative rock, Corrow said.

Corrow Sanitation delivered bigger dumpsters than intended.

Clint Corrow couldn't say enough about Crow River Rental. "We kept on going back and going back to them and they came through." Rochel commended three men who were there every day: Mark Palmer, David Granlund and Matt Hemmelgarn.

QUICK SODDING

Friday was a high point when nearly 70 volunteers, many of them Elk River businessmen, descended on the site and rolled out 840 yards of sod in 40 minutes.

"By the time the sod was unloaded from the truck, the sod was down," said Corrow, who along with Steve Eid of Steve's Nursery coordinated $20,000 of landscaping, including 40 shrubs, trees, decorative rock all around the house and four retaining walls.

"It turned green instantly," said Corrow. "Steve and I were in shock."

FINISHERS SATURDAY

The beat went on Saturday at 5 a.m. when Steve Cyr of Steve's Floor Covering, showed up to lay the vinyl floor in the kitchen.

A swarm of trimmers, including those from Scott Breuer Construction, finished the trimming early Saturday afternoon.

Jerry Palmer, who was at the house several days, installed the last of five phone outlets.

The carpeting was laid by Quality Carpet Service, Lefebvre's Carpet and Steve's Floor Covering.

That left Sunday for cleanup and touch up, tightening the carpet and for two different cleaning crews, Molly Maid and the Cleaning Center of Zimmerman.

Rochel said the job was done ahead of schedule because of the framing progress the first day and the siding on the fourth day.

Quipped Olson: "We couldn't hold him back. He insisted on doing it in six days."

IN RECOGNITION OF PROJECT SAFE PLACE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. MAZZOLI. Mr. Speaker, an innovative program designed to assist youth and families in crisis situations celebrates its 10th anniversary this October: Project Safe Place.

This project is particularly special to me because it began back in 1983, in my hometown of Louisville, KY, as an outreach program of the YMCA's Shelter House. It started as a means of helping the youth of Louisville and Jefferson County deal effectively with their problems instead of escaping them by going to the streets.

Project Safe Place not only has increased in number to over 300 sites in the Louisville area, but it has also spawned similar programs in over 100 cities in 31 States. Over 11,000 youths have turned to the well-displayed Safe Place signs and found there the caring friends they so desperately need.

Project Safe Place was recognized nationally in 1986 by President Reagan who bestowed upon it the Presidential Citation for Private Sector Initiatives. In 1988, the National League of Cities cited the program for its innovation. And, Project Safe Place was named as a National Point of Light by President Bush in 1991.

These awards are special recognition of the success Project Safe Place has achieved by presenting youth with alternatives to the street and crime as a way of life. Project Safe Place is a response to the cries of our youth and our children.

The bright yellow sign of Project Safe Place is a symbol of safety and of caring. I invite my colleagues to salute, along with me, Project Safe Place and the people, such as Ms. Nancy Beck of Louisville, National Safe Place coordinator, for all they do for our children today and for our future tomorrow.

TRIBUTE TO PHOENIX BOY SCOUT TROOP 224

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. KYL. Mr. Speaker, I would like to take this opportunity to recognize the members of Phoenix Boy Scout Troop 224, under the command of Bill Truett, for their efforts in reconstructing a flagpole located near Castle Hot Springs, AZ.

Discovered by Col. Charles Craig in the mid-1800's, Castle Hot Springs is known for the recuperative powers of it's waters, has been visited by President Theodore Roosevelt as well as Lt. John Kennedy. It served as a rehabilitation center by the U.S. Air Force for pilots having flown the Burma Hump during World War II.

The American flag atop Salvation Peak has functioned as a landmark guiding people to Castle Hot Springs since 1945. After being destroyed by vandals, the familiar flagpole was absent for several months. In the time honored tradition of providing service to their community, 21 boy scouts accompanied by 8 adult leaders, installed a new flagpole and allowed the flag of the United States of America to once again serve as a beacon to desert travellers seeking respite. In the future, the scouts also intend to rebuild the summit trail and maintain the flag as required.

The actions of Troop 224 were very generous and should be duly noted. I ask my colleagues to join me in saluting their efforts.

STATEMENT IN OPPOSITION TO NAFTA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. LIPINSKI. Mr. Speaker, for the American economy as a whole, NAFTA is a gamble—even if it succeeds, which I doubt, the positive results won't be realized for years and years.

For the Midwest economy, especially Illinois, NAFTA if passed is unequivocally a loser. Just as we've already lost jobs to the Sun Belt States—we will lose even more to Mexico.

The irony here is that without NAFTA—Illinois does quite well because of capital goods. Mexico has now become our No. 2 export market—behind Canada.

Economists on both sides of the NAFTA debate agree that on the ledger columns marked jobs expected to be gained and jobs expected to be lost, that manufacturing jobs top the list of those jobs expected to be lost.

Illinois has lots of manufacturing jobs—so if that industry is going to take a severe hit, then Illinois is going to take a severe hit.

How severe? Well, according to one prediction by the Manufacturing Policy Project—a group that represents 135 U.S. manufacturers, Illinois would be hit harder than 46 other States.

This group predicts that Illinois would lose 306,000 production jobs.

It is important to note that since 1979 the United States has already lost close to 3 million manufacturing jobs—mostly to Mexico.

A trip just south of our border, into Mexico, will now uncover over 1,600 manufacturing plants—employing Mexican workers—all owned by American businessmen.

NAFTA will make it safer for more businesses to cross the border. That in turn will reduce the standard of living for more and more Americans.

I cannot participate in making that happen.

Many experts agree that the steel industry will show up in that column headed "Jobs expected to be Lost."

The Brad Foote Gear Works at Cicero, IL employs 195 people from my district. Its largest customer base are the integrated steel mills that are left within a 400-mile radius.

The president of that company supports free and fair trade. He says NAFTA is not fair.

Let me quote from a letter he sent me in opposition to NAFTA.

With NAFTA, "We will get a double dose; first, our competitors are now the cheap labor plants of Mexico and, second, we will lose our customer base—the steel plants—as they move south."

No customers—no work—no work—no jobs. That's a fact.

I cannot do that to those 195 gainfully employed people of the Brad Foote Gear Works Co. I know they will not find comparable jobs no matter how much job retraining money there is. I can't reduce the standard of living for these families.

Now the White House does admit that some restructuring of the American economy will result with the passage of NAFTA—and promises that those who are impacted negatively—that's bureaucratic language for losing your job—can expect help from the Government in the form of job retraining.

How many people do you know who lose their jobs and their benefits, wind up with a new job that pays the same or more and provides the same or better benefits, whether or not they were retrained?

Illinois already ranks No. 1 in out migration of all the industrial States and ranks 49th out of 50 in new small business job growth.

Most people who lose jobs wind up in the lower paying service jobs created by small businesses—the total number of which are likely to be reduced as businesses—the total number of which are likely to be reduced as businesses are forced, as a result of health care reform, to provide expensive health benefits.

Job retraining is too often an empty and costly promise.

The facts bear this out. According to the American Society for Training and Development, 40 percent of the people who lose their jobs each year do not find a new job for at least 12 months. Those that do find a reduction in their paychecks. Former manufacturing workers find themselves on the average making 20 percent less; former automobile and steel workers find themselves making 30 percent less.

No matter how much we spend, we have, despite our best efforts, failed to find a way to retrain our middle class.

These people lose their jobs and lessen their pay just as the bills of the middle class dream come true—buying a home or trying to send children to college.

The New York Times reports that this restructuring will cost 2 million Americans, "most of them solidly middle class, to lose their jobs because of fundamental changes in the economy" each year for the next 10 years!

Governmental policies such as NAFTA will eliminate America's middle class as we know it.

Now while the proponents of NAFTA can argue about the overall net creation of jobs that they predict will result with passage, I find myself asking what can I do about those families who will be impacted negatively by NAFTA. Those families whose standard of living will go down.

As it becomes clear that whatever jobs gains do result will be mostly in other parts of the country—it's becoming indisputable that the Illinois workers are those who will appear on the negative side of the balance sheet.

So the answer to my question becomes clear also—I must help defeat NAFTA.

In spite of admitting that some people will be impacted negatively, the administration says if jobs were going to flee in large quantities to countries with cheap labor, that Haiti or Bangladesh would be economic powerhouses by now.

Well, if they were closer and more stable they probably would be.

NAFTA will make it as safe for a company to operate in Mexico as it does in Illinois. And, when you combine safe; that is, no risk with low wages, the jobs will flow.

Low wages? The average income per person in Mexico is only $2,490 per year according to economists for the AFL–CIO.

The Mexican Government works to keep wages low in order to attract investment. Under NAFTA, that will not change. As a result, while NAFTA most certainly will improve the Mexican economy, it will not improve the condition of most Mexican workers.

Many of my colleagues who have visited Mexico have witnessed this fact firsthand. Watching people at work in some of the most sophisticated manufacturing plants in the world return to their homes in slums, where they have no water to drink or bathe in—homes often made from packing materials, home with dirt floors.

Mexican workers have not realized great benefits from the jobs already transferred from the United States—Mexico has, but not its workers.

The Mexican Government's rules and regulations set both minimum and maximum wages and increases for most of the hourly workers in the manufacturing industry.

It is in the interest of the Mexican Government to ensure low wages and to overlook safety and environmental violations that jeopardize the health and well-being of workers in order to be attractive to investors looking to cut costs.

If I felt this agreement would really improve the lives of hard working Mexican men and women, from a humanitarian standpoint, I might soften my opposition—but I don't believe it will.

As the Mexican Government works to keep wages low, the downward pressure on the wages American workers earn will increase, and the standard of living for more and more Americans will continue to decrease. Why? Because American companies looking to cut costs, can, with NAFTA, safely flee to Mexico with their low wages, lower environmental production costs, no unions, no product liability premiums, no worker compensations costs, and little or no health care costs.

Are we to believe that a country whose people make on the average $2,490 a year really represents a vast consumer market for American goods. No, all it represents is a real and immediate cheap labor force for companies looking to cut costs.

All this comes at a time when Government is already forcing a restructuring that has or will force tens of thousands of people to lose or change jobs.

The people who work in the defense industry and the people who work for many of our country's health insurance companies are two large groups of workers that Government policy does or will affect. Health care alone represents over one-seventh of our total economy.

That is not to say I don't favor a smaller defense budget—or reform of our health care system—I do. What I am saying is we've decided for positive reasons to restructure a large portion of the American economy. But that, hopefully, positive restructuring will remain within America's borders.

NAFTA is a long shot gamble that will increase the amount of restructuring—the difference being it will export jobs and capital across our borders.

That is something I believe we cannot afford, especially against the backdrop of what else we're trying to accomplish.

There are also troubling and unresolved global issues surrounding NAFTA. Questions about environment, transportation, workplace standards, and the real costs to American taxpayers to implement, et cetera, that also convince me to oppose NAFTA.

For example, the financing mechanism that has been developed for border cleanup does not include an assured source of funding. It will need to be funded. Should we cut education, social programs, our war on drugs or raise taxes to pay for this. NAFTA, as presently constituted conveniently ignores this question.

But first and foremost I oppose NAFTA for local issues—the fact that it will unquestionably impact negatively on the people who live and work in my district and my State.

My whole career has been a fight on behalf of the hard working men and women in my community. Men and women who aren't afraid to give a fair day's work for a fair day's pay, and who by doing exactly that expect a better life than their parents had and expect to give an even better life to their children. That's what America should be about.

NAFTA will change that. NAFTA will put them in a position of having to take less pay for more work because a low paying job is better than seeing it transferred to Mexico.

We've already suffered because we're not as attractive a place to invest as other parts of the United States. I cannot vote to let us become less attractive for investment than Mexico.

I am against NAFTA because I am for the American dream. That's why I will vote no on NAFTA.

H.R. 3225, TO SUPPORT THE TRANSITION TO NONRACIAL DEMOCRACY IN SOUTH AFRICA

HON. HARRY JOHNSTON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. JOHNSTON of Florida. Mr. Speaker, since Nelson Mandela was released from prison over 3 years ago, South Africa has made steady, though at times belabored progress toward dismantling apartheid. South African political parties have set a date for the first nonracial election in South Africa's history. Recently the Parliament voted to establish a transitional executive council which will prepare the country for a multiracial interim government. As Mr. Nelson Mandela himself has stated, "the countdown to democracy has begun."

These developments demonstrate that dramatic strides have been made in South Africa. But the road forward will not be easy. Violence in South Africa has reached levels that are tragic and in many ways unfathomable to the average American. The homicide rate in South Africa is 5 times that of the United States, and 25 times that of Britain and Canada. It saddens me to see that the violent convulsions brought on by this transition process may mean the tragic death of still more innocent people. Amy Biehl, the young American girl who was brutally murdered outside one of South Africa's townships, and the over 11,000 other victims of the political violence are all part of the horrible legacy of apartheid.

This afternoon I introduced landmark legislation, H.R. 3225, that we hope will have a wide-ranging positive effect on South Africa, a country that has been the world's pariah due to the unspeakable evils of its apartheid policy.

The legislation we marked up today follows Mr. Nelson Mandela's lead and repeals the remaining economic sanctions that have been imposed on South Africa primarily by the Comprehensive Anti-Apartheid Act of 1986. The bill will also set the parameters for future foreign aid to South Africa, underlining a strong United States commitment to and support for the ongoing transition in South Africa as well as for the new post-apartheid democracy. The legislation will also encourage investment and trade activities in South Africa and will facilitate investment in South Africa by the international financial institutions. The bill will urge State and local governments to repeal restrictions that have been imposed on economic interactions with South Africa.

The lifting of sanctions is a signal to millions of South Africans that the United States wants to remain engaged in their country as they face the difficult transactions to a nonracial democracy. A symbol of this concern, for example, is the continued encouragement of the business community to abide by an American and ultimately a South African code of conduct when it returns to South Africa. The legacy of apartheid is likely to be long term and debilitating—the United States must use its influence to address the historical inequities created under the cruel system.

Support of lifting the sanctions is widespread. The Congressional Black Caucus has come out in support of H.R. 3225. Important players in the antiapartheid movement such as TransAfrica, the American Community on Africa, and the Washington Office on Africa have all publicly stated their commitment to heed the call made by representatives of the majority in South Africa. As Mandela so eloquently stated before the United Nations,

> The moment has come to lay the basis for halting the slide of a socioeconomic disaster in South Africa. This would ultimately ensure the very success of the democratic transformation itself.

I firmly believe that H.R. 3225 will support this goal.

OCTOBER 6, 1993.—TransAfrica supports the lifting of all economic sanctions against South Africa. In Nelson Mandela's most recent trip to the United States he declared that the success of the democratic transition in South Africa was dependant upon the economic stability of the region. In a recent interview, Randall Robinson, Executive Director of TransAfrica, stated that, "The African National Congress and the democratic forces in South Africa desire a speedy repeal of economic sanctions and we feel that United States investors should begin the process of reinvesting immediately."

As sanctions are lifted, we urge corporations to engage in socially responsible investment that will promote equitable job opportunities, employee rights, and environmental preservation. TransAfrica and other anti-apartheid organizations have worked hard to ensure democracy and freedom for all South Africans. Now, with the help of American investors we can move toward our goal more rapidly.

THE SOUTH AFRICA TRANSITION TO DEMOCRACY ACT

(Statement by The Washington Office on Africa)

On September 24, African National Congress leader Nelson Mandela called on the international community to lift economic sanctions against South Africa. Mr. Mandela's words signaled the end of a three decade struggle to impose and maintain sanctions against the apartheid regime.

For the U.S. public, the natural assumption is that South Africa's critical issues are resolved, with only minor details to be settled. The drama of apartheid's overt white racism is apparently gone, yet the white minority regime remains in power and is seeking to retain a dominant role in the post-apartheid order. Moreover, the rate of political killings in South Africa has escalated rather than diminished over the last two years.

Clearly, without sustained international attention and pressure the transition to a non-racial, non-sexist, democracy will be perilous. Even when the peacemaking and the constitution-writing is done, South Africans will confront formidable problems: poverty, development, and the economic legacy of racial inequality.

We applaud the U.S. House of Representatives for the introduction of the Transition to Democracy Act, a speedy response to Mr. Mandela's announcement. We particularly note with appreciation the House's attempt not just to repeal U.S. sanctions imposed in 1986 by the Comprehensive Anti-Apartheid Act, but to also establish a positive framework to guide future U.S. policy towards South Africa.

The Washington Office on Africa is particularly encouraged by the clear calls to U.S. corporations to work in partnership with those organs of South African civil society—particularly churches and trade unions—who are currently on the forefront of the economic restructure debate. South Africa's economy suffers from profound structural inequalities mixed with decades of government policy that has been wasteful and ineffective; no injection of foreign capital will help unless a just ordering of economic affairs is found.

For example in South Africa today:

88 percent of all personal wealth is owned by the top 5 percent of the population. Almost all employees in the top echelon of the public administration are Afrikaans speaking whites.

Economically less than 10 corporate conglomerates control more than 80 percent of the value of the stocks quoted on the Johannesburg Stock Exchange.

Media power is concentrated in the hands of the South African Broadcasting Corporation and the three largest newspaper groups.

An estimated 42 percent of South African households are living in poverty. Even if a growth rate of 2.5 percent could be maintained until 1995 the number of those in poverty would increase from 17.1 million to 18.4 million.

84 percent of households in the homelands are living in poverty.

40 percent of the population can not find formal employment in part due to technological developments and the government's policy of creating white South Africa independent of Black labor.

Clearly, apartheid's legacy of economic distortion and racialized inequity can only be solved by a restructuring of the economy coupled with the financial and political support of the international community.

Many organizations in South Africa's dynamic civil society are working to ensure that the necessary resources are mobilized and properly allocated in their country. Perhaps the most significant example to date is the work of the South African Council of Churches (SACC), the leading church coalition in South Africa. The SACC has, in consultation with the African National Congress and the Congress of South African Trade Unions (COSATU), developed a code of business conduct and plans to develop a monitoring mechanism in South Africa to review corporate behavior in the past-apartheid society.

CODE OF CONDUCT FOR BUSINESS OPERATING IN SOUTH AFRICA

(South African Council of Churches Initiative, July 1993)

Introduction

The apartheid system has historically burdened South Africa with gross economic distortions, stagnation, secrecy, severe discrimination and natural devastation. It has deprived the country's workers, communities, and environment of the fundamental rights written into international conventions and upheld in other countries. In order to reverse this crippling legacy and to improve the economic well-being of all South Africans, investment by both South African and multi-national companies needs to be reshaped in the image of an equitable, democratic and life-enhancing society.

It is out of this grave concern and motivation based on ethical religious considerations that the South African Council of Churches, meeting in conference on 8 July 1993, takes this initiative to introduce and support this code of conduct. The code outlines ways in which business can play a constructive and creative role in partnership with workers, communities and other members of civil society, to lay the economic foundations for a stable and prosperous South Africa.

While these standards are also expected to inform the policies of a democratically elected government, in the interim, they are designed to apply to companies operating in South Africa.

I. Equal Opportunity: Companies should ensure that their operations are free from discrimination based on race, sex, religion, political opinion or physical handicap and implement affirmative action programs designed to protect the equal rights of the historically disadvantaged.

II. Training and Education: Companies should develop and implement training and education programs to increase the productive capacities of their South African employees in consultation with the trade union movement.

III. Workers' Rights: Companies should recognize representative union and uphold their employees' rights to organize openly, bargain collectively, picket peacefully and strike without intimidation or harassment.

IV. Working and Living Conditions: Companies should maintain a safe and healthy work environment and strive to ensure that the working and living conditions they provide according with relevant international conventions.

V. Job Creation and Security: Companies should strive to maintain productive employment opportunities and create new jobs for South Africans.

VI. Community Relations: Companies should share information about their practices and projected plans with communities affected by their operations, and develop social responsibility programs in ongoing consultation with representative bodies in these communities.

VII. Consumer Protection: Companies should inform consumers of any possible dangers associated with their products and cooperate with consumer protection and broader community organizations to develop and uphold appropriate product safety and quality standards.

VIII. Environmental Protection: Companies should utilize environmentally sound practices and technologies, disclose how and in what amounts they dispose of their waste products, and seek to minimize hazardous waste.

IX. Empowerment of Black Businesses: Companies should strive to improve the development of black-owned South African businesses by purchasing from and sub-contracting to such firms.

X. Implementation: Companies should cooperate with monitors established to implement these standards by disclosing relevant information in a timely fashion.

The SACC is a clear example of the kind of forward thinking organization that the Congress urges corporations to work in partnership with. We, again, applaud the Congress's endeavor.

TRIBUTE TO FLANDERS FIELD

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. TRAFICANT. Mr. Speaker, I rise in honor of Flanders Field, a veterans burial garden in my 17th Congressional District in Ohio.

Mr. Speaker, last Memorial Day at Crown Hill Burial Park, a ceremony was held to dedicate Flanders Field. I was fortunate enough to have been chosen to give the Memorial Day address at the beautiful ceremony, which included the posting of colors by local VFW posts, the Star Spangled Banner and Taps played by the Matthews High School Band and the placing of a memorial wreath by honor guards.

Mr. Speaker, the committee responsible for organizing the ceremony did a tremendous job, I would like to thank the following members for their efforts: Jeffrey E. Dreves, Dave Whirrett, Denny Varner, Charles Willis, William Sherman, Carl Clifford, Anna McGrath, Richard McGrath, Dick Douce, Polly Cleland, Anthony Feldes, and Burt Butcher.

Mr. Speaker, I join the citizens of my district in welcoming Flanders Field, and in commending the individuals who worked to make it happen.

A CHAMPION FOR CHILDREN IN THE CLASSROOM AND ON THE PLAYING FIELD—EDDIE C. McGIRT, JOHNSON C. SMITH UNIVERSITY, SCHOLAR, MOTIVATOR, EXTRAORDINARY ATHLETE

HON. EVA M. CLAYTON

OF NORTH CAROLINA

HON. MELVIN L. WATT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mrs. CLAYTON. Mr. Speaker, a builder of the minds and bodies of young African-American men and women—Eddie C. McGirt has devoted his intellect and energies to more than 40 years of dedicated service in classrooms and on the fields of athletic competition throughout this Nation. Teacher, father, friend, motivator, these words describe former Johnson C. Smith University football coach and athletic director Mr. Eddie C. McGirt—Class of 1948. Alumni, family, colleagues, and friends from around the Nation will gather Friday, October 8, 1993, in a tribute to his tireless efforts to nurture the academic and personal growth of generations of young men and women. On that date, the Johnson C. Smith University National Education Foundation will present "A Tribute to Eddie C. McGirt" at the Marriott City Center Hotel in Charlotte, NC, where former NFL Hall of Famer and former Dallas Cowboys quarterback Roger Staubach will speak.

It is our pleasure to share some of Coach McGirt's notable accomplishments with our colleagues here in the Congress and their constituents around the Nation.

Eddie McGirt is a native of Camden, SC, where he excelled at the Mather Academy as a star of football, basketball, and track. He enrolled in Johnson C. Smith University and quickly became one of the university's all-time great football players. In 1943, he entered the U.S. Army and served in Europe until his return to Smith in 1947.

After graduating, Mr. McGirt returned to Mather Academy as a history and physical education teacher in addition to coaching football, basketball, and track. In 1957, he was named assistant principal and assistant superintendent at the academy.

Mr. McGirt returned to Johnson C. Smith in 1958 to serve as the University 11th modern day football coach. In just three seasons, the former star fullback took the Smith Golden Bulls to a 20-year stay at the top of the Central Intercollegiate Athletic Association [CIAA] first division. His teams played better than .500 with an overall record of 118–73, winning one CIAA championship—1969—two divisional championships and finishing second twice in 1960. Acting also as head basketball coach, his team won the CIAA Basketball Visitation Championship.

Respected coach, mentor, and educator, Mr. McGirt served Johnson C. Smith University in a wide array of positions during his active career including: football coach, basketball coach, head of the department of physical education, professor of health and physical education and athletic director. He also worked tirelessly with the CIAA, serving as southern division chairman, vice president—1976–78—and president—1978–82.

Considered around the conference as the dean of coaches in the CIAA, Mr. McGirt was named CIAA Coach of the Year in 1969 and the NAIA Coach of the Year in 1970 and 1975. He was also honored by being elected to the JCSU Hall of Fame in 1981 and the CIAA Hall of Fame in 1984.

His list of awards is endless including the McCrorey Branch YMCA Achievement and Leadership Award, the Coca-Cola Golden Helmet Award, Mecklenburg County Order of the Homet Spirit Award and Omega Man of the Year.

Mr. McGirt serves as chairman of the Mather Academy board of directors, a member of the JCSU 100 Club, Omega Psi Phi Fraternity, Inc., and the Charlotte Committee of 100. He was also active in Phi Delta Kappa Education Society, the American Football Coaches Association and the National Athletic Directors Association.

In 1985, Mr. McGirt, who earned his master's degree from New York's Columbia University, retired. His retirement saddened Smith graduates, colleagues in the CIAA, and countless fans. Mr. McGirt still lives in Charlotte with his wife, Minnie. They have a son, Eddie II, and granddaughter, Monica.

It is our pleasure to join in recognizing the outstanding contributions that Eddie C. McGirt has made and the many lives he has touched. The athlete of the 21st century would do well to follow his example.

IN HONOR OF ED AND MAGGIE McGOVERN OF KNIGHTS CATERING

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Ms. ESHOO. Mr. Speaker, today I extend my sincere congratulations to Knights Catering which is celebrating 30 years of successful business as a local catering company in San Francisco. Ed and Maggie McGovern built the business on hard work and a steadfast commitment to the American dream.

Knights Catering has employed close to 10,000 people throughout its 30 years of operation. Many former employees started their own enterprises based on the expertise they gained from Knights, thus creating more jobs in the bay area. In addition, Knights has offered internships to students studying restaurant and catering management which has generated even more business and job growth in the area.

This is exactly the kind of small business that keeps our economy moving forward and strengthens the entrepreneurial spirit in America. I join with my colleagues in congratulating Ed and Maggie McGovern and their family as they celebrate 30 successful years in their business.

EXPANSION OF CHILDREN'S HOSPITAL OF MICHIGAN

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. CONYERS. Mr. Speaker, I rise today to draw my colleagues' attention to the community outreach efforts of the nationally recognized Children's Hospital of Michigan. Children's is expanding its services to increase access to health care for all families in Detroit, with a particular emphasis upon the more disenfranchised members of the community. They are establishing the Greater Detroit Center for Pediatric Services which has as an immediate goal the reduction of infant mortality for the State of Michigan. Michigan's infant mortality rate is 10.7, considerably above the national average of 9.2—44th in the Nation. There are various factors contributing to this—but the primary ones are a deficiency of proper prenatal and neonatal care, and a serious lack of new parent health education.

Mr. Speaker, these chronic problems will take some time to eradicate completely. In the meantime we must ensure that facilities exist that can meet the needs of children born with severe health problems associated with innercity poverty. Children's, in its attempt to meet this challenge, has proposed a comprehensive program that will concentrate first on improved neonatal care for immediate results and then provide increased primary care access. The new center will expand their current neonatal follow-up program called the Developmental Assessment Clinic which includes plans for satellite facilities that will provide follow-up care, vaccinations, and new parent education.

In addition, Children's is expanding its neonatal intensive care unit which is currently overcrowded and outdated. This will help to save many more lives.

I believe that a Federal investment in a community health care outreach initiative such as this center would be a sound one. In fact, any investment in the health of our children is sound. It is my hope that next year we will consider Federal assistance for community health care revitalization models such as the Detroit Center for Pediatric Services. The future of our youth depends on it.

WATER RECLAMATION AND THE CLEAN WATER ACT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1993

Mr. FILNER. Mr. Speaker, I recently toured the major water conveyance systems that serve 32 million Californians. While I viewed the massive reservoirs, canals, pipelines, and pump stations, I recalled the momentous decisions to build the Colorado River Aqueduct and the Central Valley Project in the 1930's. California was gripped by a lengthy drought. The Nation was in the midst of its most terrible depression. These projects represented massive public expenditures that would not amortize themselves for decades to come.

Californians stand in debt to those farsighted individuals who looked to the future, realized that an adequate water supply was critical and worked hard to ensure that it would be there when we needed it. The world's 6th largest economy is a monument to their vision.

Once again, California is confronted with water supply problems. But the days of massive supply projects are gone. We must be innovative in our search for new water sources or one of the world's greatest economies will falter for lack of water. Among those innovations is water reclamation, which allows us to use water a second time, and a third, and a fourth. This is an especially important technology in those regions of the Nation that have limited ability to develop and maintain traditional water resources.

Unfortunately, the Clean Water Act, which has done so much good for the Nation, stands as a barrier to the beneficial reuse of reclaimed water in our more arid regions. We must amend the Act so it recognizes the importance of water reclamation as an aspect of good water management.

Why is water reclamation so important? It represents a new water source and is an environmentally sensitive means of conserving water and preventing pollution. It reduces diversions from streams and rivers, resulting in more water for fish and wildlife, and postpones or even eliminates the need for costly expansion of wastewater systems. Water reclamation has the potential to restore wetlands, recharge groundwater basins, and create flowing streams that would otherwise be barren. Water reclamation is good for the economy as well as the environment. One such reclamation project in my own city of San Diego will generate 4,400 job-years of work during construction. After the facility is completed, it will foster many more well paying jobs in the operation and maintenance fields. Such projects should provide many more jobs in the near future.

Public monies wisely invested in water reclamation projects will promote local economic self-reliance, something that cannot exist in the face of chronic water shortages. If we make a full commitment to water reuse, we can increase industrial efficiency and the competitiveness of our arid regions.

The Clean Water Act must be amended to facilitate the use of reclaimed water in arid regions. Presently, for ease of administration, the Environmental Protection Agency has chosen to establish one benchmark for all of the Nation's waters—regardless of whether that degree of protection is justified at a given location. Unfortunately, this inflexible approach to the setting of standards is unable to support the specialized needs of water reclamation programs.

Water quality standards established for arid regions must take into consideration the environmental benefits of water reuse and recognize the unique ecosystems associated with dry streams of the southwest. The Environmental Protection Agency should take all steps necessary to encourage the use of reclaimed water and allow for consideration of regional needs and differences in establishing water quality standards. In addressing the important water supply and pollution problems facing this Nation, adequate attention should be focused on water reclamation which is vital to the long term environmental and economic interests of California and other arid States.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 7, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 13

10:00 a.m.
Veterans' Affairs
To hold hearings to examine the role of the Department of Veterans Affairs under the Administration's proposal to reform the nation's health care system.
SD–106

OCTOBER 14

3:00 p.m.
Foreign Relations
To hold hearings on the nominations of Leslie M. Alexander, of Florida, to be Ambassador to Mauritius, and to serve concurrently as Ambassador to the Federal and Islamic Republic of the Comoros, Robert Gordon Houdek, of Illinois, to be Ambassador to Eritrea, and David P. Rawson, of Michigan, to be Ambassador to the Republic of Rwanda.
SD–419

OCTOBER 19

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on the use of intelligent vehicle highway systems for commercial vehicles.
SR–253

OCTOBER 20

9:30 a.m.
Indian Affairs
To hold oversight hearings on issues relating to Indian self- governance.
SR–485

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings to examine violence in television programs, focusing on S. 1383, to prohibit the distribution to the public of violent video programming during hours when children are reasonably likely to comprise a substantial portion of the audience, S. 973, to require the Federal Communications Commission to evaluate and publicly report on the violence contained in television programs, and S. 943, to protect children from the physical and mental harm resulting from violence contained in television programs.
SR–253

OCTOBER 21

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 447, to facilitate the development of Federal policies with respect to those territories under the jurisdiction of the Secretary of the Interior.
SD–366

Environment and Public Works
Clean Air and Nuclear Regulation Subcommittee
To hold hearings on the implementation of the acid rain provisions of the Clean Air Act Amendments of 1990.
SD–406

2:00 p.m.
Veterans' Affairs
Business meeting, to consider pending calendar business.
SR–418

2:30 p.m.
Veterans' Affairs
To hold hearings to review research on the health effects of agent orange and other herbicides used in Vietnam.
SR–418

OCTOBER 28

9:30 a.m.
Indian Affairs
To hold oversight hearings on issues relating to Indian child abuse.
SR–485

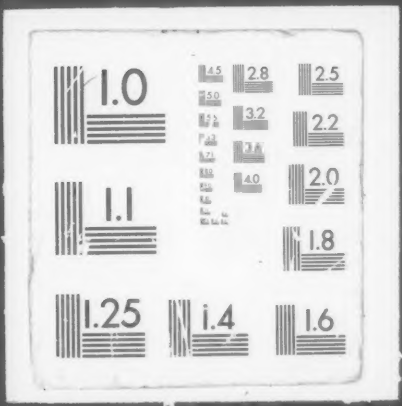
NOVEMBER 3

9:30 a.m.
Indian Affairs
To hold hearings on S. 720, to clean up open dumps on Indian lands.
SR–485

POSTPONEMENTS

OCTOBER 7

10:00 a.m.
Small Business
Urban and Minority-Owned Business Development Subcommittee
To hold hearings on fostering minority enterprise development.
SR–428A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